ZONING

5901 Upper Valley Road

City of El Paso — Plan Commission — 2/8/2018

PZST17-00035 Special Permit

SPECIAL PERMIT

STAFF CONTACT:	Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov
OWNER:	Rey De Reyes Evangelical Free Church
APPLICANT:	APC Towers, II, LLC and Dallas MTA LP d/b/a Verizon Wireless
REPRESENTATIVE:	Romano & Associates, LLC
LOCATION:	5901 Upper Valley Road, District 1
LEGAL DESCRIPTION:	A portion of Lot 1, Block 1, Centre Court, City of El Paso, El Paso County, Texas
EXISTING ZONING:	R-2/c/sp (Residential/condition/special permit
REQUEST:	Special Permit to allow for Personal Wireless Service Facility (PWSF) in R-2 (Residential) zone district
RELATED APPLICATIONS:	N/A
PUBLIC INPUT	Planning has received 5 phone calls, 5 letters, and a petition with 15 signatures in opposition to the special permit request; Notices sent to property owners within 300 feet on January 11, 2018.
STAFF RECOMMENDATION:	Approval (see pages 2—5 for basis of recommendation)

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for the placement of a new ground-mounted personal wireless service facility (PWSF) in the R-2 (Residential) zone district as required by El Paso City Code Section 20.10.455.D. The site plan shows a 2,500 sq. ft. lease area for a 60 ft. high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged to resemble a stealth cross tower, while the equipment will be screened with a wrought iron fence.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **approval** of the special permit for a Personal Wireless Service Facility (PWSF), as it meets all the requirements of 20.10.455 PWSF, 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.

DESCRIPTION OF REQUEST

The applicant is requesting a special permit to allow for the placement of a new ground-mounted personal wireless service facility (PWSF) in the R-2 (Residential) zone district as required by El Paso City Code Section 20.10.455.D. The site plan shows a 2,500 sq. ft. lease area for a 60 ft. high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged to resemble a stealth cross-tower, while the equipment will be screened with a wrought iron fence at the edge of the property adjacent to a driveway. The new tower is also providing space for collocation in the future. The proposed PWSF meets all setback and height requirements for location in an R-2 (Residential) district. The applicant opted to request a landscape buyout as permitted by the landscaping ordinance for PWSF facilities. There are no other PWSF facilities within one-half mile of the subject property. A maintenance access easement off a private driveway within the subject property proposed from Upper Valley Road.

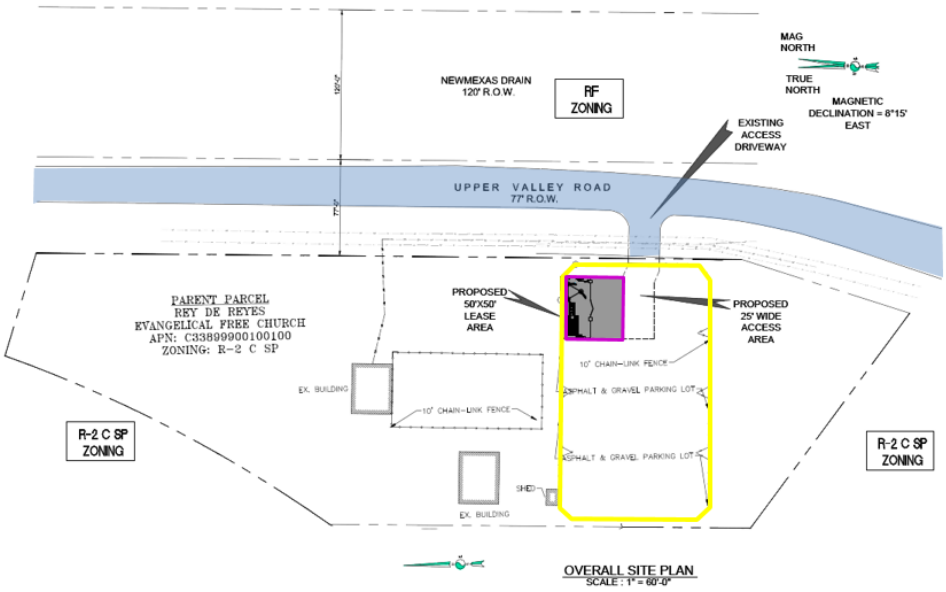
On January 25, 2018, the case was heard by the City Plan Commission and recommended to postpone 2 weeks so the applicants can meet with residents.

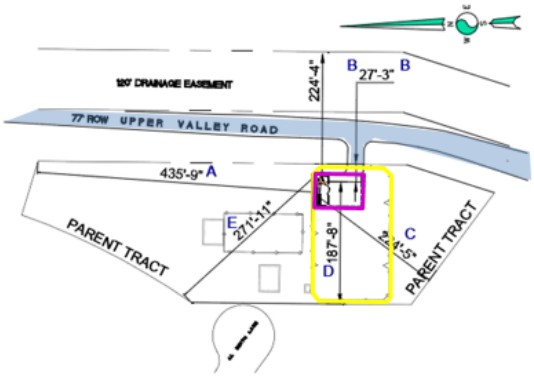
SPECIAL PERMIT REQUIREMENTS

To grant the special permit to allow for a personal wireless service facility (PWSF), the applicant must comply with the following standards, per 20.10.455 PWSF, 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.

20.10.455 PWSF	**DOES IT COMPLY?**
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.	Yes. The proposed PWSF meets the setback requirement includes right-of-way and easement of the R-2 zone district.
c. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile.	There are no other PWSF within one-half mile buffer of the subject property.
G. 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	The PWSF is proposed 60 ft. stealth cross tower included pure white legs, braces, ladder, and concealment panels with a light blue cross on the church property.

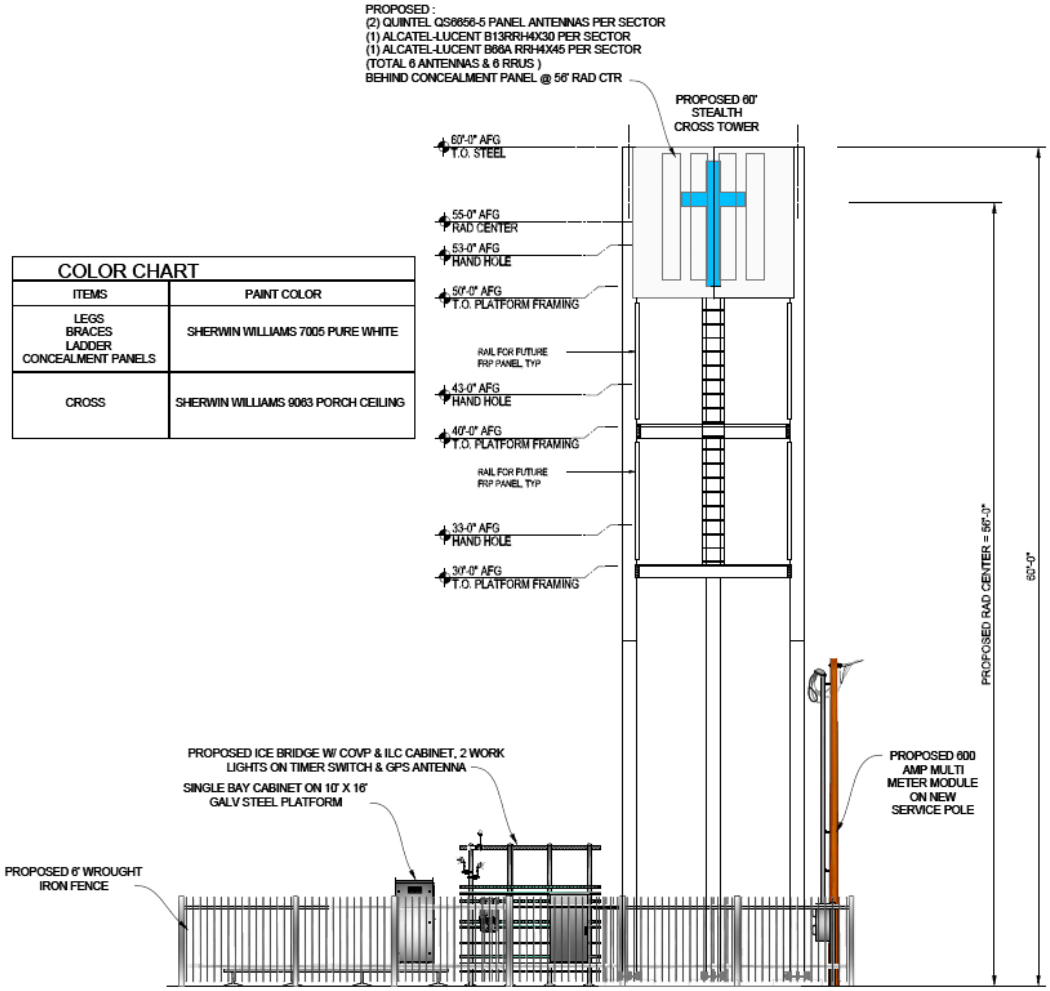
in bell steeples or clock towers, or on similar alternative-design mounting structures.	
i. Screening Fence. A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security	The PWSF is proposed 6 ft. wrought iron fence.
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.	A maintenance access easement off a private driveway within the subject property proposed from Upper Valley Road.



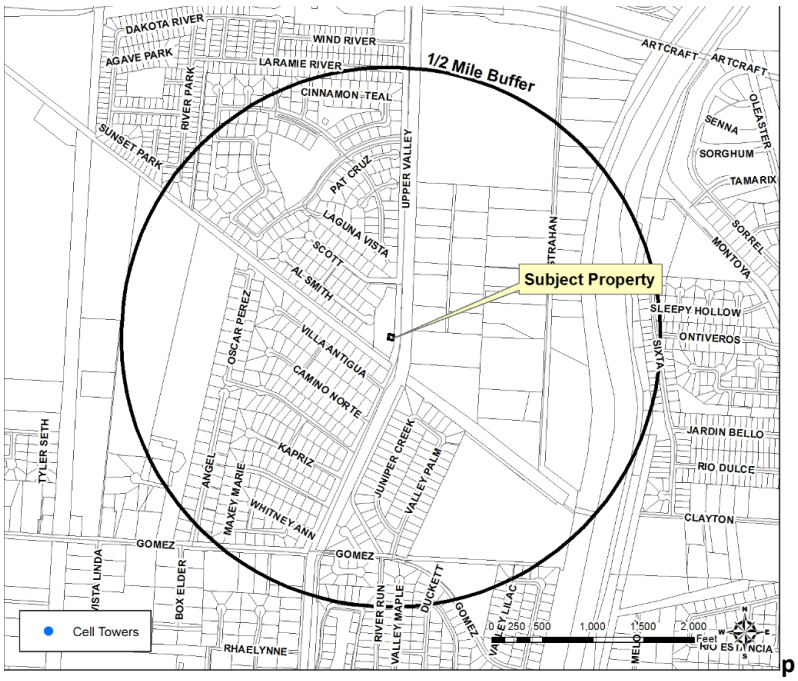


SETBACK SITE PLAN

		TOWER CENTER TO PARENT PROPERTY LINE	TOWER CENTER TO ADJACENT PROPERTY LINE
A	NORTH	435'-9"	435'-9"
B	EAST	27'-3"	224'-4"
C	SOUTHWEST	224'-5"	224'-5"
D	WEST	187'-8"	187'-8"
E	NORTHWEST	271'-11"	271'-11"



COLOR CHART	
ITEMS	PAINT COLOR
LEGS BRACES LADDER CONCEALMENT PANELS	SHERWIN WILLIAMS 7005 PURE WHITE
CROSS	SHERWIN WILLIAMS 9063 PORCH CEILING



REALATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
G-4 Suburban (Walkable) This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	Yes. The subject property, and the proposed development for it, meet the intent of the G-4, Suburban (Walkable) Future Land Use Map designation.
ZONING DISTRICT	**DOES IT COMPLY?**
R-2/c/sp (Residential/condition/special permit) The purpose of these 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.	Yes. PWSF is permitted in the R-2 District with special permit approval and the proposal meets all dimensional requirements.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site meets the minimum dimensional requirements of the R-2 (Residential) District, and the proposed use is permitted by special permit.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of this district is to provide for primarily fallow or agricultural areas within the city and to protect and conserve these areas within and adjacent to urban development. It is intended that this district afford areas where semi-rural (very-low density) residential and agricultural uses can be maintained without impairment from higher density residential, commercial or industrial development. The regulations of this district are designed to protect, stabilize and enhance the development of agricultural resources and to prohibit those activities that would adversely affect the urban-rural characteristics of this district.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Per reviewing departments, the subject property is adequately served by the existing infrastructure to accommodate the proposed use. A new water service permit will be required, which will require coordination with the El Paso Water Utility.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not within any arroyos or identified environmentally sensitive areas.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Upper Valley Neighborhood Association. It was contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 11, 2018. The Planning Division received 5 phone calls, 5 letters, and a petition with 15 signatures in opposition to the Special Permit request, see attachment 9.

