

DATE: January 18, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of January 17, 2012

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2011-35
APPLICANT: HAGGAR-JEZZEEN PARTNERS**

Request to rezone 26.5± acres located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive **from** Regional Employment and Regional Commercial **to** Single-Family Residence-6. Zoned Regional Employment and Regional Commercial/State Highway 121 Overlay District.

APPROVED: 5-3 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 4 **OPPOSE:** 0

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

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

STIPULATIONS:

Recommended for approval as submitted. The Commissioners voting in opposition to the motion believed that there are many commercial uses that could develop on the property that may not need visibility from State Highway 121 and given the topography of the property. The Commissioners expressed concern regarding access to the residential development would occur through commercial development; the lack of open space and trail connections to the retail development to the west; and that the property is awkward for this type of residential development. Additionally, the Commissioners support the city's Comprehensive Plan recommendation and land use planning policies.

FOR CITY COUNCIL MEETING OF: February 13, 2012 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

KP/dc

xc: J.M. Hagggar, Jr., Hagggar-Jezzeen Partners
Thomas Juhn, JBI Partners

**Recommendation of the Planning & Zoning Commission
Zoning Case 2011-35
January 17, 2012 Meeting
Second Vice-Chairman's Report**

Agenda Item No. 6A – Public Hearing

Zoning Case 2011-35 – Request to rezone 26.5± acres from Regional Employment and Regional Commercial to Single-Family Residence-6 located approximately 348 feet south of SH121 and approximately 690 feet west of Gillespie Drive.

Applicant: Haggard-Jezzeen Partners

Staff Recommendation: Denial since the request is not consistent with the Comprehensive Plan.

Commission Action:

After much discussion, a motion was made to recommend denial of the zoning case, which resulted a vote of 4-4. Per the Commission's Rules and Procedures (Section 9.3), failure of a motion to deny shall not constitute approval of the item and further action is required. Consideration of an item is concluded when a motion is approved or a motion to approve fails. Therefore, the Commission re-opened the zoning case and a subsequent motion for approval was made. The motion for approval passed 5-3.

The motion to approve was supported by Chairman Caso and Commissioners Balda, Dry, Hazelbaker, and Smith. Commissioners Cargo, Coleman, and Downs voted against the motion and supported staff's recommendation to deny the application. Comments made in support of the motion to approve included:

- Adjacent to existing Taylor Elementary School to the east.
- Adjacent to existing residential community to the southeast.
- Frisco ISD letter of support for this change of zoning to residential.
- While some Commissioners were not supportive of reducing available commercial land, the existing site creates visibility, topography and access challenges for commercial uses.

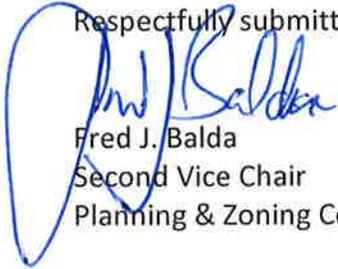
Commissioners in opposition to the motion cited the following comments:

- The proposed use is not consistent with the Comprehensive Plan.
- The northern boundary of this proposed neighborhood violates the written 1200' residential setback policy from the SH121 centerline (as well as the proposed 750' setback policy change supported by the Commission).

- Access to the proposed neighborhood is challenged.
- Lack of open spaces and trail connections to the retail development to the west.
- Property is awkward for this type of residential development.

Additional Comments: The concept plan associated with Zoning Case 2011-35 was approved by the Commission 5-3.

Respectfully submitted,



Fred J. Balda
Second Vice Chair
Planning & Zoning Commission

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 17, 2012

Agenda Item No. 6A

Public Hearing: Zoning Case 2011-35

Applicant: Haggar-Jezzeen Partners

DESCRIPTION:

Request to rezone 26.5± acres located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive **from** Regional Employment and Regional Commercial **to** Single-Family Residence-6. Zoned Regional Employment and Regional Commercial/State Highway 121 Overlay District.

REMARKS:

The applicant is requesting to rezone 26.5± acres located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive from Regional Employment and Regional Commercial to Single-Family Residence-6.

The current zoning on the eastern 17.4± acres of this property is Regional Employment (RE) and the zoning on the western 9.2± acres of this property is Regional Commercial (RC). The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods. The RC district is intended for use in conjunction with an RE district. It provides for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and surrounding communities, in addition to office and limited manufacturing uses. The district's standards are designed to ensure compatibility between various uses within a corridor and surrounding residential neighborhoods.

The requested zoning is Single-Family Residence-6 (SF-6). The SF-6 district is intended to provide for small-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

A concept plan accompanies this request as Agenda Item 6B.

Surrounding Land Use and Zoning

Adjacent properties to the west of this tract are developed with retail uses and are zoned RC. To the north the property is undeveloped and is zoned RC and RE. To the east the property is developed as an elementary school and is zoned Single-Family Residence-9 (SF-9). To the southwest the property is developed as garden-style apartments (zoned Planned Development-45-Multifamily-2) and to the southeast the property is developed as single-family residential (zoned Planned Development-152-Patio Home).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). The city's current land use policies recommend that land along expressway corridors be reserved for economic development and future employment opportunities. The requested SF-6 zoning is not in conformance with these policies.

Housing Density Policy Statement - The policy statement recommends no residential development within 1,200 feet of the centerline of State Highway 121. This provision was established to buffer residential uses from the expressway in order to promote a livable residential environment. The 1,200 foot setback addresses several issues related to the proximity of residential development to major expressways. It recognizes that noise and other environmental impacts of living near these facilities. Related to this, the setback lessens the need for costly sound walls if improvements to the expressway are made in the future. It also helps to reserve land in major corridors for commercial and employment uses. At the northernmost boundary, the proposed project is 518± feet from the centerline of State Highway 121.

The Commission revisited the 1,200 foot residential setback policy in September 2011 and recommended that the setback be reduced to 750 feet, as measured from the State Highway 121 centerline. Staff has not discussed this policy revision with the City Council to determine whether or not the Council supports modifying this policy.

Infill Housing Policy Statement - The Infill Housing Policy recommends that infill housing be adjacent to or be in close proximity to existing residential development to take advantage of existing amenities. Along the southeast boundary, the subject property is adjacent to an existing single-family residential development Planned Development-152-Patio Home. The proposed site is adjacent to Frisco Independent School District's Taylor Elementary School but does not have access to other amenities typical to traditional single-family neighborhoods such as a neighborhood park.

Rezoning to Meet Demand Policy Statement - The Rezoning to Meet Demand Policy recommends that areas to be rezoned for single-family development be an extension of an existing residential neighborhood with a standard that it is not separated from the neighborhood by a Type "C" thoroughfare or larger. While this proposed development appears to be an extension of an existing neighborhood due to land use adjacency, the neighborhoods are not physically connected by any streets. Streets within the existing neighborhood were not extended to the subject property in anticipation of non-residential development occurring on the subject property.

The policy also notes that conversion of a property to residential use should be to provide for an appropriate transition between residential and nonresidential uses. The subject tract would be more suitable for nonresidential uses; this would provide a better buffer between State Highway 121 and the existing multifamily and single-family residential uses to the south. Additionally, the proposed single-family development at this location introduces housing in an area where adjacent properties to the west are zoned and developed for nonresidential uses.

Access – The subject property currently only has one access point, which is from National Drive (built perpendicular to the eastern boundary). On the accompanying concept plan, the applicant has proposed an extension of National Drive generally along the north side of the subject property, as well as a second street connection running from the subject property north to provide access to State Highway 121. Even with the proposed streets, residential development in this area will have poor access.

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

School Capacity – The proposed neighborhood is located in Frisco Independent School District (FISD). Based on current alignments, students would feed into Taylor Elementary, Fowler Middle School, and Liberty High school. FISD has determined that adequate capacity exists at these schools.

