

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. 4 - PUBLIC HEARING
ZONING CASE 2016-027
APPLICANT: WINDHAVEN PLAZA 2 LIMITED PARTNERSHIP**

Request for a Specific Use Permit for Private Club on 0.1 acre located 436 feet west of the Dallas North Tollway, 1,300 feet north of Parker Road. Zoned Regional Commercial/Dallas North Tollway Overlay District. Project #ZC2016-027.

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

Speaker Card(s) Received **Support:** 1 **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:** 0

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: September 26, 2016 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

RA/amf

xc: David P. McNeil, Windhaven Plaza Phase 2 LTD
Pamela Craig, Abele of Texas

<https://goo.gl/maps/GyFkhv6S4h32>

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 6, 2016

Agenda Item No. 4

Public Hearing: Zoning Case 2016-027

Applicant: Windhaven Plaza 2 Limited Partnership

DESCRIPTION:

Request for a Specific Use Permit for Private Club on 0.1 acre located 436 feet west of the Dallas North Tollway, 1,300 feet north of Parker Road. Zoned Regional Commercial/Dallas North Tollway Overlay District. Project #ZC2016-027.

REMARKS:

The subject property is a 4,121 square foot restaurant within an existing retail shopping center. The applicant is requesting a Specific Use Permit (SUP) for Private Club. The purpose and intent of a 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 Zoning Ordinance defines a Private Club as an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

The subject property is zoned Regional Commercial (RC). The RC district is intended for use in conjunction with an Regional Employment (RE) district. It provides for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and surrounding communities, in addition to office and limited manufacturing uses. The district's standards are designed to ensure compatibility between various uses within a corridor and surrounding residential neighborhoods.

The subject property is surrounded by RC zoning which includes a vacant lot to the north, and existing retail and restaurant buildings to the east, south, and west.

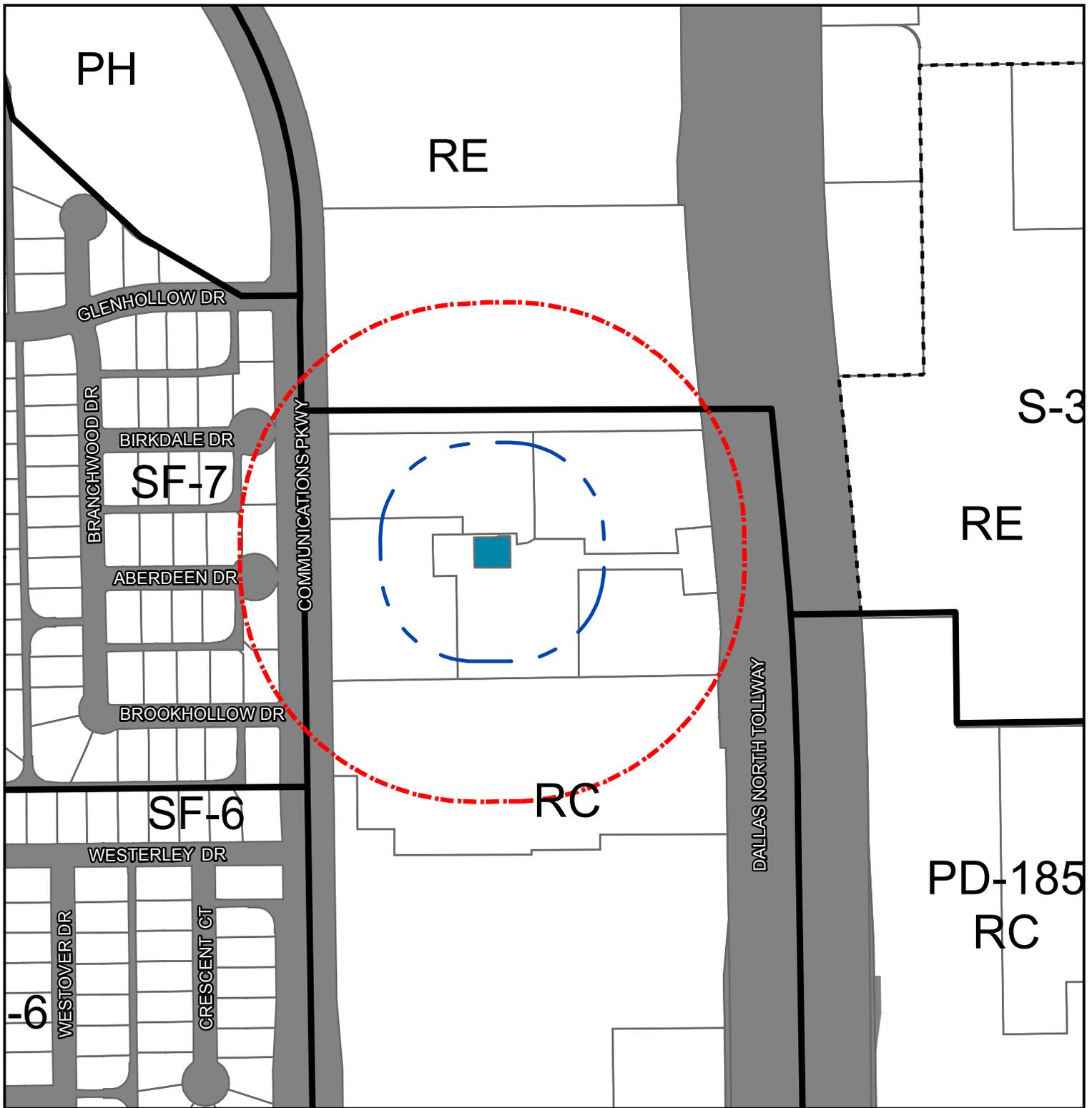
The applicant is requesting the SUP for Private Club in order to take advantage of the city's food-to-beverage ratio for alcohol. Most restaurants within the City of Plano currently operate under a mixed-beverage permit with a food-and-beverage certificate due to the complexities of maintaining private club documentation. Establishments

