

DATE: April 19, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 18, 2011

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2011-07
APPLICANTS: MEGATEL HOMES INC.**

Request to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Rasor Boulevard **from** Retail **to** Planned Development-Single-Family Residence-6. Zoned Retail.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

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

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 follows:

Restrictions:

The permitted uses and standards shall be in accordance with the Single-Family Residence-6 (SF-6) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. A maximum of nine lots shall have a minimum lot width of 50 feet; all other lots shall comply with the minimum lot width requirements for the SF-6 district.

BM/dw

xc: Arash Alzalipour, Megatel Homes, Inc.
Michael Doggett, Winkelmann & Associates

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 18, 2011

Agenda Item No. 7A

Public Hearing: Zoning Case 2011-07

Applicants: Megatel Homes, Inc.

DESCRIPTION:

Request to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard **from** Retail **to** Planned Development-Single-Family Residence-6. Zoned Retail.

REMARKS:

The applicant is requesting to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard **from** Retail (R) **to** Planned Development-Single-Family Residence-6 (PD-SF-6).

The current zoning is R. The R district is 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 or warehousing.

The requested zoning is PD-SF-6. A planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions. 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.

The planned development zoning request proposes to allow for a maximum of nine lots with a minimum lot width of 50 feet. All other remaining lots shall comply with the minimum lot width requirements for the SF-6 district. The SF-6 district requires a minimum of a 6,000 square-foot lot size with a minimum lot width of 55 feet. A concept plan, Beverly Hills Estates I Addition & Beverly Hills Estates II Addition, Block F, Lots 1-3, accompanies this request as Agenda Item No 7B.

The applicant is retaining the remaining undeveloped, R zoned 3.8± acres at the northeast corner of Ohio Drive and Razor Boulevard, for future nonresidential uses. The remaining site is large enough to be developed with nonresidential uses as shown on the accompanying concept plan, Beverly Hills Estates II Addition.

Surrounding Land Use and Zoning

The area of the request is currently undeveloped. The property to the north is developed as single-family residential and is zoned Planned Development-155-Single-Family Residence-6 (PD-155-SF-6). To the west, across Ohio Drive, are existing multifamily residences zoned Planned Development-20-Mixed Use (PD-20-MU). Across Razor Boulevard, to the southeast, is a linear park and single-family residences zoned Patio Home (PH).

Proposed Planned Development Stipulations

The requested zoning is PD-SF-6. As noted previously, the request proposes a maximum of nine lots with a minimum lot width of 50 feet. All other lots shall comply with the minimum lot width requirement for the SF-6 district, which is 55 feet. The applicant is not proposing any other changes to the SF-6 district. The request for nine lots with narrower lot width is due to the overall site configuration that is affecting the lot design. The site is narrow from west to east, coupled with the fact that the applicant wants to retain the remaining southern 3.8± acres for retail uses, results in a need for narrower lot widths in order to achieve the desired number of lots for the development. All the lots are designed to meet the required minimum SF-6 lot area (6,000 square feet).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Residential (R). Development in this land use designation is expected to include inclusive and cohesive residential neighborhoods with a mix of housing opportunities. The proposed Single-Family Residence-6 homes are in conformance with the Future Land Use Plan recommendation.

Housing Element and Infill Housing Policy Statement - The Housing Element of the Comprehensive Plan states that opportunities to build new homes on undeveloped land in Plano are diminishing due to limited supply of undeveloped land zoned for residential uses. The objectives of the Housing Element and the Infill Housing Policy Statement recommend that Plano's housing stock should be expanded even as the availability of land decreases recognizing that there may be tracts of land zoned for nonresidential uses that may not develop for that purpose.

In addition, the Housing Element encourages the conversion of excess nonresidential properties to residential use. This rezoning request proposes to rezone a portion of undeveloped Retail zoned property to residential uses. Given the location of this property in relation to the existing nonresidential development located to the north at Ohio Road and State Highway 121, staff believes that the entire 11.1± acres will likely not develop as nonresidential uses. The proposed project provides an opportunity to

create new housing opportunities that compliment and support existing residential developments to the north and east of the subject property, while also reducing the amount of retail zoned land that may not develop for that purpose.

