



CITY PLAN COMMISSION HEARING MINUTES

September 16, 2004

MEMBERS PRESENT:

Dick Vorba
John Neal
Ruben Ponce
Oscar Venegas
Gus Haddad

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, 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 Daphne Hamilton at 1:32 p.m. Council Chambers, 2nd Floor. A quorum of its members was present and Dick Vorba made the introductory statements. Jorge Rousselin presented changes to the agenda. Motion made by Gary Porras to accept changes to the agenda, seconded by Dick Vorba and unanimously carried (4-0).

DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **SUB04-00004:** Loma Linda Unit 4 – Revised Combination; Being a replat of portion of Lot 1 and all of Lot 2, Block 2, Hueco View Acres, and a portion of Harkis Road, City of El Paso, El Paso County, Texas. (District 5)

ACTION: Motion made by Gary Porras to postpone for two weeks (09/30/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (4-0).

2. **SUB04-00052:** Horizon Hills Replat "E" – Combination; Being a replat of all of Lots 8 and 9 and a portion of Lot 4, Block 11, Horizon Hills Subdivision, El Paso County, Texas. (East ETJ)

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

SUMMARY: James Shelton, Planning Department, noted that the owner is proposing 63 single-family residential lots. The subdivision lies within the City of El Paso's East Extraterritorial Jurisdiction. The subdivision is subject to approval by the County Commissioners Court.

Rudy Valdez, Planning Department, noted that under other requirements and comments item #5, should read "water to be furnished by the El Paso County Water Authority".

Representative was not present.

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

3. **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 Gary Porras to postpone for two weeks (09/30/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (4-0).

4. **SUB04-00061:** Painted Dunes Unit 2 – Combination; Being a 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 Gary Porras to postpone for two weeks (09/30/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (4-0).

5. **SUB04-00063:** Tierra Del Este #32 - Combination; Being Tract 2B-1, Section 46, Block 79, Township 2, Texas and Pacific Railway 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 to develop one commercial site. The developer will be required to pay \$6,042 in park fees. The Engineering Department is recommending that the developer coordinate with TXDOT on any driveway locations that would be accessing onto Zaragoza Road and possible deceleration lanes on Zaragoza Road. The developer has furnished a copy of an agreement that allows them to access a 60-foot pipeline easement, which belongs to Navajo Refining Company. The Traffic Department recommended that sidewalks be required on Zaragoza Road.

Bashar Abugalyon, Engineering Department, requested to coordinate items #6 and #9.

Conrad Conde, Representative, agreed with staff recommendations including revisions made on the floor.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (4-0).

6. **SUB04-00066:** Ocotillo Estates Unit 3 – Preliminary; Being a portion of McMath Survey No. 298, 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 owner is proposing 74 single-family residential lots. Primary access to the subdivision will be at the end of Ojo De Agua Drive. The applicant has submitted copies of reports required by the Subdivision Ordinance, which addresses the following: drainage and erosion, storm water analysis, vegetation and revegetation, soils report and grading plan. The average size of these lots will be approximately 9,000 square feet and the average cross slope of the property is 14.1%. The maximum density permitted based on the average cross slope of the property is 165-units, and the applicant is only proposing 74 units. The developer will be required to provide a minimum 30% of open space and is providing a total of 38.44%. The common open space to be provided is required to be retained in its natural state and remain undisturbed. The developer submitted a land study for processing that addresses other land that will be part of the overall Ocotillo Estates and was approved by the City Plan Commission on January 30, 2003. The developer is also requesting a modification to allow for cluster parking areas, which are located in six different locations throughout the subdivision. The Planning Department recommends that the City Plan Commission find that modification #3 meets the Subdivision Ordinance. The Fire Department has recommended that the developer coordinate with them on street grades, distances and floor rates and identify all the lots which will need to be sprinklered. The El Paso Mountain Committee met on September 10, 2004 and recommended approval.

Conrad Conde, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (4-0).

PUBLIC HEARING

Easement Vacation:

7. **EV04003:** Easement Vacation – Being the Northerly portion of Williams Street R.O.W. adjacent to Railroad Siding, within Blocks 53 & 54, Cotton Addition. (District 8)

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

SUMMARY: James Shelton, Planning Department, noted that the applicant is requesting the vacation of an easement, which covers a portion of Williams Street between Texas Avenue and Mills Avenue. The entire length and width of this portion of Williams Street was vacated on April 19, 1985. The vacation was subject to the City maintaining a public easement of the entire width and length of the street and also an access easement of 15 feet wide. The applicant is planning to build a structure over an existing storm drainage box culvert. The vacation would allow the warehouse and the press areas, to be connected with a climate control space corridor. El Diario will maintain the culvert beneath the proposed structure as required for it to function. The area will be accessed by the installation of manholes on either side of the proposed connection. A structural bridge will eliminate any excessive loading on the box culvert. The City of El Paso will not be held liable for damage to the proposed structure that extends over the culvert due to drainage run-off water. The Engineering Department has recommended denial of this request as per section 19.16.120, Easements, maintenance of the surface of an easement shall be the responsibility of the owner of the property, no permanent structure or building shall be constructed on, over, across or to otherwise obstruct or block an easement except of secondary elements such as but not limited to landscaping, neighborhood delivery, and collection box units, mail boxes, hard surface material and fences. A utility performing maintenance on facilities within an easement shall restore the surface to its previously existing condition. The Electric Company and Texas Gas Service had no objection as long as the developer pays for the relocation of their 2-inch steel main. El Paso Water Utilities does object to this vacation however if the applicant wants to build over the sewer line which is located within the easement then the line must be encased in a steel lining. It is the opinion of the city attorney's office that it is possible to vacate the surface portion of the easement and that the subsurface easement is retained.

Bashar Abugalyon, Engineering Department, withdrew the denial.

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 (5-0).

Detailed Site Development Plan Review Application:

8. **ZON04-00111:** Lot 8, Block 1, Golden Key Plaza
LOCATION: 8840 Gazzelle Drive
REQUEST: Additional parking lot
ZONE: C-OP (Commercial-Office Park)
PROPOSED USE: Building addition & addition of 2,400 s.f. parking lot
OWNER/APPLICANT: El Paso Employees Federal Credit Union / CF Associates Inc.
REPRESENTATIVE: Steve Franco
DISTRICT: # 3

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 building addition and addition of 2,400 s.f. parking. Site plan review is required due to a zoning district requirement. The property is currently zoned C-OP. The proposed site plan shows a proposed building expansion to the existing and proposed parking lot expansion of 9 parking spaces. Access is proposed via Gazelle Drive. The Development Coordinating committee recommended approval with the following condition: "That a revised site development plan be submitted which shifts the existing parking lot off Golden Key Circle towards the north and provides a better access point to the proposed parking lot via Golden Key Circle". The Planning Department has received no calls or letters in support or opposition to this request.

Steve Franco, 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 (5-0).

Special Permit Applications:

9. **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

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that the special permit request was previously heard by the City Plan Commission and was postponed at that time because the commissioners requested that the applicant revise their request. They previously had requested to have four units on this property, and the commission asked that they bring it down to no more than three units. They have submitted a revised request and the revised plan with the three units. The infill special permit does require that they meet two conditions, which the applicant has met. There are 10% of the structures in this recorded subdivision that are vacant or abandoned. This property is in a 30-year or older subdivision. The property is currently zoned R-4, which allows for single-family and duplexes and the lots that are combined to 12,000 square feet, the normal zoning district would require 6,000 square feet per dwelling unit. The three units on the site, that comes out to 4,000 square feet per dwelling unit. The revised plan with the three units shows two lots each, one at 3,240 square feet and then one lot on the corner at 5,520 square feet. The two lots would be at two story structures and the one in the corner would be a single story structure. The Planning Department did receive one call and two letters in opposition to this request.

Robert Kelly, 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 (5-0).

10. **ZON04-00113:** A portion of Tract 1A, S.J. Larkin Survey #265
REQUEST: Private Streets
LOCATION: Bear Ridge Lane & Oak Ridge Lane
ZONE: R-3 (Residential), A-2 (Apartment)
PROPOSED USE: Private Streets
OWNER/APPLICANT: Arco Developers II Limited Partnership / SLI Engineering
REPRESENTATIVE: SLI Engineering
DISTRICT: # 1

ACTION: Motion made by Gary Porras to postpone for two weeks (09/30/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (4-0).

Rezoning Applications:

11. **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 Gary Porras to postpone for two weeks (09/30/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (4-0).

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

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that the applicant is requesting to rezone property from R-3A (Residential) to C-2 (Commercial) in order to permit self-storage warehouse. The property is currently vacant. The proposed site plan shows the vacant land and the site plan shows the proposed self-storage units on the site. There are no conditions on this property. Ms. Forsyth noted that this whole area was a subject of a rezoning case and a land study. The land study was approved approximately a year ago and then the rezoning was approved in January 2004.

Commissioner John Neal stated that when this item came before the City Plan Commission there was extensive negotiation going on at that meeting. Commissioner Neal pointed out that a compromise was

made concerning the mix of commercial and residential that was to satisfy all people and at the very end of it the applicant assured that there wouldn't be any changes coming forward.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde noted that this piece of property is a very awkward piece, almost like a pie shape and it is very difficult to achieve any kind of single-family R-3 type development in it. Based on the needs of all the residential and apartment uses that are around this area, National Self-Storage has found that self-storage is not available for a lot of these neighborhoods within this area. The definition of self-storage means that business which rents storage space to individuals for the storage of household and personal belongings. And it specifically says does not include the rental of space for items to be used for business or commercial purposes. With that definition, self-storage is meant to fit within residential uses.

Ms. Forsyth pointed out that one of the reasons the staff recommended denial is that there are a number of C-2 uses that are not appropriate adjacent to single-family residential, which are automotive service station, car wash, billiard halls, bowling alleys, data processing centers, lawnmower and garden equipment, rental sales and service, mortuaries, tennis clubs, and veterinary hospitals.

Commissioner John Neal asked if it is proposed that Helen of Troy will be extended on the northern fringe of that property.

Mr. Conde replied that it would continue.

Commissioner Neal noted that Helen of Troy would separate the areas.

No opposition was presented.

Motion made by Ray Mancera to deny, seconded by Gary Porras and motion failed (2-3).

ACTION: Motion made by John Neal to approve contrary to staff recommendation, subject to staff comments, and excluding from C-2 the billiard's hall, bowling alley, amusement game complex, lawn mower and garden equipment and rental sales and service, commercial day care center, skating rink, auto tune up service and data processing center, seconded by Dick Vorba and carried (3-1). (Commissioner Ray Mancera opposed the motion.) (Commissioner Chad North abstained.)

13. **ZON04-00109:** Lots 27, 28 & 29, Block 2, Val Verde Addition
LOCATION: 215 Concepcion
REQUEST: From: M-1 (Manufacturing); To: C-4 (Commercial)
PROPOSED USE: Contractor's yard
OWNER/APPLICANT: Steve Escamilla / Same
REPRESENTATIVE: Luis & Rene de la Cruz
DISTRICT: # 3

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the applicant is requesting to rezone property from M-1 (Manufacturing) to C-4 (Commercial) in order to permit a contractor's yard. The proposed site plan shows an existing building to remain on the site. Access is proposed via Concepcion Avenue with five parking spaces proposed. There are no zoning conditions currently imposed on this property. The Planning Department has received one letter in opposition to this request. The Development Coordinating Committee recommended approval with the following condition: that the applicant expand existing driveway to satisfy code requirements of twenty feet (20') minimum; furthermore, the applicant shall provide an accessible parking space(s) as required by code.

Luis De La Cruz, Representative, agreed with staff recommendations.

Frank Gonzalez, representative of Texas Tech Health Sciences Center, noted that with regards to this particular zoning change Texas Tech's position is that they had envisioned this area would involve businesses, or anything related to healthcare, research, and medicine.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by Dick Vorba and carried (3-1). (Commissioner Chad North opposed the motion.) (Commissioner Gary Porras abstained.)

14. **ZON04-00110:** West 42 Feet of Lots 17 through 20 and the West 42 Feet of the South 16 .feet of Lot 16, Block 20, Alexander Addition
LOCATION: 501 E. California
REQUEST: From: A-2 (Apartment); To: A-O (Apartment/Office)
PROPOSED USE: Office
OWNER/APPLICANT: Richard Barron / Jamie Barron
REPRESENTATIVE: Same
DISTRICT: # 8

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

SUMMARY: Jorge Rousselin, Planning Department, noted that the applicant is requesting to rezone property from A-2 (Apartment) to A-O (Apartment/Office) in order to permit a professional's office. Access is proposed via Campbell Street. The property was registered as a non-conforming property on September 7, 2004 for front and side yard setbacks. The Planning Department has received two phone calls and one letter in opposition to this request. The Development Coordinating Committee recommended approval with the following condition: that the applicant coordinate parking requirements with Building Permits and Inspections and site access with Engineering. The Planning Department has received a petition of several property owners that live within the area who are not opposed to the proposed rezoning.

Jamie Barron, Representative, agreed with staff recommendations.

Commissioner John Neal asked what type of professional office is being proposed.

Ms. Barron replied a legal office.

Monica Beltran and Pat Monardez, residents of the area, stated that they are in favor of this development.

Carmen Unzueta, resident of the area, stated that she is opposed to this development due to traffic congestion.

Julio Norman, President of the El Paso High Neighborhood Association, stated that they are also opposed to this development due to the high traffic. Mr. Norman showed various pictures of the area depicting the traffic. Mr. Norman noted that it would create more congestion in the area.

Commissioner Ray Mancera noted that they received a petition of 65 people in favor of this rezoning.

Mr. Norman replied that the applicant was very proactive and went out there and got signatures. Mr. Norman noted that they had a meeting on Saturday to discuss this issue and all the members were opposed.

Commissioner John Neal asked how many members does the association have.

Mr. Norman replied 15 active members

Commissioner Neal asked how many attended the meeting.

Mr. Norman replied about 12-15 members.

ACTION: Motion made by Gary Porras to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (4-1). (Commissioner Chad North opposed the motion.)

15. **ZON04-00114:** Tract 2B, Block 14, Ysleta Grant
LOCATION: Lomaland Drive South of North Loop Drive
REQUEST: From: R-4 (Residential); To: A-2 (Apartment)
PROPOSED USE: Apartments
OWNER/APPLICANT: Oscar Andrade / Same
REPRESENTATIVE: Same
DISTRICT: # 7

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

SUMMARY: Kimberly Forsyth, Planning Department, noted that the applicant is requesting to rezone property from R-4 (Residential) to A-2 (Apartment) in order to permit apartments. The proposed site plan shows twenty-four (24) apartment units to be located on the site. Access is proposed via Lomaland Drive with 50 parking spaces. The Planning Department has received four letters in opposition to this request.

Oscar Andrade, Representative, agreed with staff recommendations. Mr. Andrade noted that he purchased the property last December and felt that building apartments would enhance the property. Mr. Andrade noted that he lived in the area his entire youth.

Rosa Morales, Staff Assistant for Representative Rojas, noted that there was a petition that was turned in with the eleven signatures. Ms. Morales stated that Representative Rojas opposition is based on the fact that the current infrastructure is very old and won't support a project with such a high density. The proposed 24 apartment units or two story buildings will affect negatively the existing quality of life of the residents. Representative Rojas investigation concluded that this project is not compatible with adjacent developments if there is only Ranch and Farm, R-3 and R-4 and C-4 with a special condition adjacent to this property. Zoning for apartments has not been approved in this neighborhood before. According to the staff report the Year 2025 Projected General Land Use Map for the Lower Valley, the planning area designates this area for residential land uses. Residents concerns included their interest in preserving the existing residential zoning, they agree that additional development can be done there but only until Lomaland Street is improved otherwise they are not able to support a project such as this one.

Adolfo Carrera, resident of the area, stated that he is opposed to this request. Mr. Carrera noted that it would bring more traffic in the area. Mr. Carrera noted that there is no curb and gutter at all and when it rains the storm water goes into all the houses.

Ms. Forsyth noted that the curb and the gutter would be required should building permits be issued on this project.

Several other residents of the community voiced their concerns about the request. Many of them were opposed due to traffic congestion and drainage issues.

ACTION: Motion made by Gary Porras to deny contrary to staff recommendation, seconded by John Neal and unanimously carried (4-0). (Commissioner Ray Mancera left.)

Discussion and Action on Ordinance Amendments:

16. 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 Gary Porras to delete; upon applicant's request, seconded by Dick Vorba and unanimously carried (4-0).

Other Business:

17. Approval of CPC Minutes: August 19, 2004

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

18. Approval of CPC Minutes: September 2, 2004

Commissioner John Neal made a correction that the minutes should reflect the following for item # #21, "That John Neal gave the report for the Ad Hoc Committee and further the motion made by Dick Vorba was not to approve but to accept and refer to BZAC".

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

19. Planning Report.

20. Legal Report.

The City Plan Commission Hearing adjourned at 3:48 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON SEPTEMBER 16, 2004

_____, **CHAIR**

_____, **DATE**