



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of January 14, 2025
Second Reading for the City Council Meeting of January 28, 2025

DATE: December 20, 2024

TO: Peter Zaroni, City Manager

FROM: Michael Dice, Development Services Department
MichaelD3@cctexas.com
(361) 826-3596

<p>Rezoning for a property at or near 4222 Avalon Street</p>

CAPTION:

Zoning Case No. ZN8425, Judy Lynn Reuthinger (District 2). Ordinance rezoning a property at or near 4222 Avalon Street from the "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit; providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and Staff recommend approval) (Shot Clock - Item must be approved or denied in writing by March 1, 2025).

SUMMARY:

This item is to rezone the property to allow a 3 carrier, 120' tall wireless telecommunication tower.

BACKGROUND AND FINDINGS:

This zoning case was initiated by the cell provider in anticipation of the removal of their equipment from the Carmel Parkway water tower due to its expected demolition in the next few years. This new site will allow the provider to both maintain and improve the signal coverage in the area.

The subject property is a vacant and undeveloped, 0.24-acre tract located along the north side of Avalon Street, between Everhard Road and Caramel Parkway. The area is characterized primarily by commercial properties, with primary arterials to the east and west.

The subject property abuts the Avalon/Alameda alleyway along its northern and eastern boundaries, with commercial uses further north. Some properties are zoned "CG-2" General Commercial, while others are zoned "CN-1" Neighborhood Commercial. To its east, continues the Avalon/Alameda alleyway, and further east are properties zoned "CG-2" General Commercial and "ON" Neighborhood Office, with commercial uses. To

the south of the site and Avalon Street, properties are zoned “ON” Neighborhood Office and “CN-1” Neighborhood Commercial, with commercial uses. To the west, properties are zoned “CN-1” Neighborhood Commercial, with transportation (Avalon Street and Sam Street), commercial, and low-density residential uses.

The “CN-1” Neighborhood Commercial District permits restaurants, apartments, townhouses, overnight accommodation uses, educational facilities, medical facilities, commercial parking, offices, retail sales, personal services, vehicle sales and services, water-oriented uses, and minor utilities.

The proposed rezoning is consistent with the City of Corpus Christi comprehensive plan; however, is not consistent with FLUM designation of commercial. The proposed rezoning is compatible with the present zoning and conforming uses of nearby property. It is a utility use permitted in residential and commercial districts. It is suitable for the uses permitted by the zoning district that would be applied by the proposed amendment and will not have any adverse impact on the character of the surrounding area and neighborhood. A 120’ tall monopole tower, that is rated to 143 mph wind speed, is being proposed, which is a more fitting aesthetic across the range of telecommunication facility design. The development was reviewed and deemed acceptable by the Technical Review Committee.

During the permitting process, zoning reviews are conducted to ensure that development compatibility is achieved; through the prescription of Unified Development Code required buffer yard width and points (UDC §7.9.5, 7.9.6), increased setbacks due to height (UDC §4.2.8.D), limitations on hours of operations with certain site features (UDC §7.2.7.B.1.a), and visual barriers such as landscaping (UDC §7.3.10) and walls to buffer noise generators (UDC §7.9.8.B).

Public Input Process:

Number of Notices Mailed: 17 notices were mailed within the 200-foot notification area, and 5 outside the notification area.

As of January 2, 2025

In Favor	In Opposition
1 inside notification area	0 inside notification area
0 outside notification area	0 outside notification area

A total of 0.00% of the 200-foot notification area is in opposition.

ALTERNATIVES:

Denial of the change of zoning from “CN-1” Neighborhood Commercial District to the “CN-1/SP” Neighborhood Commercial District with a Special Permit.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION (December 11, 2024):

Planning Commission and Staff recommend approval of the change of zoning from the “CN-1” Neighborhood Commercial District to the “CN-1/SP” Neighborhood Commercial District with a Special Permit.

The Special Permit will be subject to the following conditions:

1. **Use:** The only use permitted under this Special Permit, other than those

permitted by right in the base District, is a wireless telecommunication facility of 120 feet in height and shall be designed to withstand a sustained wind speed of 130 mph.

2. **Access:** Access and placement shall be as per the site plan.
3. **Telecommunications Tower Standards:** The wireless communication tower is subject to all requirements of Section 5.5 of the Unified Development Code (UDC). These standards pertain to setbacks, screening, landscaping, and lighting.
4. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
5. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Vote Results

For: 9

Against: 0

Absent: 0

Abstained: 0

LIST OF SUPPORTING DOCUMENTS:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report