

DATE: August 19, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of August 18, 2014

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2014-21
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #74 for Private Club on 0.4± acre located on the south side of 14th Street, 165± feet east of U.S. 75. Zoned Corridor Commercial with Specific Use Permit #74 for Private Club.

APPROVED: 8-0 **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:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: September 8, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

EM/dc

xc: Wayne Snell, Permit Services Manager

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

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 18, 2014

Agenda Item No. 6

Public Hearing: Zoning Case 2014-21

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #74 for Private Club on 0.4± acre located on the south side of 14th Street, 165± feet east of U.S. 75. Zoned Corridor Commercial with Specific Use Permit #74 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #74 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

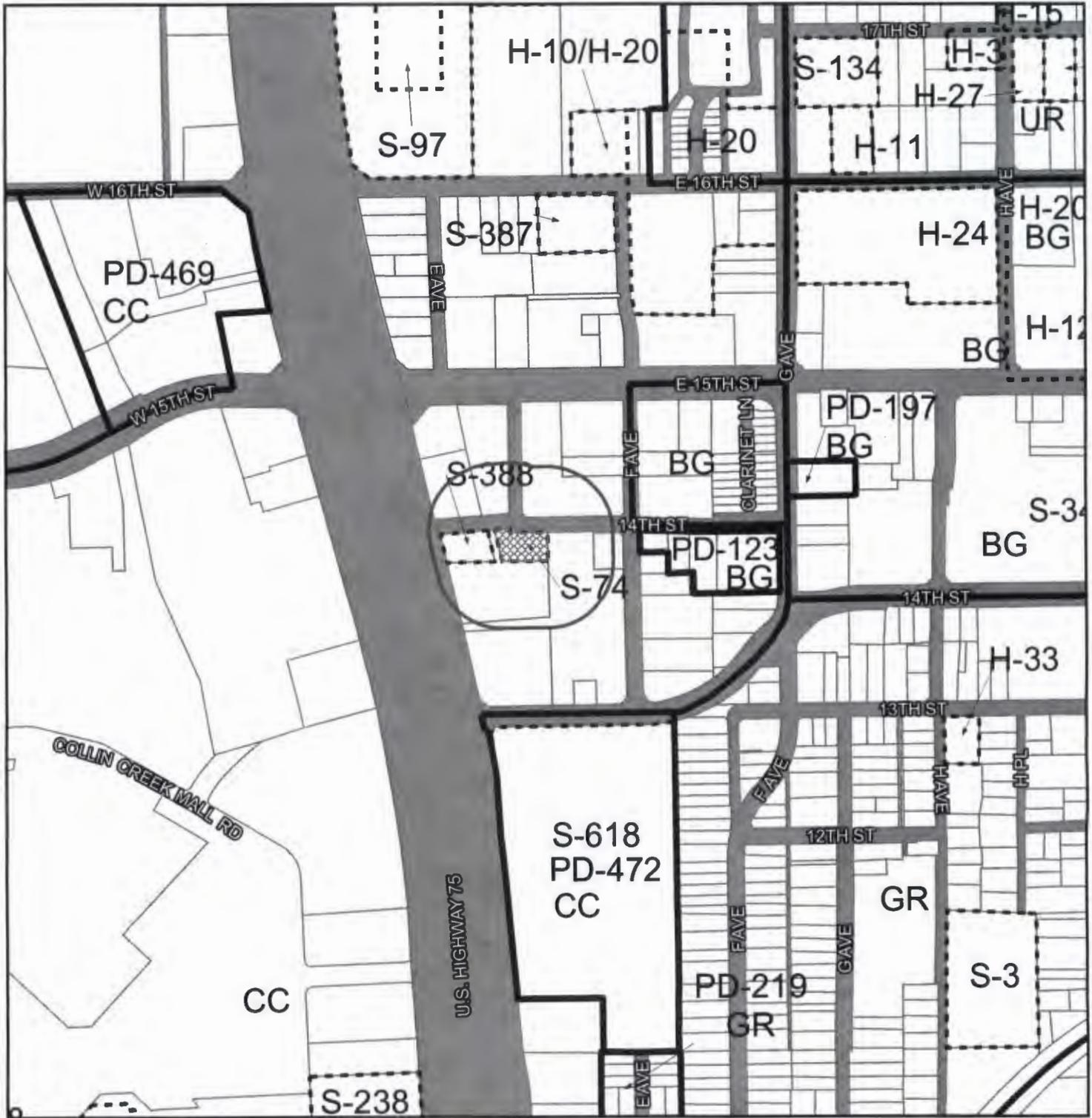
In 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission (TABC). Prior to this time, the only option was a private club permit from TABC, with an SUP approved by the city. From 2007 to 2008, the City Council rescinded numerous Specific Use Permits for Private Clubs as restaurants switched to mixed-beverage permits.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. Paesano's is the current restaurant in this location and they are not operating with their private club permit. Paesano's is in the process of obtaining a mixed-beverage permit; 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. This item was tabled from the August 4, 2014 Planning and Zoning Commission meeting.

RECOMMENDATION:

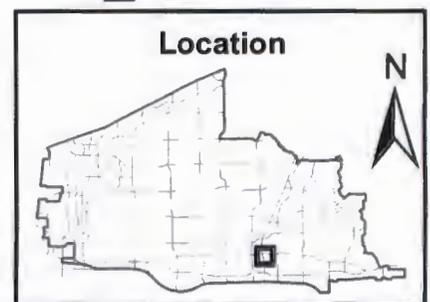
Recommended for approval as submitted.



Zoning Case #: 2014-21

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #74

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



Source: City of Plano Planning Department



Area of Request

14TH STREET

E AVENUE

CENTRAL EXPRESSWAY

US 75 HIGHWAY



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

Zoning Case 2014-21

Zoning Case 2014-21

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 81-5-7 thereby rescinding Specific Use Permit No. 74 for the additional use of Private Club on 0.4± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the south side of 14th Street, 165± feet east of U.S. 75 in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 74 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 8th day of September, 2014, for the purpose of considering rescinding Specific Use Permit No. 74 for the additional use of Private Club on 0.4± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the south side of 14th Street, 165± feet east of U.S. Highway 75 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 8th day of September, 2014; and

WHEREAS, the City Council is of the opinion and finds that rescinding Specific Use Permit No. 74 for the additional use of a 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. 81-5-7 duly passed and approved by the City Council of the City of Plano, Texas, on May 25, 1981, granting Specific Use Permit No. 74 for the additional use of a Private Club on 0.4± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the south side of 14th Street, 165± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 74 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed. Consequently, Specific Use Permit No. 74 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 8TH DAY OF SEPTEMBER, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING CASE 2014-21

BEING a tract of land situated in Collin County, Texas, out of the Joseph Klepper Survey, Abstract No. 213, and being a part of a 6.24 acre tract described in deed from S. L. Rush to Raymond Ford dated July 3, 1947, and recorded in Volume 381, Page 452 of the Deed Records of Collin County, Texas, and being described more particularly as follows:

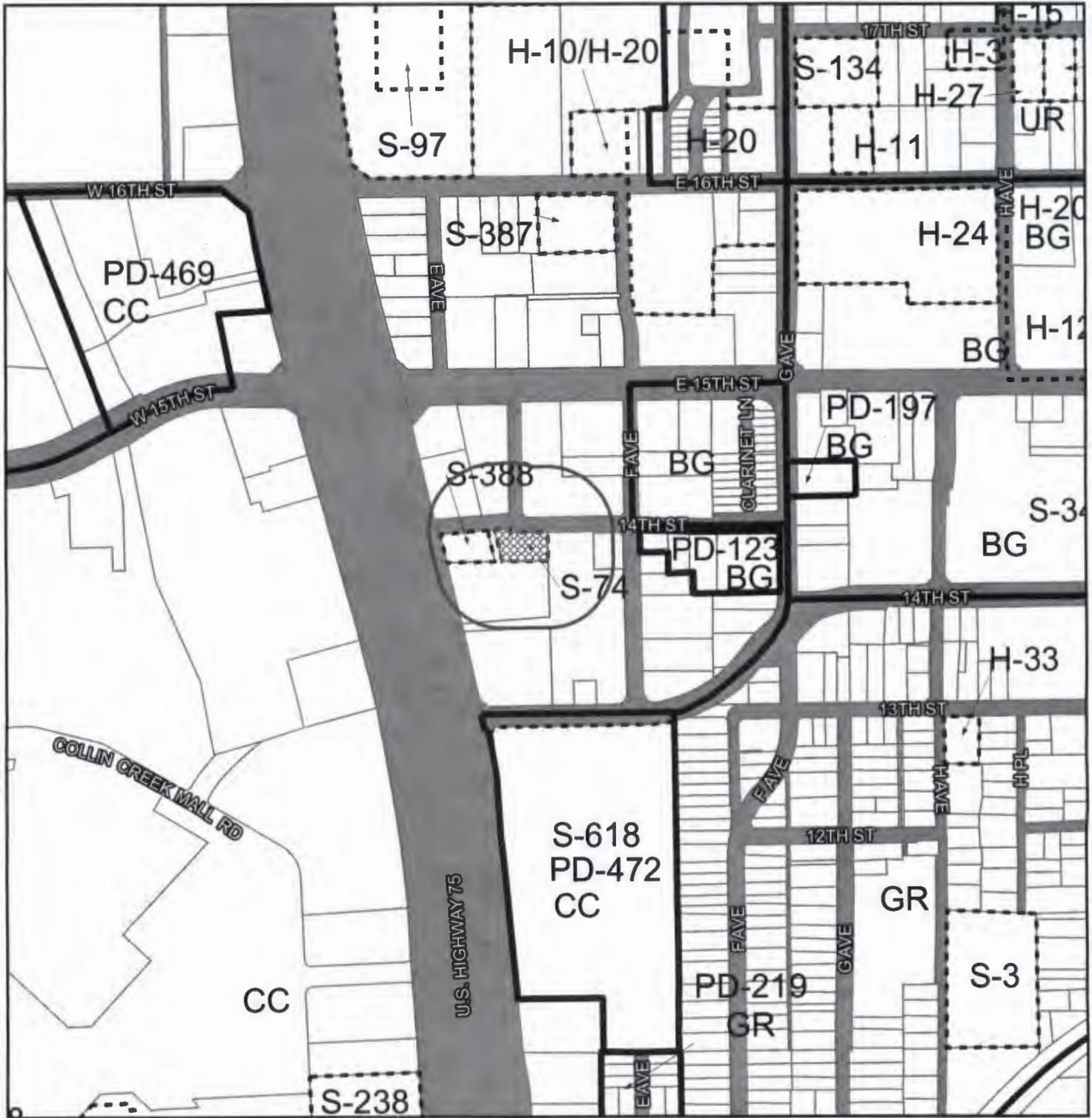
BEGINNING at a point for corner in the east line of said 6.24 acre tract, said corner bears North, $00^{\circ} 36'$ East, 164.74 feet from the southeast corner of said 6.24 acre tract;

THENCE North, $89^{\circ} 27' 26''$ West, 144.47 feet to a point for corner;

THENCE North, $12^{\circ} 19'$ West, 100.00 feet to a point for corner; in the south line of 14th Street;

THENCE in an easterly direction along the south line of 14th Street as follows: North, $86^{\circ} 19'$ East, 56.71 feet, and South, $88^{\circ} 35' 20''$ East, 110.28 feet to a point for corner in the east line of said 6.24 acre tract;

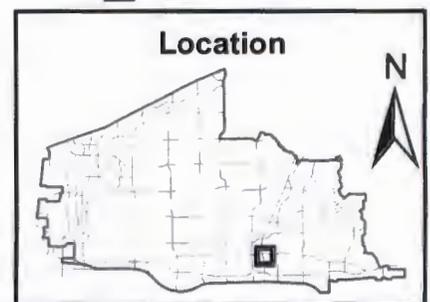
THENCE South, $00^{\circ} 36'$ West, along the east line of said 6.24 acre tract 100.00 feet to the PLACE OF BEGINNING and CONTAINING 15,661.104 square feet or 0.359 acre of land.



Zoning Case #: 2014-21

Existing Zoning: CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #74

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



Source: City of Plano Planning Department