

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. 8A - PUBLIC HEARING
ZONING CASE 2014-19
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #402 for Private Club on 0.1± acre located 90± feet north of Spring Creek Parkway, 80± feet east of K Avenue. Zoned Retail with Specific Use Permit #402 for Private Club.

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 25, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/av

xc: Wayne Snell, Permit Services

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

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 4, 2014

Agenda Item No. 8A

Public Hearing: Zoning Case 2014-19

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #402 for Private Club on 0.1± acre located 90± feet north of Spring Creek Parkway, 80± feet east of K Avenue. Zoned Retail with Specific Use Permit #402 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #402 for Private Club. 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 for such use during the review of an SUP application.

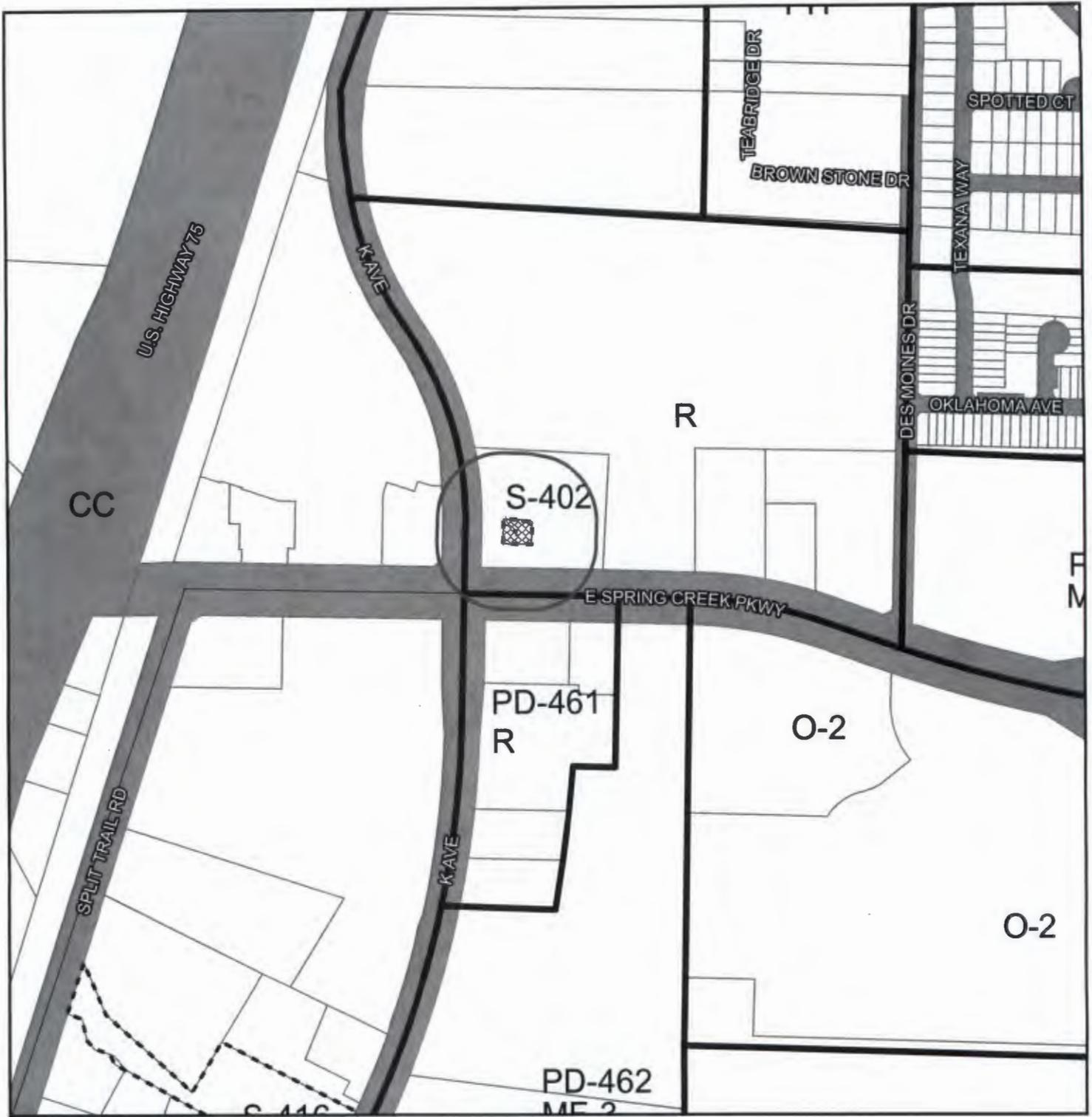
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous Specific Use Permits for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits. The existing restaurant, Mooyah, does not sell alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded.

Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

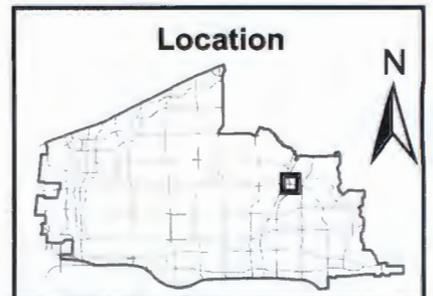
Recommended for approval as submitted.



Zoning Case #: 2014-19

Existing Zoning: RETAIL w/SPECIFIC USE PERMIT #402

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



Source: City of Plano Planning Department



K AVENUE

SPRING CREEK PARKWAY

Area of Request



Zoning Case 2014-19



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

Zoning Case 2014-19

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2000-3-31; thereby rescinding Specific Use Permit No. 402 for the additional use of Private Club on 0.1± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located 90± feet north of Spring Creek Parkway, 80± feet east of K Avenue, in the City of Plano, Collin County, Texas, currently zoned Retail with Specific Use Permit No. 402 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 25th day of August, 2014, for the purpose of considering rescinding Specific Use Permit No. 402 for the additional use of Private Club on 0.1± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located 90± feet north of Spring Creek Parkway, 80± feet east of K Avenue in the City of Plano, Collin County, Texas; 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 25th day of August, 2014; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 402 for the additional use of Private Club 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. Ordinance No. 2000-3-31 duly passed and approved by the City Council of the City of Plano, Texas, on March 27, 2000, granting Specific Use Permit No. 402 for the additional use of Private Club on 0.1± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located 90± feet north of Spring Creek Parkway and 80± feet east of K Avenue in the City of Plano, Collin County, Texas, currently zoned Retail with Specific Use Permit No. 402 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 402 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and 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 25TH DAY OF AUGUST, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING CASE 2014-19

BEING a tract of land situated in the Daniel Rowlett Survey, Abstract No. 738 Collin County, Texas, and also being part of Lot 1, Block A, Courtland Corners, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet F, Page 22 of the plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the southeast corner of said Lot 1, said corner being in the north right-of-way line of Spring Creek Parkway;

THENCE North, 89° 55' 27" West, following the north right-of-way line of Spring Creek Parkway a distance of 144.29 feet to a point;

THENCE South, 89° 44' 51" West, following the north right-of-way line of Spring Creek Parkway a distance of 166.97 feet to a point;

THENCE North, 01° 50' 08" East, a distance of 82.84 feet to the POINT OF BEGINNING;

THENCE North, 01° 50' 08" East, a distance of 74.50 feet to a point;

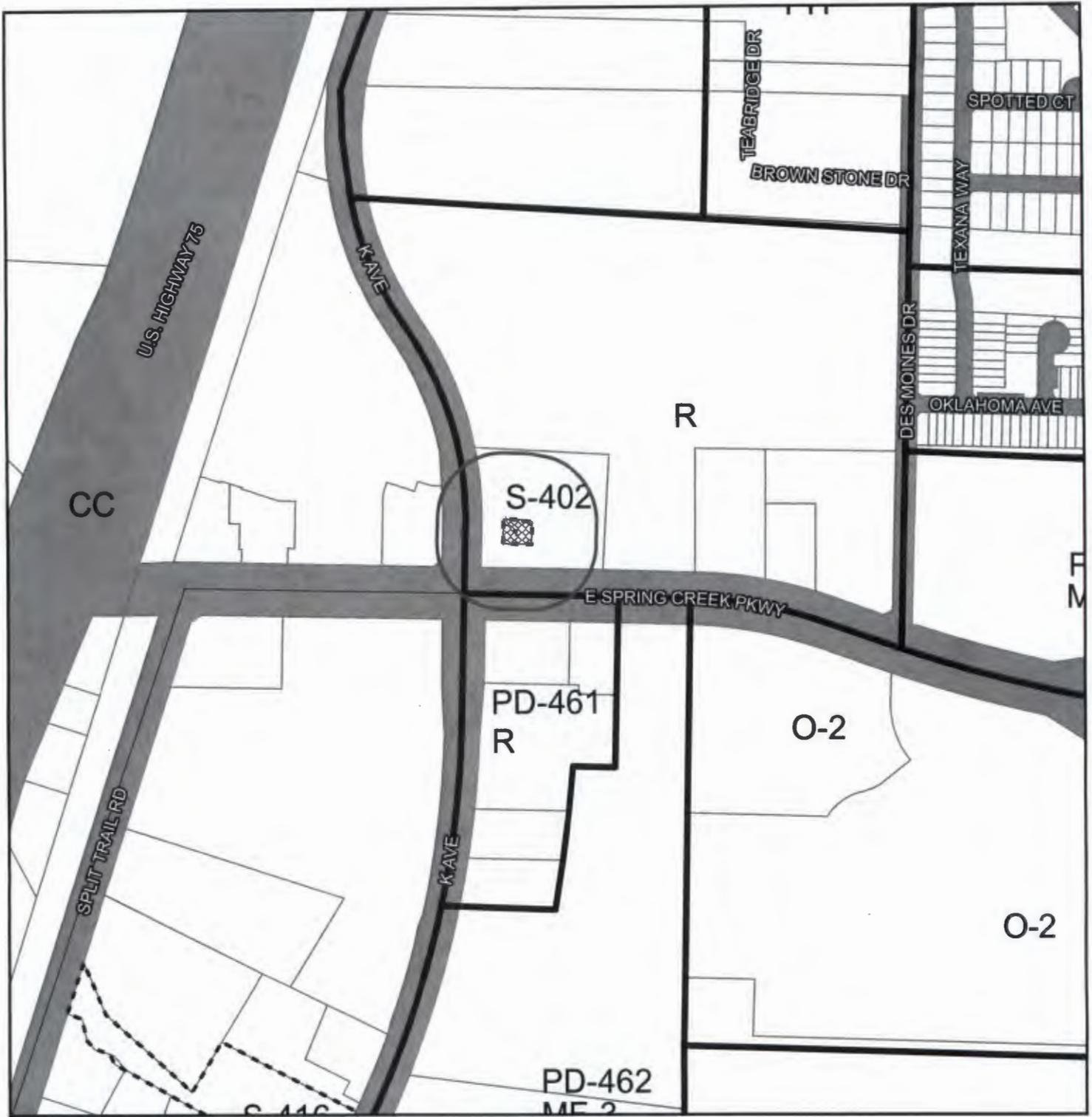
THENCE South, 88° 09' 52" East, a distance of 60.25 feet to a point;

THENCE South, 01° 50' 08" West, a distance of 4.67 feet to a point;

THENCE South, 88° 09' 52" East, a distance of 27.83 feet to a point;

THENCE South, 01° 50' 08" West, a distance of 69.83 feet to a point;

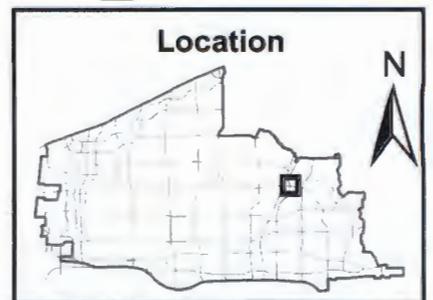
THENCE North, 88° 09' 52" West, a distance of 88.08 feet to the POINT OF BEGINNING and CONTAINING 6,432 square feet or 0.148 acre of land.



Zoning Case #: 2014-19

Existing Zoning: RETAIL w/SPECIFIC USE PERMIT #402

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



Source: City of Plano Planning Department

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. 8B - PUBLIC HEARING
ZONING CASE 2014-20
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #396 for Private Club on 0.1± acre located 895± feet south of Spring Creek Parkway, 524± feet west of Preston Road. Zoned Planned Development 447-Retail/Multifamily Residence-2 with Specific Use Permit #396 for Private Club.

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 25, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/av

xc: Wayne Snell, Permit Services

<http://goo.gl/maps/1979e>

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 4, 2014

Agenda Item No. 8B

Public Hearing: Zoning Case 2014-20

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #396 for Private Club on 0.1± acre located 895± feet south of Spring Creek Parkway, 524± feet west of Preston Road. Zoned Planned Development 447-Retail/Multifamily Residence-2 with Specific Use Permit #396 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #396 for Private Club. 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 for such use during the review of an SUP application.

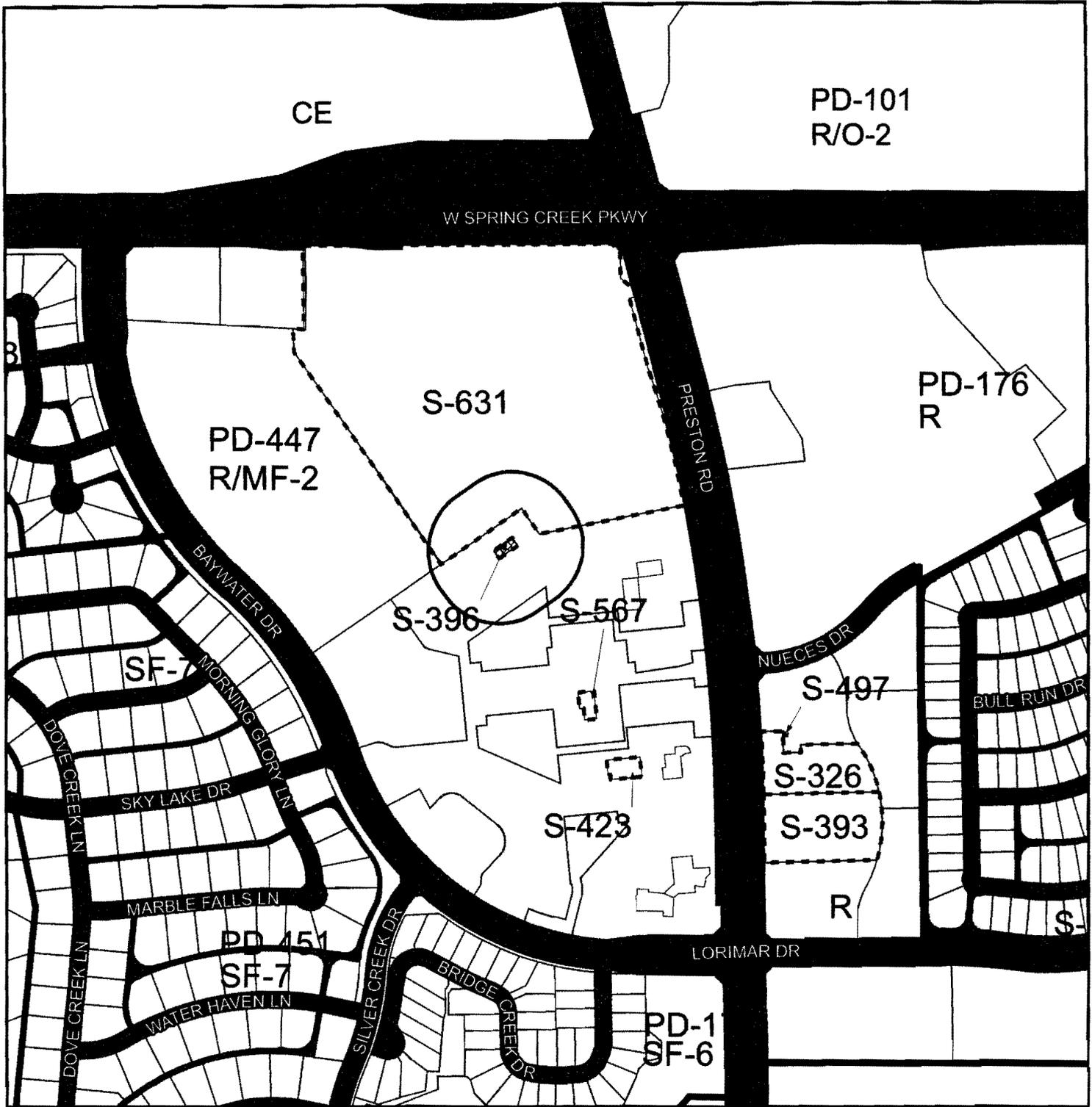
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous Specific Use Permits for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits. Texadelphia has obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded.

Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

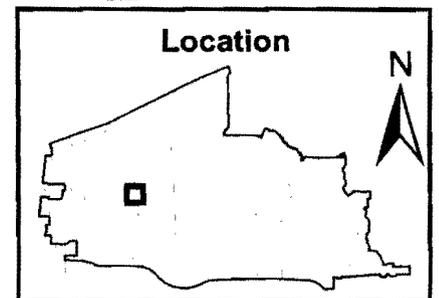
Recommended for approval as submitted.



Zoning Case #: 2014-20

Existing Zoning: PLANNED DEVELOPMENT-447-
RETAIL/MULTIFAMILY RESIDENCE-2
w/SPECIFIC USE PERMIT #396

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



Source: City of Plano Planning Department



Area of Request

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

Zoning Case 2014-20

Zoning Case 2014-20

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 99-12-29; thereby rescinding Specific Use Permit No. 396 for the additional use of Private Club on 0.1± acre of land out of the Robert Benefield Survey, Abstract No. 99, located 895± feet south of Spring Creek Parkway, 524± feet west of Preston Road in the City of Plano, Collin County, Texas, currently zoned Planned Development-447-Retail/Multifamily Residence-2 with Specific Use Permit No. 396, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 25th day of August, 2014, for the purpose of considering rescinding Specific Use Permit No. 396 for the additional use of Private Club on 0.1± acre of land out of the Robert Benefield Survey, Abstract No. 99, located 895± feet south of Spring Creek Parkway, 524± feet west of Preston Road in the City of Plano, Collin County, Texas; 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 25th day of August, 2014; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 396 for the additional use of Private Club 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. Ordinance No. 99-12-29 duly passed and approved by the City Council of the City of Plano, Texas, on December 28, 1999, granting Specific Use Permit No. 396 for the additional use of Private Club on 0.1± acre of land out of the Robert Benefield Survey, Abstract No. 99, located 895± feet south of Spring Creek Parkway, 524± feet west of Preston Road in the City of Plano, Collin County, Texas, currently zoned Planned Development-447-Retail/Multifamily Residence-2 with Specific Use Permit No. 396, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 396 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and 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 25TH DAY OF AUGUST, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING CASE 2014-20

BEING a certain tract, parcel, or lot of land located in the Robert Benefield Survey, Abstract No. 99, in the City of Plano, Collin County, Texas, and being part of a tract of land described in the deed to Margaret E. Harrington, recorded in Volume 249, Page 549, Deed Records, Collin County, Texas, (D.R.C.C.T) and more particularly described as follows:

COMMENCING at a one-inch iron rod set forth for the south end of a corner clip at the intersection of the west line of Preston Road (State Highway 289, a variable width right-of-way) and northeast line of Lorimar Drive (a variable width right-of-way);

THENCE North, $88^{\circ} 33' 21''$ West, 226.98 feet along said northeast line of Lorimar Drive;

THENCE South, $84^{\circ} 56' 21''$ West, 96.85 feet along said northeast line of Lorimar Drive for the beginning of a non-tangent curve to the right having a central angle of $67^{\circ} 54' 29''$ a radius of 854.00 feet, a tangent length of 575.03 feet, and a chord that bears North, $23^{\circ} 11' 58''$ West, 320.07 feet;

THENCE an arc length of 1,012.18 feet along said northeast line (street name changing to Baywater Drive), and along said curve for the beginning of a tangent reverse curve to the left having a central angle of $14^{\circ} 45' 32''$ a radius of 1,248.00 feet, a tangent length of 161.37 feet, and a chord that bears North, $23^{\circ} 11' 56''$ West, 320.07 feet;

THENCE an arc of 320.98 feet along said northeast line of Baywater Drive and along said curve to a point;

THENCE North, $57^{\circ} 09' 00''$ East, 771.05 feet to a 3/4-inch iron rod found;

THENCE South, $32^{\circ} 51' 00''$ East, 95.45 feet to an iron rod found;

THENCE South, $64^{\circ} 48' 50''$ West, 73.67 feet to a building corner and a POINT OF BEGINNING;

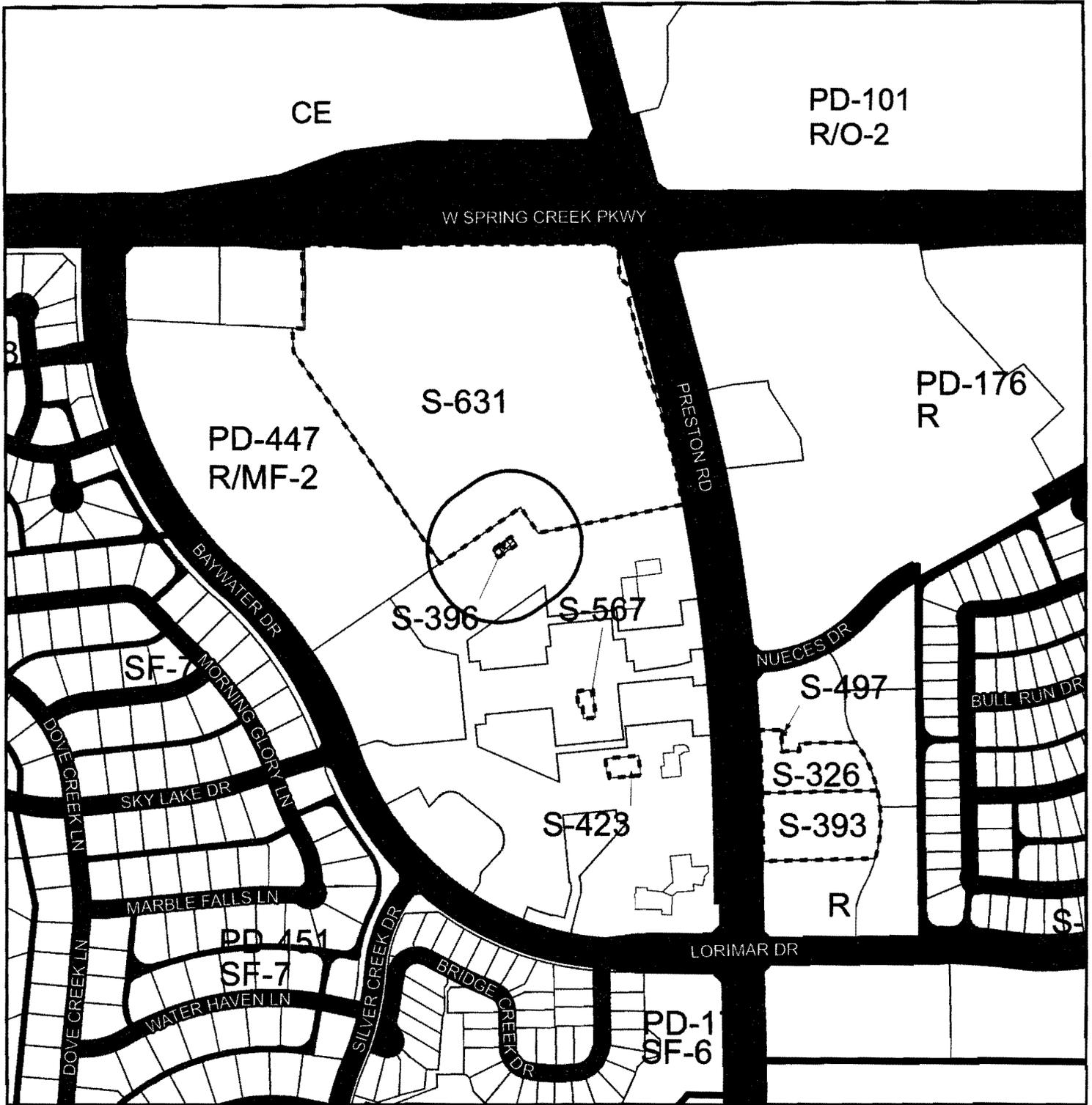
THENCE South, $57^{\circ} 07' 15''$ West, 69.20 feet to a building corner;

THENCE North, $32^{\circ} 52' 45''$ West, 26.0 feet to a building corner;

THENCE North, $12^{\circ} 07' 15''$ East, 6.22 feet to a building corner;

THENCE North, $57^{\circ} 07' 15''$ East, 84.80 feet to a building corner;

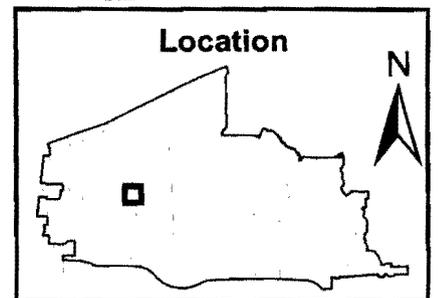
THENCE South, 32° 62' 45" East, 30.40 feet to the POINT OF BEGINNING
CONTAINING 2,094 square feet as part of Lot 1, Phase 1 of Lakeside Market Addition
part of Building C-4 Suite 574.



Zoning Case #: 2014-20

Existing Zoning: PLANNED DEVELOPMENT-447-
RETAIL/MULTIFAMILY RESIDENCE-2
w/SPECIFIC USE PERMIT #396

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



Source: City of Plano Planning Department

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. 8D - PUBLIC HEARING
ZONING CASE 2014-22
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #84 for Private Club on 0.6± acre located on the west side of U.S. Highway 75, 700± feet north of 16th Street. Zoned Corridor Commercial with Specific Use Permit #84 for Private Club.

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 25, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EM/av

xc: Wayne Snell, Permit Services

<http://goo.gl/maps/AJcF0>

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 4, 2014

Agenda Item No. 8D

Public Hearing: Zoning Case 2014-22

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #84 for Private Club on 0.6± acre located on the west side of U.S. Highway 75, 700± feet north of 16th Street. Zoned Corridor Commercial with Specific Use Permit #84 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #84 for Private Club. 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 for such use during the review of an SUP application.

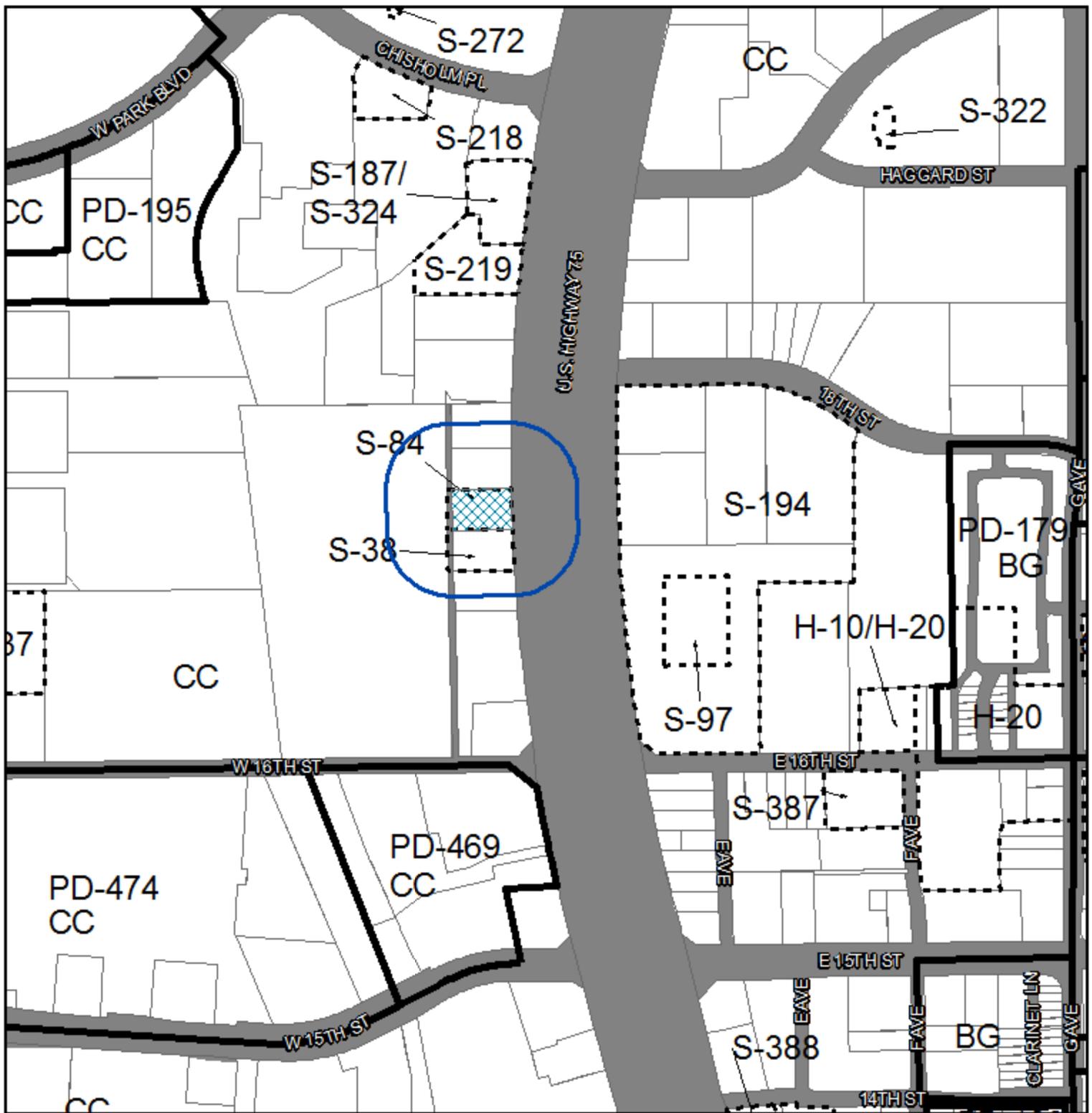
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous Specific Use Permits for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits. Rice Bowl is no longer in operation; therefore, it no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded.

Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

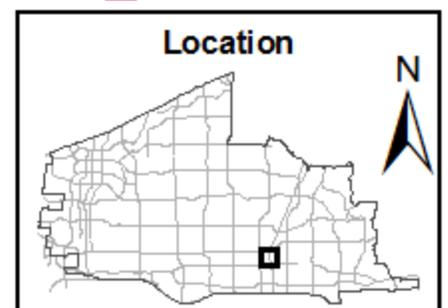
Recommended for approval as submitted.



Zoning Case #: 2014-22

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #84

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



Source: City of Plano Planning Department



Area of Request

US 75 HIGHWAY

CENTRAL EXPRESSWAY



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

Zoning Case 2014-22

Zoning Case 2014-22

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 82-5-24; thereby rescinding Specific Use Permit No. 84 for the additional use of Private Club on 0.6± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of U.S. Highway 75, 700± feet north of 16th Street, in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 84 for Private Club, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 25th day of August, 2014, for the purpose of considering rescinding Specific Use Permit No. 84 for the additional use of Private Club on 0.6± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of U.S. Highway 75, 700± feet north of 16th Street in the City of Plano, Collin County, Texas; 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 25th day of August, 2014; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 84 for the additional use of Private Club 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. Ordinance No. 82-5-24 duly passed and approved by the City Council of the City of Plano, Texas, on May 24, 1982, granting Specific Use Permit No. 84 for the additional use of Private Club on 0.6± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of U.S. Highway 75, 700± feet north of 16th Street in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 84 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 84 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and 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 25TH DAY OF AUGUST, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING CASE 2014-22

BEING a certain tract or parcel of land lying and being situated in Collin County, Texas, out of the Joseph Klepper Survey, Abstract No. 213, and being a part of two tracts. A tract of 6,000 acres conveyed by I.H. Cox et ux to Joy Cox by Deed dated September 20, 1955, and recorded in Volume 504, Page 381 of the Collin County Deed Records and a tract of 3.54 acres conveyed by J.A. Turner et ux to J.J. James et ux by Deed dated January 25, 1928, and recorded in Volume 269, Page 515 of the Collin County Deed Records and being described more particularly as follows.

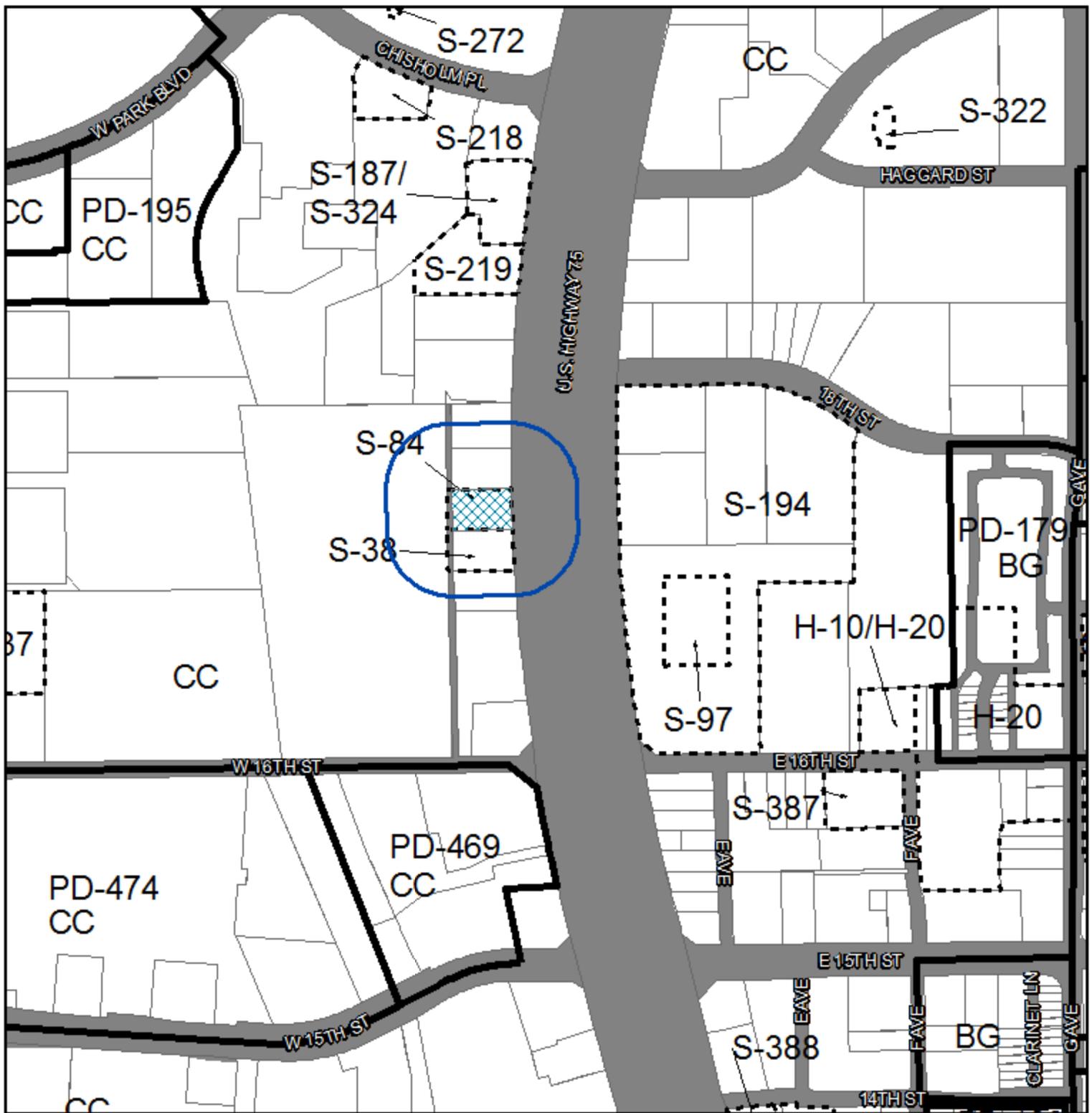
BEGINNING at an iron stake for corner in the West line of said 3.54 acre tract, said corner being also in the east line of Spring Creek Park, said corner bears South, 250.00 feet from the northwest corner of the said 3.54 acre tract;

THENCE 125.00 feet along the common line of said 3.54 acre tract and Spring Creek Park;

THENCE North, $89^{\circ} 50'$ East, 195.34 feet to an iron stake for corner in the curving west right-of-way line of U.S. Highway 75;

THENCE in a northerly direction along said curve, to the right said curve having a central angle of $01^{\circ} 12' 58''$ and radius of 5,890.00feet, a distance of 125.01 feet to an iron stake for corner in said west right-of-way line;

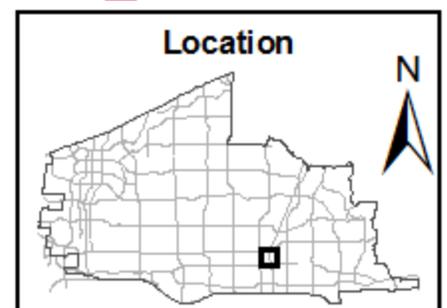
THENCE South, $89^{\circ} 50'$ West, 195.40 feet to the PLACE OF BEGINNING and CONTAINING 0.560 acre of land; and also being known as Lot 1, Block A of J-Bran Addition, an addition to the City of Plano, Texas, according to the map thereof recorded in Volume 12, Page 127 of the Map Records of Collin County, Texas.



Zoning Case #: 2014-22

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #84

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



Source: City of Plano Planning Department

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. 8E - PUBLIC HEARING
ZONING CASE 2014-23
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #251 for Private Club on 2.7± acres located on the west side of U.S. Highway 75, 1,500± feet south of Heritage Drive. Zoned Corridor Commercial with Specific Use Permit #251 for Private Club.

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 25, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

ST/av

xc: Wayne Snell, Permit Services

<http://goo.gl/maps/t34vG>

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 4, 2014

Agenda Item No. 8E

Public Hearing: Zoning Case 2014-23

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #251 for Private Club on 2.7± acres located on the west side of U.S. Highway 75, 1,500± feet south of Heritage Drive. Zoned Corridor Commercial with Specific Use Permit #251 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #251 for Private Club. 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 for such use during the review of an SUP application.

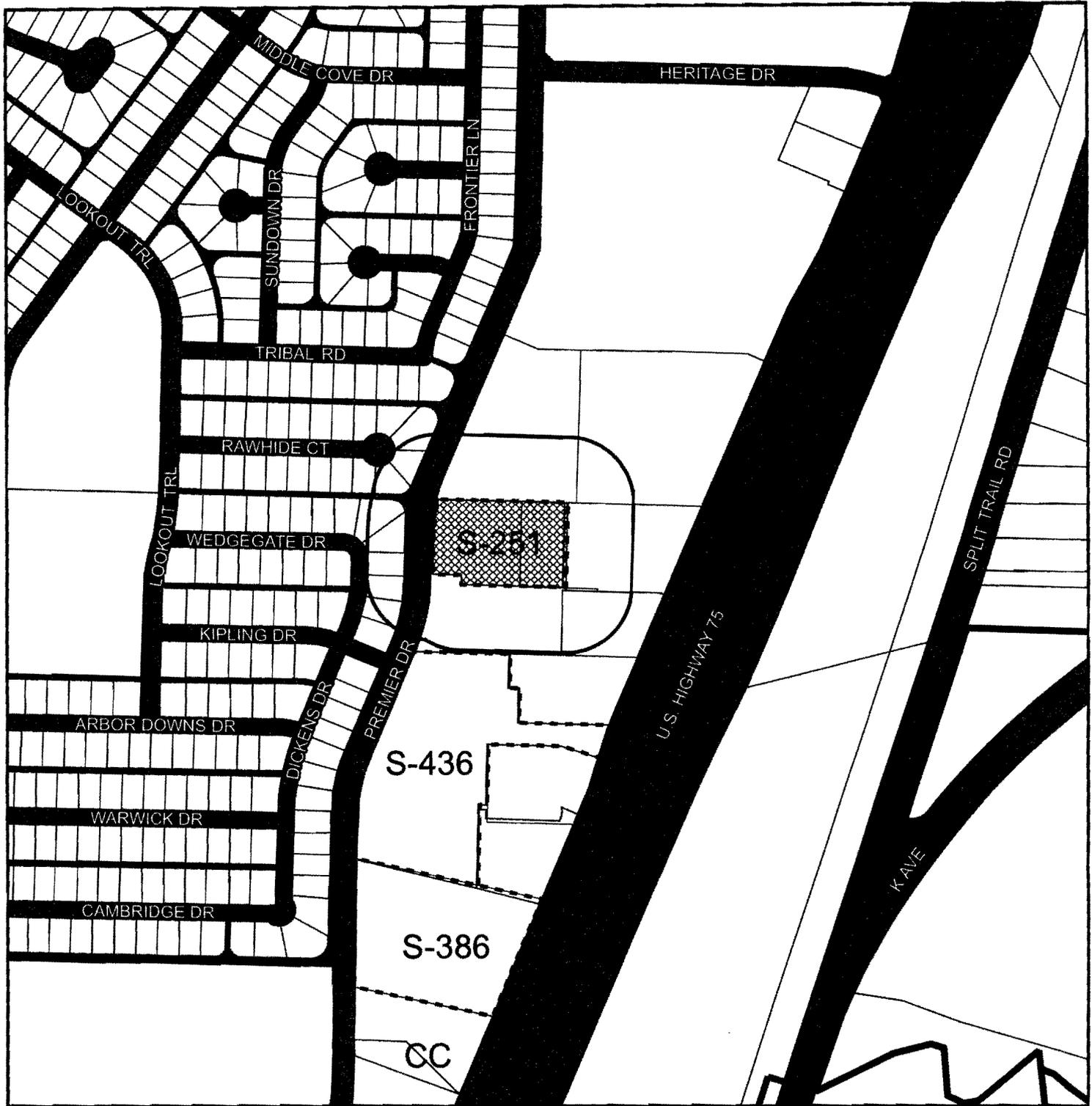
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous Specific Use Permits for Private Clubs as restaurants switched to mixed-beverage permits. However, there are still numerous SUPs in place for properties where restaurants have ceased operations and since 2008, more restaurants have switched permit types.

Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits. There is no existing restaurant at this location; therefore, the property no longer needs the SUP for a Private Club issued by the City of Plano. Staff recommends that the Private Club SUP be rescinded.

Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

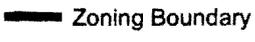
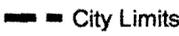
RECOMMENDATION:

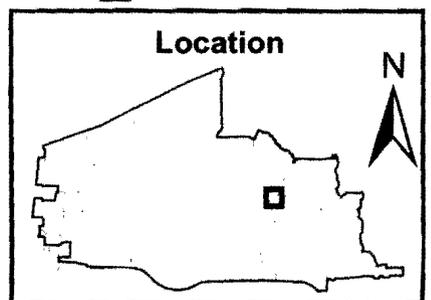
Recommended for approval as submitted.



Zoning Case #: 2014-23

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #251

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



Source: City of Plano Planning Department



Area of Request



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

Zoning Case 2014-23

Zoning Case 2014-23

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 95-2-29; thereby rescinding Specific Use Permit No. 251 for the additional use of Private Club on 2.7± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the west side of U.S. Highway 75, 1,500± feet south of Heritage Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 251 for Private Club, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 25th day of August, 2014, for the purpose of considering rescinding Specific Use Permit No. 251 for the additional use of Private Club on 2.7± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the west side of U.S. Highway 75, 1,500± feet south of Heritage Drive in the City of Plano, Collin County, Texas; 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 25th day of August, 2014; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 251 for the additional use of Private Club 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. Ordinance No. 95-2-29 duly passed and approved by the City Council of the City of Plano, Texas, on February 13, 1995, granting Specific Use Permit No. 251 for the additional use of Private Club on 2.7± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the west side of U.S. Highway 75, 1,500± feet south of Heritage Drive in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 251 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 251 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and 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 25TH DAY OF AUGUST, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING CASE 2014-23

BEING a tract of land situated in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas and being a part of Lot 2, Block 1 of the Conveyance Plat, Service King Number Seven Addition, an addition to the City of Plano, Collin County, Texas as recorded in Volume 1, Page 1 of the Map Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a point for corner in the south line of a tract conveyed to The Nelson Bunker Hunt Estate Trust, by deed recorded in Book 2397, Page 220 of the Deed Records of Collin County, Texas, and being the common north corner of said Lot 2, Block 1 and Chase Oaks Drive (variable width right-of-way);

THENCE South, $89^{\circ} 43' 11''$ West, along common line of said Lot 2, Block 1 and the Nelson Bunker Hunt Estate Trust tract, a distance of 395.47 feet to a point for corner and being the most northerly northeast corner of said Lot 2, Block 1;

THENCE South, $00^{\circ} 16' 49''$ West, leaving said south line of The Nelson Bunker Hunt Estate Trust tract, a distance of 261.00 feet to a point for corner and being a southeast corner of said Lot 2, Block 1;

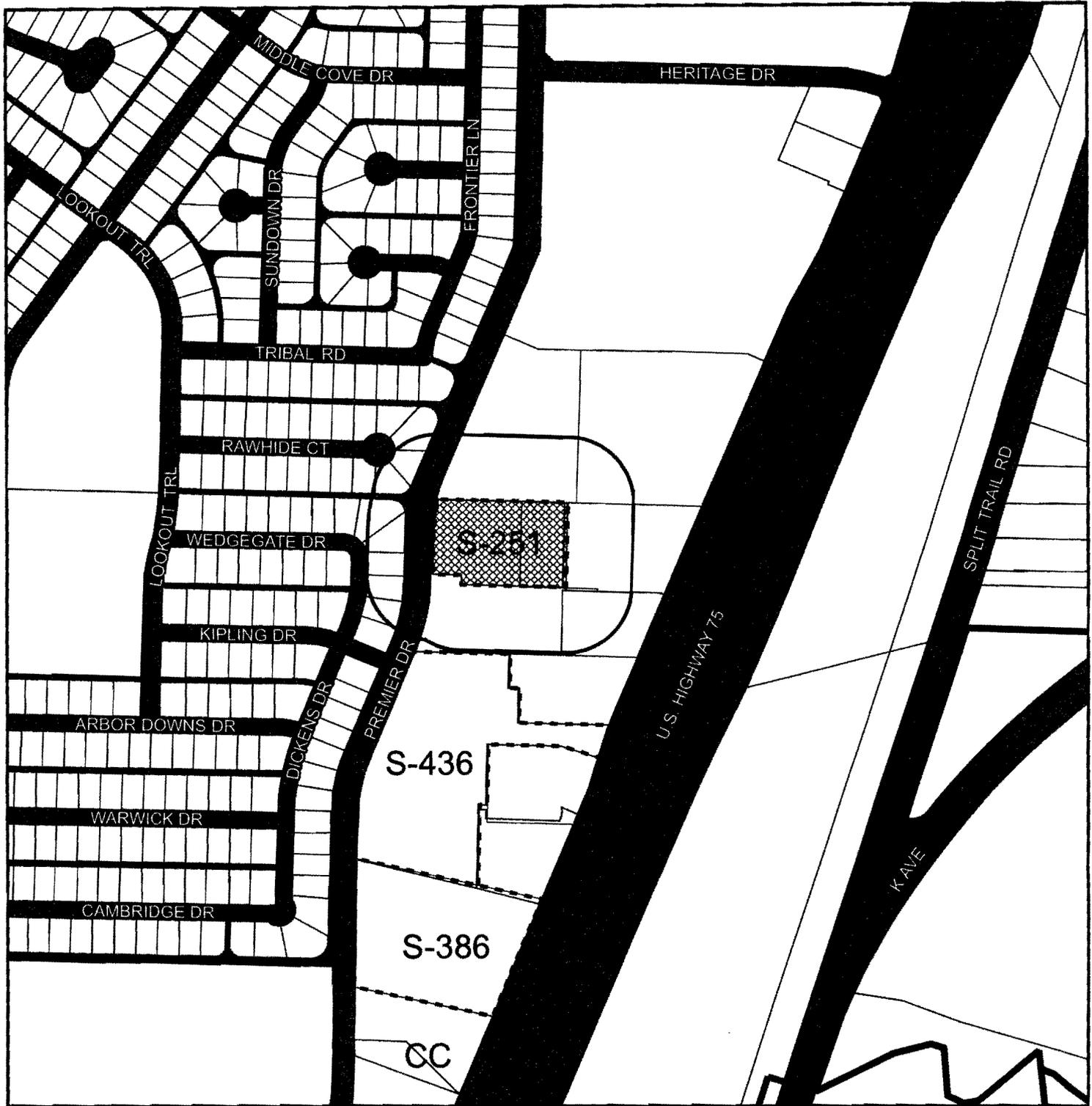
THENCE North, $89^{\circ} 43' 11''$ West, a distance of 320.00 feet to a point for corner;

THENCE North, $00^{\circ} 16' 48''$ East, a distance of 30.00 feet to a point for corner;

THENCE North, $89^{\circ} 43' 11''$ West, a distance of 88.01 feet to a point for corner in the east line of said Chase Oaks Drive;

THENCE North, $00^{\circ} 16' 49''$ East, along said east line of Chase Oaks Drive, a distance of 113.78 feet to a point for corner and being the beginning of a circular curve to the right;

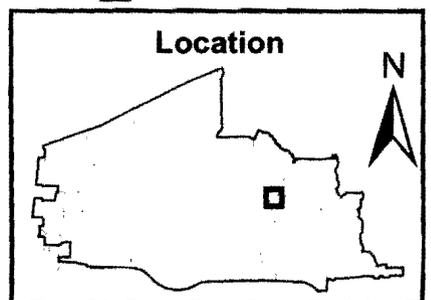
THENCE along said circular curve to the right and said east line of Chase Oaks Drive, having a central angle of $12^{\circ} 12' 56''$, a radius of 554.00 feet a tangent distance of 59.28 feet an arc length of 118.11 feet and a chord bearing of North, $06^{\circ} 23' 17''$ East, to the POINT OF BEGINNING and CONTAINING 2.3729 acres (103,362 square feet) of land.



Zoning Case #: 2014-23

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #251

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



Source: City of Plano Planning Department