

**DATE:** May 3, 2011  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 2, 2011

**AGENDA ITEM NO. 6A - PUBLIC HEARING  
ZONING CASE 2011-08  
APPLICANT: SAMMY JIBRIN**

Request to rezone 8.8± acres located on the south side of 14th Street, 174± feet east of Star Court **from** Planned Development-202-Research/Technology Center **to** Planned Development Single-Family Residence-6. Zoned Planned Development-202-Research/Technology Center.

**APPROVED:** 6-1 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **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 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. Minimum lot depth shall be 90 feet.
2. Minimum side yard setback shall be six feet except corner lots shall have a minimum 15 foot side yard setback on the street side.

The Commissioner voting in opposition to this request was concerned regarding the sound coming from the nearby gun firing range and the impact on the subject property since the property is closer to the gun firing range.

**FOR CITY COUNCIL MEETING OF:** May 23, 2011 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

KP/dc

xc: Sammy Jibrin, Majestic Cast, Inc.  
Sharon Barbosa, Barbosa Professional Services

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 2, 2011

**Agenda Item No. 6A**

**Public Hearing:** Zoning Case 2011-08

**Applicant:** Sammy Jibrin

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**DESCRIPTION:**

Request to rezone 8.8± acres located on the south side of 14th Street, 174± feet east of Star Court **from** Planned Development-202-Research/Technology Center **to** Planned Development Single-Family Residence-6. Zoned Planned Development-202-Research/Technology Center.

**REMARKS:**

The applicant is requesting to rezone an 8.8± acre tract located on the south side of 14th Street, 174± feet east of Star Court from Planned Development-202-Research/Technology Center (PD-202-RT) to Planned Development Single-Family Residence-6 (PD-SF-6). The subject property is currently undeveloped. The existing PD-202-RT district is intended to create a low density, employment center consisting of office, research, and development facilities, and limited assembly operations. RT districts should generally accommodate several users in a campus environment.

The requested PD-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 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 planned development zoning request proposes to allow for a minimum lot depth of 90 feet and minimum side yard of six feet. A companion concept plan, Medina Villas, accompanies this rezoning request.

Last year, following the rezoning of approximately 70 acres in this immediate area from PD-202-RT to Single-Family Residence-6 (SF-6) and Single-Family Residence Attached (SF-A) the City Council requested that the Planning & Zoning Commission work with staff to develop a new plan for RT. During these discussions, the Commission identified the subject property as appropriate for residential development. The property owners were not present during the discussions so the Commission did not recommend a city-initiated rezoning or amendment to the Future Land Use Plan at that time.

### **Surrounding Land Use and Zoning**

The adjacent properties to the west and east of this tract are zoned PD-202-RT. The property to the west is partially developed as a religious facility. To the east is the Plano-Richardson Police Training Academy. To the north, across 14th Street, the property is zoned Planned Development-30-Multifamily Residence-2 (PD-30-MF-2) and is developed as multifamily. To the south the property is zoned Single-Family Attached (SF-A) and is currently undeveloped.

The requested single-family residential zoning is consistent with the SF-A zoning to the south and the existing religious facility to the west. However, it is not consistent with adjacent PD-202-RT zoning as well as other nonresidential zoning within the surrounding area. Areas of concern include:

- This property is located adjacent to the Plano-Richardson Police Training Academy and approximately 1/10 of a mile from the pistol and rifle firing ranges associated with this facility. Depending on ambient noise and weather conditions, noise from both the pistol and rifle ranges can be heard from this site. Firing occurs regularly Monday through Saturday and is not typically conducive to a residential environment.
- Businesses locate in commercial districts where comparable uses are allowed and that have like operations such as truck traffic, loading operations, odors, increased noise levels, and lighting. Similarly, residents locating in a residential development have general expectations of a living environment where they can enjoy their home, both inside and outside in their respective yard area. Introducing residential land uses in an area that historically has been zoned for nonresidential uses where businesses are located creates land use compatibility issues and conflicting interests.

### **Proposed Planned Development Stipulations**

The requested zoning is PD-SF-6. The request proposes to establish a minimum lot depth of 90 feet and a minimum side yard of six feet. The SF-6 zoning district requires a minimum lot size of 6,000 square feet, a minimum lot depth of 100 feet, and a side yard that is six feet or ten percent of the lot width, whichever is greater except as in Section 3.600 (Side Yard Regulations) of the Zoning Ordinance. The applicant is not proposing any other changes to the SF-6 district and would maintain a minimum lot size of 6,000 square feet. This request is due to the overall site configuration, especially the narrowness of the property, which is affecting the lot design and the ability to provide two points of access.

## **Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Research/Technology Center. This request does not conform to the Future Land Use Plan.

**Economic Development Element** - The Economic Development Element of the Comprehensive Plan establishes a goal of preserving land in employment centers. However, during previous discussions held on the RT district, the Commission determined that this property was not part of the core Research/Technology Center employment district.

**Housing Element** - The Housing Element of the Comprehensive Plan recognizes that not all residential development will be in a “typical” neighborhood format, with a school and neighborhood park at the center. The plan states that:

*“There is an abundance of land zoned for nonresidential uses. Some of these properties are not in a prime location for development and lack the access and visibility required for commercial uses. A reasonable alternative use for these properties may include some form of medium- to high-density housing.”* In evaluating locations for residential development, the plan also notes the importance of *“Ensure(ing) that alternative neighborhood formats provide functional and appropriate environments.”* The area lacks typical residential amenities and surrounding uses, specifically the nearby gun range and recycling uses allowed in the existing Light Industrial-1 and Research/Technology Center zoning districts that are not conducive to a high quality living environment. However, the addition of residential units in this area will create more residential mass and should contribute positively to the living conditions in the area.

**Adequacy of Public Facilities** - If residential uses are developed on this site, then the existing sanitary system would be insufficient to handle the increased flow when the sanitary sewer drainage basin is fully developed. Therefore, the developer will need to escrow funds to the city to cover a portion of the cost to increase the size of the sewer line. The city would construct the new sewer line in the future when needed.

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

## **Summary**

The applicant is requesting to rezone an 8.8± acre tract located on the south side of 14th Street, 174± feet east of Star Court from Planned Development-202-Research/Technology Center (PD-202-RT) to Planned Development Single-Family Residence-6 (PD-SF-6). The request is not consistent with the city’s existing Comprehensive Plan. Due to conflicting land uses adjacent to, and in the immediate vicinity of this property, this property does not appear to offer a high quality living environment as described in the Comprehensive Plan. However, recent rezoning of approximately 70 acres for single-family uses and determinations by the Planning & Zoning Commission support the addition of single-family development in this area.

## **RECOMMENDATION:**

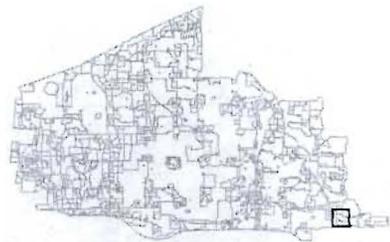
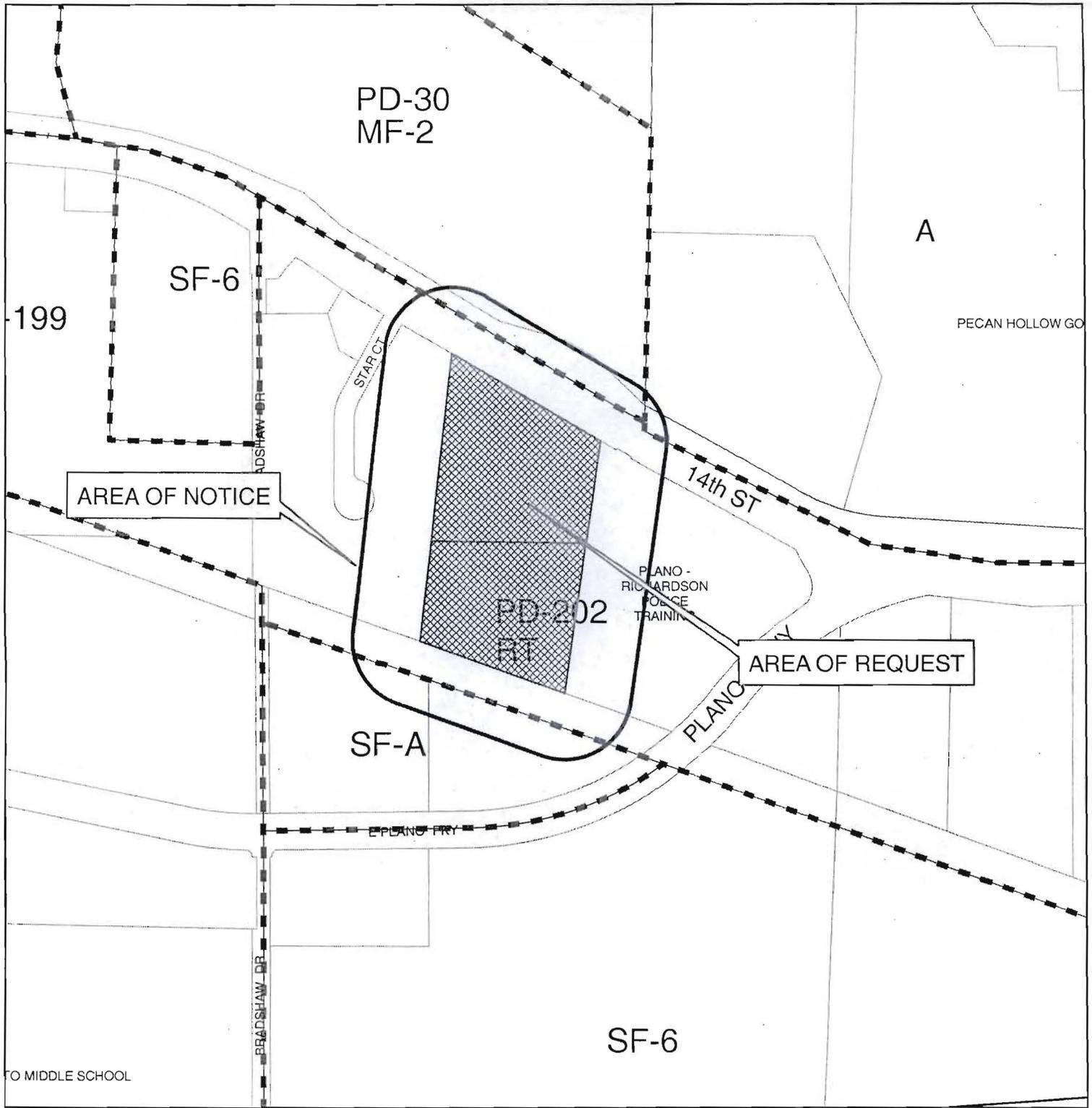
Recommended for approval as follows:

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. Minimum lot depth shall be 90 feet.
2. Minimum side yard setback shall be six feet except corner lots shall have a minimum 15-foot side yard setback on the street side.



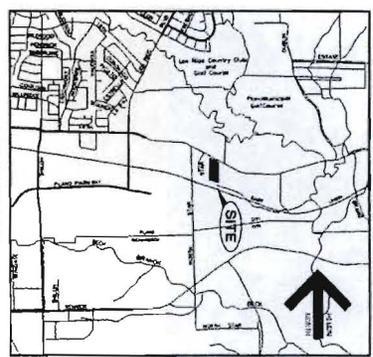
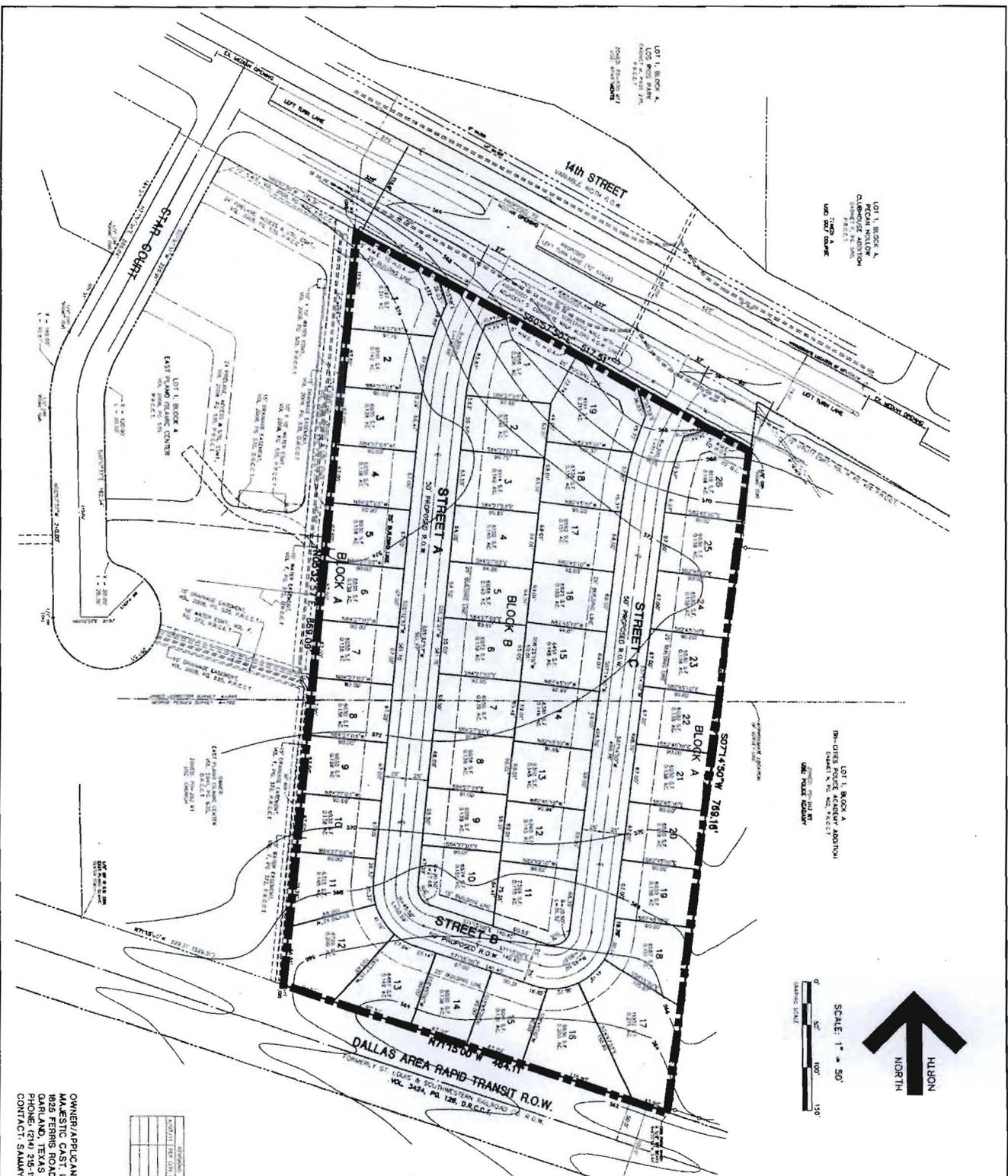
Zoning Case #: 2011-08

Existing Zoning: PLANNED DEVELOPMENT-202-RESEARCH/TECHNOLOGY CENTER



○ 200' Notification Buffer





**GENERAL NOTES**

1. All areas identified by Section 2.810 (SF-5 Single Family Residences - SFR) will be shown on the requirements of Section 2.810 of the zoning Ordinance and all other special requirements of zoning Ordinance will be complied with except:
2. a. Maximum lot depth required = 100 feet, minimum lot depth provided = 90 feet.
2. b. An (S) in lot (number) indicates existing well shall be provided along P.M. (Proposed 5th (14th Street)). The necessary well shall be constructed at the time of installation, and be subject to approval by the inspectors and public works department.
3. A Homeowner's Association shall be established for the maintenance of the covering and siding of all Highway 244 (14th Street).
4. The exact lot configurations and dimensions may vary (to be determined at the time of delivery), but we do not create any additional setbacks.

NO.	REVISION

**OWNER/APPLICANT:**  
**MAJESTIC CAST, INC.**  
 8625 FERRIS ROAD  
 GARLAND, TEXAS 75044  
 PHONE: (214) 215-1888  
 CONTACT: SAMMY JBRIN

**CONCEPT PLAN**

MEDINA VILLAGES  
 LOTS 1-28, BLOCK A & LOTS 1-19, BLOCK B  
 JAMES LEDBETTER SURVEY ABST. 545  
 AND GEORGE PEDES SURVEY ABST. 700  
 PLANO, COLLIN COUNTY, TEXAS

**IDJR**  
 ENGINEERS AND CONSULTANTS

LENN RESOLUTION NUMBER 7-1407  
 ENGINEERS - SURVEYORS - LAND PLANNERS  
 2800 Van Hook Lane, 200 West Tower  
 IRVING, TEXAS 75039  
 PHONE: (972) 412-2222

DATE: 04/24/2011  
 SCALE: 1" = 50'

SCALE: 1" = 50'      1" = 1'

## Zoning Case 2011-08

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 8.8± acres out of the James Ledbetter Survey, Abstract No. 545, and the George Pegues Survey, Abstract No. 700, located on the south side of 14th Street, 174± feet east of Star Court in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center to Planned Development-218-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 23rd day of May, 2011, for the purpose of considering rezoning 8.8± acres out of the James Ledbetter Survey, Abstract No. 545, and the George Pegues Survey, Abstract No. 700, located on the on the south side of 14th Street, 174± feet east of Star Court in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center to Planned Development-218-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 23rd 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 8.8± acres out of the James Ledbetter Survey, Abstract No. 545, and the George Pegues Survey, Abstract No. 700, located on the on the south side of 14th Street, 174± feet east of Star

Court in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center to Planned Development-218-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 the following 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. Minimum lot depth shall be 90 feet.
2. Minimum side yard setback shall be six feet except corner lots shall have a minimum 15-foot side yard setback on the street side.

**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 23RD DAY OF MAY, 2011.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

ZC 2011-08

BEING a lot, tract, or parcel of land located in the James Ledbetter Survey, Abstract No. 545 and the George Pegues Survey, Abstract No. 700, City of Plano, Collin County, Texas, and being all of a called 8.75 acre tract of land described in the deed to Majestic Cast, Inc. filed for record under the County Clerk's File No. 20060821001199770, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at an "X" cut found (Controlling Monument) on top of a concrete headwall and being on the northerly right-of-way line of the Dallas Area Rapid Transit (D.A.R.T.) right-of-way (formerly known as the St. Louis & Southwestern Railroad Co. right-of-way (called 100 foot wide right-of-way) said "X" cut also being the southwest corner of said 8.75 acre tract and the southeast corner of Lot 1, Block A, East Plano Islamic Center, an addition to the City of Plano, Collin County, Texas, according to the plat filed for record in Volume 2008, Page 535, Plat Records, Collin County, Texas;

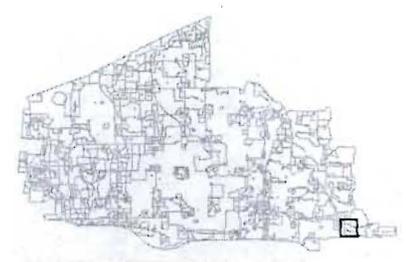
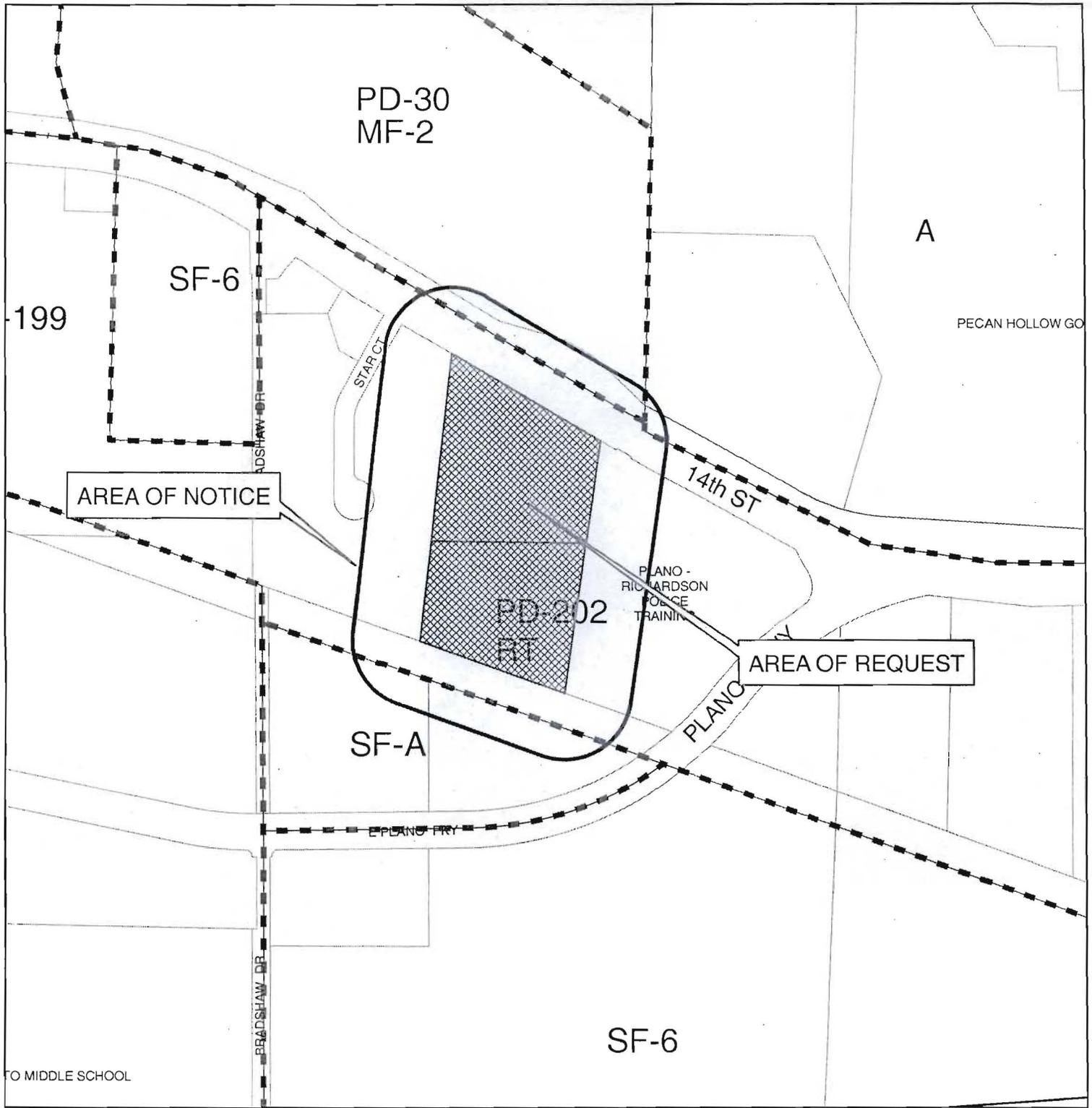
THENCE North 05° 32' 57" East (Basis of Bearings-Volume 2008, Page 535), along the common line of said 8.75 acre tract and said East Plano Islamic Center, a distance of 869.09 feet, to a 1/2-inch iron rod found at the northwest corner of said 8.75 acre tract and the northeast corner of said East Plano Islamic Center, said iron rod also being the southwest corner of that certain tract of land described in the deed to the City of Plano, filed for record under the County Clerk's File No. 95-0082128, O.P.R.D.C.T., and being on the southerly right-of-way line of Farm-Market Highway No. 544, also known as 14th Street (a variable width right-of-way);

THENCE South 60° 57' 50" East, along the southerly line of said City of Plano tract and the southerly right-of-way line of said Farm-Market Highway No. 544, a distance of 517.51 feet, to a 1/2-inch iron rod found with a cap stamped "Roome" on the west line of Tri-Cities Police Academy Addition, an addition to the City of Plano, Collin County, Texas, according to the plat filed for record in Cabinet H, Page 402, P.R.C.C.T., and being at the northeast corner of said 8.75 acre tract;

THENCE South 07° 14' 50" West, along the common line of said Tri-Cities Police Academy Addition and said 8.75 acre tract, a distance of 769.16 feet, to a 5/8-inch iron rod set with a cap stamped "JDJR" at the southwest corner of said Tri-Cities Police Academy Addition and being on the northerly right-of-way line of the aforementioned D.A.R.T. right-of-way;

THENCE North 71° 15' 00" West, along the northerly line of said D.A.R.T. right-of-way, a distance of 464.11 feet, to the POINT OF BEGINNING and CONTAINING 8.7500 acres (381,150 square feet) of land, more or less.

The bearings recited hereinabove are based on the found monumentation at the ends of the west line of East Islamic Center, filed for record in Volume 2008, Page 535, Plat Records, Collin County, Texas. (Called Bearing = North 05°32' 57" East)



Zoning Case #: 2011-08

Existing Zoning: PLANNED DEVELOPMENT-202-RESEARCH/TECHNOLOGY CENTER



○ 200' Notification Buffer

