

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

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

**AGENDA DATE:** Regular Agenda; Public Hearing: March 24, 2015

**CONTACT PERSON/PHONE:** Carlos Gallinar, (915) 212-1559, [gallinarrc@elpasotexas.gov](mailto:gallinarrc@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 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located Parcel 1: 4804 Doniphan Drive, Parcel 2: 4808 Doniphan Drive, Parcel 3: 4820 Doniphan Drive, and Parcel 4: East of Doniphan Drive at Sunset Drive, legally described as Parcel 1: Tract 9-B, Abstract 48, J.M. Jett Survey 155, 4804 Doniphan Drive, City of El Paso, El Paso County, Texas; Parcel 2: Lot 2, Block 1, Weiner Sunset, 4808 Doniphan Drive, City of El Paso, El Paso County, Texas; and Parcel 3: Tract 10-A, Abstract 48, J.M. Jett Survey 155, 4820 Doniphan Drive, City of El Paso, El Paso County, Texas; and Parcel 4: Tract 14-E-1, J.M. Jett Survey 155, City of El Paso, El Paso County, Texas.. **(District 8)**

**BACKGROUND / DISCUSSION:**

Memo is attached

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – N/A

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

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

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

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, Planning and Inspections Department

**APPROVED FOR AGENDA:**

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

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

**RESOLUTION**

**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 Parcel 1: Tract 9-B, Abstract 48, J.M. Jett Survey 155, 4804 Doniphan Drive, City of El Paso, El Paso County, Texas; Parcel 2: Lot 2, Block 1, Weiner Sunset, 4808 Doniphan Drive, City of El Paso, El Paso County, Texas; and Parcel 3: Tract 10-A, Abstract 48, J.M. Jett Survey 155, 4820 Doniphan Drive, City of El Paso, El Paso County, Texas; and Parcel 4: Tract 14-E-1, J.M. Jett Survey 155, City of El Paso, El Paso County, Texas.

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

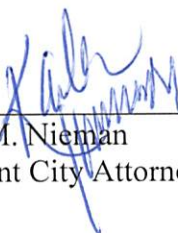
**THE CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Director  
Planning & Inspections Department

## MEMORANDUM

**DATE:** March 16, 2015

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

**FROM:** Arturo Rubio, Lead Planner

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

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The applicant is requesting a waiver of one of two requirements as part of an Infill Special Permit application. Section 20.10.280 Infill Development of the City Code requires that the subject property proposing an infill special permit 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 be waived by City Council. The subject property has been subdivided for less than 30 years and would require a waiver of the two requirements for infill development.

**Attachment:** Request Letter, Conceptual plan



# EP RIVERBEND DEVELOPMENT

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TO: City of El Paso, City Development Department – Planning Division  
Mr. Arturo Rubio – Senior Planner

FROM: Will S. Harvey

DATE: March 6, 2015

RE: 4804 Doniphan, JM Jett Survey 155 Abst 48 TR 9-B; 4804 Doniphan 1 Weiner  
Sunset Tracts Lot 2; 4820 Doniphan JM Jett Survey 155 Abst 48 TR 10-A; JM  
Jett Survey 155 TR 14-E-1

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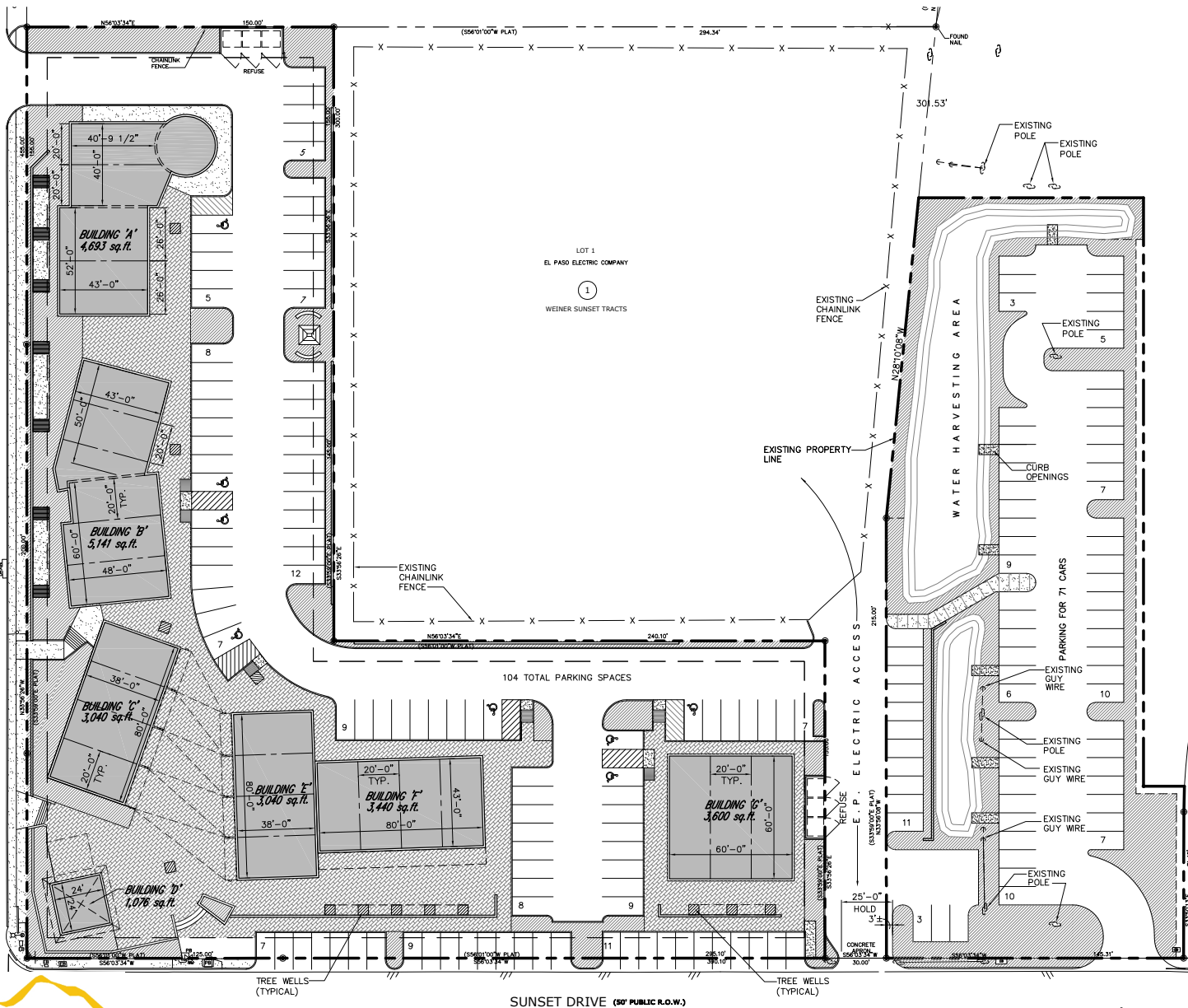
Mr. Rubio,

The owners of the above property hereby request a waiver of the requirements for a subdivision to be 30 years old to be eligible to receive infill designations and therefore allow the owners to apply for incentives per the city development department's current incentive program.

We are requesting the waiver in order to apply for the infill incentive so that we can be eligible for the tax refunds made available through the incentive program. This will allow the owners plans for development to become financially viable and add value to the city through an increased tax basis as well as add jobs to an area that would benefit from the dynamic vibrancy the planned project would add to the area.

Respectfully submitted,

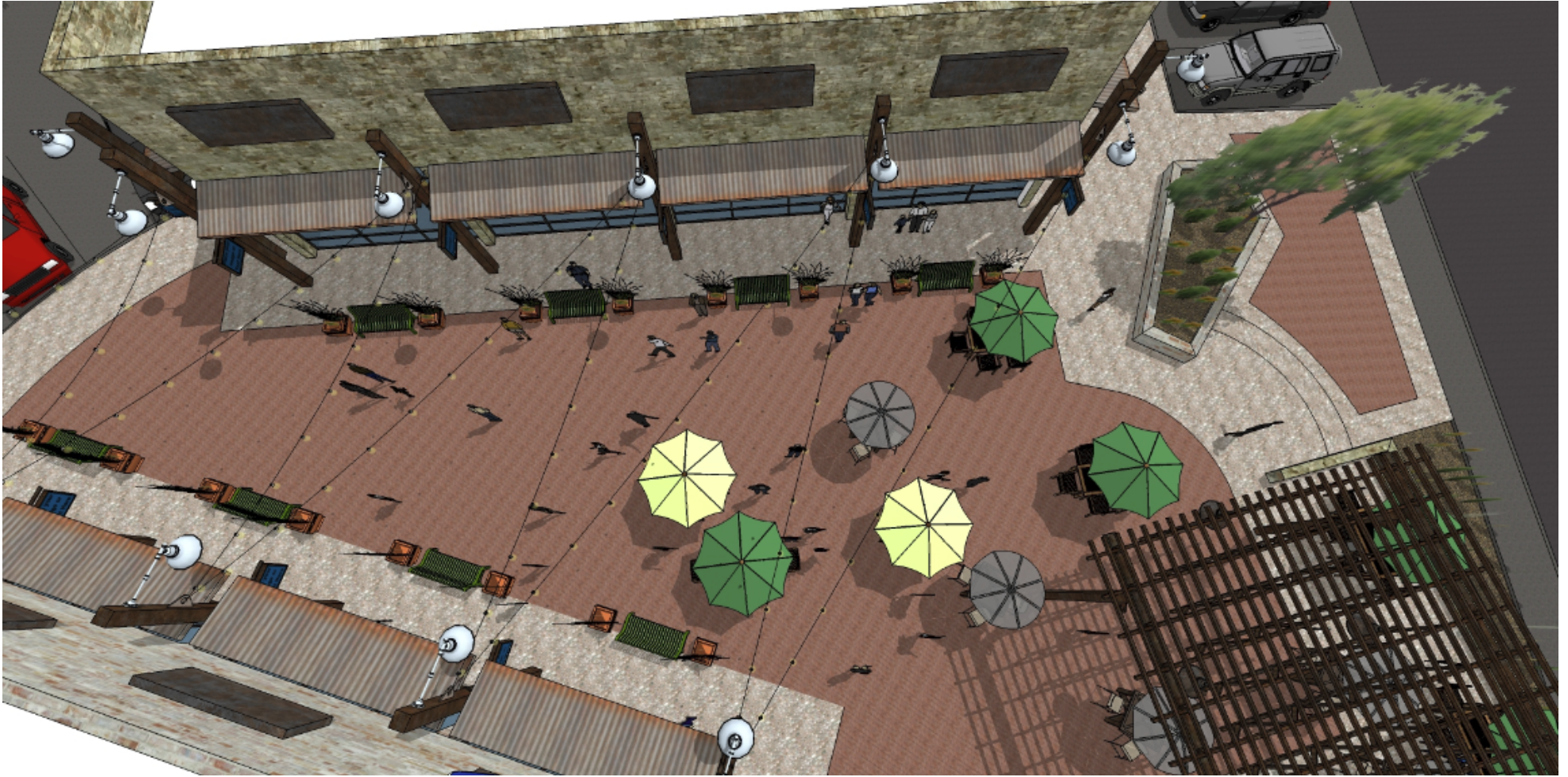
Will S. Harvey  
EP Riverbend Development, LLC



N  
**MASTER SITE PLAN**  
 SCALE: 1" = 50'-0"

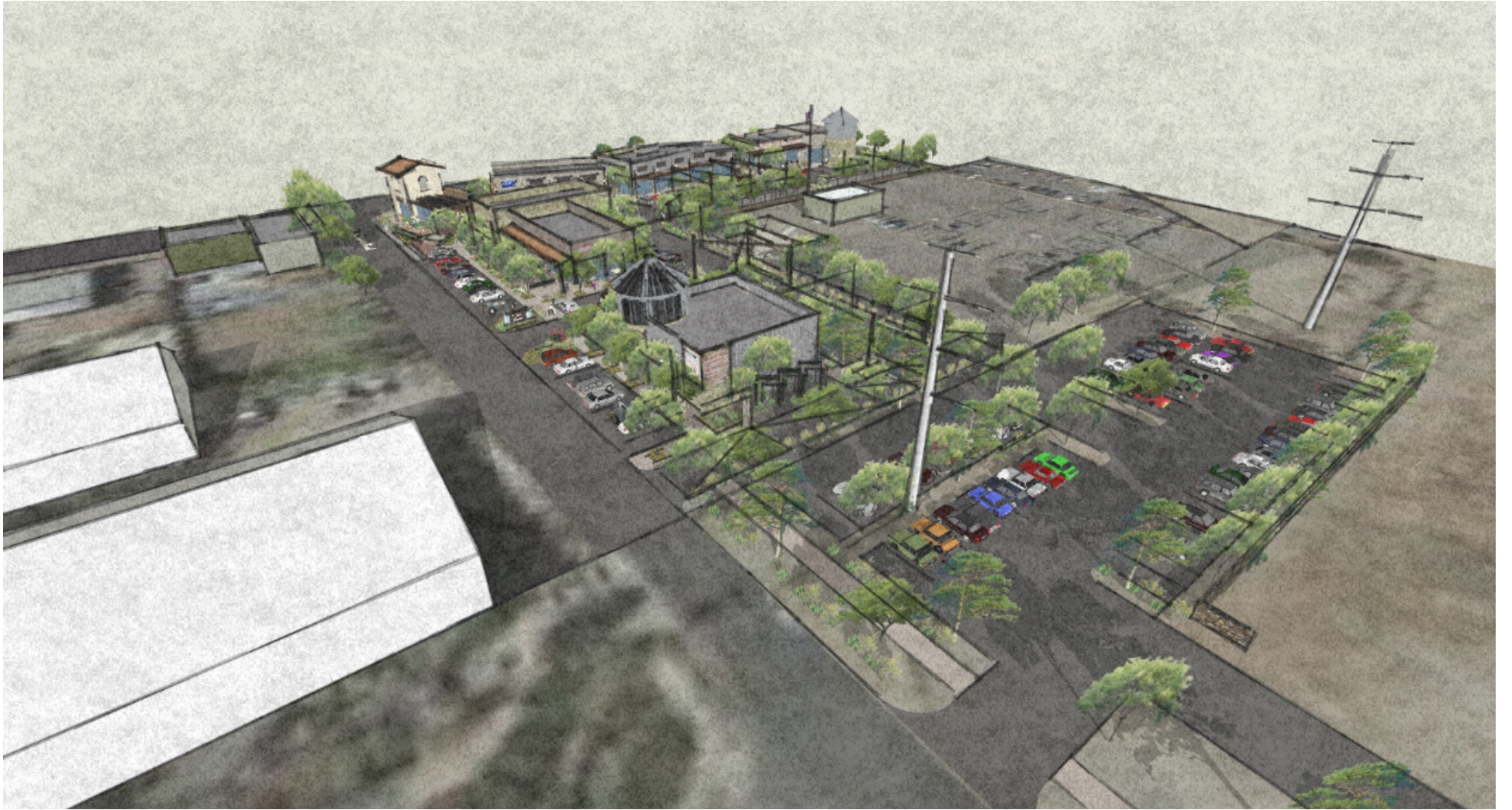














## Recommendation/Public Input

- 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



# Infill Requirement Waiver- Doniphan Drive and Sunset Road



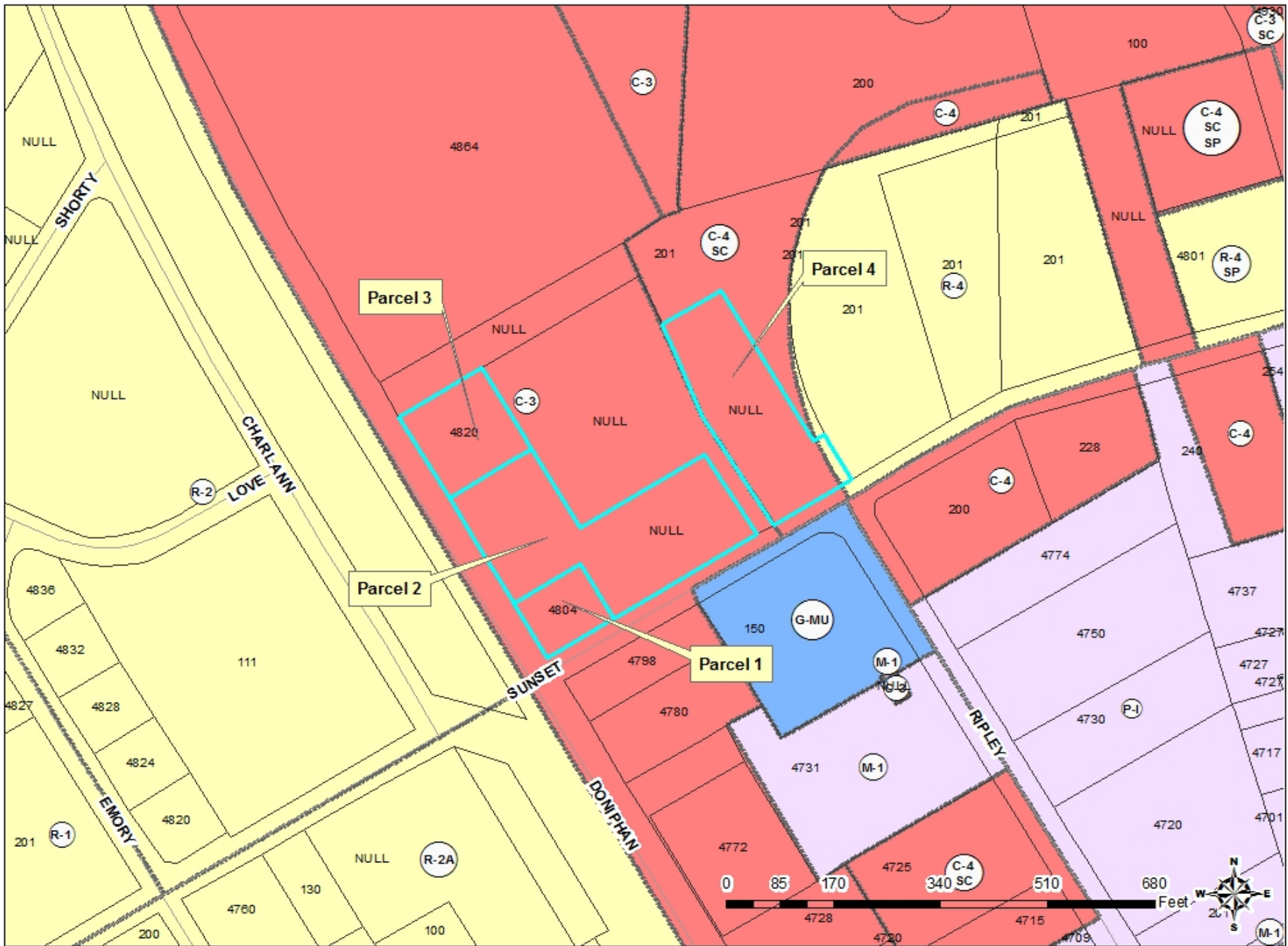
### **LOCATION CRITERIA.**

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.







# REQUEST LETTER



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TO: City of El Paso, City Development Department – Planning Division  
Mr. Arturo Rubio – Senior Planner

FROM: Will S. Harvey

DATE: March 6, 2015

RE: 4804 Doniphan, JM Jett Survey 155 Abst 48 TR 9-B; 4804 Doniphan 1 Weiner  
Sunset Tracts Lot 2; 4820 Doniphan JM Jett Survey 155 Abst 48 TR 10-A; JM  
Jett Survey 155 TR 14-E-1

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "W. Harvey".

Will S. Harvey  
EP Riverbend Development, LLC











