

memorandum

TO: Mayor & City Council
John Godwin, City Manager

FROM: Alan Efrussy, AICP, City Planning Manager

SUBJECT: CHANGE FROM A SINGLE-FAMILY (SF-2) TO A TWO-FAMILY (2F) DISTRICT LOCATED AT 345 N.E. 29TH STREET.

DATE: October 3, 2017

BACKGROUND: This request is to conduct a public hearing and take action regarding the petition of John Saunders for a change in zoning from a Single Family Dwelling District No. 2 (SF-2) to a Two Family Dwelling District (2F), on Lot 1, Block 5 of the Springlake Addition, being located at 345 N.E. 29th Street. At the October 3, 2017 public hearing, two individuals 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: The subject property is vacant, and is comprised of 0.2280 acres.
- B. Proposed Land Use: Establishment of a duplex dwelling unit.
- C. Existing Zoning: The area in all directions in this area is zoned SF-2, Single-Family. The Neighborhood Service (NS) Zone across the street is developed with a single-family home.
- D. Master Parks, Recreation, and Open Space Master Plan: The subject property is located within the existing Wade Park One-Half Mile Service Radius for Neighborhood Parks. The Future Park Plan indicates that Wade Park is recommended as a Renovated Park. The property is also within a Two-Mile Service Radius of a Community Park.
- E. Major Thoroughfare Plan (MTP): The MTP does not impact this subject property.
- F. The Future Land Use Plan (FLUP) within the Comprehensive Plan: The FLUP recommends that this property and surrounding environs, including the existing NS zone, all be developed in LDR (Low Density Residential) which is represented by single-family detached homes.
- G. City Staff Recommendation to the Commission: The current zoning surrounding the subject property is single-family to the north, west, and south, and southeast; one lot to the northeast (and across NE 29th Street) is zoned Neighborhood Service (NS). For the immediate area surrounding this subject property, and including the NS property, the Future Land Use Plan recommends Low-Density Residential (LDR), which is characterized by single-family

detached residential homes. There is no recommended current Duplex (2F) zoning or future duplex land use recommendations in the area surrounding the subject property. Therefore, the staff's recommendation to the Planning and Zoning Commission was to recommend denial.

- H. Staff Comments from the Development Review Committee (DRC). The fire marshal has stated that he has no fire or explosion concerns with regard to rezoning of this property. He stated that Fire Department response is not changed by having a single duplex at this location. The city engineer has stated that 5' (five feet) of street/thoroughfare right-of-way (ROW) is required along Walnut Street and 29th N.E. Street; she also noted that this is a platted lot and will not need re-platting for the proposed use, and therefore additional R.O.W. will not be dedicated. She also stated that there is no flood plain on this property and that there are no natural and/or man-made environmental constraints on this subject property. The public works director stated that he requires 5'(five feet) of utility R.O.W. along Walnut Street and 29th N.E. Street.
- I. Recommendation by the Planning and Zoning Commission at its October 2, 2017 meeting: The commission considered the recommendation of staff, heard supporting comments from the applicant and support from another citizen that recommended that this rezoning request be approved. Both these citizens as well as the commission members agreed that single-family residential areas should support neighborhood integrity and consistent and uniform single-family residential continuity and design. However, the commission believed that constructing a new residential unit on a vacant lot with what they considered is compatible with single-family use—that is the requested duplex unit—was a higher zoning priority. The city staff can support that decision, since new residential units, and new businesses, are part of the City Council goals.

RECOMMENDATION: Approve a change in zoning from SF-2 to 2F at 345 N.E. 29th Street.



375
375 NE 28TH
Prop ID# 18227

365
365 NE 28TH
Prop ID# 18226

350
STE 300
350
STE 200
350 N COLLEGIATE
Prop ID# 19796

350
STE 100

COLLEGIATE
Prop ID# 19797

310
310 N COLLEGIATE
Prop ID# 19799

2810
2810 E CHERRY
Prop ID# 19772

2820
2820 E CHERRY
Prop ID# 19774

2830
2830 E CHERRY
Prop ID# 19773

385 NE 29TH
Prop ID# 19768

375 NE 29TH
Prop ID# 19769

365 NE 29TH
Prop ID# 19770

355 NE 29TH
Prop ID# 19771

374 NE 28TH
Prop ID# 19775

354 NE 28TH
Prop ID# 19776

334 NE 28TH
Prop ID# 19781

324 NE 28TH
Prop ID# 19782

314 NE 28TH
Prop ID# 19783

304 NE 28TH
Prop ID# 19784

345 NE 29TH
Prop ID# 19777

325 NE 29TH
Prop ID# 19778

315 NE 29TH
Prop ID# 19779

305 NE 29TH
Prop ID# 19780

391 NE 30TH
Prop ID# 19744

370 NE 29TH
Prop ID# 19749

350

340 NE 29TH
Prop ID# 19754

330 NE 29TH
Prop ID# 19755

310 NE 29TH
Prop ID# 19757

N COLLEGIATE

NE 28TH

WALNUT

NE 29TH

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 LOT 1, BLOCK 5 OF THE SPRINGLAKE ADDITION, BEING LOCATED AT 345 N.E. 29TH STREET, IN THE CITY OF PARIS, LAMAR COUNTY, TEXAS, FROM A SINGLE-FAMILY DWELLING DISTRICT NO. 2 (SF-2) TO A TWO-FAMILY DWELLING DISTRICT (2F); 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 Lot 1, Block 5 of the Springlake Addition, being located at 345 N.E. 29th Street, in the City of Paris, Lamar County, Texas, from a Single-Family Dwelling District No. 2 (SF-2) to a Two-Family Dwelling District (2F); 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 Lot 1, Block 5 of the Springlake Addition, being located at 345 N.E. 29th Street, in the City of Paris, Lamar County, Texas, from a Single-Family Dwelling District No. 2 (SF-2) to a Two-Family Dwelling District (2F);

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