

DATE: November 22, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of November 21, 2011

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2011-34
APPLICANT: ONE BANK AND TRUST**

Request for a Specific Use Permit for Arcade on 2.1± acres located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75. Zoned Corridor Commercial.

APPROVED: 6-0 **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 subject to City Council waiving the 300-foot distance requirement from residentially zoned property.

EH/dw

xc: Gary Rickenbach, One Bank And Trust
Seth Kelly, RLK Engineering, Inc.

CITY OF PLANO
PLANNING & ZONING COMMISSION

November 21, 2011

Agenda Item No. 7A

Public Hearing: Zoning Case 2011-34

Applicant: One Bank and Trust

DESCRIPTION:

Request for a Specific Use Permit for Arcade on 2.1± acres located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75. Zoned Corridor Commercial.

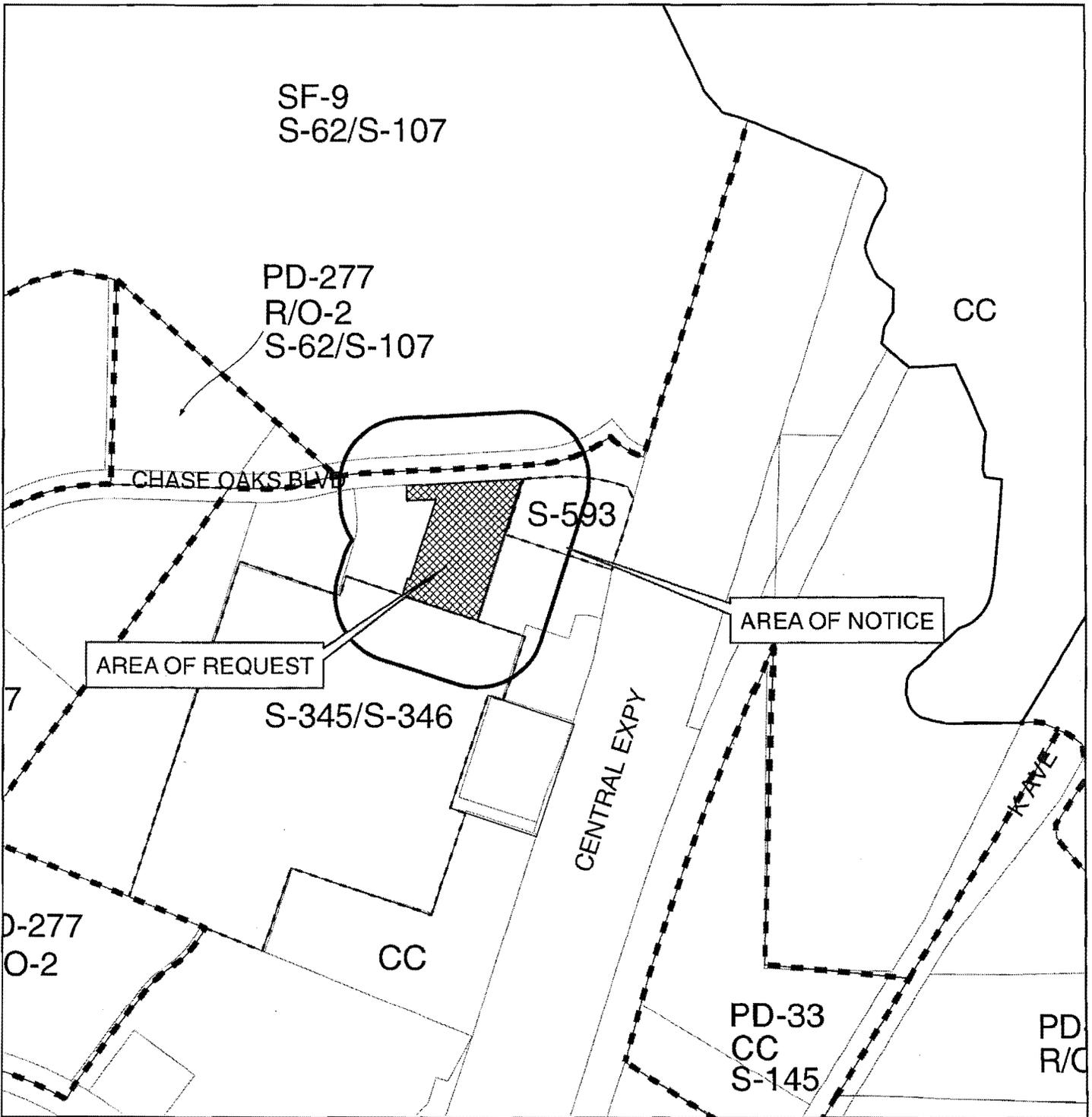
REMARKS:

The requested zoning is a Specific Use Permit (SUP) for Arcade in a proposed commercial amusement (indoor) building. An arcade is defined as an establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines. 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 arcade will be operated in conjunction with a restaurant and commercial amusement (indoor) business.

The Zoning Ordinance prohibits arcades from being located within 300 feet of any religious facility or residential zoning district and within 1,000 feet of any public or parochial school. This site is approximately 50 feet south of a residential zoning district; however, the area is developed as a golf course. The closest residential development is a multifamily development approximately 900 feet to the west. The Zoning Ordinance allows City Council to waive the 300-foot distance requirement if it finds that the issuance of the SUP would not be detrimental to the public health, safety, or general welfare, or otherwise offensive to the residentially zoned area. The applicant is requesting a waiver of the 300-foot distance requirement. Staff supports the requested waiver since the residentially zoned property within the 300 foot distance is developed as a golf course.

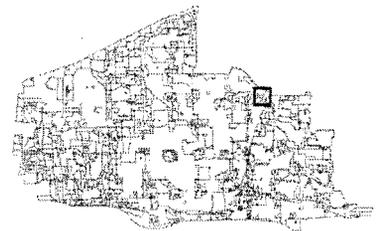
RECOMMENDATIONS:

Recommended for approval subject to City Council waiving the 300-foot distance requirement from residentially zoned property.

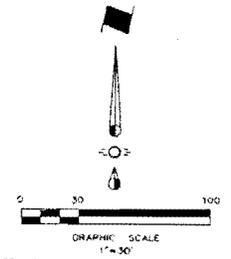
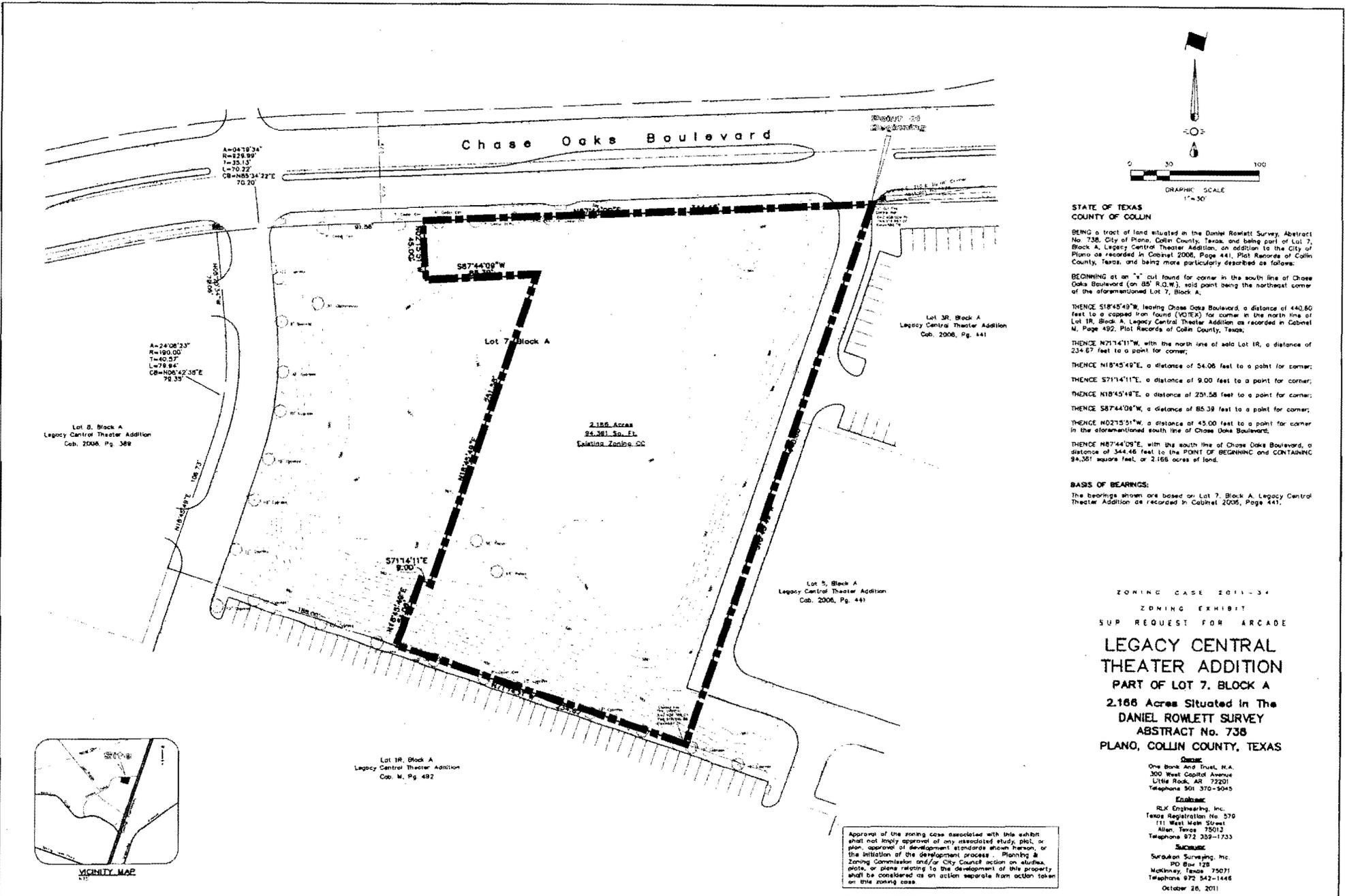


Zoning Case #: 2011-34

Existing Zoning: CORRIDOR COMMERCIAL



○ 200' Notification Buffer



STATE OF TEXAS
COUNTY OF COLLIN

BEING a tract of land situated in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas, and being part of Lot 7, Block A, Legacy Central Theater Addition, an addition to the City of Plano as recorded in Cabinet 2006, Page 441, Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at an "x" cut found for corner in the south line of Chase Oaks Boulevard (on 85' R.O.W.), said point being the northeast corner of the aforementioned Lot 7, Block A,

THENCE S18°45'49"W, leaving Chase Oaks Boulevard, a distance of 440.60 feet to a capped iron found (VOTEX) for corner in the north line of Lot 1R, Block A, Legacy Central Theater Addition as recorded in Cabinet M, Page 492, Plat Records of Collin County, Texas,

THENCE N71°14'11"W, with the north line of said Lot 1R, a distance of 234.67 feet to a point for corner;

THENCE N18°45'49"E, a distance of 54.00 feet to a point for corner;

THENCE S71°14'11"E, a distance of 9.00 feet to a point for corner;

THENCE N18°45'49"E, a distance of 251.56 feet to a point for corner;

THENCE S87°44'09"W, a distance of 85.39 feet to a point for corner;

THENCE N02°15'31"W, a distance of 45.00 feet to a point for corner in the aforementioned south line of Chase Oaks Boulevard,

THENCE N87°44'09"E, with the south line of Chase Oaks Boulevard, a distance of 344.68 feet to the POINT OF BEGINNING and CONTAINING 94,361 square feet, or 2.166 acres of land.

BASIS OF BEARINGS:

The bearings shown are based on Lot 7, Block A, Legacy Central Theater Addition as recorded in Cabinet 2006, Page 441.

ZONING CASE 2011-34

ZONING EXHIBIT
SUP REQUEST FOR ARCADE

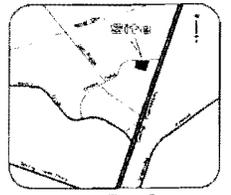
**LEGACY CENTRAL
THEATER ADDITION
PART OF LOT 7, BLOCK A
2.166 Acres Situated in The
DANIEL ROWLETT SURVEY
ABSTRACT No. 738
PLANO, COLLIN COUNTY, TEXAS**

Owner:
One Bank And Trust, N.A.
300 West Capital Avenue
Little Rock, AR 72201
Telephone 501-370-5045

Engineer:
RLX Engineering, Inc.
Texas Registration No. 579
111 West Main Street
Allen, Texas 75013
Telephone 972-359-1733

Surveyor:
Surdan Surveying, Inc.
PO Box 129
McKinney, Texas 75071
Telephone 972-542-1446
October 26, 2011

