

Zoning Case 2022-002

An Ordinance of the City of Plano, Texas, waiving the 300-foot distance separation from arcade use to the residential zoning district to the south, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 61 for Arcade on 0.1 acre of land out of the John Beverly Survey, Abstract No. 78, located 390 feet east of Custer Road and 810 feet south of Parker Road 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 April 2022, for the purpose of considering granting Specific Use Permit No. 61 for Arcade on 0.1 acre of land out of the John Beverly Survey, Abstract No. 78, located 390 feet east of Custer Road and 810 feet south of Parker Road 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 day of April 2022; and

WHEREAS, the City Council is of the opinion and finds that waiving the 300-foot distance separation from arcade use to the residential zoning district to the south 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 the granting Specific Use Permit No. 61 for Arcade on 0.1 acre of land out of the John Beverly Survey, Abstract No. 78, located 390 feet east of Custer Road and 810 feet south of Parker Road 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 the waiver and the granting of the specific use permit 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 City Council issued the Specific Use Permit for Arcade and granted a waiver to the 300-foot distance separation from the arcade use to the residential zoning district to the south finding neither to be detrimental or injurious to the public health, safety, or general welfare, and finding the waiver appropriate because the use is not offensive to the neighborhood.

Section II. 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. 61 for Arcade on 0.1 acre of land out of the John Beverly Survey, Abstract No. 78, located 390 feet east of Custer Road and 810 feet south of Parker Road 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 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 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 VI. 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 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 11TH DAY OF APRIL 2022.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

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SITUATED in the State of Texas, County of Collin and City of Plano, being part of the John Beverly Survey, Abstract No. 78, being a portion of Lot 2, Block A, of Copper Creek Center, an addition to the City of Plano, Collin County, Texas according to the revised map thereof recorded in Cabinet D, Slide 183, map records of Collin County, Texas when taken with the certificate of correction of error dated August 27, 1984 as recorded in Volume 1979, Page 96, Deed Records, Collin County, Texas, said Lot 2 Block A being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 2, Block A, of Copper Creek Center;

THENCE S 88°18'50" W a distance of 221.49 feet along the South line of said Lot 2 to a point;

THENCE N 03°20'00" W a distance of 60.11 feet leaving said South line to the POINT OF BEGINNING;

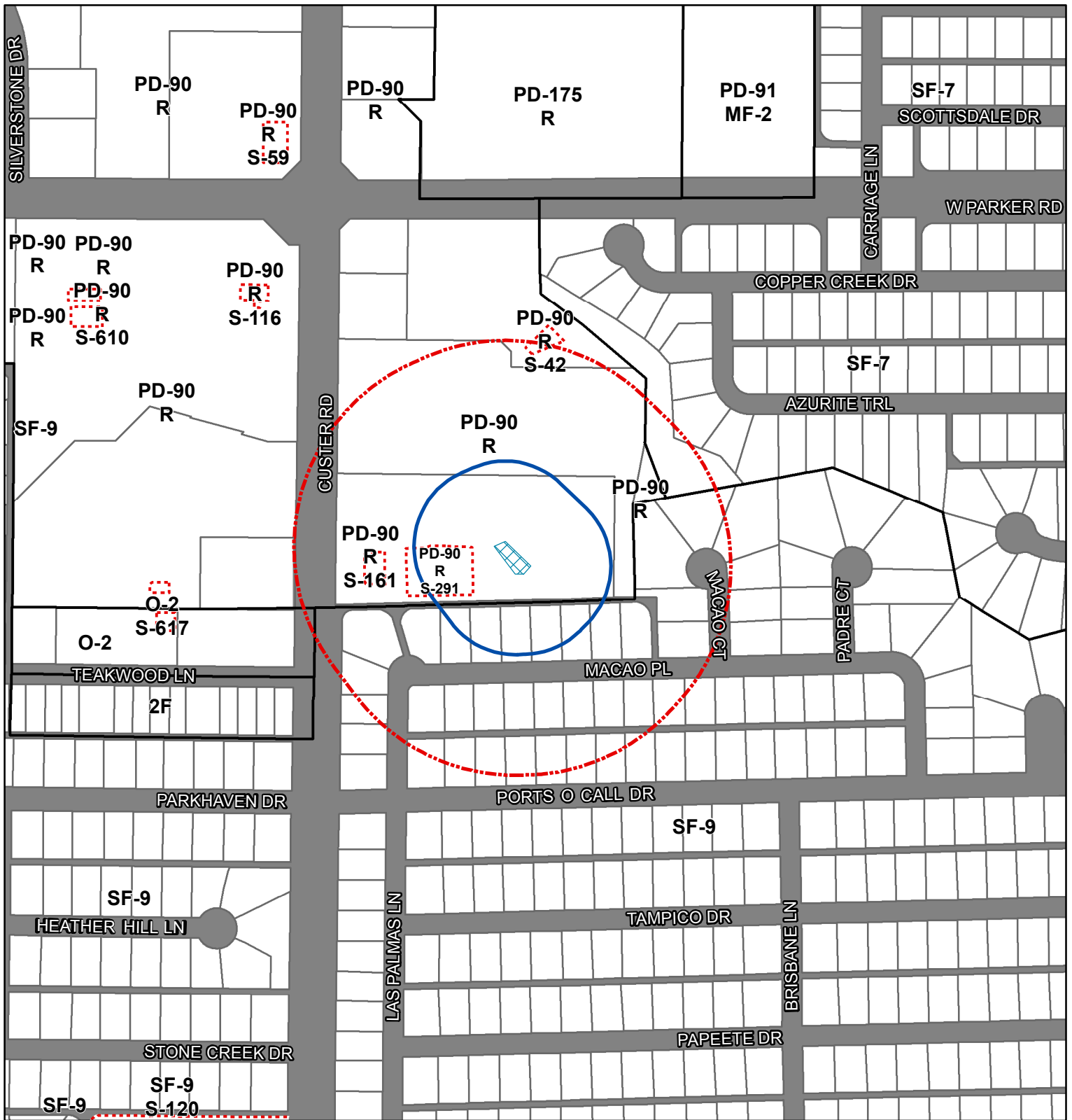
THENCE S 87°28'49" W a distance of 21.00 feet to a point;

THENCE N 38°22'37" W a distance of 86.60 feet to a point;

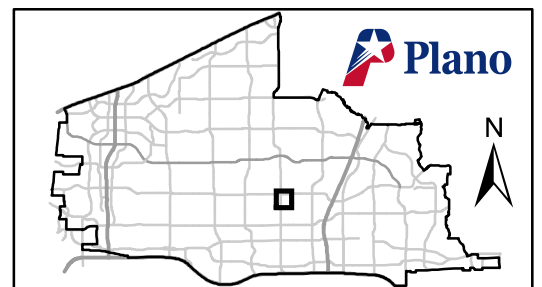
THENCE N 65°08'24" E a distance of 30.50 feet to a point;

THENCE S 47°09'20" E a distance of 88.59 feet to a point;

THENCE S42°26'24" W a distance of 26.50 feet to the POINT OF BEGINNING and CONTAINING 3,317 square feet or 0.0761 acres of land, more or less.



Zoning Case: 2022-002
 Existing Zoning: Planned Development-90-Retail
 Proposed Zoning: Specific Use Permit for Arcade



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

