

Draft Planning and Zoning Commission Meeting Minutes of April 12, 2022:

22-0026Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for a Telecommunications Tower, Located on the North Side of Hidden Haven Drive and Approximately 640 Feet West of Independence Parkway.

Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained the proposed zoning request. She stated that the City of McKinney is requesting to rezone approximately 7.44 acres of land, generally to allow for governmental uses, such as a park, and to allow for a telecommunications tower with approval of a specific use permit. Ms. Sheffield stated that part of the development regulations there are special use permit criteria for a telecommunications tower that include minimum setback requirements, screening, maximum height, and landscaping. She stated that the development regulations would modernize the zoning on the subject property to the City's standard "GC" – Governmental Complex zoning district and would add flexibility and specific criteria for allowing a telecommunications tower on the property. Ms. Sheffield stated that given the location and the proposed specific use permit request bringing the subject property into a modernize zoning district, Staff does not have any concerns with the proposal. She stated that the proposed rezoning request is to allow for the governmental complex. Ms. Sheffield stated that the telecommunications tower by the specific use permit is a separate request would be considered later during this meeting's agenda. She offered to answer questions. Vice-Chairman Mantzey stated that a similar request came was considered last year that was 100'-200' from the Prosper Independent School District school that failed at the City Council meeting. He asked if Staff felt the concerns were meet with moving the

telecommunications tower to the park area instead of being located by the school. Ms. Sheffield stated that Staff felt that the previous concerns of the cell tower being located near a school and residential properties had been addressed with the proposed request. Vice-Chairman Mantzey stated that residents also had concerns about the cell tower being highly visible and having a cell tower located near them. He stated that the telecommunications tower would still be quite visible and still in the middle of the single-family residential development with the proposed request. Ms. Sheffield stated that there were some health concerns expressed during the previous request. She stated that Staff is not allowed to make recommendations based upon health concerns per the Telecommunications Act of 1996. Chairman Cox stated that there are two approval processes. Ms. Sheffield stated that the request before the Commission is for the zoning of the base district of the governmental complex uses and to allow the telecommunications tower with a specific use permit, which is the following item on the meeting agenda. Mr. Mason Griffin; Griffin Harris, PLLC; 4908 Spyglass Drive, Dallas, TX; stated that he was representing Hemphill Towers. He gave a brief history of the previous request and explained current request. Mr. Griffin stated that they were proposing a stealth pole design tower with interior antennas to minimize the visual impact. He offered to answer questions. Chairman Cox asked what residents will notice about the proposed telecommunications tower if it is allowed to be built. Mr. Griffin stated that the tower will be visible. He stated that as the landscaping and trees grow up around the tower it will become less noticeable. Mr. Griffin stated that they tried to move the telecommunications tower as far away from residents as possible with this request. Chairman Cox opened the public hearing and called for comments. Mr. Luc Sicotte, 10101 Old Eagle River Lane, McKinney, TX, stated that his property is located across the street from the proposed telecommunications tower. He stated that the subject property is completely flat and there are not trees on the site. Mr. Sicotte stated that it might take 40 years for the telecommunications tower to disappear if nursery stock trees are planted on the site. He stated that there is a play structure, used by the children during recess, on the far edge of the

school. Mr. Sicotte stated that Hidden Haven Road and the Reserve at Westridge development is located near the proposed telecommunications tower. Mr. Gary Harnack, 10105 Sailboard Drive, McKinney, TX, expressed concerns about the proposed telecommunications tower. He suggested that the water tower at Westridge Boulevard and Independence Parkway would be a better location for the cellar antennas. Ms. Jacqueline Sicotte, 10101 Old Eagle River Lane, McKinney, TX, expressed health concerns of the telecommunications tower frequencies and having a telecommunications tower at a park where a lot of children would be playing. She found a document that stated that no telecommunications towers would be allowed on park property; however, she was unsure if it was a City of McKinney document. On a motion by Commission Member Doak, seconded by Commission Member Wattley, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey asked Staff if they held outreach meetings with the adjacent property owners to discuss the proposed plans for the park and telecommunications tower. Ms. Sheffield stated that the City has not held any outreach for this rezoning request or the specific use permit request with the residents. Vice-Chairman Mantzey asked Staff if they knew anything about the document that Ms. Sicotte mentioned that stated telecommunications tower were not allowed on park property. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that she was not familiar with the document. She stated that the City's legal department had been the lead on these requests and Planning Staff had relied upon their expertise. Ms. Arnold stated that Staff could go back to the legal team to discuss the relationship between the potential small cell versus a telecommunications tower in city parks. Vice-Chairman Mantzey stated that he voted for the previous rezoning request. He stated that a safety report for the stealth tower was include in the previous request. Vice-Chairman Mantzey stated that the Commission could not consider certain health factors due to federal regulations. He stated that telecommunications tower were a utility that was needed and used more and more. Vice-Chairman Mantzey stated that he is in support of the proposed rezoning request; however, he encouraged the City to reach out to the

residents about the proposed requests. Commission Member Doak asked if the City of McKinney owns the subject property or if they have an option on it. Ms. Sheffield stated that DR Horton owns the subject property. She stated that the City of McKinney can purchase the property if the rezoning and specific use permit requests are approved. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Woodruff, the Commission unanimously voted to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 3, 2022.