City of El Paso – City Plan Commission Staff Report

Case No: PZST15-00034
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: December 17, 2015
Staff Planner: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Location: 216 Emma Way
Legal Description: Tract 3B1, Block 42, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage: 0.18 acres
Rep District: 6
Zoning: R-4 (Residential)
Existing Use: Single-family dwelling
C/SC/SP/ZBA/LNC: N/A
Request: Special Use Permit to allow for a Group Residential Facility in R-4 (Residential) zone district and Infill Development Special Permit to allow for a parking reduction
Proposed Use: Group Residential Facility

Property Owner: Bertha Patricia Solis
Representative: Vanessa Magdaleno

SURROUNDING ZONING AND LAND USE
North: R-4 (Residential) / Single-family dwellings
South: R-4 (Residential) / Single-family dwellings
East: R-4 (Residential) / Single-family dwellings
West: R-4 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-War (Mission Valley Planning Area)
NEAREST PARK: Ysleta Park (713 feet)
NEAREST SCHOOL: Robert F. Kennedy Pre-K Center (2,257 feet)

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 December 2, 2015. The Planning Division has not received any communications in support or opposition to the special permit request.

APPLICATION DESCRIPTION
The applicant is requesting a special permit and detailed site development plan approval to allow for an existing single-family dwelling to be converted to a group residential facility in an R-4 (Residential) district. The detailed site development plan shows a 3,625 square-foot, 16 patient unit group residential facility. The development will need to comply with the State and Local code requirements on group residential facility. Group residential facility is a permitted use in the R-4 (Residential) district with the approval of a Special Permit as per Section 20.10.265. The proposed use requires 4 parking spaces and the applicant is providing 2 parking spaces and 3 bicycle spaces to include ADA parking. Infill development permits an automatic 50 percent parking reduction. All density, dimensional, and supplemental standards are being met. Access to the subject property is proposed from Emma Way.

Section 20.02.426 defines a "Group residential facility" as an "interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to more than eight (8) disabled persons, and who live together as a single housing unit. Disabled person has the meaning defined by the Federal Fair Housing Act of 1988, as amended. This use does not include a homeless shelter or halfway house defined in this Title."

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the requests for special permit and detailed site development plan review for group residential facility and infill development as it complies with Sections 20.10.280 Infill Development; 20.04.320, Special Permit, 20.04.150, Detailed Site Development Plan, 20.10.265, Group Residential Facility and the G-3 Post-war Plan El Paso comprehensive plan designation in the Mission Valley Planning area.

ANALYSIS

Group residential facility is a permitted use in R-4 (Residential) zone district with an approved Special Permit and Detailed Site Development Plan as identified by the zone district use regulations.

20.04.260 Special permits generally

A. The City Council may by special permit after hearing and report by the city plan commission authorize the location of the uses subject to special permits identified in the district regulations.

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.

20.10.280 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.

On November 3, 2015, City Council approved a waiver of the two location requirements when only one requirement can be met to designate an infill development overlay for the subject property.

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.

There is no specific plan area adopted by City Council. A group residential facility *is permitted in the R-4 (Residential) district with the approval of a special permit.*

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 not requesting any setback reductions.

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 4 parking spaces and the applicant is providing 2 parking spaces, seeking the 50 percent parking reduction.

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 the existing development in the area.

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 an expansion to an existing single-family dwelling, to accommodate the proposed assisted living facility.

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 not requesting any density or setback reductions. The proposed development 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 all the requirements for a 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.

20.10.265 Group Residential Facility

A. Occupancy: More than eight disabled persons.
B. An on-site resident staff person must be present at all times, whenever any residents of the facility are present.
C. The establishment shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance to the character of the general vicinity in which it is to be located.
D. Districts Permitted: when located at least 1,000 feet from all other licensed disabled group dwellings and licensed group residential facilities, by special permit in the following districts: R-1, R-2, R-3, R-4 and R-5, RMH, and in special purpose districts R-F; and by right in the following districts A-1, A-2, A-3, A-4, A-0 A-3/0, A-M; C-1, C-2, C-3, C-4, C-5; by Detailed Site Plan in the following special purpose districts PMD, S-D, P-R I, P-R II, and SRR; by Master Zoning Plan in special purpose district R-MU. The spacing component of these use regulations is based, not on the disabled status of the residents, but on the non-family status of the groups.
E. Exception to the Distance Requirements: The owner and applicant may request an exception to the distance requirement from city council. Chapter 20.04 Administrative Provisions, Article VI Changes and Amendments shall be followed to request this exception. The application fee for the public hearing shall be waived. A determination must be made by city council that the enforcement of the distance prohibition in the particular instance:
   1. Is not in the best interest of the public;
   2. Constitutes waste or the inefficient use of land or other resources;
   3. Creates an undue hardship on an applicant;
   4. Does not serve its intended purpose;
   5. Is not effective or necessary; or
   6. After consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
F. In accordance with the Federal Fair Housing Act, this use as defined does not extend to the following people:
   1. Persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent;
   2. Persons who claim to be disabled solely on the basis of having a criminal record;
   3. Persons who claim to be disabled solely on the basis of being registered as a sex offender;
   4. Persons who currently use illegal drugs;
   5. Persons who have been convicted of the manufacture or sale of illegal drugs; or
   6. Persons with or without disabilities who present a direct threat to the persons or property of others.
G. Measurements of distance in this section will be taken from property line to property line.
H. In the event a conflict arises regarding the distance requirement, the owner or operator of the group residential facility will have the burden of establishing "first in time" rights for purposes of complying with the distance requirement.

<u>Plan El Paso-Future Land Use Map Designation</u>

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

G-3, Post-war: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at

major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the R-4 (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.

TXDOT
Not on a state roadway.

Planning and Inspections Department – Building and Development Permitting
No objections to proposed special permit. However, applicant will need to submit construction documents for the proposed change of use of the structure. Based on the proposed occupancy a sprinkler system will be required to be installed within the structure and the structure will need to comply with all applicable provisions on the IBC and TAS.

Planning and Inspections Department - Landscaping Division
No objections to proposed special permit.

Planning and Inspections Department - Land Development
No objections.

Fire Department
Recommend approval.

Sun Metro
Sun Metro does not oppose the request.

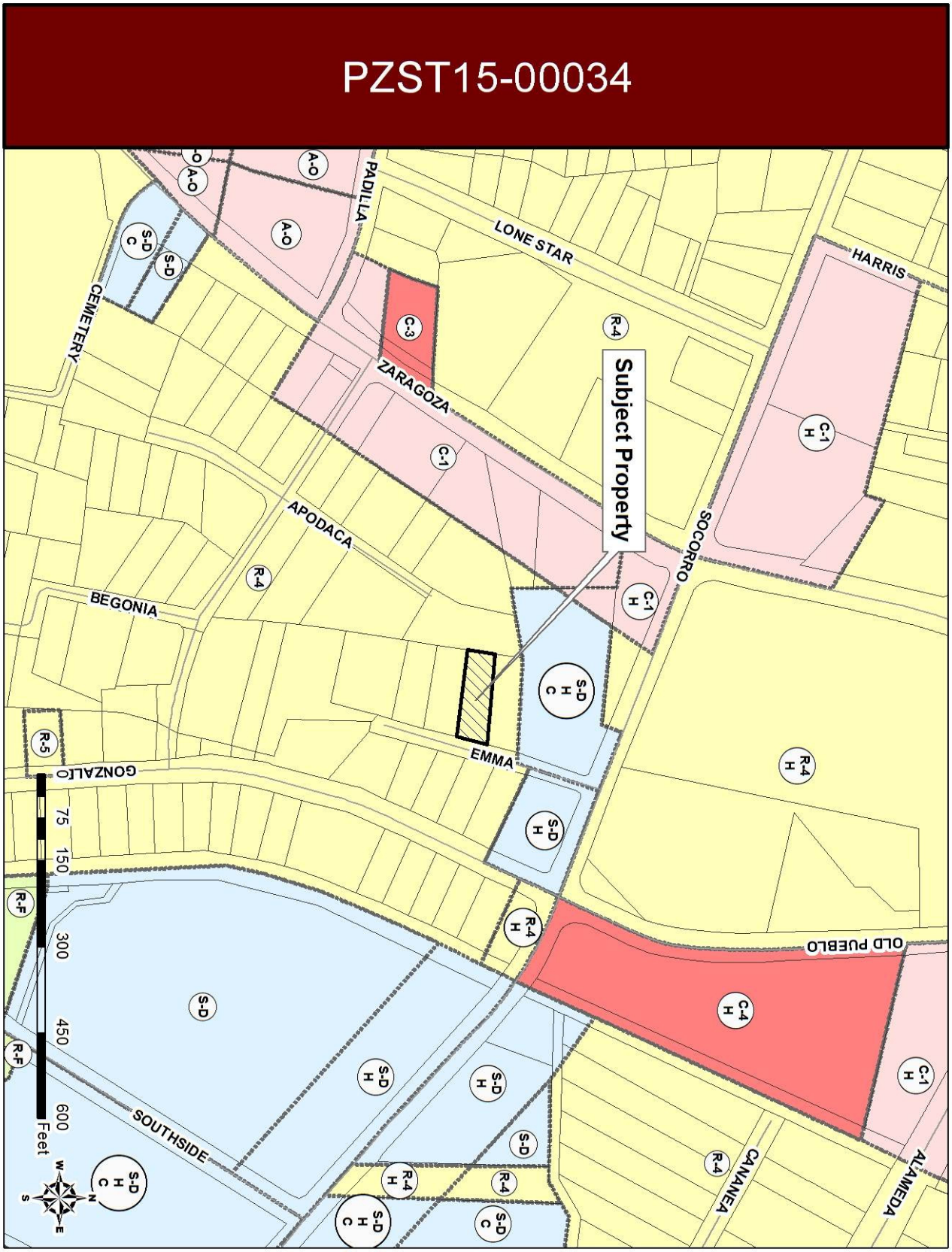
El Paso Water Utilities
1. EPWU-PSB does not object to this request
EPWU-PSB Comments
Water:
2. There is an existing 6-inch diameter water main along Emma Way fronting the subject property. This main dead ends approximately 132-feet south of the subject property.
3. EPWU records indicate there is a ¾-inch water meter serving the subject property. The service address for this meter is 216 Emma Way.
Sewer:
4. There is an existing 8-inch diameter gravity sewer main extending along Emma Way.
5. EPWU records indicate there is a 4-inch sewer service to the subject property. The service address for this meter is 216 Emma Way.
General:
6. EPWU requires a new service application to provide additional services 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

