

STAFF REPORT

Case No. 0619-02
 INFOR No. 19ZN1014

Planning Commission Hearing Date: June 26, 2019

Applicant & Legal Description	<p>Owner: Texas State Roofing Company, LLC Applicant: NTCH-NM, LLC Location Address: Being a portion of Lot 8, Johnson Addition, for zoning purposes, an addition to the City of Corpus Christi, Nueces County, Texas, according to the map or plat thereof recorded in Volume 8, Pages 308-310, of the Deed Records of Nueces County, Texas.</p>			
Zoning Request	<p>From: "CG-2" General Commercial District To: "CG-2/SP" General Commercial District with a Special Permit Area: 2,500 sq. ft Purpose of Request: To allow for the construction of a cell tower.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"CG-2 General Commercial	Vacant	Mixed Use
	<i>North</i>	"CG-2 General Commercial	Commercial	Mixed Use
	<i>South</i>	"C-1" Commercial	Commercial	Mixed Use
	<i>East</i>	"C-1" Commercial	Commercial	Mixed Use
	<i>West</i>	"RM-3" Medium Density Residential	Single Family/Medium Density Residential	RM-3 Medium Density
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Downtown Area Development Plan and is planned for Mixed Use. The proposed rezoning to the "CG-2/SP General Commercial with Special Permit District is consistent with the Future Land Use Map. Map No.: 045043 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The portion of subject property where the proposed cell tower will be located has approximately 130 feet to street frontage along S Alameda Street which is designated as an "A3" Primary Arterial Street. According to the Urban Transportation Plan, a Primary Arterial Street can convey a capacity between 30,000 and 48,000 Average Daily Trips (ADT).</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	S. Alameda Street	"A3" Primary Arterial	130' ROW 79' paved	123' ROW 91' paved	

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "CG-2" General Commercial District to the "CG-2/SP" General Commercial District with a Special Permit to allow for the construction and installation of a 120 feet tall monopole Cell Tower. Drawings submitted show Four (4) feet Landscape area, twenty (20) feet access and utility easement, and six (6) foot chain link fence. The applicant submitted a report including analytic signal photo coverage describing the tower with technical design information and the reason for the specific location selection. Technical design drawings elaborating the structural integrity of the tower has been provided. The nearest cell tower to this location is more than one mile away.

Applicant stated that besides T-Mobile being the main user, they intend to lease space to other telecommunication providers such as AT&T, Sprint/Nextel, Verizon, local carriers including trucking companies and local internet provider.

Required setbacks for CG-2 Zoning District are: Front-20, Side and Rear-0 feet.

Per the UDC 5.5.3.E.2&3, the setback for wireless communication facilities shall be a minimum of one and a half times the height of the tower from a public right of way of all arterial street and from any residential dwelling. The distance from South Alameda Street in this case is measured at 130 feet. The height of the proposed cell tower being 120 feet, requires a setback distance of 180 feet from S. Alameda Street.

The setback criteria for nearby residential dwellings is met. The location of the proposed cell tower to S. Alameda Street falls 50 feet short of the required street setback.

According to UDC.5.5.3. E.5.

The Building Official may allow the construction of a wireless telecommunication facility that is not adjacent to a dwelling within the setback required by this section if the tower, is built to substantially higher wind load standards. The minimum setbacks from roadways may be reduced to the minimum required yard setbacks if the tower will withstand a sustained wind speed of 130 mph, which is equal to the highest recorded sustained wind speeds experienced within the City.

To waive the above setback requirement, the applicant will be required to produce the engineering drawing/exhibit windstorm certificate that demonstrate the permitted proposed cell tower will meet this sustained wind speed of 130mph criteria. This drawing/exhibit will be prepared, signed and sealed by a Texas licensed professional engineer.

Development Plan: The subject property is 2,500 sq. ft. in size. The applicant is proposing to install a monopole Cell Tower.

Existing Land Uses & Zoning: The subject property is currently “CG-2 General Commercial District, being a portion of a vacant land, owned by Anastos H. & WF, zoned in 1947. Properties to the north are mostly “CG-2 General Commercial District. Properties to the south and east are zoned “C-1” Commercial District. Properties to the west are “RM-3” Medium Density Residential.

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 C900 line located along S. Alameda Street

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

Gas: 2-inch Service Line located along the eastern property line.

Storm Water: Inlets along S. Alameda Street.

Plan CC & Area Development Plan Consistency: The subject property is located within the boundaries of the Downtown Area Development Plan and it is planned for Mixed Use Development. The proposed rezoning to the “CG-2/SP General Commercial with Special Permit is generally consistent with the adopted Comprehensive Plan (Plan CC). The following policies should be considered:

- The objective of regulating telecommuting facilities is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares, and ensure the structural integrity of supporting structures. (UDC 5.5.1)
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility.

Department Comments:

- The proposed rezoning inconsistent with the Future Land Use Map. However, the proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map.
- There is the need to regulate the location of wireless telecommunication facilities in order to minimize their number, to protect and promote public safety, and minimize and mitigate any adverse visual or aesthetic impacts on the community while promoting the orderly development of telecommunication facility within the City. (UDC 5.5.1)
- Installation, construction, alteration, modification or replacement of telecommunications towers and antennas, when permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the use regulations and requirements of the UDC 5.5.2: General Provisions-Applications.

Staff Recommendation:

Conditional Approval of the change of zoning from the “CG-2” General Commercial District to the “CG-2/SP” General Commercial District with a Special Permit.

Condition

Provide an engineering drawing prepared, signed and sealed by a Texas licensed professional engineer, that the proposed cell tower will be able to withstand a sustained wind speed of 130 mph.

Public Notification	Number of Notices Mailed – 16 within 200-foot notification area 5 outside notification area
	<u>As of June 26, 2019:</u>
	In Favor – 7 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 23.18% of the land within the 200-foot notification area in favor.

Attachments:

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

Persons with disabilities planning to attend this meeting, who may require special services, are requested to contact the Development Services Department at least 48 hours in advance at (361) 826-3240. Personas con incapacidades, que tienen la intención de asistir a esta junta y que requieren servicios especiales, se les suplica que den aviso 48 horas antes de la junta llamando al departamento de servicios de desarrollo, al número (361) 826-3240.

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**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 0619-02**

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TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE DEVELOPMENT SERVICES DEPARTMENT, P. O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.


NOTE: In accordance with the Planning Commission By-Laws, no discussion shall be held by a member or members of this Commission with an applicant or appellant concerning an application or appeal, either at home or office, or in person, by telephone call or by letter.

Printed Name: CHARLES G. GIFFIN, JR.

Address: 901 S. STAPLES ST. City/State: CC/TX

IN FAVOR () IN OPPOSITION Phone: 361-0790

REASON:

Signature 

SEE MAP ON REVERSE SIDE
INFOR Case No.: 19ZN1014
Property Owner ID: 4

Case No. 0619-02
Project Manager: Andrew Dimas
Email: andrewd2@cctexas.com

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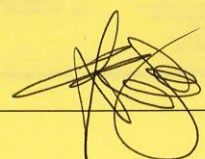
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Printed Name: CHARLES G. ELKIN, JR.

Address: 901 S. STAPES ST City/State: TX

IN FAVOR IN OPPOSITION Phone: 361-0180

REASON:



Signature

SEE MAP ON REVERSE SIDE
INFOR Case No.: 19ZN1014
Property Owner ID: 6

Case No. 0619-02
Project Manager: Andrew Dimas
Email: andrewd2@cctexas.com

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Address: 901 S. STARVES ST. City/State: CC/TX

IN FAVOR () IN OPPOSITION Phone: 361-0780

REASON:

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Email: andrewd2@cctexas.com

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Property Owner ID: 8

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Printed Name: CHARLES G. GLENN, JR.

Address: 901 S. STAPLES ST City/State: CC TX

IN FAVOR () IN OPPOSITION Phone: 016-0780

REASON:

Signature 

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Property Owner ID: 10

Case No. 0619-02
Project Manager: Andrew Dimas
Email: andrewd2@cctexas.com

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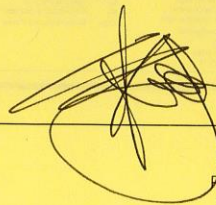
Printed Name: CHARLES G. GIFFIN, JR.

Address: 901 S. STANES City/State: CC/TX

IN FAVOR IN OPPOSITION Phone: (361) 916-0780

REASON:

Signature



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Property Owner ID: 11

Case No. 0619-02
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Email: andrewd2@cctexas.com

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Address: 901 S. STAPLES ST. City/State: CC/TX

IN FAVOR () IN OPPOSITION Phone: 361-0780

REASON:

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INFOR Case No.: 19ZN1014
Property Owner ID: 12

Case No. 0619-02
Project Manager: Andrew Dimas
Email: andrewd2@cctexas.com

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IN FAVOR () IN OPPOSITION Phone: 361-0780

REASON:

Signature 

SEE MAP ON REVERSE SIDE
INFOR Case No.: 192N1014
Property Owner ID: 16

Case No. 0619-02
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