



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 22-0022SUP3, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Telecommunications Tower Uses, Located on the South Side of Collin McKinney Parkway and Approximately 1,250 Feet East of Piper Glen Road

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: February 14, 2023

DEPARTMENT: Development Services - Planning Department

CONTACT: Kaitlin Sheffield, CNU-a, Senior Planner
Caitlyn Strickland, Planning Manager
Jennifer Arnold, AICP, Director of Planning

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 21, 2023, meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed specific use permit request with the following special ordinance provision(s):

1. The property shall generally develop in accordance with the attached specific use permit exhibit and all applicable development requirements of the city.

APPLICATION SUBMITTAL DATE: December 19, 2022 (Original Application)

ITEM SUMMARY: A specific use permit is being proposed to allow Telecommunication Tower Uses (Telecommunication Structure, High Rise) located on the south side of Collin McKinney Parkway and approximately 1,250 feet east of Piper Glen Road. Specifically, the telecommunications tower is proposed to be constructed as a 115-foot monopole with a 4-foot lightening rod.

If the proposed SUP is approved, a site plan will still be required prior to the issuance of a building permit for the proposed tower. 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.

EXISTING ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"SO" Suburban Office District (Office Uses)	Undeveloped Land
North	"PD" - Planned Development District Ordinance No. 2003-05-050 (Single Family Residential Uses)	The Estates
South	"PD" - Planned Development District Ordinance No. 2014-01-002 (Single Family Residential Uses)	Undeveloped Land
East	"PD" - Planned Development District Ordinance No. 2001-02-017 (Retail Uses)	TPC Craig Ranch
West	"SO" Suburban Office District (Office Uses)	Southern Hills Office Park Phase 2

SPECIFIC USE PERMITS: Pursuant to Section 203C.3.e of the McKinney UDC, the following factors should be considered when evaluating a specific use permit (SUP) request:

- Whether the request complies with all site specifications adopted by the City, including the base zoning district and/or the PD entitlements;
- Whether the site, buildings, and use meet the criteria specified for the use in §205C, Use Definitions and Use-Specific Standards;
- Whether the proposed use will be detrimental to the adjacent properties or to the City as a whole;
- Whether the proposed uses are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed application; and
- Whether potential impacts associated with such use are adequately mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening, to minimize adverse impacts on surrounding uses and the City.

Staff has evaluated the request based on the above-mentioned parameters and feels that the proposed telecommunications tower location should not interfere and should not negatively impact adjacent developments. The telecommunications tower is being proposed in the southeast corner of the subject property, which would allow for the remainder of the property developed with commercial uses and is approximately 230 feet from the adjacent residential property lines to the southwest. The proposed screening wall for the telecommunications tower compound will be a 6-foot masonry screening wall with Burford Hollies planted every 3 feet on center.

With these things in mind, Staff recommends approval of the proposed specific use permit request.

USE-SPECIFIC STANDARDS FOR COMMUNICATION ANTENNAS, SUPPORT STRUCTURES AND SATELLITE DISHES: Pursuant to Section 203H (Communication Antennas, Support Structures, and Satellite Dishes) of the McKinney UDC, the following standards also apply to telecommunication tower uses, and the extent to which the proposed project satisfies these requirements should also be considered when evaluating the specific use permit (SUP) request:

COLLOCATION REQUIRED: The applicant must demonstrate, to the reasonable satisfaction of the City, that no existing antenna support structure can accommodate the applicant's service needs. Evidence submitted to demonstrate this may consist of any one of the following:

- a. That a large number of the service provider's subscribers are unable to connect or maintain a connection to the national telephone network through applicant's wireless telecommunications network;
- b. That no existing telecommunication structures, including elevated storage tanks, are located within the geographic service area which meet the applicant's engineering requirements;
- c. That existing telecommunication structures are not of sufficient height or structural strength to meet the applicant's engineering requirements; and
- d. That there are other limiting factors that render existing telecommunication structures unsuitable.

The applicant has provided a Site Candidate Summary and a RF Propagation Map, attached for reference, to show that there are no existing towers or elevated storage tanks within the 1-mile search ring. The nearest existing tower is approximately 1.5 miles away and the nearest elevated storage tank is approximately 2.1 miles away. The RF Propagation Map provided indicates that the proposed tower is needed to accommodate coverage needs.

MINIMUM DISTANCE BETWEEN STRUCTURES: The Antenna and/or Antenna Support Structure, High Rise must be a minimum of 1,500 ft away from the nearest Antenna and/or Antenna Support Structure, High Rise and 750 ft from the nearest Antenna and/or Antenna Support Structure, Low Rise. Separation distances may be reduced with the approval of a Specific Use Permit.

As indicated above and on the provided Site Candidate Summary, the nearest existing tower is approximately 1.5 miles away from the subject property.

The proposed telecommunications structure - high rise satisfies this requirement.

DESIGN STANDARDS: Telecommunication structures (high-rise and low-rise) shall be of a monopole design with all associated antennae fully encased within the structure. Due to the proposed height of 115 feet, the proposed telecommunications structure shall be designed to accommodate both the applicant's antennae and three additional users.

The proposed telecommunications structure - high rise satisfies this requirement.

SCREENING: A minimum 6-ft tall masonry screening wall with low evergreen shrubs shall be provided around all associated ground equipment and/or materials. The applicant is proposing to provide a 6-foot masonry screening wall around the proposed telecommunications tower and associated ground equipment with Burford Hollies planted every 3 feet on center.

The proposed telecommunications structure - high rise satisfies this requirement.

HEIGHTS AND SETBACKS: The height of proposed antenna and telecommunication structures - high rise shall not exceed 125 feet if located in a non-residential district and shall be setback from all property lines a distance equal to the height of the telecommunication structure. Setbacks of the proposed structure may be reduced with the approval of a Specific Use Permit.

The applicant is proposing to construct a 115-foot monopole with a 4-foot lightening rod. The location of the proposed telecommunications tower is in the southeast corner of the subject property and is approximately 230 feet from the adjacent residential property lines to the southwest.

With the proposed Specific Use Permit request, the applicant requests to reduce the required setback from the southern and eastern property line from 115 feet to approximately 33 feet. The location of the proposed tower is tucked in the corner adjacent to the existing floodplain as well as the undeveloped property to the south and the TPC Craig Ranch Golf Course to the east. Additionally, locating the proposed tower in the southeast corner would allow for the remainder of the property developed with commercial uses.

As such, Staff is supportive of the requested setback reduction.

TELECOMMUNICATIONS ACT OF 1996

Federal regulations set forth specific limitations on the City's authority to regulate zoning and land use decisions on wireless service facilities, such as the telecommunications tower proposed in this case. Specifically, the City:

- (i) May not unreasonably discriminate among providers of functionally equivalent services.
- (ii) May not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services.
- (iii) Must act on applications within a reasonable period of time.
- (iv) Must make any denial of an application in writing supported by substantial evidence in a written record.
- (v) May not make local decisions that are based directly or indirectly on the supposed environmental effects and/or health effects of radio frequency (RF) emissions.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no letters of support to this request and no letters of opposition. This does not include emails or letters that may have been sent directly to members of the Commission or Council. As part of the Planning and Zoning Commission Public Hearing, Staff has not received citizen comments through the online citizen portal.

BOARD OR COMMISSION RECOMMENDATION: On January 24, 2023, the Planning and Zoning Commission voted 7-0-0 to continue the public hearing and table the item to the February 14, 2023

Planning and Zoning Commission meeting.

On February 7, 2023, the City Council voted 6-0-0 to continue the public hearing and table the item to the February 21, 2023 City Council meeting.