



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 20-0556 **Name:** Zoning Request Denial - Skyway Towers  
**Type:** Resolution **Status:** Approved  
**In control:** City Council Regular Meeting  
**On agenda:** 7/7/2020 **Final action:** 7/7/2020  
**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

### Indexes:

**Attachments:** 1. Resolution

Date	Ver.	Action By	Action	Result
7/7/2020	1	City Council Regular Meeting		

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