



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 21-0041Z3, **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 for a Telecommunications Tower, Located on the Southeast Corner of Bluestem Drive and Hidden Haven Drive, 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: July 6, 2021

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, Planning Manager
Kaitlin Gibbon, Planner II

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

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: March 2, 2021 (Original Application)
March 26, 2021 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to rezone approximately 10.7 acres of land, generally to allow for governmental uses and to allow for a telecommunications tower. As proposed, the telecommunications tower would be of a stealth, monopole design, and would be a maximum height of 80 feet with a 5-foot lighting rod.

EXISTING ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
----------	---------------------------------------	-------------------

Subject Property	"PD" - Planned Development District Ordinance No. 2001-02-024 (Elementary School Uses)	Furr Elementary School
North	"PD" - Planned Development District Ordinance No. 2001-02-024 (Single Family Residential Uses)	Valor Pointe Phase 10
South	"PD" - Planned Development District Ordinance No. 2001-02-024 (Single Family Residential Uses)	Reserve at Westridge Phase 6
East	"PD" - Planned Development District Ordinance No. 2001-02-024 (Park Uses)	Undeveloped Land
West	"PD" - Planned Development District Ordinance No. 2001-02-024 (Single Family Residential Uses)	Valor Pointe Phase 12

PROPOSED ZONING: The applicant requests to rezone the subject property to "PD" - Planned Development District, generally to allow for governmental 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 meet all of the requirements for a specific use permit; however, the applicant has submitted a zoning request to allow the telecommunications tower by right in lieu of a specific use permit request.

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 "GC" - Government Complex District and the allowed use of a telecommunications tower, with a stealth monopole design.
 - Pursuant to Section 146-137 (Communications Antennas, Satellite Dishes and Support Structures/Towers) of the Zoning Ordinance, the proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users.
 - The property is currently zoned to allow for elementary school uses and is developed as an elementary school (Furr Elementary School, Prosper ISD).
- Building and Tower Heights
 - Per the existing zoning, there is currently no maximum building heights on the subject property. The applicant is requesting a maximum height of 80 feet with a 5-foot lighting rod for the telecommunications tower only.
 - For reference, commercial antenna support structures in non-residential zoning districts

may typically 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.

- While the proposed communications tower is not necessarily subject to these additional distance requirements (because the existing zoning has no maximum building height), the proposed location of the telecommunications tower is more than 2 times the height of the structure away from the nearest property line.
- Given these factors, staff does not have any objection to the proposed maximum height for the telecommunication tower.
- Minimum Setbacks for the Telecommunications Tower
 - Typically, 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 80 feet, the minimum distance that would typically be required between the tower and residential properties is approximately 160 feet.
 - As part of this rezoning request, the applicant has proposed that the minimum setback of the proposed telecommunications tower and any property line shall be required to be 167 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 Spartan Juniper shrubs on the North and West side of the screening device.

As proposed, the telecommunications tower location does not appear to interfere with the day-to-day activities of the school and it is located a distance of at least twice the height of the tower from any property line. It is also approximately 140 feet from the outdoor play area of the school. The applicant has also provided a fall zone letter to certify the design of the communications tower under extreme conditions. Given these factors, Staff has no objection to the proposed rezoning request. As such, we recommend approval.

During the April 27, 2021 Planning and Zoning Commission meeting, there were comments and questions on whether or not there are telecommunication towers that collocate on school sites. Since then, we have identified a hand full of schools including the following from nearby cities:

- Kerr Elementary School in Allen, Texas
- Curtis Middle School in Allen, Texas
- Vaughan Elementary School in Allen, Texas
- Cobb Middle School in Frisco, Texas
- Hendrick Middle School in Plano, Texas

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.

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.

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 'Suburban Living' placetype. Other placetypes included in this district is the Employment Mix, Commercial Center, Neighborhood Commercial, Urban Living, Professional Center, 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 "GC" - Government Complex District generally aligns with the Suburban Living placetype and the need for government complexes such as schools to provide services to the adjacent communities.

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 telecommunications tower on the subject property. It is Staff's professional opinion that a telecommunications tower as proposed in the rezoning request would support the intended outcomes of the Preferred Scenario.

- Fiscal Model Analysis: Staff has not included a fiscal analysis for this zoning request. Given that this request is to rezone the subject property from an elementary school use to the "GC" - Government Complex Zoning District, the current use and proposed uses with the requested zoning district would likely not generate any revenue.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received 40 letters of opposition to this request and no letters of support.

BOARD OR COMMISSION RECOMMENDATION: On April 13, 2021, the Planning and Zoning Commission voted 7-0-0 to recommend tabling the item and continuing the public hearing to the April 27, 2021 Planning and Zoning Commission meeting.

On April 27, 2021, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed rezoning request.