

ITEM 4 CASE #09-01-PD – HOLD PUBLIC HEARING REGARDING A PLANNED DEVELOPMENT AND CONSIDER A RECOMMENDATION REGARDING AN ORDINANCE

Receive public input regarding a request for a Planned Development of Westpark Nursing Center Addition, Block A, Lot 1 and portion of James M Matson Survey, A-1080, Tract 3D from R-1 (Single-Family Detached Dwelling District) zoning to PD (Planned Development) zoning and consider a recommendation regarding an Ordinance. This property is located at 900 Westpark Way.

Chairman McNeese opened the public hearing.

Stephen Cook, Senior Planner, gave a brief description of the case. The applicant, Smithers Merchant Builder, LP, on behalf of Firehole River Real Estate Holdings-Eules, LP, represented by Mr. Pan Sribhen, is seeking approval of a Planned Development Zoning Change for 5.375 acres located at 900 Westpark Way in Eules, 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 Planning and Zoning Commission 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.

Tim Sullivan, 4504 Briar Haven Road, Fort Worth, Texas, stated 20 beds to further meet the needs of the residents. To meet the federal and state requirements a nurse's station, common area, janitor closets and medicine rooms will be a part of the addition to support the 20 new beds.

Chairman McNeese asked for any proponents/opponents to come forward for any comments. Seeing none the public hearing was closed.

Commissioner Portugal asked how this property is currently divided from the neighboring homes.

Tim Sullivan stated the property to the north has a masonry fence from the street to the building line. From the building line to the back west property line is a wood stock aid fence. Across the back property has a wood stock aid and chain link fence. The wood stock aid fence on the north property line is maintained by Legend and north of that is a double fence maintained by the residences.

Commissioner Zahn asked if the underlying zoning would be R-1.

Chris Barker, Assistant Director of Planning and Development, stated the current zoning is R-1 and the underlying zoning with the Planned Development would be R-3 because per code that the design standards for a Planned Development shall be set to at the least intense zoning district.

Chairman McNeese asked if the nursing facility is currently in compliance with all federal and state regulations.

Tim Sullivan stated they are in compliance.

Chairman McNeese asked what the current capacity is.

Tim Sullivan stated they have 120 beds and 108 is the capacity. This is the reason for the addition because at the time of original construction the rooms meet the standards but with the growing population, wheel chairs and oxygen concentrators the rooms have become cramped.

Chairman McNeese asked if this facility is one of many they owned.

Tim Sullivan stated they have 14 facilities in the state of Texas, 7 under construction, and 3 facilities being added onto.

Chairman McNeese asked if there were any future plans for the property to the south.

Tim Sullivan stated there are not because of the creek coming in from two different angles.

Commissioner Zahn made a motion to approve case #09-01-PD. Commissioner Mennis seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman May, Commissioners Zahn, Portugal, Bearden, Mennis

Nays: Commissioner Huffman
Abstention: None

The motion carried (6-1-0)