



CITY PLAN COMMISSION HEARING MINUTES

March 10, 2005

MEMBERS PRESENT:

Gary Porras
Miguel Teran
John Neal
Gus Haddad
Roman Bustillos
Ruben Ponce
Chad North
Ray Mancera

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, PRDD
Jim Fisk, PRDD
James Shelton, PRDD
Christina Valles, PRDD
Matt Watson, Assistant City Attorney
Sandra Hernandez, Recording Secretary

The City Plan Commission meeting was called to order by Gus Haddad at 1:35 p.m. Council Chambers, 2nd Floor. A quorum of its members was present and Roman Bustillos made the introductory statements. Fred Lopez presented changes to the agenda. Motion made by Gary Porras to accept changes to the agenda, seconded by Ruben Ponce and unanimously carried (7-0).

DISCUSSION AND ACTION:

PUBLIC HEARING

Rezoning Applications:

- ZON05-00005:** A portion of Lot 108, Block 1, Bischoff Addition
LOCATION: 510 S. Walnut Street
REQUEST: From: A-3 (Apartment); To: C-1 (Commercial)
PROPOSED USE: Offices
OWNER/APPLICANT: David Amaton Diaz / Same
REPRESENTATIVE: Manuel J. Carlin
DISTRICT: # 8

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting to rezone property from A-3 (Apartment) to C-1 (Commercial) in order to permit an office. The property is 0.052 acres in size. The proposed site plan shows a metal building currently located on the site. Access is proposed via Piedras Street with three parking spaces provided. There are no zoning conditions currently imposed on this property. The Planning Department has received no calls or letters in support or opposition to this request. The Development Coordinating Committee recommended denial of this request based on the fact that Walnut Street is a residential street and the building cannot comply with the required setbacks.

Manuel Carlin, Representative, asked the commission to approve this request. Mr. Carlin noted that he feels this area will be commercial in the future. Mr. Carlin explained that they are planning to have the required setbacks for C-1 and will not use Walnut Street as access.

Commissioner Ray Mancera asked Mr. Carlin if the property owner also owns the property in front of the vacant lot.

Mr. Carlin responded that yes he does own the property.

Commissioner Mancera asked if the applicant is going to be using it for office only.

Mr. Carlin responded that the applicant would be using it as an office only.

Commissioner Mancera asked why the applicant did not request that the property be rezoned to Apartment Office.

Mr. Carlin responded because the A-O requires side dimensions of more than five feet and they will have less space for an office.

Commissioner Mancera asked if the building was already constructed.

Mr. Carlin responded that it is already constructed.

Ms. Valles noted that the building located on the property was constructed without any building permits and it is a compliance issue. Ms. Valles noted that the reason the applicant has requested the zoning change is because the Building Permits and Inspections Department has cited the applicant.

Commissioner Mancera noted that he would be willing to support an A-O (Apartment/Office) zoning since it would not be out of character with the surrounding area.

Commissioner Gus Haddad asked staff if there are any zoning qualifications that this zoning can fall in and how do they feel with the fact that it was built without building permits.

Rudy Valdez, Planning Department, replied that the only zoning district that could potentially help them would be the S-D (Special Development) zoning. Mr. Valdez noted that the owner has been cited and if the City Plan Commission and City Council deny the zoning, then the applicant would have to remove the building.

Commissioner Gus Haddad asked if they could ask the applicant to withdraw his application at this point.

Mr. Valdez replied that they could ask and the applicant has the option of doing so.

Commissioner Haddad noted that this would preclude him having to wait a certain period of time before he came back.

Mr. Valdez noted that he made a mistake and S-D zoning would not help since it also requires 10 feet between structures.

No opposition was presented.

ACTION: Motion made by Ray Mancera to approve A-O (Apartment-Office) with no ingress or egress off of Walnut, seconded by Roman Bustillos and failed (3-4). (Commissioners Gary Porras, John Neal, Ruben Ponce and Chad North opposed the motion.)

ACTION: Motion made by John Neal to deny, seconded by Gary Porras and carried (4-3). (Commissioners Miguel Teran, Ray Mancera and Roman Bustillos opposed the motion.)

2. **ZON05-00006:** Parcel 1: All of Tract 9B and a portion of Tracts 6 and 10A, Block 11, Upper Valley Surveys
Parcel 2: A portion of Tracts 9F and 10A, Block 11, Upper Valley Surveys
LOCATION: East of Upper Valley Road and North of Artcraft Road
REQUEST: Parcel 1 - From: R-F (Ranch and Farm); To: R-3 (Residential)

Parcel 2 - From: R-F (Ranch and Farm); To: R-2 (Residential)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: Mountain Vista Realty, Inc. / Same
REPRESENTATIVE: CSA Consulting Engineers
DISTRICT: # 1

ACTION: Motion made by Gary Porras to postpone for two weeks (03/24/05); upon applicant's request, seconded by Ruben Ponce and unanimously carried (7-0).

Special Permit Applications:

3. **ZON05-00001:** Parcel 1 - East El Paso 23-24
Parcel 2 - The east 20 feet of Lot 13, All of Lot 14, plus the south 88 feet of Lots 15 and 16, Block 10, East El Paso Addition
REQUEST: Off-site, off-street parking
LOCATION: Parcel 1 - 3600, 3604, 3606 Alameda
Parcel 2 - Pera Street west of Copia Street
ZONE: Parcel 1 - C-4 (Commercial); Parcel 2 - A-3 (Apartment)
PROPOSED USE: Parcel 1 - Store; Parcel 2 - Off- site, off-street parking
OWNER/APPLICANT: Francisco and Pedro Gonzalez / Francisco Gonzalez
REPRESENTATIVE: Armando Garcia
DISTRICT: # 8

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a special permit to allow for off-premise parking which will serve an existing store. Parcel 1 on the map is the existing grocery store with the expansion and Parcel 2 will be the proposed parking lot for that establishment. The property is currently zoned A-3 (Apartment). The Development Coordinating Committee recommended approval with the condition that handicapped parking and landscaping are provided.

Armando Garcia, Representative, agreed with staff recommendations.

No opposition was presented.

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

Detailed Site Development Plan Application:

4. **ZON04-00152:** Portion of Tract 3, Block 3, Picnic Grove Subdivision
LOCATION: 9725 Alameda Avenue
REQUEST: Zoning Condition Requirement
ZONE: C-4/sc (Commercial/special contract)
PROPOSED USE: Dance Hall
OWNER/APPLICANT: Arturo Martinez / same
REPRESENTATIVE: Same
DISTRICT: # 6

ACTION: Motion made by Gary Porras to postpone for two weeks (03/24/05); upon applicant's request, seconded by Ruben Ponce and unanimously carried (7-0).

SUBDIVISION MAP APPROVAL

Subdivision Applications:

5. **SUB04-00004:** Loma Linda Unit 4 - Revised Combination; Being a replat of portion of Lot 1 and all of Lot 2, Block 2, Hueco View Acres, and a portion of Harkis Road, City of El Paso, El Paso County, Texas. (District 5)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 40 residential lots. Primary access to the subdivision will be from Edgemere Boulevard. The average size lot in the subdivision is approximately 5465 square feet. The developer will be paying \$12,000 in park fees to satisfy the parkland requirements. The City Plan Commission approved this subdivision on a revised combination basis on January 13, 2005. The subdivider has submitted revised maps that propose to change location of a drainage easement.

Yvonne Curry, Representative, agreed with staff recommendations.

Rudy Valdez, Planning Department, noted that the subdivision is showing some additional right of way that is proposed to be dedicated on Edgemere. The city is in the process of acquiring that right of way. Mr. Valdez noted that if the city acquires this right of way, prior to recording of the map, then that right of way should be shown as city right of way at the time of recording.

Yvonne Curry agreed to revise the map at such prior to finding.

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

6. **SUB04-00058:** Arbour Green Unit 2 - Revised Combination; Being all of Tract 1E and portion of Tract 1H, Section 41, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas. (District 5)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 124 residential lots. The developer will be paying \$37,200 in park fees to satisfy the parkland requirements of the subdivision ordinance. The City Plan Commission approved Arbour Green Unit 2 on a final basis on December 2, 2004. The subdivider has submitted revised maps that propose to delete a 20-foot drainage right-of-way: to increase a drainage easement from 20 feet to 25 feet to slightly increase size of the ponding area. Mr. Shelton noted that the last half of Turner Road abutting the subdivision should be improved according to city standards.

Commissioner Miguel Teran expressed his concerns of having the houses backup against Joe Battle. Commissioner Teran asked what the policy of the city is in reference to the noise disturbances that could develop in the future. Commissioner Teran noted that he has visited several cities where houses were built backing up against major freeways, and the neighbors were upset because of the noise.

Mr. Shelton replied that the city was concerned and asked TX DOT to make recommendations. TX DOT recommended a six-foot rock wall to be constructed where there are 150-foot depth lots instead of the normal 105-foot lots and also for the two story houses more insulation with double pane windows will be installed.

Yvonne Curry, Representative, agreed with staff recommendations. Mr. Curry noted that they did a noise study, and the recommendations of that noise study included six-foot rock wall, additional installation on the homes, on the rear abutting the property and double pane glass. Ms. Curry noted that they are not required to provide sidewalks on Joe Battle and requested that this street be deleted on item #2, under Engineering Department Traffic Comments, "sidewalks shall be provided on Turner Road, Joe Battle and Edgemere Boulevard".

Commissioner Ruben Ponce asked if 10-foot rock walls could be built for those houses along Joe Battle. Commissioner Ponce noted that the houses along Montwood, near Montwood High School, have 10-12 foot high rockwalls.

Ms. Curry responded that the reason those rockwalls were higher were because those rocks were grade with the street, and these lots are 4 to 5 feet below street grade and when we they did the analysis the 10-foot rockwall was not required or something higher than 6 to 8 feet was not required due to it being below so the traffic noise would not carry directly across.

ACTION: Motion amended by Miguel Teran to include two additional feet of rockwall for added measure to 8 feet, seconded by Ruben Ponce and failed (3-4). (Commissioners Gary Porras, John Neal, Ray Mancera and Roman Bustillos opposed the motion.)

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by John Neal and carried (5-2). (Commissioners Miguel Teran and Ruben Ponce opposed the motion.)

7. **SUB04-00079:** Summerlin – Final; Being a Replat of a Portion of WFF Industries Park Unit One Replat A & B and a Portion of WFF Industries Park Unit 2, City of El Paso, El Paso County, Texas. (District 4)

ACTION: Motion made by Gary Porras to postpone for two weeks (03/24/05); upon applicant's request, seconded by Ruben Ponce and unanimously carried (7-0).

PUBLIC HEARING

8. **SUB05-00010:** Santana Estates – Resubdivision Combination; Being a Replat of a Portion of Tracts 87, 88, 97 and 98, Sunrise Acres No. 1, City of El Paso, El Paso County, Texas. (District 2)

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

SUMMARY: Jim Fisk, Planning Department, noted the subdivision proposes a development with 4 single-family residential lots on 1.1054 acres. Primary access to the subdivision will be from Mercury Street. The property is zoned R-4 and R-5. The developer will be required to pay \$1,200 to satisfy the parkland requirements of the subdivision ordinance. The nearest park to the proposed subdivision is Sunrise Park.

Miguel Morales, Representative, agreed with staff recommendations.

Rudy Valdez, Planning Department, requested that item #3 under Engineering Department Comments be deleted.

No opposition was presented.

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

Extension Request to Complete Subdivision Improvements:

9. **SD00084:** Montoya Gardens – Extension Request to complete subdivision improvements; Being all of Tracts 12A, 12A1, 13A, 13B, 13C, 14B, 14C1B, 14C3, 14C4, 14D, 14F, 14G, 15H, 15J2, 15M1, Block 6, Upper Valley Surveys. (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (03/24/05); upon applicant's request, seconded by Ruben Ponce and unanimously carried (7-0).

Street Vacation:

10. **SV04011:** Street Vacation – Rim Road (70' wide) between Oregon Street and El Paso Street, Alexander Addition. (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (03/24/05); upon applicant's request, seconded by Ruben Ponce and unanimously carried (7-0).

Street Dedication:

11. **DD04003:** Street Dedication – Request to dedicate a road off of Holmsley Trail. District 7)

ACTION: Motion made by Gary Porras to postpone for two weeks (03/24/05); upon applicant's request, seconded by Ruben Ponce and unanimously carried (7-0).

Other Business:

12. An Ordinance to amend Title 19 (Subdivisions), by amending Chapter 19.04 (General Provisions); Chapter 19.08 (Platting Procedures); Chapter 19.16 (Improvement Standards and Design Principles); and Chapter 19.48 (Dedication of Public Easements and Rights-of-way by Metes & Bounds); all such amendments helpful in illustrating the City of El Paso's commitment to accessibility. The penalty is as provided for in 19.04.190.

William Bennett, Community Development, briefly reviewed An Ordinance to amend Title 19 (Subdivisions), by amending Chapter 19.04 (General Provisions); Chapter 19.08 (Platting Procedures); Chapter 19.16 (Improvement Standards and Design Principles); and Chapter 19.48 (Dedication of Public Easements and Rights-of-way by Metes & Bounds); all such amendments helpful in illustrating the City of El Paso's commitment to accessibility. The penalty is as provided for in 19.04.190. Mr. Bennett noted that DCC reviewed the subdivision ordinance and compared it with the Texas Accessibility Standards as their guidelines.

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

13. An Ordinance to amend Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication), Section 19.12.050 (Standards for Deeded Parkland), Subsection 19.12.050.A.1 (General Characteristics) of the El Paso Municipal Code to increase the size of parkland sites that require an affirmative recommendation by Director of Parks and Recreation before approval of such by the City Plan Commission.

ACTION: Motion made by Gary Porras to move item #13 to the front of the agenda, seconded by Ruben Ponce and unanimously carried (7-0).

Norman Merrifield, Parks and Recreation Department, noted that the Parks and Recreation Department is requesting that this ordinance be amended on a temporary basis which would allow the Parks and Recreation director to exercise an option where parkland less than two acres, as opposed to the current one acre, be considered for a fee in lieu of land. The reason for this is simply because the department and city are undertaking a comprehensive parks and recreation and open space master plan which will basically look at the entire system. Mr. Merrifield noted that this modification is only temporary until they can move through that process.

The Commissioners discussed and agreed to set a deadline of the temporary ordinance. Mr. Merrifield agreed to have the ordinance in place until December 31, 2005.

No opposition was presented.

ACTION: Motion made by Ray Mancera to approve the ordinance, expires on December 31, 2005, seconded by John Neal and unanimously carried (7-0).

14. An Ordinance incorporating the El Paso Water Utilities Public Service Board Westside Master Plan as a specific study area plan into the City's Comprehensive Plan, the Plan for El Paso, and which plan shall amend the Plan for El Paso and the Year 2025 General Land Use Map incorporated therein.

Frank Delgado, Planning Department, briefly reviewed an Ordinance incorporating the El Paso Water Utilities Public Service Board Westside Master Plan as a specific study area plan into the City's Comprehensive Plan, the Plan for El Paso, and which plan shall amend the Plan for El Paso and the Year 2025 General Land Use Map incorporated therein. Mr. Delgado explained that this property deals with the Plan for El Paso to put in conformance with the PSB Master Plan. Mr. Delgado showed various pictures of the property. Mr. Delgado noted that the Development Coordinating Committee recommended approval of the ordinance on February 23, 2005 and the El Paso Mountain Committee recommended approval of the ordinance on February 25, 2005.

The Commissioners discussed the ordinance and their concerns. Jose Lares, El Paso Water Utilities, also discussed the issue.

Maria Trunk, Trustee with the Frontera Land Alliance, noted that their mission is to preserve the significant lands that maintain and enhance the natural environment and cultural heritage of the Northern Chihuahua desert region. They feel that the open spaces and natural arroyos of the PSB northwest master plan are indeed such significant lands. Ms. Trunk suggested that if the City Plan Commission does accept the changes to the comprehensive plan that at the same time they recommend to the city and to the PSB to take concrete steps to establish permanent protection for those open spaces and natural arroyos that are designated in this master plan.

Rick Bonart presented several photographs of the area. Mr. Bonart noted that they have also been involved in the process and discussed his viewpoints.

ACTION: Motion made by John Neal to include a scenic corridor of at least 100 feet on the north side of Transmountain, seconded by Chad North and unanimously carried (5-0). (Commissioners Ray Mancera left the room and Roman Bustillos abstained and left the room.)

ACTION: Motion made by John Neal to suggest to City Council to consider the use of land trusts to preserve the natural arroyos and open spaces, seconded by Chad North and unanimously carried (5-0). (Commissioners Ray Mancera left the room and Roman Bustillos abstained and left the room.)

ACTION: Motion made by John Neal that City Council consider the details of the agreement that was reached on the November 12, 2004 meeting at PSB, seconded by Gary Porras and unanimously carried (5-0). (Commissioners Ray Mancera left the room and Roman Bustillos abstained and left the room.)

ACTION: Motion made by John Neal to approve, seconded by Gary Porras and unanimously carried (5-0). (Commissioners Ray Mancera left the room and Roman Bustillos abstained and left the room.)

15. An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended.

Chuck Kooshian, Planning Department, gave a brief presentation of an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended. Mr. Kooshian noted that the final step of this process is to amend the major thoroughfare plan so that when and if this land is sold and developed, the thoroughfares, which the PSB planned, would be part of the subdivision requirements.

No opposition was presented.

ACTION: Motion made by John Neal to approve consistent with the recommendations that were made on item #14, seconded by Gary Porras and unanimously carried (6-0). (Commissioner Roman Bustillos abstained.)

16. Approval of CPC Minutes: February 24, 2005

ACTION: Motion made by John Neal to approve, seconded by Miguel Teran and unanimously carried (5-0). (Commissioners Gary Porras and Ruben Ponce abstained.)

17. Planning Report.

18. Legal Report.

The City Plan Commission Hearing adjourned at 4:15 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON MARCH 10, 2005

, CHAIR
