



20-0556

TITLE: Consider/Discuss/Act on a Resolution Making Written and Evidentiary Findings Relative to the Denial of a Request from Skyway Towers, LLC, to Change the Zoning on Approximately 5.3 Acres of Land from PD - Planned Development District for RS-84 Single-Family Residential Uses to PD - Planned Development District Uses with a Base Zoning of C-1 - Neighborhood Commercial District Uses Plus a Telecommunications Tower to Allow a Telecommunications Tower at the Southeast Corner of Virginia Parkway and Dogwood Trail having a street address of 2705 Virginia Parkway, McKinney, Texas; and Providing for an Effective Date

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 7, 2020

DEPARTMENT: Development Services - Planning Department
City Attorney's Office

CONTACT: Jennifer Arnold, AICP, Director of Planning
Kaitlin Gibbon, Planner I
Mark S. Houser, City Attorney
Alan D. Lathrom, Assistant City Attorney

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the proposed Resolution making written and evidentiary findings relative to the City Council's denial of a request from Skyway Towers, LLC, to change the zoning on approximately 5.3 acres of land from PD - Planned Development District for RS-84 Single Family Residential Uses to PD - Planned Development District Uses with a base zoning of C-1 - Neighborhood Commercial District uses plus a telecommunications tower.

ITEM SUMMARY:

- The City Council, after a public hearing and consideration of all of the evidence provided, denied a zoning change request regarding a change in zoning that

would have permitted the construction and operation of a cell tower during its meeting on June 16, 2020. The Telecommunications Act of 1996, requires a local government, when dealing with cell towers and telecommunications carriers to provide any such provider with a written decision by the local government in writing and supported by substantial evidence [47 U.S.C. § 332(c)(7)(B)(iii)] regarding the body's decision. The attached Resolution provides compliance with that particular requirement of the Telecommunications Act of 1996.

BACKGROUND INFORMATION:

At the June 16, 2020, City Council meeting, the City Council held a public hearing to consider a zoning change request from Skyway Towers, LLC, for an amendment to the zoning on approximately 5.3 acres of land from PD - Planned Development District for RS-84 Single-Family Residential Uses to PD - Planned Development District Uses with a base zoning of C-1 - Neighborhood Commercial District Uses plus a telecommunications tower to allow a telecommunications tower at the southeast corner of Virginia Parkway and Dogwood Trail having a street address of 2705 Virginia Parkway, McKinney, Texas (the "Property"). After the presentation of substantial evidence and testimony during the public hearing on the requested application to rezone the Property, the City Council closed the public hearing and voted to deny the requested change in zoning that would have allowed the construction and operation of a ninety-nine foot (99') tall cell tower on the Property.

The Telecommunications Act of 1996, requires a local government, when dealing with cell towers and telecommunications carriers to provide any such provider with a written decision by the local government in writing and supported by substantial evidence [47 U.S.C. § 332(c)(7)(B)(iii)] regarding the body's decision. The attached Resolution provides compliance with that particular requirement of the Telecommunications Act of 1996.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Resolution](#)