operating with a mixed-beverage permit with a food-and-beverage certificate are prohibited from deriving more than 50% of gross receipts from the sale of alcohol, a requirement which is enforced by TABC. Subsection 15.1000 (Private Club) of Article 15 (Use-specific Regulations) of the Zoning Ordinance contains regulations which control the number and location of private clubs including the size of the restaurant, setbacks from churches, schools, and other uses, including a food-to-beverage ratio of 35% food to 65% alcohol of gross receipts (state law does not include a food-to beverage restriction for private clubs).

The Zoning Ordinance prohibits private clubs within 300 feet of the property line of any religious facility, public or parochial school, and hospital. The subject property is in compliance with the required setbacks. Staff is in support of the requested SUP.

RECOMMENDATION:

Recommended for approval as submitted.

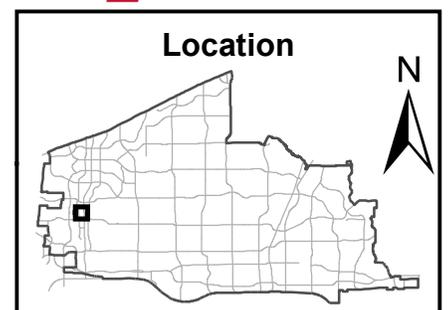


Zoning Case #: 2016-027

Existing Zoning: Regional Commercial (RC)/Dallas North Tollway Overlay District

Proposed Zoning: Request for a Specific Use Permit (SUP) for a Private Club

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



Source: City of Plano Planning Department



Area of Request

GLENHOLLOW DRIVE

BIRKDALE DRIVE

ABERDEEN DRIVE

WESTERLEY DRIVE

CRESCENT COURT

COMMUNICATIONS PARKWAY

DALLAS PARKWAY

DALLAS NORTH TOLLWAY



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

Zoning Case 2016-027

Zoning Case 2016-027

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. 14 so as to allow the additional use of Private Club on 0.1 acre of land out of the Collin County School Land Survey, Abstract No. 151, located 436 feet west of the Dallas North Tollway, 1,300 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial; 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 26th day of September, 2016, for the purpose of considering granting Specific Use Permit No. 14 for the additional use of Private Club on 0.1 acre of land out of the Collin County School Land Survey, Abstract No. 151, located 436 feet west of the Dallas North Tollway, 1,300 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial; 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 26th day of September, 2016; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 14 for the additional use of Private Club on 0.1 acre of land out of the Collin County School Land Survey, Abstract No. 151, located 436 feet west of the Dallas North Tollway, 1,300 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial, 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. 14 for the additional use of Private Club on 0.1 acre of land out of the Collin County School Land Survey, Abstract No. 151, located 436 feet west of the Dallas North Tollway, 1,300 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Regional Commercial, 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 26TH DAY OF SEPTEMBER, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2016-027

BEING part of Lot 4R, Block A, of replat of Lots 4R, 5 and 6, Block A, Windhaven Plaza Addition, an addition to the City of Plano, being out of the Collin County School Land Survey, Abstract No. 151, Collin County, Texas, according to the map thereof recorded in Cabinet P, Slide 425, of the Map Records of Collin County, Texas, and being more particularly described as follows;

BEGINNING at the northwest corner of a building unit, said point being South 86° 10'20" East, a distance of 88.33 feet from the northwest corner of said Lot 4R, a point for corner;

THENCE: North 89°40'22" East, with a building wall, a distance of 51.00 feet to a point for corner at a building corner;

THENCE: North 00°19'38" West, with a building wall, a distance of 2.30 feet to a point for corner at a building corner;

THENCE: North 89°40'22" East, with a building wall, a distance of 3.40 feet to a point for corner at a building corner;

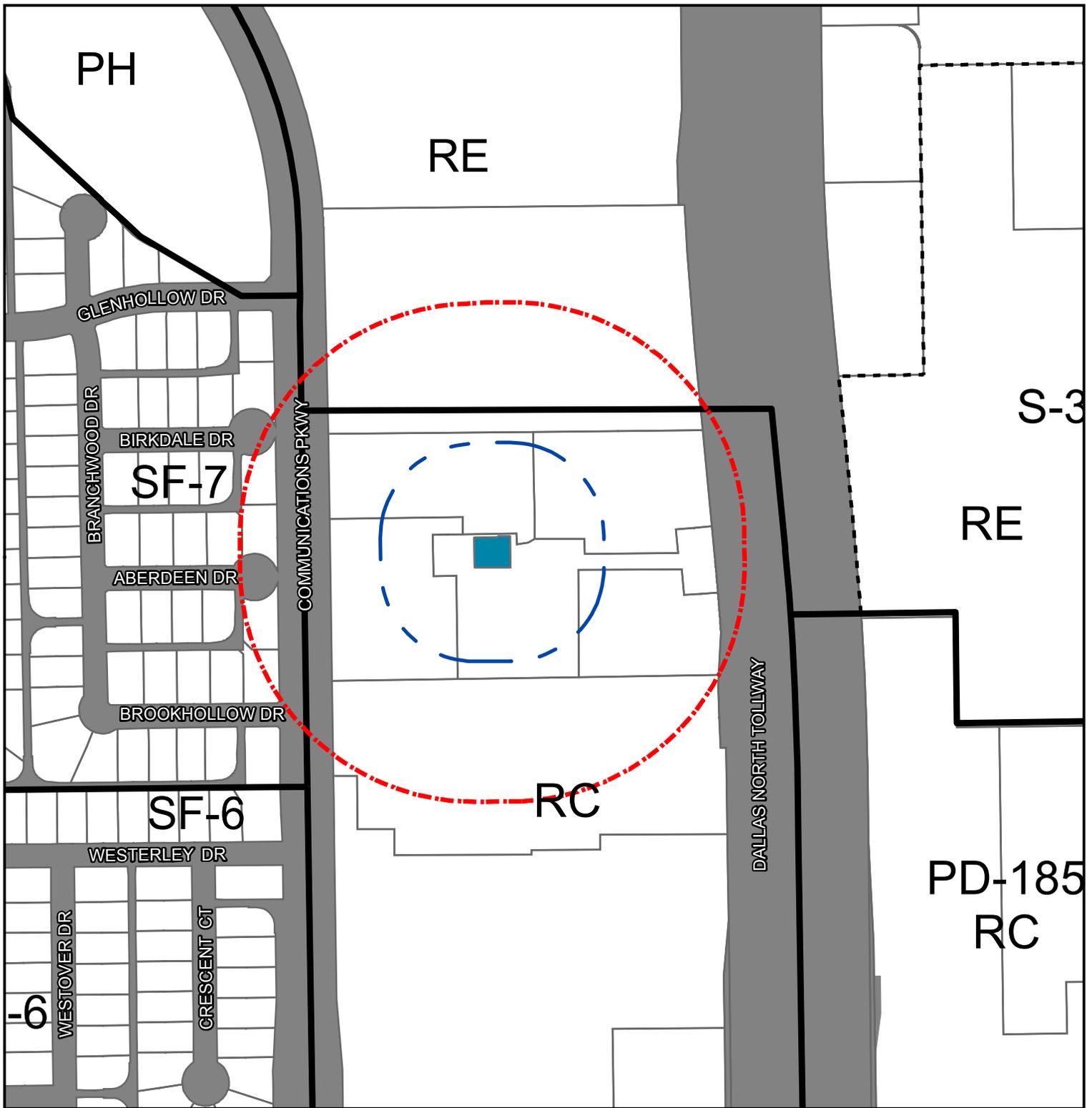
THENCE: South 00°19'38" East, with a building wall, a distance of 2.30 feet to a point for corner at an angle point in a building wall;

THENCE: South 44°40'43" East, with a building wall, a distance of 18.74 feet to a point for corner at an angle point in a building wall;

THENCE: South 00°19'38" East, with a building wall, a distance of 51 .50 feet to a point for corner at the southeast corner of a building unit;

THENCE: South 89°40'22" West, with the south line of a building unit, a distance of 67.50 feet to a point for corner at the southwest corner of a building unit;

THENCE: North 00°19'38" West, with the west line of a building unit, a distance of 64.90 feet to the PLACE OF BEGINNING and CONTAINING 4,301 square feet.

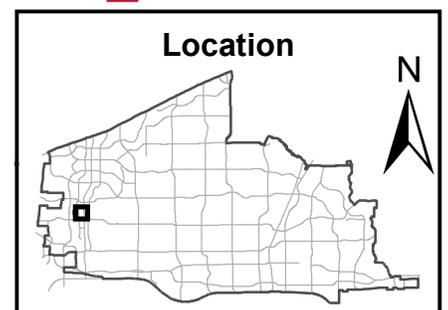


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Source: City of Plano Planning Department