



CITY COUNCIL COMMUNICATION

August 11, 2009

SUBJECT: HOLD PUBLIC HEARING FOR PLANNED DEVELOPMENT CASE NO. 09-01-PD AND CONSIDER FIRST AND FINAL READING OF ORDINANCE NO. 1855

SUBMITTED BY: Chris Barker, Director of Planning and Development

REFERENCE NO: 09-01-PD

ACTION REQUESTED:

Receive public input and motion to approve a Planned Development to change the zoning of Westpark Nursing Center Addition, Block A, Lot 1 and portion of James M Matson Survey, A-1080, Tract 3D, 900 Westpark Way, from R-1 (Single-Family Detached Dwelling District) into PD (Planned Development), and approve Ordinance No. 1855, concurring with the Planning and Zoning Commission's 6-1 recommendation on July 21, 2009.

ALTERNATIVES:

1. Open the Public Hearing and continue it to the next meeting.
2. Open, conduct, and close the Public Hearing.
3. Approve the request – *simple majority*
4. Approve the request with modifications – *simple majority*
5. Deny the request – *simple majority*

SUMMARY OF SUBJECT:

The applicant, Smithers Merchant Builder, LP, on behalf of Firehole River Real Estate Holdings-Euless, LP, represented by Mr. Tim Sullivan, is seeking approval of a Planned Development Zoning Change for 5.375 acres located at 900 Westpark Way in Euless, Texas. The property is currently zoned R-1 (Single-Family Detached Dwelling District). A Site Plan (#09-03-SP) is currently under review by the Development Review Committee and will be brought forward for consideration pending the successful approval of this PD zoning change.

Specifically, the applicant intends to construct a 14,371 square foot addition to the existing 36,432 square foot Legend Healthcare and Rehabilitation facility located on the property. The facility addition would consist of a single, one-story structure located on and connecting to the southern side of the existing structure. The addition will expand the capacity of the existing skilled nursing center by 20 beds, bringing the total number of beds at the facility to 140. The project would also contain all associated and required parking, landscaping, fire lanes and screening.

The existing skilled nursing facility, Legends Healthcare and Rehabilitation, is a legally existing non-conforming use in the present R-1(Single-Family Detached Dwelling District) zoning. This status is due to the fact that the existing facility was constructed prior to the adoption of the Unified Development Code and its associated zoning district regulations. In order for the applicant to expand their facility, rezoning of the property is required. At the city staff's direction, the applicant has applied for a Planned Development zoning change specifically for a skilled nursing center. The Unified Development Code provides that the design standards for a Planned Development shall be set at the least intensive district in which the use is allowed. The least intensive district in which "Nursing and Personal Care Facilities" are allowed by Specific Use Permit is the R-3 residential zoning district. Therefore staff has recommended that the design standards (setbacks, lot area) of the R-3 zoning district be applied to this PD zoning district.

The Development Review Committee (DRC) has determined that the application is in substantial compliance with all technical requirements and recommends approval of the PD zone change request.

The Planning and Zoning Commission held a public hearing on this case on July 21, 2009 and recommended approval for the PD zoning district by a vote of 6-1.

SUPPORTING DOCUMENTS:

- Ordinance No. 1855
- Exhibit
- Draft Minutes – P & Z
- Application
- Map 1, Map 2, and Map 3

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **SC** _____

City Secretary's Office