

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: November 17, 2009
Public Hearing: December 8, 2009

CONTACT PERSON/PHONE: Fred Lopez, (915) 541-4322, lopezar@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance granting Special Permit No. ZON09-00052, to allow for a ground-mounted 60' personal wireless service facility on the property described as Lot 4, Block 6, Coronado Country Club Estates, City of El Paso, El Paso County, Texas pursuant to Section 20.10.355 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1044 Broadmoor Drive. Property Owner: Coronado Country Club. ZON09-00052 (**District 1**)

BACKGROUND / DISCUSSION:

N/A

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: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00052, TO ALLOW FOR A GROUND-MOUNTED 60' PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS LOT 4, BLOCK 6, CORONADO COUNTRY CLUB ESTATES, 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, Coronado Country Club, has applied for a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a ground-mounted Personal Wireless Service Facility (PWSF) that is 60 feet tall and camouflaged as a pine tree; and,

WHEREAS, the Section 20.10.455 allows for a ground-mounted 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 an **R-3 (Residential)** District:
Lot 4, Block 6, Coronado Country Club Estates, City of EL Paso, El Paso County, Texas 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 20.04.320 of the El Paso City Code to allow for a ground-mounted 60' 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. ZON09-00052** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 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 _____ of _____, 2009.

(Signatures continue on following page)

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:

Mathew McElroy, Deputy Director-Planning
Development Services Department

AGREEMENT

Coronado Country Club, 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) District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED _____ day of _____, 2009.

(Signature)

(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____,
by _____ for **Coronado Country Club**, as Applicant.

(Seal)

Notary Public, State of Texas
Signature

Printed or Typed Name

My Commission Expires:

MEMORANDUM

DATE: November 9, 2009

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

SUBJECT: ZON09-00052

The City Plan Commission (CPC) voted **5-0** on October 8, 2009, to recommend **APPROVAL** of the special permit application to allow a 65-foot ground-mounted Personal Wireless Service Facility (PWSF) in a residential zoning district.

The CPC voted to recommend approval of this special permit request in concurrence with staff's recommendation. The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC determined that the special permit protects the best interest, health, safety, and welfare of the public in general and that the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was **OPPOSITION** to this request.

Attachment: Staff report



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00052
Application Type: Special Permit Request
CPC Hearing Date: October 8, 2009

Location: 1044 Broadmoor Drive
Legal Description: Lot 4, Block 6, Coronado Country Club Estates, City of El Paso, El Paso County, Texas
Acreage: 86.8418 acres

Rep District: 1
Zoning: R-2 (Residential) and R-3 (Residential)
Existing Use: Golf Course
Request: Special Permit for a ground mounted Personal Wireless Service Facility (PWSF) in a residential zoning district

Property Owner: Coronado Country Club
Representative: Russell Seay

SURROUNDING ZONING AND LAND USE

North: A-1 (Residential) and R-3 (Residential) / Residential and Coronado Country Club
South: R-3 (Residential) / Residential
East: R-2 (Residential), PMD (Planned Mountain Development) / Residential and Vacant
West: PR-1 (Planned Residential), PR-1/sc (Planned Residential/Special Contract), Residential

Plan for El Paso Designation: Residential, Parks and Open Space
(Northwest Planning Area)

Nearest Park: Snow Heights Park (5,310 Feet)

Nearest School: Western Hills Elementary (3,300 Feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley Neighborhood Association
Coronado Neighborhood Association
Upper Mesa Hills Neighborhood Association
Mountain Arroyo Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the October 8, 2009 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on September 22, 2009. The Planning Division has received several two letters in opposition to this special permit request.

APPLICATION DESCRIPTION

The request by AT&T is to install a ground mounted Personal Wireless Service Facility (PWSF) that is 60 feet tall and camouflaged as a pine tree. The PWSF will be located on the Coronado Country Club/Golf Course and the property is 86.84 acres in size. A special permit is required because the property is zoned R-3.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of the special permit for a Personal Wireless Service Facility (PWSF) with a height of 60 feet instead of 75 feet as proposed by the applicant.

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit for a Personal Wireless Service Facility (PWSF) with a height of 60 feet instead of 75 feet as proposed by the applicant.

Engineering Department - Traffic Division

The Engineering Department – Traffic Division has no objections to this request.

Fire Department

No opposition to the request at this time.

El Paso Police Department

There are no objections to this request.

El Paso Water Utilities

EPWU does not object to this request.

EPWU does not own nor operate public facilities within Lot 4, Block 6, Coronado Country Club Estates.

There are existing water and sanitary sewer mains along Broadmoor Drive, Torrey Pines Drive, and Thunderbird Drive.

Streets Department

There are no objections to this request.

