



## Legislation Details (With Text)

<b>File #:</b>	21-596	<b>Version:</b>	1
<b>Type:</b>	New Business	<b>Status:</b>	Failed
<b>File created:</b>	9/8/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	9/21/2021	<b>Final action:</b>	
<b>Title:</b>	PUBLIC HEARING: Consider an ordinance approving a Zoning Change from Single-Family 36,000 square-foot lots or greater (SF-36) to Single-Family 10,000 square-foot lots or greater (SF-10) located on approximately 14.90-acres, legally described as Lot 1-Lot 68 in the Highland Terrace Mobile Home Park Subdivision, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West; 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane; 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East; and 1200, 1228, and 1238 Knox Road. City of Keller, Applicant. (Z-21-0010).		
<b>Attachments:</b>	1. 092121_HT Zoning Change_Ordinance, 2. 092121_HT Zoning Change_AerialMap, 3. 092121_HT Zoning Change_ZoningMap, 4. 092121_HT Zoning Change_Letters of Opposition, 5. 092121_HT Zoning Change_Letters of Support, 6. 092121_HT Zoning Change_Staff Attachment, 7. H-3 Highland Terrace Zoning Change Presentation		

Date	Ver.	Action By	Action	Result
9/21/2021	1	City Council	close the public hearing	Pass
9/21/2021	1	City Council	approve	Fail

**To:** Mark Hafner, City Manager

**From:** Trish Sinel, Senior Planner

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Zoning Change from Single-Family 36,000 square-foot lots or greater (SF-36) to Single-Family 10,000 square-foot lots or greater (SF-10) located on approximately 14.90-acres, legally described as Lot 1-Lot 68 in the Highland Terrace Mobile Home Park Subdivision, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West; 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane; 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East; and 1200, 1228, and 1238 Knox Road. City of Keller, Applicant. (Z-21-0010).

### Request:

Consider rezoning lots 1 through 68 comprising the Highland Terrace Mobile Home Park subdivision from SF-36 to SF-10 or larger lots. If the FLUP amendment and Zoning Change applications are approved, the new zoning regulations would take precedence over the variances granted to 21 lots on June 1, 2021.

### Why Action is Required:

Section 8.02 (D) of the UDC states changes and amendments to zoning ordinances and zoning maps may be approved as a measure necessary to the orderly development of the community by City Council after a recommendation by the Planning and Zoning Commission (Commission):

- 1) To correct any error in the regulations or map
- 2) To recognize changed or changing conditions or circumstances in a particular locality
- 3) To recognize changes in technology, the style of living, or manner of conducting business
- 4) To change the property to uses in accordance with the approved Master Plan

### **Background:**

- Highland Terrace Mobile Home Park was originally platted in 1970. This portion of the City was annexed into Keller in 1989 and zoned Single-Family 36,000 square-foot minimum lots (SF-36).
- Lot sizes in the Highland Terrace Subdivision range from approximately 5,300 to 20,000 square-feet. The average lot size is 8,100 square-feet with 54 lots out of 63 lots being under 8,400 square-feet
- During the August 3, 2021 City Council work session, the Keller City Council directed Staff to apply for and submit an application to bring forward a map amendment requesting a zoning change from Single-Family 36,000 square-foot lots (SF-36) to Single-Family 10,000 square-foot minimum lots (SF-10).

### **Current Zoning District:**

Single-Family 36,000 square-feet or larger (SF-36)

### **Surrounding Zoning Districts:**

**North:** SF-36 (36,000 square-feet or larger)

**South:** SF-36 (36,000 square-feet or larger)

**West:** PD-1420-SF-20 (Planned Development Single-Family 20,000 square-feet or larger)

**East:** SF-36 (36,000 square-feet or larger)

### **Zoning Regulations:**

### **Proposed Zoning District:**

Single-Family 10,000 square-foot lots or larger (SF-10)

A side-by-side comparison of the related zoning regulations is included as a Staff Attachment

### **Citizen Input:**

On August 13, 2021, the City mailed out 80 Letters of Notification for this public hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site on August 13, 2021.

As of September 13, 2021, Staff has received 1 letter in support representing 1 lot and 15 letters in opposition representing 15 lots for an opposition rate of 22.1%. Super Majority has been invoked.

## **Planning and Zoning Recommendation:**

On August 24, 2021, the Planning and Zoning Commission recommended denial of the SF-10 zoning district by a 6-1 vote based on the Commission's recommendation of denial regarding on the Future Land Use Plan Amendment application. However, Commissioner Thompson did not feel the decisions made were beneficial to the current residents while Commissioner Alvarado expressed disappointment that a higher density residential district was not considered such as Medium-Density and SF-15.

### **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.

### **City Council Action:**

The City Council has the following options when considering a zoning map amendment change:

- Approve as submitted.
- Approve a lower density of residential zoning than submitted.
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.

### **Supporting Documents:**

- Aerial and Zoning Maps