ITEM No. 3.a.

ADVISORY BOARD MINUTESADVISORY BOARD MINUTES

AMENDED

Wednesday, April 13, 2011, 1:30 P.M.
8th Floor Conference Room
City Hall Building, 2 Civic Center Plaza

Members Present: 6
Lois Balin, Terry Bilderback, Richard Thomas, James H. Tolbert, Kevin T. von Finger, and Charlie S. Wakeem

Members Absent: 3
Bill Addington, Robert Ardovino, and Luis Ruiz

Member Vacancies: 0

Planning and Economic Development Staff Present:
Mathew McElroy, Deputy Director, Planning; Fred Lopez, Comprehensive Plan Manager; David Coronado, Lead Planner; Kim Forsyth, Lead Planner; Melissa Granado, Senior Planner; Linda Castle, Senior Planner; Esther Guerrero, Planner

Others Present:
Lupe Cuellar, Assistant City Attorney, Legal Department; Martha Macias, Accessibility Specialist; Kareem Dallo, Engineering & Construction Management; Rudy Valdez, EPWU-PSB; Richard Garcia, Land Operations Manager, Parks and Recreation; Gonzalo Cedillos, EPWU-PSB, StormWater; Jeff Huff, Design Alliance, LLC; Trish Tanner; George Halloul

1. **Meeting Called to Order**

   Chair Wakeem called the meeting to order at 1:32pm.

2. **Call to the Public** (items not listed on the agenda)

   None

3. **Discussion and Action**

   a. Approval of Minutes: March 30, 2011

      Chair Wakeem asked Board Members if there were any additions, corrections, or revisions. There being none.

      MOTION:
      Motion made by Mr. von Finger, seconded by Ms. Balin and ***UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR MARCH 30, 2011.***

b. Changes to the Agenda

Staff requested the following:

1. Item 4 be postponed two weeks per Mr. Berry's request; and
2. Item 3.d.1 be deleted, it was posted incorrectly. It will be on the April 27th OSAB agenda for discussion and action.

Chair Wakeem requested item 7 be moved in front of item 3. c. (3).

No further requests from the Board.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Bilderback and ***UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS REVISED.***

c. Review and comment on current subdivision applications, as indicated below:

(1)	**PZDS11-00003:**	Lot 1, Block 42, Ridge View Estates Unit 16, City of El Paso, El Paso County, Texas
	LOCATION:	1451 Redd Road
	REQUEST:	Detailed Site Plan Review per Ordinance No. 9363 dated April 26, 1988
	ZONING:	C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)
	PROPOSED USE:	Private Recreation Facility
	PROPERTY OWNER:	EZAR Properties, L.P.
	APPLICANT:	Elsa Esther Carrillo
	REPRESENTATIVE:	Jeff Huff, Design Alliance, LLC
	DISTRICT:	1
	STAFF CONTACT:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Mr. Salloum gave a PowerPoint presentation, Ms. Martha Macias, Accessibility Specialist, provided translation for Mr. Salloum. The property is approximately 3.30 acres in size and located within the Hillside Development Area (HDA). The site plan requires 35 parking spaces; the applicant will provide the 35 parking spaces, in addition to, three (3) bicycle spaces. The special contract requires *that a ten (10) foot landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (1) feet in height shall be placed at least fifteen (15) feet on center along the southerly property line adjacent to any residential or apartment zoning district. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy. The existing slope shall be preserved within the ten (10) feet of the property line in order to accommodate the landscaped buffer.*

The Planning Division and the DCC recommend **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150., and all zoning conditions imposed on the property.

Chair Wakeem referred to the Engineering & Construction Management Service Department – Landscaping Staff comment *"This project does not meet the landscape ordinance as submitted."*

Mr. Salloum responded the representative will be submitting a revised landscaping plan; it will be taken care of.

Chair Wakeem asked if any members of the public wished to comment. There were none.

Per the PowerPoint presentation photos regarding the landscaping, Mr. Jeff Huff, Design Alliance, LLC, pointed out he had submitted revised schematic landscape plan.

No questions or comments from the Board.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Thomas and ***UNANIMOUSLY CARRIED TO APPROVE.***

(2)	**PZRZ11-00004:**	Lots 4 and 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas; and a portion of Lot 3, Block 1, El Paso West Unit Two, City of El Paso, El Paso County, Texas
	LOCATION:	1345 New Harvest Place
	REQUEST:	From M-1 (Manufacturing) to C-2 (Commercial)
	PROPERTY OWNER:	Helen of Troy, L.P.
	REPRESENTATIVE:	Georges Halloul, SLI Engineering
	DISTRICT:	1
	STAFF CONTACT:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Ms. Guerrero gave a PowerPoint presentation and explained the property is vacant, approximately 7.635 acres and located within the Hillside Development Area (HDA). The request is to change the zoning to C-2 (Commercial) to allow an apartment complex. Apartments are not permitted in manufacturing zoning districts. The conceptual site plan shows seven (7) apartment buildings with approximately 156 units, playground with gazebo, and a club house with pool, access via New Harvest Place and Northwestern Drive. The Planning Division and the DCC recommend **APPROVAL** of the request.

Ms. Balin wondered what the height of the proposed buildings would be.

Ms. Guerrero responded the projection is for three-story buildings.

No further comments/questions from the Board.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Tolbert and ***UNANIMOUSLY CARRIED TO APPROVE.***

– – – – – – – – – –

Per the Motion on page 2, item 7 was discussed prior to item 3. c. (3)

7. **Discussion and action** on an Ordinance amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), Section 20.06.10, (Districts Established and Enumerated), Section 20.06.020 (Purpose of Districts) and Chapter 20.10 (Supplemental Use Regulations) and Appendix A (Table of Permissible Uses) of the El Paso City Code to add a restricted growth district and establish standards for the district to include uses allowed in the district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
Staff Contact: Kimberly Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

Prior to the discussion, Ms. Forsyth distributed revised copies of the Ordinance language to Board Members. Ms. Forsyth gave a PowerPoint presentation and went over the revised ordinance language with Board Members.
Ms. Forsyth explained the ordinance language was presented to the DCC last week and the El Paso Water Utilities recommended changing the name of the District from "Restricted Growth" to "Urban Reserve".
Additionally, Ms. Forsyth noted, the revised ordinance language, with the recommendation by the El Paso Water Utilities, was presented to the LRC last Thursday. The LRC approved the ordinance language and requested the option to rezone to a Mixed Use District be deleted allowing only rezoning to SmartGrowth.
The revised ordinance language was also presented to the City Plan Commission last week, the City Plan Commission approved the ordinance language with the changes to the text; however, they preferred to leave the option of rezoning to either Mixed Use or Smart Growth. CPC also recommended this zone be considered as possible zones for future annexations.
In conclusion, Ms. Forsyth noted the following agenda item **3. d. (1) SUS11-00020** land, previously of the El Paso Water Utility Westside Master Plan, would be rezoned into this district.

Mr. Rudy Valdez, El Paso Water Utilities, explained "Restricted Growth" means restricting growth on the property, which is why the EPWU objected to it. The intent of the amendment is to reserve the property for future development.

Ms. Balin asked Staff if the LEED-ND Silver Standard includes Natural Open Space.

Mr. McElroy explained the LEED-ND Silver Standard requirements.

Chair Wakeem ~~as~~ asked if there were any comments/questions from the Board.

Chair Wakeem concurred with the LRC recommendations; restricting only SmartGrowth rezoning. He felt SmartGrowth was a better design for development; GMU does not have the layout that SmartGrowth has. He was not opposed to the Urban Reserve designation.

Mr. Bilberback concurred with the Staff and CPC recommendations.

