

PLANNING
City of Carrollton
Date: 04/07/15

SPECIAL USE PERMIT NO. 293
Case No. 02-15SUP1
AT&T Cell Tower

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING SPECIAL USE PERMIT NUMBER 293 TO PROVIDE FOR AN ANTENNA SUPPORT STRUCTURE FOR CELLULAR TELEPHONE ANTENNAS UPON PROPERTY LOCATED AT 3065 NORTH JOSEY LANE; AMENDING THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the Fifth day of March 2015, the Planning & Zoning Commission considered and made a recommendation on a request regarding a Special Use Permit (Case No. 02-15SUP1); and,

WHEREAS, the City Council is of the opinion and finds that allowing for the extension of the cell tower height will promote co-location of carriers, which benefits the citizens of Carrollton; and,

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and,

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Special Use Permit Number 293 is hereby amended for a certain tract located at 1017 West Seminole Trail and being Lot 2R2, Block 1, Replat of Lot 2R, Block 1, Northwest Realty Addition to the City of Carrollton, as recorded in Cabinet P, Page 30,

Deed Records of Denton County, Texas and more specifically described on the attached Exhibit A to read as follows:

“I. Permitted Uses:

The following uses will be permitted on a certain tract located at 1017 West Seminole Trail and being Lot 2R2, Block 1, Replat of Lot 2R, Block 1, Northwest Realty Addition to the City of Carrollton, as recorded in Cabinet P, Page 30, Deed Records of Denton County, Texas and more specifically described on the attached Exhibit A:

Antenna Support Structure for Cellular Telephone Antennas

II. Special Development Standards.

Development shall be in accordance with the Conceptual Site Plan and Conceptual Equipment Plan exhibits attached hereto as Exhibits B and C, and in accordance with the following special conditions, restrictions, and regulations:

1. The maximum height of the antenna monopole structure shall be 85 feet.
2. The existing parking lot landscape islands shall be improved by removing existing turf grass and replacing it with decomposed granite.
3. Two additional landscape islands, a minimum of nine feet at their narrowest dimension including curbing, shall be installed in the parking lot along Josey Lane as shown in Exhibit B. Each new landscape island shall contain the following at a minimum:
 - a. One multi-stem Crepe Myrtle (Red Rocket, Dallas Red or equivalent variety), at least 3-inch caliper and 10 feet in height at the time of planting.
 - b. Mexican Feather Grass, a least one gallon at the time of planting, spaced no more than 18 inches apart.
 - c. A natural stone boulder, a minimum of 18 inches in each dimension and a minimum of 24 inches in at least one dimension.”

Section 3.

The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 4.

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 7.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of April, 2015.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Christopher Barton, AICP
Chief Planner

Exhibit A
Legal Description
Lease Area

BEING a tract of land situated in the B. Baccus Survey, Abstract No. 119, City of Carrollton, Denton County, Texas, same being out of and a portion of that certain tract of land conveyed to Long Star Properties, Inc. by Assumption Warranty Deed dated May 14, 1998, and recorded in Volume 4099, page 80, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of said Long Star Properties, Inc. tract, same being the southwest corner of that certain tract of land conveyed to Susan Sandelman, Trustee, by Deed dated June 29, 1990, and recorded in Volume 2815, page 397, Deed Records, Denton County, Texas; being on the east line of Woodlake Addition No. 10, an addition to the City of Carrollton, Denton County, Texas, according to the map or plat thereof recorded in Volume 16, page 26, Map Records, Denton County, Texas, and from which a 1/2" iron rod found for the northwest corner of said Sandelman tract, same being on the south right-of-way of Frankford Road (100' right-of-way) bears North 00 degrees 11 minutes 57 seconds East, a distance of 282.85 feet;

THENCE along the north line of said Long Star Properties tract, same being the south line of said Sandelman tract, South 89 degrees 48 minutes 02 seconds East, a distance of 61.24 feet to the POINT OF BEGINNING hereof;

THENCE continuing along the north line of said Long Star Properties tract, same being the south line of said Sandelman tract, South 89 degrees 46 minutes 50 seconds East, a distance of 16.67 feet to a Point;

THENCE through the interior of said Long Star Properties, Inc. tract the following three (3) courses:

1. South 00 degrees 13 minutes 10 seconds West, a distance of 13.92 feet to a Point;
2. North 89 degrees 46 minutes 50 seconds West, a distance of 16.67 feet to a Point;
3. North 00 degrees 13 minutes 10 seconds East, a distance of 13.92 feet to the POINT OF BEGINNING hereof and containing 0.0053 acres or 232 square feet of land, more or less.

Exhibit A
Legal Description
Easement

BEING a tract of land situated in the B. Baccus Survey, Abstract No. 119, City of Carrollton, Denton County, Texas, same being out of and a portion of that certain tract of land conveyed to Long Star Properties, Inc. by Assumption Warranty Deed dated May 14, 1998, and recorded in Volume 4099, page 80, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of said Long Star Properties, Inc. tract, same being the southwest corner of that certain tract of land conveyed to Susan Sandelman, Trustee, by Deed dated June 29, 1990, and recorded in Volume 2815, page 397, Deed Records, Denton County, Texas, being on the east line of Woodlake Addition No. 10, an addition to the City of Carrollton, Denton County, Texas, according to the map or plat thereof recorded in Volume 16, page 26, Map Records, Denton County, Texas, and from which a 112" iron rod found for the northwest corner of said Sandelman tract, same being on the south right-of-way line of Frankford Road (100' right-of-way) bears North 00 degrees 11 minutes 57 seconds East, a distance of 282.85 feet;

THENCE along the north line of said Long Star Properties tract, same being the south line of said Sandelman tract, South 89 degrees 48 minutes 03 seconds East, a distance of 161.11 feet to the POINT OF BEGINNING hereof;

THENCE continuing along the north line of said Long Star Properties tract, same being the south line of said Sandelman tract, South 89 degrees 48 minutes 03 seconds East, a distance of 13.05 feet to a Point;

THENCE through the interior of said Long Star Properties, Inc. tract, the following seven (7) courses:

1. South 78 degrees 41minutes20 seconds East, a distance of 19.80 feet to a Point;
2. South 89 degrees 46 minutes 50 seconds East, a distance of 126.45 feet to a Point;
3. 3. South 16 degrees 59 minutes 21 seconds East, a distance of 10.47 feet to a Point;
4. 4. North 89 degrees 46 minutes 50 seconds West, a distance of 130.52 feet to a Point;
5. 5. North 78 degrees 41minutes20 seconds West, a distance of 19.80 feet to a Point;
6. North 89 degrees 48 minutes 03 seconds West, a distance of 12.21 feet to a Point;
7. North 00 degrees 58 minutes 00 seconds East, a distance of 10.00 feet to the POINT OF BEGINNING hereof and containing 0.0369 acres or 1609 square feet of land, more or less.

Exhibit B
Conceptual Site Plan



