

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: May 31, 2016
Public Hearing: June 28, 2016

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance granting Special Permit No. PZST16-00004, to allow for infill development with a reduction in side yard setback, parking reduction, and density bonus on the property described as the north 130 feet of Lot 27, Block 5, Stiles Gardens, 409 Bucher, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 409 Bucher. Property Owner: Maria A. Chavez De Goytia. PZST16-00004 (District 3)

BACKGROUND / DISCUSSION:

On April 7, 2016, the CPC reviewed and recommended approval of the special permit request.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this special permit application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (5-0).

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspection Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST16-00004 TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN SIDE YARD SETBACK, PARKING REDUCTION, AND DENSITY BONUS ON THE PROPERTY DESCRIBED AS THE NORTH 130 FEET OF LOT 27, BLOCK 5, STILES GARDENS, 409 BUCHER, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Maria A. Chavez De Goytia has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a reduction in side yard setback, parking reduction, and a density bonus; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in a A-2 (Apartment) Zone District:
North 130 Feet of Lot 27, Block 5, Stiles Gardens, 409 Bucher, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached Exhibit "A"; and,
2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow infill development for a reduction in side yard setback, parking reduction, and density bonus; and,
3. That this Special Permit is issued subject to the development standards in the A-2 (Apartment) District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

PZST16-000004

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST16-00004 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

APPROVED this _____ day of _____, 2016.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning and Inspections Department

ORDINANCE NO. _____

PZST16-000004

AGREEMENT

The owners, Maria A. Chavez De Goytia, referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the A-2 (Apartment) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 29 day of April, 2016.

Maria A. Chavez De Goytia:

By: MARIA A. CHAVEZ DE GOYTIA.
(name/title)

[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 29th day of APRIL, 2016
_____, 2016, by FREDERICK H. BROWN for Maria A. Chavez De Goytia as
Owner.

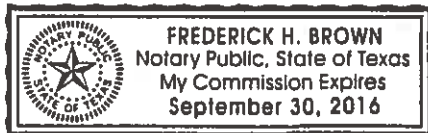
My Commission Expires:

SEPTEMBER 30, 2016

[Signature]
Notary Public, State of Texas

Notary's Printed or Typed Name:

FREDERICK H. BROWN



ORDINANCE NO. _____

PZST16-000004

Exhibit A

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350
CalderonEngineering@elpbizclass.com

September 23, 2015

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being the North 130 Feet of Lot 27, Block 5, Stiles Gardens, City of El Paso, El Paso County, Texas, as filed and recorded in Book 3, Page 9 Deed Records of El Paso County Texas and being more particularly described by metes and bounds as follows:

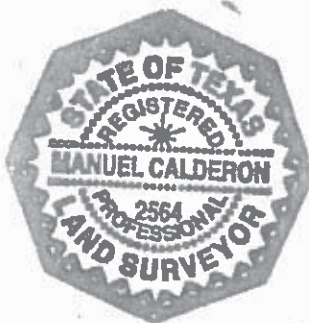
Commencing at a city monument, marking the intersection of the centerlines of Dale Road and Bucher Road in Stiles Gardens; Thence North 44°51'00" East, along the centerline of Bucher Road, a distance of 150.00 feet to a found nail; Thence North 45°09'00" West, a distance of 25.00 feet to a found iron pin marking the Point of Beginning;

Thence North 45°09'00" West, a distance of 75.00 feet to a point;

Thence North 44°51'00" East, along the common lot line between Lots 27 and 28, a distance of 130.00 feet to a found iron pin;

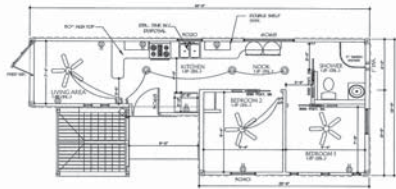
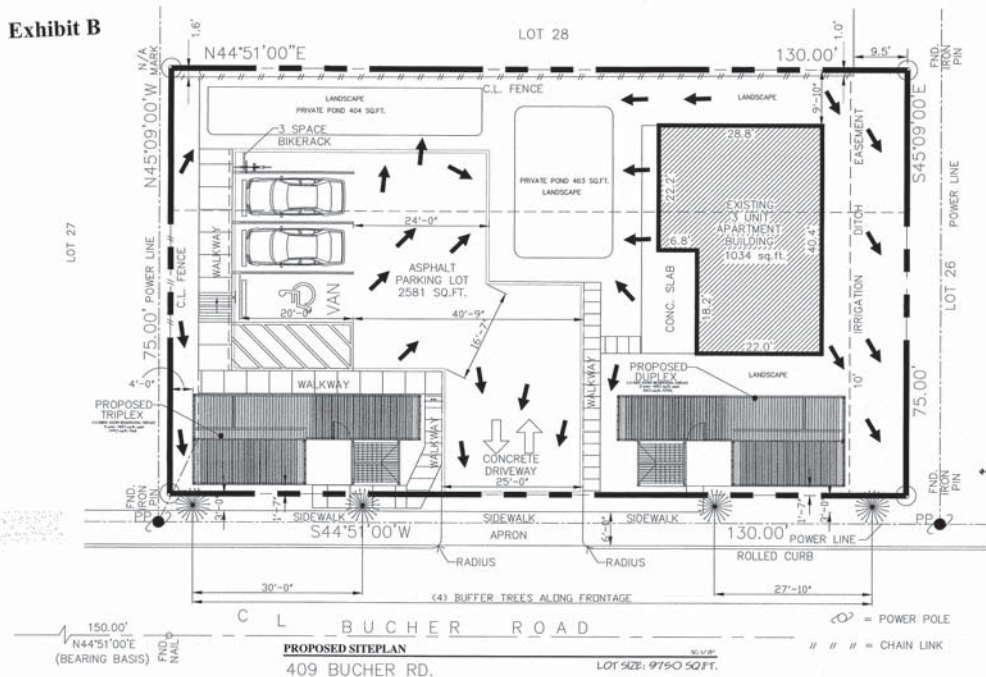
Thence South 45°09'00" East, along the North boundary of Lot 27, a distance of 75.00 feet to a found iron pin;

Thence South 44°51'00" West, along the South boundary of Lot 27 and along the North right-of-way line of Bucher Road a distance of 130.00 feet to the "Point of Beginning", and containing in all 9,750.00 square feet or 0.2238 acres of land more or less. A plat of survey dated 9/23/15 is a part of this description and is attached hereto.

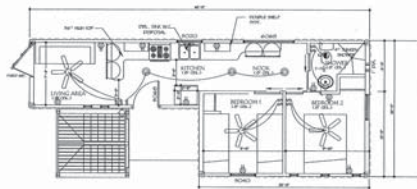


Manuel Calderon
Registered Professional Engineer No. 42333
Registered Professional Land Surveyor No. 2564
Texas Registered Engineering Firm No. F-3788
Texas Licensed Surveying Firm No. 100200-00

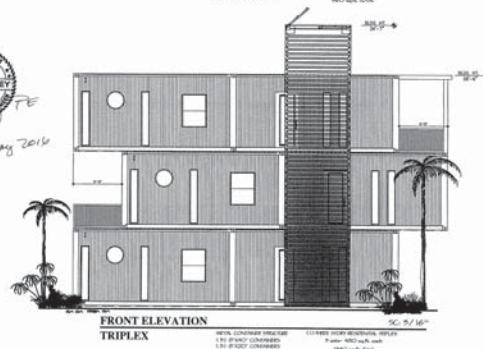
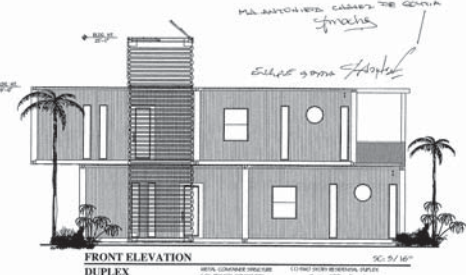
Exhibit B



1ST FLOOR PLAN
APARTMENT 1
Type "A" Unit-Fully Accessible



2ND FLOOR PLAN
3RD FLOOR PLAN
APARTMENT 2&3



A NEW TRIPLEX:

409 BUCHER RD.

LEGAL DESCRIPTION
 409 BUCHER ROAD,
 THE NORTH 130 FEET
 OF LOT 37, BLOCK 9,
 STELL'S GARDENS,
 CITY OF D. PASO,
 EL PASO COUNTY,
 TEXAS.

PROJECT No.

Clients Approval
 X _____

DATE
 MARCH 28, 2016

SHEET TITLE
 DETAILED
 SITE PLAN

DRAFTER PROJECTED BY
 SHEET No. **A1**
1 of **1**

MEMORANDUM

DATE: May 23, 2016
TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager
FROM: Jeff Howell, Senior Planner
SUBJECT: PZST16-00004

The City Plan Commission (CPC), on April 7, 2016, voted 5-0 to recommend **approval** of the special permit to allow infill development for a reduction in side yard setback, parking reduction, and density bonus.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division received 1 letter in opposition to the special permit request.

Property Owner: Maria A. Chavez De Goytia
Applicant: Derek L. Gavilanes (DLG Projects)
Representative: Derek L. Gavilanes (DLG Projects)

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report REVISED

Case No: PZST16-00004
Application Type: Special Permit
CPC Hearing Date: April 7, 2016
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: 409 Bucher
Legal Description: North 130 Feet of Lot 27, Block 5, Stiles Gardens, City of El Paso, El Paso County, Texas
Acreage: 0.2238
Rep District: 3
Existing Zoning: A-2 (Apartments)
Existing Use: Triplex
C/SC/SP/ZBA/LNC: N/A
Request: Infill Development / Density Bonus / Parking Reduction / Side Setback Reduction
Proposed Use: Apartments
Property Owner: Maria A. Chavez De Goytia
Representative: Derek L. Gavilanes (DLG Projects)

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartment) / Apartments
South: A-2 (Apartment) / Single-family dwellings
East: A-2 (Apartment) / Vacant
West: A-2 (Apartment) / Church

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyard (Mission Valley Planning Area)
NEAREST PARK: Stiles Park (2,784 feet)
NEAREST SCHOOL: Ramona Elementary (2,070 feet)

NEIGHBORHOOD ASSOCIATIONS

Stiles Garden Neighborhood Association
Mission Valley Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 23, 2016. The Planning Division received one letter in opposition to the proposed special permit.

APPLICATION DESCRIPTION

The request is for a special permit and detailed site plan approval for infill development to allow the construction of an 8 unit apartment complex totaling 3,434 sq. ft. A reduction in side setback from the required 5' to 4' is requested. At 0.2238 acres the property is permitted an apartment density of 5.57 units. With a 50% density bonus, 8 units are achievable. Sixteen parking spaces are required, and 3 are provided, an 81% parking reduction request. A parking study of the area suggests ample on-street parking is available throughout the day, to include peak hours on peak days (attachment 5). All ADA and bicycle parking requirements are being met. Access to the property is proposed from Bucher.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of the request, and acceptance of the detailed site development plan, as the proposed development is consistent with the surrounding commercial and apartment zoning. Additionally, the proposed development is compliant with the G-7 Industrial and/or

Railyard land use designation in the Plan El Paso Mission Valley 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 permit shall demonstrate compliance with the following criteria:

G-7 – Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.

The A-2 (Apartment) District is intended to permit medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. Permits building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

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 is in a state enterprise zone. Further, the property resides in the Rough Riders Subdivision, platted in 1929 (attachment 6), qualifying as an older neighborhood as defined in this section.

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.

Apartments are a permissible use in the A-2 (Apartment) zone district.

C. Setback Provisions. The side, front and rear 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'	4'

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 16 parking spaces and provides 3, an 81% parking reduction request. A submitted parking study shows the availability of 50 on-street parking spaces within 300' of the subject property. Between peak AM and PM hours on a peak day, at least 76% (38) of the spaces were continuously available, with the average availability at 84% (42 spaces).

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-7, Industrial and/or Railyard growth sector.

COMMENTS:

Planning and Inspections Department – Planning Division - Transportation

No objections.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department - Land Development

Clarify labels for ponding areas and what LA stands for. Include the word “private” to the ponding area descriptions.

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. The applicant may need to seek re-approval of the site plans from CPC if there is a failure to comply.

Planning and Inspections Department – Plan Review

No objections to requested special permit

Planning and Inspections Department - Landscaping

No objections to requested special permit

El Paso Fire Department

Recommend approval. Equipment shall not be allowed on top stairwell.

El Paso Water Utilities

EPWU does not object to this request.

Water:

PZST16-00004

1. There is an existing 8-inch diameter water main extending along the north side of Bucher Road, approximately 23-feet south of and parallel to the northern right-of-way of Bucher Road. This water main is available for service.
2. EPWU records indicate an active ¾" water meter serving the subject property. The service address for this meter is 409 Bucher Road.

Sanitary Sewer:

3. There is an existing 8-inch diameter sanitary sewer main extending along the south side of Bucher Road, approximately 15-feet north of and parallel to the southern right-of-way of Bucher Road. 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.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Parking Study
6. Plat of Stiles Gardens

From: Carlos
To: McElroy, Michael; District #3
Subject: Regards CPC meeting case number #pzst16-00004
Date: Monday, April 04, 2016 4:48:46 PM
Attachments: ATT00001.txt
ATT00002.txt

Mr . Micheal McElroy
City development Dept - planning division
My name Roberto Aguilar
Parking concerns address please address

Mr McElroy , please ensure there is adequate parking on property , on site parking only . Please no on street parking . The width fronting 409 Bucher is very narrow only measuring 29 feet, when you park on street on both sides it creates a problem, it will be a big and unsafe issue . If you park to cars on both sides assuming car width is 7 ft for each car it only leaves 15 feet of clearance. This is unsafe a fire emergency vehicle will be prevented from passing . If the vehicle is and SUV problem is worse . Signs in front of 409 Bucher should be placed to post no street parking to remedy concerns of current residents, My wife and myself are retired and have lived on 404 Bucher since 1965 , we also own 402 Bucher and corner home 7201 Dale & Bucher .

We are most affect by this request for a special permit . I may be reached at 915-799-2058 my address is my homestead 404 Bucher. Please call me prior to the hearing request . I am opposed to permit change if my request and concerns are not addressed prior to the meeting . Also how many multi-family units are proposed to be build ? This was omitted in the letter from the city please provide this information when you call me . You may also reach my nephew Carlos Aguilar at 915-740-5989. If you are unable to reach me . I look forward to your prompt response .

