

DATE: May 21, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 20, 2013

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2013-10
APPLICANT: BRYAN CAPPS**

Request to expand Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade on 1.2± acres located on the north side of Parker Road, 183± feet east of Alma Drive. Zoned Planned Development-69-Retail with Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade.

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

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

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: June 10, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/dc

xc: Bryan Capps, 501 Elm Place Partners, Ltd.
John Spiars, Spiars Engineering, Inc.
Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 20, 2013

Agenda Item No. 6A

Public Hearing: Zoning Case 2013-10

Applicant: Bryan Capps

DESCRIPTION:

Request to expand Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade on 1.2± acres located on the north side of Parker Road, 183± feet east of Alma Drive. Zoned Planned Development-69-Retail with Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade.

REMARKS:

The subject property is 1.2± acres located on the north side of Parker Road, 183± feet east of Alma Drive. The property was formerly developed as a restaurant that has since been demolished; all that remains on the site is the building pad and parking areas. The property is zoned Planned Development-69-Retail (PD-69-R) with Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade. The existing specific use permits apply to a portion of the subject property, specifically the former building footprint.

The purpose and intent of a specific use permit (SUP) is to authorize and regulate a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. The Zoning Ordinance defines a 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. An Arcade is defined 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. Subsections 3.101 (Arcades) and 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 regulate arcade and private club establishments.

The owner is requesting to expand the existing SUP #53 for Private Club and SUP #463 for Arcade that exists today to match the property's existing boundaries. The applicant intends to build a new restaurant building that has a larger and different building footprint than the former building, hence why he is requesting to expand the specific use permits to apply to the entire property. Since the future restaurant will be located on its own lot, it is appropriate to extend the SUP boundaries to match the property's boundaries.

A revised site plan and preliminary replat of Village Square Addition No. 2, Block 1, Lot 5R, accompanies this request.

North of the subject property is multi-tenant building that includes retail uses, a health/fitness center, and religious facility that are all zoned PD-69-R with SUP #241 for Day Care Center. To the east is a restaurant zoned PD-69-R with SUP #91 for Drive-in Restaurant, and to the west is a bank zoned PD-69-R. Across Parker Road to the south are retail uses zoned PD-69-R.

Subsection 3.101 (Arcades) 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 uses (i.e. religious facilities, residential-zoned properties, and public and parochial schools) that must be met for an SUP for arcade. To the northeast of this property is an existing religious facility. The distance as measured in a straight line from the front door of the restaurant to the nearest property line of the religious facility, is 400± feet thus satisfying the minimum separation distance requirement (300 feet).

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 also has specific criteria regarding minimum separation distances from certain land uses (i.e. religious facilities, public or private schools, and public hospitals). Additionally, private club operators shall submit annual audits to the city. The distance from the restaurant to the religious facility as measured along property lines of the street fronts and from front door to front door is 990± feet, thus satisfying the minimum separation distance requirement (300 feet).

The subject property is in compliance with all of the arcade and private club regulations and staff supports the applicant's request for expansion of the existing SUP's.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan of the Comprehensive Plan designates this area as Neighborhood Commercial, which encourages development that is intended to serve adjacent residential neighborhoods, and include grocery stores, drug stores, and small retail and service uses. This zoning request is consistent with the existing area's land use designation.

