

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: April 22 2008
Public Hearing: May 13, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting special permit No. ZON08-00002, to allow for a Personal Wireless Telecommunication Facility and equipment shelter on the property described as a portion of Lot 8, Block 8, Butterfield Trail Industrial Park, Unit 2, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: #15 Leigh Fisher Boulevard. Applicants: City of El Paso, Verizon Wireless ZON08-00002 (District 2)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-1)

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

LEGAL: N/A

FINANCE: N/A

DEPARTMENT HEAD: Patricia D. Aauto, Deputy City Manager
Development & Infrastructure Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00002, TO ALLOW FOR A PERSONAL WIRELESS TELECOMMUNICATION FACILITY AND EQUIPMENT SHELTER ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 8, BLOCK 8, BUTTERFIELD TRAIL INDUSTRIAL PARK, UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso, has applied for a Special Permit under Section 20.10.455 of the El Paso City Code to allow for a Personal Wireless Telecommunication Facility and Equipment Shelter; and,

WHEREAS, the requirements of Section 20.10.455 have been satisfied; and,

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

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

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.260 of the El Paso City Code.

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

1. That the property described as follows, is in a M-1 (Light Manufacturing) District:

A portion of Lot 8, Block 8, Butterfield Trail Industrial Park, Unit Two, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached Exhibit "A," incorporated by reference;

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2. That the City Council hereby grants a Special Permit under Section 20.10.455 of the El Paso City Code so that a Personal Wireless Telecommunication Facility and Equipment Shelter, may be permitted on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the M-1 (Light Manufacturing) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant(s), the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00002** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant(s) shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant(s) shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto, Deputy City Manager,
Development and Infrastructure Services

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AGREEMENT

The City of El Paso, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the M-1 (Light Manufacturing) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 7 day of April, 2008.

[Handwritten Signature]

(Signature)

Real Estate Manager

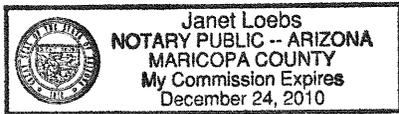
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF)
COUNTY OF)

This instrument is acknowledged before me on this 7th day of April, 2008, by JANET LOEBS Octavio LAMAS for the City of El Paso, as Applicant.

(Seal)



[Handwritten Signature]
Notary Public, State of
Signature

JANET LOEBS
Printed or Typed Name

My Commission Expires:

12/24/2010

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EXHIBIT "A"

**Land Description
Verizon Wireless/ELP Zane - Lease Area**

The following is a description of a 30.00 foot by 35.00 foot (30.00'x35.00') parcel of land to be utilized as a telecommunications equipment lease area. Comprised of a portion of Lot 8, Block 8, Butterfield Trail Industrial Park, Unit Two, as the subdivision is shown and recorded in Book 57, Page 43, Plat Records of El Paso County, Texas. Said Parcel being more specifically described as follows:

Commencing for reference at a found City of El Paso Monument in hand well, marking a point of intersection of a 90 degree angle of Leigh Fisher Boulevard (Said Boulevard having a 120.00 foot wide right of way southwest of this intersection and having a 90.00 foot wide right of way northwest of this intersection) from this monument two City of El Paso Monuments in hand well bear the following courses:

1. Monument number one bears North 15° 48' 42" West 1797.22 feet and was found at the intersection of said Leigh Fisher Boulevard and Butterfield Trail Boulevard (variable width right of way).

2. Monument number two bears North 15° 48' 42" West 1797.22 feet; Thence, North 88° 59' 04" East 790.00 feet and was found at the intersection of said Butterfield Trail Boulevard and Butterfield Circle;

Thence, from the Point of Commencement along the centerline of said Leigh Fisher, South 50° 00' 23" West 201.70 feet; Thence, leaving said centerline, North 39° 59' 37" West passing at 60.00 feet the northerly right of way line of Leigh Fisher and continuing for a total distance of 155.40 feet to the Southeast corner and Point of Beginning of this Lease Area Description: Thence the following four courses:

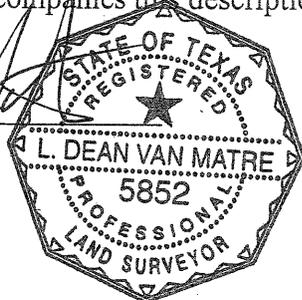
- 1. North 90° 00' 00" West 35.00 feet;
- 2. North 00° 00' 00" East 30.00 feet;
- 3. South 90° 00' 00" East 35.00 feet;
- 4. South 00° 00' 00" East 30.00 feet to the Point of Beginning.

Containing 1,050 square feet or 0.0241 acres of land.

Lease Corners are to be marked by a set Gin Spike with Towercom Washer set in asphalt. Bearings are based upon Geodetic North and were developed from GPS static observations taken at the site and tied to the National "CORS" via the OPUS Utility.

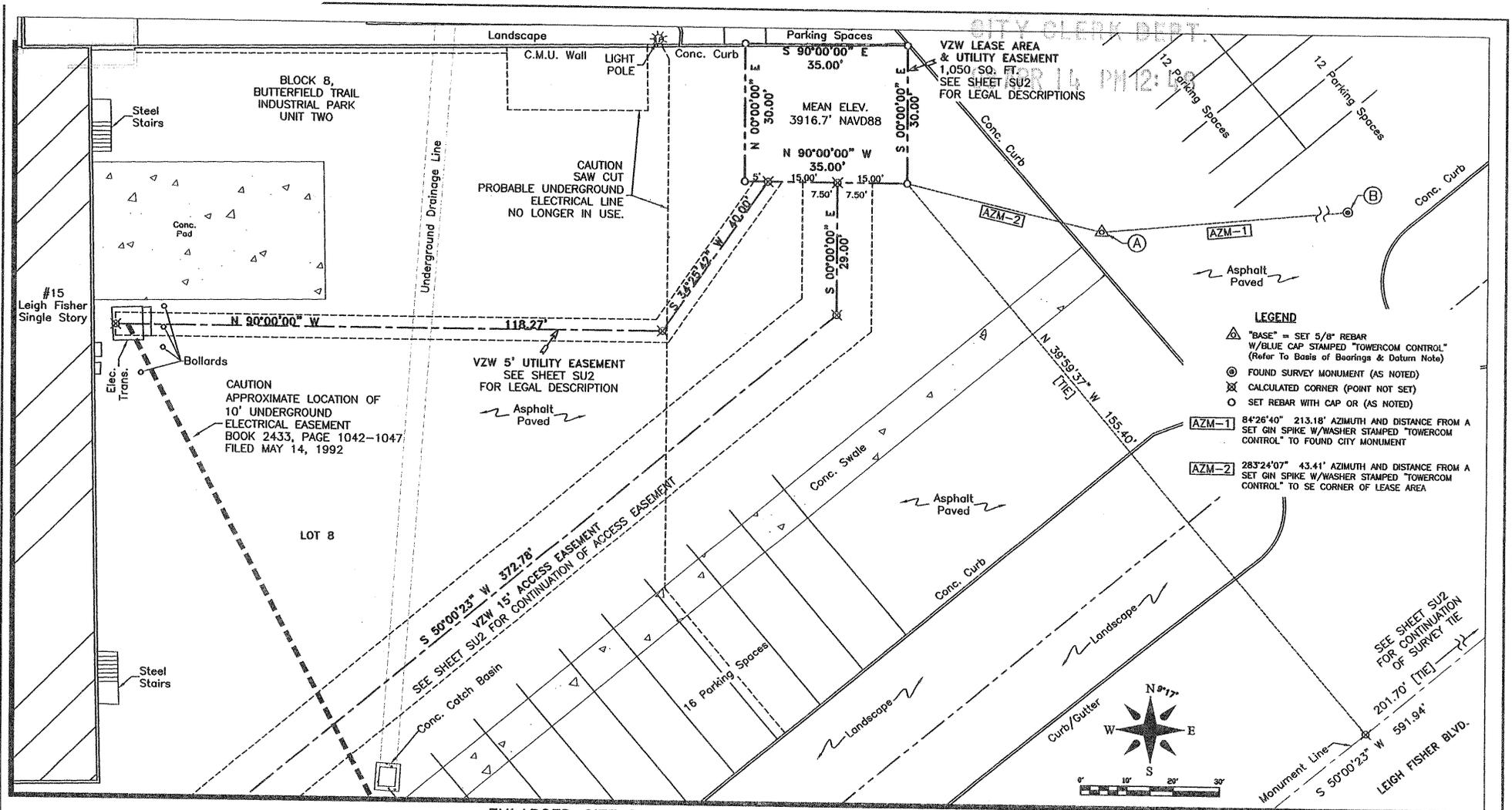
A Lease Area Survey Plat accompanies this description.


Dean Van Matre
Texas R.P.L.S. 5852
January 28, 2008



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08 APR 14 PM 12:49

EXHIBIT "A"



ENLARGED SITE PLAN OVERVIEW—SCALE: 1" = 20'

DESIGNED FOR: verizonwireless 4821 Eubank NE Albuquerque, New Mexico 87111	DESIGNED BY: TowerCam TECHNOLOGIES 4520 Montgomery Blvd. NE, Suite 5 Albuquerque, NM 87109 Tel: 505-232-4884 Fax: 505-232-4898	THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CLIENT NAME IS STRICTLY PROHIBITED.	PROJECT NAME: VERIZON WIRELESS ELP ZANE ALT 4	PROJECT ADDRESS: #15 LEIGH FISHER BLVD EL PASO EL PASO COUNTY, TX 79925	SHEET TITLE: ENLARGED SITE PLAN OVERVIEW																											
<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> <th>CHK</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>90% PRELIMINARY FOR REVIEW ONLY</td> <td>9/04/07</td> <td>JN</td> <td>DVM</td> </tr> <tr> <td>A.1</td> <td>REVIEWED TITLE REPORT/REISSUED 90%</td> <td>9/11/07</td> <td>JN</td> <td>DVM</td> </tr> <tr> <td>0</td> <td>ADDED LEGAL DESCRIPTIONS/REVIEWED/FINALIZED</td> <td>1/28/08</td> <td>JN</td> <td>DVM</td> </tr> <tr> <td>1</td> <td>ADDRESSSED FINAL CORRECTIONS/REISSUED FINAL</td> <td>1/30/08</td> <td>DH</td> <td>DVM</td> </tr> </tbody> </table>		REV	DESCRIPTION	DATE	BY	CHK	A	90% PRELIMINARY FOR REVIEW ONLY	9/04/07	JN	DVM	A.1	REVIEWED TITLE REPORT/REISSUED 90%	9/11/07	JN	DVM	0	ADDED LEGAL DESCRIPTIONS/REVIEWED/FINALIZED	1/28/08	JN	DVM	1	ADDRESSSED FINAL CORRECTIONS/REISSUED FINAL	1/30/08	DH	DVM	<table border="1"> <tr> <td>PROJECT NUMBER:</td> <td>07-037-XX</td> </tr> <tr> <td>SHEET NUMBER:</td> <td>SU3</td> </tr> </table>		PROJECT NUMBER:	07-037-XX	SHEET NUMBER:	SU3
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JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PAT D. ADAUTO
DEPUTY CITY MANAGER
DEVELOPMENT & INFRASTRUCTURE SERVICES

VACANT
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION
MEMORANDUM

DATE: April 14, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Arturo Rubio, Planner
SUBJECT: ZON08-00002

The City Plan Commission (CPC), on March 13, 2008, voted **6-1** to recommend **APPROVAL** of special permit to allow for a Personal Wireless Telecommunication Facility and equipment shelter on the subject property.

The CPC found that the special permit requested is in conformance with The Plan for El Paso Citywide land use goals, that El Paso: “provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.” The CPC found that the proposed special permit will not have an adverse impact on the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general.

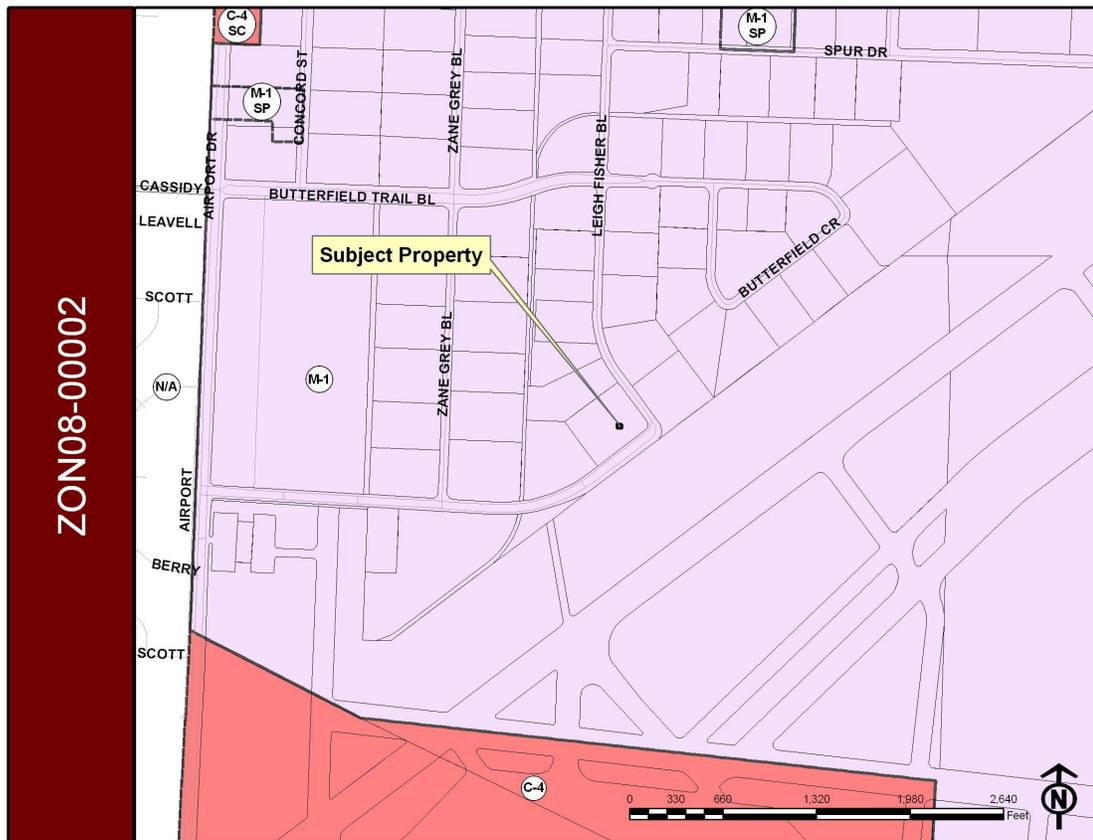
There was no opposition to this request.

Attachment: Staff Report



ZON07-00002

Application Type: Special Permit/Detailed Site Development Plan
Property Owners: City of El Paso
Representative: Les F. Gutierrez
Legal Description: A portion of Lot 8, Block 8, Butterfield Trail Industrial Park, Unit Two, City of El Paso, El Paso County, Texas
Location: #15 Leigh Fisher Boulevard
Representative District: 2 **Area:** 0.0241 acres
Zoning: M-1 (Light Manufacturing)
Present Use: Warehouse
Request: Personal Wireless Telecommunication Facility and equipment shelter
Recognized Neighborhood:
Associations Contacted: A Presidential Neighborhood Association
Public Response: None
Surrounding Land Uses: **North:** M-1, warehouse; **South:** M-1, vacant; **East:** M-1, warehouse **West:** M-1, warehouse
Year 2025 Designation: **Industrial** (Central Planning Area)



General Information:

The applicant requests a special permit/detailed site development plan for a ground mounted personal wireless telecommunication facility and equipment shelter. The site plan proposes a 1,050 squared foot area in which a 49' 6" antenna will be located. The antenna will be camouflaged as a stealth light pole. The set backs are as follows: front 95' 6", rear 195' 7", side abutting street 137'5" and 308' 11" side. Required set backs for facility are based on M-1 (Light Manufacturing) zoning district which requires set backs as follows: front 15, rear 10 and side 10. Per 20.10.455, G. "The PWSF antenna support structure and appurtenant antennas shall not exceed 150' in height, except as provided in G.1.e. or G.1.f." Access is proposed via Leigh Fisher Boulevard through proposed access easement. The access easement proposed is to be included on sub lease agreement and is shown on submitted detailed site plan. There are no zoning conditions currently on this property.

The applicant is requesting a special permit/detailed site plan for a new Personal Wireless Service Facility (PWSF) as they were unable to collocate with an existing antenna located to the rear of subject property. The applicant stated that the existing PWSF to the rear of property does not meet their needs as it is only 40' and would not allow Verizon adequate coverage. The surrounding property owner is the City of El Paso and El Paso International Airport. The City Manger was contacted on the development and has reviewed and signed application. The Airport Authority was contacted and development plans were submitted and approved.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit/detailed site plan request.

The recommendation is based on the following:

- The special permit/detailed site plan request **meets** the minimum requirements of the personal wireless service facilities code 20.10.455 and detailed site plan code 20.04.150 of the City of El Paso Ordinance.
- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses."
- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Industrial** land uses.
- **M-1 (Light Manufacturing) zoning** permits a ground mounted personal wireless service facility by special permit/detailed site plan.

Findings:

The City Plan Commission must determine the following:

1. Will the special permit for a ground mounted personal wireless telecommunication facility and equipment shelter protect the best interest, health, safety and welfare of the public in general?
2. Will the special permit for a ground mounted personal wireless sevice facility be compatible with adjacent land uses?

3. What is the relation of the proposed special permit to the City's Comprehensive Plan?
4. What effects will the proposed special permit have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

Development Services - Building Permits and Inspections Division:

Zoning Review: Wireless telecommunication antenna and equipment shelter permitted on M-1 (Light Manufacturing) district. Must comply with chapter 20.10.700 of the City of El Paso Municipal Code and provide one off street parking space (for use on maintenance vehicles). Meets minimum set back requirements.
Landscaping: No comments received.

Development Services - Planning Division:

Current Planning: Recommends approval. The proposed use is compatible with surrounding development and in conformance with the projected land use for the area. The ground mounted personal wireless service facility meets the minimum requirements of the El Paso City Ordinance 20.10.455 (Personal Wireless Telecommunication Facility) and 20.04.150, detailed site development plan.
Land Development: No comments received.

Engineering Department, Traffic Division:

No objection to proposed wireless telecom antenna and equipment shelter installations.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU-PSB does not object to this request.

Parks:

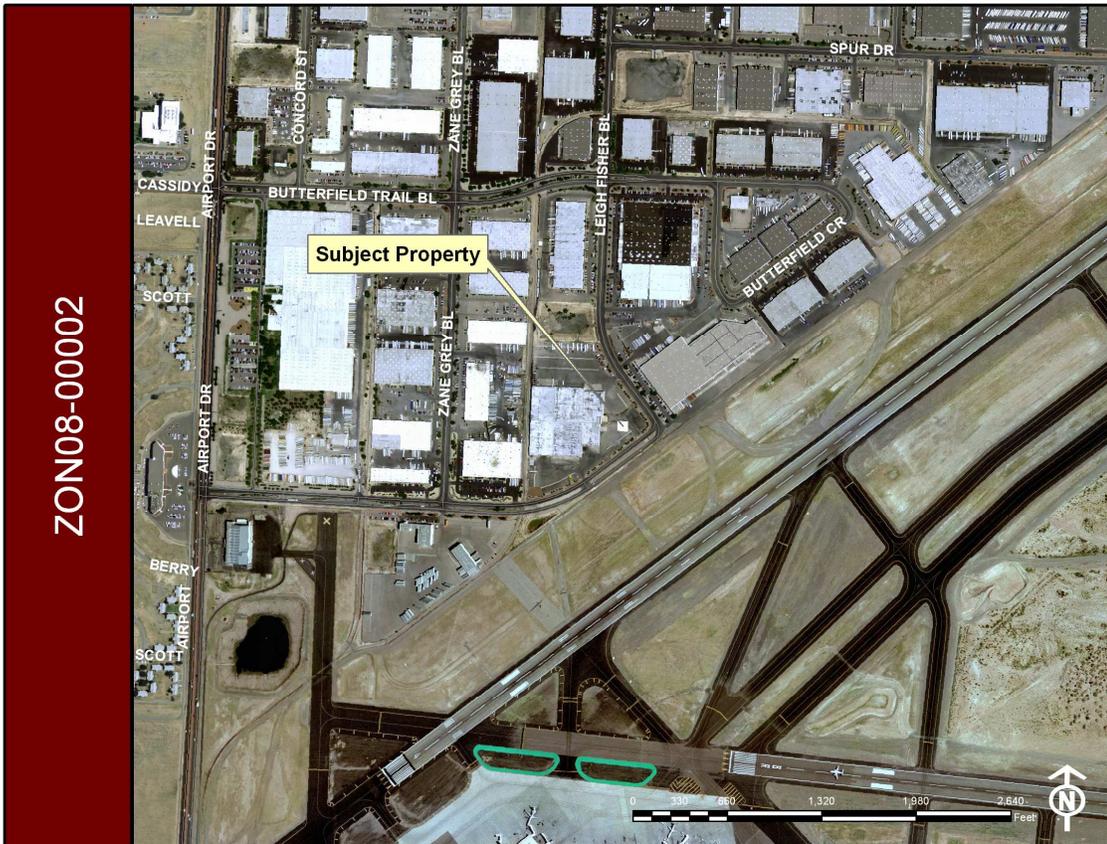
No comments received.

Sun Metro:

No comments received.

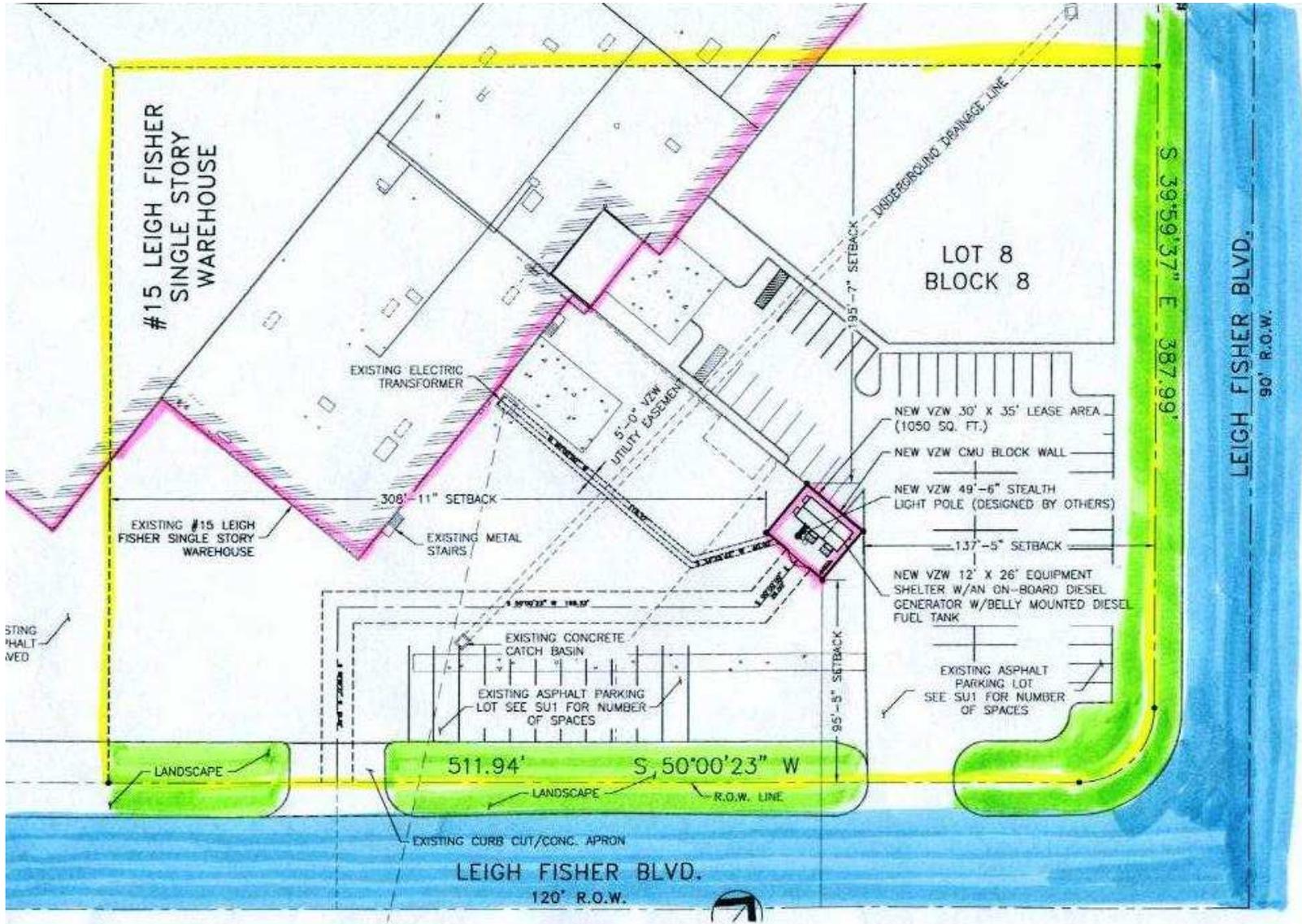
El Paso Airport Authority:

No comments received.



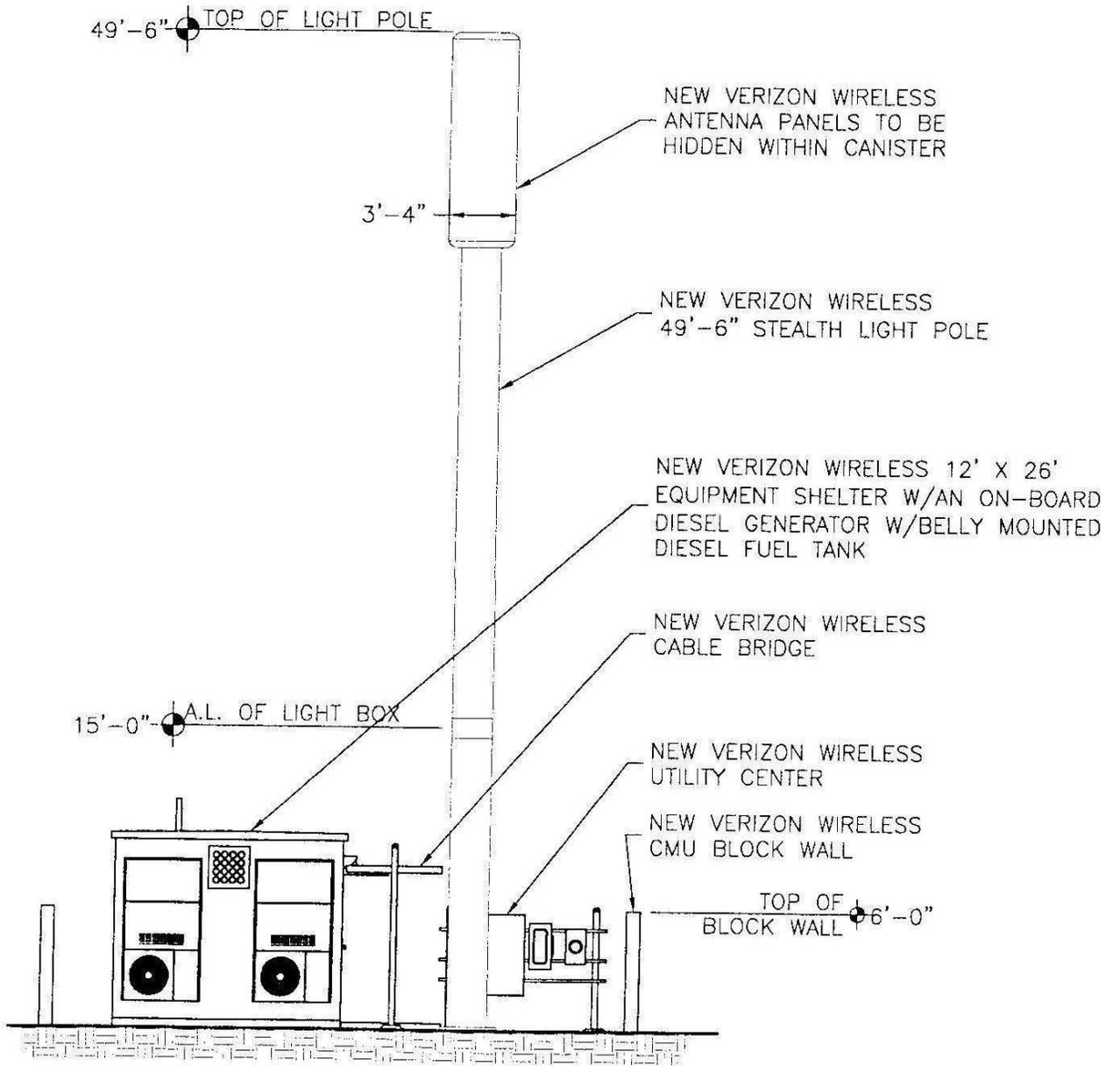
List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Side Elevations
- Attachment 3: Application



Attachment 1 : Site Plan

Attachment 2: Side Elevations



NEW WEST ELEVATION

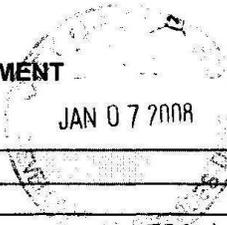
SCALE: 1/8" = 1'-0"

Attachment 3: Application



SPECIAL PERM APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024



1. CONTACT INFORMATION

PROPERTY OWNER(S): CITY OF EL PASO
ADDRESS: 2 CIVIC CENTER PLAZA, ED. TX ZIP CODE: 79901 PHONE: _____
APPLICANT(S): VERIZON WIRELESS
ADDRESS: 4821 EURANK NE, ALBUQUERQUE, NM ZIP CODE: 87111 PHONE: 505.710.2079
REPRESENTATIVE(S): LES F GUTERREN
ADDRESS: 2691 VIA CABALLERO DEL MONTE ZIP CODE: 87505 PHONE: 505.710.2079
E-MAIL ADDRESS: SANTA FE, NM LESG401411@AOL.COM FAX: 505.629.4016

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: B 853 999 0680 0960
LEGAL DESCRIPTION: LOT 8, BLOCK 8 BUTTEN FIELD TRAIL INDUSTRIAL PARK, ED, TX
STREET ADDRESS OR LOCATION: #15 LEIGH FISHER REP DISTRICT: 2
ACREAGE: 26.0241 acres PRESENT ZONING: M-1 PRESENT LAND USE: M-1
SPECIAL PERMIT REQUEST: ALLOW VERIZON WIRELESS A CONCEALED TELECOM FACILITY.

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: CITY OF EL PASO Signature: James G. Wilson
Printed Name: _____ Signature: _____
Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for special permit. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****
ZON 08-00002 RECEIVED DATE: 01/07/08 APPLICATION FEE: \$ 580.00
DCC REVIEW DATE: 02/13/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 03/13/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: Linda Castle

Revised 4/2007