



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 1, 2015

Council District 6

Zoning Commission Recommendation:
Approval as amended for a 140 ft. tower, site plan included

Opposition: One letter submitted
Support: None submitted

Continued Yes X No ___
Case Manager Stephen Murray
Surplus Yes ___ No X
Council Initiated Yes ___ No X

Owner / Applicant: Tarrant Regional Water District

Site Location: 5699 & 6001 Columbus Trail Mapsco: 102L

Proposed Use: Communications Tower

Request: From: "C" Medium Density Residential; "E" Neighborhood Commercial; "G" Intensive Commercial
To: "PD/G" Planned Development for "G" Intensive Commercial for a 140-ft communications tower and equipment for water transmission line; site plan included.

Land Use Compatibility: Requested change **is compatible.**

Comprehensive Plan Consistency: Requested change **is not consistent (Technical Inconsistency)**

Background:

The proposed site is located south of Columbus Trail and west of the Chisolm Trail Pkwy. The applicant would like to rezone roughly 7.49 acres from "C" Medium Density Residential, "E" Neighborhood Commercial, and "G" Intensive Commercial to "PD/G" Planned Development for "G" Intensive Commercial use for a 140-ft communications (SCADA) tower and equipment for water transmission line, since "G" is the first district where a telecommunication tower is allowed by right. The property is currently completing the eminent domain process.

TRWD is proposing build a microwave communications tower approximately 140' and a radio building on the subject site. This tower is for the purpose of monitoring the existing and proposed TRWD pipelines. The TRWD indicates that the timing of the construction of the actual pipeline is dependent on the area's water demand; however the tower is necessary to facilitate communication between other towers in the system. The proposed site is currently vacant and located within the Summer Creek Mixed-Use Growth Center.

Telecommunication towers are allowed by right in G, I, J, and K zoning districts and are required to be 500 ft. from a one-family district and 250 ft. from any multifamily district or use. The proposed rezoning is adjacent to multifamily zoning. The applicant will be required to provide a six foot solid screening fence and shrubs for support facilities and outdoor storage is prohibited. They are proposing a PD/G because the telecommunication towers must have a base zoning district that allows the use in order to rezone to a

Planned Development. The "G" base zoning will also be compatible with uses allowed within the area, allow height up to 120 ft. by right, and to ensure that the rezoning is appropriate for the site.

A waiver is requested for the 250 ft. separation to multifamily zoning. The applicant has amended their site plan to move the tower 60 feet to the north, allowing for a 100 feet to the north based on the center point of the tower. However the tower remains at 100 feet from the southern property line and possibly within proximity of any future residential uses.

A meeting was held on July 13 with the councilmember, TRWD director and assistant director, Planning and Development staff, and Water staff to discuss options for locations of the tower and the proposed alignment of the future Brewer Road. The Master Thoroughfare Plan provides for Brewer Road to be built adjacent to or to the east of the TRWD site. Staff requested that the TRWD use this alignment for their access driveway in order to complete all the grading and base roadwork and run electric utility lines along the future right-of-way at one time and in one location, instead of removing them later after the developer builds the road as part of his development.

With the new driveway location, the access to the TRWD property would then be on the east side instead of the north, which was agreed to as an acceptable location. The TRWD indicated they did not intend to dedicate right of way or build any of the roadway. Instead of using the future street right of way, the TRWD proposed entering into an agreement where the access road would be removed when the street is built.

The primary concerns about moving the driveway included the current eminent domain proceedings that would have to be amended to include a different legal description. It was explained that it could add time to the project. The city is working with The T to determine the alignment of the new arterial to determine the northernmost connection to Sycamore School road so that the TRWD will be able to work with the owner to set the location of the future road as quickly as possible so they may stay on schedule.

The legal description for the boundaries of the zoning case has been amended to remove the access strip since the rezoning is not necessary for a driveway use. This will allow for flexibility of the location of the driveway now as discussions continue and for the future development of the area. Zoning is necessary only to allow the tower.

Water staff also proposed that the TRWD could use their existing tower site located approximately one mile south as the location for their telecommunication tower. The water pipelines and vaults would have to remain on the existing site, but the proposal was to consider if the city's location at the highest point in the area would serve the TRWD's needs for communication between the towers. The site didn't meet their needs.

Site Information:

Owner:	Tarrant Regional Water District 800 E Northside Dr. Fort Worth, TX 76102
Agent:	Jim Schell
Acreage:	6.58 acres
Comprehensive Plan Sector:	Wedgwood

Surrounding Zoning and Land Uses:

North	"E" Neighborhood Commercial; "G" Intensive Commercial / vacant
East	"C" Medium Density Residential; "E" Neighborhood Commercial; "G" Intensive Commercial / vacant
South	"C" Medium Density Residential / vacant
West	"C" Medium Density Residential; "E" Neighborhood Commercial / vacant

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: Asking for a waiver from the City Plan Commission to not plat the property to be heard on August 26, 2015

Site Plan Comments:

The site plan as submitted is in not general compliance with the zoning regulations. The key deficiency is:

- 1. 250 ft. setback required from any multifamily district (waiver requested).

Zoning Commission recommended a waiver to the setback.

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Columbus Trl	County Rd	Major Arterial	No
Chisholm Trail	Freeway	Freeway	No

Public Notification:

The following Organizations were notified:

Organizations Notified	
District 6 Alliance	Streams And Valleys Inc
Villages of Sunset Pointe HA	Crowley ISD
Trinity Habitat for Humanity	

Development Impact Analysis:

1. Land Use Compatibility

The applicant would like to rezone the site to “PD/G” Planned Development for “G” Intensive Commercial uses plus a maximum 140-ft communication tower and equipment for water transmission line. The surrounding uses are primarily vacant. The proposed site is located within the Summer Creek Mixed-Use Growth Center. Industrial uses are inappropriate within mixed-use growth centers because the land use is incompatible with a multifamily residential environment. However, utilities and associated equipment are often needed in specific locations. Since the land is vacant, new commercial and multifamily uses will have the opportunity to develop around this specific use.

As a result, the proposed zoning **is compatible** with surrounding land uses.

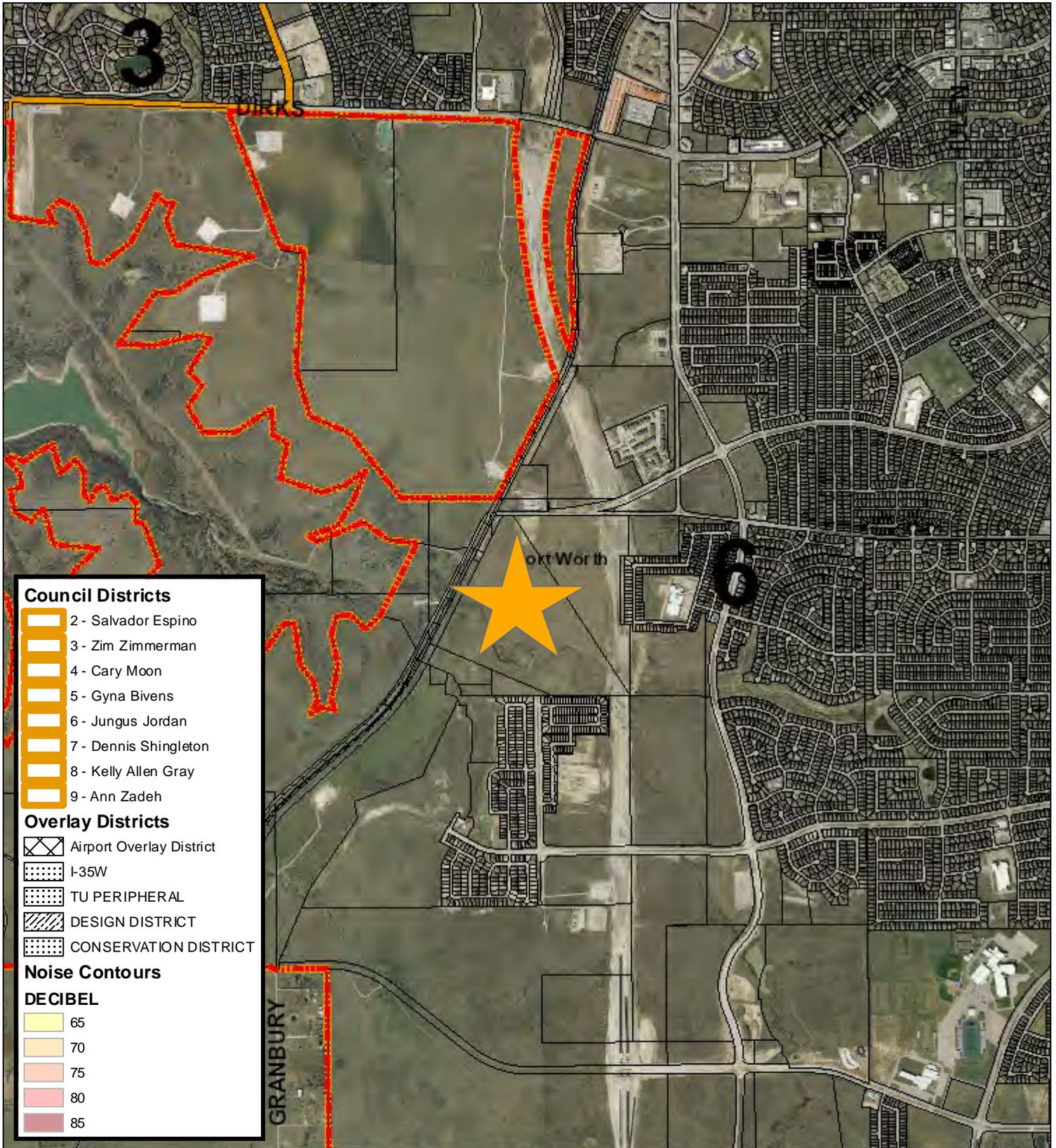
2. Comprehensive Plan Consistency

The 2015 Comprehensive Plan designates the subject property as Mixed-Use Growth Center Summer Creek. The requested zoning change is **not consistent (Technical Inconsistency)** with the Comprehensive Plan. However, telecommunication towers are important to surrounding infrastructure and the future land use will be reviewed, as needed for this area.

Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes from the Zoning Commission meeting

Area Map

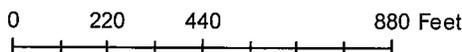
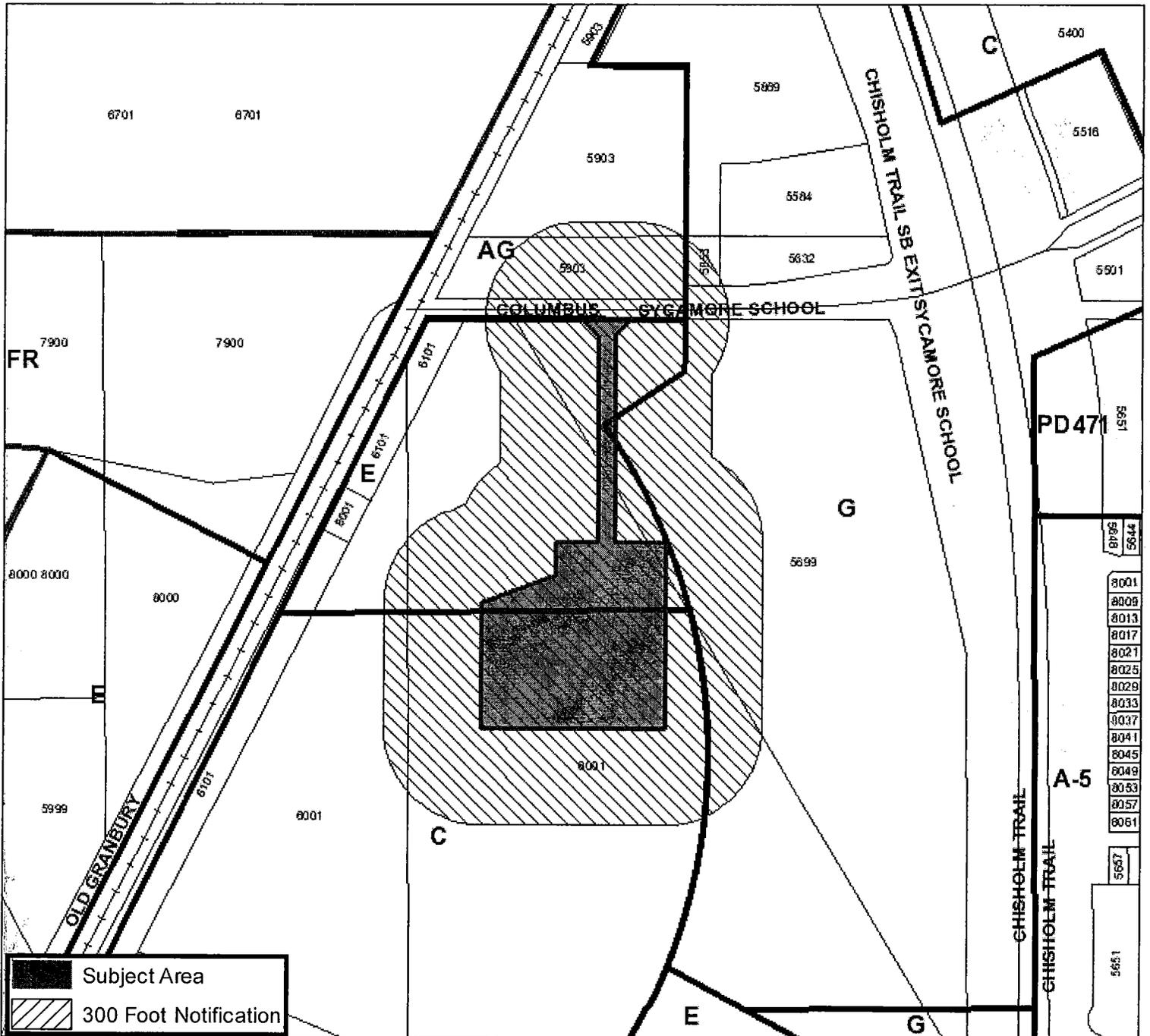


