



CITY PLAN COMMISSION HEARING MINUTES

August 25, 2005

MEMBERS PRESENT:

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

OTHERS PRESENT:

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

The City Plan Commission meeting was called to order by Gus Haddad at 1:34 p.m. Council Chambers, 2nd Floor. A quorum of its members was present and Dick Vorba made the introductory statements. Fred Lopez presented changes to the agenda. Motion made by Gary Porras to accept changes to the agenda, seconded by Ray Mancera, and unanimously carried (8-0).

DISCUSSION AND ACTION:

PUBLIC HEARING

Detailed Site Development Plan Application:

- ZON05-00073:** A portion of Lot 21, Block 1, Paseo Del Sol Unit 1
LOCATION: 12351 Paseo Nuevo
REQUEST: Detailed site plan to permit office/warehouse
ZONE: C-4/c (Commercial/condition)
PROPOSED USE: Office Warehouse
OWNER/APPLICANT: David Horrell / Same
REPRESENTATIVE: David Horrell
DISTRICT: # 6

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

SUMMARY: Fred Lopez, Planning Department, noted that the site plan was submitted in order to permit office/warehouse. Site plan review is required because a condition exists on the subject property. Access is proposed via Paseo Nuevo Drive.

David Horrell, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by Ruben Ponce, and unanimously carried (7-0). (Commissioner Belinda Luna left.)

Special Permit Applications:

- 2. **ZON05-00071:** East 1/2 of Lots 19 and 20, Block 58, Campbell
REQUEST: Special Permit to allow for a retail shop
LOCATION: 303 and 305 Eighth Street
ZONE: SRR (Special Residential Revitalization)
PROPOSED USE: Retail Shop
OWNER/APPLICANT: Jorge Valenzuela / Same
REPRESENTATIVE: Luis & Rene De La Cruz
DISTRICT: # 8

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

SUMMARY: George Acosta, Planning Department, noted that the applicant is requesting a special permit to allow for a retail shop. Access is proposed via alley off 8th Street. Six parking spaces are provided. The Planning Department has received no calls or letters in opposition or support of this request.

Luis De La Cruz, 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 (7-0). (Commissioner Belinda Luna left.)

Rezoning Applications:

- 3. **ZON05-00067:** All of Lot 6 and the West 1/2 of Lot 7, Block 59, East El Paso
LOCATION: 3411 Gateway West Boulevard
REQUEST: From: R-5 (Residential); To: C-1 (Commercial)
PROPOSED USE: Commercial Kitchen
OWNER/APPLICANT: Romulado Delgadillo / Same
REPRESENTATIVE: Jesus Ortega
DISTRICT: # 8

ACTION: Motion made by Gary Porras to postpone two weeks (09/08/05); upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

- 4. **ZON05-00069:** A portion of Lot 2, Block 9, Lafayette Place
LOCATION: 8021 North Loop Drive
REQUEST: From: C-1 (Commercial); To: C-4 (Commercial)
PROPOSED USE: Used Automobile Dealership
OWNER/APPLICANT: Jorge G. Rivera and Blanca G. Serrano / Jorge G. Rivera
REPRESENTATIVE: Jorge G. Rivera
DISTRICT: # 7

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a rezoning from C-1 (Commercial) to C-4 (Commercial) in order to permit a used automobile dealership. The proposed site plan shows an existing building and a new garage to be located on the site. Access is proposed via North Loop Drive. The Planning Department has received no calls or letters in support or opposition to this request. The Development Coordinating Committee recommended approval of this request with the following condition: "That a detailed site development plan be reviewed and approved as per the El Paso Municipal Code".

Blanca Serrano, 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). (Commissioner Belinda Luna left.)

