

DATE: January 5, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of January 4, 2011

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2010-21
APPLICANT: PLANO SNF REALTY, LLC**

Request for a Specific Use Permit for Long-term Care Facility on 5.4± acres located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard. Zoned Regional Employment.

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

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 1

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 24, 2011 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: John Taylor, Plano SNF Realty, LLC
Derek Weiner, SG Development

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 4, 2011

Agenda Item No. 7A

Public Hearing: Zoning Case 2010-21

Applicant: Plano SNF Realty, LLC

DESCRIPTION:

Request for a Specific Use Permit for Long-term Care Facility on 5.4± acres located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard. Zoned Regional Employment.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Long-term Care Facility. A long-term care facility is defined as a development providing in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

The subject property is currently zoned Regional Employment (RE). The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

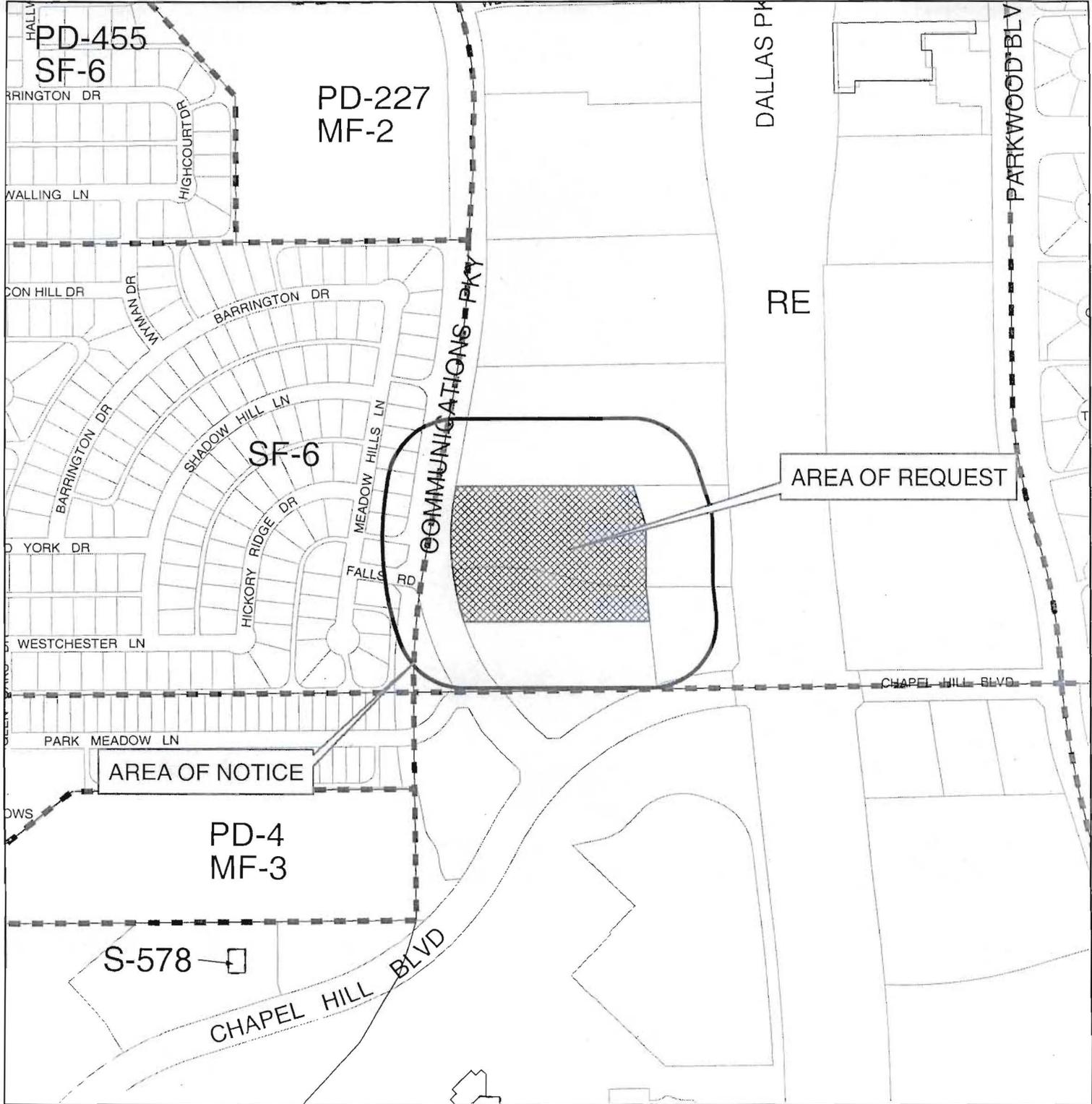
A preliminary site plan, Parkway Centre, Phase 5, Block C, Lot 5, accompanies this request.

The land to the west of the area of request, across Communications Parkway, is zoned Single-Family Residence-6 and is developed as residential homes. To the north, east, and south of the request, the land is zoned RE. The property to the north is developed as general offices, and the properties to the east and south are vacant and are proposed for office uses.

The subject property is approximately 300 feet west of the tollway. The long-term care use is complimentary to the adjacent residential use and should provide a buffer between the existing residential subdivision and the Dallas North Tollway. The site will derive its primary access from Communications Parkway, and it will have access to adjacent properties to the north, east, and south. Additionally, since this site does not have frontage on the tollway nor an arterial roadway, the requested use is appropriate because it does not rely upon visibility unlike other uses currently allowed within the RE zoning district. For these reasons, staff believes this is an appropriate location for a long-term care facility.

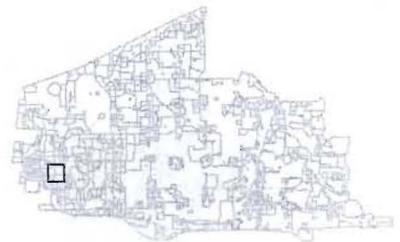
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2010-21

Existing Zoning: REGIONAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer

ZONED "SF-6"
DEVELOPED AS
SINGLE-FAMILY
RESIDENTIAL
GLEN MEADOWS
CABINET #4 PAGE 292

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5.3672 ACRES

REQUEST FOR S.U.P. FOR
LONG-TERM CARE FACILITY

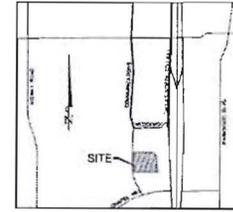
ZONED "RE"
VACANT

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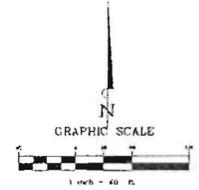
ZONED "RE"
VACANT

CHapel Hill Boulevard
110' R.O.W.
(A PUBLIC RIGHT-OF-WAY)

DALLAS NORTH PARKWAY
100' R.O.W.
(A PUBLIC RIGHT-OF-WAY)
A 1/2" IRON ROD FOUND AT
THE SOUTHWEST CORNER OF
LOT 4, BLOCK C, PARKWAY CENTER ADDITION, PHASE 4,
AS RECORDED IN VOLUME 2006, PAGE 101, P.L.C.C.T.



VICINITY MAP
N.T.S.



BOUNDARY DESCRIPTION:

BEING a 5.3672 acre tract of land situated in the John H. Mounts Survey, Abstract No. 610, City of Plano, Collin County, Texas, being all of Lot 5 and part of Lot 6, Block C, Parkway Center Addition, Phase 5, an addition to the City of Plano as recorded in Volume 2006, Page 776, Plat Records, Collin County, Texas (P.R.C.C.T.) and being more particularly described as follows:

BEGINNING at a one-half inch iron rod found at the northwest corner of said Lot 5, said point being in the easterly right-of-way line of Communications Parkway (a variable width right-of-way), said point also being the southwest corner of Lot 4, Block C, Parkway Center Addition, Phase 4, an addition to the City of Plano as recorded in Volume 2006, Page 101, P.R.C.C.T.;

THENCE North 89 degrees 56 minutes 02 seconds East, along the common line of said Lot 4 and Lot 5, a distance of 532.01 feet to a one-half inch iron rod set for corner;

THENCE South 18 degrees 47 minutes 36 seconds East, a distance of 125.00 feet to a one-half inch iron rod set for corner;

THENCE South 00 degrees 04 minutes 56 seconds East, a distance of 196.62 feet to a one-half inch iron rod found for corner, being the northwest corner of Lot 7 of said Block C;

THENCE South 05 degrees 35 minutes 32 seconds East, along the west line of said Lot 7, a distance of 103.66 feet to a one-half inch iron rod set for corner;

THENCE North 89 degrees 56 minutes 11 seconds West, a distance of 568.52 feet to a one inch iron rod set for corner at the easterly right-of-way line of said Communications Parkway, and being in a non-tangent curve to the right having a central angle of 28 degrees 11 minutes 57 seconds, a radius of 785.00 feet, a tangent of 180.68 feet, and whose chord bears North 04 degrees 04 minutes 17 seconds West, 367.34 feet;

THENCE northwesterly along the easterly right-of-way line of said Communications Parkway and along the said curve, an arc distance of 361.27 feet to a one-half inch iron rod found for corner and being the end of said curve;

THENCE North 10 degrees 01 minutes 33 seconds East, continuing along the easterly right-of-way line of said Communications Parkway, a distance of 21.02 feet to the POINT OF BEGINNING and containing 233,797 square feet or 5.3672 acres of land.

NOTE:
Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

ZONING EXHIBIT
FOR
ZONING CASE # 2010-21
5.3672 ACRES
OUT OF THE JOHN MOUNTS
SURVEY, ABSTRACT NO. 610
ROBERT LUDDINGTON SURVEY,
ABSTRACT NO. 548

LOCATED IN THE
CITY OF PLANO,
COLLIN COUNTY, TEXAS
DECEMBER 8, 2010

ENGINEER
BANNISTER
ENGINEERING
1500 WATERS RIDGE DRIVE
LEWISVILLE, TEXAS 75057
PH: (972) 783-4054
dbweiner@bannister-engineering.com

PROPERTY OWNER
PLANO SHF REALTY LLC
CONTACT: DEWEK WEBER, P.E.
1500 WATERS RIDGE DRIVE
LEWISVILLE, TEXAS 75057
PH: (972) 783-4054
dweber@sp-developmnet.com

Zoning Case 2010- 21

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. 608 so as to allow for Long-term Care Facility on 5.4± acres of land out of the John H. Mounts Survey, Abstract No. 610, located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Employment; 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 24th day of January, 2011, for the purpose of considering granting Specific Use Permit No. 608 for Long-term Care Facility on 5.4± acres of land out of the John H. Mounts Survey, Abstract No. 610, located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Employment; 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 24th day of January, 2011; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 608 for Long-term Care Facility on 5.4± acres of land out of the John H. Mounts Survey, Abstract No. 610, located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard, 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. 608 for Long-term Care Facility on 5.4± acres of land out of the John H. Mounts Survey, Abstract No. 610, located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Employment, 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 24TH DAY OF JANUARY, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

LEGAL DESCRIPTION

ZC 2010-21

BEING a 5.3672 acre tract of land situated in the John H. Mounts Survey, Abstract No. 610, City of Plano, Collin County, Texas, being all of Lot 5 and part of Lot 6, Block C, Parkway Centre Addition, Phase 5, an addition to the City of Plano as recorded in Volume 2006, Page 776, Plat Records, Collin County, Texas (P.R.C.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2-half inch iron rod found at the northwest corner of said Lot 5, said point being in the easterly right-of-way line of Communications Parkway (a variable width right-of-way), said point also being the southwest corner of Lot 4, Block C, Parkway Centre Addition, Phase 4, an addition to the City of Plano as recorded in Volume 2006, Page 101, P.R.C.C.T.;

THENCE North 89° 55' 02" East, along the common line of said Lot 4 and Lot 5, a distance of 532.01 feet to a 1/2-half inch iron rod set for corner;

THENCE South 18° 47' 38" East, a distance of 125.00 feet to a 1/2-half inch iron rod set for corner;

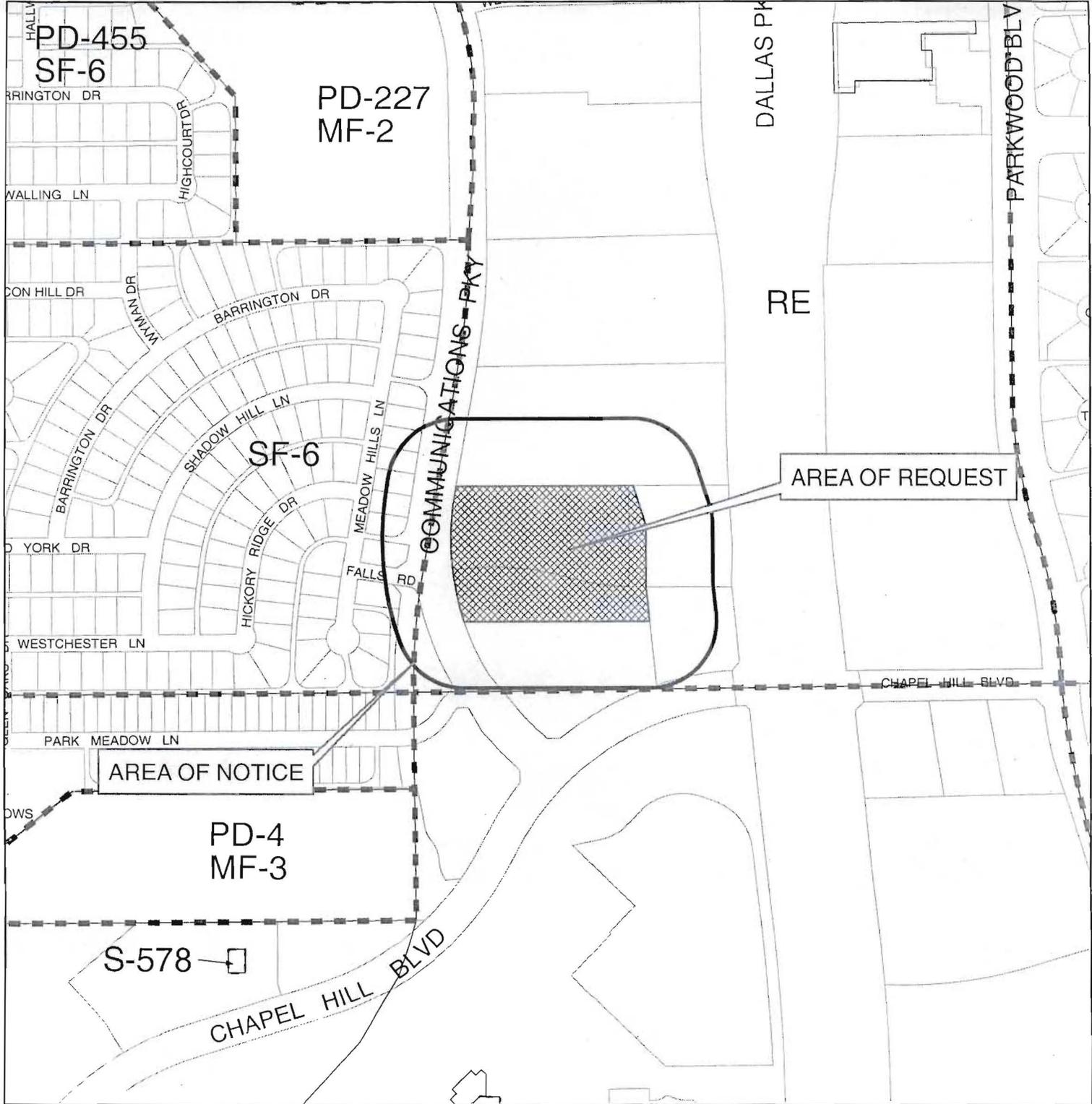
THENCE South 00° 04' 58" East, a distance of 186.62 feet to a 1/2-half inch iron rod found for corner, being the northwest corner of Lot 7 of said Block C;

THENCE South 05° 35' 52" East, along the west line of said Lot 7, a distance of 103.66 feet to a 1/2-half inch iron rod set for corner;

THENCE North 89° 58' 11" West, a distance of 558.82 feet to a one inch iron rod set for corner in the easterly right-of-way line of said Communications Parkway and being in a nontangent curve to the right having a central angle of 28° 11' 57", a radius of 795.00 feet, a tangent of 199.68 feet, and whose chord bears North 04° 04' 17" West, 387.34 feet;

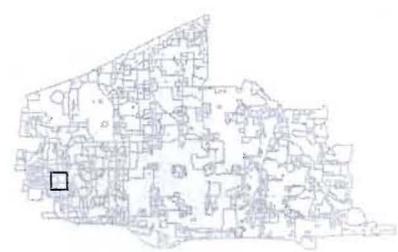
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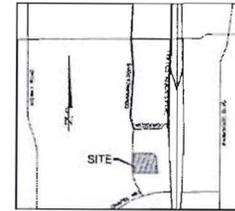
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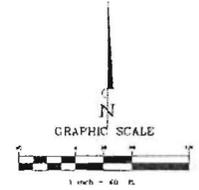
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CHAPEL HILL BOULEVARD
1/4" = 60' (A PUBLIC RIGHT-OF-WAY)

DALLAS NORTH PARKWAY
1/4" = 60' (A PUBLIC RIGHT-OF-WAY)



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ABSTRACT NO. 548

LOCATED IN THE
CITY OF PLANO,
COLLIN COUNTY, TEXAS
DECEMBER 8, 2010

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PH: (972) 783-4054
dbweiner@bannister-engineering.com

PROPERTY OWNER
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LEWISVILLE, TEXAS 75057
PH: (972) 783-4054
dweiner@bannister-engineering.com