



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 19-0055Z2, **Version:** 1

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 a Telecommunications Tower, Located on the Southeast Corner of Virginia Parkway and Dogwood Trail, and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

MEETING DATE: June 16, 2020

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Kaitlin Gibbon, Planner I

RECOMMENDED CITY COUNCIL ACTION: Staff recommends denial of the proposed rezoning request due to concerns regarding the use of a telecommunications tower.

However, if the applicant's request is approved, the following special ordinance provisions shall apply:

1. The subject property shall be zoned "PD" - Planned Development District and shall be subject to the following special ordinance provision:
 - a. The subject property shall develop in accordance with the attached development regulations.

APPLICATION SUBMITTAL DATE: June 13, 2019 (Original Application)
August 23, 2019 (Revised Submittal)
January 13, 2020 (Revised Submittal)
May 11, 2020 (Revised Submittal)

ITEM SUMMARY: The applicant requests to rezone approximately 5.3 acres of land, generally to allow for commercial uses and a telecommunications tower. As proposed, the telecommunications tower would be of a stealth, unipole design, and would be a maximum height of 95 feet with a 4-foot lighting rod.

EXISTING ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" - Planned Development District Ordinance No. 2001-08-089 (Residential Uses)	Revolution Church
North	"PD" - Planned Development District Ordinance No. 2001-03-035 (Residential Uses), "C1" - Neighborhood Commercial District (Commercial Uses)	Our Savior Lutheran Church, Undeveloped Land
South	"RS 84" - Single Family Residence District (Residential Uses)	Raintree Estates
East	"PD" - Planned Development District Ordinance No. 2005-05-05 (Office Uses)	Undeveloped Land
West	"PD" - Planned Development District Ordinance No. 2005-11-125 (Office Uses), "PD" - Planned Development District Ordinance No. 99-07-53 (Office Uses)	Freedom Health Centers

PROPOSED ZONING: The applicant requests to rezone the subject property to "PD" - Planned Development District, generally to allow for commercial uses and a telecommunications tower.

Commercial antennas and antenna support structures are allowed by specific use permit in most non-residential zoning districts if the proposed tower complies with certain requirements set forth in the Zoning Ordinance. The proposed telecommunications tower does not meet all of the requirements and therefore the applicant has requested a rezoning of the subject property.

As proposed, the use and development of the subject property would be as follows:

- Telecommunication Tower Use
 - The applicant is proposing to rezone the subject property to "PD" - Planned Development District with a base zoning of "C1" - Neighborhood Commercial District and the allowed use of a telecommunications tower.
 - The property is currently zoned to allow for residential uses; however, is developed as a church use.
- Building and Tower Heights
 - Per the existing zoning, the northern half of the property has a maximum building height of 50 feet and the southern half of the property has a maximum building height of 35 feet. The applicant is proposing to maintain these existing height provisions; however, the applicant is also requesting a maximum height of 95 feet with a 4-foot lighting rod for the telecommunication tower only.
 - While Staff does not have any objections to maintaining the building height maximums currently allowed on the subject property, we do have concerns regarding the proposed height of the communications tower in an area that has largely developed for residential and neighborhood-scaled commercial uses.

- Minimum Setbacks for the Telecommunications Tower
 - Typically, commercial antenna support structures in non-residential zoning districts may increase the height of the tower beyond the maximum height of the governing zoning district, as part of the SUP process, if the tower is located at least a distance from any property line equal to three times the height of the structure.
 - Based on the proposed height of the telecommunications tower of 95 feet, the minimum distance that would typically be required between the tower and adjacent properties is approximately 285 feet. As proposed, the telecommunications tower would be located approximately 75 feet from the nearest adjacent property line.
 - Additionally, commercial antenna support structures in non-residential zoning districts are required to be no closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure.
 - Based on the proposed height of the telecommunications tower of 95 feet, the minimum distance that would typically be required between the tower and residential properties is approximately 190 feet. However, as part of this rezoning request, the applicant has proposed that the minimum setback of the proposed telecommunications tower and the adjacent single-family development be 145 feet.

With “PD” - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation. The applicant is proposing to increase the required height of the masonry screening wall from 6ft to 8ft. The applicant is also proposing to provide Texas Shade shrubs on the North and South side of the screening device.

While Staff appreciates the applicant’s proposal and enhancements for the screening device, concerns remain about the request. In particular, Staff feels as though the proposed telecommunications tower is not compatible with the surrounding area, which is predominately neighborhood-scaled uses and residential neighborhoods. As well, we have safety concerns if there is a structure failure in extreme weather conditions. Staff appreciates the design letter that was provided by the applicant regarding the fall zone and design of the communications tower. However, should an event occur, the potential collapse of the tower in a public parking lot and within such close proximity to neighborhood-scaled uses and residences could pose a risk.

Given these factors and concerns, Staff does not feel that the proposed zoning request in this location is compatible with the surrounding development. As such, we are unable to support the rezoning request.

NEW ANTENNAS AND ANTENNA SUPPORT STRUCTURES: Section 146-137 (Communications Antennas, Satellite Dishes and Support Structures/Towers) of the Zoning Ordinance requires the

applicant to demonstrate, to the reasonable satisfaction of the City, that no existing antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any one of the following:

- a. No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements;
- b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
- c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment; or
- d. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

The applicant has provided the attached coverage map and has indicated that the proposed tower is needed to accommodate coverage needs.

If the proposed rezoning request is approved, the applicant would be required to submit a site plan application prior to the issuance of a building permit for the proposed tower, subject to review and approval by the appropriate approval bodies. During site plan review, Staff will ensure conformance to the requirements of the Zoning Ordinance including, but not limited to, landscape buffers, landscaping, screening, and any other additional requirements of the proposed governing planned development ordinance for the subject property. The aforementioned special ordinance provisions will be required in order to develop the subject property as proposed by the applicant.

CONFORMANCE TO ONE MCKINNEY 2040: A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to the desired development patterns and to inform decisions related to the timing and phasing for future infrastructure investments in the City. To assist in guiding these decisions, the Preferred Scenario and series of Land Use Diagrams establish distinctive districts, each with a clear intent, market focus, and desired development patterns that are reinforced through character-defining placetypes. Per the Preferred Scenario, the subject property is located in the Established Community District and is designated as the Professional Campus placetype. General placetypes included in this district are Suburban Living, Employment Mix, Commercial Center, Neighborhood Commercial, Urban Living, Professional Campus, Mixed-Use Center, Manufacturing & Warehousing and Aviation.

- Guiding Principles: The proposed rezoning request is generally in conformance with the Guiding Principle of "Diversity (Supporting our Economy and People)" established by the Comprehensive Plan. In particular, the proposed request has the potential to provide "diverse economic engines... broaden the tax base, and make the City's economy more adaptable and resilient".
- Land Use Diagram Compatibility: In evaluating development requests, the City should

determine that a project meets the majority of the established criteria to be considered compatible with the Land Use Diagram. The proposed rezoning request to "PD" - Planned Development District with a base zoning of "C1" - Neighborhood Commercial generally aligns with the Professional Campus placetype. However, Staff has concern regarding the proposed communications tower that is included in the request.

The ONE McKinney 2040 Comprehensive Plan acknowledges the need for certain public and private infrastructure to support growth and development in the City of McKinney. These types of services and private infrastructure are not defined within any particular district; however, should be a considered a service use throughout the Preferred Scenario. Staff has considered the proposed communications tower on the subject property. Given that the area is largely developed with residential and neighborhood-scaled uses, it is Staff's professional opinion that a communications tower as proposed in the rezoning request would not support the intended outcomes of the Preferred Scenario, which include: enhancing existing assets in the community and establishing transitions between land uses to encourage compatibility, while providing flexibility to respond to real estate market trends.

- Fiscal Model Analysis: The attached fiscal analysis shows an estimated fiscal benefit of \$360,388 for the 5.3 acre property. This is based on the rezoning of the property from residential uses to the "C1" - Neighborhood Commercial Zoning District. A key takeaway for this property includes:
 1. The proposed rezoning request, while utilizing a commercial zoning district, is to introduce a telecommunications tower to a site that is already developed. As such, the actual realized fiscal benefit will likely be different than what is projected in the fiscal model analysis.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received four letters of opposition to this request and have included the letters in the packet.

BOARD OR COMMISSION RECOMMENDATION: On May 26, 2020, the Planning and Zoning Commission voted 7-0-0 to recommend disapproval of the proposed rezoning request.