



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 22-0005SUP2, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Telecommunications Tower Uses, Located on the North Side of Hidden Haven Drive and Approximately 640 Feet West of Independence Parkway, 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: May 3, 2022

DEPARTMENT: Development Services - Planning Department

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

RECOMMENDED CITY COUNCIL ACTION: 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 21, 2022 (Original Application)

ITEM SUMMARY: A specific use permit is being proposed to allow a telecommunications tower use located on the north side of Hidden Haven Drive and approximately 640 feet west of Independence Parkway. Specifically, the telecommunications tower is proposed to be constructed as a 80-foot monopole with a 5-foot lightening rod.

In an associated item on tonight's agenda, the City of McKinney has requested to rezone the subject property from "PD" - Planned Development District to "PD" - Planned Development District with a "GC" - Government Complex District base zoning and a telecommunications tower by a Specific Use Permit request.

As such, contemporaneously with the rezoning request, a SUP is being requested for a telecommunications tower use. As part of the specific use permit request, an exhibit has been submitted, which details the telecommunications tower location, ingress/egress points, landscaping and screening.

A similar request was considered by the City Council in 2021 on the adjacent Jack and June Furr

Elementary School property to the west, but was ultimately denied by the Council. Staff has since worked with that applicant to explore alternate locations for the proposed telecommunications tower and address concerns made with the previous request.

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) | Undeveloped Land |
| North | "PD" - Planned Development District Ordinance No. 2001-02-024 (Park Uses) | Undeveloped Land |
| 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 (Elementary School Uses) | Jack and June Furr Elementary School |

SPECIFIC USE PERMITS: When acting on a request for a specific use permit, the following factors should be considered:

- Compatibility with adjacent and neighboring land uses in the immediate area
- Adaptability of building structures to the proposed use
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage
- Elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use

Staff has evaluated the request based on the above-mentioned parameters and feels that the proposed telecommunications tower location would not interfere and will not negatively impact adjacent developments. As proposed, the telecommunications tower is approximately 330 feet from the elementary school property line and more than 550 feet from the residential property lines to the north and south. The proposed screening wall for the telecommunications tower compound will be an 8-foot masonry screening wall with Little Gem Magnolias and ornamental grasses. The remainder of the subject property will be developed as a public park by the city. A fall zone letter has also been provided to certify the design of the communications tower under extreme conditions. With these things in mind, Staff recommends approval of the proposed specific use permit 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 attached coverage map and has indicated that the proposed tower is needed to accommodate coverage needs.

If the proposed SUP request is approved, a site plan application would be required to be submitted 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.

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.

SITE LAYOUT: The attached exhibit provides a general location and layout of the proposed telecommunications tower use and conforms to the requirements of the proposed "PD" - Planned Development District development regulations.

ACCESS/CIRCULATION:

Adjacent Streets: Hidden Haven Drive, 60' Right-of-Way, Collector

IMPACT ON EXISTING DEVELOPMENT: Staff does not anticipate that the specific use permit request would have a negative impact on adjacent developments.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no letters of support to this request and one letter of opposition. This does not include emails or letters that may have been sent directly to members of the Council. Staff has also received citizen comments through the online citizen portal, which are attached for your reference.

BOARD OR COMMISSION RECOMMENDATION: On April 12, 2021, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed specific use permit request.