

DATE: April 2, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 1, 2013

**AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2013-07
APPLICANT: BRANDON CHANEY**

Request to amend Heritage Resource #18 Designation (Hood House) on one lot on 0.2± acre located at the northwest corner of M Avenue and 15th Street to allow paver stones as an additional paving material for the driveway and off-street parking. Zoned General Office with Heritage Resource #18 Designation.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 2 **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.

FOR CITY COUNCIL MEETING OF: April 22, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/sf

xc: Brandon Chaney

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 1, 2013

Agenda Item No. 9

Public Hearing: Zoning Case 2013-07

Applicant: Brandon Chaney

DESCRIPTION:

Request to amend Heritage Resource #18 Designation (Hood House) on one lot on 0.2± acre located at the northwest corner of M Avenue and 15th Street to allow paver stones as an additional paving material for the driveway and off-street parking. Zoned General Office with Heritage Resource #18 Designation.

REMARKS:

The subject property is located at the northwest corner of M Avenue and 15th Street and is the site of the Hood House. The structure was constructed circa 1900, and designated as a heritage resource in 1996. During 1996, the heritage resource designation was amended to allow an antique shop and tearoom as additional permitted uses and a reduction in required off-street parking.

Heritage Resource Designation:

The heritage resource designation process allows owners of heritage resource properties to request additional permitted uses for their property that are otherwise prohibited by the property's base zoning, and request modifications to the development regulations stipulated with the zoning ordinance in order to better protect the resource. Upon a favorable recommendation from the Heritage Commission, a zoning case is initiated for a property for consideration by the Planning & Zoning Commission and City Council. Therefore, the heritage resource designation is considered a zoning action and any additional uses or development regulations granted for a property stay with the property regardless of the property's ownership.

Request:

The applicant is requesting to amend the property's heritage resource designation to allow use of paver stones as an additional paving material for the driveway and off-street parking as shown on the attached site plan. This material is currently not allowed as per the Zoning Ordinance. The Zoning Ordinance requires concrete or asphalt for all

parking surfaces. The subject property is presently used as an office and is zoned General Office (O-2). The applicant has a paver stone business and would like to showcase his business product by installing paver stones on the driveway and off-street parking area.

Surrounding Land Uses

Adjacent surrounding land uses and zoning districts include: to the south across 15th Street, a single-family residence zoned Downtown Business/Government (BG); to the west, an office building zoned General Office (O-2); to the north, a single family residence zoned General Office (O-2); and a parking lot to the east, across M Avenue, that is zoned Urban Residential (UR).

Land Use Compatibility and Preservation of Heritage Resource

Subsection 3.1105 (Parking Area Standards) of Section 3.1100 (Off Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Zoning Ordinance requires all required parking spaces and loading areas, together with driveways and maneuvering aisles, and additional parking areas which are routinely and customarily used on a daily or weekly basis shall be paved with a concrete or asphalt surface. Therefore, the use of paver stones is not permitted.

The Secretary of the Interior's Standards recommend that a historic property be used for its historic purpose or for a new use which requires minimal change to the site. The Hood House has been used as a nonresidential use for many years, and the proposed paver stone material remains compatible with the overall site and surrounding uses. The proposed off-street material is similar to the existing paver stone walkways on the site. Furthermore, the use of paver stone does not alter the Hood House structure, and allows for continued preservation of this heritage resource while satisfying off-street parking requirements needed for the use of the property.

