



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** PZRZ15-00013  
**Application Type:** Rezoning  
**CPC Hearing Date:** August 25, 2016  
**Staff Planner:** Jeff Howell, 915-212-1607, howelljb@elpasotexas.gov  
**Location:** 518 Gregory Avenue  
**Legal Description:** Lot 13, Block 39, Kern Place Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.211 acres  
**Rep District:** 1  
**Existing Zoning:** R-3 (Residential)  
**Existing Use:** Apartments  
**C/SC/SP/ZBA/LNC:** Legal non-conforming for apartments in R-3 zoning district  
**Request:** From R-3 (Residential) to R-MU (Residential Mixed Use)  
**Proposed Use:** Mixed-use development  
**Property Owner:** Karalene R. Eifolla  
**Representative:** Memo Barajas

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3 (Residential) / Single-family dwelling  
**South:** R-3 (Residential) / Single-family dwelling  
**East:** R-3 (Residential) / Single-family dwelling  
**West:** R-3 (Residential) / Single-family dwelling

**PLAN EL PASO DESIGNATION:** G-2, Traditional Neighborhood (Walkable) (Central Planning Area)  
**NEAREST PARK:** Madeline Park (1,481 feet)  
**NEAREST SCHOOL:** Mesita Elementary (830 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Kern Place  
El Paso Central Business Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 9, 2016. The Planning Division has received two phone calls and four emails in opposition to the rezoning request.

### **CASE HISTORY**

The subject property is in the Hillside Development Area. On May 11, 2016, the Open Space Advisory Board (OSAB) voted 9-0 to approve the rezoning.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from R-3 (Residential) to R-MU (Residential Mixed Use) and approval of a Master Zoning Plan (MZP) Report. The proposed district includes a quadruplex, office, and an art gallery/studio space. The existing 2,634 square foot apartment building is proposed to be expanded by 2,230 square feet, while the existing 610 square foot garage is proposed to be demolished and reconstructed to be 2,387 square feet. The mix of uses proposed is detailed in the Master Zoning Plan Report (*Attachment #5*). The development requires 12 spaces and proposes 6, of which include one ADA and four bicycle spaces. The applicant did conduct a parking study indicating the availability of

public parking in the area

(Attachment #6). The development proposes 2,071 square feet of landscaping. Access to the subject property is proposed from Gregory Avenue and Campbell Street.

## **ANALYSIS**

20.10.360(G)

Residential, General and Industrial Mixed Use Districts (R-MU, GMU and IMU). Uses permitted in a mixed-use development are as approved by city council through a master zoning plan. A mixed-use development may be authorized to encourage use schemes such as but not limited to, residential, entertainment, medical, and employment centers. The following principles and requirements shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan.

1. General Design Principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.
  - a. Development Perspective.
    - i. That the natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
    - ii. That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
    - iii. That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
    - iv. That proposed development noncontiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
    - v. That a mixture of housing types and densities be distributed throughout the mixed-use development.
    - vi. That transportation corridors be planned and reserved in coordination with land use patterns.
    - vii. That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
    - viii. That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
    - ix. That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
    - x. That neighborhoods be compact, pedestrian-friendly, and mixed use.
    - xi. That ordinary activity of daily living occurs within walking distance of most dwellings.
    - xii. That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.
    - xiii. That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
    - xiv. That appropriate building densities and land use be provided within walking distance of transit stops.
    - xv. That civic, institutional and commercial activity be embedded, and not isolated, in the development.
    - xvi. That a range of open space including parks, squares, and playgrounds be distributed within the development.
    - xvii. That a development have sufficient size to accommodate the mixed-use concentration of uses.

- b. Building Perspective.
  - i. That buildings and landscaping contribute to the physical definition of streets as civic places.
  - ii. That the design of streets and buildings reinforce safe environments.
  - iii. That architecture and landscape design grow from local climate, topography, history and building practice.
  - iv. That public gathering spaces be provided in locations that reinforce community identity.
  - v. That the preservation and renewal of historic buildings be facilitated.
  - vi. That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.

*The applicant complies with Section 20.10.360(G)(1)*

- 2. General Design Elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and mixed-use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.
  - a. Neighborhoods limited in size and oriented toward pedestrian activity.
  - b. A variety of housing types, jobs, shopping, services, and public facilities.
  - c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
  - d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
  - e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
  - f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit and automotive vehicles.
  - g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
  - h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
  - i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.
  - j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.

*The applicant complies with Section 20.10.360(G)(2)*

- 3. Architectural Objectives. As part of the review of the mixed-use development plan the architectural design shall achieve the following objectives:
  - a. Architectural compatibility;
  - b. Human scale design;
  - c. Integration of uses;
  - d. Encouragement of pedestrian activity;
  - e. Buildings that relate to and are oriented toward the street and surrounding buildings;
  - f. Residential scale buildings in any mixed residential area;
  - g. Buildings that contain special architectural features to signify entrances to the mixed-use development; and
  - h. Buildings that focus activity on a neighborhood open space, square or plaza.

*The applicant complies with Section 20.10.360(G)(3)*

4. Roadway Design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of this Code shall apply in all instances.

*20.10.360(G)(4) is not applicable to the proposed development.*

5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall apply for purposes of calculating required spaces. Community-parking facilities or shared parking shall be encouraged in lieu of traditional off-street parking design. This concept would permit the collocation of required parking for individual uses in order to promote pedestrian activity within the neighborhood. In instances where shared parking is proposed, a shared parking study shall be reviewed by the city along with any traffic engineering and planning data that are appropriate to the establishment of parking requirements for the uses proposed. A shared parking study shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed uses. The shared parking analysis shall be based on the mixture of uses and corresponding peak demand for all uses. The study shall document the source of data used to develop recommendations.

*The development requires 12 spaces, and proposes 6, to include one ADA and four bicycle spaces.*

6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the city council as part of the review of the master zoning plan.

*The applicant complies with Section 20.10.360(G)(6)*

7. Landscaping. Uses within a mixed-use development shall not be required to conform to the landscaping requirements of Title 18 (Building and Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and mixed-use development plan approval process.

*The development proposes 2,071 square feet of new landscaping, as well as street trees on Gregory and Campbell.*

#### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-3 (Residential) to R-MU (Residential Mixed Use) and the approval of the Master Zoning Plan. The approval recommendation is based on the compatibility with existing commercial, office, and residential zoning in the area, as well as the developments supplementation of the limited housing stock identified in the G-2, Traditional Neighborhood (Walkable) growth sector in the Central Planning Area.

#### **Plan El Paso- Future Land Use Map Designation**

All applications for rezoning shall demonstrate compliance with the following criteria:

G-2, Traditional Neighborhood (Walkable): This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets;

schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the R-MU (Residential Mixed Use) district is to provide neighborhood-serving residential and commercial land uses, provide service to a neighborhood with uses compatible with the residential areas that the uses serve, and to allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

**COMMENTS:**

**Planning & Inspections Department - Planning Division - Transportation**

No TIA required.

**Streets and Maintenance**

No objection to proposed reduction in driveway depth and layout. Please be advised vehicles are not allowed to obstruct sidewalk.

**Planning & Inspections Department – Plan Review**

No objections to proposed rezoning. At the time of submittal for building permits the project will need to comply with all applicable provisions of the IBC, TAS and municipal code.

**Planning & Inspections Department – Plan Review - Landscape**

No objections to proposed rezoning. At the time of submittal for building permits the project will need to comply with all applicable provisions of the IBC, TAS and municipal code.

**Planning & Inspections Department - Land Development**

Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

**Fire Department**

No objections

**Texas Department of Transportation**

The subject property is not on a state roadway, and therefore does not require TxDOT review.

**El Paso Water Utilities**

We have reviewed the rezoning referenced above and provide the following comments:

**EPWU-PSB Comments**

**Water:**

1. There is an existing 8-inch diameter water main that extends along Gregory Way located approximately 12.5 feet north of the right-of-way centerline. This main is available for service.
2. There is an existing 6-inch diameter water main that extends along Campbell St. located approximately 13 feet east of the right-of-way centerline. This main is available for service.
3. EPWU records indicate an active 3/4-inch water meter serving the subject property. The service address for this meter is 520 Gregory Way.

**Sanitary Sewer:**

4. There is an existing 8-inch diameter sanitary sewer main that extends along and parallel to the property's southern boundary line. This main is available for service.

5. EPWU records indicate a sanitary sewer service to this property. The address for this service is 518 Gregory.

**General:**

6. EPWU-PSB requires a new service application to provide additional services. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**El Paso Water Utilities-Stormwater Division**

EPWU has no objections to the customer's request, but recommend:

Using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

**Fire Department**

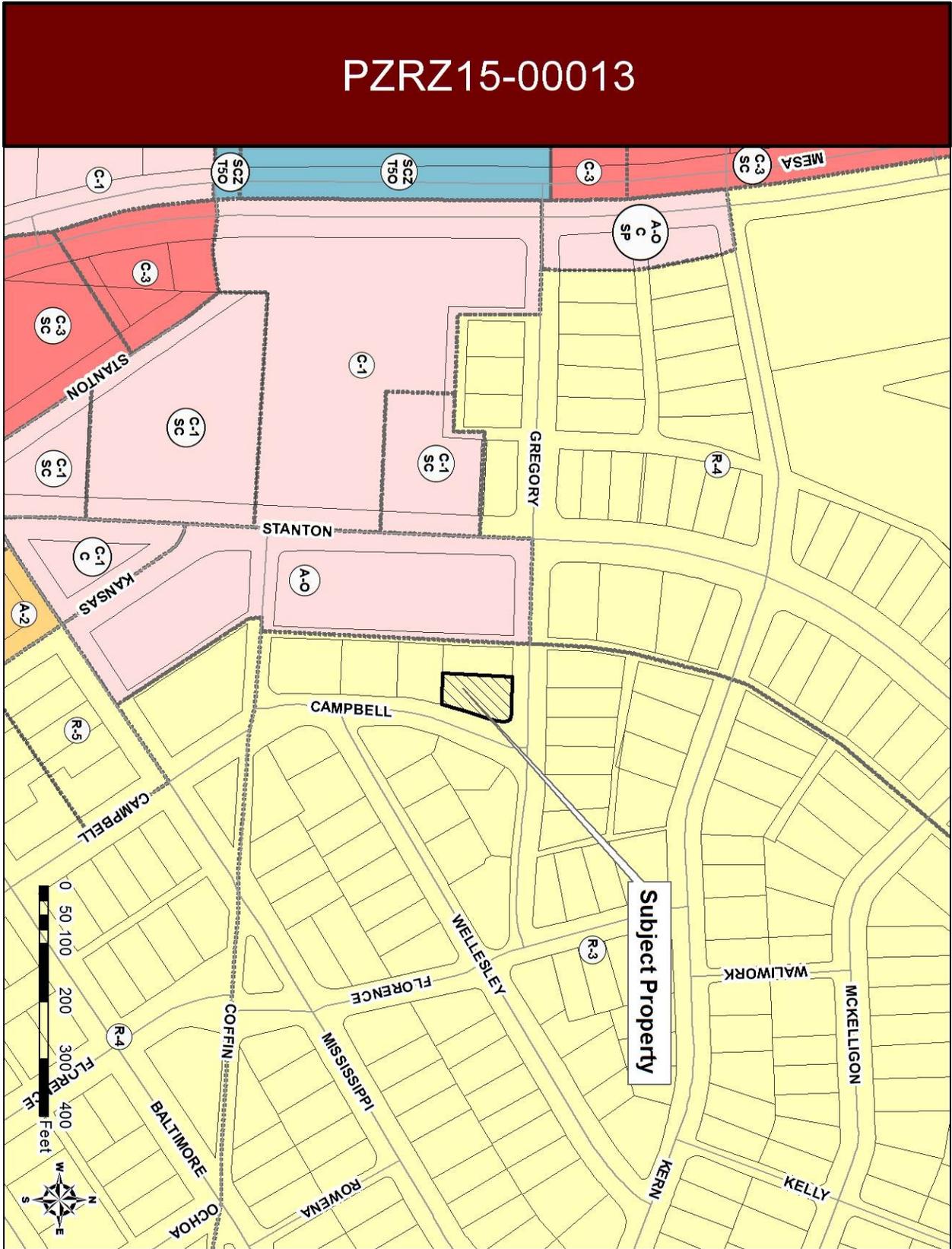
Sun Metro does not oppose this request.

**Attachments:**

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Master Zoning Plan (MZP)
5. Master Zoning Plan (MZP) Report
6. Parking Study
7. Email of opposition
8. Email of opposition
9. Email of opposition
10. Email of opposition

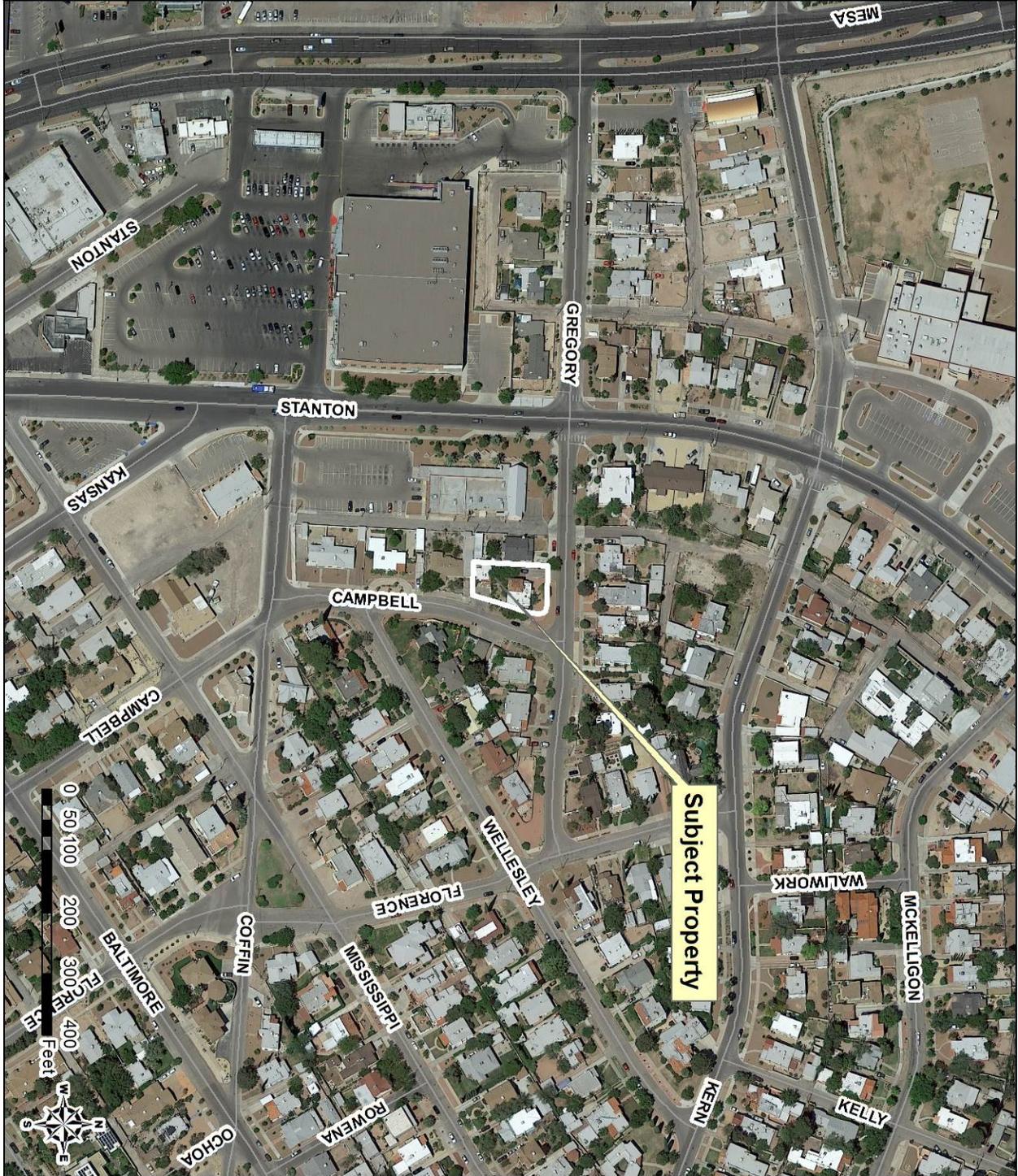
ATTACHMENT 1: ZONING MAP

PZRZ15-00013



ATTACHMENT 2: AERIAL MAP

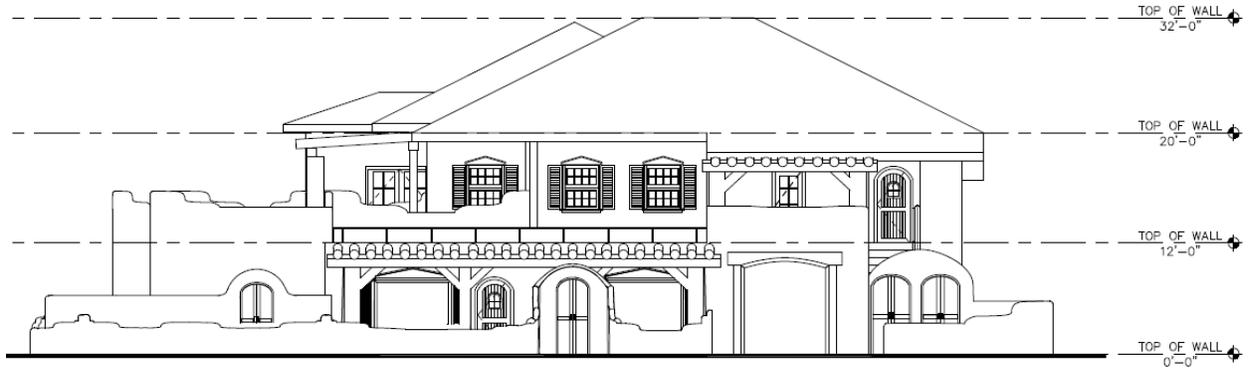
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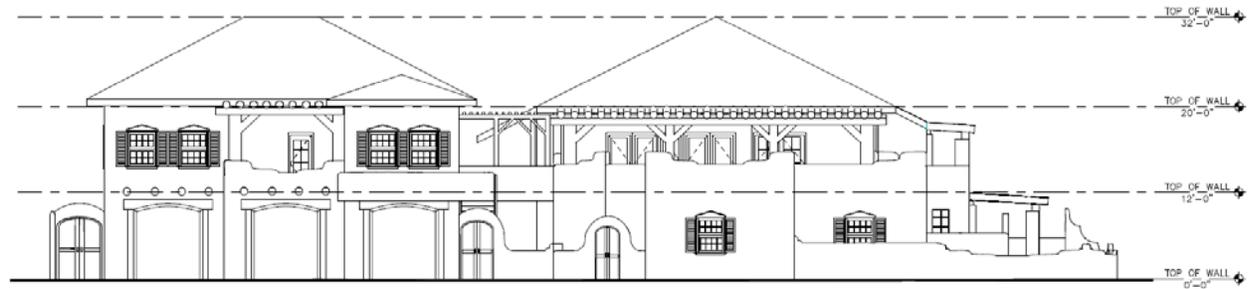


ATTACHMENT 4: MASTER ZONING PLAN (MZP)



**NORTH ELEVATION**

SCALE: 1/8" = 1' - 0"



**EAST ELEVATION**

SCALE: 1/8" = 1' - 0"

## Master Zoning Plan Report

### Kern Residences

518 Gregory at Campbell  
Kern Place Neighborhood

#### I. Intent

This project enhances the character of the area and strengthens the existing neighboring community in line with the purpose of the Master Zoning Plan. The Kern area is a mixture of general retail, schools, churches, apartments, single family attached units, walk-up and duplex apartments. The renovated and expanded four unit apartment building will follow the City of El Paso Comprehensive Plan and Smart Growth Objectives.

#### II. Objectives of the Redevelopment

- Create an innovative, sustainable design project that provides multifamily housing and future retail opportunities.
- Upgrade and beautify the existing structure similar in nature to the architectural style in the immediate area.

#### III. Characteristics

**Description:** The renovation will update the current 2,634 square foot, 2-story building built in 1931 consisting of four apartments. New construction will add an additional 5,233 square feet of residential living quarters or spaces used as commercial sites. The new construction will provide four garage/storage areas and a recreational lap pool. **Final Structure will be 7,251 square feet.** (Current square footage - demolition of existing building on the back + additional square footage = 2,634 - 616 + 5,233 = 7,251 s.f.)

**Access:** The entries provide front porch/open terrace areas which allow residents' access to the neighborhood pedestrians. A common entry area houses an organic garden, fire pit and fountain communal pedestrian area. The open patio design is intended to promote interaction with the neighborhood from the porch and patio areas which open onto Gregory and overlook Campbell. Utility and trash services are located next to each unit's utility area. Automobile access will be directly from street to individual unit garages.

**Setbacks:** 0' setbacks throughout are proposed, however, the main building's front setback will be approx. 14'-0" along Gregory, and the garage building along Campbell will have a 2' setback.

**Density:** The project will maintain its density of 19 units per acres. There are 4 units on .21 acres.

**Landscaping:** Native southwestern plants and trees which inhabit the site presently will be preserved where possible. Organic vegetable gardens, planters and trees will surround the property and patio areas. Street trees will be provided every 30' on center.

**Parking:** Each unit has a garage and on street space for additional autos. The garages are accessible from Campbell and Gregory and no increased traffic flow is added.

## ATTACHMENT 5: MASTER ZONING PLAN (MZP) REPORT

- 4-2 bedroom units= 8 parking space regards, 4 spaces provided.
- Art gallery/studio parking calculations=  $1/1,200 \text{ sf} = 1,264/1,200 = 1$  parking space required.
- Professional office parking calculation=  $1/480 \text{ sf} = 1,264/480 = 3$  parking spaces required.

**Floor Area Ratio:** The total construction for the project is 7,251 square feet for a total Floor Area Ratio of .788.

**Phasing:** The project will be built in one phase in its entirety.

**Special Privilege:** n/a

### **IV Relationship with Plan for El Paso:**

The development will enhance the neighborhoods economic and social vitality and will follow the overall City of El Paso's Goals to revitalize older buildings within the city.

ATTACHMENT 5: MASTER ZONING PLAN (MZP) REPORT

**Property Address: 518 Gregory, El Paso, Tx 79902**

This building main address is 518 Gregory which is a quadruplex.

The original description of the possible uses for the original RMU request has changed and now is limited to apartments, condominiums, co-housing residences, an art gallery/art studio, and a professional office.

Use	Max. Area	Min. Area	Setbacks			Street side set back	Max. Building Height	
			Front	Back	Side			
RMU			Front	Back	Side			
Quadruplex	5,187 sf	500 sf	13 ft	6 ft	7 ft	2 ft	32 ft	
Art Gallery/studio	2,609 sf	500 sf	13 ft	6 ft	7 ft	2 ft	32 ft	
Professional Office	2,609 sf	500 sf	13 ft	6 ft	7 ft	2 ft	32 ft	

**ATTACHMENT 6: PARKING STUDY**



Time	OVERALL STREET PARKING SPACES	OVERALL OCCUPIED PARKING SPACES	OVERALL AVAILALE PARKING SPACES
8:00 AM	75	18	57
9:00 AM	75	18	57
10:00 AM	75	17	58
11:00 AM	75	18	57
12:00 PM	75	19	62
1:00 PM	75	19	62
2:00 PM	75	12	63
3:00 PM	75	11	64
4:00 PM	75	12	63
5:00 PM	75	13	62
6:00 PM	75	12	63
7:00 PM	75	12	63
8:00 PM	75	7	68
9:00 PM	75	7	68
10:00 PM	75	6	69
11:00 PM	75	7	68
12:00 AM	75	7	68

**LEGEND:**

- 300-FT PARKING RADII LIMITS
- EXISTING STREET CENTERLINE
- EXISTING CURB
- PROPOSED CONCRETE CURB & GUTTER
- ADDRESS DIVISION LINE
- EXISTING POWER LINE
- EXISTING POWER POLE
- EXISTING RETAINING WALL
- EXISTING SIGN
- EXISTING STREET LIGHT
- CONCEPTUAL TREE LOCATION
- PROPOSED LANDSCAPE AREA
- 20' PARKING SPACE

ATTACHMENT 7: EMAIL OF OPPOSITION

Sent: Wed 8/17/2016 8:33 AM  
To: Howell, Jeffrey B.

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Dear Mr. Howell,

I am voicing my concern regarding the rezoning of 518 Gregory Avenue for residential mixed use development. I am against this change for the following reasons:

- Parking is always difficult in the Kern area and another "business" will also contribute to this problem
- This change could result in other "businesses" wanting to open in the neighborhood.
- Kern Place is a unique neighborhood; I believe it was designed for homes and residents to live among neighbors and not customers.

Thank you for your consideration of these concerns. If you have any question you can reach me at this email. Have a good day.

Sincerely,  
Lillian A. Werthmann

Sent: Wed 8/17/2016 11:20 AM  
To: Howell, Jeffrey B.

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Re: Address

Mr. Howell,

This is Lillian A. Werthmann and my address is 808 Kern Dr. 79902

ATTACHMENT 8: EMAIL OF OPPOSITION

Sent: Wed 8/17/2016 3:18 PM  
To: Howell, Jeffrey B.

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Pat Smith  
709 Mississippi Ave

I live in a residential area and we have commercial area all around us. Which is perfectly fine. I do not want it encroaching into the residential area. I am against rezoning of this property. There is property in the area available for commercial use.

Thank you.

## ATTACHMENT 9: EMAIL OF OPPOSITION

Sent: Wed 8/17/2016 6:13 PM

To: Howell, Jeffrey B.

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Mr. Howell,

I am writing this e-mail in opposition to the re-zoning request #PZRZ15-00013 for a change from residential to a residential mixed use.

My primary concern is if this re-zoning request is approved, it will create a precedent to allow mixed use or possible commercial encroachment into the residential area of Kern Place! If this is allowed, where will it end?

My next concern is about parking in this section of Kern Place. The parking by permit that has been enacted in the Cincinnati area of the neighborhood has already pushed traffic to this part of the neighborhood. I know that the re-zoning request says that there will be no increase in traffic, but I find that hard to believe if you are adding an office or gallery to the area. Those businesses would mean that the occupants would have to get to the area and thereby add to the current residential parking and game day parking problems.

An additional concern is whether approved re-zoning would affect our property value? This is a purely residential area and by zoning for office or gallery, you are changing the use and consequently the value of our homes. Who wants to own so close to an office or a gallery or any other business?

I have spoken to a number of the surrounding neighbors and nobody is interested in this zoning change due to the above mentioned reasons.

Thank you,  
Andrea DiCara  
3001 N. Florence

ATTACHMENT 10: EMAIL OF OPPOSITION

Sent: Thu 8/18/2016 11:25 AM  
To: Howell, Jeffrey B.

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August 18, 2016

CPC c/o Planning Division

[P.O. Box 1890](#)

[El Paso, TX 79950-1890](#)

RE: Case# PZRZ15-00013

I am opposed to this zoning change from R-3 to R-MU for the property at [518 Gregory Ave](#). Having read the (ambiguous) description of R-MU zoning on the city website, I'm concerned that it opens the door to commercial development in a residential area, and the property is next door to mine. The immediate area is already congested because of the proximity to UTEP, with limited parking. Some of the current tenants have to park on the street.

I spoke with Jeff Howell on the phone about this on 8/11/16. He explained the R-MU in more detail, and said that the proposed plan is for an art gallery and a professional office, in addition to a quadruplex. The property is a quadruplex now.

I had an informal chat with Ms. Eifolla on 8/13/16. She indicated that her plan for the property was to remain a residential quadruplex. I don't have a problem with that use and wonder why a zoning change is necessary. The area should remain R-3. I want neighbors next door, not a business.

I cannot attend the CPC meeting; I will be out of town.

Thank you.

Marilyn Jay

3015 N. Campbell St.

El Paso, TX 79902