

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: March 6, 2018
Public Hearing: April 3, 2018

CONTACT PERSON/PHONE: Victor Morrison-Vega, (915) 212-1553, morrison-vegavx@elpasotexas.gov
Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance granting Special Permit No. PZST17-00035, to allow for a 60 ft. Ground-mounted Personal Wireless Service Facility on the property described as a portion of Lot 1, Block 1, Centre Court, 5901 Upper Valley Road, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 5901 Upper Valley Road. Property Owner: Rey De Reyes Evangelical Free Church. PZST17-00035 **(District 1) THIS IS AN APPEAL**

BACKGROUND / DISCUSSION:

On February 8, 2018, the CPC reviewed and recommended denial of the special permit request.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this special permit application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Denial Recommendation (7-0).

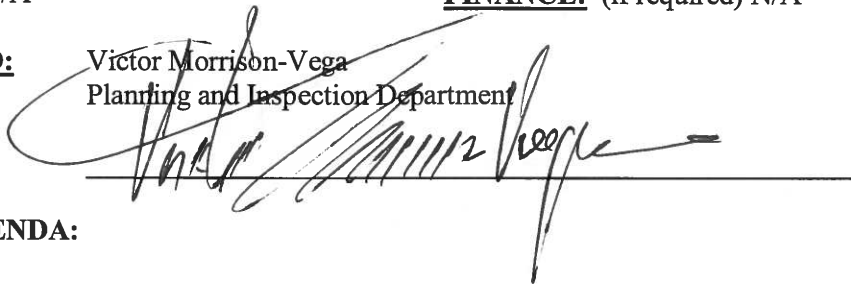
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Victor Morrison-Vega
Planning and Inspection Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST17-00035, TO ALLOW FOR A 60 FT. GROUND-MOUNTED PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 1, BLOCK 1, CENTRE COURT, 5901 UPPER VALLEY ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Romano & Associates, LLC, in its capacity as authorized agent for Rey De Reyes Evangelical Free Church, has applied for a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a ground-mounted Personal Wireless Service Facility (PWSF) that is 60-foot tall and is required to be camouflaged as a stealth cross tower; and,

WHEREAS, the Section 20.10.455 allows for a ground-mounted personal wireless service facility by Special Permit; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended denial of the subject Special Permit; and

WHEREAS, Romano & Associates, LLC. has appealed the City Plan Commission's recommendation to City Council

WHEREAS, the subject Special Permit 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 Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in an **R-2 (Residential)** Zone District:
A portion of Lot 1, Block 1, Centre Court, 5901 Upper Valley Road, *City of El Paso, El Paso County, Texas*; and as more particularly described by metes and bounds on the attached Exhibit "A"; and,
2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a ground-mounted 60-foot tall personal wireless service facility, which is required to be camouflaged as a stealth cross tower, on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in **R-2 (Residential)** District regulations and is subject to the approved Detailed Site Development Plan, attached hereto as Exhibit "B", signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,
4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. PZST17-00035** shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and the City can avail itself of any and all legal or equitable remedies provided to it under law; and,
5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this ____ of _____, 2018.

THE CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Victor Morrison-Vega
Planning & Inspections Department

AGREEMENT

Romano & Associates, LLC, in its capacity as authorized agent for Rey De Reyes Evangelical Free Church, (Property 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 **R-2 (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2018.

OWNER:

Romano & Associates, LLC
Authorized Agent for Rey De Reyes
Evangelical Free Church

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2018, by **Romano & Associates, LLC for Rey De Reyes Evangelical Free Church**, property owner.

Notary Public, State of Texas

Printed or Typed Name

My Commission Expires:

ORDINANCE NO. _____
18-1007-2124 | 755770
5901 Upper Valley Road
KMN

PZST17-00035



SURVEY DATE
08/13/2017

BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM TEXAS STATE PLANE COORDINATE ZONE CENTRAL, DETERMINED BY GPS OBSERVATIONS.

BENCHMARK

PROJECT ELEVATIONS ESTABLISHED FROM GPS DERIVED ORTHOMETRIC HEIGHTS BY APPLICATION OF 1985 "GEOID 120" MODELED DEVIATIONS TO ELLIPSOID HEIGHTS DETERMINED BY OBSERVATIONS OF THE "NAD83" REAL TIME NETWORK. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD83.

FLOOD ZONE

THIS PROJECT APPEARS TO BE LOCATED WITHIN FLOOD ZONE "X" ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP ID #800202288, DATED 08/04/1995.

UTILITY NOTES

SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE DEFINITE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAKE AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

SURVEYOR'S NOTES

SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE EXIST.

THE BENCHMARK SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES.

THE DRAWING IS PREPARED BY THE SURVEYOR AND SHALL NOT BE USED FOR ANY PURPOSE AND SHALL NOT BE USED OR REPRODUCED OR REPRODUCED AS A FINAL SURVEY DOCUMENT.

TITLE REPORT LEGAL DESCRIPTION

UPPER VALLEY CENTER COURT SUBDIVISION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 70, PAGE 32, PLAT RECORDS OF EL PASO COUNTY, TEXAS.

SCHEDULE "B" NOTE

REFERENCE IS MADE TO THE TITLE REPORT FILE #01-17047794, ISSUED BY GLENNVILLE NATIONAL TITLE INSURANCE COMPANY, DATED JUNE 16, 2017. ALL EXEMPTIONS CONTAINED WITHIN SAID TITLE REPORT AFFECTING THE INSURANCE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

ITEMIZED NOTES

4. ANY AND ALL EXEMPTIONS, SPLITTING LINES, COVENANTS AND RESTRICTIONS AS SET FORTH IN PLAT RECORDED UNDER VOLUME 70, PAGE 32 OF THE PLAT RECORDS OF EL PASO COUNTY, TEXAS, **DISCLOSED**.

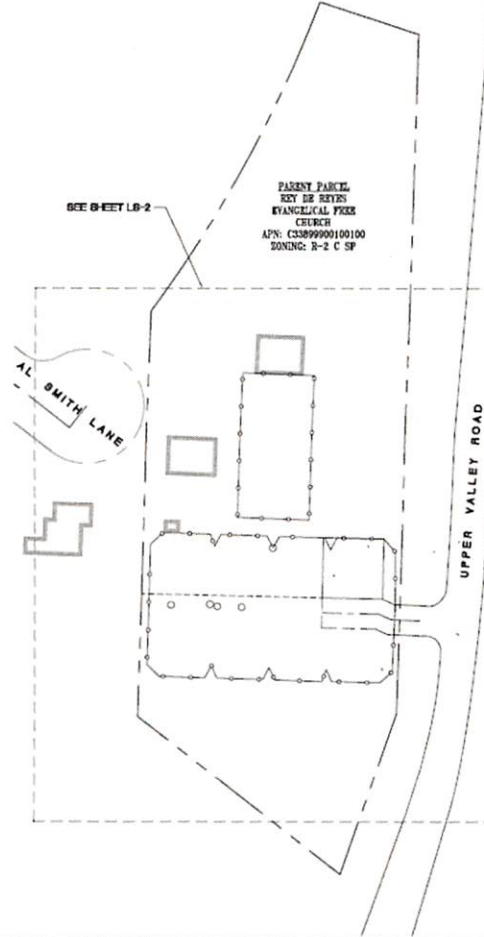
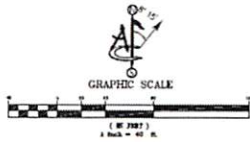
5. EASEMENT EXECUTED BY LAGUNA MEADOWS CORPORATION TO EL PASO ELECTRIC COMPANY, DATED APRIL 28, 1994, FILED JANUARY 8, 1995, RECORDED IN PLAT VOLUME 2038, PAGE 457 OF THE REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, **DISCLOSED**.

6. EASEMENT EXECUTED BY SCOTT HODGINS TO EL PASO ELECTRIC COMPANY, DATED SEPTEMBER 12, 1995, FILED SEPTEMBER 22, 1995, RECORDED IN PLAT VOLUME 2044, PAGE 465 OF THE REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, **DISCLOSED**.

7. TERMS, CONDITIONS AND STIPULATIONS OF ASSIGNMENT OF NO ORANGE PROJECT WATER SUPPLY, DATED MAY 17, 1995, FILED MAY 18, 1995, RECORDED IN PLAT VOLUME 2085, PAGE 478 OF THE REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, **DISCLOSED**.

8. TERMS, CONDITIONS AND STIPULATIONS CONTAINED IN RIGHT-OF-WAY AGREEMENT EXECUTED BY AND BETWEEN EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND UPPER VALLEY LANDOWNER, DATED JANUARY 28, 1992, FILED OCTOBER 2, 1992, RECORDED IN PLAT VOLUME 2482, PAGE 1703 OF THE REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, **DISCLOSED**.

9. TERMS, CONDITIONS AND STIPULATIONS CONTAINED IN AGREEMENT, DATED NOVEMBER 13, 1994, FILED DECEMBER 16, 1994, RECORDED IN PLAT VOLUME 2377, PAGE 482 OF THE REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, **DISCLOSED**.



APC Towers
3000 ADRIAL CENTER PARKWAY, SUITE 110
WORTHVILLE, NORTH CAROLINA 27580
PHONE: (919) 824-1634
WWW.APCTOWERS.COM

PROJECT INFORMATION
ELP - RIO RICO
TX-1475
5901 UPPER VALLEY ROAD
EL PASO, TEXAS 79932
EL PASO COUNTY

ORIGINAL ISSUE DATE
08/17/2017

REV. DATE **DESCRIPTION**

NO.	DATE	DESCRIPTION
1	08/23/2017	TITLE

STATE OF TEXAS
MIKHAIL R. AHOLA
11/23/07
8099017
REGISTERED PROFESSIONAL ENGINEER
TX-1475

SURVEY PREPARED BY
ambit consulting
4801 S. RIVINGTON AVE.
TAMPA, ARIZONA 85282
PH: (480) 638-4372
WWW.AMBITCONSULTING.US

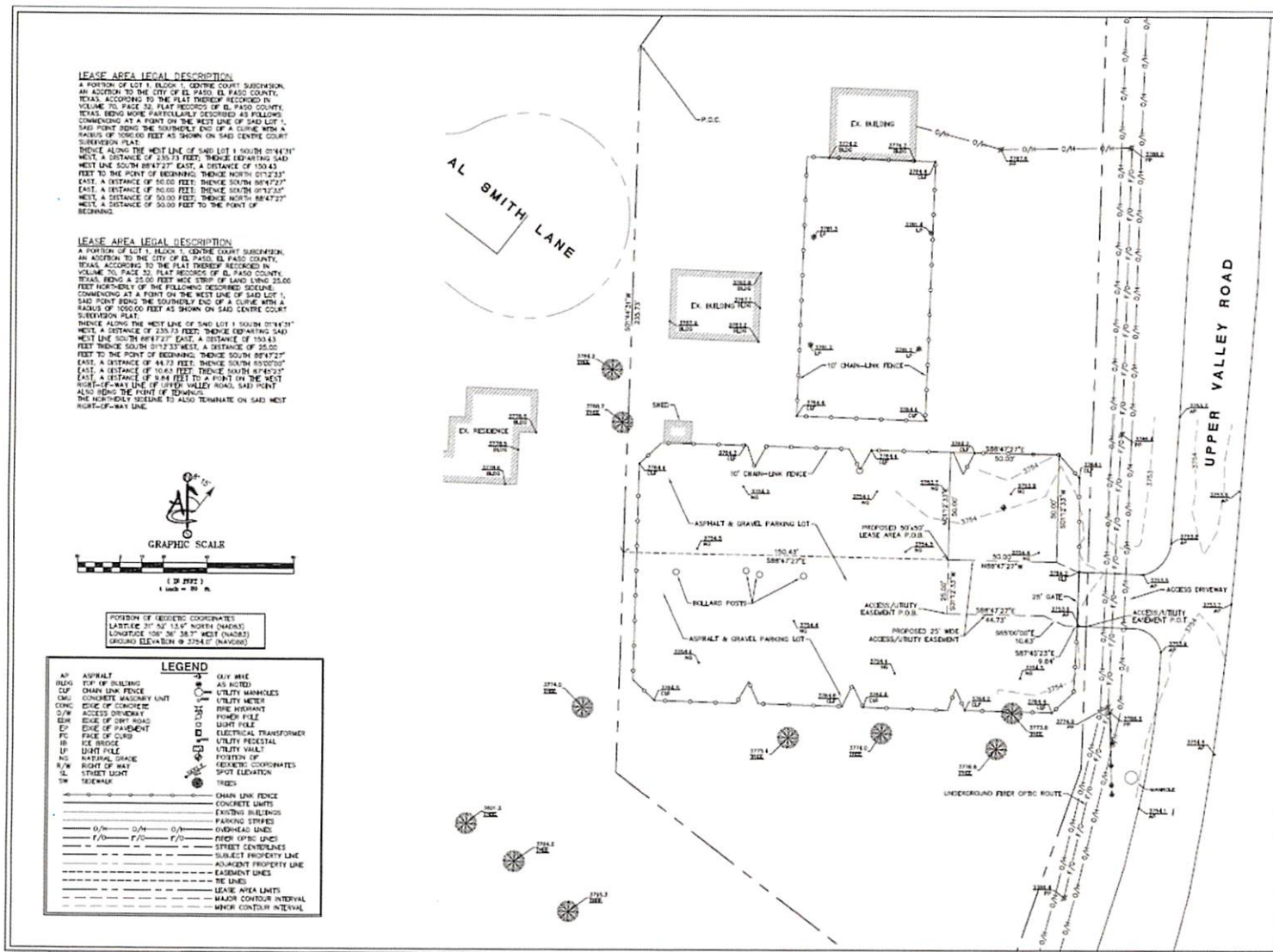
CONSULTANT

DRAWN BY **CHK** **APV**
RC **SB** **WF**

REVISOR

SHEET TITLE
OVERALL DETAIL/
NOTES

SHEET NUMBER
LS-1



3000 ADRIAL CENTER PARKWAY, SUITE 110
WOKESVILLE, NORTH CAROLINA 27586
PHONE: (919) 924-3838
WWW.APC-TOWERS.COM

PROJECT INFORMATION:

ELP - RIO RICO
TX-1475
5901 UPPER VALLEY ROAD
EL PASO, TEXAS 79902
EL PASO COUNTY

ORIGINAL ISSUE DATE:

08/17/2017

REV. DATE	DESCRIPTION	BY
08/23/2017	TITLE	MP

SURVEY PREPARED BY:

4301 S. SOUTHERN AVE.
TAMPA, FLORIDA 33606
PH: 408-638-4302
WWW.AMBITCONSULTING.US

ambit consulting

CONSULTANT:

CHART BY: CH. CAPY:

RC SB WF





USER:

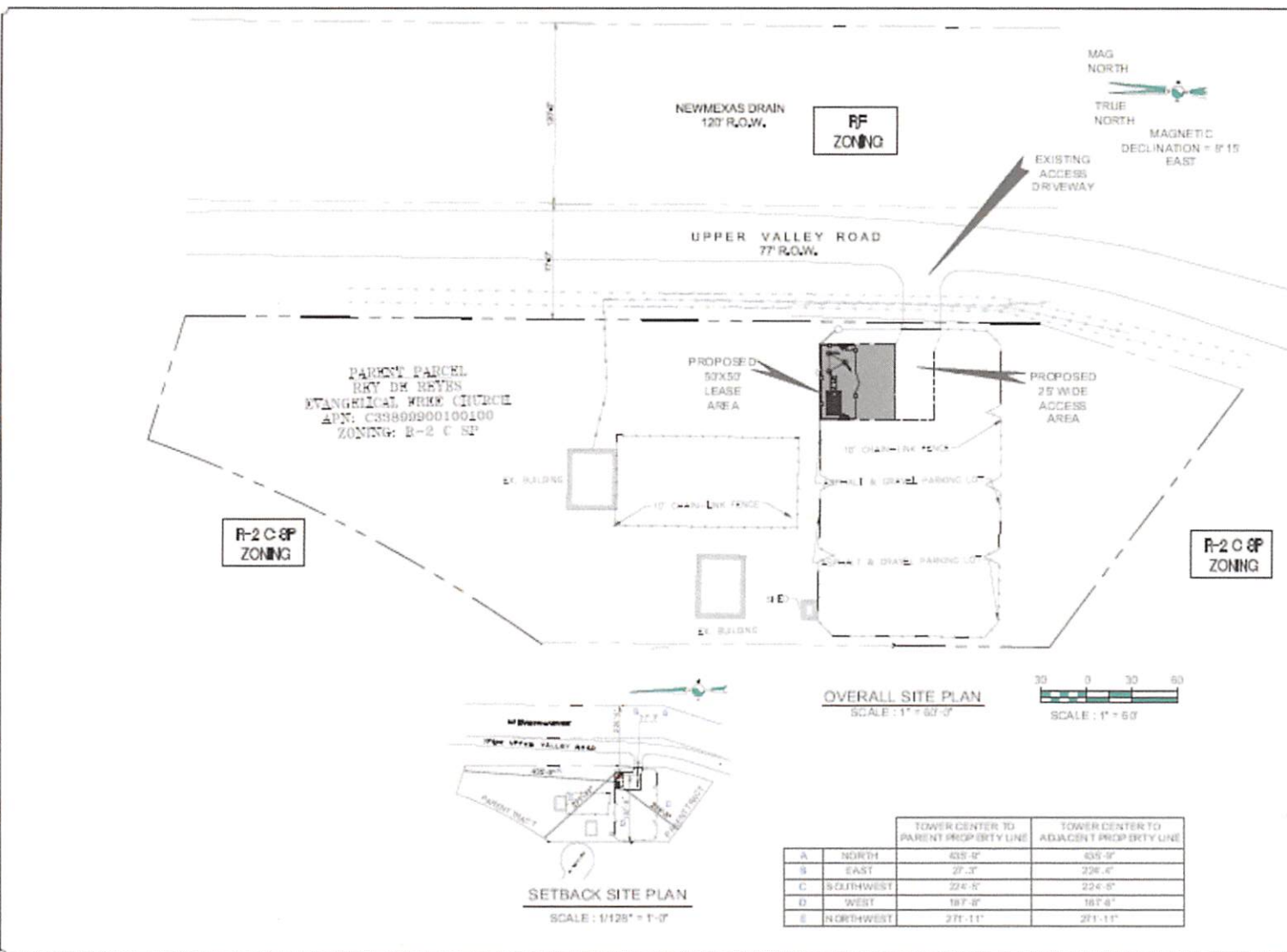
SHEET TITLE:

SITE SURVEY

SHEET NUMBER:

