

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M., MAY 12, 2003, AND PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The Purpose of Plano City Government is to facilitate an outstanding quality of life for residents at a reasonable cost in taxes and fees.

EXECUTIVE SESSION

- | | | | |
|-----|---|-----------------------|--------|
| I. | Legal Advice | Wetherbee | 5 min |
| A. | Respond to questions and receive legal advice on agenda items | | |
| B. | Police Officers and City Equipment for Employment That Involves Both Law and Non-Law Enforcement Activities | Wetherbee/
Gilliam | 5 min. |
| C. | Non-Consent Tow Truck Rate Regulation | Gilliam | 5 min. |
| II. | Pending Litigation | | |
| A. | Pending lawsuit: Ginori James v. City of McKinney, et al | Mclylar/
Hyunh | 5 min. |
| B. | Pending lawsuit: Foy v. Audrey Shaw and City of Plano | Gilliam/
Gorfida | 5 min |
| C. | Pending lawsuit: Gorman v. City of Plano | Wetherbee | 5 min. |

PRELIMINARY OPEN MEETING

- | | | | |
|------|---|-----------|---------|
| I. | Consideration and action resulting from executive session discussion: | Council | 5 min. |
| II. | Compensation/Market Pay Practices Presentation | Hutchison | 10 min. |
| III. | Military Leave Benefit Discussion | Ross | 10 min. |
| IV. | On-Line Garage Sale Permit Briefing | Mower | 10 min. |

V.	Personnel Appointment	Council	10 min.
	A. Retirement Security Plan Committee		
	B. Council Liaisons to Boards and Commissions		
VI.	Council items for discussion/action on future agendas	Council	5 min.
VII.	Consent, Statutory and Regular Agenda	Council	5 min.
VIII.	Council Reports	Council	5 min.
	A. Council May Receive Information, discuss and provide direction on the following reports:		
	B. Council may receive reports from its other members who serve as liaisons to boards, commissions, and committees		

6:40 p.m.

Chinese Heritage Week Proclamation

Chinese Lion Dance

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.



CITY COUNCIL

1520 AVENUE K

DATE: May 12, 2003

CALL TO ORDER: 7:00 p.m.

INVOCATION: Gene Wilkes, Pastor
Legacy Drive Baptist Church

PLEDGE OF ALLEGIANCE: Jr. Girl Scout Troop 1378
Service Unit 152

ITEM NO.	EXPLANATION	ACTION TAKEN
	MISSION STATEMENT: THE PURPOSE OF PLANO CITY GOVERNMENT IS TO FACILITATE AN OUTSTANDING QUALITY OF LIFE FOR RESIDENTS AT A REASONABLE COST IN TAXES AND FEES.	
*	<u>OATHS OF OFFICE FOR NEWLY ELECTED COUNCIL MEMBERS</u>	
*	<u>PLAQUES OF APPRECIATION FOR OUTGOING COUNCIL MEMBERS</u>	
*	<u>PROCLAMATIONS AND SPECIAL RECOGNITION</u>	
	“Motorcycle Safety Awareness Week”	
	Paul Standberry Memorial Scholarship Awards	
	“Public Service Recognition Week”	
	“National Public Works Week”	
	Employee of the Year Recognition	
*	<u>OATHS OF OFFICE</u>	
	<u>Keep Plano Beautiful Commission</u> Johnye P. Cochran Wanda Stephens	
*	<u>CERTIFICATE OF APPRECIATION</u>	
	<u>Board of Adjustment</u> Robert Deputy	

ITEM NO.	EXPLANATION	ACTION TAKEN
*	<p><u>GENERAL DISCUSSION</u></p> <p>In accordance with the Open Meeting Act, the City Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration.</p> <p>Persons wishing to speak before the City Council should limit remarks to a total speaking time of five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. The Mayor may direct other time restraints at his discretion depending on other prevailing factors.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>CONSENT AGENDA</u></p> <p><u>Any citizen may remove an item from the Consent Agenda for individual discussion, limited to a maximum of two (2) items and discussion time of three (3) minutes each.</u></p> <p>(a) <u>Approval of Minutes</u> April 23, 2003 April 24, 2003 April 28, 2003 May 6, 2003</p> <p>(b) <u>Adoption of Resolutions</u> To approve receipt of a gift in the amount of \$250,000 from the estate of Thelma Rice Sproles for the general benefit and enhancement of the Plano Public Library System; and authorizing the City Manager to execute all necessary documents to receive the gift; and providing an effective date.</p> <p>(c) To approve the terms and conditions of an interlocal agreement between the cities of Allen, Frisco and Plano concerning services and funding for a Collin County Cultural Arts District; authorizing its execution by the City Manager; and providing an effective date.</p> <p>(d) To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano, Texas and Collin County, Texas providing terms and conditions for landscape waste processing services and compost/mulch sales; authorizing its execution by the City Manager; and providing an effective date.</p> <p>(e) <u>Adoption of Ordinances</u> To amend Ordinance No. 2002-10-19, codified in the City of Plano Code of Ordinances under Chapter 12, Motor Vehicles and Traffic, Article V, Stopping Standing and Parking, Section 12-101, Prohibited On Certain Streets At All Times, to include a provision for the prohibition of stopping, standing, or parking of motor vehicles along the east side of Pleasant Valley Drive from a point one thousand three hundred eighty (1,380) feet east of Roundrock Trail to a point one thousand seven hundred thirty (1,730) feet east of Roundrock Trail; authorizing and directing the Traffic Engineer for the City of Plano to cause placement of traffic control devices to give notice of the restriction; and providing a severability clause, a penalty clause, and an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(f)	<p><u>Approval of Expenditure</u></p> <p>To approve an expenditure with TriTech Incorporated for an annual software maintenance support agreement on the Police Records Management System in an amount of \$113,662; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.</p> <p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>The purpose of a Public Hearing is to receive input and information. The City Council is always open to public comment, but wishes to clarify that their focus is on the singularly presented position, and not on the assemblage. Eliminating the repetition of statements enables the City Council to more effectively consider all presentations.</u></p> <p><u>In order to be fair to all persons who have items on the agenda or interest in one or more of the items, the Council must impose time limitations on speakers in the Public Hearings. The applicants will limit their presentations to 15 minutes with a five (5) minute rebuttal time, if needed. All other speakers will be limited to a maximum of 30 total minutes of testimony, and three minutes per individual on any single issue. Other time restraints may be imposed at the discretion of the Mayor depending on other prevailing factors. Speakers will be notified by the City Secretary when speaking time has expired.</u></p>	
(1)	<p>An ordinance to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2003; in the amount of \$3,675,000; and enacting other provisions relating thereto.</p>	
(2)	<p>An ordinance to provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2003, in the aggregate principal amount of \$58,195,000; levying a tax in payment thereof; and enacting other provisions relating thereto.</p>	
(3)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-67 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 16.8± acres located on the west side of K Avenue between Park Boulevard and Parker Road in the City of Plano, Collin County, Texas, from Planned Development-23-Light Commercial to Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #59. Applicant: City of Plano. Tabled from 3/24/03</p>	
(4)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-68 to create Section 4-1000 (Transit Overlay District) of Article 4 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to establish a Transit Overlay District; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano. Tabled from 3/24/03</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(5)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-69 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to apply the Transit Overlay District to 54.8± acres located on the northwest and southwest corners of Park Boulevard and K Avenue, extending west to include property along Exchange Drive to a point 450± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #59. Applicant: City of Plano. Tabled from 3/24/03</p>	
(6)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2003-05 to repeal in its entirety Ordinance No. 83-1-5 thereby; rescinding Specific Use Permit No. 81 for the additional use of an arcade on 12.5± acres of land located on the south side of 15th Street, 300± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #66. Applicant: City of Plano</p>	
(7)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2003-06 to repeal in its entirety Ordinance No. 89-6-20 thereby; rescinding Specific Use Permit No. 54 for the additional use of an Arcade on 0.1± acre of land located 950± feet east of Alma Drive and 1,450± feet south of 15th Street in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #66. Applicant: City of Plano.</p>	
(8)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2003-07 to repeal in its entirety Ordinance No. 93-8-9 thereby; rescinding Specific Use Permit No. 226 for the additional use of an Arcade on 0.4± acre of land located 300± feet west of U.S. Highway 75 and 600± feet south of 15th Street in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #66. Applicant: City of Plano.</p>	
(9)	<p>Receive Staff report and provide direction on concepts to enhance a pedestrian friendly downtown.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	

May 7, 2003

Mayor Pat Evans
City Councilmembers
City of Plano
Plano, Texas 75074

Honorable Mayor and City Council:

We will begin our meeting Monday at 5:00 p.m. in Executive Session with legal advice and pending litigation briefings.

The Preliminary Open Meeting agenda consists of a presentation on compensation/market pay practices by Sarah Hutchison with Watson-Wyatt. Lashon Ross will discuss military leave benefits and Russ Mower will discuss the on-line garage sale permits. You also have personnel appointments.

I look forward to seeing you Monday evening.

Sincerely yours,

Thomas H. Muehlenbeck
City Manager

THM/bn

The City of Plano



WWW.WATSONWYATT.COM

An Overview of Market-based Compensation



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Historical Perspective

- Compensation system redesign in 1997 with implementation in 1998
 - Moved from a largely internally-focused system to a market-based system
 - Defined the competitive market place for the City
 - Ensured pay opportunities at the City would be competitive
- City also reviewed competitiveness of benefits package
- System has been maintained through regular updates
 - When needed, market adjustments have been made to the salaries of City employees
 - Next update scheduled in 2004

W

Compensation Redesign

- Input from Council, management, and employees
- Focused on the jobs that are performed at the City, not just on titles
- Considered both the internal and external value of jobs with input from Department Directors and City Administration

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Marketplace Definition for Base Pay Comparisons

Employee Group	Geographic Considerations	Competition
Senior Leadership (Dept Heads & above)	National	Other Cities Private industry
Middle Management (Up to Division Mgrs)	National for some areas Generally statewide or regional	Other Cities Private industry
Professional	Statewide Regional	Other Cities Private industry
Immediate Supervision	Local*	Other Cities Private industry
Nonexempt	Local*	Other Cities Private industry
Police and Fire (Sworn positions)	Regional	Other Cities

*May extend to wider area



Assessing the Market: Published Salary Surveys

- Produced by reliable third-party resources
- Provide job descriptions to ensure appropriate comparisons
- Provide data unavailable through direct inquiries or through internet searches
- Over 40 municipal and private industry surveys are utilized for the City

II 4

Overall Results of 1997/1998 Study:

“Based on the City’s desired marketplace, which is a blend of other cities and private industry, and the City’s desired position, which is the market plus 5%, pay at the City of Plano is very close to competitive on average.”

W

Implementation: June 1998

- 225 employees received increases in pay
- Concentrated in direct customer service areas
 - Library
 - Public Works
 - Parks and Recreation
 - Public Safety Communications
- Most paid under \$40,000

119

W

HR

Regular Compensation Updates

- Conducted in 1999, 2000 and 2001
 - Mid year market adjustments to bring individual pay to competitive position to attract and retain qualified workforce
- Next update scheduled for 2004
 - Same market definition, same data sources
 - Will address new or changed jobs
 - Will determine City's overall market position
 - Is the City still competitive?
 - Would a market adjustment be appropriate?

W

Looking Forward: 2004 Market Update

- On the benefits side, the City's benefits package is, on average, about 30% of pay
 - In the market, benefits as a percent of payroll are between 26% and 39%
 - Healthcare costs are expected to continue to increase

III

W

II 8

Looking Forward: 2004 Market Update

- On the compensation side, the City's initial investment has been maintained through the regular updates
 - Labor market pressures have eased
 - Annual market movement projected at 4% for 2003
 - 2004 findings are anticipated to show that the City has remained competitive since the last market adjustment



Memorandum

To: Mayor & City Councilmembers of the City of Plano
CC: Tom Muehlenbeck, City Manager
From: LaShon Ross, Director of Human Resources
Date: 5/7/2003
Re: Update on Military Leave Benefits

The USERRA mandates that employees who are called to active military duty shall maintain their civilian positions for up to four years [five (5) years] when called upon by the Federal Government. Within ninety (90) days of the individual's discharge from military duty, he/she has a right to be returned to the civilian position held prior to leaving for military duty (or one similar in pay and status). While the employer must retain the employee's position, it is not mandatory to continue any other benefits until he/she returns to civilian duty.

In 2001, the City of Plano made a decision to provide twelve (12) months of supplemental income to its employees who were called to active military duty, if the military rate-of-pay exceeds the City's rate-of-pay. The City's supplemental pay is based upon the gross military pay, which includes stipends and other allowances. At the end of the initial twelve (12) month period, employees may utilize available vacation leave balances if he/she is not discharged from military duty.

The City has allowed flexibility for its military employees in utilizing leave balances to continue their benefits. Employees have used vacation leave and their annual military leave allotments (15 days) in small increments to extend the period of time they are able to retain benefits. Although health insurance benefits are available through the military, many employees choose to maintain their City group health coverage and use incremental amounts of vacation and/or military leave to do so. Employees continue to accrue leave and receive benefits while in paid status.

Since September of 2001, ten (10) City employees have reported for active military duty. Fifty percent (50%) of these employees received supplemental pay, while the other five (5) did not, due to their military rate-of-pay exceeding their City rate-of-pay. Of the five (5) employees who were eligible for

May 7, 2003

supplemental pay, four (4) of them are with the Police Department and one (1) with Public Safety Communications.

As a result of providing supplemental pay, the City has also continued to pay retirement, group insurance premiums, and taxes on behalf of these employees at a cost of \$68,930.65, \$27,247, \$29,899, and \$1,000, respectively. Consequently, to date, the total cost to the City for providing this benefit to employees on active military duty is \$127,076.65.

At this point, the City has committed to providing supplemental pay for an initial twelve (12) month period and allowing use of vacation/military leave for an additional twelve (12) month period. At the end of twenty-four (24) months of leave, the employee placed on leave-without-pay, unless the City chooses to consider providing supplemental pay for an initial twenty-four (24) month period. We cannot specifically project what future costs may be; however, we may use the current annual cost of \$127,076.65 as a premise for projecting forward. However, it should be noted that the City cannot predict how many employees may be impacted or whether they will be eligible to receive supplemental pay.

III



MILITARY LEAVE BENEFITS

The City of Plano's provisions for
Employees called to
Active Military Duty

Me

Employees called to Active

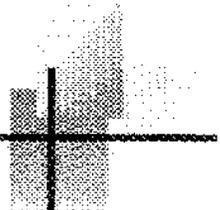
Duty

- 10 employees activated since 10/01
- 8 employees have returned to work
- 1 employee is still on active duty
- 1 employee resigned

Departments Impacted

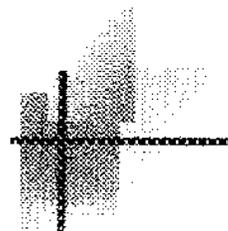
- 4 - Police
- 1 - Public Safety Communications
- 1 - Engineering
- 1 - Utility Maintenance
- 2 - Public Works
- 1 - Fire Marshall's Office

ME



Legal Requirements

- Maintain employees' positions up to 5 years
- Return employees to positions within 90 days of discharge from military



City Provisions

- Supplemental pay up to 12 months
- Continued benefits and leave accrual
- Retirement contributions at 100%
- Use of vacation and military leaves to continue income and benefits

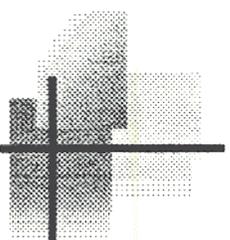
Cost to City

- \$68,930 - Supplemental Pay
- \$27,247 -- Retirement Contributions
- \$29,899 -- Group Insurance
- \$ 1,000 -- Payroll Taxes

11/11/11

Future Impact

- Continue 12-month supplemental pay?
- Adopt 24-month supplemental pay?
- Allow for leave usage beyond 24 months?



City's Commitment

- Providing assistance to activated employees
- Balancing military benefits with budget
- Meeting or exceeding Federal requirements
- Maintaining operational standards



City of Plano

Building Inspections Department
On-Line Garage Sale Permits

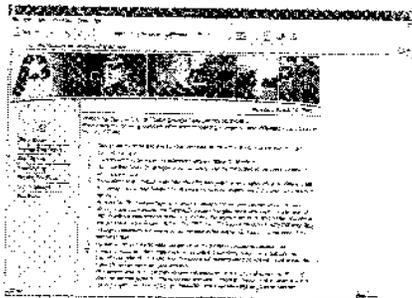
Web Site Features:

- Apply for a permit
- View current or previous permits
- Search for sales by item, location or date

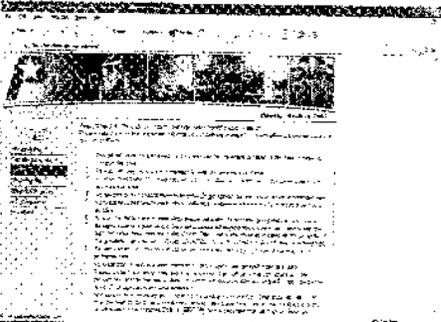
Applying For A Permit

New User Registration or Return Registered User

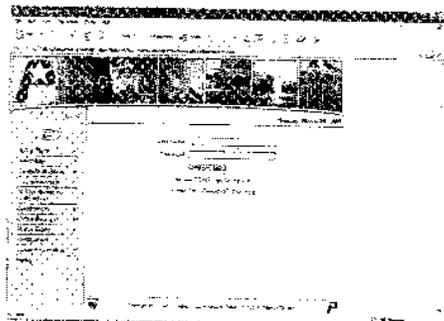
1. From your web browser – <http://www.plano.gov/garagesales>
2. Enter – you will be taken to the web portal



If you are a new user that has never registered or a returning registered user applying for additional permits, click on "New Permit"



Click on "New User" Link to continue



IVA

Fill out the New User information. Click "Register" button at bottom to continue.

A screenshot of a web registration form. The form contains several sections with labels and input fields. At the bottom right, there is a prominent "Register" button.

You will be prompted that your new account has been created and that a confirmation notice will be sent to your email so that you may continue the garage sale permit process.

A screenshot of a confirmation page. It features a message at the top stating that the account has been created and a confirmation email will be sent. Below the message, there is a link labeled "Garage Sale Permits".

Open up your confirmation email and click on the link to return back to the garagesale permit process.

A screenshot of an email confirmation message. The email body contains a message and a link that, when clicked, returns the user to the permit process.

Click on the "Garage Sale Permits" link to continue.

A screenshot of the "Garage Sale Permits" page. It displays a list of permits and a "New Permit" button at the bottom.

Click on "New Permit"

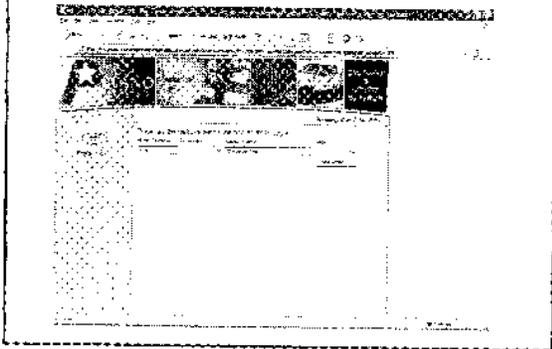
A screenshot of the "New Permit" page. It shows a form with fields for permit details and a "New Permit" button.

Enter in your username and password and then click on "Login" button to continue.

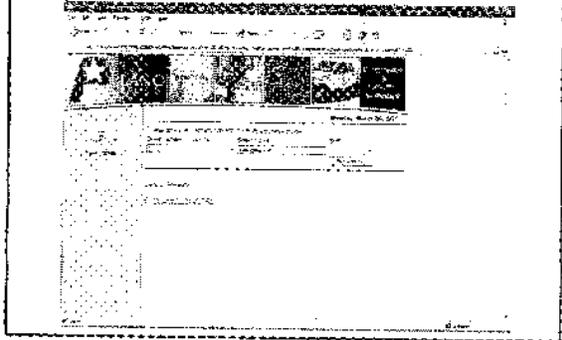
A screenshot of a login page. It features input fields for "Username" and "Password", and a "Login" button.

IVL

Type in the address where you are going to have the garage sale.
Click on "Find Address" button to continue.

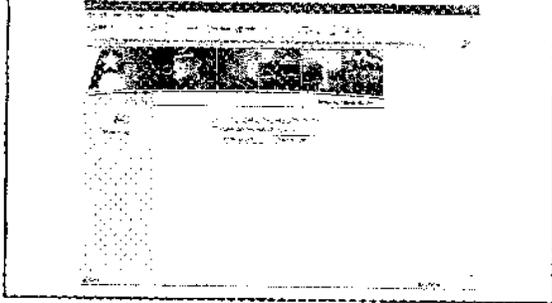


The system will locate your address and ask you to confirm it by clicking on the link which compares the address you typed in to the one found in the system.

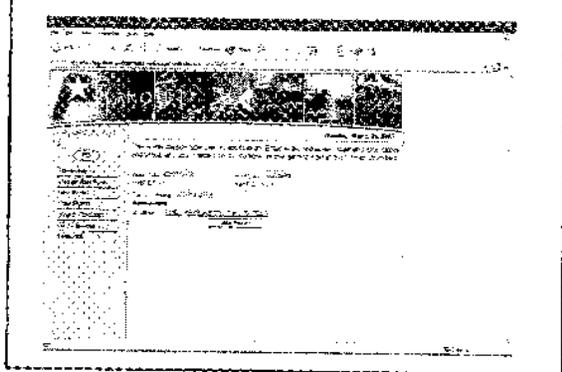


The system will once again ask you to confirm your address and prompt you to make it the default location which will be used to count the maximum number of permits you can have against this address.

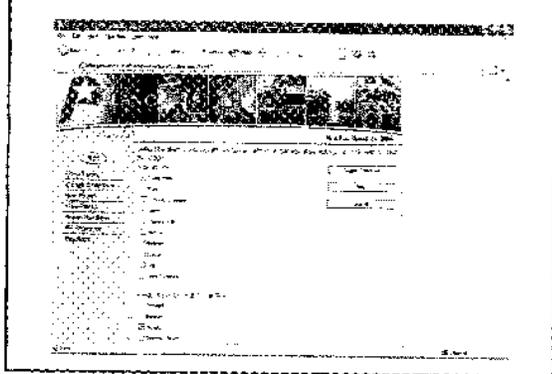
Click "Confirm Location" button to continue.



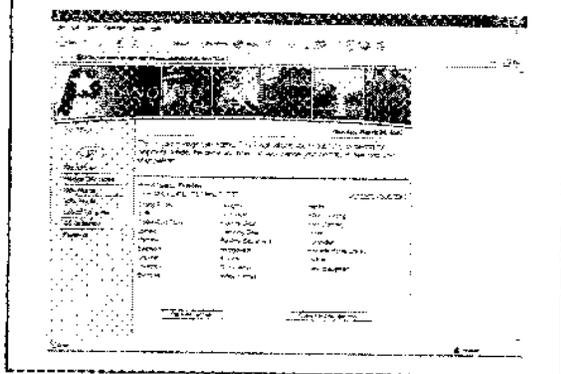
Enter in the dates you want to have your garage sale for then click "Submit Request" button to continue.



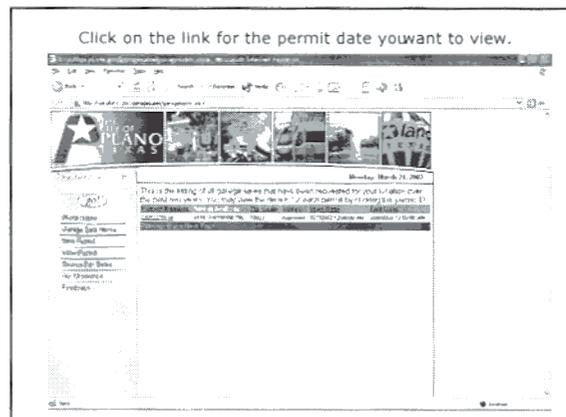
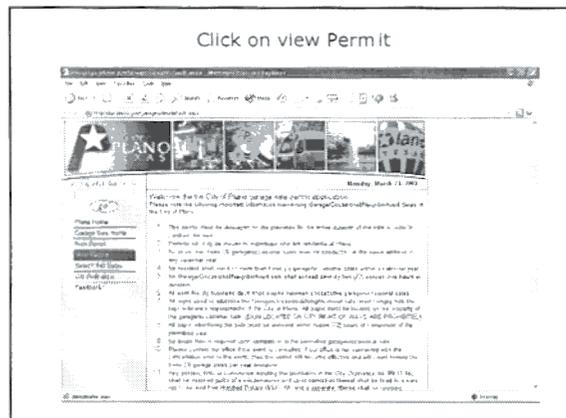
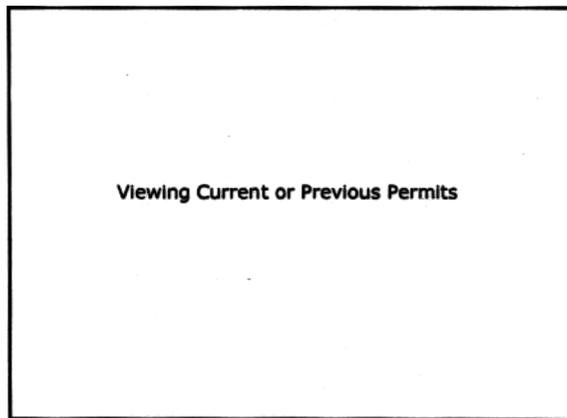
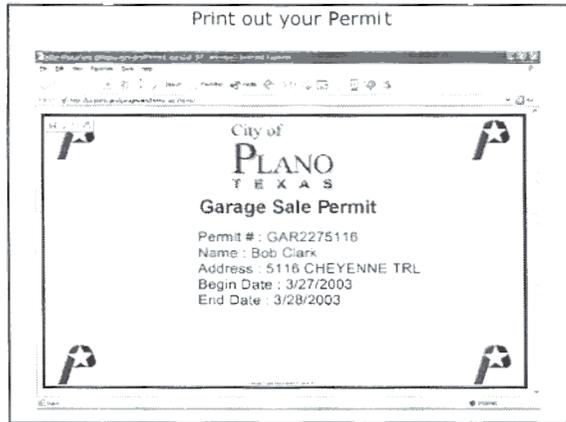
Place check marks in all the boxes for items you want to sell at your garage sale. Click on "Submit" button to continue.



This screen lists all your items that you want to sell at your garage sale. Click on "Submit For Final Approval" or "Edit Item For Sale".

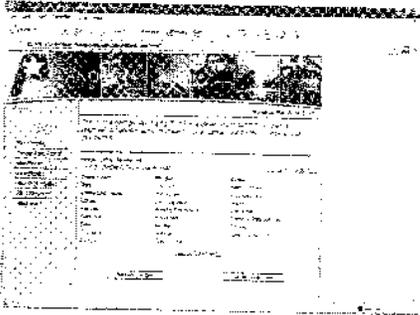


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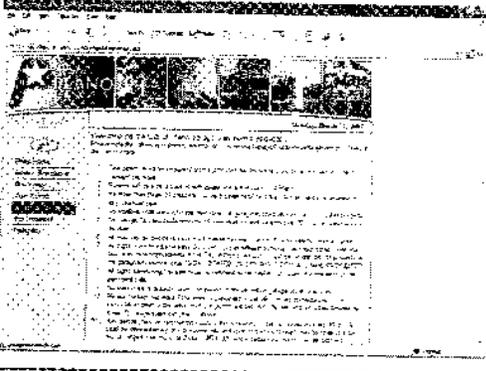
IVd

You can edit or cancel a garage sale up to the day before the sale and it will not be counted toward the maximum 3 garage sales you can have at an address during a calendar year.