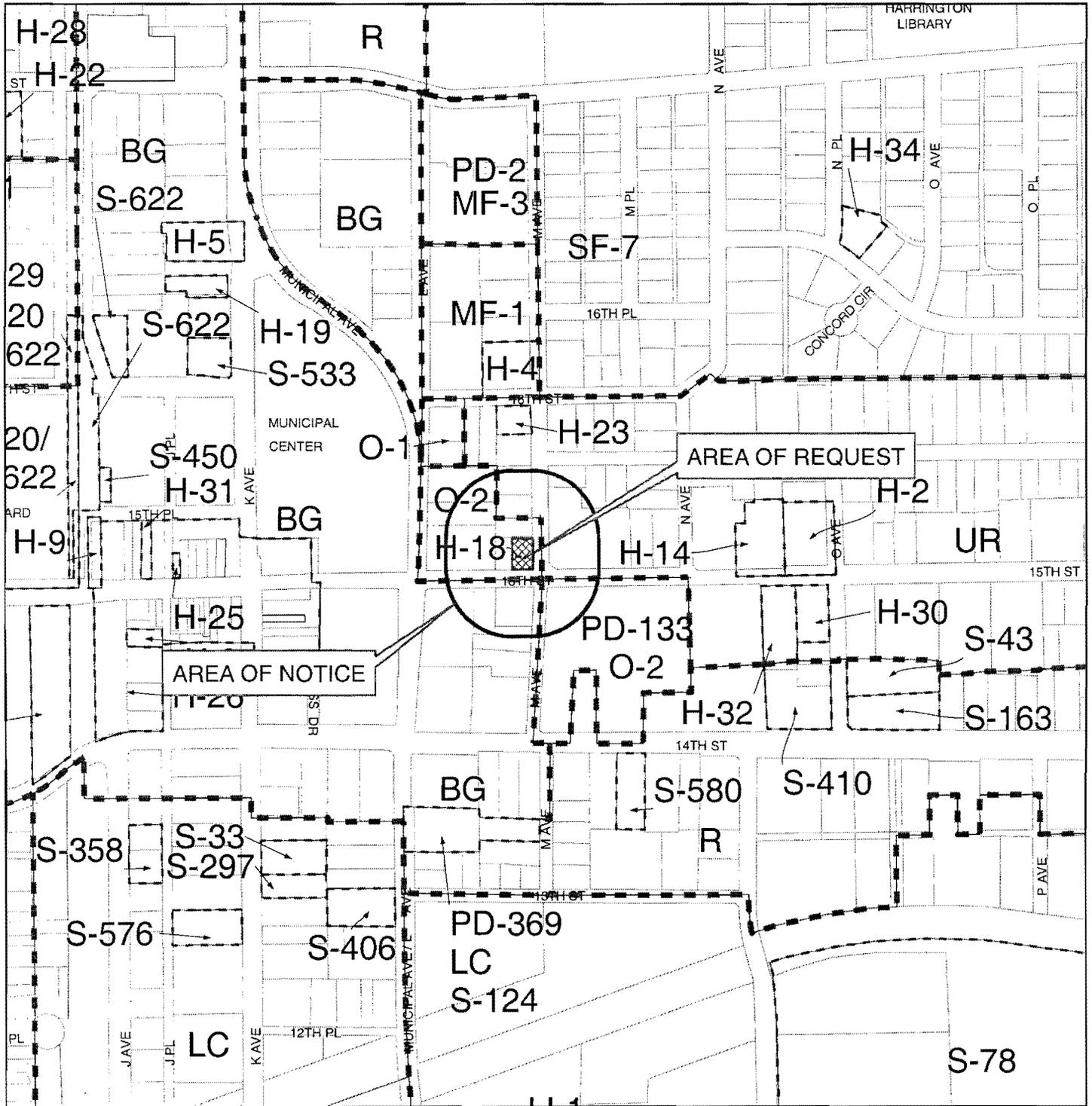
The City Council has in the past approved a similar request for the Wells Homestead property located at 3921 Coit Road. The property's designation was amended in November 2006 to allow gravel parking. Paver stones are also allowed as a driveway surface in the Haggard Park Heritage District.

HERITAGE COMMISSION ACTION:

At its February 26, 2013 meeting, the Heritage Commission approved the heritage resource designation amendment request to allow paver stones as an additional paving material for the driveway and off-street parking stating that the paver stone is an appropriate material for this heritage resource property. Additionally, the Commission believed that the proposed work would be similar to the existing paver stone walkways and it would be a significant improvement to the overall site.

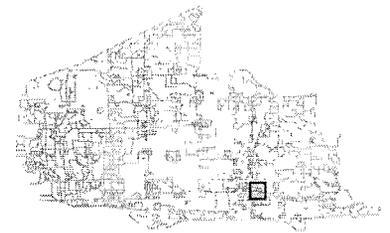
RECOMMENDATION:

The Heritage Commission recommends approval of the proposed heritage resource designation amendment to allow paver stones as an additional paving material for the driveway and off-street parking.

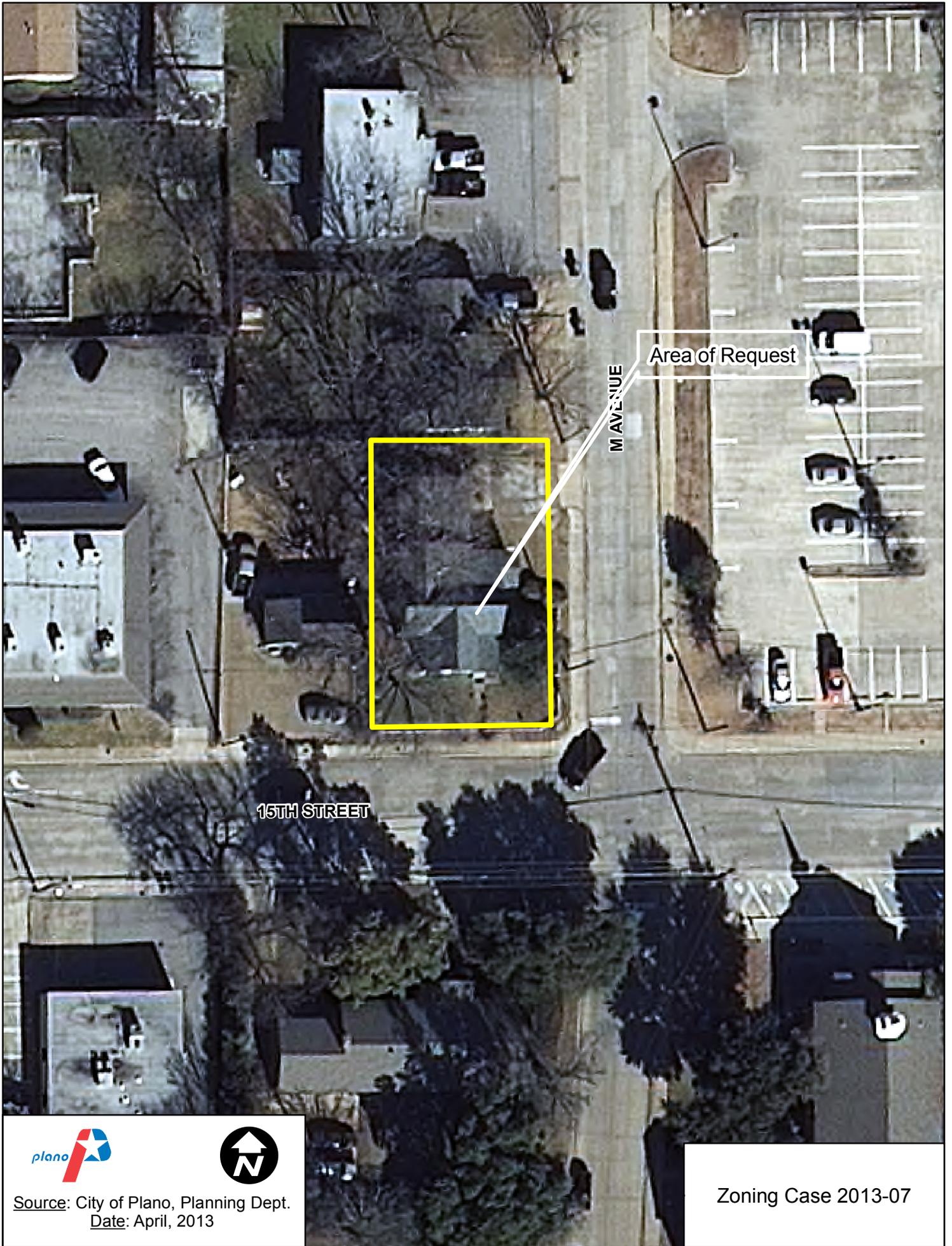


Zoning Case #: 2013-07

Existing Zoning: GENERAL OFFICE
w/HERITAGE RESOURCE DESIGNATION #18



○ 200' Notification Buffer



Area of Request

M AVENUE

15TH STREET



Source: City of Plano, Planning Dept.
Date: April, 2013

Zoning Case 2013-07

Zoning Case 2013-07

An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, amending Heritage Resource Designation No. 18 to allow paver stones as an additional paving material for the driveway and off-street parking, on 0.2± acre of land situated in the Sanford Beck Survey, Abstract No. 45, in the City of Plano, Collin County, Texas, located at the northwest corner of M Avenue and 15th Street, presently zoned General Office with Heritage Resource No. 18 Designation; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty 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 22nd day of April, 2013, for the purpose of amending Heritage Resource Designation No. 18 on 0.2± acre of land situated in the Sanford Beck Survey, Abstract No. 45, in the City of Plano, Collin County, Texas, located at the northwest corner of M Avenue and 15th Street, presently zoned General Office with Heritage Resource Designation No. 18, to allow paver stones as an additional paving material for the driveway and off-street parking; 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 there to, 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 22nd day of April, 2013; and

WHEREAS, the Heritage Commission considered this item on the 26th day of February, 2013 and recommended approval; and

WHEREAS, the Planning and Zoning Commission considered this item in a public hearing on the 1st day of April, 2013, and recommended approval; and

WHEREAS, the City Council is of the opinion and finds that such change 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, amending Heritage Resource Designation No. 18, on 0.2± acre of land situated in the Sanford Beck Survey, Abstract No. 45 in the City of Plano, Collin County, Texas, located at the northwest corner of M Avenue and 15th Street, presently zoned General Office with Heritage Resource Designation No. 18, to allow paver stones as an additional paving material for the driveway and off-street parking, 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 effectuated 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 thereof, 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.

DULY PASSED AND APPROVED THIS THE 22ND DAY OF APRIL, 2013.

