City of El Paso – City Plan Commission Staff Report

Case No: PZST15-00038
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: 14504 Long Shadow Avenue
Legal Description: Lot 14, Block 389, Tierra Del Este #69, City of El Paso, El Paso County, Texas
Acreage: 0.17 acres
Rep District: 5
Zoning: R-5 (Residential)
Existing Use: Single-family dwelling
C/SC/SP/ZBA/LNC: N/A
Request: Infill Development - to allow for side street yard setback reduction
Proposed Use: Addition to the existing single-family dwelling

Property Owner: Juan & Raquel Garcia
Representative: Juan & Raquel Garcia

SURROUNDING ZONING AND LAND USE
North: R-5 (Residential) / Single-family dwellings
South: R-5 (Residential) / Single-family dwellings
East: R-5 (Residential) / Single-family dwellings
West: R-5 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (East Planning Area)
NEAREST PARK: Tierra Del Este Linear (424 feet)
NEAREST SCHOOL: El Dorado High School (2,054 feet)

NEIGHBORHOOD ASSOCIATIONS
Eastside Civic Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 18, 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 for infill development and detailed site development plan review. The detailed site development plan shows an existing 180 sq. ft. side street yard addition to an existing 2,339 sq. ft. one-story single-family dwelling. The existing 180 sq. ft. addition on the side street yard was built without permits and no citations have been issued. The applicant is requesting the following reductions: from the required 10 feet side street yard setback to 2 feet. The request does not meet the requirements for side yard setback adjustment through the Zoning Board of Adjustment (ZBA). The owner needs a special permit to comply with the requirements regarding encroachment into required yard setback. Access to the subject property is proposed from Long Shadow Avenue.

PLANNING DIVISION RECOMMENDATION
The Planning Division's 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.

   On November 3, 2015, City Council approved a waiver of the two location requirements to designate an infill development overlay for a 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 single-family dwelling is permitted in the R-5 (Residential) 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.

   The applicant is requesting the following reduction in dimensional standards:

DIMENSION	REQUIRED	PROPOSED
Side Street Yard Setback	10 ft.	2 ft.

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.

No density increase is proposed.

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 side street 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.

Pending.

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

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

G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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-5 (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
1. Applicant needs to provide a site plan that identifies the distance from the proposed walk-in closet to the property lines and front and rear setbacks.
2. Is the utility easement contiguous around both streets?
3. As currently shown the roof framing on the addition does not conform to structural requirements of the IRC. The ledger is undersized and the beam is over spanned

Planning and Inspections Department - Land Development
No objections.

Fire Department
Recommend approval.

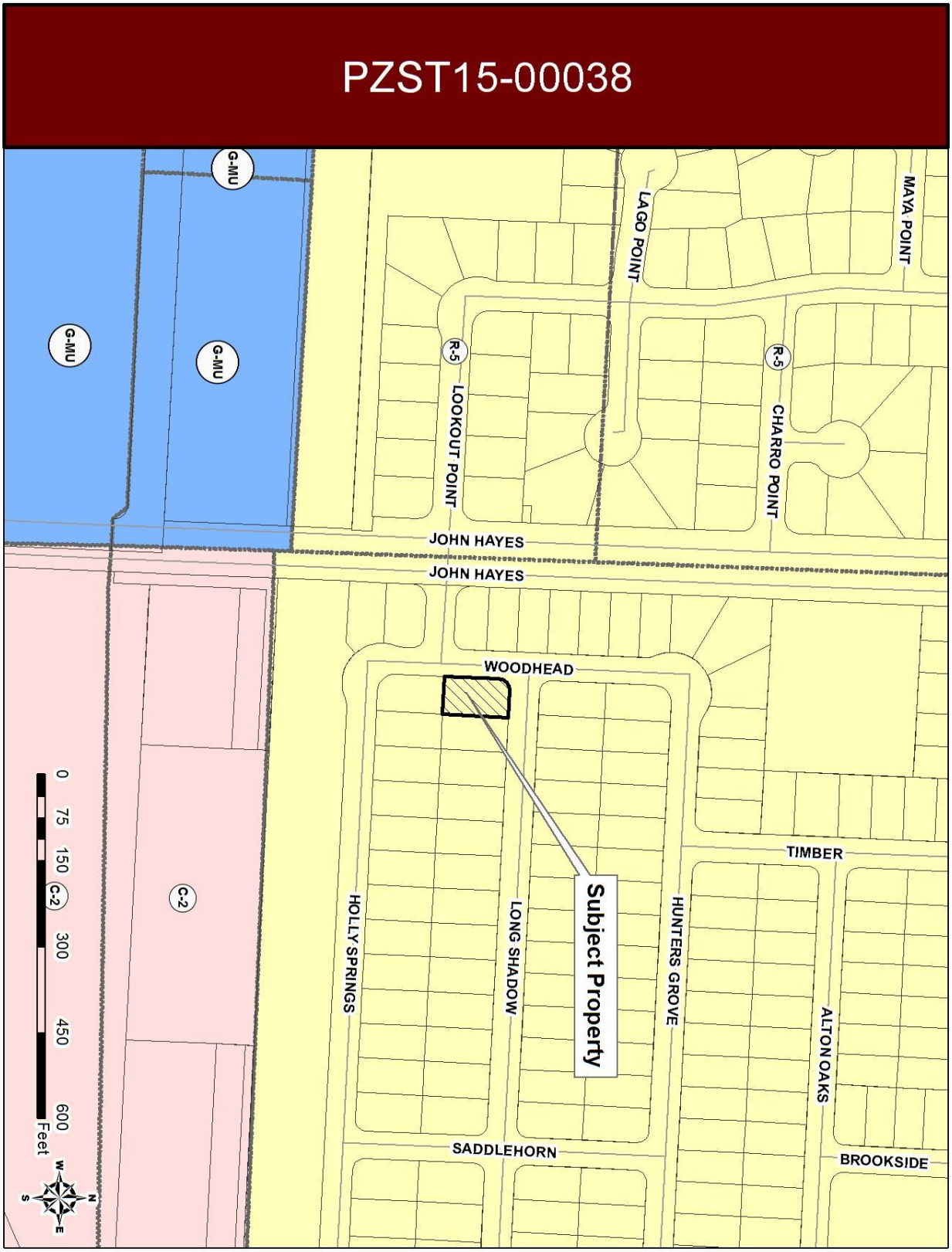
Sun Metro
Sun Metro does not oppose this request.

