

The Law Office of T.J. Lane, PLLC

214.592.0000

P.O. Box 515, McKinney, Texas 75070

james@tjlanelaw.com

March 19, 2021

Ms. Jennifer Arnold
Director of Planning
221 North Tennessee Street
McKinney, Texas 75069

Re: ***Letter of Intent (Third Amended) – Request for Rezoning;***
the 1.051 acre tract of land (the “Property”), being Lots 22,
25, 26, 27, 28, 29 and the north part of Lot 23 in Block A
of the Millie Muse Addition to the City of McKinney in Collin
County, Texas

Dear Ms. Arnold,

I represent Donnie and Patty Burnside, who are beneficial owners of the above-described parcel of land which, in turn, is the subject of this their third amended request for rezoning. The following Letter of Intent is submitted to expand upon, clarify, and justify that request.

1. The Property consists of a 1.051 acre tract of land located generally in the southeast quadrant of U.S. Highway 380 / University Drive and College Street. It sits behind a building occupied by A-Max Auto Insurance and an old strip center anchored by the La Michoacana grocery store. The Property is bounded on the west side by Sherman Street, on the north by Berry Avenue, on the east by Coleman Street, and on the south by (a) an alley running between Sherman and Coleman Streets, and (b) the only directly abutting residential parcel, Lot 23B / 24 in Block A of the Millie Muse Addition. Lot 23B / 24 lies north of the alley, fronts Coleman Street, and is bounded on its north and west sides by the Property’s southeast southern boundary and inner ell corner. The Property is identified and more particularly described in the attached *Addendum One – Zoning Exhibit*.

2. The area immediately surrounding the Property is zoned commercial to the north and northeast, and residential to the west, south and southeast.

3. The existing zoning on the Property is “Planned Development / Four-Plex” (*Addendum Two – Ordinance No. 1460*), which would allow for the construction of multi-family housing. If developed under current zoning, there would be a total of 20 apartment homes with a mixture of one and two bedroom units.

4. Applicants request that the Property be zoned “PD – Planned Development” with a base zoning of “C1 – Neighborhood Commercial”, modified according to the *Planned Development Standards* attached hereto as *Addendum Three* that, among other things, would allow as an additional permitted use the indoor storage of supplies, parts and equipment.

5. Applicants seek to rezone the Property to allow for limited commercial use as office and warehouse space. If their request for rezoning is approved, Applicants intend to develop the Property and construct thereon improvements that will enable them to keep Burnside Air Conditioning, Heating, and Indoor Air Quality (their home-grown, family owned and operated business) in McKinney. This enterprise currently operates out of a 37 year-old facility on a one-quarter acre lot situated just across the street from the Property, on the southeast corner of Coleman Street and West University Drive. The quality services provided by the Burnside are in great demand year-round, and they are sometimes hard pressed to meet that demand at the current location. They need more room.

6. The Burnside have been in business in McKinney for more than 60 years. Last year, Burnside Air paid in excess of \$160,000 in state and local sales and property taxes. Donnie and Patty Burnside’s business currently employs 30 people. These folks live, shop, eat, volunteer, and have church families here. They are valuable assets to our community, people who contribute mightily, not just to McKinney’s thriving economy, but also to its citizens’ health, comfort, and quality of life.

7. Enclosed, for informational and illustrative purposes only, is a general development plan reflecting the broad details of Applicants’ development proposal (*Addendum Four – Conceptual Zoning Site Plan*). The contemplated project will be securely fenced and attractively landscaped to meet or exceed City code, and screened and buffered on all sides abutting residential properties. What the Burnside want to build will provide a much improved transition between the more intense retail and other businesses up along University Drive and the single-family residences to the south.

8. As enhancements and community benefits that will accompany and flow from the project, Applicants propose to do the following:

- A. Increase by one-third (from one every 40 linear feet to one every 30 feet) the minimum required number of canopy trees [*§146-135 (f)(16)*] to be planted along the southern boundaries of the Property. This includes the southeast inner ell corner,

the only part of the Property that directly abuts a lot used for residential purposes. All other nearby residentially-zoned parcels are separated and distanced from the Property by a public street or an alley.

- B.** Increase by one-third (from 15% to 20%) the minimum street yard permanent landscape areas [§146.135 (f) (1)] along Coleman and Sherman Streets
- C.** Increase by 50% (from 10% to 15%), the total living landscape area within the project [§146.131 (f) (3)].
- D.** To the extent reasonably practicable, preserve as an enhanced living screen all healthy, mature, quality trees growing along the Property's southern boundaries.
- E.** Convert to productive use land that has for decades sat vacant and underutilized.
- F.** Make the surrounding neighborhood cleaner, greener, more attractive, and more secure.
- G.** Keep good jobs and skilled workers in McKinney.
- H.** Edify and expand McKinney's commercial tax base.

We are convinced that the project proposed by Donnie and Patty Burnside would be the highest and best use of the Property. Their application for rezoning merits a positive recommendation from City Staff, and favorable consideration by both the Planning & Zoning Commission and City Council. Please advise as to what, if any, additional information you may require in order to move forward with this application.

Applicants request appearances at the earliest possible dates before the McKinney Planning & Zoning Commission and the McKinney City Council.

Thank you for your courtesies. We look forward to working with you.

Very truly yours,



T. J. Lane

DEVELOPMENT STANDARDS & REGULATIONS
Burnside Indoor Air Quality – New Facility on Coleman Street

(Revised 3.19.21)

*(1.051 acre tract of land
comprising Lots 22, 25, 26, 27, 28, 29 and the north part of Lot 23
in Block A of the Millie Muse Addition to the City of McKinney)*

The subject property (the “Property”) will be zoned “PD – Planned Development District”. Use and development of the Property will conform to the standards and regulations contained herein.

1. Permitted Land Uses: Uses permitted in “C-1 Neighborhood Commercial District”, as amended from time to time, together with warehousing as an additional permitted use on designated portions of the Property; all subject to the limitations and conditions set out below.

2. Landscape Requirements: Landscaping will be in accordance with Section 146-135 – “Landscape Requirements”, as amended from time to time, with the following exceptions:

A. A minimum of 15% of the entire site will be devoted to living landscape
[§146-135 (f) (3)]

B. At least 20% of the street yards along Coleman, Berry, and Sherman Streets will be permanent landscape areas. A 10’ landscape buffer will be provided parallel to corner clip right-of-way dedications, which will be counted towards the 20% requirement. [§146-135 (f) (1)(2)]

C. Along Coleman and Sherman Streets, canopy trees will be provided in the quantity of one per 30 linear feet of frontage within the landscape buffer, spaced on 30-foot centers, or as close thereto as practicable when such spacing conflicts with driveways, easements, fire department strategic access points, or other physical conflicts; and may be clustered if approved by the Director of Planning as part of the site plan process in order to facilitate creative design or for other valid reasons.

D. Along the entire southern boundary of the Property, between Sherman and Coleman Streets, the project will provide additional landscaping, buffering, and screening according to the following criteria:

(i) Canopy trees will be provided in the quantity of one per 30 linear feet within the landscape buffer.

(ii) An earthen berm will be provided in the landscape buffer at a slope not to exceed 4:1 (4' of horizontal distance for each 1' of height).

3. *Off-Street Loading:* Off-street loading facilities [§146-131] will be allowed under the following conditions:

A. There will be no elevated dock structures. Loading facilities will consist of ground-level loading areas and bay doors only.

B. The loading facilities (which will not customarily receive goods between the hours of 9 P.M. and 8 A.M.) will be designed and constructed so as to enclose the loading operations on three sides to reduce noise, with the bay doors opening opposite one another and not directed toward residential properties.

