



## CITY PLAN COMMISSION HEARING MINUTES

*October 28, 2004*

### **MEMBERS PRESENT:**

Gary Porras  
Dick Vorba  
John Neal  
Daphne Hamilton  
Oscar Venegas  
Ray Mancera  
Gus Haddad  
Chad North

### **OTHERS PRESENT:**

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

The City Plan Commission meeting was called to order by Oscar Venegas at 1:34 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 Dick Vorba and unanimously carried (7-0).

### **DISCUSSION AND ACTION:**

1. Discussion and action regarding on-site posting of notice for rezoning, special permit, and zoning condition amendment or release applications involving parcels with one or more acres of land.

Rudy Valdez, Planning Department, noted that this item was acted upon at the October 14, 2004 City Plan Commission Meeting. A motion was made and approved to change the current requirements in the ordinance. The changes made were the following: the material for the construction of the signs is to be made of metal or wood and the sign must be 4 x 4 in size.

**ACTION:** Motion made by John Neal to reconsider item, seconded by Daphne Hamilton and unanimously carried (7-0).

Sal Massoud, member of El Paso Builders Association, stated that they are not opposed to the change of the material. Mr. Massoud noted that they agree that corrugated plastic is not feasible since this is a windy city. Mr. Massoud noted that their signs are made out of either plywood or metal. Mr. Massoud stated that they don't see a problem with the current size of the sign, it is adequate, and a lot of the developers have already ordered a number of signs to have on hand for whenever they need them. Mr. Massoud presented a sign to the commission.

Mr. Doug Schwartz noted that they have forty signs already made.

Commissioner John Neal asked if they post the signs with one or two posts.

Mr. Schwartz responded that it depends if there is an existing fence or post out there. Mr. Schwartz noted that sign companies would not put the signs up because it violates the sign ordinance, so the developer or representative put the signs up themselves.

Mr. Massoud noted that the cost of the sign would increase three times if they require 4 x 4 size.

Commissioner Gus Haddad noted that they are willing to change the motion to leave the size of the sign the same if they agree to no corrugated signs.

**ACTION:** Motion made by Gary Porras to leave the size of the sign the same, 2 x 3, and to change the material to plywood or metal, seconded by Gus Haddad and unanimously carried (7-0).

**ACTION:** Motion made by Gus Haddad to reconsider the motion, seconded by Gary Porras and unanimously carried (7-0).

**ACTION:** Motion made by Gus Haddad to rescind the motion, seconded by Gary Porras and unanimously carried (7-0).

**ACTION:** Motion made by Gus Haddad to modify the ordinance to specify the sign material being plywood or metal, present size and properly anchored, seconded by Ray Mancera and unanimously carried (7-0).

2. Discussion and action regarding notice requirements for recognized neighborhood associations.

**ACTION:** Motion made by John Neal to move item #2 to the front of the agenda, seconded by Dick Vorba and unanimously carried (7-0).

**ACTION:** Motion made by Ray Mancera to reconsider item, seconded by Gary Porras and unanimously carried (7-0).

Rudy Valdez, Planning Department, noted that this item was presented to the commission at the October 14, 2004 City Plan Commission Meeting, at which time the commissioners made a recommendation to make a proposed amendment to the ordinance with regard to the notification requirements to the neighborhood associations. Mr. Valdez noted that there are several people in the audience that would like to speak on the issue.

Mayor Joe Wardy provided the following input:

“Thank you for showing me the courtesy and I want to thank you for giving your service to the city and it is a pretty tough job sometimes. I have some points on neighborhood notification that I would like to bring to the commission’s attention and this is a subject that is very important to me. As Mayor, there have been very four critical areas that my administration has focused on. Among those is a development of a neighborhoods outreach program. During my administration, I have worked very diligently to foster the development of neighborhood associations, to listen to their concerns, and to provide them with avenues that would aid them and resolve neighborhood issues. On more than one occasion, I have made commitments to the neighborhoods to strengthen their relationship with the city government, something that has been very lacking for a number of years. In December 2003, the City Council voted unanimously to adopt the neighborhoods recognition ordinance, which made two very significant changes to how our city interacts with our neighborhoods. First, it created a process for the city to formally recognize neighborhood associations in our community. Secondly, it executed into a formal ordinance notification provisions for registered neighborhood associations. This allows neighborhoods to be notified by the applicants for rezoning, special permits and contract amendments or release. The importance of establishing this notification is that it provides a means for neighborhood associations to be notified which prior to this administration had been very limited to only property owners, within a certain distance from the property of the applicant. More importantly however is that the neighborhood associations is notified by the applicant and this begins a very critical dialogue process between the associations within the area and the applicant in order to work out any potential problems prior to these items being considered by your body or by the mayor and council. Now this dialogue is important so that certain issues can be addressed prior to the application coming before the city plan commission or the council, we don’t need city departments in the middle, this is a good vehicle and a good tool for people to have a good frank discussions away from the government sector. Now I know as well as anyone that this dialogue can in many ways be very contentious, but that is democracy. Both the city plan commission as well as council has had before us cases that were both hostile and very complex. Yet I believe that this dialogue is crucial and what I would say to you is that neither notification process nor who gives the notification is really a contentious matter. I think that we can all agree that the democratic process is a process that is open to as many voices as can be heard. That

this notification process brings our neighborhoods to the table is a very good thing. The responsibility of our respective bodies is to weigh those voices in making a determination as to facts of these land use cases. After having had several discussions with a development community as well as a building community they have no issues with the notification requirement of this ordinance as it stands today. On any given day and on any given issue, they may have certain issues with individual cases that come to our bodies for action but I think that they would agree with me in saying that the notification requirements are not the reason for differences in opinion that may arise. Given the city council's commitment to our neighborhoods and given its commitment to a democratic process, which invites our citizens to participate in our government, especially as it relates to our own neighborhoods, I am strongly urging the city plan commission to formally drop any move for amending or recommending any changes in amendments to our neighborhoods recognition and notification ordinance. Preserve the ordinance as it stands today, I know that there are many things that we can do for improvement, but I firmly believe that making the change as voted on by this body before us is a step in the wrong direction and one step backwards in a very constructive process. Thank you for the courtesy in allowing me to address this body today."

Commissioner Gary Porras noted that he was one of the ones to make a recommendation to change the ordinance. Commissioner Porras noted that the developers always hire someone professional and they always know what to do, so his thinking was to protect the average citizen, who makes a request in rezoning, etc., since they do not know what to do.

Mayor Wardy responded that he understands his rationale. Mayor Wardy pointed out that for us to become a progressive city, the rules are for everybody, and ignorance to the law is no excuse. If you want to make changes, you come down and you learn the process. Mayor Wardy noted that the City Planning Department would be able to help any individual that needs help in facilitating the process. Mayor Wardy clarified Mr. Mark Alvarado's role in the city, and he is not an intermediary, he is basically a neighborhood liaison and an organizer to help facilitate neighborhood organizations.

Joel Bay, President of the North Hills Neighborhood Pride Association, also addressed the commission. Mr. Bay noted that the association is strongly opposed to that action. One of the primary inspirations for the formation of the North Hills Neighborhood Pride Association was the opportunity for residents of the neighborhood to become involved in the process of future planning and development of the area of the city. The Mayor's Neighborhood's First Program and the Neighborhood Recognition Ordinance give them and organizations like them that opportunity to participate in the future growth of the city and contribute their views and recommendations. Mr. Bay stated that they believe that through the provisions of the notification process outlined in the current Neighborhood Recognition Ordinance, they will have the opportunity to learn of development proposals early in the process and have the opportunity to meet with applicants and discuss their concerns early in the process.

Stuart Mitchell, president of the Mountain Arroyo Neighborhood Association, stated that he is also in opposition to this request. Mr. Mitchell noted that it is very important of developing communication between the proponents of change in the neighborhoods and the leadership of the neighborhood associations. It is important to develop that communication at the earliest possible time.

Several other representatives from different neighborhood associations also spoke in opposition.

Commissioner Ray Mancera noted that it was never his intent to do away with the ordinance or to make any changes. Commissioner Mancera stated that he noticed that the applicant is being asked to notify the associations. Commissioner Mancera noted that the only change would be instead of the applicant notifying the associations it would be the city notifying them.

George Sarmiento, Planning Department, noted they support keeping the ordinance the way it as and they have not received any complaints. Mr. Sarmiento noted that if there is any change that has to be implemented with regard to this ordinance is that they make an amendment that if there is any change to the ordinance that they have a notification requirement to registered neighborhood associations.

**ACTION:** Motion made by Gary Porras to rescind the October 14, 2004 motion, leave the ordinance as it is, seconded by John Neal and unanimously carried (7-0).

## SUBDIVISION MAP APPROVAL

### Subdivision Application:

3. **SUB03-00047:** The Park at Wildwood – Revised Combination; Being Tracts 2M9, 2M10, 2M11, 2R and a portion of Tract 2M, A.F. Miller Surveys No. 212, City of El Paso, El Paso County, Texas. (District 1)

**ACTION:** Motion made by John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

4. **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 John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

5. **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 John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

6. **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 John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

7. **SUB04-00072:** Desert Trail #2 – Combination; Being a Portion of Tract 3A, A.F. Miller Survey No. 210, City of El Paso, El Paso County, Texas. (District 8)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing 1 commercial lot for the purpose of constructing an apartment complex to contain a 240-apartment unit. The developer will be required to pay \$34,800 in park.

Conrad Conde, Representative, agreed with staff recommendations.

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

8. **SUB04-00073:** Belvidere Village Estates – Combination; Being a Portion of Lot 6, Block 131, Chaparral Park Unit 29 Replat "B", City of El Paso, El Paso County, Texas. (District 8)

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

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a development with 16 duplex residential lots.

Sal Massoud, Representative, agreed with staff recommendations.

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

## **PUBLIC HEARING**

### **Street Vacation:**

9. **SV04011:** Street Vacation – Rim Road (70' wide) between Oregon Street and El Paso Street, Alexander Addition. (District 1)

**ACTION:** Motion made by John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

### **Street Dedication**

10. **DD04003:** Street Dedication – Request to dedicate a road off of Holmsley Trail. (District 7)

**ACTION:** Motion made by John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

### **Extension request to submit recording maps:**

11. **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)

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

SUMMARY: Items #11 and #12 were heard simultaneously. James Shelton, Planning Department, noted that the Development Coordinating Committee recommended a one-month extension. Staff is recommending that the City Plan Commission grant a three-month extension.

Rudy Valdez, Planning Department, noted that the extension is due to governmental agency holding the process.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by Gus Haddad to approve three-month extension, subject to staff comments, seconded by Gary Porras and unanimously carried (7-0).

12. **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)

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

SUMMARY: Items #11 and #12 were heard simultaneously. James Shelton, Planning Department, noted that the Development Coordinating Committee recommended a one-month extension. Staff is recommending that the City Plan Commission grant a three-month extension.

Rudy Valdez, Planning Department, noted that the extension is due to governmental agency holding the process.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

**ACTION:** Motion made by Gus Haddad to approve three-month extension, subject to staff comments, seconded by Gary Porras and unanimously carried (7-0).

### **Detailed Site Development Plan Review Application:**

13. **ZON04-00112:** A portion of Tract 3A, A.F. Miller Survey Number No. 210  
LOCATION: Belvidere Street South of Mesa Street  
REQUEST: Special contract condition  
ZONE: C-3/sc (Commercial/special contract)  
PROPOSED USE: Apartments  
OWNER/APPLICANT: Camino Real Investments I, Ltd / Same  
REPRESENTATIVE: Kistenmacher Engineering Company, Inc.  
DISTRICT: # 8

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant has submitted a request for a detailed site development plan review in order to permit apartments. Site plan review is required because of a special contract condition that exists on the subject property. The applicant is proposing a 240-apartment unit to be located on the site with access proposed via the proposed extension of Belvidere South of Mesa Street. The site plan indicates 445 parking spaces. The site plan also has a 125,000 sq. ft. of landscaping for the apartment complex. There are zoning conditions currently imposed on this property. The Planning Department has received no calls or letters in support or opposition to this request.

Glen Kistenmacher, Representative, agreed with staff recommendations.

No opposition was presented.

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

**Special Contract Application:**

14. **ZON04-00131:** Lot 18, Sunrise Acres No. 2  
LOCATION: 4710 Hercules Avenue  
ZONING: A-1/c (Apartment/conditions)  
REQUEST: Release of Condition No. 3 imposed by Ordinance No. 011221  
PROPOSED USE: New building and ponding area for existing church  
OWNER/APPLICANT: Hillcrest Baptist Church / Same  
REPRESENTATIVE: Ray Athey  
DISTRICT: # 2

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a release of Condition #3 – submit for review and approval by the City Plan Commission and the Mayor and City Council a site development plan of the proposed development, prior to the issuance of any building permits. The applicant is proposing to construct a 5,000 square feet building and ponding area on the site to serve the existing Hillcrest Baptist Church.

Ray Athey, 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 (7-0).

**Special Permit Applications:**

15. **ZON04-00119:** All of Tracts 5, 6 and 7, AYR Lawn Tract, Ysleta Grant  
REQUEST: Parking Reduction  
LOCATION: 8061 Alameda  
ZONE: C-3/C-4 (Commercial)  
PROPOSED USE: Parking Reduction  
OWNER/APPLICANT: Daughters of Charity Community Service / San Vicente Centro Familiar De Salud  
REPRESENTATIVE: Ed Soltero  
DISTRICT: # 7

**ACTION:** Motion made by John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

16. **ZON04-00123:** A portion of Lot 1, Block 38, Altura Park  
REQUEST: Monopole Cellular Tower and equipment storage building  
LOCATION: 3400 Frankfort Avenue  
ZONE: A-2 (Apartment)  
PROPOSED USE: Monopole Cellular Tower and equipment storage building  
OWNER/APPLICANT: El Paso Electric Company / Alltel Communications  
REPRESENTATIVE: Romano & Associates, LLC  
DISTRICT: # 2

**ACTION:** Motion made by John Neal to postpone for two weeks (11/11/04); upon applicant's request, seconded by Dick Vorba and unanimously carried (7-0).

17. **ZON04-00124:** A portion of Land in Tract 2G, El Shazo Survey No. 218  
REQUEST: Governmental Use in Commercial District  
LOCATION: 110 Mesa Park Drive  
ZONE: C-3 (Commercial)  
PROPOSED USE: Fire Station #31 Governmental Use in Residential District  
OWNER/APPLICANT: City of El Paso / Same  
REPRESENTATIVE: John M. Carson, C.F. Associates  
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 a governmental use in a commercial district in the construction of First Station #31.

No opposition was presented.

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

18. **ZON04-00125:** Lot 75, Block 41, Vista Real Unit Three Amended Subdivision  
REQUEST: Governmental Use in Residential District  
LOCATION: 3475 Nolan Richardson  
ZONE: R-5/c (Residential/conditions)  
PROPOSED USE: Fire Station #33 Governmental Use in Residential District  
OWNER/APPLICANT: City of El Paso / Same  
REPRESENTATIVE: John M. Carson, C.F. Associates  
DISTRICT: # 5

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 a governmental use in a commercial district in the construction of First Station #33.

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).

### **Rezoning Applications:**

19. **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

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

SUMMARY: Fred Lopez, Planning Department, noted that the applicant is requesting a rezoning as follows: Parcel 1 - from R-3 (Residential) to A-2 (Apartment) in order to permit apartments; Parcel 2 - from R-3 (Residential) and R-F (Ranch and Farm) to R-3A (Residential) on order to permit single-family residential development; Parcel 3 - from R-3 (Residential) to C-1 (Commercial) in order to permit retail commercial development; and Parcel 4 – from R-F (Ranch and Farm) to R-3A (Residential) in order to permit single-family residential development. The proposed site plan shows an apartment complex on Parcel 1, fifty-four (54) single-family residential lots on Parcel 2, retail commercial development on Parcel 3, and ninety-three (93) single-family residential lots on Parcel 4. Access is proposed via Sean Haggerty Drive and McCombs Street. There are no zoning conditions currently imposed on this property. The Planning Department has received a petition with ninety-eight (98) signatures and one (1) letter in opposition to this application. The Development Coordinating Committee unanimously recommended approval of this request.

- o Parcel 1: From R-3 (Residential); To: A-2 (Apartment)
- o Parcel 2: From R-3 (Residential), R-F (Ranch and Farm); To: R-3A (Residential)
- o Parcel 3: From R-3 (Residential); To: C-1 (Commercial)
- o Parcel 4: From R-F (Ranch and Farm); To: R-3A (Residential)

Fermin Dorado, Representative, agreed with staff recommendations. Mr. Dorado noted that they disagree with item #12, under Engineering Department comments, extension of Sean Haggerty all the way to the green belt.

Matt Watson, Assistant City Attorney, noted that they would like that provision removed.

Rosina Robbs, resident of the area, stated that she is opposed to this request because families use the area for outdoor activities such as biking, jogging, walking.

Bashar Abugalyon, Engineering Department, noted that they agree to delete item #12, they will discuss it at the subdivision level.

Commissioner Dick Vorba stated he is against R-3A on this area. Commissioner Vorba stated that Sean Haggerty is not going to be developed over into the green, and there is a lot of traffic in the area. Commissioner Vorba feels that R-3 is more suitable.

Rudy Valdez, Planning Department, noted that the zoning that is surrounding this property is R-5, R-4 and P-R. Most of those lots are either compatible or even less in terms of size and what is being proposed on this site.

**ACTION:** Motion made by Ray Mancera to approve Parcel 1 from R-3 to A-2, seconded by John Neal and unanimously carried (6-0). (Commissioner Chad North left the room.)

**ACTION:** Motion made by Ray Mancera to approve Parcel 3 from R-3 to C- 1, seconded by John Neal and unanimously carried (6-0). (Commissioner Chad North left the room.)

**ACTION:** Motion made by Ray Mancera to approve Parcel 2 from R-3 / R-F to R-3A, seconded by Gary Porras and motion failed (2-4). (Commissioner Chad North left the room.)

**ACTION:** Motion made by John Neal to approve Parcel 2 from R-F to R-3, seconded by Dick Vorba and carried (5-1). (Commissioner Chad North left the room and Commissioner Ray Mancera opposed the motion.)

**ACTION:** Motion made by John Neal to approve Parcel 4 from R-F to R-3, seconded by Dick Vorba and carried (5-1). (Commissioner Chad North left the room and Commissioner Ray Mancera opposed the motion.)

20. **ZON04-00126:** A portion of Lot 3, Block 46, Sun Ridge Unit 12  
**LOCATION:** Zaragoza Road North of Sun Fire Boulevard  
**REQUEST:** From: C-1/sc (Commercial/special contract); To: C-3/sc (Commercial/special contract)  
**PROPOSED USE:** Automotive repair shop  
**OWNER/APPLICANT:** Peace Partners Car Wash, LLC / Same  
**REPRESENTATIVE:** Esteban Sansores  
**DISTRICT:** # 6

**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/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) in order to permit an automotive repair shop. Access is proposed via Zaragoza Road and Sun Country Road. There are zoning conditions imposed by a special contract dated 11/11/86 and amendment on 3/26/96. The Planning Department has received one letter in opposition to this request.

Esteban Sansores, Representative, agreed with staff recommendations.

No opposition was presented.

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

21. **ZON04-00127:** Tract 17C60, 17C61, 17C23, 17C181, 17C182, 17C9, 17C1, and 17C, Block 79, Section 8, Township 3, Texas and Pacific Railroad Company Surveys  
LOCATION: Zaragoza Road North of Picasso  
REQUEST: From: R-3 (Residential); To: C-4 (Commercial)  
PROPOSED USE: Commercial development  
OWNER/APPLICANT: Patricia Diamanti, Danny and Jeanette Powell, Fred and Lucile Sword, Mary Fonte  
REPRESENTATIVE: Conde, Inc.  
DISTRICT: # 6

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-3 (Residential) to C-4 (Commercial) in order to permit commercial development. The proposed site plan shows 31 commercial buildings to be located on the site. Access is proposed via Zaragoza Road. 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 approval of this request from R-3 (Residential) to C-4 (Commercial) with conditions for Parcel 1 and C-2 (Commercial) with conditions for Parcel 2.

o Parcel 1 conditions:

The following uses shall be prohibited: automobile, light and heavy trucks, buses, motorcycles and boats sales, storage, rental or service; sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and contractor's yard.

o Parcel 2 conditions:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the easterly property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

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 Dick Vorba and unanimously carried (6-0). (Commissioner Chad North left the room.)

22. **ZON04-00128:** Tract 19, S.A. & M.G. Railway Company Survey 266  
LOCATION: Southwest corner of Ruby Drive and Valdez Road  
REQUEST: R-3 (Residential); To: A-2 (Apartment)  
PROPOSED USE: Apartments  
OWNER/APPLICANT: The Steel Corporation of Texas / Same  
REPRESENTATIVE: Robert A. Gonzalez  
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-3 (Residential) to A-2 (Apartment) in order to permit apartments on the site. Access is proposed via Ruby Drive and Valdez Road. 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 of this request from R-3 (Residential) to A-2 (Apartment) with the following condition: that a subdivision plat be filed for the subject property prior to the issuance of any building permits.

Rudy Valdez, Planning Department, made a clarification in regard to the requirement for the subdivision plat it is not the issue of legal access but improved access that is of concern to the staff.

Robert Gonzalez, Representative, agreed with staff recommendations. Mr. Gonzalez noted that they are proposing 55 housing units for the elderly. Primary access will be via Ruby Drive and they are not sure at this point whether they are going to utilize Valdez Road.

Sophia Villareal, Montoya Heights Community Association, noted that they are in favor of this housing for the elderly.

No opposition was presented.

**ACTION:** Motion made by Gus Haddad to approve, subject to staff comments, seconded by John Neal and unanimously carried (6-0).

**Discussion and Action on Ordinance Amendments:**

23. 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. 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.

**ACTION:** Motion made by Gary Porras to approve, changing from one year to two years, seconded by Gus Haddad and carried (5-1). (Commissioner Ray Mancera left and Commissioner Dick Vorba opposed the motion.)

**Other Business:**

24. Planning Report.
25. Legal Report.



**CITY PLAN COMMISSION HEARING  
ADDITION TO THE AGENDA**

**PUBLIC HEARING:**

**Discussion and Action on Ordinance Amendments:**

1. 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 (current Chapter 2.32), and to make significant changes to the Board.

Mr. 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 (current Chapter 2.32), and to make significant changes to the Board.

**ACTION:** Motion made by Gary Porras to approve, seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Ray Mancera left.)

2. An ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50 without further appeal to City Council. The penalty not to exceed two-thousand dollars (\$2,000.00) per day per violation as provided in Section 2.38.110 of the City Code.

Mr. Alan Shubert, Building Permits and Inspections Department, briefly reviewed an ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50 without further appeal to City Council. The penalty not to exceed two-thousand dollars (\$2,000.00) per day per violation as provided in Section 2.38.110 of the City Code.

**ACTION:** Motion made by John Neal to approve, seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Ray Mancera left.)

3. An ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 Edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of no more than two-thousand (\$2,000.00) per day per violation.

Mr. Alan Shubert, Building Permits and Inspections Department, briefly reviewed an ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 Edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of no more than two-thousand (\$2,000.00) per day per violation.

**ACTION:** Motion made by John Neal to approve, seconded by Dick Vorba and unanimously carried (6-0). (Commissioner Ray Mancera left.)

Executive Session was not needed.

The City Plan Commission Hearing adjourned at 4:15 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 OCTOBER 28, 2004**

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**CHAIR**

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**DATE**