



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** SUSU15-00083 Diamantina Subdivision  
**Application Type:** Resubdivision Combination  
**CPC Hearing Date:** May 5, 2016

**Staff Planner:** Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov  
**Location:** West of Dyer and South of Hondo Pass  
**Acreage:** .779 acres  
**Rep District:** 2

**Existing Use:** Vacant  
**Existing Zoning:** R-4 (Residential)  
**Proposed Zoning:** R-4 (Residential)

**Nearest Park:** Sunrise Park (.29 miles)  
**Nearest School:** Canyon Hill Middle (.03 miles)  
**Park Fees Required:** \$10,960.00  
**Impact Fee Area:** N/A

**Property Owner:** Casas Diamantina, LLC  
**Applicant:** Casas Diamantina, LLC  
**Representative:** Dorado Engineering, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** R-4 (Residential)/Residential development  
**South:** R-4 (Residential)/Residential development  
**East:** R-4 (Residential)/Residential development  
**West:** R-4 (Residential)/Residential development

**PLAN EL PASO DESIGNATION:** G3, Post-War

### **APPLICATION DESCRIPTION**

The applicant proposes to subdivide .779 acres of vacant land for 4 duplex lots. The lots range between 6,286 and 12,606 square feet. Access to the subdivision is proposed from Moonlight Avenue. This development is being reviewed under current subdivision ordinance.

As per Chapter 19.48 of the municipal code, the applicant is requesting an exception to allow two panhandle lots. Both panhandles measure 99 feet in length and 24 feet in width.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 200 feet of the subject property on April 6, 2016. Notice was published in El Paso Times on April 6, 2016. The

planning division received an email including a letter of opposition and a signed petition (Attachment 7).

**CASE HISTORY**

On February 11, 2016, CPC voted 4-1 against the request for a special permit and detailed site plan to allow for infill development to permit a reduction in lot width, lot area and setbacks (PZST15-00042). This application (SUSU15-00083) was subsequently postponed at the request of the applicant. The applicant has chosen to appeal CPC's recommendation. The appeal will be heard by City Council on May 3, 2016.

**DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee's recommendation is pending subject to the approval of Special Permit PZST15-00042 by City Council.

**Planning & Inspections Department-Planning Division:**

Staff's recommendation is pending subject to the approval of Special Permit PZST15-00042 by City Council.

**Planning & Inspections Department - Land Development**

We have reviewed subject plats and recommend **Approval**.

The Developer/Engineer shall address the following comments.

1. Run-off flowing from adjacent properties from the northwest needs to continue its course, please show the new direction this flow will take within the subject subdivision and provide drainage easements if necessary.

**Capital Improvement Department – Parks**

We have reviewed **Diamantina Subdivision**, a resubdivision combination plat map and on behalf of CID Parks Planning Division we offer Developer / Engineer the following comments:

Please note that this subdivision is composed of four (4) lots zoned "R-4" meeting the requirements for Single-family & Two-family dwelling use; per plat notes, applicant is proposing a Two-family dwelling use therefore, applicant shall be required to pay "Park fees" in the amount of **\$10,960.00** based on Residential subdivision requirements calculated as follows:

**4 (R-4) Two-family dwelling lots = 8 dwellings @ \$1,370.00/Dwelling = \$10,960.00**

Please allocate generated funds under Park Zone: **NE-1**

Nearest Park(s): **Sunrise Park**

If density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

**Sun Metro**

Sun Metro does not oppose this request. Sun Metro Route 41 does have Moonlight\Comet (3096) bus stop immediately adjacent to the subject property along Moonlight.

Recommending:

- Coordination takes place before construction with Sun Metro staff.
- Construction of sidewalks to provide pedestrian access to future mass transit options

## **EPWU**

1. EPWU does not object to this request.
2. Scale bar in the Preliminary Plat is incorrect.
3. Service to be provided at the entrance of panhandle lots. The Owner is to provide the locations for the water services outside of the driveways. No vehicular traffic is allowed over the water meter boxes.
4. Water and sanitary sewer service shall be provided at the property line adjacent to the public right-of-way. Extension of service (privately-owned service line) to each dwelling unit shall be the responsibility of the customer. The Owner is to provide the locations for the water services outside of the driveways. No vehicular traffic is allowed over the water meter boxes.

### **Water:**

5. There is an existing 12-inch diameter water main extending along Moonlight Avenue that is available for service, the water main is located approximately 6-ft north from the northern property line.

### **Sanitary Sewer:**

6. The extension of an 8-inch sanitary sewer main from Comet Street along Moonlight Avenue will be require to provide service to the subject property.

### **General:**

7. EPWU requires a new service application to provide service 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.

## **El Paso Electric**

No objection.

## **CAD**

No objection.

## **911**

No comments received.

## **El Paso Independent School District**

No comments received.

### **Additional Requirements and General Comments:**

1. Submit to the Planning and Inspections Department – Planning Division the following prior to recording of the subdivision.
  - a. Current certified tax certificate(s)
  - b. Current proof of ownership
  - c. Release of access document, if applicable
  - d. Set of restrictive covenants, if applicable

2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

**Attachments**

1. Location map
2. Aerial map
3. Preliminary plat
4. Final plat
5. Waiver requests
6. Application
7. Opposition letter and petition

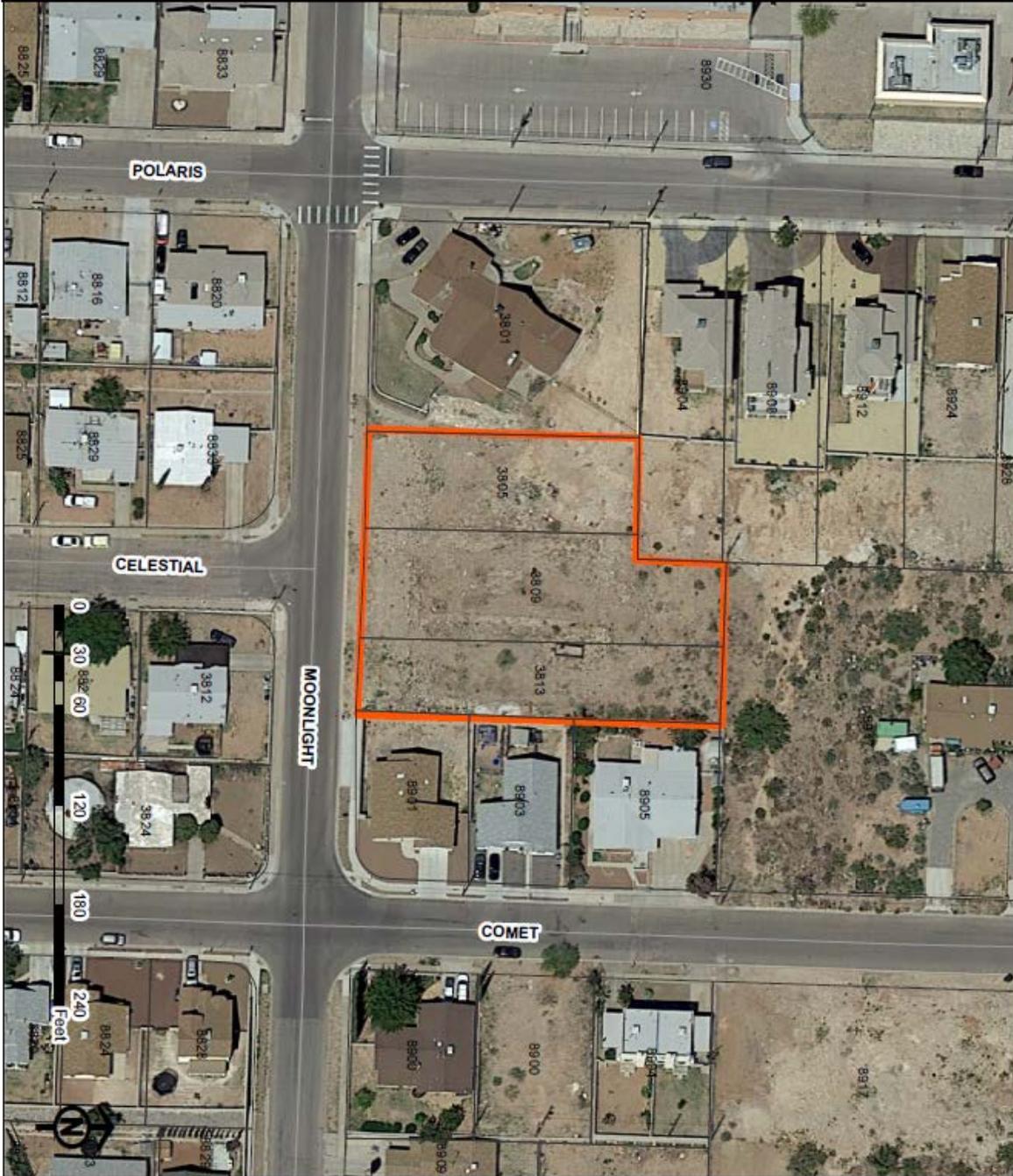
ATTACHMENT 1

SUSU15-00083

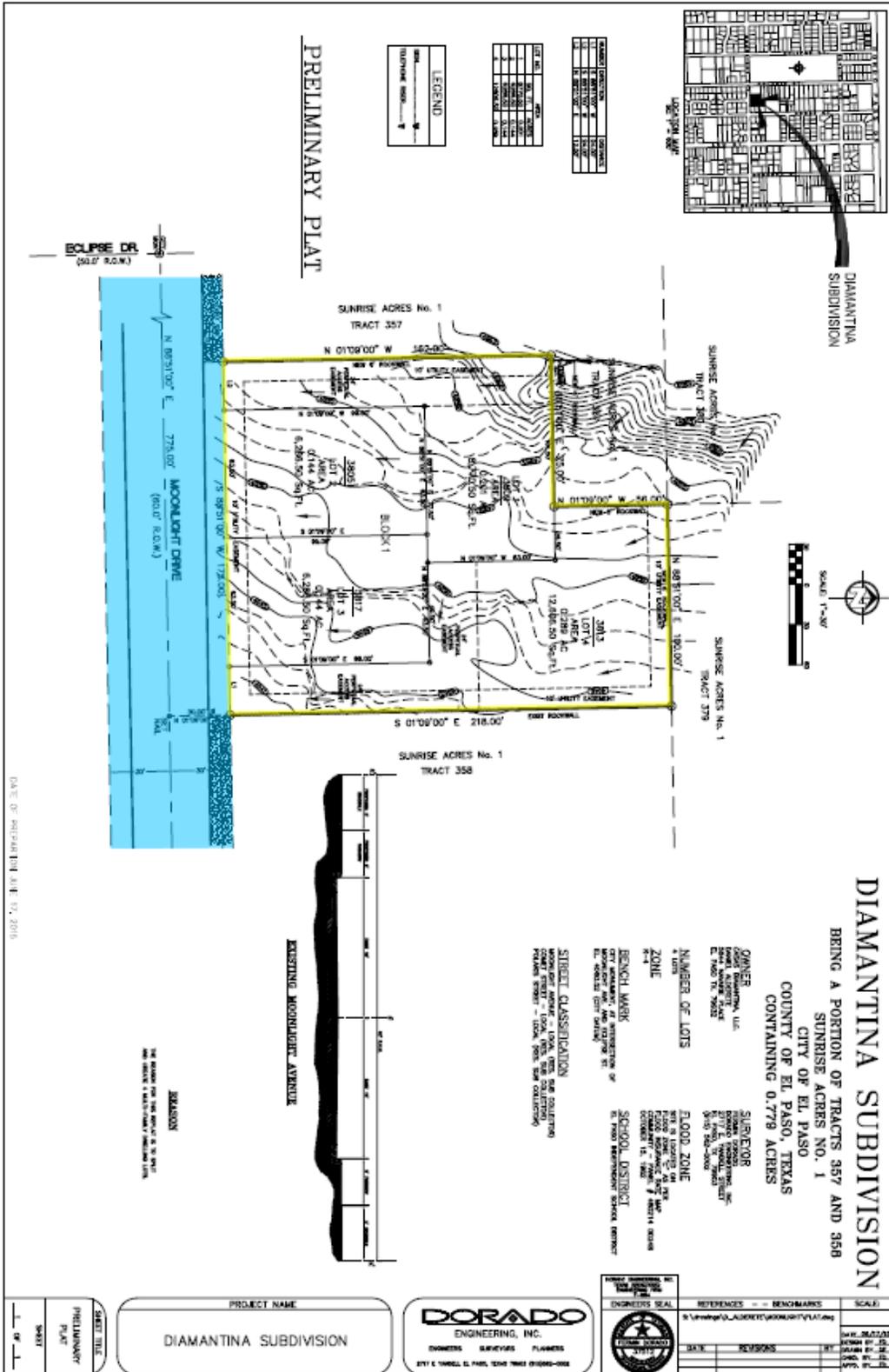


ATTACHMENT 2

SUSU15-00083



**ATTACHMENT 3**





**ATTACHMENT 5**



**DORADO ENGINEERING GROUP**  
2717 E. Yandell El Paso, Texas (915) 562-0002 Fax (915) 562-7743

December 22, 2015

Mr. Joaquin Rodriguez, Planner  
City of El Paso  
Planning Department  
300 N. Campbell  
El Paso, TX 79901

**RE: Diamantina Subdivision – Panhandle Exception Request**

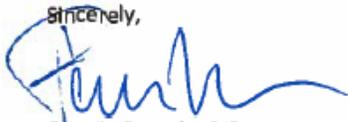
Mr. Rodriguez,

Mr. Daniel Alderete, owner of the proposed Diamantina Subdivision, is respectfully requesting an exception to the Subdivision Section 19.23.040 Panhandle Lots.

The request is to allow Lots 1 and 4 to have a Panhandle Lots. Diamantina Subdivision is located in the Northeast area of the City of El Paso along Moonlight Street where almost all the land is used for residential use and due to the configuration and use of the land it is necessary to have two Panhandle Lots in order to properly replat the land.

We thank you for your patience and assistance in helping us plat the area.

Sincerely,



Fermin Dorado, P.E.

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**ATTACHMENT 6**

SUSU 15.00083



**CITY PLAN COMMISSION APPLICATION FOR  
RESUBDIVISION COMBINATION SUBDIVISION APPROVAL**

DATE: \_\_\_\_\_ FILE NO. \_\_\_\_\_

SUBDIVISION NAME: DIAMANTINA SUBDIVISION

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)  
PORTION OF TRACTS 357 AND 358 SUNRISE ACRES NO. 1

2. Property Land Uses:

	<u>ACRES</u>	<u>SITES</u>		<u>ACRES</u>	<u>SITES</u>
Single-family			Office		
Duplex	<u>0.779</u>	<u>4</u>	Street & Alley		
Apartment			Ponding & Drainage		
Mobile Home			Institutional		
P.U.D.			Other (specify below)		
Park					
School					
Commercial			Total No. Sites		<u>4</u>
Industrial			Total (Gross) Acreage	<u>0.779</u>	

3. What is existing zoning of the above described property? R-4 Proposed zoning? R-4

4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes  No

5. What type of utility easements are proposed: Underground  Overhead  Combination of Both

6. What type of drainage is proposed? (If applicable, list more than one)  
SURFACE FLOW

7. Are special public improvements proposed in connection with development? Yes  No

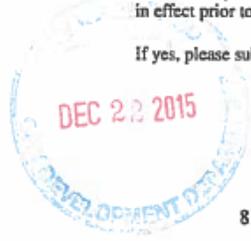
8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes  No   
 If answer is "Yes", please explain the nature of the modification or exception \_\_\_\_\_

9. Remarks and/or explanation of special circumstances: \_\_\_\_\_

10. Improvement Plans submitted? Yes  No

11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes  No

If yes, please submit a vested rights petition in accordance with Title 1 (General Provisions) Chapter 1.04 - Vested Rights



City Development Department  
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 541-4024

12. Owner of record CASAS DIAMANTINA LLC 6644 NAVARIE PLACE EL PASO TX 79932  
 (Name & Address) (Zip) (Phone)
13. Developer \_\_\_\_\_  
 (Name & Address) (Zip) (Phone)
14. Engineer DORADO ENGINEERING, INC. 2717 E. YANDELL ST. EL PASO TX 79903 562-0002  
 (Name & Address) (Zip) (Phone)

Refer to Schedule C for  
 current fee.

OWNER SIGNATURE: David Alcala  
 REPRESENTATIVE: Hunter

**NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.**

City Development Department  
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 541-4024

## ATTACHMENT 7

Katusic 1

Karin Katusic  
8901 Comet Street  
El Paso, TX 79909-1124

April 20, 2016

Planning & Inspections Department  
c/o Alfredo Austin  
PO Box 1890  
El Paso, Texas 79950-1890

Re: Your letter dated April 6, 2016, proposed replatting of a portion of tracts 357 and 358  
Sunrise Acres No. 1, City of El Paso, El Paso County, Texas

City Plan Commission,

my name is Karin Katusic. I live on 8901 Comet Street. I am currently away from my home and have just received your letter, dated April 6, 2016. Therefore, I will not be able to attend the meeting scheduled for Thursday, April 21, 2016 in person and have to resort to electronic communication.

All those who signed the petition that was presented to you on February 11, 2016, still strongly oppose a resizing to allow the construction of multiple duplex dwellings. We are not against anyone building one family home per existing lot. We do object to the reduction of the lot size to increase the number of lots. Reducing the size of the lots and building duplex dwellings will subject a larger number of people to live in a small area. The duplex dwellings will be built to the minimum standards to maximize profit without considering the living conditions for all parties involved.

Duplex dwellings are usually occupied by renters who care far less for the properties than homeowners who are invested in their structures and surroundings. Commercial rental properties are characterized by high turnover of clients who have little incentive to contribute to a stable neighborhood.

A high concentration of people in a condensed area inadvertently leads to general discontent that brings about high levels of noise. People will have less space to enjoy and less opportunity to recover from their daily challenges. This contributes to a decline in the quality of life for all involved. There is the matter of security for the families and the properties. A large number of people in a small area also raises concerns for safety. We are close to Canyon Hills Middle School. The increase in vehicles and traffic around the neighborhood will be noticeable and may pose a danger to the children walking to and from school. Will there be enough parking spaces on the small lots for the renters and their visitors?

Another issue of concern is reduced water run-off. Moonlight Avenue slopes quite a bit, and water can be seen rushing down the mountain and down the lots when it rains. Building multiple duplex dwellings on such a small space will require the ground to be compacted heavily. The structures will force the water to find a different path than is now possible. That will endanger existing homes and the duplex units. We are afraid the water will push against the walls of our backyards and cause damage or even collapse them. This has happened in other areas.

We are extremely concerned about safety related to the amount of space between and around the proposed dwellings. If there is ever a fire or medical emergency, will the first responders be able to get to the site and maneuver their vehicles, such as fire trucks?

There are empty lots along Hondo Pass Drive and Neptune, Mercury, and Leo Street far more suitable for duplex dwellings than on Moonlight Avenue. Those lots are larger, will provide more space for buildings and people, and will prevent encroaching on existing neighbors. This will contribute to a harmonious neighborhood.

Katusic 3

I was well aware that some day, somebody would build some houses behind my property. However, I would have never bought my home if I had known I would be faced with four duplex dwellings in this small area behind me.

In the name of all the neighbors who signed this petition, I appeal to your conscience. Please build up an established neighborhood and support the existing homeowners by denying the reduction in lot size.

Thank you for considering our concerns.

Sincerely,

Karin Katusic

Attachment

Copy of signed petition

**Petition**

Case No: PZST15-00042

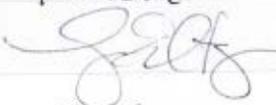
February 2016

We protest the proposed building of duplex dwellings at 3805, 3809, and 3813 Moonlight.

Name	Address	Signature
Karin Katusic	8901 Comet St	Karin Katusic
Donnie S. Malpass	8903 Comet	Donnie Malpass
Oguz Soto	8900 Comet St.	Oguz Soto
Daisy Flores	8824 Comet St	Daisy Flores
Thomas H. Cox	8820 Comet	Thomas H. Cox
DAVID TURNER	8816 COMET	David Turner
McNeil, Curtis	8808 Comet	Curtis McNeil
Catalina Seabro	8804 Comet	Catalina Seabro
McNeil, Wayne	8804 Celestial Pl	Wayne McNeil
McNeil Sandra	8804 Celestial pl.	Sandra McNeil
Betty Wilkin	8801 Celestial Pl	Betty Wilkin
Felipe Garcia Jr	8809 Celestial	Felipe Garcia Jr
Cecilia Kutzoff	8813 Celestial	Cecilia Kutzoff
Ramon Zuniga	8816 Celestial	Ramon Zuniga
Francis Watson	8814 Celestial	Francis Watson

Name	Address	Signature
MARtha Falcon	8825 Celestial	M. Falcon
Edvaldo Noriega	5833 Celestial	
Robert Mena	8825 Celestial	
Enoch Mitchell	8933 Comet St #A	
Peneé Nowak	8933 Comet B	Paul Nowak
Olga Marquez	8935 Comet St #B	Olga Marquez
Yadira Valdez	8935 Comet St #B	Yadira S.
Beth M. De Leon	8939 Comet #A	Beth M. De Leon
SUSANA DE LEON	8939 COMET B	Susana De Leon
FRANK DELA ROSA	9001 Comet St A	
Anabel Barragan	9027 Comet	
ARTHUR CALDWELL A/A	3828 SKYLINE AVE	Arthur Caldwell
Valdez	3820 SKYLINE	
Melinda	3821 Skyline Av	
PAUL DANIGGELIS	3817 SKYLINE AV	Paul Daniggelis
Armiela Escobar	3805 SKYLINE AVE	Armiela Escobar
JARED ONTIVEROS	3801 SKYLINE	Jared Ontiveros

Name	Address	Signature
Hazel Hawes	9063 Polaris St	Hazel Hawes
Alex Veloz	9059 POLARIS	[Signature]
BRIAN K. WEAVER	9055 POLARIS	Brian K. Weaver
Mara C. Bequis	9051 Polaris st.	Mara C. Bequis
VANDO SANDOVAL	9039 POLARIS	V. Sandoval
Gerardo Sosa	8948 Polaris	[Signature]
Kenny Zurita	8928 POLARIS	[Signature]
Jesus Smith	8924 Polaris St	[Signature]
Carlos Zuniga	8904 Polaris St.	[Signature]
Leticia Zuniga	8904 Polaris St	[Signature]
Alex Weathers	8816 Polaris St	[Signature]
Corrine Duarte	8829 Polaris St	[Signature]
Robert + Denriz Lehry	8812 Polaris St	[Signature]
HERNANDEZ	8740 POLARIS	[Signature]
JUAN Rodriguez	8724 POLARIS	[Signature]
Flo. Gallegos	8712 ✓	[Signature]
Robert Chavez	3805 Vega St	[Signature]

Name	Address	Signature
Griseida Martinez	3808 Vega CT	
Jose Cafredo	3817 Vega CT	
Amanda Bryant	3821 Vega ct	
ANGEL MANUEL	3820 VEGA CT.	
Jose Reyes	3901 Sunrise	Jose Reyes
Natalie Reyes	3901 Sunrise	Natalie Reyes
Elsie Petry	8712 Comet	Elsie M Petry
Ruby Quiz	8730 Comet	Ruby Quiz
Cynthia A Ramos <sup>Bustamante</sup>	8738 Comet St	
Jordan Williams	8824 Comet st	
<del>Windy M. Lane</del>		
Cindy Funes	8824 Comet St	Cindy Funes
CESAR VILLALBA	8828 COMET ST	Cesar Villalba
Orin Patino	8747 Orion PL	Orin Patino
Michelle Velazquez	8743 Orion Pl	Michelle Velazquez
Robert Magaregui	8737 Orion Pl.	R.M. Magaregui
Alicia Magaregui	8737 Orion Pl.	Alicia Magaregui
Sabriel Valenzuela	8733 Orion PL	

Name	Address	Signature
Issac Moreno	8729 Orion	Issac Moreno
Violeta Shushan	8725 Orion Pl	Violeta Shushan
Javier Paredes	8725 Orion Pl	JAVIER PAREDES
maria Paredes	8725 Orion Pl	Maria V. Paredes
Marilyn Cruz	8721 Orion Pl	
Oguz Wodhenspan	8717 Orion Pl	
Rosa Dominguez	8713 Orion Pl.	R.C. Dominguez
Svan Olson	8715 Orion Pl.	
Alfonso Nunez	8735 Orion	
LEONARDO RAMINEZ JR	3813 VEGA DR	Leonardo Ramirez Jr
Marilyn Sigre	8726 Comet	Marilyn Sigre
Yvette Vargas	8746 COMET	
Maggie Cuevas	3900 Milkyway 71/PT 76 3904 MILKYWAY CT	
Rocio Demme		
Ismael M.	3901 Milkyway Ct	
Javier Montes	3912 Milky Way	
Marie Wigginton	3920 Milky Way	Marie Wigginton

Name	Address	Signature
REY GAMEZ	3913 MILKY WAY	Rey Gamez
LINDA DELARIVA	3917 MilkyWay	Linda
Matthew Anderson	3916 Stargazer Ct	[Signature]
Tosio Moreno	3920 Stargazer	[Signature]
Maegan Barcus	3921 Stargazer	[Signature]
Andrew Mason	3901 Stargazer CT	[Signature]
Matthew Pearson	3900 Taurus	[Signature]
Steve Piepenbrink	3901 Taurus	[Signature]
Jason Ford	3905 Taurus	[Signature]
Christine Zimmerly	3913 Taurus	[Signature]
Sandra Lucero	3916 Taurus	[Signature]
H. MORENO	3912 TAURUS	[Signature]
David A Barajas	3908 Taurus	David A Barajas
Jaclyn Cortez	9045 Comet	[Signature]
Amy Cortez	9045 COMET	[Signature]
Tiffany Kleppe	9045 comet	Tiffany Kleppe
David Cox	9049 Comet	D. E. Cox

Name	Address	Signature
MARILYN GUIDA	3714 Moonlight	Marilyn Rosa Guida
Michael Halson	8904 Comet unit A	
Frank Cuyus	8904 B Comet unit B	
RICHARD WILKES	8947 Comet	
ROD Gillett	8708 Polaris	
OTIS NICHOLS L	3801 Moonlight Ave	
REYNA, MAX	8821 PEGASUS CT	
Rubena Rodriguez	8820 Pegasus	
Glenn Buelgel	8828 Pegasus Ct	
Schofield William	3919 Moonlight Ave	
Antonio Banda	3917 Moonlight Ave	
Nicole Marin	3909 Moonlight Ave	
Sarai Davila	9033 Leost	Sarai7@gmail.com
CHRIS APOLUCA	8820 Polaris ST	Chris Apolucan