

**DATE:** April 7, 2015  
**TO:** Honorable Mayor & City Council  
**FROM:** Doug Bender, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of April 6, 2015

**AGENDA ITEM NO. 9 - PUBLIC HEARING  
ZONING CASE 2015-09  
APPLICANT: AGAPE RESOURCE & ASSISTANCE CENTER, INC.**

Request for a Specific Use Permit for Household Care Institution on 0.3± acre located on the north side of 19th Street, 260± feet west of N Avenue. Zoned General Office.

**APPROVED:** 5-2 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 10**

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

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

**STIPULATIONS:**

The Commissioners voting in opposition stated concerns regarding the potential number of residents.

Recommended for approval with the following stipulation:

Maximum number of residents: 20

**FOR CITY COUNCIL MEETING OF:** April 27, 2015 (To view the agenda for this meeting, see [www.planotx.gov](http://www.planotx.gov))

**PUBLIC HEARING - ORDINANCE**

EM/dr

xc: Janet Collinsworth, Agape Resource & Assistance Center, Inc.  
Penelope J. Diaz, DOMUS Studio Group, P.L.L.C.

<http://goo.gl/maps/PyIYL>

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 6, 2015

**Agenda Item No. 9**

**Public Hearing:** Zoning Case 2015-09

**Applicant:** Agape Resource & Assistance Center, Inc.

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**DESCRIPTION:**

Request for a Specific Use Permit for Household Care Institution on 0.3± acre located on the north side of 19th Street, 260± feet west of N Avenue. Zoned General Office.

**REMARKS:**

The requested zoning is for a Specific Use Permit (SUP) for a household care institution. The subject property is zoned General Office (O-2). A household care institution is defined as, "A facility that provides residence and care to more than eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster, or financial setback. Where applicable, a household care institution shall have appropriate licensing and or registration by the State of Texas."

The O-2 district is intended to allow for a variety of low-, mid-, and high-rise general 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 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.

The properties to the east and west are zoned O-2 and developed as office. The property to the north is zoned Single-Family Residence-7 (SF-7) and developed with single-family detached residences. The property to the south, across 19th Street, is zoned SF-7 and is developed as Mendenhall Elementary School.

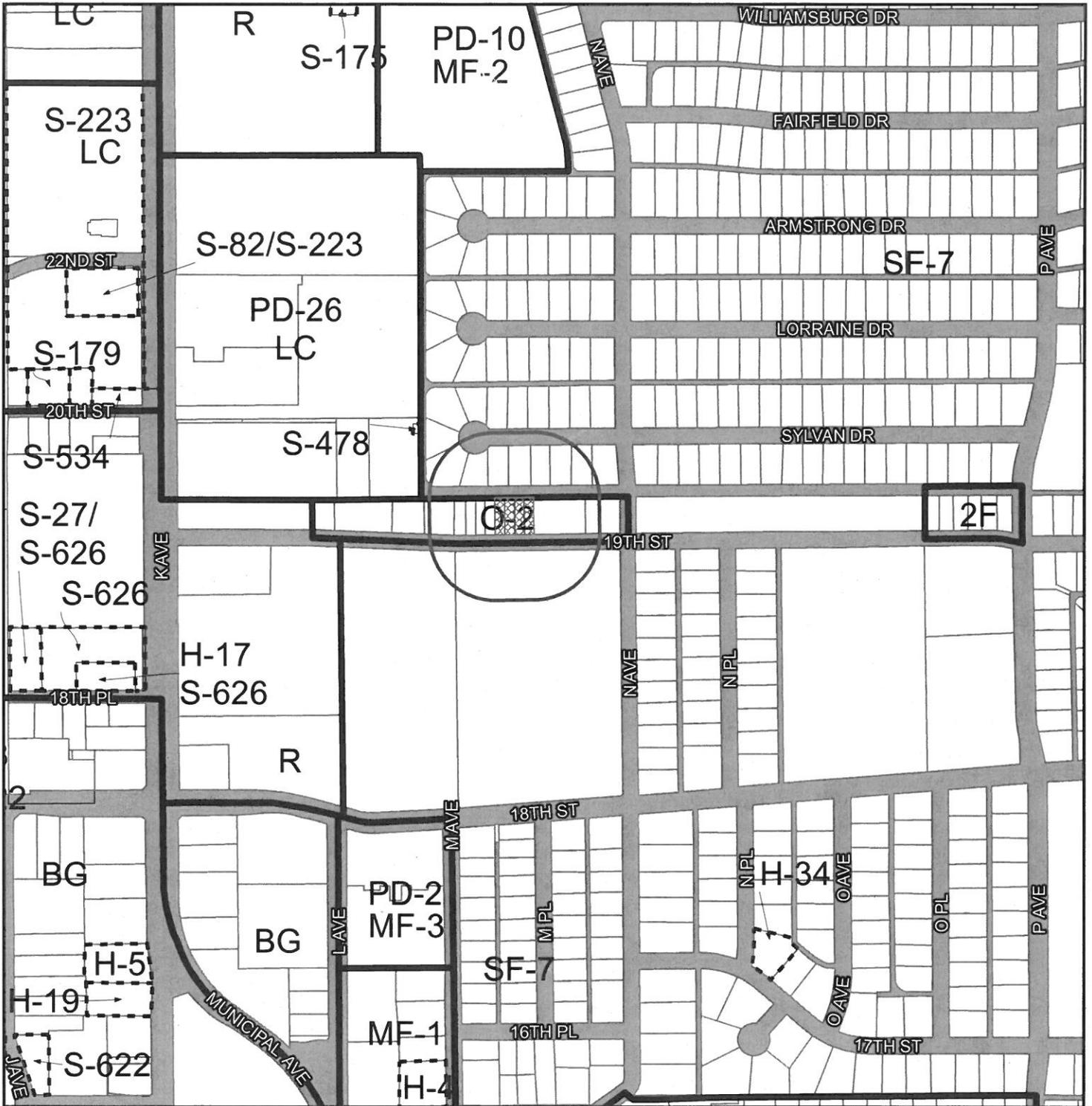
The subject property is 0.3± acre in size and is currently developed as a general office building taking access from 19th Street. The applicant is requesting to utilize the property as a household care institution which includes providing temporary housing and associated services for their program participants. The existing building is 4,564 square feet in size and is divided into four suites. At this time, the applicant plans to use one suite for temporary housing. In order to limit the residential operations which could occur on site, the applicant is proposing an SUP stipulation which would limit the number of total residents to 20.

The proposed household care institution is complementary with the nearby residential zoning to the north and south. Future residents would benefit from the subject property's proximity to nearby schools, libraries and parks, as well as the Downtown Plano transit center which includes bus and light-rail transportation options. For these reasons, staff believes this is an appropriate location for a household care institution with restrictions.

**RECOMMENDATION:**

Recommended for approval with the following stipulation:

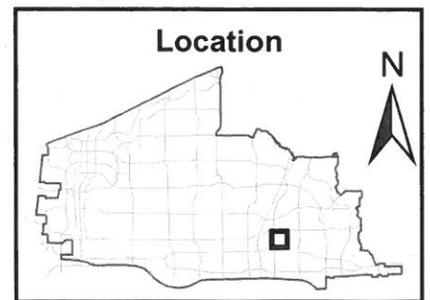
- Maximum number of residents: 20



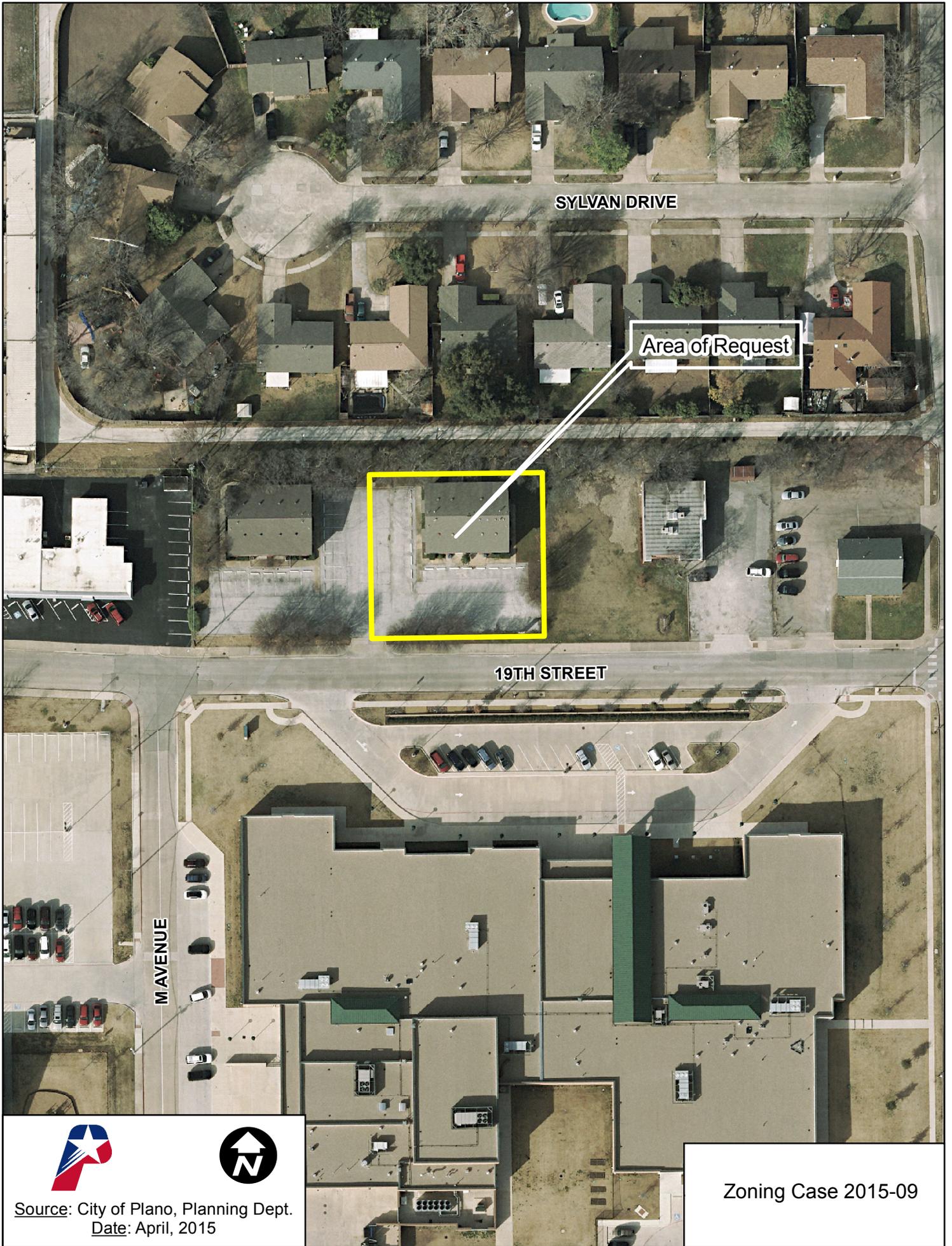
Zoning Case #: 2015-09

Existing Zoning: GENERAL OFFICE

- 200' Notification Buffer
- ▨ Subject Property
- Zoning Boundary
- - - City Limits
- - - Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department



SYLVAN DRIVE

Area of Request

19TH STREET

M AVENUE



Source: City of Plano, Planning Dept.  
Date: April, 2015

Zoning Case 2015-09



## Zoning Case 2015-09

**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. 660 so as to allow the additional use of Household Care Institution on 0.3± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the north side of 19th Street, 260± feet west of N Avenue, 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 27th day of April, 2015, for the purpose of considering granting Specific Use Permit No. 660 for the additional use of Household Care Institution on 0.3± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the north side of 19th Street, 260± feet west of N Avenue, 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 27th day of April, 2015; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 660 for the additional use of Household Care Institution on 0.3± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the north side of 19th, 260± feet west of N Avenue, in the City of Plano, Collin County, Texas, presently zoned General Office, 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. 660 for the additional use of Household Care Institution on 0.3± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the north side of 19th, 260± feet west of N Avenue, 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.** The change granted in Section I is granted subject to a maximum number of 20 residents.

**Section III.** 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 IV.** 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 V.** 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 VI.** 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 VII.** 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 VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 27TH DAY OF APRIL, 2015.**

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Harry LaRosiliere, MAYOR

ATTEST:

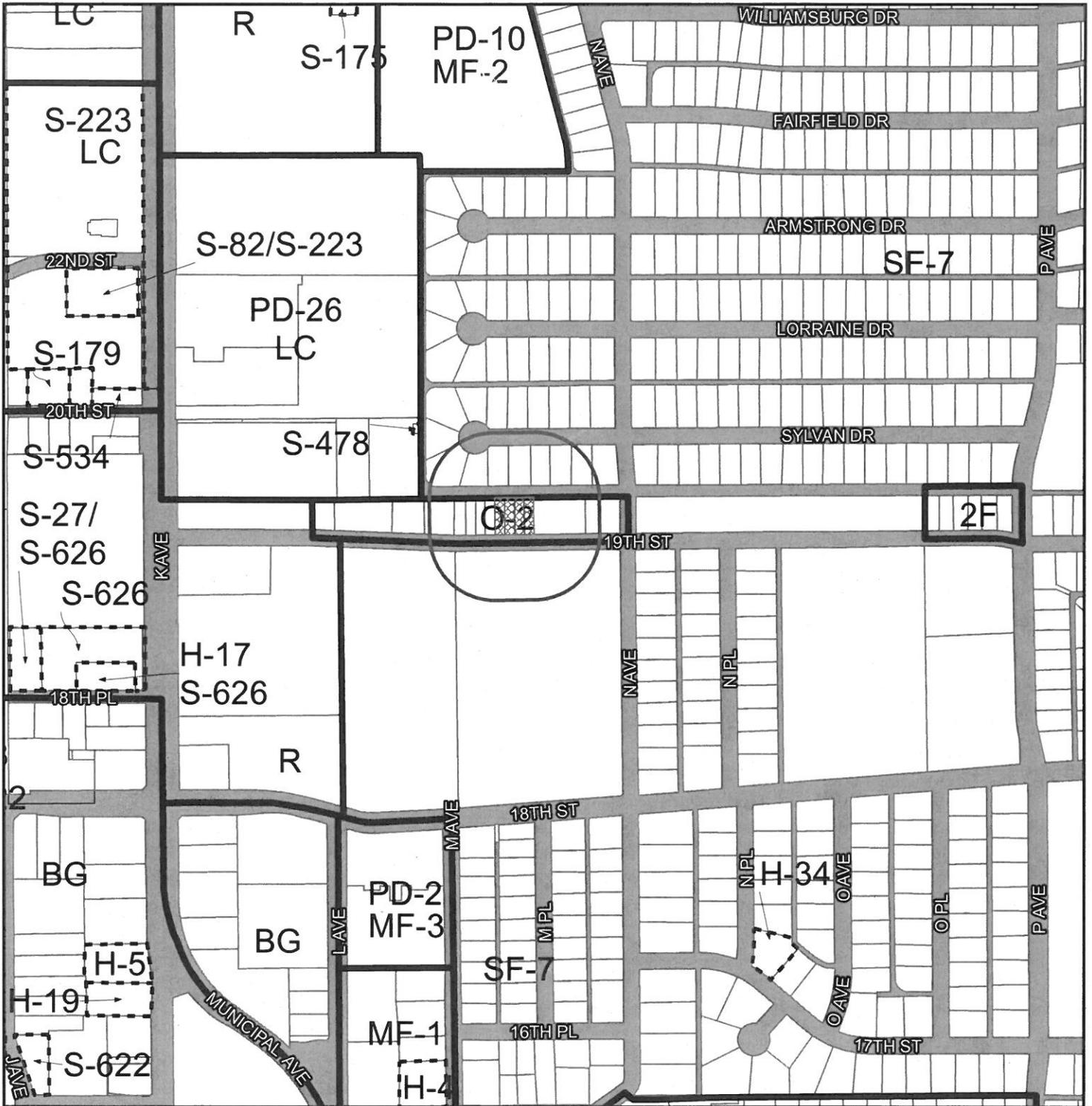
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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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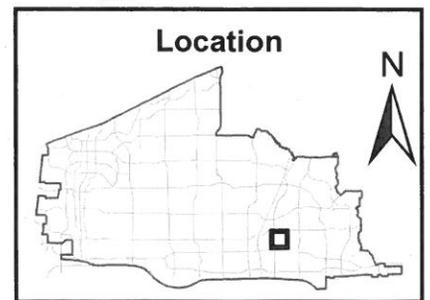
Paige Mims, CITY ATTORNEY



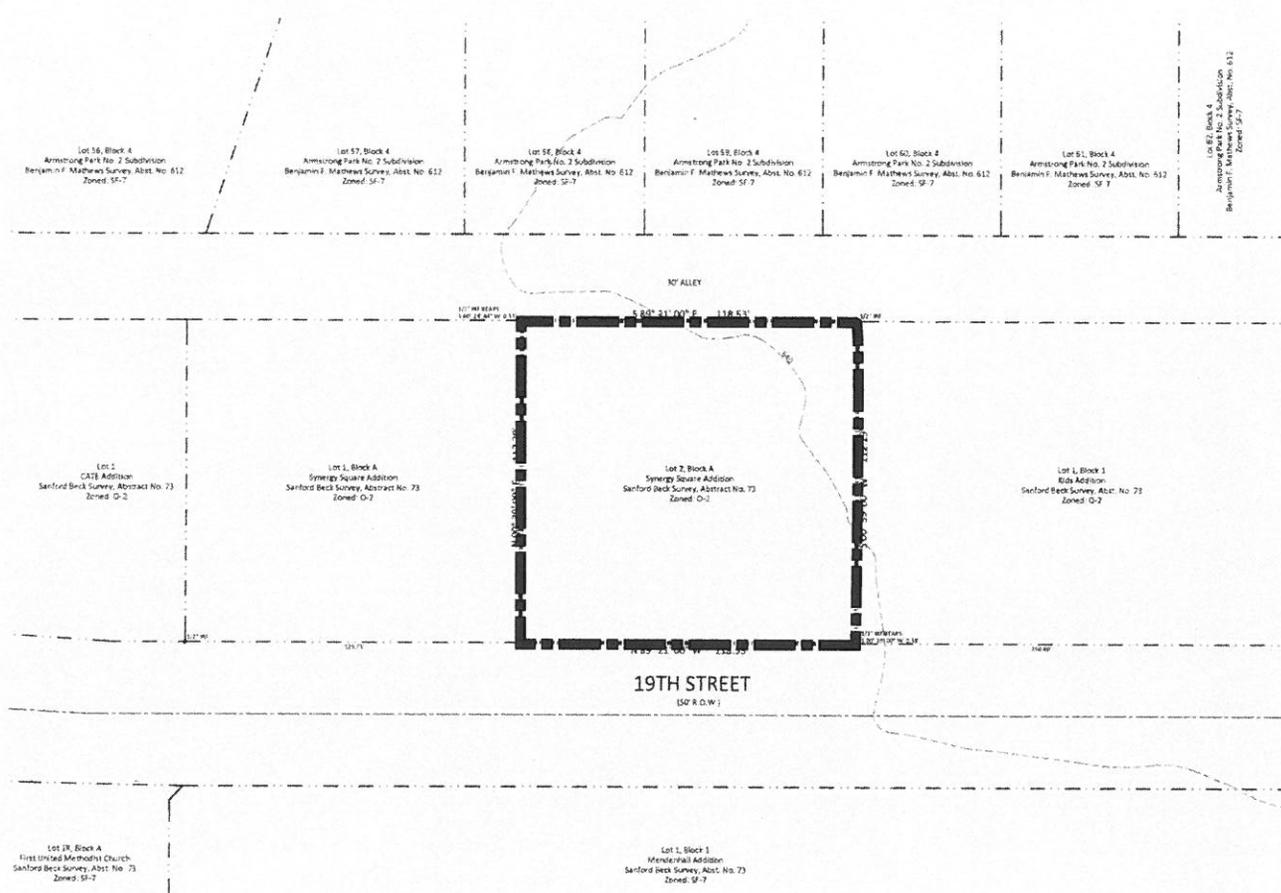
Zoning Case #: 2015-09

Existing Zoning: GENERAL OFFICE

- 200' Notification Buffer
- ▨ Subject Property
- Zoning Boundary
- - - City Limits
- - - Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department



### LEGAL DESCRIPTION

A tract of land situated in the City of Plano, Collin County, Texas, out of the Sanford Beck Survey, Abstract 73 and being more particularly described as follows:

BEGINNING at an iron rod found in place, in the north line of 19th Street, east of corner being the southeast corner of Block A, and addition to the City of Plano, Texas as recorded in Column B, Page 216 of the Collin County Public Records, said corner also bears 189°21'W, 744.00 feet from the west line of Block "C";

THENCE N45°12'W, 118.53 feet along said north line of 19th Street;

THENCE N0°34'E, 112.29 feet to the south line of Block A of Armstrong Park Addition, No. 2;

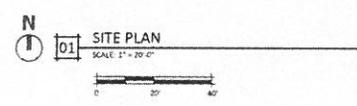
THENCE S89°01'E, 118.53 feet along said east line of Block A of Armstrong Park Addition, No. 2;

THENCE S67°09'W, 112.29 feet along the west line of said Block Addition to the place of beginning and containing 0.3313 acres less or more.

### SPECIFIC USE PERMIT

EXISTING ZONING	O-2 GENERAL OFFICE
PROPOSED USES	HOUSEHOLD CARE INSTITUTION

APPROVAL OF THIS ZONING CASE ASSOCIATED WITH THIS DRAFT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, 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, PLANS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.



<p>Petitioner/Owner: <b>AGAPE RESOURCE &amp; ASSISTANCE CENTER, INC.</b> Janet Collinsworth PO BOX 851664 Plano, TX 75086 972.567.0673</p>	<p><b>Zoning Exhibit ZC #2015-09</b></p> <p>Subdivision: Synergy Square Addition Lot 2, Block A Gross Area: 0.3 Acres Plano, Collin County, Texas Survey: Sanford Beck Survey, Abstract No. 73 Prepared: March 10, 2015 Project Number: 14401</p>
<p>Surveyor: <b>PREMIER SURVEYING, LLC.</b> 5700 W. Plano Parkway Suite 2700 Plano, TX 75093 972.612.3601</p>	<p>Architect: <b>DOMUS STUDIO GROUP, PLLC</b> Penelope Diaz 1045 15th Place, #153 Plano, TX 75074 972.585.5585</p>