



CITY PLAN COMMISSION HEARING MINUTES

August 19, 2004

MEMBERS PRESENT:

Gary Porras
John Neal
Dick Vorba
Daphne Hamilton
Ray Mancera
Gus Haddad
Ruben Ponce
Chad North

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, 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 Daphne Hamilton at 1:39 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 Ray Mancera and unanimously carried (7-0).

DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **SD03041:** Franklin Hills Unit Four – Combination; Being a portion of H.G. Foster No. 262 City of El Paso, El Paso County, Texas. (District 1)

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

SUMMARY: Agenda Items #1, #2 and #3 were heard simultaneously. James Shelton, Planning Department, noted that the City Plan Commission approved the subdivisions on December 18, 2003. The plats expired on June 18, 2004. The applicant had six-months to record the plats and failed to record the plats so therefore they had to resubmit the application and start over again. On Franklin Hills 6, the developer is requesting a modification to allow for a change in the cross-section of the proposed rock wall dividing Bear Ridge from the drainage channel. The developer is proposing a combination rock wall and wrought iron fence for aesthetic purposes. The Development Coordinating Committee recommended approval of this modification subject to criteria #3 of the Subdivision Ordinance. Mr. Shelton noted that for Franklin Hills 4, there are two items that need to be corrected. The first is item #6, under Engineering Comments, it needs to read "Coordinate access points with Engineering Department". The second is to delete item #13 under Engineering Comments. Mr. Shelton also noted that for Franklin Hills 6, item #6, under Engineering Comments, it needs to read "Coordinate access points with Engineering Department". Item #13, under Engineering Comments needs to be deleted. Item #4, under Other Requirements and Comments, also needs to be deleted.

Robert Gonzalez, Representative, agreed with staff recommendations.

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

2. **SD03042:** Franklin Hills Unit Five – Combination; Being a portion of H.G. Foster No. 262 City of El Paso, El Paso County, Texas. (District 1)

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

SUMMARY: Agenda Items #1, #2 and #3 were heard simultaneously. James Shelton, Planning Department, noted that the City Plan Commission approved the subdivisions on December 18, 2003. The plats expired on June 18, 2004. The applicant had six-months to record the plats and failed to record the plats so therefore they had to resubmit the application and start over again. On Franklin Hills 6, the developer is requesting a modification to allow for a change in the cross-section of the proposed rock wall dividing Bear Ridge from the drainage channel. The developer is proposing a combination rock wall and wrought iron fence for aesthetic purposes. The Development Coordinating Committee recommended approval of this modification subject to criteria #3 of the Subdivision Ordinance. Mr. Shelton noted that for Franklin Hills 4, there are two items that need to be corrected. The first is item #6, under Engineering Comments, it needs to read "Coordinate access points with Engineering Department". The second is to delete item #13 under Engineering Comments. Mr. Shelton also noted that for Franklin Hills 6, item #6, under Engineering Comments, it needs to read "Coordinate access points with Engineering Department". Item #13, under Engineering Comments needs to be deleted. Item #4, under Other Requirements and Comments, also needs to be deleted.

Robert Gonzalez, Representative, agreed with staff recommendations.

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

3. **SUB03-00010:** Franklin Hills Unit 6 – Combination; Being a portion of H.G. Foster No. 262, City of El Paso, El Paso County, Texas. (District 1)

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

SUMMARY: Agenda Items #1, #2 and #3 were heard simultaneously. James Shelton, Planning Department, noted that the City Plan Commission approved the subdivisions on December 18, 2003. The plats expired on June 18, 2004. The applicant had six-months to record the plats and failed to record the plats so therefore they had to resubmit the application and start over again. On Franklin Hills 6, the developer is requesting a modification to allow for a change in the cross-section of the proposed rock wall dividing Bear Ridge from the drainage channel. The developer is proposing a combination rock wall and wrought iron fence for aesthetic purposes. The Development Coordinating Committee recommended approval of this modification subject to criteria #3 of the Subdivision Ordinance. Mr. Shelton noted that for Franklin Hills 4, there are two items that need to be corrected. The first is item #6, under Engineering Comments, it needs to read "Coordinate access points with Engineering Department". The second is to delete item #13 under Engineering Comments. Mr. Shelton also noted that for Franklin Hills 6, item #6, under Engineering Comments, it needs to read "Coordinate access points with Engineering Department". Item #13, under Engineering Comments needs to be deleted. Item #4, under Other Requirements and Comments, also needs to be deleted.

Robert Gonzalez, Representative, agreed with staff recommendations.

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

4. **SUB04-00023:** Olympic Park Subdivision – Final; Being all of Lots 331 and 332, Sunrise Acres No. 1, City of El Paso, El Paso County, Texas. (District 2)

ACTION: Motion made by Ray Mancera to move item #4 to the end of the agenda, seconded by John Neal and unanimously carried (7-0).

ACTION: Motion made by Ray Mancera to postpone for two weeks (09/02/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0). (Commissioners Chad North and Gus Haddad left.)

5. **SUB04-00058:** Arbour Green Unit 2 – Preliminary; Being all of Tract 1E and portion of Tract 1H, Section 41, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas. (District 5)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing 124 single-family residential lots. Access to the subdivision would be from Edgemere Boulevard and Turner Road. The minimum lot size in the subdivision is 4,309 square feet. The developer would be required to pay \$37,200 in park fees to satisfy the parkland requirements. The Engineering Department is requiring the following:

- o The subdivision must comply with the approval master drainage concept plan
- o All double frontage lots shall contain landscaping
- o Right of way shall be able to accommodate 5 x 5 passing zone, and no encroachments on parkway/sidewalk areas. (i.e. fire hydrants, street light, stops signs, etc.)

Engineering Traffic Division is requiring a release of access on all the lots that are abutting Joe Battle, Turner Road and Edgemere Boulevard.

Commissioner Gus Haddad asked why they decided to take park fees in lieu of a park.

Mr. Shelton replied that they did discuss this and noted that there is a park located in Arbour Green Unit 1, and there are two other parks located in the area.

Commissioner Haddad asked what the size of the park would have been.

Mr. Shelton replied it would have been .6 acres.

Conrad Conde, Representative, agreed with staff recommendations.

Matt Watson, Assistant City Attorney, made a revision on item #5, under Engineering Department Comments, the item should read: "Right of way shall be able to accommodate 5 x 5 passing zone, and no encroachments on parkway, sidewalk areas, which deny ADA compliant access, shall be permitted".

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

6. **SUB04-00061:** Painted Dunes Unit 2 – Combination; Portion of Tract 1A Section 31, Block 80, Township 1, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas. (District 4)

ACTION: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

7. **SUB04-00062:** Painted Dunes Unit 3 – Combination; Portion of Tract 1A Section 31, Block 80, Township 1, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas. (District 4)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a subdivision containing 97 single-family residential lots. Primary access to the subdivision would be from Sean Haggerty Drive. The minimum size of the lot would be 5,111 square feet. The developer would be required to pay \$29,100 in park fees. The Engineering Department recommended approval subject to all the drainage issues within this report. The Engineering Department is also requesting that sidewalks be required within and abutting the subdivision and the developer shall also be required to construct a 6-foot high rockwall along the eastern boundary of the subdivision. Engineering Traffic Division is requesting a release of access on Sean Haggerty Drive. The Engineering Traffic Division is also requesting that the southern half of Sean Haggerty Drive, which is abutting the subdivision be improved.

Fermin Dorado, Representative, agreed with staff recommendations.

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

Subdivision Vacation:

8. **88-40:** Estrada Addition Replat A - Subdivision Vacation – Request to vacate all of Estrada Addition Replat A

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

SUMMARY: James Shelton, Planning Department, noted that the City Plan Commission approved this subdivision in October 1988 on a final basis. The applicant is proposing to vacate the subdivision consisting of five single-family lots. The reason for the vacation request is that the owner divided the property into five lots and family members were going to finance the project by purchasing a lot each and to this date no one has purchased a lot.

Fermin Dorado, Representative, agreed with staff recommendations.

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

PUBLIC HEARING

Subdivision Application:

9. **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: Motion made by John Neal to delete item, seconded by Ray Mancera and unanimously carried (7-0).

10. **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)

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

SUMMARY: James Shelton, Planning Department, noted that the applicant is proposing a development containing two lots. Lot 1 is for Apartment/Office Complex and Lot 2 would remain undisturbed. Primary access to the subdivision would be from Idaho Street via Murchison Street and Portland Avenue via Cotton Street. The developer would be required to pay park fees in the amount of \$2,037. The Engineering Department is requiring the following:

- o Address off-site run-off, private drainage easements will be required
- o Sidewalks required where public row is abutting subdivision
- o A 6 foot rockwall is required between the subdivision and the existing detention basin (Control Dam #8) located on the adjacent southeast portion of subdivision

Mr. Shelton requested that item #5, under Engineering Comments, be deleted. Mr. Shelton also noted that the developer would like to coordinate with the Engineering Department the location of any sidewalks. Mr. Shelton noted that as per the Subdivision Code, sidewalks could be deleted.

Bradley Roe, Representative, agreed with staff recommendations. Mr. Roe noted that constructing sidewalks adjacent to the dedicated street would not be feasible since the street is a paper street and the sidewalks would go 90 feet straight up into the air.

Commissioner Gus Haddad asked why they did not delete item #5 regarding landscaping requirements.

Mr. Shelton replied that the Engineering Department agreed to this deletion.

Mr. Rudy Valdez clarified that as for the sidewalk issue, as per the Subdivision Ordinance, the only criteria that could possibly be used to waive the sidewalks would be the one that says "streets within an approved subdivision where a determination has been made by the deputy director for Engineering that sidewalks would impede drainage". Engineering Department would be the one to waive the sidewalks.

Bashar Abugalyon, Engineering Department, agreed to waive the sidewalks.

No opposition was presented.

Jim: make a motion to approve waiving sidewalk requirements where there is not actually a street

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

11. **SUB04-00049:** Kings Addition – Resubdivision Combination; Being a re-subdivision of Lot 15, Block 4, Mesa Hills Unit One Subdivision. (District 1)

ACTION: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

12. **SUB04-00050:** Polaris Subdivision – Resubdivision Combination; Being Lots 79 and 80, Sunrise Acres No. 1 City of El Paso, El Paso County, Texas. (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 16 single-family residential lots. Primary access to the subdivision would be from Polaris Place and Eclipse Street. The smallest size lot is 4,500 square feet. The developer would be required to pay a total of \$ 4,800 in park fees. The developer is requesting a modification to allow for 38-foot right of way with a 5-foot sidewalk, no landscape or parkway areas. The standard right of way is 44-feet with 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. Mr. Shelton noted that parking on one side would be required.

Sal Massoud, Representative, agreed with staff recommendations.

No opposition was presented.

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

13. **SUB04-00051:** Vista Del Sol Unit 119 Replat “A” – Resubdivision Combination; Being a replat of Lot 1, Block 512, Vista Del Sol Unit One Hundred Nineteen, City of El Paso, El Paso County, Texas. (District 6)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is requesting a subdivision containing 11 duplex residential lots. Primary access to the subdivision would be from Pullman Drive via Vista Del Sol Drive. The smallest size lot is approximately 8,190 square feet. Park fees have already been paid on the subdivision when it was originally platted therefore the Planning Department would coordinate with the applicant to determine the park if there is a shortage. The developer is requesting a modification to allow for a five-foot sidewalk with a three-foot landscape area instead of the standard four-foot sidewalk and the four-foot landscaped area. The Planning Department recommends that the City Plan Commission find that the modification meets criteria #3 under the Subdivision Ordinance. The Engineering Department recommended that all double frontage lots be landscaped. The traffic division also recommended that a release of access be provided for all the lots that are abutting Vista Del Sol. The Planning Department recommends that a release of access also be required for the streets.

Conrad Conde, Representative, agreed with staff recommendations.

Jose Donacio, resident of the area, noted that he had several concerns and he would like to know what kind of duplexes would be built in the area.

Mr. Conde responded that the typical duplexes that have been done by this builder are combination of a one-story or two-story, most of them are combination either of stucco or brick.

Commissioner Daphne Hamilton asked if there is a topography difference, if the lots are leveled with the properties on Diego Rivera.

Mr. Conde replied that there is a few feet difference but they do not require a retaining wall.

Commissioner Hamilton asked if he would be adding to the height of the wall.

Mr. Conde replied that he would.

Mr. Donacio requested that the builder raise the wall to provide privacy. Mr. Donacio showed several pictures of the area.

After further discussion it was noted that the rockwall would be raised to the standard 6-foot rockwall.

Mr. Rudy Valdez, Planning Department, pointed out that prior to this subdivision being submitted, the proposal on this property was for apartments and there were 80 plus units proposed. When you compare the two, duplexes would be more compatible with the surrounding uses versus the apartments.

ACTION: Motion made by Gus Haddad to approve, subject to staff comments, seconded by Gary Porras and unanimously carried (6-0). (Commissioner Chad North abstained.)

Street Vacation Application:

14. **SV04009:** Street Vacation – Being all of Ninth Avenue between Block 49 and 31, Campbell Addition. (District 8)

ACTION: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

15. **SV04010:** Street Vacation – Portion of Sun Bowl Drive located adjacent to University Center Subdivision, Hart Homestead Survey and Hart Pre-Emption Survey No. 2. (District 8)

ACTION: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

Extension Request to Complete Subdivision Improvements:

16. **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: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

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

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

SUMMARY: James Shelton, Planning Department, noted that this is a request to complete subdivision improvements. The subdivision falls under the guidelines of the new Subdivision Ordinance. The subdivision was approved by the City Plan Commission on a final basis on June 1, 2000 and recorded on October 29, 2001. The two-year completion period expired on October 29, 2003. The applicant requested an additional one-year extension and was given an eight-month extension. Due to utility design coordination problems with the El Paso Electric Company's relocation of transmission lines and the El Paso Water Utility's service points, the developer has not been able to commence construction of the required subdivision improvements and also with Keystone Business Park Replat A. The developer is coordinating several issues with the City of El Paso regarding a possible land swap. The developer is asking for a two-year extension to complete the improvements or the possible land trade with the City of El Paso. The City Plan Commission on July 8, 2004 voted to postpone the extension for two weeks subject to the applicant furnishing the Planning Department an estimate of the monetary costs to complete the subject improvements. An additional two-week postponement was agreed by the City Plan Commission on July 22, 2004 to give the applicant time to complete the cost analysis and phasing plan to show the costs and length of time to complete the subject improvements to the subdivision. The Development Coordinating Committee has unanimously recommended approval on a six-month extension request of Keystone Business Park to complete the improvements at their July 22, 2004 meeting subject to the above recommendations.

Jorge Garcia, Representative, agreed with staff recommendations and the six-month extension.

Commissioner Gus Haddad asked what has changed if the applicant was requesting a two-year extension and now he has settled for six-months.

Mr. Garcia responded that they wanted a one-year extension but they feel that within six-months they would be able to get this sorted out.

No opposition was presented.

ACTION: Motion made by John Neal to approve a sixteen-month extension, subject to staff comments, seconded by Gus Haddad and carried (6-1). (Commissioner Ray Mancera voted against.)

Mr. Rudy Valdez, Planning Department, noted that since the applicant was granted an eight-month extension that expired June 2004, the extension should be for eight-months which would then take them through February 2005.

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

ACTION: Motion made by John Neal to approve an eight-month extension, subject to staff comments, seconded by Dick Vorba and carried (6-1). (Commissioner Ray Mancera voted against.)

Detailed Site Development Plan Review Application:

18. **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/c (Commercial/special contract/conditions)
PROPOSED USE: Automotive sales
OWNER/APPLICANT: Ricardo Olague / same
REPRESENTATIVE: Fermin Dorado
DISTRICT: # 7

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the City Plan Commission postponed this item from the July 22, 2004 meeting in order to allow for some development issues that were still pending on this particular site plan with regards to an irrigation ditch that is just abutting the property. An ordinance was granted, 014916, changing the zoning from C-1 (Commercial) to C-3 (Commercial). The property owner is requesting to build an automotive sales facility that would have the sales of automotive along Yarbrough. Access is proposed off of Yarbrough. The Development Coordinating Committee has recommended approval of the detailed site development plan with the following condition:

“Forming a point between Lots 16 & 17 of San Jose Subdivision at the north end of the subject property and heading along property line in a counter-clockwise direction to a point where the subject property intersects with Yarbrough Drive, applicant is authorized to install the required rock wall up to 8' into his property and away from the property line shown on this detailed site plan, at his discretion, as same may be necessary in consideration of possible issues pertaining to an abutting community ditch. Should the rock wall be placed further inside applicant's property than the property line, features to include the private pond and landscaping, may be moved toward the interior of applicants property no more than that same amount.

With regard to the rock wall placement in the area abutting lots 17, 18, & 19 of San Jose Subdivision to the north, the applicant shall not utilize any rock wall actually in one of the aforementioned lots and not in his property or otherwise extend same as means of compliance with the requirement of providing a rock wall without express written authorization from the affected property owner regarding same.”

The Planning Department has received a petition dated June 17, 2004 with 8 signatures in opposition, one faxed letter dated June 16, 2004 in opposition to C-3 zoning, one faxed letter dated July 7, 2004 in opposition to unauthorized construction at this property. Mr. Rousselin presented a landscaped plan, which in turn if the particular chain link fence were to be moved the ponding area and also the landscaped would have to be moved. The applicant has the flexibility up to 8 feet to move it from the existing irrigation ditch.

Matt Watson, Assistant City Attorney, clarified that it's a rockwall, not a chain link fence that must be constructed. The applicant has the discretion of brining that rockwall up to 8 feet, he's going to look at the abutting property owners, he's going to determine if there are any legal concerns with regard to any private property interest they have in the community ditch, and he'll make his decision accordingly.

Bashar Abugalyon, Engineering Department, noted that they visited the site and found out that some places where the irrigation ditch is encroaching into the center line of the property line which means that the irrigation ditch, center line of the irrigation ditch is in the middle of the property. The Engineering Department is requesting to allow 5 feet away from the edge of the ditch just to ensure the stability of the wall.

Fermin Dorado, Representative, agreed with staff recommendations. Mr. Dorado noted that they have worked with staff to meet all the requirements and they have also met with the neighbors do discuss their concerns.

Jose Melendez, resident of the area, noted that his main concern is presently on the west side and north side of this property, the applicant storing cars, which is against the code. Mr. Melendez noted that he has allowed dumping or storing of illegal materials on the site for which he was fined. Mr. Melendez noted that all the houses in the area are located on half-acre or more and have been kept up. Mr. Melendez also noted that because of the topography when you develop the full property, it would be difficult to get a fire engine in and out of that space in case of the fire.

Marvin Cazzell, Fire Department, noted that the Fire Department has reviewed it and does not have any problems with the request.

Laurie Cooper, resident of the area, noted that she is also opposed to this requested due to the drainage issues.

Arturo Espinoza, president of Carlsbad Association, noted that they are also opposed to this request. They do not want another car lot in the area.

Mr. Rudy Valdez, Planning Department, noted that the item before the commission is not a question of land use, the land use that they are proposing is already permitted in the district, and all they are reviewing is the site plan.

Vivian Rojas, City Representative for District 7, noted that the issues have been raised, and issues still remain. Representative Rojas stated that this was to go to Engineering to get some type of certification, and that he is supposed to comply with it and he hasn't at this point. When improvements are made, they should be constructed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso prior to the issuance of occupancy, and compliance for any building constructed on the property. Representative Rojas pointed out that they have heard that the grading has been changed so there is concern regarding the flooding into the backyards of these residents who live there. The survey was just received and basically there are questions to the survey whether they agree with the surveys. There is conflict with the property lines regarding both surveys and there are also issues with the way this whole situation has come about and how he has built the wrought iron fence, the rockwall fence, the display for his cars, dug a pit, all without permits. Representative Rojas asked the commission to deny this request.

Mr. Valdez noted that what is before the commission today is the approval of the site plan and have discretion in terms of the use that is being proposed, because automotive uses are permitted in the C-3. There are some issues that have been brought up with regard to enforcement, in terms of the drainage

and grading issues, there are issues addressed to the building permits stage. The issue of the survey is a civil matter.

Fermin Dorado requested that the item be approved and noted that they have complied with all issues.

Marcela Carrillo, resident of the area, stated that she supports this request.

Commissioner Gus Haddad asked that based on what was presented today, the property would not have any problems with drainage.

Mr. Abugalyon responded that is correct because their obligation is to ensure that the drainage and flooding issues be taken care before a permit is released. The monitoring would be at the end when the applicant requests a certificate of occupancy.

Commissioner Haddad pointed out that in actuality by this going forward today, it would be a benefit to the drainage plans in the neighborhood.

Motion made by Gary Porras to deny. Motion was not seconded.

Matt Watson, Assistant City Attorney, requested that the commissioner retire into executive session.

Motion made by John Neal to approve, seconded by Dick Vorba.

Motion made by Gus Haddad to table the item, seconded by Dick Vorba and approved

ACTION: Motion made by Gus Haddad to retire into executive session at 4:45 p.m., seconded by Dick Vorba and carried (4-3).

ACTION: Motion made by John Neal to reconvene from executive session at 5:10 p.m., seconded by Dick Vorba and unanimously carried (7-0).

ACTION: Chair entertained a motion to take from the table the motion, motion made by Ray Mancera and seconded by John Neal and unanimously carried (7-0).

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and carried (5-1). (Commissioner Gary Porras voted against and Commissioner Chad North abstained.)

19. **ZON04-00102:** Lot 6, Block 13, Womble Addition
LOCATION: 5640 E. Paisano & 5710 E. Yandell
REQUEST: Zoning condition
ZONE: C-4/sc (Commercial/special contract)
PROPOSED USE: New Hotel Building
OWNER/APPLICANT: Josephine M. Chededeh / same
REPRESENTATIVE: Del Rio Engineering
DISTRICT: # 3

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

SUMMARY: Agenda Items #19 and #27 were heard simultaneously. Jorge Rousselin, Planning Department, noted that the site plan was submitted in order to permit a new hotel building. The property is currently zoned C-4 with a special contract requiring a detail site plan. The Planning Department has received no calls or letters in support or opposition to this request.

Sal Massoud, Representative, agreed with staff recommendations.

No opposition was presented.

Pilo Guevarra, Engineering Traffic Department, noted that the proposed sign is too large and would like for the applicant to coordinate with the Engineering Department to come to some agreement as to the size of the sign because it is blocking the visibility of the cars coming in and out.

Mr. Massoud replied that the location is basically the only location that would be most visible however he agreed to use a cylinder sign.

Pilo Guevarra agreed to the cylinder sign and the location.

Mr. Rudy Valdez, Planning Department, suggested that they approve the site plan without the sign and they can later amend the site plan administratively with the sign.

No opposition was presented.

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

Special Permit Applications:

- 20. **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: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

- 21. **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

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the applicant is requesting a special permit to allow for a library to be located within a residential subdivision abutting a park site. The site is contained within a dedicated park site of 16.315 acres, however the proposed library site will occupy 7.06 acres in size. The proposed site plan shows one library building approximately 21,500 square feet. Access is proposed via Pebble Hills Boulevard. 85 parking spaces are 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 this request.

Oscar Perez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to move item #21 to the front of the agenda, seconded by Ray Mancera and unanimously carried (7-0).

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

22. **ZON04-00091:** East El Paso, Block 41, S. Pt. Of 14 to 16
REQUEST: Special permit to allow for parking reduction
LOCATION: 3624 Gateway East, Suite B
ZONE: M-1 (Light Manufacturing)
PROPOSED USE: Parking Reduction
OWNER/APPLICANT: Luis M. Alvarado / Same
REPRESENTATIVE: Cruz Garcia
DISTRICT: # 8

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the developer is requesting a special permit to allow for a 100% parking reduction for a beverage depot and storage, which would serve the existing surrounding industrial uses. Five parking spaces are required for the proposed use and the request is for a reduction of five spaces. Access to the business is from Stevens Drive. The Planning Department has received no calls or letters in opposition or support of this request.

Cruz Garcia, 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 (7-0).

23. **ZON04-00100:** Tract 1E and portion of Tract IH, Section 41, Block 79, Township 2, Texas and Pacific Railroad Company Surveys
REQUEST: Planned residential development
LOCATION: Joe Battle Boulevard North of Edgemere Boulevard
ZONE: A-2/c (Apartment/conditions), C-4/c (Commercial/conditions)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: JNC Development Inc. / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 5

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

SUMMARY: Agenda items #23 and #29 were heard simultaneously. Fred Lopez, Planning Department, noted that the applicant is requesting a special permit to allow for a planned residential development. The proposed site plan shows 124 single-family homes to be located on the site. Access is proposed via Edgemere Boulevard. The applicant is requesting the following reduction:

- o Reduction in lot sizes (minimum 4,500 sq. ft. required for R-5, minimum 4,308.69 sq. ft. proposed by applicant)
- o Reduction in average lot widths (minimum 45 ft. required for R-5, minimum 41 ft. proposed by applicant)
- o Reduction in side yard setback (minimum 5 ft. required for R-5, 3 - 7 ft. with 10 ft. between buildings proposed by applicant)

The Planning Department has not received any calls or letters in support or opposition to this request.

Conrad Conde, Representative, agreed with staff recommendations.

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

Rezoning Applications:

24. **ZON04-00087:** A portion of Tract 1A, Section 31, Block 80, Township 1, Texas and Pacific Railroad Surveys
LOCATION: Sean Haggerty Drive East of McCombs Street
REQUEST: Parcel 1 - From: R-3 (Residential); To: A-2 (Apartment)
Parcel 2 - From: R-3 (Residential), R-F (Ranch and Farm); To: R-3A (Residential)
Parcel 3 - From: R-F (Ranch and Farm); To: R-3A (Residential)
PROPOSED USE: Parcel 1: apartments
Parcel 2: single-family residential development
Parcel 3: single-family residential development
OWNER/APPLICANT: EP Land Acquisition L.L.C. / Richard Aguilar
REPRESENTATIVE: Dorado Engineering, Inc.
DISTRICT: # 4

ACTION: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

25. **ZON04-00095:** A portion of Section 34, Block 79, Township 2, Texas and Pacific Railroad Company Surveys
LOCATION: Edgemere Boulevard and Rich Beam Boulevard
REQUEST: Parcel 1 - From: R-5 (Residential); To: C-1 (Commercial)
Parcel 2 - From: R-5 (Residential); To: C-1 (Commercial)
Parcel 3 - From: C-1 (Commercial); To: R-5 (Residential)
Parcel 4 - From: C-1 (Commercial); To: R-5 (Residential)
Parcel 5 - From: R-5 (Residential); To: A-2 (Apartment)
PROPOSED USE: Parcel 1: Retail commercial
Parcel 2: Retail commercial
Parcel 3: Residential
Parcel 4: Residential
Parcel 5: Apartments
OWNER/APPLICANT: Ranchos Real VI, Ltd. / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 5

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a rezoning from R-5 (Residential) to C-1 (Commercial) for Parcels 1 and 2 in order to permit retail commercial development, a rezoning from C-1 (Commercial) to R-5 (Residential) for Parcels 3 and 4 in order to permit residential development, and a rezoning from R-5 (Residential) to A-2 (Apartment) for Parcel 5 in order to permit apartments. The entire property is 62.61 acres in size and is currently vacant. The proposed site plan shows the configuration of Parcels 1 - 5. Access is proposed via Edgemere Boulevard and Rich Beam Boulevard. There are no zoning conditions currently imposed on this property.

The Development Coordinating Committee recommended approval of the following rezoning request:

- o Parcel 1: From R-5 (Residential) to C-1 (Commercial)
- o Parcel 2: From R-5 (Residential) to C-1 (Commercial)
- o Parcel 3: From C-1 (Commercial) to R-5 (Residential)
- o Parcel 4: From C-1 (Commercial) to R-5 (Residential)
- o Parcel 5: From R-5 (Residential) to A-2 (Apartment)

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

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

26. **ZON04-00096:** Tracts 3A2, 3B2 and 3B3, Block 7, Upper Valley Surveys
LOCATION: 1080 Country Club Road
REQUEST: From: R-3 (Residential); To: C-1 (Commercial)
PROPOSED USE: Monument sign
OWNER/APPLICANT: Country Club Office Park L.L.C.
REPRESENTATIVE: Huitt-Zollars, Inc.
DISTRICT: # 8

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting to rezone property from R-3 (Residential) to C-1 (Commercial) in order to permit a proposed monument sign on the property. The proposed site plan shows the property with the monument sign to be located on the site. Access is proposed via Santa Teresita Drive. The Planning Department has received no calls or letters in support or opposition to this request.

Chris Haynes, Representative, agreed with staff recommendations.

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

27. **ZON04-00097:** East 105 Ft of 2 - 4 Block 13, Womble
LOCATION: 5640 E. Paisano & 5710 E. Yandell
REQUEST: From: C-1 (Commercial); To: C-4 (Commercial)
PROPOSED USE: Hotel & Parking
OWNER/APPLICANT: Josephine Chededeh
REPRESENTATIVE: Del Rio Engineering
DISTRICT: # 3

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

SUMMARY: Agenda items #19 and #27 were heard simultaneously. Jorge Rousselin, Planning Department, noted that this is a request to rezone property from C-1 (Commercial) to C-4 (Commercial) in order to permit a 3-story hotel and parking lot. The proposed site plan shows one hotel building a parking lot to be located on the site. Access is proposed via Yandell Drive and Paisano Drive. 45 parking spaces are provided. The Planning Department has received no calls or letters in support of opposition to this request.

Sal Massoud, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Gus Haddad to move item #27 to the front of the agenda, seconded by John Neal and unanimously carried (7-0).

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

28. **ZON04-00099:** A portion of Lot 1, Block 112, Vista Del Sol Unit 16
LOCATION: 11129 Pellicano Drive
REQUEST: From: P-I (Planned Industrial); To: C-4 (Commercial)
PROPOSED USE: Commercial/wholesale
OWNER/APPLICANT: Grys Group LLC / Copper State Bolt & Nut Co.
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 7

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the developer is requesting a rezoning from P-I (Planned Industrial) to C-4 (Commercial) in order to permit commercial/wholesale facility. Access is proposed via Pellicano with 9 parking spaces provided. The Planning Department has received no calls or letters in support or opposition to this request.

Conrad Conde, Representative, agreed with staff recommendations.

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

29. **ZON04-00101:** Tract 1E and portion of Tract IH, Section 41, Block 79, Township 2, Texas and Pacific Railroad Company Surveys
LOCATION: Joe Battle Boulevard North of Edgemere Boulevard
REQUEST: A-2/c (Apartment/conditions), C-4/c (Commercial/conditions); To: R-5/c (Residential/conditions)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: JNC Development Inc. / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 5

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

SUMMARY: Agenda Items #23 and #29 were heard simultaneously. Fred Lopez, Planning Department, noted that the developer is proposing to rezone property from A-2/c (Apartment with conditions) and C-4 (Commercial with conditions) to R-5 (Residential) in order to permit a single-family residential development. Access is proposed via Edgemere Boulevard. The Planning Department has received no calls or letters in support or opposition to this request.

Conrad Conde, Representative, agreed with staff recommendations.

Irene Regoza, resident of the area, stated that she is opposed to this request. Ms. Regoza noted that there is a lot of congestion in the area and no parks. She is also opposed to Turner Road opening to Joe Battle.

ACTION: Motion made by John Neal to move the item to the front of the agenda, seconded by Chad North and unanimously carried (6-0). (Commissioner Gus Haddad left.)

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

Discussion and Action on Ordinance Amendments:

30. 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: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

- 31. 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: Motion made by John Neal to postpone for two weeks (09/02/04); upon applicant's request, seconded by Ray Mancera and unanimously carried (7-0).

Other Business:

- 32. Reconsideration: Approval of CPC Minutes June 17, 2004

ACTION: Motion made by Ray Mancera to reconsider item, seconded by Gary Porras and unanimously carried (4-0). (Commissioner Gus Haddad left and Chad North left.) (Commissioner Dick Vorba abstained)

ACTION: Motion made by John Neal to approve, seconded by Gary Porras and unanimously carried (4-0). (Commissioner Gus Haddad left and Chad North left.) (Commissioner Dick Vorba abstained)

- 33. Approval of CPC Minutes: July 22, 2004

ACTION: Motion made by Ray Mancera to approve, seconded by Ruben Mancera and unanimously carried (4-0). (Commissioner Gus Haddad left and Chad North left.)

- 34. Planning Report.

- 35. Legal Report.

The City Plan Commission Hearing adjourned at 6:30 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON AUGUST 19, 2004

_____, **CHAIR**

_____, **DATE**