

DATE: August 21, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of August 20, 2012

**AGENDA ITEM NO. 9A - PUBLIC HEARING
ZONING CASE 2012-24
APPLICANT: BETTY MERRIMAN**

Request to rezone 34.0± acres located north of the intersection of Jeker Drive and Merriman Drive **from** Agricultural and Estate Development **to** Single-Family Residence-6. Zoned Agricultural and Estate Development.

APPROVED: 7-0 **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 submitted.

FOR CITY COUNCIL MEETING OF: September 10, 2012 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/sf

xc: Betty Merriman
Jim Douglas, Douglas Properties Inc

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 20, 2012

Agenda Item No. 9A

Public Hearing: Zoning Case 2012-24

Applicant: Betty Merriman

DESCRIPTION:

Request to rezone 34.0± acres located north of the intersection of Jeker Drive and Merriman Drive **from** Agricultural and Estate Development **to** Single-Family Residence-6. Zoned Agricultural and Estate Development.

REMARKS:

The applicant is requesting to rezone 34.0± acres **from** Agricultural (A) and Estate Development (ED) **to** Single-Family Residence-6 (SF-6). The subject property is currently a farm. The existing A district is intended to provide for farming, dairying, pasturage, horticulture, animal husbandry, and the necessary accessory uses for the packing, treating, or storing of produce. It is anticipated that all A districts will be changed to other zoning classifications as the city proceeds toward full development. The existing ED district is intended to provide areas for single-family development in a rural or ranch-like setting or where topography and/or utility capacities limit the use of the land. Provisions are made for limited ranching pursuits as well as those uses necessary and incidental to single-family living. Accessory dwelling units are permitted for use by family members.

The requested zoning is 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.

Surrounding Land Use and Zoning

The property to the north is zoned ED and is developed as Plano East Senior High School. To the south of the subject property, across Merriman Drive, are single-family residences zoned Single-Family Residence-9 (SF-9). To the east of the subject property is a creek and undeveloped land located within the City of Parker.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Residential and Major Parks and Recreation. The Future Land Use Plan does not distinguish amongst residential zoning districts and densities. Therefore, the requested SF-6 zoning district is in conformance with the Future Land Use Plan. Additionally, the companion concept plan shows that the applicant intends to dedicate the eastern portion of the subject property that is within the floodplain to the city for park purposes, which is also consistent with the Future Land Use Plan and Master Park Plan recommendations.

Adequacy of Public Facilities - Water and sanitary sewer services are available to service the subject property via extensions of existing services from the adjacent properties to the north and to the south. Additionally, sanitary sewer service exists along the eastern portion of the subject property.

School Capacity - The proposed development is located within the Plano Independent School District (PISD). Based on current alignments, students would feed into Dooley Elementary, Armstrong Middle School, Williams High School, and Plano East Senior High School (PESH). PISD has determined that Dooley Elementary, Armstrong Middle School, and Williams High School have capacity available; however, PESH is currently at capacity.

Public Safety Response Time - The proposed residential subdivision should not pose any significant additional impact on the Fire Department.

Access to and Availability of Amenities and Services - The eastern portion of the subject property is within the 100-year floodplain, and the developer proposes to dedicate the land to the city for park purposes consistent with the city's park land reimbursement ordinance. There is also a hike and bike trail system that presently ends southwest of the subject property, and this trail will be extended northward through the future park land. Therefore, the future residential development will have access to park amenities.

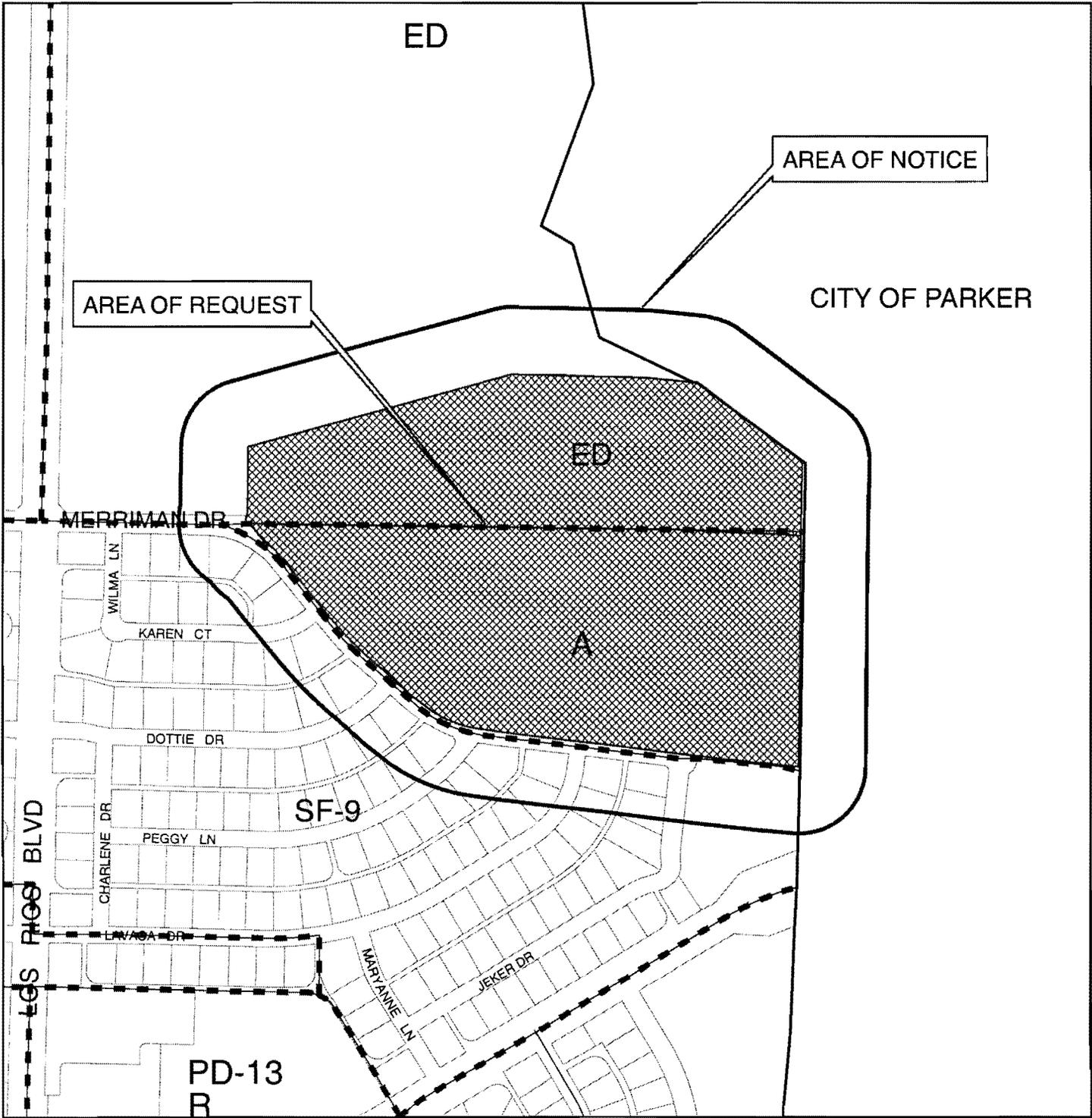
The proposed residential development is within the Harrington Library service area, and the library has the ability to serve additional patrons.

Summary

The applicant is requesting to rezone the subject property, an existing farm that comprises 34.0± acres located north of the intersection of Jeker Drive and Merriman Drive, from A and ED to SF-6. All Agricultural zoned areas are anticipated to be rezoned to other zoning classifications. The Future Land Use Plan primarily designates the subject property as Residential and Major Parks and Recreation. The requested SF-6 zoning district is consistent with the Future Land Use Plan. Additionally, the applicant intends to dedicate the eastern portion of the subject property to the city for park purposes consistent with the Future Land Use Plan and Master Park Plan. The requested residential zoning is consistent with the neighboring residential uses to the south. For these reasons, staff is in support of this zoning request.

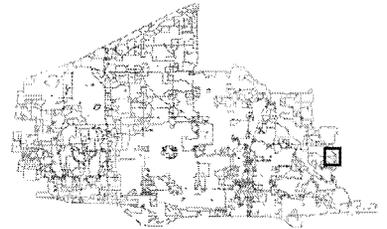
RECOMMENDATION:

Recommended for approval.



Zoning Case #: 2012-24

Existing Zoning: AGRICULTURAL & ESTATE DEVELOPMENT



○ 200' Notification Buffer



Area of Request

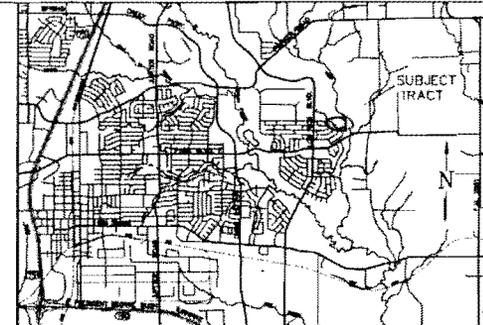
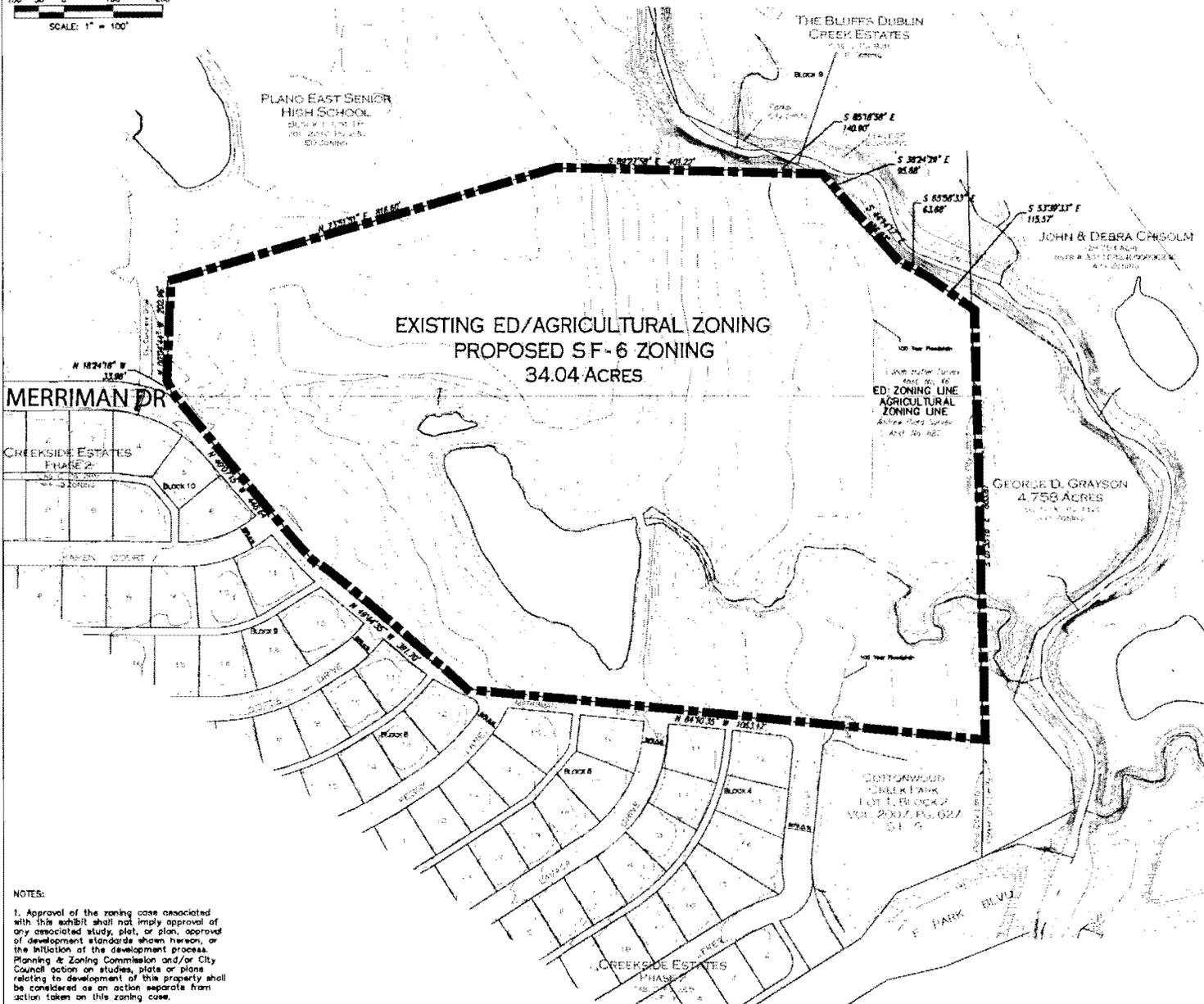


Source: City of Plano, Planning Dept.
Date: August, 2012

Zoning Case 2012-24



100 50 0 100 200
SCALE: 1" = 100'



LOCATION MAP

EXHIBIT DESCRIPTION

This zoning exhibit is submitted for the purpose of rezoning the subject tract from ED (Existing Development) to SF-6 (Single-Family Detached) zoning. The subject tract is located in the Merriman Estates, which is a subdivision of the J. Butler Survey, Abstract No. 46 and the Andrew Piaro Survey, Abstract No. 687, both in the City of Plano, Collin County, Texas. The subject tract is bounded by Merriman Drive to the north, Creekwood Creek Park to the east, and various residential lots to the south and west. The rezoning is necessary to allow for the development of the subject tract as a single-family detached residence, which is consistent with the surrounding residential character of the area. The rezoning is proposed for a period of 10 years, after which it will expire unless renewed by the City Council. The rezoning is subject to the approval of the Planning & Zoning Commission and the City Council. The rezoning is also subject to the approval of the State of Texas, as required by the Texas State Constitution and the Texas State Zoning Act. The rezoning is intended to be a permanent change to the zoning of the subject tract, and it is not intended to be a temporary or interim zoning. The rezoning is also intended to be a change in the zoning of the subject tract, and it is not intended to be a change in the zoning of the surrounding area. The rezoning is also intended to be a change in the zoning of the subject tract, and it is not intended to be a change in the zoning of the surrounding area.

ZC-2012-24
ZONING EXHIBIT
MERRIMAN ESTATES
BEING 34.04 ACRE IN THE

J. BUTLER SURVEY, ABSTRACT NO. 46
ANDREW PIARO SURVEY, ABSTRACT NO. 687
CITY OF PLANO, COLLIN COUNTY, TEXAS

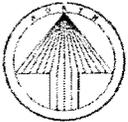
AUGUST 13, 2012

OWNER
BETTY MERRIMAN
4325 Merriman Drive - Plano, Texas 75074
877-567-1314

DEVELOPER
DOUGLAS PROPERTIES INC.
2309 Avenue K - Suite 101 - Plano, Texas 75074
Jim Douglas (972-422-1656)

TIPTON ENGINEERING, INC.
1530 Broadway Blvd - Suite C - Garland, Texas 75042 - (972) 234-2940
Richard Howes (rhowes@tptoneng.com)

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



SCALE: 1" = 100'

LEGEND FOR ABBREVIATIONS

- (S) Denotes 12" Sidewalk & Utility Caisement
- DP - Denotes Drainage Easement
- DL - Denotes Building Line
- EL - Denotes Public Utility Easements

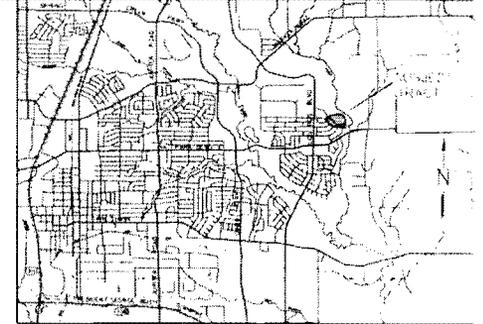
PLANO EAST SENIOR HIGH SCHOOL
BLOCK 1, LOT 1E
PLS. 20310, PG. 226
ED 2006-05

THE BLUFFS DUBLIN CREEK ESTATES
DAB. 1 PG. 618
S.F. 2006-05

JOHN & DEBRA CHIGOLM
281 1/2 ACRES
DUB. & D. 1108-04-05 PG. 623
S.F. 2006-05

GEORGE D. GRAYSON
4.758 ACRES
S.F. 2007 PG. 1127
S.F. 2006-05

COTTONWOOD CREEK PARK
LOT 1, BLOCK 2
VOL. 2007, PG. 627
S.F. - 8



LOCATION MAP

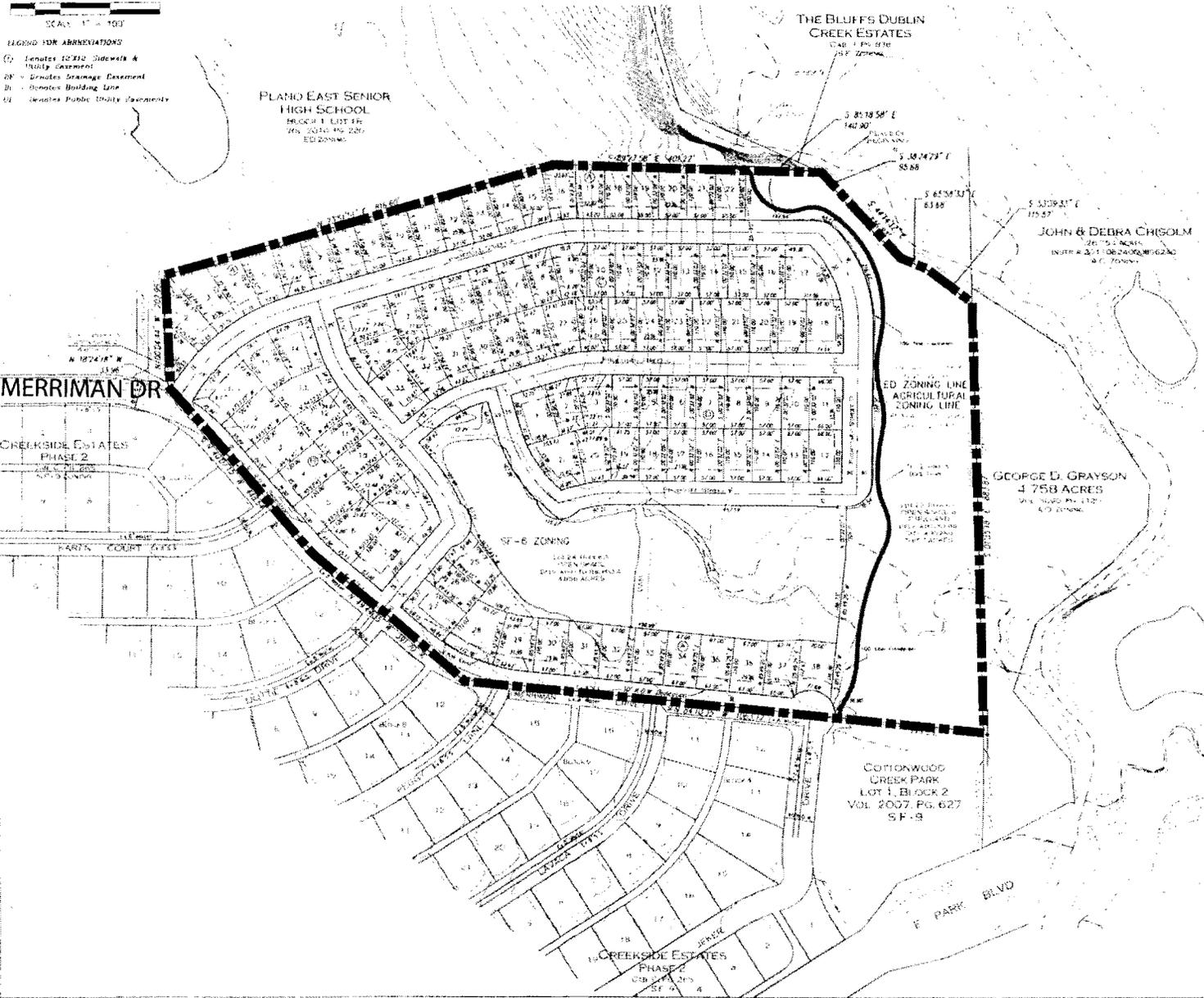
Block #	Parcel Area	Acres	Block #	Area
1	7804.31	177.0178	19	6270.00
2	8718.27	200.1520	20	6270.00
3	7230.08	165.0000	21	6270.00
4	4808.67	110.0000	22	6270.00
5	1133.74	25.9200	23	6270.00
6	6270.00	142.0000	24	6270.00
7	6270.00	142.0000	25	6270.00
8	6270.00	142.0000	26	6270.00
9	6270.00	142.0000	27	6270.00
10	6270.00	142.0000	28	6270.00
11	6270.00	142.0000	29	6270.00
12	6270.00	142.0000	30	6270.00
13	6270.00	142.0000	31	6270.00
14	6270.00	142.0000	32	6270.00
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16	6270.00	142.0000	34	6270.00
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22	6270.00	142.0000	40	6270.00
23	6270.00	142.0000	41	6270.00
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77	6270.00	142.0000	95	6270.00
78	6270.00	142.0000	96	6270.00
79	6270.00	142.0000	97	6270.00
80	6270.00	142.0000	98	6270.00
81	6270.00	142.0000	99	6270.00
82	6270.00	142.0000	100	6270.00

CONCEPT PLAN
MERRIMAN ESTATES
 104 Lots @ SF-6 STANDARDS AND
 2 OPEN SPACE LOT DEDICATED TO THE H.O.A.
 1 OPEN SPACE/PARKLAND LOT
 DEDICATED TO THE CITY OF PLANO
 BEING 34.04 ACRE IN THE
 J. BUTLER SURVEY, ABSTRACT No. 46
 ANDREW PIARO SURVEY, ABSTRACT No. 687
 CITY OF PLANO, COLLIN COUNTY, TEXAS
 AUGUST 15, 2012

OWNER: **BETTY MERRIMAN**
 4363 Merriman Drive - Plano, Texas 75091
 972-361-1314

DEVELOPER: **DOUGLAS PROPERTIES, INC.**
 2305 Avenue K - Suite 101 - Plano, Texas 75074
 Jim Douglas (972) 422-1040

TIPTON ENGINEERING, INC.
 ENGINEERING, SURVEYING, PLANNING
 1330 McKinney, Suite 1100 • Dallas, Texas 75201 • (972) 246-7967
 Richard J. Hoviss (rjhoviss@tiptoneng.com)



Zoning Case 2012-24

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 34.0± acres of land out of the Joab Butler Survey, Abstract No. 46 and the Andrew Piara Survey, Abstract No. 687, located north of the intersection of Jeker Drive and Merriman Drive, in the City of Plano, Collin County, Texas, from Agricultural and Estate Development 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 10th day of September, 2012, for the purpose of considering rezoning 34.0± acres of land out of the Joab Butler Survey, Abstract No. 46 and the Andrew Piara Survey, Abstract No. 687, located north of the intersection of Jeker Drive and Merriman Drive, in the City of Plano, Collin County, Texas, from Agricultural and Estate Development 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 10th day of September, 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 34.0± acres of land out of the Joab Butler Survey, Abstract No. 46 and the Andrew Piara Survey, Abstract No. 687, north of the intersection of Jeker Drive and Merriman Drive, in the City of Plano, Collin County, Texas, from Agricultural and Estate Development 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 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 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 10TH DAY OF SEPTEMBER, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-24

BEING all of a tract of land situated in the Joab Butler Survey, Abstract No. 46, and the Andrew Piara Survey, Abstract No. 687, as conveyed to Betty Merriman according to the warranty deed recorded in CCF No. 93-0056888, City of Plano, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner at the southeast corner of Plano East Senior High School Addition, Lot 1R, Block 1, as recorded in Volume 2010, Page 220, Plat Records of Collin County, Texas and the westerly line of Lot 8, Dublin Creek Estates "The Bluffs" as recorded in Cabinet J, Page 838, Plat Records of Collin County, Texas.

THENCE, with the west line of said Dublin Creek Estates "The Bluffs" the following:

South, 38° 24' 29" East, a distance of 95.68 feet to a point for corner;

South, 44° 14' 17" East, a distance of 136.83 feet to a point for corner;

South, 65° 58' 33" East, a distance of 63.68 feet to a point for corner;

South, 53° 39' 33" East, a distance of 115.57 feet to a point for corner, said point being the most westerly line of George Grayson tract of land as recorded in Volume 5090, Page 1120, according to the C.C.D.R.T.;

THENCE, South, 01° 35' 18" East, a distance of 883.87 feet to the northeast corner of Lot 1, Block 2, of Cottonwood Creek Park as recorded in Volume 2007, Page 627, Plat Records of Collin County, Texas;

THENCE, North, 84° 10' 35" West, a distance of 301.32 feet to a 5/8-inch iron rod, said point being the southeast corner of Creekside Estates Phase 2, Plat Records of Collin County, Texas, also being the centerline of Merriman Drive (a 60-foot right-of-way) continuing a total distance of 1,063.17 feet to a point for corner;

THENCE, North, 49° 44' 35" West, continuing along said centerline of Merriman Drive, a distance of 391.70 feet to a point for corner;

THENCE, North, 40° 07' 15" West, continuing along said centerline of Merriman Drive, a distance of 448.64 feet to the most southerly line of said Plano East Senior High School Addition, to a point for corner;

THENCE, with the southerly line of said Plano East Senior High School Addition, the following:

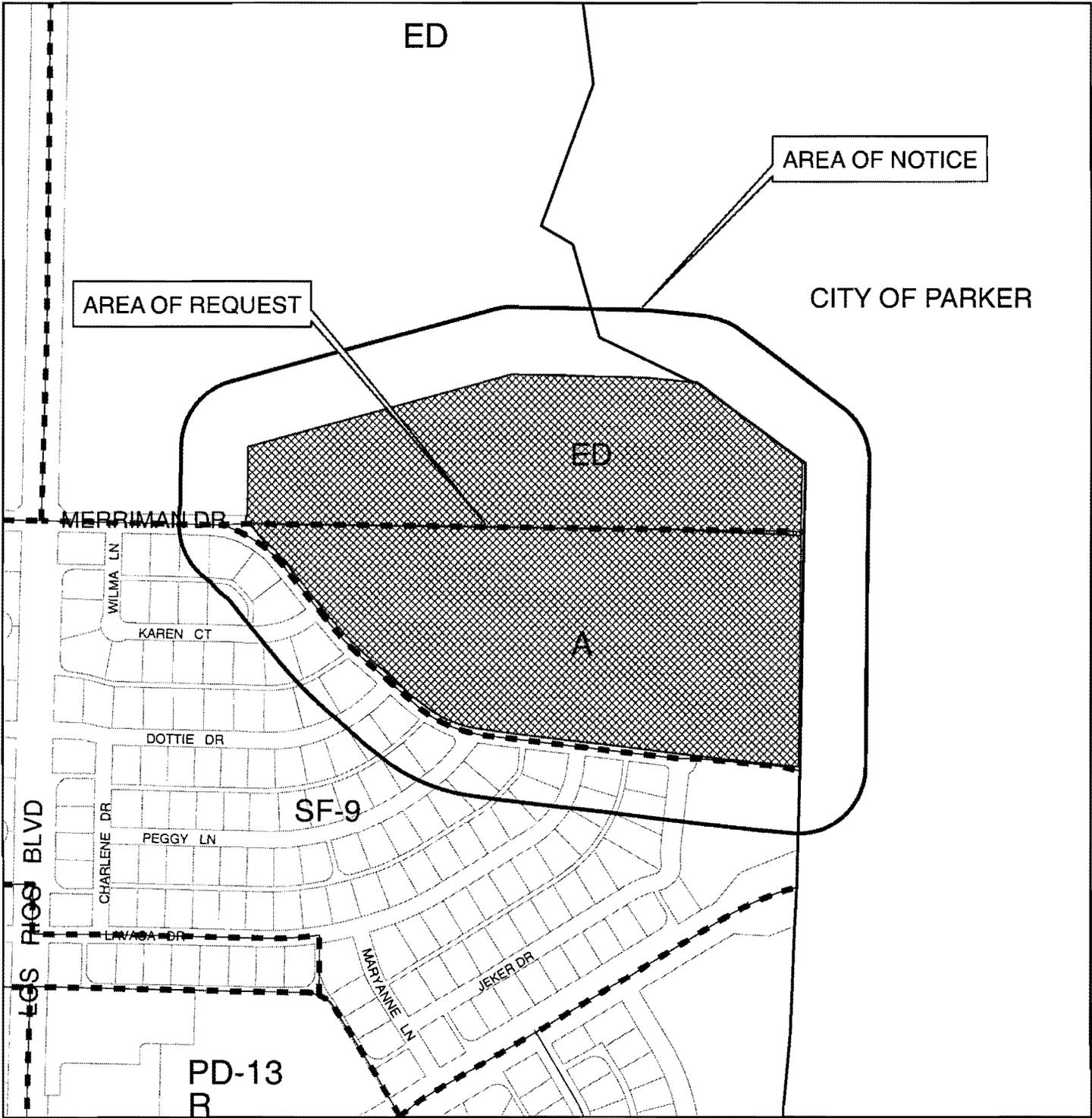
North, 18° 24' 18" West, a distance of 33.96 feet to a point for corner;

North, 00° 04' 44" West, a distance of 202.96 feet to a point for corner;

North, 73° 51' 51" East, a distance of 816.60 feet to a point for corner;

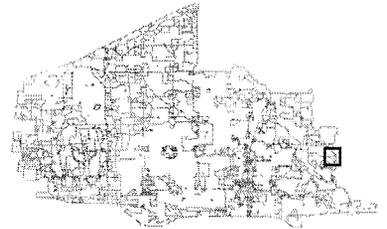
South, 89° 27' 58" East, a distance of 401.22 feet to a point for corner;

South, 85° 18' 58" East, a distance of 140.90 feet to the PLACE OF BEGINNING
and CONTAINING 1,482,917 square feet or 34.043 acres of land.



Zoning Case #: 2012-24

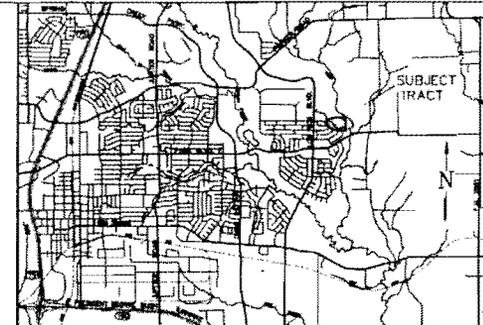
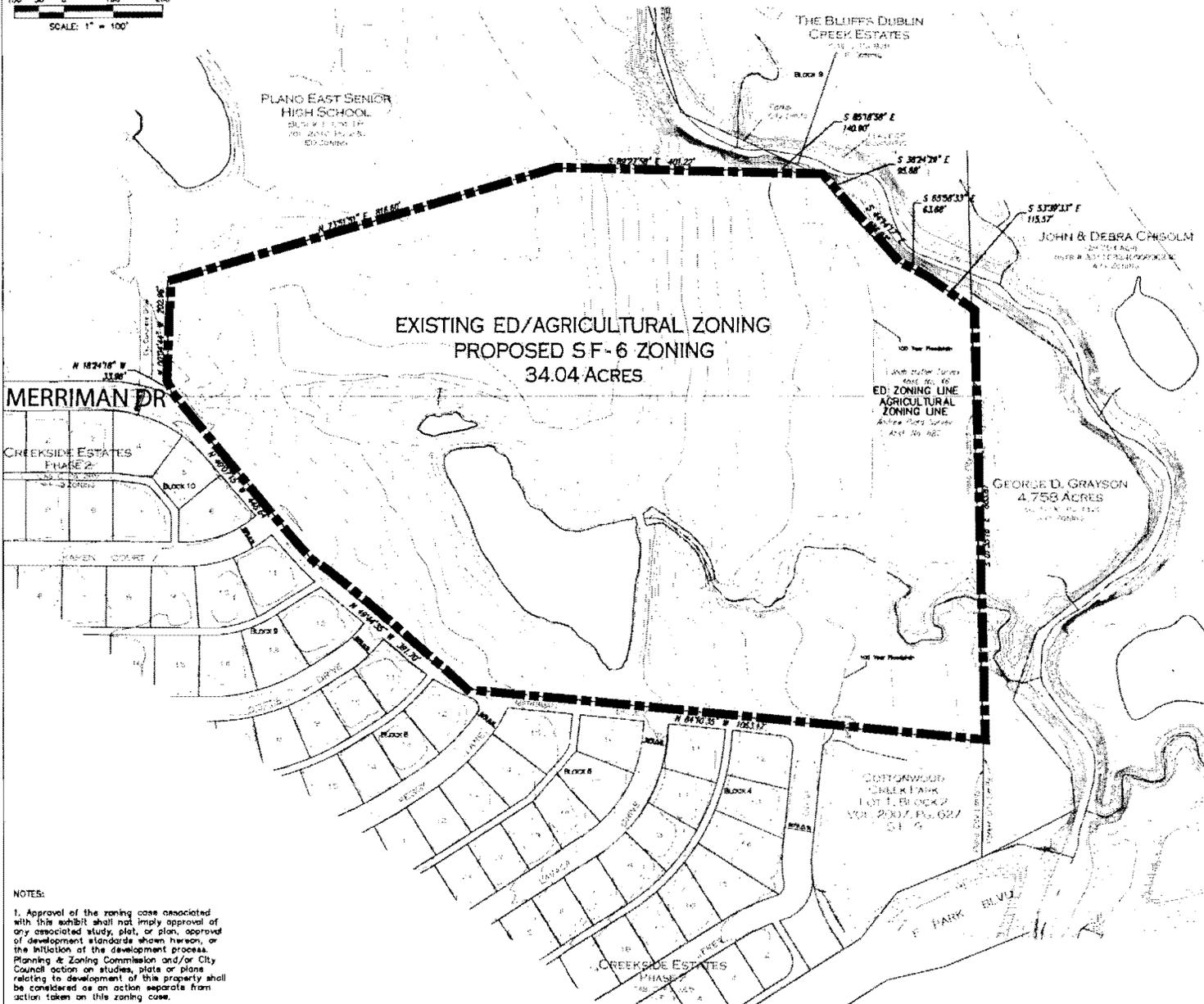
Existing Zoning: AGRICULTURAL & ESTATE DEVELOPMENT



○ 200' Notification Buffer



100 50 0 100 200
SCALE: 1" = 100'



LOCATION MAP

EXHIBIT NOTES

1. This zoning exhibit is submitted for the purpose of changing the zoning classification of the subject tract from ED (Existing Development) to SF-6 (Single-Family Detached) zoning.

2. The subject tract is located within the Merriman Estates, which is a subdivision of the J. Butler Survey, Abstract No. 46 and the Andrew Piaro Survey, Abstract No. 687, both located in the City of Plano, Collin County, Texas.

3. The subject tract is currently zoned ED (Existing Development) and is being proposed for rezoning to SF-6 (Single-Family Detached) zoning.

4. The proposed SF-6 zoning is shown on the attached zoning map and is outlined with a thick dashed line.

5. The subject tract is 34.04 acres in size and is bounded by Merriman Drive to the north and west, and Creekwood Creek Park to the south and east.

6. The proposed SF-6 zoning is consistent with the Comprehensive Zoning Ordinance of the City of Plano, Texas.

7. The proposed SF-6 zoning is being submitted for public hearing and approval by the Planning and Zoning Commission and the City Council of the City of Plano, Texas.

8. The proposed SF-6 zoning is being submitted for public hearing and approval by the Planning and Zoning Commission and the City Council of the City of Plano, Texas.

9. The proposed SF-6 zoning is being submitted for public hearing and approval by the Planning and Zoning Commission and the City Council of the City of Plano, Texas.

10. The proposed SF-6 zoning is being submitted for public hearing and approval by the Planning and Zoning Commission and the City Council of the City of Plano, Texas.

ZC-2012-24
ZONING EXHIBIT
MERRIMAN ESTATES
 BEING 34.04 ACRE IN THE
J. BUTLER SURVEY, ABSTRACT NO. 46
ANDREW PIARO SURVEY, ABSTRACT NO. 687
CITY OF PLANO, COLLIN COUNTY, TEXAS
AUGUST 13, 2012

OWNER
BETTY MERRIMAN
 4325 Merriman Drive - Plano, Texas 75074
 877-567-1314

DEVELOPER
DOUGLAS PROPERTIES INC.
 2309 Avenue K - Suite 101 - Plano, Texas 75074
 Jim Douglas (972-422-1656)

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 1330 Broadway Blvd - Suite C - Garland, Texas 75042 - (972) 234-2940
 Richard Howes (rhowes@tptoneng.com)

NOTES:

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