



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of October 13, 2015
Second Reading for the City Council Meeting of October 20, 2015

DATE: August 27, 2015

TO: Ronald L. Olson, City Manager

FROM: Dan M. Grimsbo, P.E., Director, Development Services Department
DanG@cctexas.com
(361) 826-3595

Public Hearing and First Reading for property at 5105 Up River Road
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CAPTION:

Case No. 0815-05 Vincent Gerard and Associates: A change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for a cell tower of 125 feet in height. The property to be rezoned is described as being Lot 1, Block 3B, Kaler Addition, located along the south side of Up River Road between Savage Lane and North Navigation Boulevard.

PURPOSE:

The purpose of this item is to rezone property to allow a 125 foot cell tower.

RECOMMENDATION:

Planning Commission and Staff Recommendation (August 26, 2015):

Approval of the change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for a cell tower of 125 feet in height 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 the wireless telecommunication facility of 125 feet in height.
2. **Access and Placement** – Access and placement shall be as per the site plan and as approved by the Board of Adjustment.
3. **Time Limit** – This special Permit shall expire in one (1) year if applicable construction permits are not applied for.

4. **Setbacks** – Required setbacks shall be as per the UDC and as per Board of Adjustment approval.
5. **Other Requirements** – The Special Permit conditions listed herein do not preclude compliance with other applicable UDC and Building Code requirements.

BACKGROUND AND FINDINGS:

- The request for rezoning is consistent with the Westside Area Development Plan and the Future Land Use Map.
- Cell towers are regulated by UDC Section 5.5
- Cell towers in excess of 85 feet may be permitted with a Special Permit.
- The Board of Adjustment approved a variance on August 26, 2015 to allow a setback of 162 feet from a residential use in lieu of the setback required by UDC (a setback of 187.5 feet). The tower as proposed conforms to all other requirements, standards and specifications set forth in the UDC.
- The proposed wireless telecommunication facility will increase capacity in an area where it is needed to prevent a degradation of services and will increase coverage in areas that are currently underserved.

ALTERNATIVES:

1. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Westside Area Development Plan (ADP). The proposed rezoning to the “IL/SP” Light Industrial District with a Special Permit is consistent with the adopted Future Land Use Map.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:☐ Operating☐ Revenue☐ Capital☒ Not applicable

Fiscal Year: 2014-2015	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None**LIST OF SUPPORTING DOCUMENTS:**

Presentation - Aerial Map

Ordinance

Planning Commission Final Report