



**AGENDA
CITY OF THE COLONY
BOARD OF ADJUSTMENT
WEDNESDAY, FEBRUARY 16, 2022
6:30 PM**

TO ALL INTERESTED PERSONS

Notice is hereby given of a **REGULAR SESSION** of the **BOARD OF ADJUSTMENT** of the City of The Colony, Texas to be held at **6:30 PM** on **WEDNESDAY, FEBRUARY 16, 2022**, at **CITY HALL, 6800 MAIN STREET, THE COLONY, TEXAS**, at which time the following items will be addressed:

1.0 CALL REGULAR SESSION TO ORDER
Citizen Input

2.0 CONSENT AGENDA

2.1 Consider approval of the minutes of the July 21, 2021 Regular Session.

3.0 PUBLIC HEARING ITEMS

3.1 BOA21-0006 The Shacks Multi-Family - Austin Ranch [Windhaven Parkway Exhibit G-5] Variance

Conduct a public hearing, discuss, and consider a request for a variance to Exhibit G-5 (Windhaven Parkway Section) of the Planned Development (PD-22) Zoning District to allow a 26-foot wide drive aisle for fire lane access, where a 14-foot wide aisle for vehicle access is the maximum according to Exhibit G-5 of PD-22. The subject site contains approximately 18 acres and is located east of the northeast intersection of Plano Parkway and Windhaven Drive within the Planned Development 22 (PD-22) Zoning District.

EXECUTIVE SESSION NOTICE

Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 arising out of the attorney's ethical duty to advise the city concerning legal issues arising from an agenda item. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.

ADJOURNMENT

"Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session."

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact the City Secretary's Office, at 972-624-3105 at least two (2) working days prior to the meeting so that appropriate arrangements can be made

CERTIFICATION

City of The Colony
February 16, 2022
Board of Adjustment Agenda
Page 2 of 2

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 pm on the 11th day of February, 2022.



Tina Stewart, TRMC, CMC, City Secretary



**MINUTES
CITY OF THE COLONY
BOARD OF ADJUSTMENT MEETING
WEDNESDAY, JULY 21, 2021**

After determining that a quorum was present, the Board of Adjustment of the City of The Colony, Texas convened into Regular Session which was held on Wednesday, July 21, 2021 at 6:30 p.m. in the City Council Chambers located at City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Constance Yahwak, Chairman; Dean Byers; Jacob Evans; and Gerald Odum.

Board Members Absent: Joel Ortega

Staff Present: Isaac Williams, Senior Planner; Michael Martin, City Attorney; Brian Mcnuelty, Engineering Technician.

1.0	<i>CALL REGULAR SESSION TO ORDER</i>
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Chair Yahwak called the Regular Session of the Board of Adjustment meeting to order at 6:30 p.m.

1.1	<i>CITIZEN INPUT</i>
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No citizen came forward for input. Citizen input was closed at 6:30 p.m.

2.0	<i>CONSENT AGENDA</i>
2.1	<i>Consider approval of the minutes of May 19, 2021 Regular Session.</i>

Chair Yahwak read Consent Agenda Item 2.1 into record.

Member Odum made a motion to approve Consent Agenda Item 2.1, seconded by Member Byers. The motion carried (4-0).

3.0	<i>PUBLIC HEARING ITEMS</i>
3.1	<i>BOA21-0003 4245 Iola Avenue Fence Height Variance</i> Conduct a public hearing, discuss and consider a request for a variance to Section 18. – Fence and Wall Regulations, (18-602) rear yard and (18-603) side yard, to allow a nine (9) foot, one and one-half (1.5) inch fence where eight (8) feet and six (6) inches is the maximum. The subject site is located at the north east intersection of Iola Avenue and Elliot Court. The subject site contains approximately 0.17 acres and is zoned for Single-Family (SF-4) residential use.

Mr. Williams presented the report.

Member Odum asked if the city required installation of the retaining wall.

Applicant responded the city did not require; engineering approval is not required for a wall of that height.

Member Odum asked if the retaining wall would support the fence.

Applicant responded experienced contractor knew of plans to top with a wall.

Mr. Williams added further evaluation would be a component of review for the fence permit application.

Chair Yahwak opened public hearing at 6:43 p.m.

Mr. Steven Schmidt, 4245 Iola Avenue, owner and applicant thanked the board for their consideration.

Chair Yahwak closed the public hearing at 6:44 p.m.

Member Odum made a motion to approve 3.1 conditioned upon city ensuring the retaining wall can support the fence, seconded by Member Evans. The motion carried (4-0).

3.2	<i>BOA21-0004 4695 SH 121 Sign Height Variance</i> Conduct a public hearing, discuss, and consider a request for a variance to Section 15-102 to allow a proposed “billboard” sign at an overall height of eighty-five (85’) feet where the maximum signage height in the General Retail (GR) district is two (2) stories. The subject site is located at 4695 SH 121 at the northwest intersection of F.M. 121 (Main Street) and SH 121 and is located within the General Retail (GR) zoning district and the Gateway Overlay District.
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Mr. Williams presented the report.

Member Evans asked for the reason for the additional height.

Applicant responded the height is necessary to place the sign above grade where SH 121 is elevated. He added the v shape targets SH 121 traffic and reduces light on nearby properties.

Mr. Williams added this General Retail zoning district has a more restrictive height requirement when compared to other zoning districts along SH 121.

Chair Yahwak opened the public hearing at 6:58 p.m.

Mr. Beau Burkett, PO Box 163266, Austin, TX of Burkett Media and applicant offered to be available for any questions. Mr. Burkett shared they are requesting this variance after approval of SBA21-0002 (in May); they began the project not knowing the height proposed was not a part of

that approval. He added the sign would have a sixteen-foot stone cladding base, costing \$30,000 extra, which they are not required to provide.

Member Evans asked about the type of messaging.

Mr. Burkett responded the LED digital signs would meet city regulations consistent with existing signage along SH 121. Messages vary compared to static vinyl billboards. They offer free space for non-profits and community events.

Chair Yahwak made a motion to approve 3.2, seconded by Member Byers. The motion carried (4-0).

There being no further business to come before the Board, Madam Chair Yahwak adjourned the Regular Session of the Board of Adjustment at 7:03 p.m.

Constance Yahwak, Chairman

Isaac Williams, Senior Planner

BOARD OF ADJUSTMENT REPORT

AGENDA DATE: February 16, 2022

DEPARTMENT: Development Services Department

PLANNER: Isaac Williams, Development Services Manager

SUBJECT BOA21-0006 The Shacks BOA Modification to Exhibit G-5

Conduct a public hearing, discuss, and consider a request for a variance to Exhibit G-5 (Windhaven Parkway Section) of the Planned Development (PD-22) Zoning District to allow a 26-foot wide drive aisle for fire lane access, where a 14-foot wide aisle for vehicle access is the maximum according to Exhibit G-5 of PD-22. The subject site contains approximately 18 acres and is located east of the northeast intersection of Plano Parkway and Windhaven Drive within the Planned Development 22 (PD-22) Zoning District.

OWNER/ APPLICANT

Owner/Developer: University Business Park PHII, LTD

Applicant: Mike Clark
ML Clark Consulting, LLC Dallas, Texas

EXISTING CONDITION OF PROPERTY

The property is undeveloped.

ADJACENT ZONING AND LAND USE

North - Planned Development 22 (PD-22) Austin Ranch- undeveloped
 South - Planned Development 22 (PD-22) Austin Ranch- Mixed retail commercial
 East - Planned Development 22 (PD-22) Austin Ranch- undeveloped
 West - Planned Development 10 (PD-10) undeveloped

BACKGROUND

The applicant submitted a site plan for the development of a two building 423- unit multifamily complex with interior structured parking; the primary access points to the development are from Plano Parkway and Windhaven Parkway. To accommodate the proposed site circulation, the site plan reflects the intent to 1) relocate the adjacent median cut on Plano Parkway further to the south for better alignment into the site, 2) establish a new curb opening on to Plano Parkway 94.5 feet from the existing curb opening to the north where 230 feet are required, and 3) establish a 26-foot wide drive aisle for fire lane access, where a 14-foot wide aisle for vehicle access is the maximum according to Exhibit G-5 of the Austin Ranch PD (PD-22).

The intent to relocate the median cut and establish a new curb opening on to Plano Parkway are deviations from the Engineering Design Manual, that require consideration from the Planning Commission and City Council (Planning Commission considered and made a recommendation to approve [7-0] to City Council on February 8, 2022; the City Council will consider the request on February 15, 2022).

The request to reduce the 26-foot wide drive aisle is a variance to Exhibit G-5 of the Austin Ranch PD (PD-22), and must therefore be a considered by the Board of Adjustment.

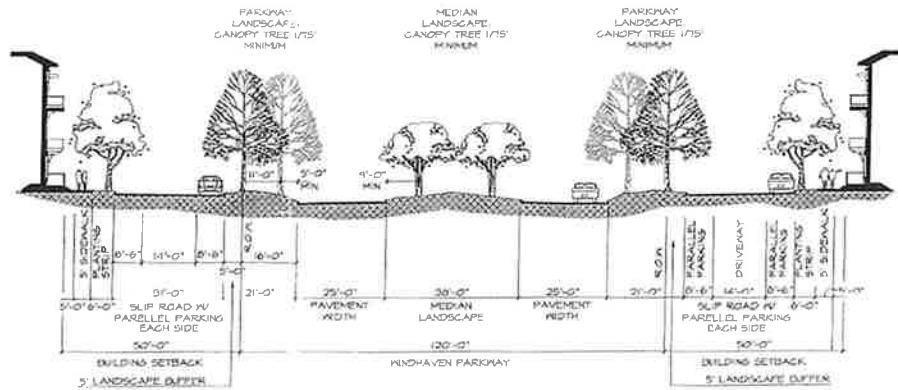
ATTACHMENTS

- 1. Staff Analysis
- 2. Location Map
- 3. Project Narrative
- 4. Variance Exhibits

STAFF ANALYSIS

CONSIDERATIONS

Development within the Austin Ranch development shall be in compliance with the minimum development standards and regulations as reflected in Exhibit C; the exhibit below (Exhibit G-5) is part of the collection of exhibits an illustrations for the purpose of establishing the development standards and regulations for Austin Ranch.



AUSTIN RANCH
WINDHAVEN PARKWAY - 120' R.O.W.
SECTION

FINDINGS

According to Section 21-103 of the Code of Ordinances, The Board of Adjustment may grant a variance if all of the following exist:

- 1. The variance is necessary to permit development of a specific parcel of land which differs from other parcels of land because of special circumstances concerning the size, shape, area, topography, conditions and location of the parcel that is the subject of the subject of the variance request.

The proposed site layout is influenced by the adjacent flood plain to the east and adjacent development to the northeast (Oncor Substation) and southwest (7-Eleven). The flood plain prohibits development within it and reduces the overall buildable land area and compresses the location of buildings, parking and access. The floodplain footprint compels development further into the site and closer to the hard corner which is developed with the 7-eleven convenience store. Development requires a design that will accommodate internal circulation around and with the 7-eleven, the substation as well as the floodplain.

- 2. That the granting of the variance or special exception will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive Zoning Plan of the City.**

The proposed increase to the drive aisle width is not anticipated to affect the Land Use Plan, development patterns or other features of the Comprehensive Zoning Plan. The proposed design reflects an intent considerate of, topography and existing street intersections, existing driveways, and the fire code requirements.

- 3. That the variance or special exception, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity.**

The variance to Exhibit G-5 provides the requisite drive aisle width to establish the necessary circulation on the site. The combination of floodplain and existing development creates unique considerations for access. Development of the complex without the proposed variance from the Board of Adjustment and the associated engineering variances could possibly require construction of an access aisle that compels shared access usage of the Oncor Substation access drive and would require construction of a drive aisle into the site through unfavorable topography.

As reflected the proposed drive will facilitate a circulation that will alleviate adverse traffic conditions including patrons of the 7-eleven and residents of the multi-family development performing a U-turn maneuver at the existing median opening to travel southbound.

NOTIFICATION

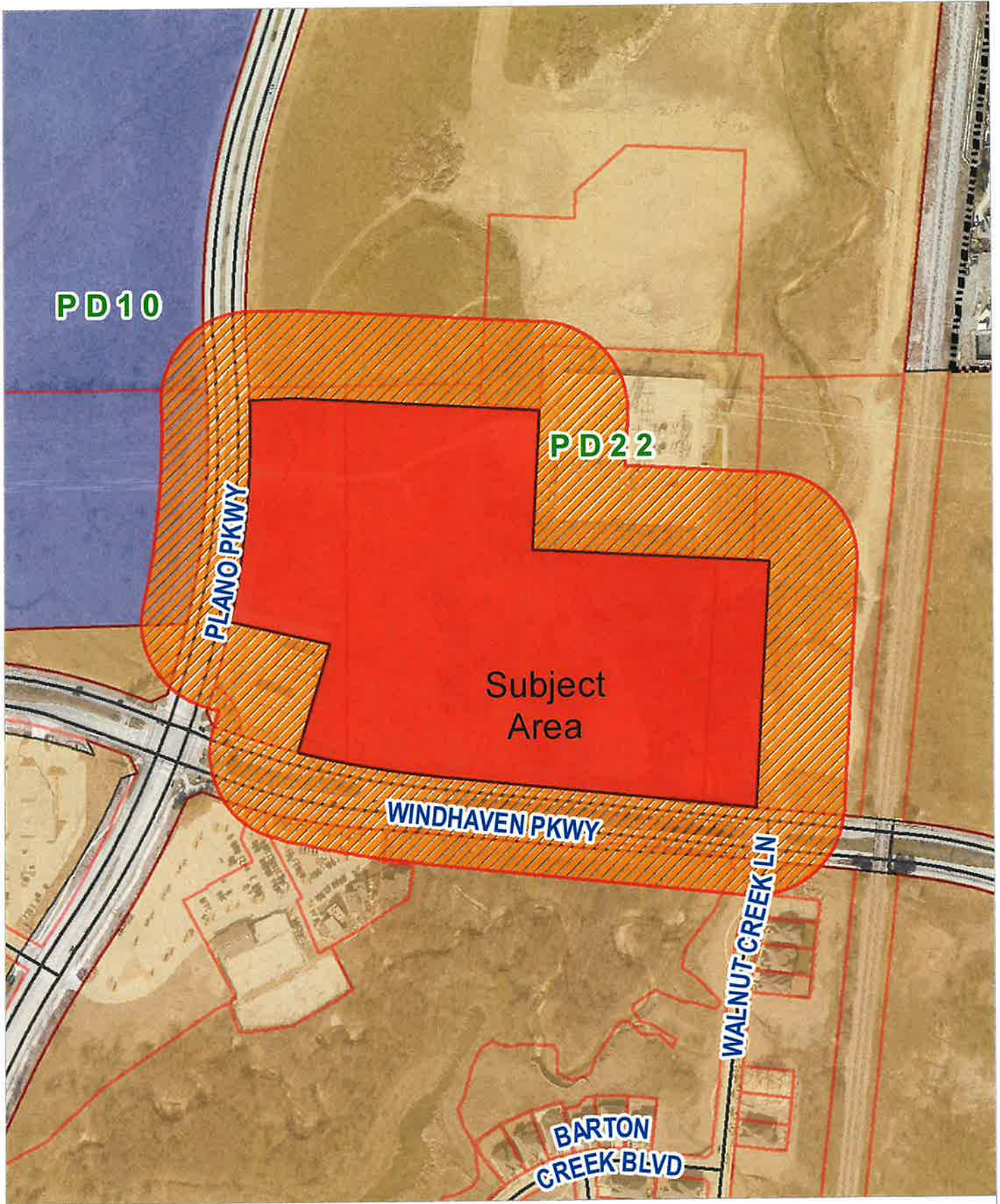
Board of Adjustment public hearings require newspaper notification a minimum of ten (10) days prior to the meeting date. A legal notice was published in the *Dallas Morning News* on January 27, 2022. No comments either for or against this request were received as of the printing of this packet.

OPTIONS FOR THE BOARD

1. Approve the request
2. Deny the request
3. Postpone consideration
4. Table item

RECOMMENDATION

Staff recommends approval of a variance to allow a 26-foot wide drive aisle for fire lane access, where a 14-foot wide aisle for vehicle access is the maximum according to Exhibit G-5 of PD-22.



PD10

PD22

PLANO PKWY

Subject Area

WINDHAVEN PKWY

WALNUT CREEK LN

BARTON CREEK BLVD



Project No. BOA21-0006 - Project Name: The Shacks Multi Family

- The Shacks Multi Family
- Planned Development 22
- Planned Development 10

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.

BILLINGSLEY COMPANY

January 17, 2022

RE: The Shacks Apartments
Board of Adjustment Variance Request
PD Street Section Modification

City of The Colony
Planning Department
6800 Main Street
The Colony, TX 75056

Mr. Williams

For the development above, we are seeking a variance to allow for a modification to the slip road design incorporated in the Windhaven Street Section Exhibit G-5 of the Austin Ranch Planned Development 22 ordinance. Along Windhaven Parkway the current zoning allows for a slip road between the building and Windhaven Parkway that consists of a one way 14'-0" wide drive aisle with parallel parking on each side. In order to provide better access to the Fire Department around the proposed multifamily building we are requesting to allow the 14'-0" wide drive aisle to be widened to 26'-0" so that it may function as a Fire Lane. This will allow the Fire Department to enter the site from the south at the existing Windhaven Parkway median cut and access the fire lane on the east side of the building. It is our belief that the content of this request still conforms to the design intent incorporated in the original ordinance and is necessary due to the proximity of the parcel to the existing intersection and existing median openings. It is also our belief the request does not adversely affect the land use plan or comprehensive zoning plan of the city and that the granting of this variance will not be detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties. Please feel free to contact me directly with any questions or concerns with this request.

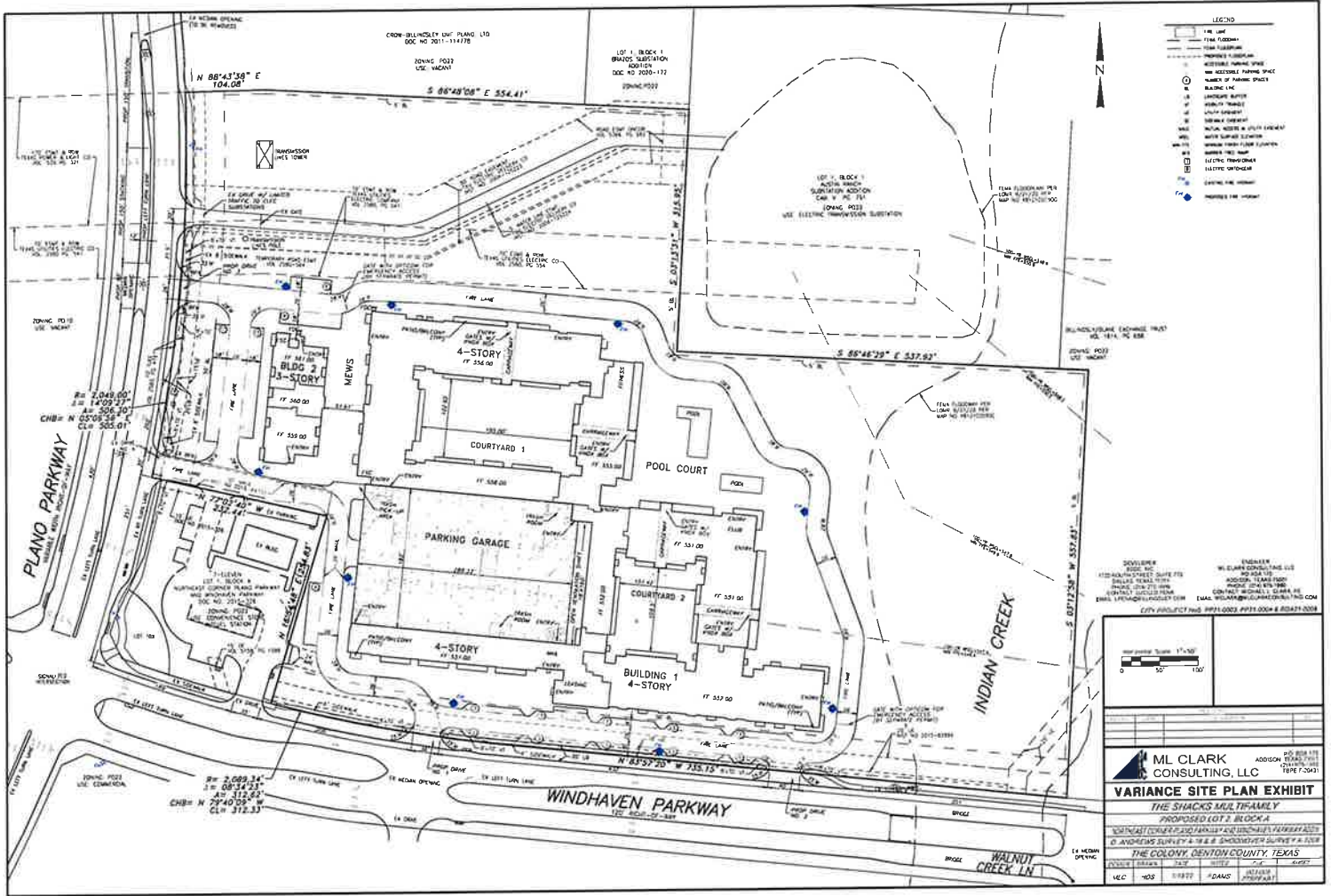


Photo of Existing Slip Road Cross Section per PD

Sincerely

A handwritten signature in black ink, appearing to read "T. Holland".

Tom Holland
Sr. Vice President of Development
BDDC, Inc.



- LEGEND**
- 1" Easement
 - 5' Easement
 - 10' Easement
 - 15' Easement
 - 20' Easement
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 - 170' Easement
 - 175' Easement
 - 180' Easement
 - 185' Easement
 - 190' Easement
 - 195' Easement
 - 200' Easement

SCALE

Graphic scale showing 0, 50, and 100 feet.

DATE _____

PROJECT _____

CLIENT _____

ENGINEER _____

REGISTERED PROFESSIONAL ENGINEER

STATE OF TEXAS

NO. _____

EXPIRES _____

ADDRESS _____

CITY _____

STATE _____

PHONE _____

FAX _____

EMAIL _____

WEBSITE _____

ML CLARK CONSULTING, LLC

VARIANCE SITE PLAN EXHIBIT

THE SHACKS SUB-TERRAIN

PROPOSED LOT 2, BLOCK A

THE COLONY, DENTON COUNTY, TEXAS

DATE _____

BY _____

TITLE _____

SCALE _____

PROJECT _____

CLIENT _____

ENGINEER _____

REGISTERED PROFESSIONAL ENGINEER

STATE OF TEXAS

NO. _____

EXPIRES _____

ADDRESS _____

CITY _____

STATE _____

PHONE _____

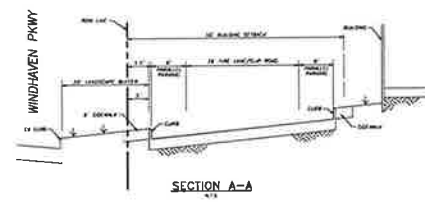
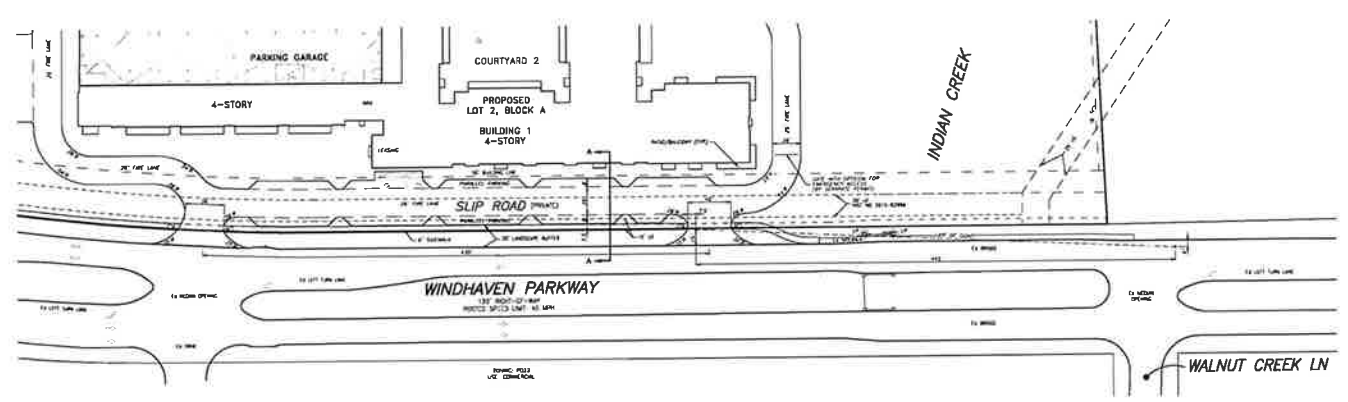
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LEGEND
 --- UNPLANNED
 --- PLANNED



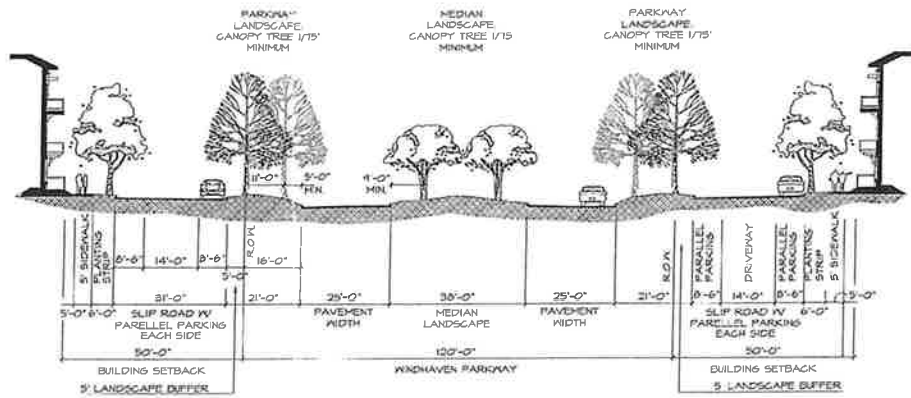
VARIANCE REQUEST:
 VARIANCE REQUESTED TO PLANNED DEVELOPMENT BY IMPROVING AND
 OR 10% EXHIBIT 12-A TO INCREASE THE WIDTH OF THE SLIP ROAD AND
 WINDHAVEN PARKWAY FROM 14 FEET TO 20 FEET TO PROVIDE FOR FIRE
 ACCESS

DEVELOPER: M. L. CLARK CONSULTING, LLC
 1102 KILPATRICK STREET, SUITE 110
 DALLAS, TEXAS 75210
 PHONE: 214.275.2800
 EMAIL: INFO@MLCLARKCONSULTING.COM

ENGINEER: M. L. CLARK CONSULTING, LLC
 1102 KILPATRICK STREET, SUITE 110
 DALLAS, TEXAS 75210
 PHONE: 214.275.2800
 EMAIL: INFO@MLCLARKCONSULTING.COM



		P.O. BOX 170 ADDISON, TEXAS 75201 214.275.2800 TMC 4-2947
SLIP ROAD VARIANCE EXHIBIT		
THE SHACKS MULTIFAMILY		
PROPOSED LOT 2, BLOCK A		
SOUTHWEST CORNER PLAZA FAMILY AND BUSINESS CENTER AND 10000 WINDHAVEN PARKWAY S. ANDREWS SURVEY 4, 10 & B. S. JORDAN SURVEY 4-101P		
THE COLONY, DENTON COUNTY, TEXAS		
DATE: 11/15/2023	SHEET: 1 OF 1	PROJECT: 23-0017
ALC	NOS	08/09/2023
ADAMS	ADAMS	JANUARY 2024



AUSTIN RANCH
 WINDHAVEN PARKWAY - 120' R.O.W.
 SECTION