5. **ZON05-00070:** A portion of Lot 6, Block 131, Chaparral Park Unit 29, Replat B
LOCATION: 595 Belvidere
REQUEST: From: A-O (Apartment/Office); To: C-1 (Commercial)
PROPOSED USE: Pre-school/daycare
OWNER/APPLICANT: Peace Lutheran Church / Same
REPRESENTATIVE: Yolanda Giner, Krafur, Gordon & Mott
DISTRICT: # 1

ACTION: Motion made by Gary Porras to postpone two weeks (09/08/05); upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

6. **ZON05-00072:** Lots 9 and 10, Block 72, East El Paso
LOCATION: 3619 Missouri
REQUEST: From: R-5 (Residential); To: C-2 (Commercial)
PROPOSED USE: Office
OWNER/APPLICANT: Ascension & Mary Mena / Same
REPRESENTATIVE: Adrian R. Hernandez
DISTRICT: # 8

ACTION: Motion made by Gary Porras to postpone two weeks (09/08/05); upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

7. **ZON05-00074:** A portion of Section 22, Block 81, Township 1, Texas and Pacific Railroad Co. Surveys
LOCATION: North of US Highway 54 and East of Martin Luther King
REQUEST: From: R-3A/sc (Residential/special contract); To: C-3/sc (Commercial/special contract)
PROPOSED USE: Commercial
OWNER/APPLICANT: Camino Real Investments I, Ltd. / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 4

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-3A/sc (Residential/special contract) to C-3/sc (Commercial/special contract) in order to permit commercial development. The Planning Department has received no calls or letters in support or opposition to this request.

Conrad Conde, 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). (Commissioner Belinda Luna left.)

8. **ZON05-00075:** The East 4 feet of Lot 21, all of Lot 22, and the West 10.5 feet of Lot 23, Block 92, Bassett Addition
LOCATION: 2611 Montana Avenue
REQUEST: From: A-2 (Apartment); To: A-O (Apartment-Office)
PROPOSED USE: Business / Office
OWNER/APPLICANT: Lisa Quintana and Diana Quintana
REPRESENTATIVE: CAD Consulting
DISTRICT: # 8

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

SUMMARY: George Acosta, Planning Department, noted that the applicant is requesting a rezoning from A-2 (Apartment) to A-O (Apartment/Office) in order to permit business/office. The Planning Department has received no calls or letters in support or opposition to this request.

Carlos Jimenez, 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). (Commissioner Belinda Luna left.)

9. **ZON05-00076:** Tract 465, Sunrise Acres No. 1
LOCATION: Southwest corner of Skyline and Neptune
REQUEST: From: R-4 (Residential); To: R-3A (Residential)
PROPOSED USE: Residential
OWNER/APPLICANT: Center Line Home Builders / Juan Licon
REPRESENTATIVE: Carlos Jimenez
DISTRICT: # 2

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

SUMMARY: Mark Weber, Planning Department, noted that the applicant is requesting a rezoning from R-4 (Residential) to R-3A (Residential) in order to permit single-family residential homes. The proposed site plan shows seven lots to be located on the site. Access is proposed via Neptune and Skyline. The Planning Department has received no calls or letters in support or opposition to this request.

Carlos Jimenez, Representative, agreed with staff recommendations.

Francisco Rodriguez, resident of the neighborhood, asked if the applicant is proposing single-family homes or apartments.

Mr. Weber replied that the applicant is proposing single-family homes.

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

10. **ZON05-00077:** Tract 7L5, Fresno Place
LOCATION: Intersection of Alameda and Fresno
REQUEST: From: R-F (Ranch and Farm); To: R-3 (Residential), C-1 (Commercial)
PROPOSED USE: Residential, Parking Lot
OWNER/APPLICANT: Adan & Francisco Baca & Sal Romo / Same
REPRESENTATIVE: Carlos Jimenez
DISTRICT: # 7

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

SUMMARY: Eddie Garcia, Planning Department, noted that the applicant is requesting a rezoning from R-F (Ranch and Farm) to R-3 (Residential) for Parcel 1 and C-1 (Commercial) for Parcel 2. This rezoning request will permit residential for Parcel 1 and Commercial for Parcel 2. Access is proposed via Fresno and Sunny Fields Avenue for Parcel 1. Access is proposed via Fresno for Parcel 2. The Development Coordinating recommended approval for Parcels 1 and 2. The DCC also recommended that the applicant submit a detailed site development plan for Parcel 2.

