



**CITY OF GRAND PRAIRIE
ORDINANCE**

MEETING DATE: 09/03/2024

REQUESTER: Monica Espinoza, Administrative Supervisor

PRESENTER: Savannah Ware, AICP, Chief City Planner

TITLE: SUP-24-07-0029 - Specific Use Permit - Public Safety Communications Tower (City Council District 6). Specific Use Permit for a Communications Tower on 1.656 acres. Multiple tracts out of J Lawrence Survey, Abstract, No. 616, (Parcel IDs 194197 and 284686) City of Grand Prairie, Ellis County, Texas, zoned Agriculture (A) District and PD-339A, and tentatively addressed as 11005 Davis Dr (On August 12, 2024, the Planning and Zoning Commission recommended approval by a vote of 7-0)

APPLICANT: Mike Joy, IT Project Administrator, City of Grand Prairie

RECOMMENDED ACTION: Approve

SUMMARY:

Specific Use Permit for a Communications Tower on 1.656 acres. Multiple tracts out of J Lawrence Survey, Abstract, No. 616, (Parcel IDs 194197 and 284686) City of Grand Prairie, Ellis County, Texas, zoned Agriculture (A) District and PD-339A, and tentatively addressed as 11005 Davis Dr.

PURPOSE OF REQUEST:

The applicant seeks a Specific Use Permit to construct a new telecommunication tower. The current radio signals are weak in south Grand Prairie, especially along Highway 287 and S Hwy 360. As south Grand Prairie grows, Police and Fire operations are expected to increase in this area. The weak signals may hinder operations by limiting handheld, Mobile, and in-building signals. The City of Grand Prairie plans to prevent this by constructing new radio communication infrastructure at Fire Station 11.

ADJACENT LAND USES:

The following table summarizes the surrounding properties' zoning designation and existing use.

Table 1. Zoning and Land Use

Direction	Zoning	Existing Use
North	Agriculture	Undeveloped/The Emma Multi-Family (Future)

South	PD-399A	Undeveloped
West	PD-414B	Undeveloped
East	PD-364C	Undeveloped/Heritage Towne

HISTORY:

- April 21, 2020: City Council approved PD-399 for Single Family, Multi-Family, and General Retail uses on 76.960 acres (Case Number Z200401).
- November 17, 2020: City Council approved an Amendment to PD-399A to reduce the amount of land zoned for Multi-Family and increase the amount of land zoned for Commercial along Davis Drive (Case Number Z00401A).

TELECOMMUNICATIONS FACILITIES:

Pursuant to the general guidelines provided in the Federal Telecommunication Act of 1996, Article 24 of the Unified Development Code (UDC) provides the following regulations for telecommunication facilities:

Fencing and Screening:

If security fencing is installed, UDC requires a wrought iron or steel chain link fence with an evergreen hedge or a masonry wall, each at least 6 feet tall. The applicant plans to extend the existing steel chain link around the newly constructed compacted pad for the tower without an evergreen hedge or masonry wall, which is a variance from the current requirements. This requires a variance for an evergreen hedge or a masonry wall 6 feet tall. The proposed screening fence does not face any public right-of-way except for the southwestern property line facing Davis Rd.

Distance from Residential Zoning:

Telecommunication towers must have at least a 3 to 1 distance-to-height ratio from a single-family residential district and a 1 to 1 distance-to-height ratio from a multi-family district. The proposed tower is 200 feet in height. The tower is approximately 290 feet from an HOA Lot. The lot is designated for a drainage easement and has no habitable structures. The nearest single-family residence is approximately 550 feet away from the property. The subject property is surrounded by a multi-family-zoned property with no proposed developments at this time. The nearest multi-family development is to the north.

Table 2. Distance from Residential Zoning

	Required (ft)	Provided (ft)	Meets
Single-Family (SF-4) 3 to 1 ratio	600	290	Variance
Multi-Family (MF-3) 1 to 1 ratio	200	0	Variance

VARIANCES:

The applicant is requesting the following variances:

1. Screening Hedges – The applicant is requesting a variance to the 6-foot hedge or masonry wall requirement to allow no hedges or masonry wall along the proposed security fence.

2. Distance from Residential Zoning – The applicant is requesting a variance to 600 feet distance from Single-Family Four (SF-4) and 200 feet distance from Multi-Family (MF-3) to allow 290 feet distance from SF-4 and 0 feet distance from MF-3.

PUBLIC NOTICE:

Notice of this item was published in the Fort Worth Star Telegram and letters were provided to 3 surrounding properties meeting the distance requirements in the Unified Development Code. As of the writing of this staff memo, the following letters have been received:

In Support: None

In Opposition: None

RECOMMENDATION:

- On August 12, 2024, the Planning and Zoning Commission recommended approval by a vote of 7-0
- The Development Review Committee (DRC) and staff recommend approval.

