

DATE: December 6, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 5, 2011

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2011-33
APPLICANT: KEN OGENDIPE**

Request for Specific Use Permit for Trade/Commercial School on 0.1± acre located on the north side of Teakwood Lane, 290± feet west of Custer Road. Zoned General Office.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: January 9, 2012 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Ken Ogendipe, SIRA Career Training
Stacy Su, McNeff Companies, Inc.
Richard Matkin, PISD
Cliff Borman, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 5, 2011

Agenda Item No. 7

Public Hearing: Zoning Case 2011-33

Applicant: Ken Ogendipe

DESCRIPTION:

Request for Specific Use Permit for Trade/Commercial School on 0.1± acre located on the north side of Teakwood Lane, 290± feet west of Custer Road. Zoned General Office.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Trade/Commercial School. An SUP authorizes and regulates a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. Trade/Commercial Schools are establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupations. The applicant is proposing to operate a nursing school in an existing 2,000± square foot lease space, within an existing multi-tenant office building. Adjacent to this site is one other multi-tenant office building to the east, a daycare to the west, and a retail development to the north.

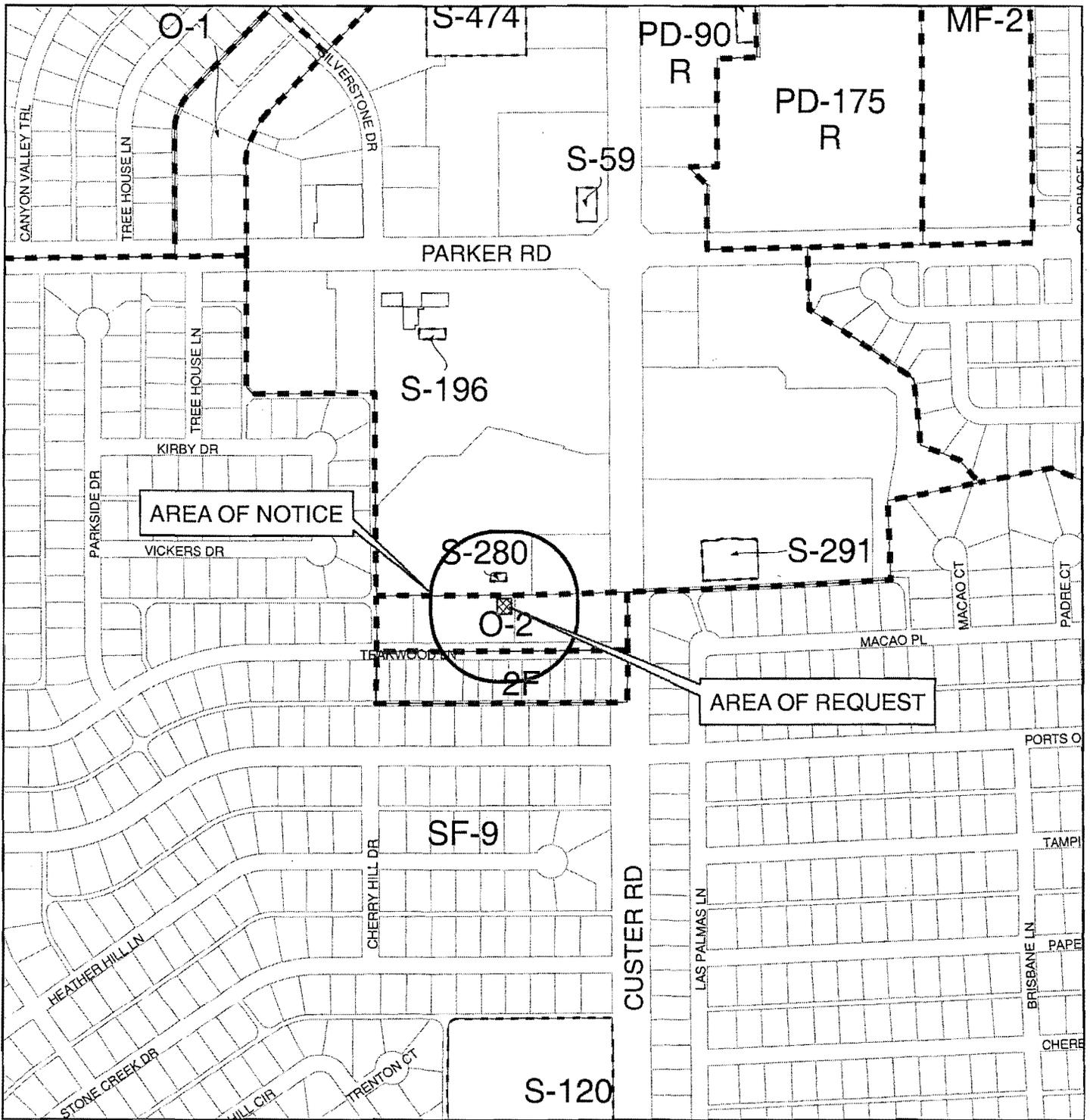
The current zoning is General Office (O-2). The O-2 district is intended to allow for a variety of low-, mid-, and high-rise office developments providing for professional, financial, medical, and similar services to local residents; corporate offices for regional and national operations; and major centers of employment for Plano and surrounding communities.

The areas to the north and east are zoned Retail (R) and O-2 and are developed as commercial uses. To the south and west of the site are existing residential developments zoned Two Family (2F) and Single-Family Residence-9 (SF-9). A masonry screening wall and existing daycare building separates the commercial building from the residences to the west, and Teakwood Lane separates the site from residences to the south.

On June 13, 2011, the City Council approved a SUP for Trade/Commercial School within an existing lease space located in the shopping center to the north of the subject property. The request was for a beauty school. The requested trade/commercial school SUP for the nursing school is complementary to the adjacent land uses, and the site has adequate parking to accommodate the requested use. Staff believes the trade/commercial school use is appropriate in this location.

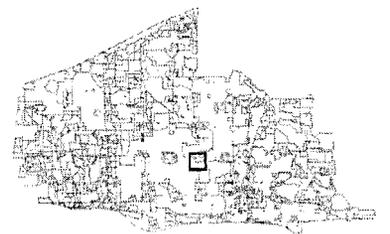
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2011-33

Existing Zoning: GENERAL OFFICE



○ 200' Notification Buffer



Zoning Case 2011- 33

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 617 so as to allow the additional use of Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the north side of Teakwood Lane, 290± feet west of Custer Road, in the City of Plano, Collin County, Texas, presently zoned General Office; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 9th day of January, 2012, for the purpose of considering granting Specific Use Permit No. 617 for the additional use of Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the north side of Teakwood Lane, 290± feet west of Custer Road, in the City of Plano, Collin County, Texas, presently zoned General Office; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of January, 2012; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 617 for the additional use of Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the north side of Teakwood Lane, 290± feet west of Custer Road in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 617 for the additional use of Trade/Commercial School on 0.1± acre of land out of the Mary Katherine and Sally Owens Survey, Abstract No. 672, located on the north side of Teakwood Lane, 290± feet west of Custer Road, in the City of Plano, Collin County, Texas, presently zoned General Office, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. 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 V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 9TH DAY OF JANUARY, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2011-33

BEING a 0.1± acre or 1,993 square foot portion of a tract of land situated in the Mary Katherine and Sally Owens Survey, Abstract No. 672, being a part of Lot 2, Block A, Replat of Custer Parkway Professional Center, an Addition in the City of Plano, Texas, according to the Plat thereof recorded in Cabinet C, Page 55, Map Records, Collin County, Texas, and being a part of that certain tract of land conveyed to Teakwood 95, Inc. by Deed recorded under County Clerk's File No. 95-0003234, Land Records, Collin County, Texas. Said 0.1± acre portion thereof being more fully described as follows:

COMMENCING at a 5.8-inch iron pin found at the northeast corner of said Lot 2, Block A;

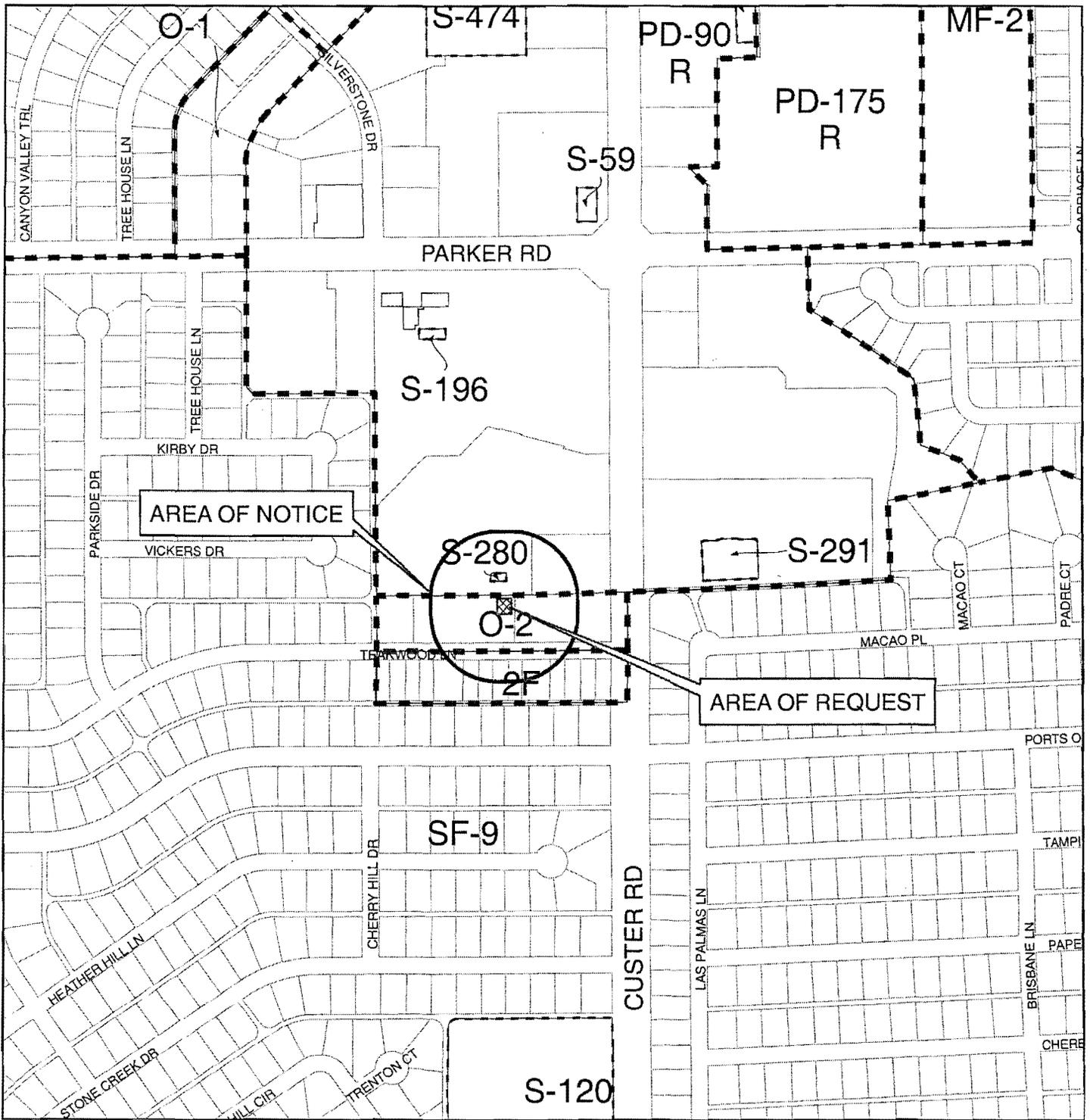
THENCE South, 45° 59' 04" West, 14.35 feet to the PLACE OF BEGINNING;

THENCE South, 00° 43' 09" West, 44.73 feet to a point;

THENCE North, 89° 21' 38" West, 44.62 feet to a point;

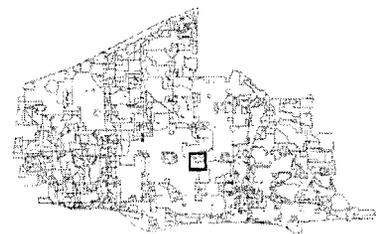
THENCE North, 00° 50' 05" East, 44.73 feet to a point;

THENCE South, 89° 21' 38" East, 44.53 feet to the PLACE OF BEGINNING and CONTAINING 1,993 square feet.



Zoning Case #: 2011-33

Existing Zoning: GENERAL OFFICE



○ 200' Notification Buffer