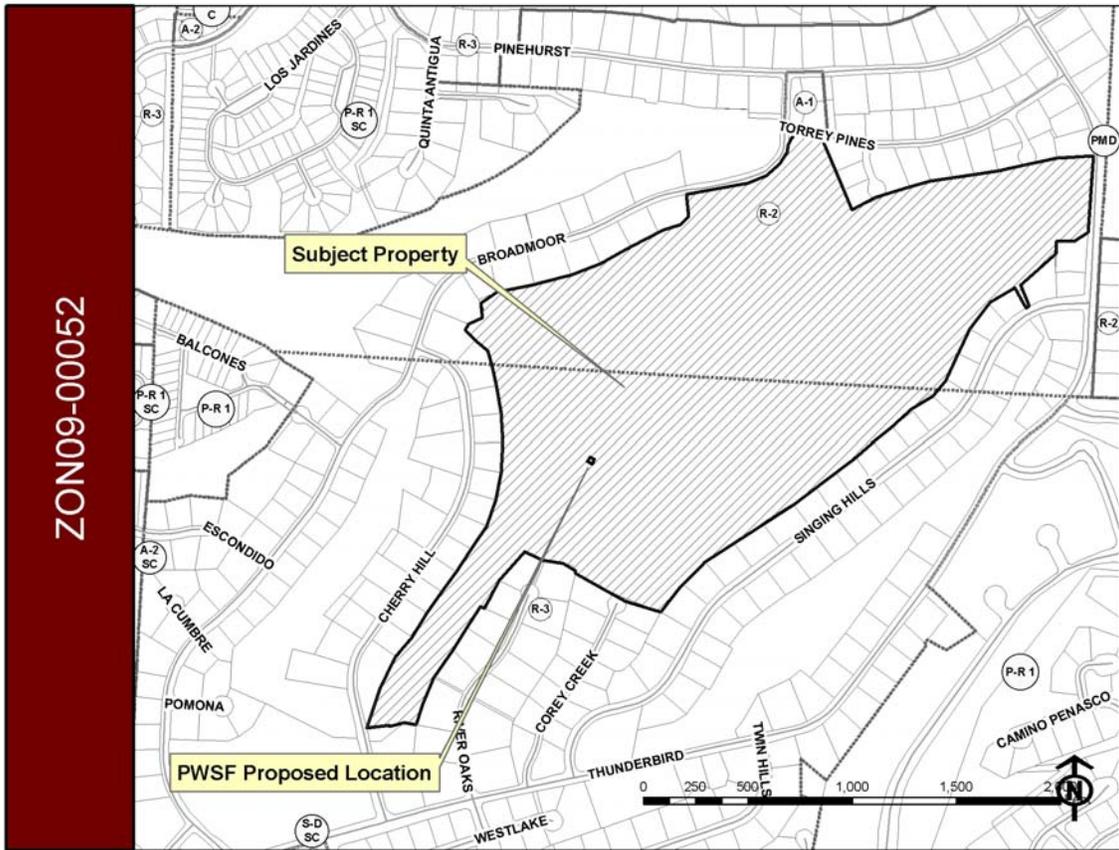
All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and the City Of El Paso Design Standards for Construction.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release application:

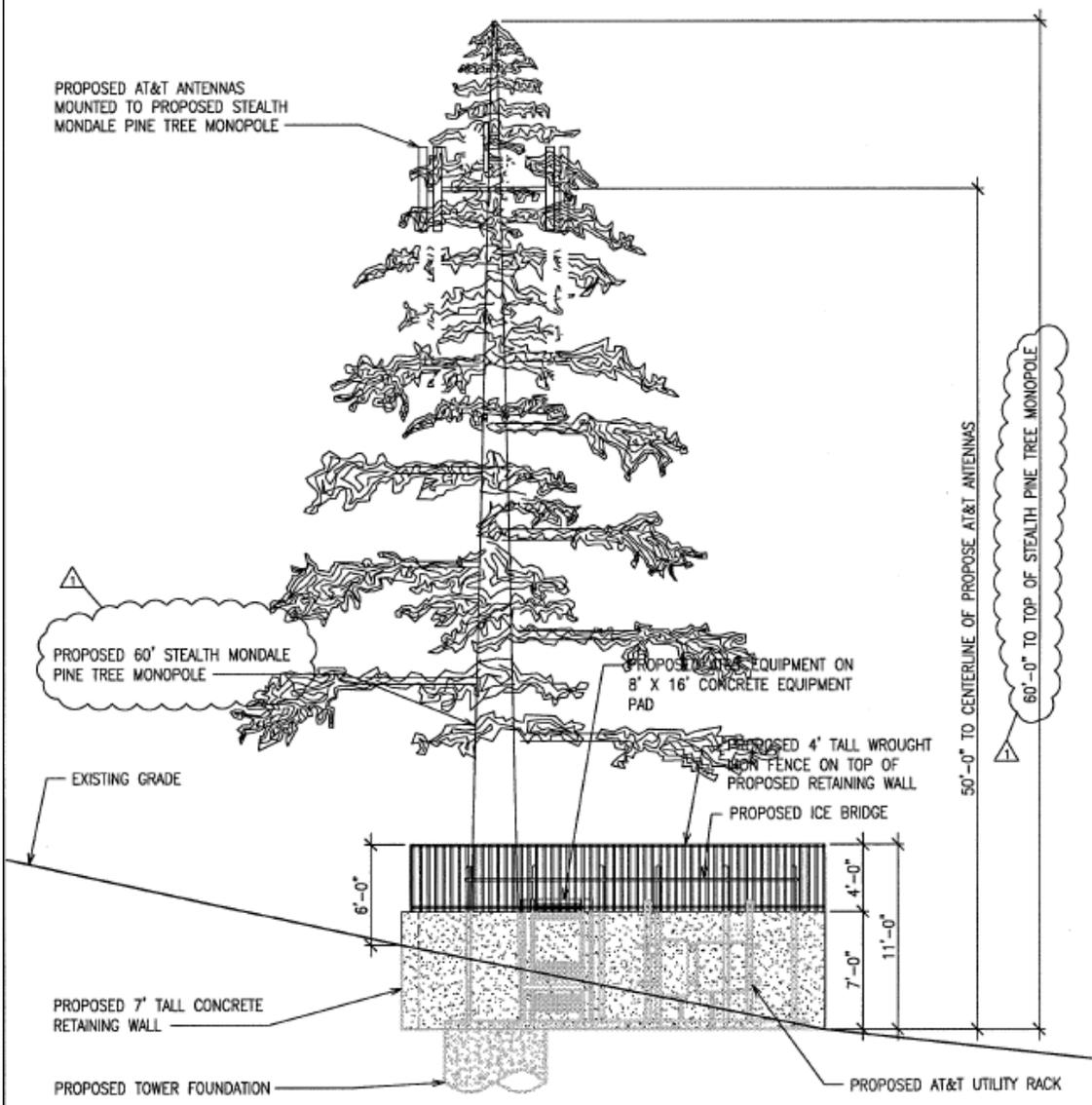
1. Recommend approval of the application finding that the special permit request is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the special permit request into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit request does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

ATTACHMENT 1: ZONING MAP

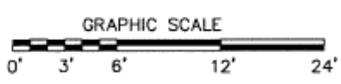


ATTACHMENT 2: AERIAL MAP





② TOWER ELEVATION
 SCALE: 3/16"=1'-0"



ATTACHMENT 4. NEIGHBORHOOD INPUT



833 Cherry Hill
El Paso, Texas 79912-3324
(915) 584-8700
hdewett1@elp.rr.com
September 26, 2009

City Plan Commission, c/o Planning Division
Fifth Floor, City Hall, 2 Civic Center Plaza
El Paso, Texas 79901-1196

Dear Members,

Your letter notifying me that the Coronado Country Club intends to put a commercial Wireless Service tower on the Golf Course, does upset me considerably. We live in what we consider a beautiful section of our beloved El Paso and the very thought of an unsightly ATT tower (even if "it looks like a tree,") some 75 feet high sounds gross and dreadful, unsightly and commercial.

It is my fondest hope that you will forgo allowing this travesty to take place. As a member of Coronado Club and a twenty year owner of my house here on Cherry Hill, I am disturbed that this is to be considered. I know that my husband, Peter de Wetter, who once served as Mayor, would be equally distressed, if were he living.

Though I am unable to come to the meeting, I hope that you will consider neighbors' and property owners' fears. It is our privilege to pay our property taxes, but a part of what we pay for is the tranquility of the area.

Please do consider the distress this proposal causes.

Sincerely yours,

Margaret Belding de Wetter
(Mrs. Peter de Wetter)

Angelica Bryant
City Planner
El Paso, TX

Re: Case Number: ZON09-00052

Dear Ms. Bryant,

Our names are Devin and Karen Luse. We live at 1013 Singing Hills, El Paso, Texas. Our home backs up to Coronado Country Club. We purchased our house based on the awesome view that the back porch afforded us. We love the sunsets... We are very disappointed, and upset, that Coronado Country Club as petitioned to change the zoning in order to erect a cell phone tower.

We are against the rezoning and the placement of a Personal Wireless Facility (cell phone tower) in the area behind our home. Many of the homeowners may not even know about this proposal (which as usually is the case), but the ones I have talked to are very disappointed.

Our neighborhood pays much more than their fair share of property taxes in this town, and I know that personally. I would hope that the city would consider our opinion in this case.

Your consideration is very much appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be 'Devin & Karen Luse', written over a horizontal line.

Devin & Karen Luse

PS: Our cell phone signal is great already...