

**DATE:** February 2, 2016

**TO:** Honorable Mayor & City Council

**FROM:** John Muns, Chair, Planning & Zoning Commission

**SUBJECT:** Results of Planning & Zoning Commission Meeting of February 1, 2016

**AGENDA ITEM NO. 2 - PUBLIC HEARING  
ZONING CASE 2015-28  
APPLICANT: LEGACY TEXAS BANK**

Request for a Specific Use Permit for Commercial Antenna Support Structure on 0.1± acre located on the west side of Custer Road, 184± feet north of Park Boulevard. Zoned Planned Development-316-Retail. Neighborhood #45.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**Letters Received Within 200 Foot Notice Area:** **Support:** 1 **Oppose:** 0 **Neutral:** 1

**Letters Received Outside 200 Foot Notice Area:** **Support** 0 **Oppose:** 0 **Neutral:** 0

**Petition(s) Received:** 0 **# Of Signatures:** 0

**STIPULATIONS:**

Recommended for approval as follows:

Restrictions:

1. Monopole design is required and must accommodate collocation within the structure.
2. A maximum of three microwave dishes, each not to exceed three feet in diameter, are permitted and are not required to be screened. All other antennas or other equipment attached to the support structure must be screened from view.

**FOR CITY COUNCIL MEETING OF:** February 22, 2016 (To view the agenda for this meeting, see [www.plano.gov](http://www.plano.gov))

**PUBLIC HEARING - ORDINANCE**

RA/ks

xc: Lennie Nicholson, Legacy Texas Bank  
Gladys Bowens Pearson, Masterplan Consultants  
Wayne Snell, Permit Services Manger

<https://goo.gl/maps/mDLy4QGxnZn>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

February 1, 2016

**Agenda Item No. 2**

**Public Hearing:** Zoning Case 2015-28

**Applicant:** Legacy Texas Bank

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**DESCRIPTION:**

Request for a Specific Use Permit for Commercial Antenna Support Structure on 0.1± acre located on the west side of Custer Road, 184± feet north of Park Boulevard. Zoned Planned Development-316-Retail. Neighborhood #45.

**REMARKS:**

The requested zoning is for a Specific Use Permit (SUP) for a 120-foot Commercial Antenna Support Structure. The Zoning Ordinance defines a commercial antenna support structure as any exterior transmitting or receiving device mounted on or within a support structure, building, or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communications signals. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be a benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established.

The property is currently zoned Planned Development-316-Retail (PD-316-R). A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls to both off- and onsite conditions. The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls, but not including wholesaling or warehousing.

The subject property is currently developed as a bank with an existing 55-foot commercial antenna support structure. Support structures up to 60 feet in height are permitted by right in R zoning, while support structures taller than 60 feet in height require an SUP. The applicant is proposing to construct a new 120-foot tower in order to replace the existing support structure and provide additional coverage to their existing network.

To the west are existing residences zoned Single-Family Residence-9 (SF-9). The properties to the north include an existing retail building zoned PD-316-R, and a residential subdivision zoned SF-9. To the east, across Custer Road, is undeveloped land used for agriculture, zoned Planned Development-225-Single-Family Residence Attached. To the south are existing retail buildings zoned PD-316-R, and existing residences south of Park Boulevard zoned Planned Development-83-Multifamily Residence-2.

### **Setbacks**

Subsection 15.200.7 (Requirements for the Placement of Support Structures and Antennas) of Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations) of the Zoning Ordinance includes formulas that specify setbacks for support structures from public rights-of-way and residential zoning districts. For the subject property, the support structure must be set back at least 150 feet from adjacent rights-of-way, and 225 feet from residential zoning districts.

The proposed SUP is located 220 feet from Park Boulevard, and 280 feet from Custer Road. Additionally, the structure will be located approximately 230 feet from the residences to the west, 325 feet from the residences to the north, 302 feet from the vacant residentially-zoned property to the east across Custer Road, and 280 feet from the residences across Park Boulevard to the south. The requested SUP location is in conformance with the minimum setback requirements of the Zoning Ordinance.

### **SUP Restrictions**

Subsection 15.200.9 (Aesthetic and Alternative Design Requirements) encourages stealth or alternative designs for all antenna support structures. Consequently, staff recommended that the applicant provide a stealth design resembling a flag pole to conceal the proposed equipment and minimize the visual effect of a 120-foot tall structure. The applicant has concerns that their equipment will not fit in a stealth pole since their technology is unlike traditional cellular machinery. The applicant's technology involves two 3-foot diameter and one 2-foot diameter microwave dishes. If this equipment were to be concealed within a stealth designed monopole, the diameter of the structure would need to be significantly larger and would require a much larger footprint as noted in the applicant's attached documentation (see Appendix A). Although staff would prefer a stealth design, a narrower monopole structure would be less noticeable than a wider structure, even though the equipment would not be hidden from view.

In order to minimize aesthetic design concerns, the applicant is proposing to limit the number of exposed microwave dishes. Additionally, if future collocation is accommodated, they are proposing a restriction which would require other types of antennas to be concealed from view within a stealth structure. Staff believes the requested restrictions are consistent with the applicant's request to minimize visibility of the proposed antenna support structure.

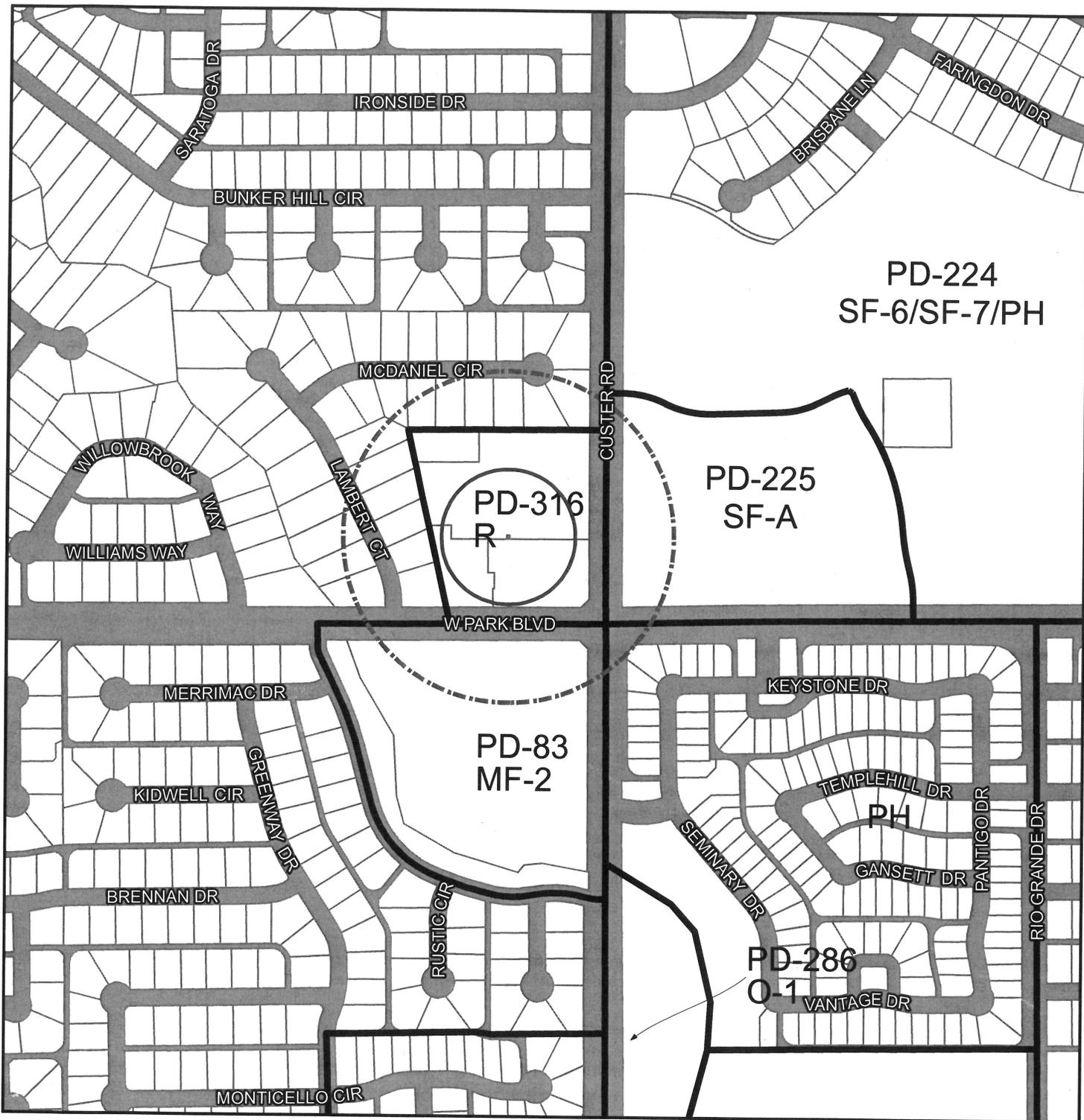
## **Summary**

The applicant is requesting an SUP in order to remove an existing 55-foot commercial antenna support structure and replace it with a new 120-foot support structure. The requested location meets the required setbacks from adjacent thoroughfares and residential zoning districts. Staff believes that the proposed design will be less intrusive than a stealth design which would require a significantly larger structure. For these reasons, staff is in support of the requested SUP.

## **RECOMMENDATION:**

Recommended for approval subject to:

1. Monopole design is required and must accommodate collocation within the structure.
2. A maximum of three microwave dishes, each not to exceed three feet in diameter, are permitted and are not required to be screened. All other antennas or other equipment attached to the support structure must be screened from view.

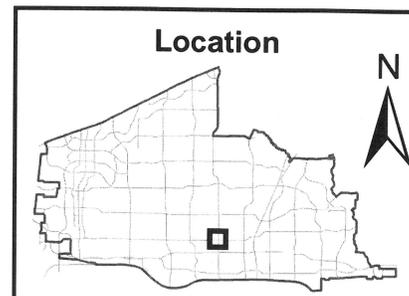


Zoning Case #: 2015-28

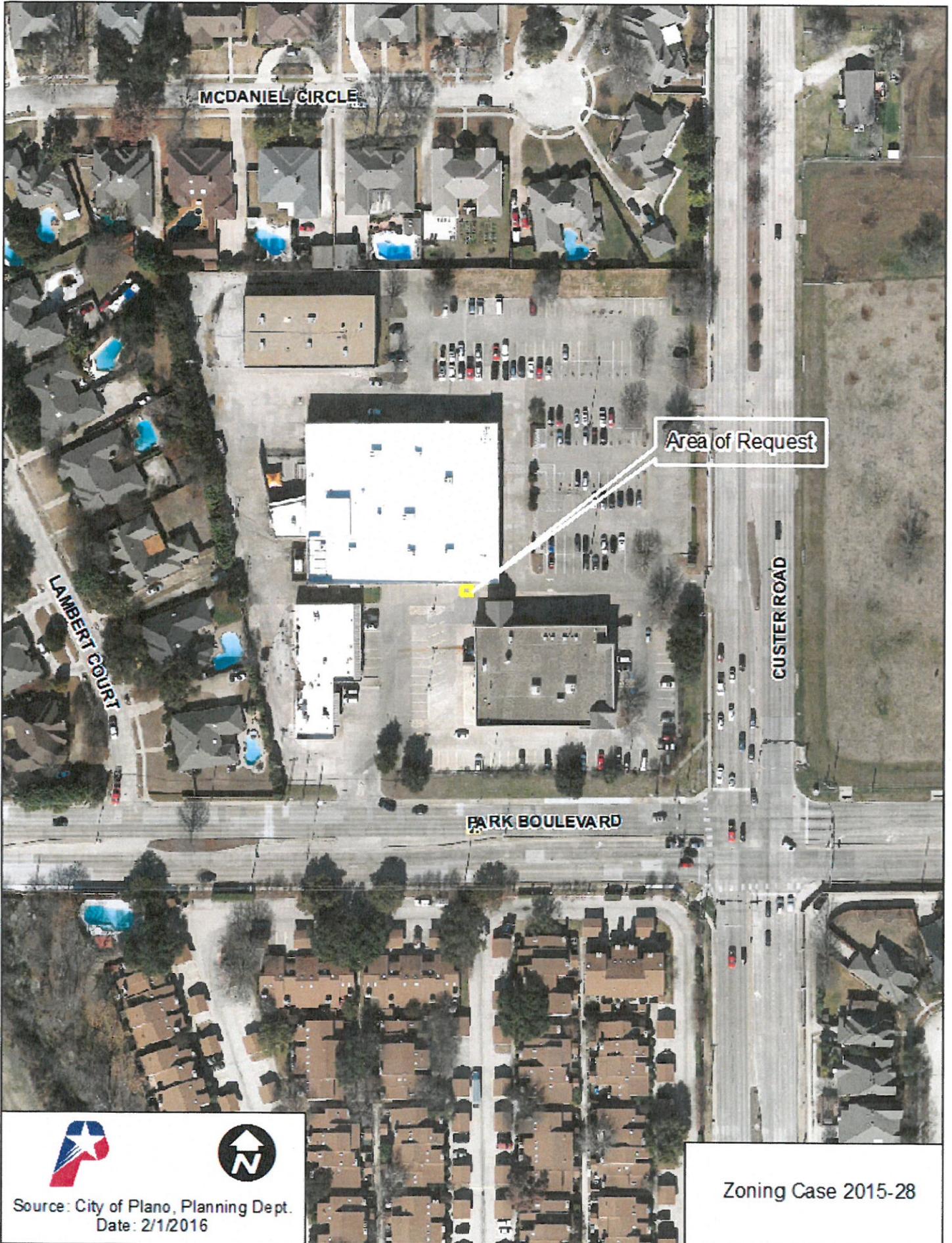
Existing Zoning: Planned Development-316-Retail (PD-316-R)

Proposed Zoning: Specific Use Permit for Commercial Antenna Support Structure

-  500' Courtesy Notification Buffer
-  200' Notification Buffer
