

PLANNING & ZONING COMMISSION MEETING OF 12-11-12 AGENDA ITEM #12-191Z2

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Alex Glushko, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by J Rose Architecture, on Behalf of Bungalow Builders, 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 January 15, 2013 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:** October 15, 2012 (Original Application)  
October 25, 2012 (Revised Submittal)  
November 16, 2012 (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 and “H” – Historic Preservation Overlay District to “PD” – Planned Development District and “H” – Historic Preservation Overlay District, generally to modify the development standards. The applicant is proposing to reduce the required lot depth in order to subdivide the existing residential lot into two single family residential lots.

On June 21, 2011, the City Council denied a similar rezoning request by the applicant on the subject property. With that rezoning request (11-060Z) the applicant was requesting to rezone the subject property in order to propose a lot orientation that faced east, toward Barnes Street, and were requesting a reduction of lot width, a reduction in the front yard setback, and an increase in the maximum density requirement. The

Planning and Zoning Commission unanimously recommended denial of the proposed rezoning request and the City Council voted unanimously to deny the rezoning request.

With this rezoning request, the applicant is proposing a lot orientation facing south, toward Griffin Street, and is requesting a reduction of lot depth and an increase in the maximum allowed density. This item, as is currently proposed, was tabled at the November 13, 2012 Planning and Zoning Commission meeting due to public hearing notification signs not being posted on the subject property by the applicant in the timeframe as required by the Zoning Ordinance.

**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 Griffin Street should the proposed rezoning request be approved. The applicant will need to submit a record plat(s) 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 Family Residential Home
South	"RS 60" – Single Family Residence District and "H" – Historic Preservation Overlay District	Single Family Residential Home
East	"RS 60" – Single Family Residence District and "H" – Historic Preservation Overlay District	Single Family Residential Home
West	"RS 60" – Single Family Residence District	Single Family Residential Home

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 lot widths in the immediate area range from approximately 50 feet in width to over 60 feet in width.

## **ACCESS/CIRCULATION:**

Adjacent Streets: Barnes Street, 38' Right-of-Way, Residential Street

Griffin Street, 39' Right-of-Way, Residential Street

Discussion: The applicant is proposing two lots that will front onto Griffin Street. Although the existing right-of-way is 39 feet, there is currently only approximately 20 feet of pavement. Staff has concerns that by reorienting the lots away from the improved Barnes Street and facing those towards a smaller pavement section, the additional density proposed by the applicant will negatively impact circulation in this area.

**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 to allow for the development of two single family residences on two lots.

The subject property is a single, platted lot which is approximately 126 feet deep and 96 feet wide. While these lot dimensions meet the minimum size requirements (100 feet deep and 50 feet wide) of the governing zoning district, subdividing the existing oversized lot into two smaller lots will require the approval of a rezoning request as two lots meeting the minimum size requirements of the zoning district cannot be created. A house was demolished in 2010 on the lot with only the existing trees remaining around the perimeter of where the house once stood. Should the proposed rezoning request be approved and an additional lot/house be allowed on the subject property, existing trees may need to be removed from the site.

The applicant is requesting to modify the minimum required lot depth from 100 feet to 96 feet in order to subdivide the lot into two smaller lots that would be reoriented away from Barnes Street and front onto Griffin Street. The two lots would be less than the required depth, approximately 97 feet in depth on proposed Lot 1, approximately 98 feet in depth on proposed Lot 2.

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, the applicant is requesting the ability to reduce the minimum required lot depths to construct two homes on the subject property.

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. The “RS 60” – Single Family Residential District indicates a maximum density of 7.0 dwelling units per acres. 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, exceeding the maximum density allowed per the “RS 60” – Single Family Residence District regulations.

Lastly, Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance states that no proposed PD District ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. It goes on to state that exceptional quality or innovation could come in many forms including, but not limited to enhanced landscaping, creative site or architectural designs, or some other innovative element(s). While the applicant has provided conceptual elevations for consideration, these elevations do not reflect any particular increase in quality. That being said, the City does not currently have any architectural regulations pertaining to single family residential development and any conceptual regulations that are attached to the proposed PD District ordinance will go above and beyond the current regulations to ensure a quality design. As such, Staff is generally comfortable that the requirements of Section 146-94 of the Zoning Ordinance have been satisfied.

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 depth be 96 feet.
2. The maximum density be 7.1 dwelling units per acre.
3. The character of any home(s) constructed on the subject property shall generally conform to the attached building elevations. Furthermore, any proposed structure shall receive the Historic Preservation Officer’s approval of a certificate of appropriateness in accordance with the “H” – Historic Preservation Overlay District regulations, and as amended, prior to construction.

**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.”

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 increase the demand on the infrastructure in the area. However, the infrastructure in the area should be of adequate size to handle the capacity of one 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 increase the impact on public facilities and services, but Staff feels that the public facilities and services in the area are sufficient to accommodate one 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:** At the November 13, 2012 Planning and Zoning Commission meeting, when this item was tabled, the public hearing was held and one property owner spoke in opposition to the request, stating that the proposed density would not be consistent with the existing neighborhood. Additionally, at the time when the similar case (11-060Z) was considered several property owners spoke in opposition to the rezoning request. Staff has received no additional comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- PZ Minutes 5.24.11
- CC Minutes 6.21.11
- Maps
- Letter of Intent
- Proposed Zoning Exhibit A - Layout
- Proposed Zoning Exhibit B - Elevations
- PowerPoint Presentation