

DATE: December 22, 2009
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 21, 2009

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2009-22
APPLICANT: ACRES OF SUNSHINE, LTD.**

Request for a Specific Use Permit for Long-term Care Facility on 6.1± acres located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway. Zoned Agricultural.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **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 subject to City Council approval of Zoning Case 2009-21.

FOR CITY COUNCIL MEETING OF: January 11, 2010 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 21, 2009

Agenda Item No. 7A

Public Hearing: Zoning Case 2009-22

Applicant: Acres of Sunshine, Ltd.

DESCRIPTION:

Request for a Specific Use Permit for Long-term Care Facility on 6.1± acres located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway. Zoned Agricultural.

REMARKS:

The requested zoning is 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 Agricultural (A). The A zoning does not allow for long-term care facilities or other similar uses. The applicant is requesting that the property be rezoned to Regional Employment (RE), as explained in companion Zoning Case 2009-21. This SUP request is contingent upon the approval of Zoning Case 2009-21 by City Council.

A preliminary site plan, Haggard Stonegate Addition, Block A, Lots 1 & 2, accompanies this request. The applicant is proposing to develop the southern lot, Lot 2, as the long-term care facility.

The long-term care facility use is complimentary to the adjacent residential use and should provide a buffer between the existing residential subdivision and the Dallas North Tollway. The subject property is approximately 1,200 feet west of the tollway, which should provide adequate separation to allow for a livable environment for the future residents of the facility. The site will derive its primary access from

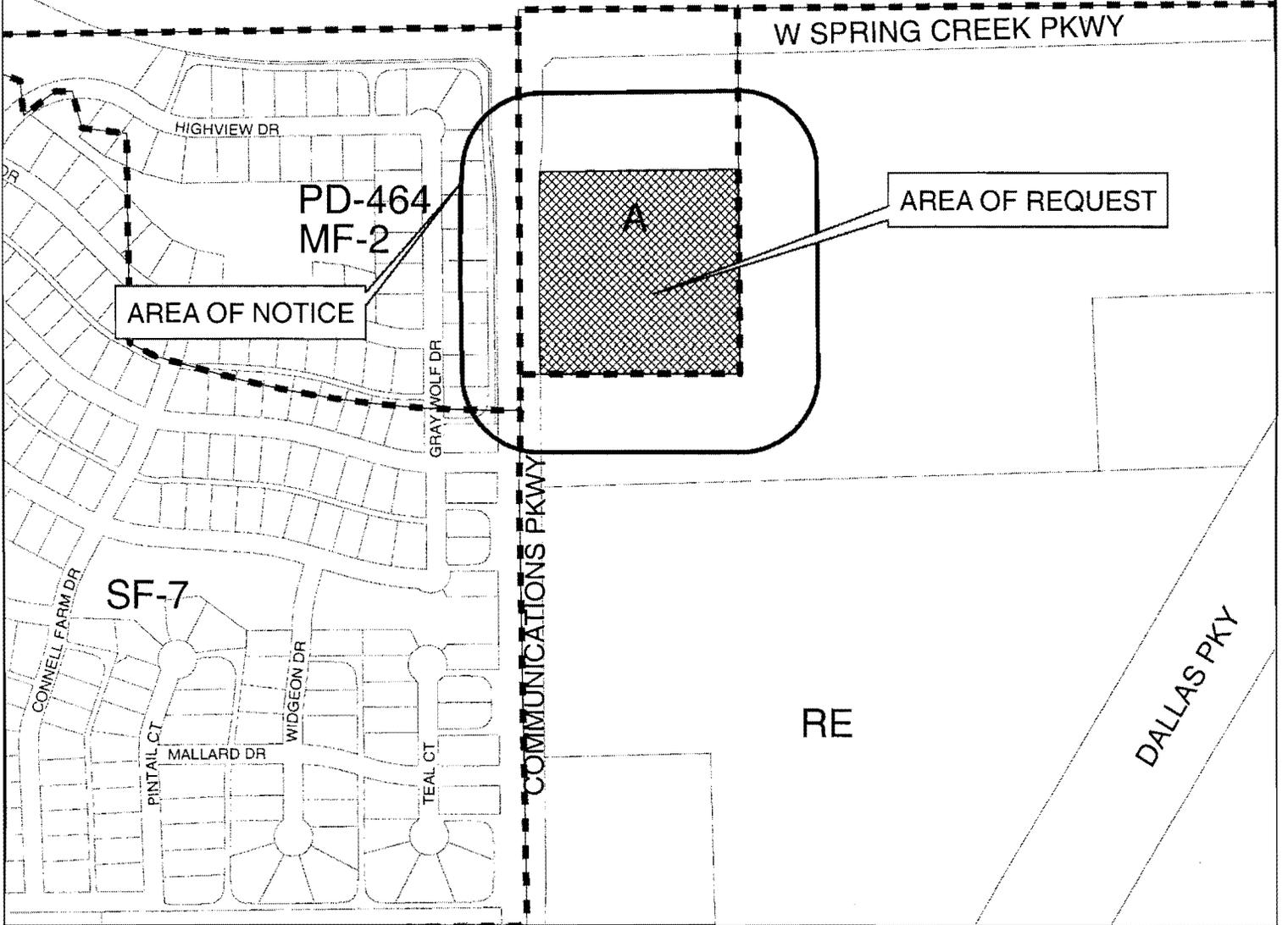
Communications Parkway, and in the future, it will have access to Spring Creek Parkway via the adjacent property to the north. Additionally, since this site does not have frontage on the tollway nor an arterial roadway, the requested use is appropriate because it does not rely upon visibility, unlike other uses currently allowed within the requested RE zoning district. For these reasons, staff believes this is an appropriate location for a long-term care facility.

RECOMMENDATION:

Recommended for approval subject to City Council approval of Zoning Case 2009-21.

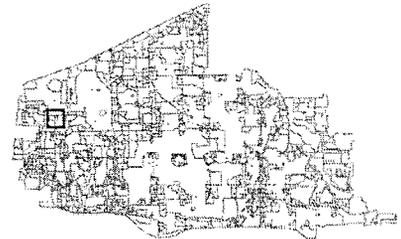
CE

CE



Zoning Case #: 2009-22

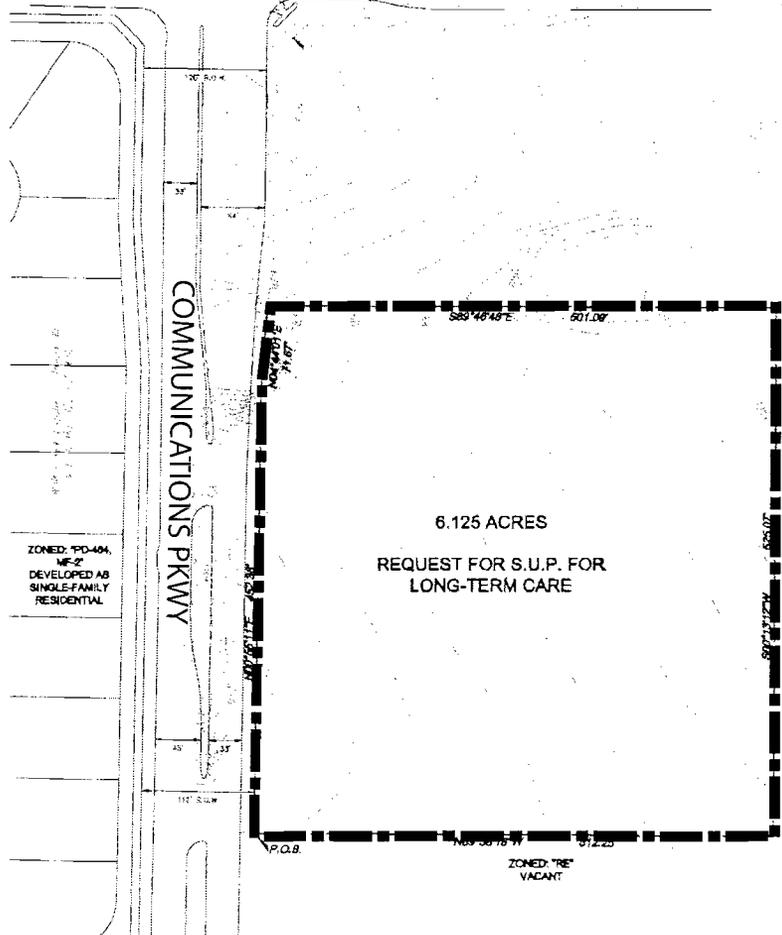
Existing Zoning: AGRICULTURAL/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer

ZONED:
"CE" COMMERCIAL
EMPLOYMENT
DISTRICT

SPRING CREEK PKWY



6.125 ACRES

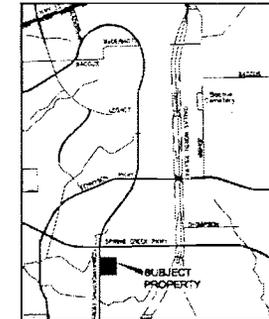
REQUEST FOR S.U.P. FOR
LONG-TERM CARE

ZONED: "CE"
VACANT

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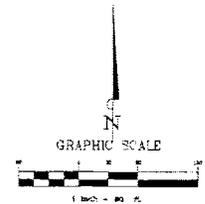
COMMUNICATIONS PKWY

ZONED: "FD-404,
RES-Z"
DEVELOPED AS
SINGLE-FAMILY
RESIDENTIAL



VICINITY MAP

N.T.S.



BOUNDARY DESCRIPTION:

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Henry B. Miller Survey, Abstract No. 614, being part of an 11.385 acre tract as recorded in Volume 4227, Page 835 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a 1/4-inch iron rod found marking the southwest corner of said 11.385 acre tract, a northwest corner of a 37.721 acre tract as recorded in Volume 5424, Page 2914 of the Collin County Land Records, and being in the east right-of-way line of Communications Parkway;

THENCE with the north line of said 11.385 acre tract, and a north line of said 37.721 acre tract, South 89°38'16" East, 55.04 feet to the Point of Beginning;

THENCE with a west line of said premises, the east line of said 1.852 acre tract, and the east right-of-way line of said Communications Parkway as follows: North 00°55'11" East, 452.38 feet to a 5/8" nail set; North 04°44'01" East, 71.67 feet to a point for corner;

THENCE South 89°46'38" East, 501.09 feet to a point for corner on the west line of the aforementioned 37.721 acre tract;

THENCE with the east line of said 11.385 acre tract and the west line of said 37.721 acre tract, South 00°13'12" West, 525.07 feet to a 1/4-inch (Round) capped iron rod and marking the west-southwest corner of said 11.385 acre tract, said premises and an interior corner of said 37.721 acre tract;

THENCE with the south line of said 11.385 acre tract, said premises and a north line of said 37.721 acre tract, North 89°38'16" West, 512.25 feet to the place of beginning and containing 266,805 square feet or 6.125 acres of land.

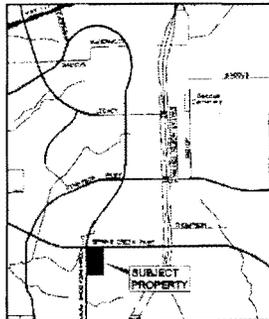
ZONING EXHIBIT
FOR
ZONING CASE # 2009-22
6.13 ACRES OUT OF THE
HENRY B. MILLER SURVEY, ABST. NO. 614
REQUEST FOR S.U.P. FOR
LONG-TERM CARE
LOCATED IN THE
CITY OF PLANO, COLLIN COUNTY, TEXAS

NOTE:
APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT 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 AND 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.

ENGINEER:
BANNISTER
ENGINEERING
CONTACT: JEFF LINDER

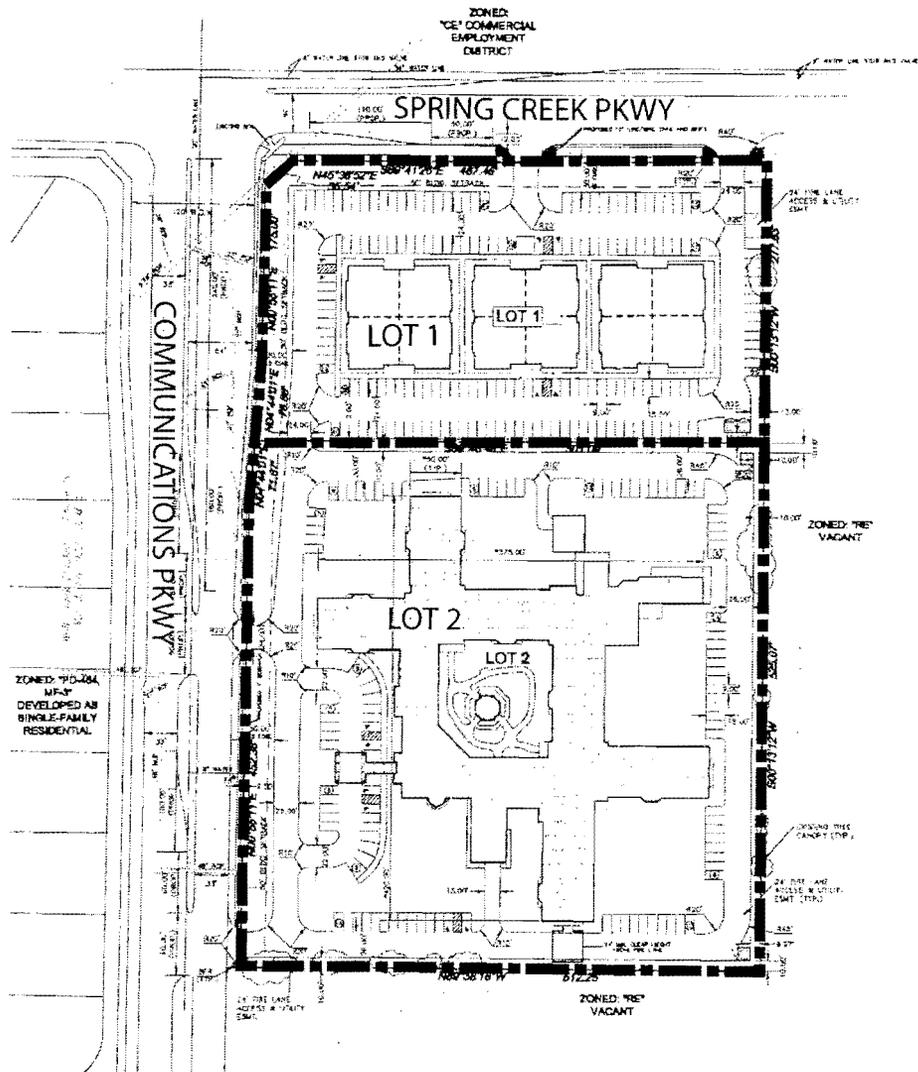
PROPERTY OWNER:
ACRES OF SUNSHINE, LTD.
800 CENTRAL PKWY E.
SUITE 100
PLANO, TEXAS 75075-0578
PH: (972) 231-8600
CONTACT: SHANE JORDAN

PREPARED: NOV. 11, 2009
REVISED: NOV. 30, 2009



VICINITY MAP

N.T.S.



ZONED 'CE' COMMERCIAL EMPLOYMENT DISTRICT

SPRING CREEK PKWY

COMMUNICATIONS PKWY

LOT 1

LOT 1

LOT 2

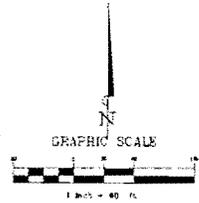
LOT 2

ZONED 'RE' VACANT

ZONED 'RD-204' MF-1 DEVELOPED AS SINGLE-FAMILY RESIDENTIAL

GENERAL NOTES:

1. BUILDINGS 8,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED.
2. FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER CITY STANDARDS.
3. HANDICAPPED PARKING AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT ADOPTED INTERNATIONAL BUILDING CODE.
4. FOUR FOOT WIDE SIDEWALKS SHALL BE PROVIDED 2.5 FEET OFF THE PROPERTY LINE WITHIN THE RIGHTS-OF-WAY. UNLESS A SIDEWALK EASEMENT IS PROVIDED FOR A MEANDERING SIDEWALK OR AN ALTERNATIVE DESIGN IS APPROVED BY THE CITY. BARRIER-FREE RAMPS, PER CITY STANDARDS, SHALL BE PROVIDED ON SIDEWALKS AT ALL CURB CROSSINGS.
5. MECHANICAL UNITS, DUMPSTERS AND TRASH ENCLOSURES SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
6. ALL SIGNAGE CONTINGENT UPON APPROVAL OF BUILDING INSPECTION DEPARTMENT.
7. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
8. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
9. BUILDING FACADES WITHIN THIS DEVELOPMENT SHALL BE COMPATIBLE AS PROVIDED IN THE RETAIL CORNER DESIGN GUIDELINES.
10. OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION 5-306 OF THE CODE OF ORDINANCES.
11. PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
12. ALL ELECTRICAL TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND.
13. USES SHALL CONFORM IN OPERATION, LOCATION, AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 5-100 OF THE ZONING CODE: NOISE, SHAKE AND PARTICULATE MATTER, ODOROUS MATTER, FIRE OR EXPLOSIVE HAZARD MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION AND/OR OTHER PERFORMANCE STANDARDS.



DATA SUMMARY:

Category	Item	Quantity	Notes
Site Area	Total Site Area	10.00	Acres
	Lot 1 Area	5.00	Acres
	Lot 2 Area	5.00	Acres
	Impervious Area	100,000	Sq. Ft.
	Permeable Area	100,000	Sq. Ft.
	Impervious Area	100,000	Sq. Ft.
	Permeable Area	100,000	Sq. Ft.
	Impervious Area	100,000	Sq. Ft.
	Permeable Area	100,000	Sq. Ft.
	Impervious Area	100,000	Sq. Ft.
Parking	Total Parking	100	Spaces
	Handicapped	5	Spaces
	Standard	95	Spaces
	Impervious Area	10,000	Sq. Ft.
	Permeable Area	10,000	Sq. Ft.
	Impervious Area	10,000	Sq. Ft.
	Permeable Area	10,000	Sq. Ft.
	Impervious Area	10,000	Sq. Ft.
	Permeable Area	10,000	Sq. Ft.
	Impervious Area	10,000	Sq. Ft.

SITE NOTES:

1. ALL DUMPSTERS WILL BE SCREENED WITH METAL GATES AND IF MASONRY WALLS TO MATCH THE BUILDING. DUMPSTER GATES ARE NOT PERMITTED TO EXTEND INTO THE FIRE LANE.
2. ALL SINGLE DUMPSTERS SHALL BE MINIMUM 13' DEEP X 13' WIDE; ALL DOUBLE DUMPSTERS SHALL BE MINIMUM 13' DEEP X 22' WIDE.
3. ALL PUBLIC SIDEWALKS SHALL PROVIDE A MINIMUM 6'6" PASSING SPACE EVERY 200' AS SHOWN ON PLAN.

ENGINEER:
BANNISTER ENGINEERING
 CONTACT: JEFF LINDER

PROPERTY OWNER:
 ACRES OF SUNSHINE LTD.
 800 CENTRAL PKWY E.
 SUITE 100
 PLANO, TEXAS 75075-6678
 PH: (972) 231-0800
 CONTACT: SHANE JORDAN

PRELIMINARY SITE PLAN
 FOR
HAGGARD STONEGATE ADDITION
 Block A, Lots 1 and 2
 9.27 ACRES OUT OF THE
 HENRY B. MILLER SURVEY, ABST. NO. 614
 LOCATED IN THE
CITY OF PLANO,
COLLIN COUNTY, TEXAS
 PREPARED: NOV. 11, 2009
 REVISED: DEC. 9, 2009

(Zoning Case 2009-22)

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. 603 so as to allow the additional use of Long-term Care Facility on 6.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614 , located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Agricultural; 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, 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 11th day of January, 2010, for the purpose of considering granting Specific Use Permit No. 603 for the additional use of Long-term Care Facility on 6.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Agricultural; 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 11th day of January, 2010; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 603 for the additional use of Long-term Care Facility on 6.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway, 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 property is currently zoned Agricultural and granting of Specific Use Permit No. 603 for the additional use of Long-term Care Facility is contingent upon City Council approval of companion zoning request 2009-21 rezoning the subject property from Agricultural to Regional Employment, such that the Regional Employment district allows Long-term Care Facility as an additional use subject to approval of a specific use permit; 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. 603 for the additional use of Long-term Care Facility on 6.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Agricultural, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. That the granting of Specific Use Permit No. 603 for the additional use of Long-term Care Facility is subject to City Council approval of companion zoning request 2009-21 rezoning the subject property from Agricultural to Regional Employment.

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 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 11TH DAY OF JANUARY, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Henry B. Miller Survey, Abstract No. 614, being part of an 11.385 acre tract as recorded in Volume 4,227, Page 835 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found marking the southwest corner of said 11.385 acre tract, a northwest corner of a 37.721 acre tract as recorded in Volume 5,424, Page 2,914 of the Collin County Land Records, and being in the east right-of-way line of Communications Parkway;

THENCE with the south line of said 11.385 acre tract, and a north line of said 37.721 acre tract, South 89° 38' 16" East, 55.04 feet to the POINT OF BEGINNING;

THENCE with a west line of said premises, the east line of said 1.852 acre tract, and the east right-of-way line of said Communications Parkway as follows: North 00° 55' 11" East, 452.38 feet to a 60D nail set; North 04° 44' 01" East, 71.67 feet to a point for corner;

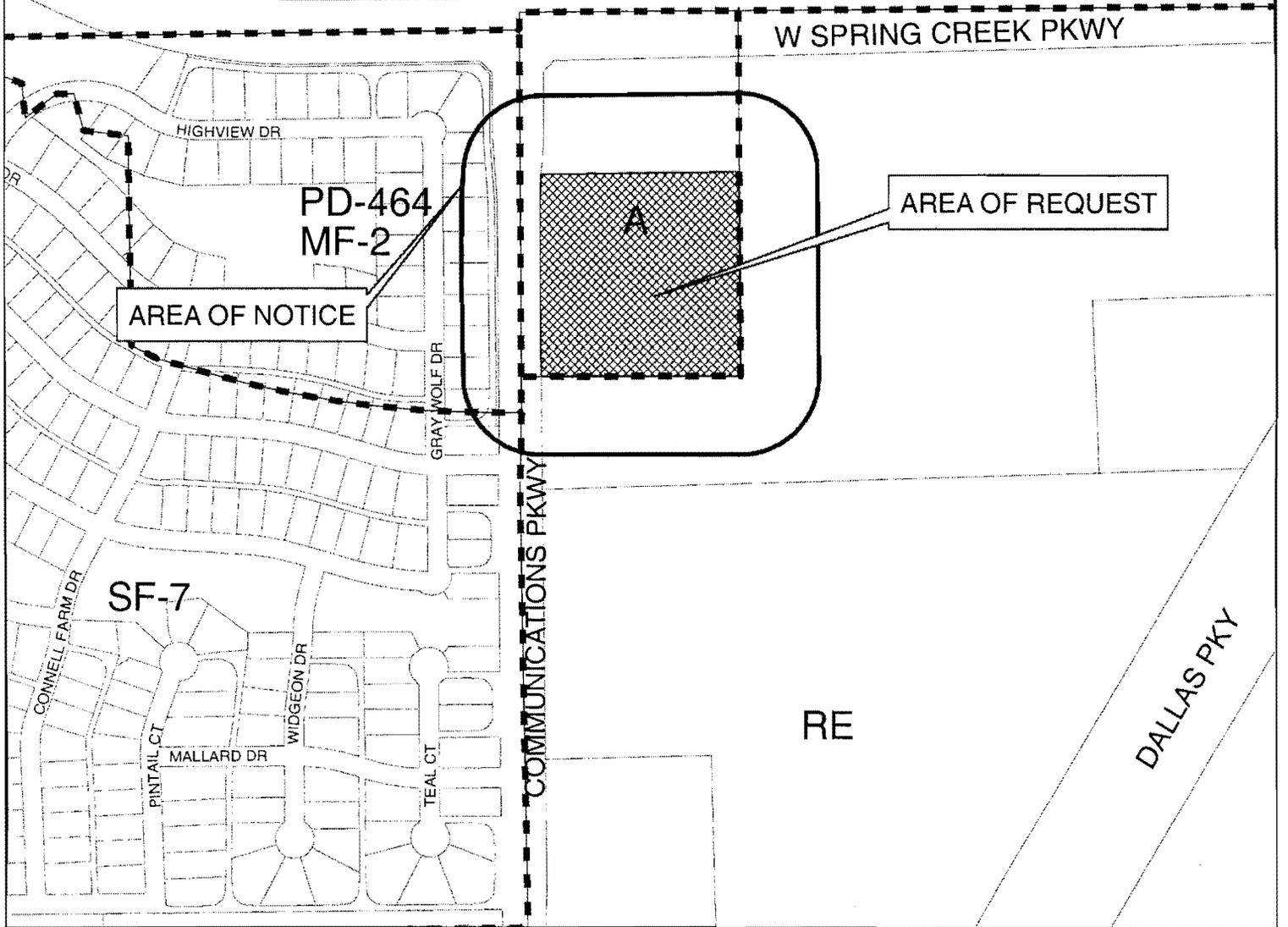
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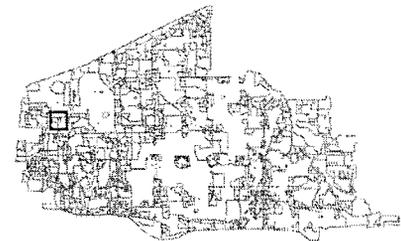
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Zoning Case #: 2009-22

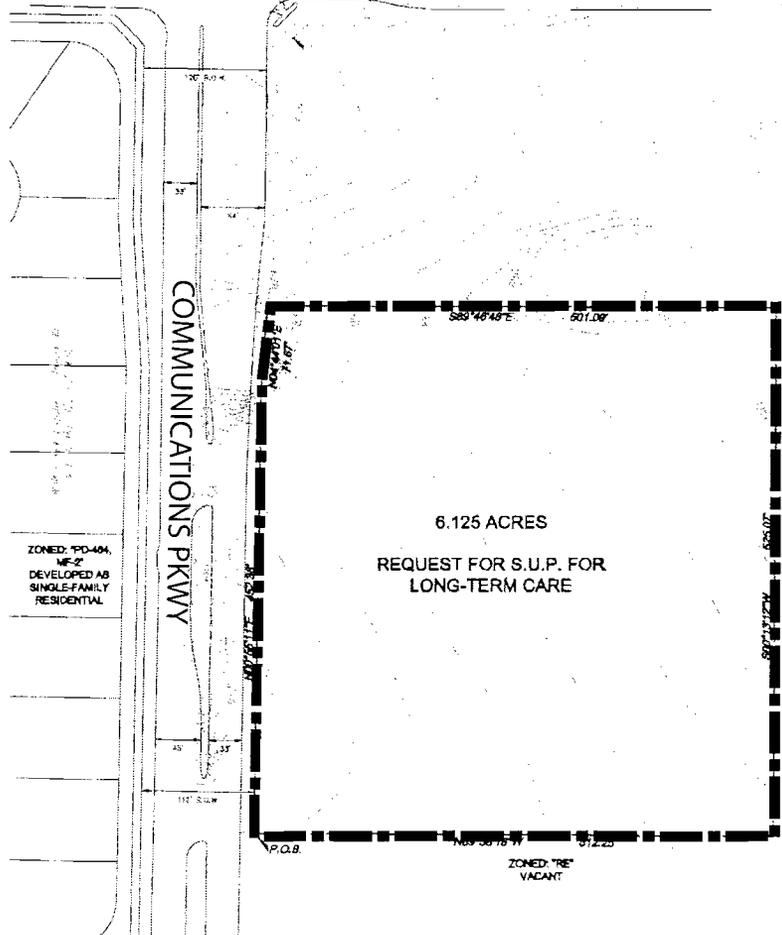
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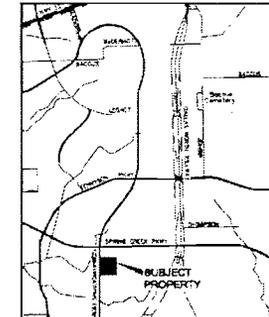
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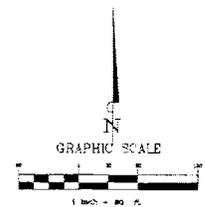
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ZONING EXHIBIT
FOR
ZONING CASE # 2009-22
6.13 ACRES OUT OF THE
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REQUEST FOR S.U.P. FOR
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LOCATED IN THE
CITY OF PLANO, COLLIN COUNTY, TEXAS

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ENGINEER:
BANNISTER
ENGINEERING
CONTACT: JEFF LINDER

PROPERTY OWNER:
ACRES OF SUNSHINE, LTD.
800 CENTRAL PKWY E.
SUITE 100
PLANO, TEXAS 75075-0578
PH: (972) 231-8600
CONTACT: SHANE JORDAN

PREPARED: NOV. 11, 2009
REVISED: NOV. 30, 2009