



CITY PLAN COMMISSION HEARING MINUTES

March 11, 2004

MEMBERS PRESENT:

Gary Porras
Dick Vorba
John Neal
Elma Carreto
Alan Simpson
Ruben Ponce
Chad North

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, PRDD
Kimberly Forsyth, PRDD
James Shelton, PRDD
Matt Watson, City Attorney's Office
Sandra Hernandez, Recording Secretary

The City Plan Commission meeting was called to order by Elma Carreto at 1:40 p.m. Council Chambers, 2nd 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 Dick Vorba to accept changes to the agenda, seconded by John Neal, and unanimously carried (7-0).

DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **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)

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

SUMMARY: Agenda Items #1 and #10 were heard simultaneously. James Shelton, Planning Department, noted that the developer is proposing a development containing 45 single-family dwelling lots and 7.9 acres of vacant land. Access to the subdivision will be from Buena Park Drive. The minimum size of these lots will be 4,003 square feet. The developer will be required to pay park fees, which will be determined at a later date. The Engineering Department recommend that a release of access be provided on all the lots that will be backing up to Cesar Chavez Border Highway. The Planning Department recommended that a covenant be placed on the recording plat, restricting the number of units to be built on the 7.9 acres parcel. The Development Coordinating Committee recommended two points of access to the development.

Jorge Azcarate, Representative, agreed with staff recommendations.

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

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

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

3. **SUB04-00005:** Tierra Del Este Unit 29 – Preliminary; Being a portion of Tract 1B, Section 39, and a portion of Section 40, Block 79, TSP 2, T & P RR Surveys, City of El Paso, El Paso County, Texas. (District 5)

Representative was not present.

ACTION: Motion made by John Neal to postpone until the end of the agenda, seconded by Gary Porras, and unanimously carried (7-0).

ACTION: Motion made by Ray Mancera to postpone for two weeks (03/25/04); upon applicant's request, seconded by Gary Porras and unanimously carried (7-0).

4. **SUB04-00007:** Barcelona Estates – Preliminary; Being All of Tract 1, Section 4. Block 79, Township 3, Texas and Pacific Railroad 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, stated that the developer is proposing a development containing 92 single-family residential lots and one commercial lot. Primary access to the subdivision will be from Zaragoza Road. The developer will be required to pay a total of \$29,100 in park fees to satisfy the parkland requirements. The lot sizes in this subdivision range from 1,600 square feet to 1,900 square feet. The Engineering Department recommended that a 6 foot rock wall be required abutting the proposed private drainage areas. A release of access will be required along the rear of the property abutting the 30-foot right of way. The engineers will require approval from TX DOT as to the question on the driveways and the deceleration lanes, which will be required on Zaragoza Road. The Fire Department recommended that the subdivision be sprinklered.

Commissioner Elma Carreto asked that since the development would have amenities such as pools, walking paths and lush landscaping, if they could be applied towards park fees. Commissioner Carreto noted that she would like to encourage this type of development and not discourage them by applying 100% park fees.

Mr. Shelton replied that they would look into the matter.

Eddie Urquidi, Representative, agreed with staff recommendations.

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

5. **SUB04-00008:** Bermudez Place – Combination; Being a Replat of A Portion of An Unnumbered Tract "A" of the Bailey Addition to the Town of Canutillo, El Paso County, Texas. (Northwest 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 5 single-family residential lots. Primary access to the subdivision will be from Fifth Street in Canutillo. Since the subdivision is outside the existing city limits, no parkland dedication is required. The El Paso Water Utilities would provide water and sewer services. The Engineering Department noted that all development run off from the proposed subdivision needs to be retained on site and Lots 1 and 2 may be needed to provide private drainage easements to convey upstream runoff through Fifth Street. Additional right of way at the street corners would be required. The Traffic Division has requested that street improvements, including sidewalks, curbs, and gutters, be required on Fifth Street, Sixth Street and La Mesa Avenue. Mr. Shelton noted that El Paso County did not require these improvements. County Roads and Bridges will require an additional five-foot right of way along La Mesa Avenue.

Commissioner Elma Carreto asked where the sidewalks would be placed since this is a very small development.

Pilo Guevarra, Engineering Department, responded that the request is for sidewalks all around the perimeter. Mr. Guevarra noted that the applicant would be requesting a deferral for sidewalks.

Commissioner Gary Porras commented that they should not wait to start enforcing sidewalks.

Rudy Valdez, Planning Department, noted that a deferral could not be granted in this case, since the deferral is only on arterial streets and for those areas inside the city. The City Plan Commission has the authority to require the sidewalks or to waive the sidewalks.

Commissioner Gary Porras noted that area does need sidewalks since there are many people walking to school.

Mr. Guevarra noted sidewalks are needed, however he pointed out that when the city or county does street improvements, they would tear up the sidewalks.

Alan Ortega, Representative, agreed with staff recommendations. Mr. Ortega requested that they have a deferral on the sidewalks. Mr. Ortega noted that the owner of the property would like to build the houses for his children. Mr. Ortega also noted that when the county does their improvements that they would have to tear up the streets and repave them.

ACTION: Motion made by Gary Porras to require sidewalks, seconded by Alan Simpson and tied (4-4).

ACTION: Motion made by John Neal to provide sidewalks on La Mesa Street only, seconded by Gary Porras, and unanimously carried (7-0).

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

ACTION: Motion made by Ray Mancera to waive the requirement of curbs, seconded by John Neal, and unanimously carried (7-0).

PUBLIC HEARING

Subdivision Application:

6. **SUB04-00004:** Loma Linda Unit 4 – Preliminary; 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)

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

7. **SUB04-00006:** Ortiz Farms Unit 1 – Combination; Being a replat of Lot 58, Block One, Upper Valley Place Unit 3 and Tract 1C1 and portion of Tract 1D1, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

Street Vacation:

8. **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 Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

9. **SV04001:** Street Vacation – Portion of Westlake Court, Coronado Country Club Estates Unit 5. (District 1)

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

Special Permit Application:

10. **ZON03-00066:** A portion of Tract 7B, Block 35, Ysleta Grant and a portion of Tract 2A, U.S. Parcel No. 10
REQUEST: planned residential development
LOCATION: West of Independence Drive and East of Loop 375
ZONE: A-2 (Apartment)
PROPOSED USE: single-family 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: Agenda Items #1 and #10 were heard simultaneously. Fred Lopez, Planning Department, stated that the applicant is requesting a special permit to allow for a planned residential development with reduced lot sizes. Minimum requirement of 4,500 square feet to a proposed 4,003 square feet; to reduce the average lot width for each lot from the required 45 feet for an A-2 residential lot, to a reduced 40 feet; and to reduce the rear yard setback requirements from 25 feet in the rear to 20 feet in the rear. The applicant is proposing 45 single-family lots to be located on the site, with access proposed via Buena Park Drive. The Planning Department has received no calls or letters in support or opposition to this request.

Commissioner Elma Carreto asked if this case had been heard before and if there was opposition in the rezoning.

Mr. Lopez responded that there was opposition in this case and it was heard in 2002. City Council approved the request to rezoning to A-2.

Jorge Azcarate, Representative, agreed with staff recommendations. Mr. Azcarate noted that they are requesting one point of access. Mr. Azcarate noted that the developer would fire sprinkler anything as required by municipal code. Mr. Azcarate noted that when they requested a rezoning in 2002 that there was opposition because of the concern of connecting to Independence Way. Mr. Azcarate also noted that they retracted their opposition.

No opposition was presented.

ACTION: Motion made by Gary Porras to approve with one point of access, subject to staff comments, seconded by Alan Simpson, and unanimously carried (7-0).

11. **ZON04-00001:** A portion of Tracts 2B, 1G, and 3A, Block 10, Upper Valley Surveys
REQUEST: planned residential development
LOCATION: West of Upper Valley Road and South of Borderland Road
ZONE: R-F (Ranch and Farm)
PROPOSED USE: single-family residential development
OWNER/APPLICANT: RPW Development, Ltd. / Same
REPRESENTATIVE: CEA Engineering Group
DISTRICT: # 1

ACTION: Motion made by Dick Vorba to postpone for four weeks (04/08/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

12. **ZON04-00015:** Being a portion of Tract 3J, Section 43, Block 80, Township 1
 REQUEST: Variable lot sizes and reduced front & rear yard setbacks
 LOCATION: Cross Street and Railroad Drive
 ZONE: C-4 (Commercial)
 PROPOSED USE: Single family residential
 OWNER/APPLICANT: Frank Arroyos, Carefree Land / Same
 REPRESENTATIVE: same
 DISTRICT: # 4

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

13. **ZON04-00019:** A portion of Lots 6, 7 and 8, Block 25, Second Revised Map of Sunset Heights
 REQUEST: Infill development conforming with Section 20.08.207
 LOCATION: Fewel Street South of Prospect Street
 ZONE: R-4/H (Residential/Historic)
 PROPOSED USE: Single-family residential dwelling
 OWNER/APPLICANT: Karma - JKS Properties, Inc. / Same
 REPRESENTATIVE: Jim Smith
 DISTRICT: # 8

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

SUMMARY: Fred Lopez, Planning Department, noted that this is a special permit request for an infill development. Mr. Lopez noted that this is the first request that the department has received since an Ordinance was approved in December 2003 that permits infill development. This property is .096 acres in size and is currently vacant. The property is zoned R-4 and also has an historic overlay. The lot does not meet the minimum lot size for the R-4 residential zoning district. As part of the infill development ordinance the applicant must meet several standards before being approved.

Jim Smith, Representative, agreed with staff recommendations.

No opposition was presented.

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

14. **ZON04-00023:** Parcel 1: Lots 7 - 10, Block 266, Campbell Addition
 Parcel 2: Lots 11 - 12, Block 266, Campbell Addition
 REQUEST: off-site, off-street parking on Parcel 2 to serve proposed nightclub on Parcel 1
 LOCATION: Parcel 1: 416 E. Rio Grande Avenue
 Parcel 2: 400 E. Rio Grande Avenue
 ZONE: Parcel 1: C-4 (Commercial)
 Parcel 2: A-2 (Apartment)
 PROPOSED USE: Parcel 1: nightclub
 Parcel 2: off-site, off-street parking to serve Parcel 1
 OWNER/APPLICANT: Pauline Shaheen / Dale McNutt
 REPRESENTATIVE: Anthony Mixer
 DISTRICT: # 8

ACTION: Motion made by Ray Mancera to postpone until the end of the agenda, seconded by Gary Porras, and unanimously carried (7-0).

ACTION: Motion made by Ray Mancera to postpone for two weeks (03/25/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

15. **ZON04-00024:** Parcel 1: Lots 7 - 10, Block 266, Campbell Addition
Parcel 2: Lots 11 - 12, Block 266, Campbell Addition
REQUEST: parking reduction
LOCATION: Parcel 1: 416 E. Rio Grande Avenue
Parcel 2: 400 E. Rio Grande Avenue
ZONE: Parcel 1: C-4 (Commercial)
Parcel 2: A-2 (Apartment)
PROPOSED USE: Parcel 1: nightclub
Parcel 2: off-site, off-street parking to serve Parcel 1
OWNER/APPLICANT: Pauline Shaheen / Dale McNutt
REPRESENTATIVE: Anthony Mixer
DISTRICT: # 8

ACTION: Motion made by Ray Mancera to postpone until the end of the agenda, seconded by Gary Porras and unanimously carried (7-0).

ACTION: Motion made by Ray Mancera to postpone for two weeks (03/25/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

16. **ZON04-00027:** Lot 1 & a Portion of Lot 2, Block 2, Hueco View Acres and a Portion of Harkis Road
REQUEST: Reduction in lot widths & rear setbacks; variable side setbacks
LOCATION: North of Edgemere Blvd.
ZONE: M-1 (Manufacturing)
PROPOSED USE: Single family residential
OWNER/APPLICANT: Fernando & Elizabeth Martinez / JNC Development Co.
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 5

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

Rezoning Application:

17. **ZON03-00082:** A portion of Tract 2D, Block 9, Ysleta Grant
LOCATION: Pendale Road North of Roseway Drive
REQUEST: From: R-F (Ranch and Farm); To: R-3 (Residential)
PROPOSED USE: single-family residential development
OWNER/APPLICANT: Jorge and Liliani Chavez and Jose H. Chavez / Same
REPRESENTATIVE: Carlos Jimenez
DISTRICT: # 7

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

18. **ZON03-00089:** A portion of Tracts 2B, 1G, and 3A, Block 10, Upper Valley Surveys
LOCATION: West of Upper Valley Road and South of Borderland Road
REQUEST: From: R-F (Ranch and Farm); To: R-3A (Residential)
PROPOSED USE: single-family residential development
OWNER/APPLICANT: RPW Development, Ltd. / Same
REPRESENTATIVE: CEA Engineering Group
DISTRICT: # 1

ACTION: Motion made by Dick Vorba to postpone for four weeks (04/08/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

19. **ZON04-00000:** Portions Lots 12, 13 and 14, Block 10, Stiles Gardens and An undivided 1/2 interest in those certain portions of Lots 12 and 13, Block 10, Stiles Addition
- LOCATION: 405 Orgain
REQUEST: From: C-1 (Commercial); To: C-3 (Commercial)
PROPOSED USE: Office/storage
OWNER/APPLICANT: Ray and Cathy Lind / Same
REPRESENTATIVE: James Duarte
DISTRICT: # 3

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that this item was postponed from the last commission hearing. The applicant is requesting a rezoning on this property from C-1 to C-3 in order to permit the existing use. It has been declared legal non-conforming. The applicant is currently using it as an impound storage lot for automotive uses. The applicant has chosen to proceed with the rezoning which would allow him additional C-3 uses as well as the possibility of expanding his operation in the future. The legal non-conforming would only permit the existing operation that has been in existence on the site. The Planning Department has received no calls or letters in opposition or support of this request. The Development Coordinating Committee recommended denial of the rezoning to C-3 because it does not conform to the Plan for El Paso, which designates this area as residential and it was not compatible with the adjacent surrounding zoning. Ms. Forsyth noted that the C-3 and C-4 zoning is fronting North Loop or major streets.

Ray Lind, Representative, agreed with staff recommendations. Mr. Lind noted that he purchased the property in June of last year and started this process in July of last year when they wanted to make improvements to the property and obtain city utilities. Mr. Lind explained what has happened since that time.

Kimberly Forsyth read a letter from Representative Lozano:

"I would like to inform you that I have been a resident of Stiles Gardens for many years and currently proud to serve as a City Representative for District 3. I wish to offer you information on the above case and it's presenter Raymond Lind. He is currently the owner of the property at 405 Orgain Way, previously 7319 Dale Road. He is using this property for off street parking of operable vehicles. While this property has been zoned as C-1, its historic use has been C-3, salvage yard with heavy equipment storage. I am a previous owner of the property, which is the reason why I know of this case. As a resident of the area, I commend the change of zoning of from C-1 to C-3. There should be no problem with this and I offer to mention to you that Mr. Lind has even improved the property and area tremendously because he has cleaned up the junkyard and turned it into a more pleasant business property. Please feel free to contact me if you have any questions regarding this matter. I commend Mr. Lind and his associates for a job well done in the community".

Rudy Valdez, Planning Department, clarified that Mr. Lind can continue to use his existing business and obtain utilities with the non-conforming use. Mr. Valdez noted that C-3 uses are intended for more on arterial streets such as Montana, North Loop and Alameda.

No opposition was presented.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by Ray Mancera and carried (4-3).

20. **ZON04-00014:** Being a portion of Tract 3J, Section 43, Block 80, Township 1, Texas and Pacific Railway Company Surveys
LOCATION: Cross Street and Railroad Drive
REQUEST: From: C-4 (Commercial); To: R-3A (Residential)
PROPOSED USE: single-family residential
OWNER/APPLICANT: Frank Arroyos, Carefree Land / Same
REPRESENTATIVE: Same
DISTRICT: # 4

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

21. **ZON04-00022:** Tract 8, S.A. & M.G.R.R. Co Survey No. 265, Tract 1, J.L. Johannsen Survey No. 185, Tract 1, W.H. Lenox Survey No. 432
LOCATION: North of Montoya Lane and East of Johannsen Rd.
REQUEST: From: R-3 (Residential); To: R-3A (Residential)
PROPOSED USE: Single-Family Residential
OWNER/APPLICANT: Tropicana Homes, Inc. / Same
REPRESENTATIVE: CEA Engineering Group
DISTRICT: # 1

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that the applicant is requesting a rezoning from R-3 to R-3A in order to permit a single-family residential development. The proposed concept plan shows approximately 280 residential lots to be located on the site with access off of Montoya Lane and Morning Dawn. There are no zoning conditions currently imposed on this property. The Planning Department has received no calls or letters in opposition or support of this request.

Commissioner John Neal asked if Ethel Road exists.

Ms. Forsyth responded that Ethel Road is a paper road at the present time and the applicant is proposing the vacation of it, which will be heard by the City Plan Commission at a later date.

Jorge Azcarate, 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).

22. **ZON04-00025:** Lots 49 & 50 and a portion of Lot 48, Block 7, Sunset Heights Addition
LOCATION: 221 W. Rio Grande
REQUEST: From: R-4/H (Residential/ Historic); To: A-2/H (Apartment/Historic)
PROPOSED USE: Apartments
OWNER/APPLICANT: Francisco & Eugenia Torres / Same
REPRESENTATIVE: Same
DISTRICT: # 8

ACTION: Motion made by Dick Vorba to delete; upon applicant's request, seconded by John Neal and unanimously carried (7-0).

23. **ZON04-00026:** Lot 1 & a Portion of Lot 2, Block 2, Hueco View Acres and a Portion of Harkis Road
LOCATION: North of Edgemere Blvd
REQUEST: From: M-1 (Manufacturing); To: R-5 (Residential)
PROPOSED USE: Residential
OWNER/APPLICANT: Fernando & Elizabeth Martinez / JNC Development Co.
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 5

ACTION: Motion made by Dick Vorba to postpone for two weeks (03/25/04); upon applicant's request, seconded by John Neal and unanimously carried (7-0).

Other Business:

24. Discussion and action on the February 2004 Progress Report of the Building and Zoning Advisory Committee as approved by City Council on March 2, 2004.

Pat Aduato, Deputy CAO for Building and Planning Services, gave a brief presentation on the 2004 Progress Report of the Building and Zoning Advisory Committee.

25. Discussion and Action on the 2004 El Paso Zoological Master Plan.

Richard Olivar, President of the Zoological Society, gave a brief presentation on the 2004 El Paso Zoological Master Plan.

ACTION: Motion made by Dick Vorba to move item #25 to the front of the agenda, seconded by John Neal and unanimously carried (7-0).

ACTION: Motion made by Gary Porras to approve, seconded by Chad North and unanimously carried (7-0).

26. Approval of CPC Minutes: February 26, 2004

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

27. Planning Report.

28. Legal Report.

Executive Session was not needed.

The City Plan Commission Hearing adjourned at 4:00 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON MARCH 11, 2004

_____, **CHAIR**

_____, **DATE**