



## **CITY COUNCIL COMMUNICATION**

September 10, 2013

**SUBJECT:** Hold Public Hearing for Specific Use Permit Case No. 12-18-SUP and Consider First and Final Reading of Ordinance No. 2008

**SUBMITTED BY:** Mike Collins, Director of Planning and Economic Development

**REFERENCE NO:** 12-18-SUP

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### **ACTION REQUESTED:**

Receive public input regarding the request for a Specific Use Permit in the Westpark Professional Centre Addition, Block 1, Lot 2R, for a Telecommunications Tower in the Community Business District (C-2) in the 200 Block of Dock McGinnis Road and approve Ordinance No. 2008.

### **ALTERNATIVES:**

- Approve the request with modifications
- Table the request
- Deny the request

### **SUMMARY OF SUBJECT:**

**Applicant:** Dallas MTA, LLP, dba Verizon Wireless, represented by Mr. Mason Griffin of the Griffin Firm, PLLC

**Location/Zoning:** 200 Block of Dock McGinnis Road – Zoned Community Business District (C-2).

**Project Summary:** The applicant is requesting a Specific Use Permit for the use of a portion of the subject property for the development of a telecommunications tower (cell tower). Section 84-85 (ai) outlines the standards to construct a telecommunications tower, including the requirement for a Specific Use Permit. The location is adjacent to existing developed commercial property and adjacent to undeveloped C-2 zoned property.

On July 25, 2013 the Zoning Board of Adjustment granted variances to the following:

Section 84-85(ai)(2)(a)(5) requiring that telecommunications towers must be a minimum of 200 feet or three to one distance to height ratio, whichever is greater.”; and,

Section 84-85(ai)(2)(a)(6) requiring that telecommunication towers be a minimum distance of 5,000 feet from another telecommunication tower, including from those towers located in an adjacent municipality.

The proposed tower height is one hundred ten (110’) feet. A three to one ratio setback would require a three hundred thirty (330’) foot setback from surrounding structures. The closest structure is the Dixie House restaurant. Its’ owners were in favor of the variance request. The proposed tower location is proposed to be setback approximately two hundred thirty (230’) feet from the restaurant. The applicant represents that the proposed tower location provides optimal cell coverage, particularly for areas south of Airport Freeway. If the tower location were to be moved south, the development potential of the property would be limited. The proposed location also keeps the tower north of an existing drainage swale on the property.

In support of the variance of the tower-to-tower setback distance, the applicant stated that “the telecommunications pole will provide emergency 911 service to the residential areas surrounding the site, and telecommunications coverage will be improved along Hwy 183. Additionally, by providing additional space on the tower for other carries, the tower will reduce the need for multiple other towers to address coverage needs in the area.”

The proposed tower is a monopole design in accordance with city standards and would not require additional footprint with guy-wires. An 8’ masonry wall would be constructed to screen the equipment shelter, with external landscaping provided as well. By ordinance, the tower must also be designed to accommodate two (2) additional antenna arrays. The applicant has also stated that co-locating on existing towers is not a viable option due to the lack of physical antenna space on the other towers and that the immediate geography of the other towers would not solve the gap coverage in which this tower location is attempting to alleviate.

The Eules Unified Development Code provides the opportunity for the City to contract with a consultant with expertise in the demands and requirements of the telecommunications industry to provide analysis and feedback on the tower location. The consultant concluded that the proposed tower location is acceptable location and will fill the gaps in cell tower coverage.

The Planning and Zoning Commission held a public hearing on August 20, 2013. There were a few property owners which spoke about the tower. They had concerns about the possible reduction in property values, the removal of the remaining trees on the site, and possible negative effects to health. Staff has stated that there has not been brought to our attention any quantifiable negative effect to property values associated with this tower style or in cell towers in general. The same can be said for how a tower may affect human health.

The tower will be located on the extreme northeast corner of the subject property and will not remove any of the trees which are located on the property in between the tower and the existing residential neighborhood. The proposed tower location is approximately 640 feet from the nearest residential structure.

The Planning and Zoning Commission voted to recommend approval of the Telecommunications Tower by a vote of 5-0-0 with the following conditions:

- a. The Specific Use Permit is tied to the tower ownership: Dallas MTA, LLP dba Verizon Wireless; and,
- b. The Specific use Permit may be revoked if one or more of the conditions imposed by this permit has not been met or has been violated.

**SUPPORTING DOCUMENTS:**

- Ordinance No. 2008
- Draft Minutes – P & Z
- Application
- Exhibit(s)
- Report: Cityscape Consulting
- Map 1, Map 2, and Map 3

**APPROVED BY:**

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City Manager's Office

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City Secretary's Office