

City Council-Regular Meeting

Date: 03/03/2025

Initiated By: Ramon Chavez, Assistant City Manager

Initiated By: J Nicky Clay and Verona Clay, Owners; American Tower Corporation, Applicant;
Hope Carrico - Crafton Communications, Representative

Staff Source: Vanessa Guerra, Planning Director

SUBJECT

Public Hearing and Introductory Ordinance amending the City of Laredo Zoning Ordinance (Map) by authorizing a special use permit for a communication tower on approximately 3.7 acres as further described by metes and bounds in attached Exhibit A, located north of US Highway 59 and west of Escondido Drive.

The Planning and Zoning Commission recommended **approval** of the proposed special use permit and staff **did not support** the application.

ZC-067-2024

District V

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

Council District: V - Cm. Ruben Gutierrez, Jr.

Proposed use: The proposed use is for a 122-foot (height) communication tower.

Minimum Zoning District Required for Proposed Use: AG (Agricultural District) zoning district.

Current Zoning District: B-3 (Community Business District) zoning district.

Site: The site is currently occupied by commercial buildings/storages.

Surrounding land uses: To the north of the site is Chacon Creek, Lost Hills Trail, and single family residential uses. To the east of the site is Hacienda Vieja Imports, Dollar Tree, Puerto Escondido and US Highway 59. To the south of the site is US Highway 59 (Saunders Street), JM Flores Roofing & Construction, Memorial Gardens of Laredo, Sal Trans Logistics, Inc., Elite Auto Collision. To the west of the site are junk yards (immobile vehicles), and a trucking company.

Comprehensive Plan: The Future Land Use Map recognizes this area as Neighborhood Mixed Use.

https://www.openlaredo.com/planning/2017_Comprehensive_Plan-Viva_Laredo.pdf#page=39

Transportation Plan: The Long Range Thoroughfare Plan identifies US Highway 59 as an Expressway.

www.laredompo.org/wp-content/uploads/2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf

Letters sent to surrounding property owners: 10 **In Favor:** 0 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 6 to 1 vote recommended **approval** of the zone change.

STAFF RECOMMENDATION

A Special Use Permit is used for those types of uses that warrant individual attention on a case by case basis and should not be categorized in a zoning district. A Special Use Permit is basically an overlay on top of the existing zoning designation and can be limited in many respects, such as time, fencing, setbacks, landscaping, etc. A Special Use Permit is required for communication towers located in AG, R-2, R-3, R-O, B-1, B-1R, B-3, B-4, MXD. The property is a B-3 zoning district.

Staff **does not support** the proposed special use permit for the following reasons:

1. The proposed communication tower does not comply with the minimum separation distance between the proposed tower and preexisting towers of 1500 feet for monopole 75 feet in height or greater as per the Laredo Land Development Code, Section 94.93.10(4)(a).
 - o The separation distance between the proposed tower and the preexisting tower is approximately 750 feet.
 - o Therefore, the proposed communication tower does not meet the minimum separation distance between the proposed tower and the preexisting tower.

Additional Information:

Conformity with the remaining performance standards:

1. The proposed communication tower complies with the minimum setbacks requirements of "towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line" as per the Laredo Land Development Code, Section 24.93.10(2)(a).
 - o Calculation: $75\% \times 122 \text{ feet (proposed height of communication tower)} = \underline{91.5 \text{ feet}}$.
 - o Referring to the site plan, Exhibit B, the proposed communication tower location is 111 feet to the north of the property line.
2. The proposed communication tower meets the minimum separation distance requirement between an off-site zoning district and the location of the proposed communication tower of 100 feet or 100% height of tower (whichever is greater), as per the Laredo Land Development Code, Section 24.93.10.c.3.
 - o Calculation: $100\% \times 122 \text{ feet (proposed height of communication tower)} = \underline{122 \text{ feet}}$.
 - o The proposed communication tower meets the distance between the off-site Townhouse Planned Unit Development (PUD), which requires an R-2 base zone. The distance between the proposed location of the communication tower and the Townhouse PUD is approximately 200 feet.
 - o Therefore, the proposed communication tower meets the minimum separation distance between an off-site zoning district and the location of the proposed communication tower.

General Comments:

1. The approval of the special use permit does not guarantee the issuance of the building permit.
2. The use authorized by the special use permit is required to abide by all relevant municipal codes.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is restricted to the area identified in the attached site plan, Exhibit “B”, which is made part hereof for all purposes.
2. The Special Use Permit is restricted to a 122’ height communication tower and as further described on the set of plans, Exhibit “C”.
3. The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
4. Signage shall be consistent with the City's Sign Ordinance or regulations.
5. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
6. Applicant shall comply with Section 24.93.10 entirely. All permits, licenses, certifications and inspections required by the codes and ordinances of the City of Laredo shall be kept up to date and current.
7. Landscaping of property shall be provided in accordance with the City of Laredo Land Development Code.
8. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.
9. Owner shall provide a 7' high opaque fence along property lines which abut or adjoin any residential zones/uses.
10. Owner shall comply with, Building, Health, Life and Safety, and all applicable codes and regulations as required.
11. Towers shall be enclosed by security fencing not less than six feet in height and also shall be equipped with an appropriate anti-climbing device.
12. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
13. Equipment storage buildings or cabinets shall comply with all applicable building codes.
14. Applicant shall provide verification of compliance with FCC, FAA regulations and, if applicable, any other federal state agencies as required.
15. Applicant shall provide a notarized statement by the applicant and a sealed set of plans by a qualified engineer, confirming the construction of the tower will accommodate collocation of additional antennas for future users.
16. Applicant shall provide a safety report by a qualified structural engineer establishing the structural integrity of the tower.
17. The approval of the special use permit does not guarantee the issuance of the building permit.
18. The use authorized by the special use permit is required to abide by all relevant municipal codes.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

No. There is an existing cell tower within 800 feet from the location of the proposed communication tower.

Would this change create an isolated zoning district unrelated to surrounding districts?

No, the zone is not changing.

Will change adversely influence living conditions in the neighborhood?

Possibly.

Are there substantial reasons why the property cannot be used in accordance with existing zoning?

Yes, the existing zone does not allow for a communication tower as intended by the applicant.

Attachments:

Maps

Narrative & Airspace Study

Site Plan

Survey & Topography Plans

Collocation Letter

FCC Notice

Tower Separation Letter &
Map

Feasible Location for New
Tower

Communication Tower Plans

Grading Plans, Profile, &
Compound Plan

Draft Ordinance