The Infill Housing Policy Statement provides criteria framework for evaluating infill housing proposals. The proposed rezoning request satisfies all the policy criteria.

1. Adjacent or in close proximity to existing residential development - The development is adjacent to existing residential development to the north and would be able to take advantage of the existing amenities within the overall surrounding area. The proposed development is close to existing parks and schools as well as businesses located at the intersections of Preston Road and Rasor Boulevard and Ohio Drive and State Highway 121.
2. Site and configuration to support housing - The proposed site and configuration is large enough to support infill housing and make the residential project viable. The site is 11.1± acres and generally free of factors that could make development difficult, such as steep grades and locations within a floodplain.
3. Access to existing utilities - The proposed development has water and sanitary sewer services available to serve the subject property.
4. Positive impact on future economic development - The proposed single-family homes will provide potential customers for existing retail centers within the nearby area.
5. Proximity to parks - The proposed housing is located near the existing linear park and trail system along the creek to the east across Rasor Boulevard. The trail system provides access to other area parks.

Tri-City Retail Study - The Tri-City Retail Study completed by the cities of Carrollton, Plano, and Richardson in 2002, noted that excessive retail zoning was a contributing factor to vacant and underproductive retail centers and the lack of development of many retail zoned properties. The study further noted that some tracts zoned for nonresidential uses have remained undeveloped for many years. In particular, the study points out that Plano has three times the retail per capita for the nation, and it is unlikely that many of these tracts will be developed for commercial purposes. Therefore, the proposed rezoning from retail to residential alleviates the city of the excessive retail zoned land.

Rezoning Property to Meet Demand Policy Statement - The Rezoning Property to Meet Demand Policy Statement recognizes that Plano has an imbalance between residential and nonresidential zoning and that more land is zoned for retail, office, and industrial uses than is likely to develop. Retail zoned land exceeds demand in Plano, and this proposed rezoning request is an example of owners of nonresidential property that are seeking rezoning for residential uses. The fact that this subject property has not developed as retail uses, combined with the underutilized retail building to the west of the property, indicates the need for properties such as this to be rezoned for residential uses as proposed.

Additionally, the Rezoning Property to Meet Demand Policy Statement provides criteria framework for evaluating requests. The proposed request satisfies all of the criteria.

- The rezoning request site is physically appropriate with 11.1± acres and well able to fit 50 single-family homes as is shown on the companion Beverly Hills Estates I Addition concept plan.
- The area to be rezoned is an extension of an existing residential neighborhood to the north and is not separated from the neighborhood by a thoroughfare of Type C or larger.
- The applicant is proposing a minimum six-foot screening wall at the property line between the proposed residential uses to the north and retail uses to the south. In addition, the remaining retail property will be subject to the Residential Adjacency Standards for certain uses.
- As noted previously, the proposed rezoning request conforms to the objectives and strategies of the Housing Element of the Comprehensive Plan and Infill Housing Policy Statement.
- This rezoning request would not result in a shortage of land required for neighborhood retail or service uses given existing nonresidential development to the north and west as well as the remaining 3.8± acres zoned R to the south being retained for nonresidential uses.
- The rezoning request would not result in residual tracts that are inconsistent with the Comprehensive Plan.
- The rezoning request is consistent with the intent of reducing the overall impact of zoning imbalance on the city's land use system.

Adequacy of Public Facilities

Water and sanitary sewer services are available to serve the subject property.

Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request.

SUMMARY:

The applicant is requesting to rezone 11.1± acres located on the east side of Ohio Drive, 641± north of Rasor Boulevard **from R to PD-SF-6** to allow for reduced lot width requirements. The proposed zoning request is in conformance with the Future Land Use Plan, which recommends Residential for the property. Furthermore, the request is consistent with the Housing Element of the Comprehensive Plan and the Infill Housing and Rezoning to Meet Demand policy statements.

The proposed rezoning request meets the city's land use policies, and the need to reduce retail zoned properties wherever possible given the oversupply of underperforming retail properties within the city. Therefore, staff recommends approval of the proposed zoning request.

RECOMMENDATIONS:

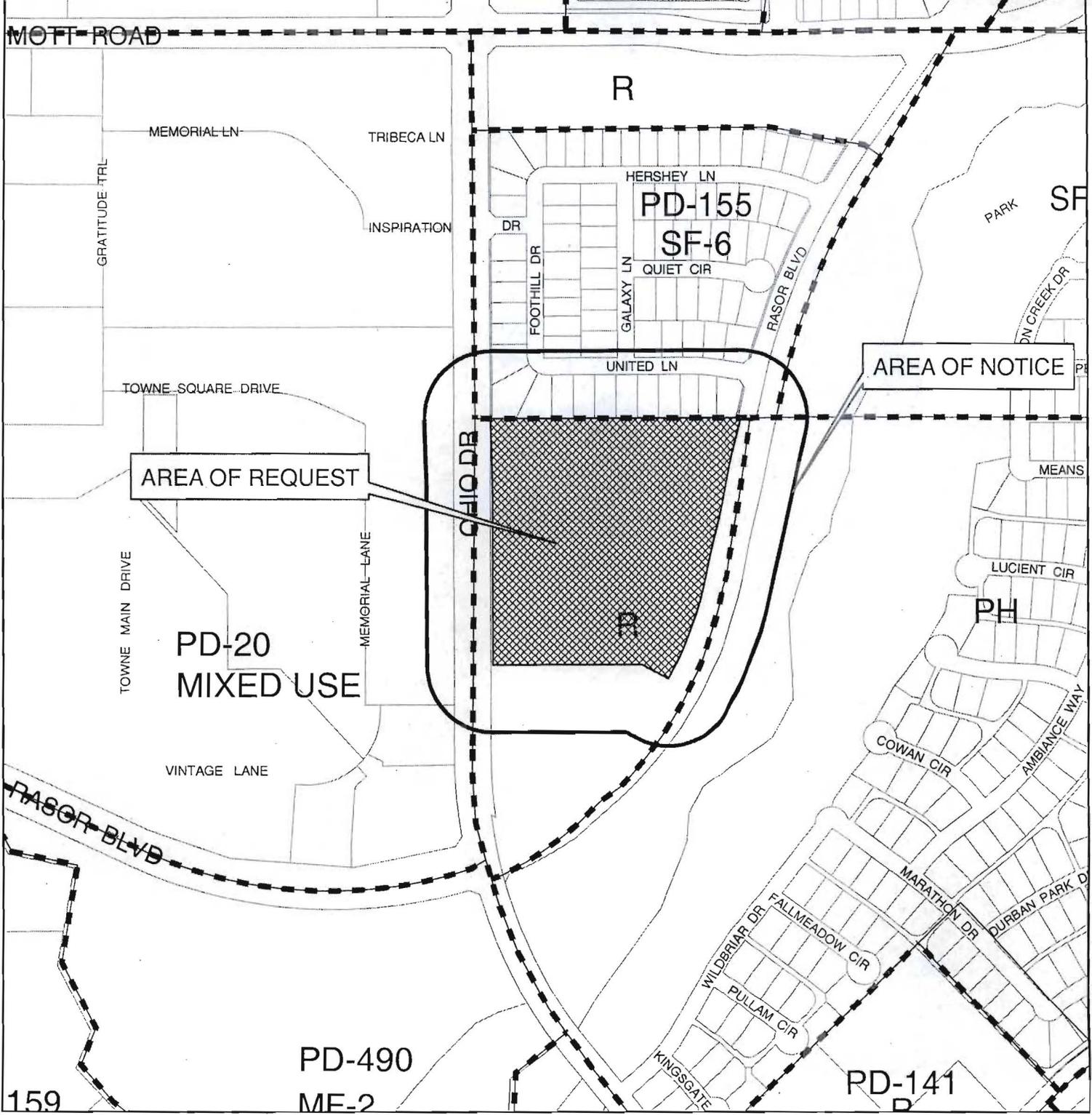
Recommended for approval as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the Single-Family Residence-6 (SF-6) zoning district unless otherwise specified herein.

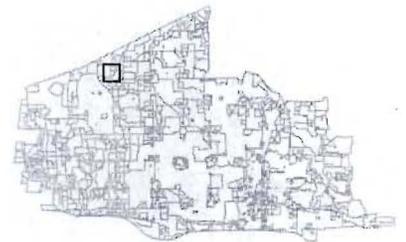
General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. A maximum of nine lots shall have a minimum lot width of 50 feet; all other lots shall comply with the minimum lot width requirements for the SF-6 district.



Zoning Case #: 2011-07

Existing Zoning: RETAIL



○ 200' Notification Buffer

Zoning Case 2011-07

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 11.1± acres out of the Collin County School Land Survey, Abstract No. 153, located on the east side of Ohio Drive, 641± feet north of Rasor Boulevard in the City of Plano, Collin County, Texas, from Retail to Planned Development-213-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 9th day of May, 2011, for the purpose of considering rezoning 11.1± acres out of the Collin County School Land Survey, Abstract No. 153, located on the east side of Ohio Drive, 641± feet north of Rasor Boulevard in the City of Plano, Collin County, Texas, from Retail to Planned Development-213-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 9th day of May, 2011; 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 11.1± acres out of the Collin County School Land Survey, Abstract No. 153, located on the east side of Ohio Drive, 641± feet north of Rasor Boulevard in the City of Plano, Collin County, Texas, from Retail to Planned Development-213-Single-Family Residence-6 said property being described in the legal description on Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to:

Restrictions:

The permitted uses and standards shall be in accordance with the Single-Family Residence-6 (SF-6) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. A maximum of nine lots shall have a minimum lot width of 50 feet; all other lots shall comply with the minimum lot width requirements for the SF-6 district.

Section III. 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 IV. 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 V. 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 VI. 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 VII. 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 VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 9TH DAY OF MAY, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING an 11.27 acre tract or parcel of land situated in the Collin County School Land Survey, Abstract No. 153 in the City of Plano, Collin County, Texas and being a portion of that certain 118.062 acre tract conveyed to Copacabana Corporation, Inc. by deed recorded in Volume 3365, Page 135 of the Deed Records of Collin County, Texas, said 11.127 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron rod with red plastic cap stamped "WAI" set for corner in the east right-of-way line of Ohio Drive, from this iron rod, the southwest corner of Regency Park Addition, an addition to the City of Plano, according to the plat thereof recorded in Cabinet 2006, Page 402, Plat Records, Collin County, Texas (P.R.C.C.T.), bears South 89° 21' 37" East, a distance of 7.95 feet;

THENCE South 89° 21' 37" East, along the north line of said Copacabana Tract and the south line of said Regency Park Addition, a distance of 740.21 feet to a point in a 1/2-inch iron rod with red plastic cap stamped "WAI" set for corner in the westerly right-of-way of Razor Road (variable width R.O.W.)

THENCE along said westerly right-of-way line of said Razor Road the following courses:

South 13° 11' 43" West, a distance of 491.49 feet to a 1/2-inch iron rod with red plastic cap stamped "WAI" set for corner and the beginning of a curve to the right having a radius of 1;091.33 feet, a central angle of 16° 46' 04", a chord bearing and distance of South 21° 34' 47" West, 318.24 feet to a 1/2-inch iron rod with red plastic cap stamped "WAI" set for corner;

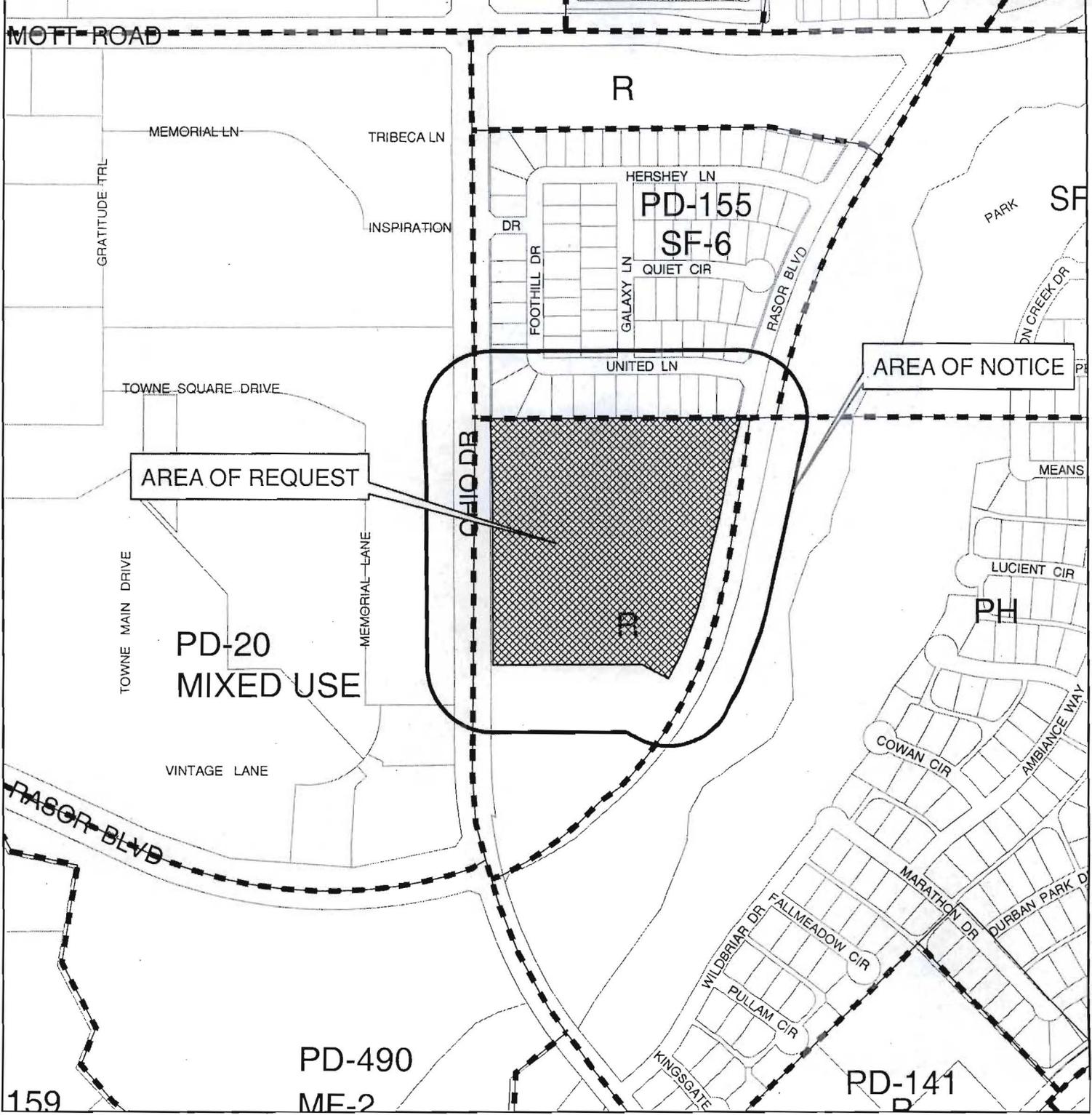
THENCE North 61° 13' 36" West, departing said westerly right-of-way line, a distance of 89.26 feet to a 1/2-inch iron rod with red plastic cap stamped "WAI" set for corner;

THENCE North 89° 23' 12" West, a distance of 444.20 feet to a 1/2-inch iron rod with red plastic cap stamped "WAI" set for corner, said iron rod being situated in the easterly right-of-way line of Ohio Drive (variable width R.O.W.)

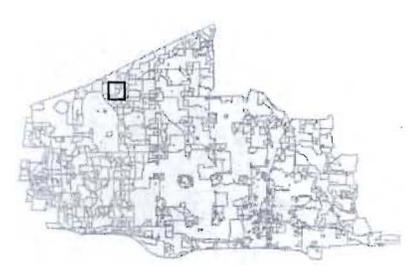
THENCE North 00° 48' 02" East, along the east right-of-way line of said Ohio Drive, a distance of 536.03 feet to a 5/8-inch iron rod with cap found for corner;

THENCE North 01°09' 06" East, along said east right-of-way line, a distance of 199.06 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 11.127 acres or 484,671 square feet of land, more or less.

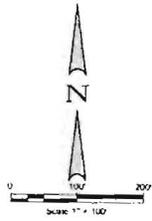
Bearings contained herein are based upon an on the ground survey performed in the field on the 14th day of February, 2011 utilizing a GPS measurement of South 89° 21' 37" East (WGS84) (plat South 89° 51' 27" East, along the southerly line of Regency Park Addition, an addition to the City of Plano according to the plat thereof recorded in Cabinet 2006, Page 402, Plat Records, Collin County, Texas).



Zoning Case #: 2011-07
 Existing Zoning: RETAIL



○ 200' Notification Buffer

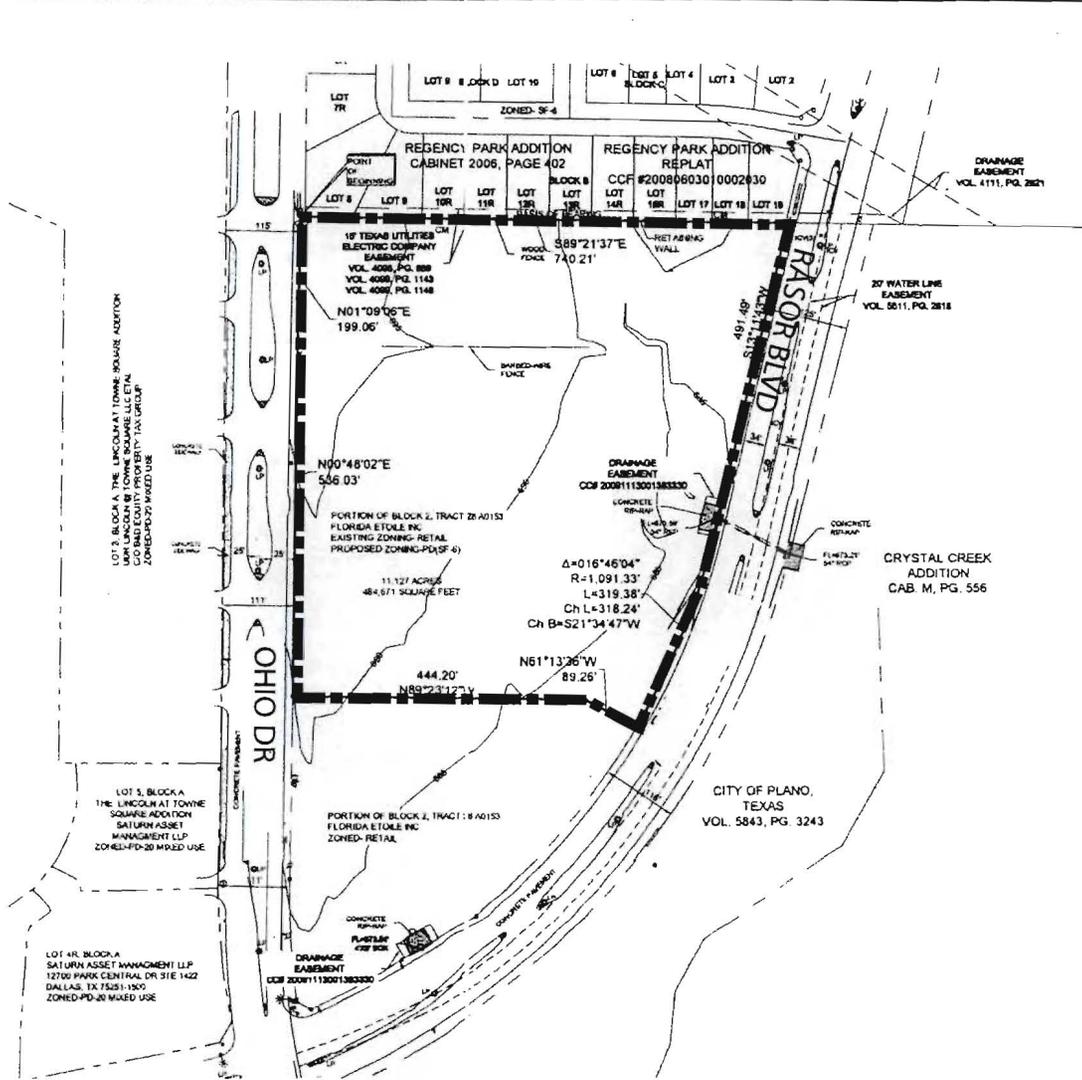


VICINITY MAP
NOT TO SCALE

PROPOSED ZONING: PD(SF-6)

PD REGULATIONS

- 1. MINIMUM LOT WIDTH SHALL BE 52' WIDE



PROPERTY DESCRIPTION

BEING a 11.127 acre tract or parcel of land situated in the Collin County School Land Survey, Abstract No. 153 in the City of Plano, Collin County, Texas and being a portion of that certain 118.052 acre tract conveyed to Copeland Corporation, Inc. by deed recorded in Volume 2355, Page 136 of the Deed Records of Collin County, Texas, and 11.127 acre tract being more particularly described by metes and bounds as follows:

BEGINS at a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner in the east right-of-way line of Ohio Drive, from the corner, the southeast corner of Regency Park Addition, an addition to the City of Plano, according to the plat thereof recorded in Cabinet 2006, Page 402, Plat Records, Collin County, Texas (PAC 021), bears South 89 deg 21 min 37 sec East, a distance of 7.95 feet;

THENCE South 89 deg 21 min 37 sec East, along the north line of said Copeland's tract and the south line of said Regency Park Addition, a distance of 740.21 feet to a point on a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner in the westerly right-of-way line of Rasor Road (variable width R.O.W.);

THENCE along said westerly right-of-way line of said Rasor Road the following courses:

South 13 deg 11 min 43 sec West, a distance of 491.46 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner, also the beginning of a curve to the right having a radius of 1591.23 feet, a central angle of 16 deg 48 min 04 sec, a chord bearing and distance of South 21 deg 34 min 47 sec West, 318.24 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner;

THENCE North 01 deg 13 min 36 sec West, clearing said westerly right-of-way line, a distance of 89.26 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner;

THENCE North 88 deg 23 min 12 sec West, a distance of 444.20 feet to a 1/2 inch iron rod with red plastic cap stamped "WAF" set for corner, said iron rod being situated in the easterly right-of-way line of Ohio Drive (variable width R.O.W.);

THENCE North 00 deg 48 min 02 sec East, along the east right-of-way line of said Ohio Drive, a distance of 536.03 feet to a 5/8 inch iron rod with cap found for corner;

THENCE North 01 deg 09 min 08 sec East, along said East right-of-way line, a distance of 199.06 feet to the POINT OF BEGINNING.

CORNERING within these metes and bounds 11.127 acres or 484,871 square feet of land more or less.

Bearings contained herein are based upon an on the ground survey performed in the field on the 14th day of February, 2011, utilizing a GPS measurement of S89°21'37\"/>

NO.	DATE	REVISION	APPROVED

Winkelmann & Associates, Inc.
 ENGINEERS, ARCHITECTS, SURVEYORS, PLANNERS
 5801 SPRING VALLEY ROAD, SUITE 1100-W
 DALLAS, TEXAS 75244

COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 153 CITY OF PLANO COLLIN COUNTY, TEXAS
 11.127 ACRES

NOTES

1. 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 HEREON, 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.

OWNER:
 FLORIDA ETOILE, INC.
 13876 SW 56TH STREET, #3242
 MIAMI, FLORIDA 33175-6021
 676 SW MILLER DEVELOPMENT
 (872) 419-4024

ENGINEER/SURVEYOR:
 WINKELMANN & ASSOCIATES, INC.
 8750 HILLCREST PLAZA DR., SUITE 325
 DALLAS, TEXAS 75230
 (972) 490-7090
 TEXAS ENGINEERS REGISTRATION NO. 89
 TEXAS SURVEYORS NO. 100866-00

2C-2011-07
BEVERLY HILLS ESTATES
 PORTION OF BLOCK 2, TRACT 28
 COLLIN COUNTY SCHOOL SURVEY, ABSTRACT NO. 153
 CITY OF PLANO COLLIN COUNTY, TEXAS
 11.127 ACRES

BEING AN EXHIBIT OF A PORTION OF BLOCK 2, TRACT 28
 OHIO & RASOR
 RECORDED IN CAS . SUDS . PLAT RECORDS OF COLLIN COUNTY, TEXAS
 DATE: 03-29-11

ZONING EXHIBIT
 11.127 ACRES

DATE: 03/29/11
 SCALE: 1" = 100'
 PLAN: 5000' Zoning Plat
 PROJECT NO.: 59002

OWNER: 1 OF 1