

# PLANNING COMMISSION FINAL REPORT

Case No. 1118-01

INFOR No. 18ZN1029

**Planning Commission Hearing Date:** November 14, 2018

<b>Applicant &amp; Legal Description</b>	<b>Owner:</b> Kyle McGee <b>Applicant:</b> Vincent Gerard and Associates <b>Location Address:</b> 6402 Holly Road <b>Legal Description:</b> 0.02 acres out of Lot 1A, Tract 1, Candlewood Annex, located on the north side of Holly Road, east of Airline Road, and west of Woodbend Drive.			
<b>Zoning Request</b>	<b>From:</b> "CG-2" General Commercial District <b>To:</b> "CG-2/SP" General Commercial District with a Special Permit <b>Area:</b> 0.02 acres <b>Purpose of Request:</b> To allow for the construction and operation of a 120' monopole wireless communications tower.			
<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>	"CG-2" General Commercial	Vacant and Low Density Residential	Low and High Density Residential
	<i>North</i>	"RM-1" Multifamily 1	Medium Density Residential	High Density Residential
	<i>South</i>	"RM-3" Multifamily 3	Medium Density Residential	High Density Residential
	<i>East</i>	"CN-1" Neighborhood Commercial	Commercial	Commercial
	<i>West</i>	CG-2" General Commercial	Commercial	Commercial
<b>ADP, Map &amp; Violations</b>	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Southside Area Development Plan and is planned for high density residential uses. The proposed rezoning to the "RS-4.5" Single-Family 4.5 District is consistent with the adopted Comprehensive Plan (Plan CC). <b>Map No.:</b> 042034 <b>Zoning Violations:</b> None			
<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 30 feet of street frontage via an existing driveway for an access easement along Holly Road which is designated as an "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).			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Holly Road	"A1" Minor Arterial	95' ROW 64' paved	92' ROW 56' paved	8,561 ADT (2012)

**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 operation construction and operation of a 120' monopole wireless communications tower.

**Development Plan:**

The subject property is 0.02 acres in size. The owner is proposing a 120' monopole wireless communications tower.

**Existing Land Uses & Zoning:**

The subject property is currently zoned "CG-2" General Commercial District and consists of vacant land. The subject property was annexed in 1962 and has remained undeveloped. The subject property is completely surrounded by a larger tract zoned "CG-2" General Commercial District. To the north is a townhome complex (Townhomes at Twenty01) zoned "RM-1" Multifamily 1 District. To the south is an apartment complex (Chandler's Mill) zoned "RM-3" Multifamily 3 District. To the east are commercial properties (Hearing Aid Company of Texas and Moody's Meat Market) zoned "CN-1" Neighborhood Commercial District. To the west is a commercial shopping center zoned "CG-2" General 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.

**PlanCC & Area Development Plan Consistency:**

The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the "CG-2/SP" General Commercial District with a Special Permit is consistent with the adopted Comprehensive Plan (Plan CC).

**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).
- The proposed rezoning is compatible with neighboring properties and with the general character of the surrounding area. This rezoning does not have a negative impact upon the surrounding neighborhood.
- 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.

**Planning Commission and Staff Recommendation (November 14, 2018):**

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 with the following conditions:

1. **Use:** The only use permitted under this Special Permit, other than those permitted by right in the "CG-2" General Commercial District, is a wireless telecommunication facility of 120-feet in height.
2. **Access:** Access and placement shall be as per the site plan setback.
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.

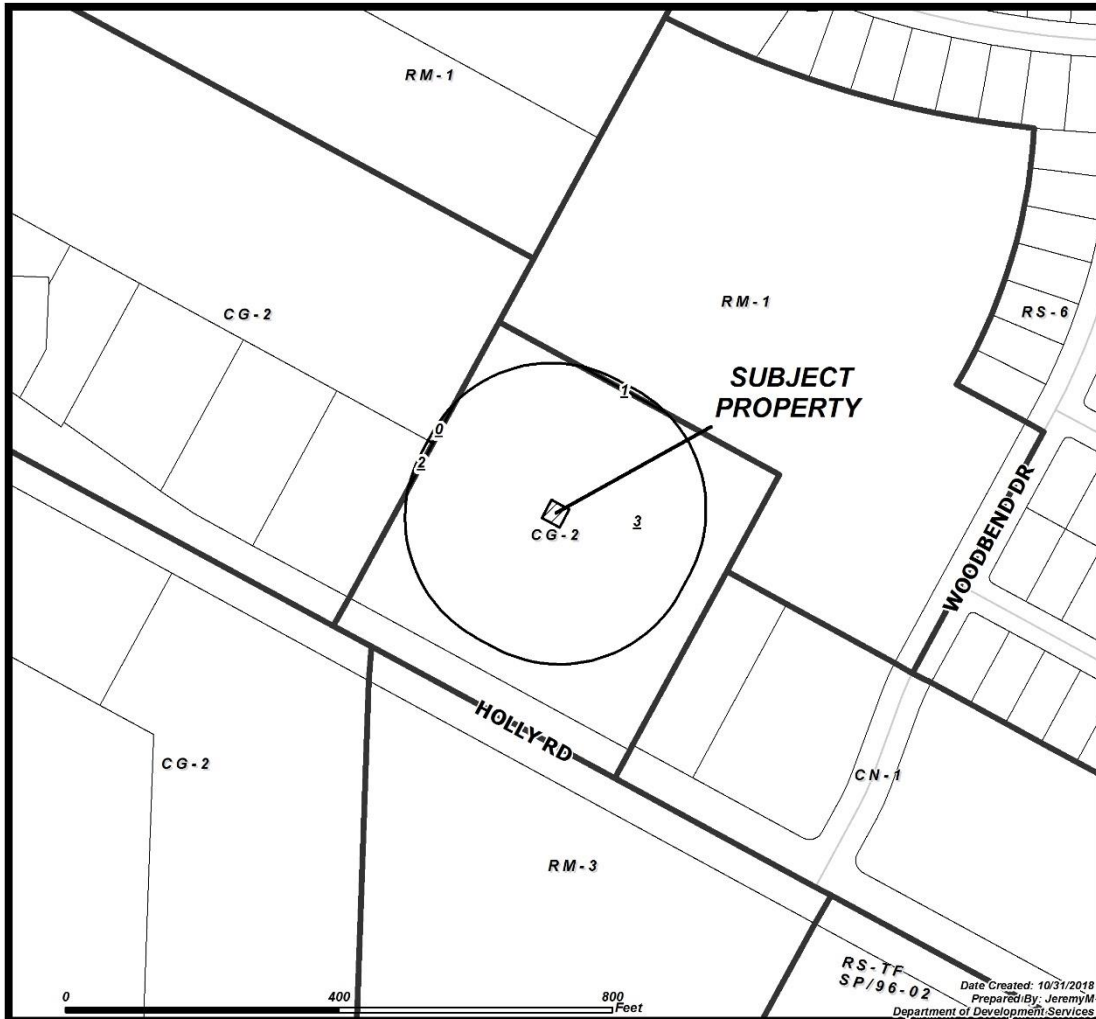
Vote Results:

For: 9  
Opposed: 0  
Absent: 0  
Abstained: 0

<b>Public Notification</b>	Number of Notices Mailed – 3 within 200-foot notification area 5 outside notification area
	<b><u>As of November 9, 2018:</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.

**Attachments:**

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



### CASE: 1118-01 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 within 200' listed on attached ownership table

Owners in favor

Owners in opposition



