



City of El Paso – City Plan Commission Staff Report

Case No: PZST16-00006
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: April 21, 2016
Staff Planner: Andrew Salloum, (915) 212-1643, salloumam@elpasotexas.gov

Location: North of Tyler Seth Avenue and East of Westside Drive
Legal Description: Tracts 1-L-1 and 1-L-2, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas
Acreage: 16.54 acres
Rep District: 1
Zoning: R-2/c (Residential/conditions)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Conditions: Ordinance No. 016702, dated July 31, 2007
Request: Infill Development - to allow for cumulative front & rear yard setbacks
Proposed Use: Single-family dwellings

Property Owner: Palo Verde Development, LLC.
Applicant: Hakes Brothers, LLC.
Representative: Eric Little

SURROUNDING ZONING AND LAND USE

North: R-F (Ranch and Farm) / Single-family dwelling; P-R 1 (Planned Residential I) / Vacant
South: R-2/c/sp (Residential/condition/special permit) / Single-family dwellings
East: R-F (Ranch and Farm) / Single-family dwelling, Agriculture, and Steven Lateral
West: R-F (Ranch and Farm) / Single-family dwellings; R-2/sp (Residential/special permit) / Single-family dwellings

PLAN EL PASO DESIGNATION: O-3, Agriculture (Northwest Planning Area and Upper Valley Plan)

NEAREST PARK: Valley Creek Park (6,087 feet)

NEAREST SCHOOL: Garcia Elementary School (9,211 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Neighborhood Association
Upper Valley Improvement Association
Upper Mesa Hill Neighborhood Association
Coronado Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 6, 2016. The Planning Division has not received any phone calls or letters in support or opposition to the special permit request.

CASE HISTORY

On July 31, 2007, City Council approved the rezoning request for the subject property from R-F (Ranch and Farm) to R-2/c (Residential/condition) and imposed Ordinance No. 16702 (see Attachment 5) as follows:

That the density be restricted to 2.5 units per acre, and that the property owner provide a 10' pedestrian pathway connection to the Stevens lateral and plants trees along Tyler Seth and Westside Drive.

The condition will be satisfied by the approval of the special permit and detailed site development plan application, which includes required density, pedestrian pathway and street trees along Tyler Seth and Westside Drive.

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan review for an infill development to reduce the cumulative front & rear yard setbacks for 39 single-family dwelling units.

The detailed site development plan shows a 39 single-family dwelling units including a 16,232 sq. ft. public park, 968 ft. long pedestrian pathway, and street trees. The subject property is located within the Northwest Upper Valley Plan which calls for 2.5 units per acre of which the applicant complies. The applicant is requesting the following reductions: from the required 60 ft. cumulative front & rear yard setbacks to 50 ft. (see the table on page 3). The detailed site development plan complies with all other density and dimensional standards and includes street trees. The development meets all of the rezoning conditions. Parking requirements will be satisfied through a combination of garage parking located at the ground level of the structures, and surface parking located at various points along the private driveways. Access is proposed from internal streets within the subdivision via Tyler Seth Avenue.

PLANNING DIVISION RECOMMENDATION

The recommendation is pending.

ANALYSIS

20.10.280 Infill Development

The provisions of this section apply to any property designated with an overlay designation to encourage redevelopment and infill development, the specific purposes of which are to: provide a more flexible approach to design and development of infill projects, encourage infill development by simplifying procedures for plan approval, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. In order to provide incentives for private investment in these targeted areas, the following standards shall apply:

- 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.

City Council is tentatively scheduled for April 19, 2016 for a waiver request of the two location requirements to designate an infill development overlay for a property, when only one requirement can be met.

- 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 permitted in the R-2 (Residential) district. The density proposed meets the Upper Valley Plan.

- 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.

The applicant is requesting the following reduction in dimensional standards:

| DIMENSION | REQUIRED | PROPOSED |
|--|----------|----------|
| Cumulative front and rear yard setback | 60' | 50' |

- 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 compatible with existing development.

- 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 single-family dwelling unit for each lot.

- 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.

The applicant is only requesting cumulative front and rear yard setback reduction; the request complies with all other density and dimensional standards.

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.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

O-3 – Agriculture: Active farmland in the Rio Grande Valley. Changes to City codes and policies may limit plat and utility approvals beyond the City limits in a coordinated effort to protect significant portions of farmland.

The purpose of the R-2 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation

No objections to the special permit and detailed site development plan.

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 – Building and Development Permitting

No objections to proposed special permit or DSDP.

Planning and Inspections Department – Landscape Division

No objections to proposed special permit or DSDP.

Planning and Inspections Department - Land Development

No objections to special permit.

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

Recommend approval.

Police Department

After reviewing the attached documents and viewing the proposed site, it does not appear it will have an adverse effect on the community or public safety.

