



City of El Paso – City Plan Commission Staff Report

Case No: PZST16-00008
Application Type: Special Permit
CPC Hearing Date: April 21, 2016
Staff Planner: Jeff Howell, 915-212-1607, howelljb@elpasotexas.gov
Location: 1500 Lomaland Drive
Legal Description: A portion of Lot 6, Block 261, Vista Del Sol Unit Fifty, City of El Paso, El Paso County, Texas
Acreage: 0.007-acre
Rep District: 7
Existing Zoning: C-2/sc (Commercial/special contract)
Existing Use: Self-storage facility
C/SC/SP/ZBA/LNC: Condition imposed by Ordinance No. 6129, dated December 29, 1977 and Special Contract dated December 5, 1977, partially released July 24, 1979
Request: Special Permit to allow a Personal Wireless Service Facility (PWSF) within a one-half mile distance of an existing PWSF
Proposed Use: Ground-mounted PWSF
Property Owner: El Paso Six Storage 18 (TX) LLC
Applicant: Verizon Wireless c/o Black & Veatch Corp.
Representative: Kevin Provance, Black & Veatch Corp., Agent for Verizon Wireless

SURROUNDING ZONING AND LAND USE

North: A-O (Apartment/Office) / Apartments

South: C-2/sc (Commercial/special contract) / Vacant, P-I (Planned Industrial) / Fire Station, C-4/sp (Commercial/special permit) / Warehouse

East: A-O (Apartment/Office) / Duplexes

West: C-2/sc (Commercial/special contract) / Shopping Center

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (East Planning Area)

NEAREST PARK: Reese McCord Park (4,918 feet)

NEAREST SCHOOL: Mesa Vista Elementary (7,811 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 6, 2016. The Planning Division has received a phone call in opposition to the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit to allow for the placement of a ground-mounted personal wireless service facility (PWSF) on the proposed site within a one-half mile radius of an existing PWSF site as required by El Paso City Code Section 20.10.455.E. The site plan shows a 300 sq. ft. lease area for a 65-foot high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged to resemble a palm tree, while the equipment will be screened/housed within two storage units. The proposed PWSF meets all setback and height requirements for location in a commercial district. The applicant opted to request a landscape buyout as permitted by the landscaping ordinance for PWSF facilities. Two nearest PWSF are 0.35 miles to the southeast and is located on Gateway Avenue and 0.7 miles to the northeast and is located on Rojas. A maintenance access easement within a driveway is proposed from Lomaland Drive.

PLANNING DIVISION 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.

ANALYSIS

20.10.455 Personal Wireless Service Facility (PWSF)

E. C-1, C-2 and P-C Commercial Districts, S-D Special Development.

1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted 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 PSWF antenna support structure base.

ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.

b. Modified Setbacks. The setback set forth in subsection (E)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:

i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;

ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and

iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.

c. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (E)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.

d. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application based on findings that:

i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;

ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;

iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;

iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and

v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.

The applicant has submitted proof that all 5 findings have been met, (see attachment 6).

e. Height Restriction. Ground-mounted PWSF antenna support structures shall not exceed seventy-five feet in height, except as provided in subsection (E)(1)(f).

f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure shall not exceed one hundred feet.

g. Camouflage and Screening.

i. All Ground-Mounted PWSF 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 in bell steeples or clock towers, or on similar alternative-design mounting structures.

ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.

iv. Landscaping shall comply with all code requirements for landscaping.

h. Other Requirements. The following must accompany a request for a building permit:

i. A detailed plan showing the PWSF antenna support structure, antennas and equipment in relation to the surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;

ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available upon request;

iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and

iv. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.

i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.

j. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.

k. Increase in Elevation on Existing PWSF Antenna Support Structure. Increase in elevation, not to exceed one hundred feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

The application meets the requirements for PWSF.

20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.

- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
 - 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;
 - 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;
 - 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;
 - 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
 - 5. The design of the proposed development mitigates substantial environmental problems;
 - 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
 - 7. The proposed development is compatible with adjacent structures and uses;
 - 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
 - 1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.

2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and verified that it meets all requirements of Sections 20.04.320, Special Permit, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): 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.

The purpose of the C-2 (Commercial) district is to provide for establishments providing goods or rendering services which are used in support of the community’s trade and service establishments and serving multi-neighborhoods. It also permits intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

Planning and Inspections Department – Planning Division - Transportation

No objections to the special permit request.

Planning and Inspections Department – Plan Review

No objections to proposed special permit.

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 - Landscaping Division

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

Planning and Inspections Department - Land Development

1. No objections to proposed special permit for PWSF.
2. 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.

Texas Department of Transportation

No permit is necessary since no work is proposed on TxDOT right of way.

Fire Department

EPFD has no objections.

Sun Metro

Sun Metro does not oppose this request.

Texas Gas

Texas Gas Service does not foresee any issues in the construction of this development; currently Texas Gas Service does not operate any facilities inside the property, in case natural gas service is required, we will need all streets to be public right-of-way and have dedicated utility easements. Texas Gas Service has no objections to the proposed project limits.

El Paso Water Utilities

1. EPWU does not object to this request.

Water:

2. There is an existing 12-inch diameter water main extending along Lomaland Dr. This water main is available for service. EPWU records indicate one 3/4" service meter (Active) on property for 1500 Lomaland Dr.
3. Previous water pressure readings from fire hydrant # 3994 located at 230-foot Southeast side of Bengal and Lomaland Dr., have yielded a static pressure of 80 pounds per square inch, a residual pressure of 70 pounds per square inch, and a discharge of 919 gallons per minute.

Sanitary Sewer:

4. There is an existing 8-inch diameter sewer main along the west side of Lomaland Dr. This main is available for service.

General:

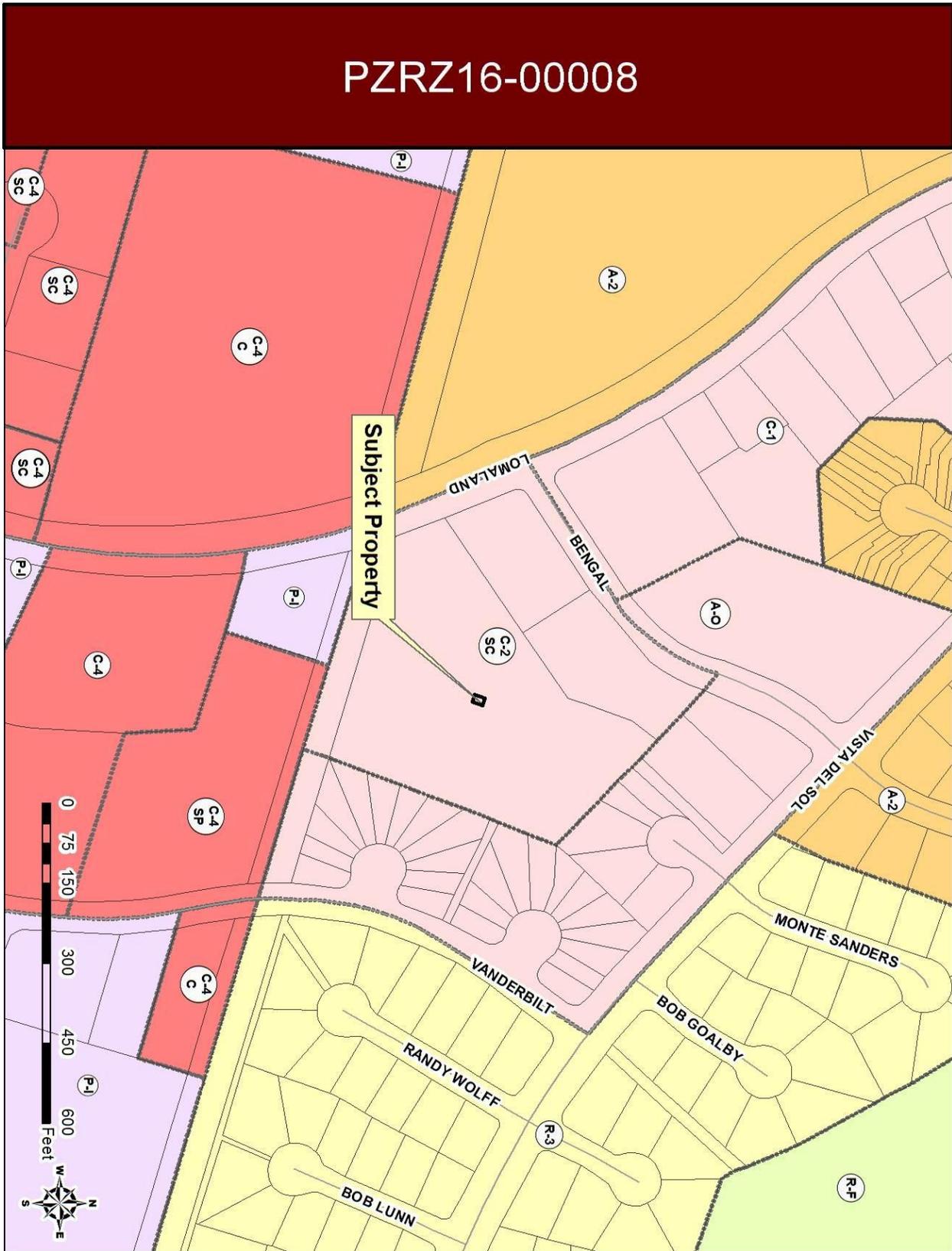
5. EPWU requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Simulation Pictures
5. Landscape Buyout Request
6. Findings Analysis
7. Special Contract

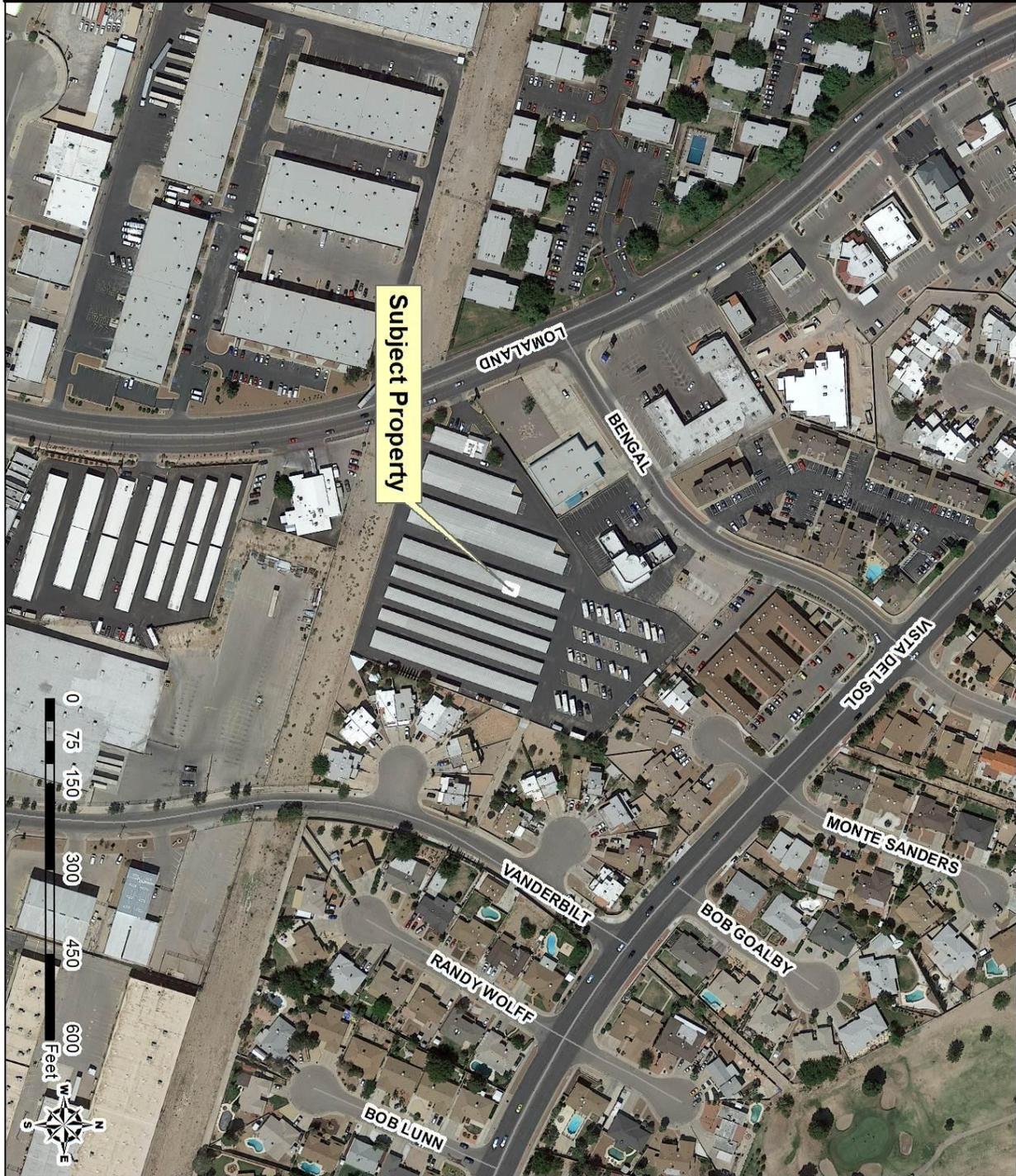
ATTACHMENT 1: ZONING MAP

PZRZ16-00008

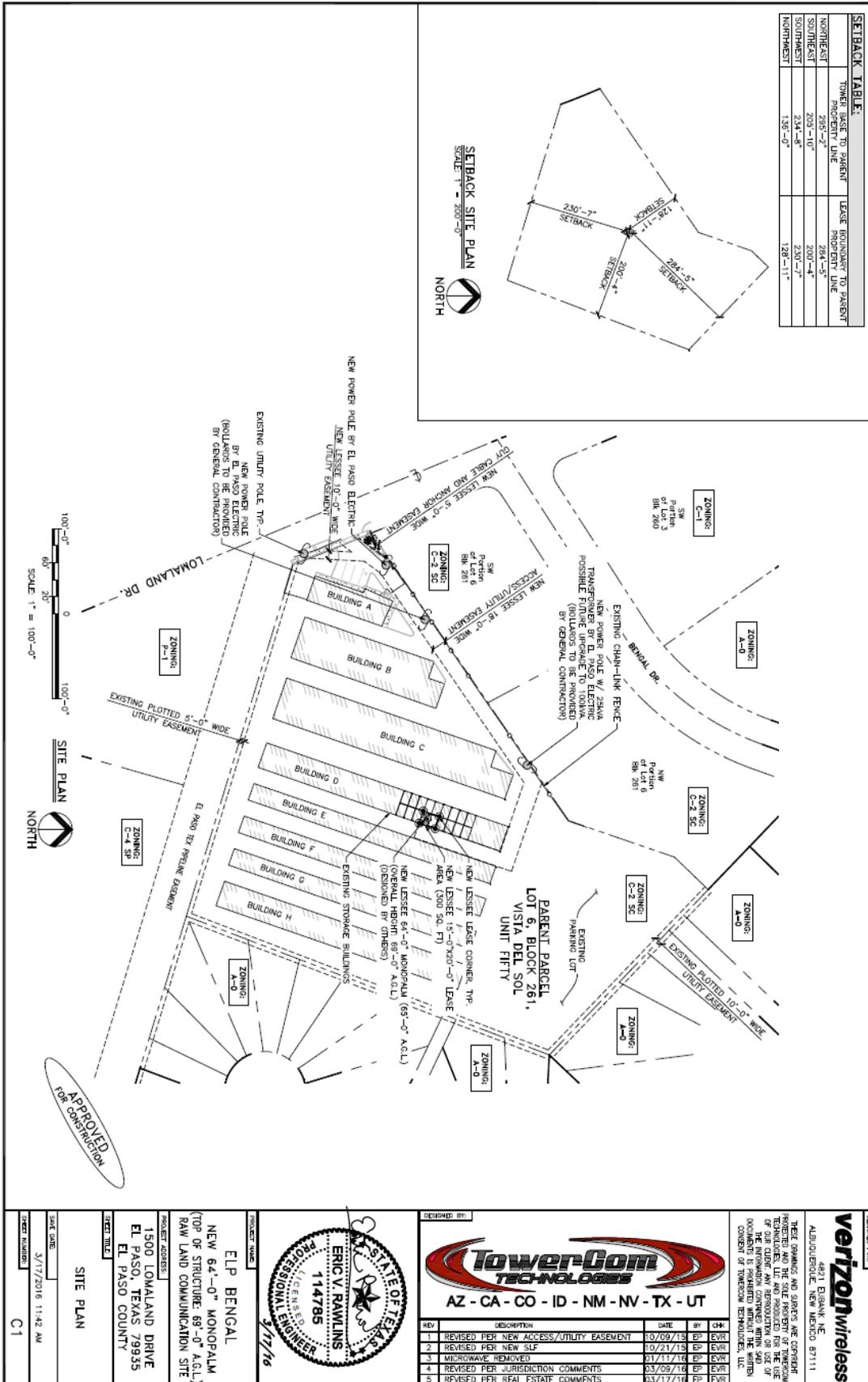


ATTACHMENT 2: AERIAL MAP

PZRZ16-00008



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



verizon wireless
 4801 BIRK AVE
 ALBUQUERQUE, NEW MEXICO 87111

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REV	DESCRIPTION	DATE	BY	CHK
1	REVISED PER NEW ACCESS/UTILITY EASEMENT	10/09/15	EP	EVN
2	REVISED PER NEW SLP	10/21/15	EP	EVN
3	MICROWAVE REMOVED	11/11/15	EP	EVN
4	REVISED PER JURISDICTION COMMENTS	03/08/16	EP	EVN
5	REVISED PER REAL ESTATE COMMENTS	03/17/16	EP	EVN

STATE OF TEXAS
 PROFESSIONAL ENGINEER
ERIC V. RAWLINS
 LICENSE NUMBER
 114785
 3/7/16

PROJECT NAME
 ELP BENGAL
 NEW 64'-0" MONOPALM
 (TOP OF STRUCTURE: 69'-0" A.G.L.)
 RAW LAND COMMUNICATION SITE

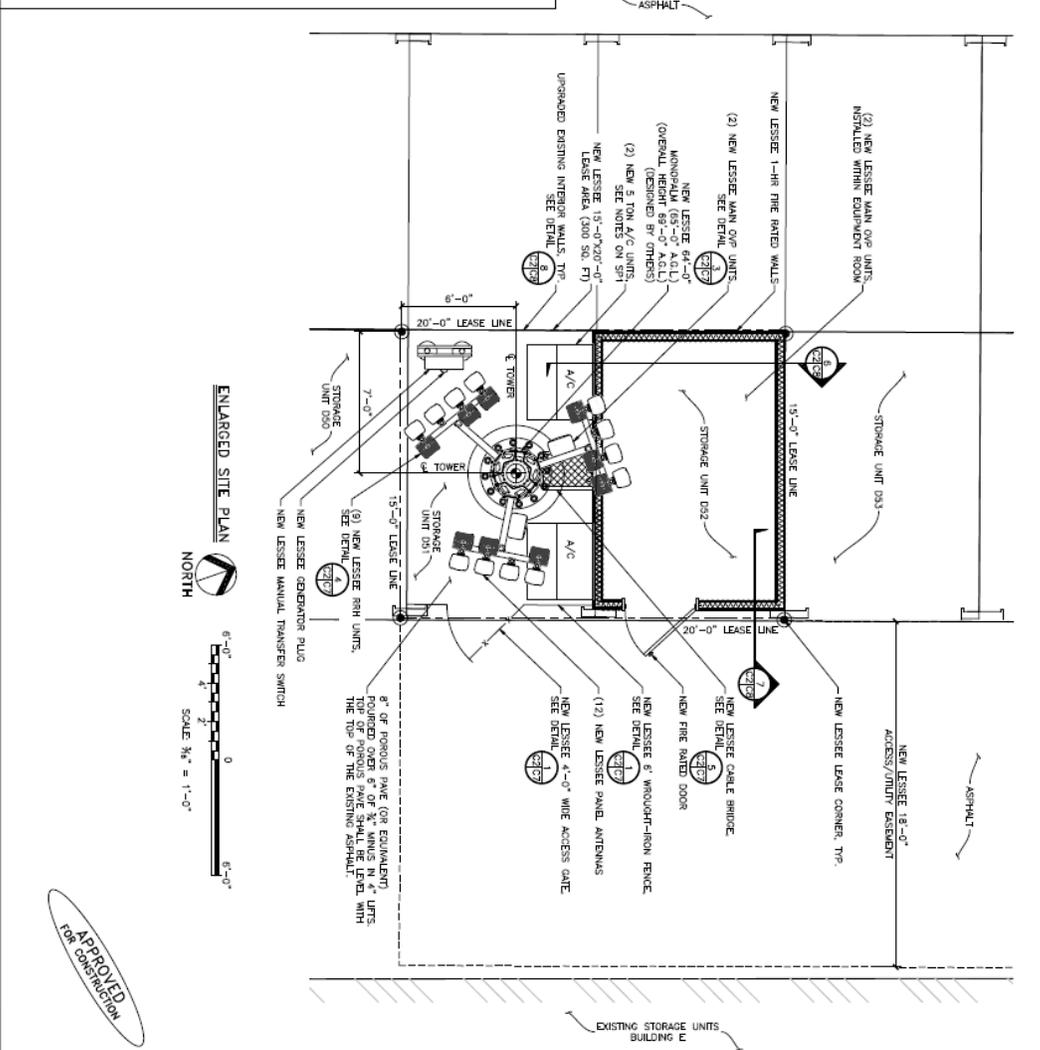
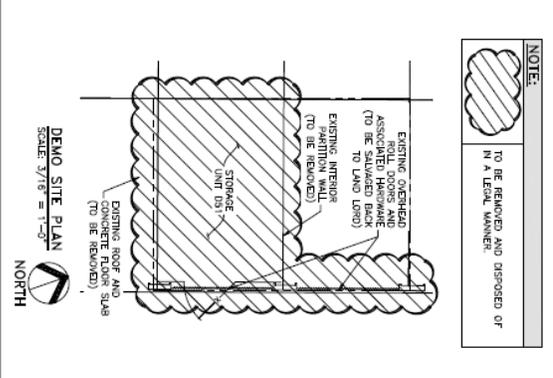
PROJECT ADDRESS
 1500 LOMALAND DRIVE
 EL PASO, TEXAS 79935
 EL PASO COUNTY

SHEET TITLE
 SITE PLAN

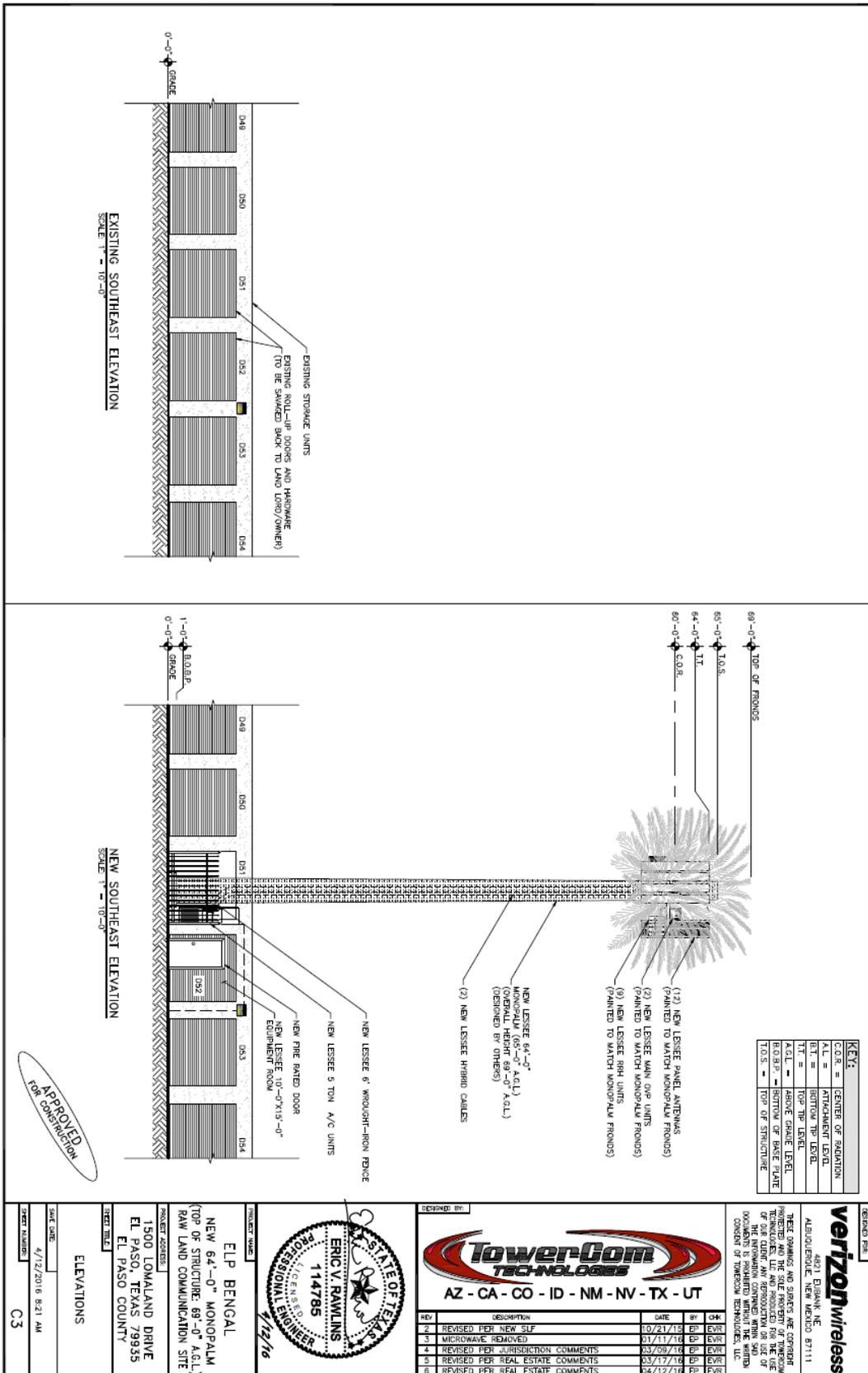
DATE DATE
 3/17/2016 11:42 AM

SHEET NUMBER
 C1

- SITE NOTES:**
1. PRIOR TO EXCAVATION, CONTRACTOR SHALL CHECK THE AREA FOR UNDERGROUND UTILITIES.
 2. CONTRACTOR TO MAKE RESPONSIBLE FOUNDATION BASED ON LOCAL CODES.
 3. CONTRACTOR TO PROVIDE WATER-PROOFING AT ALL EXISTING BASES AND OPENINGS OF NEWLY EXPOSED FOUNDATION.
 4. ORIGINAL ROOFING CONTRACTOR TO PROVIDE ALL APPROPRIATE FLASHING AT ALL NEW ROOFING EDGES.



 AZ - CA - CO - ID - NM - NV - TX - UT		verizon wireless 4621 BIRANK NE ALBUQUERQUE, NEW MEXICO 87111																								
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PROJECT NAME: ELP BENGAL NEW 64'-0" MONOPALM (TOP OF STRUCTURE: 69'-0" A.S.L.) RAW LAND COMMUNICATION SITE		PROJECT ADDRESS: 1500 LOMALAND DRIVE EL PASO, TEXAS 79935 EL PASO COUNTY																								
SHEET NUMBER: C2		DATE DATE: 4/12/2016 8:21 AM																								



ATTACHMENT 4: SIMULATION PICTURES



EXISTING



PROPOSED

BEFORE



EXISTING

AFTER



PROPOSED

BEFORE



EXISTING

AFTER



PROPOSED

BEFORE



EXISTING

AFTER



PROPOSED



EXISTING



PROPOSED

ATTACHMENT 5: LANDSCAPE BUYOUT REQUEST

Verizon Wireless ELP Bengal

ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;

iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas."

iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and

v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application."

The proposed PWSF facility will conform to all applicable City of El Paso regulations. However, Verizon does request a modification to the ½ mile separation distance between PWSF antenna structures, thus requiring a Special Permit. The closest tower to this proposed location is 0.35 mile and owned by Crown Castle Incorporated. Verizon acknowledges that its Special Permit is subject to approval by both the City Plan Commission and City Council for this separation distance modification.

In addition, pursuant to Ordinance Chapter 18.46.080, titled "Required landscapable areas," Sub-section A., of the City of El Paso, Texas, Zoning Ordinance, Verizon Wireless' is requesting a buy-out from the required landscape requirements. Due to the fact that there is no existing landscaping at the storage unit business and the proposed PWSF is being placed within storage units, the proposed PWSF will blend in with the existing surroundings.

Further, all setbacks will be complied with and no streets, rights-of-way or easements will be encroached upon. After construction, this site will provide 911 and emergency communication as well as improved wireless service in this section of the City of El Paso.

ATTACHMENT 6: FINDINGS ANALYSIS

d. **Modified Separation Between PWSF Antenna Support Structures.** The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application based on findings that:

- i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;

The Alternative 1 Candidate (Original Candidate) that is over ½ mile did not reach Cedar Oaks, but did reach Casper and Santos. RF Engineering has analyzed the best location to provide for Cedar Oaks and Casper and determined that the Bengal site at the storage unit location would balance out both of these existing sites.

(Refer to VZW's Significant Gap Statement with propagation maps for adjacent VZW sites in the vicinity.)

- ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;

VZW looked at a collocation upgrade with Crown Castle site located 0.35 miles from this proposed site for the possibility of a collocation upgrade. The RF Propagation Analysis Maps illustrate that collocating on Crown Castle's tower would create radio interference for coverage and capacity because it was too close to VZW's existing site Cedar Oaks. Collocating on Crown's Castle's tower would not provide the necessary off-loading of capacity traffic and coverage for both the Cedar Oaks and Casper sites.

(Refer to VZW's Significant Gap Statement with propagation maps for adjacent VZW sites in the vicinity.)

- iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;

VZW's sites, Cedar Oaks and Casper will not provide the proper coverage or capacity for its network system because of potential radio frequency interference

due to the close proximity of VZW's proposed antennas to its existing antennas at these sites. If interference were to occur, the safety of the system would be compromised for coverage and capacity, therefore these two (2) sites cannot support additional VZW antennas.

(Refer to VZW's Significant Gap Statement with propagation maps for adjacent VZW sites in the vicinity.)

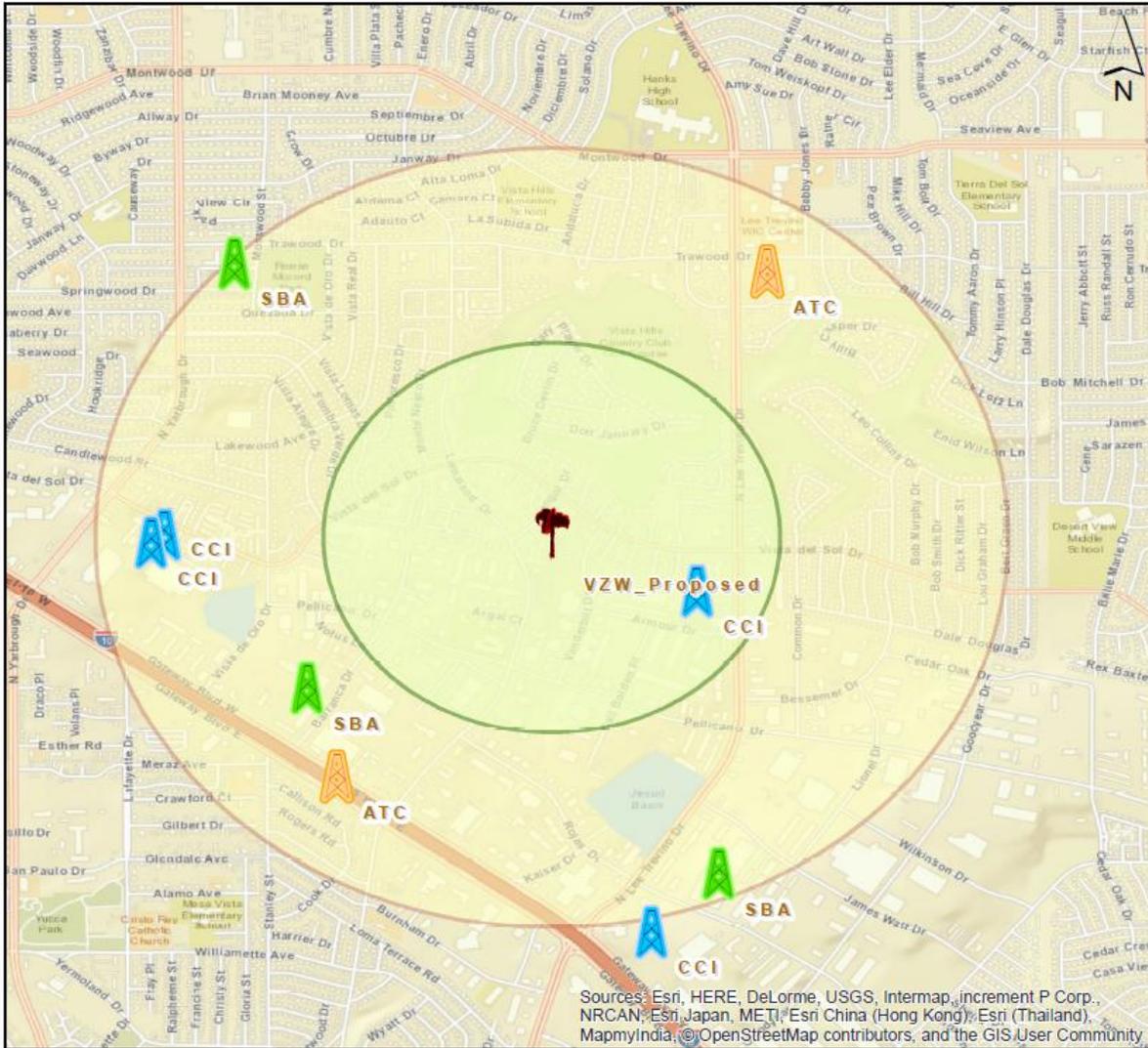
- iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and

The relative location of this property makes it unique for the purposes of locating a PWSF based on the need for strict adherence to the grid plan. As part of its initial deployment in the State of Texas, engineers at VZW have identified the need for a PWSF within the City of El Paso. Based on a computerized engineering study considering local population density and topography, engineers at VZW have issued a "Search Ring" identifying the necessary location for a PWSF in this area. This Search Ring represents the area in which a facility must be located to allow it to function as an integral unit in the wireless network system in the State of Texas and the El Paso area. PWSF are laid out in a grid pattern and the spacing, height and location of this component site are critical for the successful operation of the network. The subject property meets the engineering criteria for the necessary PWSF in this area. If the strict letter of the regulations were carried out, the PWSF could not be constructed due to the separation distance regulation of one-half mile. The hardship has resulted from the need to locate a PWSF within the grid pattern at a height that is necessary for antennas to receive and transmit signals. The hardship is a result of wireless technology and has not been created by any person having an ownership interest in the property.

- v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.

Refer to Tower Location map and tower spreadsheet list Exhibit for the existing PWSFs located within a one-half (1/2) mile and one (1) mile from VZW's proposed PWSF.

VZW ELP Bengal



Legend

-  ELP Bengal
- TWR_OWNER**
-  ATC
-  SBA
-  CCI
-  Half Mile
-  1 Mile

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, ©OpenStreetMap contributors, and the GIS User Community

LATITUDE	LONGITUDE	TWR_OWNER	SITE_NUMBER	SITE_NAME	ADDRESS	TWR_TYPE	STRUCTURE_HT	DISTANCE FROM 1500 LOMALAND DR. (MILES)
31.7547	-106.3258	VZW	Tbd	ELP Bengal	1500 Lomaland Drive, El Paso, TX 79907	RL - Monopalm	65'	0
31.7458	-106.3338	ATC	US-TX-0006	Lomaland - El Paso	11033 Gateway (I-10), El Paso, TX, 79935	Rooftop - Hotel	24'	0.7
31.7646	-106.3178	ATC	418545	TXEP_ELP_Lea Trevino TX	11400 Rojas, El Paso, TX, 79936	Monopole	80'	0.87
31.7649	-106.3376	SBA	TX48040-A	Raphael	1655 Mosswood Sreett, El Paso, TX 79935	Monopole	62'	1
31.7491	-106.3349	SBA	TX40341-T	Isabella	1133 Barranca Drive, El Paso, TX 79935	Monopole	75'	0.7
31.7422	-106.3196	SBA	TX48034-A	Vulcan	11350 James Watt Drive, El Paso, TX 79936	Monopole	62'	1
31.7527	-106.3204	CCI	822923	Capistrano Center	1515 Lee Trevino Drive, El Paso, TX 79936	Monopole	75.42'	0.35
31.7548	-106.3402	CCI	822377	Animal House	10666 Vista del Sol, El Paso, TX 79935	Monopole	75'	0.83
31.7545	-106.3407	CCI	807447	Vista Del Sol & Yarb A03052056	10658 Vista del Sol, El Paso, TX 79935	Monopole	96'	0.86
31.7400	-106.3221	CCI	822404	Argal Lot	11301 Gateway Blvd. West, El Paso, TX 79936	Monopole	75'	1

ATTACHMENT 7: SPECIAL CONTRACT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

PARTIAL RELEASE

WHEREAS, by contract dated December 5, 1977, between GOLF RESORT JOINT VENTURE, THE STATE NATIONAL BANK OF EL PASO, and the CITY OF EL PASO, recorded in Book 852, Page 1133 of the Deed Records of El Paso County, Texas, certain restrictions, conditions and covenants were placed on a portion of Tract 1A, Block 1, Ascarate Grant in the City of El Paso, El Paso County, Texas, such property being now known as Lot 6, Block 261, Vista Del Sol Unit 50, to which contract reference is hereby made for the terms and conditions thereof and for a metes and bounds description of the property; and

WHEREAS, the City Council of the City of El Paso has determined that the provisions of paragraph 2 of the contract are no longer necessary and should be released;

NOW THEREFORE, the CITY OF EL PASO does release and by these presents hereby releases the above described property from the restrictions, conditions and covenants contained in paragraph 2 of the above contract, such paragraph reading as follows:

- 2. The property shall be used solely as a site for a restaurant and a recreation center and for no other purpose. The term 'recreation center' shall include a skateboard facility, roller skating rink and other recreational uses.

This is, however, a partial release only and the restrictions, conditions and covenants contained in the remaining paragraphs of such contract shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEAL this 24th day of July 1979.

THE CITY OF EL PASO

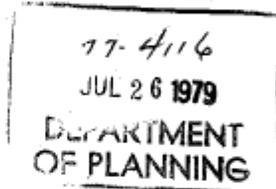
By Thomas D. Westfall
Mayor

ATTEST:

W. K. Kreeg
City Clerk

APPROVED AS TO FORM:

David A. Kline
City Attorney



I certify that the zoning map has been revised to reflect the amendment of ordinance 7-24-79 by W. K. Kreeg Date 8-21-79

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Thomas D. West Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24th day of July, 1979.

Angela C. Smith
Notary Public, El Paso County, Texas

My Commission Expires:
ANGELA C. SMITH, Notary Public
In and for the County of El Paso, Texas
My Commission Expires 7/30/80

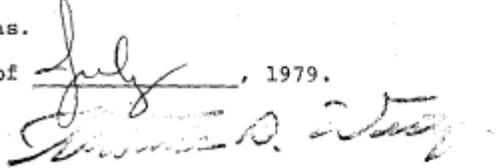
77-4116
JUL 26 1979
DEPARTMENT
OF PLANNING

RESOLUTION

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

That the Mayor be authorized to sign a partial release of lien from certain restrictions placed on a portion of Tract 1A, Block 1, Ascarate Grant, El Paso, El Paso County, Texas, such property being now known as Lot 6, Block 261, Vista Del Sol Unit 50, El Paso County, Texas.

ADOPTED this 24th day of July, 1979.



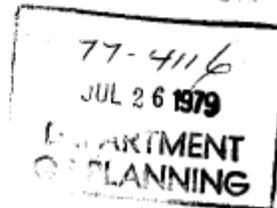
ATTEST:

Mayor



City Clerk

City Clerk



AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1A, BLOCK 1, ASCARATE GRANT, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

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

That the zoning of the following described portion of Tract 1A, Block 1, Ascarate Grant be changed to C-2 (commercial) within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Description of a parcel of land being a portion of Tract 1A, Block 1, Ascarate Grant, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point, said point being the intersection of the northerly line of the El Paso Tex Pipeline easement with the easterly right of way of Lomaland Drive;

Thence 62.41 feet along said right of way and along the arc of a curve to the left whose interior angle is 2° 47' 19" whose radius is 1283.44 feet and whose chord bears North 24° 11' 05" West a distance of 62.40 feet;

Thence North 25° 34' 40" West continuing along said right of way a distance of 182.35 feet;

Thence 27.74 feet along the arc of a curve to the right whose interior angle is 79° 27' 28", whose radius is 20.00 feet and whose chord bears North 14° 09' 04" East a distance of 25.57 feet;

Thence North 53° 52' 48" East a distance of 261.69 feet;

Thence 232.35 feet along the arc of a curve to the left whose interior angle is 37° 30' 00", whose radius is 355.00 feet and whose chord bears North 35° 07' 48" East a distance of 228.22 feet;

Thence 15.50 feet along the arc of a curve to the right whose interior angle is 1° 35' 40", whose radius is 557.00 feet and whose chord bears North 17° 10' 38" East a distance of 15.50 feet;

Thence South 49° 13' 05" East a distance of 408.00 feet;

Thence South 17° 47' 53" West a distance of 460.00 feet;

Thence North 76° 12' 00" West along the northerly line of the El Paso Tex Pipeline easement a distance of 430.00 feet to the point of beginning and containing in all 6.261 acres of land, more or less.

PASSED AND APPROVED this 29 day of December
1977.

[Signature]
Mayor Pro-Tem

ATTEST:
[Signature] City Clerk
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: L.D.
1-3-78 COUNTER
1-3-78 ORIGINAL
1-3-78 Blk. Inspection
1-3-78 CONTRIC [Signature]

APPROVED AS TO FORM:
[Signature]
Wade Adkins
Assistant City Attorney
I certify that the zoning map has been revised to
reflect the amendment of ordinance # 6129
[Signature] Date 1-3-78

6129

CONTRACT

This contract, made this 5th day of December 1977, by and between GOLF RESORT JOINT VENTURE, a Joint Venture composed of INDIVIDUAL HOMES, INC., a Corporation, and EASTSIDE INDUSTRIAL PROPERTIES, INC., a Corporation, First Party, and the STATE NATIONAL BANK OF EL PASO, a Corporation, Second Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Tract 1A, Block 1, Ascarate Grant in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 6129, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference. In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. No certificates of occupancy and compliance shall be issued for any building constructed on the property until First Party has, at no cost to the City, done the following:

- a. Installed a concrete sidewalk along the boundary of the property which is adjacent to Lomaland Drive.
- b. Constructed a rock retaining wall along the easterly and southerly boundaries of the property.

Such sidewalk and retaining wall shall be installed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalk and retaining walls have been satisfactorily completed before certificates of occupancy and compliance shall be issued.

2. The property shall be used solely as a site for a restaurant and a recreation center and for no other purpose. The term "recreation center" shall include a skateboard facility, roller skating rink and other recreational uses.

This agreement is a restriction, condition and covenant running with the

land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Party is the owner and holder of recorded liens on the property and consents to this contract.

WITNESS the following signatures and seals:

GOLF RESORT JOINT VENTURE:

Individual Homes, Inc., a Corporation

By: 
President

ATTEST:


Secretary

Eastside Industrial Properties, Inc., a Corporation

By: 
VICE President

ATTEST:


Secretary

APPROVED AND ACCEPTED:

The State National Bank of El Paso, a Corporation, Individually and as Trustee, Owner

By: 
Vice President & Admin Officer

ATTEST:


Cashier

THE CITY OF EL PASO

By: [Signature]
Mayor

Pro-Tem

ATTEST:

[Signature]
City Clerk

THE STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared D. B. McKinney, President of Individual Homes, Inc., a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 5th day of December, 1977.

[Signature]
Notary Public in and for El Paso County, Texas.
JOAN C. CARRILLO, Notary Public
In and for the County of El Paso, Texas
My commission expires March 3, 1978

THE STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared I.T. SCHWARTZ, VICE, President of Eastside Industrial Properties, Inc., a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 5th day of December, 1977.

[Signature]
Notary Public in and for El Paso County, Texas.
JOAN C. CARRILLO, Notary Public
In and for the County of El Paso, Texas
My commission expires March 3, 1978

THE STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared Don M. Poulter, Mayor Pro-Tem of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 29 day of December, 1977.

[Signature]
Notary Public in and for El Paso County, Texas.
ANGELA C. GUILLET, Notary Public
In and for the County of El Paso, Texas
My Commission Expires 9/30/88

APPROVED AS TO FORM:

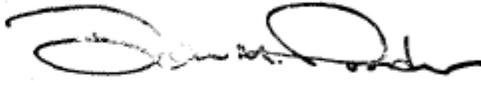
[Signature]

RESOLUTION

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

That the Mayor be authorized to sign a contract with GOLF RESORT
JOINT VENTURE, et al, placing certain restrictions on property being re-
zoned by Ordinance No. 6129.

ADOPTED this 29 day of December, 1977.



Mayor Pis-Ten

ATTEST:



City Clerk

City Clerk

APPROVED AS TO FORM:



Wade Adkins
Assistant City Attorney