Respectfully
Roberto Aguilar
Retired USA veteran

7. Opposition Letter

ATTACHMENT 1: LOCATION MAP

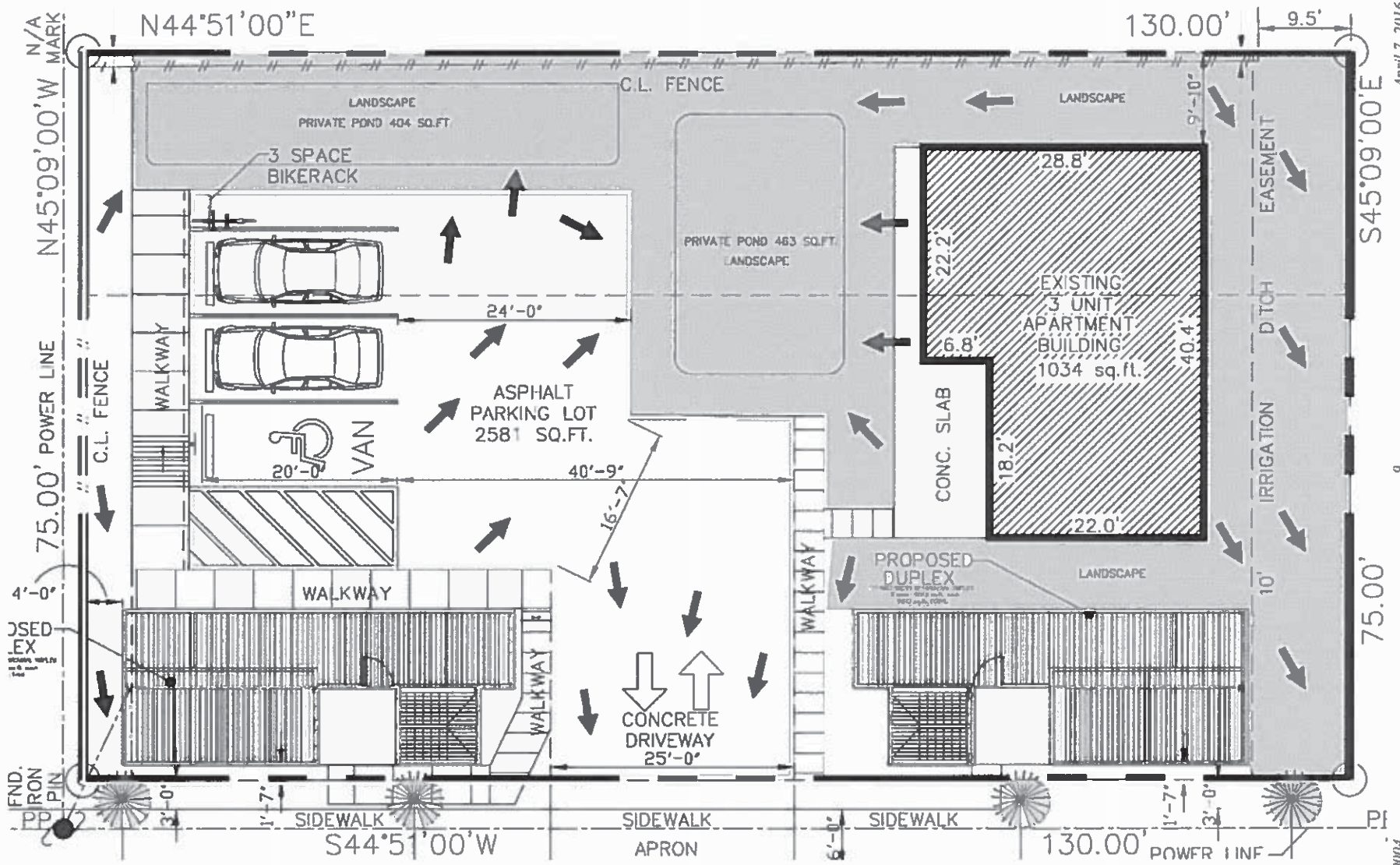
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PZST16-00004

