

ZONING REPORT

Case No. 0222-02
 INFOR No. 22ZN1002

Planning Commission Hearing Date: February 9, 2022

Applicant & Legal Description	<p>Owner: Curtis and Donna Titus Applicant: SCI Wireless & Tillman Infrastructure Location Address: 5007 Everhart Road Legal Description: Lot 10, Block 2, Gray Village #2 Subdivision, located along the east side of Everhart Road, north of South Padre Island Drive, and south and east of Mt Vernon Drive</p>			
Zoning Request	<p>From: "CN-1" Neighborhood Commercial District To: "CN-1/SP" Neighborhood Commercial District with a Special Permit Area: 0.4477 acres Purpose of Request: To allow for the construction of a 130-foot monopole cell tower.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"CN-1" Neighborhood Commercial District	Commercial	Commercial
	<i>North</i>	"ON" Neighborhood Office District	Professional Office	Commercial
	<i>South</i>	"CG-2" General Commercial District	Commercial	Commercial
	<i>East</i>	"CN-1" Neighborhood Commercial District	Commercial	Commercial
	<i>West</i>	"ON" Neighborhood Office District	Professional Office	Commercial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Midtown Area Development Plan and is planned for a commercial use. The proposed rezoning to the "CN-1/SP" Neighborhood Commercial District with a Special Permit is consistent with the adopted Comprehensive Plan (Plan CC). City Council District: 2 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 130 feet of street frontage along Everhart Road which is designated as a "A1" Minor Arterial Street and approximately 150 feet of street frontage along Mount Vernon Drive which is designated as a "Local/Residential" Street. According to the Urban Transportation Plan, "A1" Minor Arterial Streets can convey a capacity between 15,000 and 24,000 Average Daily Trips (ADT).</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Yorktown Boulevard	"A1" Minor Arterial	95' ROW 64' paved	83' ROW 63' paved	N/A
	Mount Vernon Drive	"Local / Residential"	50' ROW 28' paved	50' ROW 30' paved	N/A

Staff Summary:

Existing Land Uses & Zoning: The subject property is currently zoned "CN-1" Neighborhood Commercial District and consists of a two-tenant shopping center constructed in 1968. To the north and west are office buildings zoned "ON" Neighborhood Office District. To the south is a multitenant shopping center zoned "CG-2" General Commercial District. To the east across Everhart Road are retail and office uses zoned "CN-1" Neighborhood Commercial District.

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: 6-inch ACP line located along Everhart Road.

Wastewater: 8-inch VCP line located along the southern property line.

Gas: 8-inch Service Line located along Everhart Road.

Storm Water: 18-inch Line located along Everhart Road.

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 "CN-1/SP" Neighborhood Commercial District with a Special Permit is consistent with the adopted Comprehensive Plan (Plan CC). The following policies should be considered:

- Encourage orderly growth of new residential, commercial, and industrial areas. (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- 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).
- Promote the monitoring of current development to identify infrastructure capacity deficiencies in advance of future development. (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) and the Southeast (Midtown) Area Development Plan (ADP).
- The proposed wireless telecommunication facility will increase data availability 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 will be required to meet the requirements of Section 5.5 of the Unified Development Code (UDC). Specifically, the setbacks to residential dwellings and will be designed to withstand a windstorm of 130 mph.

Planning Commission and Staff Recommendation (February 9, 2022):

