



CITY PLAN COMMISSION HEARING MINUTES

September 30, 2004

MEMBERS PRESENT:

Gary Porras
Dick Vorba
John Neal
Daphne Hamilton
Ray Mancera
Gus Haddad

OTHERS PRESENT:

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

The City Plan Commission meeting was called to order by Daphne Hamilton at 1:34 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 John Neal and unanimously carried (5-0).

DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **SUB03-00049:** Tierra Del Este Unit Twenty Seven – Combination; Being a portion of Tract 1B, Section 39 and Portion of Section 40, Block 79, Township 2, Texas and Pacific Railroad Company Surveys. (District 5)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing 237 single-family dwelling lots. The developer will be dedicating a 4-acre park. The City Plan Commission had previously approved this subdivision as a revised combination on April 22, 2004 with modifications to allow for 105-foot right of way instead of the standard 110-foot right of way. The City Plan Commission granted a modification to allow for the residential subcollector right of ways that are fifty two feet wide to allow for a five foot sidewalk and a three foot parkway instead of the standard four foot sidewalk and four foot parkway. The subdivision is a portion of the 1940.409 parcel of property that was annexed by the City of El Paso on November 9, 1999. The reason for this revised combination is that the developer has decreased the size of the ponding area and also decreased the number of lots from 241 to 237 lots. The El Paso Electric Company has a four hundred foot wide right of way and is requesting that the developer coordinate with them as to the proximity of this development to their high voltage transmission lines. The El Paso Electric Company is also requesting that the developer provide a five-foot utility easement backing up to their electric company right of way. The Traffic Department requested that a release of access be provided on all the lots that are abutting Pebble Hills Drive.

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 (5-0).

2. **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 (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

3. **SUB04-00053:** River Park West Unit 5 –Combination; Being a portion of Tract 2B, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

4. **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)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a preliminary subdivision containing 3 single-family residential lots. Primary access to the subdivision will be from Thorn Avenue from Doniphan Drive. The developer will be paying \$900 in park fees. The Engineering Department is requiring that sidewalks be constructed along Ridge Drive and a 20-foot turning radius be provided.

Carlos Jimenez, Representative, agreed with staff recommendations.

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

5. **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 (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

6. **SUB04-00068:** The Plaza @ Las Lomas Del Sol #1 – Combination; Being a Portion of Tract 1B4, and 1B4C, S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

7. **SUB04-00069:** The Plaza @ Las Lomas Del Sol #2 – Combination; Being a portion of Tract 1B4, and 1B4C, S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

PUBLIC HEARING

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 Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

Extension request to submit recording maps:

9. **SUB04-00005:** Tierra Del Este Unit 29 – Extension request to submit recording maps; Being a portion of Tract 1B, Section 39, and a portion of Section 40, Block 79, TSP 2, T & P RR Surveys, City of El Paso, El Paso County, Texas. (District 5)

ACTION: Motion made by Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

10. **SUB04-00008:** Bermudez Place – Extension request to submit recording plat; Being a Replat of A Portion of An Unnumbered Tract "A" of the Bailey Addition to the Town of Canutillo, El Paso County, Texas. (Northwest ETJ)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is requesting a six-month extension to submit the recording plats. The developer is proposing five single-family dwelling lots. This subdivision was approved on a combination basis on March 11, 2004 and there have been no previous extensions granted on this subdivision. The applicant submitted a letter requesting an extension prior to the expiration date, September 11, 2004. Due to the developer encountering delays by the County of El Paso to complete their review and the county revising their initial comments asking for additional requirements, this has created a delay to submit the recording maps to the City of El Paso. The Development Coordinating Committee and the County of El Paso recommended approval of a three-month extension.

Enrique A. Rey, Representative, agreed with staff recommendations.

Commissioner Gary Porras asked Mr. Rey if a three-month extension was enough time or if he would prefer a six-month extension.

Mr. Rey responded that they would feel more comfortable with a six-month extension but they would be satisfied with a three-month extension.

ACTION: Motion made by Gary Porras to approve six-month extension subject to staff comments, seconded by Dick Vorba and carried (4-1). (Commissioner Gus Haddad opposed the motion.)

11. **SUB04-00012:** West Hills #23 – Replat A – Extension request to submit recording maps; Being a portion of Tract 1F, S.J. Larkin Survey No. 264, and a portion of Tracts 1B4, and 1B5, S.J. Larkin Survey No. 266, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

12. **SUB04-00022:** PARS Subdivision – Extension request to submit recording maps; Being a portion of Tract 9F, Block 13, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (ETJ)

ACTION: Motion made by Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

Special Permit Applications:

13. **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 (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

14. **ZON04-00118:** Lots 1 & 2, Block 39, Franklin Heights
REQUEST: Off-street, Off-site parking
LOCATION: 1400 Wyoming
ZONE: Parcel 1: C-4 (Commercial)
Parcel 2: C-4 (Commercial)
PROPOSED USE: Parcel 1: Texas Tech Dialysis Center
Parcel 2: Off-site, off-street parking
OWNER/APPLICANT: Mark Tomlin / DaVita Inc.
REPRESENTATIVE: Banes General Contractor
DISTRICT: # 8

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 off-site, off-street parking which will serve a Therapeutic Service Facility – Dialysis. The proposed site plan shows a proposed parking lot to be located on the site providing 12 parking spaces. Access is proposed via Wyoming Avenue and the alley off of Newman Street. The Planning Department has received one phone call for information on the application and no letters in support or opposition to this request. The Development Coordinating Committee recommended approval of this request with the following condition: "That the property owner pave the existing alley abutting the entire length of Parcel 1 prior to the issuance of building permits."

Kevin Davinish, 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).

Rezoning Applications:

15. **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 (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

16. **ZON04-00115:** A portion of S. J. Larkin Survey No. 266
LOCATION: East of Redd Road and North of Casper Ridge Drive
REQUEST: From: R-3 (Residential); To: PMD (Planned Mountain Development)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: JW Fitzgerald, Trustee
REPRESENTATIVE: Kimley-Horn and Associates, Inc.
DISTRICT: # 1

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 PMD (Planned Mountain Development) in order to permit single-family residential development. Access is proposed via Franklin Hills Street. 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. Mr. Lopez noted that the application went before the El Paso Mountain Committee on September 17, 2004 and they recommended approval of rezoning the property to PMD (Planned Mountain Development). Mr. Lopez noted that PMD is a specific zoning category that is adjacent to the foothills and also includes the Franklin Hills. The PMD is meant to preserve areas as open space, and it is based on the calculation taking the average slope of the entire property and that formula then renders how much the property is to be left open space. In this case they are proposing approximately 50% of the land to be left open space therefore exceeding any of the open space that would be required. The PMD also limits the density for the property and that is also calculated on the average slope of the property.

Commissioner John Neal asked if the property could be developed as R-3 (Residential).

Mr. Lopez replied that the applicant could develop it as R-3, however they wanted to create a unique product on this site.

Commissioner Gus Haddad asked what the difference is between R-3 (Residential) and PMD (Planned Mountain Development).

Mr. Lopez replied that for R-3 the applicant would have to put in approximately a 3 to 4 acre park site and with PMD the open space cannot be disturbed and cannot be built on.

Wayne Grinnell, Representative, agreed with staff recommendations.

Commissioner John Neal asked where the rezoning sign is located.

Mr. Lopez responded that the applicant was going to place a sign however since there is a gap in ownership, the applicant submitted a request to the zoning administrator to waive the requirement for a sign and it was approved since they were not actually fronting a right of way

Amy Shoemaker, representative of Willis Homes of El Paso, informed the commission that if they were to develop it as an R-3 subdivision there would be great grading in order to maximize the density. They are not seeking to maximize the density but to maximize some of the open space and the amenities of the area. Ms. Shoemaker noted that they are planning to leave it all natural along with the arroyos.

Steve Yegge, resident of the area, noted that he is concerned that there will only be one access for this subdivision, which would be Franklin Hills.

Marvin Cazzell, Fire Department, noted that they do not have a problem with it.

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

17. **ZON04-00116:** Tract 62, S.A. & M.G. RR Co. Survey No. 267
LOCATION: 5218 Doniphan
REQUEST: From: R-4 (Residential); To: C-3 (Commercial)
PROPOSED USE: Restaurant
OWNER/APPLICANT: Seggy Corporation / Mark Seggline
REPRESENTATIVE: Henry Alvarado
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 C-3 (Commercial) in order to permit additional parking and a professional office on two parcels. The proposed site plan shows an expansion of an existing parking lot to be located on the site while conversion of the existing home to a professional office. Access to the expansion of the parking lot is proposed via Doniphan Drive; access to the professional office is proposed via Thorn Avenue. 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 recommended approval of C-1 which all allows a parking lot and a professional office to minimize impact to abutting residential uses. Building Permits and Inspections had some issues but they are beyond the scope of the rezoning and will be addressed at the time of building permits. The only requirement they are requesting is a six-foot screening wall between the commercial and residential uses if C-1 was to go forward.

Commissioner John Neal asked if staff considered approving A-O instead of C-1.

Mr. Rousselin responded that they did consider A-O, however the applicant has plans that at a future date they may turn that into an additional parking lot, which would require C-1.

Henry Alvarado, Representative, agreed with staff recommendations. Mr. Alvarado stated that they have not decided what they are going to put in there. Mr. Alvarado noted that there is roughly 18 to 20 feet between the houses.

Commissioner Daphne Hamilton noted that it does not look like 20 feet.

Commissioner Neal noted that C-1 is not appropriate zoning.

No opposition was presented.

ACTION: Motion made by John Neal to approve A-O on Parcel 2 and C-1 on Parcel 1, subject to staff comments, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Gus Haddad abstained.)

18. **ZON04-00117:** Tract 17C Canutillo Acreage Lots
LOCATION: 196 Mowad Rd.
REQUEST: From: R-4 (Residential); To: R-3A (Residential)
PROPOSED USE: Residential
OWNER/APPLICANT: Miguel Hernandez / Same
REPRESENTATIVE: Luis & Rene de la Cruz
DISTRICT: # 1

ACTION: Motion made by Gary Porras to delete; upon applicant's request, seconded by John Neal and unanimously carried (5-0).

19. **ZON04-00121:** A portion of A. F. Miller Survey No. 210
LOCATION: West of Belvidere Street and North of Mesa Street
REQUEST: From: R-3 (Residential), A-2/sc (Apartment/special contract);
To: C-3 (Commercial), C-3/sc (Commercial/special contract)
PROPOSED USE: Mesa Dam, golf driving range and learning facility
OWNER/APPLICANT: City of El Paso / Same
REPRESENTATIVE: Municipal Services
DISTRICT: # 8

ACTION: Motion made by Gary Porras to postpone for two weeks (10/14/04); upon applicant's request, seconded by John Neal and unanimously carried (5-0).

Discussion and Action on Ordinance Amendments:

20. An Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso City Code. The penalty being as provided in Section 18.02.107 of the El Paso City Code.

Alan Shubert, Building Permits and Inspections Department, briefly reviewed an Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso City Code. The penalty being as provided in Section 18.02.107 of the El Paso City Code. Mr. Shubert noted that this ordinance is also known as the Dark Sky Ordinance. Mr. Shubert gave a brief history of the ordinance; noting that the ordinance had been developed and approved by BZAC two years ago and after BZAC approval it went forward. However, one of the city's department, Municipal Services objected to it because they could not comply with it based on the cost of converting the fixtures owned by the city, particularly in downtown area. In order to comply with the ordinance it was taken back to BZAC and changes were made. One is that in the original ordinance there was a provision that required that all fixtures existing or new comply with the ordinance in 15 years and that was the major objection that the city had. In this ordinance, the time frame has been removed and it does not indicate in the ordinance that requires an existing fixture be changed out to comply with the new dark sky ordinance. The basis for that is that according to the industry, fixtures rarely last longer than 15 years. The second issue is in regards to the antique style post top fixtures that are so popular around parks and museums. The fixtures as they were stipulated in the original ordinance were required to be what is called full cut off and full cut off fixture is basically delineated in the engineering standard that controls this is a fixture that allows zero percent of lighting above the horizontal. A post top fixture can achieve that and there is virtually no way to design a post top fixture. To do that there is a second fixture that is called cut off that allows for 2%, it is a very minor percentage of lighting, it is allowed to emit above the horizontal. The ordinance has been amended so that a post top style fixture can be called a cut off fixture and not a full cut off fixture.

After further discussion it was recommended that it be postponed in order to clarify some issues.

ACTION: Motion made by Daphne Hamilton to postpone for two weeks (10/14/04); seconded by John Neal and unanimously carried (5-0).

21. An Ordinance amending Title 2 (Administration and Personnel), by revising Chapter 2.30 (Building Board of Appeals), to incorporate the responsibilities of the Electrical Board of Appeals, (current Chapter 2.34), to incorporate the responsibilities of the Plumbing/HVAC Board (Chapter 2.32), and to make major changes to the board.

Alan Shubert, Building Permits and Inspections Department, briefly reviewed an Ordinance amending Title 2 (Administration and Personnel), by revising Chapter 2.30 (Building Board of Appeals), to incorporate the responsibilities of the Electrical Board of Appeals, (current Chapter 2.34), to incorporate the responsibilities of the Plumbing/HVAC Board (Chapter 2.32), and to make major changes to the board.

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

Other Business:

22. Planning Report.

Fred Lopez, Planning Department, invited the City Plan Commissioners to attend the American Planning Association West Texas Section workshop; it will be held on Thursday, October 28, 2004 at the Tigua Pueblo Tribal Council Chambers from 6:30 p.m. to 8:30 p.m.

Commissioner Gus Haddad asked to place an item at the next city plan commission meeting to discuss the sign requirements for the rezoning sign.

Mr. Lopez noted that they have had some concerns about the signs not being sturdy, falling down, and the way the signs are being posted.

Commissioner John Neal asked if BZAC is going to consider the special permits at the next meeting.

Mr. Lopez responded that they have scheduled the item but does not know the exact date.

Commissioner Neal asked if it would be helpful if there were a letter from the City Plan Commission describing the process.

Mr. Lopez responded that they have had prior cases requested by the city plan commission and have accepted a letter from the chair or other members of the commission advising the BZAC of the item.

Commissioner Ray Mancera requested that the whole neighborhood ordinance be placed on the agenda if they are going to discuss the issues about signs, posting, etc.

Matt Watson, Assistant City Attorney, noted that it is his understanding that staff provide a copy of the on site posting for zoning change notification ordinance, not the recognized neighborhood association ordinance.

Commissioner Mancera replied that is correct. Commissioner Mancera noted that he has heard issues regarding the actual process by which an applicant has to go through to accommodate or comply with the ordinance such as signing off on neighborhoods.

Mr. Watson noted that Commissioner Mancera is requesting two separate items, one the zoning change notification signage, and the second one being the recognized neighborhood association ordinance. In order to review some of the requirements of notification to recognize neighborhood associations, it can be placed as two separate agenda items at the next meeting.

23. Legal Report.

The City Plan Commission Hearing adjourned at 3:25 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON SEPTEMBER 30, 2004

, **CHAIR**

, **DATE**