

Memorandum

**DATE:** February 22, 2022

TO: Honorable Mayor & City Council

FROM: David Downs, Chair, Planning & Zoning Commission

**SUBJECT:** Results of Planning & Zoning Commission Meeting of February 21, 2022

### AGENDA ITEM NO. 2A – ZONING CASE 2021-029 APPLICANT: MAHVIR PLANO, LLC

Request for a Specific Use Permit for Continuing Care Facility on 4.0 acres and to rescind Specific Use Permit No. 322 for Arcade on 0.1 acre located at the northeast corner of Central Parkway and Haggard Street. Zoned Planned Development-41-Corridor Commercial with Specific Use Permit No. 322 for Arcade. Project #ZC2021-029.

<b>APPROVED</b> : 8-0							
Speaker Card(s) Received	Support:	2	Oppose:	0	Neutral:	0	
Letters Received Within 200' Notice Area:	Support:	1	Oppose:	0	Neutral:	0	
Petition Signatures Received:	Support:	0	Oppose:	0	Neutral:	0	
Other Responses:	Support:	0	Oppose:	0	Neutral:	0	

#### **RESULTS**:

The Commission recommended to rescind Specific Use Permit No. 322 for Arcade and approve a Specific Use Permit for Continuing Care Facility subject to the following restrictions:

- 1. Continuing care facility units must be located within 260 feet of the eastern boundary of the SUP.
- 2. The maximum number of beds is 163.
- 3. Independent living facility is prohibited.

To view the hearing, please click on the provided link: https://www.plano.gov/1565/Plano-TV

DF/kob

cc: Eric Hill, Senior Planning Manager Christina Sebastian, Lands Records Planning Manager Melissa Spriegel, Lead Planner Glenn Greer, Planner Cassidy Exum, GIS Technician Jeanna Scott, Building Inspections Manager Dorothy Alatorre, Property Standards

https://goo.gl/maps/aXZUsqSkQcxQo3tY8

# CITY OF PLANO

# PLANNING & ZONING COMMISSION

February 21, 2022

# Agenda Item No. 2A

Public Hearing: Zoning Case 2021-029

Applicant: Mahvir Plano, LLC

### **DESCRIPTION:**

Request for a Specific Use Permit for Continuing Care Facility on 4.0 acres and to rescind Specific Use Permit No. 322 for Arcade on 0.1 acre located at the northeast corner of Central Parkway and Haggard Street. Zoned Planned Development-41-Corridor Commercial with Specific Use Permit No. 322 for Arcade. Project #ZC2021-029. Tabled January 18, 2022, and February 7, 2022.

# SUMMARY:

The applicant is requesting a Specific Use Permit (SUP) for Continuing Care Facility on a property that is currently developed as a hotel. The applicant is proposing SUP restrictions for conformance with the recommendations of the Comprehensive Plan. The change in use is consistent with the Employment Land Use Mix by increasing *Institutional Types* in the Downtown Corridors (DT) category but further reducing the number of *Retail Types* below the recommended level. However, the proposed change is not a large deviation and does not detract from the preferable mix of land uses in the Downtown Corridors Dashboard. Lastly, due to the change in use and to clean up the existing zoning, the applicant is also requesting to rescind Specific Use Permit No. 322 for Arcade, which is no longer in use. Staff recommends approval of the request.

#### **REMARKS**:

The applicant requested to table this zoning case to the February 21, 2022, Planning & Zoning Commission meeting to allow maintenance of the required zoning signs. The applicant has confirmed that the signs are still in place as of Tuesday, February 15, 2022. Staff received an updated zoning sign affidavit with photographs verifying replacement and more durable construction of the required signs on January 21, 2022.

The applicant is requesting a Specific Use Permit (SUP) for Continuing Care Facility on a property that is developed as a hotel. The subject property also contains Specific Use Permit No. 322 for Arcade, which is no longer in use, and the applicant is, therefore, requesting to rescind the SUP with this request. The Zoning Ordinance defines a continuing care facility as a development providing housing/accommodations and

services along the continuum of an elderly person's needs, including independent living, assisted living, and/or long-term care facilities. An arcade is defined as an establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines.

The existing zoning is Planned Development-41-Corridor Commercial (PD-41-CC). A planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions. 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 SUP authorizes and regulates a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. Additionally, Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

"The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions."

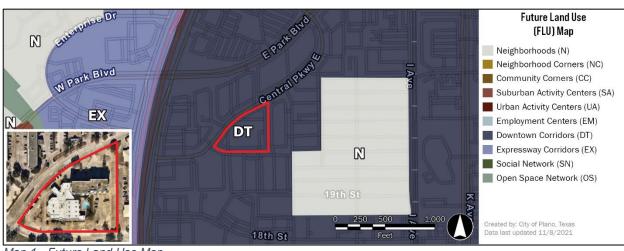
A revised site plan, Holiday Inn Plano, Block D, Lot 1, accompanies this request as Agenda Item 2B.

North	Across Central Parkway East, the properties are zoned Corridor Commercial
and	(CC) and are developed with hotel, professional/general administrative office,
West	and restaurant uses.
East	The property is zoned Planned Development-41-Corridor Commercial (PD-
	41-CC) and is developed with professional/general administrative office uses.
South	Across Haggard Street, the properties are zoned CC and are developed with
	professional/general administrative office uses.

# Surrounding Land Use and Zoning

# Conformance to the Comprehensive Plan

**Future Land Use Map and Dashboards** - The subject property is designated <u>Downtown</u> <u>Corridors (DT)</u> on the Future Land Use Map as highlighted in the image below:



Map 1 - Future Land Use Map

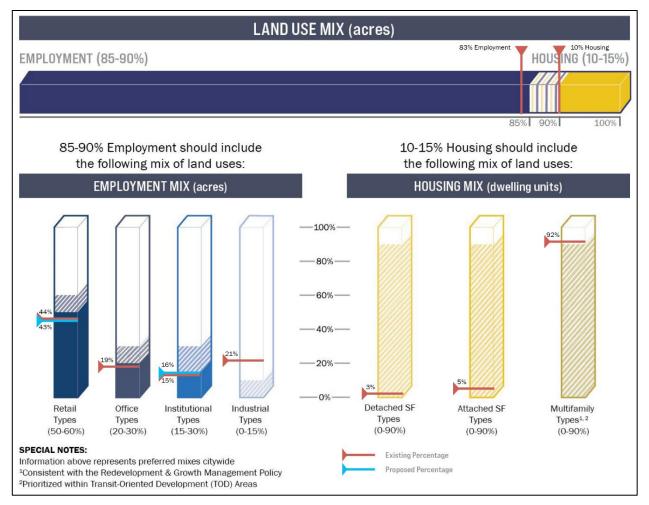
This category is intended to create attractive gateways and support the continued transformation of historic Downtown Plano into the civic and cultural heart of the city.

The Land Use and Housing Inventory (LUHI) is a tool developed to implement the Future Land Use Dashboards by classifying properties across the city into the Land Use Types described in the Comprehensive Plan. Due to its use as a hotel, the 4.0 acre subject property is classified as *Retail Types* in the LUHI, as shown below:



Map 2 - Land Use & Housing Inventory (LUHI)

Continuing care facility uses allow for a property to operate as an independent living facility, assisted living facility, and/or a long-term care facility. As noted in the proposed restrictions, the applicant is requesting to utilize the property as an assisted living facility and a long-term care facility only, prohibiting independent living facility use. With this restriction, approval of the requested SUP would reclassify the property to *Institutional Types*, resulting in the following changes to the Mix of Uses in this area:



Land Use Mix: The request results in no change to the overall Land Use Mix, as seen below.

Land Use Mix (acres)	Recommended	Existing	Proposed
Employment Types	85-90%	82.7%	No Change
Housing Types	10-15%	10.4%	No Change

<u>Employment Mix</u>: Approval of the request would decrease *Retail Types* from 44.2% to 43.5% and an increase in *Institutional Types* from 15.1% to 15.8%. The percentage of *Office* and *Industrial Types* would not change.

Employment Mix (Acres)	Recommended	Existing	Proposed
Retail Types	50-60%	44.2%	43.5% (-0.7%)
Office Types	20-30%	19.1%	No Change
Institutional Types	15-30%	15.1%	15.8% (+0.7%)
Industrial Types	0-25%	21.6%	No Change

Housing Mix: The request results in no change to the Housing Mix.

# <u>Analysis</u>

The request is consistent with the recommended amount of *Institutional Types* in the DT Category (15-30%) but further reduces the number of *Retail Types* in the area below the minimum 50% recommendation. However, this change is negligible and may be easily offset by routine occupancy changes for other properties in the DT area that are presently zoned for retail uses. The proposed change is not a large deviation and does not detract from the preferable mix of uses in the Downtown Corridors Dashboard, as discussed in the "How to Read the Dashboards" section of the Comprehensive Plan 2021. As a result of the overall positive contribution to the Institutional Types land use and net neutral change to the Employment Land Use Mix, this request is consistent with the future land use mix and does not require findings.

**Expressway Corridor Environmental Health Goal** - Sensitive land uses within Expressway Corridor Environmental Health Areas should achieve a maximum outdoor noise level of less than 65 dBA Ldn.

In 2019, the city adopted guidelines and regulations for developing sensitive land uses, including continuing care facilities, adjacent to expressways. A portion of the subject property is located within the Expressway Corridor Environmental Health Area One (EHA-1), as shown on the map below:



The Expressway Corridor Environmental Health Goal specifies that sensitive land uses such as retirement housing may be appropriate in EHA-1 if satisfactory mitigation is achieved to ensure outdoor noise levels are less than 65 dBA Ldn.

The applicant is proposing an SUP restriction that requires continuing care facility units to be within 260 feet of the eastern boundary of the SUP, which is equivalent to the eastern property line. This restriction is intended to allow beds within the portion of the existing building highlighted in red in the map above or an equivalent area outside of the EHA-1 boundary. The remainder of the existing building, and any future construction west of this boundary, is proposed to provide operational support and common areas for residents. With this restriction, the request is in conformance with the Expressway Corridor Environmental Health Goal.

**Special Needs Housing Policy** - Plano will support residents' special housing needs, including seniors, people with disabilities, and low- to moderate-income households, through inclusive regulations and programs and actions to further the goals stated in the Consolidated Plan. Proposed locations for special housing needs should be afforded the same health and safety considerations as other housing.

This policy recommends regulations that support additional housing for seniors and individuals with special needs; however, rezoning requests must be carefully examined to consider the suitability of residential development based on the proposed location. Quality of life via appropriate zoning is afforded to all residents. With the proposed SUP restrictions, the request is able to provide the adaptive reuse of a site to support special needs housing in a suitable living environment. Plano has inclusive regulations, which consider how and where housing can be provided appropriately within the community.

**Housing Trends Analysis and Strategic Plan** - Plano residents and workforce over 55 years of age noted quality construction, lack of HOA fees, lower-maintenance living, and walkability to be chief considerations in affecting housing decisions. The city's aging population has difficulty finding diversity of housing inventory to suit their housing needs and remain in the city, sometimes due to housing affordability or ability to maintain a home. This proposal does offer a low-maintenance living situation and could be affordable. The site is located in the Downtown Corridor, where there is access to transit and a walkable mix of uses.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property. However, the applicant will need to verify that sanitary sewer capacity is sufficient to accommodate the proposed change in use from commercial to senior housing.

**Traffic Impact Analysis (TIA)** - A TIA is not required for this rezoning request. However, in considering the traffic impact using the average Institute of Traffic Engineers (ITE) trip generation rates, staff compared the proposed development of the existing hotel. The table below shows the estimated traffic generation for a single hour during weekday peak hours (7:00-9:00 a.m. and 4:00-6:00 p.m.):

	AM	PM
Continuing Care Facility	29	57
(162 units, 98,951 square feet)		
Existing Hotel	84	99
(162 Rooms)		

From the table above, it is evident that a continuing care facility development would generate significantly less peak hour morning and evening traffic than the existing hotel.

**Public Safety Response Time** - Fire emergency response times will be sufficient to serve the site based on existing personnel, equipment, and facilities.

# Continuing Care Facility Use

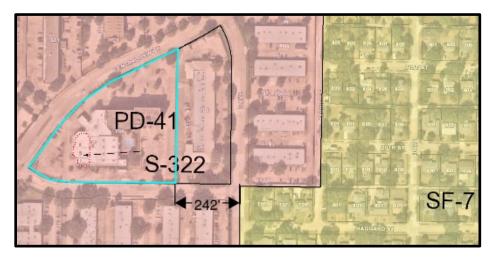
Continuing care facilities are part of the "institutional" use category within Article 14 (Allowed Uses and Use Classifications) of the Zoning Ordinance because they provide services and care to residents. In addition to their services, they also function as housing, as is specifically mentioned in the definition. The city should consider the residential as well as commercial nature of these uses when determining whether a location is appropriate for a specific site.

#### Proposed Setback

Subsection 15.1300.3 (Minimum Residential Setback) of Section 15.1300 (Retirement Housing) of Article 15 (Use-specific Regulations) of the Zoning Ordinance requires continuing care facilities to be separated from residential zoning districts as noted below:

Height	Minimum Setback
One Story	20 feet
Two Story	60 feet
Three Story	150 feet

The closest residential zoning district is located approximately 242 feet east of the subject property, as shown in the image below, and is in conformance with the setbacks required in Article 15.



# SUP Restrictions

The following SUP restrictions are proposed.

- 1. Continuing care facility units must be located within 260 feet of the eastern boundary of the SUP.
- 2. The maximum number of beds is 163.
- 3. Independent living facility is prohibited.

The maximum 260-foot setback will ensure the units are located away from U.S. Highway 75 in an area outside the Expressway Corridor Environmental Health Area-1 (EHA-1). As shown on the companion site plan, there is a multistory building in this portion of the property, including the living units for residents. There is also an existing single-story building that will be repurposed as an amenity space for residents.

The applicant proposes limiting the number of units to 163, consistent with the existing rooms in the current building. Lastly, to clarify the intent of the uses, which are focused on housing and care for residents, the applicant is prohibiting independent living facility as an allowed use. This will ensure the focus of the development will be assisted living facility and long-term care facility uses, which are institutional uses consistent with the recommendations of the Comprehensive Plan. Staff is supportive of the SUP restrictions to align with Comprehensive Plan policies and principles.

# Rescission of Specific Use Permit No. 322 for Arcade

Due to the requested use of the subject property, the applicant has stated that Specific Use Permit No. 322 for Arcade is no longer needed. In an effort to make the zoning align with the use of the site, the applicant is requesting to rescind the SUP with this zoning case. Staff is supportive of this effort to clean up the zoning on the subject property to meet with the requested use.

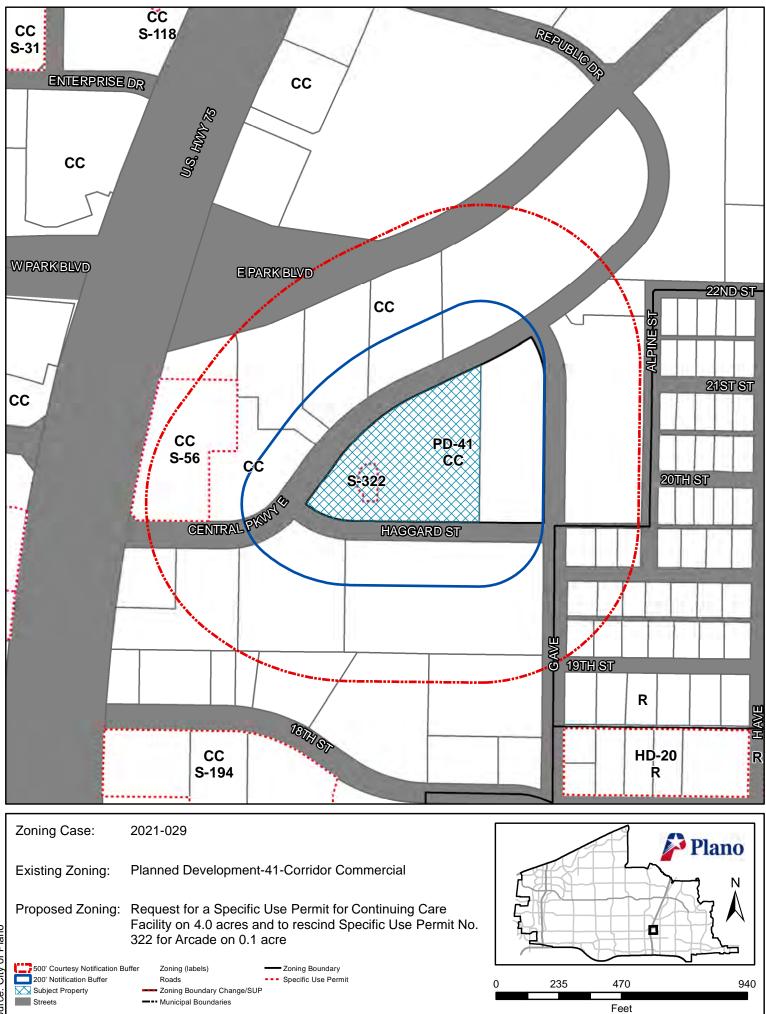
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# **RECOMMENDATION:**

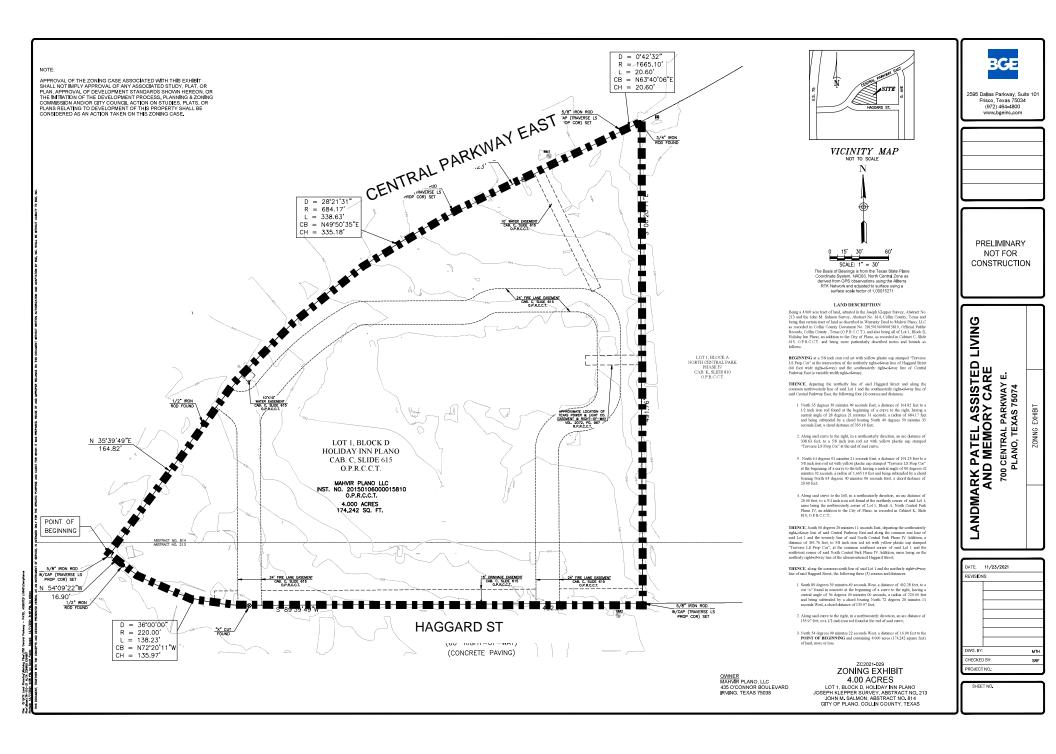
Recommended that the Planning & Zoning Commission rescind Specific Use Permit No. 322 for Arcade and approve a Specific Use Permit for Continuing Care Facility subject to the following restrictions:

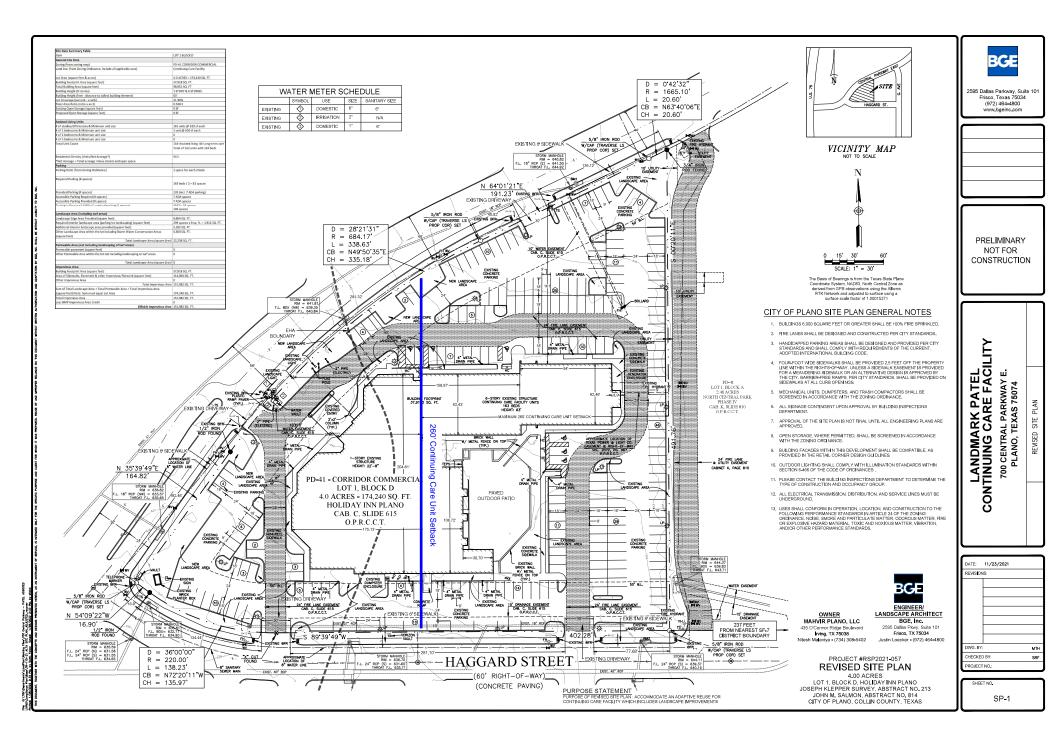
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Source: City of Plano









City of Plano Planning and Zoning Commission Plano Municipal Center 1520 K Avenue Plano, TX 75074

Dear Planning and Zoning Commissioners,

On behalf of MNM Senior Health, Masterplan requests approval of a Specific Use Permit to allow a Continuing Care Facility on the 4.0-acre PD-41 zoned property located at 700 Central Parkway East. MNM Senior Health intends to modify the existing PD to accommodate an adaptive re-use of Comfort Inn Suites. The hotel would cease operation and the 6-story building would undergo interior remodel and renovation to accommodate a 162-room assisted living and memory care community.

MNM Senior provides senior living accommodations with a full range of amenities and services. In addition to a residential wing, the facility would include a lobby and administration area, resident marketplace and entertainment venues, dining and resident activity area, and a large outdoor patio. Specific amenities will include a library, art studio, juice bar, wellness center, kitchen and dining, theater, activity space, and outdoor patio sitting areas. These activity programs provide a residential atmosphere while avoiding an institutional feel.

A combination of a struggling hotel industry and an aging property in a sub-optimal location, makes long term hotel viability on the subject property impractical. Converting the hotel to Assisted Living Facility will revitalize the property and meet an ever-growing demand for senior living. Market studies show a large need for senior living that is currently not being met. There is a large gap in the number of available senior living facilities within the metroplex in contrast to the ever-growing number of seniors. Many seniors wish to stay close to their family when needing full-time care and prefer not to move away from familiar areas. This proposal aims to meet some of the current living needs.

Since the facility will be assisted living and memory care, most residents will not have a vehicle. With most residents unable to drive and many limited to the facility itself, the adaptive reuse creates a low-impact residential use that does not increase traffic or congestion. The parking requirement is much less than a hotel or multi-family development. Consequently, the developer is willing to convert parking to additional landscape area along Central Parkway. Although the existing mature trees will be preserved, additional new trees will be added to augment the screening and landscaping site aesthetics, as well as to provide some sound mitigation from US Highway 75.

The proposed living units are over 900 feet from the centerline of US-75. With the adoption of the new Comprehensive Plan in November 2021, the city replaced a standard 1,200-foot highway separation requirement for residential uses with a more scientifically based assessment. This assessment established the Expressway Corridor Environmental Health Area (EHA-1). The limits of this area extend only through the western portion of the site. And therefore, no residential units will fall within the protected area. As such, an environmental assessment is not required.



Nevertheless, the proposal includes increased landscaping and trees along Central Parkway, which will also help dampen any dissipating noise on the site. Moreover, the residential wing is located to the east, placing many residential windows perpendicular to and away from the highway. There are also 1-, 2- and 3-story buildings located between the property and US Highway 75 further blocking sound.

The request also proposes to eliminate a defunct SUP (S-322) for an arcade that no longer exists on the property.

Thank you for your consideration.

Sincerely,

Maxwell Fisher

Maxwell Fisher, AICP, Managing Director Masterplan