

CITY OF PLANO  
PLANNING & ZONING COMMISSION

July 15, 2019

**Agenda Item No. 2**

**Public Hearing:** Zoning Case 2019-005

**Applicant:** Montessori New Beginnings Academy, Inc.

---

**DESCRIPTION:**

Request to amend Specific Use Permit No. 550 for Day Care Center to establish a maximum number of children and to request a Specific Use Permit for Private School on 7.5 acres located at the southeast corner of Legacy Drive and Ohio Drive. Zoned Single-Family Residence-7 with Specific Use Permit No. 550 for Day Care Center. Tabled June 17, 2019. Project #ZC2019-005.

**BACKGROUND:**

The subject property is currently developed as a day care center. Initially, this request was solely for a Specific Use Permit (SUP) for the additional use of Private School. During consideration of the zoning case at their meeting on June 17, 2019, the Planning & Zoning Commission (Commission) requested that the applicant include a limitation on the number of children associated with existing SUP No. 550 for Day Care Center to accompany a restriction of the number of students for the proposed private school. In order to accommodate the Commission's request, the applicant amended their SUP application and tabled the request to the July 15, 2019, meeting. To ensure any necessary zoning issues are resolved prior to the start of the school year, if the Commission recommends approval, the case will be heard by the City Council on July 22, 2019.

The Zoning Ordinance defines a day care center as an operation other than public, parochial, or private school providing care for seven or more children under 14 years of age for less than 24 hours per day at a location other than a residence. Private school is defined as a school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary school.

The subject property is zoned Single-Family Residence-7 (SF-7). The SF-7 district is intended to provide for areas of urban single-family development on moderate-size lots, protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

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. 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.”*

## History

Specific Use Permit No. 550 for Day Care Center was initially approved in 2004 with no specified restrictions on the number of children or other site improvements. The subject property was developed in 2006 with a one-story, 14,790 square foot building, which features seven classrooms and other associated spaces. The initial concept plan for the day care center showed a future building expansion on the east side of the subject property. The base SF-7 zoning district allows buildings up to two stories, 35 feet in height.

In 2018, the property owner received approval for a 46,223 square foot building expansion of the day care center. The new building is currently under construction and will be two stories, 35 feet tall when completed. Once finished, the building will feature eight classrooms, a full service kitchen to prepare meals for children onsite, a gymnasium, and a storm shelter. The new building meets the area, yard, setback, and height requirements of the SF-7 district.

During the construction of this new building, the city became aware of the education of school-aged children. After researching the programs, staff determined that the property owner has been operating a private school with 22 elementary age students of the 160 total children during the school year. Staff informed the property owner that they must request an SUP to continue the private school use or, alternatively, they could operate only day care programs onsite.

## Surrounding Land Use and Zoning

North	To the north, across Legacy Drive, is a single-family residential subdivision zoned Planned Development-281-Single-Family Residence-7/Single-Family Residence-9 (PD-281-SF-7/SF-9), and a hotel zoned General Office (O-2).
West	To the west, across Ohio Drive, is a multifamily residential development zoned Planned Development-164-Multifamily Residence-2 (PD-164-MF-2).
East	To the east is a drainage feature owned by the City of Plano, and a single-family residential subdivision zoned SF-7.
South	To the south is a day care center zoned SF-7 with S-99 for Day Care Center, a drainage feature owned by the City of Plano, and a residential subdivision zoned SF-7.

## Conformance to the Comprehensive Plan

**Future Land Use Map** - The Future Land Use Map of the city's Comprehensive Plan designates the subject property as Neighborhood (N).

*The Neighborhood future land use category consists primarily of residential areas focused on sustaining a high quality of life through clear, well-maintained infrastructure, housing, open space, schools, and limited service/institutional uses. Single-family residential should remain the primary use within neighborhoods. It is the intention to preserve and enhance these uses and to regulate the design of new residential infill products to be within the context of the surrounding environment. Institutional, light office, and service uses are considered secondary uses and may be located along the frontage of arterial streets and intersections. Adequate building setbacks must be considered when development is proposed near neighborhoods.*



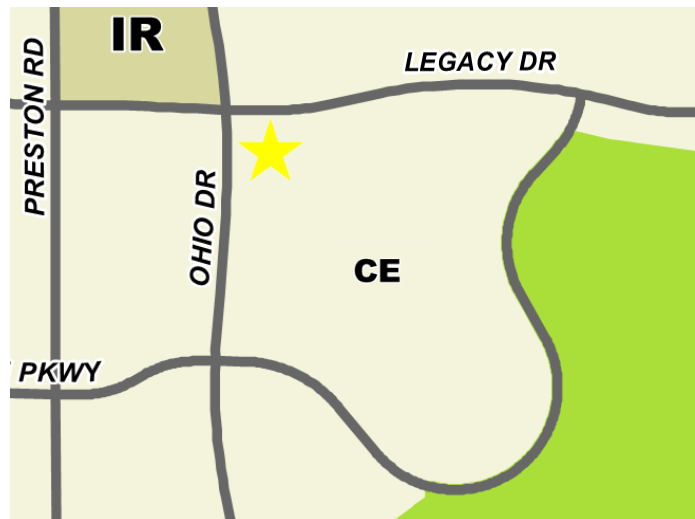
The Zoning Ordinance classifies a private school as an institutional use. The N designation supports institutional uses if they are secondary and located along the frontage of arterial streets and intersections. The requested private school will be an expansion of the existing educational programs onsite and will allow the applicant to serve a broader range of children within the community. The subject property is located at the intersection of Legacy Drive and Ohio Drive, consistent with the recommended location for institutional uses at the intersection of aerial streets.

With the proposed limitation on the number of students, the applicant intends to operate the private school as a supporting use to the day care center. Additionally, the applicant

is proposing two design restrictions to mitigate impact on the neighborhoods to the south and east. An irrigated landscape screen will buffer the buildings from existing residences to the east of the subject property, and restrictions on the placement of solid waste containers will limit nuisances. This request is in conformance with the N designation.

**Growth and Change Map** - The Growth and Change Map designates the subject property as Conserve and Enhance (CE).

*These areas are expected to retain the current form of development, but will experience some minor infill and ongoing rehabilitation consistent with the present form and character.*



This requested SUP would allow flexibility for the applicant to offer more educational programs, supporting the present form and character of the subject property. Additionally, the applicant is proposing stipulations intended to respect adjacent residences. This request is in conformance with the CE designation.

#### Private School Use

Schools are typical land uses within and adjacent to neighborhoods in Plano. Public schools offering elementary curriculum are usually sited on parcels of land between five and fifteen acres within residential areas. The size of this property, its access to public streets, and separation due to the drainage easement, all indicate this location is appropriate for this land use. Additionally, the restrictions offered further mitigate the impacts of the private school use.

#### Proposed SUP Restrictions

Based upon the feedback from the Commission at the June 17, 2019 meeting, the applicant is proposing the following restrictions:

##### **Specific Use Permit No. 550 for Day Care Center**

Maximum number of children: 304

##### **Specific Use Permit for Private School**

1. Maximum number of students: 50. This number must be combined with the number of day care center children and must not exceed a combined total of 304 children as restricted by Specific Use Permit No. 550 for Day Care Center.
2. Students must be under 14 years of age.

3. An irrigated landscaped edge with a combination of trees and shrubs must be installed between the easternmost building and the eastern property line.
4. Solid waste enclosures must be located between Ohio Drive and the western most building.

The applicant is requesting to limit the total number of day care center children to 304. Of these 304 children, only 50 would be permitted to attend the private school, and students must be under the age of 14, as proposed by the updated stipulations. During the 2018-2019 school year, the total enrollment of the facility was 160 children, including 22 private school children. Moving forward, the applicant is requesting to accommodate two classrooms, or a maximum of 50 students, within the private school.

Stipulations for site development improvements are also proposed. The existing SF-7 zoning allows a minimum building setback of 10 feet and a maximum building height of two stories, 35 feet. To buffer residences to the east, the applicant is proposing a supplementary landscape edge along the building facade adjacent to the eastern property line.

The landscape buffer will be placed between the eastern building facade and the residential neighborhood to the east. Also situated between the two developments is an existing drainage feature owned by the property owner and the City of Plano with a width of 100 feet. The existing drainage easement and proposed landscape buffer create a unique building separation and screening condition for the adjacent residential properties.

An additional stipulation will restrict solid waste collection to the western side of the subject property, near Ohio Drive. This requirement would create a 325-foot separation from the neighborhood to the south, and a 675-foot separation from the neighborhood to the east for solid waste services.

The proposed development restrictions will respect the adjacent residential neighborhoods by allowing a limited number of day care center children and private school students, improving the property's aesthetics, and restricting the location of waste service operations. Staff is in support of the proposed development stipulations.

#### **SUMMARY:**

The property owner is requesting to amend Specific Use Permit No. 550 for Day Care Center and is requesting an SUP for Private School as a compliment to the existing day care center use. The request is in conformance with the recommendations of the Comprehensive Plan. The applicant is proposing stipulations to restrict the number of day care center children and private school students, and require site improvements to respect the adjacent residential neighborhood. For these reasons, staff is in support of the request.

## **RECOMMENDATION:**

Recommended for approval as follows:

1. Amend Specific Use Permit No. 550 for Day Care Center to include the following restriction:
  - a. Maximum number of children: 304
2. Approve a Specific Use Permit for Private School with the following restrictions:
  - a. Maximum number of students: 50. This number must be combined with the number of day care center children and must not exceed a combined total of 304 children as restricted by Specific Use Permit No. 550 for Day Care Center.
  - b. Students must be under 14 years of age.
  - c. An irrigated landscaped edge with a combination of trees and shrubs must be installed between the easternmost building and the eastern property line.
  - d. Solid waste enclosures must be located between Ohio Drive and the western most building.