

Zoning Case 2020-028

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. 161 for Private Club on 0.1 acre located on the east side of Custer Road, 641 feet south of Parker Road out of the John Beverly Survey, Abstract No. 78, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of January 2021, for the purpose of considering granting Specific Use Permit No. 161 for Private Club on 0.1 acre located on the east side of Custer Road, 641 feet south of Parker Road out of the John Beverly Survey, Abstract No. 78, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th of January 2021; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 161 for Private Club on 0.1 acre located on the east side of Custer Road, 641 feet south of Parker Road out of the John Beverly Survey, Abstract No. 78, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 161 for Private Club on 0.1 acre located on the east side of Custer Road, 641 feet south of Parker Road out of the John Beverly Survey, Abstract No. 78, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail, said property being more fully described on the legal description in Exhibit A attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances effectuated 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 11TH DAY OF JANUARY 2021.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2020-028

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the John Beverly Survey, Abstract No. 78, being part of Lot 2, Block A of the Replat of Copper Creek Center, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Volume D, Page 183 of the Plat Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at a point for corner in the east right-of-way line of Custer Road and marking the northwest corner of said Lot 2;

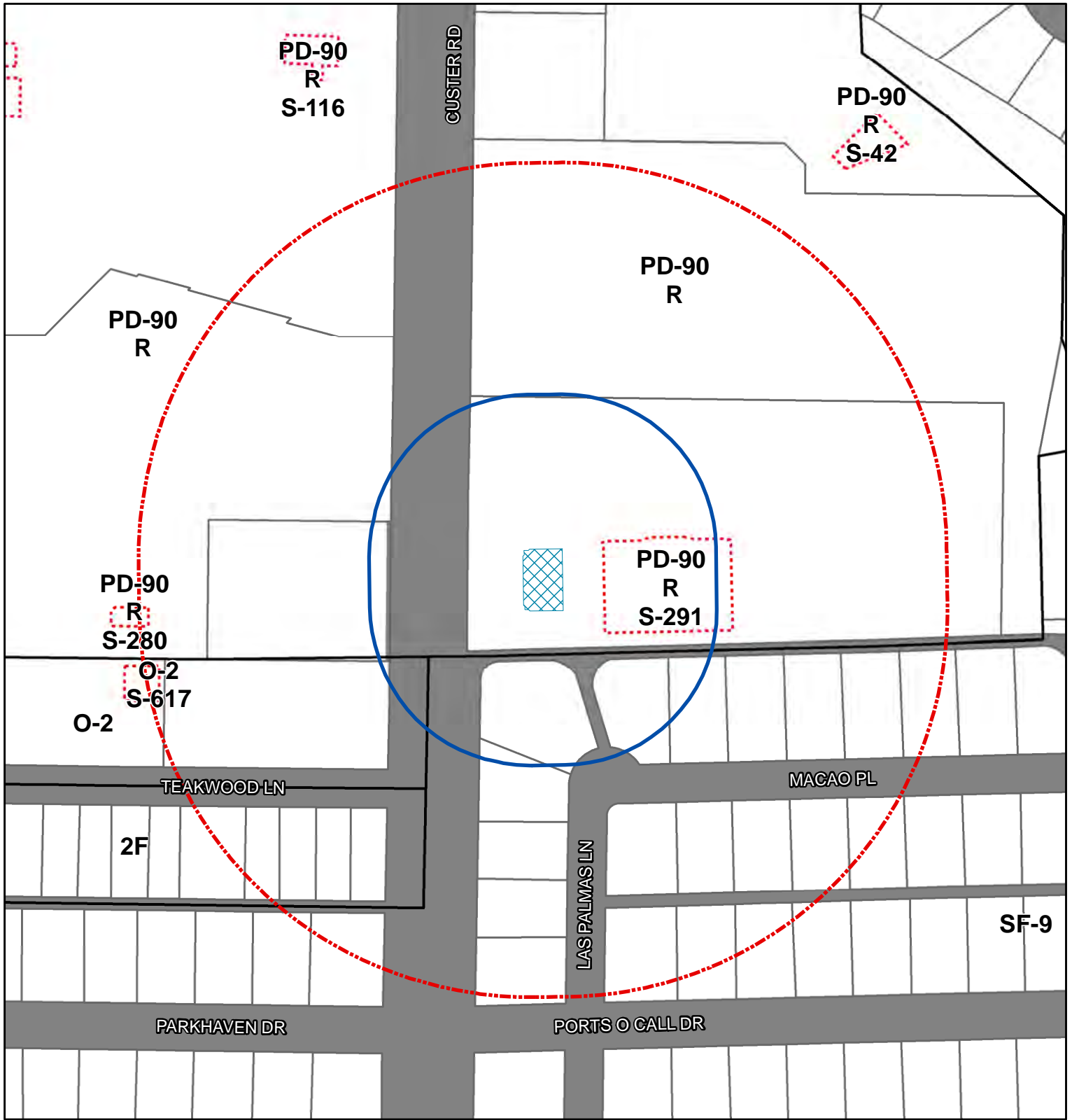
THENCE crossing said Lot 2, South 20°22'52" East, 211.41 feet to a point in the north facing of a one story brick building marking the POINT of BEGINNING;

