

DATE: April 22, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2014

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2014-09
APPLICANT: BHTT ENTERTAINMENT, INC.**

Request for a Specific Use Permit for Private Club on 0.2± acre located 550± feet east of Preston Road, 66± feet south of Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District.

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

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

ST/dc

xc: Edward Engel, BHTT Entertainment, Inc.
James Konerth, BHTT Entertainment, Inc.

<http://goo.gl/maps/oEu7h>

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2014

Agenda Item No. 6

Public Hearing: Zoning Case 2014-09

Applicant: BHTT Entertainment, Inc.

DESCRIPTION:

Request for a Specific Use Permit for Private Club on 0.2± acre located 550± feet east of Preston Road, 66± feet south of Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Private Club. The Zoning Ordinance defines Private Club as an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. 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 Planned Development-189-Retail/General Office (PD-189-R/O-2). A planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions. The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing. The O-2 district is intended to allow for a variety of low-, mid-, and high-rise office developments providing for professional, financial, medical, and similar services to local residents; corporate offices for regional and national operations; and major centers of employment for Plano and surrounding communities.

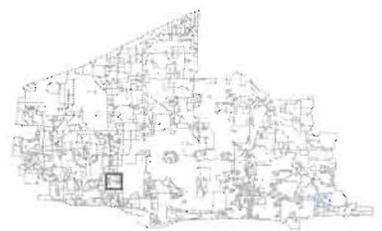
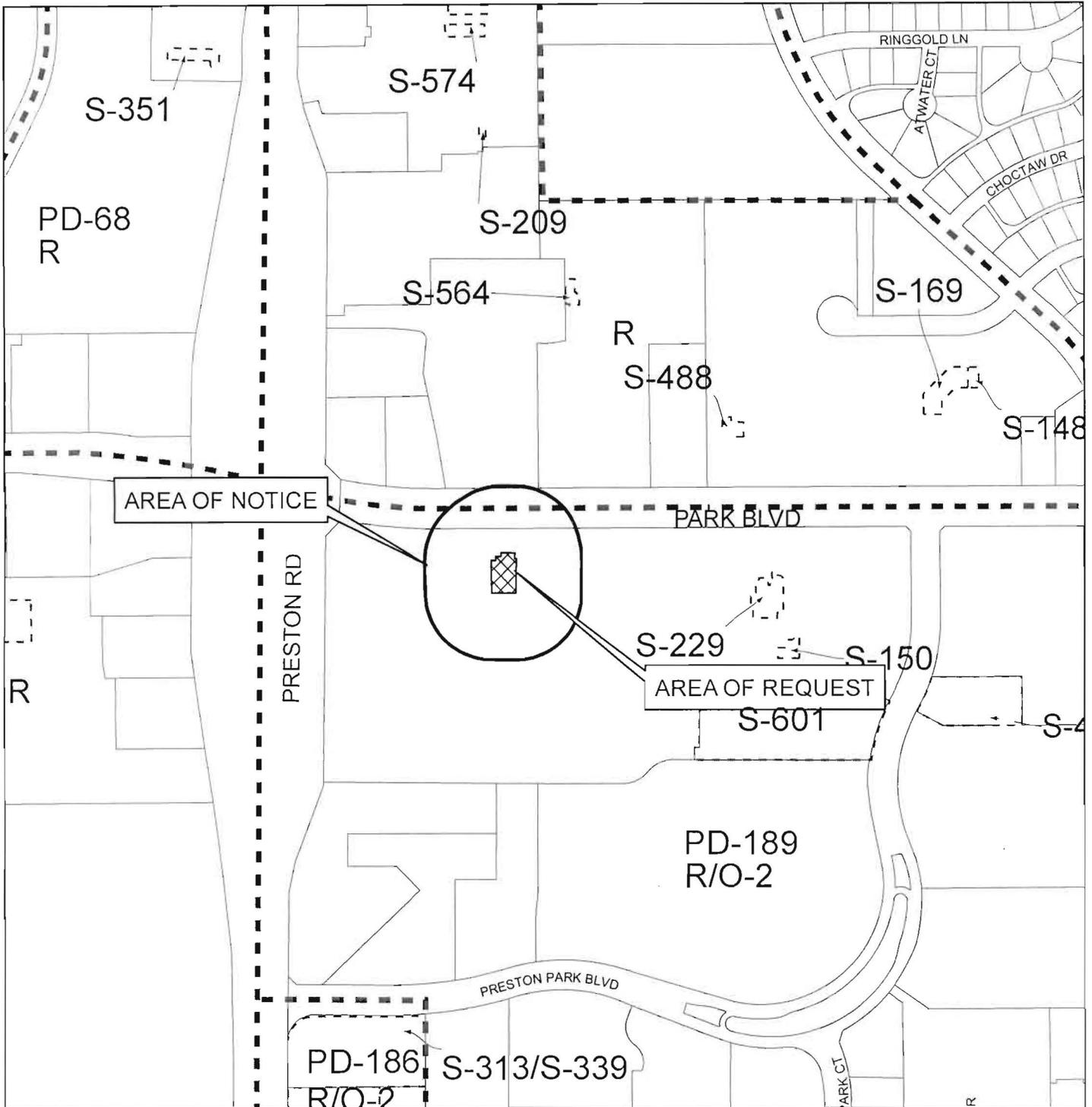
To the north of the subject property, across Park Boulevard, are existing retail developments zoned Retail. To the east of the subject property are existing retail and

