

PLANNING & ZONING COMMISSION MEETING OF 11-13-12 AGENDA ITEM #12-175Z

**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 North Collin County Habitat for Humanity, for Approval of a Request to Rezone Approximately 0.46 Acres from "RS 60" – Single Family Residence District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the Northwest Corner of Lively Hill and Monterey Street

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the December 4, 2012 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 the regulations of "RS 60" – Single Family Residential District, and as amended, except as follows:
  - a) Minimum lot width shall be 46 feet.

**APPLICATION SUBMITTAL DATE:** September 21, 2012 (Original Application)  
October 29, 2012 (Revised Submittal)  
November 7, 2012 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to rezone approximately 0.46 acres of land, located on the northwest corner of Lively Hill and Monterey Street from "RS 60" – Single Family Residence District to "PD" – Planned Development District, generally to modify the development standards, allowing for the reorientation of three existing single family residential lots. In order to reorient the lots to face Lively Hill the applicant is requesting to reduce the minimum lot width requirement from 50 feet to approximately 46 feet.

**PLATTING STATUS:** The subject property is currently platted as Lots 3-5, Block 3, of the Ditto and Hight Addition. If the proposed rezoning request is approved an amending plat, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit. The

corresponding plat will need to include approximately 7.5 feet of right-of-way dedication for Monterey Street, as reflected on the zoning exhibit.

**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

North	"RS 60" – Single Family Residence District	Single Family Residence and Vacant Lot
South	"RS 60" – Single Family Residence District	Single Family Residence
East	"RS 60" – Single Family Residence District	Vacant Lot
West	"RS 60" – Single Family Residence District	Vacant Lot

**ACCESS/CIRCULATION:**

Adjacent Streets: Lively Hill, 40' Right-of-Way, Local Residential Street

Monterey Street, 25' Right-of-Way, Unimproved Local Residential Street

Discussion: The applicant is proposing to rezone the subject property in order to reorient three existing lots to front Lively Hill, which is an improved roadway section that was reconstructed by the City in 2002 as part of the Capital Improvement Program (CIP).

**PROPOSED ZONING:** The applicant is proposing to rezone approximately 0.46 acres of land, located on the northwest corner of Lively Hill and Monterey Street from "RS 60" – Single Family Residence District to "PD" – Planned Development District, generally to modify the development standards, allowing for the reorientation of three existing single family residential lots.

The subject property is currently platted as three residential lots, two of which are approximately 148 feet deep and 50 feet wide, and one of which is approximately 148 feet deep and 35 feet (legal non-conforming lot) wide due to a 16.5 foot right-of-way dedication for Lively Hill that took place in 2002. Currently, the lots front onto an

unimproved gravel driveway within public right-of-way (Monterey Street) that serves an adjacent single family residence.

The applicant is proposing to reorient these three lots to front onto the recently improved Lively Hill. Under the proposed configuration and governing “RS 60” – Single Family Residence District regulations, the applicant exceeds the minimum space limits for depth (135 feet vs. 100 feet) and lot size (6,200 square feet vs. 6,000 square feet), but is unable to meet the required minimum lot width of 50 feet. Thus, the applicant has requested the reduction to a minimum lot width of 46 feet. Furthermore, the applicant has stated that they will still be able to meet all the minimum required setbacks of the “RS 60” – Single Family Residence District.

Staff is comfortable supporting the request as the proposed lot reorientation will allow each of the lots to front on an improved street (Lively Hill), which in turn allows for improved emergency access to each of the lots. Additionally, since the applicant is not requesting an increase in the number of allowed units/lots, the proposed rezoning request will not increase the overall density of the area.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for low density residential uses. The FLUP 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:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed rezoning request would help the community attain the goal of the “Preservation of Historic McKinney” through the stated objective of the Comprehensive Plan: “Infill development for Historic McKinney.” The proposed rezoning request would also help the community attain the goal of “Land Use Compatibility and Mix” through the stated objective of the Comprehensive Plan, “Consider real estate market forces.”
- **Specific Area Plans and Studies:** The subject property is located within the boundaries of the Town Center Study. In March 2008, City Council approved the Phase 1 Report and adopted amendments to the Comprehensive Plan to include references to the Town Center vision. In doing so, the Town Center Study serves as a long-term planning and policy guide for city officials, property owners, and private developers. The proposed rezoning request is consistent with the Town Center Study in that it preserves the single family residential pattern and encourages infill development.
- **Impact on Infrastructure:** The FLUP designates the subject property for low density residential uses. The water master plan, sewer master plan, and thoroughfare plan are all based on the anticipated land uses on the Future Land Use Plan. The proposed rezoning request should have no impact on the existing

and planned water, sewer and thoroughfare plans in the area, since the proposed rezoning request will not alter the land use from what is allowed on the subject property.

- Impact on Public Facilities/Services: The FLUP designates the subject property for low density residential uses. Similar to infrastructure, the proposed rezoning request should have no impact on public services, such as schools, fire, police, libraries, parks and sanitation services, since the proposed rezoning request will not alter the land use from what is allowed on the subject property.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are similarly zoned “RS 60” – Single Family Residence District. The proposed rezoning request will not alter the land use from what is existing on the subject property and is compatible with existing and potential adjacent single family residences.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not 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 land uses in the area as the subject property is located within a residential subdivision.

**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 no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Zoning Exhibit
- PowerPoint Presentation

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**Action:**