

DATE: September 3, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 2, 2014

**AGENDA ITEM NO. 10 - PUBLIC HEARING
ZONING CASE 2014-29
APPLICANT: MAIN STREET PLAZA, LTD**

Request for Specific Use Permit for Health/Fitness Center on 0.1± acre located 290± feet south of Park Boulevard and 105± feet east of Los Rios Boulevard. Zoned General Office with Specific Use Permit #592 for Kennel (Indoor Pens)/Commercial Pet Sitting.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **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.

PUBLIC HEARING - ORDINANCE

ST/dc

xc: David Mottahedeh, Main Street Plaza, LTD.
Fred Bemenderfer, Roome Land Surveying, Inc.
Wayne Snell, Permit Services Manager

<http://goo.gl/maps/wJ7FX>

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 2, 2014

Agenda Item No. 10

Public Hearing: Zoning Case 2014-29

Applicant: Main Street Plaza, LTD

DESCRIPTION:

Request for Specific Use Permit for Health/Fitness Center on 0.1± acre located 290± feet south of Park Boulevard and 105± feet east of Los Rios Boulevard. Zoned General Office with Specific Use Permit #592 for Kennel (Indoor Pens)/Commercial Pet Sitting.

REMARKS:

The requested zoning is for a Specific Use Permit (SUP) for Health/Fitness Center. The Zoning Ordinance defines Health/Fitness Center as a public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks. 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.

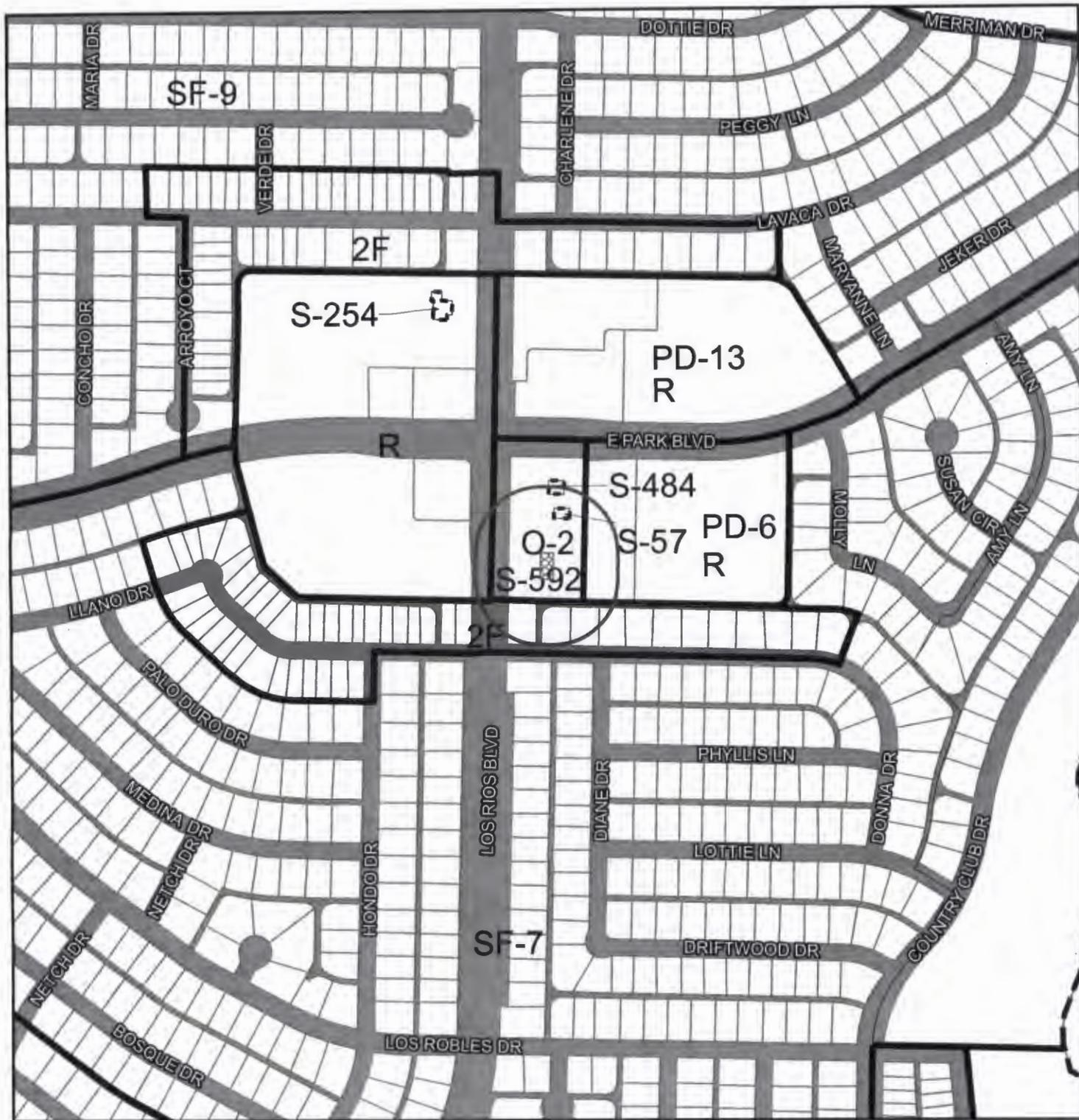
The subject property is zoned General Office (O-2). The O-2 district is intended to allow for a variety of low-, mid-, and high-rise office developments providing for professional, financial, medical, and similar services to local residents; corporate offices for regional and national operations; and major centers of employment for Plano and surrounding communities.

To the north of the subject property, across Park Boulevard, is an existing retail development zoned Planned Development-13-Retail. To the east of the subject property is vacant land zoned Planned Development-6-Retail. To the west of the subject property, across Los Rios Boulevard, is existing retail development zoned Retail. To the south of the property is existing residential development zoned Two-Family Residence.

The subject property is an existing retail center with various existing retail and service businesses. The applicant is proposing to occupy an existing lease space within the retail center. Staff believes Health/Fitness Center is compatible with the existing commercial uses within the subject property.

RECOMMENDATION:

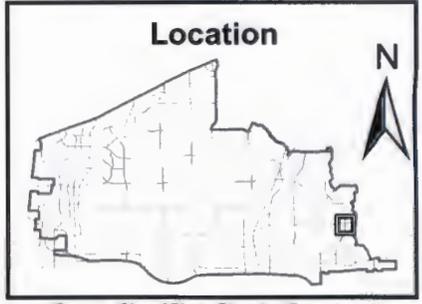
Recommended for approval as submitted.



Zoning Case #: 2014-29

Existing Zoning: GENERAL OFFICE
w/SPECIFIC USE PERMIT #592

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



Source: City of Plano Planning Department



Area of Request

LOS RIOS BOULEVARD

ANGELINA DRIVE

DRIVE



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

Zoning Case 2014-29

Land Area Plan
 Lot 14, Block 73
 Vol. 11, Pg. 24, C.C.M.
 Block 73

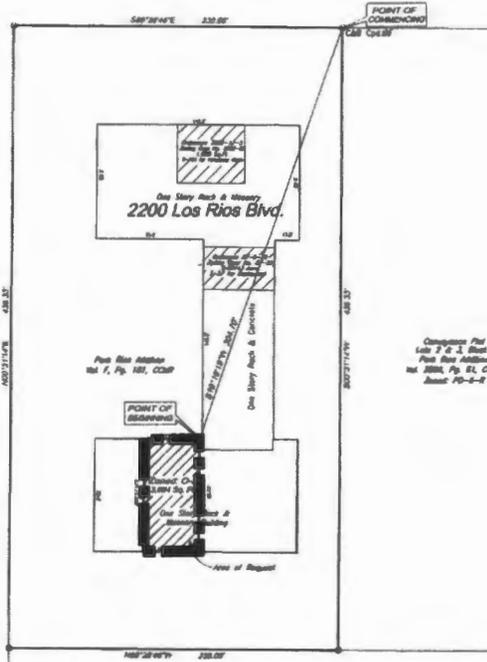
Division Plat
 East Park Street Survey Addition
 Vol. 4, Pg. 101, C.C.M.
 Block 25-1-2

PARK BLVD
 (110' R.O.M.)

Land Area Plan
 Lot 14, Block 73
 Vol. 11, Pg. 24, C.C.M.
 Block 73

LOS RIOS BLVD

Land Area Plan
 Lot 1, Block 73
 Vol. 11, Pg. 173, C.C.M.
 Block 73



Point of Beginning
 Vol. 7, Pg. 101, C.C.M.

Division Plat
 Lot 1, Block 73
 Vol. 11, Pg. 173, C.C.M.
 Block 73

Division Plat
 Vol. 7, Pg. 101, C.C.M.
 Block 73

Property Description

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Andrew Piers Survey, Abstract No. 687, being part of Lot 1, Block 1 of Park Rios Addition, an addition to the City of Plano as recorded in Volume F, Page 181 of the Collin County Map Records with said premises being more particularly described as follows:

COMMENCING at a Carter & Burgess capped iron rod found in the south right-of-way line of Park Boulevard marking the northeast corner of said Lot 1;

THENCE South 18°19'18" West, 304.70 feet to a point at the northwest corner of a demising wall in the north facing of a masonry building marking the POINT OF BEGINNING and northeast corner for the herein described premises;

THENCE with the east line of said premises along the west facing of said demising (interior) wall, South 09°31'14" West, 80.00 feet to the southwest corner of said wall, the southeast corner of said premises, and being in the south facing of said masonry building;

THENCE North 89°28'46" West, 38.67 feet with the south facing of said masonry building to a point marking the southwest corner of said premises;

THENCE with the west line of said premises and partway along the west facing of an existing demising wall, North 09°31'14" East, 80.00 feet to a point in the north facing of said masonry building at the northeast corner of said demising wall and the northeast corner of said premises;

THENCE with the north facing of said masonry building and the north line of said premises, South 89°28'46" East, 38.67 feet to the point of beginning and containing 3,094 square feet or 0.071 acres.



ZC-2014-29
Specific Use Permit for
Health/Fitness Center
Part of Lot 1, Block 1
Park Rios Addition
 recorded in Volume F, Page 181 C.C.M.R.
 an Addition to the City of Plano
 Andrew Piers Survey, Abstract No. 687
 Collin County, Texas
 July 2014

Note: Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.



VICINITY MAP
 Not to Scale

Tenant	Owner	Surveyor
Crossfit Urban Jungle 300 Hamilton Drive Mesquite, TX 75064 Attn: Mike Smith (972-907-0322) Attn: Darren Tubbs (214-842-3485)	M&L Development, Ltd. P.O. Box 885112 Plano, TX 75088 (972) 423-2135 (Fax) 214-291-5805 Agent: Diana Casco	Pivotal Land Surveying 2303 Ave G, Suite 114 Plano, Texas 75074 Ph: (972) 423-4374 Fax: (972) 423-7523 Attn: David Bismarck

Latest Revision: Aug. 15, 2014
 P:\LIC\2014\ZC11\1173.dwg

ROOME LAND SURVEYING, L.L.C.
 3000 AVENUE G
 SUITE 610
 PLANO, TX 75074
 Phone: (972) 423-7523
 Fax: (972) 423-7523

Zoning Case 2014-29

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. 653 so as to allow the additional use of Health/Fitness Center on 0.1± acre of land out of the Andrew Piara Survey, Abstract No. 687, located 290± feet south of Park Boulevard and 105± feet east of Los Rios Boulevard, in the City of Plano, Collin County, Texas, presently zoned General Office with Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting; 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 22nd day of September, 2014, for the purpose of considering granting Specific Use Permit No. 653 for the additional use of Health/Fitness Center on 0.1± acre of land out of the Andrew Piara Survey, Abstract No. 687, located 290± feet south of Park Boulevard and 105± feet east of Los Rios Boulevard, in the City of Plano, Collin County, Texas, presently zoned General Office with Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting; 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 22nd day of September, 2014; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 653 for the additional use of Health/Fitness Center on 0.1± acre of land out of the Andrew Piara Survey, Abstract No. 687, located 290± feet south of Park Boulevard and 105± feet east of Los Rios Boulevard, in the City of Plano, Collin County, Texas, presently zoned General Office with Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting, 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. 653 for the additional use of Health/Fitness Center on 0.1± acres of land out of the Andrew Piara Survey, Abstract No. 687, located 290± feet south of Park Boulevard and 105± feet east of Los Rios Boulevard, in the City of Plano, Collin County, Texas, presently zoned General Office with Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting, 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 22ND DAY OF SEPTEMBER, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-29

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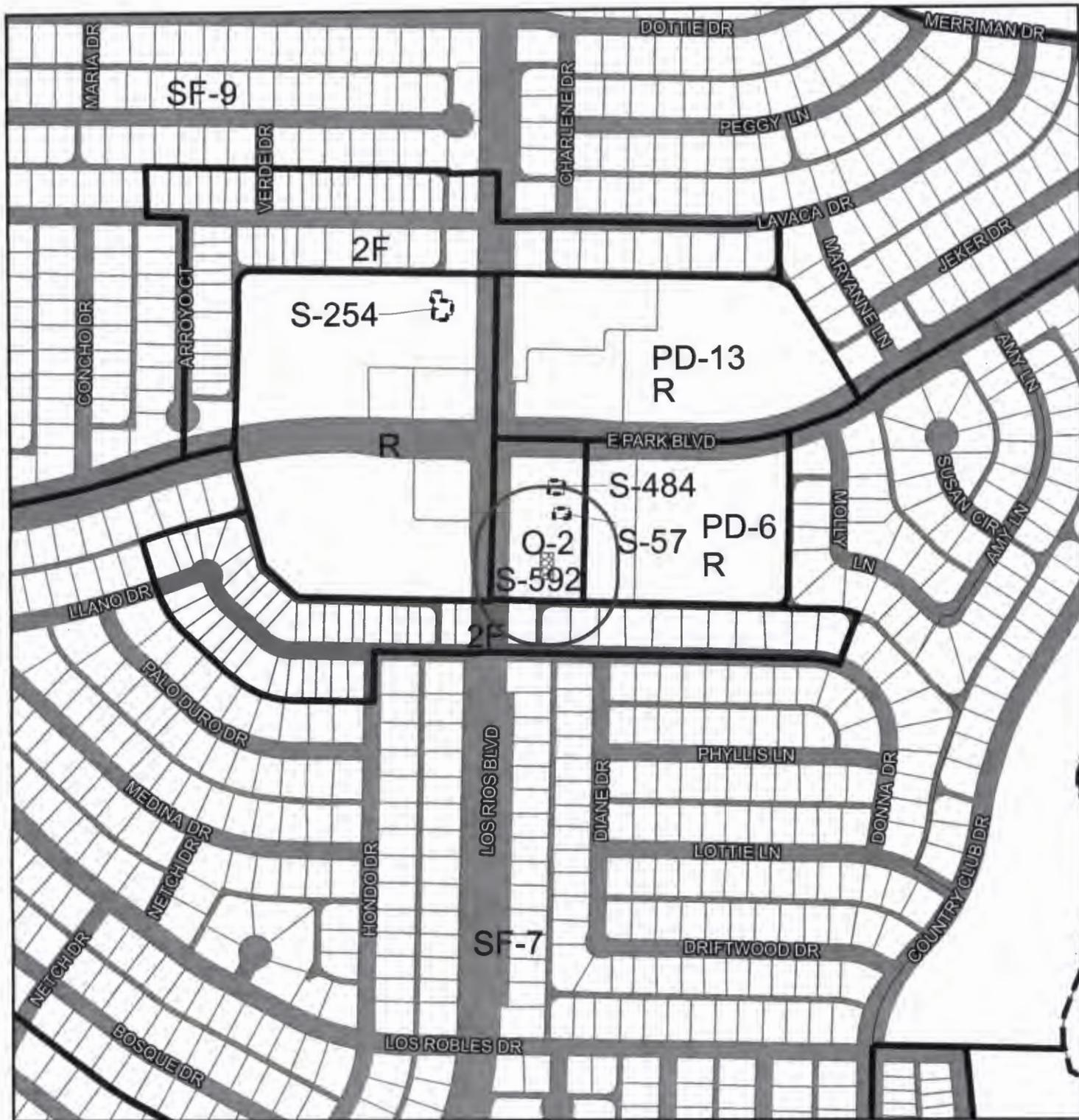
THENCE South, 19° 19' 19" West, 304.70 feet to a point at the northwest corner of a demising wall in the north facing of a masonry building marking the POINT OF BEGINNING and northeast corner for the herein described premises;

THENCE with the east line of said premises along the west facing of said demising (interior) wall, South, 00° 31' 14" West, 80.00 feet to the southwest corner of said wall, the southeast corner of said premises, and being in the south facing of said masonry building;

THENCE North, 89° 28' 46" West, 38.67 feet with the south facing of said masonry building to a point marking the southwest corner of said premises;

THENCE with the west line of said premises and partway along the east facing of an existing demising wall, North, 00° 31' 14" East, 80.00 feet to a point in the north facing of said masonry building at the northeast corner of said demising wall and the northwest corner of said premises;

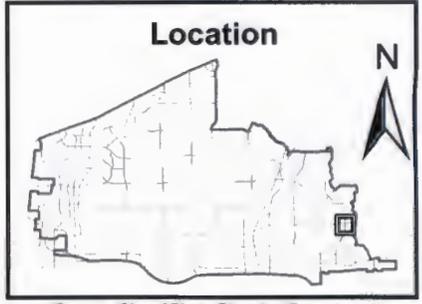
THENCE with the north facing of said masonry building and the north line of said premises, South, 89° 28' 46" East, 38.67 feet to the POINT OF BEGINNING and CONTAINING 3,094 square feet or 0.071 acre.



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Existing Zoning: GENERAL OFFICE
w/SPECIFIC USE PERMIT #592

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

