



CITY PLAN COMMISSION HEARING MINUTES

April 21, 2005

MEMBERS PRESENT:

Miguel Teran
Dick Vorba
John Neal
Gus Haddad
Ray Mancera
Roman Bustillos

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 1:40 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 Miguel Teran to accept changes to the agenda, seconded by Dick Vorba and unanimously carried (5-0).

DISCUSSION AND ACTION:

PUBLIC HEARING

Detailed Site Development Plan Application:

- ZON04-00152:** A portion of Tract 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 Miguel Teran to postpone for two weeks (05/05/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

- ZON05-00019:** Tract 6A, Block 1 and Tract 17B, Block 5, Ysleta Grant
LOCATION: 9521 North Loop Drive
REQUEST: Contract condition requirement
ZONE: C-2/c (Commercial/conditions)
PROPOSED USE: Sunset Funeral Home
OWNER/APPLICANT: Winton & Associates
REPRESENTATIVE: John Morrison
DISTRICT: # 6

ACTION: Motion made by Miguel Teran to postpone for two weeks (05/05/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

SUBDIVISION MAP APPROVAL

Subdivision Applications:

3. **SUB04-00026:** Park Hills Unit 9 – Revised Combination; Being a portion of H.G. Foster 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 Fisk, Planning Department, noted that the applicant is proposing a development containing 24 single-family residential lots. Primary access to the subdivision will be from Calle Del Sur Drive. The developer will receive .12 acres of credits from a previously dedicated park site. Mr. Fisk noted that the developer is increasing the size of the lots in Block 11 and decreasing the size of Block 11, Lot 47 (Private Drainage Easement.) The City Plan Commission at the May 6, 2004 meeting granted the developer modifications to allow for a change in the cross-section of the divided residential street to allow for five-foot sidewalks adjacent to the curb along Calle Del Sur Drive, eliminating three feet of parkway.

Conrad Conde, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Miguel Teran and unanimously carried (5-0).

4. **SUB04-00038:** Park Hills Unit 10 – Final; Being a portion of H.G. Foster Surveys No. 257, 258, and 262, City of El Paso, El Paso County, Texas. (District 1)

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

SUMMARY: James Fisk, Planning Department, noted that the applicant is proposing a development containing 8 single-family residential lots. Primary access to the subdivision will be from Calle Del Sur Drive. The developer will be receiving .04 acres of credits from a previously dedicated park site. This subdivision will be a private gated community. A special permit was approved by City Council on March 8, 2005. The City Plan Commission at the January 13, 2005 meeting granted the developer modifications to allow:

- A change in the cross section of a 61-foot divided residential street at the entrance to the subdivision.
- A 30-foot minor residential access street with five-foot sidewalks adjacent to the curb (eliminating three feet of parkway.)
- Cluster parking.

Conrad Conde, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (5-0).

5. **SUB05-00017:** The Willows Unit 4 Replat "A" – Resubdivision Combination; Being a replat of all of Lot 1, Block 13, The Willows Unit Four, City of El Paso, El Paso County, Texas. (District 8)

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

SUMMARY: James Shelton, Planning Department, noted that the applicant is proposing a development containing 10 single-family residential lots. Primary access to the subdivision will be from Willow Glen Drive. The smallest size lot will be 21,752 square feet. The developer will be required to pay \$3,000 in park fees to satisfy the parkland requirements. The developer is requesting a modification to allow for a change in the cross section of the proposed residential right of way; to allow for a 64-foot wide street at the entrance of the subdivision with a turning island and then narrowing the right-of-way to a 52 foot

right of way. The proposed right-of-way will have a five-foot sidewalk with a three-foot parkway instead of the standard four-foot sidewalk and four-foot parkway. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of Section 19.24.030 of the Subdivision Ordinance.

Robert Moreno, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (5-0).

6. **SUB04-00046:** Emerald Valley Estates – Revised Combination; Being a portion of Tracts 6F1 and 6F14 and all of Tracts 6A, 6C1A, 6C4A, 6G, 6G1, and 6H, Section 8, 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, noted that the applicant is proposing 77 single-family residential lots. Primary access to the subdivision will be from Cory Drive via Upper Valley to Romer Ray Drive to Cory Drive. The smallest size lot in the subdivision is 20,124 square feet. The developer will be required to pay parkland fees in the amount of \$23,100 to satisfy the parkland requirements. The City Plan Commission last approved this subdivision on December 2, 2004 on a combination basis. The Commission had previously granted a modification to allow for a change in the cross section of the proposed divided and non-divided residential streets to permit header curbs in lieu of curbs and gutter and not require sidewalks for streets within and abutting the subdivision. The cross-section would also provide a 4.5-foot parkway.

Also an addition modification was granted to allow for additional right-of-way at the entrance to the subdivision and also for a five 6-foot by 6-foot clearances of additional right-of-ways for placement of fire hydrants throughout the subdivision. The major change to the subdivision from the last approval by the Commission is the entrance to the subdivision that has been slightly modified. Instead of a bubble-shaped entrance, the entrance will be a straight 72-foot wide right of way. The change now requires an additional modification to be approved by the City Plan Commission.

The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of Section 19.24.0303 of the Subdivision Ordinance, if the modification is approved.

The City Plan Commission had previously approved the subdivision to not require sidewalks and the DCC has again recommended that the City Plan Commission find that no sidewalks be required within the subdivision and that proposed cross-section be approved by CPC according to Section 19.16.0202. The Street Department voted against this recommendation.

Commission John Neal questioned the turning heels not complying with current subdivision design standards.

Mr. Rudy Valdez replied that they have had discussion with Traffic and there is a discrepancy as to whether it meets code; so they are requesting to coordinate the turning heels issue.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde agreed to coordinate the turning heels issue.

ACTION: Motion made by John Neal to approve, with coordinating the turning heels, subject to staff comments, seconded by Miguel Teran and unanimously carried (5-0).

7. **SUB05-00027:** River Valley Subdivision – Resubdivision Combination; Being all of Tract 12, Block C, Christy Tract, City of El Paso, El Paso County, Texas. (District 7)

ACTION: Motion made by Miguel Teran to postpone for four weeks (05/19/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

PUBLIC HEARING

8. **SV05002:** Street Vacation – A portion of Valley Crest Drive, Abutting Blocks 2 & 6, Valley Crest Commercial Park. (District 7)

ACTION: Motion made by Miguel Teran to postpone for two weeks (05/05/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

9. **DD04002:** Dedication of right-of-way – Gomez Road; Being a portion of Tract 1A, Block 11, Upper Valley Surveys, El Paso County, Texas. (District 1)

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

SUMMARY: Items #9 and #10 were heard simultaneously. Rudy Valdez, Planning Department, noted that this item came before the City Plan Commission last year; this was a request to dedicate right of way for the proposed extension of Gomez Road. The intent was to provide access to the city park, which has been identified as Valley Creek Park. Since that time, there have been various ongoing meetings between the applicant and the city. There have been some changes to the right of way. The ordinance, item #10, is also being presented because it is affecting this particular dedication.

Matt Watson, Assistant City Attorney, noted that the Gomez Extension / Redd Road Extension was removed from the Major Thoroughfare Plan. Mr. Watson noted that there was a community group that expressed concern with regard to developer participation agreement agreed to and entered into in August of 2003; and proposed that agreement be amended and that the metes and bounds dedication of right of way also be amended in consideration of the fact that the road in question was no longer to be a major arterial of any arterial.

The commissioners discussed Valley Creek Park and noted that the road will serve a future subdivision of 118 acres. Matt Watson noted that there were concerns from certain community groups in the area; they would prefer that the road remain a local road as opposed to an arterial road and that any attempts to bring that road across the Rio Grande be inhibited.

Risher Gilbert, Representative, agreed with staff recommendations. Ms. Gilbert noted that they are willing to build a larger road, and they had contracted with the city to build a larger road and then the city and the Save the Valley Group, came back and requested that they build a much smaller road. Ms. Gilbert noted that they responded by requesting a code amendment.

Commissioner Gus Haddad asked if there were other accesses to the park.

Mr. Rudy Valdez, Planning Department, replied there are no other accesses.

Mary Francis Keesling, Save the Valley, expressed her concerns; that the park has access.

Commissioner Gus Haddad asked if the 60-foot road would be enough access for a 36-acre park.

Mr. Watson replied council would have made a prior determination that it is sufficient. Mr. Watson noted that the developer could develop the 118 acres. The developer has offered more right-of-way, but the city wants less.

Commissioner Gus Haddad noted that the concern is that there is a small road for a 36-acre park. Commissioner Haddad asked Mr. Rick Conner for his opinion.

Rick Conner, Engineering Department, replied that these decisions were made before he began his employment as director. Mr. Conner noted that if they would take a quick recess he could evaluate this request and make a recommendation.

Ms. Gilbert noted that she would like the commission to pass this because they have been in negotiations for two years. Ms. Gilbert also noted that if they were to postpone this item one meeting, then they would be going into lame duck with city council, thus delaying the request even longer.

Commissioner Roman Bustillos asked if they are giving the applicant any assurances that they will not be penalized in the future for having a small road with a large subdivision.

Mr. Watson replied that there is a specific code amendment that specifies that if council has made a prior determination that a certain amount of access, certain right of way width is sufficient, then the plan commission cannot subsequently deny a subdivision plat, on the basis of inadequate access abutting the proposed subdivision.

Commissioner Haddad asked Mr. Conner how much time he would need to make a recommendation to the commission.

Mr. Conner replied that he would leave the premises and try to have a response within the next half hour.

ACTION: Motion made by John Neal to table items #9 and #10 for 20 to 30 minutes, seconded by Dick Vorba and unanimously carried (5-0).

ACTION: Motion made by John Neal to reconvene at 2:50 p.m., seconded by Dick Vorba and unanimously carried (5-0).

ACTION: Motion made by John Neal to re-open items #9 and #10, seconded by Ray Mancera and unanimously carried (5-0).

Mr. Conner noted that he was able to find two old studies and they are slightly different. Based on the acreage and the zoning that is proposed for the property in question, and not taking into account the park at the moment, there is a rough estimate of between 5,000 or 8,000 average daily trips (ADT). One of the reports shown when it was first proposed apparently shows about 8,000 ADT. Mr. Conner noted that he feels comfortable in saying that somewhere in the range of 6,000 to 8,000 ADT depending on the density that is ultimately developed in the subdivision, and the use of the park. Mr. Conner noted that the codes require for less than 3,000 ADT, that a residential sub-collector cross section be used, that cross section calls for 52 wide foot right of way, a 36 foot pavement, consisting of two lines. This estimated traffic would throw them into the next category, which would handle traffic all the way up to 15,00 ADT. This street has been designated as a residential sub-collector.

Representative Susan Austin addressed the commission. Representative Austin noted that the city council voted to change Gomez Road or Redd Road, the extension of Redd Road, to downgrade it from an arterial. They have refused the developer permission to build an arterial there. The developer is proposing to build for fire purposes a right of way that is 44 feet wide, however the city is choosing to stripe it not as 4 eleven foot lanes that they would hold 14,900 cars according to the code. The city is choosing to stripe it differently and it is the city's entitlement to determine how to stripe a road. Section 19.16, substandard streets, puts the requirement on the developer to build their road or to pay money to build the road, up to the highest classifications of that street. In this case the developer has not only offered to do that, he is building a street that is wide enough to do that and the city is choosing to stripe it differently.

Chief Marvin Cazzell, Fire Department, noted that 44 feet of roadway serves the needs of the Fire Department.

ACTION: Motion made by John Neal to approve, seconded by Dick Vorba; motion amended by Miguel Teran to include 4 feet of additional right of way, seconded by Ray Mancera and carried (4-1). Commissioner John Neal opposed the motion.

ACTION: A vote was taken on the main motion and passed unanimously (5-0).

Other Business:

10. An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapters 19.16 (Improvement Standards and Design Principles) Section 19.16.020 (Streets) subsection 19.16.020.p (Vehicular Access) to provide certain assurances to a subdivider who has offered to dedicate more land than the City is willing to accept. The penalty is as provided in Section 19.04.190 of the Code.

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

SUMMARY: Items #9 and #10 were heard simultaneously. Rudy Valdez, Planning Department, noted that this item came before the City Plan Commission last year; this was a request to dedicate right of way for the proposed extension of Gomez Road. The intent was to provide access to the city park, which has been identified as Valley Creek Park. Since that time, there have been various ongoing meetings between the applicant and the city. There have been some changes to the right of way. The ordinance, item #10, is also being presented because it is affecting this particular dedication.

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Mr. Conner replied that he would leave the premises and try to have a response within the next half hour.

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Chief Marvin Cazzell, Fire Department, noted that 44 feet of roadway serves the needs of the Fire Department.

ACTION: Motion made by John Neal to approve, seconded by Miguel Teran and unanimously carried (5-0).

11. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding a defined use at Section 20.02.078 (Animal Crematory) and amending Sections 20.10.040, 20.38.040, 20.40.040 & 20.42.040 (Uses Permitted by Special Permit) to provide that such use be permitted by Special Permit in R-F, C-2, C-3 and C-4 zoning district classifications; and by adding a defined use at Section 20.02.258 (Crematory) and amending Sections 20.38.040, 20.40.040 & 20.42.040 (Uses Permitted by Special Permit) to provide that such use be permitted by Special Permit in C-2, C-3 and C-4 zoning district classifications. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

Ms. Kimberly Forsyth gave a brief presentation on an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding a defined use at Section 20.02.078 (Animal Crematory) and amending Sections 20.10.040, 20.38.040, 20.40.040 & 20.42.040 (Uses Permitted by Special Permit) to provide that such use be permitted by Special Permit in R-F, C-2, C-3 and C-4 zoning district classifications; and by adding a defined use at Section 20.02.258 (Crematory) and amending Sections 20.38.040, 20.40.040 & 20.42.040 (Uses Permitted by Special Permit) to provide that such use be permitted by Special Permit in C-2, C-3 and C-4 zoning district classifications. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

Ms. Forsyth explained that this item was prepared at the request of city council. Currently in the code a crematory is only permitted with a special permit and the R-F (Ranch and Farm), residential zones and A-M (Apartment-Mobile Home Park). It is implied in the code that it only applies to a human crematory and because it is permitted with a cemetery and a mausoleum. The animal cemetery is listed separately. Ms. Forsyth noted that they have had requests from operators of veterinary hospitals and also funeral homes to allow crematories on their premises in conjunction with their operation. Ms. Forsyth also noted that they did research in other cities and discovered that because of improving technology, crematoriums are contained within a funeral home, and sometimes with pet related services. The City's code currently allows for veterinary hospitals and clinics in the R-F, C-2, C-3 and C-4 districts. Staff's recommendation was amended to allow the crematories in those same districts with the special permit. A special permit would allow for a site by site review of each case and it would also require public notice and the opportunity for public comment, therefore it is not an outright permitted use.

No opposition was presented.

Commissioner Ray Mancera noted that he has concerns with allowing crematories in a C-2 district.

ACTION: Motion made by Ray Mancera to approve, excluding C-2 as part of the allowed zoning uses, seconded by Miguel Teran and unanimously carried (4-0). (Commissioner Gus Haddad left the room.)

Ms. Forsyth asked if this motion was for both animal and crematory restricting it out of C-2.

Mr. Mancera replied that he understands the crematory but asked for clarification on the animal.

Ms. Forsyth replied that there is an animal crematory and a crematory, they are the same, one is for animals and one is for human remains. Both are proposed to be in C-2, C-3 and C-4. However, the commission just approved with the restriction of C-2 in both crematories.

ACTION: Motion made by Roman Bustillos to reconsider item #11, seconded by Miguel Teran and unanimously carried (4-0). (Commissioner Gus Haddad left the room.)

Ms. Forsyth explained that the human crematory, which they are calling crematory, is permitted in the R-F and residential zoning by special permit. The proposal is to add it to the same zones that allow a funeral home, which is C-2, C-3 and C-4.

ACTION: Motion made by Ray Mancera to approve, excluding C-2 as part of the allowing zoning uses in both animal and human crematories, seconded by Miguel Teran and unanimously carried (4-0). (Commissioner Gus Haddad left the room.)

12. Approval of CPC Minutes: March 24, 2005

ACTION: Motion made by Ray Mancera to approve, seconded by John Neal and unanimously carried (5-0).

13. Approval of CPC Minutes: April 7, 2005

ACTION: Motion made by Ray Mancera to approve, seconded by John Neal and unanimously carried (5-0).

ACTION: Motion made by John Neal at 2:41 p.m. to recess until Mr. Conner returns, seconded by Miguel Teran and unanimously carried (5-0).

14. Planning Report.

15. Legal Report - Discussion and action on Resler Canyon Litigation Issue.

ACTION: Motion made by Ray Mancera to retire into executive session at 2:30 p.m. to discuss Resler Canyon Litigation Issue, seconded by Miguel Teran and unanimously carried (5-0).

ACTION: Motion made by Ray Mancera to reconvene from executive session at 2:40 p.m., seconded by Miguel Teran and unanimously carried (5-0).

The City Plan Commission Hearing adjourned at 3:10 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON APRIL 21, 2005

_____, CHAIR