restaurant developments zoned PD-189-R/O-2. To the south of the subject property is an existing retail center development zoned PD-189-R/O-2.

The subject property is a restaurant which until recently has been operating under a mixed beverage permit. The applicant is requesting a Private Club SUP because the gross alcohol sales have exceeded the 51% threshold required by the Texas Alcoholic Beverage Commission (TABC) mixed beverage permit regulations. In Plano, a restaurant can sell alcohol either with a mixed beverage permit or private club permit with an SUP. Private club operators are required to derive a minimum of 35% of gross receipts from the sale of food and must submit annual audits to the city. 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 Zoning Ordinance has specific criteria regarding minimum separation distances from certain land uses (i.e. religious facilities, public or private schools, and public hospitals). The subject property is in compliance with all of the private club distance regulations and staff supports the applicant's request for a Private Club SUP.

RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2014-09

Existing Zoning: PLANNED DEVELOPMENT-189-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT ○ 200' Notification Buffer





PARK BOULEVARD

Area of Request

Des Server 4/10/2014 X:\Dept\PRZ Locators & Graphics\2014-09A.mxd



Source: City of Plano, Planning Dept.
Date: April, 2014

Zoning Case 2014-09



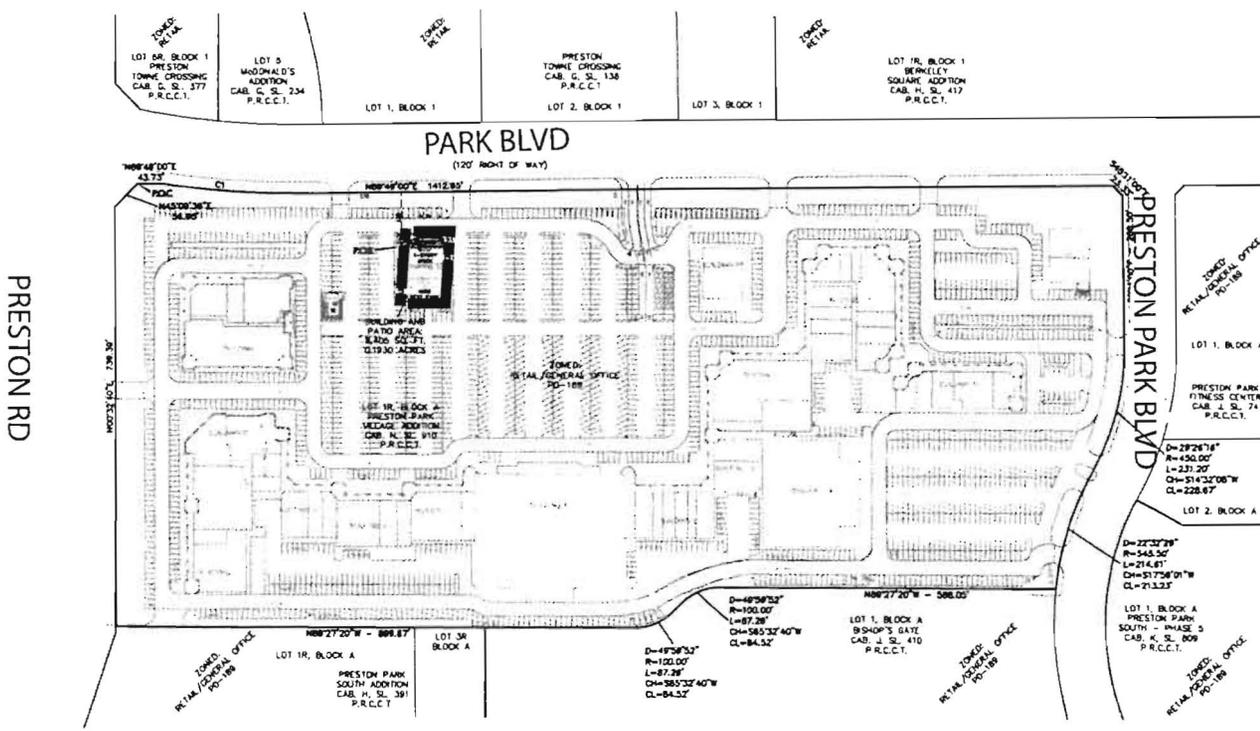
GRAPHIC SCALE



Line #	Direction	Length
L1	S89°23'57"E	13.10
L2	N00°36'03"E	12.30
L3	S89°23'57"E	16.10
L4	N00°36'03"E	10.80
L5	S89°23'57"E	41.80
L6	S00°36'03"W	16.90
L7	S89°23'57"E	4.50
L8	S00°36'03"W	62.30

Line #	Direction	Length
L9	S89°23'57"E	0.20
L10	S00°36'03"W	40.20
L11	N89°23'57"W	73.80
L12	N00°36'03"E	36.40
L13	N89°23'57"W	1.80
L14	N00°36'03"E	57.10
L15	N89°48'00"E	189.04
L16	S00°11'00"E	95.47

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	244.60	1492.36	09°23'27"	S60°29'16"E	244.33



BEING a 6,400 square foot tract of land affected in the Denton Derby Survey Abstract No. 282, Collin County, Texas, same being a portion of Lot 1R, Block A of the Preston Park Village Addition, an addition to the City of Plano, Texas as shown on the plat recorded in Collin County, Texas, Book 910 of the Plat Records, Collin County, Texas, said 6,400 square foot tract of land being more particularly described as follows:

COMMENCING at an aluminum monument found for the northerly northwest corner of said Lot 1R, same being the northeast end of a corner 266 line at the intersection of the east right-of-way line of Preston Road (State Highway 289) (a variable width right-of-way) and south right-of-way line of West Park Boulevard (a called 120' wide right-of-way);

THENCE along said south right-of-way line of West Park Boulevard, the following three (3) courses and distances:

North 89°48'00" East, a distance of 43.73 feet to aluminum monument found for corner at the beginning of a non-tangent curve to the left having a central angle of 08°23'27", a radius of 1492.36 feet and a chord which bears South 80°29'16" East, a distance of 244.33 feet;

along said curve to the left, an arc distance of 244.60 feet to aluminum monument found for corner;

North 09°49'00" East, a distance of 168.04 feet to a point for corner;

THENCE bearing said south right-of-way line of West Park Boulevard, South 00°11'00" East, a distance of 85.47 feet to a corner of a one story brick building, the POINT OF BEGINNING of the herein described tract;

THENCE along the face of said one story brick building, the following three (3) courses and distances:

South 89°23'57" East, a distance of 13.10 feet to a point at a corner of said building;

North 00°36'03" East, a distance of 12.30 feet to a point at the corner of said building;

South 89°23'57" East, a distance of 16.10 feet to a point at the corner of said building, same being a corner of a concrete patio area;

THENCE along the edge of said concrete patio area, the following five (5) courses and distances:

North 00°36'03" East, a distance of 10.80 feet to a point for corner of said concrete patio area;

South 89°23'57" East, a distance of 41.80 feet to a point for corner of said concrete patio area;

South 00°36'03" West, a distance of 16.90 feet to a point for corner of said concrete patio area;

South 89°23'57" East, a distance of 4.50 feet to a point for corner of said concrete patio area;

South 00°36'03" West, at a distance of 6.00 feet passing a corner of said one story brick building and continuing along the face of said building for a total distance of 62.30 feet to a point at the corner of said building;

THENCE along the face of said one story brick building, the following six (6) courses and distances:

South 89°23'57" East, a distance of 0.20 feet to a point at the corner of said building;

South 00°36'03" West, a distance of 40.20 feet to a point at the corner of said building;

North 89°23'57" East, a distance of 73.80 feet to a point at the corner of said building;

North 00°36'03" East, a distance of 36.40 feet to a point at the corner of said building;

North 89°23'57" West, a distance of 1.80 feet to a point at the corner of said building;

North 00°36'03" East, a distance of 57.10 feet to POINT OF BEGINNING and containing a computed area of 6,400 square feet or 0.1930 acres.

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NOTE:
Approval of the zoning case associated with this exhibit shall not imply approval of any associated studies, plat, or plan, approval of development standards shown herein, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on the zoning case.

SUP EXHIBIT					
BRICK HOUSE					
4900 WEST PARK BOULEVARD					
PLANO, TEXAS					
 BRACKETTE/DAVIS/DRAKE, INC. CONSULTING ENGINEERS Civil & Structural Engineering, Surveying 10000 Westpark Parkway, Suite 1000 Dallas, Texas 75240 Tel: 972-382-1111					
CHECKED	DRAWN	DATE	SCALE	NOTES	FILE
SNF	DMH	4/8/2014	1"=100'	SC/ANY	CI4025
4/17/2014 - ADDED NOTE, ADJACENTS AND ZONING INFORMATION					
1 OF 1					

Zoning Case 2014-09

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 649 so as to allow the additional use of Private Club on 0.2± acre of land out of the Denton Darby Survey, Abstract No. 260, located 550± feet east of Preston Road, 66± feet south of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office; 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 12th day of May, 2014, for the purpose of considering granting Specific Use Permit No. 649 for the additional use of Private Club on 0.2± acre of land out of the Denton Darby Survey, Abstract No. 260, located 550± feet east of Preston Road, 66± feet south of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office; 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 12th day of May, 2014; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 649 for the additional use of Private Club on 0.2± acre of land out of the Denton Darby Survey, Abstract No. 260, located 550± feet east of Preston Road, 66± feet south of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

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

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 649 for the additional use of Private Club on 0.2± acre of land out of the Denton Darby Survey, Abstract No. 260, located 550± feet east of Preston Road, 66± feet south of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office, said property being more fully described on the legal description in Exhibit "A" attached hereto.

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

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances 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 12TH DAY OF MAY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-09

BEING a 8,405 square foot tract of land situated in the Denton Darby Survey, Abstract No. 260, Collin County, same being a portion of Lot 1R, Block A, of the Preston Park Village Addition, an addition to the City of Plano, Texas as shown on the plat recorded in Cabinet N, Slide 910 of the Plat Records, Collin County, Texas, said 8,405 square foot tract of land being more particularly described as follows:

COMMENCING at an aluminum monument found for the northerly northwest corner of said Lot 1R, same being the northeast end of a corner clip line at the intersection of the east right-of-way line of Preston Road (State Highway 289) (a variable width right-of-way) and south right-of-way line of West Park Boulevard (a called 120-foot wide right-of-way);

THENCE along said south right-of-way line of West Park Boulevard, the following three courses and distances:

North, $89^{\circ} 49' 00''$ East, a distance of 43.73 feet to aluminum monument for corner at the beginning of a non-tangent curve to the left having a central angle of $09^{\circ} 23' 27''$, a radius of 1,492.39 feet and a chord which bears South, $85^{\circ} 29' 16''$ East, a distance of 244.33 feet;

Along said curve to the left, an arc distance of 244.60 feet to aluminum monument found for corner;

North, $89^{\circ} 49' 00''$ East, a distance of 169.04 feet to a point for corner;

THENCE departing said south right-of-way line of West Park Boulevard, South, $00^{\circ} 11' 00''$ East, a distance of 95.47 feet to a corner of a one story brick building, the POINT OF BEGINNING of the herein described tract;

THENCE along the face of said one story brick building, the following three courses and distances:

South, $89^{\circ} 23' 57''$ East, a distance of 13.10 feet to a point at the corner of said building;

North, $00^{\circ} 36' 03''$ East, a distance of 12.30 feet to a point at the corner of said building;

South, $89^{\circ} 23' 57''$ East, a distance of 16.10 feet to a point at the corner of said building, same being a corner of a concrete patio area;

THENCE along the edge of said concrete patio area, the following five courses and distances:

North, 00° 36' 03" East, a distance of 10.60 feet to a point for corner of said concrete patio area;

South, 89° 23' 57" East, a distance of 41.80 feet to a point for corner of said concrete patio area;

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South, 00° 36' 03" West, at a distance of 6.00 feet passing a corner of said one story brick building and continuing along the face of said building for a total distance of 62.30 feet to a point at the corner of said building;

THENCE along the face of said one story brick building, the following six courses and distances:

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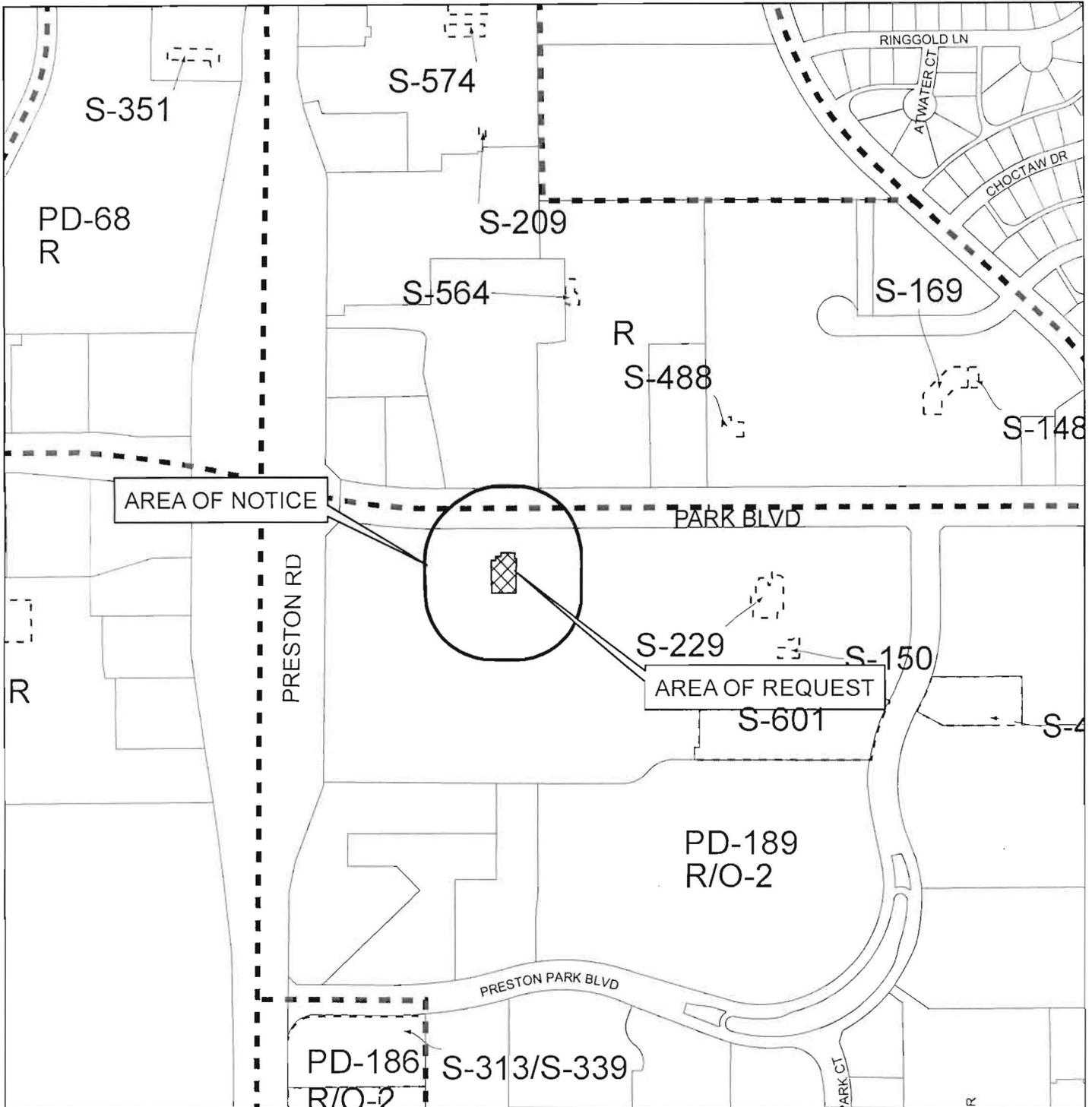
South, 00° 36' 03" West, a distance of 40.20 feet to a point at the corner of said building;

North, 89° 23' 57" West, a distance of 73.90 feet to a point at the corner of said building;

North, 00° 36' 03" East, a distance of 39.40 feet to a point at the corner of said building;

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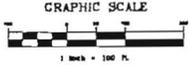
North, 00° 36' 03" East, a distance of 57.10 feet to a POINT OF BEGINNING and CONTAINING a computed area of 8,405 square feet or 0.1930 acres.



Zoning Case #: 2014-09

Existing Zoning: PLANNED DEVELOPMENT-189-RETAIL/GENERAL OFFICE/
 PRESTON ROAD OVERLAY DISTRICT ○ 200' Notification Buffer





Line #	Direction	Length
L1	S89°23'57"E	13.10
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South 89°23'57" West, at a distance of 8.00 feet passing a corner of said one story brick building and continuing along the face of said building for a total distance of 82.30 feet to a point at the corner of said building;

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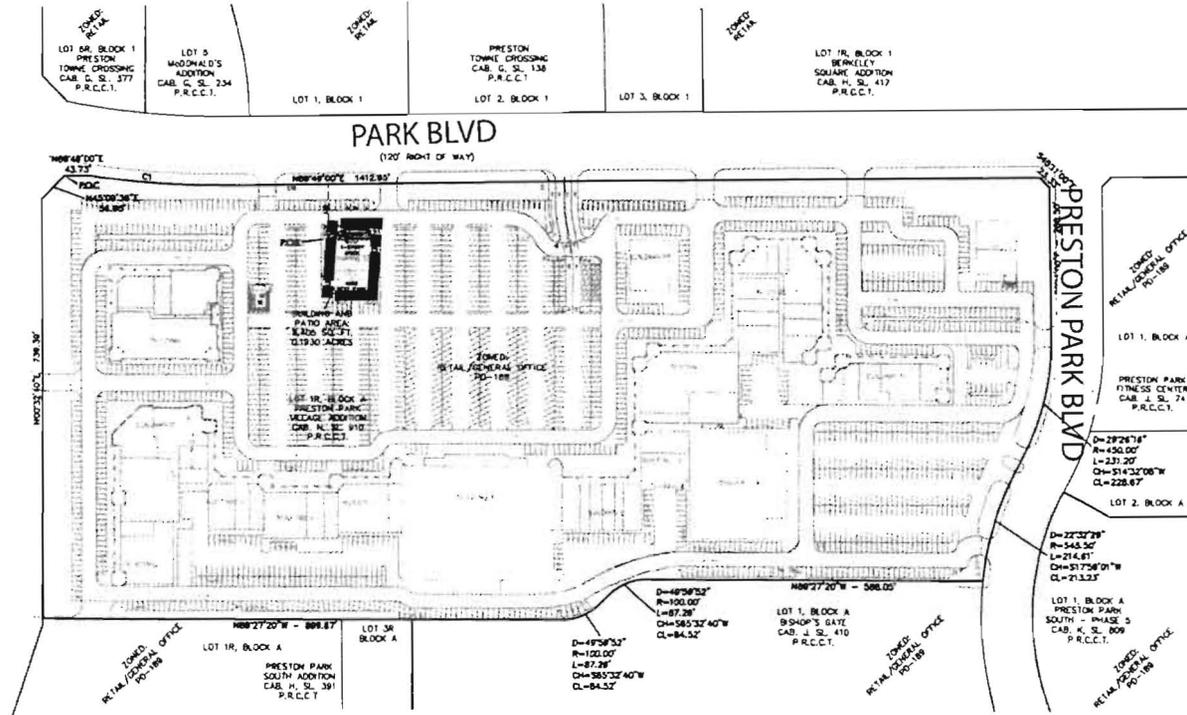
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North 00°36'03" East, a distance of 38.40 feet to a point at the corner of said building;

North 89°23'57" West, a distance of 1.80 feet to a point at the corner of said building;

North 00°36'03" East, a distance of 57.10 feet to POINT OF BEGINNING and containing a computed area of 8,400 square feet or 0.1930 acres.

PRESTON RD



PARK BLVD
(120' RIGHT OF WAY)

PRESTON PARK BLVD

- LOT 6, BLOCK 1
- WALTON PARK SQUARE ADDITION CAB. & S. 115 P.R.C.C.T.
- LOT 7, BLOCK 1
- LOT 8, BLOCK 1
- LOT 9, BLOCK 1
- WALTON PARK SQUARE ADDITION CAB. & S. 207 P.R.C.C.T.
- LOT 1R, BLOCK 1
- LOT 1R, BLOCK A PRESTON SHEPARD PLACE CAB. & S. 41 P.R.C.C.T.

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NOTE:
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SUP EXHIBIT					
BRICK HOUSE					
4900 WEST PARK BOULEVARD					
PLANO, TEXAS					
 BRACKETTE/DAVIS/DRAKE, INC. CONSULTING ENGINEERS Civil & Structural Engineering, Surveying Since Inaugured Surveying Firm Registered Members: 1988-2008 Dallas, Texas 75094 1st Floor - 11111 Dallas					
CHECKED	DRAWN	DATE	SCALE	NOTES	FILE
SNF	DRM	4/8/2014	1"=100'	SC/ANY	CI4025
4/17/2014 - ADDED NOTE, ADJACENTS AND ZONING INFORMATION					
1 OF 1					