

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

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Regular Agenda, Discussion and Action: November 1, 2011

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**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 20.18.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 5520 Milray Drive, legally described as Lot 5, Block 3, Emerald Valley Estates Replat A, City of El Paso, El Paso County, Texas. **(District 1)**

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – N/A  
City Plan Commission (CPC) – N/A

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

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

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

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning and Economic Development

**APPROVED FOR AGENDA:**

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

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



**Date:** October 24, 2011  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **Infill Development Location Criteria Waiver**

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Section 20.10.280 Infill Development of the El Paso City Code allows an applicant to make a formal request to City Council to waive the two factor requirement prior to the submission of a special use permit application where an infill development is able to satisfy only one of the factors. In all instances where a waiver is requested and authorized by City Council, at least one location factor shall be met.

This property does meet that factor criteria as a designated state or federal enterprise zone.

If approved, the applicant will submit a special permit application for infill development to allow for reduced yard setbacks. The property is currently zoned R-1 (Residential) and requires a front and rear yard cumulative setback total of 100 ft., with 30 ft. minimum required, front or rear. The applicant proposes the 30 ft. front and rear setbacks for a cumulative of 60 ft.

The following is the location criteria required for infill development:

**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

Mayor  
John F. Cook

City Council

District 1  
Ann Morgan Lilly

District 2  
Susie Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Dr. Michiel R. Noe

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Cortney Carlisle Niland

City Manager  
Joyce A. Wilson



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provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

**Attachment:** Applicant's Letter  
Emerald Valley Estates Architectural Review Committee Letter  
Location Map  
Site Plan  
Floor Plan  
Elevations

**Mayor**

John F. Cook

**City Council**

*District 1*

Ann Morgan Lilly

*District 2*

Susie Byrd

*District 3*

Emma Acosta

*District 4*

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Steve Ortega

*District 8*

Cortney Carlisle Niland

**City Manager**

Joyce A. Wilson



**Planning & Economic Development**

2 Civic Center Plaza • El Paso, Texas 79901 • (915) 541-4024



October 12, 2011

Mr. Mathew McElroy, Director of Planning  
**City of El Paso**  
Planning Department  
Two Civic Center Plaza  
El Paso, Texas 79932

**Re: 5520 Milray Drive, Lot 5, Block 3, Emerald Valley Estates Replat "A" Property**

Mr. Mathew McElroy,

This letter is to request from the City of El Paso, City Council to approve our case and wave one of the requirements for infill development for the above subject property and allow us to move forward with the Special Permit Application process for infill development to reduce the front and rear combined setbacks.

Presently the property is Zoned R-1 and it requires a combined set back of 100 feet. Unfortunately this restriction does not allow us to build a single story home of preference due to wheel chair bound family member.

Attached please find a copy of the Emerald Valley Estates Home Owners Association approving the design of our future home with the setback encroachments.

Should you require additional information or clarification regarding our request do not hesitate to contact me at your earliest convenience.

Respectfully,

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

Sergio Martinez

**Property Owner Representative**

5742 North Mesa  
El Paso, Texas 79912  
T: 915.585.8700  
F: 915.875.8257  
www.smartcon.biz

DESIGN-BUILD  
CONSTRUCTION  
MASTER PLANNING  
FEASIBILITY STUDIES  
FACILITY ASSESSMENTS

## **Emerald Valley Estates**

Professionally Managed by:  
**DANA Properties Inc.**  
www.danaproperties.com  
(915) 581-0900  
6201 Escondido Drive – Main Office  
El Paso TX 79912-1947



September 2, 2011

Attention: City Planning

Re: 5520 Milray El Paso, TX 79932  
Builder, SmartCon – Sergio Martinez

Please let this letter serve as approval from the Emerald Valley Estates Architectural Review Committee for the above-referenced lot owner to move forward with construction of the proposed new home. We have thoroughly reviewed the plans and think as presented this home will be a great addition to our community.

If you have further questions please contact:

DANA Properties  
6201 Escondido Drive - Main Office  
El Paso, Texas 79912-1947  
Phone: 915-581-0900 • Fax: 915-833-0900

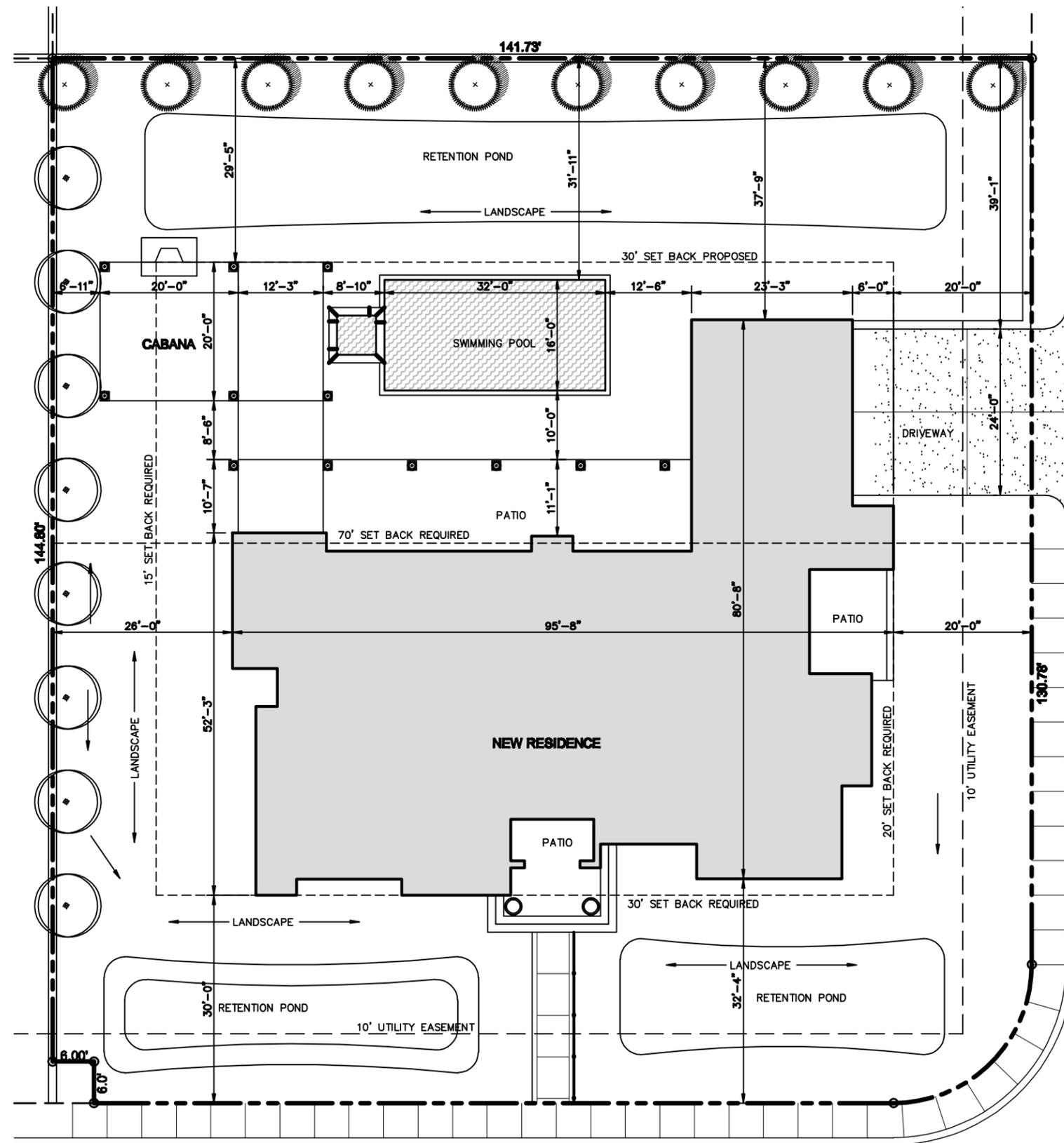
Sincerely,

A handwritten signature in black ink, appearing to read 'S. Wheeler'. The signature is fluid and cursive, with the first letter 'S' being particularly large and stylized.

Sheldon S. Wheeler  
Association Manager

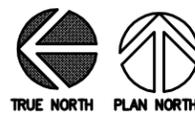
# 5520 Milray Drive





MILRAY DRIVE

EMERALD STAR DRIVE



SITE PLAN

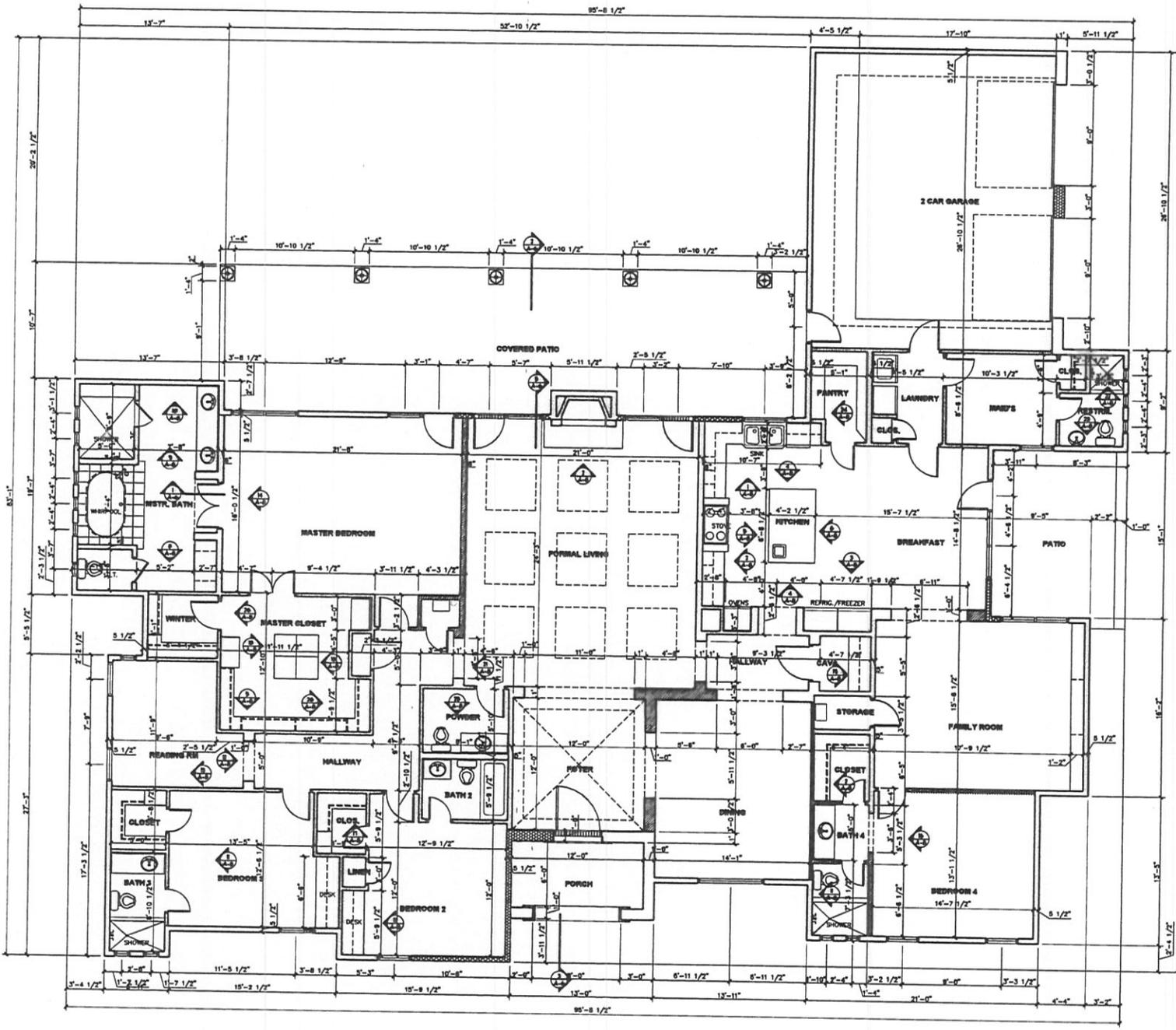
SCALE: 3/32" = 1'-0"

**LEGAL DESCRIPTION**

5520 MILRAY DRIVE  
 LOT 5, BLOCK 3 EMERALD VALLEY ESTATES REPLAT "A"  
 EL PASO COUNTY, EL PASO TEXAS

**DATA**

HEATED AREA:	4,190 S.F.
GARAGE AREA:	628 S.F.
ENTRANCE PORCH AREA:	88 S.F.
GARAGE AREA:	702 S.F.

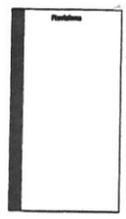


**WALL TYPES:**  
 EXTERIOR WALL: BRICK SYSTEM OVER METAL LATH ON  
 W/1/2" WEATHER OVER 4" BOOD STUDS + 1/2" G.C. WITH  
 R-11 BATT. INSULATION, UNLESS NOTED OTHERWISE  
 INTERIOR WALL: W/1/2" STYP. BD. ON EACH SIDE OVER 3/4"  
 BOOD STUDS + 1/2" G.C. WITH R-11 BATT. INSULATION

**CONSTRUCTION NOTES:**  
 HEATED LIVING AREA: 470 SF.  
 GARAGE: 400 SF.  
 ENTRANCE PORCH: 50 SF.  
 PATIO: 100 SF.

**ELECTRICAL NOTES:**  
 1. ALL OUTLETS + ACCESSORIES SHALL BE  
 SELECTED AND APPROVED BY THE OWNER.  
 2. ALL PAINT COLORS, ROOF TYPE, WOOD FLOORING  
 CERAMIC FLOORING, TILES + CARPETING  
 SHALL BE SELECTED + APPROVED BY THE OWNER.  
 3. PROVIDE R-30 INSULATION ON ROOF.  
 4. PROVIDE R-19 INSULATION ON EXTERIOR WALLS

**NOTES:**  
 ALL WALL RECEIVING PLUMBING FIXTURES TO BE  
 200 + 4" V.C.



**VILLAREAL RESIDENCE**  
**EMERALD VALLEY ESTATES**  
 5520 Milroy Drive El Paso, Texas 79932

Approved: 06/20/11  
 Project No.: 1110  
 Floor Plan

**FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**A-3**  
 3 of 10

