

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 14, 2007
Public Hearing: September 4, 2007

CONTACT PERSON/PHONE: Esther Guerrero, 541-4720

DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance granting Special Permit No. ZON07-00044, to allow for a ground-mounted 50' personal wireless service facility on the property described as a portion of Block 29, Mission Hills Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.185.D.1 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. ZON07-00044 (District 1)

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 (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00044, TO ALLOW FOR A GROUND-MOUNTED 50' PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF BLOCK 29, MISSION HILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.185.D.1 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, **Mt. Sinai Congregation**, has applied for a Special Permit under Section 20.08.185.D.1 of the El Paso City Code to allow for a ground-mounted 50' personal wireless service facility; and,

WHEREAS, the Section 20.08.185D.1 allows for a ground-mounted 50' personal wireless service facility by Special Permit; 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 20.04.320D 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 **R-3 (Residential)** District:
a portion of Block 29, Mission Hills Addition, City of El Paso, El Paso County, Texas; and, and more particularly described in the metes and bounds in Exhibit "A", which is attached hereto and made a part hereof for all purposes; and,

2. That the City Council hereby grants a Special Permit under Section 20.08.185.D.1 of the El Paso City Code to allow for a ground-mounted 50' personal wireless service facility 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. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON07-00044** 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,

5. 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 _____, 2007.

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:

Kimberly Forsyth, Senior Planner
Development Services Department

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CITY CLERK DEPT
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JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, 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 DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: August 2, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: **ZON07-00044**

The City Plan Commission (CPC), on June 6, 2007, voted **5-0** to recommend **APPROVAL** of a special permit request to allow a ground-mounted wireless facility (PWSF) on the subject property, concurring with staff's recommendation.

The CPC found that the special permit is in conformance with The Plan for El Paso Citywide land use goals that El Paso: "develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression." 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.

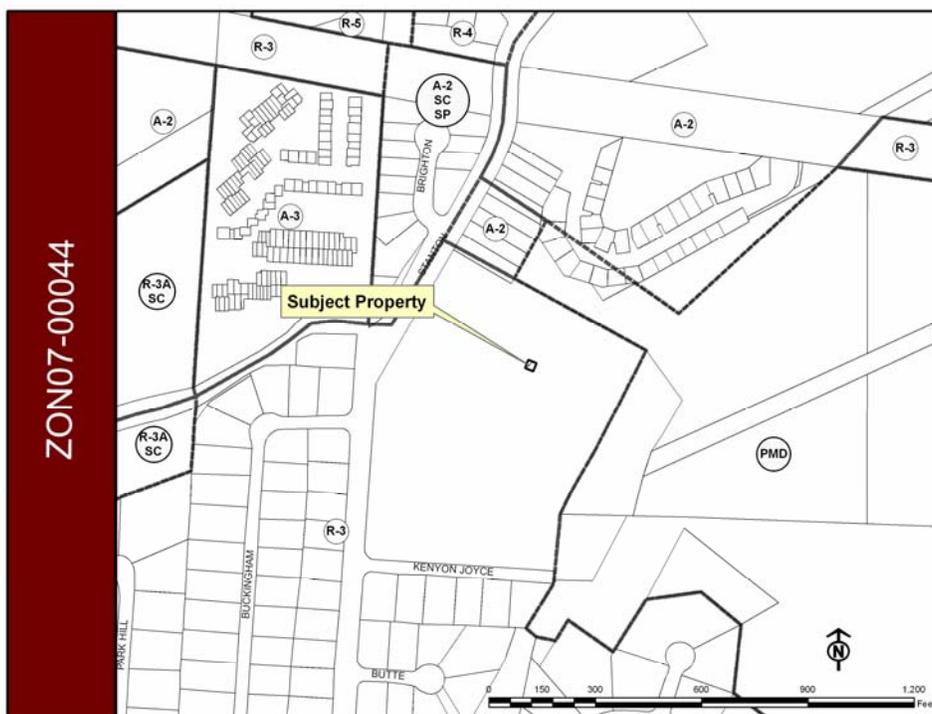
There was no opposition to this request.

Attachment: Staff Report



ZON07-00044

Application Type: Special Permit
Property Owner(s): Mt. Sinai Congregation
Representative(s): Romano & Associates
Legal Description: A portion of Block 29, Mission Hills Addition, City of El Paso, El Paso County, Texas
Location: 4408 N. Stanton Street
Representative District: 1
Area: 625 square feet
Zoning: R-3 (Residential)
Request: Special permit to allow a ground-mounted 50' personal wireless service facility
Recognized Neighborhood Associations Contacted: Mission Hills Association; A Presidential Neighborhood Association
Public Response: None
Surrounding Land Uses: **North:** PMD / Vacant; **South:** R-3 / Church; **East:** PMD / Vacant; **West:** R-3, A-3 / Single-family, Apartments
Year 2025 Designation: Residential (Central Planning Area)



General Information

The applicant requests a special permit to allow the placement of ground-mounted personal wireless facility (PWSF). The site plan shows a 25 by 25 foot area to include the antenna, a 50 foot support structure, and the appurtenant equipment storage facility. The antenna and support structure will be camouflaged to resemble a pine tree. Access is proposed via a 20 foot access and utility easement off a private driveway within the church property.

The proposed PWSF meets all setback and height requirements for a residential district and also meets the one-half mile requirement for distance separation from another PWSF. The nearest PWSF is .5046 miles to the west and is located on Castellano Drive.

Staff Recommendation

The Development Coordinating Committee (DCC) recommends **approval** of this special permit request.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “develop a balanced and complete community which contains a mix of land uses and densities.”
- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Residential** land uses.
- **R-3 (Residential) zoning** permits a PWSF by special permit.

Findings

The Commission must determine the following:

- A. Will the special permit for a PWSF protect the best interest, health, safety and welfare of the public in general?
- B. Will the special permit for a PWSF be compatible with adjacent land uses?
- C. What is the relation of the proposed special permit to the City’s Comprehensive Plan?
- D. 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

Need to identify if other telecommunication facilities are with-in one half mile of the proposed site. Requires a one hundred and fifty foot setback to the easterly R-3 residential lot.

Development Services - Planning

Proposed PWSF meets all setback, height and distance requirements.

Engineering Department - Traffic

No comments received

Fire Department

No comments received.

El Paso Water Utilities

EPWU does not object to this request.

List of Attachments

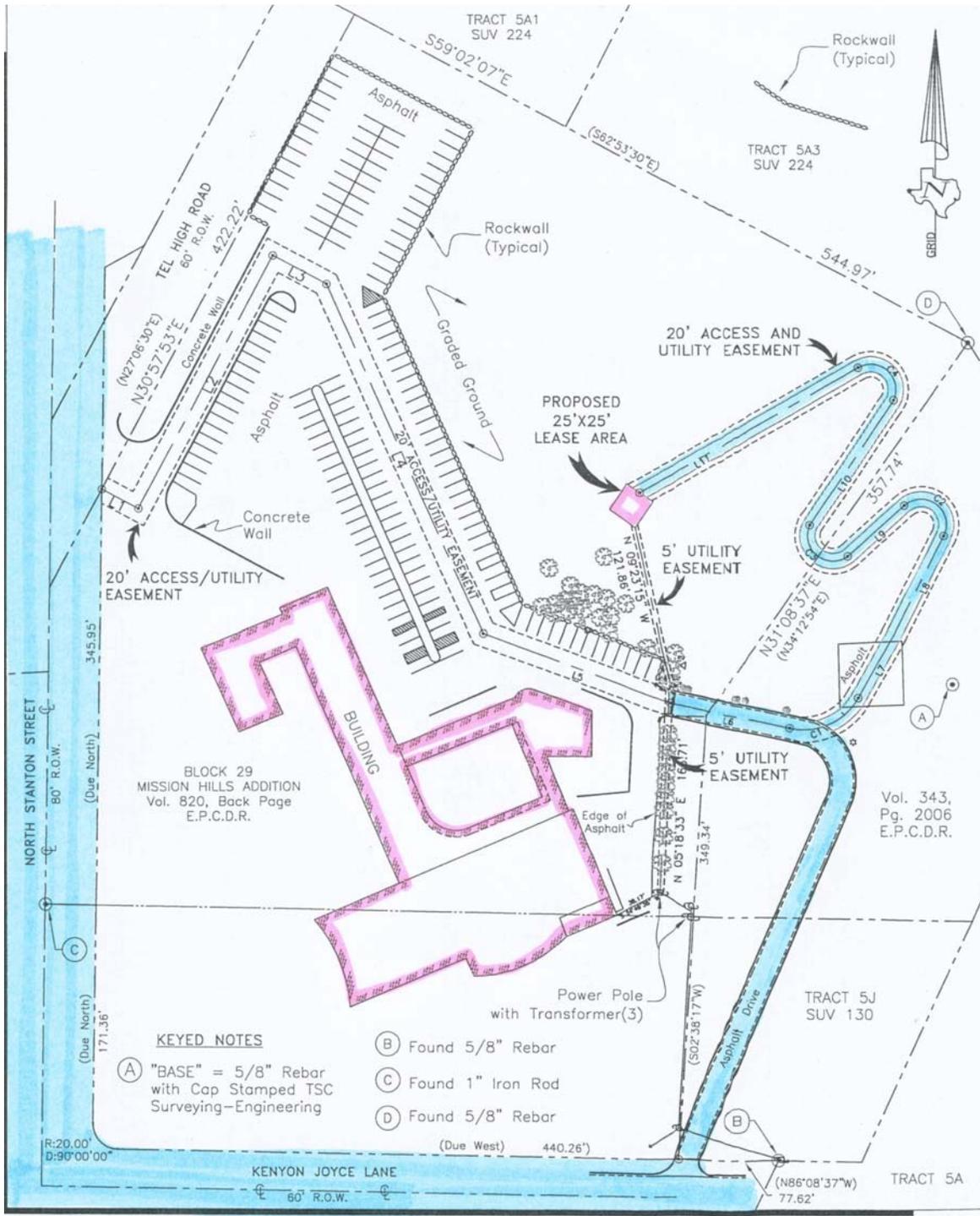
Attachment 1: Aerial

Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Application

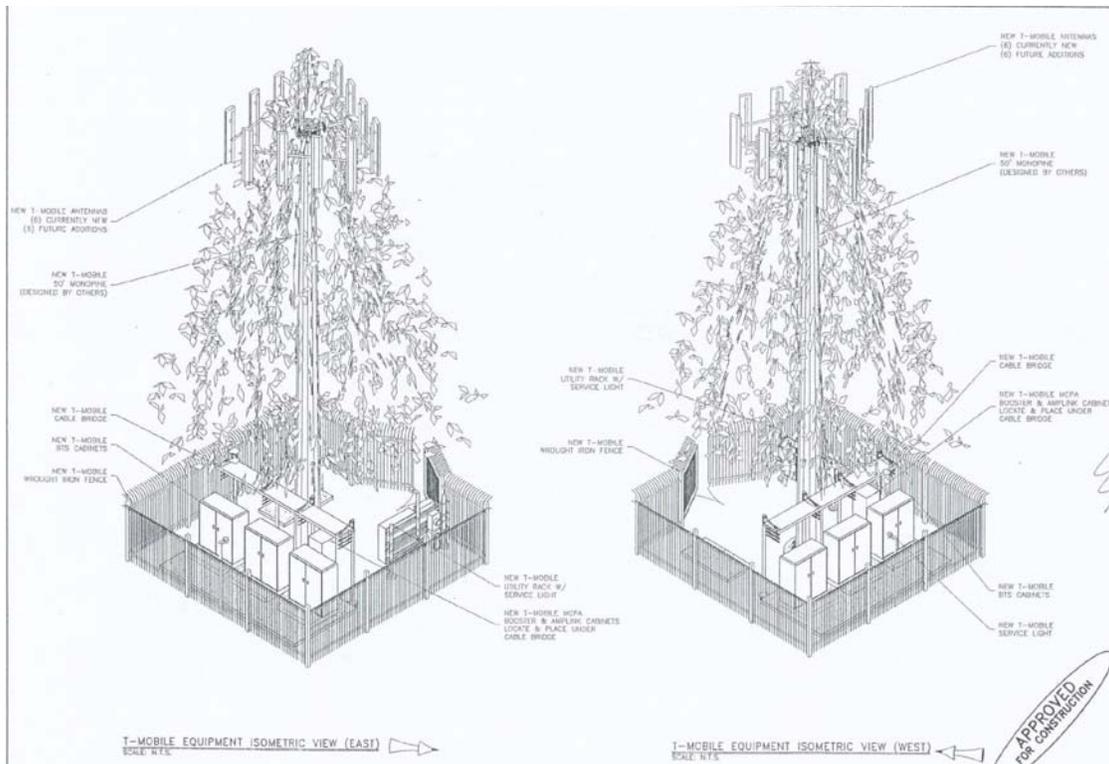
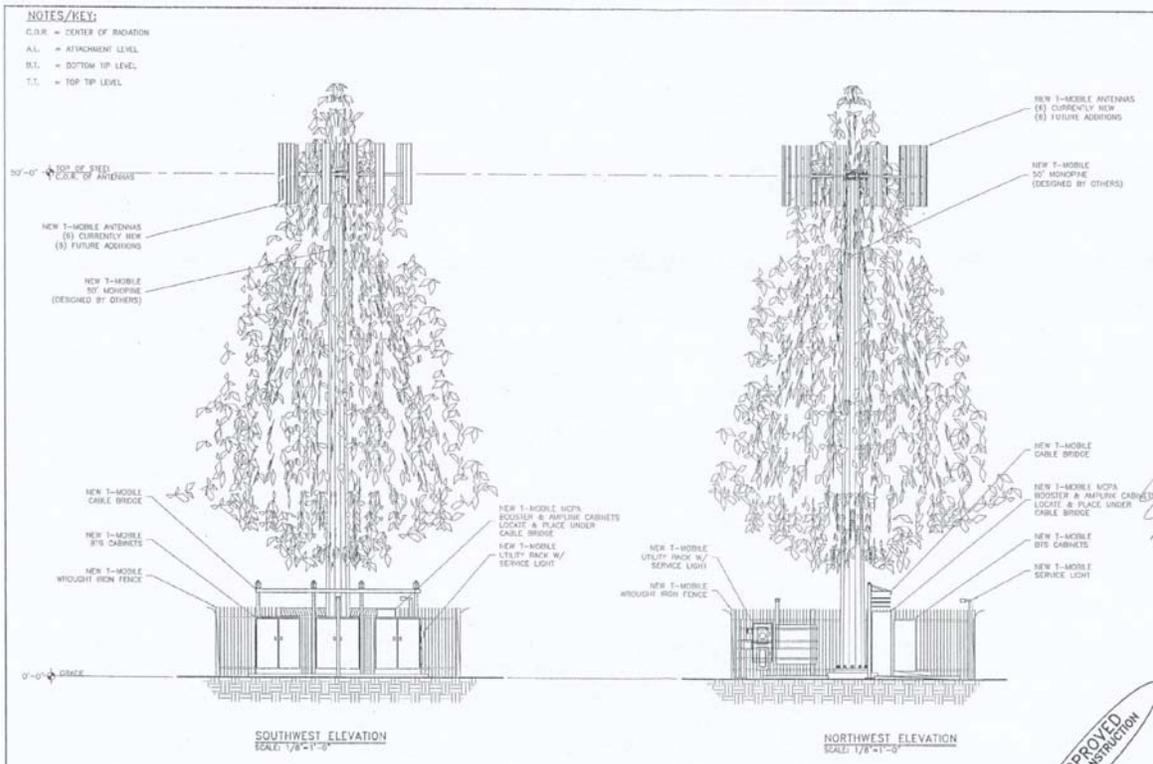
Attachment 1: Aerial



Attachment 2: Site Plan



Attachment 3: Elevations



Attachment 4: Application



SPECIAL PERMIT APPLICATION
 PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
 CITY OF EL PASO, TEXAS

APP 06 2007

1. CONTACT INFORMATION

PROPERTY OWNER(S): Temple Mount Sinai ~~Church~~ Congregation
 ADDRESS: 4408 N. Stanton St. ZIP CODE: 79902 PHONE: 915-532-5959
 APPLICANT(S): T-Mobile ~~USA, Inc.~~ USA, Inc.
 ADDRESS: 4830A San American Frwy, NE Albuquerque ZIP CODE: 87109 PHONE: 505-878-6500
 REPRESENTATIVE(S): Ramans + Associates / Rick Ramirez
 ADDRESS: _____
 E-MAIL ADDRESS _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X 0069990000 9740
 LEGAL DESCRIPTION: Block 29, Mission Hills Addition
 STREET ADDRESS OR LOCATION: 4408 N. Stanton REP DISTRICT: 1
 ACREAGE: _____ PRESENT ZONING: R-3 PRESENT LAND USE: Vacant
 SPECIAL PERMIT REQUEST: Stealth ground mounted cellular telecommunication 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: Temple Mount Sinai Signature: _____
 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 <u>07-00044</u>	RECEIVED DATE: <u>4/5/07</u>	APPLICATION FEE: \$ <u>550-</u>
DCC REVIEW DATE: <u>5/9/07</u> (8:30 am, Planning Department Conference Room, 2 nd Floor, City Hall Building)		
CPC REVIEW DATE: <u>6/7/07</u> (1:30 pm, City Council Chambers, 2 nd Floor, City Hall Building)		
ACCEPTED BY: <u>[Signature]</u>	FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126	

Revised 06/2004