

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Gleinser, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Verizon Wireless, on Behalf of Roanoke Manor, L.L.C., for Approval of a Request to Rezone Fewer than 4 Acres from “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District, to Allow for a Support Tower for Cellular Communication Antennas, Located Approximately 900 Feet East of Lake Forest Drive and on the South Side of Future Collin McKinney Parkway

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the April 16, 2013 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request as the proposed support tower with communication antennas does not meet the required setbacks, exceeds the maximum height allowed for a support tower, and exceeds the maximum allowed height for a screening wall as specified in the City of McKinney’s Zoning Ordinance.

**APPLICATION SUBMITTAL DATE:** December 10, 2012 (Original Application)  
December 21, 2012 (Revised Submittal)  
January 7, 2013 (Revised Submittal)  
February 25, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 3.15 acres of land, located approximately 900 feet east of Lake Forest Drive and on the south side of Future Collin McKinney Parkway from “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District, generally to modify the development standards to allow for a support tower for cellular communication antennas. The applicant has requested to maintain the base zoning designation of “C” –

Planned Center District within the governing Planned Development District Ordinance No. 2000-09-64 for the subject property.

The applicant is proposing to place five cellular communication antennas within a 130-foot tall, stealth tower as well as place an associated ground mounted equipment shelter (approximately 300 square feet) on the subject property. The support tower is proposed to be located approximately 75 feet south of Future Collin McKinney Parkway (associated screening wall within 45 feet of the right-of-way), 200 feet from the eastern property line, and approximately 1,200 feet from the western property line.

It is important to note that cellular communications antennas and support towers are allowed in all zoning districts; however, the applicant's proposal does not meet the requirements of the Zoning Ordinance for the base zoning district on the property. As such, the applicant is requesting to rezone the property to reduce the required setbacks from property lines, exceed the maximum allowed height for support towers, and exceed the maximum allowed height for the screening wall.

This item was tabled at the March 12, 2013 Planning and Zoning Commission meeting due to the applicant failing to furnish an affidavit of sign posting within the time frame required by the Zoning Ordinance.

**ZONING NOTIFICATION SIGNS:** The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: "PD" – Planned Development District Ordinance No. 2000-09-064, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District (Commercial Uses)

North	"PD" – Planned Development District Ordinance No. 2000-09-066 and "REC" – Regional Employment Center Overlay District (Commercial Uses)	Undeveloped Land
South	"PD" – Planned Development District Ordinance No. 2000-09-064, "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District (Commercial Uses)	Undeveloped Land and Brazos Electric Power Cooperative Inc.
East	"PD" – Planned Development District Ordinance No. 2000-09-064 "REC" – Regional Employment Center Overlay District, and "CC" – Corridor Commercial Overlay District (Commercial Uses)	Brazos Electric Power Cooperative Inc.

West                    “PD” – Planned Development District Ordinance No. 2000-09-064, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District (Commercial Uses)                    Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally to modify the development standards to allow for a support tower for communication antennas. The applicant has provided a site layout showing the location and elevation of the proposed tower as well as propagation maps showing cellular coverage for the Planning and Zoning Commission. The applicant is requesting approval of several special ordinance provisions including:

1. The use and development of the subject property shall conform to the requirements of “PD” – Planned Development District Ordinance No. 2000-09-64, and as amended, except as follows:
  - a. The support tower and communication antennas shall be a maximum height of 130 feet and be located less than three times the height of the support structure from any property line as shown on the attached site plan exhibit.
    - Section 146-137 (Communications antennas, satellite dishes and support structures/towers) of the Zoning Ordinance states that commercial antenna support structures may be increased in height beyond the limits of the zoning district (55 feet within C-Planned Center) if located at least a distance from any property line equal to three times the height of the support structure, notwithstanding that the maximum height permitted being 125 feet.
    - The applicant has requested that the structure be located approximately 75 feet south of Future Collin McKinney Parkway and 200 feet from the eastern property line, which places the support tower significantly under three times the height of the structure from any property line. A support tower with a height of 130 feet is required to be 390 feet from any property line.
    - Collin McKinney Parkway is intended to be a significant corridor within the Regional Employment Center (REC) Overlay District, with a mix of commercial, office, and residential. Staff does not feel that it is appropriate to locate a tower this close to a future major thoroughfare when there is ample undeveloped land in the area that could accommodate the support tower while meeting the required setbacks. Staff also feels that the proposed location of the tower could discourage development in the immediate area. As such, Staff is not comfortable supporting the proposed location of the support tower and communication antennas.

- b. The masonry screening wall around the perimeter of the tower shall be a maximum of ten feet in height as shown on the attached site plan exhibit.
- Section 146-132 (Fences, walls, and screening requirements) of the Zoning Ordinance states that the maximum height of screening devices in all districts except “ML”, MH”, and Industrial “PD” shall be eight feet four inches. As such, Staff is not in support of the proposed increase in screening wall height.
- c. The support tower with communication antennas shall be of stealth monopole design as shown on the attached site plan exhibit.
- Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance that states that no proposed PD District may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. The applicant has indicated that they wish to construct a stealth monopole tower, which is designed to be of the smallest diameter possible while still accommodating the necessary number of antennas.
  - Currently the Zoning Ordinance does not mandate a specific design for support towers. Although Staff supports the use of a stealth tower design, Staff does not feel that this provision satisfies the intent of the requirement to ensure a level of exceptional quality or innovation for the associated design or development.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would be at odds with the goal of “Attractive Hometown that Promotes McKinney’s Character”, especial through the objective of “Homes and buildings complying with City standards and codes”.
- **Impact on Infrastructure:** The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. The Future Land Use Plan (FLUP) designates the subject property generally for commercial uses. As such, the proposed rezoning request will not change the base zoning designation on the property and should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.

- Impact on Public Facilities/Services: Similar to infrastructure, public facilities and services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The Future Land Use Plan (FLUP) designates the subject property generally for commercial uses. The proposed rezoning request will not change the base zoning designation on the property, thus, should have a minimal impact on public facilities and services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar commercial uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property; however, the location of a communications tower within 75' from a future major thoroughfare may negatively affect the development of surrounding properties and the visual environment for future traffic along Collin McKinney Parkway.
- Fiscal Analysis: Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning request since it does not alter the land use. Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of cellular communications antennas in the area.

**CONFORMANCE TO THE MASTER PARK PLAN (MPP):** The proposed rezoning request does not conflict with the Master Park Plan.

**CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP):** The proposed rezoning request does not conflict with the Master Thoroughfare Plan.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments or phone calls in support of or opposition to this request.