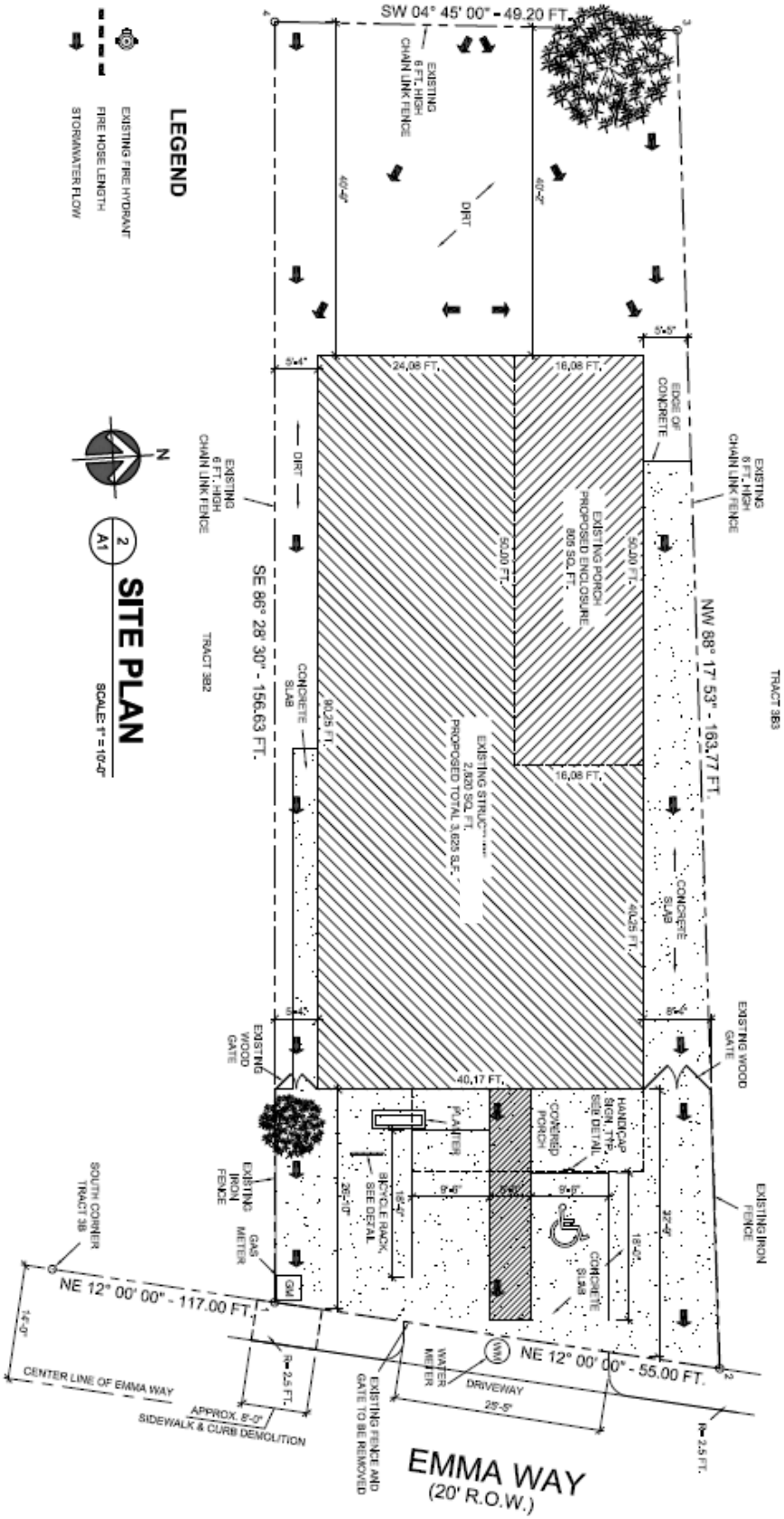
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations

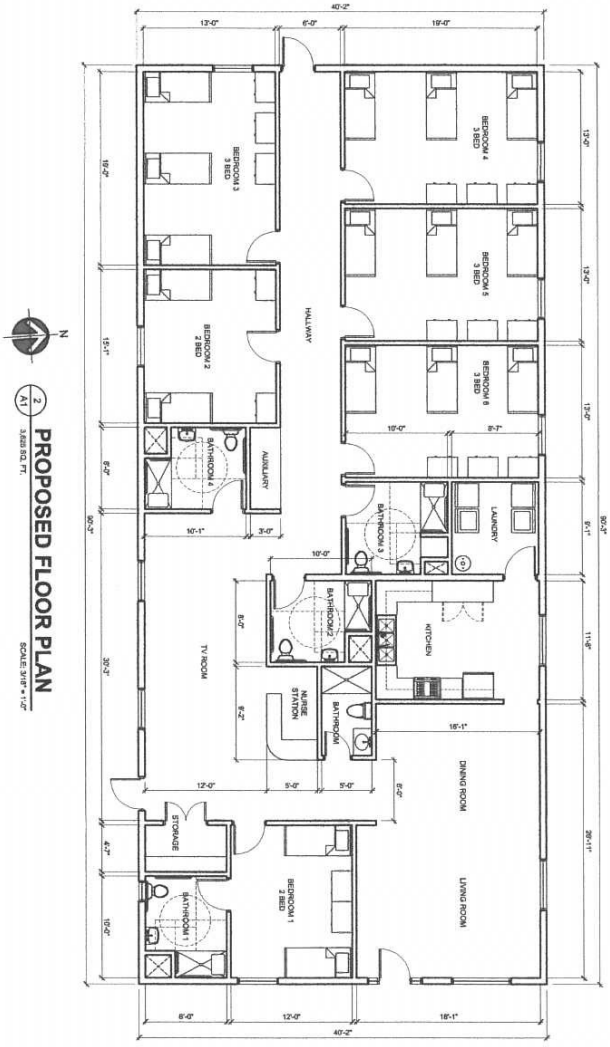
ATTACHMENT 1: ZONING MAP

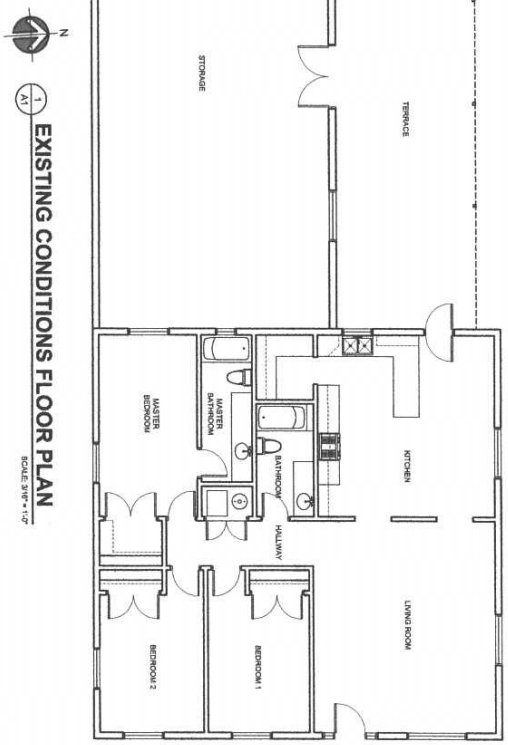


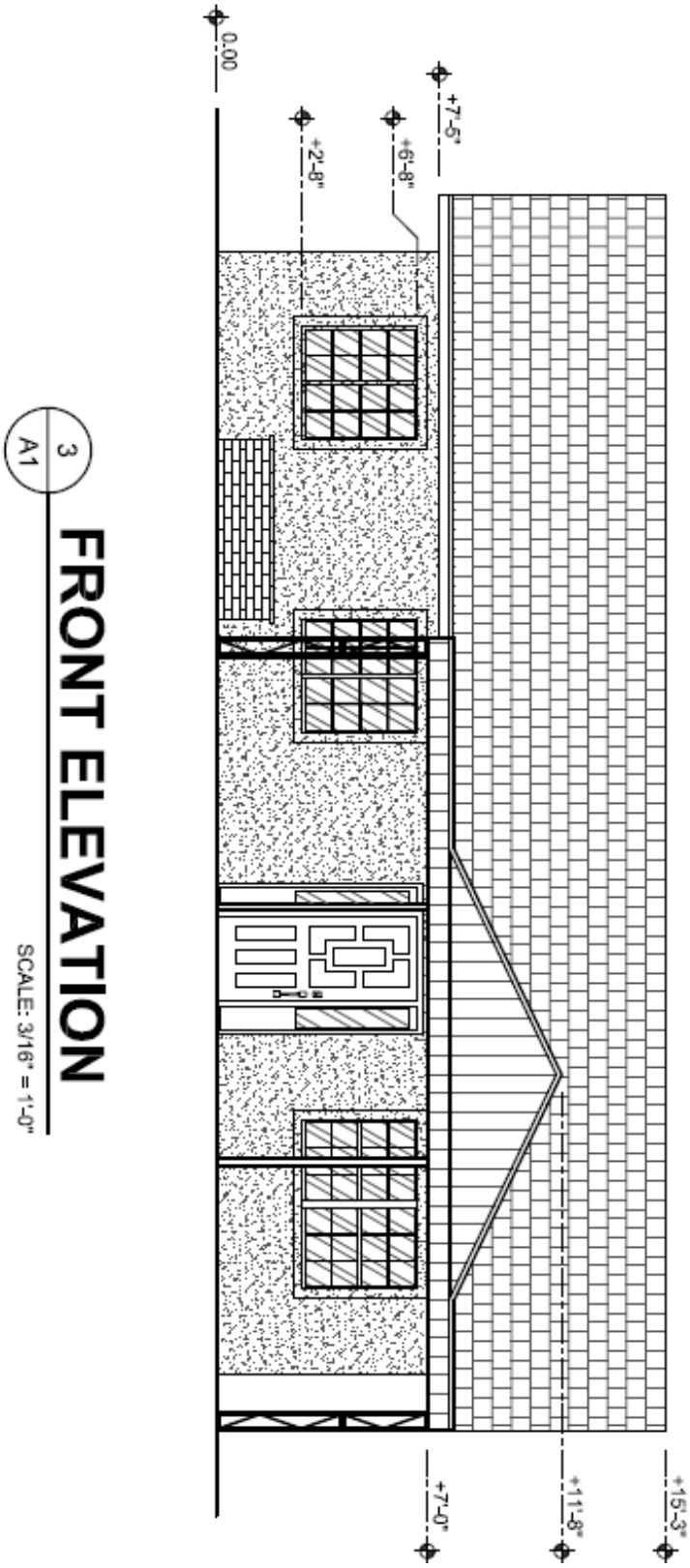
ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN




N
2
A1
PROPOSED FLOOR PLAN
SCALE: 3/16" = 1'-0"
40'-2"
12'-0"
6'-0"
19'-0"
BEDROOM 3
3 BED
BEDROOM 2
2 BED
BEDROOM 4
3 BED
BEDROOM 5
3 BED
BEDROOM 6
3 BED
HALLWAY
AUXILIARY
BATHROOM 4
BATHROOM 3
LAUNDRY
BATHROOM 2
KITCHEN
TV ROOM
NURSE STATION
BATHROOM
DINING ROOM
LIVING ROOM
STORAGE
BEDROOM 1
2 BED
BATHROOM 1
90'-3"
26'-11"


N
1
A1
EXISTING CONDITIONS FLOOR PLAN
SCALE: 3/16" = 1'-0"
STORAGE
TERRACE
KITCHEN
LIVING ROOM
MASTER BEDROOM
MASTER BATHROOM
BATHROOM
HALLWAY
BEDROOM 2
BEDROOM 1

9-1-2015

ATTACHMENT 4: ELEVATIONS