

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Samantha Gleinser, Planner

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 September 9, 2013 meeting.

STAFF RECOMMENDATION: 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.

However, should the rezoning request be approved, the following special ordinance provisions shall apply:

1. The use and development of the subject property shall conform to the requirements of "PD" – Planned Development District Ordinance No. 2000-09-064, except as follows:
 - a. Support tower for cellular communication antennas shall be an allowed use.
 - b. The development of the subject property shall generally conform to the attached site plan exhibit.

- c. The support tower for cellular communication antennas shall be a maximum height of 110 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.
- d. The masonry screening wall around the perimeter of the support tower for cellular communication antennas shall be ten feet in height as shown on the attached site plan exhibit.
- e. The support tower for cellular communication antennas shall be of stealth monopole design as shown on the attached site plan exhibit.
- f. The support tower for cellular communication antennas shall be designed with canister spaces for three additional carriers.

Prior to this item being considered by City Council, the applicant shall revise the site plan exhibit to show the height of the tower at 110 feet.

APPLICATION SUBMITTAL DATE: December 10, 2012 (Original Application)
 December 21, 2012 (Revised Submittal)
 January 7, 2013 (Revised Submittal)
 February 25, 2013 (Revised Submittal)
 April 16, 2013 (Revised Submittal)
 April 29, 2013 (Revised Submittal)
 May 15, 2013 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 3.15 acres of land 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 provide space for at least five cellular communication antennas (including space for three additional carriers) within a 110-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 230 feet south of Future Collin McKinney Parkway (associated screening wall within 190 feet of the right-of-way), approximately 30 feet from the eastern property line, and approximately 1,500 feet from the western property line.

It is important to note that support towers for cellular communications antennas are allowed in all zoning districts with a specific use permit; 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 and exceed the maximum allowed height for the screening wall.

CASE HISTORY: At the March 26, 2013 Planning and Zoning Commission meeting, the Commission voted 5-2-0 to forward a recommendation of denial to the City Council. This item was subsequently tabled at the April 16, 2013 City Council meeting at the request of the applicant in order to redesign the site layout. Staff determined that the changes made were significant enough to warrant that the item return to the Planning and Zoning Commission for consideration prior to a City Council meeting.

At the May 28, 2013 Planning and Zoning Commission meeting, the Commission voted 5-1-0 to forward a recommendation of denial of the applicant's request to the City Council. The item was tabled at the June 18, 2013 and July 16, 2013 meetings per the applicant's request.

At the August 5, 2013 City Council meeting the applicant requested to table the item for reconsideration by the Planning and Zoning Commission with a lower support tower height (reducing from 130 feet to 110 feet).

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	Brazos Electric Power Cooperative Inc.

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

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 the following special ordinance provisions:

1. The use and development of the subject property shall conform to the requirements of “PD” – Planned Development District Ordinance No. 2000-09-064, except as follows:
 - a. A support tower for cellular communications antennas shall be an allowed use.
 - Section 146-137 (Communications antennas, satellite dishes and support structures/towers) of the Zoning Ordinance states that commercial antennas and antenna support structures are permitted by specific use permit, unless the antenna is on the roof of an existing building, attached to a utility structure, or placed wholly within a building.
 - b. The support tower for cellular communication antennas shall be a maximum height of 110 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 (not to exceed 125 feet) beyond the limits of the zoning district (55 feet within the “C” - Planned Center District) if located at least a distance from any property line equal to three times the height of the support tower.
 - The applicant has requested that the structure be located approximately 230 feet south of Future Collin McKinney Parkway and approximately 30 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 110 feet is required to be 330 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. While Staff felt that a previous proposal (presented at the March 26, 2013 Planning and Zoning Commission meeting) would be located too close to a future major thoroughfare, the applicant revised the layout to locate the support tower further away from Future Collin McKinney Parkway (approximately 230 feet). While the location of the proposed tower still does not meet the setback requirements, Staff feels that proposed location is preferable to the previously proposed location, and has been located just north of the existing Brazos Substation adjacent to the property.
- c. The masonry screening wall around the perimeter of the support tower for cellular communication antennas shall be a maximum of ten feet in height as shown on the proposed site plan, attached.
- 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. While the proposed wall does not meet the height restrictions of the Zoning Ordinance and Staff is unable to support the increase in height, Staff does understand that the applicant has attempted to increase the height of the screening to ensure that all ground-mounted equipment can be adequately screened.
- d. The support tower for cellular communication antennas shall be of stealth monopole design as shown on the proposed site plan, attached.
- 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 the proposed stealth tower design for cellular antennas, 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. Due to the nature of the use, Staff recognizes the challenge in designing a support tower structure of exceptional quality or in an innovative manner.

- e. The support tower for cellular communication antennas shall be designed with canister spaces for three additional carriers.
 - Section 146-137 (Communications antennas, satellite dishes and support structures/towers) of the Zoning Ordinance states that any proposed commercial wireless telecommunications service tower shall be designs to accommodate both the applicant's antennas and comparable antennas for at least 3 additional users if the tower is over 100' in height. Staff is in support of this special ordinance provision.

Although Staff is unable to support reduced setbacks and an increase in screening wall height, the attached propagation maps do show a need for cellular coverage in the area and the proposed support tower for cellular communication antennas would help serve the existing and future surrounding uses.

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", especially through the objective of "Homes and buildings complying with City standards and codes".
- Impact on Infrastructure: 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: 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: Although the tower will be visible from surrounding properties, Staff feels that the proposed tower should be compatible with existing and future commercial and utility substation land uses.

- Fiscal Analysis: 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 a letter in opposition to this request.

ATTACHMENTS:

- Planning and Zoning Commission Meeting Minutes – May 28, 2013
- Planning and Zoning Commission Meeting Minutes – March 26, 2013
- Planning and Zoning Commission Meeting Minutes – March 12, 2013
- Location Map and Aerial Exhibit
- Letter of Intent
- Letter of Intent Addendum
- Letter of Opposition
- Existing Ordinance No. 2000-09-064
- Proposed Zoning Exhibit A - Boundary
- Proposed Zoning Exhibit B - Site Plan
- Propagation Map – Before
- Propagation Map - After
- PowerPoint Presentation