THENCE with the north facing of said building as follows: North 88°13'20" East, 5.65 feet, North 43°49'43" East, 2.45 feet, and North 88°16'19" East, 42.39 feet to a point for corner;

THENCE crossing through said building, South 01°43'41" East, 80.00 feet to a point for corner in the south facing of said building;

THENCE with the south facing of said building as follows: South 88°16'19" West, 43.05 feet, North 47°45'08" West, 2.38 feet, and South 88°16'19" West, 5.00 feet to the southwest corner of said building;

THENCE with the west facing of said building as follows: North 01°11'43" West, 3.98 feet, North 46°52'40" West, 2.42 feet, North 01°46'40" West, 63.55 feet, North 43°43'32" East, 2.40 feet, and North 01°46'40" West, 5.71 feet to the POINT OF BEGINNING and CONTAINING 4,071 square feet or 0.093 acres of land.

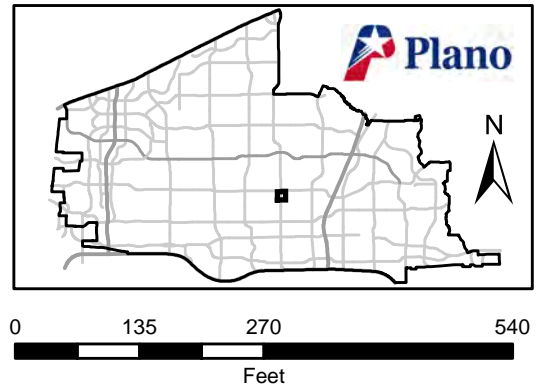


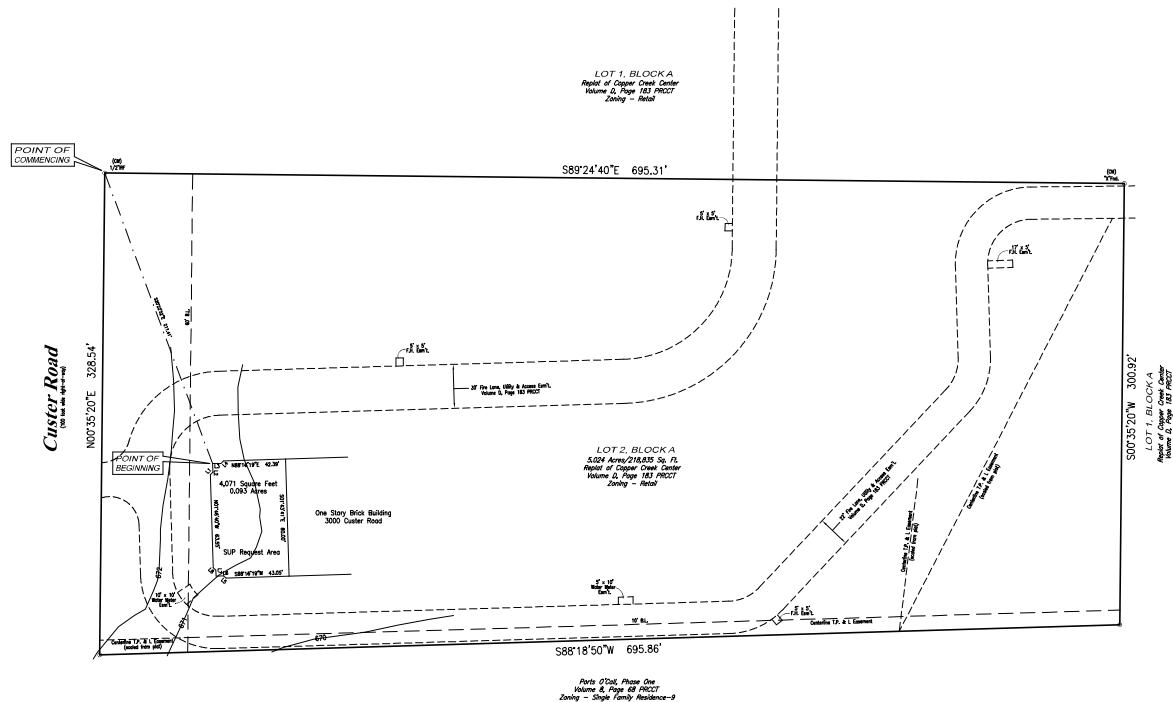
Zoning Case: 2020-028

Existing Zoning: Planned Development-90-Retail (PD-90-R)

Proposed Zoning: SUP for Private Club

- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets | Zoning Boundary |
| 200' Notification Buffer | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property | Municipal Boundaries | |





Metes and Bounds Description

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the John Beverly Survey, Abstract No. 78, being part of Lot 2, Block A of the Replat of Copper Creek Center, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Volume D, Page 183 of the Plat Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for corner in the east right-of-way line of Custer Road and marking the northwest corner of said Lot 2;

THENCE crossing said Lot 2, South 20°22'52" East, 211.41 feet to a point in the north facing of a one story brick building marking the POINT OF BEGINNING;

THENCE with the north facing of said building as follows:

North 88°13'20" East, 5.65 feet,

North 43°49'43" East, 2.45 feet, and

North 88°16'19" East, 42.39 feet to a point for corner;

THENCE crossing through said building, South 01°43'41" East, 80.00 feet to a point for corner in the south facing of said building;

THENCE with the south facing of said building as follows:

South 88°16'19" West, 43.05 feet,

North 47°45'08" West, 2.38 feet, and

South 88°16'19" West, 5.00 feet to the southwest corner of said building;

THENCE with the west facing of said building as follows:

North 01°11'43" West, 3.98 feet,

North 46°52'40" West, 2.42 feet,

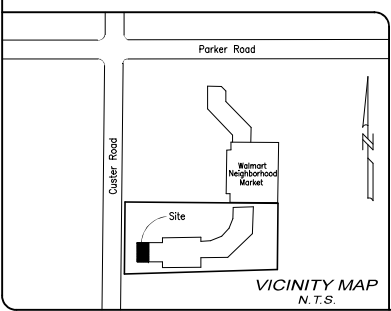
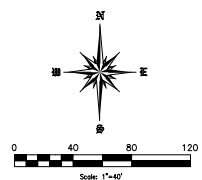
North 01°46'40" East, 63.55 feet,

North 43°43'32" East, 2.40 feet, and

North 01°46'40" West, 5.71 feet to the Point of Beginning and containing 4,071 square feet or 0.093 acres of land.

Legend	
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center
Replat of Copper Creek Center	Replat of Copper Creek Center

LINE	BEARING	DISTANCE
L1	N43°43'32"E	2.40
L2	N01°46'40"W	5.71
L3	S88°16'19"W	43.05
L4	N43°49'43"E	2.45
L5	N47°45'08"W	2.38
L6	S88°16'19"W	5.00
L7	N01°11'43"W	3.98
L8	N46°52'40"W	2.42



Tenant	Owner	Surveyor
The Franchise Grill & Bar 3000 Custer Road, Suite 345 Plano, TX 75075 972-599-7598 Attn: Mike Brignoli	EQYInvest Owner I, Ltd, LLP 4125 NW 88th Avenue Sunrise, FL 33351 817-478-9400 Attn: Stephanie Rippe	Roome Land Surveying 2000 Avenue G, Suite 810 Plano, Texas 75074 Ph: (972) 423-4372 Fax: (972) 423-7523 Attn: Michael Cuzzo

Note: Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plot, 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, plots or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

Notes: 1) This survey has been performed without the benefit of a title commitment. 2) Surveyor's signature will appear in red ink on certified copies. 3) Contour lines hereon taken from the Collin County, Texas GIS maps and not a product of or on the ground survey. 4) Source bearing per the plat of Copper Creek Center recorded in Volume D, Page 183 of the Plat Records of Collin County, Texas.

City Project #ZC2020-028
Zoning Exhibit
4,071 Square Feet or 0.093 Acres
Part of Lot 2, Block A
Replat of Copper Creek Center
 Recorded in Volume D, Page 183 PRCCCT
 John Beverly Survey, Abstract No. 78
 City of Plano, Collin County, Texas
 November 2020

P:\ES\202004\ES670651.DWG

Roome
Land Surveying
2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roome-surveying.com / Firm No. 10013100