



CITY PLAN COMMISSION HEARING MINUTES

July 28, 2005

MEMBERS PRESENT:

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

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, PRDD
Jim Fisk, PRDD
Christina Valles, PRDD
Mark Weber, PRDD
Matt Watson, Assistant City Attorney
Sandra Hernandez, Recording Secretary

The City Plan Commission meeting was called to order by Gus Haddad at 1:40 p.m. Council Chambers, 2nd Floor. A quorum of its members was present and Dick Vorba made the introductory statements. Fred Lopez presented changes to the agenda. Motion made by Ray Mancera to accept changes to the agenda, seconded by John Neal, and unanimously carried (7-0).

DISCUSSION AND ACTION:

PUBLIC HEARING

1. Discussion and Action on authorizing the Planning, Research & Development Department to conduct the necessary research and produce a neighborhood plan for the Sunrise Acres area.

Mark Weber, Planning Department, informed the commission that City Representative Susannah Byrd requested the Planning Department begin research on a neighborhood plan for the Sunrise Acres Area.

Primary issues addressed:

- Developing an overall neighborhood design that is consistent and looks at platting, density of housing, and respect for the natural geography of the mountain and foothills.
- Impact of new development on schools (currently overcrowded and parks).
- A need for creating/maintaining open space.
- Impact of new development on traffic, parking, and drainage (a forward-looking plan for future infrastructure needs).

Currently under the selection criteria for approving neighborhood plans, this plan meets a few of the criteria. First, it meets neighborhood transition. Subdivision activity has been steady in this area throughout the last half century but only recently have rezoning or special permit applications (specifically for reduced setbacks, lot depths, or smaller lots) preceded subdivision plats. Secondly, pressing land use, infrastructure, or municipal service issue in a neighborhood. With the development's location in the foothills of the Franklin Mountains, the need for a storm water drainage plan has arisen. Flooding is not a serious issue in this area yet. However, residents are concerned without a focus on a drainage plan, flash flooding could become a problem with increased density of development. Both schools in the area are currently over capacity. There is currently only one park in this area, Sunrise Acres Park, which lacks restroom facilities and drinking fountains. Another selection criteria, there is a small section in the area that is identified in the comprehensive plan for mixed-use. Mr. Weber presented two boundary options.

ACTION: Motion made by Dick Vorba to approve, with option #2, subject to staff comments, seconded by John Neal, and unanimously carried (7-0).

2. Discussion and Action on authorizing the Planning, Research & Development Department to conduct the necessary research and produce a neighborhood plan for the Five Points Neighborhood Association.

Veronica Rosales, Planning Department, gave a brief presentation of the Five Points Neighborhood Plan. Ms. Rosales explained the Planning Department is requesting authorization to proceed with development of a neighborhood plan for the Five Points area. The Planning Department had a working draft of the plan in December of 2003. However, the Planning Department stopped working on the plan in order to create a neighborhood plan template. On April 12, 2005, City Council approved the template; thus, the request to proceed with the Five Points Neighborhood Plan. Ms. Rosales further explained that the Planning Department has met with the four neighborhood associations.

Commissioner Miguel Teran asked if members of an association need to reside in the area or could they be a business owner.

Ms. Rosales responded that each neighborhood association has their own bylaws, which determines the membership. The bylaws of every association are different as are their boundaries.

Jim Erickson, president of the Five Points Development Association, spoke in support of the Five Points neighborhood plan. Mr. Erickson noted that it would improve the area.

Alberto Rivas, President of Five Points Neighborhood Association, also spoke in support of the neighborhood plan.

Ray and Judy Rutledge voiced their concerns over the area that the neighborhood plan encompasses.

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

Detailed Site Development Plan Application:

3. **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

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

SUMMARY: Christina Valles, Planning Department, noted that the site plan was submitted in order to permit a dance hall at a portion of the property abutting Alameda Avenue. The property is currently zoned C-4/sc (Commercial/special contract). Access is proposed via Alameda Avenue. 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 Miguel Teran, and unanimously carried (7-0).

