



17-0024Z

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone from "C"- Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to Allow for a Telecommunication Tower, Located Approximately 985 Feet South of Bloomdale Road and on the East Side of U.S. Highway 75 (Central Expressway); and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential, and open space)

MEETING DATE: August 6, 2018

DEPARTMENT: Planning

CONTACT: Jennifer Arnold, AICP, Interim Director of Planning
Matt Robinson, AICP, Planning Manager
Melissa Spriegel, Planner I

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. The use and development of the subject property shall develop in accordance with the Zoning Ordinance, with the following exceptions:
 - a) The subject property shall develop in accordance with development regulations and in accordance to the attached exhibit.
 - b) A support tower with communication antennas be the only use allowed.
 - c) The maximum height of the commercial antenna support structure be 125 feet and may be located less than three times the height of the support structure from any property line.
2. The commercial antenna support structure be of monopole design, built to

accommodate four carriers.

3. A six foot chain link fence and evergreen shrubs (6' evergreen shrubs, spaced 3' on center) be provided around the perimeter of the lease site.

APPLICATION SUBMITTAL DATE: December 27, 2017 (Original Application)
May 8, 2018 (Revised Submittal)
June 12, 2018 (Revised Submittal)
June 25, 2018 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 0.022 acres of land from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to allow for a support tower with communication antennas.

An approved site plan, subject to review and approval by Staff, is required for this tower to be constructed, should the rezoning request be approved by City Council.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"C" - Planned Center District (Commercial Uses) and "CC" - Corridor Commercial Overlay District	Landmark Equipment
North	"C" - Planned Center District (Commercial Uses) and "CC" - Corridor Commercial Overlay District	Undeveloped Land
South	"C3" - Regional Commercial District (Commercial Uses), "LI" (Light Industrial District (Industrial Uses), and "CC" - Corridor Commercial Overlay District	Undeveloped Land
East	"LI" (Light Industrial District (Industrial Uses) and "CC" - Corridor Commercial Overlay District	Undeveloped Land
West	"PD" - Planned Development District Ordinance No. 2013-10-099 (Mixed Uses) and "CC" - Corridor Commercial Overlay District	Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone approximately 0.022 acres of land from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to allow for a support tower with communication antennas.

The applicant is proposing to place antennas on a 125-foot tall, monopole tower support system, in the northeastern portion of the subject property. The subject property is currently developed as Landmark Equipment, a heavy machinery sales use. The tower is proposed approximately 21 feet from the northern property line and over 100 feet from the southern, eastern, and western property lines. The properties to the north and west are currently undeveloped but zoned for similar commercial uses, while the property to the south and east is undeveloped but zoned for commercial and industrial uses.

Commercial antennas and antenna support structures are allowed by specific use permit in most non-residential zoning districts if the proposed tower complies with certain requirements set forth in the Zoning Ordinance. The proposed support tower does not meet all of the requirements and must therefore request a rezoning of the subject property in order to allow the support tower with communication antennas. Staff is recommending several special ordinance provisions be incorporated into the PD as follows:

1. The use and development of the subject property conform the development regulations:
 - a) A support tower with communication antennas be the only use allowed.
 - Section 146-137 (Communications Antennas, Satellite Dishes and Support Structures/Towers) of the Zoning Ordinance states that within the commercial zoning districts, commercial antennas and antenna support structures are permitted by specific use permit ("SUP") if they comply with certain regulations.
 - This rezoning request, if approved, will take the place of the specific use permit that would typically be required.
 - b) The maximum height of the commercial antenna support structure be 125 feet and may be located less than three times the height of the support structure from any property line.
 - The proposed zoning will allow the support tower at a height of 125 feet without having to meet space limits of a base zoning district. The current zoning of the subject property, "C" - Planned Center District, and the aforementioned regulations in the Zoning Ordinance, as applied specifically to the subject property, require that a commercial antenna support structure with a height taller than 55 feet must be set back a distance equal to three times the height of the tower (375 feet), from any property line. The 375-foot setback makes a cell tower at this location impossible.

- The center of the tower is located approximately 21 feet from the northern property line, 300 feet from the southern, 170 feet from the eastern, and 400 feet from western property lines. The proposed tower only meets one out of the four property line setbacks as required.
 - Staff feels comfortable with the property line setbacks as proposed given the subject property is located within an area designated for more intense commercial and industrial uses. The western property line is adjacent to U.S. Highway 75 (Central Expressway), and Staff feels comfortable supporting the proposed location with regard to property line setbacks since the tower is set back an adequate distance so that the tower will not interfere with the public right-of-way.
- 2. The commercial antenna support structure be of monopole design built to support four carriers.
 - The applicant has proposed a monopole design meeting the minimum required capacity for carriers, as depicted on the zoning exhibit, attached.
- 3. A six foot chain link fence and living screen (6' evergreen shrubs, spaced 3' on center) be provided around the perimeter of the lease site.
 - The applicant has proposed a 6' chain link fence with living screen around the perimeter of the lease site, as depicted on the zoning exhibit, attached, to offset the appearance and any noise associated with the ground equipment.
 - Staff feels comfortable supporting the screening as proposed with evergreen shrubs around the perimeter of the enclosure.
- 4. Development of the subject property shall conform to the attached zoning exhibits.
 - This provision requires the site to develop according to the attached zoning exhibits with regard to location of the tower, site layout, screening, and setbacks.

NEW ANTENNAS AND ANTENNA SUPPORT STRUCTURES: Section 146-137 (Communications Antennas, Satellite Dishes and Support Structures/Towers) of the Zoning Ordinance requires the applicant to demonstrate, to the reasonable satisfaction of the City, that no existing antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any one

of the following:

- a. No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements;
- b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
- c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment; or
- d. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

The applicant has stated evidence in the letter of intent that accomplishes letter “c” which state that “Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.” Specifically, the applicant states that the closest tower is 0.15 miles to the south and is at over 100% capacity.

If the proposed rezoning request is approved, the applicant would be required to submit a site plan application prior to the issuance of a building permit for the proposed tower, subject to review and approval by the appropriate approval bodies. During site plan review, Staff will ensure conformance to the requirements of the Zoning Ordinance including, but not limited to, landscape buffers, landscaping, screening, and any other additional requirements of the proposed governing planned development ordinance for the subject property. The aforementioned special ordinance provisions will be required in order to develop the subject property as proposed by the applicant.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP modules diagram designates the subject property as Regional Commercial within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced development pattern”.
- **Impact on Infrastructure:** The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.

- **Impact on Public Facilities/Services:** The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for similar commercial and residential uses. The proposed rezoning request will remain compatible with the surrounding properties.
- **Land Use and Tax Base Summary:** Module 28 is currently comprised of approximately 0% residential uses and 100% non-residential uses (including institutional uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 28 are comprised of approximately 0% from residential uses and 100% from non-residential uses. Estimated tax revenues by type in Module 28 are comprised of approximately 20.5% ad valorem taxes and 79.5% sales and use taxes.

Concentration of a Use: The proposed rezoning request should not result in an over concentration of support tower with communication antennas land uses in the area.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments or phone calls in support of or opposition to this request.

BOARD OR COMMISSION RECOMMENDATION: On July 10, 2018 the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed rezoning request.

SUPPORTING MATERIALS:

[PZ Minutes 07.10.pdf](#)
[Location Map and Aerial Exhibit](#)
[Overall Property Map](#)
[Letter of Intent](#)
[Comprehensive Plan Maps](#)
[Land Use and Tax Base Summary](#)
[Proposed Ordinance](#)
[Proposed Exhibits A-C](#)
[Presentation](#)