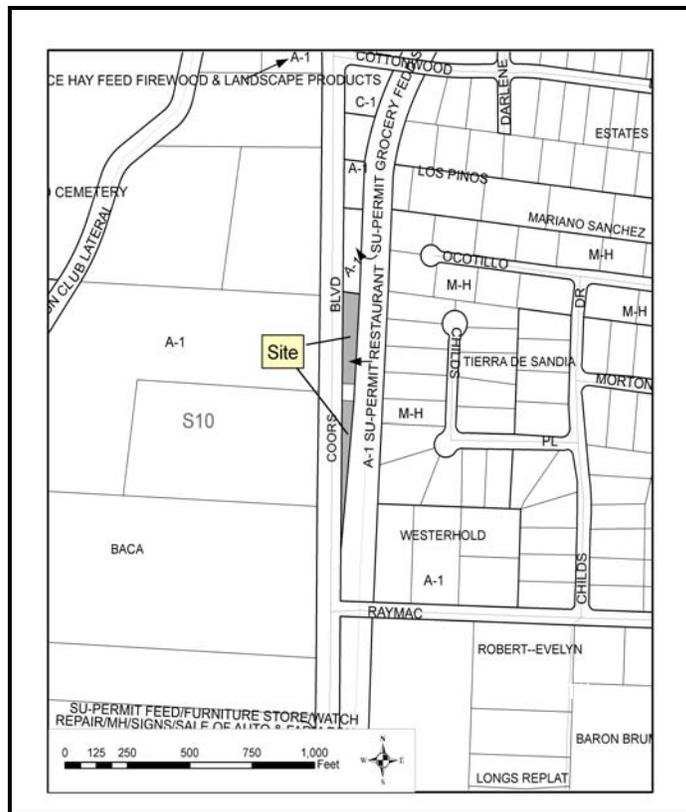


<b>Applicant:</b>	T-Mobile
<b>Agent:</b>	Romano and Associates LLC
<b>Location:</b>	6301 Coors Boulevard SW
<b>Property Size:</b>	Approximately .57 Acres
<b>Existing Zone:</b>	A-1
<b>Proposed Request:</b>	Amendment to the Special Use Permit to allow an extension of the telecommunication tower from 65 feet to 75 feet
<b>Recommendation:</b>	Denial



**Summary:** The applicant is requesting an amendment to a Special Use Permit for General Store and a Restaurant that was approved on March 16, 1982. There is an existing telecommunications tower on the site that was erected prior to current wireless telecommunication standards which was implemented in June of 1999. The telecommunications tower appears to have been permitted and processed as a permissive use in the A-1 zone.

This request was continued from the June 6, 2006 and June 6, 2007 County Planning Commission hearings to allow the applicant ample time to submit a revised site plan and justification to Resolution 116-86. At the June 6, 2007 hearing, the County Planning Commission instructed the agent to meet with all perspective parties to collaborate towards the submittal of a revised site plan and tower design that would be less obstructive and complied with Section 22.5.

This request was continued from the October 3, 2007 County Planning Commission hearing to allow the applicant to meet with staff to clarify Resolution 116-86 and submit a revised site plan that would meet the requirements for a concealed wireless telecommunications facility.

**Staff Planner:** Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
  2. Land Use and Zoning Map
  3. Revised response to Resolution 116-86 dated May 10, 2007
  4. Minutes-June 6, 2006 County Planning Commission Hearing
  5. Letter of Support dated May 28, 2007
  6. Revised response to Resolution 116-86 dated October 31, 2007
  7. Revised Site Plan dated November 19, 2007 (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application. Agency comments are verbatim and were used in preparation of this report, which begin on page 17.