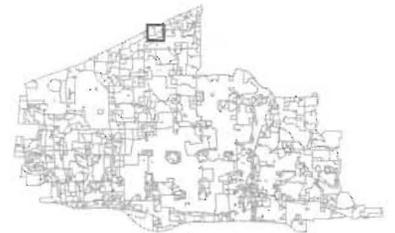
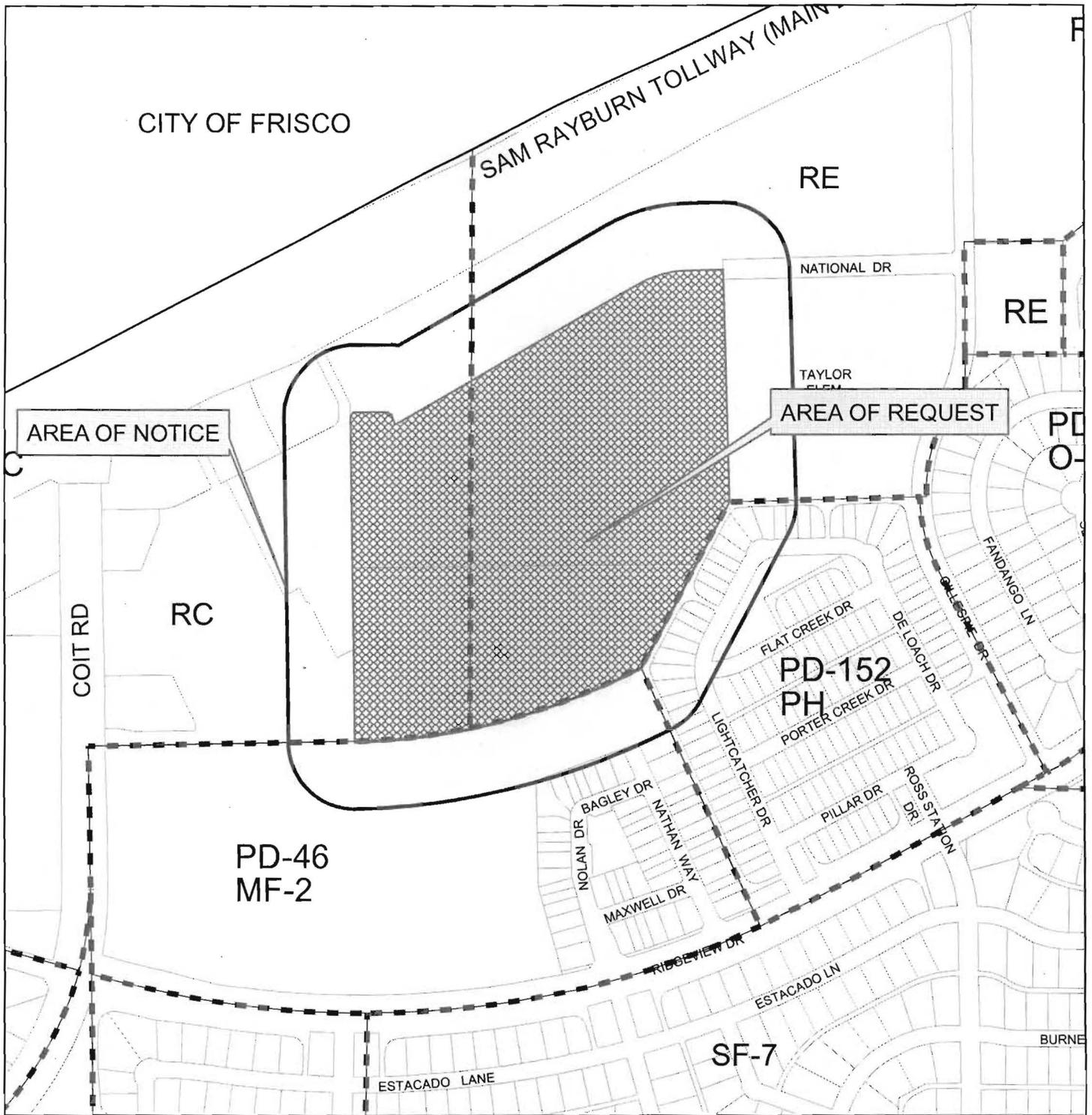
Summary

The applicant is requesting to rezone an undeveloped 26.5± acre tract from RE and RC to SF-6 for single-family residential development. The request is not in conformance with the Future Land Use Plan of the Comprehensive Plan, and it is not consistent with the city's land use policies regarding the preservation of land within major expressway corridors and employment centers for economic development and employment opportunities. The request is not consistent with the Housing Density, Infill Housing and Rezoning to Meet Demand policy statements. The development lacks connections to other residential neighborhoods and has poor access. Overall, staff believes the proposed location is not appropriate for single-family uses.

The current RE and RC zoning provides options for numerous commercial uses that are more suitable at this location than residential development. Single-family uses at the proposed location will not be the best and appropriate use for the site. Therefore, staff recommends denial of the requested rezoning from RE and RC to SF-6.

RECOMMENDATIONS:

Staff recommends denial of the proposed rezoning request since the request is not consistent with established goals of the Comprehensive Plan.

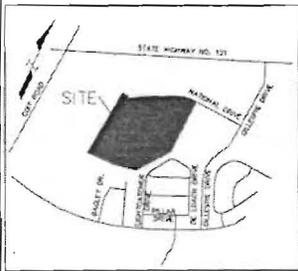


Zoning Case #: 2011-35

Existing Zoning: REGIONAL EMPLOYMENT & REGIONAL COMMERCIAL/
STATE HIGHWAY 121 OVERLAY DISTRICT

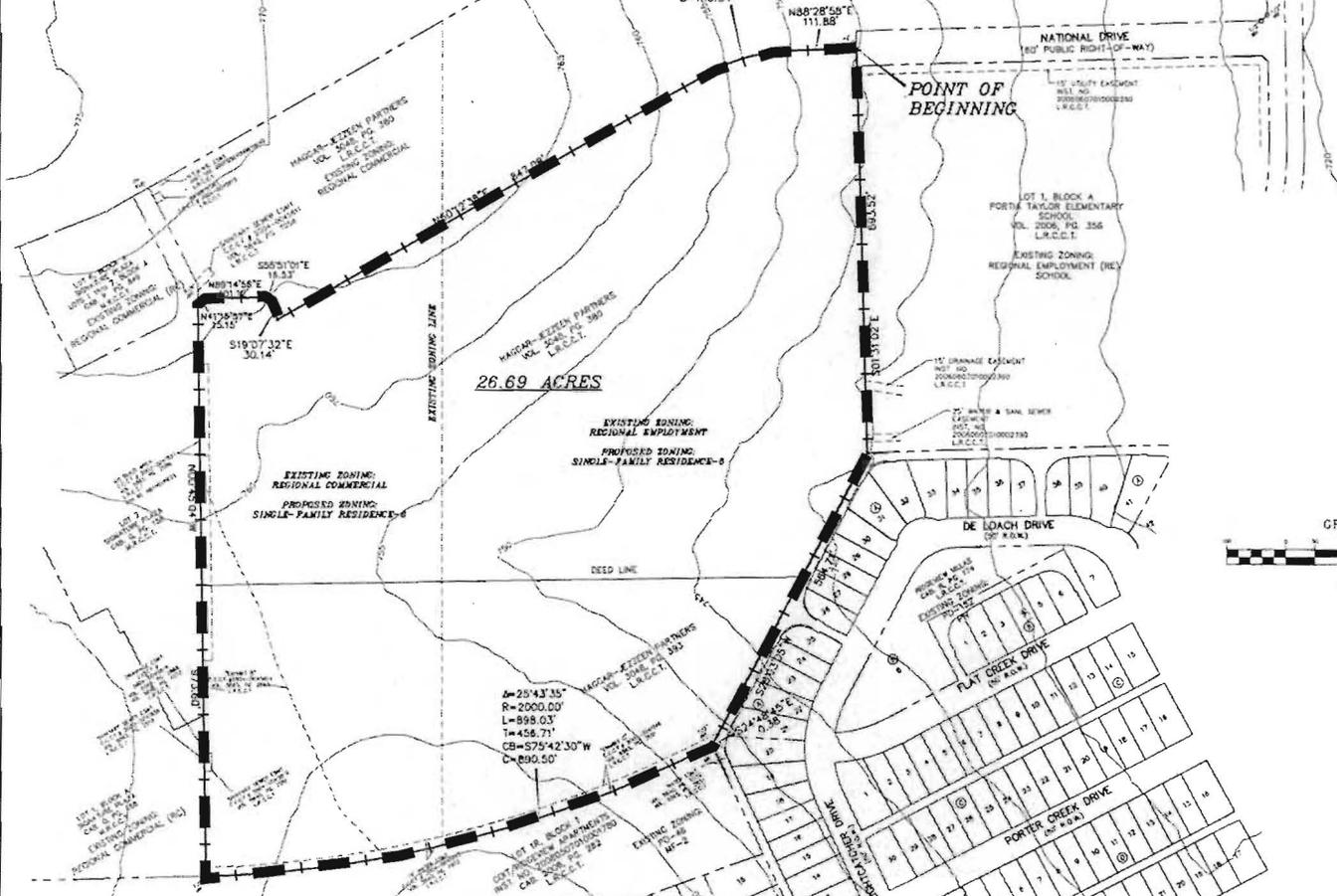
○ 200' Notification Buffer





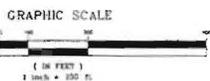
LOCATION MAP NOT TO SCALE

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



26.69 ACRES

POINT OF BEGINNING



LEGAL DESCRIPTION - RESIDENTIAL

BEING a parcel of land located in the City of Plano, Collin County, Texas, a part of the McKinney and Williams Survey, Abstract Number 650, and being a part of a tract of land described in a certain warranty deed from J. M. Haggard Trusts to Haggard-Jensen Partners as recorded in Volume 3048, Page 380, Collin County Deed Records, and being a part of a tract of land described in a special warranty deed from J. M. Haggard Trusts to Haggard-Jensen Partners as recorded in Volume 2048, Page 263, Collin County Deed Records, and being further described as follows:

BEGINNING at a point in the center of National Drive, said point being North 01 degree 31 minutes 00 seconds West, 30.00 feet from the northeast corner of Lot 1, Block A, Fortia Taylor Elementary School Addition, an addition to the City of Plano as recorded in Volume 2008, Page 356, Collin County Plat Records;

THENCE South 01 degree 31 minutes 00 seconds East, 693.52 feet to the southwest corner of said Fortia Taylor Elementary School Addition, said point being in the north line of Ringview Villas Addition, an addition to the City of Plano as recorded in Cabinet A, Page 174, Collin County Plat Records;

THENCE South 28 degree 03 minutes 05 seconds West, 264.71 feet to the northeast corner of said Ringview Villas Addition;

THENCE South 24 degree 48 minutes 45 seconds East, 0.38 feet to the northeast corner of Lot 16, Block 1, Oak/Ringview Apartments Addition, an addition to the City of Plano as recorded in Volume 2008, Page 282, Collin County Plat Records;

THENCE Southeastly, 898.05 feet along a curve to the right in the north line of said Oak/Ringview Apartments Addition, said curve having a central angle of 26 degrees 43 minutes 30 seconds, a radius of 2300.00 feet, a tangent of 456.71 feet, and whose chord bears South 75 degrees 42 minutes 30 seconds West, 892.30 feet to the southeast corner of Signature Plaza Addition, an addition to the City of Plano as recorded in Cabinet 0, Page 158, Collin County Plat Records;

THENCE North 00 degree 42 minutes 04 seconds West, 973.60 feet along the east line of said Signature Plaza Addition to a point for corner;

THENCE North 41 degree 15 minutes 07 seconds East, 15.15 feet to a point for corner;

THENCE North 89 degree 14 minutes 50 seconds East, 101.12 feet to a point for corner;

THENCE South 55 degree 31 minutes 01 seconds East, 16.53 feet to a point for corner;

THENCE South 19 degree 07 minutes 32 seconds East, 301.14 feet to a point for corner;

THENCE North 60 degree 12 minutes 35 seconds East, 847.28 feet to a point for corner;

THENCE Northeastly, 148.03 feet along a curve to the right which has a central angle of 28 degrees 16 minutes 20 seconds, a radius of 320.00 feet, a tangent of 75.56 feet, and whose chord bears North 78 degrees 20 minutes 48 seconds East, 148.04 feet to a point for corner;

THENCE North 88 degree 28 minutes 55 seconds East, 111.88 feet to the POINT OF BEGINNING and containing 26.69 acres of land.

This document was prepared under 22 TAC 863.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests applied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

ZC 2011-35
 ZONING EXHIBIT
 NORTHGLEN

BEING A 26.69 ACRE TRACT OUT OF THE
 MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 650
 CITY OF PLANO, COLLIN COUNTY, TEXAS

J.M. HAGGAR, JR.	OWNER
7428 Glenhamon Circle Addicks, Texas 75225-2048	(214) 368-2156
GRAND HOMES	DEVELOPER
15455 Dallas Parkway, Suite 1000 Addicks, Texas 75201 Contact: Beau Brooks	(972) 367-6080
JBI PARTNERS, INC.	SURVEYOR/ENGINEER
16301 Quorum Drive, Suite 200 B Addicks, Texas 75001 Contact: Tom John Firm No: F-438	(972) 248-7676

Revised: December 19, 2011
 Submitted: October 27, 2011
 Sheet 1 of 1

Zoning Case 2011-35

An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 26.5± acres out of the McKinney and Williams Survey, Abstract No. 650, located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive in the City of Plano, Collin County, Texas, from Regional Employment and Regional Commercial to Single-Family Residence-6; 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 13th day of February, 2012, for the purpose of considering rezoning 26.5± acres out of the McKinney and Williams Survey, Abstract No. 650, located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive in the City of Plano, Collin County, Texas, from Regional Employment and Regional Commercial to Single-Family Residence-6; 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 13th day of February, 2012; 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 26.5± acres out of the McKinney and Williams Survey, Abstract No. 650, located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive in the City of Plano, Collin County, Texas, from Regional Employment and Regional Commercial to Single-Family Residence-6, 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 person, firm or corporation found to be violating any term or provision of this Ordinance, 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 13TH DAY OF FEBRUARY, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2011-35

BEING a 26.69 acre parcel of land located in the City of Plano, Collin County, Texas, a part of the McKinney and Williams Survey, Abstract Number 650, and being a part of a tract of land described in a special warranty deed from J.M. Hagggar-Jezzeen Partners as recorded in Volume 3048, Page 380, Collin County Deed Records, and being a part of a tract of land described in a special warranty deed from J. M. Hagggar Trusts to Hagggar-Jezzeen Partners as recorded in Volume 3048, Page 292, Collin County Deed Records, and being further described as follows:

BEGINNING at a point for corner in the center of National Drive, said point being North, $01^{\circ} 31' 02''$ West, 30.00 feet from the northwest corner of Lot 1, Block A, Portia Taylor Elementary School Addition, an addition to the City of Plano as recorded in Volume 2006, Page 356, Collin County Plat Records;

THENCE South, $01^{\circ} 31' 02''$ East, 693.52 feet to the southwest corner of said Portia Taylor Elementary School Addition, said point being in the north line of Ridgeview Villas Addition, an addition to the City of Plano as recorded in Cabinet R, Page 174, Collin County Plat Records;

THENCE South, $28^{\circ} 03' 05''$ West, 564.71 feet to the northwest corner of said Ridgeview Villas Addition;

THENCE South, $24^{\circ} 48' 45''$ East, 0.38 feet to the northeast corner of Lot 1R, Block 1, Coit/Ridgeview Apartments Addition, an addition to the City of Plano as recorded in Volume 2009, Page 282, Collin County Plat Records;

THENCE Southwesterly, 898.03 feet along a curve to the right in the north line of said Coit/Ridgeview Apartments Addition, said curve having a central angle of $25^{\circ} 43' 35''$, a radius of 2,000.00 feet, a tangent of 456.71 feet, and whose chord bears South $75^{\circ} 42' 30''$ West, 890.50 feet to the southeast corner of Signature Plaza Addition, an addition to the City of Plano as recorded in Cabinet Q, Page 158, Collin County Plat Records;

THENCE North, $00^{\circ} 45' 04''$ West, 973.60 feet along the east line of said Signature Plaza Addition to a point for corner;

THENCE North, $41^{\circ} 15' 57''$ East, 15.15 feet to a point for corner;

THENCE North, $89^{\circ} 14' 56''$ East, 101.12 feet to a point for corner;

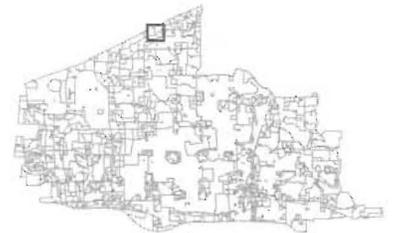
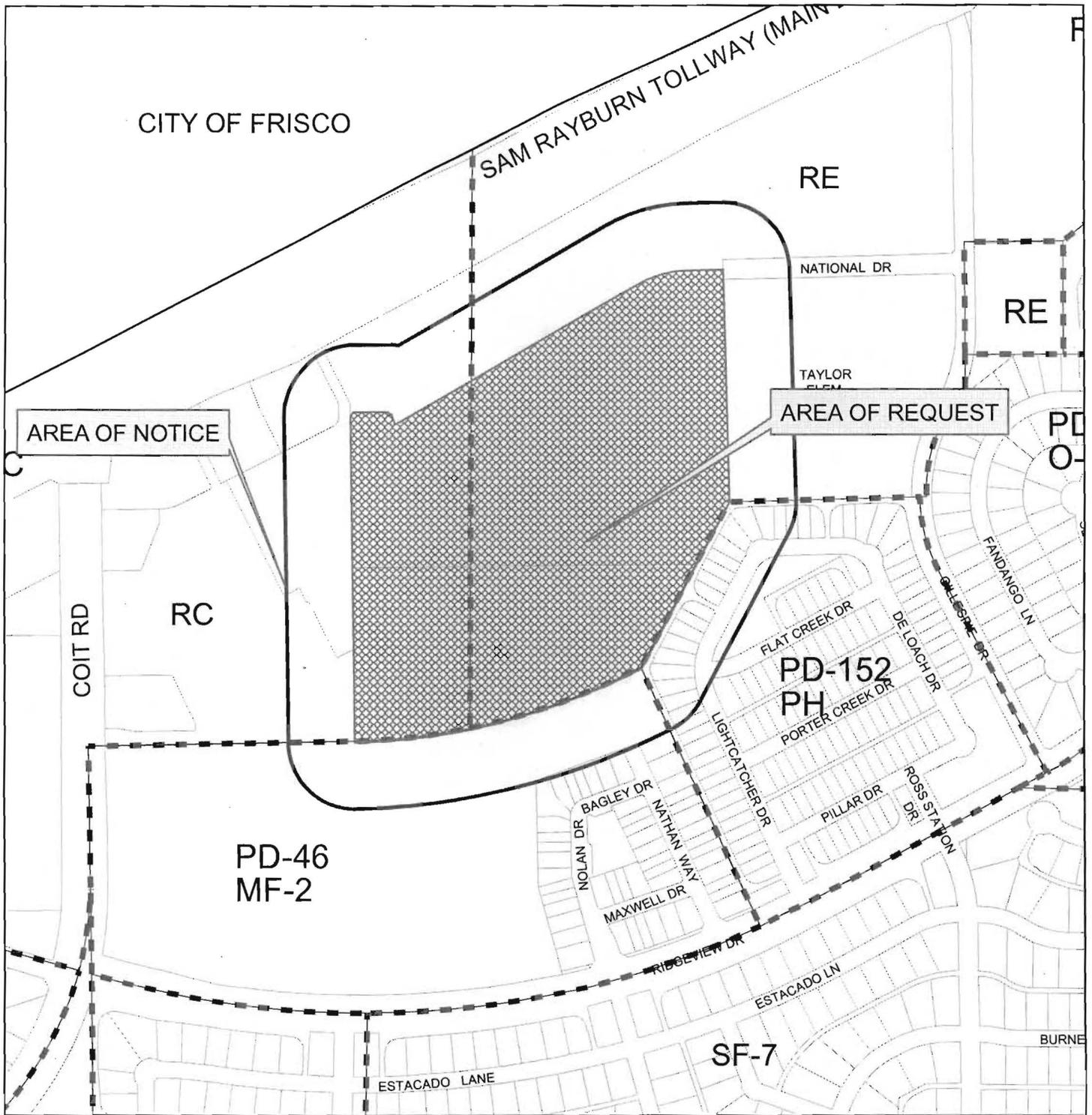
THENCE South, $55^{\circ} 51' 01''$ East, 16.53 feet to a point for corner;

THENCE South, $19^{\circ} 07' 32''$ East, 30.14 feet to a point for corner;

THENCE North, $60^{\circ} 12' 38''$ East, 847.08 feet to a point for corner;

THENCE Northeasterly, 148.03 feet along a curve to the right which has a central angle of $28^{\circ} 16' 20''$, a radius of 300.00 feet, a tangent of 75.56 feet, and whose chord bears North, $74^{\circ} 20' 48''$ East, 146.54 feet to a point for corner;

THENCE North, $88^{\circ} 28' 58''$ East, 111.88 feet east to the POINT OF BEGINNING and CONTAINING 26.69 acres of land.



Zoning Case #: 2011-35

Existing Zoning: REGIONAL EMPLOYMENT & REGIONAL COMMERCIAL/
STATE HIGHWAY 121 OVERLAY DISTRICT

○ 200' Notification Buffer



