



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

**(REVISED)**

**Case No:** PZST16-00010  
**Application Type:** Special Permit  
**CPC Hearing Date:** June 2, 2016  
**Staff Planner:** Alfredo Austin, 915-212-1604, austinaj@elpasotexas.gov  
**Location:** 11400 Wilkinson Drive  
**Legal Description:** Portion of Lot 1, Block 1, Radco Industrial Park, City of El Paso, El Paso County, Texas  
**Acreage:** 0.06-acre  
**Rep District:** 7  
**Existing Zoning:** C-4 (Commercial)  
**Existing Use:** Contractor Yard  
**C/SC/SP/ZBA/LNC:** N/A  
**Request:** Special Permit to allow a Personal Wireless Service Facility (PWSF) with modified separation between PWSF antenna support structures.  
**Proposed Use:** Ground-mounted PWSF

**Property Owner:** Noe S Castillo  
**Applicant:** NTCH-NM, LLC  
**Representative:** Keith Fisher

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

**North:** C-4 (Commercial) / Commercial development  
**South:** C-4 (Commercial) / Commercial development  
**East:** A-O (Appartement/Office) / Commercial development  
**West:** C-4 (Commercial) / Commercial development

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

**NEAREST PARK:** Marty Robbins Park (6,689 feet)

**NEAREST SCHOOL:** Myrtle Cooper Elementary School (5,653 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

Las Palmas Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 18, 2016. The Planning Division did not receive any communication in opposition to the proposed special permit.

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit to allow a Personal Wireless Service Facility (PWSF) with modified separation between PWSF antenna support structures as required by El Paso City Code Section 20.10.455F. The site plan shows a 2500 sq. ft. lease area for a 66-foot high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged as a palm tree. The

proposed PWSF meets all setback and height requirements for a location in a commercial district. An access easement is proposed from Pendale Road.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the special permit for a Personal Wireless Service Facility (PWSF) with modified separation between PWSF antenna support structures 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)

##### F. C-3, C-4 and C-5 Commercial Districts.

1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:

a. **Setbacks.** The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot 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 zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.

b. **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 (F)(1)(c). 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.

c. **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 if the city council finds 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).*

d. **Height Restriction.** The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred twenty-five feet in height, except as provided in subsection (F)(1)(e) or (F)(1)(f).

- e. **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 and appurtenant antennas shall not exceed one hundred fifty feet.
- f. **Special Permit for Additional Height in C-3 and C-4 Commercial Districts Only.** The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council 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 for a PWSF antenna support structure of the height being proposed 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 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;
  - iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably 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; and
  - iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
- 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 or special permit:
  - i. A detailed plan showing the PWSF antennas support, antennas, and equipment in relation to the existing 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 on request from the applicant;
  - 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, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting 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 an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the building official of a structural recertification report prepared and sealed by a licensed professional engineer.
- j. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.
- k. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. 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 use.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

**COMMENTS:**

**Planning and Inspections Department – Planning Division - Transportation**

No objections to proposed special permit.

**Planning and Inspections Department – Plan Review**

No objections to proposed special permit.

**Planning and Inspections Department - Landscaping Division**

No objections to proposed special permit.

**Planning and Inspections Department - Land Development**

We have reviewed subject plans and recommend that the applicant addresses the following comments.

1. Proposed access driveway from Pendale ROW must comply with (Design Standards for Construction Section 6-17) minimum 25' made of concrete with sidewalk portion, etc.
2. Driveway apron radius shall not encroach abutting property line.
3. 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.

**Police Department**

No objections to proposed special permit.

**Fire Department**

Fire Department does not oppose this request.

**Sun Metro**

Sun Metro does not oppose this request.

**EPWU Stormwater Division**

No objections to proposed special permit.

**El Paso Water Utilities**

We have reviewed the request described above and provide the following comments:

1. EPWU does not object to this request.

**Water:**

2. There is an existing 8-inch diameter water main extending along Wilkinson Drive located approximately 20-feet south from the northern right-of-way line. This water main is available for service.
3. There is an existing 12-inch diameter water main extending along Pendale Road located approximately 35-feet west from the eastern right-of-way line. This water main is available for service.
4. EPWU records indicate one (1) 3/4" service meters on the property with 11400 Wilkinson Drive as the service address.
5. Previous water pressure readings from fire hydrant # 5202 located at Wilkinson Drive and NW Corner of Pendale Road, have yielded a static pressure of 90 (psi), a residual pressure of 82 (psi), and a discharge of 1,300 gallons per minute.

6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

**Sanitary Sewer:**

7. There is an existing 8-inch diameter sanitary sewer main extending along Wilkinson Drive located approximately 25' north from the property line. This sanitary sewer main is available for service.

8. There is an existing 12-inch diameter sanitary sewer main extending along Pendale Road located approximately 40' east from the western property line. This sanitary sewer main is available for service.

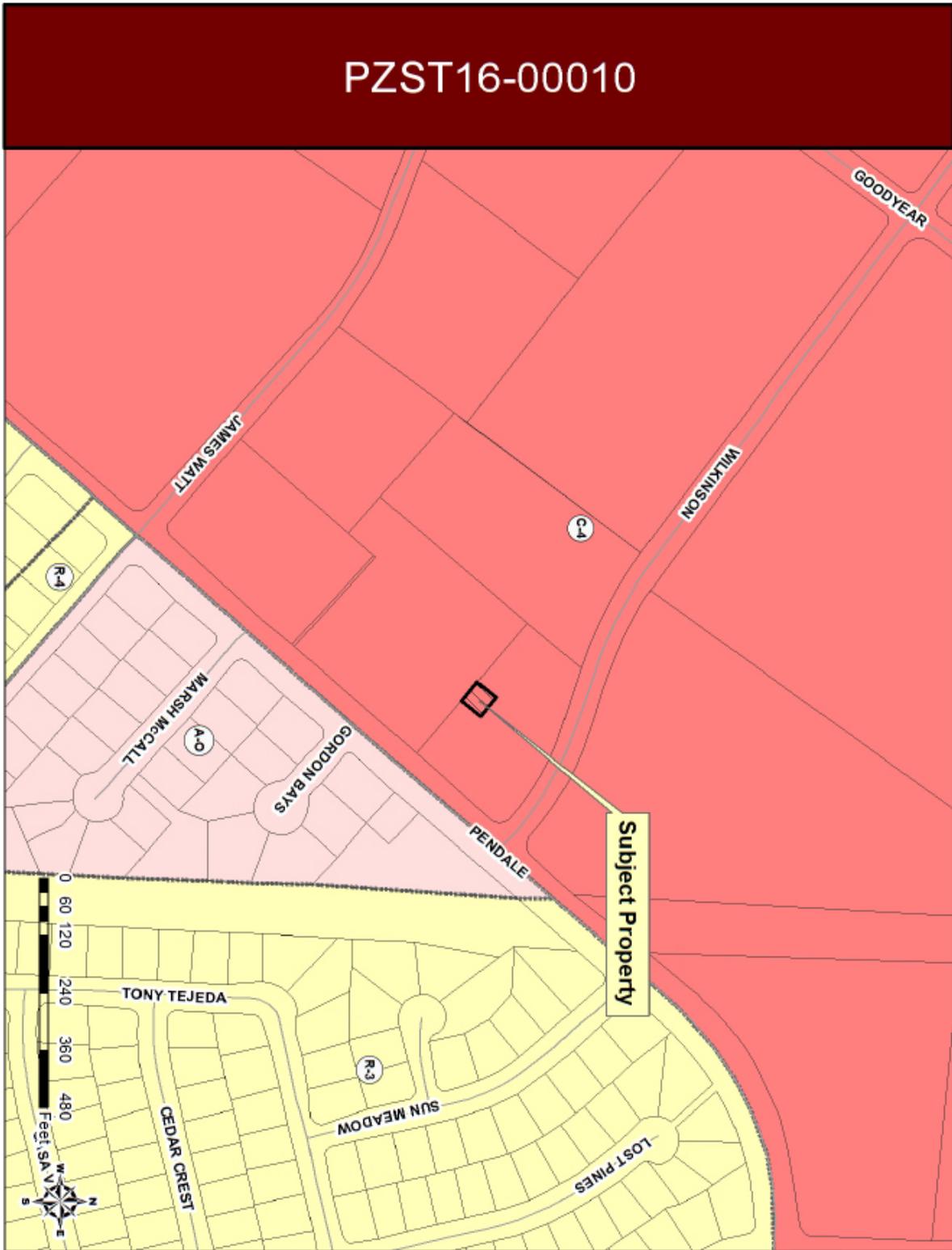
**General:**

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

**Attachments**

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. ½ mile Map
5. Detailed Site Development Plan
6. Photo Simulations
7. Findings Analysis

ATTACHMENT 1: ZONING MAP

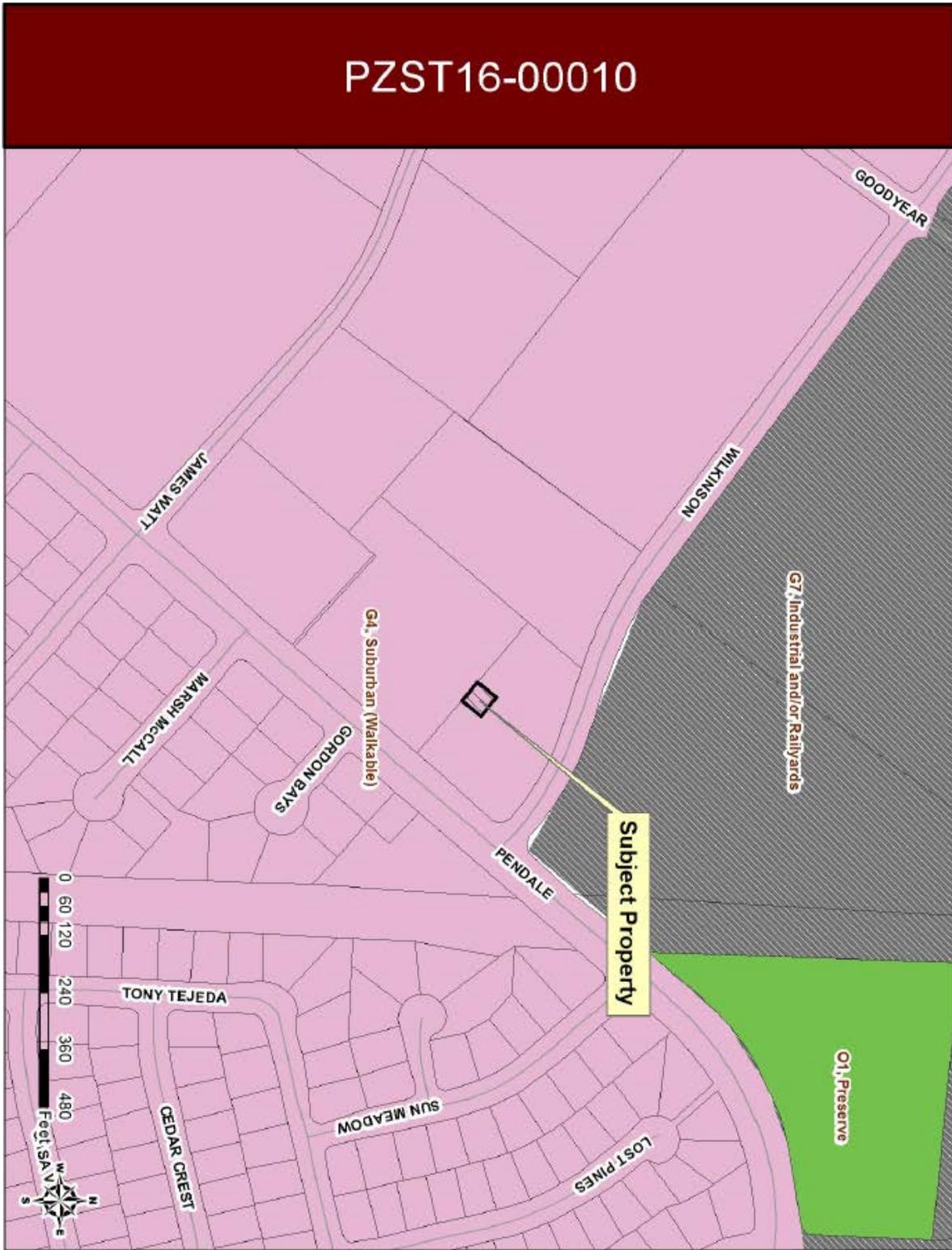


ATTACHMENT 2: AERIAL MAP

PZST16-00010

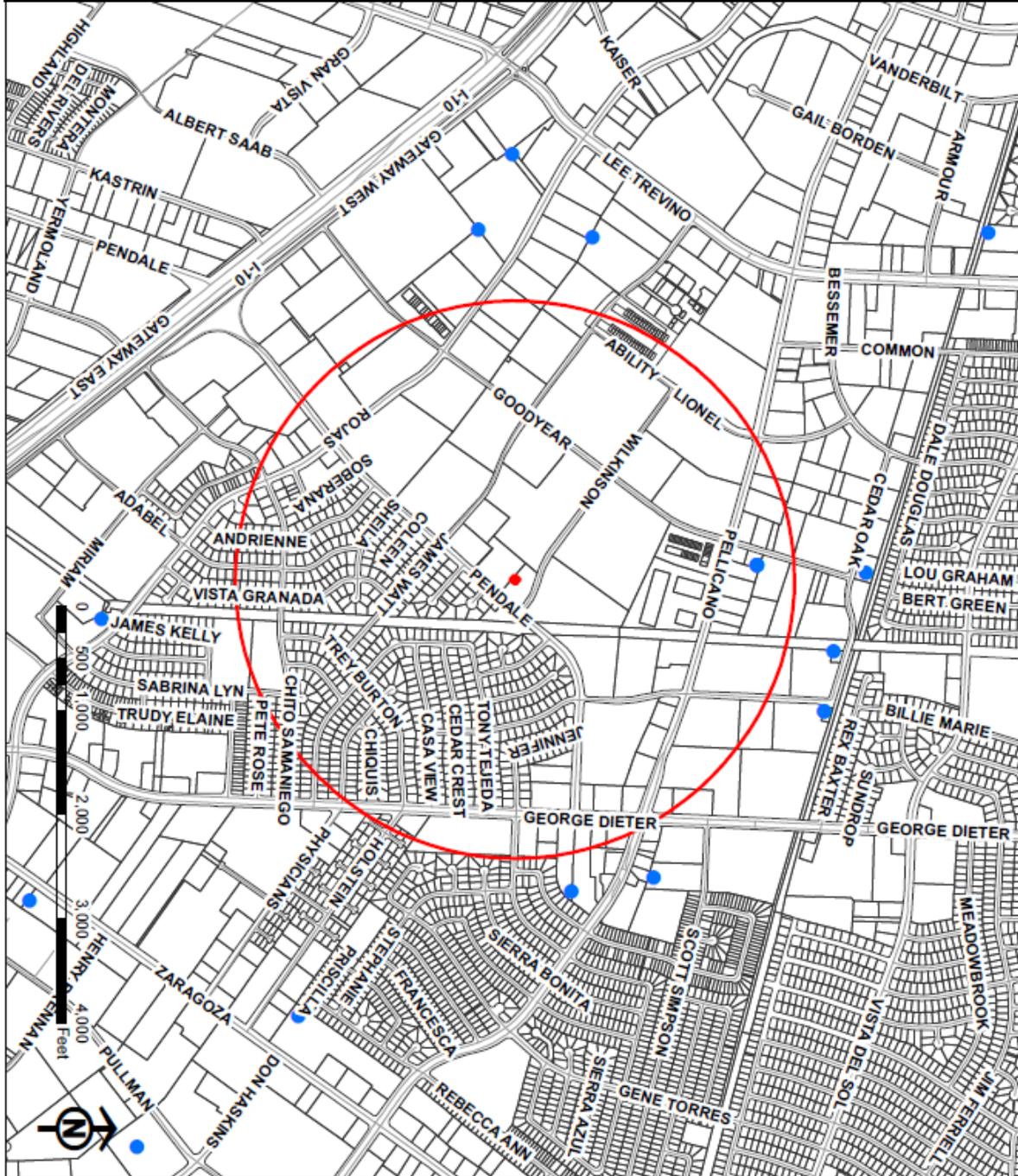


**ATTACHMENT 3: FUTURE LAND USE MAP**

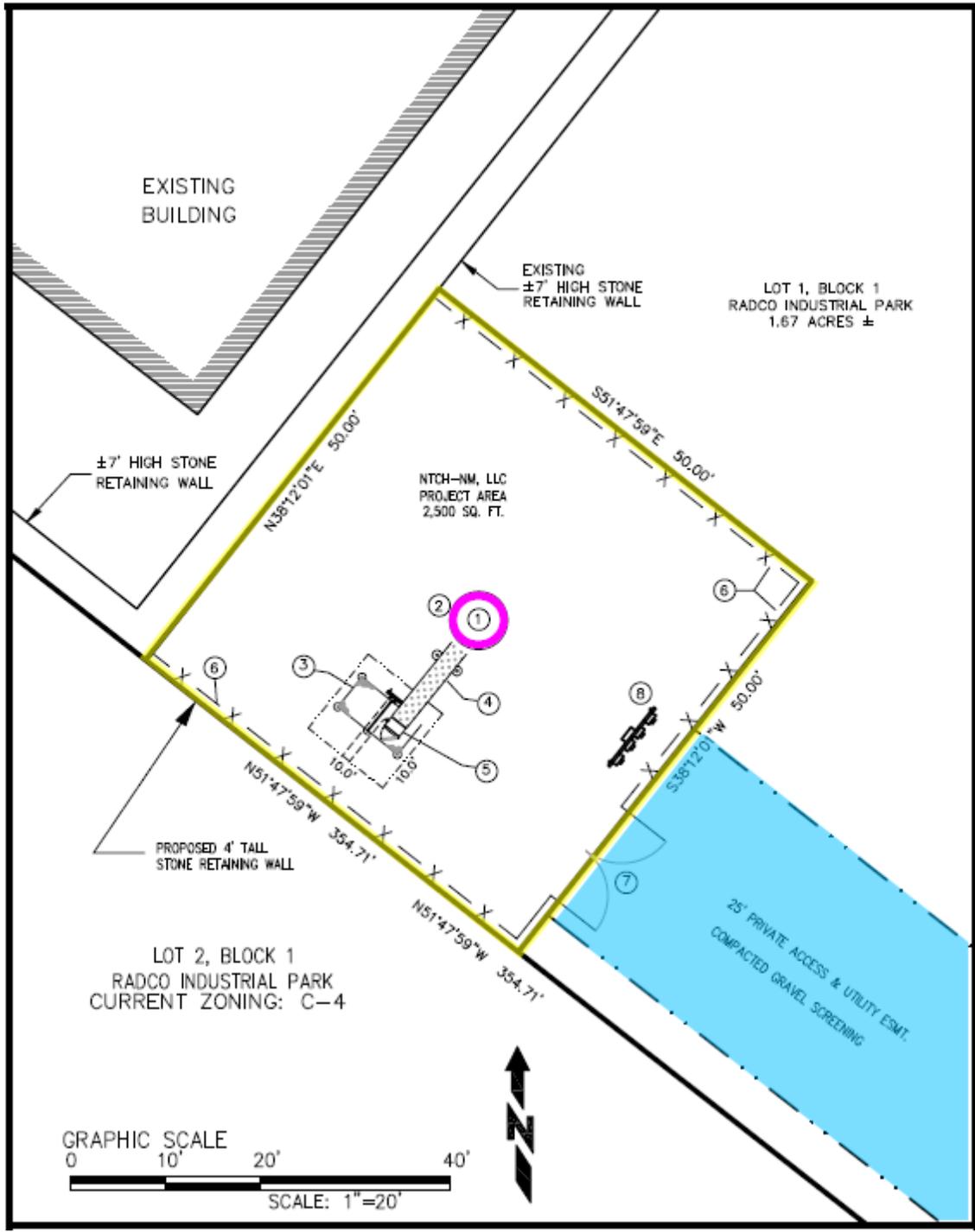


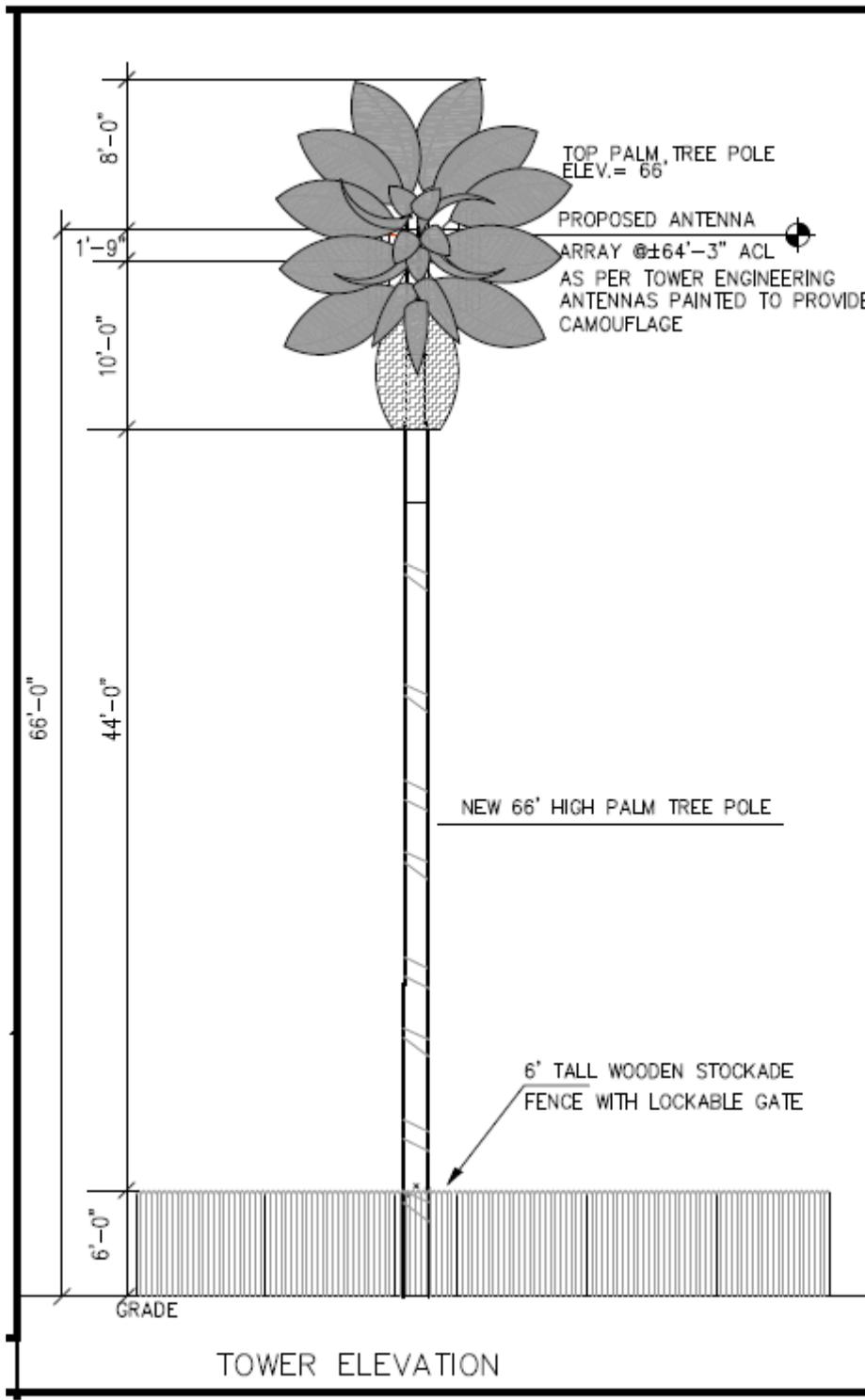
ATTACHMENT 4: 1/2 MILE MAP

PZST16-00010









**ATTACHMENT 6: PHOTO SIMULATIONS**

**FROM EAST PRE-CONSTRUCTION**



**FROM EAST POST-CONSTRUCTION**



FROM NORTH PRE-CONSTRUCTION



FROM NORTH POST-CONSTRUCTION



**FROM NORTHEAST PRE-CONSTRUCTION**



**FROM NORTHEAST POST-CONSTRUCTION**



FROM SOUTH PRE-CONSTRUCTION



FROM SOUTH POST-CONSTRUCTION



FROM SOUTH PRE-CONSTRUCTION



FROM SOUTH POST-CONSTRUCTION



## **ATTACHMENT 7: FINDING ANALYSIS**



NTCH NM, LLC

Dear Sirs,

We believe that a special permit for a modified separation is justified for the proposed wireless communication tower at 11400 Wilkinson Drive, El Paso, TX 79928, parcel number 162262. As the demand for high internet speeds and greater amounts of data transmission put stresses on conventional voice calling networks, additional towers need to be added to provide data capacity to the network. These additional towers also have to be located in such a way that they don't interfere with the existing network. As a build-to-suit company, we have placed our tower to meet the needs of our first tenant. In Exhibit B, you can see this carrier's existing towers, antenna orientation, and the search ring they provided for us. There is only one tower that is within the 0.5-mile separation distance required, and it is 0.44 miles away from the proposed site. All other towers in other directions are more than 0.5 miles away.

The property in question is a 2,500 square foot section located within a vacant section of a 1.67 acre lot. The parcel is located within the C-4 zoning district, part of an industrial area which is surrounded by a much larger residential area, making it an ideal location for a communications site to serve this part of El Paso. The uses of the surrounding properties are: SW-a large distribution warehouse, NW-a construction company office, NE (across Wilkinson Dr) a large vacant C-4 property, SE- (across Pendale Rd) a small office complex in the A-O zone. The base of the proposed tower is visually screened from the north, south, and west by existing 30' high industrial buildings, and when the future development of the now-vacant portion of the lot is completed (a large ballroom/music venue), it will be hidden from the east, too.

We believe the proposed PWSF meets the requirements for a Special Permit outlined in the El Paso code 20.10.455 (F) (1) (c):

- 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:

There are three properties to the southwest that could conceivably satisfy the separation requirements. Two do not have sufficient ground space for a communications site. To satisfy the 0.5 mile separation requirement on the third property, the tower would be located 100' closer to residential properties. We investigated this option and it was not commercially viable.

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5



## NTCH NM, LLC

- 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:

The carrier that we are building the tower for gave us a very specific location and the property on which the PWSF antenna support structure is to be located is as close to equidistant from their existing towers as it is possible to be, as you can see in Exhibit B. It is 0.59 mi from their tower to the north, 0.77 mi to their tower to the west, 0.75 mi to their tower to the south, and 0.88 mi to their tower to the east. Moving further east would have moved the tower closer to or into a residential district (see attached Zoning Map sheet). As mentioned above, we were unable to move southwest.

- 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:

NTCH-NM does not have existing PWSF antenna support structures in El Paso.

- 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:

The carrier is already located on four PWSF antenna support structures near here. The purpose of the proposed new monopalm is to increase data handling capacity. The closest tower to the designated area is outside of the search ring that the carrier gave us and is within 0.21 miles of a tower they are already located on, and is therefore technically unfeasible.

- 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.

See Exhibit A.

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## NTCH NM, LLC

As the world becomes more interconnected, simple cellular telephone service is being augmented by high-speed internet service provided through smartphones, wireless modems and mobile hotspots. All of these services rely on robust wireless networks. Cities of the future will depend on their telecommunications infrastructure in ways that we are only beginning to realize today. Old arguments that towers are unsightly or unnecessary are being replaced by the knowledge that good network reception makes a neighborhood more livable. Mobile devices and cell phones also emit less radio energy when a cell tower is near (the cell phone has to put out more signal to connect to a far-away tower, which also reduces battery charge duration). Our proposed tower will also provide the height needed for the new national first-responders network currently being introduced (see Public Safety Network article). NTCH-NM will make adequate tower space and ground equipment space available to the City of El Paso for this new Public Safety Network at no charge.

NTCH-NM is a small tower company doing business in West Texas and other markets. This proposed tower will greatly benefit the general public residing in and traveling through the surrounding area by improving communications coverage and internet speeds in these neighborhoods.

The tower is not just for the use of our tenant, and will no doubt be used in the expansion of other wireless networks that are experiencing other capacity issues as the wireless needs of the people of El Paso grow. We intend to contact other networks to collocate on these new towers.

Feel free to contact me with any concerns, clarifications, etc.

Thank you for your consideration,



Keith Fisher

Site Development NTCH-CA (323) 828-1192 Cell

PO Box 1976, Wrightwood, CA 92397 cell: (323) 828-1192 fax: (760) 249-6353 [kfisher@cleartalk.net](mailto:kfisher@cleartalk.net)



NTCH NM, LLC

## Exhibit "A"

List of towers within 0.5 miles:



180° Self-Supporting (lattice) Tower 0.44 miles to the north:

Crown Castle EP 266  
1512 Goodyear Drive  
31.747053  
-106.309786

PO Box 1976, Wrightwood, CA 92397 cell: (323) 828-1192 fax: (760) 249-6353 [kfisher@cleartalk.net](mailto:kfisher@cleartalk.net)

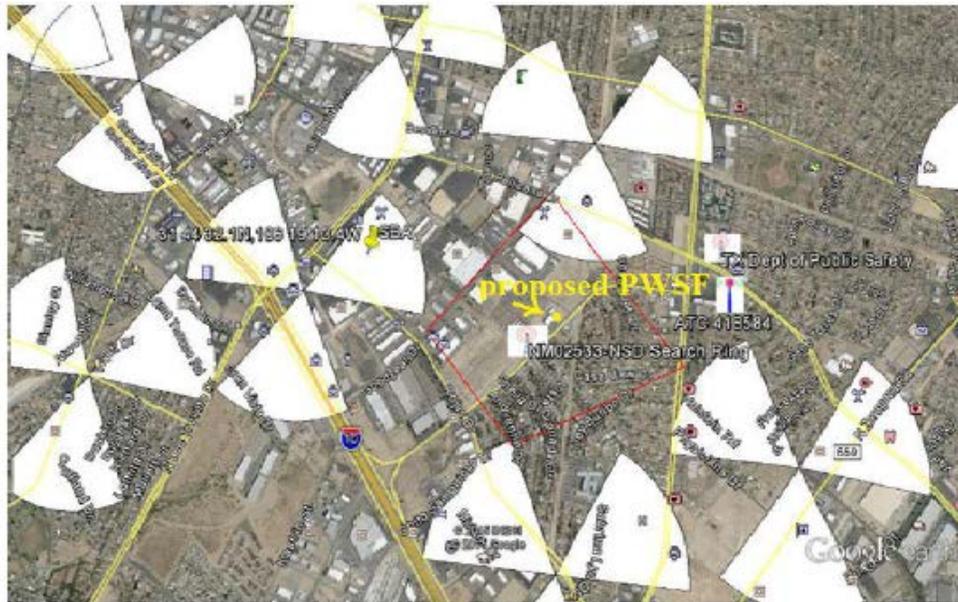
8



NTCH NM, LLC

## Exhibit "B"

Carrier Search Ring and Carrier's Existing Towers:



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9