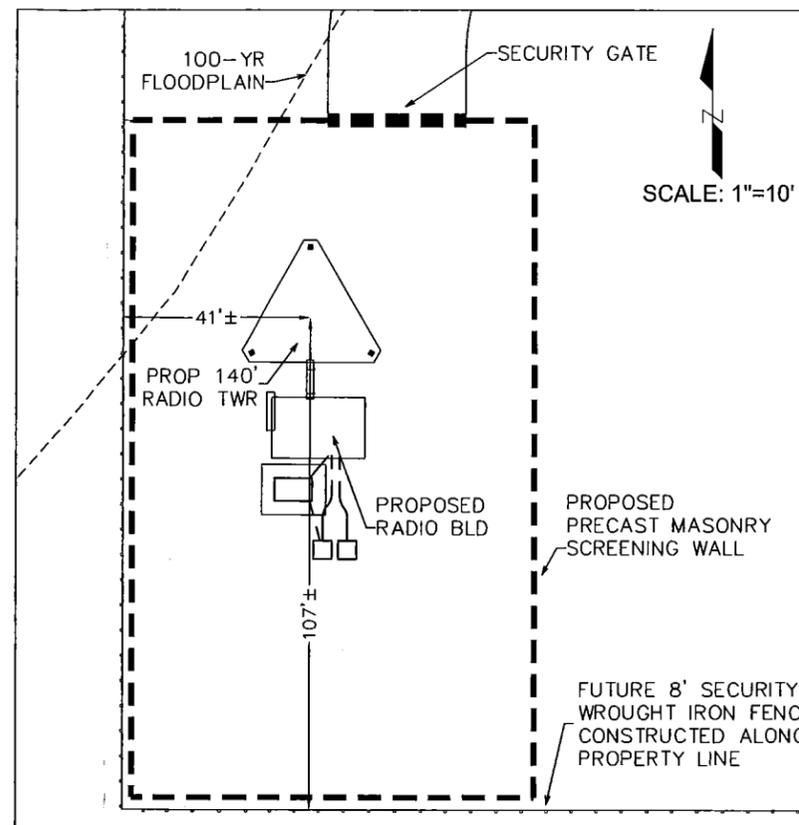
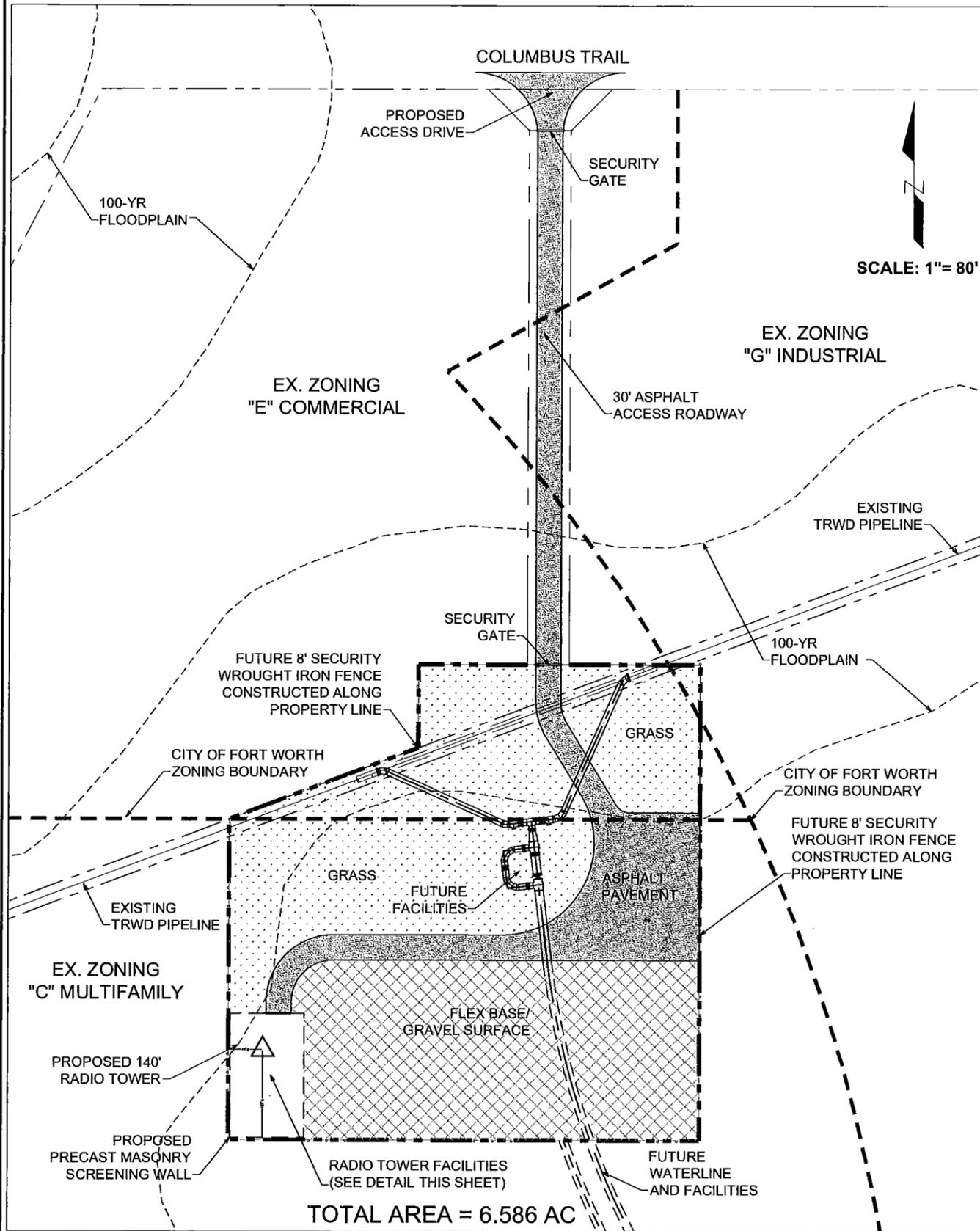


ZC-15-073

Area Zoning Map

Applicant: Tarrant Regional Water District
 Address: 5699 & 6001 Columbus Trail
 Zoning From: C, E, G
 Zoning To: PD/G for 325 ft. communications tower and equipment for water transmission line
 Acres: 06.588
 Mapsco: 102L
 Sector/District: Wedgewood
 Commission Date: 08/12/2015
 Contact: 817-392-8043

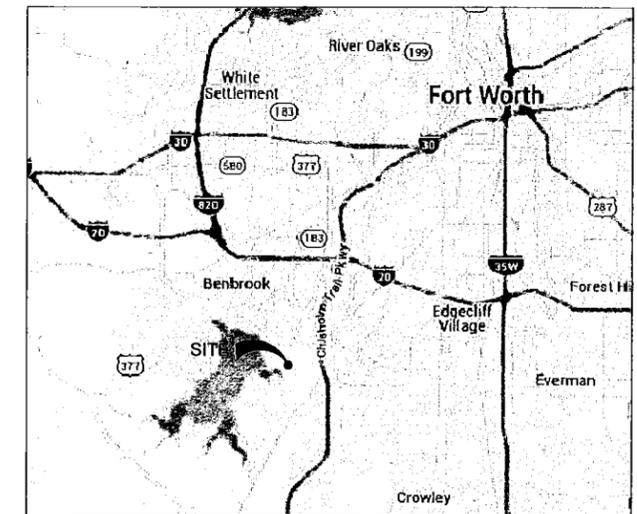




**RADIO TOWER FACILITY
DETAIL PLAN**

NOTES:

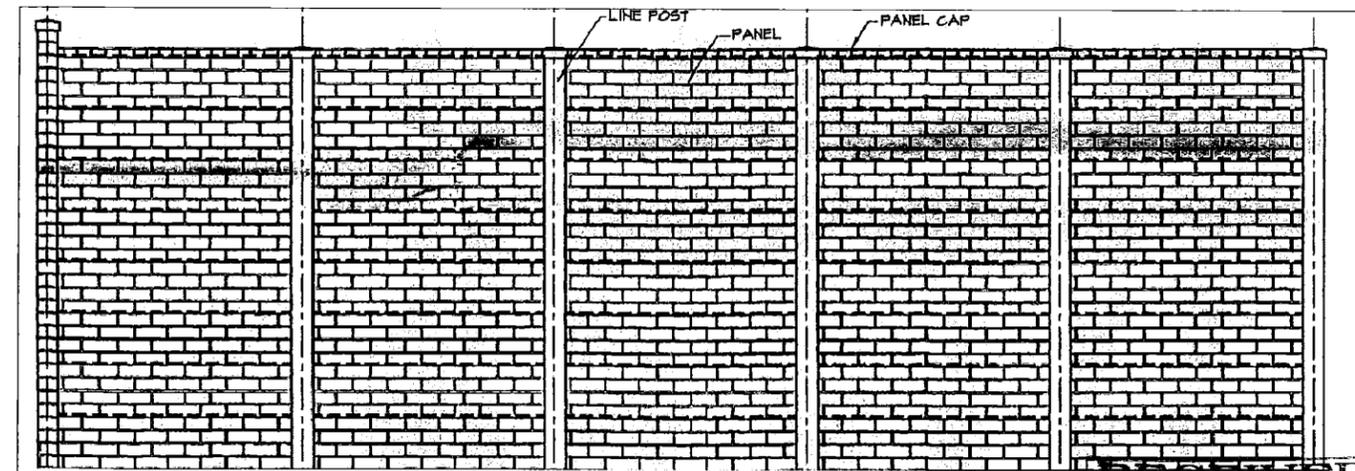
1. AREA LIGHTING WILL CONFORM TO LIGHTING CODE.
2. PROJECT WILL COMPLY WITH: URBAN FORESTRY, LIGHTING, LANDSCAPING AND SIGNAGE.
3. SUBJECT SITE WILL BE AN UNMANNED FACILITY FOR MONITORING EXISTING AND PROPOSED WATER PIPELINE.
4. PROJECT WILL COMPLY WITH 5.137 TELECOMMUNICATIONS TOWER REQUIREMENTS



LOCATION MAP

SITE INFORMATION

EXISTING	PROPOSED
USE: UNDEVELOPED	USE: WATER PIPELINE AND FACILITIES
ZONING: E-COMMERCIAL; C-MULTIFAMILY G-INDUSTRIAL	ZONING: "PD-G" PLANNED DEVELOPMENT WITH TOWER NOT EXCEEDING 140'
STRUCTURES: NONE	STRUCTURES: ONE STORY RADIO BUILDING; 280 GROSS SQ-FT
SURFACE/PARKING/DRIVES: UNDEVELOPED	SURFACE/PARKING/DRIVES: 30FT 3,964YD ² ASPHALT DRIVE 3,964YD ² ASPHALT 1 HANDICAP SPACE
SUPPLEMENTAL SURFACE: NONE	SUPPLEMENTAL SURFACE: NATURAL GROUND
FENCES OR SCREENING: NONE	FENCES OR SCREENING: PERIMETER 8' SECURITY WROUGHT IRON; RADIO TOWER PRECAST MASONRY SCREENING WALL



ELEVATION - PRECAST MASONRY PANEL SCREENING WALL - NOT TO SCALE

RECEIVED
AUG 06 2015

Office: User: Tyson (LMS Tech) Date: 12/13/14 Benbrook Tower\X_Bose.dwg LAYOUT: Border
 C:\Users\Tyson\Documents\PL Data\Section 12_13_14_Benbrook Tower\X_Bose.dwg LAYOUT: Border
 Oct 20, 2014 - 2:01pm
 LTS: 1 PSLTS: 1 TWIST: 1

DRAWING/EXHIBIT	PREPARED/REVISED	SUBMITTED
ZC 15-073 EXHIBIT	PREPARED	MAY 6, 2015
ZC 15-073 EXHIBIT	REVISED	JUNE 23, 2015



TARRANT REGIONAL WATER DISTRICT AND CITY OF DALLAS, TEXAS
INTEGRATED PIPELINE PROJECT
 MICROWAVE RADIO SYSTEM
BENBROOK TUNNEL WEST (BTW)
SITE PLAN

evolving
 civil engineering • planning
 420 Throckmorton, Ste 230, Fort Worth, TX 76102
 817-529-2700 evolvingtexas.com

ENGINEER

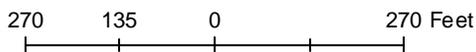
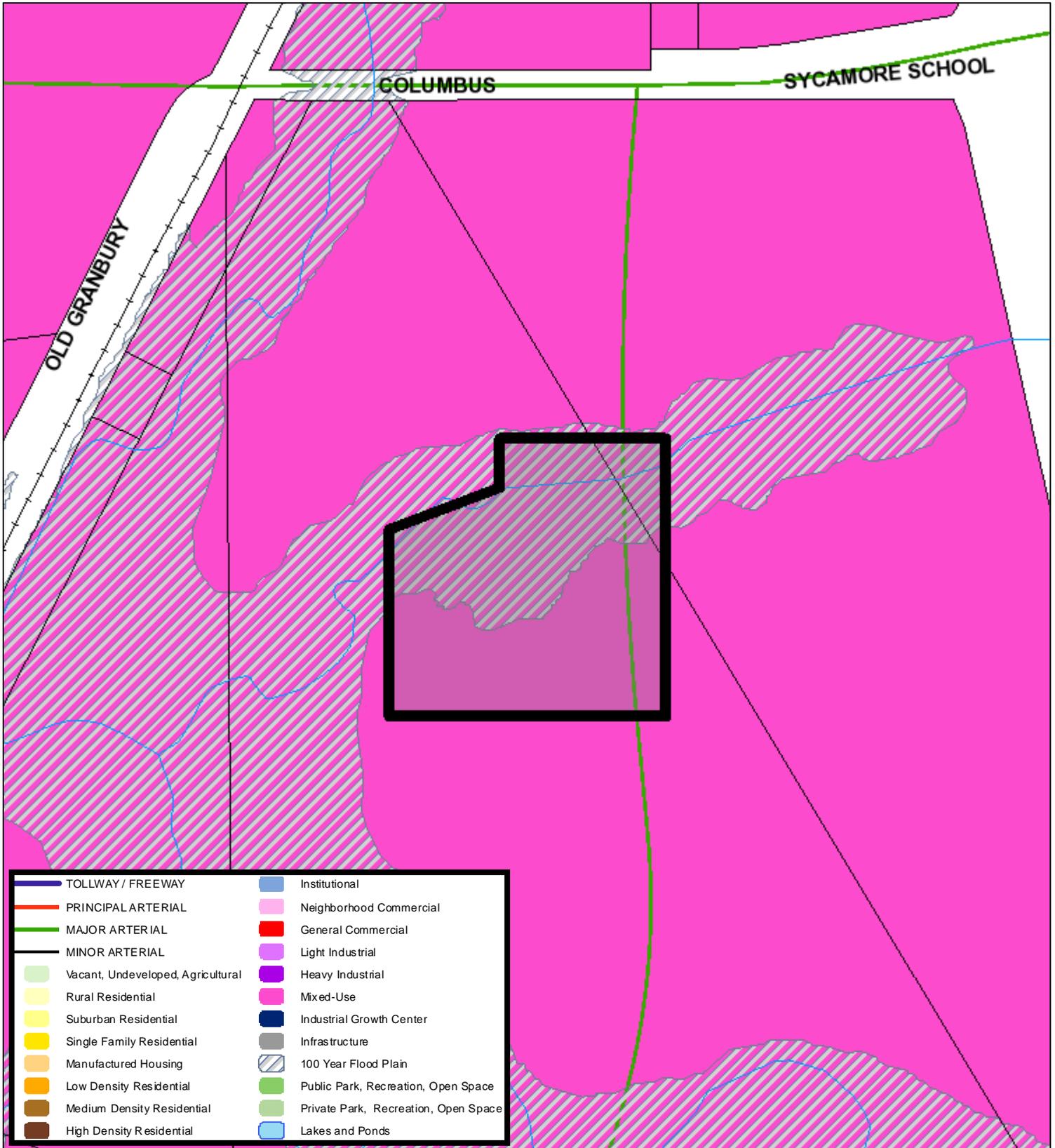
trwd
 Tarrant Regional Water District
 800 E. NORTHSHORE DRIVE, FORT WORTH, TX 76102
 817-335-2491 www.TRWD.com

OWNER

DIRECTOR OF PLANNING AND DEVELOPMENT DATE

ZONING CASE # 15-073

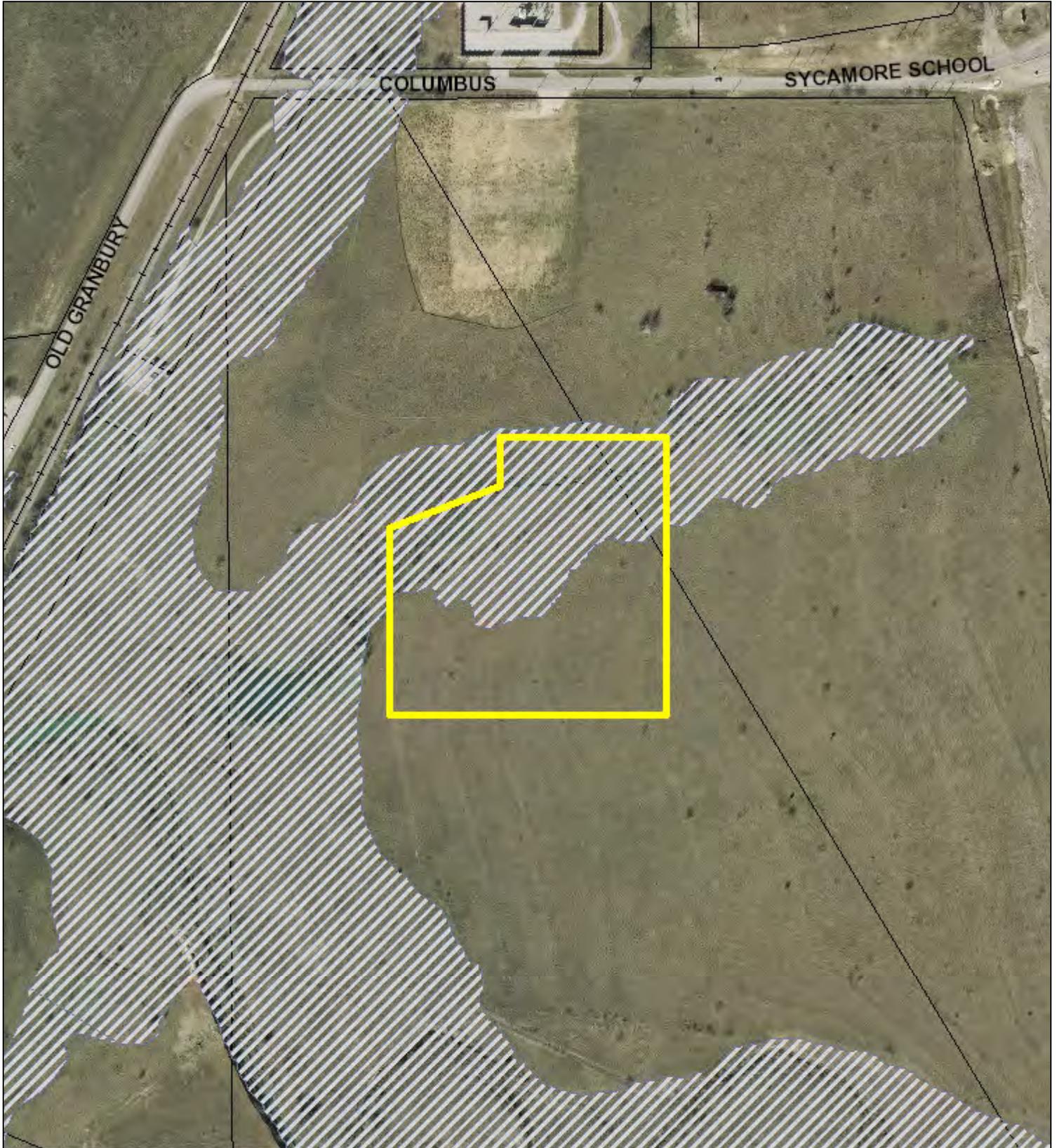
Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 17, 2015.



Aerial Photo Map



0 170 340 680 Feet



In rebuttal Ms. Poole mentioned they had the architect prepare a couple of scenarios for the sight lines. An illustration was depicted on the overhead and stated no one will be looking into his backyard nor be able to see headlights. The hours of operation will be open only till 7:00 pm. She said she understands the neighborhood concerns on the setback and that they are looked at on a case by case basis.

Mr. Northern asked if they were to provide a larger setback as requested and if it could be done. Ms. Poole said the grade changes and the amount of parking with circulation, including the alley, are issues they have had to work with.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request as Amended to limit sign lettering to 3 ft. of open type design, seconded by Ms. Moore. The motion carried unanimously 7-0.

<i>Document received for written correspondence</i>					<i>SP-15-007</i>
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Layne McConnell	3614 Crestline	In		Support	Spoke at hearing
Beth Kaufman/AHNA	1600 Frederick	Out		Support	Spoke at hearing
David Berning	3612 Washburn Ave	In	Opposition		Spoke at hearing
John & Michelle McCullough	3606 Crestline	In		Support	Signed petition
T. C. Albright	3610 Crestline	In		Support	Signed petition
Donnie & Ginger Stribble	3617 Crestline	In		Support	Signed petition
Joel & Stephanie Voyles	3618 Crestline	In		Support	Signed petition
Ben & Jen Cole	3623 Crestline	In		Support	Signed petition
Bob & Debbie Taylor	3626 Crestline	In		Support	Signed petition
Gina Smith	3630 Crestline & 1529 Owasso	In		Support	Signed petition
Brenda Helmer/President AHNA	NA	Out	Opposition to setback		Sent letter in

4. ZC-15-073 Tarrant Regional Water District (CD 6) 5699 and 6001 Columbus Trail (Abner H Hodge Survey, Abstract 1789 and John W Asbury Survey, Abstract 52, 7.43 Acres): from "C" Medium Density Multifamily, "E" Neighborhood Commercial and "G" Intensive Commercial to "PD/SU" Planned Development/Specific Use for a 325 ft. communications tower and equipment for water transmission line; site plan included

Jim Schell, 500 W. 7th Street, Suite 600, Fort Worth, Texas representing Tarrant Regional Water District explained to the Commissioners they need to continue the case in order to re-notice for PD/G plus telecommunications tower.

Mr. Genua asked if there had been discussions with the property owner about access across the driveway. Mr. Schell said they agreed to provide cross access.

Mr. Flores asked about discussions with staff and correcting the deficiencies with the way the site plan was presented at the last meeting, to be more specific, the fence. Mr. Schell said the site plan is still the same. Mr. Flores asked was there anything that needed to be revised on the site plan.

Ms. Burghdoff asked if the correction is with the site plan or is it the zoning classification.

Ms. Moore said there were issues in labeling the fence. Mr. Schell said the site plan has been modified to label the fence.

Motion: Following brief discussion, Ms. Moore recommended a 30 day Continuance of the request, seconded by Mr. Northern. The motion carried 6-0 with Mr. Reeves recusing.

III. New Cases

5. ZC-15-081 Ema Garcia (CD 2) 106 W. Long Avenue (MG Ellis Addition, Block 105, Lot 24, 0.15 Acres): from "A-5" One-Family to "ER" Neighborhood Commercial Restricted

Roy Salinas, Planning & Development Department translated for Ms. Garcia.

Ema Garcia, 106 W. Long Avenue, Fort Worth, Texas property owner explained to the Commissioners she has a beauty shop in one of the suites and would like to have an income tax office in the other suite.

Mr. Flores asked how many parking spaces are available and could she show them on the overhead. Ms. Garcia said she has seven spaces. Mr. Flores asked if she had contacted any of the neighborhood organizations. Ms. Garcia said she has talked with the tenant next door to her but not the owner. Mr. Flores mentioned the letter received from Inter District 2 Alliance who also represents Northside NAC, Far Greater North Historical NA and Diamond Hill NA in opposition to the "E" zoning request and perhaps "ER" would be more appropriate. Ms. Garcia said that would be acceptable for her uses.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request as Amended and to "ER", seconded by Ms. Reed. The motion carried unanimously 7-0.

<i>Document received for written correspondence</i>				ZC-15-081
Name	Address	In/Out 300 ft notification area	Position on case	Summary
Ron Shearer/ Inter District 2 Alliance	NA	Out	Opposition	Sent letter in

Gagen to show on the overhead the properties that are in opposition. Ms. Gagen identified five properties on the eastside of the church. Ms. McDougall also asked why they did not submit their opposition. Ms. Gagmen said they were not aware of the proposal. She did mention she received a notice.

Paul Kerpoe, 6717 Craig Street, Fort Worth, Texas spoke in support and mentioned alcohol is not the primary use.

Motion: Following brief discussion, Ms. McDougall recommended Approval of the request, seconded by Ms. Conlin. The motion carried 8-1 with Mr. Flores against.

<i>Document received for written correspondence</i>					ZC-15-072
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Catherine Gagen	3009 Halbert St	In	Opposition		Spoke at hearing
Paul Kerpoe	6717 Craig St			Support	Spoke at hearing
Mary Moss	3001 Halbert St	In	Opposition		Sent letter in
Christopher Powell	6712 Routt St	In	Opposition		Sent letter in
James Isham	3017 Halbert St	In	Opposition		Sent letter in
Ken Roberts	3010 Halbert St	In	Opposition		Sent letter in
Judy Taylor/ Handley NA	NA	Out		Support	Sent letter in
Jean McClung/ Historic Handley	3024 Forest Ave	Out		Support	Sent letter in
Doug Martin/ Handley Church of Christ	3029 Handley	In		Support	Sent letter in

12. ZC-15-073 Tarrant Regional Water District (CD 6) 5699 and 6001 Columbus Trail (Abner H Hodge Survey, Abstract 1789 and John W Asbury Survey, Abstract 52, 7.43 Acres): from “C” Medium Density Multifamily, “E” Neighborhood Commercial and “G” Intensive Commercial to “PD/SU” Planned Development/Specific Use for a 325 ft. communications tower and equipment for water transmission line; site plan included

Jim Schell, 500 W. 7th Street, Suite 600, Fort Worth, Texas representing Tarrant Regional Water District explained to the Commissioners the request for “PD/SU” for a communications tower not to exceed 325 ft. and associated structures to include a raw water pipeline monitoring facility, about 45 ft. deep, which would include monitors, valves, pumps and other facilities for their SCADA system. SCADA is the acronym for Supervisory Control and Data Acquisitions. Mr. Schell said allowing this tower will allow for the construction of an integrated pipeline project known as the IPL which will pull large amounts of water from Richland Chambers and Cedar Creek a backup for this area. The existing pipelines do not have the capacity to meet the increasing demand for this area of growth. It will increase the pumping capacity from 350

million to 550 million gallons a day. The tower has been approved by the FCC and the FAA. Mr. Schell said they will provide a screening fence and are asking for the shrubbery requirement be waived.

Mr. Edmonds mentioned low flying aircraft in this area and the tower will need to be well lighted.

Mr. Flores asked about the height of the structure. Mr. Schell said it is for line of sight which runs from this location to the next tower on the IPL located in Waxahachie. Kirk Thomas, 1304 Newsome Mound Road, Springtown, Texas with TRWD explained to Commissioner Flores the existing tower in Waxahachie is about 300 ft. tall and that there will be another tower south of Waxahachie in the future for better line of sight. Mr. Thomas said it is a freestanding tower with no guidelines.

Mr. Northern asked if it will be occupied. Mr. Thomas said the tower will shoot data to the other towers, unmanned.

Mr. Flores asked if they were bound by FCC regulations and any setback requirements. Mr. Thomas said yes they are. Ms. Murphy explained the screening requirement is for the footing of the tower.

Mr. Genua asked if they had plans to co-locate on this tower. Mr. Thomas said not at this time; the height is driven by the line of site requirement.

Ms. Moore asked staff about the chain link fence. Mr. Thomas said they prefer to have a chain link fence with razor wire around the property for security purposes.

Ms. McDougall asked about the opposition and why this location. Mr. Schell said in condemnation you can only take what you need. Mr. Thomas said the location was set based on an existing pipeline that cuts through the property which they have to tie into. If they move it more than 60 ft. they have to acquire approval from FCC and possible more condemnation.

Jim Wills, 5054 Wisk Ridge Drive, Dallas, Texas representing the property owners spoke in opposition. Mr. Wills said the land that was taken is in the center of their property. He asked if this could be moved further to the west close to the railroad tracks and the TRWD said no. Mr. Wills said they are not arguing the value of the land taken but the monetary impact of the damages to the rest of the property because it is in the middle. They envisioned for their property being mixed-use with walkable areas with parks, trails, etc. He stated they want to see landscaping, environmental controls, etc. on the site plan. He mentioned the depth of the pipeline, fall zones for the tower and how to plan around it for their development.

Mr. Northern asked if he knew when the existing pipeline was installed. Mr. Wills said no he did not.

Mr. Edmonds mentioned there is a site plan and that they may be looking for elevation drawings, site specific and no waivers have been requested on the staff report. Mr. Edmonds asked him

what he wants from them. Mr. Wills said he wants to see extensive requirements to depict what they are building on the property, so they can plan accordingly.

Ms. Moore mentioned the separation distance from multifamily and is it a waiver. Ms. Murphy said if approved that would be a waiver. Ms. Burghdoff said it should be a waiver.

In rebuttal Mr. Schell said he was not involved in the eminent domain proceedings which are still ongoing. The current site plan is what is proposed and TRWD would like to start construction towards the end of summer.

Motion: Following brief discussion, Ms. Moore recommended a 30 day Continuance of the request, seconded by Ms. Reed. The motion carried 8-0 with Mr. Reeves recusing. Mr. Genua wanted to state for the record the opposition needs to be provided a site plan, strongly suggested they visit with the owners, and resolve the fencing details with waivers identified.

<i>Document received for written correspondence</i>					ZC-15-073
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Jim Wills/ representing property owner	14160 N Dallas Pkwy	In	Opposition		Spoke at hearing
Kirk Thomas/TRWD	1304 Newsome Mound Rd	Out		Support	Spoke at hearing

13. ZC-15-074 Knox Street Partners No.7 Ltd (CD 7) 200 W. Bonds Ranch Road (Henry Robertson Survey, Abstract No. 1259, 1.65 Acres): from "C" Medium Density Multifamily to "E" Neighborhood Commercial

Shawn Rockenbaugh, 6404 Pawnee Lane, The Colony, Texas representing Knox Street Partners No. 7 Ltd explained to the Commissioners the request to rezone to neighborhood commercial is for a convenience store location.

Mr. Northern mentioned the floodplain. Mr. Rockenbaugh said they have done some flood studies.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Mr. Reeves. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-15-074
Name	Address	In/Out 300 ft notification area	Position on case		Summary
John Carter	4216 Caruth	Out		Support	Present did not speak