

**DATE:** July 20, 2010  
**TO:** Honorable Mayor & City Council  
**FROM:** James Duggan, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of July 19, 2010

**AGENDA ITEM NO. 9 - PUBLIC HEARING  
ZONING CASE 2010-11  
APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to commercial amusement (outdoor) uses and development standards within the Regional Employment zoning district.

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

**STIPULATIONS:**

Recommended for approval as follows:

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Zoning Ordinance to allow commercial amusement (outdoor) use in the Regional Employment zoning district with approval of a specific use permit.

**FOR CITY COUNCIL MEETING OF:** August 9, 2010 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

KP/dc

CITY OF PLANO  
PLANNING & ZONING COMMISSION

July 19, 2010

**Agenda Item No. 9**

**Public Hearing:** Zoning Case 2010-11

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to commercial amusement (outdoor) uses and development standards within the Regional Employment zoning district.

**REMARKS:**

Staff has had recent discussions with developers regarding a potential commercial amusement (outdoor) use within the Regional Employment (RE) district which is currently a prohibited use in this district. Commercial amusement (outdoor) uses are defined as: "An outdoor area or structure open to the public, which provides entertainment or amusement for a fee or admission charge including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals." Typical examples of this use include outdoor miniature golf, pitch and putt (par three) golf courses, outdoor batting facilities, go-kart tracks, and golf driving ranges. At its meeting on June 7, 2010, the Planning & Zoning Commission called a public hearing to consider amending the RE district to allow this use.

The RE zoning district was created in October 2000 to replace the Tollway Employment district along the Dallas North Tollway and to allow the city the ability to apply the district to other areas of the city, such as along State Highway 121. Commercial amusement (outdoor) use is not currently allowed in the RE district. Several other districts allow commercial amusement (outdoor) use subject to approval of a specific use permit (SUP); these include: Retail (R), Light Commercial (LC), Commercial Employment (CE), Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), Regional Commercial (RC), and Corridor Commercial (CC).

Staff believes that there are certain tracts within the RE district that may be appropriate for the commercial amusement (outdoor) use. The standards of the RE district are reliant upon high-visibility corridors; however, some tracts of land do not front the Dallas North Tollway or Sam Rayburn Tollway, and as a result do not offer the economic incentive of high visibility. This type of use may also provide an interim development option, particularly for properties located along major corridors where the longer term development of the property may be a higher and better use for an area. Past examples of this include the former golf driving range along State Highway 190 that is now developed as Baylor Hospital, and the former miniature golf development along U.S. Highway 75 that is now developed as restaurant uses. Therefore, it may be appropriate to consider allowing this use in some areas within the RE district.

However, it should be noted that, not all RE zoned properties may be appropriate for commercial amusement (outdoor) use. Some of the tracts are in close proximity to residential areas. Therefore, staff recommends the use be allowed within the RE district subject to approval of an SUP. The SUP process will allow review of site-specific circumstances to ensure that adjacent properties are safeguarded from potential negative impacts of this use including noise, vibration, odor, lighting, traffic, or other undesirable or hazardous conditions.

**RECOMMENDATION:**

Recommended for approval as follows:

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Zoning Ordinance to allow commercial amusement (outdoor) use in the Regional Employment zoning district with approval of a specific use permit.

## Zoning Case 2010-11

**An Ordinance of the City of Plano, Texas, amending Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended pertaining to commercial amusement (outdoor) uses and development standards within the Regional Employment zoning district; 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 9th day of August, 2010, 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 9th day of August, 2010; 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 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to allow commercial amusement (outdoor) use in the Regional Employment zoning district with approval of a specific use permit.

**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 9TH DAY AUGUST, 2010.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY