



## CITY PLAN COMMISSION HEARING MINUTES

*January 15, 2004*

### **MEMBERS PRESENT:**

Dick Vorba  
Gary Porras  
Alan Simpson  
Elma Carreto  
John Neal  
Ruben Ponce  
Ray Mancera  
Oscar Venegas

### **OTHERS PRESENT:**

Rudy Valdez, PRDD  
Fred Lopez, PRDD  
Kimberly Forsyth, PRDD  
James Shelton, PRDD, City Attorney's Office  
Matt Watson, City Attorney's Office  
Victor Acosta, Fire Department  
Antonio Bustillos, Engineering  
Sandra Hernandez, Recording Secretary  
Veronica Galindo, EPWU

The City Plan Commission meeting was called to order by Elma Carreto at 1:30 p.m. Council Chambers, 2<sup>nd</sup> Floor. A quorum of its members was present and Dick Vorba made the introductory statements. Fred Lopez presented changes to the agenda. Motion made by Gary Porras to accept changes to the agenda, seconded by Dick Vorba, and unanimously carried (5-0).

### **DISCUSSION AND ACTION:**

#### **SUBDIVISION MAP APPROVAL**

##### **Subdivision Application:**

1. **SD03038:** Resler Canyon Subdivision – Revised Preliminary; All of Tract 16A1, all of Tract 15P2, all of Tract 15S1 and all of Tract 15V, A.F. MILLER SURVEY No. 213, within the City of El Paso, El Paso County, Texas. (District 8)

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

2. **SUB03-00023:** Emerald Springs Retreat – Final; A portion of C.D. Stewart Survey No. 320, El Paso County, Texas. (ETJ )

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**SUMMARY:** James Shelton, Planning Department, noted that the developer is proposing a residential development containing 93 single-family residential lots. The subdivision is located in the East Extraterritorial Jurisdiction. Primary access to this subdivision will be from Ashford Drive. Since the subdivision is located outside the existing city limits, no parkland dedication requirements will be imposed. El Paso County MUD #1 will serve the subdivision with water and sewer. The streets within the subdivision will be built to county standards, which require 60-foot wide right-of-ways.

Ron King, Representative, agreed with staff recommendations.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal, and unanimously carried (7-0).

3. **SUB03-00029:** Montoya Terrace – Final; Being all of Tracts 3-A and 4-A, S.A. M.G. Survey 266, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, stated the developer is proposing a subdivision containing 44 single-family residential lots. Primary access to this subdivision will be from Ethel Road. The smallest size lot in the subdivision is 4,500 square feet. The developer will be paying a total of \$13,200 in park fees to satisfy the parkland requirements. The developer has agreed to improve 32 feet of Montoya Lane abutting Montoya Terrace Subdivision. Mr. Shelton pointed out that no sidewalks would be required because Ethel Road is a substandard street.

Commissioner Ray Mancera noted his concerns about Ethel Road not being paved.

Rudy Valdez, Planning Department, responded that the road does not exist and it is just desert, which is the reason for no sidewalks. Mr. Valdez also noted that in the future if development does occur, it is possible that the City would pick up those costs and if development expands to the west, the developer of that property could be responsible for those costs as well.

Commissioner Ray Mancera pointed out that he is concerned because there is a subdivision on the east side of the city where the road is half paved.

Matt Watson, Assistant City Attorney, noted that research on this exact issue is ongoing.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde requested that the improvements to Ethel Road listed under PSB General Comments be coordinated.

Veronica Galindo, EPWU, agreed to coordinate.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal, and unanimously carried (7-0).

4. **SUB03-00030:** Hill Points Estates Unit 4 – Preliminary; Being a portion of Tracts 17C39 and 17C156 Section 8, Block 79, Township 3 Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. (District 7)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Items #4 and #27 were heard simultaneously. James Shelton, Planning Department, noted that the property is currently zoned R-3A and Mr. Fred Lopez will be presenting a case in order to change the zoning to R-3A with a special permit. The developer is proposing a preliminary subdivision containing 33 single-family residential lots. Primary access will be from Saint Dominic Drive. The smallest size lot in the subdivision is 4,417 square feet. The developer will be paying \$9,900 in park fees to satisfy the parkland dedication requirements. The developer is requesting a modification to allow for a change in the cross section of the proposed divided residential right of way to allow 4.5-foot sidewalks adjacent to the curb with a 6-inch roll curb along the street, which will eliminate 3-feet of the parkway, instead of the standard 4-foot sidewalk and 4-foot landscaped area. The developer is also requesting a modification for a turn-around (eyebrow). The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance. The Fire Department recommends in favor of this modification pending that the applicant coordinate with the Fire Department and the PSB to assure compliance of this.

Jorge Azcarate, Representative, agreed with staff recommendations.

**ACTION:** Motion made by Ray Mancera to postpone for six weeks (02/26/04); upon applicant's request, seconded by Gary Porras and unanimously carried (7-0).

**ACTION:** Motion made by Gary Porras to reconsider item #4, seconded by Dick Vorba and unanimously carried (7-0).

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04), seconded by Dick Vorba and unanimously carried (7-0).

5. **SUB03-00034:** Capistrano Parks #5 – Preliminary; Tract 7B, Block 35 Ysleta Grant, and Tract 2A, U.S. Parcel No. 10, City of El Paso, El Paso County, Texas. (District 6)

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

6. **SUB03-00039:** Franklin D. Roosevelt Memorial Subdivision Unit 2 – Combination; Tract 10, Section 9, Block 81, Township No. 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas. (District 2)

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**SUMMARY:** James Shelton, Planning Department, stated the developer is proposing a development containing 1 lot comprising of a community center serving the Franklin D. Roosevelt Housing Complex. Primary access to the subdivision will be from the complex. The developer will be required to pay a total of \$1,302 to satisfy the parkland requirements.

Fermin Dorado Jr., Representative, agreed with staff recommendations.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by Dick Vorba, and unanimously carried (7-0).

7. **SUB03-00043:** Diamond Pointe Patio Homes – Preliminary; Lot 36, Block 3, Shadow Mountain Heights, Replat "B", City of El Paso, County, Texas. (District 1)

**ACTION:** Motion made by Gary Porras to postpone for four weeks (02/12/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

8. **SUB03-00044:** Zaraplex – Combination; Being all of Tract 15 and portion of Tracts 6, 6A, 7, 8, 9A, 9B and 10A, Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas. (District 6)

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**SUMMARY:** James Shelton, Planning Department, stated the developer is proposing to develop nine commercial lots with primary access from Zaragoza Road. The developer will be required to pay a total of \$9,687 to satisfy the parkland requirements.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde requested that item #3, under Engineering Department Requirements, be coordinated.

Antonio Bustillos, Engineering Department, yes we will coordinate with them.

**ACTION:** Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras, and unanimously carried (7-0).

9. **SUB03-00045:** Park Hills Unit 7 – Preliminary; Being a portion of H.G. Foster Survey No. 257 and Survey No. 262, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, stated the developer is proposing a subdivision containing 15 single-family residential lots. Primary access to the subdivision will be from Calle Placido Drive and Calle Del Sur Drive. The developer will be receiving a total of .075 acres in park credits from a previously dedicated park site. The developer is requesting a modification to allow for a change in the cross section of the proposed divided residential street to allow for 5 foot sidewalks adjacent to the curb along Calle Del Sur Drive, which will eliminate 3 feet of parkway, instated of the standard four foot sidewalk and four foot landscaped area. A similar modification was granted on Park Hills Unit 6. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance. Mr. Shelton noted that the El Paso Electric Company and Time Warner Cable are against this modification because there are no parkways.

Conrad Conde, Representative, agreed with staff recommendations.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by Dick Vorba, and unanimously carried (7-0).

10. **SUB03-00046:** Laguna Meadows Unit Three – Combination; Being a portion of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, stated the developer is proposing a subdivision containing 53 single-family residential lots. The subdivision is a gated community. Primary access to the subdivision will be from Via De Los Arboles and Laguna Vista Drive. The developer will be required to pay a total of \$15,900 in park fees to satisfy the requirements of the Parkland Ordinance.

Oscar Perez, Representative, agreed with staff recommendations.

**ACTION:** Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba, and unanimously carried (7-0).

11. **SUB03-00047:** The Park at Wildwood – Preliminary; Being Tracts 2M9, 2M10, 2M11, 2R and a portion of Tract 2M, A.F. Miller Surveys No. 212, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, stated the developer is proposing a subdivision containing 40 single-family residential lots. Primary access from the subdivision will be from Westwind Drive. The developer will be required to pay a total of \$12,000 to satisfy the parkland requirement. The developer is also requesting a modification for a turn around or eyebrow to be located on Snow Heights Drive. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance.

Bradley Roe, Representative, agreed with staff recommendations.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by Ruben Ponce, and unanimously carried (6-0). (Commissioner Alan Simpson left the room.)

12. **SUB03-00049:** Tierra Del Este Unit Twenty Seven – Preliminary; Being a portion of Tract 1B, Section 39 and Portion of Section 40, Block 79, Township 2, Texas and Pacific Railroad Company Surveys. (District 5)

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

13. **SUB03-00050:** Tierra Del Este Unit Twenty Eight – Combination; Being a portion of Tracts 1 and 12, Section 34 and Portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys. (District 5)

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**SUMMARY:** James Shelton, Planning Department, stated the developer is proposing a development containing 1 school site with primary access from Edgemere Boulevard. The developer will be required to pay a total of \$9,165 to satisfy the parkland requirements of the Subdivision Ordinance. This subdivision is a portion of a 1940.409 parcel of property that was annexed by the City of El Paso on November 9, 1999. The Engineering Department is requesting that the developer coordinate with Traffic and TX DOT as to the access point on Montana. Ms. Shelton requested that the first paragraph under Engineering Department Traffic Division Comments be deleted.

Conrad Conde, Representative, agreed with staff recommendations.

**ACTION:** Motion made by John Neal to approve, subject to staff comments, seconded by Oscar Venegas, and unanimously carried (6-0). (Commissioner Ray Mancera left the room.)

#### **Extension Request to Submit the Recording Maps:**

14. **SD03007:** Deer Canyon Subdivision – Final; Being a portion of A.F. Miller Surveys 215 and 216 and a portion of Hugo G. Foster Survey 259, El Paso County, Texas. (District 1)

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**SUMMARY:** James Shelton, Planning Department, stated the applicant is requesting a six-month extension to submit the recording maps. The subdivision expired on January 10, 2004. Due to the developer encountering severe hard strata during site grading activity, a new grading and drainage scheme to compensate problems was submitted to the Engineering Department.

Representative was not present.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by Dick Vorba, and unanimously carried (7-0).

#### **Extension Request to Complete Subdivision Improvements:**

15. **SD99053:** Ridge View Estates Unit 16 - Extension request to complete subdivision improvements. (District 1)

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**ACTION:** Motion made by Ray Mancera to approve, subject to staff comments, seconded by Dick Vorba, and unanimously carried (7-0).

**PUBLIC HEARING**

**Subdivision Application:**

16. **SUB03-00038:** Louisiana Subdivision – Resubdivision Combination; Being all of Lot 25, Richard Lee Subdivision, City of El Paso, El Paso County, Texas. (District 6)

**ACTION:** Motion made by Gary Porras to postpone for four weeks (02/12/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

**Alley Vacation:**

17. **AV03004:** Alley Vacation – 20' alley adjacent to Lots 47 & 48, Block 2, Satterthwaite Addition. (District 8)

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**SUMMARY:** James Shelton, Planning Department, stated the applicant is requesting an alley vacation of about 1,000 square feet in order to have additional access to their current parking facility. The alley vacation is located between Oregon and El Paso Street.

Sandra Odenborg, Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal, and unanimously carried (7-0).

**Easement Vacation:**

18. **EV03006:** Easement Vacation – Portion of Lot 19, Ranchland Commercial District Unit 2 and Lot 20, Block 1, Ranchland Commercial District Unit 3. (District 3)

**RECOMMENDATION:** DCC approval as presented and subject to staff comments.

**SUMMARY:** James Shelton, Planning Department, stated the applicant is requesting an easement vacation, which runs underneath a building located on subject lot.

Mike Corona, Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by John Neal to approve, subject to staff comments, seconded by Ray Mancera, and unanimously carried (7-0).

**Street Vacation:**

19. **SV03002:** Street Vacation – Portion of Main Street, Abutting Blocks 1, 17 & 19, Mills Addition. (District 8)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Rudy Valdez, Planning Department, stated the applicant is requesting a vacation of a portion of Main Street to accommodate the expansion of the Plaza Theater. The portion of the street proposal to be vacated is approximately .143 acres in size. A portion of Main Street will remain open in a one-way direction.

Ted Marquez, Engineering Department, gave a brief presentation on a street vacation. Mr. Marquez noted that the adjacent property owners are in agreement.

No opposition was presented.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by Ruben Ponce, and unanimously carried (7-0).

20. **SV03004:** Street Vacation – Portion of Hawthorne Street, out of Alexander Addition, an unrecorded map in the City of El Paso. (District 1)

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

21. **SV03005:** Street Vacation – Portion of Rim Road, out of Alexander Addition, an unrecorded map in the City of El Paso. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, stated the applicant is requesting a vacation of the entire length of Rim Road from Hawthorne Drive to Wiggins Way Drive for the purpose to extend additional utilities and infrastructure services to the new Academic Services Building currently under construction at 601 Schuster Drive.

No opposition was presented.

**ACTION:** Motion made by Oscar Venegas to approve, subject to staff comments, seconded by Gary Porras, and unanimously carried (6-0). (Commissioner Elma Carreto left the room.)

**Detailed Site Development Plan Application:**

22. **ZON03-00010:** Tract 16A1, Tract 16A1A and Tract 15S1, A. F. Miller Survey 213  
LOCATION: East of Resler Drive and South of Mesa Street  
REQUEST: contract condition  
ZONE: A-2/sc (Apartment/special contract)  
PROPOSED USE: single-family residential development  
OWNER/APPLICANT: Resler Interstate 10 Development Inc. / Same  
REPRESENTATIVE: Moreno Cardenas, Inc.  
DISTRICT: # 8

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

23. **ZON003-00080:** Lot 36, Block 3, Shadow Mountain Heights, Replat "B"  
 LOCATION: North of Caprock Court and Indian Bluff Dr.  
 REQUEST: Zoning condition  
 ZONE: PR-2/sc (Planned Residential/special contract)  
 PROPOSED USE: Patio Homes and single-family residential  
 OWNER/APPLICANT: BAR Construction Inc. / same  
 REPRESENTATIVE: CEA Engineering Group  
 DISTRICT: # 1

**ACTION:** Motion made by Gary Porras to postpone for four weeks (02/12/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

**Special Contract Application:**

24. **ZON03-00011:** Tract 16A1 and Tract 16A1A, A. F. Miller Survey 213  
 LOCATION: East of Resler Drive and South of Mesa Street  
 ZONING: A-2/sc (Apartment/special contract)  
 REQUEST: Release of condition #4 imposed by Ordinance No. 9193 dated October 27, 1987, and amended on October 29, 1996  
 PROPOSED USE: single-family residential development  
 OWNER/APPLICANT: Resler Interstate 10 Development Inc. / Same  
 REPRESENTATIVE: Moreno Cardenas, Inc.  
 DISTRICT: # 8

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

**Special Permit Application:**

25. **ZON03-00052:** Lot 24 and a portion of Lot 25, Block 1, Frutas Place  
 REQUEST: Church on less than 3 acres  
 LOCATION: 8751 Winchester  
 ZONE: R-4 (residential)  
 PROPOSED USE: Church  
 OWNER/APPLICANT: Adrian Ramirez / Same  
 REPRESENTATIVE: Sergio Flores  
 DISTRICT: #7

**ACTION:** Motion made by Gary Porras to delete; upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

26. **ZON03-00066:** Tract 7B, Block 35, Ysleta Grant, and Tract 2A, U.S. Parcel No. 10  
 REQUEST: reduced lot sizes and reduced rear yard setbacks  
 LOCATION: Between Loop 375 and Independence Drive  
 ZONE: A-2 (Apartment)  
 PROPOSED USE: planned residential development  
 OWNER/APPLICANT: Tropicana Homes, Inc. / Same  
 REPRESENTATIVE: CEA Engineering Group  
 DISTRICT: # 6

**ACTION:** Motion made by Gary Porras to postpone for four weeks (02/12/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

27. **ZON03-00067:** (Reconsideration) A portion of Tracts 17C39 and 17C156, Block 79, Section 8, Township 3, Texas and Pacific Railway Company Surveys  
REQUEST: reduced lot sizes and reduced front yard and rear yard setbacks  
LOCATION: East of Zaragoza Road  
ZONE: R-3A (Residential)  
PROPOSED USE: planned residential development  
OWNER/APPLICANT: Tropicana Homes, Inc. / Same  
REPRESENTATIVE: CEA Engineering Group  
DISTRICT: # 6

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Fred Lopez, Planning Department, stated the applicant is requesting a special permit to allow for a planned residential development with reduced lot sizes.

**ACTION:** Motion made by Ray Mancera to reconsider item, seconded by Alan Simpson and tied (4-4).

**ACTION:** Motion made by Gary Porras to reconsider item #27, seconded by Oscar Venegas and carried (6-1).

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

28. **ZON03-00085:** Lots 15 and 16, Block 108, East El Paso Addition  
REQUEST: Parking reduction  
LOCATION: 3429 Montana Avenue  
ZONE: R-5 (Residential)  
PROPOSED USE: Restaurant  
OWNER/APPLICANT: Laura E. Gonzalez / Same  
REPRESENTATIVE: Mario A. Gonzalez  
DISTRICT: #8

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Items #28 and #29 were heard simultaneously. Kimberly Forsyth, Planning Department, stated the applicant is requesting a rezoning to S-D (Special Development) in order to permit a restaurant. This property is currently zoned R-5. The site is currently a single-family residence and is 7,000 square feet in size. The proposed site plan shows the existing building located on the site. Access is proposed via Grama Street. Five parking spaces would be provided in the back including one ADA compliant. The parking requirement for this should it become a restaurant would normally be 13 and therefore the applicant is also requesting a 61% parking reduction for the property. For the parking reduction a traffic study was conducted on September 16, 2003 and has been verified by our Traffic Department. It showed 66 parking spaces within a 300-foot radius of this site. At the peak hour of 3 p.m. there were still 31 available on street parking spaces. There are no zoning conditions currently on this property. The Planning Department did receive one letter in opposition to both the zoning and the special permit for the parking reduction.

Mario Gonzalez, Representative, agreed with staff recommendations. Mr. Gonzalez noted that his sister would like to open this restaurant because it would be an asset to the neighborhood.

No opposition was presented.

**ACTION:** Motion made by Gary Porras to move items #28 and #29 to the front of the agenda, seconded by Dick Vorba, and unanimously carried (5-0).

**ACTION:** Motion made by Ray Mancera to approve, subject to staff comments, seconded by Gary Porras, and unanimously carried (7-0).

**Rezoning Application:**

29. **ZON03-00018:** Lots 15 and 16, Block 108, East El Paso  
LOCATION: 3429 Montana Avenue  
REQUEST: From: R-5 (Residential); To: S-D (Special Development)  
PROPOSED USE: restaurant  
OWNER/APPLICANT: Laura E. Gonzalez / Same  
REPRESENTATIVE: Mario Gonzalez  
DISTRICT: # 8

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Items #28 and #29 were heard simultaneously. Kimberly Forsyth, Planning Department, stated the applicant is requesting a rezoning to S-D (Special Development) in order to permit a restaurant. This property is currently zoned R-5. The site is currently a single-family residence and is 7,000 square feet in size. The proposed site plan shows the existing building located on the site. Access is proposed via Grama Street. Five parking spaces would be provided in the back including one ADA compliant. The parking requirement for this should it become a restaurant would normally be 13 and therefore the applicant is also requesting a 61% parking reduction for the property. For the parking reduction a traffic study was conducted on September 16, 2003 and has been verified by our Traffic Department. It showed 66 parking spaces within a 300-foot radius of this site. At the peak hour of 3 p.m. there were still 31 available on street parking spaces. There are no zoning conditions currently on this property. The Planning Department did receive one letter in opposition to both the zoning and the special permit for the parking reduction.

Mario Gonzalez, Representative, agreed with staff recommendations. Mr. Gonzalez noted that his sister would like to open this restaurant because it would be an asset to the neighborhood.

No opposition was presented.

**ACTION:** Motion made by Gary Porras to move items #28 and #29 to the front of the agenda, seconded by Dick Vorba, and unanimously carried (5-0).

**ACTION:** Motion made by Ray Mancera to approve, subject to staff comments, seconded by Gary Porras, and unanimously carried (7-0).

30. **ZON03-00070:** Tract 36, Rosedale Farms No. 4  
LOCATION: 7515 & 7517 Franklin Drive  
REQUEST: From: R-3 (Residential); To: C-4 (Commercial)  
PROPOSED USE: Contractor's yard  
OWNER/APPLICANT: Richard J. Delgado / Same  
REPRESENTATIVE: Luis H & Rene De La Cruz  
DISTRICT: #7

RECOMMENDATION: DCC denial as presented and subject to staff comments.

SUMMARY: Kimberly Forsyth, Planning Department, stated the applicant is requesting a rezoning to C-4 in order to permit a contractor's yard. This property is currently zoned R-3. The proposed site plan shows the proposed building to be located on the site with access via driveway off of Franklin Road. Six parking spaces and one ADA compliant are included. The Planning Department did receive one letter in opposition to this request. The DCC recommended denial of the request because the C-4 that is proposed does not conform to the Plan for El Paso, which designates this area for residential uses.

Commissioner Gary Porras noted that a contractor's yard requires C-4 only because of the use of trucks.

Ms. Forsyth noted that surrounding the area is a portion of property that was rezoned S-D (Special Development) in 1999. That request was recommended for approval with a condition for site plan review. S-D is a lighter commercial zoning.

Commissioner Porras pointed out that there are already warehouses in the existing area.

Luis De La Cruz, Representative, requested that the City Plan Commission approve this request. Mr. De La Cruz noted that there is commercial already surrounding the area.

No opposition was presented.

**ACTION:** Motion made by Gary Porras to approve contrary to staff recommendation, subject to staff comments, seconded by John Neal, and unanimously carried (7-0).

### **Ordinance Amendments:**

31. An ordinance amending Title 20 (Zoning) of the El Paso Municipal Code by amending Chapter 20.67 (Historic Landmark Preservation). The penalty as provided in 20.68 of the City of El Paso Municipal Code.

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

32. An Ordinance amending Title 2 (Administration And Personnel), by adding a new Chapter 2.36 (Development Board of Appeals), to establish a new Board of Appeals for Subdivision and Development Issues.

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

33. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.04.520 (Administrative Provision; Notice-Method) to change the notice requirements for a zoning change on one acre or more of land. The penalty being as provided in Chapter 20.68 of the City of El Paso Municipal Code.

**ACTION:** Motion made by Gary Porras to postpone for two weeks (01/29/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

### **Other Business:**

34. Approval of CPC Minutes: October 30, 2003

**ACTION:** Motion made by Ray Mancera to approve, seconded by Oscar Venegas and unanimously carried (6-0). (Commissioner Oscar Venegas left.)

35. Approval of CPC Special Meeting Minutes: December 8, 2003

**ACTION:** Motion made by Ray Mancera to approve, seconded by Oscar Venegas and unanimously carried (6-0). (Commissioner Oscar Venegas left.)

36. Approval of CPC Minutes: December 18, 2003

**ACTION:** Motion made by Ray Mancera to approve, seconded by Oscar Venegas and unanimously carried (6-0). (Commissioner Oscar Venegas left.)

37. Planning Report.

38. Legal Report.

Executive Session was not needed.

The City Plan Commission Hearing adjourned at 4:05 p.m.

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Rudy Valdez, Executive Secretary

**OFFICIAL MINUTES AND RECORD OF ACTION**

**TAKEN BY THE EL PASO CITY PLAN COMMISSION ON JANUARY 15, 2004**

\_\_\_\_\_, CHAIR

\_\_\_\_\_, DATE