

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Ronald Lustig, for Approval of a Request to Rezone Approximately 0.28 Acres from “RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District to “PD” – Planned Development District and “H” – Historic Preservation Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of Barnes Street and Griffin Street.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the June 21, 2011 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to the fact that the current lot is buildable in its current state without the need for a rezoning request and due to nonconformance to the City of McKinney’s Comprehensive Plan.

**APPLICATION SUBMITTAL DATE:** April 25, 2011 (Original Application)  
May 12, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 0.28 acres of land, located on the northwest corner of Barnes Street and Griffin Street (612 Barnes) from “RS 60” – Single Family Residence District to “PD” – Planned Development District, generally to modify the development standards. The applicant is proposing to reduce the required lot width, density, and front yard setback for Griffin Street to accommodate two single family residential lots on the subject property.

**PLATTING STATUS:** The subject property is currently platted as Lot 458C of the McKinney Outlots. The applicant has stated that he intends to subdivide the current lot into two lots facing Barnes Street should the proposed rezoning request be approved. The applicant will need to submit a plat should the two lot configuration be pursued, subject to review and approval by the Director of Planning, to be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

**ZONING NOTIFICATION SIGNS:** The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: “RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District

North	“RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District	Single Home	Family	Residential
South	“RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District	Single Home	Family	Residential
East	“RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District	Single Home	Family	Residential
West	“RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District	Single Home	Family	Residential

Discussion: The subject property and the surrounding vicinity are consistently zoned “RS 60” – Single Family Residence District, and the subject property is located on the western edge of the “H” – Historic Preservation Overlay District. The typical lots sizes in the immediate area range from approximately 50 feet in width to over 60 feet in width.

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District to “PD” – Planned Development District and “H” – Historic Preservation Overlay District, generally to modify the development standards.

The subject property is a single, platted lot approximately 126.26 feet deep and 96.03 feet wide. These lot dimensions meet the minimum size requirements of the governing zoning district. A house was recently demolished on the lot so it is currently only features grass with large trees around the perimeter. The applicant intends to subdivide the lot into two smaller lots that would front off of Barnes Street, but the subdivision is not currently possible due to the governing zoning district’s minimum lot width (50’) and maximum density. The two lots would be slightly narrower along the east side of the subject property (approximately 48.02 feet) than on the west (approximately 49.50 feet) since the current lot is not perfectly rectangular. Also, the applicant is proposing to provide a 15-foot setback off of Griffin Street to provide a larger building pad for the

southern house should the proposed rezoning request be approved and the single lot be subdivided into two lots.

The subject property is located within the Town Center Module of the Future Land Use Plan Modules Diagram of the City of McKinney's Comprehensive Plan. This module recognizes the need for quality infill development as well as the unique challenges associated with development within the Town Center. The applicant could construct a single home on the subject property without the proposed rezoning request. However, because the applicant intends to construct two homes on the subject property even though one house could be constructed without a rezoning request, the proposed rezoning request is needed so that two lots can be created with adequate building pads for their desired product type.

Furthermore, the subject property is designated for low density residential uses on the Future Land Use Plan in the City of McKinney's Comprehensive Plan. The Comprehensive Plan indicates that low density residential uses shall be typified by single family homes with a density of up to 3.5 dwelling units per acre. If the applicant were to construct one house on the subject property, as currently allowed for by the governing zoning district, the subject property would have a density of 3.53 dwelling units per acre. Constructing two houses on the subject property would result in a density of 7.07 dwelling units per acre.

Staff recommends denial of the proposed rezoning request due to the fact that the current lot is buildable in its current state without the need for a rezoning request and due to nonconformance to the City of McKinney's Comprehensive Plan.

Should the proposed rezoning request be approved, the applicant would need the following special ordinance provisions to develop the property per the current proposal:

Use and development of the subject property conform to "RS 60" – Single Family Residence District and "H" – Historic Preservation Overlay District, and as amended, except as follows:

1. The minimum lot width be provided according to the attached zoning exhibit.
2. The front yard setback on Griffin Street be 15 feet.
3. The maximum density be 7.1 dwelling units per acre.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for Low Density Residential uses. The Future Land Use Plan Modules Diagram designates the subject property as Town Center within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- Comprehensive Plan Goals and Objectives: Staff feels that the proposed rezoning request is generally consistent with the goals and objectives of the Comprehensive Plan. One goal of the Comprehensive Plan is to provide “Land Use Compatibility and Mix” through the stated objective to “Consider Real Estate Market Forces.” The applicant has indicated that the current real estate market is more suitable for smaller homes in this area, which the applicant intends to construct.

The subject property is located within the Town Center Study area and, more specifically, outside of the “CHD” – Commercial Historic District but within the “H” – Historic Preservation Overlay District. Another goal of the Comprehensive Plan is to “[Preserve] Historic McKinney” through the stated objective of “Infill Development for Historic McKinney.” Since the subject property is in the middle of an existing residential neighborhood within the “H” – Historic Preservation Overlay District, the applicant’s construction of two new homes would provide infill development on a vacant lot. The same could be said of the construction of a single home on the subject property. The goals of the “H” – Historic Preservation Overlay District per the Zoning Ordinance are as follows:

1. Protect and enhance the district and landmarks, which represent distinctive elements of the city's historic, architectural and cultural heritage;
  2. Foster civic pride in the accomplishments of the past;
  3. Protect and enhance the city's attractiveness to visitors and the support and stimulus to the economy thereby provided;
  4. Ensure the harmonious, orderly and efficient growth and development of the city;
  5. Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city; and
  6. Stabilize and improve the values of such properties.
- Impact on Infrastructure: The Future Land Use Plan designates the subject property generally for low density residential uses. The water master plan, sewer master plan, and master thoroughfare plan are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request should have a minimal impact on the existing and planned water, sewer, and thoroughfare plans in the area since it does not propose to change the base zoning district of “RS 60” for the subject property. Constructing two homes where one could be constructed otherwise will double the demand on the infrastructure in the area. However, the infrastructure in the area should be of adequate size to handle the capacity of an additional residential lot. As such, the

impact on infrastructure is not a determining factor in Staff's recommendation of denial.

- Impact on Public Facilities/Services: Similar to infrastructure, public facilities and services such as schools, fire and police, libraries, parks and sanitation services are all planned for based on the anticipated land uses shown on the Future Land Use Plan. The Future Land Use Plan designates the subject property generally for low density residential uses. Also similar to infrastructure, constructing two homes where one could be constructed otherwise will double the impact on public facilities and services, but Staff feels that the public facilities and services in the area are sufficient to accommodate the additional residential lot. As such, the impact on public facilities and services is not a determining factor in Staff's recommendation of denial.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is currently zoned for residential uses within a residential neighborhood. Since the proposed rezoning request does not propose to change the base zoning district of the subject property, compatibility with existing and potential adjacent land uses is not a determining factor in Staff's recommendation of denial.
- Fiscal Analysis: Staff feels that there will not be a significant change in the economic impact associated with the proposed rezoning request since it does not propose to alter the base zoning district. Staff did not perform a fiscal analysis for this case because the rezoning request does not propose to alter the base zoning district of the subject property.
- Concentration of a Use: The subject property is currently zoned for residential uses within a residential neighborhood. Since the proposed rezoning request does not propose change the base zoning district of the subject property, concentration of use is not a determining factor in Staff's recommendation of denial.

**CONFORMANCE TO THE MASTER PARK PLAN (MPP):** The proposed rezoning request does not conflict with the Master Park Plan.

**CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP):** The proposed rezoning request does not conflict with the Master Thoroughfare Plan.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received significant comments in opposition to the proposed rezoning request. One resident called in opposition citing concerns that placing two homes on the lot would be too much. Several other nearby residents have sent emails voicing their opposition, and those are attached.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Emails in Opposition
- Proposed Zoning Exhibit
- Planning and Zoning Commission PowerPoint Presentation