

PLANNING AND ZONING COMMISSION

AUGUST 13, 2013

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, August 13, 2013 at 6:00 p.m.

Commission Members Present: Chairman Robert S. Clark, Vice-Chairman Rick Franklin, George Bush, Jim Gilmore, Matt Hilton, David Kochalka, and Larry Thompson

Commission Members Absent: None

Staff Present: Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Planners Samantha Gleinser and Leo Bethge; and Administrative Assistant Terri Ramey

There were fourteen guests present.

Chairman Clark called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Clark explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be only heard by the Planning and Zoning Commission and others could be forwarded on to City Council. Chairman Clark stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He requested that applicants and Staff limit their remarks to ten minutes each and that guests limit their remarks to five minutes and speak only once. Chairman Clark explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking the issues.

The Commission unanimously approved the motion by Vice-Chairman Franklin, seconded by Commission Member Kochalka, to approve the following four Consent Items with a vote of 7-0-0.

**13-796 Minutes of the Planning and Zoning Commission
 Regular Meeting of July 23, 2013**

13-797 Minutes of the City Council and Planning and Zoning

Commission Joint Meeting of July 29, 2013

13-139PF Consider/Discuss/Act on the Request by Petsche & Associates, Inc., on Behalf of CTMGT Erwin Farms, L.L.C., for Approval of a Preliminary-Final Plat for 558 Single Family Residential Lots and 48 Common Areas (Erwin Farms), Being Fewer than 188 Acres, Located North and South Between C.R. 164 (Future Bloomdale Road) and C.R. 943 (Wilmeth Road) and Approximately 2,300 Feet West of Hardin Boulevard

13-143PF Consider/Discuss/Act on the Request by ADG Heatherwood, L.L.C., for Approval of a Preliminary-Final Plat for 160 Single Family Residential Lots and 2 Common Areas (Heatherwood Phase 4), Being Fewer than 39 Acres, Located on the North Side of Wilmeth Road and Approximately 1,900 Feet West of Lake Forest Drive

END OF CONSENT

Chairman Clark continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

13-122Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Baldwin Associates and Emerald Cottages Group, L.L.C., on Behalf of Fourteenth Street, L.P., for Approval of a Request to Rezone Fewer than 6 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 900 Feet North of Eldorado Parkway and on the East Side of Alma Road (REQUEST TO BE TABLED)

Ms. Samantha Gleinser, Planner for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely. Staff will re-notice for the upcoming meeting on August 27, 2013.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Thompson, the Commission voted 7-0-0 to close the public hearing and table the proposed rezoning request as recommended by Staff.

Chairman Clark stated that Staff would re-notice for the upcoming public hearing on this item.

13-148Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by 4th Avenue Investments, on Behalf of Irma Leigh Goleman, for Approval of a Request to Rezone Less than 1 Acre from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Allow for Single Family Detached Residences and to Modify the Development Standards, Located Approximately 280 Feet North of Country Club

Road and on the East Side of Nature Place

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the Staff report.

The applicant did not wish to make a comment.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing and to recommend approval of the rezoning request as recommended by staff, with a vote of 7-0-0.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 20, 2013.

12-234Z8 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

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She distributed two letters, one in support and the other in opposition to this request, that were received after the staff report was finalized. Ms. Gleinser stated that Staff recommends denial of the proposed rezoning request as the proposed support tower with communication antennas does not meet the required setbacks and exceeds the maximum allowed height for a screening wall as specified in the City of McKinney's Zoning Ordinance.

Commission Member Thompson had questions regarding the required setbacks for this project. Ms. Gleinser explained that if the proposed tower with communication antennas fell that it could cross a property line.

Mr. Peter Kavanagh, Zone Systems, Inc., 1620 Handley, Ste. A, Dallas, TX, explained the proposed rezoning request. He discussed the need for the proposed tower. Mr. Kavanagh read an e-mail that Mr. Latham Jones received from Tom McKnight with Brazos Electric Corporative stating that they would not allow a commercial communications entity on their property, the future northerly extension of the existing transmission line may be required across the northerly portion of the Craig Ranch Substation property depending upon easement issues for the line, and future location of underground and overhead feeders may be required in the northern portion of the substation property. Mr. Kavanagh stated that monopoles are built to withstand strong winds. He was not aware of any of their monopoles ever falling due to weather conditions. Mr. Kavanagh stated that the Brazos Electric substation has poles on their property that if they fell west would fall on their property. He was not aware of Brazos Electric having any issues with the proposed support tower with communication antennas being located next to their substation.

Commission Member Thompson asked about the height of the proposed screening wall. Ms. Gleinser explained that the proposed 10' screening wall would exceed the maximum height allowed.

Commission Member Thompson asked the applicant why they want to build a 10' screening wall. Mr. Kavanagh explained that they have a 10' structure on the property and most cities prefer them to build a wall high enough to hide the structure. He stated that the substation has an 8' screening wall around it. Mr. Kavanagh was willing to change the height of the proposed screening wall to 8' to match the substation's screening wall.

Commission Member Gilmore has questions for Staff regarding the required setbacks for the proposed support tower with communication antennas. Ms. Gleinser explained that they have to be three times the height of the proposed support tower from any property line and that the proposed request did not meet this requirement.

Chairman Clark asked Staff if Brazos Electric had expressed any concerns about having this proposed support tower with communication antennas located near their location. Ms. Gleinser stated that they had been noticed about the request; however, Staff had not received any responses from them.

Chairman Clark asked if the proposed tower fell onto the Brazos Electric substation property if there could be loss of electricity to area residents. Ms. Gleinser stated that it was possible.

Chairman Clark asked if the proposed tower fell to the north if it would go over the Brazos Electric property line onto a third property. He recognized that the tower was not likely to fall. Mr. Kavanagh and Staff were not sure.

Commission Member Gilmore asked Staff how far the proposed tower would be to the west property line. Ms. Gleinser stated that the property is one tract and not currently platted. She guessed the proposed tower would be about 100' to the property line to the west.

Commission Member Bush asked Mr. Kavanagh why they were proposing to build the tower on the east corner of the property. Mr. Kavanagh explained that they had requested this in a previous request; however, concerns had been raised about future development on the property.

Commission Member Kochalka asked if Verizon Wireless would have any reason to build more than one monopole on this property. Mr. Kavanagh stated that he could not say that another carrier might not want to build one here.

Chairman Clark asked Mr. Kavanagh if this is the lowest height that they can build the tower. Mr. Kavanagh stated that the City requires that they provide antenna space for other carriers on the tower. He stated that they would have their antennas on the top three tiers (105', 95' and 85') and there would be tiers located below them where other carriers could locate their antennas. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that there would need to be three additional tiers located below the top three Verizon Wireless tiers.

Chairman Clark asked Staff if there was a way to have fewer tiers for a shorter tower. Mr. Quint stated that it is possible; however, expressed concerns about lowering the antenna height. He discussed the benefits of colocation on towers.

Chairman Clark asked Staff if their recommendation for denial had to do with safety issues or if they were just following the ordinance requirement. Mr. Quint stated that Staff was following the ordinance and did not see a pressing need to deviate from

the ordinance. He explained that other applicants, who request to build towers, are held to the same ordinance requirements.

Commission Member Hilton asked about the reasoning behind the requirement for the setbacks being three times the height of tower. Mr. Quint explained that he was not with the City of McKinney when that requirement was adopted. He thought the requirement was to protect the surrounding property owner's properties.

Commission Member Bush asked why Verizon Wireless did not locate to one of the other Brazos Electric poles in the area. Mr. Latham Jones, 2400 Cavendish Ln., Argyle, TX, explained that Verizon Wireless was specific about the location that they wanted to help improve service to a certain area. He stated that they currently have antennas on some Brazos Electric poles. Mr. Jones stated that some of the Brazos Electric transmission poles along Highway 121 did not have the height that they required. He explained that Verizon Wireless plans to lease the property.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted 7-0-0 to close the public hearing.

The Commission voted on a motion made by Commission Member Thompson, seconded by Commission Member Hilton, to approve the proposed rezoning request per the applicants request with the special ordinance provisions listed in the staff report, the motion failed with a vote of 3-4-0. Chairman Clark, Vice-Chairman Franklin, Commission Member Bush, and Commission Member Kochalka voted against the motion.

The Commission approved the motion by Commission Member Bush, seconded by Vice-Chairman Franklin, to recommend denial of the proposed rezoning request as recommended by staff, with a vote of 4-3-0. Commission Members Gilmore, Hilton, and Thompson voted against the motion.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on September 9, 2013.

Mr. Quint explained that when the Planning and Zoning Commission makes a recommendation to deny a request, then it takes a supermajority of City Council to approve the request.

END OF THE REGULAR ITEMS AND PUBLIC HEARINGS

Chairman Clark declared the meeting adjourned at 6:40 p.m.

ROBERT S. CLARK
Chairman