STAFF COMMENTS: No objections to proposed special permit and detailed site development plan approval. No reviewing departments had any comments. The applicant will need to coordinate with the El Paso Water Utility to establish service at the subject property. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

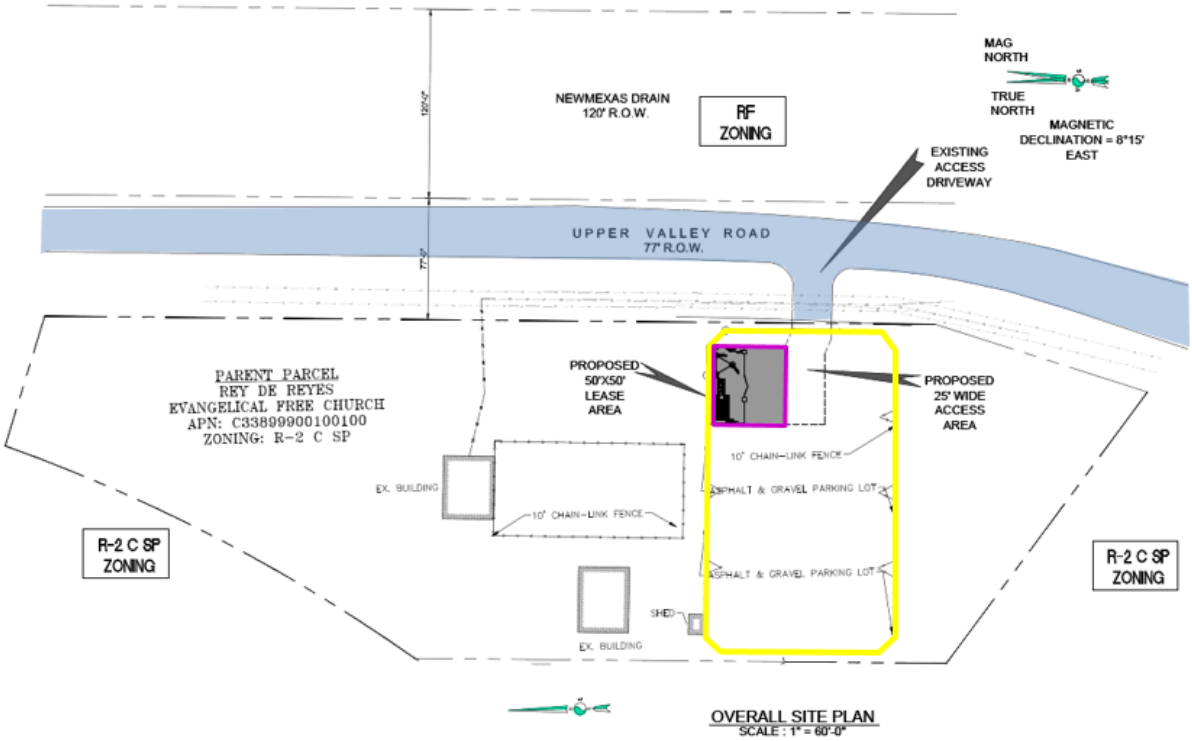
OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

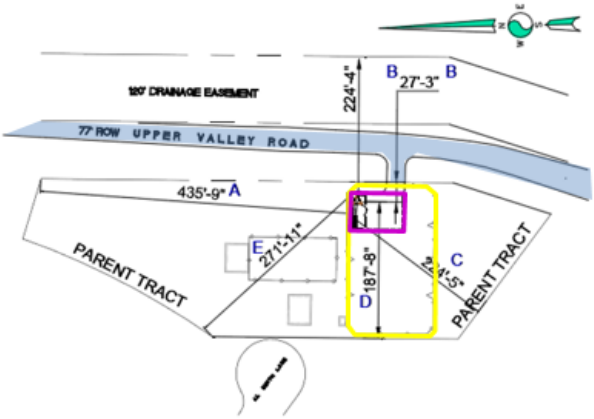
ATTACHMENTS:

1. Site Plan
2. Zoning Map
3. Future Land Use Map
4. Simulation Photos
5. Project Purpose Statement
6. Landscape Buyout Request
7. Department Comments
8. Neighborhood Notification Boundary Map
9. Five Letters and a petition with 15 signatures
10. Condition: Ordinance No. 010764 dated November 12, 1991
11. Special Permit: Ordinance No. 12377 dated May 9, 1995

ATTACHMENT 1

Site Plan





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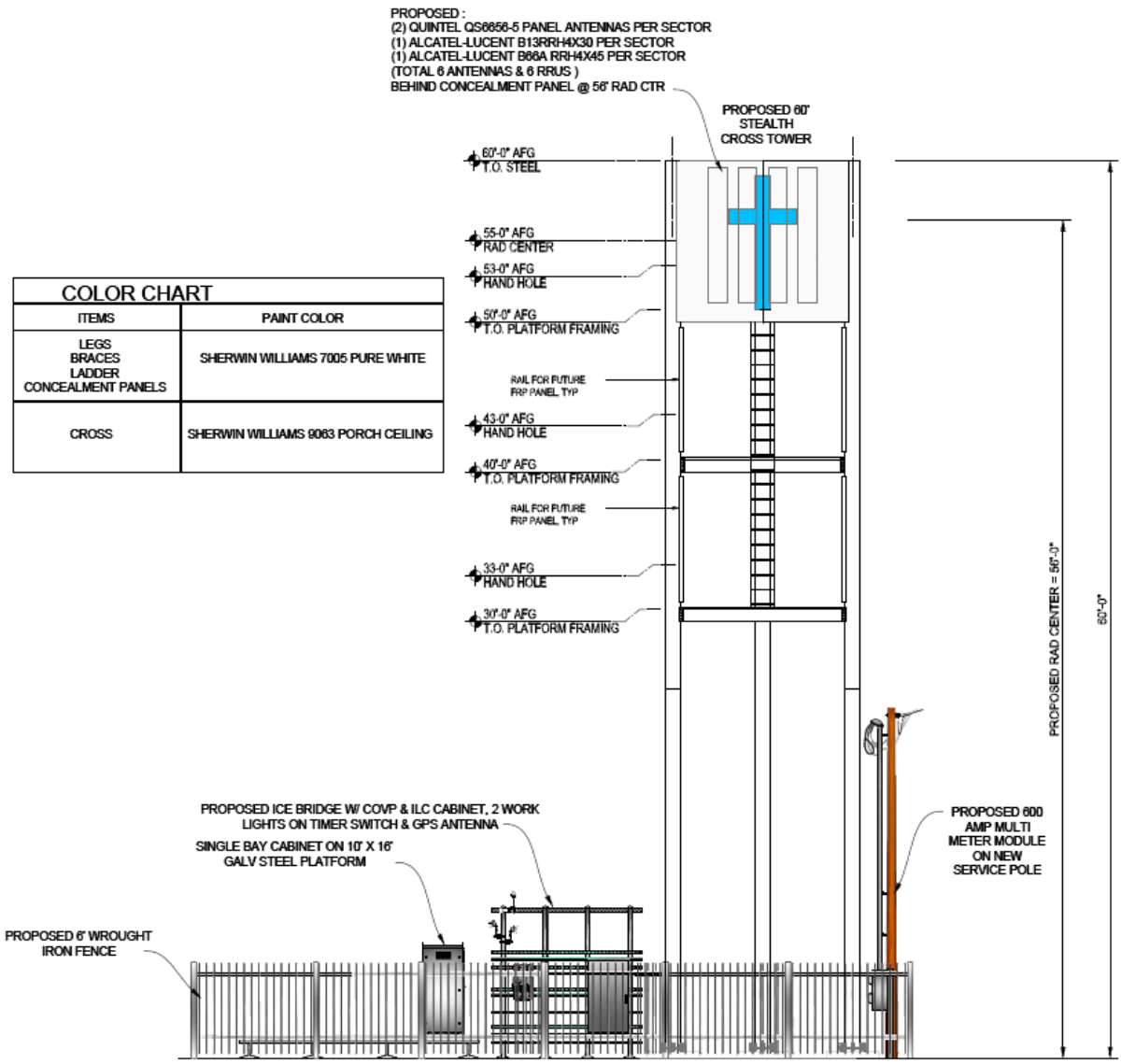
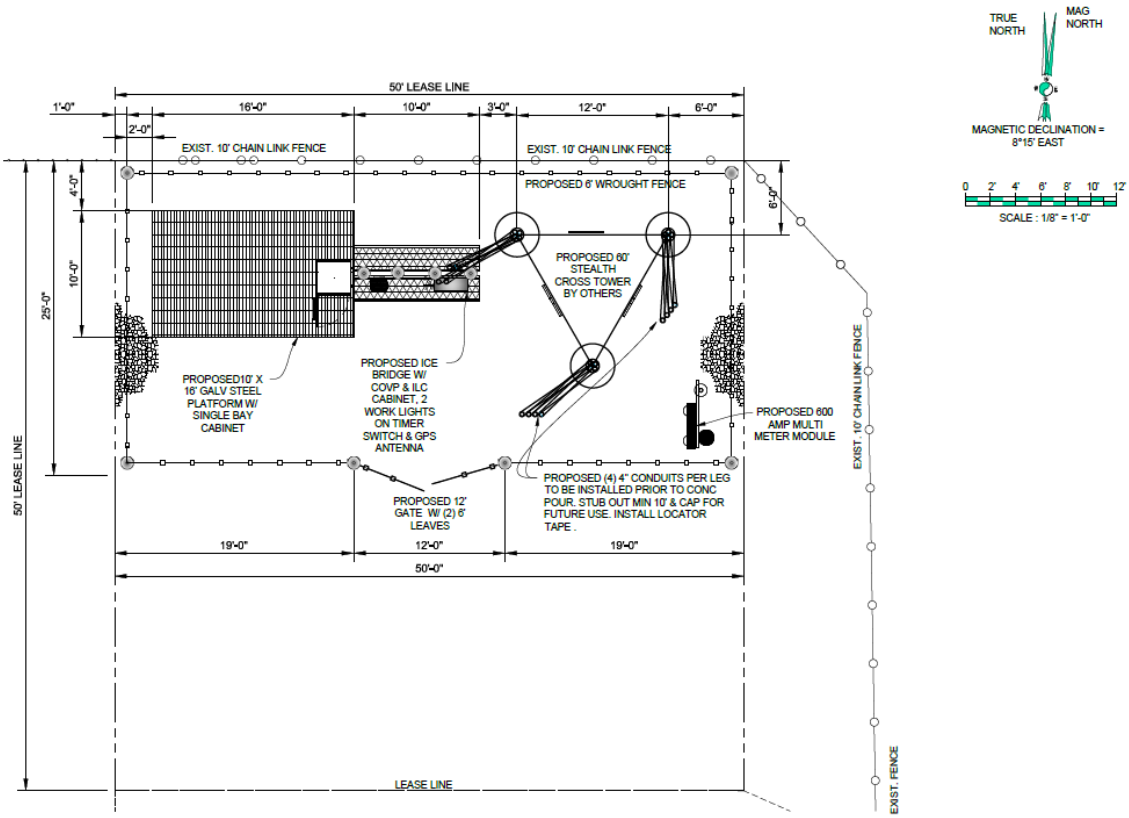


COLOR CHART	
ITEMS	PAINT COLOR
LEGS BRACES LADDER CONCEALMENT PANELS	SHERWIN WILLIAMS 7005 PURE WHITE
CROSS	SHERWIN WILLIAMS 9063 PORCH CEILING

PROPOSED SOUTH ELEVATION

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

NOTE:
SEE STRUCTURAL DETAILS BY OTHERS FOR INSTALLATION OF (4) 4" PVC CONDUITS FOR COAX RUNS INSIDE TOWER LEGS.



DETAILED SITE PLAN

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

ATTACHMENT 2

Zoning Map

ATTACHMENT 3

Future Land Use Map

ATTACHMENT 4

Simulation Photos

EXISTING
APC Towers
TX-1475 RIO RICO
SITE PHOTOGRAPH
NORTH ELEVATION
NOVEMBER 13, 2017

PROPOSED
PROPOSED 60' BELL TOWER
WITH CONCEALED ANTENNAS
APC Towers
TX-1475 PHOTO SIMULATION
PROPOSED 60' BELL TOWER
NORTH ELEVATION
NOVEMBER 13, 2017

EXISTING
Towers
TX-1475 RIO RICO
SITE PHOTOGRAPH
EAST ELEVATION
NOVEMBER 13, 2017

PROPOSED
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TX-1475 RIO RICO
SITE PHOTOGRAPH
NORTHWEST ELEVATION
NOVEMBER 13, 2017

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WITH CONCEALED ANTENNAS
APC Towers
TX-1475 PHOTO SIMULATION
PROPOSED 60' BELL TOWER
NORTHWEST ELEVATION
NOVEMBER 13, 2017

ATTACHMENT 5

Project Purpose Statement

January 10, 2018

Andrew Salloum
City of El Paso Planning & Inspections Department
801 Texas Avenue
El Paso, TX 79901

RE: PZST17-00035/PZPC17-00109 APC Towers/Verizon Wireless PWSF at 5901 Upper Valley Road

Dear Mr. Salloum:

Please accept this letter as an overview of the application submitted by APC Towers, LLC and Verizon Wireless to install a Ground-Mounted PWSF at 5901 Upper Valley Road. APC Towers proposes to construct a 60' ground-mounted PWSF camouflaged as a bell tower at 5901 Upper Valley Road within a 25' by 50' wrought iron equipment enclosure as depicted in the accompanying engineering drawings and photo simulations. Verizon Wireless would install its antennas inside the structure behind concealment screens with the church's cross logo and also place radio equipment cabinets on the ground within APC's enclosure.

The purpose of this facility is to enhance Verizon's network coverage in the surrounding area since there are no nearby sites existing within more than 1 mile. The growth of wireless traffic in El Paso has left the existing neighboring network sites with insufficient capacity to adequately service this area creating a significant gap in reliable wireless service in the vicinity of the proposed facility. This gap impacts residents, workers, and commuters this neighborhood. Please refer to the Significant Gap Statement prepared by Verizon Wireless RF Engineer Hamdi Alaaldin for a more detailed explanation of the need for this facility.

The subject property is currently the site of the Rey de Reyes Evangelical Christian Church. The proposed bell tower design will complement this existing use. In addition, this particular structure design will permit the addition of future wireless carriers should they also need to enhance service in this rapidly growing area. The structure also meets the required 3:1 setbacks from adjacent properties when factoring in the width of Upper Valley Road and the New Mexas Drain rights-of-way.

APC Towers and Verizon Wireless appreciate the City's consideration of this application and look forward to presenting it to the Plan Commission and City Council.

Sincerely,

Nicholas Romano
Romano & Associates, LLC
Authorized Agent

Significant Gap Statement
Hamdi Alaaldin
Verizon Wireless

Pursuant to Section 6.00 of the City of El Paso Personal Wireless Service Facility Review Application

1. I am a radio frequency (RF) engineer for the Southwest Area of Verizon Wireless. I have specific training, experience and education in the design of advanced digital wireless networks, including Verizon Wireless's 2G, 3G, and 4G network based on, TDMA, CDMA , LTE and AWS technologies. This statement is submitted in response to the requirements of Section 6.00 of the City of El Paso Personal Wireless Service Facility Review Application (the "Application"). The purpose of this report is to explain and demonstrate Verizon Wireless's significant gap in service and the need for the Proposed Site to provide in-vehicle and in-building coverage that support reliable voice and data services in the city. References in this report to the "Proposed Site" refer to 5901 Upper Valley Road, El Paso, Texas, the proposed location for the personal wireless service facility in this matter.

2. Without the construction of the Proposed Site, Verizon Wireless has a significant gap in reliable wireless service due to the fact that existing sites in Verizon's network cannot reliably serve the area surrounding the Proposed Site. The nearest existing sites to the Proposed site are located 1.7 miles to the northeast near Artcraft and I-10, 1.7 miles to the southeast near Doniphan and Redd Road, and 1.6 miles to the southwest in Santa Teresa, NM. Verizon Wireless defers to the courts to define the term "significant gap" but believes that based on the contents of this report, a significant gap in reliable service exists in the City as the gap is bigger than a few blocks and is not a mere dead spot.

3. Without the Proposed Site, Verizon Wireless has a significant gap in reliable 2G/3G/4G in-vehicle and in-building service in the vicinity of the Proposed Site and extending approximately 0.64 miles north to Artcraft Rd., approximately 0.65 miles south to Rhaelynne Dr., approximately 0.75 miles east to Montoya Dr., and approximately 0.9 miles west to Westside Dr., an area comprising 2.6 square miles. Attached is a street map showing the extent of this gap. As such, Verizon Wireless's gap in service would cover an area that is more than a mere few blocks and larger than a few dead spots.

4. A gap in reliable wireless service, which includes voice and/or data, can occur if there is: (i) a lack of reliable signal, including poor signal quality; and/or (ii) a lack of system capacity.

Since Verizon Wireless operates on a limited number of radio frequencies licensed by the Federal Communications Commission, each wireless facility is capable of handling only a limited number of wireless users at any given time. Providing quality in-vehicle and in-building voice and data services, with sufficient system capacity and high-speed data rates, is critical to Verizon Wireless's customers and is essential to Verizon Wireless's ability to compete effectively with its competitors. Verizon Wireless strives to provide all customers with a positive wireless voice and data experience. Simply put, a positive wireless experience includes the customer connecting to the network on their first try, staying connected throughout the call or data transmission, and the customer ending the call or data session when they are ready. For data connections (e.g., internet browsing) the speed is as fast as the technology allows. A gap in reliable service causes a negative experience: customers cannot place calls when they want to; when they are connected voice call quality does not meet customer expectations; the call simply drops off (disconnects) without notice; data speed is not instantaneous or is much slower than the customer requires. The gap may also affect the ability of customers to complete emergency service (911) calls. This overall customer experience is negative and it is inconsistent with the level of service Verizon Wireless strives to achieve.

5. Without the Proposed Site, Verizon Wireless has a significant gap in service in the vicinity of the Proposed Site caused by a lack of reliable in-vehicle and in-building residential coverage. I was able to confirm that Verizon Wireless has a significant gap in reliable wireless coverage by reviewing advanced computer propagation modeling. Computer propagation modeling is routinely used by Verizon Wireless, and the wireless industry, to reliably determine whether there is a gap in service that necessitates the installation of a new site. Computer propagation models are maps which predict the radio frequency ("RF") coverage and signal strengths that can be expected over a geographic area based on certain input parameters. These parameters include, without limitation, factors such as: the frequency of the RF signal; the height, gain and orientation of the antennas; the terrain over which the RF signals are being propagated; and the strength of the RF signals. Thus, coverage maps predict the RF signal strength over geographic areas on a map.

6. Verizon Wireless's gap in reliable service will remain significant if the Proposed Site is not constructed. Coverage maps confirm that, as described previously, the gap would extend approximately 0.64 miles north, 0.65 miles south, 0.75 miles east, and 0.9 miles west of the Proposed Site, an area comprising 2.6 square miles. This gap is significant in terms of both geographic size and the number of people who reside, work, study, and travel in and through this area. The gap affects residents who live in this primary residential area as well as commuters and visitors to area's businesses, churches, and schools.

7. In conclusion, it is my opinion that Verizon Wireless has a gap in service caused by a lack of reliable coverage in the area surrounding the Proposed Site. It is also my opinion that the gap in service is significant based on the size of the gap area and the number of people living, working, and travelling within the area who would be affected by the gap. With the construction of the Proposed site, this significant gap will be closed and Verizon customers will have quality in-vehicle and in-building voice and data services, with sufficient system capacity and high-speed data rates for a positive wireless voice and data experience.

___s/Hamdi Alaaldin/_____
Name: Hamdi Alaaldin
Title: RF Engineer

ELP RIO RICO
Significant Gap
Legend
ELP Rio Rico
5901 Upper Valley Rd
Google Earth

ATTACHMENT 6

Landscape Buyout Request

October 25, 2017

Andrew Salloum, Senior Planner
City of El Paso Planning & Inspections
801 Texas Ave.
El Paso, TX 79901

RE: PZPC17-00109
APC Towers PWSF Application (TX-1475 Rio Rico)
5901 Upper Valley Road

Dear Mr. Salloum:

Pursuant to Chapter 18.46.140.B.1.a of the El Paso Municipal Code, APC Towers shall pay $5,000.00 in lieu of installing the required (1) unit of landscaping and irrigation for the proposed unmanned Personal Wireless Service Facility at this location. APC Towers understands that said payment of $5,000.00 must be submitted prior to the issuance of the building permit for this site.

Sincerely,

David J. Pierce

David J. Pierce
Sr. Vice President
APC Towers II, LLC

ATTACHMENT 7

Staff Review Comments

Planning and Inspections Department - Planning Division

No objections to the special permit request.

Texas Department of Transportation

Development is not abutting State Right of Way.

Planning and Inspections Department – Plan Review & Landscaping Division

No objection to proposed special permit per submitted landscape buyout letter.

At the time of submittal for building permits, the project will need to comply with all applicable provisions of the IBC, Municipal Code, and TAS.

Planning and Inspections Department – Land Development

No objections to proposed special permit for PWSF.

Fire Department

Recommended approval.

Sun Metro

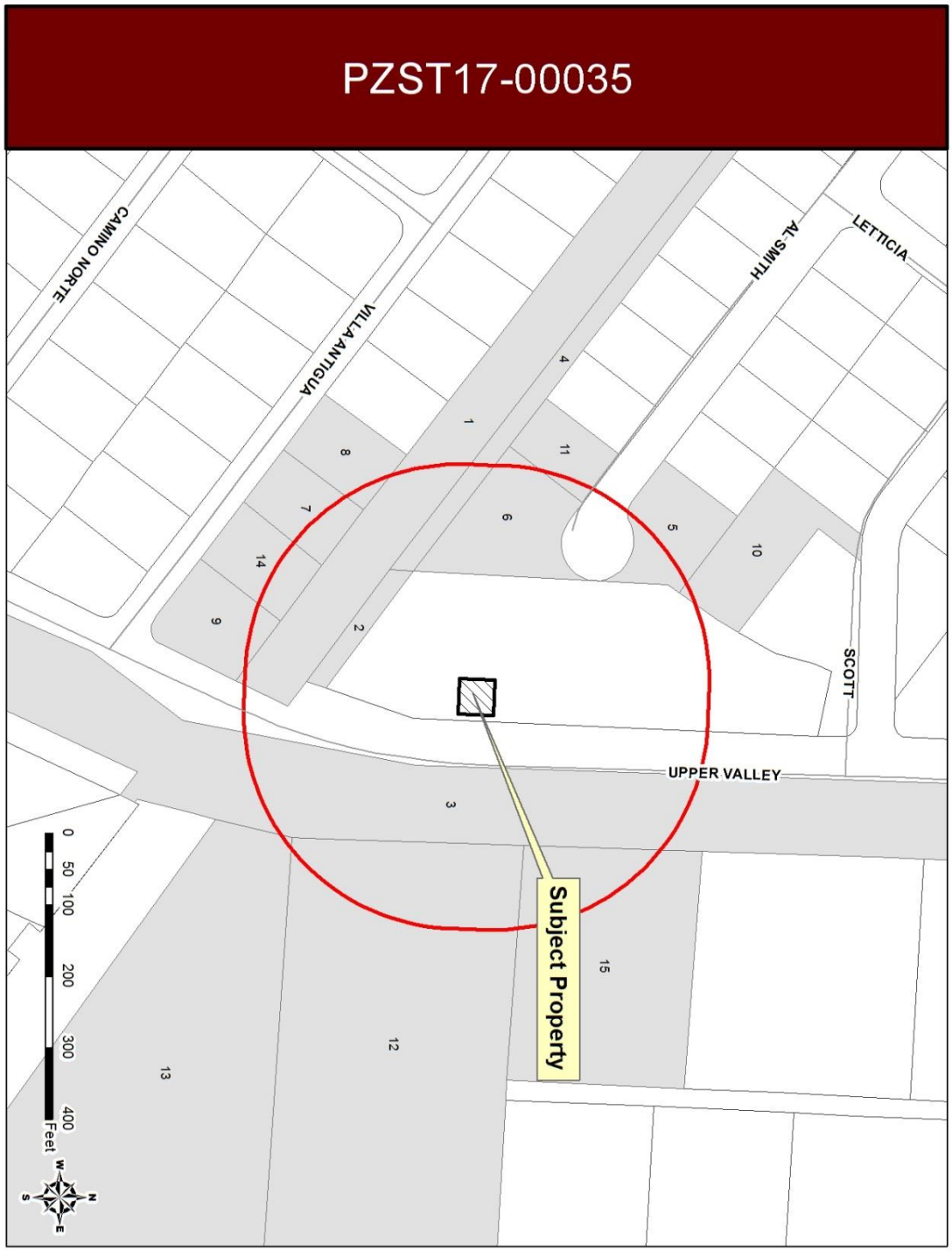
Sun Metro does not oppose this request.

El Paso Water

No comments received.

ATTACHMENT 8

Neighbor Notification Map



ATTACHMENT 9

Five Letters & Petition in Opposition

Salloum, Andrew M.

From: Amber Vargas <amberm@rmpersonnel.com>
Sent: Tuesday, January 30, 2018 11:55 AM
To: Salloum, Andrew M.
Subject: Case No PZST17-00035

Dear Andrew Salloum,

I am a long time resident in the neighborhood of 5901 Upper Valley Road and have two young children. I am writing to express my vehement opposition to the proposed construction of a Verizon Wireless cell tower on 5901 Upper Valley Road. After reviewing the data for the project and the research available on similar projects, I am convinced that this tower poses a significant health hazard to residents of the community. Construction of this tower is also esthetically unappealing even when you try to disguise the tower and it will lower my property value.

The FCC states that cell towers are safe, yet there have been no long-term studies done in the US that prove this claim. There is a growing body of research concerning the health hazards posed by extended close proximity to cell towers. Numerous studies (primarily in Europe where independent studies not funded by the telecommunications industry exist) conclude that living, working or spending the day near such emitters is dangerous, especially for children. Several schools and school districts have wisely chosen to not allow cell towers within 1,000 feet of their property. Surely these schools could use the money, but they have decided it would be in the best interest of their students not to be constantly exposed to electrical fields with unknown, potentially detrimental health effects. Some studies show that living within ¼ mile of such antennas increases cancer 3 to 4 times. The tower would be located only a few feet from my home.

There are several nearby industrial areas that could fulfill the engineering requirements for cellular service and clearly be a better fit. I urge you to carefully consider the impact of the proposed cell tower on our residential community and follow the example of the many schools and other individuals who had the integrity to resist the temptation to take money in exchange for leasing space for a neighborhood threat.

Even if you choose to ignore the multiple environmental and health concerns that this project poses, you cannot dispute that cell phone towers in residential neighborhoods instill fear and resentment in local residents. The additional reality is that such placement negatively impacts property values (in some studies by as much as 25%). I urge you to take all these concerns seriously.

Sincerely,

Amber L. Vargas, PHR
726 Al Smith Lane
El Paso, Texas 79932

Salloum, Andrew M.

From: Mary Torres <maryjtorres@hotmail.com>
Sent: Wednesday, January 24, 2018 9:35 PM
To: Salloum, Andrew M.
Subject: wireless service facility/case PZST17-00035

To whom it may concern:

Last week, I was informed via letter that a cellular tower was to be placed in Upper Valley Rd.
I live in 713 villa Antigua, and this leaves the cellphone tower practically in my backyard. I do not agree whit the actions taken regarding this tower, seeing how there are several potential health risks and it eliminates the aesthetic of the neighborhood. Apart from this, I came to find out that the company interested in building the tower and the owners of the land have already celebrate signing a contract, without considering the opinions of the neighborhood.
I hope the city takes into account the concern of the affected neighbors, thanks for you attention.

Maria T Martinez
713 villa Antigua Ct. El Paso Tx 79932
Pzst17-00035

Sent from Mail for Windows 10

Salloum, Andrew M.

From: Adriana Pallares <adrianap@tendercarehh.com>
Sent: Monday, January 22, 2018 5:48 PM
To: Salloum, Andrew M.
Cc: chihuahua91@aol.com
Subject: Case number PZST17-00035

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Adriana R. Pallares and my address is 720 Villa Antigua Ct. you can reach me at 915-799-4957 and/or 915-525-3785.

To whom it may concern,
Last week, we received a letter explaining that an application to place a cellular tower in 5901 Upper valley Rd was submitted. As you can verify my home address is about 200 to 300 steps from 5901 Upper Valley. Placing a tower so close to residential areas can be very dangerous as this radiation waves can affect our children and ourselves. It has been said that these towers donot cause any potential danger in human health but this is not true. I am attaching one of the many articles that support my concern. It explains the dangers of having a cellular tower close to people's homes. would like to ask that this application is denied.
If you have any questions you can reply at these emails or call me at the numbers listed above.

Respectfully,
Adriana Pallares

"If you live within a quarter mile of a cell phone antenna or tower, you may be at risk of serious harm to your health, according to a German study cited at www.EMF-Health.com, a site devoted to exposing hazards associated with electromagnetic frequencies from cell phone towers and other sources.

Cancer rates more than tripled among people living within 400 meters of cell phone towers or antennas, a German study found. Those within 100 meters were exposed to radiation at 100 times normal levels. An Israeli study found risk of cancer quadrupled among people living within 350 meters (1,148 feet) of a cell phone transmitter—and seven out of eight cancer victims were women. Both studies focused only on people who had lived at the same address for many years.

https://www.eastcountymagazine.org/cell_phone_towers_238

Adriana R. Pallares

Salloum, Andrew M.

From: Stephen Edmonds <SEdmonds@elp.rr.com>
Sent: Tuesday, January 23, 2018 12:44 PM
To: Salloum, Andrew M.
Cc: Stephen Edmonds
Subject: Concern Reference PZST17-00035

Follow Up Flag: Follow up
Flag Status: Flagged

This is to the City of El Paso, Planning & Inspections Department and is in reference to CASE NO PZST17-00035 and is intended to address my concern as a homeowner adjacent the planned development site located at 5901 Upper Valley Road. I own the home located at 709 Al Smith El Paso, TX, which is located adjacent to the site where this special permit is being considered to authorize the construction, by APC Towers, II LLC and Dallas MTA LP d/b/a Verizon Wireless of a Personal Wireless Service Facility (PWSF). While I am currently medically unable to attend the meeting scheduled for January 25, 2018 at 1:30 p.m., at City Council Chamber, 1st Floor, City Hall, located at 300 N. Campbell Street, El Paso, Texas, I did want to provide my concerns about this special permit.

While there are numerous studies that list the potential negative impacts of cell tower placement and the electromagnetic fields (EMF) that they produce on the health of those that live in proximity to them, there is currently not enough data to draw a definitive conclusion. However, the lack of data is due to the relative newness of cell phone technology, and does not mean that there is no negative effect. It merely means that enough time and studies have yet to be conducted to ascertain the overall impact. These usually have the tendency to come out well after the fact and most times much too late to positively impact the health of those already adversely affected. However, of those studies conducted to date, the negative impacts include memory loss, headaches, cardiovascular stress, low sperm count, birthed defects and cancer to name a few.

With that said, there is significant data that is currently available that supports the negative impact on real estate values where cell towers are built. Real or perceived, this data supports as much as a 20% decline in home values where cell towers have been constructed. This data is provided by professional Real Estate organizations such as National Association of Realtors. This neighborhood was already established when I and my wife bought our home in April 2007. Since then, there has been significant construction of new homes. While we were not within the defined area considered necessary to be notified of this special permit request (we can only determine 2 that were officially notified), we are well within the affected area where the tower is being considered to be built and as such, the area that will be impacted from a financial perspective should our home's value decline as a result of this project. This will not only adversely impact us but will do the same for all of the homeowners in this residential area, most of which are likely oblivious to the fact that this project is being considered. I definitely feel that this lack of notification is negligent on the part of the City Planning & Inspections Department.

Ultimately, as homeowner and investor in the City of El Paso, I recommend against approving this permit for the following reasons:

1. The well defined adverse impact on home values in the area
2. The adverse impact on the health of those homeowners within the affected area
3. The lack of awareness of affected homeowners in this residential community that the tower is being considered and the adverse impact on their home's value

Lastly, I am a proponent for the furtherance of technology and a Verizon customer as well. While I can only attest to my reception, I receive the highest level of reception in this area (4 bars) and thus it is hard for me to believe that coverage is a concern in this immediate area. If the issue is coverage west of this location, there are numerous areas that are currently undeveloped that would support the expansion of the Verizon Wireless coverage area that are not right on top preexisting housing areas and would allow for the expansion of coverage to the west. I would recommend that this avenue be reviewed as it offers a better approach to expansion of the Verizon Wireless Network while taking into consideration the homeowners

that already live here as well as those that may move here in the future. Declining home values not only affect the homeowner but the City of El Paso as well as lower value homes mean reduce property taxes and by extension a reduction in revenue for the City

Thank you for taking the time to accept and hopefully take into consideration my input on this matter.

I can be contacted at below:

Stephen J. Edmonds
709 Al Smith
El Paso, TX 79932
Ph: (915) 204-5984

Salloum, Andrew M.

From: Manfred Budtke <mbudtke@gmail.com>
Sent: Sunday, January 21, 2018 6:23 PM
To: Salloum, Andrew M.
Subject: Opposition to granting permit for cell tower at 5901 Upper Valley Rd. Case # PZST17-00035

Hello Mr. Salloum,

My name is Manfred Budtke, and I live on 705 Al Smith LN, El Paso TX 79932. After receiving your notice in the mail about a permit to build a Verizon cell tower next to our property, I have spoken to many neighbors around here and nobody likes this idea. I started a petition and with this email we want to express our opposition to granting this permit for a cell tower at 5901 Upper Valley Road. I've included a few thoughts regarding the reasons why we oppose the tower, including:

- Potential loss of property value, most people state they would not want to live next to a cell phone tower
- Aesthetically unattractive and unpleasant, stands out like a sore thumb
- Potential impact on health due to radiation; studies done in Germany and Israel point to an increased risk of cancer in the long term
- Too close to established neighborhoods
- Open spaces are everywhere in the Upper Valley, why build next to existing homes; different than if a neighborhood were to develop after cell tower is already built
- Unnecessary because of anecdotal experience by neighbors who live here and already enjoy strong cell signal with Verizon, doubting the significant gap argument
- Satellite church not invested in neighborhood/ community with no outreach to affected neighbors, not very neighborly
- No such permits should be allowed for residential neighborhoods. Can I put a 60 feet tall cell tower in my yard (same zoning) if I apply for a permit?
- Other churches might have different zoning that allows for cell towers, this one is residentially zoned
- Some communities in the USA demand at least 1500 feet distance between a new cell tower and neighborhoods, schools, and places of worship
- Already paying high property taxes and feel that our opinions are not valued, only a few neighbors were informed very late into this process
- Very few people received notice in the mail; circle for notifications too small; everybody that lives in these neighborhoods will be affected by this eyesore

Opposition Against the Construction of Cell Phone Tower

We, the undersigned, oppose the granting of a special permit by the City Plan Commission for the purpose of constructing a cell phone tower on 5901 Upper Valley Road El Paso, TX 79932.

	Name	Address	Signature	Rec. Letter
1	Lisa + Manfred Budtke	705 AL Smith LN	M. Budtke Lisa Budtke	Y
2	Steve & Cindy Edmonds	709 AL Smith Lane	Cindy Edmonds	N
3	Gus & Shirley Murillo	708 Scott Lane	[illegible]	Y
4	ROBERT C KAESSER	725 SCOTT LANE	Robert C Kaesser	N
5	CARLOS GARZA	709 SCOTT LN.	[illegible]	N
6	Carlos Banuelos	724 AL Smith LN	Carlos Banuelos	N
7	Gabriel Fernandez / Yvonne	712 AL Smith Lane	[illegible]	N
8	TIMO + THELMA BRIFFA	704 SCOTT LN.	[illegible]	NO
9	William Galvin	700 Villa Antigua ct	[illegible]	No
10	GABRIEL ARRETONDO	708 AL SMITH 79932	[illegible]	No
11	Michael Witcher	700 AL Smith 79932	[illegible]	NO
12	Julie MANCON	700 AL Smith 79932	[illegible]	NO
13	Rita Robles / Rita Robles	716 Al Smith 79932	Rita Robles	No
14	Victor Hugo Portillo A	717 AL Smith Ln 79932	Victor Hugo Portillo	NO
15	GLORIA J Davisson	704 AL Smith Lane 79932	Gloria Davisson	Yes

ATTACHMENT 10

Condition: Ordinance No. 010764 dated November 12, 1991

010764

AN ORDINANCE CHANGING THE ZONING OF
TRACTS 1B1 AND 1E, BLOCK 10, UPPER VALLEY SURVEYS
AND IMPOSING CERTAIN CONDITIONS.
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of TRACTS 1B1 AND 1E, BLOCK 10, UPPER VALLEY SURVEYS as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-1 (Residential) to R-2 (Residential) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-1 (Residential) to R-2 (Residential) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

The density of the proposed development shall not exceed a total of 204 single-family detached dwelling units.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any

010764

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third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 12th day of Nov, 1991.

THE CITY OF EL PASO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Kimberley Mickelson,
Assistant City Attorney

APPROVED AS TO CONTENT:

Roy Gilyard
Department of Planning, Research and Development

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15th day of November, 1991, by WILLIAM S. TILNEY, as Mayor of the CITY OF EL PASO.

OFFICIAL SEAL
KATHRYN A. MURPHY
NOTARY PUBLIC
In and for the State of Texas
My commission expires 2-11-95

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

GG|C:\KM\ZNG-EX2.ORD

Rev. September 5, 1991 (gg)

010764

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ZONING DESCRIPTION
99.763 ACRES

Being the description of all of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said Tract 1B1 in the west right-of-way line of Upper Valley Road (40 feet wide);

THENCE, along the west right-of-way line of said Upper Valley Road the following three courses:

South 01°36'00" East, a distance of 2,635.85 feet to a point;

South 15°33'00" West, a distance of 164.40 feet to a point;

South 21°48'00" West, a distance of 7.04 feet to the southeast corner of said Tract 1E in the north right-of-way line of the La Union Lateral (50 feet wide);

THENCE, leaving the west right-of-way line of said Upper Valley Road and along the north right-of-way line of said La Union Lateral, North 56°03'00" West, a distance of 2,506.67 feet to the southwest corner of said Tract 1E in the east right-of-way line of the Ellis Lateral (40 feet wide);

THENCE, along the east right-of-way line of said Ellis Lateral, North 02°55'00" East, a distance of 1,401.08 feet to the northwest corner of said Tract 1B1;

THENCE, leaving the east right-of-way line of said Ellis Lateral, and along the north line of said Tract 1B1, North 89°59'00" East, a distance of 1,981.14 feet to the POINT OF BEGINNING and containing 99.763 acres of land.

PREPARED BY:
Faught & Associates Inc.
El Paso, Texas
July 23, 1991
Job No.: 5881-01

91-5667
010764

Exhibit 'A'

ATTACHMENT 11

Special Permit: Ordinance No. 12377 dated May 9, 1995

ORDINANCE NO. 012377

ORDINANCE GRANTING SPECIAL PERMIT NO. SP95-05, TO ALLOW FOR A TENNIS CLUB ON A PORTION OF TRACT 1E, BLOCK 10, UPPER VALLEY SURVEYS. PURSUANT TO SECTION 20.08.180 (ZONING) OF THE EL PASO MUNICIPAL CODE.

WHEREAS, LAGUNA MEADOWS CORPORATION has applied for a Special Permit under Section 20.08.180 of the El Paso Municipal Code, to allow for A TENNIS CLUB, and;

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

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

1. That the property described as follows is in a R-2 District:

A PORTION OF TRACT 1E, BLOCK 10, UPPER VALLEY SURVEYS, City and County of El Paso, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as 5901 UPPER VALLEY ROAD; and

2. That TENNIS CLUBS are authorized by Special Permit in R-2 districts under Section 20.12.040(H) of the El Paso Municipal Code; and

3. That the requirements for A TENNIS CLUB under Section 20.12.040(H) and 20.08.180 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.12.040(H) of the El Paso Municipal Code, to allow A TENNIS CLUB on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the R-2 district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; 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 of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. SP95-05 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

ADOPTED this 9th day of May, 1995.

THE CITY OF EL PASO

Mayor

ATTEST:

Carole Hunter

City Clerk

Ordinance No. 012377

MICKEL\25575.1\ZON/PLA\R7.

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APPROVED AS TO FORM:

Kimberley Mickelson,
Assistant City Attorney

APPROVED AS TO CONTENT:

Department of Planning

AGREEMENT

LAGUNA MEADOWS CORPORATION, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the R-2 District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 6 day of April, 1995.

By: Paul J Kubinski
Title: President.

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

SANDRA G. ESCALANTE
NOTARY PUBLIC
MY COMMISSION EXPIRES
December 17, 1997

This instrument is acknowledged before me on this 6 day of April, 1995, by Paul Kubinski as President, on behalf of LAGUNA MEADOWS CORPORATION, as Applicant.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:
12/17/97

SPECIAL PERMIT #SP95-05

Ordinance No. 012377

MICKEL\25575.1\ZON/PLA\R7.

12377

PROPERTY DESCRIPTION
122,138 SQUARE FEET
or 2.804 ACRES

Being a portion of Tract 1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the intersection of the south right-of-way line of Villa De Los Arraboles in Laguna Meadows Unit One Subdivision with the west right-of-way line of Upper Valley Road;

THENCE, along the west right-of-way line of said Upper Valley Road, South 01°36'00" East, a distance of 1,443.97 feet to the **POINT OF BEGINNING** for the herein described tract;

THENCE, continuing along said west right-of-way line, the following two courses:

South 01°36'00" East, a distance of 566.79 feet to a point;

South 15°33'00" West, a distance of 141.61 feet to a point in the north right-of-way line of the La Union Lateral;

THENCE, along said north right-of-way line, North 55°29'41" West, a distance of 214.43 feet to a point;

THENCE, leaving said right-of-way line, North 01°36'00" West, a distance of 338.20 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 15°28'24", Radius = 1,090.00 feet, Chord = North 25°12'34" East, 293.47 feet) a distance of 294.37 feet to a point;

THENCE, South 75°10'05" East, a distance of 86.16 feet to the **POINT OF BEGINNING** and containing 122,138 square feet or 2.804 acres of land.

NOT A GROUND SURVEY

PREPARED BY:
Faught & Associates Inc.
El Paso, Texas
January 9, 1995
Job No. 5881-04

SP-95-05