Phil Dyer, MAYOR

ATTEST:

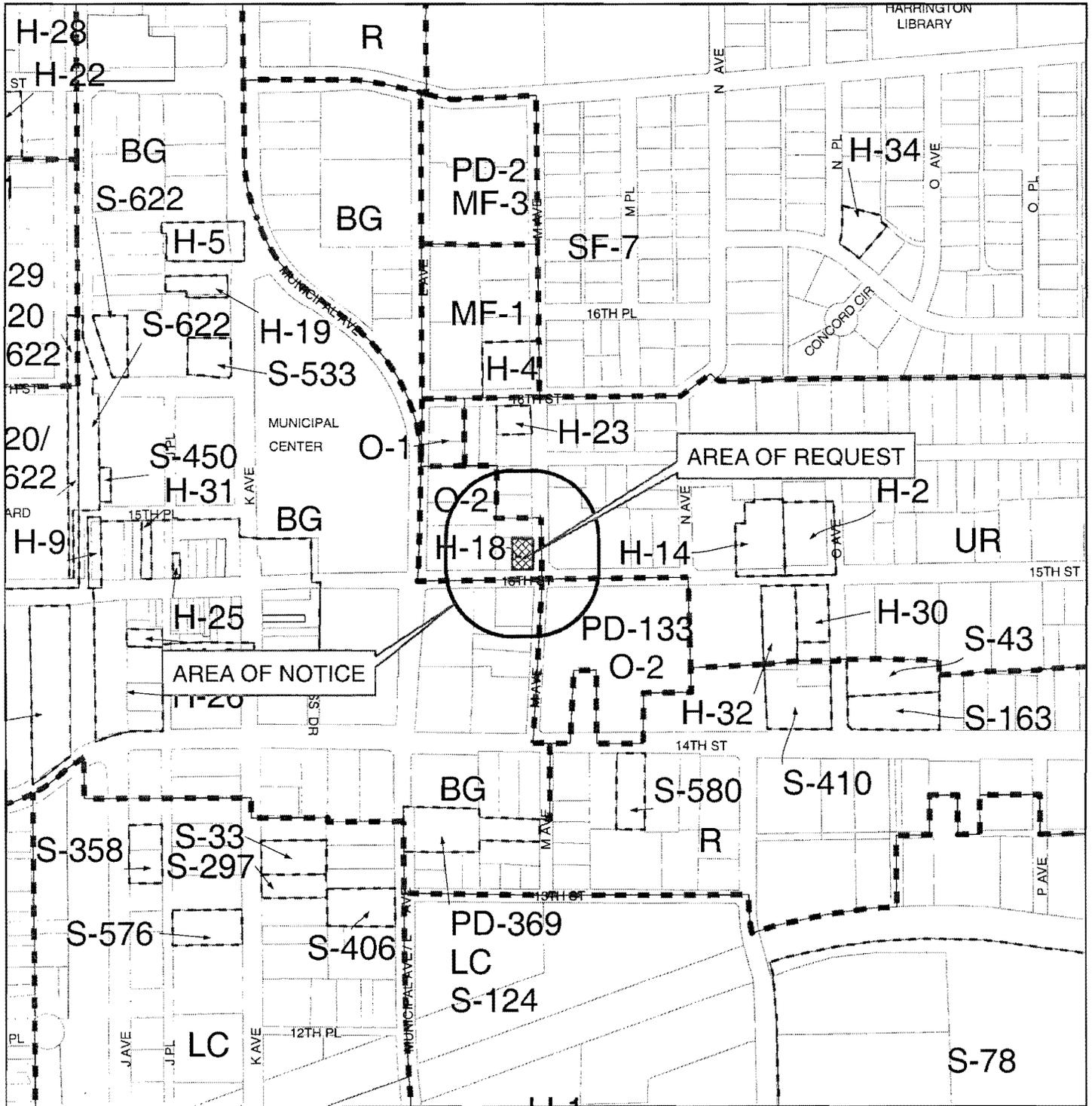
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

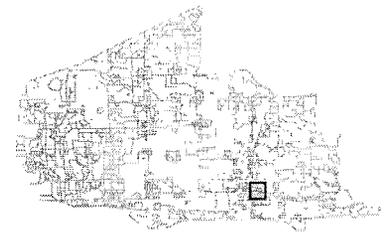
Zoning Case 2013-07

Collin County: Clint Forman Addition, Lot 1A, Block 3 as recorded in Volume 41, Page 640 of the Deed Records situated in the Sanford Beck Survey, Abstract No. 45, City of Plano, Texas.



Zoning Case #: 2013-07

Existing Zoning: GENERAL OFFICE
w/HERITAGE RESOURCE DESIGNATION #18



○ 200' Notification Buffer