

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-309(SM) **DATE FILED:** July 25, 2018
LOCATION: East line of South Fitzhugh Avenue, north of Lagow Street
COUNCIL DISTRICT: 7 **MAPSCO:** 46 R
SIZE OF REQUEST: Approx. 13,500 sq. ft. **CENSUS TRACT:** 27.01

APPLICANT: David Hargrove, Communications Tower Group, LLC

OWNER: Isaac Brown, Jr.

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a D(A) Duplex Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The applicant proposes to construct a monopole tower for cellular communication within a concealment tower with an overall height of 89 feet on the subject site which is currently undeveloped. The 40-foot by 40-foot wireless lease area is proposed approximately 109 feet southeast of South Fitzhugh Avenue and the tower and equipment is proposed to be surrounded by an eight-foot-tall concrete masonry unit (CMU) block wall. The proposed concealment tower will support T-Mobile and other cellular carriers to be determined later.

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

BACKGROUND INFORMATION:

- The area of request is currently undeveloped but was once occupied by two residential structures with the addresses of 4214 and 4218 South Fitzhugh Avenue.
- The southwest half of the area of request property (4214 South Fitzhugh Avenue) is the proposed location of the cellular tower. Aerial photography shows the original residential structure on this property was razed between 1979 and 1989.
- The northeast half of the area of request will remain undeveloped (4218 South Fitzhugh Avenue). A demolition permit to raze the original residential structure was completed on May 2, 1989.
- On April 4, 2019, the City Plan Commission held this item under advisement to allow the applicant to investigate if Paul L. Dunbar Elementary School could be a potential alternative site location for the proposed cell tower. DISD declined siting the monopole in the only available campus locations which are on the front and side lawns of the school.

Zoning History: There have been no recent zoning cases requested in the area in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Street Width
S. Fitzhugh Avenue	Minor Arterial	Minimum-6 lanes-Divided; 100' ROW

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Comprehensive Plan:

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

LAND USE ELEMENT

- GOAL 1.1 Align land use strategies with economic development priorities
 - Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

- Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.
- Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

STAFF ANALYSIS:

Surrounding Land Uses:

Location	Zoning	Land Use
Site	PDD No.595 (D(A) Subdistrict)	Undeveloped
Northeast	PDD No.595 (D(A) and NC Subdistricts)	Undeveloped and Retail
Southeast	PDD No.595 (R-5(A) Subdistrict)	Undeveloped and Single Family
Southwest	PDD No.595 (NC Subdistrict)	Vacant medical clinic and Church
Northwest	MF-2(A) and CR with Historic Overlay No. 33	Surface parking for Fair Park

Land Use Compatibility:

The applicant proposes to construct a monopole tower for cellular communication within a concealment tower on the southwestern half of the site with an overall height of 89 feet on the subject site which is currently undeveloped. The 40-foot by 40-foot wireless lease area is proposed approximately 109 feet southeast of South Fitzhugh Avenue and the tower and equipment is proposed to be surrounded by an eight-foot-tall concrete masonry unit (CMU) block wall. The northeastern half of the site will remain undeveloped.

The proposed location of the stealth monopole tower is southeast of, and across a major thoroughfare from, a surface parking lot for Fair Park. Retail uses are located to the northeast and are separated from the area of request by two residentially-zoned undeveloped lots. Surrounding uses to the southeast include undeveloped land and single family homes that front on Carl Street. Finally, a vacant medical clinic building abuts the site to the southwest and a church is located farther southwest, on the corner of Lagow Street and South Fitzhugh Avenue.

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.

The applicant proposes to construct a monopole tower at this location to provide cellular coverage to users within the vicinity and has provided depictions of existing adjacent and proposed T-Mobile antenna sites on the following pages.

Staff supports the request because the cellular array is concealed within a pole thus minimizing the visual effect of a cellular platform and the public utility service of increased coverage would significantly improve as shown by the following coverage maps.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
D(A) Duplex	25'	5'/5' for SF 5/10' Duplex 10'/10' Other	1 Dwelling Unit/ 3,000 sq. ft.	36 ft*	60%	Min. Lot: 6,000 sq. ft	Duplex & single family

* Section 51A-4.408 of the DDC provides an exception to height for utility and public service uses

The D(A) Duplex District only specifies maximum structure height is 36 feet and does not specify an additional limitation to height in the form of a residential proximity slope (RPS). Therefore, residential proximity slope does not apply to the subject site. Additionally, Section 51A-4.408 of the Dallas Development Code provides an exception of maximum structure height for utility and public service uses, including a tower/antenna for wireless communication. Therefore, the maximum structure height of 36 feet in the D(A) Duplex District also does not apply to a tower/antenna for cellular communication.

However, a one-to-three slope, similar to RPS, can be utilized as a tool to consider height compatibility with surrounding uses and structures. For the proposed 89-foot tall tower to comply with a spacing of one foot in height for every three feet in distance, it must be placed 267 feet away from the nearest residentially zoned private property. Since the

closest residential property line to the proposed monopole is approximately 25 feet to the southeast, if this spacing is applied, the proposed tower would not comply. Although the proposed monopole tower would not comply with a one-to-three slope staff can support the proposed cellular tower because it is proposed within a stealth design that allows the cellular antennas to be concealed within a structure, thereby camouflaging the tower. Also, the nearest single family structure is approximately 120 feet from the proposed location of the monopole tower.

Parking:

Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than 120 square feet. No auxiliary building is proposed and therefore no additional parking is triggered by the development of this use.

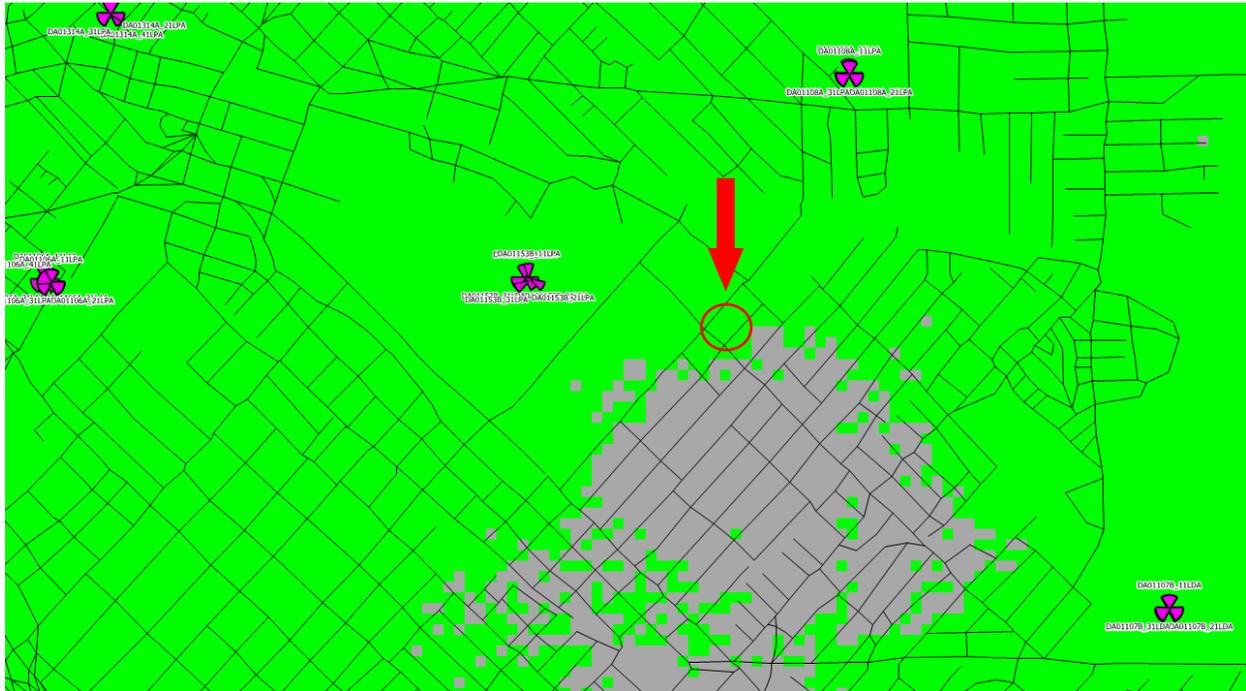
Landscaping:

In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Per the current proposal, the area of request will not be required to provide landscaping because less than 2,000 square feet of non-permeable surface will be installed.

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). Although the area of request is not within an identifiable MVA cluster, it abuts an “I” MVA cluster to the southeast.

Actual Coverage:



Proposed Coverage:



CPC Action

April 4, 2019

Motion I: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a tower/antenna for cellular communication on property zoned a D(A) Duplex Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the east line of South Fitzhugh Avenue, north of Lagow Street.

Maker: Schultz
Second: Carpenter
Result: **Commissioner Schultz withdrew her motion.
Commissioner Carpenter withdrew her second.**

Motion II: In considering an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a D(A) Duplex Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the east line of South Fitzhugh Avenue, north of Lagow Street, it was moved to **hold** this case under advisement until June 6, 2019.

Maker: Schultz
Second: Carpenter
Result: Carried: 11 to 2

For: 11 - MacGregor, Criss, Johnson, Shidid, Carpenter,
Lewis, Jung, Housewright, Schultz, Murphy,
Tarpley

Against: 2 - Schulte, Ridley
Absent: 0
Vacancy: 2 - District 7, District 12

Notices: Area: 500 Mailed: 66
Replies: For: 0 Against: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
David Hargrove, 322 Lochside, Cary, NC, 27518
Aubrey Coleman, 7336 Warren Pkwy., Frisco, TX, 75034
For (Did not speak): Haider, Tawfeq, 7668 Warren Pkwy., Frisco, TX, 75034
Against: None

CPC Action

June 6, 2019

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned a D(A) Duplex Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the east line of South Fitzhugh Avenue, north of Lagow Street.

Maker: Brinson
Second: Schulte
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss*, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 1 - District 12

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 66
Replies: For: 2 Against: 1

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
FOR (Did not speak): David Hargrove, 322 Lochside, Cary, NC, 27518
Aubrey Coleman, 7336 Warren Pkwy., Frisco, TX, 75034
Against: None

List of Officers

MEMBERS

**COMMUNICATIONS TOWER GROUP LLC
15720 Brixham Hill Avenue, Suite 300
Charlotte, North Carolina 28277**

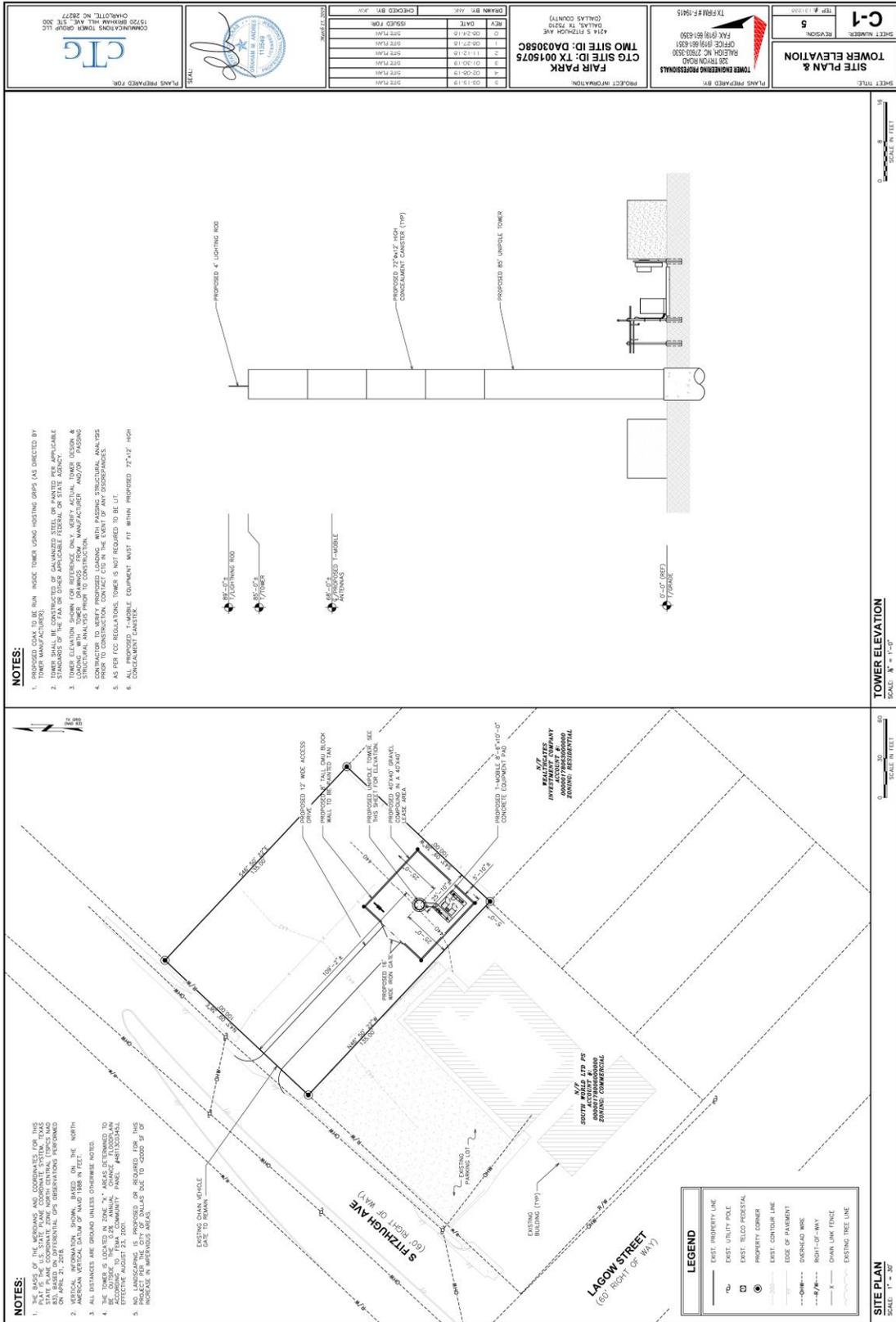
The following is the Member of COMMUNICATIONS TOWER GROUP LLC, a Delaware limited liability company:

Ricardo Loor
Member and CEO

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: 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 from the passage of the ordinance), 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 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. COLLOCATION: Any tower/antenna support structure must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.
5. HEIGHT: The maximum height of a tower/antenna for cellular communication is 89 feet.
6. SCREENING: The lease area must be screened by a six-foot-tall solid screening fence and secured by a six-foot-tall access gate in the location shown on the attached site plan.
7. STEALTH DESIGN: The tower/antenna for cellular communication must be constructed with a stealth design with the platform concealed within the overall vertical design of the tower.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. 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.

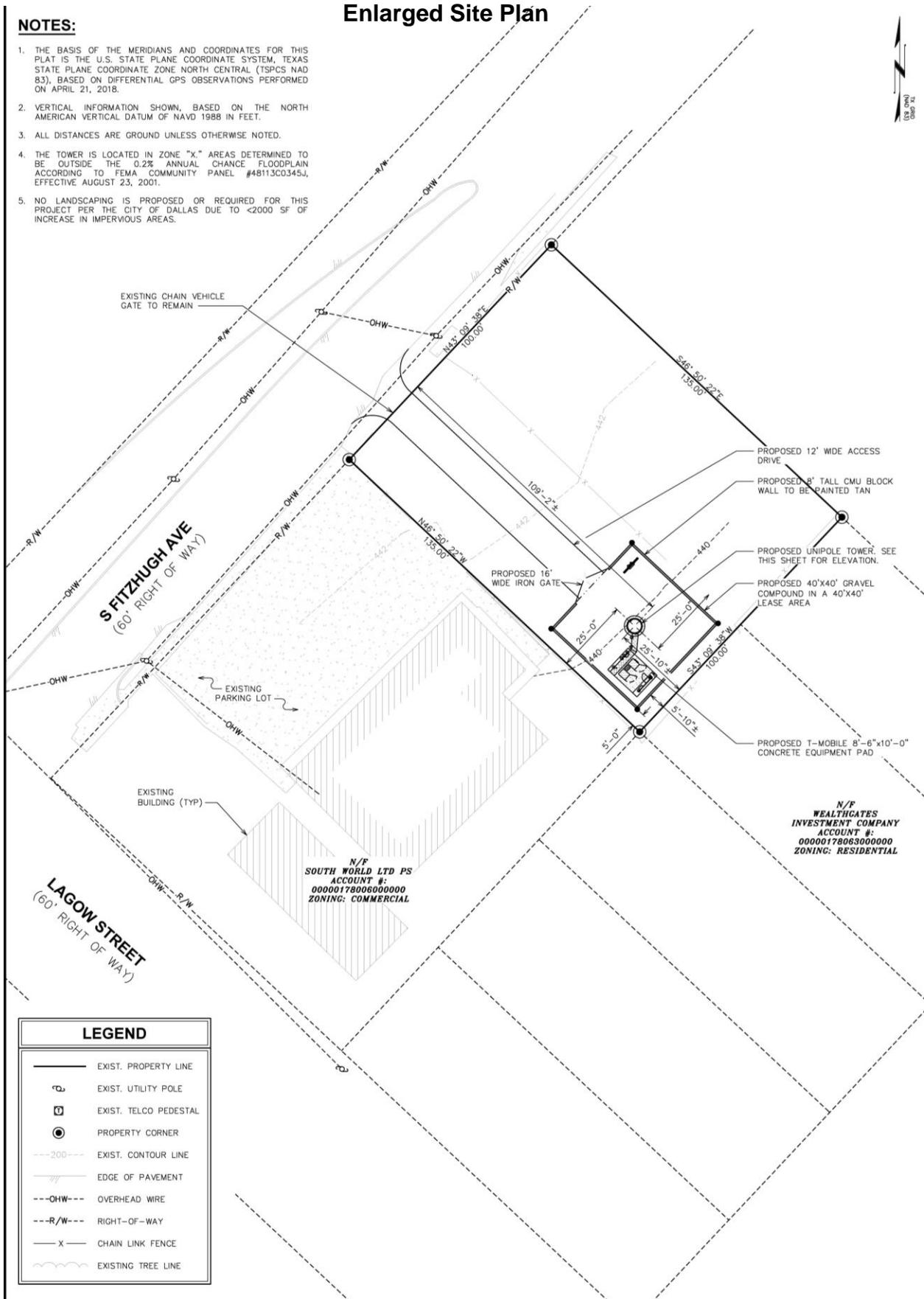
CPC Recommended Site Plan



Enlarged Site Plan

NOTES:

1. THE BASIS OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE U.S. STATE PLANE COORDINATE SYSTEM, TEXAS STATE PLANE COORDINATE ZONE NORTH CENTRAL (TSPCS NAD 83), BASED ON DIFFERENTIAL GPS OBSERVATIONS PERFORMED ON APRIL 21, 2018.
2. VERTICAL INFORMATION SHOWN, BASED ON THE NORTH AMERICAN VERTICAL DATUM OF NAVD 1988 IN FEET.
3. ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
4. THE TOWER IS LOCATED IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FEMA COMMUNITY PANEL #48113CO345J, EFFECTIVE AUGUST 23, 2001.
5. NO LANDSCAPING IS PROPOSED OR REQUIRED FOR THIS PROJECT PER THE CITY OF DALLAS DUE TO <2000 SF OF INCREASE IN IMPERVIOUS AREAS.



LEGEND	
	EXIST. PROPERTY LINE
	EXIST. UTILITY POLE
	EXIST. TELCO PEDESTAL
	PROPERTY CORNER
	EXIST. CONTOUR LINE
	EDGE OF PAVEMENT
	OVERHEAD WIRE
	RIGHT-OF-WAY
	CHAIN LINK FENCE
	EXISTING TREE LINE

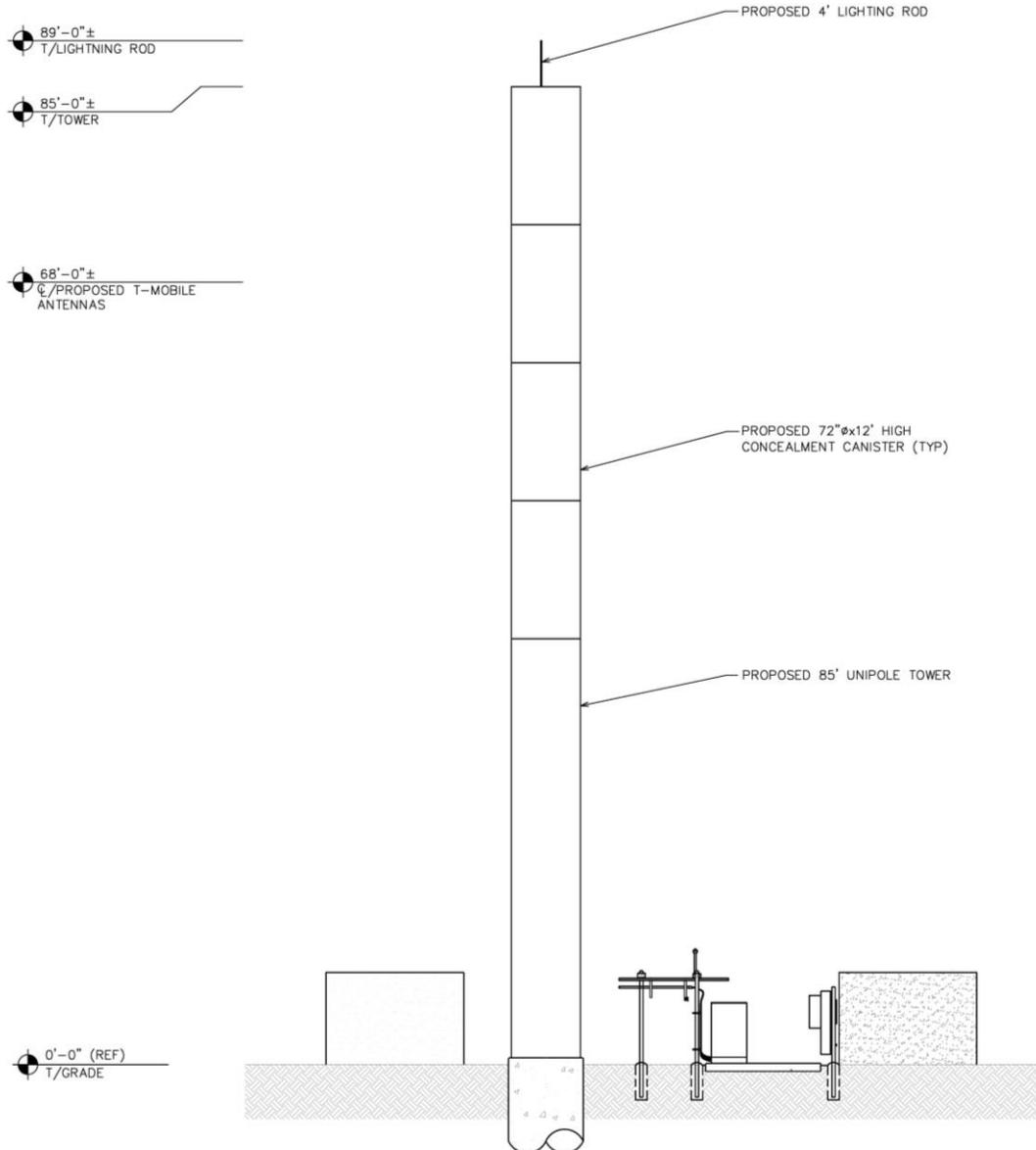
N/F SOUTH WORLD LTD PS
ACCOUNT #: 0000017806000000
ZONING: COMMERCIAL

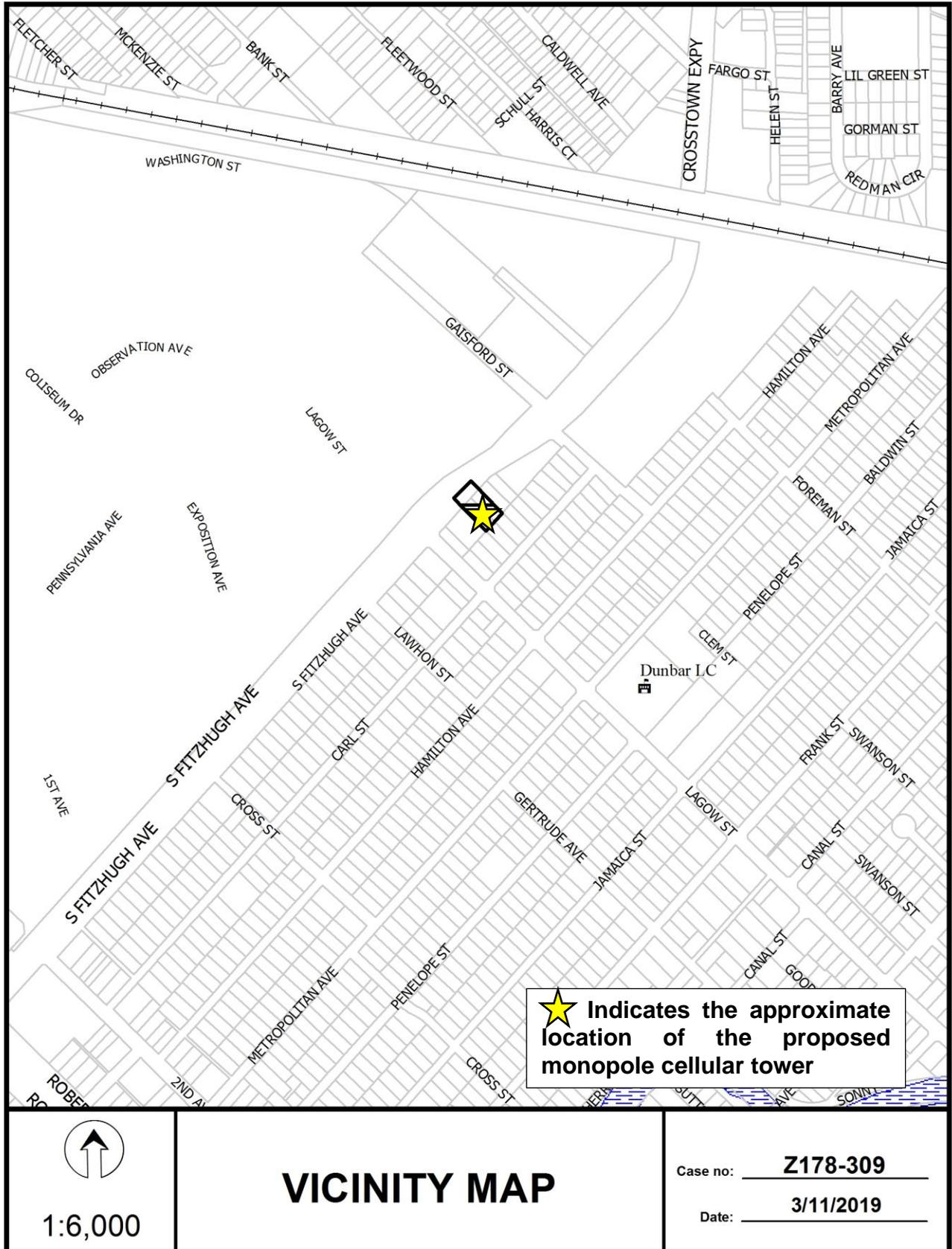
N/F WEALTHGATES INVESTMENT COMPANY
ACCOUNT #: 0000017806300000
ZONING: RESIDENTIAL

Enlarged Elevation Detail

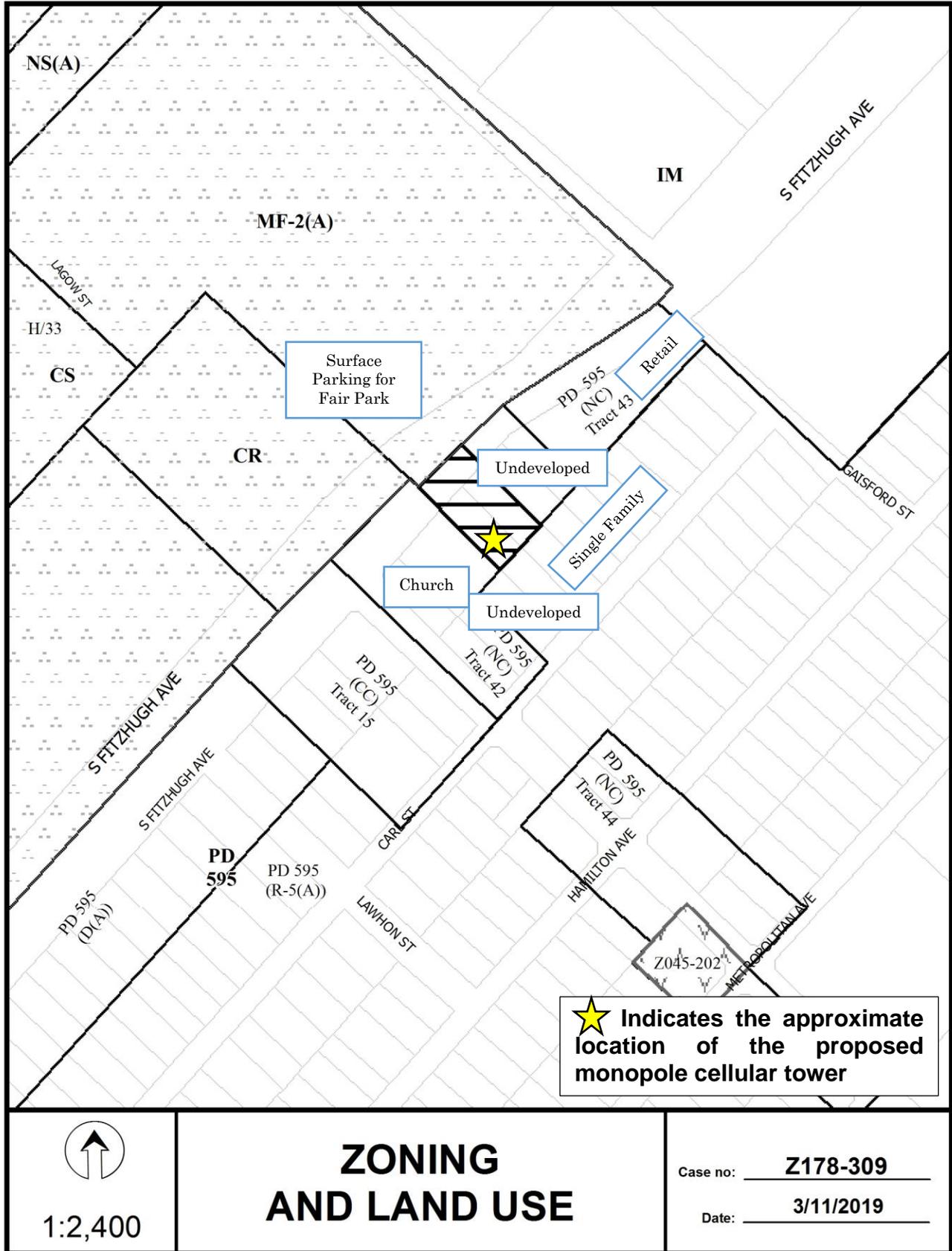
NOTES:

1. PROPOSED COAX TO BE RUN INSIDE TOWER USING HOISTING GRIPS (AS DIRECTED BY TOWER MANUFACTURER).
2. TOWER SHALL BE CONSTRUCTED OF GALVANIZED STEEL OR PAINTED PER APPLICABLE STANDARDS OF THE FAA OR OTHER APPLICABLE FEDERAL OR STATE AGENCY.
3. TOWER ELEVATION SHOWN FOR REFERENCE ONLY. VERIFY ACTUAL TOWER DESIGN & LOADING WITH TOWER DRAWINGS FROM MANUFACTURER AND/OR PASSING STRUCTURAL ANALYSIS PRIOR TO CONSTRUCTION.
4. CONTRACTOR TO VERIFY PROPOSED LOADING WITH PASSING STRUCTURAL ANALYSIS PRIOR TO CONSTRUCTION. CONTACT CTG IN THE EVENT OF ANY DISCREPANCIES.
5. AS PER FCC REGULATIONS, TOWER IS NOT REQUIRED TO BE LIT.
6. ALL PROPOSED T-MOBILE EQUIPMENT MUST FIT WITHIN PROPOSED 72"x12' HIGH CONCEALMENT CANISTER.









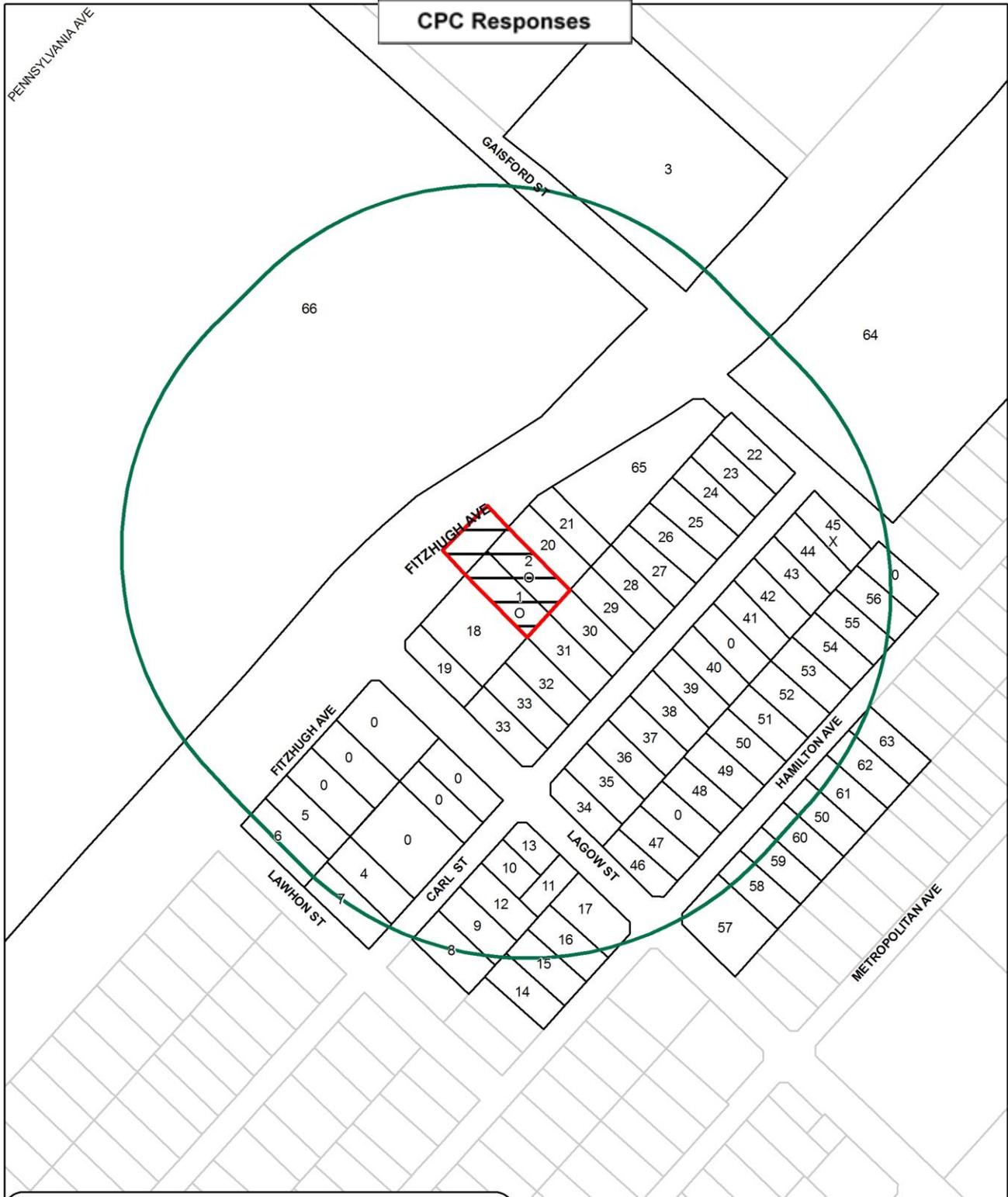


MVA Cluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 3/11/2019



<u>66</u>	Property Owners Notified (77 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>6/6/2019</u>	Date

Z178-309
CPC



1:2,400

06/05/2019

Reply List of Property Owners***Z178-309******66 Property Owners Notified******2 Property Owners in Favor******1 Property Owner Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4214 S FITZHUGH AVE	BROWN ISAAC & DOYE
O	2	4218 S FITZHUGH AVE	BROWN ISAAC JR
	3	1800 GAISFORD ST	DALLAS OPERA THE
	4	4107 CARL ST	STEWART JAMES &
	5	4104 S FITZHUGH AVE	CRUZ IRLANDI & WILLIAM
	6	4100 S FITZHUGH AVE	MADDEN KEVIN D
	7	4103 CARL ST	ECHOLS SAVELLA E
	8	4106 CARL ST	THOMAS NUGENT W &
	9	4110 CARL ST	CARR ROY
	10	4120 CARL ST	HILL ELBERT W EST OF
	11	2109 LAGOW ST	HUDGENS LEROY
	12	4114 CARL ST	GONZALEZ KIRSTEN
	13	4124 CARL ST	RANGEL JUAN
	14	4109 HAMILTON AVE	JIMENEZ JUAN DAVILA &
	15	4115 HAMILTON AVE	BODLEY THOMAS W
	16	4117 HAMILTON AVE	BODLEY DONALD RAY &
	17	4121 HAMILTON AVE	W2E INVESTMENTS LLC
	18	4206 S FITZHUGH AVE	SOUTH WORLD LTD PS
	19	4200 S FITZHUGH AVE	MY BROTHERS KEEPER NDUGO
	20	4222 S FITZHUGH AVE	JENKINS NORRIS
	21	4226 S FITZHUGH AVE	WWM PS TRUST
	22	4251 CARL ST	BIGGINS JOHN W
	23	4247 CARL ST	DIAZ SERGIO
	24	4245 CARL ST	GONZALEZ GUILLERMO
	25	4243 CARL ST	HUDGENS JOHNNIE MAE
	26	4235 CARL ST	HODGE EARLINE EST OF

06/05/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4231 CARL ST	OIBARA CATTLE FAMILY HOLDINGS LLC
	28	4225 CARL ST	WALKER JOHN ETTA
	29	4223 CARL ST	SELMA VENTURES LTD
	30	4219 CARL ST	AVITIA GERMAN
	31	4215 CARL ST	WEALTHGATES INVESTMENT COMPANY
	32	4211 CARL ST	FORD MAURINE T
	33	4207 CARL ST	RECONCILIATION OUTREACH MINISTRIES INC
	34	4202 CARL ST	PRUITT LULA MAE
	35	4206 CARL ST	WIGGINS MARTIN
	36	4210 CARL ST	RIVAS JOSE
	37	4214 CARL ST	DALLAS HOUSING ACQUISITION & DEV CORP
	38	4218 CARL ST	LEIJA LUIS A
	39	4222 CARL ST	DAVIS TELAH & THEODORE EST OF
	40	4226 CARL ST	DUNN BILLY E
	41	4238 CARL ST	MCGOWAN DEBRA BAGLEY
	42	4240 CARL ST	GIBBS AVA L ROBERTS
	43	4242 CARL ST	LOZANO KARLA ZOLEY
	44	4246 CARL ST	SPRING 3242 REALTY LLC
X	45	4250 CARL ST	JACKSON TERESA L
	46	4201 HAMILTON AVE	SHAW RAYFIELD
	47	4207 HAMILTON AVE	ETI MANAGEMENT CO
	48	4215 HAMILTON AVE	WCP RETIREMENT TRUST
	49	4217 HAMILTON AVE	JOHNSON ISAAC JR
	50	4223 HAMILTON AVE	BERNABE MARIA &
	51	4225 HAMILTON AVE	DALLAS AREA HABITAT FOR HUMANITY INC
	52	4231 HAMILTON AVE	CAMPOS MARIA BELEN
	53	4235 HAMILTON AVE	WRIGHT KING DAVID
	54	4239 HAMILTON AVE	NORTON TOMMIE JR
	55	4301 HAMILTON AVE	LUIZ VASQUEZ HOLDINGS LLC
	56	4307 HAMILTON AVE	LOUNG&LI LLC
	57	4200 HAMILTON AVE	ALEXANDER PEARL L

Z178-309(SM)

06/05/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4208 HAMILTON AVE	DAVIS TREVIA EST OF
	59	4212 HAMILTON AVE	LAWSON JOHN
	60	4218 HAMILTON AVE	UBALDO BENIGNO &
	61	4226 HAMILTON AVE	KIMIAKI ITAMURA
	62	4228 HAMILTON AVE	BRUNER GENEVA
	63	4234 HAMILTON AVE	ALEXANDER MARK KEELIN
	64	4400 S FITZHUGH AVE	STATE FAIR OF TEXAS INC
	65	4248 S FITZHUGH AVE	REEVES GEORGE M III LTD
	66	3839 S FITZHUGH AVE	MCA PACE AMPHITHEATERS LP