



CITY PLAN COMMISSION HEARING MINUTES

April 22, 2004

MEMBERS PRESENT:

Gary Porras
Dick Vorba
John Neal
Ray Mancera
Elma Carreto
Alan Simpson
Oscar Venegas
Chad North

OTHERS PRESENT:

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

The City Plan Commission meeting was called to order by Elma Carreto at 1:30 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 Gary Porras to accept changes to the agenda, seconded by Dick Vorba, and unanimously carried (6-0).

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **SUB03-00034:** Capistrano Parks #5 – Final; 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: James Shelton, Planning Department, noted that the developer is proposing a development with 45 single-family residential lots and 7.955 acres of vacant land, which will be used for a 112-unit apartment complex. Primary access to the subdivision will be from Buena Park Drive. The developer will be required to pay park fees in the amount of \$29,740.

Jorge Azcarate, Representative, agreed with staff recommendations. Mr. Azcarate requested that items #2 and #13, under Engineering Department Comments, be coordinated.

Bashar Abugalyon, Engineering Department, agreed to coordinate and also requested that item #9 be coordinated.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Alan Simpson left.)

2. **SUB03-00045:** Park Hills Unit 7 – Combination; 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, noted that the developer is proposing a development with 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 0.075 acres of park credits from a previously dedicated park site.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde requested that items #8, #9 and #11, under Engineering Department Comments, be coordinated.

Bashar Abugalyon, Engineering Department, agreed to coordinate those items.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (6-0). (Commissioner Alan Simpson left.)

3. **SUB04-00019:** Park Hills Unit 8 – 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 Shelton, Planning Department, noted that the developer is proposing a development containing 11 single-family residential lots. The developer will be receiving .055 acres in park credits. The developer is requesting a modification to allow for the change in the cross section of the proposed street, which will allow for a five-foot sidewalk adjacent to the curb, on Calle Del Sur Drive. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde requested that items #8 and #9, under Engineering Department Comments, be coordinated. Mr. Conde also requested that item #2, under Additional Requirements and General Comments, be coordinated.

Bashar Abugalyon, Engineering Department, agreed to coordinate those items.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (6-0). (Commissioner Alan Simpson left.)

4. **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 Gary Porras to postpone for two weeks (05/06/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (6-0).

5. **SUB03-00040:** Paseo Del Este Unit 3 – Final; Being a portion of Tracts 9C, 9D, 9E and 9F, Section 21, Block 79, Township 3, and a portion of Section 22, Block 78, Township 3, Texas and Pacific Railway Company Surveys. East ETJ

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a development with 208 single-family residential lots. Primary access to the subdivision will be from Eastlake Boulevard and the proposed extension of Darrington Road. The developer has requested that the word "new subdivision" be deleted and instead insert "current subdivision". Under Engineering Department comment #8, that the first sentence be deleted just leave sidewalks required within and abutting subdivision. On item #9, "landscaping required on all double frontage lots", be deleted because there are no landscaping requirements within the county.

Bradley Roe, Representative, agreed with staff recommendations.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (5-0). (Commissioner Alan Simpson left and Commissioner Chad North abstained.)

6. **SUB03-00049:** Tierra Del Este Unit Twenty Seven – Combination; 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)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a development with 238 single-family lots with a 4-acre park. Primary access to the subdivision will be from Pebble Hills Boulevard.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde requested that item #8, under Engineering Department Comments, be coordinated.

Bashar Abugalyon, Engineering Department, agreed to coordinate.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (6-0). (Commissioner Alan Simpson left.)

7. **SUB04-00000:** Franklin Village – Preliminary; Being a portion of Tract 3J, Section 43, Block 80, Township 1, Texas and Pacific Railway Company Surveys. (District 4)

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

SUMMARY: Items # 7, #23, and #29 were heard simultaneously. James Shelton, Planning Department, noted that the developer is proposing a development with 53 single-family residential lots and 2 commercial lots. Primary access to the subdivision will be from Railroad Drive and Cross Street. The developer is requesting for a modification to allow for a change in the cross-section of the proposed residential street to allow for 4.5 foot sidewalks adjacent to the curb with a six inch roll curb, which will eliminate 3 feet from the parkway, instead of the standard 4 foot sidewalks and the 4 foot landscaped area. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance.

Ernie Valdez, Representative, agreed with staff recommendations.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (6-0). (Commissioner Alan Simpson left.)

8. **SUB04-00002:** Talbot Place #2 – Revised Final; Being All of Tracts 4D, 4D3, 4D5, 4D5A, 4D5C, 4D5D, and 4D8, Nellie D. Mundy Survey No. 239, El Paso County, Texas. (West ETJ)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a development with 65 single-family residential lots. Park fees will not be required since it is in the county. Primary access to the subdivision will be from Talbot Avenue.

Enrique Rey, Representative, agreed with staff recommendations.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

9. **SUB04-00011:** Ocotillo Estates #2 – Preliminary: Being a Portion of A.G. McMath Survey No. 298, 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 developer is proposing a development with 16 single-family residential lots. The subdivision lies within the Mountain Development Area and is zoned Planned Mountain Development District. The applicant has submitted copies of reports required by the Subdivision Ordinance. The El Paso Mountain Committee met on April 16, 2004 to consider the subdivision and recommended approval on a preliminary basis.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde requested that item #2, under Engineering Department Comments, be coordinated. Mr. Conde also requested that under El Paso Water Utilities comments that the easement be coordinated.

Bashar Abugalyon, Engineering Department, agreed to coordinate.

Jesus Haller, EPWU, agreed to coordinate.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

10. **SUB04-00014:** Duenas Subdivision – Combination; Being all of Tract 21, S.A. & M.G. Railroad Company Survey No. 267, 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 developer is proposing a development with 3 single-family residential lots. Primary access to the subdivision will be on Thorn Avenue from Doniphan Drive. The developer will be required to pay \$900 in park fees to satisfy the parkland requirements.

Sal Massoud, Representative, agreed with staff recommendations.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

11. **SUB04-00021:** Quinones Subdivision – Combination; Being all of Tract 12B1, Block 6, 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 developer is proposing a development with 3 single-family residential lots. The developer will be required to pay \$600 in park fees.

Sal Massoud, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

12. **SUB04-00022:** PARS Subdivision – Combination; Being a portion of Tract 9F, Block 13, Upper Valley Surveys, City of El Paso, 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 development with 13 single-family residential lots. Primary access to the subdivision will be from Morrill Road. Parkland dedication is not required because this subdivision is within the county.

Sal Massoud, Representative, agreed with staff recommendations.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

13. **SUB04-00023:** Olympic Park Subdivision – Preliminary; Being all of Lots 331 and 332, 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: Rudy Valdez, Planning Department, noted that the developer is proposing a development containing 11 single-family residential lots. The developer will be required to pay \$3,300 in park fees to satisfy the parkland requirements of the Subdivision Ordinance.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

PUBLIC HEARING

Subdivision Application:

14. **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 Gary Porras to postpone for two weeks (05/06/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (6-0).

15. **SUB04-00006:** Ortiz Farms Unit 1 – Revised Resubdivision 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)

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

SUMMARY: Agenda Items # 15, #25, and #31 were heard simultaneously. James Shelton, Planning Department, noted that the developer is proposing 50 single-family residential lots. Primary access to the southern portion of the subdivision will be from Gomez Road and access to the northern portion will be from Upper Valley Road via Oscar Perez Drive. The developer will be paying \$15,000 in park fees. The Engineering Department is requiring an additional six-foot right of way on Gomez Road. A release of access will be required on the lots that are abutting Gomez Road.

Oscar Perez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Gary Porras to move item #15 to the front of the agenda, seconded by Dick Vorba and unanimously carried (6-0).

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

Land Study:

16. **LS-04001:** River Park West Amended Land Study - All of Tracts 1G, 2B, and 3A, Block 10 Upper Valley Surveys, El Paso County, City of El Paso, Texas. (District 1)

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

SUMMARY: Agenda Items #16, #22 and #28 were heard simultaneously. James Shelton, Planning Department, noted that this land study contains 88.636 acres and is located west of Upper Valley Road and North of Artcraft Road. The land study will contain 410 single-family dwellings. The developer was required to submit an amended land study because of the change of the land use of the property from commercial to residential. The developer is showing 40 feet of additional right of way that will be dedicated for Upper valley Road and 24 feet of additional right of way for Borderland Road. Upper Valley Road and Borderland Road are both identified as minor arterials on the City's Major Thoroughfare Plan. The residential dwelling proposed for this development project include, lots with a minimum width of 45 feet and a maximum width of 81 feet. The minimum lot depths of these lots are 105 feet, and the proposed development will consist of minimum lot areas between 4500 square feet and 13,000 square feet.

