DATE: January 21, 2015

TO: Honorable Mayor & City Council

FROM: Richard Grady, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of January 20, 2015

AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2014-49
APPLICANT: LYONS EQUITIES, INC., TRUSTEE TEXAS CORP.

Request for Specific Use Permit for Single-Family Residence Attached on 6.3± acres located on the south side of Park Boulevard, 115± feet west of Molly Lane. Zoned Planned Development-6-Retail.

APPROVED: 7-1 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 8

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 19

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: February 9, 2015 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

RA/ks

xc: Chris Lyons, Vice President, Lyons Equities, Inc., Trustee Texas Corp.
Mardy Brown, Texas Development Services

http://goo.gl/maps/svdo3

CITY OF PLANO

PLANNING & ZONING COMMISSION

January 20, 2015

Agenda Item No. 7A

Public Hearing: Zoning Case 2014-49

Applicant: Lyons Equities, Inc., Trustee Texas Corp.

DESCRIPTION:

Request for Specific Use Permit for Single-Family Residence Attached on 6.3± acres located on the south side of Park Boulevard, 115± feet west of Molly Lane. Zoned Planned Development-6-Retail.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Single-Family Residence Attached (SF-A). The subject property is an undeveloped tract located on the south side of Park Boulevard, 115± feet west of Molly Lane and is zoned Planned Development-6-Retail (PD-6-R). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling and warehousing. The R district allows SF-A development with approval of an SUP. The purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. SF-A developments are intended to provide for a variety of residential housing types and densities in the medium density range (five to ten units/acre) on individually-platted lots or multiple units on a single lot.

A preliminary site plan, Venetian Villas South, accompanies this SUP request as Agenda Item 7B.

Surrounding Land Use and Zoning

The area of request is currently undeveloped. To the north, across Park Boulevard, is undeveloped land zoned Planned Development-13-Retail that is associated with Zoning 2014-48. To the east are existing residences zoned Single-Family Residence-7 (SF-7). To the south are existing residences zoned Two-Family Residence (Duplex). To the west are existing retail, restaurant, and general office uses zoned General Office (O-2)

with Specific Use Permits #57 for Restaurant, #484 for Veterinary Clinic, #592 for Kennel (Indoor Pens)/Commercial Pet Sitting, and #653 for a Health/Fitness Center.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Residential with Neighborhood Commercial at the intersection of Los Rios Boulevard and Park Boulevard. The request is in conformance to the Future Land Use Plan.

Interim Amendments to the Comprehensive Plan - In April 2012, the City Council adopted interim amendments to the Land Use Element of the Comprehensive Plan which included recommendations pertaining to the use of the city's undeveloped land. Two of these recommendations are applicable to this request.

1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.

The proposed site is served by the 107 acre Cottonwood Creek Greenbelt Park which is approximately 1,000 feet to the east. Additionally, PISD representatives have stated that there is sufficient capacity at all four schools serving the property. The Fire Department has determined that response times are sufficient for single-family development at this location. Therefore, this request is consistent with this interim amendment to the Comprehensive Plan.

2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete neighborhood, or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (five to twelve stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land uses are compatible.

The applicant is proposing 51 residential lots on the subject property. Although the proposed townhomes are a denser product than the existing residences in the area, single-family residential uses at this location are comparable with the adjacent single-family uses. The proposed units will be a rear entry product providing connectivity, via alley access, to the existing residential subdivision to the south. By expanding an existing neighborhood, this request is in conformance with this policy recommendation.

Infill Housing Policy Statement - The Infill Housing Policy recommends that infill housing be adjacent or be in close proximity to existing residential development to take advantage of existing amenities. The proposed development is an extension of an existing single-family neighborhood to the south and east. The policy statement also recommends adding a variety of housing options to existing residential neighborhoods, to which this conforms.

Rezoning Property to Meet Demand - The subject property is physically appropriate for residential uses. The area is not affected by adverse environmental conditions such as noise, light, fumes, or related nuisances.

Additionally, the request is also consistent with the Housing Element of the Comprehensive Plan which encourages providing a wide variety of housing types to serve a diverse population. The Housing Element also states that the city should place medium density housing on the periphery of neighborhoods that have low density housing in the interior.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property via extensions from Park Boulevard. However, the applicant will need to verify that the sanitary sewer capacity is sufficient to accommodate the proposed change in use from commercial to single-family residential.

Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request. However in considering the traffic impact of the proposed residential development, using the average Institute of Traffic Engineers (ITE) trip generation rates, staff compared the proposed residential development with the potential build-out of the subject property as retail. Using the adjacent retail development and comparing it to the subject property we estimated that 44,000 square feet of retail could develop on the property. The table below shows the estimated traffic generation during peak hours (7:00-9:00 a.m. and 4:00-6:00 p.m.):

	AM	**PM**
SF-A	38	52
Retail	44	164

From these calculations it is evident that retail development would generate greater traffic than the requested residential subdivision.

School Capacity - This is provided for informational purposes only. The subject property is within the Plano Independent School District and is served by the following schools:

Elementary School	**Dooley**
Middle School	**Armstrong**
High School	**McMillen**
Senior High School	**Plano East**

At this time and based upon current boundaries, PISD has determined that there is sufficient capacity at all four schools.

Retail Zoning

In 2003, City Council adopted the Retail Study of Underperforming and Vacant Retail Areas initiated by the cities of Carrollton, Richardson, and Plano. This study examined the retail market conditions in the three cities and offered alternatives to address underperforming and vacant retail properties. The study identified Plano as having an overabundance of R zoning resulting in commercial decline. Rezoning to residential is a recommended strategy to reduce Retail zoned land.

As a result of this study, City Council amended the R zoning district to allow Single-Family Residence-Attached (SF-A), Two-Family Residence (2F), and Patio Home (PH) development with an SUP. The Zoning Ordinance allows these types of residential development in R zoning districts as long as the following criteria are met:

1. The proposed type of residential development (i.e. SF-A, 2F, PH) complies with the respective zoning district standards for that type of residential development;
2. The use is developed on individually platted lots;
3. The use abuts residential zoned land that is not separated by a Type C or larger thoroughfare;
4. The use has a minimum land area of five acres.

The Los Rios Boulevard and Park Boulevard neighborhood commercial area has a retail vacancy rate ranging from 17%-23%, as determined in the Housing Value Retention Analysis, which is considered a strong vacancy rate. The percentage of retail vacancy has been found to have a statistically significant impact on home prices. The proposed SF-A subdivision would help reduce the amount of undeveloped retail zoned property within the city and will also support existing retail centers within the area.

The area of request is in conformance to the criteria listed above.

