

Public Hearing and Consideration of Ordinances Requested in Zoning Cases 2012-53 through 2012-56 and Zoning Cases 2012-58 through 2012-59 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 The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.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 2012-53** - To rescind Specific Use Permit #253 for Private Club on 1.6± acres located on the north side of 15th Street and 690± feet west of U.S. Highway 75. Zoned Corridor Commercial with Specific Use Permit #253 for Private Club.
- (b) **Zoning Case 2012-54** - To rescind Specific Use Permit #553 for Private Club on 0.1± acre located 105± feet east of Preston Road and 330± feet south of McDermott Road. Zoned Planned Development-20-Mixed-Use/Preston Road Overlay District with Specific Use Permit #553 for Private Club.
- (c) **Zoning Case 2012-55** - To rescind Specific Use Permit #314 for Private Club on 2.0± acres located at the southeast corner of Preston Road and Preston Park Boulevard. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #313 for Restaurant, Specific Use Permit #339 for Arcade, and Specific Use Permit #314 for Private Club.
- (d) **Zoning Case 2012-56** - To rescind Specific Use Permit #420 for Private Club on 2.7± acres located on the east side of the Dallas North Tollway, 200± feet south of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #420 for Private Club.
- (e) **Zoning Case 2012-58** - To rescind Specific Use Permit #558 for Private Club on 0.1± acre located 130± feet south of Park Boulevard and 50± feet west of Preston Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District with Specific Use Permit #558 for Private Club.
- (f) **Zoning Case 2012-59** - To rescind Specific Use Permit #77 for Private Club on 0.1± acre located 400± feet north of Plano Parkway and 950± feet east of Alma Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #77 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, a publication clause, and an effective date. Applicant: City of Plano

DATE: February 19, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 18, 2013

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2012-53
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #253 for Private Club on 1.6± acres located on the north side of 15th Street and 690± feet west of U.S. Highway 75. Zoned Corridor Commercial with Specific Use Permit #253 for Private Club.

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

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

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: March 25, 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

February 18, 2013

Agenda Item No. 6A

Public Hearing: Zoning Case 2012-53

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #253 for Private Club on 1.6± acres located on the north side of 15th Street and 690± feet west of U.S. Highway 75. Zoned Corridor Commercial with Specific Use Permit #253 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #253 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.

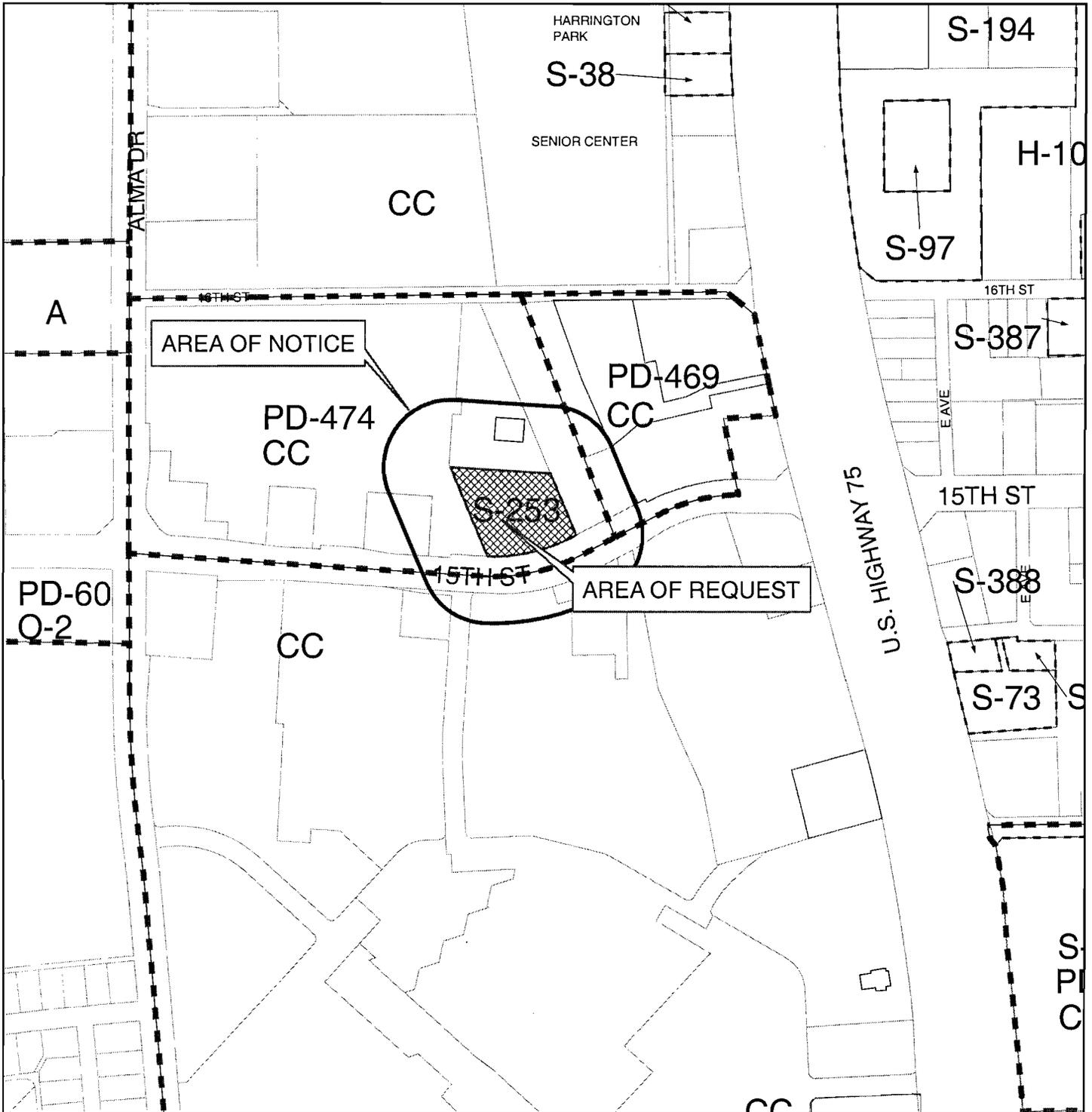
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the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

Pei Wei 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.

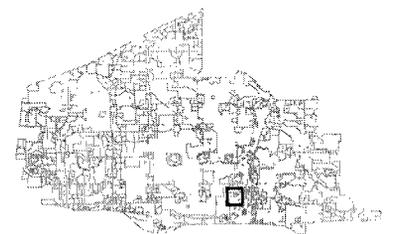
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-53

Existing Zoning: PLANNED DEVELOPMENT-474-
CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #253



○ 200' Notification Buffer



Area of Request

15TH STREET

Des Sauer 2/14/2013 X:\Dept\P&Z Locators & Graphics\2012-53A.mxd



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

Zoning Case 2012-53

Zoning Case 2012-53

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 94-4-27; thereby rescinding Specific Use Permit No. 253 for the additional use of a Private Club on 1.6± acres of land out of the J. Klepper Survey, Abstract No. 213, located on the north side of 15th Street and 690± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 253 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 25th day of March, 2013, for the purpose of considering rescinding Specific Use Permit No. 253 for the additional use of a Private Club on 1.6± acres of land out of the J. Klepper Survey, Abstract No. 213, located on the north side of 15th Street and 690± feet west of U.S. Highway 75 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 25th day of March, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 253 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. 94-4-27 duly passed and approved by the City Council of the City of Plano, Texas, on April 25, 1994, granting Specific Use Permit No. 253 for the additional use of a Private Club on 1.6± acres of land out of the J. Klepper Survey, Abstract No. 213, located on the north side of 15th Street and 690± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 253 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 253 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 25TH DAY OF MARCH, 2013.

Phil Dyer, MAYOR

ATTEST:

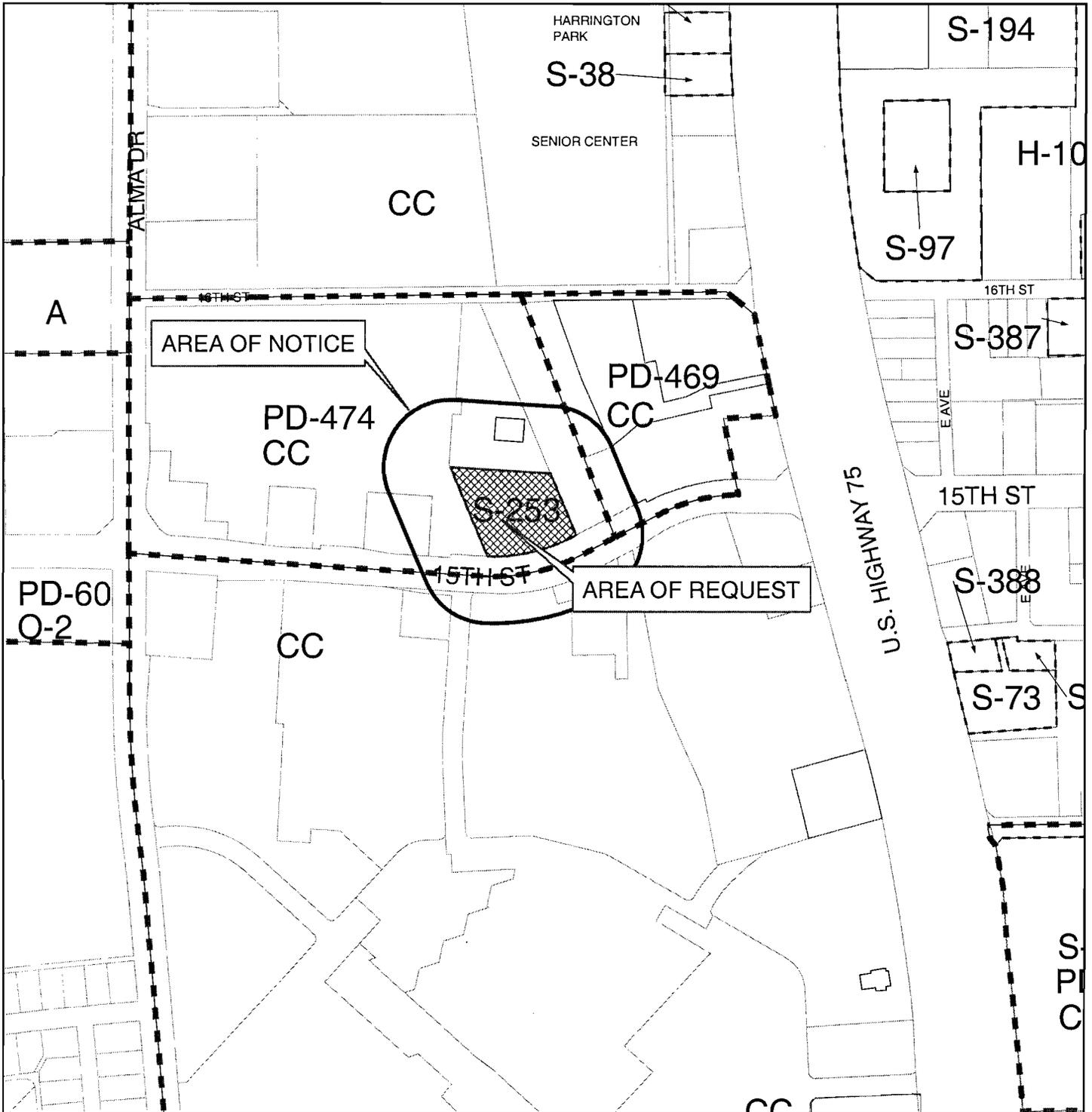
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

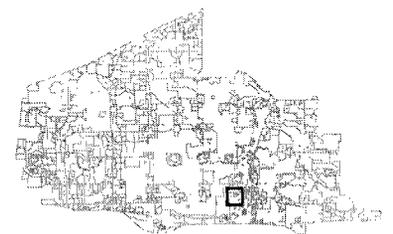
Zoning Case 2012-53

Being a tract of land situated in the J. Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being all of Block A, Lot 5 of Creekwalk Village, an addition to the City of Plano, Texas, according to the map or plat thereof recorded in Volume 1, Page 66, Plat Records of Collin County, Texas, comprising 1.6 acres of land.



Zoning Case #: 2012-53

Existing Zoning: PLANNED DEVELOPMENT-474-
CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #253



○ 200' Notification Buffer

DATE: February 19, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 18, 2013

**AGENDA ITEM NO. 6B - PUBLIC HEARING
ZONING CASE 2012-54
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #553 for Private Club on 0.1± acre located 105± feet east of Preston Road and 330± feet south of McDermott Road. Zoned Planned Development-20-Mixed Use/Preston Road Overlay District with Specific Use Permit #553 for Private Club.

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

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

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: March 25, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/dc

xc: Cliff Borman, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

February 18, 2013

Agenda Item No. 6B

Public Hearing: Zoning Case 2012-54

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #553 for Private Club on 0.1± acre located 105± feet east of Preston Road and 330± feet south of McDermott Road. Zoned Planned Development-20-Mixed Use/Preston Road Overlay District with Specific Use Permit #553 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #553 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.

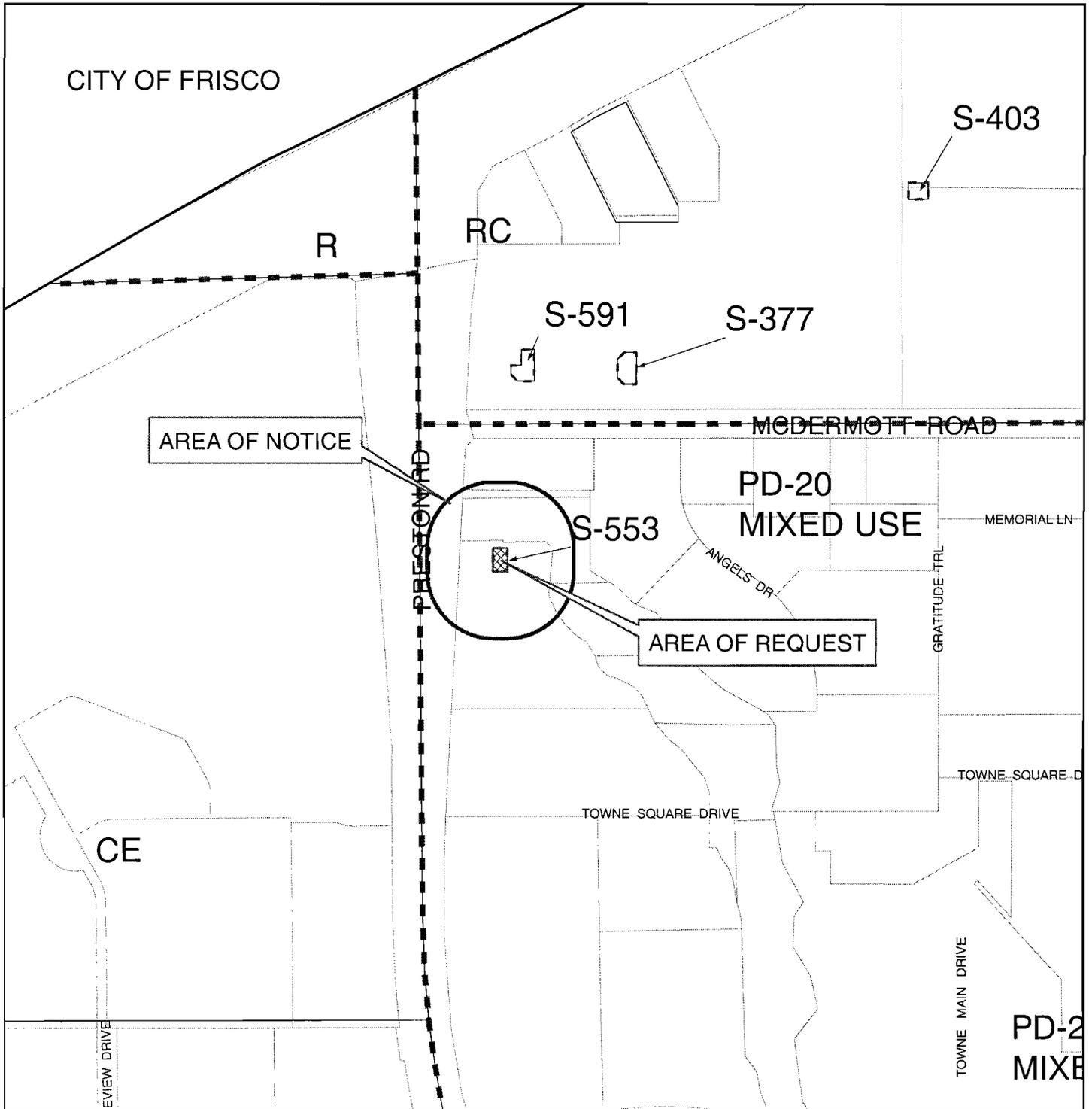
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the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

Pei Wei 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.

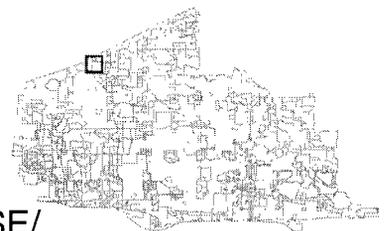
RECOMMENDATION:

Recommended for approval as submitted.

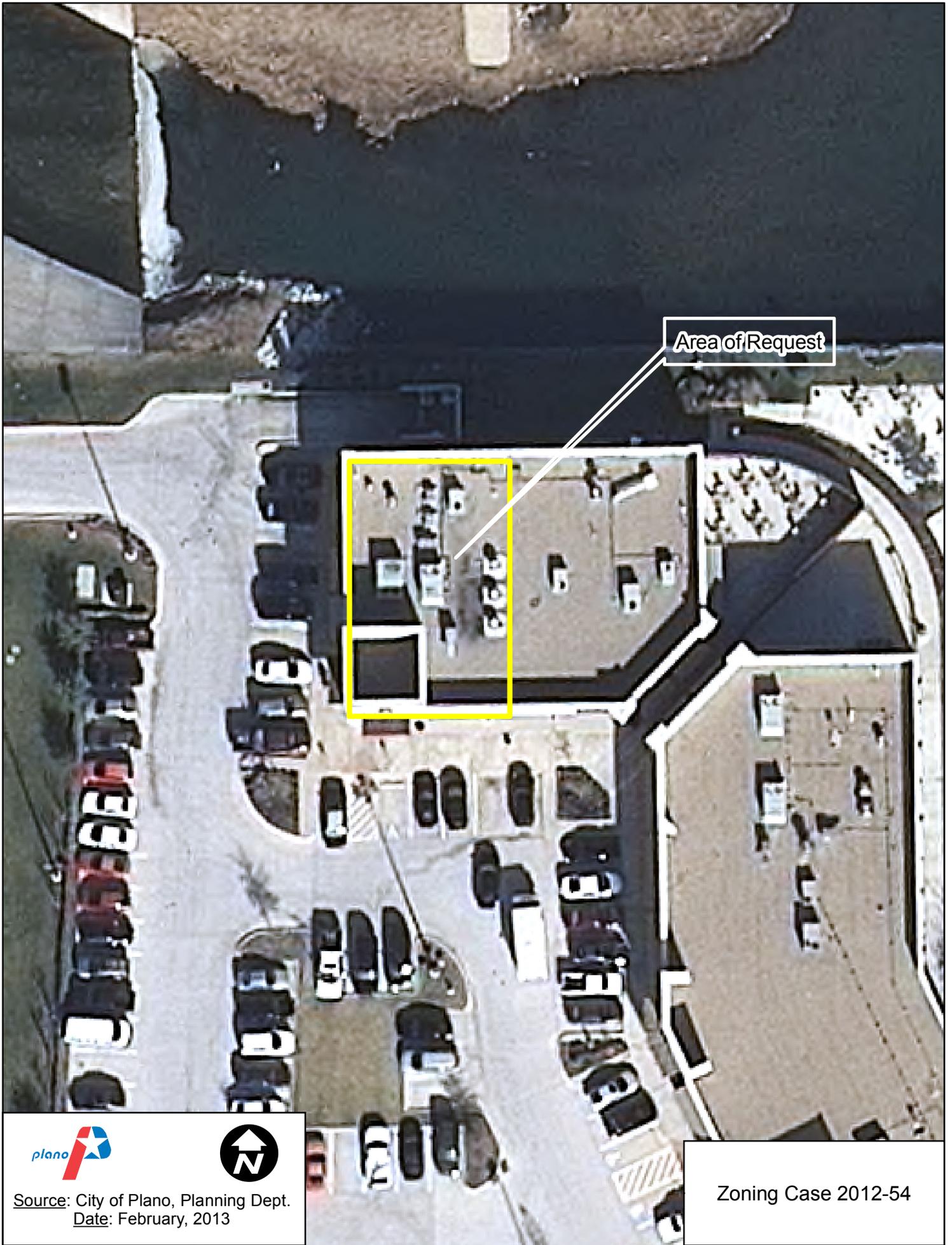


Zoning Case #: 2012-54

Existing Zoning: PLANNED DEVELOPMENT-20-MIXED-USE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #553



○ 200' Notification Buffer



Area of Request



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

Zoning Case 2012-54

Zoning Case 2012-54

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2004-12-19; thereby rescinding Specific Use Permit No. 553 for the additional use of a Private Club on 0.1± acre of land out of the William Brown Survey, Abstract No. 66, located 105± feet east of Preston Road and 330± feet south of McDermott Road in the City of Plano, Collin County, Texas, currently zoned Planned Development-20-Mixed-Use with Specific Use Permit No. 553 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 25th day of March, 2013, for the purpose of considering rescinding Specific Use Permit No. 553 for the additional use of a Private Club on 0.1± acre of land out of the William Brown Survey, Abstract No. 66, located 105± feet east of Preston Road and 330± feet south of McDermott Road in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 25th day of March, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 553 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. 2004-12-19 duly passed and approved by the City Council of the City of Plano, Texas, on December 13, 2004, granting Specific Use Permit No. 553 for the additional use of a Private Club on 0.1± acre of land out of the William Brown Survey, Abstract No. 66, located 105± feet east of Preston Road and 330± feet south of McDermott Road in the City of Plano, Collin County, Texas, currently zoned Planned Development-20-Mixed-Use with Specific Use Permit No. 553 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 553 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 25TH DAY OF MARCH, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-54

BEING a tract of land situated in the William Brown Survey, Abstract No. 66, Plano, Collin County, Texas, and being a portion of the same tracts of land conveyed to Preston/121 Joint Venture, a Texas joint venture, by deed recorded in County Clerk's File No. 95-0039500, Land Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found at the east corner of a corner clip at the intersection of the south right-of-way line of McDermott Road (92-foot public right-of-way) and the east right-of-way line of Preston Road (State Highway 289) (variable width right-of-way);

THENCE South, $47^{\circ} 15' 33''$ West, a distance of 37.73 feet to a point in the south corner of said corner clip in the east right-of-way line of said Preston Road;

THENCE South, $03^{\circ} 52' 06''$ West, along the east right-of-way line of said Preston Road, a distance of 282.44 feet to a 1/2-inch iron rod found for corner;

THENCE South, $89^{\circ} 41' 22''$ East, a distance of 97.76 feet to a point for corner;

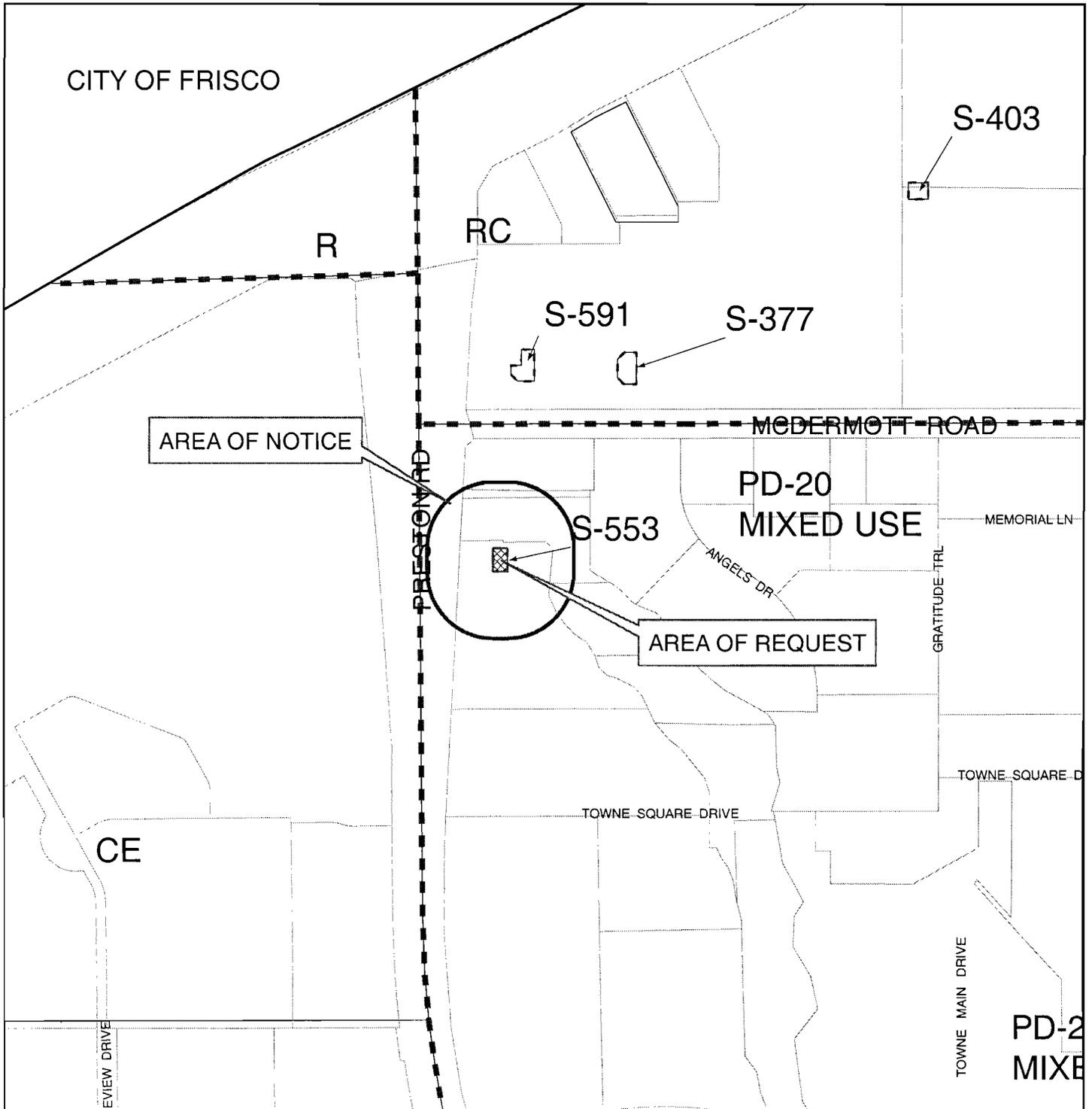
THENCE South, a distance of 21.41 feet to the POINT OF BEGINNING;

THENCE East, a distance of 44.00 feet to a point for corner;

THENCE South, a distance of 70.00 feet to a point for corner;

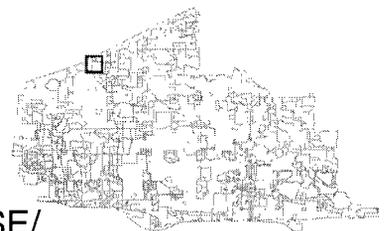
THENCE West, a distance of 44.00 feet to a point for corner;

THENCE North, a distance of 70.00 feet to the POINT OF BEGINNING and CONTAINING 3,080 square feet or 0.0707 acres of land.



Zoning Case #: 2012-54

Existing Zoning: PLANNED DEVELOPMENT-20-MIXED-USE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #553



○ 200' Notification Buffer

DATE: February 19, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 18, 2013

**AGENDA ITEM NO. 6C - PUBLIC HEARING
ZONING CASE 2012-55
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #314 for Private Club on 2.0± acres located at the southeast corner of Preston Road and Preston Park Boulevard. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #313 for Restaurant, Specific Use Permit #339 for Arcade, and Specific Use Permit #314 for Private Club.

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

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

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: March 25, 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

February 18, 2013

Agenda Item No. 6C

Public Hearing: Zoning Case 2012-55

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #314 for Private Club on 2.0± acres located at the southeast corner of Preston Road and Preston Park Boulevard. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #313 for Restaurant, Specific Use Permit #339 for Arcade, and Specific Use Permit #314 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #314 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.

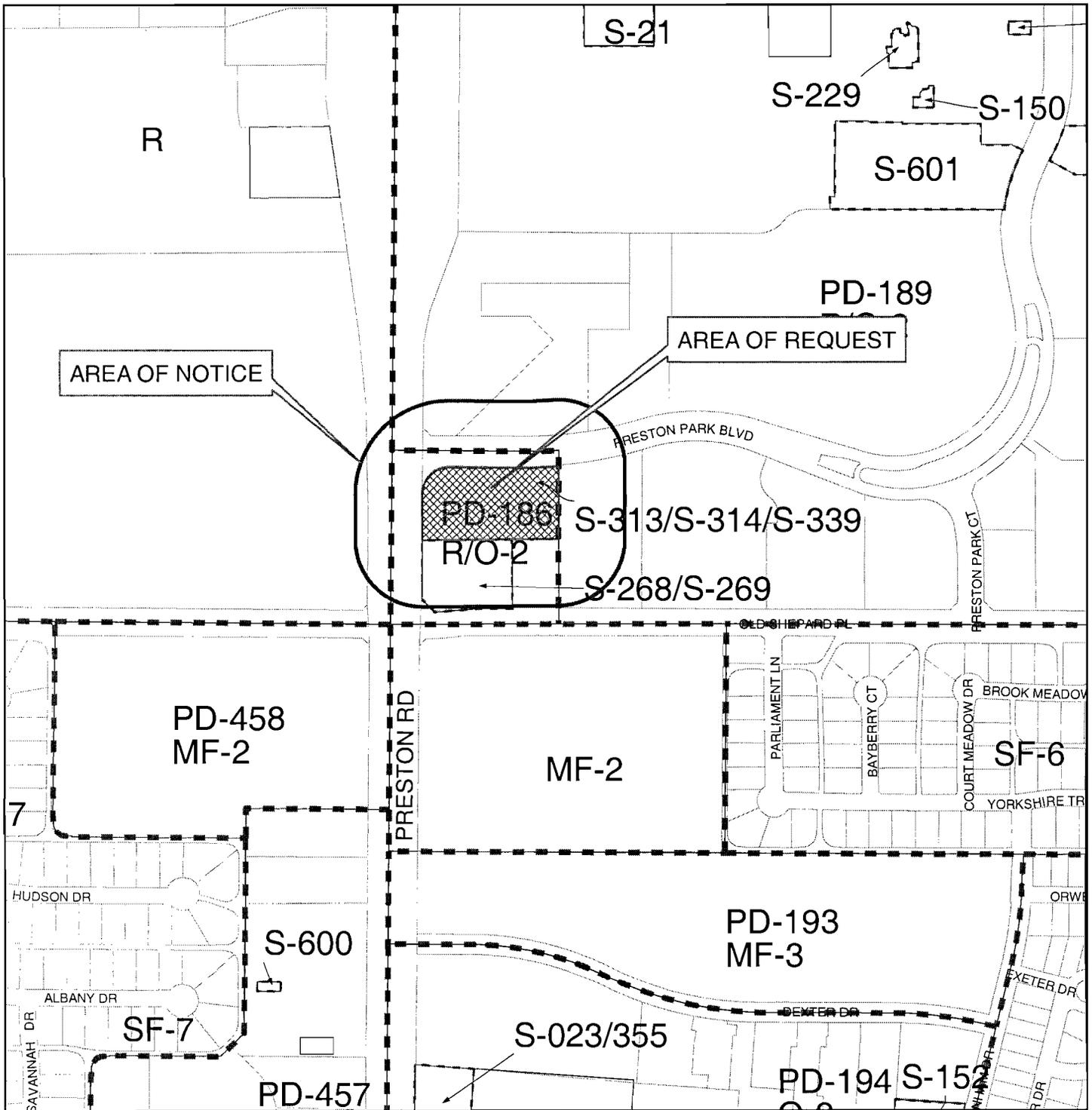
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the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

Chuck E. Cheese 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.

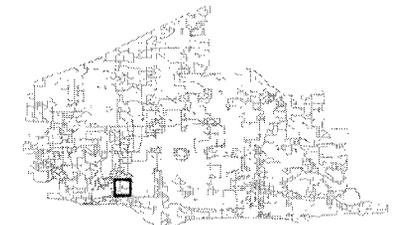
RECOMMENDATION:

Recommended for approval as submitted.



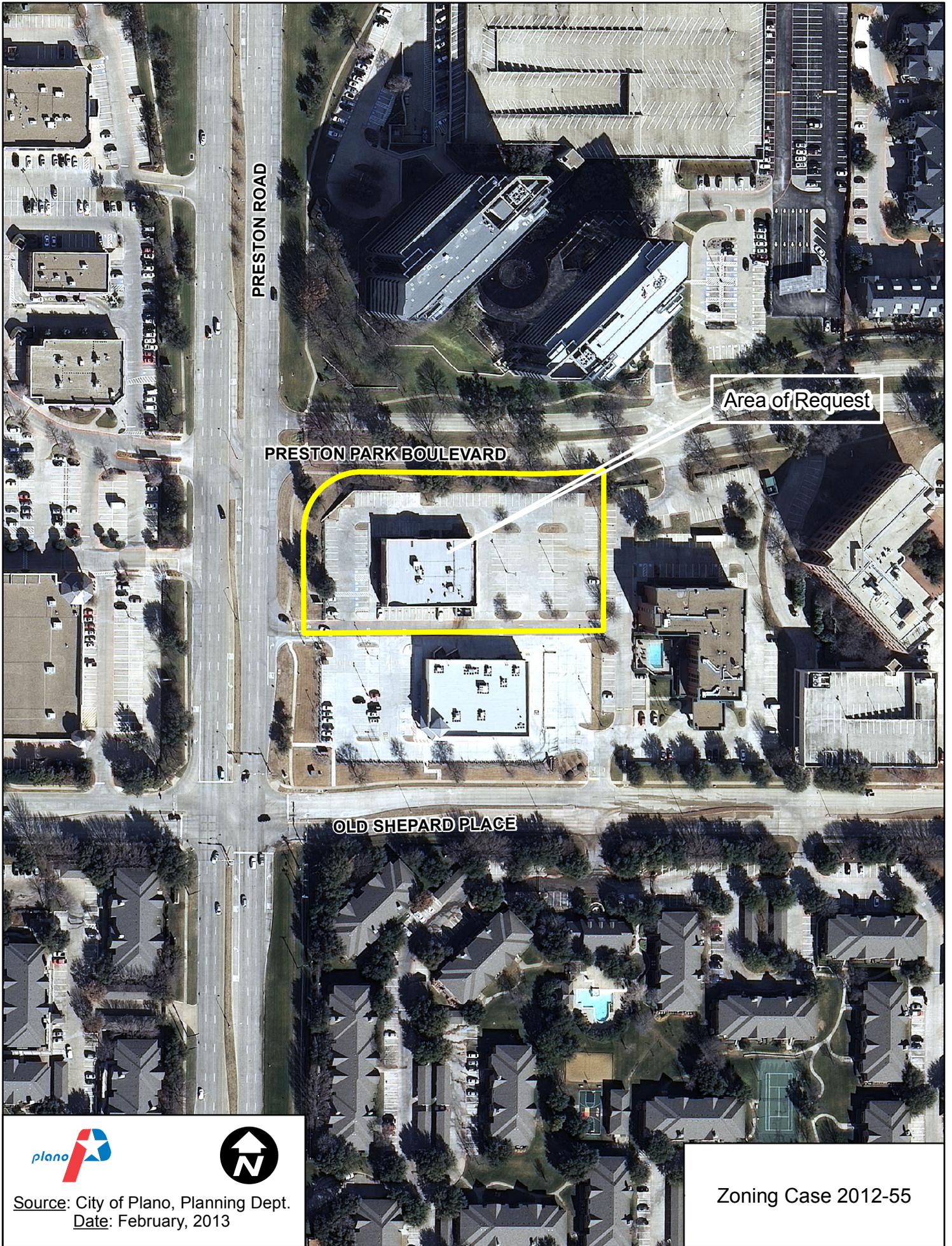
Zoning Case #: 2012-55

Existing Zoning: PLANNED DEVELOPMENT-186-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #313, #314, & #339



○ 200' Notification Buffer





PRESTON ROAD

PRESTON PARK BOULEVARD

OLD SHEPARD PLACE

Area of Request



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

Zoning Case 2012-55

Zoning Case 2012-55

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 97-10-35; as it relates to rescinding Specific Use Permit No. 314 for the additional use of a Private Club only on 2.0± acres of land out of the Denton Darby Survey, Abstract No. 260, located at the southeast corner of Preston Road and Preston Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Planned Development-186-Retail/General Office with Specific Use Permit No. 313 for Restaurant, Specific Use Permit No. 339 for Arcade, and Specific Use Permit No. 314 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 25th day of March, 2013, for the purpose of considering rescinding Specific Use Permit No. 314 for the additional use of a Private Club on 2.0± acre of land out of the Denton Darby Survey, Abstract No. 260, located at the southeast corner of Preston Road and Preston Park Boulevard in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 25th day of March, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 314 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. 97-10-35 duly passed and approved by the City Council of the City of Plano, Texas, on October 27, 1997, granting Specific Use Permit No. 314 for the additional use of a Private Club on 2.0± acres of land out of the Denton Darby Survey, Abstract No. 260, located at the southeast corner of Preston Road and Preston Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Planned Development-186-Retail/General Office with Specific Use Permit No. 313 for Restaurant, Specific Use Permit No. 339 for Arcade, and Specific Use Permit No. 314 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed as it relates to the Private Club use only. Consequently, Specific Use Permit No. 314 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 25TH DAY OF MARCH, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-55

BEING a tract of land situated in the Denton Darby Survey, Abstract No. 260, City of Plano, Collin County, Texas and being all of Lot 1, Block A, of Preston Park South, Phase 2, an addition to the City of Plano, Texas according to the conveyance Plat filed in Cabinet I, Page 677, Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found for corner in the east line of Preston Road (State Highway 289) (a 150-foot right-of-way), said point being the northwest corner of Lot 2, Block A, of the said Preston Park South, Phase 2;

THENCE NORTH, $00^{\circ} 32' 40''$ East, with the east line of Preston Road, a distance of 136.42 feet to a 5/8-inch iron rod found for corner and the beginning of a curve to the right having a central angle of $90^{\circ} 00' 00''$, a radius of 80.00 feet, a tangent length of 80.00 feet, and a chord bearing North, $45^{\circ} 32' 40''$ East, 113.14 feet;

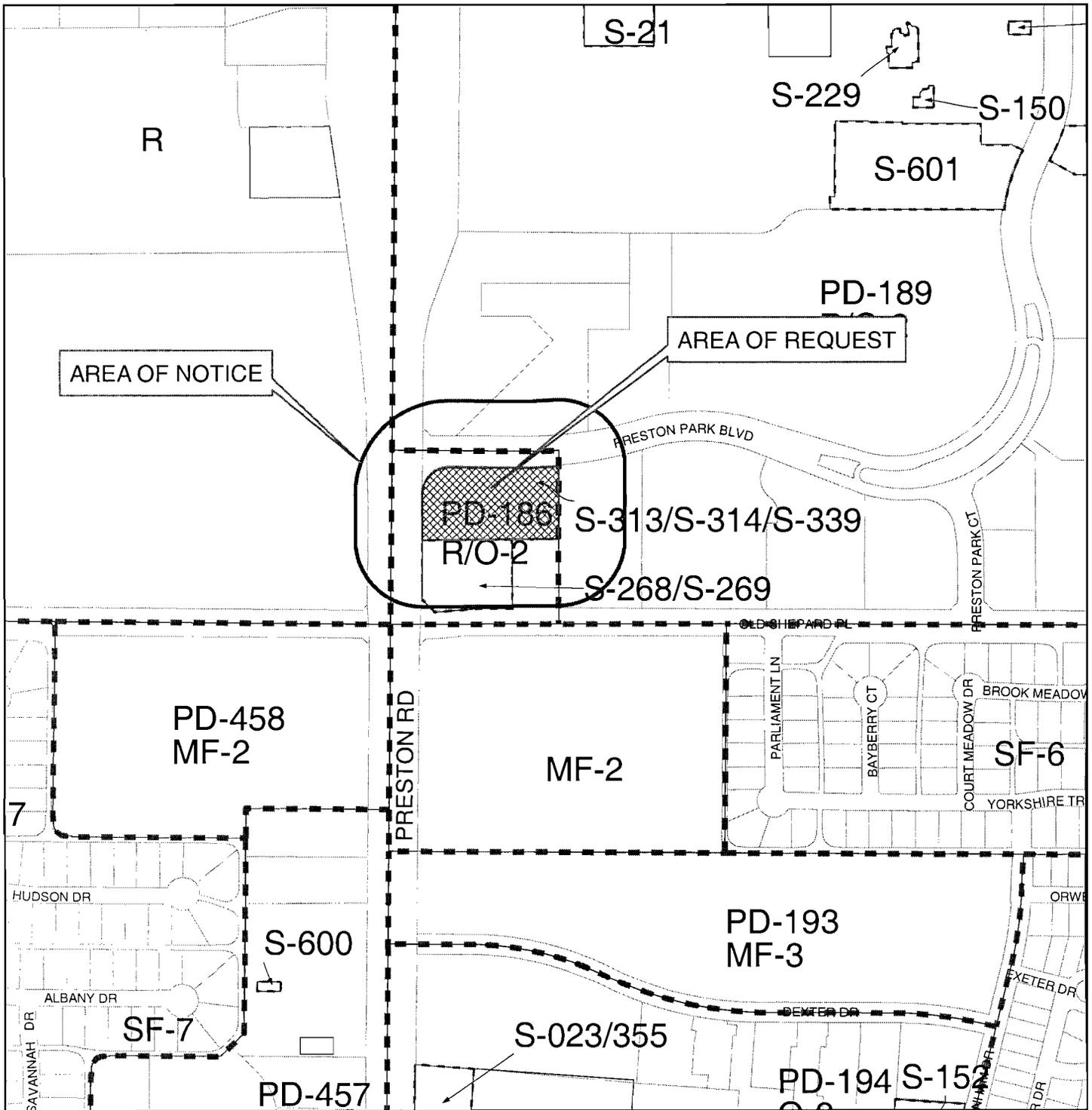
THENCE in a northeasterly direction along said curve to the right, an arc distance of 125.68 feet to a 5/8-inch iron rod found for corner in the south line of Preston Park Boulevard (a 90-foot right-of-way) and the end of said curve;

THENCE South, $89^{\circ} 27' 20''$ East, with the south line of Preston Park Boulevard, a distance of 216.85 feet to a 1/2-inch iron rod found for corner and the beginning of a curve to the left having a central angle of $04^{\circ} 57' 03''$, a radius of 1,315.00 feet, a tangent length of 56.85 feet, and a chord bearing North, $88^{\circ} 04' 08''$ East, 113.59 feet;

THENCE in an easterly direction along said curve to the left, and with the south line of Preston Park Boulevard, an arc distance of 113.62 feet to a City of Plano Monument found for corner and the end of said curve;

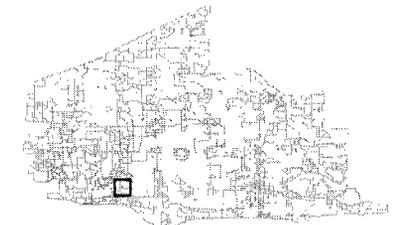
THENCE South, $00^{\circ} 16' 40''$ West, leaving Preston Park Boulevard, a distance of 215.49 feet to a 5/8-inch iron rod found for corner, said point being the northeast corner of the said Lot 2, Block A, Preston Park South, Phase 2;

THENCE South, $89^{\circ} 43' 52''$ West, with the north line of said Lot 2, Block A, a distance of 411.39 feet to the POINT OF BEGINNING and CONTAINING 1.9865 acres of land.



Zoning Case #: 2012-55

Existing Zoning: PLANNED DEVELOPMENT-186-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #313, #314, & #339



○ 200' Notification Buffer



DATE: February 19, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 18, 2013

**AGENDA ITEM NO. 6D - PUBLIC HEARING
ZONING CASE 2012-56
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #420 for Private Club on 2.7± acres located on the east side of the Dallas North Tollway, 200± feet south of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #420 for Private Club.

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

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

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: March 25, 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

February 18, 2013

Agenda Item No. 6D

Public Hearing: Zoning Case 2012-56

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #420 for Private Club on 2.7± acres located on the east side of the Dallas North Tollway, 200± feet south of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #420 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #420 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.

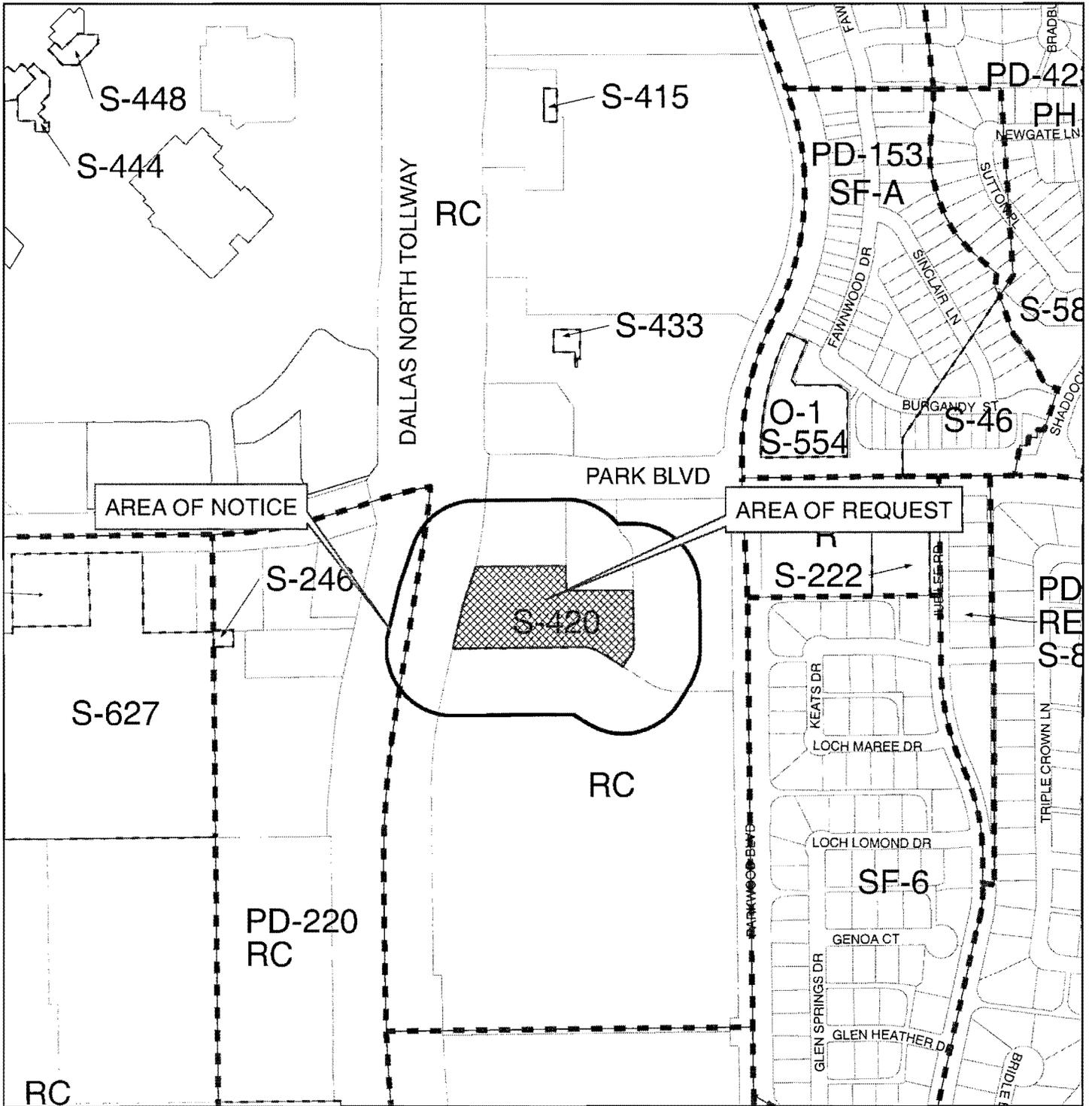
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the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

Los Cucos 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.

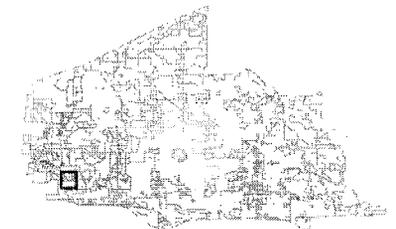
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-56

Existing Zoning: REGIONAL COMMERCIAL/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #420



○ 200' Notification Buffer





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

Zoning Case 2012-56

Zoning Case 2012-56

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2000-8-44; thereby rescinding Specific Use Permit No. 420 for the additional use of a Private Club on 2.7± acres of land out of the W.M. Miller Survey, Abstract No. 568, located on the east side of the Dallas North Tollway, 200± feet south of Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Regional Commercial with Specific Use Permit No. 420 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 25th day of March, 2013, for the purpose of considering rescinding Specific Use Permit No. 420 for the additional use of a Private Club on 2.7± acres of land out of the W. M. Miller Survey, Abstract No. 568, located on the east side of the Dallas North Tollway, 200± feet south of Park Boulevard in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 25th day of March, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 420 for the additional use of a Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

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

Section I. Ordinance No. 2000-8-44 duly passed and approved by the City Council of the City of Plano, Texas, on August 28, 2000, granting Specific Use Permit No. 420 for the additional use of a Private Club on 2.7± acres of land out of the W.M. Miller Survey, Abstract No. 568, located on the east side of the Dallas North Tollway, 200± feet south of Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Regional Commercial with Specific Use Permit No. 420 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 420 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 25TH DAY OF MARCH, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-56

DESCRIPTION of a 2.668 acre tract of land situated in the W.M. Miller Survey, Abstract No. 568, situated in the City of Plano, Collin County, Texas; said tract being part of Lot 5, Block 1, Glen Eagles Village, an addition to the City of Plano, Texas according to the plat recorded in Volume L, Page 14 of the Plat Records of Collin County, Texas; said 2.668 acre tract being more particularly described as follows:

COMMENCING, at a 1/2-inch iron rod with "Pacheco Koch" cap found at the northwest end of a corner clip at the intersection of the west line of Parkwood Boulevard (an 88.5-foot wide right-of-way) and the south line of F.M. 544 (West Park Boulevard, a variable width right-of-way); said point being the northernmost northeast corner of Lot 3R, Block 1, Glen Eagles Village, an addition to the City of Plano, Texas according to the plat recorded in Volume L, Page 14 of the Plat Records of Collin County, Texas;

THENCE South, 89° 21' 00" West, departing the said west line of Parkwood Boulevard and along the said south line of F.M. 544, at a distance of 325.00 feet passing a cut "+" in concrete set at the northwest corner of said Lot 3R; said point also being the northeast corner of Lot 4, Block 1, Glen Eagles Village, an addition to the City of Plano, Texas according to the plat recorded in Volume L, Page 14 of the Plat Records of Collin County, Texas,; continuing in all a distance of 478.91 feet to a 1/2-inch iron rod found for corner; said point being the northwest corner of said Lot 4; said point also being the northeast corner of Lot 1R, Block 1, Glen Eagles Village, an addition to the City of Plano, Texas according to the plat recorded in Volume J, Page 627 of the Plat Records of Collin County, Texas;

THENCE South, 00° 39' 00" East, departing the said south line of F.M. 544 and along the east line of said Lot 1R and the west line of said Lot 4, a distance of 197.96 feet to a 1/2-inch iron rod found at the POINT OF BEGINNING; said point being the southeast corner of said Lot 1R; said point also being the northernmost northeast corner of said Lot 5;

THENCE South 00° 39' 00" East, departing the south line of said Lot 1, at a distance of 35.04 feet passing the southwest corner of said Lot 4; said point also being a corner in the north line of said Lot 5; continuing in all a distance of 75.04 feet in all to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

THENCE North, 89° 21' 00" East, a distance of 201.91 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being in the west line of said Lot 3R;

THENCE South, 00° 39' 00" East, continuing along the said west line of Lot 3R, a distance of 169.77 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the beginning of a curve to the right whose center bears South, 89° 21' 00" West, a distance of 35.00 feet from said point;

THENCE in a southerly direction, continuing along the said west line of Lot 3R and along said curve to the right through a central angle of $32^{\circ} 45' 01''$, an arc distance of 20.01 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve;

THENCE South, $32^{\circ} 06' 01''$ West, continuing along the said west line of Lot 3R, a distance of 52.11 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being in the southwest corner of said Lot 3R; said point also being in the north line of Lot 2R, Block 1 of said Glen Eagles Village Addition, an addition to the City of Plano, Texas according to the plat recorded in Volume K, Page 359 of the Plat Records of Collin County, Texas;

THENCE North, $57^{\circ} 53' 59''$ West , along the said north line of Lot 2R, a distance of 83.79 feet to a 1/2-inch iron rod found at the beginning of a curve to the left whose center bears South, $32^{\circ} 06' 01''$ West, a distance of 95.00 feet from said point;

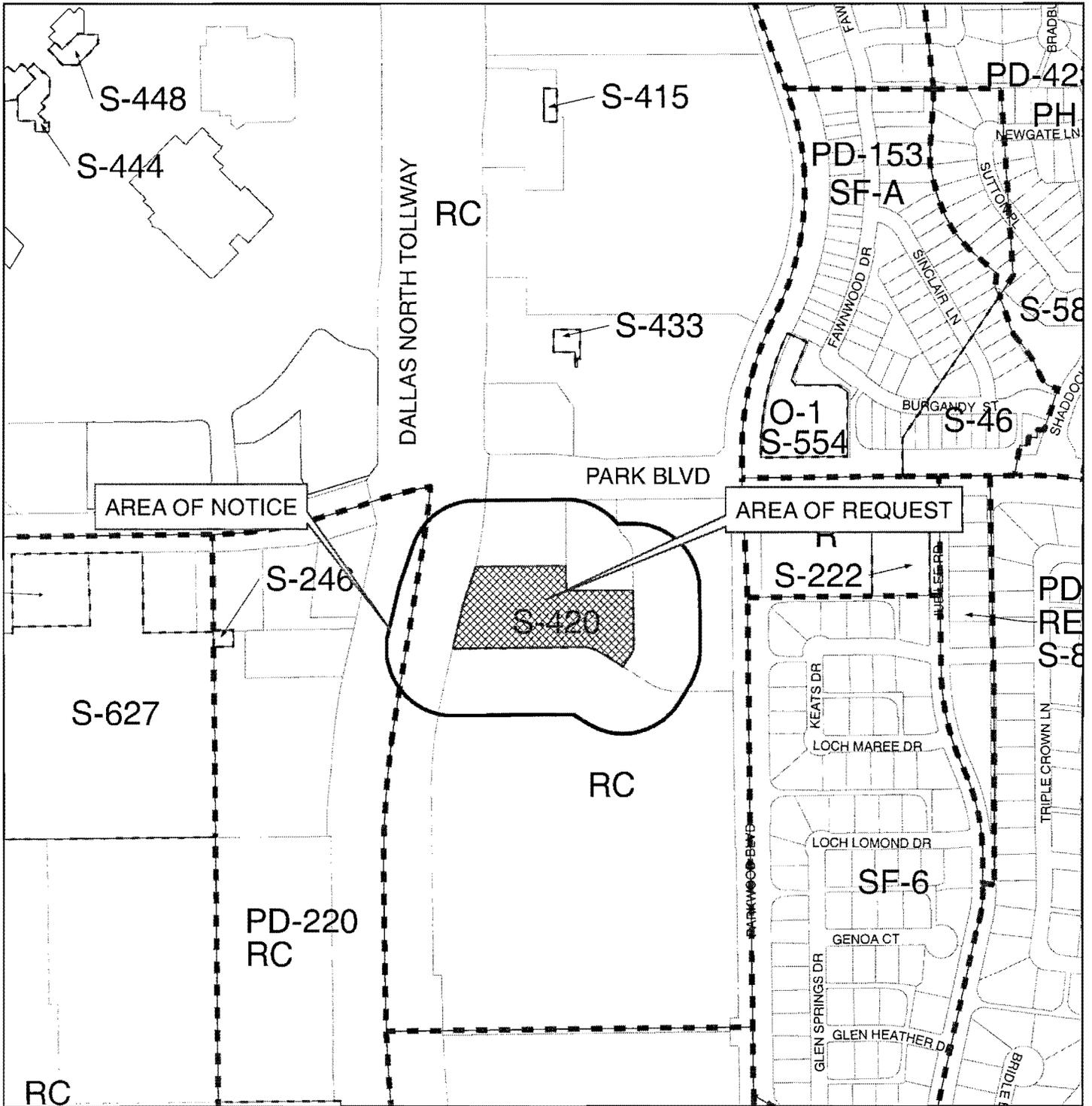
THENCE in a westerly director, continuing along the said north line of Lot 2R and along said curve to the left through a central angle of $32^{\circ} 45' 01''$, an arc distance of 54.30 feet to a one-inch iron rod found at the end of said curve;

THENCE South, $89^{\circ} 21' 00''$ West, continuing along the said north line of Lot 2R, a distance of 392.31 feet to a one-inch iron found for corner in the east line of the North Dallas Tollway (a 300-foot wide right-of-way); said point being the northwest corner of Lot 2R;

THENCE North, $13^{\circ} 02' 18''$ East, departing the said north line of Lot 2R and along the said east line of the North Dallas Tollway, a distance of 137.60 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at an angle point;

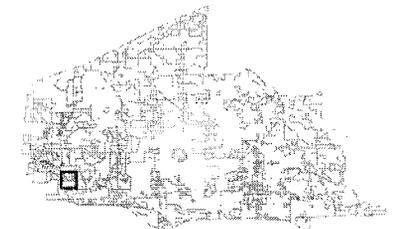
THENCE North, $18^{\circ} 35' 41''$ East, departing the said north line of Lot 2R and along the said east line of the North Dallas Tollway, a distance of 137.60 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being the southwest corner of Lot 1R;

THENCE North, $89^{\circ} 21' 00''$ East, departing the said east line of the North Dallas Tollway and along the south line of said Lot 1R, a distance of 273.85 feet to a POINT OF BEGINNING and CONTAINING 116,200 square feet or 2.668 acres of land, more or less.



Zoning Case #: 2012-56

Existing Zoning: REGIONAL COMMERCIAL/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #420



○ 200' Notification Buffer



DATE: February 19, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 18, 2013

**AGENDA ITEM NO. 6E - PUBLIC HEARING
ZONING CASE 2012-58
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #558 for Private Club on 0.1± acre located 130± feet south of Park Boulevard and 50± feet west of Preston Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District with Specific Use Permit #558 for Private Club.

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

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

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: March 25, 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

February 18, 2013

Agenda Item No. 6E

Public Hearing: Zoning Case 2012-58

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #558 for Private Club on 0.1± acre located 130± feet south of Park Boulevard and 50± feet west of Preston Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District with Specific Use Permit #558 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #558 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.

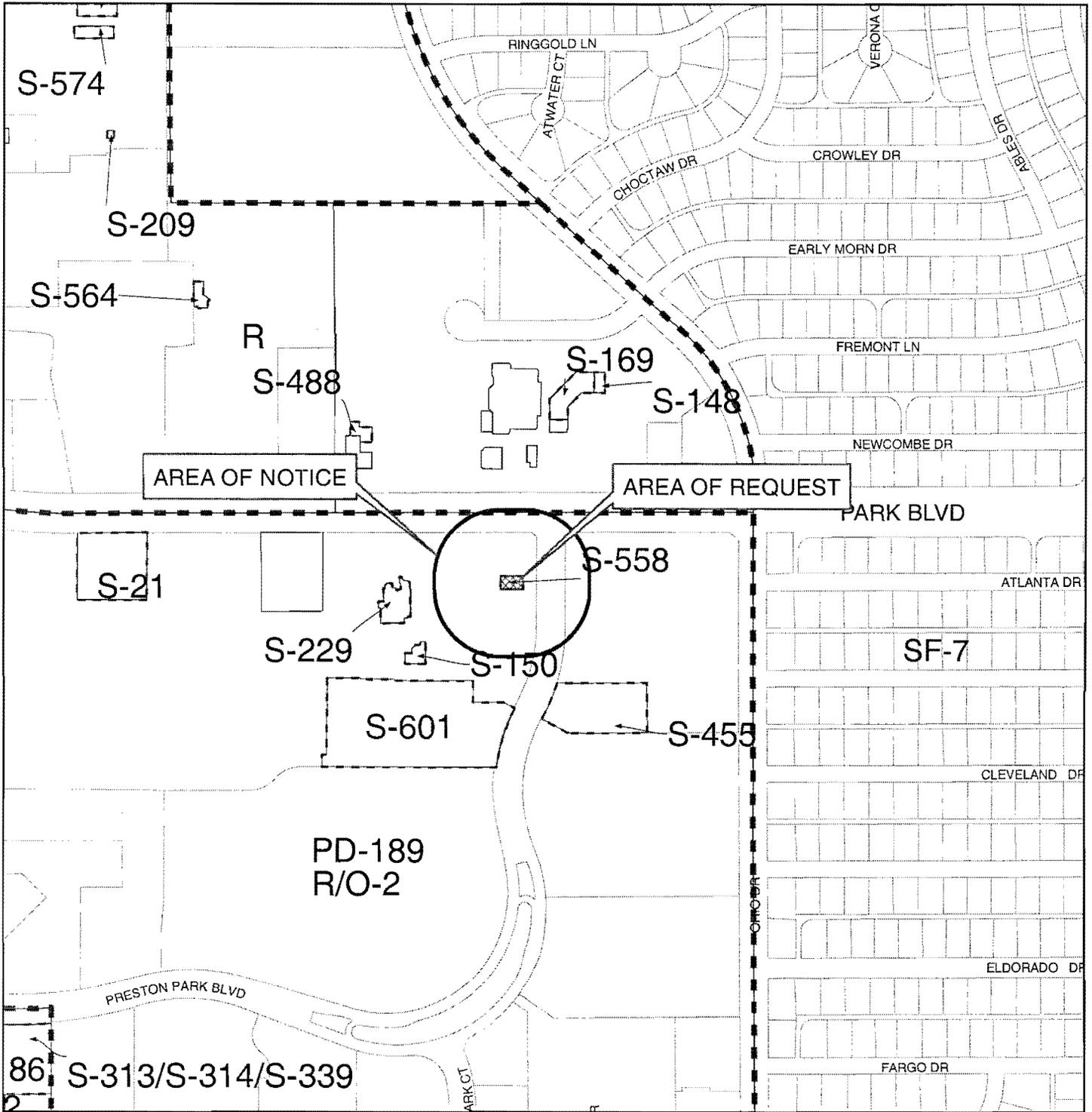
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the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

Bandito's 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.

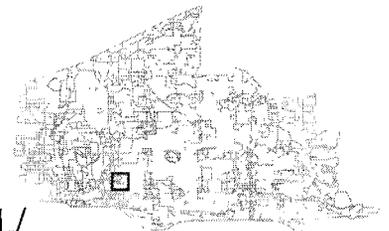
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2012-58

Existing Zoning: PLANNED DEVELOPMENT-189-RETAIL/
 GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #558



○ 200' Notification Buffer



PRESTON PARK BOULEVARD

Area of Request



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

Zoning Case 2012-58

Zoning Case 2012-58

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2005-2-28; thereby rescinding Specific Use Permit No. 558 for the additional use of a Private Club on 0.1± acre of land out of the Denton Darby Survey, Abstract No. 260, located 130± feet south of Park Boulevard and 50± feet west of Preston Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Planned Development-189-Retail/General Office with Specific Use Permit No. 558 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 25th day of March, 2013, for the purpose of considering rescinding Specific Use Permit No. 558 for the additional use of a Private Club on 0.1± acre of land out of the Denton Darby Survey, Abstract No. 260, located 130± feet south of Park Boulevard and 50± feet west of Preston Park Boulevard in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 25th day of March, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 558 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. 2005-2-28 duly passed and approved by the City Council of the City of Plano, Texas, on February 22, 2005, granting Specific Use Permit No. 558 for the additional use of a Private Club on 0.1± acre of land out of the Denton Darby Survey, Abstract No. 260, located 130± feet south of Park Boulevard and 50± feet west of Preston Park Boulevard in the City of Plano, Collin County, Texas, currently zoned Planned Development-189-Retail/General Office with Specific Use Permit No. 558 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 558 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 25TH DAY OF MARCH, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-58

BEING a portion of an existing building located within a tract of land in the Denton Darby Survey, Abstract No. 260, said tract being Lot 1R, Block A, Preston Park Village Addition, an addition to the City of Plano as filed in Cabinet F, Page 703, Map Records, Collin County, Texas, said portion of building more particularly described as follows:

COMMENCING at the west corner of a right-of-way clip at the southwest corner of West Park Boulevard and Preston Park Drive (a 90-foot right-of-way as established by plat recorded in Cabinet C, Page 731, Map Records, Collin County, Texas);

THENCE South, 45° 15' 35" East, along said corner clip a distance of 23.53 feet to a point for corner in the west line of said Preston Park Drive;

THENCE South, 00° 08' 37" East, along the west line of Preston Park Drive, a distance of 114.5 feet to a point for corner;

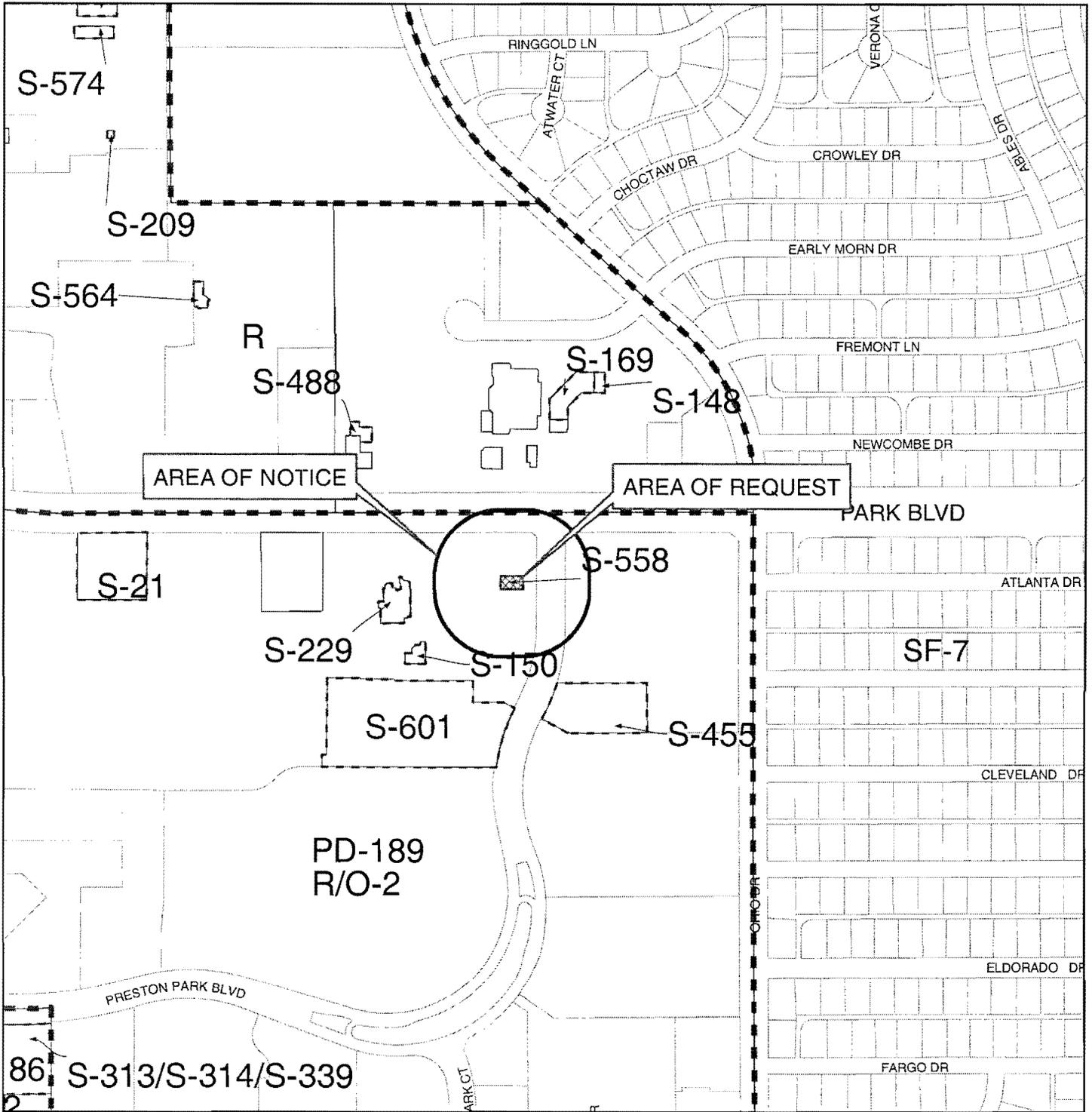
THENCE South, 89° 51' 23" West, a distance of 41.7 feet to a POINT OF BEGINNING at the northeast corner of Suite 103, 4700 West Park Boulevard;

THENCE South, 00° 08' 37" East, along the east wall of said Suite 103, a distance of 39.4 feet;

THENCE South, 89° 51' 23" West, along the south wall of said Suite 103, a distance of 68.4 feet;

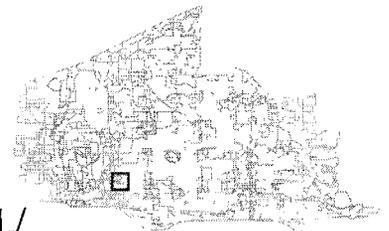
THENCE North, 00° 08' 37" West, along the west wall of said Suite 103, a distance of 39.4 feet;

THENCE North, 89° 51' 23" East, along the north wall of Suite 103, a distance of 68.4 feet to the POINT OF BEGINNING and CONTAINING approximately 2,695 square feet of land.



Zoning Case #: 2012-58

Existing Zoning: PLANNED DEVELOPMENT-189-RETAIL/
 GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #558



○ 200' Notification Buffer

DATE: February 19, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 18, 2013

**AGENDA ITEM NO. 6F - PUBLIC HEARING
ZONING CASE 2012-59
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #77 for Private Club on 0.1± acre located 400± feet north of Plano Parkway and 950± feet east of Alma Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #77 for Private Club.

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

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

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: March 25, 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

February 18, 2013

Agenda Item No. 6F

Public Hearing: Zoning Case 2012-59

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #77 for Private Club on 0.1± acre located 400± feet north of Plano Parkway and 950± feet east of Alma Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #77 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #77 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.

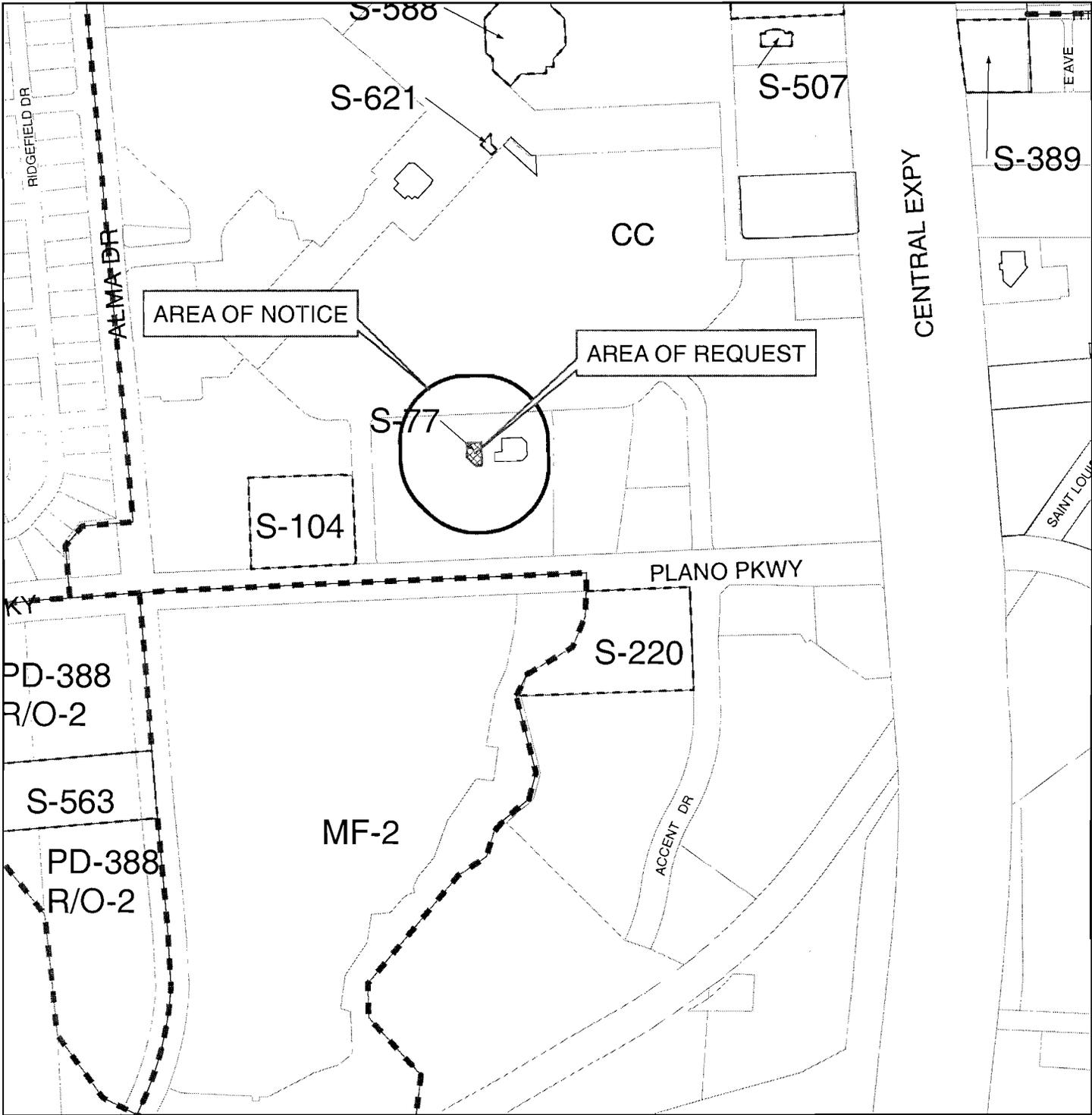
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the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

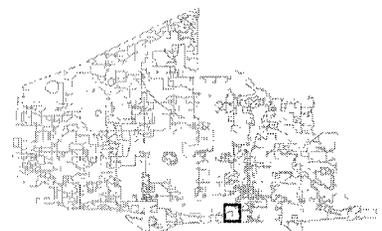
Comari's has obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. 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 #: 2012-59



Existing Zoning: CORRIDOR COMMERCIAL/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #77



○ 200' Notification Buffer



Area of Request

Des Sener 2/14/2013 X:\Dept\PAZ Locators & Graphics\2012-59A.mxd



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

Zoning Case 2012-59

Zoning Case 2012-59

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 96-3-22; thereby rescinding Specific Use Permit No. 77 for the additional use of a Private Club on 0.1± acre of land out of the Samuel Klepper Survey, Abstract No. 216, located 400± feet north of Plano Parkway and 950± feet east of Alma Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 77 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 25th day of March, 2013, for the purpose of considering rescinding Specific Use Permit No. 77 for the additional use of a Private Club on 0.1± acre of land out of the Samuel Klepper Survey, Abstract No. 216, located 400± feet north of Plano Parkway and 950± feet east of Alma 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 25th day of March, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 77 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. 96-3-22 duly passed and approved by the City Council of the City of Plano, Texas, on March 25, 1996, granting Specific Use Permit No. 77 for the additional use of a Private Club on 0.1± acre of land out of the Samuel Klepper Survey, Abstract No. 216, located 400± feet north of Plano Parkway and 950± feet east of Alma Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 77 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 77 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 25TH DAY OF MARCH, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-59

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Samuel Klepper Survey, Abstract No. 216, said premises being more particularly described as follows:

COMMENCING for reference at the intersection of the east right-of-way line of Alma Drive (100-foot right-of-way) with the north right-of-way line of Plano Parkway (100-foot right-of-way);

THENCE with the north right-of-way line of Plano Parkway, North, $88^{\circ} 34' 36''$ East, 993.46 feet;

THENCE departing said road right-of-way, North, $01^{\circ} 25' 24''$ West, 289.71 feet to the PRINCIPLE PLACE OF BEGINNING and southeast corner of the premises here described;

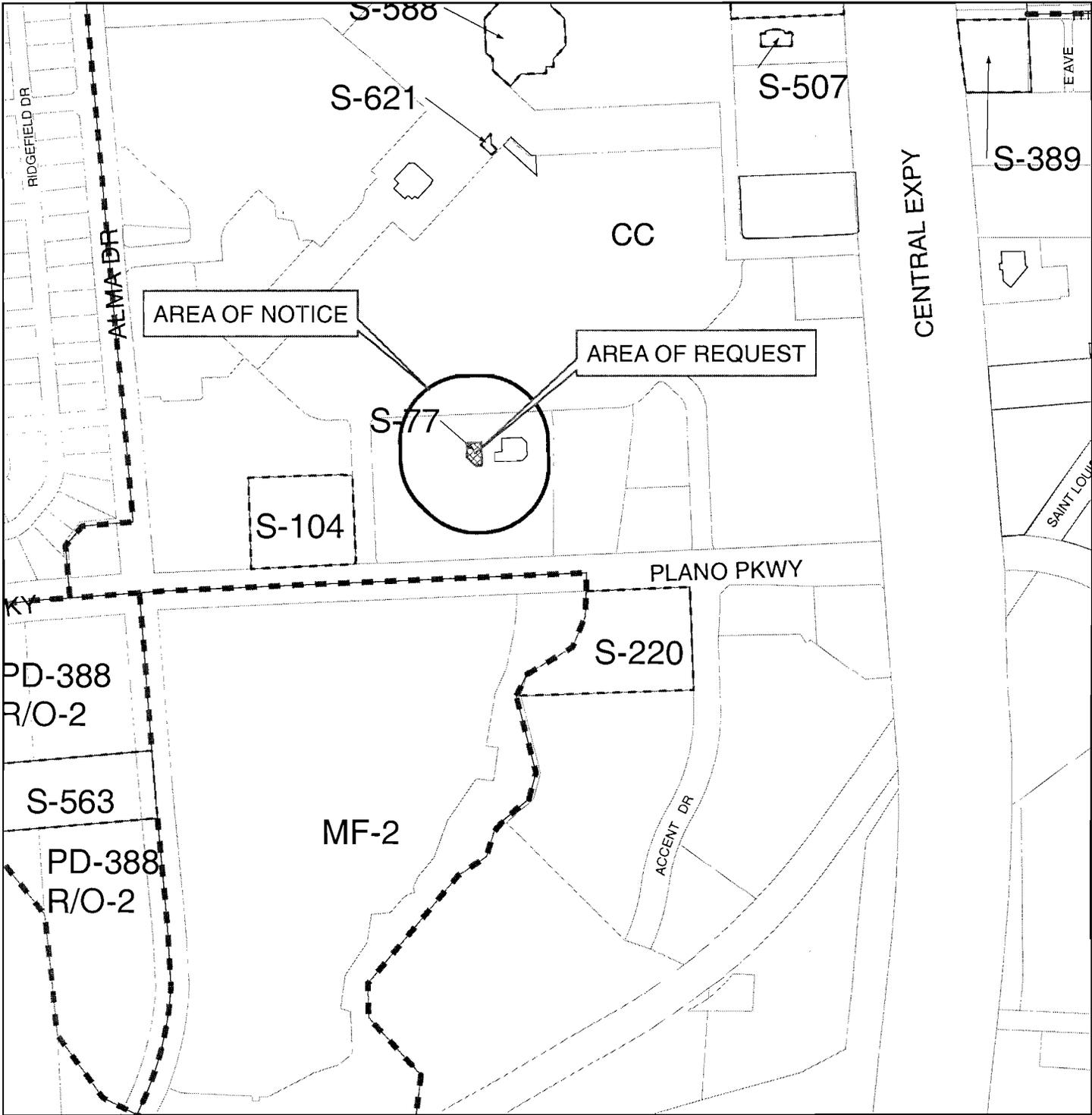
THENCE with the south line of said premises, South, $88^{\circ} 34' 36''$ West, 26.00 feet;

THENCE with the southwest line of said premises, North, $46^{\circ} 25' 24''$ West, 35.35 feet;

THENCE with the west line of said premises, North, $01^{\circ} 25' 24''$ West, 44.00 feet to its northwest corner;

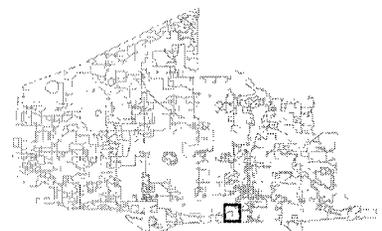
THENCE with the north line of said premises, North, $88^{\circ} 34' 36''$ East, 44.00 feet to its northeast corner;

THENCE along the east line of said premises and passing through an existing building, South, $01^{\circ} 25' 24''$ East, 69.00 feet to the PLACE OF BEGINNING and CONTAINING 0.074 acres of land.



Zoning Case #: 2012-59

Existing Zoning: CORRIDOR COMMERCIAL/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #77



○ 200' Notification Buffer