



CITY PLAN COMMISSION HEARING MINUTES

November 3, 2005

MEMBERS PRESENT:

Carlos Gallinar
John Neal
Gus Haddad
Dick Vorba
Roman Bustillos
Ray Mancera
Ruben Ponce
Chad North

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, PRDD
Christina Valles, PRDD
Jim Fisk, PRDD
Kimberly Forsyth, PRDD
Cindy Crosby, Assistant City Attorney
Sandra Hernandez, Recording Secretary

The City Plan Commission meeting was called to order by Gus Haddad at 1:36 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 John Neal to accept changes to the agenda, seconded by Dick Vorba, and unanimously carried (7-0).

DISCUSSION AND ACTION:

PUBLIC HEARING

Special Contract Applications:

- ZON05-00112:** Tract 17-E-3, Section 38, Block 81, TSP1, Texas and Pacific RR Surveys
LOCATION: Corner of Will Ruth and McCombs
ZONING: C-1/sc (Commercial/special contract)
REQUEST: Release conditions imposed by special contract
PROPOSED USE: Multi-Family
OWNER/APPLICANT: Monterrey Properties Ltd. / Same
REPRESENTATIVE: Ray Baca
DISTRICT: # 4

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

2. **ZON05-00113:** A portion of Tract 3, Section 4, Block 79, Township 3, T & P RR Surveys
LOCATION: S.E. Corner Loop 375 @ Montwood
ZONING: C-4/c (Commercial/condition)
REQUEST: Release condition that requires 15' landscape buffer along Loop 375 and Montwood
PROPOSED USE: Retail Shopping Center
OWNER/APPLICANT: River Oaks Properties Ltd. / Adam Frank
REPRESENTATIVE: Michael L. Clark
DISTRICT: # 6

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

SUMMARY: Agenda Items #2 and #4 were heard simultaneously. Christina Valles, Development Services Department, noted that the site plan was submitted in order to permit a retail shopping center. The property is currently zoned C-4/c (Commercial/conditions). There is a special condition that requires a detailed site plan in addition to a 15-foot landscape buffer along Loop 375 and Montwood. The applicant is seeking to release a condition to require a 15-foot landscape buffer since there will be landscaping required by the landscape ordinance which would exceed the 15-foot requirement. Ms. Valles showed various photographs of the area a drawing of the proposed Super Target and retail shopping center. Ms. Valles noted that the Planning Division has received no calls or letters in support or opposition to this request.

The commission discussed the landscape requirements and the setback requirements.

Mike Clark, Representative, agreed with staff recommendations. Mr. Clark noted that the 15-foot landscape buffer along Montwood and Joe Battle is requirement that was placed on the property because it was in the landscape ordinance. Mr. Clark noted that they are still proposing to provide at least a 15-foot landscape buffer along both those streets, and in fact along Montwood and one portion of it gets as much as 25-feet. In addition, they are proving buffers along Windermere. Mr. Clark also noted that with regards to the buffer along the single-family homes, they are providing a 20-foot landscape buffer from Montwood down to where the retention basin will be.

Ms. Valles noted that the Planning Division received a letter of support for the release of the condition.

Commissioner John Neal made a motion to approve items #2, and # 4, with the record reflecting that the applicant said that there would be a 20-foot landscape buffer continuously across the back of the area.

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).

3. **ZON05-00108:** North ½ of Block 20, Cotton Addition
LOCATION: 2325 Pershing Drive
REQUEST: Detailed Site Plan Review to Permit Commercial
ZONE: S-D/c (Special Development District/condition)
PROPOSED USE: Medical Office
OWNER/APPLICANT: Grupo Adelante / Same
REPRESENTATIVE: Grupo Adelante
DISTRICT: # 8

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

SUMMARY: Christina Valles, Development Services Department, noted that the site plan was submitted in order to permit a medical office. The property is currently zoned S-D (Special Development District) and site plan review is required in the S-D (Special Development District). Access is proposed via Pershing with 26 parking spaces provided. The Development Services Department has received no calls or letters in support or opposition to this request.

The applicant was not present; a motion was made to table the item until the end of the agenda in order to contact the applicant.

ACTION: Motion made by Ray Mancera to table item until the end of the agenda, seconded by Dick Vorba, and unanimously carried (6-0). (Commissioner Ruben Ponce abstained.)

Jerry Bernal, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Ray Mancera, and unanimously carried (6-0). (Commissioner Ruben Ponce abstained.)

4. **ZON05-00114:** A portion of Tract 3, Section 4, Block 79, TSP 3, T&P Railway Co. Surveys
LOCATION: SE Corner Loop 375 & Montwood
REQUEST: Site plan to permit a retail center
ZONE: C-4/c (Commercial/conditions)
PROPOSED USE: Retail shopping center
OWNER/APPLICANT: River Oaks Properties Ltd. / Same
REPRESENTATIVE: Lawrence A Cates & Associates
DISTRICT: # 6

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

SUMMARY: Agenda Items #2 and #4 were heard simultaneously. Christina Valles, Development Services Department, noted that the site plan was submitted in order to permit a retail shopping center. The property is currently zoned C-4/c (Commercial/conditions). There is a special condition that requires a detailed site plan in addition to a 15-foot landscape buffer along Loop 375 and Montwood. The applicant is seeking to release a condition to require a 15-foot landscape buffer since there will be landscaping required by the landscape ordinance which would exceed the 15-foot requirement. Ms. Valles showed various photographs of the area a drawing of the proposed Super Target and retail shopping center. Ms. Valles noted that the Planning Division has received no calls or letters in support or opposition to this request.

The commission discussed the landscape requirements and the setback requirements.

Mike Clark, Representative, agreed with staff recommendations. Mr. Clark noted that the 15-foot landscape buffer along Montwood and Joe Battle is requirement that was placed on the property because it was in the landscape ordinance. Mr. Clark noted that they are still proposing to provide at least a 15-foot landscape buffer along both those streets, and in fact along Montwood and one portion of it gets as much as 25-feet. In addition, they are providing buffers along Windermere. Mr. Clark also noted that with regards to the buffer along the single-family homes, they are providing a 20-foot landscape buffer from Montwood down to where the retention basin will be.

Ms. Valles noted that the Planning Division received a letter of support for the release of the condition.

Commissioner John Neal made a motion to approve items #2, and # 4, with the record reflecting that the applicant said that there would be a 20-foot landscape buffer continuously across the back of the area.

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).

5. **ZON05-00115:** Tracts 5 and 6, Block 10, Upper Valley Surveys
LOCATION: 960 W. Borderland
REQUEST: Detailed Site Development Plan
ZONE: C-1/c (Commercial/condition)
PROPOSED USE: Church
OWNER/APPLICANT: Sun City Calvary Chapel / Sun City Calvary Chapel
REPRESENTATIVE: Terry Gray
DISTRICT: # 1

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

SUMMARY: Christina Valles, Development Services Department, noted that the site plan was submitted in order to permit a church. Site plan review is required because a condition exists on the subject property. The property is currently zoned C-1/c (Commercial/condition). The Development Services Department has received no calls or letters in support or opposition to this request.

Terry Gray, 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:

6. **ZON05-00107:** A portion of Block 33, Mills Addition
REQUEST: 27% Parking Reduction
LOCATION: 378 Santa Fe
ZONE: C-4 (Commercial)
PROPOSED USE: Retail
OWNER/APPLICANT: Federal Acceptance Corp. / Alan Malooly
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 8

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

SUMMARY: Agenda Items #6 and #12 were heard simultaneously. Christina Valles, Development Services Department, noted that the applicant is requesting a rezoning from C-4/c (Commercial/condition) to C-5/c (Commercial/condition) in order to permit commercial retail. The applicant is also a parking reduction of 27%.

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 Ray Mancera, and carried (6-1). (Commissioner Chad North opposed the motion.)

7. **ZON05-00111:** Lot 1, Block 1, Hornedo Subdivision
REQUEST: Special Permit to Allow a Public/Government Building
LOCATION: 5195 Mace Street
ZONE: R-4 (Residential)
PROPOSED USE: Clinic
OWNER/APPLICANT: City of El Paso - City County Health & Environment District / Same
REPRESENTATIVE: Mijares-Mora Architects
DISTRICT: # 1

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

SUMMARY: Christina Valles, Development Services Department, noted that the applicant is requesting a special permit to allow for public or government building – city county health medical clinic. The applicant is planning to renovate and expand the facility. The Planning Division has received no calls or letters in opposition or support of this request.

Robert Parker, Representative, agreed with staff recommendations.

No opposition was presented.

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

Rezoning Applications:

8. **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

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

SUMMARY: Christina Valles, Development Services Department, noted that the applicant is requesting a rezoning from R-5 (Residential) to C-1 (Commercial) in order to permit a restaurant. Access is proposed via Gateway West and the alley with 8 parking spaces provided. There are no zoning conditions currently imposed on this property. The Development Services Department has received no calls or letters in support or opposition to this request.

The applicant was not present; a motion was made to table the item until the end of the agenda in order to contact the applicant.

ACTION: Motion made by Ray Mancera to table item until the end of the agenda, seconded by John Neal, and unanimously carried (7-0).

The applicant did not attend the meeting. A motion was made to postpone the item.

ACTION: Motion made by Ray Mancera to postpone item for two weeks (11/17/05); upon applicant's request, seconded by John Neal, and unanimously carried (7-0).

9. **ZON05-00097:** Being Lot 17, Block 4, Stiles Gardens
LOCATION: 7144 Dale Road
REQUEST: From: A-O (Apartment/Office); To: C-4 (Commercial)
PROPOSED USE: Plumbing Office / Shop
OWNER/APPLICANT: Albert and Laura Avila / Same
REPRESENTATIVE: Freddie Oliver
DISTRICT: # 3

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

10. **ZON05-00100:** Lots 1 through 10, Block 213, Alexander Addition
LOCATION: 212 Cincinnati / 2601 N. Stanton
REQUEST: C-1 (Commercial); To: C-3 (Commercial)
PROPOSED USE: Winery Boutique
OWNER/APPLICANT: Old Kern Place Joint Venture / Donna Alba
REPRESENTATIVE: Yolanda Giner/ Gordon & Mott
DISTRICT: # 1

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

11. **ZON05-00104:** Tract 2, Save and Except a portion thereof, Map of Lomaland
LOCATION: 8303 North Loop
REQUEST: From: R-F (Ranch-Farm); To: A-1 (Apartment)
PROPOSED USE: Convert existing building into apartment
OWNER/APPLICANT: Guadalupe Yturales / Guadalupe Yturales
REPRESENTATIVE: Luis & Rene de la Cruz
DISTRICT: # 7

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

12. **ZON05-00106:** A portion of Block 33, Mills Addition
LOCATION: 378 Santa Fe
REQUEST: From: C-4 (Commercial); To: C-5 (Commercial)
PROPOSED USE: Retail Shops
OWNER/APPLICANT: Federal Acceptance Corp. / Alan Malooly
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 8

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

SUMMARY: Agenda Items #6 and #12 were heard simultaneously. Christina Valles, Development Services Department, noted that the applicant is requesting a rezoning from C-4/c (Commercial/condition) to C-5/c (Commercial/condition) in order to permit commercial retail. The applicant is also a parking reduction of 27%.

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 Ray Mancera, and carried (6-1). (Commissioner Chad North opposed the motion.)

13. **ZON05-00110:** Lot 3, Block 1, Loya's Subdivision
LOCATION: 233 A Thorn
REQUEST: From: R-3 (Residential); To: R-4 (Residential)
PROPOSED USE: Residential duplex
OWNER/APPLICANT: Librado Loya / Same
REPRESENTATIVE: Andres Lopez
DISTRICT: #1

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

SUMMARY: Christina Valles, Development Services Department, noted that the applicant is requesting a rezoning from R-3 (Residential) to R-4 (Residential) in order to permit a residential duplex. The proposed site plan shows a duplex to be located on the site. Access is proposed via Thorn Avenue. The Planning Department has received no calls or letters in support or opposition to this request.

Andres Lopez, Representative, agreed with staff recommendations.

No opposition was presented.

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

SUBDIVISION MAP APPROVAL

Subdivision Applications:

PUBLIC HEARING

14. **SUB05-00056:** Tibuni Place – Resubdivision Combination; Being all of Tract 270 and a portion of Tract 269, Sunrise Acres No. 1, City of El Paso, El Paso County, Texas. (District 2)

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

SUMMARY: Fred Lopez, Development Services Department, noted that the subdivision proposes a development of eight single-family residential lots. Primary access to the subdivision will be from Mercury Drive. The smallest lot is 5,788 square feet. This subdivision is located in park zone 318.

Fermin Dorado, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by John Neal, and unanimously carried (6-0). (Commissioner Ruben Ponce abstained.)

15. **SUB05-00057:** San Mateo – Resubdivision Combination; Being a replat of Lot A, Block 9, Mission Hills Addition, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

16. **SUB05-00062:** Falcon Heights – Resubdivision Combination; Being a portion of Tracts 1D, 2D, 3D and 4D, First Supplemental Map of Parkland Addition and Lot 1, Block 1, Golberg & Lehman Subdivision. (District 4)

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

SUMMARY: Jim Fisk, Development Services Department, noted that the developer is proposing a subdivision containing 140-single family residential lots and three commercial lots. Primary access to the subdivision will be from Cross Street. The property is zoned R-5 /sc and C-4/sc. The smallest of these lots is 4500 square feet.

Alfonso Flores Jr., Representative, agreed with staff recommendations.

Richard Norm, resident of the area, expressed his concerns with traffic congestion near the schools.

Mr. Rudy Valdez, Planning Division, noted that they have been in contact with the Ysleta School District with regard to additional right of way that could be dedicated for Quail.

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

ACTION: Motion made by Ray Mancera to recess for five minutes at 3:05 p.m., seconded by Dick Vorba, and unanimously carried (7-0).

ACTION: Motion made by to Ray Mancera to reconvene at 3:10 p.m., seconded by Dick Vorba, and unanimously carried (7-0).

Street Name Change:

17. **NC05002:** Street Name Change Request of Baltimore Drive, between Mesa Street and Oregon Street, to Glory Road (District 1)

ACTION: Motion made by Ray Mancera to move item #17 to the front of the agenda, seconded by John Neal and unanimously carried (7-0).

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

SUMMARY: Fred Lopez, Development Services Department, noted that the applicant is requesting a street name change for a portion of Baltimore Street between Mesa Street and Oregon Street to Glory Road. The University of Texas at El Paso is requesting this street name change to coincide with the premiere of the movie Glory Road which commemorates Don Haskin's 1966 NCAA Basketball National Championship.

Richard Adauto, Representative, agreed with staff recommendations.

No opposition was presented.

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

Subdivision Applications:

18. **SUB05-00014:** Tierra Del Este Unit 39 – Revised Combination; Being a Portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas. (District 5)

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

SUMMARY: Jim Fisk, Development Services Department, noted that the developer is proposing a development containing 127 single-family residential lots on 27.09 acres. Primary access to the subdivision will be from Tierra Lince Drive. The revision to this plat now is that the lots are going to be a little bit larger and the applicant will lose 10 lots overall. Mr. Fisk noted that a letter was passed out earlier in regards to park fees, credits and improvements to Tierra Del Estate Unit 4. The remainder of the credits from the Tierra Del Este Unit 4 Park will be used on this, which is .223 credits and then there will be some agreement between the Parks Department and the developer as to improvements to Tierra Del Este Unit 4's park.

Conrad Conde, Representative, agreed with staff recommendations.

Ms. Cindy Crosby, Assistant City Attorney, requested that the commission include in the motion that the affirmative recommendation of the Parks Director regarding the bonus credits and also add to the staff comment that there needs to be a requirement that the park that they are receiving credits from be actually dedicated to the city as a park.

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

19. **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 item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

20. **SUB05-00041:** W. Well Field Unit 2 – Major Combination; Being a Portion of Tracts 3A, 3F, and all of Tracts 3D, and 3G, O.A. Danielson Survey No. 316, City of El Paso, El Paso County, Texas. (East ETJ)

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

21. **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 item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

22. **SUB05-00065:** Rose Estates – Preliminary; Being a replat of Tracts 7A and 8A, Parkland Addition, City of El Paso, El Paso County, Texas. (District 4)

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

23. **SUB05-00066:** Vista Real Unit 7 - Preliminary; Being a portion of Section 41, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas. (District 5)

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

SUMMARY: Fred Lopez, Development Services Department, noted that the developer is proposing a subdivision containing 58 single-family residential lots. Primary access to the subdivision will be from Saul Kleinfeld and Edgemere Boulevard. The property is currently zoned C-3. The applicant has a rezoning request in process to rezone the property to R-5/sc.

Conrad Conde, Representative, agreed with staff recommendations.

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

24. **SUB05-00069:** Amen Corner – Preliminary; Being all of Tract 6C1, Block 4, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 8)

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

25. **SUB05-00070:** Los Nogales Estates – Preliminary; Tract 10-A & Tract 10-B, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by John Neal to postpone item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

26. **SUB05-00072:** River Park West Unit 6 – Preliminary; 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 item for two weeks (11/17/05); upon applicant's request, seconded by Dick Vorba, and unanimously carried (7-0).

27. **DD05004:** Street Dedication – A portion of Tract 1F, Section 41, Block 80, Township 1, Texas and Pacific Railroad Surveys. (District 4)

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

SUMMARY: Fred Lopez, Development Services Department, noted that Ysleta Independent School District is proposing to dedicate a 15-foot wide portion of right-of-way along Deer Avenue in order to provide access to a proposed new elementary school. The 15-foot wide portion to be dedicated would increase the total right of way of Deer Avenue fronting the school to 75 feet in width. The portion of the right-of-way to be dedicated is .2034 acres in size.

Hugo Saldana, Representative, agreed with staff recommendations.

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

Other Business:

28. **DD05005:** Discussion and action on a request by Ranchos Real Developers, Inc. that the City of El Paso accept the dedication deed for Lot 1, Block 103, Tierra Del Este Unit 22. The site is proposed to be dedicated to the City for use as an emergency service facility to include but not limited to fire, police and EMS. (District 5)

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

SUMMARY: Rudy Valdez, Development Services Department, noted the applicant is proposing to dedicate 4.938 acres of land for a new Emergency Service Facility within Tierra Del Este Development area. The site is for use by the City to use as an emergency service facility that includes a fire, police, and EMS site. The applicant is requesting that the City accept the deed of dedication for the subject parcel. The dedication of this parkland will also satisfy the requirement for an Emergency Service Facility that was part of the Tierra Del Este Land Study approved by the City Plan Commission on September 18, 2003.

Conrad Conde, Representative, agreed with staff recommendations.

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

29. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.08.090.B (Sale of Alcoholic Beverages, Restrictions) in order to prohibit the sale of alcoholic beverages within three hundred feet of a public or private school, day-care center or child-care facility. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

Alan Shubert, Development Services Department, gave a brief presentation of an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.08.090.B (Sale of Alcoholic Beverages, Restrictions) in order to prohibit the sale of alcoholic beverages within three hundred feet of a public or private school, day-care center or child-care facility. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code. Mr. Shubert noted that they have established that the municipal code as it exists is not consistent with state law with regard to how municipality can regulate liquor licensing. The nature of the difference has to do with how commercial daycares are treated. When there is a commercial day care facility and there is an applicant that wants a liquor license, if the applicant has a food and beverage certificate, the 300-foot requirement is void. State law stipulates that and state law also stipulates that a municipality can't pass a stricter standard, in hence, the purpose for the ordinance amendment is strictly to make the city code consistent with state law.

David Etzold, representing St. Clements Episcopal Church, stated that he has been studying these codes on liquor licenses for a while. Mr. Etzold stated that he was unaware that the state precluded municipalities from passing stricter regulations and would like a copy of that law. Mr. Etzold stated that he was under the impression that municipalities have the right to pass stricter ordinances and laws to protect their citizens if the state gets out of line. Mr. Etzold noted that one of the oldest tricks in the book is that businesses that serve liquor state that they are a restaurant first and they serve liquor second, because there is no definition in the code and no one enforces these laws. The city has never addressed the difference between a bar that serves food and restaurant that serves liquor.

Mr. Shubert noted that he would be happy to provide Mr. Etzold with a copy of the statute. Mr. Shubert noted that there actually is a way to measure that the statue does stipulate a 51% requirement in terms of revenue requirement.

The commission would like for staff to analyze what prohibits a commercial daycare from locating within 300-feet of liquor establishment and churches, and vice versa.

ACTION: Motion made by Ray Mancera to postpone item for 60 days, seconded by Dick Vorba, and unanimously carried (7-0).

30. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding a defined use at Section 20.02.142 (Boutique Bottling Facility) and amending Sections 20.36.020, 20.38.020, 20.40.020, 20.42.020, 20.44.020 and 20.52.040 (Permitted Uses) to provide that such use be permitted in C-1, C-2, C-3, C-4 and C-5 (Commercial) and S-D (Special Development) Zoning District Classifications. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

Kimberly Forsyth, Planning Division, gave a brief presentation on an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding a defined use at Section 20.02.142 (Boutique Bottling Facility) and amending Sections 20.36.020, 20.38.020, 20.40.020, 20.42.020, 20.44.020 and 20.52.040 (Permitted Uses) to provide that such use be permitted in C-1, C-2, C-3, C-4 and C-5 (Commercial) and S-D (Special Development) Zoning District Classifications. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code. Ms. Forsyth noted that this proposed amendment permits a new use in the zoning code, which is defined as a boutique bottling facility and to permit this use in all of the commercial districts and the special development district.

ACTION: Motion made by John Neal to approve, seconded by Ruben Ponce, and unanimously carried (7-0).

31. Approval of City Plan Commission 2006 Public Hearing Schedule.

ACTION: Motion made by Roman Bustillos to approve, seconded by Ray Mancera, and unanimously carried (7-0).

32. Approval of CPC Minutes: October 20, 2005

ACTION: Motion made by John Neal to approve, seconded by Dick Vorba, and unanimously carried (7-0).

33. Planning Report.

34. Legal Report.

The City Plan Commission Hearing adjourned at 4:20 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON NOVEMBER 3, 2005

_____, CHAIR
