

DATE: August 5, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of August 4, 2014

**AGENDA ITEM NO. 9A - PUBLIC HEARING
ZONING CASE 2014-24
APPLICANT: AMREIT, L.P.**

Request for a Specific Use Permit for Regional Theater on 1.1± acres located 175± feet north of Park Boulevard, 525± feet west of Ohio Drive. Zoned Retail/Preston Road Overlay District.

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

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

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

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

STIPULATIONS:

Approved as submitted.

FOR CITY COUNCIL MEETING OF: August 11, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EM/av

xc: Michael Hale, AmReit
Dave Olsen, Studio Movie Grill
Wayne Snell, Permit Services

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 4, 2014

Agenda Item No. 9A

Public Hearing: Zoning Case 2014-24

Applicant: Amreit, L.P.

DESCRIPTION:

Request for a Specific Use Permit for Regional Theater on 1.1± acres located 175± feet north of Park Boulevard, 525± feet west of Ohio Drive. Zoned Retail/Preston Road Overlay District.

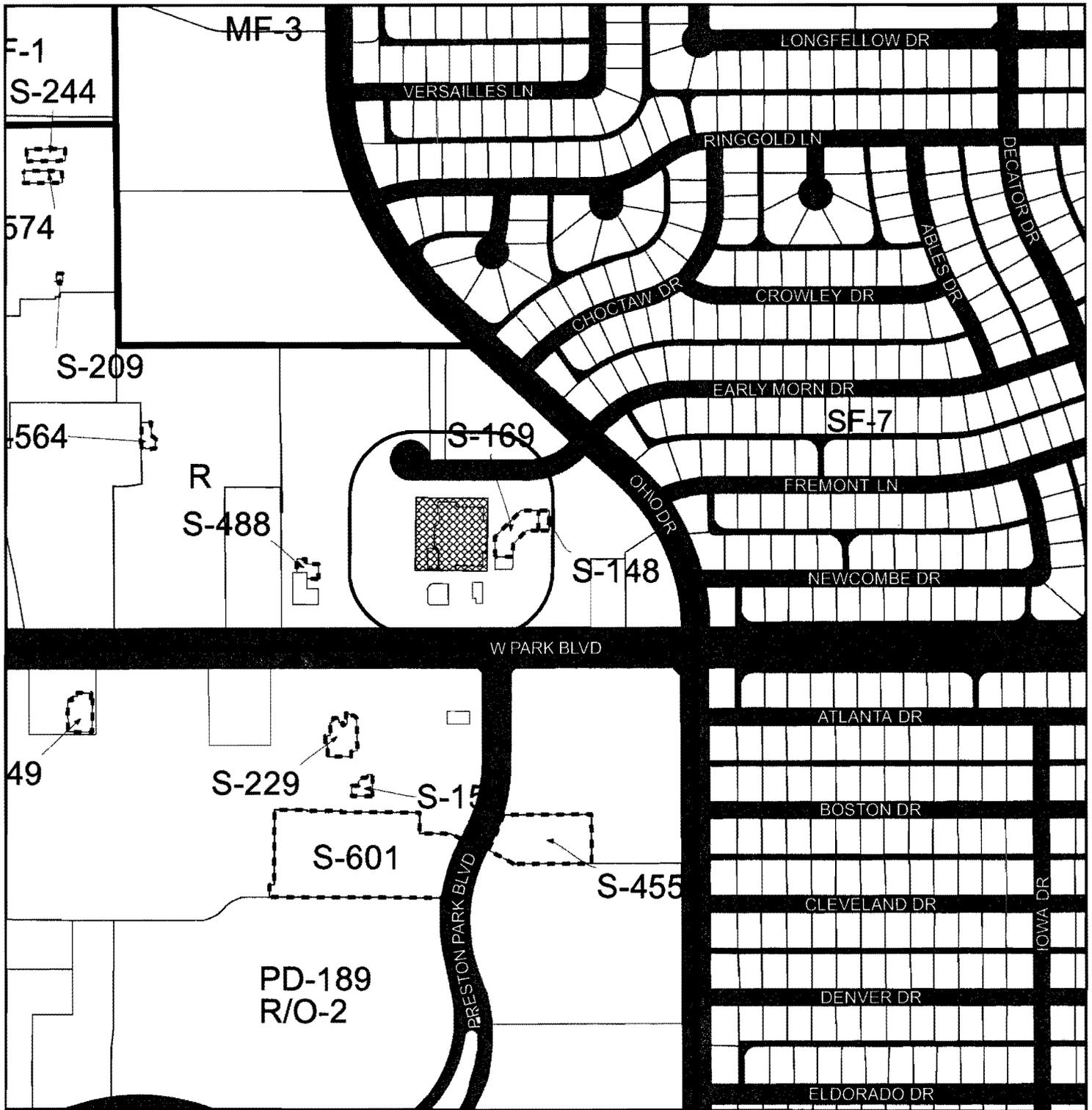
REMARKS:

The applicant is requesting a Specific Use Permit (SUP) for a Regional Theater. The Zoning Ordinance defines a Regional Theater as, "A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances having more than ten screens or stages or a combined seating capacity greater than 2,500." The property features an existing Neighborhood Theater with eight screens and 1,141 seats. The applicant is proposing a 14,216 sq. ft. expansion which will result in the addition of four screens and 398 seats for a total of 12 screens and 1,539 seats. This expansion changes the Neighborhood Theater use to Regional Theater since it will now have more than ten screens. A Regional Theater is permitted within the Retail (R) zoning district with approval of an SUP.

The purpose and intent for 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. Although the Regional Theater use requires an SUP in R zoning, the increase in the number of screens and seating capacity will have minimal impact on surrounding properties. The subject property has sufficient existing parking to accommodate the increased capacity, and the proposed expansion meets the area, yard and bulk requirements as shown in the companion revised site plan for Berkeley Square Addition, Block 1, Lot 1R. The request is consistent with the existing theater operations and nonresidential development within the adjacent properties. For these reasons, staff recommends approval of the zoning case.

RECOMMENDATION:

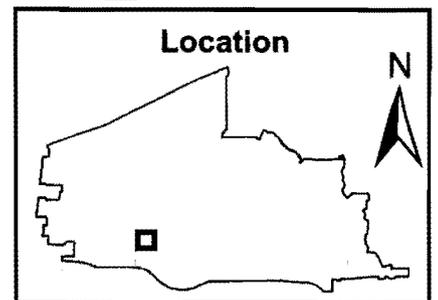
Recommended for approval as submitted.



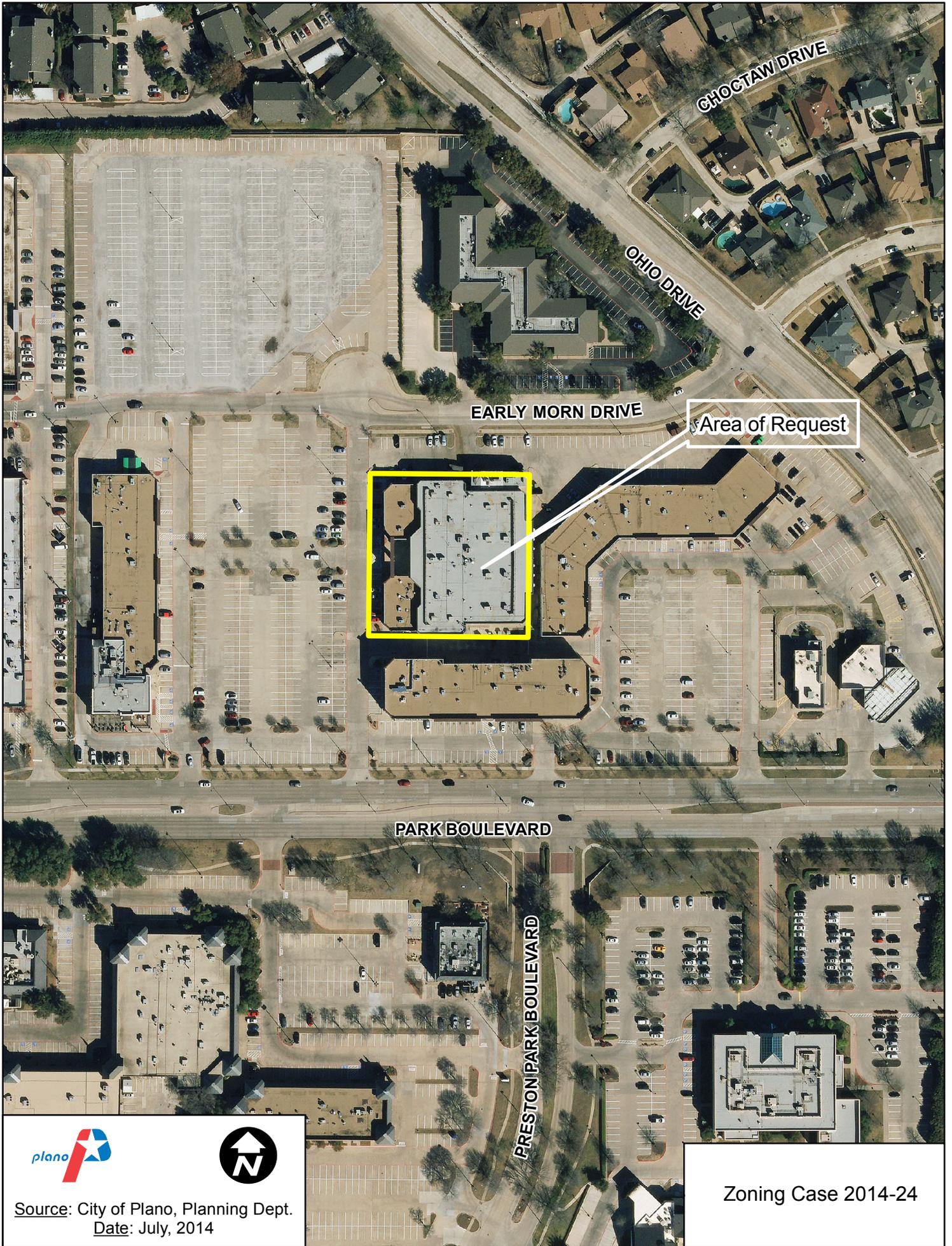
Zoning Case #: 2014-24

Existing Zoning: RETAIL/PRESTON ROAD OVERLAY DISTRICT

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



Source: City of Plano Planning Department



CHOCTAW DRIVE

OHIO DRIVE

EARLY MORN DRIVE

Area of Request

PARK BOULEVARD

PRESTON PARK BOULEVARD



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

Zoning Case 2014-24

Zoning Case 2014-24

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. 652 so as to allow the additional use of Theater-Regional on 1.1± acres of land out of the T.J. Cotton Survey, Abstract No. 202, located 175± feet north of Park Boulevard, 525± feet west of Ohio 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 11th day of August, 2014, for the purpose of considering granting Specific Use Permit No. 652 for the additional use of Theater-Regional on 1.1± acres of land out of the T.J. Cotton Survey, Abstract No. 202, located 175± feet north of Park Boulevard, 525± feet west of Ohio 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 11th day of August, 2014; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 652 for the additional use of Theater-Regional on 1.1± acres of land out of the T.J. Cotton Survey, Abstract No. 202, located 175± feet north of Park Boulevard, 525± feet west of Ohio 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. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 652 for the additional use of Theater-Regional on 1.1± acres of land out of the T.J. Cotton Survey, Abstract No. 202, located 175± feet north of Park Boulevard, 525± feet west of Ohio 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. 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 11TH DAY OF AUGUST, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-24

BEING a 1.120 acre tract of land situated in the T. J. Cotton Survey, Abstract No. 202, City of Plano, Collin County, Texas and being a portion of Lot 1R, Block 1, Berkeley Square Addition, an addition to the City of Plano, Texas according to the plat thereof recorded in Cabinet H, Page 217, Plat Records, Collin County, Texas; said 1.120 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a point on the south right-of-way of Early Morn Drive (60 feet wide); said point being the south end of a cul-de-sac having a radius of 60.00 feet;

THENCE South, 89°25' 00" East, with said south right-of-way line, a distance of 19.81 feet to a point for corner;

THENCE South, 00° 30' 27" West, leaving said south right-of-way line, a distance of 53.06 feet to a point at the northwest corner of said 1.120 acre tract; said point also being the POINT OF BEGINNING;

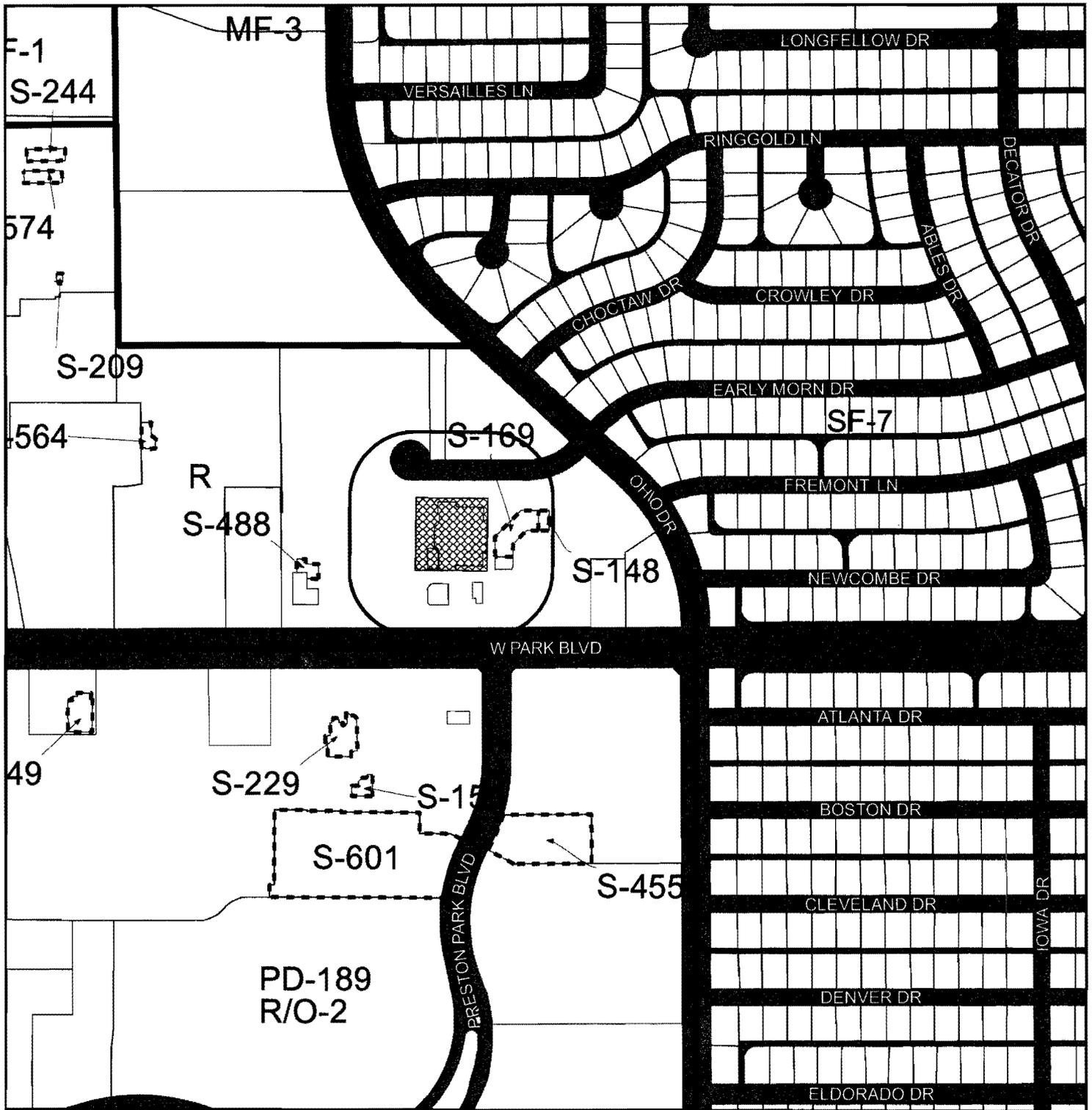
THENCE South, 89° 29' 33" East, with the north line of said 1.120 acre tract, a distance of 218.56 feet to a point at the northeast corner of said 1.120 acre tract;

THENCE South, 00° 30' 27" West, with the east line of said 1.120 acre tract, a distance of 223.11 feet to a point at the southeast corner of said 1.120 acre tract;

THENCE North, 89° 29' 33" West, with the south line of said 1.120 acre tract, a distance of 218.56 feet to a point at the southwest corner of said 1.120 acre tract;

THENCE North, 00° 30' 27" East, with the west line of said 1.120 acre tract, a distance of 223.11 feet to the POINT OF BEGINNING;

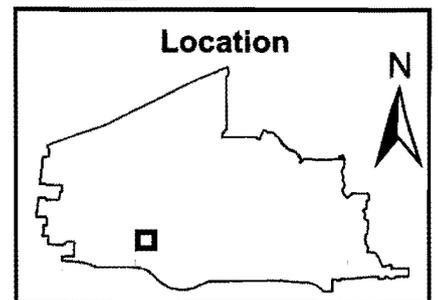
CONTAINING, 48,764 square feet or 1.120 acres of land, more or less.



Zoning Case #: 2014-24

Existing Zoning: RETAIL/PRESTON ROAD OVERLAY DISTRICT

- 200' Notification Buffer
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Source: City of Plano Planning Department

