

AGENDA ITEM 16-03

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Robert H. Roeder, Attorney at Law, for the Property Located at 4201 S. Hardin Blvd., MISD Stadium, for a special exception to reduce required parking from 3,000 to 2,400 parking spaces, 42 of which are bus parking.

MEETING DATE: April 27, 2016

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: GC Government Complex

EXISTING CONDITIONS: In regard to required parking, Ordinance does not address an outdoor stadium of this character and use provided by McKinney ISD.

SPECIAL EXCEPTION REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED EXCEPTION	
3,000 parking spaces	2,400 parking spaces	

APPLICANT'S BASIS FOR SPECIAL EXCEPTION:

The parking design for the proposed stadium can be adequately accommodated by the amount of proposed parking as shown on the parking plan.

PUBLIC SUPPORT/OPPOSITION FOR REQUEST:

To date, no letters of support and no letters of opposition have been submitted.

BOARD AUTHORITY:

The Board shall have the power to hear and decide special exceptions to wave or reduce parking and loading requirements in any of the districts, whenever the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

SUPPORTING MATERIALS:

Special Exception Application
Locator Map
City Ordinance Sec. 146-130 Vehicle Parking

Action: APPROVED DENIED TABLED



CITY OF MCKINNEY BOARD OF ADJUSTMENT APPLICATION

Type of Request:

Variance Special Exception Appeal

FILLING FEE **\$50.00** *PAID*

RECEIPT DATE _____

Property Location: <u>4201 S. Hardin</u>			
Southeast corner of Hardin Blvd and McKinney Ranch Parkway, McKinney, TX			
Address	City	State	Zip
Lot Number	Block	Subdivision Name	

Owner's Information:			
McKinney Independent School District		469-302-4113	
Owner's Name	City	Phone Number	
<u>#1 Duvall</u>	<u>McKinney</u>	<u>TX 75069</u>	
Address	City	State	Zip
Owner is giving <u>Robert H. Roeder</u>		authority to represent him/her at the meeting.	
Applicant's Name			
<u>Nancy F. James, Chief Operations Officer</u>			
Owner's Printed Name		Owner's Signature	

Applicant's Information:			
Robert H. Roeder		Abernathy, Roeder, Boyd & Hullett	
		214-544-4003	
Name	Company Name	Phone Number	
<u>1700 Redbud Blvd Suite 300</u>	<u>McKinney</u>	<u>TX 75069</u>	
Address	City	State	Zip

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No. _____			
Please list the type of variance(s) requested:			
	Ordinance Requirements	Requested Dimensions	Variance From Ordinance
Lot Size			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side @ Corner			/
Front Yard			/
Rear Yard			
Driveway			
Other			

*Not applicable in ETJ

See attached letter in support of requested special exception.



In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial or self-created.

1. The request variance is in harmony with the general purposed and intent of the ordinance, as amended, and continues to protect surrounding properties from any negative impacts because:

2. The special or unique condition(s) of restricted area, shape, topography or physical features that exist on the subject parcel of land, which are not applicable to other parcels of land in the same zoning district, and which cause unusual and practical difficulty or unnecessary hardship in compliance with the provisions sought here to be varied are:

See Attached

3. The hardship sought to be avoided is NOT the result of (a) the applicant's own actions (self-imposed or self-created) and (b) economic or financial hardship because:

4. The provisions of the ordinance, and its amendments, that are sought to be varied deprive the applicant of the following rights to use his property that are commonly enjoyed by other properties in the same zoning district which comply with these ordinance provisions:

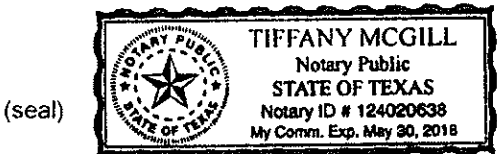
Items Submitted: Completed application and fee Plot/Site Plan or Survey drawn to scale

I hereby certify that the above statements are true and correct to the best of my knowledge.

