



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 3/29/22
Second Reading Ordinance for the City Council Meeting 4/12/22

DATE: February 21, 2022
TO: Peter Zaroni, City Manager
FROM: Al Raymond, AIA, Director
Development Services Department
AlRaymond@cctexas.com
(361) 826-3575

Rezoning a property at or near 5007 Everhart Road

CAPTION:

Zoning Case No. 0222-02, SCI Wireless & Tillman Infrastructure: (District 2) Ordinance rezoning property at or near 5007 Everhart Road from the “CN-1” Neighborhood Commercial District to the “CN-1/SP” Neighborhood Commercial District with a Special Permit for a 130-foot telecommunication tower.

SUMMARY:

The purpose is to allow for the construction of a 130-foot telecommunication tower.

BACKGROUND AND FINDINGS:

The subject property is 0.4477 acres in size. 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. At the February 9th Planning Commission, the applicant amended their site plan to adjust the tower location and meet all setback requirements for telecommunication towers set in the Unified Development Code (UDC). The existing tower located at the Chick-fil-a site has lost its lease and the owner has decided not to extend the lease for any additional period of time. Therefore, the proposed tower is a replacement of the same height and is located 800-feet to the north of the soon to be demolished tower. The applicant has expressed that several sites were considered, but they were unsuccessful in obtaining a lease. The subject property is the last location option for the replacement tower. The proposed tower is required to meet all requirement of UDC Section 5.5 including setbacks, screening, and landscaping.

Conformity to City Policy

The subject property is located within the boundaries of the Southeast 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).

Public Input Process

Number of Notices Mailed
13 within 200-foot notification area
5 outside notification area

As of January 26, 2021:

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

Totaling 7.01% of the 200-foot notification area* is in opposition.

*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

ALTERNATIVES:

1. Denial of the zoning from the "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:

Planning Commission recommended approval of the zoning from the "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit on February 9, 2021.

Vote Count:

For:	5
Opposed:	0
Absent:	3
Abstained:	1

With the amended site plan presented at the Planning Commission meeting, staff recommends approval of the zoning request.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report