

PLANO CITY COUNCIL
May 12, 2003

COUNCIL MEMBERS

Pat Evans, Mayor
Steve Stovall, Mayor Pro tem
Shep Stahel, Deputy Mayor Pro tem
Phil Dyer
Scott Johnson
Sally Magnuson
Jean Callison
Ken Lambert

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the meeting into open session on Monday, May 12, 2003, at 7:05 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

Mayor Evans presented a proclamation recognizing Chinese Heritage Week.

The invocation was led by Gene Wilkes, Pastor of Legacy Drive Baptist Church.

The Pledge of Allegiance was led by Jr. Girl Scout Troop 1378 Service Unit 152.

Mayor Evans administered the oath of office to newly elected Council Members Stahel, Dyer, Stovall, and Callison.

Mayor Evans presented a plaque of appreciation to outgoing Council Member Roach.

Mayor Evans presented proclamations recognizing "Motorcycle Safety Awareness Week," "Public Service Recognition Week," and "National Public Works Week." She further recognized recipients of the Paul Standberry Memorial Scholarship Awards and Employee of the Year Awards.

Mayor Evans administered an oath of office to Johnye P. Cochran as a new member of the Keep Plano Beautiful Commission. (Wanda Stephens was unable to attend the meeting.)

Mayor Evans presented a certificate of appreciation to outgoing Board of Adjustment member Robert Deputy.

The Council resumed discussion of the Preliminary Open Meeting.

On-Line Garage Sale Permit Briefing

Chief Building Official Mower advised the Council that in cooperation with the Information Services Department, the garage sale permit process has been placed online. He reviewed the features of the site including the ability to apply for a permit; view current or previous permits; and search for sales by item, location, or date. Mr. Mower further spoke to adding capabilities for neighborhood garage sales in the future and responded to the Council that no “log in” is required to search for sales and that information regarding the prohibition of signs in rights-of-way is included.

Personnel Appointment

Retirement Security Plan Committee

City Manager Muehlenbeck requested Council’s consideration of Michael Wayne Busch as the City was unable to finalize a prior appointment.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stahel, the Council voted 8-0 to name Michael Wayne Busch to an interim term.

Council Liaisons to Board and Commissions

Mayor Evans read the following recommendations into the record:

CITY COUNCIL APPOINTMENTS TO VARIOUS COMMITTEES AND ORGANIZATIONS

Chamber of Commerce Board of Directors - Mayor Pro tem Steve Stovall
Designation of Official North Central Texas Council of Governments
Voting Representative - Mayor Evans
Regional Transportation Council – NCTCOG - Mayor Evans and Mayor Pro tem Steve Stovall
TML & Other Legislative Action - Mayor Evans and Mayor Pro tem Steve Stovall
Plano Cultural Arts Council - Deputy Mayor Pro tem Shep Stahel and Sally Magnuson
North Texas Commission - Mayor Evans
Memorial Day Committee - Mayor Pro tem Steve Stovall and Deputy Mayor Pro tem Shep Stahel
Metroplex Mayors Committee - Mayor Evans
McKinney Airport Technical Advisory Board - Mayor Pro tem Steve Stovall
Economic Development Board - Mayor Evans and Mayor Pro tem Steve Stovall
Liaison to Collin County Community College Board -Deputy Mayor Pro tem Shep Stahel and Scott
Johnson
Dallas Regional Mobility Coalition - Mayor Evans and Mayor Pro tem Steve Stovall
North Central Texas Industrial Development Authority/Plano Health Facilities Development
Corporation - Deputy Mayor Pro tem Shep Stahel, Ken Lambert and Scott Johnson
Council of Governments - Texas Clean Air Steering Committee – Sally Magnuson
Family of the Year

Sister Cities - Mayor Pro tem Steve Stovall and Sally Magnuson
121 Task Force - Ken Lambert and Sally Magnuson
Arts of Collin County - Phil Dyer
TX 21 - Ken Lambert

CITY COUNCIL COMMITTEES

Board and Commission Review Committee - Phil Dyer and Scott Johnson
Community Finance - Phil Dyer and Scott Johnson
Joint PISD/Council Committee - Mayor Pro tem Steve Stovall and Phil Dyer
Tax Abatement Council Committee - Mayor Pro tem Steve Stovall and Phil Dyer

ROUNDTABLES

Multi-Cultural Outreach Roundtable - Rotating Council Members

COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

Animal Shelter Advisory Committee - Deputy Mayor Pro tem Shep Stahel and Ken Lambert
Board of Adjustment - Deputy Mayor Pro tem Shep Stahel and Phil Dyer
Building Standards Commission - Deputy Mayor Pro tem Shep Stahel and Ken Lambert
Civil Service Commission - City Manager Thomas Muehlenbeck
Collin County Appraisal District Board - Mayor Pro tem Steve Stovall and Phil Dyer
Community Relations Commission - Scott Johnson and Sally Magnuson
Cultural Affairs Commission - Phil Dyer and Jean Callison
DART Board of Directors - Robert Pope, Vice Chairperson
Heritage Commission - Sally Magnuson and Jean Callison
International Relations Advisory Commission - Mayor Pro tem Steve Stovall and Sally Magnuson
Keep Plano Beautiful Commission - Deputy Mayor Pro tem Shep Stahel and Sally Magnuson
Library Advisory Board - Scott Johnson and Jean Callison
North Texas Municipal Water District Board - Deputy Mayor Pro tem Shep Stahel and
Ken Lambert
Parks and Recreation Planning Board - Scott Johnson and Jean Callison
Planning and Zoning Commission - Phil Dyer and Jean Callison
Plano Housing Authority - Mayor Pro tem Steve Stovall and Deputy Mayor Pro tem Shep Stahel
Plano Transition & Revitalization Committee - Phil Dyer and Jean Callison
Public Art Committee - Mayor Pro tem Steve Stovall and Ken Lambert
Retirement Security Plan Committee - City Manager Thomas Muehlenbeck
Self Sufficiency Committee - Deputy Mayor Pro tem Shep Stahel and Sally Magnuson
Senior Citizens Advisory Board - Mayor Pro tem Steve Stovall and Sally Magnuson
Tax Increment Financing Reinvestment Zone No. 1 Board - Deputy Mayor Pro tem Shep Stahel
Tax Increment Financing Reinvestment Zone No. 2 Board - Phil Dyer
Technology Commission - Mayor Pro tem Steve Stovall and Scott Johnson
Transportation Advisory Committee - Scott Johnson and Sally Magnuson
Youth Advisory Commission - Deputy Mayor Pro tem Shep Stahel

Council items for discussion/action on future agendas

No items were presented

Consent and Regular Agenda

Mayor Pro tem Stovall and Deputy Mayor Pro tem Stahel requested Consent Item "F," expenditure with TriTech Incorporated for an annual software maintenance support agreement be removed for individual consideration due to possible conflicts of interest.

Council Member Johnson requested Consent Item "B," resolution approving receipt of a gift in the amount of \$250,000 from the estate of Thelma Rice Sproles for the general benefit and enhancement of the Plano Public Library System be pulled for individual consideration.

Mayor Evans advised that she would be stepping down on Regular Items "1" ordinance to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds and "2" ordinance to provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds due to possible conflicts of interest.

City Secretary Bealke advised that citizen Arthur Townsend has requested Consent Item "C," resolution approving an interlocal agreement between the cities of Allen, Frisco and Plano concerning services and funding for a Collin County Cultural Arts District be pulled for individual consideration.

Council Reports

Council Member Johnson spoke positively regarding his use of the online Parks and Recreation registration process.

Deputy Mayor Pro tem Stahel spoke regarding the "farewell" meeting of the Youth Advisory Commission and a ribbon-cutting ceremony held by the Timberbrook Estates Homeowners Association celebrating their new neighborhood park.

GENERAL DISCUSSION

Linda Decker, citizen of the City, stated concerns regarding handicap access in the downtown area. Mayor Evans advised that problems will be addressed.

Arthur Townsend, citizen of the City, requested the Council pass a resolution condemning military action against Iraq. Mayor Evans advised that an item would come forward if sponsored by two Council Members.

CONSENT AGENDA

City Secretary Bealke advised that Mayor Pro tem Stovall and Deputy Mayor Pro tem Stahel requested that Consent Agenda Item "F" be removed for individual consideration due to possible conflicts of interest, that Council Member Johnson requested that consent Agenda Item "B" be removed for individual consideration and that citizen Arthur Townsend requested that Consent Agenda Item "C" be removed for individual consideration. She further advised that Mayor Evans would be stepping down on Regular Agenda Items "1" and "2."

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stahel, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows.

Approval of Minutes [Consent Agenda Item (A)]

April 23, 2003
April 24, 2003
April 28, 2003
May 6, 2003

Adoption of Resolutions

Resolution No. 2003-5-5(R): To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano, Texas and Collin County, Texas providing terms and conditions for landscape waste processing services and compost/mulch sales; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (D)]

Adoption of Ordinances

Ordinance No. 2003-5-6: To amend Ordinance No. 2002-10-19, codified in the City of Plano Code of Ordinances under Chapter 12, Motor Vehicles and Traffic, Article V, Stopping Standing and Parking, Section 12-101, Prohibited On Certain Streets At All Times, to include a provision for the prohibition of stopping, standing, or parking of motor vehicles along the east side of Pleasant Valley Drive from a point one thousand three hundred eighty (1,380) feet east of Roundrock Trail to a point one thousand seven hundred thirty (1,730) feet east of Roundrock Trail; authorizing and directing the Traffic Engineer for the City of Plano to cause placement of traffic control devices to give notice of the restriction; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (E)]

END OF CONSENT

Resolution No. 2003-5-7(R): To approve receipt of a gift in the amount of \$250,000 from the estate of Thelma Rice Sproles for the general benefit and enhancement of the Plano Public Library System; and authorizing the City Manager to execute all necessary documents to receive the gift; and providing an effective date. [Consent Agenda Item (B)]

Council Member Johnson thanked the family of Thelma Rice Sproles for this gift to the Plano Public Library System

Resolution No. 2003-5-7(R) (cont'd)

Upon a motion made by Council Member Johnson and seconded by Council Member Dyer, the Council voted 8-0 to approve receipt of a gift in the amount of \$250,000 from the estate of Thelma Rice Sproles for the general benefit and enhancement of the Plano Public Library System; and authorizing the City Manager to execute all necessary documents to receive the gift; and providing an effective date; and further to adopt Resolution No. 2003-5-7(R).

Resolution No. 2003-5-8(R): To approve the terms and conditions of an interlocal agreement between the cities of Allen, Frisco and Plano concerning services and funding for a Collin County Cultural Arts District; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (C)]

Arthur Townsend, citizen of the City, spoke in opposition to the item stating concern regarding the use of tax monies.

Upon a motion made by Mayor Pro tem Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to approve the terms and conditions of an interlocal agreement between the cities of Allen, Frisco and Plano concerning services and funding for a Collin County Cultural Arts District; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2003-5-8(R).

Due to possible conflicts of interest Mayor Pro tem Stovall and Deputy Mayor Pro tem Stahel stepped down from the bench on the following item.

Approval of Expenditure - To approve an expenditure with TriTech Incorporated for an annual software maintenance support agreement on the Police Records Management System in an amount of \$113,662; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (F)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 6-0 to approve an expenditure with TriTech Incorporated for an annual software maintenance support agreement on the Police Records Management System in an amount of \$113,662; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.

Mayor Pro tem Stovall and Deputy Mayor Pro tem Stahel resumed their places on the bench.

Due to a possible conflict of interest, Mayor Evans stepped down from the bench on the following two items.

Ordinance No. 2003-5-9 to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2003; in the amount of \$3,675,000; and enacting other provisions relating thereto. [Regular Agenda Item (1)]

Director of Finance McGrane spoke regarding bids received and responded to the Council regarding the rating for these bonds and stated that their term is 20 years. Ben Brooks of Vinson and Elkins spoke regarding the bidding process and advised that the ordinance authorizes issuance of the bonds, sets the interest rates and awards the bonds to RBC Dain Rauscher. City Manager Muehlenbeck advised that these bonds would be for drainage improvements, continuation of the drainage program and the Capital Improvement Program.

Upon a motion made by Council Member Lambert and seconded by Council Member Dyer, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2003; in the amount of \$3,675,000; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2003-5-9.

Ordinance No. 2003-5-10 to provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2003, in the aggregate principal amount of \$58,195,000; levying a tax in payment thereof; and enacting other provisions relating thereto. [Regular Agenda Item (2)]

Ben Brooks of Vinson and Elkins advised the Council that this request issues improvement bonds to address items passed in the 2001 Bond Election in the amount of \$19,514,000; Joint Use Municipal Facilities bonds passed in the 1998 Bond Election in the amount of \$800,000; and refunds previously issued and outstanding bonds of the City. He advised that the ordinance authorizes issuance of the bonds, provides for establishment of an escrow agreement, and awards the bonds to RBC Dain Rauscher. Mr. Brooks advised the Council that this request does not extend the debt into the future. Mr. McGrane spoke regarding the savings that will be realized.

Arthur Townsend, citizen of the City, stated his support of the item as it enables refinancing at a lower interest rate without increasing debt. He requested the City not pay an excessive commission or incur a prepayment penalty.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stahel, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2003, in the aggregate principal amount of \$58,195,000; levying a tax in payment thereof; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2003-5-10.

City Manager Muehlenbeck spoke to the efforts of Staff in retaining the City's "AAA" bond rating and the bond rating companies recognizing the efforts of the Council.

Mayor Evans resumed her place on the bench.

Public Hearing and adoption of Ordinance No. 2003-5-11 as requested in Zoning Case 2002-67 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 16.8± acres located on the west side of K Avenue between Park Boulevard and Parker Road in the City of Plano, Collin County, Texas, from Planned Development-23-Light Commercial to Corridor Commercial; 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, and an effective date. Neighborhood #59. Applicant: City of Plano. Tabled from 3/24/03 [Regular Agenda Item (3)]

Upon a motion made by Deputy Mayor Pro tem Stahel and seconded by Council Member Magnuson, the Council removed the item from the table.

Planner Adams advised the Council that this request would extend the boundaries of the Corridor Commercial District to facilitate the implementation of a Transit Overlay District. He reviewed the location being considered and responded to Deputy Mayor Pro tem Stahel stating that the overlay district does not go north to Parker Road at this time, but that DART has expressed an interest in such zoning in the future and Director of Planning Jarrell advised that the Planning and Zoning Commission has recommended that the overlay district be extended to Parker Road.

Mayor Evans opened the Public Hearing. Craig Jacobs, President of the Village Creek Neighborhood Association, spoke in opposition to the request and stated while supporting development in Plano, he has concerns related to this case including building height and density. J. D. Williams, citizen of the City, stated opposition to the Transit Overlay District and concerns related to density, traffic, and the effect of construction on businesses along K Avenue. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell advised Council Member Lambert that Corridor Commercial zoning has a 20-story maximum height with setback requirements from residential areas and that existing residences would trigger such restrictions. She advised that the height limit in Light-Commercial zoning is two stories and apartments are not allowed in Corridor Commercial zoning. Mr. Lambert stated concern that there may be several non-conforming uses in the area and Ms. Jarrell advised that no recommendation was made by the Planning and Zoning Commission to provide an SUP to those uses since they would not be allowed under the terms of the proposed overlay district. Mr. Adams advised that there was limited feedback from the area with opposition from the tire store that would be allowed by right under Corridor Commercial zoning but become non-conforming in the overlay district.

Ms. Jarrell advised Deputy Mayor Pro tem Stahel that the Commission decided to address the location immediately influenced by the DART station at this time. City Manager Muehlenbeck responded to Council Member Dyer stating that Staff is working with the Department of Transportation for funding to rework the intersection of U.S. 75 and Parker Road.

Ms. Jarrell responded to Deputy Mayor Pro tem Stahel, stating that the current base zoning is Light Commercial with a maximum height of five to six stories and that the feeling was that Corridor Commercial zoning would provide consistent regulations for the Transit Overlay District. She advised that under Corridor Commercial zoning, a pawn shop in the area would become non-conforming.

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 16.8± acres located on the west side of K Avenue between Park Boulevard and Parker Road in the City of Plano, Collin County, Texas, from Planned Development-23-Light Commercial to Corridor Commercial; as requested in Zoning Case 2002-67 and as recommended by the Planning and Zoning Commission; 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, and an effective date; and further to adopt Ordinance No. 2003-5-11.

Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-68 to create Section 4-1000 (Transit Overlay District) of Article 4 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to establish a Transit Overlay District; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano. Tabled from 3/24/03 [Regular Agenda Item (4)]

Upon a motion made by Deputy Mayor Pro tem Stahel and seconded by Council Member Dyer, the Council voted 8-0 to remove the item from the table.

Planner Adams spoke regarding the Parker Road Station Study completed in 1998 and its recommendations encouraging mixed-use development around the DART light rail station and the City Center Plan further endorsing transit oriented development. He spoke to research conducted, meetings held, recommendations that transit-oriented development include a wide spectrum of uses and findings that “end of the line” stations take longer for development. Mr. Adams reviewed the goals of reducing the demand on highways and air quality benefits and stated that higher densities support transit ridership. He reviewed uses that would be prohibited by the ordinance, development standards and stated that multi-family use would be added. Mr. Adams advised that the Planning and Zoning Commission would continue to study issues related to open space and that the item is recommended for approval as follows:

4-1000 TRANSIT OVERLAY DISTRICT (TOD)

4-1001 Purpose

The purpose of the Transit Overlay District (TOD) is to provide for pedestrian and transit friendly development through a mix of residential, commercial and employment opportunities with appropriate densities and design characteristics within the designated transit corridors. These standards recognize the importance of creating transit-friendly development patterns in close proximity to existing or planned rail stations.

4-1002 Applicability

The regulations described for the TOD shall supercede all regulations for the base zoning districts of properties fully or partially within a designated overlay district. Where there is any conflict, the requirements of the overlay district shall apply. Except as noted, the requirements below shall apply to all lots or tracts located fully or partially within the boundaries established for the TOD.

4-1003 Use Regulation

Uses within the overlay district shall be allowed in accordance with Section 2-502 (Schedule of Permitted Uses) for the Corridor Commercial (CC) zoning district except as noted below:

1. Additional Uses: Multi-family uses, developed in accordance with Subsection 4-1004 below, shall be allowed as an additional use.
2. Prohibited Uses: The following uses will be prohibited within the TOD:

- Cemetery/Mausoleum
- Farm, Ranch, Garden or Orchard
- Golf Course/Country Club (Private)
- Open Storage
- Electrical Substation
- Sewage Treatment Plant
- Water Treatment Plant
- Flea Market
- Garden Center
- Portable Building Sales
- Fairgrounds/Exhibition Area
- Mortuary/Funeral Parlor
- Theater (Drive-in)
- Trailer Rental
- Automobile Leasing/Renting
- Automobile Repair/Major
- Automobile Repair/Minor/Service Station
- Automobile Storage
- Car Wash
- New Car Dealer

Used Car Dealer
Recreation Vehicle sales and Service (New/Used)
Tire Dealer (No Open Storage)
Truck/Bus Leasing
Truck Terminal
Cabinet/Upholstery Shop
Mini-Warehouse Public Storage
Office Showroom/Warehouse
Limited Assembly and Manufacturing

4-1004 Development Standards

Development or redevelopment shall meet the following development standards:

1. Multi-family Use: Multi-Family use shall be permitted in the overlay district either as a primary or accessory use. This use shall be permitted in accordance with the following stipulations and numbers 2 through 7 of this section:
 - a. The maximum number of multi-family units allowed within the overlay district shall not exceed 25 units per acre of the transit overlay district.
 - b. Multi-family units shall be developed at a density not lower than 40 units per acre, but not greater than 100 units per acre.
 - c. No building, excluding parking structures, shall have more than 60% of its total linear ground floor frontage on public streets devoted to residential use.
 - d. No more than 200 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-ways.
 - e. The requirements in Subsection 3-104 (Multi-Family Residence) shall not apply.
2. Building Setbacks: Buildings within the overlay district are to be located close to streets and public ways. The front building setback is measured from the back of the curb to the nearest projecting face of the structure. The side and rear building setbacks are measured from the nearest projecting face of the structure to the property line.
 - a. Front Yard Setback (along Type "E" or smaller roadways):
 - i. For buildings four stories or 70 feet tall and below - 15 feet (minimum) and 20 feet (maximum).

- ii. For buildings taller than four stories or 70 feet - 20 feet (minimum) and 25 feet (maximum).
- b. Front Yard Setback (along Type "D" or larger roadways):
 - i. For buildings four stories or 70 feet tall and below - 30 feet (minimum) and 40 feet (maximum).
 - ii. For buildings taller than four stories or 70 feet - 40 feet (minimum) to 45 feet (maximum).
- c. Minimum Side Yard Setback - None.
- d. Minimum Rear Yard Setback - None.
- e. Minimum Development Street Frontage: A minimum of two thirds of the building's face along the street frontage shall be within the appropriate setback range as defined in Subsections (a) (b) and (c) above. The remaining 1/3 of the facade may exceed the maximum setback requirement.
- f. Setback Encroachment: Building features may encroach into the setback area a distance up to five (5) feet from the building face. A minimum five (5) foot wide area of the sidewalk must be maintained clear of encroachments. These features may include, but are not limited to the following:
 - i. Stoops
 - ii. Planters
 - iii. Chimneys
 - iv. Bay windows
 - v. Awnings
 - vi. Balconies
 - vii. Porches
 - viii. Pilasters
 - ix. Canopies
 - x. Tower elements
 - xi. Eaves
- 3. Sidewalk: The area for sidewalks within the TOD shall be a minimum of 10 feet wide. Street trees may be placed in the first five (5) feet adjacent to the curb. The second five (5) feet shall be for sidewalk pavement only.
- 4. Maximum Lot Coverage: Maximum lot coverage shall be 100%.

5. Maximum Height: Maximum height within the overlay district shall be 20 stories (not to exceed 320 feet). Building height shall comply with the requirements of the Zoning Ordinance, Subsection 2-828 (Corridor Commercial), C. (Area, Yard & Bulk Requirements), 10. (Setbacks from Residential Districts).
6. Floor Area Ratio (FAR): Maximum floor area ratio shall be 10:1.
7. Parking: Minimum parking requirements are as follows:
 - a. Non-residential Parking: Parking for non-residential uses shall be provided at the rate of one space per each 300 square feet.
 - b. Multi-family Parking: Parking for multi-family uses shall be provided as follows:
 - i. One bedroom or less - one parking space per unit
 - ii. Two bedrooms - 1 ½ parking spaces per unit
 - iii. Three bedrooms or more - two parking spaces per unit

4-1005 Design Criteria

Buildings shall comply with building massing, materials, architectural features, and screening standards below.

1. Building Massing: All building facades, except parking structure facades, shall comply with either “a.” or “b.” as follows:
 - a. Offsets shall be provided that are a minimum depth/height of three feet and a minimum length of 20 feet. A minimum of one vertical or one horizontal offset shall be provided for not less than every 100 feet of facade length as measured along the street frontage.
 - b. Individual building facades shall contain vertical, contrasting architectural styles for not less than every 100 feet of facade length as measured along the street frontage. For the purposes of this standard, a contrasting architectural style shall contain two of the following three criteria:
 - i. Different materials, material colors and/or material textures.
 - ii. Dissimilar shape, depth, height and/or length of door, window and other building openings.
 - iii. Contrasting roofline profiles.
2. Materials - All building facades, including parking structure facades or as noted otherwise, shall comply with the following material standards:

- a. Seventy-five percent (75%) of all facades shall consist of glass, fired clay brick, native stone, cast stone, glazed tile, cementitious lap siding or a combination of these materials. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes may be used on the remaining 25% of any exposed exterior wall. The Planning & Zoning Commission may allow, at its sole discretion, the use of concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building or group of buildings.
 - b. Glass requirements
 - i. The maximum reflectance of glass and glazing for all structures shall not exceed thirty percent (30%).
 - ii. For all non-residential structures, except excluding parking structures, a minimum of forty percent (40%) of the ground floor façade shall be glass windows, glass doors and/or display windows. For purposes of this section, the ground floor façade is that portion of the building façade from the street-level finish floor elevation to the greater of the finish floor elevation of the second floor or to the line 12½ feet above the ground floor finish floor elevation.
 3. Architectural Features - Three or more different architectural features shall be incorporated all facades except parking structure facades. Acceptable architectural features include, but are not limited to: balconies, awnings/canopies, entry stair/stoop, bay windows, dormers, arches, recessed entries, projecting vestibules, arcade walkways and/or court yards/public spaces.
 4. Screening - Loading docks or spaces, service yards and trash collection facilities, (dumpsters, compactors, and related devices) shall be screened from streets and the DART right-of-way. The Planning & Zoning Commission may require wing walls or other techniques to visually screen these areas from streets and DART right-of-way.
- 4-1006 The landscape requirements in Section 3-1200 (Landscaping Requirements) shall not apply. Street trees shall be required for property within the overlay district with street frontage. Trees with planting beds or tree grates must be placed within a minimum distance of five (5) feet from the back of the street curb. A minimum of one tree shall be provided for not less than every 40 linear feet of street frontage.

4-1007 Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs. Temporary lines extended across another property to reach a site under development may remain above ground until development or redevelopment of that property occurs. Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights-of-way, and/or easements may remain and may be repaired, replaced or upgraded. A fifteen-foot (15) wide easement shall be provided adjacent to thoroughfare rights-of-way (Type "D" and above) for the underground placement of electrical utility and/or communications lines.

4-1008 All signs within the overlay district shall comply with the following:

1. Signs within the overlay district shall comply with standards applicable to "Area A" in Subsection 3-1605 (Downtown Sign District).
2. Monument signs shall be permitted along Type "C" roadways. Monument signs shall comply with Sub-section 3-1603 B. 4. (Identification Signs).

Director of Planning Jarrell advised Council Member Magnuson that the multi-family use does not include a provision for townhome development and that there is a minimum of 40 units per acre with the cumulative number of units spread over the entire overlay district not to exceed 25 per acre. She responded to Deputy Mayor Pro tem Stahel stating that if the district were extended to U.S. 75, 25 to 30 acres would be added. Ms. Jarrell responded to Council Member Lambert that the floor-area ratio was based on the size of the potential lots in the area and Mr. Adams stated that with respect to maximum lot coverage, development would be a function of the setbacks and the required articulation on the facades. Ms. Jarrell stated that there would be no restriction on "big box" retail or large scale users, but that they would need to meet façade requirements.

Mayor Evans opened the Public Hearing. J. D. Williams, citizen of the City, spoke in opposition to the request and regarding people moving away from high-density areas. Nancy Hogge, citizen of the City, spoke in support of the request, citing the benefits of transit. Naomi Goolsbee, Vice President of Haggard Addition Homeowners Association, stated concerns with the allowed height and requested wording be included to restrict development to 3-5 stories south of Park Boulevard. Council Member Lambert spoke to the property near 22nd Street being zoned Corridor Commercial and to height restrictions near residential areas. Pat Miner, president of the Timberbrook Estates Homeowners Association, spoke regarding the impact of high-density development on the traffic flow, the cost of infrastructure, questioned the need for additional retail, the possible effects on the downtown area and issues of timing (would apartments or retail develop first). Pam Hatcher, representing the Haggard Park Homeowners Association, spoke in support of the request, stating that it represents more than a multi-family issue. Craig Jacobs, citizen of the City, stated concerns related to density and the request being premature.

Jim Wilck, representing the Plano Homeowners Council, stated opposition to additional multi-family units, in favor of owner-occupied units, and in support of office complex or medical uses. Vicky Verinder, citizen of the City, requested the Council consider restaurants or office buildings and spoke in opposition to multi-family dwellings. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Lambert stated concern with allowing multi-family development by right and spoke to revising the request to permit townhouse and condominiums by specific use permit. He spoke in support of a mixed-use product and stated concern with "outlawing" some existing businesses. Ms. Jarrell advised that nothing prohibits condominium ownership, the zoning ordinance does not distinguish between condominiums and apartments and this ordinance does not have a provision for townhomes on individually platted lots.

Mayor Pro tem Stovall spoke regarding the review of specific products that was done in the downtown area and stated concern regarding the proximity of tall multi-family units to residential areas. Ms. Jarrell spoke to current multi-family setbacks being designed for a suburban context and not translating to a higher density area and further advised that there will be Commission consideration for the area near 22nd Street. Mr. Adams advised that the current boundaries of the overlay district are not adjacent to the residential area.

Council Member Magnuson spoke to a successful development being a combination of retail and residential and in support of owner-occupied units. She spoke to planning for the future.

Deputy Mayor Pro tem Stahel stated support for master planning the area but stated concerns regarding multi-family, heights permitted and the lack of greenspace. He stated concern that a new project may impede further development of the downtown area and affect the rental base. Mr. Stahel spoke to the possibility of a gradual revitalization of the residential areas around the DART station and the effect apartments would have. He stated a preference for a substantial component of owner-occupied units with a cap, the inclusion of a neighborhood park, and support for "tight phasing" should residential units be included.

Mayor Evans spoke regarding the Council's DART tour, the success of developments in close proximity to one another and stated that this area would be unique from downtown and offer another gathering place. She spoke to the DART station bringing people and opportunities to the area, infrastructure costs being the responsibility of the property owner as development occurs and the need for residents in the area before other components are developed. Ms. Evans spoke to seizing the opportunity, maintaining a flexible plan and keeping elements in play for future Councils.

Mayor Pro tem Stovall spoke to the sense of place evident in the downtown area. He stated concern that the request offers no control over the location of apartments and spoke to being able to review a project which includes components the Council is looking for in the area. Mr. Stovall spoke to the Planning and Zoning Commission providing information on the variety of living alternatives and regarding the City's responsibility for infrastructure on the property it owns.

Ms. Jarrell spoke to the City's ownership of property in the downtown area and the control it was able to exert over development of apartments. She spoke to consideration of criteria for specific use permits, the need for a "critical mass" of people in order to support retail development and the overlay's requirement that a building must devote a specific percentage of street front to non-residential uses. Deputy Mayor Pro tem Stahel spoke to addressing the possible "critical mass" needs in the downtown area. Ms. Jarrell spoke to the development of Legacy Town Center and the recent addition of townhomes to that area and stated she was unaware of inclusion of retirement housing. She responded to Council Member Lambert that the Parker Road Station Study recommended a fairly dense mixed-use development with residential and other uses.

Council Member Dyer stated concerns that the Parker Road Station is a suitable site for new urbanism. He spoke to the number of restaurants and retail developments in proximity to this location, questioned whether owner-occupied townhomes would work in the area, and stated concern regarding the multi-family zoning. Mr. Dyer spoke to the area being a potential employment center.

Council Member Johnson spoke to the area's potential, balancing the types of housing, bringing activity to the area and encouraging developers to bring forward projects.

Mayor Evans spoke to the Transit Overlay District being a "walking" area of approximately one-quarter mile. Deputy Mayor Pro tem Stahel spoke to the possible future growth in size of the overlay district.

Council Member Callison spoke to there being an outstanding opportunity, but stated that she is not clear on the vision. She stated concern regarding the multi-family portion of the request.

Deputy Mayor Pro tem Stahel spoke to providing setback/height standards and approving the overlay district with the exception of reference to multi-family. Council Member Lambert spoke to the proposal allowing "big boxes." Ms. Jarrell advised that "big box" retail would be addressed through design guidelines.

Deputy Mayor Pro tem Stahel spoke to the general consensus to take action but stated concern that there is no clear vision. Ms. Jarrell reviewed the Council's concerns including multi-family, interest in controlling "big box" retail development and interest in allowing individual lot townhome development. Mr. Stahel spoke to addressing concerns related to open space and height limitations. Mayor Evans spoke to the control that can be exerted due to City, County and DART property ownership.

Deputy Mayor Pro tem Stahel made a motion to deny which died for lack of a second.

Council Member Magnuson made a motion to table the request and send it back to the Planning and Zoning Commission with Council recommendations. Council Member Lambert spoke to remanding to Staff with specific instructions, bringing the item back to the Council at which time it would be sent back to the Commission. Deputy Mayor Pro tem Stahel spoke to scheduling another DART tour.

Council Member Magnuson amended her motion to table the item and requested Staff come back to the Council with recommendations addressing specific issues and that there be a worksession with the Planning and Zoning Commission members being invited. Council Member Johnson seconded the motion and the Council voted 8-0 to table the request, Zoning Case 2002-68 to create Section 4-1000 (Transit Overlay District) of Article 4 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to establish a Transit Overlay District; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Ms. Jarrell clarified that the item would be tabled until June 9, 2003.

Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-69 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to apply the Transit Overlay District to 54.8± acres located on the northwest and southwest corners of Park Boulevard and K Avenue, extending west to include property along Exchange Drive to a point 450± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas; 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, and an effective date. Neighborhood #59. Applicant: City of Plano. Tabled from 3/24/03 [Regular Agenda Item (5)]

This item remained on the table.

Director of Planning Jarrell spoke regarding Staff's periodic review of specific use permits and the Council's direction to rescind those permits which are inactive, advising that the Planning and Zoning Commission recommended approval of the following three requests as submitted.

Public Hearing and adoption of Ordinance No. 2003-5-12 as requested in Zoning Case 2003-05 to repeal in its entirety Ordinance No. 83-1-5 thereby; rescinding Specific Use Permit No. 81 for the additional use of an arcade on 12.5± acres of land located on the south side of 15th Street, 300± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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, and an effective date. Neighborhood #66. Applicant: City of Plano [Regular Agenda Item (6)]

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro tem Stovall and seconded by Council Member Johnson, the Council voted 7-0 to repeal in its entirety Ordinance No. 83-1-5 thereby; rescinding Specific Use Permit No. 81 for the additional use of an arcade on 12.5± acres of land located on the south side of 15th Street, 300± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, as requested in Zoning Case 2003-05 and as recommended by the Planning and Zoning Commission and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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, and an effective date; and further to adopt Ordinance No. 2003-5-12. (Council Member Lambert was away from the bench.)

Public Hearing and adoption of Ordinance No. 2003-5-13 as requested in Zoning Case 2003-06 to repeal in its entirety Ordinance No. 89-6-20 thereby; rescinding Specific Use Permit No. 54 for the additional use of an Arcade on 0.1± acre of land located 950± feet east of Alma Drive and 1,450± feet south of 15th Street in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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, and an effective date. Neighborhood #66. Applicant: City of Plano. [Regular Agenda Item (7)]

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Dyer and seconded by Council Member Johnson, the Council voted 7-0 to repeal in its entirety Ordinance No. 89-6-20 thereby; rescinding Specific Use Permit No. 54 for the additional use of an Arcade on 0.1± acre of land located 950± feet east of Alma Drive and 1,450± feet south of 15th Street in the City of Plano, Collin County, Texas, as requested in Zoning Case 2003-06 and as recommended by the Planning and Zoning Commission and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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, and an effective date; and further to adopt Ordinance No. 2003-5-13. (Council Member Lambert was away from the bench.)

Public Hearing and adoption of Ordinance No. 2003-5-14 as requested in Zoning Case 2003-07 to repeal in its entirety Ordinance No. 93-8-9 thereby; rescinding Specific Use Permit No. 226 for the additional use of an Arcade on 0.4± acre of land located 300± feet west of U.S. Highway 75 and 600± feet south of 15th Street in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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, and an effective date. Neighborhood #66. Applicant: City of Plano. [Regular Agenda Item (8)]

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 8-0 to repeal in its entirety Ordinance No. 93-8-9 thereby; rescinding Specific Use Permit No. 226 for the additional use of an Arcade on 0.4+ acre of land located 300± feet west of U.S. Highway 75 and 600± feet south of 15th Street in the City of Plano, Collin County, Texas, as requested in Zoning Case 2003-07 and as recommended by the Planning and Zoning Commission and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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, and an effective date; and further to adopt Ordinance No. 2003-5-14.

Receive Staff report and provide direction on concepts to enhance a pedestrian friendly downtown. [Regular Agenda Item (9)]

Transportation Engineering Manager Neal spoke to receiving the Council's direction in creating a pedestrian friendly downtown area. He advised that the goals are to reduce traffic speeds, improve pedestrian safety/access, evaluate alternative traffic flow concepts, foster downtown character, and involve the business community. He reviewed the speeds traveled by vehicles in the area which were found to be in compliance with the exception of southbound K Avenue. Mr. Neal spoke to concerns related to pedestrian access and possible methods of improvement along with traffic flow alternatives and their impact. He recommended Phase I which includes utilizing pole banners/marked crosswalks and street furniture along with improved sidewalk accessibility and pavement surfaces and reviewed Phase 2 to include meeting with local businesses and trying an on-street test of lane closure with both phases including a report on the impact on traffic flow/safety.

Mr. Neal responded to Deputy Mayor Pro tem Stahel regarding enforcement of vehicular speed and pedestrian rights-of-way. He responded to Council Member Lambert regarding restricting access to K Avenue to local traffic only, stating that evaluation indicated that large traffic backups would occur. Mayor Evans spoke to adding crosswalks across K Avenue as a part of Phase I and Mr. Neal advised that contrasting colors would highlight the area. He further stated that flashing warnings did not seem appropriate for the downtown area and advised regarding low compliance with "artificial" speed limits. Mayor Evans spoke to adding banners over the street.

Mayor Evans stated the Council's consensus to move forward with Phase I. Mr. Neal spoke to traffic signals in the downtown area being on timers due to physical constraints.

There being no further discussion, Mayor Evans adjourned the meeting at 11:05 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary