

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: June 20, 2006
Public Hearing: July 11, 2006

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance granting Special Permit No. Zon06-00026, to allow for a ground-mounted cellular telecommunications facility on the property described as a portion of Lot 16, Block 140, Eastwood Heights Unit F, El Paso County, Texas, pursuant to section 20.12.040 of the El Paso City Code, and imposing conditions. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 10104 Album Ave. Applicant: Cricket Communications. ZON06-00026 (District 5)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00026, TO ALLOW FOR A GROUND-MOUNTED CELLULAR TELECOMMUNICATIONS FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 16, BLOCK 140, EASTWOOD HEIGHTS UNIT F, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040 OF THE EL PASO CITY CODE, AND IMPOSING CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, Cricket Communications, has applied for a Special Permit under Section 20.12.040 of the El Paso City Code to allow for a ground-mounted cellular telecommunications facility; and,

WHEREAS, the requirements of Section 20.12.040 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 Special Permit, subject to conditions; 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, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D 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, and more particularly described in the metes and bounds in the attached Exhibit "A", is in a R-3 (Residential) District;

A portion of Lot 16, Block 140, Eastwood Heights Unit F, El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit under Section 20.12.040 of the El Paso City Code so that a ground-mounted cellular telecommunications facility 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 R-3 (Residential) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan

Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

4. Further, that the property described herein, be subject to the following conditions, which is necessitated by and attributable to the increased intensity of use generated by the Special Permit in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

- a. That the ground-mounted cellular telecommunications tower be restricted to a maximum height of sixty-five feet (65'); and,
- b. That the finish on the ground-mounted cellular telecommunications tower be a non-reflective finish and painted to match the existing structure on the property.

5. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON06-00026** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and,

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

PASSED AND APPROVED this _____ day of _____, 2006.

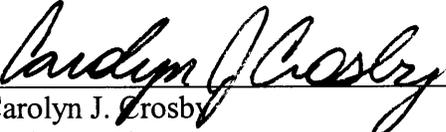
THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Development Services Department

AGREEMENT

Cricket Communications, 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 R-3 (Residential) Districts regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 9th day of June, 2006.


(Signature)
Director
(Name/Title)

ACKNOWLEDGMENT

New Mexico
THE STATE OF ~~TEXAS~~)
Bernalillo)
COUNTY OF ~~EL PASO~~)

This instrument is acknowledged before me on this 9 day of June, 2006, by Patrick Weisbrod for **Cricket Communications**, as Applicant.

My Commission Expires:
August 11, 2009


Notary Public, State of ~~Texas~~ *New Mexico*
Notary's Printed or Typed Name:
DIANE L. FRYE

**DYNATEK ELP-257 EASTWOOD CHURCH OF CHRIST
LEASE AREA DESCRIPTION**

The following is a description of a 10.00-foot by 20.00-foot wide parcel of land ("subject Lease Area") for the purpose of a telecommunications equipment lease area, comprising a portion of Lot 16, Block 140, Eastwood Heights, Unit "F", an addition to the City of El Paso, according to the plat thereof filed in Volume 19, Page 30, of the Plat Records of El Paso County, Texas. Said Parcel being more particularly described as follows:

COMMENCING FOR REFERENCE at a City of El Paso brass cap monument found marking the centerline intersection of Album Street with Zanzibar Road;

Thence, with the centerline of Album Street, North 66°27'00" West, a distance of 370.66 feet to a point from which a concrete nail found marking the centerline intersection of Album Street with Wedgewood Drive bears North 66°27'00" West, 252.64 feet, for reference; Thence South 23°33'00" West, at 35.00 feet pass the southwest right-of-way of Album Street, continuing in all a distance of 214.83 feet to a point for corner; Thence South 66°27'00" East, a distance of 41.82 feet to a point for corner; Thence North 23°33'00" East, a distance of 10.00 feet to a 1/2-inch rebar with yellow plastic cap stamped "TX4156" set for the northeast corner and the POINT OF BEGINNING of this Lease Area;

Thence, South 66°27'00" East, a distance of 10.00 feet to the face of an existing brick building for the northeast corner of this Lease area;

Thence, generally along the face of the existing brick building, South 23°33'00" West, a distance of 20.00 feet to a 1/2-inch rebar with yellow plastic cap stamped "TX4156" set for the southeast corner of this lease area;

Thence, North 66°27'00" West, a distance of 10.00 feet to a 1/2-inch rebar with yellow plastic cap stamped "TX4156" set for the southwest corner of this lease area;

Thence, North 23°33'00" East, a distance of 20.00 feet to the POINT OF BEGINNING.

The above described Lease Area Contains 200 square feet of land.

LEASE AREA DESCRIPTION

Record Easement Note:

The following recorded easements are shown on a Title Report compiled by Land America Commercial Search Services, Order No.1080656 ELP257, Effective Date: November 26, 2005.

2. Easement between Church of Christ in Eastwood by Gordon Goenzle, Vice Chairman, Board of Trustees, Grantor and El Paso Electric Company and the Mountain States Telephone & Telegraph Company, Grantee, dated 6/5/63 and recorded 7/29/63 in Deed Book 1750, Page 40. Blanket Easement, Could not plot.

4. Easement from Texas Homes, Grantor to El Paso Electric Company and the Mountain States Telephone & Telegraph Company, Grantee, dated 12/27/63 and recorded 4/14/64 in Instrument No.24369. Does not Affect subject property.

5. Easement between the Colorado District of Lutheran Church-Missouri Synod, Grantor and El Paso Electric Company and Mountain States Telephone & Telegraph, Grantee, dated 12/4/1964 and recorded 1/7/1965 in Deed Book 54, Page 212. Does not affect subject property.

**ALASKA NATIVE
BROADBAND 1
LICENSE LLC.**

1700 Louisiana Blvd. NE,
Suite 200
Albuquerque, NM 87110
Phone: 505.323.3166



TOWERCOM TECHNOLOGIES LLC
4520 Montgomery Blvd. NE,
Suite 5
Albuquerque, NM 87109
Tel: 505-232-4884
Fax: 505-232-4898

PROJ. NO.: 05-049-01

DRAWN BY: JN

CHECKED BY: LDVM

SUBMITTALS

A	01/05/06	PRELIMINARY DRAWING FOR REVIEW ONLY
A	01/20/06	ADDED LEGAL DESCRIPTIONS/FINALIZED
1	2/04/06	FINAL

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.

02/04/06



ELP-257
EASTWOOD
C.C.
10104 ALBUM STREET
EL PASO, TX 79925

SHEET TITLE:
ENLARGED
LEASE AREA/
SURVEY SPOT ELEV.

SHEET NUMBER:

SU2

EXHIBIT "A"

pg. 1 of 2

**DYNATEK ELP-257 EASTWOOD CHURCH OF CHRIST
15' ACCESS EASEMENT DESCRIPTION.**

The following is a description of a 15.00-foot wide strip of land to serve a telecommunications equipment lease area over and across a portion of Lot 16, Block 140, Eastwood Heights, Unit "F", an addition to the City of El Paso, according to the plat thereof filed in Volume 19, Page 30, of the Plat Records of El Paso County, Texas. Said strip of land being 15.00 feet in width and lying 7.50 feet on either side of the centerline more particularly described as follows:

COMMENCING FOR REFERENCE at a City of El Paso brass cap monument found marking the centerline intersection of Album Street with Zanzibar Road;

Thence, with the centerline of Album Street, North 66°27'00" West, a distance of 370.66 feet to a point from which a concrete nail found marking the centerline intersection of Album Street with Wedgewood Drive bears North 66°27'00" West, 252.64 feet, for reference; Thence South 23°33'00" West, a distance of 35.00 feet to the southwest right-of-way of Album Street and the POINT OF BEGINNING of this access easement;

Thence South 23°33'00" West, a distance of 179.83 feet to a point of deflection to the left;

Thence South 66°27'00" East, a distance of 41.82 feet to the END of this easement.

The above described area Contains 3325 square feet of land.

ACCESS EASEMENT DESCRIPTION

**DYNATEK ELP-257 EASTWOOD CHURCH OF CHRIST
5' UTILITY EASEMENT DESCRIPTION.**

The following is a description of a 5.00-foot wide strip of land to serve a telecommunications equipment lease area over and across a portion of Lot 16, Block 140, Eastwood Heights, Unit "F", an addition to the City of El Paso, according to the plat thereof filed in Volume 19, Page 30, of the Plat Records of El Paso County, Texas. Said strip of land being 5.00 feet in width and lying 2.50 feet on either side of the centerline more particularly described as follows:

COMMENCING FOR REFERENCE at a City of El Paso brass cap monument found marking the centerline intersection of Album Street with Zanzibar Road;

Thence, with the centerline of Album Street, North 66°27'00" West, a distance of 370.66 feet to a point from which a concrete nail found marking the centerline intersection of Album Street with Wedgewood Drive bears North 66°27'00" West, 252.64 feet, for reference; Thence South 23°33'00" West, at 35.00 feet pass the southwest right-of-way of Album Street, continuing in all a distance of 214.86 feet to a point for corner; Thence South 66°27'00" East, a distance of 41.82 feet to a point for corner; Thence South 23°33'00" West, a distance of 10.00 feet to a 1/2-inch rebar with yellow plastic cap stamped "TX4156" set for corner; Thence South 66°27'00" East, a distance of 5.00 feet to the POINT OF BEGINNING of this Utility Easement;

Thence South 23°33'00" West, a distance of 12.29 feet to a point of deflection to the left;

Thence South 66°27'00" East, a distance of 119.50 feet to a point of deflection to the left;

Thence North 23°33'00" East, a distance of 21.85 feet to the END of this easement at an existing power pole and electric transformer.

The above described area Contains 768 square feet of land.

UTILITY EASEMENT DESCRIPTION

EXHIBIT "A"

**ALASKA NATIVE
BROADBAND 1
LICENSE LLC.**

1700 Louisiana Blvd. NE,
Suite 200
Albuquerque, NM 87110
Phone: 505.323.3166



TOWERCOM TECHNOLOGIES LLC
4520 Montgomery Blvd. NE,
Suite 5
Albuquerque, NM 87109
Tel: 505-232-4884
Fax: 505-232-4898

PROJ. NO.: 05-049-01

DRAWN BY: JN

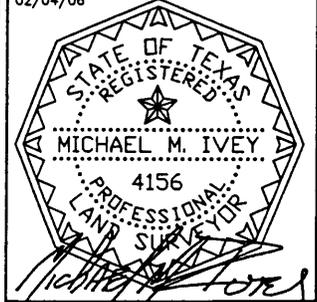
CHECKED BY: LDVM

SUBMITTALS

A	01/05/06	PRELIMINARY DRAWING FOR REVIEW ONLY
A	01/20/06	ADDED LEGAL DESCRIPTIONS/FINALIZED
1	2/04/06	FINAL

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.

02/04/06



ELP-257
EASTWOOD
C.C.
10104 ALBUM STREET
EL PASO, TX 79925

SHEET TITLE:
ENLARGED
SITE PLAN
OVERVIEW

SHEET NUMBER:

SU3

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DEPUTY DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

June 12, 2006

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Senior Planner

SUBJECT: ZON06-00026
A portion of Lot 16, Block 140, Eastwood Heights Unit F

LOCATION: 10104 Album Avenue

REQUEST: Special Permit for a Ground-Mounted Cellular Telecommunications Facility

The City Plan Commission (CPC), on May 18, 2006, voted **(5-2)** to recommend **Approval** of a special permit request for a ground-mounted cellular telecommunications facility on the subject property, concurring with staff's recommendation, with the following conditions:

- a) *That the ground-mounted cellular telecommunications tower be restricted to a maximum height of sixty-five feet (65'); and,*
- b) *That the finish on the ground-mounted cellular telecommunications tower be a non-reflective finish and painted to match the existing structure on the property.*

The CPC found that this special permit is in conformance with *The Plan for El Paso* Citywide land use goals: "That El Paso encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character." The proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for residential uses. The special permit and the proposed ground-mounted cellular telecommunications facility are compatible with adjacent zoning and land uses. The CPC also determined the special permit protects the best interest, health, safety, and welfare of the public in general.

There is on letter in opposition to this request.

Attachment: Location Map; Aerial Map; Site Plan.

STAFF REPORT

Special Use Permit #: ZON06-00026

Property Owner(s): Church of Christ Eastwood

Applicant(s): Cricket Communications

Representative(s): Alex Hernandez

Legal Description: A portion of Lot 16, Block 140, Eastwood Heights Unit F

Location: 10104 Album Avenue

Representative District: # 5

Area: 1 Acre

Zoning: R-3 (Residential)

Existing Use: Church Grounds

Proposed Use: 70' Ground-mounted Cellular Telecommunications Facility

Recognized Neighborhood Associations Contacted: Album Park Preservation Association, Eastside Civic Association

Surrounding Land Uses:

North -	R-3 (Residential) / City Park
South -	R-3 (Residential) / Single-family Residential
East -	R-3 (Residential) / Church
West-	R-3 (Residential) / Single-family Residential

Year 2025 Designation: Residential (East Planning Area)

**CITY PLAN COMMISSION HEARING, MAY 18, 2006,
4:00 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Special Use Permit: ZON06-00026

General Information:

The applicant is requesting a special permit to allow for 70' Ground-mounted Cellular Telecommunications Facility on an existing church site. The property is currently zoned R-3 (Residential). The site is currently an existing church and is 1 acre in size. The proposed site plan shows existing church buildings and a proposed cell tower lease area to be located on the site. Access is proposed via Album Avenue. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Division has received one letter in opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this special permit request with the following conditions:

1. That the height of the ground-mounted cellular telecommunications tower be restricted to a maximum of sixty-five (65) feet.
2. That the finish on the ground-mounted cellular telecommunications tower be non-reflective and painted to match the existing church building.

In addition, the DCC requested that the applicant shall also submit an approved landscaping plan prior to the CPC meeting, and that the proposed chain-link gate be substituted with wrought iron.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “encourage the provision of neighborhood commercial services which are compatible with a neighborhood’s residential character.”

The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Residential** land uses.

R-3 (Residential) zoning permits a ground-mounted cellular telecommunications facility by special permit.

The Commission must determine the following:

- A. Will the special permit for a ground-mounted cellular telecommunication facility protect the best interest, health, safety and welfare of the public in general?
- B. Will a ground-mounted cellular telecommunication facility be compatible with adjacent land uses?

- C. What is the relation of the proposed change to the city's Comprehensive Plan?
- D. What effects will the ground-mounted cellular telecommunication facility have upon the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole?

Information To The Applicant:

Development Services Department – Building Permits and Inspections Division Notes:

- A. Zoning: Use permitted under special permit. Meets minimum developmental standards for ground-mounted telecommunications antenna support structure with appurtenant antennas and equipment storage facilities. Shall need to provide two feet of set back for each foot of height, measured from the antenna support structure base to the adjacent residentially zoned property line.
- B. Landscaping: This project will not meet the landscape ordinance as submitted. No calculations showing that the landscape will be addressed. This site will require a landscape plan and an irrigation plan.

Development Services Department – Planning Division Notes:

Current Planning: Recommend approval subject to a restricted height of 40' maximum, non-reflective finish on the pole, and a concealed or stealth design on the tower.

Engineering Department - Traffic Division Notes:

No apparent traffic concerns with the proposed request to install a ground mounted Cellular Telecommunications facility.

El Paso Water Utilities Notes:

General: There are existing water and sanitary sewer mains along Album Avenue and Zanzibar Drive fronting the subject property.

EPWU does not object to this request.

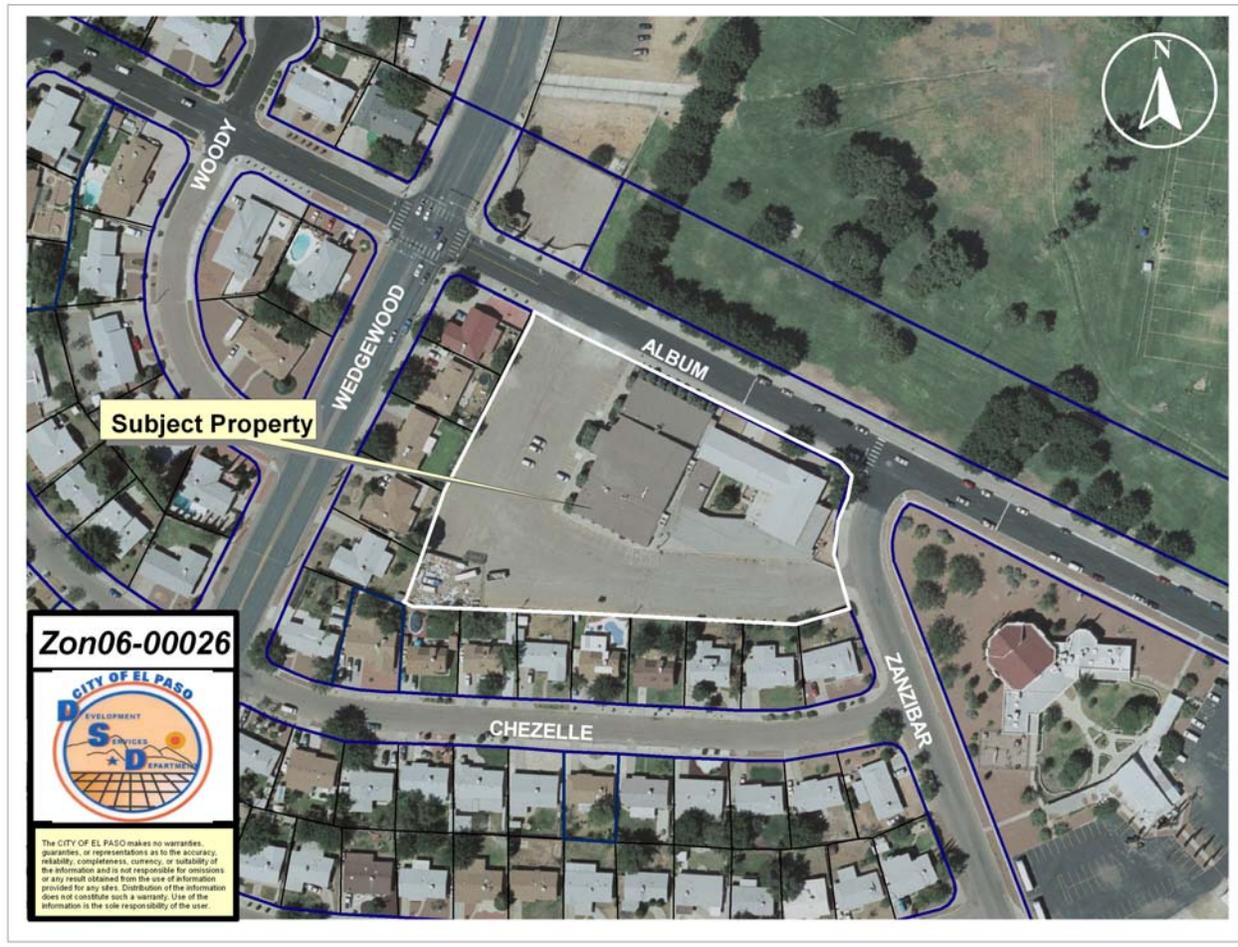
ATTACHMENT: Site Plan; Location Map.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION (915) 541-4056.

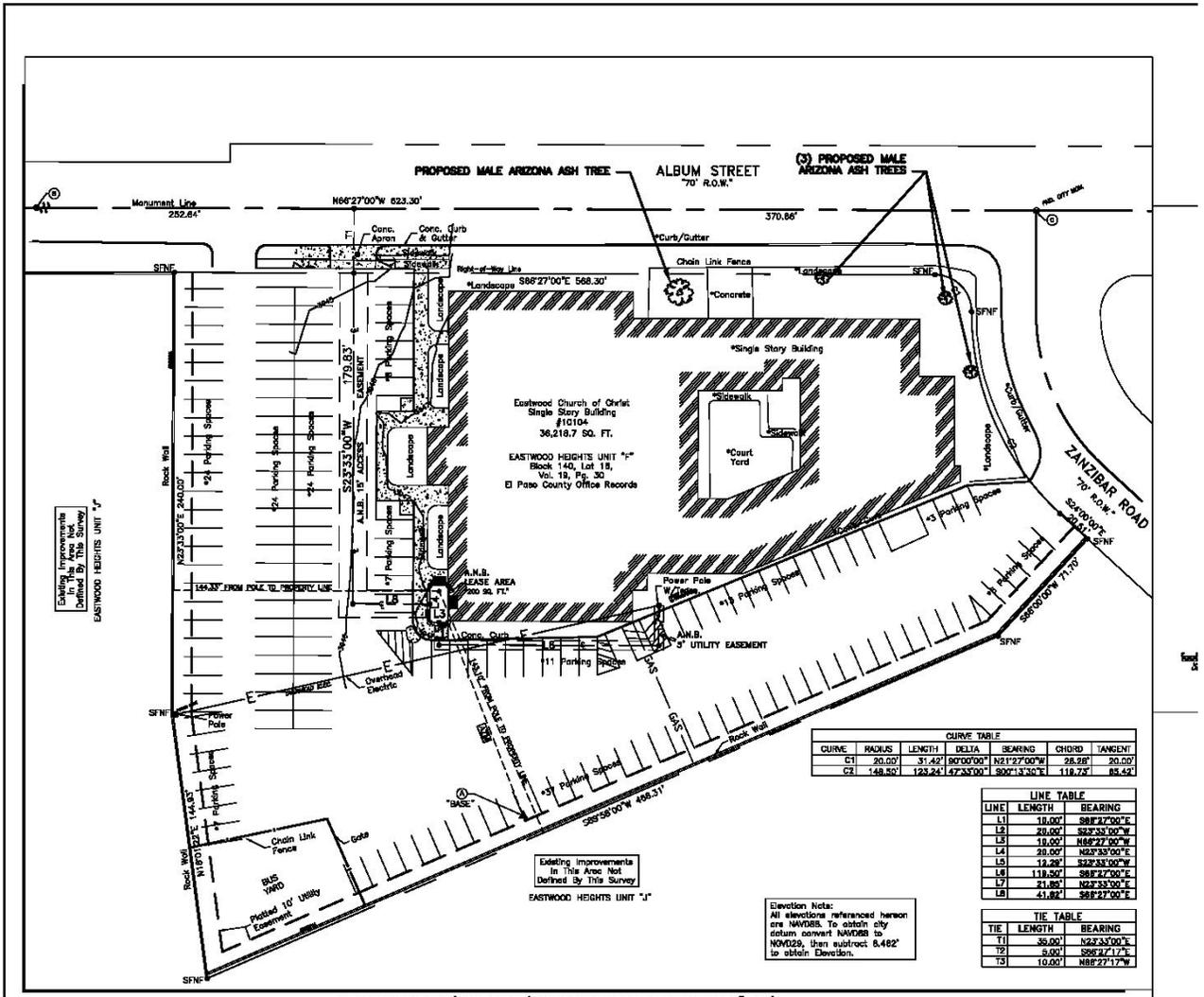
LOCATION MAP



AERIAL MAP



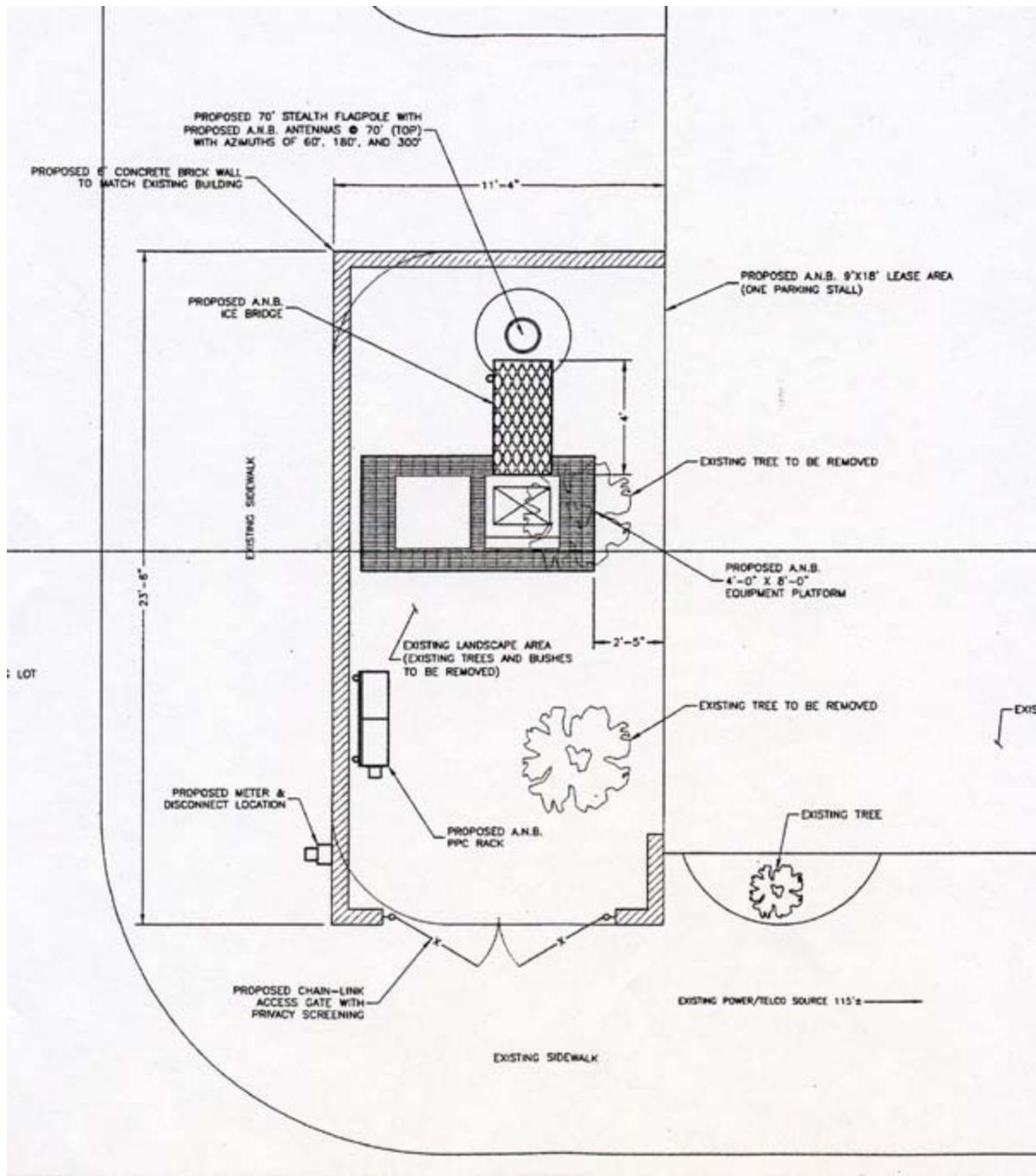
SITE PLAN



CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD	TANGENT
C1	20.00'	31.42'	90°00'00"	N31°27'00"W	28.28'	20.00'
C2	148.50'	123.24'	47°33'00"	S00°13'30"E	118.75'	85.42'

LINE	LENGTH	BEARING
L1	18.00'	S88°27'00"E
L2	28.00'	S82°33'00"W
L3	18.00'	N88°27'00"W
L4	28.00'	N82°33'00"E
L5	118.50'	S88°27'00"E
L6	118.50'	S88°27'00"E
L7	21.85'	N82°33'00"E
L8	43.85'	S88°27'00"E

TIE	LENGTH	BEARING
T1	38.00'	Y82°33'00"W
T2	8.00'	S88°27'17"E
T3	10.00'	N88°27'17"W



TO: City Plan Commission
c/o Development Services Department
Planning Division
5th Floor, City Hall
2 Civic Center Plaza
El Paso, TX 79901-1196
FAX 915-541-4028

FROM: Joan Burkholder

El Paso, TX 79925

RE: Case No. ZON06-00026

I am against the telecommunications facility being requested by the Church of Christ at 10104 Album.

Using the church property as a commercial site should jeopardize any tax-breaks currently enjoyed by the facility. Surely the founders of this congregation included good neighbor covenant in their charter. Installing this tower at that site would violate that covenant.

3 April 2006

