

PLANNING & ZONING COMMISSION MEETING OF 09-27-16 AGENDA ITEM #16-255Z

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Samantha Pickett, Planning Manager

FROM: Eleana Galicia, Planner I

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “RS 60” – Single Family Residence District to “LI” – Light Industrial District, Located at 717 Tower Lane

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 18, 2016 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the goals and objectives of the City’s Comprehensive Plan of “Land Use Compatibility and Mix.”

However, should the rezoning request be approved, the subject property shall develop in accordance with Section 146-114 (“LI” – Light Industrial District) of the zoning ordinance, and as amended.

APPLICATION SUBMITTAL DATE: August 15, 2016 (Original Application)
August 29, 2016 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 0.53 acres of land from “RS 60” – Single Family Residence District to “LI” – Light Industrial District.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“RS 60” – Single Family Residence District (Single Family Residential Uses)	Erosion Contracting Yard (Currently Inactive)

North	“BG” – General Business (Commercial Uses)	North Texas Job Corporation
South	“RS 60” – Single Family Residence District (Single Family Residential Uses)	Storage Yard
East	“ML” – Light Manufacturing District (Industrial Uses)	Champion Utility Company
West	“RS 60” – Single Family Residence District (Single Family Residential Uses)	Single Family Residence

PROPOSED ZONING: The applicant is requesting to rezone approximately 0.53 acres of land from “RS 60” – Single Family Residence District to “LI” – Light Industrial District. The property is currently zoned for single family residential uses, however the site has operated in the past as an erosion control contracting yard, and was classified a nonconforming use. Per Section 146-40 (Nonconforming uses and nonconforming structures) of the Zoning Ordinance, nonconforming uses are allowed to operate indefinitely, unless the use ceases to operate for a period longer than 12 months, at which time the nonconforming use shall be deemed as permanently abandoned. The previous use has been discontinued for longer than 12 months, and the applicant is requesting to rezone the subject property to “LI” – Light Industrial District to potentially redevelop the site for an automotive repair and service facility; however no plans have been formally submitted for review to the Planning Department.

The subject property is adjacent to existing single family residential uses to the west, an existing utility company to the east and south, and the North Texas Job Corporation to the north. The proposed zoning (“LI” – Light Industrial) would allow for industrial uses that would not be compatible with the existing residential uses located west of the subject property including, but not limited to, automotive repair, food processing plants, and metal fabrication, which could be a nuisance to adjacent residential uses. Although the properties located east are zoned “ML” – Light Manufacturing District, the surrounding area is comprised of a limited number of uses that are industrial in nature. The applicant has indicated to Staff the desire to develop an automotive service and repair facility on the subject property, however if the proposed zoning is approved, the applicant will also have the option to develop all other uses permitted in the Light Industrial District. Staff is not opposed to non-residential uses on the subject property, however Staff’s professional opinion is that uses permitted by right in the proposed zoning would not be compatible with existing residential uses, and as such, Staff recommends denial of the proposed rezoning request.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for single family residential uses. The FLUP modules diagram designates the subject property as Town Center within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- Comprehensive Plan Goals and Objectives: The proposed rezoning request is not in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning request would not help achieve the goal of “Land Use Compatibility and Mix” through the stated objective of the Comprehensive Plan “land use patterns that complement one another” and “land use patterns that address appropriate transition and mix of uses.”
- Impact on Infrastructure: The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located east of the subject property are zoned for manufacturing uses, while the properties located west and south are zoned for residential uses and the properties located north are zoned for commercial uses. The proposed rezoning request will alter the land use from residential uses to allow for light industrial uses. Staffs’ professional opinion is that the proposed zoning (“LI” – Light Industrial District) will not remain compatible with the adjacent residential uses located west of the subject property.
- Fiscal Analysis: Staff performed a fiscal analysis for this case because the rezoning request does alter the base residential zoning of the subject property. The attached fiscal analysis shows a positive cost benefit of \$4,606 using the full cost method.

The attached “Land Use and Tax Base Summary” shows that Module 55 is currently comprised of approximately 52.1% residential uses and 47.9% non-residential uses (including institutional and agricultural uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 55 are comprised of approximately 44.9% from residential uses and 55.1% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 55 are comprised of approximately 59.4% ad valorem taxes and 40.6% sales and use taxes.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of industrial land uses in the area.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments or phone calls in support of or opposition to this request.

ATTACHMENTS:

- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Fiscal Analysis
- Land Use and Tax Base Summary
- Proposed Zoning Exhibit
- PowerPoint Presentation