

DATE: November 5, 2024
TO: Honorable Mayor & City Council
FROM: Planning & Zoning Commission
VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission ^{MB}
Christina D. Day, AICP, Director of Planning ^{CD}
SUBJECT: Results of Planning & Zoning Commission Meeting of November 4, 2024

AGENDA ITEM NO. 5 - ZONING CASE 2024-022
PETITIONER: WERBO, LLC

Request for a Specific Use Permit for Trade School on one lot on 0.1 acre located 190 feet west of Coit Road and 650 feet south of Rockingham Way. Zoned Retail. Project #ZC2024-022.

APPROVED: 7-0

Speaker Card(s) Received:	Support:	<u>2</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Letters Received Within 200' Notice Area:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Letters Received Within the Subject Property	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>0</u>	Oppose:	<u>1</u>	Neutral:	<u>0</u>

RESULTS:

The Commission recommended the item for approval as submitted.

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/319244?ts=2649>

DS/ko

cc: Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 5

PUBLIC HEARING: Zoning Case 2024-022

PETITIONER: Werbo, LLC

CASE PLANNER: Donna Sepulvado, AICP

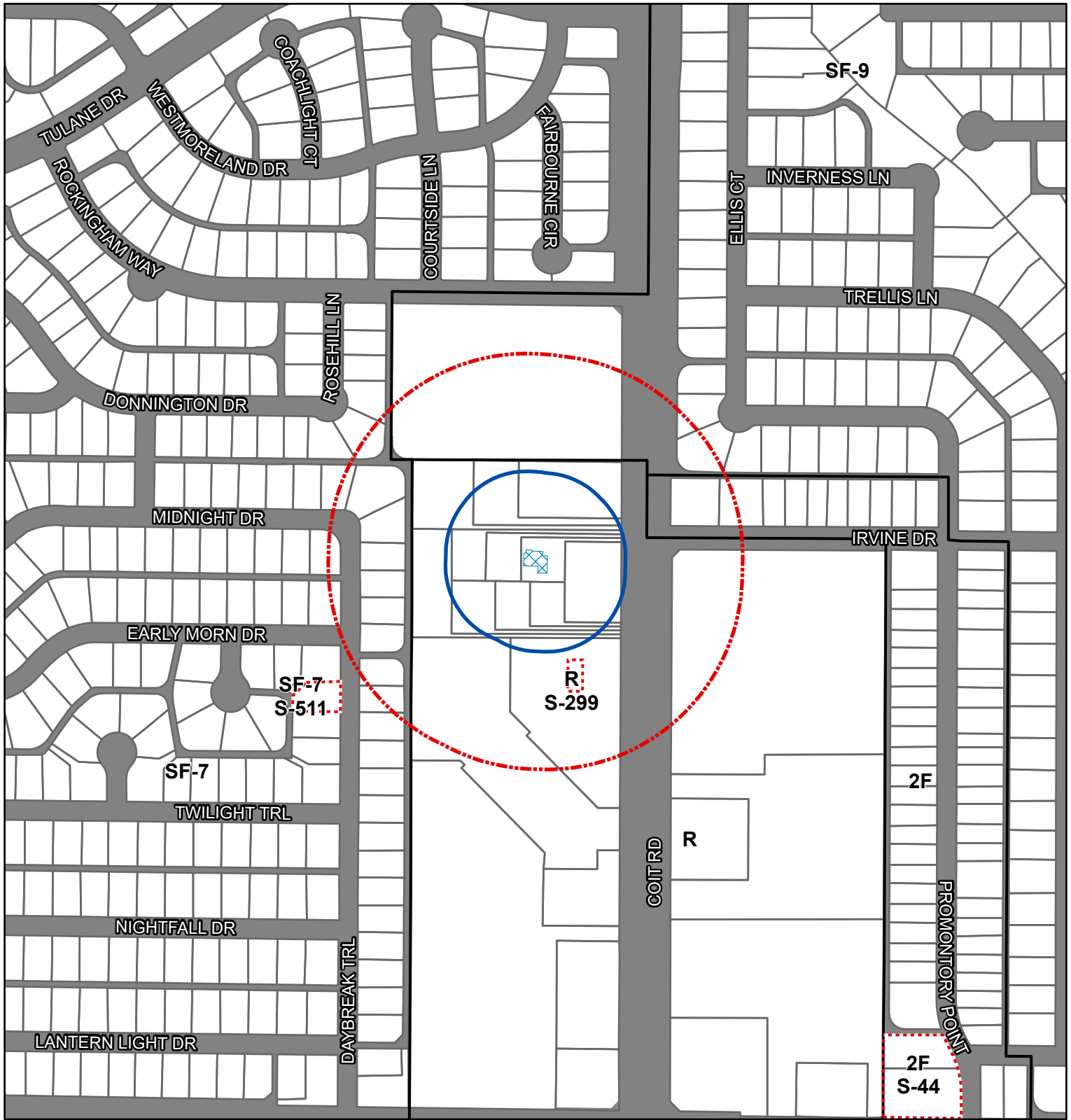
DESCRIPTION: Request for a Specific Use Permit for Trade School on one lot on 0.1 acre located 190 feet west of Coit Road and 650 feet south of Rockingham Way. Zoned Retail. Project #ZC2024-022.

EXECUTIVE SUMMARY

The applicant is requesting a Specific Use Permit for a Trade School for a 2,571-square-foot suite within an existing office condominium development zoned Retail (R). The trade school will specialize in the training of massage therapists. Major considerations of this request include:

- Trade School/Licensed Massage Therapy – Trade schools are establishments, other than public or parochial schools, private schools, or colleges, offering training or instruction in a trade, art, or occupation. Because the business specializes in the training of students, it is classified as a Trade School and not Licensed Massage Therapy. Licensed Massage Therapy, which is a health care service by a licensed massage therapist, is permitted by right in the Retail (R) zoning district.
- Operations – The proposed business will be located in a 2,571-square-foot suite. According to the applicant, the current owner intends that the business will train no more than 10 students at a time with two instructors.
- Conformance to the Comprehensive Plan – The subject property is designated as Neighborhoods (N) on the Future Land Use Map of the Comprehensive Plan. Staff finds the request consistent with the Comprehensive Plan.

For these reasons, staff recommends approval of the request.



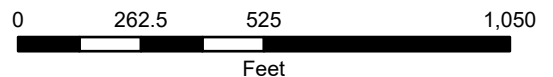
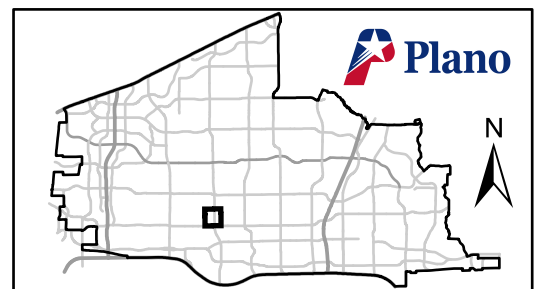
Zoning Case: 2024-022

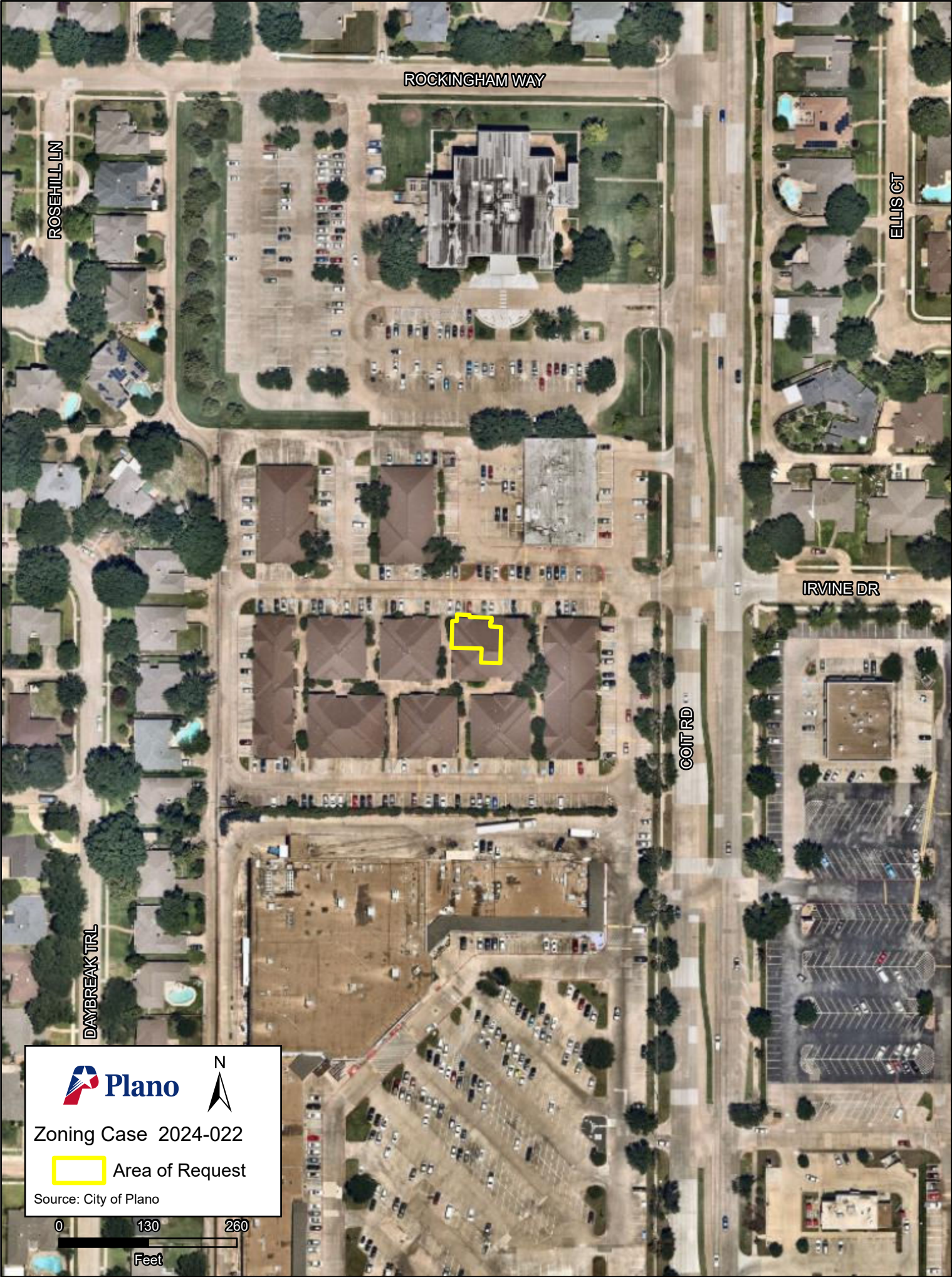
Existing Zoning: Retail

Proposed Zoning: SUP for Trade School

- 500' Notification Buffer
- 200' Notification Buffer
- Streets
- Municipal Boundaries
- Subject Property
- Zoning Boundary Change/SUP
- Zoning Boundary
- Specific Use Permit

Source: City of Plano





ROSEHILL LN



ROCKINGHAM WAY

ELLIS CT


IRVINE DR

COTT RD

DAYBREAK TRL

 **Plano** 

Zoning Case 2024-022

 Area of Request

Source: City of Plano



STAFF PRELIMINARY REPORT – INTRODUCTORY REMARKS

The applicant is requesting a Specific Use Permit (SUP) for a Trade School in a 2,571-square-foot suite of an existing office condominium development zoned Retail (R). The trade school will train students seeking their state license in massage therapy.

Zoning – The subject property is currently zoned Retail (R). *Section 10.400.1 (Purpose)* of the Zoning Ordinance states the purpose of the R district is as follows:

The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing. Limited residential uses may be considered appropriate as an extension of surrounding neighborhoods.

Specific Use Permit – *Section 6.100 (Specific Use Permits)* of the Zoning Ordinance states:

The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could benefit the general welfare in a particular case, provided that adequate development standards and safeguards are established.

Additionally, *Section 6.100 (Specific Use Permits)* 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.

Proposed Use – The Zoning Ordinance defines a Trade School as follows:

Establishments, other than public or parochial schools, private schools, or colleges, offering training or instruction in a trade, art, or occupation.

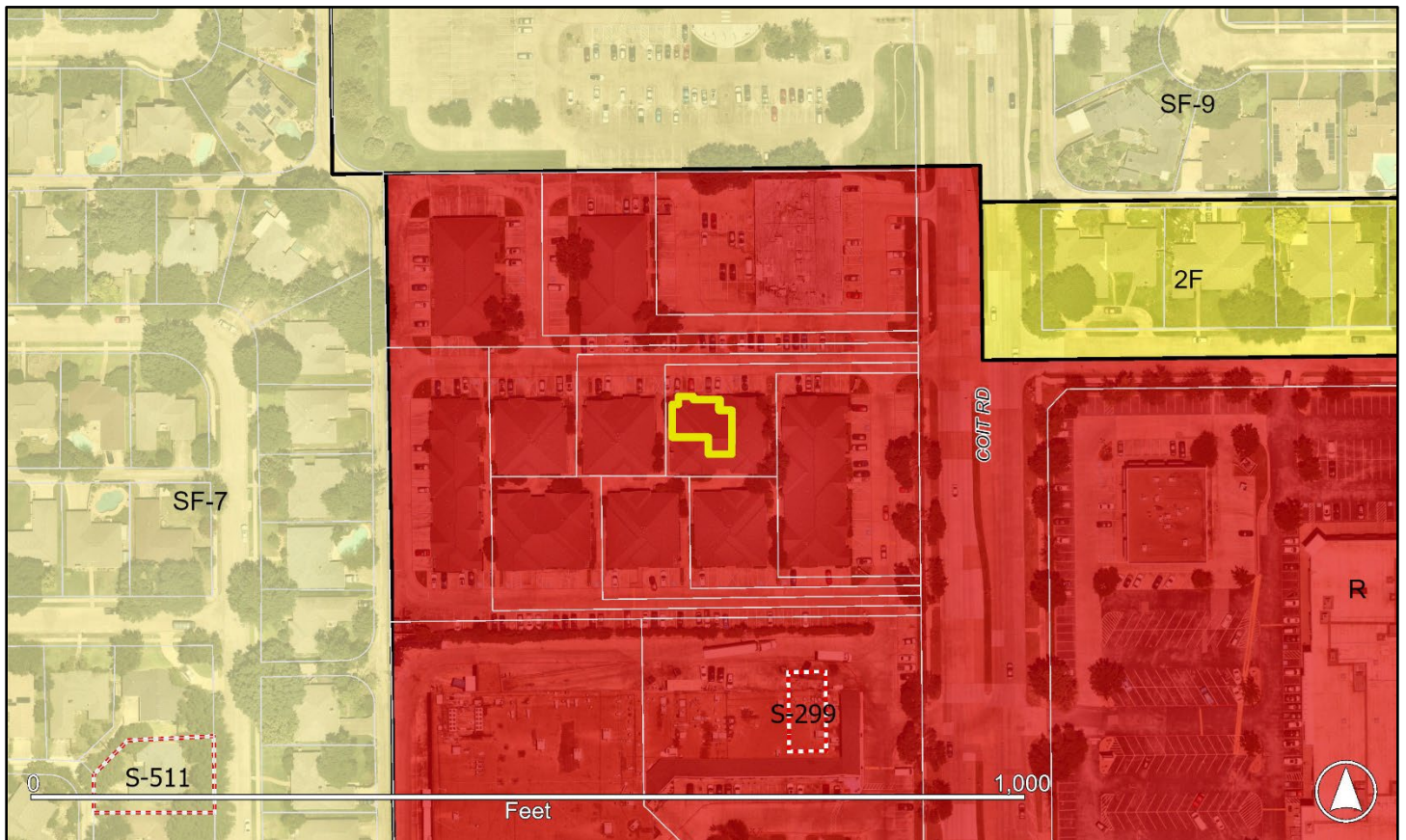
Licensed Massage Therapy – The Zoning Ordinance defines Licensed Massage Therapy as follows:

A health care service practiced by a licensed massage therapist, as defined by state law. “Massage therapy” means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt, glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myotherapy, or any derivation of those terms. The terms “therapy” and “therapeutic” do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.”

SUP Restrictions – No SUP restrictions are recommended as part of this request.

Surrounding Land Use and Zoning – The subject property is a 2,571-square-foot lease space within a larger 6,415-square-foot building. The building is part of a larger office condominium development known as London Square, which includes 10 lots zoned Retail and developed with medical offices, personal service shops, and professional/general administrative offices. The surrounding uses and zoning listed below are for those around the larger office condominium development.

North	The properties to the north are zoned Single-Family Residence-9 (SF-9) and R and are developed with a public library and shopping center containing restaurants and personal service shops.
East	The properties to the east across Coit Road are zoned R, SF-9, and Two-Family Residence (Duplex) District (2F), and are developed with single-family homes, duplexes, and a shopping center with restaurants, retail stores, a bank, and indoor commercial amusement.
South	The properties to the south are zoned R with Specific Use Permit No. 299 (S-299) and is a shopping center with retail stores, restaurants, and personal service shops
West	The properties to the west are zoned Single-Family Residence-7 (SF-7) and developed with single-family homes.



STAFF PRELIMINARY REPORT – CONFORMANCE TO THE COMPREHENSIVE PLAN

Guiding Principles – This set of Guiding Principles to the Comprehensive Plan establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

Core Policies: The following policies serve as the fundamental basis for staff recommendations for zoning cases.

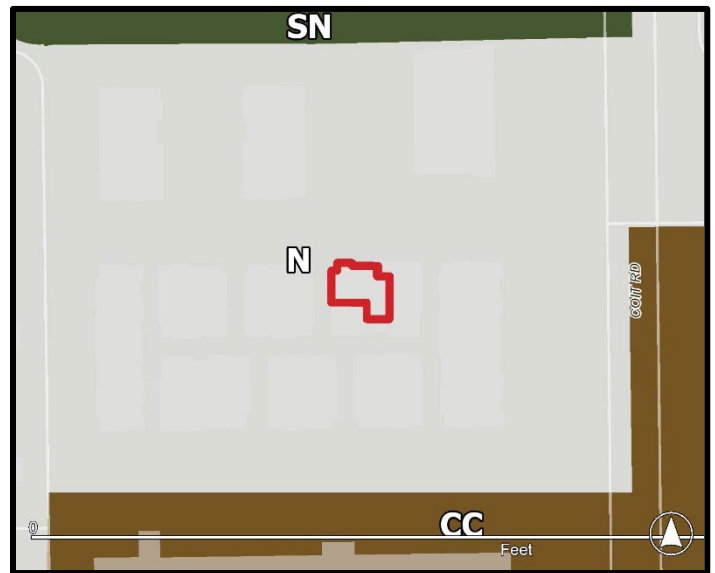
- **Land Use:** *Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.*
- **Redevelopment & Growth Management:** *Plano will protect and preserve the well-established built environment of Plano and prevent overcrowding by requiring new growth and redevelopment to respect the unique development patterns, suburban character, housing needs, infrastructure capacity considerations, and fiscal constraints of our community.*

Future Land Use Map Category & Dashboard

Future Land Use – The subject property is located within the **Neighborhoods (N)** category of the Future Land Use Map (FLUM).

Description: *The N category consists primarily of residential areas focused on sustaining a high quality of life through well-maintained infrastructure, housing, open space, schools, and limited service/institutional uses.*

The request for a Specific Use Permit for Trade School is consistent with the description of the N category as Institutional Uses are supported.



FLUM – N Description and Priorities		
Description		Meets
Priorities	#1: Preserving neighborhood character and quality of life	N/A
	#2: Upkeep of existing housing stock	N/A
	#3: Requiring adjacent commercial land uses to provide adequate transitions	N/A
	#4: Variety of housing heights, sizes, and types	N/A

Mix of Uses – The subject site is currently classified as *Office Types*. Although Trade Schools are classified as *Institutional Types*, granting an SUP for a Trade School would not alter the context of the existing site as the site would remain predominately office uses. Thus, the request would result in no change to the Mix of Uses.

[Desirable Character Defining Elements in N Designation](#) – The proposed SUP for Trade School does not include significant changes to the existing site or building. Therefore, the Character Defining Elements are not applicable to this request.

Other Comprehensive Plan Maps

The request is in conformance with and would not require improvements applicable to the Thoroughfare Plan Map, Bicycle Transportation Plan Map, Parks Master Plan Map, or Expressway Corridor Environmental Health Map.

Additional Comprehensive Plan Policies – The following policies are applicable on a case-by-case basis depending upon the type, location, and general nature of the request.

[Findings Policy Assessment](#) – Findings are not required to approve this request.

Adequacy of Public Facilities – The following have been reviewed in support of the [Facilities & Infrastructure Policy](#).

Water and Sewer – Water and sanitary sewer services are available to serve the subject property.

Traffic Impact Analysis (TIA) – A TIA is not required for this rezoning request.

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

Conformance to the Comprehensive Plan Summary

Policy or Study	Analysis
Future Land Use Map and Dashboards	
Description & Priorities	Meets
Mix of Uses	No Change
Character Defining Elements	N/A
Other Comprehensive Plan Maps	N/A
Facilities & Infrastructure Policy	Meets

STAFF PRELIMINARY REPORT – ANALYSIS & RECOMMENDATION

Trade School

The applicant is requesting a Specific Use Permit (SUP) for Trade School to operate a business that will train students to become licensed massage therapists. The subject property is a 2,571-square-foot lease space within an existing building. According to the applicant, the school will operate during normal office hours and will train up to 10 students at a time with two instructors.

The subject property is zoned Retail (R), which requires an SUP for trade schools. However, a Licensed Massage Therapy use, which conducts similar functions, is a permitted use in the R district. Staff considers the use to be low intensity based on the number of trips generated, size of the suite, and amount of parking required. No negative impacts to the site or surrounding land uses are anticipated by this business. For these reasons, staff finds the proposed trade school to be complementary to the adjacent retail uses.

SUMMARY:

The applicant is requesting a Specific Use Permit for Trade School to operate a business specializing in the training of students seeking their massage therapy license. This use is complementary to the adjacent retail uses and would not negatively impact the surrounding area. The request is in conformance with the policies of the Comprehensive Plan. For these reasons, staff is supportive of the request.

RECOMMENDATION:

Recommended for approval as submitted.

PROPERTY DESCRIPTION

WHEREAS Figueroa Werbo LLC & Werbo 1500 LLC & London Square Venture LLC are the owners of Lot 5, Block A of London Square Addition as recorded in Volume F, Page 298 of the Plat Records of Collin County, Texas, situated in the State of Texas, County of Collin, City of Plano, being part of the L.J. Cotton Survey, Abstract No. 202, and more particularly described as follows:

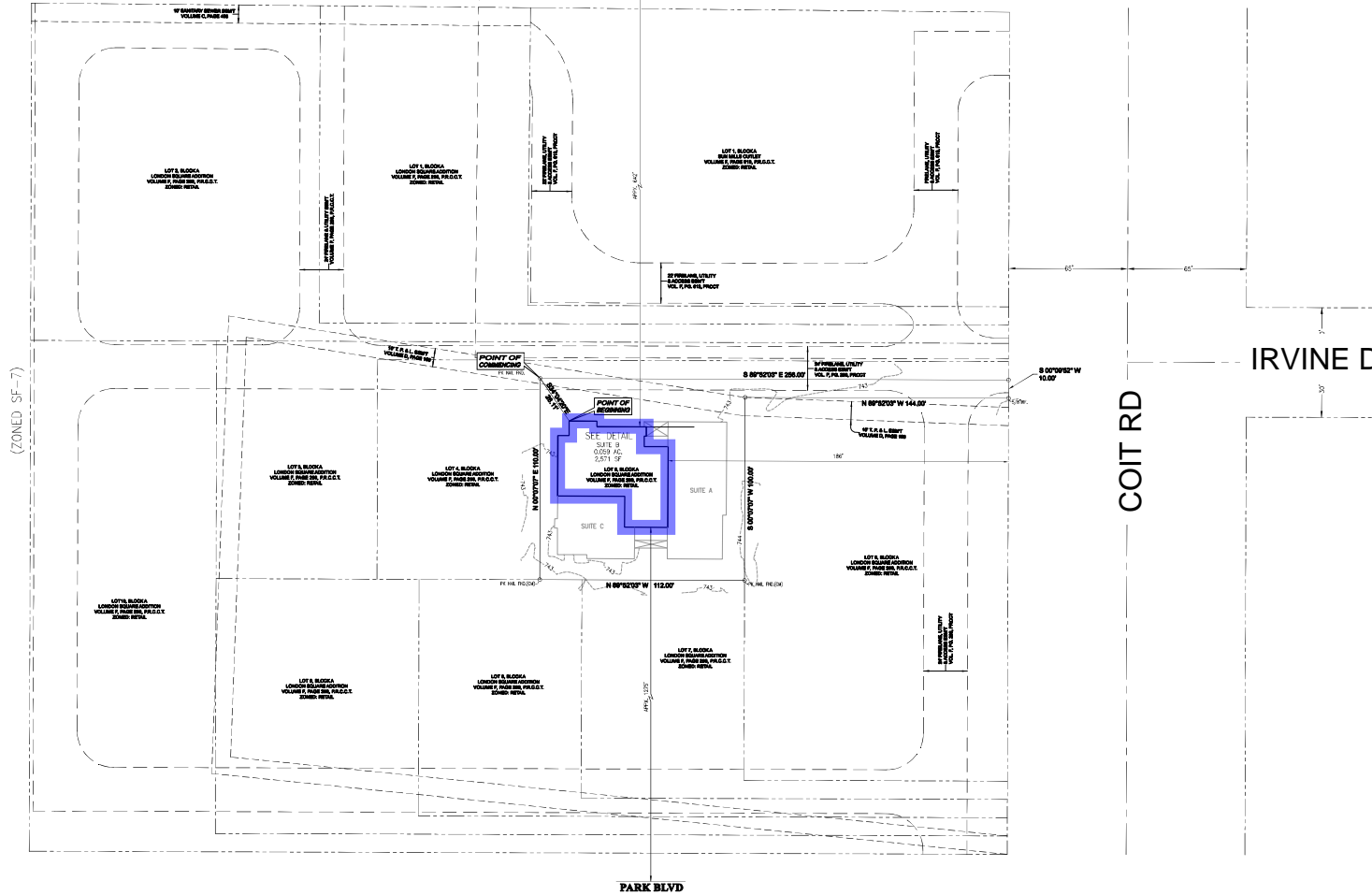
COMMENCING at a PK nail found marking an interior corner of Lot 4, Block A of said London Square Addition and the northwest corner of Lot 5;

THENCE crossing through Lot 5, South 34°04'20" East, 28.11 feet to the POINT OF BEGINNING, same being the northerly most northwest corner of the herein described premises;

THENCE continuing to cross through Lot 5 as follows: South 89°43'04" East, 15.20 feet to a point marking the northerly most northeast corner of said premises; South 00°16'56" West, 3.00 feet to a point for corner; South 89°43'04" East, 27.00 feet to a point for corner; South 00°16'56" West, 5.00 feet to a point for corner; North 89°43'04" West, 1.10 feet to a point for corner; South 00°16'56" West, 5.70 feet to a point for corner; South 89°43'04" East, 13.10 feet to a point marking the easterly most northeast corner of said premises; South 00°16'56" West, 44.20 feet to a point marking the southeast corner of said premises; North 89°43'04" West, 23.60 feet to a point marking the southerly most southwest corner of said premises; North 00°16'56" East, 16.89 feet to a point for corner; North 89°43'04" West, 36.70 feet to a point marking the westerly most southwest corner of said premises; North 00°16'56" East, 33.01 feet to a point marking the westerly most northwest corner of said premises; South 89°43'04" East, 6.10 feet to a point for corner; North 00°16'56" East, 8.00 feet to the place of beginning and containing 2,571 square feet or 0.059 acres of land.

ROCKINGHAM WAY

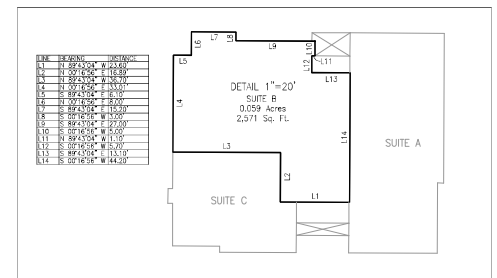
(ZONED SF-9)



IRVINE DR

COIT RD

PARK BLVD



NO.	DESCRIPTION	AREA
1	SUITE A	0.059 ACRES
2	SUITE B	2,571 SQ. FT.
3	SUITE C	0.059 ACRES
4	TOTAL	0.177 ACRES



VICINITY MAP
N.T.S.

NOTE: Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, 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, plats, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.



Legend

CM Contracting Monument
 REF Iron Nail Found
 PROCT Plat Records Collin County Texas

Submitted: Sept. 23, 2024
 Revised: Oct. 9, 2024

Owner: Figueroa Werbo LLC & Werbo 1500 LLC & London Square Addition
 PO Box 10788
 Zephyr Club, NV 89448
 (482) 801-7855
 Attn: Amy Blos
 amy@gsa.com

Recorder: Roome Land Surveying
 2001 Ave G, Suite 810
 Plano, TX 75074
 (972) 423-4374
 Attn: Fred Spennetier
 email: fred@roome.com

Roome Land Surveying
 2000 Avenue G, Suite 810
 Plano, Texas 75074
 Phone (972) 423-4372 / Fax (972) 423-7823
 www.roome.com / Email: Fred@roome.com

Project # ZC2024-022
Zoning Exhibit
2,571 Sq.Ft. / 0.059 Acres
Specific Use Permit for
Trade School / Massage School
Part of Lot 5, Block A of
London Square Addition
Recorded in Cab. F, Pg. 298, P.R.C.C.T.
T.J. Cotton Survey, Abstract No. 202
City of Plano, Collin County, Texas
September 2024

PLA232024022/02834407.dwg