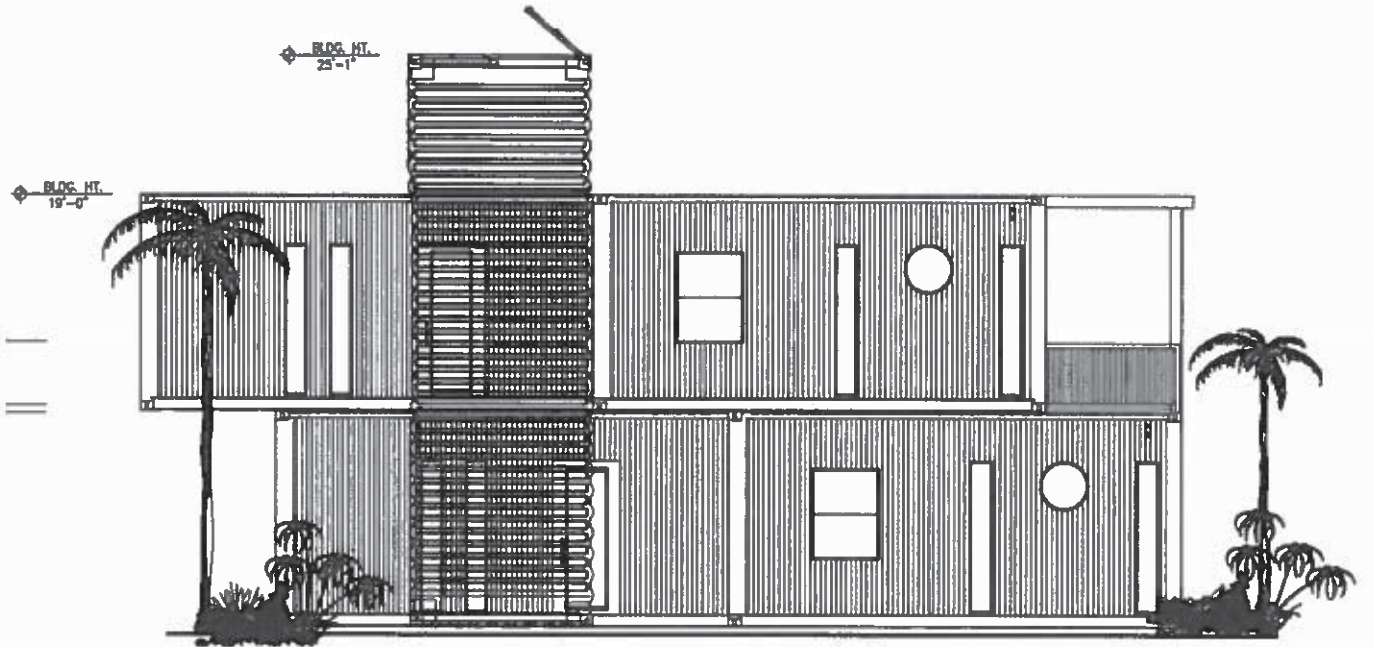


ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



April 7, 2016

ATTACHMENT 4: ELEVATIONS

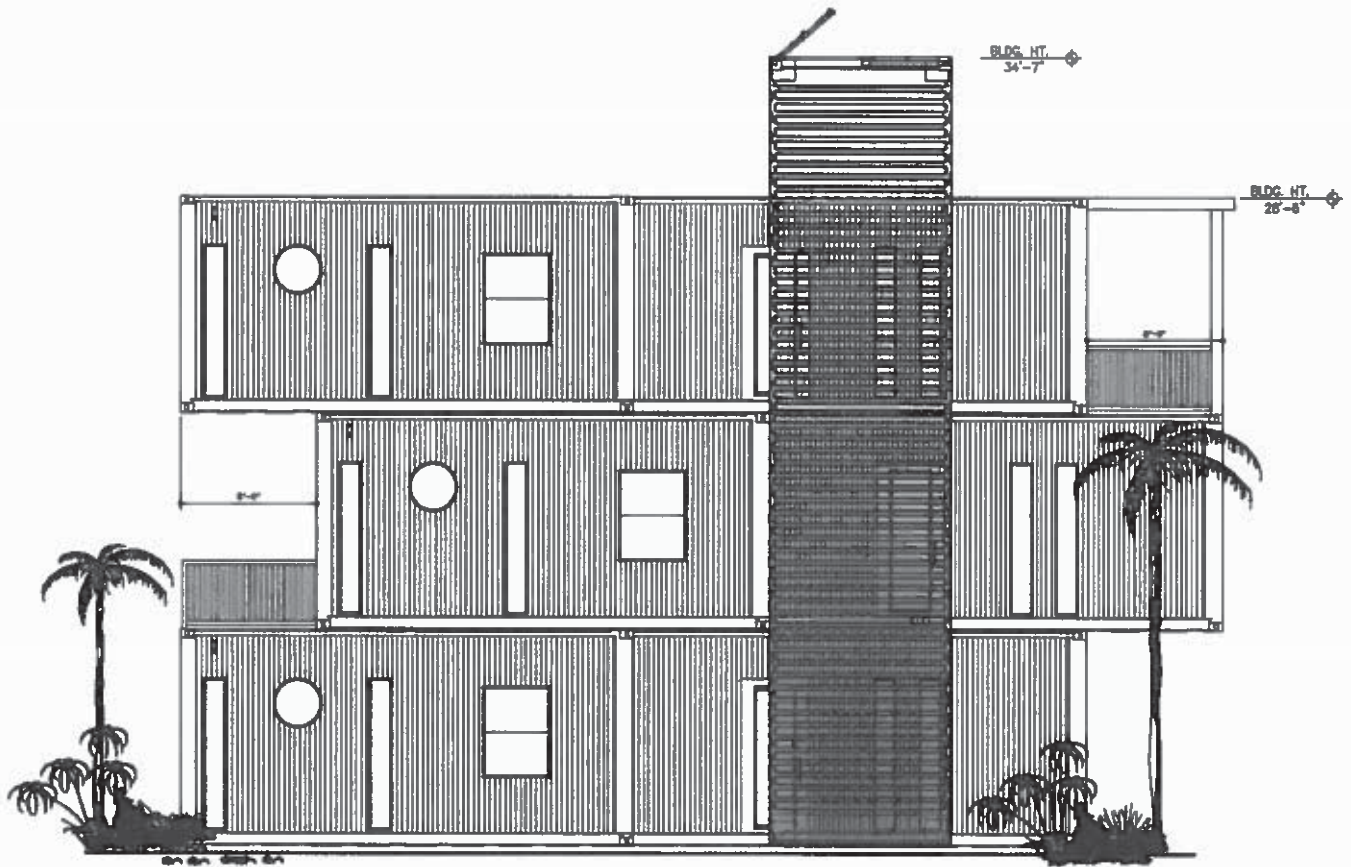


**FRONT ELEVATION
DUPLEX**

SC: 3/16"

METAL CONTAINER STRUCTURE
(2) 8'X40' CONTAINERS
(2) 8'X20' CONTAINERS

(1) TWO STORY RESIDENTIAL DUPLEX
2 units - 480 sq. ft. each
960 sq. ft. TOTAL



**FRONT ELEVATION
TRIPLEX**

SC: 3/16"

METAL CONTAINER STRUCTURE
(3) 8'X40' CONTAINERS
(3) 8'X20' CONTAINERS

(1) THREE STORY RESIDENTIAL TRIPLEX
3 units - 480 sq. ft. each
1440 sq. ft. Total

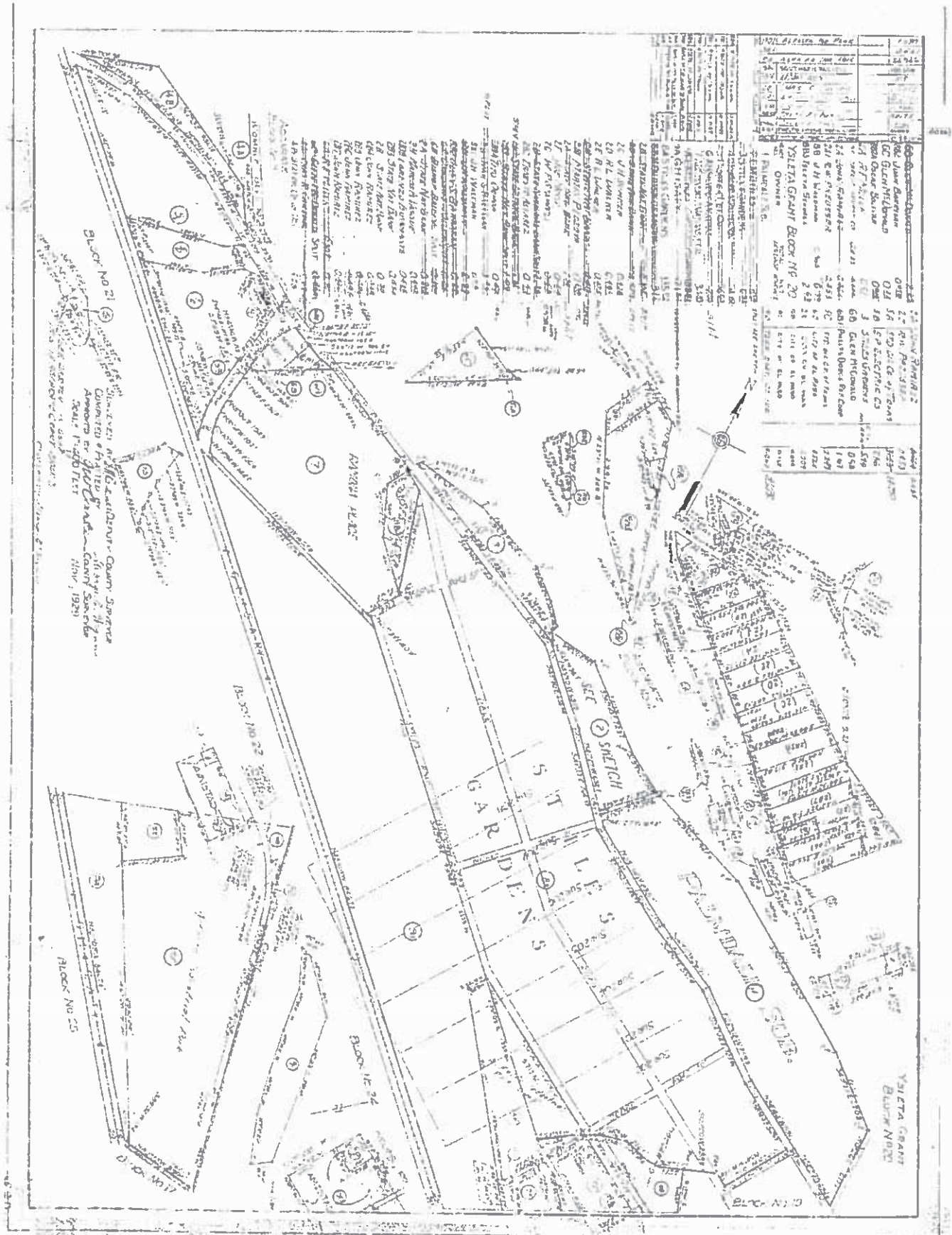
ATTACHMENT 5: PARKING STUDY



ATTACHMENT 5: PARKING STUDY

TIME	OVERALL STREET PARKING SPACES	OVERALL OCCUPIED PARKING SPACES	OVERALL AVAILABLE PARKING SPACES
8 AM	50	9	41
9 AM	50	10	40
10 AM	50	9	41
11 AM	50	12	38
12 PM	50	8	42
1 PM	50	6	44
2 PM	50	9	41
3 PM	50	10	40
4 PM	50	9	41
5 PM	50	3	47
6 PM	50	9	41
7 PM	50	9	41
8 PM	50	5	45

ATTACHMENT 6: PLAT OF STILES GARDENS



ATTACHMENT 7: OPPOSITION LETTER

From: Carlos
To: McElroy, Michael; District #3
Subject: Regards CPC meeting case number #pst16-00004
Date: Monday, April 04, 2016 4:48:46 PM
Attachments: ATT00001.txt
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Mr . Micheal McElroy
City development Dept - planning division
My name Roberto Aguilar
Parking concerns address please address

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Respectfully
Roberto Aguilar
Retired USA veteran



Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (5-0)
- Public Input: Planning received 1 letter in opposition to the special permit request.

Strategic Goal #3 Promote the Visual Image of El Paso

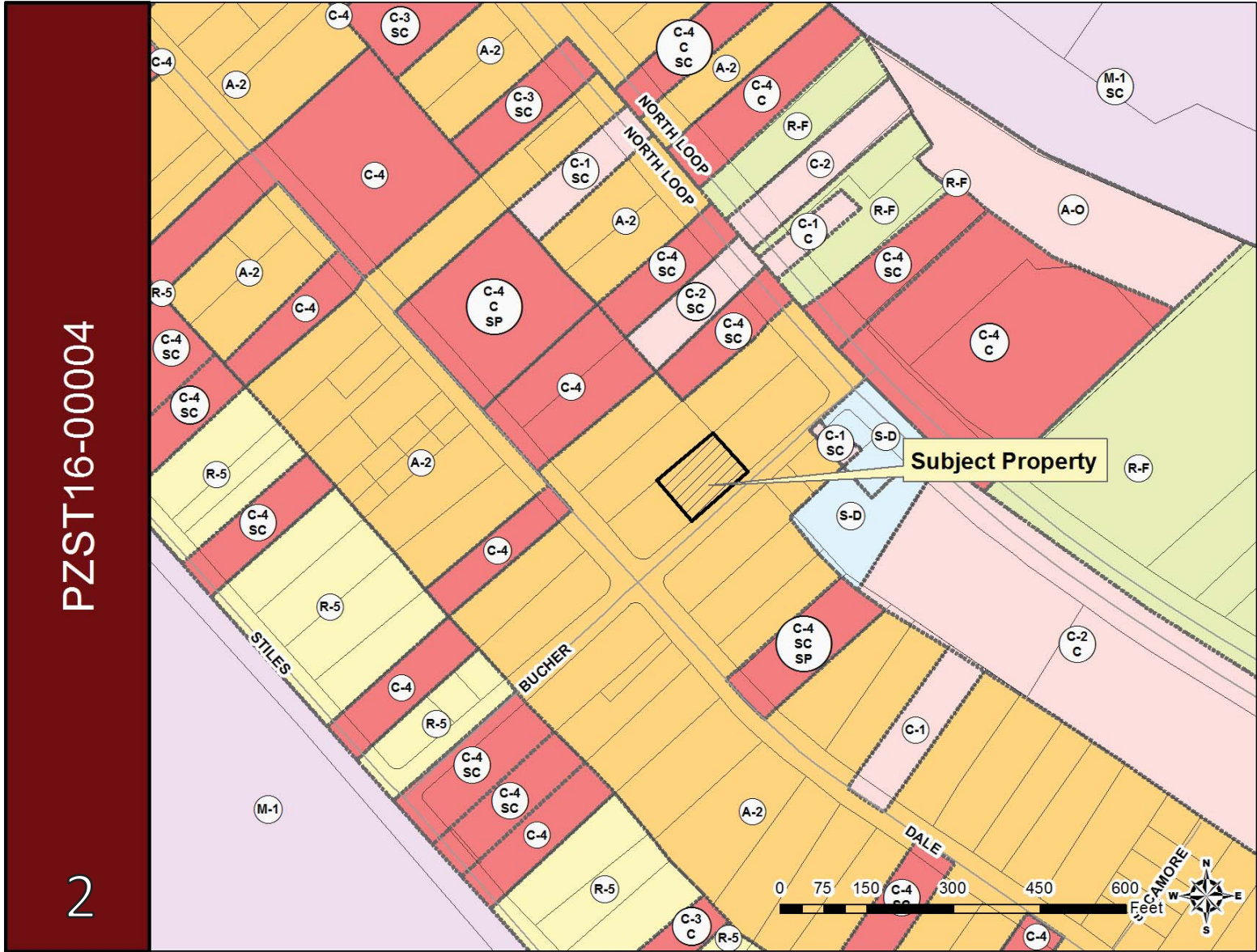
- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community

2

PZST16-000004

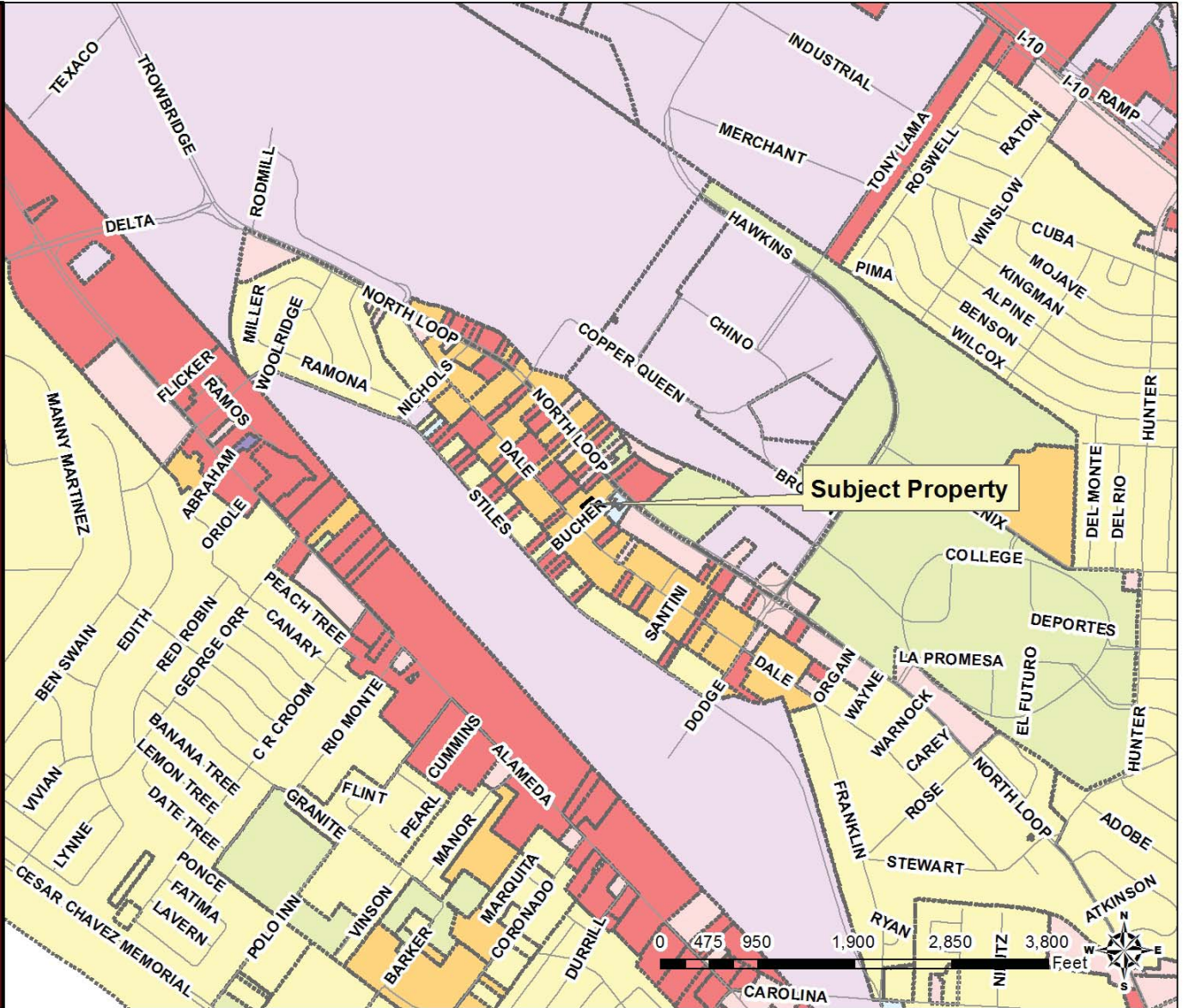
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PZST16-000004



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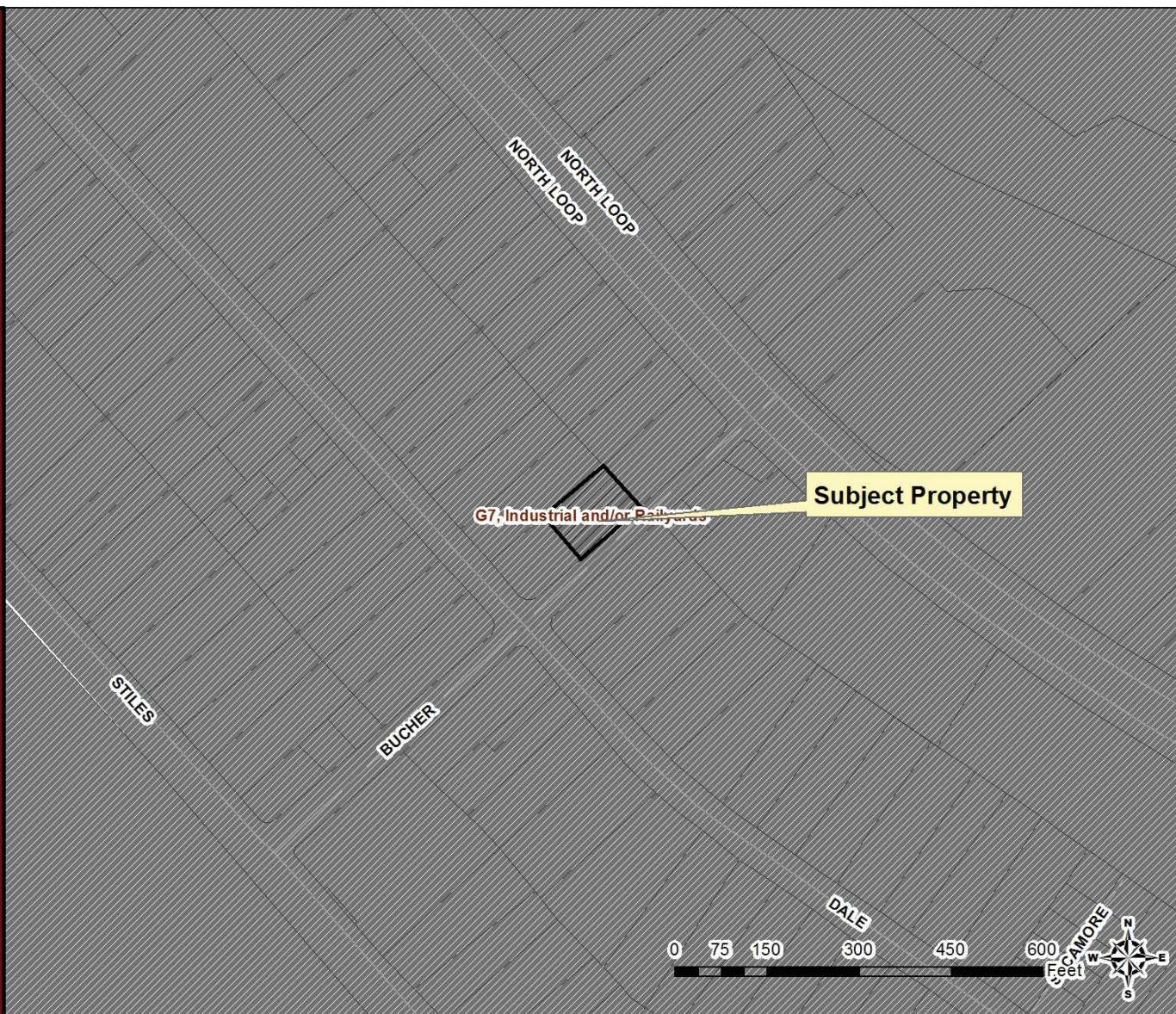
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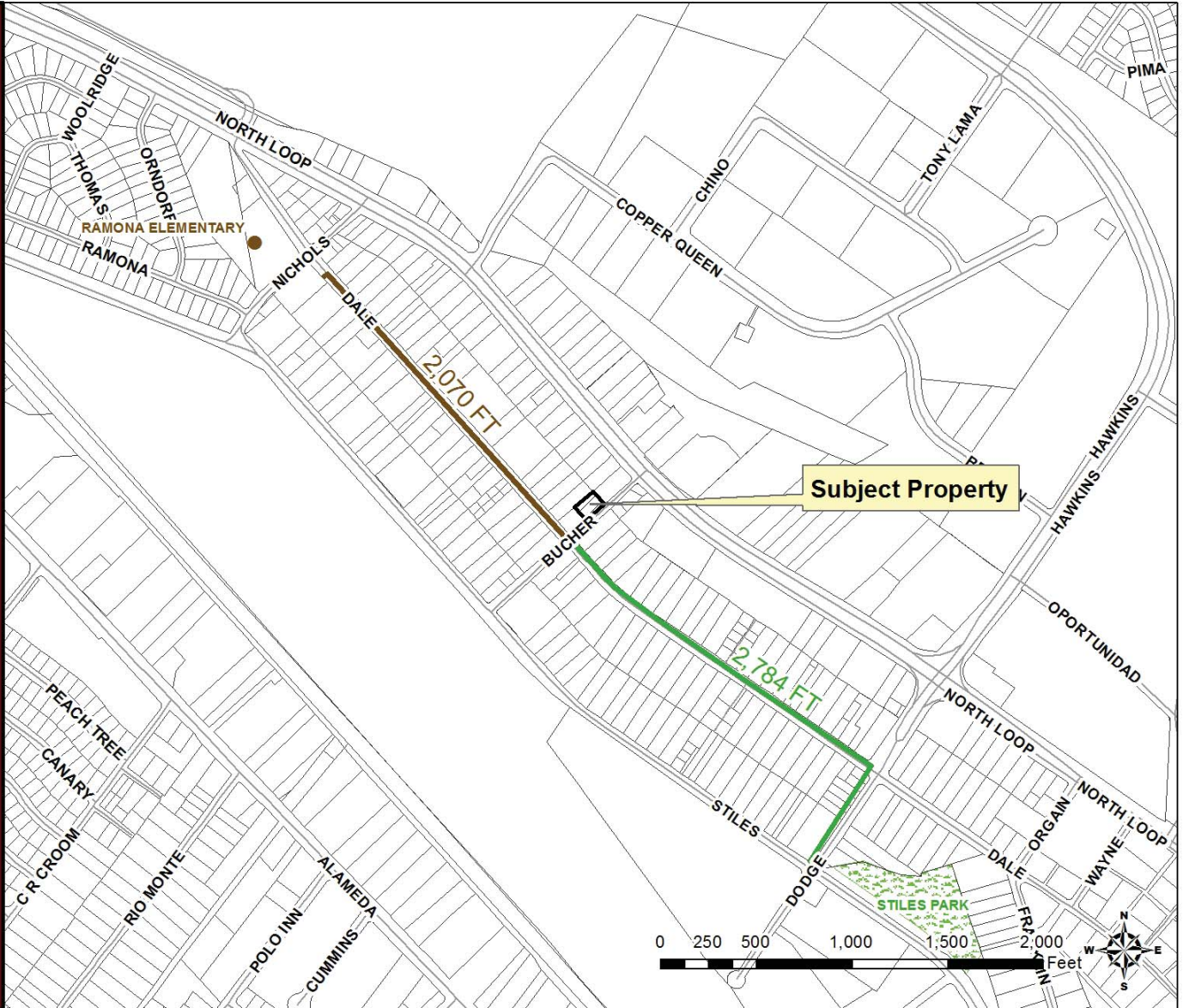
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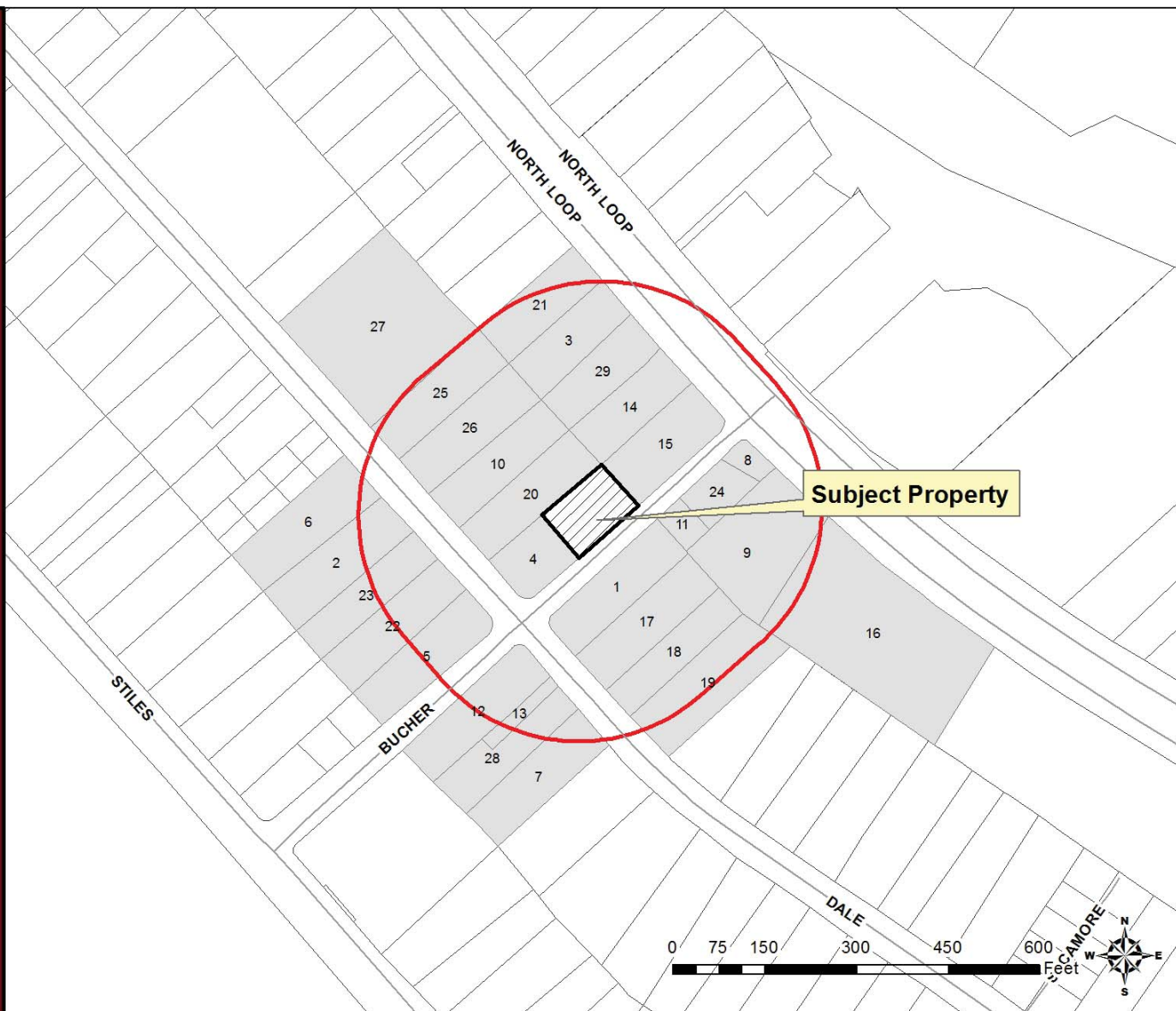
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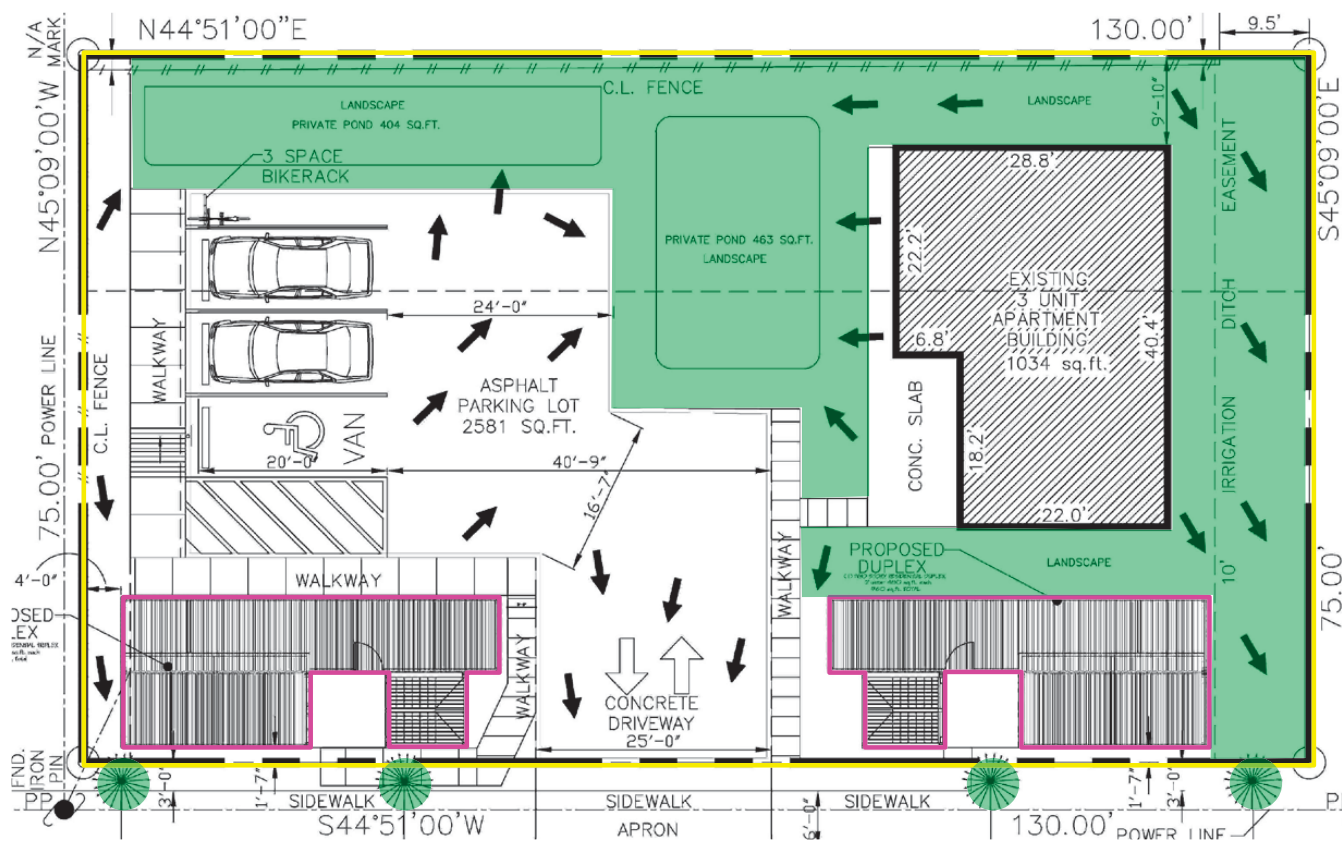
PZST16-000004

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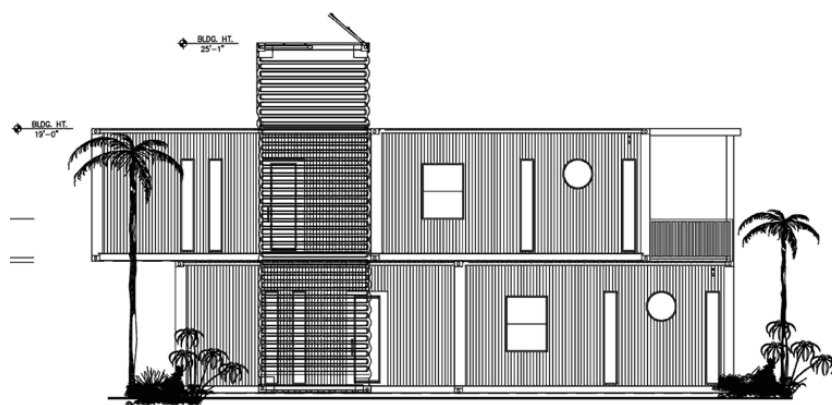


Detailed Site Development Plan





Elevations

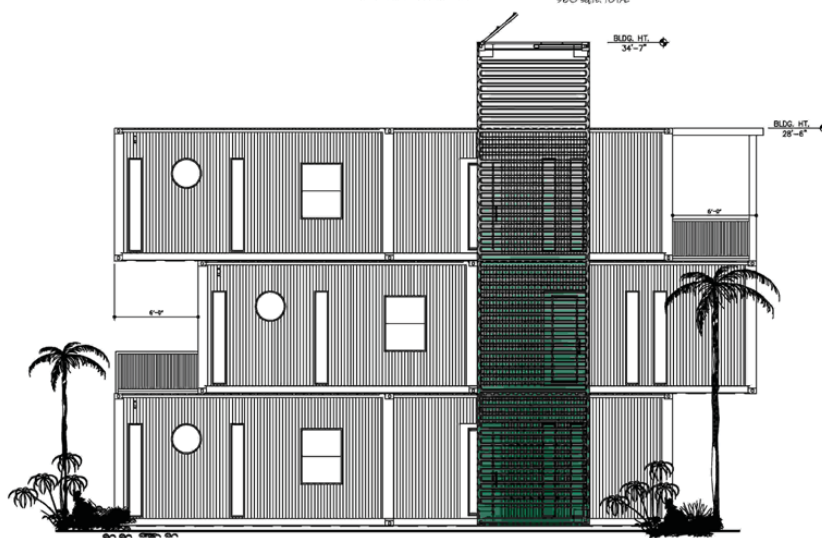


**FRONT ELEVATION
DUPLEX**

METAL CONTAINER STRUCTURE
(2) 8'x14'0\"/>

(1) TWO STORY RESIDENTIAL DUPLEX
2 units- 480 sq.ft. each
960 sq.ft. TOTAL

SC: 3/16"



**FRONT ELEVATION
TRIPLEX**

METAL CONTAINER STRUCTURE
(5) 8'x14'0\"/>

(1) THREE STORY RESIDENTIAL TRIPLEX
3 units- 480 sq.ft. each
1440 sq.ft. Total

SC: 3/16"



Special Permit Request

Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Side Setback	5'	4'



Parking Study



"Delivering Outstanding Services"



Parking Study

TIME	OVERALL STREET PARKING SPACES	OVERALL OCCUPIED PARKING SPACES	OVERALL AVAILABLE PARKING SPACES
8 AM	50	9	41
9 AM	50	10	40
10 AM	50	9	41
11 AM	50	12	38
12 PM	50	8	42
1 PM	50	6	44
2 PM	50	9	41
3 PM	50	10	40
4 PM	50	9	41
5 PM	50	3	47
6 PM	50	9	41
7 PM	50	9	41
8 PM	50	5	45

Off-Site Parking Need: 13 spaces

Minimum Availability: 38 spaces (76%)

Average Availability: 42 spaces (84%)





15

Subject Property & North



16

South



17

East



18

West

PZST16-00004

19