**AGENDA ITEM NO.: 14**  
**County Planning Commission**  
**January 9, 2008**

CSU-60008 Romano & Associates, agent for T-Mobile, requests an amendment to the Special Use Permit to allow an extension of the telecommunication tower from 65 feet to 75 feet on Tract A, MRGCD Map 56, located at 6301 Coors Boulevard SW, on the east side of Coors between Raymac Road and Cottonwood Lane, zoned A-1 with a Special Use Permit for General Store and Restaurant, containing approximately .57 acres. (S-10) (CONTINUES FROM THE OCTOBER 3, 2007 HEARING)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	A-1 with a Special Use Permit for a Restaurant	Restaurant and Telecommunications Facility
<b>North</b>	A-1	Vacant
<b>South</b>	N/A	Isleta Drain
<b>East</b>	M-H	Isleta Drain/Single Family Dwellings
<b>West</b>	A-1	Coors Boulevard/Vacant Field

**BACKGROUND:**

**The Request**

The applicant is requesting an amendment to a Special Use Permit that was approved on March 16, 1982 by the Board of County Commissioners (CZ-82-10). The Special Use Permit was approved for a General Store and a Restaurant for the life of the use.

There is an existing telecommunications tower on the site that was erected prior to current wireless telecommunication standards which was implemented in June of 1999. The telecommunications tower appears to have been permitted and processed as a permissive use in the A-1 zone. There is no evidence that indicates that the Special Use Permit was amended through the established public hearing process through the County Planning Commission and the Board of County Commissioners. The applicant requests an amendment to the Special Use Permit to allow an extension of the telecommunication tower from 65 feet to 75 feet

Request Justification

The applicant explains that this request is not in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans because there is an existing carrier on the structure. In addition, the applicant states that the request is consistent with the existing land use.

**Surrounding Land Use and Zoning**

The land use surrounding this site consists primarily of residential zoning in that both A-1 and M-H zoning are located west south and east of the subject site. There is a small portion of C-1 zoning located on the corner of Coors Boulevard and Cottonwood Lane, which is located approximately 1000 feet north of the site.

**APPLICABLE PLANS AND POLICIES:**

**Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to “maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

**Policy a** states that Rural Areas shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density development can occur at appropriate locations within rural villages or planned communities. Overall densities shall not exceed one dwelling unit per acre.

Higher density development must provide local government with property rights ensuring appropriate overall-area gross density.

Each higher density area is to be controlled by site development plan and is too located well away from other such higher density.

**Policy 3.a.** of the Rural Area Goal states “Development in the Rural Area shall allow higher density development to occur at appropriate locations. Rural Area density patterns shall be more specifically defined through lower rank planning. Each higher density area is to be controlled by site development plan and is to be located well away from other such higher density areas.”

**Policy 3.b** states that “Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate.”

**Policy 3.c** States that development shall be carefully controlled in flood plains and valley areas where flood danger, high water table, soils and air inversions inhibit extensive urbanization.

**Policy g** states that the following shall guide industrial and commercial development in the rural area:

Small-scale, local industries, which employ few people and may sell products on the same premises, are the most desirable industrial use.

Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural or residential areas.

Neighborhood and/or community-scale rather than regional scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.

### **Southwest Area Plan (SWAP)**

**Policy 12** states...“Heavy industrial traffic shall be limited in village centers and residential areas to enhance residential stability, respect the history and integrity of the area, and promote neighborhood scale (CN zoning) economic development. “

**Policy 25** states...“The County and City shall stabilize residential zoning and land use in the plan area.”

a. Cancel discontinued special use permits, special use permits where conditions of approval are not met, and permits that are in violation of the Zoning Ordinance.

c. Limit the location, duration and type of new uses allowed by special use permits to those meeting all the requirements of the adopted zoning ordinance.

1) Restrict new Special Use Permits for heavy commercial and manufacturing uses in South Valley residential zones to owner-occupied businesses with five or fewer employees on ½ acre or greater.

2) Limit the time period between approval of new Special Use Permits and issuance of a building permit to one year.

**Policy 29** states “Provide Pedestrian connections through mixed use areas and activity centers, and separation between parking and pedestrian circulation for public safety and general welfare of area residents.”

**Policy 30** states, “Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.”

Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

Encourage landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access.

**Policy 31** states “Promote safe vehicular parking with attention to functional and aesthetic concerns. Oversized parking lots of facilities should be discouraged.”

Parking areas should be designed to minimize local temperature gain and reduce air pollution. Potential methods of accomplishing this include light colored materials on parking lot surfaces and trees or other shading devices to shade the surface area of the lot.

**Policy 40** states ” Encourage the location of newly developing neighborhood scale commercial and office uses to within their village centers.“

### **Bernalillo County Zoning Ordinance**

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.

The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.

A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the BCC.

Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because:

An error in the original zone map, Changed neighborhood conditions, which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.

A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.

Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.

A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when: The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 18, Special Use Permit Regulations, of the Zoning Ordinance allows a property owner to request, and the BCC to authorize uses in any zone in which they are not otherwise permitted. Contractor's yard, Contractor's equipment storage, and Contractor's plant are one of those categories specifically called out in Section 18 as a Special Use Permit. The Commission, in approving such a request shall adopt additional requirements deemed necessary "...to safeguard the public welfare, safety, and health, morals, convenience, and

best interest of the neighborhood, and adjoining property, the neighborhood, and the community.”

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

Section 22.5. Wireless Telecommunications Regulations.

A. Basic Requirements. The following regulations shall apply to all wireless telecommunications facilities in all zones, unless otherwise stated.

1. Setbacks:

- a. A freestanding wireless telecommunications facility shall be set back a minimum of 85 feet from any property line or at a one to one ratio (one foot of setback for every foot of tower height from the property lines of the premises), whichever is greater, from any property zoned A-1, A-2, R-1, R-2, or M-H.
- b. New freestanding wireless telecommunications facilities in electric substations shall be exempt from the one to one setback requirement if they are no taller than the existing utility poles in the substation.
- c. Except as stated in (a) and (b) above, setbacks shall conform to the setback requirements of the zone in which the wireless telecommunications facility is located.

2. Lighting and Signage:

- a. Only security lighting or lighting required by a state or federal agency is allowed, provided:
  - (1) The location of the lighting fixture together with its cut-off angle shall be such that it does not shine directly on any public right-of-way or any residential premises.
  - (2) The lighting shall not have an off-site luminance greater than 1,000 footlamberts; it shall not have an off-site luminance greater than 200 footlamberts measured from any property zoned A-1, A-2, R-1, R-2, or M-H.

b. The only signage permitted is that required by state or federal law.

3. Telecommunications Equipment Building or Cabinet shall:

- a. Not contain more than 350 square feet of gross floor area per service provider and shall not be more than ten feet in height.
- b. Maintain the minimum setback and screening requirements of the zone in which it is located or as otherwise defined in this section.

5. Collocation: No new free-standing wireless telecommunications facility shall be permitted unless the Zoning, Building and Planning Director or his/her designee determines, upon the applicant's demonstration, that no existing tower, structure or public utility structure located within 1/4 mile of the proposed site can be used in lieu of new construction to accommodate the applicant's proposed telecommunications facility. The applicant shall submit documentation to demonstrate that:

- a. No existing tower, structure, or public utility structure is located within the 1/4 mile radius that meets the applicant's engineering requirements; or
- b. No existing tower, structure, or public utility structure is located within the 1/4 mile radius which has sufficient structural strength or space available to support the applicant's proposed telecommunications facility and related equipment; or
- c. The applicant's proposed telecommunications facility would cause significant, unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structures, or the antenna(s) on the existing towers, structures or public utility structures would cause interference with the applicant's proposed telecommunications facility; or
- d. The owners of existing towers, structures, or public utility structures within the 1/4 mile radius will not allow the applicant to place its telecommunications facility thereon, or such owners are requiring payments for the use of their tower that substantially exceed commercially reasonable rates.

6. Interference: Every wireless telecommunications facility shall meet the regulations of the Federal Communications Commission regarding physical and electromagnetic interference.

7. Health Issues: Every wireless telecommunications facility shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission and any other federal or state agency.

8. View Corridors: Only concealed wireless telecommunications facilities or wireless telecommunications facilities, the antennas of which are all located on existing vertical structures, are allowed within 1/8 mile from the outer edge of the right-of-way of any flood control arroyo designated by the County of Bernalillo, City of Albuquerque, or Albuquerque Metropolitan Arroyo Flood Control Authority and identified as part of an existing or future trail system by the County or City, or the following streets: Alameda Boulevard, Griegos Road, Coors Boulevard, Central Avenue, Unser Boulevard, Paseo del Norte, Rio Grande Boulevard, Tramway Boulevard, Interstate 25, Interstate 40, Old US Highway 66 (New Mexico 333), New Mexico 14, New Mexico 337 (Highway 14 South), New Mexico 217, Mountain Valley Road, Frost Road, Sandia Crest Road (New Mexico 536), Vallecitos Road and Gutierrez Canyon Road. All other wireless telecommunications facilities are prohibited within 1/8 mile of the outer edges of the right-of-way of the aforementioned view corridors.

9. Historic Districts: Only concealed wireless telecommunications facilities are allowed within districts listed in the State Register of Cultural Properties or the National Register of Historic Places, or within 1/8 mile of any historic routes listed in the State or National Registers.

10. Criteria for Concealed Wireless Telecommunications Facilities. Concealed wireless telecommunications facilities must be:

- a. Architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape.
- b. Located to avoid a dominant silhouette of a wireless telecommunications facility on escarpments and mesas, and to preserve view corridors.
- c. Located on existing vertical infrastructure, such as utility poles or public utility structures, if possible.
- d. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

12. Landscaping and Screening: The following regulations shall apply to landscaping and screening:

- a. Freestanding wireless telecommunications facilities shall be surrounded by a six-foot high fence or wall, which shall be solid if facing or abutting a lot zoned A-1, A-2, R-1, R-2, or M-H. Chain link with slats shall not constitute a solid fence.
- b. Any free-standing wireless telecommunications facility facing or abutting a property used for residential purposes shall include landscaping along the outside of the required fence or wall that is planted and maintained according to a Landscaping Plan approved by the Zoning, Building and Planning Director or his/her designee. Such landscaping shall meet the intent of the Landscaping and Buffer Landscaping Regulations Section of this ordinance. The Zoning, Building and Planning Director may waive this requirement if the freestanding wireless telecommunications facility is not readily visible from surrounding properties or rights of way and it is determined that providing the required landscaping is not necessary to meet the intent of this ordinance.
- c. Concealed wireless telecommunications facilities are not subject to the landscaping and screening requirements of this section.

A-1 Rural Agricultural Zone.

The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Rural Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land,

to safeguard the future water supply, to provide open and spacious development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development. The regulations provide for the protection of these important land uses, and are not intended to unduly restrict or regulate farming, or ranching operations.

Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.

Permissive Uses:

Ranch, farm, dairy, and rural residential activities.

Display and sale of agricultural products including poultry or rabbits raised on the premises, and products incidental to the sales activity.

One single-family dwelling or H.U.D. Zone Code II manufactured home per lot of record.

**Section 19: Landscaping and Buffer Landscaping Regulations:**

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
  2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a

waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.

- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

**ANALYSIS:**

**Surrounding Land Use and Zoning**

The land use surrounding this site consists primarily of residential zoning in that both A-1 and M-H zoning are located west, south and east of the subject site. There is a small portion of C-1 zoning located on the corner of Coors Boulevard and Cottonwood Lane, which is located approximately 1000 feet north of the site.

**Plans**

**Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan. The primary Goal is to maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns. The policy regarding commercial development supports small-scale, local industries that employ few people. It continues to encourage neighborhood and/or community scale businesses to locate in the area.

Rural Area Policy 3.b states “development in Rural Areas shall be compatible with natural resource capacities, including water availability and soil capacity, community and regional goals.” The size of the business, which currently occupies is inconsistent with the surrounding A-1 zoning and rural residential land uses.

**Southwest Area Plan**

Southwest Area Plan Policy 25 states that the County shall stabilize residential zoning and land use in the plan area. Specifically, the SWAP calls for the limitation of the location, duration and type of new uses allowed by special use permits to those meeting all the requirements of the adopted zoning ordinance. This request is inconsistent with the Bernalillo County Zoning Code.

**Zoning Ordinance**

General allowances in the O-1, C-1, C-2, M-1 and M-2 zones limit a freestanding facility to no more than 65 feet in height for a single provider, but do allow for an increase to 75 feet if more than one service provider collocates on the antenna. Freestanding wireless telecommunication facilities are required to provide landscaping and screening to buffer the provided equipment area.

In addition, the subject site is within a view corridor as described by Section 22.5, which does not allow a freestanding facility. Since the request cannot be architecturally integrated or located to avoid a noticeable silhouette it does not meet the criteria for a concealed wireless telecommunications facility, as referenced in Section. 22.5. A.11 of the Zoning Code. Additionally, the property lacks current standards for landscaping and screening.

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

**Agency Comments**

The Zoning Administrator states the subject site is within a designated view corridor as described by Section 22.5 of the County Zoning Code, which does not allow a freestanding facility. The project does not meet the criteria for a concealed wireless telecommunications facility, as the proposal cannot be architecturally integrated or located to avoid a noticeable silhouette of a wireless telecommunications facility (ref. Sec. 22.5.A.11). Additionally, the property lacks current standards for landscaping and screening.

The Middle Rio Grande Conservancy District (MRGCD) notes that the proposed site plan depicts an encroachment of a proposed CMU block wall and fencing within the Isleta Drain Right-of-Way. The MRGCD does not approve of any encroachment within the Isleta Drain Right-of-Way.

The New Mexico Department of Transportation (NMDOT) has several concerns regarding the request these concerns include the need for a Driveway Permit from the NMDOT, landscaping within the NMDOT right of way requires a landscaping permit and any solid wall will not be allowed within the NMDOT right of way due to concerns with roadway clear zone.

**Analysis Summary**

Zoning	
Resolution 116-86	<p>The subject site is within a designated view corridor as described by Section 22.5 of the Bernalillo County Zoning Ordinance, which does not allow a freestanding wireless telecommunications facility.</p> <p>This request does not meet the criteria for a concealed wireless telecommunications facility, in that the proposed co-location cannot be architecturally integrated or located to avoid a noticeable silhouette of a wireless telecommunications facility as required by Section 22.5. A.11 of the Bernalillo County Zoning Code.</p>

<b>Plans</b>	
Comprehensive Plan	Policy c states, "mixed use areas should protect residential uses in the area, while offering a variety of local employment opportunities."
Area Plan	Policy 25 states... "The County and City shall stabilize residential zoning and land use in the plan area." c. Limit the location, duration and type of new uses allowed by special use permits to those meeting all the requirements of the adopted zoning ordinance. This request is inconsistent with the Bernalillo County Zoning Code.
<b>Other Requirements</b>	
Environmental Health	The Environmental Health Department has no adverse comment.
Public Works	The Public Works Division has no adverse comment.

**Conclusion**

Resolution 116-86 establishes policies regarding zone change and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.

Based on Resolution 116-86, it does not appear that the proposed request meets the requirement of the Bernalillo County Zoning Code in that the site is within a designated view corridor as described by Section 22.5 of the Bernalillo County Zoning Ordinance, which does not allow a freestanding wireless telecommunications facility. Additionally, this request does not meet the criteria for a concealed wireless telecommunications facility, in that the proposed co-location cannot be architecturally integrated or located to avoid a noticeable silhouette of a wireless telecommunications facility as required by Section 22.5. A.11 of the Bernalillo County Zoning Code.

**ADDITIONAL PLANNING DEPARTMENT COMMENTS (October 3, 2007)**

This case was deferred from the June 6, 2007 and the June 7, 2006 County Planning Commission hearings for the purpose of allowing the applicant ample time to meet with all perspective parties involved, i.e. property owner, tower owner and cell tower users, to collaborate towards the submittal of a revised site plan and tower design that would be less obstructive and complied with Section 22.5. In addition, the applicant was also instructed to submit a sound justification response to Resolution 116-86.

A revised site plan and justification to Resolution 116-86 have been submitted. The revised response to Resolution 116-86 includes two options of possible concealment: (1) canister extension, and (2) pine tree extension. However, the submitted site plan denotes the concealment design of the monopole, specifically for T-Mobile, to be a 10 foot pine tree extension placed above the existing 65-foot monopole. The proposed T-Mobile 10-foot height extension includes six panel antennas concealed by a ten-foot pine tree extension. The revised site plan also includes a future flush mounted panel antenna array attached approximately 50 feet above ground on the existing monopole.

