City of El Paso – City Plan Commission Staff Report

Case No:	**PZST15-00035**
Application Type:	Special Permit and Detailed Site Development Plan Review
CPC Hearing Date:	November 5, 2015
Staff Planner:	Alfredo Austin, 915-212-1614, austinaj@elpasotexas.gov
Location:	4700 Leeds Avenue
Legal Description:	A portion of the underlying parcel known as All of Block 130, a Portion of Blocks 105, 134, and 135, and a Portion of the Closed Alhambra, Patterson, and Bosworth Streets in Austin Terrace Third Supplement Map as Amended of The Government Hills Addition, City of El Paso, El Paso County, Texas
Acreage:	0.02 acres
Rep District:	2
Existing Zoning:	R-4/H (Residential/Historic)
Existing Use:	Church
C/SC/SP/ZBA/LNC:	N/A
Request:	Special Permit to allow for a 75' Personal Wireless Service Facility (PWSF)
Proposed Use:	75' Personal Wireless Service Facility (PWSF)
Property Owner:	Cross of Grace Church, Inc.
Applicant:	T-Mobile West LLC
Representative:	Jose Navarro

SURROUNDING ZONING AND LAND USE
North: R-4 (Residential) / Single-family dwellings
South: R-4/H (Residential/Historic) / Single-family dwellings
East: R-4 (Residential) / Single-family dwellings
West: R-4/H (Residential/Historic) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) / (Central Planning Area)
NEAREST PARK: Hill Terrace Addition Park (2,310 feet)
NEAREST SCHOOL: Coldwell Elementary (3,786 feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association
Austin Terrace Neighborhood Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 21, 2015. The Planning Division has received 3 letters and 1 call in opposition to the proposed special permit.

APPLICATION BACKGROUND
The El Paso Historic Landmark Commission at its regular meeting scheduled on June 15, 2015, reviewed and approved plans submitted for a Certificate of Appropriateness for the construction of a 75'-0" high telecommunications facility with the modification that the landscape plan submitted to the Historic Landmark Commission on June 15, 2015 will be included as part of the approved plan. The Commission finds that the proposed scope of work will not adversely affect the architectural or historical significance of the Austin Terrace historic district, within which this site is located.

APPLICATION DESCRIPTION

The applicant is requesting a special permit to allow for the placement of a ground-mounted personal wireless service facility (PWSF) on a residential zoning district as required by El Paso City Code Section 20.10.455D. The site plan shows a 900 sq. ft. lease area for a 75-foot high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged as a bell tower. The proposed PWSF meets all setback and height requirements for a location in a residential district. An access easement is proposed from Leeds Avenue.

PLANNING DIVISION RECOMMENDATION

Pending revised detailed site development plan.

ANALYSIS

20.10.455.D Personal Wireless Service Facility (PWSF)

D. PWSF located in residential and apartment districts (including RF, SRR, PR-1, PR-2, & PMD) shall comply with the following:

1. 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 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 (D)(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 (D)(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 separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council 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.

e. Height Restriction. PWSF antenna support structures and appurtenant antennas shall not exceed seventy-five feet in height, except as provided in subsection (D)(1)(f).

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

g. Camouflage and Screening.

i. 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 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 special permit:

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

ii. Evidence of 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, such certification to include 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

iii. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities 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.

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 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. Access Driveway. 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. An increase in elevation, not to exceed a maximum height of one hundred feet, of an existing permitted PWSF antenna support structure may 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 approval.

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-2 – Traditional Neighborhood (Walkable): This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the R-4 (Residential) 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.

COMMENTS:

Planning and Inspections Department – Planning Division - Transportation
No objections to the special permit request.

Note:
All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department – Plan Review
No objections to proposed special permit.

Because the proposed location is within the Austin terrace Historic District. We recommend that applicant provides proof of submittal to SHPO and local HPO for section 106 review and Certificate of Appropriateness.

Planning and Inspections Department - Landscaping Division
No objections to proposed special permit.

Planning and Inspections Department - Land Development
No objections.

Texas Department of Transportation (TxDOT)
No objections.

Police Department
Based on the information listed above the EPPD has no issues with this request.

However, a flier should go out to all surrounding area schools, churches, private schools, and neighborhoods within a three block area warning parents of the pending construction.

The hiring of a security officer may also assist in preventing theft, vandalism and trespassing of children and adults within the construction site at night time.

Fire Department
Development does not adversely affect the Fire Department.

Sun Metro
Sun Metro does not oppose this request.

El Paso Water Utilities
We have reviewed the request referenced above and provide the following comments:

1. EPWU-PSB does not object to this request

EPWU-PSB Comments
Water:
2. There is an existing 6-inch diameter water main along Leeds Avenue fronting a portion of the subject property. This main dead ends approximately 13-feet east of the eastern right-of-way of Bosworth Street and just east of the western right-of-way Bosworth Street.

Sewer:

3. There is an existing 8-inch diameter and a 12-inch diameter sanitary sewer mains extending along Leeds Avenue.

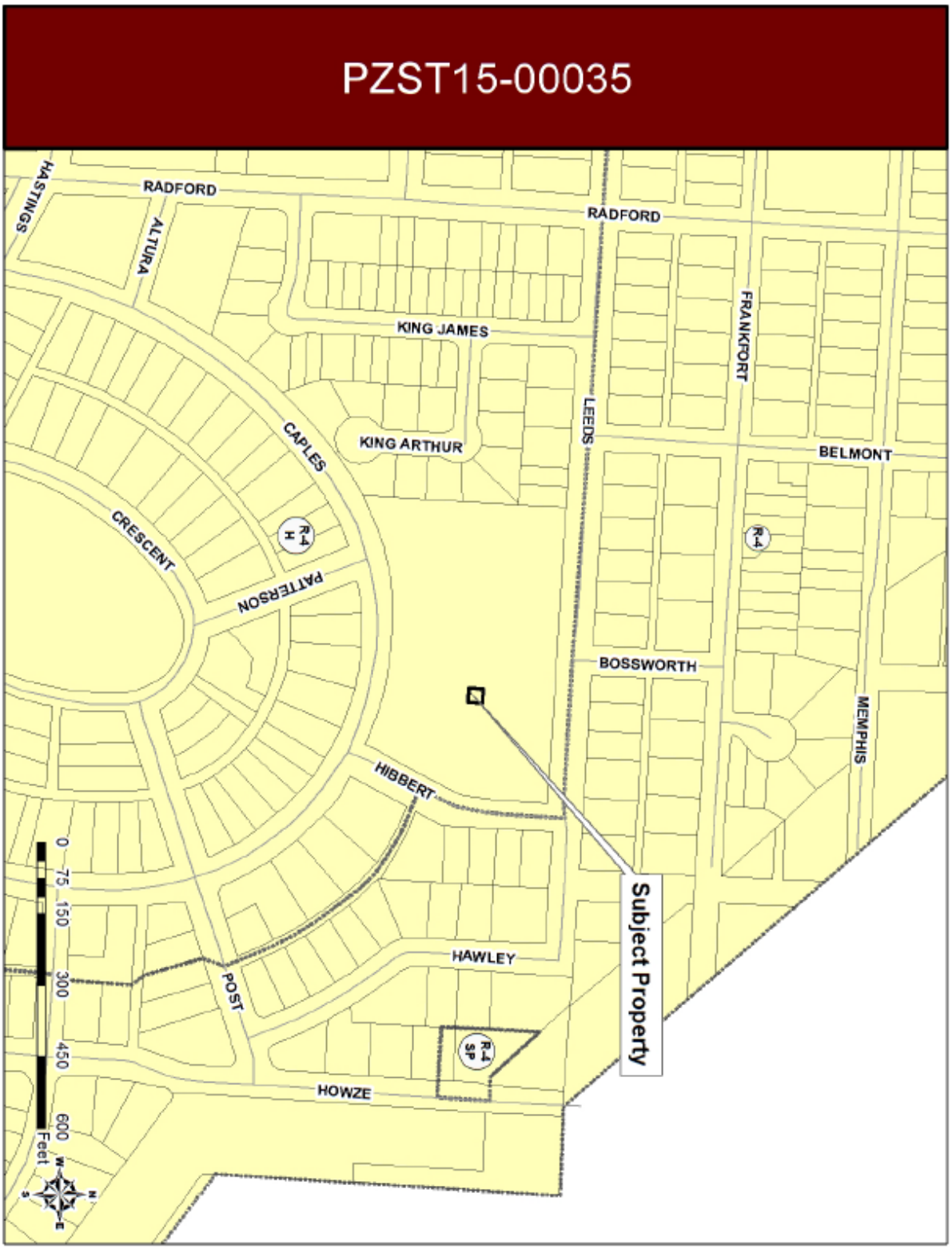
General:

4. EPWU requires a new service application to provide services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current 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.

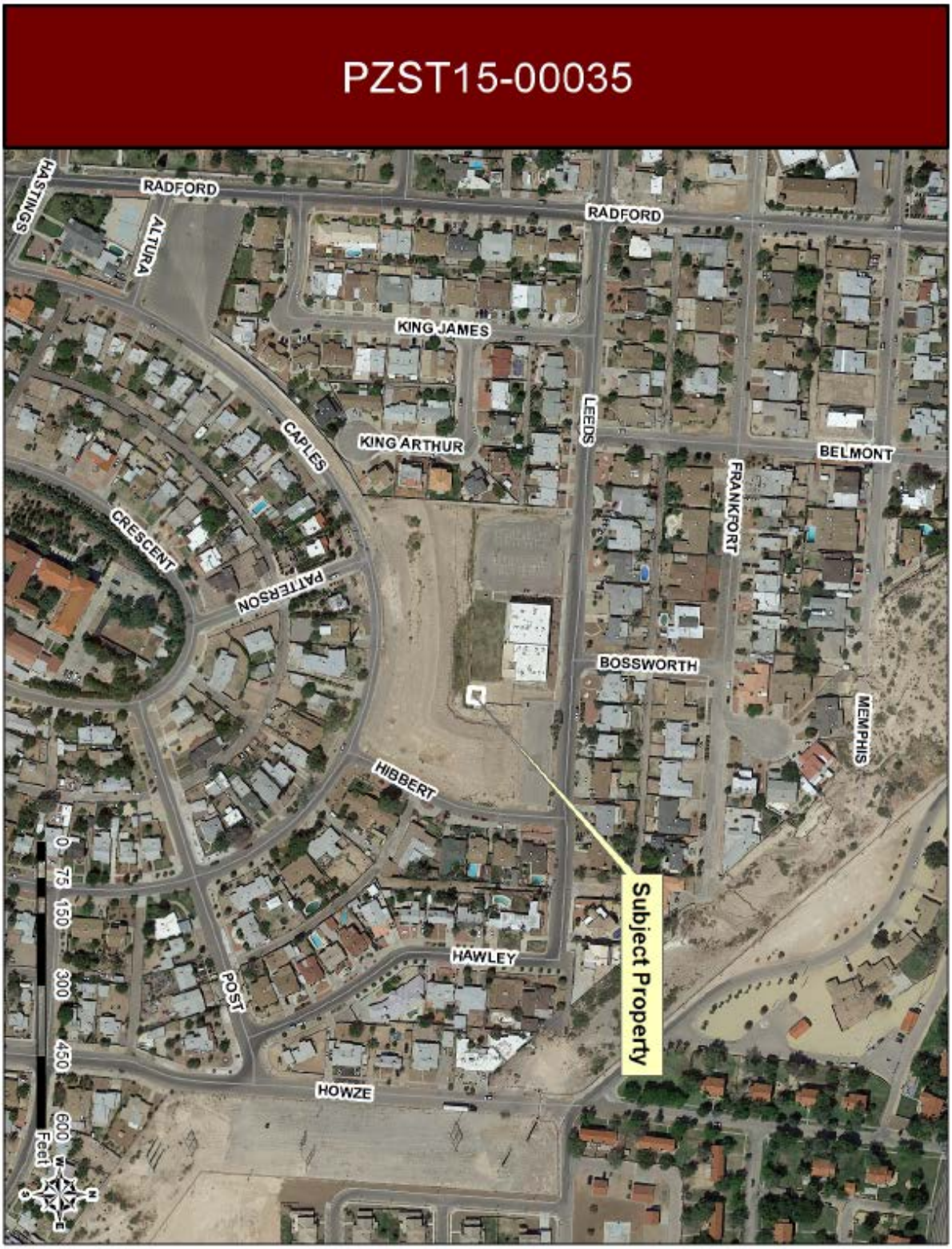
Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Photo Simulation
6. Letters of Opposition

ATTACHMENT 1



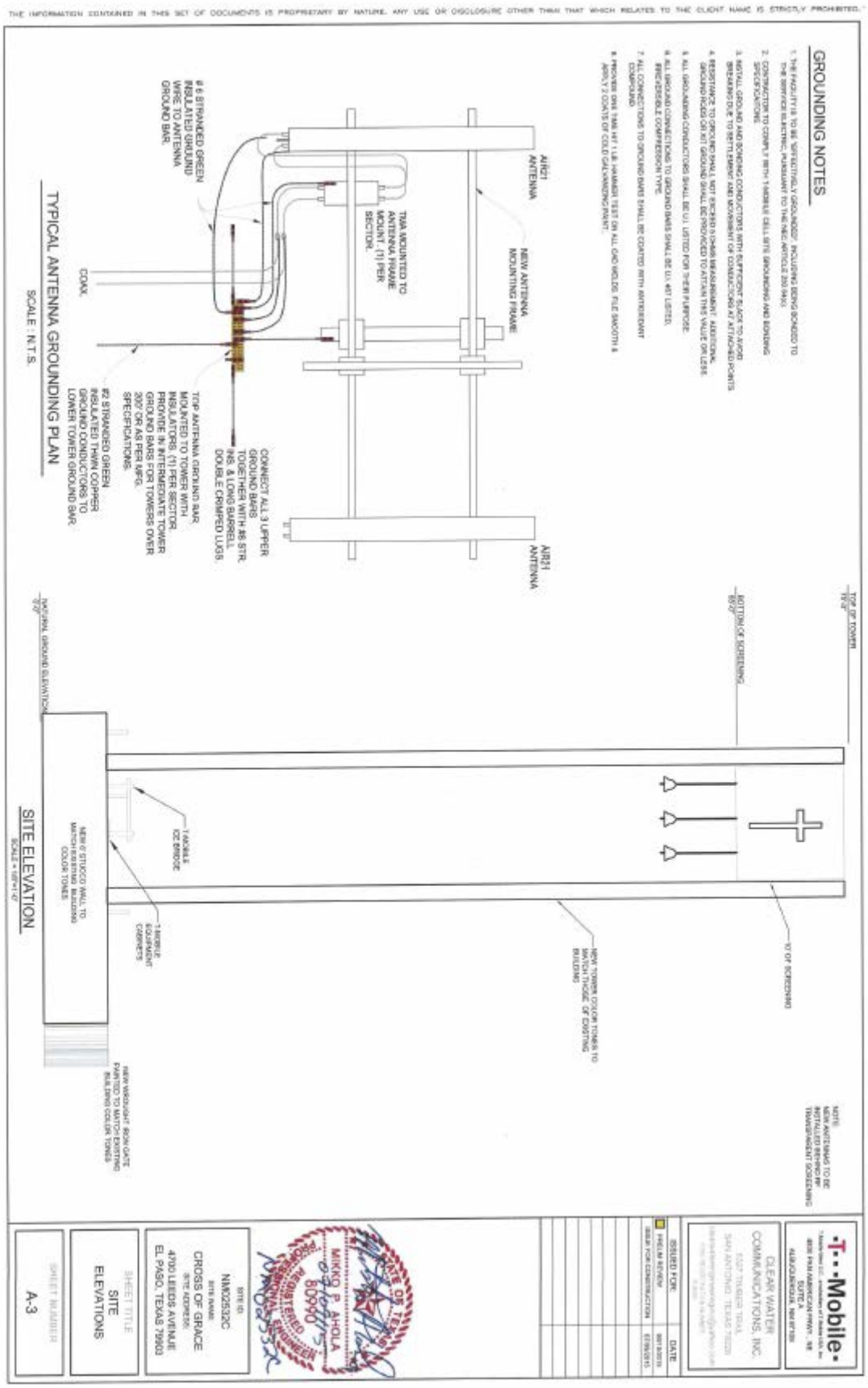
ATTACHMENT 2



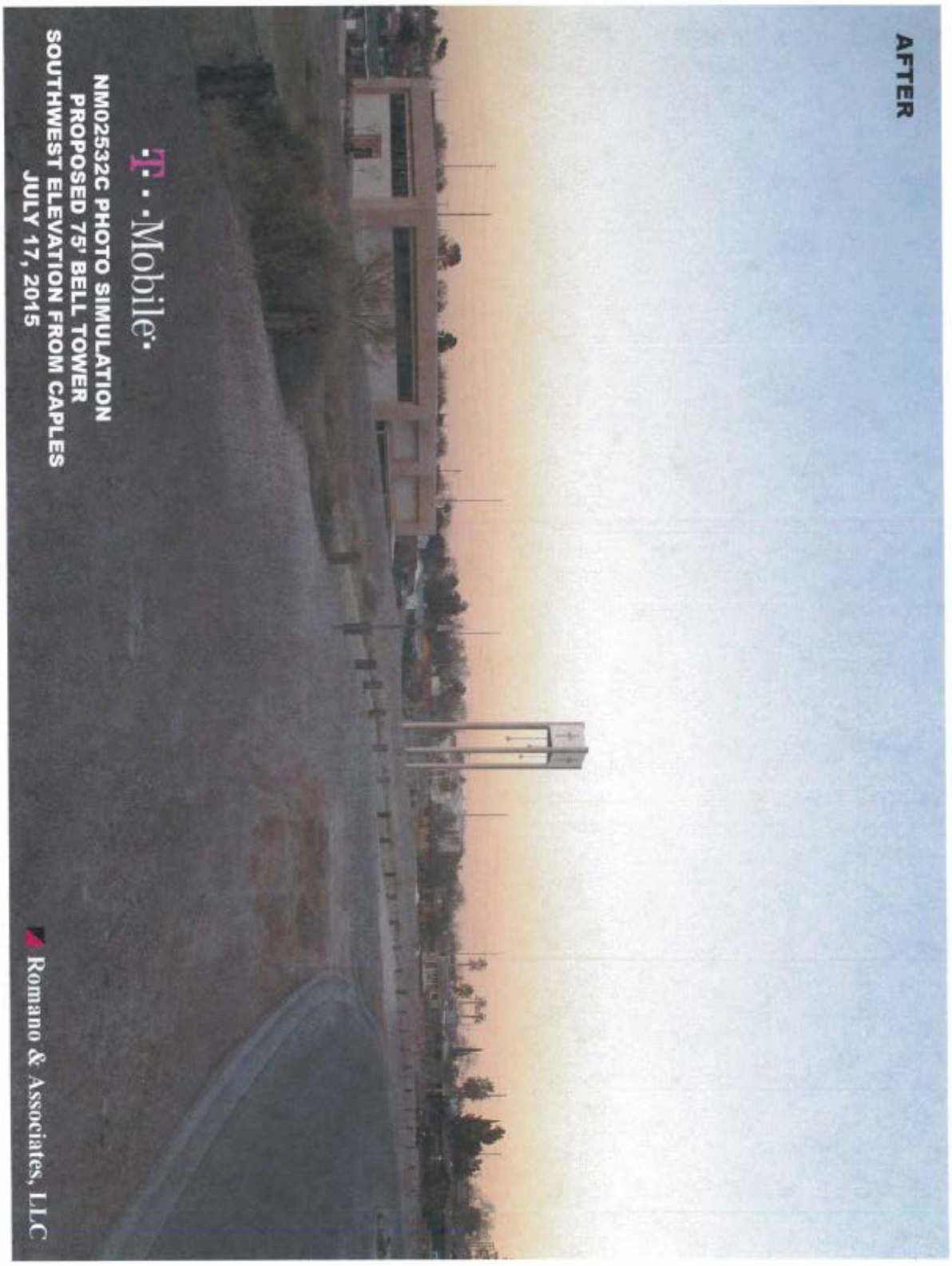
ATTACHMENT 3

Pending revised detailed site development plan.

ATTACHMENT 4



ATTACHMENT 5


AFTER
T · · Mobile·
NM02532C PHOTO SIMULATION
PROPOSED 75' BELL TOWER
SOUTHWEST ELEVATION FROM CAPLES
JULY 17, 2015
Romano & Associates, LLC

ATTACHMENT 6

Austin, Alfredo J.

From:	Vic Armendariz <vic.armendariz@att.net>
Sent:	Tuesday, October 27, 2015 3:18 PM
To:	Austin, Alfredo J.
Cc:	District #2; lupevillalva@clearchannel.com; Tony; abelace56@gmail.com; garciavirginia@gmail.com; pa_jeffrey_clark@hotmail.com; mendez.lola@gmail.com; toraelpaso@hotmail.com; ingrid@crossofgrace.net
Subject:	Case# PZST15-00035. Special Permit for Tower
Attachments:	Neighborhood letter against tower.docx

Dear Mr. Austin

On or about October 23, the neighborhood surrounding the Cross of Grace Church received a notice that the church is asking for a special permit to have a 75' tower installed on its property. Needless to say that this came as a surprise to our neighborhood and we started to scramble to find out what was going on.

Several of the neighbors have put together a letter with questions on the proposed tower. Before the neighborhood can make an informative decision agreeing or disagreeing with this tower we would like some questions answered. We are planning a neighborhood meeting at my house this coming Sunday at 3pm so we would like to have these questions answered prior to that meeting. Without these answers we would not be in favor of this tower.

I am acting as a neighborhood representative. You still may get questions from other neighbors. Feel free to call me if you have any questions.

Thank you very much

Victor Armendariz
2204 Hibbert Pl
203-9559 (cell)

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October 27, 2015

To: City Plan Commission (CPC)
Alfredo Austin, City Planner
P.O. Box 1890
El Paso, TX 79950-1890

From: Neighborhood Owners surrounding the Cross of Grace Church

RE: Case #: PZST15-00035
Concerning Special permit request by the Cross of Grace Church for a 75' Personal Wireless Service Center (PWSC) on the property located at 4700 Leeds Avenue.

Dear Mr. Austin

Needless to say the proposed tower is of serious concern for those that live close to the proposed tower. And of course, we are concerned with the aesthetic effect to the neighborhood especially since this neighborhood is in the Austin Terrace Historical District. We are also concerned about the tower affecting our property values and the tower affecting our million dollar view that we currently enjoy for those of us that live on Caples Circle and Hibbert PL. But what is really disconcerting is that we were given only 1 ½ weeks to respond to this special permit request. We were never given any advance notice by the Church about this tower. As a reference, the Album Church of Christ in east El Paso, notified their neighbors and had a meeting with them to discuss their proposed addition of a cell tower by Cricket. After agreement with the neighbors they then asked the city for a special permit request. This was not done by the Cross of Grace Church.

The above omission has left the neighborhood scrambling to try and figure out the effect of the proposed tower. As a result and given the short suspense, the neighborhood has worked up a list of questions, listed below, that we would like answered before the meeting on November 5th. Our neighborhood will have a meeting after we receive the answers in support of the upcoming November 5th city meeting. Please be assured that we will have a support neighborhood team for this meeting.

Sincerely,

Victor Armendariz (Neighborhood Representative)
2204 Hibbert PL

Other Concerned Neighbors

Jeff Clark 2200 Hibbert PL	Jose Mendez 4676 Caples Cir	Lola Mendez 2208 Hibbert PL	Abel Rodriquez Leeds St
Virginia Garcia 2220 Hibbert PL	Lupe Villalva 4672 Caples Cir	Tony Marquez 4668 Caples Cir	Michael Harrison 2212 Hibbert PL

Questions by the Neighborhood Owners

1. Can you please tell us the exact spot this tower would be installed? Will it be in the lower part of the Church property or will it be on the elevated part of the Church property on Caples Circle or Hibbert PL or will it be near Leeds Street? As a reference please list the three closest houses by street number to the proposed tower.
2. Who is the tower for?
3. What type of service will this tower provide?
4. Why was this site picked for this tower? Why not put this tower in the new park at the corner of Radford and Pershing?
5. Will any structures be built along with the tower?
6. Will there be a chain link fence around it. If so, what are the dimensions?
7. Will the tower require guide wires in support of the tower? If so, how many and how far away from the tower?
8. Can you provide a picture of the proposed tower and its proposed surrounding structures?
9. Will the tower emanate any magnetic field around the tower? If so, how much distance away from the tower. What is considered a safe distance?
10. Radio emission power (what is the maximum transmitter power). And the direction of the antennas? What are its Operational Frequencies?
11. Are there any health issues to the continued exposure to the electromagnetic field of the radio frequencies? If so, what are they?
12. Could the tower could be a lightening conductor that could do harm to all buildings in the area?
13. Is the Church inside the Austin Terrace Historical area? If so, has the church applied for and/or received a permit from Historical Society?
14. Are there any requirements by the Historical Society on this tower? If so, what are they?
15. What are the City requirements for the height of the tower?
16. What are the City Requirements for the distance away from residential property?
17. If this request is passed, does this open the door for other towers to be put up?
18. If this request is passed, does this open the door for any other type of businesses, structures or buildings?
19. Will the neighborhood receive any benefits from this tower? For example, will we have better AT&T internet reception?

Austin, Alfredo J.

From:	jeffrey clark <pa_jeffrey_clark@hotmail.com>
Sent:	Thursday, October 22, 2015 5:59 PM
To:	Austin, Alfredo J.
Subject:	Case PZST15-00035

Hello,

I am concerned about the planned PWSF. One of the main reasons I purchased my property at 2200 Hibbert place is because of the view. I would rather not have my view blocked especially by a cell tower which may also cause health risks and lower property values.

Thank you,

Jeffrey Clark

Sent from my Verizon Wireless 4G LTE DROID

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Austin, Alfredo J.

From: Villalva, Lupe <lupevillalva@clearchannel.com>
Sent: Thursday, October 22, 2015 3:31 PM
To: Austin, Alfredo J.
Subject: PZST15-00035 Cross of Grace Church 4700 Leeds

Mr. Austin,

I just received a letter in the mail today about the CPC considering a special permit for a 75' tall PWSF.
I'm really concerned about our established Historic neighborhood. Why do they need a wireless tower?

Wouldn't a dedicated server be all that they need for their internet services?
I know of buildings much larger than them who function just fine without a dedicated tower.

What needs to be done to stop this from occurring?

What about our property values having a 75' tall eyesore right in our front yards?

Please advise as to what next steps would be.

Thank you for your time and attention to this matter.

Natalia & Guadalupe Villalva
4672 Caples Cir.
El Paso, TX 79903
(915) 226-7825

Clear Channel Outdoor

Lupe Villalva
Account Executive

Clear Channel Outdoor
2305 Sparkman Street
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O: 915.245.2004
M: 915.226.7825

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