[Signature]
Applicant's Signature

STATE OF TEXAS
COUNTY OF Collin

Subscribed and sworn to before me this 31st day of March, 2016



[Signature]
Notary Public
My Commission expires: 5/30/18

*Not applicable in E/TJ

ATTORNEYS AT LAW

ROBERT H. ROEDER
Qualified Mediator

rroeder@abernathy-law.com
Direct Dial 214.544.4003

March 31, 2016

Mr. Rick Herzberger
Chief Building Official
221 North Tennessee Street
McKinney, Texas 75069

Re: Board of Adjustment - Request for *Special Exception* relating to Parking Requirements for McKinney ISD Stadium Project

Dear Mr. Herzberger:

This letter accompanies the Board of Adjustment Application of even date herewith and **replaces** the application previously filed by my office on behalf of McKinney ISD seeking a *variance* from the parking requirements under Section 146-130 of the City's Code of Ordinances. This request of the Board of Adjustment is to grant a *special exception* to the parking requirements imposed by Section 146-130 of the City's Code of Ordinances as the same relate to the McKinney ISD Stadium project proposed to be constructed at the southeast quadrant of Hardin Boulevard and McKinney Ranch Road in McKinney, Texas.

Subsection (3)(c)(5) of Section 146-165 of the Code of Ordinances permits the Board of Adjustment to waive or reduce the parking and loading requirements in any district whenever the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities.

McKinney ISD is proposing to construct an outdoor stadium (the "Stadium") with seating for 12,000 persons which will be supported by 2,400 vehicle surface parking spaces and forty-two (42) bus parking spaces generally as shown in the parking exhibit attached hereto as Exhibit A (the "Parking Plan").

Under Section 146-130 of the Code of Ordinances, the parking requirement for an outdoor amusement venue that has fixed seating or bleachers is 1 parking space for every 4 seats for fixed seating or 1 parking space for every 6 linear feet of benches for bleacher seating. Under a strict application of Section 146-130, the required number of parking spaces for the Stadium is

3,000 (12,000 divided by 4 = 3,000), which is typically expressed as a 1:4 ratio. There is no recognition under Section 146-130 for bus parking.

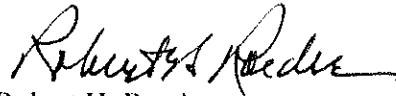
McKinney ISD requests a *special exception* to allow the reduction of vehicle parking spaces from the required 3,000 to 2,400 and in support thereof submits the following:

- During the past decade there have been numerous outdoor public school stadiums constructed in the North Texas area that have parking ratios significantly greater than 1:4. Exhibit B attached is a listing of comparable stadiums that indicate a parking ratio of 1 parking space for every 5 seats (1:5) or greater, which include Plano ISD Kimbrough Stadium, Plano ISD Clark Stadium, Denton ISD Collins Stadium, Birdville ISD Stadium and Wylie ISD Pirate Stadium. The proposed 2,400 parking spaces represents a ratio of 1:5 for the 12,000 seat Stadium. The parking supporting each of the stadiums shown on Exhibit B has proven to be adequate and functional and represents a real-time case study that supports a determination by this Board of Adjustment that the full provision of parking facilities for an outdoor stadium of the character and use proposed by McKinney ISD is unnecessary and that parking for the proposed Stadium can be adequately accommodated by the amount of parking proposed as shown in the Parking Plan.
- The Parking Plan includes forty-two (42) bus parking spaces, which under Section 146-130 receive no recognition other than as individual vehicle parking spaces. The use of the Stadium for public school activities invariably includes busing students (teams, bands, drill teams, etc.), and the typical school bus holds up to 81 persons. The same students who arrive by bus typically make up a significant population of attendees sitting in the 12,000 seats and at maximum capacity would occupy 3,402 seats (42 X 81 = 3,402). If the seating occupied by the students arriving by bus is deducted from the 12,000 total seats in the Stadium, the remaining number of seats to be served by persons arriving by separate vehicles is reduced to 8,598 and at a 1:4 ratio would require 2,149 parking spaces. Even assuming that the number of students arriving by bus accounted for only 2,400 of the seats in the Stadium (70% of maximum bus capacity), the number of seats available for persons arriving by separate vehicles would be 9,600 and at a 1:4 ratio would require 2,400 parking spaces, which equals the proposed number of proposed vehicle parking spaces at the Stadium. Put another way, for every 4 students who arrive by bus, the required number of vehicle parking spaces should be reduced by 1. The recognition that buses reduce the demand for vehicle parking at an outdoor stadium of the character and use proposed by McKinney ISD is further support for a finding by this Board of Adjustment that the full provision of parking facilities is unnecessary and that the required parking for the Stadium can be fully accommodated by the parking proposed as shown in the Parking Plan.

Mr. Rick Herzberger
March 31, 2016
Page 3

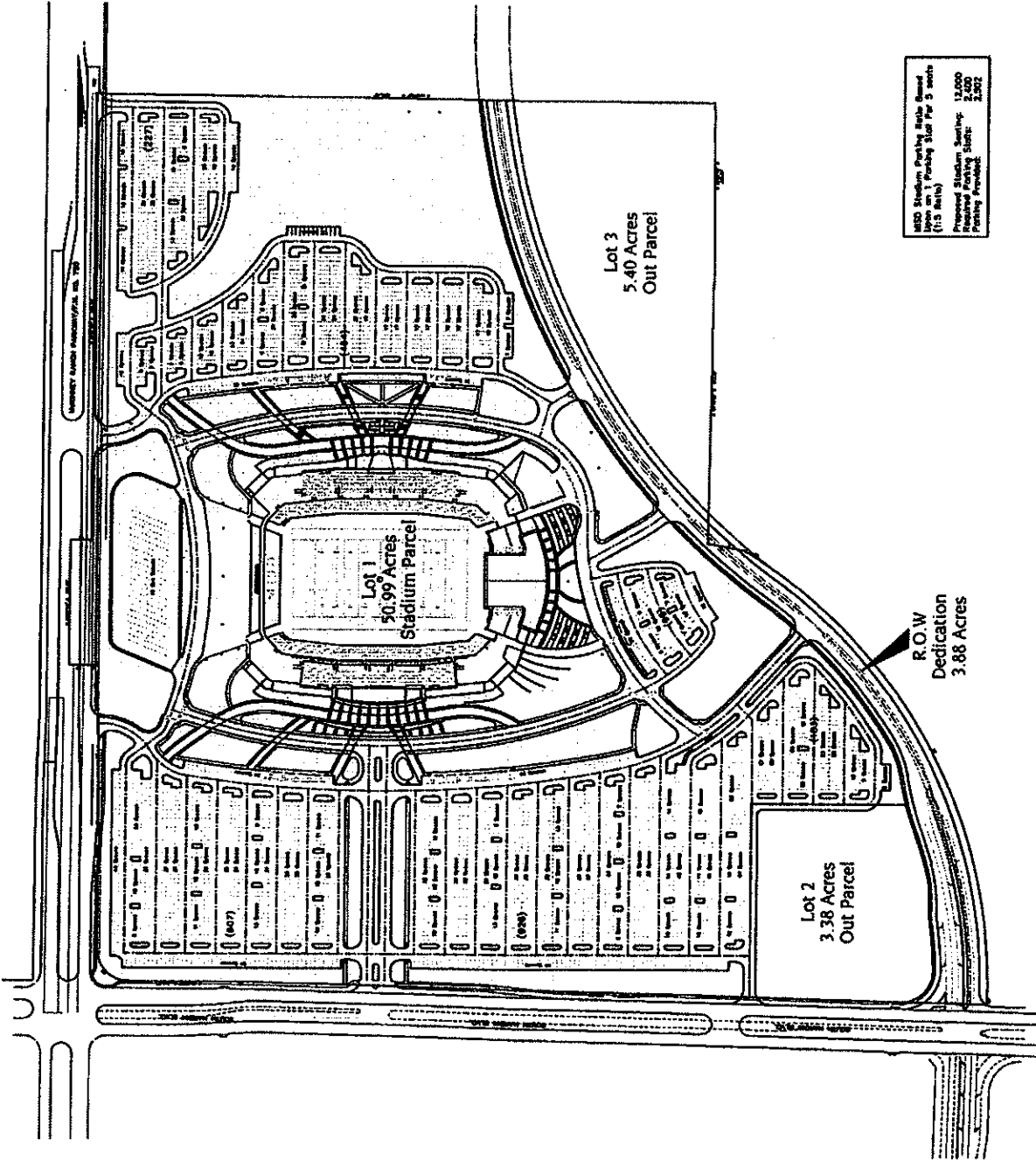
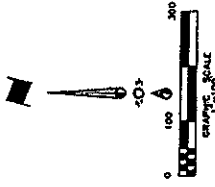
Based upon the foregoing, the McKinney Independent School District respectfully requests that the Board of Adjustment reduce the parking requirements imposed by Section 146-130 of the City's Code of Ordinances and reduce the required parking for the Stadium to 2,400 vehicle parking spaces.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert H. Roeder", written in a cursive style.

Robert H. Roeder

cc: Ms. Nancy F. James, MISD Chief Operations Officer



1000 Stadium Seating, 1000 Seats
 (15 Rows)
 Proposed Stadium Seating: 12,000
 Required Parking Spots: 2,400
 Parking Provided: 2,302

EXHIBIT A
PARKING EXHIBIT
McKinney ISD - District Stadium
 McKinney Independent School District
 City of McKinney, Texas

