

PLANO CITY COUNCIL
December 9, 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, December 9, 2002, at 7:00 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Dr. Jerry Carlisle from First Baptist Church Plano.

The Pledge of Allegiance was led by the Webelos of Cub Scout Pack 179 from Barksdale Elementary.

Mayor Evans presented a Certificate of Recognition to Christopher D. Bowers for his service on the Heritage Commission and administered an oath of office to incoming commission member W. Neely Plumb. Mayor Evans recognized "*Mayor for a Day*" participant Lori Hamilton.

GENERAL DISCUSSION

Pat Miner, citizen of the City, thanked the Council for their efforts in bringing DART to the City of Plano and stated concerns regarding the Parker Road Station including poor lighting, traffic flow, and the need for a pedestrian crosswalk. Mayor Evans advised that the City Manager would provide a response.

CONSENT AGENDA

Council Member Stahel requested Consent Agenda Item "E" be removed for individual consideration.

Deputy Mayor Pro tem Stovall and Council Member Stahel advised that they would be stepping down on Consent Agenda Items "G," "H," "J," and "M" due to conflicts of interest.

Council Member McGee advised that he would be stepping down on Regular Agenda Items "2" and "3" due to conflicts of interest.

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

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

November 25, 2002
December 2, 2002

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. B013-03 for residential pavement repairs on the Residential Slab Replacement Project 2002-03, Zone J5 within the City of Plano (bounded by Spring Creek Parkway, Parker Road, Custer Road and Independence Parkway) in the amount of \$537,660. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. C134-02 for Police Ticket Books in the estimated annual amount of \$27,560. [Consent Agenda Item (C)] (See Exhibit "B")

Adoption of Resolutions

Resolution No. 2002-12-1(R): To amend Resolution No. 96-9-33(R) to change the notice posting times for standing and ad hoc advisory boards, commissions and committees of the City of Plano; and providing an effective date. [Consent Agenda Item (D)]

Adoption of Ordinances

Ordinance No. 2002-12-2: To revise Subsection (n) of Section 19-69, Insurance Requirements, of Article IV, Right-of-way Management, under Chapter 19, Streets and Sidewalks, of the City of Plano Code of Ordinances to clarify the exemption from such insurance requirements for certain agencies with a franchise or license; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (F)]

Approval of Purchase off Existing Contract

To authorize City participation in the Tarrant County Cooperative Purchasing Agreement (Bid No. 2001-125) for the purchase of 24 Crown Victoria Patrol Cars with Police Package in the amount of \$510,417 and authorizing the City Manager to execute all documents necessary to effectuate these purchases. [Consent Agenda Item (I)]

Approval of QISV

To approve an expenditure for the purchase of 114 Mobile Data Computers in the amount of \$423,624 for the Plano Police Department from Motorola, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (QISV #1361115800000/58600) [Consent Agenda Item (K)]

Approval of Expenditure

To approve an expenditure to purchase new furniture for the Joint-Use Facility through the Collin County Governmental Purchaser's Forum in the amount of \$250,392. (Contract No. I091-01) [Consent Agenda Item (L)]

Award of Contract

To award a contract for purchase of replacement Police Emergency Lightbar/Siren/Speaker units for Police pursuit vehicles in the amount of \$38,992, through an Interlocal Agreement with Tarrant County and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (N)]

END OF CONSENT:

A resolution to ratify and approve the termination of a contract between the City of Plano and Southcrest Corporation (Bid No. B009-02) for the Pecan Hollow Clubhouse Project; authorizing the City Manager to execute any and all documents necessary to effectuate this action; and providing an effective date. [Consent Agenda Item (E)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Lambert, the Council voted 8-0 to table a resolution to ratify and approve the termination of a contract between the City of Plano and Southcrest Corporation (Bid No. B009-02) for the Pecan Hollow Clubhouse Project until the December 16, 2002 Council meeting.

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

Approval of Agreement - To approve entering into an agreement for the design and implementation of critical infrastructure projects from Pierson Consulting for professional services crucial to the rebuild of the City's IT infrastructure for the implementation of the new Storage Area Network, desktop and network management tools and many other projects related directly to the infrastructure project in an amount of \$75,000; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (G)]

Approval of Agreement - To approve entering into an agreement for additional consulting services to provide ongoing network management services from Neotech Solutions, Inc, for the Network Infrastructure Rebuild in an amount of \$200,000; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (H)]

Approval of a QISV - To authorize an expenditure for professional consulting services in an amount of \$50,000 from Exodus Consulting Group, LLC, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase (QISV #1752923695600) [Consent Agenda Item (J)]

Approval of an Expenditure - To approve an expenditure in the amount of \$215,000 with eVerge Group of Texas, Ltd to upgrade and maintain the City's PeopleSoft human resources and payroll system; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (M)]

Upon a motion made by Council Member Lambert and seconded by Council Member McGee, the Council voted 6-0 to approve entering into an agreement for the design and implementation of critical infrastructure projects from Pierson Consulting for professional services crucial to the rebuild of the City's IT infrastructure for the implementation of the new Storage Area Network, desktop and network management tools and many other projects related directly to the infrastructure project in an amount of \$75,000; To approve entering into an agreement for additional consulting services to provide ongoing network management services from Neotech Solutions, Inc, for the Network Infrastructure Rebuild in an amount of \$200,000; To authorize an expenditure for professional consulting services in an amount of \$50,000 from Exodus Consulting Group, LLC, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; To approve an expenditure in the amount of \$215,000 with eVerge Group of Texas, Ltd to upgrade and maintain the City's PeopleSoft human resources and payroll system.

Deputy Mayor Pro tem Stovall and Council Member Stahel returned to their places on the bench.

Discussion and direction on the proposed funding and process for the Public Art Plan.
[Regular Agenda Item (1)]

City Attorney Wetherbee advised the Council that the subcommittee has reviewed the Public Art Policy Plan and direction is requested regarding recommended types of projects included, the percentage of funding limitation and the process. She spoke to the Public Art Committee making recommendations regarding proposed projects which would then be brought to the Council for consideration, the 2% allocation coming out of the original budget of capital improvement and stated that this would not apply to land-acquisition or demolition costs and further that the Council would reserve the right to suspend the policy at any time. Ms. Wetherbee advised that following Council input, revisions would be made and “housekeeping” issues addressed.

Council Member Stahel spoke to the draft being a step in the right direction, stated concerns with the City being in the “art business,” stated a preference for concentrating the works of art, and spoke in support of receiving private funding for the arts regarding the concept of matching grants as a prerequisite. He spoke to the funding as being an add-on, stated a preference for not designating a percentage and spoke regarding the budget squeeze. Mr. Stahel stated that for him to support the concept of the plan, it should specify there would be no additional Staff at this time, funding requests would be considered on a project-by-project basis, setting a cap and establishing a basis for some matching grants from the public sector.

Ms. Wetherbee stated that the request provides for projects to be referred to the Public Art Committee with recommendations forwarded to the Council and identification of projects when the CIP budget is approved. She spoke to making the public comfortable with the fact that their dollars are going to be used for public art, keeping the funding within the budget for capital improvement, and stated that if it is outside the funding, there would need to be other sources for which to include the public art element. Ms. Wetherbee advised that if the *Public Art Plan* is adopted it would service to notify the public that when CIP items are approved, public art is potentially an item to be included. Council Member Stahel spoke to addressing items that have been approved on a previous bond issue.

Council Member Magnuson spoke to projects not giving up necessary or essential elements in order to provide public art, stated that art would be an integral part the projects, spoke to the levels of approval and utilizing the expertise of current Staff. Council Member Stahel requested that the plan state that no Staff would be added at this time. Ms. Magnuson spoke to the Public Art Program spreading enhancements throughout the City. Mr. Stahel spoke to including direction focusing on works of art, not specifically associated with a building, in one or several areas that may potentially serve to draw tourists. Mayor Evans spoke to the consultant’s concept addressing public art as a design element in public facilities.

Council Member Stahel spoke to seeing the “linkage” between the Urban Design Guidelines already in the Comprehensive Plan and how that correlates to the responsibility of the architect and to the issue of processing items that are not directly part of a new construction project.

Deputy Mayor Pro tem Stovall spoke to not micromanaging, controls that are in place, and the committee bringing forward recommendations to the Council for consideration. Council Member Stahel spoke to Urban Design Guidelines calling for the visible infrastructure to be designed to accommodate aesthetics as well as function and regarding the Council’s review of the Oak Point Recreation Center features. He requested clarification of the proposal’s call for a new building to have an architectural and bidding process along with a parallel process for public art. Council Member Magnuson stated that verbiage could be added indicating that the public art element would be an integral part of the design plan. Mayor Evans recommended Council Member Stahel meet with the subcommittee to address concerns.

City Manager Muehlenbeck recommended clarification of Section I. Definitions “Excluded Projects” to replace “street resurfacing” with “street reconstruction,” removal of the definition “Public Art Fund” in its entirety as funds should be kept within the projects themselves and not in a separate account, and revision of Section II. Project Approval Process - Capital Improvements to read “a. Capital Improvement Projects “Project”, including bond, general, utility, and/or reserve funds...”

Council Member Stahel stated concern mandating that private developers spend 1% of the project for arts projects and spoke to reviewing the plan as a whole. City Attorney Wetherbee stated that the subcommittee has agreed that the requirement for private developers would not be part of the plan and further it was brought forward in this context in order to receive approval for the “concept.”

Kathryn McGill, Chair of the Public Arts Committee, spoke to the plan being adopted by other cities, parts of the plan being considered by a task force, spreading enhancements throughout the City, the process of approval and in support of the plan. Pam Hatcher, representing the Haggard Park Homeowners Association, spoke to art being a part of life and that it would be worked into the cost of projects.

City Attorney Wetherbee requested direction as to whether the percentage allocated for art may be a stand alone piece such as a sculpture or water feature. Council Member Stahel stated that if construction were a new building or major renovation, with plans to include such a feature, then it would be an integral part of the building and requested this be clarified in the final plan. Deputy Mayor Pro tem Stovall and Council Member Magnuson stated that when the Public Art Committee makes its recommendation as part of the CIP, it would be too early to be specific as to the type of improvement. Mayor Evans spoke to the design of the DART Station and putting projects into the hands of talented people. She spoke to sending the item back to the subcommittee and projects being design elements rather than individual collections of painting, statues, etc.

Council Member McGee spoke to there not being a budget for this item, art being a part of the design feature, that the 2% will be a part of the project and in support of selecting projects and forming a partnership with contractors on items that are found to be appropriate. City Attorney Wetherbee spoke to the City, through a public/private partnership, setting aside monies to assist those qualified in providing private art that is accessible to the public. Mr. McGee spoke to budget constraints and enhancements being an add-on. City Manager Muehlenbeck spoke to the architectural design for the interior of the Courtyard Theater. Council Member Stahel spoke to the increase in cost for the Courtyard Theater and the Council's decisions to include enhancements. Council Member McGee spoke to including guidelines/limits. Deputy Mayor Pro tem Stovall spoke to the artwork possibly becoming part of the architect's design.

Council Member Lambert stated concern that decisions have not been made on several items in the plan, spoke to having the plan in place prior to funding strategies, and regarding enhancements that were made to the Courtyard Theater that would not have been covered by the plan. He spoke in support of public art, regarding budget concerns, existing projects having only 98% of their budget because 2% would be earmarked for items not included in the original estimates, letting voters know that 2% would be included for public art, and issues related to contingencies. Mr. Lambert spoke to getting the plan in place and stated that it currently includes a Creative Arts Director. He stated concern with requiring private enterprise to include artwork, and in support of an incentive program possibly with matching funds. Council Member Magnuson requested the Council continue to provide input to the subcommittee.

Due to conflicts of interest, Council Member McGee stepped down from the bench on the following two items.

Public Hearing and adoption of Ordinance No. 2002-12-3 as requested in Zoning Case 2002-36 - To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 22.0± acres bounded by 16th Street, 18th Street, L Avenue, M Avenue, 14th Street, G Avenue, and Dart Railroad Rights-of-way, from Retail (17.1± acres), Light Commercial (4.2± Acres), and Planned Development-369-Light Commercial (0.7± Acres) to Downtown Business Government (BG) zoning; repealing in its entirety Ordinance No. 2002-4-12 thereby; rescinding Specific Use Permit No. 467 for the additional use of Contract Construction on one lot located on the east side of K Avenue, 116± feet south of 14th Street; rescinding a portion of Specific Use Permit No. 124 for the additional use of contractors shop and storage, located on the south side of 14th Street, 200± feet east of L Avenue 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. This request does not propose to rescind or amend SUP #340, #367, #450, and #464. This request does not propose to rescind or amend existing Heritage (H) designations. The area of the rezoning request is approximately 94.4± acres. It is generally bounded by 16th Street, 18th Street, Avenue L, Avenue M, 14th Street, Avenue G, and DART railroad rights-of-way. Neighborhoods #59 and #60. Applicant: City of Plano [Regular Agenda Item (2)]

Zoning Case 2002-36 (cont'd)

Planner Sims advised the Council that this request represents an expansion of the Downtown/Business Government (D/BG) district, that general feedback has been positive, and that the Planning and Zoning Commission recommended approval of the request as submitted. He responded to Mayor Pro tem Dyer regarding the differences between the map as presented and the one included in the packet and to City Manager Muehlenbeck stating that the *Downtown Plan* reflects additional future expansion south towards the Cottonbelt Railroad line and west towards U.S. 75 but that the reason for only a small expansion at this time is to limit the nonconforming uses as much as possible. Mr. Sims responded to Council Member Stahel stating that walking distance was the factor in not including the additional area recently acquired south of the DART station.

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

Director of Planning Jarrell stated that the notice should have included additional area, but that the Council could approve the decreased acreage covered by the map included in the packet and Staff would come back with a separate zoning case to pull in the area between Avenue K and Avenue L south of 18th Street. City Attorney Wetherbee advised that the legal description in the ordinance would need to be amended.

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone **14.0+ acres** bounded by 16th Street, 18th Street, L Avenue, M Avenue, 14th Street, G Avenue, and Dart Railroad Rights-of-way, from Retail (**9.1+ acres**), Light Commercial (4.2± Acres), and Planned Development-369-Light Commercial (0.7± acres) to Downtown Business Government (BG) zoning; repealing in its entirety Ordinance No. 2002-4-12 thereby; rescinding Specific Use Permit No. 467 for the additional use of Contract Construction on one lot located on the east side of K Avenue, 116± feet south of 14th Street; rescinding a portion of Specific Use Permit No. 124 for the additional use of contractors shop and storage, located on the south side of 14th Street, 200± feet east of L Avenue in the City of Plano, Collin County, Texas as requested in Zoning Case 2002-36; 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. 2002-12-3, as recommended by the Planning and Zoning Commission with indicated revisions to acreage.

