

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Brandon Opiela, Planning Manager

FROM: Samantha Pickett, Planner II

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Properties from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Modify the Development Standards, Located on the Southwest Corner of Park Hill Lane and Harmony Lane (800 Harmony Lane) and on the Southwest Corner of Dorman Lane and Hermitage Lane (900 Hermitage Lane)

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the March 17, 2015 meeting.

STAFF RECOMMENDATION: In an effort to ensure consistency, Staff is of the opinion that the development regulations throughout the existing subdivision should remain the same. Additionally, the applicant has not indicated to Staff that a comparable product cannot be built on the lots with the existing setbacks. Furthermore, Staff has concerns that approval of this request may create a precedent of rezoning individual lots in other developments, the effects of which could be negative.

However, the applicant is requesting approval of the following special ordinance provisions:

1. The subject property shall develop in accordance with “PD” – Planned Development District Ordinance No. 2004-08-087, except as follows:
 - a. Tract 1 (900 Hermitage Lane) shall have a side yard at corner setback of 7 ½ feet.
 - b. Tract 2 (800 Harmony Lane) shall have a side yard at corner setback of 7 feet.

APPLICATION SUBMITTAL DATE: September 29, 2014 (Original Application)
January 12, 2015 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone two lots, Tract 1 (approximately 0.12 acres) and Tract 2 (approximately 0.14 acres), generally for single family detached residential uses. More specifically, the proposed rezoning request modifies the side yard at corner setbacks for both of the lots in the Chapel Hill Subdivision.

On February 10, 2015, the Planning and Zoning Commission voted 7-0-0 to continue the public hearing and table the item to the February 24, 2015 meeting due to public hearing notification signs not being posted on the subject property within the required timeframe.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" – Planned Development District Ordinance No. 2004-08-087(Single Family Residential Uses)	Chapel Hill Subdivision
North	"PD" – Planned Development District Ordinance No. 2004-08-087(Single Family Residential Uses)	Chapel Hill Subdivision
South	"PD" – Planned Development District Ordinance No. 2004-08-087(Single Family Residential Uses)	Chapel Hill Subdivision
East	"PD" – Planned Development District Ordinance No. 2004-08-087(Single Family Residential Uses)	Chapel Hill Subdivision
West	"PD" – Planned Development District Ordinance No. 2004-08-087(Single Family Residential Uses)	Chapel Hill Subdivision

PROPOSED ZONING: The applicant is requesting to rezone the subject properties generally to reduce the side at corner setback for two lots within the Chapel Hill Subdivision. The request includes reducing the side at corner setback on Tract 1 (900 Hermitage) from 10 feet to 7½ feet, and the side at corner setback on Tract 2 (800 Harmony Lane) from 10 feet to 7 feet. The letter of intent states that given the platted size of the lots, these two lots will have a smaller pad size than the remainder of the subdivision.

This type of request is difficult for Staff to support, given that both of the subject properties are not unbuildable lots and permit a slightly small house than some of the other homes within the subdivision. Additionally, there are other avenues available for the applicant to pursue in order to modify the lots, including requesting a variance to the setbacks from the City's Board of Adjustment. Staff has further concerns that by allowing these lots to rezone in order to reduce setbacks, it will disrupt the continuity and consistency of the homes with some set closer to street than others. It may also create the precedent of rezoning individual lots, after platting a subdivision, to modify setbacks and could have a negative effect on the neighboring lots and lead to additional similar rezoning requests.

Furthermore, Section 146-94 ("PD" – Planned Development District) 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. Staff feels that this requirement is already being met through the architectural and themed requirements outlined in the PD 2004-02-017, which will still apply should the rezoning request be approved. This was not a factor in Staff's recommendation of denial.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for medium 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 not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change is be at odds with the goal of "Attractive Hometown that Promotes McKinney's Character" through the stated objective of "homes and buildings complying with City standards and codes."
- **Impact on Infrastructure:** The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area, as the base zoning is not being modified.
- **Impact on Public Facilities/Services:** The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services, as the base zoning is not being modified.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property are zoned for similar residential uses, and as the proposed rezoning request will not alter the land use from what has been planned for the subject property, it should remain compatible.
- **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.

The attached "Land Use and Tax Base Summary" shows that Module 55 is currently comprised of approximately 51.9% residential uses and 48.1% non-residential uses (including commercial, mixed-use, institutional and agricultural uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 55 are comprised of approximately 44.7% from residential uses and 55.3% from non-residential uses (including commercial, mixed-use, institutional and agricultural uses). Estimated tax revenues by type in Module 55 are comprised of approximately 59% ad valorem taxes and 41% sales and use taxes.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of residential land uses in the area.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments or phone calls in support of or opposition to this request.

ATTACHMENTS:

- PZ Minutes 02.10.15
- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Land Use and Tax Base Summary
- Existing "PD" – Planned Development District Ordinance No. 2004-08-087
- Existing "PD" – Planned Development District Ordinance No. 2004-02-017
- Proposed Zoning Exhibit – Metes and Bounds
- PowerPoint Presentation