El Paso Water Utilities
No comments received.

El Paso Water Utilities - Stormwater Division
No objections.

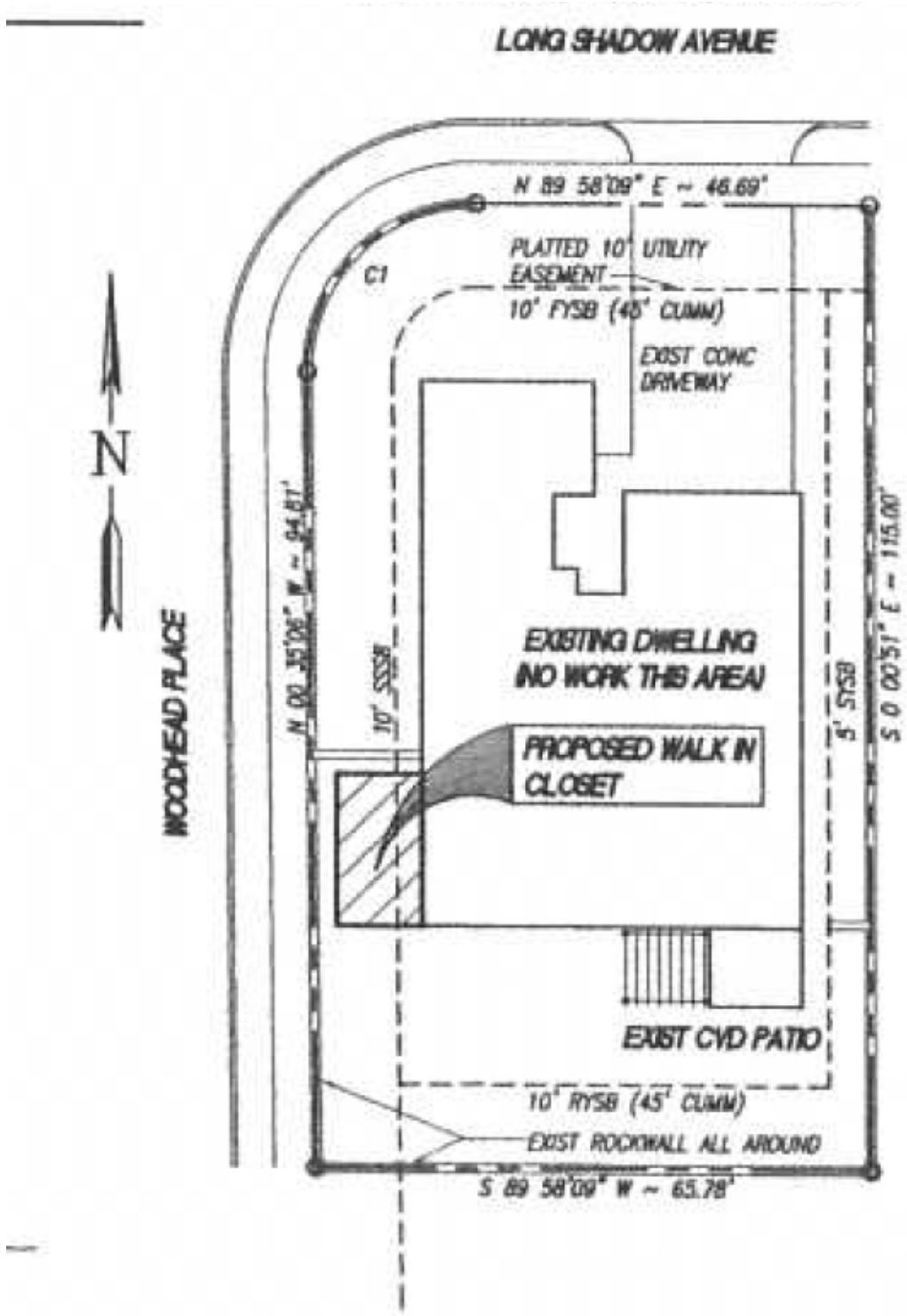
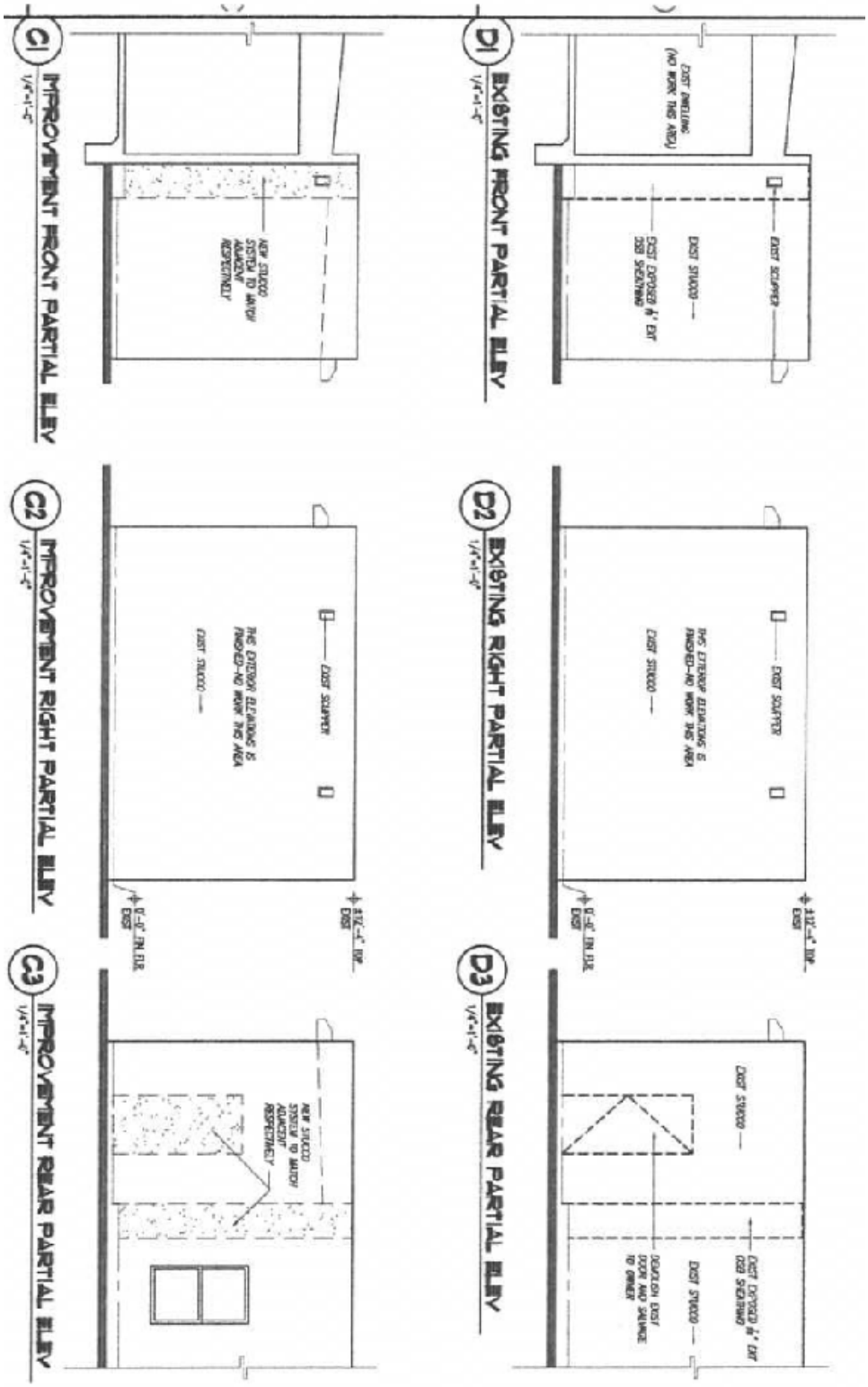
Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevation

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS