

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Senior Planner

**FROM:** Anthony Satarino, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dunhill Homes, on Behalf of Graham Mortgage Corporation, for Approval of a Request to Rezone Approximately 13.07 Acres from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the West Side of Hardin Boulevard and Approximately 1,050 Feet North of U.S. Highway 380 (University Drive).

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the November 15, 2011 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:

1. Use and development of the subject property shall conform to "PD" – Planned Development District Ordinance No. 2006-11-131, except as follows:
  - a. The minimum rear yard setback shall be 20 feet.
  - b. A covered patio may encroach into the rear yard setback no more than eight feet.
  - c. Each single family dwelling unit shall have a minimum of 90% masonry on each side of the primary structure.
  - d. A minimum of one canopy tree shall be provided in the front yard and a minimum of two canopy trees shall be provided in the rear yard of each single family lot.

**APPLICATION SUBMITTAL DATE:** August 29, 2011 (Original Application)  
September 12, 2011 (Revised Submittal)  
September 23, 2011 (Revised Submittal)  
September 28, 2011 (Revised Submittal)  
October 12, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone 80 single family residential lots, totaling approximately 13.07 acres, generally to modify the rear yard setback for residential structures and covered porches, provide a minimum masonry percentage for each structure, and to enhance the landscaping on each lot. The subject property is part of a larger platted residential subdivision, the Heritage Bend Addition.

Per the letter of intent, the applicant feels the reduction in the rear yard setback would allow the flexibility to offer a greater variety of designs and floor plans in order to accommodate market demand and preferences, including front and rear porch options. The applicant believes that the current rear yard setback requirements limit their designs in a way that is hindering sales. Furthermore, the applicant believes that the request, if granted, will increase sales without negatively impacting the quality of the neighborhood.

**BACKGROUND INFORMATION:** The Heritage Bend subdivision is a traditional suburban neighborhood, with lots ranging in size from 6,011 to 12,850 square feet; with a little over half of the homes within the subdivision already constructed (103 out of 183 lots have been built upon).

The subject property was rezoned in 2006 (PD 2006-11-131) in order to amend Planned Development District Ordinance No. 1687, which stipulated a base zoning district of "RS 60" - Single Family Residence District for the subject property. The ordinance from 2006 increased the maximum lot coverage for the property from 40% to 50% in exchange for a reduction in the density of multiple family units to the southeast of the property from 24 units per acre to 20 units per acre (a reduction of approximately 151 units). At that time the applicant indicated the increase in lot coverage by 10% would enable them to develop slightly larger homes and a higher quality of development within the Heritage Bend Subdivision, without compromising the approved layout and density.

Subsequent to the rezone in 2006, the applicant discovered that only increasing the lot coverage by 10% did not fully accommodate all of the available building plans and footprints, and are now requesting a modification to the rear yard setback for residential structures and covered porches in order to provide a greater variety of floor plans and amenities. As stated previously, the applicant is also including provisions to enhance the landscaping on each lot and provide a minimum masonry percentage for the residential structures.

**ZONING NOTIFICATION SIGNS:** The applicant has posted zoning notification signs on the subject property, as specified within Section 41-233 of the City of McKinney Zoning Ordinance.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: "PD" – Planned Development District Ordinance No. 2006-11-131  
(Single Family Residential Uses)

North

"AG" – Agricultural District

Undeveloped Land

South	“PD” – Planned Development District Ordinance No. 1687 (Commercial Uses)	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 1687 (Single Family Residential Uses)	Single Family Residential Subdivision (President’s Point, Phase 1)
West	“AG” – Agricultural District	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards within the Heritage Bend Subdivision. The applicant has requested the following special ordinance provisions be included in the request:

1. Use and development of the subject property shall conform to “PD” – Planned Development District Ordinance No. 2006-11-131, except as follows:
  - a. The minimum rear yard setback shall be 20 feet.
    - The current planned development ordinance (2006-11-131) specifies a base zoning designation for the subject property of “RS 60” – Single Family Residence District, which requires a rear yard building setback of 25 feet. The applicant is requesting to reduce the rear yard setback to 20 feet on each of the lots shown on Exhibit A, attached.
    - The applicant feels the reduction in the rear yard setback, coupled with the increased lot coverage that was previously approved, would allow the flexibility to offer a greater variety of designs and floor plans in order to accommodate market demand and preferences. The applicant believes that the current rear yard setback requirements limit their designs in a way that is hindering sales. Similar reductions in rear yard setbacks are found throughout the City of McKinney in developments where the reduction of said setback will not negatively affect the character and the perceived density of the Heritage Bend residential development or its surrounding properties. As such, Staff is comfortable recommending approval of this request.
  - b. A covered patio may encroach into the rear yard setback no more than eight feet.

- The applicant is proposing to allow an optional covered porch to extend 8' beyond the rear yard setback. By ordinance, a covered porch attached to a single family residential structure must also comply with the rear yard setback, as it is considered part of the primary structure.
  - The applicant has indicated that an 8' deep covered porch can provide a nice outdoor amenity that is large enough to provide usable outdoor space for the resident. Coupled with the additional landscaping proposed by the applicant in the rear yard, Staff does not feel the optional covered porch will negatively impact the adjacent lots, and is comfortable supporting this request.
- c. Each single family dwelling unit shall have a minimum of 90% masonry on each side of the primary structure.
- The applicant is requesting a provision be included requiring a minimum masonry percentage of 90% on all sides of the primary structure. Per the Architectural Standards section of the Zoning Ordinance, there is no minimum masonry requirement for single family dwelling units. The applicant feels this request can help ensure high quality homes continue to be built as the community is finished out. As such, Staff is in support of this request.
- d. A minimum of one canopy tree shall be provided in the front yard and a minimum of two canopy trees shall be provided in the rear yard of each single family lot.
- The Landscape Section of the Zoning Ordinance requires two canopy trees per lot (providing at least one of the trees in the front yard). The applicant is requesting to modify this requirement to require one canopy tree in the front yard and two canopy trees in the rear yard. The applicant feels this provision can enhance the landscaping on each of the remaining lots, while mitigating any potential negative effects of the reduced rear yard on lots that adjoin to existing homes. As such, Staff is in support of this request.

Staff is supportive of the applicant's desire to provide a high quality, diverse, and unique housing product within the Heritage Bend subdivision, and recommends approval of the rezoning request as outlined above.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses; however, the subject property was rezoned in 1986 (PD 1687) for single family residential uses. The Future Land Use Plan modules diagram designates the subject property as regional commercial 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: Development of the subject property as single family residential is in keeping with the current zoning of the property and also meets the requirements set out in the Comprehensive Plan.
- Impact on Infrastructure: 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 alter the base zoning designation of the subject property.
- Impact on Public Facilities/Services: Similar to the infrastructure plans mentioned above, the public facilities/services are all based on the anticipated land uses as shown on the Future Land Use Plan. The proposed rezoning request should not have an impact on public services, such as schools, fire and police, libraries, parks and sanitation services since the proposed rezoning request does not propose to alter the base zoning designation of the subject property.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is adjacent to currently undeveloped land (zoned for agricultural uses to the north and west and commercial uses to the south) and an existing single family residential subdivision (President's Point) to the east. Since this rezoning request does not change the use of the property, but rather modifies the development provisions, the property should remain compatible with potential adjacent land uses.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the proposed rezoning request does not propose to alter the base residential zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over-concentration of residential uses in the area as the number of lots is not increasing with this request.

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

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

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received a few phone calls from residents within the Heritage Bend subdivision to inquire as to what the applicant is proposing. Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Maps

- Letter of Intent
- Existing “PD” – Planned Development District Ordinance No. 2006-11-131
- Proposed Zoning Exhibit A – Lots Included in the Request
- Proposed Zoning Exhibit B – Lot Details
- PowerPoint Presentation