



CITY PLAN COMMISSION HEARING MINUTES

May 19, 2005

MEMBERS PRESENT:

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

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, 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 John Neal to accept changes to the agenda, seconded by Gary Porras 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 John Neal to postpone for four weeks (06/16/05); upon applicant's request, seconded by Gary Porras and unanimously carried (5-0).

2. **ZON05-00034:** Tract 44C, O.A. Danielson Survey No. 310
LOCATION: 1510 North Zaragoza Road
REQUEST: Detailed Site Development Plan
ZONE: C-4/c (Commercial/contract) and C-2/c (Commercial/contract)
PROPOSED USE: Office, Retail and Restaurant
OWNER/APPLICANT: William Van Haselen III, Neal F. Current, Tommy R. Lewis / William Van Haselen III
REPRESENTATIVE: Kistenmacher Engineering Company, Inc.
DISTRICT: # 6

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

SUMMARY: Christina Valles, Planning Department, stated that the site plan was submitted in order to permit office, retail and restaurants. Site plan review is required because a condition exists on the subject property. The property is currently zoned C-4/c (Commercial/contract) and C-2/c (Commercial/contract). The proposed site plan shows restaurants, shopping centers and offices to be located on the site. Access is proposed via Zaragoza Road. The Planning Department has received no calls or letters in support or opposition to this request.

Commissioner Miguel Teran asked what kind of retention system would there be for the drop in the back.

William Van Haselen, Representative, agreed with staff recommendations. Mr. Van Haselen noted that there is a retention pond.

Commissioner Teran noted that he is concerned in the long term with regards to water run off and possible erosion.

Dallas Vanderhoof, CR Nevada Property Manager from Las Vegas, Nevada, told the commission that he does not totally oppose the project however he is concerned since he has adjacent property to it. Mr. Vanderhoof noted that he has met with Mr. Van Haselen in reference to grades and slopes in order to accommodate the utility that runs across the front easement on Zaragoza Avenue and gave them their approval on that. However, El Paso Electric Company contacted them for an additional easement going across their property. Mr. Vanderhoof further noted that the applicant has done some work on his property in order to accommodate the utilities and he would like for the applicant to restore the property to how it was initially. Mr. Vanderhoof feels that the applicant has misstated or misrepresented what the work would entail and they have given up almost half an acre of their property in order for them to accommodate their site development plan in which he did not give permission to do.

Mr. Van Haselen responded that he approached the adjacent landowner a couple of months ago on their proposal and showed him physically what they intended to do. Mr. Van Haselen noted that he submitted a drawing showing where the new slope and retaining wall would be located and Mr. Vanderhoof signed the document of his approval. Mr. Van Haselen noted that the El Paso Electric Company wanted to accommodate their new poles and asked Mr. Vanderhoof for permission in which he denied. Mr. Van Haselen noted that he has been coordinating with the El Paso Electric Company on the pole issues.

Commissioner Gus Haddad asked both parties to step outside in order to mitigate their differences and come to some kind of agreement. The item was postponed.

ACTION: Motion made by John Neal to postpone, seconded by Gary Porras and unanimously carried (6-0). (Commissioner Ray Mancera abstained.)

ACTION: Motion made by Dick Vorba to reconsider item #2 at 3:58 p.m., seconded by John Neal and unanimously carried (7-0).

Commissioner Gus Haddad asked if the parties have come to an agreement.

Ms. Christina Valles responded that they had come to an agreement.

Mr. Neal Current, property owner, noted that they discussed the item and agreed that they will incorporate a utility easement into it and it will serve both of the properties.

Commissioner Gus Haddad asked to Mr. Current to describe the compromise.

Mr. Current responded that there was a single retaining wall and now there is a double retaining wall that creates a sort of a terrace effect as you go up into the adjacent property. They have agreed to use that double retaining wall, the one below with a slope and then another retaining wall, which will take the actual grade elevation up to the existing one now on the adjacent property.

