

## **PLANNING AND ZONING COMMISSION DRAFT MINUTES OF AUGUST 6, 2012**

### **AGENDA PUBLIC HEARING ITEM: #7-SU120801, Specific Use Permit, 3549 S. State Highway 360 (City Council District 4).**

Senior Planner Mary Elliott presented the case report and a Power Point presentation to the Commission for approval of a Specific Use Permit for a fifteen-foot (15') extension to an existing telecommunications tower. The subject property is currently zoned Planned Development District 37 (PD-37) and is located within the State Highway 360 (SH-360) Overlay District. The subject property is generally located east of S. State Highway 360 and north of Interstate Highway 20 West. The owner is American Tower, the applicant is Metro PCS, and the agent is Chris Mayo, Site Property Co.

Mrs. Elliott stated this request is for approval of a specific use permit on 0.4765 acres for a 15-foot extension to an existing 83-foot telecommunications tower. The existing monopole tower includes antennas for AT&T, Clearwire and T-Mobile. The 15-foot monopole tower extension will serve MetroPCS with six antennas mounted on 24-inch standoff T-arm mounts. The operational plan states that there are no regular hours of operation or employees located at this site. Maintenance will be performed from time to time, and there is no regular maintenance schedule.

Mrs. Elliott stated an existing 40-foot by 50-foot lease area is located at the base of the tower. The lease area includes ground mounted equipment and is enclosed by an existing six-foot chain link fence. The lease area is located about 325 feet from the east right-of-way line for State Highway 360.

Mrs. Elliott stated the site survey shows a 15-foot fence expansion for a 15-foot by 20-foot MetroPCS lease area. The expanded lease area will include an elevated steel equipment platform and will also be enclosed by chain link fence. The new cabinets will blend with the existing cabinets. According to UDC, Article 24, Section 24.4.4.

Mrs. Elliott said access to the site will be from an existing gravel drive that is located on a 20-foot access easement. Since the gravel driveway has been in place since 1996, and the telecommunications ordinance was approved March 5, 2002, the existing condition is a legally nonconforming condition. The SUP ordinance includes additional provisions as follows:

- No signage, lettering, symbols, images or trademarks in excess of 200 square inches (1290 square cm) shall be placed on or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building, or security fencing other than as required by FCC regulation or other applicable law [UDC, Article 24, Section 24.4.6].
- No signals, lights or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA or other appropriate public authority [UDC, Article 24, Section 24.4.7].

- If no building permit is issued for an 85-foot tall monopole telecommunications tower within six months, or the use is discontinued for a period of six months or more, the Specific Use Permit shall automatically terminate.
- In the event the use of any wireless communication facility, which would include any telecommunications tower or other antenna support structure, has been discontinued for a period of 360 days, the antenna support structure shall be deemed to be abandoned [UDC, Article 24, Section 24.4.8].
- A Knox lock shall be installed on any gates that restrict emergency access.

Mrs. Elliott stated according to Article 24, “Wireless Telecommunications Facilities,” of the Unified Development Code, telecommunication towers are not permitted in any residential zoning district and must be a minimum of a 3 to 1 distance to height ratio from a single-family residential district and 1 to 1 distance to height ratio from a multifamily district.

Mrs. Elliott stated an appeal is required for the distance to height ratio due to adjacent property that is zoned Single Family-Five (SF-5) District, located to the northeast of the site. Staff can support the appeal since the property to the northeast is located within floodplain, and the nearest single family residence is located 585 feet to the east. This appeal would not be needed if the floodplain had an Agriculture (A) District or commercial zoning designation. According to UDC, Article 24, “Wireless Telecommunications Facilities,” telecommunication towers are not permitted in any residential zoning district and must be a minimum of a 3 to 1 distance to height ratio from a single-family residential district and 1 to 1 distance to height ratio from a multifamily district [UDC, Article 24, Section 24.5.2]. An appeal is required for the distance to height ratio due to adjacent property that is zoned Single Family-Five (SF-5) District, which is located to the northeast of the site.

Mrs. Elliott stated since the applicant is requesting the above noted appeal, the Development Review Committee is not able to recommend full approval of this case. However, the property to the northeast is located within floodplain, and the nearest single family residence is located 585 feet to the east. This appeal would not be needed if the floodplain had an Agriculture (A) District or commercial zoning designation. Staff can support this request for specific use permit approval for a 98-foot telecommunications tower in a commercial zoning district.

Commissioner Philipp stated in the briefing session there was a discussion on the FAA regulations regarding the height of the tower and the flight path of the airport, and asked that the applicant review those regulations.

Chairman Garrett noted there were no questions for staff, opened the public hearing, and asked for speakers.

The applicant Chris Mayo with Site Property Co., 6720 Hanover Road, Fort Worth, TX stepped forward representing the case and to respond to questions from the Commission. Mr. Mayo stated they are not within the flight path of the airport and they are working and conducting a study according to the FAA guidelines. He said the FAA would also need to approve the site.

Commissioner Gray asked if the new tower would add more coverage to the area.

Mr. Mayo replied yes, this tower would alleviate some capacity use in the area and surrounding locations.

There being no questions or further discussion on the case, Commissioner Moser moved to close the public hearing and recommend approval of case Z120801 granting the applicant's requested appeal, and approve a specific use permit for a 98-foot telecommunications tower in a commercial zoning district. The action and vote being recorded as follows:

Motion: Moser

Second: Wooldridge

Ayes: Adams, Arredondo, Garrett, Gray, Moser, Moss, Motley, Philipp and Wooldridge.

Nays: None

Approved: **9-0**

Motion: **carried.**