

CITY OF PLANO  
PLANNING & ZONING COMMISSION

September 17, 2018

**Agenda Item No. 3**

**Public Hearing:** Zoning Case 2018-009

**Applicant:** ASG Preston Creek Retail Center, Ltd.

---

**DESCRIPTION:**

Request for a Specific Use Permit for Private Club on 0.2 acre located 118 feet north of Towne Square Drive and 575 feet east of Preston Road. Zoned Planned Development-20-Mixed-Use. Project #ZC2018-009.

**REMARKS:**

The subject property is an existing restaurant. The applicant is requesting a Specific Use Permit (SUP) 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. The Zoning Ordinance defines a private club as an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operations of private clubs.

Additionally, Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

- .3 “The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor,

explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.”

The subject property is zoned Planned Development-20-Mixed-Use (PD-20-MU). PD-20-MU is a 135.3 acre mixed-use zoning district bounded by Preston Road, Rasor Boulevard, Ohio Drive, and McDermott Road. It was established in 1997 to encourage the development of land uses that are integrated together within a pedestrian-oriented environment. A PD district provides the ability to amend use, height, setback, and other development standards to promote innovative design and better development controls appropriate to both off and onsite conditions. The district’s standards are designed to ensure compatibility between various uses within the district, surrounding residential neighborhoods, and commercial areas.

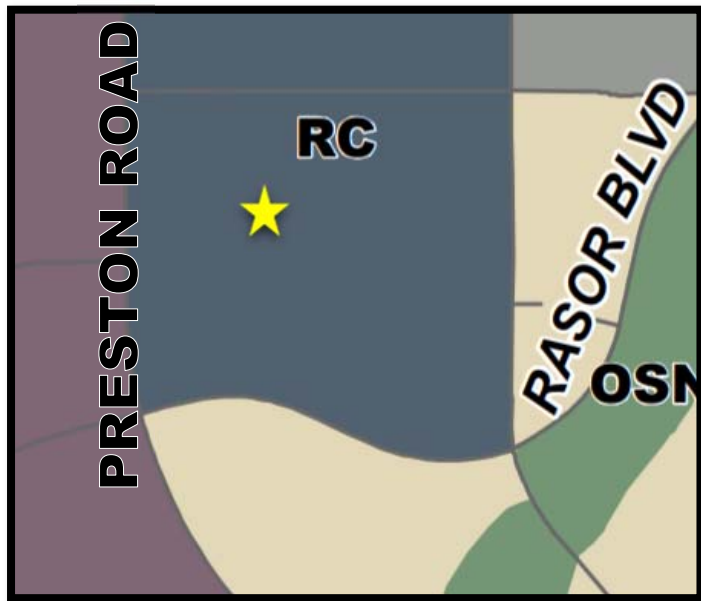
Surrounding Land Use and Zoning

North	Retail, restaurant, open space, and hotel zoned PD-20-MU
East	Open space and independent living facility zoned PD-20-MU
South	Restaurant, retail, and assembly hall zoned PD-20-MU with SUP#64 for Private Club
West	Retail and restaurant zoned PD-20-MU

Conformance to the Comprehensive Plan

**Future Land Use Map** - The Future Land Use Map of the city’s Comprehensive Plan designates the subject property as Regional Center (RC).

*The Regional Center future land use category applies to large commercial developments within high traffic corridors. Regional Center uses are typically located in low to mid-rise buildings and include retail, service, and office uses that serve a regional population. Regional centers are intended to have a mixture of large shopping centers, restaurants, theaters, offices, and other supporting uses. Residential development is supported in these centers and should be incorporated within mixed-use or transit-oriented developments. Adequate building setbacks must be considered when development is proposed near neighborhoods. Useable open space will be included within the centers to create active and interesting public spaces.*



*Useable open space will be included within the centers to create active and interesting public spaces.*

The RC designation recommends a mixture of uses including restaurants, shopping centers, offices, and other supporting uses. Onsite consumption of alcohol provided through a private club is a complimentary offering for many restaurants. This request is in conformance with the Future Land Use Map designation.

### Private Club Request

The applicant is requesting the SUP for Private Club in order to take advantage of the city's food-to-beverage ratio for alcohol. Most restaurants which serve alcohol within the City of Plano currently operate under a mixed-beverage permit with a food-and-beverage certificate due to the complexities of maintaining private club documentation. Establishments operating with a mixed-beverage permit and a food-and-beverage certificate are prohibited from deriving more than 50% of gross receipts from the sale of alcohol, a requirement which is enforced by the Texas Alcoholic Beverage Commission.

Subsection 15.1000 (Private Clubs) of Article 15 (Use-specific Regulations) of the Zoning Ordinance contains regulations which control the location and requirements of private clubs. This subsection includes setbacks from churches, schools, and other uses. The ordinance prohibits private clubs within 300 feet of the property line of any religious facility, public or parochial school, and hospital. The subject property is in compliance with the required setbacks.

The Zoning Ordinance also stipulates that all private clubs must derive a minimum of 35% of gross receipts from the sale of food. The subject property is developed as a restaurant, and has committed to maintaining receipts in order to verify that the business can comply with the food sale requirements. The applicant has provided the attached letter to confirm that accurate records will be maintained for verification. Staff is in support of the requested SUP.

### **RECOMMENDATION:**

Recommended for approval as submitted.