

14-011Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by McKinney Christian Academy, for Approval of a Request to Rezone Fewer than 60 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the South Side of Bois D'Arc Road and Approximately 800 Feet West of Jordan Road

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance and the City of McKinney Comprehensive Plan.

Commission Member Gilmore asked if the previous rezoning request limited the amount of time the current 11 portable buildings were allowed to stay on the property. Ms. Gleinser stated that those portable buildings were allowed to stay there indefinitely.

Commission Member Hilton asked if the applicant had suggested a certain timeframe for the two additional portable buildings for the property. Ms. Gleinser said no.

Mr. Bob Lovelady, McKinney Christian Academy, 3601 Bois D'Arc Rd., McKinney, TX, explained the proposed rezoning request and gave a brief history of the school. He explained that they need additional classroom space. Mr. Lovelady stated that the portable buildings were well maintained and met the State of Texas requirements. He stated that they were planning to do a feasibility study to see when they might be able to build more permanent structures on the campus.

Vice-Chairman Bush expressed concerns over the portable buildings being allowed to stay on the property indefinitely. He questioned whether or not the McKinney

Independent School District was allowed to have portable buildings on their campuses for over 36 months. Mr. Lovelady stated that the McKinney Independent School District had portable buildings on their campuses that were allowed to stay there indefinitely. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the architectural standards were different for private versus public schools. He stated that the public schools were allowed to have portable buildings on their campuses indefinitely; however, private schools were only allowed to have portable buildings on their campuses for 30 months.

Commission Member Osuna asked Mr. Lovelady when the school last built permanent classrooms. Mr. Lovelady stated that there were some classrooms in the Student Life Center that was recently built.

Commission Member Osuna asked Mr. Lovelady if it had been about 10 years since the previous classrooms were built prior to the Student Life Center. Mr. Lovelady said yes.

Chairman Franklin opened the public hearing and called for comments.

Mr. James Casey, McKinney Christian Academy, 3601 Bois D'Arc Rd., McKinney, TX, stated that his son attended McKinney Christian Academy for seven years. He stated that the portable buildings on the campus had recently been remodeled. Mr. Casey felt the campus was well maintained. He wanted to remind the Commission that the school was a nonprofit entity.

Commission Member Gilmore asked how the portable buildings were connected. Mr. Casey stated that they were connected by a continuous wooden deck.

Vice-Chairman Bush asked where the two proposed portable buildings would be located on the campus. Mr. Casey stated that they would be located on the south end of the property.

Vice-Chairman Bush asked if the portable buildings would be visible to houses on Bois D'Arc. Mr. Casey did not believe that the houses on Bois D'Arc could see them; however, he stated that there were some other houses nearby that might be able to see the portable buildings from their back porches.

Mr. Jerry LaPlante, 3602 Bois D'Arc Rd., McKinney, TX, expressed concerns over adding additional temporary structures on the property, uncontrolled growth of the school, traffic issues, and lack of adequate parking at the school. He stated that the portable buildings were visible from his house.

Mr. Lovelady briefly discussed the growth of the school. He stated that they plan to do a feasibility study to address the possibility of building a permanent structure on the property. Mr. Lovelady stated that they have a staggered start time to help reduce the traffic issues.

Commission Member Thompson expressed concerns about temporary buildings being used indefinitely on the property. He felt there should be a time limit set on how long they could be allowed on the property. Commission Member Thompson asked when Mr. Lovelady felt a permanent structure might be built. Mr. Lovelady stated that the feasibility study would help determine when they could move forward.

Commission Member Thompson asked if the Commission had approved portable buildings being added to the campus about three years ago. Mr. Lovelady said yes.

Commission Member Gilmore asked if the school was at capacity now. Mr. Lovelady said yes and that the student base was expected to grow.

On a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Thompson asked Staff about setting a time limit on how long the portable buildings could stay at the campus. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the Commission could make that recommendation; however, it would be tough to enforce.

Vice-Chairman Bush stated that eleven portable buildings were already allowed to stay indefinitely on the property.

Chairman Franklin asked if a time limit was approved on the two additional portable buildings, if the school could come back before the Commission to request an extension on how long they are allowed to stay on the property. Mr. Quint stated that a time limit was initially approved for the current portable buildings; however, when that time was up they came back before the Commission to request the buildings be allowed indefinitely.

Commission Member Gilmore asked if there were any other private schools in McKinney that used portable buildings for classrooms. Mr. Quint could not think of any other private schools that used them.

Commission Member Hilton asked why a feasibility study had not already been completed to see when a permanent solution could be made. Mr. Lovelady was not able to answer his question. He stated that he became the Interim Head of School last

year and became the Head of School this year. Mr. Lovelady stated that when he started with the school they started looking into their strategic plan to address the future of the school.

Chairman Franklin stated that he felt this was a unique situation. He stated that the school had a large 60-acre campus and that the school had done a good job of screening the current portable buildings.

Vice-Chairman Bush felt with the campus being so large that there should not be an issue with the surrounding neighbors seeing the portable buildings.

Commission Member Gilmore expressed positive comments about McKinney Christian Academy and Mr. Lovelady.

Commission Member Hilton felt that the surrounding neighbors would monitor the length of time that the portable buildings had been on the property and would let Staff know when the time limit was about up.

On a motion by Commission Member Hilton, seconded by Commission Member Thompson, the Commission voted to recommend approval of the rezoning request as requested by the applicant with the special ordinance provisions listed in the staff report with the added provision that the two portable buildings would not exceed a period of 36 months on the property; however, the motion failed with a vote of 4-2-0. Chairman Franklin, Vice-Chairman Bush, Commission Member Gilmore, and Commission Member Osuna voted nay.

On a motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission voted to recommend approval of the rezoning request as recommended by Staff, with a vote of 5-1-0. Commission Member Hilton voted nay.

Mr. Brandon Opiela, Planning Manager for the City of McKinney, asked to clarify that the Commission just approved the recommendation by Staff to recommend denial of the rezoning request. Mr. Quint, Planning Director for the City of McKinney, stated that the Commission just approved the recommendation for denial of the rezoning request. He stated that it would take a supermajority vote from City Council to approve the request. Vice-Chairman Bush stated that he made a mistake with his earlier motion and asked if he could rescind it. The Commission agreed to rescind the previous action and take a new motion.

On a motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission unanimously voted to rescind the previous motion to recommend approval of the rezoning request as recommended by Staff, with a vote of 6-0-0.

On a new motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, the Commission voted to recommend approval of the rezoning request as requested by the applicant with the special ordinance provisions listed in the staff report, with a vote of 4-2-0. Commission Members Hilton and Thompson voted nay.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 4, 2014.