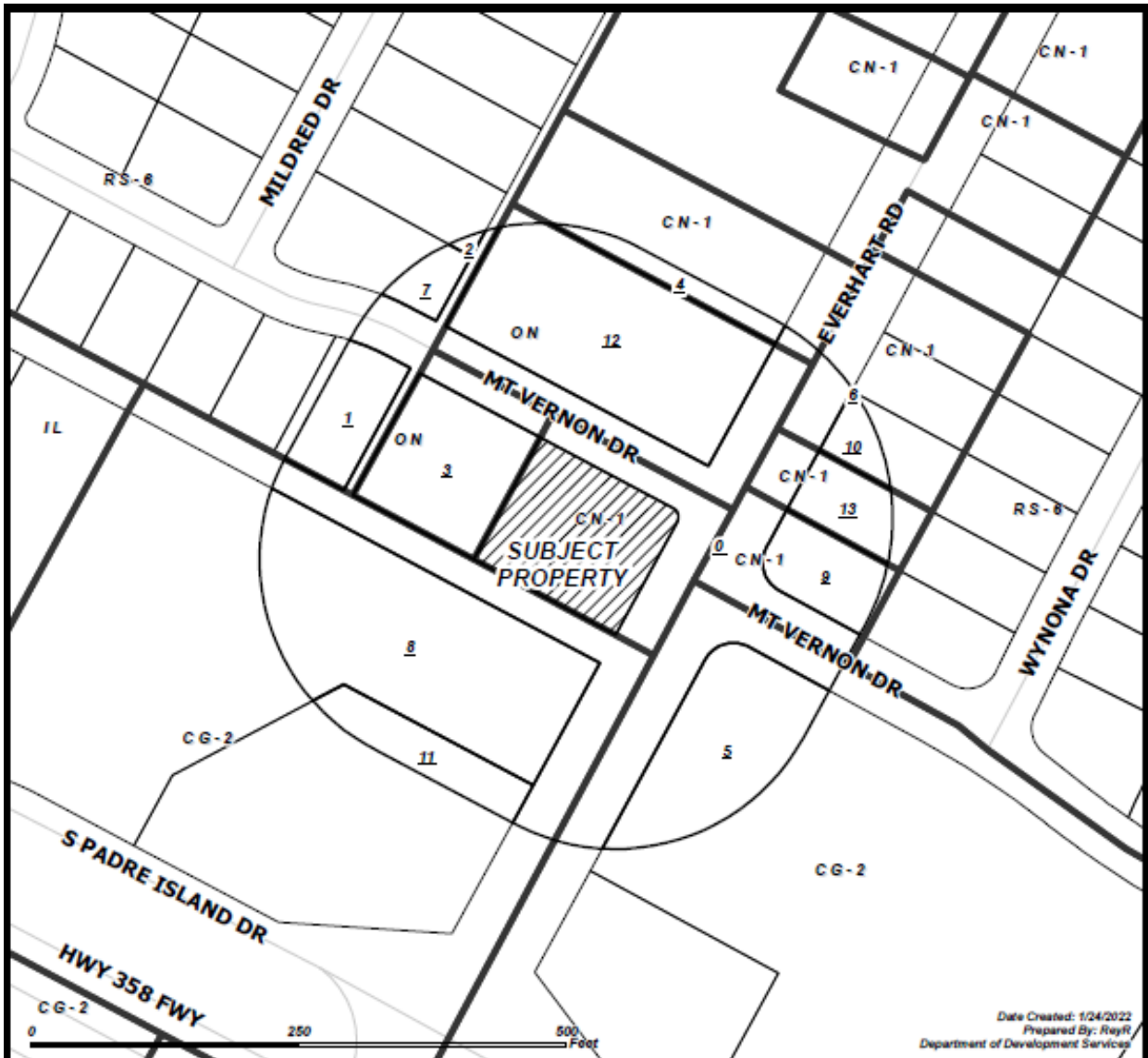
Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit with the following conditions:

1. **Use:** The only use permitted under this Special Permit, other than those permitted by right in the "CN-1" Neighborhood Commercial District, is a wireless telecommunication facility of 130-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.

Public Notification	Number of Notices Mailed – 13 within 200-foot notification area. 5 outside notification area
	<u>As of February 4, 2022:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 1 inside notification area (Attached: sTeas v. City Staff, Wireless, Titus, City) – 0 outside notification area
Totaling 7.01% of the land within the 200-foot notification area in opposition.	
<small>*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area. Notified property owner's land in square feet / Total square footage of all property in the notification area = Percentage of public opposition</small>	





Attachments:

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

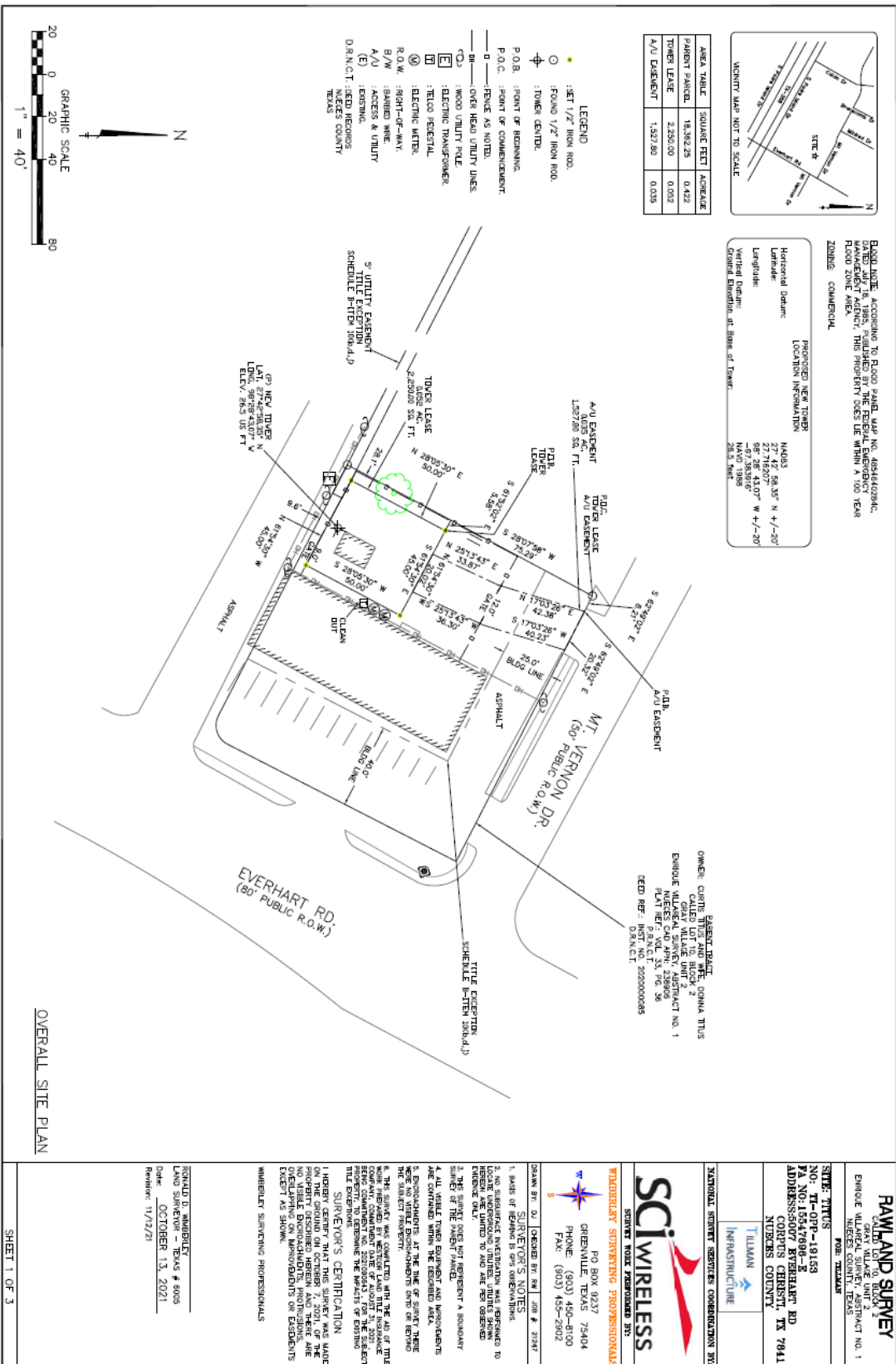


Case # 0222-02
ZONING & NOTICE AREA

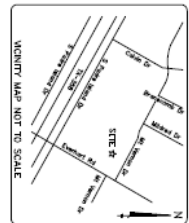
RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-7F 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	
SP Business Park	