BODY:

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING ORDINANCE AND MAP BY SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY FOR A SPECIFIC USE PERMIT FOR A COMMUNICATIONS TOWER ON 1.656 ACRES: MULTIPLE TRACTS OUT OF J LAWRENCE SURVEY, ABSTRACT, NO. 616, (PARCEL IDs 194197, AND 284686) CITY OF GRAND PRAIRIE, ELLIS COUNTY, TEXAS; SAID ZONING MAP AND ORDINANCE BEING NUMBERED ORDINANCE NUMBER 4779 AND PASSED ON NOVEMBER 20, 1990; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, the owners of the property described herein below filed application with the City of Grand Prairie, Texas, petitioning an amendment of the Zoning Ordinance and Map of said city so as to amend the zoning designation of said site to include a Specific Use Permit for a Communications Tower; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on August 12, 2024, after written notice of such public hearing before the Planning and Zoning Commission on the proposed Specific Use Permit had been sent to owners of real property lying within 300 feet of the property on which a Communications Tower is proposed, said Notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 7 to 0 to recommend to the City Council of Grand Prairie, Texas, that said Zoning Ordinance and Map be amended to allow a Specific Use Permit for a Communications Tower; and

WHEREAS, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the City Hall Plaza Building at 6:30 o'clock P.M. on September 3, 2024, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the, Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the Specific Use Permit and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the specific use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Grand Prairie, Texas, has changed in character since the enactment of the original Zoning Ordinance to the extent that a specific use may be made of said property as herein provided and by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS THAT:

SECTION 1. Ordinance Number 4779, being the Unified Development Code of the City of Grand Prairie, Texas, showing the locations and boundaries of certain districts, and said Zoning Ordinance and Map having been made a part of an Ordinance entitled:

"THE UNIFIED DEVELOPMENT CODE OF THE CITY OF GRAND PRAIRIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20TH DAY OF NOVEMBER, 1990, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN..."

passed and approved November 20, 1990, as amended, is hereby further amended so as to establish a Specific Use Permit for a Communications Tower on multiple tracts out of J Lawrence Survey, Abstract, No. 616, (Parcel IDs 194197 and 284686) City of Grand Prairie, Ellis County, Texas, as depicted in Exhibit A – Boundary Description attached hereto.

SECTION 2. The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Unified Development Code.

SECTION 3. For the development and operations of a Communications Tower, the following standards and conditions are hereby established as part of this ordinance:

1. The development shall maintain compliance with all Federal, State, and Local regulations; including but not necessarily limited to, all applicable standards and regulations of the Grand Prairie Code of Ordinance and Unified Development Code.

2. The development shall adhere to the City Council approved Exhibit B – Site Plan, which is herein incorporated by reference.
3. To the extent allowed under the law, the development shall comply with “Article 24 – Wireless Telecommunications Facilities” of the Unified Development Code.
4. The City Council has granted the following variance from Article 24 standards:
 - A. Screening Hedges: Variance to the 6-foot hedge or masonry wall requirement to allow no hedges or masonry wall along the proposed security fence.
 - B. Distance from Residential Zoning: Variance to 600 feet distance from Single-Family Four (SF-4) and 200 feet distance from Multi-Family (MF-3) to allow 290 feet distance from SF-4 and 0 feet distance from MF-3.

SECTION 4. The operations of a Communications Tower shall comply with the following:

1. By this Ordinance, this Specific Use Permit shall automatically terminate in accordance with Section 5.4.1 of the Unified Development Code if a Building Permit is not issued for said use within six (6) months after City Council adoption of this Ordinance, or upon cessation of said use for a period of six (6) months or more.
2. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Grand Prairie. Violation of this provision may be punishable in accordance with Section 1-8 of the Code of Ordinances of the City.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.
5. The operation of the facility shall be in strict compliance with all laws and applicable requirements of the Public Health and Environmental Quality Department, Building Inspections, Police Department, and Fire Administration.
6. Any unsafe or unauthorized operations or activities may be determined as grounds for revocation of the Specific Use Permit by the City Council.

SECTION 5. A violation of this Ordinance is a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power of injunction as provided in Texas Local Government Code Section 54.016, as amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

SECTION 6. The Unified Development Code of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 7. The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS 3RD DAY OF SEPTEMBER 2024.

SPECIFIC USE PERMIT NO. #

CASE NO. SUP-24-07-0029

ORDINANCE NO. #-2024