

DATE: September 7, 2016
TO: Honorable Mayor & City Council
FROM: John Muns, Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 6, 2016

**AGENDA ITEM NO. 5 - PUBLIC HEARING
ZONING CASE 2016-022
APPLICANT: WEST PARKER SHOPPING CENTER LP**

Request for a Specific Use Permit for Trade School on 0.1 acre located 207 feet east of Independence Parkway, 475 feet north of Parker Road. Zoned Retail. Project #ZC2016-022.

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

Speaker Card(s) Received **Support:** 0 **Oppose:** 0 **Neutral:** 0

Letters Received Within 200' Notice Area: **Support:** 0 **Oppose:** 0 **Neutral:** 0

Letters Received Outside 200' Notice Area: **Support** 0 **Oppose:** 0 **Neutral:** 1

Petition(s) Received: 0 **# Of Signatures:** 0

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: September 12, 2016 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

RA/ts

xc: Mark O'Briant, West Parker Shopping Center
Justin Marco, I.T.S Academy of Beauty

<https://goo.gl/maps/JKTAZ6ANEq72>

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 06, 2016

Agenda Item No. 5

Public Hearing: Zoning Case 2016-022

Applicant: West Parker Shopping Center LP

DESCRIPTION:

Request for a Specific Use Permit for Trade School on 0.1 acre located 207 feet east of Independence Parkway, 475 feet north of Parker Road. Zoned Retail. Project #ZC2016-022.

REMARKS:

The subject property is a 5,500 square foot lease space within an existing retail shopping center. The applicant is requesting a Specific Use Permit (SUP) for Trade School. 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. The Zoning Ordinance defines trade schools as establishments, other than public or parochial schools, private schools, or colleges, offering training or instruction in a trade, art, or occupation.

The subject property is zoned Retail (R). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing.

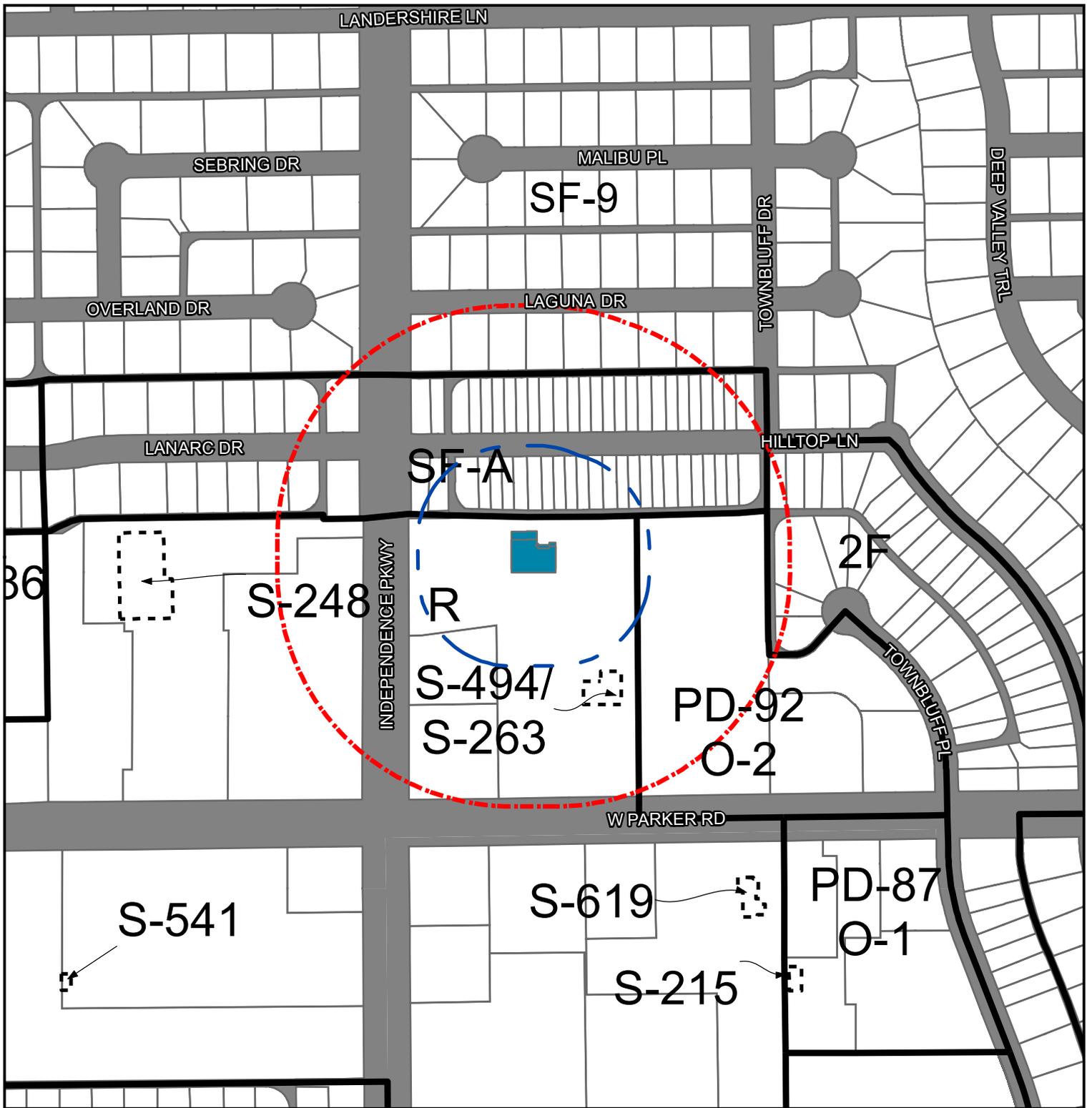
To the north of the subject property is a single-family residential development zoned Single-Family Residence Attached (SF-A). To the east is a U.S. Post Office building zoned Planned Development-92-General Office (PD-92-O-2). To the south, across Parker Road, and to the west across Independence Parkway are existing retail developments zoned R.

The requested trade school would provide instruction in cosmetology, and the subject property has adequate parking to accommodate the additional use. The attached letter from the applicant provides additional details regarding the request. The trade school is a complimentary use to the existing 62,000 square foot development which includes a

variety of other uses including retail, restaurant, personal service shop, and health/fitness center. The trade school will provide benefit to future students through career training and will not be detrimental to surrounding properties and residents. For these reasons, staff is in support of the request.

RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2016-022

Existing Zoning: Retail (R)

Proposed Zoning: Request for Specific Use Permit (SUP) for Trade School

 500' Courtesy Notification Buffer

 200' Notification Buffer

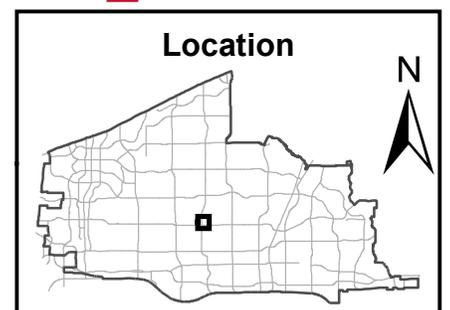
 Subject Property

 Zoning Boundary

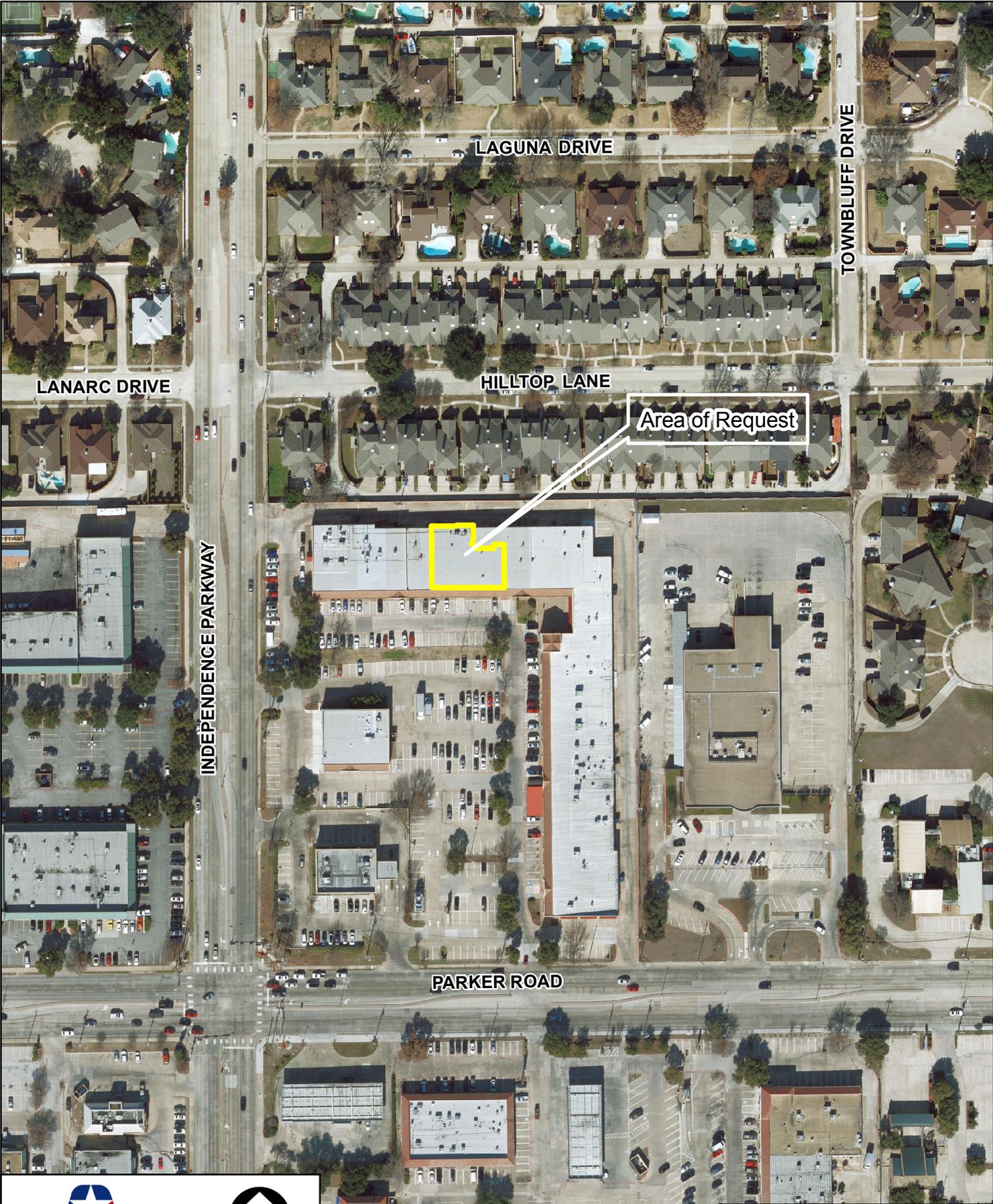
 City Limits

 Specific Use Permit

 Right-of-Way



Source: City of Plano Planning Department



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Source: City of Plano, Planning Dept.
Date: 8/31/2016

Zoning Case 2016-022

Zoning Case 2016-022

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 13 so as to allow the additional use of Trade School on 0.1 acre of land out of the Catherine and Sally Owens Survey, Abstract No. 672, located 207 feet east of Independence Parkway, 475 feet north of Parker Road, 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 12th day of September, 2016, for the purpose of considering granting Specific Use Permit No. 13 for the additional use of Trade School on 0.1 acre of land out of the Catherine and Sally Owens Survey, Abstract No. 672, located 207 feet east of Independence Parkway, 475 feet north of Parker Road, 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 12th day of September, 2016; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 13 for the additional use of Trade School on 0.1 acre of land out of the Catherine and Sally Owens Survey, Abstract No. 672, located 207 feet east of Independence Parkway, 475 feet north of Parker Road, 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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 13 for the additional use of Trade School on 0.1 acre of land out of the Catherine and Sally Owens Survey, Abstract No. 672, located 207 feet east of Independence Parkway, 475 feet north of Parker Road, 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 12TH DAY OF SEPTEMBER, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2016-022

BEING a tract of land located in the City of Plano, Collin County, Texas, part of the Catherine and Sally Owens Survey, Abstract No. 672, and being part Block 1, Plano Crossroads Addition, an addition to the City of Plano according to the Replat thereof as recorded in Cabinet H, Page 620, Map Records, Collin County, Texas, being a portion of the interior space of Suite 205A, 3033 W. Parker Road, Plano, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" in concrete found for the northwest corner of said Lot 1R, being the southwest corner of a 5' right-of-way parcel dedicated by the plat of Independence Village, an addition to the City of Plano as recorded in Cabinet D, Page 161, Map Records, Collin County, Texas, being in the east right-of-way line of Independence Parkway (variable width Right-Of-Way);

THENCE, along the north line of said Lot 1R and the south line of said Independence Village, North 89°56'03" East, a distance of 220.40';

THENCE, departing the south line of said Independence Village, over and across said Lot 1R, South 00°03'57" East, a distance of 45.47 feet to the Point of Beginning;

THENCE, North 89°56'03" East, a distance of 31.53 feet;

THENCE, North 00°03'57" West, a distance of 0.89 feet;

THENCE, North 89°56'03" East, a distance of 21.60 feet;

THENCE, South 00°03'57" East, a distance of 10.29 feet;

THENCE, South 30°54'55" West, a distance of 4.65 feet;

THENCE, South 59°05'05" East, a distance of 6.17 feet;

THENCE, South 00°03'57" East, a distance of 2.54 feet;

THENCE, North 89°56'03" East, a distance of 23.92 feet;

THENCE, North 00°03'57" West, a distance of 5.00 feet;

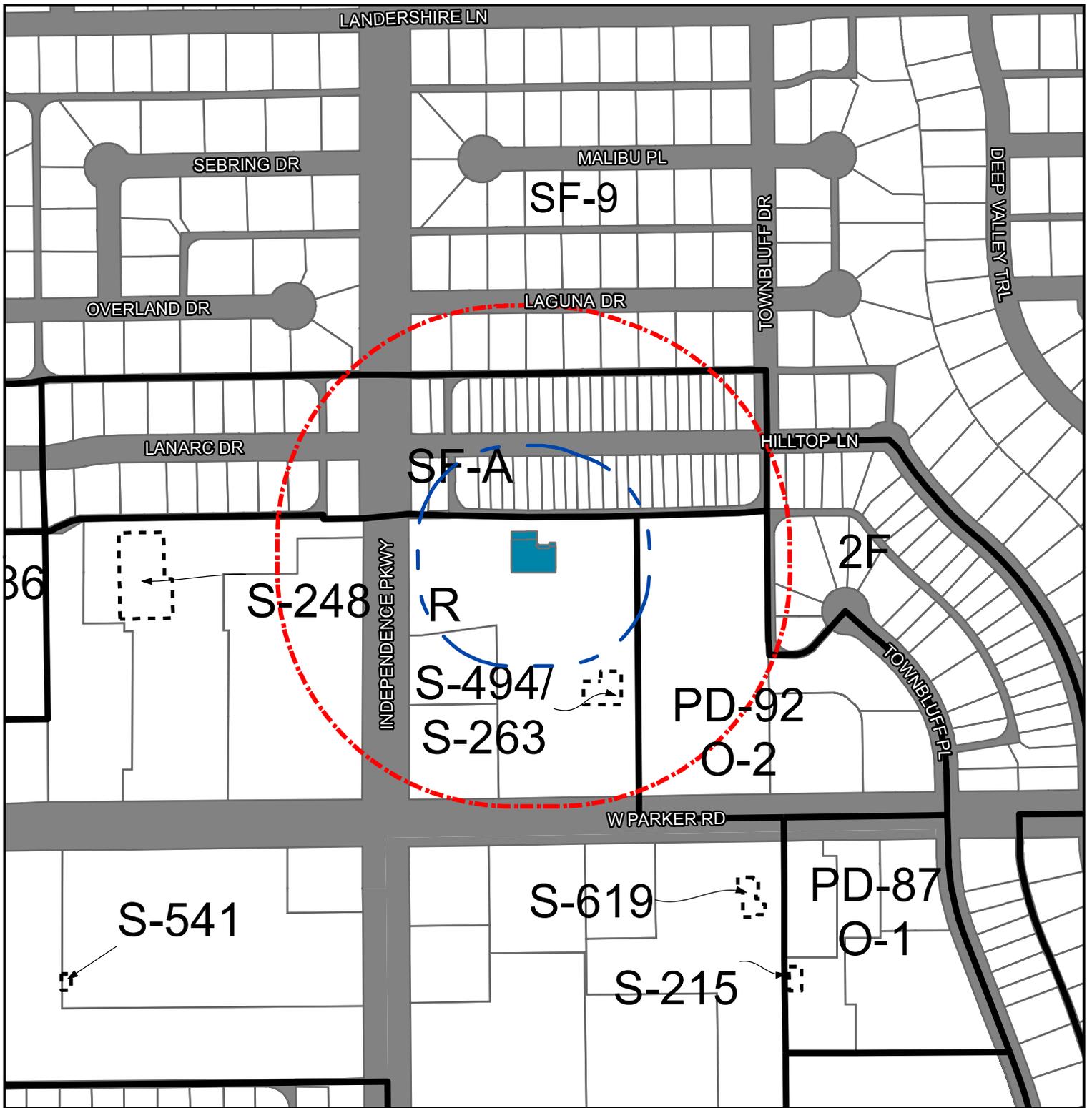
THENCE, North 89°56'03" East, a distance of 13.33 feet;

THENCE, South 00°03'57" East, a distance of 56.09 feet;

THENCE, South 89°56'03" West, a distance of 94.24 feet;

THENCE, North 00°03'57" West, a distance of 70.20 feet;

THENCE, North 89°56'03" East, a distance of 0.96 feet; to the POINT OF BEGINNING and CONTAINING 5,938 square feet or 0.1363 acres of land more or less.



Zoning Case #: 2016-022

Existing Zoning: Retail (R)

Proposed Zoning: Request for Specific Use Permit (SUP) for Trade School

 500' Courtesy Notification Buffer

 200' Notification Buffer

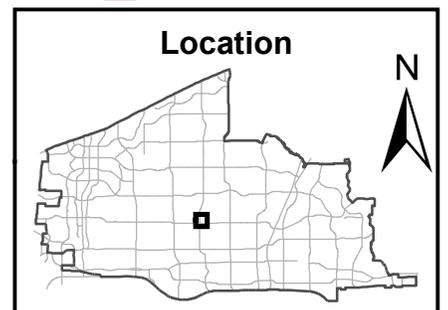
 Subject Property

 Zoning Boundary

 City Limits

 Specific Use Permit

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Source: City of Plano Planning Department