LS-2

PROJECT SUMMARY		APC Towers verizon wireless		SHEET INDEX																																											
PROPERTY OWNER	REV. DE REYES CHANGEL, FRISC CHURCH 508 UPPER VALLEY ROAD EL PASO, TEXAS 79932 ANDY BUCKLEY / CHURCH ELDER PH: (915) 793-9871	<div style="display: flex; justify-content: space-around;"> <div> APC SITE NAME RJO RICO </div> <div> VERIZON SITE NAME ELP RJO RICO </div> <div> SITE ADDRESS 5901 UPPER VALLEY ROAD EL PASO, TEXAS 79932 </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div> APC SITE NUMBER TX-1475 </div> <div> PROJECT TYPE 67' GROUND-MOUNTED PERSONAL WIRELESS SERVICE FACILITY </div> </div>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th>NO.</th><th>DESCRIPTION</th></tr> <tr><td>T-1</td><td>TITLE SHEET</td></tr> <tr><td>GR1</td><td>GENERAL NOTES</td></tr> <tr><td>LS1</td><td>SITE SURVEY</td></tr> <tr><td>LS2</td><td>SITE SURVEY</td></tr> <tr><td>C1</td><td>OVERALL SITE LAYOUT PLAN</td></tr> <tr><td>C2</td><td>ENLARGED SITE PLAN</td></tr> <tr><td>C3</td><td>SITE ELEVATION</td></tr> <tr><td>C4</td><td>CONSTRUCTION AND EQUIPMENT DETAILS</td></tr> <tr><td>C5</td><td>CONSTRUCTION DETAILS</td></tr> <tr><td>C6</td><td>CONSTRUCTION DETAILS</td></tr> <tr><td>C7</td><td>FENCE DETAILS</td></tr> <tr><td>C8</td><td>ANTENNA DETAILS</td></tr> <tr><td>C9</td><td>ANTENNA DETAILS</td></tr> <tr><td>E1</td><td>UTILITY CENTER NOTES AND DETAILS</td></tr> <tr><td>E2</td><td>UTILITY SITE PLAN</td></tr> <tr><td>E3</td><td>GROUNDING DIAGRAM AND SCHEDULES</td></tr> <tr><td>G1</td><td>GROUNDING PLAN & DETAILS</td></tr> <tr><td>G2</td><td>EQUIPMENT GROUNDING PLAN</td></tr> <tr><td>G3</td><td>GROUNDING DETAILS</td></tr> <tr><td>G4</td><td>GROUNDING DETAILS</td></tr> </table>		NO.	DESCRIPTION	T-1	TITLE SHEET	GR1	GENERAL NOTES	LS1	SITE SURVEY	LS2	SITE SURVEY	C1	OVERALL SITE LAYOUT PLAN	C2	ENLARGED SITE PLAN	C3	SITE ELEVATION	C4	CONSTRUCTION AND EQUIPMENT DETAILS	C5	CONSTRUCTION DETAILS	C6	CONSTRUCTION DETAILS	C7	FENCE DETAILS	C8	ANTENNA DETAILS	C9	ANTENNA DETAILS	E1	UTILITY CENTER NOTES AND DETAILS	E2	UTILITY SITE PLAN	E3	GROUNDING DIAGRAM AND SCHEDULES	G1	GROUNDING PLAN & DETAILS	G2	EQUIPMENT GROUNDING PLAN	G3	GROUNDING DETAILS	G4	GROUNDING DETAILS
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TOWER OWNER	APC TOWERS 8601 HILLCREST RD. SUITE 100 DALLAS, TX 75243 (MIDLAND) PHONE: (972) 412-1940																																														
APC UNIT	VERIZON WIRELESS 4821 KUMARK RD. ALBUQUERQUE, NM 87111 CONTACT: BOB DUNLUT PHONE: (505) 964-0681																																														
SUBMITTER	AMST CONSULTING 410 E. SOUTHERN AVE. TOMPA, ARIZONA 85085 PHONE: (480) 964-0072																																														
JURISDICTION	CITY OF EL PASO 601 TEXAS AVE. EL PASO, TEXAS 79901																																														
COUNTY	EL PASO COUNTY																																														
ZONING CLASSIFICATION	MC-C-SP																																														
OCCUPANCY	UNMANNED																																														
CONSTRUCTION TYPE	67																																														
ADDITIONAL TAX ID	0000000000																																														
SITE COORDINATES	LATITUDE: 31°12'13.9" N LONGITUDE: 105°18'37.9" W																																														
TELEPHONE COMPANY	TWD																																														
POWER COMPANY	EL PASO ELECTRIC COMPANY																																														
SOIL INVESTIGATION	PH (RQ) 01-0000																																														
VICINITY MAP 		LOCATION MAP 																																													
DRIVING DIRECTIONS FROM EL PASO AIRPORT: FROM EL PASO AIRPORT, HERRERY BLVD. TO 445, RIGHT / WEST ON 445 TO 5TH & AIRCRAFT, LEFT / WEST ON AIRCRAFT, LEFT / SOUTH ON UPPER VALLEY ROAD, LEFT / ON THE LEFT / WEST SIDE.		CODE COMPLIANCE ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNMENT AUTHORITY: NOTING IN THESE PLANS IS TO BE CONSIDERED FOR PERMIT WORK NOT CONFORMING TO THESE CODES IS TO BE INTERNATIONAL BUILDING CODE (IBC) IS TO BE INTERNATIONAL MECHANICAL CODE IS TO BE NATIONAL ELECTRICAL CODE (NEC)																																													
STRUCTURAL REVIEW CONTRACTOR SHALL AT ALL TIMES VERIFY STRUCTURAL EVALUATION REPORT OF EXISTING TOWER FOR EACH PLACEMENT OF ANTENNAS AND COME CARLIS. CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE STRUCTURAL ANALYSIS REPORT AND NOTIFY THE LOCAL GOVERNMENT CONSTRUCTION MANAGER IN THE CASE OF ANY DISCREPANCIES. ANY STRUCTURAL MODIFICATION REQUIRED SHALL BE DONE PRIOR TO THE INSTALLATION OF ANTENNAS.		APPROVALS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>DESIGNED BY</td><td>DATE</td></tr> <tr><td>ITC APPROVED BY</td><td>DATE</td></tr> <tr><td>SEAL</td><td>DATE</td></tr> <tr><td>CTC</td><td>DATE</td></tr> <tr><td>ELC</td><td>DATE</td></tr> </table>		DESIGNED BY	DATE	ITC APPROVED BY	DATE	SEAL	DATE	CTC	DATE	ELC	DATE																																		
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THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF AMST CONSULTING. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM AMST CONSULTING.		<div style="display: flex; justify-content: space-between;"> <div> APC Towers <small>8601 HILLCREST RD. SUITE 100 DALLAS, TX 75243 PH: (972) 412-1940</small> </div> <div> verizon wireless <small>4821 KUMARK RD. ALBUQUERQUE, NM 87111</small> </div> </div> <div style="text-align: center; margin-top: 10px;"> CLEAR WATER COMMUNICATIONS, INC. <small>3337 TAMM DR. TRAIL SAN ANTONIO, TEXAS 78226 www.clearwatercommunications.com PH: (214) 349-0000</small> </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%;"> PER PROJECT (UNAPPROVED) (CHECKED BY) </td> <td style="width: 50%;"> TOWER NO. (UNAPPROVED) (CHECKED BY) </td> </tr> </table> <div style="text-align: center; margin-top: 10px;">  </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%;"> APC SITE: TX-1475 RJO RICO VERIZON SITE: ELP RJO RICO ADDRESS: 5901 UPPER VALLEY ROAD EL PASO, TEXAS 79932 DESCRIPTION: NEW 67' STEALTH TOWER SHEET TITLE: TITLE SHEET <div style="display: flex; justify-content: space-between;"> <div> SHEET NO. T-1 </div> <div> TOTAL 0 </div> </div> </td> <td style="width: 50%;"></td> </tr> </table>		PER PROJECT (UNAPPROVED) (CHECKED BY)	TOWER NO. (UNAPPROVED) (CHECKED BY)	APC SITE: TX-1475 RJO RICO VERIZON SITE: ELP RJO RICO ADDRESS: 5901 UPPER VALLEY ROAD EL PASO, TEXAS 79932 DESCRIPTION: NEW 67' STEALTH TOWER SHEET TITLE: TITLE SHEET <div style="display: flex; justify-content: space-between;"> <div> SHEET NO. T-1 </div> <div> TOTAL 0 </div> </div>																																									
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ATC Towers
1800 S. BURNETT RD. SUITE 200
SAN ANTONIO, TX 78245
TEL: 210.224.0000

Verizon Wireless
4875 FRANKLIN
ALBUQUERQUE, NM 87111

CLEAR WATER COMMUNICATIONS, INC.
5077 TAMER TRAIL
SAN ANTONIO, TEXAS 78228
DANIELA BARRON/512.380.0000
P. 4000

PROJECT: CWP00011
DRAWN: CWP
CHECKED BY: M

REVISIONS

NO.	DATE	DESCRIPTION
1	11/28/17	ISSUED FOR PERMITTING
2	11/28/17	ISSUED FOR PERMITTING
3	11/28/17	ISSUED FOR PERMITTING

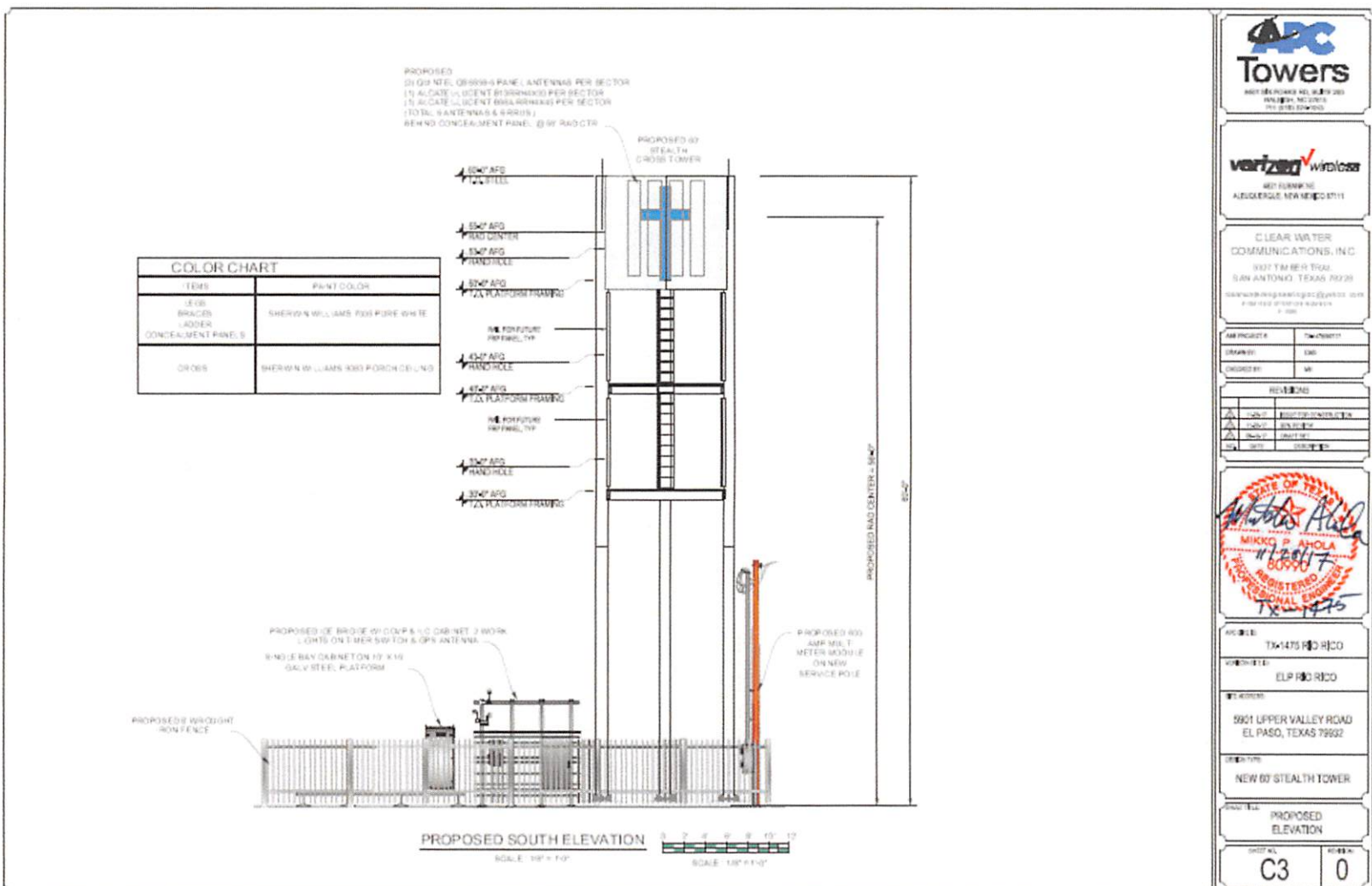
APPROVED: TX-1475 MD RICO
DESIGNED BY: ELP MD RICO
PROJECT: 5901 UPPER VALLEY ROAD
EL PASO, TEXAS 79902
TOWER TYPE: NEW 60' STEALTH TOWER

OVERALL SITE PLAN

SHEET NO.	TOTAL
C1	0



ORDINANCE NO.



MEMORANDUM

DATE: February 26, 2018

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

FROM: Andrew Salloum, Senior Planner

SUBJECT: **PZST17-00035**

The City Plan Commission (CPC), on February 8, 2018, voted 7-0 to recommend **denial** of the special permit to allow for the placement of a ground-mounted personal wireless service facility (PWSF) in the R-2 (Residential) zone district as required by El Paso City Code Section 20.10.455.D.

The CPC found that the special permit is not in conformance with Plan El Paso. The CPC also determined that the special permit does not protect the best interest, health, safety and welfare of the public in general; that the proposed use is not compatible with adjacent land uses; and the special permit will have a negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

As of February 26, 2018, the Planning Division received 5 phone calls, 6 letters, and a petition with 43 signatures in opposition to the special permit request, see attachment 9. During the City Plan Commission meeting on February 8, 2018, 1 individual spoke in opposition to the special permit request.

Property Owner: Rey De Reyes Evangelical Free Church
Applicant: APC Towers, II, LLC and Dallas MTA LP d/b/a Verizon Wireless
Representative: Romano & Associates, LLC

Attachments:

City Plan Commission Statement
Applicant's letter of appeal
Staff Report with updated petition
Email of petition in opposition (Received after City Plan Commission)

ITEM: PZST17-00035

The City Plan Commission denied the application for this item on 02/08/18 which is available on video via the El Paso City website. The commission denied this application based purely on what seemed to be the neighborhood opposition and no integration of cell tower with church facility as other churches have within the city. Although the applicant was very cooperative with the community, he met with the opposition immediately following the previous meeting to address the neighborhoods concerns, insinuated that they would NOT pay the landscape waiver and instead provide a landscape buffer wall along the street view and around the actual cell tower facility requested by Commissioner Bonart at previous meeting. The opposition also mentioned a meeting with their City Council Representative that the applicant was more than willing to attend with opposition and the meeting never occurred, not allowing either party to provide their ideas to fulfill a reasonable agreement. No list of opposition signatures was provided.

Conrad Pickett

APPEAL TO THE CITY COUNCIL

February 22, 2018

Honorable Mayor and City Council
City of El Paso
801 Texas Avenue
El Paso, TX 79901

RE: PZST17-00035 APC Towers/Verizon Wireless PWSF at 5901 Upper Valley Road

Honorable Mayor and City Council:

Our firm represents APC Towers, LLC (the "Applicant"). After a public hearing held on February 8, 2018, the City Plan Commission denied Applicant's request for Special Permit for a Ground-Mounted Personal Wireless Service Facility in an R-2 zone at 5901 Upper Valley Road legally described as:

**A portion of Lot 1, Block 1, Centre Court, City of El Paso, El Paso County,
Texas**

Applicant hereby requests the City Council to review the decision of the City Plan Commission and consider the request set out above. I am attaching a letter setting forth the reasons for believing their decision to be in error.

Sincerely,



Nicholas Romano
Romano & Associates, LLC
8100 Wyoming Blvd. NE #M4-167
Albuquerque, NM 87113
Agent For Applicant

Filed with City Clerk's Office via e-mail on: February 22, 2018

February 22, 2018

Honorable Mayor and City Council
City of El Paso
801 Texas Avenue
El Paso, TX 79901

RE: PZST17-00035 APC Towers/Verizon Wireless PWSF at 5901 Upper Valley Road

Honorable Mayor and City Council:

Our firm represents APC Towers, LLC (the "Applicant") regarding the application for a Special Permit for the construction of a Ground-Mounted Personal Wireless Service Facility ("PWSF") at 5901 Upper Valley Road. At its February 8, 2018, meeting, the City Plan Commission voted to deny the Special Permit for the proposed PWSF. At the meeting, there was no discussion of the merits of the application and a decision was rendered without deliberation. To date, no explanation of the reason for denial has been provided. By way of this letter, the applicant formally appeals this decision pursuant to Chapter 20.04.260 of the municipal code, on the grounds that the City Plan Commission did not properly apply the criteria specified within the code itself for evaluating such requests.

The proposed PWSF is needed to eliminate a significant gap in reliable wireless coverage in the surrounding neighborhoods. As set forth in the engineering statements and maps provided with the application, there are no existing wireless facilities in service within more than 1.5 miles in any direction of the subject property. Since there are no existing facilities or structures which could be utilized to improve coverage in this area, a new ground-mounted PWSF (constructed by APC Towers) has been proposed at the church located at 5901 Upper Valley Road. In an area characterized almost exclusively by single-family residential and agricultural uses, this non-residential property is an appropriate location where a PWSF can be designed in a manner compatible with the property's existing use.

Ground-mounted PWSFs are a permitted use in the R-2 zone. As indicated in the Staff Report, the project meets the basic criteria for a PWSF as well as a Special Permit. The requirements necessary for the approval of a Special Permit from Chapter 20.04.320.D of the municipal code are listed below with an explanation as to how this application fulfills each one:

1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;

As noted in the Staff Report, the proposed facility complies with all requirements of the code related to Personal Wireless Service Facilities.

2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;

The Plan El Paso explicitly emphasizes infrastructure throughout as a foundation for the modern, livable, attractive city El Paso has become and strives to improve. Robust wireless infrastructure should be considered an integral factor in achieving this goal. Wireless coverage is now on par with such essentials as safety, schools, and proximity to work, shopping and entertainment to prospective homebuyers. "Smart" device ownership is almost universal across all demographic segments, but ownership and usage is especially prevalent especially among younger generations. El Paso is a young city, with almost 50% of the population below the age of 34 (median age 33), and this reality is reflected in the Plan El Paso which makes a priority of cultivating an image of "innovation" and promoting development that is "attractive to young college educated people." It is important to recognize that broadband wireless coverage is a requirement to fulfilling this goal. In addition, if we take the ideals of the Plan El Paso to their long-term fulfillment—a walkable city where residents live, work, and play in compact mixed-use neighborhood units—then strong wireless service in these areas will be all the more vital. Therefore, the proposed PWSF falls in line with the overarching philosophy of community development set forth in the City's comprehensive plan. It will strengthen much-needed wireless coverage in the Upper Valley and provides for shared use by future providers which will inevitably arrive.

3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;

The proposed facility, once constructed, only requires service/maintenance visits approximately once per month. Access is via an existing driveway to the property. As such, there will be no impact on traffic.

4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;

The proposed development is located physically as far away as possible from all adjacent properties and the antenna structure is set back 187 feet from the west property line, more than 3 times its height. The design was specifically chosen to complement the existing use of the property. Having heard neighbors' concerns, the applicant took additional measures such as changes to the color scheme and the installation of landscaping to screen the facility from view to further mitigate any perceived negative impact.