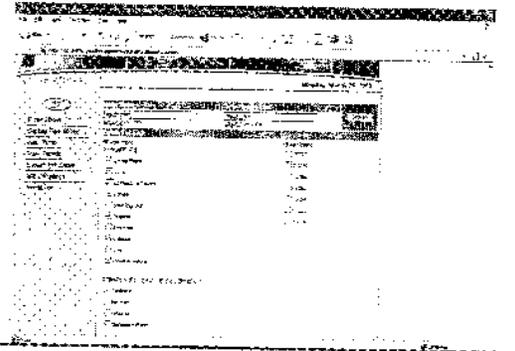


Searching for garage sales by items

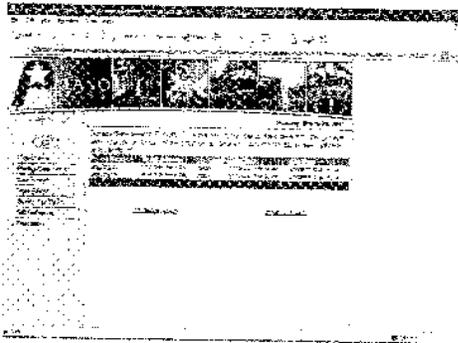
Click on "Search for Sales"



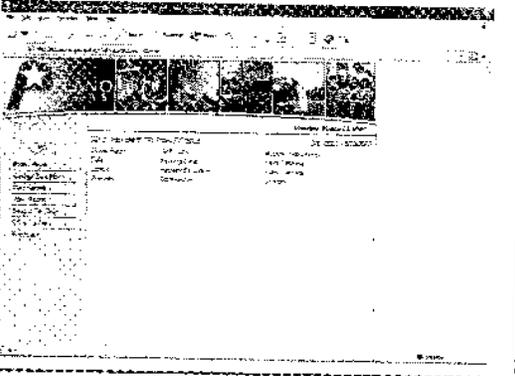
Fill out "Start and End Dates", "Items for Sale" and "Zip Codes" Click on "Search"



Click on permit number link to view the contents of the sale for that address



The search result displays the content of the sale.



MEMO

DATE: May 5, 2003
TO: Honorable Mayor and City Council
City Manager Muehlenbeck
FROM: Elaine Bealke, City Secretary *EB*
RE: Personnel Appointment - Executive and Worksession

The following appointments will be considered on May 12, 2003.

<u>Executive Session</u>	<u>Worksession</u>
No appointments	<u>Retirement Security Plan Committee</u> One Interim Vacancy – Term Expires 10-04 <u>Council Liaisons to Boards and Commissions</u>

va

CITY BOARDS AND COMMISSIONS

DATE: October 2002

Retirement Security Plan Committee

Ordinance Nos. 91-12-28, 92-2-28 (R), 92-5-26,
2002-10-11 (R)

Terms: 2 years, 5 members – Two non-employees, three employees

Meetings: 4 times per year - January, April, July, October – Municipal Center

Staff: **Darlene McAndrew, Employee Benefits Analyst (972-941-7115)**
Tom Muehlenbeck, City Manager (972-941-7121)

Chair: Karen Rhodes

<u>MEMBER</u>	<u>DATE ORIGINAL APPOINTMENT</u>	<u>DATE LAST REAPPOINTED</u>	<u>PRESENT TERM EXPIRES</u>
John McGrane PO Box 860358 Plano, TX 75086-0358 972-941-7135(o) 972-208-2272(H) 972-422-0318 (F) e-mail: johnm@plano.gov Employee member Replaced Joyce Baumbach	09-09-02		10-31-04
James "Jim" Fox P.O. Box 860358 Plano, TX 75086-0358 972-941-7266 (o) Replaced Thomas Guil'ory Employee member Vice chair -- 03/00 Chair 10/01	11-1-99	07-23-01	10-31-03
Vacancy			10-04
Kien Liew 3401 Nova Trail Plano, Tx 75023 972-618-7736 (h) 972-618-7116 (f) 972-424-2230 (o) 972-424-3039 (office fax) e-mail: kliew@pensionbenefits.com	09-10-01		10-31-03
Karen Rhodes P.O. Box 860358 Plano, TX 75086-0358 972-941-7472 (o) 972-941-7439 (fax) 972-529-5676 (h) e-mail: karenr@plano.gov Employee member Replaced Kathy Mallar Apptd Chair 4/03	09-09-02		10-31-04

CITY OF PLANO BOARD OR COMMISSION CANDIDATE APPLICATION

Applications are due August 22, 2002

Name: Michael Wayne Busch Mike Busch
(Please print legal name and your name as you wish it to appear, if different.)

Please indicate Board(s) / Commission(s) preferences: (abbreviated board/commission names are acceptable, eg. KPBB) **RECEIVED**
1. Retirement Security 2. _____ 3. AUG 15 2002

Yes, I would be interested in serving on subcommittees that may be formed.

CITY SECRETARY'S OFFICE

PERSONAL INFORMATION	
Home Address: <u>1729 Midcrest Drive</u>	
Telephone: <u>972-881-8415</u>	Fax: <u>214-346-5899</u>
E-mail: <u>mbusch@vfaonline.com</u>	
Plano Resident for <u>34</u> years	County: <u>Collin</u>
Drivers License #: <u>10605682</u>	
*Voter Registration #: <u>239857</u>	

OCCUPATIONAL INFORMATION	
Business Name: <u>Vogel Financial Advisors, LLC</u>	
Occupation: <u>Investment Advisor / Financial Planner</u>	
Address: <u>10940 N. Central Expressway, #1200 Dallas, TX 75222</u>	
Telephone: <u>214-346-5880</u>	Fax: <u>214-346-5899</u>
E-mail: <u>mbusch@vfaonline.com</u>	
Business owner?	yes: <input checked="" type="checkbox"/> no: _____

Previous Board, Commission, Civic or Community, or Work Experience (if additional space is required attach additional listing):

Organization	Location	Years
<u>see attached</u>		

How would you use this experience to benefit the City?

see attached

List any business or personal relationships with the City, which might create a conflict of interest or affect your ability to serve.

None

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Plano Boards and Commissions as noted in the General Information portion of this overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications will remain on file for one year from the date of receipt.

* I affirm that I am qualified to vote.

Michael W Busch
Signature

8/11/02
Date

(Will attend the following reception. Attendance is limited to one reception per applicant.)

Thursday, August 8, 2002
6:00 pm
Marshall Favors Library
200 Independence Parkway

Saturday, August 10, 2002
9:00 am
Plano Municipal Center
Meeting Room A
1520 K Avenue

In compliance with Chapter 532, Vernon's Texas Codes Annotated, (Open Records Law), information provided on this application may be available to the public upon request.

Mail completed application to:
City of Plano
City Secretary
P.O. Box 860358
Plano, TX 75086-0358

ADS
VC

Relevant designations and work experience:

CPA

CFP (Certified Financial Planner)

CEBS (Certified Employee Benefit Specialist)

President-Elect - D/FW Financial Planning Association

President of Vogel Financial Advisors -- a Registered Investment Advisor

Employed with Philip Vogel & Co. PC and/or Vogel Financial Advisors, LLC since 1988

How experience would benefit the city:

I have expertise in the areas of employee benefits and investment management. Part of our service to our clients is to function as plan designer, auditor, accountant, administrator, and investment manager of their retirement plans. I have a thorough understanding of retirement plan issues and the fiduciary relationship that exists between plan beneficiaries and trustees, advisors, committee members, etc.

vd

COUNCIL LIAISON TO BOARDS AND COMMISSIONS

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

CITY COUNCIL APPOINTMENTS TO VARIOUS COMMITTEES AND ORGANIZATIONS

Chamber of Commerce Board of Directors	Mayor Pro tem Phil Dyer Deputy Mayor Pro tem Steve Stovall
Designation of Official North Central Texas Council of Governments Voting Representative	Mayor Evans
Regional Transportation Council - NCTCOG	Mayor Evans and Deputy Mayor Pro tem Steve Stovall
TML & Other Legislative Action	Mayor Evans and Mayor Pro tem Phil Dyer
Plano Cultural Arts Council	Sally Magnuson and Shep Stahel
North Texas Commission	Mayor Evans
Memorial Day Committee	Deputy Mayor Pro tem Steve Stovall Shep Stahel
Metroplex Mayors Committee	Mayor Evans
Economic Development Board	Mayor Evans and Mayor Pro tem Phil Dyer
Liaison to Collin County Community College Board	Scott Johnson and Shep Stahel
Dallas Regional Mobility Coalition	Mayor Evans and Deputy Mayor Pro tem Steve Stovall
Sunset Committee	Mayor Pro tem Phil Dyer Scott Johnson
Tax Abatement Council Committee	Mayor Pro tem Phil Dyer Deputy Mayor Pro tem Steve Stovall
North Central Texas Industrial Development Authority/Plano Health Facilities Development Corporation	Deputy Mayor Pro tem Steve Stovall Ken Lambert Scott Johnson
Family of the Year	
Sister Cities	Sally Magnuson
121 Task Force	Ken Lambert and Sally Magnuson
Arts of Collin County	Mayor Pro tem Phil Dyer

AD HOC CITY COUNCIL COMMITTEES

Community Finance	Mayor Pro tem Phil Dyer and Scott Johnson
Joint PISD/Council Committee	Mayor Pro tem Phil Dyer and Deputy Mayor Pro tem Steve Stovall

ROUNDTABLES

Multi-Cultural Outreach Roundtable	Rotating Council Members
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**Discussion/Action Items for Future Council Agendas
(as of May 6, 2003)**

Additional rescheduling of Council meetings may be necessary due to elections and the PISD calendar. These changes will be made as soon as the dates are confirmed.

2003

May 15 – Law Enforcement Memorial Day – Municipal Center – 7:30 p.m.

May 19 – Joint Elected Officials Dinner – Plano Station – 6:30 p.m.

May 26 – Memorial Day holiday

May 27 (rescheduled from May 26)

Comprehensive Monthly Financial Report
Emergency Management Plan Review

Public Hearing: Zoning Case 2003-02 - A request to amend the requirements of Planned Development-65-Central Business-1 to allow for the development of townhomes on 149.7± acres on the northeast corner of the Dallas North Tollway and Tennyson Parkway. Zoned Planned Development-65-Central Business-1 (PD-65-CB-1). Neighborhoods #8 and #16. **Applicants: EDS; Leddy Ventures, Ltd.; The Shops at Legacy; Lincoln Property Company; Clearview Legacy, L.P.; and Post Properties**

Public Hearing: Zoning Case 2003-08 - Request to rescind Specific Use Permit (SUP) #139 for Arcade on 0.1± acre located 800± feet east of K Avenue and 800± feet north of Spring Creek Parkway. Zoned Retail with Specific Use Permit #139 (R w/ S-139). Neighborhood #22.
Applicant: City of Plano

Public Hearing: Zoning Case 2003-09 - Request to rescind Specific Use Permit (SUP) #232 for Arcade on 0.3± acre located 285± feet east of Independence Parkway and 180± feet north of 15th Street. Zoned Retail with Specific Use Permit #232 (R w/ S-232). Neighborhood #57.
Applicant: City of Plano

Public Hearing: Zoning Case 2003-10 - Request to rescind Specific Use Permit (SUP) #292 for Arcade on 0.1± acre located 550± feet east of Alma Drive and 650± feet south of Parker Road. Zoned Planned Development-69-Retail with Specific Use Permit #292 (PD-69-R w/ S-292). Neighborhood #47. **Applicant: City of Plano**

May 29, 30, 31 – 2003 Innovations Group National Conference, Plano Doubletree Hotel

June 2

DART Status Report
Mobility Report

June 9

Emergency Management Plan Review

June 23

Animal Shelter Update
Comprehensive Monthly Financial Report

*June 26 – 30 – Texas City Management Association Conference
July 4 – Independence Day holiday*

July 28

Comprehensive Monthly Financial Report

July 30

Council receives 2003-2004 budget

August 4

DART Status Report
Mobility Report

August 11

Emergency Management Plan Review
Vote on Tax Rate

August 9 – Council Budget Worksession

August 14 - District 4 Roundtable – Vines High School

August 16 – Council Budget Worksession

August 25

Comprehensive Monthly Financial Report
Public Hearing on Tax Rate

September 1 – Labor Day holiday

September 2 (rescheduled from September 1)

DART Status Report
Mobility Report

September 8

Emergency Management Plan Review
Council Adopts Budget, CIP and Sets Tax Rate

September 22

Comprehensive Monthly Financial Report

September 21 – 24 – International City Management Association Conference

October 6

DART Status Report

Mobility Report

October 9 – 13 – PISD Fall Break

October 14 (rescheduled from October 13)

Emergency Management Plan Review

October 27

Comprehensive Monthly Financial Report

November 3

DART Status Report

Mobility Report

November 10

Emergency Management Plan Review

November 13 – District 2 Roundtable – PSA Stars Center

November 19 – 22 – TML Conference

November 24

Comprehensive Monthly Financial Report

November 27 – 28 – Thanksgiving holidays

December 1

DART Status Report

Mobility Report

December 3 – 7 – NLC Conference

December 8

Emergency Management Plan Review

December 16 (rescheduled from December 22)

Comprehensive Monthly Financial Report

December 25 – 26 – Christmas holiday



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/03		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager		Initials	Date	
Department Head	Tom Muehlenbeck		Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	5/22/03	
Agenda Coordinator (include phone #): S. Tawwater					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER PROCLAMATION

CAPTION

"Chinese Heritage Week"

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S):

COMMENTS:

SUMMARY OF ITEM

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager		Initials	Date
Department Head	Tom Muehlenbeck		Executive Director	
Dept Signature:		City Manager	<i>[Signature]</i>	4/3/03
Agenda Coordinator (include phone #): S. Tawwater X7107				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PROCLAMATION				
CAPTION				
"Motorcycle Safety Awareness Week"				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager		Initials	Date
Department Head	Tom Muehlenbeck		Executive Director	
Dept Signature:		City Manager	<i>[Signature]</i>	4/17/03
Agenda Coordinator (include phone #): S. Tawwater X7107				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PRESENTATION				
CAPTION				
Paul Standberry Memorial Scholarship Awards				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> OPERATING EXPENSE	<input type="checkbox"/> REVENUE	<input type="checkbox"/> CIP	
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	City Manager		Initials	Date	
Department Head	Tom Muehlenbeck		Executive Director		
Dept Signature:		City Manager	<i>SM</i>	4/17/03	
Agenda Coordinator (include phone #): S. Tawwater X7107					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PROCLAMATION					
CAPTION					
"Public Service Recognition Week"					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> OPERATING EXPENSE	<input type="checkbox"/> REVENUE	<input type="checkbox"/> CIP		
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(s):					
COMMENTS:					
SUMMARY OF ITEM					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/1 2/03		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager		Initials	Date
Department Head	Tom Muehlenbeck		Executive Director	
Dept Signature:			City Manager	<i>[Signature]</i> 5/5/03
Agenda Coordinator (include phone #): S. Tawwater X7107				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PROCLAMATION				
CAPTION				
"National Public Works Week"				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	City Manager		Initials	Date	
Department Head	Tom Muehlenbeck		Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	4/17/03	
Agenda Coordinator (include phone #): S. Tawwater X7107					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER RECOGNITION					
CAPTION					
Employee of the Year Recognition					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS:					
SUMMARY OF ITEM					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			

**PLANO CITY COUNCIL
PLANNING AND ZONING COMMISSION
RETREAT
APRIL 23, 2003**

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stovall
Scott Johnson
Sally Magnuson
John Roach
Ken Lambert

COMMISSION MEMBERS

Lee Dunlap, Chair
Joyce Beach
Joy Flick
Carolyn Kalchthaler
Jerry Kezhaya
Bill Neukranz
Will Smith
Laura Williamson

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 called the meeting to order on Wednesday, April 23, 2003 at 12:00 p.m. at the Oak Point Center, 6000 Jupiter Road. All Council Members were present with the exception of Council Member Roach. Mayor Pro tem Dyer arrived at 12:45 p.m. All Planning and Zoning Commissioners were present.

Planning Director Jarrell advised the members that the purpose of the retreat is to address the issues and challenges facing a maturing City. Training Development Specialist Ron Vega spoke to the importance of planning and having a vision. Council Members and Commissioners each provided a brief history of their background and experience with the City.

Infill Housing and Its Role in Plano's Continued Growth and Development

Ms. Jarrell advised the members that Plano is becoming a centrally located City in the DFW region, there are few tracts of land left, and that along with infill, opportunities become available. She stated that the demographics are changing and reviewed a map indicating future residential growth. Ms. Jarrell stated there are four major freeways providing access through the City, spoke to diverse housing opportunities, a wonderful education system, a well maintained infrastructure, and to the need to establish and be identified as a major cultural center.

Development Review Manager Elgin reviewed residential growth and stated that Plano is no longer at the fringe of development. He stated that the definition of infill housing is that which is constructed on vacant or underutilized land consisting usually of small or odd shaped parcels, land or infrastructure cost oftentimes necessitates higher density than typical suburban residential, and that infill projects offer housing for certain demographic groups. Mr. Elgin spoke to what different densities look like, stated that density is difficult to identify, presented examples of infill housing, and provided a questionnaire to the members regarding identifying different levels of density.

Mr. Elgin spoke to TIF No. 2 parcels and to the possibility for residential development. He spoke to opening up for discussion the potential for infill alternatives and opportunities, identifying obstacles to this type of development, and to whether or not this should be considered. Council Member Johnson spoke to this type of development being a natural progression, and Council Member Lambert spoke to allowing an additional use in retail areas, and to the need to perhaps vary retail height restrictions. Commissioner Williamson spoke to there being a market for quality, zero-lot line homes.

Commissioner Flick spoke to the obstacle of existing uses and not using a rubber stamp, Mayor Evans spoke to resolving to explain what is being looked at, and Commissioner Neukranz stated that City ordinances are the obstacles along with social resistance and economic factors.

Mr. Elgin stated that the last major update to the zoning ordinance was in 1986. Council Member Magnuson spoke to educating the public and to infill housing not adversely affecting neighborhoods, and Mayor Evans stated that this will instead bring quality to neighborhoods. Council Member Lambert spoke to zero-lot line patio homes, the requirement for park areas and playground equipment, and to possibly waiving this requirement in the instance of a retiree community. Mr. Elgin spoke to the Single Family-6 standard and to using infill criteria as a different lot configuration. Council Member Stahel spoke to the impact on school systems and to not using infill where multiple infill projects already exist.

The members recessed the retreat at 2:01 p.m. and reconvened at 2:13 p.m.

Redevelopment and Retail Revitalization Issues as Identified by the Transition and Revitalization Commission and the Tri-City Retail Study

Planning and Information Manager Zimmerman spoke to changing demographics and new uses, and to cosmetic updates attracting people and stated that Plano is now the "inner ring." He spoke to adaptive reuse being critical because less raw land is available, and stated that market trends are changing along with changes in local conditions.

Transportation and Revitalization Commission (TRC) Chair May spoke to traveling throughout the Country for his employer and to observing revitalization projects and to the need to determine how to handle these issues. He stated that the City is now an inner suburb and spoke to being a destination and to determining whether or not this is a good thing.

Mr. Zimmerman stated that redevelopment is a maturity tool and spoke to determining how to perceive this fitting into the City of Plano. Commissioner Beach stated that without redevelopment decay will be the result, and Commissioner Kezhaya spoke to looking for new projects. Council Member Stahel spoke to needing gathering places and to uses serving as a magnet. Commissioner Kalchthaler spoke to a demographic shift and to the benefits of employment uses. Mayor Evans spoke to avoiding what other cities might have done wrong and to not doing the same thing. Council Member Magnuson spoke to the importance of keeping the core of a city alive, being aware of changing needs and demographics, and to the potential of DART. Deputy Mayor Pro tem Stovall spoke to encouraging Plano as a destination.

Mr. Zimmerman spoke to identifying who the competition will be for Plano. Commissioner Williamson spoke to consolidation occurring and to thinking of what will serve as an attraction and draw people here. Council Member Johnson spoke to finding ways to keeping people here, and Commissioner Flick spoke to the quality of construction being important and to not liking "big boxes."

Commissioner Neukranz spoke to the City's role in redevelopment as being vital. Council Member Magnuson spoke to pulling things together and remaining flexible. Commissioner Flick spoke to entertaining the possibility of public/private ventures. Mayor Pro tem Dyer concurred and spoke to the use of public fund uses for older buildings and needing to discuss this topic. TRC Chair May spoke to different types of redevelopment and working on incoming projects. He stated that everything is related and should all mesh together. Mr. Dyer spoke to the ramifications of scattering or clustering together of ethnic based businesses. Mayor Evans spoke to striving to keep a mix to which Commissioner Flick concurred.

Ms. Jarrell gave an informal quiz to the members after which time they recessed at 2:45 p.m. and reconvened at 2:57 p.m.

Transit Oriented Development and the Application of Transit Oriented Development Principles to Areas near Plano's DART Light Rail

Planner Adams spoke to the relationship between local and regional existence and how to balance competing issues. He spoke to determining a need for transit oriented development and to potential land value increases.

Mayor Evans spoke to recognizing the increased value of the land, staying flexible and stated that it is important to the future of the City for these areas to not become abandoned. Council Member Lambert spoke to the downtown Plano area as being a jewel and to the idea being to get people to come to Plano. Commission Chair Dunlap spoke to this being the end of the line for now.

Council Member Stahel spoke to determining if this type of usage should be integrated or a one person development. Council Member Magnuson spoke to merchants living above their property and to serving different needs and populations. Commissioner Flick spoke to quality of life and to the importance of maintaining safety. Commissioner Smith spoke to businesses being owned by individuals and to the importance of the right kind of development. Council Member Lambert spoke to individuals being concerned with deterioration. Deputy Mayor Pro tem Stovall spoke to capacity of the trains to which Council Member Magnuson stated that DART is addressing the issue.

Mayor Evans spoke to providing high quality shops in east Plano near but not directly in the neighborhoods. Commissioner Kalchthaler spoke to turning lite rail into commuter rail at the Parker Road Station. Commissioner Flick stated that this is a challenge and that for the next fifteen years the Parker Road Station will be the end of the line and further spoke to how to create a destination. Mr. Adams spoke to what the components for this might be to which the members identified entertainment, restaurants, restrooms, people coming from all over, movie theaters, parking places, and good linkage to major assets. Mayor Evans spoke to remaining flexible. Mr. Adams spoke to access as also including bikes, cars, and trains.

Council Member Stahel spoke to bike trails, widening streets to accommodate bikes and to citizen concerns regarding the number of multi-family housing units in the City. He spoke to possibly buying multi family land and converting it to other uses. Mr. Adams spoke to this being new ground for transit oriented discussion.

K Avenue Corridor Streetscape Design and Land Use Issues

Ms. Jarrell spoke to K Avenue as being an original commercial strip and to what challenges are present and why they are important. Council Member Stahel stated that K Avenue is a busy street and a gateway to the center of government. Ms. Jarrell spoke to connecting major employment centers to the downtown area and to this being vital. Commission Chair Dunlap spoke to the downtown area containing multiple identities. Council Member Magnuson spoke to homes being converted to commercial uses in this area.

Ms. Jarrell posed the question of land use being a bigger issue than streetscape. Council Member Lambert spoke to looking at Jupiter Road and spoke to its growth as a north/south corridor to which Commissioner Neukranz spoke to Jupiter Road as a north/south corridor.

Council Member Stahel spoke to the need for signage in the downtown K Avenue area to identify the shops. Ms. Jarrell stated that while the traditional response for this usage is an overlay district, this is not the case here. She responded to the members that usage of underground utilities requires money and spoke to determining what the City's role in this should be. Deputy Mayor Pro tem Stovall spoke to looking at the possibility of public/private partnerships.

Mayor Evans spoke to speaking to developer Robert Shaw regarding leasing problems he is experiencing. She stated that the K Avenue area is not pedestrian friendly, spoke to possibly changing the speed limit and going back to a two-way street with crosswalks. The members spoke to identifying this area from a point beginning with 16th/18th streets to 14th street and wrapping around to L Avenue. Executive Director Turner stated that ideas can be brought forward. Commissioner Neukranz spoke to Jupiter Road becoming a more heavily traveled road as a result of these changes.

Ms. Jarrell reviewed the information on the response cards and advised Mayor Evans that she would compile the results.

Nothing further was discussed. Mayor Evans adjourned the meeting at 4:07 p.m.

Pat Evans, **MAYOR**

Elaine Bealke, CITY SECRETARY

**PLANO CITY COUNCIL
NEIGHBORHOOD ROUNDTABLE
DISTRICT THREE
April 24, 2003**

COUNCIL MEMBERS:

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
John R. Roach, Jr.
Ken Lambert

STAFF:

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

The Plano City Council met informally at 7:15 p.m., Thursday, April 24, 2003, at the Carpenter Park Recreation Center, Second Floor Meeting Room, 6701 Coit Road, Plano, Texas. All Council Members were present with the exception of Mayor Evans and Council Members Magnuson, Roach, and Lambert. Mayor Pro tem Dyer welcomed those in attendance, introduced members of the Council, and identified the Council districts.

Citizens spoke to City build-out datelines, problems with "Robinhood" as it relates to the school district, apartments in the City, and the good job being done at the Citizens Police and Fire Academies.

At the request of Mayor Pro tem Dyer, those in attendance broke into groups to discuss questions given them after which time they reconvened to report the following findings:

Important Issues Facing Plano

Citizens spoke to concerns with City budgetary and spending issues; tax increase issues; traffic issues including problems with traffic volume, large trucks causing problems, signal light coordination issues, problems with confusing signal light tinting at certain intersections, and roads which are too narrow causing problems; retail revitalization issues; code enforcement standards relating to fences, yard maintenance, rental unit inspections issues, and enforcement problems on older homes; insufficient neighborhood policing; quality of the school district; parking problems at the dog park; and senior citizen needs.

Better Service from the City Council/Staff:

Citizens spoke to the need to maintain good access to the City to include providing general information with an e-mail list-serve categorized by department or point of interest; place a cap on apartments; provide plungers in park bathrooms; require better maintenance of closed businesses such as service stations and strip malls; the need to maintain the sidewalks, curbs, and alleys; continue the friendly demeanor; and to the fact that the citizens of Plano are being well cared for (served) now.

Most Important Things Making Plano a Good Place to Live:

Citizens spoke to the Police and Fire Departments providing good services to safeguard public safety; quality family oriented neighborhoods; good schools; good medical services; good park systems; rebuilding the sidewalks and roads; a clean, bright, and pretty city; maintaining a friendly cordial atmosphere at the Municipal Center; good project planning; great responsiveness; the variety of businesses available; good recycling program; good web site with great information; and the overall great quality of City services provided.

Mayor Pro tem Dyer advised that feedback will be provided and invited those in attendance to contact the Council. Nothing further was discussed. The meeting was adjourned at 8:25 p.m.

Phil Dyer, **MAYOR PRO TEM**

ATTEST:

Elaine Bealke, **CITY SECRETARY**

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
April 28, 2003**

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
John R. Roach, Jr.
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
John Gilliam, First Assistant City Attorney
Elaine Bealke, City Secretary

Mayor Evans called the meeting to order at 5:07 p.m., Monday, April 28, 2003, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071, for which a certified agenda is not required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:10 p.m. in the Council Chambers for which the following matters were discussed:

Consideration and Action Resulting From Executive Session Discussion

No items were brought forward.

Recreation Program Internet and Telephone Registration

Parks and Recreation Technology Manager Lingo spoke regarding Leisure Online, provided an on-line demonstration on how to access the City web site, obtain event information, and register for Parks and Recreation courses.

Mr. Lingo guided the Council through various site locations, establishing an online account, and courses coming up which included a site answering "Frequently Asked Questions." He advised the Council that park sites can also be found online. He stated that course information is still sent out in hard copy to individuals who have previously done business with the City of Plano.

Courtyard Theater First Year Report

Performing Arts Manager Wear stated that the first year of the Courtyard Theater was successful and that there were 237 days of rental activities along with \$58,000 in rental income. He stated that the Plano Repertory Theater included 1500 subscribers one year prior to moving to the Courtyard Theater with 4200 subscribers booked the following year. Mr. Wear spoke to the variety of uses, reviewed the list of user groups which included Live From Plano and the Junior League of Plano. He spoke to contributions received from the Plano Arts and Cultural Endowment, new user groups added, number of bookings for the second year, and concert series proposed. Mr. Wear advised the Council that plans for a monument type sign for the Courtyard Theater have been placed on hold due to budgetary constraints.

Comprehensive Monthly Financial Report

Finance Director McGrane presented the Comprehensive Monthly Finance Report for the month of March, reviewed revenues year to date, stated that sales tax was slightly down, and spoke to sales tax comparisons. He spoke to single-family housing starts and reviewed the treasury pool.

Emergency Management Plan Review

Fire Chief Peterson briefed the Council on continued guidelines identifying the arrangements, operations, and responsibilities for the Emergency Management Plan. He spoke to Annex C providing for Shelter and Mass Care, and reviewed the operational concepts and coordinated efforts with the American Red Cross. Chief Peterson spoke to shelter requirements and stated that the Mayor and Council will direct the opening and closing of these facilities.

Chief Peterson spoke to Annex T providing for Donations Management and Volunteer Resources, and reviewed the organizational concept and responsibilities for coordinating efforts between volunteers and local government agencies for receipt and processing of donations. He stated that the Mayor and Council monitor donation management of the volunteer groups and local government.

Chief Peterson spoke to Annex H providing for Health and Medical Services for the coordination of public health and medical services, and reviewed the organizational concept and responsibilities to coordinate efforts between the City emergency organization and medical services agencies.

Chief Peterson stated that the Mayor and Council are responsible for declaring a local state of disaster, and making a request for assistance from the Disaster District Chair in Garland, Texas. He advised the Council that Volunteer Services Manager Popik is doing a fantastic job of keeping the local organizations in the loop with regard to offering assistance. Chief Peterson stated that a functional exercise of the Emergency Management Plan with the state will be conducted later in the summer.

Discussion Regarding Level at Which Council Purchases “Tables”

Council Member Lambert spoke to curtailing expenses for the purchase of tables except when absolutely necessary, one, two or three representatives attending a function, and to meeting with Staff to determine the significance of the event for the Council. Council Member Roach spoke to taking an e-mail poll to determine Council interest. Mr. Lambert spoke to the importance of certain events connected to the Plano Chamber of Commerce functions along with other organizations and to cutting back when possible. Council Member Magnuson spoke to the importance of buying a table for Chamber functions due to the close working relationship between the Chamber and the City. She further spoke to problems associated with cutting back on events and to sitting down with the organization and explaining the budgetary situation to them. Council Member Roach spoke to setting a budget with objective criteria and sticking to it.

Mayor Evans spoke to putting together a proposal after hearing from all Council Members. Deputy Mayor Pro tem Stovall spoke to Council Members serving as ambassadors and to problems with choosing one organization over another. Council Member Stahel spoke to laying out an annual plan starting in the next budget year and to making a reasonable decision as to who and how many will be sent to an event that the City will fund. He stated that those Council Members who wish to attend an event and were not assigned to do so could then attend at their own expense. Mr. Stahel further commented regarding tables not being fully seated. He stated that to him this is an indication that the demand to attend was not present or some other such conflict. Mr. Stahel spoke to Council Members signing up in advance which events they wish to attend.

Council Member Johnson spoke to making a plan and identifying budget numbers and stated that in looking back over the past year there were perhaps a handful of events where it was important that the full Council be in attendance and others where three or four members would have sufficed. Mayor Evans spoke to determining what is crucial. Mayor Pro tem Dyer spoke to determining which events take precedence, setting a budget, and using money from the Council's monthly stipend to pay for the seat. Deputy Mayor Pro tem Stovall spoke to looking to the future and to all Council Members not having the family income to support this type of spending. He spoke to looking at the entire year in advance but to being careful as to how this is done.

Mayor Evans stated that all would agree that certain functions are appropriate to attend. Council Member Lambert spoke to the importance of having a fully seated table.

Council Member Stahel spoke to having Staff advise them if there are any other entities who should be added to the list.

Mayor Evans requested that the Council notify her of their decisions on this matter along with making a complete list and spoke to each Council Member looking at their calendars to see what they have attended in the past.

Personnel Appointments

Keep Plano Beautiful Commission

Upon a motion made by Council Member Stahel and seconded by Council Member Magnuson, the Council voted 8-0 to name Johnye P. Cochran and Wanda Stephens to interim positions.

Public Arts Commission

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to appoint Tony Veal as the ex-officio member representing the Cultural Affairs Commission.

Mayor Evans convened the Preliminary Meeting directly into the Regular meeting on Monday, April 28, 2003, at 7:10 p.m. in the Council Chamber. Remaining Preliminary Items were addressed during that time.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary

PLANO CITY COUNCIL
April 28, 2003

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
John R. Roach, Jr.
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
John Gilliam, First Assistant City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the Preliminary Meeting directly into the Regular meeting on Monday, April 28, 2003, at 7:10 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Dave Jobe, Sr. Pastor of Willow Bend Church.

The Pledge of Allegiance was led by Cub Scout Den #10 of Miller Elementary.

Mayor Evans presented special recognition to James Bollinger (aka Kubota) who was held prisoner during the Korean War. Mayor Evans presented proclamations for "Taiwanese Heritage Week" and the "Council's Volunteer of the Month."

Mayor Evans administered an oath of office to Jerry E. Yancey of the North Texas Municipal Water District Board.

The Council resumed discussion of the Preliminary Open Meeting.

Discussion and Direction re Solicitation Ordinance

Property Standards Director O'Banner spoke to the possibility of creating a "No Solicitation Zone" in the City. She reviewed the current ordinance regulations related to permit requirements, time of day, and location and advised that residential property owners who do not desire to have handbills placed on the premises must post notice.

Ms. O'Banner spoke to current enforcement and advised that if solicitors lack either proper identification, a copy of the permit, or are otherwise violating the ordinance, citations or warnings are issued. She spoke to the process followed when handbills have been placed while residents are away. Ms. O'Banner reviewed penalties for violations and the status of citations. She stated that the Legal Staff has advised that the creation of a "No Solicitation Zone" would be contrary to a U.S. Supreme Court ruling and cases interpreting first amendment issues related to commercial solicitation.

Ms. O'Banner responded to Deputy Mayor Pro tem Stovall, stating that fines would apply individually to each complaint. First Assistant City Attorney Gilliam advised Council Member Lambert that the ordinance does not require "No Solicitation" signs to be bilingual and stated that Staff is confident regarding the enforcement of the current ordinance.

Council Member Roach spoke to reviewing the feasibility of allowing residents to sign up for a "No Solicitation List" which would then be provided to those seeking a permit. Police Legal Advisor Spencer spoke to the list only being provided to commercial solicitors when they apply for a permit. Mr. Spencer responded to Deputy Mayor Pro tem Stovall, stating that Staff would look into the possibility of allowing printed materials to be distributed at a location at the edge of a property, such as near the mailbox.

Mayor Evans spoke to concerned residents posting notice on their property and stated that if a violation occurs citizens should save the handbill and follow through with prosecution. Deputy Mayor Pro tem Stovall spoke to review being a result of a recent Supreme Court ruling.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

Council Member Roach requested that Consent Item "G," resolution regarding adopting the City of Hsinchu, Taiwan as a Sister City, be removed for individual consideration.

Council Reports

Council Member Magnuson spoke regarding recognition of the City of Plano as a contributor to the Plano Symphony Orchestra through cultural arts funding.

Deputy Mayor Pro tem Stovall spoke regarding the Information Technology and Communications Steering Committee of the National League of Cities' upcoming meeting to be held in Plano.

City Manager Muehlenbeck spoke regarding recognition of the City's e-government opportunities.

GENERAL DISCUSSION

Gloria H. Shaw, citizen of the City, spoke regarding the sidewalk repair program and requested information regarding the determination process for replacement. Mayor Evans advised that the City Manager would respond to this request at the next meeting.

James Bollinger (aka Kubota), citizen of the City, stated concerns regarding speeding on his street. He spoke to requiring permits of all solicitors and questioned the affiliation of various charitable organizations. Mayor Evans stated that a Supreme Court ruling states that the City cannot cause charities or religious groups to register and advised citizens to contact the Police Department if property is being removed without permission. She further spoke to contacting the City's hot line to report speeders. First Assistant City Attorney Gilliam advised that questions regarding an organization's affiliation should be brought to the attention of the Police Department.

CONSENT AGENDA

City Secretary Bealke advised that Council Member Roach requested that Consent Agenda Item "G" be removed for individual consideration.

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

Approval of Minutes [Consent Agenda Item (A)]

April 14, 2003

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. C060-03 for Concrete Mix in the estimated annual amount of \$147,000 for the Public Works Department. This will establish an annual contract with two optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. B057-03 for one (1) 15,000 GVWR 4x2 Regular Cab & Chassis w/Contractor Flat Bed Body & Computerized Sprayer w/Water Tank in the amount of \$66,250 for the Landscaping Division. [Consent Agenda Item (C)] (See Exhibit “B”)

Adoption of Resolutions

Resolution No. 2003-4-23(R): To review and approve the City’s written Public Funds Investment Policy; and providing an effective date. [Consent Agenda Item (D)]

Resolution No. 2003-4-24(R): To approve the terms and conditions of a public right-of-way use agreement by and between the City of Plano, Texas and David McDavid Acura, a Texas Limited Partnership, to locate, place, attach, install, operate, and maintain a communications system consisting of conduit and fiber in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (E)]

Resolution No. 2003-4-25(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (F)]

Adoption of Ordinances

Ordinance No. 2003-4-26: To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-102(e) to include the prohibition of motor vehicle parking along the north side of Georgetown Drive from the intersection of Prescott Drive west to the intersection of Vienna Drive between the hours of 7:30 a.m. to 3:30 p.m. on school days; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (H)]

Award of Contract

To approve and authorize for the selection of GSWW, Inc. to provide Professional Engineering Services for an amount not to exceed \$176,500 in connection with the engineering for Infiltration/Inflow (I/I) investigation – Plano Parkway East and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (I)]

Approval of Agreement

To approve the terms and conditions of an Administrative Services Agreement by and between the City of Plano, Texas and Employee Benefits Services, a Division of Harrington Benefit Services, Inc. for providing third party claim administrative services in connection with the operation of the employee health plan for the City of Plano in the estimated annual amount of \$555,072 and authorizing the City Manager to execute all documents necessary to effectuate the service. [Consent Agenda Item (J)]

END OF CONSENT

Resolution No. 2003-4-27(R): To adopt the City of Hsinchu, Taiwan as a Sister City of the City of Plano, Texas, in the United States of America; and providing an effective date. [Consent Agenda Item (G)]

Council Member Roach spoke regarding the background related to adopting Hsinchu, Taiwan as a Sister City and the efforts of the International Relations Advisory Commission.

Upon a motion made by Council Member Roach and seconded by Council Member Magnuson, the Council voted 8-0 to adopt the City of Hsinchu, Taiwan as a Sister City of the City of Plano, Texas, in the United States of America; and providing an effective date; and further to adopt Resolution No. 2003-4-27(R).

Ordinance No. 2003-4-28: To extend until December 31, 2003, the franchise granted to Oncor Electric Delivery Company (formerly Texas Power & Light) to own, operate, and maintain an electric distribution system in the City of Plano; and providing a repealer clause, a severability clause, and an effective date. (Second Reading – First Reading held March 24, 2003) [Regular Agenda Item (1)]

City Manager Muehlenbeck advised that this ordinance would extend the existing franchise with Oncor providing an opportunity to negotiate a new franchise.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to extend until December 31, 2003, the franchise granted to Oncor Electric Delivery Company (formerly Texas Power & Light) to own, operate, and maintain an electric distribution system in the City of Plano; and providing a repealer clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-4-28.

An ordinance to grant to Denton County Electric Cooperative, Inc., d/b/a Coserv Electric, a Texas Corporation, its successors and assigns, a non-exclusive franchise to use the present and future streets, avenues, alleys, roads, highways, sidewalks, easements and other public rights-of-way in the City of Plano, Texas for the purposes of constructing and operating an electric distribution system; setting forth terms and conditions to govern the franchise; providing a repealer clause, a severability clause, a savings clause and an effective date. (First Reading) [Regular Agenda Item (2)]

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to approve granting to Denton County Electric Cooperative, Inc., d/b/a Coserv Electric, a Texas Corporation, its successors and assigns, a non-exclusive franchise to use the present and future streets, avenues, alleys, roads, highways, sidewalks, easements and other public rights-of-way in the City of Plano, Texas for the purposes of constructing and operating an electric distribution system; setting forth terms and conditions to govern the franchise; providing a repealer clause, a severability clause, a savings clause and an effective date.

There being no further discussion, Mayor Evans adjourned the meeting at 7:55 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary

**PLANO CITY COUNCIL
PRELIMINARY AND REGULAR OPEN MEETING
MAY 6, 2003**

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
John Roach, Jr.
Ken Lambert

**Council Members Elected and
Designation of Mayor Pro tem and Deputy Mayor Pro tem**

Shep Stahel, Deputy Mayor Pro tem
Phil Dyer
Steve Stovall, Mayor Pro tem
Jean Callison

Council Members Stepping Down

John Roach, Jr.

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 called the meeting to order at 5:04 p.m., Tuesday, May 6, 2003, in the Council Chambers of the Plano Municipal Center, 1520 K Avenue. All Council Members were present. All newly elected Council Members were present.

Preliminary Open Meeting

Resolution 2003-5-1(R) To canvass the election returns of the Joint General Election of May 3, 2003, for the election of four members of Council (Places 1, 3, 5 and 7) for a term of two years; declaring the results; and resolving other matters on the subject.

Mayor Evans stated that she has asked Council Member Roach and Council Member Magnuson to canvass the votes. City Secretary Bealke read the resolution caption into the record and advised that the records include a memo from Collin County Elections Administration stating that 4,573 ballots were cast in the May 3, 2003 election, a statement from Collin County Elections verifying the tabulated results, and further read into the record the accumulated totals.

Upon completion of the canvass, Council Member Roach stated that they have canvassed the returns of the election and find that all ballot cards are accounted for as certified by the Elections Administrator of Collin County, with a total of 4,573 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the returns of the May 3, 2003, General Election and declaring that Shep Stahel was elected to Place One, Phil Dyer was elected to Place Three, Steve Stovall was elected to Place Five, and Jean Callison was elected to Place Seven for a period of two years. Council Member Magnuson made a second to the motion and the Council voted 8-0, and further adopted Resolution No. 2003-5-1(R).

Mayor Evans thanked Council Member Roach for his service to the City.

Oaths of Office for Newly Elected Council Members:

City Secretary Bealke administered the oath of office to newly elected Council Members Stahel, Dyer, Stovall, and Callison.

Council Member Roach stepped down from the bench. Council Member Callison assumed her place on the bench.

Consideration and Action Resulting From Executive Session Personnel: Mayor Pro tem and Deputy Mayor Pro tem

Mayor Evans stated that the selection of the Mayor Pro tem and Deputy Mayor Pro tem is based on seniority rotation and that it will be unnecessary to convene into Executive Session for discussion of this item.

Upon a motion made by (then) Mayor Pro tem Dyer and seconded by Council Member Magnuson, the Council voted 8-0 to appoint Steve Stovall as Mayor Pro tem.

Upon a motion made by Council Member Lambert and seconded by Council Member Johnson, the Council voted 8-0 to appoint Shep Stahel as Deputy Mayor Pro tem.

Mayor Evans thanked Council Member Dyer for his service to the City as Mayor Pro tem.

Mayor Evans presented proclamations recognizing “Wildflower Week” and “Historic Preservation Week.”

Performing Arts Center Report

Arts of Collin County Steering Committee Chair Steve Matthews spoke to meetings held and stated that the Committee is waiting for potential development regarding City of McKinney participation which is contingent upon voter approval. He stated that the McKinney City Council will make a decision in the next few weeks regarding moving forward with an election.

Mr. Matthews stated that in the interim, the Committee has developed a program of work for 2003, the first of which is the creation of a Local Government Corporation Committee. He stated that their task is to create an interlocal agreement and supporting documents to bind the four cities (Allen, Frisco, McKinney, and Plano) for the long term. Mr. Matthews stated that the City of Allen has been asked to coordinate an additional contract with Theatre Projects Consultants (TPC). He stated that particular attention will be paid to budgetary estimates and that the request has been made for TPC to use a different cost consultant than was previously used.

Mr. Matthews spoke to the Site Selection Committee and stated that this is an assessment committee which will be looking at three preliminary sites located at the northeast, southeast, and northwest corners of Custer Road and Highway 121. He stated that the recommendation is that 100 acres be purchased.

Mr. Matthews spoke to the Architect and Acoustician Selection Committee and stated that members of this Committee may need to travel to selected sites to obtain needed information for the project.

Mr. Matthews stated that a budget of \$197,000 has been identified for these projects, that the Committee is being prudent with spending, and spoke to waiting for action from the City of McKinney in the meantime before spending unnecessary dollars. He spoke to an interlocal agreement between the cities of Allen, Frisco and Plano to provide the dollars for the projects identified tonight and advised the Council that funding participation by the City of McKinney is pending voter approval. City Manager Muehlenbeck stated that this item will be brought forward for Council approval at the next Council meeting.

Discussion and Direction Regarding Chamber of Commerce Use of City Logo

City Manager Muehlenbeck stated that the Plano Chamber of Commerce has requested approval of the use of the “Plano P” logo for the City of Plano on a sign recognizing all the Chamber’s “chairman’s council members” and that he does recommend approval of the request.

Upon a motion made by Mayor Pro tem Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to approve the use by the Plano Chamber of Commerce of the "Plano P" logo for their use as identified.

Council Items for Discussion/Action on Future Agendas

Council Member Lambert spoke to board and commission attendance and to placing an item on a future agenda to determine whether letters should be sent to those members whose attendance falls below 75% by the City Secretary Department or by Council Members themselves.

Consent Agenda

No items were brought forward.

Council Committee Reports

Mayor Pro tem Stovall spoke to a meeting of the Information Technology and Communications Steering Committee of the National League of Cities and to the outstanding job completed by City of Plano Staff.

Mayor Evans requested that the City Secretary provide the Council the list of Council liaisons representing the boards and commissions, community associations, ad hoc committees, and roundtables. She requested that after such time the Council e-mail their requests of preference for representation of these committees as stated in order that this might be addressed at the next Council meeting.

CONSENT AGENDA

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

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. B064-03 for Construction of Kimberlea Water Rehabilitation and Fire Hydrant Installation in the amount of \$1,335,113. [Consent Agenda Item (A)] (See Exhibit "A")

Bid No. B062-03 for Construction of Jupiter Road – Spring Creek Parkway to Chaparral Road in the amount of \$2,213,198. [Consent Agenda Item (B)] (See Exhibit "B")

Adoption of Resolutions

Resolution No. 2003-5-2(R): To approve the terms and conditions of a tender agreement by and between American Manufacturers Mutual Insurance Company and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (C)]

Resolution No. 2003-5-3(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas, and Collin County, Texas, for the improvements to Jupiter Road, from north of Spring Creek Parkway to Timberbrook Drive, and Los Rios Boulevard, from Jupiter Road east to Morton Vale; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (D)]

Adoption of Ordinances

Ordinance No. 2003-5-4: To repeal Section 15-55 of the Plano Code of Ordinances in its entirety; repealing Sections 15-24, 15-56, 15-63 and 15-66 of the Code of Ordinances and replacing with provisions containing new language regarding Parks and Recreation Planning Board responsibilities, sports seasons, scheduling and hours regulating the use of lights for athletic fields, and amending Sections 15-4(7), 15-57(a) and 15-58(7) of the Code of Ordinances for activities relating to the restraint of animals, allocations of facilities, and requirements for organizations using the recreation facilities; providing severability, repealing, savings, penalty and publication clauses, and an effective date. [Consent Agenda Item (E)]

Award of Contract

Approved and authorized a contract with Herman Thompson & Associates to provide Landscape Architectural Services in conjunction with improvements to the Preston Road median in the amount of \$27,000; and to authorize the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (F)]

Approval of Completion Contractor

Approved of Surety's tender of Joe Funk Construction Engineers, Inc. as completing contractor for construction of Pecan Hollow Clubhouse in the amount of \$2,194,603. [Consent Agenda Item (G)]

END OF CONSENT

Nothing further was discussed. Mayor Evans adjourned the meeting at 5:35 p.m.

Pat Evans, **MAYOR**

Elaine Bealke, CITY SECRETARY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Library Administration		Initials	Date
Department Head	Joyce Baumbach	Executive Director	<i>[Signature]</i>	4/30/03
Dept Signature:		City Manager	<i>[Signature]</i>	4/30/03
Agenda Coordinator (include phone #): Mary Ann Dunnivant (Ext. 4208)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT				
<input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING RECEIPT OF A GIFT IN THE AMOUNT OF \$250,000 FROM THE ESTATE OF THELMA RICE SPROLES FOR THE GENERAL BENEFIT AND ENHANCEMENT OF THE PLANO PUBLIC LIBRARY SYSTEM; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE THE GIFT; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	02-03	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	250,000	0
BALANCE		0	250,000	0
FUND(s): SPROLES LIBRARY FUND				
COMMENTS: This item will approve \$250,000 of additional revenue for the general benefit and enhancement of the Plano Public Library System.				
STRATEGIC PLAN GOAL: The receipt of the Gift from the Estate of Thelma Rice Sproles relates to the City's goal of Service Excellence.				
SUMMARY OF ITEM				
This request is made for approval of receipt of a gift in the amount of \$250,000 made to the Plano Public Library System from the Estate of Thelma Rice Sproles for the general benefit and enhancement of Plano Public Library System.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
1. Letter from Tod Aimquist, Attorney at Law dated 1/2/02 2. Application for Probate of Will and Issuance of Letters Testamentary 3. Order Admitting Will to Probate and Authorizing Letters of Testamentary dated 12/19/01.				

TOD ALMQUIST

ATTORNEY AT LAW
907 NORTH DALLAS BANK TOWER
12900 PRESTON ROAD
DALLAS, TEXAS 75230
(972) 458-2161
FAX (972) 458-2452

January 2, 2002

CERTIFIED MAIL P 872 736 200
RETURN RECEIPT REQUESTED

Joyce Baumbach
Library Administration
2501 Coit Road
Plano, Texas 75075

Re: Estate of Thelma Rice Sproles, Deceased
County Court At Law Number One of Collin County, Texas
Cause No. PB001-576-01

Gentlemen:

The purpose of this letter is to provide you with notice in writing, pursuant to Section 128A of the Texas Probate Code, that The Plano Public Library System is named as a devisee in the Will of Thelma Rice Sproles, who died on November 13, 2001.

Enclosed with this notice are copies of the following documents:

- 1) Application For Probate of Will and Issuance of Letters Testamentary.
- 2) Order Admitting Will To Probate and Authorizing Letters Testamentary.
- 3) Last Will and Testament of Thelma Rice Sproles.

Please call with any questions.

Sincerely,


Tod Almquist

TA/da
Encls
cc: Charles M. Rice

ba

NO. PB001-576-01

ESTATE OF)	IN THE COUNTY COURT
)	
THELMA RICE SPROLES)	AT LAW NUMBER <u>1</u>
)	
DECEASED)	SITTING IN PROBATE
)	
)	COLLIN COUNTY, TEXAS

**APPLICATION FOR PROBATE OF WILL AND
ISSUANCE OF LETTERS TESTAMENTARY**

TO THE HONORABLE JUDGE OF SAID COURT:

CHARLES M. RICE ("Applicant"), whose social security number is _____ furnishes the following information to the Court for the probate of the written Will of THELMA RICE SPROLES ("Decedent"), whose social security number is _____ and for issuance of Letters Testamentary to Applicant:

1. Applicant is an individual interested in this Estate, domiciled in and residing at Route 1, Box 18, Gunter, Grayson County, Texas 75058.
2. Decedent died on November 13, 2001, in Plano, Collin County, Texas, at the age of ninety-four (94) years.
3. This Court has jurisdiction and venue because Decedent was domiciled and had a fixed place of residence in this county on the date of death.
4. Decedent owned real and personal property described generally as a home, commercial real estate, farm land, cash, securities, an automobile, and miscellaneous household goods and personal effects of a probable value in excess of \$4,000,000.00.
5. Decedent left a valid written Will ("Will") dated August 14, 1995, which was never revoked and is filed herewith.
6. The subscribing witnesses to the Will and their present residence addresses are SHIRLEY M. ROCHELLE, 170 Pat Drive, Mineola, Texas 75773 and DIANA ALMQUIST, 4612 Yorkshire Trail, Plano, Texas 75093.

The Will was made self proved in the manner prescribed by law.

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7. No child or children were born to or adopted by Decedent after the date of the Will.
8. Decedent was never divorced.
9. A necessity exists for the administration of this estate.
10. Neither the State of Texas nor any governmental agency of the State of Texas is named as a devisee under Decedent's Will. THE PLANO PUBLIC LIBRARY SYSTEM and FIRST CHRISTIAN CHURCH located in Plano, Texas, charitable organizations, are named as devisees under Decedent's Will.
11. Decedent's Will named CHARLES M. RICE to serve without bond or other security as Independent Executor. Applicant would not be disqualified by law from serving as such or from accepting Letters Testamentary, and Applicant would be entitled to such Letters.

Applicant prays that citation issue as required by law to all persons interested in this Estate; that the Will be admitted to probate; that Letters Testamentary be issued to Applicant; and that all other orders be entered as the Court may deem proper.

Respectfully submitted,



TOD ALMQUIST
907 North Dallas Bank Tower
12900 Preston Road
Dallas, Texas 75230
(972) 458-2161
Fax (972) 458-2452
Bar Card No. 01108880

ATTORNEY FOR APPLICANT

b-4

ESTATE OF)	IN THE COUNTY COURT
)	
THELMA RICE SPROLES)	AT LAW NUMBER ONE
)	
)	SITTING IN PROBATE
)	
DECEASED)	COLLIN COUNTY, TEXAS

**ORDER ADMITTING WILL TO PROBATE AND
AUTHORIZING LETTERS TESTAMENTARY**

On this day the Court heard the Application For Probate of Will and Issuance of Letters Testamentary filed by CHARLES M. RICE ("Applicant") in the Estate of THELMA RICE SPROLES, Deceased ("Decedent").

The Court heard the evidence and reviewed the Will and the other documents filed herein and finds that notice and citation have been given in the manner and for the length of time required by law; that Decedent is dead and that four years have not elapsed since the date of Decedent's death; that this Court has jurisdiction and venue of the Decedent's estate; that Decedent left a Will dated August 14, 1995, executed with the formalities and solemnities and under the circumstances required by law to make it a valid Will ("the Will"); that on such date Decedent had attained the age of 18 years and was of sound mind; that the Will was not revoked by Decedent; that no objection to or contest of the probate of the Will has been filed; that all of the necessary proof required for the probate of the Will has been made; that the Will is entitled to probate; that in the Will, Decedent named CHARLES M. RICE, the Applicant, as Independent Executor to serve without bond, who is duly qualified and not disqualified by law to act as such and to receive Letters Testamentary; and that a necessity exists for the administration of this estate.

It is ORDERED that the Will is admitted to probate, and the Clerk of this Court is ORDERED to record the Will, together with the Application in the Minutes of this Court.

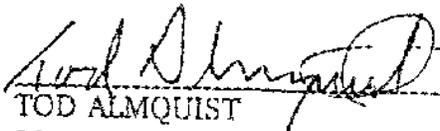
It is ORDERED that no bond or other security is required and that upon the taking and filing of the Oath required by law, Letters Testamentary shall issue to CHARLES M. RICE, who is appointed as Independent Executor of Decedent's Will and Estate, and no other action shall be had in this Court other than the return of an Inventory, Appraisalment, and List of Claims as required by law.

SIGNED this 19th day of December, 2001.

Weldon Copeland / SA

JUDGE PRESIDING

b-5



TOD ALMQUIST
907 North Dallas Bank Tower
12900 Preston Road
Dallas, Texas 75230
(972) 458-2161
Fax (972) 458-2452
Bar Card No. 01108880

ATTORNEY FOR APPLICANT



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING RECEIPT OF A GIFT IN THE AMOUNT OF \$250,000 FROM THE ESTATE OF THELMA RICE SPROLES FOR THE GENERAL BENEFIT AND ENHANCEMENT OF THE PLANO PUBLIC LIBRARY SYSTEM; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE THE GIFT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano Public Library System, has received a gift in the amount of \$250,000 from the Estate of Thelma Rice Sproles for the general benefit and enhancement of the Plano Public Library System; and

WHEREAS, the City Council of the City of Plano, Texas, finds that the public's best interest is served by authorizing receipt of the monies from the Estate of Thelma Race Sproles for the general benefit and enhancement of the Plano Public Library System; and

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF PLANO, TEXAS, RESOLVES THAT:

Section I. The Plano Public Library System, has approval to accept the \$250,000 gift from the Estate of Thelma Rice Sproles. The City Manager or his designee shall execute all necessary documents for receipt of the gift.

Section II. The monies from the gift shall fund the general benefit and enhancement of the Plano Public Library System.

Section III. This Resolution shall become effective immediately upon its passage.

Duly passed and approved this the ____ day of _____, 2003.

Pat Evans, MAYOR

ATTEST:

APPROVED AS TO FORM:

Elaine Bealke, City Secretary

Diane C. Wetherbee, City Attorney

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal <i>JK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Development Business Center		Initials	Date
Department Head	Frank Turner		<i>FT</i>	4/29/03
Dept Signature:		Executive Director	<i>JK</i>	<i>4/29/03</i>
Agenda Coordinator (include phone #):		Lynne Kemper - 7109	City Manager	
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF ALLEN, FRISCO AND PLANO CONCERNING SERVICES AND FUNDING FOR A COLLIN COUNTY CULTURAL ARTS DISTRICT; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0		0	
BALANCE	0		0	
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This Resolution approves the Interlocal Agreement between Allen, Frisco and Plano for services and funding for a Collin County Cultural Arts District.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

C-1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF ALLEN, FRISCO AND PLANO CONCERNING SERVICES AND FUNDING FOR A COLLIN COUNTY CULTURAL ARTS DISTRICT; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Interlocal Agreement between the Cities of Allen, Frisco and Plano concerning services and funding for a Collin County Cultural Arts District, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or, in his absence, an Executive Director, shall be authorized to execute it on behalf of the City of Plano.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the _____ day of _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

RES-APPROVAL

**INTERLOCAL AGREEMENT
BETWEEN THE CITIES OF ALLEN, FRISCO AND PLANO
CONCERNING SERVICES AND FUNDING FOR A
COLLIN COUNTY CULTURAL ARTS DISTRICT**

WHEREAS, the Cities of Allen, Frisco and Plano, Texas, (the "Cities") desire to pool their resources to design and build a Collin County Cultural Arts District ("CCCAD") as a venue for the performing arts; and

WHEREAS, the Cities desire to enter into an agreement (the "Agreement") to establish their respective duties; and

WHEREAS, a steering committee (the "Committee") comprised of members appointed by the Cities will be responsible for retaining one or more consultants and taking such other action as is necessary toward designing and building the CCCAD; and

WHEREAS, the Cities have current revenues available to satisfy their share of the fees and/or expenses incurred pursuant to this Agreement.

NOW, THEREFORE, this Agreement is made and entered into by the Cities of Allen, Frisco and Plano and for the mutual consideration stated herein.

ARTICLE I.

The City of Allen, under the supervision and direction of this Committee, shall seek proposals and enter into an agreement for professional services with one or more consultants for the purpose of selecting a site and starting the project design for shared cultural facilities.

ARTICLE II.

The Committee shall be comprised of one appointee from each of the member Cities. The Committee will start to implement the vision and development program submitted to the Cities in August 2002. All Committee actions shall be by majority vote.

ARTICLE III.

The Cities agree to each contribute **SEVENTY THOUSAND AND 00/100 DOLLARS (\$70,000)** into a fund to be administered by the City of Allen. The cities also agree to transfer to the City of Allen all unexpended funds (\$36,994.67) previously granted in support of the Arts of Collin County and currently administered by the City of Plano. This \$70,000 request is part of the \$177,125 requested by the Committee in 2002 and included in each city's financial plan for the 2002-03 year. These funds shall be used by Allen to pay for consultant services and other related expenses as determined by the Committee. No funds shall be expended for services or products which could not lawfully be paid for by any of the Cities. Total cost under this Agreement shall not exceed **TWO HUNDRED FORTY SEVEN THOUSAND FOUR HUNDRED**

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NINETY-FOUR AND 67/100 DOLLARS (\$247,494.67) without the prior approval of all parties to this Agreement.

ARTICLE IV.

To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use) and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

ARTICLE V.

The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performed in Collin and Denton Counties, Texas and that exclusive venue shall lie in Collin County, Texas.

ARTICLE VI.

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

ARTICLE VII.

This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by all parties.

ARTICLE VIII.

This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. No party will assign or transfer an interest in this Agreement without the written consent of the other parties.

ARTICLE IX.

It is expressly understood and agreed that, in the execution of this Agreement, the parties do not waive, nor shall they be deemed hereby to have waived any immunity or defense that would otherwise be available to them against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do

not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

ARTICLE X.

This Agreement shall be effective upon execution by the parties and shall continue in effect annually until final completion of the consultant's contract. This Agreement shall automatically renew annually during this period.

CITY OF ALLEN, TEXAS, a home-rule
municipal corporation

By: _____
PETER VARGAS
City Manager

APPROVED AS TO FORM:

Pete Smith, City Attorney

CITY OF FRISCO, TEXAS, a home-rule
municipal corporation

By: _____
GEORGE PUREFOY
City Manager

APPROVED AS TO FORM:

Richard Abernathy, City Attorney

CITY OF PLANO, TEXAS, a home-rule
municipal corporation

By: _____
THOMAS H. MUEHLENBECK
City Manager

APPROVED AS TO FORM:

Diane C. Wetherbee, City Attorney

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ACKNOWLEDGEMENTS

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the _____ day of _____, 2003, by PETER VARGAS, City Manager, of the CITY OF ALLEN, TEXAS a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the _____ day of _____, 2003, by GEORGE PUREFOY, City Manager, of the CITY OF FRISCO, TEXAS a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the _____ day of _____, 2003, by THOMAS S. MUEHLENBECK, City Manager, of the CITY OF PLANO, TEXAS a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Solid Waste, Nancy Nevil		Initials	Date	
Department Head	Jimmy Foster		Executive Director	5/16/03	
Dept Signature:	<i>[Signature]</i>		City Manager	5/16/03	
Agenda Coordinator (include phone #): Tiffany Stephens x4264					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS AND COLLIN COUNTY, TEXAS PROVIDING TERMS AND CONDITIONS FOR LANDSCAPE WASTE PROCESSING SERVICES AND COMPOST/MULCH SALES; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

<input type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> OPERATING EXPENSE	<input checked="" type="checkbox"/> REVENUE	<input type="checkbox"/> CIP	
FISCAL YEAR: 02/03	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	112,667	0	112,667
Encumbered/Expended Amount	0	0	0	0
This Item	0	-112,667	0	-112,667
BALANCE	0	0	0	0

FUND(S): **SOLID WASTE FUND**

COMMENTS: Revenue for this item is included in the original budget for Sale/Delivery of Compost to begin in FY 02-03. STRATEGIC PLAN GOAL: Landscape Waste Processing Services relate to City's Goal of "Service Excellence"

SUMMARY OF ITEM

The NTMWD Solid Waste Management Plan calls for a regional composting program which will be operated by the City of Plano. In furtherance of this program, Plano has negotiated an Interlocal Agreement with Collin County to provide landscape waste processing services to the County in return for Collin County's commitment to buy annual quantities of compost and mulch from Plano. This arrangement is a new revenue source.

List of Supporting Documents:

Other Departments, Boards, Commissions or Agencies

d-1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS AND COLLIN COUNTY, TEXAS PROVIDING TERMS AND CONDITIONS FOR LANDSCAPE WASTE PROCESSING SERVICES AND COMPOST/MULCH SALES; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes governmental entities to contract with each other to perform governmental functions and services under the terms thereof; and

WHEREAS, the City Council has been presented a proposed Interlocal Cooperation Agreement by and between the City of Plano, Texas, and Collin County, Texas, providing terms and conditions by which Plano will provide landscape waste processing services to Collin County and Collin County will purchase compost and mulch from Plano, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or, in his absence, an Executive Director should be authorized to execute it on behalf of the City of Plano;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, are hereby in all things approved.

d-2

Section II. The City Manager or, in his absence, an Executive Director is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this _____ day of _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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**INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN
THE CITY OF PLANO, TEXAS AND COLLIN COUNTY, TEXAS
FOR
LANDSCAPE WASTE PROCESSING SERVICES**

THIS AGREEMENT is made and entered into by and between the **CITY OF PLANO**, a home-rule municipal corporation located in Collin and Denton Counties, Texas (hereinafter referred to as "**PLANO**"), and **COLLIN COUNTY**, Texas (hereinafter referred to as "**COUNTY**").

WHEREAS, the Interlocal Cooperation Act, codified as Chapter 791, Texas Government Code, authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, **PLANO** and **COUNTY** are engaged in the governmental function of collecting, transporting and disposing of landscape waste materials within their respective areas; and

WHEREAS, **PLANO** operates a Regional Composting Program for the purpose of diverting landscape waste material from the landfill and recycling the material into mulch and compost products for use in the community, also a governmental function; and

WHEREAS, **COUNTY** desires to divert landscape waste material that it collects to Plano's Regional Composting Facility; and

WHEREAS, **PLANO** and **COUNTY** mutually agree to be subject to the provisions of *V.T.C.A. Government Code §791.001, et seq.*, the Interlocal Cooperation Act, and other applicable sections, statutes, and contracts pursuant thereto; and

WHEREAS, **COUNTY** also desires to contract with **PLANO** to purchase mulch and compost produced at Plano's Composting Facility for the **COUNTY's** use in erosion control and improved stormwater management practices; and

WHEREAS, **COUNTY** has current funds available to satisfy any fees incurred pursuant to this Agreement.

NOW, THEREFORE, **PLANO** and **COUNTY**, for the mutual consideration hereinafter stated, agree as follows:

I.
EFFECTIVE DATE

The effective date of this Agreement shall be May 15, 2003.

II.
TERM

The initial term of this Agreement shall be for a period beginning May 15, 2003, and ending September 30, 2004. Thereafter, upon mutual agreement of the parties hereto, this Agreement may be renewed for five (5) consecutive twelve (12) month terms commencing on October 1 of each year, unless terminated earlier by either PLANO or COUNTY as set forth below.

III.
DUTIES OF PARTIES

1. PLANO will accept from COUNTY yard trimmings, brush, clean wood material, tree trimmings, vegetative material, leaves, grass clippings, mixed yard waste, leaf mulch, shrubbery, sawdust, Christmas trees, wood chips, wood demolition debris (non-painted), wood fence material (non-painted), wood pallets, and tree trunks no greater than eight feet (8') long (hereinafter defined as "Acceptable Materials"). Bodark trunks will be limited to 12" in diameter and root balls will not be accepted.

2. COUNTY will deliver Acceptable Materials to the City's FM 545 Composting Facility, 5304 FM 545, Melissa, Texas (hereinafter "FM 545 Facility") until such time that the City moves its Composting Facility to the 121 Regional Disposal Facility (hereinafter "121 RDF Facility") at which time all deliveries will be made to the 121 RDF Facility. PLANO will provide on-site personnel to receive deliveries and record quantities of Acceptable Materials and to inspect loads for unacceptable or contaminated materials. PLANO will extend hours of operation when special request is made by COUNTY to accommodate emergency response periods.

3. PLANO will issue a receipt to the driver of the delivery truck. The size of delivery will be based upon the cubic yard capacity of the delivery truck. No reductions will be made for partial deliveries. At such time that scales are installed at the FM 545 Facility or the 121 RDF Facility, load size will be calculated by weight.

4. PLANO reserves the right to reject any contaminated loads. Contamination occurs when a material, other than an Acceptable Material (as defined herein) is included in the load. If PLANO determines that a particular load is contaminated, PLANO will immediately attempt to notify the COUNTY Public Works Director, or his designee, and inform him of the contaminated load. PLANO will allow the COUNTY one (1) hour to send a supervisor to the site and conduct an

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inspection of the contaminated load. If the COUNTY can remove the contaminants from the load, PLANO will accept the load for processing, otherwise PLANO may reject the load.

5. PLANO agrees to produce a 50/50 blend of wood mulch and bulk compost (hereinafter "50/50 Blend") for the COUNTY and COUNTY agrees to purchase a minimum of 10,000 cubic yards of 50/50 Blend per year. COUNTY will coordinate a schedule for pickup of the 50/50 Blend with Plano's Compost Operations & Marketing Superintendent throughout the term of this Agreement. COUNTY must give Plano's Compost Operations & Marketing Superintendent at least sixty (60) days advance notice of the volume of 50/50 Blend required by COUNTY.

6. PLANO further agrees to offer other *Plano Pure* products to COUNTY at the same discounted rates charged to Plano City Departments and will offer COUNTY employees *Plano Pure* products at the same prices charged City of Plano employees.

IV. PAYMENT TERMS/ FISCAL FUNDING

COUNTY agrees to pay PLANO a tipping fee of \$2.50 per cubic yard or \$12.00 per ton for each cubic yard or ton of Acceptable Materials COUNTY delivers to the FM 545 Facility or the 121 RDF Facility. These rates will be adjusted annually on October 1 by the net percentage increase or decrease in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Dallas-Fort Worth metropolitan area ("CPI-W") as established by the Bureau of Labor Statistics, U.S. Department of Labor. In no event, shall the tipping rate be increased or decreased more than 3.5% in any given year.

COUNTY also agrees to pay PLANO \$9.00 per cubic yard for each cubic yard of 50/50 Blend purchased from PLANO. PLANO would deliver the 50/50 Blend to the Collin County Material Storage Yard, 4600 Community Blvd. McKinney, Texas, or COUNTY can pick up at the FM 545 Facility or 121 RDF Facility and payment shall be made to PLANO within thirty (30) days of delivery of an invoice.

All fees and costs incurred by either party as a result of its obligations hereunder shall be paid from current revenues legally available to each party respectively. COUNTY and PLANO recognize that the continuation of any contract after the close of any given fiscal year of either Collin County or the City of Plano, whose fiscal years end on September 30th of each year, shall be subject to approval from the respective Collin County Commissioner's Court or Plano City Council. In the event that either the Collin County Commissioner's Court or the Plano City Council does not approve the appropriation of funds for this contract, the contract shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder.

**V.
TERMINATION**

This Agreement may be terminated at any time, with or without cause, by either party giving thirty (30) days advance written notice to the other party. In the event of such termination by either party, COUNTY shall immediately pay all fees and costs, which may be due and owing to City up to the effective date of termination of this Agreement.

**VI.
NOTICE**

Notice as required by this Agreement shall be in writing delivered to the parties via facsimile or certified mail at the addresses listed below:

PLANO

Nancy Nevil
Solid Waste Manager
City of Plano
P. O. Box 860358
Plano, Texas 75086-0358
Telephone (972) 964-4104
Facsimile: (972) 964-4172

COUNTY

Frank Ybarbo
Purchasing Agent
Collin County
314 South Chestnut, #120
McKinney, Texas 75069
(972) 548-4111
(972) 548-4694

Each party shall notify the other in writing within ten (10) days of any change in the information listed in this paragraph.

**VII.
HOLD HARMLESS**

Each party does hereby agree to waive all claims against, release, and hold harmless the other party and its respective officials, officers, agents and employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorneys fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this contract.

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to either party individually under Texas law. PLANO shall be responsible for its sole negligence. COUNTY shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

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**VIII.
ENTIRE AGREEMENT**

This Agreement represents the entire and integrated agreement between PLANO and COUNTY and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

**IX.
VENUE**

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas, and this Agreement is performable in Collin County, Texas. Exclusive venue shall be in Collin County, Texas.

**X.
SEVERABILITY**

The provisions of this agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause, or phrase of this agreement shall be found to be contrary to the law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice of its intent to terminate

**XI.
AUTHORITY TO SIGN**

The undersigned officer and/or agents of the parties hereto are the duly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

**XII.
ASSIGNMENT AND SUBLETTING**

The parties each bind themselves, their respective successors and assigns to this Agreement. The parties further agree that this Agreement will not be assigned or sublet without the prior written consent of both parties, and that the subletting of any right, obligation or duty arising under this Agreement shall not relieve either party from its full obligations as provided by this Agreement.

**XIII.
INTERPRETATION OF AGREEMENT**

This is a negotiated Agreement. Should any part of this Agreement be in dispute, the parties agree that the document shall not be construed more favorably for either party.

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**XIV.
WAIVER**

No covenant or condition of this Agreement may be waived without the express written consent of both parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

EXECUTED in duplicate originals this _____ day of _____, 2003.

CITY OF PLANO, TEXAS

By: _____

Thomas H. Muehlenbeck
CITY MANAGER
P. O. Box 860358
Plano, Texas 75086-0358

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

COLLIN COUNTY, TEXAS

By: _____

Ron Harris
COUNTY JUDGE
210 South McDonald Street
McKinney, TX 75069

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ACKNOWLEDGMENTS

STATE OF TEXAS)
)
COLLIN COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2003, by **RON HARRIS, COUNTY JUDGE OF COLLIN COUNTY, TEXAS**, on behalf of such corporation.

Notary Public, State of Texas

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the _____ day of _____, 2003, by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 05/12/03		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department: Engineering			Initials	Date	
Department Head: Alan L. Upchurch		Executive Director	<i>[Signature]</i>	5/6/03	
Dept Signature: <i>[Signature]</i>		City Manager	<i>[Signature]</i>	5/6/03	
Agenda Coordinator (include phone #): I. Pegues/7198					
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					

CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ORDINANCE NO. 2002-10-19, CODIFIED IN THE CITY OF PLANO CODE OF ORDINANCES UNDER CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, ARTICLE V, STOPPING STANDING AND PARKING, SECTION 12-101, PROHIBITED ON CERTAIN STREETS AT ALL TIMES, TO INCLUDE A PROVISION FOR THE PROHIBITION OF STOPPING, STANDING, OR PARKING OF MOTOR VEHICLES ALONG THE EAST SIDE OF PLEASANT VALLEY DRIVE FROM A POINT ONE THOUSAND THREE HUNDRED EIGHTY (1,380) FEET EAST OF ROUNDROCK TRAIL TO A POINT ONE THOUSAND SEVEN HUNDRED THIRTY (1,730) FEET EAST OF ROUNDROCK TRAIL; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER FOR THE CITY OF PLANO TO CAUSE PLACEMENT OF TRAFFIC CONTROL DEVICES TO GIVE NOTICE OF THE RESTRICTION; AND PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s):

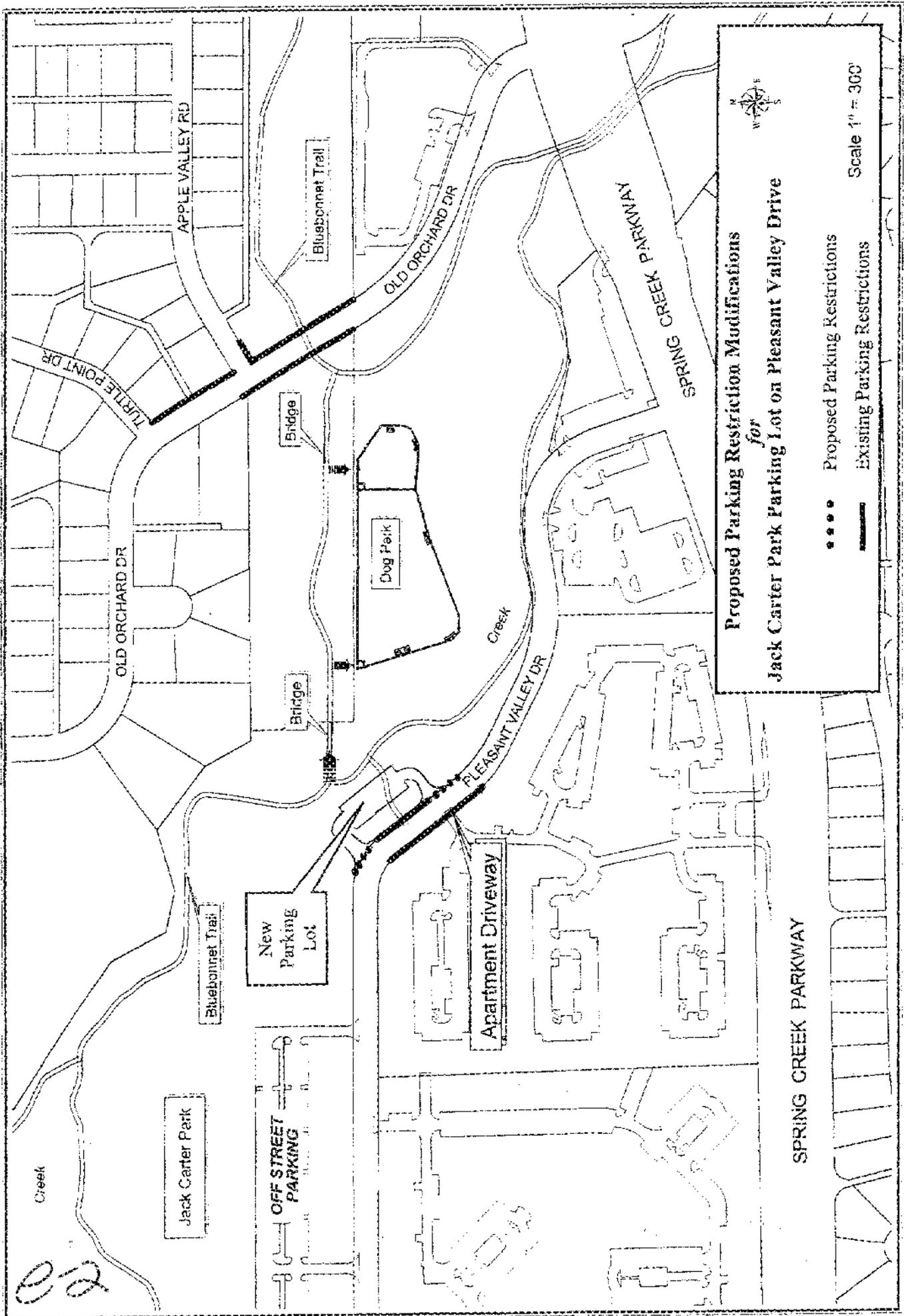
COMMENTS:

SUMMARY OF ITEM

Parking restrictions were enacted along portions of Pleasant Valley Drive, Old Orchard Drive, and Apple Valley Road following the opening of the dog park. The Parks Department is now constructing a parking lot on the east side of Pleasant Valley Road that will have two driveways onto Pleasant Valley Drive. The Transportation Division recommends that the existing parking restriction along the east side of Pleasant Valley Drive be extended to encompass the parking lot driveways to minimize potential visibility obstructions.

List of Supporting Documents: Map	Other Departments, Boards, Commissions or Agencies
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e-1



Proposed Parking Restriction Modifications

for

Jack Carter Park Parking Lot on Pleasant Valley Drive

- Proposed Parking Restrictions
- Existing Parking Restrictions

Scale 1" = 300'



ea

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ORDINANCE NO. 2002-10-19, CODIFIED IN THE CITY OF PLANO CODE OF ORDINANCES UNDER CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, ARTICLE V, STOPPING, STANDING AND PARKING, SECTION 12-101, PROHIBITED ON CERTAIN STREETS AT ALL TIMES, TO INCLUDE A PROVISION FOR THE PROHIBITION OF STOPPING, STANDING, OR PARKING OF MOTOR VEHICLES ALONG THE EAST SIDE OF PLEASANT VALLEY DRIVE FROM A POINT ONE THOUSAND THREE HUNDRED EIGHTY (1,380) FEET EAST OF ROUNDROCK TRAIL TO A POINT ONE THOUSAND SEVEN HUNDRED THIRTY (1,730) FEET EAST OF ROUNDROCK TRAIL; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER FOR THE CITY OF PLANO TO CAUSE PLACEMENT OF TRAFFIC CONTROL DEVICES TO GIVE NOTICE OF THE RESTRICTION; AND PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, Section III of Ordinance No. 2002-10-19 includes a provision that prohibits the stopping, standing, or parking of motor vehicles along the east side of Pleasant Valley Drive from a point one thousand four hundred eighty-five (1,485) feet east of Roundrock Trail to a point one thousand six hundred forty-five (1,645) feet east of Roundrock Trail (from seventy-five (75) feet south of the trail sidewalk to seventy-five (75) feet north of the trail sidewalk); and

WHEREAS, a parking lot is being constructed to serve park patrons in this area and will have driveways onto Pleasant Valley Drive; and

WHEREAS, the Transportation Division recommends extending the stopping, standing or parking restriction to encompass the parking lot driveways; and

WHEREAS, the City Council of the City of Plano finds it necessary to prohibit the stopping, standing or parking of motor vehicles along and upon the specified portions of Pleasant Valley Drive, located within the corporate limits of the City of Plano, in order to provide for the safety and welfare of the general public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ORDAINS THAT:

Section I. The City Council hereby amends sub-section (1) under "*Pleasant Valley Drive*" of Section III of Ordinance No. 2002-10-19 (10-14-02), currently codified under Chapter 12, *Motor Vehicles and Traffic*, Article V, *Stopping, Standing and Parking*, Section 12-101, to read as follows:

"Pleasant Valley Drive

- (1) Along the east side of Pleasant Valley Drive from a point one thousand three hundred eighty (1,380) feet east of Roundrock Trail to a point one thousand seven hundred thirty (1,730) feet east of Roundrock Trail."

Section II. The City Council authorizes and directs the Traffic Engineer for the City of Plano to cause placement of traffic control devices to provide notice of the stopping, standing and parking restrictions along Pleasant Valley Drive.

Section III. City Council intends that this Ordinance, and every provision hereof, is severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance will not affect the validity or constitutionality of any other portion of this Ordinance.

Section IV. Any person, firm, or corporation violating any of the provisions of this Ordinance is guilty of a misdemeanor and, upon conviction in the Municipal Court, is subject to a fine not to exceed **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)** for each offense. Each and every violation constitutes a separate offense.

Section V. This Ordinance becomes effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED this _____ day of _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Public Safety Support/Information Services		Initials	Date	
Department Head	Chip Collins	Executive Director			
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	5/5/03	
Agenda Coordinator (include phone #): Kathy Kargol, ext 7342					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER APPROVAL OF EXPENDITURE

CAPTION

Request Council to approve an expenditure with TriTech Incorporated for an annual software maintenance support agreement on the Police Records Management System in an amount of \$113,662; and authorizing the City Manager or his designee to execute all documents necessary to effectuate the purchase.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2002-03	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	638,077	0	638,077
Encumbered/Expended Amount	0	0	0	0
This Item	0	-113,662	0	-113,662
BALANCE	0	524,415	0	524,415

FUND(S): INFORMATION SERVICES FUND

COMMENTS: Funds are included in the 2002-03 Information Services Fund operating budget. The remaining balance will be used for other maintenance and support for the public safety technology systems.

STRATEGIC PLAN GOAL: This item relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

Public Safety Support recommends Council approve an expenditure of \$113,662 for annual software maintenance support on the Police Records Management System from Mobile Access Systems Incorporated (MASI). This software support will be purchased through the prime contractor, Trittech Incorporated, on behalf of MASI (the subcontractor providing the Police Record Management System) for the first year only as outlined in the Request For Proposal approved by Council on March 4, 2002. (B188-00). For subsequent years, the City will renew maintenance support directly with MASI. Request Council approve this item for a sum of \$113,662 for the first year and at a sum not to exceed an annual 10% increase for two (2) subsequent years subject to the availability and appropriation of funds after the first year. All software maintenance support agreements have been reviewed and approved by the Legal Department and can be referenced in the Public Safety Technology Project Contract, Addendum G (MASI software). TriTech Incorporated is recommended as the selected company resulting from a formal Request for Proposal; therefore, all State law competitive bid requirements have been met.

