

**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 Less than 1 Acre 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 Allow for a Two Family Dwelling (Duplex), 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 March 5, 2013 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to the incompatibility of the proposed use with the existing surrounding zoning and uses, 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)  
January 17, 2013 (Revised Submittal)  
February 4, 2013 (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 allow for a two family dwelling (duplex).

On June 21, 2011, the City Council denied a 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.

At the December 11, 2012 Planning and Zoning Commission meeting, the applicant proposed a similar rezoning request that depicted two lots facing south, toward Griffin Street, and requested a reduction of lot depth and an increase in the maximum allowed density. However, the Planning and Zoning Commission voted to table this item indefinitely in order to give the applicant additional time to meet with the surrounding property owners and to give the applicant the opportunity to modify the request accordingly.

The applicant has since modified the request (considered by the Commission on December 11, 2012) for two lots on the property to remain as one lot and to change the base zoning district from “RS 60” - Single Family Residence District to “RD 30” – Duplex Residence District to allow for a duplex building on the subject property.

**PLATTING STATUS:** The subject property is currently platted as Lot 458C of the McKinney Outlots.

**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. A duplex use is not

currently allowed by right on the property, and requires approval of the rezoning request.

**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 one lot that will front onto Barnes Street, but will have one point of access off of 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 proposing access off of Griffin Street, in conjunction with the additional proposed density, the applicant will negatively impact circulation in this area.

**PROPOSED ZONING:** 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 allow for a two family dwelling (duplex).

The subject property is zoned for single family detached residence uses (RS 60) which does not allow for two family dwelling (duplex) uses. The subject property is surrounded by properties zoned for single family detached residences and the subject property previously had a single family detached house located on it until it was demolished in 2010. Staff has concerns with allowing a duplex use in the middle of properties zoned and used for single family detached residences. 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 3.52 dwelling units per acre. Constructing a duplex (two units) on the subject property would result in a density of 7.04 dwelling units per acre, exceeding the maximum density allowed per the existing "RS 60" – Single Family Residence District regulations.

Additionally, 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 to change the base zoning district of the subject property to allow for a two family dwelling (duplex) to be constructed.

Section 146-94 (PD - Planned Development District) of the City of McKinney's Zoning Ordinance states, "no proposed PD District ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. 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 elements(s)." To achieve the element of exceptional quality the applicant has proposed architectural construction that features many characteristics above and beyond that traditionally seen in modern two family dwelling (duplex) construction. The applicant has proposed architectural elements, including but not limited to antique English chimney pots, rising star leaded glass, arched brick corbels, king architectural metals, masonry expansion joints, arched windows, and exposed cedar beams and rafters. As such, Staff feels as though the applicant has satisfied the intent of the Ordinance and is not a determining factor in Staff's recommendation of denial.

As such, Staff recommends denial of the proposed rezoning request due to the incompatibility of the proposed use with the existing surrounding zoning and use, 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 "RD 30" – Duplex Residence District and "H" – Historic Preservation Overlay District, and as amended, except as follows:

1. The maximum density be 7.1 dwelling units per acre.
2. Any two family dwelling (duplex) constructed on the subject property shall generally conform to the attached site layout exhibit.
3. The character of any two family dwelling (duplex) 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 does not meet certain goals and objectives of the Comprehensive Plan, while it does meet others. One goal of the Comprehensive Plan is to provide “Land Use Compatibility and Mix” through the stated objective of “Land Use Patterns that Complement One Another.” Staff does not feel that two family dwelling (duplex) uses in an area surrounded by detached single family residential uses is necessarily a complementary land use pattern.

However, 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 a two family dwelling (duplex) would provide infill development on a vacant lot. On the other hand, 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. Constructing a two family dwelling (duplex) 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 unit. 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. Similar to infrastructure, constructing a two family dwelling (duplex) will increase the impact on public facilities and services; however, Staff feels that the public facilities and services in the area are sufficient to accommodate one additional residential unit. 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 single family detached residential uses within a single family detached residential neighborhood. Since the proposed rezoning requests to change the base zoning district of the subject property and allow for a differing type of residential use, two family dwelling (duplex), Staff feels that the proposed use is not compatible with the existing and potential adjacent land uses.
- 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 significantly alter the residential designation of the property, triggering a change in calculation of the fiscal analysis model.
- Concentration of a Use: The subject property is currently zoned for single family residential uses within a neighborhood. Since the proposed rezoning request is for a two family dwelling (duplex), there would not be an overconcentration of two family dwellings (duplex) in the area. Thus 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 (11-060Z) was first considered for two single family lots and subsequently 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.

At the December 11, 2012 Planning and Zoning Commission meeting, five individuals spoke in opposition to the proposed rezoning request for two single family lots, citing concerns about the proposed houses facing Griffin Street, increased traffic, changing the historic character of the neighborhood, reducing the large lots in the neighborhood, tree removal, and the precedent the rezoning request would set by subdividing larger lots into smaller lots within McKinney's Historic District.

Staff has received no additional comments or phone calls in support of or opposition to the latest request.

**ATTACHMENTS:**

- PZ Minutes 12.11.12
- CC Minutes 6.21.11
- PZ Minutes 5.24.11
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Zoning Exhibit – Site Layout
- Proposed Zoning Exhibit – Elevations
- PowerPoint Presentation