

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. 7A - PUBLIC HEARING
ZONING CASE 2011-09
APPLICANTS: HABITAT FOR HUMANITY OF SOUTHERN COLLIN COUNTY**

Request to rezone 1.1± acres located on the north side of 11th Street, east and west of E Avenue, **from** Corridor Commercial **to** Planned Development-General Residential. Zoned Corridor Commercial.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 2

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 General Residential (GR) zoning district unless otherwise specified herein.

1. Maximum front yard setback on E Avenue shall be 20 feet.
2. No maximum front yard setback is required for lots fronting 11th Street.
3. Side yard setbacks for corner lots fronting 11th Street shall be a minimum ten feet.
4. Minimum lot depth for lots fronting 11th Street shall be 85 feet.
5. Residential Lots fronting 11th Street which are adjacent to a non-residential zoning district shall be permitted to construct a solid fence (minimum 6 feet, maximum 8 feet) within the required front yard of the residential lot along the shared zoning district boundary line.

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

PUBLIC HEARING - ORDINANCE

BM/dc

xc: Dick Taylor, Habitat for Humanity of Southern Collin County
Penelope Diaz, Domus Studio Group, PLLS

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 2, 2011

Agenda Item No. 7A

Public Hearing: Zoning Case 2011-09

Applicant: Habitat for Humanity of Southern Collin County

DESCRIPTION:

Request to rezone 1.1± acres located on the north side of 11th Street, east and west of E Avenue, **from** Corridor Commercial **to** Planned Development-General Residential. Zoned Corridor Commercial.

REMARKS:

The applicant is requesting to rezone 1.1± acres located on the north side of 11th Street, east and west of E Avenue, **from** Corridor Commercial (CC) **to** Planned Development-General Residential (PD-GR).

The current zoning is CC. The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways.

The requested zoning is PD-GR to accommodate redevelopment of the property. 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 GR district is intended to provide for infill residential development that is consistent with the unique character of the Douglass Community near downtown Plano. It includes standards that are consistent with the size, dimensions, and configuration of existing lots, and contains special design and material requirements that are compatible with existing structures in the neighborhoods.

The planned development zoning request includes stipulations that address front yard setbacks, lot depth, and fencing. A concept plan, Habitat 11th Street Addition, accompanies this request as Agenda Item No 7B.

Surrounding Land Use and Zoning

The property presently has vacant duplexes on it. The property to the north has a parking lot, a retail store and is zoned Planned Development-472-Corridor Commercial (PD-472-CC). To the west is another retail building zoned Corridor Commercial (CC). To the south across 11th Street, are additional vacant duplexes zoned Corridor Commercial (CC), and to the east are existing residences zoned General Residential (GR).

Proposed Planned Development Stipulations

The requested zoning is PD-GR. As noted previously, the request proposes to establish:

- A maximum 20 feet front yard setback from E Avenue;
- No maximum front yard setback on lots fronting 11th Street only;
- Side yard setbacks for corner lots fronting 11th Street to be minimum ten feet;
- Minimum lot depth of 85 feet for lots fronting 11th Street; and
- Residential lots fronting 11th Street which are adjacent to nonresidential zoning may construct a solid fence (minimum six feet, maximum eight feet) within the required front yard of the residential lot along the shared zoning district boundary.

The overall small size of the subject property, combined with the need for right-of-way dedication and an existing electric easement that encumbers the southern portion of the property, are the reasons that necessitate a planned development district for the proposed development.

Front yard setbacks: The GR zoning district requires a maximum 15 foot front yard setback for homes without garages. The applicant is requesting for a maximum of 20 feet front yard setback from E Avenue in order to accommodate required onsite parking clear of the sidewalk. Though Habitat for Humanity owns the property, Oncor Utilities Company has a 50± foot wide utility easement along 11th Street thus causing structures to be placed outside of the easement and beyond the maximum 15 foot front yard setback. As such, the applicant is requesting for no maximum front yard setback on lots fronting 11th Street only.

Side yard setbacks: Subsection 3.608 (Side Yard Regulations) of the Zoning Ordinance requires that where residential lots are platted such that the side of one lot abuts the rear of another lot, the side building line adjacent to the street shall be platted at the same depth as the adjacent front building line, unless an alley is constructed between the two lots so as to provide a minimum 15 foot separation between the building lines. The applicant is requesting side yard setbacks for corner lots fronting 11th Street to be 10 feet in order to match the minimum front yard setback of 10 feet for lots fronting E Avenue.

Lot depth: The GR zoning district requires a minimum lot depth of 90 feet and the applicant is requesting for a minimum lot depth of 85 feet for lots fronting 11th Street in order to dedicate the required 11.5 feet of right-of-way for 11th Street.

Fencing: Lastly, Subsection 3.1002 (1) (General Fence and Wall Regulations) only allows a maximum 40 inches tall, 50% open fence within the required front yard setback in all zoning districts. The applicant is proposing to allow for lots fronting 11th Street which are adjacent to nonresidential zoning to construct a solid fence (minimum six feet, maximum eight feet) within the required front yard of the residential lot along the shared zoning district boundary. The fence is meant to screen the proposed residential uses from commercial uses to the west.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Freeway Commercial (FC). The Freeway Commercial category is intended to define the unique character of the U.S. Highway 75 corridor. This corridor includes major retail development including Collin Creek Mall, along with general commercial, entertainment, lodging, and office uses. Basic components of the category include 1:1 floor area ratios and a 20 story maximum height limit. Lower floor area ratios and maximum heights are recommended for areas located within 500 feet of residential areas. The proposed residential use is not in conformance with the Future Land Use Plan.

Housing Element - The Housing Element encourages the conversion of excess nonresidential zoned properties to residential use. This rezoning request proposes to rezone and redevelop a portion of a former residential development that has been abandoned. The proposed project provides an opportunity to create new housing opportunities that complement and support existing residential developments to the east of the subject property. Additionally, the property does not have frontage on the U.S Highway 75 frontage road which is typically desired by nonresidential uses.

The proposed request further meets the City in Transition objectives of the Housing Element as follows:

- The rezoning request to allow residential uses expands Plano's housing stock even as the availability of land decreases on property that is zoned for nonresidential uses that may not develop for that purpose;
- The proposed project will create new housing opportunities that complement and support existing residential development to the east within the Douglass Community; and
- The proposed housing provides affordable housing opportunities to meet the needs of low income and first time home buyers.

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

1. Adjacent or in close proximity to existing residential development - The development is adjacent to existing residential development to the east and would be able to take advantage of the existing amenities in the area.
2. Site and configuration to support housing - The proposed site is large enough to support the proposed infill housing development to help make the residential project viable. The site is 1.1± acres and generally free of factors that could make development difficult, such as steep grades.
3. Access to existing utilities - Water and sanitary sewer services are available to serve the subject property.

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. The fact that this subject property has not redeveloped with nonresidential uses despite being zoned Corridor Commercial, indicates the need for properties such as this to be rezoned and redeveloped for residential uses as proposed.

Additionally, the Rezoning Property to Meet Demand Policy Statement provides a criteria framework for evaluating requests. The proposed request satisfies the Rezoning Property to Meet Demand Policy Statement criteria framework as follows:

- The area to be rezoned is an extension of an existing residential neighborhood to the east and is not separated from the neighborhood by a thoroughfare of Type C or larger.
- The proposed rezoning site is physically appropriate in terms of size, dimensions and shape for residential uses; it is a redevelopment of a former residential development.
- The area is not affected by adverse environmental conditions such as noise, light fumes, or related nuisances. Residential Adjacency Standards would apply should the commercial property to the west redevelop.
- The proposed rezoning conforms to the objectives and strategies within the Housing Element of the Comprehensive Plan and the Infill Housing Policy Statement as noted above.
- The subject property would not jeopardize the land areas considered prime for future economic expansion due to its location. This property does not have frontage on the U.S. Highway 75 frontage road which is typically desired by nonresidential uses. Additionally, the rezoning of this property would not result in shortage of land required for neighborhood retail or service uses.
- The rezoning would not result in residual tracts that are inconsistent with the Comprehensive Plan since it is a redevelopment of a former residential development and an extension of an existing residential area to the east.
- The rezoning is clearly consistent with the intent of reducing the overall impact of zoning imbalance on the city's Land Use System.

- The rezoning would not negatively impact existing public service facilities such as schools, parks and streets.

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 1.1± acres located on the north side of 11th Street, east and west of E Avenue **from** CC **to** PD-GR to accommodate redevelopment of the property.

The proposed zoning request is not in conformance with the Future Land Use Plan, which recommends Freeway Commercial for the property. However, the request is consistent with the Housing Element of the Comprehensive Plan, and the Infill Housing and Rezoning to Meet Demand policy statements which address infill housing and redevelopment opportunities, and acknowledges that there are some nonresidential zoned properties that may be appropriate for rezoning to residential districts.

The proposed rezoning request meets the city's land use policies and the need to provide a variety of housing types for Plano residents. It gives the city an opportunity to convert nonresidential properties that are not likely to develop for nonresidential purposes to residential uses. The zoning request also fulfills the intent of the GR district to provide for infill residential development that is consistent with the unique character of the Douglass Community. Therefore, staff recommends approval of the proposed zoning request.

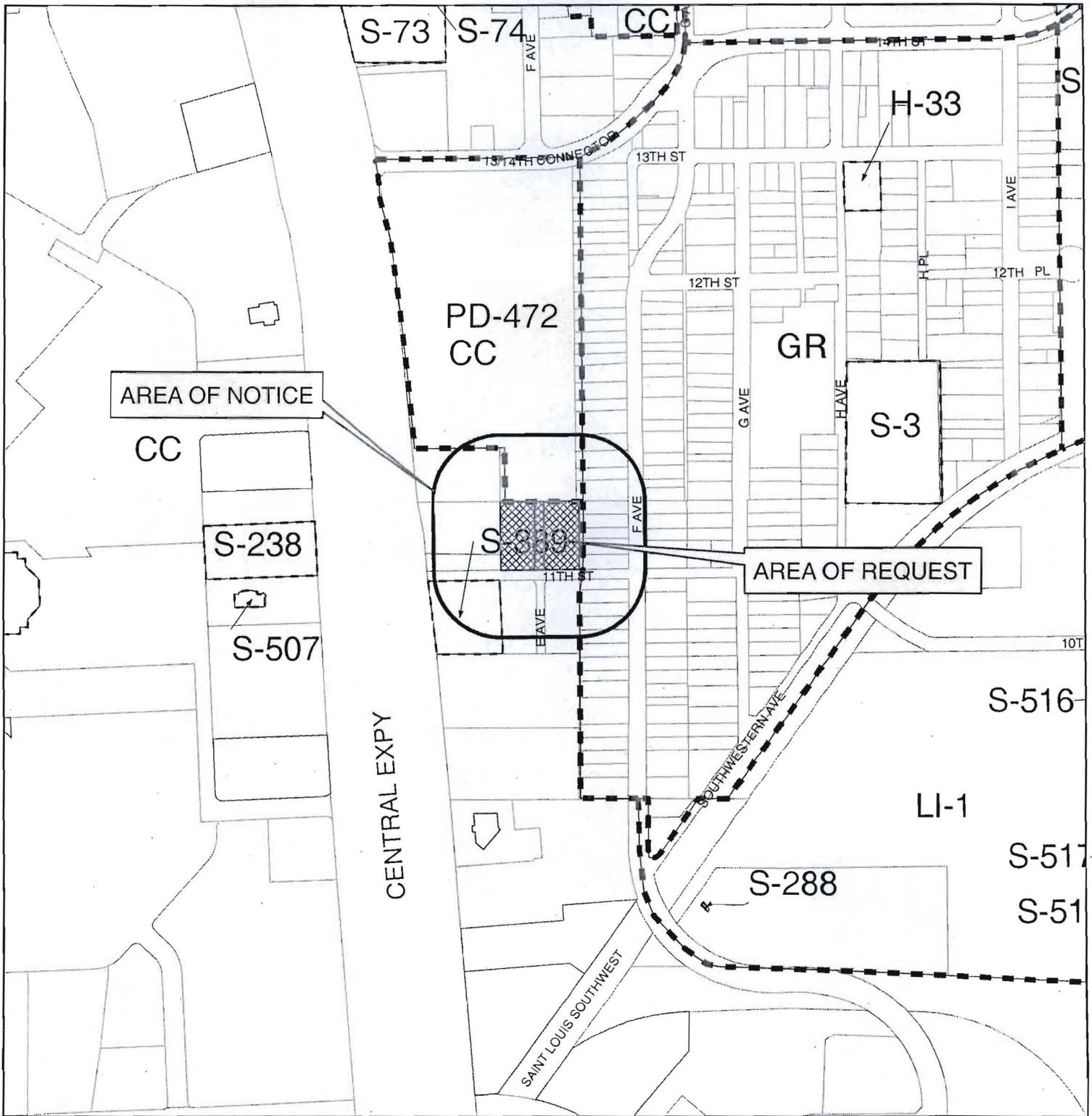
RECOMMENDATIONS:

Recommended for approval as follows:

Restrictions:

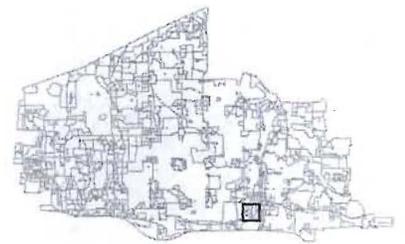
The permitted uses and standards shall be in accordance with the General Residential (GR) zoning district unless otherwise specified herein.

1. Maximum front yard setback on E Avenue shall be 20 feet.
2. No maximum front yard setback is required for lots fronting 11th Street.
3. Side yard setbacks for corner lots fronting 11th Street shall be a minimum ten feet.
4. Minimum lot depth for lots fronting 11th Street shall be 85 feet.
5. Residential Lots fronting 11th Street which are adjacent to a nonresidential zoning district shall be permitted to construct a solid fence (minimum six feet, maximum eight feet) within the required front yard of the residential lot along the shared zoning district boundary line.



Zoning Case #: 2011-09

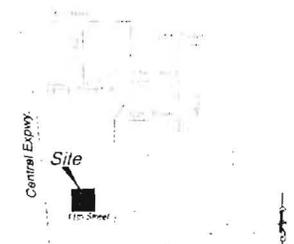
Existing Zoning: CORRIDOR COMMERCIAL



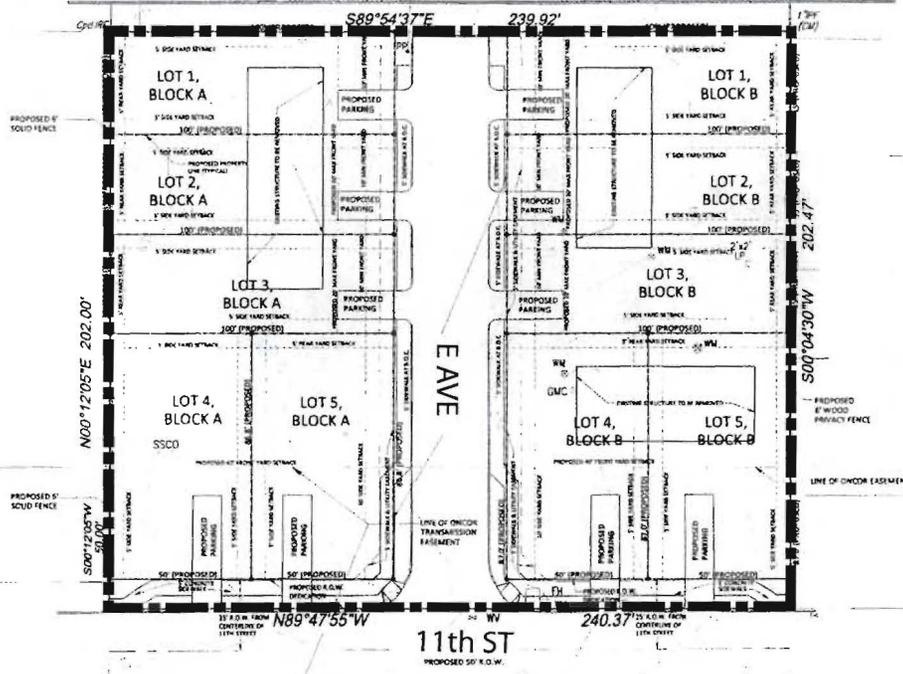
○ 200' Notification Buffer

Lot 1, Block 1, 10,927 Acres
The Home Depot North Central Expressway Addition
100 S. 11th Street, Suite 1000
Dallas, TX 75202
Zone: PD 412.1 (C)

Lot 1, Block 1, 10,927 Acres
The Home Depot North Central Expressway Addition
100 S. 11th Street, Suite 1000
Dallas, TX 75202
Zone: PD 412.1 (C)



VICINITY MAP



11th Street

11th Street

New Collins Ranch 110.0931 Ac. ±
2004-06-2105013 CLR
Zone: CC

F Avenue Church of Christ (unplatted)
60,311 Sq. Ft.
1.38 Acres
Zone: CC

Lot 11, Block 3
L.A. Davis Subdivision
100 S. 11th Street, Suite 1000
Dallas, TX

SITE DATA SUMMARY TABLE

LAND USE	RESIDENTIAL
BUILDING HEIGHT	ONE STORY (30 FEET)
EXISTING ZONING	CC (COMMERCIAL CORRIDOR)
PROPOSED ZONING	PD-GR (PLANNED DEVELOPMENT -GENERAL RESIDENTIAL)

REQUEST FOR VARIANCE TO ARTICLE V, (REQUIREMENTS FOR PUBLIC IMPROVEMENTS, RESERVATION AND DESIGN) 5.4 (STREETS AND THOROUGHFARES) 14 (CONTINUATION OF STREETS AND CURB-SACCS) 4 (CUL-DE-SACS) OF THE SUBDIVISION ORDINANCE IN ORDER TO ALLOW FOR DEAD-END PUBLIC STREET WITHOUT A TURNAROUND.

01 CONCEPT PLAN
SCALE: 1" = 20' 0"

Owner:
Habitat for Humanity of Southern Collin County
Dick Taylor
1400 Summit, Suite 404
Plano, Texas 75074
972.288.0624

Architect:
DOMUS Studio Group, PLLC
Penelope Diaz
PO Box 893298
Plano, Texas 75086
214.547.4069
214.588.0624

Civil Engineer:
RLK Engineering
Robin Klegger
111 West Marsh St
Allen, TX 75013
972.219.3713

Surveyor:
Roanne Land Surveying, Inc.
Fred Remondorfer
2000 Avenue G, Suite 830
Farms, Texas 74074
972.424.8672

Concept Plan
Subdivision: Habitat 13th Street
10 Planned Development - General Residential Lots
Gross Area: 1.3 Acres
Plano, Collin County, Texas
Joseph Klegger Survey,
Abstract #213
Prepared: March 23, 2011
Revised: April 28, 2011
Project Number: 09010



Zoning Case 2011-09

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 1.1± acres out of the Joseph Klepper Survey, Abstract No. 213, located on the north side of 11th Street, east and west of E Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-219-General Residential; 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 1.1± acres out of the Joseph Klepper Survey, Abstract No. 213, located on the north side of 11th Street, east and west of E Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-219-General Residential; 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 1.1± acres out of the Joseph Klepper Survey, Abstract No. 213, located on the north side of 11th Street, east and west of E Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-219-General Residential, 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 General Residential (GR) zoning district unless otherwise specified herein.

1. Maximum front yard setback on E Avenue shall be 20 feet.
2. No maximum front yard setback is required for lots fronting 11th Street.
3. Side yard setbacks for corner lots fronting 11th Street shall be a minimum ten feet.
4. Minimum lot depth for lots fronting 11th Street shall be 85 feet.
5. Residential Lots fronting 11th Street which are adjacent to a nonresidential zoning district shall be permitted to construct a solid fence (minimum six feet, maximum eight feet) within the required front yard of the residential lot along the shared zoning district boundary line.

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.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZC 2011-09

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Joseph Klepper Survey, Abstract No. 213, being all of a 0.837 acre tract as recorded in Volume 582, Page 565 of the Collin County Land Records, the northerly 50 feet a 0.55 acre tract as recorded in Volume 575, Page 103 of the Collin County Land Records, and a portion of the northerly 50 feet of a 1.05 acre tract as recorded in Volume 522, Page 46 of the Collin County Land Records with said premises being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found in the north line of said 1.05 acre tract and marking the southeast corner of Price Industries Addition, an addition to the City of Plano as recorded in Volume 0, Page 618 of the Collin County Map Records, said corner also being the northwest corner of said 0.55 acre tract and the southwest corner of said 0.837 acre tract;

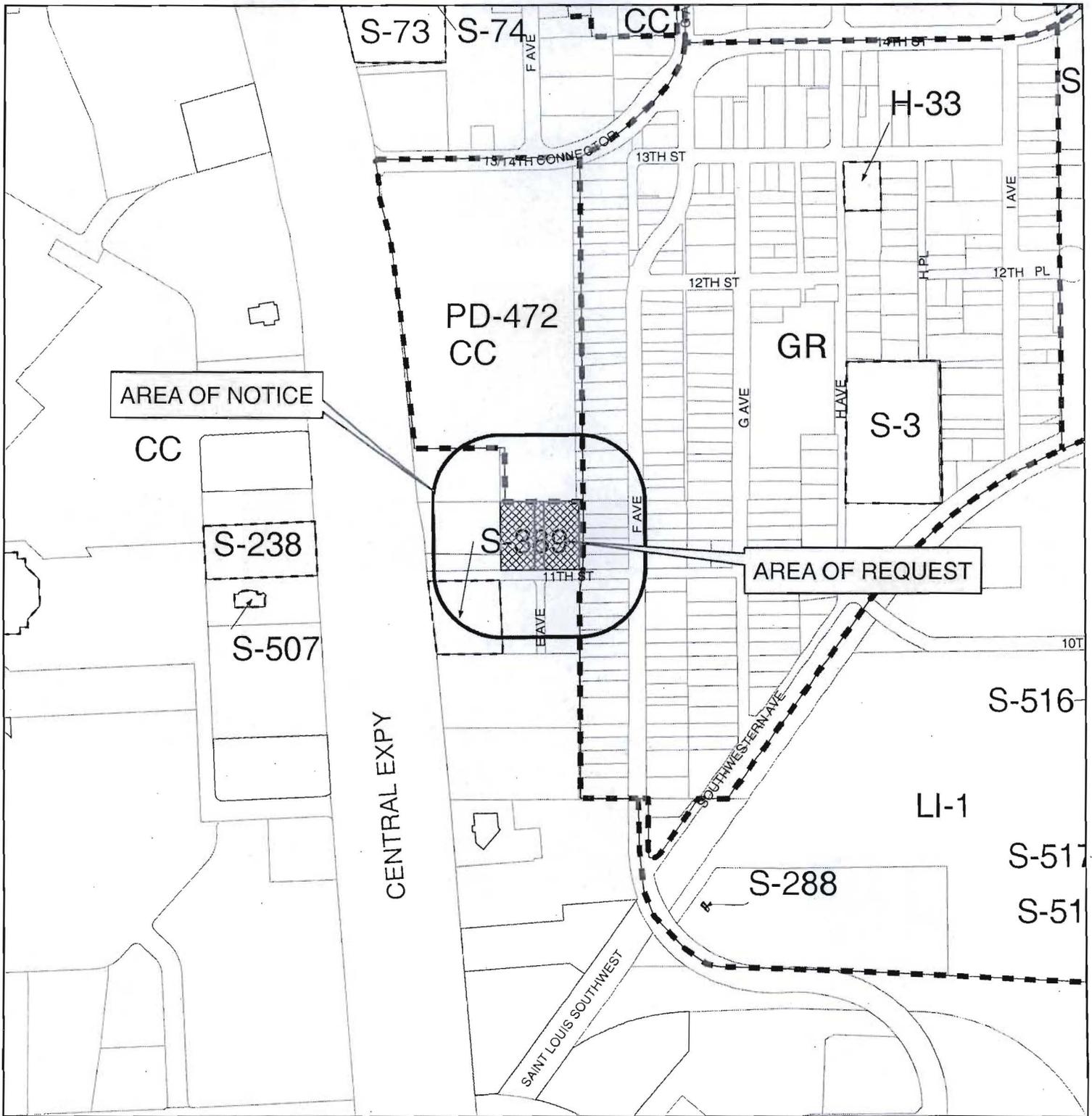
THENCE with the west line of said 0.55 acre tract, South 00° 12' 05" West, 50.00 feet to a Roome 1/2-inch capped iron rod found marking the POINT OF BEGINNING and southwest corner of the herein described premises from which the north back of curb of 11th Street (prescriptive use right-of-way) bears South 00° 12' 05" West, 1.52 feet;

THENCE North 00° 12' 05" East, with the west line of said premises and the west line of said 0.55 acre tract, passing at 50.00 feet said commencing point of commencing and continuing with the east line of said Price Industries Addition, the west line of said premises and 0.837 acre tract a total distance of 202.00 feet to a capped iron rod found marking the northeast corner of said Price Industries Addition, the northwest corner of said 0.837 acre tract, the northwest corner of said premises and being in the south line of The Home Depot North Central Expressway Addition as recorded in Volume H, Page 423 of the Collin County Map Records;

THENCE with the north line of said 0.837 acre tract, said premises and the south line of said The Home Depot North Central Expressway Addition, South 89° 54' 37" East, 239.92 feet to a 1-inch iron pipe found marking the northeast corner of said 0.837 acre tract, said premises, the southeast corner of said The Home Depot North Central Expressway Addition and being in the west line of the L.A. Davis Subdivision as recorded in Volume 1, Page 164 of the Collin County Land Records;

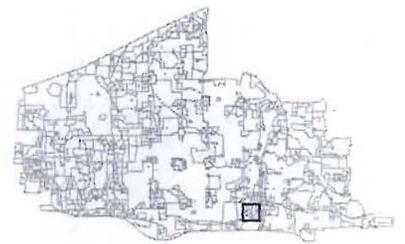
THENCE with the east line of said 0.837 acre tract, said premises and the west line of said L.A. Davis Addition, South 00° 04' 30" West, passing at a 154.27 feet a Roome 1/2-inch capped iron rod found marking the northeast corner of said 0.55 acre tract in the north line of the aforementioned 1.05 acre tract, the southeast corner of said 0.837 acre tract and continuing for a total distance of 202.47 feet to a Roome Capped 1/2-inch iron rod found marking the southeast corner of said premises from which the north back of curb of the aforementioned 11th Street bears South 00° 04' 30" West, 1.15 feet;

THENCE with the south line of said premises and parallel with the back of curb of 11th Street, North 89° 47' 55" West, 240.37 feet to the POINT OF BEGINNING and CONTAINING 48,565 square feet or 1.11 acres of land.



Zoning Case #: 2011-09

Existing Zoning: CORRIDOR COMMERCIAL



○ 200' Notification Buffer