5. The design of the proposed development mitigates substantial environmental problems;

No environmental problems as anticipated as a result of this development. The facility will comply with all local, state, and federal environmental regulations.

6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;

Landscaping to screen the facility from view is proposed both along the right-of-way and at the back of the property adjacent to neighboring homes.

7. The proposed development is compatible with adjacent structures and uses;

By camouflaging the structure as a church steeple/belfry, the proposed development is compatible with the existing church use of the property. This design is similar to other facilities which have been approved at churches across the City.

8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

There is no objective evidence to demonstrate that the proposed PWSF would have any detrimental effect on the enjoyment or valuation of adjacent properties. The PWSF's operation does not present a nuisance or generate any traffic, and its design meets all City criteria which exist to mitigate any adverse effect including camouflage, height, and setbacks. The applicant has situated the proposed development on the extreme eastern edge of the property, which, as we have noted is as far as possible from all adjacent neighbors, chosen a design compatible with the existing church use, and included landscaping to screen it further from view. Furthermore, one can argue that enhanced wireless coverage in a residential area actually improves property values and makes the area more attractive to young professionals, as mentioned above.

The applicant is aware of the concerns of residents in the area regarding the proposed development and has taken measures to address those concerns including the installation of landscaping to screen the facility from view and modifications to the color scheme. However, if the mere existence of a PWSF adjacent to a single-family home is grounds to consider it materially detrimental, then enforcement of the City's wireless regulations would have an acutely prohibitive effect on the deployment and provision of wireless services across the entire Upper Valley, which currently lacks existing wireless infrastructure all together. It is worth noting that all properties in the Upper Valley, including the very few commercially-zoned properties, are surrounded by single-family residences. As such, there is no alternative location within at least 1 mile of the subject property that would not also be immediately adjacent to a single-family residence. Ironically, it is the preponderance of such single-family cluster developments (which are encouraged in the Plan El Paso) that drive the need for improved wireless service in the area. Given that the Council has previously approved PWSFs in residential areas under similar circumstances, it is clear that mere proximity to a residence is not materially detrimental. Considering the measures the applicant has taken to integrate the proposed development into the existing use of the property, there is no reason to suspect a detrimental effect on any adjacent properties.

The Plan El Paso notes, when discussing the Upper Valley, "As development pressure increases in the valley over time, a simple 'no growth' scenario is not likely to be practical. Growth will likely eventually come to the valley, and as such it should be planned for." Part of this planning should include personal wireless service facilities which will provide essential communication services in El Pasoans' homes where it is no longer

CITY CLERK DEPT.
2018 FEB 22 PM2:02

simply luxury or a convenience. The best way to accommodate this necessity in residential areas is to encourage their placement on properties with non-residential/institutional uses such as schools, care facilities and churches where they can be integrated into the existing uses in a complimentary way. In addition, such wireless sites should be designed for shared use by future providers which are certain to come as the Upper Valley continues to grow. We believe the proposed development at 5901 Upper Valley Road meets all of these criteria in addition to the requirements set forth in the code, and for these reasons the applicant requests that the Council decide to approve the applicant's request for Special Permit.

We appreciate your consideration of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicholas Romano', with a stylized, flowing script.

Nicholas Romano
Agent for Applicant

5901 Upper Valley Road

City of El Paso — Plan Commission — 2/8/2018 (REVISED)

PZST17-00035 Special Permit



STAFF CONTACT: Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

OWNER: Rey De Reyes Evangelical Free Church

APPLICANT: APC Towers, II, LLC and Dallas MTA LP d/b/a Verizon Wireless

REPRESENTATIVE: Romano & Associates, LLC

LOCATION: 5901 Upper Valley Road, District 1

LEGAL DESCRIPTION: A portion of Lot 1, Block 1, Centre Court, City of El Paso, El Paso County, Texas

EXISTING ZONING: R-2/c/sp (Residential/condition/special permit)

REQUEST: Special Permit to allow for Personal Wireless Service Facility (PWSF) in R-2 (Residential) zone district

RELATED APPLICATIONS: N/A

PUBLIC INPUT Planning has received 5 phone calls, 6 letters, and a petition with 28 signatures in opposition to the special permit request; Notices sent to property owners within 300 feet on January 11, 2018.

STAFF RECOMMENDATION: Approval (see pages 2—5 for basis of recommendation)

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for the placement of a new ground-mounted personal wireless service facility (PWSF) in the R-2 (Residential) zone district as required by El Paso City Code Section 20.10.455.D. The site plan shows a 2,500 sq. ft. lease area for a 60 ft. high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged to resemble a stealth cross tower, while the equipment will be screened with a wrought iron fence.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **approval** of the special permit for a Personal Wireless Service Facility (PWSF), as it meets all the requirements of 20.10.455 PWSF, 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.



DESCRIPTION OF REQUEST

The applicant is requesting a special permit to allow for the placement of a new ground-mounted personal wireless service facility (PWSF) in the R-2 (Residential) zone district as required by El Paso City Code Section 20.10.455.D. The site plan shows a 2,500 sq. ft. lease area for a 60 ft. high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged to resemble a stealth cross-tower, while the equipment will be screened with a wrought iron fence at the edge of the property adjacent to a driveway. The new tower is also providing space for collocation in the future. The proposed PWSF meets all setback and height requirements for location in an R-2 (Residential) district. The applicant opted to request a landscape buyout as permitted by the landscaping ordinance for PWSF facilities. There are no other PWSF facilities within one-half mile of the subject property. A maintenance access easement off a private driveway within the subject property proposed from Upper Valley Road.

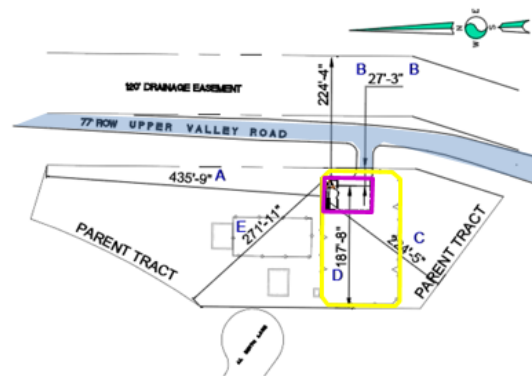
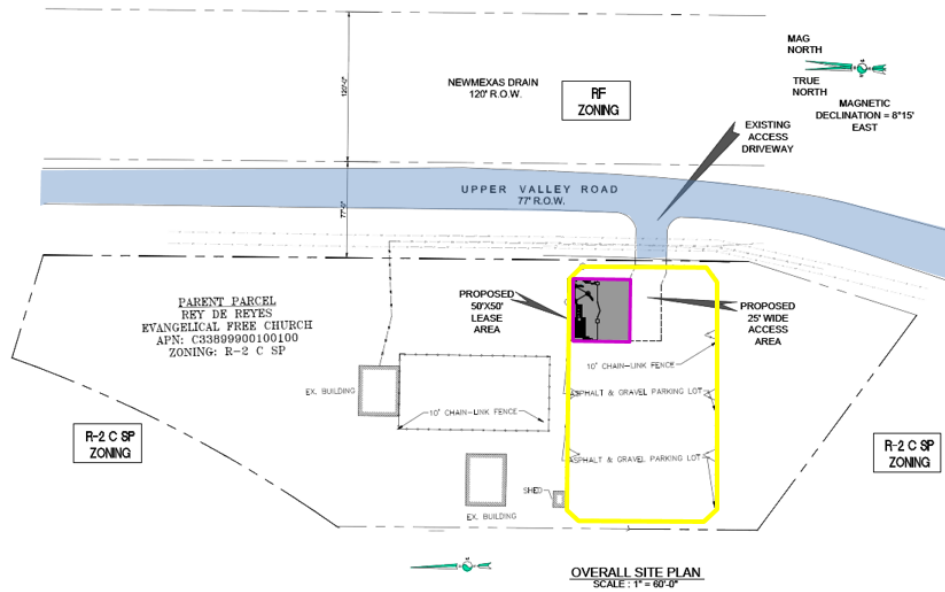
On January 25, 2018, the case was heard by the City Plan Commission and recommended to postpone 2 weeks so the applicants can meet with residents.

SPECIAL PERMIT REQUIREMENTS

To grant the special permit to allow for a personal wireless service facility (PWSF), the applicant must comply with the following standards, per 20.10.455 PWSF, 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.

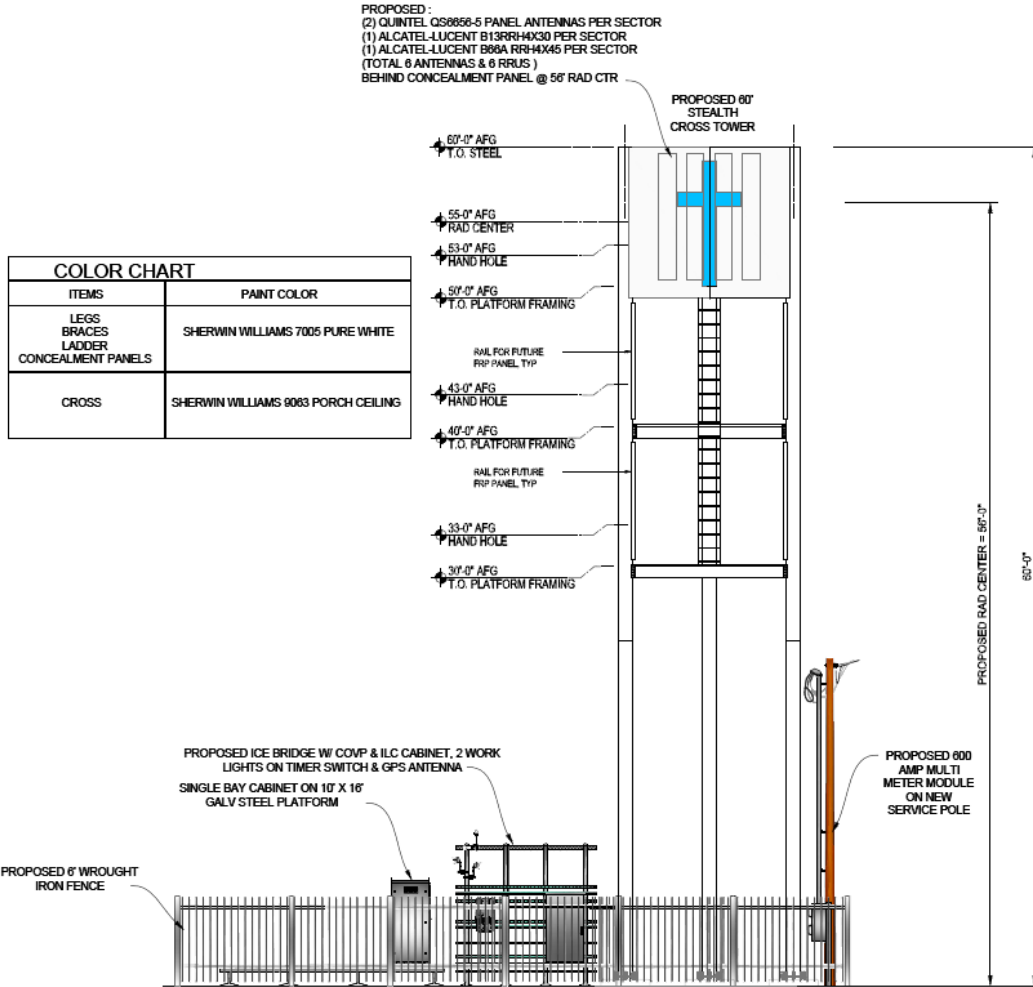
20.10.455 PWSF	DOES IT COMPLY?
Ground-mounted PWSF antenna support structures and appurtenant equipment storage facilities are permitted by special permit with the following restrictions: a. Setbacks. i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.	Yes. The proposed PWSF meets the setback requirement includes right-of-way and easement of the R-2 zone district.
c. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile.	There are no other PWSF within one-half mile buffer of the subject property.
G. All ground-mounted PWSF located in residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures	The PWSF is proposed 60 ft. stealth cross tower included pure white legs, braces, ladder, and concealment panels with a light blue cross on the church property.

in bell steeples or clock towers, or on similar alternative-design mounting structures.	
i. Screening Fence. A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security	The PWSF is proposed 6 ft. wrought iron fence.
j. Access Driveway. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.	A maintenance access easement off a private driveway within the subject property proposed from Upper Valley Road.



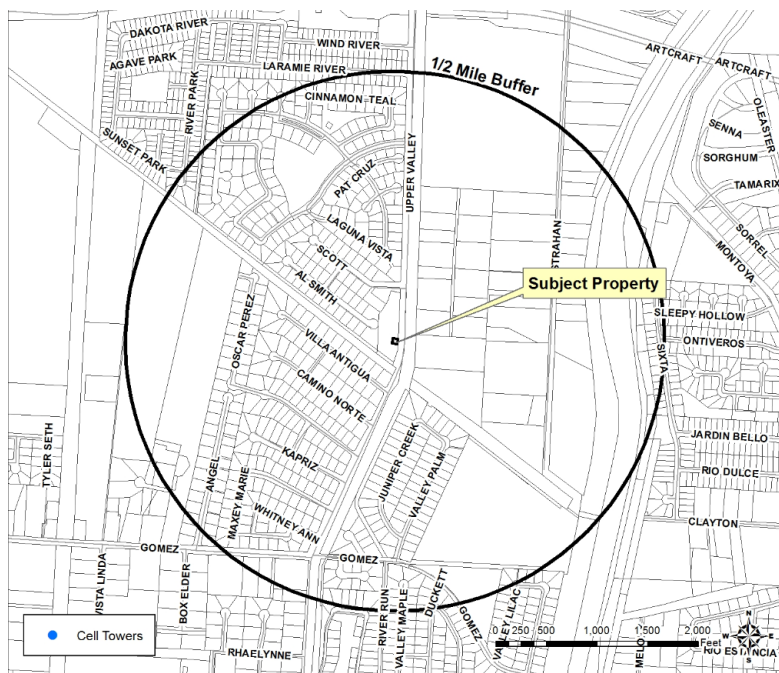
SETBACK SITE PLAN

		TOWER CENTER TO PARENT PROPERTY LINE	TOWER CENTER TO ADJACENT PROPERTY LINE
A	NORTH	435'-9"	435'-9"
B	EAST	27'-3"	224'-4"
C	SOUTHWEST	224'-5"	224'-5"
D	WEST	187'-8"	187'-8"
E	NORTHWEST	271'-11"	271'-11"



PROPOSED SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



REALATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<u>G-4 Suburban (Walkable)</u> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	Yes. The subject property, and the proposed development for it, meet the intent of the G-4, Suburban (Walkable) Future Land Use Map designation.
ZONING DISTRICT	DOES IT COMPLY?
<u>R-2/c/sp (Residential/condition/special permit)</u> The purpose of these districts is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.	Yes. PWSF is permitted in the R-2 District with special permit approval and the proposal meets all dimensional requirements.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site meets the minimum dimensional requirements of the R-2 (Residential) District, and the proposed use is permitted by special permit.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of this district is to provide for primarily fallow or agricultural areas within the city and to protect and conserve these areas within and adjacent to urban development. It is intended that this district afford areas where semi-rural (very-low density) residential and agricultural uses can be maintained without impairment from higher density residential, commercial or industrial development. The regulations of this district are designed to protect, stabilize and enhance the development of agricultural resources and to prohibit those activities that would adversely affect the urban-rural characteristics of this district.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Per reviewing departments, the subject property is adequately served by the existing infrastructure to accommodate the proposed use. A new water service permit will be required, which will require coordination with the El Paso Water Utility.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not within any arroyos or identified environmentally sensitive areas.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Upper Valley Neighborhood Association. It was contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 11, 2018. The Planning Division received 5 phone calls, 6 letters, and a petition with 28 signatures in opposition to the Special Permit request, see attachment 9.

STAFF COMMENTS: No objections to proposed special permit and detailed site development plan approval. No reviewing departments had any comments. The applicant will need to coordinate with the El Paso Water Utility to establish service at the subject property. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

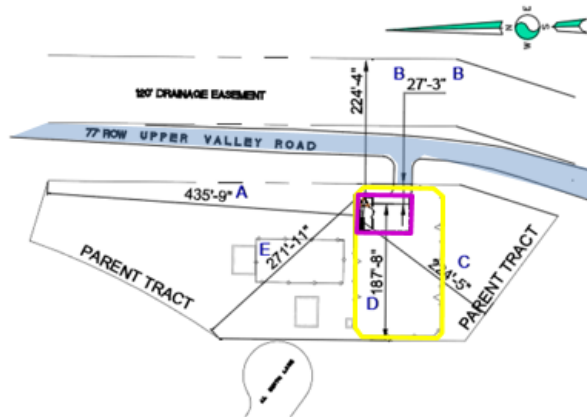
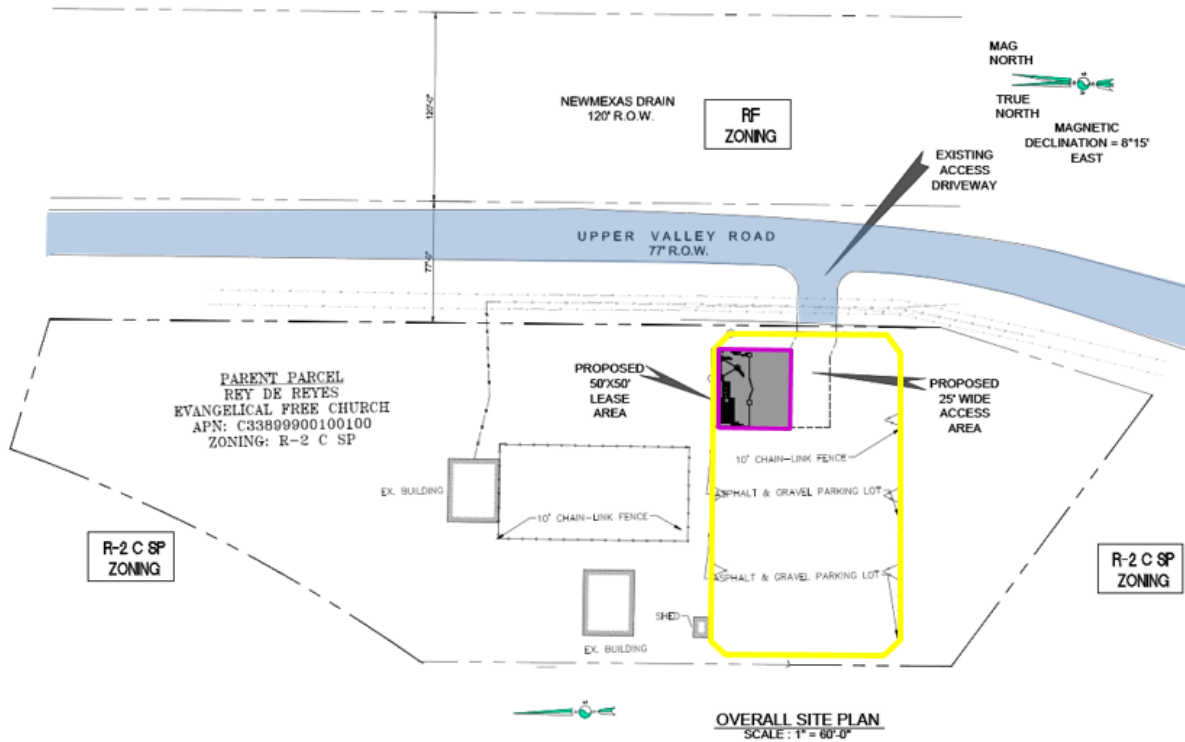
OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

1. Site Plan
2. Zoning Map
3. Future Land Use Map
4. Simulation Photos
5. Project Purpose Statement
6. Landscape Buyout Request
7. Department Comments
8. Neighborhood Notification Boundary Map
9. Six Letters and a petition with 28 signatures
10. Condition: Ordinance No. 010764 dated November 12, 1991
11. Special Permit: Ordinance No. 12377 dated May 9, 1995

ATTACHMENT 1

Site Plan

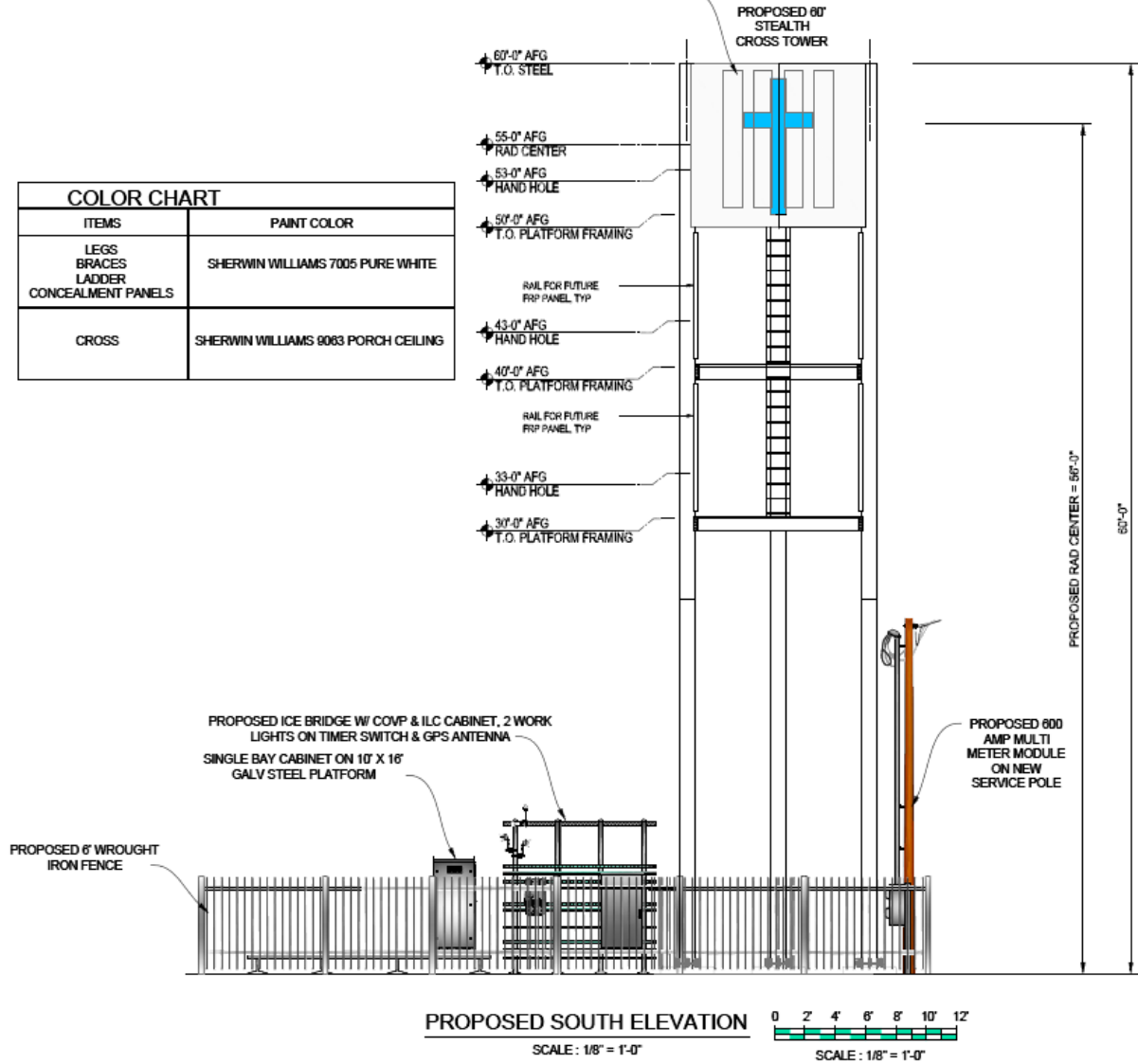


SETBACK SITE PLAN

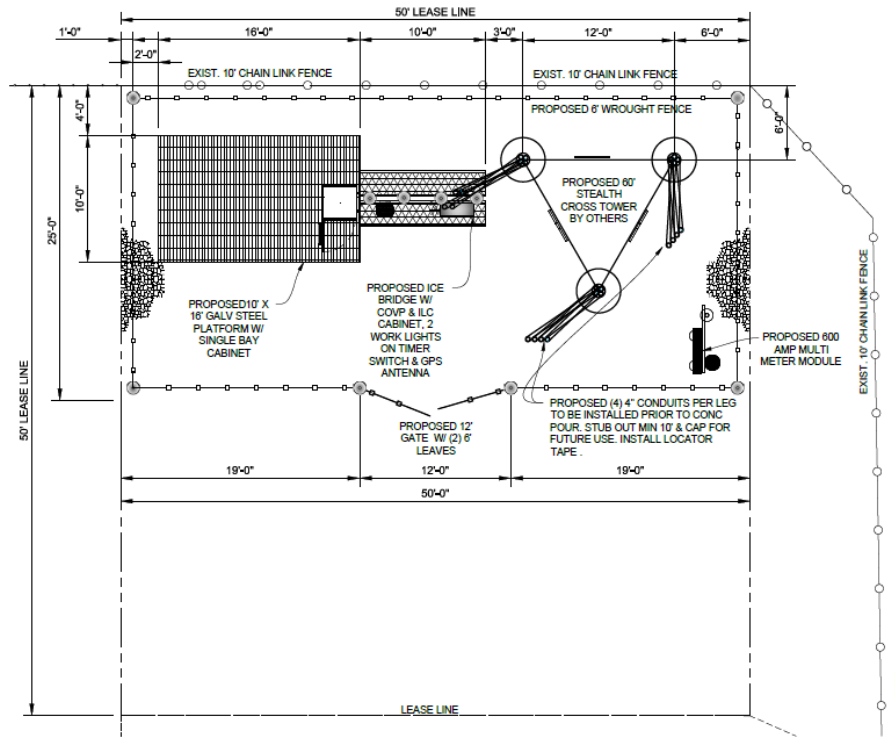
		TOWER CENTER TO PARENT PROPERTY LINE	TOWER CENTER TO ADJACENT PROPERTY LINE
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C	SOUTHWEST	224'-5"	224'-5"
D	WEST	187'-8"	187'-8"
E	NORTHWEST	271'-11"	271'-11"

PROPOSED :
 (2) QUINTEL QS6856-5 PANEL ANTENNAS PER SECTOR
 (1) ALCATEL-LUCENT B13RRH-4X30 PER SECTOR
 (1) ALCATEL-LUCENT B86A RR-4X45 PER SECTOR
 (TOTAL 6 ANTENNAS & 6 RRUS)
 BEHIND CONCEALMENT PANEL @ 56' RAD CTR

COLOR CHART	
ITEMS	PAINT COLOR
LEGS BRACES LADDER CONCEALMENT PANELS	SHERWIN WILLIAMS 7005 PURE WHITE
CROSS	SHERWIN WILLIAMS 9063 PORCH CEILING



NOTE:
SEE STRUCTURAL DETAILS BY
OTHERS FOR INSTALLATION OF (4) 4"
PVC CONDUITS FOR COAX RUNS
INSIDE TOWER LEGS.



DETAILED SITE PLAN
SCALE : 1/8" = 1'-0"



ATTACHMENT 2

Zoning Map

PZST17-00035



ATTACHMENT 3

Future Land Use Map



ATTACHMENT 4

Simulation Photos



EXISTING



PROPOSED



EXISTING



PROPOSED



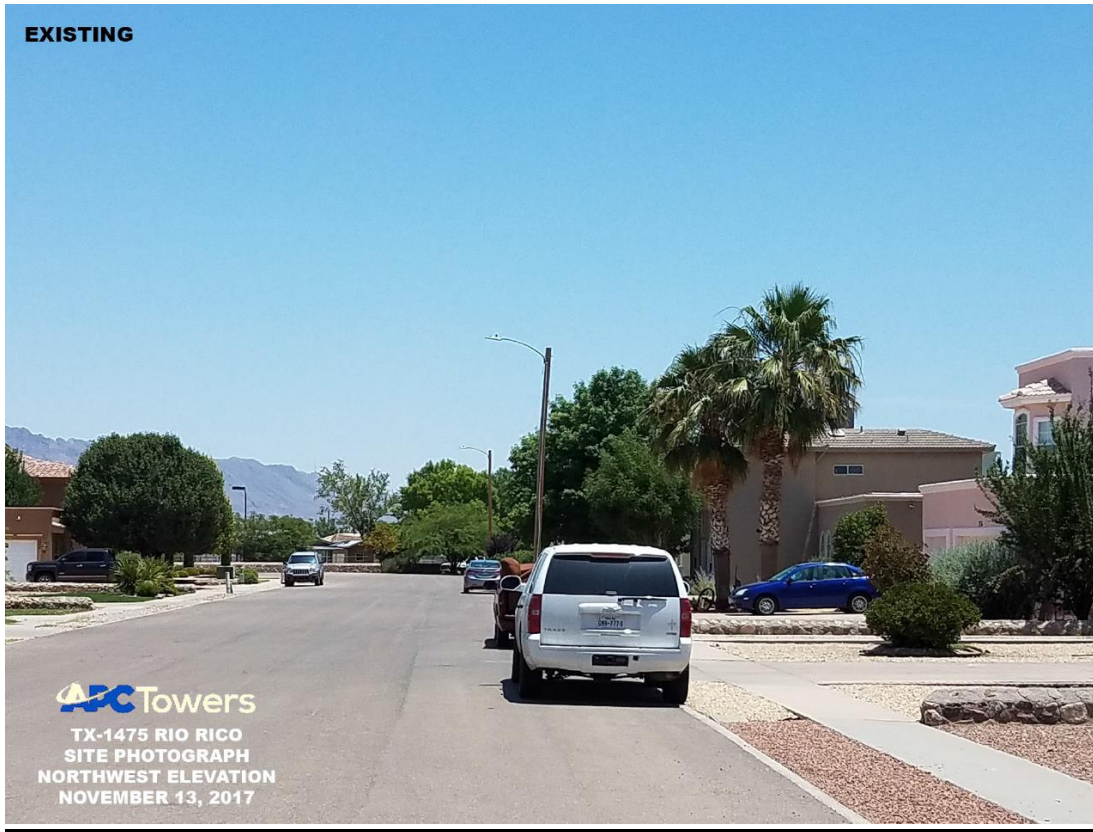
EXISTING



PROPOSED



EXISTING



PROPOSED



ATTACHMENT 5

Project Purpose Statement

January 10, 2018

Andrew Salloum
City of El Paso Planning & Inspections Department
801 Texas Avenue
El Paso, TX 79901

RE: PZST17-00035/PZPC17-00109 APC Towers/Verizon Wireless PWSF at 5901 Upper Valley Road

Dear Mr. Salloum:

Please accept this letter as an overview of the application submitted by APC Towers, LLC and Verizon Wireless to install a Ground-Mounted PWSF at 5901 Upper Valley Road. APC Towers proposes to construct a 60' ground-mounted PWSF camouflaged as a bell tower at 5901 Upper Valley Road within a 25' by 50' wrought iron equipment enclosure as depicted in the accompanying engineering drawings and photo simulations. Verizon Wireless would install its antennas inside the structure behind concealment screens with the church's cross logo and also place radio equipment cabinets on the ground within APC's enclosure.

The purpose of this facility is to enhance Verizon's network coverage in the surrounding area since there are no nearby sites existing within more than 1 mile. The growth of wireless traffic in El Paso has left the existing neighboring network sites with insufficient capacity to adequately service this area creating a significant gap in reliable wireless service in the vicinity of the proposed facility. This gap impacts residents, workers, and commuters this neighborhood. Please refer to the Significant Gap Statement prepared by Verizon Wireless RF Engineer Hamdi Alaaldin for a more detailed explanation of the need for this facility.

The subject property is currently the site of the Rey de Reyes Evangelical Christian Church. The proposed bell tower design will complement this existing use. In addition, this particular structure design will permit the addition of future wireless carriers should they also need to enhance service in this rapidly growing area. The structure also meets the required 3:1 setbacks from adjacent properties when factoring in the width of Upper Valley Road and the New Mexas Drain rights-of-way.

APC Towers and Verizon Wireless appreciate the City's consideration of this application and look forward to presenting it to the Plan Commission and City Council.

Sincerely,



Nicholas Romano
Romano & Associates, LLC
Authorized Agent

Significant Gap Statement
Hamdi Alaaldin
Verizon Wireless

Pursuant to Section 6.00 of the City of El Paso Personal Wireless Service Facility
Review Application

1. I am a radio frequency (RF) engineer for the Southwest Area of Verizon Wireless. I have specific training, experience and education in the design of advanced digital wireless networks, including Verizon Wireless's 2G, 3G, and 4G network based on, TDMA, CDMA, LTE and AWS technologies. This statement is submitted in response to the requirements of Section 6.00 of the City of El Paso Personal Wireless Service Facility Review Application (the "Application"). The purpose of this report is to explain and demonstrate Verizon Wireless's significant gap in service and the need for the Proposed Site to provide in-vehicle and in-building coverage that support reliable voice and data services in the city. References in this report to the "Proposed Site" refer to 5901 Upper Valley Road, El Paso, Texas, the proposed location for the personal wireless service facility in this matter.
2. Without the construction of the Proposed Site, Verizon Wireless has a significant gap in reliable wireless service due to the fact that existing sites in Verizon's network cannot reliably serve the area surrounding the Proposed Site. The nearest existing sites to the Proposed site are located 1.7 miles to the northeast near Artcraft and I-10, 1.7 miles to the southeast near Doniphan and Redd Road, and 1.6 miles to the southwest in Santa Teresa, NM. Verizon Wireless defers to the courts to define the term "significant gap" but believes that based on the contents of this report, a significant gap in reliable service exists in the City as the gap is bigger than a few blocks and is not a mere dead spot.
3. Without the Proposed Site, Verizon Wireless has a significant gap in reliable 2G/3G/4G in-vehicle and in-building service in the vicinity of the Proposed Site and extending approximately 0.64 miles north to Artcraft Rd., approximately 0.65 miles south to Rhaelynn Dr., approximately 0.75 miles east to Montoya Dr., and approximately 0.9 miles west to Westside Dr., an area comprising 2.6 square miles. Attached is a street map showing the extent of this gap. As such, Verizon Wireless's gap in service would cover an area that is more than a mere few blocks and larger than a few dead spots.
4. A gap in reliable wireless service, which includes voice and/or data, can occur if there is: (i) a lack of reliable signal, including poor signal quality; and/or (ii) a lack of system capacity.

Since Verizon Wireless operates on a limited number of radio frequencies licensed by the Federal Communications Commission, each wireless facility is capable of handling only a limited number of wireless users at any given time. Providing quality in-vehicle and in-building voice and data services, with sufficient system capacity and high-speed data rates, is critical to Verizon Wireless's customers and is essential to Verizon Wireless's ability to compete effectively with its competitors. Verizon Wireless strives to provide all customers with a positive wireless voice and data experience. Simply put, a positive wireless experience includes the customer connecting to the network on their first try, staying connected throughout the call or data transmission, and the customer ending the call or data session when they are ready. For data connections (e.g., internet browsing) the speed is as fast as the technology allows. A gap in reliable service causes a negative experience: customers cannot place calls when they want to; when they are connected voice call quality does not meet customer expectations; the call simply drops off (disconnects) without notice; data speed is not instantaneous or is much slower than the customer requires. The gap may also affect the ability of customers to complete emergency service (911) calls. This overall customer experience is negative and it is inconsistent with the level of service Verizon Wireless strives to achieve.

5. Without the Proposed Site, Verizon Wireless has a significant gap in service in the vicinity of the Proposed Site caused by a lack of reliable in-vehicle and in-building residential coverage. I was able to confirm that Verizon Wireless has a significant gap in reliable wireless coverage by reviewing advanced computer propagation modeling. Computer propagation modeling is routinely used by Verizon Wireless, and the wireless industry, to reliably determine whether there is a gap in service that necessitates the installation of a new site. Computer propagation models are maps which predict the radio frequency ("RF") coverage and signal strengths that can be expected over a geographic area based on certain input parameters. These parameters include, without limitation, factors such as: the frequency of the RF signal; the height, gain and orientation of the antennas; the terrain over which the RF signals are being propagated; and the strength of the RF signals. Thus, coverage maps predict the RF signal strength over geographic areas on a map.

6. Verizon Wireless's gap in reliable service will remain significant if the Proposed Site is not constructed. Coverage maps confirm that, as described previously, the gap would extend approximately 0.64 miles north, 0.65 miles south, 0.75 miles east, and 0.9 miles west of the Proposed Site, an area comprising 2.6 square miles. This gap is significant in terms of both geographic size and the number of people who reside, work, study, and travel in and through this area. The gap affects residents who live in this primary residential area as well as commuters and visitors to area's businesses, churches, and schools.
7. In conclusion, it is my opinion that Verizon Wireless has a gap in service caused by a lack of reliable coverage in the area surrounding the Proposed Site. It is also my opinion that the gap in service is significant based on the size of the gap area and the number of people living, working, and travelling within the area who would be affected by the gap. With the construction of the Proposed site, this significant gap will be closed and Verizon customers will have quality in-vehicle and in-building voice and data services, with sufficient system capacity and high-speed data rates for a positive wireless voice and data experience.

____s/Hamdi Alaaldin/_____
Name: Hamdi Alaaldin
Title: RF Engineer

ATTACHMENT 6

Landscape Buyout Request



October 25, 2017

Andrew Salloum, Senior Planner
City of El Paso Planning & Inspections
801 Texas Ave.
El Paso, TX 79901

RE: PZPC17-00109
APC Towers PWSF Application (TX-1475 Rio Rico)
5901 Upper Valley Road

Dear Mr. Salloum:

Pursuant to Chapter 18.46.140.B.1.a of the El Paso Municipal Code, APC Towers shall pay \$5,000.00 in lieu of installing the required (1) unit of landscaping and irrigation for the proposed unmanned Personal Wireless Service Facility at this location. APC Towers understands that said payment of \$5,000.00 must be submitted prior to the issuance of the building permit for this site.

Sincerely,

A handwritten signature in cursive script that reads "David J. Pierce".

David J. Pierce
Sr. Vice President
APC Towers II, LLC

ATTACHMENT 7

Staff Review Comments

Planning and Inspections Department - Planning Division

No objections to the special permit request.

Texas Department of Transportation

Development is not abutting State Right of Way.

Planning and Inspections Department – Plan Review & Landscaping Division

No objection to proposed special permit per submitted landscape buyout letter.

At the time of submittal for building permits, the project will need to comply with all applicable provisions of the IBC, Municipal Code, and TAS.

Planning and Inspections Department – Land Development

No objections to proposed special permit for PWSF.

Fire Department

Recommended approval.

Sun Metro

Sun Metro does not oppose this request.

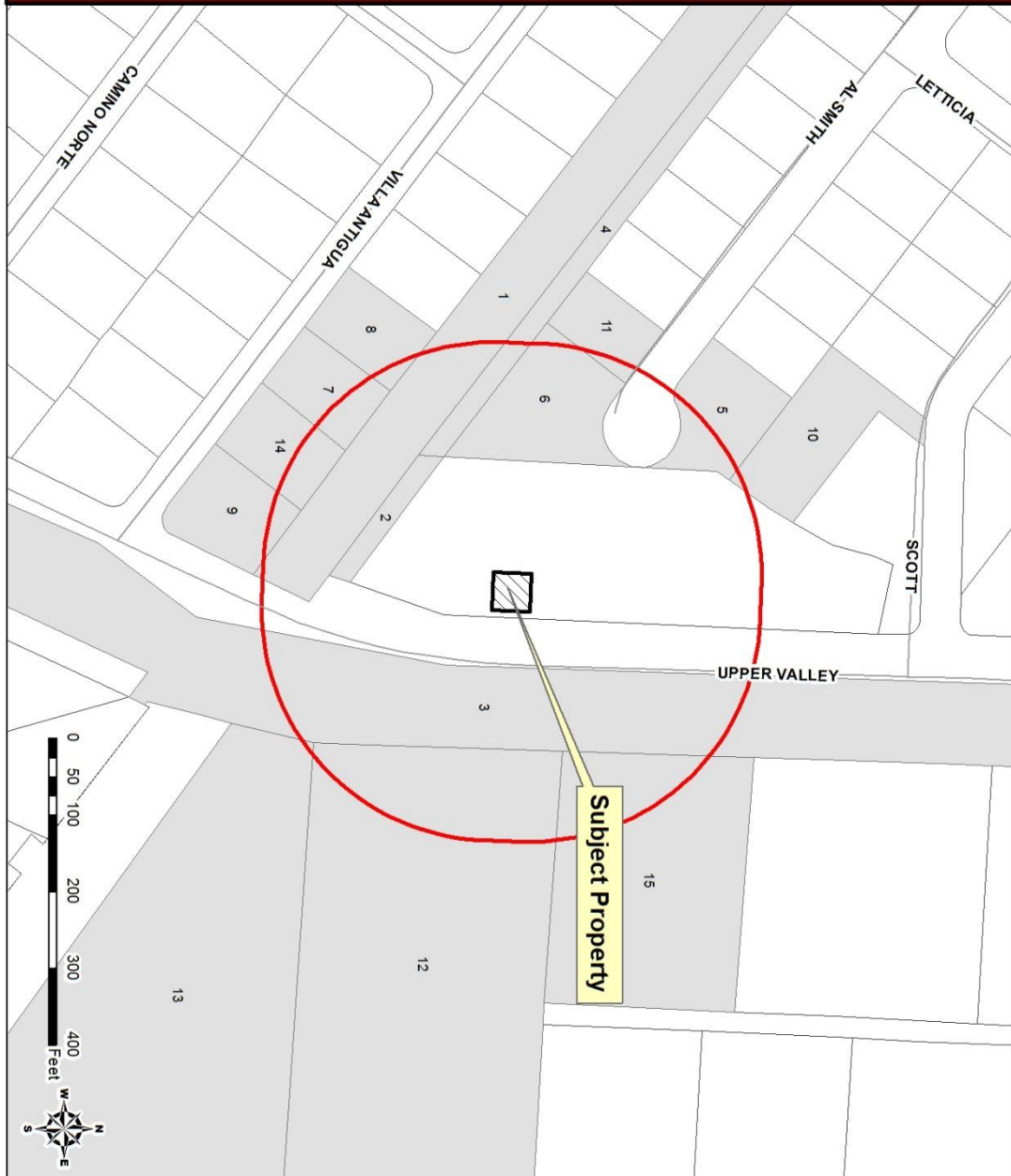
El Paso Water

No comments received.

ATTACHMENT 8

Neighbor Notification Map

PZST17-00035



ATTACHMENT 9

Six Letters & Petition in Opposition

Dear Andrew Salloum (c/o Planning Division);

My name is Timo Briffa and I have been living at 704 Scott Lane in the Upper Valley since November of 2001. Our community has experienced an immense growth of multiple new housing developments and businesses being built. I have truly welcomed this expansion and honestly support the success of small business. However, when I was approached by my neighbor and heard that APC Towers and Verizon Wireless wanted to build a Personal Wireless Service Facility (PWSF) just 200 to 300 feet from my residence, I felt that this project should be denied.

My wife and I have been working hard to pay off our house in order to establish positive equity in our property. Our property value has steadily increased over the years which is main reason for becoming a home owner. The construction of this 60 ft. tower would definitely affect our property values and surely would be an eye sore to the community. I do understand the need to expand the city's wireless coverage but I do not support the idea of a having a massive tower as a view from my back yard.

El Paso has many acres of open desert so I know this tower could be built in an area away from our homes. I hope an alternate location for this project can be agreed upon. I want to thank you for taking the time out of your busy schedule to read this letter.

Sincerely,

Timo Briffa

Salloum, Andrew M.

From: Amber Vargas <amberm@rmpersonnel.com>
Sent: Tuesday, January 30, 2018 11:55 AM
To: Salloum, Andrew M.
Subject: Case No PZST17-00035

Dear Andrew Salloum,

I am a long time resident in the neighborhood of 5901 Upper Valley Road and have two young children. I am writing to express my vehement opposition to the proposed construction of a Verizon Wireless cell tower on 5901 Upper Valley Road. After reviewing the data for the project and the research available on similar projects, I am convinced that this tower poses a significant health hazard to residents of the community. Construction of this tower is also esthetically unappealing even when you try to disguise the tower and it will lower my property value.

The FCC states that cell towers are safe, yet there have been no long-term studies done in the US that prove this claim. There is a growing body of research concerning the health hazards posed by extended close proximity to cell towers. Numerous studies (primarily in Europe where independent studies not funded by the telecommunications industry exist) conclude that living, working or spending the day near such emitters is dangerous, especially for children. Several schools and school districts have wisely chosen to not allow cell towers within 1,000 feet of their property. Surely these schools could use the money, but they have decided it would be in the best interest of their students not to be constantly exposed to electrical fields with unknown, potentially detrimental health effects. Some studies show that living within ¼ mile of such antennas increases cancer 3 to 4 times. The tower would be located only a few feet from my home.

There are several nearby industrial areas that could fulfill the engineering requirements for cellular service and clearly be a better fit. I urge you to carefully consider the impact of the proposed cell tower on our residential community and follow the example of the many schools and other individuals who had the integrity to resist the temptation to take money in exchange for leasing space for a neighborhood threat.

Even if you choose to ignore the multiple environmental and health concerns that this project poses, you cannot dispute that cell phone towers in residential neighborhoods instill fear and resentment in local residents. The additional reality is that such placement negatively impacts property values (in some studies by as much as 25%). I urge you to take all these concerns seriously.

Sincerely,

Amber L. Vargas, PHR
726 Al Smith Lane
El Paso, Texas 79932

Salloum, Andrew M.

From: Mary Torres <maryjtorres@hotmail.com>
Sent: Wednesday, January 24, 2018 9:35 PM
To: Salloum, Andrew M.
Subject: wireless service facility/case PZST17-00035

To whom it may concern:

Last week, I was informed via letter that a cellular tower was to be placed in Upper Valley Rd. I live in 713 villa Antigua, and this leaves the cellphone tower practically in my backyard. I do not agree whit the actions taken regarding this tower, seeing how there are several potential health risks and it eliminates the aesthetic of the neighborhood. Apart from this, I came to find out that the company interested in building the tower and the owners of the land have already celebrate signing a contract, without considering the opinions of the neighborhood. I hope the city takes into account the concern of the affected neighbors, thanks for you attention.

Maria T Martinez
713 villa Antigua Ct. El Paso Tx 79932
Pzst17-00035

Sent from [Mail](#) for Windows 10

Salloum, Andrew M.

From: Adriana Pallares <adrianap@tendercarehh.com>
Sent: Monday, January 22, 2018 5:48 PM
To: Salloum, Andrew M.
Cc: chihuahua91@aol.com
Subject: Case number PZST17-00035

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Adriana R. Pallares and my address is 720 Villa Antigua Ct. you can reach me at 915-799-4957 and/or 915-525-3785.

To whom it may concern,
Last week, we received a letter explaining that an application to place a cellular tower in 5901 Upper valley Rd was submitted. As you can verify my home address is about 200 to 300 steps from 5901 Upper Valley. Placing a tower so close to residential areas can be very dangerous as this radiation waves can affect our children and ourselves. It has been said that these towers donot cause any potential danger in human health but this is not true. I am attaching one of the many articles that support my concern. It explains the dangers of having a cellular tower close to people's homes. would like to ask that this application is denied. If you have any questions you can reply at these emails or call me at the numbers listed above.

Respectfully,
Adriana Pallares

"If you live within a quarter mile of a cell phone antenna or tower, you may be at risk of serious harm to your health, according to a German study cited at www.EMF-Health.com, a site devoted to exposing hazards associated with electromagnetic frequencies from cell phone towers and other sources.

Cancer rates more than tripled among people living within 400 meters of cell phone towers or antennas, a German study found. Those within 100 meters were exposed to radiation at 100 times normal levels. An Israeli study found risk of cancer quadrupled among people living within 350 meters (1,148 feet) of a cell phone transmitter—and seven out of eight cancer victims were women. Both studies focused only on people who had lived at the same address for many years.

https://www.eastcountymagazine.org/cell_phone_towers_238

Adriana R. Pallares

Salloum, Andrew M.

From: Stephen Edmonds <SEdmonds@elp.rr.com>
Sent: Tuesday, January 23, 2018 12:44 PM
To: Salloum, Andrew M.
Cc: Stephen Edmonds
Subject: Concern Reference PZST17-00035

Follow Up Flag: Follow up
Flag Status: Flagged

This is to the City of El Paso, Planning & Inspections Department and is in reference to CASE NO PZST17-00035 and is intended to address my concern as a homeowner adjacent the planned development site located at 5901 Upper Valley Road. I own the home located at 709 Al Smith El Paso, TX, which is located adjacent to the site where this special permit is being considered to authorize the construction, by APC Towers, II LLC and Dallas MTA LP d/b/a Verizon Wireless of a Personal Wireless Service Facility (PWSF). While I am currently medically unable to attend the meeting scheduled for January 25, 2018 at 1:30 p.m., at City Council Chamber, 1st Floor, City Hall, located at 300 N. Campbell Street, El Paso, Texas, I did want to provide my concerns about this special permit.

While there are numerous studies that list the potential negative impacts of cell tower placement and the electromagnetic fields (EMF) that they produce on the health of those that live in proximity to them, there is currently not enough data to draw a definitive conclusion. However, the lack of data is due to the relative newness of cell phone technology, and does not mean that there is no negative effect. It merely means that enough time and studies have yet to be conducted to ascertain the overall impact. These usually have the tendency to come out well after the fact and most times much too late to positively impact the health of those already adversely affected. However, of those studies conducted to date, the negative impacts include memory loss, headaches, cardiovascular stress, low sperm count, birthed defects and cancer to name a few.

With that said, there is significant data that is currently available that supports the negative impact on real estate values where cell towers are built. Real or perceived, this data supports as much as a 20% decline in home values where cell towers have been constructed. This data is provided by professional Real Estate organizations such as National Association of Realtors. This neighborhood was already established when I and my wife bought our home in April 2007. Since then, there has been significant construction of new homes. While we were not within the defined area considered necessary to be notified of this special permit request (we can only determine 2 that were officially notified), we are well within the affected area where the tower is being considered to be built and as such, the area that will be impacted from a financial perspective should our home's value decline as a result of this project. This will not only adversely impact us but will do the same for all of the homeowners in this residential area, most of which are likely oblivious to the fact that this project is being considered. I definitely feel that this lack of notification is negligent on the part of the City Planning & Inspections Department.

Ultimately, as homeowner and investor in the City of El Paso, I recommend against approving this permit for the following reasons:

1. The well defined adverse impact on home values in the area
2. The adverse impact on the health of those homeowners within the affected area
3. The lack of awareness of affected homeowners in this residential community that the tower is being considered and the adverse impact on their home's value

Lastly, I am a proponent for the furtherance of technology and a Verizon customer as well. While I can only attest to my reception, I receive the highest level of reception in this area (4 bars) and thus it is hard for me to believe that coverage is a concern in this immediate area. If the issue is coverage west of this location, there are numerous areas that are currently undeveloped that would support the expansion of the Verizon Wireless coverage area that are not right on top preexisting housing areas and would allow for the expansion of coverage to the west. I would recommend that this avenue be reviewed as it offers a better approach to expansion of the Verizon Wireless Network while taking into consideration the homeowners

that already live here as well as those that may move here in the future. Declining home values not only affect the homeowner but the City of El Paso as well as lower value homes mean reduce property taxes and by extension a reduction in revenue for the City

Thank you for taking the time to accept and hopefully take into consideration my input on this matter.

I can be contacted at below:

Stephen J. Edmonds
709 Al Smith
El Paso, TX 79932
Ph: (915) 204-5984

Salloum, Andrew M.

From: Manfred Budtke <mbudtke@gmail.com>
Sent: Sunday, January 21, 2018 6:23 PM
To: Salloum, Andrew M.
Subject: Opposition to granting permit for cell tower at 5901 Upper Valley Rd. Case # PZST17-00035

Hello Mr. Salloum,

My name is Manfred Budtke, and I live on 705 Al Smith LN, El Paso TX 79932. After receiving your notice in the mail about a permit to build a Verizon cell tower next to our property, I have spoken to many neighbors around here and nobody likes this idea. I started a petition and with this email we want to express our opposition to granting this permit for a cell tower at 5901 Upper Valley Road. I've included a few thoughts regarding the reasons why we oppose the tower, including:

- Potential loss of property value, most people state they would not want to live next to a cell phone tower
- Aesthetically unattractive and unpleasant, stands out like a sore thumb
- Potential impact on health due to radiation; studies done in Germany and Israel point to an increased risk of cancer in the long term
- Too close to established neighborhoods
- Open spaces are everywhere in the Upper Valley, why build next to existing homes; different than if a neighborhood were to develop after cell tower is already built
- Unnecessary because of anecdotal experience by neighbors who live here and already enjoy strong cell signal with Verizon, doubting the significant gap argument
- Satellite church not invested in neighborhood/ community with no outreach to affected neighbors, not very neighborly
- No such permits should be allowed for residential neighborhoods. Can I put a 60 feet tall cell tower in my yard (same zoning) if I apply for a permit?
- Other churches might have different zoning that allows for cell towers, this one is residentially zoned
- Some communities in the USA demand at least 1500 feet distance between a new cell tower and neighborhoods, schools, and places of worship
- Already paying high property taxes and feel that our opinions are not valued, only a few neighbors were informed very late into this process
- Very few people received notice in the mail; circle for notifications too small; everybody that lives in these neighborhoods will be affected by this eyesore

Opposition Against the Construction of Cell Phone Tower

We, the undersigned, oppose the granting of a special permit by the City Plan Commission for the purpose of constructing a cell phone tower on 5901 Upper Valley Road El Paso, TX 79932.

	Name	Address	Signature	Rec. Letter
1	Lisa + Manfred Budtke	705 AL Smith LN	Lisa Budtke	X
2	Steve + Cindy Edmonds	709 AL Smith Lane	Cindy Edmonds	N
3	Chris + Shirley Murillo	708 Scott Lane	Chris Murillo	4
4	ROBERT C KAESSER	725 SCOTT LANE	Robert C Kaesser	N
5	CARLOS GARZA	709 SCOTT LN.	Carlos Garza	N
6	Carlos Samvelos	724 AL Smith LN	Carlos Samvelos	N
7	Gabriel Fernandez / Vonne	712 AL Smith lane	Gabriel Fernandez	N
8	TIMO + THERMA BRITTA	704 SCOTT LN.	Timo Britta	NO
9	William Galvin	708 Villa Antigua Ct	William Galvin	NO
10	GABRIEL ARETANDO	708 AL SMITH 79932	Gabriel Aretando	No
11	Michael Witcher	700 AL SMITH 79932	Michael Witcher	NO
12	DULIE MANCON	700 AL SMITH 79932	Dulie Mancon	NO
13	Rita Robles / Rita Robles	716 AL Smith 79932	Rita Robles	No
14	Victor Hugo Portillo A	717 AL Smith Ln 79932	Victor Hugo Portillo	No
15	GLORIA J DAVISSON	704 AL Smith Lane 79932	Gloria Davison	Yes

Salloum, Andrew M.

From: Manfred Budtke <mbudtke@gmail.com>
Sent: Monday, February 05, 2018 5:20 PM
To: Salloum, Andrew M.
Cc: District #1
Subject: Case No. PZST17-00035

Hi Mr. Salloum,

This is Manfred Budtke, 705 Al Smith LN, El Paso, TX 79932. More neighbors have signed the petition to oppose the cell phone tower on 5901 Upper Valley Road. I will include pictures of these in this email as well as a few pictures showing the relatively small size of this church in comparison to the size of our average two-story house within this neighborhood. I find this important because of the proportionality, or lack thereof, of the height of this proposed tower (60 feet) to the small size of this church. Other churches in El Paso that have used a similar design of a bell structure to disguise a cell tower are far bigger and more proportional. I have also included a few thoughts regarding the reasons why we oppose this tower, including:

- Aesthetics; still an eyesore; still unattractive; non-proportional to small building, which was not originally a church; tower is way too tall in comparison to the average house and this church is smaller than other houses in this neighborhood
- Perceived or real impact on our property values
- Every neighbor expresses their concern; please listen to all of the opposing voices; nobody in our neighborhood wants this
- Doesn't promote light agricultural and residential growth in this area like stated in Planning Commission agenda or zoning guidelines, cell phone towers should be built in commercial developments or open spaces
- Concerned that more and more cell towers are being disguised as church towers, which are often in residential areas
- I wish El Paso would adopt policies that protect residents like some other communities have done; for example: 1,500 feet distance necessary from new tower to homes, schools, or places of worship
- This is an established neighborhood; Verizon should develop alternative sites in commercial areas, not residential ones; plenty of open areas available in the Upper Valley
- No belief that this is needed in our neighborhood; anecdotally, Verizon service works well, including 911 calls
- Homeowners and families use WiFi to stream Netflix, not phone data; the only people to benefit are those who drive by as well as this Satellite church (in the form of monetary gain); church is not invested in our neighborhood (nobody from our neighborhood goes to this church)
- There is a big difference between new cell towers being built next to an established neighborhood and a tower being built before surrounding land is developed into homes (everybody can then decide if they wish to move to this area)
- My family wanted to retire here at our current home, but we would have to move away if this cell tower is allowed; we are not willing to live next to a cell phone tower (less than 200 feet away from our house)
- Therefore, Planning Commission and City Council decisions are very consequential to me and my family; please have our well being as community members and taxpayers in mind when deciding this permit request
- I plead with the Planning Commission and City Council and ask politely to deny this special permit for a 60 feet tall cell phone tower next to our homes

Opposition Against the Construction of Cell Phone Tower

We, the undersigned, oppose the granting of a special permit by the City Plan Commission for the purpose of constructing a cell phone tower on 5901 Upper Valley Road El Paso, TX 79932.

	Name	Address	Signature	Rec. Letter
1	Lisa + Manfred Budtke	705 AL Smith LN	Lisa Budtke	Y
2	Steve + Cindy Edmonds	709 AL Smith Lane	Cindy Edmonds	N
3	Chris + Shirley Purillo	708 Scott Lane	Shirley Purillo	Y
4	ROBERT C KAESER	725 SCOTT LANE	Robert C Kaeser	N
5	CARLOS GARZA	709 SCOTT LN	Carlos Garza	N
6	Carlos Sannels	724 AL Smith Ln	Carlos Sannels	N
7	Guadalupe Hernandez / Vonne	712 AL Smith Lane	Guadalupe Hernandez	N
8	TIMO + THERMA BEIFFA	704 SCOTT LN.	Timo Beiffa	NO
9	William Garvin	708 Villa Antigua of	William Garvin	NO
10	Gregory Arellano	702 AL SMITH 79932	Gregory Arellano	NO
11	Michael Wicher	700 AL SMITH 79932	Michael Wicher	NO
12	Dale MANCON	700 AL SMITH 79932	Dale Mancon	NO
13	Rita Robles	716 AL Smith 79932	Rita Robles	NO
14	Victor Hugo Portillo A	717 AL Smith Ln 79932	Victor Hugo Portillo	NO
15	Gloria J. Davison	704 AL Smith Lane 79932	Gloria Davison	Yes

Opposition Against the Construction of Cell Phone Tower

We, the undersigned, oppose the granting of a special permit by the City Plan Commission for the purpose of constructing a cell phone tower on 5901 Upper Valley Road El Paso, TX 79932.

[illegible]

Opposition Against the Construction of Cell Phone Tower

We, the undersigned, oppose the granting of a special permit by the City Plan Commission for the purpose of constructing a cell phone tower on 5901 Upper Valley Road El Paso, TX 79932.

	Name	Address	Signature	Rec. Letter
22	Aaron G. Aaron Cruz	720 Scott Lane	Aaron Cruz	W
23	Itala Mendoza	717 Scott Ln.	Itala M.	No
24	Amber Vargas	726 Al Smith	Amber Vargas	No
25	Marcel Vargas	726 Al Smith	Marcel Vargas	NO
26	Joe Muro	733 Scott Lane	Joe Muro	NO
27	Alex Salazar	728 Al Smith	Alex Salazar	NO
28	David Carroll	732 Al Smith	David Carroll	NO

Church building on 5901 Upper Valley Road



Comparison to typical two-story houses in the same neighborhood





Salloum, Andrew M.

From: Manfred Budtke <mbudtke@gmail.com >
Sent: Wednesday, February 21, 2018 11:11 AM
To: Salloum, Andrew M.
Subject: Case No. PZST17-00035

Follow Up Flag: Follow up
Flag Status: Flagged

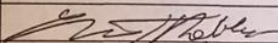
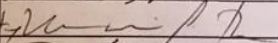
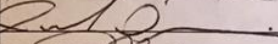
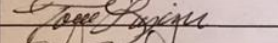

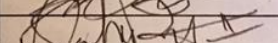
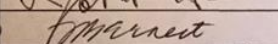
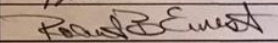
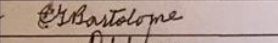
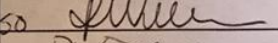
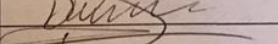
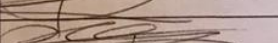
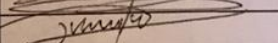
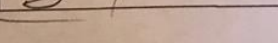

Hello Mr. Salloum,

During the last week, I contacted more neighbors and collected an additional 15 signatures, totaling 43 signatures, in opposition of the cell phone tower on 5901 Upper Valley Road. Please add these to the case's file and keep us updated on whether or not APC Towers/Verizon appeals the Planning Commission's denial on February 8th, 2018 for this special permit.
Thank you.

Manfred Budtke

Opposition Against the Construction of Cell Phone Tower

We, the undersigned, oppose the granting of a special permit by the City Plan Commission for the purpose of constructing a cell phone tower on 5901 Upper Valley Road El Paso, TX 79932.

	Name	Address	Signature	Rec. Letter
29	Chris Robles	716 Al Smith Ln. EPTX		
30	Maria Tatka	716 Scott Ln El Paso		
31	Jonathan Dominguez	720 Scott Ln EPTX		
32	Antoinette Lujan	720 Scott Ln EPTX		
33	Bill Apodaca	729 Scott Ln.		
34	Justin Oton	740 Scott Ln, El Paso		
35	John Rust	745 Scott Ln EL PASO		
36	MARIA THERESA ERNEST	736 Scott El Paso		
37	Robert Ernest	736 Scott Ln El Paso		
38	Corazon Bartolome	736 Scott El Paso TX		
39	Patricia Williams	740 Al Smith Ln. El Paso		
40	Daniel Williams	740 Al Smith Ln. EL PASO		
41	RICHARD JAMES	748 Al Smith		
42	Natalia Sosa	752 Al Smith		
43	IVANNA JAMES	748 Al Smith		

ATTACHMENT 10

Condition: Ordinance No. 010764 dated November 12, 1991

010764

AN ORDINANCE CHANGING THE ZONING OF
TRACTS 1B1 AND 1E, BLOCK 10, UPPER VALLEY SURVEYS
AND IMPOSING CERTAIN CONDITIONS.
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of TRACTS 1B1 AND 1E, BLOCK 10, UPPER VALLEY SURVEYS as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-1 (Residential) to R-2 (Residential) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-1 (Residential) to R-2 (Residential) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

The density of the proposed development shall not exceed a total of 204 single-family detached dwelling units.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any

010764

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third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 12th day of Nov, 1991.

William S. Tilney
THE CITY OF EL PASO
Mayor

ATTEST:
Carole Hunter
City Clerk

APPROVED AS TO FORM:
Kimberley Mickelson
Kimberley Mickelson,
Assistant City Attorney

APPROVED AS TO CONTENT:
Roy Gilyard
Roy Gilyard
Department of Planning, Research and
Development

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15th day of November, 1991, by WILLIAM S. TILNEY, as Mayor of the CITY OF EL PASO.



Kathryn A. Murphy
Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:
GG|C|KM|ZNG-EX2.ORD

Rev. September 5, 1991 (gg)

010764

405

**ZONING DESCRIPTION
99.763 ACRES**

Being the description of all of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said Tract 1B1 in the west right-of-way line of Upper Valley Road (40 feet wide);

THENCE, along the west right-of-way line of said Upper Valley Road the following three courses:

South 01°36'00" East, a distance of 2,635.85 feet to a point;

South 15°33'00" West, a distance of 164.40 feet to a point;

South 21°48'00" West, a distance of 7.04 feet to the southeast corner of said Tract 1E in the north right-of-way line of the La Union Lateral (50 feet wide);

THENCE, leaving the west right-of-way line of said Upper Valley Road and along the north right-of-way line of said La Union Lateral, North 56°03'00" West, a distance of 2,506.67 feet to the southwest corner of said Tract 1E in the east right-of-way line of the Ellis Lateral (40 feet wide);

THENCE, along the east right-of-way line of said Ellis Lateral, North 02°55'00" East, a distance of 1,401.08 feet to the northwest corner of said Tract 1B1;

THENCE, leaving the east right-of-way line of said Ellis Lateral, and along the north line of said Tract 1B1, North 89°59'00" East, a distance of 1,981.14 feet to the POINT OF BEGINNING and containing 99.763 acres of land.

PREPARED BY:
Faught & Associates Inc.
El Paso, Texas
July 23, 1991
Job No.: 5881-01

91-5667
010764

Exhibit 'A'

ATTACHMENT 11

Special Permit: Ordinance No. 12377 dated May 9, 1995

ORDINANCE NO. 012377

ORDINANCE GRANTING SPECIAL PERMIT NO.
SP95-05, TO ALLOW FOR A TENNIS CLUB ON A
PORTION OF TRACT 1E, BLOCK 10, UPPER VALLEY
SURVEYS. PURSUANT TO SECTION 20.08.180
(ZONING) OF THE EL PASO MUNICIPAL CODE.

WHEREAS, LAGUNA MEADOWS CORPORATION has applied for a Special Permit under Section 20.08.180 of the El Paso Municipal Code, to allow for A TENNIS CLUB, and;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

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

1. That the property described as follows is in a R-2 District:

A PORTION OF TRACT 1E, BLOCK 10, UPPER VALLEY SURVEYS,
City and County of El Paso, Texas, as more particularly described in the
attached and incorporated Exhibit "A", and municipally known and numbered
as 5901 UPPER VALLEY ROAD; and

2. That TENNIS CLUBS are authorized by Special Permit in R-2 districts
under Section 20.12.040(H) of the El Paso Municipal Code; and

3. That the requirements for A TENNIS CLUB under Section
20.12.040(H) and 20.08.180 have been satisfied; and

Ordinance No. 012377
NICKEL\25575.1\ZON\PLA\R7.

4. That the City Council hereby grants a Special Permit under Section 20.12.040(H) of the El Paso Municipal Code, to allow A TENNIS CLUB on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the R-2 district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. 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; and

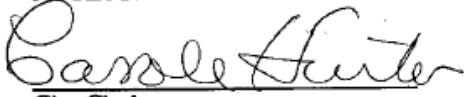
7. That if the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. SP95-05 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

ADOPTED this 9th day of May, 1995.

THE CITY OF EL PASO


Mayor

ATTEST:


City Clerk

Ordinance No. 012377

MICKEL\25575.1\ZON\PLA\R7.

2

148

APPROVED AS TO FORM:

Kimberley Mickelson
Assistant City Attorney

APPROVED AS TO CONTENT:

Department of Planning

AGREEMENT

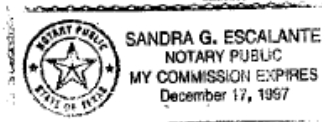
LAGUNA MEADOWS CORPORATION, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the R-2 District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 6 day of April, 1995.

By: Paul J. Kubinski
Title: President

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)



This instrument is acknowledged before me on this 6 day of April, 1995, by Paul Kubinski as President, on behalf of LAGUNA MEADOWS CORPORATION, as Applicant.

My Commission Expires:

12/17/97

Sandra G. Escalante
Notary Public, State of Texas
Notary's Printed or Typed Name:

SPECIAL PERMIT #SP95-05

Ordinance No. 012377

MICKEL\25575.1\ZON\PLA\R7.

147

12277

PROPERTY DESCRIPTION
122,138 SQUARE FEET
or 2.804 ACRES

Being a portion of Tract 1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the intersection of the south right-of-way line of Villa De Los Arraboles in Laguna Meadows Unit One Subdivision with the west right-of-way line of Upper Valley Road;

THENCE, along the west right-of-way line of said Upper Valley Road, South 01°36'00" East, a distance of 1,443.97 feet to the **POINT OF BEGINNING** for the herein described tract;

THENCE, continuing along said west right-of-way line, the following two courses:

South 01°36'00" East, a distance of 566.79 feet to a point;

South 15°33'00" West, a distance of 141.61 feet to a point in the north right-of-way line of the La Union Lateral;

THENCE, along said north right-of-way line, North 55°29'41" West, a distance of 214.43 feet to a point;

THENCE, leaving said right-of-way line, North 01°36'00" West, a distance of 338.20 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 15°28'24", Radius = 1,090.00 feet, Chord = North 25°12'34" East, 293.47 feet) a distance of 294.37 feet to a point;

THENCE, South 75°10'05" East, a distance of 86.16 feet to the **POINT OF BEGINNING** and containing 122,138 square feet or 2.804 acres of land.

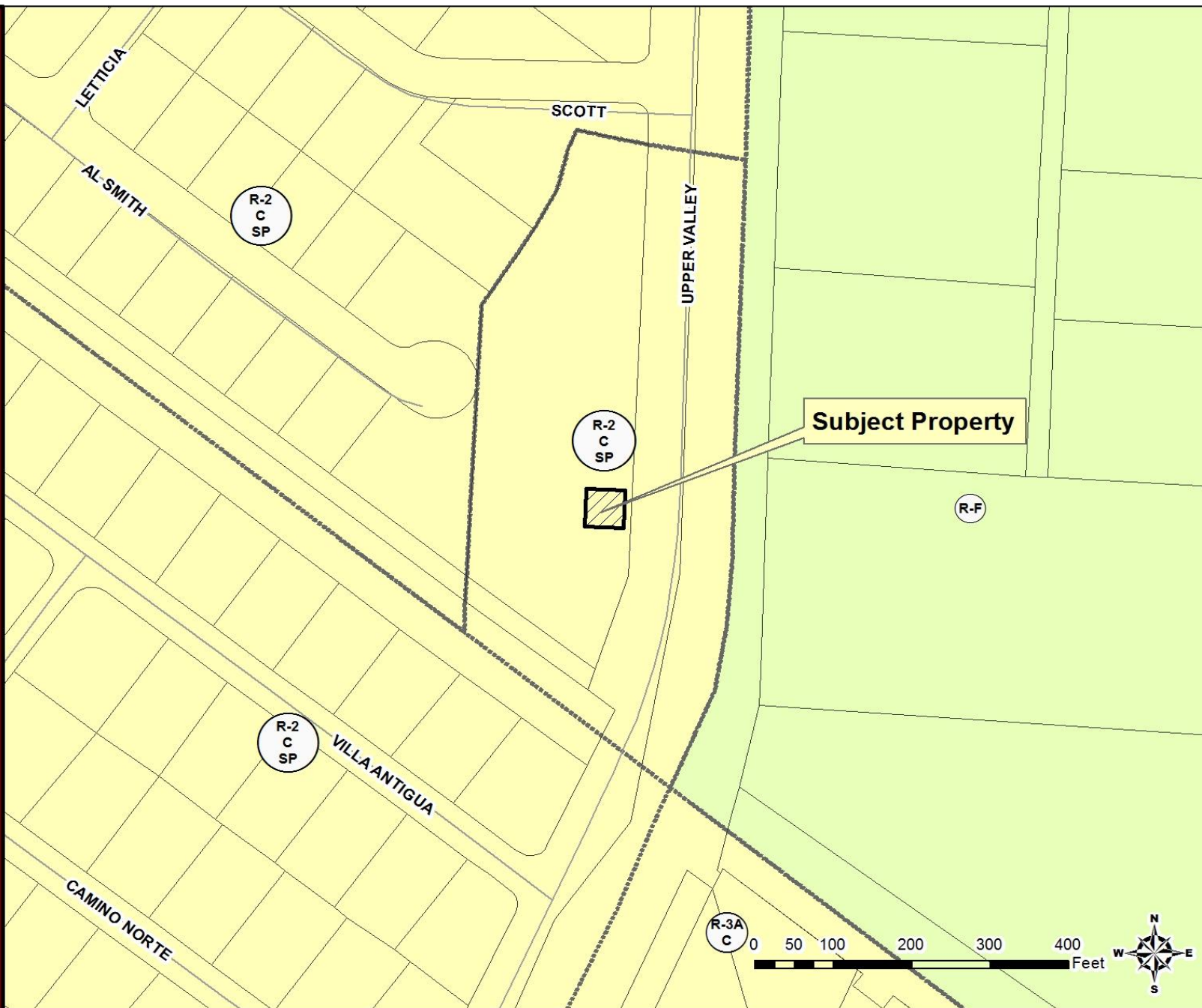
NOT A GROUND SURVEY

PREPARED BY:
Faught & Associates Inc.
El Paso, Texas
January 9, 1995
Job No. 5881-04

SP-95-05

PZST17-00035

1



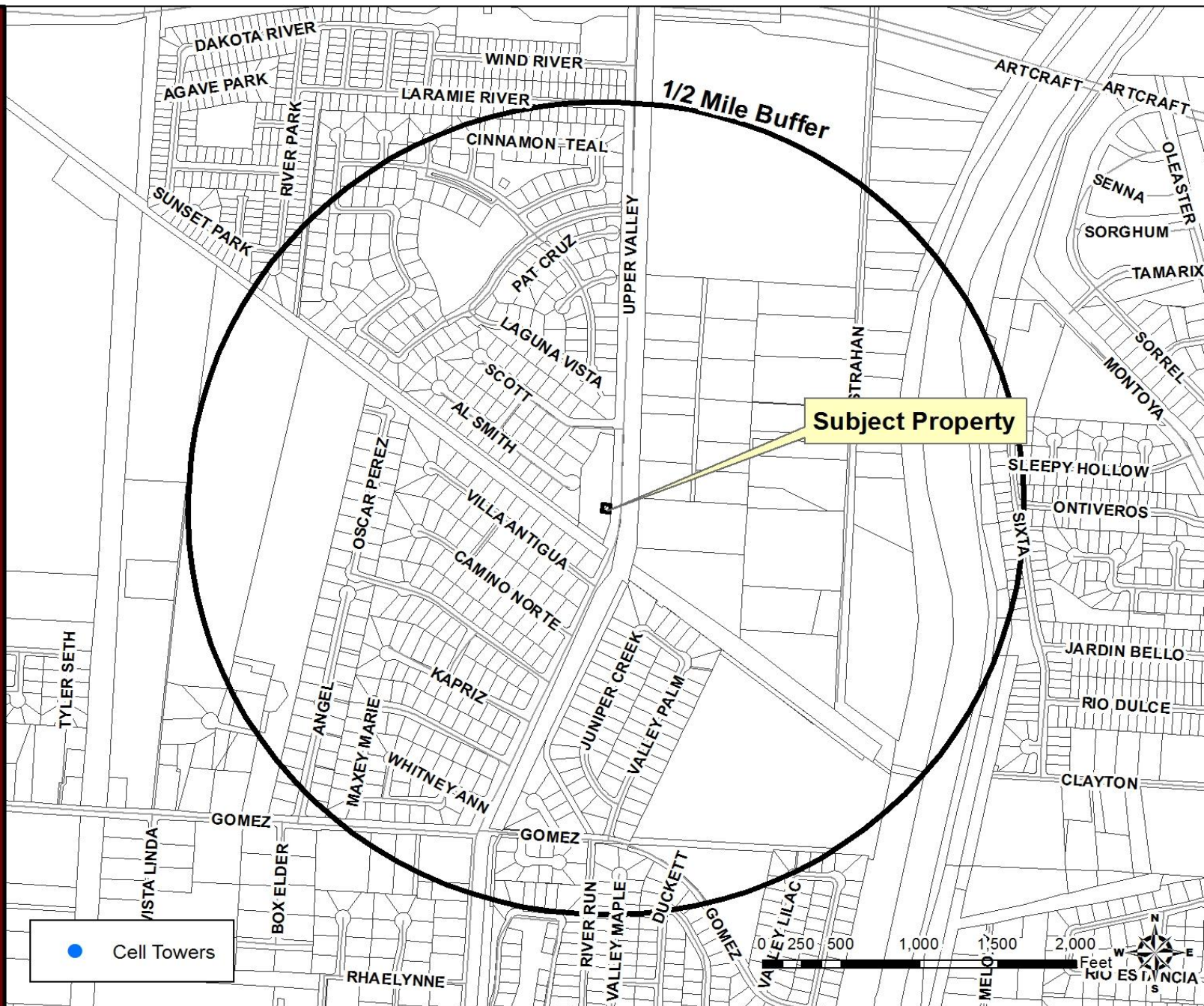
5901 Upper Valley Road

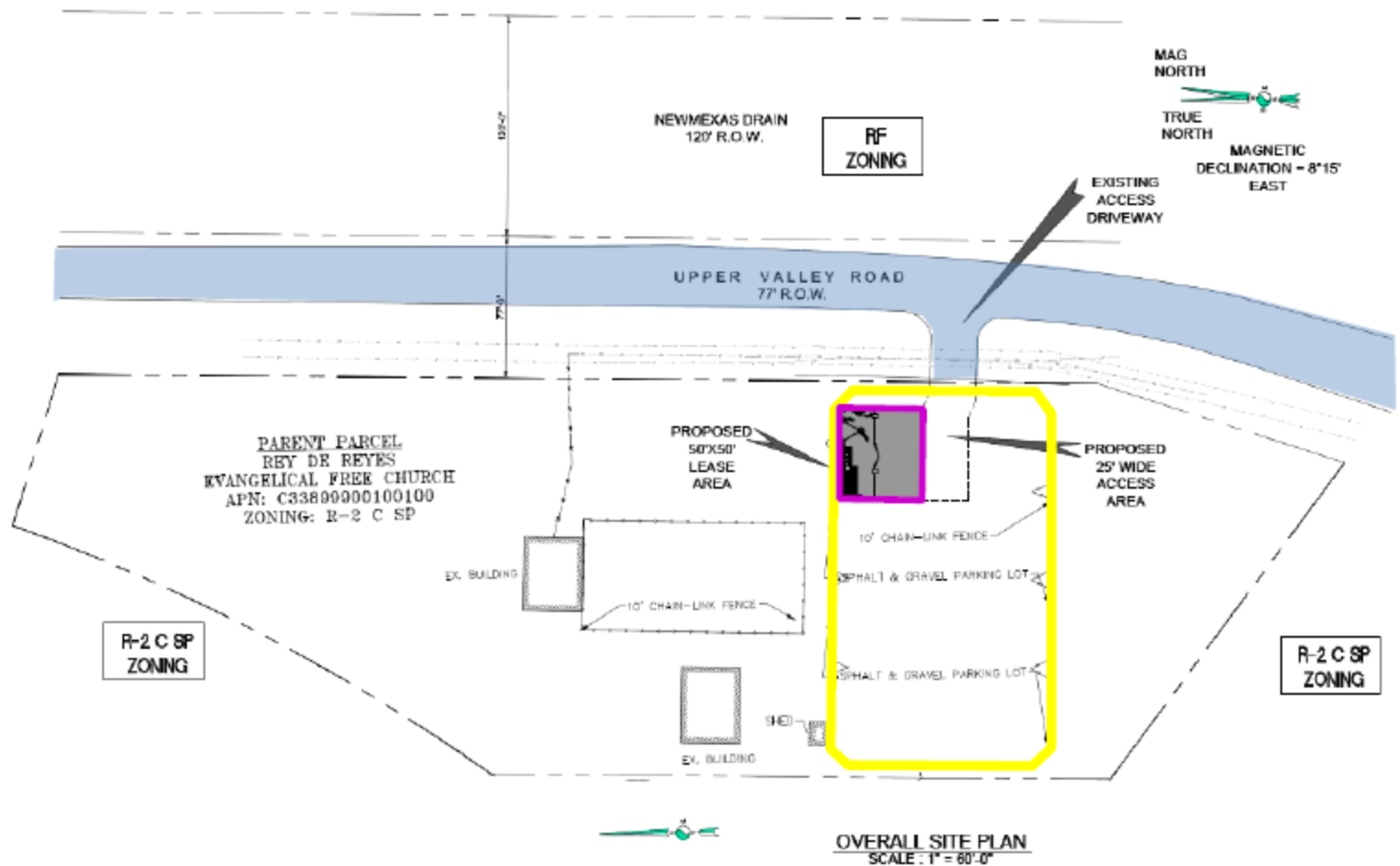
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PZST17-00035

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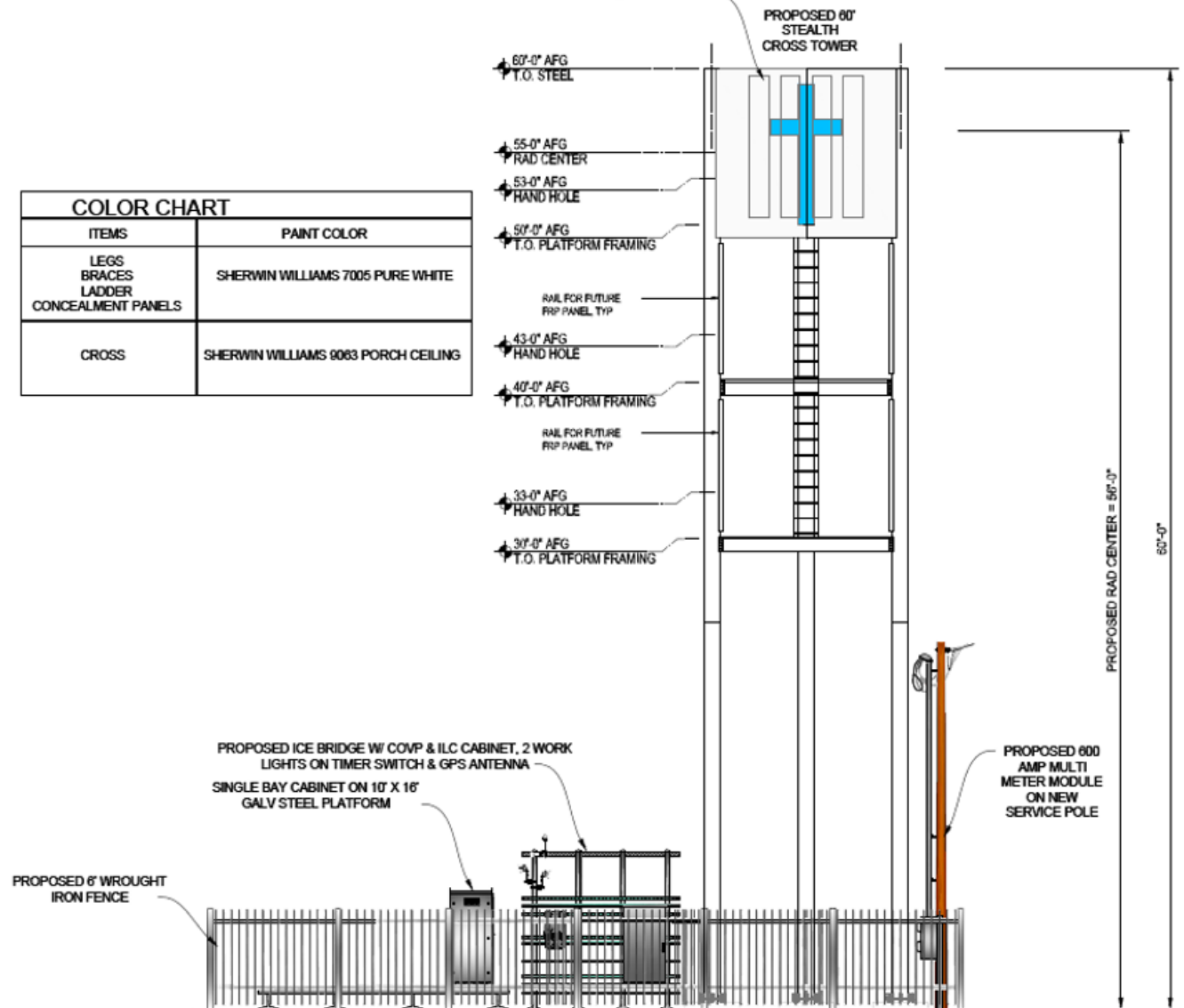






PROPOSED :
 (2) QUINTEL QS6656-5 PANEL ANTENNAS PER SECTOR
 (1) ALCATEL-LUCENT B13RRH4X30 PER SECTOR
 (1) ALCATEL-LUCENT B66A RRH4X45 PER SECTOR
 (TOTAL 6 ANTENNAS & 6 RRUS)
 BEHIND CONCEALMENT PANEL @ 56' RAD CTR

COLOR CHART	
ITEMS	PAINT COLOR
LEGS BRACES LADDER CONCEALMENT PANELS	SHERWIN WILLIAMS 7005 PURE WHITE
CROSS	SHERWIN WILLIAMS 9063 PORCH CEILING

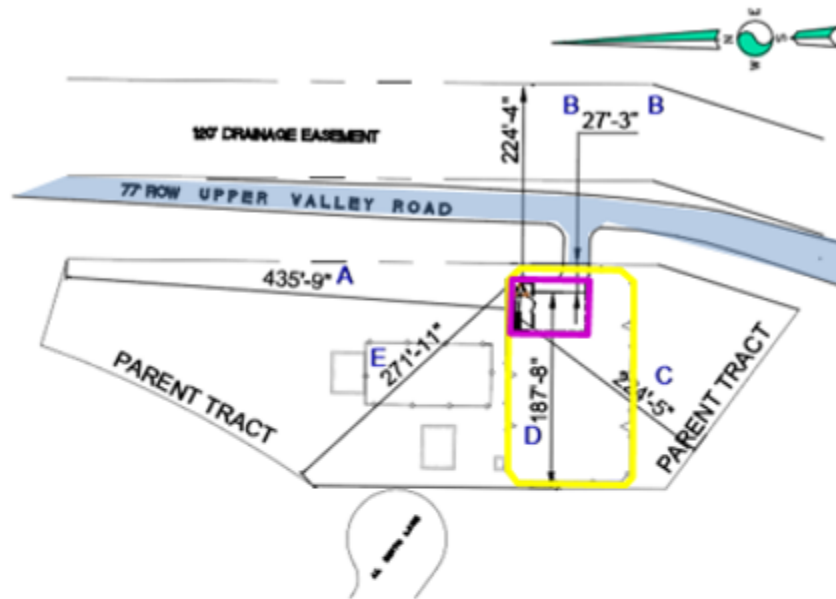


PROPOSED SOUTH ELEVATION

SCALE : 1/8" = 1'-0"



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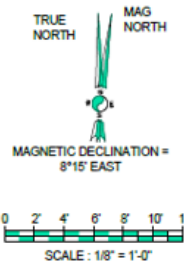
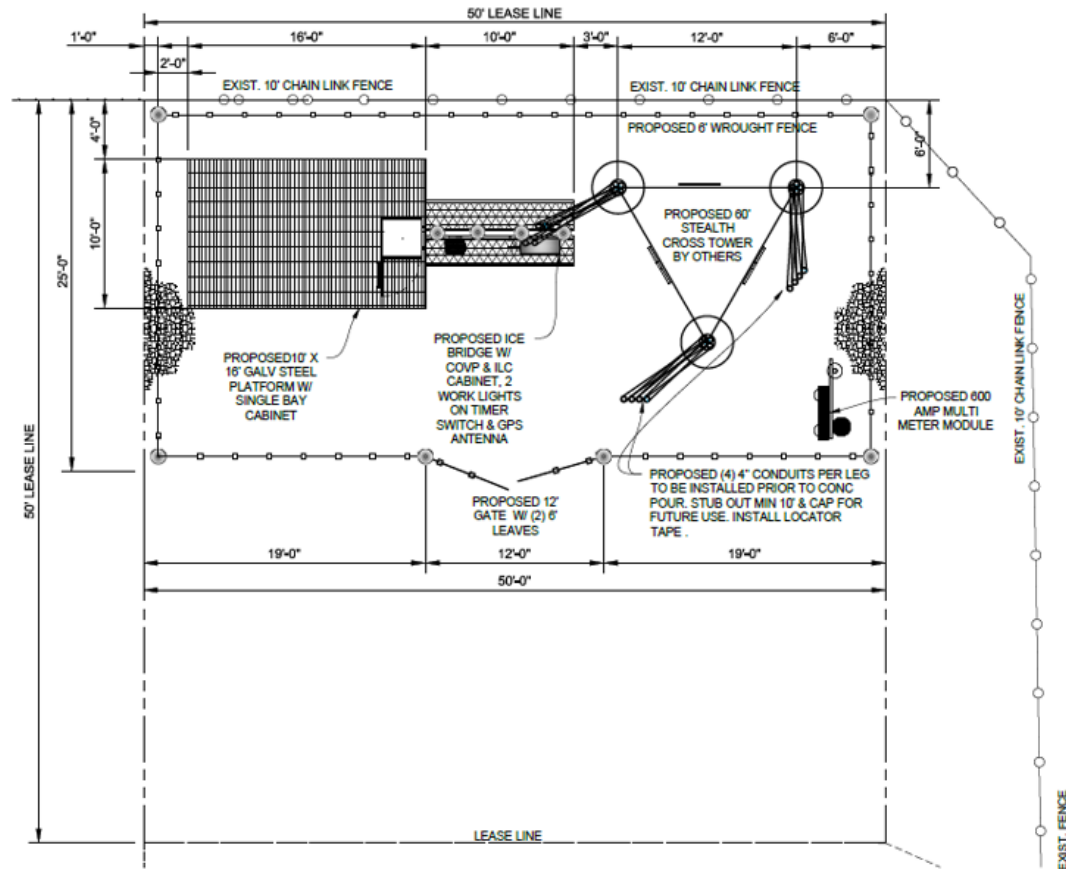


SETBACK SITE PLAN

		TOWER CENTER TO PARENT PROPERTY LINE	TOWER CENTER TO ADJACENT PROPERTY LINE
A	NORTH	435'-9"	435'-9"
B	EAST	27'-3"	224'-4"
C	SOUTHWEST	224'-5"	224'-5"
D	WEST	187'-8"	187'-8"
E	NORTHWEST	271'-11"	271'-11"



NOTE:
SEE STRUCTURAL DETAILS BY
OTHERS FOR INSTALLATION OF (4) 4"
PVC CONDUITS FOR COAX RUNS
INSIDE TOWER LEGS.



DETAILED SITE PLAN

SCALE : 1/8" = 1'-0"







EXISTING



PROPOSED





EXISTING



APC Towers
TX-1475 RIO RICO
SITE PHOTOGRAPH
EAST ELEVATION
NOVEMBER 13, 2017

PROPOSED



APC Towers
TX-1475 PHOTO SIMULATION
PROPOSED 60' BELL TOWER
NORTH ELEVATION
NOVEMBER 13, 2017



APC Towers
TX-1475 RIO RICO
5001 UPPER VALLEY ROAD
SITE PHOTOGRAPH LOCATIONS
NOVEMBER 13, 2017



EXISTING

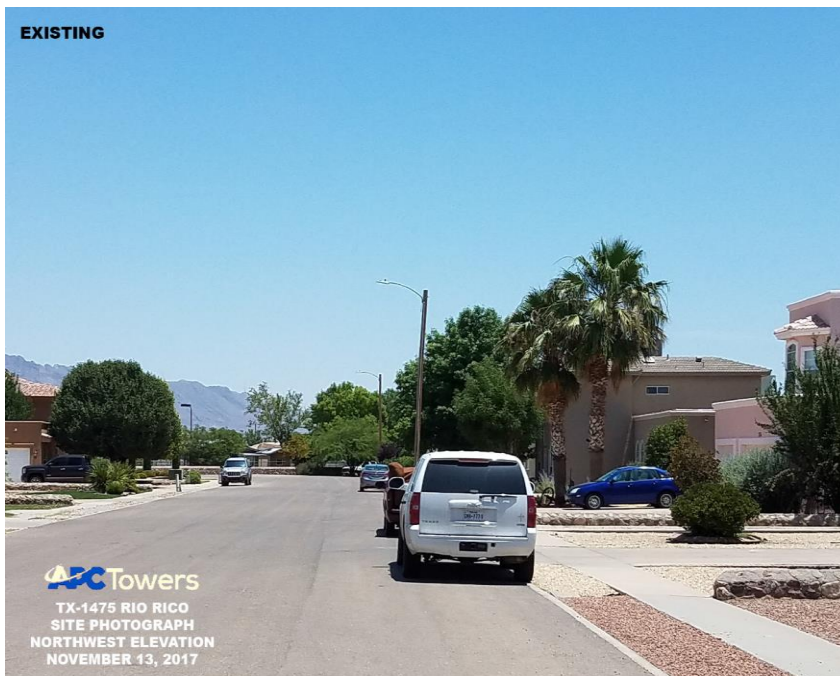


PROPOSED





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TX-1475 RIO RICO
SITE PHOTOGRAPH
NORTHWEST ELEVATION
NOVEMBER 13, 2017

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Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Denial Recommendation (7-0)

Public Input: As of February 26, 2018, the Planning Division received 5 phone calls, 6 letters, and a petition with 43 signatures in opposition to the special permit request, see attachment 9. During the City Plan Commission meeting on February 8, 2018, 1 individual spoke in opposition to the special permit request.

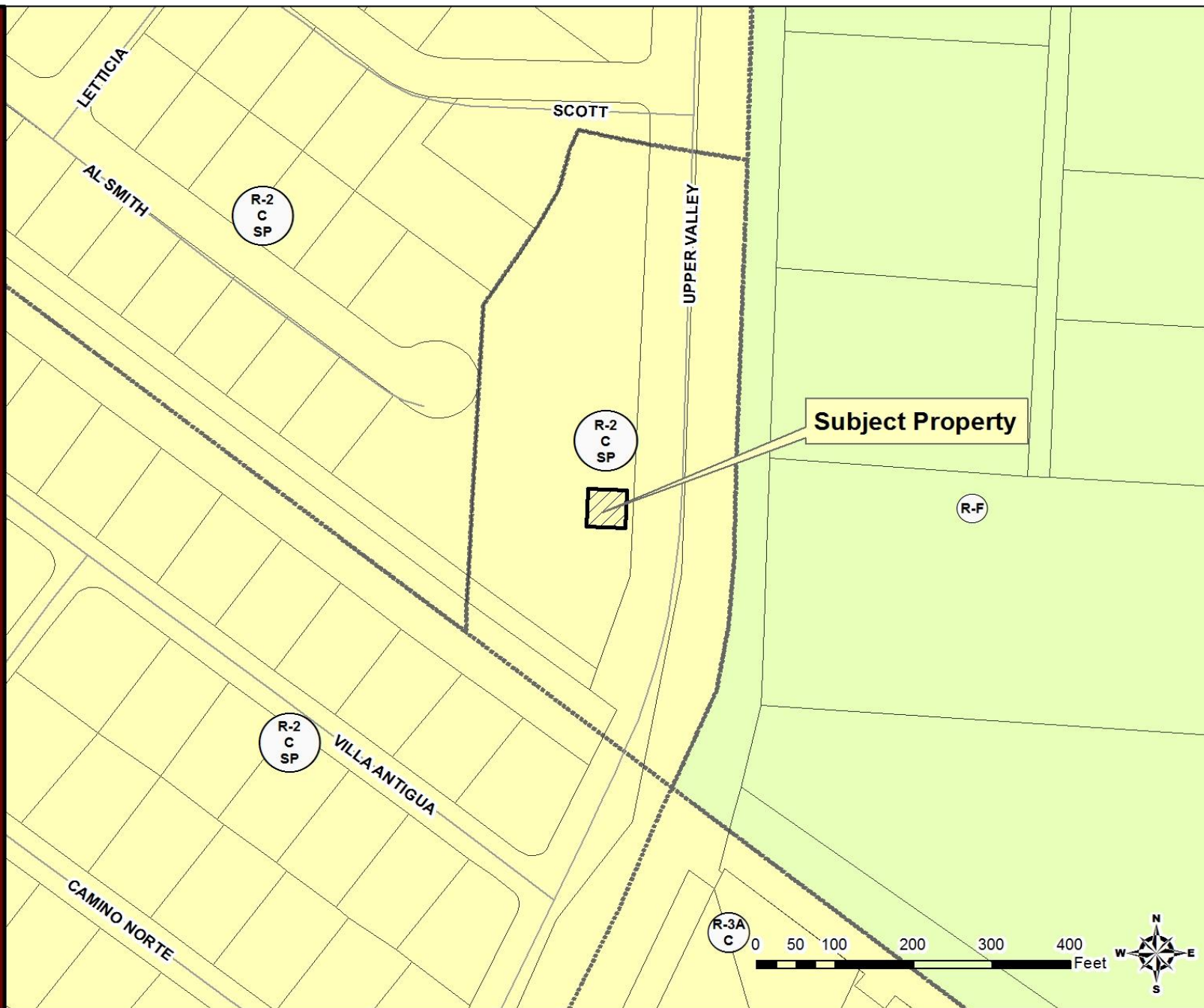
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

PZST17-00035

2



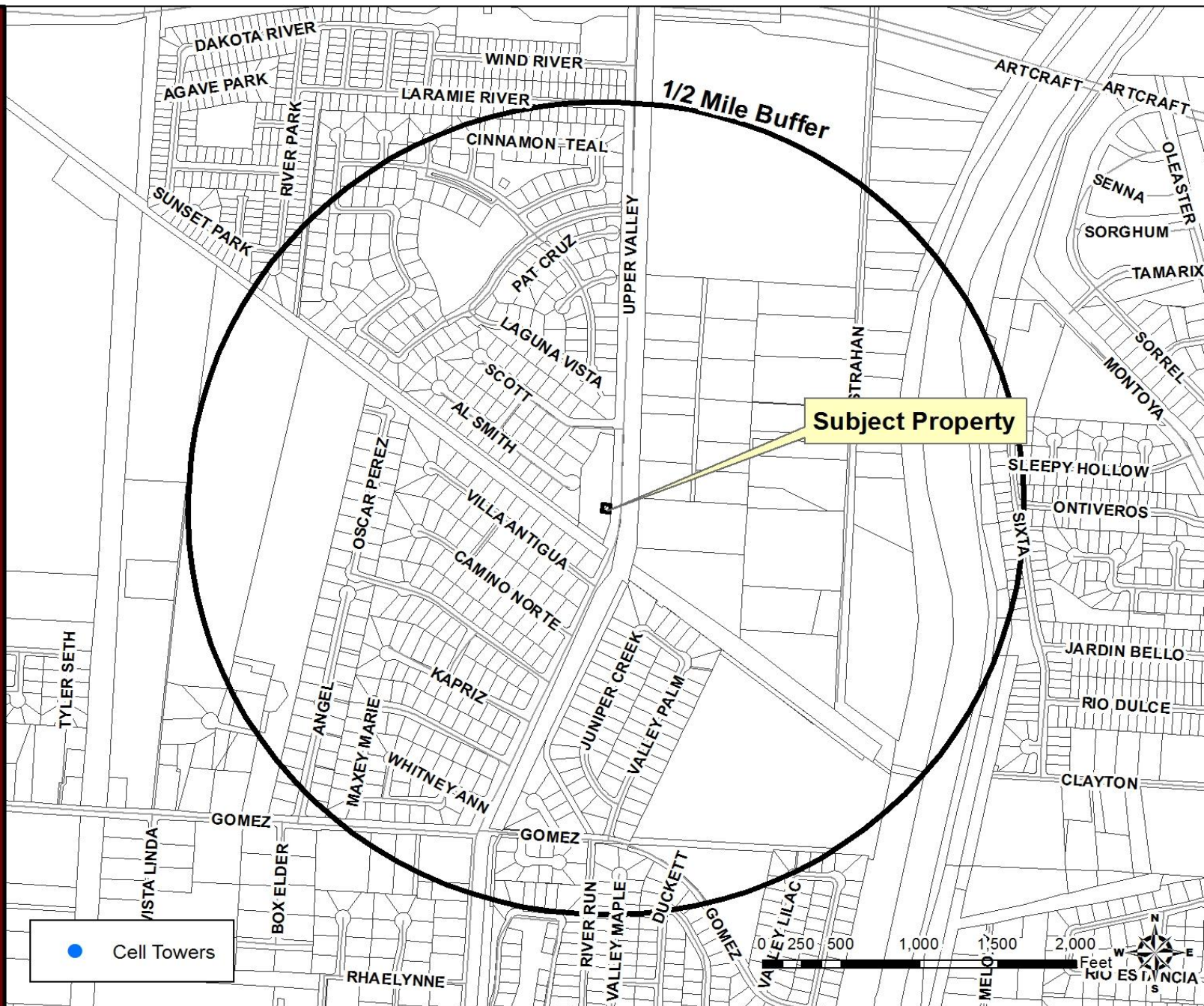
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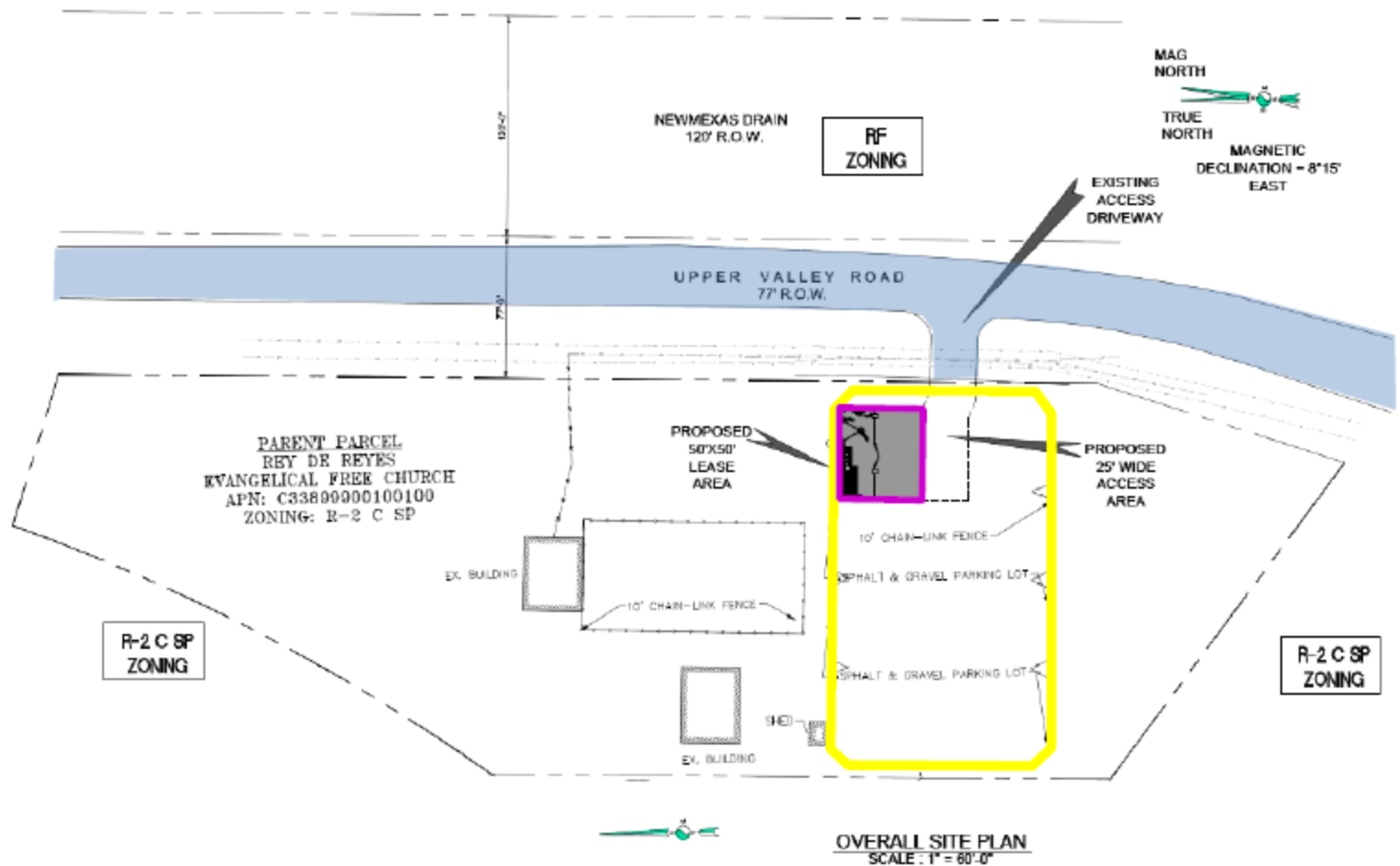
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PZST17-00035

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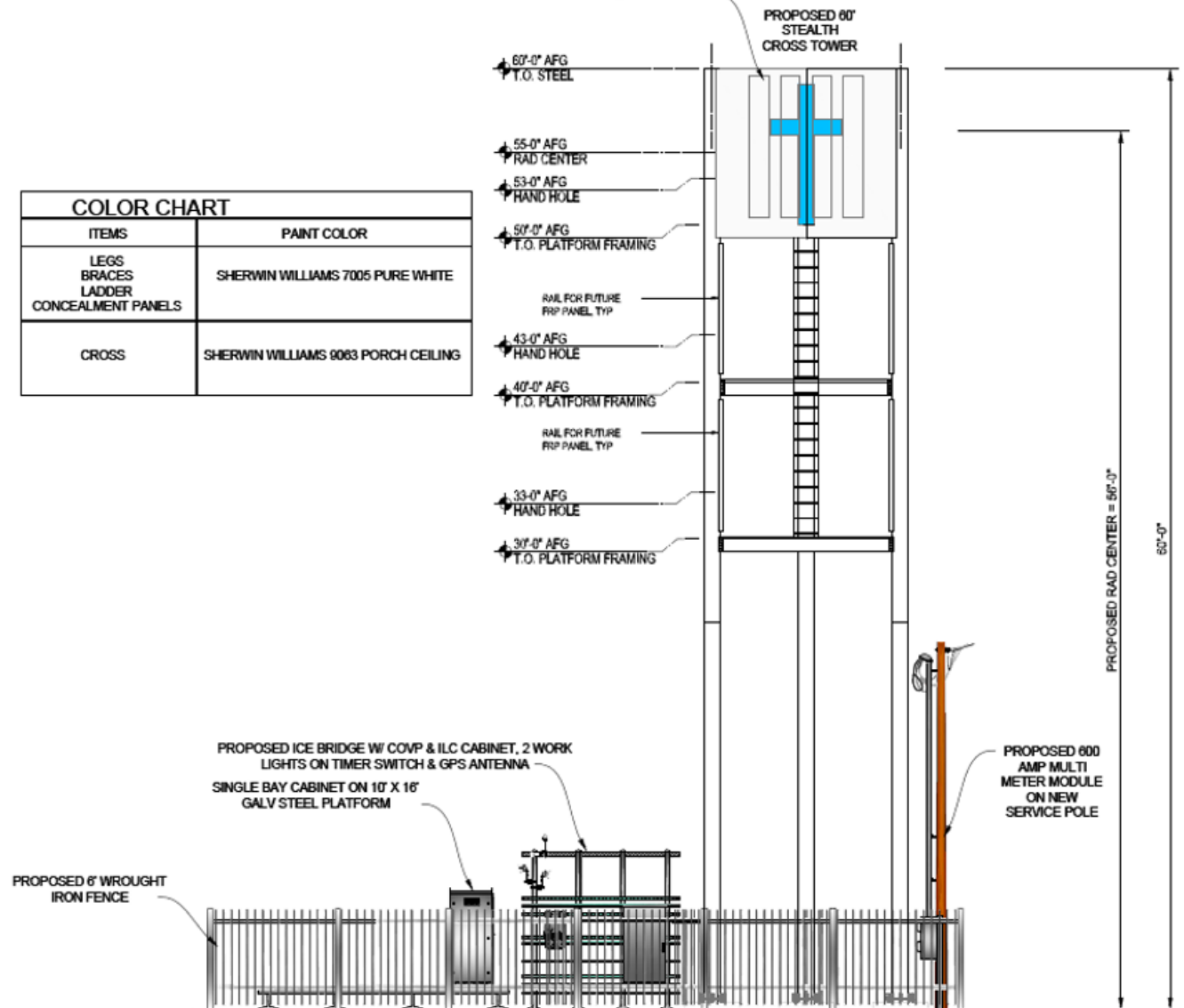






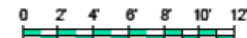
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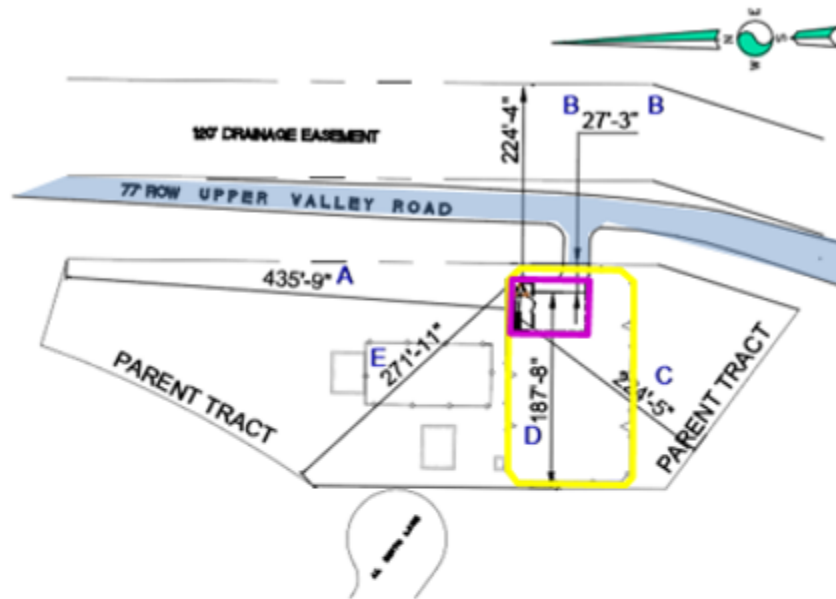


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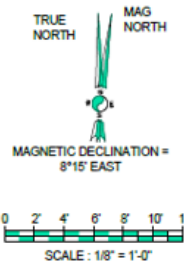
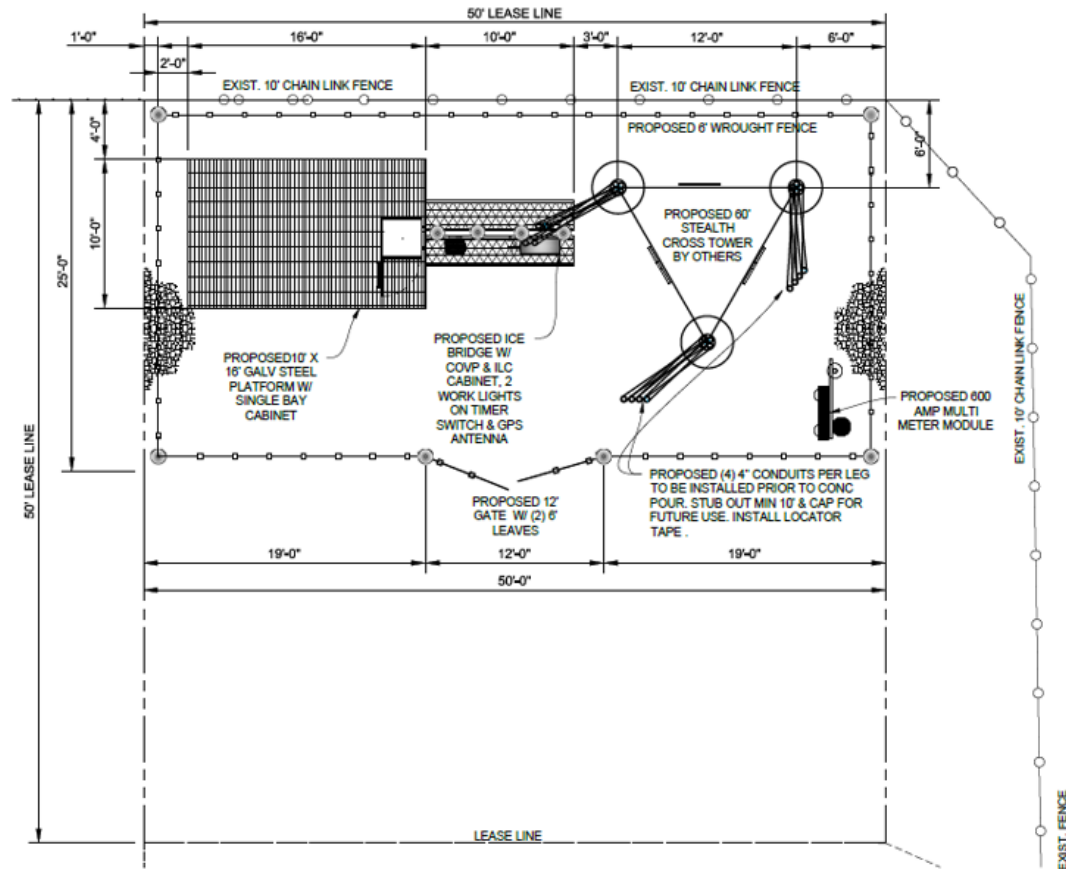


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EXISTING



APC Towers
TX-1475 RIO RICO
SITE PHOTOGRAPH
NORTH ELEVATION
NOVEMBER 13, 2017

PROPOSED



PROPOSED 60' BELL TOWER
WITH CONCEALED ANTENNAS

APC Towers
TX-1475 PHOTO SIMULATION
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NOVEMBER 13, 2017



APC Towers
TX-1475 RIO RICO
5001 UPPER VALLEY ROAD
SITE PHOTOGRAPH LOCATIONS
NOVEMBER 13, 2017



EXISTING



PROPOSED





EXISTING



PROPOSED





EXISTING



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NOVEMBER 13, 2017

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