

DATE: April 19, 2016
TO: Honorable Mayor & City Council
FROM: M. Nathan Barbera, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 18, 2016

**AGENDA ITEM NO. 2 - PUBLIC HEARING
ZONING CASE 2016-008
APPLICANT: ASG PARK WEST II LTD**

Request for Specific Use Permit for Arcade on 0.2 acre located 260 feet east of Coit Road, 205 feet south of Irvine Drive. Zoned Retail.

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

Speaker Card(s) Received **Support:** 0 **Neutral:** 0 **Oppose:** 0

Letter(s) Received **Support:** 0 **Neutral:** 0 **Oppose:** 1

Petition(s) Received 0 **# Of Signatures** 0

STIPULATIONS:

Recommended for approval subject to City Council waiving the 300 foot distance requirement from residentially zoned property.

FOR CITY COUNCIL MEETING OF: May 9, 2016 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

ST/ks

xc: James E. Hankins, ASG Real Estate Co.
Aaron Stringfellow, Wier & Associates, Inc.
Wayne Snell, Permit Services Manager

<https://goo.gl/maps/Geqj7iTqjrk>

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 18, 2016

Agenda Item No. 2

Public Hearing: Zoning Case 2016-008

Applicant: ASG Park West II LTD

DESCRIPTION:

Request for Specific Use Permit for Arcade on 0.2 acre located 260 feet east of Coit Road, 205 feet south of Irvine Drive. Zoned Retail.

REMARKS:

The requested zoning is a Specific Use Permit (SUP) for Arcade in an existing lease space. The Zoning Ordinance defines arcade as an establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines. 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.

The subject property is zoned Retail (R) and is a lease space within a large retail development. The Zoning Ordinance prohibits arcades from being located within 300 feet of any religious facility or residential zoning district and within 1,000 feet of any public or parochial school. The distance is measured in a straight line from the front door of the premises to be permitted to the nearest property line of the religious facility, school, or residential property. The Zoning Ordinance allows City Council to waive the 300 foot distance requirement if it finds that the issuance of the SUP would not be detrimental to the public health, safety, or general welfare, or otherwise offensive to the residentially zoned area.

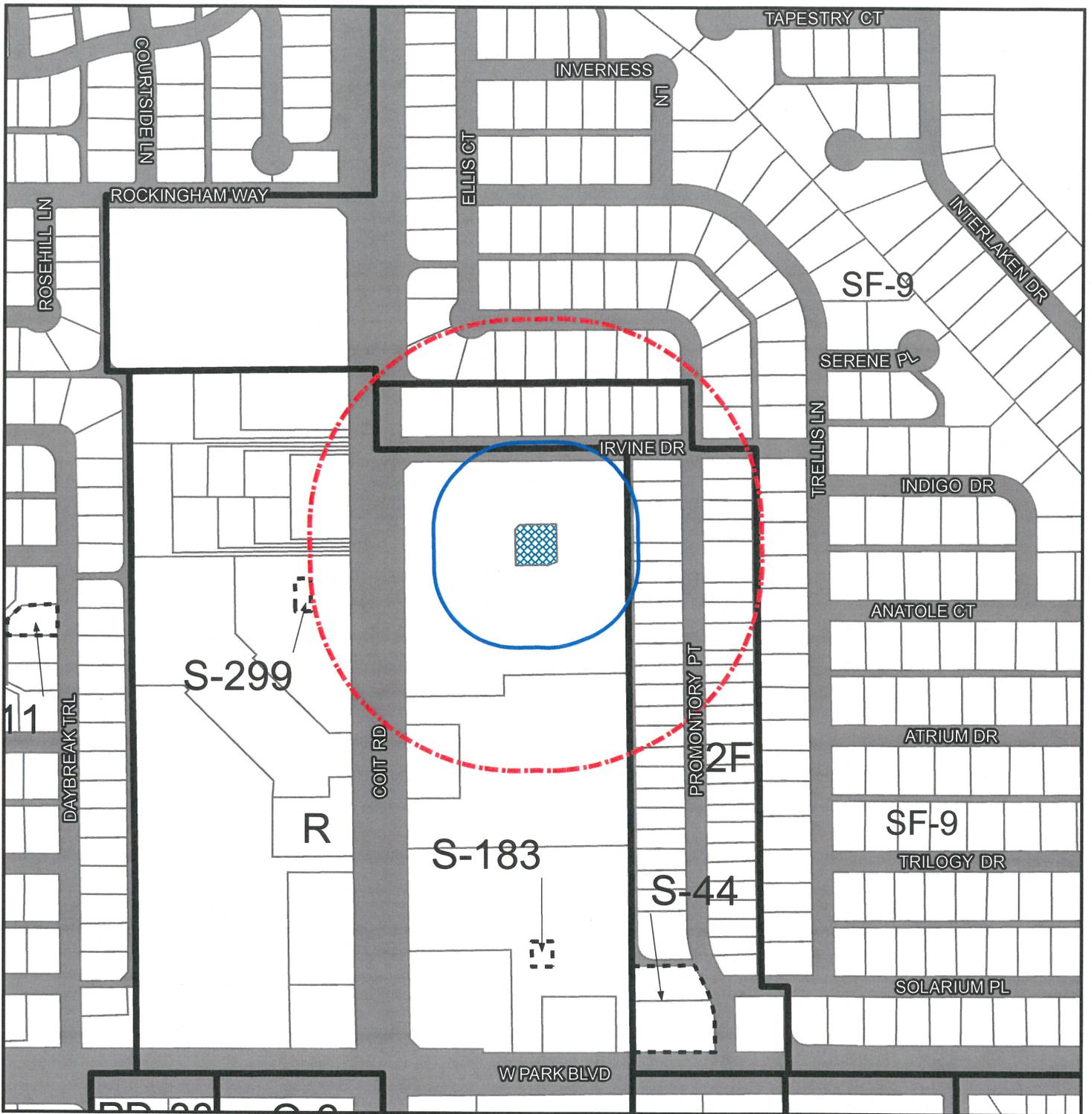
The closest residential development is a single-family subdivision 225 feet to the north, across Irvine Drive. There is also a single-family development located 285 feet to the east. There are no public or parochial schools within a 1,000 feet from the premises. The applicant is requesting a waiver of the 300 foot distance requirement.

The subject property is an established shopping center with existing retail and restaurant uses. The applicant's entrance faces Irvine Drive, and is separated from the residences by the 60-foot street right-of-way, parking, and landscaping. Staff believes

the arcade is complimentary to the existing uses onsite and will not be detrimental to the adjacent residential developments. Therefore, staff in support of the requested SUP.

RECOMMENDATION:

Recommended for approval subject to City Council waiving the 300 foot distance requirement from residentially zoned property.



Zoning Case #: 2016-008

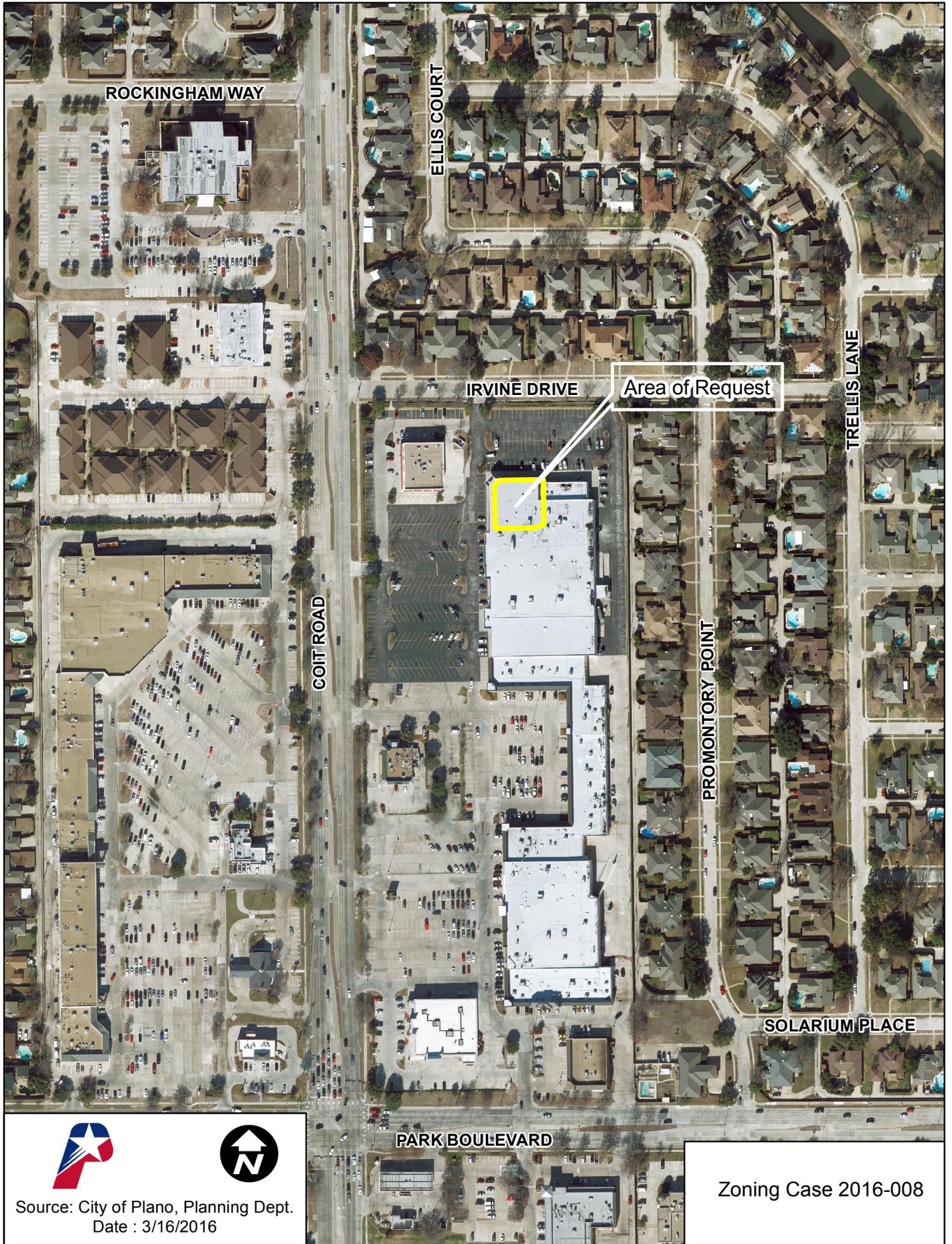
Existing Zoning: Retail (R)

Proposed Zoning: Specific Use Permit (SUP) for Arcade

-  500' Courtesy Notification Buffer
-  200' Notification Buffer
-  Subject Property
-  Zoning Boundary
-  Specific Use Permit
-  City Limits
-  Right-of-Way



Source: City of Plano Planning Department



ROCKINGHAM WAY

ELLIS COURT

IRVINE DRIVE

Area of Request

TRELLIS LANE

COIT ROAD

PROMONTORY POINT

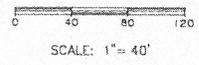
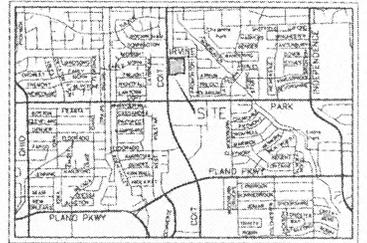
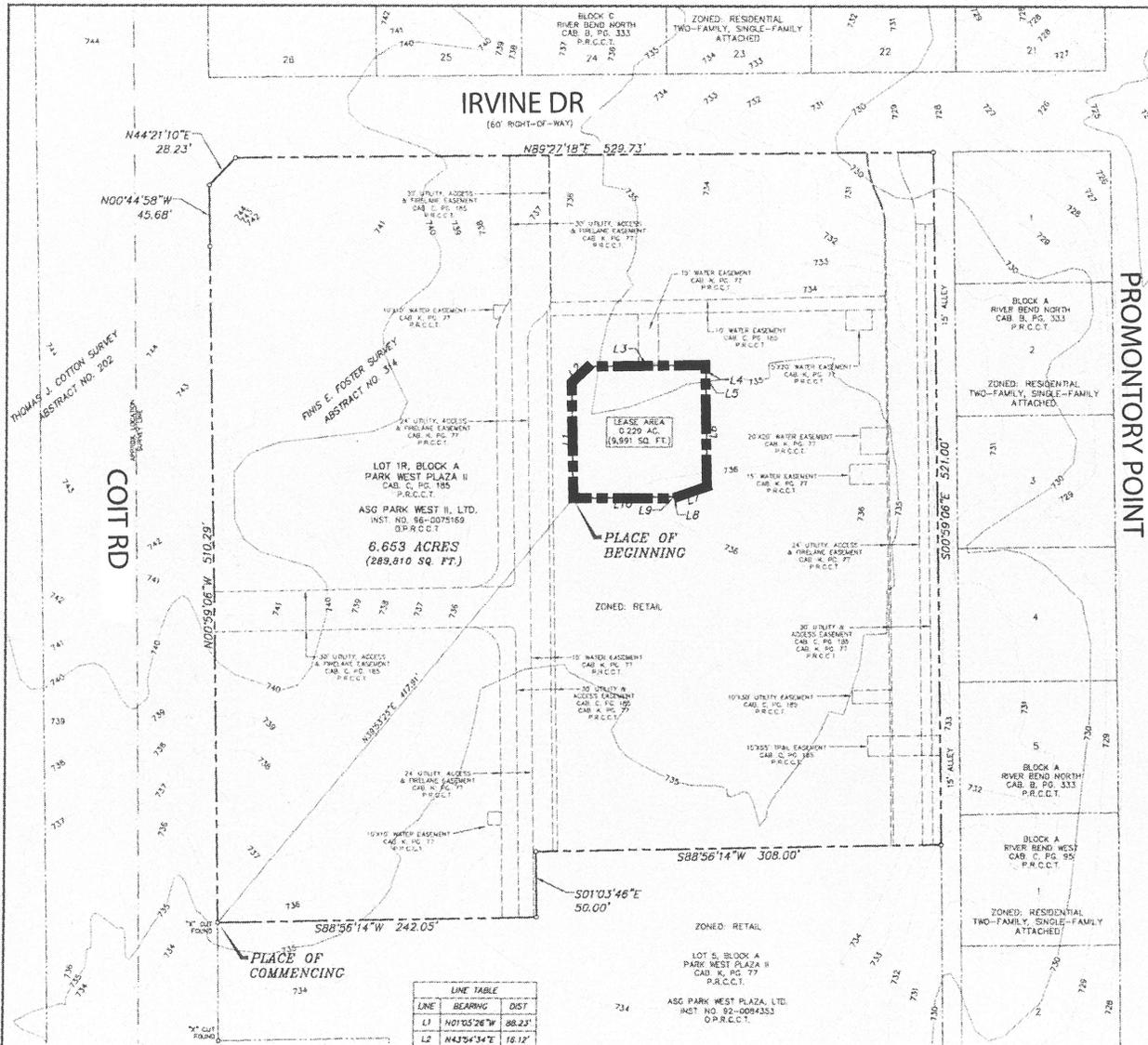
SOLARIUM PLACE

PARK BOULEVARD



Source: City of Plano, Planning Dept.
Date : 3/16/2016

Zoning Case 2016-008



FIELD NOTES - LEASE AREA

BEING A TRACT OF LAND LOCATED IN THE FMS E FOSTER SURVEY, ABSTRACT NO. 314, COLLIN COUNTY, TEXAS, BEING A PORTION OF LOT 1R, BLOCK A, PARK WEST PLAZA II, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET K, PAGE 77, PLAT RECORDS, COLLIN COUNTY, TEXAS (P.R.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN "X" CUT FOUND, SAID "X" CUT BEING THE SOUTHWEST CORNER OF SAID LOT 1R, THE NORTHWEST CORNER OF LOT 5 OF SAID PARK WEST PLAZA II AND BEING IN THE EAST RIGHT-OF-WAY LINE OF COIT ROAD (130' RIGHT-OF-WAY):

THENCE NORTH 39°53'29" EAST, A DISTANCE OF 417.91 FEET TO THE PLACE OF BEGINNING;

THENCE NORTH 01°05'26" WEST, A DISTANCE OF 88.23 TO A POINT;

THENCE NORTH 43°54'34" EAST, A DISTANCE OF 16.12 TO A POINT;

THENCE NORTH 88°54'34" EAST, A DISTANCE OF 30.47 TO A POINT;

THENCE SOUTH 01°05'26" EAST, A DISTANCE OF 9.30 TO A POINT;

THENCE SOUTH 88°54'34" WEST, A DISTANCE OF 0.28 TO A POINT;

THENCE SOUTH 01°05'26" EAST, A DISTANCE OF 83.15 TO A POINT;

THENCE SOUTH 69°23'10" WEST, A DISTANCE OF 25.29 TO A POINT;

THENCE SOUTH 88°54'34" WEST, A DISTANCE OF 1.90 TO A POINT;

THENCE NORTH 01°05'26" WEST, A DISTANCE OF 1.28 TO A POINT;

THENCE SOUTH 88°54'34" WEST, A DISTANCE OF 75.85 TO THE PLACE OF BEGINNING, AND CONTAINING 0.229 ACRES (9,991 SQUARE FEET) OF LAND, MORE OR LESS.

LINE	BEARING	DIST.
L1	N01°05'26"W	88.23'
L2	N43°54'34"E	16.12'
L3	N88°54'34"E	30.47'
L4	S01°05'26"E	9.30'
L5	S88°54'34"W	0.28'
L6	S01°05'26"E	83.15'
L7	S69°23'10"W	25.29'
L8	S88°54'34"W	1.90'
L9	N01°05'26"W	1.28'
L10	S88°54'34"W	75.85'

N.S.I.L.S.

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

2. ALL BEARINGS SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE AND BE THEREAS AS DETERMINED BY THE OBSERVATIONS UTILIZING THE BAK AIR FORCE ADMINISTERED BY WESTERN GAMA SYSTEMS.

3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A COPY OF COMMITMENT FOR TITLE INSURANCE.

OWNER / APPLICANT
 ASG PARK WEST II, LTD.
 C/O ASO REAL ESTATE COMPANY
 2220 COIT ROAD, SUITE 360
 PLANO, TEXAS 75075
 CONTACT: JAMES E. HANKINS, SVP
 EMAIL: jhankins@ashatgroup.com
 PH: (214) 390-1900
 FAX: (214) 390-1919

ENGINEER / SURVEYOR
 WIER & ASSOCIATES, INC.
 2201 E. LAMAR BLVD., SUITE 200E
 ARLINGTON, TEXAS 76010
 CONTACT: AARON L. STRONGBELLOW, R.P.L.S.
 EMAIL: Aaron.L@WierAssociates.com
 FH: (817) 467-7700
 FAX: (817) 467-7713

ZONING EXHIBIT
ZC2016-008
 AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS
 BEING 6.653 ACRES OF LAND LOCATED IN THE
 FMS E FOSTER SURVEY, ABSTRACT NO. 314, COLLIN COUNTY, TEXAS

PREPARED BY:
WIA WIER & ASSOCIATES, INC.
 ENGINEERS SURVEYORS LAND PLANNERS
 2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76010 (817) 467-7700
 Texas Title Registration No. 1-1251 www.WierAssociates.com
 Texas Board of Professional Land Surveying Registration No. 02633002

PRINTED: 3/22/2016 6:10 PM FILE: WER-SURVEY-078 LAST SAVED: 3/22/2016 4:00 PM SAVED BY: HANKINS FILE: EDH-ZONING-16026.DWG

Zoning Case 2016-008

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 7 so as to allow the additional use of Arcade on 0.2 acre of land out of the Finis E. Foster Survey, Abstract No. 314, located 260 feet east of Coit Road, 205 feet south of Irvine Drive, in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 9th day of May, 2016, for the purpose of considering granting Specific Use Permit No. 7 for the additional use of Arcade on 0.2 acre of land out of the Finis E. Foster Survey, Abstract No. 314, located 260 feet east of Coit Road, 205 feet south of Irvine Drive, in the City of Plano, Collin County, Texas, presently zoned Retail; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of May, 2016; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 7 for the additional use of Arcade on 0.2 acre of land out of the Finis E. Foster Survey, Abstract No. 314, located 260 feet east of Coit Road, 205 feet south of Irvine Drive, in the City of Plano, Collin County, Texas, presently zoned Retail, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

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

Section I. The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 7 for the additional use of Arcade on 0.2 acre of land out of the Finis E. Foster Survey, Abstract No. 314, located 260 feet east of Coit Road, 205 feet south of Irvine Drive, in the City of Plano, Collin County, Texas, presently zoned Retail, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to City Council waiving the 300 feet distance requirement from residentially zoned property:

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

Section IV. 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 V. 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 VI. 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 VII. 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 VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 9TH DAY OF MAY, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2016-008

Being a tract of land located in the Finis E. Foster Survey, Abstract No. 314, Collin County, Texas, being a portion of Lot 1R, Block A, Park West Plaza II, an addition to the City of Plano, Collin County, Texas, according to the plat recorded in Cabinet K, Page 77, Plat Records, Collin County, Texas (P.R.T.C.T.), and being more particularly described by metes and bounds as follows:

Beginning at a point, from which an "x" cut found bears South 39°53'25" West, a distance of 417.91 feet, said "x" cut being the southwest corner of said Lot 1R, the northwest corner of Lot 5 of said Park West Plaza II and being in the east right-of-way line of Coit Road (130' right-of-way);

Thence North 01°05'26" West, a distance of 88.23 feet to a point;

Thence North 43°54'34" East, a distance of 16.12 feet to a point;

Thence North 88°54'34" East, a distance of 90.47 feet to a point;

Thence South 01°05'26" East, a distance of 9.30 feet to a point;

Thence South 88°54'34" West, a distance of 0.28 feet to a point;

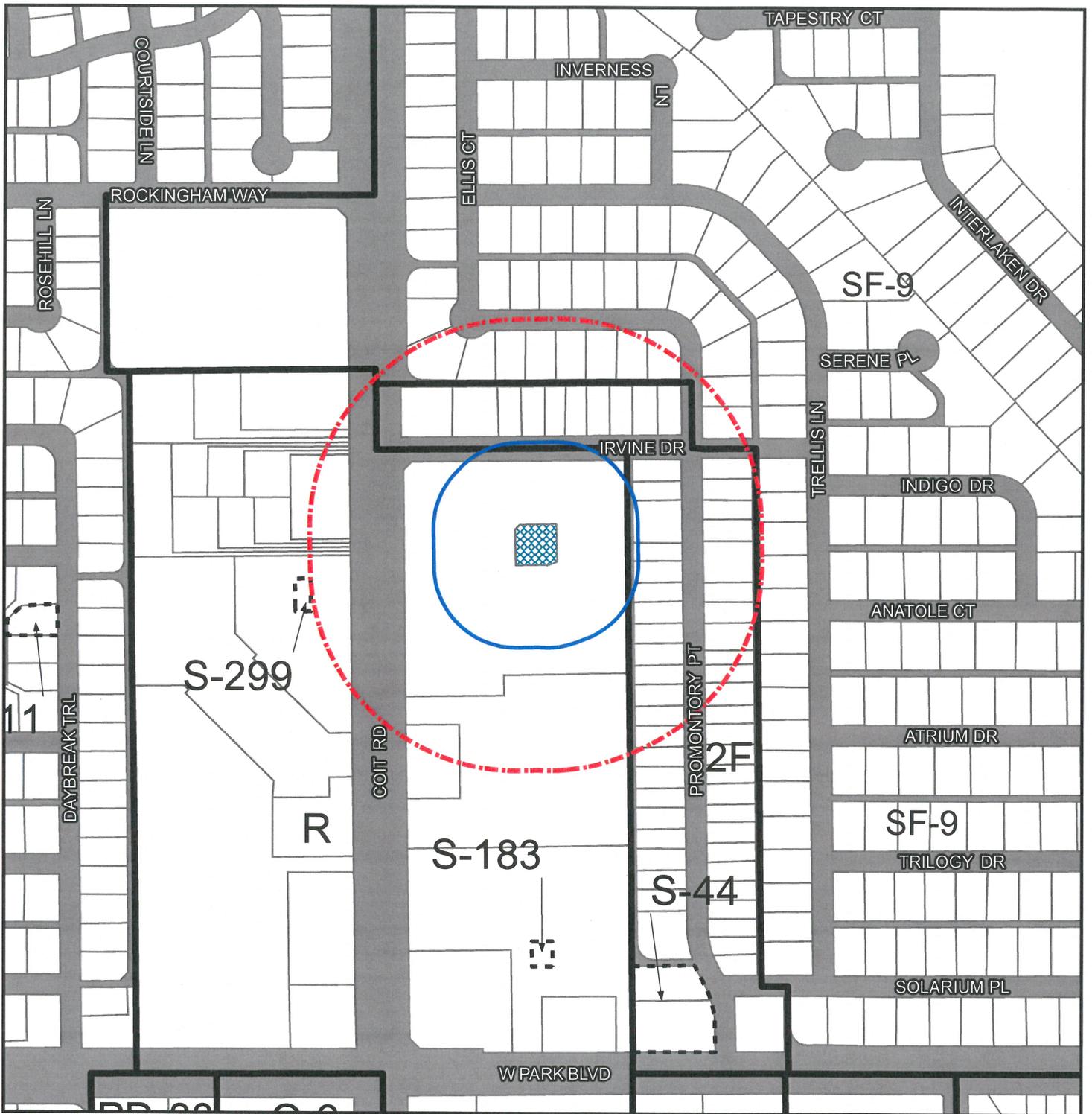
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Zoning Case #: 2016-008

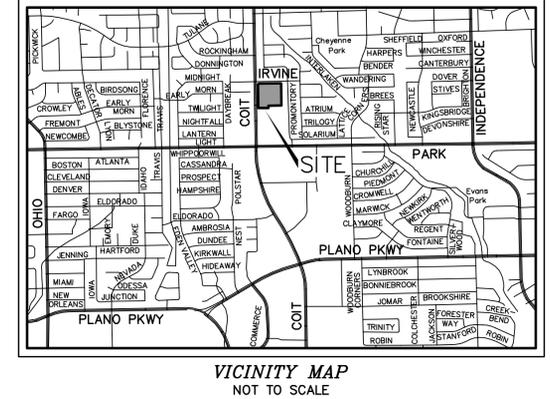
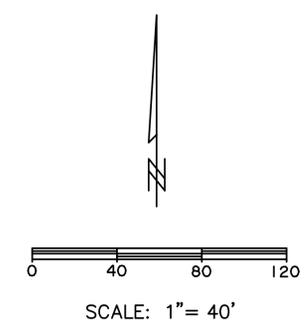
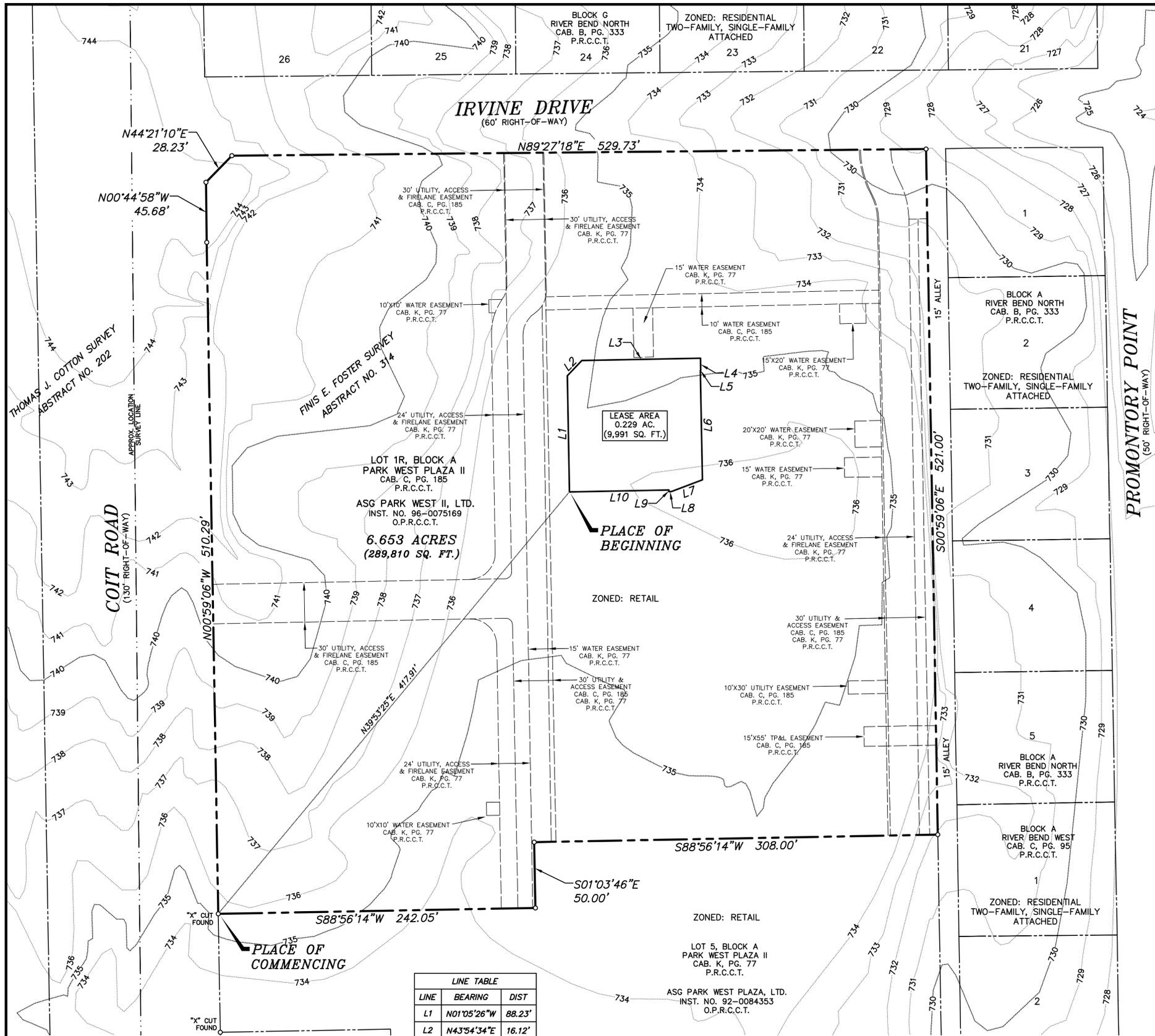
Existing Zoning: Retail (R)

Proposed Zoning: Specific Use Permit (SUP) for Arcade

-  500' Courtesy Notification Buffer
-  200' Notification Buffer
-  Subject Property
-  Zoning Boundary
-  Specific Use Permit
-  City Limits
-  Right-of-Way



Source: City of Plano Planning Department



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BEING A TRACT OF LAND LOCATED IN THE FINIS E. FOSTER SURVEY, ABSTRACT NO. 314, COLLIN COUNTY, TEXAS, BEING A PORTION OF LOT 1R, BLOCK A, PARK WEST PLAZA II, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET K, PAGE 77, PLAT RECORDS, COLLIN COUNTY, TEXAS (P.R.T.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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- *NOTES***
1. APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT, OR PLAN, APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS. PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL ACTIONS ON STUDIES, PLATS, OR RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.
 2. ALL BEARINGS SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, MAD OF 1983, AS DERIVED BY FIELD OBSERVATIONS UTILIZING THE RTK NETWORK ADMINISTERED BY WESTERN DATA SYSTEMS.
 3. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A COPY OF COMMITMENT FOR TITLE INSURANCE.

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 ASG PARK WEST II, LTD.
 C/O ASG REAL ESTATE COMPANY
 2220 COIT ROAD, SUITE 360
 PLANO, TEXAS 75075
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ZONING EXHIBIT
ZC2016-008

AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS
 BEING 6.653 ACRES OF LAND LOCATED IN THE
 FINIS E. FOSTER SURVEY, ABSTRACT No. 314, COLLIN COUNTY, TEXAS

PREPARED BY:
WIA WIER & ASSOCIATES, INC.
ENGINEERS SURVEYORS LAND PLANNERS
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 Texas Firm Registration No. F-2776 www.WierAssociates.com
 Texas Board of Professional Land Surveying Registration No. 10033900

DATE: 3/22/2016
 W.A. No. 16026

SHEET 1 OF 1