



CITY PLAN COMMISSION HEARING MINUTES

September 2, 2004

MEMBERS PRESENT:

Dick Vorba
John Neal
Ray Mancera
Ruben Ponce
Oscar Venegas
Gus Haddad

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, PRDD
Kimberly Forsyth, PRDD
James Shelton, PRDD
Jorge Rousselin, PRDD
Matt Watson, City Attorney's Office
Sandra Hernandez, Recording Secretary

The City Plan Commission meeting was called to order by Oscar Venegas at 1:35 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 (5-0).

DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **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)

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

SUMMARY: Rudy Valdez, Planning Department, noted that the owner is proposing 11 single-family residential lots. The developer will pay \$3,300 in park fees for this development to satisfy the parkland requirements of the subdivision ordinance. Mr. Valdez made a correction to the Engineering Traffic Department comments: "Sidewalks shall be provided on Moonlight Avenue and Leo Street" needs to be changed to "Sidewalks shall be provided on all streets within and abutting the subdivision".

Glen Kistenmacher, Representative, agreed with staff recommendations. Mr. Kistenmacher requested to coordinate item #5, under Engineering Department Comments.

Bashar Abugalyon, Engineering Department, agreed to coordinate.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (5-0).

2. **SUB04-00055:** Prime Subdivision – Combination; Being Tract 20, Survey No. 267 S.A. and M.G. RR Company Surveys, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Ray Mancera to postpone for two weeks (09/16/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

3. **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 Ray Mancera to postpone for two weeks (09/16/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

PUBLIC HEARING

Subdivision Application:

4. **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 Ray Mancera to delete; upon applicant's request, seconded by John Neal and unanimously carried (5-0).

Alley Vacation Application:

5. **AV04003:** Alley Vacation – Being all of the 20' Wide alley located between Eighth Avenue and Ninth Avenue, Block 49, Campbell Addition. (District 8)

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

SUMMARY: Agenda items #5 and #6 were heard simultaneously. James Shelton, Planning Department, stated that the applicant is requesting an alley vacation between Eighth Avenue and Ninth Avenue and to vacate a portion of Ninth Street between Campbell Street and Kansas Street in order to allow for the construction of Aoy Elementary School. The El Paso Independent School District has obtained most of the properties abutting the alley and is proceeding to close on the remaining five properties. The closing should take place on or before September 30, 2004. The Planning Department has continued to process this application through the City Plan Commission but would not introduce this vacation to City Council until the El Paso Independent School District has full ownership for the remaining properties. The El Paso Electric Company has stated that they must retain the easement rights on the existing facilities.

Miguel Teran, Representative, agreed with staff recommendations.

Martin Silva, owner of Silva Supermarket, stated that he found it unusual that EPISD would come before the City Plan Commission before they had purchased all the properties. Mr. Silva mentioned that the traffic impact study might not be accurate because at the present time there is a lot of construction going on and many people tend to avoid that area.

Margarita Molina, Engineering Department, responded that they have a coordinator that works with the schools and this closure would not create any safety problems.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Ruben Ponce and unanimously carried (5-0).

Street Vacation Application:

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

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

SUMMARY: Agenda items #5 and #6 were heard simultaneously. James Shelton, Planning Department, stated that the applicant is requesting an alley vacation between Eighth Avenue and Ninth Avenue and to vacate a portion of Ninth Street between Campbell Street and Kansas Street in order to allow for the construction of Aoy Elementary School. The El Paso Independent School District has obtained most of the properties abutting the alley and is proceeding to close on the remaining five properties. The closing should take place on or before September 30, 2004. The Planning Department has continued to process this application through the City Plan Commission but would not introduce this vacation to City Council until the El Paso Independent School District has full ownership for the remaining properties. The El Paso Electric Company has stated that they must retain the easement rights on the existing facilities.

Miguel Teran, Representative, agreed with staff recommendations.

Martin Silva, owner of Silva Supermarket, stated that he found it unusual that EPISD would come before the City Plan Commission before they had purchased all the properties. Mr. Silva mentioned that the traffic impact study might not be accurate because at the present time there is a lot of construction going on and many people tend to avoid that area.

Margarita Molina, Engineering Department, responded that they have a coordinator that works with the schools and this closure would not create any safety problems.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Ruben Ponce and unanimously carried (5-0).

7. **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)

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

SUMMARY: James Shelton, Planning Department, noted that the applicant is proposing to vacate a 100' foot wide portion of Sun Bowl Drive. This portion of the right-of-way will become part of the University of Texas at El Paso campus. The Development Coordinating Committee recommended approval with the following requirements: the entire length and width of the vacated right-of-way will be retained as a drainage and utility easement and no permanent structures will be permitted to be constructed over the retained easement. Public access through the vacated street will also be retained. The El Paso Electric Company has existing overhead and underground facilities along Sun Bowl Drive and they must retain these easement rights for all their facilities.

Commissioner Gus Haddad asked what is the purpose of the vacation.

Rudy Valdez, Planning Department, responded that the university wants to vacate the right of way to have some control of the right of way, not to close it off to public use.

Commissioner Ray Mancera asked if they could add language that UTEP cannot change the direction of traffic and have it remain as public access.

Mr. Rudy Valdez, Planning Department, responded that they could.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to maintaining the two-way vehicular traffic, and maintenance, subject to staff comments, seconded by Gus Haddad and unanimously carried (5-0).

Extension Request to Complete Subdivision Improvements:

8. **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 Ray Mancera to postpone for four weeks (09/30/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

Detailed Site Development Plan Review Application:

9. **ZON04-00107:** 36 Ysleta, Tract 17-G
LOCATION: 8613 Alameda Avenue
REQUEST: Zoning condition
ZONE: C-2/sc/c (Commercial/special contract/conditions)
PROPOSED USE: Restaurant - Domino's Pizza
OWNER/APPLICANT: Longhorn Pizza dba Domino's Pizza / Mario Betancourt
REPRESENTATIVE: Same
DISTRICT: # 7

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the site plan was submitted in order to permit a Domino's Pizza. Site plan review is required because a zoning condition exists on the property as outlined in Ordinance #010372 dated January 3, 1991. The proposed site plan shows one building with 4,950 square feet and access is provided via Alameda Avenue. 50 parking spaces are provided and 2,015 square feet of landscape is proposed. There are zoning conditions currently imposed on this property as detailed in Ordinance # 010372 dated January 3, 1991. The Planning Department has received no calls or letters in support or opposition to this request. The Development Coordinating Committee recommended approval with the following condition: "Approval of a detailed site development plan with the condition of including landscaping and inclusion of sidewalks as required by Ordinance #010372 dated January 3, 1991."

Mario Betancourt, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by Gus Haddad and unanimously carried (5-0).

10. **ZON03-00010:** (Reconsideration) Tract 15S1, A. F. Miller Survey No. 213
LOCATION: East of Resler Drive and South of Mesa Street
REQUEST: Special contract condition requirement
ZONE: A-2/sc (Apartment/special contract)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: Resler Interstate 10 Development Inc. / Same
REPRESENTATIVE: Moreno Cardenas, Inc.
DISTRICT: # 8

ACTION: Motion made by Ray Mancera to move item #10 to the front of the agenda, seconded by John Neal and unanimously carried (4 to 0).

ACTION: Motion made by Ray Mancera to retire into executive session at 1:42 p.m., seconded by John Neal and unanimously carried (4 to 0).

ACTION: Motion made by Oscar Venegas to reconvene at 2:22 p.m.

Motion was not made to reconsider item.

Special Permit Applications:

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

ACTION: Motion made by Ray Mancera to postpone for two weeks (09/16/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

12. **ZON04-00108:** Lots 79 & 80, Sunrise Acres 1
REQUEST: Special permit to allow for lot size reduction
LOCATION: Polaris & Eclipse
ZONE: R-5 (Residential)
PROPOSED USE: Lot size reduction
OWNER/APPLICANT: Tropicana Homes, Inc. / Same
REPRESENTATIVE: Del Rio Engineering
DISTRICT: # 2

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 lot size reduction on a proposed sixteen (16) lot subdivision. Four lots at the corners of the subdivision need to be reduced 25 square feet for the turning radii in order to have sufficient turning radii for vehicles entering and existing the subdivision. The special permit is for the reduction of the R-5 lot size, from 4,500 square feet to 4,475 square feet. The actual lots that would be reduced would only be the corner lots. There are no zoning conditions currently imposed on this property. The Planning Department has received one letter in opposition to this request.

Sal Massoud, Representative, agreed with staff recommendations.

Commissioner Gus Haddad asked if they could restrict the reduction to the four corner lots.

Mr. Rudy Valdez, Planning Department, responded that they could.

No opposition was presented.

ACTION: Motion made by Gus Haddad to approve reduction only on the four corner lots, subject to staff comments, seconded by John Neal and unanimously carried (5-0).

Rezoning Applications:

13. **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 Ray Mancera to postpone for two weeks (09/16/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

14. **ZON04-00103:** Lots 11-20, Block 28, of Alexander Addition & Part of Savage St. bounded by Kansas St. , Coffin Ave., and Lot 11, Block 28-F, as vacated
LOCATION: 2930 N. Stanton
REQUEST: R-4 (Residential); To: A-O (Apartment/Office)
PROPOSED USE: Doctor's Office
OWNER/APPLICANT: Nicholas Rich / Same
REPRESENTATIVE: Momentum Design & Construction
DISTRICT: # 1

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the applicant is requesting a rezoning from R-4 (Residential) to A-O (Apartment/Office) in order to permit a doctor's office. The proposed site plan shows an existing 3,995 square feet building to remain while adding a 3,800 square feet building on the site. Access is proposed via N. Kansas and Coffin Avenue with 48 parking spaces proposed. There are no zoning conditions currently imposed on this property.

Jose Luis Valenzuela, 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 (5-0).

15. **ZON04-00104:** A portion of Tract 11B, Block 2, Ascarate Grant
LOCATION: South of Interstate Highway 10 and West of Hawkins Boulevard
REQUEST: From: M-1 (Light Manufacturing); To: C-4 (Commercial)
PROPOSED USE: Commercial fueling station, commercial development
OWNER/APPLICANT: JACS Properties, Inc. / Same
REPRESENTATIVE: Kimley-Horn and Associates, Inc.
DISTRICT: # 3

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a rezoning from M-1 (Light Manufacturing) to C-4 (Commercial) in order to permit a commercial fueling station and commercial development. Access is proposed via Gateway Boulevard East. 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.

Wayne Grinnell, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (5-0).

16. **ZON04-00105:** Tract 7, S.A. & M.G. Railroad Survey No. 265, a portion of Tract 97E and all of Tract 97E1, S.A. & M.G. Railroad Survey No. 267
LOCATION: Redd Road East of Doniphan Drive
REQUEST: From: R-4 (Residential), C-3 (Commercial), P-I (Planned Industrial); To: C-4 (Commercial)
PROPOSED USE: Office warehousing, retail commercial development
OWNER/APPLICANT: Julio Joint Venture / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 1

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-4 (Residential) and P-I (Planned Industrial) to C-3 (Commercial) and C-4 (Commercial) in order to permit office warehousing and retail commercial development. The proposed site plan shows 14 office warehousing and retail commercial buildings to be located on this site. Access is proposed via Redd Road and Doniphan Drive.

Conrad Conde, Representative, agreed with staff recommendations.

Judy Bond, resident of the area, stated that she was not aware of any zoning changes proposed until Tuesday and also noted that there were some letters sent out but they were sent only to her neighbors across the street. Ms. Bond noted that they were alarmed at some of the uses permitted in C-4, including adult entertainment and half way houses. Ms. Bond requested that this item be postponed for a couple weeks until all the people in the subdivision can be made aware of the zoning changes.

Commissioner Gus Haddad asked if they could restrict uses in a zoning change.

Matt Watson, Assistant City Attorney, responded that they do not want to specifically seclude adult businesses from C-4 due to certain Texas and federal constitution issues, however Texas statute does allow municipalities such as the City of El Paso to limit or require that an adult business be prohibited when within 1,000 feet of residential, so we would request that provision not be placed in a specific rezoning ordinance, however it is in a municipal code already.

Mr. Conde pointed out that this is a down zoning since it is zoned industrial and commercial would be a much more compatible use for the neighborhood to have retail and office warehouse.

Mr. George Sarmiento, Planning Department, noted that under state law they are required to notify residents of a 200 foot buffer and the City of El Paso goes beyond that to 300 foot buffer when notifying residents. Mr. Sarmiento also noted that a sign is posted on the site if the land is over an acre, which gives the residents another source of notification.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Gus Haddad and unanimously carried (4-0). (Commissioner Ray Mancera left.)

17. **ZON04-00106:** A portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey No. 266
LOCATION: Helen of Troy Drive West of Redd Road
REQUEST: From: R-3A (Residential); To: C-2 (Commercial)
PROPOSED USE: Self-storage warehousing
OWNER/APPLICANT: BPS Properties II - VIVA, Ltd. / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 1

ACTION: Motion made by Ray Mancera to postpone for two weeks (09/16/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

Discussion and Action on Ordinance Amendments:

18. An Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.46 (Landscape), of the El Paso City Code and deleting Chapter 20.65 (Landscape). The penalty being as provided in section 18.02.107 of the El Paso City Code.

Alan Shubert, Building Permits and Inspections Department, gave a brief presentation on an Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.46 (Landscape), of the El Paso City Code and deleting Chapter 20.65 (Landscape).

ACTION: Motion made by Gus Haddad to move item #18 to the end of the agenda, seconded by Dick Vorba and unanimously carried (4 to 0). (Commissioner Ray Mancera left.)

ACTION: Motion made by John Neal to approve, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)

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

Rudy Valdez, Planning Department, gave a brief presentation on 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. Mr. Valdez explained that the changes proposed to this amendment are mostly geared to the extension with regard to subdivision approval. On page 2, it is adding more flexibility in terms of the request for extensions. The current code only provides one-year extension to complete the required subdivision improvements and this change would then give the developer up to (2) one-year extensions, if approved by the commission. An extension request would now require a processing fee of \$150.

ACTION: Motion made by Dick Vorba to approve, seconded by John Neal and unanimously carried (4-0). (Commissioner Ray Mancera left.)

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

ACTION: Motion made by Ray Mancera to postpone for two weeks (09/16/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

Other Business:

21. Discussion and action on proposed amendments to Title 20 (Zoning) of the El Paso Municipal Code regarding special permits for planned residential developments as recommended by the City Plan Commission Ad Hoc Subcommittee.

Commissioner John Neal gave the report for the AD HOC Committee.

ACTION: Motion made by Dick Vorba to approve committee's recommendation to accept and refer it to BZAC, seconded by John Neal and unanimously carried (4-0). (Commissioner Ray Mancera left.)

22. Approval of CPC Minutes: August 5, 2004

ACTION: Motion made by John Neal to approve, seconded by Ruben Ponce and unanimously carried (4-0). (Commissioner Ray Mancera left.)

23. Planning Report.

24. Legal Report.

The City Plan Commission Hearing adjourned at 4:04 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON SEPTEMBER 2, 2004

_____, **CHAIR**

_____, **DATE**