

FILE NUMBER: Z212-295(JM) **DATE FILED:** July 6, 2022

LOCATION: Southeast corner of Walnut Hill Lane and Audelia Road

COUNCIL DISTRICT: 10

SIZE OF REQUEST: Approx. 0.94 acres **CENSUS TRACT:** 130.04

REPRESENTATIVE: Santos Martinez, La Sierra Planning

APPLICANT: 301 West Northside, LLC

OWNER: Madison Partnership, LTD

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication use on property zoned a CR Community Retail District.

SUMMARY: The purpose of this request is to allow for the height of an existing tower/antenna for cellular communication to increase in height from 65 feet to 85 feet, which requires an SUP in this zoning district.

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/elevation plan and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/elevation plan and conditions.

BACKGROUND INFORMATION:

- The site is located within a retail building site with multiple commercial uses and zoned a CR Community Retail District, which allows a tower/antenna for cellular communication by right and requires a Specific Use Permit for any tower taller than 65 feet (see [Sec.51A-4.212\(10.1\)](#)).
- This request is to increase the overall height of an existing monopole cellular tower from 65 feet to 85 feet, inclusive of a five-foot lightning rod. The added height requires an SUP.
- The Dallas Development Code stipulates that a cellular tower is exempt from residential proximity slope height restrictions if an SUP is required for the cellular use and the impact of the tower height on an adjacent residential district is considered in the SUP process.
- The applicant requests an SUP for a tower/antenna for cellular communication for a ten-year period, with eligibility for automatic renewals for additional ten-year periods.

Zoning History:

There have been no zoning cases in the area in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Designation	Existing/Proposed ROW
Walnut Hill Lane	Principal Arterial	M-6-D(A)	100 feet/100 feet
Audelia Road	Minor Arterial	M-6-D(B)	90 feet/90 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating the applicant's request.

While the Plan does not specifically address telecommunication coverage, the Plan contains goals and policies for stabilization and strengthening of neighborhoods. Staff recognizes that telecommunication is a part of overall access to services and utilities. Therefore, an increase in telecommunication coverage may help achieve the general goals of the Plan.

Land Use:

	Zoning	Land Use
Site	CR Community Retail District	Retail and personal service, restaurant w/drive through, monopole cellular tower
North	CR Community Retail District, PD No. 401, MF-1(A) Multifamily District, w/DRs and SUP No. 377	Retail and personal service, multifamily w/private community center
East	CR Community Retail District and R-7.5(A) Single Family District	Retail and personal service, single family
South	CR Community Retail District and R-7.5(A) Single Family District	Retail and personal service, single family
West	CR Community Retail District and R-7.5(A) Single Family District	Retail and personal service, single family

Land Use Compatibility:

The area of request is just under one acre and contains many retail and personal service uses including restaurants with drive throughs. The property is surrounded by other retail and personal service uses at the Walnut Hill Lane/Audelia Road intersection. Additionally, multifamily exists to the north across Walnut Hill Lane and single family to the far northwest, far northeast, east, south, and southwest.

The property is zoned a CR Community Retail District. Pursuant to Section 51A-4.212(10.1) of the Dallas Development Code, monopole cellular towers are allowed by

right in the CR District if the height does not exceed 65 feet, with Residential Adjacency Review (RAR) required. The existing tower/antenna for cellular communication is 65-feet-in-height and was legally constructed October 26, 2020. The proposed increase in height requires a Specific Use Permit before the building permit can be issued.

The site plan indicates the monopole cellular tower area is 18-feet by 41-feet eight-inches or 750 square feet. The area contains a generator, carrier lease area for equipment, a meter bank and box, the pad for the monopole tower, and a 10-by-12-foot lease area containing a 40-square-foot cement pad and equipment. The entire area is surrounded by a CMU wall. Access to the site is internal to the shared retail site and an access easement is provided on the site plan. A 12-foot access gate is located at the south of the lease area.

The proposed increase in height can only be accomplished with the SUP requested. An assessment of the RPS Residential Proximity Slope can help determine potential compatibility of the increased height requested. Staff assessed the surrounding residential uses and found that the proposed height of 85 feet is significantly lower than permitted with the application of RPS. The surrounding limits would permit up to 173-feet-in-height at the most restrictive application due to the R-7.5(A) District to the south.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request because it is not foreseen to be detrimental to the aesthetics of the existing retail uses, or of the surrounding development. The request will also provide increased telecommunication coverage in a dense, centrally located area of the city. Staff supports the applicant's requested time period of ten years with eligibility for automatic renewals for additional ten-year periods.

Landscaping:

In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. However, the proposed additional height will not trigger any additional landscaping requirements.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a tower/antenna for cellular communication is one space if the communication tower/antenna has an auxiliary building housing electronic and communication equipment greater than 120 square feet. No auxiliary building is existing/proposed; therefore, no additional parking is triggered by the proposed use.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not located within an MVA area. Southwest of the area of request is a "B" MVA area; southeast is a "D" MVA area; and, to the north is a "C" MVA area.

LIST OF PARTNERS/PRINCIPALS/OFFICERS

Applicant:

301 West Northside LLC
David Draper, Principal
Edwin K. Neville, III, Principal

Owner:

Madison Partnership LTD
Matthew F. Madison, sole member

CPC Action
December 15, 2022

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/elevation plan and conditions on property zoned a CR Community Retail District, on the southeast corner of Walnut Hill Lane and Audelia Road.

Maker: Housewright
Second: Rubin
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Gracey
Vacancy: 1 - District 4

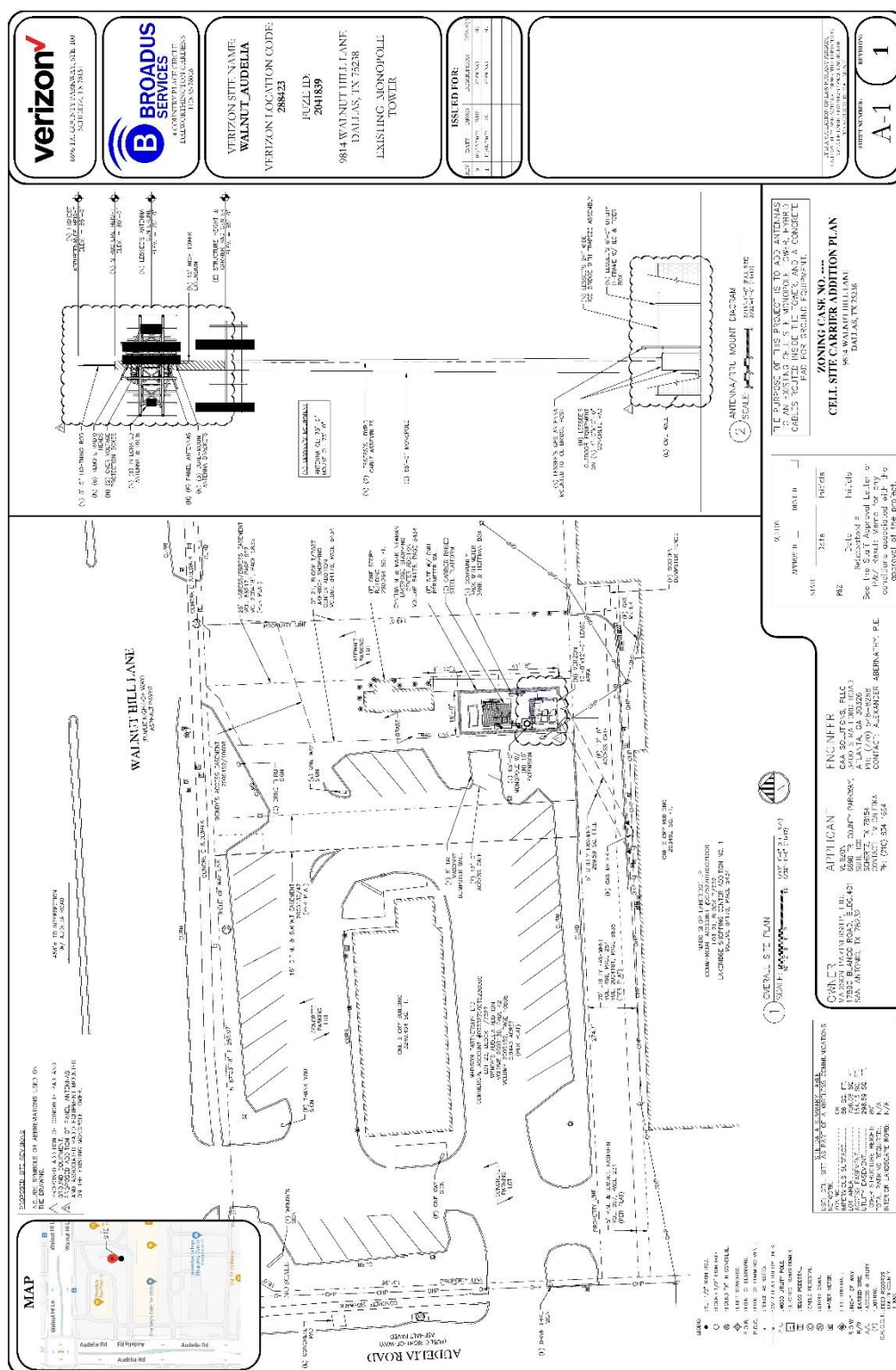
Notices:	Area: 500	Mailed: 45
Replies:	For: 2	Against: 1

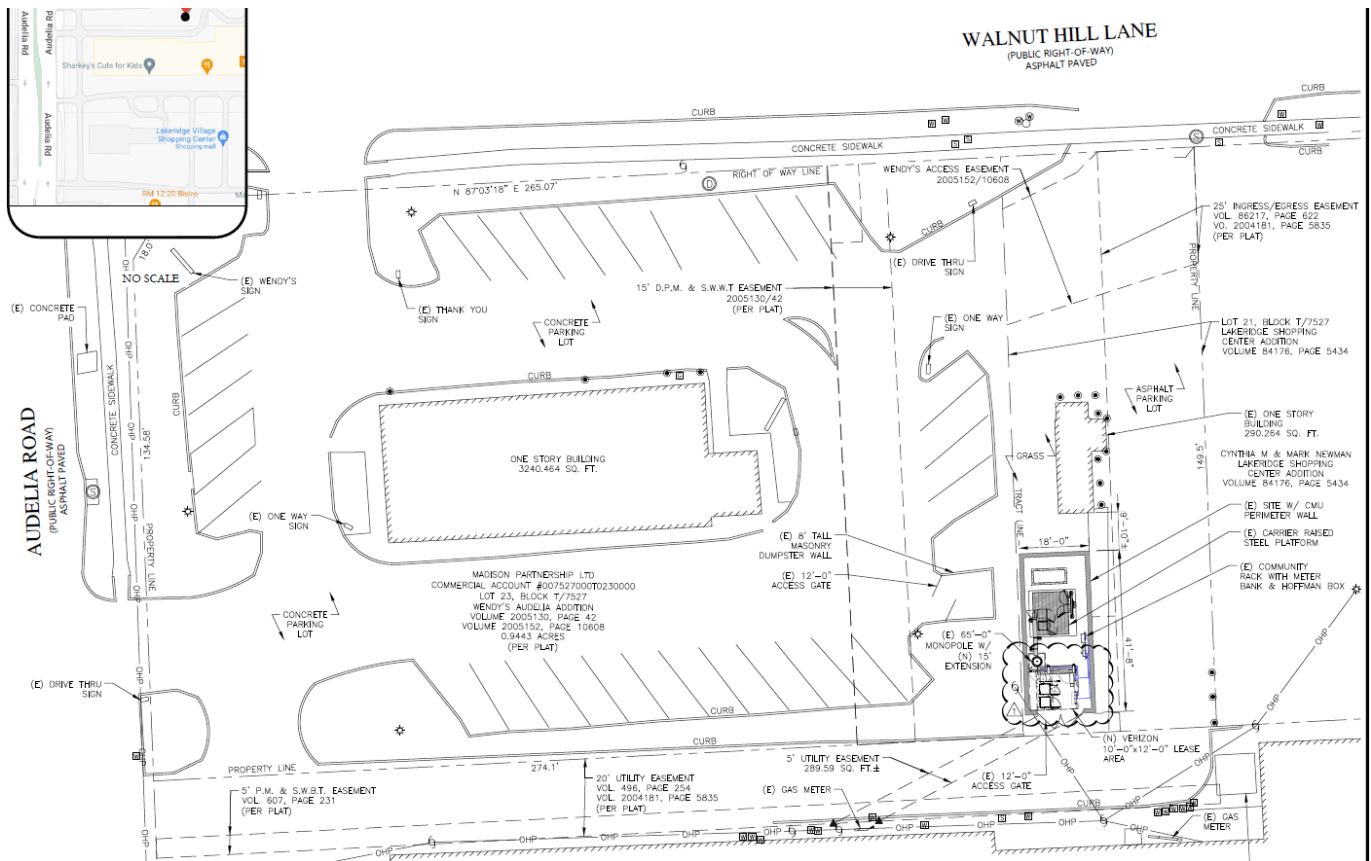
Speakers: None

CPC RECOMMENDED SUP CONDITIONS

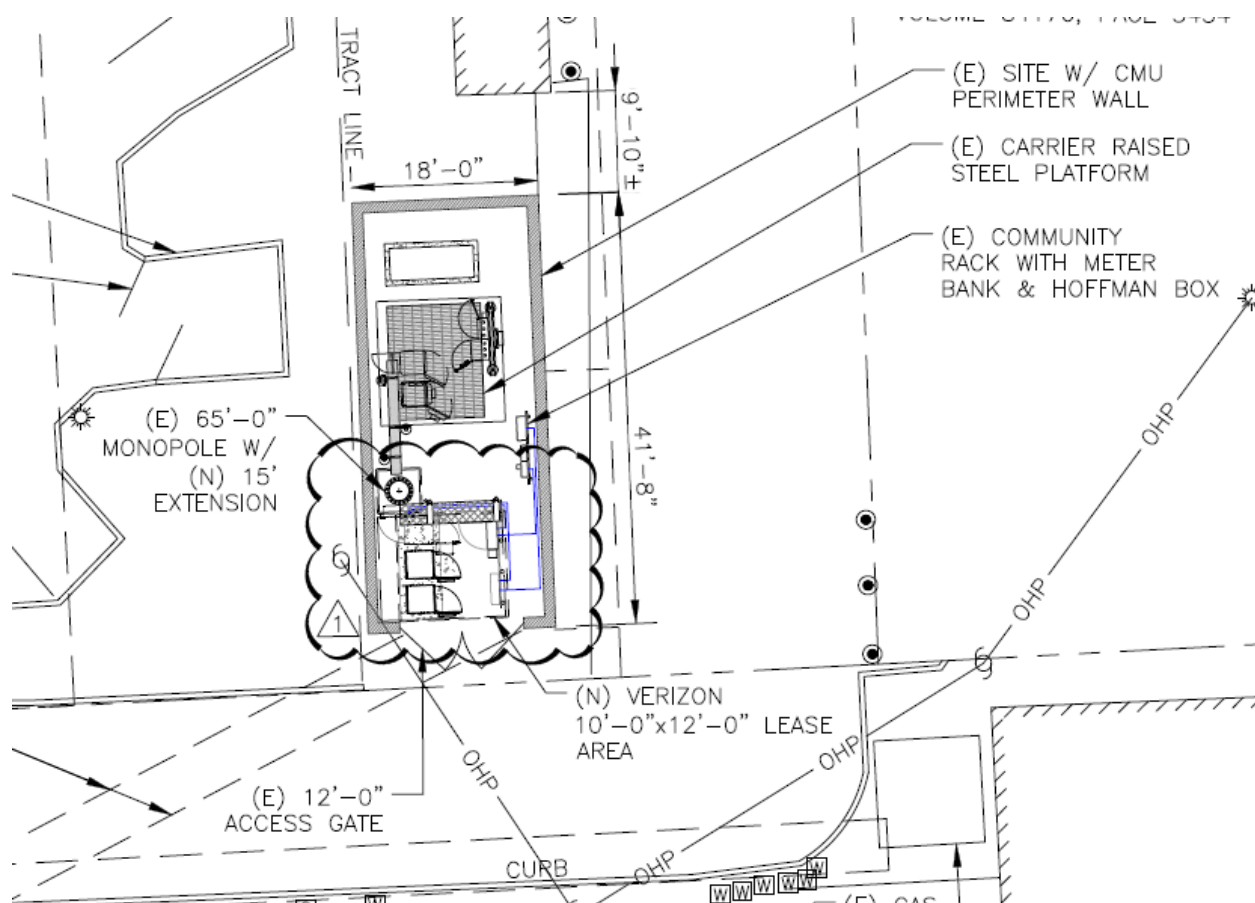
1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. SITE PLAN AND ELEVATION: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on TEN YEARS but is eligible for automatic renewal for additional TEN-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. CO-LOCATION: Any tower/antenna support structure must be constructed to support the antenna arrays for at least two wireless communication carriers. The tower/antenna support structure must be made available to other wireless communications carriers upon reasonable terms
5. HEIGHT: The tower/antenna for cellular communication may not exceed 85 feet in height, including the five-foot lightning rod.
6. SCREENING: The lease area must be screened by a six-foot-tall solid fence and secured by an access gate in the location shown on the attached site plan and elevation.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

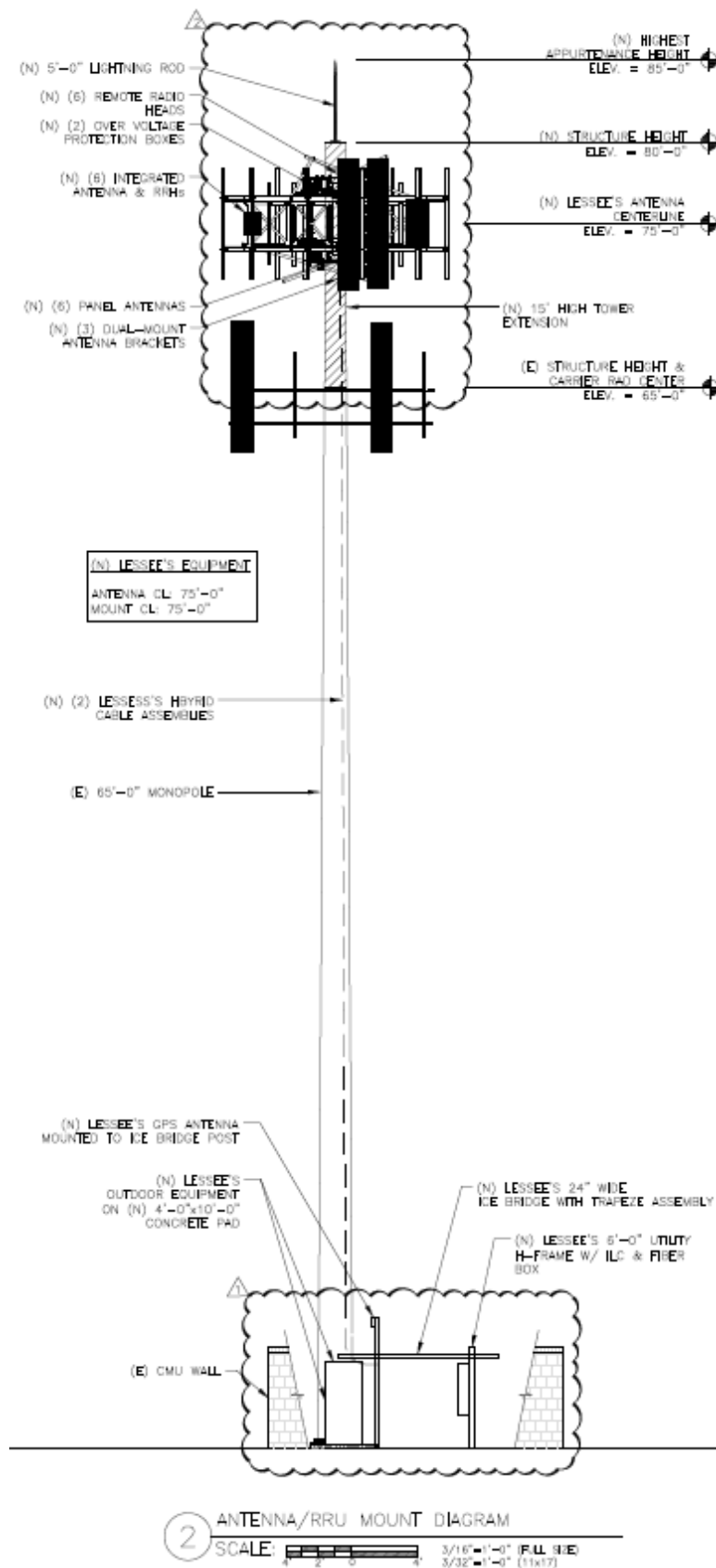
CPC RECOMMENDED SITE PLAN AND ELEVATION

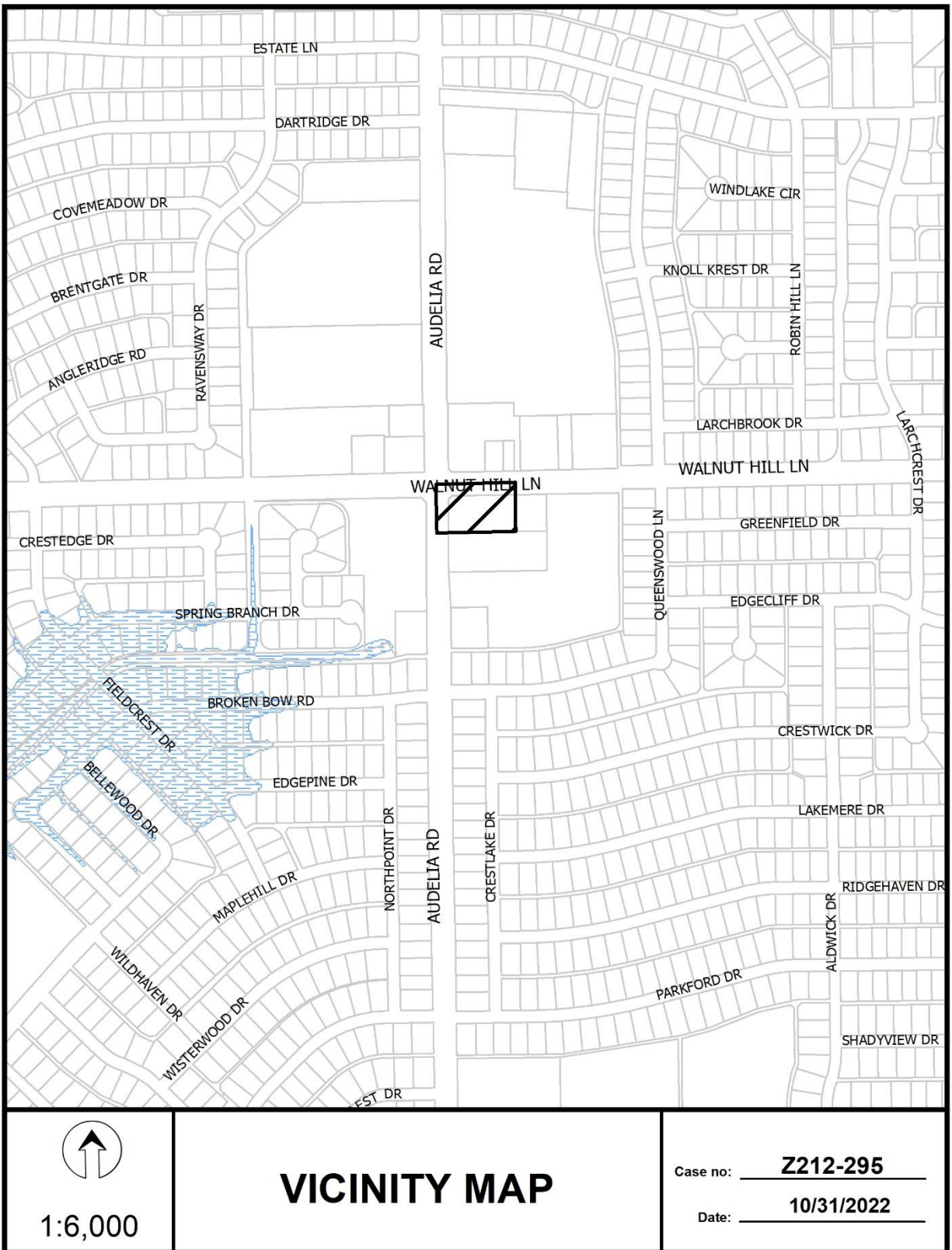


ENLARGED OVERALL SITE PLAN

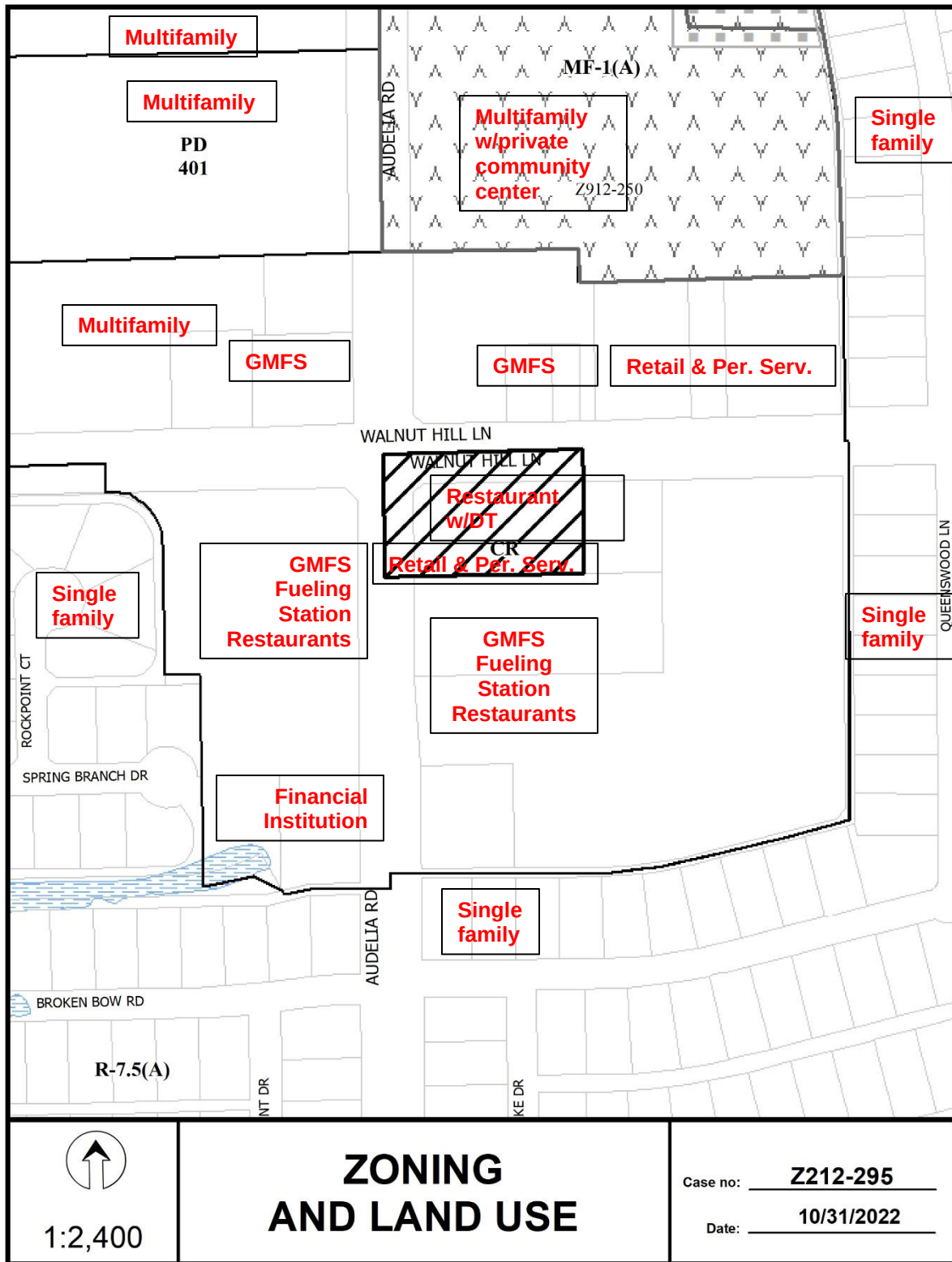
ENLARGED LEASE AREA



ENLARGED ELEVATION



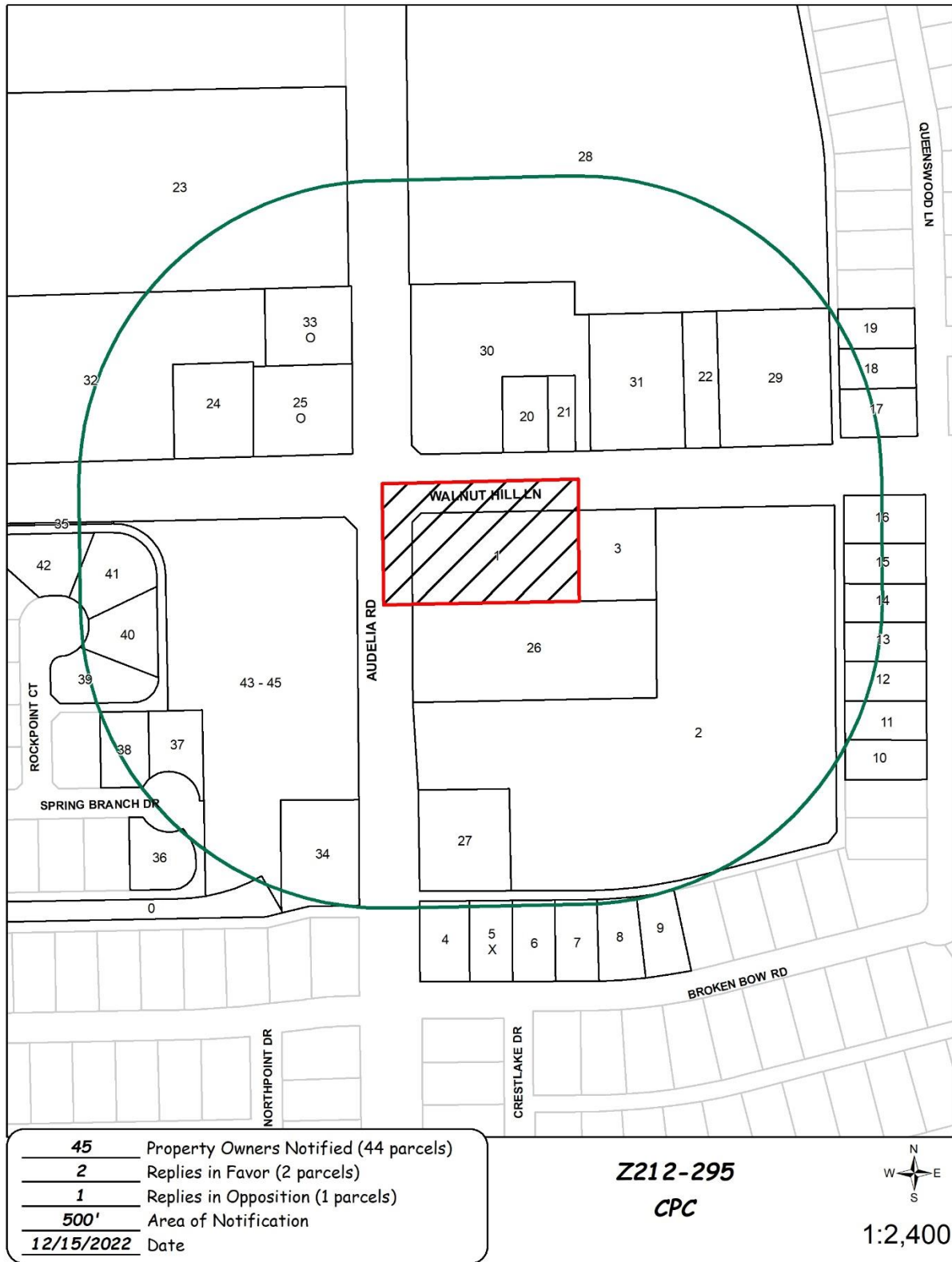




Market Value Analysis

16

CPC RESPONSES



12/14/2022

Reply List of Property Owners***Z212-295******45 Property Owners Notified******2 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9680 AUDELIA RD	MADISON PARTNERSHIP LTD
	2	9634 AUDELIA RD	LAKERIDGE VILLAGE EDENS LLC
	3	9820 WALNUT HILL LN	NEWMAN CYNTHIA M & MARK
	4	9807 BROKEN BOW RD	ADAMS JEFFREY CHARLES & LAUREN FAYLE
X	5	9815 BROKEN BOW RD	GILLEY CATHY &
	6	9823 BROKEN BOW RD	STRANG NORMAN W &
	7	9829 BROKEN BOW RD	Taxpayer at
	8	9833 BROKEN BOW RD	BROWN STEPHEN & SHERYL
	9	9837 BROKEN BOW RD	JOHNSON JENNIFER
	10	9625 QUEENSWOOD LN	FEUTZ TIMOTHY J &
	11	9629 QUEENSWOOD LN	CORLEY OLETA F LF EST
	12	9633 QUEENSWOOD LN	KAMLER SAMUEL BENJAMIN
	13	9637 QUEENSWOOD LN	KIRK & LYNN SMITH FAMILY TRUST
	14	9641 QUEENSWOOD LN	WEYHE MATTHEW & ALYCE NORWOOD
	15	9645 QUEENSWOOD LN	COOPER DAVID E &
	16	9651 QUEENSWOOD LN	BLACKWOOD CAROL LYNN
	17	9707 QUEENSWOOD LN	KREFT JESSICA MICHELLE &
	18	9711 QUEENSWOOD LN	MICKITS DAVID P
	19	9715 QUEENSWOOD LN	MARKS AMY L
	20	9811 WALNUT HILL LN	ATKINSON JAMES F LIVING TRUST
	21	9815 WALNUT HILL LN	ATKINSON JAMES P LIVING TRUST
	22	9845 WALNUT HILL LN	LOVEN JAMES A
	23	9763 AUDELIA RD	PAXTON W99 LAP LLC
	24	9715 WALNUT HILL LN	TYGRA WALNUT HILL LLC
O	25	9747 WALNUT HILL LN	WILLINGHAM W W III TR
	26	9660 AUDELIA RD	LAKERIDGE VILLAGE LLC

12/14/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	9616 AUDELIA RD	CIRCLE K STORES INC
	28	9842 AUDELIA RD	LAVERA W99 LAP LLC
	29	9855 WALNUT HILL LN	RETAIL BUILDINGS INC
	30	9807 WALNUT HILL LN	ESP INVESTMENT GROUP LLC
	31	9835 WALNUT HILL LN	GADDY EDWARD E ET AL
	32	9707 WALNUT HILL LN	UESHIMA GOTA
O	33	9721 AUDELIA RD	WILLINGHAM WILLIAM LEGACY TR &
	34	9625 AUDELIA RD	LEGACYTEXAS BANK
	35	9661 AUDELIA RD	AUDELIA WGK LLC
	36	9778 SPRING BRANCH DR	TUCKER CYNTHIA ANN TIBEY &
	37	9777 SPRING BRANCH DR	OGLE MATTHEW R & MEGAN E
	38	9767 SPRING BRANCH DR	BEAR DANIEL & MALLORY
	39	9656 ROCKPOINT CT	HALPIN CHRISTOPHER J & COURTNEY J HALPIN
	40	9662 ROCKPOINT CT	KRETZ JOHNMICHAEL & EMILY
	41	9668 ROCKPOINT CT	SMITH MICHAEL
	42	9674 ROCKPOINT CT	HERNANDEZ DARRELL L & KARI B
	43	9661 AUDELIA RD	AUDELIA WGK II LLC
	44	9661 AUDELIA RD	RANCHERS CUSTARD CO LLC
	45	9661 AUDELIA RD	SEVEN ELEVEN INC