

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

**AGENDA DATE:** October 11, 2022  
**PUBLIC HEARING DATE:** November 8, 2022

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Andrew Salloum, (915) 212-1603

**DISTRICT(S) AFFECTED:** District 8

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.2 Set one standard for infrastructure across the city

**SUBJECT:**

An Ordinance changing the zoning of the property described as Lot 3, Block 42, Magoffin Addition, 815 Tays Street, City of El Paso, El Paso County, Texas from A-3 (Apartment) and C-1 (Commercial) to S-D (Special Development), pursuant to Section 20.04.360, and approving a detailed site development plan pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code to allow for an office and district area, front yard setback and side yard setback reductions as permitted in the S-D (Special Development) zone district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 815 Tays Street  
Applicant: ALU-Copper A R LLC. - PZRZ22-00026

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from A-3 (Apartment) and C-1 (Commercial) to S-D (Special Development) and approval of a Detailed Site Development Plan with reductions to district area, front yard setback, and side yard setback to allow an office. City Plan Commission recommended 5-0 to approve the proposed rezoning and detailed site development plan on September 8, 2022. As of October 3, 2022, the Planning Division has not received any communication in support or opposition to the request from the public. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES   NO

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

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 42, MAGOFFIN ADDITION, 815 TAYS STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT) AND C-1 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR AN OFFICE AND DISTRICT AREA, FRONT YARD SETBACK AND SIDE YARD SETBACK REDUCTIONS AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, ALU-Copper A R LLC., (Owner) has applied for a rezoning of property from **A-3 (Apartment) and C-1 (Commercial)** to **S-D (Special Development)** per Section 20.04.360 of the El Paso City Code; and,

**WHEREAS**, Owner has also applied for approval of a detailed site development plan pursuant to Sections 20.04.150 and 20.10.360 of the El Paso City Code for district area, front yard setback, and side yard setback reductions for an office, which requires approval from both City Plan Commission and City Council; and,

**WHEREAS**, a public hearing was held for the rezoning and detailed site plan requests at a City Plan Commission meeting; and,

**WHEREAS**, City Plan Commission has recommended approval of the subject rezoning and detailed site development plan; and,

**WHEREAS**, the rezoning and detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

**WHEREAS**, the City Council of the City of El Paso finds that the application conforms to all requirements of the El Paso City Code.

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

1. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Lot 3, Block 42, Magoffin Addition, 815 Tays Street, City of El Paso, El Paso County, Texas*, be changed from **A-3 (Apartment) and C-1 (Commercial)** to **S-D (Special Development)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

**ORDINANCE NO. \_\_\_\_\_**

22-1007-2964|1202381  
PZRZ22-00026 815 Tays | Ordinance SD Rezoning/DSDP  
JG

**Zoning Case No: PZRZ22-00026**

2. Pursuant to the requirements of the El Paso City Code, the City Council hereby approves the detailed site development plan submitted by the Owner, to request for district area, front yard setback, and side yard setback reductions for a business office as permitted under the S-D (Special Development) district regulations of 20.04.150 and 20.10.360.

3. A copy of the approved detailed site development plan, signed by the Owner, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference for all purposes.

4. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the S-D (Special Development) District regulations.

5. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the S-D (Special Development) district. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

6. The approval of this detailed site development plan shall automatically be void if construction on the property is not started in accordance with the attached plan Exhibit "A" within four (4) years from the date hereof.

7. The penalties for violating the standards imposed through this ordinance are found in Section 20.24 of the El Paso City Code.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.


**THE CITY OF EL PASO:**

**ATTEST:**


\_\_\_\_\_  
Oscar Leoser  
Mayor

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Joyce Garcia  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_

22-1007-2964|1202381  
PZRZ22-00026 815 Tays | Ordinance SD Rezoning/DSDP  
JG

**Zoning Case No: PZRZ22-00026**

## AGREEMENT

By execution hereof, ALU-Copper A R LLC. ("Owner"), referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **S-D (Special Development)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 29 day of September, 2022



OWNER: ALU-Copper A R LLC.

By: 

RAUL DUENAS, MANAGING MEMBER  
(Print name & Title)

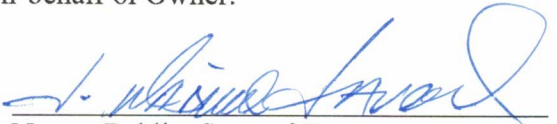
## ACKNOWLEDGEMENT

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 29 day of September, 2022, by RAUL DUENAS, in his legal capacity on behalf of Owner.

My Commission Expires:

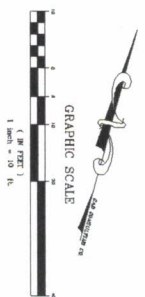
09/07/2026

  
Notary Public, State of Texas

ORDINANCE NO. \_\_\_\_\_

Zoning Case No: PZRZ22-00026

# DETAILED SITE DEVELOPMENT PLAN



## PARKING CALCULATIONS

PARKING SPACES: REQUIRED, AS PER CH. 20, ARTICLE "C" OF ZONING ORDINANCE FOR CITY OF EL PASO, TEXAS			
PARKING COUNT:	REQUIRED SPACES:	REQUIRED	PROVIDED:
BUSINESS OFFICE	255 S/376	1	2
1/2716 SQ. FT.			
RETAIL SPACES:		3	3

## LANDSCAPING REQUIRED

EXPANSION TO THE PARCEL:	
TOTAL FLOOR GROSS AREA - LAND AREA x 15% = LANDSCAPE REQ'D.	
TOTAL FLOOR GROSS AREA :	REQUIRED
(3,000 - 255.5) x 15% =	411.68 SQ. FT.
	PROVIDED
	680.00 SQ. FT.

PROPOSED ZONING: S-D

[illegible]

## METES AND BOUNDS DESCRIPTION

UNITED STATES OF AMERICA, DISTRICT COURT OF THE SOUTHERN DISTRICT OF NEW YORK, in and to the County of New York, State of New York, ss. I, the undersigned, Clerk of the said Court, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the said Court, and that the same has been compared with the original and found to be a true and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court, at New York, New York, this 10th day of January, 1960.

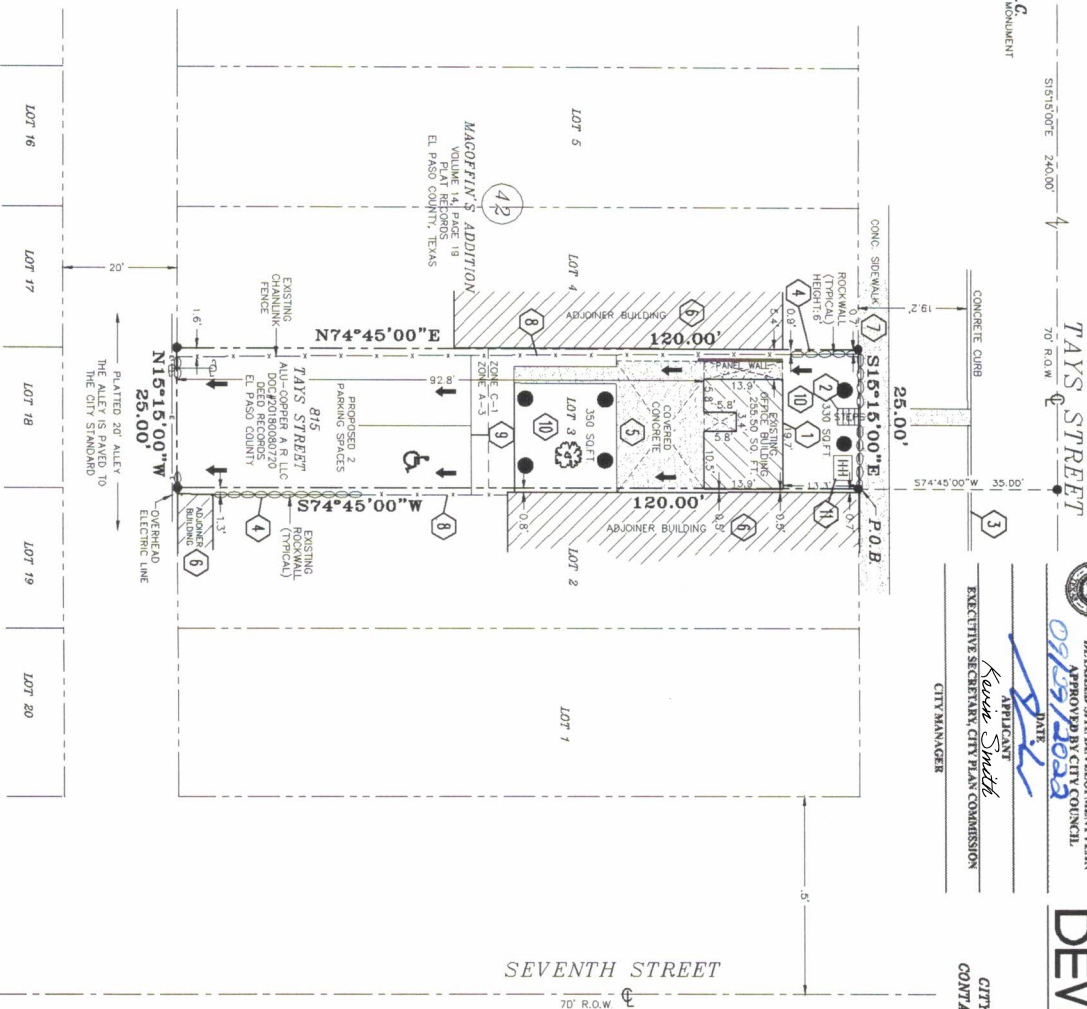
CLERK OF THE COURT.

