

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Brooks Wilson, AICP, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Robert and Joyce Schwaller, for Approval of a Request to Rezone Approximately 0.41 Acres from “RS 60” – Single Family Residence District to “RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District, Located on the East Side of Church Street and Approximately 150 Feet South of Erwin Avenue.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action at the March 2, 2010 meeting.

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

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

**APPLICATION SUBMITTAL DATE:** December 14, 2009 (Original Application)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 0.41 acres of land, located on the East Side of Church Street and Approximately 150 Feet South of Erwin Avenue from “RS 60” – Single Family Residence District to “RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District.

**PLATTING STATUS:** The subject property is currently platted as Lot 80, Block 12 of the Coleman Addition.

**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 land
South	“RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District	Single family residence
East	“BN” – Neighborhood Business District	Single family residence
West	“RS 60” – Single Family Residence District	McKinney Free Will Baptist Church

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “RS 60” – Single Family Residence District to “RS 60” – Single Family Residence District and “H” – Historic Preservation Overlay District. If the rezoning request is approved by the City Council, the subject property would be subject to the rules and regulations set forth in Section 146-97 (H – Historic Preservation Overlay District) of the Zoning Ordinance.

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. The regulations set forth are intended to stabilize and improve the values of properties within the boundaries of the district by requiring a Certificate of Appropriateness to be issued by the Historic Preservation Officer for any construction, reconstruction, alteration, restoration, expansion or demolition of any exterior architectural feature of a building or structure that is visible from the public right-of-way. Ordinary maintenance and repainting does not require a certificate of appropriateness. The applicant has made significant mechanical improvements to the Arts and Crafts designed home. The applicant wishes to preserve and maintain the existing original wood siding, rooflines and trim to enhance its historical significance. The applicant is willing to be subject to the aforementioned regulations of the “H” – Historic Preservation Overlay District in the hopes that the designation will help protect the existing homestead as a property of historic importance.

The proposed rezoning request will not affect the allowed uses on the subject property and should not have any adverse impacts on any adjacent land uses whether existing or proposed in the future. As such, Staff is comfortable supporting the proposed rezoning request and is willing to expand the limits of the “H” – Historic Preservation Overlay District to include the subject property.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for residential and low density 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:

- 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 will have no negative impacts on the vision expressed in the Town Center Study.

Should the rezoning request be approved, the subject property will also be subject to the “H” – Historic Preservation Overlay District.

- 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: “Emphasis on McKinney’s historic and cultural resources.”
- Impact on Infrastructure: The FLUP designates the subject property for residential and low density 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 uses allowed on the subject property are not changing.
- Impact on Public Facilities/Services: The FLUP designates the subject property for residential and low density 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 zoned “RS 60” – Single Family Residence District and “BN” – Neighborhood Business. The adjacent land uses are generally residential in nature. 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 land uses.
- 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 or the proposed/existing land use.
- Concentration of a Use: 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
- Property Survey

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**Action:**