

**DATE:** February 5, 2013  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of February 4, 2013

**AGENDA ITEM NO. 6 - PUBLIC HEARING  
ZONING CASE 2013-01  
APPLICANT: PLANO MARKET STREET, LP**

Request for Specific Use Permit for Trade/Commercial School on 0.4± acre located 380± feet south of Park Boulevard, 470± feet west of Preston Road. Zoned Retail.

**APPROVED:** 6-1 **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. The Commissioner who voted in opposition did not cite a reason for their opposition to the SUP request.

**FOR CITY COUNCIL MEETING OF:** February 25, 2013 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

JH/sf

xc Amy Ziegler/Plano Market Street LP  
Travis Bousquet PE

CITY OF PLANO  
PLANNING & ZONING COMMISSION

February 4, 2013

**Agenda Item No. 6**

**Public Hearing:** Zoning Case 2013-01

**Applicant:** Plano Market Street, LP

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**DESCRIPTION:**

Request for Specific Use Permit for Trade/Commercial School on 0.4± acre located 380± feet south of Park Boulevard, 470± feet west of Preston Road. Zoned Retail.

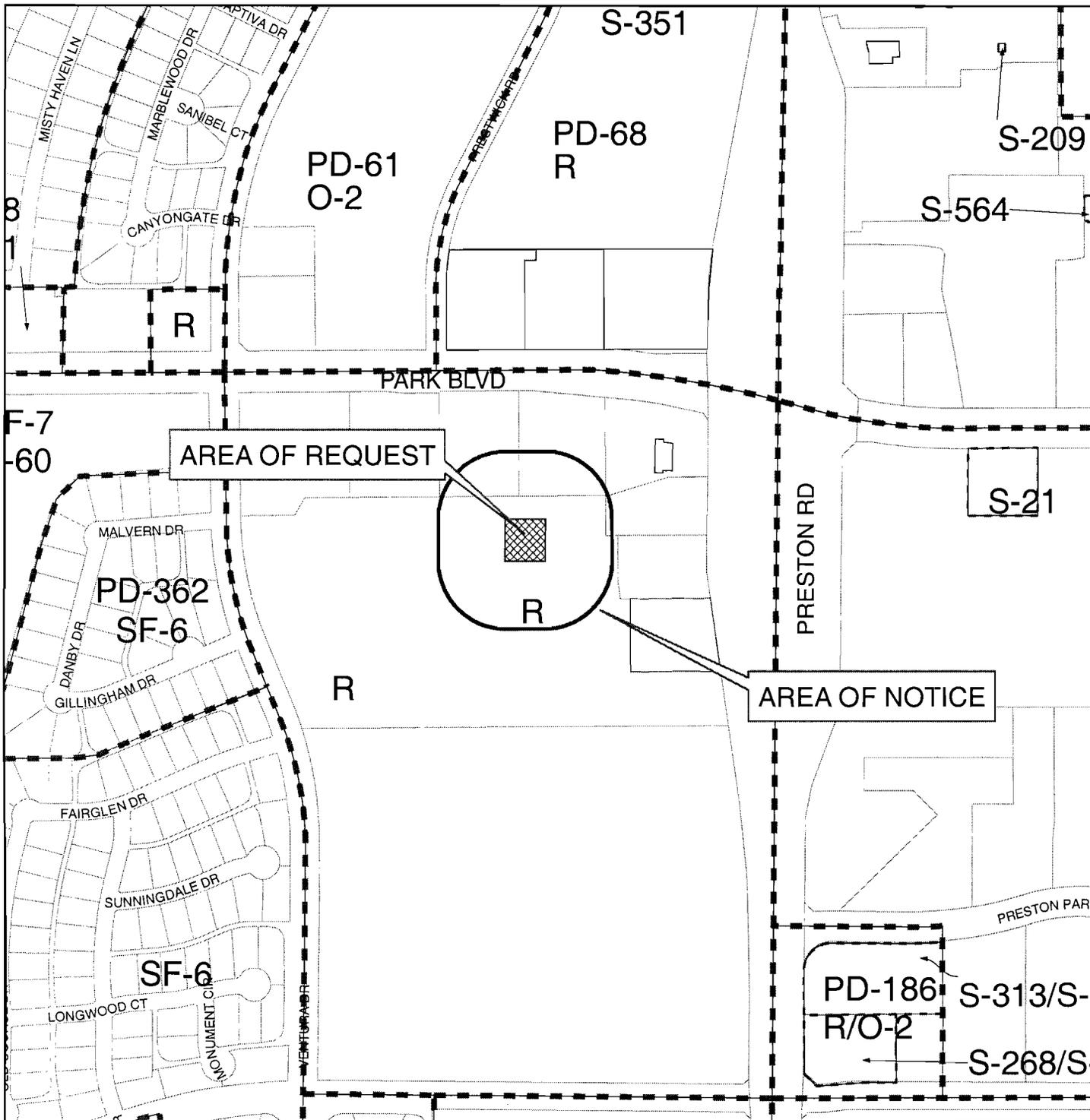
**REMARKS:**

The requested zoning is for a Specific Use Permit (SUP) for Trade/Commercial School. The applicant proposes to operate a beauty school. An SUP authorizes and regulates a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. The Zoning Ordinance defines trade/commercial schools as establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupations. The applicant is proposing to locate the trade/commercial school in an existing 13,000± square foot lease space, located in the middle of a larger shopping center building. The current zoning is Retail (R). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing.

The surrounding uses to this subject property are primarily restaurant, retail, service, and grocery businesses, and all are zoned Retail. The trade/commercial school use is complementary to the adjacent land uses. Additionally, the site has sufficient parking to accommodate the requested use. Based on this analysis, staff believes this is an appropriate location for a trade/commercial school.

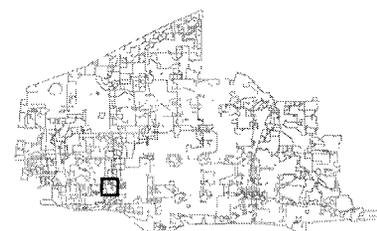
**RECOMMENDATION:**

Recommended for approval as submitted.

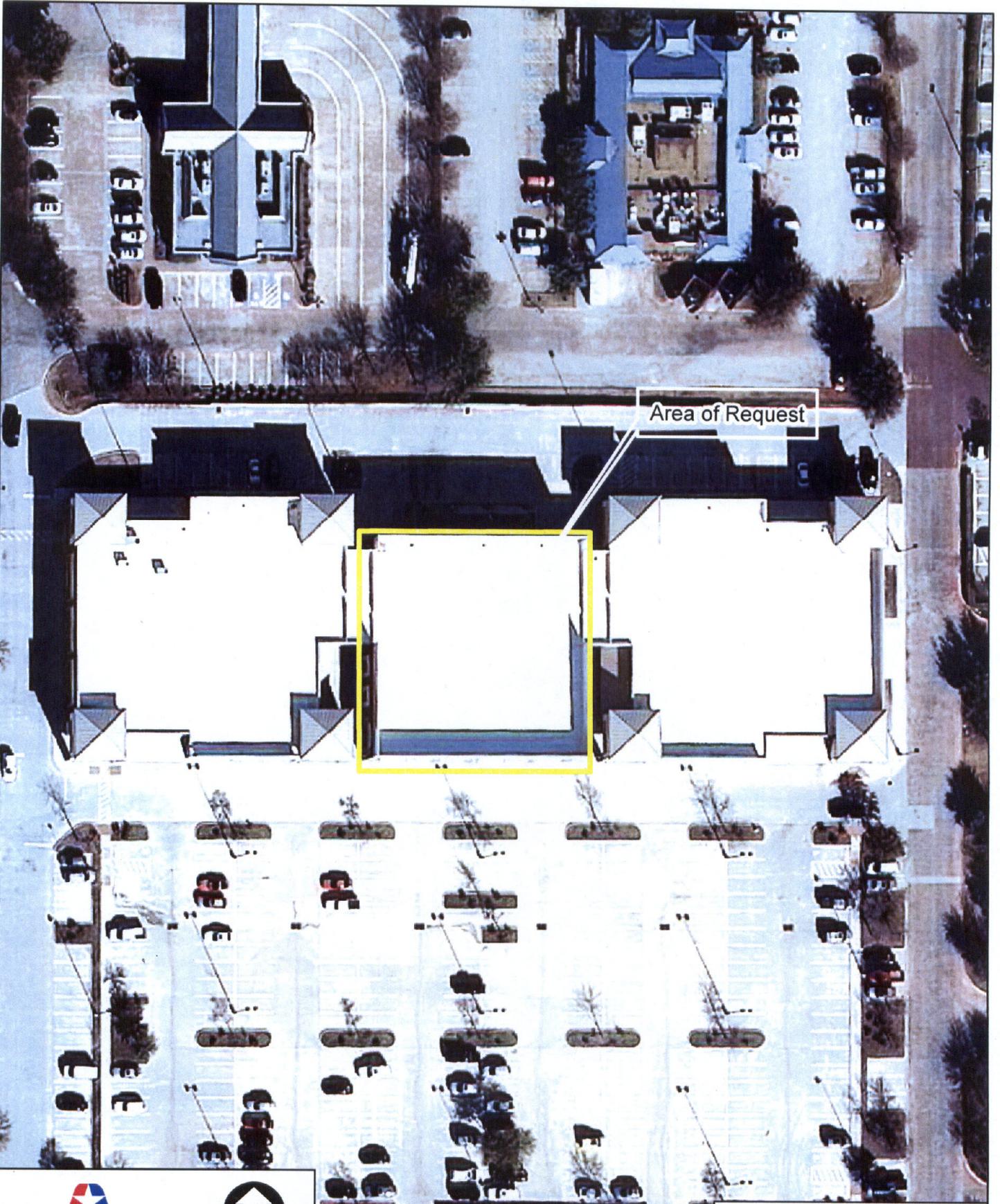


Zoning Case #: 2013-01

Existing Zoning: RETAIL



○ 200' Notification Buffer



Area of Request

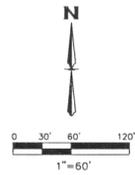
Dec Server 1/14/2013 X:\Dept\PKZ Locators & Graphics\Z2013-01A.mxd



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

Zoning Case 2013-01

**PARK BLVD**  
(VARIABLE WIDTH ROW)



**VICINITY MAP**  
N.T.S.

**LEGAL DESCRIPTION**

BEING a tract of land out of the L. WETSEL SURVEY, Abstract No. 971, Collin County, Texas; said tract being a portion of Lot 1R, Block 1, Walton Park Square Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Volume 2008, Page 686 of the Official Public Records of Collin County, Texas; said Lot 1R also being described in Special Warranty Deed to Woodmont Plaza, LP, Recorded in County Clerk's File No. 20080219000184570 of the Official Public Records of Collin County, Texas; said 0.283 acre tract being more particularly described as follows:

COMMENCING at a 1'-cut in concrete found in the east right-of-way line of Venture Drive (an 85-foot wide right-of-way), said point being the southeast corner of Lot 2, Block 1, Walton Park Square Addition and the northwest corner of said Lot 1R, Block 1, Walton Park Square Addition.

THENCE North 88°47'28" East, departing the said east line of Venture Drive and along the north line of said Lot 1R and the south line of said Lot 2, a distance of 181.45 feet to a point for corner.

THENCE North 29°47'28" East, continuing along the said north line of said Lot 1R and the said south line of Lot 2, a distance of 65.34 feet to 1/8-inch iron rod found for corner.

THENCE North 88°47'28" East, continuing along the said north line of said Lot 1R and the said south line of Lot 2, a distance of 116.72 feet to a point for corner.

THENCE South 07°12'34" East, leaving said north line of said Lot 1R and the said south line of Lot 2, a distance of 68.30 feet to the point of beginning.

BEGINNING at point in the Lot 1R, Block 1, Walton Park Square Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Volume 2008, Page 686 of the Official Public Records of Collin County, Texas; said Lot 1R also being described in Special Warranty Deed to Woodmont Plaza, LP, Recorded in County Clerk's File No. 20080219000184570 of the Official Public Records of Collin County, Texas; said 0.283 acre tract being more particularly described as follows:

THENCE South 88°47'28" West, a distance of 120.70 feet to a point for corner.

THENCE North 07°12'34" East, a distance of 123.30 feet to a point for corner.

THENCE North 88°47'28" East, a distance of 130.70 feet to the POINT OF BEGINNING containing 0.247 acres of land.

Bearing system based on a bearing of South 88°47'28" West for northern line of Lot 1R according to said plat of Walton Park Square Addition.

**ZONING REQUEST:**

ZONING CASE 2013-01 IS BEING SUBMITTED IN REQUEST FOR AN SUP FOR THE USE OF A TRADE / COMMERCIAL SCHOOL WITHIN THE EXISTING BUILDING INDICATED ON THIS PLAN.

**PREPARED BY:**

THE BOUSQUET GROUP, INC.  
501 S. CARROLL BLVD.  
SUITE 201  
DENTON, TEXAS 76201  
TRAVIS BOUSQUET, PE  
972.566.0088

**PERMITTEE/APPLICANT:**

PLANO MARKET STREET LP  
C/O PRUDENTIAL REAL ESTATE INVESTORS  
ALBION DRIVE, SUITE 1000  
8 CAMPUS DRIVE, 4TH FLOOR  
FARGO/PARK BLVD 07554  
489.333.3480

**SURVYOR:**

PAOLO KOCH  
8350 N. CENTRAL EXPY.  
SUITE 1000  
DALLAS, TEXAS 75208  
972.233.3031

APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR AN APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INTENTION OF THE DEVELOPMENT PROCESS. PLANNING AND ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLANS, OR FILINGS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.

Engine Information:  
The Bousquet Group, Inc.  
501 S. Carroll Blvd.  
Ste. 201  
Denton, TX 76201  
940.566.0088  
940.566.0088 fax  
Texas Firm No. F-8942  
Professional of Record

**TONI AND GUY**  
**SALON ACADEMY**  
**1921 PRESTON ROAD**  
**PLANO, TEXAS**

12/27/12 Original Submittal Date

Revisions:

#	Date Issued	Description

SHEET TITLE:

**S.U.P. EXHIBIT**

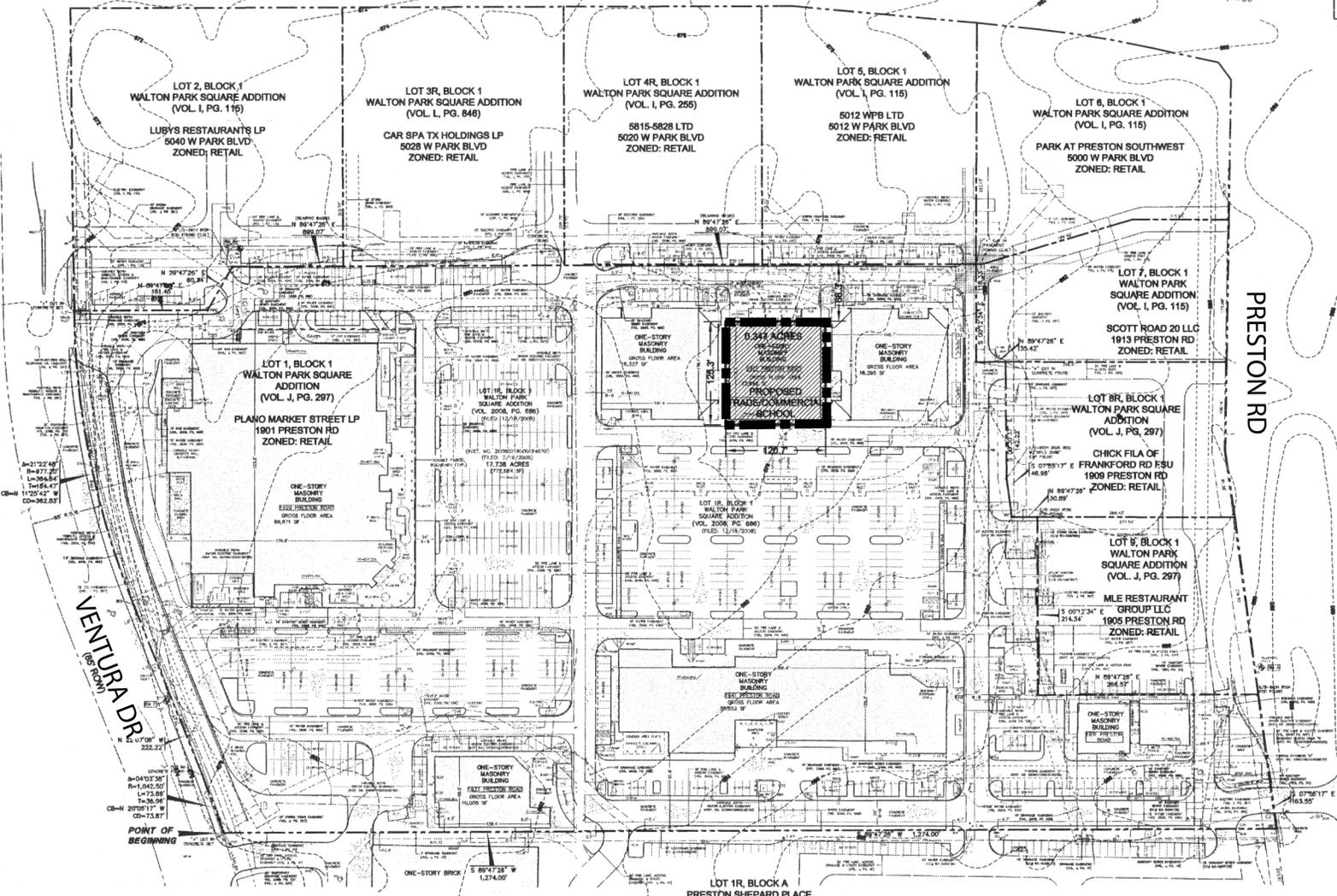
DATE: JANUARY 2013

PROJECT NUMBER: 12054

DRAWN BY: BJK

SHEET NUMBER: 1

**ZONING CASE: 2013-01**



LOT 1R, BLOCK A  
PRESTON SHEPARD PLACE  
(VOL. J, PG. 41)

PRESTON SHEPARD RETAIL LP  
801-1805 PRESTON RD

VENTURA DR  
(65' ROW)

PRESTON RD

POINT OF BEGINNING

## Zoning Case 2013-01

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 635 so as to allow the additional use of Trade/Commercial School on 0.4± acre of land out of the L. Wetsel Survey, Abstract No. 971, located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano, Collin County, Texas, presently zoned Retail; 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 25th day of February, 2013, for the purpose of considering granting Specific Use Permit No. 635 for the additional use of Trade/Commercial School on 0.4± acre of land out of the L. Wetsel Survey, Abstract No. 971, located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano, Collin County, Texas, presently zoned Retail; 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 25th day of February, 2013; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 635 for the additional use of Trade/Commercial School on 0.4± acre of land out of the L. Wetsel Survey, Abstract No. 971, located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano, Collin County, Texas, presently zoned Retail, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

**WHEREAS**, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 635 for the additional use of Trade/Commercial School on 0.4± acre of land out of the L. Wetsel Survey, Abstract No. 971, located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano, Collin County, Texas, presently zoned Retail, said property being more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

**Section 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 25TH DAY OF FEBRUARY, 2013.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

ZONING CASE 2013-01

BEING a tract of land out of the L. Wetsel Survey, Abstract No. 971, Collin County, Texas; said tract being a portion of Lot 1R, Block 1, Walton Park Square Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Volume 2008, Page 686 of the Official Public Records of Collin County, Texas; said Lot 1R also being described in Special Warranty Deed to Woodmont Plano, LP. Recorded in County Clerk's File No. 20080219000194570 of the Official Public Records of Collin County, Texas; said 0.293 acre tract being more particularly described as follows.

COMMENCING at a "+" cut in concrete found in the east right-of-way line of Ventura Drive (an 85-foot wide right-of-way), said point being the southwest corner of Lot 2, Block 1, Walton Park Square Addition and the northwest corner of said Lot 1R, Block 1, Walton Park Square Addition.

THENCE North 89° 47' 26" East, departing the said east line of Ventura Drive and along the north line of said Lot 1R and the south line of said Lot 2, a distance of 161.45 feet to a point for corner.

THENCE North 29° 47' 26" East, continuing along the said north line of said Lot 1R and the said south line of Lot 2, a distance of 60.34 feet to 1/2-inch iron rod found for corner.

THENCE North 89° 47' 26" East, continuing along the said north line of said Lot 1R and the said south line of Lot 2, a distance of 716.72 feet to point for corner.

THENCE South 00° 12' 34" East, leaving said north line of said Lot 1R and the said south line of Lot 2, a distance of 68.30 feet to the point of beginning.

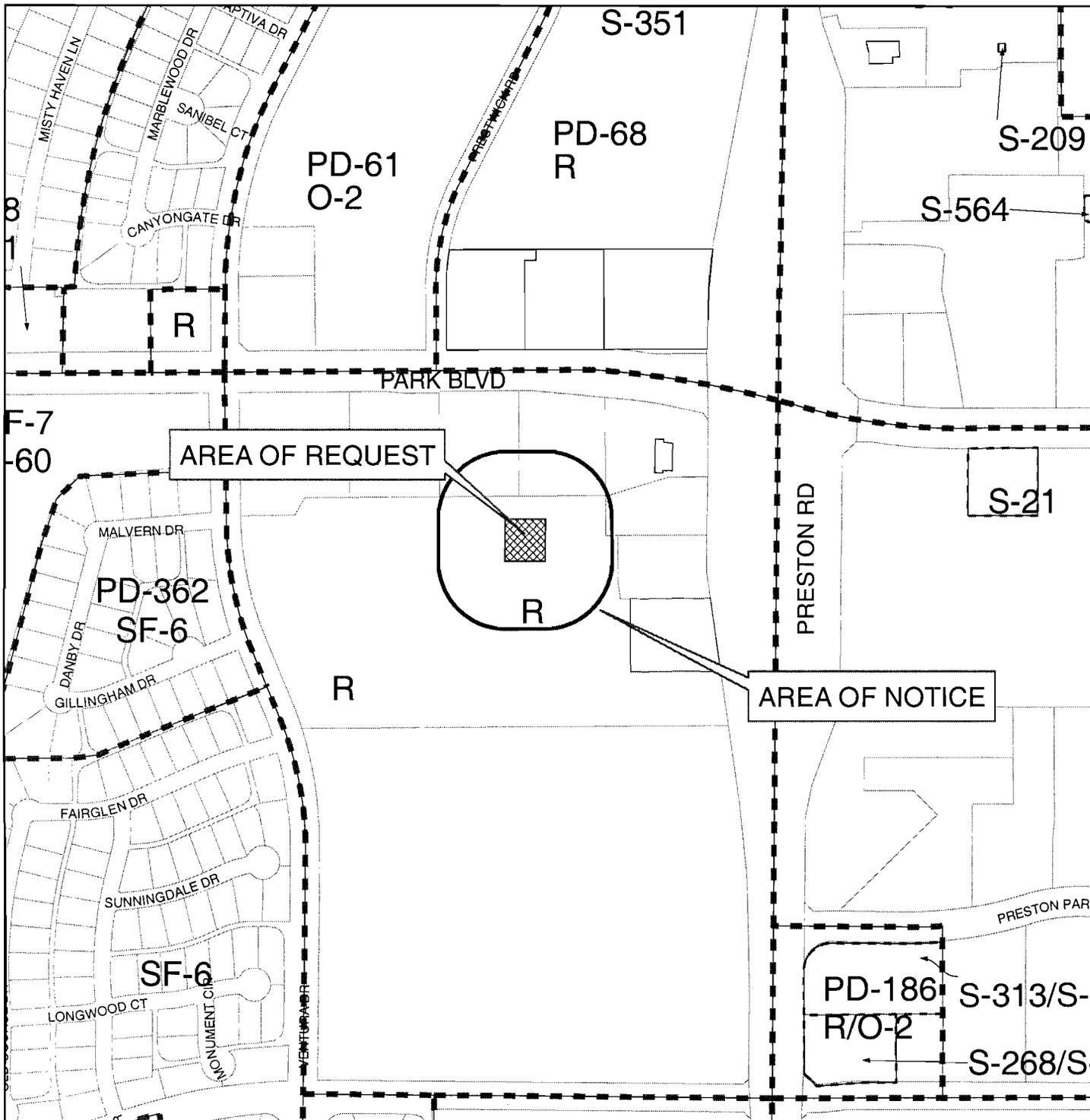
BEGINNING at point in the Lot 1R, Block 1, Walton Park Square Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Volume 2008, Page 686 of the Official Public Records of Collin County, Texas; said Lot 1R also being described in Special Warranty Deed to Woodmont Plano, LP. Recorded in County Clerk's File No. 20080219000194570 of the Official Public Records of Collin County, Texas; bears South 00° 12' 34" East and a distance of 125.30 feet;

THENCE South 89°47'26" West, a distance of 120.70 feet to a point for corner;

THENCE North 00° 12' 34" West, a distance of 125.30 feet to a point for corner;

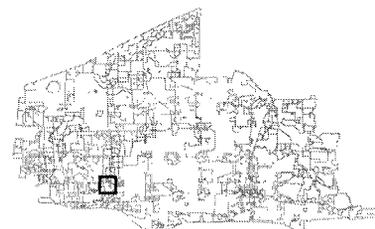
THENCE North 89° 47' 26" East, a distance of 120.70 feet to the POINT OF BEGINNING and CONTAINING 0.347 acres of land;

Bearing system based on a bearing of South 89° 47' 26" West for the north line of Lot 1R according to said plat of Walton Park Square Addition.



Zoning Case #: 2013-01

Existing Zoning: RETAIL



○ 200' Notification Buffer

