



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 23-0002SUP, Version: 1

Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow a Stealth Telecommunication Structure (Craig Ranch NW Cell Tower), Located at 8770 Stacy 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: June 13, 2023

DEPARTMENT: Development Services - Planning Department

CONTACT: Jake Bennett, Planner I
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 July 18, 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: March 13, 2023 (Original Application)
April 7, 2023 (Revised Submittal)
May 26, 2023 (Revised Submittal)
June 5, 2023 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing a specific use permit to allow a stealth telecommunication structure (Craig Ranch NW Cell Tower) located at 770 Stacy Road.

The zoning for the subject property ("PD" - Planned Development District 2013-08-075) requires that a specific use permit be granted in order for a stealth telecommunication structure to be operated on the subject property with a proposed height of 110 feet and reduced setbacks.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
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Subject Property	"PD" - Planned Development District (Commercial Uses)	Storage Center at Craig Ranch
North	"PD" - Planned Development District (Multi-family Residential Uses)	The Venue at Craig Ranch
South	"PD" - Planned Development District (Multi-family Residential Uses)	The Retreat at Craig Ranch
East	"PD" - Planned Development District (Multi-family Residential Uses)	Avenues at Craig Ranch
West	"PD" - Planned Development District (Commercial Uses)	Undeveloped Land

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 a western corner of an existing self-storage facility property and is approximately 785 feet from the nearest single family residential property line. The proposed screening wall for the telecommunications tower compound will be a 6-foot masonry screening wall with Nellie R. Stevens Holly shrubs planted every 3 feet on center.

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 propagation maps, attached for reference, to show that the nearest existing telecommunication structure is approximately one mile from the proposed structure. In addition, the nearest elevated storage tank is approximately 1.35 miles away. The proposed structure will accommodate the equipment for a total of three service providers. The propagation maps indicate that the proposed tower is necessary to accommodate coverage needs. The proposed stealth telecommunications structure satisfies this requirement.

DESIGN STANDARDS: Stealth telecommunication structures shall include one of the following:

- a. A commercial antenna placed wholly within any permitted building or structure;
- b. A structure without any visible antennae that is designed to resemble something other than a telecommunication device including, but not limited to a development identification monument, flagpole, clock tower, or athletic field light pole;
- c. A commercial antenna attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure;
- d. A commercial antenna on the roof of a building in a non-residential zoning district that is not visible from an adjacent property or right-of-way;
- e. A commercial antenna mounted flush to the exterior of a building/structure in a non-residential zoning district that is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties; or
- f. Another type of stealth telecommunication structure that has been approved by the City Council via the Specific Use Permit Process.

The proposed stealth telecommunication tower is proposed to resemble a monument. This type of design has been approved in other locations throughout the city.

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 Nellie R. Stevens Holly shrubs planted every 3 feet on center.

HEIGHTS AND SETBACKS: The maximum height of the structure shall not extend more than 25 percent above the allowable height of the governing zoning district, or 75 feet, even if an applicable overlay district allows a taller height. Heights greater than 25 percent or 75 feet may be approved by the City Council via the Specific Use Permit Process and shall be subject to the requirements of a telecommunications tower (high rise).

The applicant proposes to construct a 105 ft stealth tower that will be wholly within a 110 ft monument structure that will have not visible indicators that it is a telecommunications tower. As noted earlier in the staff report, the telecommunications tower is being proposed in a western corner of an existing self-storage facility property and is approximately 22 ft from the western property line and 30 ft away from the southern property line.

Telecommunication structures (low-rise and high-rise) shall be setback from all property lines a distance equal to the height of the telecommunication structure. With the proposed size of the structure, the required setback would be 110 feet from the property. Per the UDC, this setback may be reduced with the approval of a Specific Use Permit.

While the proposed stealth telecommunications structure does not meet the typical setback requirement, the proposed monument will fully encase the proposed telecommunications stealth tower as well as the monument structures' location would be approximately 565 feet from Custer Road and 700 feet from Stacy Road. It should also be noted that none of the immediately adjacent properties are zoned for single family residential uses. The nearest single family residential property line is approximately 785 feet from the location of the proposed structure.

With the proposed Specific Use Permit request, the applicant requests to reduce the required setback from the southern and eastern property line from 110 feet to approximately 20 feet. The location of the proposed tower is off of the hard corner of two major arterials and tucked in adjacent to the existing storage facility site. With the existing storage facility and multifamily residential buildings being over 30 feet and the tower being fully encased in the monument, staff believes that the location of the monument is appropriate. This will help to allow the rest of the site to continue to develop commercial uses while also providing the necessary utility to the area.

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 Council. Staff has not received any citizen comments through the online citizen portal.