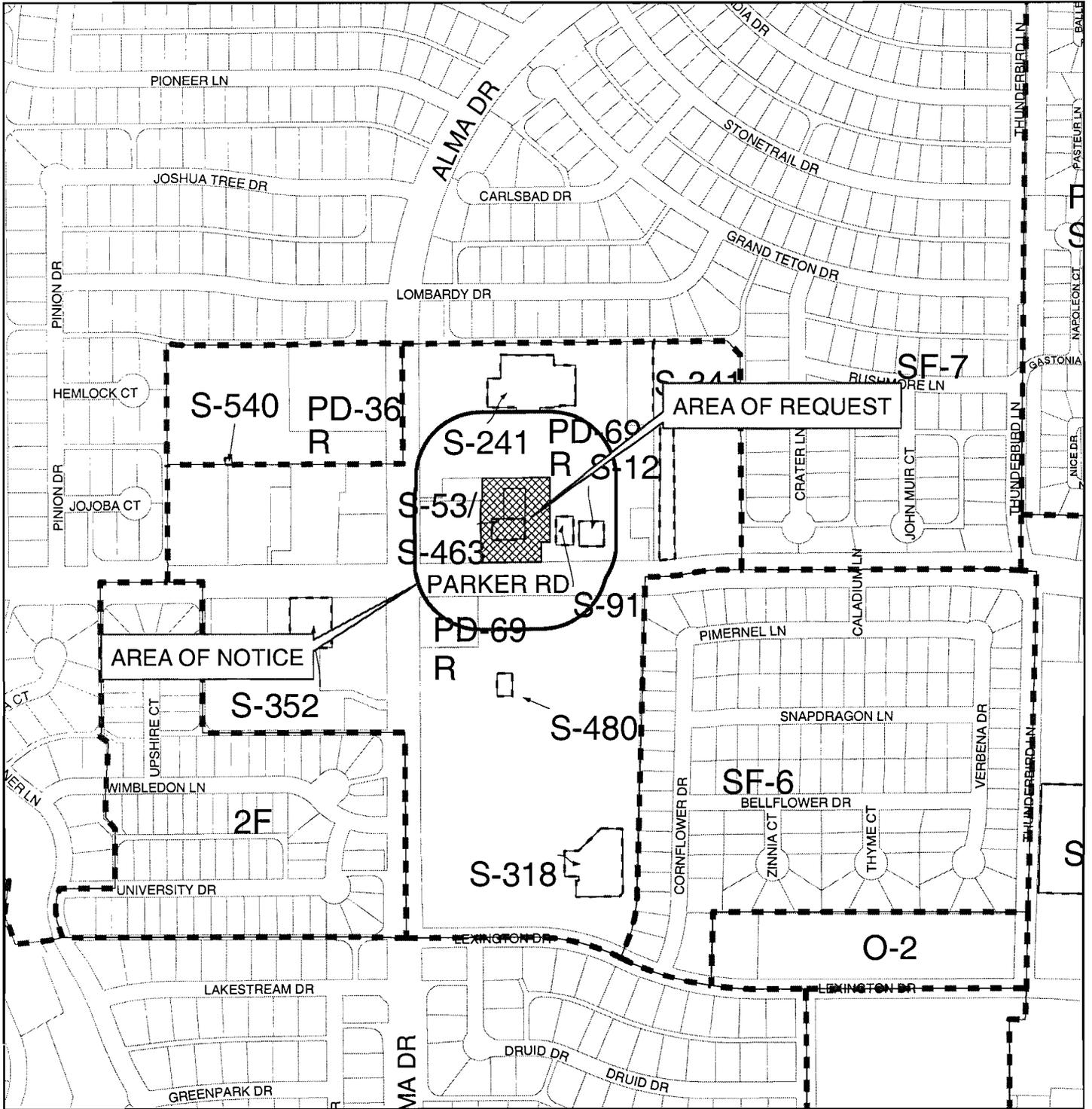
Economic Development Element - The Economic Development Element of the Comprehensive Plan encourages retaining and supporting Plano's existing businesses. The proposed request allows for the applicant to redevelop the property as a new restaurant in order to re-establish his former business, thus furthering this long range planning policy objective.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property.

Traffic Impact Analysis - A TIA is not required for this request.

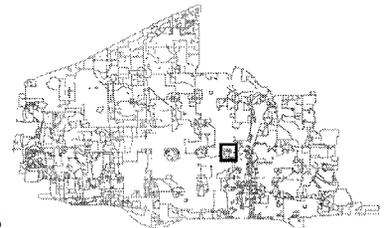
RECOMMENDATION:

Recommended for approval as submitted.