Carlos Jimenez, Representative, agreed with staff recommendations.

Gina Nabhan, resident of the area, expressed her concerns over the proposed development. Ms. Nabhan explained that this area is very country like and peaceful. Ms. Nabhan also noted that there are many elderly people living in this area. Ms. Nabhan also expressed her concerns with the increase of traffic and the elementary school near the area.

Carlos Jimenez compromised and stated that he would accept both Parcels 1 and 2 as residential.

ACTION: Motion made by Gary Porras to approve Parcel 1 and Parcel 2 as R-3 (Residential), subject to staff comments, seconded by John Neal, and unanimously carried (7-0). (Commissioner Belinda Luna left.)

SUBDIVISION MAP APPROVAL

Subdivision Applications:

Public Hearing:

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

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

SUMMARY: Jim Fisk, Planning Department, noted that the applicant is proposing a development with 12 single-family residential lots. Primary access to the subdivision will be from Leo Street and Comet Street. The City Plan Commission approved this subdivision on a preliminary basis at the June 16, 2005 City Plan Commission Meeting. As El Paso Water Utilities would not serve those lots fronting Comet Street via the proposed Telescope Court, the developer shortened the cul-de-sac thus increasing the sizes of lots 4 and 7.

Jim Smith, Representative, agreed with staff recommendations.

No opposition was presented.

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

Subdivision Applications:

12. **SUB05-00028:** Americas Estates Unit One – Revised Combination; Tract 1, Block 3, A G Bell Survey No. 315 ½, City of El Paso, El Paso County, Texas. (East ETJ)

ACTION: Motion made by Gary Porras to postpone two weeks (09/08/05); upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

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

ACTION: Motion made by John Neal to move item #13 to the front of the agenda, seconded by Dick Vorba, and unanimously carried (8-0).

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

SUMMARY: Fred Lopez, Planning Department, noted that this subdivision is currently zoned R-2/c (Residential/conditions) and R-3/c (Residential/conditions). The applicant is proposing 76 single-family residential lots. Access is proposed via Strahan Road. The applicant is requesting a modification to the street cross-section for Media Luna. Sidewalks are proposed for all local streets except that the applicant is also requesting to build sidewalks on only the northerly side of Viale Lungo along Artcraft Road. Section 19.20.020.F requires that sidewalks be required on all local street classifications, unless the City Plan Commission makes a finding that the subdivision meets the following criteria:

- o A characteristic of the neighborhood is that no sidewalks have been required to date, and
- o 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, ad
- o The type of subdivision and intensity of land use is compatible with the character of the neighborhood.

The Development Coordinating Committee recommends that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance.

Mr. Lopez noted that the DCC is recommending that sidewalks in fact be constructed on both sides, however the DCC recommended that they remove the parkway in their cross sections so that the roadway, sidewalk will be adjacent to the roadway.

Wayne Grinnell, Representative, agreed with staff recommendations. Mr. Grinnell noted that the Parks and Recreation Department would like for them to add an opening to the rockwall adjacent to the street so the residents can pass on to the Artcraft hike and bike trail. Mr. Grinnell noted that TX Dot has not shown itself to be particularly receptive to that request in the past, however it is a good idea, and would like to proceed with it. Mr. Grinnell noted that they are requesting a waiver on the sidewalks where there are no fronting lots.

The commission discussed in length the Brillo De La Luna traffic impact study. The commission expressed their concern over the fact that cars would be traveling into the next subdivision in order to access the school. The commission also expressed that they would like to see Upper Valley Road extended. Commissioner Neal pointed out that The El Paso County Water Improvement District gave their permission for the applicant to build a bridge across the ditch and easement in order to have an entrance and exit unto Upper Valley Road.

ACTION: Motion made by Gary Porras to allow public input, seconded by Belinda Luna, and unanimously carried (8-0).

Larry Nance, Representative from Save the Valley, also expressed his concerns over the increase of traffic into another subdivision. Mr. Nance also stated that he would like to see the extension of Upper Valley Road.

The commission discussed that they were not provided with the latest version of the traffic impact study. Mr. Wayne Grinnell agreed to postpone the item for two weeks in order for the commission to review the latest traffic impact study.

ACTION: Motion made by Gary Porras to postpone two weeks (09/08/05); upon applicant's request, seconded by John Neal, and unanimously carried (6-1). (Commissioner Ray Mancera opposed the motion. Commissioner Belinda Luna left.)

14. **SUB05-00039:** Candelaria Village – Major Final; Being all of Tract 5B1-A1, Block 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: Jim Fisk, Planning Department, noted that the applicant is proposing a subdivision containing 12 single-family residential lots. Primary access to the subdivision will be from Lee Shannon. The City Plan Commission approved this subdivision on a preliminary basis on June 16, 2005.

Conrad Conde, Representative, agreed with staff recommendations.

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

15. **SUB05-00047** Canutillo Industrial Park Replat B – Resubdivision Combination; Being a replat of Lots 1, 2 and 3, Block 12, Canutillo Industrial Park Replat A, El Paso County, Texas. (Northwest ETJ)

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

SUMMARY: Jim Fisk, Planning Department, noted that the applicant is proposing four commercial lots. Primary access to the subdivision will be from Doniphan Drive.

Conrad Conde, Representative, agreed with staff recommendations.

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

16. **SUB05-00048** Artcraft Estates – Major Preliminary; Being all of Tracts 1F, 3B, 3B1A, and 3C, and portions of Tract 1J, 1J1, and 1K, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to postpone two weeks (09/08/05); upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

17. **SUB05-00049** Emerald Estates Unit Three – Major Preliminary; Being a portion of Tract 2, CD Stewart Survey 320, El Paso County, Texas. (East ETJ)

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is proposing a subdivision with 97 single-family lots. Primary access to the subdivision will be from Ashford Street. The applicant is requesting a modification to allow for a cross section for the various residential streets,

for a 60-foot wide right of way. The Development Coordinating Committee recommends that the City Plan Commission find that the modification meets criteria #3 of the code.

Bradley Roe, Representative, agreed with staff recommendations.

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

Extension Request to Submit Recording Maps:

18. **SUB04-00042:** Tuscany at Ridgeview – Extension request to submit recording maps; A portion of Tract 1A, S.J. Larkin Survey No. 265, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to delete; upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

19. **SUB05-00001:** Keystone Business Park Replat "B" – Extension request to submit recording maps; Being a Replat of Lots 16 through 25, and a Portion of Kappa Road, Keystone Business Park, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to postpone two weeks (09/08/05); upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

PUBLIC HEARING

Other Business:

20. Discussion and Action: Update by the Planning Department regarding arroyo preservation.

ACTION: Motion made by Gary Porras to move item #20 to the front of the agenda, seconded by Ray Mancera, and unanimously carried (8-0).

Chuck Kooshian, Planning Department, gave a brief presentation on the status of arroyo preservation. Mr. Kooshian presented a brief film of the arroyos located on the west side and northeast side of El Paso.

ACTION: No action taken.

21. 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 Gary Porras to delete item #21; upon applicant's request, seconded by Ray Mancera, and unanimously carried (8-0).

22. An Ordinance amending Title 19 of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) by replacing Section 19.16.050.H (Preservation of Arroyos). The penalty is as provided for in Section 19.04.190.

ACTION: Motion made by Gary Porras to move item #22 to the front of the agenda, seconded by Ray Mancera, and unanimously carried (8-0).

Commissioner John Neal reported that the subcommittee found that there are protections under the existing ordinances that would be lost by the adoption of the proposed Ordinance amending Title 19 of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design

Principles) by replacing Section 19.16.050.H (Preservation of Arroyos). The penalty is as provided for in Section 19.04.190. Commissioner Neal noted that the subcommittee voted 3 to 1 that no action be taken to change the existing ordinance.

Charlie Wakeem, President of the Coronado Neighborhood Association, gave a slide presentation. Mr. Wakeem addressed the issue of preserving arroyos. Mr. Wakeem noted that there are several reasons to preserve the arroyos. Arroyos are natural cleaning systems. Arroyos are also erosion control systems. Maintaining watercourse channels in their natural state is one of the most effective ways to prevent undo erosion.

ACTION: Motion made by Ray Mancera to deny the proposed amendment, motion made to leave the current amendment in place, and motion made to adopt the recommendation of the CPC subcommittee, seconded by John Neal, and unanimously carried (8-0).

Executive Session Item:

23. Legal report on limitations to City Plan Commission authority regarding reconsideration of Park at Wildwood.

ACTION: Motion made by John Neal to convene to executive session at 3:05 p.m., seconded by Ray Mancera, and unanimously carried (7-0). (Commissioner Roman Bustillos excused himself from this item by affidavit prior to the beginning of the meeting and did not attend the executive session.)

ACTION: Motion made by John Neal to reconvene from executive session at 3:37 p.m., seconded by Dick Vorba, and unanimously carried (8-0).

24. Planning Report.

25. Legal Report.



CITY PLAN COMMISSION HEARING ADDITION TO THE AGENDA

MINUTES

August 25, 2005

DISCUSSION AND ACTION

1. Discussion and action on report to the City Plan Commission from the CPC Subdivision Subcommittee meeting held on August 19, 2005 regarding what options the City Plan Commission has when mistakes are made on approval of a subdivision.

ACTION: Motion made by Gary Porras to move item #1 of the addition to the agenda to the front of the agenda, seconded by Ray Mancera, and unanimously carried (8-0).

Commissioner John Neal noted that the subdivision subcommittee is still in the process of evaluating a number of things related to the item. Commissioner Neal also noted that there were no revelations made at the subcommittee meeting that suggests that there was a material breach of conduct as it relates to approving the Wildwood Subdivision. The subcommittee also explored the idea of when there is a willful violation of a submission or where there is gross negligence that the person conducting that presentation should be subject to some sort of penalty. Commissioner Neal noted that Assistant City Attorney Matt Watson is researching the concept.

Commissioner Gus Haddad noted that in essence the subcommittee is still researching the options as well as Assistant City Attorney Matt Watson.

Commissioner Roman Bustillos asked if the commission would go back to a subdivision case that was approved in error in the 1950's.

Commissioner John Neal responded that the city attorney was in the opinion that it was only within the first 30 days that a subdivision could be heard again. However, members of the public suggested that the city plan commission go back much longer than the 30 days to deal with mistakes that occurred.

Stuart Mitchell, President of the Mountain Arroyos Neighborhood Association, presented a memorandum of law to the City Plan Commissioners. Mr. Mitchell noted that the memorandum states that the city plan commission has substantial leeway as to when the commission can go back and review subdivisions when mistakes are made. In fact, in the case law in Texas, there is an implied duty that the commission has to go back and review those matters. Mr. Mitchell also notes that the memorandum states that regardless of when the initial approval of the subdivision plat occurred, be it 30 days ago, one year ago, or more than a year ago, the commission has the right to review such approval and revoke it at any time if appropriate. The memorandum also lists cases to support the document.

Commissioner Ray Mancera assured that the city attorney would provide the commission legal advice as to whether the commission is allowed under state law to reconsider subdivisions.

ACTION: No action taken.

2. Discussion and action on definition of an arroyo as requested by the City Engineer.

ACTION: Motion made by Gary Porras to move item #2 to the front of the agenda, seconded by Ray Mancera, and unanimously carried (8-0).

Commissioner Gus Haddad noted that Mr. Rick Conner asked the City Plan Commission through the subdivision committee to work with him and the Planning Department in the definition of an arroyo. I would like your indulgence commissioners to refer this to the subdivision subcommittee if that is acceptable.

ACTION: Motion made by John Neal to refer the request to the City Plan Commission subcommittee, seconded by Ray Mancera, and unanimously approved (8-0).

The City Plan Commission Hearing adjourned at 5:25 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON AUGUST 25, 2005

, CHAIR
