

DATE: March 19, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of March 18, 2013

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2013-04
APPLICANT: PLANO RIVERWALK DEVELOPMENT PARTNERS, LTD**

Request for a Specific Use Permit for Assisted Living Facility on 2.4± acres located on the east side of Alma Drive, 205± feet north of 16th Street. Zoned Corridor Commercial.

APPROVED: 5-0 **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: April 8, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/dc

xc: David Roehm, Plano Riverwalk Development Partners, Ltd.
Emmanuel & Constance Akara, Cedar Ridge Healthcare System, LLC
Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

March 18, 2013

Agenda Item No. 6A

Public Hearing: Zoning Case 2013-04

Applicant: Plano Riverwalk Development Partners, LTD

DESCRIPTION:

Request for a Specific Use Permit for Assisted Living Facility on 2.4± acres located on the east side of Alma Drive, 205± feet north of 16th Street. Zoned Corridor Commercial.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Assisted Living Facility. An assisted living facility is defined as a building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms. 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 Corridor Commercial (CC). The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways. An assisted living facility is an allowed use within the CC district subject to approval of an SUP.

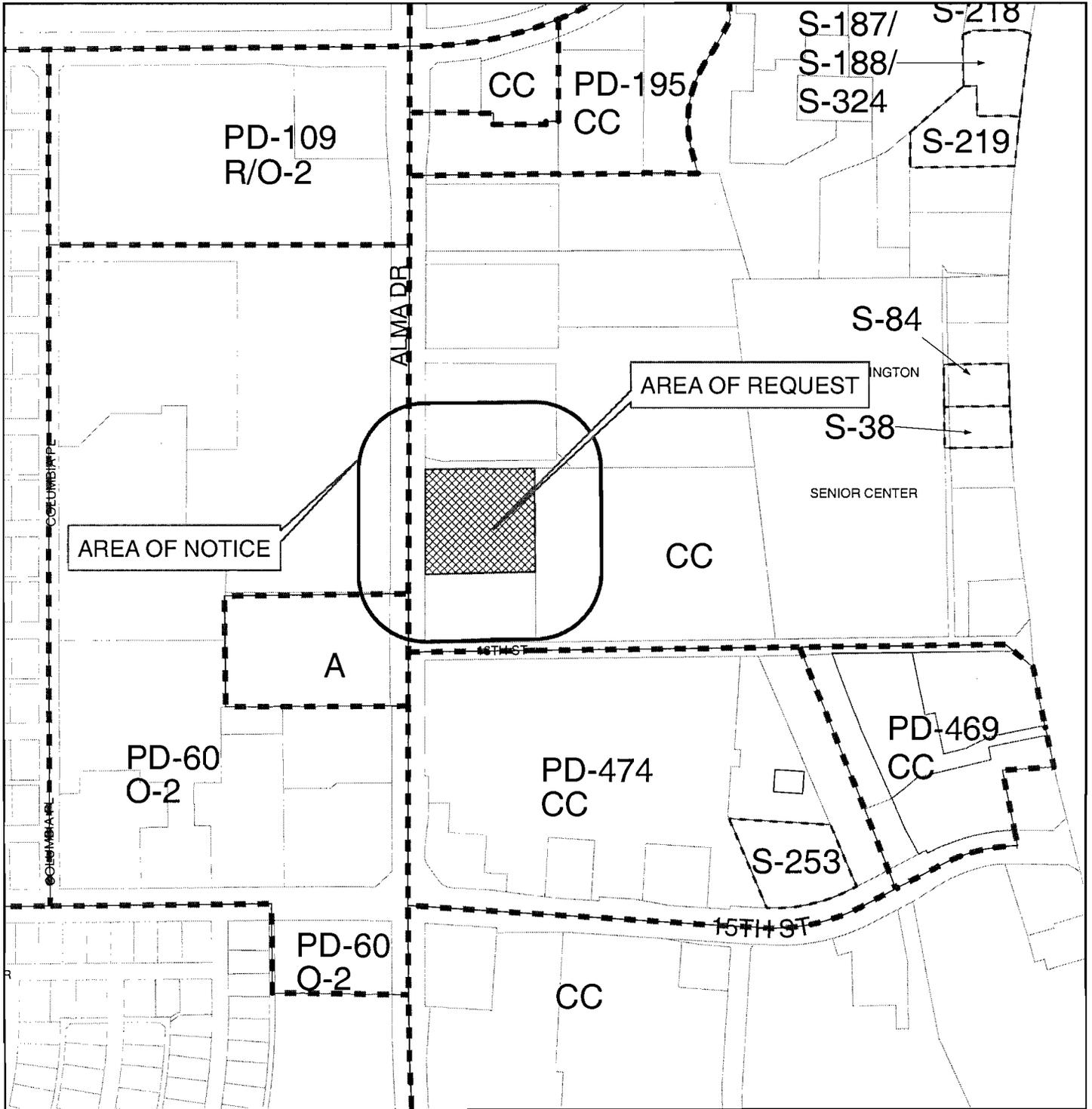
A preliminary site plan, Cedar Ridge Addition, Block 1, Lot 1, accompanies this request and is contingent upon approval of the requested SUP.

The land to the west of the area of request, across Alma Drive, is zoned Planned Development-60-General Office and is undeveloped. To the north, east, and south of the request, the land is zoned CC. The property to the north is developed as general offices and the property to the east is developed as multifamily residences. To the south, the property is developed as an electrical substation.

The assisted living facility use is complimentary to the adjacent multifamily residential and office uses. The existing multifamily residential development combined with the park and existing nonresidential developments to the east serve as a buffer between the subject property and U.S. Highway 75. The site will derive its primary access from Alma Drive with additional access to a median opening from a proposed offsite fire lane, access, and utility easement from the adjacent property to the north. In addition, the requested use is appropriate because it does not rely upon visibility from U.S. Highway 75 unlike other uses currently allowed within the CC zoning district. For these reasons, staff believes this is an appropriate location for an assisted living facility.

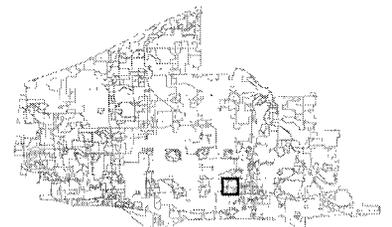
RECOMMENDATION:

Recommended for approval as submitted.

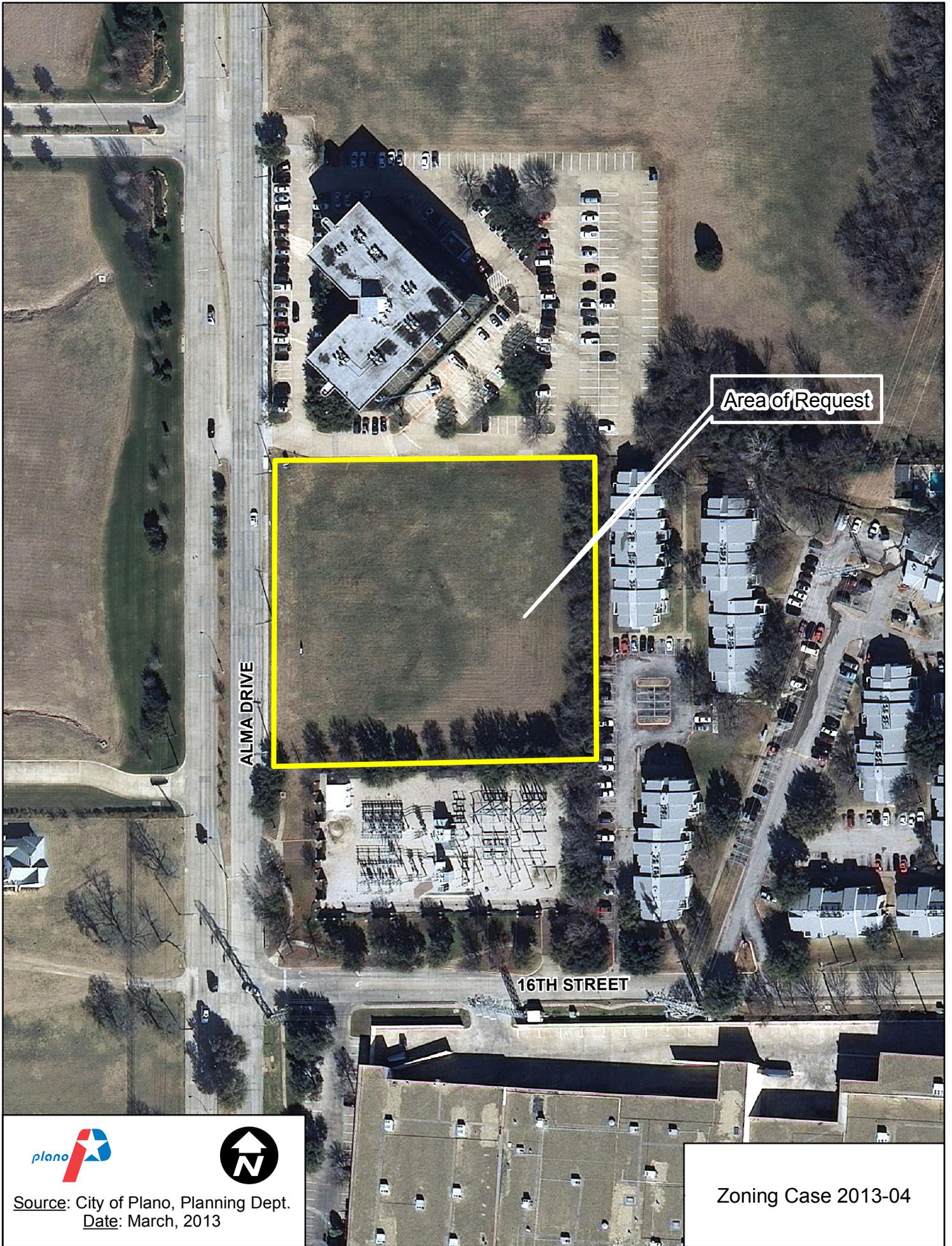


Zoning Case #: 2013-04

Existing Zoning: CORRIDOR COMMERCIAL



○ 200' Notification Buffer



ALMA DRIVE

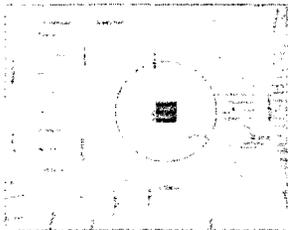
16TH STREET

Area of Request



Source: City of Plano, Planning Dept.
Date: March, 2013

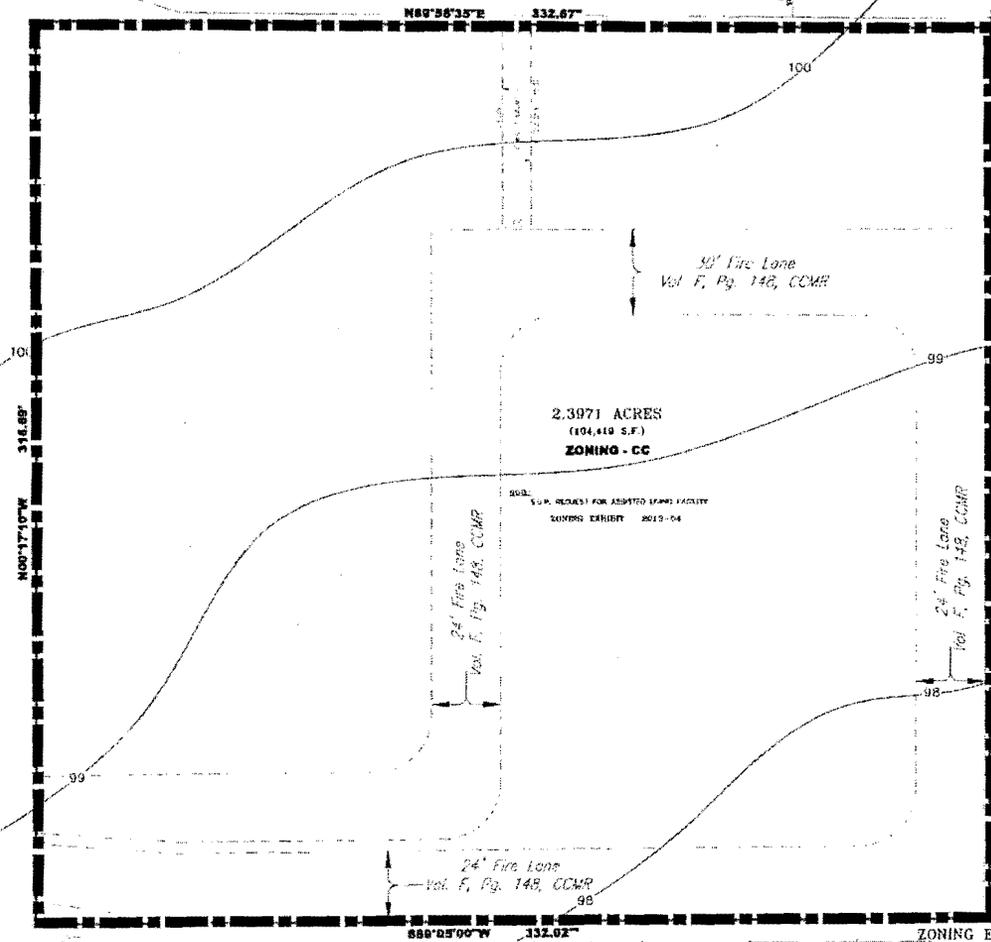
Zoning Case 2013-04



A VICINITY MAP
102

LOT 1 - BLOCK A
COLLIN CREEK CORPORATE CENTER
COLLIN COUNTY, TEXAS
ZONING - PD

ALMA DR



LOT 1 - BLOCK 1
WASHINGTON CENTER ADDITION
COLLIN COUNTY, TEXAS
100' x 100' BY L&L
ZONING - CC

LOT 1 - BLOCK 1
STONE CREEK ADDITION
COLLIN COUNTY, TEXAS
ZONING - CC

2.3971 ACRES
LOT 1, BLOCK 1
CEDAR RIDGE ADDITION
BEING ALL OF LOT 1, BLOCK 1
PLANO BANK AND TRUST ADDITION AS
RECORDED IN VOL. F, PAGE 148
COLLIN COUNTY MAP RECORDS
AN ADDITION TO THE CITY OF PLANO
JOSEPH KLEPPER SURVEY - ABST. 213
COLLIN COUNTY, TEXAS

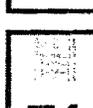
LOT 1 - BLOCK A
UNION ELECTRIC BATTERY CO.
PLANO-ALMA IN SUBDIVISION
BY THE PLANS
RECORDED IN VOL. F, PAGE 148
COLLIN COUNTY MAP RECORDS
ZONING - CC

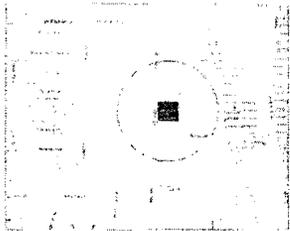
DATE: 11/11/13
BY: [Signature]
TITLE: [Title]
SCALE: 1/8" = 1'-0"



Z ZONING
101

BARNES



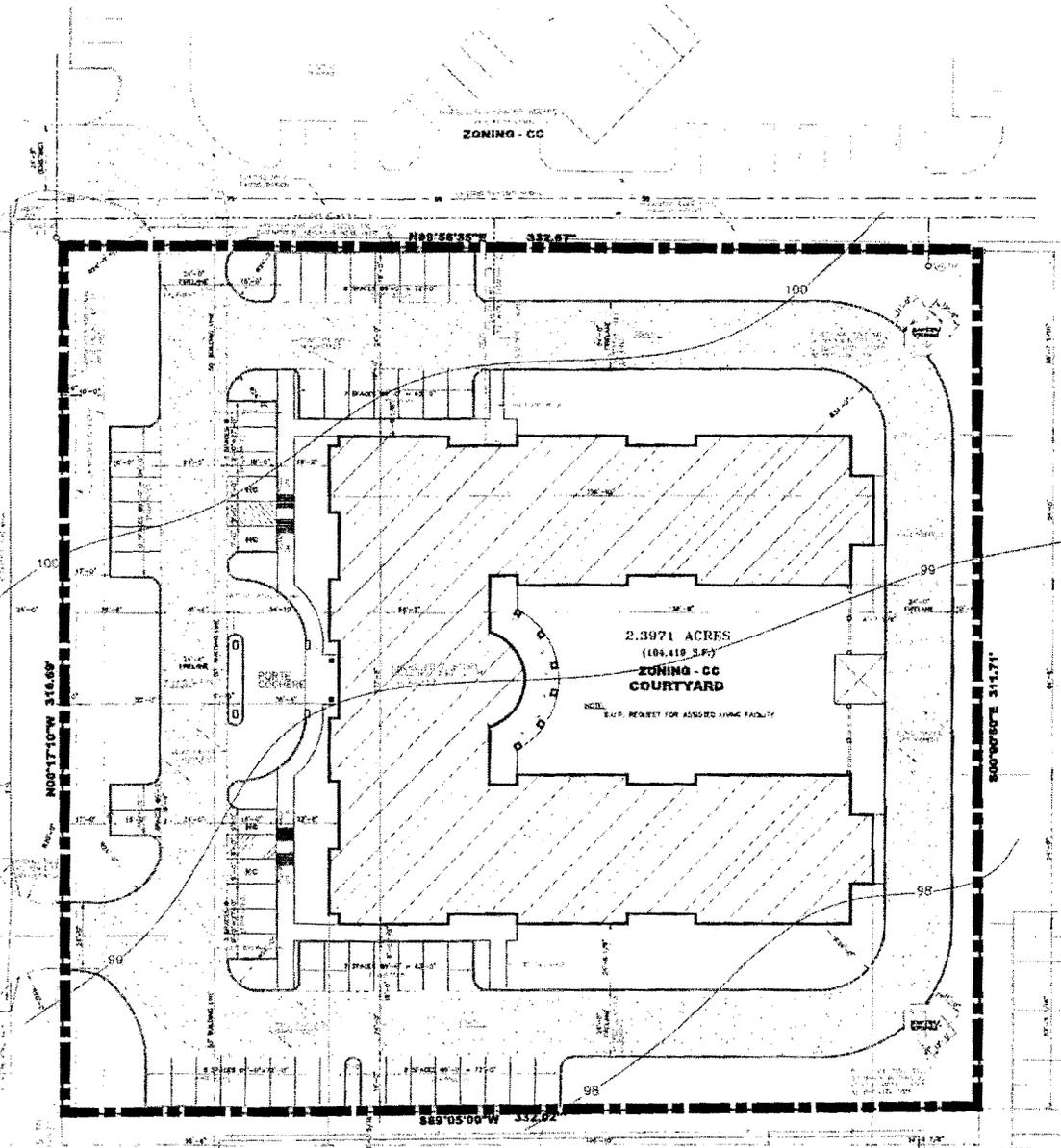


A VICINITY MAP
SCALE: 1/4" = 100'

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY SITE PLAN	11/15/11	J. BARNES	
2	REVISIONS			
3	REVISIONS			
4	REVISIONS			
5	REVISIONS			
6	REVISIONS			
7	REVISIONS			
8	REVISIONS			
9	REVISIONS			
10	REVISIONS			
11	REVISIONS			
12	REVISIONS			
13	REVISIONS			
14	REVISIONS			
15	REVISIONS			
16	REVISIONS			
17	REVISIONS			
18	REVISIONS			
19	REVISIONS			
20	REVISIONS			

ZONING - PD

- MINIMUM REQUIREMENTS:**
1. The proposed building shall be constructed in accordance with the applicable building code.
 2. The proposed building shall be constructed in accordance with the applicable fire code.
 3. The proposed building shall be constructed in accordance with the applicable health code.
 4. The proposed building shall be constructed in accordance with the applicable electrical code.
 5. The proposed building shall be constructed in accordance with the applicable plumbing code.
 6. The proposed building shall be constructed in accordance with the applicable mechanical code.
 7. The proposed building shall be constructed in accordance with the applicable energy code.
 8. The proposed building shall be constructed in accordance with the applicable accessibility code.
 9. The proposed building shall be constructed in accordance with the applicable safety code.
 10. The proposed building shall be constructed in accordance with the applicable environmental code.
 11. The proposed building shall be constructed in accordance with the applicable traffic code.
 12. The proposed building shall be constructed in accordance with the applicable noise code.
 13. The proposed building shall be constructed in accordance with the applicable air quality code.
 14. The proposed building shall be constructed in accordance with the applicable water quality code.
 15. The proposed building shall be constructed in accordance with the applicable soil conservation code.
 16. The proposed building shall be constructed in accordance with the applicable erosion control code.
 17. The proposed building shall be constructed in accordance with the applicable sedimentation code.
 18. The proposed building shall be constructed in accordance with the applicable stormwater management code.
 19. The proposed building shall be constructed in accordance with the applicable floodplain management code.
 20. The proposed building shall be constructed in accordance with the applicable historic preservation code.



A PRELIMINARY SITE PLAN
SCALE: 1/8" = 1'-0"

2.3971 ACRES
LOT 1, BLOCK 1
CEDAR RIDGE ADDITION
BEING ALL OF LOT 1, BLOCK 1
PLANO BANK AND TRUST ADDITION AS
RECORDED IN VOL. P, PAGE 148
COLLIN COUNTY MAP RECORDS
AN ADDITION TO THE CITY OF PLANO
JOSEPH KLEPPER SURVEY- ABST 213
COLLIN COUNTY, TEXAS

BARNES

ASSISTED LIVING FACILITY
PLANO, TEXAS

A1

Zoning Case 2013-04

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. 637 so as to allow the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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 8th day of April, 2013, for the purpose of considering granting Specific Use Permit No. 637 for the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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 8th day of April, 2013; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 637 for the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, 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. 637 for the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, 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 violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 8TH DAY OF APRIL, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-04

WHEREAS, Plano Bank & Trust is the owner of a tract of land situated in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas and being more particularly described as follows:

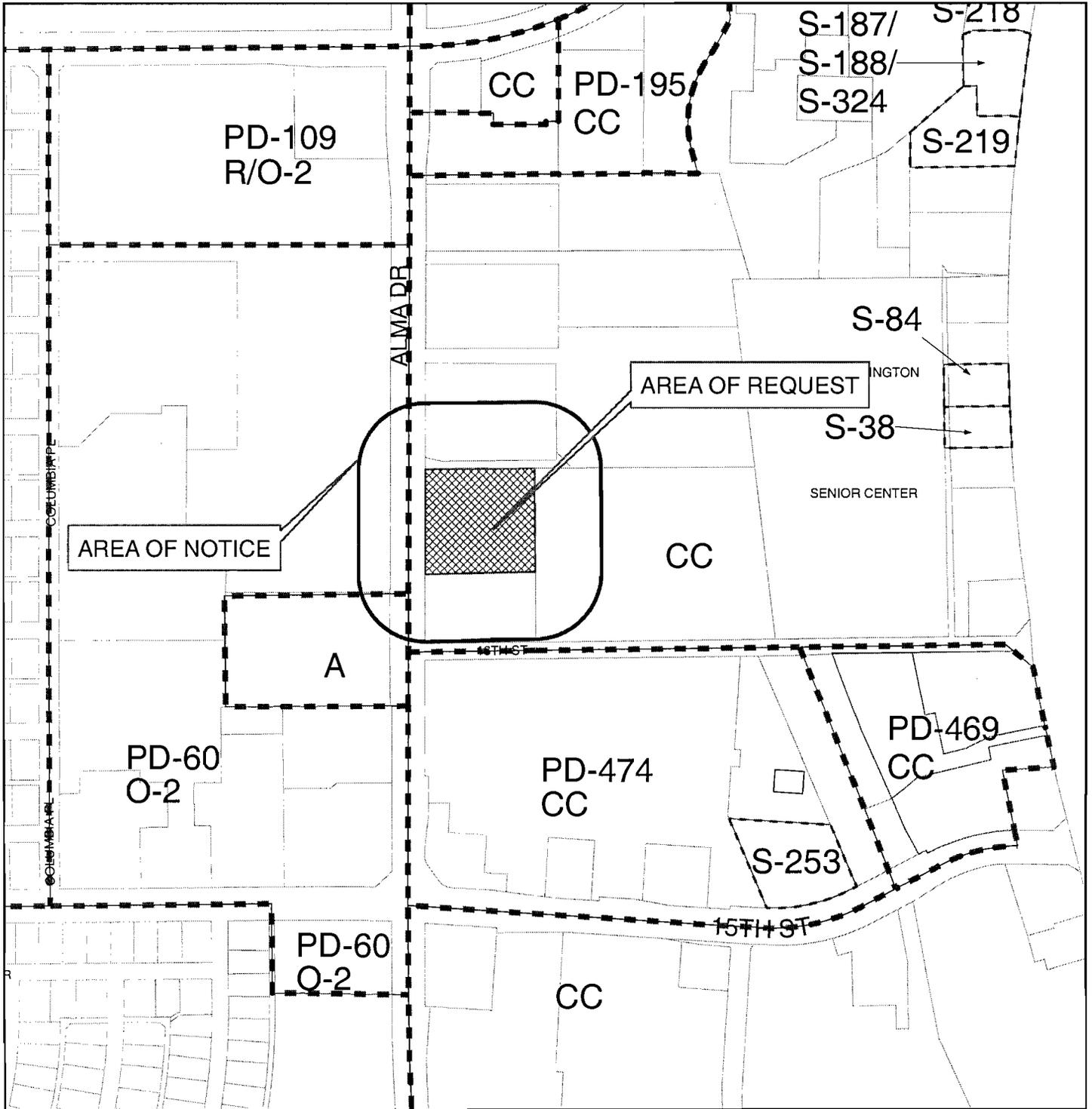
BEGINNING at an iron rod found for a corner on the east right-of-way line of Alma Road (a 100-foot right-of-way) at the southwest corner of a tract of land conveyed to Plano Bank & Trust, by deed recorded in Volume 1581, Page 185, Deed Records of Collin County, Texas; said point bears North, $00^{\circ} 13' 20''$ West, a distance of 209.13 feet from a found iron rod at the intersection of the north right-of-way line of 16th Street (a 50-foot right-of-way) with the east right-of-way line of Alma Road;

THENCE North, $00^{\circ} 17' 10''$ West, along the east right-of-way line of Alma Road a distance of 316.69 feet to an iron rod found for a corner at the northwest corner of said bank tract; said point also being the southwest corner of the Harrington Center, an addition to the City of Plano;

THENCE North, $89^{\circ} 56' 35''$ East, along the north line of said bank tract and the south line of said Harrington Center a distance of 332.67 feet to an iron rod set for a corner at the northeast corner of said bank tract and the northwest corner of the Stone Pony Apartments, an addition to the City of Plano;

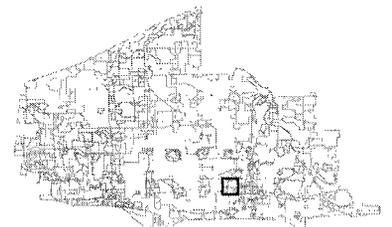
THENCE South, $00^{\circ} 09' 50''$ East, along the east line of said bank tract and the west line of said Stone Pony Apartments and with a fence a distance of 311.71 feet to an iron rod found for a corner at the southeast corner of said bank tract and the northeast corner of a tract of land conveyed to T.P. & L. Co., by deed recorded in Volume 1359, Page 749, Deed Records of Collin County, Texas;

THENCE South, $89^{\circ} 05' 00''$ West, along the south line of said bank tract and the north line of said T.P. & L. Co. tract and with a fence a distance of 332.02 feet to the POINT OF BEGINNING and CONTAINING 104,419 sq. feet. or 2.3971 acres of land.

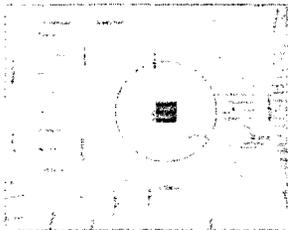


Zoning Case #: 2013-04

Existing Zoning: CORRIDOR COMMERCIAL



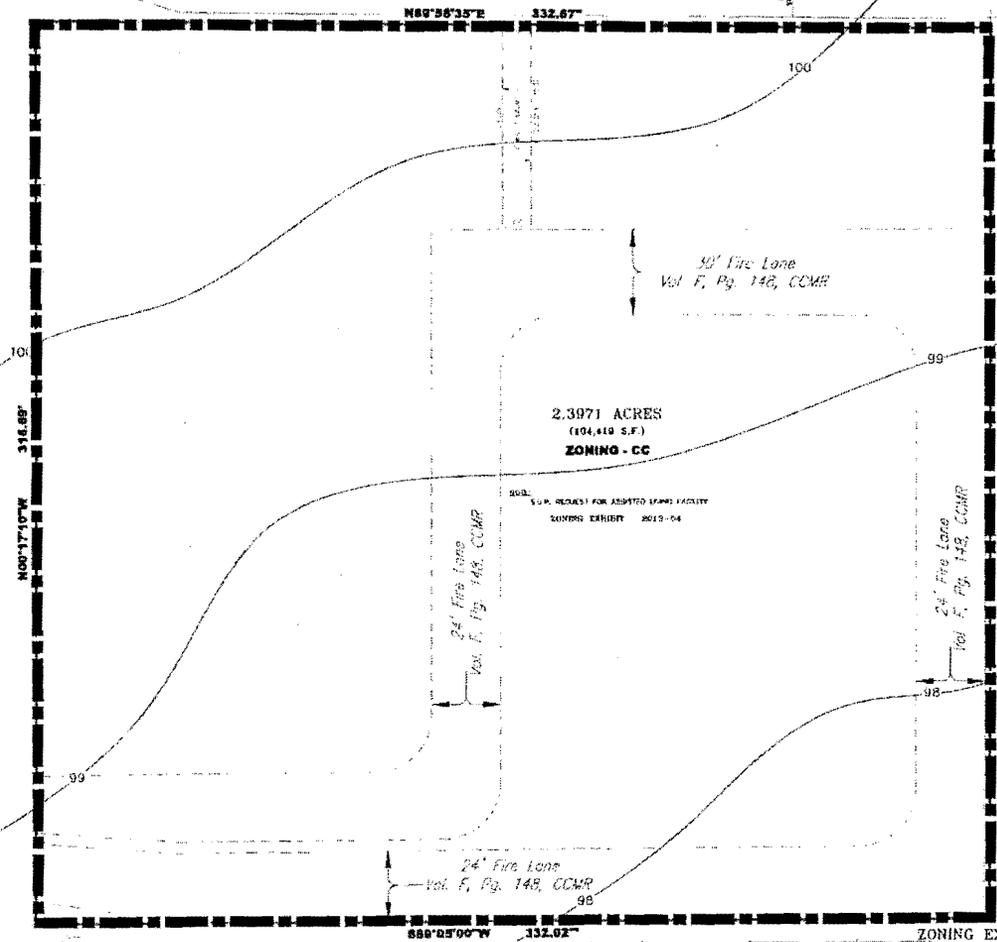
○ 200' Notification Buffer



A VICINITY MAP
102

LOT 1 - BLOCK A
COLLIN CREEK CORPORATE CENTER
COLLIN COUNTY, TEXAS
ZONING - PD

ALMA DR



LOT 1 - BLOCK 1
WASHINGTON CENTER ADDITION
COLLIN COUNTY, TEXAS
100' x 100' BY L&L
ZONING - CC

LOT 1 - BLOCK 1
STONE CREEK ADDITION
COLLIN COUNTY, TEXAS
ZONING - CC

NOTES:
1. THE CITY OF PLANO HAS REVIEWED THIS MAP AND HAS DETERMINED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT THE SAME COMPLY WITH THE CITY OF PLANO ZONING ORDINANCES AND THE CITY OF PLANO SUBDIVISION MAP ACT.
2. THE CITY OF PLANO HAS REVIEWED THIS MAP AND HAS DETERMINED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT THE SAME COMPLY WITH THE CITY OF PLANO ZONING ORDINANCES AND THE CITY OF PLANO SUBDIVISION MAP ACT.
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Z ZONING
101



LOT 1 - BLOCK A
CEDAR RIDGE ADDITION
PLANO BANK AND TRUST ADDITION AS
RECORDED IN VOL. F, PAGE 145
COLLIN COUNTY MAP RECORDS
ZONING - CC

2.3971 ACRES
LOT 1, BLOCK 1
CEDAR RIDGE ADDITION
BEING ALL OF LOT 1, BLOCK 1
PLANO BANK AND TRUST ADDITION AS
RECORDED IN VOL. F, PAGE 145
COLLIN COUNTY MAP RECORDS
AN ADDITION TO THE CITY OF PLANO
JOSEPH KLEPPER SURVEY - ABST. 213
COLLIN COUNTY, TEXAS

BARNES