Commissioner Gus Haddad asked Mr. Vanderhoof if that was his understanding and if he agrees with it.

Mr. Vanderhoof replied that his concerns with them taking twenty feet going down the whole entire property line is going to be reduced down to five feet, which is actually going to be part of the utility easement, five foot on his side of the property line and five foot on their property line.

ACTION: Motion made by John Neal to approve as amended, subject to staff comments, seconded by Dick Vorba and unanimously approved (7 to 0).

Special Permit Applications:

3. **ZON05-00030:** Lots 267 and 268 Sunrise Acres
REQUEST: Reduced minimum lot area of 4188 s.f. and reduced lot depth of 79 feet.
LOCATION: 8800 Block of Comet
ZONE: R-4 (Residential)
PROPOSED USE: Planned Residential Development
OWNER/APPLICANT: Karma JKS PropertiesInc. / Same
REPRESENTATIVE: Jim Smith
DISTRICT: # 2

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

ACTION: Motion made by John Neal to hear items #3 and #17 together, seconded by Gary Porras and unanimously carried (5-0).

SUMMARY: Items #3 and #17 were heard simultaneously. Christina Valles, Planning Department, noted that the applicant is requesting a special permit to allow for a planned residential development. The applicant is requesting a reduced minimum lot area of 4188 square feet and reduced lot depth of 79 feet. Access is proposed via Leo Street. The R-4 (Residential) zoning requires a minimum lot area of 6,000 square feet and the depth would be 90 feet. Ms. Valles noted that two lots would be 4,188 square feet with a 79-foot lot depth. The Planning Department has received several calls in opposition.

Jim Smith, Representative, agreed with staff recommendations.

(Please see item #17 for further discussion.)

ACTION: Motion made by Ray Mancera to deny, seconded by John Neal and carried (6-1).
(Commissioner Chad North opposed the motion.)

4. **ZON05-00031:** Parcel 1: Lots 405 and 406 Sunrise Acres,
Parcel 2: Lots 423 and 424 Sunrise Acres
REQUEST: Reduced minimum lot area of 4611 s.f. and reduced lot depth of 87 feet.
LOCATION: 8900 Block of Comet
ZONE: Parcel 1: R-4 (Residential)
Parcel 2: R-4 (Residential)
PROPOSED USE: Planned Residential Development
OWNER/APPLICANT: Karma-JKS Properties, Inc. / Same
REPRESENTATIVE: Jim Smith
DISTRICT: # 2

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

ACTION: Motion made by John Neal to hear items #4 and #16 together, seconded by Gary Porras and unanimously carried (5-0).

ACTION: Motion made by Ray Mancera to hear items #4 and #16 along with items #3 and #17, seconded by John Neal and unanimously carried (7-0).

SUMMARY: Items #4 and #16 were heard simultaneously. Christina Valles, Planning Department, noted that the applicant is requesting a special permit to allow for a planned residential development with reduced minimum lot area of 4,611 square feet and reduced lot depth of 87 feet.

Jim Smith, Representative, agreed with staff recommendations.

(Please see items #16 and #17 for further discussion.)

ACTION: Motion made by John Neal to deny, seconded by Gary Porras; Commissioner John Neal and Commissioner Gary Porras withdrew their motion.

ACTION: Motion made by Ray Mancera to approve, subject to 6, 6, 6, 6 lot subdivision, subject to staff comments, seconded by Miguel Teran and unanimously carried (7-0).

5. **ZON05-00035:** Lots 24 - 28, Block 1, Vista Commercial Park
REQUEST: Special Permit to permit a Fire Station
LOCATION: Pine Springs Drive West of Loma Verde Drive
ZONE: C-4/sc (Commercial/ special contract)
PROPOSED USE: Fire Station
OWNER/APPLICANT: City of El Paso / City of El Paso
REPRESENTATIVE: ASA Architects Studio
DISTRICT: # 6

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a special permit in order to allow for a fire station. The property is currently zoned C-4/sc (Commercial/special contract).

No opposition was presented.

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

Rezoning Applications:

6. **ZON05-00029:** North 138.00 feet of Lot 9 and West 1/2 of Lot 10, Block 7, North Loop Gardens Unit One
LOCATION: 510 East Road
REQUEST: From: A-2 (Apartment); To: C-4 (Commercial)
PROPOSED USE: Car Wash, Car Repair, Beauty Shop
OWNER/APPLICANT: Eduardo and Adriana Barboza / Eduardo Barboza
REPRESENTATIVE: Eduardo Barboza
DISTRICT: # 7

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a rezoning from A-2 (Apartment) to C-4 (Commercial) in order to permit a car wash and beauty shop. The surrounding properties to the east are zoned A-2 (Apartment) and to the west are zoned C-4 (Commercial). The beauty shop is in operation, which is not permitted in the A-2 (Apartment) zoning. The applicant is requesting a rezoning in order to legalize the use and in the future would like to put a car wash on the lot. The Development Coordinating Committee recommended approval of C-1 (Commercial), as it would be more compatible than C-4 (Commercial).

Applicant was not present.

ACTION: Motion made by Ray Mancera to postpone two weeks (06/16/05), seconded by Dick Vorba and unanimously carried (7-0).

7. **ZON05-00032:** Being a portion of Section 21, Block 81, Township 1, Texas and Pacific Railroad CO. Surveys
LOCATION: Patriot Freeway/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)
Parcel 3 - From: R-F (Ranch and Farm); To: C-1 (Commercial)
PROPOSED USE: Parcel 1: single-family
Parcel 2: apartments
Parcel 3: commercial
OWNER/APPLICANT: City of El Paso / EPT Land Assets, LP
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 4

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

SUMMARY: Mark Weber, Planning Department, noted that the applicant is requesting a rezoning for the following parcels:

- o Parcel 1: From R-F (Ranch and Farm) to R-3A (Residential) in order to permit single-family residential
- o Parcel 2: From R-F (Ranch and Farm) to C-1 (Commercial) in order to permit commercial
- o Parcel 3: From R-F (Ranch and Farm) to A-2 (Apartment) in order to permit multi-family residential apartments

The property is 222.76 acres in size and is currently vacant. Access is provided via U.S. Highway 54 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. The Development Coordinating Committee recommends approval of the rezoning as follows:

- o Parcel 1: From R-F (Ranch and Farm) to R-3A (Residential)
- o Parcel 2: From R-F (Ranch and Farm) to C-1 (Commercial) with the conditions listed in the packet, that mirrors the prohibited uses in the C-1 (Commercial) that were put in the deed and the finalization of the land sale.
- o Parcel 3: From R-F (Ranch and Farm) to A-2 (Apartment)

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

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

SUBDIVISION MAP APPROVAL

Subdivision Applications:

8. **SUB05-00005:** Tierra Del Este Unit 37 – Revised Major 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: Fred Lopez, Planning Department, noted that the developer is proposing a single-family development containing 62 single-family lots. Primary access will be from Rich Beam Boulevard. Mr. Lopez noted that the City Plan Commission has already reviewed and approved the subdivision on a final basis; the applicant is asked for a revised combination to correct a minor error. The revision to this plat is a reduction of lot sizes of the lots abutting the ponding area of Tierra Del Este Unit 22 at the southeastern boundary of this proposed subdivision.

Conrad Conde, Representative, agreed with staff recommendations.

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

9. **SUB05-00033:** El Paso Breakout Station – Major Combination; A portion of Tract D, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Tract 1, Section 28, Block 80, Township 1, Texas and Pacific Railway Company Survey. (District 4)

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

SUMMARY: Fred Lopez, Planning Department, noted that the City Plan Commission reviewed this request as a special permit and recommended approval and on March 22, 2005 City Council also recommended approval. Access is proposed from Railroad Drive with secondary access from Dyer Street.

Mr. Rudy Valdez noted that park fees calculation were not included but the applicant will have to pay a total of \$10,500 in park fees.

Oscar Perez, Representative, agreed with staff recommendations.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by Miguel Perez and unanimously carried (6-0). (Commissioner Roman Bustillos abstained and stepped out of room.)

10. **SUB05-00035** Airway Commercial Park Replat "A"- Resubdivision Combination; Being a Replat of All of Lot 1, Block 1, Airway Commercial Park and a Portion of Tract 11B, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas. (District 3)

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is proposing a development with one commercial lot. Primary access to the subdivision will be from Gateway Boulevard East. The subdivision is 14.880 acres and is currently zoned C-4 (Commercial). The Development Coordinating Committee recommends approval of Airway Commercial Park Replat A on a resubdivision combination basis. The Development Coordinating Committee also recommended that the property owner dedicate 120 feet of right-of-way on the subdivision plat for the proposed extension of Airway Boulevard, which is designated on the 2025 Proposed Thoroughfare System of the Plan For El Paso as a super arterial, and in accordance with 19.16.020.A of the El Paso Municipal Code. Mr. Lopez noted that after the Development Coordinating Committee, there was discussion by staff regarding this recommendation and the recommendation was changed, which is shown under Planning, Research and Development Department comments.

Rick Conner, Engineering Department, noted there are some drainage issues and they have made an individualized determination that the acquisition of right of way for the Airway Extension is necessary to off set the need for the generalized need generated by the replat. The Engineering Department believes that the extension of Airway is needed to alleviate traffic problems from the trucks leaving the El Paso Airport off of Airway, as well as to provide safer circulation for regular vehicular traffic. There is a concern because of the enormous traffic that is currently in that area and it is projected to increase significantly by 2025.

Commissioner John Neal asked if this should be approved with a 120 foot-right of way dedicated as part of the subdivision platting process.

Mr. Rick Conner replied that the localized section would require a 52-foot right of way.

Wayne Grinnell, Representative, agreed with staff recommendations. Mr. Grinnell noted that in 1999 there was no request for dedication on the extension of Airway Boulevard. Mr. Grinnell noted that he met with engineering staff and there is a minor issue with regards to drainage that can be taken care of. The drainage on this property is historic and it has existed for 40 years. Mr. Grinnell noted the Development Coordinating Committee recommended approval with a 120 foot-right of way extension through this property and expressed that his client does not believe it is appropriate for the subdivision of this nature to be liable for dedication of this type. Mr. Grinnell noted that the City is now requesting that instead of a 120-foot right-of-way they are requesting a 52 foot improved right-of-way. The proposed street would extend through land zoned C-4 (Commercial) it is a relatively and historically intense use.

Dennis Healey, attorney for JACS Properties, addressed the commission. Mr. Healey noted that this is an existing plat of approximately 12 acres, which is now being replated to add two acres. Mr. Healey noted that they expect a decrease use of that terminal. Mr. Healey feels that constitutes an unconstitutional taking. The reason that the staff is now requesting 52-foot right of way is because they know that they are not on solid ground, and in fact they are doing something illegal. Mr. Healey noted that if the commission approves this recommendation, then they are violating the law and the city will be subject to a lawsuit.

Commissioner Gus Haddad asked how he knows this is illegal and noted the CPC has not decided on a recommendation.

Commissioner Gary Porras commented that the city is still researching this project and recommended that a motion be made to postpone this item.

Rudy Vadez, Planning Department, noted that the applicant would have to request a postponement because of the 30 days state statute requirement on approval of a plat.

Mr. Healey noted that this is a recommendation of the Planning Department and it is not a condition that it has to happen.

Commissioner Gus Haddad responded that the commission is charged with being concerned with the city as a whole and the orderly planning and development of this city. An incident that these commissioners are well aware and staff is well aware of is when the Major Thoroughfare Plan was not adhered to and a road in the upper valley so was taken off the Major Thoroughfare Plan and caused a major problem in the valley for transportation in the future. Commissioner Haddad believes that the commission is approaching this cautiously and asking questions. Commissioner Haddad asked if they are willing to consider a postponement.

Mr. Healey replied that he would need to discuss this with his client.

Commissioner Haddad noted that they are in a friendly discussion. Commissioner Haddad noted that they would like to see if they could work out these differences.

ACTION: Motion made by Ray Mancera to recess for 2 minutes at 4:37 p.m., seconded by John Neal and unanimously carried (6-0).

ACTION: Motion made by Dick Vorba to reconvene at 4:39 p.m., seconded by Gary Porras and unanimously carried (6-0).

Mr. Healey noted that he conferred with his client and would not like to postpone this item, they would like a vote on this today.

Commissioner Haddad asked what is their major objection.

Mr. Grinnell responded that their major objection is with regard to the extension of the requirement to improve any portion of major thoroughfare or any street passing through the property.

Commissioner Gus Haddad asked Mr. Rick Conner for his input.

Mr. Rick Conner, Engineering Department, replied that their desire is to provide the subdivision localized subdivision control of traffic to exit safely and protect the trucks, the truck drivers, the citizens and other users of that area by allowing a controlled cue off of the subdivided property.

ACTION: Motion made by John Neal to convene into executive session at 4:45 p.m., seconded by Dick Vorba and carried (5-1). (Commissioner Ray Mancera opposed the motion.)

ACTION: Motion made by John Neal to reconvene from executive session at 5:03 p.m. seconded by Miguel Teran and unanimously carried (6-0).

A motion was made by John Neal to approve the resubdivision on a preliminary basis and require a traffic impact study, subject to all staff comments, seconded by Dick Vorba.

Mr. Rudy Valdez, Planning Department, clarified that the traffic impact study is to be submitted prior to submittal of the final by the applicant.

Commissioner Haddad noted to incorporate what Mr. Valdez just said into the motion.

ACTION: Motion made by John Neal to approve the resubdivision on a preliminary basis and require a traffic impact study to be submitted prior to submittal of the final by the applicant, subject to staff comments, seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Roman Bustillos abstained.)

11. **SUB05-00036** Brillo De La Luna - Major Preliminary; Being All of Tract 9B and a Portion of Tracts 6, 9F, and 10A, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by John Neal to postpone for two weeks (06/02/05); upon applicant's request, seconded by Gary Porras and unanimously carried (5-0).

Easement Vacation:

12. **EV05003:** Easement Vacation - Being a Portion of Lot 4, Block 83, River Park West Unit 2. (District 1)

ACTION: Motion made by John Neal to postpone for two weeks (06/02/05); upon applicant's request, seconded by Gary Porras and unanimously carried (5-0).

Street Dedication:

13. **DD05003** Street Dedication by Metes and Bounds - 120' Wide Street Located in a Portion of Lot 1, Block 2, Butterfield Aviation Park Unit Two. (District 2)

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

SUMMARY: Fred Lopez, Planning Department, noted that this is a dedication request for a proposed roadway to go to the future golf course and hotel site at the airport. The applicant is requesting a modification to allow a cross-section that preserves open space within the right of way.

Ramon Lara, Representative, agreed with staff recommendations.

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

Drainage Vacation:

14. **DV05001:** Drainage Vacation – Being a 10 ft. drainage R.O.W. located between Lots 10 and 11, Block 5, Zach White Industrial District. (District 8)

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

SUMMARY: Fred Lopez, Planning Department, noted that this is a request to vacate drainage right of way located on the property, which runs between Lots 10 and 11, Block 5, Zach White Industrial District.

Rudy Valdez, Planning Department, asked Mr. Rick Conner for clarification on the requirement for the easement. Mr. Valdez asked if the easement should be retained as a drainage easement.

Mr. Rick, Conner, Engineering Department, replied that the research indicated that they are both right of ways and it should be retained as a right of way.

Commissioner Gus Haddad asked about El Paso Electric Company's comments.

Mr. Valdez replied that they could retain that 10-foot utility easement or exclude it from the vacation and also in the middle area to retain it as a drainage easement

Jorge Garcia, Representative, agreed with staff recommendations.

Staff could not come to an agreement, so a motion was made to postpone the item.

ACTION: Motion made by John Neal to postpone for two weeks (06/02/05); upon applicant's request, seconded by Miguel Teran and unanimously carried (6-0) (Commissioner Ray Mancera left.)

ACTION: Motion made by John Neal to reconsider item, seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Ray Mancera left.)

Matt Watson, Assistant City Attorney, noted that he has appropriate language to propose to the commission: "the 10-foot drainage right-of-way shall be vacated save and except two portions, one the portion that intersects with a 10-foot utility easement on the north of the map provided in your plan commission back up, the other where it intersects with a right-of-way underground drainage easement to the City of El Paso as filed in Book 1459, Page 1304, Rule Property Records, El Paso County, Texas, Save and except those two portions the entire easement is recommended for vacation by the Planning Commission."

Commissioner Roman Bustillos noted that it is east instead of north.

ACTION: Motion made by John Neal to approve as per Mr. Watson's language and Mr. Bustillos' correction, subject to staff comments, seconded by Miguel Teran and unanimously carried (6-0). (Commissioner Ray Mancera left.)

PUBLIC HEARING

15. **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)

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is proposing a development containing 23 single-family units. The developer is requesting a sidewalk modification to allow for a five-foot sidewalk with a three-foot landscaped parkway. The developer will be required to pay park fees in the amount of \$6,900 and closest park is J.P. Shawver Park.

Applicant was not present.

No opposition was presented.

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

16. **SUB05-00030:** Sunrise Terrace Unit 1 – Resubdivision Combination; Being all of Lots 405, 406, 423 and 424, Sunrise Acres. (District 2)

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

ACTION: Motion made by Ray Mancera to hear items #4 and #16 together with items #3 and #17, seconded by John Neal and unanimously carried (7-0).

SUMMARY: Items #4 and #16 were heard simultaneously. Fred Lopez, Planning Department, noted that the applicant is proposing a development containing 28 single-family residential lots. Primary access to the subdivision will be from Leo Street and Comet Street. The minimum size lot is 4,611 square feet. The developer will be required to pay a total of \$8,400 to satisfy the parkland requirements of the subdivision ordinance. The nearest park to the proposed subdivision is Sunrise Park.

Jim Smith, Representative, agreed with staff recommendations. Mr. Smith explained to the commission what types of homes he is developing in the area and the drainage.

Glenn Taylor, resident of the area, stated that he is in opposition to this request. Mr. Taylor explained that his concern is downsizing of the lots and the down sloping of the property.

Several other residents of the area stated that they were also in opposition to this request and expressed their concerns of the lots being too small, drainage issues, increased traffic and the overcrowding of schools.

Mr. Smith assured the commission that this subdivision would contain nice homes valued at over \$100,000. Mr. Smith also assured the commission that the drainage issues have been taken care of.

Commissioner Gus Haddad noted that he was handed two petitions and one letter in opposition. Mr. Haddad asked Mr. Rick Conner from the Engineering Department to address the drainage issues.

Rick Conner, Engineering Department, replied that they did discuss the drainage issue and the drainage report should be fairly straightforward. Traffic issues were taken into consideration and the additional traffic generated is minimal.

(Please see items #3, #14 and #17 for further discussion.)

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

ACTION: Motion made by Ray Mancera to recess at 3:40 p.m., seconded by John Neal and unanimously carried (7-0).

ACTION: Motion made by Ray Mancera to reconvene at 3:58 p.m., seconded by Miguel Teran and unanimously carried (7-0).

17. **SUB05-00031:** Sunrise Terrace Unit 2 – Resubdivision Combination; Being all of Lots 267 and 268, Sunrise Acres. (District 2)

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

ACTION: Motion made by John Neal to hear items #3 and #17 together, seconded by Gary Porras and unanimously carried (5-0).

SUMMARY: Items #3 and #17 were heard simultaneously. Fred Lopez, Planning Department, noted that the applicant is proposing a development containing 14 single-family residential lots. Primary access to the subdivision will be from Leo Street and Comet Street. The property is zoned R-4. The minimum sized lot is 4,787 square feet. The developer is required to pay a total of \$ 4,200 to satisfy the parkland requirements of the subdivision ordinance. The nearest park to the proposed subdivision is Sunrise Park.

Commissioner John Neal asked if any written protest has been submitted.

Ms. Christina Valles responded that to this specific application she has not received any written oppositions.

Commissioner Neal asked if the protestors were made aware of the fact that they had an opportunity to present written protests.

Ms. Valles replied that the protestors had been provided that information and there is a petition being circulated.

Commissioner Ray Mancera asked how item #3 compares to an infill development request.

Ms. Valles responded that the infill development would actually allow more flexibility for the applicant to reduce setbacks and lot sizes.

Jim Smith, Representative, agreed with staff recommendations. Mr. Smith noted that they are putting together two infill development requests. Mr. Smith noted that they have completed Olympic Park

Subdivision, by the intersection of Moonlight and Comet. Ms. Smith noted that from their experience they are operating off some very extreme elevation changes going east and west, going down the slope of that property.

Commissioner Gus Haddad requested that agenda items #4 and #16 be heard together with items #3 and #17.

(Please see items #3, #4 and #16 for further discussion.)

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

18. **SUB05-00032:** Los Patios Addition – Resubdivision Combination; Being a portion of Tract 5A1, F.W. Brown Survey 224 and a portion of Lot 8, Camelot Heights. (District 1)

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

SUMMARY: Fred Lopez, Planning Department, noted that the change is basically requiring drainage easement for each lot.

Oscar Perez, 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 (5-0). (Commissioner Ray Mancera left and Commissioner Roman Bustillos abstained.)

Extension Request to Submit Recording Maps

19. **SUB04-00016:** Lomas Del Sol Unit 3 – Extension request to submit recording maps; Being a portion of Tract 1B2, Nellie D. Mundy Survey No. 242, El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by John Neal to postpone for two weeks (06/02/05); upon applicant's request, seconded by Gary Porras and unanimously carried (5-0).

Street Vacation:

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

ACTION: Motion made by John Neal to delete item; upon applicant's request, seconded by Gary Porras and unanimously carried (5-0).

21. **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 John Neal to delete item; upon applicant's request, seconded by Gary Porras and unanimously carried (5-0).

Other Business:

22. Discussion and Action: **(Reconsideration)** 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 postpone for two weeks (06/02/05); upon applicant's request, seconded by Gary Porras and unanimously carried (5-0).

23. Discussion and Action: Amendment to CPC Bylaws.

Matt Watson, Assistant City Attorney, presented the changes to the CPC Bylaws. No action was taken.

24. Approval of CPC Minutes: April 21, 2005

ACTION: Motion made by John Neal to approve, seconded by Dick Vorba and unanimously carried (6-0).

25. Approval of CPC Minutes: May 5, 2005

ACTION: Motion made by John Neal to approve, seconded by Gary Porras and unanimously carried (6-0).

26. Planning Report.

27. Legal Report.

The City Plan Commission Hearing adjourned at 5:30 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON MAY 19, 2005

_____, CHAIR
