

Planning Staff Analysis

S25-0008 / APC Towers

City Council District 3

REQUEST:

Specific Use Permit (SUP) to allow for a Monopole Tower over 85 feet use on approximately 0.048 acres of land, approximately located on the western corner of North Elm Street and Riney Road in the City of Denton, Denton County, Texas. (S25-0008, Bryce Van Arsdale)

APPLICANT:

Mike Hitchcock of APC Towers

STAFF RECOMMENDATION:

Staff recommends **approval** of the SUP with the following conditions:

1. Development of the site shall substantially comply with the attached Site Plan and Landscape Plan. Administrative approval of changes that do not increase the size, height and number of the Monopole Tower buildings and equipment, change the number of parking spaces, decrease the buffer and screening requirements, or result in a decrease of more than 5 percent in the landscape area for the whole site may be administratively approved, if such changes are permissible per the Denton Development Code. All other changes shall require a Specific Use Permit amendment in accordance with the Denton Development Code.
2. The City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached site plan, and the attached landscape plan. The attached site plan and landscape plan are incorporated as requirements of the SUP.
3. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

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SITE DATA:

The subject property is located on the western corner of North Elm Street and Riney Road and is currently undeveloped. The subject property contains a number of utility easements, restricting development on site. The subject property is immediately east of a 289-unit multi-family development and abuts North Elm Street to the north and Riney Road to the south and east.

The subject property will provide one access point from Riney Road.

There is no FEMA floodplain, floodway, or Environmentally Sensitive Area (ESA) on site.

The subject property is zoned Mixed-Use Neighborhood (MN) District (see Exhibit 5). The area surrounding the subject property is made up of Public Facilities (PF) and Mixed-Use Neighborhood (MN) zoning districts. The surrounding lots are zoned as PF to the north and south, and MN to the east and west. A multi-family land use exists to the west of the subject property. Additionally, the University of North Texas Discovery Park is located directly to the north of the subject property and is zoned Public Facilities (PF) as further described in the table below.



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SURROUNDING ZONING AND LAND USES:

Northwest: North Elm Street right-of-way (ROW) • Zoning: Public Facilities (PF) • Use: Institutional (Discovery Park)	North: North Elm Street right-of-way (ROW) • Zoning: Public Facilities (PF) • Use: Institutional (Discovery Park)	Northeast: North Elm Street right-of-way (ROW) • Zoning: Public Facilities (PF) • Use: Institutional (Discovery Park)
West: • Zoning: Mixed-Use Neighborhood-Specific Use Permit (MN-S) • Use: Multi-Family	SUBJECT PROPERTY	East: North Elm Street right-of-way (ROW) • Zoning: Mixed-Use Neighborhood (MN) • Use: Undeveloped
Southwest: Riney Road right-of-way (ROW) • Zoning: Public Facilities (PF) • Use: Institutional (G. Roland Vela Soccer Complex)	South: Riney Road right-of-way (ROW) • Zoning: Public Facilities (PF) • Use: Institutional (G. Roland Vela Soccer Complex)	Southeast: Riney Road right-of-way (ROW) • Zoning: Public Facilities (PF) • Use: Institutional (G. Roland Vela Soccer Complex)

CONSIDERATIONS:

A. Section 2.4.5E of the Denton Development Code (DDC) provides approval criteria applicable to all applications.

1. General Criteria

a. *Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.*

The general criteria have been applied.

b. *The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.*

Section 2.5.2D of the DDC applies to Specific Use Permit (SUP) requests. An analysis of this request per those criteria can be found below in Consideration B.

c. *If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5 through 2.9 controls.*

There are no conflicts between the general criteria and the criteria specific for Specific Use Permit requests.

2. *Prior Approvals*

The request does not conflict with any prior approvals related to the subject property.

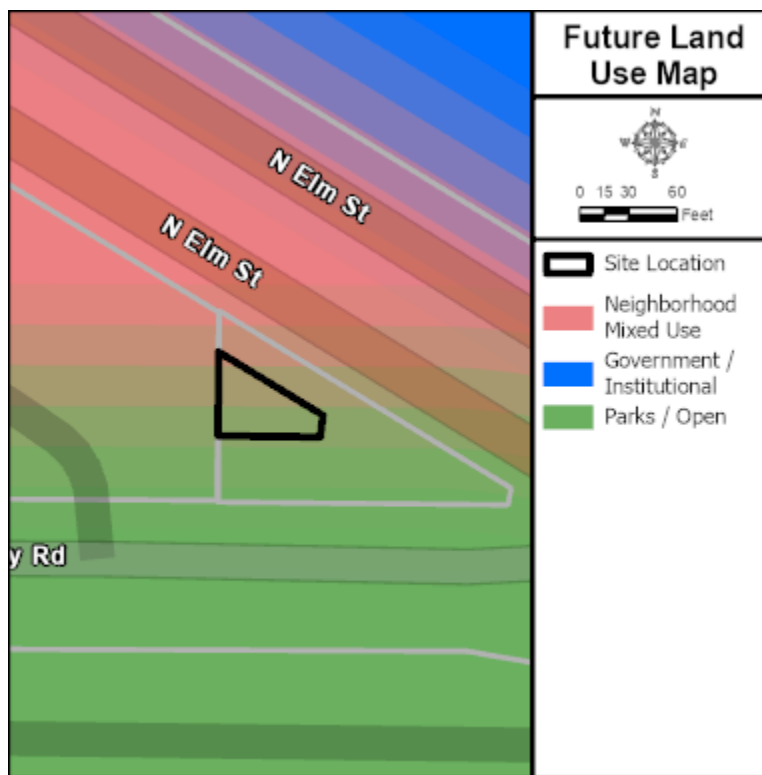
3. *Consistent with the Comprehensive Plan and Other Applicable Plans*

The decision-making authority:

a. Shall weigh competing goals, policies, and strategies.

There are no competing goals, policies nor strategies associated with the proposed request. As noted below, the request conforms to the Future Land Use Map and is designed to minimize adverse impacts to the maximum extent possible.

b. May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.



The use and scale of the proposed Monopole Tower over 85 feet, hereafter referred to as "Telecommunications Tower" use conforms to the Future Land Use element of the Denton 2040 Comprehensive Plan. Per the Future Land Use Map in the Denton 2040 Comprehensive Plan, the subject property exists in a transitional area between Parks/Open Space, Neighborhood Mixed Use, and Government/Industrial designations (see inset map and provided as Exhibit 4). The FLUM

designates the area to the north of North Elm Street as Government/Institutional, the area south of Riney Road as Parks/Open Space, and the area directly to the west as Neighborhood Mixed Use.

The Comprehensive Plan recognizes there are several options for communication service providers in the City which provide telephone, television, cellular phone networks, and high-speed internet. The Plan also recognizes that demand for communications infrastructure will grow to meet customer demand. The proposal is consistent with the following Actions in the Comprehensive Plan:

- 9.4.1: “Ensure that communications infrastructure, including fiber optic cables, are installed proactively to keep up with demand as Denton grows”
- 9.4.2: “Install telecommunications infrastructure consistent with City ordinances and the Denton Development Code.”

The subject property is appropriately located along a Primary Arterial in a transitional area of the City between UNT’s Discovery Park, moderate density residential and athletic fields. Additionally, the nearest Telecommunications Tower use is located more than one mile to the southeast of the subject site. Telecommunications Tower is a compatible use with the surrounding area.

4. *Compliance with this DDC*

- a. *The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.*

The attached site plan and landscape plan (Exhibits 6 and 7, respectively) reflect an intent to comply with the DDC requirements for setbacks, parking, minimum landscape and tree canopy coverage, buffering, and screening.

- b. *Compliance with these standards is applied at the level of detail required for the subject submittal.*

The review associated with an SUP submittal requires a detailed staff analysis of the proposal to ensure compliance with the development standards specific to the zoning district and non-residential development standards, including lot dimensions parking, landscaping, site design, and the use-specific standards for Telecommunications Towers. Staff have reviewed the proposal for conformance with applicable design standards for public facilities and safety.

Pending approval of this SUP, additional review for full compliance with the DDC as well as applicable criteria manuals and building codes will also take place at submittal of the plat, civil engineering plans, and building permit applications.

5. *Compliance with Other Applicable Regulations*

This proposed request complies with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject site.

7. *Minimizes Adverse Environmental Impacts*

The proposed Telecommunications Tower site is designed to minimize potential adverse environmental impacts in so far as it complies with applicable standards for drainage and tree preservation.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed use is not expected to have any adverse impact on surrounding property. The site has been designed so to reduce potential visual impact to the maximum extent possible by locating the proposed Telecommunications Tower at the northeastern corner of the subject property, located approximately 100 feet away from the nearest occupied structure. Along the base of the Telecommunications Tower, additional landscaping has been provided to screen equipment from the public right-of-way.

9. *Minimizes Adverse Fiscal Impacts*

As a component of infrastructure, this project is not expected to generate adverse fiscal impacts to the City.

10. *Complies with Utility, Service, and Improvement Standards*

The proposed use does not require any changes to utilities existing on site.

11. *Provides Adequate Road Systems*

The subject property has approximately 75 feet of frontage along North Elm Street and 65 feet of frontage along Riney Road. The site will take access via a curb cut on Riney Road.

12. *Provides Adequate Public Services and Facilities*

The proposed Telecommunications Tower use will not affect public services and facilities within the area.

13. *Rational Phasing Plan*

The Telecommunications Tower use does not have a phasing plan.

- B. Section 2.5.2D of the DDC states that in reviewing a proposed SUP, the Planning and Zoning Commission and City Council shall consider the general approval criteria in Subsection 2.4.5E and whether:

1. *The specific use proposed is compatible with the surrounding area;*

The proposed Telecommunications Tower use is compatible with the surrounding area containing: a Multi-Family use and Institutional uses. The subject property's location along North Elm Street and more than one mile from the nearest similar use, ensures that this is a logical location for this use.

2. *The specific use proposed has negative impacts on future development of the area; and*

The proposed Telecommunications Tower use is not anticipated to have negative impacts on future development of the area. The area immediately surrounding the property has largely been developed with uses that are compatible with the proposed Telecommunications Tower use. The subject property's zoning designation of Mixed-Use Neighborhood combined with adjacency to residential developments allows for a

variety of supporting uses to be proposed by right or with a Specific Use Permit. The proposed Telecommunications Tower use will serve as a supporting use for surrounding properties. The subject property is encumbered by a number of easements which vary in size, due to this burden, typical development on the site will be difficult to achieve. The proposed use is anticipated to have minimal impact on the future development of the overall region.

3. *Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.*

The proposed use is not anticipated to generate offensive odors, fumes, dust, or noise. A Trip Generation report was reviewed, and a Traffic Impact Analysis was not triggered as this site is expected to have 0 trips per day. All proposed parking is located on-site and provided as required by the DDC.