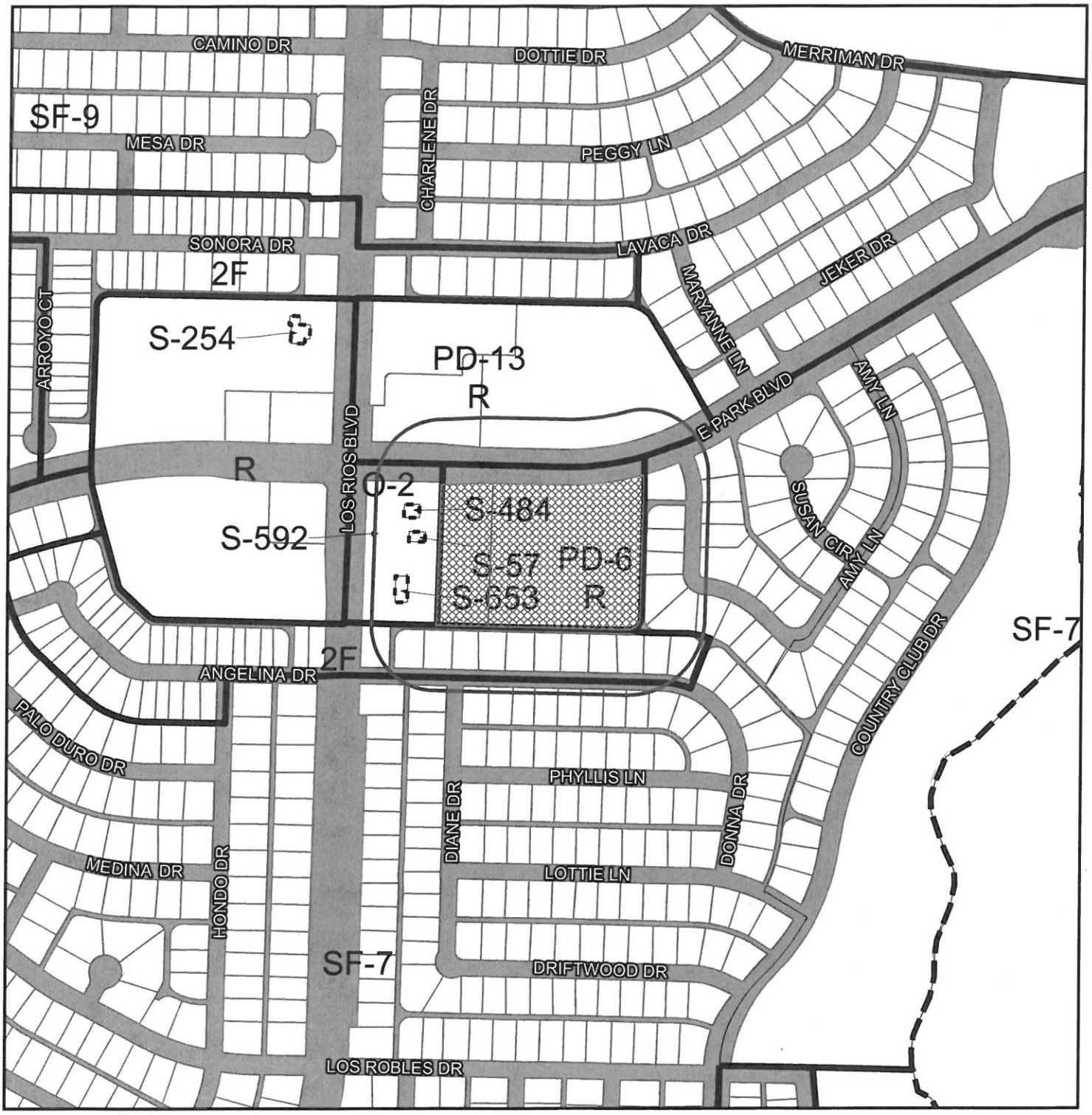
Summary

The applicant is requesting a Specific Use Permit for Single-Family Residence Attached. The request is compatible with the existing adjacent single-family residential neighborhoods and complies with the Future Land Use Plan and interim amendments to the Comprehensive Plan, as well as the requirements of the Retail zoning district for residential uses. The proposed townhomes would add variety of housing to the area to serve a diverse population and a residential development at this location would help reduce the amount of undeveloped retail zoned property within the city. For these reasons, staff is in support of this zoning request.

RECOMMENDATION:

Recommended for approval as submitted.

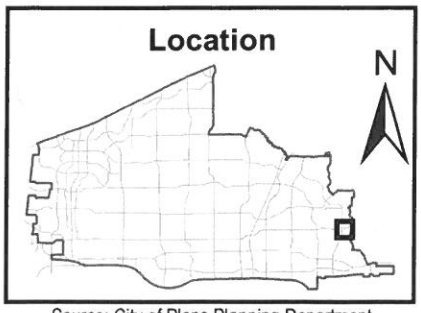
DUE TO THE NUMBER OF RESPONSES, LETTERS FOR THIS ITEM HAVE BEEN POSTED UNDER SEPARATE COVER ON THE CITY'S WEBSITE.



Plano

Zoning Case #: 2014-49

Existing Zoning: PLANNED DEVELOPMENT-6-RETAIL



Source: City of Plano Planning Department

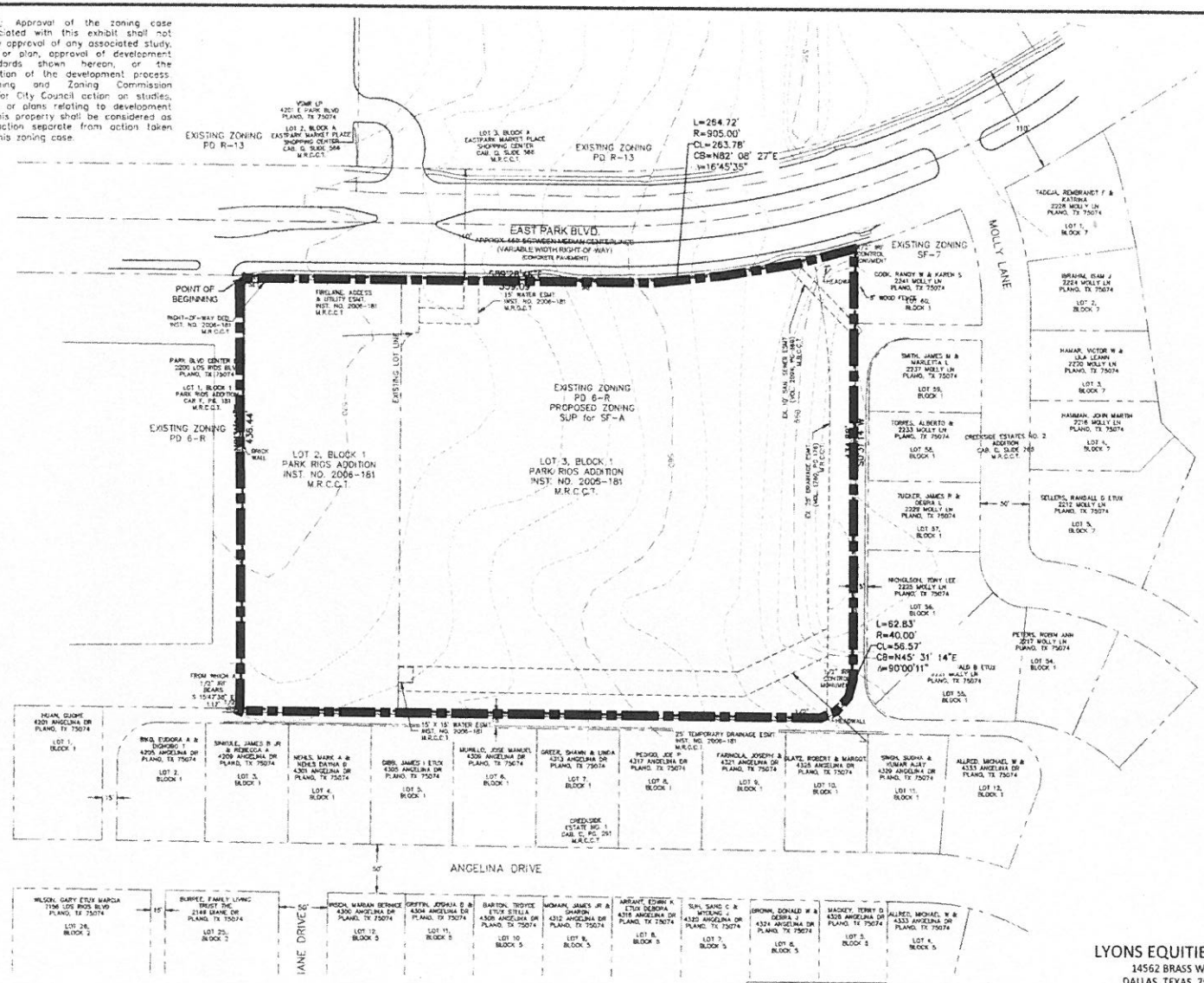
200' Notification Buffer
Subject Property
Zoning Boundary
City Limits
Specific Use Permit
Right-of-Way

Source: City of Plano, Planning Dept.
Date: January, 2015

Zoning Case 2014-49

dees 12/19/2014 X:\Dept\P&Z Locators & Graphics\Z2014-49A.mxd

NOTE: Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat or plan; approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.



LEGAL DESCRIPTION
273,585 SQ. FT. / 6.2807 ACRES

BEING a 6.2807 acre tract of land situated in the ANDREW PIARA SURVEY, Abstract No. 687 and being all of that certain called 6.280 acre tract of land described in a deed to Lyons Equities, Inc., recorded in Volume 4074, Page 275, Deed Records, Collin County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at an "X" cut in concrete set at the northwest corner of said called 6.280 acre tract, same being in the northeast corner of Lot 1, Block 1, Park Rios Addition, an Addition to the City of Plano according to the Plat recorded in Cabinet F, Slide 181, Map Records, Collin County Texas, said point being in the south line of East Park Boulevard (variable width right-of-way);

THENCE South 89°28'40" East, along the north line of said called 6.280 acre tract, and the south right-of-way line of said East Park Boulevard, a distance of 359.09 feet to a 5/8 inch iron rod found for corner, said point being the beginning of a curve to the left having a radius of 905.00 feet and a delta angle of 16°45'35";

THENCE along the north line of said called 6.280 acre tract, and the south right-of-way line of said East Park Boulevard, and along said curve to the left, an arc distance of 264.72 feet, a chord bearing and distance of North 82°08'27" East, 263.78 feet to a 1/2 inch iron rod found at the northeast corner of said called 6.280 acre tract, same being the northwest corner of Lot 60, Block 1, Creekside Estates No. 2, an addition to the City of Plano according to the plat recorded in Cabinet C, Slide 265, Map Records, Collin County Texas;

THENCE South 00°31'14" West, along the east line of said called 6.280 acre tract, passing the southwest corner of said Lot 60, Block 1, a total distance of 434.86 feet to a 1/2 inch iron rod found for corner, said point being the beginning of a curve to the right having a radius of 40.00 feet, and a delta angle of 90°00'11";

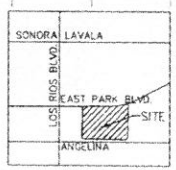
THENCE along said curve to the right, an arc distance of 62.83 feet, a chord bearing and distance of South 45°31'14" West, 56.57 feet to a 1/2 inch iron rod found for corner, said point being in the north line of Creekside Estates No. 1, an addition to the City of Plano according to the plat recorded in Cabinet C, Slide 291, Map Records, Collin County, Texas, same being in the north line of 15.00 foot wide alley;

THENCE North 89°28'40" West, along the south line of said called 6.280 acre tract, and the north line of said 15 foot alley, a distance of 580.05 feet to a 1/2 inch iron rod set for the southwest corner of said called 6.280 acre tract, same being the southeast corner of said Lot 1, Block 1, from which a 1/2 inch iron rod found bears South 15°47'38" East, 1.12 feet;

THENCE North 00°31'14" East, along the common line of said called 6.280 acre tract, and said Lot 1, Block 1, a distance of 436.44 feet to the POINT OF BEGINNING AND CONTAINING 273,585 square feet or 6.2807 acres of land, more or less.

Dennis D. Vote
Dec. 3, 2014

GRAPHIC SCALE



VICINITY MAP
NTS

LYONS EQUITIES, INC.
14562 BRASS WAY
DALLAS, TEXAS 75236
OWNER'S REPRESENTATIVE: MARDY BROWN
PHONE: 469-853-6538

TEXAS DEVELOPMENT SERVICES
908 W. McDERMOTT DRIVE
SUITE 195-266
ALLEN, TX 75013
469-453-9538
TX FIRM NO. 12750
PREPARED: mb
TDS PROJECT NO. 14027

SURVEYOR
Vaters Surveying Company
4548 Tuscany
Plano, Texas 75093
972-964-0858
Dennis D. Vote RPLS
TX Registration No. 4813

ZONING EXHIBIT 2014-49
SUP REQUEST FOR SINGLE FAMILY RESIDENCE ATTACHED (SF-A)
VENETIAN VILLAS SOUTH

BLOCK 1, LOT 2 & 3
PARK RIOS ADDITION
ANDREW PIARA SURVEY, ABSTRACT NO. 687
6.280 ACRES OF LAND
CITY OF PLANO, COLLIN COUNTY, TEXAS

Z-01

Zoning Case 2014-49

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 656 so as to allow the additional use of Single-Family Residence Attached on 6.3± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication 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 9th day of February, 2015, for the purpose of considering granting Specific Use Permit No. 656 for the additional use of Single-Family Residence Attached on 6.3± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail; 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 9th day of February, 2015; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 656 for the additional use of Single-Family Residence Attached on 6.3± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change 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 grant Specific Use Permit No. 656 for the additional use of Single-Family Residence Attached on 6.3± acres of land out of the Andrew Piara Survey, Abstract No. 687, located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail, said property being more fully described on the legal description in 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 affectuated 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.

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

PASSED AND APPROVED THIS THE 9TH DAY OF FEBRUARY, 2015.

_____

Harry LaRosiliere, MAYOR

ATTEST:

_____

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

_____

Paige Mims, CITY ATTORNEY

ZC 2014-49

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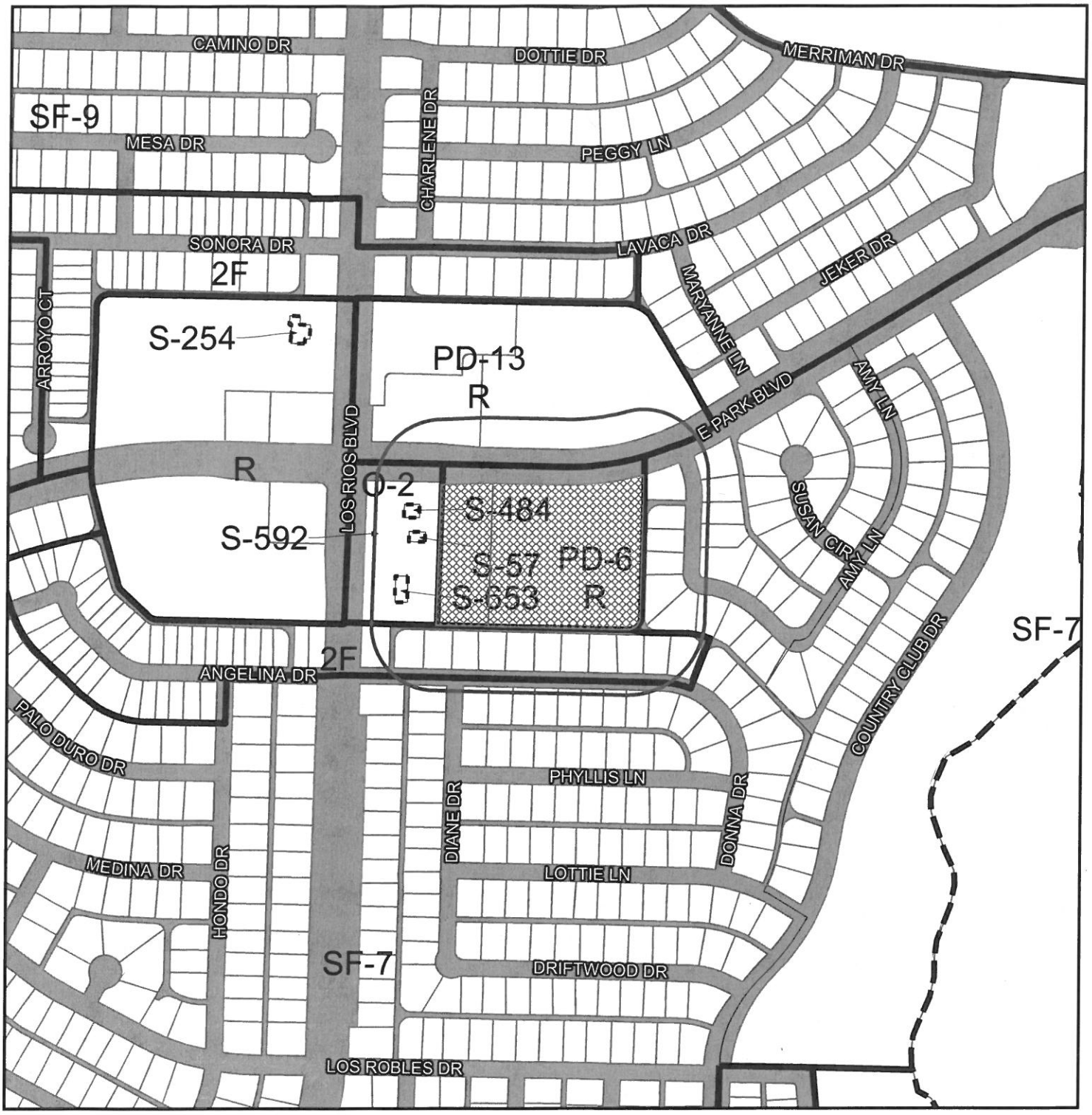

Plano

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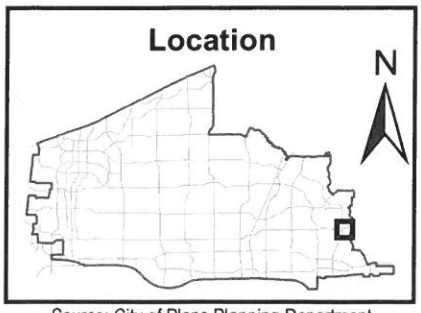

Source: City of Plano Planning Department

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

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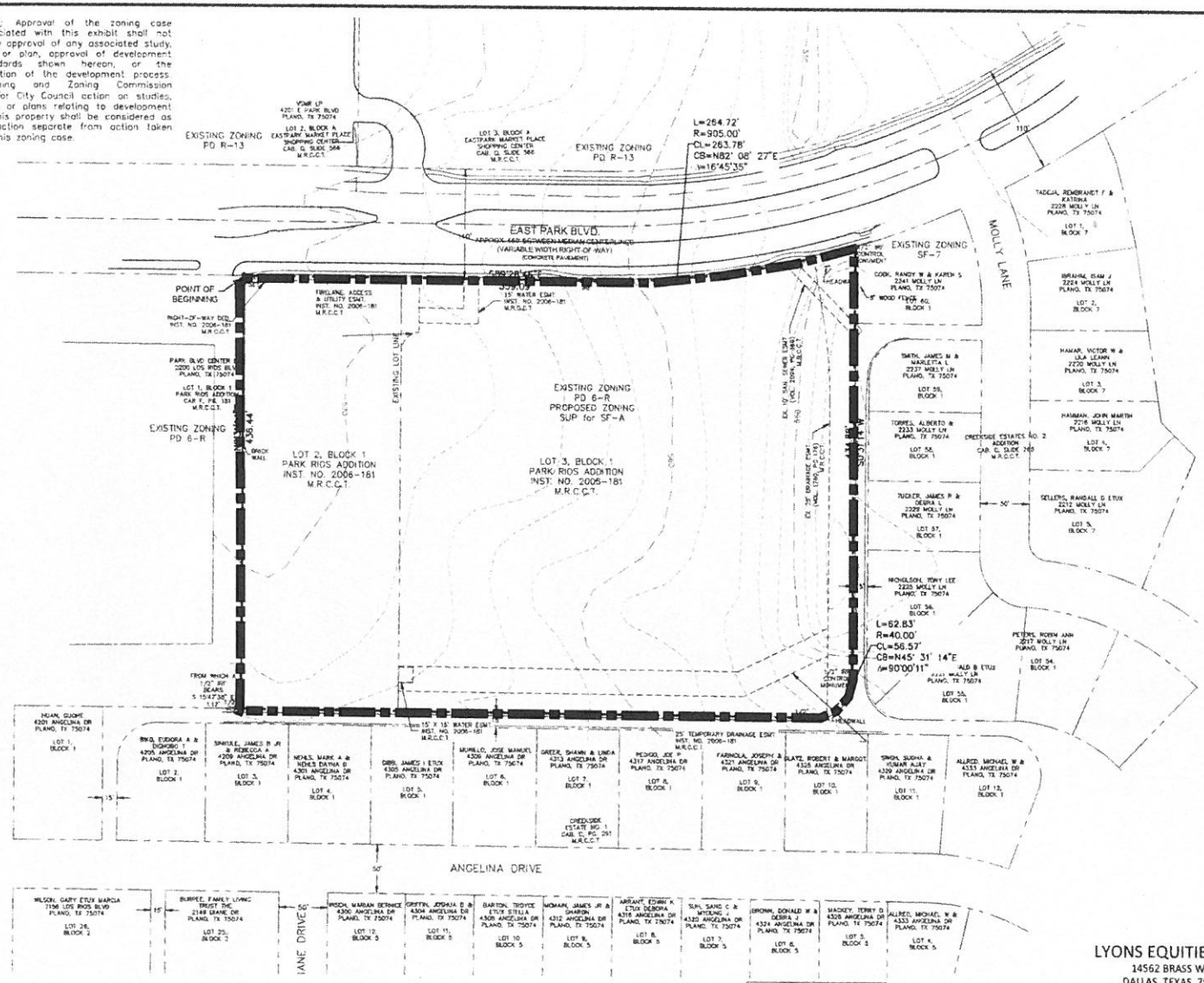

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Dennis D. Vote
Dec. 3, 2014

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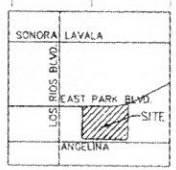

VICINITY MAP
NTS

LYONS EQUITIES, INC.
14562 BRASS WAY
DALLAS, TEXAS 75236
OWNER'S REPRESENTATIVE: MARDY BROWN
PHONE: 469-853-6538

TEXAS DEVELOPMENT SERVICES
908 W. McDERMOTT DRIVE
SUITE 195-266
ALLEN, TX 75013
469-453-9538
TX FIRM NO. 12750
PREPARED: mb
TDS PROJECT NO. 14027

SURVEYOR
Vaters Surveying Company
4548 Tuscany
Plano, Texas 75093
972-964-0858
Dennis D. Vote RPLS
TX Registration No. 4813

ZONING EXHIBIT 2014-49
SUP REQUEST FOR SINGLE FAMILY RESIDENCE ATTACHED (SF-A)
VENETIAN VILLAS SOUTH

BLOCK 1, LOT 2 & 3
PARK RIOS ADDITION
ANDREW PIARA SURVEY, ABSTRACT NO. 687
6.280 ACRES OF LAND
CITY OF PLANO, COLLIN COUNTY, TEXAS

Z-01