

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

**DEPARTMENT:** Planning & Inspections Department, Planning Division

**AGENDA DATE:** Consent Agenda; Public Hearing: March 7, 2017

**CONTACT PERSON/PHONE:** Larry Nichols, (915) 212-1550, [NicholsLF@elpasotexas.gov](mailto:NicholsLF@elpasotexas.gov)  
Andrew Salloum, (915) 212-1643, [SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

Discussion and action requesting the City Council to waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280A when only one factor is met, for the property legally described as Lot 10, Block 3, Amen Corner Amending Subdivision, 5008 Amen Corner Drive, City of El Paso, El Paso County, Texas (District 8)

**BACKGROUND / DISCUSSION:**

Property meets only one criterion: located in a state enterprise zone.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

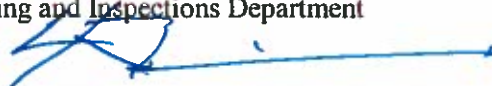
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Larry F. Nichols  
Director, Planning and Inspections Department



**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **RESOLUTION**

**WHEREAS**, the applicant is requesting a special permit for infill development; and

**WHEREAS**, Section 20.10.280 of the El Paso City Code governs special permits for infill development; and

**WHEREAS**, Section 20.10.280(A) of the El Paso City Code requires that a property eligible for infill development meet at least two of the following factors: (1) that the property be wholly or partially located within a designated tax increment zone, (2) that the property be wholly or partially located within a state or federal enterprise zone, (3) that the property be wholly or partially located within an empowerment zone, (4) that the property be located within a designated redevelopment area, (5) that the property be located within an historic district; and (6) that the property be located within a subdivision that has been recorded and developed for at least 30 years; and

**WHEREAS**, the current property only meets the factor that the property be located wholly or partially within a designated state or federal enterprise zone; and

**WHEREAS**, Section 20.10.280(A) allows City Council to waive the two factor requirement.

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

That the City Council hereby waives the two factor requirement to designate a property with an infill development overlay pursuant to Municipal Code 20.10.280A for the following property legally described as Lot 10, Block 3, Amen Corner Amending Subdivision, 5008 Amen Corner Drive, City of El Paso, El Paso County, Texas.

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

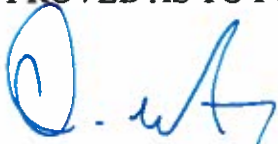
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**



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Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



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Larry F. Nichols, Director  
Planning & Inspections Department

## **MEMORANDUM**

**DATE:** February 27, 2017

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Andrew Salloum, Planner

**SUBJECT:** Request for waiver of one requirement for Infill Development Section 20.10.280A

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The applicant is requesting a waiver of one of two requirements of Section 20.10.280A Infill Development of the El Paso City Code which requires that the subject property where an infill development is proposed be located in a subdivision that has been in existence for 30 years or more or that it be located in any state, federal or local tax increment zone, empowerment zone or redevelopment area. The subject property is located in a state enterprise zone and complies with one of the two requirements. The City Code allows for one of the two requirements to be waived by City Council. The subject property is within a subdivision that has not been in existence for 30 years or more, necessitating the waiver of the requirement.

**Attachments:** Request Letter, Detailed Site Plan

**Infill Requirement Waiver Section 20.10.280 (A)**

**5008 Amen Corner Drive**

**Legal Description: Lot 10, Block 3, Amen Corner Amending Subdivision, City of El Paso, El Paso County, Texas**

**This letter is submitted as a request for a waiver concerning the City of El Paso Code Section 20.10.280 (A). The waiver request is to the requirement that the subdivision be platted for 30 years or more in order to apply for the infill development.**

**I am the owner of the subject property located at 5008 Amen Corner Drive.**

**Sincerely,**

**Tom Aber  
Aber Investments, LLC  
6616 Wind Ridge Drive  
El Paso, Texas 79912  
915-478-3132**





## Recommendation/Public Input

- City Council has sole authority in granting a waiver of one of the two requirements for infill development prior to the submittal of an infill special permit per Title 20 Zoning Code, Section 20.10.280A



# Infill Requirement Waiver

## 5008 Amen Corner Drive





### **LOCATION CRITERIA.**

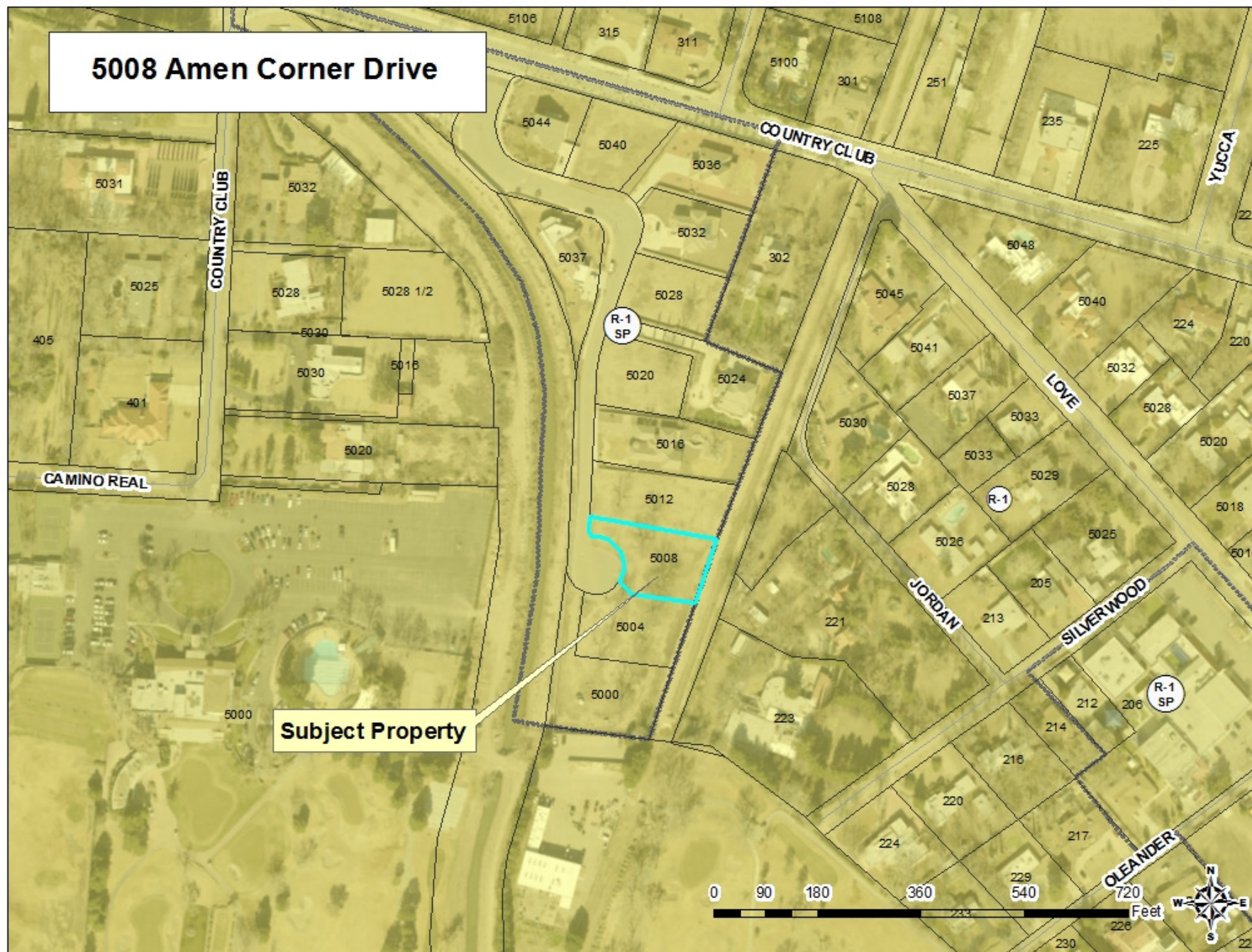
An infill development may be designated for any property on which at least two of the following factors are present:

1. 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,
2. 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.

### **WAIVER PROCESS:**

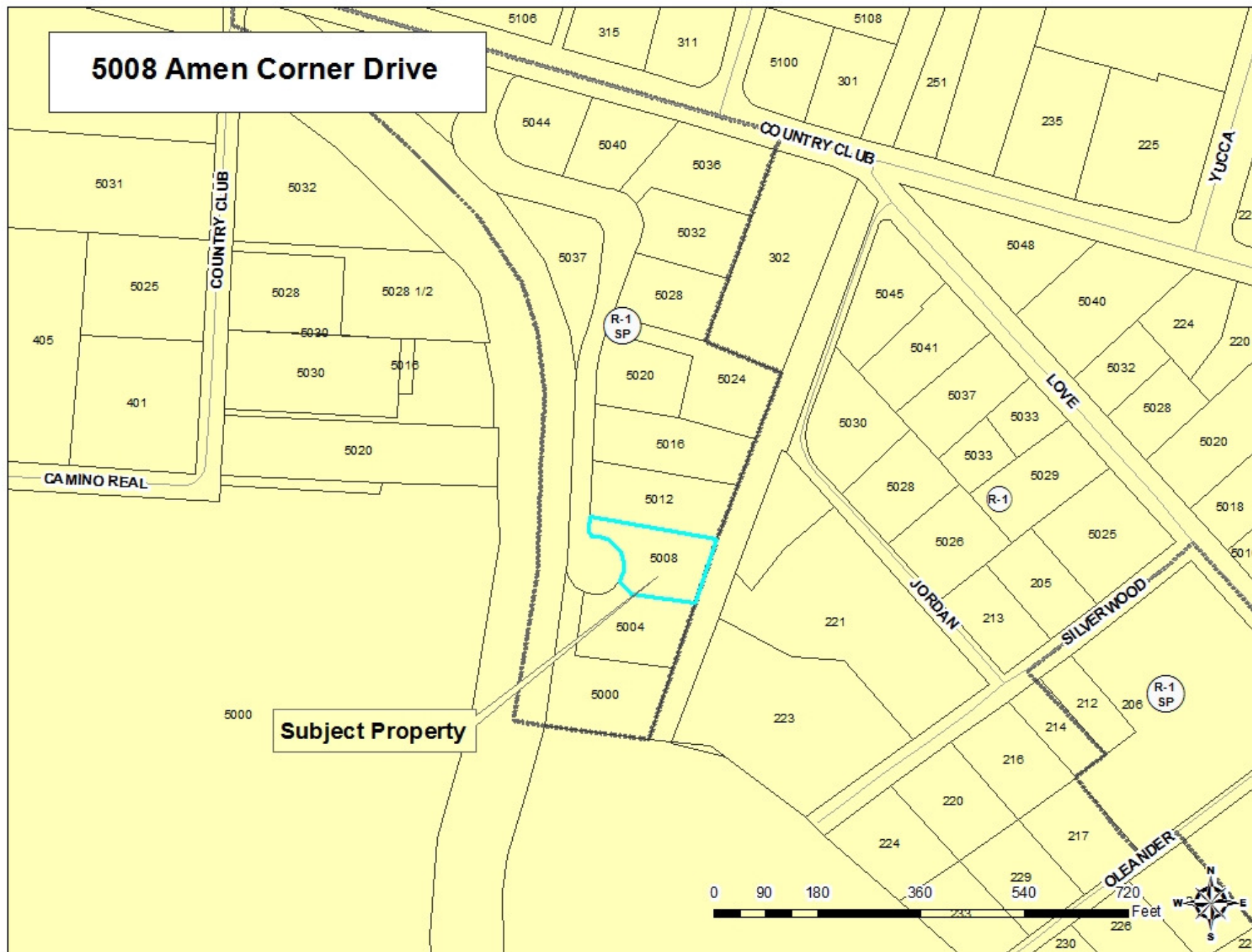
Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met.

**5008 Amen Corner Drive**





**5008 Amen Corner Drive**





5008 Amen Corner Drive

### Subject Property





# Request Letter

Infill Requirement Waiver Section 20.10.280 (A)

5008 Amen Corner Drive

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I am the owner of the subject property located at 5008 Amen Corner Drive.

Sincerely,

Tom Aber  
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# Detailed Site Plan

