

**PLANO CITY COUNCIL**  
**June 11, 2012**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Pat Miner  
André Davidson  
James Duggan  
Patrick Gallagher  
Lee Dunlap

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, June 11, 2012, at 7:33 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Suhail Kausar, President of the Ahmadiyya Muslim Community, Dallas Chapter led the invocation and the Plano Chapter of The Sons of the American Revolution led the Pledge of Allegiance.

**PROCLAMATIONS & SPECIAL RECOGNITION**

Mayor Dyer received a grant for the Plano Parks and Recreation Department from the Collin County Commissioners Court and recognized Spring 2012 graduates of The Plano Citizens Government Academy.

**OATHS OF OFFICE**

Mayor Dyer administered the oath of office to Planning and Zoning Commission member Femi Adeoye.

**COMMENTS OF PUBLIC INTEREST**

John Caldwell, citizen of the City, stated concern regarding the Michigan Left Turn at Legacy Drive and Preston Road. City Manager Glasscock advised that Staff will bring forward a report regarding this and several other intersections.

City Manager Glasscock requested Council clarification and direction to Staff regarding discussion in the Preliminary Open Meeting related to in-home day care facilities. He recommended that Staff initiate a zoning case for the Planning and Zoning Commission to amend regulations and restrict facilities to a total of eight children which would then come to the Council for consideration. The Council concurred.

## **CONSENT AGENDA**

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

**Approval of Minutes** (Consent Agenda Item "A")  
May 29, 2012

### **Approval of Expenditures**

**Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

**Bid No. 2012-202-B** for Chase Oaks Trail Connector at Rowlett Creek, Project 6109 to Dean Electric, Inc. in the amount of \$468,244 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

**Bid No. 2012-118-C** for a one (1) year contract with three (3) City optional one year renewals for the purchase of Public Grounds Fertilization and Weed Control Service for the Parks and Recreation Department to TruGreen LP in the amount of \$71,030 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

### **Adoption of Resolutions**

**Resolution No. 2012-6-1(R):** To approve the terms and conditions of a Real Estate Contract and Lease by and between City House, Inc., a Texas non-profit organization, and the City of Plano for the purchase and lease back to seller of approximately 0.95 acres of land including a house and associated structures located at 902 E. 16th Street adjacent to Haggard Park in Plano, Collin County, Texas; and authorizing the City Manager to execute such contract and lease agreement and providing an effective date. (Consent Agenda Item "D")

**Resolution No. 2012-6-2(R):** To approve reimbursement of costs associated with acquiring land that may be used for recreational purposes and/or facilities and providing an effective date. (Consent Agenda Item "E")

**Resolution No. 2012-6-3(R):** To repeal Resolution No. 2010-2-2(R) in its entirety with regard to the Multi-Cultural Outreach Roundtable ("Roundtable") and adopting a new resolution to re-establish the Roundtable setting forth its purpose, appointment of Co-Chairs, establishing duties and meeting guidelines, and providing for open participation to the Roundtable; and providing an effective date. (Consent Agenda Item "F")

## **Adoption of Ordinances**

**Ordinance No. 2012-6-4:** To amend Section 10-17. Officers of Article II. Library Advisory Board of Chapter 10 Library; Section 15-22. Officers of Article II. Parks and Recreation Planning Board of Chapter 15 Parks and Recreation; and Section 2-243. Officers of Article XII. Senior Citizens Advisory Board of Chapter 2 Administration of the City of Plano Code of Ordinances to remove reference to a board secretary; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “G”)

**Ordinance No. 2012-6-5:** To delete Section 2-162. Liaison to multi-ethnic committee of Article VII. Community Relations Commission of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “H”)

## **END OF CONSENT**

**Public Hearing and adoption of Ordinance No. 2012-6-6** as requested in Zoning Case 2012-05 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 3.6± acres located at the northwest corner of Parker Road and Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-229-Retail; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. (Tabled 05/29/12). Applicant: Racetrac (Regular Agenda Item “1”)

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 8-0 to remove the item from the table.

Planning Manager Firgens advised that the applicant is proposing development of a convenience store with gas pumps, which requires a planned development designation due to residential adjacency standards. She advised that the Planning and Zoning Commission considered the non-speculative nature of the request and recommended approval as follows: The permitted uses and standards shall be in accordance with the R zoning district unless otherwise specified herein - 1. Fuel dispensing facilities shall be permitted within 150 feet of a residential zoning district; and 2. A five-foot landscape edge shall be provided along all adjacent streets.

Ms. Firgens responded to Council Member Dunlap, advising that there is property available for right turn lanes and spoke to landscaping proposed for street frontage. Director of Planning Jarrell spoke to property to the south which has a 15-foot landscape edge. Ms. Firgens advised that the residential adjacency standard is measured from boundary lines, and spoke to the history behind the property’s configuration, median breaks on Jupiter Road, and advised there is no need for a Traffic Impact Analysis.

Mayor Dyer opened the Public Hearing. Dallas Cothrun, representing the applicant, spoke to discussions held with area residents, a planned opening in January, lack of retail in the area, surrounding uses and potential non-residential development on adjacent property. He reviewed the proposed façade and landscaping and Anita James of Racetrac responded to Mayor Pro Tem Smith regarding recessed lighting.

Ms. Firgens spoke to the requirement for cross-access to adjacent property and Ms. Jarrell advised that the City has not received any plans for the adjacent property. Habib Popal, representing the retail development to the south, stated opposition to the request based on its impact on his business and the lack of customer base. David Pettit, representing adjacent property owners, requested the item be tabled to allow for further discussion regarding issues of lighting, buffering and storage. No one else spoke for or against the request. The Public Hearing was closed.

Ms. Firgens advised that Staff had concerns that the request was inconsistent with the Future Land Use Plan, additional retail is not appropriate for this location, it would create a small individually zoned parcel, it is non-compliant with residential adjacency standards, and utilizes a planned development district for an individual lot. She responded to Council Member Dunlap, advising that Racetrac has submitted a preliminary site plan, but that no plan has been received for the adjacent property. Ms. Jarrell advised that the right-of-way on Jupiter Road flares at Parker Road and spoke to the need for connection to sanitary sewer lines which run through the adjacent property. City Attorney Wetherbee stated that while the property is small, based on its location, it would not be considered "spot zoning."

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Duggan, the Council voted 8-0 to rezone 3.6± acres located at the northwest corner of Parker Road and Jupiter Road in the City of Plano from Agricultural to Planned Development-229-Retail; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-05; and further to adopt Ordinance No. 2012-6-6.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 8:32 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary