

**PLANO CITY COUNCIL**  
**October 14, 2002**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Phil Dyer, Mayor Pro tem  
Steve Stovall, Deputy Mayor Pro tem  
Shep Stahel  
Scott Johnson  
Sally Magnuson  
Jim McGee  
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, October 14, 2002, at 7:16 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Pro tem Dyer.

The invocation was led by Rabbi Stefan Weinberg of Congregation Anshai Torah.

The Pledge of Allegiance was led by Cub Scout Pack 1225, Den 6 from Jackson Elementary School.

Mayor Evans presented proclamations recognizing "Adopt-A-Shelter Dog Month," "Arts and Humanities Month," and "Assistance Center of Collin County Week."

Mayor Evans administered oaths of office to incoming members of the Self Sufficiency Committee.

The Council resumed discussion of the Preliminary Open Meeting at this time.

**Council Items for Discussion/Action on Future Agendas**

No items were discussed.

### **Consent and Regular Agendas**

Deputy Mayor Pro tem Stovall and Council Member Stahel advised that due to conflicts of interest they would be stepping down on Consent Items "M," to approve the purchase of software support services from PeopleSoft USA, Inc. in an amount of \$30,195 and "N," to approve the purchase of software support services from H.T.E., Inc. in an amount of \$32,500.

Council Member Johnson requested that Consent Agenda Item "F," consideration of a resolution to approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and EDS Information Services, L.L.C., for the purchase of 2.378 acres of land located on the west side of Corporate Drive south of Legacy Drive, in the City of Plano, be removed for individual consideration.

Citizen DeAnne Rogers requested that Consent Agenda Item "H," consideration of an ordinance to amend Ordinance No. 95-7-14 codified as Section 2-338, Chapter 2, Plano Code of Ordinances to transfer the responsibility of appointing a chairperson of the Animal Shelter Advisory Committee to the City Council be removed for individual consideration.

### **Council Reports**

Council Member Stahel spoke to time spent at the North Texas Municipal Water District and advised the security is excellent.

### **GENERAL DISCUSSION**

Richard Simmons, citizen of the City, stated concerns regarding the sign ordinance as it relates to promotional banners and requested inspectors be allowed to use discretion in enforcement. He spoke regarding enforcement for yard sale/political signs, an upcoming downtown merchants' meeting to discuss the sign ordinance and revitalization of the downtown area.

Susan Oviatt, citizen of Richardson, Texas, spoke regarding requests that an agenda item be scheduled to address animal shelter issues. Mayor Evans stated that the Council is a policy setting board, administration of facilities is separate under the direction of the City Manager, and that when items are placed on the agenda it is for action or to set policy. She expressed gratitude for the input received, advised that Staff has been given direction to address procedures and investigate allegations, and stated that at this time there is no reason for an agenda item. Mayor Evans reviewed the parameters of General Discussion and spoke regarding the City Manager's responses that follow receipt of comments. She spoke to citizens providing input to the Animal Shelter Advisory Committee or contacting the City Manager with concerns.

Howard Fallon, citizen of the City, spoke in appreciation of the efforts of the Council and Staff with regards to the animal shelter. He spoke regarding the limited funds of the City and in support of the operation.

**Receive City Manager's response to comments of public interest made at a previous Council meeting. Council may discuss and provide direction on the following item(s):**

A. Solicitation

City Manager Muehlenbeck spoke to citizen input regarding solicitation as it relates to seasonal sales permits for booster clubs and advised that Chief Building Official Mower has further reviewed the situation. Mr. Mower stated that the current ordinance allows a maximum of five permits of nine days each, that Staff has reviewed the 45-day window covered by the permits and recommendations that it be revised to allow nine permits of five days each. He stated that this would allow more flexibility to utilize weekends, be done with the current Staff, and advised that it may result in "bunching" of permits. Mr. Mower stated that it would work for Christmas tree/pumpkin sales.

James Craft, representing the Sidekick's Booster Club, spoke in support of the proposal and thanked the Council for their efforts.

Council Member Stahel recommended and the Council concurred to have Staff bring forward an amending ordinance.

Dwight Cook, representing the Sidekick's Booster Club, spoke in support of the recommendation, the limits placed on fundraising opportunities and consideration of adding more days.

**CONSENT AGENDA**

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 7-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

**Approval of Minutes:** [Consent Agenda Item (A)]

September 23, 2002  
October 7, 2002

**Adoption of Resolutions**

**Resolution No. 2002-10-11(R):** To amend the bylaws of the Retirement Security Plan Committee to provide for the appointment of the chairperson by the City Council; and providing an effective date. [Consent Agenda Item (B)]

**Resolution No. 2002-10-12(R):** To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (C)]

**Resolution No. 2002-10-13(R):** To approve the terms and conditions of agreements between the City of Plano, Texas, and various heritage preservation and arts organizations which render services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreements with these organizations for the provision of support of heritage preservation; and providing an effective date. [Consent Agenda Item (D)]

**Resolution No. 2002-10-14(R):** To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Services Funds in the amount of \$239,904 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (E)]

**Resolution No. 2002-10-15(R):** To approve the terms and conditions of a lease agreement by and between the City of Plano, Texas and Coit/Plano Parkway Joint Venture for the lease of approximately 2.0221 acres of land located at the southwest corner of Coit Road and Plano Parkway; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

#### **Adoption of Ordinances**

**Ordinance No. 2002-10-16:** To amend Ordinance No. 2002-7-7 codified as Section 12-73, Subsection (b), of Article IV (Speed) of Chapter 12 (Motor Vehicles and traffic) of the City of Plano Code of Ordinances by deleting the school zone on Parker Road at P Avenue from Section 12-73(b); amending Ordinance No. 99-9-29 codified as Section 12-73(g) to include a school zone on Parker Road at P Avenue; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (I)]

**Ordinance No. 2002-10-17:** To amend Ordinance No. 99-9-29 codified as Section 12-73, Subsection (a), of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by deleting the school zones on Abbey Road and P Avenue from Section 12-73(a); amending Ordinance No. 99-9-29 codified as Section 12-73(g) to include school zones on Abbey Road and P Avenue; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (J)]

**Ordinance No. 2002-10-18:** To amend Ordinance No. 2002-7-10, codified as Section 12-102(e) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles along the west side of Decator Drive from its intersection with Brox Court south to the intersection of Bailey Court within the City limits of the City of Plano on school days between the hours of 7:15 a.m. to 8:15 a.m. and 2:30 p.m. to 3:15 p.m.; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (K)]

**Ordinance No. 2002-10-19:** To amend Section 12-101 of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit stopping, standing, or parking of motor vehicles on certain sections of Old Orchard Drive, Apple Valley Road, and Pleasant Valley Drive within the City limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (L)]

#### **Approval of Expenditure**

To approve an expenditure for the purchase of new furniture for the Criminal Justice Center Expansion Project No. 4817 through the Collin County Governmental Purchaser's Forum (Contract No. I091-101). [Consent Agenda Item (O)]

#### **Award of Contract**

To approve and authorize a contract with Carter & Burgess, Inc. to provide Engineering Services in conjunction with pond dredging for Bob Woodruff Park pond in an amount not to exceed \$85,900, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (P)]

#### **Amendment to Contract**

Contract amendment with RJN Group, for Professional Engineering Services in the amount of \$53,716 in connection with Prairie Creek Basin I/I Investigation, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (Q)]

#### **END OF CONSENT:**

**Resolution No. 2002-10-20(R):** To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and EDS Information Services, L.L.C., for the purchase of 2.378 acres of land located on the west side of Corporate Drive south of Legacy Drive, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (F)]

**Resolution No. 2002-10-20(R) (cont'd)**

Fire Chief Peterson advised the Council regarding the proximity of this proposed station to others in the area and stated that it would reduce response time for corporate headquarters west of the Dallas North Tollway and residential properties south of Spring Creek Parkway and west of Midway Road.

Upon a motion made by Council Member Johnson and seconded by Council Member Lambert, the Council voted 7-0 to approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and EDS Information Services, L.L.C., for the purchase of 2.378 acres of land located on the west side of Corporate Drive south of Legacy Drive, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-10-20(R).

**Ordinance No. 2002-10-21:** To amend Ordinance No. 95-7-14 codified as Section 2-338, Chapter 2, Plano Code of Ordinances to transfer the responsibility of appointing a chairperson of the Animal Shelter Advisory Committee to the City Council; providing a repealer clause; a severability clause, and an effective date. [Consent Agenda Item (H)]

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson the Council voted 7-0 to amend Ordinance No. 95-7-14 codified as Section 2-338, Chapter 2, Plano Code of Ordinances to transfer the responsibility of appointing a chairperson of the Animal Shelter Advisory Committee to the City Council; providing a repealer clause; a severability clause, and an effective date; and further to adopt Ordinance No. 2002-10-21.

Due to conflicts of interest, Deputy Mayor Pro tem Stovall and Council Member Stahel stepped down from the bench on the following two items.

**Approval of QISV:** To approve the purchase of software support services from PeopleSoft USA, Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list, in an amount of \$30,195; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (QISV #1680137069900) [Consent Agenda Item (M)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 5-0 to approve the purchase of software support services from PeopleSoft USA, Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list, in an amount of \$30,195; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.

**Approval of QISV:** To approve the purchase of software support services from H.T.E., Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list, in an amount of \$32,500; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (QISV#1592486196400/68617) [Consent Agenda Item (N)]

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson, the Council voted 5-0 to approve the purchase of software support services from H.T.E., Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list, in an amount of \$32,500; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (QISV#1592486196400/68617)

Deputy Mayor Pro tem Stovall and Council Member Stahel resumed their places at the bench.

**Review** of Housing and Community Development Annual Performance Report [Regular Agenda Item (1)]

Community Relations Commission Chair Betty Mahan advised the Council that \$1.6 million was available through grants, funds were distributed to 13-14 entities with 8,579 individuals/families receiving assistance. Council Member Magnuson thanked the Commission and Staff for their efforts. Ms. Mahan advised that Plano is the only City in Collin County that provides additional funding for Community Emergency Services.

**Public Hearing** pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano Park known as Russell Creek Park for the purpose of granting an easement to Plano Independent School District to construct and maintain access and fire lane facilities. [Regular Agenda Item (2)]

Director of Parks and Recreation Wendell advised that the proposed fire easement is a result of the expansion of Skaggs Elementary School and that it would have no impact on the use of the park or natural features. He stated that to meet criterion under the Texas Parks and Wildlife Code, a Public Hearing should be held and findings made that there is no feasible and prudent alternative to the use or taking of the park land as proposed by the project, and that the project includes all reasonable planning to minimize harm to the park land resulting from the use or taking. He advised that the Staff and Parks and Recreation Planning Board have reviewed the request, determined that criteria have been met and approval is recommended.

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

**Ordinance No. 2002-10-22:** To approve a project for Plano Independent School District to construct and maintain access and fire lane facilities which requires the use or taking of a portion of City of Plano public park land, known as Russell Creek Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 7-0 to approve a project for Plano Independent School District to construct and maintain access and fire lane facilities which requires the use or taking of a portion of City of Plano public park land, known as Russell Creek Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2002-10-22.

**Resolution No. 2002-10-23(R):** To approve the granting of an easement to Plano Independent School District to construct and maintain access and fire lane facilities across a portion of City of Plano park known as Russell Creek Park and authorizing the execution of the fire lane and access easement by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel, the Council voted 7-0 to approve the granting of an easement to Plano Independent School District to construct and maintain access and fire lane facilities across a portion of City of Plano park known as Russell Creek Park and authorizing the execution of the fire lane and access easement by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-10-23(R).

**Public Hearing and adoption of Ordinance No. 2002-10-24** to designate a certain area within the City of Plano as Reinvestment Zone No. 72 for commercial/industrial tax abatement consisting of a 4.6157-acre tract of land located at 3301 East Plano Parkway, Suite 100, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (5)]

Director of Finance McGrane stated that the proposed real property and business personal property tax abatement on the improvements will be equal to 50% for five (5) years. He further advised that the anticipated employment would be 60 people and responded that they are relocating from outside the state.

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

**Ordinance No. 2002-10-24 (cont'd)**

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 7-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 72 for commercial/industrial tax abatement consisting of a 4.6157-acre tract of land located at 3301 East Plano Parkway, Suite 100, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2002-10-24.

**Resolution No. 2002-10-25(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Muratec America, Inc., and providing for a commercial/industrial tax abatement for Muratec America, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Muratec America, Inc., and providing for a commercial/industrial tax abatement for Muratec America, Inc., and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-10-25(R).

**Public Hearing and adoption of Ordinance No. 2002-10-26 as requested in Zoning Case 2002-47** –To amend Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-814 (GR – General Residential) of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses), Subsection 3-1002 (General Fence and Wall Regulations) 2. of Section 3-1000 (Screening, Fence, and Wall Regulations) and Subsection 3-1109 (Schedule of Off-Street Parking) 1.c. of Section 3-1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, relating to building setbacks, lot dimensions and size, building height, and exterior building design and materials; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (7)]

Information and Planning Manager Zimmerman advised the Council that Staff has been working with the neighborhood to amend the General Residential district rather than create a new overlay. He stated that area residents requested that zoning be consistent with existing lot configuration and not discourage infill development and that infill development would not compromise the character and integrity of the neighborhood. He advised that the Planning and Zoning Commission recommended that the GR District and related sections of the Zoning Ordinance be amended as follows: (New language is underlined; strikethroughs note language to be eliminated.)

2-814 **GR - GENERAL RESIDENTIAL**

A. PURPOSE - The "GR" district is intended to provide for infill residential development that is consistent with the unique character of the "Douglass Community" near downtown Plano. It includes standards that are consistent with the size, dimensions, and configuration of existing lots, and contains special design and material requirements that are compatible with existing structures in the neighborhoods.

**Deleted:** a variety of residential uses types and densities in and near the "downtown" area of Plano where the first shopping, employment and residential sections of Plano were developed and where a flexible zoning category is necessary to allow for the continued use, rehabilitation, and redevelopment of these older areas.

B. PERMITTED USES - (See Section 5-100 for site plan requirements)

1. Single-Family Residence, Detached
- ~~2.~~ Two-Family Residence
- ~~3.~~ Church and Rectory
- ~~4.~~ Park, Playground, or Community Center
- ~~5.~~ School, Public or Parochial

**Deleted:** 2. Single-Family Residence, Attached

See Schedule I, Permitted Uses, for a complete listing.

C. AREA, YARD, AND BULK REQUIREMENTS (ZC 2000-25; Ordinance No. 2000-4-24)

	SINGLE-FAMILY-		TWO-FAMILY-
1. Minimum Lot Area	<del>4,000</del> <u>3,000</u> sq. ft.		<del>4,000</del> <u>6,000</u> sq. ft.
2. Minimum Lot Width --of Corner Lot	<del>30</del> <u>30</u> feet <del>30</del> <u>30</u> feet		<del>55</del> <u>55</u> feet <del>55</del> <u>55</u> feet
3. Minimum Lot Depth	<del>90</del> <u>90</u> feet		<del>90</del> <u>90</u> feet
4. Minimum Front Yard -- for Garage Facing Street	<del>10</del> <u>20</u> feet See Note (a)		<del>10</del> <u>20</u> feet See Note (a)
5. <u>Maximum Front Yard</u> -- for Garage	<del>15</del> <u>15</u> feet*  <u>none</u>		<del>15</del> <u>15</u> feet*  <u>none</u>
<u>6.</u> Minimum Side Yard	<del>Five</del> <u>Five</u> feet		<del>Five</del> <u>Five</u> feet

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--of Corner Lot <u>-- for Garage Facing Side Street</u> <u>-- for Garage Facing Alley</u>	<u>Five feet</u> See Note (b)** <u>20 feet</u> <u>20 feet</u>		<u>Five feet</u> See Note (b)** <u>20 feet</u> <u>20 feet</u>	Deleted: 15 feet (c)* Deleted: 15 Deleted: 15
7. Minimum Rear Yard	<u>Five feet</u> See Note (c)		Ten feet See Note (c)	Deleted: Ten Deleted: Ten feet (d)
8. Minimum Floor Area Per Dwelling Unit	800 square feet		800 square feet	Deleted: 800 square feet
9. Maximum Lot Coverage	<u>50% total</u> See Note (d)		<u>50% total</u> See Note (d)	Deleted: 60% total See Note (e) Deleted: 45%
10. Maximum Height	<u>One story</u> *** <u>30 feet</u> *** See Notes (e) (g)		<u>One story</u> *** <u>30 feet</u> *** See Notes (e) (g)	Deleted: 45% Deleted: Two Deleted: ies
11. Minimum Open Space	N/A		N/A	Deleted: Two stories Deleted: Two
12. Parking Requirements	<u>One/unit</u> See Note (f)		<u>One/unit</u> See Note (f)	Deleted: ies Deleted: 35 Deleted: 35 feet (f) Deleted: 35 Deleted: See Note (g) Deleted: Two/unit (h) Deleted: 2.25/unit (h) Deleted: Two/unit (h)

- \* Does not apply to non-residential uses included in the GR district.
- \*\* Street Side
- \*\*\* Non-residential uses allowed in the GR district shall have a maximum height of 2 stories and 35 feet.

D. SPECIAL REQUIREMENTS: The Douglass Community has special elements that should be maintained to perpetuate the long-term character and viability of the community. The following provisions are required for that purpose:

1. Front porches – Covered porches shall be located along the front of any housing structure and shall be a minimum 40 square feet per unit. Each porch shall have a minimum dimension of 4 feet.
2. Siding materials – Homes and garages shall be constructed of overlapping horizontal wood siding; overlapping, horizontal cementitious siding; overlapping, horizontal aluminum or vinyl siding; and brick. Exterior plasters and stone are not permitted.
3. Roofs – Roofs for residential structures and garages shall be “gabled” or “hipped” design with a minimum slope of 6:12 (for every horizontal foot, the roof must rise vertically 6 inches.) The point at which a roof attaches to the residential structure (including attached garages) shall be no less than 7 feet above the top of the foundation.

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4. Fences – Fences greater than 40 inches in height shall be set back a minimum of ten (10) feet from the front of a structure and shall be no taller than six (6) feet.

**NOTES:**

a. Except as provided in Section 3-500.

b. See Section 3-600

c. See Section 3-700

d. Total includes percentage permitted for main structure and 10% additional coverage permitted for accessory buildings. (See Section 3-701)

e. See Section 3-800.

g.

f. See Section 3-1100, Parking Requirements.

g. A maximum of 50% of attic floor area may be used as second floor living space.

**Deleted:** b. No complex of attached one-family dwellings shall exceed 200 feet in length.¶  
 A minimum required side yard of five feet shall be provided at the end of each single-family-attached dwelling complex so that the ends of any two adjacent building complexes shall be at least ten feet apart.

**Deleted:** Each lot or parcel of land, used for single-family-attached residences, shall provide usable open space totaling 12% of the area of the lot or parcel. The usable open space shall have a maximum coverage of 10% and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards, and patios. The 12% shall be computed as percentages of total platted area of an SF-A subdivision excluding the rights-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan of the City of Plano). At the time of site plan and/or subdivision plat approval, the Planning & Zoning Commission and/or City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and their existence enhances the development.

3-1109 Schedule of Off-Street Parking

Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated. Where calculation in accordance with the following results in requiring a fractional space, any fraction less than 0.5 shall be disregarded, and any fraction of 0.5 or more shall require one space.

1. FOR THE FOLLOWING ZONING DISTRICTS OR USES	THE MINIMUM REQUIRED OFF-STREET PARKING OR SPACES FOR RESIDENTIAL USES SHALL BE:
a. A, Agricultural District	• Two spaces for each dwelling unit.
b. ED, Estate Development District	• Two spaces for each dwelling unit.
c. One-Family or Two-Family Dwellings	• Two spaces for each dwelling unit except for the GR district. (See 2-814-C)
d. Single-Family Attached	• 2.25 spaces for each dwelling unit.
e. Multi-Family Dwelling (Ordinance No.	• Two spaces for each dwelling unit with

93-8-13)	one, two, or more bedrooms. <ul style="list-style-type: none"> <li>• 1.5 spaces for each efficiency unit.</li> </ul>
f. Multi-Family Dwelling in BG Districts (Ordinance No. 93-8-13)	<ul style="list-style-type: none"> <li>• One bedroom or less - One parking space per unit.</li> <li>• Two bedrooms - 1.5 parking spaces per unit.</li> <li>• Three bedrooms or more - Two parking spaces per unit.</li> </ul>

3-1002 General Fence and Wall Regulations (ZC 2001-21; Ordinance No. 2001-8-26)

In any zoning district where a wall, fence, or screening separation is erected, and is not required under the provision of Section 3-1001, the following standards shall apply:

2. Any fence or wall located to the rear of the front yard setback shall not exceed eight (8) feet in height above the grade of the adjacent property or eight (8) feet when placed on a retaining wall. Walls that screen loading docks, loading spaces, and ground-mounted mechanical units may exceed eight (8) feet in height if necessary for adequate visual screening. The maximum height for fences in the General Residential (GR) district is six (6) feet. (See 2-814-D-4)

Mr. Zimmerman advised the Council that if a residence was destroyed and the slab left intact, construction could take place on that slab.

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 Deputy Mayor Pro tem Stovall and seconded by Council Member Stahel, the Council voted 7-0 amend Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-814 (GR – General Residential) of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses), Subsection 3-1002 (General Fence and Wall Regulations) 2. of Section 3-1000 (Screening, Fence, and Wall Regulations) and Subsection 3-1109 (Schedule of Off-Street Parking) 1.c. of Section 3-1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as requested in Zoning Case 2002-47 and as recommended by the Planning and Zoning Commission as heretofore amended, relating to building setbacks, lot dimensions and size, building height, and exterior building design and materials; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2002-10-26.

**Public Hearing and Reconsideration of the City Council's Action on An Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-30** – A request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2). Applicant: Mockingbird Properties. Appeal denied 08/26/02. Vote to reconsider 09/09/02 [Regular Agenda Item (8)]

Director of Planning Jarrell stated that due to denial by the Planning and Zoning Commission a three-quarter vote would be required for this reconsideration. She advised that the item would allow a three-story town home configuration for condominium development and that this request does not “fit neatly” into any existing zoning classification. Ms. Jarrell spoke to considering whether or not this property is appropriate for any type of residential development and policies that state that residential uses should be extensions of similar uses rather than isolated by non-residential uses, access be provided to neighborhood supported amenities, there should be no adverse environmental factors, and development should occur in conformance to the housing and land use policies.

### **Zoning Case 2002-30 (cont'd)**

Ms. Jarrell spoke to the concentration of high-density units already in the area and requested that if Council were to approve the item, guidance be given regarding the base zoning, issues related to minimum open space (its size and placement) and whether or not the development would be developed with fire lanes or with public streets. Ms. Jarrell spoke to tabling the item, if approved, to allow Staff to work out details.

Council Member Lambert stated that he is not in favor of the item, but that it offers an alternative lifestyle. Mr. Lambert spoke to consideration of Single-Family-Attached zoning and his opposition to additional Multi-Family-2 zoning. Mayor Evans spoke to concerns related to the plan exceeding the density guidelines for multi-family zoning, noncompliance with open space requirements, its inconsistency with adjacent uses and public street versus private street issues.

Mitch Vexler, representing Mockingbird Properties, spoke to the affordability offered by this development, its adjacency to parks, walking distance to schools and amenities, utilization of existing infrastructure, and stated that there would be no need for municipal funding assistance. Mr. Vexler spoke regarding density and stated that based on residents per acre, this development is most closely aligned with Single-Family-Detached zoning. He reviewed landscaping, lot coverage, private streets to be maintained by the homeowners association, parking, elevations, and advised that a site plan could be attached to prevent other uses. Mr. Vexler spoke to there being no single developable tract of land in downtown Plano that would be comparable/affordable and which would make a development such as this feasible in that area.

Deputy Mayor Pro tem Stovall spoke to sending the item back to the Planning and Zoning Commission with direction to look at a new zoning category.

Mayor Evans opened the Public Hearing. Elizabeth Glen, citizen of the City, spoke in support of the request citing its flexibility, security and quality. She spoke to opening up new housing that would benefit a growing population of "empty nesters" and singles. Victor Garcia, of Frisco, Texas, spoke to highway access, amenities, security and stated it would be a benefit to the City. Sunny Chan, citizen of the City, spoke in support of the proposal, its proximity to amenities, highway access, affordability and security. No one else spoke either for or against the request. The Public Hearing was closed.

Deputy Mayor Pro tem Stovall spoke to remanding the request to the Planning and Zoning Commission, requesting they look at other developments around the country and how this development might "fit." Mayor Evans spoke to defining what the commission should be considering and stated that there are areas where the request does not agree with the Comprehensive Plan.

### **Zoning Case 2002-30 (cont'd)**

Council Member Magnuson stated her support for the proposal, and spoke to looking at what is happening in other communities and making adjustments. She spoke to this development filling a need and recommended that the commission explore how zoning has been affected in other cities that have proposed these types of developments.

Council Member Stahel stated his opposition to the request and to remanding the item back to the commission. He spoke to utilizing existing zoning categories, consideration of how this type of development would work in another infill area, and the value of housing in the City. He spoke to time spent addressing apartment density, height limitations, and provision of green space. Mr. Stahel spoke to consideration of the request as apartments with regard to its impact to schools and infrastructure and that a reasonable existing alternative would be single-family-attached which has green space, height, and density already laid out.

Council Member Johnson spoke to the City taking a "look ahead," the request being similar to single family units, and its affordability. He stated concern that if the property were zoned multi-family, it may develop as apartments and in support of placing stipulations on its development.

Council Member Lambert spoke in opposition to apartment zoning as a base and in support of remanding the item to the Planning and Zoning Commission to look at another type of base zoning or Planned-Development-Single-Family-Attached zoning. He spoke to looking at issues of open space, public versus private streets, asking the commission to take a "hard look" knowing that the Council is not looking at it as an apartment project and to not considering Multi-Family-2 zoning.

Council Member McGee spoke in support of remanding the request to the Planning and Zoning Commission, the need for this type of development and asking the Commission to consider it in a variety of locations throughout the City and recommended consideration of new base zoning.

Mayor Evans spoke to the affordability of housing in the City and guidelines preventing density from grouping together. Mr. Vexler spoke to the City having created a mixed-use development at this site.

A motion was made by Council Member Lambert and seconded by Council Member Magnuson to remand the request to the Planning and Zoning Commission to reconsider Zoning Case 2002-30 – A request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2). The Council voted 6-1 with Council Member Stahel voting in opposition. The motion carried.

**Public Hearing and adoption of Ordinance No. 2002-10-27 as requested in Zoning Case 2002-39** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 475 so as to allow the additional use of an 84-foot tall Commercial Antenna Support Structure on 0.01± acre on the west side of Coit Road, 850± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-429-Office-1; 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. Zoned Planned Development-429-Office-1. Neighborhood #17. Applicant: White Family Trust [Regular Agenda Item (9)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval as submitted.

Mayor Evans opened the Public Hearing. Dr. Dale Selzer, citizen of the City, spoke in opposition to the request, regarding deed restrictions in the business park that limit structures to one story and stated that he is not opposed to increased City development.

City Attorney Wetherbee stated that deed restrictions are a private issue. Peter Kavanagh, representing the applicant, spoke regarding the benefits of cell phones and the configuration of the proposed antennas. He responded to the Council that the additional height is requested to provide better coverage, implement the e-911 system and accommodate an additional carrier. Council Member Johnson spoke to the possibility of this site accommodating an emergency siren. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell stated that no response was received from homeowners in the area. Deputy Mayor Pro tem Stovall spoke in support of compact units, the lack of response from homeowners in the area and the need for coverage. Council Member Stahel spoke to the possibility of receiving more requests for additional height and that an addition may not be needed in order to co-locate two carriers. Council Member McGee spoke to co-location rather than the construction of additional towers.

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 475 so as to allow the additional use of an 84-foot tall Commercial Antenna Support Structure on 0.01± acre on the west side of Coit Road, 850± feet south of Legacy Drive in the City of Plano, Collin County, Texas as requested in Zoning Case 2002-39 and as recommended by the Planning and Zoning Commission, presently zoned Planned Development-429-Office-1; 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. 2002-10-27.

**Public Hearing and adoption of Ordinance No. 2002-10-28 as requested in Zoning Case 2002-41** – To repeal in its entirety Ordinance No. 92-12-23, thereby rescinding Specific Use Permit No. 213 for the additional use of a private club; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant Specific Use Permit No. 476 so as to allow the additional use of a Private Club on 1.6± acres of land located on the north side of West Park Boulevard, 300± feet west of Preston Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-68-Retail with Specific Use Permit No. 213 for a Private Club; 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. Zoned Planned Development-68-Retail with SUP #213 for a Private Club. Neighborhood #42. Applicant: Stuart Sargeant [Regular Agenda Item (10)]

Director of Planning Jarrell advised the Council that this request will reassign the specific use permit to the location rather than a specific operator, that the Planning and Zoning Commission recommended approval as submitted.

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 Deputy Mayor Pro tem Stovall, the Council voted 7-0 to repeal in its entirety Ordinance No. 92-12-23, thereby rescinding Specific Use Permit No. 213 for the additional use of a private club; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant Specific Use Permit No. 476 so as to allow the additional use of a Private Club on 1.6± acres of land located on the north side of West Park Boulevard, 300± feet west of Preston Road in the City of Plano, Collin County, Texas, as requested in Zoning Case 2002-41 and as recommended by the Planning and Zoning Commission; presently zoned Planned Development-68-Retail with Specific Use Permit No. 213 for a Private Club; 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. 2002-10-28.

**Public Hearing adoption of Ordinance No. 2002-10-29 as requested in Zoning Case 2002-43** – To amend Subsection 3-1602 (Definitions) and Subsection 3-1603 (Design and Construction Specifications) of Section 3-1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to add standards for unified-lot signs; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (11)]

**Ordinance No. 2002-10-29 (cont'd)**

Director of Planning Jarrell advised the Council that if retailers agree together to utilize one multipurpose sign per street frontage they could not have additional freestanding signage along those streets and that the Planning and Zoning Commission recommended approval with stipulations as follows (additions are indicated in underlined text and deletions are indicated in "strike-through" text):

1. Amend Section 3-1602 (Definitions) to add the following definition:

"Sign, Unified-lot - Any identification or multi-purpose sign located on a premise consisting of two or more contiguous lots that the owner(s) have agreed to treat as one lot for the limited purpose of providing shared signage."

2. Amend Section 3-1603 (Design and Construction Specifications), B. (Freestanding Signs) to add standard '12' as follows:

"12. Unified-lot Sign -

- a) Unified-lot signs may be erected in non-residential zoning districts and shall comply with all area, height, setback, spacing and composition restrictions applicable to multi-purpose signs.
- b) One unified-lot sign per street front may be placed on a premise consisting of two or more contiguous lots where each lot owner has entered into a binding agreement to treat their separate lots as one lot for the limited purpose of signage. The agreement shall contain a legal description of the properties subject to the agreement; state that the parties, their heirs and assigns forego any rights to additional freestanding street front signage on the premises covered by the agreement; state that the agreement is a covenant running with the land to be filed and made a part of the deed records of Collin or Denton County, Texas; and that the agreement cannot be amended or terminated without the consent of the building official.
- c) A unified-lot sign agreement shall not be effective until a true and correct copy of the approved agreement is filed in the deed records of the applicable county and a file-marked copy is filed with the building official.
- d) Individual lots that are part of a unified-lot sign agreement shall not be entitled to any other freestanding street front signage."

**Ordinance No. 2002-10-29 (cont'd)**

Ms. Jarrell stated that the agreement would “run” with the land and be filed with the county. She further advised that typically one property owner is subdividing his property into individual lots and they have been willing to forgo the ability to have individual signage in order to provide off-site signage for their development.

Mayor Evans opened the Public Hearing. Jonathan Vinson, representing Lifetime Fitness, spoke in support of the request, regarding the benefits of multi-purpose signs, approvals and compliance to be reviewed by the Building Inspection Department, and the effects on future property owners. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro tem Stovall, the Council voted 7-0 to amend Subsection 3-1602 (Definitions) and Subsection 3-1603 (Design and Construction Specifications) of Section 3-1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to add standards for unified-lot signs as requested in Zoning Case 2002-43 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2002-10-29.

**Consideration of a resolution** to accept the “Spring Creek Parkway/Jupiter Road Area Plan” and approve it as a general guide for decisions relating to land use, transportation, and public facilities and services within study area (while not binding the City to specific expenditures); incorporating its applicable recommendations and proposals into future updates of the Land Use and Transportation Elements of the Comprehensive Plan; and providing an effective date. Applicant: City of Plano [Regular Agenda Item (12)]

Planning and Information Manager Zimmerman stated that the study was initiated to look at issues such as overall land use, circulation, mixed-use and transit-oriented development opportunities and was reviewed by the Planning and Zoning Commission. He advised that it looks at how Plano Centre could fit in, the potential for hotel sites and expansion of the Collin County Community College campus. Mr. Zimmerman stated that if accepted, the plan would serve as a guide for future development and updating of the Comprehensive Plan.

Dennis Wilson with Townscape, Inc. stated that analysis speaks to a strong residential market and amenities, land zoned for office-technology use, and an excess of retail zoning in the area. He stated that hotel facilities locate based on ease of visibility and access from high-capacity corridors (e.g. Spring Creek Parkway and U.S. 75).

Mr. Wilson spoke to capacity improvements recommended at Spring Creek Parkway/U.S. 75, the desirability of an east-west connection from K Avenue to Jupiter Road south of Spring Creek Parkway, and the need for a "Galatyn-style" interchange in the event of significant office development or construction of a DART station in the area. He spoke regarding the recommendations to focus retail on Spring Creek Parkway at U.S. 75 and K Avenue, to reduce the amount of retail-designated land, and expand the Office-Technology designation. He spoke regarding recommendations related to residential areas and transportation which include reverse ramps on U.S. 75, a residential street along Shawnee Park, working with DART to encourage stations and revisiting the plan to update land use and transportation elements once a station location is identified. He responded to Council Member Stahel regarding density in the recommended residential cluster and stated that it would not be restrictive to lot size if a developer constructed smaller lots with more open space.

Council Member Lambert spoke to looking at Plano Centre and what it would take to make it a destination, concern that this information was not included in the report and that the plan projects a negative image of the centre. Mr. Wilson spoke to the need for hotels to have drive-by and "visual identity" to draw in traffic and his opinion that a hotel in this area would require on-going City financial support. Council Member Lambert spoke to the need to do something around Plano Centre and that it should be the focus of the area.

Council Member McGee stated concerns regarding the report, spoke to the DART rail running north from the Parker Road station and the Office/Technology zoning not developing as such, the possibility of transit-pedestrian development between U.S. 75 and K Avenue, traffic on Jupiter Road resulting in retail/restaurant development along that roadway and the plan being "heavy" on Office/Technology zoning.

Director of Planning Jarrell responded to the Council that an area along K Avenue is recommended for extension of Multi-Family zoning due to its small size and isolation, that a connector road could be placed south of the existing apartments so that this area would develop as residential, but that the current zoning is industrial. Deputy Mayor Pro tem Stovall spoke in support of the definition of Office/Technology zoning.

Mr. Wilson responded to Council Member Johnson regarding proposed expansion of the Office/Technology designation to include the discount mall and stated that land owners were looking towards a research office-park type of development. He spoke to the problems associated with anticipating the location of DART stations and the high level of access that would be needed in this area. Council Member Lambert spoke to the Comprehensive Master Plan which included work towards a DART station in this area and to making a request for a station.

Rod Kelly of Parsons Transportation Group spoke regarding Staff work with TxDOT related to ramp reversal and their role in minimizing the impact on interchanges and maximizing the accessibility to businesses. He spoke regarding the possibility of a grade-separated interchange at Spring Creek Parkway and U.S. 75.

Council Member Stahel spoke to amending the following recommendations: 3.a. to delete reference to the Research/Technology (R/T) Park; and 6.c. to include that a DART station is desirable north or south of Spring Creek Parkway. The Council concurred to delete mention of the R/T district and to being proactive with respect to the DART station. Mr. Stahel spoke to referring to the "general area" for a station as opposed to a specific location and to accepting the plan with modifications as a general guide and to the potential for increased utilization of the Plano Centre should the area to the south develop as Office/Technology.

Council Member McGee stated concerns regarding the placement of Office/Technology zoning between U.S. 75 and K Avenue and between the Plano Centre and residential areas to its south and stated he could not endorse the plan. Mayor Evans spoke to Office/Technology allowing flexibility in the expansion of Plano Centre or Collin County Community College.

A motion was made by Council Member Lambert and seconded by Council Member Magnuson to table the request for thirty days directing Staff to bring forward alternatives including a DART station in the area. Council Member Stahel spoke to scheduling an agenda item in two weeks for Council Members to provide more direction.

Council Member Lambert revised his motion which was seconded by Council Member Magnuson to table consideration of the "Spring Creek Parkway/Jupiter Road Area Plan" to the worksession portion of the October 28 Council meeting for further discussion. The Council voted 7-0 and the motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 10:25 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary