



FAX NO. (972) 941-7396

November 8, 2012

RE: **Proposed Zoning Change Zoning Case 2012-37**

Dear Property Owner/Resident:

This letter is to inform you of a proposed zoning change in your area. The zoning of a property determines what type of uses may be developed. State law requires that cities notify all property owners within 200 feet of any proposed zoning change. For this reason, we are sending you this notice, a map of the area of the proposed zoning change including the boundary of the notification area, and a reply form.

The proposed zoning change is a city-initiated action which proposes to rescind a Private Club Specific Use Permit (SUP) issued to a property.

Given recent changes to city ordinances related to private clubs, the Planning & Zoning Commission has called a public hearing to rescind SUPs for private clubs on properties not presently being used for on-premise alcohol sales and for properties where establishments are now operating with mixed-beverage permits.

The establishment in the attached notice has obtained a Mixed Beverage Permit from TABC to serve alcoholic beverages; therefore it no longer needs the SUP for a Private Club issued by the City of Plano. The zoning action proposes to rescind the SUP for Private Club. The zoning action does not propose to change the underlying zoning for the property, and has no effect on the restaurant's Mixed Beverage Permit from TABC.

If you would like to inform us of your opinion regarding this rezoning, please return the reply form. You are also welcome to attend a public hearing on this case at the Planning & Zoning Commission meeting on **December 3, 2012**. The meeting will be held at **7:00 p.m.** in the Plano Municipal Center at 1520 K Avenue.

If you have any further questions or comments, please contact me at (972) 941-7151.

Sincerely,

Bester Munyaradzi, AICP
Planner

BM/dc
Enclosures

**NOTICE OF PUBLIC HEARING FOR
PROPOSED ZONING CHANGE
ZONING CASE 2012-37**

The Planning & Zoning Commission (P&Z) of the City of Plano will hold a public hearing on **Zoning Case 2012-37** on **December 3, 2012, 7:00 p.m.**, Plano Municipal Center, 1520 K Avenue, Council Chambers on the following:

LOCATION OF PROPOSED ZONING CHANGE (see attached location map): Request to rescind Specific Use Permit #295 for Private Club on 206.9± acres located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road.

CURRENT ZONING: The current zoning is Single-Family Residence-7, Planned Development-104-Regional Commercial, Planned Development-476-Regional Employment, Planned Development-477-Multifamily Residence-2, and Planned Development-484-Multifamily Residence-2 with Specific Use Permit #294 for Golf Course and Specific Use Permit #295 for Private Club (SF-7, PD-104-RC, PD-476-RE, PD-477-MF-2 and PD-484-MF-2 w/SUP #294 and 295) to serve alcoholic beverages in conjunction with the operation of a restaurant. The SF-7 district is intended to provide for areas of urban single-family development on moderate-size lots, protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living. The RC district is intended to provide for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and surrounding communities, in addition to office and limited manufacturing uses. The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. MF-2 district is intended to accommodate condominiums and apartments at a density of 18 residential units per acre providing sufficient areas for usable open space and landscaping. A planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and on-site conditions. 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 for such use during the review of an SUP application.

REQUESTED ZONING: The requested zoning is to rescind the SUP #295 for Private Club and retain the underlying SF-7, PD-104-RC, PD-476-RE, PD-477-MF-2 and PD-484-MF-2 zoning districts. The SF-7, PD-104-RC, PD-476-RE, PD-477-MF-2 and PD-484-MF-2 w/SUP #294 for Golf Course zoning will remain unchanged.

Uses other than those described in the notice may be permitted by the proposed zoning district(s). Persons wanting more information should contact the Planning Department at (972) 941-7151.

The Planning Department has received an application for rezoning. According to the most recent approved tax roll, you own property within 200 feet of the proposed zoning change. You are not required to attend this hearing, but if you do attend, you will be given the opportunity to speak for or against the change. **APPLICANTS AND/OR AGENTS ARE EXPECTED TO ATTEND.**

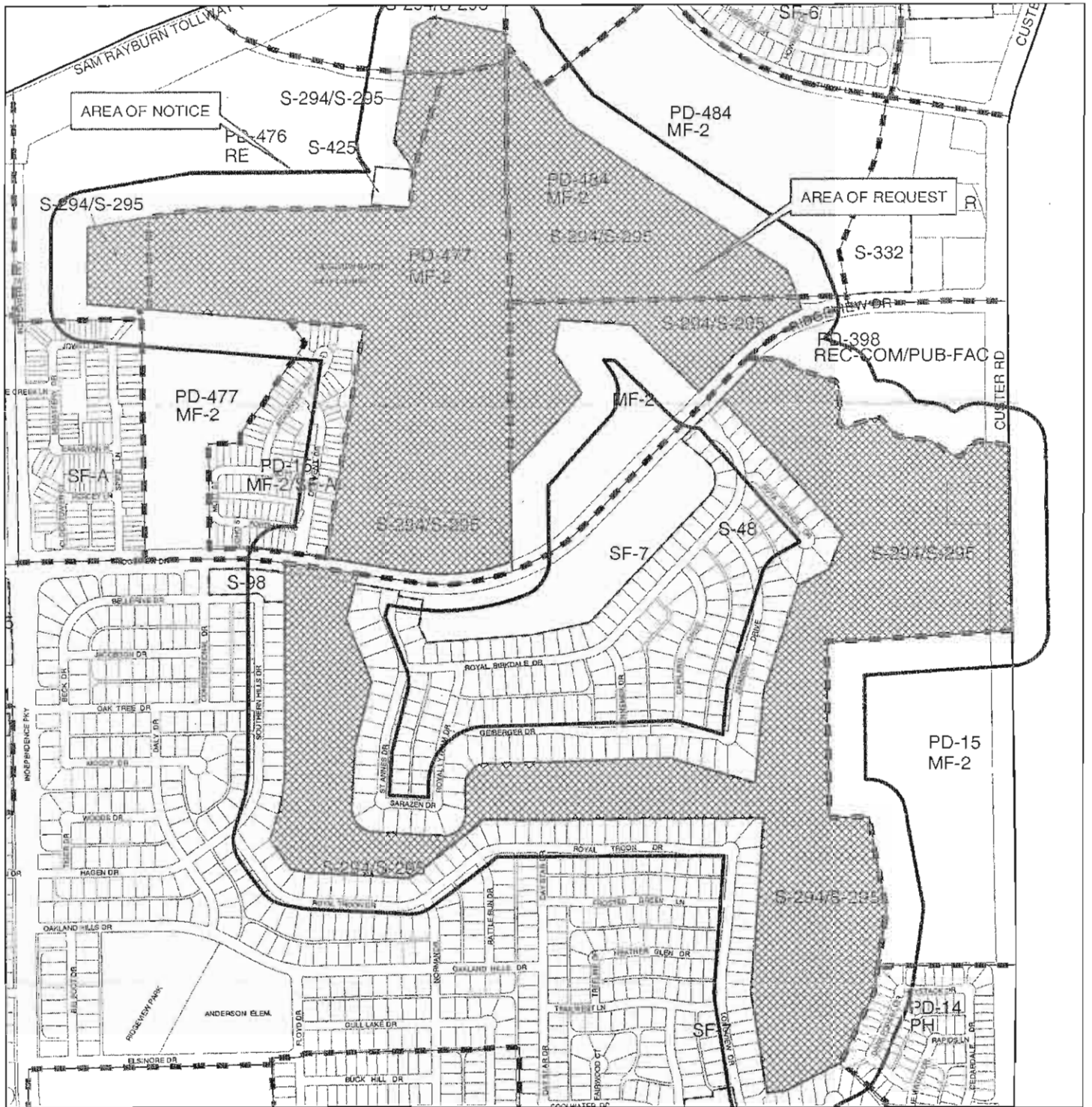
REPLY FORM: Enclosed is a reply form for you to return. Your written reply is very important and may have a bearing on the vote required by City Council to grant the request at a later hearing. If a written protest is submitted against the change, signed by the owners of 20% or more of the area of the lots or land (not 20% of the property owners) within the 200 foot notice area, the change shall not become effective except by the favorable vote of 3/4 of City Council. The area of streets and alleys are included in this calculation. Unincorporated areas are excluded. Please return the enclosed form to the Planning Department, P.O. Box 860358, Plano, TX 75086-0358.

P&Z ACTION: P&Z makes recommendations to City Council on zoning cases. The Commission forwards its recommendation to City Council after conducting a public hearing. If the Commission recommends this application for approval, it will automatically be scheduled for a second public hearing before City Council. If the Commission votes to deny this application, the applicant has 30 days to file a written letter of appeal, and the application will be heard by City Council. The Commission may consider alternatives to the proposed rezoning, provided they are consistent with the general scope of the notice.

If P&Z wholly or partially denies a proposed amendment or change, or if a written protest is submitted against the change signed by the owners of 20% or more of the area being rezoned or area of land immediately adjoining the area, as discussed in the Reply Form section of this notice, the change shall not become effective except by the favorable vote of 3/4 of City Council.

The City Council has the authority to approve a zoning classification different from the one requested or recommended as long as the approved zoning classification (1) does not increase allowed structure height, floor area ratio or density above that allowed by the requested or recommended zoning classification, and (2) does not approve non-residential zoning when residential zoning was requested or vice-versa.

ADDITIONAL INFORMATION: The P&Z agenda and the Planning Department staff's report to P&Z are available 72 hours prior to the meeting in the city's libraries. The zoning case file is open to the public and can be viewed on weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays, in the Planning Department, 1520 K Avenue, Plano, Texas, or call (972) 941-7151. Please provide the zoning case number when requesting information. Additional information pertaining to the requested zoning district(s) can be found in the Zoning Ordinance, which is also available in the city's libraries and in the Planning Department. Notice of the City Council public hearing for this case will be published in the Plano Star Courier. City Council and P&Z agendas are provided on the Plano AT&T Broadband Channel A-30 and on the World Wide Web at <http://www.planotx.org>.



Zoning Case #: 2012-37



Existing Zoning: SINGLE-FAMILY RESIDENCE-7,
 PLANNED DEVELOPMENT-104-REGIONAL COMMERCIAL,
 PLANNED DEVELOPMENT-476-REGIONAL EMPLOYMENT,
 PLANNED DEVELOPMENT-477-MULTIFAMILY RESIDENCE-2, &
 PLANNED DEVELOPMENT-484-MULTIFAMILY RESIDENCE-2/
 STATE HIGHWAY 121 OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #294 & #295

○ 200' Notification Buffer



REPLY FORM

Planning & Zoning Commission
P.O. Box 860358
Plano, TX 75086-0358

Dear Commissioners:

This letter is regarding Zoning Case 2012-37. Request to rescind Specific Use Permit #295 for Private Club on 206.9± acres located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road. The requested zoning is to rescind the SUP #295 for Private Club and retain the underlying SF-7, PD-104-RC, PD-476-RE, PD-477-MF-2 and PD-484-MF-2 zoning districts. The SF-7, PD-104-RC, PD-476-RE, PD-477-MF-2 and PD-484-MF-2 w/SUP #294 for Golf Course zoning will remain unchanged.

*****PLEASE TYPE OR USE BLACK INK*****

_____ I am **FOR** the requested zoning as explained on the attached cover sheet for Zoning Case 2012-37.

_____ I am **AGAINST** the requested zoning as explained on the attached cover sheet for Zoning Case 2012-37.

This item will be heard on **December 3, 2012, 7:00 p.m.** at the Plano Municipal Center, 1520 K Avenue. Please provide your written comments below regarding the proposed zoning change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Name (Please Print)

Signature

Address

Date

BM

SEE BACK OF PAGE FOR REQUIRED SIGNATURES

**CITY OF PLANO ZONING ORDINANCE
ARTICLE 6. PROCEDURES AND ADMINISTRATION**

SECTION 6.100 Procedural Steps of Zoning Petitions and Amendments

6.114 A protest of a proposed zoning change must be in writing and must be signed by the owner of the property in question or by a person authorized by power of attorney to act on behalf of the owner. For specific ownership types, the following shall apply: (*ZC 2002-17; Ordinance No. 2002-6-15*)

1. Corporations

The protest must be signed by the president, vice president, or by an attorney-in-fact authorized to sign on behalf of the corporation.

2. General or Limited Partnerships

The protest must be signed by a general partner or by an attorney-in-fact authorized to sign on behalf of the general or limited partnership.

3. Community Property

The city shall presume the written protest of one spouse to be the protest of both.

4. Condominiums

Lots or land subject to a condominium declaration are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a written protest in accordance with its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium.

In all cases where a protest has been properly signed pursuant to this section, the city shall presume that the persons whose signatures appear on the protest are valid.

A withdrawal of a protest must be in writing. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.