

FILE NUMBER: Z212-322(MP) **DATE FILED:** August 18, 2022
LOCATION: West line of Cadiz Street, north of Botham Jean Boulevard
COUNCIL DISTRICT: 2
SIZE OF REQUEST: ±2,400 square feet **CENSUS TRACT:** 48113020402

REPRESENTATIVE: Vincent Gerard & Associates Inc.

APPLICANT: Crown Castle

OWNER: Texas Department of Transportation

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned Subdistrict 3 within Planned Development District No. 317, the Cedars Area Special Purpose District.

SUMMARY: The purpose of this request is to allow for a new tower/antenna for cellular communication, which requires an SUP in this zoning district

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.

CPC RECOMMENDATION: **Approval** for a ten-year period, subject to a site/elevation plan and conditions.

PD No. 317:

<https://dallascityhall.com/departments/city-attorney/Pages/articles-data.aspx>

BACKGROUND INFORMATION:

- The site is located within the Interstate 30 right-of-way and is zoned Subdistrict 3 within Planned Development District No. 317, the Cedars Area Special Purpose District. Per the PD, the additional regulations of [Sec.51A-4.212\(10.1\)](#) also apply.
- Within Subarea 3 of the PD, the use requires a specific use permit.
- The proposed height would be similar in size and siting as existing TxDOT high-mast lighting, as well as a similar tower/antenna currently located across I-30.
- 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. However, the site is generally located far from residential properties which would project any proximity slopes.
- 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 has been two zoning cases in the area in the past five years.

1. Z201-331 – On June 8, 2022, the City Council approved an ordinance for 1) a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and 2) the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall at the west corner of South Riverfront Boulevard and Dearborn Street.

2. Z167-311 – On February 10, 2021, the City Council approved an ordinance to expand and amend Planned Development District No 317, the Cedars Area Special Purpose District, in an area is generally bound by Interstate Highway 45, the DART Rail right-of-way, the Union Pacific Railroad right-of-way, the northwestern side of Interstate Highway 30 from Union Pacific Railroad to Griffin Street, Canton Street between Griffin Street and Ervay Street, Ervay Street, the northern border of the Interstate Highway 30 right-of-way between Ervay Street and St. Paul Street, and Interstate Highway 30. [Subject site and surrounds]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed ROW
Cadiz Street	CBD Two Way	100 feet
Botham Jean Boulevard	Principal Arterial	80 foot Bike Plan

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	Planned Development District No. 317, Subdistrict 3	Interstate Right of Way / Undeveloped
North	Planned Development District No. 317, Subdistrict 3	Interstate Right of Way
East	Planned Development District No. 317, Subdistrict 3	Office, Community Service Center
South	Planned Development District No. 317, Subdistrict 3	Office, Undeveloped

West	Planned Development District No. 317, Subdistrict 3	Interstate Right of Way
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Land Use Compatibility:

The area of request is a roughly 2,400 square foot portion of the Interstate 30 right-of-way and is undeveloped. The property is surrounded on the west, north, and northeast by additional right of way for I-30.

Per the PD, an SUP is required for the use. The applicant states the proposed tower is intended to replace a nearby tower, currently located across the I-30 right of way to the northwest. The existing tower/antenna for cellular communication is 105-feet in height.

The site plan indicates the monopole cellular tower area is 40-feet by 60-feet or 2,400 square feet. The site plan contains three equipment pads and the monopole tower. The entire area is surrounded by a six-foot chain-link fence. Access to the site would be from Cadiz Street.

The proposed use can only be installed with the SUP requested. Although the SUP approval can exempt a tower/antenna from Residential Proximity Slope, the code directs an assessment of nearby residential uses to ensure compatibility of height as necessary. The nearest residential uses are over 700 feet from the subject site, and there are no residential districts located nearby that would normally generate RPS.

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 any development pattern or safety on nearby properties. The request will also provide increased telecommunication coverage in a dense, centrally located area of the city. The proposed height of 125-feet is similar to the existing tower and similar to high-mast lighting located elsewhere on the I-30 right of way. This height is also significantly lower than the maximum building height allowed in the base zoning, which is 300 feet. The siting within the I-30 right of way has the effect of isolating the use from any established neighborhood, where the use will not interfere with any established development pattern. Staff supports the applicant's requested time period of ten years with eligibility for automatic renewal for additional ten-year periods to provide reliable telecommunication coverage subject to review of required materials at the time of auto-renewal.

Landscaping:

Landscaping must be provided in accordance with the requirements in Article X, as amended.

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 located within an "E" MVA cluster. Property to the northwest is located within a "C" MVA cluster.

LIST OF PARTNERS/PRINCIPALS/OFFICERS

Crown Castle Inc.

Board of Directors

Jay A. Brown	President, Chief Executive Officer & Director
W. Benjamin Moreland	Director
Robert P. Bartolo	Independent Director
Tammy K. Jones	Independent Director

CPC Minutes

March 2, 2023

3. [23-692](#) **Z212-322(MP)**

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication or a ten-year period, subject to a site/elevation plan and conditions on property zoned Subdistrict 3 within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west line of Cadiz Street, north of Botham Jean Boulevard.

Maker: Hampton
Second: Rubin
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Herbert, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Blair, Jung,
Housewright, Treadway, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices:	Area: 500	Mailed: 12
Replies:	For: 0	Against: 0

Speakers: For: Vincent Gerard, 1705 Carlotta Ln., Austin, TX, 78733
Against: None

CPC Minutes

February 16, 2023

4. [23-500](#) **Z212-322(MP)**

Note: The Commission considered this item individually.

Motion: In considering an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned Subdistrict 3 within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west line of Cadiz Street, north of Botham Jean Boulevard, it was moved to **hold** this case under advisement until March 2, 2023.

Maker: Hampton
Second: Carpenter
Result: Carried: 14 to 0

Z212-322(MP)

For: 14 - Popken, Hampton, Anderson, Shidid, Carpenter,
Wheeler-Reagan, Blair, Jung, Housewright,
Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0

Absent: 0

Vacancy: 1 - District 3

Notices: Area: 500 Mailed: 12

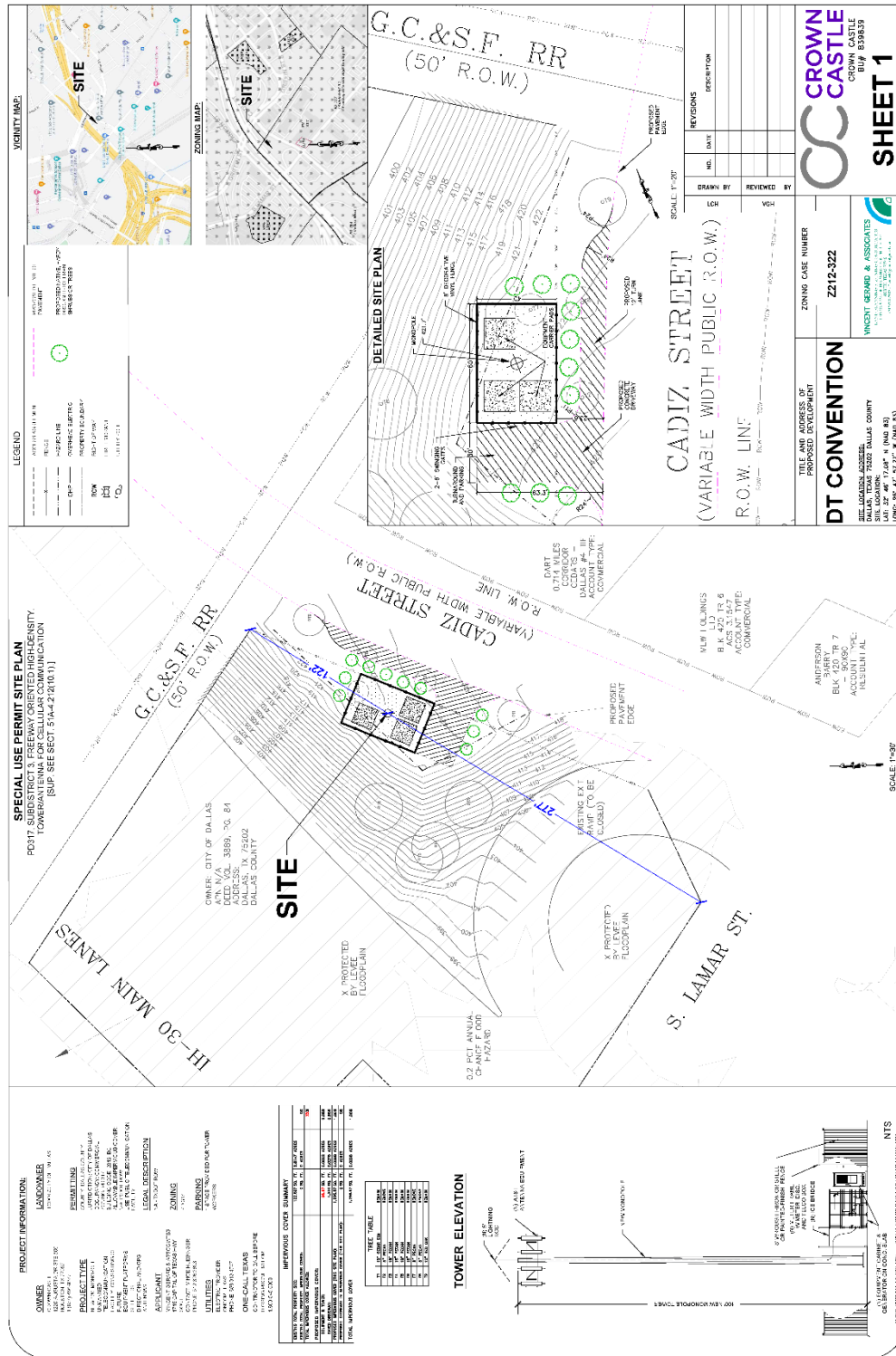
Replies: For: 0 Against: 0

Speakers: For: Vincent Gerard, 1705 Carlotta Ln., Austin, TX, 78733
Against: None

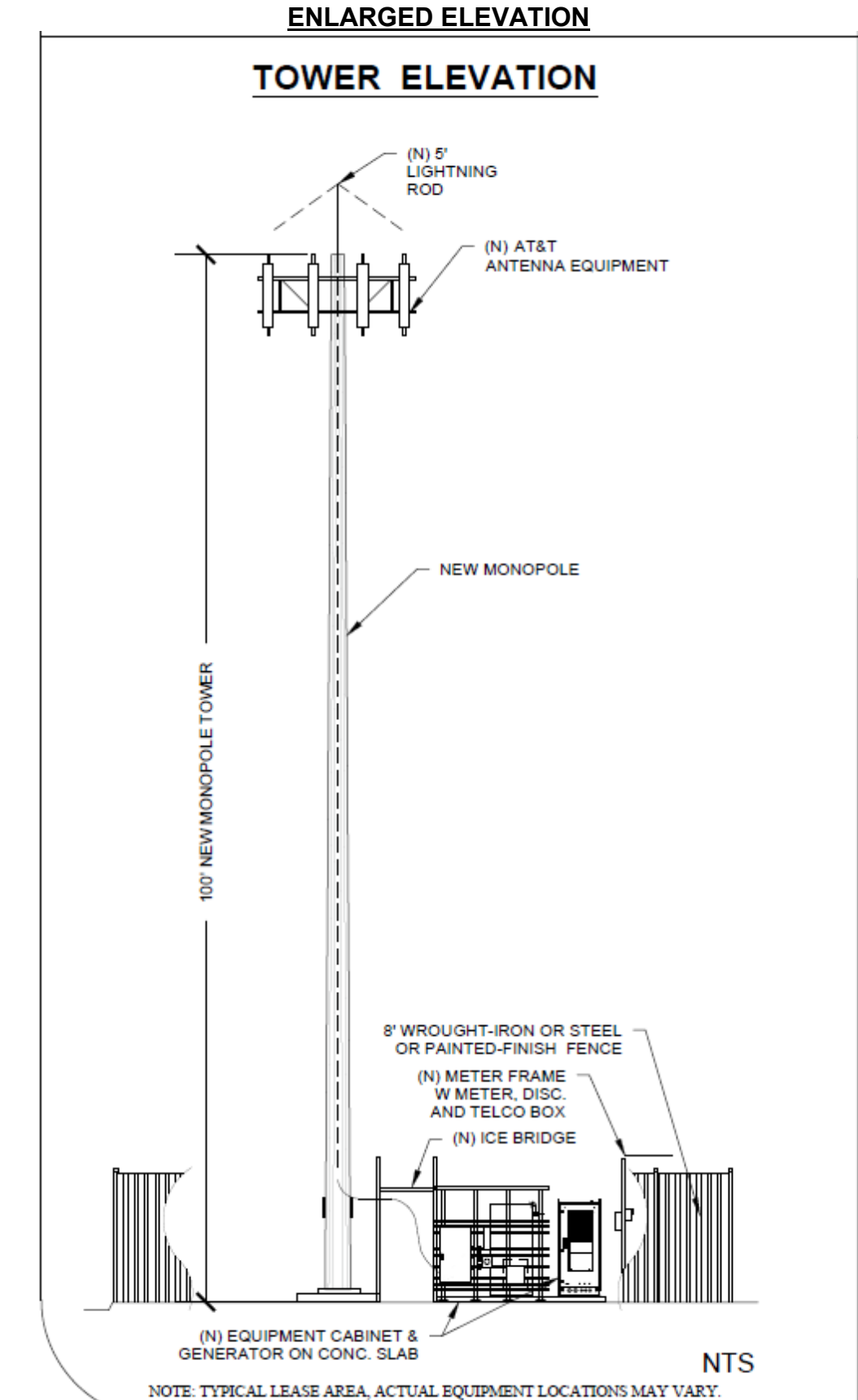
CPC RECOMMENDED SUP CONDITIONS

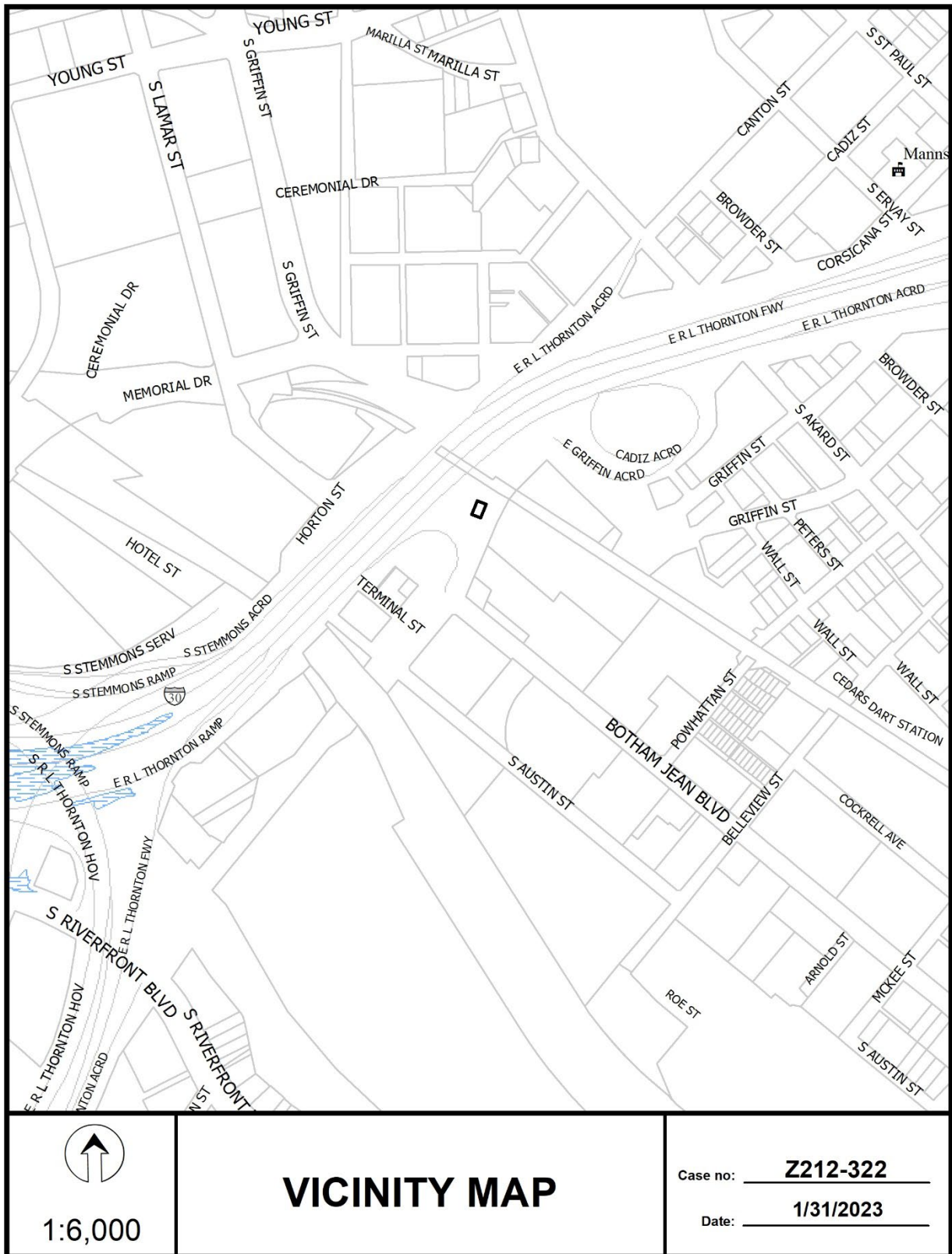
1. USE: The only use authorized by this SUP is a tower/antenna for cellular communication.
2. SITE PLAN: Use and development of the Property must comply with the attached site/elevation plan.
3. HEIGHT: Use and development of the Property are limited to a height of 100 feet, measured to top of structure.
4. COLLOCATION: Any tower/antenna for cellular communication must be constructed to support the antenna arrays for at least two other wireless communications carriers and the tower/antenna for cellular communication must be made available to other communication carriers upon reasonable terms.
5. TIME LIMIT: This specific use permit expires (ten years from the passage of this 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 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 application for automatic renewal must be filed after the 18th 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 application for automatic renewal is strictly enforced.)
6. PLANTING: Landscape planting areas to be provided as shown on the site plan. Plant species shall be native, drought tolerant plantings as approved by [the director]. All plant materials must be maintained in a healthy, growing condition at all times.
7. ENCLOSURE: An eight-foot painted steel or wrought iron fence, with solid gate to be provided as shown on the site plan.
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.

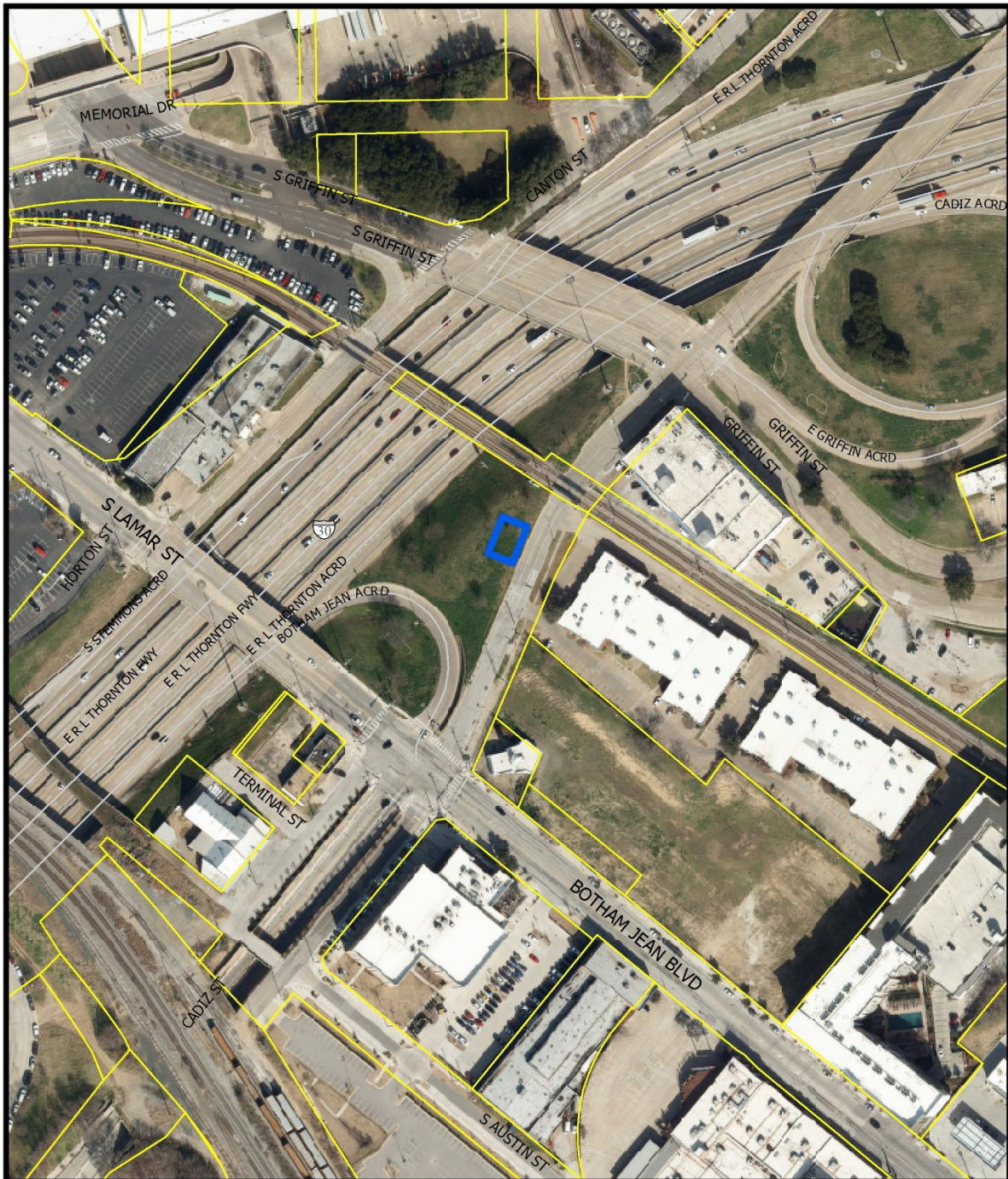
PROPOSED SITE/ELEVATION PLAN









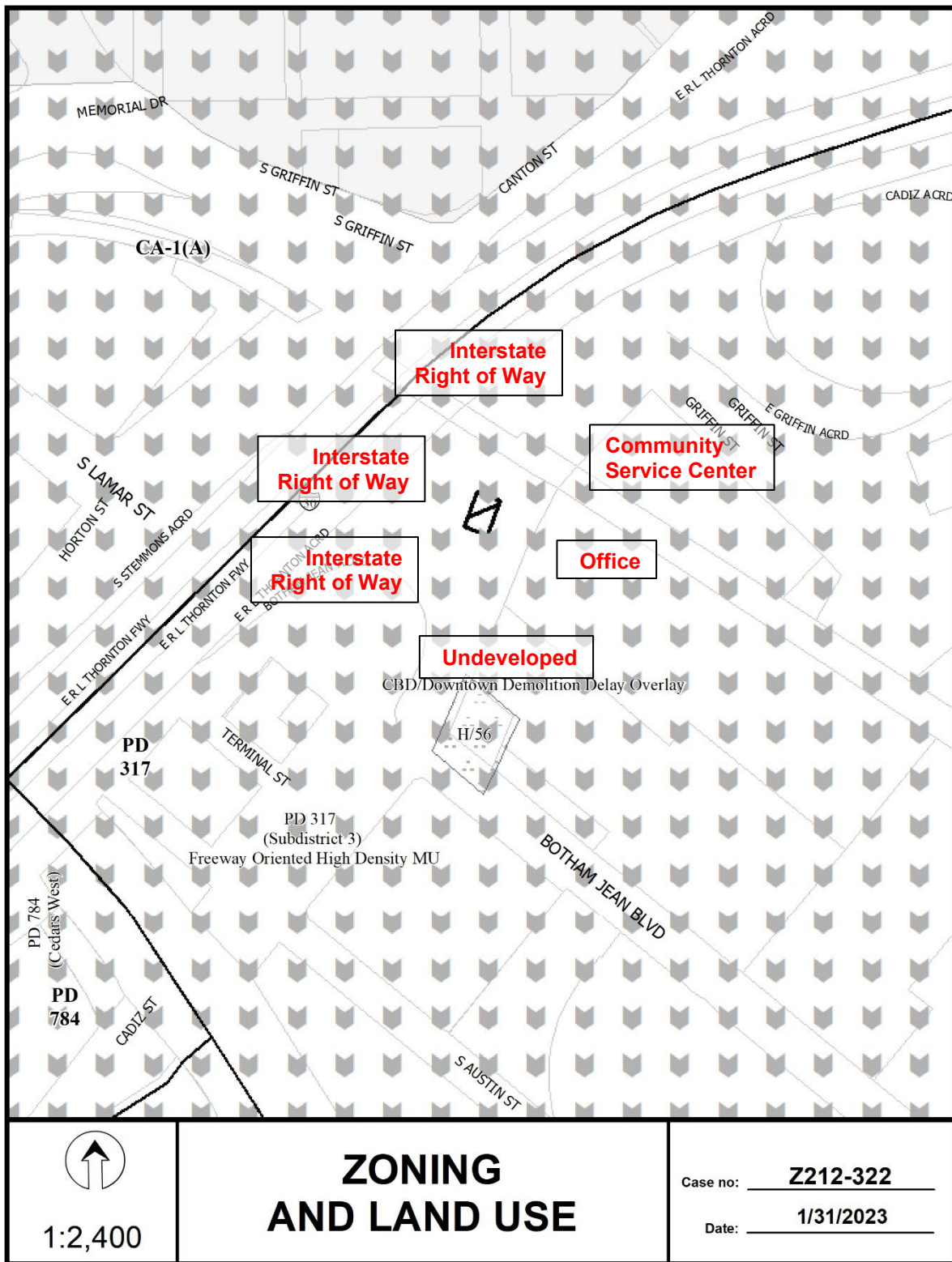


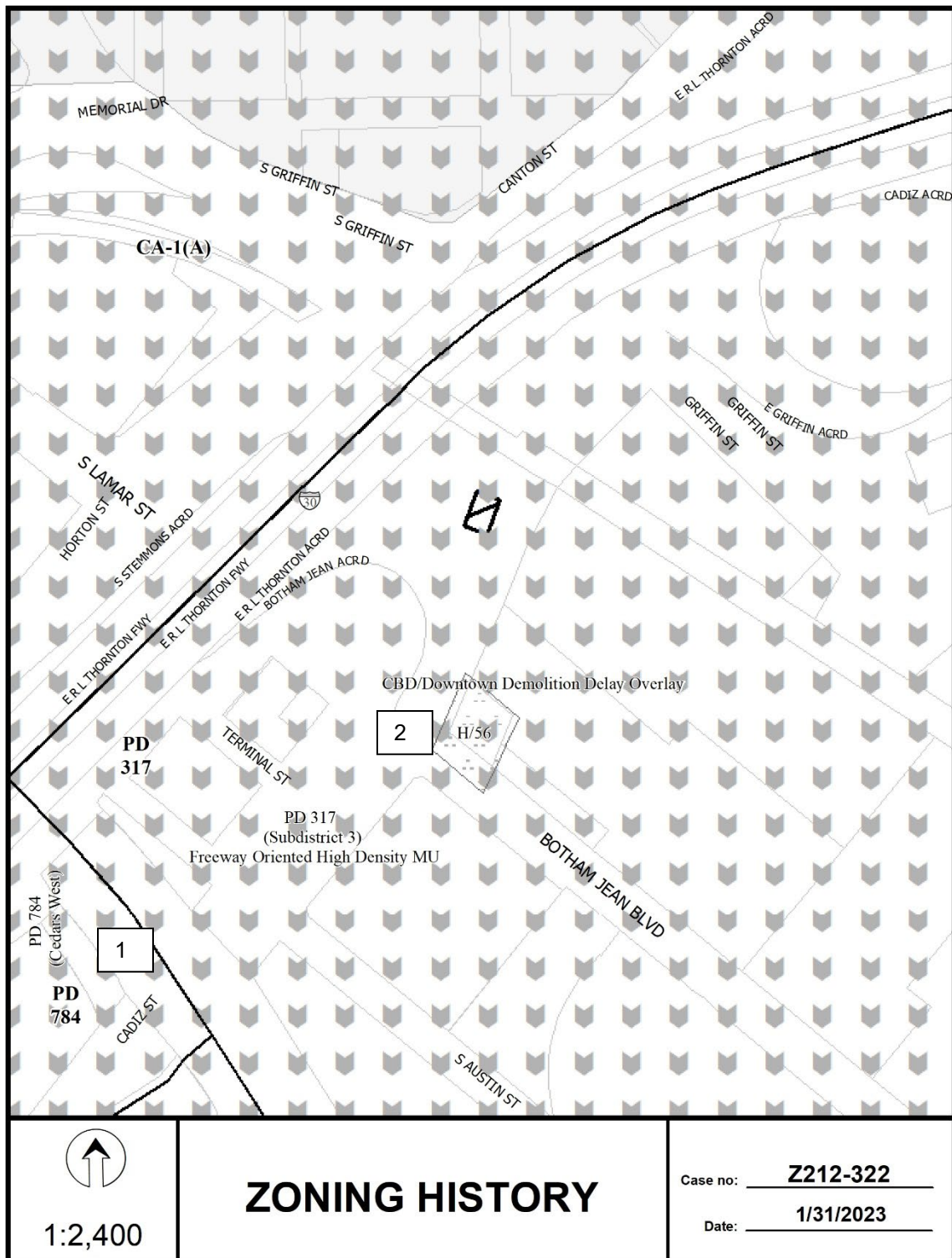
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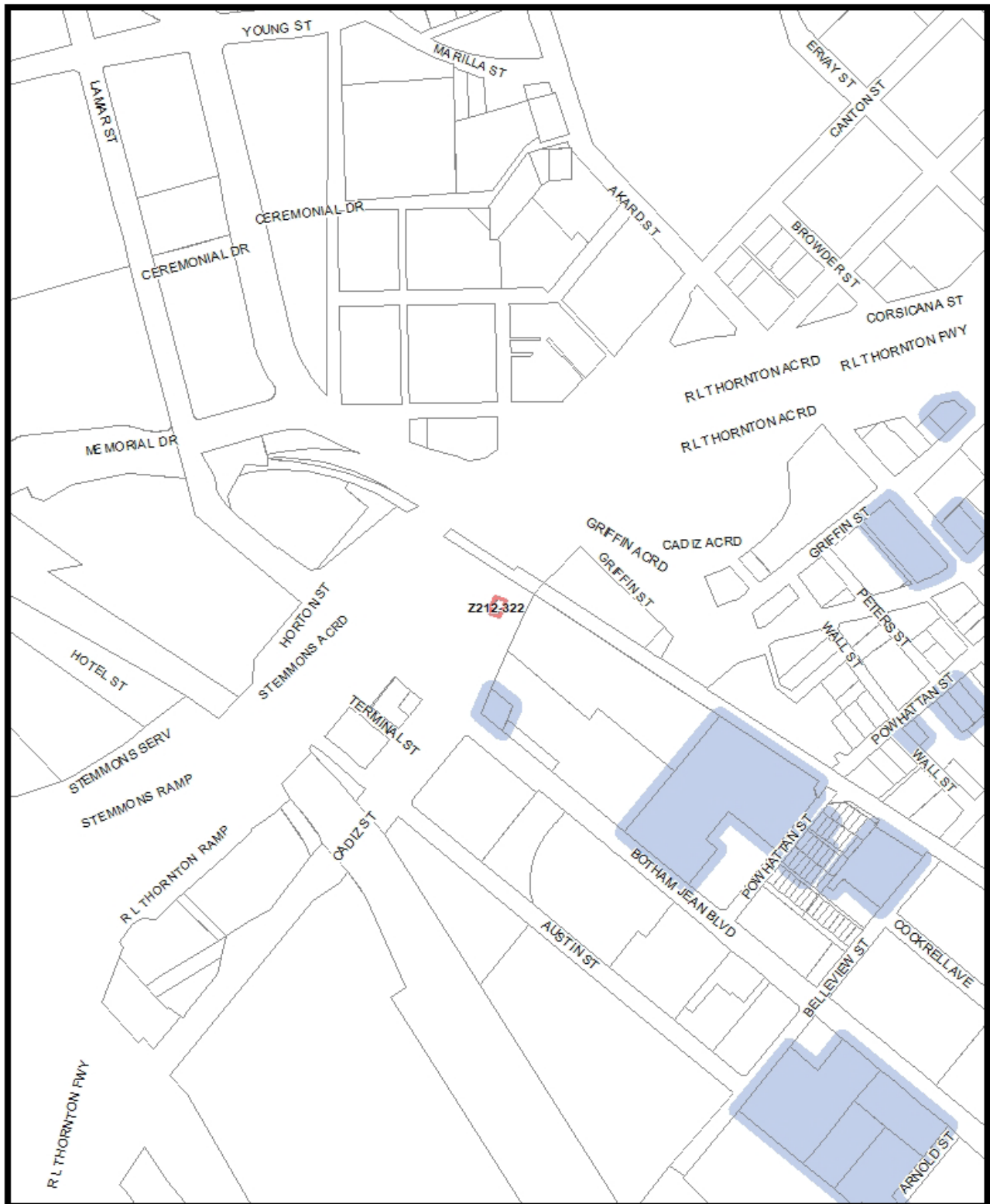
AERIAL MAP

Case no: **Z212-322**

Date: **1/31/2023**







Market Value Analysis

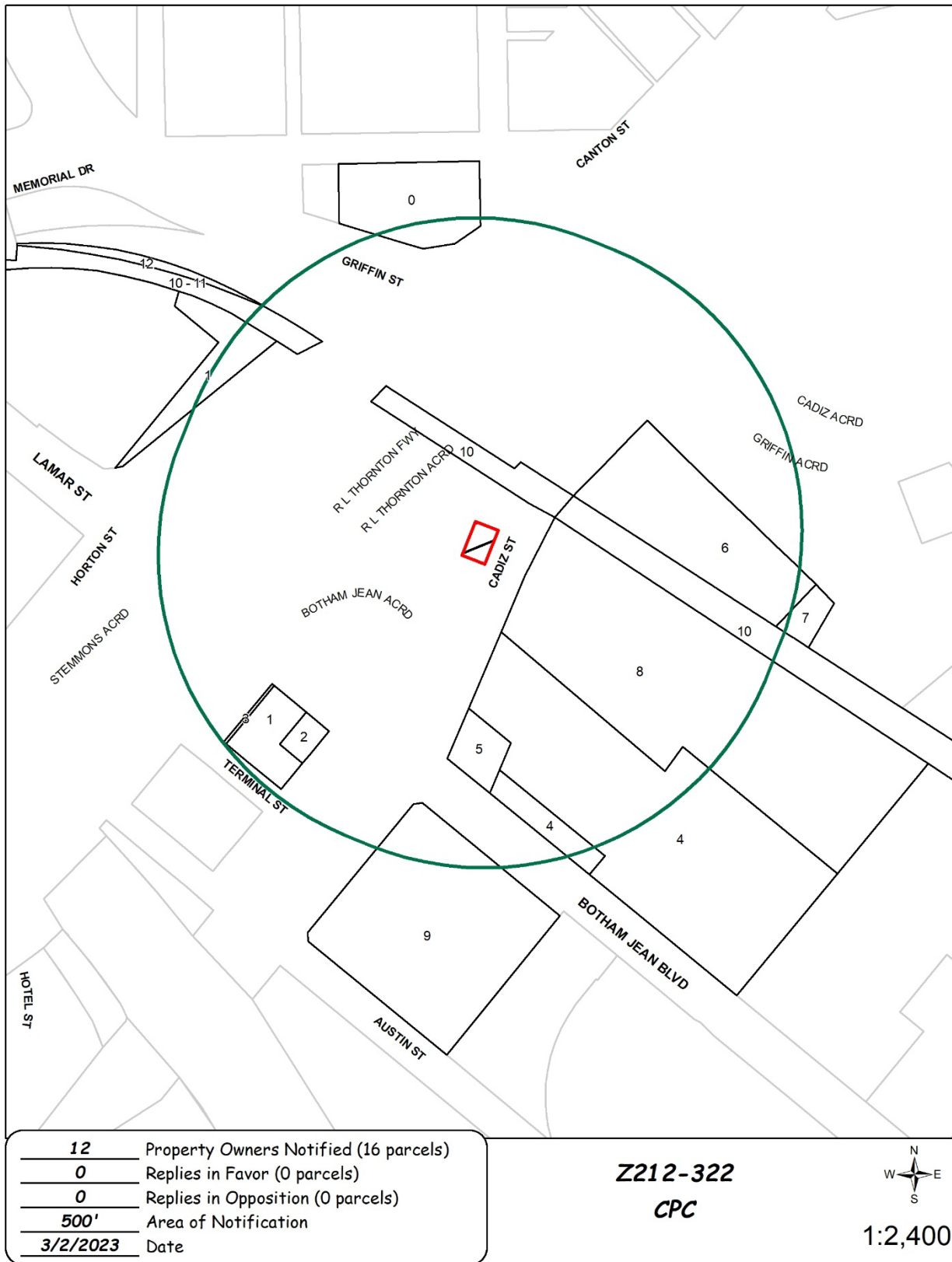
A	B	C	D	E	F	G	H	I	NA
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1:4,800

Market Value Analysis

Printed Date: 1/31/2023



03/01/2023

Reply List of Property Owners***Z212-322******12 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	971	BOTHAM JEAN BLVD	CCH LAMAR PARTNERS I LP
2	969	BOTHAM JEAN BLVD	LIM SCOTT
3	967	BOTHAM JEAN BLVD	LADDS ZELVA WARNER
4	908	CADIZ ST	MLW HOLDINGS LTD
5	904	CADIZ ST	ANDERSON BARRY
6	1100	CADIZ ST	DALLAS LIFE SUPPORT CORPORATION
7	933	S GRIFFIN ST	DALLAS MISSION FOR LIFE
8	1010	CADIZ ST	B H DALLAS PORTFOLIO LLC
9	1005	BOTHAM JEAN BLVD	CCH ALAMO LP
10	555	2ND AVE	DART
11	555	2ND AVE	DART
12	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT