

## PLANNING AND ZONING COMMISSION

APRIL 27, 2021

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, April 27, 2021 at 6:00 p.m.

City Council Present: Rick Franklin

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, Cam McCall, and Bry Taylor.

Alternate Commission Member present; however, did not participate in the meeting: Scott Woodruff

Alternate Commission Members absent: Charles Wattle

Staff present: Director of Planning Jennifer Arnold, Planning Manager Caitlyn Strickland, Planner II Kaitlin Gibbon, Planner Joseph Moss, and Administrative Assistant Terri Ramey

There were approximately 20 guests present.

Chairman Cox called the meeting to order at 6:04 p.m. after determining a quorum was present.

Chairman Cox called for public comments on non-public hearing agenda items. There were none.

Chairman Cox called for the Information Sharing Item. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, briefly discussed the Director's Report include in the meeting packet.

**21-0343** Director's Report.

Chairman Cox called for the Consent Item. The Commission unanimously approved the motion by Commission Member Haeckler, seconded by Vice-Chairman Mantzey, to unanimously approve the following Consent item as recommended by Staff, with a vote of 7-0-0.

**21-0344** Minutes of the Planning and Zoning Commission Regular Meeting of April 13, 2021.

END OF CONSENT AGENDA

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

**21- 0045PFR** Consider/Discuss/Act on a Preliminary-Final Replat for Lots 1-6, Block A, of the Morris Manors Subdivision, Located on the Southwest Corner of Lee Street and South Morris Street. Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, explained the proposed preliminary-final replat and offered to answer questions. There were none, on a motion by Commission Member Doak, seconded by Commission Member McCall, the Commission unanimously voted to approve the proposed preliminary-final replat as recommended by Staff, with a vote of 7-0-0.

**21- 0046PFR** Consider/Discuss/Act on a Preliminary-Final Replat for the Wilson Tract, Located on the Southeast corner of Hardin Boulevard and Olympic Crossing Boulevard. Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, explained the proposed preliminary-final replat and offered to answer questions. There were none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to approve the proposed preliminary-final replat as recommended by Staff, with a vote of 7-0-0.

**20-0147Z** 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 For Mixed Uses Including Commercial, Retail, Office, Multi-Family Residential, And Open Space, Generally Located North of the Intersection of Laud Howell Parkway (FM 543) and U.S. Highway 75 (Central Expressway). Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 111 acres of land, generally to allow for the development of mixed uses including commercial, retail, office, multi-family residential, and open space uses. Ms. Strickland explained

that there was a land swap between the adjoining property owner and the subject property owner. She stated that the applicant proposed some modifications associated with the efforts necessary to bring the subject property out of the floodplain. Ms. Strickland stated that Staff's professional opinion is that the existing and proposed zoning aligns with the Comprehensive Plan. She stated that Staff recommends approval and offered to answer questions. Commission Member Haeckler had questions regarding the mitigation for the floodplain. Ms. Strickland stated that the applicant had already submitted for a flood study that has been conditionally approved and that they were now in the grading portion. She stated that the additional landscaping helped with the mitigation for the floodplain. Commission Member Haeckler asked if the elements of the original "PD" – Planned Development District were being shifted around due to the reallocation of the uses to account for the additional property. Ms. Strickland stated that was correct. Commission Member Haeckler asked if the acreage for the developments changed. Ms. Strickland stated that they are generally the same. She stated that they would have the same amount of multi-family and office space in the current zoning and the proposed zoning. Mr. Kris Kearney; Abernathy, Roeder, Boyd, & Hullett, P.C., 1700 Redbud Boulevard, McKinney, TX, stated that he concurred with the Staff Report and offered to answer questions. Commission Member Haeckler asked about the proposed changes to the floodplain area. Mr. Kearney stated that most of the reclamation would be coming from the existing pond. He stated that they would be reclaiming land towards the southern portion of the property. Commission Member Haeckler asked if they were going through the proper procedures. Mr. Kearney stated that was his understanding. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted

to close the public hearing and recommend approval per Staff's recommendation, 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 18, 2021.