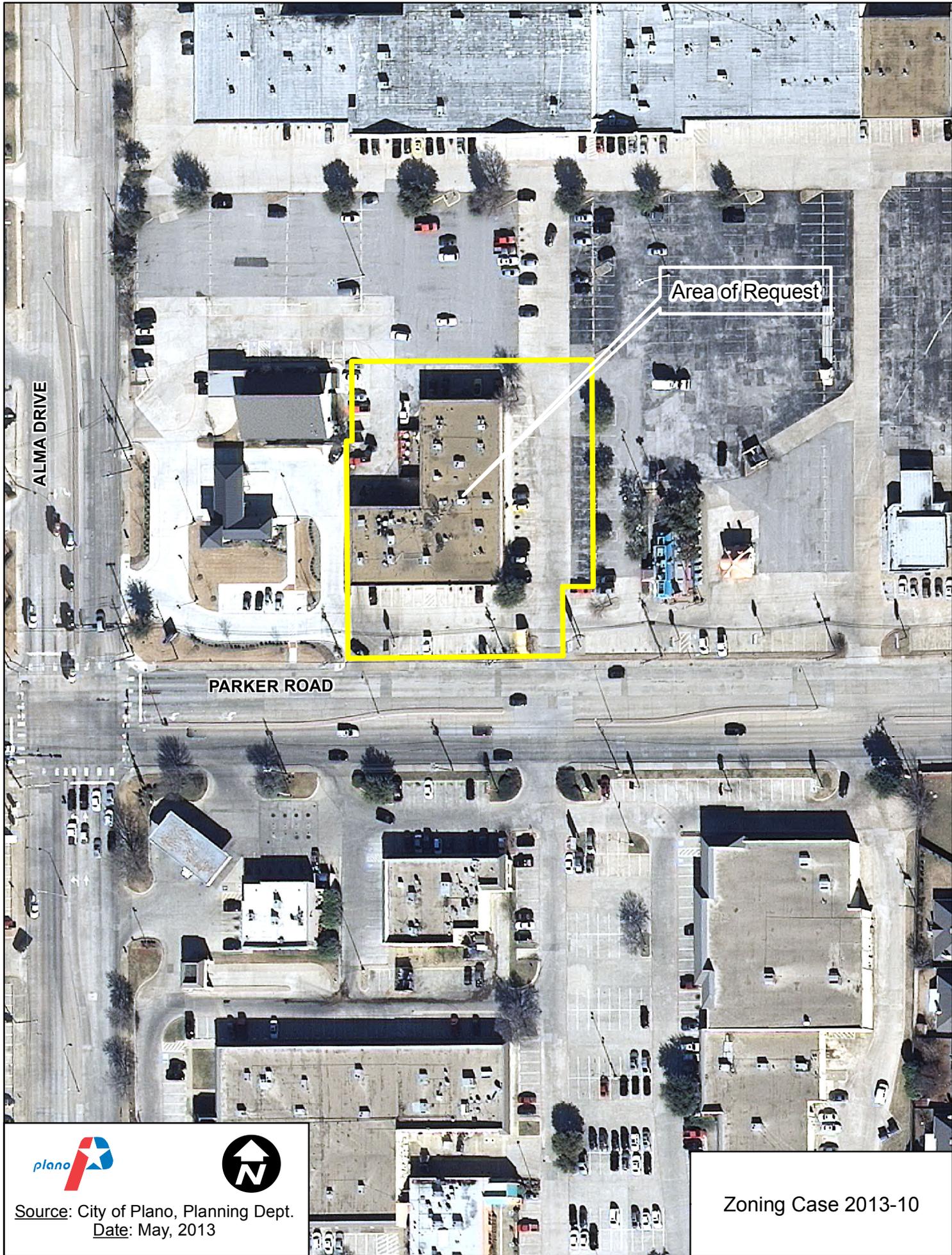
Zoning Case #: 2013-10

Existing Zoning: PLANNED DEVELOPMENT-69-RETAIL
w/SPECIFIC USE PERMITS #53 & #463



○ 200' Notification Buffer





Area of Request

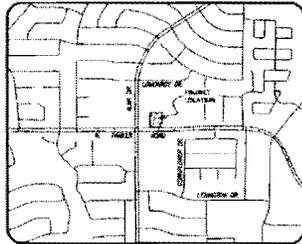
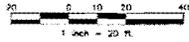
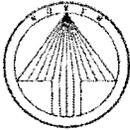
ALMA DRIVE

PARKER ROAD

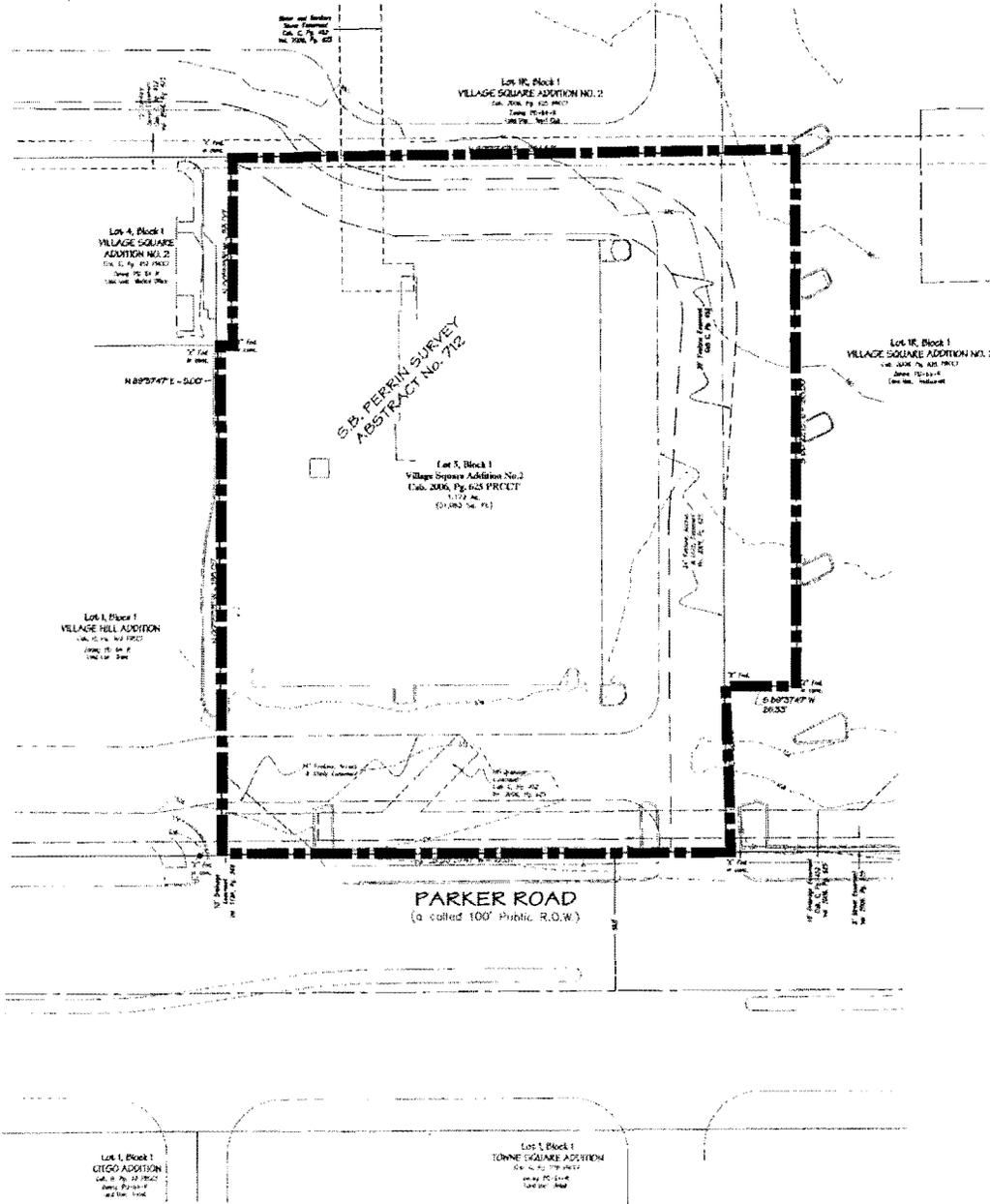


Source: City of Plano, Planning Dept.
Date: May, 2013

Zoning Case 2013-10



LOCATION MAP
P.C. 2006



METES AND BOUNDS

BEING a tract of land situated in the S.B. Perrin Survey, Abstract No. 712, City of Plano, Collin County, Texas, the subject tract being all of Lot 5, Block 1 of the Replat of Lot 1, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet 2006, Page 625 of the Plat Records, Collin County, Texas (P.R.C.C.T.), the subject tract being more particularly described as follows:

BEGINNING of "X" found in concrete on the north line of Parker Road (a 100 foot right-of-way) for the southwest corner of Lot 5, and being the southwest corner of Lot 1, Block 1, Village Hill Addition, recorded in Cabinet 4, Page 103 P.R.C.C.T.;

THENCE N 00°22'13" W, 195.00 feet along the common line thereof to an "X" found in concrete on the south line of Lot 4, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet C, Page 452 P.R.C.C.T.;

THENCE N 89°37'47" E, 5.00 feet along the common line thereof to an "X" found in concrete;

THENCE N 00°22'13" W, 88.00 feet continuing along the common line thereof to an "X" found in concrete on the south line of Lot 1R, Block 1;

THENCE N 89°37'47" E, 204.50 feet along the common line thereof to an "X" found in concrete;

THENCE S 00°22'13" E, 193.00 feet continuing along the common line thereof to an "X" found in concrete;

THENCE S 89°37'47" W, 25.33 feet continuing along the common line thereof to an "X" found in concrete;

THENCE S 00°22'13" E, 80.00 feet continuing along the common line thereof to an "X" found in concrete on the north line of Parker Road;

THENCE S 89°37'47" W, 183.17 feet along the north line of Parker Road, to the PLACE OF BEGINNING with the subject tract containing 31,063 square feet or 1/173 acre of land.

Approved of the zoning cases associated with this exhibit shall not imply approval of any associated study, plan, or plan, approval of development, alterations, changes, terms, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plans or plans relating to development of this property must be conducted as an action separate from action taken on the zoning case.

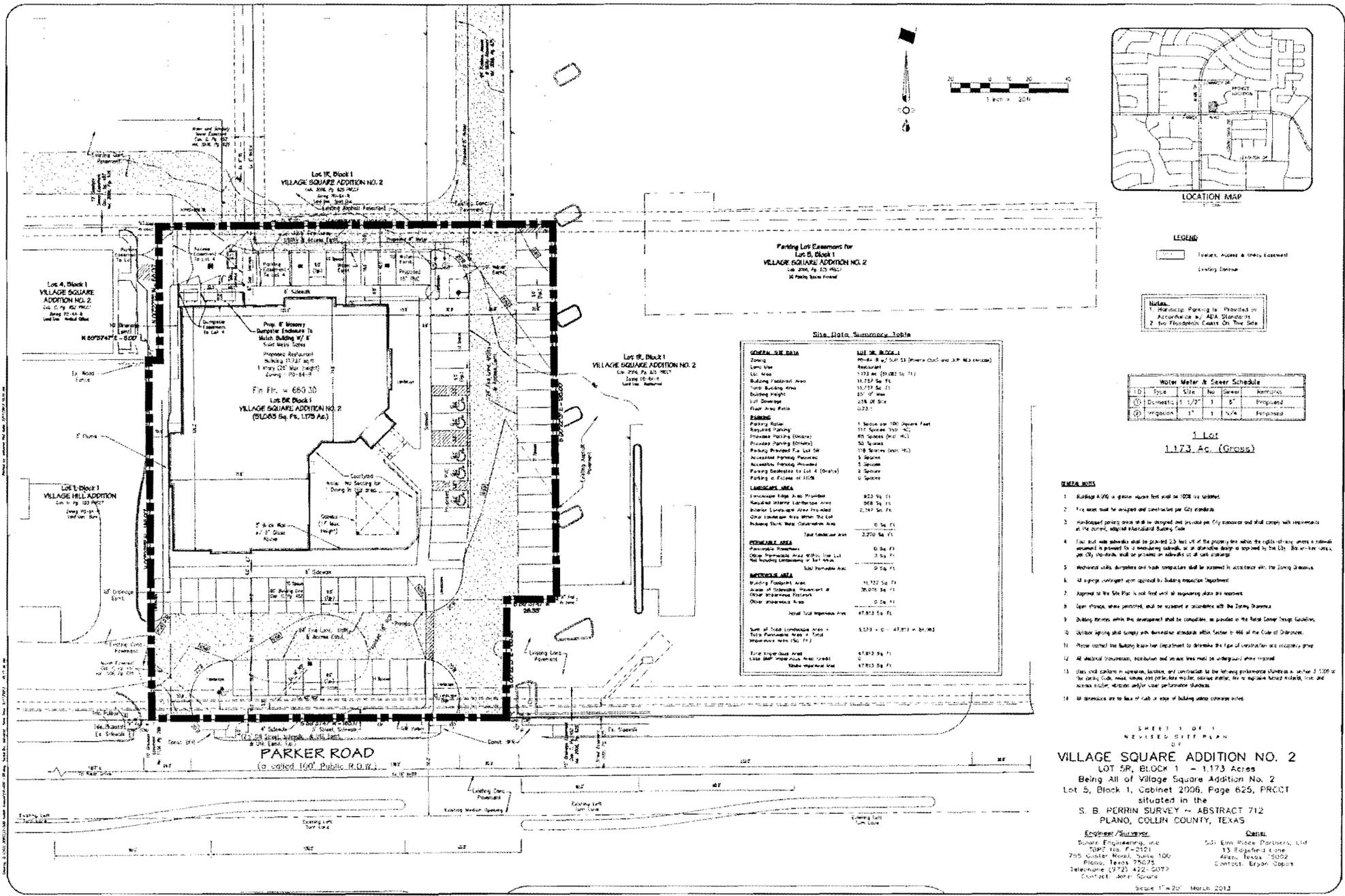
Request to expand SUP-53 (Private Club) & SUP-463 (Arcade) to Lot 5 property line.

ZONING EXHIBIT

VILLAGE SQUARE ADDITION NO.2
 LOT 5, BLOCK 1 - 1.173 Acres
 Cabinet 2006, Page 625, P.R.C.C.T.
 situated in the
S.B. PERRIN SURVEY ~ ABSTRACT 712
CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER
 360 Elm Place
 Plano, Texas 75062
 Telephone 972.215.9215
 FAX 972.215.9215

ENGINEER / SURVEYOR
 SPINNA ENGINEERING, INC.
 740 Cooper Road, Suite 210
 Plano, TX 75075
 Telephone 972.422-2277
 FAX 972.422-2277
 Contact: Jena Spina



Parking Lot Easement for
Lot 5, Block 1
VILLAGE SQUARE ADDITION NO. 2
 Sub. 2006, Pg. 625, PRCT
 30 Parking Spaces Proposed

Site Data Summary Table

GENERAL SITE DATA		Lot 5R, Block 1
Zoning		Residential
Lot Area		1,173 Sq. Ft. (26.88' x 43.75')
Building Footprint Area		11,122 Sq. Ft.
Proposed Building Area		11,122 Sq. Ft.
Building Height		25' 0" Max
Lot Coverage		418.06%
Floor Area Ratio		0.223
PARKING		
Parking Ratio		1 Space per 100 Square Feet
Required Parking		117 Spaces (110' x 40')
Proposed Parking (On-site)		60 Spaces (60' x 40')
Proposed Parking (Off-site)		50 Spaces
Parking Provided For Lot 5R		118 Spaces (60' x 40')
Accessed Parking Provided		0 Spaces
Accessible Parking Provided		1 Space
Parking Substantially To Lot 4 (On-site)		2 Spaces
Parking in Easement to Lot 4		0 Spaces
LANDSCAPE AREA		
Landscaping Area - All Landscaping		823 Sq. Ft.
Landscaping Area - Landscaping Area		588 Sq. Ft.
Landscaping Area - All Landscaping		2,247 Sq. Ft.
Other Landscaping Area - All Landscaping		0 Sq. Ft.
Other Landscaping Area - All Landscaping		0 Sq. Ft.
Other Landscaping Area - All Landscaping		0 Sq. Ft.
PERMISSIBLE AREA		
Permissible Area - All Landscaping		0 Sq. Ft.
Other Permissible Area - All Landscaping		2.54 Sq. Ft.
Other Permissible Area - All Landscaping		0 Sq. Ft.
RETAINABLE AREA		
Retainable Area - All Landscaping		11,122 Sq. Ft.
Other Retainable Area - All Landscaping		0 Sq. Ft.
Other Retainable Area - All Landscaping		0 Sq. Ft.
TOTAL		
Sum of Total Landscaping Area + Total Permissible Area + Total Retainable Area (Sq. Ft.)		13,773 ± 0 ± 47,813 ± 81,063
Lot 5R (Proposed) Area		47,813 Sq. Ft.
Lot 5R (Proposed) Area (Gross)		47,813 Sq. Ft.

LEGEND

- Proposed Access & Easement
- Existing Easement

Notes

- Handicap Parking is Provided in accordance with ADA Standards
- See Floodplain Chart On The Site

Water Meter & Sewer Schedule					
ID	Style	Size	No.	Depth	Material
1	Domestic	1/2"	1	8"	Engraved
2	Sanitary	3"	1	4"	Engraved

1 Lot
1,173 Ac. (Gross)

- GENERAL NOTES**
- Building A/C is a gross square foot shall be 100% (100%) installed.
 - The owner shall be responsible for all construction per City standards.
 - Handicapped parking spaces shall be designed and provided per City standards and shall comply with requirements at the current adopted International Building Code.
 - The site shall be subdivided into 23 lots out of the property line within the rights-of-way unless a different arrangement is shown on a preliminary subdivision or a final subdivision design is approved by the City. See notes on the City standards, which are printed on individual lot plans.
 - Mechanical, electrical, plumbing and other systems shall be installed in accordance with the zoning Ordinance.
 - All signage shall be approved by the Building Inspection Department.
 - Approved by the City Plan is not final until all regulatory steps are received.
 - Open storage, when permitted, shall be installed in accordance with the zoning Ordinance.
 - Building setbacks within the development shall be consistent as provided in the Retail Center Design Guidelines.
 - Outdoor lighting shall comply with the applicable standards within Section 0-466 of the Code of Ordinances.
 - Personnel from the Building Inspection Department to determine the type of construction and occupancy group.
 - All structural construction, foundation and other work shall be underground unless required.
 - Plans and details in preparation, location, and construction to be left open for review and approval by the City. The City shall have the right to review and approve the plans and details, and the owner shall be responsible for any changes.
 - All dimensions are to face of wall or edge of building unless otherwise noted.

SHEET 1 OF 1
 REVISED SITE PLAN
 OF
VILLAGE SQUARE ADDITION NO. 2
 LOT 5R, BLOCK 1 - 1,173 Acres
 Being All of Village Square Addition No. 2
 Lot 5, Block 1, Cabinet 2006, Page 625, PRCT
 situated in the
S. B. PERRIN SURVEY - ABSTRACT 712
PLANO, COLLIN COUNTY, TEXAS

Engineer/Designer: Sauer Engineering, Inc.
 705 Guster Road, Suite 100
 Plano, Texas 75074
 Telephone: (972) 432-2073
 Contact: Jeff Sauer

Draftsman: SBI Engineering, Inc.
 13 S. Regatta Lane
 Allen, Texas 75002
 Contact: Bryan Coburn

Zoning Case 2013-10

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to expand Specific Use Permit No. 53 for the additional use of Private Club and Specific Use Permit No. 463 for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade; 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 10th day of June, 2013, for the purpose of considering the expansion of Specific Use Permit No. 53 for the additional use of Private Club and Specific Use Permit No. 463 for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade; 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 10th day of June, 2013; and

WHEREAS, the City Council is of the opinion and finds that expanding Specific Use Permit No. 53 for the additional use of Private Club and Specific Use Permit No. 463 for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade, 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 expand Specific Use Permit No. 53 allowing for the additional use of Private Club and Specific Use Permit No. 463 allowing for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade, said property being more fully described on the legal description in Exhibit "A" attached hereto.

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

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

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

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

PASSED AND APPROVED THIS THE 10TH DAY OF JUNE, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-10

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BEGINNING at "X" found in concrete on the north line of Parker Road (a 100 foot right-of-way) for the southwest corner of Lot 5, and being the southeast corner of Lot 1, Block 1, Village Hill Addition, recorded in Cabinet G, Page 103 PRCCT;

THENCE North, $00^{\circ} 22' 13''$ West, 185.00 feet along the common line thereof to an "X" found in concrete on the south line of Lot 4, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet C, Page 452 PRCCT;

THENCE North, $89^{\circ} 37' 47''$ East, 5.00 feet along the common line thereof to an "X" found in concrete;

THENCE North, $00^{\circ} 22' 13''$ West, 68.00 feet continuing along the common line thereof to an "X" found in concrete on the south line of Lot 1R, Block 1;

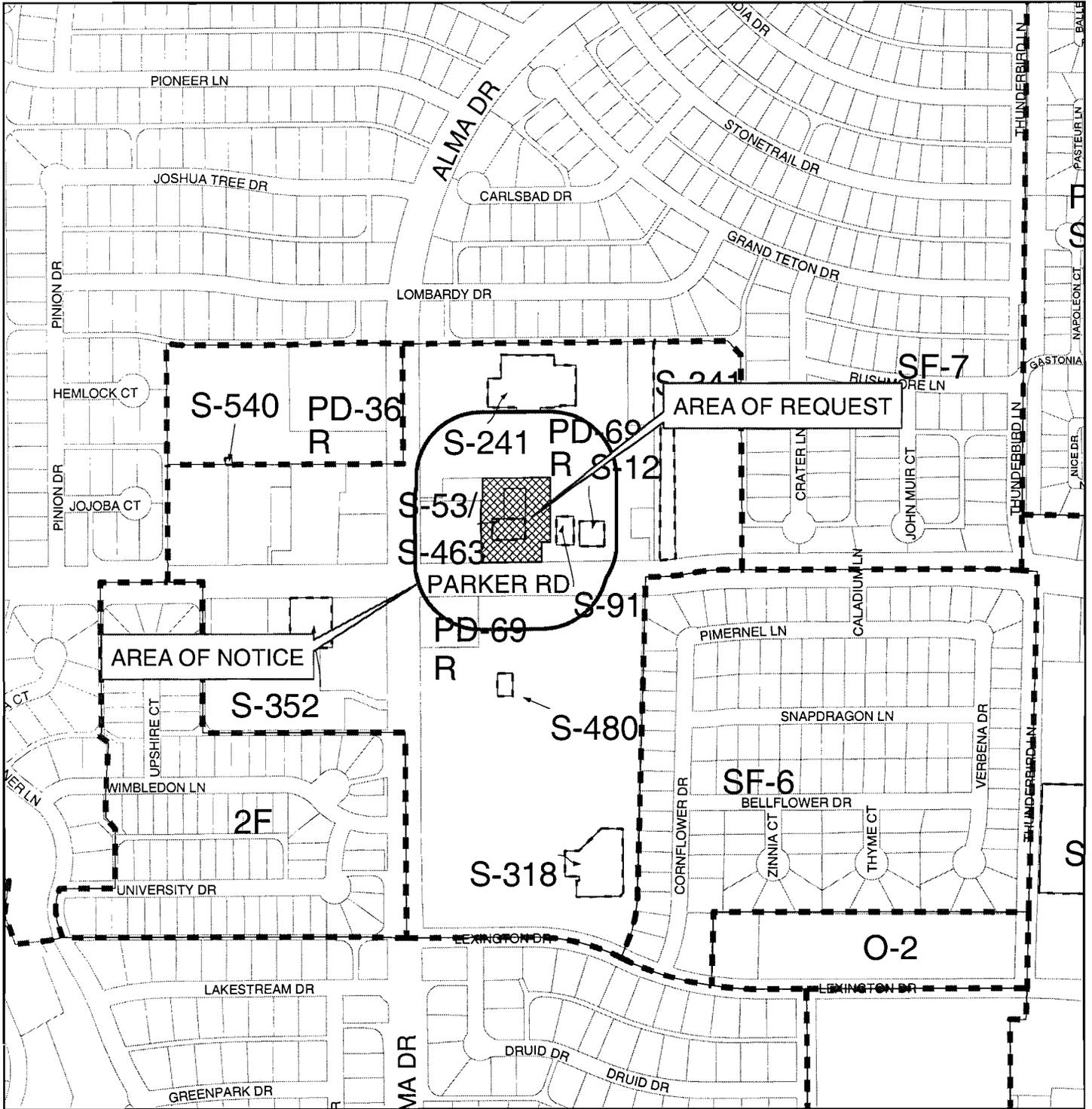
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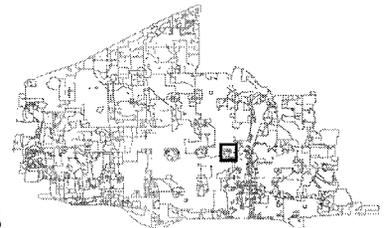
THENCE South, $00^{\circ} 22' 13''$ East, 60.00 feet continuing along the common line thereof to an "X" found in concrete on the north line of Parker Road;

THENCE South, $89^{\circ} 37' 47''$ West, 183.17 feet along the north line of Parker Road, to the PLACE OF BEGINNING with the subject tract CONTAINING 51,083 square feet or 1.173 acres of land.



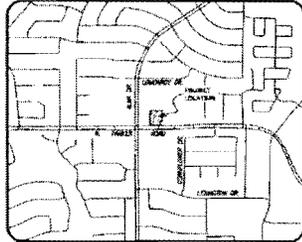
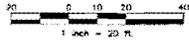
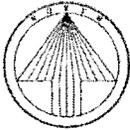
Zoning Case #: 2013-10

Existing Zoning: PLANNED DEVELOPMENT-69-RETAIL
w/SPECIFIC USE PERMITS #53 & #463

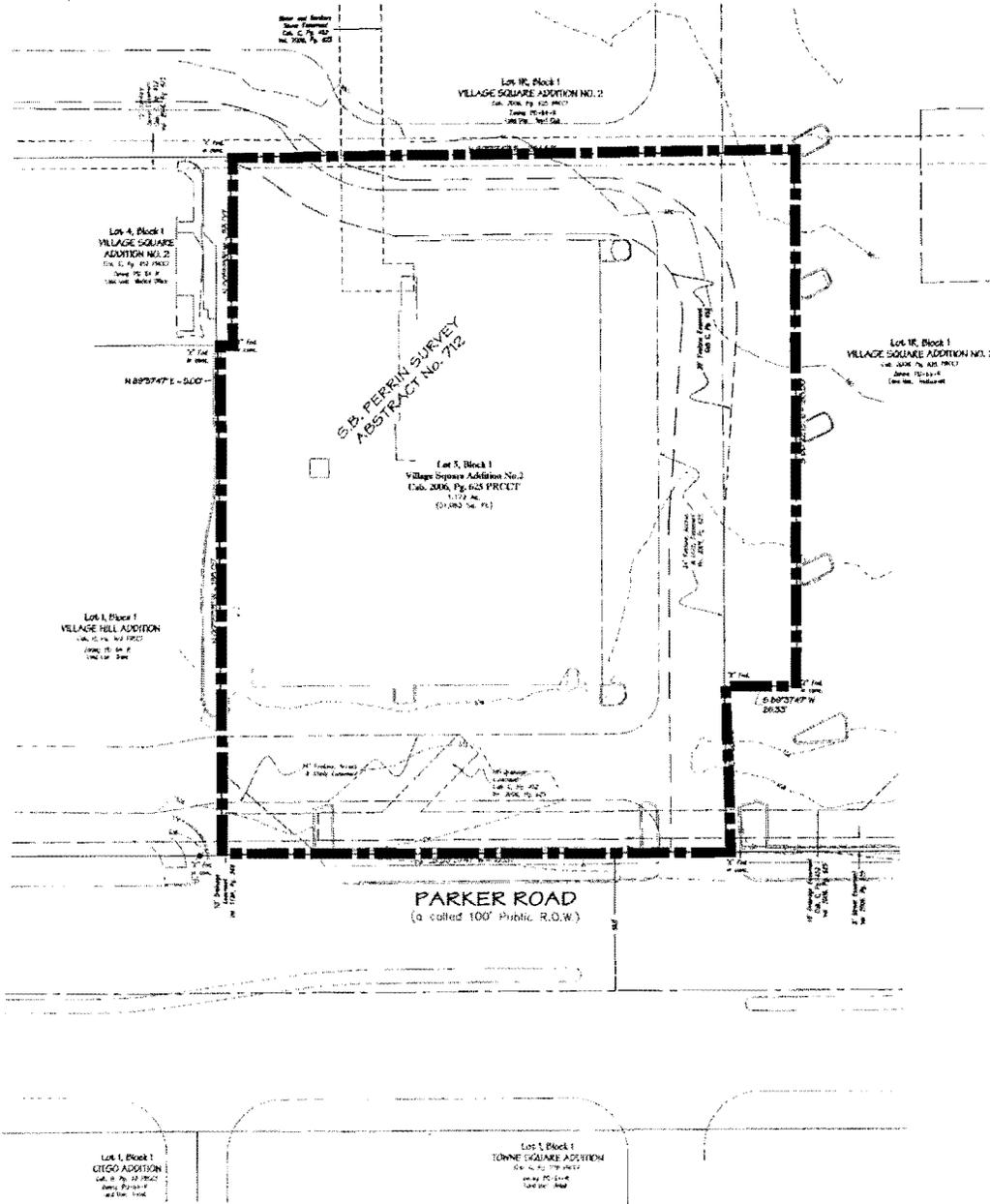


○ 200' Notification Buffer





LOCATION MAP
2/1/2007



METES AND BOUNDS

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Approval of the zoning cases associated with this exhibit shall not imply approval of any associated study, plan, or plan, approval of development, alterations, changes, terms, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plans or plans relating to development of this property must be conducted as an action separate from action taken on the zoning case.

Request to expand SUP-53 (Private Club) & SUP-463 (Arcade) to Lot 5 property line.

ZONING EXHIBIT
OF
VILLAGE SQUARE ADDITION NO.2
LOT 5, BLOCK 1 - 1.173 Acres
Cabinet 2005, Page 625, P.R.C.C.T.
situated in the
S.B. PERRIN SURVEY ~ ABSTRACT 712
CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER
360 Elm Place, Richardson, TX 75082
12 East Keller Street, Suite 210
Plano, TX 75075
Telephone 972.222.9922/9218
Fax 972.222.9299

ENGINEER / SURVEYOR
Spotts Engineering, Inc.
740 Cooper Road, Suite 210
Plano, TX 75075
Telephone 972.422-4207
Toll Free 1-800-391-2222
Contact: Tom Spotts