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





AREA TABLE	SQUARE FEET	AGREEMENT
PARENT PARCEL	18,392.23	0.422
TOWER LEASE	2,250.00	0.032
A/U EASEMENT	1,327.90	0.035



PROPOSED NEW TOWER
Location Information
 NAD83 4 28.95° N 4/-20°
 Horizontal Datum: 27° 42' 20.07"
 Longitude: 99° 28' 43.07" W 4/-20°
 Vertical Datum: NAD83 28.5 MGS
 Ground Elevation at Base of Tower: 28.5 MGS

ZONING COMMERCIAL

BLAD NOTE: ACCORDING TO FLOOD PANEL MAP NO. 48544-0308C, DATED JULY 14, 1982, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THIS PROPERTY DOES NOT WITHIN A 100 YEAR FLOOD ZONE AREA.

SUBJECT PARCEL
OWNER: CURTIS THOMPSON AND WIFE, DONNA TITUS
 CALLED LOT 10, BLOCK 2
 EMERALD WILLOW LAKE, SUBDIVISION ABSTRACT NO. 1
 NAD83 28.5 MGS
 PLAN REF. INSTR. NO. 2020000085
 DEED REF. INSTR. NO. 2020000085
 DISTRICT

OVERALL SITE PLAN

RAWLAND SURVEY
 CALLING LOT 10, BLOCK 2
 EMERALD WILLOW LAKE UNIT 2
 NAD83 28.5 MGS
 NAD83 COUNTY, TEXAS

FOR TITLEPLAN

NO. 77-07P-101153
 PA NO. 15347/08-01-01
 ADDRESS: CORPUS CHRISTI, TX 78411
 NAD83 COUNTY, TEXAS

TILBAM
 INFRASTRUCTURE

NATIONAL ENGINEER CERTIFIED PROFESSIONALS

sciwireless
 SURVEYING PROFESSIONALS BY
 PO BOX 9237
 GREENVILLE, TEXAS 75404
 PHONE: (903) 450-8100
 FAX: (903) 455-2902

DESIGNED BY: RW 1008 # 21947

DATE: 11/22/21

REVISIONS:
 1. DATE OF DESIGN: 11/22/21
 2. NO. OF SURVEYORS: 1
 3. NO. OF STATIONERS: 1
 4. NO. OF INSTRUMENTS: 1
 5. NO. OF INSTRUMENTS USED: 1
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CONTRACT NO.: 2021-0001
DATE: OCTOBER 13, 2021
REVISION: 11/22/21

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From: [Tim Teas](#)
To: [Andrew Dimas \[DevSvcs\]](#); [Tim Teas](#)
Subject: City Planning Commission Rezoning Case No. 0222-02
Date: Monday, January 31, 2022 4:46:50 AM
Attachments: [Affidavit 4737 Mt. Vernon Dr. 78411.pdf](#)
[Untitled 27.pages](#)
[IMG_0619 4.heic](#)
[IMG_0619 3.heic](#)
[IMG_0619 2.heic](#)
[IMG_0844.heic](#)

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Warning: The email has been flagged for potential inappropriate content. If you are unsure of the sender do not reply or open links. If you have any questions or concerns, please contact the Service Desk at 826-3766. Thank you.

Andrew,

Please send me all information of 130' RF' emitting pollution tower Case No. 0222-02. I understand this is not business as usually via email, but under ADA respectfully request accommodations to assert IN OPPOSITION, access to being heard. I am a 100% disabled service related veteran and deaf in one ear with tinnitus in the other. I request a hearing --audio amplifier.

I do not believe Legal Notice was provided, unreadable under impossibility doctrine, and conspicuous underwhelming drafting-- to protect citizens, property owners? And meets due process requirements? however I submitted all required... and requested all relevant information on this case.

Please let me know if you require anything further

Texas Real Estate Commission: [Consumer Protection Information About Brokerage Services](#)

This email is not intended to form any agreement, Respectfully,

Timothy B. Teas

Texas Licensed Real Estate Broker **and** Corporate Broker Executive

Juris Doctor BBA, MBA, ATC Metro Properties, Inc.

MAIN CORP. OFFICE: 4737 Mt. Vernon Dr. Corpus Christi 78411

rio Grande Valley OFFICE: 26 Coria St. Brownsville, TX 78520

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