**21-0041Z2** 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 Southeast Corner of Bluestem Drive and Hidden Haven Drive. Ms. Kaitlin Sheffield, Planner II for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is proposing to rezone the subject property to "PD" – Planned Development District with a base zoning of "GC" – Government Complex District and the allowed use of a telecommunications tower. Ms. Sheffield stated that the telecommunications tower would be of a stealth, monopole design, and would be a maximum height of 80' with a 5' lighting rod. She stated that the applicant has proposed that the minimum setback of the proposed telecommunications tower and any property line shall be a minimum of 167'. Ms. Sheffield stated that the applicant is proposing to increase the required height of the masonry screening wall from 6' to 8'. She stated that the applicant is also proposing to provide evergreen shrubs on the north and west side of the screening device. Ms. Sheffield stated that the telecommunications tower location does not appear to interfere with the day-to-day activities of the elementary school, and it is located a distance of at least twice the height of the tower from any property line. She stated that Staff has no objection to the proposed rezoning request and recommends approval. Ms. Sheffield stated that two letters of opposition, that were received after the meeting packet was prepared, were distributed to the Commission prior to the meeting. She briefly discussed the concerns

raised on the letters of opposition received on the proposed rezoning request. Ms. Sheffield stated that the City has limited authority of the land use decision and could not make decisions based on environmental effects or health concerns based upon the Telecommunications Act of 1996. She offered to answer questions. Commission Member McCall asked if there were other schools that have a similar tower. Ms. Sheffield said not to her knowledge. She stated that a lot of the other properties with a telecommunications tower were located on church property or adjacent to commercial property. Commission Member McCall asked about the proposed tower being located so close to the school and if towers were located that close on the other properties. Ms. Sheffield stated that some telecommunications towers were located closer than others and others were located on separate lots. She stated that the applicant worked with the Prosper Independent School District (PISD) to determine the location of the proposed tower. Commission Member Haeckler stated that there were regulations for the distance to the property lines. He asked if there were any regulations for the distance of the tower to the structures. Ms. Sheffield said no. She stated that based upon the proposed layout the distance would be about 8 ½' from the center of the proposed pole to the edge of the school building. Mr. Mason Griffin, 6423 Tulip, Dallas, TX, explained the proposed rezoning request. He stated that Verizon Wireless has committed to being on the proposed tower. Mr. Griffin stated that they prepared propagation maps showing their current coverage of the subject area and the coverage with the proposed tower. He stated that AT&T expressed interested in being on the proposed tower. Mr. Griffin stated that the proposed tower would create a great coverage for the area. He stated that they initially wanted to place the tower at the fire station located across the street; however, the City has a policy that prohibits this kind of infrastructure on public safety facilities. Mr. Griffin stated that the proposed tower would address

public safety needs by providing safe and reliable emergency 911 service. He stated that there was an increasing number of people dropping their landlines. Mr. Griffin stated that over 80% of 911 calls in the United States were made using a wireless device. He stated that tower design would be visually unobtrusive as possible. Mr. Griffin stated that they were proposing the slimmest monopole design on the market. He stated that the location of the proposed tower would be by the tallest portion of the school at the gymnasium to help disguise the profile of the tower. Mr. Griffin stated that the proposed masonry wall would be 8' instead of the required 6' and designed to match the wall of the gymnasium. He stated that the proposed tower would be 80' with a 5' lighting rod, which would be half the distance to the nearest property line. Mr. Griffin stated that exceeded the City's distance requirements. He offered to answer questions. Commission Member Haeckler asked for the base diameter of the pole. Mr. Ralph Wyngarden, Falk & Foster, 678 Front Avenue NW, Grand Rapids, MI, stated that it would be approximately 5'. He stated that an engineering letter was submitted showing that the proposed tower would be designed to the latest the codes and industrial standards. Mr. Wyngarden stated that the gymnasium was not a storm refuge. He offered to answer questions. Vice-Chairman Mantzey asked with the Prosper Independent School District Board (PISD) or their staff approved the proposed tower location at the school. Mr. Wyngarden stated that the Prosper Independent School District (PISD) Board approved and signed the lease. Chairman Cox opened the public hearing and called for comments. Ms. Kathi Harnack, 10105 Sailboard Drive, McKinney, TX, stated that she understood that the McKinney Comprehensive Plan acknowledges the need to certain public and private infrastructures that supports the growth and development within the City. She stated that she understands that a base zoning of "GC" – Government Complex District

would allow school districts to provide services to community like 5G technology. Ms. Harnack felt that the letter of intent was not completely transparent or accurate. She stated that nobody has mentioned the higher elevation of the school. Ms. Harnack stated that residential homes located on the north side of the property have full, unobstructed view of the school building, school driveway, parking stalls, lamp posts, and day-to-day outdoor student activity. She stated that a similar project request was denied near a fire station. Ms. Harnack stated that the school district would not place the tower at the front of the school. She stated that the proposed plan only provides for an 8' screening wall and a 3' at time of planting shrubbery for an 80' tower with a 5' lighting rod, which would do nothing to obstruct or remove the visual blight of the proposed tower. She expressed safety concerns about the proposed tower would be within a 140' of the outdoor activity area for the students. Ms. Harnack did not feel that the proposed rezoning request provide any features that ensure exceptional quality or demonstrate innovation that would align with optimal regard to zoning standards. She strongly opposed the project at this particular site due to visual blight and safety concerns. Mr. Gary Harnack, 10105 Sailboard Drive, McKinney, TX, felt that the residents of Sailboard Drive had been taken advantage of by the Prosper Independent School District (PISD). He stated that their back fence was nearly useless for privacy purposes due to the increase elevation of the school property. Mr. Harnack stated that if the proposed rezoning request is approved that the residents on Sailboard Drive would once again be taken advantage of by the Prosper Independent School District (PISD). He expressed safety concerns regarding 5G technology exposure of long periods of time. Mr. Harnack stated that the proposed tower would be located where children congregate outside of the school. He stated that the north side of the school is used for physical educations. Mr. Harnack stated that the proposed tower would not be

located 140' away from children's activities. He stated that vehicles wait in line to pick up and drop off the children near this location. Mr. Harnack stated that his grandson is a student at Furr Elementary. He stated that the letter of intent stated that service from Verizon and AT&T would be provided to the neighborhood, while also benefitting the Prosper Independent School District (PISD). Mr. Harnack stated that he has wireless service at his residence, and service is available in his neighborhood. He stated that there were 37 letters of opposition and no letters of support from the local neighborhood. Mr. Harnack requested that the Commission listen to these responses. He requested that the proposed rezoning request be denied. Ms. April Raedisch, 10117 Sailboard Drive, McKinney, TX, stated that she was an elementary educator. She questioned the safety of the 5G tower on the school property and that the tower could not be located on the fire station property. Ms. Raedisch asked the Commission to consider the proposed rezoning request very seriously. Mr. Ryan Raedisch, 10117 Sailboard Drive, McKinney, TX, expressed safety concerns of the proposed tower. He questioned how you can control a falling 40' steel stick. Mr. Raedisch stated that the proposed tower was not allowed on the fire station property. He stated that the school was the only other available parcel with available space and a willingness to accommodate the project. Mr. Raedisch questioned why nobody else was willing to accommodate this, except for a possible elementary school. He felt that there were plenty of other properties in the area where this could be located. Mr. Raedisch stated that 4G had managed to provide service in this area without adding a tower, by using other structures to put their elements up. He stated that there were plenty of electric poles to install antennas on along Virginia Parkway. Mr. Raedisch felt there were plenty of other opportunities for the to do this without installing an 80' tower with a 5' lighting rod next to an elementary school. He stated that they have a



tower approximately a mile away from this site. Mr. Raedisch stated that there is a water tower within the same ½ mile radius of the subject property. He stated that research indicates that over 90% of homebuyers and renters were less interested in properties near cell towers and would pay less for properties with located close to cell towers. Mr. Raedisch stated that documentation showed up to a 20% decrease in property showed up to a 20% decrease in property values was found in multiple surveys and published articles. He felt that home values would be impacted due to the proposed tower. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Commission Member Haeckler asked how the site was selected and if other areas were considered. Mr. Wyngarden stated that this would primarily be providing service for the surrounding neighborhood. He explained that with the increase customers, they need to infill in between existing sites to meet the capacity and demand. Mr. Wyngarden discussed the two closest Verizon towers. He stated that they spoke with the City to see about placing the tower at the fire station property. Mr. Wyngarden stated that the reason the City would not allow the tower on the fire station property was not due to safety issues. He stated that the City has a policy not allowing cell towers on public safety properties. Mr. Wyngarden stated that they then decided to check with the school to see if they would allow the propose tower on the property. He believed that Prosper Independent School District (PISD) had cell towers on some of their other properties. Vice-Chairman Mantzey stated that 5G is the next thing coming. He asked about the range of 5G and what it would look like in a neighborhood. Mr. Wyngarden stated that he was not an expert on 5G. He believed that 5G has more capacity than the existing 4G in terms of increased speed and more volume of data. Mr. Wyngarden thought that 5G operated in

a shorter distance; therefore, there was a need for more towers and infill locations. Commission Member Kuykendall asked where towers were located this close to a school in other areas. Mr. Wyngarden stated that other schools do have them onsite; however, he could not give specific locations. He stated that he had also seen towers located next to commercial buildings. Mr. Wyngarden stated that there are other school locations where the setbacks were not as extreme, where they could be closer to property lines and street right-of-ways. He stated that they initially came in with a concept for a taller pole. Mr. Wyngarden stated that they saw how important it was to have at least a two-times height setback; therefore, they lowered the proposed height of the pole from 110' to 80'. He stated that they also submitted an engineering letter to address the safety concern. Commission Member Kuykendall asked if there were other schools within Collin County that had a similar tower located this close to a school; however, we just do not have any in McKinney. Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, stated that this would be the first school in McKinney with a tower. She stated that Staff would need to do further research into whether there were cell phone towers located on other schools in the area. Commission Member Haeckler asked if they considered other location on the school property that were not adjacent to the building that still would provide the setbacks from the property lines. Mr. Wyngarden stated that they relied on the Prosper Independent School District (PISD) and their staff to select the location on their property. Commission Member Haeckler wanted to clarify that this location was a recommendation from the Prosper Independent School District (PISD) to not impact the functionality of the school grounds and day-to-day operations. Mr. Wyngarden said yes. He stated that they increased the height of the screening wall from 6' to 8'. Mr. Wyngarden stated that the screening wall and landscaping was to screen the ground equipment and

not to hide the tower. He stated that they were going to match the existing brick and stonework on the school building for the screening wall. Mr. Wyngarden stated that they tried to go with the least intrusive design with a stealth, monopole design. He stated that all the antennas would be internally concealed. Mr. Wyngarden stated that there is only a 2% chance that the 50-year wind speeds would occur within a year, not a 2% chance of the tower falling. He stated that the tower was designed to deal with those wind speeds. Mr. Wyngarden stated that in those wind speeds the tower would only be stressed to 58% with design capacity. He wanted to clarify that there was not a 2% chance of the tower falling with a given year. Commission Member Haeckler asked if the tower was only designed to the minimums of 106 miles-per-hour or is there an additional safety factor built in. Mr. Wyngarden stated that there is an additional safety factor; however, he did not know what it was. Commission Member Kuykendall asked if the tower equipment would make noise. Mr. Wyngarden stated that there would be some outdoor cabinets; therefore, it should be silent. Commission Member Haeckler asked Staff to discuss what decisions can be made by the City based upon the Telecommunications Act of 1996. Ms. Sheffield stated that based upon the Telecommunications Act of 1996, the local government was not able to make any sort of decision based upon factors of environmental, health, or safety concerns for the radio frequency emissions. She stated that Staff could make recommendations on the height, screening, and location that was provided. Vice-Chairman Mantzey asked if the City of McKinney employed a 5G Administrator. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that there is a person with the McKinney Economic Development Corporation (MEDC) that has some specialty in that area. She did not know his exact title. Ms. Arnold stated that he has experience or expertise with helping the McKinney Economic Development

Corporation (MEDC) with their mission to advance technology for the City. Vice-Chairman Mantzey stated that 5G tower does not have near the reach of a 4G tower. He stated that it would not get any easier with the number of cell towers that will be requested over the coming years. Vice-Chairman Mantzey stated that the lobbyist for AT&T and Verizon will be highly active in Austin getting laws passed in their benefit. Ms. Arnold stated that the City has an Enhanced Wireless Technology Strategic Plan that went through City Council in the last year and a half with some strategies to further define how the City wants to look at the enhanced technology, 5G versus 4G, and how we might ready public sites like right-of-ways or publicly owned properties. She stated that the City has staff dedicated to these very things. Commission Member McCall asked if Staff had seen an increase in cell tower applications due to 5G not covering as much area as 4G technology. He also asked if McKinney Independent School District (MISD) be allowing cell towers on their properties. Ms. Arnold stated that the location of cell towers on the school sites would be under the purview of the school districts; therefore, not a decision that the City would make. She stated that she expects to see and an increase in the number of cell tower requests going forward as technology and wireless technology continues to be foundational in how we operate these days. Ms. Arnold stated that these larger service towers were still necessary in their system to help to connect the small cells together. Commission Member Kuykendall asked if the possibility of the surrounding property values decreasing due to the proposed tower was taking into consideration by Staff. Ms. Sheffield stated that Staff did not evaluate whether or not the proposed cell tower would decrease the value of the adjacent properties when considering the proposed rezoning request. Vice-Chairman Mantzey stated that utilities were always difficult. He stated that people find them unattractive, so a lot of the utilities are buried. Vice-Chairman Mantzey stated that we are

dependent of cell service. He felt that the Prosper Independent School District (PISD) and the Prosper Independent School District (PISD) Board would have done a significant amount of due diligence to allow cell towers at their schools. Vice-Chairman Mantzey stated that they would have the best intentions for their students. He stated that they made the tower the least impactful as they could for the adjacent property owners. Vice-Chairman Mantzey stated that he was in support of the proposed rezoning request. On a motion by Commission Member Doak, seconded by Commission Member McCall, the Commission unanimously voted to recommend approved per Staff's recommendation, 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 18, 2021.

- 21-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use  
**0003SUP** Permit to Allow for a Grocery Store (Desi District), Located at 5400 Collin McKinney Parkway. Mr. Joe Moss, Planner for the City of McKinney, explained the proposed specific use permit (SUP) request. He stated that Staff receiving one letter of opposition since the packet was created citing improper noticing. Mr. Moss stated that copies of the letter and actual notice that was sent out to the public were distributed to the Commission prior to the meeting. He stated that the letter of opposition noticed the business proposal and letter of intent included a restaurant in addition to the grocery store. Mr. Moss stated that restaurant uses were currently permitted on the property and do not require a specific use permit (SUP); therefore, the grocery component was the only use that was noticed. He stated that there are adjacent residential uses. Mr. Moss stated that the applicant is requesting the specific use permit (SUP) for a 5,071 square foot grocery store on the site. Mr. Moss stated that there is an empty shell structure on the site was recently constructed for retail purposes. He stated Staff did not find any conflicts with the

proposed uses. He stated that Staff recommends approval of the proposed specific use permit (SUP) and offered to answer questions. Vice-Chairman Mantzey stated that the proposed grocery store did not appear to have a loading dock onsite. He inquired about the process and minimum distances for loading docks adjacent to residential uses. Mr. Moss stated that there are requirements for minimum distances for loading docks. He stated that the applicant is requesting to use the site as is. Mr. Moss stated that the City does not have a requirement that they provide a loading dock for a grocery store use. He stated that if they chose to provide a loading dock that it would need to meet the City's standards. Mr. Moss stated that if the proposed specific use permit (SUP) was approved that it would need to comply with the provided layout. Mr. Srinivas Chaluvadi, Village Park Square, LLC, 4433 Punjab Way, Frisco, TX stated that they were proposing a small, neighborhood grocery store with a restaurant. He stated that they would have a loading zone on the front side of the entrance. Mr. Chaluvadi stated that there would be sufficient space to carry the items in from the front. Commission Member Haeckler asked about the square footage for the proposed grocery store and restaurant. Mr. Chaluvadi stated that the grocery store would be approximately 2,800 – 3,000 square feet. He stated that the restaurant would be approximately 2,000 square feet. Chairman Cox asked if they had other locations. Mr. Chaluvadi said yes, one in Los Colinas, one in Little Elm, and another in Irving. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing and recommend approval of the proposed specific use permit 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 18, 2021.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Chairman Cox called for public comments regarding matters not on the agenda.

There were none.

Chairman Cox called for Commission and Staff Comments. Vice-Chairman Mantzey stated that he loved the idea of a small grocery store in a neighborhood.

On a motion by Commission Member Haeckler, seconded by Commission Member McCall, the Commission unanimously voted to adjourn the meeting, with a vote of 7-0-0. There being no further business, Chairman Cox declared the meeting adjourned at 7:05 p.m.

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BILL COX  
Chairman