



Legislation Details (With Text)

File #:	19-374	Version:	1
Type:	New Business	Status:	Agenda Ready
File created:	7/9/2019	In control:	City Council
On agenda:	8/6/2019	Final action:	
Title:	PUBLIC HEARING: Consider approval of an ordinance to rezone from Single Family Residential - 36,000 square-foot minimum (SF-36) to Single Family Residential - 20,000 square-foot minimum (SF-20), on a 0.66-acre portion of an approximately 1.78-acre property, being Tract 6A, Abstract 1162 of Ireneus Neace Survey, located on the west side of North Pearson Lane, situated at the intersection of Florence Road and North Pearson Lane, addressed as 1016 North Pearson Lane. Michael and Maria Maguire, Owner/Applicant/Developer. Kenneth Johnson, Open Range Field Services, LLC, Surveyor. (Z-19-0001)		
Attachments:	1. 080619_Maguire Rezone_ProposedOrdinance, 2. 080619_Maguire Rezone_Maps, 3. 080619_Maguire Rezone_ExhibitA:ProposedPlat, 4. 080619_Maguire Rezone_Application&Narrative, 5. 080619_Maguire Rezone_LettersofSupport, 6. Item H-1 - Maguire Zoning Change		

Date	Ver.	Action By	Action	Result
8/6/2019	1	City Council	close the public hearing	

To: Mark Hafner, City Manager

From: Katasha Smithers, Planner I

Subject:

PUBLIC HEARING: Consider approval of an ordinance to rezone from Single Family Residential - 36,000 square-foot minimum (SF-36) to Single Family Residential - 20,000 square-foot minimum (SF-20), on a 0.66-acre portion of an approximately 1.78-acre property, being Tract 6A, Abstract 1162 of Ireneus Neace Survey, located on the west side of North Pearson Lane, situated at the intersection of Florence Road and North Pearson Lane, addressed as 1016 North Pearson Lane. Michael and Maria Maguire, Owner/Applicant/Developer. Kenneth Johnson, Open Range Field Services, LLC, Surveyor. (Z-19-0001)

Background:

According to Tarrant County Appraisal District, the home was constructed in 1970. The current Owners purchased the property in early 2019.

The Applicant is proposing to rezone a portion of the property to SF-20 to preserve the existing home for her mother. On the remainder of the property, the Applicant is proposing to build a new home. (See Exhibit A: Proposed Plat.) To plat, the Applicant must dedicate fifty feet (50') of right-of-way (ROW) to the City of Keller for the widening of Pearson Lane.

Drainage & Utilities:

The applicant has identified and provided a drainage utility easement that would be reflected on the approved plat.

Citizen Input:

On June 28, 2019, the City mailed out 18 letters of Notifications for this Public Hearing and the

associated zoning change to all property owners within three hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site.

The Applicant provided support letters from surrounding property owners.

As of July 29, 2019, Staff received about ten phone calls inquiring about the zoning request; none of the callers had any objections once learning about the request. Besides these calls, staff has not received any additional responses in either support or opposition regarding the zoning change.

Analysis:

Due to the fifty feet (50') of required ROW dedication, the parcel cannot be divided in a manner to meet the SF-36 zoning; the eastern lot will be too small and narrow. The lot will be 124.13' by 231.12' for a total of 28,657.52 square-feet. This lot would need to be rezoned from SF-36 to SF-20. Though smaller than five acres, the request does not violate spot zoning state regulations because it is immediately adjacent to SF-20 zoning. The request also matches the current FLUP zoning of Single Family - Low Density (25,000 SF or Larger) (SF-LD)).

Summary:

Section 8.02 (D.1.e) of the UDC states that when considering a zoning change request, the Planning and Zoning Commission and City Council shall consider the following factors:

- 1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.
- 2) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- 3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- 4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- 5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- 6) Any other factors which will substantially affect the health, safety, morals, or general welfare.

Planning and Zoning Recommendation:

On July 8, 2019, the Planning and Zoning Commission approved the zoning change application by a vote of 7-0.

City Council Action:

The City Council has the following options when considering a Zoning Change application:

- Approve as submitted.
- Approve with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.