

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 6, 2020

Agenda Item No. 4

Public Hearing: Zoning Case 2020-004

Applicant: Montessori New Beginnings Academy, Inc.

DESCRIPTION:

Request to amend Specific Use Permits No. 550 for Day Care Center and No. 551 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 Permits No. 550 for Day Care Center and No. 551 for Private School. Project #ZC2020-004.

BACKGROUND:

The subject property currently operates as a day care center and private school. The applicant is requesting to amend Specific Use Permits No. 550 for Day Care Center and No. 551 for Private School to remove expirations and roll-back provisions approved in 2019, add lighting restrictions, and increase the number of students allowed in the private school.

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 featured 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.

In 2018, the property owner received approval for a two-story building expansion of the day care center. The 31,883 square foot building was recently completed and now features eight classrooms, a full service kitchen to prepare meals for children onsite, a gymnasium, and a storm shelter. Both buildings meet 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 offering of a school curriculum, so staff informed the property owner that they must request a Specific Use Permit to continue the private school use or, alternatively, they could operate only day care programs onsite.

Thus in 2019, the property owner filed ZC2019-005 to request an SUP for the additional use of Private School. During consideration of the zoning case at the Planning & Zoning Commission and City Council meetings, restrictions were approved for the existing SUP for Day Care Center (S-550) and the Private School SUP (S-551) as follows:

Day Care Center (S-550)

- a. Maximum number of children: 304
- b. After May 31, 2020, this specific use permit rolls back to its state without restrictions as it was prior to Ordinance No. 2019-8-3.

Private School (S-551)

- 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 westernmost building.
- e. This specific use permit expires after May 31, 2020.

To allow for reconsideration of the appropriateness of the private school use after construction of the new building, an expiration date of May 31, 2020 was imposed. At that time, if the SUPs are not amended to remove or modify this restriction, the private school use would no longer be allowed, and the number of children restriction would be removed for the day care center (reverting to the previous approval, which contained no such restriction).

The property owner has provided the following information on enrollment; a combined total of 178 children are enrolled, with 27 of those children as private school students. The oldest turned 12 in August. There have been no property standards complaints since the SUP was granted. Consistent with the requirements of the SUP, an irrigated landscape edge of shrubs and trees was installed on the east side of the new building. The trash and recycling containers are located on the westernmost side of the property and are able to accommodate the day care center and private school trash and recycling needs within the current enclosure.

With this zoning case, the applicant is requesting to remove the expiration and roll back dates, adjust the maximum number of students permitted, clarify language, and add regulations for lighting.

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.



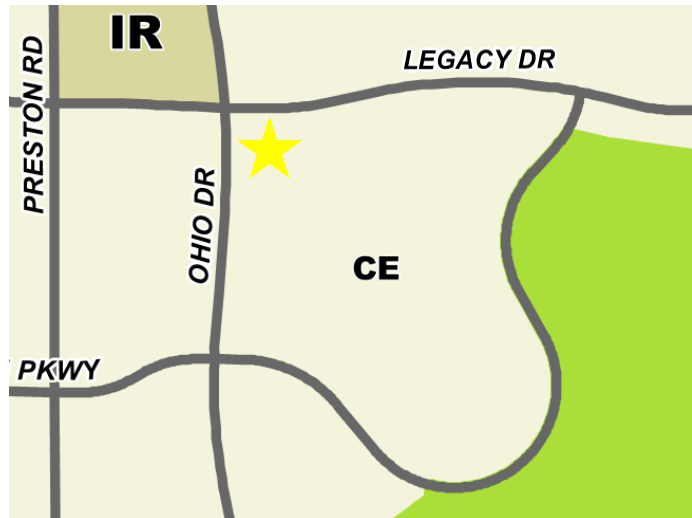
The Zoning Ordinance classifies a private school as an institutional use. The N designation supports institutional uses if they are secondary and located along the frontage of arterial streets and intersections. The subject property is located at the intersection of Legacy Drive and Ohio Drive, consistent with the N designation.

The requested amendments to the Private School SUP will allow the existing onsite educational programs to continue serving the community while adding site restrictions intended to support a high quality of life for adjacent residential properties. The proposed amendment would increase the maximum number of private school students from 50 to 80 but would not increase the 304 total maximum allowed private school and day care students allowed onsite. Additionally, the private school would still be required to have fewer children than the day care center, continuing its status as a supporting use. To address light encroachment concerns of neighboring property owners, the applicant has proposed restrictions regarding interior and exterior lighting on the subject property. 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.

The proposed amendments would allow the applicant to continue offering educational programs that are consistent with the present form and character of the subject property. Additionally, the applicant is proposing to amend stipulations for the private school to increase the number of students and add standards to respect adjacent residences. This request is in conformance with the CE designation.



Proposed SUP Amendments

Based upon the feedback from neighboring property owners and the desire to continue offering a school curriculum for students under the age of 14, the applicant is proposing the following amendments:

Specific Use Permit No. 550 for Day Care Center

Maximum number of children: 304

- ~~a. After May 31, 2020, this specific use permit rolls back to its state without restrictions as it was prior to Ordinance No. 2019-8-3.~~

Specific Use Permit No. 551 for Private School

- a. Maximum number of students: 80 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 on September 1 of the school year.
- c. An irrigated landscaped edge with a combination of trees and shrubs must be ~~installed~~ maintained between the easternmost building and the eastern property line.
- d. Solid waste enclosures must be located between Ohio Drive and the westernmost building.
- e. ~~This specific use permit expires after May 31, 2020.~~ Interior lights must not be visible from outside the eastern facade of the eastern building from 9:00 p.m. until 6:00 a.m.
- f. Exterior lighting located within 65 feet of the easternmost property line must not be visible from 9:00 p.m. until 6:00 a.m. unless directed downward.

The applicant is requesting to remove the roll back and expiration dates in order to maintain their offering of a school curriculum for students under the age of 14 and offer a stable school choice for children in attendance. 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 that this location is appropriate for this land use. Additionally, the existing and proposed restrictions in the current SUPs mitigate the impacts of the private school use on adjacent residential properties.

Of the 304 children permitted, currently only 50 are permitted to attend the private school, and students must be under the age of 14. During the 2019-2020 school year, the total enrollment of the facility was 178 children, including 27 private school children. Moving forward, the applicant is requesting to accommodate a maximum of 80 students within the private school, while maintaining the maximum cap of 304 children.

The Texas Education Code uses a deadline of September 1 of each school year as the school-year-age cutoff date. The applicant is requesting an amendment to the age restriction language so that the permitted age of students aligns with this state regulation.

An irrigated landscaped screen of trees and shrubs was installed between the eastern building and the property line. The applicant is requesting to amend this language to ensure that the landscaping is maintained moving forward.

Additional stipulations for lighting standards are also proposed. To respect residences to the east, the applicant is proposing interior and exterior lighting restrictions. These regulations are designed to help prevent light trespass onto the residences to the east of the subject property.

The proposed amendments to the SUPs will allow the property owner to continue offering a school curriculum for students under the age of 14, expand allowances from 50 to 80 private school children, and add site design standards that serve adjacent residential properties. Staff is in support of the proposed amendments.

SUMMARY:

The property owner is requesting to amend Specific Use Permits No. 550 for Day Care Center and No. 551 for Private School to allow the continuation of a school curriculum for students under the age of 14 and expand the private school allowance. The request is in conformance with the recommendations of the Comprehensive Plan. The applicant is proposing to amend the associated stipulations to respect adjacent residences regarding lighting and landscape maintenance. For these reasons, staff is in support of the request.

RECOMMENDATION:

Recommended for approval as follows:

1. Amend restrictions on Specific Use Permit No. 550 for Day Care Center as follows:

Maximum number of children: 304

- a. ~~After May 31, 2020, this specific use permit rolls back to its state without restrictions as it was prior to Ordinance No. 2019-8-3.~~

2. Amend restrictions on Specific Use Permit No. 551 for Private School as follows:

- a. Maximum number of students: 80 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 on September 1st of the school year.
- c. An irrigated landscaped edge with a combination of trees and shrubs must be ~~installed~~ maintained between the easternmost building and the eastern property line.
- d. Solid waste enclosures must be located between Ohio Drive and the westernmost building.
- e. ~~This specific use permit expires after May 31, 2020.~~ Interior lights must not be visible from outside the eastern façade of the eastern building from 9:00 pm until 6:00 am.
- f. Exterior lighting located within 65 feet of the eastern most property line must not be visible from 9:00 pm until 6:00 am unless directed downward.