

Public Hearing and Consideration of Ordinances Requested in Zoning Cases 2012-32 through 2012-34, and 2012-36 through 2012-40 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.

- (a) **Zoning Case 2012-32** - To rescind Specific Use Permit #6 for Private Club on 0.1± acre located 190± feet west of U.S. Highway 75, on the north side of Lexington Drive. Zoned Corridor Commercial with Specific Use Permit #6 for Private Club.
- (b) **Zoning Case 2012-33** - To rescind Specific Use Permit #13 for Private Club on 7.0± acres located southeast of the intersection of Country Club Drive and Aliso Road. Zoned Single-Family Residence-7 with Specific User Permit # 13 for Private Club.
- (c) **Zoning Case 2012-34** - To rescind Specific Use Permit #21 for Private Club on 1.0± acre located 350± feet east of Preston Road and on the south side of Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay district with Specific Use Permit #21 for Private Club.
- (d) **Zoning Case 2012-36** - To rescind Specific Use Permit #269 for Private Club on 2.0± acres located at the northeast corner of Preston Road and Old Shepard Place. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #268 for Restaurant and Specific Use Permit #269 for Private Club.
- (e) **Zoning Case 2012-37** - To rescind Specific Use Permit #295 for Private Club on 206.9± acres located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road. Zoned Single-Family Residence-7, Planned Development-104-Regional Commercial, Planned Development-476-Regional Employment, Planned Development-477-Multifamily Residence-2, and Planned Development-484-Multifamily Residence-2/State Highway 121 Overlay District with Specific Use Permit #294 for Golf Course and Specific Use Permit #295 for Private Club.
- (f) **Zoning Case 2012-38** - To rescind Specific Use Permit #374 for Private Club on 0.1± acre located 80± feet west of K Avenue, 50± feet north of 22nd Street. Zoned Light Commercial with Specific Use Permit #374 for Private Club.
- (g) **Zoning Case 2012-39** - To rescind Specific Use Permit #415 for Private Club on 0.1± acre located 175± feet east of Dallas North Tollway, 1,000±

feet north of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #415 for Private Club.

- (h) **Zoning Case 2012-40** - To rescind Specific Use Permit #459 for Private Club on 0.3± acre located 570± feet east of Coit Road, 200± feet south of Mapleshade Lane. Zoned Corridor Commercial190 Tollway/Plano Parkway Overlay District with Specific Use Permit #459 for Private Club.

All locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, as savings, clause, a severability clause, and an effective date.
Applicant: City of Plano

DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6A
PUBLIC HEARING: ZONING CASE 2012-32
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #6 for Private Club on 0.1± acre located 190± feet west of U.S. Highway 75, on the north side of Lexington Drive. Zoned Corridor Commercial with Specific Use Permit #6 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6A

Public Hearing: Zoning Case 2012-32

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #6 for Private Club on 0.1± acre located 190± feet west of U.S. Highway 75, on the north side of Lexington Drive. Zoned Corridor Commercial with Specific Use Permit #6 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #6 for Private Club. 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 for such use during the review of an SUP application.

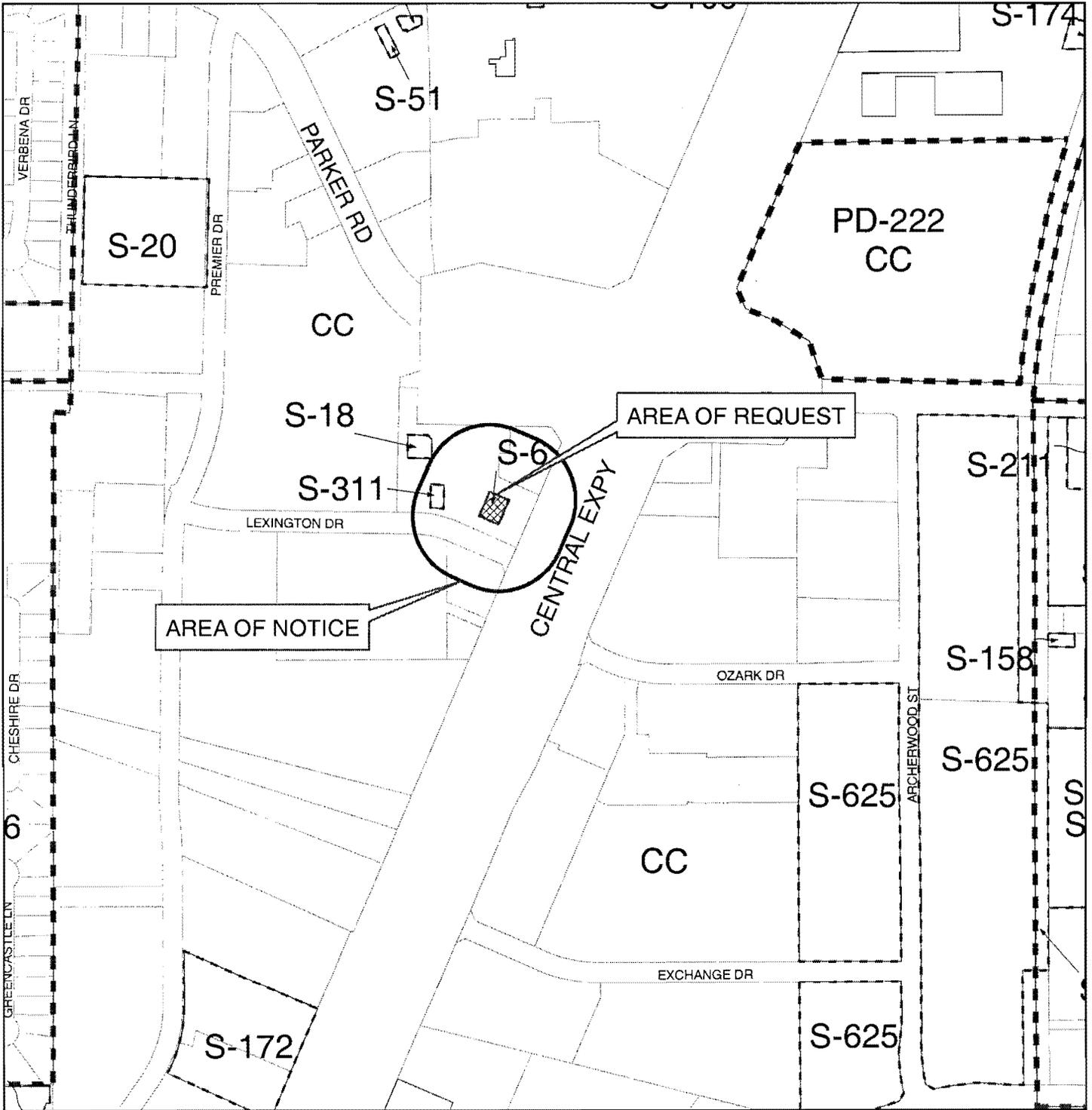
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous SUPs for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Sushi Rocks is no longer in operation; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

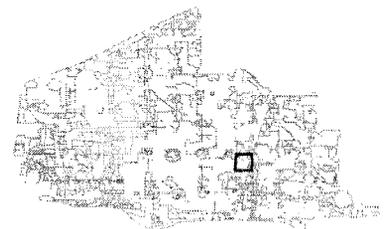
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-32

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #6



○ 200' Notification Buffer





Area of Request

CENTRAL EXPRESSWAY

LEXINGTON DRIVE

CENTRAL EXPRESSWAY



Source: City of Plano, Planning Dept.
Date: December, 2012

Zoning Case 2012-32

Zoning Case 2012-32

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 93-10-26; thereby rescinding Specific Use Permit No. 6 for the additional use of a Private Club on 0.1± acre of land out of the G.W. Barnett Survey, Abstract No. 45, 190± feet west of U.S. Highway 75, on the north side of Lexington Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 6 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 6 for the additional use of a Private Club on 0.1± acre of land out of the G.W. Barnett Survey, Abstract No. 45, located 190± feet west of U.S. Highway 75, on the north side of Lexington Drive in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 6 for the additional use of a Private Club 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. Ordinance No. 93-10-26 duly passed and approved by the City Council of the City of Plano, Texas, on October 25, 1993, granting Specific Use Permit No. 6 for the additional use of a Private Club on 0.1± acre of land out of the G.W. Barnett Survey, Abstract No. 45, 190± feet west of U.S. Highway 75, on the north side of Lexington Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 6 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 6 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affectuated 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-32

BEING a tract of land situated in the G.W. Barnett Survey, Abstract No. 45, Lot 1, Block 1 of Lexington-Central Addition, an addition to the City of Plano as recorded in Cabinet C, Drawer 572, Map Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a point situated in the intersection of the westerly line of U.S. Highway No. 75 (a 150-foot right-of-way) and the northerly line of Lexington Drive (a 65-foot right-of-way);

THENCE North, 65° 51' 57" West, departing said U.S. Highway No. 75 and along said Lexington Drive a distance of 78.00 feet to a point;

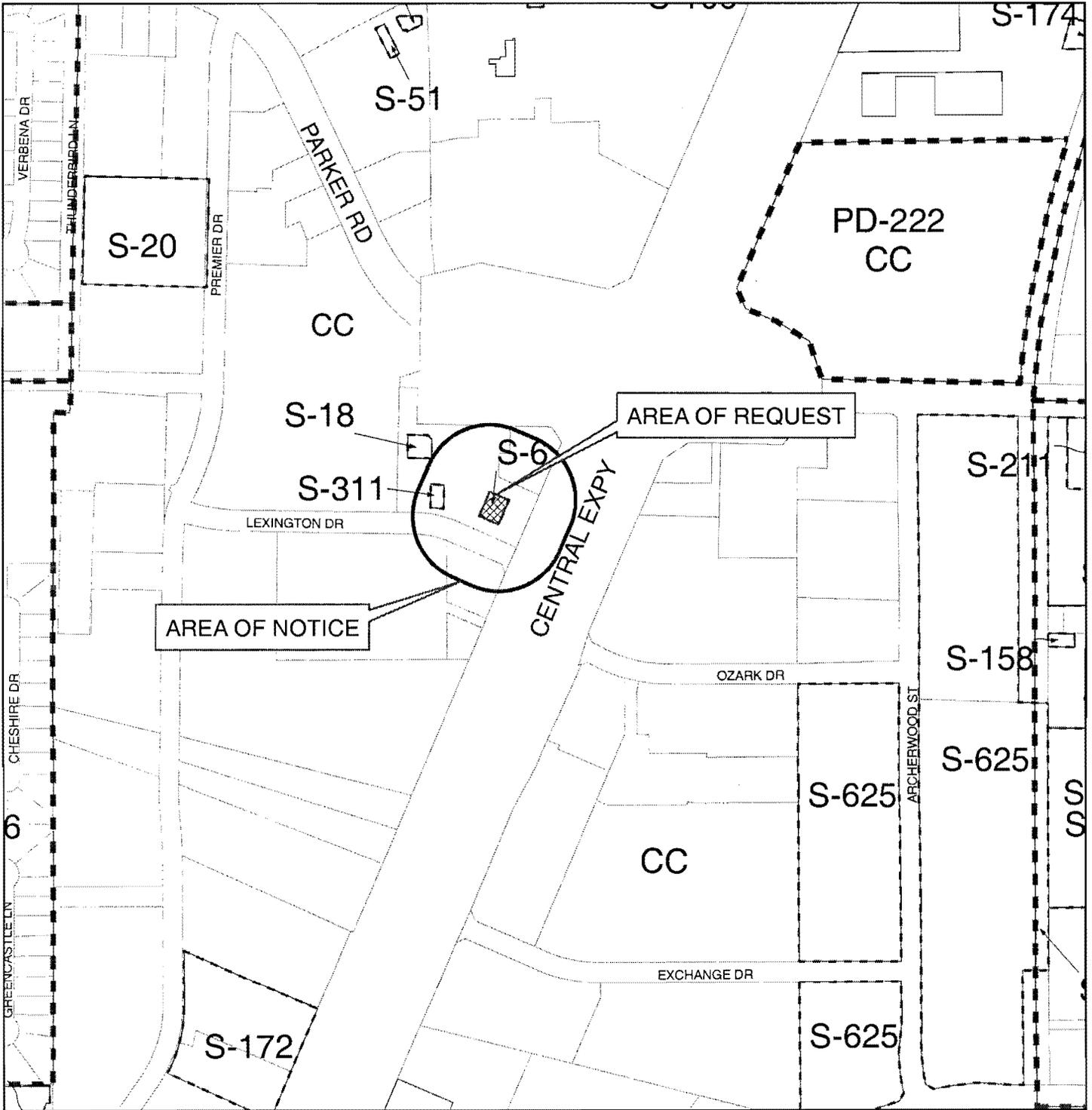
THENCE North, 24° 08' 03" East, departing said Lexington Drive a distance of 41.00 feet to an iron rod set for corner and being the POINT OF BEGINNING;

THENCE North, 65° 51' 57" West, a distance of 64.25 feet to an iron rod set for corner;

THENCE North, 24° 08' 03" East, a distance of 80.00 feet to an iron rod set for corner;

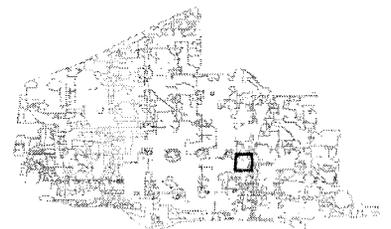
THENCE South, 65° 51' 57" East, a distance of 64.25 feet to an iron rod set for corner;

THENCE South, 24 08' 03 West, a distance of 80.00 feet to the POINT OF BEGINNING and CONTAINING 5,140 square feet of land, or 0.118 acre, more or less.



Zoning Case #: 2012-32

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #6



○ 200' Notification Buffer



DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6B
PUBLIC HEARING: ZONING CASE 2012-33
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #13 for Private Club on 7.0± acres located southeast of the intersection of Country Club Drive and Aliso Road. Zoned Single Family Residence-7 with Specific Use Permit #13 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6B

Public Hearing: Zoning Case 2012-33

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #13 for Private Club on 7.0± acres located southeast of the intersection of Country Club Drive and Aliso Road. Zoned Single Family Residence-7 with Specific Use Permit #13 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #13 for Private Club. 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 for such use during the review of an SUP application.

In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous SUPs for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

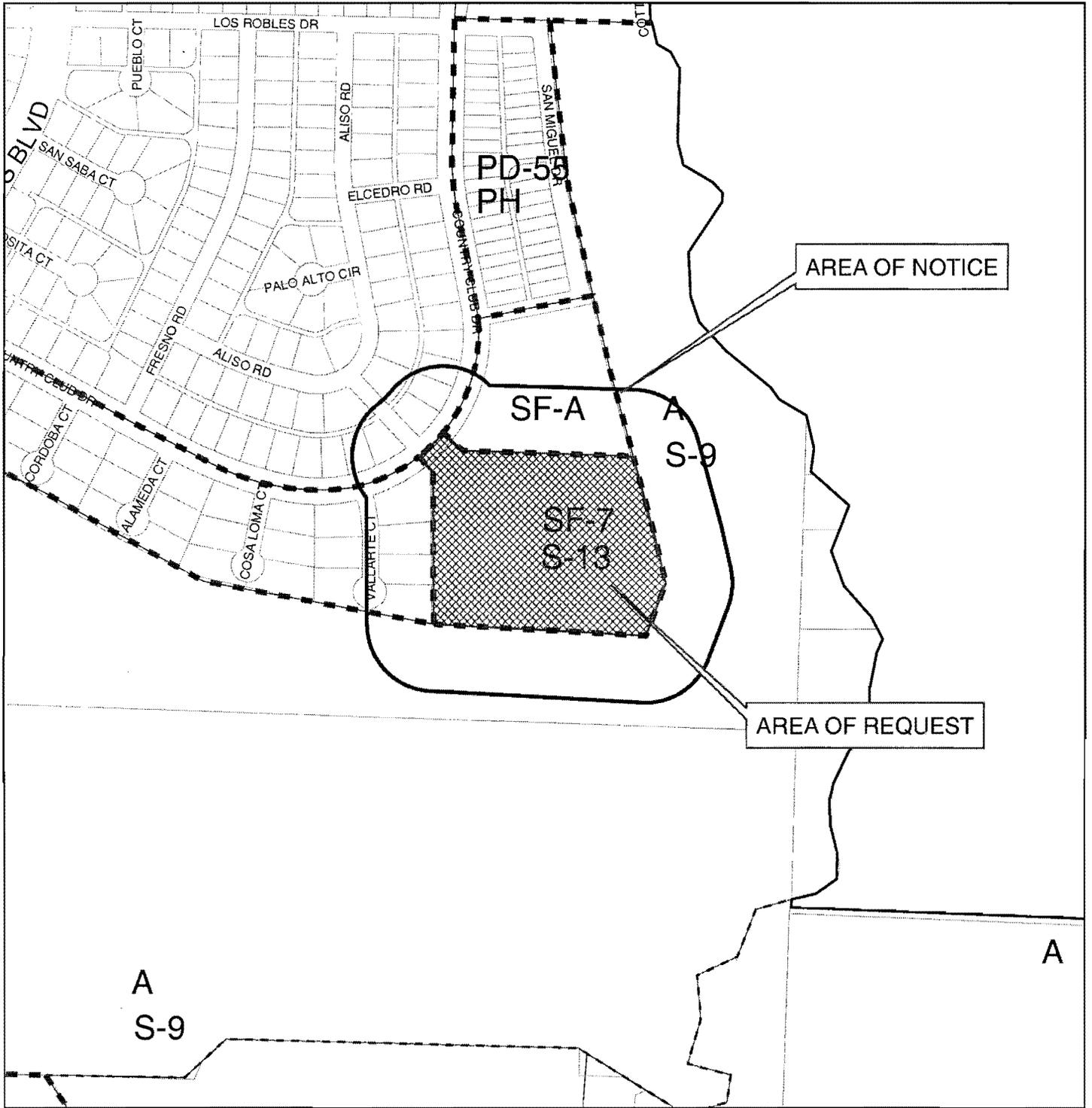
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Los Rios Country Club has obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the golf course to sell alcoholic beverages. Staff has not

received a response from the property owner as to whether or not they concur with the removal of the SUP.

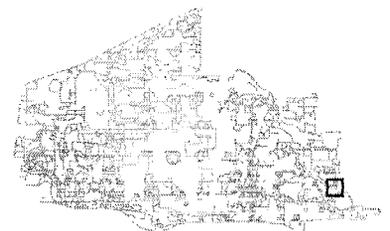
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-33

Existing Zoning: SINGLE-FAMILY RESIDENCE-7
w/SPECIFIC USE PERMIT #13



○ 200' Notification Buffer



Area of Request



Source: City of Plano, Planning Dept.
Date: December, 2012

Zoning Case 2012-33

Zoning Case 2012-33

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 72-10-15 as it relates to rescinding Specific Use Permit No. 13 for the additional use of a Private Club only on 7.0± acres of land out of the Andrew Piara Survey, Abstract No. 687, located southeast of the intersection of Country Club Drive and Aliso Road in the City of Plano, Collin County, Texas, currently zoned Single-Family Residence-7 with Specific Use Permit No. 13 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 13 for the additional use of a Private Club on 7.0± acres of land out of the Andrew Piara Survey, Abstract No. 687, located southeast of the intersection of Country Club Drive and Aliso Road in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No.13 for the additional use of a Private Club 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. Ordinance No. 72-10-15 duly passed and approved by the City Council of the City of Plano, Texas, on October 23, 1972, granting Specific Use Permit No. 13 for the additional use of a Private Club on 7.0± acres of land out of the Andrew Piara Survey, Abstract No. 687, located southeast of the intersection of Country Club Drive and Aliso Road in the City

of Plano, Collin County, Texas, currently zoned Single Family Residence-7 with Specific Use Permit No. 13 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed as it relates to the Private Clubs use only. Consequently, Specific Use Permit No. 13 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affected 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-33

Being a tract of land located in the Andrew Piara Survey, Abstract 687, in the City of Plano, Collin County, Texas and being more particularly described as follows:

Commencing at an interior northeast property corner of General Portland Land Development Company 692.53 acre tract,

THENCE, South, 89° 56' 48" East, 1,473.63 feet, to a point for corner;

THENCE, South, 07° 29' 03" East. 432.49 feet;

THENCE, South, 12° 23' 51" East, 658.48 feet;

THENCE, South, 14° 44' 23" East. 244.29 feet, to the POINT OF BEGINNING;

THENCE, South, 14° 44' 23" East, 375.18 feet, to a point for corner;

THENCE, South, 19° 36' 27" West, 165.14 feet, to a point for corner;

THENCE, South, 89° 48' 30" West, 625.02 feet, to a point for corner;

THENCE, North, 00° 11' 30" West, 445.20 feet, to a point for corner;

THENCE, North, 38° 25' 40" West, 71.49 feet, to a point for corner in the centerline of a proposed Country Club Drive, (an 80-foot right-of-way), said point also being the beginning of a curve to the left having a central angle of 11° 07' 31", a radius length of 475.00 feet and a tangent length of 46.26 feet;

THENCE, along said curve 92.23 feet, and along the centerline of the proposed Country Club Drive to the end of curve;

THENCE, South, 49° 33' 11" East, 71.49 feet, to a point for corner;

THENCE, North, 89° 48' 30" East, 510.25 feet, to the POINT OF BEGINNING and CONTAINING 7.707 acres of land.

DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6C
PUBLIC HEARING: ZONING CASE 2012-34
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #21 for Private Club on 1.0± acre located 350± feet east of Preston Road and on the south side of Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District with Specific Use Permit #21 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6C

Public Hearing: Zoning Case 2012-34

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #21 for Private Club on 1.0± acre located 350± feet east of Preston Road and on the south side of Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District with Specific Use Permit #21 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #21 for Private Club. 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 for such use during the review of an SUP application.

In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous Specific Use Permits for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

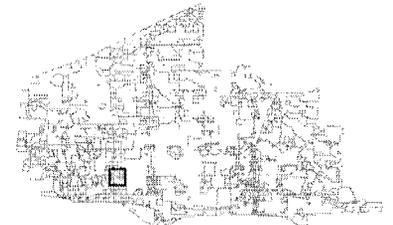
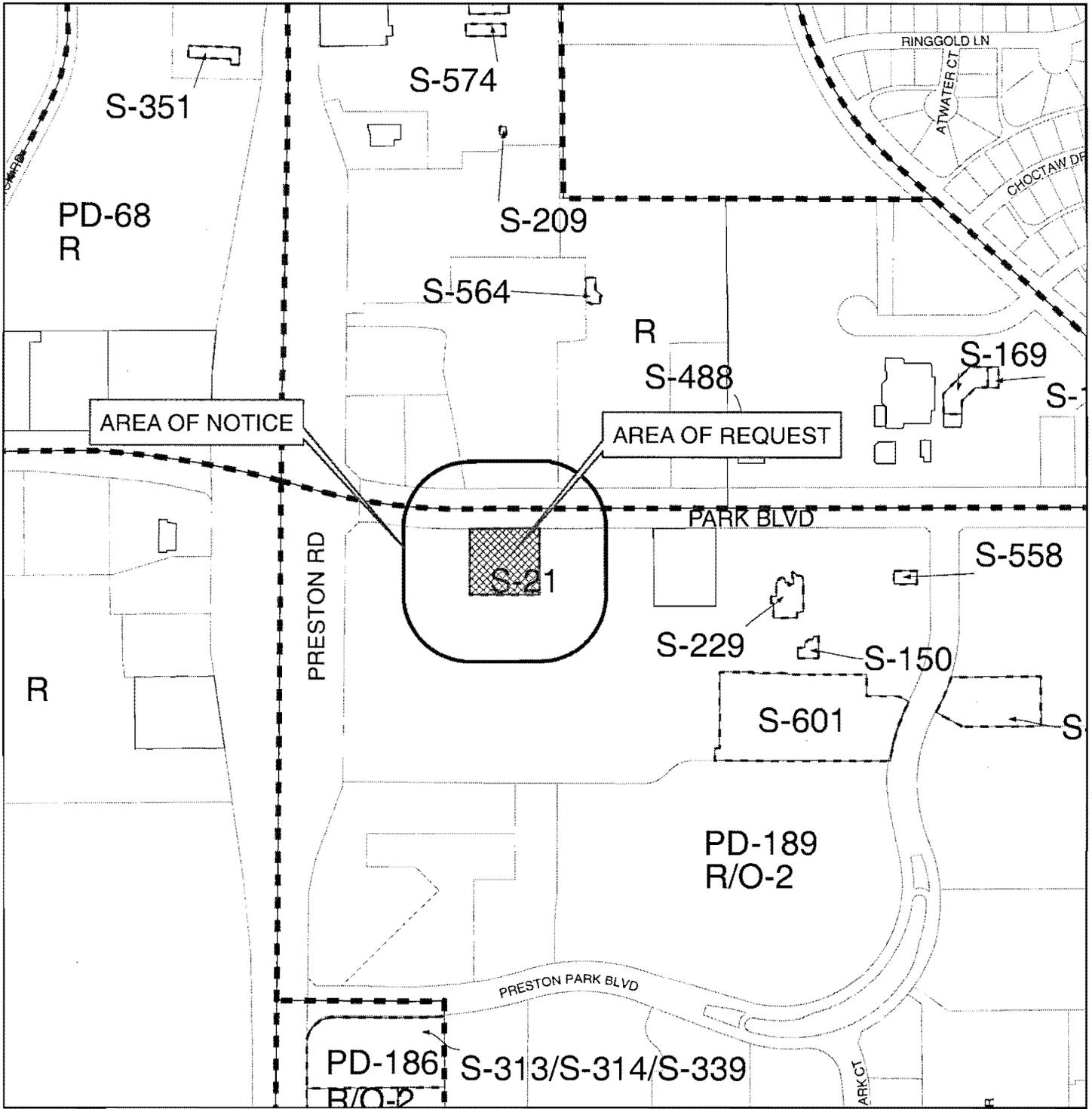
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Bennigan's is no longer in operation; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages.

Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

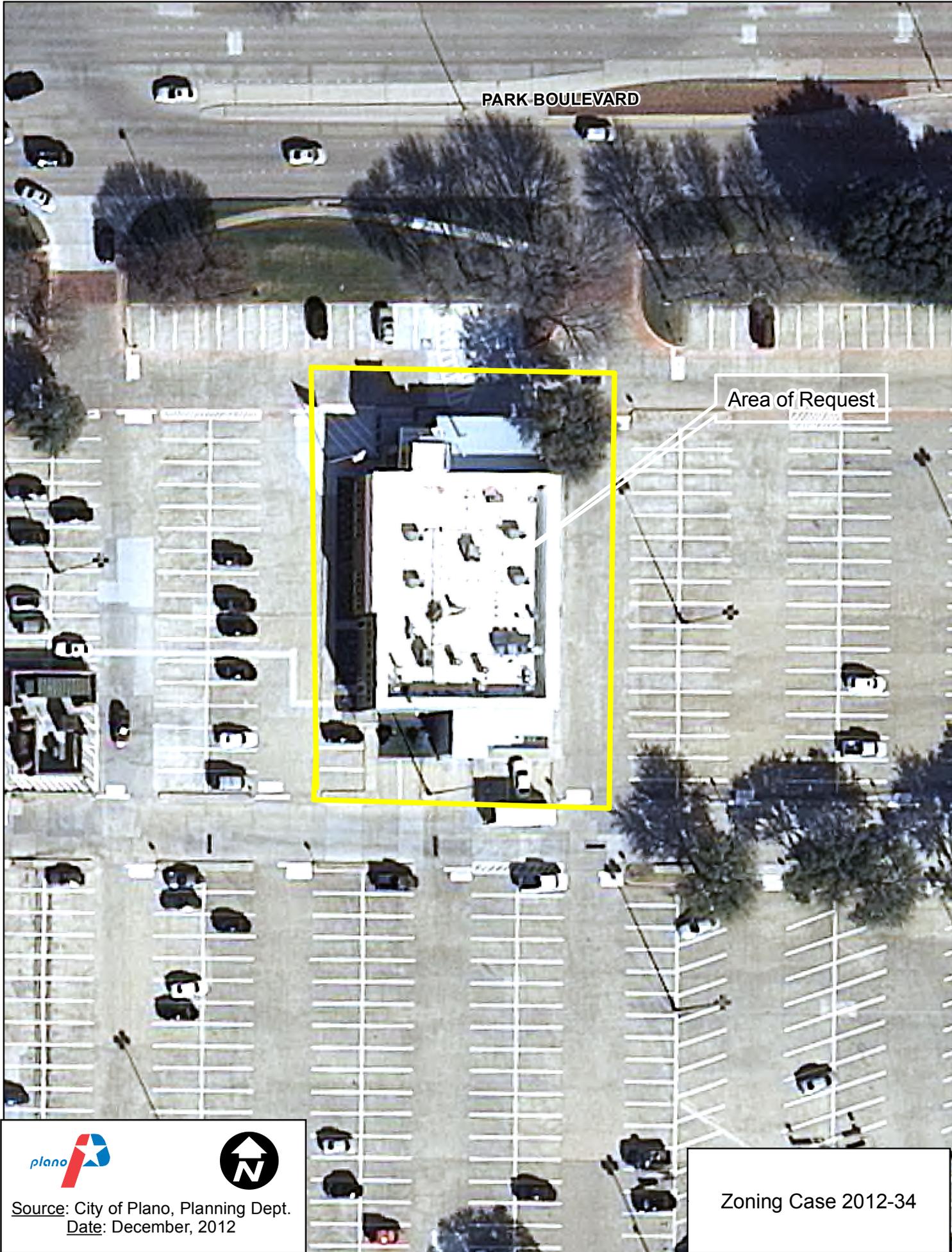


Zoning Case #: 2012-34

Existing Zoning: PLANNED DEVELOPMENT-189-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #21

○ 200' Notification Buffer





PARK BOULEVARD

Area of Request



Source: City of Plano, Planning Dept.
Date: December, 2012

Zoning Case 2012-34

Zoning Case 2012-34

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 84-10-13; thereby rescinding Specific Use Permit No. 21 for the additional use of a Private Club on 1.0± acre of land out of the Denton Darby Survey, Abstract No. 260, located 350± feet east of Preston Road and on the south side of Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Planned Development-189-Retail/General Office with Specific Use Permit No. 21 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 21 for the additional use of a Private Club on 1.0± acre of land out of the Denton Darby Survey, Abstract No. 260, located 350± feet east of Preston Road and on the south side of Park Boulevard in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 21 for the additional use of a Private Club 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. Ordinance No. 84-10-13 duly passed and approved by the City Council of the City of Plano, Texas, on October 22, 1984, granting Specific Use Permit No. 21 for the additional use of a Private Club on 1.0± acre of land out of the Denton Darby Survey, Abstract No. 260, located 350± feet east of Preston Road and on the south side of Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Planned Development-189-Retail/General

Office with Specific Use Permit No. 21 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 21 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affected 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-34

BEING a tract of land situated in the Denton Darby Survey, Abstract No. 260, Plano, Collin County, Texas, and being part of proposed Lot 1, Block A of Preston Park Village Addition, an addition to the City of Plano, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the east line of Preston Road (State Highway No. 289) and the south line of West Park Blvd. (F.M. Road No. 544);

THENCE North, $89^{\circ} 44' 02''$ East, 170.01 feet, with the said south line of West Park Blvd. (F.M. Road No. 544) to the most northerly northwest corner of said Lot 1;

THENCE North, $89^{\circ} 44' 02''$ East, 43.71 feet, with the said south line of West Park Blvd. (F.M. Road No. 544) to the beginning of a curve to the left having a central angle of $09^{\circ} 23' 26''$, a radius of 1,492.39 feet and a tangent bearing South, $80^{\circ} 36' 14''$ East;

THENCE with said curve in a southeasterly and northeasterly direction and with the said south line of West Park Blvd. (F.M. Road No. 544), an arc distance of 244.58 feet to the end of said curve;

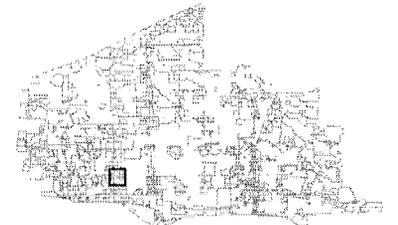
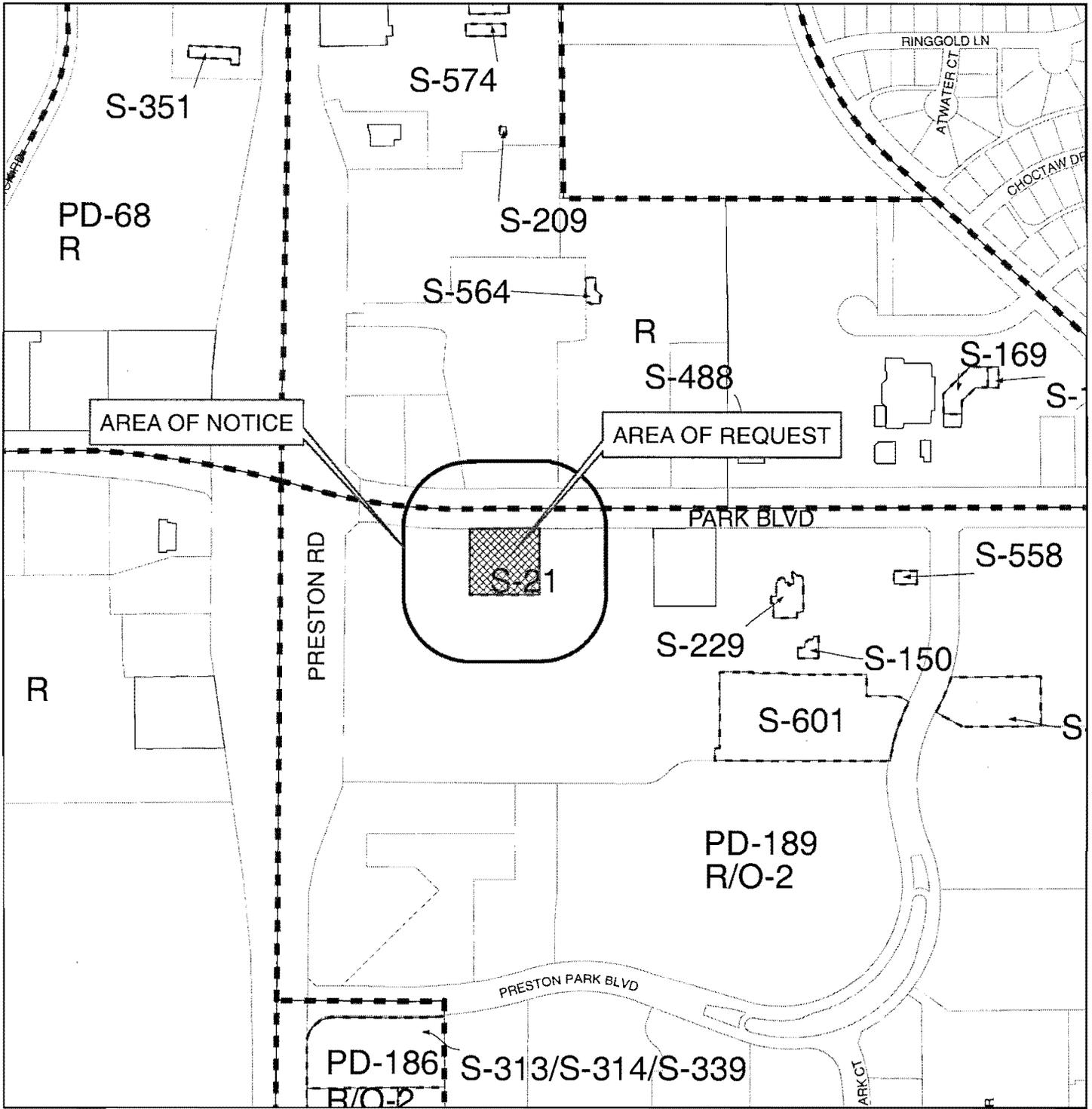
THENCE North, $89^{\circ} 49' 00''$ East, 46.59 feet, with the said south line of West Park Blvd. (F.M. Road No. 544) to the PLACE OF BEGINNING,

THENCE North, $89^{\circ} 49' 00''$ East, 210.02 feet, with the said south line of West Park Blvd. (F.M. Road No. 544);

THENCE South $00^{\circ} 32' 40''$ West, 202.00 feet;

THENCE North, $89^{\circ} 27' 20''$ West, 210.00 feet;

THENCE North, $00^{\circ} 32' 40''$ East, 199.32 feet to the PLACE OF BEGINNING and CONTAINING 42,139 square feet (0.9674 acre) of land, more or less.



Zoning Case #: 2012-34

Existing Zoning: PLANNED DEVELOPMENT-189-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #21

○ 200' Notification Buffer



DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6E
PUBLIC HEARING: ZONING CASE 2012-36
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #269 for Private Club on 2.0± acres located at the northeast corner of Preston Road and Old Shepard Place. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #268 for Restaurant and Specific Use Permit #269 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6E

Public Hearing: Zoning Case 2012-36

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #269 for Private Club on 2.0± acres located at the northeast corner of Preston Road and Old Shepard Place. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #268 for Restaurant and Specific Use Permit #269 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #269 for Private Club. 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 for such use during the review of an SUP application.

In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous SUPs for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

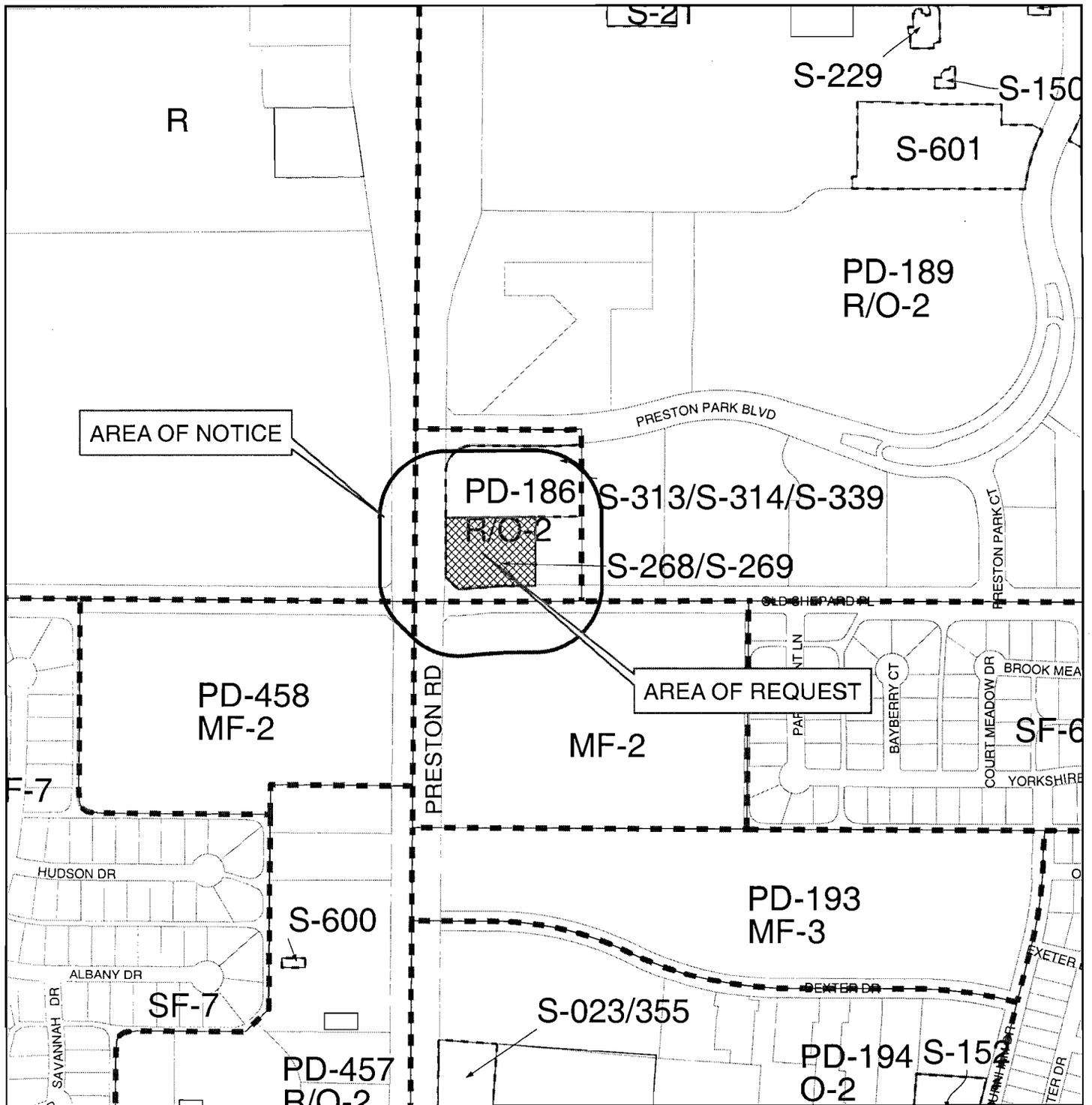
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Tia's & Ruby Tuesday is no longer in operation; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic

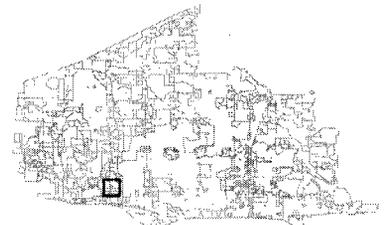
beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-36



Existing Zoning: PLANNED DEVELOPMENT-186-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #268 & #269

○ 200' Notification Buffer





PRESTON PARK BOULEVARD

PRESTON ROAD

OLD SHEPARD PLACE

Area of Request



Source: City of Plano, Planning Dept.
Date: December, 2012

Zoning Case 2012-36

Zoning Case 2012-36

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 95-6-32 as it relates to rescinding Specific Use Permit No. 269 for the additional use of a Private Club only on 2.0± acres of land out of the Denton Darby Survey, Abstract No. 260, located at the northeast corner of Preston Road and Old Shepard Place in the City of Plano, Collin County, Texas, currently zoned Planned Development-186-Retail/General Office with Specific Use Permit No. 268 for Restaurant and Specific Use Permit No. 269 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 269 for the additional use of a Private Club on 2.0± acres of land out of the Denton Darby Survey, Abstract No. 260, located at the northeast corner of Preston Road and Old Shepard Place in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 269 for the additional use of a Private Club 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. Ordinance No. 95-6-32 duly passed and approved by the City Council of the City of Plano, Texas, on June 26, 1995, granting Specific Use Permit No. 269 for the additional use of a Private Club on 2.0± acres of land out of the Denton Darby Survey, Abstract No. 260, located at the northeast corner of Preston Road and Old Shepard Place in the City of Plano, Collin County, Texas, currently zoned Planned Development-186-Retail/General Office with Specific Use Permit No. 268 for Restaurant and Specific Use Permit No. 269 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed as it relates to the Private Club use only. Consequently, Specific Use Permit No. 269 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affected 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-36

BEING a tract of land out of the Denton Darby Survey, Abstract No. 260, in the City of Plano, Collin County, Texas and being a portion of a 113-acre tract of land described in deed to Homart Development Company, recorded in Volume 1496, Page 53 of the Land Records of Collin County, Texas and being part of Lot 2A, Block 10 of Preston Park Addition, an addition to the City of Plano, Texas according to the final plot thereof recorded in Cabinet G, Slide 663 of the Map Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a V iron rod found for the intersection of the north right-of-way line of said Old Shepard Place (87.5-foot right-of-way) dedicated to the City of Plano, Texas according to the plat thereof recorded in Cabinet C, Slide 731 of the Map Records of Collin County, Texas and described in deed to the City of Plano, Texas, recorded in Volume 2542, Page 788 of the Land Records of Collin County, Texas with the east right-of-way line of Preston Road (State Highway No. 289, 150-foot right-of-way);

THENCE North $44^{\circ} 51'04''$ West, a distance of 56.18 feet to a 1-inch iron rod found for corner;

THENCE with the east right-of-way line of said Preston Road, North, $00^{\circ} 32' 40''$ East, a distance of 164.48 feet to a point for corner;

THENCE leaving the east right-of-way line of said Preston Road, the following courses and distances to wit:

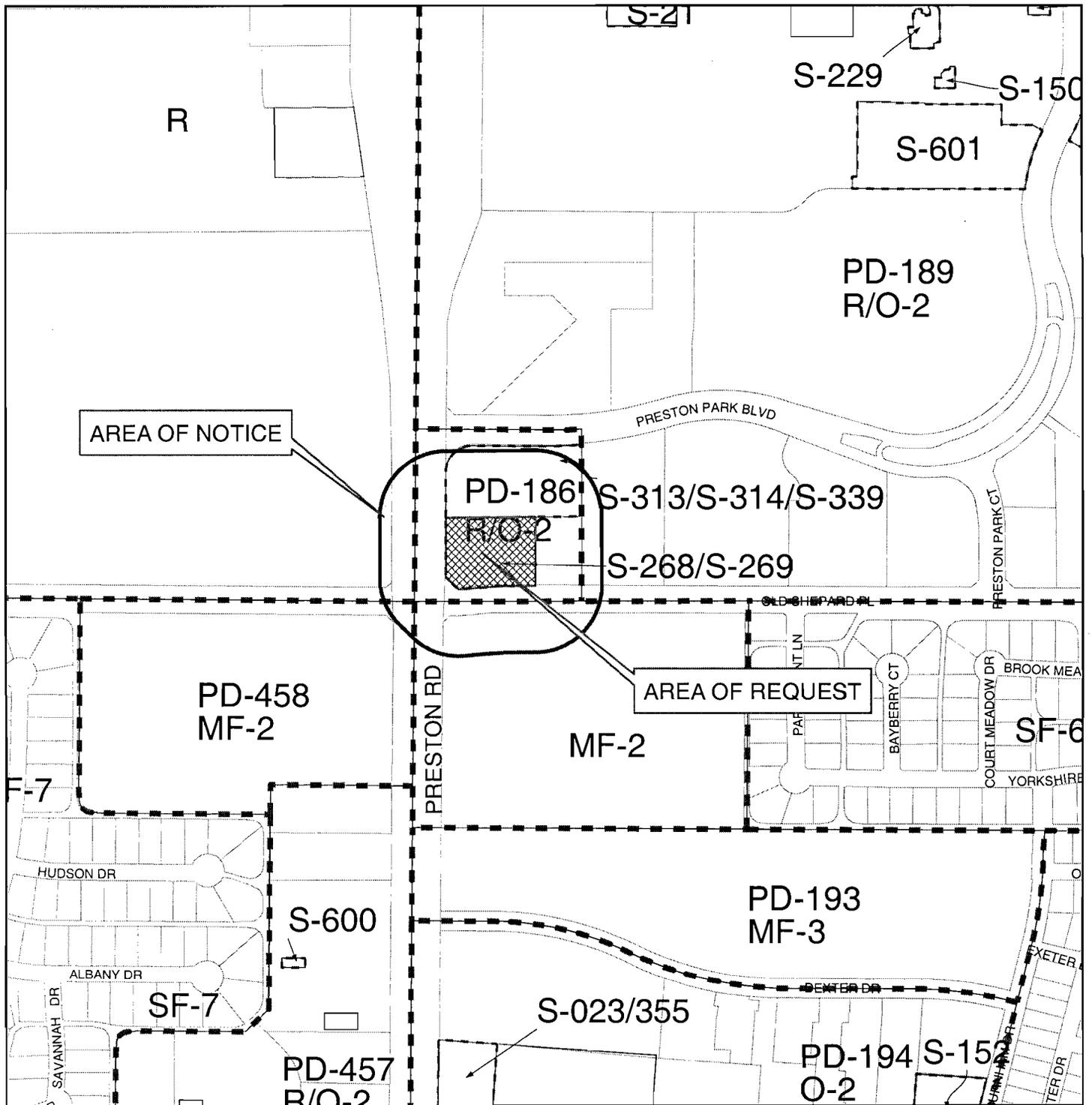
North, $89^{\circ} 43' 52''$ East, a distance of 411.39 feet to a point for corner; South, $00^{\circ} 16' 40''$ West, a distance of 210.00 feet to a point for corner in the north right-of-way line of said Old Shepard Place;

THENCE with the north right-of-way line of said Old Shepard Place, the following courses and distances to wit:

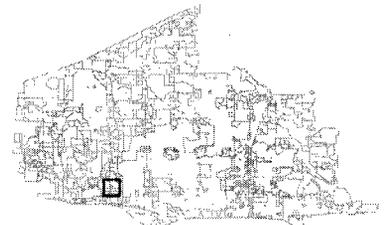
North $89^{\circ} 43' 20''$ West, a distance of 234.93 feet to a PAC nail found for the beginning of a tangent curve to the left, having a central angle of $07^{\circ} 32' 56''$, a radius of 642.50 feet and a chord bearing and distance of South, $86^{\circ} 30' 12''$ West, 84.59 feet;

Southwesterly with said curve, an arc distance of 84.65 feet to a PIS nail found for the beginning of a reverse curve to the right, having a central angle of $05^{\circ} 28' 22''$, a radius of 557.50 feet and a chord bearing and distance of South, $85^{\circ} 27' 55''$ West, 53.23 feet;

Southwesterly with said curve, an arc distance of 53.25 feet to the POINT OF BEGINNING and CONTAINING 1.9716 acres of land.



Zoning Case #: 2012-36



Existing Zoning: PLANNED DEVELOPMENT-186-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #268 & #269

○ 200' Notification Buffer



DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6F
PUBLIC HEARING: ZONING CASE 2012-37
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #295 for Private Club on 206.9± acres located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road. Zoned Single-Family Residence-7, Planned Development-104-Regional Commercial, Planned Development-476-Regional Employment, Planned Development-477-Multifamily Residence-2, and Planned Development-484-Multifamily Residence-2/State Highway 121 Overlay District with Specific Use Permit #294 for Golf Course and Specific Use Permit #295 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 11 **OPPOSE:** 4

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6F

Public Hearing: Zoning Case 2012-37

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #295 for Private Club on 206.9± acres located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road. Zoned Single-Family Residence-7, Planned Development-104-Regional Commercial, Planned Development-476-Regional Employment, Planned Development-477-Multifamily Residence-2, and Planned Development-484-Multifamily Residence-2/State Highway 121 Overlay District with Specific Use Permit #294 for Golf Course and Specific Use Permit #295 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #295 for Private Club. 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 for such use during the review of an SUP application.

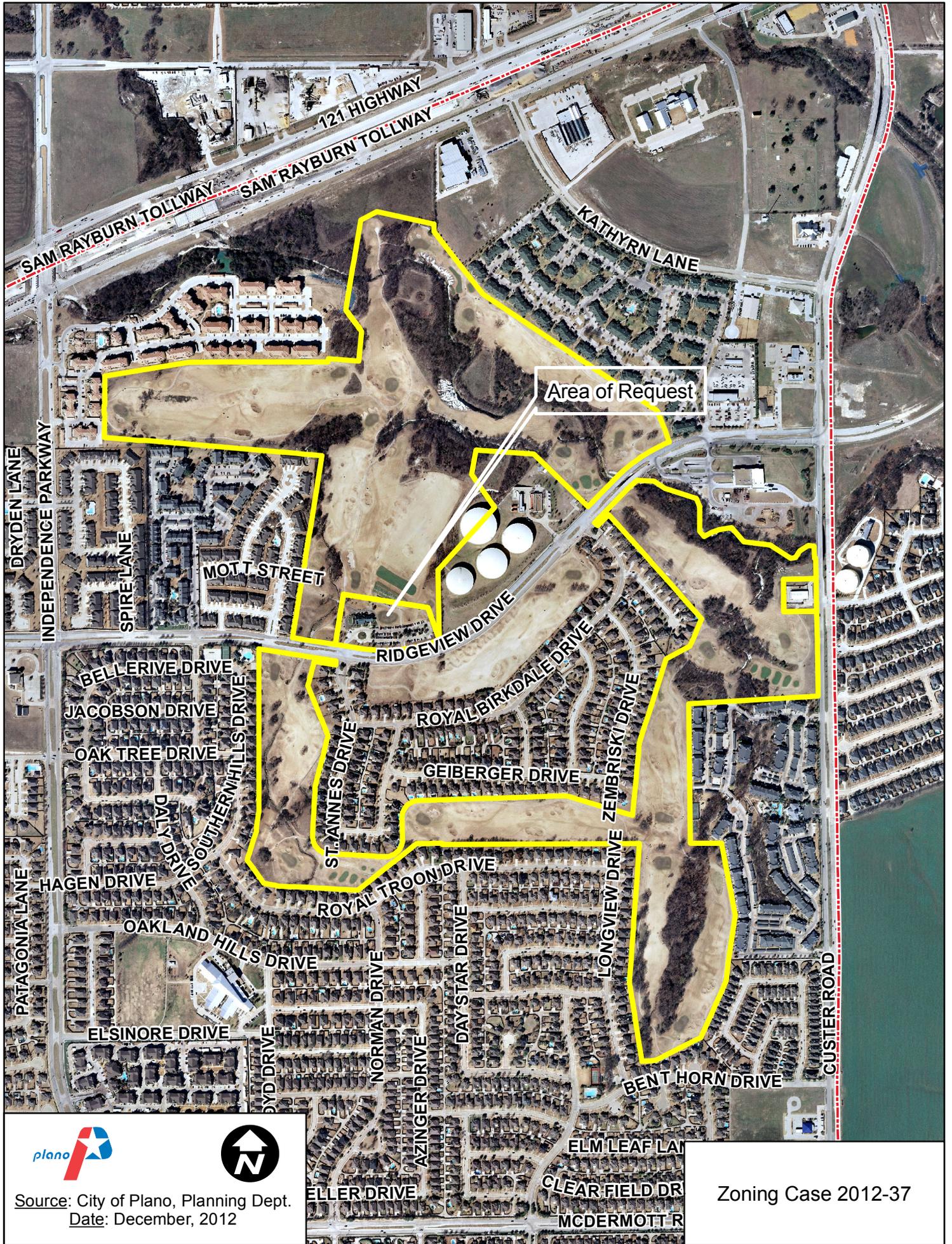
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous SUPs for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Ridgeview Ranch Golf Club obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. The property owner concurs with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.



Area of Request



Source: City of Plano, Planning Dept.
 Date: December, 2012

Zoning Case 2012-37

Zoning Case 2012-37

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 95-7-33 as it relates to rescinding Specific Use Permit No. 295 for the additional use of a Private Club only on 206.9± acres of land out of the Jacobs Baccus Survey, Abstract No. 53, George White Survey, Abstract No. 992, Hogan Witt Survey, Abstract No. 996 and the Samuel Young Survey, Abstract No. 1039, located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road, in the City of Plano, Collin County, Texas, currently zoned Single-Family Residence-7, Planned Development-104-Regional Commercial, Planned Development-476-Regional Employment, Planned Development-477-Multifamily Residence-2 and Planned Development-484-Multifamily Residence-2 with Specific Use Permit No. 294 for Golf Course and Specific Use Permit No. 295 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 295 for the additional use of a Private Club on 206.9± acres of land out of the Jacobs Baccus Survey, Abstract No. 53, George White Survey, Abstract No. 992, Hogan Witt Survey, Abstract No. 996, and the Samuel Young Survey, Abstract No. 1039, in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 295 for the additional use of a Private Club 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. Ordinance No. 95-7-33 duly passed and approved by the City Council of the City of Plano, Texas, on July 24, 1995, granting Specific Use Permit No. 295 for the additional use of a Private Club on 206.9± acres of land out of the Jacobs Baccus Survey, Abstract No. 53, George White Survey, Abstract No. 992, Hogan Witt Survey, Abstract No. 996, and the Samuel Young Survey, Abstract No. 1039, located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road, in the City of Plano, Collin County, Texas, currently zoned Single-Family Residence-7, Planned Development-104-Regional Commercial, Planned Development-476-Regional Employment, Planned Development-477-Multifamily Residence-2 and Planned Development-484-Multifamily Residence-2 with Specific Use Permit No. 294 for Golf Course and Specific Use Permit No. 295 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed as it relates to the Private Club use only. Consequently, Specific Use Permit No. 295 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affected 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-37

BEING a tract of land situated in the Jacobs Baccus Survey, Abstract No. 53, George White Survey, Abstract No. 992, Hogan Witt Survey, Abstract No. 996, and the Samuel Young Survey, Abstract No. 1039 and being part of that tract of land conveyed to HRC Ranch Ltd. by County Clerk No's 93-0060598, 93-0060599, and 93-0060600, Custer/121 Ltd. by County Clerk No. 93-0087200, City of Plano, Volume 2411, Page 721, Wiggins being a part of 159.02 acres of land described in two separate deeds recorded respectively in Volume 512, Page 593 and Volume 706, Page 67, Land Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at the most easterly northeast corner of the combination of those certain tracts conveyed to HRC Ranch Ltd., a Texas general partnership by deeds recorded in County Clerk No's 93-0060598, 93-0060599, and 93-0060600; said point also being the most westerly northwest corner of that certain tract conveyed to Custer/121 Ltd. by County Clerk No. 93-0087200, Land Records, Collin County, Texas; and same point being in the south right-of-way line of a corner clip cut-off in State Highway 121;

THENCE South, $00^{\circ} 39' 38''$ East, along the common line of said HRC Ranch Ltd. tract and the Custer/121 Ltd. tract, a distance of 675.71 feet to a fence post found for an angle point;

THENCE South, $00^{\circ} 16' 19''$ East, along said common line, a distance of 31.51 feet to a 1-inch iron rod set for corner; said corner also being the POINT OF BEGINNING of the herein described tract;

THENCE South, $00^{\circ} 16' 19''$ East, along said common line, a distance of 51.19 feet to a 1-inch iron rod set for corner;

THENCE South, $37^{\circ} 52' 13''$ East, a distance of 546.44 feet to a 1-inch iron rod set for an angle point;

THENCE South, $56^{\circ} 14' 39''$ East, a distance of 1,441.44 feet to a 1-inch iron rod set for corner;

THENCE South, $21^{\circ} 12' 16''$ East, a distance of 343.71 feet to a 1 -inch iron rod set for corner in the south right-of-way line of proposed Ridgeview Drive (a 110-foot right-of-way); said point also being the beginning of a non-tangent curve to the left having a central angle of $16^{\circ} 55' 55''$, a radius of 1,045.00 feet, a tangent length of 155.54 feet, and a chord bearing and distance of South $58^{\circ} 20' 00''$ West, 307.69 feet;

THENCE in a southwesterly direction along said curve to the left and along said south right-of-way line of proposed Ridgeview Drive, an arc distance of 308.81 feet to a 1-inch iron rod set for corner at the end of said curve; said point also being in the centerline of Youngs Branch;

THENCE leaving the south right-of-way line of proposed Ridgeview Drive and continuing along the centerline of Youngs Branch the following bearings and distances:

South, 87° 30' 26" East, a distance of 117.92 feet;
South, 56° 19' 50" East, a distance of 91.15 feet;
South, 71° 45' 07" East, a distance of 225.53 feet;
South, 22° 47' 14" East, a distance of 58.73 feet;
South, 00° 07' 20" West, a distance of 168.34 feet;
South, 40° 50' 35" East, a distance of 47.82 feet;
North, 62° 27' 16" East, a distance of 58.35 feet;
North, 68° 35' 41" East, a distance of 55.24 feet;
North, 81° 12' 39" East, a distance of 87.33 feet;
South, 40° 11' 04" East, a distance of 128.16 feet;
South, 82° 42' 49" East, a distance of 181.63 feet;
South, 57° 38' 37" East, a distance of 168.13 feet;
North, 80° 15' 39" East, a distance of 35.36 feet;
North, 31° 27' 10" East, a distance of 50.51 feet;
North, 58° 19' 18" East, a distance of 73.59 feet;
South, 81° 25' 45" East, a distance of 39.86 feet;

THENCE South, 00° 53' 34" East, leaving the centerline of Youngs Branch, a distance of 80.00 feet to a 1-inch iron rod set for corner;

THENCE North, 89° 06' 26" East, a distance of 20.00 feet to a 1-inch iron rod set for corner, said corner being in the west right-of-way line of Custer Road;

THENCE South, 01° 02' 58" East, along the west right-of-way line of Custer Road, a distance of 943.48 feet to a 1-inch iron rod found for corner; said corner being the most easterly southeast corner of said City of Plano tract and the northeast corner of the Erven Bolin tract;

THENCE South, 86° 23' 46" West, along the common line of the City of Plano tract and the Erven Bolin tract, a distance of 904.93 feet to a 1/4-inch iron rod found for corner;

THENCE South, 00° 49' 17" East, a distance of 957.54 feet to a 1/4-inch iron rod found for corner; said corner being in the south line of said Bolin tract and the north line of said Wiggins tract;

THENCE North, 89° 20' 21" East, along the south line of said Bolin tract and the north line of said Wiggins tract, a distance of 213.08 feet to a 1-inch iron rod found for corner;

THENCE South, 10° 50' 51" East, a distance of 505.24 feet to a 1-inch iron rod found for an angle point;

THENCE South, 07° 54' 27" West, a distance of 462.64 feet to a 1-inch iron rod found for an angle point;

THENCE South, 23° 59' 15" West, a distance of 418.28 feet to a 1-inch iron rod found for corner;

THENCE South, 62° 58' 34" West, a distance of 349.29 feet to a 1-inch iron rod found for an angle point;

THENCE South, 85° 56' 29" West, a distance of 95.13 feet to a 1-inch iron rod found for corner;

THENCE North, 09° 03' 25" West, a distance of 545.32 feet to a 1-inch iron rod found for an angle point;

THENCE North, 04° 03' 45" East, a distance of 959.45 feet to a 1-inch iron rod found for corner; said point being in the north line of said Wiggins tract and the south line of said City of Plano tract;

THENCE South, 89° 45' 13" West, along the common line of said Wiggins tract and City of Plano tract, a distance of 1,697.15 feet to a 1-inch iron found for corner;

THENCE South, 30° 33' 37" West, a distance of 365.79 feet to a 1-inch iron rod set for corner;

THENCE North, 88° 16' 23" West, a distance of 600.05 feet to a 1-inch iron rod set for corner;

THENCE North, 41° 48' 50" West, a distance of 301.41 feet to a 1-inch iron rod set for corner;

THENCE North, 16° 34' 05" East, a distance of 172.02 feet to a 1-inch iron rod set for an angle point;

THENCE North, 08° 41' 11" East, a distance of 130.81 feet to a 1-inch iron rod set for an angle point;

THENCE North, 00° 03' 53" East, a distance of 1,234.00 feet to a 1-inch iron rod set for corner; said point also being in the north right-of-way line of proposed Ridgeview Drive;

THENCE South, 81° 01' 07" East, along the north right-of-way line of proposed Ridgeview Drive, a distance of 232.64 feet to a 1-inch iron rod set for corner;

THENCE North, 09° 12' 59" East, leaving the north right-of-way line of proposed Ridgeview Drive, a distance of 1,268.65 feet to a 1-inch iron rod set for corner;

THENCE North, 85° 05' 45" West, a distance of 1,503.49 feet to a 1-inch iron rod set for corner;

THENCE North, 00° 28' 59" East, a distance of 421.31 feet to a 1-inch iron rod set for corner;

THENCE North, 80° 27' 03" East, a distance of 580.94 feet to a 1-inch iron rod set for an angle point;

THENCE North, 89° 50' 49" East, a distance of 1,169.43 feet to a 1-inch iron rod set for corner;

THENCE North, 05° 55' 10" East, a distance of 208.71 feet to a 1-inch iron rod set for corner;

THENCE North, 36° 29' 08" West, a distance of 183.51 feet to a 1-inch iron rod set for corner,

THENCE North, 09° 25' 38" East, a distance of 625.91 feet to a 1-inch iron rod set for corner;

THENCE North, 62° 41' 42" East, a distance of 126.00 feet to a 1-inch iron rod set for corner;

THENCE South, 77° 52' 35" East, a distance of 399.47 feet to the POINT OF BEGINNING and CONTAINING 292.0573 acres of land, SAME and EXCEPT 14.8640 acre Ridgeview Pump Station tract, 8.5334 acre Ridgeview Drive right-of-way tract, and 62.1485 acre Clark tract leaving 206.9063 acres of land.

DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6G
PUBLIC HEARING: ZONING CASE 2012-38
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #374 for Private Club on 0.1± acre located 80± feet west of K Avenue, 50± feet north of 22nd Street. Zoned Light Commercial with Specific Use Permit #374 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6G

Public Hearing: Zoning Case 2012-38

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #374 for Private Club on 0.1± acre located 80± feet west of K Avenue, 50± feet north of 22nd Street. Zoned Light Commercial with Specific Use Permit #374 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #374 for Private Club. 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 for such use during the review of an SUP application.

In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous SUPs for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

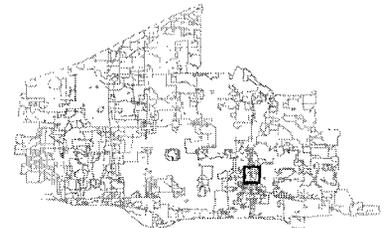
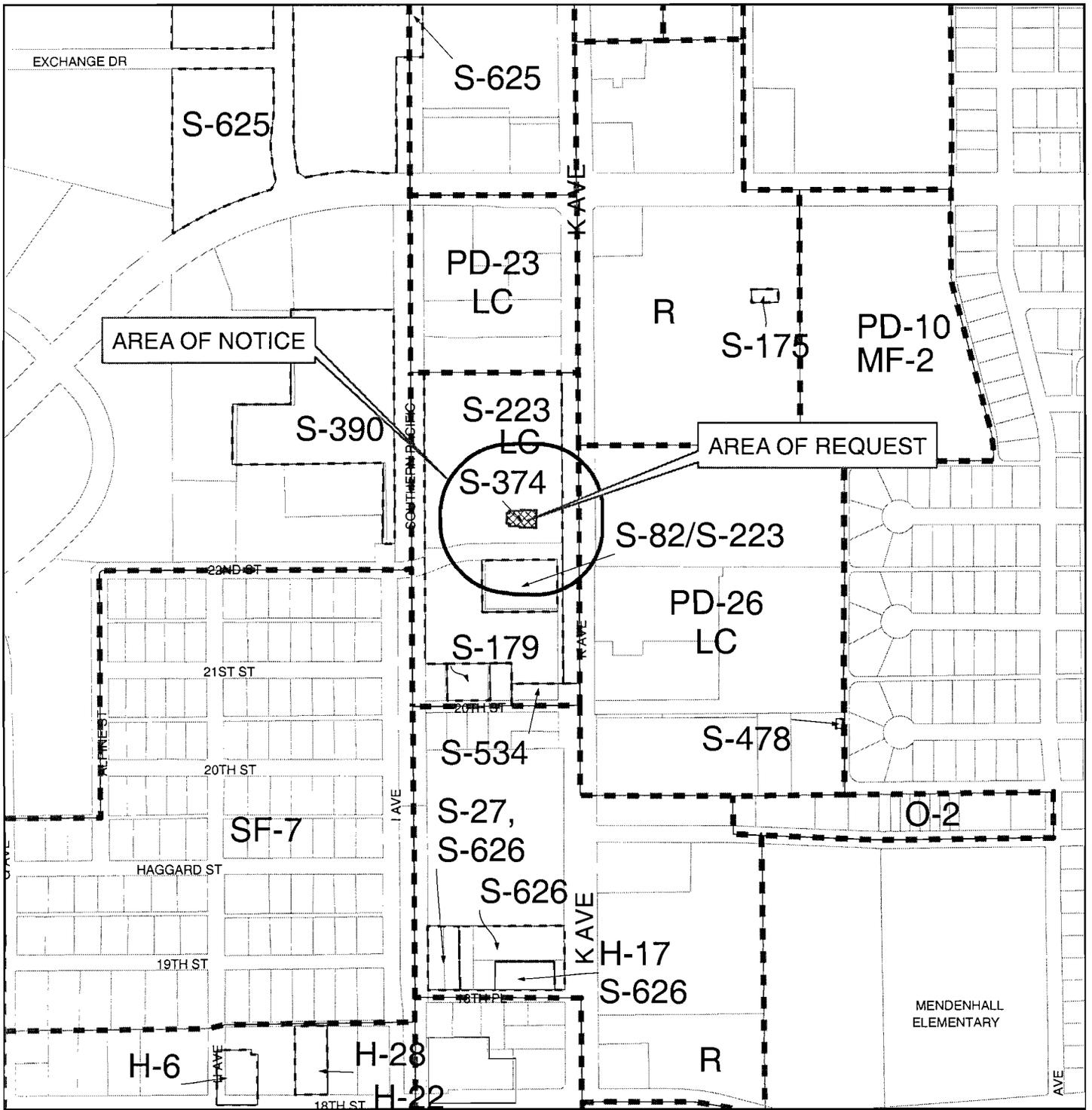
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Tino's Too has obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a

response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

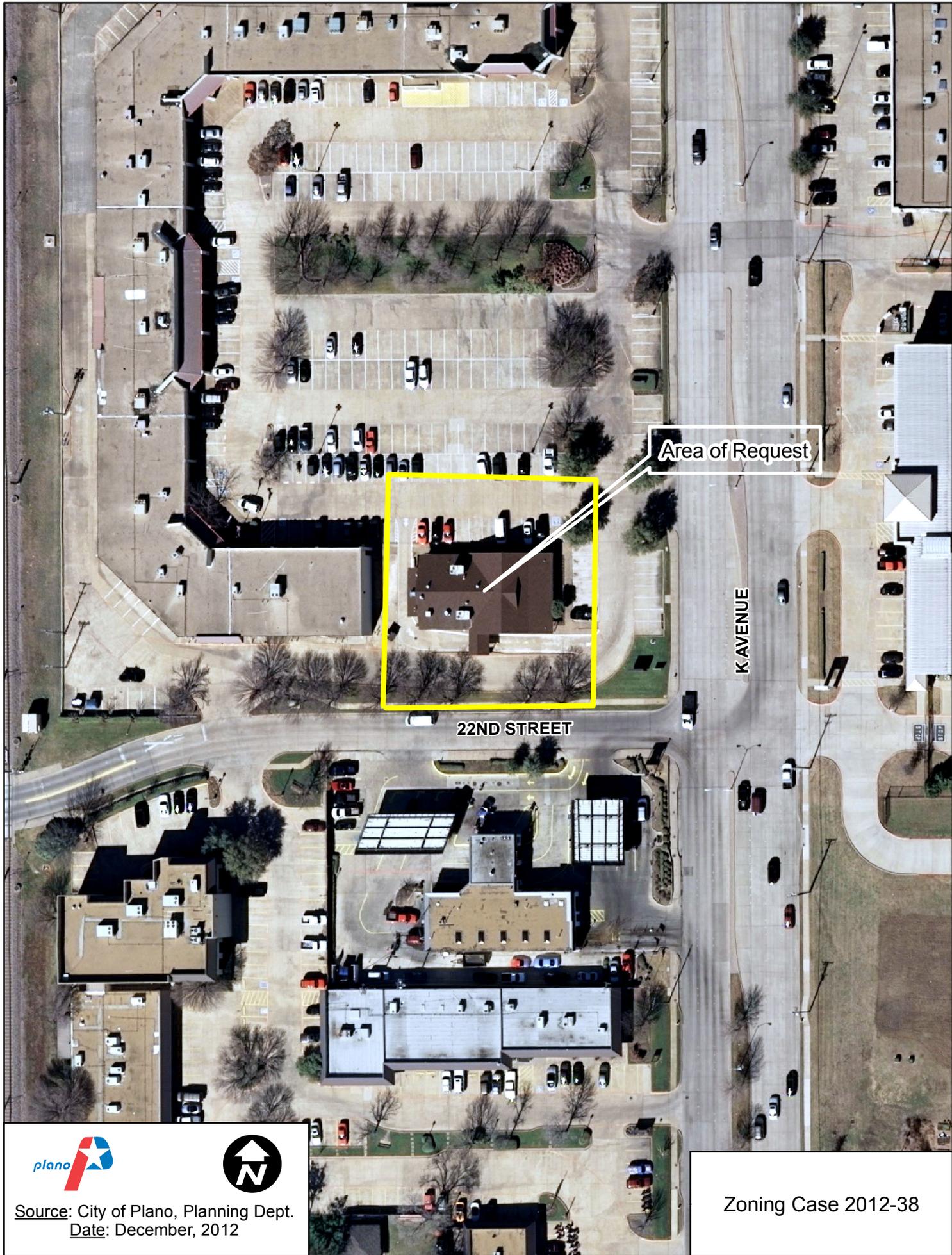


Zoning Case #: 2012-38

Existing Zoning: LIGHT COMMERCIAL w/SPECIFIC USE PERMIT #374

○ 200' Notification Buffer





Area of Request

22ND STREET

K AVENUE



Source: City of Plano, Planning Dept.
Date: December, 2012

Zoning Case 2012-38

Zoning Case 2012-38

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 99-6-16; thereby rescinding Specific Use Permit No. 374 for the additional use of a Private Club on 0.1± acre of land out of the Alex Berry Survey, Abstract No. 80, located 80± feet west of K Avenue, 50± feet north of 22nd Street in the City of Plano, Collin County, Texas, currently zoned Light Commercial with Specific Use Permit No. 374 for Private Club and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 374 for the additional use of a Private Club on 0.1± acre of land out of the Alex Berry Survey, Abstract No. 80, located 80± feet west of K Avenue, 50± feet north of 22nd Street in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 374 for the additional use of a Private Club 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. Ordinance No. 99-6-16 duly passed and approved by the City Council of the City of Plano, Texas, on June 14, 1999, granting Specific Use Permit No. 374 for the additional use of a Private Club on 0.1± acre of land out of the Alex Berry Survey, Abstract No. 80, located 80± feet west of K Avenue, 50± feet north of 22nd Street, in the City of Plano, Collin County, Texas, currently zoned Light Commercial with Specific Use Permit No. 374 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 374 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affected 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-38

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Alex Berry Survey, Abstract No. 80, being part of Lot 1, Block 1 of Apple Square Revised Addition, an addition to the City of Plano, recorded in Cabinet F, Page 233 of the Collin County Map Records with the herein described premises being more particularly described as follows:

COMMENCING at an "X" in a concrete walk marking the southeast corner of said addition and also being the intersection of the north right-of-way line of 22nd Street (40 foot right-of-way) with the west right-of-way line of K Avenue (State Highway No. 5 – 100 foot right-of-way);

THENCE with the east line of said addition and the west right-of-way line of K Avenue, North, 00° 29' 12" East, 45.87 feet;

THENCE departing said west right-of-way line, North, 89° 20' 00" West, 79.42 feet to the southeast corner of an existing building marking the POINT OF BEGINNING of the herein described premises;

THENCE with the facing of said building and the herein described premises as follows:

North, 89° 20' 00" West, 48.25 feet;
North, 00° 40' 00" East, 3.95 feet;
North, 89° 20' 00" West, 34.00 feet;
North, 00° 40' 00" East, 8.00 feet;
North, 89° 20' 00" West, 7.65 feet;
North, 00° 40' 00" East, 30.25 feet;
South, 89° 20' 00" East, 7.65 feet;
North, 00° 40' 00" East, 8.00 feet;
South, 89° 20' 00" East, 34.00 feet;
North, 00° 40' 00" East, 2.05 feet;
South, 89° 20' 00" East, 48.25 feet;

South, 00° 40' 00" West, 52.25 feet to the POINT OF BEGINNING and CONTAINING 4,325 square feet or 0.099 acre of land.

DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6H
PUBLIC HEARING: ZONING CASE 2012-39
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #415 for Private Club on 0.1± acre located 175± feet east of Dallas North Tollway, 1,000± feet north of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #415 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6H

Public Hearing: Zoning Case 2012-39

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #415 for Private Club on 0.1± acre located 175± feet east of Dallas North Tollway, 1,000± feet north of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #415 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #415 for Private Club. 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 for such use during the review of an SUP application.

In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous SUPs for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

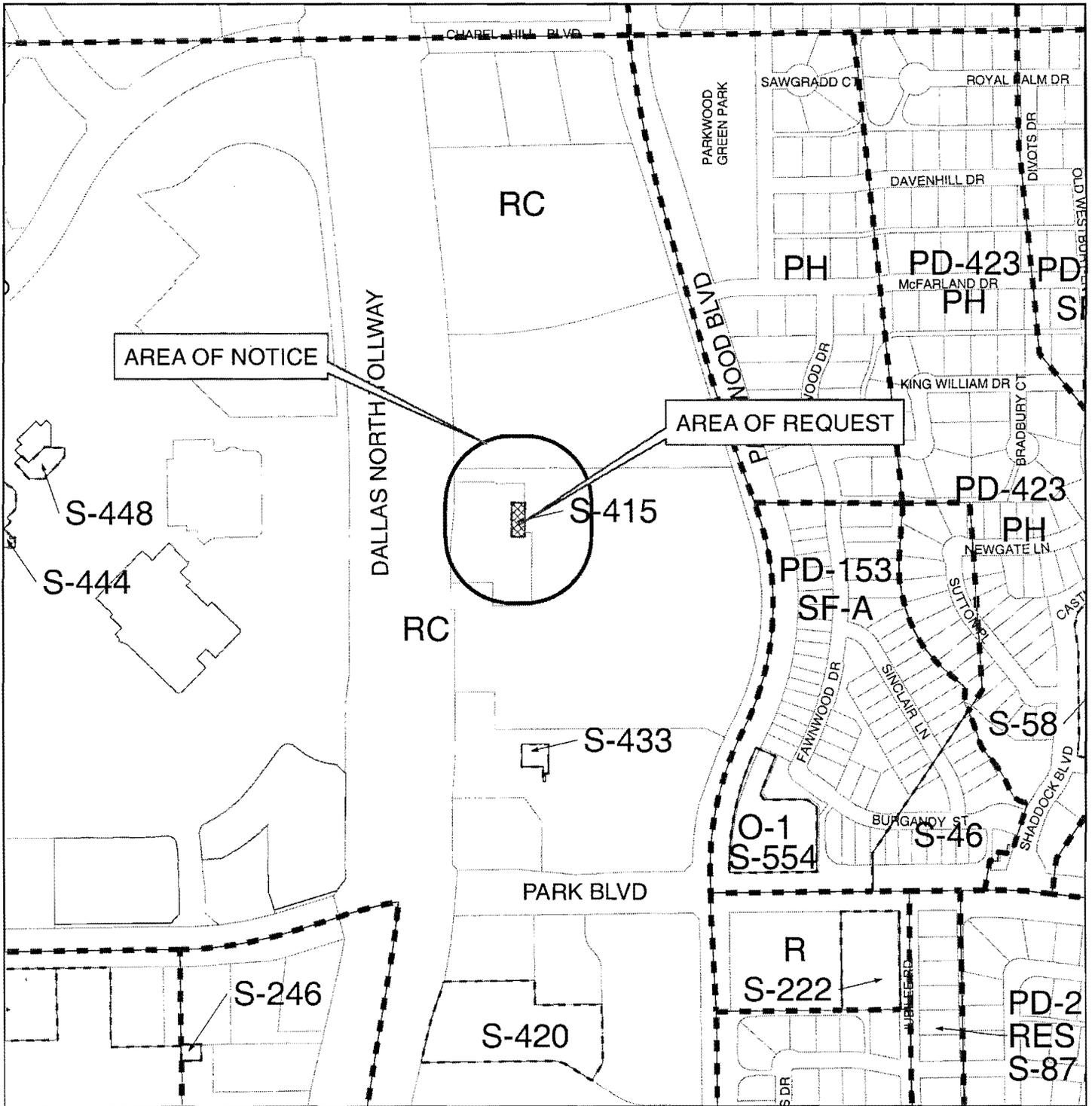
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Tin Star has obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a

response from the property owner as to whether or not they concur with the removal of the SUP.

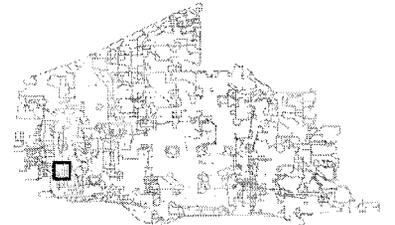
RECOMMENDATION:

Recommended for approval as submitted.

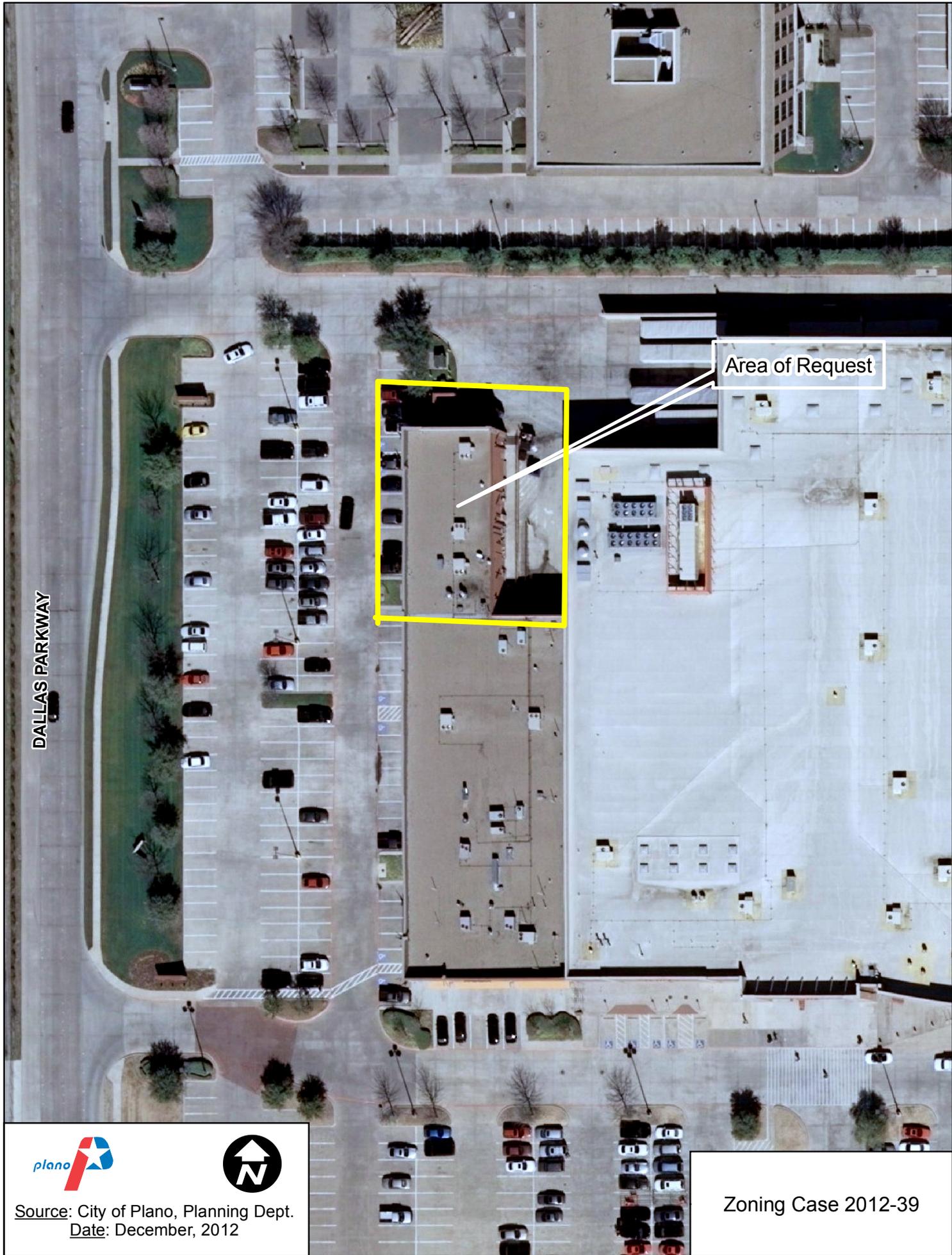


Zoning Case #: 2012-39

Existing Zoning: REGIONAL COMMERCIAL/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #415



○ 200' Notification Buffer



DALLAS PARKWAY

Area of Request



Source: City of Plano, Planning Dept.
Date: December, 2012

Zoning Case 2012-39

Zoning Case 2012-39

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2000-8-5; thereby rescinding Specific Use Permit No. 415 for the additional use of a Private Club on 0.1± acre of land out of the John C. Campbell Survey, Abstract No. 240, located 175± feet east of Dallas North Tollway, 1,000± feet north of Park Boulevard, in the City of Plano, Collin County, Texas, currently zoned Regional Commercial with Specific Use Permit No. 415 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 415 for the additional use of a Private Club on 0.1± acre of land out of the John C. Campbell Survey, Abstract No. 240, located 175± feet east of Dallas North Tollway, 1,000± feet north of Park Boulevard, in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 415 for the additional use of a Private Club 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. Ordinance No. 2000-8-5 duly passed and approved by the City Council of the City of Plano, Texas, on August, 7, 2000, granting Specific Use Permit No. 415 for the additional use of a Private Club on 0.1± acre of land out of the John C. Campbell Survey, Abstract No. 240, located 175± feet east of Dallas North Tollway, 1,000± feet north of Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Regional Commercial with Specific Use Permit No. 415 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 415 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affected 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-39

BEING a 4,622 square foot tract of land situated in the John C. Campbell Survey, Abstract No. 240, Collin County, Texas, and being part of Lot 1, Block A of Polo Towne Crossing Addition, an addition to the City of Plano, Texas, as recorded in Cabinet M, Slides 15 and 16 of the Map Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 1-inch iron rod found at the most east northeast corner of said Lot 1, Block A;

THENCE South, 00° 00' 42" East, a distance of 5.94 feet to a point for corner;

THENCE South, 89° 59' 18" West, a distance of 40.08 feet to the POINT OF BEGINNING;

THENCE South, 89° 59' 18" West, a distance of 40.00 feet to the point for corner;

THENCE North, 00° 00' 42" West, a distance of 21.86 feet to the point for corner;

THENCE South, 89° 59' 18" West, a distance of 8.67 feet to the point for corner;

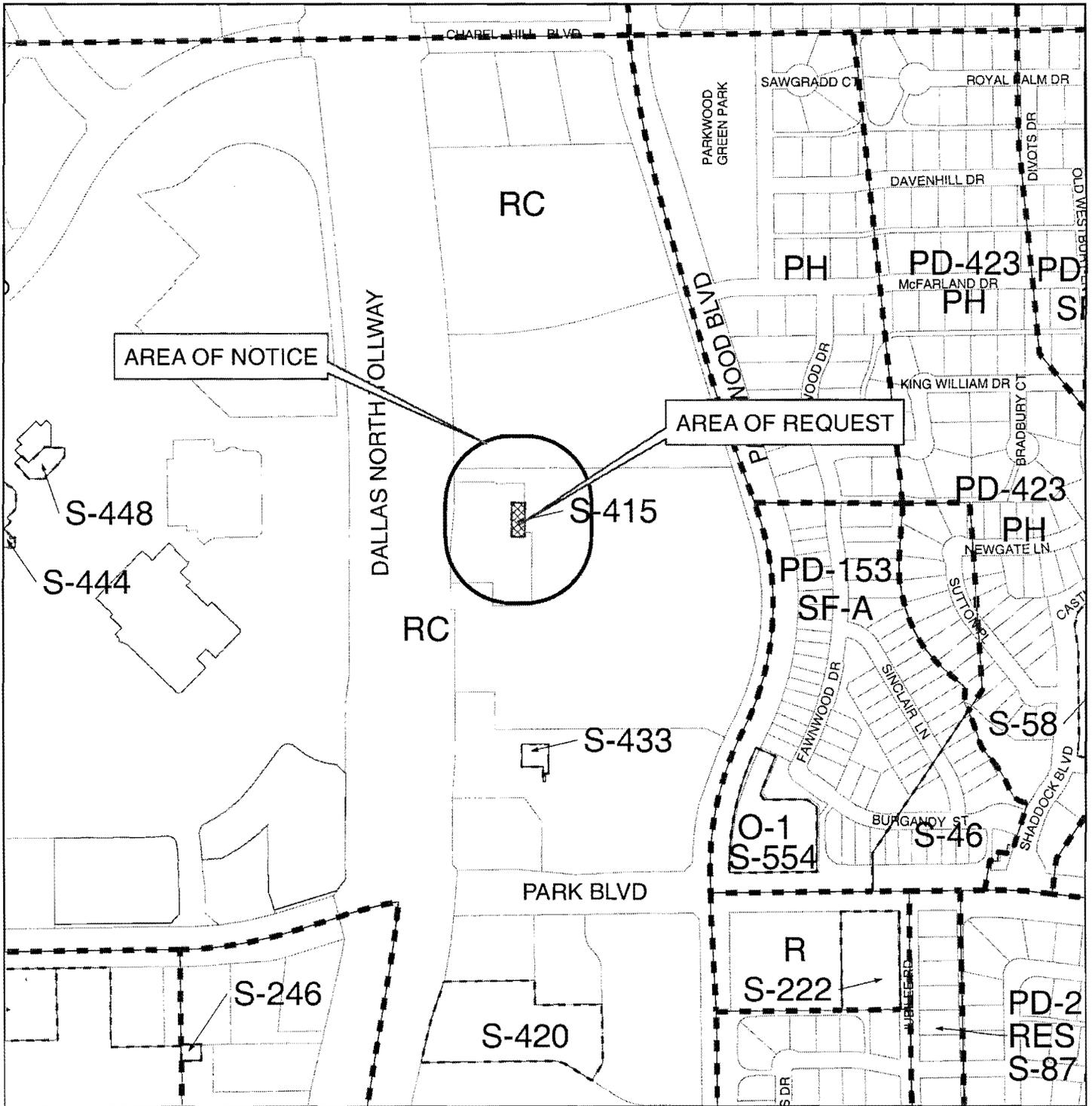
THENCE North, 00° 00' 42" West, a distance of 62.51 feet to the point for corner;

THENCE North, 89° 59' 18" East, a distance of 8.67 feet to the point for corner;

THENCE North, 00° 00' 42" West, a distance of 17.63 feet to the point for corner;

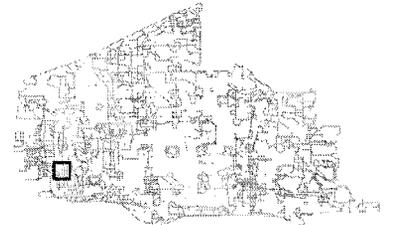
THENCE North, 59° 59' 18" East, a distance of 40.00 feet to the point for corner;

THENCE South, 00° 00' 42' East, a distance of 102.00 feet to the POINT OF BEGINNING and CONTAINING 0.1061 acre (4,622 square feet) of land more or less.



Zoning Case #: 2012-39

Existing Zoning: REGIONAL COMMERCIAL/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #415



○ 200' Notification Buffer

DATE: December 4, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 3, 2012

AGENDA ITEM NO. 6I
PUBLIC HEARING: ZONING CASE 2012-40
APPLICANT: CITY OF PLANO

Request to rescind Specific Use Permit #459 for Private Club on 0.3± acre located 570± feet east of Coit Road, 200± feet south of Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #459 for Private Club.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval.

FOR CITY COUNCIL MEETING OF: January 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/sf

xc: Cliff Bormann, Assistant Building Official

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 3, 2012

Agenda Item No. 6l

Public Hearing: Zoning Case 2012-40

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #459 for Private Club on 0.3± acre located 570± feet east of Coit Road, 200± feet south of Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #459 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #459 for Private Club. 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 for such use during the review of an SUP application.

In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous SPUs for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

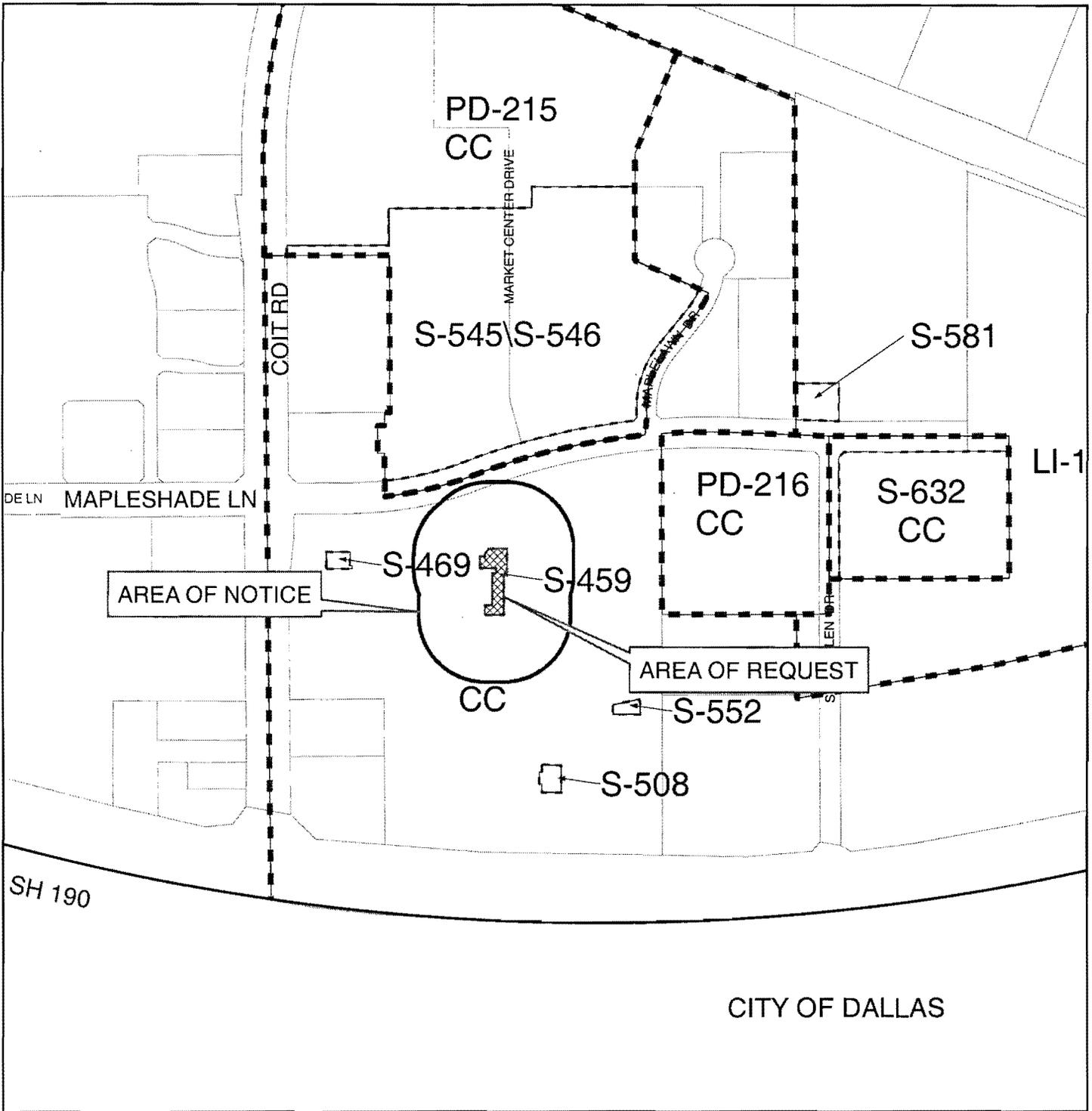
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

Central Market has obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a

response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

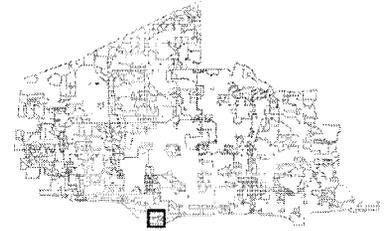


CITY OF DALLAS

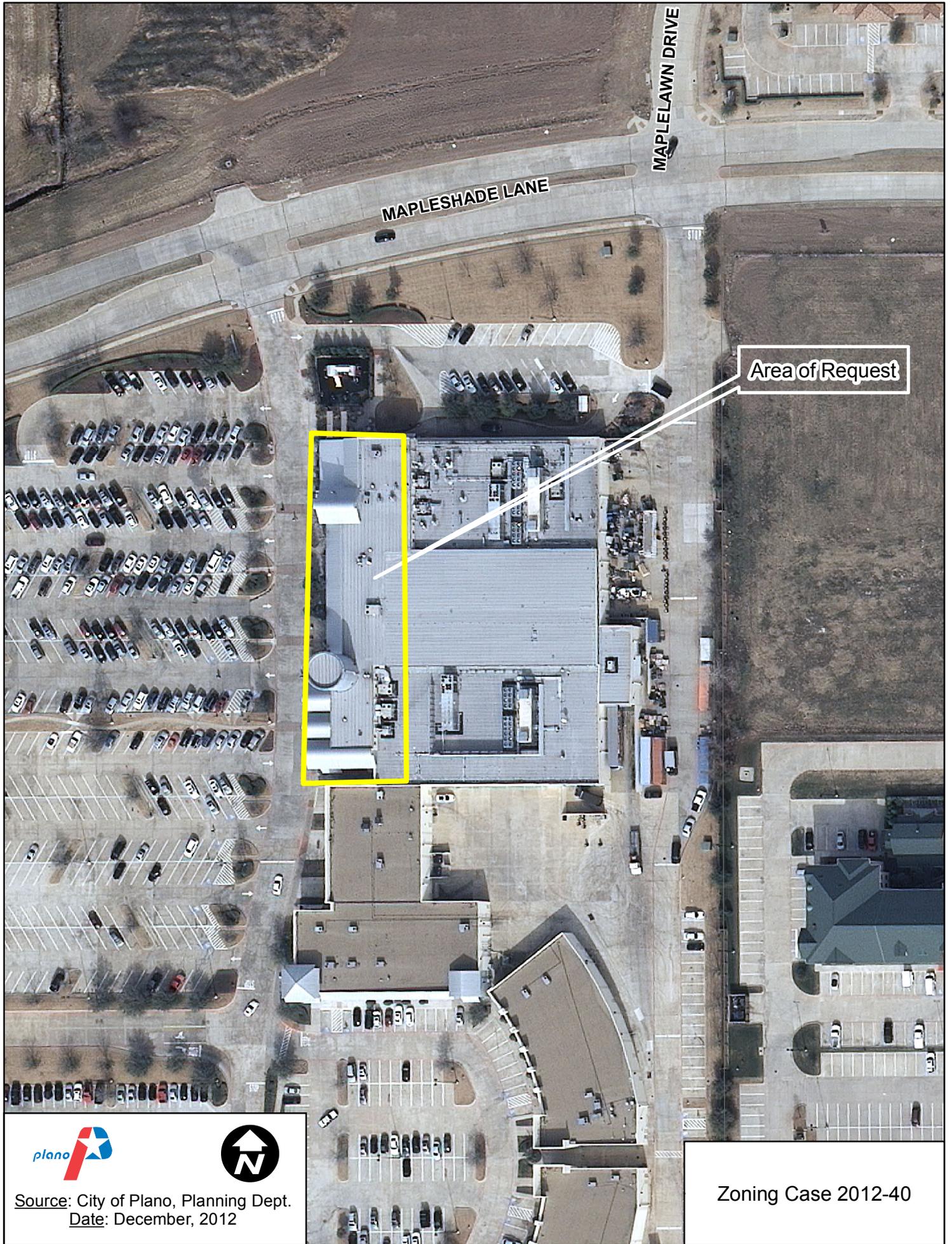


Zoning Case #: 2012-40

Existing Zoning: CORRIDOR COMMERCIAL/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #459



○ 200' Notification Buffer



MAPLESHADE LANE

MAPLELAWN DRIVE

Area of Request



Des Sauer 12/11/2012 X:\Dept\B&Z Locators & Graphics\Z2012-40A.mxd



Source: City of Plano, Planning Dept.
Date: December, 2012

Zoning Case 2012-40

Zoning Case 2012-40

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2002-1-27; thereby rescinding Specific Use Permit No. 459 for the additional use of a Private Club on 0.3± acre of land out of the Martha McBride Survey, Abstract No. 553, located 570± feet east of Coit Road, 200± feet south of Mapleshade Lane, in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 459 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 14th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 459 for the additional use of a Private Club on 0.3± acre of land out of the Martha McBride Survey, Abstract No. 553, located 570± feet east of Coit Road, 200± feet south of Mapleshade Lane, in the City of Plano, Collin County, Texas; 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 14th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 459 for the additional use of a Private Club 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. Ordinance No. 2002-1-27 duly passed and approved by the City Council of the City of Plano, Texas, on January, 28, 2002, granting Specific Use Permit No. 459 for the additional use of a Private Club on 0.3± acre of land out of the Martha McBride Survey, Abstract No. 553, located 570± feet east of Coit Road, 200± feet south of Mapleshade Lane in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 459 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 459 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. 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 IV. The repeal of any ordinance or part of ordinances affectuated 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 V. 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 VI. 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 VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-40

Exhibit "A"

BEING all that tract of land out of the Martha McBride Survey, Abstract No. 553, being part of Lot 1, Block B, Coit Center, an addition to the City of Plano, Collin County, Texas, and being more particularly described as follows:

COMMENCING at the northeast corner of said Lot 1, Block B;

THENCE South, 00° 01' 27" East, 186.05 feet to a point for corner;

THENCE South, 89° 58' 33" West, 259.47 feet to a POINT OF BEGINNING, said being on the north wall of the H-E-B grocery building, as constructed;

THENCE South, 35.25 feet to a point for corner;

THENCE West, 14.62 feet to a point for corner;

THENCE South, 9.50 feet to a point for corner;

THENCE South, 40° 05' 22" West, 17.25 feet to a point for corner;

THENCE West, 56.13 feet to a point for corner;

THENCE North, 57.95 feet to a point for corner;

THENCE East, 81.86 feet to the POINT OF BEGINNING and CONTAINING 4,339 square feet (or 0.099 acre) of land;

BEING all that tract of land out of the Martha McBride Survey, Abstract No 553, being part of Lot 1, Block B, Coit Center, an addition to the City of Plano, Collin County, Texas, and being more particularly described as follows:

COMMENCING at the northeast corner of said Lot 1, Block B;

THENCE South $00^{\circ} 01' 27''$ East, 186.05 feet to a point for corner;

THENCE South $89^{\circ} 58' 33''$ West, 259.47 feet to a point for corner, said point being on the north wall of the H-E-B grocery building, as constructed;

THENCE 13.33 feet in a upward, vertical direction, to a point on the mezzanine level of said building, as constructed, to the POINT OF BEGINNING;

THENCE South, 97.16 feet to a point for corner;

THENCE West, 21.65 feet to a point for corner;

THENCE South, 96.83 feet to a point for corner;

THENCE West, 11.42 feet to a point for corner;

THENCE South, 73.24 feet to a point for corner;

THENCE West, 33.72 feet to a point for corner;

THENCE North, 78.57 feet to a point for corner;

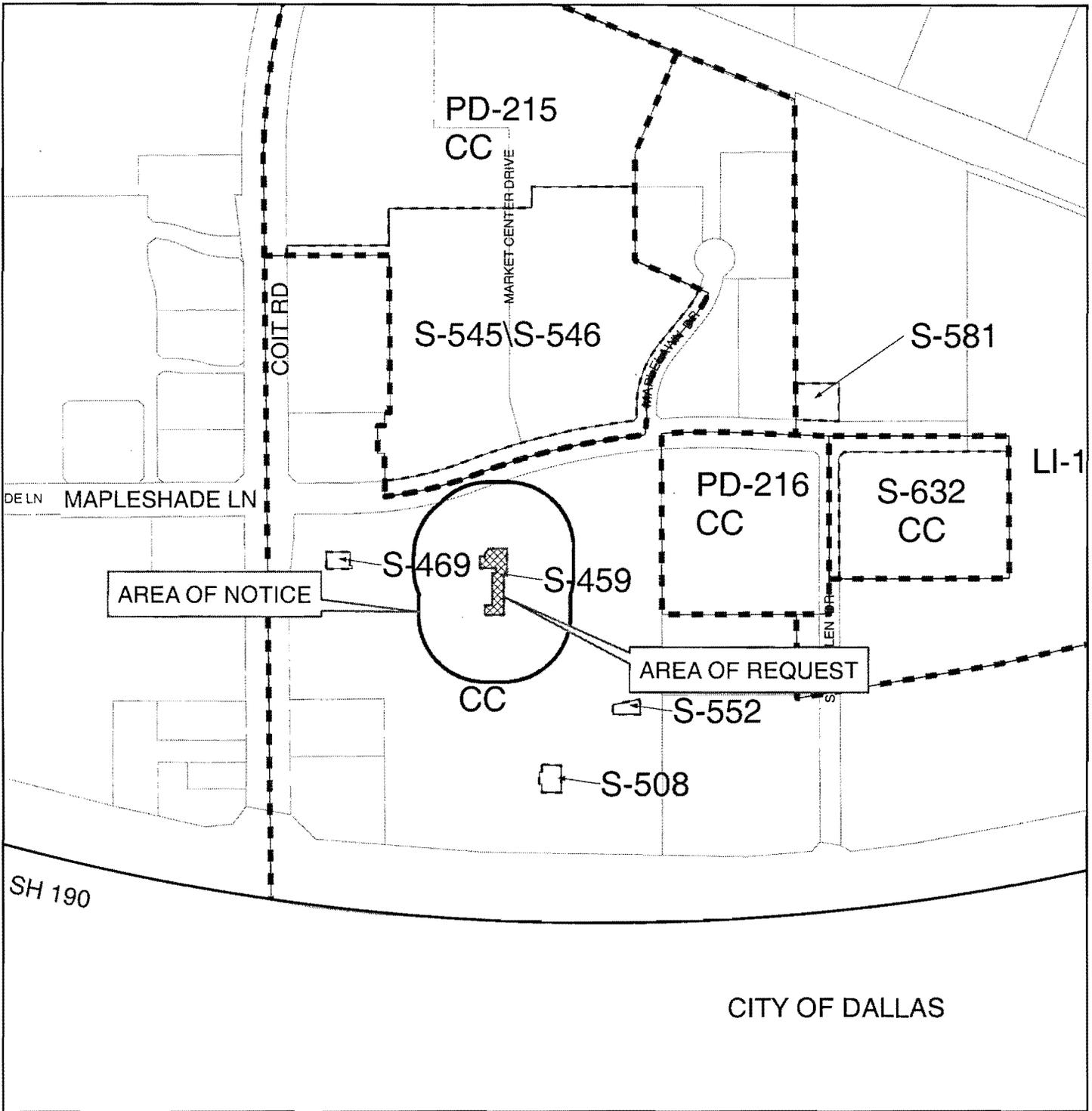
THENCE East, 9.67 feet to a point for corner;

THENCE North, 120.33 feet to a point for corner;

THENCE East, 15.33 feet to a point for corner;

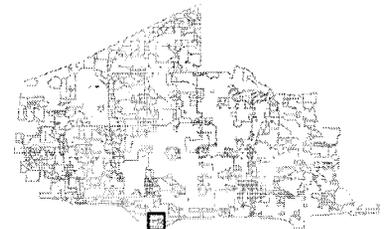
THENCE North, 68.33 feet to a point for corner;

THENCE East, 41.79 feet to the POINT OF BEGINNING and CONTAINING 10,458 square feet (or 0.240 acre) of land.



Zoning Case #: 2012-40

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○ 200' Notification Buffer