-  Subject Property
-  Zoning Boundary
-  Specific Use Permit
-  City Limits
-  Right-of-Way



Source: City of Plano Planning Department



MCDANIEL CIRCLE

LAMBERT COURT

PARK BOULEVARD

CUSTER ROAD

Area of Request



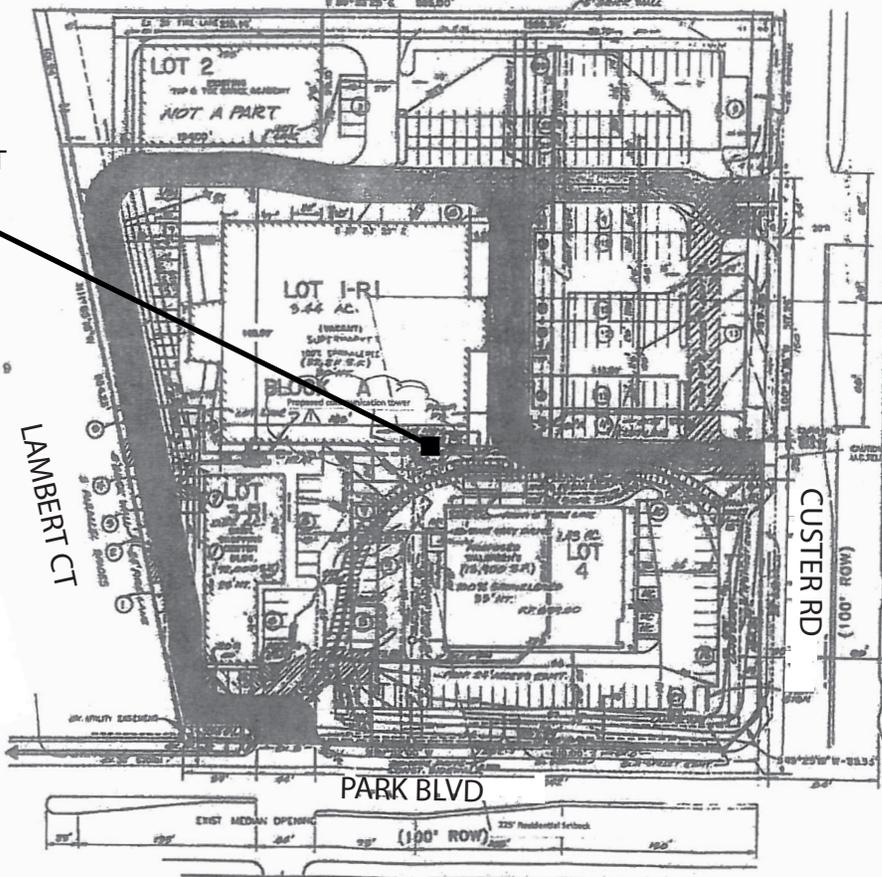
Source: City of Plano, Planning Dept.  
Date: 2/1/2016

Zoning Case 2015-28



LOCATION MAP  
N.T.S.

AREA OF REQUEST



**LOT 1-BLOCK A**  
 PROPOSED ZONING USE: RETAIL-LEGACY TEXAS BANK - OWNER  
 LOT AREA: 3.04 AC  
 BLDG. FT<sup>2</sup>: 25'  
 LOT COVERAGE: 21.8%  
 BLDG. S.F.: 22,515 S.F.  
 PARKING SPACES: 20 1:200; 200 SP  
 PARKING PROVIDED: 20' x 44C x 205 SPA.

**LOT 3-BLOCK A**  
 PROPOSED ZONING USE: RETAIL  
 LOT AREA: 0.82 AC  
 BLDG. FT<sup>2</sup>: 25'  
 LOT COVERAGE: 20.2%  
 BLDG. S.F.: 7,200 S.F.  
 PARKING SPACES: 10 1:200; 20 SP  
 PARKING PROVIDED: 25'

**LOT 4, BLOCK A**  
 PROPOSED ZONING USE: RETAIL  
 LOT AREA: 1.03 AC  
 BLDG. FT<sup>2</sup>: 25'  
 LOT COVERAGE: 22.3%  
 BLDG. S.F.: 7,600 S.F.  
 PARKING SPACES: 20 1:200; 70 SP  
 PARKING PROVIDED: 27' x 20C 110' WHICH IS 75% ACCESSIBLE - 70 SPA.

Note: This plan is associated with ZC 2015-28

**MUNICIPAL CODE**

1. Buildings over 4,000 square feet shall be fitted with fire protection measures as approved by the Building Inspection and Fire Departments.
2. Fire lanes shall be designed and constructed per City standards.
3. Handicapped parking spaces shall be designed and provided per City standards, and shall comply with requirements of the current, adopted International Building Code.
4. Resident city placards shall be provided 25 feet out of the property line within the right-of-way unless a different placement is provided for a municipality ordinance or an alternative design is approved by the City. Signage-free zones, per City standards, shall be provided on all signage walls and signage.
5. Mechanical units, dumpsters and back containers shall be screened to accommodate with the Building Code.
6. All signage and signs shall be approved by Building Inspection Department.
7. Signage, where provided, shall be screened in accordance with the zoning Ordinance.
8. Approval of the site plan shall not nullify all engineering plans or approval.
9. Building setbacks shall be in accordance with the applicable, as provided by the "Final" City Ordinance.
10. Typical parking spaces to be 8' x 20' unless otherwise noted.
11. Drive lanes to be 20' wide, otherwise noted.

RECEIVED  
 JAN 11 2016  
 PLANNING DEPT.

**PRELIMINARY SITE PLAN (REVISED)**  
 LOTS 1-4, 1-R1 & 4-BLOCK A  
 SCALE: 1"=40'  
 PROPOSED WILLOWBROOK SQUARE SHOPPING CENTER

**WILLOWBROOK SQUARE SHOPPING CENTER**

PD-316, RETAIL  
 1.43 ACRES

**OWNER/DEVELOPER**  
 PIEDMONT CAPITAL  
 3400 CARLSLE, SUITE 230  
 DALLAS, TEXAS 75204

**ENGINEER**  
 LAWRENCE A. CATES & ASSOC  
 14200 MIDWAY RD., SUITE 122  
 DALLAS, TEXAS 75244

PD-85, MF-2

Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

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 11/11/15

## Zoning Case 2015-28

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 6 so as to allow the additional use of a 120-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the west side of Custer Road, 184± feet north of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-316-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.**

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of February, 2016, for the purpose of considering granting Specific Use Permit No. 6 for the additional use of a 120-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the west side of Custer Road, 184± feet north of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-316-Retail; and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 22nd day of February, 2016; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 6 for the additional use of a 120-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the west side of Custer Road, 184± feet north of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-316-Retail, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

**WHEREAS**, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 6 for the additional use of a 120-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the west side of Custer Road, 184± feet north of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-316-Retail, said property being more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to the following:

1. Monopole design is required and must accommodate collocation within the structure.
2. A maximum of three microwave dishes, each not to exceed three feet in diameter, are permitted and are not required to be screened. All other antennas or other equipment attached to the support structure must be screened from view.

**Section III.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

**Section IV.** All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section V.** The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a

fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 22ND DAY OF FEBRUARY, 2016.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

## Zoning Case 2015-28

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Mary Katherine and Sally Owens Survey, Abstract No. 672, being part of Lot 1R-1, Block A, Replat of Willowbrook Square Shopping Center, an addition to the City of Plano as recorded in Volume J, Page 754 of the Collin County Map Records with said premises being more particularly described as follows:

COMMENCING at an "X" found cut in concrete marking the northeast corner of Lot 3R-1, Block A, the northwest corner of Lot 4, Block A and being in the south line of said Lot 1R-1, Block A of said replat of Willowbrook Square Shopping Center;

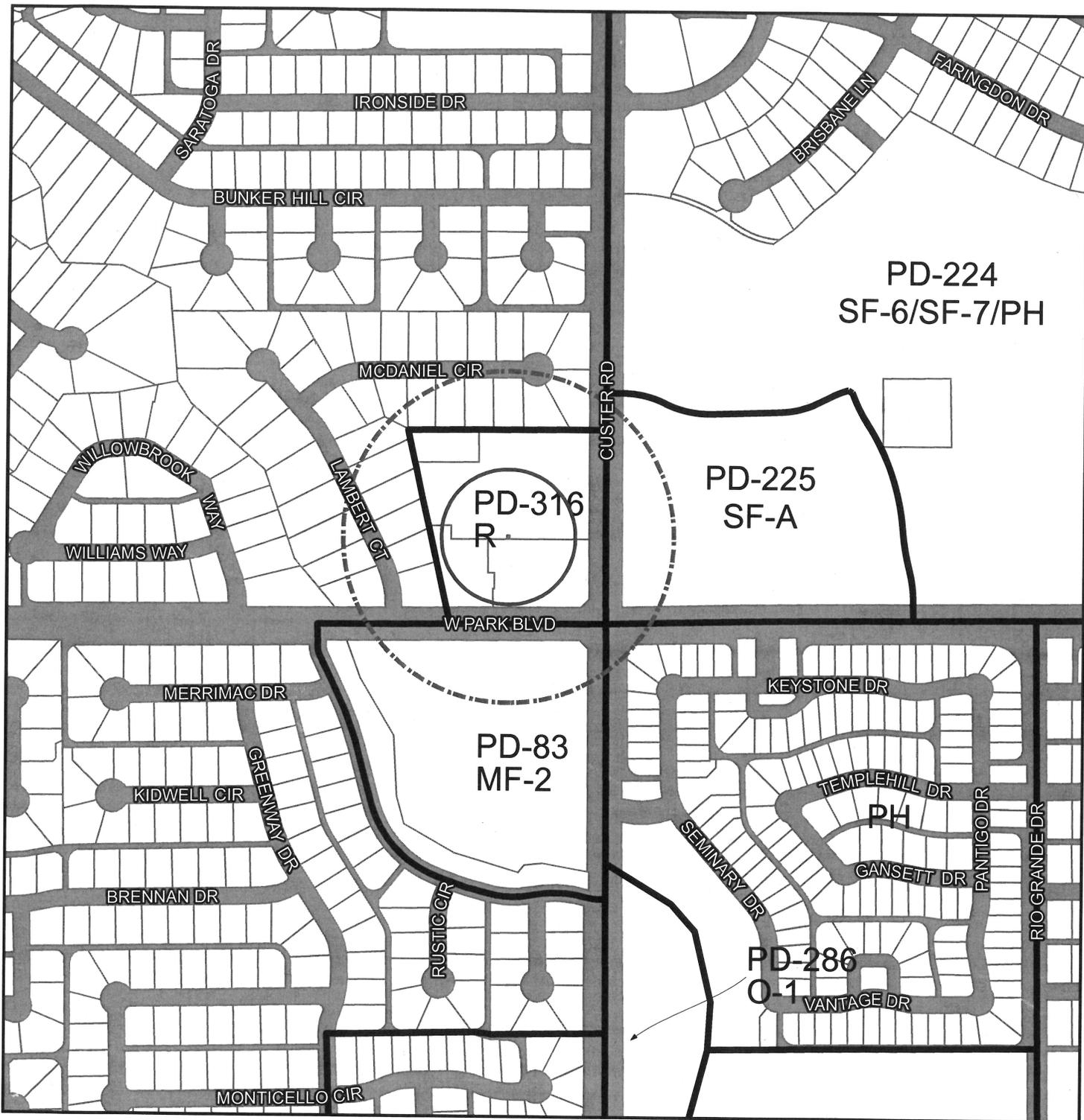
THENCE North 88°15'29" East, 58.37 feet to an "X" cut in concrete marking the point of beginning;

THENCE with the west line of said premises, North 00°08'00" East, 10.00 feet to an "X" cut in concrete and marking the northwest corner of said premises;

THENCE with the north line of said premises, South 89°52'00" East, 10.00 feet to an "X" cut in concrete and marking the northeast corner of said premises;

THENCE with the east line of said premises, South 00°08'00" West, 10.00 feet to an "X" cut in concrete and marking the southeast corner of said premises;

THENCE with the south line of said premises, North 89°52'00" West, 10.00 feet to the POINT OF BEGINNING and CONTAINING 100 square feet or land.

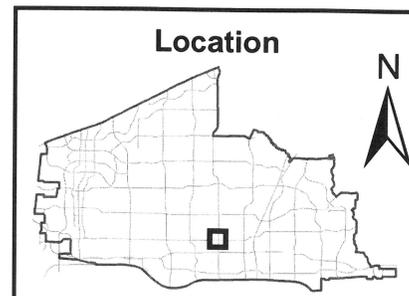


Zoning Case #: 2015-28

Existing Zoning: Planned Development-316-Retail (PD-316-R)

Proposed Zoning: Specific Use Permit for Commercial Antenna Support Structure

-  500' Courtesy Notification Buffer
-  200' Notification Buffer
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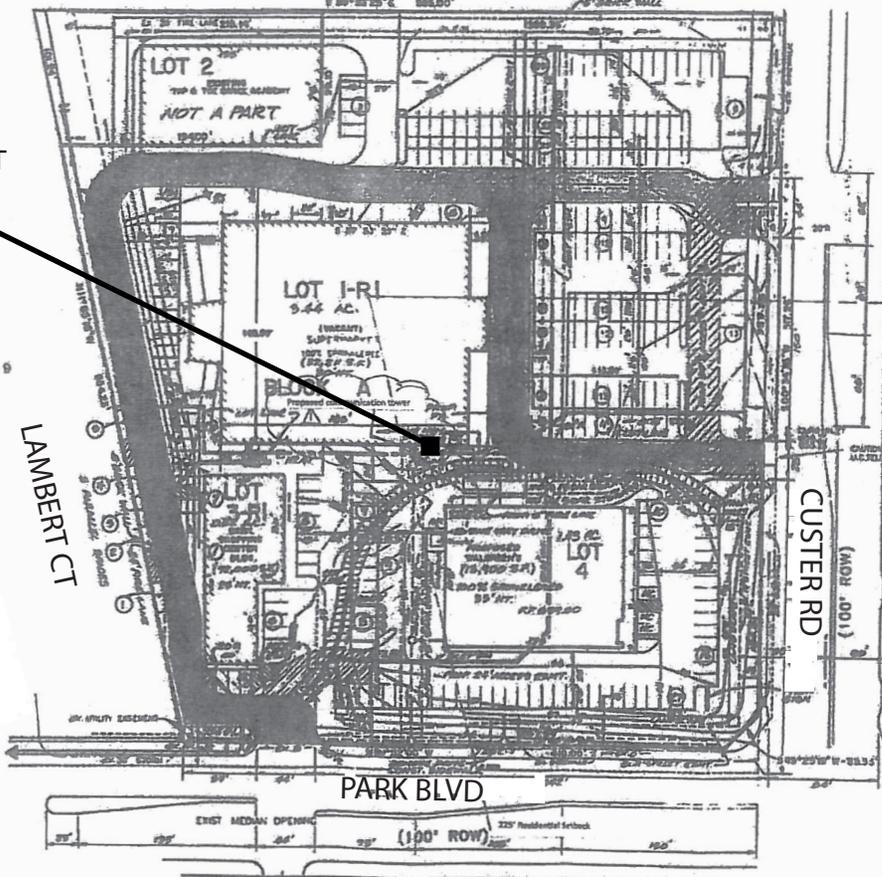


Source: City of Plano Planning Department



LOCATION MAP  
N.T.S.

AREA OF REQUEST



**LOT 1-BLOCK A**  
 PROPOSED ZONING USE: RETAIL-LEGACY TEXAS BANK - OWNER  
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 PARKING SPACES: 20 SPACES  
 PARKING PROVIDED: 10' x 44' x 105 SPS.

**LOT 3-BLOCK A**  
 PROPOSED ZONING USE: RETAIL  
 LOT AREA: 0.82 AC  
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 LOT COVERAGE: 20.2%  
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 PARKING PROVIDED: 25

**LOT 4, BLOCK A**  
 PROPOSED ZONING USE: RETAIL  
 LOT AREA: 1.03 AC  
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 BLDG. S.F.: 75,000 S.F.  
 PARKING SPACES: 20 SPACES  
 PARKING PROVIDED: 27' x 30' x 110' WHICH IS 75% ACCESSIBLE - 70 SPS.

Note: This plan is associated with ZC 2015-28

**MINORIAL NOTES**

1. Buildings over 4000 square feet shall be fitted with fire protection measures as approved by the Building Inspection and Fire Departments.
2. Fire lanes shall be designed and constructed per City standards.
3. Handicapped parking spaces shall be designed and provided per City standards, and shall comply with requirements of the current, adopted International Building Code.
4. Resident city placards shall be provided 25 feet out of the property line within the right-of-way unless a different placement is provided for a municipality ordinance or an alternative design is approved by the City. Signage-free ramps, per City standards, shall be provided on all ramps with curb cutbacks.
5. Mechanical units, dumpsters and back containers shall be screened to accommodate with the Building Code.
6. All signage and signs shall be approved by Building Inspection Department.
7. Curb ramps, where provided, shall be constructed in accordance with the existing standards.
8. Approval of the site plan is not final until all engineering plans are approved.
9. Building setbacks within this development shall be verifiable, as provided by the "Final" City Ordinance.
10. Typical parking spaces to be 8' x 20' unless otherwise noted.
11. Drive lanes to be 20' wide, otherwise noted.

RECEIVED  
 JAN 11 2016  
 PLANNING DEPT.

**PRELIMINARY SITE PLAN (REVISED)**  
 LOTS 1-R1 & 4-BLOCK A  
 SCALE: 1"=40'  
 PROPOSED WILLOWBROOK SQUARE SHOPPING CENTER

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PD-316, RETAIL  
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