

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Anthony Satarino, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Creative Architects, on Behalf of Paul Sturkie, for Approval of a Request to Rezone Less than 1 Acre from “PD” – Planned Development District and “H” – Historic Preservation Overlay District to “PD” – Planned Development District and “H” – Historic Preservation Overlay District, Generally to Allow for a Townhome Development, Located on the Northeast Corner of Willie Street and Parker Street

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at July 16, 2013 meeting.

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

1. The subject property shall develop in accordance with Section 146-76 “RG 27” – General Residence Townhome District and Section 146-97 “H” – Historic Preservation Overly District, and as amended, except as follows:
  - a. The subject property shall conform to the space limits of the “RG 27” – General Residence Townhome District, except as follows:
    - i. Minimum lot depth: 85 feet
    - ii. Minimum lot width: 23 feet
    - iii. Minimum square footage of the lot: 1,950 square feet
    - iv. Minimum front yard: 12 feet; a 6 foot encroachment zone shall be permitted between the building setback and the property line in which porches, patios, and similar structures may be constructed.
    - v. Minimum rear yard: 18 feet
    - vi. Minimum side yard of interior lots: 0 feet
    - vii. Minimum side yard on corner lots: 12 feet
    - viii. Minimum separation between buildings: 20 feet
    - ix. Maximum allowed density: 16 units per acre



spoke in opposition to the proposed rezoning request (see attached minutes). The Planning and Zoning Commission tabled the item to the June 25, 2013 meeting in order for the applicant to have additional time to meet with the nearby residents. Subsequent to the meeting, the applicant met with some of the nearby residents and would like to move forward with the same special ordinance provisions previously heard by the Commission.

**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: “PD” – Planned Development District Ordinance No. 98-02-12 (Residential and Office Uses)

North	“PD” – Planned Development District No. 98-02-12 (Office Uses)	Collin County Cornerstone Christian Academy
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South	“AG” – Agricultural District	Single Family Residential Home and Undeveloped Property
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East	“RS 60” – Single Family Residential District	Single Family Residential Home
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West	“RS 60” – Single Family Residential District	Single Family Residential Homes
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**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District and “H” – Historic Preservation Overlay District to “PD” – Planned Development District and “H” – Historic Preservation Overlay District, generally to allow for a townhome development. The existing zoning on the property (“PD” – Planned Development District Ordinance No. 98-02-12, attached) allows for “O” – Office District uses as well as “RG 18” General Residence District Uses (including multi-family residential). As stated above, the proposed single-family dwelling attached (townhome) use is allowed by right per the governing zoning district; however, the applicant has requested to modify the space limits and architectural standards of the “RG 27” – General Residence District (townhome) development standards with the special ordinance provisions listed below:

1. The subject property shall develop in accordance with Section 146-76 “RG 27” – General Residence Townhome District and Section 146-97 “H” – Historic Preservation Overly District, and as amended, except as follows:

- a. The subject property shall conform to the space limits of the “RG 27” – General Residence Townhome District, except as follows:
  - i. Minimum lot depth: 85 feet
  - ii. Minimum lot width: 23 feet
  - iii. Minimum square footage of the lot: 1,950 square feet
  - iv. Minimum front yard: 12 feet; a 6 foot encroachment zone shall be permitted between the building setback and the property line in which porches, patios, and similar structures may be constructed.
  - v. Minimum rear yard: 18 feet
  - vi. Minimum side yard of interior lots: 0 feet
  - vii. Minimum side yard on corner lots: 12 feet
  - viii. Minimum separation between buildings: 20 feet
  - ix. Maximum allowed density: 16 units per acre
  - o Due to lot area and configuration constraints on the site, requesting the standard townhome development regulations of the Zoning Ordinance would make redevelopment of the property for townhome uses a challenge. Staff feels the requested space limit provisions will be both compatible with the surrounding properties and should not adversely affect the adjacent uses.
- b. Each wall of each building shall be finished with 100 percent masonry (excluding windows and doors). Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to slate, flagstone, granite, limestone and marble. The area of the exterior finish shall be calculated exclusive of doors and windows.
  - o Section 146-94(b) of the Zoning Ordinance states that no proposed PD District may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. The Ordinance goes on to state that exceptional quality may come in many forms including enhanced architectural design.
  - o Currently, Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance requires that the exterior finish on each side of every townhome units shall be a minimum of 85 percent brick, stone, or synthetic stone materials, with the remaining 15 percent of each side being wood lap siding, vinyl siding, stucco, cast concrete modular siding, or EIFS. The applicant will exceed this requirement by providing 100 percent masonry on each wall of the buildings.

- With the proposed character elevations, in conjunction with the 100 percent masonry requirements, Staff is comfortable with the proposed special ordinance provisions and feels that it satisfies the intent of the Zoning Ordinance's requirement.
- c. The character of any single-family attached development (townhome) shall generally conform to the attached architectural rendering (Zoning Exhibit B) and shall also be subject to Section 146-139 Architectural and Site Standards section of the Zoning Ordinance, as well as, subject to final review and approval by the Historic Preservation Officer in accordance with the "H" - Historic Preservation Overlay District.
  - The applicant has provided elevations (attached) that show the general architectural character of the townhome buildings. As part of the "H" – Historic Preservation Overlay District (Section 146-97 of the Zoning Ordinance), all new construction requires a Certificate of Appropriateness issued by the Historic Preservation Officer prior to the issuance of a building permit.
- d. The subject property shall conform to the requirements of Section 146-135 Landscape Requirements of the Zoning Ordinance, and as amended, except as follows:
  - i. Interior townhome lots shall have at least one (1) canopy tree within the front yard. If there is not adequate space for the second required canopy tree on the lot, said tree may be planted elsewhere on the subject property, along any of the street frontages, subject to the review and approval by the City's Landscape Architect.
  - Due to the modified front yard setback and lot width, adequate space on the interior townhome lots may not be available to plant the two (2) required canopy trees, as the canopies of these trees can become very large at maturity. In an effort to meet the intent of the Zoning Ordinance requirements, any interior lots that cannot plant both canopy trees on said lot, may be allowed to plant the second tree at another location on the subject property along the street frontages. Staff is in support of allowing the trees adequate room to grow to maturity along street frontages without reducing the number of trees provided across the entire development.

An existing building on a portion of the subject property along Parker Street contains four multi-family units and was constructed in 1983. At one time the entire property was utilized for multi-family uses; however, the other building was demolished in 2011. The applicant has indicated that the remaining multi-family building will continue to be used for multi-family residential for the time being and if redeveloped, would be subject to the

proposed townhome development standards. As proposed, office and multi-family uses will no longer be allowed on the site. The existing multi-family building will become a legally nonconforming use and may continue to operate indefinitely unless the use ceases to operate for a period longer than twelve months, and will follow the requirements of Section 146-40 (Nonconforming Uses and Nonconforming Structures) of the Zoning Ordinance.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office uses but has been utilized for multi-family residential uses since 1983. 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:** The proposed rezoning request is generally in conformance with the Comprehensive Plan Goals and Objectives. A main goal of the Comprehensive Plan is to provide “Land Use Compatibility and Mix” through the stated objectives of “Land Use Patterns that Complement One Another” and “Land Use Patterns that address Appropriate Transition and Mix of Uses.” The Goals and Objectives also discuss the “Preservation of Historic McKinney” and providing a “Well Planned Future.” Staff feels that all of these goals and objectives can be accomplished by the proposed rezoning request.
- **Specific Area Plan or Studies:** The subject property is located within the Town Center Study area and, more specifically, within the Historic Preservation Overlay District, but outside of the McKinney Town Center Zoning District (MTC). Staff feels that the proposed rezoning request is consistent with the Town Center Study Initiative and is an important project for the redevelopment of the Town Center Study area as detailed above. With the continued growth and renewal of the Town Center area, Staff will continue to look at the relationship between current citywide development standards and redevelopment standards as they relate to more established areas of the City.

The proposed townhome development represents an infill opportunity within McKinney’s Town Center Study area. As stated above, a main goal of the Comprehensive Plan is to provide a “Well Planned Future” through the stated objective of “Detailed Area Studies to Support the Comprehensive Plan.” City Council approved the Town Center Study Phase One Report in March 2008, and Phase Two of the Initiative has been on-going since that time. The Town Center Study Initiative is an extension of McKinney’s 2004 Comprehensive Plan and serves as a means by which potential policies and ordinances can be evaluated, recommended, and implemented in order to realize the goals and objectives expressed in the Comprehensive Plan and the Town Center Study Phase One Report. The Phase One Report provides a community-based vision to strategically redevelop and sustain the older sections of McKinney.

Staff believes that the proposed development is appropriate for the area in terms of scale, height, massing and use. Staff believes that the proposed townhome development provides an opportunity for infill redevelopment that is compatible with the existing developed area and can help preserve and enhance the surrounding historical neighborhoods.

- 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 the proposed use is currently allowed on the subject property.
- Impact on Public Facilities/Services: Public facilities and services such as schools, fire and police, libraries, parks and sanitation services are all planned for based on the anticipate land uses shown on the Future Land Use Plan. Although the Future Land Use Plan designates the subject property generally for office uses, the proposed residential use should have a minimal impact on public facilities and services since the property has been used for residential purposes since 1983.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is currently zoned for office, multiple family residential, and single family residential uses. The properties located adjacent to the subject property are zoned for similar residential and office uses. Staff believes this rezoning request is compatible with existing and potential adjacent land uses.
- Fiscal Analysis: The attached fiscal analysis shows a positive net cost benefit of \$3,963 using the full cost method for a total of 0.83 acres of single-family attached (townhome) use.
- Concentration of a Use: Currently, the surrounding properties are zoned for residential and office uses. Since the proposed use is currently allowed on the subject property, Staff does not feel that the proposed change would bring about an over concentration of this use.

**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 several phone calls from nearby residents inquiring about the proposed rezoning request. Staff has received one phone call in opposition to the request. Staff has also received one letter of opposition to the request (attached).

**ATTACHMENTS:**

- Maps
- Letter of Intent
- Existing “PD” - Planned Development District Ordinance No. 98-02-12
- Minutes of the May 14, 2013 Planning and Zoning Commission Meeting
- Letter of Opposition
- Fiscal Analysis
- Proposed Zoning Exhibit – Elevations
- Proposed Lot Layout (Informational Only)
- PowerPoint Presentation