

# PLANNING COMMISSION FINAL REPORT

Case No. 0420-02

INFOR No. 20ZN1010

**Planning Commission Hearing Date:** April 15, 2020

<b>Applicant &amp; Legal Description</b>	<p><b>Owner:</b> Supertex Properties, LP.  <b>Applicant:</b> Branch Towers III. LLC.  <b>Location Address:</b> 4701 Ayers Street  <b>Legal Description:</b> Being 0.43 acres out of Lots 1-A, Block 2, Behmann Subdivision, located along the west side of Ayers Street, south of Gollihar Road, and north of McArdle Road.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "IL" Light Industrial District  <b>To:</b> "IL/SP" Light Industrial District with a Special Permit  <b>Area:</b> 0.43 acres  <b>Purpose of Request:</b> To allow for the construction of a 120-foot monopole cell tower.</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"IL" Light Industrial	Commercial	Commercial
	<i>North</i>	"IL" Light Industrial	Commercial	Commercial
	<i>South</i>	"IL" Light Industrial	Commercial	Commercial
	<i>East</i>	"IL" Light Industrial	Commercial	Commercial
	<i>West</i>	"IL" Light Industrial	Commercial	Commercial
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Midtown Area Development Plan and is planned for commercial uses. The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit is consistent with the adopted Comprehensive Plan (Plan CC).  <b>Map No.:</b> 047039  <b>City Council District:</b> 3  <b>Zoning Violations:</b> None</p>			
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has approximately 30 feet of street frontage along Ayers Street which is designated as a "A1" Minor Arterial Street. According to the Urban Transportation Plan, "A1" Minor Arterial Streets can convey a capacity between 15,000 to 24,000 Average Daily Trips (ADT).</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Ayers Street	"A1" Minor Arterial	95' ROW 64' paved	109' ROW 55' paved	N/A

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit to allow for the construction of a 120-foot monopole cell tower.

**Development Plan:** The subject property is 0.43 acres in size. The applicant is proposing a 120' monopole wireless communications tower.

**Existing Land Uses & Zoning:** The subject property is currently zoned "IL" Light Industrial District and consists of a portion of a parking lot for an existing shopping center constructed in 1979. To the north is an office park and vacant lot zoned "IL" Light Industrial District. To the south is a vehicle sales dealership zoned "IL" Light Industrial District. To the east and west is Ayers Street and State Highway 286 (Crosstown Expressway) respectively.

**AICUZ:** The subject property is **not** located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ).

**Plat Status:** The property is platted.

**Utilities:**

**Water:** 8-inch CIP line located along Ayers Street.

**Wastewater:** 12-inch PVC line located along Ayers Street.

**Gas:** 2-inch line located along Ayers Street.

**Storm Water:** Roadside ditches located along Ayers Street.

**Plan CC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Midtown Area Development Plan and is planned for commercial uses. The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit is consistent with the adopted Comprehensive Plan (Plan CC). The following policies should be considered:

- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use (Future Land Use, Zoning, and Urban Design Policy Statement 1).

**Unified Development Code (UDC):**

Wireless Telecommunication facilities are subject to regulation as follows:

- Wireless Telecommunication facilities are regulated by UDC Section 5.5.
- Wireless Telecommunication facilities in excess of 85' are permitted in nonresidential zoning districts as indicated in UDC Table 5.5.4.F. with a Special Permit.
- Wireless telecommunication facilities shall be set back a minimum of one and a half times the height of the tower from the public right-of-way of all federal and state highways and any arterial street.
- Wireless telecommunication facilities adjacent to residential dwellings shall be a minimum of one and a half times the height of the tower from any residential dwelling.

**Department Comments:**

- The proposed rezoning is consistent with the adopted Comprehensive Plan (Plan CC), compatible with the adjoining properties, and does not have a negative impact upon the adjacent properties.
- The proposed wireless telecommunication facility will increase capacity in an area where it is needed to prevent a degradation of services.
- Construction of the wireless telecommunication facility will increase coverage in areas that are currently underserved.
- The proposed tower does not meet the minimum required setback to a state right-of-way as per Section 5.5.3.E.2. of the UDC. However, the proposed tower will be designed to withstand a wind speed of at least 130 mph and therefore qualify for a variance according to Section 5.5.3.E.5. of the UDC.

**Planning Commission and Staff Recommendation (April 15, 2020):**

Approval of the change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit with the following conditions:

1. **Use:** The only use permitted under this Special Permit, other than those permitted by right in the "IL" Light Industrial 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.

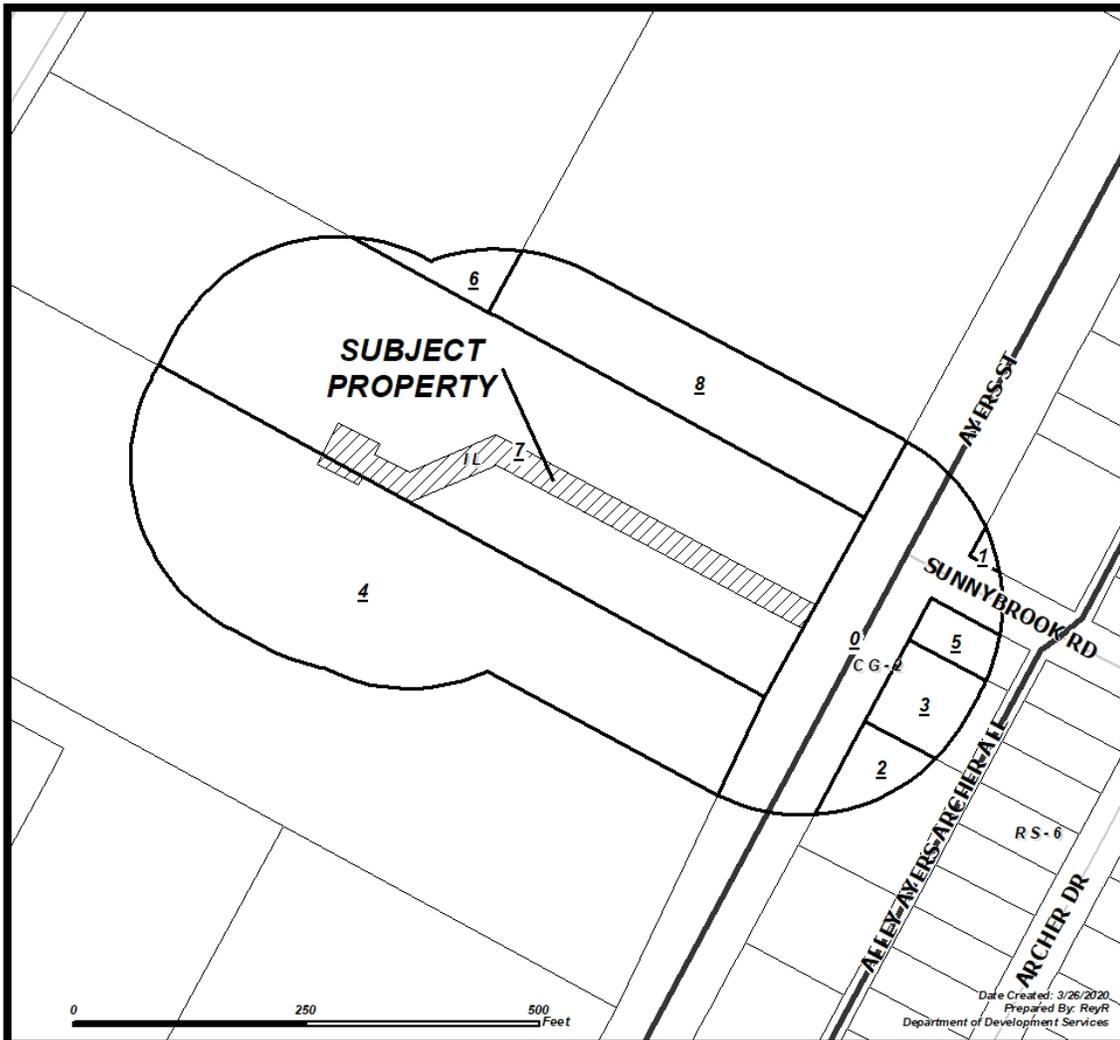
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<b>Public Notification</b>	Number of Notices Mailed – 8 within 200-foot notification area 5 outside notification area
	<b><u>As of April 10, 2020:</u></b>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

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**Attachments:**

- A. Location Map (Existing Zoning & Notice Area)
- B. Proposed Site Plan
- C. Public Comments Received (if any)



**CASE: 0420-02**  
**ZONING & NOTICE AREA**

RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-15 Single-Family 15
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	

 Subject Property with 200' buffer  
 Owners in favor  
 Owners in opposition  
**4** Owners within 200' listed on attached ownership table