Commissioner John Neal pointed out that in the original land study it contained 3 public ponding areas, and in the revised land study it now has only one public ponding area.

Bashar Abugalyon, Engineering Department, noted that the developer would include on-site ponding.

Jorge Azcarate, Representative, agreed with staff recommendations. Mr. Azcarate noted that the additional 40 feet of right of way that will be dedicated should be 36 feet of right of way. Mr. Azcarate also requested that under Engineering Department Comments, item #5, that the word "improvements" be deleted. Mr. Azcarate also requested that item #9, under Engineering Department Comments, be coordinated.

Bashar Abugalyon, Engineering Department, agreed to coordinate.

Matt Watson, Assistant City Attorney, requested that items #4 and #5, under Engineering Department Comments, be deleted.

ACTION: Motion made by Gary Porras to move item #16 to the front of the agenda, seconded by Dick Vorba and unanimously carried (6-0).

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

Parkland Dedication:

17. **DD04001:** Offsite Parkland Dedication – Being a Portion of Tract 1B2, Nellie D. Mundy Survey No. 242, El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (05/06/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (6-0).

Easement Vacation:

18. **EV04001:** Easement Vacation – Being a portion of Lot 2, Block 2, Park West Unit 1, Replat “B”. (District 8)

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

SUMMARY: James Shelton, Planning Department, noted that the applicant is requesting the vacation of the easement in order to better utilize the property located adjacent to the new easement as part of a new development.

Conrad Conde, 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 (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

Street Vacation:

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

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

SUMMARY: James Shelton, Planning Department, noted that the applicant is requesting a vacation of the entire cul-de-sac at the end of Westlake Court for the purpose of having better access and privacy to the home site. Access for utility and emergency vehicles would be maintained. All utility easements would also be maintained. The Development Coordinating Committee unanimously recommended denial of the vacation of the street right of way. The reason for the denial was that it would set a bad precedent and also this street does not qualify as a stub street and therefore must have a turn around for emergency vehicles. If the cul-de-sac becomes private, then the owner has the right to block the street.

Rudy Mata, representing a neighbor in the area, stated that they are opposed to this request since it poses a significant safety hazard, especially with regard to access by public safety vehicles. It would also have a detrimental impact on the property values.

David Geck, resident of the area, also stated that he is opposed to this request.

ACTION: Motion made by Gary Porras to deny, seconded by John Neal and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

Detailed Site Development Plan Application:

20. **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 until the June 17, 2004 meeting; upon applicant’s request, seconded by Dick Vorba and unanimously carried (6-0).

21. **ZON04-00054:** A portion of Lot 1, Block 2, Park West Unit One Replat
LOCATION: 630 Sunland Park
REQUEST: Zoning Condition
ZONE: C-3/sc (Commercial/special contract)
PROPOSED USE: Restaurant / Mercantile
OWNER/APPLICANT: EP EMP II LP / Mimco
REPRESENTATIVE: Bob Ayoub
DISTRICT: # 8

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the site plan was submitted in order to permit a restaurant and commercial retail. Access is proposed via Sunland Park Drive.

David Alvidrez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

Special Permit Applications:

22. **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

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

SUMMARY: Agenda Items #16, #22 and #28 were heard simultaneously. Mr. Lopez gave a brief presentation of the request. Mr. Lopez noted that the applicant is requesting the following rezoning requests:

- Parcel 1 (63.48 acres) from R-F (Ranch and Farm) to R-2A (Residential) w/special permit
- Parcel 2 (12.36 acres) from R-F (Ranch and Farm) to R-3A (Residential) w/special permit
- Parcel 3 (12.71 acres) from R-F (Ranch and Farm) to R-3A (Residential)

Mr. Lopez noted that this property was grandfathered from the Upper Valley Amendments to the Comprehensive Plan in January 2004. The request for the special permit is for reduced lot sizes, reduced lot widths, and reduced setbacks.

Parcel 1

- Reduction in lot sizes from 8,000 square feet to 7,000 square feet
- Reduction in average lot widths from 70 feet to 52 feet
- Reduction in front yard setbacks from 30 feet to 20 feet
- Reduction in rear yard setbacks from 30 feet to 20 feet
- Reduction in side yard setbacks from 8 feet to 5 feet
- Reduction in side yard abutting a side street setback from 15 feet to 10 feet

Parcel 2

- Reduction in lot sizes from 5,000 square feet to 4,500 square feet
- Reduction in average lot widths from 50 feet to 45 feet
- Reduction in rear yard setbacks from 25 feet to 20 feet

The Planning Department has received 298 letters in opposition to this request and 23 letters in support of this request.

Jorge Azcarate, Representative, agreed with staff recommendations.

Risher Gilbert, Representative, gave a brief presentation. Ms. Gilbert noted that they will include on-site ponding and there will be restrictive covenants put in place for this. Ms. Gilbert noted that back in January they filed the application for rezoning and immediately began working with City Planning staff and had several revisions to the plan. They met with the Save the Valley group in February, presented a plan, and they rejected it. Ms. Gilbert noted that they asked the group why they rejected it and they explained some of the reasons; so they went back and did another plan, and again the group rejected it.

Ms. Gilbert stated that El Paso does not have a high average household income, and the Save the Valley group would like large lots, but not everyone can afford a large lot. The economics of it are that the developer has the same costs to develop five large lots as ten lots as far as running the sewer and the water lines, doing the de-watering doing the infrastructure so the plat to economics are, you cannot build affordable housing as these lots get bigger and bigger. Ms. Gilbert showed a few of the homes and the prices.

Mary Francis Keisling, Save the Valley, also gave a brief presentation as to why the group is opposed to this request.

Tom Russell, resident of the area, noted that he is also opposed to this request. Mr. Russell noted that they should try to preserve the valley.

Charlie Wakeem, President of the Coronado Neighborhood Association, noted that the association also supports the Save the Valley, and they are opposed to this request.

Luis Sanchez, Golden Hills Neighborhood Association, noted that they are also in opposition to this request.

Ms. Risher Gilbert noted that the developer has made many compromises with the Save the Valley group. They have always been able to work with neighborhood groups and they have been able to work out compromises, however they have not been able to do this with Save the Valley.

Commissioner Chad North noted that the job of the Planning Department is to protect the citizens of El Paso, and often times, most of these people have degrees in planning and they have seen what has happened in the past, too many different cities around the United States. They have looked at every aspect of why cities fail. Mr. North asked if any of the people with Save the Valley have really studied why cities fail. Many aspects of what happens in downtowns across the United States was because of density, but people are going back into downtowns and redeveloping based on what they have learned from past mistakes. Using their knowledge of city planning to correct this and we are now starting to see a re-development in downtown El Paso, in Kern Place. Mr. Chad noted that his point is that you have to have a share of density within the City of El Paso and if you don't have this share of density then we are going to completely destroy our cities again. By accepting this you have so many more options within your city and your city begins to grow and thrive, and by limiting one area to two types of zoning is a shame. Density around Artcraft should be based on a transit type zoning, which is density in certain areas and as you go away from this dense point it becomes less and less dense, and becomes more ruralized.

Commissioner Ray Mancera suggested that the developer might want to consider rezoning Parcel 1 to R-2, Parcel 3 to R-2A and Parcel 2 to R-3A with no special permits, respecting the integrity of each zoning.

Ms. Gilbert requested a five-minute recess in order to discuss this with the developer.

ACTION: Motion made by Oscar Venegas to recess at 3:15 p.m., seconded by John Neal, and unanimously carried (7-0).

ACTION: Motion made by John Neal to reconvene at 3:20 p.m., seconded by Gary Porras and unanimously carried (7-0).

Risher Gilbert agreed to the suggestion.

Commissioner John Neal noted that Representative Susan Austin fought hard to keep these properties from being carved out and the council demonstrated a willingness to override her sentiments and desire despite the fact that it was in her district, and the council in the past has certainly on appeal gone against the wishes of the City Plan Commission. Commissioner Neal suggested to Save the Valley group to think long and hard about taking this as opposed to the possibility of losing it on appeal before the City Council.

Mary Francis Keisling noted that it is a very difficult decision to make, that she would need to meet with the group to discuss the suggestion.

ACTION: Motion made by Gary Porras to move item #22 to the front of the agenda, seconded by Dick Vorba and unanimously carried (6-0).

ACTION: Motion made by Ray Mancera to delete item, seconded by Oscar Venegas and unanimously carried (7-0).

23. **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

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

SUMMARY: Items # 7, #23, and #29 were heard simultaneously. Kimberly Forsyth, Planning Department, noted that the applicant is requesting a rezoning and a special permit for this property. The applicant was requesting R-3A with a special permit and has subsequently revised the application to R-5 with a special permit. The R-5 is more in line with the lot sizes that are being proposed. The special permit has also been revised, the applicant is no longer requesting for a modification in the front yard setback, only in the rear yard setback to 15 feet. The Planning Department has received one letter in opposition to this request.

Ernie Valdez, 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 (5-1). (Commissioner Alan Simpson left.)

24. **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 Gary Porras to postpone for two weeks (05/06/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (6-0).

25. **ZON04-00031:** Portion of Lots 1C1 and 1D1, Block 10, Upper Valley Surveys
REQUEST: Reduced setbacks
LOCATION: Gomez Road & Upper Valley
ZONE: R-F (Ranch-Farm)
PROPOSED USE: Single-family residential
OWNER/APPLICANT: View Point Acreage, L.L.C / Same
REPRESENTATIVE: Brock & Bustillos, Inc.
DISTRICT: # 1

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

SUMMARY: Agenda Items # 15, #25, and #31 were heard simultaneously. Kimberly Forsyth, Planning Department, noted that the applicant is requesting a rezoning and a special permit for the property. This property is currently zoned R-F (Ranch and Farm) and the request is to rezone it to R-2 (Residential) in order to permit the single-family residential. The special permit is to request for reduced front and rear setbacks of 20 feet and also side setbacks of 10 feet. The applicant has explained that this is so that they have some variety in the design of the structures and the placement of the structures on the lots. The density that is proposed on the site plan is 2.4 units per acre. The Planning Department received 4 letters in opposition to the request.

Oscar Perez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Gary Porras to move item #25 to the front of the agenda, seconded by Dick Vorba and unanimously carried (6-0).

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

26. **ZON04-00041:** Portion of Block 5, Martinez Homestead Addition
REQUEST: Philanthropic use
LOCATION: 205 Tobin Place
ZONE: R-5 (Residential)
PROPOSED USE: Facility for rehabilitation services for the blind and visually impaired
OWNER/APPLICANT: El Paso Lighthouse Inc. / Same
REPRESENTATIVE: Harry Tyler
DISTRICT: # 3

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that the applicant is requesting a special permit to allow a philanthropic use – a facility for rehabilitation services for the blind and visually impaired. The proposed site plan shows the existing facility and the proposed facility. Access is proposed off of Tobin Place. At the April 8, 2004 City Plan Commission meeting, Ms. Julie Aauto spoke in opposition to this request. The applicant met with Ms. Aauto and revised their site plan in accordance with their wishes to have landscaping behind their property and that is shown on the revised site plan. The Planning Department received 9 letters in support of this request.

Harry Tyler, Representative, agreed with staff recommendations.

Julie Aauto noted that she met with the representative and thanked him for his consideration into this matter.

No opposition was presented.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

27. **ZON04-00047:** Tract 1C2, Block 9, Upper Valley Surveys
REQUEST: Planned residential development
LOCATION: 1025 Gomez Road
ZONE: R-2 (Residential)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: Ramon Garcia / Same
REPRESENTATIVE: Sergio Aguilar
DISTRICT: # 1

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a special permit to allow for a planned residential development with reduced average lot widths and reduced side yard setbacks. The request is for a planned residential development to reduce the average lot widths from the required 80 feet in the R-2 to a proposed 78.78 feet and reduced side yard setbacks from 10 feet to 9.8 feet. The Planning Department has received no calls or letters in opposition or support of this request.

Sergio Aguilar, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

Rezoning Application:

28. **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

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

SUMMARY: Agenda Items #16, #22 and #28 were heard simultaneously. Mr. Lopez gave a brief presentation of the request. Mr. Lopez noted that the applicant is requesting the following rezoning requests:

- Parcel 1 (63.48 acres) from R-F (Ranch and Farm) to R-2A (Residential) w/special permit
- Parcel 2 (12.36 acres) from R-F (Ranch and Farm) to R-3A (Residential) w/special permit
- Parcel 3 (12.71 acres) from R-F (Ranch and Farm) to R-3A (Residential)

Mr. Lopez noted that this property was grandfathered from the Upper Valley Amendments to the Comprehensive Plan in January 2004. The request for the special permit is for reduced lot sizes, reduced lot widths, and reduced setbacks.

Parcel 1

- Reduction in lot sizes from 8,000 square feet to 7,000 square feet
- Reduction in average lot widths from 70 feet to 52 feet
- Reduction in front yard setbacks from 30 feet to 20 feet
- Reduction in rear yard setbacks from 30 feet to 20 feet
- Reduction in side yard setbacks from 8 feet to 5 feet
- Reduction in side yard abutting a side street setback from 15 feet to 10 feet

Parcel 2

- Reduction in lot sizes from 5,000 square feet to 4,500 square feet

- Reduction in average lot widths from 50 feet to 45 feet
- Reduction in rear yard setbacks from 25 feet to 20 feet

The Planning Department has received 298 letters in opposition to this request and 23 letters in support of this request.

Jorge Azcarate, Representative, agreed with staff recommendations.

Risher Gilbert, Representative, gave a brief presentation. Ms. Gilbert noted that they will include on-site ponding and there will be restrictive covenants put in place for this. Ms. Gilbert noted that back in January they filed the application for rezoning and immediately began working with City Planning staff and had several revisions to the plan. They met with the Save the Valley group in February, presented a plan, and they rejected it. Ms. Gilbert noted that they asked the group why they rejected it and they explained some of the reasons; so they went back and did another plan, and again the group rejected it.

Ms. Gilbert stated that El Paso does not have a high average household income, and the Save the Valley group would like large lots, but not everyone can afford a large lot. The economics of it are that the developer has the same costs to develop five large lots as ten lots as far as running the sewer and the water lines, doing the de-watering doing the infrastructure so the plat to economics are, you cannot build affordable housing as these lots get bigger and bigger. Ms. Gilbert showed a few of the homes and the prices.

Mary Francis Keisling, Save the Valley, also gave a brief presentation as to why the group is opposed to this request.

Tom Russell, resident of the area, noted that he is also opposed to this request. Mr. Russell noted that they should try to preserve the valley.

Charlie Wakeem, President of the Coronado Neighborhood Association, noted that the association also supports the Save the Valley, and they are opposed to this request.

Luis Sanchez, Golden Hills Neighborhood Association, noted that they are also in opposition to this request.

Ms. Risher Gilbert noted that the developer has made many compromises with the Save the Valley group. They have always been able to work with neighborhood groups and they have been able to work out compromises, however they have not been able to do this with Save the Valley.

Commissioner Chad North noted that the job of the Planning Department is to protect the citizens of El Paso, and often times, most of these people have degrees in planning and they have seen what has happened in the past, too many different cities around the United States. They have looked at every aspect of why cities fail. Mr. North asked if any of the people with Save the Valley have really studied why cities fail. Many aspects of what happens in downtowns across the United States was because of density, but people are going back into downtowns and redeveloping based on what they have learned from past mistakes. Using their knowledge of city planning to correct this and we are now starting to see a re-development in downtown El Paso, in Kern Place. Mr. Chad noted that his point is that you have to have a share of density within the City of El Paso and if you don't have this share of density then we are going to completely destroy our cities again. By accepting this you have so many more options within your city and your city begins to grow and thrive, and by limiting one area to two types of zoning is a shame. Density around Arctcraft should be based on a transit type zoning, which is density in certain areas and as you go away from this dense point it becomes less and less dense, and becomes more ruralized.

Commissioner Ray Mancera suggested that the developer might want to consider rezoning Parcel 1 to R-2, Parcel 3 to R-2A and Parcel 2 to R-3A with no special permits, respecting the integrity of each zoning.

Ms. Gilbert requested a five-minute recess in order to discuss this with the developer.

ACTION: Motion made by Oscar Venegas to recess at 3:15 p.m., seconded by John Neal, and unanimously carried (7-0).

ACTION: Motion made by John Neal to reconvene at 3:20 p.m., seconded by Gary Porras and unanimously carried (7-0).

Risher Gilbert agreed to the suggestion.

Commissioner John Neal noted that Representative Susan Austin fought hard to keep these properties from being carved out and the council demonstrated a willingness to override her sentiments and desire despite the fact that it was in her district, and the council in the past has certainly on appeal gone against the wishes of the City Plan Commission. Commissioner Neal suggested to Save the Valley group to think long and hard about taking this as opposed to the possibility of losing it on appeal before the City Council.

Mary Francis Keisling noted that it is a very difficult decision to make, that she would need to meet with the group to discuss the suggestion.

Motion made by Ray Mancera to rezone Parcel 1 – northern part R-2, southern part of parcel 1 to R-2A, parcel 3 – R-2A, and Parcel 2 – R-3A, no special permits, seconded by John Neal, setback requests, respecting the integrity of the zoning as it exists in the zoning books.

Motion to approve with the changes on shown on the map

ACTION: Motion made by Gary Porras to move item #28 to the front of the agenda, seconded by Dick Vorba and unanimously carried (6-0).

ACTION: Motion made by Ray Mancera to approve the northern part of Parcel 1 to R-2, southern part of Parcel 1 to R-2A, Parcel 3 to R-2A, and Parcel 2 to R-3A, no special permits allowed, respecting the integrity of the zoning as it exists (see exhibit "A"), seconded by John Neal and carried (6-1).

29. **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

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

SUMMARY: Items # 7, #23, and #29 were heard simultaneously. Kimberly Forsyth, Planning Department, noted that the applicant is requesting a rezoning and a special permit for this property. The applicant was requesting R-3A with a special permit and has subsequently revised the application to R-5 with a special permit. The R-5 is more in line with the lot sizes that are being proposed. The special permit has also been revised, the applicant is no longer requesting for a modification in the front yard setback, only in the rear yard setback to 15 feet. The Planning Department has received one letter in opposition to this request.

Ernie Valdez, 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 (6-0). (Commissioner Alan Simpson left.)

30. **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 Gary Porras to postpone for two weeks (05/06/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (6-0).

31. **ZON04-00032:** Portion of Lots 1C1 and 1D1, Block 10, Upper Valley Surveys
LOCATION: Gomez Road & Upper Valley Road
REQUEST: From: R-F (Ranch and Farm); To: R-2 (Residential)
PROPOSED USE: Single-Family Residential
OWNER/APPLICANT: View Point Acreage LLC / Same
REPRESENTATIVE: Brock & Bustillos, Inc.
DISTRICT: # 1

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

SUMMARY: Agenda Items #15, #25, and #31 were heard simultaneously. Kimberly Forsyth, Planning Department, noted that the applicant is requesting a rezoning and a special permit for the property. This property is currently zoned R-F (Ranch and Farm) and the request is to rezone it to R-2 (Residential) in order to permit the single-family residential. The special permit is to request for reduced front and rear setbacks of 20 feet and also side setbacks of 10 feet. The applicant has explained that this is so that they have some variety in the design of the structures and the placement of the structures on the lots. The density that is proposed on the site plan is 2.4 units per acre. The Planning Department received 4 letters in opposition to the request.

Oscar Perez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Gary Porras to move item #25 to the front of the agenda, seconded by Dick Vorba and unanimously carried (6-0).

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

32. **ZON04-00038:** A portion of Tracts 9B, 9C, 9K and 9L, Block 17, and a portion of Tract 17, Block 19, Ysleta Grant
LOCATION: 7588 North Loop Drive
REQUEST: From: C-1/sc (Commercial/special contract);
To: C-3/sc (Commercial/special contract)
PROPOSED USE: Self-storage warehouse
OWNER/APPLICANT: Ernest Coca / U-Storage
REPRESENTATIVE: Calderon Engineering
DISTRICT: # 3

ACTION: Motion made by John Neal to postpone for two weeks (05/06/04); upon applicant's request, seconded by Gary Porras and unanimously carried (6-0).

33. **ZON04-00039:** Tracts 17C165, 17C166, 17C167, 17C168, Block 79, Section 8, Township 3, Texas and Pacific Railway Company Surveys
LOCATION: Joe Battle Boulevard (Loop 375) North Vista del Sol Drive
REQUEST: From: R-3 (Residential); To: C-4 (Commercial)
PROPOSED USE: Office and self-storage warehouse
OWNER/APPLICANT: EP Rhino II, L.P. / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 6

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a rezoning from R-3 (Residential) to C-4 (Commercial) in order to permit an office and self-storage warehouse. The Planning Department has received no calls or letters in support or opposition to this request. DCC recommends approval with the following conditions:

- That a detailed site development plan be reviewed and approved pursuant to the El Paso Municipal Code prior to the issuance of any building permits, and that the site development plan submitted with this rezoning application be accepted to meet this requirement.
- A ten foot landscaped buffer to include, but not limited to, evergreen trees placed at 15 feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

34. **ZON04-00045:** A portion of Tract 225, Sunrise Acres No. Two
LOCATION: 4650 Vulcan Drive
REQUEST: From: R-4 (Residential); To: A-M (Apartment-Mobile Home)
PROPOSED USE: Mobile Home Park
OWNER/APPLICANT: Martha Yee / Same
REPRESENTATIVE: Luis De La Cruz
DISTRICT: # 2

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a rezoning from R-4 (Residential) to A-M (Apartment-Mobile Home) in order to permit a mobile home park. Access is proposed via Vulcan Drive. There are no zoning conditions currently imposed on this property. The Planning Department has received five signatures in opposition to this request. This request was before the City Plan Commission in 2002 and the City Plan Commission recommended approval of rezoning this property, however the City Council denied this request on June 25, 2002.

Luis De La Cruz, 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 (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

35. **ZON04-00046:** Lot 24, Save and Except a strip of land 1.5 feet by 65 feet out of the Northeasterly portion of said Lot, and all of Lots 25 and 26, Block 50, Government Hill
LOCATION: 4114 - 4116 Bliss Avenue
REQUEST: From: R-4 (Residential); To: A-2 (Apartment)
PROPOSED USE: Duplex and apartments
OWNER/APPLICANT: William Martin Leff / Same
REPRESENTATIVE: J.R. Rubalcava Sr.
DISTRICT: # 2

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-4 (Residential) to A-2 (Apartment) in order to permit a duplex and detached apartments. There are two buildings on the site that have recently been converted into apartments from garages. Access is proposed via Bliss Avenue. There are seven parking spaces shown on the site plan, which would meet the requirement for the structures that are on the site plan. The Planning Department received one letter in opposition to this request. The Development Coordinating Committee recommended approval of the requesting for rezoning, however there were three opposing votes: Planning Department, Fire Department and Police Department.

Commissioner Elma Carreto asked why the Planning Department opposed.

Ms. Forsyth responded that the Planning Department felt that the zoning was not compatible with the surrounding, predominantly single family and duplexes in the area.

William Leff, Representative, agreed with staff recommendations. Mr. Leff gave a brief presentation.

Kathy Peterson, resident of the area, noted that she opposes this request. Ms. Peterson feels that this would increase crime, traffic and decrease the value of their properties.

ACTION: Motion made by Gary Porras to deny, seconded by John Neal and unanimously carried (5-0). (Commissioners Alan Simpson and Oscar Venegas left.)

Other Business:

36. Discussion and action on proposed amendments to the City Plan Commission by-laws.
ACTION: Motion made made by John Neal to approve, seconded by Gary Porras and unanimously carried (5-0).
37. Discussion and action on proposed amendment to the City's Major Thoroughfare Plan for the proposed Freeway/Expressway between Mesa Street and the proposed extension of Stanton Street.
ACTION: Motion made by John Neal to postpone for four weeks (05/20/04); upon applicant's request, seconded by Gary Porras and unanimously carried (6-0).
38. Approval of CPC Minutes: March 11, 2004
ACTION: Motion made made by Ray Mancera to approve, seconded by John Neal and unanimously carried (5-0).
39. Approval of CPC Minutes: March 25, 2004
ACTION: Motion made made by Ray Mancera to approve, seconded by John Neal and unanimously carried (5-0).
40. Planning Report.
41. Legal Report.

Executive Session was not needed.

The City Plan Commission Hearing adjourned at 5:10 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON APRIL 22, 2004

_____, **CHAIR**

_____, **DATE**