

Zoning Case 2018-019

An Ordinance of the City of Plano, Texas, waiving the 300-foot distance separation from arcade use to the residential zoning district, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 84 for Arcade on 0.1 acre of out of the William Fitzhugh Survey, Abstract 308, located 570 feet west of Custer Road and 810 feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-79-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 22nd day of October 2018, for the purpose of granting Specific Use Permit No. 84 for Arcade on 0.1 acre of out of the William Fitzhugh Survey, Abstract 308, located 570 feet west of Custer Road and 810 feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-79-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 22nd of October 2018; 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 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. 84 for Arcade on 0.1 acre of out of the William Fitzhugh Survey, Abstract 308, located 570 feet west of Custer Road and 810 feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-79-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 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. 84 for Arcade on 0.1 acre of out of the William Fitzhugh Survey, Abstract 308, located 570 feet west of Custer Road and 810 feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-79-Retail, said property being more fully described on the legal description in Exhibit A attached hereto.

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

1. Arcade machines have the following restrictions:
 - a. Maximum of 57 computers, 5 gaming consoles, and 5 cabinet machines are permitted.
 - b. Must not have wireless internet capability or access.
2. Alcohol must not be served.

Section IV. The City Council found that the issuance of the Specific Use Permit for Arcade would not be detrimental or injurious to the public health, safety, general welfare, or otherwise offensive to the neighborhood, and granted a waiver to the 300-foot distance separation from the arcade use to the residential zoning district.

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 22ND DAY OF OCTOBER 2018.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2018-019

Being that certain 2,500 square foot [0.057 acre] tract of land situated in the William Fitzhugh Survey, Abstract No. 308, City of Plano, Collin County, Texas, and being a portion of that certain tract of land to Asian New Century Square, LLC, a Texas limited liability company, by Special Warranty Deed (with Vendor's Lien) recorded in Instrument Number 20170801001018690, Official Public Records, Collin County, Texas, and being a portion of Lot 1R, Block 2 of the Replat of Lot 1, Block 2 of Pitman Corners Addition, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet H, Page 546, Plat Records, Collin County, Texas, and being more particularly described as follows:

Commencing at the southwest corner of said Lot 1, same being the northeast intersection of the north right-of-way line of Dolphin Drive (a called 60' right-of-way) with the east right-of-way line of Greenway Drive (a called 60' right-of-way);

Thence, North 00 deg. 23 min. 39 sec. East, along the common line of said Lot 1, and the east right-of-way line of said Greenway Drive, a distance of 140.87 feet to an angle point;

Thence, through the interior of said Lot 1 as follows:

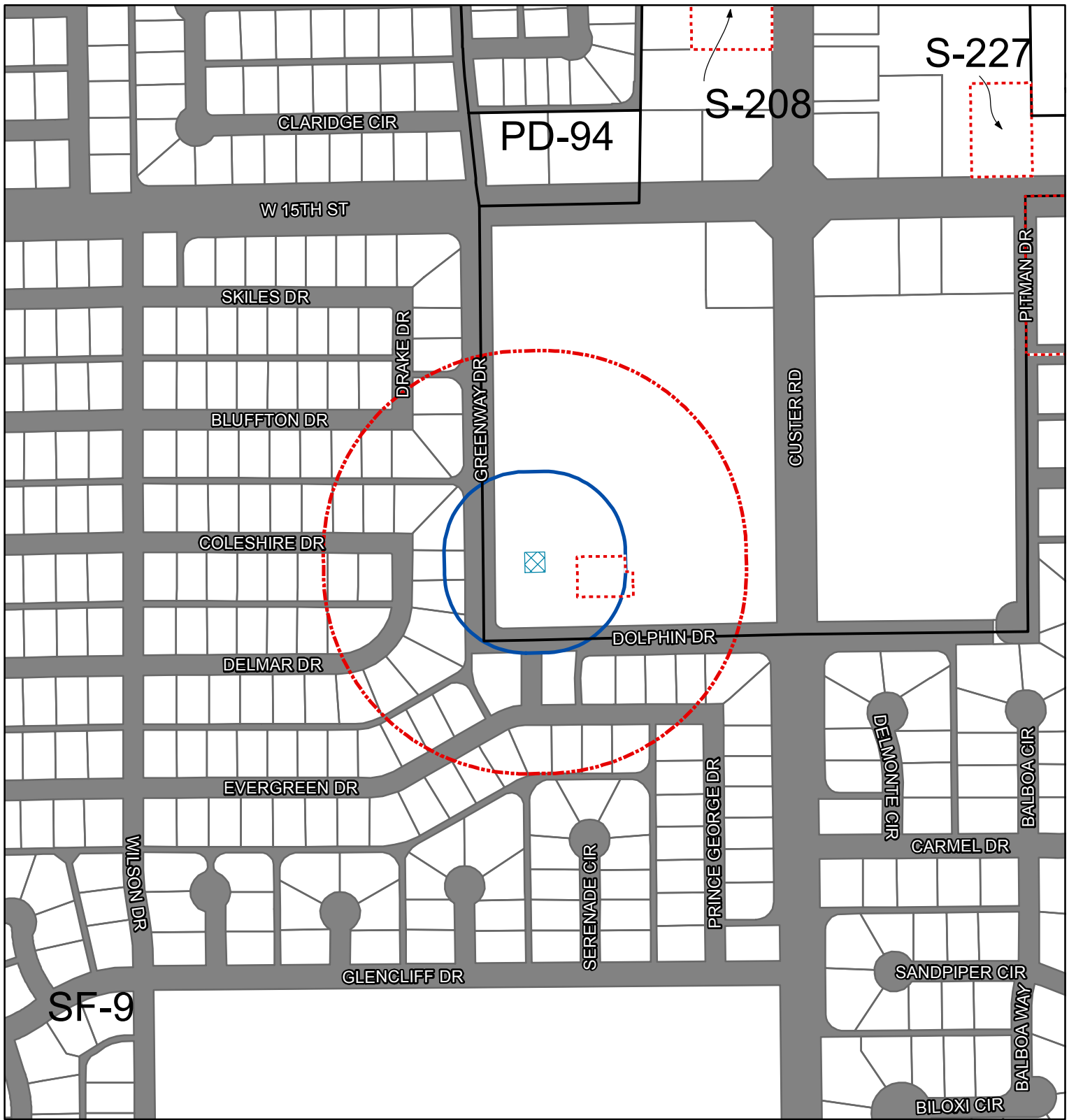
South 89 deg. 36 min. 21 sec. East, a distance of 76.54 feet to a point for the southwest corner of the herein described tract, same being the POINT OF BEGINNING;

North 00 deg. 03 min. 59 sec. West, a distance of 50.00 feet to a point for the northwest corner of the herein described tract;

North 89 deg. 56 min. 01 sec. East, a distance of 50.00 feet to a point for the northeast corner of the herein described tract;

South 00 deg. 03 min. 59 sec. East, a distance of 50.00 feet to a point for the southeast corner of the herein described tract;

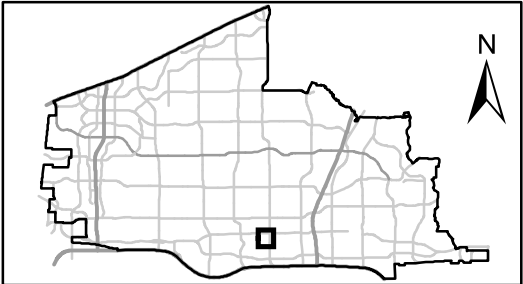
South 89 deg. 56 min. 01 sec. West, a distance of 50.00 feet to the POINT OF BEGINNING and CONTAINING 2,500 square feet or 0.057 acre of computed land, more or less.



Zoning Case #: ZC2018-019

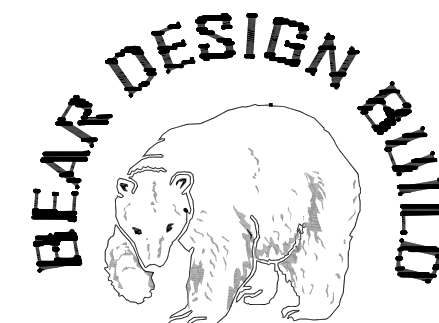
Existing Zoning: Planned Development-79-Retail (PD-79-R)

Proposed Zoning: Specific Use Permit for Arcade

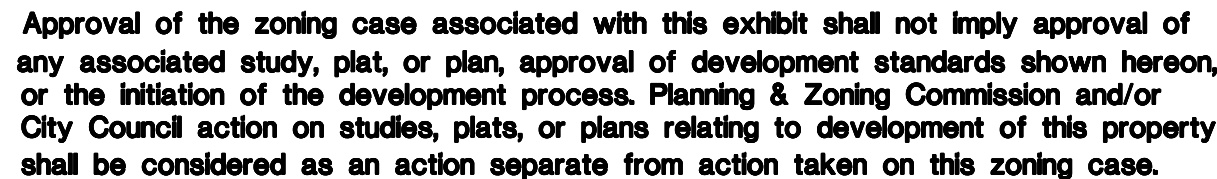


- Zoning Boundary Change/SUP
- City Limits
- Zoning Boundary
- Specific Use Permit
- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Right-of-Way

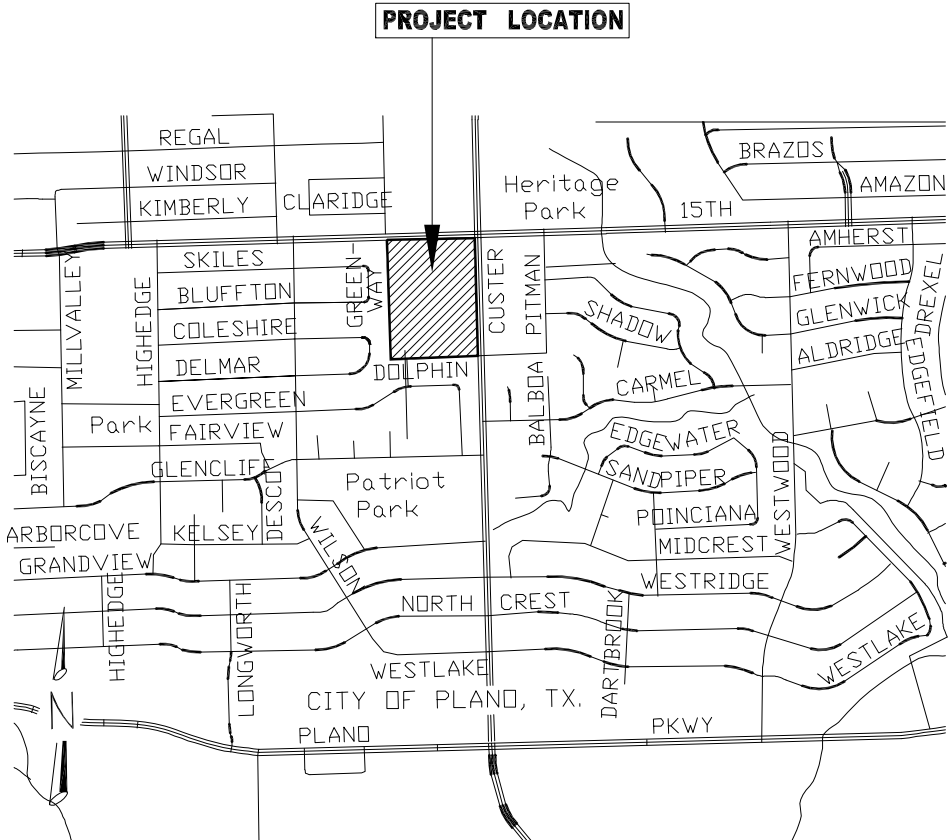
Source: City of Plano Planning Department



2695 VILLA CREEK DR. SUITE 110
DALLAS, TEXAS 75234
T) 469-682-7038
E) 3hbear@gmail.com



VICINITY MAP



LEGAL DESCRIPTION

BEING that certain 2,500 square foot [0.057 acre] tract of land situated in the William Fitzhugh Survey, Abstract No. 308, City of Plano, Collin County, Texas, and being a portion of that certain tract of land to Asian New Century Square, LLC, a Texas limited liability company, by Special Warranty Deed (with Vendor's Lien) recorded in Instrument Number 201708010018690, Official Public Records, Collin County, Texas, and being a portion of Lot 1R, Block 2 of the Replat of Lot 1, Block 2 of Pitman Corners Addition, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet H, Page 546, Plat Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at the southwest corner of said Lot 1, same being the northeast intersection of the north right-of-way line of Dolphin Drive (a called 60' right-of-way) with the east right-of-way line of Greenway Drive (a called 60' right-of-way);

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THENCE through the interior of said Lot 1 as follows:

South 89 deg. 36 min. 21 sec. East, a distance of 76.54 feet to a point for the southwest corner of the herein described tract, same being the POINT OF BEGINNING;

North 00 deg. 03 min. 59 sec. West, a distance of 50.00 feet to a point for the northwest corner of the herein described tract;

North 89 deg. 56 min. 01 sec. East, a distance of 50.00 feet to a point for the northeast corner of the herein described tract;

South 00 deg. 03 min. 59 sec. East, a distance of 50.00 feet to a point for the southeast corner of the herein described tract;

South 89 deg. 56 min. 01 sec. West, a distance of 50.00 feet to the POINT OF BEGINNING and containing 2,500 square feet or 0.057 acre of computed land, more or less.

CONTACT

LANDLORD:

ASIAN NEW CENTURY SQUARE, LLC
2606 BRENNER DR, DALLAS, TX 75220
T) 469-385-2174
E) lzhou.dfn@gmail.com

TENANT:

ZICHUAN QIU
5025 CYNDUR DR. LEWISVILLE, TX 75056
T) 760-858-8888
E) qzchoho@gmail.com

PREPARED BY:


BEAR DESIGN-BUILD
2695 VILLA CREEK DR #110, DALLAS, TX 75234
T) 469-682-7038
E) 3hbear@gmail.com

ZONING EXHIBIT

CITY PROJECT #ZC2018-019
SPECIFIC USE PERMIT FOR ARCADE
2,500 SQUARE FEET OR 0.057 ACRES
PITMAN CORNERS ADDITION
LOT 1R, BLOCK 2
CAB. H, PG. 546
P.R.C.C.T.

ARCHITECT SEAL

ENGINEER SEAL

#	DATE	SUBMISSION
--	00.29.18	SPECIFIC USE PERMIT
	--	--

PLANO, TX

#ZC2018-019

21808-15
JOB NO.

A1.01
SHEET