Public Hearing and adoption of Ordinance No. 2002-12-4 as requested in Zoning Case 2002-37 - To amend Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-818 (BG - Downtown/Business Government District) of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses)] and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, pertaining to allowable uses and development standards within the Downtown Business/Government district; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano Tabled 11-25-02 [Regular Agenda Item (3)]

Upon a motion made by Council Member Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to remove the item from the table.

Planner Sims spoke to encouraging development of office, residential and retail uses within the district and stated that the proposed amendments are consistent with recommendations from the “*City Center Plan*” for east side Plano as well as the “*Downtown Plano Plan*.” He advised that outdoor sale events will not be precluded, spoke regarding text revisions and advised the Council that the Planning and Zoning Commission recommended approval of the request subject to the following: (Please note that deletions are indicated by strikethrough text and additions are indicated by underlined text.)

Amending Subsection 2-502 (Schedule of Permitted Uses) by adding Single-Family-Attached (townhomes) as an allowed use and deleting the following uses:

1. Fuel Dispensing Facilities (gasoline pumps)
2. Flea Market
3. Minor Auto Repair
4. Mortuary or Funeral Parlor
5. Pawn Shop
6. Shopping Center
7. Utility Pole Yard and Maintenance Facility

2-818 BG - DOWNTOWN BUSINESS/GOVERNMENT DISTRICT

- A. PURPOSE - The Downtown BG district is intended to serve as a pedestrian-oriented center for retail, office, governmental, cultural, entertainment and residential uses. It is designed to ensure that development, redevelopment, and renovation within the district are consistent with the historical character of Plano’s original business district and the surrounding area.

Zoning Case 2002-37 (cont'd)

The standards of this district apply to specific characteristics of Plano's downtown area and are not appropriate for other locations and districts.

B. PERMITTED USES (see Section 5-100 for Site Plan Requirements) - Most uses from the following categories are permitted:

1. Retail
2. Service
3. Institutional
4. Office & Professional
5. Transportation, Utilities and Communications
6. Multi -Family Residences (per description in Section 2-818-C)
7. Single-Family-Attached (townhomes) Residencies (per description in Section 2-818-C)

C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area	None
2. Minimum Lot Width	None
3. Minimum Lot Depth	None
4. Minimum Front Yard	<p>Minimum front yard setbacks shall apply as follows (except as noted in Section 3-500 and No. 10 below):</p> <p>a. Development/redevelopment along the following street sections shall have no minimum front setback and a maximum of five (5) feet:</p> <p>—i. 15th Street, both sides from J Avenue to K Avenue;</p> <p>—ii. K Avenue, both sides, from 14th Street to 15th Place; and</p> <p>—iii. J Avenue, east side from 14th Street to 15th Place.</p> <p>b. In addition, the following street sections shall have no minimum front yard setback and a maximum front yard setback of fifteen (15) feet;</p> <p>—i. 15th Street, both sides from H Avenue to J Avenue and from K Avenue to L Avenue;</p> <p>—ii. K Avenue, both sides from 15th</p>

	<p>Place to 16th Street</p> <p>iii. 14th Street, north side from I Avenue to L Avenue;</p> <p>iv. 15th Place, both sides from J Avenue to K Avenue; and</p> <p>v. L Avenue, west side from 14th Street to 15th Street. (ZC 99-10; Ordinance No. 99-6-14)</p> <p>vi. 16th Street, both sides from J Avenue to K Avenue. (ZC 99-10; Ordinance No. 99-6-14)</p> <p>e. 20 Feet — A minimum front yard setback of 20 feet shall apply to all street sections other than those noted above.</p> <p>*Maximum setbacks shall not apply to additions to existing nonconforming buildings.</p> <p>a. <u>Minimum Setback: 10 feet from back of street curb to building.</u></p> <p>b. <u>Maximum setback: 15 feet from back of street curb to building.</u></p> <p>c. <u>Minimum of two-thirds (2/3) of the front facade of the building shall fall within the minimum and maximum setback.</u></p>
5. Minimum Side Yard	<p>a. Interior Side Yard - None, except as noted in Number 10 below and Section 3-600</p> <p>b. Exterior Side Yard (Corner Lot) - shall be treated the same as front yards (see Number 4 above).</p> <p>*Maximum setbacks shall not apply to additions to existing nonconforming buildings.</p>
6. Minimum Rear Yard	None except as provided in Number 10 below and Section 3-700.
7. Maximum Height	<p>a. Four stories (except as noted in Number 10 below). (ZC 99-10; Ordinance No. 99-6-14)</p> <p>b. The maximum height for parking structures shall be five</p>

	<p>levels at or above grade. Parking structures shall be obscured from view of streets and/or public ways designated as Type “E” or above on the City’s Thoroughfare Plan, plus 15th Street by buildings of equal or greater height and/or special architectural and/or landscaping treatments approved in conjunction with a preliminary site plan or site plan. (ZC 99-10; Ordinance No. 99-6-14)</p>
<p>8. Maximum Lot Coverage</p>	<p>None, except as limited by applicable setback requirements from Numbers 4, 5, 6, and 7 above and Number 10 below</p>
<p>9. Maximum Floor Area Ratio</p>	<p>4:1 except as limited by applicable setback requirements from Numbers 4, 5, 6, and 7 above and Number 10 below.</p>
<p>10. Other Height/Setback Requirements</p>	<p>In addition to the front, side, and rear yard requirements noted above, the following minimum setbacks shall apply to all structures as measured from the district boundary line of the nearest residential—district single-family and two-family residential <u>zoning</u> districts:</p> <ul style="list-style-type: none"> • 50 feet - One-Two stories • 200 feet - Three-Four stories, except when separated by a Type “E” Thoroughfare or larger as specified on the City’s Thoroughfare Plan and/or a railroad or transit right-of-way. In such cases the setback shall be 50 feet. (ZC 2002-37)
<p>11. Extensions into Rights-of-Way or Access Easements. (ZC 99-10; Ordinance No. 99-6-14)</p>	<p>a. Outdoor eating areas may extend into rights-of-way or access easements of streets, public ways, if a minimum sidewalk clearance and/or distance to curb line of a street or public way of five feet is maintained. (ZC 99-10; Ordinance No. 99-6-14)</p> <p>b. Canopies, balconies, stoops, bay windows, awnings, planting beds, and other building projections may extend into rights-of-way and/or easements of streets, public ways, and/or railroad or transit facilities if a minimum sidewalk clearance and/or distance to the curb line of five feet is maintained. (ZC 99-10; Ordinance No. 99-6-14)</p>
<p>12. Special Requirements for Multi-Family Residences</p>	<p>a. First Floor Use - No building, excluding parking structures; shall have more than 60% of its total linear frontage on streets or public ways devoted to residential use. (ZC 99-10; Ordinance No. 99-6-14)</p> <p>b. Minimum Floor Area/Dwelling Unit:</p> <ul style="list-style-type: none"> i. 400 square feet for efficiency units ii. 475 square feet for one bedroom units

	<ul style="list-style-type: none">iii. 625 square feet for two bedroom unitsiv. 150 square feet for each additional bedroomc. Maximum density:<ul style="list-style-type: none">i. 100 dwelling units/acreii. No more than 200 dwelling units maybe located within any block bounded by streets, public ways, and/or railroad or transit rights-of-way. (ZC 99-10; Ordinance No. 99-6-14)d. Usable open space requirements as specified in Subsection 3-104-4 shall not apply. (ZC 99-10; Ordinance No. 99-6-14)e. The above requirements shall also apply to situations where only one or two units are included in a building. (ZC 99-10; Ordinance 99-6-14)
<p><u>13. Special Regulations for Single-Family-Attached Residences (townhomes) (ZC 2002-37; Ordinance No.)</u></p>	<ul style="list-style-type: none">a. Each dwelling unit shall be on an individually-platted lot.b. <u>Minimum Lot Area: 700 square feet</u>c. <u>Maximum Density: 40 dwelling units per acre</u>d. <u>Minimum Lot Width: 20 feet</u>e. <u>Minimum Lot Depth: 35 feet</u>f. <u>Minimum front yard setbacks shall apply as follows (except as noted in Section 3-500 and C.10 above):</u><ul style="list-style-type: none">i. <u>Minimum Setback: 15 feet from back of street curb to building.</u>ii. <u>Maximum Setback: 20 feet from back of street curb to building.</u>iii. <u>Minimum of two-thirds (2/3) of the front façade of the building shall fall within the minimum and maximum setback.</u>g. <u>Minimum Side Yard</u><ul style="list-style-type: none">i. <u>Interior Side Yard: None, except as noted in Section 3-600 and C.10 above.</u>

	<ul style="list-style-type: none">ii. <u>Exterior Side Yard (corner lot): shall be treated the same as front yards.</u>h. <u>Minimum Rear Yard: None</u>i. <u>Maximum Height: 3 stories (50 feet)</u>j. <u>Minimum Floor Area/Dwelling Unit: 800 square feet.</u>k. <u>Maximum Lot Coverage: 100% including accessory buildings.</u>l. <u>Street trees are required at the rate of one tree per 40 linear feet of street frontage. Trees shall be placed in planting beds or tree gates within five (5) feet of the back of the street curb.</u>m. <u>Sidewalks with a minimum unobstructed width of five (5) feet shall be placed along street frontage. Sidewalks are in addition to and placed adjacent to street tree areas as described in 2-818-C-13-1 above.</u>n. <u>Stoops and landscaped areas adjacent to the building may extend a maximum distance of five (5) feet into the area between the front facade of the building in the back of the street curb.</u>o. <u>Maximum building length: 200 feet</u>p. <u>Buildings must be separated by a minimum distance of 10 feet.</u>q. <u>Maximum number of dwelling units per building: 10 units</u>r. <u>No usable open space areas are required.</u>s. <u>Each dwelling unit shall have a rear entry drive with a minimum of two parking spaces per garage. The distance from the garage to the travel lane of the alley or mews street shall be five (5) or less in length or shall be 20 feet or greater in length. The elimination of the garage space, buy enclosing the garage with a stationary wall, shall be prohibited.</u>
--	--

