

Zoning Case 2018-017

An Ordinance of the City of Plano, Texas, waiving the 300-foot distance separation from arcade use to the residential zoning district, reducing the separation requirement from the public school to 300 feet, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 81 for the use of Arcade on 0.1 acre of land out of the Martha McBride Survey, Abstract No. 553, located 579 feet north of 15th Street and 522 feet west of Independence Parkway, in the City of Plano, Collin County, Texas, presently zoned 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 8th day of October 2018, for the purpose of considering waiving the 300-foot distance separation from the residential zoning district to the north, reducing the separation requirement from the public school to 300 feet, and granting Specific Use Permit No. 81 for Arcade on 0.1 acre of land out of the Martha McBride Survey, Abstract No. 553, located 579 feet north of 15th Street and 522 feet west of Independence Parkway, in the City of Plano, Collin County, Texas, presently zoned 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 8th of October 2018; and

WHEREAS, the City Council has determined that waiving of the 300-foot distance separation from the residential zoning district 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 reducing the separation requirement from the public school to 300 feet would not be detrimental or injurious to the public health, safety, and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the granting of Specific Use Permit No. 81 for the use of Arcade on 0.1 acre of land out of the Martha McBride Survey, Abstract No. 553, located 579 feet north of 15th Street and 522 feet west of Independence Parkway, in the City of Plano, Collin County, Texas, presently zoned 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 these changes 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 granted the reduction of separation requirement from the public school to 300 feet, finding that this reduction would not be detrimental or injurious to the public health, safety, and general welfare, or otherwise offensive to the neighborhood.

Section II. The City Council issued the Specific Use Permit for Arcade and granted a waiver to the 300-foot distance separation from the residential zoning district, finding the waiver appropriate because the use is not offensive to the neighborhood.

Section III. 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. 81 for Arcade on 0.1 acre of land out of the Martha McBride Survey, Abstract No. 553, located 579 feet north of 15th Street and 522 feet west of Independence Parkway, in the City of Plano, Collin County, Texas, presently zoned Retail, said property being more fully described on the legal description in Exhibit A attached hereto.

Section IV. The changes in Sections I, II, and III are granted subject to the following:

1. Arcade machines have the following restrictions:
 - a. Maximum of 50 computers, 10 gaming consoles, and 3 cabinet machines are permitted.
 - b. Must not have wireless internet capability or access.
2. Alcohol must not be served.

Section V. 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 VI. 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 VII. 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 VIII. 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 IX. 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 X. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 8TH DAY OF OCTOBER 2018.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

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BEING a 2,598 square foot portion of Lot 11, Block B of Prairie Creek Estates, Section II, an Addition to the City of Plano, Texas, according to the plat thereof recorded in Volume 8, Page 77, Map Records of Collin County, Texas, and being more particularly described as follows:

Commencing at An X cut in concrete found for the most southerly southwest corner of said Lot 11, being in the north right-of-way line of West 15th Street;

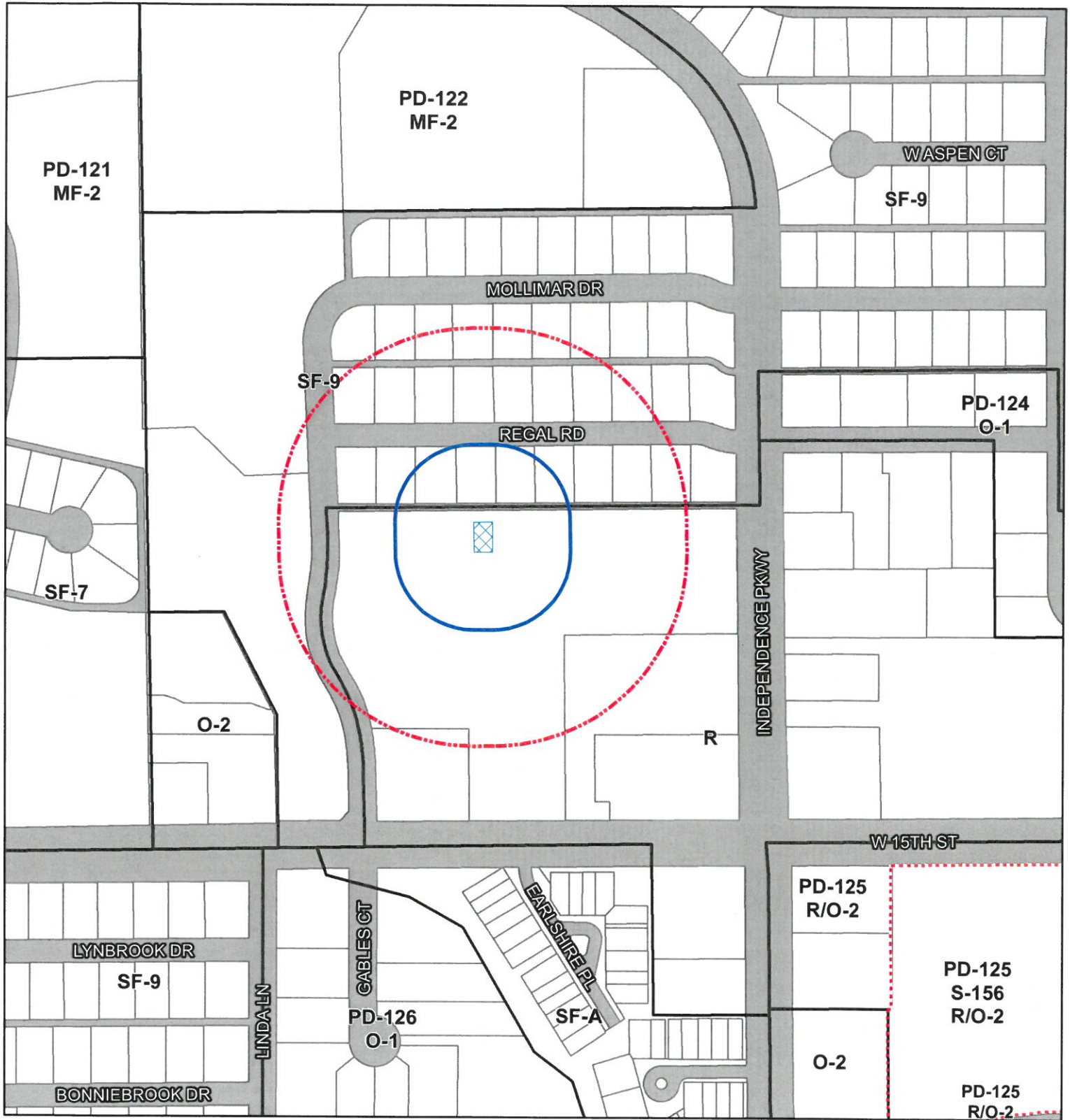
Thence North 01°00'03" East, crossing said Lot 11, a distance of 579.11 feet to a point on the building for the POINT OF BEGINNING;

Thence North 00°42'16" West, through said building, a distance of 65.33 feet to a point on the building;

Thence North 89°17'44" East, along said building, a distance of 39.77 feet to a point on the building;

Thence South 00°42'16" East, through said building, a distance of 65.33 feet to a point on the building from which a 1/2-inch iron rod found for the most easterly southeast corner of said Lot 11 bears S 72°01'53" E, a distance of 551.50 feet;

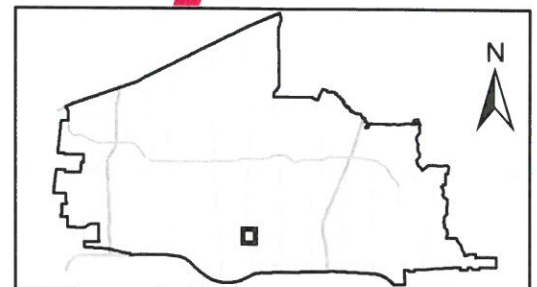
Thence South 89°17'44" West, along said building, a distance of 39.77 feet to the POINT OF BEGINNING and CONTAINING 2,598 square feet, or 0.0596 acres of land, more or less.



Zoning Case #: ZC2018-017

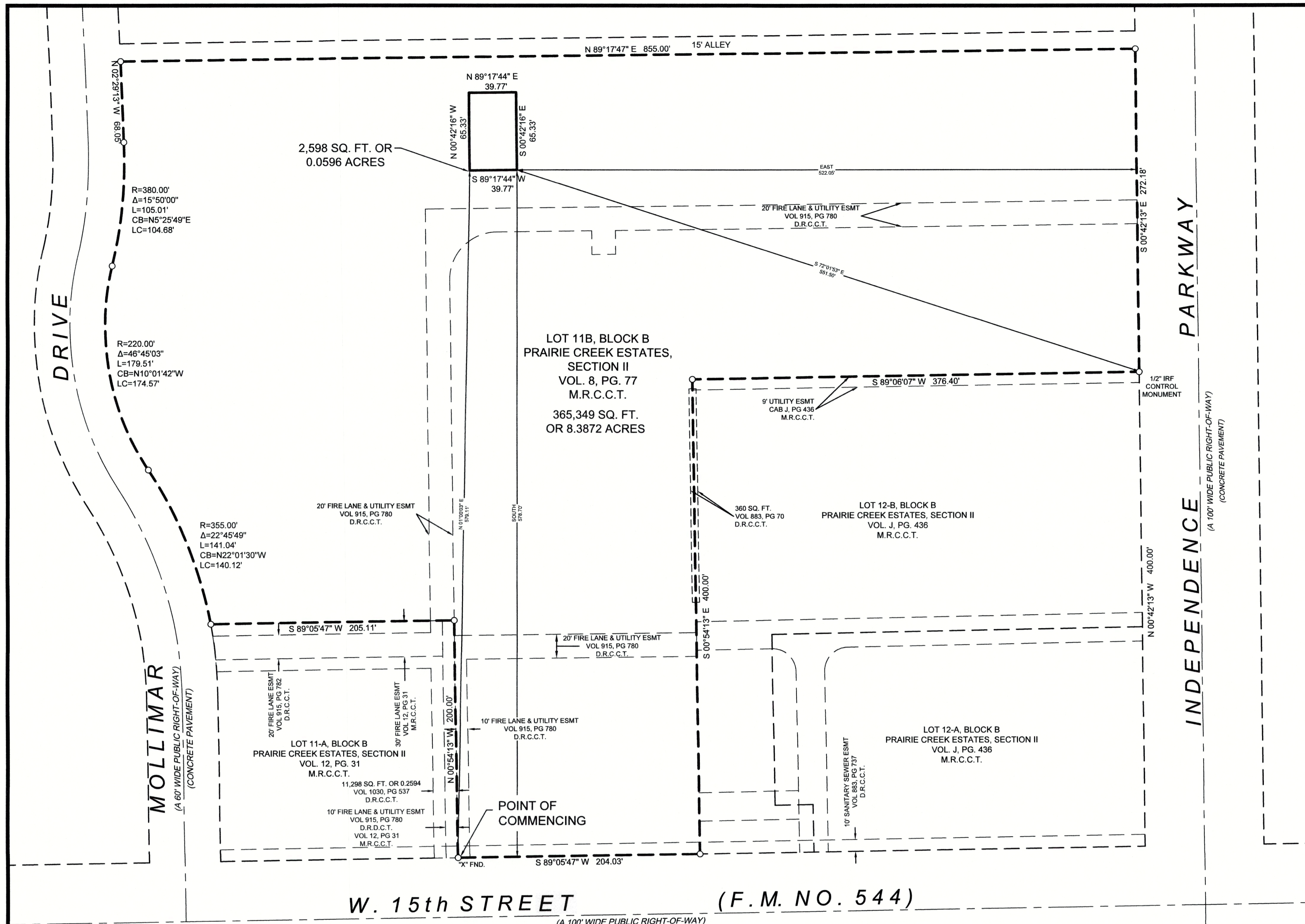
Existing Zoning: Retail

Proposed Zoning: Specific Use Permit for Arcade



- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Zoning (labels) | Zoning Boundary |
| 200' Notification Buffer | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property | City Limits | Right-of-Way |

Source: City of Plano Planning Department



ZONING AREA DESCRIPTION
 2,598 SQ. FT. / 0.0596 ACRES

BEING a 2,598 square foot portion of Lot 11B, Block B, Prairie Creek Estates, Section II, an addition to the City of Plano, Texas according to the plat thereof recorded in Volume 8, Page 77, Map Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at an X cut in concrete found for the most southerly southwest corner of said Lot 11, being in the north right-of-way line of West 15th Street;

THENCE North 01°00'03" East, crossing said Lot 11, distance of 579.11 feet to a point on the building for the POINT OF BEGINNING;

THENCE North 00°42'16" West, through said building, a distance of 65.33 feet to a point on the building;

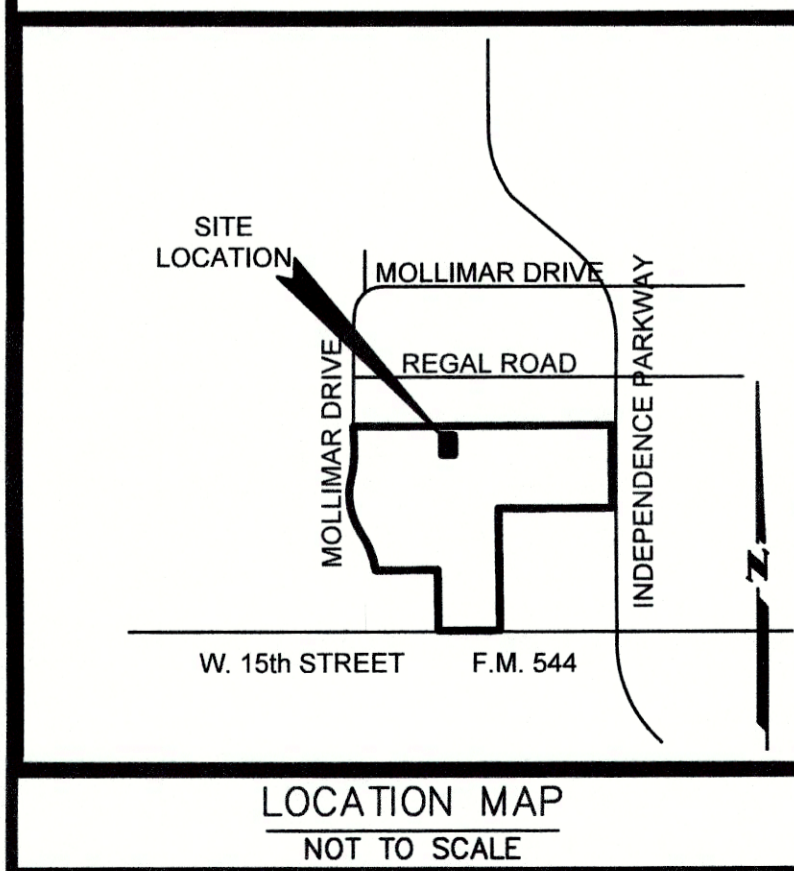
THENCE North 89°17'44" East, along said building, distance of 39.77 feet to a point on the building;

THENCE South 00°42'16" East, through said building, a distance of 65.33 feet to a point on the building from which a 1/2-inch iron rod found for the most easterly southeast corner of said Lot 11 bears S 72°01'53" E, a distance of 551.50 feet;

THENCE South 89°17'44" West, a distance of 39.77 feet to the POINT OF BEGINNING and containing 2,598 square feet of land, more or less.



CANDY HONE, R.P.L.S. NO. 5867 DATE: _____



LEGEND
 1/2" IRF IRON ROD FOUND
 "X" FND. "X" CUT FOUND IN CONCRETE
 BASIS OF BEARING:

THE BASIS OF BEARING FOR THIS SURVEY IS THE STATE PLANE COORDINATE SYSTEM, NORTH TEXAS CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. ADJUSTMENT REALIZATION 2011.

ZONING REQUIREMENTS

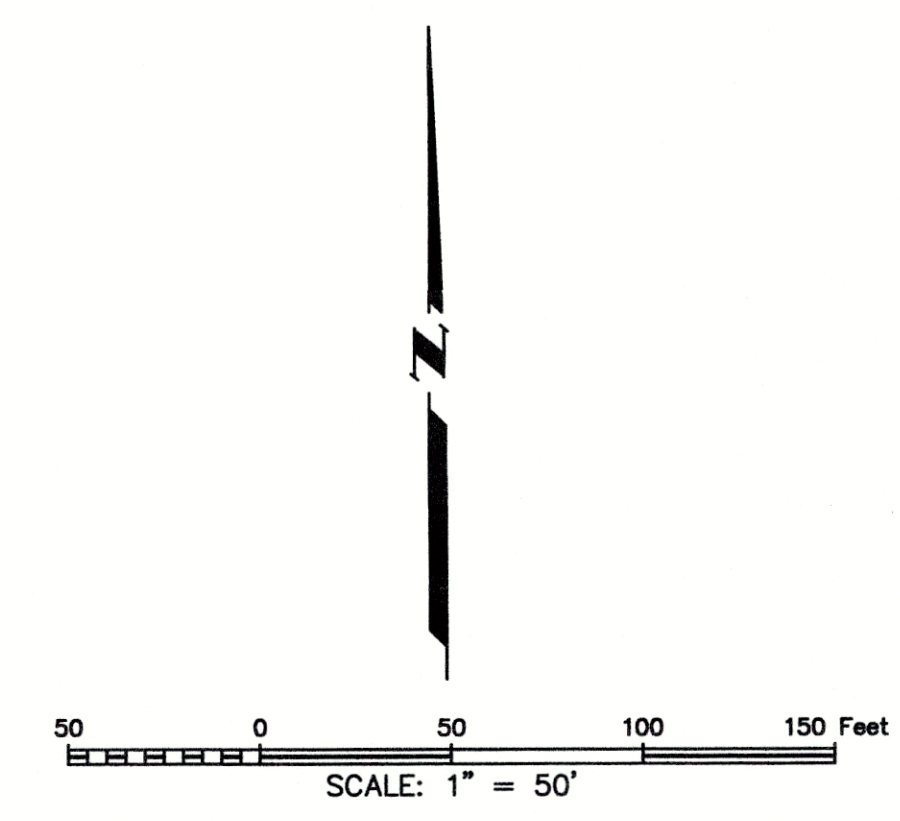
This property is located within the City of Plano and Zoned Retail (R).

- Minimum Lot Area - None
- Minimum Lot width - None
- Minimum lot depth - None
- Minimum front yard setback is 50 feet
- Rear Yard setback is 10 feet
- Side yard setback is 50 feet adjacent to a street - None otherwise
- Maximum Height is two stories or 35 feet Floor Area Ratio 0.6:1
- Maximum Lot Coverage - 30%

NOTES:

APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT, 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, PLAT, OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION ON THIS ZONING CASE.

OWNER
 MDT PRAIRIE CREEK, LTD
 CONTACT: RYAN BROWN
 12740 HILLCREST #205
 DALLAS, TEXAS 75230
 PH. (214) 466 1557
 EMAIL: ryan@alleyland.com



PROJECT NO. ZC2018-017
ZONING EXHIBIT
SPECIFIC USE PERMIT FOR ARCADE
 PORTION OF
 LOT 11B, BLOCK B
 PRAIRIE CREEK ESTATES, SECTION II
0.0596 ACRES
 SITUATED IN THE
 MARTHA McBRIDE SURVEY, ABSTRACT NO. 553
 CITY OF PLANO, COLLIN COUNTY, TEXAS
 SCALE: 1"=50' DATE: AUGUST 6, 2018