Ms. Forsyth explained the revised language copies distributed today include the LRC recommendations; limiting rezoning to SmartGrowth.

Mr. Valdez stated the EPWU Staff recommendation provides flexibility with regard to what can be done on/to future properties.

Mr. McElroy commented on LEED-ND Silver Standard point(s) requirement(s) in comparison to/with the SmartGrowth Standards.

Mr. von Finger wondered if there could be third option; to zone Natural Open Space (“NOS”).

Mr. McElroy responded yes.

Mr. Thomas asked if the objective was to get the most LEED-ND points.

Mr. McElroy responded Staff wanted to allow some flexibility.

MOTION:
*Motion made by Mr. Thomas, seconded by Mr. von Finger and **UNANIMOUSLY CARRIED TO ACCEPT THE STAFF RECOMMENDATION.***

3) PZRZ11-00013:	S.J. Larkin Survey 267 and a portion of S.J. Larkin Survey 268, Abstract 10069, and portions of S.J. Larkin Survey 269, Abstract 10070, and portions of Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas
LOCATION:	North and South of Transmountain Drive and East of Franklin Mountains State Park
ZONING:	R-3 (Residential) and PMD (Planned Mountain Development)
REQUEST:	Rezone to RGD (Restricted Growth District)
EXISTING USE:	Vacant
PROPOSED USE:	Reserved for future development
PROPERTY OWNER:	City of El Paso
REPRESENTATIVE:	City of El Paso

DISTRICT: 1
STAFF CONTACT: Linda Castle (915) 541-4029, castlelj@elpasotexas.gov

Ms. Kim Forsyth gave a PowerPoint presentation and explained City Council initiated the request the rezone approximately 1,587 acres of EPWU property located in Northwest El Paso. The previous request was to rezone only the top half to NOS ("Natural Open Space"); however, Council has now requested the entire NW Master Plan property be RGD (Restricted Growth District). Staff has not received any adverse comments on the rezoning request and recommends **APPROVAL.**

Chair Wakeem asked if members of the public wished to comment. There were none.

Chair Wakeem asked if Board Members wished to comment.

Mr. von Finger commented on the amount and type of grading and a new grading ordinance.

No further comments/questions from the Board.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Thomas and ***UNANIMOUSLY CARRIED TO RECOMMEND APPROVAL.***

– – – – – – – – – –

d. Review and comment on current subdivision applications, as indicated below:

1)	**SUSU11-00020:**	Cimarron Sage Unit Four – Being a portion of Tracts 1 and 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas
	LOCATION:	South of Northern Pass and East of Resler
	PROPERTY OWNER:	Cimarron Hunt Communities, LLC
	REPRESENTATIVE:	CSA Design Group
	DISTRICT:	1
	APPLICATION TYPE:	Major Preliminary
	STAFF CONTACT:	Melissa Granado, (915) 541-4730, granadom@elpasotexas.gov

The above item was deleted. See page 2 for the motion.

4. **Discussion and Action:** Update on the Loop 276 and Transmountain East Project.
Contact: Chuck Berry, Texas Department of Transportation

The above item was postponed two weeks. See page 2 for the motion.

5. **Discussion and Action:** Presentation on criteria for wildlife corridors.
Contact: Kareem Dallo, (915) 541-4425, dallokx@elpasotexas.gov

Mr. Dallo explained his document "Preservation of Wild Life" was just a draft and requested Board Members add their revisions/suggestions to the proposed language.

Chair Wakeem explained Mr. Ardovino had sent him an email attachment and asked the Chair to distribute his information to the Board.

At this time, Mr. Dallo discussed the "Preservation of Wild Life" proposed language with Board Members and Staff.

Ms. Cuellar noted she had not reviewed the document language.

Mr. von Finger stated he liked the concept and thought it was similar to a *taking*. He thought some of the language was burdensome and wondered if the purpose was to encourage developers to adopt some preservation.

Ms. Cuellar commented on the City's responsibility regarding arroyos.

Mr. Dallo responded Staff can request developers must meet certain criteria before they can develop.

Mr. McElroy commented on Mr. Dallo's criteria being too excessive to the extent that it becomes a taking or that no mountain development occurs.

Ms. Cuellar responded Staff will sit down and review the document language.

Mr. Thomas asked what the purpose of this was.

Ms. Cuellar responded proposed changes to Title 19.

Mr. Valdez had the same concerns as Mr. Thomas and asked what properties are we discussing.

Chair Wakeem responded the discussion came from FEMA 38B. He and Richard Garcia noted there was water in FEMA 38B ponding area all the time and wildlife would drink from there. Chair Wakeem noted what do we do with ponding areas, we put fences around them.

Mr. Valdez added there are already restrictions and standards for properties located in the MDA (Mountain Development Area); furthermore, enforcing those standards has been difficult. He commented on the slope and grading on properties within the MDA.

Ms. Balin stated she was in favor of a preservation of natural open space and wild life plan. She felt connectivity, limiting fences, limiting high fences and limiting other things would help preserve natural open space and wild life. She stated she has never seen the arroyo preservation plan enforced. She asked Staff what it means to preserve the health, safety and welfare of the public.

Mr. Dallo responded to Ms. Balin's comments/questions and suggested establishing a new City Department *"Open Space and Wildlife Preservation"* for enforcement.

With the Chair's permission, Ms. Cuellar will place an item on the next OSAB Agenda; *Staff will review code provisions concerning the preservation of arroyos*.

Mr. Thomas commented on the first MDA development San Clemente and stated it was very restrictive as to what can/cannot be done. Mr. Thomas felt no one has ever checked on that.

Mr. Dallo commented on the San Clemente development and the rules and regulations to build there.

Mr. Tolbert stated he would encourage the dream and vision of Mr. Dallo's suggestions, and proceeded to make the motion.

Mr. von Finger requested a friendly amendment to Mr. Tolbert's motion, that we do it in increments. First focus on the access to the ponding areas; unless we've solved all the issues with that; then continue on. He later explained the reason for the friendly amendment.

Mr. Bilderback was unsure what the impact would be on Staff; secondly, should we move forward on this we have to bear in mind some things are/are not achievable. Finally, something like this would have to go through a fairly extensive public hearing process.

Ms. Cuellar explained the process for the Board. Staff will place a discussion and action item on the Council Agenda.

Mr. Coronado interjected City Council has already directed Staff to look into this issue. The issue is now Mr. Dallo has expanded the scope.

Ms. Cuellar responded this issue is completely different from that Council directive.

Ms. Balin referred to the following bullet "- To provide range enhancement: means to establish native plants such as weeds and wildflowers that provide food and cover for wildlife …". She felt weeds had a very negative connotation and suggested substituting the word "forbs" for "weeds".

Mr. Tolbert would like to keep the motion language and rather than add the friendly amendment language add the following *" and beginning with the ponding issue"*. The Board wants this to be done but have Staff begin working on access to the ponds.

No further comments/questions from the Board.

MOTION:
Motion made by Mr. Tolbert, seconded by Mr. Thomas ***AND UNANIMOUSLY CARRIED THAT ASKS THAT MR. DALLO BEGIN WORKING WITH OTHER STAFF MEMBERS TO PUT THIS INTO A WORKABLE PRAGMATIC FRAMEWORK, BEGINNING WITH THE PONDING ISSUE.***

After the vote, Mr. Valdez asked if anything has been done regarding Council's directive with respect to the wildlife corridor issue.

Mr. Coronado explained Council has already approved accessing the wildlife corridors; Mr. Dallo has now expanded the scope. He wondered what Staff's course of action is next.

Ms. Cuellar responded Staff will go back to City Council with the expanded scope, leaving out the wildlife corridor.

