



CITY PLAN COMMISSION HEARING MINUTES

July 22, 2004

MEMBERS PRESENT:

Gary Porras
Dick Vorba
John Neal
Daphne Hamilton
Oscar Venegas
Ray Mancera
Gus Haddad
Ruben Ponce
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 Oscar Venegas at 1:34 p.m. Council Chambers, 2nd Floor. A quorum of its members was present and Dick Vorba made the introductory statements. Jorge Rousselin presented changes to the agenda. Agenda was amended.

DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **SUB04-00000:** Franklin Village – Final; 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: James Shelton, Planning Department, noted that the developer is proposing a development containing 53 single-family residential lots and 2 commercial lots. Primary access to the subdivision will be from Railroad Drive and Cross Street. The developer will be paying \$16,392 to satisfy the parkland requirements. The developer was granted a modification by the City Plan Commission to allow for a change in the cross-section of the proposed divided residential street (ROW) that allows for 4.5 foot sidewalks adjacent to the curb with a 6 inch roll curbs, which will eliminate 3 feet of parkway, instead of the standard 4 foot sidewalk and 4 foot landscape area.

Rudy Valdez, Planning Department, noted that the zoning on the staff report should be R-5 not R-3A.

Ernie Valdez, Representative, agreed with staff recommendations.

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

2. **SUB04-00036:** Velez Subdivision – Preliminary; Being all of Tract 2, Block 6, Christy Tract, City of El Paso, El Paso County, Texas. (District 7)

ACTION: Agenda was amended and item was postponed for two weeks (08/05/04).

3. **SUB04-00039:** Waterhouse Subdivision – Combination; Being all of Tracts 14B, 14B1, 14B2, 14D, 14H, 14H1 and 14H2, Block 8, Upper Valley Surveys. (District 1)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a subdivision containing 2 single-family residential lots. One house already exists on Lot 2. Primary access to the subdivision will be from Westside Drive. The applicant will be paying \$600 to satisfy the parkland requirement. The Engineering Department is requiring the following:

- On-site ponding
- ½ of Westside Drive must drain onto the property
- Sidewalks
- 6' height rockwall constructed along the southern portion of the subdivision that is abutting the Stevens Lateral.

John Karlsruher, Representative, agreed with staff recommendations. Mr. Karlsruher noted that the drainage is already accommodated in the existing additions and there are no public improvements or any kind of construction improvements proposed.

Al Weisenberger, representing Russell Waterhouse, noted that Mr. Waterhouse would like to get the issues straightened out in order to be able to sell the property. 17 years ago, Mr. Waterhouse sold the back piece of the property to a man named David Hendrickx. Mr. Hendrickx has also signed off on the application for a subdivision because the Development Coordinating Committee required it. Mr. Weisenberger is requesting that the sidewalks be deferred because there are no sidewalks within five miles of this location at the present time and Westside Drive is going to be expanded to 110-foot right of way. Mr. Weisenberger is also requesting that the rockwall or chain link fence be waived because the owner does not want to disrupt the beautiful view, which he has enjoyed for 17 years.

Bashar Abugalyon, Engineering Department, responded that this subdivision follow the code requirements.

Commissioner Gus Haddad asked what the solution to the rock wall would be.

Mr. Rudy Valdez, Planning Department, responded that the solution is that the applicant address that issue with the Zoning Board of Adjustment. The City Plan Commission does not have the authority to waive that requirement. The division of the property that occurred prior to annexation, prior to 1987, was done illegally. Even if it was done prior to annexation, the city still had jurisdiction in terms of subdivision platting in this area. Mr. Valdez noted that the commission can certainly defer the sidewalks but the owner is going to be responsible for setting aside funds to the city for construction of those sidewalks at a later date.

Commissioner Haddad asked why there are no other sidewalks in the area.

Mr. Valdez replied that this area was annexed to the city in 1987, and since it's in a rural area many of the properties in that area don't have sidewalks.

Matt Watson, Assistant City Attorney, noted that the applicant is trying to legalize an illegal subdivision of land and is required to comply with all requirements under the Municipal Code. One of those requirements is the construction of a rockwall or chain link fence along the lateral and the other is the sidewalk.

Commissioner Gary Porras asked how they could request a rockwall for such a big sized lot.

Mr. Watson responded that the City Council by ordinance deemed it necessary to protect the health, safety and welfare of the citizens for property abutting laterals without regard to size of the lateral, or the property abutting the lateral.

Rudy Valdez noted that comment #5 should read rockwall or chain link fence.

ACTION: Motion made by John Neal to approve the item on a combination basis, subject to the deferral of the sidewalks, subject to staff comments, seconded by Ray Mancera and unanimously carried (8-0).

ACTION: Motion made by Ray Mancera to reconsider the item, seconded by John Neal and unanimously carried (8-0).

Mr. Watson noted that the motion needed to be clarified.

ACTION: Motion made by John Neal to approve the item on a combination basis, subject to the deferral of the sidewalks, subject to item #5 under Engineering Comments specifying that the wall may be rockwall or chain link fence, subject to staff comments, seconded by Ray Mancera and motion failed (5-4).

Mr. Valdez requested another motion.

Commissioner Gus Haddad made a motion to approve this subject to satisfaction of the rock wall, that is the requirement between some mitigating factor whether it's the ZBA or whether its the agreement with the applicant whatever it is that this rockwall problem get satisfied and with all the other language.

Mr. Valdez noted that the only option is for the applicant to go before the Zoning Board of Adjustment.

Mr. Watson noted that the Zoning Board of Adjustment is a separate body that the city does not have any authority to change any decision that the Zoning Board of Adjustment chooses to make under any given circumstances.

The motion that Commissioner Haddad made failed.

ACTION: Motion made by John Neal to approve the item on a combination basis, subject to the deferral of the sidewalks, subject to item #5 under Engineering Comments specifying that the wall may be rockwall or chain link fence, and that staff inform the Zoning Board of Adjustment that the City Plan Commission opposes the construction of the rockwall or chain line fence, subject to staff comments, seconded by Gary Porras and unanimously carried (8-0).

4. **SUB04-00045:** Spanish Pines I – Preliminary; Being all of Tract 4 and Block 9, 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 subdivision containing 59 single-family residential lots. Primary access to the subdivision will be from Westside Road. The developer will be required to pay \$17,700 to satisfy the parkland requirements. The developer has requested a modification to allow for 4-foot sidewalks adjacent to the curb with no parkway or landscaped area, instead of the standard 4-foot sidewalk and 4-foot parkway. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance. The Engineering Department is requiring the following

- On-site ponding
- ½ of runoff of Westside Road drain into the subdivision
- ½ of Westside road abutting the subdivision be improved
- Sidewalks will be required within and abutting the subdivision

Sal Massoud, Representative, agreed with staff recommendations.

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

5. **SUB04-00046:** Emerald Valley Estates – Preliminary; Being a portion of Tracts 6F1 and 6F14 and all of Tracts 6A, 6C1A, 6C4A, 6G, 6G1, and 6H, Section 8, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a subdivision containing 73 single-family residential lots. Primary access to the subdivision will be from Cory Drive via Upper Valley to Romer Ray Drive to Cory Drive. The developer is requesting a modification to allow for a change in the cross-section of the proposed divided and non-divided residential streets, to allow for header curbs in lieu of curb and gutter, sidewalks due to the on-site ponding required for the subdivision. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance. The Development Coordinating Committee recommended that the City Plan Commission find that no sidewalks be required within the subdivision and that the proposed cross section be approved according to Section 19.16. Mr. Shelton noted that the Engineering Department did vote against this recommendation.

Conrad Conde, Representative, agreed with staff recommendations.

Pilo Guevarra, Engineering Department, noted that the reason they are against no sidewalks, is that they have no additional right of way for future sidewalks at all, so the stop signs and street lights, would be on the street. Mr. Guevarra noted that they don't mind deferring the sidewalks in the future but they would like additional right of way so that they could put the sidewalks.

Mr. Rudy Valdez, Planning Department, noted that the sidewalks are not permitted to be deferred if they are on local residential streets, its only arterial streets that they could be deferred. If the commission is going to move to approve the subdivision with no sidewalks then item #2 under Engineering Comments should be stricken.

Mr. Conde noted that they have to provide a ten-foot utility easement at both sides of the street for exactly that to handle any signage.

Mr. Valdez noted that under Traffic Engineering Comments, there is also that same provision that sidewalks be required, so again if the commission is recommending approval with no sidewalks then that one also should be stricken.

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

Commissioner Gary Porras stated that they did not allow the Engineering Department to give them further information.

ACTION: Motion made by John Neal to reconsider item, seconded by Dick Vorba and unanimously carried (8-0).

Commissioner John Neal noted that it is really not clear what Mr. Guevarra is explaining and asked why those arguments were not taken up at the Development Coordinating Committee.

Mr. Guevarra responded that at the Development Coordinating Committee some of the members were also confused and the motion got passed. Mr. Guevarra explained their opposition to no sidewalks.

After further discussion about the issue it was agreed upon by Mr. Conde to postpone the item for two weeks in order to go back the Development Coordinating Committee to clear up those issues.

ACTION: Motion made by Gary Porras to postpone for two weeks (08/05/04); upon applicant's request, seconded by John Neal and unanimously carried (8-0).

6. **SUB04-00047:** City Lights Subdivision – Resubdivision combination; Being a replat of all of Lots 13 thru 16 and Lots 23 thru 32, and a portion of a 20 foot wide alley, Block 19; a portion of Tremont Street; all of Lot 16 and Lots 30 thru 32, a portion of a 20 foot wide alley, Block 29; a portion of Idaho Street; all of Lots 1 thru 32, and a 20 foot wide alley, Block 30; a portion of Pittsburg Avenue; all of Lots 1 thru 32, and a 20 foot wide alley, Block 31; all of Lots 5 thru 16 and lots 22 thru 32; a portion of Portland Avenue; all of lots 6 thru 16, Block 43; Highland Park Addition; City of El Paso, El Paso County, Texas. (District 1)

ACTION: Agenda was amended and item was postponed for four weeks (08/19/04).

PUBLIC HEARING

Extension Request to Complete Subdivision Improvements:

7. **SD97010:** Cumbre Estates Unit 1 – Extension Request to Complete Subdivision Improvements; Being an amended Subdivision of all of Cumbre Estates Unit 1, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Agenda was amended and item was postponed for two weeks (08/05/04).

8. **SD98059:** Keystone Business Park – Extension request to complete subdivision improvements. (District 8)

ACTION: Motion made by Ray Mancera to postpone for two weeks (08/05/04); upon applicant's request, seconded by Chad North and unanimously carried (8-0).

Detailed Site Development Plan Application:

9. **ZON04-00070:** Tract 23B, Block 29, Ysleta Grant & Tract 814, Block 33, Ysleta Grant
LOCATION: 131 S. Yarbrough
REQUEST: Zoning Condition
ZONE: C-3/sc (Commercial/special contract)
PROPOSED USE: Automotive repair
OWNER/APPLICANT: Ricardo Olague / same
REPRESENTATIVE: Luis Sarinana
DISTRICT: # 7

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

ACTION: Motion made by Gary Porras to move item #9 to the front of the agenda, seconded by John Neal and unanimously carried (8-0).

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the site plan review was submitted in order to permit automotive sales. Site plan review is required because a zoning condition exists on the subject property, which was imposed by Ordinance #014916 that granted a change of Zoning from C-1 to (Commercial) to C-3/sc (Commercial/special contract). The special contract requires that a detailed site development plan be reviewed and approved by the City Plan Commission and City Council. The Planning Department has received a petition dated June 17, 2004 with 8 signatures of opposition, one faxed letter dated June 16, 2004 in opposition and one faxed letter dated July 7, 2004 in opposition. The Development Coordinating Committee has reviewed this request and has found that it does conform to the requirements of the detailed site plan and has unanimously recommended approval of this request.

Commissioner John Neal pointed out that the site plan has parking space calculations, three parking spaces per bay, three bays equals 6 spaces required. Commissioner Neal asked if this was for the automotive sales or for the automotive repair.

Mr. Rousselin responded that automotive repair and automotive sales are allowed under the C-3. At one point it was going to be automotive repair.

Ricardo Olgae, Representative, agreed with staff recommendations.

Commissioner Gary Porras asked Mr. Olague if he has built without obtaining a building permit.

Mr. Olague responded that he has all the permits for it. When they were made aware that they needed a detailed site development plan review, they stopped all work in order to obtain one.

Lori Cooper, representative of the Bowen Residents, noted that she has a petition with 32 signatures in opposition to the request. Ms. Cooper made a presentation on the reasons why this request should be denied. Some of the reasons stated were the non compliance issue that deals with Ordinance 014916 requiring submittal of a detailed site development plan to be approved by the City Plan Commission and City Council prior to the issuance of building permits and a certificate of occupancy. This has resulted in multiple issues regarding water law, storm water drainage and pollution and grading and engineering controls.

Commissioner Ray Mancera noted that the site plan is deficient.

Matt Watson, Assistant City Attorney, noted that if there were permits taken out in violation or work done without permits or violation of the code, and the City Plan Commission approved something different then the applicant would have to remove what they had done. If an improper permit was granted or work was done outside of a proper permit being issued that is outside of the scope of the review of the detailed site development plan, the city plan commission needs to determine if it complies with City Code. Mr. Watson noted that the commission is charged with reviewing the boundaries of the tract proposed for development, location and arrangement, size, determine if the use conforms to the applicable zoning regulations, location of utility right of way and easements, storm water drainage, vehicular and pedestrian ways, on site parking areas, location of open spaces, landscape, size and design of exterior signs.

Jose Melendez, resident of the area, stated that he is also opposed to this request.

Vivian Rojas, City Representative, stated that this case is a travesty of the ordinances that the city has in place. The construction should have been done after the site plan is approved. Representative Rojas stated that Mr. Olague went out there and started constructing the display area for his cars, a rockwall fence, a wrought iron fence, changing the slope of the land, digging a pit that is already eroding the irrigation ditch and there are so many infractions that have been committed. Representative Rojas asked the commission to deny the site plan.

Commissioner Daphne Hamilton stated that there is the obvious drainage problem that exists and asked if it is going to be required to be filled in, repaired and satisfied if this site plan indeed gets approval from this commission today.

Bashar Abugaylon, Engineering Department, noted that the Engineering Department would oversee all the improvement plans.

Commissioner Ray Mancera noted that they have a plan that is not complete, that does not identify what area is paved. Commissioner Mancera mentioned that he has seen site plans that state open space, landscaped space, paved area, parking spaces, and he does not see this on this site plan. Commissioner Mancera made a motion to deny.

Commissioner Daphne Hamilton seconded the motion.

Mr. Watson asked Commissioner Mancera to pinpoint the specific reasons for the denial of the site plan.

Commissioner Mancera replied that there is a question on exactly where boundaries lie in correlation with property owners, and it is not clear on exactly where the exhibit area for the proposed use is going to be in relation to open space.

Rudy Valdez, Planning Department, noted that the site plan was prepared by a registered surveyor, and they are under the assumption that this was done correctly in terms of the boundaries of the property, and what is included in the property. Mr. Valdez noted that the commission cannot deny this site plan unless there is some code provision that they are not complying with.

ACTION: Motion made by Ray Mancera to deny, seconded by Daphne Hamilton and carried 5-4.

City Representative Vivian Rojas requested Building Permits and Inspections to put a freeze on this because they continue to issue permits.

City Representative Alexandro Lozano requested that this item be heard again.

ACTION: Motion made by Ray Mancera to reconsider item #9, seconded by Daphne Hamilton and unanimously carried (7-0). (Commissioner Gary Porras left.)

City Representative Lozano stated that Ricardo Olague has been working on this property for 2 ½ years and he must have missed some information, he cannot start a business 2 ½ years ago and still be looking for a site plan. If somebody has been working with the City of El Paso for 2 ½ years and is still being denied a site plan there is a problem.

Commissioner Ray Mancera stated that the limitations that they have as commissioners in denying or approving a site plan is very difficult. Commissioner Mancera noted that he was the first one that said that the site plan was deficient in several areas and felt very uneasy approving the site plan. Mr. Olague needs to be very clear in the site plan.

City Representative Lozano pointed out that staff did recommend approval of the site plan.

After further discussion it was agreed that the site plan would be postponed four weeks and taken back to the Development Coordinating Committee for further clarification.

ACTION: Motion made by Ray Mancera to postpone for four weeks (08/19/04); upon applicant's request, seconded by John Neal and unanimously carried (8-0).

10. **ZON04-00093:** Lots 90 and 91, Parkland Addition, First Supplemental Map
LOCATION: 10100 Dyer
REQUEST: Zoning District
ZONE: C-3 (Commercial)
PROPOSED USE: Self-Storage
OWNER/APPLICANT: Joe Oliva / Same
REPRESENTATIVE: Same
DISTRICT: # 4

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 self-storage facility. Site plan review is required because a zoning district requirement of detailed site plan review exists on the property. Access is proposed via Dyer Street. The Planning Department has not received any calls or letters in support or opposition to this request.

Robert Pearson, Representative, agreed with staff recommendations.

Joe Ayoub, resident of the area, was concerned about the landscaping.

Mr. Rousselin responded that landscaping would be placed all around the area fronting Quail and Dyer Street.

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

Special Permit Applications:

11. **ZON04-00064:** Lots 1 - 4, Block 76C, Logan Heights
REQUEST: Infill development
LOCATION: Flory and Stevens
ZONE: R-4 (Residential)
PROPOSED USE: Single-family residential on reduced lots
OWNER/APPLICANT: Windridge Properties / Lisa McFarlin
REPRESENTATIVE: Same
DISTRICT: #2

ACTION: Agenda was amended and item was postponed for two weeks (08/05/04).

12. **ZON04-00069:** Block 12, Portion of Lot 83, Tierra Del Este Unit One
REQUEST: Special permit to allow for governmental buildings and uses
LOCATION: 12600 Pebble Hills Drive
ZONE: R-5 (Residential)
PROPOSED USE: Library
OWNER/APPLICANT: City of El Paso / Same
REPRESENTATIVE: Brock & Bustillos, Inc.
DISTRICT: # 5

ACTION: Agenda was amended and item was postponed for two weeks (08/05/04).

Rezoning Applications:

13. **ZON04-00080:** Being all of Tract 4B, Block 29, Ysleta Grant; Being all of Lot 3, Block 1, White Oaks Subdivision
LOCATION: Lafayette
REQUEST: From: R-F (Ranch/Farm); To: R-3 (Residential)
PROPOSED USE: Residential
OWNER/APPLICANT: Jose & Hortencia Chavez; Ofelia Salaiz / JC General Contractors
REPRESENTATIVE: Del Rio Engineering
DISTRICT: # 6

ACTION: Agenda was amended and item was postponed for two weeks (08/05/04).

14. **ZON04-00081:** Tracts 16A, 16E, 16B2, 16H, and 16H2, George L. Wilson Survey No. 91
LOCATION: 3998 Doniphan Drive
REQUEST: From: R-5 (Residential); To: C-4 (Commercial)
PROPOSED USE: Parking lot
OWNER/APPLICANT: Arturo Munoz / Same
REPRESENTATIVE: Miguel Morales
DISTRICT: # 8

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-5 (Residential) to C-4 (Commercial) in order to permit a parking lot. The proposed site plan shows the parking lot to be located on the site, which would serve adjacent commercial development. Access is proposed via Doniphan Drive with 33 parking spaces provided. There are no zoning conditions currently imposed on this property. The Planning Department has received no calls or letters in support or opposition to his request. The Development Coordinating Committee recommends approval of this request for rezoning from R-5 (Residential) to C-4 (Commercial) for Parcel 1 and from R-5 (Residential) to C-2 (Commercial) for Parcel 2 with the following conditions:

* For Parcel 2 - Ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (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 the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Miguel Morales, Representative, agreed with staff recommendations.

No opposition was presented.

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

15. **ZON04-00082:** Portion of Tract 3, Block 3, Picnic Grove Subdivision
LOCATION: 9725 Alameda Avenue
REQUEST: From: M-1 (Manufacturing); To: C-4 (Commercial)
PROPOSED USE: Dance Hall
OWNER/APPLICANT: Arturo Martinez / Same
REPRESENTATIVE: Same
DISTRICT: # 6

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the applicant is requesting a rezoning from M-1/sc (Manufacturing/special contract) to C-4 (Commercial) in order to permit a dance hall. Access is proposed off of Alameda. There are various zoning conditions currently imposed on this property via a special contract dated June 26, 1975. The Planning Department has received no calls or letters in support or opposition to this request.

Arturo Martinez, 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 (8-0).

16. **ZON04-00083:** A portion of Lot 36, Block 3, Shadow Mountain Heights Replat B
LOCATION: 5709, 5713, 5717, and 5721 Caprock Court
REQUEST: From: PR-2 (Planned Residential II), R-3 (Residential);
To: R-4 (Residential)
PROPOSED USE: Duplexes
OWNER/APPLICANT: B. A. R. Construction, Inc. / Same
REPRESENTATIVE: Ruben Schaeffer
DISTRICT: # 1

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that the applicant is requesting a rezoning from R-3 (Residential) and PR-2/sc (Planned Residential II/special contract) to R-4 (Residential) and R-4/sc (Residential/special contract) in order to permit duplexes. Access is proposed via Caprock Court. The Planning Department has received a few calls for informational purposes but no calls or letters in opposition or support of this request.

Ruben Schaeffer, 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).

17. **ZON04-00084:** Tract 1F, Block 80, Section 41, Township 1, Texas and Pacific Railroad Company Surveys
LOCATION: Deer Avenue and Railroad Drive
REQUEST: Parcel 1: From: M-1/sc (Manufacturing/special contract);
To: A-2/sc (Apartment/special contract)
Parcel 2: From: M-1/sc (Manufacturing/special contract);
To: C-3/sc (Commercial/special contract)
PROPOSED USE: Parcel 1: Apartments
Parcel 2: Retail commercial development
OWNER/APPLICANT: Tropicana Homes, Inc.
REPRESENTATIVE: Del Rio Engineering, Inc.
DISTRICT: # 4

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that the applicant is requesting a rezoning from M-1/sc (Light Manufacturing/special contract) to A-2/sc (Apartment/special contract) for Parcel 1 and C-3/sc (Commercial/special contract) for Parcel 2 in order to permit apartments and retail commercial development. Apartments are proposed to be 120 units, the size of parcel 1 9.21 acres and parcel 2. The Planning Department has received no calls or letters in support or opposition to this request. The Development Coordinating Committee recommended approval of both the rezoning requests. For Parcel 2 the Development Coordinating Committee recommended a ten-foot landscaping buffer to include but not limited to evergreen trees placed on 15 foot on center.

Sal Massoud, 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 Gary Porras left.)

18. **ZON04-00085:** West 50' of Lot 30, Block 7, Magoffin Homestead Addition
LOCATION: 1127 E. San Antonio
REQUEST: From: A-3/H (Apartment/Historic);
To: S-D/H (Special Development/Historic)
PROPOSED USE: Bail bonds office
OWNER/APPLICANT: Alberto J. De Lachica Jr. / Same
REPRESENTATIVE: Access Remodeling & Construction Inc.
DISTRICT: # 8

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the applicant is requesting a rezoning from A-3/H (Apartment/Historic) to S-D/H (Special Development/Historic) in order to permit a bail bonds business. Access is proposed via San Antonio and 4 parking spaces are provided. The Historic Landmark Commission has reviewed this and has granted a certificate of appropriateness. The Planning Department has received one faxed letter in opposition to this request. The Development Coordinating Committee did recommend approval of this request with the condition that a revised site development plan be submitted showing the landscape calculations and parking calculations prior to City Plan Commission final action.

Laura Sanchez, 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 Gary Porras left.)

Discussion and Action on Ordinance Amendments:

- 19. An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code, by amending Sections 19.28.010 (Construction of Subdivision Improvements) to modify language concerning Extension Requests, and by Amending 19.28.020 (Guarantees) to modify language regarding required security ensuring completion of Subdivision Improvements when requesting extensions to complete same.

ACTION: Agenda was amended and item was postponed for two weeks (08/05/04).

- 20. An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code, by amending Appendix "P" thereto (Subdivision Improvements Agreement and Guarantee) to increase submission requirements, clarify a subdivider's ability to install street name signage prior to acceptance of subdivision improvements, and to clarify who the responsible individual or entity is for the cost of such improvements.

ACTION: Agenda was amended and item was postponed for two weeks (08/05/04).

Other Business:

- 21. Approval of CPC Minutes: July 8, 2004

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

- 22. Planning Report.

- 23. Legal Report.

The City Plan Commission Hearing adjourned at 5:15 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

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

_____, **CHAIR**

_____, **DATE**