

Zoning Case 2020-001

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 133 for Independent Living Facility and rescinding Specific Use Permit No. 31 (S-31) for Day Care Center, but only to the extent that S-31 applies to the subject property, on 3.9 acres of land out of the John M. Salmons Survey, Abstract No. 814, located on the west side of Premier Drive, 550 feet north of Enterprise Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 31 for Day Care Center; 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, a publication 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 24th day of August 2020, for the purpose of considering granting Specific Use Permit No. 133 for Independent Living Facility and rescinding Specific Use Permit No. 31 (S-31) for Day Care Center, but only to the extent that S-31 applies to the subject property, on 3.9 acres of land out of the John M. Salmons Survey, Abstract No. 814, located on the west side of Premier Drive, 550 feet north of Enterprise Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 31 for Day Care Center; 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 24th of August 2020; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 133 for Independent Living Facility and rescinding Specific Use Permit No. 31 (S-31) for Day Care Center, but only to the extent that S-31 applies to the subject property, on 3.9 acres of land out of the John M. Salmons Survey, Abstract No. 814, located on the west side of Premier Drive, 550 feet north of Enterprise Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 31 for Day Care Center, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; 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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 133 for Independent Living Facility and rescind Specific Use Permit No. 31 (S-31) for Day Care Center, but only to the extent that S-31 applies to the subject property, on 3.9 acres of land out of the John M. Salmons Survey, Abstract No. 814, located on the west side of Premier Drive, 550 feet north of Enterprise Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 31 for Day Care Center, said property being more fully described on the legal description in Exhibit A attached hereto.

Section II. The change in Section I is granted subject to the following:

SUP Restrictions

1. A maximum of 97 independent living facility units are allowed.
2. Balconies and porches are prohibited.
3. Maximum building height is 3 stories.
4. Air intake vents must be located as far away from U.S. Highway 75 as practical.
5. All outdoor amenity areas and building mechanical rooms must be located on the western side of the building.
6. Noise mitigating building materials will be used to ensure interior noise levels will not exceed 45 dBA.

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 effectuated 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 violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 24TH DAY OF AUGUST 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

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BEING a tract of land located in the John M. Salmons Survey, abstract no. 814, Collin County, Texas, BEING a portion of Lot 2, Block A, Central Center, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Cabinet F, Page 297, Plat Records, Collin County, Texas (P.R.C.C.T.) and BEING more particularly described by metes and bounds as follows:

Beginning at a standard City of Plano monument with a 3" aluminum cap found in the west right-of-way line of Premier Drive (a 60' right-of-way), BEING the northeast corner of said Lot 2 and the southeast corner of Lot 2, Block A, McCoy Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Volume 2013, Page 469, P.R.C.C.T., from which a 1/2" iron rod found bears N 00°06'35" E, 140.40 feet;

Thence along the east line of said Lot 2, Block A, Central Center and the west right-of-way line of said Premier Drive as follows:

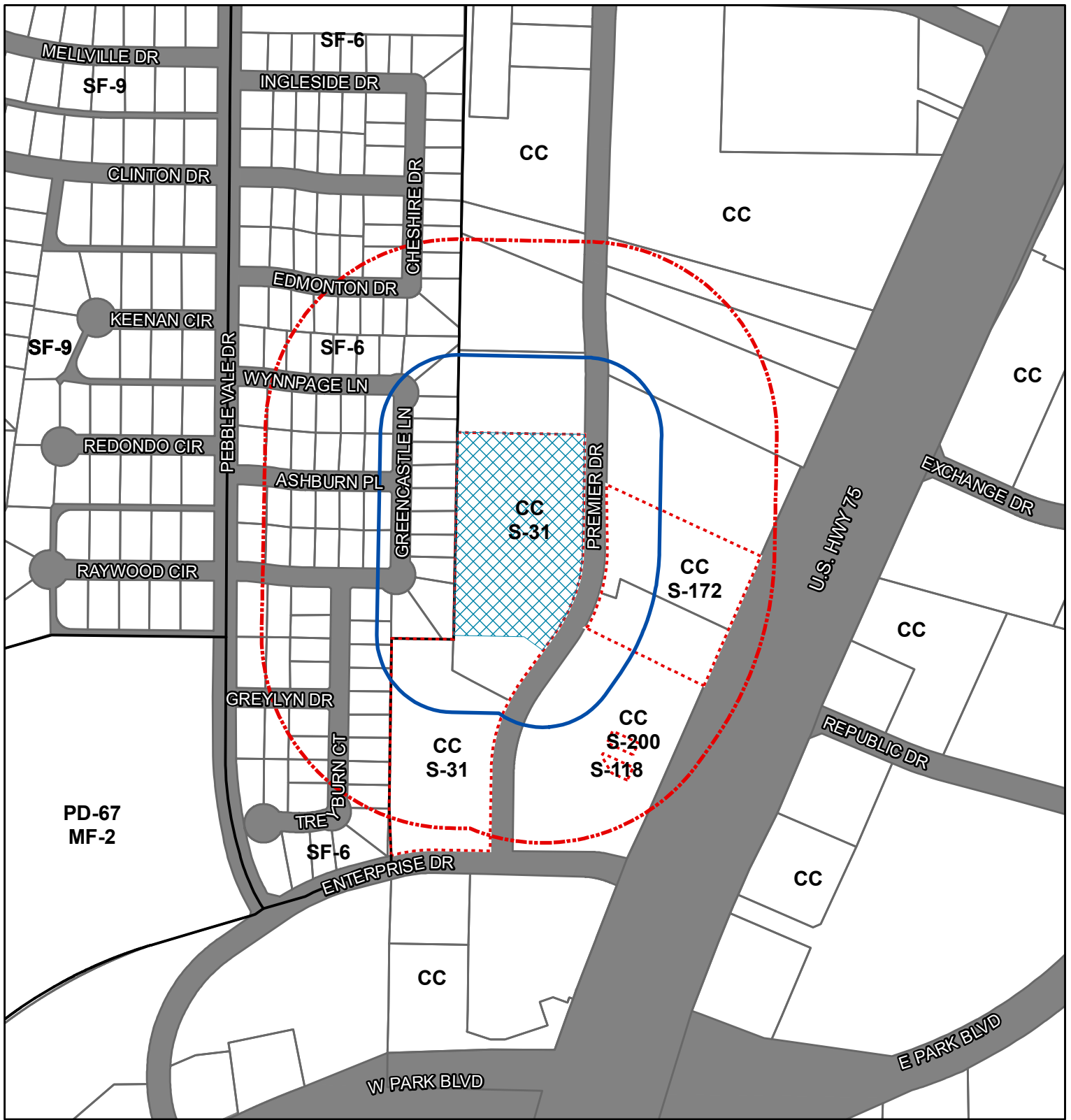
- 1) S 00°06'35" W, 301.34 feet to a 1" iron rod found, BEING the beginning of a curve to the right;
- 2) Southwesterly, an arc length of 222.24 feet along said curve to the right, having a central angle of 34°24'50", a radius of 370.00 feet, and a chord bearing S 17°19'00" W, 218.91 feet to a point, from which a 1/2" iron rod found bears S 23°20' E, 0.6 feet;
- 3) S 34°31'25" W, 60.89 feet to a point, from which a 1/2" iron rod found bears S 34°31'25" W, 93.01 feet;

Thence N 55°28'35" W, departing the east line of said Lot 2, Block A, Central Center and the west right-of-way line of said Premier Drive, 59.25 feet to a point;

Thence N 89°46'20" W, 183.95 feet to a point in the west line of said Lot 2, Block A, Central Center and the east line of Block A, Treyburn Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Cabinet G, Page 466, P.R.C.C.T.;

Thence N 00°06'35" E, along the west line of said Lot 2, Block A, Central Center and the east line of said Block A, Treyburn Addition, 526.82 feet to a point, BEING the northwest corner of Lot 2, Block A, Central Center and the southwest corner of said Lot 2, Block A, McCoy Addition;

Thence S 89°53'25" E, departing the east line of said Block A, Treyburn Addition, and along the north line of said Lot 2, Block A, Central Center and the south line of said Lot 2, Block A, McCoy Addition, 332.00 feet to the place of BEGINNING AND CONTAINING 3.918 acres (170,673 square feet) of land, more or less.

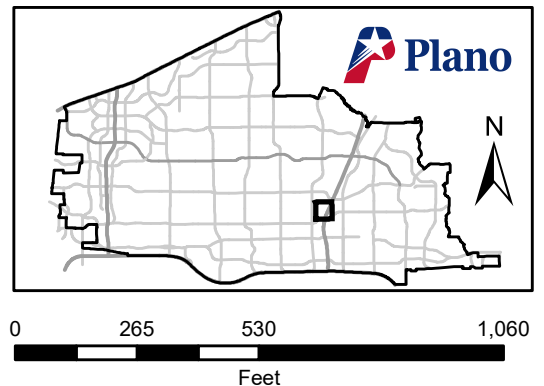


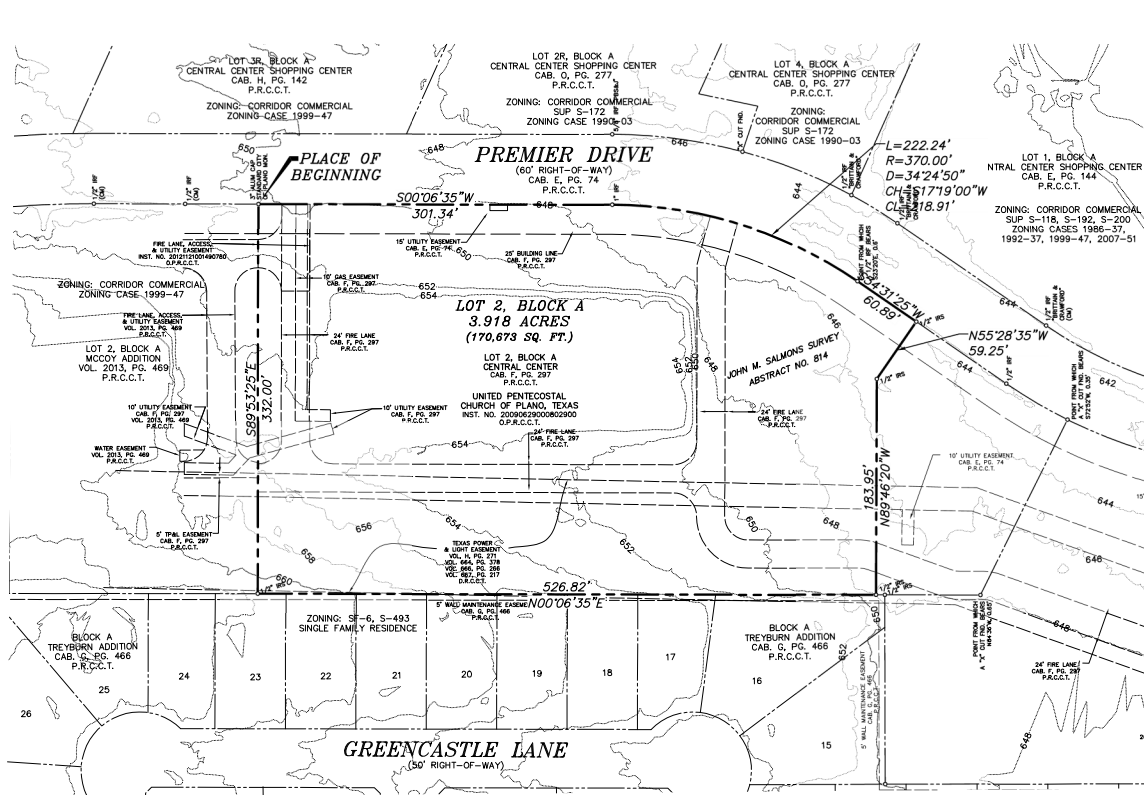
Zoning Case: 2020-001

Existing Zoning: Corridor Commercial with Specific Use Permit No. 31 for Day Care Center (CC w/ S-31)

Proposed Zoning: Specific Use Permit for Independent Living Facility

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





FIELD NOTES

WHEREAS UNITED PENTECOSTAL CHURCH OF PLANO, TEXAS ARE THE OWNERS OF A TRACT OF LAND LOCATED IN THE JOHN M. SALMONS SURVEY, ABSTRACT NO. 814, COLLIN COUNTY, TEXAS, PER SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NUMBER 20090629000029003, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY TEXAS (O.P.R.C.C.T.), BEING A PORTION OF LOT 2, BLOCK A, MCCOY ADDITION, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN CABINET F, PAGE 297, PLAT RECORDS, COLLIN COUNTY, TEXAS (P.R.C.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A STANDARD CITY OF PLANO MONUMENT WITH A 3" ALUMINUM CAP FOUND IN THE WEST RIGHT-OF-WAY LINE OF PREMIER DRIVE, (A 60' RIGHT-OF-WAY), BEING THE NORTHEAST CORNER OF SAID LOT 2 AND THE SOUTHEAST CORNER OF LOT 2, BLOCK A, MCCOY ADDITION, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 2013, PAGE 469, P.R.C.C.T., FROM WHICH A 1/2" IRON ROD FOUND BEARS N 00°06'35" E, 140.40 FEET;

THENCE ALONG THE EAST LINE OF SAID LOT 2, BLOCK A, CENTRAL CENTER AND THE WEST RIGHT-OF-WAY LINE OF SAID PREMIER DRIVE, AS FOLLOWS:

- 1) S 00°06'35" W, 301.34 FEET TO A 1" IRON ROD FOUND, BEING THE BEGINNING OF A CURVE TO THE RIGHT;
 - 2) SOUTHWESTERLY, AN ARC LENGTH OF 222.24 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 34°24'50", A RADIUS OF 370.00 FEET, AND A CHORD BEARING S 17°19'00" W, 218.91 FEET TO A POINT, FROM WHICH A 1/2" IRON ROD FOUND BEARS S 23°20' E, 0.6 FEET;
 - 3) S 34°31'25" W, 60.89 FEET TO A POINT, FROM WHICH A 1/2" IRON ROD FOUND BEARS S 34°31'25" W, 93.01 FEET;
- THENCE N 55°28'35" W, DEPARTING THE EAST LINE OF SAID LOT 2, BLOCK A, CENTRAL CENTER AND THE WEST RIGHT-OF-WAY LINE OF SAID PREMIER DRIVE, 59.25 FEET TO A POINT;
- THENCE N 89°46'20" W, 183.95 FEET TO A POINT IN THE WEST LINE OF SAID LOT 2, BLOCK A, CENTRAL CENTER AND THE EAST LINE OF BLOCK A, TREYBURN ADDITION, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN CABINET G, PAGE 466, P.R.C.C.T.;
- THENCE N 00°06'35" E, ALONG THE WEST LINE OF SAID LOT 2, BLOCK A, CENTRAL CENTER AND THE EAST LINE OF SAID BLOCK A, TREYBURN ADDITION, 526.82 FEET TO A POINT, BEING THE NORTHWEST CORNER OF SAID LOT 2, BLOCK A, CENTRAL CENTER AND THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK A, MCCOY ADDITION;
- THENCE S 89°32'25" E, DEPARTING THE EAST LINE OF SAID BLOCK A, TREYBURN ADDITION, AND ALONG THE NORTH LINE OF SAID LOT 2, BLOCK A, CENTRAL CENTER AND THE SOUTH LINE OF SAID LOT 2, BLOCK A, MCCOY ADDITION, 332.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.918 ACRES (170,673 SQUARE FEET) OF LAND, MORE OR LESS.

NOTES

1. 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.
2. ALL BEARINGS SHOWN HEREON ARE CORRELATED TO THE WEST LINE OF LOT 1, BLOCK A, CENTRAL CENTER AS SHOWN ON THE PLAT RECORDED IN CABINET F, PAGE 297, P.R.C.C.T.
3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A COPY OF COMMITMENT FOR TITLE INSURANCE.

OWNER / APPLICANT

GALA AT PREMIER, L.P.
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ENGINEER / SURVEYOR

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2201 E. LAMAR BLVD., SUITE 200E
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**ZONING EXHIBIT
CITY PROJECT #ZC2020-001
LOT 2, BLOCK A
CENTRAL CENTER**

AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS
BEING 3.918 ACRES OF LAND LOCATED IN THE
JOHN M. SALMONS SURVEY, ABSTRACT NO. 814, COLLIN COUNTY, TEXAS

PREPARED BY:
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