

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

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Regular Agenda; Public Hearing: December 9, 2014

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 212-1613, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 1

**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 at 5888 Doniphan Drive, legally described as Lots 1& 2, Cudahy-Locke Subdivision, City of El Paso, El Paso County, Texas. **(District 1)**

**BACKGROUND / DISCUSSION:**

Request letter and conceptual plan are attached.

**PRIOR COUNCIL ACTION:**

**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, City Development 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 Lots 1 & 2 Cudahy-Locke Subdivision, 5888 Doniphan Drive, City of El Paso, El Paso County, Texas.

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
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  
City Development Department

## **MEMORANDUM**

**DATE:** November 13, 2014

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

**FROM:** Arturo Rubio, Senior 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 the two requirements as part of an Infill Special Permit application. Section 20.10.280 Infill Development of the El Paso City Code requires that the subject property where an infill special permit is proposed meet two of any of the following location criteria: 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 only one of the two requirements. The City Code allows for one of the two requirements be waived by City Council. The subject property is within a subdivision that has been recently subdivided in 2014, necessitating the waiver of the requirement for a subdivision that has been in existence for 30 years or more.

**Attachments:** Resolution, Request letter, Conceptual Plan

**WAIVER REQUEST LETTER**  
**CUDAHY-LOCKE INVESTMENTS LLC**

CITY OF EL PASO  
CITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION  
EL PASO TEXAS 79901

Attn: Mr. Art Rubio – Senior Planner

**RE: 190 Edgar Road and 5888 Doniphan Drive, El Paso Tx. 79932 ( lots 1 & 2 of Cudahy-Locke Subdivision)**

Mr. Rubio.

CUDAHY-LOCKE INVESTMENTS LLC, represented by our manager, Gilberto Millot, hereby request a waiver of the requirements for subdivision to be 30 years old to be eligible for our lots to receive the “Infill Designation” in order for us to seek a special permit as allowed in section 20.10.280 of the City of El Paso Municipal Code.

We are proposing to add 28 apartment units to lot # 2, which currently has 11 existing apartment units, said addition will be done in phases in the near future, We are also proposing to develop lot # 1 as a strip commercial center consisting in 13 retail commercial units of approximately 1000 s.f. each, attached you will find a site plan showing the proposed development for both lots.

The prompt approval of this waiver request will allow us to apply for a “Special permit “ which will permit us design flexibility to comply with the surrounding use and character of the typical development of the area.

Thanks a million for your consideration to this matter.

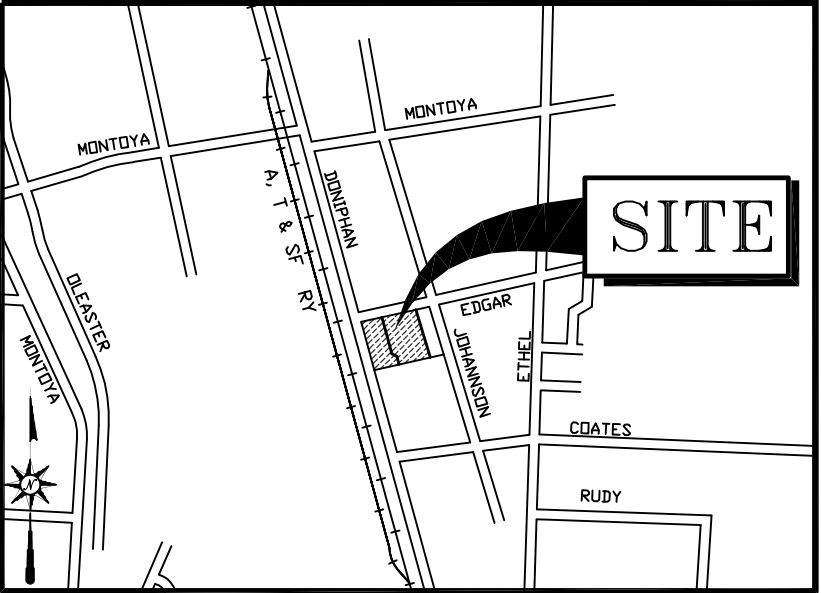
Sincerely,



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Gilberto Millot- General Manager (562) 572-3507

LOCATION MAP  
SCALE 1" = 600'



LOT 1 DEVELOPMENT

BUILDING	EXISTING	PROPOSED	PARKING REQUIRED
BUILDING "D"	7 - STUDIOS	DEMOLISHED	N/A
COMMERCIAL BLDG	-----	12,845 S.F. RETAIL	12845/240 = 52
TOTAL	NONE	13 RETAIL UNITS	52 SPACES REQUIRED 45 SPACES PROVIDED
LANDSCAPED AREA REQUIRED (REDUCED 30%):		39,882 (0.15) (0.70) = 4,119 S.F.	
LANDSCAPED AREA PROVIDED:		4,123 s.f.	

LOT 2 DEVELOPMENT

BUILDING	EXISTING	PROPOSED	PARKING REQUIRED
BUILDING "A"	6 - 1 BDR.	6 - 1 BDR.	(12) x 1.5 = 18
BUILDING "B"	2 - 2 BDR.		(2) x 2 = 4
	2 - 1 BDR.		(2) x 1.5 = 3
	1 - STUDIO.	8 - STUDIOS.	(9) x 1.0 = 9
BUILDING "C"		2 - 2 BDR.	(2) x 2 = 4
		8 - 1 BDR.	(8) x 1.5 = 12
		4 - STUDIOS	(4) x 1 = 4
TOTAL	11 UNITS	28 UNITS	54 SPACES REQUIRED 32 SPACES PROVIDED
LANDSCAPED AREA REQUIRED (REDUCED 30%):		42,618 (0.15) (0.70) = 4,470 S.F.	
LANDSCAPED AREA PROVIDED:		4,535 s.f.	
DENSITY PERMITTED:		42,618/43560 (29) = 28 UNITS	39 UNITS PROPOSED

LEGEND:

- = EXISTING DRAINAGE SHEATH FLOW
- AREA WHERE A CHANGE OF ZONE IS BEING APPLIED FOR
- PROPOSED AREA TO BE LANDSCAPED

LEGAL DESCRIPTION:

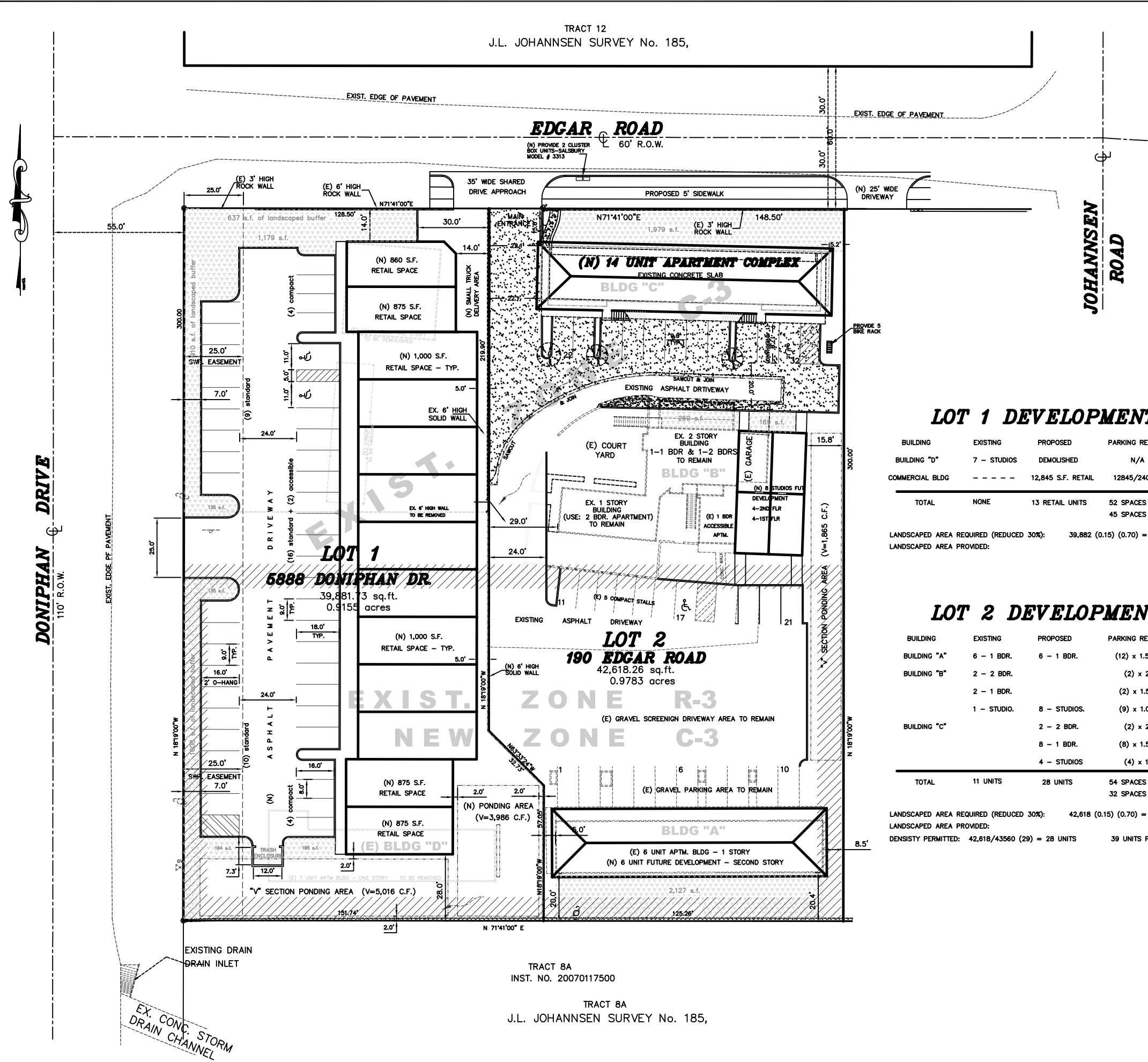
LOTS 1 AND 2 OF BLOCK 1 OF CUDAHY-LOCKE SUBDIVISION, IN THE CITY OF EL PASO, RECORDED ON SEPTEMBER 2, 2014, IN FILE NO. 20140056510, RECORDS OF EL PASO COUNTY, TEXAS.

BUILDING SETBACKS

FOR C-3 ZONE	REQUIRED	EXIST./PROVIDED	
		LOT 1	LOT 2
MINIMUM FRONT YARD: . . . . .	0 ft.	68.5'	15.6'
MINIMUM REAR YARD: (lot 1/lot 2). . . . .	10/25 ft.	5.0'	20.0'
MINIMUM CUMULATIVE FRONT/REAR YARDS: .	N/A		
MINIMUM SIDE YARD:. . . . .	5 ft.	28.0'	5.2'
MINIMUM SIDE STREET YARD: . . . . .	10 ft.	14.0'	N/A

ZONE CHANGE MAP

PROJECT THE S'LY HALF OF LOTS 1 & 2 OF CUDAHY-LOCKE SUBDIVISION, COUNTY OF EL PASO, TEXAS			
OWNER: CUDAHY-LOCKY INVESTMENTS LLC 241 BAGWELL COURT EL PASO, TEXAS 79932		SITE ADDRESS: 5888 DONIPHAN DR. & 190 EDGAR RD. EL PASO, TEXAS 79932	
PREPARED BY:		FILE DONIPHAN-REZONE.DWG	SHEET: 1 OF 1
SCALE: 1" = 20'		DATE 11/03/2014	





# Infill Requirement Waiver- 5888 Doniphan Drive

**LOCATION CRITERIA.**

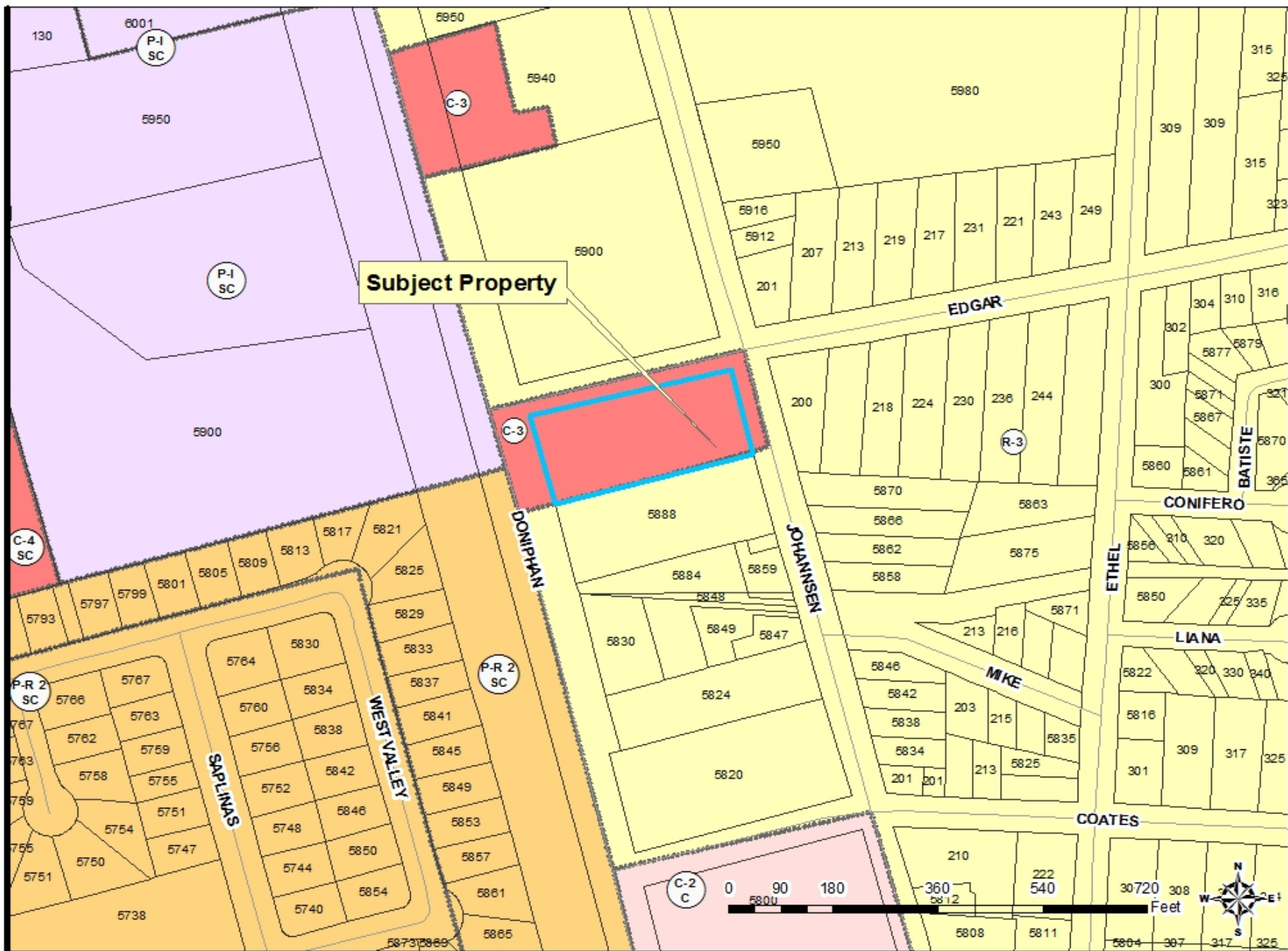
An infill development may be designated for any property on which at least two of the following factors are present:

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:**

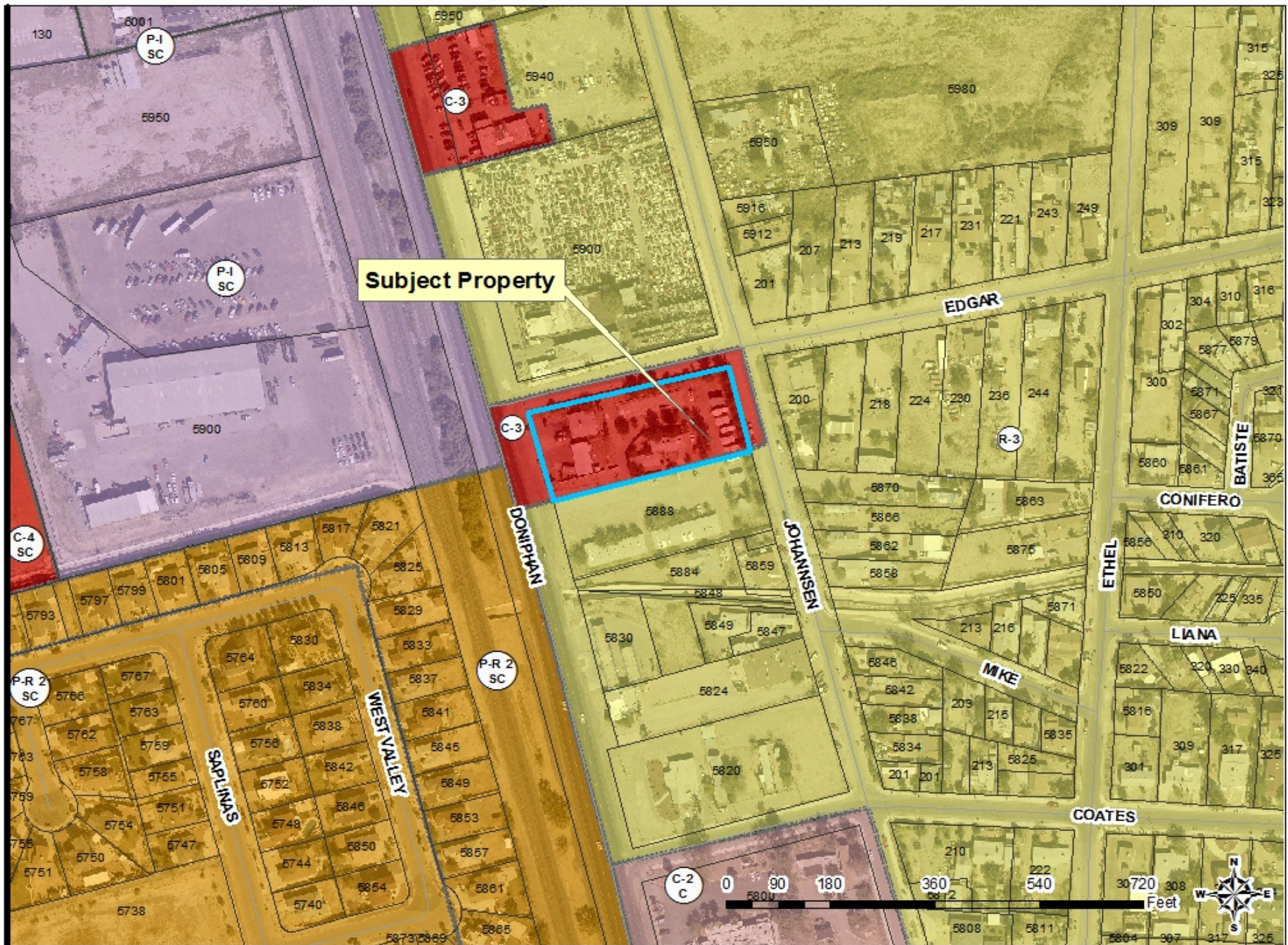
Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is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

Subject Property





Subject Property





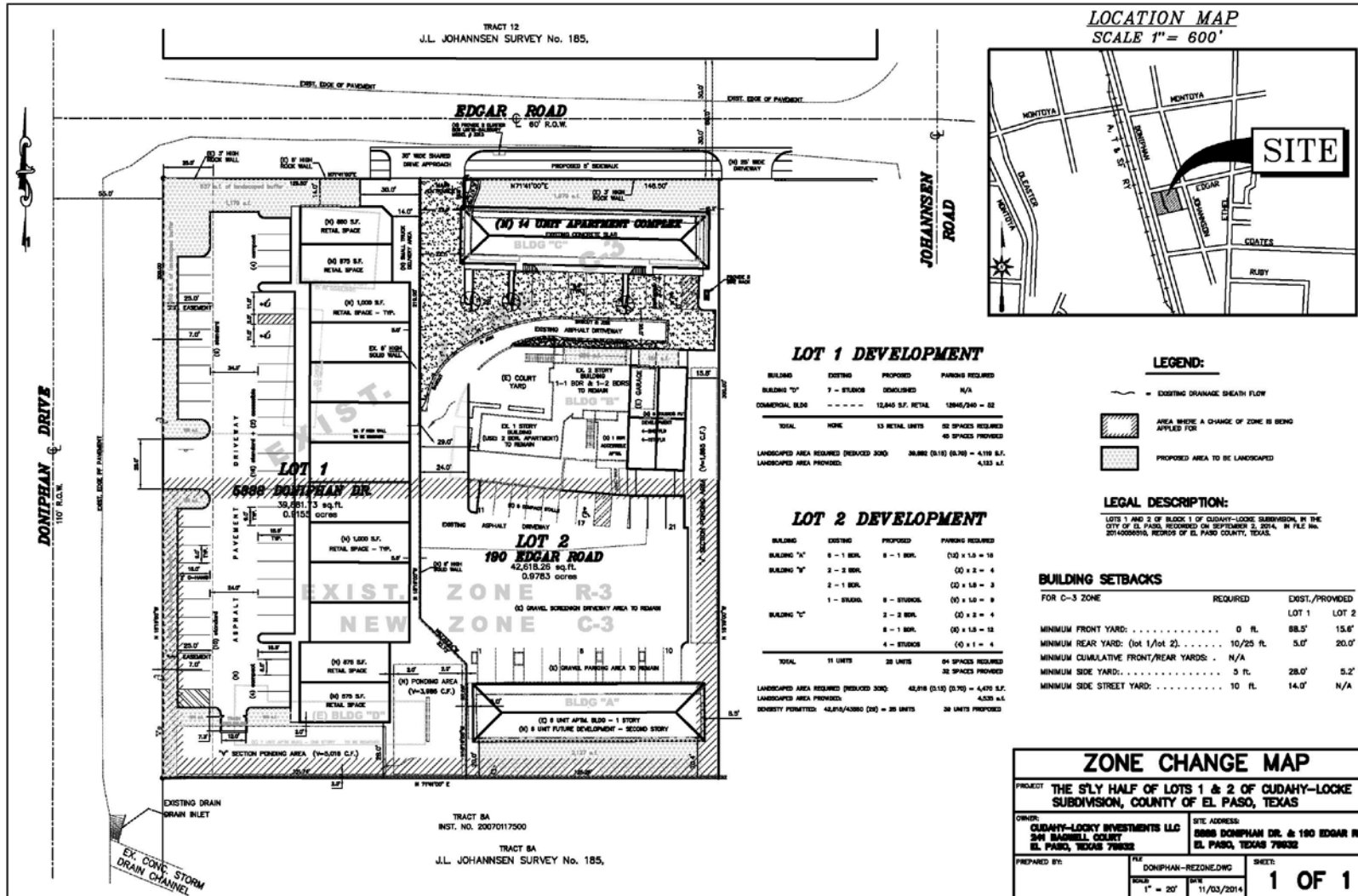
Subject Property







# CONCEPTUAL PLAN





# REQUEST LETTER

## WAIVER REQUEST LETTER

### CUDAHY-LOCKE INVESTMENTS LLC

CITY OF EL PASO  
CITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION  
EL PASO TEXAS 79901

Attn: Mr. Art Rubio – Senior Planner  
**RE: 190 Edgar Road and 5888 Doniphan Drive, El Paso Tx. 79932 ( lots 1 & 2 of Cudahy-Locke Subdivision)**

Mr. Rubio.

CUDAHY-LOCKE INVESTMENTS LLC, represented by our manager, Gilberto Millot, hereby request a waiver of the requirements for subdivision to be 30 years old to be eligible for our lots to receive the "Infill Designation" in order for us to seek a special permit as allowed in section 20.10.280 of the City of El Paso Municipal Code.

