

DATE: September 20, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 19, 2011

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2011-24
APPLICANT: JETZAMANY VELAZQUEZ**

Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located on the east side of Grenoble Court, 110± feet north of Renaissance Drive. Zoned Planned Development-74-Single-Family Residence-7, Two-Family Residence (Duplex), and Planned Residential Development-7.

APPROVED: 5-3 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 2 **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. Commissioners voting in opposition felt that eight children was an appropriate maximum number of children for an in-home day care center.

FOR CITY COUNCIL MEETING OF: October 10, 2011 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/dw

xc: Jetzamany Velazquez, Nido Montessori Program

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 19, 2011

Agenda Item No. 7

Public Hearing: Zoning Case 2011-24

Applicant: Jetzamany Velazquez

DESCRIPTION:

Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located on the east side of Grenoble Court, 110± feet north of Renaissance Drive. Zoned Planned Development-74-Single-Family Residence-7, Two-Family Residence (Duplex), and Planned Residential Development-7.

REMARKS:

The requested zoning is a Specific Use Permit (SUP) for Day Care Center (In-home). The Zoning Ordinance defines day care center (in-home) as an operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time. 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.

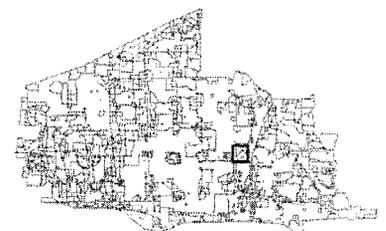
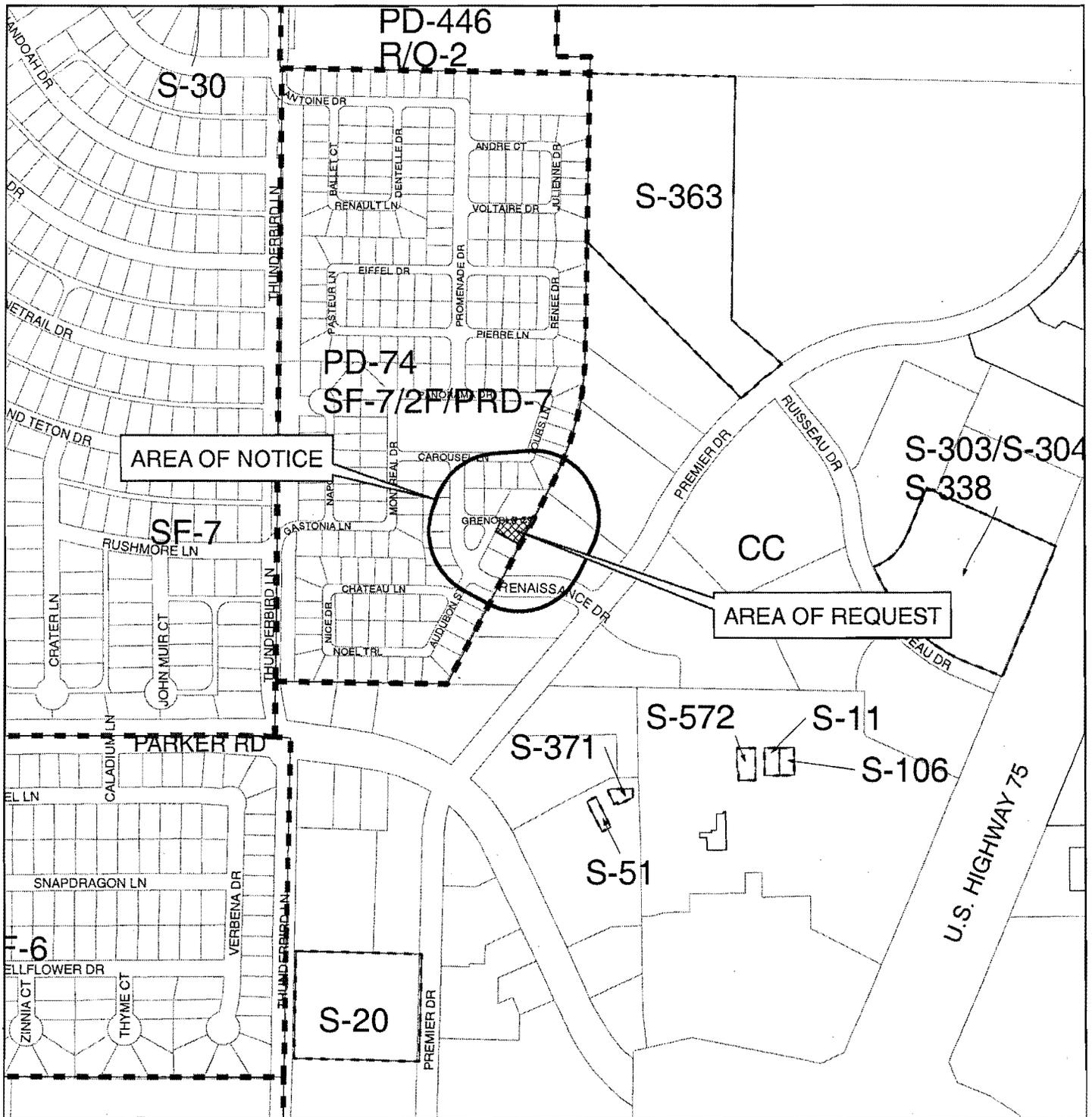
The State of Texas requires an annual fire safety inspection for in-home day care centers. In addition, the Building Inspections Department requires in-home day care centers to have a fire safety inspection in order to receive or renew a Certificate of Occupancy (CO). A CO requires an annual renewal.

This is an existing in-home day care center and the applicant is seeking an SUP in order to provide child care to more than eight children. This in-home day care center has been in operation since 2008 providing child care for five children until the end of 2010 when the number of children increased to 10 children. The Zoning Ordinance requires an SUP for in-home day care center that provides care to more than eight children. Due to the increased number of children since the end of 2010, the applicant could not renew their CO without an SUP for Day Care Center (In-home) to meet the Zoning Ordinance requirements, as well as to meet the state requirement as noted above. The applicant is also required to comply with Subsection 3.110 (Home

Occupations) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Zoning Ordinance. Children at this in-home day care center are dropped off and picked up at different times, in order to minimize possible traffic problems within the neighborhood. In addition, Grenoble Court's round about design (the right-of-way that serves the subject residential property) provides good traffic circulation during drop off and pick up times.

RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2011-24

Existing Zoning: PLANNED DEVELOPMENT-74-SINGLE-FAMILY RESIDENCE-7, TWO-FAMILY RESIDENCE (DUPLEX), & PLANNED RESIDENTIAL DISTRICT-7

○ 200' Notification Buffer



Zoning Case 2011- 24

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. 614 so as to allow the additional use of Day Care Center (In-home) on 0.1± acre of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of Grenoble Court, 110± feet north of Renaissance Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-74-Single-Family Residence-7, Two-Family Residence (Duplex), and Planned Residential Development-7; 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 10th day of October, 2011, for the purpose of considering granting Specific Use Permit No. 614 for the additional use of Day Care Center (In-home) on 0.1± acre of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of Grenoble Court, 110± feet north of Renaissance Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-74-Single-Family Residence-7, Two-Family Residence (Duplex), and Planned Residential Development-7; 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 10th day of October, 2011; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 614 for the additional use of Day Care Center (In-home) on 0.1± acre of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of Grenoble Court, 110± feet north of Renaissance Drive 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. 614 for the additional use of Day Care Center (In-Home) on 0.1± acre of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the east side of Grenoble Court, 110± feet north of Renaissance Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-74-Single-Family Residence-7, Two-Family Residence (Duplex), and Planned Residential Development-7, 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 the Day Care Center (In-home) being operated as a home occupation use only.

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 VI. 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 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 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 10TH DAY OF OCTOBER, 2011.

Phil Dyer, MAYOR

ATTEST:

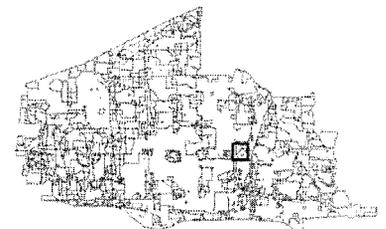
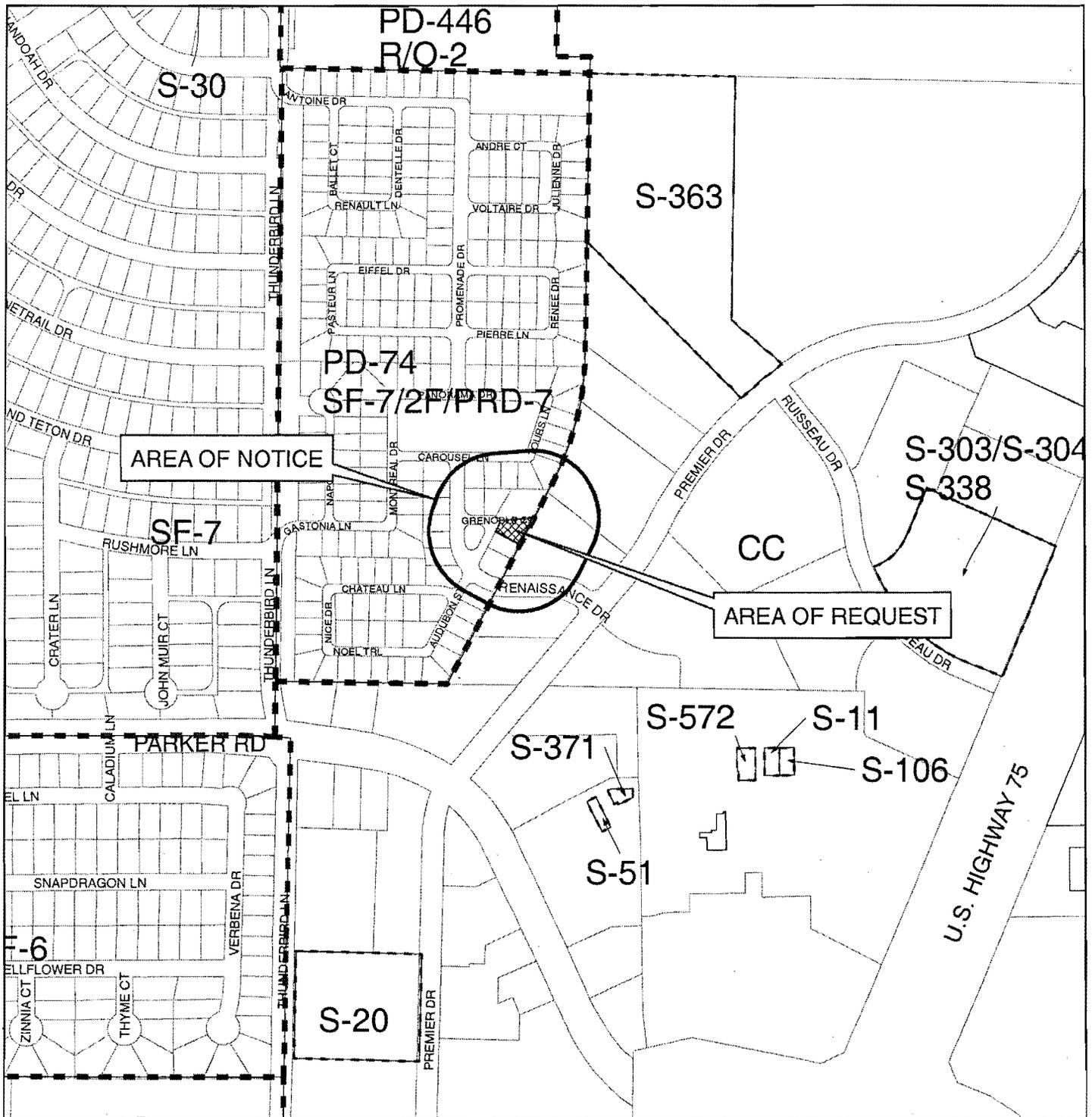
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2011-24

BEING a tract of land situated in the Daniel Rowlett Survey, Abstract No. 738, being all of Lot 3, Block C of Ruisseau Place, Phase I, an addition to the City of Plano, Collin County, Texas, according to the final plat thereof recorded in Cabinet G, Page 363, of the Plat Records, Collin County, Texas.



Zoning Case #: 2011-24

Existing Zoning: PLANNED DEVELOPMENT-74-SINGLE-FAMILY RESIDENCE-7, TWO-FAMILY RESIDENCE (DUPLEX), & PLANNED RESIDENTIAL DISTRICT-7

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