

memorandum

TO: Mayor & City Council
John Godwin, City Manager

FROM: Alan Efrussy, AICP, City Planning Manager

SUBJECT: **ZONING CHANGE ON THE 3500 AND 3600 BLOCK OF NORTH MAIN STREET.**

DATE: October 3, 2017

BACKGROUND: This request is to conduct a public hearing and take action regarding the petition of Bobby Smallwood for a change in zoning from a Commercial District (C) to a Light Industrial District (LI), on Part of the Reddin Russell Survey #786, being located in the 3500 and 3600 Block of North Main Street. At the October 3, 2017 public hearing, one person (the applicant) spoke in favor of this rezoning request and no one spoke in opposition. The commission voted 6–0 in favor of recommending approval to the city council.

STATUS OF ISSUE: The city staff has determined the following: (A) Existing Land Use: This property has tree coverage and is otherwise vacant; it includes a gravel parking lot. A church is proposed several lots south of this subject property. The remaining properties east of the subject property are represented largely by extensive tree cover. Properties on the west side of N. Main Street are characterized by heavier commercial-type uses. This subject property is comprised of 2.789 acres. (B) Proposed Land Use: Trailer Sales. (C) Existing Zoning: Current zoning is Commercial (C) on this property. Areas south, southeast, east, and on the west side of N. Main are also zoned C. Area northwest is zoned Agricultural (A) and property northeast is outside the city limits (which has no zoning). (D) Master Parks, Recreation, and Open Space Master Plan: This subject property is shown within an existing Two-Mile Service Radius of a Community Park; this Community Park is also shown on the Future Parks Plan Map. (E) Major Thoroughfare Plan (MTP): The MTP recommends a Proposed Collector Roadway east of U.S. 271 (Main Street) within this subject area. (F) The Future Land Use Plan (FLUP) within the Comprehensive Plan: This subject property is recommended for Commercial (C) use (except for a small linear corridor along the eastern property border, which is recommended for LDR–Low Density Residential, which are single-family homes). The plan recommends that areas to the north, south and west also be developed as C uses. Property to the east is recommended for LDR use. (G) Staff Comments from the Development Review Committee (DRC): The fire marshal

indicated that he has no concerns at this time concerning fire, explosive, or other Fire Department related issues regarding this rezoning request. The city engineer stated that the Major Thoroughfare Plan indicates a Collector Roadway extending east from U.S. 271 in this subject area, with a 60' (sixty-foot) R.O.W. requirement. She recommends a 30' (thirty-foot) R.O.W. dedication along the north property line. She and the public works director stated that a utility line for water and sewer could extend along the U.S. 271 R.O.W. The public works director also noted that there is no city sewer at this property. The city engineer stated that there is no flood plain on this subject property. Regarding any man-made and/or natural environmental constraints, she stated that a drainage swale will have to be accommodated. (H) Additional Considerations Regarding the Staff Recommendation: Because of different factors involved, the staff is providing options for the commission and council to consider. I. Recommend approval: (A) Pros: (1) Will allow the sale of trailers and therefore provide a functional land use on property that is essentially now vacant. (2) If approved, this LI Zone will be buffered by existing C zoning on its north, west, south and east boundaries, with its northwest boundary having property outside the city limits. (3) Potential additional sales tax revenue to Paris. (4) Potential employment opportunity for Paris. (5) Although the existing surrounding area is currently zoned C, the land uses directly across N. main of this subject property include: building supply sales, a rest stop, lumber sales, truck repair, and a truck stop. Also, further south along Main Street are other truck and vehicle sales and service land uses. These uses are among the more intensive uses permitted within the C zoning district, and therefore are more compatible with LI zoning uses, than are some of the less intensive C uses. (6) Approving this project would support the city councils emphasis on its commitment to increase business (commercial and industrial) land uses within the city, and that is one of its stated major goals. (B) Cons: (1) The properties directly east of this subject property consist of extensive tree cover and are essentially vacant; the Future Land Use Plan recommends Low-Density Residential (LDR) land use, which is characterized by single-family detached homes. The existing zoning for these LDR recommended lands is C and it is true that certain C uses could be intrusive to adjacent future LDR uses, while other less intensive permitted C uses could be more compatible with single-family homes. However, light industrial uses are typically less compatible in general to single-family uses, than are C uses. (2) The potential advantages (as stated above) of permitting the trailer sales in a LI zone would not be realized if this project was not approved. II. Recommend denial: (A) Pros: (1) This would preserve this subject property from the potential of allowing any permitted LI use on this site, if the trailer sales did not occur. (2) Any future LDR use would not be intruded upon if LI zoning was not permitted adjacent and to its west. (B) Cons: (1) Potential benefits of this rezoning would not be realized. III. Staff opinion regarding its recommendation: The staff believes the benefits to the city outweigh the negative aspects of this rezoning request. Therefore, the staff recommends that this zoning be approved.

RECOMMENDATION: Approve a change in zoning from Commercial (C) to Light Industrial (LI) located on the 3500 and 3600 Block of North Main Street.

31700 CORD
Prop ID# 53682

Prop ID# 122991

Prop ID# 12487

HWY 271 N EAST SIDE
Prop ID# 401497

HWY 271
Prop ID# 401496

N MAIN

N MAIN

3610

3180 N MAIN
Prop ID# 108707

271 N
Prop ID# 53589

3130

3525 N MAIN
Prop ID# 108757

3500 to 3600 Block

Prop ID# 404795

3525 N MAIN
Prop ID# 53722

3527

Prop ID# 404796

3525

3515 N MAIN
Prop ID# 59673

3515

Prop ID# 405191

HWY 271 N-EAST SIDE
Prop ID# 53607

3455 N MAIN
Prop ID# 59793

3455

3425 N MAIN
Prop ID# 53712

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARIS, TEXAS, AMENDING ZONING ORDINANCE NO. 1710 OF THE CITY OF PARIS, TEXAS, AS HERETOFORE AMENDED, SO AS TO REZONE PART OF THE REDDIN RUSSELL SURVEY #786, BEING LOCATED IN THE 3500 AND 3600 BLOCK OF NORTH MAIN STREET, IN THE CITY OF PARIS, LAMAR COUNTY, TEXAS, FROM A COMMERCIAL DISTRICT (C) TO A LIGHT INDUSTRIAL DISTRICT (LI); DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission received a request for an amendment to the Zoning Ordinance of the City of Paris to rezone Part of the Reddin Russell Survey #786, being located in the 3500 and 3600 Block of North Main Street, in the City of Paris, Lamar County, Texas, from a Commercial District (C) to a Light Industrial District (LI); and,

WHEREAS, on October 2, 2017, following notice and publication as required by law, the Planning and Zoning Commission conducted a public hearing on the proposed amendment to the City Zoning Ordinance and, following said hearing, made formal recommendation to the City Council to approve the requested zoning; and,

WHEREAS, on October 9, 2017, following notice and publication as required by law, the City Council of the City of Paris conducted a public hearing on the proposed amendment to the City Zoning Ordinance, and having considered the recommendations of the Planning and Zoning Commission and the testimony and evidence introduced at said public hearing, found and determined that approving the aforesaid zoning change would be consistent with the Comprehensive Future Land Use Plan of the City of Paris, consistent with the City Zoning Ordinance, and in the best interests of the public health, safety, and welfare of the citizens of the City of Paris by a vote of ____ ayes and ____ nays.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARIS, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That the Official Zoning Map of the City of Paris, Texas and Zoning Ordinance No. 1710 of the City of Paris as heretofore amended is hereby further amended to rezone Part of the Reddin Russell Survey #786, being located in the 3500 and 3600 Block of North Main Street, in the City of Paris, Lamar County, Texas, from a Commercial District (C) to a Light Industrial District (LI); and,

Section 3. That the Chief Building Official of the City of Paris be, and he is hereby, directed to change the Official Zoning Map of the City of Paris, Texas to reflect the changes set forth in this ordinance.

Section 4. That all provisions of the ordinances of the City of Paris, Texas in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Paris not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5. That the repeal of any ordinance or part of ordinances affected 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 6. That it is the intention of the City Council of the City of Paris that this ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause, or provisions of this ordinance shall not affect the validity of any other portion of this ordinance.

Section 7. That any person violating any provision of this ordinance shall be guilty of a Misdemeanor, and upon conviction, shall be subject to a fine in accordance with provisions of Sec. 1-6 of Chapter One of the City of Paris Code of Ordinances, and each and every day's continuance of any violation of the above-enumerated sections shall constitute and be deemed a separate offense.

Section 8. This ordinance shall become effective from and after its passage and publication as required by law.

PASSED AND ADOPTED on this 9th day of October, 2017, by the City Council of the City of Paris, in regular session, following notice and publication as required by law.

Steven J. Clifford, M.D., Mayor

ATTEST:

Janice Ellis, City Clerk

APPROVED AS TO FORM:

Stephanie H. Harris, City Attorney