4. **ZON05-00060:** (Reconsideration) Lot 1, Block 2, Plaza at Lomas Del Sol Unit One
LOCATION: Helen of Troy at Redd Road
REQUEST: Detailed Site Plan Review
ZONE: C-2/c (Commercial/condition)
PROPOSED USE: Self-storage warehouse
OWNER/APPLICANT: BPS Properties II Viva LTD / BPS Properties II Viva LTD
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 1

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

SUMMARY: Frank Delgado, Planning Department, noted that the site plan was submitted in order to permit self-storage facilities. Site plan review is required because the proposed use requires it. Mr. Delgado noted that phase 2 of this project had not been included in the original plan for the development.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to reconsider item, seconded by Gary Porras, and unanimously carried (7-0).

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by Miguel Teran, and unanimously carried (6-0). (Commission Gus Haddad left the room.)

Rezoning Applications:

5. **ZON04-00138:** Parcel 1: All of Lots 1, 2, 3, and 4 and a portion of Lot 5, Bonnie Anne Place
Parcel 2: A portion of Lot 5 and all of Lots 6 &7, Bonnie Anne Place
LOCATION: 8678 North Loop Drive
REQUEST: Parcel 1 - From: A-O (Apartment/Office) / R-4 (Residential); To: SD (Special Development District)
Parcel 2 - From: R-4 (Residential); To: R-5 (Residential)
PROPOSED USE: Parcel 1: Shopping Center
Parcel 2: Single-family residential
OWNER/APPLICANT: George Valenzuela / Same
REPRESENTATIVE: Luis & Rene de la Cruz
DISTRICT: # 7

ACTION: Motion made by Ray Mancera to postpone two weeks (08/11/05); upon applicant's request, seconded by John Neal, and unanimously carried (7-0).

6. **ZON05-00048:** A portion of Section 44, Block 79 Township 2, T & P RR Co. Survey
LOCATION: Northwest Corner of Pebble Hills and Joe Battle Boulevard
REQUEST: From: R-3 (Residential); To: C-4 (Commercial)
PROPOSED USE: Office Warehouse
OWNER/APPLICANT: River Oaks Properties, LTD / Same
REPRESENTATIVE: SLI Engineering, Inc.
DISTRICT: # 5

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-3 (Residential) to C-4 (Commercial) in order to permit office warehouse. The property is currently 9.054 acres in size and is currently vacant. The proposed site plan shows four buildings to be located on the site. Access is proposed via Pebble Hills Boulevard and Joe Battle. The Planning Department has received no calls or letters in support or opposition to this request. The Development Coordinating Committee recommends approval of this request for rezoning from R-3 (Residential) to C-4 (Commercial) with the

following condition: that the west side of the property adjacent to the existing C-2/c (Commercial/condition) district be zoned existing C-2 (Commercial) district following the line of the existing district.

George Halloul, Representative, agreed with staff recommendations. Mr. Halloul requested that all the property be rezoned to C-4 since the abutting property is already zoned C-4 and there is C-2 acting as a buffer zone between the commercial and residential.

No opposition was presented.

ACTION: Motion made by John Neal to approve C-4 for entire property, subject to staff comments, seconded by Gary Porras, and unanimously carried (7-0).

7. **ZON05-00052:** Tract 1A and 1B, George L. Wilson Survey No. 91
LOCATION: 3962 Doniphan Drive
REQUEST: From: R-4 (Residential); To: C-4 (Commercial)
PROPOSED USE: Warehouse
OWNER/APPLICANT: Jorge Valenzuela / Same
REPRESENTATIVE: Luis & Rene de la Cruz
DISTRICT: # 8

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-4 (Residential) to C-4 (Commercial) in order to permit a warehouse. The proposed site plan shows a warehouse to be located on the site. Access is proposed via Arroyo Street with seven parking spaces provided. The Planning Department has received 30 letters in opposition to this request.

Luis De La Cruz, Representative, agreed with staff recommendations. Mr. De La Cruz noted that the applicant would provide parking for the warehouse. The warehouse will be used to store merchandise such as antique furniture

Commissioner Gus Haddad asked how many parking spaces would be required.

Ms. Valles responded that the number of employees working at the warehouse determines the number of parking spaces. The site plan shows eight parking spaces.

Commissioner John Neal asked Mr. De La Cruz if he would accept restrictions placed on the C-4 zoning.

Mr. De La Cruz responded that he would accept restrictions.

Estevan Gonzales, resident of the area, noted that there is a landscaping business in the area and that business does not provide parking. Mr. Gonzales explained that people park their vehicles on the street and it makes access to Doniphan difficult. Rezoning the property will only aggravate the problem.

Commissioner Chad North recommended that the applicant provide landscaping along Arroyo Street to create a buffer between the warehouse and residential.

Commissioner John Neal asked Mr. Rudy Valdez if he had some suggestions on how to limit the C-4 uses.

Mr. Rudy Valdez, Planning Department, responded that the following uses permitted in a C-4 zoning, could be restricted:

- All the automotive uses permitted in a C-4; any businesses that would allow the sale of alcoholic beverages; the sale, storage, repair, and rental of tractors, heavy trucks, farm equipment; contractor's equipment and heavy vehicles, and equipment; trailer, mobile home, travel trailer, and recreational vehicle sales, display and repair, travel trailer and mobile home park subject to site development plan approval; small animal and veterinary hospital or clinics; general contractor's yard; manufacturing or assembly of space craft or components parts, medical, dental equipment, drafting, optical, musical instruments, watches, clocks, toys, games; electrical or electronic

apparatus, communication equipment, manufacturing of clothing, leather shoes, leather boots and other leather goods, or other similar manufacturing type uses; a dance hall, an outdoor flea market,

Commissioner Gus Haddad suggested that the commission recess so that Mr. De La Cruz could meet with staff and Mr. Gonzales to discuss the restrictions.

ACTION: Motion made by John Neal to recess for five minutes at 3:02 p.m., seconded by Dick Vorba, and unanimously carried (7-0).

ACTION: Motion made by John Neal to reconvene at 3:07 p.m., seconded by Dick Vorba, and unanimously carried (7-0).

Rudy Valdez, Planning Department, noted that the applicant has agreed to the restrictions and landscape buffer to be provided in the back of the property adjacent to the R-4 property.

Mr. De La cruz agreed.

ACTION: Motion made by John Neal to approve, subject to the restrictions that were read by Mr. Valdez, as well as the landscaping buffer on Arroyo Street and at the back of the property adjacent to the residential, subject to staff comments, seconded by Gary Porras, and unanimously carried (7-0).

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

Mr. Rudy Valdez noted that the motion did not include the width of the buffer.

Mr. De La Cruz agreed to a five-foot landscape buffer adjacent to the residential area, along the side of Arroyo Street, and in the back of the property.

ACTION: Motion made by John Neal to approve, subject to the restrictions that were read by Mr. Valdez, as well as a five-foot landscape buffer adjacent to the residential area, along the side of Arroyo Street, and in the back of the property, subject to staff comments, seconded by Gary Porras, and unanimously carried (7-0).

SUBDIVISION MAP APPROVAL

Subdivision Applications:

Public Hearing:

8. **SUB05-00030:** Sunrise Terrace Unit One - Major Resubdivision Final; Being all of Lots 405, 406, 423 and 424, Sunrise Acres, City of El Paso, El Paso County Texas. (District 2)

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

SUMMARY: James Fisk, Planning Department, noted that the City Plan Commission approved the subdivision on a preliminary basis on June 16, 2005. The developer is proposing 24 single-family residential lots. Mr. Fisk requested the deletion of items #1, #2, and #3, under Engineering Department Comments, comments to be complied with prior to DCC review.

Jim Smith, Representative, agreed with staff recommendations.

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

9. **SUB05-00031:** Sunrise Terrace Unit Two - Major Resubdivision Final; Resubdivision Combination; Being all of Lots 267 and 268, Sunrise Acres, City of El Paso, El Paso County Texas. (District 2)

ACTION: Motion made by Ray Mancera to postpone two weeks (08/11/05); upon applicant's request, seconded by John Neal, and unanimously carried (7-0).

Subdivision Applications:

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

ACTION: Motion made by Ray Mancera to postpone two weeks (08/11/05); upon applicant's request, seconded by John Neal, and unanimously carried (7-0).

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 Ray Mancera to postpone two weeks (08/11/05); upon applicant's request, seconded by John Neal, and unanimously carried (7-0).

12. **SUB05-00040:** Thunder Canyon – Preliminary; Being Tract 1E, H.G. Foster Survey No. 259, City of El Paso, El Paso County, Texas. (District 1)

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

SUMMARY: Fred Lopez, Planning Department, noted that the developer is proposing 28 single-family residential lots. Primary access to the subdivision will be from Oak Cliff Drive. The nearest park to the subdivision is Snow Heights Park. The developer is requesting modification for the following:

- Street cross section width with sidewalk on one side and parking on the other
- Residential lot width less than 70' on a minor residential street
- Panhandle length greater than 200'
- Cluster Parking

Mr. Lopez noted that the developer is no longer requesting a modification for reduction on turning heel radius.

The Development Coordinating Committee recommended that the City Plan Commission find that these modifications meet criteria #3.

Mr. Lopez noted that the applicant is proposing sidewalks along all the single-family lots. The applicant is requesting to not develop sidewalks along the roadways adjacent to the open space. Sidewalks shall be required on all local street classification, unless the City Plan Commission makes a finding that the subdivision meets the following criteria:

- A. A characteristic of the neighborhood is that no sidewalks have been required to date, and
- B. The subdivision adjoins or lies within a neighborhood in which buildings or structures have been constructed on at least fifty percent of the lots within the neighborhood, and
- C. The type of subdivision and intensity of land use is compatible with the character of the neighborhood.

The City Plan Commission must also make a finding for the following:

- A cul-de-sac length in excess of two thousand feet shall required a finding by the city plan commission pursuant to Section 19.04.170 of this title. In all cases an approval for a modification of the cul-de-sac length shall required that a circular turnaround be provided at the end of the cul-de-sac, that intermediate turnarounds (eyebrows) be provided to accommodate emergency vehicles access within the cul-de-sac spaced at a maximum distance of seven

hundred fifty feet apart, and that the building construction within the area of the cul-de-sac exceeding a length of one thousand feet shall be sprinklered.

Mr. Lopez noted that the cul-de-sac is approximately 2,400 feet. Mr. Lopez showed several pictures of the proposed subdivision.

Commissioner John Neal also presented photos of the subdivision. Commission Neal asked that based on the photos, why the area is not considered an arroyo.

Bashar Abugalyon, Engineering Department, responded that the area is not considered an arroyo because FEMA does not identify the area as a flow path.

Commissioner John Neal noted that the ordinance specifically omits the definition of an arroyo. The reason for the omission is that city council could not arrive at a consensual agreement as to what an arroyo is. The decision was left to the City Engineering Department and to Mr. Conner to formulate this professional determination. Mr. Conner's determination is that the land has to be in the FEMA 100 year flood plain in order for it to be an arroyo.

Mr. Abugalyon noted that he was instructed that this is not an arroyo and to proceed with the subdivision.

Conrad Conde, Representative, agreed with staff recommendations.

Commissioner John Neal stated that he is concerned about the use of eyebrows instead of a turn-around. Commissioner Neal noted that when side loading trash container trucks travel to the end of the panhandle, the truck will either have to turn around on someone's driveway or back up nearly 300 feet in order to turn around. The Fire Department will have to turn into those areas instead of being able to circle. Commissioner Neal pointed out that he has never seen this many number of modifications on a single subdivision plat in the two years that he has served on the commission. Commission Neal expressed that the overall impact of this causes him to have concern about the safety, the health, and welfare of the people who will be residing in the area. Commissioner Neal also expressed concerns about the sidewalk situation.

Mr. Conde responded that the reason for the modifications is to try to provide a more aesthetically pleasing alternative. The goal is to preserve 69 % of this entire property as open space. Mr. Conde noted that P-R-1 (Planned Residential) zoning allows 128 units to be developed and the applicant is only proposing 28 units.

Commissioner Gus Haddad asked if the Fire Department had any problems with this development.

Chief Marvin Cazzell, El Paso Fire Department, noted that their concerns have been addressed with the developer.

Commissioner Neal noted that the turning radius for a fire vehicle entering this area is 42 feet. Commissioner Neal asked if it would be preferable instead of having small hammerheads to have an eyebrow or a turn around somewhere in the configuration.

Chief Cazzell responded that they do not have a problem with the configuration.

ACTION: Motion made John Neal to allow public testimony, seconded by Dick Vorba, and unanimously carried (7-0).

Stuart Mitchell, member of the Mountain Arroyo Neighborhood Association, noted that this land is an arroyo. Mr. Mitchell noted that when city council struggled with the definition of an arroyo because they wanted to find the definition that says rim to rim. Mr. Mitchell noted that the city plan commission has a fundamental responsibility to the city to begin to protect the heritage of a city that is built around arroyos and on arroyos and to take the steps to protect the arroyos of the city.

ACTION: Motion made by Ray Mancera to approve, approve modification of criteria #3, subject to staff comments, seconded by Chad North, and carried (6-1). (Commissioner John Neal opposed the motion.)

13. **SUB05-00044:** Sandstone Ranch - Major Preliminary; Being a portion of Sections 21 and 22, Block 81, Township 1, Texas and Pacific Railroad Company Surveys. (District 4)

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

SUMMARY: Fred Lopez, Planning Department, noted that the developer is proposing 1,290 residential lots. Primary access to the subdivision will be from Sean Haggerty Drive and Marcus Uribe Drive. The developer will be required to pay \$387,000 to satisfy the parkland requirements. The nearest park to the proposed subdivision is Veterans Park. The Development Coordinating Committee recommends approval of this subdivision with the following conditions: that either the streets proposed over the 200 foot El Paso Electric right of way become part of a plat when this comes in on final, or that the applicant submit a separate application for a street dedication in which that application would have to be approved by the city council before this plat can be recorded on final. Mr. Lopez noted that for item #6, under Engineering Department comments, applies to both comments that he just addressed in reference to the El Paso Electric right of way. Mr. Lopez requested that item #17, under Engineering Department Comments, be deleted.

Jorge Azcarate, Representative, agreed with staff recommendations.

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

PUBLIC HEARING

Other Business:

14. 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 Ray Mancera to postpone two weeks (08/11/05); upon applicant's request, seconded by John Neal, and unanimously carried (7-0).

15. Discussion and action regarding a request for the City of El Paso to consent to the creation of a Municipal Utility District located within the City's East Extraterritorial Jurisdiction. Rancho Real IV Ltd. and Pacific Land Trust have submitted a petition to create a municipal district generally located east of Zaragoza Road and South of Montana Avenue and also legally described as being all of Tracts 4, 5, 6 Section 38, Block 79, Township 2, Texas & Pacific Railway Company Surveys, portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys and Tract 2A, Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys all within the County of El Paso. The proposed municipal district contains a total of 2,019.731 acres.

Rudy Valdez, Planning Department, noted that this is a request for a petition for the creation of a Municipal Utility District (MUD) in El Paso's East Extraterritorial Jurisdiction. The area is approximately 2,019.731 acres. This request was submitted on May 31, 2005. The petition must be submitted to the Mayor and City Council no later than August 23, 2005. The Development Coordinating Committee recommended denial of the petition to create a Municipal Utility District as submitted by Rancho Real IV LTD. The Development Coordinating Committee's recommendation was based on the following considerations:

- The City of El Paso is currently undertaking an annexation study for areas located in El Paso's East extraterritorial jurisdiction area. Until the study is complete and the City determines future growth policies, petitions for the creation of any municipal utility district should be discouraged.
- Annexation would provide for better control of development through building code and zoning regulations.

- El Paso Water Utilities is opposed to the creation of the subject MUD, the study currently being undertaken by the City will set out the manner in which the El Paso Water Utilities may be able to serve the area with water and wastewater services. Annexation will allow for city control of vital water assets.

Mr. Valdez noted that the City of El Paso is currently researching potential annexation areas. Mr. Valdez noted that this annexation study will probably move forward and be considered by City Council within the next month. Mr. Valdez presented several municipal utility districts that exist. Mr. Valdez noted that the Public Service Board is considering removing the Homestead MUD and the Haciendas Del Norte MUD.

The options available to the city are:

- Approve the request with no conditions
- Approve the request with conditions,
- Deny or take no action on the request.

Commissioner Ray Mancera asked why the Planning Department did not recommend approval with conditions.

Mr. Valdez responded the primary reason for not recommending approval of the MUD is due to the undergoing annexation study that is currently being undertaken by the city. The Planning Department feels that the creation of a MUD in this area is premature at this point

Commissioner Mancera asked if there is a timetable for annexation.

Mr. Valdez replied that they have been studying annexation for at least three or four months. The research is almost ready to be presented to city council within the next month.

Nick Costanzo, Assistant General Manager for EPWU, noted that the PSB through the utility provides service to 100% of the residents inside the city and provides service to about 95% of the county residents, either through retail service, wholesale service, municipal utility districts, private water corporation, or water improvement districts. In 1995, the State Legislature passed a law designating the PSB as a regional water plant of El Paso County. In conjunction, Senate Bill 1 and Senate Bill 2, require that the state develop 50-year water supply master plans for nine counties in West Texas. However, EPWU still needs to develop and update a 50-year water supply master plan. The interval planning and development of water supplies for the future is a critical component of the city through its El Paso Water Utilities. In the 1990's, the EPWU started working with the Texas Water Board in dissolving 11 MUDs in the east Montana county area. Those districts were dissolved because they were substandard. Mr. Costanzo noted that they do not want any more creation of MUDs. They would like voluntary annexation and to be able to work with the developers.

Doug Schwartz, Representative, noted that they are at a critical point on the development of the east side. Mr. Schwartz noted that there is nothing wrong with the creation of a MUD. Mr. Schwartz also noted that they are not opposed to annexation and in fact would love to be part of the city, however only if it is a city initiated annexation.

Richard Humada, attorney for Ranchos Real IV, noted that their petition of the creation of the municipal utility district is a comprehensive plan for creation, operation, and the future annexation of this district. Mr. Humada noted that it all started with the consent agreement between the city and the developer. It would provide for a lot of the things that are concerns that are listed in the staff memo, such as provisions for building codes, zoning regulations, and development. They would also like to be a wholesale customer of PSB. Mr. Humada stated that they would like PSB to be the operator within the district. The idea is that the district would act to pay for the cost of facilities and the debt of the district would be paid for by the residence of the district so that there wouldn't be a subsidy by the other residence of the city.

Commissioner Roman Bustillos asked if the rates to the consumer would be higher or lower than the City of El Paso.

Mr. Humada responded that the rates would be slightly higher because those rates would also have to have a little bit of administration cost of the district.

The city plan commissioners discussed the municipal utility district issue in length. Many questions were asked to the applicant and to the representatives of the El Pas Water Utility. After a lengthy debate, it was recommended by Commissioner John Neal to recommend to the city council that no action be taken on the approval of the MUD at this time, until the city council makes a determination on an annexation policy as expeditiously as is reasonable.

ACTION: Motion made by John Neal to recommend to city council that no action be taken on the approval of the MUD at this time, until the city council makes a determination on an annexation policy as expeditiously as is reasonable, seconded by Roman Bustillos and carried (4-3). Commissioners Gary Porras, Miguel Teran and Chad North opposed the motion.

16. An Ordinance amending Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.48 (Laundries) of the El Paso City Municipal Code with penalties of up to two-thousand (\$2,000) for violation thereof as enumerated in 5.48.240 of the City Code.

ACTION: Motion made by Ray Mancera to postpone two weeks (08/11/05); upon applicant's request, seconded by John Neal, and unanimously carried (7-0).

17. Discussion regarding Mr. Richard Schecter's concerns related to the Park at Wildwood development.

ACTION: Motion made by John Neal to delete item, seconded by Miguel Teran, and unanimously carried (7-0).

18. Approval of CPC Minutes: July 14, 2005

ACTION: Motion made by John Neal to approve, seconded by Miguel Teran, and unanimously carried (5-0). (Commissioners Ray Mancera and Dick Vorba left.)

19. Update from City Attorney's Office on Resler Canyon litigation.

20. Planning Report.

21. Legal Report.



CITY PLAN COMMISSION HEARING ADDITION TO THE AGENDA

DISCUSSION AND ACTION

1. Discussion and action regarding Mr. Richard Schecter's concerns related to the Park at Wildwood development.

Mr. Richard Schecter presented his concerns related to the Park at Wildwood development. Mr. Schecter noted that the City Plan Commission was not given the correct information thus erroneously approved a request. An instance that might be considered erroneous is that staff informed the commission that the sight distance for the access road into the development met the design requirements required by the city. However, all the documentation in the files states the city staff addressed to the developer that the subdivision did not meet the design requirements required by the city. Mr. Schecter also pointed out that a traffic study should have been presented to staff, yet no traffic study was ever completed or presented.

Mr. Stuart Mitchell reiterated that the city plan commissioners were given false information for the Park at Wildwood subdivision.

Commissioner John Neal agreed that the subdivision did not meet sight distance requirements.

ACTION: Refer this item to a City Plan Commission Subcommittee to research the issue regarding appropriate remedies when a mistake or error is made on approval of a subdivision. The item will be heard in four weeks (August 25, 2005).

The City Plan Commission Hearing adjourned at 5:53 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON JULY 28, 2005

_____, CHAIR