UNITED STATES OF AMERICA, DISTRICT COURT OF THE SOUTHERN DISTRICT OF NEW YORK, in and to the County of New York, State of New York, ss. I, the undersigned, Clerk of the said Court, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the said Court, and that the same has been compared with the original and found to be a true and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court, at New York, New York, this 10th day of January, 1960.

CLERK OF THE COURT.

## LOCATION MAP

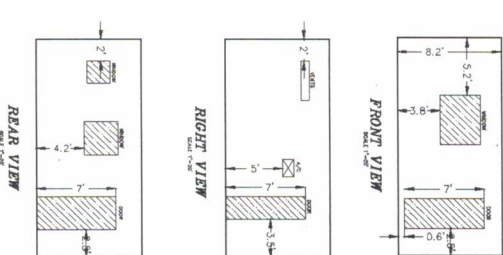


PLANNING & INSPECTIONS DEPARTMENT  
PLANNING DIVISION  
DETAILED SITE DEVELOPMENT PLAN  
APPROVED BY CITY COUNCIL

DATE 07/27/2022  
APPLICANT Karin Smith  
EXECUTIVE SECRETARY, CITY PLAN COMMISSION

CITY MANAGER

815 TAYS STREET  
LOT 3, BLOCK 42  
MACOFFIN'S ADDITION  
CITY OF EL PASO, EL PASO COUNTY, TEXAS.  
CONTAINING:3,000.00 SQ.FT. OR 0.0689 ACRES ±



## KEYED NOTES

1. EXISTING BUILDING
2. EXISTING STEPS
3. EXISTING CONC. CURB AND GUTTER
4. EXISTING ROCKWALL
5. EXISTING CONCRETE
6. EXISTING ALUMINUM BUILDING
7. EXISTING SIDEWALKS
8. EXISTING CHAIN LINK FENCE
9. PROPOSED PARKING
10. PROPOSED LANDSCAPING
11. PROPOSED BICYCLE PARK

LEAFEND	
no	= POWER POLE
	= ORIENTED ELECTRIC
concrete	= ROUNDTALL
map	= CRANKLE TRICE
	= GRABBER FLOW
	= PLASTIC FANTASIS
	= BUSH
	= TREE
ink	= RECYCLE BLACK



**45. ENGINEERING SERVICES**  
Prepared by and under the supervision of  
ALI BOBBERGAN  
Registered Professional Engineer  
Registration No. 57719

*Ali Bobbergan*

Ali Bobbergan, P.E.



I HEREBY CERTIFY THAT THE FOREGOING MATERIALS  
WAS/ WERE PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND I AM AWARE OF THE  
PENALTY FOR FALSIFYING AND MISLEADING  
INFORMATION.



CAROLYN R. JONES, S.F.P.D. No. 2002  
ISSUED 00000000

OWNER/DEVELOPER:  
ALU-COPPER & R LLC,  
815 TAYS STREET  
EL PASO, TEXAS 79901  
PHONE: (915) 633-6422

**SURVEYOR:**  
CAD CONSULTING CO.  
**CARLOS M. JIMENEZ**  
1790 N. LEE TREVINO  
EL PASO, TEXAS 79936  
PHONE: (915) 633-6422

**CD**  
**CONSULTING COMPANY**  
1790 LBB TREVINO DRIVE SUITE 300  
EL PASO, TEXAS 79936  
TEL (915) 633-6622 FAX (915) 633-6604

**SCHOOL DISTRICT**  
EL PASO INDEPENDENT SCHOOL DISTRICT



# 815 Tays Street

City Plan Commission — September 8, 2022



**CASE NUMBER:** PZRZ22-00026  
**CASE MANAGER:** Andrew Salloum, (915) 212-1603, [SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)  
**PROPERTY OWNER:** ALU-Copper A R LLC  
**REPRESENTATIVE:** CAD Consulting Co.  
**LOCATION:** 815 Tays Street (District 8)  
**PROPERTY AREA:** 0.07 acres  
**REQUEST:** Rezone from A-3 (Apartment) and C-1 (Commercial) to S-D (Special Development) and approval of a Detailed Site Development Plan with a reduction of district area, front yard setback, and side yard setback  
**RELATED APPLICATIONS:** None  
**PUBLIC INPUT:** None received as of September 1, 2022

**SUMMARY OF REQUEST:** The applicant is requesting to rezone from A-3 (Apartment) and C-1 (Commercial) to S-D (Special Development) and approval of a Detailed Site Development Plan with reductions to district area, front yard setback, and side yard setback to allow an office.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request and Detailed Site Development Plan with reduction to district area, front yard setback, and side yard setback as the proposed rezoning is in keeping with the policies of the G-2 Traditional Neighborhood Land Use Designation of *Plan El Paso*, the City's adopted Comprehensive Plan.



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone from A-3 (Apartment) and C-1 (Commercial) to S-D (Special Development) and approval of a Detailed Site Development Plan with reductions to district area, front yard setback, and side yard setback to allow an office. The property consists of 0.07 acres. There is an existing vacant building on the subject property. The detailed site development plan shows the existing 605.5 square-foot office building. The applicant is also requesting the following reductions: from the minimum district area required of 1 acre to 0.07 acres, from the minimum required 20-foot front yard setback to 13.3 feet, and from the minimum required 10-foot side yard setback to 0 foot as shown in the table below. The development is compliant with the requisite vehicular and bicycle parking. Access to the subject property is provided from Seventh Avenue via the alley.

Minimum Density/Setback: S-D zone district	Required	Proposed
<b>District area</b>	<b>1 acre</b>	<b>0.07 acre</b>
Lot Area	N/A	N/A
Lot Width	N/A	N/A
Lot Depth	N/A	N/A
<b>Front yard setback</b>	<b>20 feet</b>	<b>13.3 feet</b>
Rear yard setback	10 feet	No change
<b>Side yard setback</b>	<b>10 feet between structures</b>	<b>0 foot</b>
Side street yard setback	10 feet	N/A
Cumulative front & rear yard setback	N/A	N/A

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The subject property is proposed to be developed into an office development. The proposed zoning district is consistent with the surrounding A-3 (Apartment) zone district to the north, south, east, and west consisting of multi-family dwellings and with the C-1 (Commercial) zone district to the northeast currently vacant, and meet the established character of the neighborhood surrounding the subject property. The closest school is Guillen Middle School located 0.14 miles and the closest park is Paseo de Los Heroes Park located 0.07 miles away.

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b><u>G-2 Traditional Neighborhood (Walkable):</u></b> This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes. The subject property is proposed to be developed into office development, which is in character with the future land use designation of <i>Plan El Paso</i>.</p>

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>S-D (Special Development) District:</b> The purpose of this district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.</p>	<p>Yes. The proposed S-D (Special Development) zone district will provide for the integration of business office with adjacent apartment and light commercial zoning districts in an older area.</p>
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. Proposed development will have access to the existing Tays Street and Seventh Avenue which are designated as local and collector streets, respectively as per El Paso's Major Thoroughfare Plan (MTP). The classification of these roads are appropriate for the proposed development.</p>
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>The proposed development is not within any historic districts or study area plan boundaries.</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community. The proposed development will be compatible with development immediately surrounding the subject property.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>The subject property does not involve greenfield, environmentally sensitive land, or arroyo disturbance.</p>
<p><b>Stability:</b> Whether the area is stable or in transition.</p>	<p>The area is stable and the proposed development is compatible with A-3 (Apartment) and C-1 (Commercial) zone districts and uses of the surrounding properties.</p>
<p><b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>None. The proposed development is within an older, stable area of the city. The established neighborhood is comprised of multi-family dwellings.</p>



**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The proposed development will have access to Tays Street and to Seventh Avenue via the alley which are designated as local and collector streets, respectively as per El Paso's MTP. The classification of these roads are appropriate for the proposed development. The existing infrastructure and services are adequate to serve the proposed redevelopment. Access is proposed from Seventh Avenue via the alley.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No adverse comments from reviewing departments.

**PUBLIC COMMENT:** The subject property lies within the boundaries of El Paso Central Business Association, Sunrise Civic Group, and Southside Neighborhood Association which were notified of the rezoning application. Public notices were mailed to property owners within 300 feet of the subject property on August 25, 2022. As of September 1, 2022, the Planning Division has not received any communication in support or opposition to the request from the public.

**RELATED APPLICATIONS:** None.

**CITY PLAN COMMISSION OPTIONS:**

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

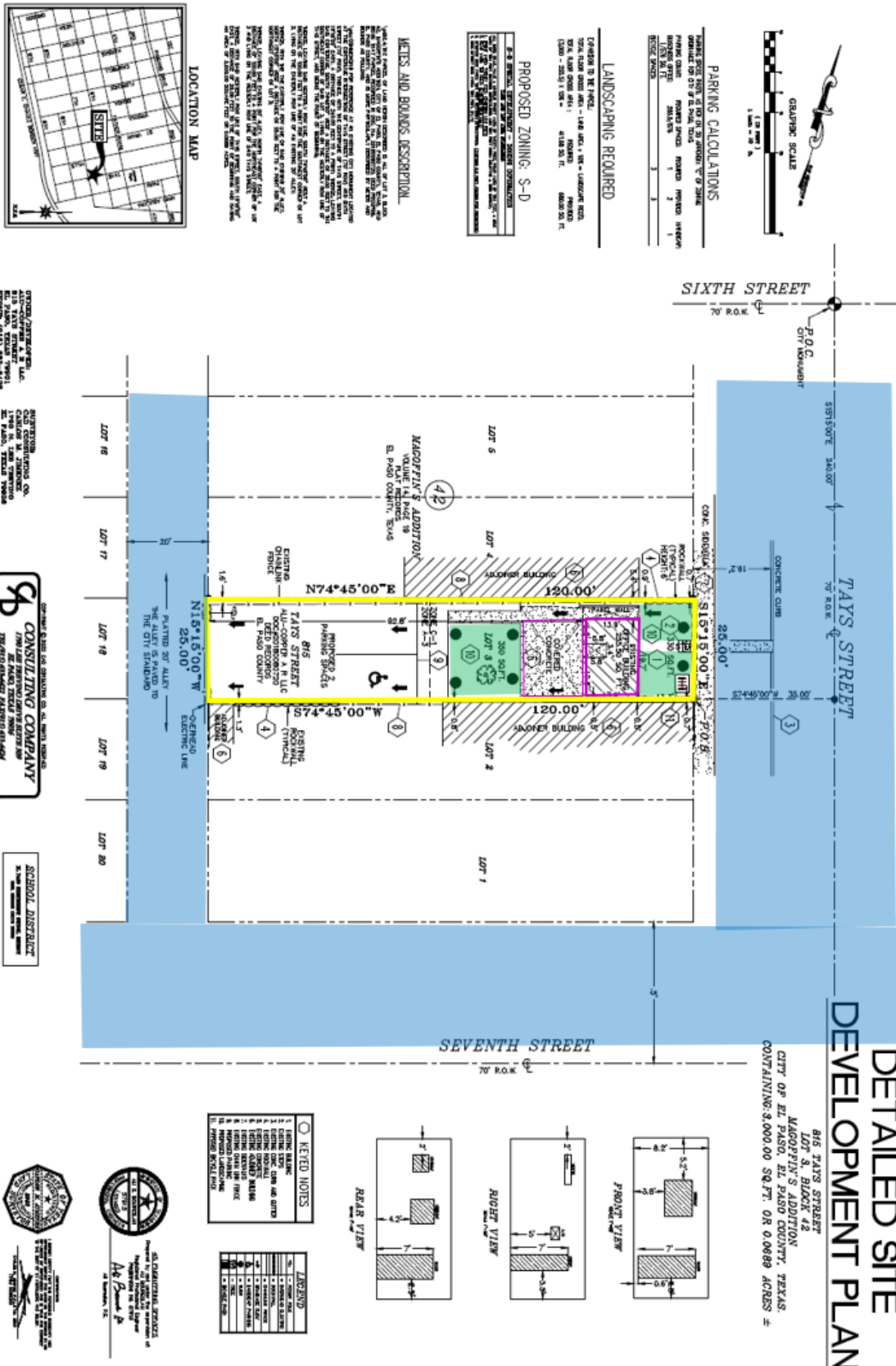
**ATTACHMENTS:**

1. Future Land Use Map
2. Detailed Site Development Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

# ATTACHMENT 1



## **ATTACHMENT 2**



# **ATTACHMENT 3**

## **Planning and Inspections Department - Planning Division**

Staff recommends approval of the rezoning request and Detailed Site Development Plan with reduction to district area, front yard setback, and side yard setback as the proposed rezoning is in keeping with the policies of the G-2 Traditional Neighborhood Land Use Designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

No objections to special permit and detailed site development plan.

Note: At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

## **Planning and Inspections Department – Land Development**

No objections to proposed rezoning.

## **Fire Department**

Recommend approval. No adverse comments.

## **Police Department**

No comments received.

## **Environment Services**

No comments received.

## **Streets and Maintenance Department**

No comments received.

## **Sun Metro**

No comments received.

## **El Paso Water**

EPWater does not object to this request.

## **Water:**

There is an existing 12-inch diameter water main that extends along Tays Street, located approximately 72-feet east of the property. This main is available for service.

There is an existing 4-inch diameter water main that extends along the alley between Tays Street and Hills Street located approximately 6-feet west of the property. This main is available for service.

Previous water pressure readings conducted on fire hydrant # 2290 located on southeast corner of Sixth Avenue and Tays Street have yielded a static pressure of 100 psi, residual pressure of 98 psi, discharge of 1,186 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure

as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

**Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along the alley between Tays Street and Hills Street located approximately 10-feet west of the property line. This main is available for service.

**General:**

EPWater requires a new service application to provide services 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 EPWater 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.

**Stormwater Engineering**

EPWater-SW has no objections to this proposal.

**El Paso County 911 District**

The 911 District has no comments or concerns regarding this zoning and detailed site development plan.

**El Paso County Water Improvement District #1**

The item is not within the boundaries of EPCWID1.



# ATTACHMENT 4