List of Supporting Documents: Staff Memo dated 4/28/03	Other Departments, Boards, Commissions or Agencies N/A
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B-1

MEMORANDUM

Date: 04/28/2003

To: Bruce Glasscock, Executive Director

From: Earl Atencio

Subject: Police Records Software Maintenance

With the implementation of the new Police Records management system, Council approval is requested to purchase the annual software maintenance support. As of March 24, 2003, the Plano Police Department implemented the core records management system as part of the comprehensive public safety technology improvements. Public Safety Support recommends Council approve an expenditure of \$113,662 for the purchase of annual software maintenance support from Mobile Access Systems Incorporated (MASI). This software support will be purchased through the prime contractor (Tritech Inc.) on behalf of MASI (the subcontractor providing the Police Records management system) for the first year only; for subsequent years the City will renew maintenance support directly with MASI. All software maintenance support agreements have been reviewed and approved by the City's Legal Department and can be referenced in the Public Safety Technology Project contract, Addendum H (MASI software.)

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>DL</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 5/12/03		Reviewed by Legal <i>JG</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	FINANCE		Initials	Date	
Department Head	John McGrane	Executive Director			
Dept Signature:	<i>John McGrane</i>	City Manager	<i>DL</i>	<i>5/6/03</i>	
Agenda Coordinator (include phone #):		Sandy Gaugler X7479			

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

CONSIDER AND TAKE ACTION ON AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF PLANO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS, SERIES 2003; IN THE AMOUNT OF \$3,675,000; AND ENACTING OTHER PROVISIONS RELATING THERETO.

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2002-03	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s): MUNICIPAL DRAINAGE DEBT SERVICE FUND

COMMENTS: The 2002-03 Budget includes an interest payment in the amount of \$90,000 for new debt. The amount of Municipal Drainage Utility System Revenue Bonds being issued is \$3,675,000.

STRATEGIC PLAN GOAL: The issuance of Municipal Drainage Utility System Revenue Bonds relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Ordinance	

**CITY OF PLANO, TEXAS
MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS,
SERIES 2003**

THE ORDINANCE WILL BE AVAILABLE AT THE CITY COUNCIL MEETING ON MAY 12, 2003. THE BONDS AUTHORIZED BY THE ORDINANCE WILL BE PRICED ON MONDAY, MAY 12, 2003. PRICING INFORMATION, INCLUDING INTEREST RATES, FINAL PRINCIPAL AMOUNTS, REDEMPTION TERMS AND TERMS AND PROVISIONS RELATING TO MUNICIPAL BOND INSURANCE, IS EXPECTED TO BE AVAILABLE FROM THE CITY'S FINANCIAL ADVISOR IMMEDIATELY PRIOR TO THE CITY COUNCIL MEETING AND WILL BE INSERTED IN THE FINAL ORDINANCE ADOPTED BY THE CITY COUNCIL.

1-2

NOTE: WE WILL NOT HAVE FINAL PRICES AND ACCOMPANYING
DOCUMENTS UNTIL MAY 12, 2003. IF YOU HAVE QUESTIONS, PLEASE CALL
JOHN MCGRANE AT 972.941.7312.

1-3

Barbara Newell

From: Tom Muehlenbeck
Sent: Wednesday, May 07, 2003 6:34 AM
To: Barbara Newell
Subject: FW: Bond Sale

Additional backup for the bond sale.

Tom

-----Original Message-----

From: John McGrane
Sent: Tuesday, May 06, 2003 4:19 PM
To: Tom Muehlenbeck
Subject: Bond Sale

Tom - The new G.O. issue is for \$20,314,000, The G.O and Water & Sewer Refunding issues are \$42,017,353 and the Municipal Drainage issue is \$3,675,000. The savings for the refunding issues will be approximately \$5.15 million.

John

John F. McGrane

Director of Finance

Phone: (972)941-7312

johnm@plano.gov



1-4

5/7/2003



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>OL</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/03		Reviewed by Legal <i>JD</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	FINANCE		Initials	Date	
Department Head	John McGrath		Executive Director		
Dept Signature:	<i>John McGrath</i>		City Manager	<i>JM</i>	5/6/03
Agenda Coordinator (include phone #):	Sandy Gaugler X7479				

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

CONSIDER AND TAKE ACTION ON AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF PLANO, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2003, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$58,195,000; LEVYING A TAX IN PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2002-03	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s): GENERAL OBLIGATION DEBT

COMMENTS: An estimated interest payment for a \$20,314,000 GO Bond Sale in the amount of \$507,792 is included in the FY 02-03 Budget. The refunding of existing debt along with the new debt issuance will provide an estimated overall savings of \$5.15 million over the life of the loan.

STRATEGIC PLAN GOAL: The issuance and refunding of General Obligation Bonds relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

List of Supporting Documents:

Ordinance

Other Departments, Boards, Commissions or Agencies

**CITY OF PLANO, TEXAS
GENERAL OBLIGATION BONDS, SERIES 2003**

THE ORDINANCE WILL BE AVAILABLE AT THE CITY COUNCIL MEETING ON MAY 12, 2003. THE BONDS AUTHORIZED BY THE ORDINANCE WILL BE PRICED ON MONDAY, MAY 12, 2003. PRICING INFORMATION, INCLUDING INTEREST RATES, FINAL PRINCIPAL AMOUNTS, REDEMPTION TERMS AND TERMS AND PROVISIONS RELATING TO MUNICIPAL BOND INSURANCE, IS EXPECTED TO BE AVAILABLE FROM THE CITY'S FINANCIAL ADVISOR IMMEDIATELY PRIOR TO THE CITY COUNCIL MEETING AND WILL BE INSERTED IN THE FINAL ORDINANCE ADOPTED BY THE CITY COUNCIL.

2-2

NOTE: WE WILL NOT HAVE FINAL PRICES AND ACCOMPANYING
DOCUMENTS UNTIL MAY 12, 2003. IF YOU HAVE QUESTIONS, PLEASE CALL
JOHN MCGRANE AT 972.941.7312.

Barbara Newell

From: Tom Muehlenbeck
Sent: Wednesday, May 07, 2003 6:34 AM
To: Barbara Newell
Subject: FW: Bond Sale

Additional backup for the bond sale.
Tom

-----Original Message-----

From: John McGrane
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Subject: Bond Sale

Tom - The new G.O. issue is for \$20,314,000, The G.O and Water & Sewer Refunding issues are \$42,017,353 and the Municipal Drainage issue is \$3,675,000. The savings for the refunding issues will be approximately \$5.15 million.

John

John F. McGrane

Director of Finance

Phone: (972)941-7312

jmcgr2@plano.gov



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5/7/2003



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 05/12/03		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Planning		Initials	Date	
Department Head	Phyllis Jarrell		Executive Director	<i>[Signature]</i> 5/16/03	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 5/16/03	
Agenda Coordinator (include phone #): L. Jobe/7165					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER PUBLIC HEARING

CAPTION

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE FOR ZONING CASE 2002-67 - AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, SO AS TO REZONE 16.8± ACRES OUT OF THE G.W. BARNETT SURVEY, ABSTRACT NO. 45 AND THE ALEX BERRY SURVEY, ABSTRACT NO. 80, LOCATED ON THE WEST SIDE OF K AVENUE BETWEEN PARK BOULEVARD AND PARKER ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-23-LIGHT COMMERCIAL TO CORRIDOR COMMERCIAL; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE. APPLICANT: CITY OF PLANO. TABLED 03/24/03.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S):

COMMENTS:

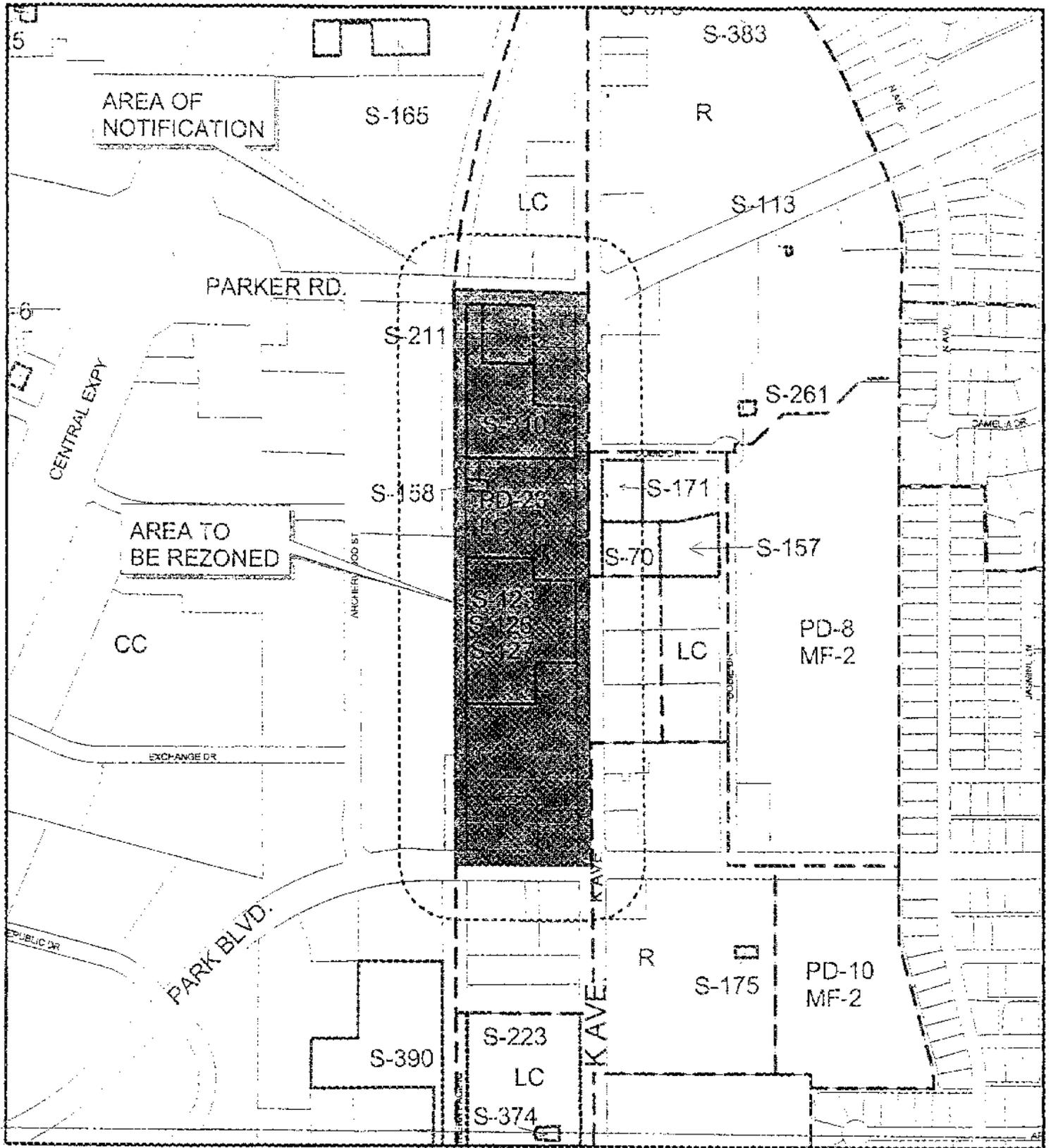
SUMMARY OF ITEM

The City Council tabled this item on March 24, 2003, to allow for discussion of Transit-Oriented Development at their retreat on April 23, 2003.

List of Supporting Documents:

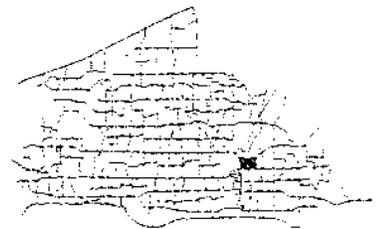
Follow-up Memo and Staff Report

Other Departments, Boards, Commissions or Agencies



**ZONING CASE
2002-67**

EXISTING ZONING:
PD-23-LC w/S-211, 310,
158, 123, AND 127



200' Notification
Buffer

March 4, 2003

TO: Honorable Mayor & City Council

FROM: Lee Dunlap, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of March 3, 2003

At its meeting of March 3, the Planning & Zoning Commission took action on the following:

Public Hearing: Zoning Case 2002-67

Applicant: City of Plano

DESCRIPTION:

Request to rezone 16.8+ acres along the west side of K Avenue between Park Boulevard and Parker Road **from** Planned Development-23-Light Commercial **to** Corridor Commercial. Zoned Planned Development-23-Light Commercial with Specific Use Permits #123, #136, #127, #158, #211, and #310. Neighborhood #59. Tabled 01/21/03, 02/03/03, and 02/17/03.

APPROVED: 7-1 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **FAVOR:** 2 **OPPOSE:** 1

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

The Commissioner voting in opposition, had concerns about the Transit Overlay District (ZC2002-68); a related case.

FOR CITY COUNCIL MEETING OF: March 24, 2003 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

GA/dw

xc: Lanae Jobe, Sr. Administrative Assistant

CITY OF PLANO
PLANNING & ZONING COMMISSION

March 3, 2003

Agenda No. 5

Public Hearing: Zoning Case 2002-67

Applicant: City of Plano

DESCRIPTION:

A request to rezone 16.8+ acres along the west side of K Avenue between Park Boulevard and Parker Road, **from** Planned Development-23-Light Commercial **to** Corridor Commercial. Zoned Planned Development-23-Light Commercial with Specific Use Permits #123, #136, #127, #158, #211, and #310. Neighborhood #59. Tabled 01/21/03, 02/03/03, and 02/17/03.

REMARKS:

This item was tabled at the February 17, 2003, meeting and must be removed from the table.

This zoning request proposes to rezone a portion of Planned Development-23-Light Commercial (PD-23-LC) to Corridor Commercial (CC). The request is a companion case to Zoning Cases 2002-68 and 2002-69 that are being considered in order to facilitate transit-oriented development around the Parker Road DART Station. The Corridor Commercial district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors.

The CC district generally allows the uses and density appropriate for transit-oriented development. CC zoning allows for higher intensity office and commercial uses. The maximum height is 20 stories. However, the maximum height allowed varies depending on the property's proximity to residential districts.

Existing Land Use

The majority of the property is the Parker Road DART Station. In addition to the transit facility, the existing uses within the area of this request include retail uses, major and minor automotive repair uses, and a mini-warehousing facility. Some of the existing uses within the area have been granted Specific Use Permits (SUPs). The case proposes to continue the existing SUPs.

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Surrounding Land Use and Zoning

The property to the west of this area proposed for rezoning is presently zoned CC. Some of these CC properties have been developed for retail uses, and some of the properties are undeveloped. The majority of the properties to the north, east, and south are zoned PD-23-LC and Light Commercial (LC). They are developed for a range of uses including minor automobile repair, drive-thru restaurants, and retail shopping centers. The properties to the northeast and southeast are zoned Retail (R). These properties being used for shopping center, minor automobile repair, convenience store and drive-thru restaurant uses.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this area as General Commercial (GC). The GC land use designation is intended to provide for a wide range of retail, service, office, light production, and research and development uses. CC zoning is consistent with this land use designation.

Adequacy of Public Facilities - Access to the property will be provided from K Avenue, Park Boulevard, and Parker Road. This property is adjacent to the DART right-of-way thus providing an opportunity for pedestrian access to the property from the station. Water and sewer services are generally available to the area from K Avenue.

Traffic Impact Analysis (TIA) - A TIA is not required with this rezoning request since the majority of the property being rezoning is already developed.

SUMMARY:

This zoning case proposes the extension of the boundaries of the CC district, since this district generally allows the uses and density appropriate for transit-oriented development. CC zoning allows for higher intensity office and commercial uses. The maximum height is 20 stories. However, the maximum height allowed varies depending on the property's proximity to residential districts.

This extension would facilitate the implementation of the overlay district being proposed for the area (Zoning Case 2002-69). This extension covers the property bounded by Parker Road on the north, K Avenue on the east, Park Boulevard on the south, and the DART Rail right-of-way on the west.

All specific use permits existing in the area will be required and shall remain in effect with this proposed rezoning.

RECOMMENDATION:

Recommended for approval as submitted.

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ORDINANCE NO. _____
(Zoning Case 2002-67)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, SO AS TO REZONE 16.8± ACRES OUT OF THE G.W. BARNETT SURVEY, ABSTRACT NO. 45 AND THE ALEX BERRY SURVEY, ABSTRACT NO. 80, LOCATED ON THE WEST SIDE OF K AVENUE BETWEEN PARK BOULEVARD AND PARKER ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-23-LIGHT COMMERCIAL TO CORRIDOR COMMERCIAL; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2003, for the purpose of considering rezoning 16.8± acres out of the G.W. Barnett Survey, Abstract No. 45 and the Alex Berry Survey, Abstract No. 80, located on the west side of K Avenue between Park Boulevard and Parker Road in the City of Plano, Collin County, Texas, from Planned Development-23-Light Commercial to Corridor Commercial; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2003; and

WHEREAS, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 86-3-14, as the same has been heretofore amended, is hereby further amended so as to rezone 16.8± acres out of the G.W. Barnett Survey, Abstract No. 45 and the Alex Berry Survey, Abstract No. 80, located on the west side of K Avenue between Park Boulevard and Parker Road in the City of Plano, Collin County, Texas, from Planned Development-23-Light Commercial to Corridor Commercial, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

3-8

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a 16.8± acre tract of land situated in the G.W. Barnett Survey, Abstract No. 45 and the Alex Berry Survey, Abstract No. 80, Collin County, Texas, and being more particularly described as follows:

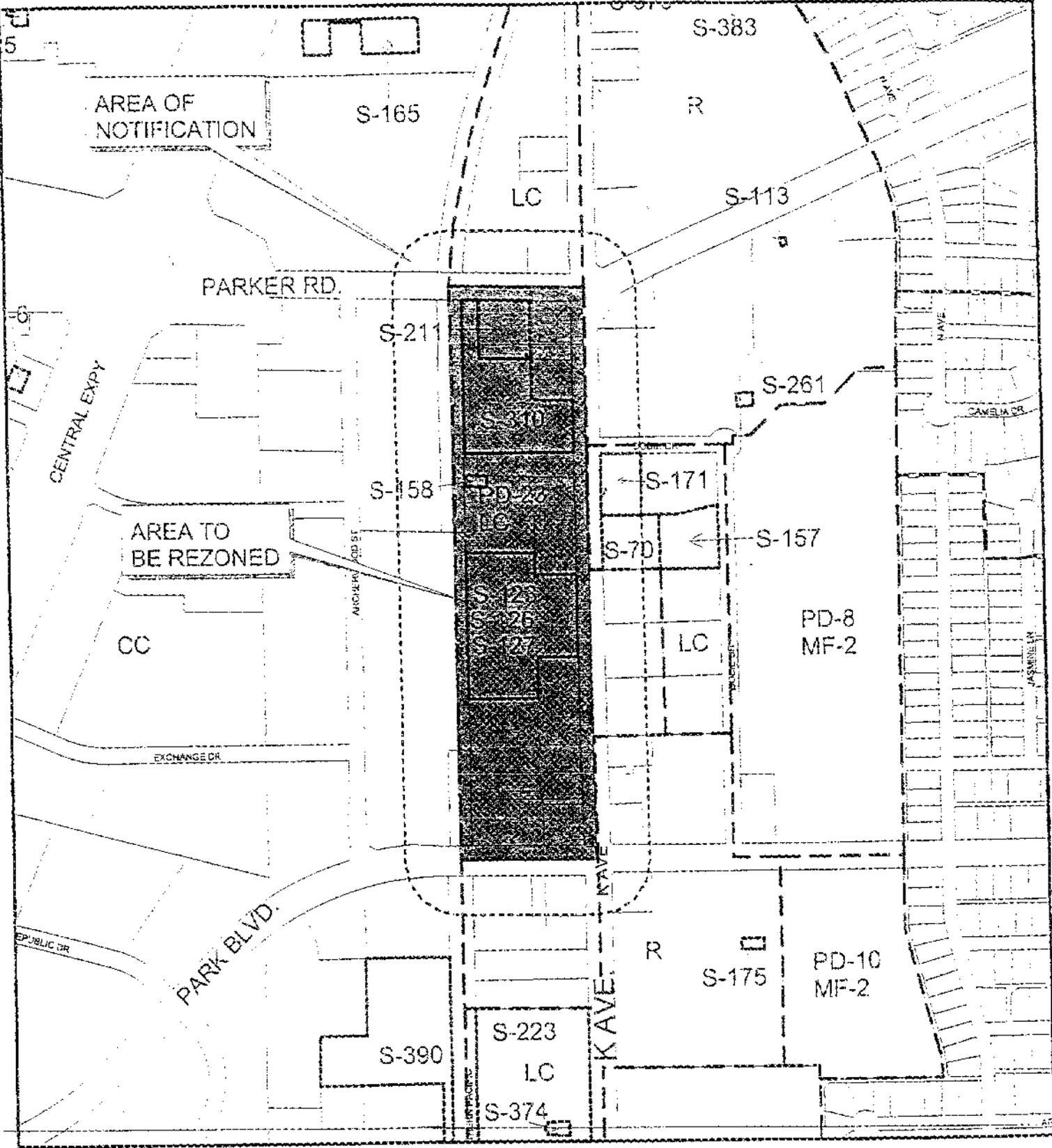
BEGINNING at the intersection of centerline of K Avenue with the centerline of Park Boulevard;

THENCE continuing North along the centerline of K Avenue, a distance of 2,080 feet to a point for a corner;

THENCE continuing West along the centerline of Parker Road, a distance of 505 feet to a point for a corner;

THENCE continuing South along the centerline the Dallas Area Rapid Transit (DART) right of way, a distance of 2,085 feet to a point for a corner;

THENCE continuing East along the centerline of Park Boulevard, a distance of 503 feet to the point of beginning.



**ZONING CASE
2002-67**

EXISTING ZONING:
PD-23-LC w/S-211, 310,
158, 123, AND 127



200' Notification
Buffer



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	05/12/03	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning	Initials	Date	
Department Head	Phyllis Jarrell	Executive Director	5/16/03	
Dept Signature:	<i>P. Jarrell</i>	City Manager	5/16/03	
Agenda Coordinator (include phone #): L. Jobe/7165				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PUBLIC HEARING				
CAPTION				
PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE FOR ZONING CASE 2002-68 - AN ORDINANCE OF THE CITY OF PLANO CREATING SECTION 4-1000 (TRANSIT OVERLAY DISTRICT) OF ARTICLE 4 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, TO ESTABLISH A TRANSIT OVERLAY DISTRICT; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE. APPLICANT: CITY OF PLANO. TABLED 03/24/03.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
The City Council tabled this item on March 24, 2003, to allow for discussion of Transit-Oriented Development at their retreat on April 23, 2003.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Follow-up Memo and Staff Report				

March 4, 2003

TO: Honorable Mayor & City Council
FROM: Lee Dunlap, Chairman, Planning & Zoning Commission *LD*
SUBJECT: Results of Planning & Zoning Commission Meeting of March 3, 2003

At its meeting of March 3, the Planning & Zoning Commission took action on the following:

Public Hearing: Zoning Case 2002-68

Applicant: City of Plano

DESCRIPTION:

A request to amend the Zoning Ordinance to add Section 4-1000 to Article 4 to establish a Transit Overlay District (TOD). Tabled 02/17/03.

APPROVED: 7-1 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

The Commissioner voting in opposition, stated multiple concerns, including problems with the recommended parking, facade requirements, height, and uses.

4-1000 TRANSIT OVERLAY DISTRICT (TOD)

4-1001 Purpose

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

4-2

4-1002 Applicability

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

4-1003 Use Regulation

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

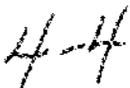
1. Additional Uses: Multi-family uses, developed in accordance with Subsection 4-1004 below, shall be allowed as an additional use.
2. Prohibited Uses: The following uses will be prohibited within the TOD:
 - Cemetery/Mausoleum
 - Farm, Ranch, Garden or Orchard
 - Golf Course/Country Club (Private)
 - Open Storage
 - Electrical Substation
 - Sewage Treatment Plant
 - Water Treatment Plant
 - Flea Market
 - Garden Center
 - Portable Building Sales
 - Fairgrounds/Exhibition Area
 - Mortuary/Funeral Parlor
 - Theater (Drive-in)
 - Trailer Rental

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

4-1004 Development Standards

Development or redevelopment shall meet the following development standards:

1. Multi-family Use: Multi-Family use shall be permitted in the overlay district either as a primary or accessory use. This use shall be permitted in accordance with the following stipulations and numbers 2 through 7 of this section:
 - a. The cumulative number of multi-family units allowed within the overlay district shall not exceed 25 units per acre of the transit overlay district.
 - b. Multi-family units shall be developed at a density not lower than 40 units per acre, but not greater than 100 units per acre.
 - c. No building, excluding parking structures, shall have more than 60% of its total linear ground floor frontage on public streets devoted to residential use.



- d. No more than 200 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-ways.
 - e. The requirements in Subsection 3-104 (Multi-Family Residence) shall not apply.
2. Building Setbacks: Buildings within the overlay district are to be located close to streets and public ways. The front building setback is measured from the back of the curb to the nearest projecting face of the structure. The side and rear building setbacks are measured from the nearest projecting face of the structure to the property line.
- a. Front Yard Setback (along Type "E" or smaller roadways):
 - i. For buildings four stories or 70 feet tall and below - 15 feet (minimum) and 20 feet (maximum).
 - ii. For buildings taller than four stories or 70 feet - 20 feet (minimum) and 25 feet (maximum).
 - b. Front Yard Setback (along Type "D" or larger roadways):
 - i. For buildings four stories or 70 feet tall and below - 30 feet (minimum) and 40 feet (maximum).
 - ii. For buildings taller than four stories or 70 feet - 40 feet (minimum) to 45 feet (maximum).
 - c. Minimum Side Yard Setback - None.
 - d. Minimum Rear Yard Setback - None.
 - e. Minimum Development Street Frontage: A minimum of two thirds of the building's face along the street frontage shall be within the appropriate setback range as defined in Subsections (a) and (b) above. The remaining 1/3 of the facade may exceed the maximum setback requirement.

- f. Setback Encroachment: Building features may encroach into the setback area a distance up to five (5) feet from the building face. A minimum five (5) foot wide area of the sidewalk must be maintained clear of encroachments. These features may include, but are not limited to the following:
 - i. Stoops
 - ii. Planters
 - iii. Chimneys
 - iv. Bay windows
 - v. Awnings
 - vi. Balconies
 - vii. Porches
 - viii. Pilasters
 - ix. Canopies
 - x. Tower elements
 - xi. Eaves
3. Sidewalk: The area for sidewalks within the TOD shall be a minimum of 10 feet wide. Street trees may be placed in the first five (5) feet adjacent to the curb. The second five (5) feet shall be for sidewalk pavement only.
4. Maximum Lot Coverage: Maximum lot coverage shall be 100%.
5. Maximum Height: Maximum height within the overlay district shall be 20 stories (not to exceed 320 feet). Building height shall comply with the requirements of the Zoning Ordinance, Subsection 2-828 (Corridor Commercial), C. (Area, Yard & Bulk Requirements), 10. (Setbacks from Residential Districts).
6. Floor Area Ratio (FAR): Maximum floor area ratio shall be 10:1.

7. Parking: Minimum parking requirements are as follows:
- a. Non-residential Parking: Parking for non-residential uses shall be provided at the rate of one space per each 300 square feet.
 - b. Multi-family Parking: Parking for multi-family uses shall be provided as follows:
 - i. One bedroom or less - one parking space per unit
 - ii. Two bedrooms - 1½ parking spaces per unit
 - iii. Three bedrooms or more - two parking spaces per unit

4-1005 Design Criteria

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

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

2. Materials - All building facades, including parking structure facades or as noted otherwise, shall comply with the following material standards:
 - a. Seventy-five percent (75%) of all facades shall consist of glass, fired clay brick, native stone, cast stone, glazed tile, cementitious lap siding or a combination of these materials. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes may be used on the remaining 25% of any exposed exterior wall. The Planning & Zoning Commission may allow, at its sole discretion, the use of concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building or group of buildings.
 - b. Glass requirements
 - i. The maximum reflectance of glass and glazing for all structures shall not exceed thirty percent (30%).
 - ii. For all non-residential structures, except excluding parking structures, a minimum of forty percent (40%) of the ground floor façade shall be glass windows, glass doors and/or display windows. For purposes of this section, the ground floor façade is that portion of the building façade from the street-level finish floor elevation to the greater of the finish floor elevation of the second floor or to the line 12½ feet above the ground floor finish floor elevation.
3. Architectural Features - Three or more different architectural features shall be incorporated into all facades except parking structure facades. Acceptable architectural features shall include, but are not limited to: balconies, awnings/canopies, entry stair/stoop, bay windows, dormers, arches, recessed entries, projecting vestibules, arcade walkways and/or court yards/public spaces.

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4. Screening - Loading docks or spaces, service yards and trash collection facilities, (dumpsters, compactors, and related devices) shall be screened from streets and the DART right-of-way. The Planning & Zoning Commission may require wing walls or other techniques to visually screen these areas from streets and DART right-of-way.
- 4-1006 The landscape requirements in Section 3-1200 (Landscaping Requirements) shall not apply. Street trees shall be required for property within the overlay district with street frontage. Trees with planting beds or tree grates must be placed within a minimum distance of five (5) feet from the back of the street curb. A minimum of one tree shall be provided for not less than every 40 linear feet of street frontage.
- 4-1007 Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs. Temporary lines extended across another property to reach a site under development may remain above ground until development or redevelopment of that property occurs. Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights-of-way, and/or easements may remain and may be repaired, replaced or upgraded. A fifteen-foot (15) wide easement shall be provided adjacent to thoroughfare rights-of-way (Type "D" and above) for the underground placement of electrical utility and/or communications lines.
- 4-1008 All signs within the overlay district shall comply with the following:
1. Signs within the overlay district shall comply with standards applicable to "Area A" in Subsection 3-1605 (Downtown Sign District).
 2. Monument signs shall be permitted along Type "C" roadways. Monument signs shall comply with Sub-section 3-1603 B. 4. (Identification Signs).

FOR CITY COUNCIL MEETING OF: March 24, 2003 (To view the agenda for this meeting, see www.planobx.org)

PUBLIC HEARING - ORDINANCE

GA/dw

xc: Lanae Jobe, Sr. Administrative Assistant

CITY OF PLANO
PLANNING & ZONING COMMISSION

March 3, 2003

Agenda No. 6

Public Hearing: Zoning Case 2002-68

Applicant: City of Plano

DESCRIPTION:

A request to amend the Zoning Ordinance to add Section 4-1000 to Article 4 to establish a Transit Overlay District (TOD). Tabled 02/17/03.

REMARKS:

This zoning request is a companion case to Zoning Cases 2002-67 and 2002-69. It proposes a new Transit Overlay District (TOD) that can be applied to appropriate areas surrounding rail transit stations. The TOD is intended to create a transit-oriented land use strategy to accommodate development near DART light rail stations and complimentary uses, with safe and convenient vehicular, bike, and pedestrian access.

Background

The Parker Road Station Study was originally completed in 1998. This study made recommendations regarding the land use for the area immediately around the station. The City also subsequently completed the City Center Plan. These two studies included recommendations regarding the need for transit-oriented development around the DART Stations in Plano.

In an effort to implement the recommendations of the above mentioned plans, City Council made the Parker Road Station Study a high priority item for the Planning & Zoning Commission. The Transit Overlay District is the first of several recommendations to be addressed. Staff will continue to work with the Planning & Zoning Commission to implement additional recommendations for the property around the Parker Road Station.

Research

Staff researched numerous resources to gather information on transit-oriented development. Literature from authors Peter Calthorpe and Robert Cervero was reviewed for general concepts regarding transit-oriented development. Additionally, staff researched transit overlay ordinances from cities and other jurisdictions including:

4-10

Irving, TX
Seattle, WA
Hillsboro, OR
Durham, NC
Phoenix, AZ
Beavercreek, OH
Vancouver, BC
Prince William County, VA
Rogue Valley Transportation District, OR

Additionally, staff held two meetings with the property owners within the proposed overlay district and three meetings with homeowners adjacent to the study, namely in the Haggard Addition neighborhood.

Staff also met extensively with the Planning & Zoning Commission on this item. Meetings included 11 work sessions, three public hearings, and one tour of existing DART Stations.

Transit-Oriented Development

Transit-oriented developments are characterized by a mixture of compatible land uses within high-density, clustered buildings in close proximity to transit centers. This compact style of development is less dependent on the automobile and more reliant on other modes of transportation. Through the use of reduced setbacks, wide sidewalks, and appropriate scale of design, transit-oriented development encourages increased pedestrian activity, and thereby reduces the demand on roadway infrastructure.

Overlay Zoning District

The proposed Transit Overlay District regulations most closely resemble the Corridor Commercial zoning district in terms of height, range of uses, and height setbacks from residential properties. In the North Central Corridor, it is likely that CC will be the underlying zoning for the majority of properties with a TOD. However, the district may be applied to properties with other base zoning districts.

Key Components

The following are the key components of the proposed TOD.

Purpose - The purpose of the overlay district is to provide appropriate use and design standards for properties located in proximity to light rail stations. These standards recognize the importance of creating transit-friendly development patterns

4-11

Use Regulations - Most uses within the overlay district shall be allowed in accordance with the uses permitted in the CC zoning district. This includes the uses that would be allowed by specific use permit (SUP). Exceptions include:

1. *Additional Uses* - Multi-family use is proposed as an allowed use within the TOD. A mix of uses including residential, is critical to the success of transit-oriented development. This district is intended to be "generic" in that it may be applied in other appropriate areas of the city; therefore, staff is suggesting that the maximum number of multi-family dwelling units should be a function of the size of the TOD being considered. The proposed ordinance establishes the density of multi-family uses to not less than 40 units per acre, but not more than 100 units per acre; however, the total number of multi-family units is limited to 25 dwelling units per acre of the total area of any individual overlay district.
2. *Prohibited Uses* - Several uses that are allowed in the CC district are to be prohibited in the overlay district. The prohibited uses are primarily automobile related uses and uses requiring open storage. Convenience stores will be permitted within the overlay district, however fuel-dispensing facilities will be prohibited.

Development Standards - The TOD proposes new setback, height, density and parking standards appropriate for compact development. Development or redevelopment shall meet the following development standards:

1. *Building Setbacks* - Setbacks will be established to allow buildings to be built closer to streets. The setback requirements are adjusted based on the type of roadway the building is adjacent to.
2. *Sidewalks* - The area for sidewalks within the TOD will be a minimum of ten feet wide. Street trees may be placed within the first five feet adjacent to the curb. The second five feet will be for sidewalk pavement only.
3. *Maximum Lot Coverage* - Maximum lot coverage of 100% shall be permitted within the overlay district.
4. *Floor Area Ratio (FAR)*: - The FAR for the overlay district is recommended at 10:1 to provide a balance between height and coverage provisions.
5. *Parking* - Parking for non-residential uses is required at the minimum rate of one space per 300 square feet. The TOD will encourage a more "urban" form of development. This style of development usually does not require the parking standards associated with typical suburban development. Furthermore, by having a mix of uses in such close proximity to the DART station, trips to and from this area may depend more on mass transit instead of personal automobiles. Multi-family represents an opportunity for shared parking with transit uses during normal work hours; office development would not.

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Design Criteria - The design criteria section proposes standards to establish the built environment of the TOD. Standards are proposed to enhance the aesthetics of the TOD by encouraging facade articulation. This articulation can be achieved through "offsets" in the facade, or by variation in the building material used on the facade. The design criteria stipulate the minimum dimension and minimum frequency for offsets if they are used to articulate the facade. Variation in architectural style may also be used to articulate facades. The design criteria also outline appropriate building materials and architectural features to be used on facades within the overlay district.

Landscaping - Since the TOD is intended to allow buildings closer to the street, properties fronting smaller roadways (Type E and below) are exempt from the landscaped edge requirements. The TOD proposes, however, that street trees be planted adjacent to the curb at a maximum spacing of 40 linear feet.

Underground Utilities - Electrical and/or communication utilities shall be required to be placed underground.

Signs - Signs allowed in the TOD will be compatible with areas of high pedestrian traffic. The standards used are those adopted for the "core" area (Area A) of the Downtown Sign Ordinance.

Open Space - The overlay district does not state minimum open space requirements. The district would benefit more from larger contiguous areas of open space rather than smaller areas created by individual developers. This approach does not preclude individual developments from having courtyards and other open spaces. Staff will continue discussion with other departments to develop an approach that would provide open space for the TOD.

Citizen Input

Staff met with the Executive Board of the Plano Developers Council, the Plano Homeowners' Council and the Plano Home Owners Focus Group. A summary of the input from these groups is attached for your information.

SUMMARY:

The TOD provides appropriate use and design standards for properties located in proximity to light rail stations. These standards recognize the importance of creating transit-friendly development patterns.

Many key issues have been evaluated during the course of this project. One of these is the inclusion of residential uses in the overlay district. This ordinance provides for multi-family uses because multi-family densities maximize the number of residents who walk to a rail station and who help to support commercial uses. Provisions have been included to restrict the number of units within a TOD.

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The TOD proposes detailed design regulations. These regulations have been added to ensure construction of high-quality buildings that will enhance the pedestrian-oriented atmosphere of the TOD.

RECOMMENDATION:

Recommended for approval as follows:

4-1000 TRANSIT OVERLAY DISTRICT (TOD)

4-1001 Purpose

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

4-1002 Applicability

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

4-1003 Use Regulation

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

1. Additional Uses: Multi-family uses, developed in accordance with Subsection 4-1004 below, shall be allowed as an additional use.
2. Prohibited Uses: The following uses will be prohibited within the TOD:
 - Cemetery/Mausoleum
 - Farm, Ranch, Garden or Orchard
 - Golf Course/Country Club (Private)
 - Open Storage
 - Electrical Substation
 - Sewage Treatment Plant

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Water Treatment Plant
Flea Market
Garden Center
Portable Building Sales
Fairgrounds/Exhibition Area
Mortuary/Funeral Parlor
Theater (Drive-in)
Trailer Rental
Automobile Leasing/Renting
Automobile Repair/Major
Automobile Repair/Minor/Service Station
Automobile Storage
Car Wash
New Car Dealer
Used Car Dealer
Recreation Vehicle sales and Service (New/Used)
Tire Dealer (No Open Storage)
Truck/Bus Leasing
Truck Terminal
Cabinet/Upholstery Shop
Mini-Warehouse Public Storage
Office Showroom/Warehouse
Limited Assembly and Manufacturing

4-1004 Development Standards

Development or redevelopment shall meet the following development standards:

1. Multi-family Use: Multi-family use shall be permitted in the overlay district either as a primary or accessory use. This use shall be permitted in accordance with the following stipulations and numbers 2 through 7 of this section:
 - a. The cumulative number of multi-family units allowed within the overlay district shall not exceed 25 units per acre of the transit overlay district.

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- b. Multi-family units shall be developed at a density not lower than 40 units per acre, but not greater than 100 units per acre.
 - c. No building, excluding parking structures, shall have more than 60% of its total linear ground floor frontage on public streets devoted to residential use.
 - d. No more than 200 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-ways.
 - e. The requirements in Subsection 3-104 (Multi-Family Residence) shall not apply.
1. **Building Setbacks:** Buildings within the overlay district are to be located close to streets and public ways. The front building setback is measured from the back of the curb to the nearest projecting face of the structure. The side and rear building setbacks are measured from the nearest projecting face of the structure to the property line.
- a. **Front Yard Setback (along Type "E" or smaller roadways):**
 - i. For buildings four stories or 70 feet tall and below - 15 feet (minimum) and 20 feet (maximum).
 - ii. For buildings taller than four stories or 70 feet - 20 feet (minimum) and 25 feet (maximum)
 - a. **Front Yard Setback (along Type "D" or larger roadways):**
 - i. For buildings four stories or 70 feet tall and below - 30 feet (minimum) and 40 feet (maximum)
 - ii. For buildings taller than four stories or 70 feet - 40 feet (minimum) to 45 feet (maximum)
 - a. **Minimum Side Yard Setback - None.**
 - b. **Minimum Rear Yard Setback - None.**
 - c. **Minimum Development Street Frontage:** A minimum of two thirds of the building's face along the street frontage shall be within the appropriate setback range as defined in Subsections (a) and (b) above. The remaining 1/3 of the facade may exceed the maximum setback requirement.

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- d. **Setback Encroachment:** Building features may encroach into the setback area a distance up to five (5) feet from the building face. A minimum five (5) foot wide area of the sidewalk must be maintained clear of encroachments. These features may include, but are not limited to the following:
 - i. Stoops
 - ii. Planters
 - iii. Chimneys
 - iv. Bay windows
 - v. Awnings
 - vi. Balconies
 - vii. Porches
 - viii. Pilasters
 - ix. Canopies
 - x. Tower elements
 - xi. Eaves
3. **Sidewalk:** The area for sidewalks within the TOD shall be a minimum of 10 feet wide. Street trees may be placed in the first five (5) feet adjacent to the curb. The second five (5) feet shall be for sidewalk pavement only.
4. **Maximum Lot Coverage:** Maximum lot coverage shall be 100%.
5. **Maximum Height:** Maximum height within the overlay district shall be 20 stories (not to exceed 320 feet). Building height shall comply with the requirements of the Zoning Ordinance, Subsection 2-828 (Corridor Commercial), C. (Area, Yard & Bulk Requirements), 10. (Setbacks from Residential Districts).
6. **Floor Area Ratio (FAR):** Maximum floor area ratio shall be 10:1.
7. **Parking:** Minimum parking requirements are as follows:
 - a. **Non-residential Parking:** Parking for non-residential uses shall be provided at the rate of one space per each 300 square feet.

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- b. Multi-family Parking: Parking for multi-family uses shall be provided as follows:
 - i. One bedroom or less - one parking space per unit
 - ii. Two bedrooms - 1½ parking spaces per unit
 - iii. Three bedrooms or more - two parking spaces per unit

4-1005 Design Criteria

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

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

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

- 4-1006 The landscape requirements in Section 3-1200 (Landscaping Requirements) shall not apply. Street trees shall be required for property within the overlay district with street frontage. Trees with planting beds or tree grates must be placed within a minimum distance of five (5) feet from the back of the street curb. A minimum of one tree shall be provided for not less than every 40 linear feet of street frontage.
- 4-1007 Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs. Temporary lines extended across another property to reach a site under development may remain above ground until development or redevelopment of that property occurs. Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights-of-way, and/or easements may remain and may be repaired, replaced or upgraded. A fifteen-foot (15) wide easement shall be provided adjacent to thoroughfare rights-of-way (Type "D" and above) for the underground placement of electrical utility and/or communications lines.
- 4-1008 All signs within the overlay district shall comply with the following:
1. Signs within the overlay district shall comply with standards applicable to "Area A" in Subsection 3-1605 (Downtown Sign District).
 2. Monument signs shall be permitted along Type "C" roadways. Monument signs shall comply with Subsection 3-1603 B. 4. (Identification Signs).

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**Citizen Input
Transit Overlay District -- ZC2002-68**

The following is a summary of the comments received on the proposed Transit Overlay District.

Staff met with the Executive Board of the Plano Developers Council on January 24, 2003 regarding the Parker Road DART Station Study. Those present included developers and realtors. The following comments summarize the discussion regarding the proposed overlay district, and are submitted for the Commission's consideration:

- it appears that a lot of uses are being removed and only multi-family housing is being added.
- Multi-family use is critical to the success of the overlay district. A significant residential population is needed to help support office and retail uses. Without multi-family, the area will be inactive in the evening.
- Major retailing is not likely to be drawn to the area by the station alone. Retailing will involve uses that accommodate the typical rider such as dry cleaners, coffee shops, barbershops, and convenience stores.
- Incentives and joint partnerships will probably be required in addition to the zoning to achieve intended outcome.

A meeting was held with the Home Owners Focus Group on January 29, 2003. There was only one member of this group in attendance, and he expressed support for the proposed transit overlay district.

On February 6, 2003 staff met with the Homeowners' Council to discuss the overlay district. Those in attendance expressed opposition to the multi-family component of the overlay district. Comments from this meeting are as follows:

- Allowing multi-family units is not in the best interest of the City of Plano, especially at the densities outlined in the proposed ordinance.
- Consult with the Fire and Police Departments to ensure that the density and scale of development allowed by the overlay district do not have an adverse effect on the ability to protect the safety and security of development within the overlay district.

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ORDINANCE NO. _____
(Zoning Case 2002-68)

AN ORDINANCE OF THE CITY OF PLANO CREATING SECTION 4-1000 (TRANSIT OVERLAY DISTRICT) OF ARTICLE 4 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, TO ESTABLISH A TRANSIT OVERLAY DISTRICT; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2003, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2003; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section 1. Section 4-1000 (Transit Overlay District) of Article 4 of the Comprehensive Zoning Ordinance No. 86-3-14, as the same has been heretofore amended, is hereby further amended to establish a Transit Overlay District, such section to read in its entirety as follows:

"4-1000 TRANSIT OVERLAY DISTRICT (TOD)

4-1001 Purpose

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

4-1002 Applicability

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

4-1003 Use Regulation

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

1. Additional Uses: Multi-family uses, developed in accordance with Subsection 4-1004 below, shall be allowed as an additional use.
2. Prohibited Uses: The following uses will be prohibited within the TOD:
 - Cemetery/Mausoleum
 - Farm, Ranch, Garden or Orchard
 - Golf Course/Country Club (Private)
 - Open Storage
 - Electrical Substation
 - Sewage Treatment Plant
 - Water Treatment Plant
 - Flea Market
 - Garden Center
 - Portable Building Sales
 - Fairgrounds/Exhibition Area
 - Mortuary/Funeral Parlor

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- Theater (Drive-in)
- Trailer Rental
- Automobile Leasing/Renting
- Automobile Repair/Major
- Automobile Repair/Minor/Service Station
- Automobile Storage
- Car Wash
- New Car Dealer
- Used Car Dealer
- Recreation Vehicle sales and Service (New/Used)
- Tire Dealer (No Open Storage)
- Truck/Bus Leasing
- Truck Terminal
- Cabinet/Upholstery Shop
- Mini-Warehouse Public Storage
- Office Showroom/Warehouse
- Limited Assembly and Manufacturing

4-1004 Development Standards

Development or redevelopment shall meet the following development standards:

1. Multi-family Use: Multi-Family use shall be permitted in the overlay district either as a primary or accessory use. This use shall be permitted in accordance with the following stipulations and numbers 2 through 7 of this section:
 - a. The cumulative number of multi-family units allowed within the overlay district shall not exceed 25 units per acre of the transit overlay district.
 - b. Multi-family units shall be developed at a density not lower than 40 units per acre, but not greater than 100 units per acre.
 - c. No building, excluding parking structures, shall have more than 60% of its total linear ground floor frontage on public streets devoted to residential use.

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- d. No more than 200 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-ways.
 - e. The requirements in Subsection 3-104 (Multi-Family Residence) shall not apply.
2. Building Setbacks: Buildings within the overlay district are to be located close to streets and public ways. The front building setback is measured from the back of the curb to the nearest projecting face of the structure. The side and rear building setbacks are measured from the nearest projecting face of the structure to the property line.
- a. Front Yard Setback (along Type "E" or smaller roadways):
 - i. For buildings four stories or 70 feet tall and below - 15 feet (minimum) and 20 feet (maximum).
 - ii. For buildings taller than four stories or 70 feet - 20 feet (minimum) and 25 feet (maximum).
 - b. Front Yard Setback (along Type "D" or larger roadways):
 - i. For buildings four stories or 70 feet tall and below - 30 feet (minimum) and 40 feet (maximum).
 - ii. For buildings taller than four stories or 70 feet - 40 feet (minimum) to 45 feet (maximum).
 - c. Minimum Side Yard Setback - None.
 - d. Minimum Rear Yard Setback - None.
 - e. Minimum Development Street Frontage: A minimum of two thirds of the building's face along the street frontage shall be within the appropriate setback range as defined in Subsections (a) and (b) above. The remaining 1/3 of the facade may exceed the maximum setback requirement.
 - f. Setback Encroachment: Building features may encroach into the setback area a distance up to five (5) feet from the building face. A minimum five (5) foot wide area of the sidewalk must be maintained clear of encroachments. These features may include, but are not limited to the following:
 - i. Stoops

- ii. Planters
 - iii. Chimneys
 - iv. Bay windows
 - v. Awnings
 - vi. Balconies
 - vii. Porches
 - viii. Pilasters
 - ix. Canopies
 - x. Tower elements
 - xi. Eaves
3. Sidewalk: The area for sidewalks within the TOD shall be a minimum of 10 feet wide. Street trees may be placed in the first five (5) feet adjacent to the curb. The second five (5) feet shall be for sidewalk pavement only.
4. Maximum Lot Coverage: Maximum lot coverage shall be 100%.
5. Maximum Height: Maximum height within the overlay district shall be 20 stories (not to exceed 320 feet). Building height shall comply with the requirements of the Zoning Ordinance, Subsection 2-828 (Corridor Commercial), C. (Area, Yard & Bulk Requirements), 10. (Setbacks from Residential Districts).
6. Floor Area Ratio (FAR): Maximum floor area ratio shall be 10:1.
7. Parking: Minimum parking requirements are as follows:
- a. Non-residential Parking: Parking for non-residential uses shall be provided at the rate of one space per each 300 square feet.
 - b. Multi-family Parking: Parking for multi-family uses shall be provided as follows:
 - i. One bedroom or less - one parking space per unit
 - ii. Two bedrooms - 1 ½ parking spaces per unit
 - iii. Three bedrooms or more - two parking spaces per unit

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4-1005 Design Criteria

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

1. Building Massing: All building facades, except parking structure facades, shall comply with either "a." or "b." as follows:
 - a. Offsets shall be provided that are a minimum depth/height of three feet and a minimum length of 20 feet. A minimum of one vertical or one horizontal offset shall be provided for not less than every 100 feet of facade length as measured along the street frontage.
 - b. Individual building facades shall contain vertical, contrasting architectural styles for not less than every 100 feet of facade length as measured along the street frontage. For the purposes of this standard, a contrasting architectural style shall contain two of the following three criteria:
 - i. Different materials, material colors and/or material textures.
 - ii. Dissimilar shape, depth, height and/or length of door, window and other building openings.
 - iii. Contrasting roofline profiles.
2. Materials - All building facades, including parking structure facades or as noted otherwise, shall comply with the following material standards:
 - a. Seventy-five percent (75%) of all facades shall consist of glass, fired clay brick, native stone, cast stone, glazed tile, cementitious lap siding or a combination of these materials. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes may be used on the remaining 25% of any exposed exterior wall. The Planning & Zoning Commission may allow, at its sole discretion, the use of concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building or group of buildings.

b. Glass requirements

- i. The maximum reflectance of glass and glazing for all structures shall not exceed thirty percent (30%).
 - ii. For all non-residential structures, except excluding parking structures, a minimum of forty percent (40%) of the ground floor facade shall be glass windows, glass doors and/or display windows. For purposes of this section, the ground floor facade is that portion of the building facade from the street-level finish floor elevation to the greater of the finish floor elevation of the second floor or to the line 12½ feet above the ground floor finish floor elevation.
3. Architectural Features - Three or more different architectural features shall be incorporated into all facades except parking structure facades. Acceptable architectural features shall include, but are not limited to: balconies, awnings/canopies, entry stair/stoop, bay windows, dormers, arches, recessed entries, projecting vestibules, arcade walkways and/or court yards/public spaces.
 4. Screening - Loading docks or spaces, service yards and trash collection facilities, (dumpsters, compactors, and related devices) shall be screened from streets and the DART right-of-way. The Planning & Zoning Commission may require wing walls or other techniques to visually screen these areas from streets and DART right-of-way.
- 4-1006 The landscape requirements in Section 3-1200 (Landscaping Requirements) shall not apply. Street trees shall be required for property within the overlay district with street frontage. Trees with planting beds or tree grates must be placed within a minimum distance of five (5) feet from the back of the street curb. A minimum of one tree shall be provided for not less than every 40 linear feet of street frontage.
- 4-1007 Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs. Temporary lines extended across another property to reach a site under development may remain above ground until development or redevelopment of that property occurs. Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights-of-way, and/or easements may remain and may be repaired, replaced or upgraded. A fifteen-foot (15) wide easement shall be provided adjacent to thoroughfare rights-of-way (Type "D" and above) for the underground placement of electrical utility and/or communications lines.

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

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

Section II. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section III. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section IV. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section V. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 05/12/03		Reviewed by Legal <i>AW</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	Phyllis Jarrell		Executive Director	<i>[Signature]</i> 3/6/03
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 5/12/03
Agenda Coordinator (include phone #): L. Jobe/7165				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PUBLIC HEARING				
CAPTION				
<p>PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE FOR ZONING CASE 2002-69 - AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, SO AS TO APPLY THE TRANSIT OVERLAY DISTRICT TO 54.8± ACRES OUT OF THE JOHN M. SALMONS SURVEY, ABSTRACT NO. 814 AND THE ALEX BERRY SURVEY, ABSTRACT NO. 80, LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF PARK BOULEVARD AND K AVENUE, EXTENDING WEST TO INCLUDE PROPERTY ALONG EXCHANGE DRIVE TO A POINT 450± FEET EAST OF U.S. HIGHWAY 75 IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.</p> <p>APPLICANT: CITY OF PLANO. TABLED 03/24/03.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
The City Council tabled this item on March 24, 2003, to allow for discussion of Transit-Oriented Development at their retreat on April 23, 2003.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Follow-up Memo and Staff Report				

March 4, 2003

TO: Honorable Mayor & City Council

FROM: Lee Dunlap, Chairman, Planning & Zoning Commission *LD*

SUBJECT: Results of Planning & Zoning Commission Meeting of March 3, 2003

At its meeting of March 3, the Planning & Zoning Commission took action on the following:

Public Hearing: Zoning Case 2002-69

Applicant: City of Plano

DESCRIPTION:

Request to apply the Transit Overlay District (Zoning Case 2002-68) to 54.8± acres. The area of the request includes property on the northwest and southwest corners of Park Boulevard and K Avenue, and extends west to include property along Exchange Drive to a point 450± feet east of U.S. Highway 75. Zoned Planned Development-23-Light Commercial and Corridor Commercial with Specific Use Permits #123, #126, #127, #158, and #310. Neighborhood #59. Tabled 02/03/03 and 02/17/03.

APPROVED: 7-1 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: FAVOR: 3 **OPPOSE:** 1

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: FAVOR: 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

The Commissioner voting in opposition, stated multiple concerns, including problems with the recommended parking, facade requirements, height, and uses.

FOR CITY COUNCIL MEETING OF: March 24, 2003 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

GA/dw

xc: Lanae Jobe, Sr. Administrative Assistant

52



RECORDED
MAY 15 2003
PLANO COUNTY CLERK

Kin Properties, Inc.

185 N.W. Spanish River Blvd., Suite 100 • Boca Raton, FL 33431-4230
Tel (561) 620-9200 • Fax (561) 955-9521
www.kinproperties.com
April 30, 2003

Mr. Greg Adams, Senior Planner
City of Plano, Texas
P.O. Box 860358
Plano, TX 75086-0358

**Re: Proposed Zoning Change - ZC2002-69
2501 Avenue K, Plano, TX (the "Property")
Kin Property #1100 (Discount Tire)**

Dear Greg:

This letter is to follow up our previous discussions regarding the proposed zoning change (the "Rezoning") affecting the above-referenced Property. As you know, this office serves as the managing agent for Laurie Industries Trust, which owns the Property. It is our understanding that the City of Plano (the "City") has scheduled a final hearing on May 12, 2003, to consider the Planning and Zoning Commission's recent recommendation to adopt the Rezoning. We are therefore sending this letter to you now, with the understanding that you will forward it to the City Council and/or other appropriate City personnel.

We have been informed that the Rezoning would *inter alia*, prohibit the current use (i.e., a tire store) on the Property. As previously elucidated in Allen Lev's February 18, 2002 letter, the proposed "downzoning" would clearly deprive the owner of the Property (and any future owners) of the full value of the Property, and thus constitute an unconstitutional "taking" by the City.

We understand the Rezoning does contemplate a "grandfather" clause, whereby the current tenant would be permitted to continue its operation as a "permitted nonconforming use." Although such a provision may appease the immediate concerns, it still invites a wide array of difficulties should the current tenant ever vacate. We have been informed that if the Property ever becomes vacant for at least six months, any subsequent tenant or owner would not be able to continue operating a tire store on the Property. The Rezoning thus diminishes the value of the Property, and severely hampers the owner's ability to release, sell, and even refinance the Property in the future. In addition, the Rezoning harms the tenants, and their employees and customers, most of whom are Plano residents. We find this to be grossly unjust, and therefore express our vehement objection to the proposed Rezoning in the strongest possible manner.

We realize the impetus behind the Rezoning is to accommodate the Transit Overlay District, and to encourage use of the DART commuter system. It is our belief that the mere

5-3

Greg Adams, Senior Planner
City of Plano, Texas
April 30, 2003
Page 2

presence a tire store would not detract from or hamper the City's objectives. Moreover, a tire store would actually help promote DART use, as commuters would find it extremely convenient to drop their car off for service in the morning, utilize DART to get to work, and then return on Dart to pick up their car. This could undoubtedly provide additional incentives to introduce the DART system to otherwise non-users! Also, please note that a tire store has been operating on the Property for over twenty years, and has always fit in quite well with the surrounding area, and proved a valuable component of the neighborhood and the Plano community in general.

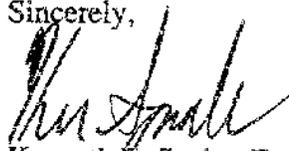
We therefore respectfully propose that the City reconsider the prohibited use provisions, so that a tire store (such as Discount Tire) would be classified as a conforming use (rather than as an allowed non-conforming use) in the District.

In the alternative, if the City does not approve the above proposal, then we suggest the District be redrawn in order to exclude the Property from the District boundaries. For example, the boundary line could be moved slightly to the west (closer to the railroad tracks), to exclude the Property.

It is our belief that either of the two above proposals are quite reasonable, and work well with the City's overall objectives. However, if neither proposal is accepted, then we suggest, in the alternative, that the City at least recognize the distinction between tire stores with open outdoor storage, and those stores without open storage. Whatever arguments may be propounded against open storage of tires (i.e., aesthetics) would certainly not apply to a store where all sales, service, and storage are conducted inside its buildings. We see no logical reason to classify a store without any open storage (that happens to sell tires) as somehow being "undesirable," or otherwise prohibited from serving the Plano community. Thus, even if the City bans open outdoor storage in the District, a tire store that confines all of its storage to within its buildings should certainly be classified as a conforming use within the District.

We respectfully submit this letter to you and the City Council, and we thank you and the City in advance for your attention and fair consideration in this matter. Please feel free, of course, to contact me should you (or any City Council member) have any questions or wish to discuss this matter further.

Sincerely,



Kenneth E. Spahn, Esq.
Assistant General Counsel

KES:sde

cc: Jeffrey Sandelman
Allen P. Lev, Esq.
Lee Cherney
Discount Tire Company (Via Email)

5-4

CITY OF PLANO
PLANNING & ZONING COMMISSION

March 3, 2003

Agenda No. 7

Public Hearing: Zoning Case 2002-69

Applicant: City of Plano

DESCRIPTION:

Request to apply the Transit Overlay District (Zoning Case 2002-68) to 54.8+ acres. The area of the request includes property on the northwest and southwest corners of Park Boulevard and K Avenue, and extends west to include property along Exchange Drive to a point 450+ feet east of U.S. Highway 75. Zoned Planned Development-23-Light Commercial and Corridor Commercial with Specific Use Permits #123, #126, #127, #158, and #310. Neighborhood #59. Tabled 02/03/03 and 02/17/03.

REMARKS:

This item was tabled at the February 17, 2003, meeting and must be removed from the table.

This request proposes to apply the Transit Overlay District (TOD). It is a companion case to Zoning Cases 2002-67 and 2002-68. The Transit Overlay District is intended to create a transit-oriented land use strategy to accommodate the DART light rail station and complimentary uses, with safe and convenient vehicular, bike, and pedestrian access. In addition to the Parker Road Station area, this overlay district may also be applied to other locations in the future.

The boundary of the TOD in this request was established to include properties that could develop with some orientation/connection to the DART station. As development occurs, the limits of this boundary may be reconsidered and the TOD expanded to include additional properties as appropriate.

5-5

Parker Road Station

The Parker Road Station Study was originally completed in 1998. This study made recommendations regarding the land use for the area immediately around the station. The Parker Road Station study explored land use options and concluded that higher-density, with a mixture of non-residential uses, was the appropriate form of development around the transit station. The City also subsequently completed the City Center Plan. These two studies included recommendations regarding the need for transit-oriented development around the DART stations in Plano.

The Planning & Zoning Commission identified and discussed several factors affecting the development of property around the Parker Road DART Station. These factors include:

- Areas of Influence - Different factors affect the orientation of uses and structures in the vicinity of the station include U.S. Highway 75, other major thoroughfares, and the DART station.
- "End-of-the-line" Station - The fact that the Parker Road Station will be an end-of-the-line station for some time will impact the timing and the scale of development that may occur around it. This station will require a significant amount of parking to accommodate transit riders. This parking will remain as surface parking until it becomes economically feasible to provide structured parking. Any development that occurs will have to do so while maintaining the parking required to support the DART station.
- Ownership Patterns - About half of the 54.8± acres being considered for this overlay district is undeveloped. The majority of this undeveloped property, approximately 20 acres, is owned by public entities (DART, City of Plano, and Collin County).

Additionally, the Planning & Zoning Commission identified critical actions that would be vital to the success of transit-oriented development around the Parker Road DART Station. They were as follows:

- DART will need to consolidate parking into structured facilities.
- Remaining DART land will have to be made available for private, higher-density development.
- Other properties in the area will need to be assembled through public/private ventures.

5-6

- Development and zoning standards must be in place to foster TODs. (In some cases this will involve "tweaking" existing zoning and/or overlay districts; in others major changes may be necessary.)
- Incentives may be necessary to induce appropriate development in accordance with zoning changes.

Surrounding Land Use and Zoning

The property to the west of this area proposed for the TOD is presently zoned Corridor Commercial (CC) and is occupied by major retail stores. The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors.

The regulations and standards of this district are reflective of the high traffic volumes and visibility of these regional highways. The property to the north, east, and south is zoned Light Commercial (LC) and is occupied by a range of retail uses. These uses include minor automobile repair, drive-thru restaurants, and retail shopping centers.

Existing Land Use

Existing uses on the property include the DART station, and its parking facilities, retail stores, major and minor automotive repair uses, and a mini-warehousing facility.

Non-conforming Uses

Implementing this overlay district would result in the creation of three non-conforming uses. They are located along K Avenue and include "automobile repair/major", "tire dealer", and "mini-warehouse public storage".

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this area as Freeway Commercial (FC) and General Commercial (GC) with a special designation for the DART transit station. The Freeway Commercial category is intended to define the unique character of the U.S. Highway 75 corridor. This designation allows for retail and office uses at densities consistent with high visibility roadways. The GC land use designation is intended to provide for a wide range of retail, service, office, light production, and research and development uses.

Adequacy of Public Facilities - Access to the property will be provided from U.S. Highway 75, Archerwood Street, K Avenue, Park Boulevard, and Parker Road. The rail station and major thoroughfares provide citywide and regional access to this area.

Water and sewer services are available to the area from K Avenue, Archerwood Street, Parker Road, and Park Boulevard. The proposed overlay district allows for multi-family development at a fairly high density. As proposed, the maximum number of multi-family units within the TOD would be approximately 1,370 units, or 25 units per acre of the overlay district. The sewer capacity currently servicing this area would have to be improved in order to accommodate this density of residential use.

Traffic Impact Analysis (TIA) - A TIA is not required with this rezoning request since the underlying zoning for the majority of the undeveloped property is not being changed. Site-specific traffic studies should be considered as further development of this area is proposed.

AREA CONSIDERATIONS:

During discussions of the proposed overlay district, the Planning & Zoning Commission noted four uses that require additional study. These areas include:

- Possible land use/zoning strategies for the properties on the east side of K Avenue;
- Possible land use/zoning strategies for the properties south of Park Boulevard extending south to 22nd Street;
- Pedestrian and street connections to facilitate development/redevelopment in the area; and
- Public open space within the study area.

Further recommendations will be made as these uses are studied in greater detail.

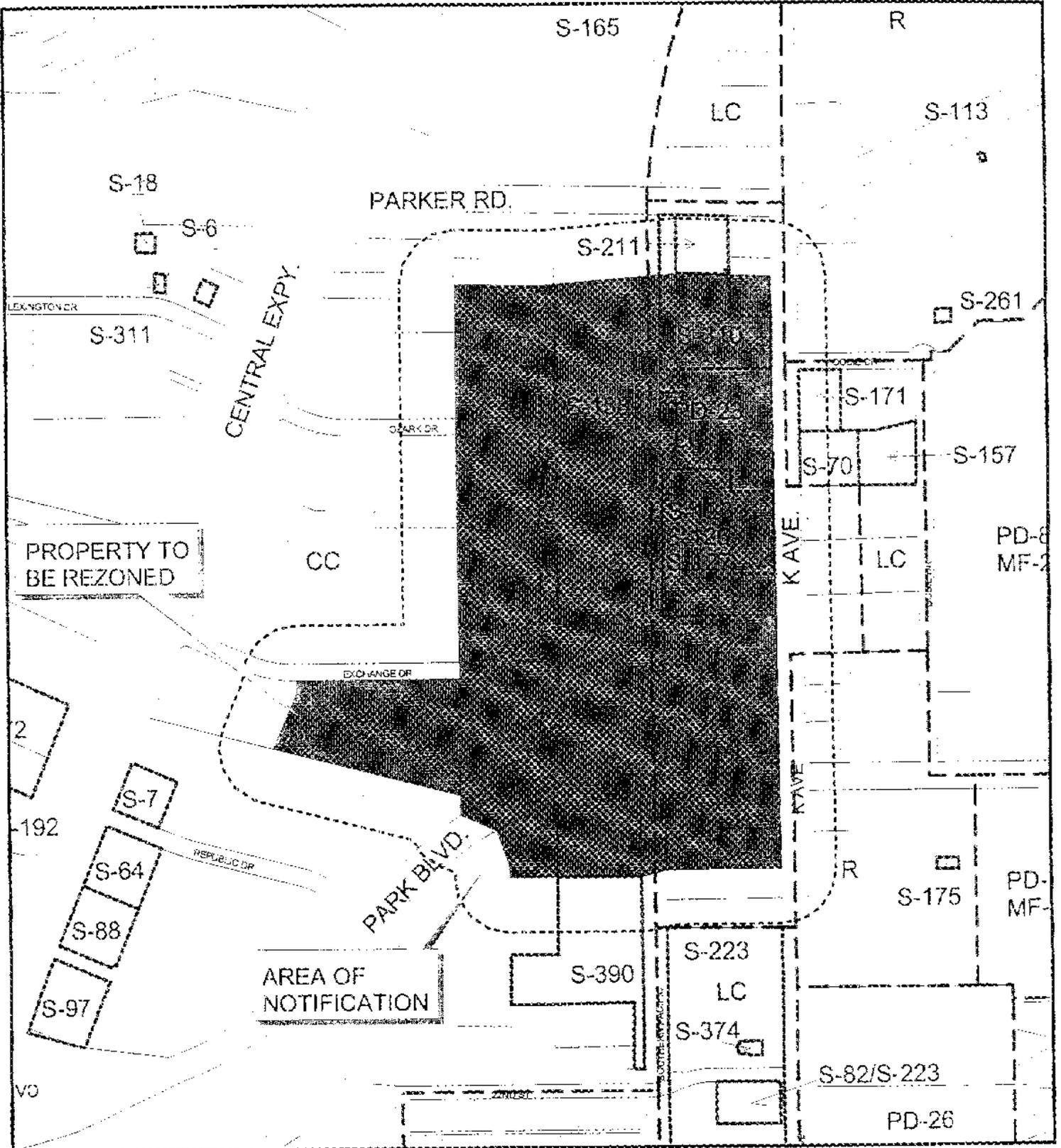
SUMMARY:

Staff recommends the TOD be applied to the property shown on the attached map.

The implementation of the TOD is intended to encourage transit-oriented development in the vicinity of the DART station. DART currently owns a significant part of the undeveloped property within the proposed district. This property is presently being used as parking for transit riders. Future development of DART's property would only happen as a result of a partnership between DART and a potential developer. This development would likely include structured parking to provide the parking needed for the proposed use, as well as the DART station needs.

RECOMMENDATIONS

5-8 Recommended for approval as submitted.



**ZONING CASE
2002-69**

EXISTING ZONING:
CC, PD-23-LC w/S-211, 158,
310, 123, 126, AND 127

5-9
200' Notification
Buffer



ORDINANCE NO. _____
(Zoning Case 2002-69)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, SO AS TO APPLY THE TRANSIT OVERLAY DISTRICT TO 54.8± ACRES OUT OF THE JOHN M. SALMONS SURVEY, ABSTRACT NO. 814 AND THE ALEX BERRY SURVEY, ABSTRACT NO. 80, LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF PARK BOULEVARD AND K AVENUE, EXTENDING WEST TO INCLUDE PROPERTY ALONG EXCHANGE DRIVE TO A POINT 450± FEET EAST OF U.S. HIGHWAY 75 IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2003, for the purpose of applying the Transit Overlay District to 54.8± acres out of the John M. Salmons Survey, Abstract No. 814 and the Alex Berry Survey, Abstract No. 80, located on the northwest and southwest corners of Park Boulevard and K Avenue, extending west to include property along Exchange Drive to a point 450± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2003; and

WHEREAS, the City Council is of the opinion and finds that such application of the Transit Overlay District would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 86-3-14, as the same has been heretofore amended, is hereby further amended so as to apply the Transit Overlay District to 54.8± acres out of the John M. Salmons Survey, Abstract No. 45 and the Alex Berry Survey, Abstract No. 80, located on the northwest and southwest corners of Park Boulevard and K Avenue, extending west to include property along Exchange Drive to a point 450± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

5-11

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

512

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a 54.8± acre tract of land situated in the John M. Salmons Survey, Abstract No. 814 and the Alex Berry Survey, Abstract No. 80, Collin County, Texas, and being more particularly described as the follows:

BEGINNING at the intersection of centerline of K Avenue with the centerline of Park Boulevard;

THENCE continuing North along the centerline of K Avenue, a distance of 1,830 feet to a point for a corner;

THENCE continuing West along the northern boundary of Parker Square Addition, Block 1, Lot 3, a distance of 1,215 feet to a point for a corner;

THENCE continuing South along the western boundary of Plano-Breco Addition, Block 1, Lot 1R, a distance of 1,448 feet to a point for a corner;

THENCE continuing West along the northern boundary of Royal Addition Number 2, Block A, Lot 2, a distance of 595 feet to a point for a corner;

THENCE continuing South along the western boundary of Royal Addition Number 2, Block A, Lot 2, a distance of 265 feet to a point for a corner;

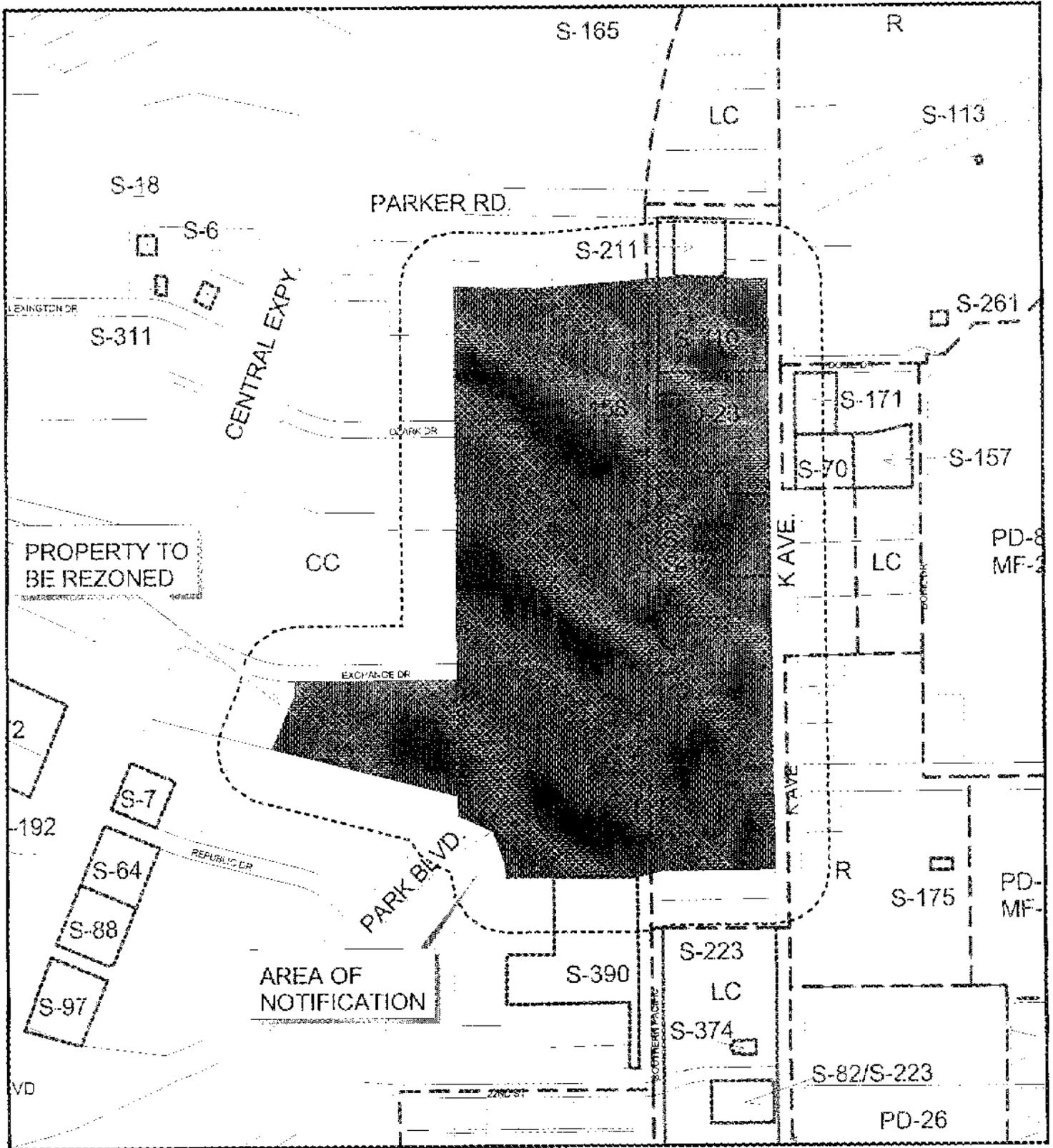
THENCE continuing Southeast along the southern boundary of Royal Addition Number 2, Block A, Lot 2, a distance of 709 feet to a point for a corner;

THENCE continuing South along the western boundary of East Plano Transit Center Lot 1 Block 2, a distance of 76 feet to a point for a corner;

THENCE continuing South along the western boundary of Park Center Number 2, Block 1, Lot 2, a distance of 290 feet to a point for a corner;

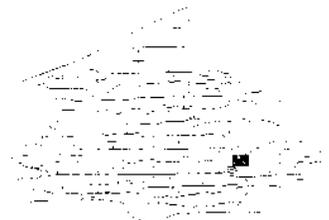
THENCE continuing East along the southern boundary of Park Center Number 2, Block 1, Lot 2, a distance of 532 feet to a point for a corner;

THENCE continuing North along the centerline of K Avenue, a distance of 350 feet to the POINT OF BEGINNING.



**ZONING CASE
2002-69**

EXISTING ZONING:
CC, PD-23-LC w/S-211, 158,
310, 123, 126, AND 127



200' Notification
Buffer



April 22, 2003

TO: Honorable Mayor & City Council
FROM: Lee Dunlap, Chairman, Planning & Zoning Commission *LD*
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2003

At its meeting of April 21, the Planning & Zoning Commission took action on the following:

Public Hearing: Zoning Case 2003-05

Applicant: City of Plano

DESCRIPTION:

A request to rescind Specific Use Permit (SUP) #81 for Arcade on one lot on 12.5+ acres on the south side of 15th Street, 300+ feet west of U.S. Highway 75. Zoned Corridor Commercial with Specific Use Permit #81 (CC w/SUP-81). Neighborhood #66.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Approved as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2003 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

CHL/dw

xc: City of Plano
Lanae Jobe, Sr. Administrative Assistant

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2003

Agenda No. 6

Public Hearing: Zoning Case 2003-05

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit (SUP) #81 for Arcade on one lot on 12.5+ acres on the south side of 15th Street, 300+ feet west of U.S. Highway 75. Zoned Corridor Commercial with Specific Use Permit #81 (CC w/ SUP-81). Neighborhood #66.

REMARKS:

This case is a result of staff's periodic review of specific use permits and City Council direction to rescind inactive specific use permits for arcade uses. Staff has reviewed each Arcade SUP within the city and found six permits that are no longer in use. SUP #81 is one of those permits. Due to the inactivity of the permit, staff recommends that SUP #81 be rescinded.

RECOMMENDATIONS:

Recommended for approval.

6-2

ORDINANCE NO. _____
(Zoning Case 2003-05)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 83-1-5 THEREBY; RESCINDING SPECIFIC USE PERMIT NO. 81 FOR THE ADDITIONAL USE OF AN ARCADE ON 12.5± ACRES OF LAND OUT OF THE JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213, LOCATED ON THE SOUTH SIDE OF 15TH STREET, 300± FEET WEST OF U.S. HIGHWAY 75 IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2003, for the purpose of considering rescinding Specific Use Permit No. 81 for a arcade on 12.5± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the south side of 15th Street, 300± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2003; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 81 for an Arcade would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

6-4

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 83-1-5, duly passed and approved by the City Council of the City of Plano, Texas, on October 04, 1982, granting Specific Use Permit No. 81 for the additional use of an Arcade on 12.5± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the south side of 15th Street, 300± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 81, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 81 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 86-3-14, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

6-6

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract or parcel of land situated in the City of Plano, Collin County, Texas; and being part of the Joseph Klepper Survey, Abstract 213, and being more particularly described as follows:

Commencing at the intersection of the northerly line of Plano Parkway (100 feet wide) and the easterly line of Alma Drive (100 feet wide); thence North $04^{\circ} 08' 24''$ West, along said easterly line of Alma Drive, a distance of 3,160.32 feet to the beginning of a curve to the right; thence in a northerly direction, continuing along said easterly line of Alma Drive, along said curve to the right having a radius of 1,950.00 feet, a central angle of $04^{\circ} 55' 00''$, and an arc length of 167.33 feet to the end of said curve to the right; thence North $00^{\circ} 46' 36''$ East, continuing along said easterly line of Alma Drive, a distance of 356.48 feet to a point for corner, said point being the intersection of said easterly line of Alma Drive and the southerly line of West 15th Street (F.M. Highway 544); thence South $85^{\circ} 24' 54''$ East, along said southerly line of West 15th Street, a distance of 994.22 feet to the beginning of a curve to the left and to the POINT OF BEGINNING;

THENCE in a southwesterly direction along said curve to the left having a radius of 30.00 feet, a central angle of $44^{\circ} 49' 46''$, and an arc length of 23.47 feet to the end of said curve to the left;

THENCE South $04^{\circ} 35' 06''$ West a distance of 390.97 feet to the beginning of a curve to the left;

THENCE in a southerly direction along said curve to the left having a radius of 970.00 feet, a central angle of $06^{\circ} 00' 30''$, and an arc length of 101.72 feet to the end of said curve to the left;

THENCE South $01^{\circ} 25' 24''$ East, a distance of 200.00 feet to the beginning of a curve to the left;

THENCE in a southeasterly direction along said curve to the left having a radius of 20.00 feet, a central angle of $90^{\circ} 00' 00''$, and an arc length of 31.42 feet to the end of said curve to the left;

THENCE North $88^{\circ} 34' 36''$ East, a distance of 162.94 feet to the beginning of a curve to the right;

THENCE in a southeasterly direction along said curve to the right having a radius of 119.50 feet, a central angle of $16^{\circ} 15' 00''$ and an arc length of 33.89 feet to the end of said curve to the right;

THENCE South $75^{\circ} 10' 24''$ East a distance of 194.97 feet to the beginning of a curve to the right;

THENCE in a southeasterly direction along said curve to the right having a radius of 119.50 feet, a central angle of $16^{\circ} 15' 00''$, and an arc length of 33.89 feet to the end of said curve to the right;

THENCE South $58^{\circ} 55' 24''$ East a distance of 258.64 feet to the beginning of a curve to the left;

THENCE in a northeasterly direction along said curve to the left having a radius of 20.00 feet, a central angle of $90^{\circ} 00' 00''$, and an arc length of 31.42 feet to the end of said curve to the left and to the beginning of a curve to the right;

THENCE in a northeasterly direction along said curve to the right having a radius of 485.36 feet, a central angle of $15^{\circ} 05' 00''$, and an arc length of 127.77 feet to the end of said curve to the right;

THENCE North $74^{\circ} 57' 06''$ East a distance of 233.76 feet to the beginning of a curve to the left;

THENCE in a southwesterly direction along said curve to the left having a radius of 425.36 feet, a central angle of $43^{\circ} 52' 30''$, and an arc length of 325.73 feet to the beginning of a curve to the left;

THENCE in a southwesterly direction along said curve to the left having a radius of 20.00 feet, a central angle of $90^{\circ} 00' 00''$, and an arc length of 31.42 feet to the end of said curve to the left;

THENCE South $31^{\circ} 04' 36''$ West a distance of 45.00 feet to a point for corner;

THENCE North $58^{\circ} 55' 24''$ West a distance of 142.48 feet to a point for corner;

THENCE South $31^{\circ} 04' 36''$ West a distance of 55.00 feet to a point for corner;

THENCE South $58^{\circ} 55' 24''$ East a distance of 188.72 feet to a point for corner;

THENCE South $43^{\circ} 34' 36''$ West a distance of 383.60 feet to a point for corner;

THENCE South $46^{\circ} 25' 24''$ East a distance of 114.84 feet to a point for corner;

THENCE South $43^{\circ} 34' 36''$ West a distance of 271.14 feet to a point for corner;

THENCE South $88^{\circ} 34' 36''$ West a distance of 69.81 feet to a point for corner;

6-8

THENCE North $46^{\circ} 25' 24''$ West a distance of 314.00 feet to a point for corner;
THENCE North $52^{\circ} 05' 29''$ West a distance of 66.83 feet to a point for corner;
THENCE North $46^{\circ} 25' 24''$ West a distance of 284.53 feet to a point for corner;
THENCE North $73^{\circ} 34' 38''$ East a distance of 31.75 feet to a point for corner;
THENCE North $13^{\circ} 34' 36''$ East a distance of 65.13 feet to a point for corner;
THENCE North $73^{\circ} 34' 36''$ East a distance of 61.89 feet to a point for corner;
THENCE North $13^{\circ} 34' 36''$ East a distance of 63.51 feet to a point for corner;
THENCE North $73^{\circ} 34' 36''$ East a distance of 63.51 feet to a point for corner;
THENCE North $13^{\circ} 34' 36''$ East a distance of 61.93 feet to a point for corner;
THENCE North $73^{\circ} 34' 36''$ East a distance of 65.09 feet to a point for corner;
THENCE North $46^{\circ} 25' 24''$ West a distance of 6.34 feet to a point for corner;
THENCE North $13^{\circ} 34' 36''$ East a distance of 63.51 feet to a point for corner;
THENCE North $73^{\circ} 34' 36''$ East a distance of 69.26 feet to a point for corner;
THENCE North $13^{\circ} 34' 36''$ East a distance of 29.41 feet to a point for corner;
THENCE South $88^{\circ} 34' 36''$ West a distance of 192.00 feet to a point for corner;
THENCE North $01^{\circ} 25' 24''$ West a distance of 55.00 feet to a point for corner;
THENCE South $88^{\circ} 34' 36''$ West a distance of 14.02 feet to a point for corner;
THENCE North $01^{\circ} 25' 24''$ West a distance of 65.00 feet to a point for corner;
THENCE North $01^{\circ} 25' 24''$ West a distance of 199.97 feet to the beginning of a curve to the right;
THENCE in a northerly direction along said curve to the right having a radius of 1,030.00 feet, a central angle of $06^{\circ} 00' 30''$, and an arc length of 108.01 feet to the end of said curve to the right;

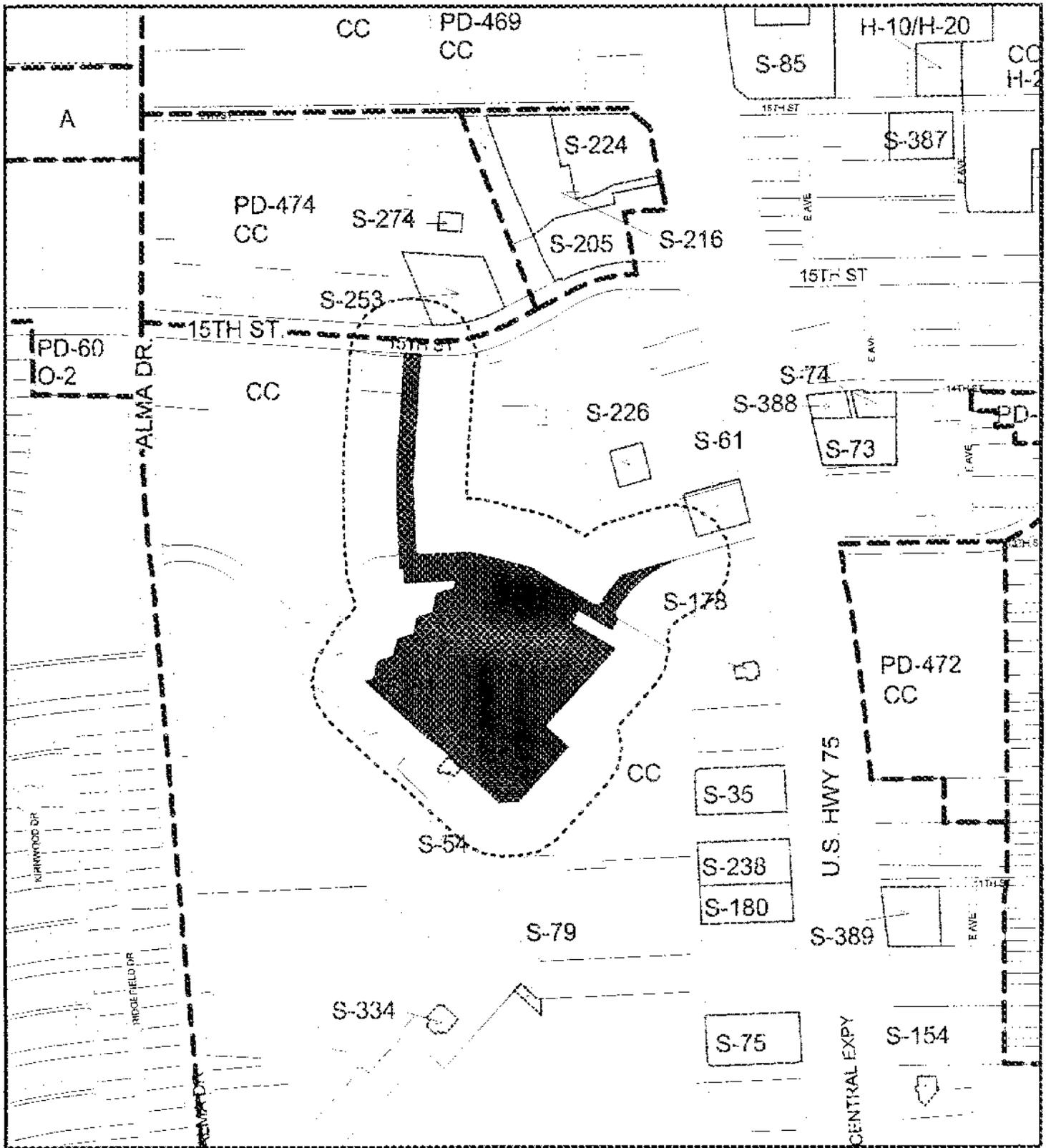
6-9

THENCE North $04^{\circ} 35' 06''$ East a distance of 392.14 feet to the beginning of a curve to the left;

THENCE in a northwesterly direction along said curve to the left having a radius of 30.00 feet, a central angle of $41^{\circ} 48' 37''$, and an arc length of 21.89 feet to the end of said curve to the left and to a point in the southerly line of West 15th Street (F.M. Highway 544);

THENCE South $85^{\circ} 24' 54''$ East a distance of 76.34 feet to the POINT OF BEGINNING, and containing 12.536 acres.

6-10



**ZONING CASE
2003-05**

**EXISTING ZONING:
CC w/S-81**



[Handwritten signature]
200 Notification
Buffer

April 22, 2003

TO: Honorable Mayor & City Council
FROM: Lee Dunlap, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2003

At its meeting of April 21, the Planning & Zoning Commission took action on the following:

Public Hearing: Zoning Case 2003-06

Applicant: City of Plano

DESCRIPTION:

A request to rescind Specific Use Permit (SUP) #54 for Arcade on 0.1± acre located 950± feet east of Alma Road and 1,450± feet south of 15th Street. Zoned Corridor Commercial with Specific Use Permit #54 (CC w/ SUP-54). Neighborhood #66.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Approved as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2003 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

CDD/dw

xc: City of Plano
Lanae Jobe, Sr. Administrative Assistant

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2003

Agenda No. 7

Public Hearing: Zoning Case 2003-06

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit (SUP) #54 for Arcade on 0.1± acre located 950± feet east of Alina Road and 1,450± feet south of 15th Street. Zoned Corridor Commercial with Specific Use Permit #54 (CC w/ SUP-54). Neighborhood #66.

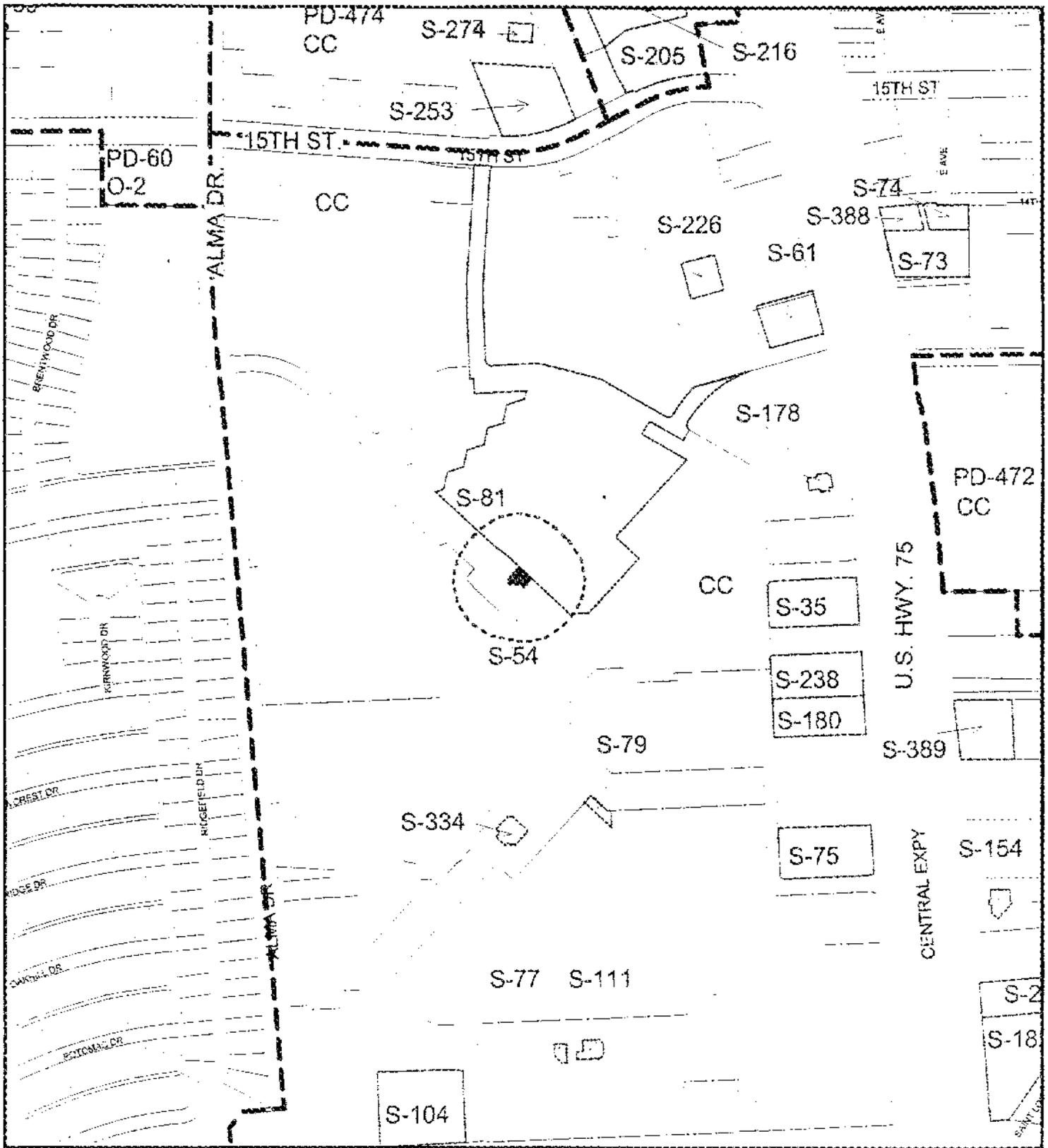
REMARKS:

This case is a result of staff's periodic review of specific use permits and City Council direction to rescind inactive specific use permits for arcade uses. Staff has reviewed each Arcade SUP within the city and found six permits that are no longer in use. SUP #54 is one of those permits. Due to the inactivity of the permit, staff recommends that SUP #54 be rescinded.

RECOMMENDATIONS:

Recommended for approval.

7-2



**ZONING CASE
2003-06**

**EXISTING ZONING:
CC w/S-54**



**7-3
200' Notification
Buffer**

ORDINANCE NO. _____
(Zoning Case 2003-06)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 89-6-20 THEREBY; RESCINDING SPECIFIC USE PERMIT NO. 54 FOR THE ADDITIONAL USE OF AN ARCADE ON 0.1± ACRE OF LAND OUT OF THE SAMUEL KLEPPER SURVEY, ABSTRACT NO. 216, LOCATED 950± FEET EAST OF ALMA DRIVE AND 1,450± FEET SOUTH OF 15TH STREET IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2003, for the purpose of considering rescinding Specific Use Permit No. 54 for an Arcade on 0.1± acre of land out of the Samuel Klepper Survey, Abstract No. 216, located 950± feet east of Alma Road and 1,450± feet south of 15th Street in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2003; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 54 for an Arcade would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

7-4

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 89-6-20, duly passed and approved by the City Council of the City of Plano, Texas, on May 22, 1989, granting Specific Use Permit No. 54 for the additional use of an Arcade on 0.1± acre of land out of the Samuel Klepper Survey, Abstract No. 216, located 950± feet east of Alma Road and 1,450± feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 54, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 54 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 86-3-14, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

7-5

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED in the State of Texas, County of Collin, City of Plano, in the Samuel Klepper Survey, Abstract No. 216, being part of Block A, Lot 1, Regional Mall Addition, an addition to the City of Plano as recorded in Volume C, Page 320, map records of Collin County, Texas, and being more particularly described as follows:

COMMENCING for reference at the intersection of the east right-of-way line of Alma Drive (100 foot right-of-way) and the north right-of-way line of Plano Parkway (100 foot right-of-way), said point being the southwest corner of said addition;

THENCE with the east right-of-way line of said Alma Drive, North $04^{\circ} 08' 24''$ West, a distance of 527.46 feet to a point therein;

THENCE departing the east right-of-way line of said Alma Drive the following seven courses:

North $55^{\circ} 51' 12''$ East, 988.49 feet to a point;

North $45^{\circ} 24' 06''$ East, 119.36 feet to a point;

North $17^{\circ} 40' 18''$ East, 154.13 feet to a point;

North $00^{\circ} 56' 36''$ West, 252.32 feet to a point;

North $01^{\circ} 34' 30''$ West, 310.30 feet to a point;

South $35^{\circ} 22' 00''$ West, 29.81 feet to a point;

South $38^{\circ} 29' 53''$ West, 24.63 feet to the POINT OF BEGINNING for the herein described tract;

THENCE South $88^{\circ} 50' 58''$ West, 48.16 feet to a point;

THENCE North $48^{\circ} 46' 55''$ West, 30.78 feet to a point;

THENCE North $41^{\circ} 13' 05''$ East, 13.10 feet to a point;

THENCE South $48^{\circ} 46' 55''$ East, 6.43 feet to a point;

THENCE North $48^{\circ} 50' 44''$ East, 6.53 feet to a point;

THENCE South $82^{\circ} 03' 18''$ East, 2.48 feet to a point;

THENCE North 88° 50' 58" East, 37.42 feet to a point;

THENCE South 00° 28' 48" East, 15.44 feet to a point;

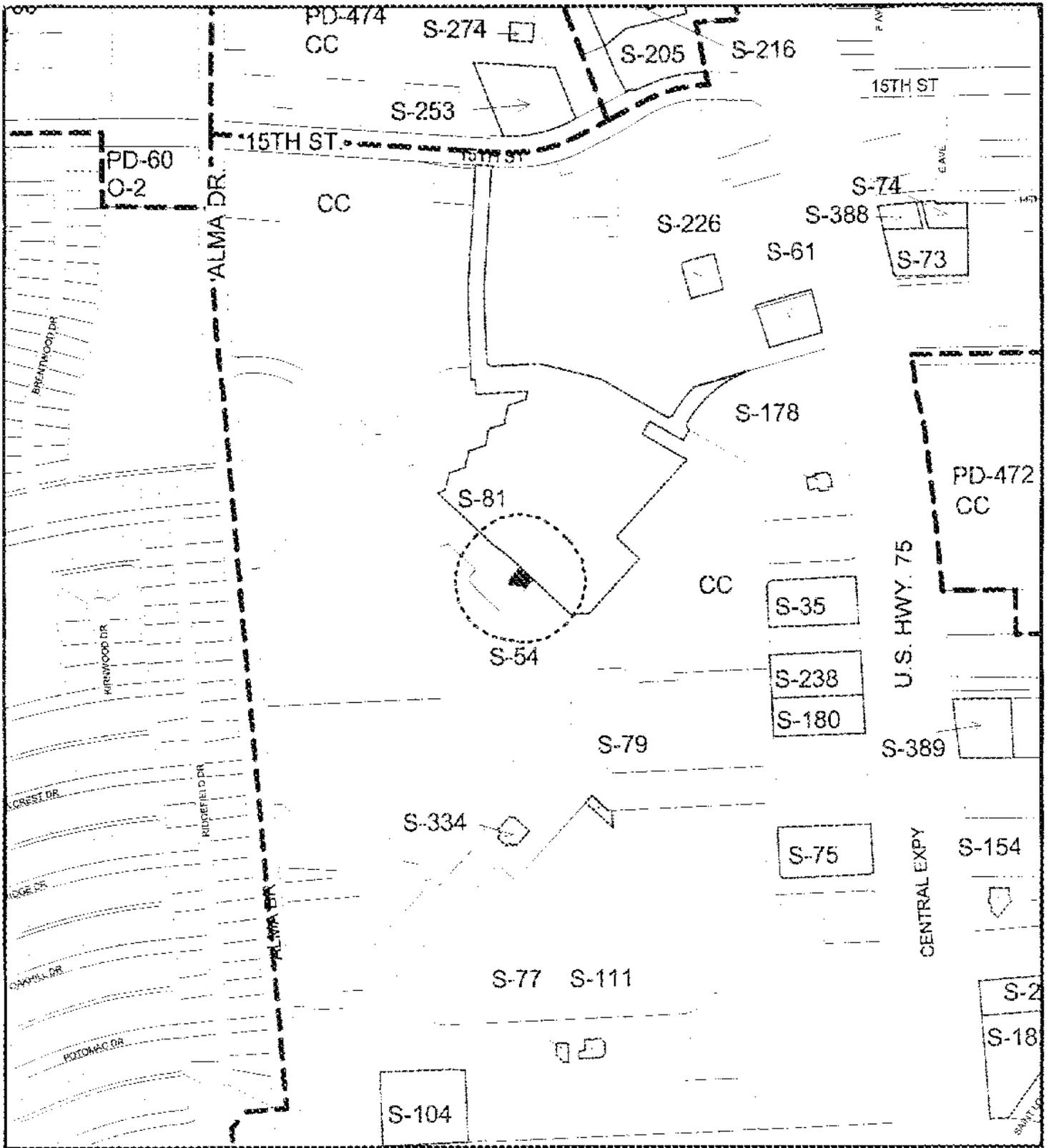
THENCE North 88° 50' 58" East, 6.69 feet to a point;

THENCE South 00° 27' 36" East, 7.96 feet to a point;

THENCE South 46° 25' 49" East, 8.52 feet to a point;

THENCE South 00° 28' 49" East, 0.51 feet to the POINT OF BEGINNING and containing 1,570 square feet, more or less.

78



**ZONING CASE
2003-06**

**EXISTING ZONING:
CC w/S-54**

7-9
200' Notification
Buffer

April 22, 2003

TO: Honorable Mayor & City Council

FROM: Lee Dunlap, Chairman, Planning & Zoning Commission 

SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2003

At its meeting of April 21, the Planning & Zoning Commission took action on the following:

Public Hearing: Zoning Case 2003-07

Applicant: City of Plano

DESCRIPTION:

A request to rescind Specific Use Permit (SUP) #226 for Arcade on 0.4± acre located 300± feet west of U.S. Highway 75 and 600± feet south of 15th Street. Zoned Corridor Commercial with Specific Use Permit #226 (CC w/ SUP-226). Neighborhood #66.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: FAVOR: 0 OPPOSE: 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: FAVOR: 0 OPPOSE: 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Approved as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2003 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

CDD/dw

xc: City of Plano
Lanae Jobe, Sr. Administrative Assistant

8-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2003

Agenda No. 8

Public Hearing: Zoning Case 2003-07

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit (SUP) #226 for Arcade on 0.4± acre located 300± feet west of U.S. Highway 75 and 600± feet south of 15th Street. Zoned Corridor Commercial with Specific Use Permit #226 (CC w/ SUP-226). Neighborhood #66.

REMARKS:

This case is a result of staff's periodic review of specific use permits and City Council direction to rescind inactive specific use permits for arcade uses. Staff has reviewed each arcade SUP within the city and found six permits that are no longer in use. SUP #226 is one of those permits. Due to the inactivity of the permit, staff recommends that SUP #226 be rescinded.

RECOMMENDATIONS:

Recommended for approval.

8-2

ORDINANCE NO. _____
(Zoning Case 2003-07)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 93-8-9 THEREBY; RESCINDING SPECIFIC USE PERMIT NO. 226 FOR THE ADDITIONAL USE OF AN ARCADE ON 0.4+ ACRE OF LAND OUT OF THE JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213, LOCATED 300+ FEET WEST OF U.S. HIGHWAY 75 AND 600+ FEET SOUTH OF 15TH STREET IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2003, for the purpose of considering rescinding Specific Use Permit No. 226 for an Arcade on 0.4+ acre of land out of the Joseph Klepper Survey, Abstract No. 213, located 300+ feet west of U.S. Highway 75 and 600+ feet south of 15th Street in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2003; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 226 for an Arcade would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

8-4

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 93-8-9, duly passed and approved by the City Council of the City of Plano, Texas, on August 9, 1993, granting Specific Use Permit No. 226 for the additional use of an Arcade on 0.4± acre of land out of the Joseph Klepper Survey, Abstract No. 213, located 300± feet west of U.S. Highway 75 and, 600± feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit #226, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 226 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 86-3-14, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE _____ DAY OF _____,
2003.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land situated in the City of Plano, Collin County, Texas out of the Joseph Klepper Survey, Abstract No. 213, and being Lot 2R in Block A of the replat of Dallas North Shopping Center 1988 Addition, an addition to the City of Plano as recorded in Cabinet H at Slide 124 of the plat records of Collin County, Texas and Lots 1R and 3R in Block A of the replat of Dallas North Shopping Center 1988 Addition, an addition the City of Plano as recorded in Cabinet H at Slide 399 of the plat records of Colin County, Texas, and being more particularly described as follows:

BEGINNING at the southeast corner of said Lot 1R in Block A, and being in the west line of U.S. Highway 75 (North Central Expressway); said point being North $74^{\circ} 57' 06''$ East a distance of 10.00 feet from the northeast corner of Lot 1, Block A of Janwood Addition, an addition to the City of Plano, Texas according to the plat thereof as recorded in Cabinet G, Page 723 of the plat records of Collin County, Texas;

THENCE South $74^{\circ} 57' 06''$ West along the south line of said replat of Dallas North Shopping Center 1988 Addition, as recorded in Cabinet H at Slide 399, a distance of 326.09 feet to an iron rod for corner;

THENCE North $09^{\circ} 31' 11''$ West a distance 60.12 feet to the east building face for the Dallas North Shopping Center 1988 Addition;

THENCE North $15^{\circ} 02' 54''$ West a distance of 220.00 feet to the southeast corner of the lease space for the Discovery Zone;

THENCE 115 feet west to the southwest corner of the lease space for the Discovery Zone;

THENCE 135 feet north to the northwest corner of the lease space for the Discovery Zone;

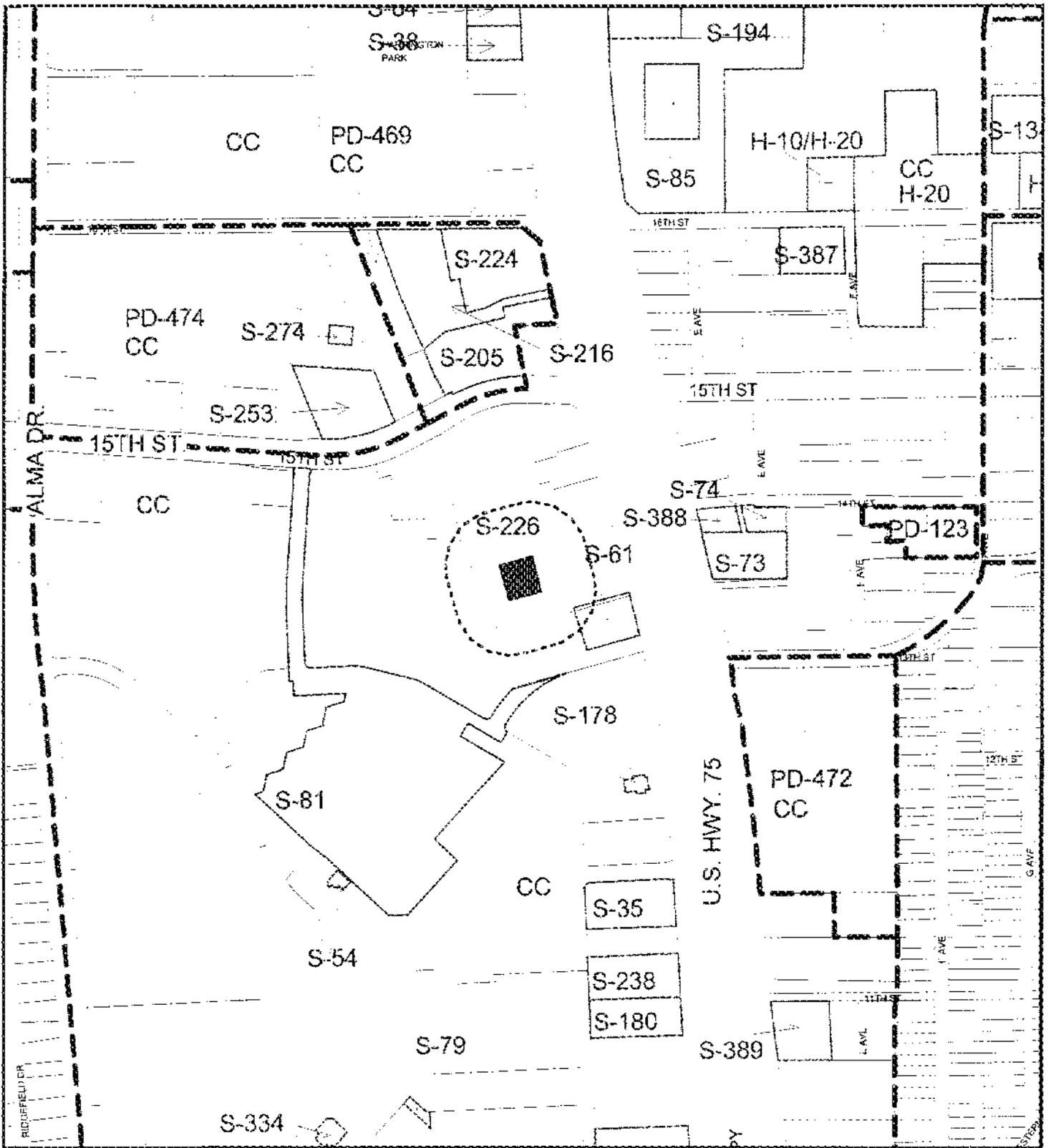
THENCE 115 feet east to the northeast corner of the lease space for the Discovery Zone;

THENCE North $15^{\circ} 02' 54''$ West a distance of 355 feet to the east building face for the Dallas North Shopping Center 1988 Addition;

THENCE North $09^{\circ} 31' 11''$ West a distance of 60.12 feet to an iron rod for corner;

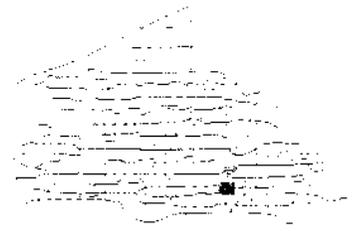
THENCE North $74^{\circ} 57' 06''$ East a distance of 265.30 feet from the iron rod set for corner to the PLACE OF BEGINNING and containing 0.4 acres of land more or less.

8-7



**ZONING CASE
2003-07**

**EXISTING ZONING:
CC w/S-226**



200' Notification
Buffer



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/03		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date	
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	5/10/03	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	3/16/03	
Agenda Coordinator (include phone #): Irene Pegues (7198)					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER STAFF REPORT

CAPTION

Receive staff report and provide direction on concepts to enhance a pedestrian friendly downtown.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s):

COMMENTS:

SUMMARY OF ITEM

Lloyd Neal will make a presentation on concepts to enhance a pedestrian friendly downtown. Staff has performed studies of pedestrian and traffic flow in the downtown area. Several recommendations will be made that could provide a more friendly pedestrian environment.

List of Supporting Documents:

N/A

Other Departments, Boards, Commissions or Agencies

N/A