

**DATE:** May 3, 2016

**TO:** Honorable Mayor & City Council

**FROM:** John Muns, Chair, Planning & Zoning Commission

**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 2, 2016

**AGENDA ITEM NO. 3 - PUBLIC HEARING**

**ZONING CASE 2016-011**

**APPLICANT: KENNETH KERCHER**

Request for a Specific Use Permit for Day Care Center on 6.6 acres located on the east side of K Avenue, 2,555 feet north of Parker Road. Zoned Light Commercial.

**APPROVED:** 5-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**Letters Received Within 200 Foot Notice Area:** **Support:** 0 **Oppose:** 0 **Neutral:** 0

**Letters Received Outside 200 Foot Notice Area:** **Support:** 0 **Oppose:** 0 **Neutral:** 0

**Petition(s) Received:** 0 **# Of Signatures:** 0

**STIPULATIONS:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** May 23, 2016 (To view the agenda for this meeting, see [www.plano.gov](http://www.plano.gov))

**PUBLIC HEARING - ORDINANCE**

RA/amf

xc: Kenneth Kercher, 3600 Avenue K  
Ayman Alkurdi & Abdulla Zeki, Moose Construction LLC  
Wayne Snell, Permit Services Manager

<https://goo.gl/maps/S2p2kBGM4W32>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 2, 2016

**Agenda Item No. 3**

**Public Hearing:** Zoning Case 2016-011

**Applicant:** Kenneth Kercher

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**DESCRIPTION:**

Request for a Specific Use Permit for Day Care Center on 6.6 acres located on the east side of K Avenue, 2,555 feet north of Parker Road. Zoned Light Commercial.

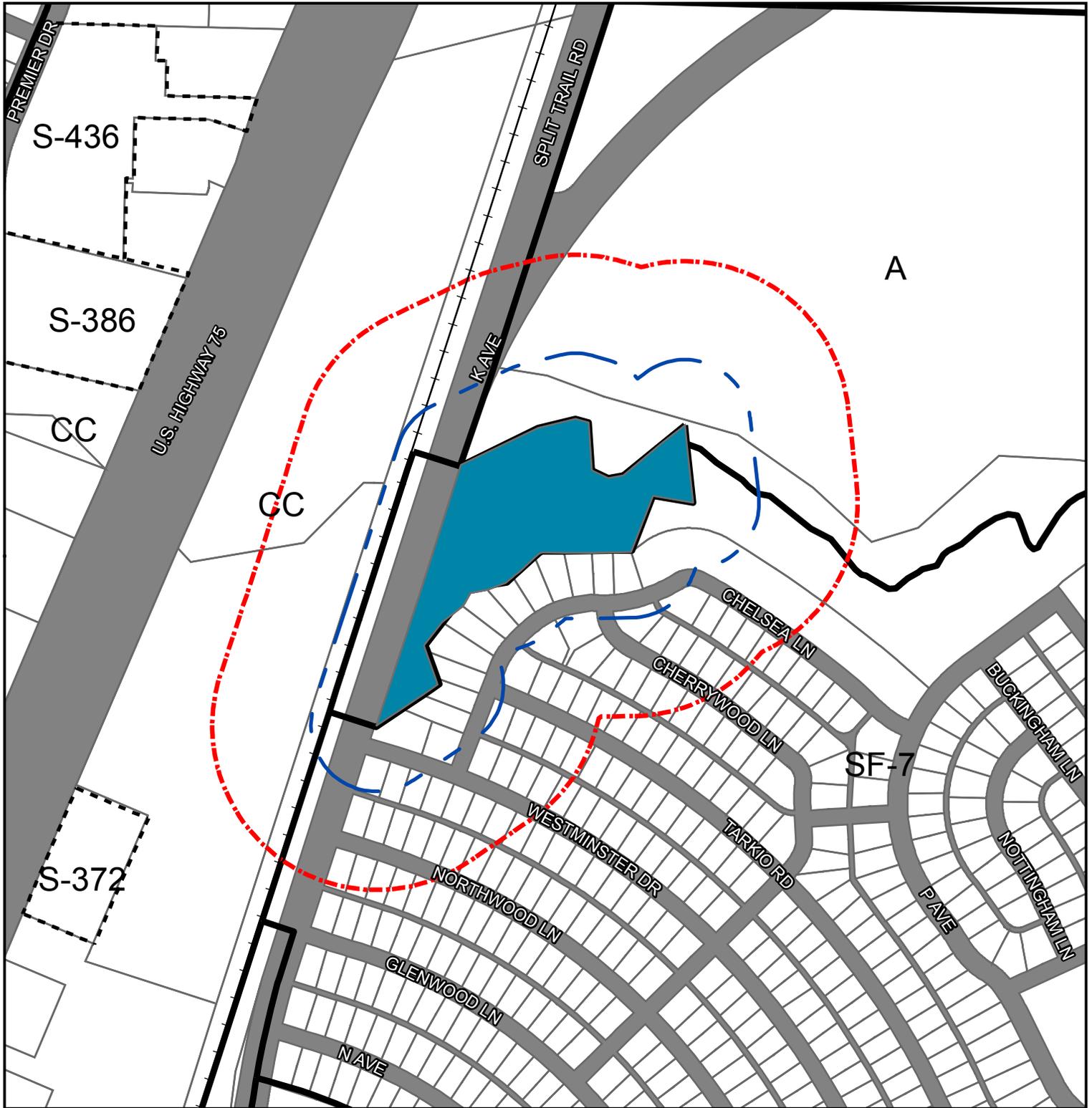
**REMARKS:**

The requested zoning is for a Specific Use Permit (SUP) for Day Care Center. The Zoning Ordinance defines day care center as an operation other than public, parochial, or private school providing care for seven or more children under 14 years old for less than 24 hours per day at a location other than a residence. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be a benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. The current zoning is Light Commercial (LC). The LC district is intended to provide for a wide array of retail, office, and service uses to meet the needs of local residents and businesses. Some automobile-related uses and limited assembly, which address local service and employment opportunities are also included in LC districts.

The proposed day care center is in an existing building which was previously occupied with a general office. The day care center will be operated in conjunction with a private school, which is allowed by-right in LC zoning. The Zoning Ordinance requires that day care center properties have access to a street with a minimum of 36-feet of pavement. The subject property satisfies this requirement as it has two points of access to K Avenue, including access to a median opening. Staff believes the requested day care center will not be detrimental to adjacent properties, and that it is consistent with the operation of the property as a private school. For these reasons, staff is in support of this request.

**RECOMMENDATION:**

Recommended for approval as submitted.

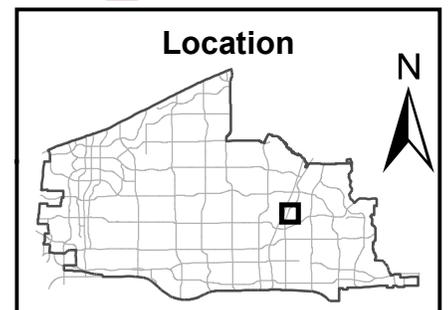


Zoning Case #: 2016-011

Existing Zoning: Light Commercial (LC)

Proposed Zoning: Specific Use Permit (SUP) for Day Care Center

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



Source: City of Plano Planning Department



US 75 HIGHWAY  
CENTRAL EXPRESSWAY

SPLIT TRAIL ROAD

Area of Request

K AVENUE

CHELSEA LANE

P AVENUE

WESTMINSTER DRIVE

TARKIO ROAD

NORTHWOOD LANE

CHERRYWOOD LANE

GLENWOOD LANE

AVENUE



Source: City of Plano, Planning Dept.  
Date: 4/27/2016

Zoning Case 2016-11



## Zoning Case 2016-011

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 8 so as to allow the additional use of Day Care Center on 6.6 acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of K Avenue, 2,555 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Light 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 23rd day of May, 2016, for the purpose of considering granting Specific Use Permit No. 8 for the additional use of Day Care Center on 6.6 acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of K Avenue, 2,555 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Light 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 23rd day of May, 2016; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 8 for the additional use of Day Care Center on 6.6 acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of K Avenue, 2,555 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Light 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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 8 for the additional use of Day Care Center on 6.6 acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of K Avenue, 2,555 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Light 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 23RD DAY OF MAY, 2016.**

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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 2016-011

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Daniel Rowlett Survey, Abstract No. 738, being a resurvey of a called 6.60 acre tract as recorded in Volume 1674, Page 392 of the Collin County Deed Records, (C.C.D.R.) and these premises being more particularly described as follows:

BEGINNING at a point for corner marking the northwest corner of said premises, said corner, being in the east right-of-way line of State Highway 5, a 100 foot right-of-way, said corner also being in the approximate middle of Bowman Branch;

THENCE departing the east right-of-way line of said highway, with the north line of said premises and said branch as follows:

North 63°13'27" East, 266.76 feet;  
North 74°53'14" East, 117.82 feet;  
South 75°26'25" East, 40.91 feet  
South 05°29'04" East, 145.69 feet;  
South 64°48'43" East, 54.14 feet;  
North 79°10'04" East, 47.13 feet;  
North 48°53'35" East, 155.58 feet;  
North 50°34'27" East, 85.74 feet to a point for corner marking the northeast corner of said premises;

THENCE departing said branch and with an east line of said premises, South 07°35'30" East, 237.55 feet to a 5/8-inch iron rod found for corner;

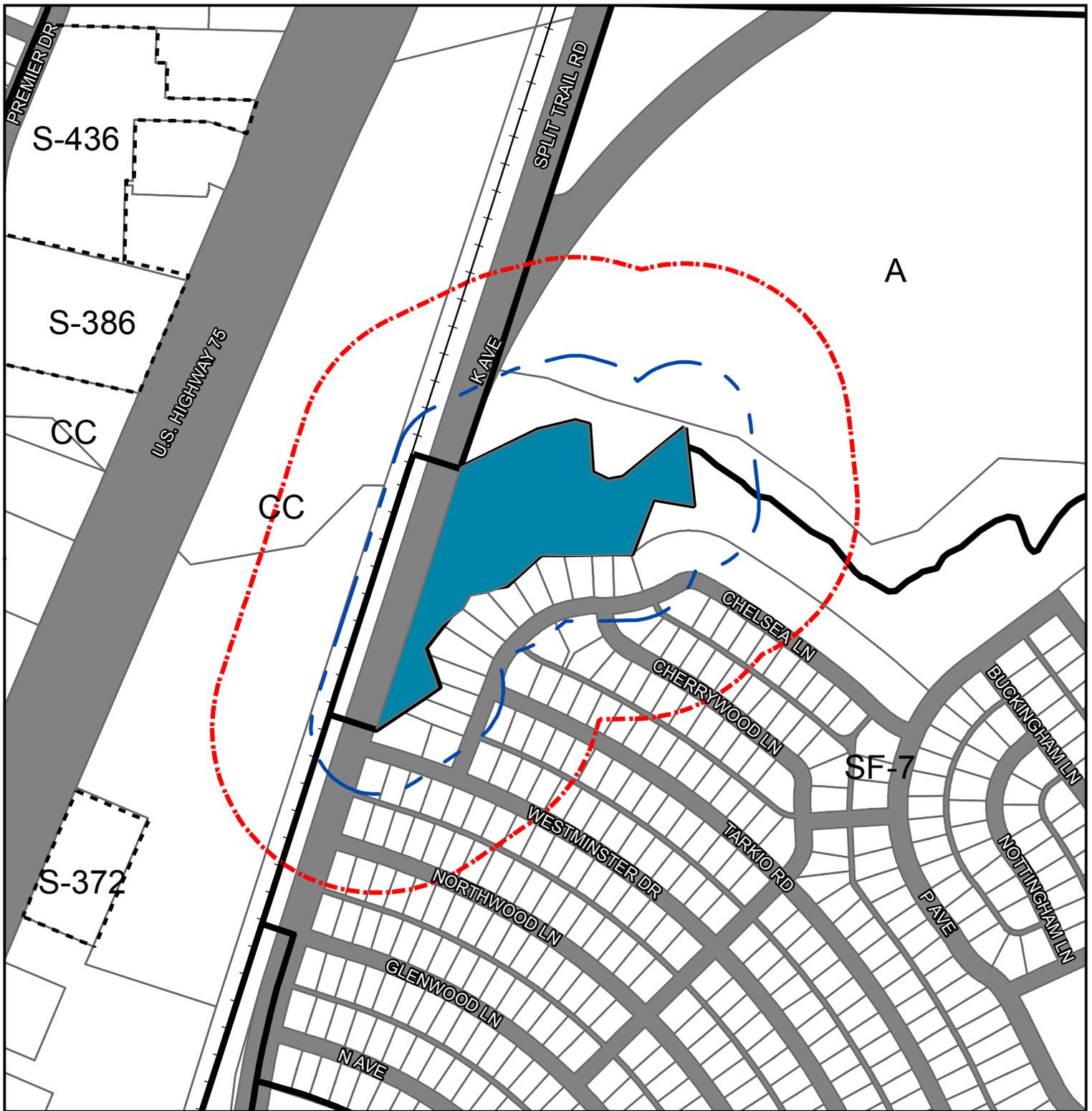
THENCE partway with a fence and a south line of said premises, North 81°20'12" West, 124.89 feet to a 1/2-inch iron rod found for corner;

THENCE with an east line of said premises and a wire fence, South 18°52'00" West, 175.70 feet to a 1/2-inch iron rod set for corner marking the southeast corner of said premises, said corner being in the northwest line of Village Creek North No. 3 Revised, an addition to the City of Plano, recorded in Volume 7, Page 45 of the Collin County Deed Records;

THENCE continuing with the south line of said premises, the north line of said addition and the general course of an old fence line as follows:

South 87°45'46" West, 277.24 feet to a fence corner post;  
South 47°59'49" West, 137.39 feet to a fence corner post;  
South 76°16'13" West, 119.94 feet to a 1/2-inch iron rod set;  
South 37°17'04" West, 216.95 feet to a 1/2-inch iron rod set;  
South 24°51'04" East, 126.08 feet to a 1/2-inch iron rod set;  
South 54°37'00" West, 237.92 feet to a 1/2-inch iron rod set; marking a point in the east right-of-way line of State Highway 5;

THENCE with the east right-of-way line of said highway and the west line of said premises, North 16°17'00" East, 834.56 feet to the PLACE OF BEGINNING and CONTAINING 6.573 acres of land.

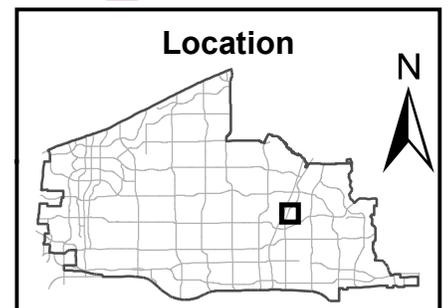


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