The existing unconcealed monopole appears to obstruct the views along the Coors Boulevard corridor. The requested height of an additional ten feet, specifically with the inclusion of a 10-foot pine tree concealment 78 feet above ground, would appear to be make it significantly more obstructive than what is currently existing.

In conclusion, based on Resolution 116-86, it does not appear that the proposed request meets the requirements of Section 22.5 and Section 22.5.A.11 of the Bernalillo County Zoning Code in that the site is within a designated view corridor and does not meet the criteria for a concealed wireless telecommunications facility. In addition, the County Planning Commission, at their June 7, 2006 hearing, continued this request specifically to allow the applicant ample time to meet with all perspective parties to collaborate towards a design that would be less obstructive and architecturally pleasing to the community (see attachment 4). The design submitted does not appear to be less obstructive nor does it appear to meet the criteria for concealment.

This request, however, has received support.

**ADDITIONAL PLANNING DEPARTMENT COMMENTS (January 9, 2008):**

At the October 3, 2007 County Planning Commission hearing, the applicant was instructed to meet with staff to clarify and resubmit a revised Resolution 116-86 and to submit a revised site plan that would meet Zoning Code requirements for a concealed wireless telecommunications facility.

The applicant meet with staff and submitted a revised justification to Resolution 116-86. The applicant also submitted a revised site plan; however, the site plan does not appear to the meet Code requirements for a concealed wireless telecommunications facilities that is located within a view corridor. The site plan submitted consists of a 10 foot height extension and two design options: (1) canister design with antennas hidden within the canister and (2) six flush mounted panel antennas.

**RECOMMENDATION:**

Denial of CSU-60008 based on the following Findings

Adella Gallegos,  
Associate Program Planner

Findings

1. This is a request for an amendment to the Special Use Permit to allow an extension of the telecommunication tower from 65 feet to 75 feet on Tract A, located at 6301 Coors Boulevard SW, on the east side of Coors between Raymac Road and Cottonwood Lane, zoned A-1 with a Special Use Permit for General Store and Restaurant, containing approximately .57 acres.
2. The subject site is located within the designated view corridor as described by Section 22.5 of the Bernalillo County Zoning Ordinance, which does not allow a freestanding wireless telecommunications facility.
3. This request does not meet the criteria for a concealed wireless telecommunications facility, in that the proposed collocation cannot be architecturally integrated or located to avoid a noticeable silhouette of a wireless telecommunications facility as required by Section 22.5. A.11 of the Bernalillo County Zoning Code.
4. This request is not consistent with Resolution 116-86 in that the applicant has failed to demonstrate that the existing zoning is inappropriate.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### Environmental Health:

1. Must have a watering system meeting the most current Bernalillo County ordinance for the landscape watering. We want to see the plantings flourish on this site, not just the installation of plants to meet criteria, but to have them actually thrive and add value to their locale.

This is a proposed unmanned site and in such at this point in time no toilet facility is required. However, in the future if a toilet facility is required then a wastewater system meeting the most current wastewater ordinance of Bernalillo County is required.

2. It is recommended that the tower not be any taller than its fallout plume in relation to its adjacent neighbors. In the event that the tower were to ever topple it could not strike upon an adjacent property and cause harm.

### Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time.  
Shall comply within the Wireless Telecommunications Regulations.

### Zoning Administrator:

The existing tower on the site was erected prior to current wireless telecommunication standards (implemented in June '99), and appears to have been permitted and processed as a permissive use in the A-1 zone. No records are found to indicate that the SUP was properly amended through the established CPC & BCC processes to reference the tower.

General allowances in the O-1, C-1, C-2, M-1 and M-2 zones limit a freestanding facility to no more than 65 feet in height for a single provider, but do allow for an increase to 75 feet if more than one service provider collocates on the antenna. Additionally, freestanding wireless telecommunication facilities are required to provide landscaping and screening to buffer the provided equipment area and create a less dominant visual appearance.

The subject site is within a designated view corridor as described by Section 22.5, and as such, currently does not allow a freestanding facility. The project does not meet the criteria for a concealed wireless telecommunications facility, as the proposal cannot be architecturally integrated or located to avoid a noticeable silhouette of a wireless telecommunications facility (ref. Sec. 22.5.A.11). Additionally, the property lacks current standards for landscaping and screening.

If CPC considers this proposal for approval, staff recommends that several changes either be made to the submitted information and reflected on the site plan, or conditioned to be implemented upon submission of a revised site plan. They include:

1. Screening of the facility. A solid fence or wall, at least 6 feet in height, is needed to surround the wireless site. Chain link fencing with slats does not meet this requirement.
2. Landscaping.
  - a. Six-foot wide buffers along all four sides of the existing facility, on the outside of the required wall/fence, are suggested. These areas should incorporate trees, shrubs, and ground cover to achieve 75% vegetative coverage of the area after 24 months.
  - b. The areas must be watered by an automatic irrigation system. Bernalillo County encourages the use of indigenous, xeric plants and trees.
  - c. A statement of responsibility for the maintenance of the provided landscaping and irrigation system should be referenced.
3. Tower and antennas.
  - a. The proposed tower extension and antennas should be painted to match the existing pole in a neutral color similar to the color of the existing skyline.
  - b. Antennas should be flush-mounted on the pole to decrease the visual incompatibility of the arrayed design. Flush-mounted antennas will also more closely mirror an acceptable design for the view corridor considerations along Coors SW.
1. Equipment buildings or cabinets. These are limited in area to no more than 350 square feet per service provider, as well as an overall height of less than 10 feet. The provided site plan appears to meet the area limitations (185-sq. ft. lease area), but the height of the equipment or cabinets needs to be clarified.

Building Department Manager:

1. A building permit will be required as a condition of approval. Provide engineered drawings indicating the full scope of work to the building section.

Fire: No adverse comments

Public Works:

DRAN:

Based on the above comments there is no adverse comments at this time.  
Shall comply within the Wireless Telecommunications Regulations.

DRE:

1. No adverse comment for this Special Use Permit.

Parks & Recreation:

Raymac Park is located 1000 ft. east of this facility. The 2030 Metropolitan Transportation Plan shows Coors Blvd. as a proposed multi-use trail and bicycle lane and the Isleta Drain as a proposed trail. Access and provision of these facilities shall be maintained.

Sheriff's: No comment received

**COMMENTS FROM OTHER AGENCIES**

MRGCOG:

No adverse comment

MRGCD:

The T-Mobile Site Plan (Sheet C2) shows the encroachment of a proposed CMU Block Wall and fencing within the Isleta Drain Right-of-Way. The District does not approve of any encroachment within the Isleta Drain Right-of-Way. The site plan must be revised to remove all encroachments.

AMAFCA:

No comment.

City Public Works:

Transp. Planning:

The Development Review Division of the Planning Department has reviewed the cases for April 5, 2006 and has no comment.

Transp. Development:

No adverse comments

Water Resources:

No comments received

City Transit:: No transit service is currently available in the area.

City Planning:

The Development Review Division of the Planning Department has reviewed the cases for April 5, 2006 and has no comment.

ABCWUA Utility Development Section:

No comment received

City Environmental Health:

No comments received

City Open Space:

No adverse comment

NM Department of Transportation:

Co-Location site to extend Existing Antenna 65? tall to 75? tall Location: 6301 Coors Road SW (north of Raymac Type of development (Residential/commercial): Commercial Possible Impacted NMDOT roadway(s): NM 45 (Coors Road) Departments Comments: The NMDOT has three concerns that need to be addressed. Those are as follows:

1. Property owner must obtain a Driveway Permit from the NMDOT
2. Any landscaping within the NMDOT R/W requires a landscaping permit
3. No CMU wall will be allowed within the NMDOT R/W due to concerns with roadway clear zone

PNM

It is the applicant's obligation to determine and accommodate existing utility easements that cross the property, to dedicate utility easements, and to abide by any conditions or terms of such easements.

Albuquerque Public School:

The request for a special use permit to extend an existing antenna from 65 feet to 75 feet tall will have no adverse impacts to the APS district.

**NEIGHBORHOOD ASSOCIATIONS:**

South Valley Coalition of Neighborhoods  
South Valley Alliance