D. PARKING REQUIREMENTS (except as noted below, all parking requirements of Section 3-1100 shall apply) (ZC 99-10; Ordinance No. 99-6-14 and ZC 2002-37)

<p>1. Multi-Family Residence</p>	<p>Parking for multi-family use shall be provided as follows, except as noted in No. 4 and No. 5 below:</p> <ul style="list-style-type: none"> a. One bedroom or less - one parking space per unit b. Two bedrooms - 1 ½ parking spaces per unit c. Three bedrooms or more - two parking spaces per unit d. The above requirements shall also apply to situation where only one or two units are included in a building provided that they are located on the second through fourth floors only (ZC 97-47)
<p>2. <u>Single-Family-Attached (townhome) Residence</u></p>	<p><u>Two parking spaces shall be provided for each dwelling unit as noted in C.13.S above.</u></p>
<p>2. <u>3.</u> Other Uses</p>	<p>Parking for other uses other than Multi-family Residences shall be provided at a rate of 75% of that required by Section 3-1100, except as noted in Nos. 3 and 4 below. For example, a use requiring one parking space per 300 square feet in other districts shall provide a minimum of one space per 400 square feet when located in the BG district.</p> <p><u>One parking space for every 300 square feet of floor area except as noted in Nos. 4, 5, and 6 below.</u></p>
<p>3. <u>4.</u> Credit for Public Parking</p>	<p>With preliminary site plan or site plan approval, the Planning & Zoning Commission may grant credit for available public parking that is accessible to a proposed development or redevelopment project. (ZC 99-10; Ordinance No. 99-6-14)</p>
<p>4. <u>5.</u> Destruction of Conforming Structures</p>	<p>Any existing parking or lack of same for any conforming structure within the BG district at the date of passage of this ordinance shall be considered a conforming parking arrangement. In the event of destruction of a conforming structure in the BG district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking. If said structure is rebuilt to exceed its pre-destruction size, it shall comply with Nos. 1, 2, 3, 4 and 5 above.</p>
<p>5. <u>6.</u> Additions to Existing Buildings</p>	<p>Any existing parking or lack of same for any conforming structure within the BG district at the date of passage of this ordinance shall be considered a conforming parking arrangement. Additional parking shall be provided only for additions to an existing conforming building. Existing structures designated or pre-designated as Heritage Resource properties may be expanded up to a total additional area of 4,500 square feet without providing additional parking.</p>

<p>6. <u>7.</u> Parking Space Size (ZC 99-10; Ordinance No. 99-6-14)</p>	<p>Up to 50% of required off-street parking may include small car spaces at a minimum size of 7 1/2 feet by 16 feet, if the small car parking is private and unavailable to the public. In addition, off-street parking facilities shall have minimum aisle width of 22 feet, unless angle parking is used (see Section 3-1105 and Appendix Illustration 12).</p>
<p>7. <u>8.</u> Parking Placement</p>	<p>On-site surface parking shall generally not be placed in the required front yard and shall generally be separated from public streets by the building which it serves. Exceptions to this requirement include:</p> <ul style="list-style-type: none">a. <u>Lots Containing Surface Parking Only</u> - Where a lot is used entirely for off-site parking for a use(s) on another lot(s), the above placement requirements shall not apply.b. <u>Multiple-Fronted Lots</u> - Surface parking on corner lots or other lots with frontage on two or more public streets shall comply with above placement requirements along at least on street frontage.c. <u>Lots Facing Residential Districts</u> - Where a three- or four-story building is constructed with an extended front yard setback in accordance with Section 2-818-C-10 , the above placement requirements shall not apply.d. <u>Additions to Existing Buildings</u> - Where on-site surface parking is constructed to serve existing buildings or additions to existing buildings, the above placement requirements shall not apply.
<p>8. <u>9.</u> Landscaping for Parking Areas</p>	<p>A minimum five-foot landscaped edge shall be provided between all parking lots and public streets. Within this landscaped edge, ten shrubs (5-gallon minimum) shall be planted per 500 square feet (see Appendix Illustration 14). The number of required shrubs shall be calculated solely on the area of the required landscaped edge. A berm may be placed within the landscaped edge in lieu of the required shrubs unless needed for a headlight screen. The berm must be 18 to 40 inches above the average grade of the street and parking lot curbs. The slope off the berm shall not exceed a three to one grade. Retaining walls may be used to facilitate berming if they are not visible from the street.</p> <p>The following provisions shall also apply to landscaped edges around parking lots:</p> <ul style="list-style-type: none">a. If the parking lot is located 50 feet or more from the street

	<p>right-of-way line, no shrubs or berms will be required.</p> <p>b. The applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings. Any permeable surface not occupied by trees, shrubs, planting beds, signs, or other permitted fixtures shall be planted with turf or other living ground cover.</p> <p>c. Where a row of parking spaces faces a public street, tree islands shall be provided at intervals of one per fifteen spaces. The islands shall extend the full length of the parking space and shall be a minimum width of ten feet. Trees planted in the islands shall be selected, installed and maintained in accordance with Section 3-1200, Nos.-3, 4 and 5.</p> <p>No site developed prior to the effective date of this section unless the site is being redeveloped or there is a thirty (30%) or more increase in the existing square footage of building area and/or reconstruction of the existing parking lot.</p>
<p><u>9. 10.</u> Landscaping/Screening for Parking Lots Adjacent to Residential Areas</p>	<p>Where parking is within 50 feet of residentially zoned property and is not screened from view by a wall, berm, or other screen specified in Section 3-1000, a continuous screen of shrubs (five gallon minimum) must be placed adjacent to the parking. The required landscaping shall comply with the following regulations:</p> <p>a. The required shrubs shall create a minimum three-foot tall screen within two years of planting.</p> <p>b. Drought and freeze-resistant shrubs shall be used, including but not limited to:</p> <ul style="list-style-type: none">• Photinia• Dwarf Burford Holly• Dwarf Chinese Holly• Dwarf Yaupon Holly <p>Other plants may be used with staff approval.</p> <p>c. All plant materials shall be selected, installed and maintained in accordance with Sections 3-1200-3, 4 and 5.</p>

Zoning Case 2002-37 (cont'd)

Mayor Evans opened the Public Hearing. Pam Hatcher, representing the Haggard Park Homeowners Association, spoke in support of the request and its recommendations for setbacks and rear parking. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Council Member Lambert that the caption was correctly reflected on the agenda.

A motion was made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, to amend Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-818 (BG - Downtown/Business Government District) of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses)] and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, pertaining to allowable uses and development standards within the Downtown Business/Government district as requested in Zoning Case 2002-37 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 with the revisions to text as stated below:

13. Special
Regulations for
Single-Family-
Attached Residences
(townhomes)

s. The elimination of the garage space, ***by*** enclosing the garage with a stationary wall, shall be prohibited.

5. Destruction of
Conforming
Structures

“Any existing parking ***or*** lack of same for any conforming structure within the BG district at the date of passage of this ordinance ...”

9. Landscaping for
Parking Areas

“No site developed prior to the effective date of this section ***shall be required to conform to the landscaping requirements of this section*** unless the site is being redeveloped or there is a thirty (30%) or more increase in the existing square footage of building area and/or reconstruction of the existing parking lot.”

The Council voted 7-0, the motion passed and Ordinance No. 2002-12-4 was adopted with revisions.

Council Member McGee returned to his place on the bench

Public Hearing and adoption of Ordinance No. 2002-12-5 as requested in Zoning Case 2002-56 - To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 484 so as to allow the additional use of a veterinary clinic on 0.1± acre of land located 68± feet south of Park Boulevard, 115± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, presently zoned Office-2; 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 #51. Applicant: Park Boulevard Center, Ltd. [Regular Agenda Item (4)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request 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 Lambert and seconded by Council Member McGee, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 484 so as to allow the additional use of a veterinary clinic on 0.1± acre of land located 68± feet south of Park Boulevard, 115± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, as requested by the Planning and Zoning Commission and as requested in Zoning Case 2002-56, presently zoned Office-2; 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. 2002-12-5.

Public Hearing and adoption of Ordinance No. 2002-12-6 - Technology Element of the Comprehensive Plan – To add the “Technology Element” to the Comprehensive Plan; providing procedures for approving the utilization of said element by appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano [Regular Agenda Item (5)]

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

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

Mayor Evans and Council Member Stahel spoke regarding the efforts of the Planning and Zoning Commission, Technology Commission and Staff in development of this recommendation.

Ordinance No. 2002-12-6 (cont'd)

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Stahel, the Council voted 8-0 to add the "Technology Element" to the Comprehensive Plan; providing procedures for approving the utilization of said element by appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; as recommended by the Planning and Zoning Commission and providing an effective date; and further to adopt Ordinance No. 2002-12-6.

Public Hearing and adoption of Ordinance No. 2002-12-7 as requested in Zoning Case 2002-58 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Section 2. (Residential Development Standards) c. of the Specific Provisions of the Planned Development of Planned Development-65-Central Business-1 with Specific Use Permit Nos. 394, 409, 458, 460, 462, and 466 on 149.7± acres located on the northeast corner of the Dallas North Tollway and Tennyson Parkway in the City of Plano, Collin County, Texas to establish a minimum density for multi-family development; 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. Neighborhoods #8 & #16. Applicant: City of Plano [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request subject to changing Section 2(c) of Specific Provisions of the Planned Development to read as follows: (additions indicated by underlined text and deletions indicated by strikethrough text)

- “2. ~~Minimum residential density shall be calculated on the basis of all developed tracts containing residential uses.~~ The minimum residential density for multi-family development shall be 40 dwelling units per acre.”

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

Ms. Jarrell responded to the Council stating that the maximum number of units requirement is still in place, but that the request provides for conformity with the new urbanism style and further that the existing multifamily has been developed at a higher density.

Zoning Case 2002-58 (cont'd)

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Stahel, 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 amend Section 2. (Residential Development Standards) c. of the Specific Provisions of the Planned Development of Planned Development-65-Central Business-1 with Specific Use Permit Nos. 394, 409, 458, 460, 462, and 466 on 149.7± acres located on the northeast corner of the Dallas North Tollway and Tennyson Parkway in the City of Plano, Collin County, Texas to establish a minimum density for multi-family development; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2002-58; 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. 2002-12-7.

Public Hearing – Annexation Case A2002-01 – Request to annex 0.59± acre located on the south side of Parker Road at Rainier Road, in the J. Beverly Survey, Abstract No. 78. Applicant: City of Plano – First Public Hearing Held 12-02-02 [Regular Agenda Item (7)]

Development Review Manager Elgin spoke regarding changes in notification requirements, stated that the process will be restarted beginning in January 2003 and advised that no action is needed.

Public Hearing to consider proposed assessments pertaining to the paving and improvement of a portion of Spring Creek Parkway from approximately 370 feet east of Midway Road to the Dallas North Tollroad; City Council discussion and direction on this matter. [Regular Agenda Item (8)]

City Attorney Wetherbee spoke to efforts regarding to finalize the assessment process and requested the Council open the Public Hearing and table the item until January 13, 2003.

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 Lambert and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to continue the Public Hearing and table consideration of proposed assessments pertaining to the paving and improvement of a portion of Spring Creek Parkway from approximately 370 feet east of Midway Road to the Dallas North Tollroad to the January 13, 2003, Council Meeting.

Receive report on Animal Services Department activities; Council discussion and direction following report and public input. [Regular Agenda Item (9)]

Director of Environmental Health Collins advised the Council that the six-month work plan was developed to identify and track the status of 37 major areas of need within the Animal Services Division and advised that 20 of the items are substantively complete. He further stated that monthly updates will be provided and that completion is expected in May 2003. Mr. Collins advised that the *Action Plan* is nearing completion with 30 of the items awaiting implementation in the Standard Operating Procedures (SOP) manual.

Mr. Collins stated that a draft SOP has been developed for all major areas of the Animal Services Division and includes reference to administration and kennel procedures. He advised that copies were provided to the Animal Shelter Advisory Committee and stakeholders who had expressed interest and spoke regarding the receipt of comments for consideration. Mr. Collins spoke to implementing major sections of the SOP by December 16, 2002 and to staff positions unfilled from the last fiscal year, recent openings and efforts to fill vacancies.

Mr. Collins spoke to comments received at the November 25, 2002 Council meeting advising that the fees for spay/neuter services drive the adoption fee, heartworm testing is done by veterinarians prior to surgery, and that animals are treated with respect at the shelter. He stated that minutes for the Animal Shelter Advisory Committee are the responsibility of the committee secretary who has advised work is still being done, the division has internal minutes, that consideration will be given to placement of minutes on-line, and that the chair has discretion regarding meeting decorum. Mr. Collins spoke to the shelter operating legally under Texas Administrative Code which exempts shelters from required rabies vaccinations for animals leaving the shelter, and regarding upcoming meetings of the Animal Shelter Advisory Committee.

Mr. Collins responded to questions of the Council stating that major sections of the SOP will be adopted December 16 with completion of the manual in January 2003, it will be an administrative tool, and that he expects the policy for placement of items on the Animal Shelter Advisory Committee agenda to be addressed at their next meeting.

Lisa Kristof, citizen of the City, stated that the document does not speak to the well-being of animals, spoke to problems with management, and requested that citations be written for those who do not clean up after their animals. Mayor Evans requested the City Attorney review the ordinance regarding clean up. Interim Animal Services Manager Clark responded regarding the care that was given to one of the dogs at the shelter. DeAnne L. Rogers, citizen of the City, spoke regarding the Animal Shelter Advisory Committee, the benefits of additional meetings, the limited time given the committee to review the SOP, and recommended revisions. Joe Cattell, citizen of the City, requested guidance for the Environmental Health Department, asking for national assistance, and spoke regarding care for a particular animal being appropriate.

Mr. Collins advised regarding a peer review requested from the National Animal Control Association, stated that the SOP is still open for comments with major sections begin put into place as soon as possible, and spoke to concerns by committee members regarding the development of minutes. He responded to the Council that the minutes are brought back for committee review, but that there is a debate as to their form. City Attorney Wetherbee advised that the minutes should accurately reflect action/discussion, but that there is no requirement for them to be verbatim. Council Member Lambert spoke to the committee making decisions on the issues of minute preparation and placing items on the agenda and moving forward to the “big picture.”

There being no further discussion, Mayor Evans adjourned the meeting at 9:09 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary