

DATE: February 21, 2012
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of February 20, 2012

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2012-01
APPLICANT: CITY OF PLANO**

Request to amend or repeal Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance pertaining to Private Clubs.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

1. Private clubs are allowed by right in the Downtown Business/Government and Central Business-1 zoning districts. Private club uses in these districts are prohibited within 300 feet of a religious facility or public or private school, measured as prescribed ~~below~~ in 3.105.2.b, except that the prohibition will not apply to a property within 300 feet of a religious facility if the City Council affirmatively finds that the private club would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.
2. The following standards and regulations apply to any private club use, except for private club uses located in the Downtown Business/Government and Central Business-1 zoning districts, requiring a specific use permit:
 - ~~a. Private clubs shall be restricted to the following use districts:~~
 - ~~i. Contiguous Regional Commercial and/or Regional Employment zoning districts collectively comprising 30 acres or more.~~

- ~~ii. Contiguous Retail zoning districts collectively comprising 30 acres or more.~~
 - ~~iii. Contiguous Light Commercial zoning districts collectively comprising 30 acres or more.~~
 - ~~iv. Contiguous Office-2 zoning districts collectively comprising 30 acres or more.~~
 - ~~v. Contiguous Research/Technology Center zoning districts collectively comprising 30 acres or more.~~
 - ~~vi. Contiguous Corridor Commercial zoning districts collectively comprising 30 acres or more.~~
 - ~~vii. Contiguous Commercial Employment zoning districts collectively comprising 30 acres or more.~~
 - ~~viii. The Contiguous Light Commercial, retail, Office-2, Light Industrial-1, Light Industrial-2, and Corridor Commercial zoning districts which are located adjacent to U.S. Highway 75 and is not further west than 1,500 feet from the right-of-way of U.S. Highway 75, and is not further east than 1,000 feet from the right-of-way of U.S. Highway 75.~~
 - ~~ix. Office-2, Retail, Light Commercial, Regional Employment, Regional Commercial, Corridor Commercial, Research/Technology Center, Light Industrial-1, or Light Industrial-2 zoning districts when operated in conjunction with a hotel or motel or in conjunction with a regional shopping mall of not less than 750,000 square feet.~~
 - ~~x. Any zoning district when in conjunction with a country club or golf course.~~
- a. No person shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a religious facility, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code. The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.
- ~~b. A private club shall be prohibited within 1,000 feet of the property line of any religious facility, public or parochial school, hospital, or publicly-owned park, except that this prohibition will not apply to property located within 1,000 feet of a hospital or publicly-owned park if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.~~

b. The measurement of the distance between the place of business where alcoholic beverages are sold and the religious facility or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

~~e. A private club shall be prohibited within 300 feet of the boundary of any residential zoned district, except that this prohibition will not apply to property located within 300 feet of the boundary of a residential zoned district if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.~~

~~d. All distances provided for in this section shall be determined by measurement to be made in a straight line from the front door of the premises to be permitted to the nearest boundary line of the said religious facility, public or parochial school, hospital, publicly-owned park, or residential district.~~

~~e. The following limitations are established for the issuance of specific use permits for private clubs:~~

~~i. For contiguous Retail, contiguous Office-2, contiguous Light Commercial, contiguous Corridor Commercial, Research/Technology Center, and combined zoning districts within the city but excluding (1) a hotel or motel and (2) a regional shopping mall of not less than 750,000 square feet, specific use permits may be issued in accordance with the following:~~

~~1. No more than two specific use permits shall be issued for a tract of land which is greater than 30 acres but less than or equal to 44 acres.~~

~~2. No more than three specific use permits shall be issued for a tract of land which is greater than 45 acres but less than or equal to 59 acres.~~

- ~~3. No more than four specific use permits shall be issued for a tract of land which is greater than 60 acres but less than or equal to 74 acres.~~
 - ~~4. No more than five specific use permits shall be issued for a tract of land which is greater than 75 acres but less than or equal to 89 acres.~~
 - ~~5. In areas which are 90 acres or larger, the number of specific use permits issued for private clubs shall not be limited based upon acreage.~~
- ~~ii. A hotel or motel shall be issued not more than one specific use permit, provided that the floor area of the restaurant need not be contiguous as long as all the floor area within the private club is situated within the same building.~~
 - ~~iii. For contiguous Commercial Employment zoning districts collectively comprising 100 acres or more, a maximum of one specific use permit may be issued for each 100 acres of land.~~
 - ~~iv. A country club or golf course shall not be issued more than one specific use permit.~~
 - ~~v. For the contiguous Light Commercial, Retail, Office-2, Corridor Commercial, Light Industrial-1, and Light Industrial-2 zoning districts described in 2.a.viii above there shall be no limitation on the number of private clubs which may be permitted.~~
 - ~~vi. In calculating the acreage in contiguous Retail, Office-2, Corridor Commercial, Light Commercial, Light Industrial-1, and Light Industrial-2 zoning districts outside of and adjacent to the areas described in 2.a.viii above, acreage in contiguous Retail, Office-2, Light Commercial, and Corridor Commercial zoning districts within the described adjacent area shall be included up to a maximum of 30 acres~~
- ~~f. c. All specific use permits issued for the operation of private clubs shall be conditioned that operate in accordance with:~~
- ~~i. Sixty-five A minimum of 35% percent of gross receipts be derived from the sale of food, subject to an annual audit provided upon request within 90 days at the expense of the permitted private club for review by the City Council.~~
 - ~~ii. The permitted premises contain a minimum of 80 dining seats allowing a minimum area of 12 square feet of dining area per dining chair.~~
- ~~g. The permittee comply with the provisions of the Alcoholic Beverage Code and receive a private club permit from the State of Texas within six months from the date of issuance of the specific use permit by the City Council, each such limitation in time being subject to review and possible extension by the City Council.~~

- ~~h. Such other conditions and restrictions which the City Council may determine at the time of granting the specific use permit are necessary to protect and provide for the health, safety, and general welfare of the community.~~
- ~~i. City Council may revoke a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of granting the permit are not met or thereafter cease to exist. City Council may deny a specific use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, and general welfare of the city and its inhabitants.~~
- ~~j. d. All specific use permits issued for the operation of private clubs shall be further conditioned that the same may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10 which is incorporated herein by reference and made a part hereof for all purposes.~~

FOR CITY COUNCIL MEETING OF: March 26, 2012 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

February 20, 2012

Agenda Item No. 6

Public Hearing: Zoning Case 2012-01

Applicant: City of Plano

DESCRIPTION:

Request to amend or repeal Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance pertaining to private clubs.

REMARKS:

In December 2011, the City Council requested that the Commission evaluate the city's regulations regarding private clubs. At its meeting on January 3, 2012, the Planning & Zoning Commission discussed several potential amendments to the city's private club regulations and made recommendations concerning the food-to-beverage ratio, distance separation requirements and other aspects of the city's local regulations. This zoning case proposes to amend or repeal Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and uses) and Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance pertaining to Private Clubs consistent with the Commission's direction at their meeting on January 3, 2012.

BACKGROUND:

The sale of alcohol for on-premise consumption in Plano is regulated through two separate types of state-issued permits. Since the mid 1970's, Plano has allowed on-premise consumption through a Specific Use Permit (SUP) for a private club. The city also adopted numerous zoning regulations to control the number and location of private clubs and the size of the restaurant, and imposed a 1,000-foot distance setback from churches, schools and other uses and a food-to beverage ratio of 65% food/35% alcohol (state law does not include a food/beverage restriction for private clubs). In 1987, state law changed to prohibit cities from imposing requirements more restrictive than the state's requirements, but existing ordinances were allowed to remain in effect.

In 2005, Plano voters approved the issuance of mixed-beverage permits with a food-and-beverage certificate, giving restaurants another option for the sale of alcohol. A food and beverage certificate holder is prohibited from deriving more than 50% of gross receipts from the sale of alcohol. The city also adopted the maximum 300-foot distance setback from religious facilities and schools allowed by state law within Chapter 3 of the Code of Ordinances.

Amendments to relax the city's private club regulations have been made in the past. In the Downtown Business/Government (BG) zoning district and the Central Business-1 (CB-1), private clubs are exempt from all regulations with the exception of a 300-foot distance setback from religious facilities and schools (City Council may waive the setback from religious facilities in these districts). These amendments were made in response to concerns about restaurants in these distinctive areas, which are oriented to dinner and late evening service, being unable to meet the 50% food requirement of the food-and-beverage certificate. These amendments give restaurants the option of operating with a private club permit but not be subject to the city's more restrictive food-to-beverage requirements. Currently, five businesses operate as private clubs in Legacy Town Center; none in Downtown Plano.

The option of a mixed beverage permit and the evolution of the city's regulations for private clubs over the last few years raise the issue of whether or not the two types of permits should continue to be regulated differently. Customers are unaware of which permit a restaurant is operating under and there are no perceived differences between the two permits in terms of impact on surrounding properties.

One important issue to keep in mind is that once the city eliminates or relaxes its unique local regulations for private clubs, it may not reenact them at a later date. The city may only impose the regulations it now enforces, or relax or repeal them.

Food to Beverage Ratio

Private clubs within Plano are required to derive a minimum of 65% of their gross receipts from the sale of food. The city does not regularly audit private clubs, and the only time the percentage would be verified would be if a complaint was filed. As mentioned previously, the state has no minimum food-to-beverage ratio for private clubs, although private clubs are required to provide "food sufficient for membership." At its recent meeting, a majority of the Commission stated that they would be in favor of changing this percentage to 35% food/65% alcohol.

Some Commissioners expressed concerned with removing the food-to-alcohol ratio requirement altogether and relying solely on the state's requirement of "food sufficient for membership." Additionally, the Commissioners were concerned that restaurant operators might still find it difficult to comply with a higher alcohol percentage.

Distance Separation

The Zoning Ordinance prohibits private clubs outside of the BG and CB-1 zoning districts from operating within 1,000 feet of the property line of any religious facility,

public or parochial school, hospital, or publicly-owned park. Private clubs are also prohibited within 300 feet of the boundary of any residential district; however, for hospitals, publicly-owned parks and residential districts, the Ordinance provides the flexibility for the City Council to waive the distance requirements if it determines that the SUP would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood. The 1,000-foot distance requirement is more restrictive than the maximum 300 feet setback now allowed by state law. Additionally, state law does not allow a minimum setback from publicly-owned parks, private hospitals, or residential zoning districts.

Recently, the Commission denied a request for a private club SUP because of the property's proximity to a religious facility. Given this request, and after receiving feedback from other private club operators, the Commission is concerned that the existing setbacks within the Zoning Ordinance are too restrictive when compared with the less restrictive requirements for mixed-beverage permits. At the meeting on January 3, the Commission discussed several options regarding the distance separation and recommended that the ordinance should be modified to match the state requirements as noted below:

No person shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a religious facility, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code. The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.

Additionally, the Commissioners supported having regulations consistent with state law and the city's mixed beverage permit regulations. Several of the Commissioners believed that the two types of permits should be regulated consistently.

Method of Measurement

To determine the minimum distance requirements between a private club and certain uses, the measurement specified by the city's private club regulations is to be made in a straight line from the front door of the establishment requesting the SUP, to the property line of the nearby use or district. The Commission discussed this issue and determined that the method of measurement between private clubs and certain land uses should be consistent with the state's method. Similar to the distance setback requirements, the Commission believed that if the state's method of measurement is appropriate for mixed beverage permit holders, then the same method should be acceptable for private clubs. The state's method is as follows:

The measurement of the distance between the place of business where alcoholic beverages are sold and the [religious facility] or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

- (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
- (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

Contiguous Acreage

The Zoning Ordinance restricts private clubs to certain commercial zoning districts comprising a minimum contiguous area of 30 acres. The number of SUPs allowed is limited based upon the number of acres in the relevant zoning districts. Per the Commission's request, staff has compared four intersections within the city (see attached maps).

1. Legacy Drive and Independence Parkway - This intersection has 41.7± acres of Retail (R) zoned property. Based on the acreage at this intersection, the existing private club regulations would allow for no more than two private club SUPs. Currently, there are two private club SUPs (S-307 and S-308) at this intersection; therefore, no additional private club SUPs could be granted for this area. There is one restaurant with a mixed beverage permit at this intersection.
2. Legacy Drive and Coit Road - This intersection has 48.5± acres of R zoned property and there are no existing private club SUPs. Based on the available retail acreage at this intersection, the existing private club regulations would allow for no more than three private club SUPs. There are no restaurants with mixed beverage permits at this intersection.
3. Parker Road and Custer Road - This intersection has 76.1± acres of R zoned property. Based on the available retail acreage at this intersection, the existing private club regulations would allow for no more than five private club SUPs. Currently, there is one existing private club SUP (S-196), so the current regulations would allow for four additional private club SUPs. There are four restaurants with mixed beverage permits at this intersection.
4. Parker Road and Independence Parkway - This intersection has 54.6± acres of R zoned property. Based upon the available acreage at this intersection, the existing private club regulations would allow for no more than three private club SUPs. Currently, there are two private club SUPs existing (S-42 and S-494), so there is the opportunity for one additional private club SUP at this intersection. There are two restaurants with mixed beverage permits at this intersection.

The private club SUP limitations based upon acreage were initially created to minimize the number of private clubs in the city. State law does not allow the city to limit the number of mixed beverage permits that can be issued. Staff recommends removing the

contiguous zoned area regulations for private clubs. The Commission should consider whether it is necessary to maintain the restrictions regarding the number of private clubs, and if yes, whether or not the existing regulations should be modified; or whether these regulations are no longer necessary and should be removed.

Minimum Dining Seats and Square Footage

Subsection 3.105 of the Zoning Ordinance has other regulations that must be met by facilities seeking to operate a private club. The Ordinance requires each private club to have a minimum of 80 dining seats, and 12 square feet of dining area per chair. The state does not have similar limitations for mixed beverage permits. Additionally, these regulations may limit operators of small restaurants from obtaining a private club permit since they may not be able to accommodate 80 dining seats, or a minimum of 12 square feet of dining area per chair. At the January 3 meeting, the Commission was supportive of removing these regulations.

SUP Requirement

One issue that the Commission discussed at its recent meeting was whether or not SUPs should continue to be required for private clubs. Mixed-beverage permit holders are not required to have SUPs, and it may be appropriate to remove the SUP requirement for private clubs. The Commission stated previously that they would prefer to keep the SUP requirement because it allows the Commission the ability to review sites individually to be able to determine if they are suitable locations for private clubs, and the SUP process provides opportunity for public input. The proposed ordinance amendments reflect retaining the SUP requirement.

Hotels and Golf Courses

Subsection 3.105 limits hotels and motels to one specific use permit for private club, as long as the restaurant is within the same building as the hotel/motel operation. Country clubs and golf courses are also limited to one Specific Use Permit for Private Club. There is no similar requirement for mixed beverage permits and staff believes that this requirement is no longer necessary. At the recent discussion, the Commission mentioned that they were interested in removing these requirements.

Auditing the Food-to-Beverage Ratio

The last portion of Subsection 3.105 refers to Ordinance No. 79-6-10. This ordinance details the city's requirements as to how private clubs will perform audits to verify compliance with the food-to-beverage ratio. Due to the proposed changes to the private club regulations, this ordinance may need to be updated or if it is no longer necessary, rescinded. The Commission should consider whether this ordinance is still necessary, and if yes, whether it needs to be modified to match the proposed changes to the private club regulations.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

1. Private clubs are allowed by right in the Downtown Business/Government and Central Business-1 zoning districts. Private club uses in these districts are prohibited within 300 feet of a religious facility or public or private school, measured as prescribed ~~below~~ in 3.105.2.b, except that the prohibition will not apply to a property within 300 feet of a religious facility if the City Council affirmatively finds that the private club would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.
2. The following standards and regulations apply to any private club use, except for private club uses located in the Downtown Business/Government and Central Business-1 zoning districts, requiring a specific use permit:
 - a. ~~Private clubs shall be restricted to the following use districts:~~
 - i. ~~Contiguous Regional Commercial and/or Regional Employment zoning districts collectively comprising 30 acres or more.~~
 - ii. ~~Contiguous Retail zoning districts collectively comprising 30 acres or more.~~
 - iii. ~~Contiguous Light Commercial zoning districts collectively comprising 30 acres or more.~~
 - iv. ~~Contiguous Office-2 zoning districts collectively comprising 30 acres or more.~~
 - v. ~~Contiguous Research/Technology Center zoning districts collectively comprising 30 acres or more.~~
 - vi. ~~Contiguous Corridor Commercial zoning districts collectively comprising 30 acres or more.~~
 - vii. ~~Contiguous Commercial Employment zoning districts collectively comprising 30 acres or more.~~
 - viii. ~~The Contiguous Light Commercial, retail, Office-2, Light Industrial-1, Light Industrial-2, and Corridor Commercial zoning districts which are located adjacent to U.S. Highway 75 and is not further west~~

~~than 1,500 feet from the right-of-way of U.S. Highway 75, and is not further east than 1,000 feet from the right-of-way of U.S. Highway 75.~~

- ~~ix. Office-2, Retail, Light Commercial, Regional Employment, Regional Commercial, Corridor Commercial, Research/Technology Center, Light Industrial-1, or Light Industrial-2 zoning districts when operated in conjunction with a hotel or motel or in conjunction with a regional shopping mall of not less than 750,000 square feet.~~
- ~~x. Any zoning district when in conjunction with a country club or golf course.~~

a. No person shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a religious facility, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code. The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.

~~b. A private club shall be prohibited within 1,000 feet of the property line of any religious facility, public or parochial school, hospital, or publicly-owned park, except that this prohibition will not apply to property located within 1,000 feet of a hospital or publicly-owned park if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.~~

b. The measurement of the distance between the place of business where alcoholic beverages are sold and the religious facility or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

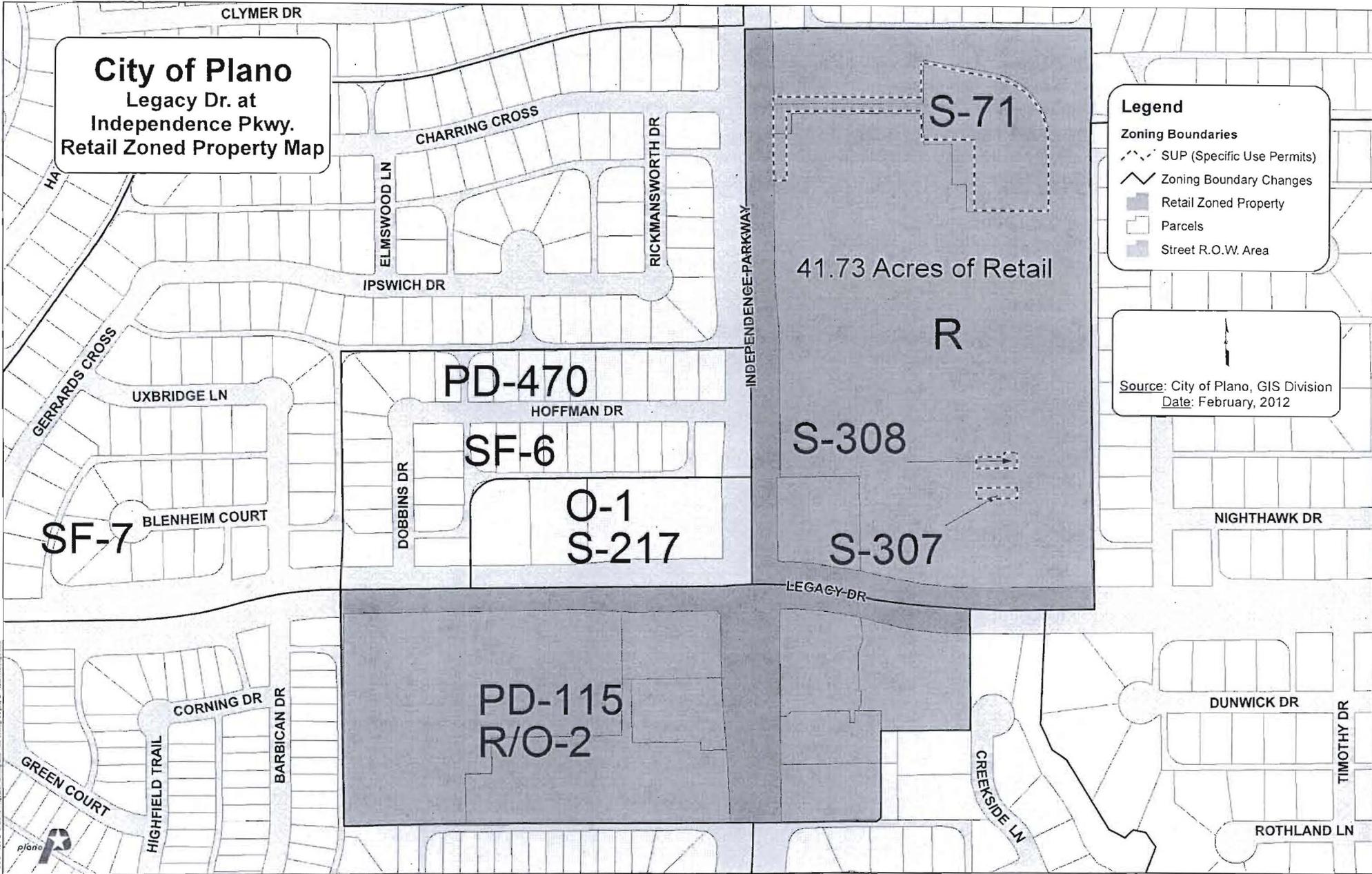
~~c. A private club shall be prohibited within 300 feet of the boundary of any residential zoned district, except that this prohibition will not apply to property located within 300 feet of the boundary of a residential zoned~~

~~district if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.~~

- ~~d. All distances provided for in this section shall be determined by measurement to be made in a straight line from the front door of the premises to be permitted to the nearest boundary line of the said religious facility, public or parochial school, hospital, publicly-owned park, or residential district.~~
- ~~e. The following limitations are established for the issuance of specific use permits for private clubs:
 - ~~i. For contiguous Retail, contiguous Office-2, contiguous Light Commercial, contiguous Corridor Commercial, Research/Technology Center, and combined zoning districts within the city but excluding (1) a hotel or motel and (2) a regional shopping mall of not less than 750,000 square feet, specific use permits may be issued in accordance with the following:
 - ~~1. No more than two specific use permits shall be issued for a tract of land which is greater than 30 acres but less than or equal to 44 acres.~~
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 - ~~ii. A hotel or motel shall be issued not more than one specific use permit, provided that the floor area of the restaurant need not be contiguous as long as all the floor area within the private club is situated within the same building.~~
 - ~~iii. For contiguous Commercial Employment zoning districts collectively comprising 100 acres or more, a maximum of one specific use permit may be issued for each 100 acres of land.~~
 - ~~iv. A country club or golf course shall not be issued more than one specific use permit.~~~~

- ~~v. For the contiguous Light Commercial, Retail, Office-2, Corridor Commercial, Light Industrial-1, and Light Industrial-2 zoning districts described in 2.a.viii above there shall be no limitation on the number of private clubs which may be permitted.~~
- ~~vi. In calculating the acreage in contiguous Retail, Office-2, Corridor Commercial, Light Commercial, Light Industrial-1, and Light Industrial-2 zoning districts outside of and adjacent to the areas described in 2.a.viii above, acreage in contiguous Retail, Office-2, Light Commercial, and Corridor Commercial zoning districts within the described adjacent area shall be included up to a maximum of 30 acres~~
- f. c. All specific use permits issued for the operation of private clubs shall be conditioned that operate in accordance with:
 - ~~i. Sixty-five A minimum of 35% percent of gross receipts be derived from the sale of food, subject to an annual audit provided upon request within 90 days at the expense of the permitted private club for review by the City Council.~~
 - ii. The permitted premises contain a minimum of 80 dining seats allowing a minimum area of 12 square feet of dining area per dining chair.
- ~~g. The permittee comply with the provisions of the Alcoholic Beverage Code and receive a private club permit from the State of Texas within six months from the date of issuance of the specific use permit by the City Council, each such limitation in time being subject to review and possible extension by the City Council.~~
- ~~h. Such other conditions and restrictions which the City Council may determine at the time of granting the specific use permit are necessary to protect and provide for the health, safety, and general welfare of the community.~~
- i. d. City Council may revoke a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of granting the permit are not met or thereafter cease to exist. City Council may deny a specific use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, and general welfare of the city and its inhabitants.
- j. e. All specific use permits issued for the operation of private clubs shall be further conditioned that the same may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10 which is incorporated herein by reference and made a part hereof for all purposes.

City of Plano
 Legacy Dr. at
 Independence Pkwy.
 Retail Zoned Property Map



Legend

Zoning Boundaries

- SUP (Specific Use Permits)
- Zoning Boundary Changes
- Retail Zoned Property
- Parcels
- Street R.O.W. Area

Source: City of Plano, GIS Division
 Date: February, 2012

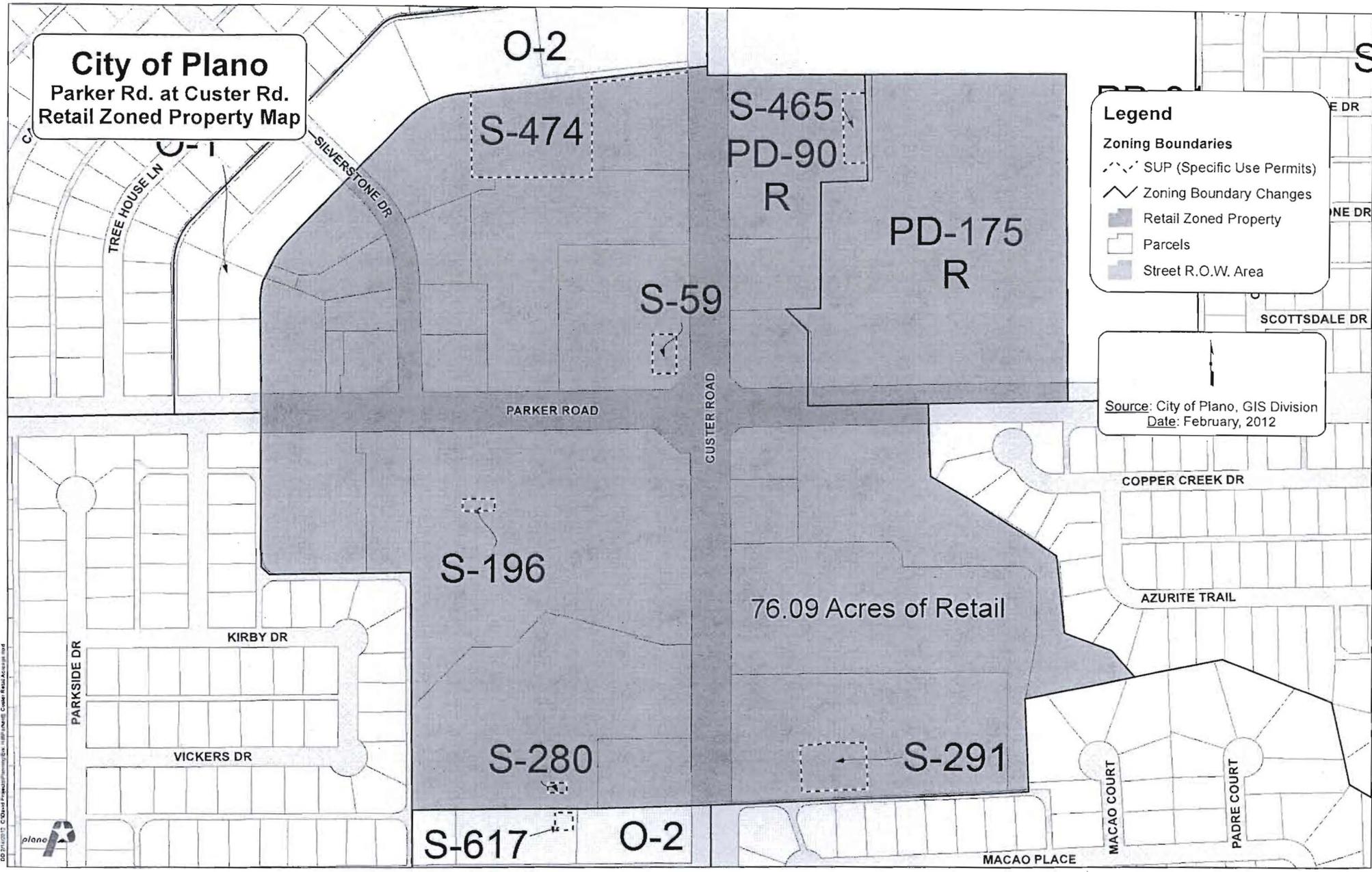


City of Plano
Parker Rd. at Custer Rd.
Retail Zoned Property Map

Legend

- Zoning Boundaries
 - SUP (Specific Use Permits)
 - Zoning Boundary Changes
- Retail Zoned Property
- Parcels
- Street R.O.W. Area

Source: City of Plano, GIS Division
 Date: February, 2012



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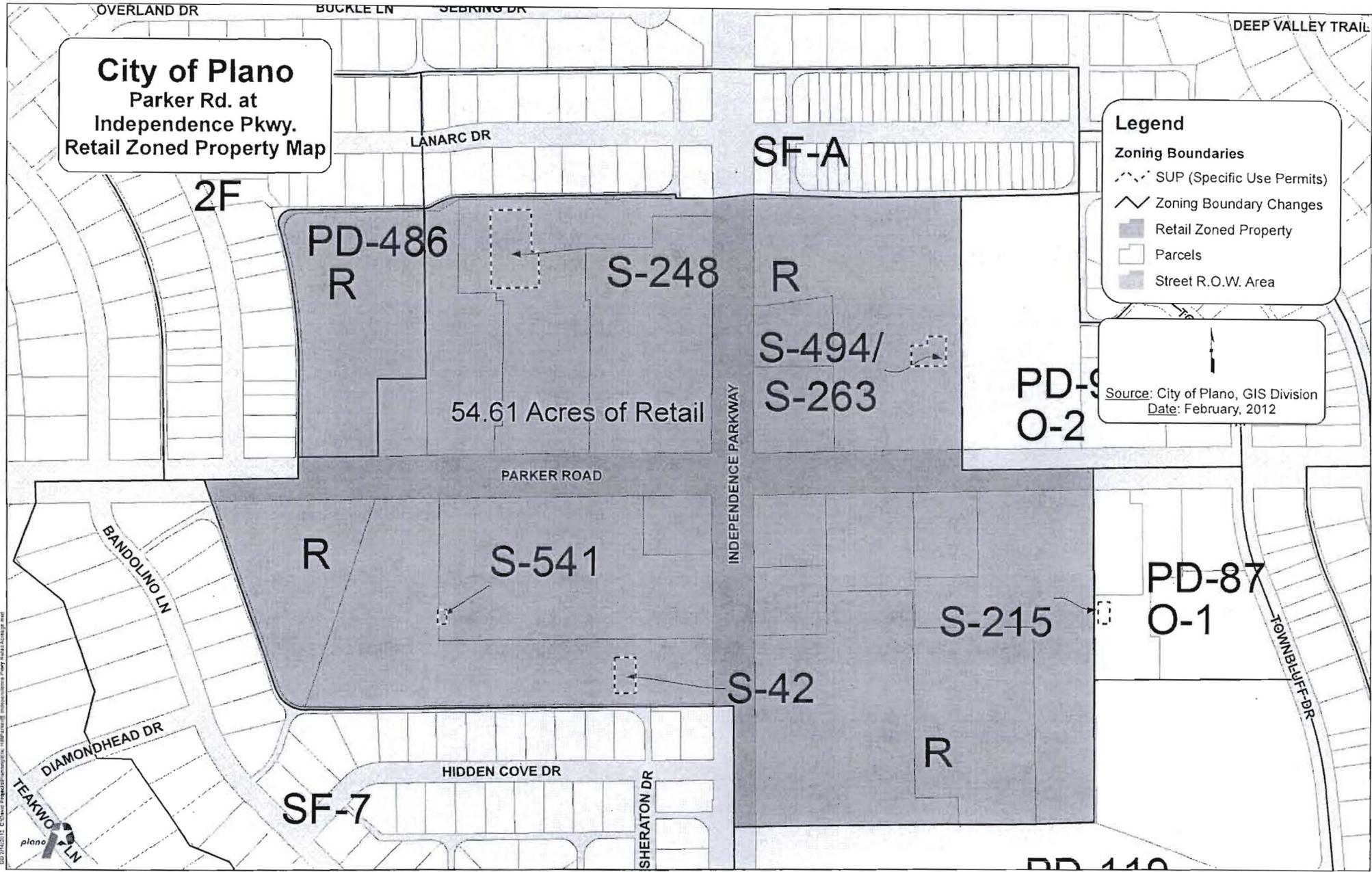


City of Plano
Parker Rd. at
Independence Pkwy.
Retail Zoned Property Map

Legend

- Zoning Boundaries
- SUP (Specific Use Permits)
- Zoning Boundary Changes
- Retail Zoned Property
- Parcels
- Street R.O.W. Area

Source: City of Plano, GIS Division
 Date: February, 2012



Zoning Case 2012-01

An Ordinance of the City of Plano, Texas, amending Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to private clubs; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability 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 26th day of March, 2012, for the purpose of considering a change in the Zoning Ordinance; 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 26th day of March, 2012; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and 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. Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended pertaining to private clubs, such portion of subsection to read as follows:

3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses)

3.105 (Private Clubs)

1. Private clubs are allowed by right in the Downtown Business/Government and Central Business-1 zoning districts. Private club uses in these districts are prohibited within 300 feet of a religious facility or public or private school, measured as prescribed in 3.105.2.b, except that the prohibition will not apply to a property within 300 feet of a religious facility if the City Council affirmatively finds that the private club would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.
2. The following standards and regulations apply to any private club use, except for private club uses located in the Downtown Business/Government and Central Business-1 zoning districts, requiring a specific use permit:
 - a. No person shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a religious facility, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code. The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.
 - b. The measurement of the distance between the place of business where alcoholic beverages are sold and the religious facility or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
 - c. All private clubs shall operate in accordance with a minimum of 35% of gross receipts be derived from the sale of food, subject to an annual audit provided upon request within 90 days at the expense of the private club for review by the City Council.

- d. All specific use permits issued for the operation of private clubs may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10 which is incorporated herein by reference and made a part hereof for all purposes.

Section II. 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 III. 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 IV. Any person, firm or corporation found to be violating any term or provision of this Ordinance, 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 V. 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 VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 26TH DAY OF MARCH, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY