

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 Ringley & Associates, Inc., on Behalf of Andrew B. and Ann S. Harris, for Approval of a Request to Rezone Approximately 0.37 Acres, of the McKinney Original Donation, from "PD" – Planned Development District to "PD" – Planned Development District, Generally to Modify the Development Standards, Located on the East Side of Wood Street and on the West Side of Kentucky Street.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration on April 5, 2011.

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

1. The subject property be developed according to "RS 60" – Single Family Residence District and "H" – Historic Preservation Overlay District regulations, except as follows:
 - a. Lot 1
 - i. The front yard setback shall be a minimum of 23 feet.
 - b. Lot 2
 - i. The front yard setback shall be a minimum of 14 feet.
 - ii. The lot depth shall be a minimum of 73 feet.
2. One advertising sign be allowed to be attached to each structure to be no greater than four square feet in size.
3. The subject property shall generally develop according to the attached Zoning Exhibit.

APPLICATION SUBMITTAL DATE: February 7, 2011 (Original Application)
February 28, 2011 (Revised Submittal)
March 2, 2011 (Revised Submittal)
March 3, 2011 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 0.37 acres of land, located on the east side of Wood Street and on the west side of Kentucky Street Street, from “PD” – Planned Development District and “H” – Historic Preservation Overlay District to “PD” – Planned Development District and “H” – Historic Preservation Overlay District, generally for single family residential uses and to modify development standards.

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 No. 2004-10-113 and “H” – Historic Preservation Overlay District (Residential Uses)

North “BN” – Neighborhood Business District and “H” – Historic Preservation Overlay District Single Family Residences

South “PD” – Planned Development District Ordinance No. 2009-10-73 (residential uses) and “H” – Historic Preservation Overlay District Single Family Residences

East “BN” – Neighborhood Business District Single Family Residences

West “RD-30” – Duplex Residence District and “H” – Historic Preservation Overlay District Single Family Residences

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 modify development standards.

There are currently two existing single family residences on the subject property, with which the applicant has separate deeds for; however, the property is currently platted as a single lot in the McKinney Original Donation Addition. The applicant is proposing to formally subdivide the lot into two separate lots, in accordance with the City of McKinney Subdivision Ordinance, and has submitted an associated minor replat (11-

008MRP) for approval. As it is with many lots in the historic neighborhoods of McKinney, the lot sizes are smaller and the development patterns are much more dense than a typical neighborhood built today. In this particular case, subdividing the lot is not possible without modifying the minimum lot depth of one of the lots and the minimum front yard setback for both of the existing structures.

The special ordinance provisions listed below are necessary for the applicant to be able to plat the single family homes on their own lot and maintain a provision from the governing ordinance allowing a small amount of signage.

1. The subject property be developed according to “RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District regulations, except as follows:

- Under the current “PD” – Planned Development District, the base zoning district designation is “BN” –Neighborhood Business. Per the “BN” – Neighborhood Business guidelines, single family detached housing shall follow the “RS-60” – Single Family Residential District space limit standards.
- Since the property has been single family residences for many years and the applicant intends to maintain the residential character of the property, the applicant has requested a base zoning district designation of “RS-60” – Single Family Residential District, which Staff is comfortable supporting.

a. Lot 1

i. The front yard setback shall be a minimum of 23 feet.

- The minimum front yard setback in the “RS-60” – Single Family Residential zoning district is 25 feet.
- Due to the location of the existing house fronting Kentucky Street, which was constructed in 1945, the applicant is only able to provide approximately 23 feet for the front yard.
- Staff is comfortable supporting a modified front yard setback due to the existing structure on the property.

b. Lot 2

i. The front yard setback shall be a minimum of 14 feet.

- The minimum front yard setback in the “RS-60” – Single Family Residential zoning district is 25 feet.
- Due to the location of the existing house fronting Wood Street, which was constructed in 1930, the applicant is only able to provide approximately 14 feet for the front yard.
- Staff is comfortable supporting a modified front yard setback due to the existing structure on the property.

ii. The lot depth shall be a minimum of 73 feet.

- Per the “RS-60” – Single Family Residential District, the minimum lot depth is 100 feet.
- The current filed deed for Lot 2 shows a lot depth of approximately 69 feet. The applicant has proposed to increase the lot depth approximately 4 feet in order to meet the minimum lot area (6,000 square feet) of the “RS-60” – Single Family Residential District, but is still only able to meet the minimum lot depth of 100 feet on one of the lots.
- Staff is comfortable supporting a modified lot depth due to the undersized existing lot containing two single family residences.

