



## CITY PLAN COMMISSION HEARING MINUTES

**September 22, 2005**

### **MEMBERS PRESENT:**

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

### **OTHERS PRESENT:**

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

The City Plan Commission meeting was called to order by Gus Haddad at 1:30 p.m. Council Chambers, 2<sup>nd</sup> 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 Gary Porras, and unanimously carried (5-0).

### **DISCUSSION AND ACTION:**

#### ***PUBLIC HEARING***

#### **Special Permit Applications:**

- ZON05-00087:** All of Loma Linda Subdivision Unit 4  
**REQUEST:** Special Permit for a Planned Residential Development  
**LOCATION:** Plautus Ct. and Jan De Ross Place  
**ZONE:** R-5 (Residential)  
**PROPOSED USE:** To allow variable side setback – 3’/7’, 10’ min. btw. structures  
**OWNER/APPLICANT:** JNC Land Development Co. / Same  
**REPRESENTATIVE:** Conde, Inc.  
**DISTRICT:** # 5

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

**SUMMARY:** Christina Valles, Planning Department, noted that the applicant is requesting a special permit to allow for variable side setbacks for a single-family residential development. The proposed site plan shows 40 residential lots located on the site. Access is proposed via Edgemere Boulevard.

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 Roman Bustillos, and unanimously carried (5-0). (Commissioners Belinda Luna and Ray Mancera arrived late.)

2. **ZON05-00088:** All of Emerald Valley Estates  
REQUEST: Special Permit for a Planned Residential Development  
LOCATION: Cory Drive  
ZONE: R-1 (Residential)  
PROPOSED USE: To allow reduced setbacks 30' Front, 30' Rear, and 10' side; and private streets  
OWNER/APPLICANT: Winton & Associates, Inc. / Same  
REPRESENTATIVE: Conde, Inc.  
DISTRICT: # 1

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a special permit to allow for reduced setbacks – 30' front, 30' rear, 10' side, and private streets. The property is currently zoned R-1 (Residential) and is 46.24 acres in size. The proposed site plan shows 62 residential lots to be located on the site. Access is proposed Cory Drive. The Planning Division received a petition in opposition and two calls and two letters in support of this request.

Commissioner Gary Porras asked for specific reasons as to why the applicant is requesting the special permit.

Conrad Conde, Representative, agreed with staff recommendations. Mr. Conde responded that a plat has been filed for this subdivision; thus the reason why the applicant is not requesting a rezoning. Mr. Conde noted that the special permit is twofold. The R-1 (Residential) zoning does not allow a subdivision to contain private streets. Mr. Conde reiterated that is one reason for the special permit request, to allow private streets for a gated community. The second reason is to have some flexibility in terms of variable setbacks. Mr. Conde showed the commission different floor plans. Mr. Conde explained that when they first proposed the subdivision they did not know the needs of the customers, as time went by, the customers indicated a need for a private community and varying lot sizes.

Commissioner John Neal asked Mr. Conde if he would consider postponing the item in order to compromise some of the issues the residents have.

Mr. Conde replied that the developer has met with the Save the Valley Association and City Council Representative Ann Lilly. Mr. Conde further explained the setbacks and architectural style.

Commissioner Neal noted that the setbacks are not extreme.

Mr. Winton explained the reason for the special permit request. Mr. Winton noted that a special permit request would be more efficient than going through the Zoning Board of Adjustment.

Howard Page noted that the subdivision is going to be a gated community therefore the setback requests will not affect the residents living outside of the gated community.

Armando Lopez and Phil Young, prospective buyers, spoke in support of the request.

Mary Francis Keesling, representing Save the Valley, spoke in opposition to the request. Ms. Keesling feels that this request will not keep in harmony of the neighborhood.

Elma Carreto, spoke on behalf of the Scheer Family. Ms. Carreto noted that the family has owned the property for over 40 years. When Mr. Scheer decided to sell the property it was with the understanding the developer would develop the area as R-1 (Residential) with a private park and gated community. Ms. Carreto further explained that deed restrictions were placed in the deed stating the community would be built with R-1 zoning.

The commission decided that it would be best if the item were postponed in order for the applicant to meet with the residents of the area.

**ACTION:** Motion made by Gary Porras to postpone two weeks (10/06/05); upon applicant's request, seconded by John Neal, and carried (6-1). (Commissioner Ray Mancera opposed.)

3. **ZON05-00089:** Lots 5 to 8, Block 17, Franklin Heights  
REQUEST: 64% Parking Reduction  
LOCATION: 1208 Myrtle  
ZONE: C-4/sp (Commercial/special permit)  
PROPOSED USE: Business  
OWNER/APPLICANT: Opportunity Center for the Homeless / Ray Tullius  
REPRESENTATIVE: Wright & Dalbin Architects  
DISTRICT: # 8

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a special permit to allow for a parking reduction, which will serve an existing shelter for the homeless. The property is currently zoned C-4/sp (Commercial/special permit). The site is currently a shelter and is .55 acres in size. The proposed site plan shows an existing facility parking currently located on this site. Access is proposed via Myrtle Street; 20 parking spaces are provided. There is an existing special permit for off-site, off-street parking and an existing parking reduction, granted in 2000.

Fred Dalbin, 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 (7-0).

4. **ZON05-00099:** Tract 7L2, Block 30, Ysleta Grant  
LOCATION: 7958 – 7960 Alameda Avenue  
REQUEST: Special permit for dance hall  
ZONE: C-1/sc (Commercial/special contract)  
PROPOSED USE: Dance Hall  
OWNER/APPLICANT: Rodolfo & Lilia M. Segoviano / Same  
REPRESENTATIVE: Rodolfo & Lilia Segoviao  
DISTRICT: # 7

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

SUMMARY: Agenda Items #4 and #10 were heard simultaneously. Eddie Garcia, Planning Department, noted that the applicant is requesting a rezoning request from C-1 (Commercial) to C-2 (Commercial) and a special permit request in order to permit a dance hall. Access is proposed via Fresno Drive and Alameda Drive with 50 parking spaces provided. The Planning Department has received no calls or letters in support or opposition to this request.

Rodolfo Segoviano Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by John Neal to hear items #4 and #10 simultaneously, seconded by Gary Porras, and unanimously carried (5-0).

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

**Rezoning Applications:**

5. **ZON05-00029:** **(Reconsideration)** North 138.00 feet of Lot 9 and West 1/2 of Lot 10, Block 7, North Loop Gardens Unit One  
LOCATION: 510 East Road  
REQUEST: From: A-2 (Apartment); To: C-3 (Commercial)  
PROPOSED USE: Car Wash, Car Repair, Beauty Shop  
OWNER/APPLICANT: Eduardo and Adriana Barboza / Eduardo Barboza  
REPRESENTATIVE: Eduardo Barboza  
DISTRICT: # 7

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a rezoning request from A-2 (Apartment) to C-3 (Commercial) in order to permit a car wash, car repair, and beauty shop. The property is .333 acres in size and is currently a beauty shop. The proposed site plan shows a new car wash/car repair to be located on the site and a beauty shop and storage existing on the site. Access is proposed via East Road with 18 parking spaces provided.

Eduardo Barboza, Representative, agreed with staff recommendations. Mr. Barboza clarified that he does not intend to have a beauty shop.

No opposition was presented.

**ACTION:** Motion made by John Neal to reconsider item #5, seconded by Dick Vorba, and unanimously carried (7-0).

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

6. **ZON05-00033:** 75 feet by 150 feet out of Tract 52, Sunrise Acres No. 2  
LOCATION: 4944 Hercules  
REQUEST: From: C-1 (Commercial); To: C-3 (Commercial)  
PROPOSED USE: General Mechanic  
OWNER/APPLICANT: Osvaldo Gutierrez Romo / Osvaldo Gutierrez Romo  
REPRESENTATIVE: Ricardo Leal, Hector Daily, Cecilia Garcia Godoy  
DISTRICT: # 4

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

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting a rezoning request from C-1 (Commercial) to C-3 (Commercial) in order to permit a general mechanic shop. The property is currently a beauty shop, video store, and mechanic shop. The proposed site plan shows an existing building located on the site. Access is proposed via Hercules with six parking spaces 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. The Development Coordinating Committee recommends denial of this request for rezoning from C-1 (Commercial) to C-3 (Commercial) because the C-3 zoning permits a general mechanic shop and is not compatible with adjacent development.

Cecilia Garcia, Representative, requested that the commissioners approve the zoning.

No opposition was presented.

**ACTION:** Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras, and unanimously carried (6-0). (Commissioner Ray Mancera left.)

7. **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 John Neal to postpone two weeks (10/06/05); upon applicant's request, seconded by Gary Porras, and unanimously carried (5-0).

8. **ZON05-00085:** A portion of Lot 1, Block 10, Newport Estates Unit Two  
LOCATION: NE Corner of George Dieter and Beachfront  
REQUEST: From: A-O/sc (Apartment/Office/special contract);  
To: C-1/sc (Commercial/special contract)  
PROPOSED USE: Retail Center  
OWNER/APPLICANT: SEAB, L.P. / Bryan Abraham  
REPRESENTATIVE: Roe Engineering  
DISTRICT: # 5

SUMMARY: Christina Valles, Planning Department, noted that the applicant is requesting rezoning request from A-O/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract) in order to permit a retail center. The proposed site plan shows a new shopping center to be located on the site. Access is proposed via George Dieter Drive, Beach Front Drive, and Robert Wynn Street. There is a condition in the property that requires a subdivision plat to be filed prior to the issuance of any building permits.

Bradley Roe, Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by Belinda Luna, and unanimously carried (6-0). (Commissioner Ray Mancera left.)

9. **ZON05-00086:** A portion of Section 41, Block 79, Township 2, Texas and Pacific Railroad Company Surveys  
LOCATION: Edgemere Boulevard and Saul Kleinfeld  
REQUEST: From: C-3/c (Commercial/conditions); To: R-5/c (Residential/conditions)  
PROPOSED USE: Residential  
OWNER/APPLICANT: Camino Real Investments I, Ltd. / Same  
REPRESENTATIVE: Conde, Inc.  
DISTRICT: # 5

**ACTION:** Motion made by John Neal to postpone two weeks (10/06/05); upon applicant's request, seconded by Gary Porras, and unanimously carried (5-0).

10. **ZON05-00092:** Tract 7L2, Block 30, Ysleta Grant  
LOCATION: 7958 - 7960 Alameda Avenue  
REQUEST: From: C-1/sc (Commercial/special contract);  
To: C-2/sc (Commercial/special contract)  
PROPOSED USE: Dance Hall  
OWNER/APPLICANT: Rodolfo & Lilia M. Segoviano / Same  
REPRESENTATIVE: Rodolfo & Lilia M. Segoviano  
DISTRICT: # 7

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

SUMMARY: Agenda Items #4 and #10 were heard simultaneously. Eddie Garcia, Planning Department, noted that the applicant is requesting a rezoning request from C-1 (Commercial) to C-2 (Commercial) and a special permit request in order to permit a dance hall. Access is proposed via Fresno Drive and Alameda Drive with 50 parking spaces provided. The Planning Department has received no calls or letters in support or opposition to this request.

Rodolfo Segoviano Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by John Neal to hear items #4 and #10 simultaneously, seconded by Gary Porras, and unanimously carried (5-0).

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

#### ***SUBDIVISION MAP APPROVAL***

##### **Subdivision Applications:**

11. **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 John Neal to postpone two weeks (10/06/05); upon applicant's request, seconded by Gary Porras, and unanimously carried (5-0).

12. **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 John Neal to postpone two weeks (10/06/05); upon applicant's request, seconded by Gary Porras, and unanimously carried (5-0).

13. **SUB05-00058:** Alto Mesa Unit 9 – Major Combination; A portion of Tract 15A, A. F. Miller Survey No. 213, and a portion of Lot 3, Block 3, Alto Mesa Unit 3, El Paso, El Paso County, Texas. (District 8)

**ACTION:** Motion made by John Neal to postpone two weeks (10/06/05); upon applicant's request, seconded by Gary Porras, and unanimously carried (5-0).

**Extension Request to Submit Recording Maps:**

14. **SUB04-00079:** Summerlin – Major Preliminary; Extension request to submit recording maps; Being a Replat of a Portion of WFF Industries Park Unit One Replat A & B and a Portion of WFF Industries Park Unit 2, City of El Paso, El Paso County, Texas. (District 4)

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

SUMMARY: Fred Lopez, Planning Department, noted that the City Plan Commission approved this subdivision on a revised combination basis on April 7, 2005. The applicant submitted a letter on September 1, 2005 requiring a six-month extension to submit the recording maps for this subdivision due to coordination with the Parks & Recreation Department regarding the park site.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by John Neal to recess at 3:00 p.m., seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Ray Mancera left.)

**ACTION:** Motion made by John Neal to reconvene at 3:01 p.m., seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Ray Mancera left.)

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

**PUBLIC HEARING**

**Other Business:**

15. Approval of CPC Minutes: August 25, 2005

Commissioner Roman Bustillos presented changes to the agenda.

**ACTION:** Motion made by John Neal to approve, subject to staff comments, seconded by Gary Porras, and unanimously carried (6-0). (Commissioners Ray Mancera left.)

16. Planning Report.

17. Legal Report.

The City Plan Commission Hearing adjourned at 3:10 p.m.

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Rudy Valdez, Executive Secretary

**OFFICIAL MINUTES AND RECORD OF ACTION**

**TAKEN BY THE EL PASO CITY PLAN COMMISSION ON SEPTEMBER 22, 2005**

\_\_\_\_\_, CHAIR