6. **Discussion and Action:** Appointment of subcommittee to review and make recommendations on revisions to the landscape ordinance contained in Title 18 (Building and Construction) of the El Paso City Code. Contact: Charlie Wakeem, charliewak@sbcglobal.net

Chair Wakeem explained Mr. Fred Lopez initiated this request.

Mr. Fred Lopez explained Staff is currently in the process of revising several ordinances pertaining to Titles 18, 19, and 20, basically the development regulations. Regarding the OSAB Subcommittee's success revising the Grading Ordinance; it was suggested the same be done for the Landscape Ordinance. Mr. Lopez would like the Board's consent to allow the Chair to form a subcommittee for Staff to rewrite the Landscape Ordinance. He would like to start meeting with the subcommittee members sometime next week.

No further comments/questions from the Board.

MOTION:
Motion made by Mr. Thomas, seconded by Mr. Tolbert ***AND UNANIMOUSLY CARRIED TO APPROVE.***

Chair Wakeem named the following two ex-officio experts to the subcommittee:
1. Deborah Hradek; and
2. Don Michael Gaglio
3. Jennifer Ardovino

Additionally, Chair Wakeem ~~volunteered~~ appointed Ms. Balin and Mr. Ardovino to the subcommittee.

7. **Discussion and action** on an Ordinance amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), Section 20.06.10, (Districts Established and Enumerated), Section 20.06.020 (Purpose of Districts) and Chapter 20.10 (Supplemental Use Regulations) and Appendix A (Table of Permissible Uses) of the El Paso City Code to add a restricted growth district and establish standards for the district to include uses allowed in the district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
   Staff Contact: Kimberly Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

   See page 4 for discussion.

8. **Discussion and Action** on an Ordinance amending Title 21, (SmartCode), Chapter 21.10 (General To All Plans), Chapter 21.30 (New Community Plans), Chapter 21.40 (Infill Community Scale Plans), Chapter 21.50 (Building Scale Plans), Chapter 21.70 (Definitions of Terms), and Chapter 21.80 (Tables) of the El Paso City Code to clarify the code and add standards for new zones. The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Staff Contact: David A. Coronado, (915) 541-4632, coronadoda@elpasotexas.gov

   Mr. Coronado distributed documents to Board Members. Chair Wakeem requested Staff brief the Board on the modifications to Title 21 that Staff is proposing. Mr. Coronado explained, per suggestions from Dover-Kohl & Associates, Placemakers and the City Plan Commission, Staff has made modifications to several chapters and the Tables. He then went over the proposed changes with Board Members.

   No further comments/questions from the Board.

   MOTION:
   Motion made by Mr. von Finger, seconded by Mr. Thomas ***AND UNANIMOUSLY CARRIED TO APPROVE WITH THE CHANGES RECOMMENDED BY THE CITY PLAN COMMISSION.***

9. **Discussion and Action:** Items for Future Agendas

   Chair Wakeem requested:
   1. **Discussion and Action:** Presentation on the "Healthy Families Live Outside the Box" proposal. Contact: Rick L. LoBello, (915) 217-4233, LobelloRL@elpasotexas.gov
   2. **Discussion and Action:** Update on the Loop 276 and Transmountain East Project. Contact: Chuck Berry, Texas Department of Transportation
   3. **SUSU11-00020:** Cimarron Sage Unit Four

   Mr. Tolbert requested:
   1. PSB Staff give a report regarding the status of StormWater monies.

   Mr. von Finger commented on Board Members touring ASARCO.

Mr. Coronado explained Staff would set up the dates and times for the tours; additionally, he suggested Board Members split themselves into two smaller groups. Ms. Cuellar asked to be included in one of the tour groups.

Staff:

1. Preservation Ordinance, Ms. Cuellar
2. Asarco Plan, Mr. Coronado

10. Adjournment

MOTION:
Motion made by Mr. von Finger, seconded by Ms. Balin and ***UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 3:09 P.M.***

Minutes prepared by Donna Martinez