DATE: November 17, 2015

TO: Honorable Mayor & City Council

FROM: John Muns, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of November 16, 2015

AGENDA ITEM NO. 3 - PUBLIC HEARING
ZONING CASE 2015-25
APPLICANT: LORIE JONES

Request to rezone 0.3± acre located on the north side of 12th Street, 240± feet east of Municipal Avenue from Light Industrial-1 to Single-Family Residence-6. Zoned Light Industrial-1.

APPROVED: 7-0  DENIED: 0  TABLED: 0

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: SUPPORT: 2  OPPOSE: 0

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

PETITION(s) RECEIVED: 0  # OF SIGNATURES: 0

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: December 14, 2015 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

RA/ks

xc: Lorie Jones
Kenneth Freedman
Wayne Snell, Permit Services Manager

https://goo.gl/maps/XGDfgC2wHQ12
Agenda Item No. 3

Public Hearing: Zoning Case 2015-25

Applicant: Lorie Jones

DESCRIPTION:

Request to rezone 0.3± acre located on the north side of 12th Street, 240± feet east of Municipal Avenue from Light Industrial-1 to Single-Family Residence-6. Zoned Light Industrial-1.

REMARKS:

The applicant is requesting to rezone 0.3± acre from Light Industrial-1 (LI-1) to Single-Family Residence-6 (SF-6). The LI-1 district is intended to provide areas for light manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental services that are developed in accordance with the same performance standards applicable to all other zoning districts.

History

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. The property was initially zoned as Single-Family Residence-3 (SF-3) and developed as a single-family residence. The property was rezoned to LI-1 between 1971 and 1974; however, the property has always been occupied as a residence. The applicant is requesting to rezone the property so that the zoning on the subject property conforms to the existing single-family residence use.

Surrounding Land Use and Zoning

The area of the request is currently developed and occupied as a single-family residence. To the south, across 12th Street, are existing single-family residences zoned SF-6. The property to the north is an automobile storage yard zoned LI-1. To the east is an existing office-warehouse development zoned LI-1, and to the west is a service contractor and a single-family residence zoned LI-1.
Conformance to the Comprehensive Plan

This zoning case was submitted prior to the approval of the Plano Tomorrow Plan. Therefore, the policies of the previous Comprehensive Plan are applicable to this request.

Future Land Use Plan - The Future Land Use Plan designates this property as General Commercial (GC). General Commercial areas are intended to provide a wide range of retail, service, office, light production, and research and development uses. The proposed residential use is not in conformance with the Future Land Use Plan.

Residential zoning may be appropriate in accordance with the Redevelopment and Undeveloped Land Policies. The policies that apply to this request are noted below:

1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services. Staff has provided details regarding this policy in the sections below.

2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete neighborhood, or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (5 to 12 stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land uses are compatible.

   The applicant is proposing to extend adjacent SF-6 residential zoning to the subject property, which is being used as a single-family residence. This request is in conformance with this policy recommendation.

Adequacy of Public Facilities - Water and sanitary sewer services are currently in place to serve residential uses on the subject property.

School Capacity - The subject property has always been used as a single-family residence. Therefore, there will be no impact to the Plano Independent School District.

Public Safety Response Time - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site.

Access to and Availability of Amenities and Services - The property is located within the Harrington Library service area which has sufficient capacity to serve the residence. In addition, the Douglas Community Center and Haggard Park are both located less than a mile from the zoning request.
Residential Use

The properties to the east, west, and north are zoned LI-1. Although LI-1 zoning is not appropriate in close proximity to residential uses, the residential neighborhood was established prior to the LI-1 zoning designation for the surrounding properties. The property is part of the existing residential neighborhood, and the zoning requested will be a continuation of the adjacent SF-6 zoning. This property only has access and frontage on a residential street. For these reasons, staff believes residential zoning is appropriate for the subject property.

Furthermore, staff has contacted the adjacent single-family property owner to the west, also zoned LI-1. Staff mentioned this zoning case, and discussed the possibility of rezoning that residence to SF-6 for additional continuity of the neighborhood. The property owner stated that they would be in support of rezoning their property to SF-6 also. Therefore, if the Commission is supportive of residential zoning on the subject property, staff recommends that the Commission call a public hearing to consider rezoning the adjacent single-family residence as well.

SUMMARY:

This is a request to rezone 0.3± acre located on the north side of 12th Street, 240± feet east of Municipal Avenue from LI-1 to SF-6. The proposed zoning request is not in conformance with the Future Land Use Plan. However, the subject property is currently being used as a residence and is a part of an existing residential neighborhood which has SF-6 zoning. Therefore, staff supports the zoning request.

RECOMMENDATIONS:

Recommended for approval as submitted. If residential zoning is appropriate for the subject property, staff also recommends that the Planning & Zoning Commission call a public hearing to rezone the existing single-family residence to the west, known as Lot 10 of the Reed Addition, to SF-6.
Zoning Case #: 2015-25

Existing Zoning: Light Industrial-1 (LI-1)

Proposed Zoning: Single-Family Residence-6 (SF-6)
An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 0.3± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the north side of 12th Street, 240± feet east of Municipal Avenue in the City of Plano, Collin County, Texas, from Light Industrial-1 to Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication 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 14th day of December, 2015, for the purpose of considering rezoning 0.3± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the north side of 12th Street, 240± feet east of Municipal Avenue in the City of Plano, Collin County, Texas, from Light Industrial-1 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 14th day of December, 2015; 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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 0.3± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the north side of 12th Street, 240± feet east of Municipal Avenue in the City of Plano, Collin County, Texas, from Light-Industrial-1 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 affectuated 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 14TH DAY OF DECEMBER, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY
BEING a 11,592 square foot tract of land situated in the Sanford Beck Survey, Abstract No. 73, in the City of Plano, Collin County, Texas; said tract being all of a tract of land known as Lot 13 of the Reed Addition, an unrecorded addition to the City of Plano, and being all of that certain tract of land described in a substitute trustee’s deed to Lorie Jones, Deed Records, Collin County, Texas, and being a portion of the right-of-way of 12th Street (50’ R.O.W.); said 11,592 square foot tract being more particularly described by metes and bounds as follows:

COMMENCING at an aluminum disc found for corner at the northwest corner of Lot 2R, Block C of Palisades Business Park North, an addition to the City of Plano, according to the plat recorded in Volume K, Page 231 of said deed records;

THENCE North 76°10'09" West, a distance of 7.10 feet to a 5/8-inch iron rod set at the northeast corner of said Jones Tract; said point being the point of beginning;

THENCE South 00°10'56" East along the east line of said Jones Tract, at a distance of 136.00 feet passing an “X” set for corner at the southeast corner of said Jones Tract and lying in the north right-of-way line of said 12th Street, and continuing for a total distance of 161.00 feet to a point for corner in the centerline of said 12th Street;

THENCE South 90°00'00" West, with the said centerline of 12th Street, a distance of 72.00 feet to a point for corner;

THENCE North 00°10'56" West, departing the said centerline of 12th Street, at a distance of 25.00 feet passing a mag nail set for corner at the southwest corner of said Jones Tract, and continuing along the west line of said Jones Tract a total distance of 161.00 feet to a 5/8-inch iron rod set for corner at the northwest corner of said Jones Tract;

THENCE North 90°00'00" East, along the north line of said Jones Tract, a distance of 72.00 feet to the POINT OF BEGINNING and CONTAINING 11,592 square feet or 0.266 acres of land.
Zoning Case #: 2015-25

Existing Zoning: Light Industrial-1 (LI-1)

Proposed Zoning: Single-Family Residence-6 (SF-6)