



CITY PLAN COMMISSION HEARING MINUTES

May 5, 2005

MEMBERS PRESENT:

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

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, PRDD
Jim Fisk, PRDD
Mark Weber, 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 1:33 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 Miguel Teran and unanimously carried (7-0).

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 Gary Porras to postpone for two weeks (05/19/05); upon applicant's request, seconded by Miguel Teran and unanimously carried (7-0).

- 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 Gary Porras to delete item; upon applicant's request, seconded by Miguel Teran and unanimously carried (7-0).

Special Contract Application:

3. **ZON05-00027:** A portion of Tracts 1D, 2D, 3D and 4D, First Supplemental Map of Parkland
LOCATION: East of Cross Street and South of Quail Avenue
ZONING: C-4/sc (Commercial/special contract) and A-O/sc (Apartment Office/special contract)
REQUEST: Release of special contract dated June 3, 1986 and imposed by Ordinance No. 8686
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: G & L Joint Venture / Same
REPRESENTATIVE: Del Rio Engineering
DISTRICT: # 4

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

SUMMARY: Mark Weber, Planning Department, noted that the applicant is requesting a release of special contract imposed by Ordinance #8686, dated June 3, 1986, which rezoned the property as C-1 (Commercial) and C-4 (Commercial), and also A-O (Apartment-Office) and imposed the following conditions with the special contract:

1. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council
2. There shall be no vehicular access from the C-4 zoned property to Quail Avenue.

Mr. Weber noted the applicant requested a rezoning to A-2 (Apartment) at the City Plan Commission meeting of April 7, 2005. The City Plan Commission recommended approval of R-5 (Residential). This request is still pending City Council action. The Planning Department has received no calls or letters in support or opposition to this application.

Commissioner John Neal commented that perhaps they should wait to hear this request since the rezoning has not been approved by City Council.

Mr. Weber replied that he did raise that issue today and the explanation he received was that if city council were to not approve the rezoning, then once this request went before city council it would not be approved.

Mr. Valdez noted that the zoning application is running ahead of this request because they discovered the contract condition that exists on the property after they had submitted the zoning request. Mr. Valdez also noted that the Development Coordinating Committee suggested that the two requests be presented at city council at the same time.

Sal Massoud, Representative, agreed with staff recommendations.

No opposition was presented.

Commissioner John Neal suggested the motion to approve be subject to this being rezoned residential.

Mr. Matt Watson, Assistant City Attorney, clarified that the commission's recommendation to approve is subject to the rezoning being approved by Mayor and Council, if the ordinance approving the rezoning fails, then recommendation from the commission automatically reverts to a recommendation for denial.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by John Neal and unanimously carried (8-0).

Special Permit Applications:

- 4. **ZON05-00026:** A portion of Tract 269 and all of Tract 270, Sunrise Acres #1
REQUEST: Reduced lot depth from 90 feet to 87 feet, front lot setback from 20 feet to 10 feet for Lots 4 & 5 only
LOCATION: Mercury Street between Sunrise and Moonlight Avenues
ZONE: R-4 (Residential)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: T.A.B.-M. Limited Partnership / Fidel Tibuni
REPRESENTATIVE: Dorado Engineering, Inc.
DISTRICT: # 4

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

SUMMARY: Items #4 and #7 were heard simultaneously. Mark Weber, Planning Department, noted that the applicant is requesting a special permit to allow for reduced lot depth from 90 feet to 87 feet on Lots 1, 2, 3, 6, 7 and 8 and front lot setback from 20 feet to 10 feet for Lots 4 & 5 which will serve for single-family residential development. The applicant is also requesting a rezoning from R-4 (Residential) to R-3A (Residential) in order to permit residential development. The property is 1.376 acres in size and is currently vacant. The proposed site plan shows 8 residential lots to be located on the site. Access is proposed via Mercury Street. The Planning Department has received no calls or letters in support or opposition to this request.

Fermin Dorado, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by John Neal and unanimously carried (8-0).

Rezoning Applications:

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

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

SUMMARY: Christina Valles, Planning Department, noted that this is a request for reconsideration for rezoning. Ms. Valles stated that the City Plan Commission denied this request on February 23, 2005. The reason that it is being presented again is that when it went to city council, it was discovered that the zoning maps were incorrect and that caused the staff to under notify the residents on the proposed rezoning.

Commissioner John Neal noted that Mr. Fred Lopez informed him before the meeting that they had over notified the residents.

Mr. Valdez noted that they did under notify the residents.

Ms. Valles continued with her presentation and noted that the Development Coordinating Committee recommended denial of this request.

Commissioner John Neal expressed that he would not like to reconsider this item.

Commissioner Gus Haddad responded that they should reconsider this item in order to give staff the opportunity to fix the mistake.

Matt Watson, Assistant City Attorney, commented that there was a substantive error, and requested that the commission consider this request as a brand new application.

Commissioner Haddad stated that they are considering this request as a new request; therefore a request to reconsider the item is not needed.

Commissioner Neal requested that he would like the bylaws clarified in the future to say that in the event that there is a technical error in the presentation of the item, that the item come back not as a reconsideration, but as a new item.

Commissioner Gary Porras asked why DCC recommended denial of the request when the surrounding area is zoned C-1 (Commercial) and C-4 (Commercial).

Ms. Valles responded that the denial was recommended because the parcel has a structure that was illegally built on the property and it does not meet the current setbacks and it would not meet the C-1 zoning setbacks. Additionally it is in the middle of a very residential area, facing a street that is unpaved and narrow.

Commissioner Roman Bustillos asked if the applicant would be able to operate under an A-O (Apartment/Office) zoning.

Ms. Valles responded that they would be able to operate the office, but that structure would still not comply with the setbacks required.

Manuel Carlin, Representative, agreed with staff recommendations. Mr. Carlin noted that he would also consider A-O zoning.

No opposition was presented.

ACTION: Motion made by John Neal to deny, seconded by Dick Vorba and unanimously carried (7-1). (Commissioner Ray Mancera opposed the motion.)

6. **ZON05-00024:** Tract 13D, Block 51, Ysleta Grant
LOCATION: 9713 Socorro Rd
REQUEST: From: R-F/H (Ranch-Farm); To: R-4/H (Residential/Historic)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: Onesimo & Lupe Elias / Ruben Valdez
REPRESENTATIVE: Ruben Valdez
DISTRICT: # 6

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a rezoning from R-F/H (Ranch-Farm/Historic) to R-4/H (Residential/Historic) in order to permit the addition of a carport. Ms. Valles explained that when the property was purchased as a R-F zoning, there was a structure on the property; and in 1983 the applicant received a variance from the zoning board of adjustment to build this structure. The applicant would like to build a garage carport; however since the R-F (Ranch and Farm) requires a 50-foot rear yard setback, and a 25-foot side yard setback, the applicant is requesting to rezone to R-4 in order to comply with the setback. Ms. Valles noted that this property is also located in the historic district and the Historic Landmark Commission approved the design. The proposed site plan shows an existing residence and a proposed carport.

Ruben Valdez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (8-0).

7. **ZON05-00025:** A portion of Tract 269 and all of Tract 270, Sunrise Acres #1
LOCATION: Mercury Street between Sunrise and Moonlight Avenues
REQUEST: From: R-4 (Residential); To: R-3A (Residential)
PROPOSED USE: Residential/single-family development
OWNER/APPLICANT: T.A.B. – M. Limited Partnership / Mr. Fidel Tibuni
REPRESENTATIVE: Dorado Engineering, Inc.
DISTRICT: #2

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

SUMMARY: Items #4 and #7 were heard simultaneously. Mark Weber, Planning Department, noted that the applicant is requesting a special permit to allow for reduced lot depth from 90 feet to 87 feet on Lots 1, 2, 3, 6, 7 and 8 and front lot setback from 20 feet to 10 feet for Lots 4 & 5 which will serve for single-family residential development. The applicant is also requesting a rezoning from R-4 (Residential) to R-3A (Residential) in order to permit residential development. The property is 1.376 acres in size and is currently vacant. The proposed site plan shows 8 residential lots to be located on the site. Access is proposed via Mercury Street. There are no zoning conditions currently imposed on this property. The Planning Department has received no calls or letters in support or opposition to this request.

Fermin Dorado, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by John Neal and unanimously carried (8-0).

8. **ZON05-00028:** Parcel 1: A portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys
Parcel 2: A portion of Section 21 and 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys
LOCATION: North of US Highway 54 and West of Sean Haggerty
REQUEST: Parcel 1 - From: R-F (Ranch and Farm); To: R-3A (Residential)
Parcel 2 - From: R-F (Ranch and Farm); To: A-2 (Apartment)
PROPOSED USE: Parcel 1: Single-family residential development
Parcel 2: Apartments
OWNER/APPLICANT: City of El Paso - PSB / Tropicana Development Inc.
REPRESENTATIVE: Del Rio Engineering, Inc.
DISTRICT: # 4

ACTION: Motion made by Gary Porras to move item # 8 to the front of the agenda, seconded by Miguel Teran and unanimously carried (8-0).

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

SUMMARY: Mark Weber, Planning Department, noted that the applicant is requesting a rezoning from R-F (Ranch and Farm) to R-3A (Residential) for Parcel 1 and from R-F (Ranch and Farm) to A-2 (Apartment) for parcel 2 in order to permit residential development. The property is 117.55 acres in size. Parcel 1 is 105.35 acres and Parcel 2 is 12.2 acres. Access is proposed via Marcus Uribe, Loma de Plata, Jon Cunningham, and Sean Haggerty. There are no zoning conditions currently imposed on this property. The Planning Department has received no calls or letters in support or opposition to this request.

Mr. Rudy Valdez, Planning Department, noted that this is a conceptual plan that was submitted as part of the zoning. The applicant is still in the process of submitting a subdivision plat for the entire area. In addition, they will need to go through an amendment of the Major Thoroughfare Plan to delete that portion of Jon Cunningham, which is currently in the Major Thoroughfare Plan.

Commissioner Gus Haddad asked if it was wise to look at this request now.

Mr. Valdez replied that it is okay to review this request because it is just a zoning request.

Sal Massoud, Representative, agreed with staff recommendations.

Commissioner Haddad voiced his concerns about the streets exceeding 1200 to 1600 lineal feet.

Matt Watson, Assistant City Attorney, reminded the commission that this is a conceptual plan. It is possible the applicant may completely change the configuration.

Mr. Massoud commented that they are still working on the layouts and they have different options.

Commissioner John Neal noted that the commission has been concerned with the length of the streets for all subdivisions; Commissioner Neal asked the applicant to take these concerns into consideration.

Clifford Ellis, resident of the area, voiced his concerns of having too much density in the area.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by Chad North and unanimously carried (8-0).

9. **SUB05-00028:** Americas Estates Unit One – Preliminary; Tract 1, Block 3, A G Bell Survey #315 ½, City of El Paso, El Paso County, Texas. (East ETJ)

ACTION: Motion made by Gary Porras to postpone for four weeks (06/02/05); upon applicant's request, seconded by Miguel Teran and unanimously carried (7-0).

10. **SUB04-00077:** Tierra Del Este #33 – Revised Combination; Being Portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas. (District 5)

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

SUMMARY: James Fisk, Planning Department, noted that the only change to this subdivision is that the ponding area has increased in size. Mr. Fisk requested that item #2, under City Engineering Traffic Division, be deleted because the commission granted a modification at the February 24, 2005 meeting.

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 (8-0).

11. **SUB05-00002:** Haciendas San Miguel #1 – Revised Combination; Being Tracts 18B, 18D, 18E, and 18F, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 8)

ACTION: Motion made by John Neal to move item #11 to the front of the agenda, seconded by Chad North and unanimously carried (8-0).

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

SUMMARY: James Fisk, Planning Department, noted that the applicant is proposing 47 single-family residential lots. At the February 10, 2005 City Plan Commission meeting a modification was granted for:

- o a 310.11-foot panhandle
- o turning heels
- o a revised street cross section

Mr. Fisk requested that item #2, under Additional Requirements and Comments, be deleted because the applicant has provided cul-de-sacs at the end of each of those streets.

Conrad Conde, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to allow public input, seconded by Ray Mancera and unanimously carried (8-0).

No opposition was presented.

ACTION: Motion made by Gary Porras to approve, seconded by John Neal and unanimously carried (8-0).

12. **SUB05-00029:** Margarita Subdivision - Combination; All tract 16B1, 16B2C, 16B3, and 33A1, Block 2, Upper Valley Survey. (District 8)

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

SUMMARY: James Fisk, Planning Department, noted that the applicant is proposing three single-family residential lots. The minimum size lot is 18,364 square feet. The developer will be required to pay \$900 to satisfy the parkland requirements. The nearest park is Marwood Park. The developer is requesting a modification for two panhandles to exceed 200' maximum (316' and 270'). The Development Coordinating Committee recommended approval; the Engineering Department dissented the vote. Mr. Fisk requested that the Fire Department comment be deleted.

George Halloul, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by Miguel Teran and unanimously carried (8-0).

PUBLIC HEARING

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

ACTION: Motion made by Gary Porras to postpone for two weeks (05/19/05); upon applicant's request, seconded by Miguel Teran and unanimously carried (7-0).

14. **SV05003:** Street Vacation – 1.0' wide wall easement across Lake Park Court, a 50' Wide Public Right-of-Way and lying in Tennis West Estates (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (05/19/05); upon applicant's request, seconded by Miguel Teran and unanimously carried (7-0).

15. **DD05002:** Street Dedication – Being a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys. (District 4)

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

SUMMARY: James Fisk, Planning Department, noted that the applicant is proposing to dedicate by metes and bound a 120-foot wide road from the intersection of Rick Husband Drive and McCombs. The improvement is a City-initiated project to provide access to the Northeast Regional Park.

Veronica Harris, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (7-0). (Commissioner Roman Bustillos left the room.)

Land Study:

16. **LS05001:** Land Study for the Westside Master Plan; A portion of S.J. Larkin Survey #267, #268, #269 and Nellie D. Mundy Survey #246. (District 1)

ACTION: Motion made by Gary Porras to postpone for four weeks (06/02/05); upon applicant's request, seconded by Miguel Teran and unanimously carried (7-0).

Other Business:

17. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.02 (General Provisions and Definitions) to add 20.02.722 (Secondary Advertising Signs), and also by amending Chapter 20.66 (Signs), Sections 20.66.100 (Sign Permit Fee Formula), 20.66.130 (Prohibited Signs) and 20.66.300 (Commercial, Manufacturing, and Industrial Uses-C-1, C-2, C-3, C-4, M-1, M-2, {P-C, M-3 and Q Districts). The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

ACTION: Motion made by John Neal to move item #17 to the front of the agenda, seconded by Gary Porras and unanimously carried (8-0).

Enrique Martinez, Building Permits and Inspections Department, gave a brief presentation an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.02 (General Provisions and Definitions) to add 20.02.722 (Secondary Advertising Signs), and also by amending Chapter 20.66 (Signs), Sections 20.66.100 (Sign Permit Fee Formula), 20.66.130 (Prohibited Signs) and 20.66.300 (Commercial, Manufacturing, and Industrial Uses-C-1, C-2, C-3, C-4, M-1, M-2, {P-C, M-3 and Q Districts). The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

Mr. Martinez noted that currently there is a prohibition of these types of signs. Mr. Martinez noted that as examples, car dealerships and Walgreens have signs posted on the lampposts that are currently prohibited. This ordinance amendment would allow for these types of signs.

Commissioner Ray Mancera asked if the City of El Paso is working on a revision of the entire sign ordinance.

Mr. Martinez replied that they are working on a revision of the sign ordinance.

Commissioner Mancera asked why they are not bringing the entire ordinance to the commission, why are they bringing a portion.

Fred Lopez, Planning Department, responded that during the sign ordinance re-write, they did not address these actual signs; they are currently prohibited in the current code. There was an issue where representatives from some of these shopping centers and from the car dealerships came out and talked to some of the city representatives about expediting this issue rather than waiting for the entire sign ordinance re-write. As part of the proposed regulations it would allow these types of signs on the light posts at a distance of at least 29 feet.

Commissioner Roman Bustillos asked if the downtown area has a different provision.

Mr. George Sarmiento, Planning Department, responded that there is a different provision downtown, and that is through the banner district and special privilege license.

Commissioner Gary Porras asked if the signs would require a permit.

Mr. Martinez replied that the initial sign is \$40 and \$20 for any additional sign.

The commissioners discussed in the length the size and location of the signs as well as the cost. The commission felt that the cost was too expensive and it would take time to request a permit.

Jeb Miller, General Manager of El Paso Honda, spoke on behalf of the New Car Dealer Association. Mr. Miller noted that they are in support of the signs. Mr. Miller stated that the car dealerships have used these signs for over 50 years.

The commission proposed various actions for this request. A motion was made by Commissioner Ray Mancera to approve subject to staff recommendations, however reducing from \$40 to \$20 for the application and from \$20 to \$10 for another sign.

Commissioner Neal suggested that instead of the \$20 and \$10, the secondary sign shall require permit application fee for the first 120 days after the adoption of this ordinance and thereafter shall be \$20 and \$10 to get the grandfather opportunity where there is no fee at all.

A motion was made by Commissioner Gary Porras to postpone the item for two weeks, in order to research the ordinance.

Commissioner Miguel Teran seconded the motion.

Commissioner Mancera noted that postponing the item would not solve anything.

Commissioner Miguel Teran reconsidered his second motion.

Motion to postpone for two weeks failed (7 to 1).

Commissioner Ray Mancera made a motion to approve subject to all staff recommendations and reducing the fee from \$40 as initial fee to \$20 and every additional sign from \$20 to \$10 and adding Commissioner Neal's verbiage to the motion.

Matt Watson, Assistant City Attorney, clarified the language to be: 20.66.100.F Secondary Advertising Signs shall require permit application of \$20, plus an additional fee of \$10 for each sign permitted. However no permit fee shall be required for any application received prior to the expiration of 120 calendar days from the day of enactment hereof.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by John Neal and carried (7-1). (Commissioner Gary Porras opposed the motion.)

ACTION: Motion made by John Neal to recess for five minutes at 2:50 p.m., seconded by Roman Bustillos and unanimously carried (8-0).

ACTION: Motion made by Ray Mancera to reconvene at 2:58 p.m., seconded by John Neal and unanimously carried (8-0).

18. Discussion and action on authorizing the Planning, Research & Development Department to conduct the necessary research and produce a neighborhood plan for the Montoya Heights neighborhood.

ACTION: Motion made by Dick Vorba to move item #18 to the front of the agenda, seconded by John Neal and unanimously carried (8-0).

Frank Delgado, Planning Department, gave a brief presentation on the Montoya Heights neighborhood plan. Mr. Delgado noted that the Montoya Heights Neighborhood is located in northwest El Paso, just north of Redd Road, between Doniphan and Interstate 10. The issues being researched are issues of land use, infrastructure, and municipal services.

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

19. Approval of CPC Minutes: April 21, 2005

ACTION: Motion made by John Neal to postpone for two weeks (05/19/05), seconded by Dick Vorba and unanimously carried (8-0).

20. Planning Report.

21. Legal Report.

The City Plan Commission Hearing adjourned at 3:50 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON MAY 5, 2005

_____, **CHAIR**
