



City of El Paso – City Plan Commission Staff Report

Case No: PZST16-00023
Application Type: Special Permit
CPC Hearing Date: November 17, 2016
Staff Planner: Jeff Howell, 915-212-1607, howelljb@elpasotexas.gov
Location: 904 Park Road
Legal Description: Lot 35, save and except a portion thereof, plus a portion of Lot 36, Block 21, Kern Place Addition, City of El Paso, El Paso County, Texas
Acreage: 0.123-acre
Rep District: 1
Existing Zoning: R-3 (Residential)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: N/A
Request: Infill development – to allow for a reduction in side yard setback and cumulative front and rear yard setback, and a reduction in lot area and lot width requirements
Proposed Use: Single-Family Dwelling
Property Owner: Rodrigo Fernandez
Representative: Carlos Lievanos

SURROUNDING ZONING AND LAND USE

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

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)

NEAREST PARK: Madeline Park (645 feet)

NEAREST SCHOOL: Mesita Elementary School (2,454 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
Kern Place Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 2, 2016. Planning has received two emails in opposition to the special permit request.

APPLICATION DESCRIPTION

The request is for a special permit and detailed site development plan approval to allow for infill development to permit a reduction in the side yard setback from 5' to 3', reduction in cumulative front and rear yard setbacks from 50' to 40'-11", as well as a reduction in lot area and lot width requirements (see tables on Pages 3 and 4). The detailed site development plan shows a proposed 2,540.84 sq. ft. single-family dwelling. The development provides two parking spaces, as well as 1,635 sq. ft. of landscaping. Access to the subject property is proposed from Park Road.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of the special permit request, and acceptance of the detailed site development plan, as the proposed development is consistent with the surrounding single-family residential development. The proposed development is compliant with the G-2, Traditional Neighborhood (Walkable) land use designation in the Central Planning Area. Further, the property meets the requirements of Sections 20.04.320, Special Permit Approvals, 20.10.280, Infill Development, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permits 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 face 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 the Comprehensive Plan.

The purpose of the R-3 (Residential) district is to provide low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

The proposal includes redevelopment of an existing single-family property which utilizes the current configuration of the existing lot.

Plan El Paso - Goals & Policies

This application addresses policy 2.1.12. “Preferred locations for higher density development and redevelopment are sites in Compact Urban areas, which include the following land as identified on the Future Land Use Map:

- a. Existing walkable neighborhoods, identified as land in the G-1 “Downtown” and G-2 “Traditional Neighborhood” sectors.”

The proposal includes redevelopment of an existing single-family lot which utilizes the current configuration of the existing lot within the G-2 Traditional Neighborhood growth sector.

ANALYSIS

To grant the special permit to allow for infill development, the applicant must comply with the following standards, per Section 20.10.280, Infill Development:

A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

The property meets two criteria, residing within a state enterprise zone and is part of an older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Kern Place Addition subdivision was platted in 1914 (Attachment #6).

B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

Single-family dwellings are a permissible use in the R-3 (Residential) zone district.

C. Setback Provisions. The setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Side Setback	5'	3'
Cumulative Front and Rear Yard Setback	50'	40'-11"

The applicant is requesting side setback and cumulative front and rear yard setback reductions. All other setback requirements are being met.

D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

The proposed development requires 2 parking spaces, and provides 2.

E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

The proposed development is consistent with the G-2, Traditional Neighborhood (Walkable) (Central Planning Area). There are similar lots in the area which do not meet the lot dimension requirements for the R-3 zoning district, therefore setbacks encroachments appear to be common. Existing structures in the area are one to two stories in height with much of the front yard being landscaped.

F. Landscaping. The landscape standards contained within Title 18 of this Code shall apply to an infill development.

The application includes one street tree as required by Title 18.

G. Density. The maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to fifty percent for an infill development as approved by city council.

The application is requesting a single-family dwelling.

H. Lots. There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.

Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Lot Width	60'	44.14'
Lot Area	6,000 s.f.	5,392 s.f.

The applicant is requesting lot width and lot area reductions. All other lot dimensional standards are being met.

20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
 - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
 - 2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
 - 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;
 - 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
 - 5. The design of the proposed development mitigates substantial environmental problems;
 - 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
 - 7. The proposed development is compatible with adjacent structures and uses;
 - 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
 3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
 4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
 5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all requirements of Sections 20.04.320, Special Permit, and 20.04.150 Detailed Site Development Plan.

COMMENTS:

Planning and Inspections Department - Land Development

1. No objections to setback reductions.
2. 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.

Planning and Inspections Department – Plan Review

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

Planning and Inspections Department - Landscaping

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

El Paso Fire Department

Recommend approval.

El Paso Water Utilities

We have reviewed the request described above and provide the following comments:

1. EPWater does not object to the rockwall extension to the property line contingent that the Owner executes an acknowledgement letter with EPWater prior to the issuance of permits.

Water:

2. There is an existing 8-inch diameter water main extending along Park Rd. This water main is available for service EPWU records indicate one water service, (one 3/4" active service meter) on property for 904 Park.

Sanitary Sewer:

3. There is an existing 8-inch diameter sanitary sewer main extending along the easement located at the rear of 904 Park Rd. This sanitary sewer main is available for service.

General:

4. EPWU requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant 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

Stormwater Engineering has reviewed the parcel described above and has no objections. However, we recommend using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

Sun Metro

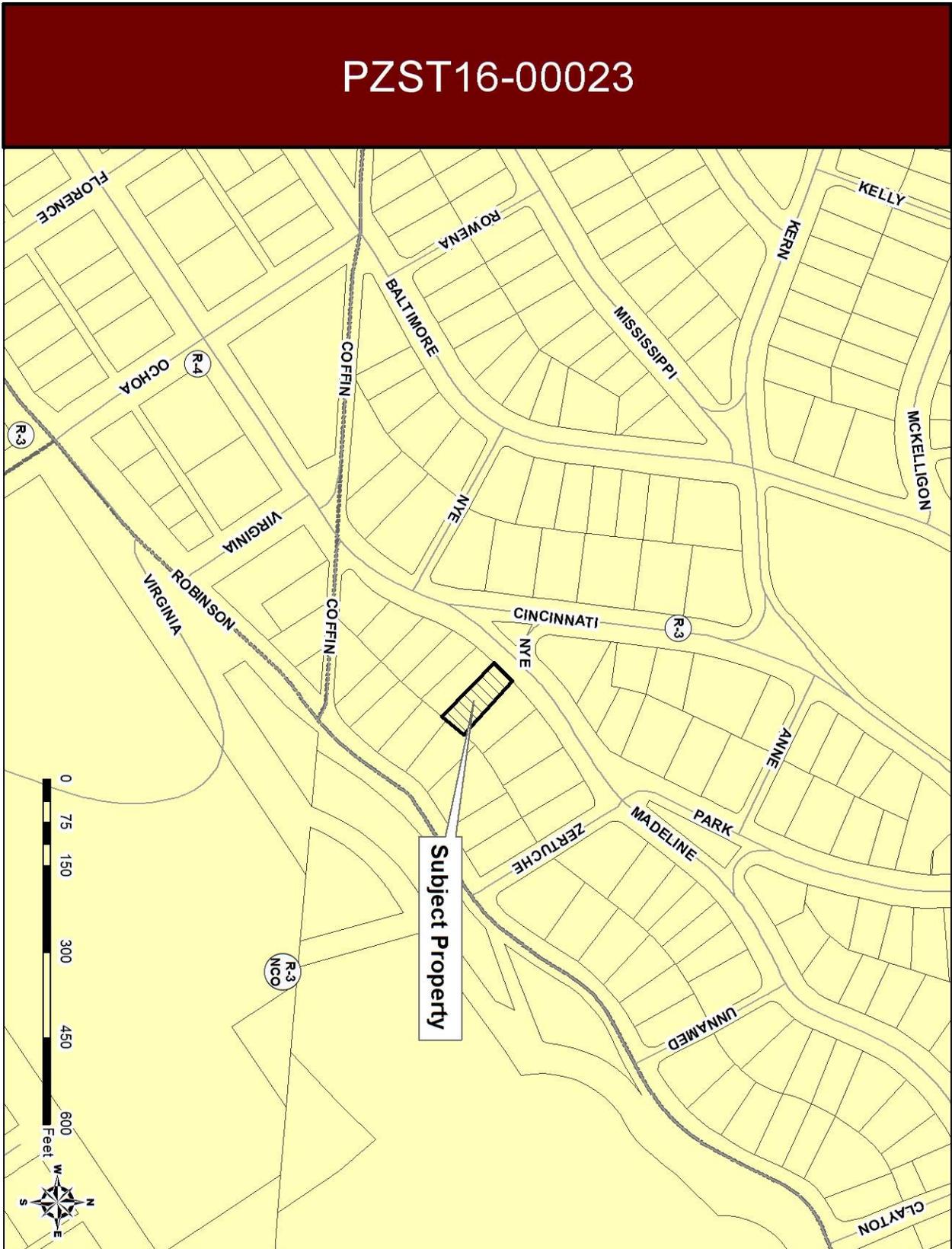
Sun Metro does not oppose this request.

Attachments

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Detailed Site Development Plan
5. Elevations
6. Subdivision Map
7. Email of opposition
8. Email of opposition

ATTACHMENT 1: LOCATION MAP

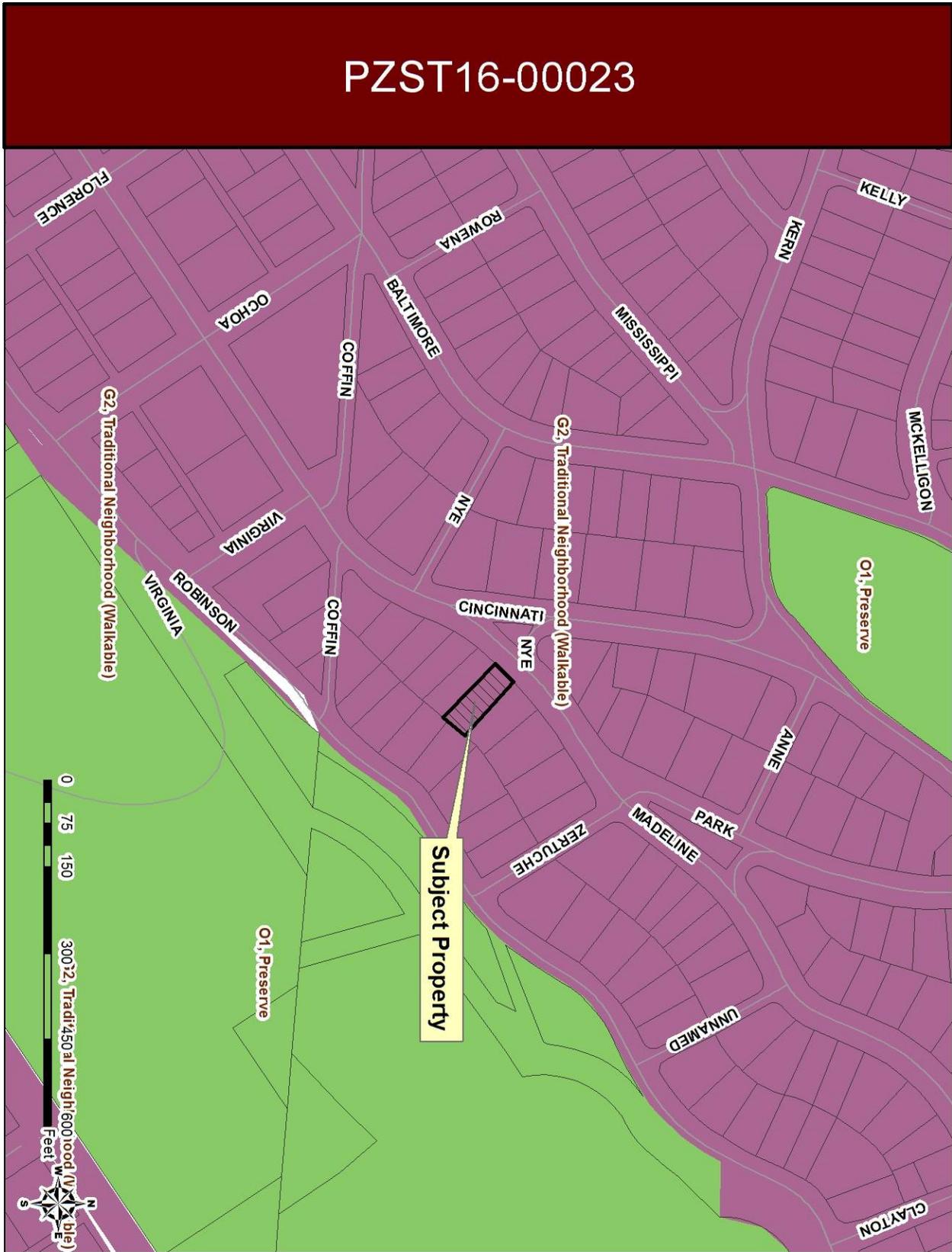
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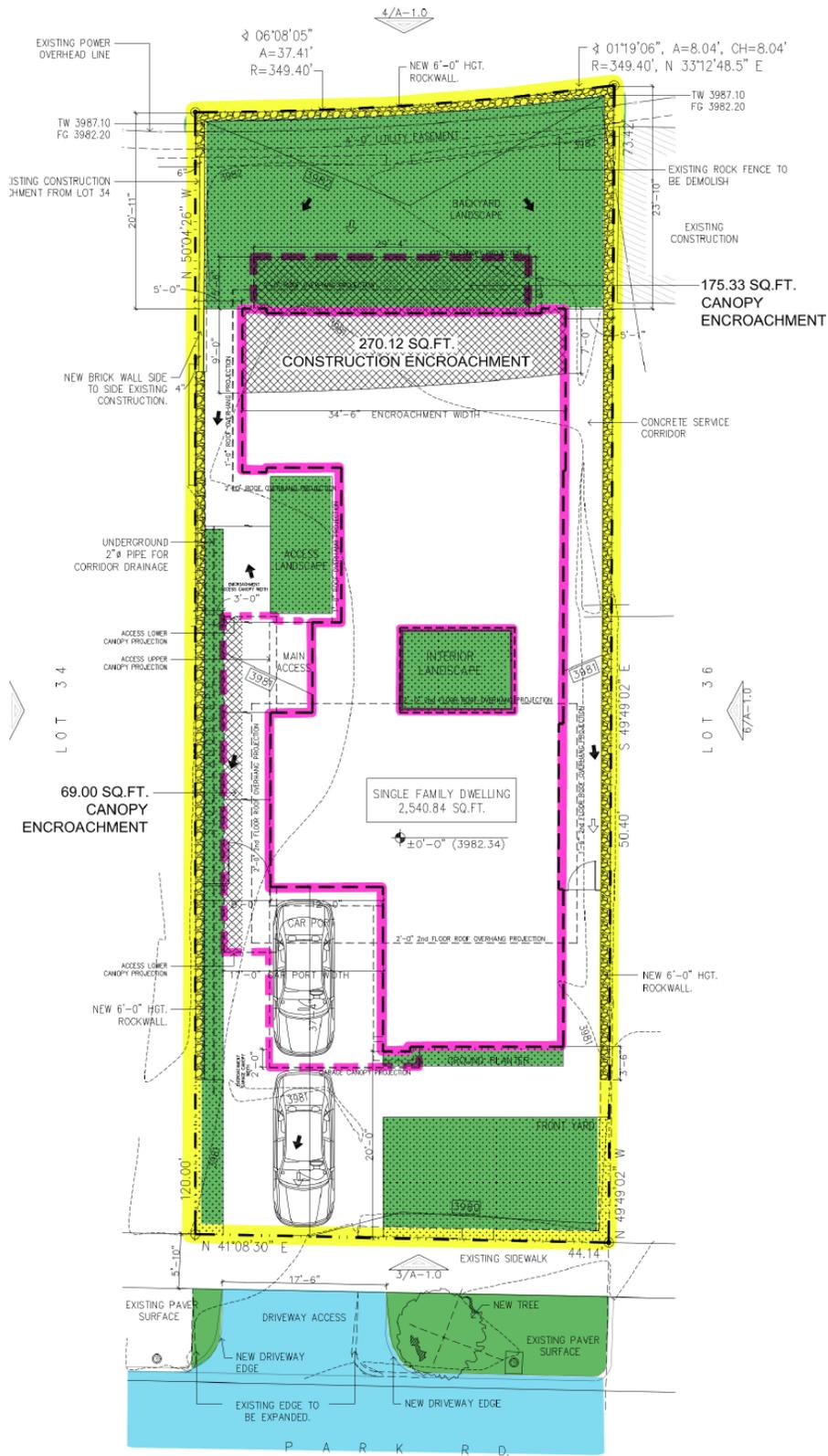
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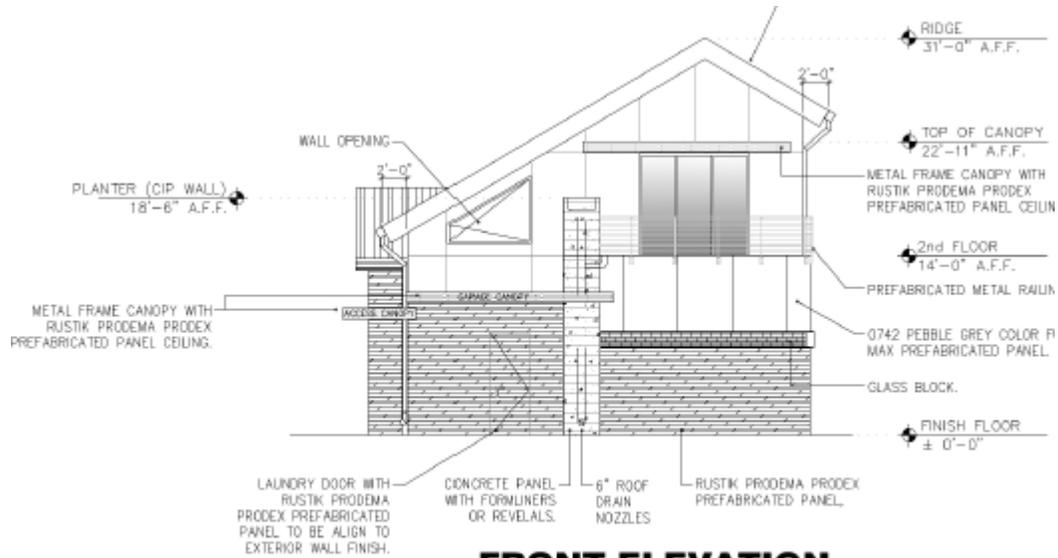
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ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN

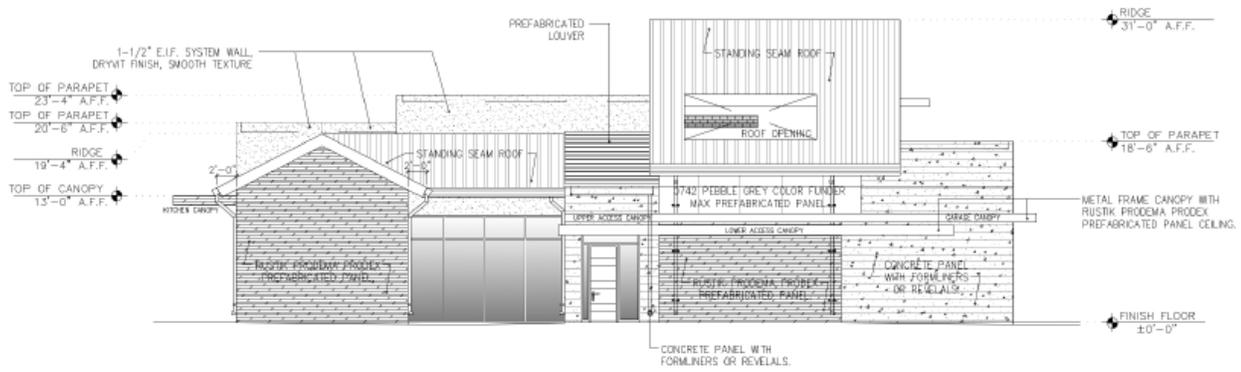


ATTACHMENT 5: ELEVATIONS



3 FRONT ELEVATION

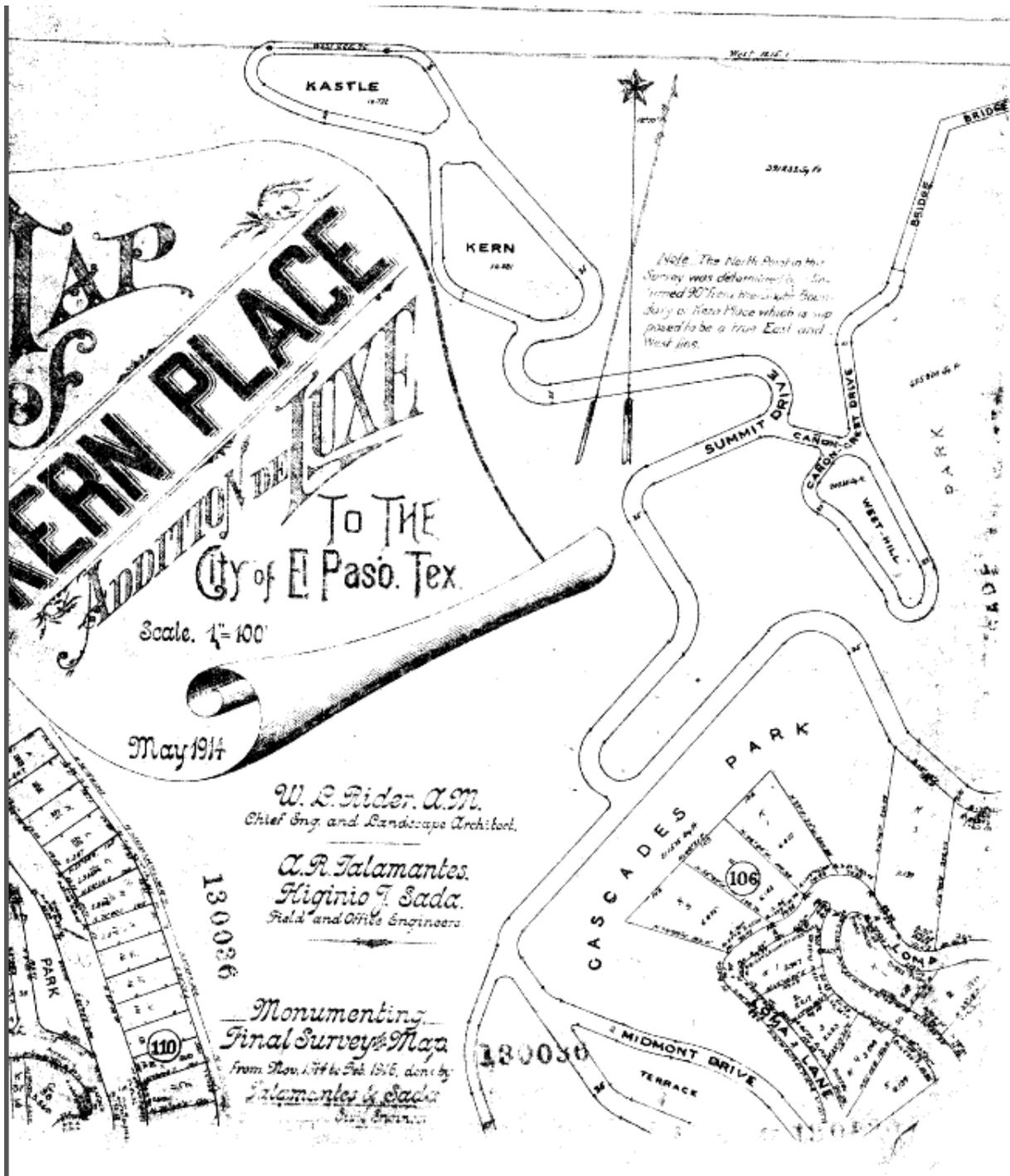
1/8 = 1'-0"

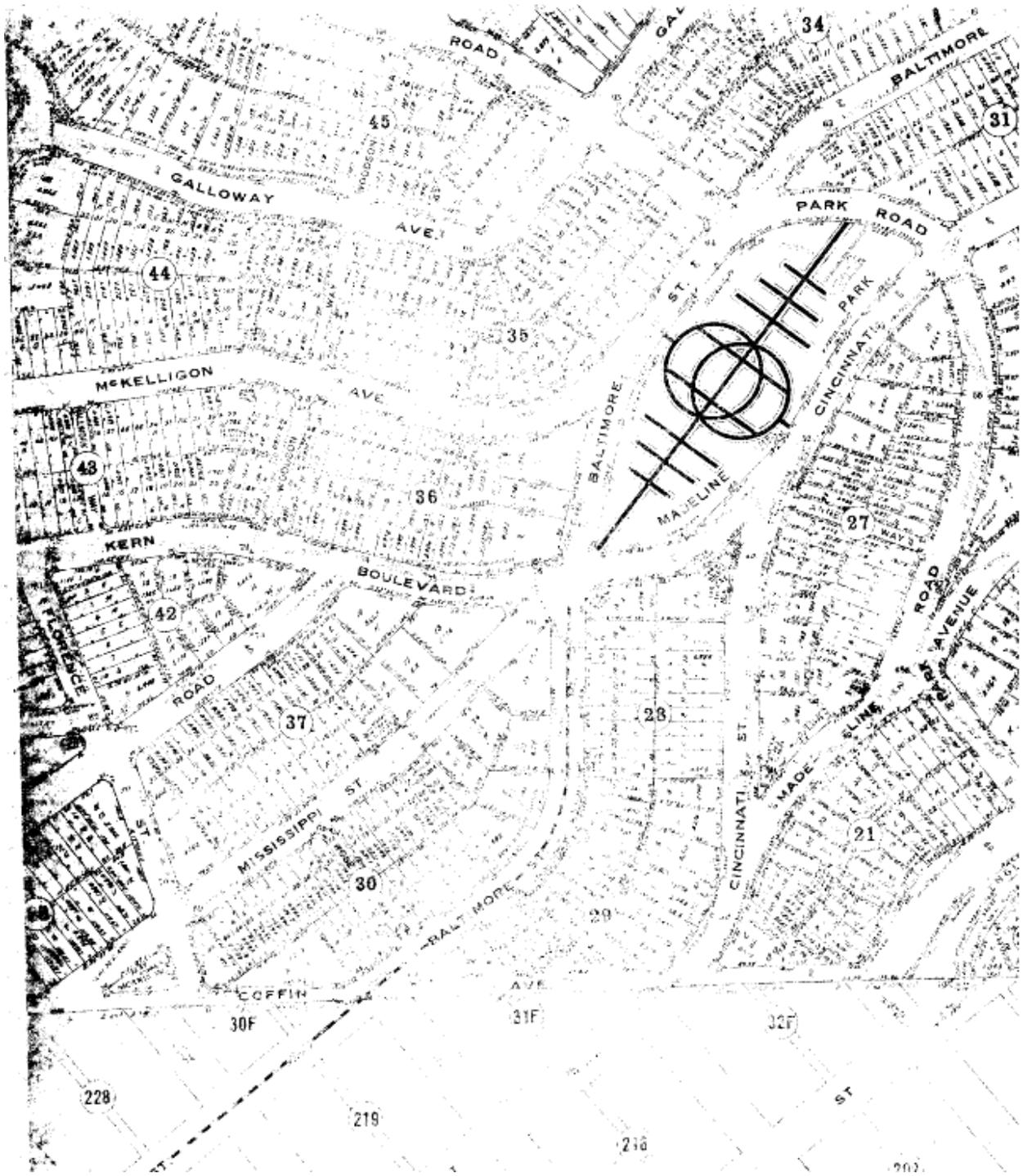


5 SIDE ELEVATION

1/8 = 1'-0"

ATTACHMENT 6: SUBDIVISION MAP





ATTACHMENT 7: EMAIL OF OPPOSITION

Sent: Thu 11/3/2016 1:21 PM
To: Howell, Jeffrey B.

Re: Case Number PZST16-00023

I object to any special permit allowing setback waivers, lot size waivers, lot width waivers, or area requirement waivers for the proposed project at 904 Park Road.

The information relayed in the Planning and Inspections Department's letter of November 1, 2016 is insufficient for the nearby property owners to make an informed decision. As you know, there have been several homes built lately in the Kern and Mission Hills neighborhoods that are disproportionately large for their lots. These homes detract from the character of the surrounding neighborhood. Charlie Intebi, the Kern Place Association president, requested a site plan from the architect for this project more than a week ago. Mr. Intebi made the request in response to the architect's required notice letter to the Association. The architect gave no more information in his letter to Mr. Intebi than the City gave me in its letter of November 1. The architect has not responded or provided any further information.

Until I am able to determine to what extent the proposed project will violate current setback, lot size, lot width, and area requirements, I will object to any waiver.

Angela Nickey
901 Cincinnati

ATTACHMENT 8: EMAIL OF OPPOSITION

Sent: Fri 11/4/2016 8:06 AM
To: Howell, Jeffrey B.

November 4, 2016

Mr. Howell,

I received your letter dated November 1, 2016 regarding the special permit request for the reduction in side, front, rear setbacks for 904 Park Road. I do have concerns about this project especially due to the fact that the owner did not apply for this special permit PRIOR to tearing down the house. This attempt by contractors/owners wherein they will tear down a home etc.. prior to getting a permit or start building without variance or permit with the belief that it will be too late for neighbors to object about the proposed building is NOT acceptable. Kern is a unique neighborhood with setback requirements. The front set back is probably the most important as the homes in kern (Cincinnati, Park etc..) all line up nicely down each street with a 30 ft set back. No one's view up or down the street is blocked by a home that sits too far in front of the lot. No one in Kern wants a home that is built out to the front of the lot. The rear and side set back requests may be ok as long as the side setbacks don't go to zero or near zero set back.

Hence my question: Your notice letter does not state what the proposed set backs are. Please advise us what the proposed setbacks are for the front, side and rear of 904 Park Road.

I believe the Kern Place board requested copies of the proposed plans / setbacks which have not been given to them.

Without this information, the residents of kern cannot make an informed decision for this meeting about the proposed permit.

I look forward to hearing back from you.

Stephen H. Nickey
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