



Memorandum

Date: December 29, 2014

To: Bruce D. Glasscock, City Manager
Frank F. Turner, Deputy City Manager

From: Eric Hill, Development Review Manager

Subject: Zoning Case 2014-39

At its December 1, 2014, meeting, the Planning & Zoning Commission (P&Z) considered this zoning petition to rezone a 0.1± acre property from Light Commercial to Two-Family Residence (Duplex) and recommended approval with a vote of 7-0. Subsequent to that meeting, the applicant sold the property. Per the attached letters, the new property owner would like to continue to use the site for nonresidential purposes and is therefore requesting withdrawal of the pending zoning case. Staff has no objections to the withdrawal and recommends that the City Council accept the request to withdraw Zoning Case 2014-39.

Please let me know if you have questions.

XC: Paige Mims, City Attorney
Victoria Huynh, Deputy City Attorney
Christina Day, Director of Planning

December 24, 2014

Mr. Ross Altobelli
Planner
City of Plano
1520 K Avenue
Plano, TX 75074
via email - rossa@plano.gov

Re: Zoning at 1103 10th Street, Plano TX 75074

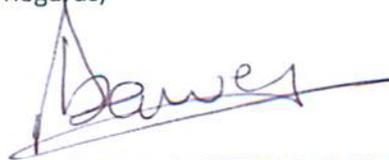
Dear Mr. Altobelli:

I am the current owner of the property at 1103 10th Street, Plano TX 75074. The property was purchased and closed on December 22, 2014.

The property is zoned LC. There was a petition by the previous owner to re-zone, which was withdrawn by letter to the city.

This letter is to confirm that we would like keep the current zoning of LC. I thank you for your understanding and consideration.

Regards,

A handwritten signature in blue ink that reads "Baweja". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Satinder Baweja (Sbaweja@milestone.us.com)

President
Milestone Terrain
1212 14th Street

December 22, 2014

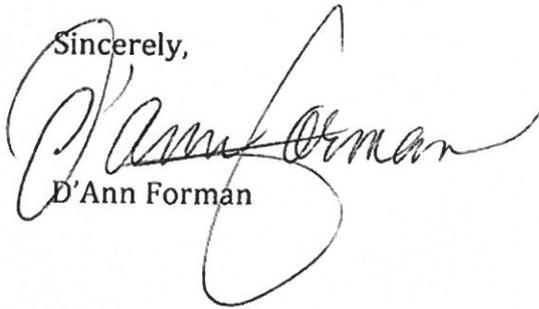
To: Ross Altobelli
Planner, City of Plano, TX

Re: Proposed Zoning Change: Zoning Case 2014-39

This letter is to inform you that I am officially requesting withdrawal of the petition to change the zoning to 2F at the property at 1103 10th St. in Plano, TX. We would like to keep the zoning of LC.

Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "D'Ann Forman", written in a cursive style. The signature is positioned above the printed name.

D'Ann Forman

DATE: December 2, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 1, 2014

**AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2014-39
APPLICANT: D'ANN FORMAN**

Request to rezone 0.1± acre located on the north side of 10th Street, 113± feet east of K Avenue from Light Commercial to Two-Family Residence (Duplex). Zoned Light Commercial.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as submitted.

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 3 **OPPOSE:** 1

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

FOR CITY COUNCIL MEETING OF: January 12, 2015 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

RA/ks

xc: D'Ann Forman

<http://goo.gl/maps/r4VnI>

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 1, 2014

Agenda Item No. 9

Public Hearing: Zoning Case 2014-39

Applicant: D'Ann Forman

DESCRIPTION:

Request to rezone 0.1± acre located on the north side of 10th Street, 113± feet east of K Avenue from Light Commercial to Two-Family Residence (Duplex). Zoned Light Commercial.

REMARKS:

The applicant is requesting to rezone 0.1± acre from Light Commercial (LC) to Two-Family Residence (Duplex) (2F) located on the north side of 10th Street, 113± feet east of K Avenue. The current zoning is LC. The LC district is intended to provide for a wide array of retail, office, and service uses to meet the needs of local residents and businesses. Some automobile related uses and limited assembly, which address local service and employment opportunities, are also included in LC districts.

The requested zoning is 2F. The 2F district is designed to provide for areas of two-family development that are consistent in design and in development patterns with typical single-family detached development. The 2F district is intended to encourage single-family ownership by permitting the division of a 2F lot along the common wall of the two residential units of a duplex. The property was initially developed as a single-family residence and the property was rezoned to LC in 2003. The applicant proposes to rezone the property in order to convert the structure back to a residential use and to incorporate the lot into the existing residential neighborhood.

In 2003, the City of Plano rezoned 66.4± acres of land along K Avenue, south of the Cottonbelt Railroad right-of-way to LC. This rezoning was a response to the DART purchase of the Union Pacific railroad for future public transit service. Properties which were previously zoned with industrial designations were rezoned to LC to create more consistent zoning with K Avenue corridor uses and development.

Since that time, the subject property has been used as a general office. The applicant is requesting to rezone the property to use it as a residence. Staff believes the request is appropriate as it is consistent with adjacent residential uses and it is an extension of

the existing 2F zoning district. The applicant's request is intended to bring the existing home into the surrounding residential neighborhood.

Surrounding Land Use and Zoning

The properties to the north and east are single-family residences zoned 2F. To the west is a single-family residence zoned LC and the property to the south is a vacant tract of land zoned 2F.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as General Commercial (GC). General Commercial areas are intended to provide a wide range of retail, service, office, light production and research and development uses. The proposed residential use is not in conformance with the Future Land Use Plan; however, there is an existing residential subdivision adjacent to the subject property.

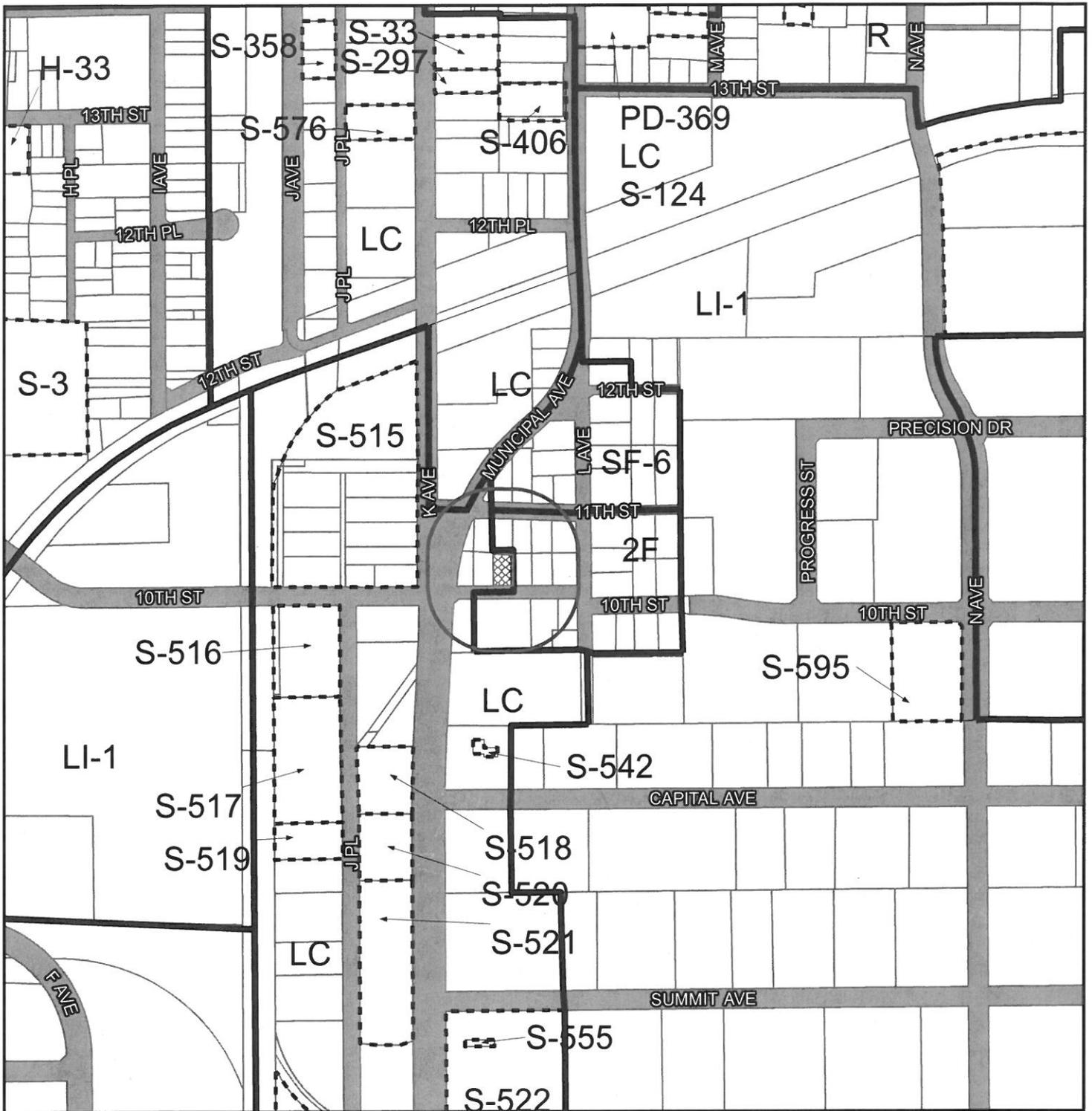
Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property.

SUMMARY:

This is a request to rezone 0.1± acre located on the north side of 10th Street, 113± feet east of K Avenue from LC to 2F. The proposed zoning request is not in conformance with the Future Land Use Plan. However, the request is consistent with the existing 2F zoning district and residential subdivision adjacent to the subject property. Therefore, staff supports the zoning request.

RECOMMENDATIONS:

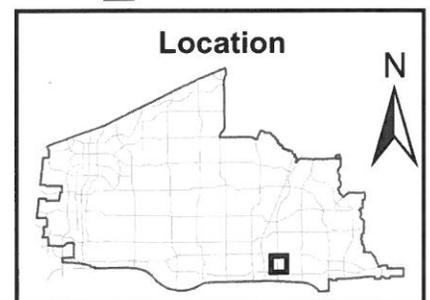
Recommended for approval as submitted.



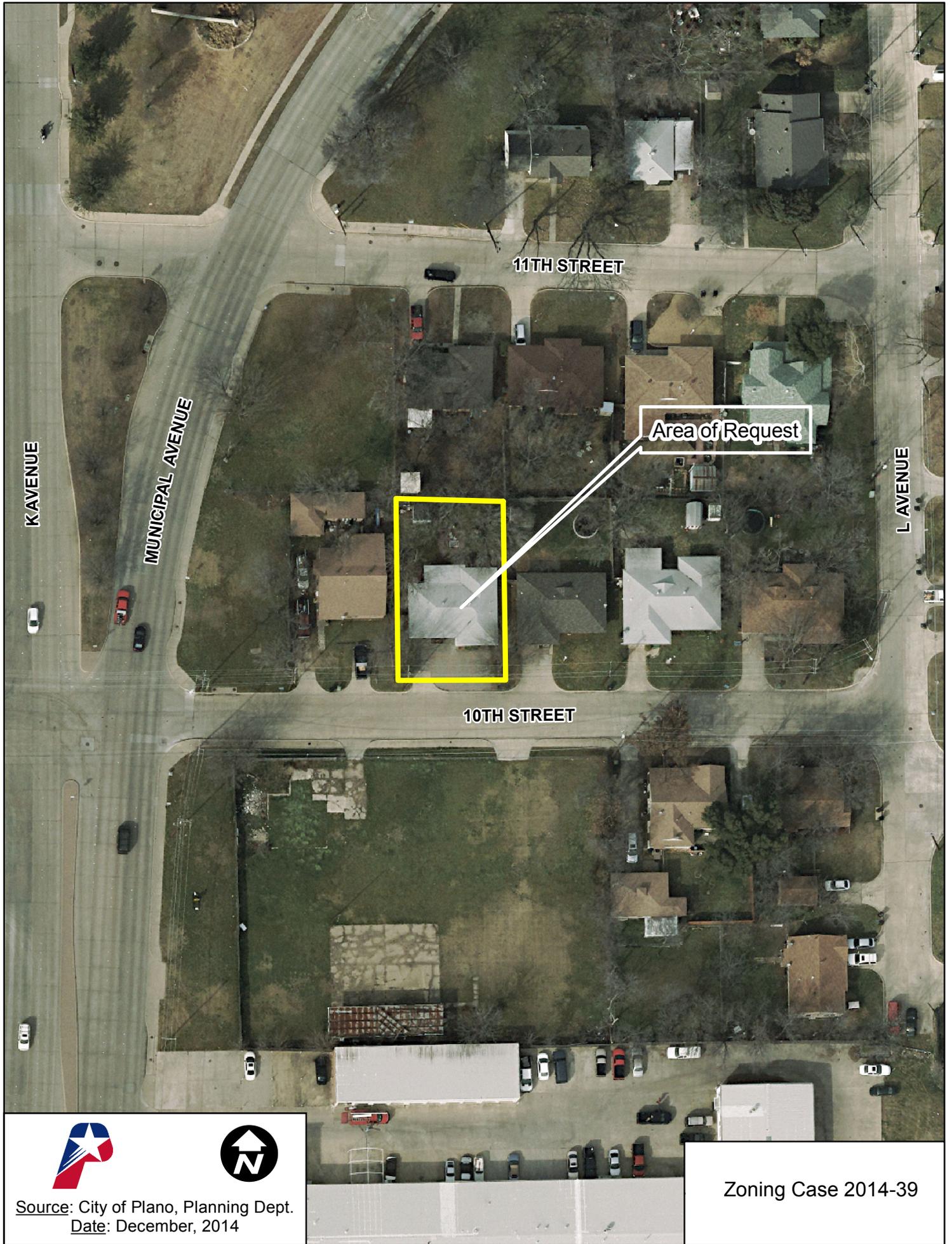
Zoning Case #: 2014-39

Existing Zoning: LIGHT COMMERCIAL

- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- - - City Limits
- - - Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department



K AVENUE

MUNICIPAL AVENUE

11TH STREET

Area of Request

L AVENUE

10TH STREET

Dees 11/12/2014 X:\Dept\P&Z Locators & Graphics\22014-39A.mxd



Source: City of Plano, Planning Dept.
Date: December, 2014

Zoning Case 2014-39

Zoning Case 2014-39

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 0.1± acre of land located on the north side of 10th Street, 113± feet east of K Avenue, being Lot 2A, Block 2 of Vendome Place Addition, in the City of Plano, Collin County, Texas, from Light Commercial to Two-Family Residence (Duplex); directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of January, 2015, for the purpose of considering rezoning 0.1± acre of land located on the north side of 10th Street, 113± feet east of K Avenue, being Lot 2A, Block 2 of Vendome Place Addition, in the City of Plano, Collin County, Texas, from Light Commercial to Two-Family Residence (Duplex); and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of January, 2015; and

WHEREAS, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to rezone 0.1± acre of land located on the north side of 10th Street, 113± feet east of K Avenue, being Lot 2A, Block 2 of Vendome Place Addition, in the City of Plano, Collin County, Texas, from Light Commercial to Two-Family Residence (Duplex), said property being described in the legal description on Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF JANUARY, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING CASE 2014-39

BEING Lot 2A, Block 2 of Vendome Place Addition, an addition to the City of Plano, Texas, according to the map thereof recorded in Volume 1, Page 31 of the Map Records of Collin County, Texas, and being the same tract of land conveyed to David L. Cole by Deed recorded in Volume 3123, Page 911, Deed Records, Collin County, Texas, and being more particularly described as follows:

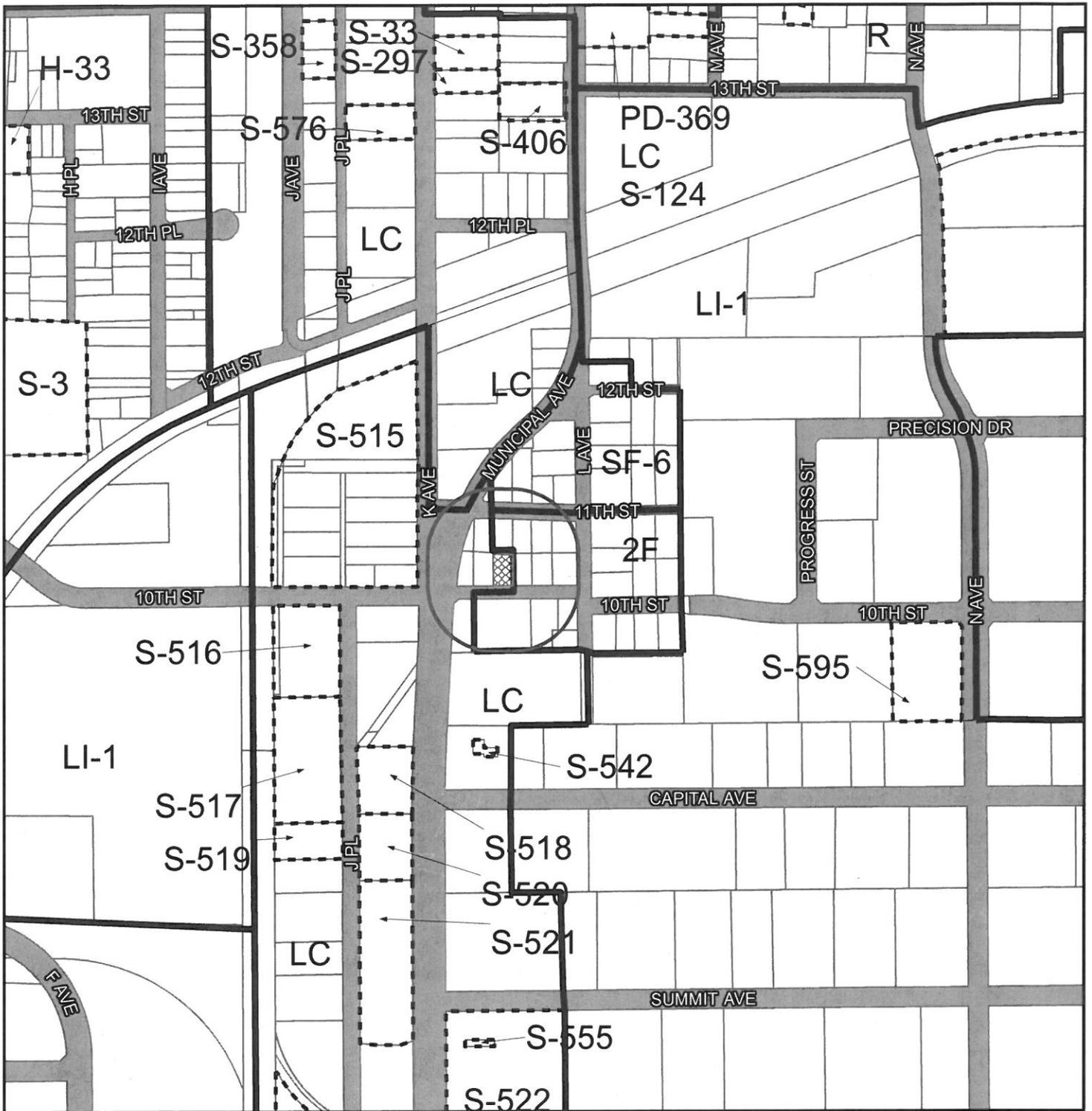
BEGINNING at a 1/2-inch iron rod found for corner in the north line of 10th Street (50 foot right-of-way), said corner being the southeast corner of said Lot 2A and the southwest corner of Lot 7A, Block 2 of said addition;

THENCE North, 89° 23' 00" West, along said north line of 10th Street, a distance of 59.75 feet to a 1/2-inch iron rod found for the southwest corner of said Lot 2A, and the southeast corner of Lot 2C, Block 2 of said addition;

THENCE North, 00° 33' 15" West, along the common line of said Lots 2A and 2C, a distance of 94.09 feet to a 1/2-inch iron rod found for the southeast corner of Lot 1C, Block 2, of said addition, same being the southwest corner of Lot 1A, Block 2, of said addition,

THENCE South, 89° 23' 00" East, along the common line of said Lots 2A and 1A, a distance of 60.06 feet to a 1/2-inch iron rod found for the southwest corner of Lot 8A, Block 2, of said addition, same being the northwest corner of Lot 7A, Block 2 of said addition;

THENCE South, 00° 23' 15" East, along the common line of said Lots 2A and 7A, a distance of 93.97 feet to the POINT OF BEGINNING and CONTAINING 0.129 acre or 5,637.29 square feet of land.



Zoning Case #: 2014-39

Existing Zoning: LIGHT COMMERCIAL

- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- - - City Limits
- - - Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department