2. One advertising sign be allowed to be attached to each structure to be no greater than four square feet in size.

- Although a home occupation is allowed in the “RS-60” – Single Family Residential District, signage for said use is prohibited. Home occupations are required to meet standards in order to maintain the residential character of the neighborhood while providing opportunities for home-based business. A home occupation does not allow advertising or signage to be associated with it, which would change the exterior of the residence and make it inconsistent with the typical appearance of a residential dwelling.
- This special ordinance provision is included in the governing “PD” – Planned Development District Ordinance No. 2004-10-113. The applicant has requested that this signage allowance be maintained for potential home occupation uses on the subject property. Because this provision was previously approved, Staff has no objections with keeping this special ordinance provision for the subject property.

3. The subject property shall generally develop according to the attached Zoning Exhibit.
 - Staff has attached an exhibit in order to fully illustrate the location of the existing residences and improvements on the property.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for Neighborhood Business 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, this rezoning request would help the community maintain the goal of “Attractive Hometown that Promotes McKinney’s Character” through a stated objective of the Comprehensive Plan, creating “Attractive and distinctive neighborhoods.”
- Specific Area Plans: Development of the subject property is subject to the “H” – Historic Preservation Overlay District. The Historic Preservation Overlay District has been established to protect and enhance the city’s attractiveness to visitors, to support the economy, and to promote the harmonious, orderly and efficient growth of the City. To this end, the applicant has not indicated any redevelopment plans for the two existing homes on the lot and wishes to preserve these structures.
- Specific Area Studies: The Town Center Study Initiative is a sector study of the oldest part of McKinney, called for as part of the 2004 Comprehensive Plan. McKinney’s Town Center contains residential neighborhoods and commercial districts that are well established, eclectic and historic. These places collectively form the core of the City and include some of the oldest developments in McKinney.

During Phase 1 (August 2006 through March 2008), City staff, a consultant team and more than 300 stakeholders, residents and property owners worked together to establish a bold, community-based vision for strategic and sustainable revitalization of McKinney’s Town Center over the long-term (5 to 30+ years).

In March 2008, the Town Center Study Phase 1 Report, Shared Vision, and Illustrative Master Plan were approved and adopted by reference into the Comprehensive Plan and now serve as a meaningful policy guide for city officials, staff, property owners, and private developers when considering decisions in the Town Center.

The Town Center Study specifically references the Kentucky/Tennessee Street Corridor on which the subject property is located. The North Kentucky Street corridor primarily has a residential character. The vision for the North Kentucky Street corridor (and specifically the west side of Kentucky Street) is to maintain the residential character while continuing to allow for the compatible coexistence of existing single-family residential uses with small scale neighborhood service uses. The study notes that much of the area was developed before the City of McKinney had adopted zoning regulations. As a result, development standards that are typical of contemporary suburban development (e.g. landscaping, parking, building setbacks, etc.) were not applied to this area during the time of development, which created some substandard street widths, smaller lot sizes and denser development patterns than are typically found in the less densely populated suburbs.

Staff feels that the proposed rezoning request will allow the subject property to continue to blend well with the character of the Kentucky/Tennessee Street Corridor in scale, architectural type and land use and is supported by the vision of the Town Center Study.

- 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. Since the proposed rezoning request does not alter the existing land use, the proposed rezoning request should not have an impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: The proposed rezoning should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services. The property is currently utilized for two single family residences and will continue to be used for residential purposes.
- Compatibility with Existing and Potential Adjacent Land Uses: The applicant is not proposing to change the existing use on the property, single family residential, and therefore remains compatible with the existing adjacent land uses. The majority of the properties located near the subject property are utilized for single family residences.
- 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 alter the existing land use. Staff did not perform a fiscal analysis for this case because the rezoning request does not propose to alter the existing land use on the subject property.
- Concentration of a Use: Since the existing land use (single family residential) is not changing, the proposed rezoning request should not result in an over concentration of residential land uses in the area.

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](#)
- [Aerial Exhibit](#)
- [Letter of Intent](#)
- [Property Owner Notice](#)
- [Property Owner Notification List](#)
- [Existing "PD" – Planned Development Ordinance No. 2004-10-113](#)
- [Proposed Zoning Exhibit](#)
- [PowerPoint Presentation](#)

Action: