



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		September 12, 2011		
Department:		Planning		
Department Head		Phyllis M. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext. 7156				
CAPTION				
Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-18 - Request to rezone 13.9± acres located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road from Regional Commercial to Single-Family Residence-6. Zoned Regional Commercial/State Highway 121 Overlay District. Applicant: Birkel Custer 121 Partners Ltd.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
At its August 1, 2011 meeting, the Planning & Zoning Commission denied this request by a vote of 4-3. The applicant has appealed the Commission's denial. A 3/4 vote, or 6 of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents: Letter of Appeal from Applicant 2nd Vice Chair Report P&Z follow-up Memo Staff Report Locator Map Zoning Exhibit Concept Plan			Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission	



TIPTON ENGINEERING, INC.

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5029

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August 3, 2011

Ms. Bester Munyaradzi, AICP
CITY OF PLANO
1520 Avenue K
Plano, TX 75086

**RE: ZONING CASE 2011-18
CONCEPT PLAN – KATHRYN PARK**

Dear Ms. Munyaradzi:

We would like to appeal the Planning and Zoning Commission's denial of the Kathryn Park zoning case and associated concept plan to the next City Council meeting. We included a check for \$ 185 for the required fees.

Please contact us if you have any questions or if we can be of any assistance.

Sincerely,

TIPTON ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'Richard Hovas', is written over the printed name.

Richard Hovas, P.E.

**Recommendation of the Planning & Zoning Commission
August 1, 2011 Meeting
Second Vice-Chair's Report**

Zoning Case 2011-18 – Request to rezone 13.9± acres located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road from Regional Commercial to Single-Family Residence-6. Zoned Regional Commercial/State Highway 121 Overlay District.

Applicant: Birkel Custer 121 Partners Ltd.

Staff Recommendation: Denial

Commission Action: Request was denied 4-3. First Vice Chair Downs, Second Vice Chair Coleman, and Commissioners Dry and Smith supported denial of the request. Comments included:

- The site is within an expressway corridor and should be reserved for economic development and employment.
- The site is adjacent to nonresidential uses and lacks proximity to other single-family developments, schools, or parks.
- A higher density use other than single-family residential is more appropriate for the site.
- With easy access to State Highway 121, the site still offers opportunity for commercial development.

Commissioners Balda, Hazelbaker, and Norton supported approval of the request. Comments included:

- Under the existing commercial zoning, the site has been undeveloped for some time.
- The site is not viable for commercial use since it lacks visibility from State Highway 121.
- Residential use is appropriate for the site since the surrounding uses are known.
- Adjacent land uses, including a retail nursery, cemetery and church, are compatible with residential development.

Additional Comments: The concept plan associated with Zoning Case 2011-18 was denied by the Commission 4-3.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Michael Coleman", with a long horizontal line extending to the right.

Michael Coleman
Second Vice Chair
Planning & Zoning Commission

DATE: August 2, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of August 1, 2011

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2011-18
APPLICANT: BIRKEL CUSTER 121 PARTNERS LTD.**

Request to rezone 13.9± acres located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road **from** Regional Commercial **to** Single-Family Residence-6. Zoned Regional Commercial/State Highway 121 Overlay District.

APPROVED: _____ **DENIED:** 4-3 **TABLED:** _____

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

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for denial.

The Commissioners voting in opposition believed that single-family residential development is appropriate for the subject site since the existing surrounding uses are known. Additionally, they believed that the site has been undeveloped for quite some time, and opportunities for nonresidential uses are limited since the site lacks visibility.

FOR CITY COUNCIL MEETING OF: September 12, 2011 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING

BM/dc

xc: Birkel Custer 121 Partners Ltd.
Jim Douglas, Douglas Properties, Inc.

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 1, 2011

Agenda Item No. 7A

Public Hearing: Zoning Case 2011-18

Applicant: Birkel Custer 121 Partners Ltd.

DESCRIPTION:

Request to rezone 13.9± acres located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road **from** Regional Commercial **to** Single-Family Residence-6. Zoned Regional Commercial/State Highway 121 Overlay District.

REMARKS:

The applicant is requesting to rezone 13.9± acres at the northwest corner of Kathryn Lane and Rowlett Cemetery Road. The current zoning is Regional Commercial (RC). The RC district is intended to provide for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and surrounding communities, in addition to office and limited manufacturing uses.

The requested zoning is Single-Family Residence-6 (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 currently undeveloped and zoned RC; to the east, across Rowlett Cemetery Road, there is a vacant property, a veterinary clinic, and a cemetery all zoned RC. To the west is a garden center zoned RC. To the south and across Kathryn Lane are existing multifamily units zoned Planned Development-484-Multifamily-2 (PD-484-MF-2).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). This request is not in conformance with the Future Land Use Plan since the applicant is proposing SF-6 residential development. The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities.

Housing Density Policy Statement

The policy statement recommends no residential development within 1,200 feet of the centerline of State Highway 121 and the proposed project is 803± feet from the centerline of State Highway 121. A reason for the 1,200 foot setback provision is due to proximity of residential use to an expressway and promoting a livable residential environment. The setback area allows for commercial development to serve as a buffer for residential uses located beyond the 1,200 foot distance.

The existing multifamily developments at the southwest corner of Kathryn Lane and Rowlett Cemetery Road, as well as at the southeast corner of Independence Parkway and State Highway 121, were zoned for multifamily prior to the policy statement that prohibits residential development within 1,200 feet of the centerline of State Highway 121. The State Highway 121 residential setback policy was established in 1998 and the zoning for both multifamily developments were adopted in 1994.

Infill Housing Policy Statement

The Infill Housing Policy recommends that infill housing be adjacent or be in close proximity to existing residential development to take advantage of existing amenities. The subject property is not adjacent to any single-family residential neighborhoods. The nearest residential development is the multifamily units to the south, across Kathryn Lane, and the proposed single-family development will not be able to benefit from the multifamily amenities. In addition, the proposed site does not have parks and schools nearby.

Rezoning to Meet Demand Policy Statement

The Rezoning to Meet Demand Policy recommends that the area to be rezoned be an extension of a residential neighborhood and that it is not separated from the neighborhood by a Type "C" thoroughfare or larger. The proposed development is not an extension of an existing single-family neighborhood. The policy further notes that conversion of a property to residential use should be to provide for an appropriate transition between residential and nonresidential uses. This property is more suitable for nonresidential uses to provide a better buffer between State Highway 121 and the existing multifamily residential use to the south. Additionally, the proposed single-family housing at this location introduces housing in an area where adjacent developments are nonresidential uses.

Adequacy of Public Facilities

Water and sanitary sewer services are available to serve the subject property. However, the applicant will need to verify that the sanitary sewer capacity is sufficient to accommodate the proposed change in use from commercial to single family residential.

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

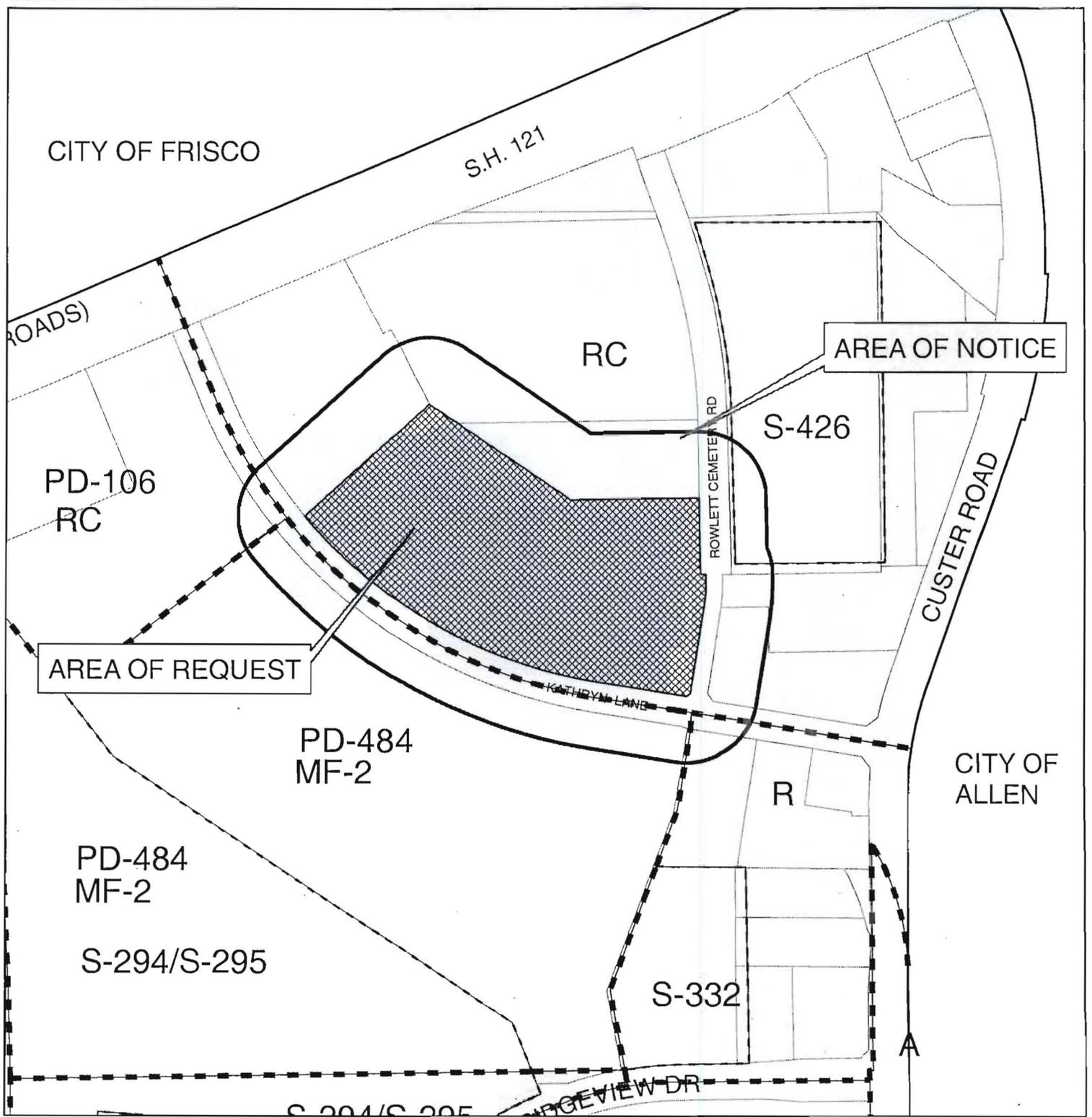
Summary

The applicant is requesting to rezone an undeveloped 13.9± acre tract from RC to SF-6 for single-family residential development. The request is not in conformance with the Future Land Use Plan of the Comprehensive Plan, and it is not consistent with the city's land use policies regarding the preservation of land within major expressway corridors and employment centers for economic development and employment opportunities. Furthermore, the request is not consistent with Housing Density, Infill Housing and Rezoning to Meet Demand policy statements.

Overall, staff believes the proposed location is not appropriate for single-family uses. While there are existing multifamily units to the south, Kathryn Lane forms a good divider for other nonresidential uses to the north. The current RC zoning provides numerous commercial uses that are more suitable at this location than what is being proposed. Single-family uses at the proposed location will not be the best and appropriate use for the site. Therefore, staff recommends denial of the requested rezoning from RC to SF-6.

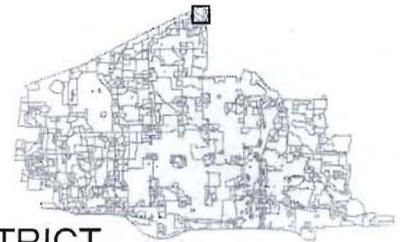
RECOMMENDATION:

Recommended for denial.



Zoning Case #: 2011-18

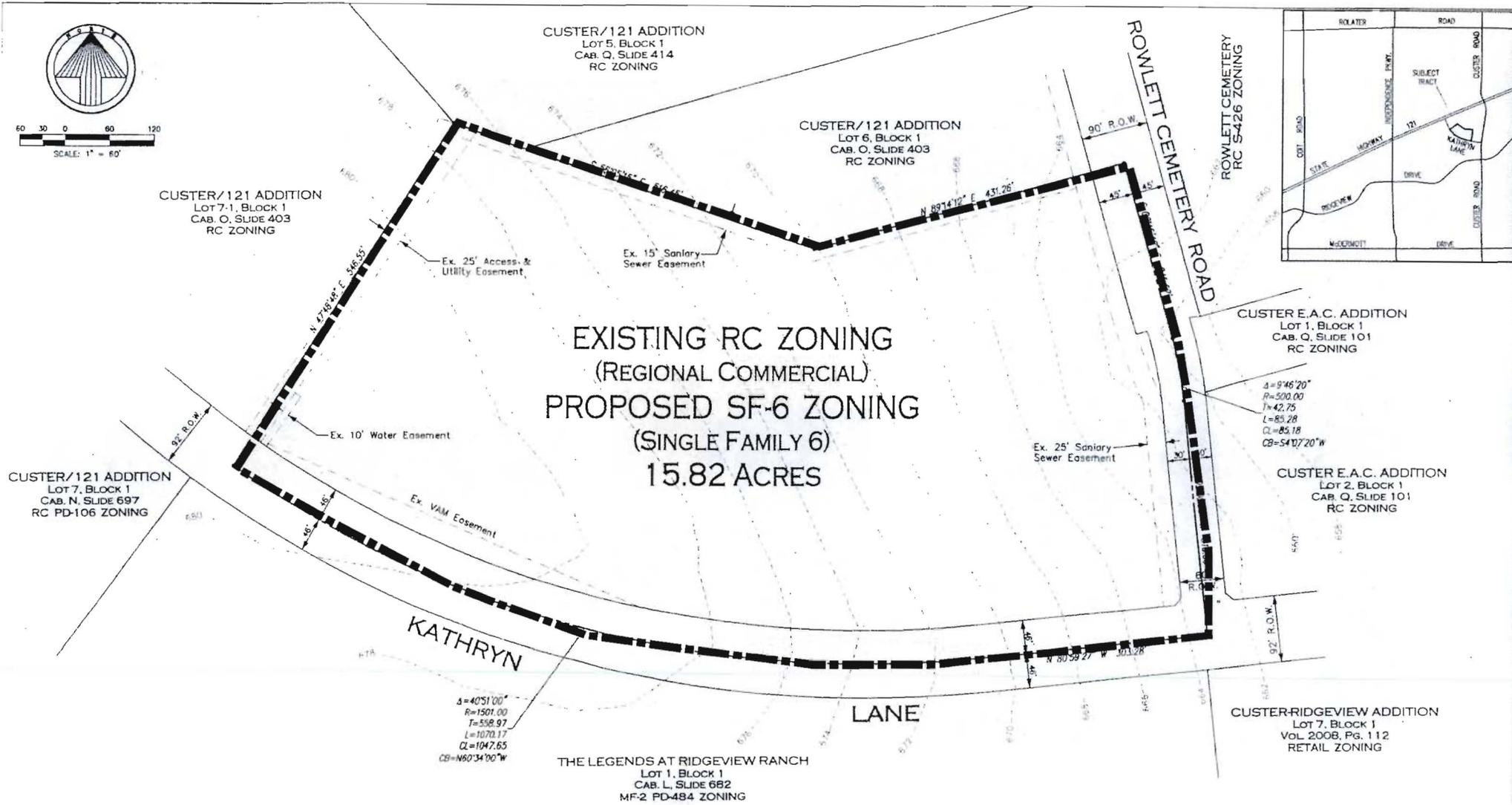
Existing Zoning: REGIONAL COMMERCIAL/
STATE HIGHWAY 121 OVERLAY DISTRICT



○ 200' Notification Buffer



60 30 0 30 60 120
SCALE: 1" = 60'



~ OWNER ~
BIRKEL CUSTER 121 PARTNERS LTD
3824 Cedar Springs Road ~ Dallas, Texas 75219
979-828-3968

~ DEVELOPER ~
DOUGLAS PROPERTIES INC.
2309 Avenue K ~ Suite 101 ~ Plano, Texas 75074
972-422-1658

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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.

LEGAL DESCRIPTION
9079
BEING all of Lot 6, Block 1 of the CUSTER/121 ADDITION as recorded in Cabinet D, Block 403 in the Public Records of Collin County, Texas (L1002), the subject tract being more particularly described as follows:
BEGINNING at the northwest corner of said Lot 6, Block 1 and the southeast corner of Lot 7-1, Block 1 of said CUSTER/121 ADDITION Final Plat;
THENCE S 09° 05' 15" E, a distance of 316.45 feet;
THENCE N 89° 14' 12" E, a distance of 431.26 feet to the centerline of Rowlett Cemetery Road (90' r.a.w.);
THENCE S 00° 45' 48" E, along the centerline of said Rowlett Cemetery Road a distance of 348.87 feet;
THENCE, continuing along said centerline, the beginning of a tangent curve to the right having a central angle of 08° 46' 20", a radius of 500.00 feet and an arc distance of 85.28 feet, and a chord bearing of S 04° 07' 37" W=85.18 feet;
THENCE, S 09° 05' 15" E, a distance of 316.30 feet to the centerline of Kathryn Lane (82' r.a.w.);
THENCE, S 80° 38' 27" W, along said centerline of Kathryn Lane a distance of 303.38 feet;
THENCE, continuing along said centerline, the beginning of a tangent curve to the right having a central angle of 40° 34' 02", a radius of 100.00 feet and an arc distance of 107.03 feet, and a chord bearing of N 80° 34' 02" W=107.03 feet;
THENCE, N 47° 46' 46" E, a distance of 348.25 feet to the Place of Beginning with the subject tract containing 886,136 square feet or 15.8207 acres of land.

ZC-2011-18
ZONING EXHIBIT
KATHRYN PARK
BEING 15.82 ACRE IN THE
GEORGE WHITE SURVEY, ABSTRACT NO. 992
CITY OF PLANO, COLLIN COUNTY, TEXAS
JULY 07, 2011



60 30 0 60 120
SCALE: 1" = 60'

Ex. 25' Access & Utility Easement

CUSTER/121 ADDITION
LOT 7-1, BLOCK 1
CAB. Q, SLIDE 403
RC ZONING

CUSTER/121 ADDITION
LOT 5, BLOCK 1
CAB. Q, SLIDE 414
RC ZONING

CUSTER/121 ADDITION
LOT 6, BLOCK 1
CAB. Q, SLIDE 403
RC ZONING

ROWLETT CEMETERY ROAD
ROWLETT CEMETERY
RC S426 ZONING



$\Delta = 223^{\circ}50'$
 $R = 761.24'$
 $T = 15.93'$
 $L = 31.88'$
 $Q = 31.88'$
 $CB = S157^{\circ}40' E$
 $N 89^{\circ}18'10" E 15.01'$

CUSTER E.A.C. ADDITION
LOT 1, BLOCK 1
CAB. Q, SLIDE 101
RC ZONING

$\Delta = 120^{\circ}50'$
 $R = 470.00'$
 $T = 49.80'$
 $L = 98.23'$
 $Q = 99.05'$
 $CB = N257^{\circ}40' E$

CUSTER E.A.C. ADDITION
LOT 2, BLOCK 1
CAB. Q, SLIDE 101
RC ZONING

CUSTER/121 ADDITION
LOT 7, BLOCK 1
CAB. N, SLIDE 697
RC PD-106 ZONING

PROPOSED SF-6 STANDARDS

- Min. Lot Area 6,000 s.f.
- Min. Lot Width 55'
- Min. Lot Depth 100'
- Min. Front Yard 25'
- Min. Side Yard 6'
- (adjacent to side street) 15'
- Min. Rear Yard 10'
- Min. Floor Area 800 s.f.
- Max. Building Height 35'
- Max. Lot Coverage 45%

Prop. VAM Easement
Lot 1, Block X, 981 s.f. to
be dedicated to the H.O.A.

KATHRYN

$\Delta = 40^{\circ}54'50''$
 $R = 1455.00'$
 $T = 542.77'$
 $L = 1039.02'$
 $CL = 1017.08'$
 $CB = S60^{\circ}32'00'' E$

LANE

THE LEGENDS AT RIDGEVIEW RANCH
LOT 1, BLOCK 1
CAB. L, SLIDE 682
MF-2 PD-484 ZONING

CUSTER-RIDGEVIEW ADDITION
LOT 7, BLOCK 1
VOL. 2008, PG. 112
RETAIL ZONING

~ OWNER ~
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CONCEPT PLAN
KATHRYN PARK
BEING 13.80 ACRE IN THE
GEORGE WHITE SURVEY, ABSTRACT NO. 992
CITY OF PLANO, COLLIN COUNTY, TEXAS
69 SF-6 RESIDENTIAL LOTS
JULY 25, 2011