We are proposing to add 28 apartment units to lot # 2, which currently has 11 existing apartment units, said addition will be done in phases in the near future, We are also proposing to develop lot # 1 as a strip commercial center consisting in 13 retail commercial units of approximately 1000 s.f. each, attached you will find a site plan showing the proposed development for both lots.

The prompt approval of this waiver request will allow us to apply for a "Special permit " which will permit us design flexibility to comply with the surrounding use and character of the typical development of the area.

Thanks a million for your consideration to this matter.

Sincerely,

A handwritten signature in red ink, appearing to read "G Millot", is written over a horizontal line.

Gilberto Millot- General Manager (562) 572-3507

TRACT 12  
J.L. JOHANNSEN SURVEY No. 185.

LOCATION MAP  
SCALE 1" = 600'

**LOT 1 DEVELOPMENT**

BUILDING	EXISTING	PROPOSED	PARKING REQUIRED
BUILDING "D"	7 - STUDIO	CONCEALED	N/A
COMMERCIAL BLDG	-----	12,840 S.F. RETAIL	18840/240 = 82
TOTAL	NONE	13 RETAIL UNITS	82 SPACES REQUIRED 82 SPACES PROVIDED
LANDSCAPED AREA REQUIRED (REDUCED 30%)		26,880 (21,120) (2,175) = 4,175 S.F.	
LANDSCAPED AREA PROVIDED			4,133 S.F.

**LOT 2 DEVELOPMENT**

BUILDING	EXISTING	PROPOSED	PARKING REQUIRED
BUILDING "A"	0 - 1 BDR.	0 - 1 BDR.	(10) x 1.0 = 10
BUILDING "B"	2 - 2 BDR.		(0) x 2 = 0
	2 - 1 BDR.		(0) x 1.0 = 0
BUILDING "C"	1 - STUDIO	0 - STUDIO	(0) x 1.0 = 0
		2 - 2 BDR.	(0) x 2 = 0
		0 - 1 BDR.	(0) x 1.0 = 0
		4 - STUDIO	(0) x 1 = 0
TOTAL	11 UNITS	20 UNITS	84 SPACES REQUIRED 82 SPACES PROVIDED
LANDSCAPED AREA REQUIRED (REDUCED 30%)		40,176 (31,120) (2,175) = 4,475 S.F.	
LANDSCAPED AREA PROVIDED			4,538 S.F.
DENSITY PERMITTED	48,014/4,380 (20) = 20 UNITS		20 UNITS PROVIDED

**LEGAL DESCRIPTION:**  
 LOTS 1 AND 2 OF BLOCK 1 OF CUDAHY-LOCKE SUBDIVISION, IN THE CITY OF EL PASO, RECORDED ON SEPTEMBER 2, 2004, IN FILE NO. 20140056914, RECORDS OF EL PASO COUNTY, TEXAS.

**BUILDING SETBACKS**  
 FOR C-3 ZONE

	REQUIRED	EXIST./PROVIDED
MINIMUM FRONT YARD: .....	0 FL.	88.5' 15.6'
MINIMUM REAR YARD: (not 1/4th 2) .....	10/25 FL.	5.0' 20.0'
MINIMUM CUMULATIVE FRONT/REAR YARDS: .....	N/A	
MINIMUM SIDE YARD: .....	3 FL.	28.0' 5.2'
MINIMUM SIDE STREET YARD: .....	10 FL.	14.0' N/A

**ZONE CHANGE MAP**

PROJECT: THE SLY HALF OF LOTS 1 & 2 OF CUDAHY-LOCKE SUBDIVISION, COUNTY OF EL PASO, TEXAS

OWNER: CUDAHY-LOCKE INVESTMENTS LLC  
 2041 BARRIET, COUNTY OF EL PASO, TEXAS 79932

SITE ADDRESS: 5888 DONIPHAN DR. & 180 EDGAR RD.  
 EL PASO, TEXAS 79932

PREPARED BY: J.L. JOHANNSEN-REZONE.DWG  
 1" = 20'  
 11/03/2014

1 OF 1



# REQUEST LETTER

## WAIVER REQUEST LETTER

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