Sun Metro

Sun Metro does not oppose this request.

Sun Metro has a bus stop within 0.2 mi of the project site. Westside/Gomez (4149).

El Paso Water Utilities

EPWU-PSB does not object to this request.

EPWU-PSB is interested in leasing the water rights of this subdivision. Please contact Alma De Anda at 594-5513.

The Owner/Developer has entered into a Development Agreement with the El Paso Water Utilities – Public Service Board (EPWU-PSB) to construct, 8-inch & 6-inch diameter water mains and 8-inch diameter sanitary sewer mains to provide service to this property. The Developer’s utility contractor is currently installing the required water and sanitary sewer mains which will be available for permanent service once EPWU-PSB issues a Letter of Final Acceptance of the facilities.

Water:

There is an existing 12-inch diameter water main along Westside Drive. This main is available for service.

There is an existing 8-inch diameter water main along Tyler Seth Avenue. This main is available for service.

Sanitary Sewer:

There is an existing 15-inch diameter sanitary sewer main along Westside Drive. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main along Tyler Seth Avenue. This main is available for service.

General:

Frontage fees may be due from the Owner/Developer for the above described existing water and sanitary sewer mains. EPWU-PSB will determine the amount due once the Owner/Developer makes an official new service application with EPWU. The Owner/Developer is responsible for all frontage fees, as well as water and sanitary sewer installation costs.

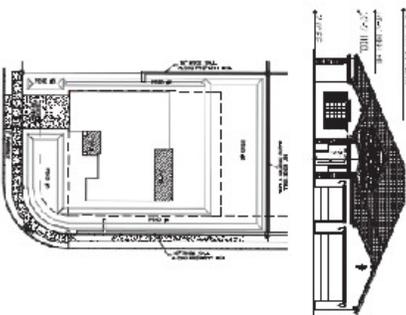
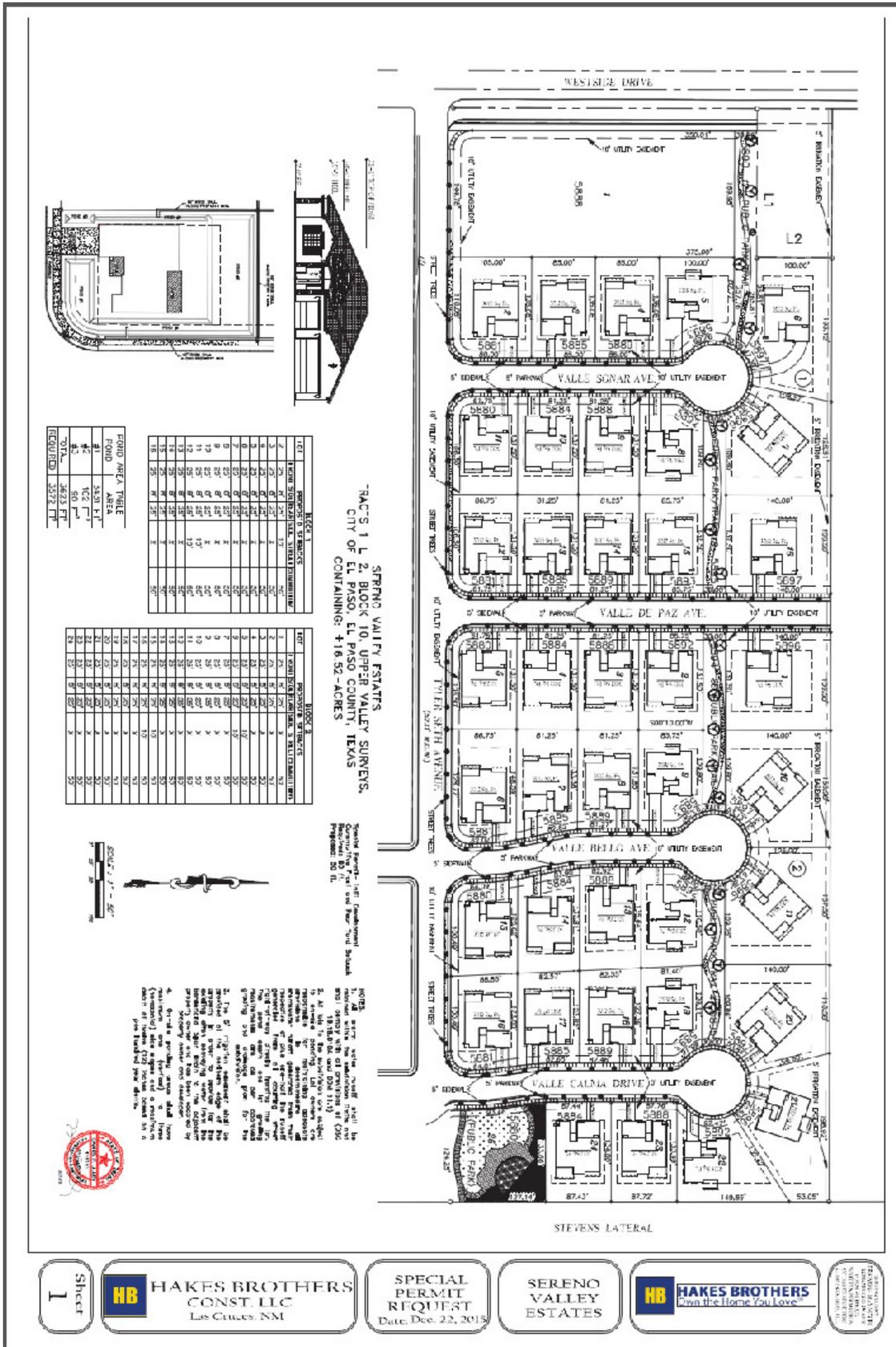
Dewatering may be required for the installation of water mains, sanitary sewer mains and related appurtenant structures.

EPWU-PSB requires a new service application to initialize design of the on-site water and sanitary sewer main extensions to serve the subject property. New service applications should be made 6-8 weeks prior to any 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) certificate of compliance. Service will be provided in accordance with the current 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.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Detailed Site Development Plan, Enlarged
5. Condition: Ordinance No. 016702, dated July 31, 2007

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



| LOT | AREA (SQ. FT.) | AREA (ACRES) |
|-----|----------------|--------------|
| 1 | 10,000 | 0.23 |
| 2 | 10,000 | 0.23 |
| 3 | 10,000 | 0.23 |
| 4 | 10,000 | 0.23 |
| 5 | 10,000 | 0.23 |
| 6 | 10,000 | 0.23 |
| 7 | 10,000 | 0.23 |
| 8 | 10,000 | 0.23 |
| 9 | 10,000 | 0.23 |
| 10 | 10,000 | 0.23 |
| 11 | 10,000 | 0.23 |
| 12 | 10,000 | 0.23 |
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| 16 | 10,000 | 0.23 |
| 17 | 10,000 | 0.23 |
| 18 | 10,000 | 0.23 |
| 19 | 10,000 | 0.23 |
| 20 | 10,000 | 0.23 |
| 21 | 10,000 | 0.23 |
| 22 | 10,000 | 0.23 |
| 23 | 10,000 | 0.23 |
| 24 | 10,000 | 0.23 |
| 25 | 10,000 | 0.23 |
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| 96 | 10,000 | 0.23 |
| 97 | 10,000 | 0.23 |
| 98 | 10,000 | 0.23 |
| 99 | 10,000 | 0.23 |
| 100 | 10,000 | 0.23 |

NOTES:

1. The site plan shall be prepared in accordance with the provisions of the City of El Paso Ordinance 100-110 and 100-111.
2. The site plan shall be prepared in accordance with the provisions of the City of El Paso Ordinance 100-110 and 100-111.
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8. The site plan shall be prepared in accordance with the provisions of the City of El Paso Ordinance 100-110 and 100-111.
9. The site plan shall be prepared in accordance with the provisions of the City of El Paso Ordinance 100-110 and 100-111.
10. The site plan shall be prepared in accordance with the provisions of the City of El Paso Ordinance 100-110 and 100-111.

ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN, ENLARGED



110

ORDINANCE NO. 016702 CITY CLERK DEPT.
07 JUN 26 AM 9:00

AN ORDINANCE CHANGING THE ZONING OF TRACTS 1L1, & 1L2, BLOCK 10, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) DISTRICT TO R-2 (RESIDENTIAL/CONDITION) DISTRICT, AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

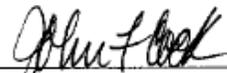
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Tracts 1L1, & 1L2, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas*, be changed from **R-F (Ranch/Farm) District** to **R-2/c (Residential/condition) District**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City: *"That the density be restricted to 2.5 units per acre, and that the property owner provide a 10' pedestrian pathway connection to the Stevens lateral and plants trees along Tyler Seth and Westside Drive ."*

PASSED AND APPROVED this 31st day of July, 2007.

THE CITY OF EL PASO



John F. Cook
Mayor

ATTEST:



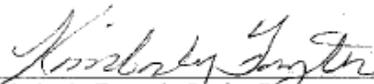
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Kimberly Forsyth, Senior Planner
Development Services Department

Doc#30897 v1 - Planning/ORD/ZON07-00037/Rezoning Application/Conditions

ORDINANCE NO. 016702

Zoning Case No: ZON07-00037