

Public Hearing and Consideration of Ordinances Requested in Zoning Cases 2012-41 through 2012-44, and 2012-46 through 2012-49 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 The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.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 2012-41** - To rescind Specific Use Permit #469 for Private Club on 0.1± acre located 110± feet east of Coit Road and 143± feet south of Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #469 for Private Club.
- (b) **Zoning Case 2012-42** - To rescind Specific Use Permit #73 for Private Club on 1.2± acres located on the east side of U.S. Highway 75, 270± feet north of 13th/14th Connector. Zoned Corridor Commercial with Specific Use Permit #73 for Private Club.
- (c) **Zoning Case 2012-43** - To rescind Specific Use Permit #131 for Private Club on 133.4± acres located on the south side Parker Road, and 570± feet east of Marsh Lane. Zoned Single-Family Residence-9 with Specific use Permit No. 80 for Country Club and Specific Use Permit #131 for Private Club.
- (d) **Zoning Case 2012-44** - To rescind Specific Use Permit #186 for Private Club on 0.1± acre located generally at the southeast corner of Greenway Drive and 15th Street. Zoned Planned Development-79-Retail with Specific Use Permit #186 for Private Club.
- (e) **Zoning Case 2012-46** - To rescind Specific Use Permit #481 for Private Club on 0.2± acre located on the west side of U.S. Highway 75, 2,200± feet south of Heritage Drive. Zoned Corridor Commercial with Specific Use Permit #481 for Private Club.
- (f) **Zoning Case 2012-47** - To rescind Specific Use Permit #538 for Private Club on 0.1± acre located at the southeast corner of K Avenue and Vontress Drive. Zoned Downtown Business/Government with Specific Use Permit #538 for Private Club.
- (g) **Zoning Case 2012-48** - To rescind Specific Use Permit #547 for Private Club on 0.3± acre located 350± feet west of Coit Road and 320± feet north of Spring Creek Parkway. Zoned Retail with Specific Use Permit #547 for Private Club and Specific Use Permit #548 for Arcade.
- (h) **Zoning Case 2012-49** - To rescind Specific Use Permit #220 for Private Club on 2.6± acres located at the southwest corner of Plano Parkway and

Accent Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #220 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, a savings clause, a severability clause, and an effective date.
Applicant: City of Plano

DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2012-41
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #469 for Private Club on 0.1± acre located 110± feet east of Coit Road and 143± feet south of Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #469 for Private Club.

APPROVED: 6-0 **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 as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6A

Public Hearing: Zoning Case 2012-41

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #469 for Private Club on 0.1± acre located 110± feet east of Coit Road and 143± feet south of Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #469 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #469 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.

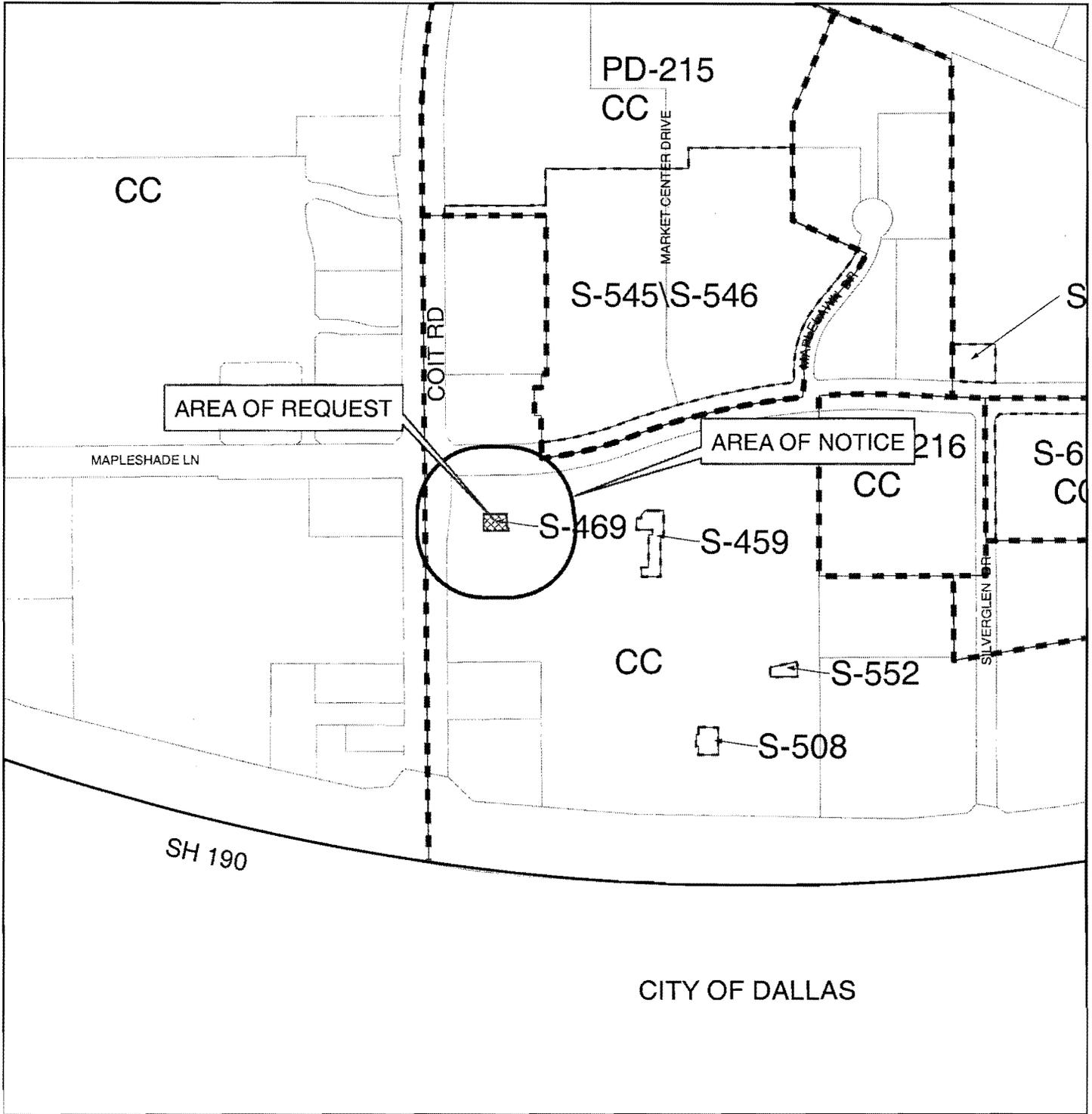
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments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

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.

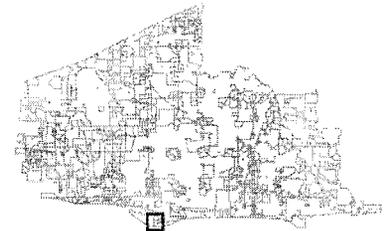


CITY OF DALLAS



Zoning Case #: 2012-41

Existing Zoning: CORRIDOR COMMERCIAL/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #469



○ 200' Notification Buffer



MAPLESHADE LANE

COIT ROAD

Area of Request



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-41

Zoning Case 2012-41

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2002-5-28; thereby rescinding Specific Use Permit No. 469 for the additional use of a Private Club on 0.1± acre of land out of the Martha McBride Survey, Abstract No. 553, located 110± feet east of Coit Road and 143± feet south of Mapleshade Lane, in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 469 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 469 for the additional use of a Private Club on 0.1± acre of land out of the Martha McBride Survey, Abstract No. 553, located 110± feet east of Coit Road and 143± 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 469 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. 2002-5-28 duly passed and approved by the City Council of the City of Plano, Texas, on May 28, 2002, granting Specific Use Permit No. 469 for the additional use of a Private Club on 0.1± acre of land out of the Martha McBride Survey, Abstract No. 553, located 110± feet east of Coit Road and 143± feet south of Mapleshade Lane in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 469 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 469 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-41

BEING a tract of land out of the Martha McBride Survey, Abstract No. 553 located in the City of Plano, Collin County, Texas, being a part of Lot 1, Block 13, Coit Center Addition to the City of Plano as recorded in Cabinet N, Page 464, Collin County Plat Records, and being more particularly described as follows:

COMMENCING at the most westerly southwest corner of said Lot 1, being the northwest corner of Lot 2, Block B of said addition, being in the east right-of-way line of Coit Road (130-foot wide right-of-way);

THENCE North, 00°11' 15" West, 362.64 feet along the west line of said Lot 1 and the east line of Coit Road to a point for corner;

THENCE North, 89° 48' 45" East, 110.81 feet to the POINT OF BEGINNING;

THENCE North, 50.60 feet to a point for corner;

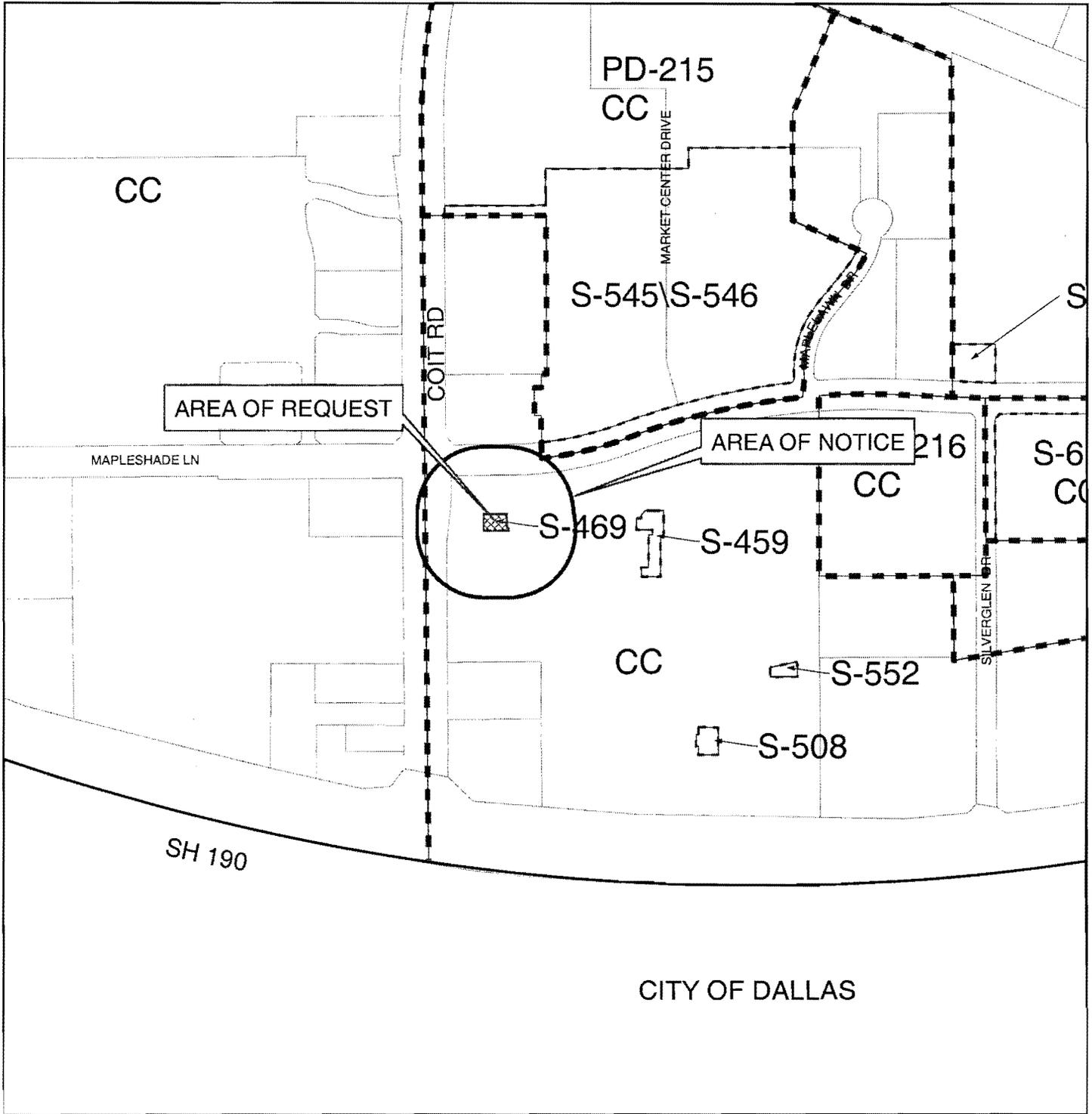
THENCE East, 70.92 feet to a point for corner;

THENCE South, 42.19 feet to a point for corner;

THENCE East, 5.96 feet to a point for corner;

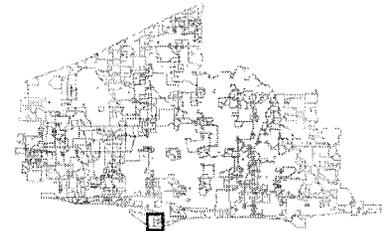
THENCE South, 8.42 feet to a point for corner;

THENCE West, 76.88 feet to a POINT OF BEGINNING and CONTAINING 3,639 square feet (or 0.1± acre), of land more or less.



Zoning Case #: 2012-41

Existing Zoning: CORRIDOR COMMERCIAL/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #469



○ 200' Notification Buffer



DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6B - PUBLIC HEARING
ZONING CASE 2012-42
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #73 for Private Club on 1.2± acres located on the east side of U.S. Highway 75, 270± feet north of 13th/14th Connector. Zoned Corridor Commercial with Specific Use Permit #73 for Private Club.

APPROVED: 6-0 **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 as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6B

Public Hearing: Zoning Case 2012-42

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #73 for Private Club on 1.2± acres located on the east side of U.S. Highway 75, 270± feet north of 13th/14th Connector. Zoned Corridor Commercial with Specific Use Permit #73 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #73 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.

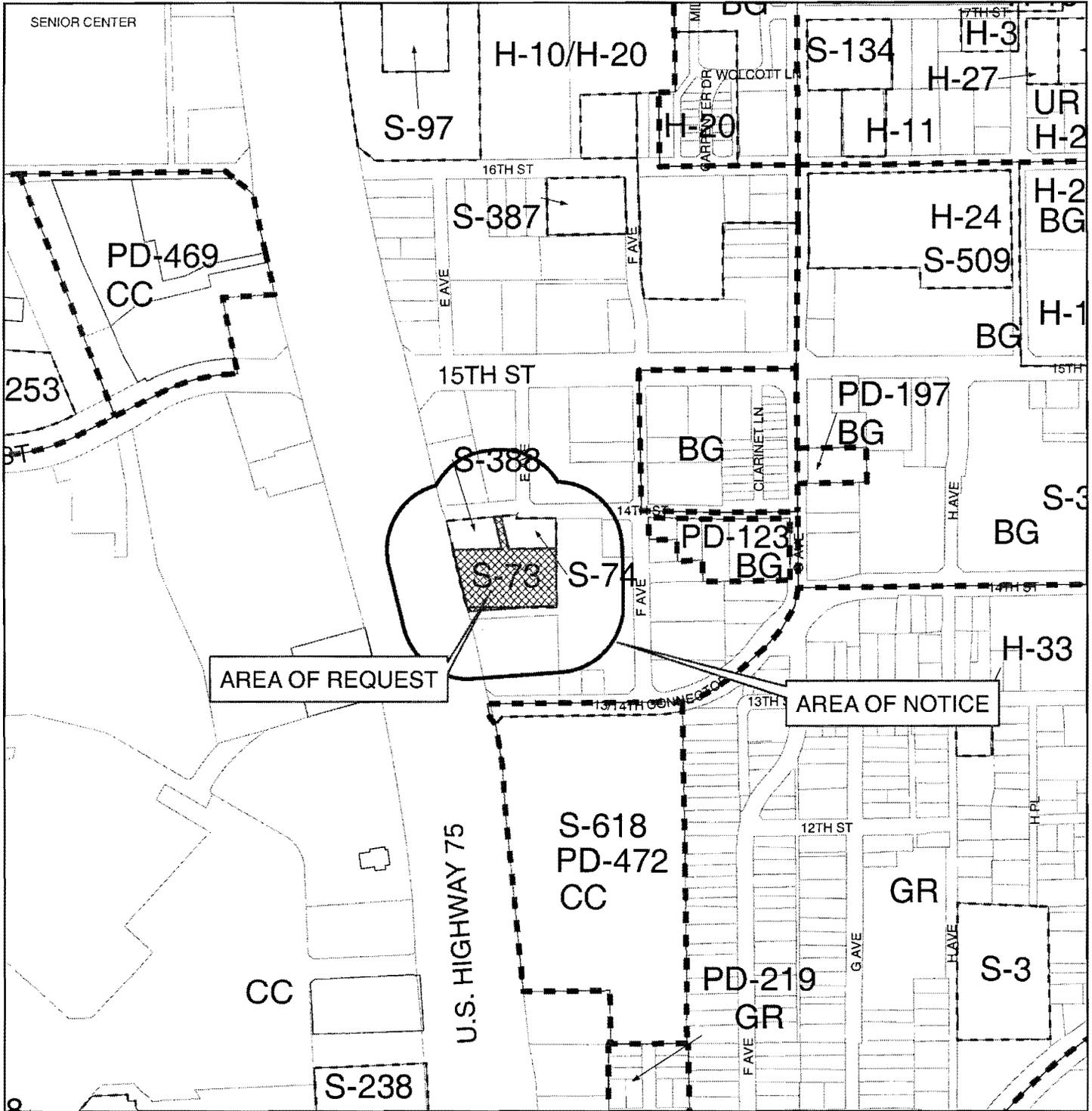
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments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

Brazilian Cowboy 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.

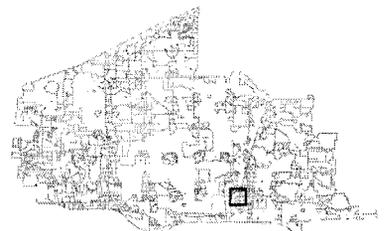
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-42

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #73



○ 200' Notification Buffer





Area of Request



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-42

Zoning Case 2012-42

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 81-5-6; thereby rescinding Specific Use Permit No. 73 for the additional use of a Private Club on 1.2± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of U.S. Highway 75, 270± feet north of 13th/14th Connector, in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 73 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 73 for the additional use of a Private Club on 1.2± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of U.S. Highway 75, 270± feet north of 13th/14th Connector 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 73 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. 81-5-6 duly passed and approved by the City Council of the City of Plano, Texas, on May 25, 1981, granting Specific Use Permit No. 73 for the additional use of a Private Club on 1.2± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of U.S. Highway 75, 270± feet north of 13th/14th Connector in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 73 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 73 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-42

BEING a tract of land situated in Collin County, Texas, out of the Joseph Klepper Survey, Abstract No. 213, and being a part of a 6.24 acre tract described in deed from L. S. Rush to Raymond Ford dated July 3, 1947, and recorded in Volume 381, Page 452 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at the southeast corner of said 6.24 acre tract, an iron stake found in place for corner;

THENCE South, 87° 23' West, a distance of 270.23 feet to an iron stake for corner in the east right-of-way line of U.S. Highway 75;

THENCE in a northerly direction along the east line of said U.S. Highway 75 with a curve to the right, said curve having a central angle of 1° 15' and a radius of 3,667.00 feet, an arc distance of 80.18 feet to an iron stake for corner therein;

THENCE North, 12° 19' West, continuing along said east right-of-way line of U.S. Highway 75 a distance of 91.98 feet to an iron stake for corner therein;

THENCE North, 86° 19' East, 145.09 feet to an iron stake for corner;

THENCE North, 12° 19' West, 100.00 feet to an iron stake for corner in the south line of said 14th Street;

THENCE North, 8° 19' East, 20.00 feet along the south line of said 14th Street to an iron stake for corner therein;

THENCE South, 12° 19' East, 100.00 feet to an iron stake for corner;

THENCE South, 89° 27' 26" East, 144.47 feet to an iron stake for corner;

THENCE South, 00° 36' West, 164.74 feet to the PLACE OF BEGINNING and CONTAINING 1.176 acres of land.

DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6C - PUBLIC HEARING
ZONING CASE 2012-43
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #131 for Private Club on 133.4± acres located on the south side of Parker Road, and 570± feet east of Marsh Lane. Zoned Single-Family Residence-9 with Specific Use Permit #80 for Country Club and Specific Use Permit #131 for Private Club.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 16 **OPPOSE:** 7

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING – ORDINANCE

JH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6C

Public Hearing: Zoning Case 2012-43

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #131 for Private Club on 133.4± acres located on the south side of Parker Road, and 570± feet east of Marsh Lane. Zoned Single-Family Residence-9 with Specific Use Permit #80 for Country Club and Specific Use Permit #131 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #131 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.

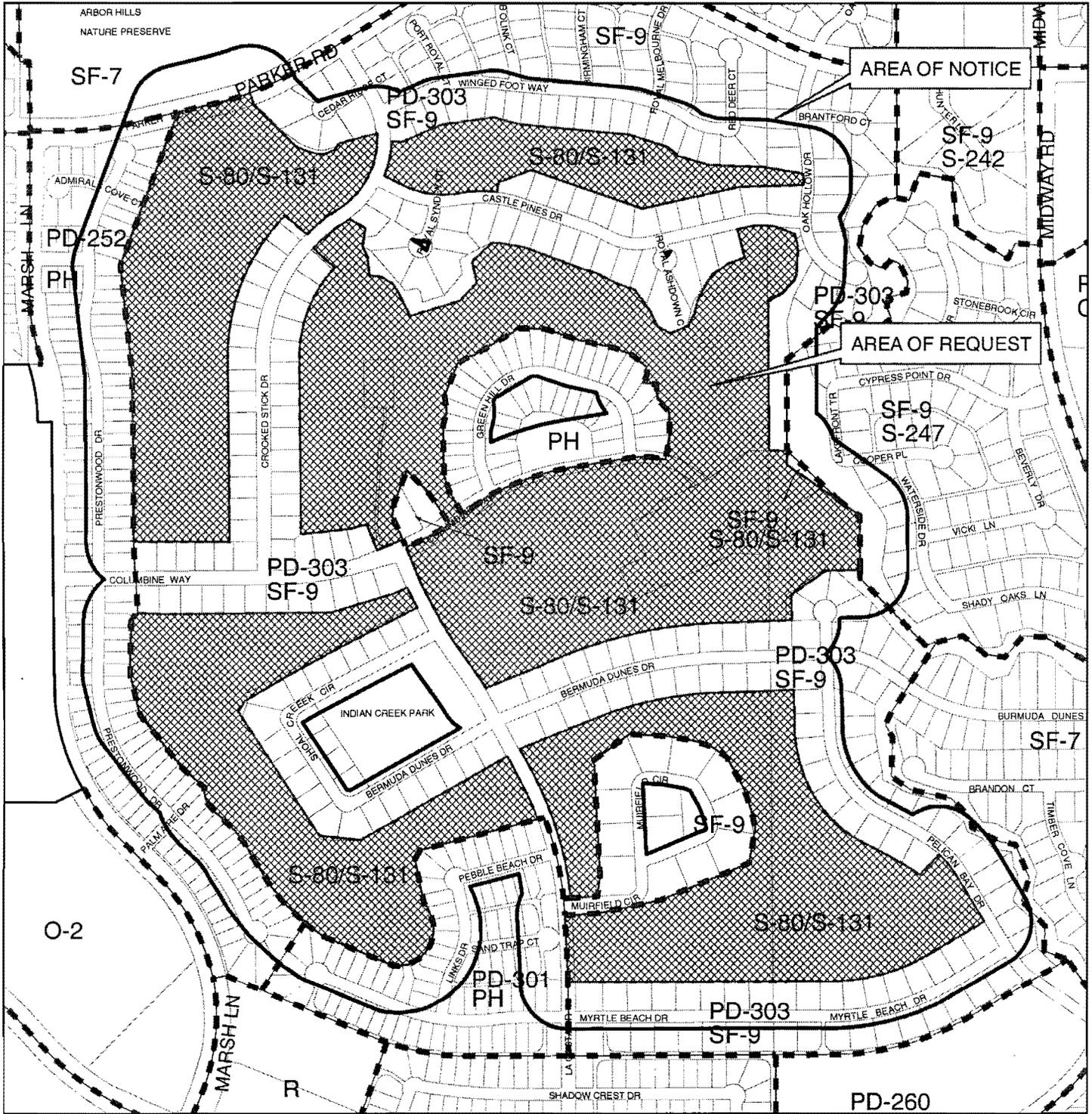
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments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

Prestonwood 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.

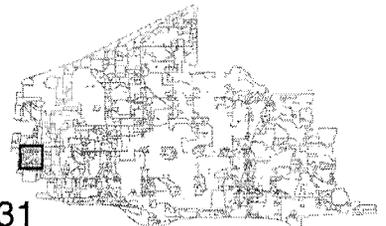
RECOMMENDATION:

Recommended for approval as submitted.



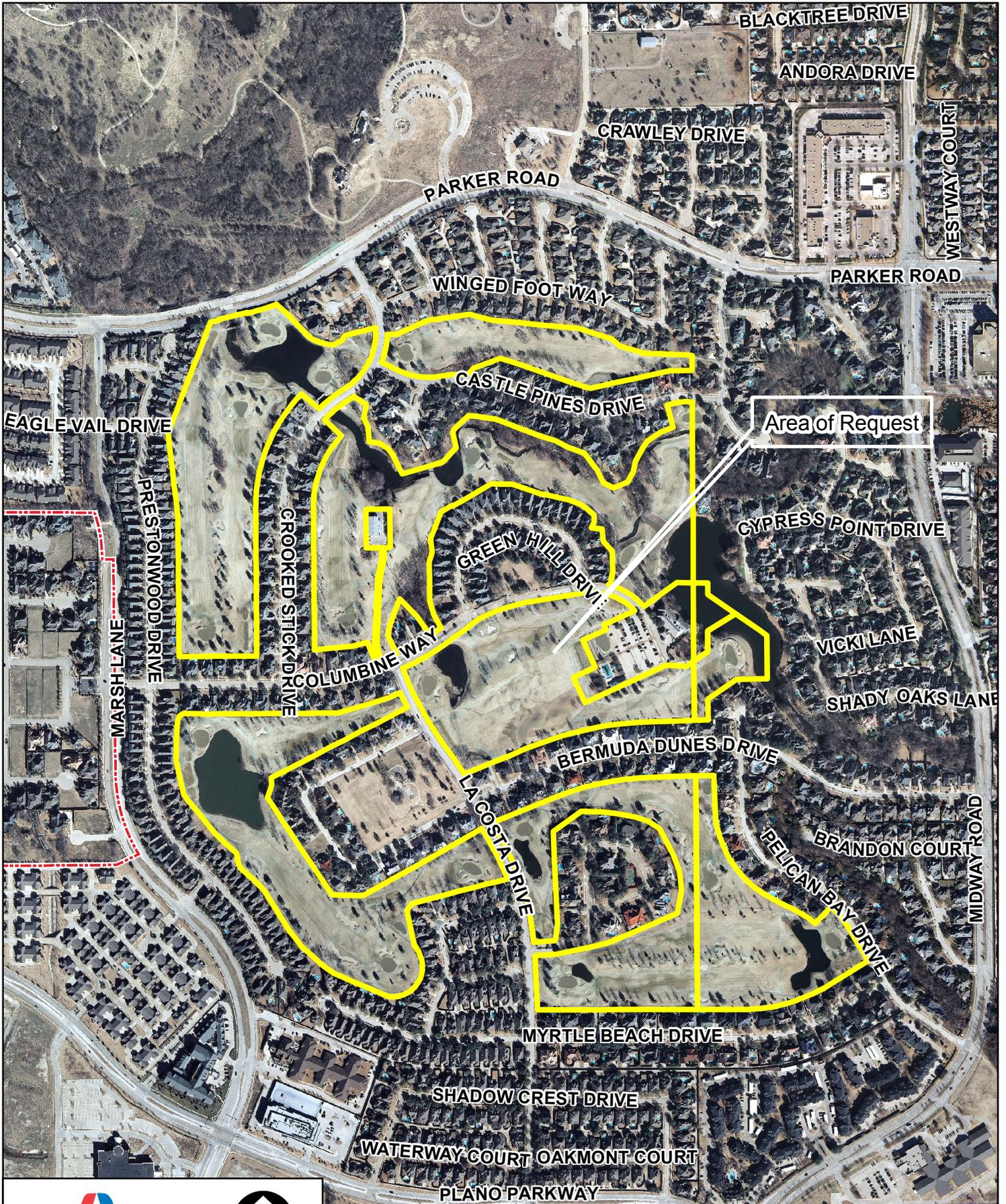
Zoning Case #: 2012-43

Existing Zoning: SINGLE-FAMILY RESIDENCE-9/
 PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #80 & #131



○ 200' Notification Buffer





Area of Request



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-43

Zoning Case 2012-43

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 87-1-12; thereby rescinding Specific Use Permit No. 131 for the additional use of a Private Club on 133.4± acres of land out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, and the A. Dyer Survey, Abstract No. 360 in the City of Plano, Denton County, Texas, and out of the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, and the J. H. Wilson Survey, Abstract No. 968, located on the south side of Parker Road, and 570± feet east of Marsh Lane, in the City of Plano, Collin County, Texas, currently zoned Single-Family Residence-9 with Specific Use Permit No. 80 for Country Club and Specific Use Permit No. 131 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 131 for the additional use of a Private Club on 133.4± acres of land out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, and the A. Dyer Survey, Abstract No. 360 in the City of Plano, Denton County, Texas, and out of the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, and the J. H. Wilson Survey, Abstract No. 968, located on the south side of Parker Road, and 570± feet east of Marsh 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 131 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. 87-1-12 duly passed and approved by the City Council of the City of Plano, Texas, on January 12, 1987, granting Specific Use Permit No. 131 for the additional use of a Private Club on 133.4± acres of land out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, and the A. Dyer Survey, Abstract No. 360 in the City of Plano, Denton County, Texas, and out of the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, and the J. H. Wilson Survey, Abstract No. 968, located on the south side of Parker Road, and 570± feet east of Marsh Lane in the City of Plano, Collin County, Texas, currently zoned Single-Family Residence-9 with Specific Use Permit No. 80 for Country Club and Specific Use Permit No. 131 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 131 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2012-43

Tract No. 1 (20.205 acres)

BEING a portion of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture as recorded in Volume 1678, Page 424, Deed Records, Collin County, Texas, Volume 1229, Page 959, Deed Records, Denton County, Texas. Being out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, the A. Dyer Survey, Abstract No. 360, City of Plano, Denton County, Texas. Also the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, the J. H. Wilson Survey, Abstract No. 968, City of Plano, Collin County, Texas; said tract being more particularly described as follows:

BEGINNING at a one-inch re-bar in the east right-of-way line of La Costa Drive (a 60-foot right-of-way) and Columbine Way (an 80-foot right-of-way) at this point; said point also lying on a non-tangent curve to the left having a central angle of 15° 29' 21", radius of 1,040.00 feet, a tangent length of 141.44 feet, and a chord bearing and distance of North, 60° 13' 18" East, 280.29 feet;

THENCE along said south line of Columbine Way, an arc distance of 281.15 feet to a one-inch re-bar for the point of reverse curvature of a curve to the right; said curve having a central angle of 04° 36' 58", a radius of 960.00 feet, a tangent length of 38.69 feet, and a long chord bearing and distance of North, 54° 47' 06" East, 77.32 feet;

THENCE along said curve to the right and said south line of Columbine Way, an arc distance of 77.34 feet to a one-inch re-bar for the point of reverse curvature of a curve to the left; said curve having a central angle of 08° 52' 45", a radius of 318.03 feet, a tangent length of 24.69 feet, and a chord bearing and distance of North, 52° 39' 13" East, 49.24 feet;

THENCE along said curve to the left and said south right-of-way line of Columbine Way, an arc distance of 49.29 feet to a 1-inch re-bar for the point of reverse curvature of a curve to the right; said curve having a central angle of 17° 28' 25", a radius of 318.03 feet, a tangent length of 448.87 feet, and a long chord bearing and distance of North, 56° 57' 01" East, 96.61 feet;

THENCE along said curve to the right and said south right-of-way of Columbine Way, an arc distance of 96.99 feet to a one-inch re-bar for the point of compound curvature of a curve to the right; said curve having a central angle of 15° 33' 59", a radius of 975.00 feet, a tangent length of 133.27 feet, and a long chord bearing and distance of North, 73° 28' 14" East, 264.08 feet;

THENCE along curve to the right and said south right-of-way line of Columbine Way, an arc distance of 264.89 feet to a one-inch re-bar for the end of said curve;

THENCE North, 81° 15' 14" East, along said south right-of-way line of Columbine Way, a distance of 259.11 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of 53° 46' 02", a radius 311.00 feet, and a tangent length of 157.67 feet;

THENCE along said curve to the right and said south line of Columbine Way, an arc distance of 291.85 feet to a one-inch re-bar on the northerly line of the recorded plat of the Indian Hills Country Club as recorded in Cabinet F, Page 332, Collin County, Texas;

THENCE following the perimeter of the plat of Indian Hills Country Club the following courses and distances:

THENCE South, 20° 46' 50" West, a distance of 10.36 feet to a one-inch re-bar;

THENCE South, 65° 46' 50" West, a distance of 165.75 feet to a one-inch re-bar;

THENCE South, 24° 13' 10" East, a distance of 27.00 feet to a one-inch re-bar;

THENCE South, 65° 46' 50" West, a distance of 134.09 feet to a one-inch re-bar;

THENCE South, 24° 13' 10" East, a distance of 154.00 feet to a one-inch re-bar;

THENCE South, 65° 46' 50" West, a distance of 125.00 feet to a one-inch re-bar;

THENCE South, 24° 13' 10" East, a distance of 145.00 feet to a one-inch re-bar;

THENCE North, 65° 46' 50" East, a distance of 465.01 feet to a one-inch re-bar;

THENCE South, 86° 29' 12" East, a distance of 104.07 feet to a one-inch re-bar;

THENCE North, 54° 51' 41" East, a distance of 135.02 feet to a one-inch re-bar;

THENCE North, 00° 38' 37" East, a distance of 105.00 feet to a one-inch re-bar;

THENCE North, 50° 22' 52" East, a distance of 170.48 feet to a one-inch re-bar; said point also lying on the common line between Folsom Investments, Inc. and Parkway North Venture tract;

THENCE South, 54° 49' 09" East, departing from said perimeter of Indian Hills Country Club along the common line between the Parkway North Venture tract and the Folsom Investments, Inc. tract, a distance of 198.16 feet to a one-inch re-bar;

THENCE due South, continuing along said common line between Parkway North Venture and Folsom Investments, Inc., a distance of 226.04 feet to the north line of a Replat of Indian Creek Phase I as recorded in Cabinet F, Page 438, Collin County, Plat Records;

THENCE continuing along said north line of the Replat of Indian Creek Phase I the following courses and distances:

THENCE South, 89° 36' 51" West, a distance of 163.13 feet to a one-inch re-bar;

THENCE South, 55° 39' 56" West, a distance of 162.50 feet;

THENCE South, 39° 27' 06" West, a distance of 22.38 feet;

THENCE South, 01° 27' 20" East, a distance of 100.00 feet;

THENCE South, 88° 32' 58" West, passing the Denton Collin County Line at 68.44 feet, a distance of 308.03 feet to a one-inch re-bar on the north line of the recorded Replat of Indian Creek Phase I as recorded in Cabinet East, Page 317, Denton County, Plat Records; said point also being the beginning of a curve to the left having a central angle of 20° 20' 00", a radius of 810.00 feet, and a tangent length of 324.58 feet;

THENCE along said curve to the left and said north line of the Replat of Indian Creek Phase I, an arc distance of 642.34 feet to a one-inch re-bar for the end of said curve;

THENCE South, 68° 12' 58" West, continuing along said north line of the Replat of Indian Creek Phase I, a distance of 359.11 feet to a one-inch rod in the east line of La Costa Drive (a 60-foot right-of-way); said point also being the beginning of a non-tangent curve to the left having a central angle of 04° 59' 53", a radius of 1,631.48 feet, a tangent length of 71.21 feet, and a chord bearing and distance of North, 34° 07' 05" West, 142.28 feet;

THENCE along said curve to the left and said east line of La Costa Drive, an arc distance of 142.32 feet to a one-inch re-bar for the point of reverse curvature of a curve to the right; said curve having a central angle of 14° 35' 00" a radius of 1,750.00 feet, a tangent length of 223.92 feet, and a chord bearing and distance of North, 29° 19' 32" West, 444.22 feet;

THENCE along said curve to the right and said east line of La Costa Drive, an arc distance of 445.42 feet to a one-inch re-bar for the end of said curve;

THENCE North, 22° 02' 02" West, continuing along said east line of La Costa Drive, a distance of 50.00 feet to the POINT OF BEGINNING and CONTAINING 20.205 acres of land.

(continued)

Tract No. 2 (8.521 acres)

BEING a portion of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture as recorded in Volume 1678, Page 424, Deed Records, Collin County, Texas, Volume 1229, Page 959, Deed Records, Denton County, Texas. Being out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, the A. Dyer Survey, Abstract No. 360, City of Plano, Denton County, Texas. Also the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, the J. H. Wilson Survey, Abstract No. 968, City of Plano, Collin County, Texas; said tract being more particularly described as follows:

COMMENCING at the northeast corner of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture by a Warranty Deed as filed in Volume 1678, Page 424, Collin County, Deed Records and Volume 1229, Page 959, Denton County Deed Records; said point also being on the centerline of Parker Road (a 110-foot right-of-way);

THENCE South, $00^{\circ} 06' 42''$ West, 55.00 feet to southerly line of Parker Road; said point being the beginning of non-tangent curve to the right having a central angle of $19^{\circ} 29' 39''$, a radius of 1,129.30 feet, a tangent length of 193.99 feet, and a chord bearing and distance of North, $80^{\circ} 08' 27''$ West, 382.38 feet;

THENCE along said curve and the south line of future Parker Road (a 110-foot right-of-way), an arc distance of 384.23 feet to a point;

THENCE South, $18^{\circ} 20' 16''$ West, a distance of 93.06 feet to the beginning of a curve to the left; said curve having a central angle of $22^{\circ} 13' 31''$, a radius of 375.00 feet, and a tangent length of 73.66 feet;

THENCE along said curve, an arc distance of 145.46 feet to a point for the end of said curve;

THENCE South, $03^{\circ} 53' 15''$ East, a distance of 222.33 feet to a one-inch re-bar for the POINT OF BEGINNING;

THENCE South, $03^{\circ} 53' 15''$ East, a distance of 49.74 feet to a one-inch re-bar;

THENCE South, $89^{\circ} 10' 25''$ West, a distance of 254.10 feet to a one-inch re-bar;

THENCE South, $77^{\circ} 57' 33''$ West, a distance of 424.53 feet to a one-inch re-bar;

THENCE North, $74^{\circ} 30' 52''$ West, a distance of 178.29 feet to a one-inch re-bar;

THENCE North, $70^{\circ} 15' 13''$ West, a distance of 268.28 feet to a one-inch re-bar;

THENCE North, $72^{\circ} 00' 33''$ West, a distance of 45.21 feet to a one-inch re-bar;

THENCE South, 63° 48' 03" West, a distance of 47.51 feet to a one-inch re-bar;

THENCE North, 76° 35' 29" West, a distance of 18.85 feet to a one-inch re-bar;

THENCE South, 66° 02' 50" W, a distance of 39.59 feet to a one-inch re-bar;

THENCE 77° 40' 10" West, a distance of 38.01 feet to a one-inch re-bar;

THENCE South, 43° 56' 35" West, a distance of 57.91 feet to a one-inch re-bar being the beginning of a non-tangent curve to the left having a central angle of 15° 16' 33", a radius of 725.00 feet, a tangent length of 97.22 feet, and a chord bearing and distance of South, 88° 01' 09" West, 192.72 feet;

THENCE along said curve, an arc distance of 193.29 feet to a one-inch re-bar for the point of reverse curvature of a curve to the right having a central angle of 41° 46' 10", a radius of 375.00 feet, a tangent length of 143.08 feet, and a chord bearing and distance of North, 78° 44' 02" West, 267.37 feet;

THENCE continuing along said curve, an arc distance of 273.38 feet to a one-inch re-bar; said point lying on the easterly right-of-way line of La Costa Drive (a 60-foot right-of-way); said point also being the beginning of a non-tangent curve to the left having a central angle of 26° 01' 11 " , a radius of 405.00 feet, a tangent length of 93.57 feet, and a chord bearing and distance of North, 15° 02' 13" East, 182.35 feet;

THENCE along said curve and said easterly right-of-way of La Costa Drive, an arc distance of 183.92 feet to a one-inch re-bar for the end of said curve;

THENCE South, 87° 58' 23" East, departing from said west line of La Costa Drive, a distance of 45.06 feet to a one-inch re-bar;

THENCE North, 66° 27' 16" East, a distance of 180.14 feet to a one-inch re-bar;

THENCE North, 82° 28' 59" East, a distance of 222.69 feet to a one-inch re-bar;

THENCE South, 73° 50' 50" East, a distance of 110.95 feet to a one-inch re-bar;

THENCE South, 84° 02' 57" East, a distance of 462.52 feet to a one-inch re-bar;

THENCE South, 71° 53' 35" East, a distance of 173.68 feet to a one-inch re-bar;

THENCE South, 46° 02' 41" East, a distance of 55.44 feet to a one-inch re-bar;

THENCE South, 73° 24' 45" East, a distance of 140.69 feet to a one-inch re-bar;

THENCE South, 87° 36' 41" East, a distance of 218.97 feet to a one-inch re-bar;

THENCE South, 79 51' 00" East, a distance of 161.58 feet to the POINT OF BEGINNING and CONTAINING 8.521 acres of land.

(continued)

Tract No. 3 (29.109 acres)

BEING a portion of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture as recorded in Volume 1678, Page 424, Deed Records, Collin County, Texas, Volume 1229, Page 959, Deed Records, Denton County, Texas. Being out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, the A. Dyer Survey, Abstract No. 360, City of Plano, Denton County, Texas. Also the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, the J. H. Wilson Survey, Abstract No. 968, City of Plano, Collin County, Texas; said tract being more particularly described as follows:

BEGINNING at a one-inch re-bar at the southwest corner of the final plat of the Indian Hills Maintenance Facility as recorded in Cabinet F, Page 96, Denton County Plat Records;

THENCE South, 67° 23' 41" West, along the north line of Columbine Way (a variable right-of-way) a distance of 14.13 feet to a one-inch re-bar;

THENCE North, 22° 02' 02" West, departing from the north line of Columbine Way a distance of 120.00 feet to a one-inch re-bar;

THENCE South, 79° 19' 59" West, a distance of 278.97 feet to a one-inch re-bar;

THENCE North, 00° 03' 08" East, a distance of 781.27 feet to a one-inch re-bar;

THENCE North, 13° 41' 08" East, a distance of 183.78 feet to a one-inch re-bar;

THENCE North, 33° 21' 55" East, a distance of 193.44 feet to a one-inch re-bar;

THENCE North, 46° 19' 00" West, a distance of 120.00 feet to a one-inch re-bar in the southeasterly right-of-way of La Costa Drive (a 60-foot right-of-way); said point also being the beginning of a non-tangent curve to the right; said curve having a central angle of 15° 10' 33", a radius of 660.00 feet, a tangent length of 87.92 feet, a chord bearing and distance of North, 51° 16' 16" East, 174.30 feet;

THENCE along said curve to the right and said southeasterly right-of-way of La Costa Drive, an arc distance of 174.81 feet to a one-inch re-bar for the point of reverse curvature of a curve to the left; said curve having a central angle of 06° 44' 41", a radius of 405.00 feet, a tangent length of 23.87 feet, a chord bearing and distance of North, 55° 29' 12" East, 47.65 feet;

THENCE along said curve to the left and said southeasterly right-of-way of La Costa Drive an arc distance of 47.68 feet to a one-inch re-bar for the end of said curve;

THENCE South, 58° 19' 55" East, departing from said southeasterly right-of-way of La Costa Drive a distance of 56.68 feet to a one-inch re-bar;

THENCE South, 10° 26' 26" West, a distance of 99.16 feet to a one-inch re-bar;
THENCE South, 23° 41' 45" East, a distance of 50.57 feet to a one-inch re-bar;
THENCE South, 05° 20' 53" East, a distance of 78.77 feet to a one-inch re-bar;
THENCE South, 82° 18' 40" East, a distance of 49.37 feet to a one-inch re-bar,
THENCE South, 59° 13' 21" East, a distance of 52.93 feet to a one-inch re-bar;
THENCE South, 36° 30' 07" East, a distance of 40.49 feet to a one-inch re-bar;
THENCE South, 26° 21' 18" East, a distance of 114.38 feet to a one-inch re-bar;
THENCE North, 73° 49' 11" East, a distance of 129.87 feet to a one-inch re-bar;
THENCE North, 73° 34' 03" East, a distance of 89.19 feet to a one-inch re-bar;
THENCE North, 44° 27' 13" East, a distance of 101.71 feet to a one-inch re-bar;
THENCE North, 11° 57' 04" West, a distance of 82.65 feet to a one-inch re-bar;
THENCE North, 12° 21' 04" East, a distance of 13.30 feet to a one-inch re-bar;
THENCE North, 48° 14' 07" East, a distance of 107.16 feet to a one-inch re-bar;
THENCE South, 87° 01' 40" East, a distance of 36.86 feet to a one-inch re-bar;
THENCE South, 80° 17' 12" East, a distance of 103.19 feet to a one-inch re-bar;
THENCE South, 68° 48' 27" East, a distance of 237.73 feet to a one-inch re-bar;
THENCE South, 72° 35, 30" East, a distance of 90.70 feet to a one-inch re-bar;
THENCE South, 61° 34' 15" East, a distance of 78.97 feet to a one-inch re-bar;
THENCE South, 69° 32' 46" East, a distance of 90.22 feet to a one-inch re-bar;
THENCE South, 36° 19' 57" East, a distance of 104.32 feet to a one-inch re-bar;
THENCE South, 26° 24' 56" East, a distance of 76.48 feet to a one-inch re-bar;
THENCE South, 62° 29' 26" East, a distance of 59.30 feet to a one-inch re-bar;
THENCE North, 68° 08' 17" East, a distance of 80.00 feet to a one-inch re-bar;

THENCE North, 27° 33' 22" East, a distance of 60.00 feet to a one-inch re-bar;

THENCE North, 13° 55' 44" East, a distance of 53.81 feet to a one-inch re-bar;

THENCE North, 28° 05' 34" East, a distance of 75.19 feet to a one-inch re-bar;

THENCE North, 33° 36' 20" East, a distance of 45.79 feet to a one-inch re-bar;

THENCE North, 56° 41' 58" East, a distance of 81.93 feet to a one-inch re-bar;

THENCE North, 68° 51' 32" East, a distance of 72.93 feet to a one-inch re-bar;

THENCE North, 14° 01' 41" West, a distance of 117.80 feet to a one-inch re-bar;

THENCE North, 66° 42' 59" East, a distance of 42.31 feet to a one-inch re-bar;

THENCE North, 89° 35' 49" East, a distance of 129.18 feet to a one-inch re-bar;

THENCE South, 68° 02' 57" East, a distance of 77.31 feet to a one-inch re-bar;

THENCE South, 14° 56' 38" East, a distance of 53.39 feet to a one-inch re-bar;

THENCE South, 03° 35' 11" West, a distance of 119.98 feet to a one-inch re-bar;

THENCE South, 22° 33' 17" West, a distance of 22.40 feet to a one-inch re-bar;

THENCE South, 42° 44' 19" West, a distance of 71.01 feet to a one-inch re-bar;

THENCE South, 60° 30' 14" West, a distance of 69.56 feet to a one-inch re-bar lying on the Denton-Collin County line;

THENCE South, 00° 06' 13" West, along said Denton-Collin County Line a distance of 286.23 feet;

THENCE South, 82° 33' 46" East, departing from said Denton-Collin County Line a distance of 75.60 feet to a common line between Folsom Investments Inc., and The Parkway North Venture tract;

THENCE South, 00° 38' 37" West, along said common line a distance of 336.95 feet to a one-inch re-bar at the northeast corner of Indian Hills Country Club as filed in Cabinet F, Page 332, Collin County, and Cabinet F, Page 97, Denton County;

THENCE North, 69° 21' 23" West, along the north line of said Indian Hills Country Club a distance of 159.64 feet to a one-inch re-bar;

THENCE South, 54° 41' 03" West, continuing along said north line of the Indian Hills Country Club a distance of 210.76 feet to a one-inch re-bar on the northeasterly right-of-

way line of Columbine Way (a 50-foot right-of-way); said point also lying on a non-tangent curve to the left, having a central angle of $34^{\circ} 49' 05''$, a radius of 361.00 feet, a tangent length of 113.19 feet, a chord bearing and distance of North, $58^{\circ} 11' 27''$ West, 216.02 feet;

THENCE along said curve to the left and said northeasterly right-of-way of Columbine Way, an arc distance of 219.38 feet to a one-inch re-bar;

THENCE North, $55^{\circ} 57' 13''$ East, departing from north line of Columbine Way a distance of 13.06 feet to a one-inch re-bar;

THENCE North, $10^{\circ} 57' 13''$ East, a distance of 62.83 feet to a one-inch re-bar;

THENCE North, $00^{\circ} 34' 29''$ West, a distance of 104.34 feet to a one-inch re-bar;

THENCE North, $18^{\circ} 18' 59''$ West, a distance of 42.81 feet to a one-inch re-bar;

THENCE North, $83^{\circ} 06' 25''$ West, a distance of 20.14 feet to a one-inch re-bar;

THENCE North, $04^{\circ} 50' 59''$ West, a distance of 105.35 feet to a one-inch re-bar;

THENCE North, $49^{\circ} 47' 03''$ West, a distance of 143.29 feet to a one-inch re-bar;

THENCE North, $68^{\circ} 08' 01''$ West, a distance of 95.41 feet to a one-inch re-bar;

THENCE North, $77^{\circ} 15' 53''$ West, a distance of 151.17 feet to a one-inch re-bar;

THENCE North, $66^{\circ} 04' 35''$ West, a distance of 138.27 feet to a one-inch re-bar;

THENCE South, $89^{\circ} 02' 44''$ West, a distance of 113.41 feet to a one-inch re-bar;

THENCE South, $59^{\circ} 54' 33''$ West, a distance of 299.57 feet to a one-inch re-bar;

THENCE South, $22^{\circ} 55' 58''$ West, a distance of 166.45 feet to a one-inch re-bar;

THENCE South, $00^{\circ} 48' 35''$ West, a distance of 66.51 feet to a one-inch re-bar;

THENCE South, $00^{\circ} 33' 34''$ East, a distance of 249.54 feet to a one-inch re-bar;

THENCE South, $17^{\circ} 34' 45''$ East, a distance of 70.00 feet to a one-inch re-bar;

THENCE South, $29^{\circ} 00' 00''$ East, a distance of 74.93 feet to a one-inch re-bar on the northwesterly right-of-way line of Columbine Way, (an 80-foot right-of-way at this point); said point also being the beginning of a non-tangent curve to the left having a central angle of $00^{\circ} 30' 46''$, a radius of 1040.00 feet, a tangent length of 4.66 feet, a chord bearing and distance of South, $52^{\circ} 44' 01''$ West, 9.31 feet;

THENCE along said curve to the left and said north right-of-way of Columbine Way, an arc distance of 9.31 feet to a one-inch re-bar for the point of reverse curvature of a curve to the right; said curve having a central angle of $03^{\circ} 33' 09''$, a radius of 960.00 feet, a tangent length of 29.77 feet, a chord bearing and distance of South, $54^{\circ} 44' 01''$ West, 59.51 feet;

THENCE along said curve to the right and said north right-of-way line of Columbine Way an arc distance of 59.52 feet to a one-inch re-bar at the southeast corner of Lot 2, Block A of the recorded plat of Indian Creek Phase VI, as recorded in Cabinet F, Page 95, Collin County Plat Records;

THENCE North, $33^{\circ} 58' 14''$ West, along the easterly line of said Lot 2, a distance of 120.00 feet, to a one-inch re-bar for the northeast corner of said Lot 2;

THENCE South, $61^{\circ} 59' 52''$ West, along the north line of Block A, a distance of 174.68 feet to a one-inch re-bar for the northwest corner of Lot 1, Block A;

THENCE South, $22^{\circ} 02' 02''$ East, along the westerly line of Lot 1, Block A, a distance of 120.00 feet to a one-inch re-bar for the southwest corner of Lot 1; said point also lying on the north right-of-way line of Columbine Way, (an 80-foot right-of-way);

THENCE South, $67^{\circ} 57' 58''$ West, along said north right-of-way of Columbine Way, a distance of 60.00 feet to a one-inch re-bar;

THENCE South, $67^{\circ} 23' 41''$ West, continuing along said north line of Columbine Way, (a variable width right-of-way at this point) a distance of 18.10 feet to a one-inch re-bar; said point being the southeast corner of the final plat of Indian Hills Maintenance Facility as recorded in Cabinet F, Page 96, Denton County Plat Records; said point also being the beginning of a non-tangent curve to the right having a central angle of $37^{\circ} 16' 38''$, a radius of 30.00 feet, a tangent length of 10.12 feet and chord bearing and distance of North, $42^{\circ} 02' 03''$ West, 19.18 feet;

THENCE along said curve to the right and said east line of Indian Hills Maintenance Facility an arc distance of 19.52 feet to a one-inch re-bar for the point of compound curvature of a curve to the right; said curve having a central angle of $26^{\circ} 30' 32''$, a radius of 194.00 feet, a tangent length of 45.70 feet, a chord bearing and distance of North, $10^{\circ} 08' 48''$ West, 88.96 feet;

THENCE along said curve to the right and said east line of the Indian Hills Maintenance Facility, an arc distance of 89.76 feet to a one-inch re-bar;

THENCE North, $03^{\circ} 06' 28''$ East, continuing along said east line of the maintenance facility a distance of 279.89 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of $13^{\circ} 12' 27''$, a radius of 494.00 feet, a tangent length of 57.19 feet;

THENCE along said curve to the right and said east line of the maintenance facility an arc distance of 113.87 feet to a one-inch re-bar for the point of reverse curvature of a curve to the left; said curve having a central angle of $19^{\circ} 33' 08''$ a radius of 256.00 feet, a tangent length of 44.11 feet, a chord bearing and distance of North, $06^{\circ} 32' 21''$ East, 86.94 feet;

THENCE along said curve to the left and said east line of the maintenance facility an arc distance of 87.36 feet to a one-inch re-bar in the southerly line of the Indian Hills Maintenance Facility;

THENCE due east along the southerly line of said maintenance facility a distance of 24.02 feet to a one-inch re-bar at the southeast corner;

THENCE due north along the easterly line of said maintenance facility a distance of 200.00 feet to a one-inch rod for the northeast corner of said maintenance facility;

THENCE due west along said north line of the maintenance facility a distance of 125.00 feet to a one-inch re-bar for the northwest corner of said maintenance facility;

THENCE due south along the west line of said maintenance facility a distance of 200.00 feet to a one-inch re-bar at a southwest corner of said maintenance facility;

THENCE due east along a southerly line of said maintenance facility a distance of 88.96 feet to a one-inch re-bar; said point being the beginning of a non-tangent curve to the right having a central angle of $19^{\circ} 42' 42''$, a radius of 244.00 feet, a tangent length of 42.39 feet, a chord bearing and distance of South, $06^{\circ} 27' 34''$ West, 83.53 feet;

THENCE along said curve to the right and said westerly line of the maintenance facility an arc distance of 83.94 feet to a one-inch re-bar for the point of reverse curvature of a curve to the left; said curve having a central angle of $13^{\circ} 12' 27''$, a radius of 506.00 feet, a tangent length of 58.58 feet, a chord bearing and distance of South, $09^{\circ} 42' 41''$ West, 116.38 feet;

THENCE along said curve to the left and said westerly line of the maintenance facility an arc distance of 116.64 feet to a one-inch re-bar at the end of said curve;

THENCE South, $03^{\circ} 06' 28''$ West, along said westerly line of the maintenance facility a distance of 279.89 feet to a one-inch re-bar for the beginning of a curve to the left; said curve having a central angle of $26^{\circ} 15' 58''$, a radius of 206.00 feet, a tangent length of 48.06 feet;

THENCE along said curve to the left and said westerly line of the maintenance facility an arc distance of 94.44 feet to a one-inch re-bar for the point of reverse curvature of a curve to the right; said curve having a central angle of $38^{\circ} 37' 34''$, a radius of 30.00 feet, a tangent length of 10.51 feet and chord bearing and distance of South, $03^{\circ} 50' 43''$ East, 19.84 feet;

THENCE along said curve to the right and said westerly line of the maintenance facility an arc distance of 20.22 feet to the POINT OF BEGINNING and CONTAINING 29.109 acres of land.

(continued)

Tract No. 4 (21.250 acres)

BEING a portion of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture as recorded in Volume 1678, Page 424, Deed Records, Collin County, Texas, Volume 1229, Page 959, Deed Records, Denton County, Texas. Being out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, the A. Dyer Survey, Abstract No. 360, City of Plano, Denton County, Texas. Also the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, the J. H. Wilson Survey, Abstract No. 968, City of Plano, Collin County, Texas; said tract being more particularly described as follows:

COMMENCING at the northwest corner of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture by Warranty Deed recorded in Volume 1229, Page 959; said point also lying on the centerline of future Parker Road (a 110-foot right-of-way);

THENCE South, $89^{\circ} 38' 18''$ East, along said North line of Parkway North Venture tract and said centerline of future Parker Road, a distance of 145.64 feet to a point for the beginning of a curve to the left; said curve having a central angle of $13^{\circ} 30' 01''$, a radius of 1,273.24 feet, and a tangent length of 150.70 feet;

THENCE along said north line of the Parkway North Venture tract and said centerline of future Parker Road, a distance of 300.01 feet to a point for the end of said curve;

THENCE North, $76^{\circ} 51' 42''$ East, continuing along said north line and said centerline of future Parker Road, a distance of 147.64 feet to a point;

THENCE South, $13^{\circ} 08' 18''$ East, departing from said north line and said centerline of future Parker Road, a distance of 55.00 feet to a 1-inch re-bar for the POINT OF BEGINNING;

THENCE North, $76^{\circ} 51' 42''$ East, along the south line of future Parker Road, a distance of 209.50 feet to a one-inch re-bar for the beginning of a curve to the left; said curve having a central angle of $06^{\circ} 50' 56''$, a radius of 1,224.30 feet, and a tangent length of 73.26 feet;

THENCE along said curve to the left and said south line of future Parker Road, an arc distance of 146.35 feet to a one-inch re-bar;

THENCE South, $46^{\circ} 36' 47''$ East, departing from said south line of future Parker Road, a distance of 77.47 feet to a one-inch re-bar;

THENCE South, $43^{\circ} 36' 40''$ East, a distance of 77.93 feet to a one-inch re-bar;

THENCE South, $43^{\circ} 45' 40''$ East, a distance of 48.49 feet to a one-inch re-bar;

THENCE South, $39^{\circ} 49' 49''$ East, a distance of 26.48 feet to a one-inch re-bar;

THENCE South, 52° 05' 49" East, a distance of 25.29 feet to a one-inch re-bar;

THENCE South, 66° 53' 25" East, a distance of 26.59 feet to a one-inch re-bar;

THENCE South, 64° 27' 41" East, a distance of 24.72 feet to a one-inch re-bar;

THENCE South, 78° 33' 32" East, a distance of 46.56 feet to a one-inch re-bar;

THENCE South, 89° 00' 05" East, a distance of 22.56 feet to a one-inch re-bar;

THENCE North, 73° 56' 33" East, a distance of 21.09 feet to a one-inch re-bar;

THENCE North, 58° 08' 52" East, a distance of 24.04 feet to a one-inch re-bar;

THENCE North, 35° 27' 54" East, a distance of 32.87 feet to a one-inch re-bar;

THENCE North, 75° 12' 24" East, a distance of 205.01 feet to a one-inch re-bar in the east right-of-way line of La Costa Drive (a 60-foot right-of-way); said point also lying on a non-tangent curve to the right having a central angle of 64° 19' 47", a radius of 405.00 feet, a tangent length of 254.70 feet, and a chord bearing and distance of South, 26° 41' 39" West, 431.21 feet;

THENCE along said curve to the left and said west right-of-way line of future La Costa Drive, an arc distance of 454.72 feet to a one-inch re-bar; said point also being the point of reverse curvature of a curve to the left having a central angle of 11° 28' 06", a radius of 660.00 feet, a tangent length of 66.27 feet, and a chord bearing and distance of South, 53° 07' 30" West, 131.89 feet;

THENCE along said curve to the left and said west right-of-way line of future La Costa Drive, an arc distance of 144.12 feet to a one-inch re-bar;

THENCE North, 42° 36' 33" West, departing from said west line of La Costa Drive, a distance of 180.00 feet to a one-inch re-bar for the beginning of a non-tangent curve to the left; said curve having a central angle of 47° 18' 27" , a radius of 840.00, a tangent length of 367.93 feet, and a chord bearing and distance of South, 23° 44' 13" West, 674.03 feet;

THENCE along said curve to the left, an arc distance of 693.57 feet to a one-inch re-bar;

THENCE South, 00° 04' 59" West, a distance of 767.95 feet to a one-inch re-bar;

THENCE North, 89° 55' 01" West, a distance of 402.00 feet to a one-inch re-bar;

THENCE North, 00° 04' 59" East, a distance of 722.58 feet to a one-inch re-bar;

THENCE North, 06° 10' 07" West, a distance of 440.43 feet to a one-inch re-bar;

THENCE North, 21° 21' 09" East, a distance of 617.41 feet to the POINT OF BEGINNING and CONTAINING 22.013 acres of land.

(continued)

Tract No. 5 (21.282 acres)

BEING a portion of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture as recorded in Volume 1678, page 424, Deed Records, Collin County, Texas, Volume 1229, Page 959, Deed Records, Denton County, Texas. Being out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, the A. Dyer Survey, Abstract No. 360, City of Plano, Denton County, Texas. Also the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, the J. H. Wilson Survey, Abstract No. 968, City of Plano, Collin County, Texas; said tract being more particularly described as follows:

BEGINNING at the southeast corner of Lot 22A, Block F the Replat of Indian Creek Phase I as recorded in Cabinet East, Page 317, Denton County Plat Records; said point also lying on the west right-of-way line of La Costa Drive (a 60-foot right-of-way);

THENCE South, $28^{\circ} 17' 02''$ East, along said west line of La Costa Drive, a distance of 102.73 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of $08^{\circ} 07' 34''$, a radius of 1,318.00 feet, and a tangent length of 93.62 feet;

THENCE along said curve to the right and said west line of La Costa Drive, an arc distance of 186.93 feet to a one-inch re-bar;

THENCE South, $75^{\circ} 56' 24''$ West, departing from said west line of La Costa Drive, a distance of 512.06 feet to a one-inch re-bar;

THENCE South, $32^{\circ} 27' 23''$ West, a distance of 43.53 feet to a one-inch re-bar;

THENCE South, $11^{\circ} 01' 38''$ East, a distance of 150.46 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of $07^{\circ} 14' 36''$ a radius of 759.99 feet, and a tangent length of 48.10 feet;

THENCE along said curve to the right, an arc distance of 96.08 feet to a one-inch re-bar for the end of said curve;

THENCE South, $03^{\circ} 47' 02''$ East, a distance of 50.00 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of $02^{\circ} 57' 01''$ a radius of 4,298.71 feet, and a tangent length of 111.02 feet;

THENCE along said curve to the right, an arc distance of 221.98 feet to a one-inch re-bar for the end of said curve;

THENCE North, $66^{\circ} 21' 48''$ West, a distance of 471.86 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of $26^{\circ} 55' 08''$ a radius of 517.13 feet, and a tangent length of 123.76 feet;

THENCE along said curve to the right, an arc distance of 242.96 feet to a one-inch re-bar for the end of said curve;

THENCE North, $39^{\circ} 26' 40''$ W, a distance of 92.37 feet to a one-inch re-bar;

THENCE North, $51^{\circ} 33' 42''$ East, a distance of 32.68 feet to a one-inch re-bar for the beginning of a non-tangent curve to the left; said curve having a central angle of $23^{\circ} 33' 48''$ a radius of 1,367.00 feet, and a tangent length of 285.13 feet, and a chord bearing and distance of North, $36^{\circ} 53' 07''$ West, 558.24 feet;

THENCE along said curve to the left, an arc distance of 562.19 feet to a one-inch re-bar for the point of reverse curvature of a curve to the right; said curve having a central angle of $48^{\circ} 45' 00''$, a radius of 633.00 feet, a tangent length of 286.81 feet, and a chord bearing and distance of North, $24^{\circ} 17' 31''$ West, 522.49 feet;

THENCE along said curve to the right, an arc distance of 538.59 feet to a one-inch re-bar for the end of said curve;

THENCE North, $00^{\circ} 04' 59''$ East, a distance of 196.01 feet to a one-inch re-bar;

THENCE South, $89^{\circ} 55' 01''$ East, a distance of 808.93 feet to a one-inch re-bar;

THENCE North, $73^{\circ} 41' 54''$ East, a distance of 339.70 feet to a one-inch re-bar in the west right-of-way line of aforementioned La Costa Drive; said point also being the beginning of a non-tangent curve to the left; said curve having a central angle of $02^{\circ} 42' 34''$ a radius of 1,810.00 feet, a tangent length of 42.80 feet, and a chord bearing and distance of South, $25^{\circ} 38' 22''$ East, 85.58 feet;

THENCE along said curve to the left and said west line of La Costa Drive, an arc distance of 85.59 feet to a one-inch re-bar in the northeast corner of Lot 1A, Block F of the Replat of Indian Creek Phase I;

THENCE South, $63^{\circ} 12' 58''$ West, along the northwest line of said Block F, a distance of 514.40 feet to a one-inch re-bar;

THENCE South, $58^{\circ} 57' 58''$ West, continuing along said northwest line of Block F, a distance of 306.96 feet to a one-inch re-bar;

THENCE South, $21^{\circ} 23' 53''$ West, continuing along said northwest line of Block F, a distance of 60.51 feet to a one-inch re-bar;

THENCE South, $33^{\circ} 02' 02''$ East, along the southwest line of said Block F, a distance of 616.53 feet to a one-inch re-bar;

THENCE South, $88^{\circ} 18' 53''$ East, along the southerly line of Block F, a distance of 161.61 feet to a one-inch re-bar;

THENCE North, 61° 11' 26" East, continuing along said southerly line of Block F, a distance of 711.19 feet to the POINT OF BEGINNING and CONTAINING 21.282 acres of land.

(continued)

Tract No.6 (26.478 acres)

BEING a portion of a tract of land conveyed from Folsom Investments, Inc. to Parkway North Venture as recorded in Volume 1678, Page 424, Deed Records, Collin County, Texas, Volume 1229, Page 959, Deed Records, Denton County, Texas. Being out of the J. B. Martin Survey, Abstract No. 827, the John Smith Survey, Abstract No. 1226, the J. H. Wilson Survey, Abstract No. 1386, the A. Dyer Survey, Abstract No. 360, City of Plano, Denton County, Texas. Also the J. B. Martin Survey, Abstract No. 603, the J. W. Haynes Survey, Abstract No. 456, the J. H. Wilson Survey, Abstract No. 968, City of Plano, Collin County, Texas; said tract being more particularly described as follows:

BEGINNING at the northwest corner of Lot 1, Block B, the recorded subdivision, a Replat of Indian Creek Phase I, as filed in Cabinet E, Page 317, Denton County Plat Records, said point also lying on a curve to the left on the east right-of-way line of La Costa Drive (a 60-foot right-of-way) said curve having a central angle of $03^{\circ} 09' 35''$, a radius of 4,916.73 feet, a tangent length of 135.61 feet, a chord bearing and distance of North, $02^{\circ} 12' 14''$ West, 271.12 feet;

THENCE along said curve to the left on said east right-of-way line of La Costa Drive an arc distance of 271.15 feet to a one-inch re-bar for the end of said curve;

THENCE North, $03^{\circ} 47' 02''$ West, continuing along the east right-of-way line of La Costa Drive a distance of 12.36 feet to a one-inch re-bar;

THENCE North, $86^{\circ} 52' 10''$ East, departing from said east line of La Costa Drive a distance of 112.01 feet to a one-inch re-bar;

THENCE North, $78^{\circ} 43' 16''$ East, a distance of 270.89 feet to a one-inch re-bar;

THENCE North, $67^{\circ} 45' 25''$ East, a distance of 398.48 feet to a one-inch re-bar;

THENCE North, $10^{\circ} 44' 48''$ East, a distance of 148.56 feet to a one-inch re-bar;

THENCE North, $12^{\circ} 15' 51''$ West, a distance of 71.86 feet to a one-inch re-bar;

THENCE North, $18^{\circ} 24' 05''$ West, a distance of 97.55 feet to a one-inch re-bar;

THENCE North, $28^{\circ} 39' 45''$ West, a distance of 148.08 feet to a one-inch re-bar;

THENCE North, $55^{\circ} 09' 47''$ West, a distance of 76.60 feet to a one-inch re-bar;

THENCE North, $70^{\circ} 32' 09''$ West, a distance of 71.20 feet to a one-inch re-bar;

THENCE North, $79^{\circ} 21' 47''$ West, a distance of 118.92 feet to a one-inch re-bar;

THENCE North, $86^{\circ} 31' 42''$ West, a distance of 160.37 feet to a one-inch re-bar;

THENCE South, $55^{\circ} 13' 33''$ West, a distance of 183.30 feet to a one-inch re-bar;

THENCE South, $02^{\circ} 25' 18''$ East, a distance of 479.58 feet to a one-inch re-bar;

THENCE South, $07^{\circ} 32' 36''$ West, a distance of 88.81 feet to a one-inch re-bar;

THENCE South, $86^{\circ} 52' 10''$ West, a distance of 113.19 feet to a one-inch re-bar in the east right-of-way line of said La Costa Drive, said point also lying on a curve to the left having a central angle of $23^{\circ} 09' 13''$, a radius of 1,378.00 feet, a tangent length of 282.28 feet, a chord bearing and distance of North, $16^{\circ} 42' 45''$ West, 553.08 feet;

THENCE along said curve to the left and said east right-of-way line of La Costa Drive an arc distance of 556.86 feet to a one-inch re-bar for the end of said curve;

THENCE North, $28^{\circ} 17' 02''$ West, continuing along said east right-of-way line of La Costa Drive a distance of 103.66 feet to a one-inch re-bar for the southwest corner of Lot 40, Block B of the aforementioned Replat of Indian Creek Phase I Subdivision;

THENCE North, $68^{\circ} 12' 58''$ East, along the south line of Block B departing from the east line of La Costa Drive a distance of 323.29 feet to a one-inch re-bar; said point being the beginning of a curve to the right having a central angle of $20^{\circ} 20' 00''$, a radius of 1,520.00 feet, a tangent length of 272.58 feet;

THENCE along said curve to the right along the south line of said Block B an arc distance of 539.42 feet to a one-inch re-bar for the end of said curve;

THENCE North, $88^{\circ} 32' 58''$ East, continuing along said south line of Block B passing the Denton, Collin County line at 231.72 feet for a total distance of 326.34 feet to the northwest corner of Lot 27, Block B of the recorded Subdivision Replat of Indian Creek, Phase I as recorded in Cabinet F, Page 438, Collin County Plat Records;

THENCE South, $01^{\circ} 27' 02''$ East, along the west line of said Block B a distance of 174.96 feet to a one-inch re-bar for the beginning of a curve to the left; said curve having a central angle of $60^{\circ} 29' 57''$, a radius of 545.00 feet, a tangent length of 317.83 feet;

THENCE along said curve to the left and westerly line of said Block B an arc distance of 575.47 feet to a one-inch re-bar for the end of said curve;

THENCE South, $61^{\circ} 57' 02''$ East, along the southwesterly line of Block B a distance of 174.96 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of $15^{\circ} 31' 47''$, a radius of 330.18 feet, a tangent length of 45.02 feet;

THENCE along said curve to the left and said southwesterly line of Block B an arc distance of 89.49 feet to a one-inch re-bar at the southerly most southwest corner of Lot 19, Block B;

THENCE North, 43° 34' 45" East, along the southeasterly line of said Lot 19, a distance of 120.00 feet to a one-inch re-bar in the southwesterly right-of-way line of Pelican Bay Drive (a 50-foot right-of-way) said point also being the beginning of a non-tangent curve to the right having a central angle of 15° 48' 24", a radius of 450.18 feet, a tangent length of 62.49 feet, a chord bearing and distance of South, 38° 31' 03" East, 123.80 feet;

THENCE along said curve to the right and said southwesterly right-of-way of Pelican Bay Drive an arc distance of 124.19 feet to a one-inch re-bar for the end of said curve;

THENCE South, 30° 36' 51" East, continuing along said southwesterly line of Pelican Bay Drive a distance of 217.48 feet to a one-inch re-bar for the northeast corner of Lot 18, Block B, a Replat of Indian Creek Phase I;

THENCE South, 59° 23' 09" West, along the northerly line of Block B, a distance of 251.31 feet to a one-inch re-bar for the beginning of a curve to the right; said curve having a central angle of 31° 00' 00", a radius of 830.91 feet, a tangent length of 230.43 feet;

THENCE along said curve and said northerly line of Block B an arc distance of 449.57 feet to a one-inch re-bar;

THENCE North, 89° 36' 51" West, along said north line of Block B a distance of 240.03 feet to a one-inch re-bar;

THENCE North, 89° 37' 34" West, along said north line of Block B passing the Denton-Collin County Line at 2.03 feet for a total distance of 832.95 feet to the POINT OF BEGINNING and CONTAINING 29.478 acres of land.

(continued)

Tract No. 7 (5.7975 acres)

BEING a tract of land situated in the J. H. Wilson Survey, Abstract No. 1386, and the J. H. Wilson Survey, Abstract No. 968, in the City of Plano, Denton and Collin Counties of Texas, and being more particularly described as follows:

COMMENCING at an iron rod found in the northwest corner of La Costa Lane (a 60-foot right-of-way) as platted in Indian Creek Phase I, recorded in Cabinet East, Page 25, Denton County Plat Records;

THENCE North, $22^{\circ} 02' 02''$ West, a distance of 30.00 feet to a point on the centerline of the right-of-way of proposed Columbine Way (a variable right-of-way);

THENCE North, $67^{\circ} 57' 58''$ East, along the centerline of said right-of-way, a distance of 60.00 feet to the beginning of a curve to the left having a central angle of $15^{\circ} 29' 21''$, a radius of 1,000.00 feet, a tangent length of 136.00 feet, a chord bearing of North, $60^{\circ} 13' 18''$ East, and a chord distance of 269.51 feet;

THENCE along said curve, an arc distance of 270.33 feet to the beginning of a reverse curve to the right having a central angle of $28^{\circ} 46' 36''$, a radius of 1,000.00 feet, a tangent length of 256.54 feet, a chord bearing of North, $74^{\circ} 36' 36''$ East, and a chord distance of 496.99 feet;

THENCE along said curve, an arc distance of 502.25 feet to a point for the end of said curve;

THENCE North, $81^{\circ} 15' 14''$ East, a distance of 259.11 feet to a point; said point being the beginning of a curve to the right having a central angle of $56^{\circ} 41' 32''$, a radius of 336.00 feet, a tangent length of 181.27 feet, a chord bearing of South, $70^{\circ} 29' 00''$ East, and a chord distance of 319.06 feet;

THENCE along said curve, an arc distance of 332.46 feet to the POINT OF BEGINNING of the herein described tract;

THENCE North, $65^{\circ} 46' 50''$ East, a distance of 26.17 feet to an iron rod set for corner;

THENCE North, $54^{\circ} 41' 03''$ East, a distance of 210.76 feet to an iron rod set for corner;

THENCE South, $89^{\circ} 21' 23''$ East, a distance of 159.64 feet to an iron rod set for corner;

THENCE South, $00^{\circ} 38' 37''$ West, a distance of 60.00 feet to an iron rod set for corner;

THENCE South, $54^{\circ} 49' 09''$ East, a distance of 175.00 feet to an iron rod set for corner;

THENCE South, $58^{\circ} 22' 52''$ West, a distance of 170.48 feet to an iron rod set for corner;

THENCE South, 00° 38' 37" West, a distance of 105.00 feet to an iron rod set for corner;

THENCE South, 54° 51' 41" West, a distance of 135.02 feet to an iron rod set for corner;

THENCE North, 86° 29' 12" West, a distance of 104.07 feet to an iron rod set for corner;

THENCE South, 65° 46' 50" West, a distance of 465.01 feet to an iron rod set for corner;

THENCE North, 24° 13' 10" West, a distance of 145.00 feet to an iron rod set for corner;

THENCE North, 65° 46' 50" East, a distance of 125.00 feet to an iron rod set for corner;

THENCE North, 24° 13' 10" West, a distance of 154.00 feet to an iron rod set for corner;

THENCE North, 65° 46' 50" East, a distance of 134.09 feet to an iron rod set for corner;

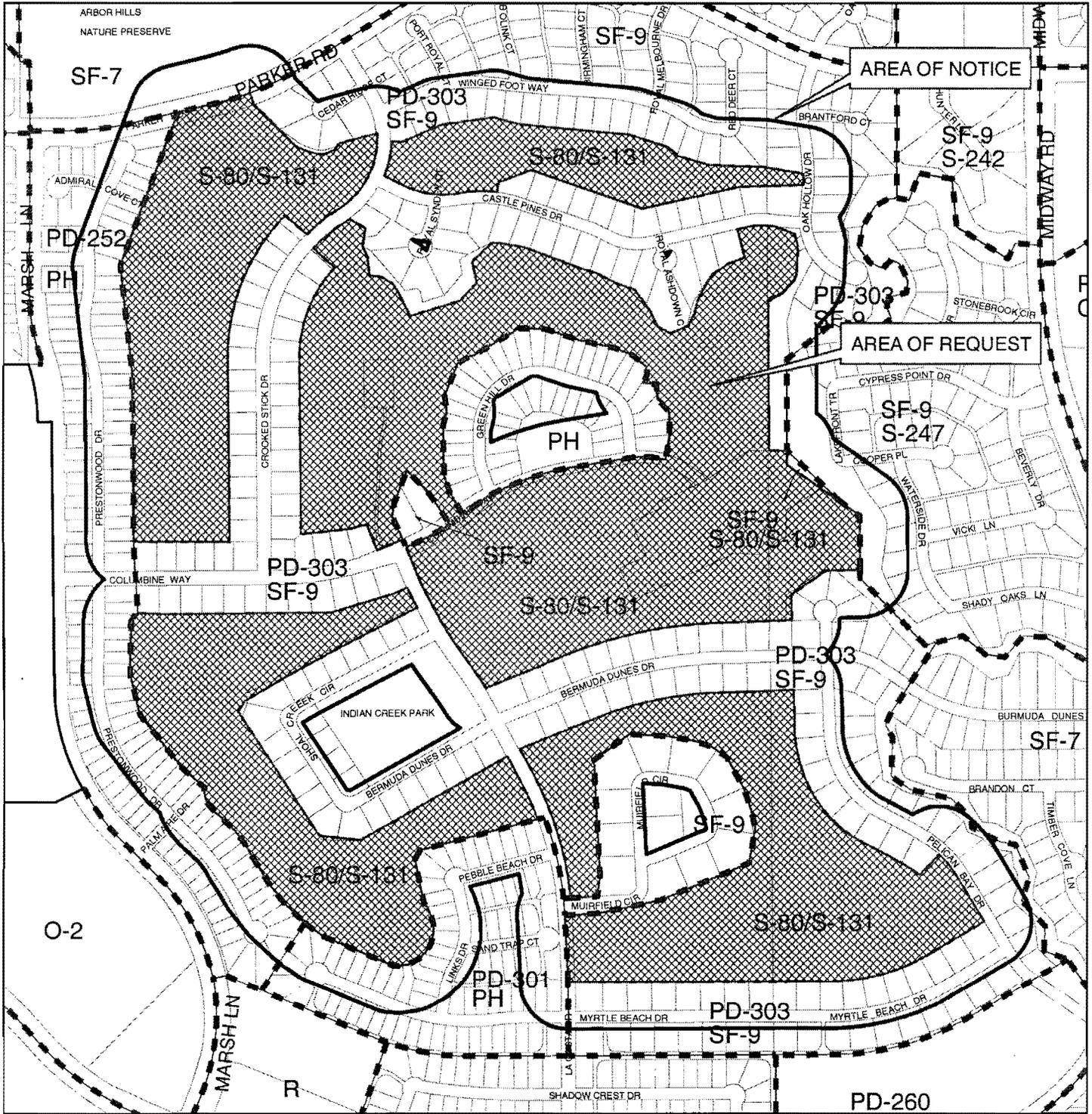
THENCE North, 24° 13' 10" West, a distance of 27.00 feet to an iron rod set for corner;

THENCE North, 65° 46' 50" East, a distance of 165.75 feet to an iron rod set for corner;

THENCE North, 20° 46' 50" East, a distance of 10.36 feet to an iron rod set in the southwest right-of-way line of Columbine Way; said point being in a non-tangent curve to the right having a central angle of 01° 26' 13", a radius of 311.00 feet, a tangent length of 3.90 feet, a chord bearing of South, 44° 15' 38" East, and a chord distance of 7.80 feet;

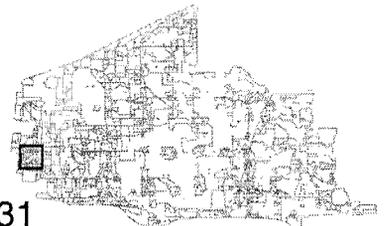
THENCE along said right-of-way, an arc distance of 7.80 feet to an iron rod set for an angle point;

THENCE North, 65° 46' 50" East, a distance of 26.37 feet to the POINT OF BEGINNING and CONTAINING 5.7975 acres of land.



Zoning Case #: 2012-43

Existing Zoning: SINGLE-FAMILY RESIDENCE-9/
 PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #80 & #131



○ 200' Notification Buffer



DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6D - PUBLIC HEARING
ZONING CASE 2012-44
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #186 for Private Club on 0.1± acre located generally at the southeast corner of Greenway Drive and 15th Street. Zoned Planned Development-79-Retail with Specific Use Permit #186 for Private Club.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **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 as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6D

Public Hearing: Zoning Case 2012-44

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #186 for Private Club on 0.1± acre located generally at the southeast corner of Greenway Drive and 15th Street. Zoned Planned Development-79-Retail with Specific Use Permit #186 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #186 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.

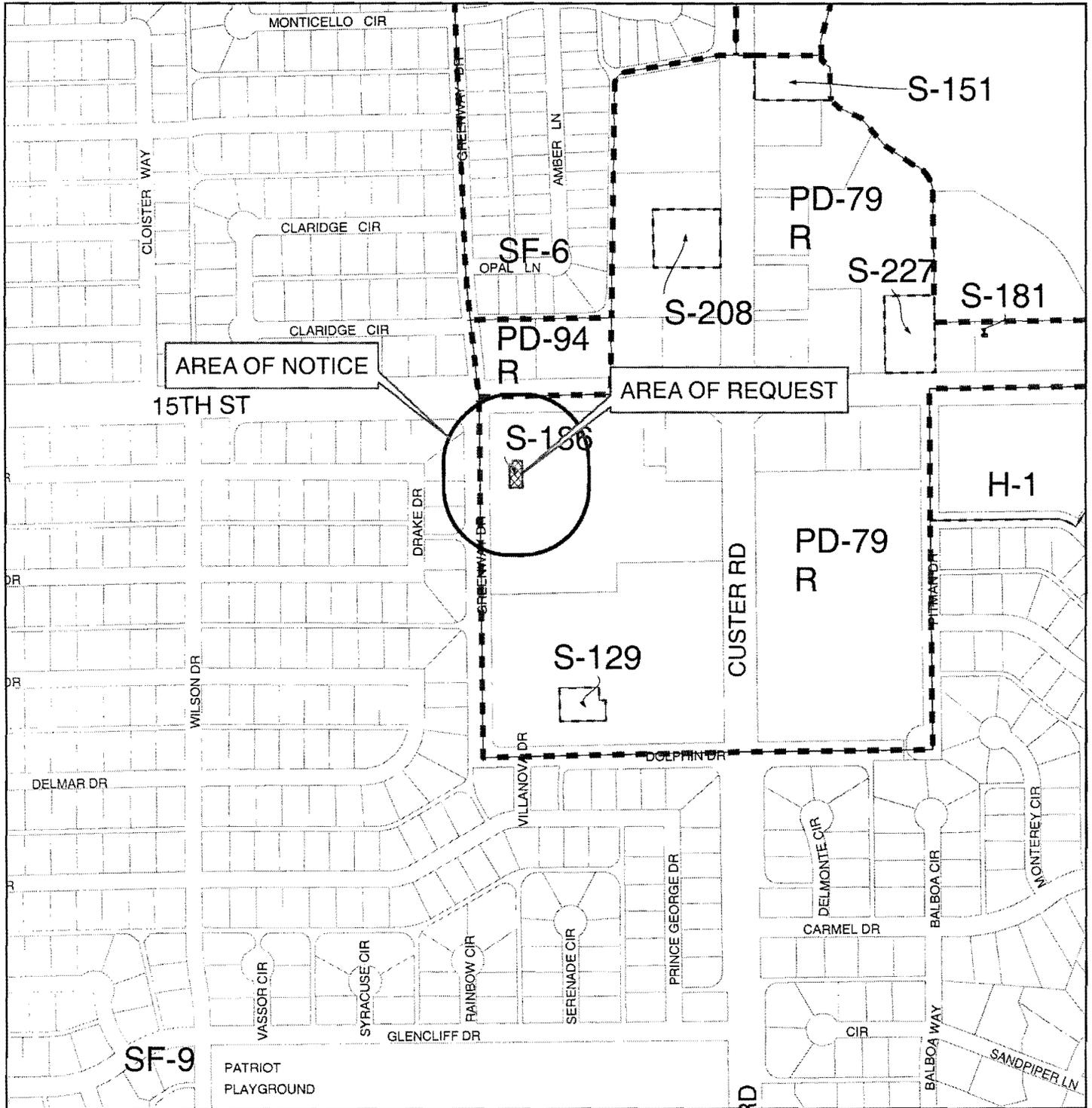
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the 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.

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

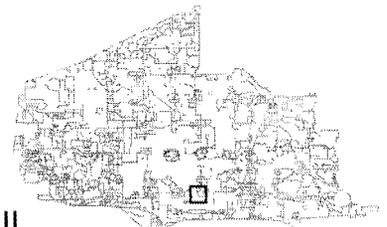
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-44

Existing Zoning: PLANNED DEVELOPMENT-79-RETAIL
w/SPECIFIC USE PERMIT #186



○ 200' Notification Buffer



15TH STREET

Area of Request

GREENWAY DRIVE



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-44

Zoning Case 2012-44

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 93-2-16; thereby rescinding Specific Use Permit No. 186 for the additional use of a Private Club on 0.1± acre of land out of the William Fitzhugh Survey, Abstract No. 308, located generally at the southeast corner of Greenway Drive and 15th Street, in the City of Plano, Collin County, Texas, currently zoned Planned Development-79-Retail with Specific Use Permit No. 186 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 186 for the additional use of a Private Club on 0.1± acre of land out of the William Fitzhugh Survey, Abstract No. 308, located generally at the southeast corner of Greenway Drive and 15th 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 186 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. 93-2-16 duly passed and approved by the City Council of the City of Plano, Texas, on February 8, 1993, granting Specific Use Permit No. 186 for the additional use of a Private Club on 0.1± acre of land out of the William Fitzhugh Survey, Abstract No. 308, located generally at the southeast corner of Greenway Drive and 15th Street in the City of Plano, Collin County, Texas, currently zoned Planned Development-79-Retail with Specific Use Permit No. 186 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 186 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-44

BEING a tract or parcel of land situated in the City of Plano, Collin County, Texas and being a part of the William Fitzhugh Survey, Abstract No. 308, and being a part of Lot 1, Block 2 of Pitman Corners Addition, an addition to the City of Plano as recorded in Volume 10, Page 60 Plat Records of Collin County, Texas and being more particularly described as follows:

COMMENCING from a point at the intersection of the south line of West 15th Street (a 100.00-foot right-of-way) with the east line of Greenway Drive (a 60.00-foot right-of-way) being the northwest corner of said Lot 1, Block 2, Pitman Corners Addition;

THENCE South, 00° 23' 39" West, with the east line of said Greenway Drive and the west line of said Lot 1, Block 2, Pitman Corners Addition a distance of 143.58 feet to a point;

THENCE North, 89° 51' 25" East, leaving the east line of said Greenway Drive a distance of 70.05 feet to a point for corner at the most northerly northwesterly exterior corner of an existing one story masonry building and the POINT OF BEGINNING of the herein described parcel;

THENCE North, 89° 51' 25" East, leaving said northerly exterior wall of said existing one story masonry building a distance of 28.58 feet to a point for corner;

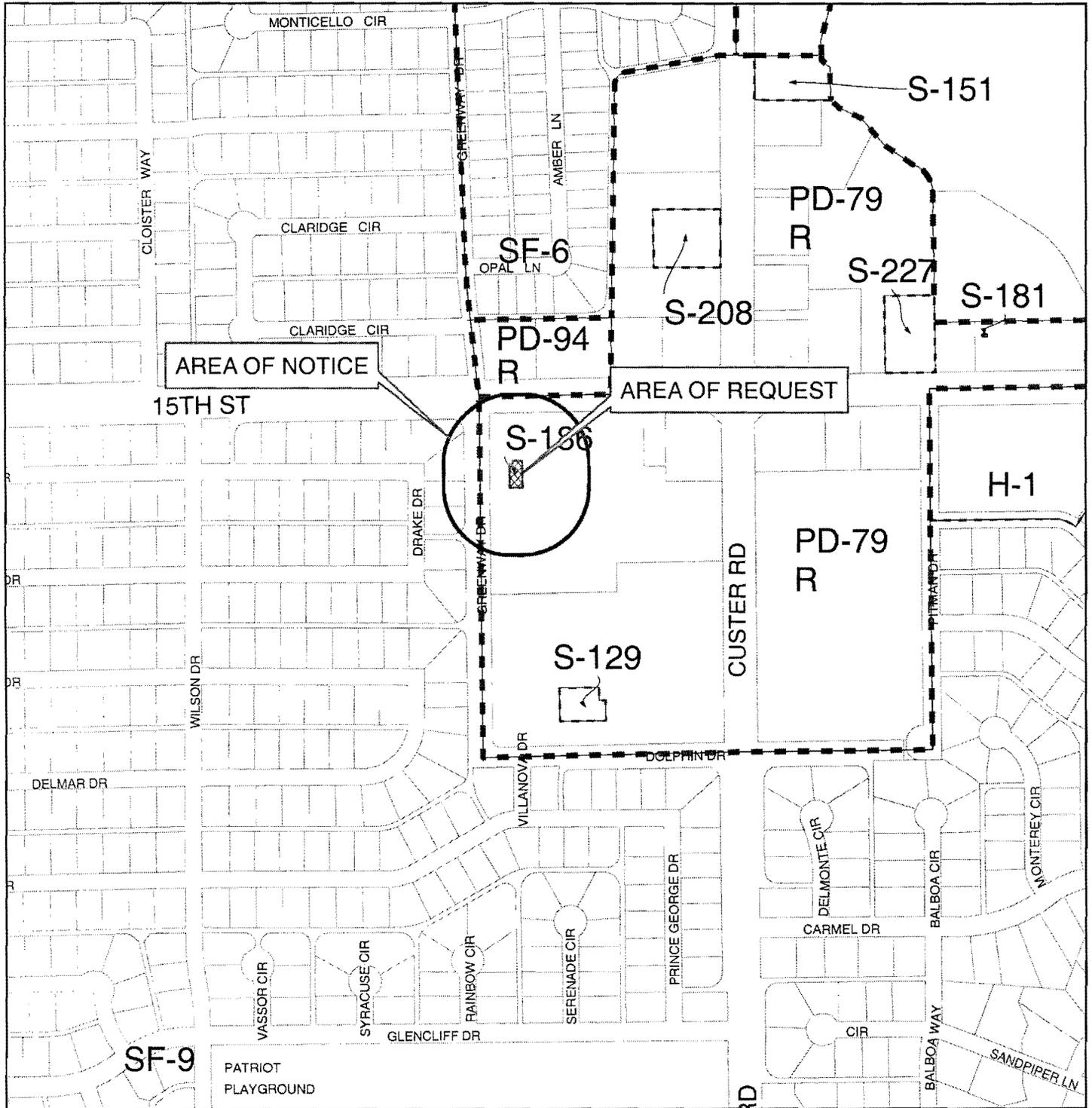
THENCE South, 00° 08' 35" East, leaving said northerly exterior wall, a distance of 80.10 feet to a point for corner at the southerly exterior wall of said one story masonry building;

THENCE South, 89° 51' 25" West, with said southerly exterior wall of said one story masonry building a distance of 38.63 feet to a point for corner;

THENCE North, 00° 08' 35" West, with the westerly exterior wall of said one story masonry building a distance of 70.00 feet to a point for corner;

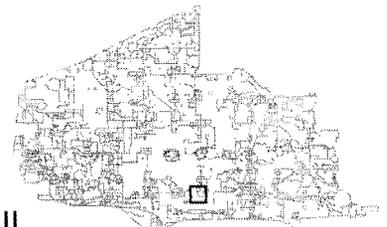
THENCE North, 89° 51' 25" East, with a northerly exterior wall of said one story masonry building a distance of 10.05 feet to a point for corner;

THENCE North, 00° 08' 35" West, with a westerly exterior wall of said one story masonry building a distance of 10.10 feet to the POINT OF BEGINNING and CONTAINING 2,993 square feet (or 0.1± acre) of land.



Zoning Case #: 2012-44

Existing Zoning: PLANNED DEVELOPMENT-79-RETAIL
w/SPECIFIC USE PERMIT #186



○ 200' Notification Buffer



DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6E - PUBLIC HEARING
ZONING CASE 2012-46
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #481 for Private Club on 0.2± acre located on the west side of U.S. Highway 75, 2,200± feet south of Heritage Drive. Zoned Corridor Commercial with Specific Use Permit #481 for Private Club.

APPROVED: 6-0 **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 as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6E

Public Hearing: Zoning Case 2012-46

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #481 for Private Club on 0.2± acre located on the west side of U.S. Highway 75, 2,200± feet south of Heritage Drive. Zoned Corridor Commercial with Specific Use Permit #481 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #481 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.

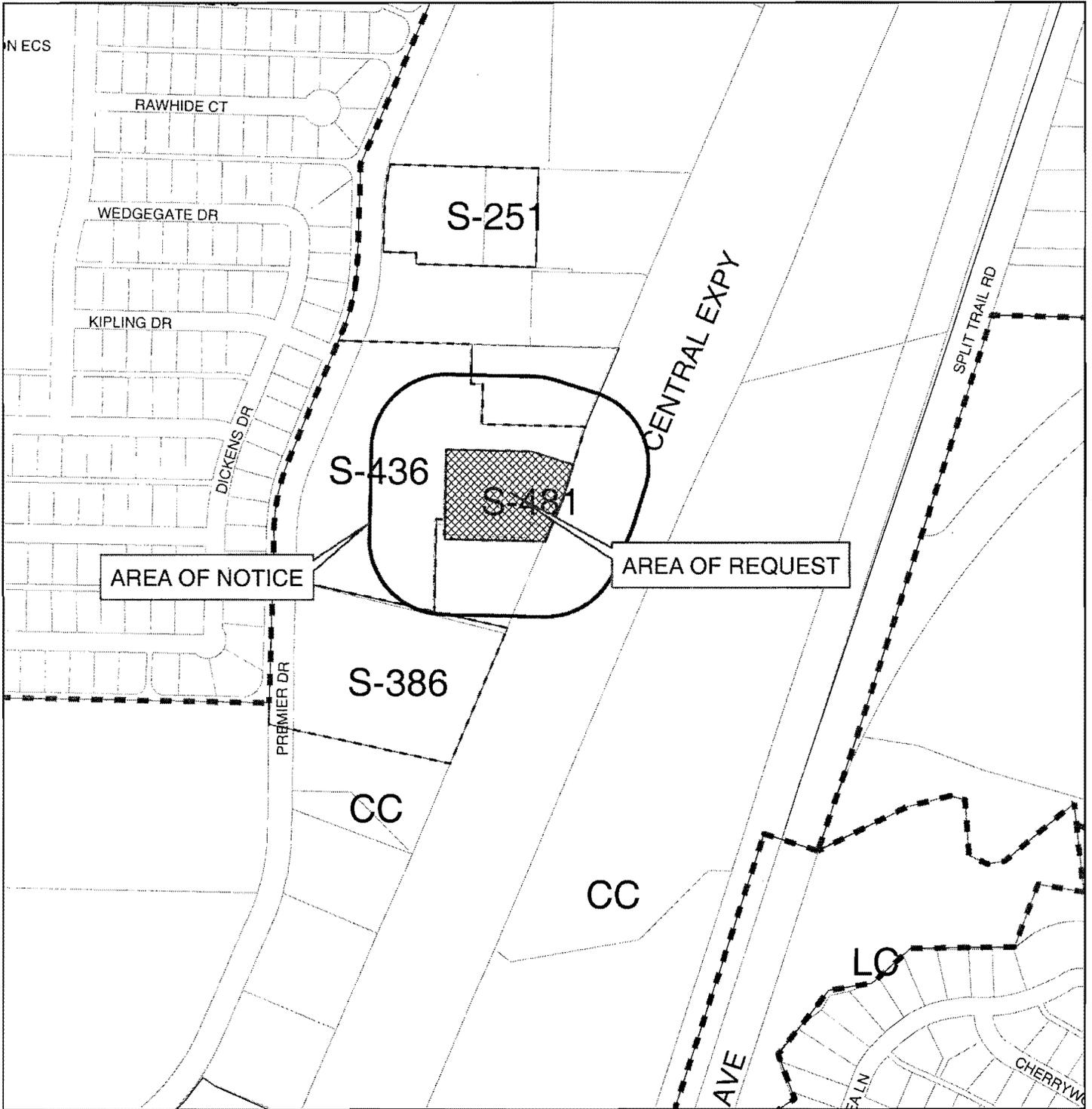
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments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

Five Element Grill & Bar 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.

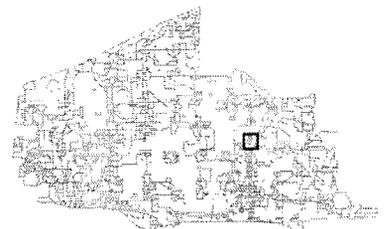
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-46

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #481



○ 200' Notification Buffer





Area of Request

CENTRAL EXPRESSWAY

CENTRAL EXPRESSWAY

CENTRAL EXPRESSWAY

CENTRAL EXPRESSWAY



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-46

Zoning Case 2012-46

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2002-11-37; thereby rescinding Specific Use Permit No. 481 for the additional use of a Private Club on 0.2± acre of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the west side of U.S. Highway 75, 2,200± feet south of Heritage Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 481 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 481 for the additional use of a Private Club on 0.2± acre of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the west side of U.S. Highway 75, 2,200± feet south of Heritage 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 481 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. 2002-11-37 duly passed and approved by the City Council of the City of Plano, Texas, on November 25, 2002, granting Specific Use Permit No. 481 for the additional use of a Private Club on 0.2± acre of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the west side of U.S. Highway 75, 2,200± feet south of Heritage Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 481 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 481 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-46

BEING 5,425 square feet of land situated in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas and being a part of that certain proposed Lot 3R, Block 1 of the Craig Addition to said City and Lot 1R, Block 1 of said addition as recorded in Cabinet M, Page 605 of the plat Records of said County; said 5,425 square feet of land to be more particularly described by metes and bounds as follows:

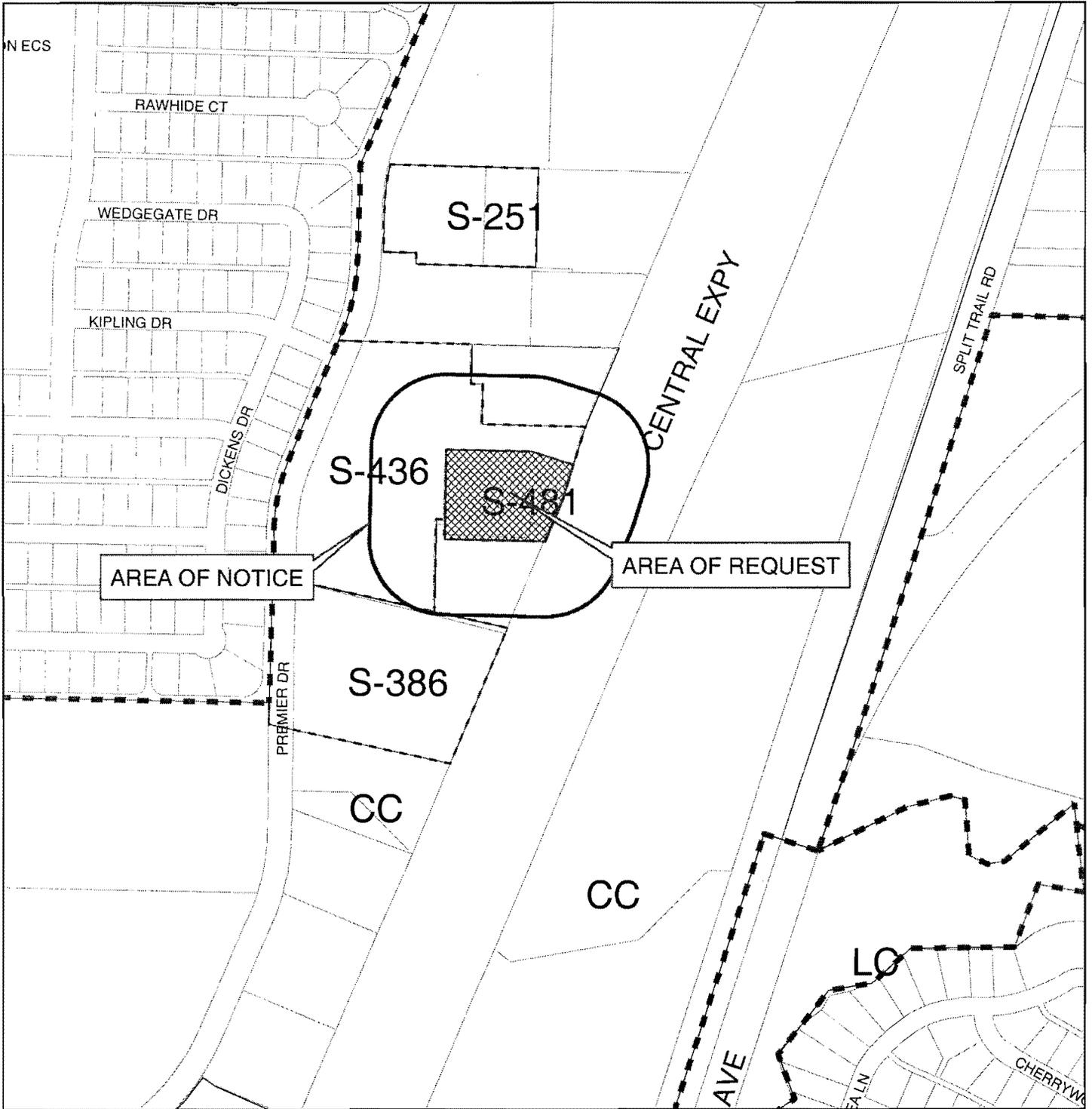
BEGINNING at a point for the northeast corner of this 5,425 square foot tract, said point being South, 21° 46' 01" West, 4.70 feet, South, 16° 04' 35" West, 101.10 feet and South, 63° 19' 00" West, a distance of 139.1 feet from a northeast corner of said Lot 1R and the southeast corner of Lot 4, Block 1 of said addition;

THENCE South, 22° 00' West, a distance of 66.93 feet to a point for corner;

THENCE West, a distance of 74.87 feet to a point for corner;

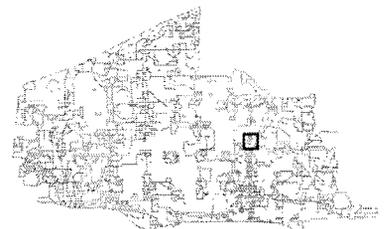
THENCE North, a distance of 62.05 feet to a point for corner;

THENCE East, a distance of 99.94 feet to the PLACE OF BEGINNING and CONTAINING 5,425 square feet (or 0.2± acre) of land.



Zoning Case #: 2012-46

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #481



○ 200' Notification Buffer



DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6F - PUBLIC HEARING
ZONING CASE 2012-47
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #538 for Private Club on 0.1± acre located at the southeast corner of K Avenue and Vontress Drive. Zoned Downtown Business/Government with Specific Use Permit #538 for Private Club.

APPROVED: 6-0 **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 as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6F

Public Hearing: Zoning Case 2012-47

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #538 for Private Club on 0.1± acre located at the southeast corner of K Avenue and Vontress Drive. Zoned Downtown Business/Government with Specific Use Permit #538 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #538 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.

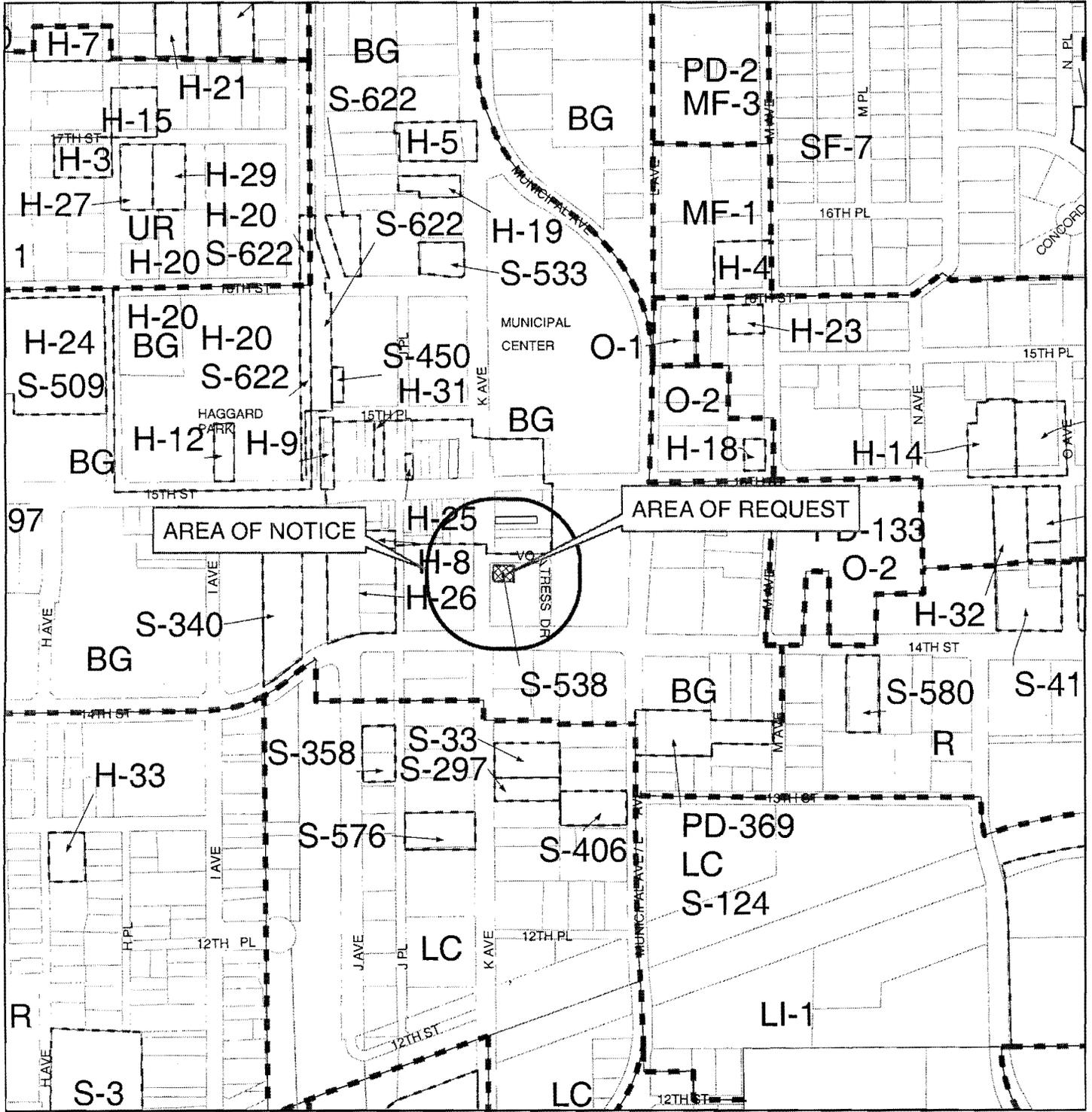
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments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

Brix Bar & Grill 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.

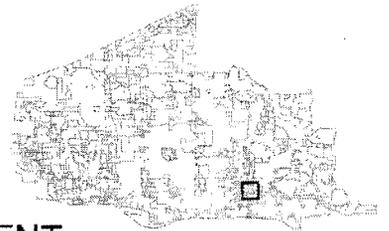
RECOMMENDATION:

Recommended for approval as submitted.



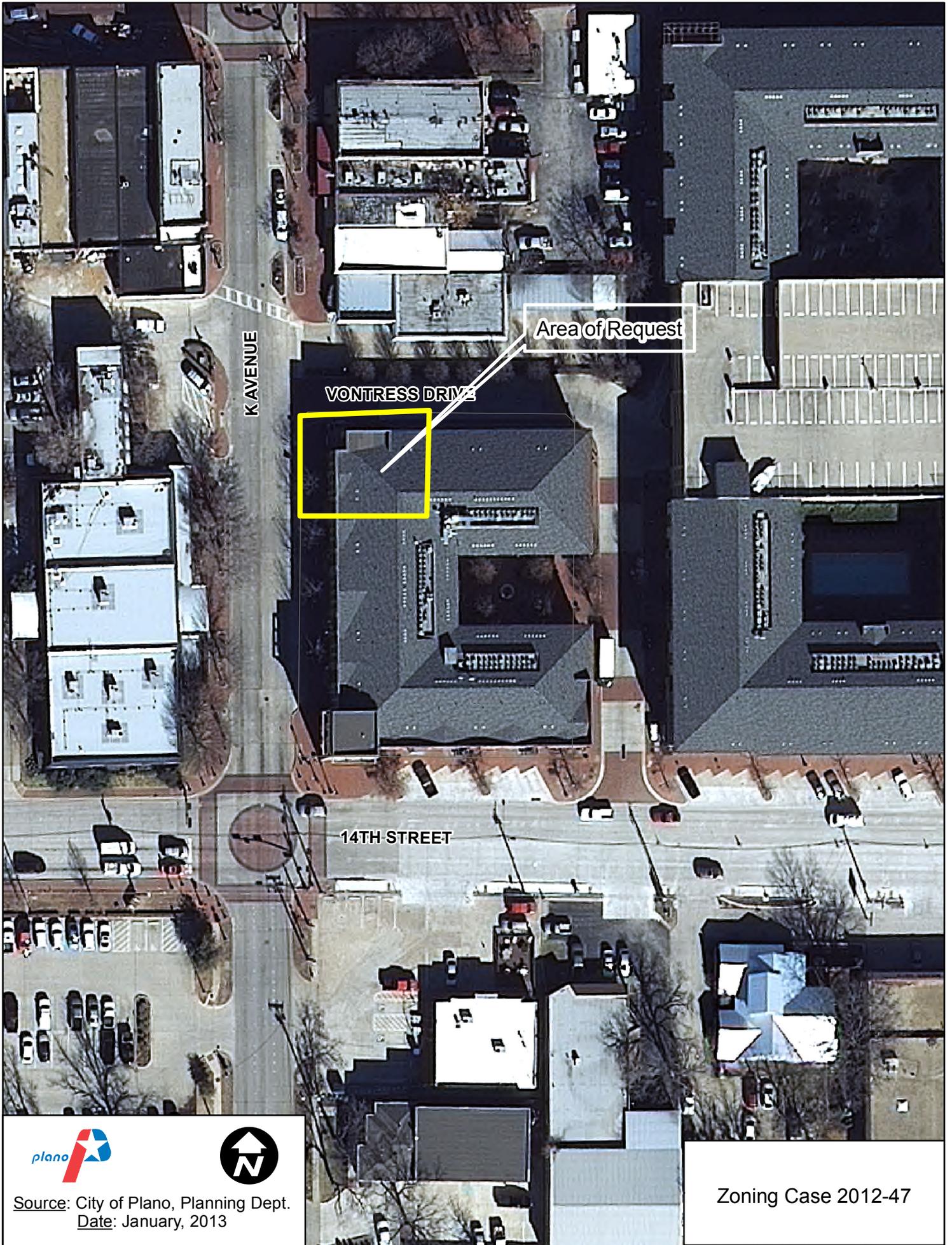
Zoning Case #: 2012-47

Existing Zoning: DOWNTOWN BUSINESS/GOVERNMENT
w/SPECIFIC USE PERMIT #538



○ 200' Notification Buffer





Area of Request

K AVENUE

VONTRESS DRIVE

14TH STREET



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-47

Zoning Case 2012-47

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2004-5-6; thereby rescinding Specific Use Permit No. 538 for the additional use of a Private Club on 0.1± acre of land out of the Sanford Beck Survey, Abstract No. 73, located at the southeast corner of K Avenue and Vontress Drive in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Specific Use Permit No. 538 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 538 for the additional use of a Private Club on 0.1± acre of land out of the Sanford Beck Survey, Abstract No. 73, located at the southeast corner of K Avenue and Vontress 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 538 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. 2004-5-6 duly passed and approved by the City Council of the City of Plano, Texas, on May 10, 2004, granting Specific Use Permit No. 538 for the additional use of a Private Club on 0.1± acre of land out of the Sanford Beck Survey, Abstract No. 73, located at the southeast corner of K Avenue and Vontress Drive in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Specific Use Permit No. 538 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 538 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-47

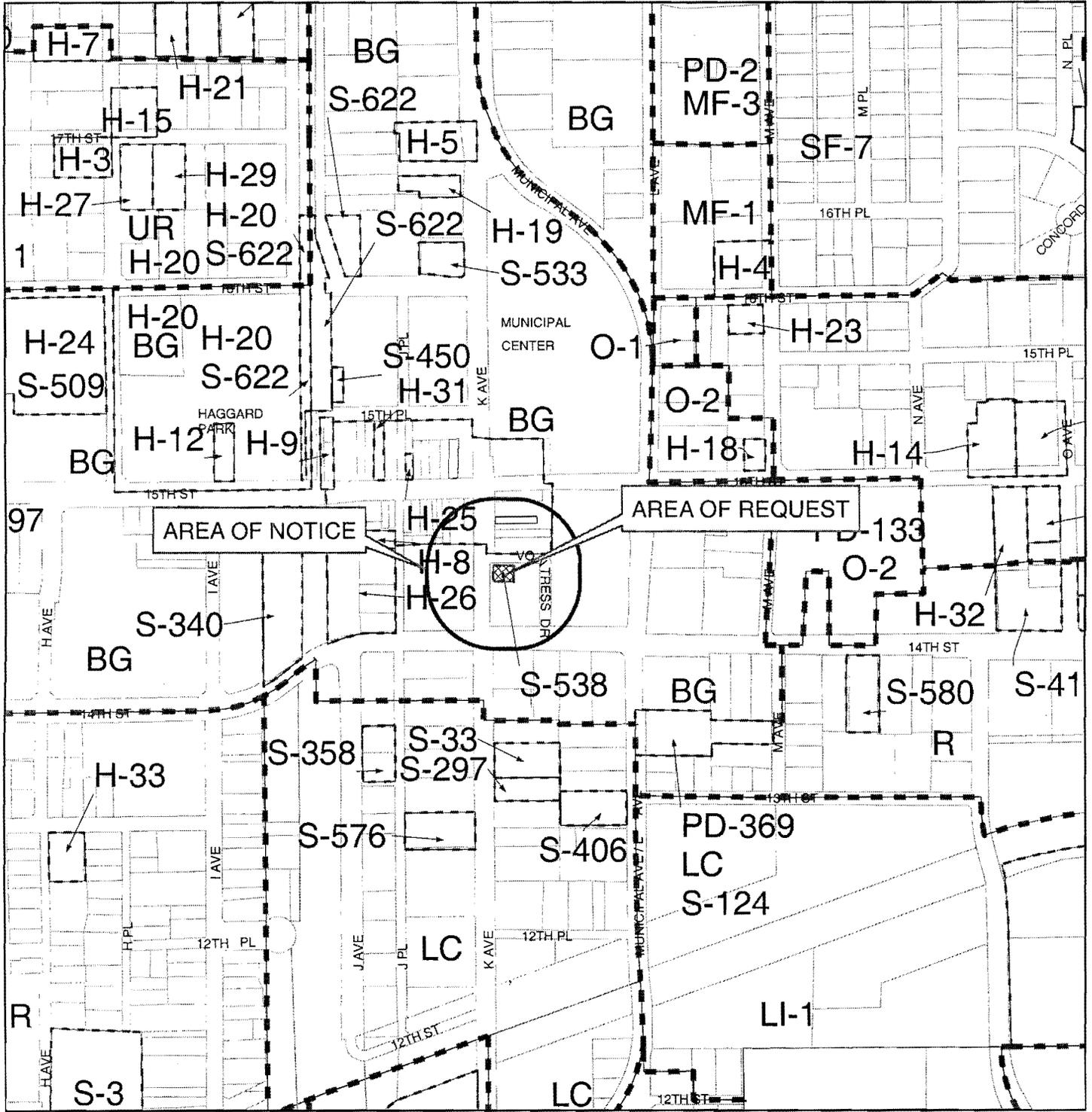
BEING a tract of land, situated in the Sanford Beck Survey, Abstract No. 73, Plano, Collin County, Texas, being part of Lot 1, Block A of Plano Transit Village Phase II, an addition to the City of Plano, with said premises being more particularly described as follows:

COMMENCING at the intersection of the northwest corner of Vontress Drive (variable width right-of-way) with the east right-of-way line of K Avenue (variable width right-of-way) and the most westerly northwest corner of said addition;

THENCE with the east right-of-way line of K Avenue and a west line of said addition, South, 00° 38' 21' West, 30.48 feet to the most northerly northwest corner of said Lot 1;

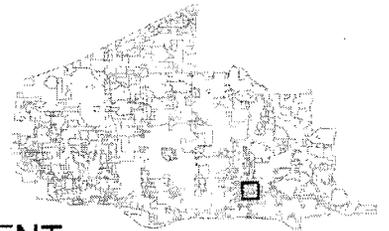
THENCE South, 89° 32' 08" East, 5.70 feet and South, 01° 36' 21" East, 7.70 feet to the POINT OF BEGINNING and the northwest corner of the herein described premises;

THENCE with the perimeter of said premises as follows: South, 89° 32' 08" East, 62.45 feet; South, 00° 27' 52' West, 48.60 feet; North, 89° 32' 08" West, 58.15 feet; North, 00° 27' 52' East, 4.05 feet; North, 89° 32' 08" West, 2.20 feet; South, 00° 27' 52" West, 2.80 feet; North 89° 32' 08' West, 2.10 feet to the southwest corner of said premises, North, 00° 27' 52' East, 46.75 feet to the POINT OF BEGINNING and CONTAINING 3,021 square feet or 0.07 acre of land.



Zoning Case #: 2012-47

Existing Zoning: DOWNTOWN BUSINESS/GOVERNMENT
w/SPECIFIC USE PERMIT #538



○ 200' Notification Buffer



DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6G - PUBLIC HEARING
ZONING CASE 2012-48
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #547 for Private Club on 0.3± acre located 350± feet west of Coit Road and 320± feet north of Spring Creek Parkway. Zoned Retail with Specific Use Permit #547 for Private Club and Specific Use Permit #548 for Arcade.

APPROVED: 6-0 **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 as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6G

Public Hearing: Zoning Case 2012-48

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #547 for Private Club on 0.3± acre located 350± feet west of Coit Road and 320± feet north of Spring Creek Parkway. Zoned Retail with Specific Use Permit #547 for Private Club and Specific Use Permit #548 for Arcade.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #547 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.

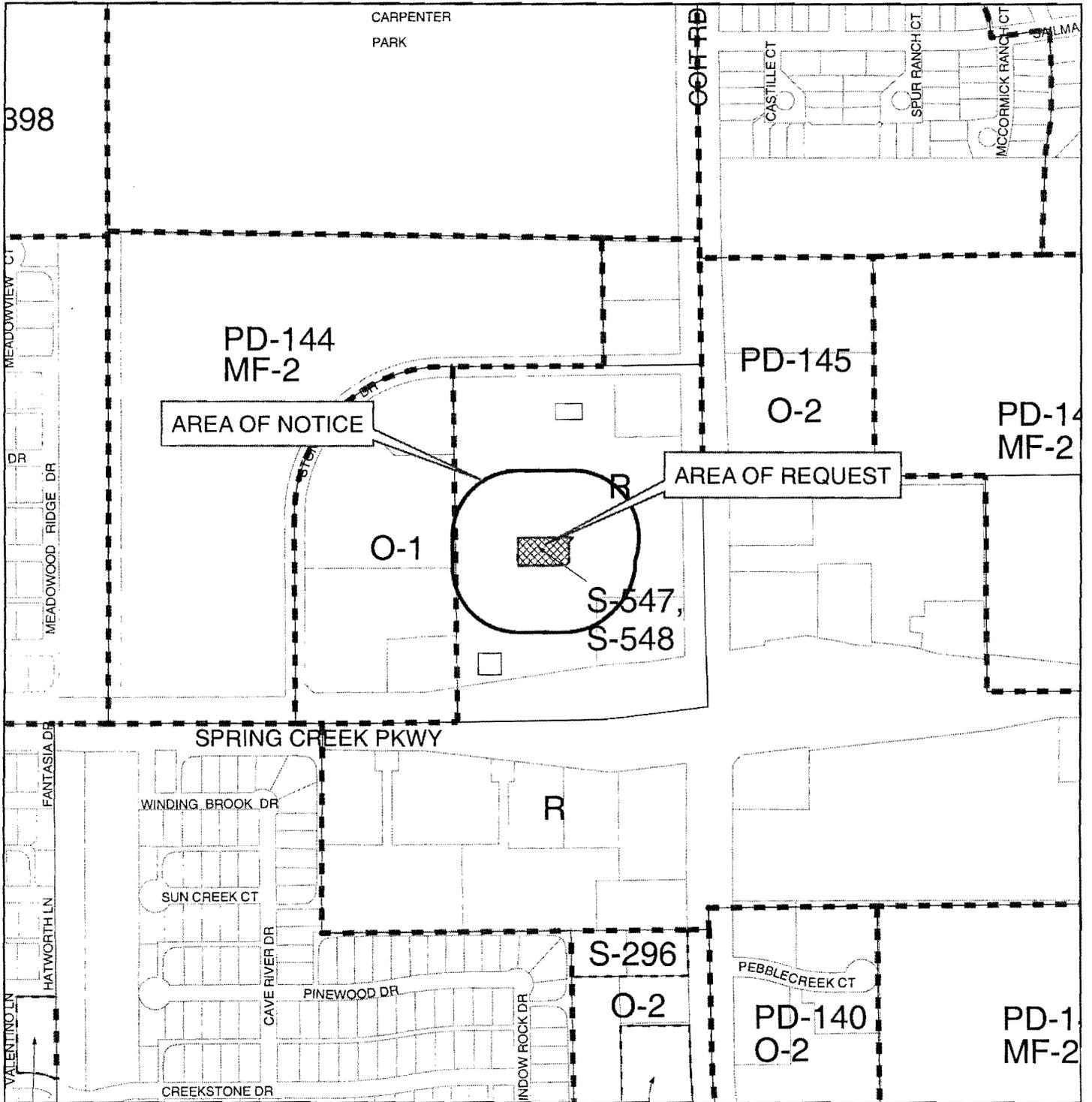
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the 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.

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

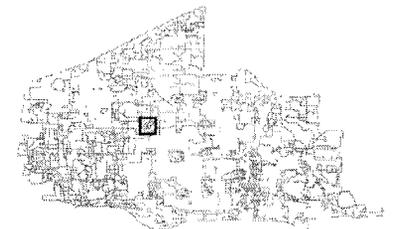
RECOMMENDATION:

Recommended for approval as submitted.



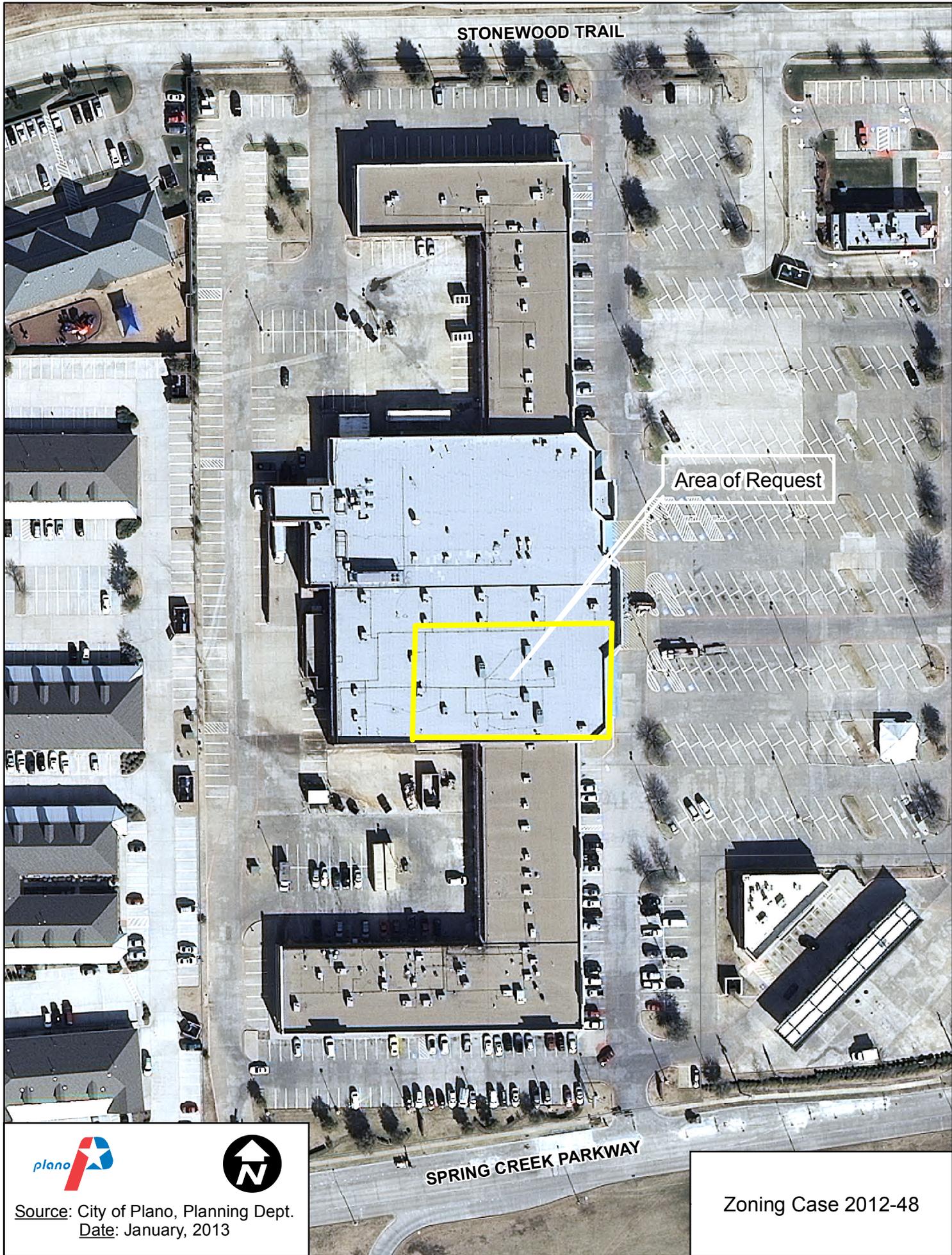
Zoning Case #: 2012-48

Existing Zoning: RETAIL w/SPECIFIC USE PERMITS #547 & #548



○ 200' Notification Buffer





STONEWOOD TRAIL

Area of Request

SPRING CREEK PARKWAY



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-48

Zoning Case 2012-48

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2004-9-17 as it relates to rescinding Specific Use Permit No. 547 for the additional use of a Private Club only on 0.3± acre of land out of the Mary Katherine and Sallie Owens Survey, Abstract No. 672, located 350± feet west of Coit Road and 320± feet north of Spring Creek Parkway in the City of Plano, Collin County, Texas, currently zoned Retail with Specific Use Permit No. 547 for Private Club and Specific Use Permit No. 548 for Arcade, 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 547 for the additional use of a Private Club on 0.3± acre of land out of the Mary Katherine and Sallie Owens Survey, Abstract No. 672, located 350± feet west of Coit Road and 320± feet north of Spring Creek Parkway 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 547 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. 2004-9-17 duly passed and approved by the City Council of the City of Plano, Texas, on September 13, 2004, granting Specific Use Permit No. 547 for the additional use of a Private Club on 0.3± acre of land out of the Mary Katherine and Sallie Owens Survey, Abstract No. 672, located 350± feet west of Coit Road and 320± feet north of Spring Creek Parkway in the City of Plano, Collin County, Texas, currently zoned Retail with Specific Use Permit No. 547 for Private Club and Specific Use Permit No. 548 for Arcade, 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. 547 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-48

BEING a leasehold tract in Lot 1, Block 1 of Stonewood, a platted addition to the City of Plano, Collin County, Texas, as recorded in Cabinet L on Page 861 of the Plat Records of Collin County, Texas, and being situated in the Mary Katherine and Sallie Owens Survey, Abstract No. 672, Collin County, Texas, and being more particularly described as follows:

COMMENCING at 1/2-inch iron rod at the intersection of the north line of Spring Creek Parkway (variable right-of-way) with the southeast corner of Block 1, Lot 14, and the southwest corner of Block 1, Lot 1, of said Stonewood Addition;

THENCE North, 26° 45' 10" East, a distance of 410.43 feet departing said north line of Spring Creek Parkway (variable right-of-way) to a point for corner, said corner being the southwest corner of the Peter Piper Pizza leasehold tract and the PLACE OF BEGINNING of said leasehold tract;

THENCE North, 00° 21' 12" West, a distance of 84.67 feet to point for corner;

THENCE North, 89° 38' 48" East, a distance of 166.00 feet to point for corner;

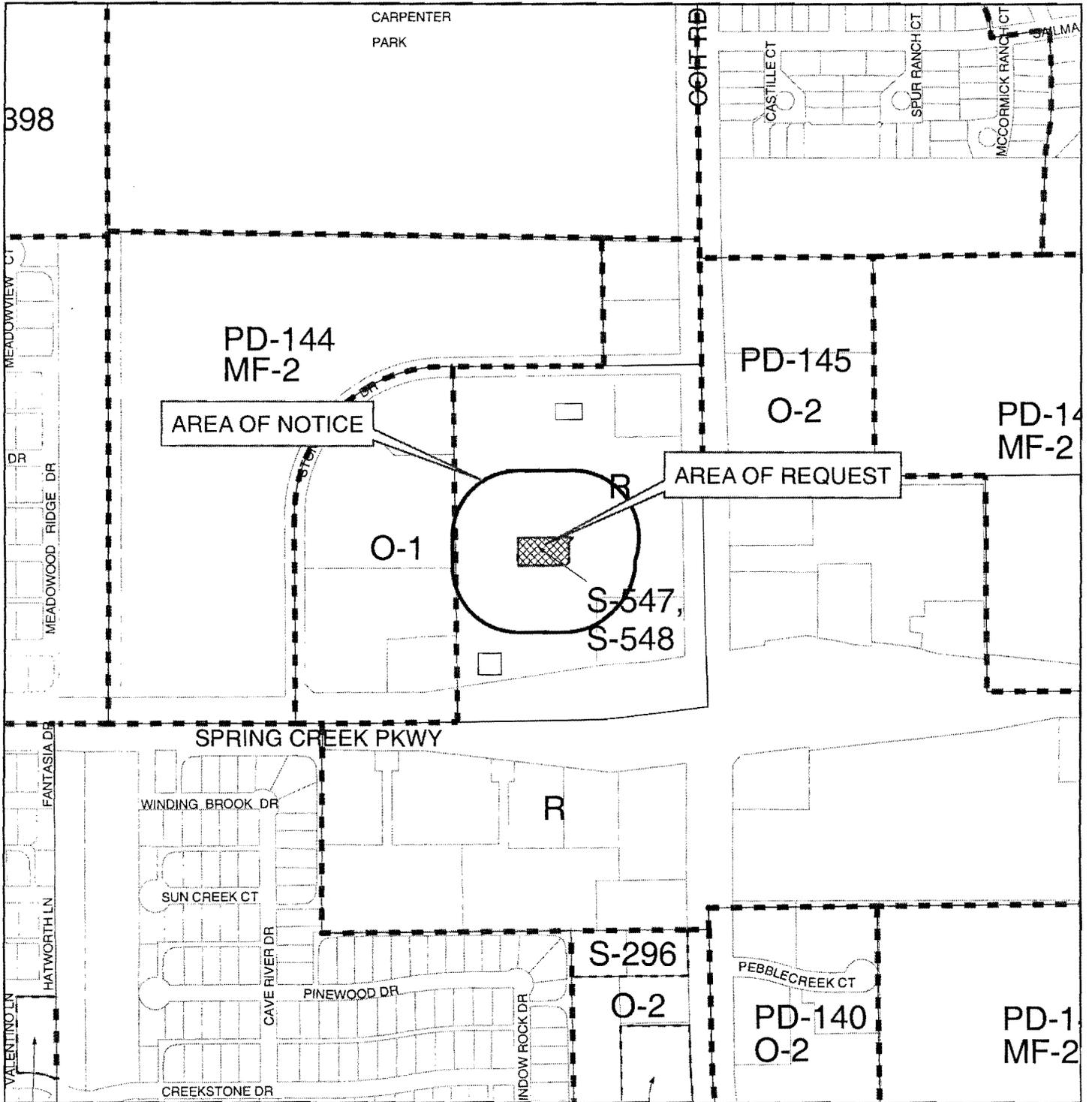
THENCE South, 00° 21' 12" East, a distance of 2.34 feet to point for corner;

THENCE South, 44° 38' 21" West, a distance of 16.97 feet to point for corner;

THENCE South, 00° 21' 12" East, a distance of 58.34 feet to point for corner;

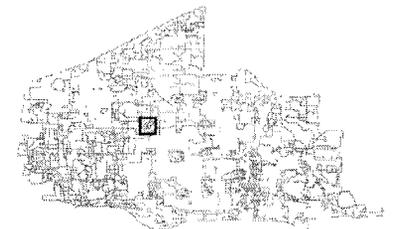
THENCE South, 44° 38' 21" West, a distance of 16.97 feet to point for corner;

THENCE South, 89° 38' 48" West, a distance of 142.00 feet back to the PLACE OF BEGINNING and CONTAINING 0.30 acre (13,067 square feet) of land.



Zoning Case #: 2012-48

Existing Zoning: RETAIL w/SPECIFIC USE PERMITS #547 & #548



○ 200' Notification Buffer



DATE: December 18, 2012
TO: Honorable Mayor & City Council
FROM: Alan Smith, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 17, 2012

**AGENDA ITEM NO. 6H - PUBLIC HEARING
ZONING CASE 2012-49
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #220 for Private Club on 2.6± acres located at the southwest corner of Plano Parkway and Accent Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #220 for Private Club.

APPROVED: 6-0 **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 as submitted.

FOR CITY COUNCIL MEETING OF: January 28, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 17, 2012

Agenda Item No. 6H

Public Hearing: Zoning Case 2012-49

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #220 for Private Club on 2.6± acres located at the southwest corner of Plano Parkway and Accent Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #220 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #220 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.

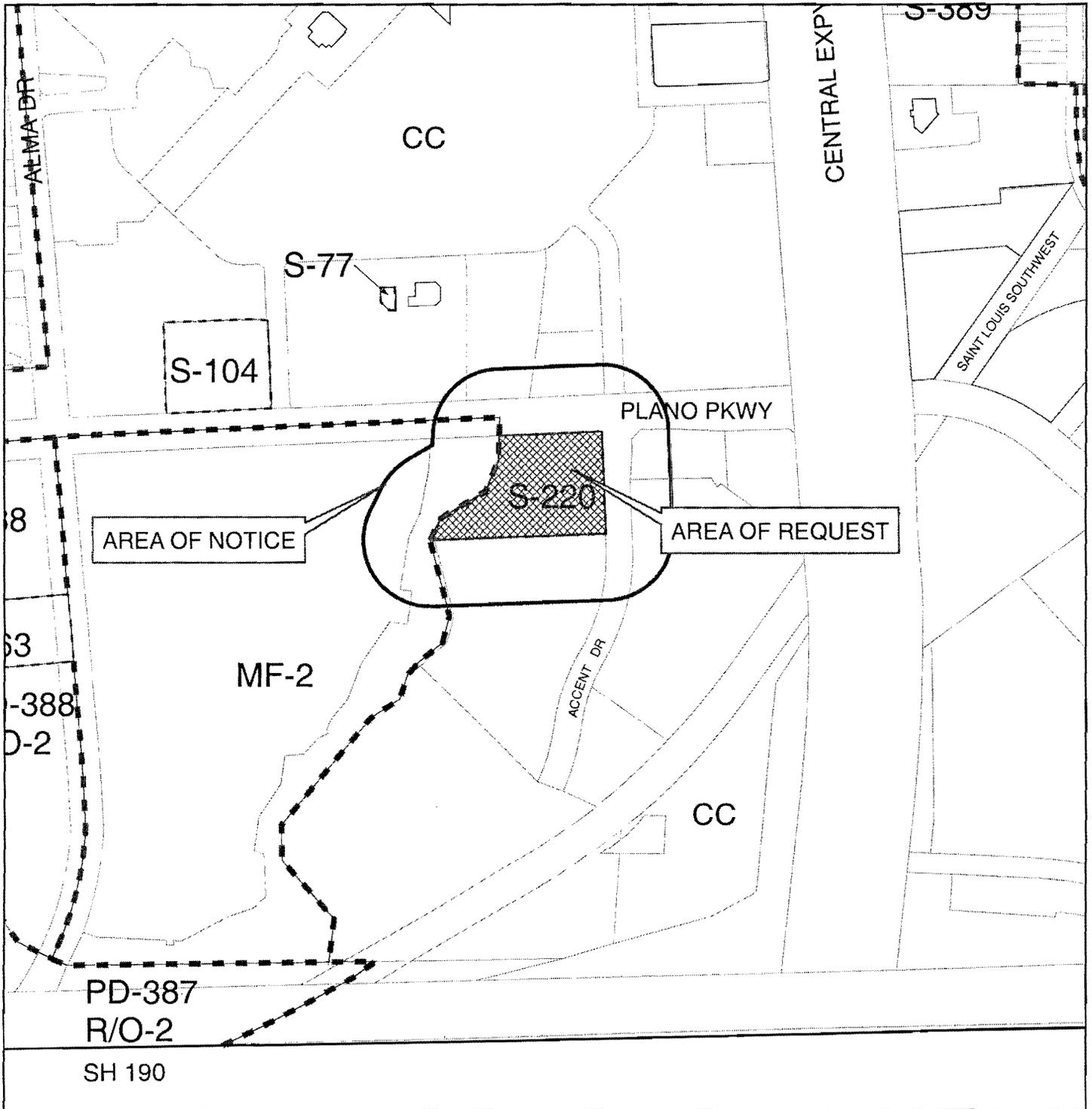
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments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

Islands 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.

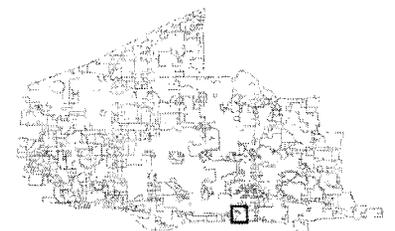
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-49

Existing Zoning: CORRIDOR COMMERCIAL/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #220



○ 200' Notification Buffer





PLANO PARKWAY

Area of Request

ACCENT DRIVE



Source: City of Plano, Planning Dept.
Date: January, 2013

Zoning Case 2012-49

Zoning Case 2012-49

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 93-3-6; thereby rescinding Specific Use Permit No. 220 for the additional use of a Private Club on 2.6± acres of land out of the Samuel Klepper Survey, Abstract No. 216, located at the southwest corner of Plano Parkway and Accent Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 220 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 28th day of January, 2013, for the purpose of considering rescinding Specific Use Permit No. 220 for the additional use of a Private Club on 2.6± acres of land out of the Samuel Klepper Survey, Abstract No. 216, located at the southwest corner of Plano Parkway and Accent 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 28th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 220 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. 93-3-6 duly passed and approved by the City Council of the City of Plano, Texas, on March 15, 1993, granting Specific Use Permit No. 220 for the additional use of a Private Club on 2.6± acres of land out of the Samuel Klepper Survey, Abstract No. 216, located at the southwest corner of Plano Parkway and Accent Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 220 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 220 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 28TH DAY OF JANUARY, 2013.

Phil Dyer, MAYOR

ATTEST:

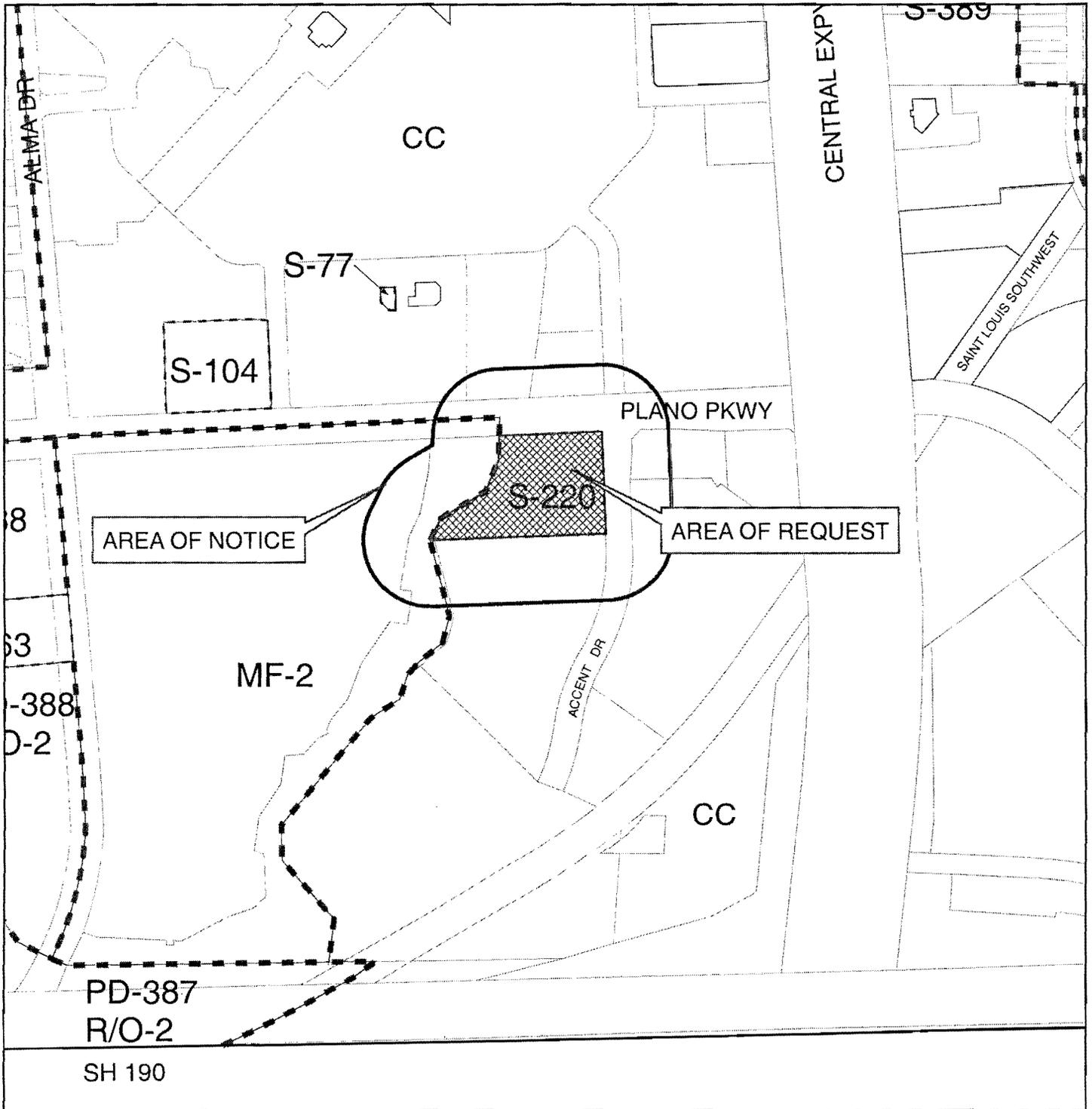
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

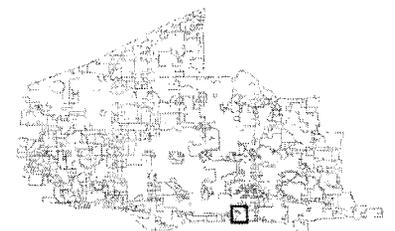
Zoning Case 2012-49

Being a tract of land situated in the Samuel Klepper Survey, Abstract No. 216, in the City of Plano, Collin County, Texas, and being all of Block 1, Lot 4 of the Collin Creek Village Tract D, an addition to the City of Plano, Texas, according to the map or plat thereof recorded in Cabinet G, Pages 607 and 608 Plat Records of Collin County, Texas, as filed on February 26, 1993, comprising 2.562 acres of land.



Zoning Case #: 2012-49

Existing Zoning: CORRIDOR COMMERCIAL/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #220



○ 200' Notification Buffer

