

Public Hearing and Consideration of Ordinances Requested in Zoning Cases 2013-16 through 2013-20 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.

- (a) **Zoning Case 2013-16** - To rescind Specific Use Permit #506 for Private Club on 0.1± acre located on the west side of Bishop Road, 70± feet north of Kincaid Road. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #506 for Private Club.
- (b) **Zoning Case 2013-17** - To rescind Specific Use Permit #502 for Private Club on 0.6± acre located on the west side of Bishop Road, 345± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #502 for Private Club.
- (c) **Zoning Case 2013-18** - To rescind Specific Use Permit #509 for Private Club on 1.1± acres located on the west side of H Avenue, 250± feet north of 15th Street. Zoned Downtown Business/Government with Heritage Resource #24 Designation and Specific Use Permit #509 for Private Club.
- (d) **Zoning Case 2013-19** - To rescind Specific Use Permit #450 for Private Club on 0.1± acre located on the east side of the DART railroad tracks, 25± feet north of 15th Place. Zoned Downtown Business/Government with Specific Use Permit #450 for Private Club.
- (e) **Zoning Case 2013-20** - To rescind Specific Use Permit #533 for Private Club on 0.3± acre located at the northwest corner of K Avenue and 16th Street. Zoned Downtown Business/Government with Specific Use Permit #533 for Private Club.

All locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend 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. Applicant: City of Plano

DATE: September 17, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 16, 2013

**AGENDA ITEM NO. 7B - PUBLIC HEARING
ZONING CASE 2013-16
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #506 for Private Club on 0.1± acre located on the west side of Bishop Road, 70± feet north of Kincaid Road. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #506 for Private Club.

APPROVED: 7-0 **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: October 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 16, 2013

Agenda Item No. 7B

Public Hearing: Zoning Case 2013-16

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #506 for Private Club on 0.1± acre located on the west side of Bishop Road, 70± feet north of Kincaid Road. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #506 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #506 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.

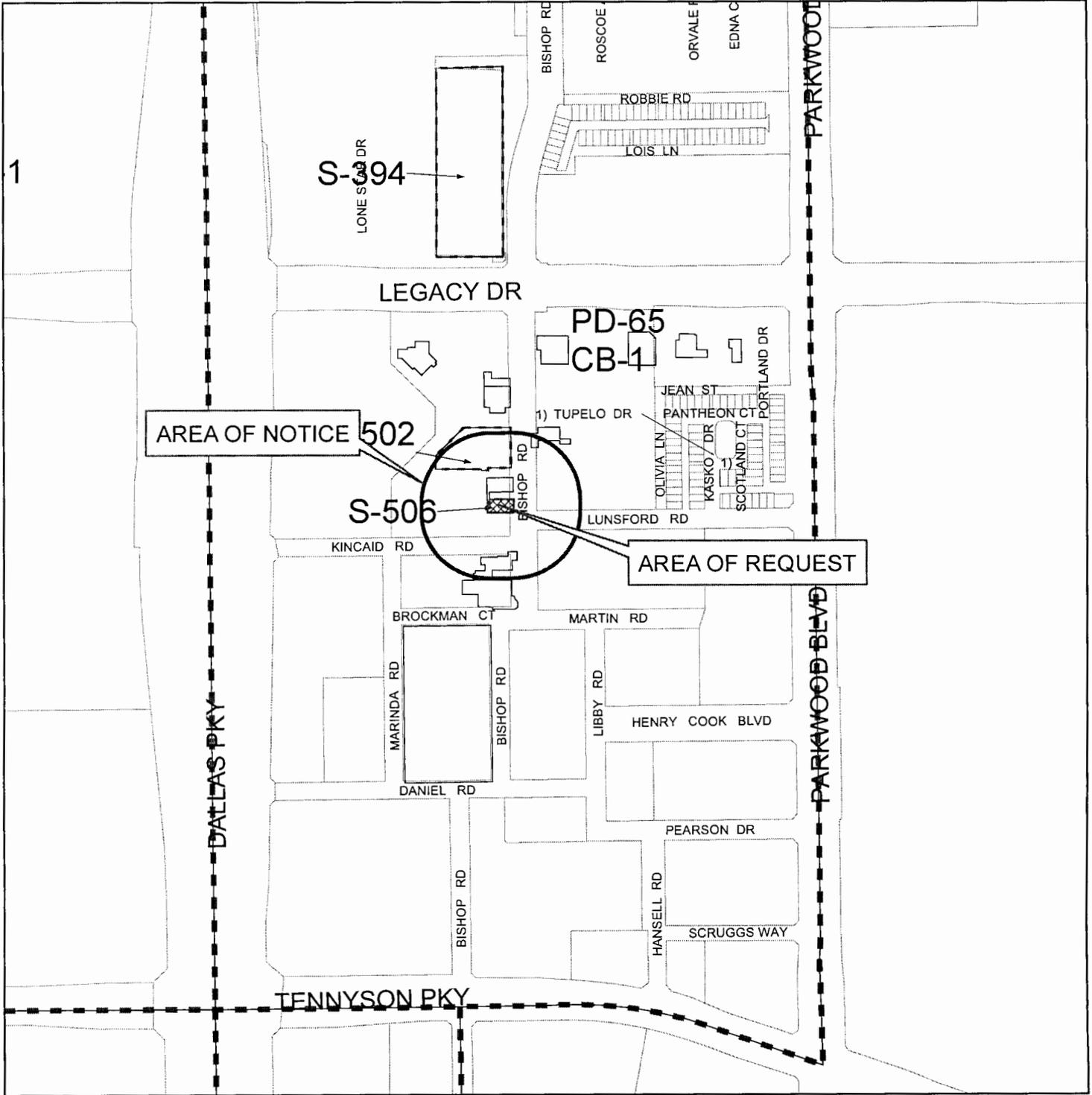
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed beverage permits.

Half Shells 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, since the SUP is

not necessary for the restaurant to sell alcoholic beverages. Additionally, a SUP for Private Club is no longer required in the Central Business-1 base zoning district. 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.



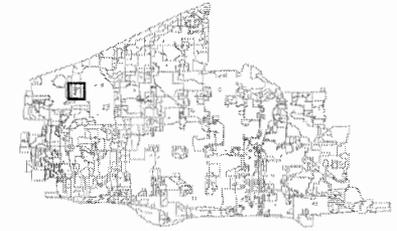
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AREA OF NOTICE 502

AREA OF REQUEST



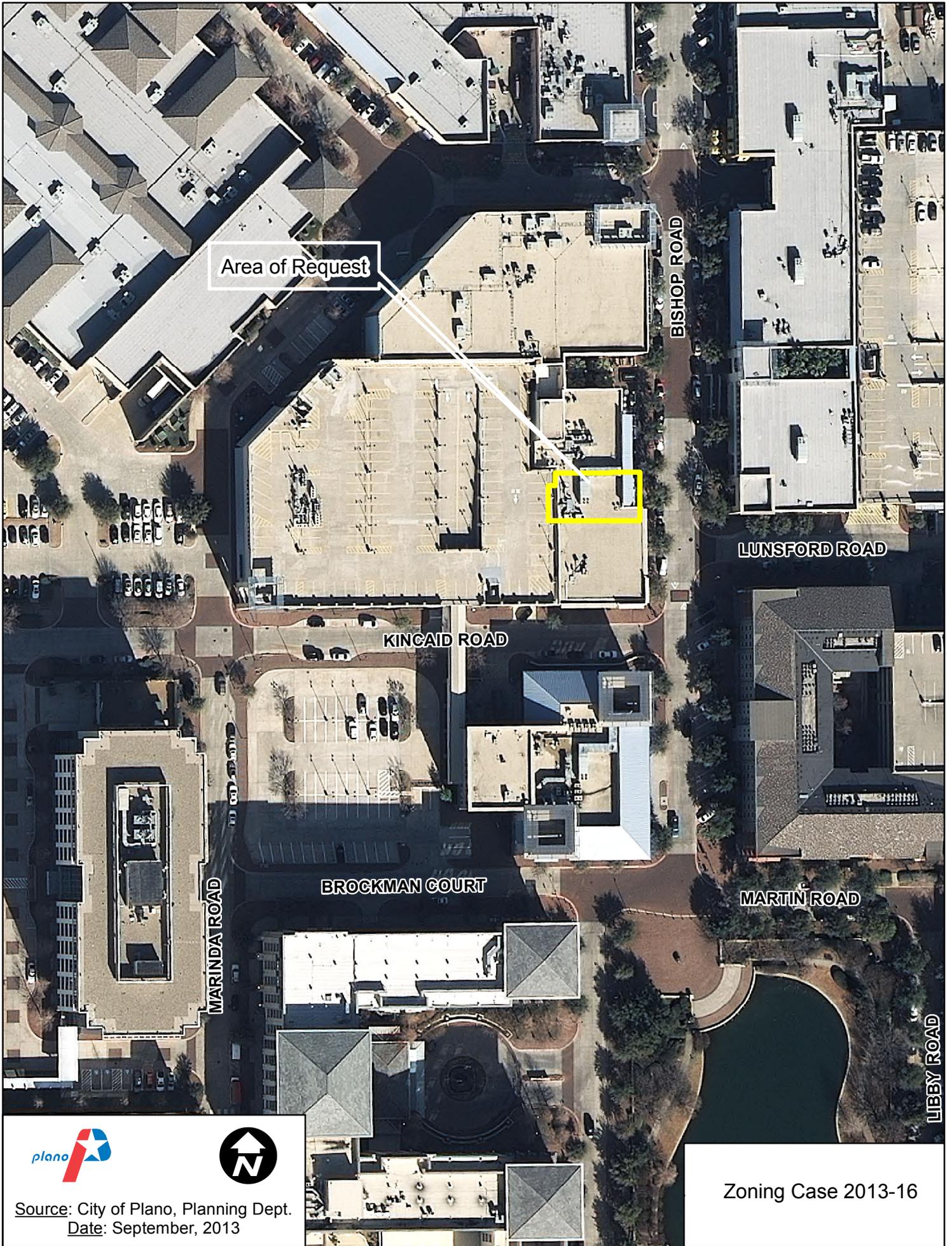
Zoning Case #: 2013-16



Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #506

○ 200' Notification Buffer





Area of Request

BISHOP ROAD

LUNSFORD ROAD

KINGAID ROAD

BROCKMAN COURT

MARTIN ROAD

MARINDA ROAD

LIBBY ROAD



Source: City of Plano, Planning Dept.
Date: September, 2013

Zoning Case 2013-16

Zoning Case 2013-16

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2003-9-24; thereby rescinding Specific Use Permit No. 506 for the additional use of a Private Club on 0.1± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located on the west side of Bishop Road, 70± feet north of Kincaid Road in the City of Plano, Collin County, Texas, currently zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 506 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 14th day of October, 2013, for the purpose of considering rescinding Specific Use Permit No. 506 for the additional use of a Private Club on 0.1± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located on the west side of Bishop Road, 70± feet north of Kincaid 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 14th day of October, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 506 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. 2003-9-24 duly passed and approved by the City Council of the City of Plano, Texas, on September 8, 2003, granting Specific Use Permit No. 506 for the additional use of a Private Club on 0.1± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located on the west side of Bishop Road, 70± feet north of Kincaid Road in the City of Plano, Collin County, Texas, currently zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 506 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 506 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 14TH DAY OF OCTOBER, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-16

BEING a tract of land situated in the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, in the City of Plano, Collin County, Texas, and being a portion of Lot 2, Block E of Legacy Town Center (South), an addition to the City of Plano, Texas, according to the map or plat thereof recorded in Volume M at Page 47 of the Plat Records of Collin County, Texas and being more particularly described by metes and bounds as follows (bearings based on the west right-of-way line of Bishop Road as dedicated in said Legacy Town center (South), said bearing being North);

COMMENCING at the southeast corner of said Lot 2, Block E, same being the intersection of the north right-of-way line of Kincaid Road (a 54-foot wide right-of-way) with the west right-of-way line of Bishop Road (an 82-foot wide right-of-way);

THENCE North, along the east line of said Lot 2, Block E, and the west right-of-way line of said Bishop Road, a distance of 82.98 feet to a corner, and POINT OF BEGINNING;

THENCE West, departing the east line of said Lot 2, Block E, and the west right-of-way line of said Bishop Road, a distance of 72.85 feet to a corner;

THENCE North, along the face of the western wall of an existing building, a distance of 30.25 feet to a corner;

THENCE in an easterly direction, departing the face of said westerly wall and generally along the defined lease line, the following:

East, a distance of 6.13 feet to a corner;

North, a distance of 10.75 feet to a corner;

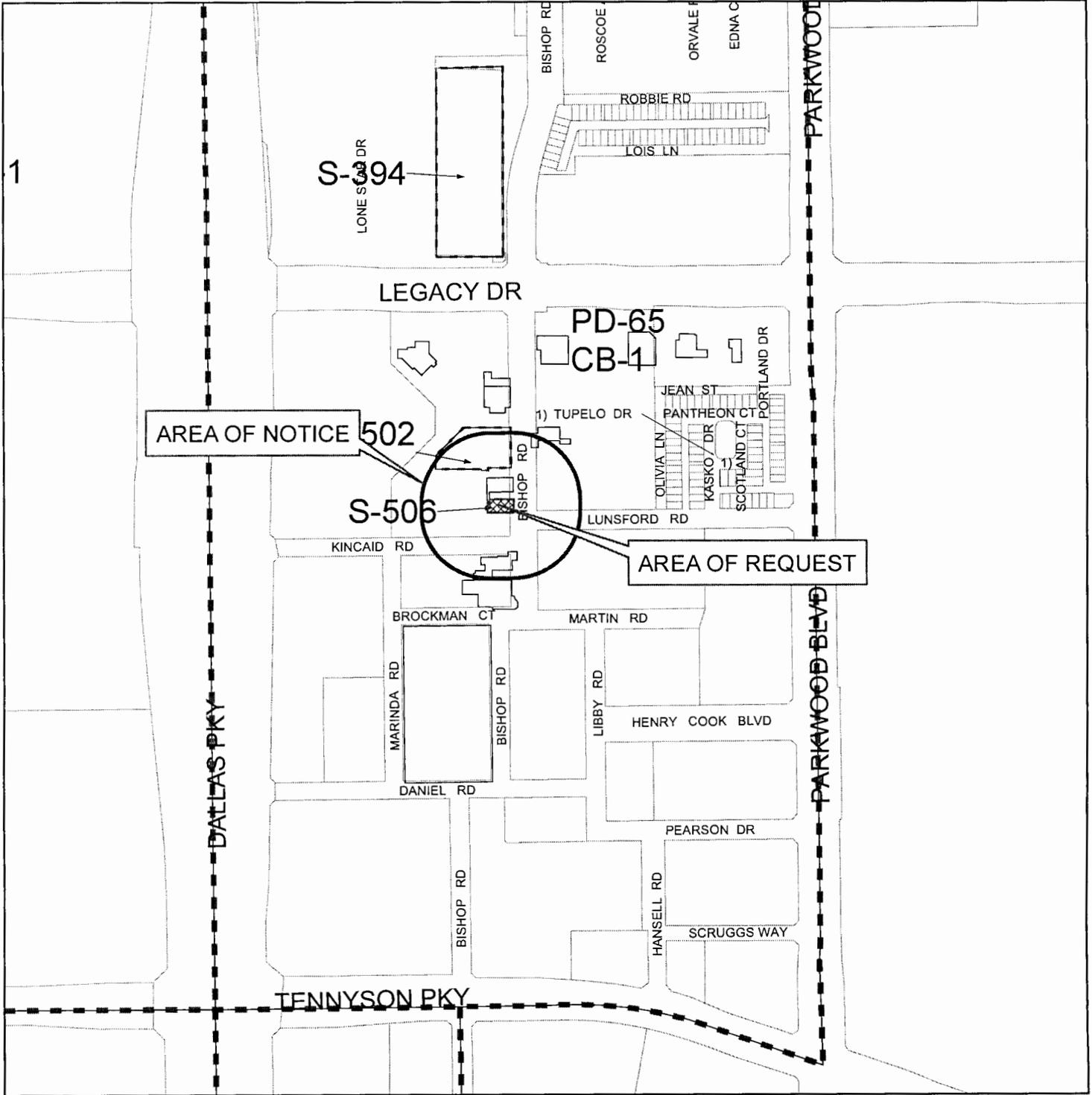
East, a distance of 47.54 feet to a corner;

North, a distance of 00.48 feet to a corner on the face of said exterior easterly wall of said building;

THENCE East, a distance of 24.99 feet to a corner;

THENCE South, a distance of 41.48 feet to a corner;

THENCE West, a distance of 5.08 feet to the POINT OF BEGINNING and CONTAINING 0.072 of an acre of land, more or less.



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S-5094

LEGACY DR

PD-65
CB-1

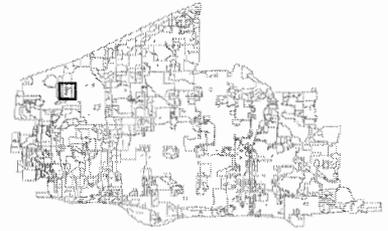
AREA OF NOTICE 502

S-506

AREA OF REQUEST



Zoning Case #: 2013-16



Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT
w/SPECIFIC USE PERMIT #506



○ 200' Notification Buffer

DATE: September 17, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 16, 2013

**AGENDA ITEM NO. 7C - PUBLIC HEARING
ZONING CASE 2013-17
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #502 for Private Club on 0.6± acre located on the west side of Bishop Road, 345± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #502 for Private Club.

APPROVED: 7-0 **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: October 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 16, 2013

Agenda Item No. 7C

Public Hearing: Zoning Case 2013-17

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #502 for Private Club on 0.6± acre located on the west side of Bishop Road, 345± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #502 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #502 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.

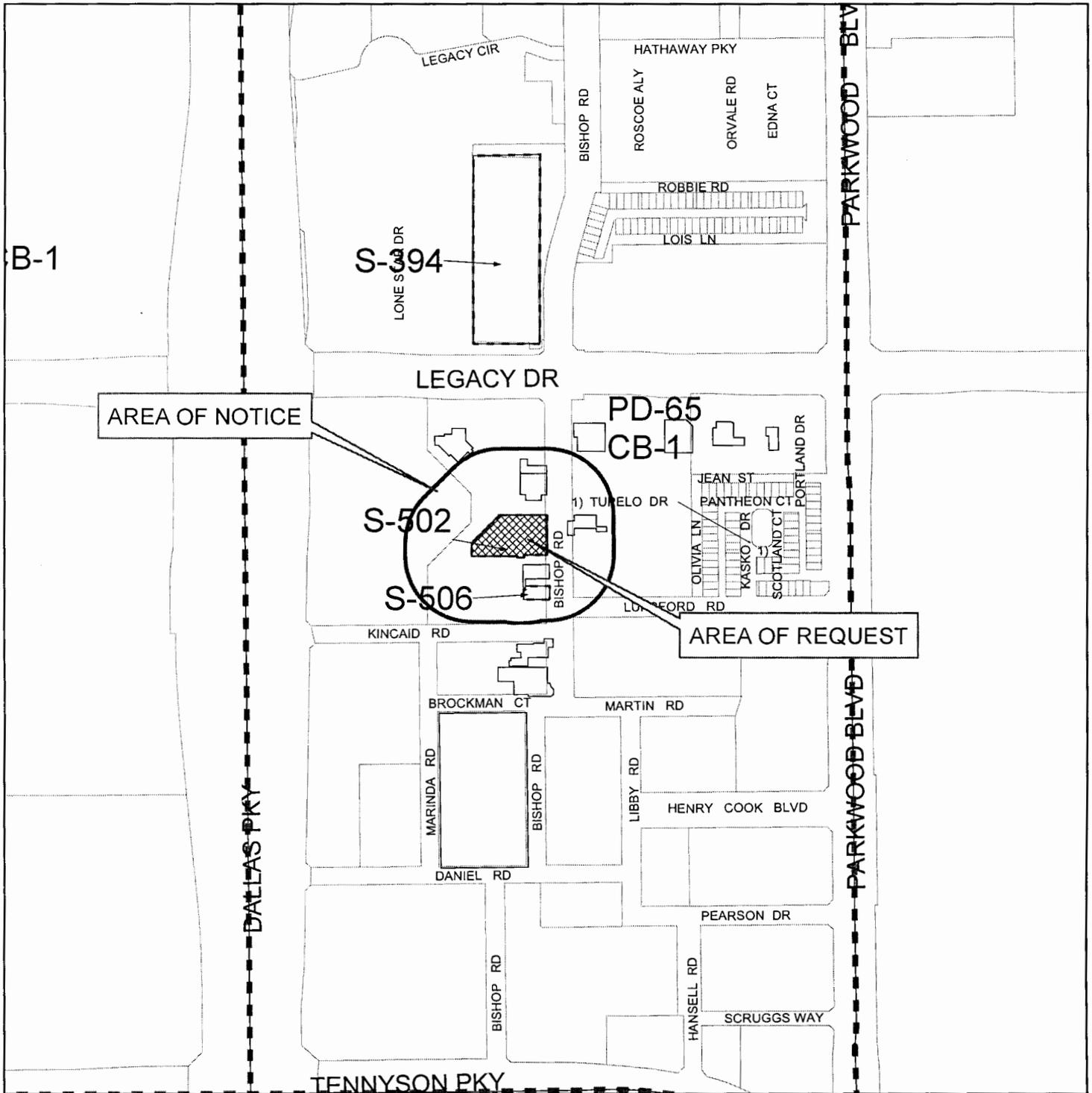
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed beverage permits.

Angelika Film Center & Cafe 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,

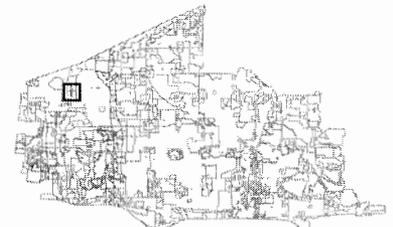
since the SUP is not necessary for the restaurant to sell alcoholic beverages. Additionally, a SUP for private club is no longer required in the Central Business-1 base zoning district. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.



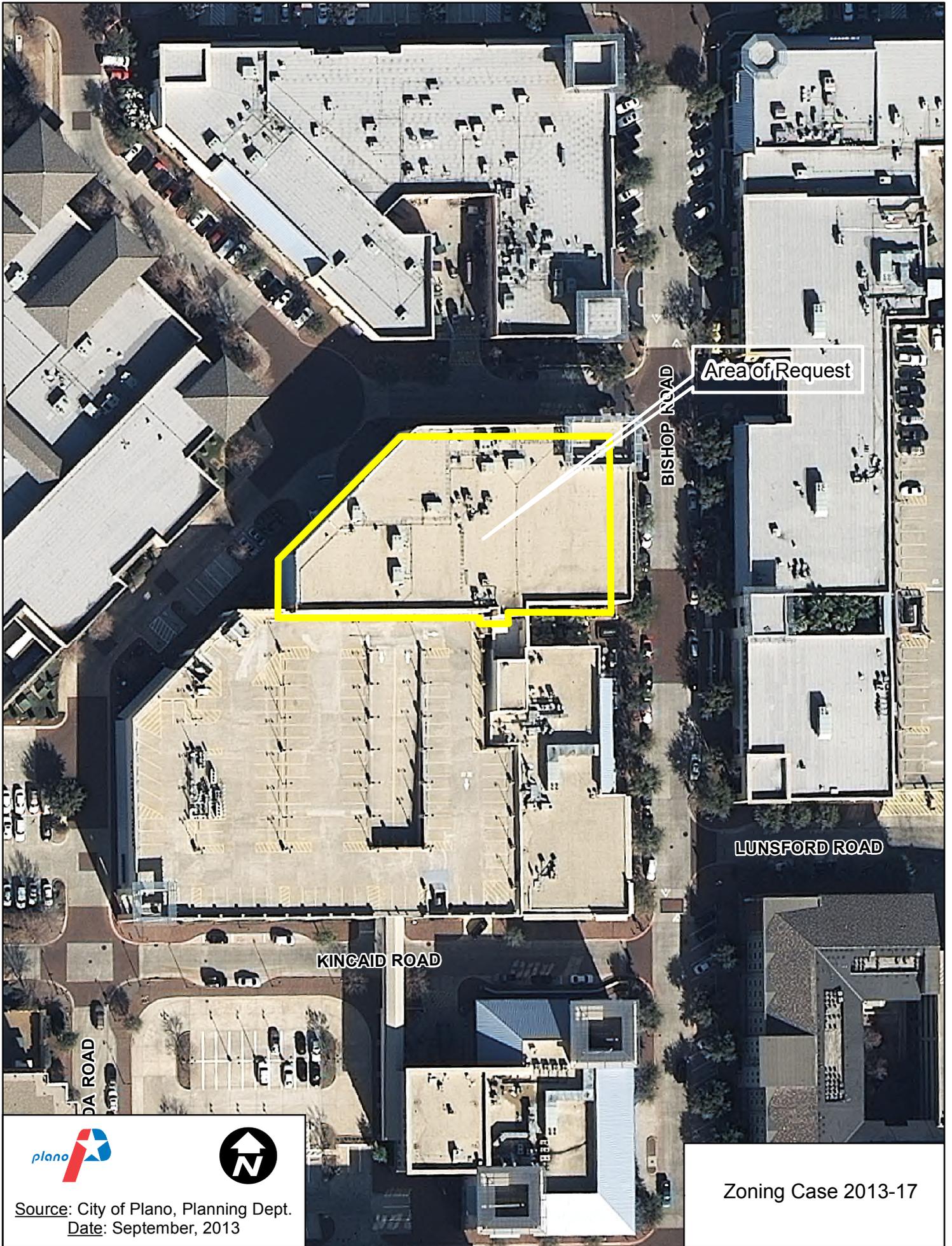
Zoning Case #: 2013-17



Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #502

○ 200' Notification Buffer





Area of Request

BISHOP ROAD

LUNSFORD ROAD

KINCAID ROAD

KINCAID ROAD



Source: City of Plano, Planning Dept.
Date: September, 2013

Zoning Case 2013-17

Zoning Case 2013-17

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2003-8-20; thereby rescinding Specific Use Permit No. 502 for the additional use of a Private Club on 0.6± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located on the west side of Bishop Road, 345± feet south of Legacy Drive in the City of Plano, Collin County, Texas, currently zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 502 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 14th day of October, 2013, for the purpose of considering rescinding Specific Use Permit No. 502 for the additional use of a Private Club on 0.6± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located on the west side of Bishop Road, 345± feet south of Legacy 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 14th day of October, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 502 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. 2003-8-20 duly passed and approved by the City Council of the City of Plano, Texas, on August 25, 2003, granting Specific Use Permit No. 502 for the additional use of a Private Club on 0.6± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located on the west side of Bishop Road, 345± feet south of Legacy Drive in the City of Plano, Collin County, Texas, currently zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 502 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 502 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 14TH DAY OF OCTOBER, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-17

BEING a tract of land situated in the Henry Cook Survey, Abstract No. 183 and Maria C. Vela Survey, Abstract No. 935, in the City of Plano, Collin County, Texas, and being a portion of Lot 2, Block E of Legacy Town Center (South), an addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume M at Page 47 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and being more particularly described by metes and bounds as follows: (bearings based on the west right-of-way line of Bishop Road as dedicated in said Legacy Town center (South), said bearing being north);

COMMENCING at the southeast corner of Lot 2, Block E of Legacy Town Center (South), Volume M at Page 47 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and being the intersection of the north right-of-way line of Kincaid Road (a 54-foot wide right-of-way) with the west right-of-way line of Bishop Road (an 82-foot wide right-of-way);

THENCE North, along the west right-of-way line of Bishop Road, a distance of 214.79 feet, to a corner;

THENCE West, departing said corner, a distance of 1.15 feet to the POINT OF BEGINNING;

THENCE West, along the southern face of a proposed building, a distance of 70.88 feet to a corner;

THENCE South, along the eastern face of said building, a distance of 8.29 feet to a corner;

THENCE West, along the southern face of said building, a distance of 20.00 feet to a corner;

THENCE North, along the western face of said building, a distance of 4.26 feet to a corner;

THENCE West, along southern face of said building, a distance of 137.87 feet to a corner;

THENCE North, along western face of said building, a distance of 40.20 feet to a corner;

THENCE North, 136° 00' 00" West, a distance of 119.00 feet to a corner;

THENCE East, along northern face of said building, a distance of 94.78 feet to a corner;

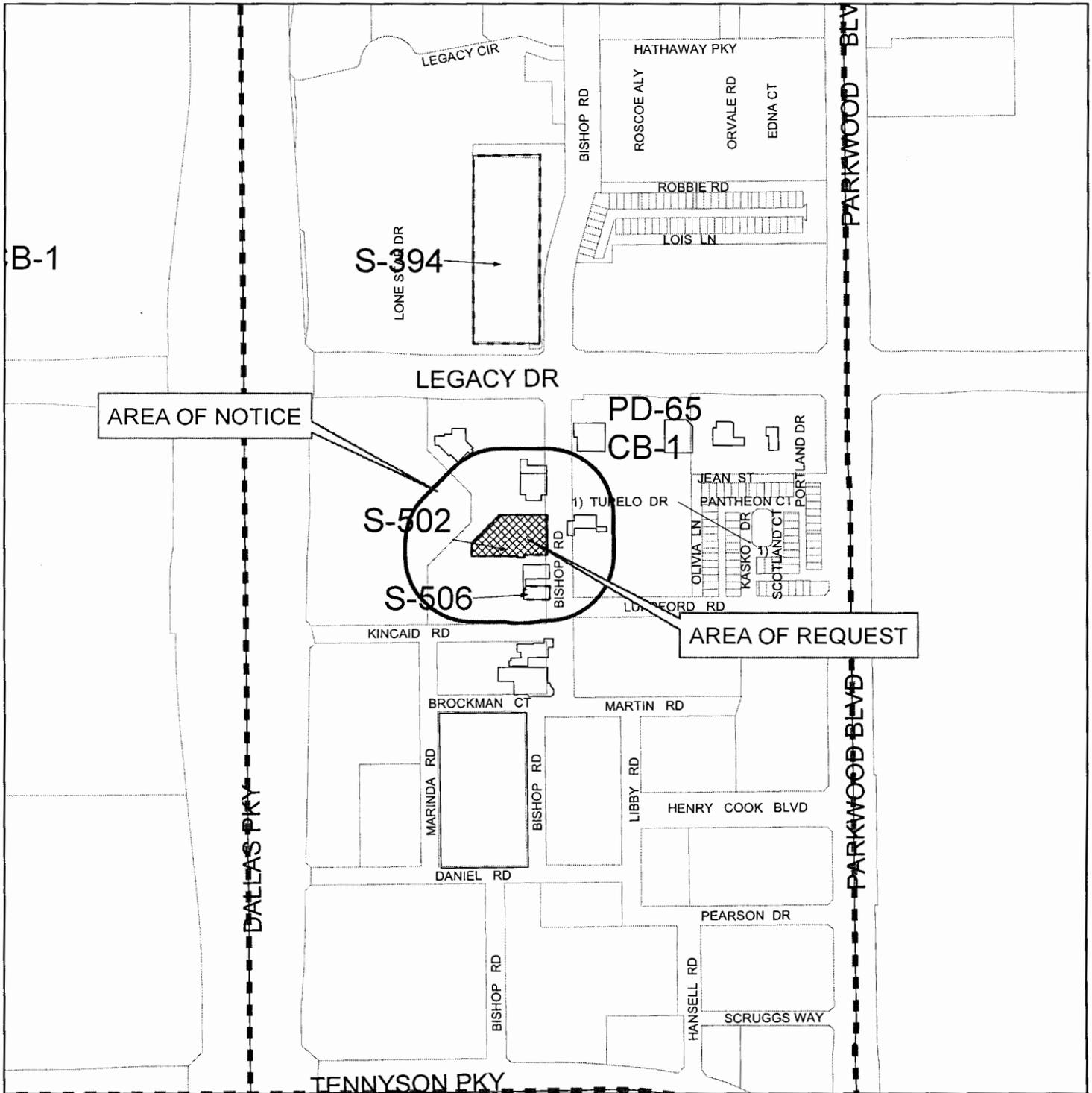
THENCE North, along western face of said building, a distance of 1.00 foot a corner;

THENCE East, along northern face of said building, a distance of 50.75 feet to a corner;

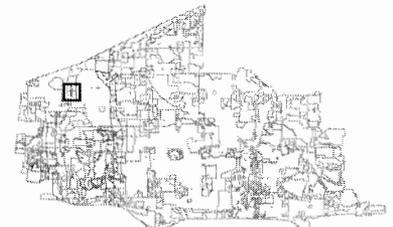
THENCE South, along eastern face of said building, a distance of 42.17 feet to a corner;

THENCE West, along southern face of said building, a distance of 1.00 foot to a corner;

THENCE South, along eastern face of said building, a distance of 79.58 feet to the POINT OF BEGINNING and CONTAINING (24,838.36 square feet), 0.57 of an acre of land, more or less.



Zoning Case #: 2013-17



Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMIT #502

○ 200' Notification Buffer



DATE: September 17, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 16, 2013

**AGENDA ITEM NO. 7D - PUBLIC HEARING
ZONING CASE 2013-18
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #509 for Private Club on 1.1± acres located on the west side of H Avenue, 250± feet north of 15th Street. Zoned Downtown Business/Government with Heritage Resource #24 Designation and Specific Use Permit #509 for Private Club.

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

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 3 **OPPOSE:** 1

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: October 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 16, 2013

Agenda Item No. 7D

Public Hearing: Zoning Case 2013-18

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #509 for Private Club on 1.1± acres located on the west side of H Avenue, 250± feet north of 15th Street. Zoned Downtown Business/Government with Heritage Resource #24 Designation and Specific Use Permit #509 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #509 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.

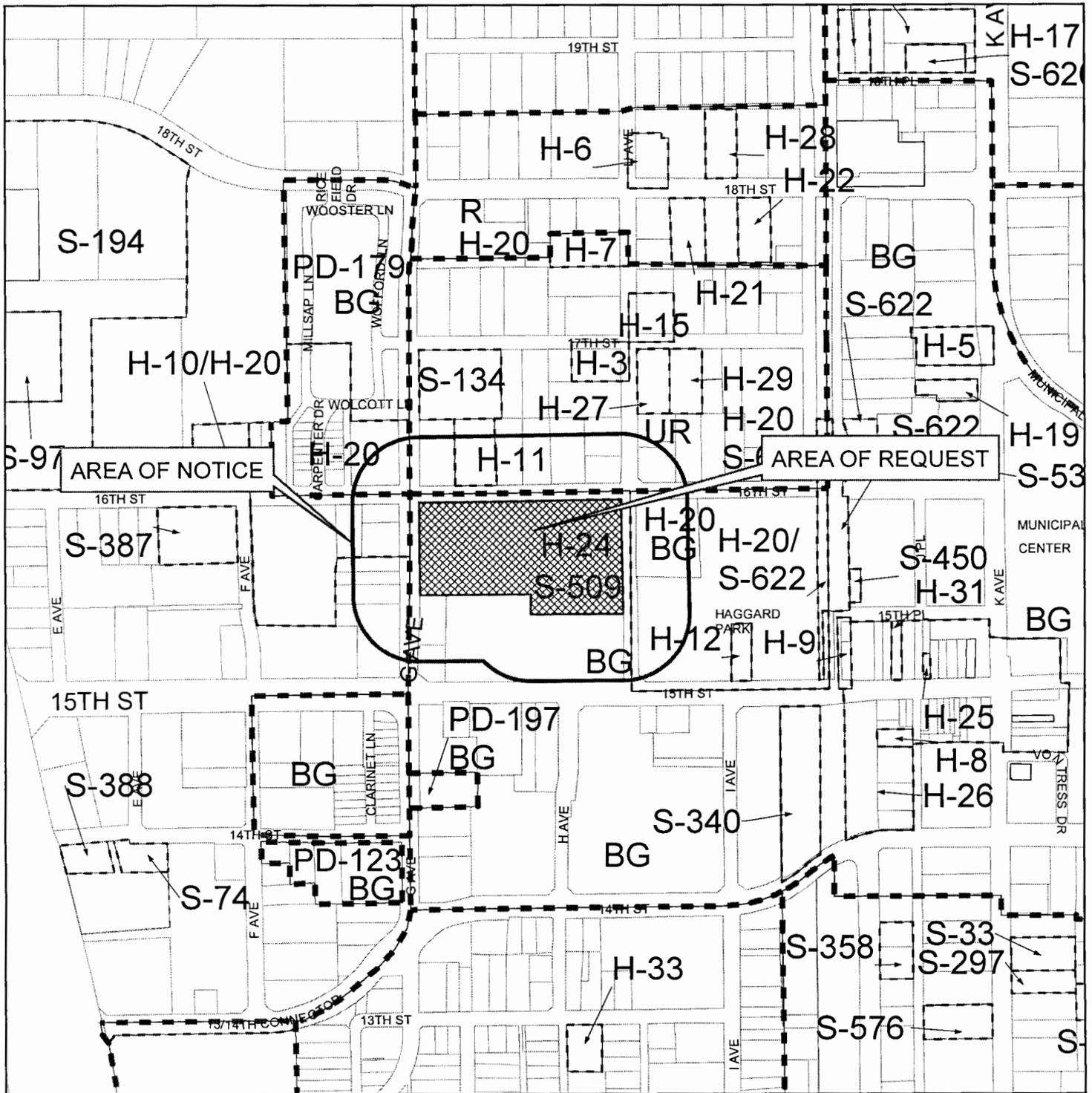
Therefore, given recent changes to city ordinances related to private clubs, per City Council's direction, the Planning & Zoning Commission called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed beverage permits.

Courtyard Theater is no longer operating with a Mixed Beverage Permit nor a Private Club 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. Additionally, a SUP for Private Club is no longer required in the Downtown Business/Government zoning district. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

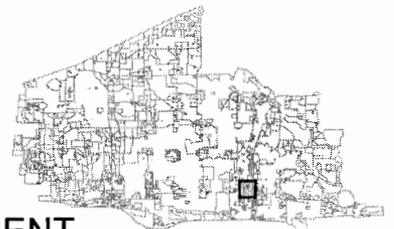
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2013-18

Existing Zoning: DOWNTOWN BUSINESS/GOVERNMENT
 w/SPECIFIC USE PERMIT #509 &
 HERITAGE RESOURCE DESIGNATION #24



○ 200' Notification Buffer





Area of Request

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Source: City of Plano, Planning Dept.
Date: September, 2013

Zoning Case 2013-18

Zoning Case 2013-18

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2003-10-20; thereby rescinding Specific Use Permit No. 509 for the additional use of a Private Club on 1.1± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of H Avenue, 250± feet north of 15th Street in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Heritage Resource #24 Designation and Specific Use Permit No. 509 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 14th day of October, 2013, for the purpose of considering rescinding Specific Use Permit No. 509 for the additional use of a Private Club on 1.1± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of H Avenue, 250± feet north of 15th 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 14th day of October, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 509 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. 2003-10-20 duly passed and approved by the City Council of the City of Plano, Texas, on October 14, 2003, granting Specific Use Permit No. 509 for the additional use of a Private Club on 1.1± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of H Avenue, 250± feet north of 15th Street in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Heritage Resource #24 Designation and Specific Use Permit No. 509 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 509 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 14TH DAY OF OCTOBER, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-18

BEING a tract of land out of the Joseph Klepper Survey, Abstract No. 213 located in the City of Plano, Collin County, Texas, and being a portion of Lots 1 and 8B, Block 22, Original Donation to the City of Plano, and being more particularly described as follows:

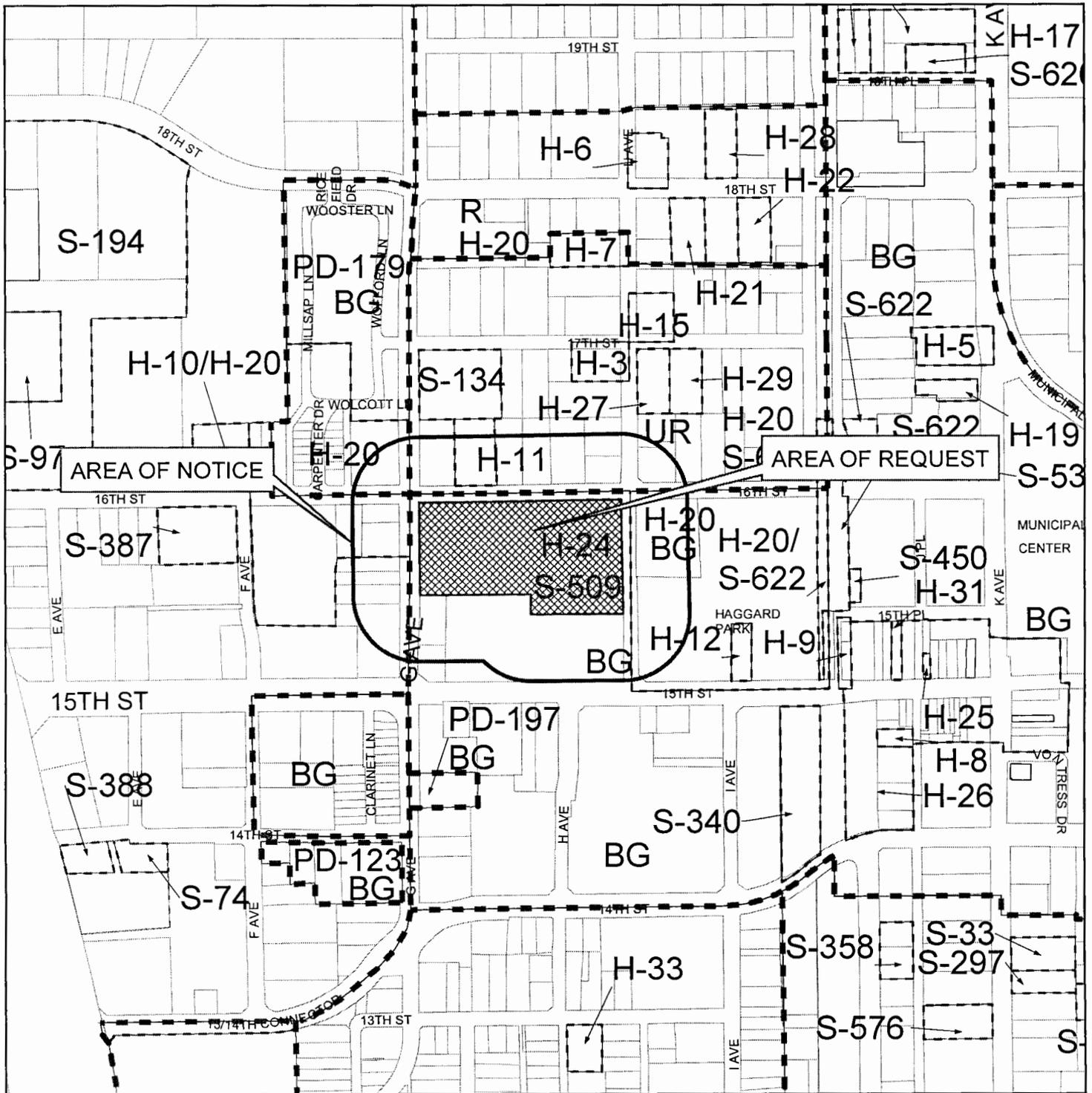
BEGINNING at the southeast corner of said Lots 1 and 8A, Block 22, Original Donation, also being the most easterly northeast corner of Lot 1, Block 1, First Christian Church Addition as recorded in Cabinet F, Page 728, Collin County Plat Records, said corner being in the westerly right-of-way line of H Avenue;

THENCE South, 69° 56' 00" West, 284.70 feet along the southern line of said Lots 1 and 8B to a point for a corner;

THENCE North, 00° 09' 23" East, 161.88 feet to a point for a corner;

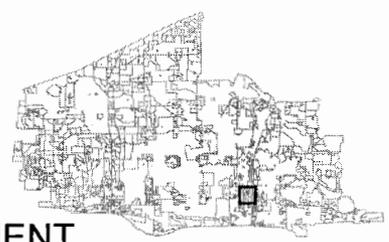
THENCE North, 89° 38' 21" East, 284.71 feet to a point for a corner, said point being in the westerly right-of-way line for H Avenue;

THENCE South, 00° 09' 23" West, 163.34 feet along the westerly right-of-way line for H Avenue to the POINT OF BEGINNING and CONTAINING 46,154 square feet of land, more or less.



Zoning Case #: 2013-18

Existing Zoning: DOWNTOWN BUSINESS/GOVERNMENT
w/SPECIFIC USE PERMIT #509 &
HERITAGE RESOURCE DESIGNATION #24



○ 200' Notification Buffer



DATE: September 17, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 16, 2013

**AGENDA ITEM NO. 7E - PUBLIC HEARING
ZONING CASE 2013-19
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #450 for Private Club on 0.1± acre located on the east side of the DART railroad tracks, 25± feet north of 15th Place. Zoned Downtown Business/Government with Specific Use Permit #450 for Private Club.

APPROVED: 7-0 **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: October 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 16, 2013

Agenda Item No. 7E

Public Hearing: Zoning Case 2013-19

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #450 for Private Club on 0.1± acre located on the east side of the DART railroad tracks, 25± feet north of 15th Place. Zoned Downtown Business/Government with Specific Use Permit #450 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #450 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.

Plano Station is no longer operating and the owner has not 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, since the SUP is not necessary for the restaurant to sell alcoholic

beverages. Additionally, a SUP for private club is no longer required in the Downtown Business/Government base zoning district. 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.



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Source: City of Plano, Planning Dept.
Date: September, 2013

Zoning Case 2013-19

Zoning Case 2013-19

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2001-7-19; thereby rescinding Specific Use Permit No. 450 for the additional use of a Private Club on 0.1± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of the DART railroad tracks, 25± feet north of 15th Place in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Specific Use Permit No. 450 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 14th day of October, 2013, for the purpose of considering rescinding Specific Use Permit No. 450 for the additional use of a Private Club on 0.1± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of the DART railroad tracks, 25± feet north of 15th Place 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 14th day of October, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 450 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. 2001-7-19 duly passed and approved by the City Council of the City of Plano, Texas, on July 25, 2001, granting Specific Use Permit No. 450 for the additional use of a Private Club on 0.1± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of the DART railroad tracks, 25± feet north of 15th Place in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Specific Use Permit No. 450 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 450 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 14TH DAY OF OCTOBER, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Ordinance 2013-19

BEING a 0.0789 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, also being part of Lot 1, Block A of the Plano Transit Village, a platted addition to the City of Plano, Collin County, Texas and being more particularly described as follows:

COMMENCING at a point at the southwest corner of Lot 1, Block A of the Plano Transit Village Addition, said point also being on the north right-of-way of 15th Place;

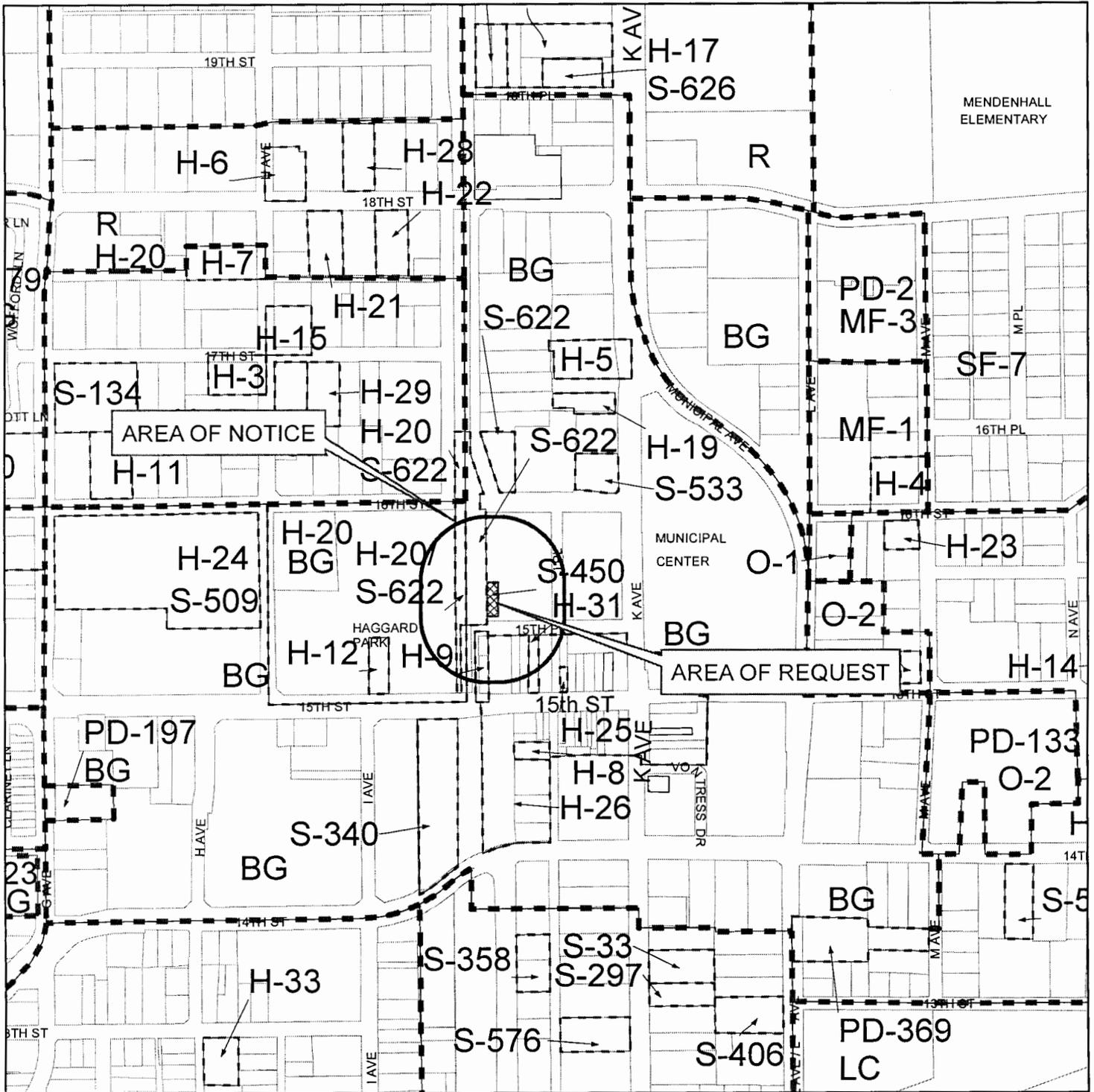
THENCE along the west boundary line of Lot 1, Block A, with a bearing of North, 00° 33' 68" East, 50.45 feet to the PLACE OF BEGINNING;

THENCE North, 00° 33' 58" West, 102.89 feet to a point for corner;

THENCE South, 89° 53' 21" East. 33.38 feet to a point for corner;

THENCE South, 00° 36' 08" East, 102.89 feet to a point for corner;

THENCE North, 89° 53' 21" West, a distance of 33.44 feet to a POINT OF BEGINNING and CONTAINING 3,437.35 square feet of land more or less.



Zoning Case #: 2013-19

Existing Zoning: DOWNTOWN BUSINESS/GOVERNMENT
w/SPECIFIC USE PERMIT #450



○ 200' Notification Buffer

DATE: September 17, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of September 16, 2013

**AGENDA ITEM NO. 7F - PUBLIC HEARING
ZONING CASE 2013-20
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #533 for Private Club on 0.3± acre located at the northwest corner of K Avenue and 16th Street. Zoned Downtown Business/Government with Specific Use Permit #533 for Private Club.

APPROVED: 7-0 **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: October 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JH/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 16, 2013

Agenda Item No. 7F

Public Hearing: Zoning Case 2013-20

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #533 for Private Club on 0.3± acre located at the northwest corner of K Avenue and 16th Street. Zoned Downtown Business/Government with Specific Use Permit #533 for Private Club.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #533 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.

Santa Cruz Bakery has not 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, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Additionally, a SUP

for private club is no longer required in the Downtown Business/Government base zoning district. 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.



MUNICIPAL AVENUE

K AVENUE

Area of Request

16TH STREET

J PLACE



Source: City of Plano, Planning Dept.
Date: September, 2013

Zoning Case 2013-20

Zoning Case 2013-20

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2004-1-26; thereby rescinding Specific Use Permit No. 533 for the additional use of a Private Club on 0.3± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located at the northwest corner of K Avenue and 16th Street in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Specific Use Permit No. 533 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 14th day of October, 2013, for the purpose of considering rescinding Specific Use Permit No. 533 for the additional use of a Private Club on 0.3± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located at the northwest corner of K Avenue and 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 14th day of October, 2013; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 533 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. 2004-1-26 duly passed and approved by the City Council of the City of Plano, Texas, on January 26, 2004, granting Specific Use Permit No. 533 for the additional use of a Private Club on 0.3± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located at the northwest corner of K Avenue and 16th Street in the City of Plano, Collin County, Texas, currently zoned Downtown Business/Government with Specific Use Permit No. 533 for Private Club, more fully described on Exhibit "A" attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 533 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 14TH DAY OF OCTOBER, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-20

SITUATED in the State of Texas, County of Collin, and the City of Plano, being a 0.313 acre tract of land, part of the Joseph Klepper Survey, Abstract No. 213, being Lot 1, Block 1 of Duncan Addition, an addition to the City of Plano as recorded in Volume B, Page 274 of the Collin County Map Records with said premises; being more particularly described as follows:

BEGINNING at the northwest corner of Lot 1 and the southwest corner of Lot 2 of said addition;

THENCE South, $89^{\circ} 00' 31''$ East, 135.90 feet to the northeast corner of Lot 1 and the southeast corner of Lot 2 in the west right-of-way line of K Avenue;

THENCE with the east line of Lot 1 and the west right-of-way line of K Avenue, South, 97.00 feet to a corner clip at the intersection of the west right-of-way line of K Avenue with the north right-of-way line of 16th Street;

THENCE along said corner clip, South, $45^{\circ} 29' 45''$ West, 11.22 feet to the most southerly southeast corner of Lot 1 in the north right-of-way line of 16th Street;

THENCE with the south line of Lot 1 and the north right-of-way line of 16th Street as follows:

North, $89^{\circ} 00' 31''$ West, 27.54 feet to the beginning of a curve to the right;

Northwesterly along said curve having a central angle of $06^{\circ} 37' 40''$ with a radius of 478.32 feet for an arc distance of 55.33 feet (chord = North, $84^{\circ} 22' 21''$ West, 55.30 feet) end of said curve;

North, $85^{\circ} 15' 31''$ West, 45.75 feet to the southwest corner of Lot 1;

THENCE with the west line of Lot 1 North, 95.21 feet to the POINT OF BEGINNING and CONTAINING 13,641 square feet or 0.313 acre of land.