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



VICINITY MAP

Lot 6, Block A
Legacy Central Theater Addition
Cab. 2006, Pg. 368

A=24°08'23"
R=190.00'
L=40.37'
L=78.84'
CB=N06°42'38"E
70.35'

A=04°19'34"
R=328.99'
L=35.13'
L=70.22'
CB=N85°34'22"E
70.70'

Lot 1R, Block A
Legacy Central Theater Addition
Cab. M, Pg. 492

Lot 7, Block A

2.166 Acres
94,361 Sq. Ft.
Containing Zoning DC

Lot 5, Block A
Legacy Central Theater Addition
Cab. 2006, Pg. 441

Lot 3R, Block A
Legacy Central Theater Addition
Cab. 2006, Pg. 441

Zoning Case 2011-34

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. 616 so as to allow the additional use of Arcade on 2.1± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75, in the City of Plano, Collin County, Texas, presently zoned Corridor 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 12th day of December, 2011, for the purpose of considering granting Specific Use Permit No. 616 for the additional use of Arcade on 2.1± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75, in the City of Plano, Collin County, Texas, presently zoned Corridor 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 12th day of December, 2011; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 616 for the additional use of Arcade on 2.1± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75, in the City of Plano, Collin County, Texas, 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. 616 for the additional use of Arcade on 2.1± acres of land out of the Daniel Rowlett Survey, Abstract No. 738, located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. The minimum 300-foot separation distance between an arcade and residentially-zoned district is waived.

Section III. 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 IV. 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 V. 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 VI. Any person, firm or corporation found to be violating any term or provision of this Ordinance, 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 VII. 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 VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF DECEMBER, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2011-34

BEING a tract of land situated in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas, and being part of Lot 7, Block A, Legacy Central Theater Addition, an addition to the City of Plano as recorded in Cabinet 2006, Page 441, Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at an "x" cut found for corner in the south line of Chase Oaks Boulevard (an 85 foot right-of-way), said point being the northeast corner of the aforementioned Lot 7, Block A;

THENCE South, 18° 45' 49" West, leaving Chase Oaks Boulevard, a distance of 440.60 feet to a capped iron found (VOTEX) for corner in the north line of Lot 1R, Block A, Legacy Central Theater Addition as recorded in Cabinet M, Page 492, Plat Records of Collin County, Texas;

THENCE North, 71° 14' 11" West, with the north line of said Lot 1R, a distance of 234.67 feet to a point for corner;

THENCE North, 18° 45' 49" East, a distance of 54.06 feet to a point for corner;

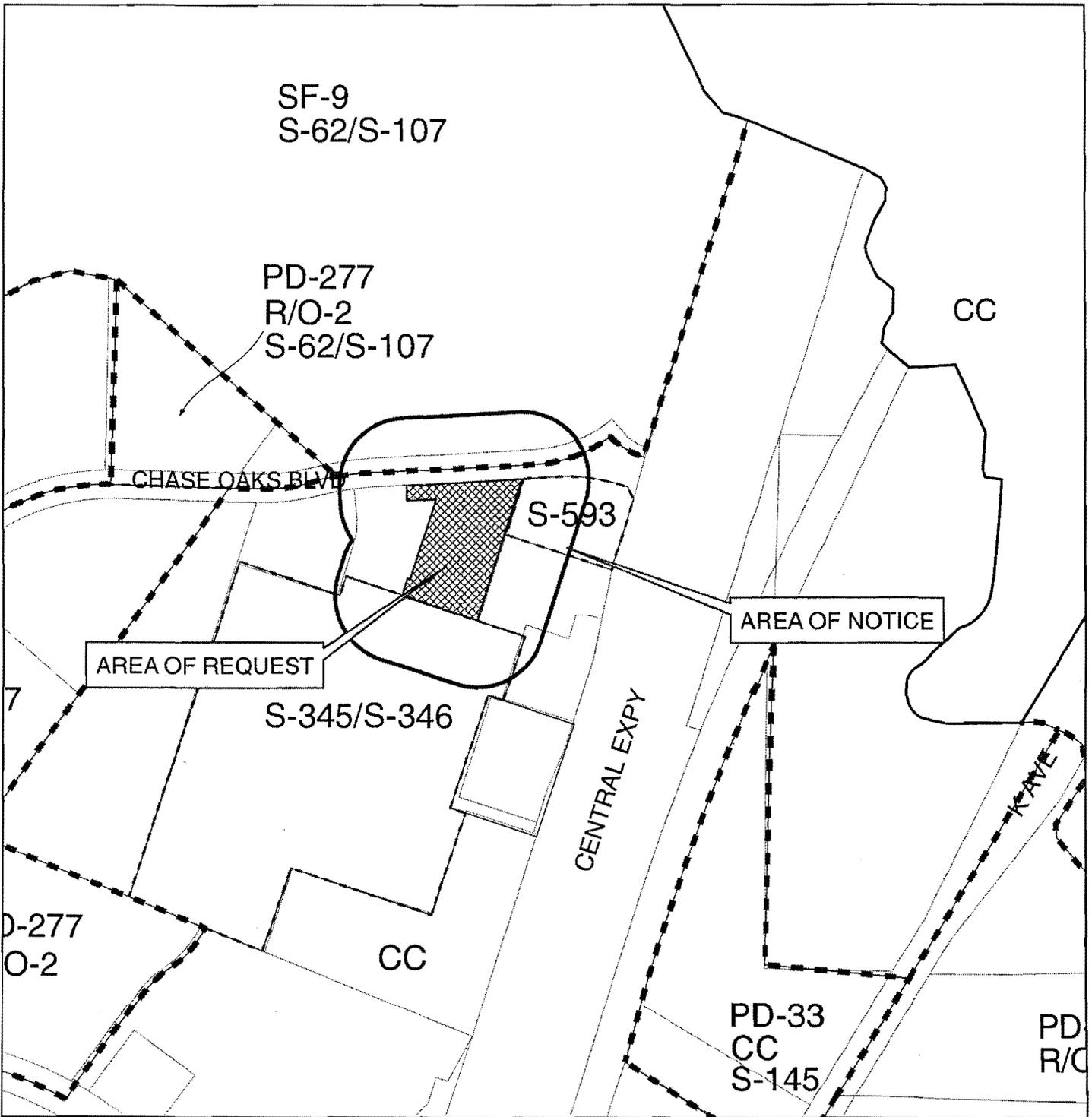
THENCE South, 71° 14' 11" East, a distance of 9.00 feet to a point for corner;

THENCE North, 18° 45' 49" East, a distance of 251.58 feet to a point for corner;

THENCE South, 87° 44' 09" West, a distance of 85.39 feet to a point for corner;

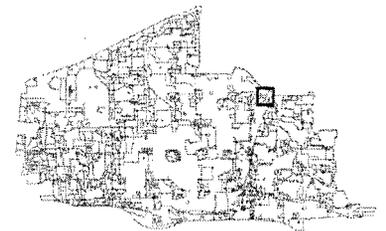
THENCE North, 02° 15' 51" West, a distance of 45.00 feet to a point for corner in the aforementioned south line of Chase Oaks Boulevard;

THENCE North, 87° 44' 09" East, with the south line of Chase Oaks Boulevard, a distance of 344.46 feet to the POINT OF BEGINNING and CONTAINING 94,361 square feet, or 2.166 acres of land.

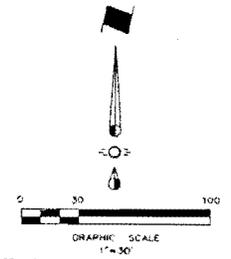
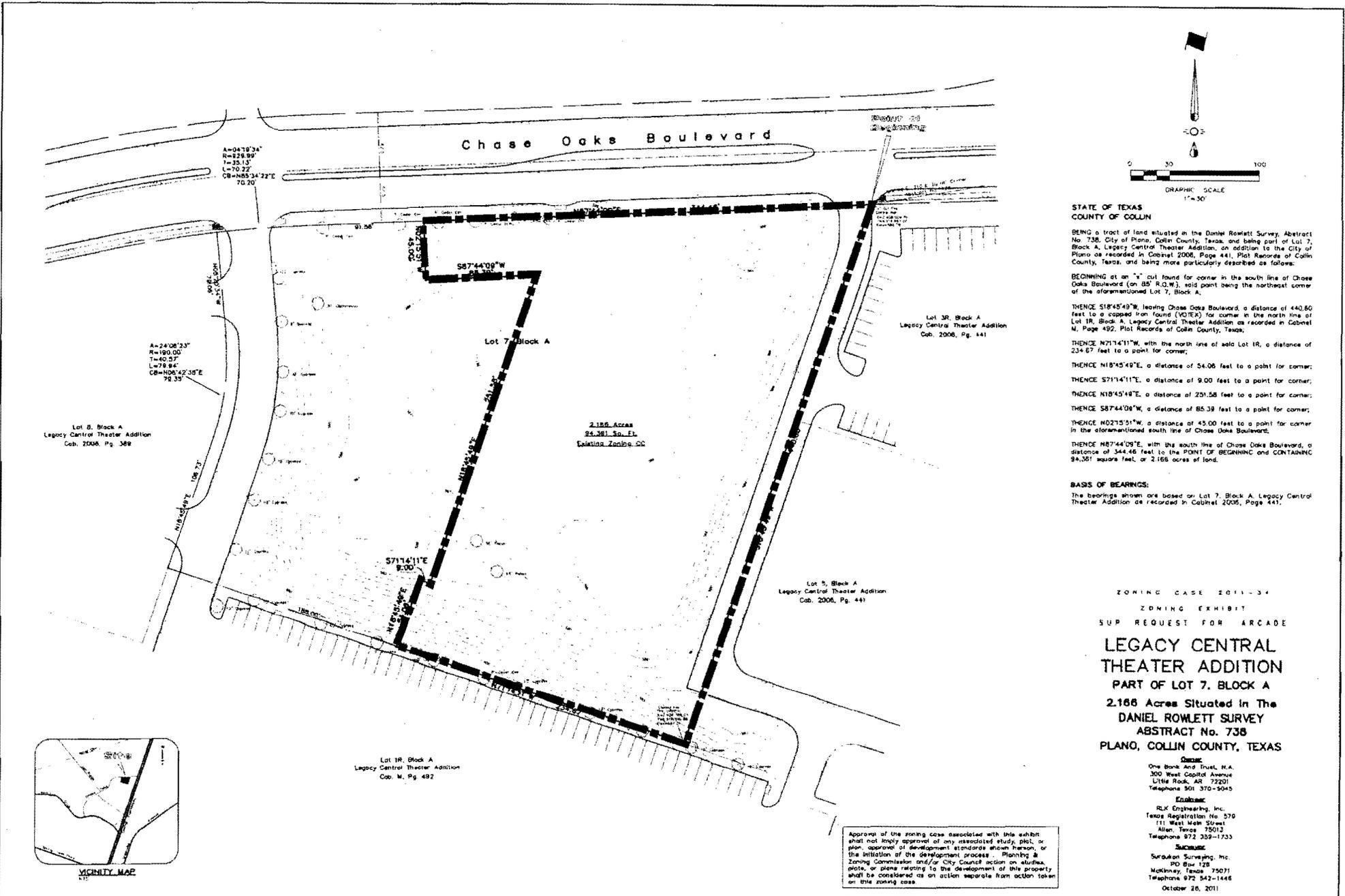


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○ 200' Notification Buffer



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BEGINNING at an "x" cut found for corner in the south line of Chase Oaks Boulevard (on 85' R.O.W.), said point being the northeast corner of the aforementioned Lot 7, Block A,

THENCE S18°45'49"W, leaving Chase Oaks Boulevard, a distance of 440.60 feet to a capped iron found (VOTEX) for corner in the north line of Lot 10, Block A, Legacy Central Theater Addition as recorded in Cabinet M, Page 492, Plat Records of Collin County, Texas,

THENCE N71°14'11"W, with the north line of said Lot 10, a distance of 234.67 feet to a point for corner;

THENCE N18°45'49"E, a distance of 54.00 feet to a point for corner;

THENCE S71°14'11"E, a distance of 9.00 feet to a point for corner;

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ZONING CASE 2011-34
ZONING EXHIBIT

SUP REQUEST FOR ARCADE

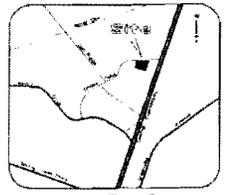
**LEGACY CENTRAL
THEATER ADDITION
PART OF LOT 7, BLOCK A
2.166 Acres Situated in The
DANIEL ROWLETT SURVEY
ABSTRACT No. 738
PLANO, COLLIN COUNTY, TEXAS**

Owner:
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Telephone 501-370-5045

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Surveyor:
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October 26, 2011

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VICINITY MAP