

## PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. JUNE 9, 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 | 15 min |
| A. | Respond to questions and receive legal advice on agenda items   |           |        |
| B. | Deliberation Re Security Devices: Discussion Re the Implementation And Deployment of Security Devices and Personnel for the City's Infrastructure |           |        |
| C. | Oncor Electric Easement   |           |        |
| D. | Humphrey Condemnation   |           |        |

### **PRELIMINARY OPEN MEETING**

- |      |  |                    |         |
|------|--|--------------------|---------|
| I.   | Consideration and action resulting from executive session discussion:              | Council            | 5 min.  |
| II.  | Presentation by Interfaith Council re Health Care                                  | Interfaith Council | 15 min. |
| III. | Review of TxDOT Plans to Install Lighting on SH121 Dallas North Tollway to Preston | Upchurch           | 10 min. |
| IV.  | Council items for discussion/action on future agendas                              | Council            | 5 min.  |
| V.   | Consent, Statutory and Regular Agenda  | Council            | 5 min.  |
| VI.  | 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

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: June 9, 2003

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor George Feiser  
Grace Community Church

PLEDGE OF ALLEGIANCE: Boy Scout Troop 27 - Plano 3rd Ward  
Church of Jesus Christ Latter Day Saints

ITEM NO.	EXPLANATION	ACTION TAKEN
<p style="text-align: center;">*</p> <p style="text-align: center;">(a)</p>	<p>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.</p> <p><b><u>CERTIFICATE OF APPRECIATION</u></b></p> <p><u>Building Standards Commission</u> – Richard Garza <u>Library Advisory Board</u> – Amy Morenz</p> <p><b><u>GENERAL DISCUSSION</u></b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b>CONSENT AGENDA</b></p> <p><b><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></b></p> <p>May 27, 2003 June 2, 2003</p> <p><b><u>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:</u></b></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(b)	<p><b>Bid No C078-03</b> for Auto &amp; Truck Non OEM Parts in the estimated annual amount of \$80,000.</p>	
	<p><b><u>Adoption of Resolutions</u></b></p>	
(c)	<p>To approve the terms and conditions of four (4) funding agreements in a total amount not to exceed \$4,000 between the City of Plano, Texas, and Collin County Ballet Theatre, Dallas Asian American Youth Orchestra, Dallas Chinese Choral Society, and Texas Performing Chinese Arts Association, which all render services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such funding agreements with these organizations for support of the arts; and providing an effective date.</p>	
(d)	<p>To authorize the purchase and installation of underground electric power infrastructure for Archgate Park from Oncor, the sole source provider of such services and equipment; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase and installation of electric power service; and providing an effective date.</p>	
(e)	<p>To approve the terms and conditions of an agreement by and between the City of Plano, the City of Richardson and the City of Garland for expansion of the Tri-City Police Training Academy; authorizing its execution by the City Manager; and providing an effective date.</p>	
	<p><b><u>Adoption of Ordinances</u></b></p>	
(f)	<p>To repeal Section VII of Ordinance No. 99-12-4, codified as Section 13-8(d), Municipal Court Technology Fund, of Chapter 13, Municipal Court, of the Code of Ordinances of the City of Plano, Texas, repealing the termination date for the municipal court technology fund; providing a repealer clause, a severability clause, and an effective date.</p>	
(g)	<p>To authorize the collection of a fee for processing payment by credit card to the Municipal Court; imposing a processing fee for payments by credit card to the Municipal Court; and providing a severability clause, and an effective date.</p>	
(h)	<p>To amend Section 11-145 of Article IV of Chapter 11, “Licenses and Business Regulations” of the Code of Ordinances of the City of Plano by adding Subsection (e) prohibiting solicitation upon residential premises that are posted with a no solicitation sign; providing severability, savings, repealing, penalty and publication clauses; and an effective date.</p>	
	<p><b><u>Approval of Change Order:</u></b></p>	
(i)	<p>To Mario Sinacola &amp; Sons Excavating, Inc., increasing the contract by \$145,126 for Parker Road Widening from Midway Road to West City Limits (Bid No. B185-01)</p>	
	<p><b><u>Purchase from Existing Contract:</u></b></p>	
(j)	<p>To purchase detector cards and opticom equipment in the amount of \$132,745 to be installed at various signalized intersections within the City of Plano from two existing City of Plano Contracts (C089-01 and C050-02).</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><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></b></p> <p><b><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></b></p> <p>(1) <b>A resolution</b> to approve the terms and conditions of an amendment to City of Plano and Collin County Texas agreement to participate in the City of Plano Tax Increment Financing Reinvestment Zone Number Two; authorizing its execution by the City Manager; and providing an effective date.</p> <p>(2) <b>A resolution</b> to approve the assignment by Willow Bend Associates Limited Partnership of its rights and obligations under a master agreement for Tax Increment Reinvestment Zone Number One through a series of assignments to Willow Bend Shopping Center Limited Partnership; authorizing its execution by the City Manager; and providing an effective date.</p> <p>(3) <b>Public Hearing and an ordinance as requested in Zoning Case 2002-68</b> 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 and 05/12/03</p> <p>(4) <b>Public Hearing and an ordinance as requested in Zoning Case 2002-69</b> 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 – remained on table 05/12/03</p> <p>(5) <b>Public Hearing and consideration of the “Spring Creek Parkway/Jupiter Road Area Plan”</b> and approving it as a general guide for decisions relating to land use, transportation, and public facilities and services within the study.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(6)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2003-11</b> – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-427-Office-2 on 41.9± acres located on the southwest corner of Parker Road and Communications Parkway in the City of Plano, Collin County, Texas, to revise floor area ratio and building square footage requirements; 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 #40. Applicant: Presbyterian Hospital of Plano.</p>	
(7)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2003-12</b> – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 491 so as to allow the additional use of a private club on 0.1± acre of land located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16. Applicant: The Shops at Legacy, LP</p>	
(8)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2003-13</b> - to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 492 so as to allow the additional use of a private club on 0.1± acre of land located on the south side of Legacy Drive, 300± feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16. Applicant: The Shops at Legacy, LP</p> <p><b><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></b></p>	



*Pat Evans*  
Mayor

*Steve Stovall*  
Mayor Pro tem

*Shep Stahei*  
Deputy Mayor Pro tem

*Scott Johnson*  
Place 2

*Phil Dyer*  
Place 3

*Sally Magnuson*  
Place 4

*Jean Callison*  
Place 7

*Ken Lambert*  
Place 8

Thomas H. Muehlenbeck  
City Manager

June 4, 2003

Mayor Pat Evans  
City Council Members  
City of Plano  
Plano, TX 75074

Honorable Mayor and City Council:

We will begin our meeting Monday evening in Executive Session with legal advice from the City Attorney.

The Preliminary Open Meeting agenda consist of a presentation by the Interfaith Council and review of TxDOT plans to install lighting on SH 121 from Dallas North Tollway to Preston.

I look forward to seeing you Monday evening.

Sincerely yours,

Thomas H. Muehlenbeck  
City Manager

THM/bn

Preliminary Open Meeting Item II.

Presentation by Interfaith Council  
(No Back-up)

*IIa*

**JUN - 3 2003**

**MEMORANDUM**

**TO:** Thomas H. Muehlenbeck, City Manager  
**FROM:** Alan L. Upchurch, City Engineer   
**SUBJECT:** Lighting Along SH 121 (Tollroad to Preston Road)  
**DATE:** June 3, 2003

The Texas Dept. of Transportation is finalizing the plans for SH 121 and has requested guidance from Plano as to the type of lighting to be installed. One option would be to install six 150' high mast lights and the other would be for 32'-50' high conventional poles. The conventional poles will be in the median; but due to the width of the median and the roadway, two sets of poles would be required.

It is requested that this issue be reviewed with the City Council on June 9, 2003. Staff will recommend the high mast lighting as it provides more illumination on the service roads and the maintenance will be safer as the poles are located out of the freeway lanes.

The City of Frisco discussed this issue and has recommended the high mast lighting. Since the future city limits will be the centerline of SH 121, we are requesting that Frisco and Plano equally share the operations and maintenance cost. TxDOT will pay the initial installation cost.

Is

xc: Frank Turner, Executive Director



**Discussion/Action Items for Future Council Agendas  
(as of June 3, 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**

**June 23**

Animal Shelter Update  
Discussion re Dog Park  
Comprehensive Monthly Financial Report  
Jupiter/Spring Creek Study (Jarrell)  
6:45 Debra Hadfield's Music Studio Performance

**Public Hearing:** Zoning Case 2003-21 - A request to amend Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3-115 (Retirement Housing) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance pertaining to assembly hall and retirement housing uses and related development standards within the Corridor Commercial (CC) zoning district. **Applicant: City of Plano.**

**Public Hearing:** Zoning Case 2003-20 - A request for a Specific Use Permit (SUP) for Private Club in conjunction with the operation of a proposed assembly hall use on 0.6± acre on one lot located 443± feet north of Enterprise Drive and 320± feet west of Premier Drive. Zoned Corridor Commercial with Specific Use Permit #116 for an Arcade. Neighborhood #47. **Applicant: Enterprise Landmark, Ltd. (The Premier Center).**

*June 26 – 30 – Texas City Management Association Conference*

*June 29 – Harry Rowlinson Community Natatorium Dedication Ceremony – 2-4 p.m.*

*July 4 – Independence Day holiday*

**July 28**

First Public Hearing Prestonwood Annexation  
Comprehensive Monthly Financial Report

**July 30**

Council receives 2003-2004 budget

**August 4**

DART Status Report  
Mobility Report  
First Public Hearing at Council First Monday Worksession re Prestonwood Annexation

*Aug 5th 6p-9p @ various locations - National Night Out Events*

### **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  
Annexation Ordinance – Prestonwood Annexation

*August 27 – Joint City/PISD Retreat – 11:30 a.m. (PISD host)*

*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*

*September 29 – Joint City/PISD/Chamber Meeting – 6:30 p.m. – Sockwell Center*

### **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*

**2004**

*April 19 – Joint City/PISD/Chamber Meeting – 6:30 p.m. - hosted by Chamber*

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
May 27, 2003**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Evans called the meeting to order at 5:01 p.m., Tuesday, May 27, 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 6:00 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.

**Regional Water Supply and Conservation Planning – NTMWD**

North Texas Municipal Water District (NTMWD) Executive Director Jim Parks advised the Council that obtaining raw water is a huge challenge and stated that the NTMWD has been utilizing a three-lake operating system for the past fifty years. He spoke to the system structure and stated that there are thirteen member cities in the service area along with 49 customer cities, towns and water supply corporations.

Mr. Parks spoke to increasing population numbers and to water conservation and management strategies including drought response planning, supply development, interbasin transfers, and reuse of treated wastewater. He stated that workshops are conducted in order to develop a conservation program, exchange information and ideas, and use a consensus approach. Mr. Parks stated that approving a conservation plan is vitally important along with drought tolerant landscape ordinances, irrigation system requirements, and leak survey and detection. He stated that target program development includes water conservation workshops followed by approval and implementation of a schedule with member cities and customers at a regional level by the NTMWD Board of Directors (Board). Mr. Parks stated that a proposed implementation date of June/July was optimistic and that a schedule should be available for Council consideration within 45-60 days.

Deputy Mayor Pro Tem Stahel spoke in support of the efforts of the District and the water conservation program. Mr. Parks responded to the Council regarding construction of a new wastewater treatment plant for Royse City and the City of Fate and stated that this is funded through a special facilities financing agreement with these cities. He further responded to the Council that the requirement of the City for minimum water usage based on the previous year's usage whether used or not is still in effect and stated that this practice has as of yet caused no harm to the cities. Mr. Parks spoke to the water rebate policy and looking at actual water consumption at year end and stated that if water usage did not meet the minimum requirement then a variable cost rebate is considered by the Board based on power and chemical costs not undertaken to treat the unused water. Mayor Pro Tem Stovall spoke to there being no incentive for decreasing water consumption except to the same point as was used the previous year and to the desire to drop consumption amounts. Mr. Parks stated that the system used for the past 50 years provided the cities the most cost effective water rate of any provider in the metropolitan area. Mr. Stovall spoke to reaching a penalty stage at some point in time when water usage is reduced beyond the minimum usage identified and further spoke to problems with increasing costs.

Council Member Lambert spoke to the Board addressing the rebate and looking instead at taking the minimum amount of water identified and reselling it retail instead. He stated that rather than the City receiving a million dollars back from the District, two million dollars in profit could instead be made. Mr. Parks advised Mr. Lambert that nine of the member cities, with a potential of ten, use the wastewater treatment system. He further advised Mr. Lambert that not all wastewater is recaptured and utilized and spoke to determining wastewater rights.

### **Emergency Management Plan Review**

Fire Chief Peterson stated that he is here to continue the review of the City of Plano Emergency Management Plan. He spoke to Annex K – Public Works and Engineering, and stated that the purpose of this annex is to outline operational concepts, responsibilities and procedures for these departments during emergency situations. He spoke to providing heavy equipment support, surveying damage to roads and infrastructure, clearing debris and assisting in providing access and restoration of operations.

Chief Peterson spoke to the role of the Mayor and elected officials as approving requests for county, state or federal resources needed in the City.

Chief Peterson spoke to Annex S – Transportation, and stated that the purpose of this annex is to identify the concept of operations and organizational arrangements for transporting people, supplies and materials during emergency situations. He stated that persons and/or supplies may have to be transported from or to areas at risk with possible evacuation situations. Chief Peterson stated that the role of the Mayor and elected officials is to request transportation assistance from the Plano Independent School District and DART.

Chief Peterson spoke to Annex P – Hazard Mitigation, and stated that the City of Plano is one of a few cities in the North Central Texas Council of Governments (NCTCOG) area that has a completed Hazardous Mitigation Action Plan and further stated that the City is participating with NCTCOG in a regional planning development process. He stated that this annex identifies and reduces risks to existing hazards in the community. Chief Peterson stated that hazard mitigation is an on-going process beginning with a Mitigation Team to develop a plan designed to address needs, and further spoke to pre-event and post-event mitigation development. He stated that the Mayor and elected officials are responsible for appointing an agency to exercise primary responsibility to coordinate hazard mitigation activities as well as an individual to serve as the Hazard Mitigation Coordinator, currently being held by the City Engineer. Chief Peterson spoke to also appointing support agencies and organizations to provide representation.

### **Comprehensive Monthly Financial Report**

Director of Finance McGrane presented the Comprehensive Monthly Finance Report for the month of April and stated that the General fund is ahead of the previous year, sales tax is up from the previous year at this time, and spoke to the increase of the health fund coming from the increased contributions provided by the City. He stated that building permits were up on the commercial side along with an increase in single family housing values.

Remaining Preliminary Items were discussed during the Regular Meeting. Nothing further was discussed. Mayor Evans recessed the meeting at 6:59 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL**  
**May 27, 2003**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Evans convened the meeting into open session on Tuesday, May 27, 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 Reverend Mike Masterson of Preston Meadow Lutheran Church.

The Pledge of Allegiance was led by Boy Scout Troop 1133 of the Latter Day Saints Church.

**PRELIMINARY OPEN MEETING (CONT'D)**

**Discussion and Direction Regarding Determining Whether Letters Should Be Sent to Board and Commission Members Whose Attendance Falls Below 75%**

Council Member Lambert stated that the draft letter addressing board and commission attendance provided in the packet is appropriate and recommended that Staff prepare letters to be sent to those members who fall below 75% attendance in order that members who feel they cannot fulfill their meeting obligations can then make this known. Mayor Evans and Council Member Lambert spoke to alternate members not being required to fulfill 75% attendance requirements.

Mayor Evans spoke to consideration of regular and called meetings and to looking at the sum total of all meetings held in order to make a more objective judgment regarding attendance. Council Member Dyer spoke to the Council liaisons contacting the chair or Staff member of the board or commission to determine if there are extenuating personal circumstances and further to giving the liaisons the flexibility to make the decision as to whom should receive a letter. Mayor Evans recommended with concurrence from the Council that all letters should be delivered to the liaisons who would then make the determination if they were to be sent out. Council Member Lambert stated that this letter serves as a reminder to the member. Mayor Pro Tem Stovall spoke to this process as providing an opportunity to the member not having attended 75% of the meetings held to make a determination based on their circumstances. Mayor Evans requested that letters be signed by each liaison.

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

No items were brought forward.

### **Consent Agenda**

No items were brought forward.

### **Council Reports**

Council Member Lambert complemented Mayor Pro Tem Stovall and all those involved in the Memorial Day event for their excellent participation and planning. Mayor Pro Tem Stovall commended Marketing and Special Event Coordinator Conklin for the excellent job done.

### **GENERAL DISCUSSION**

James Craft, citizen of the City, stated his appreciation to the Council for their support of amendments to the "fundraiser" ordinance which benefited the Plano East Golden Girls and Golden Escorts.

### **CONSENT AGENDA**

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

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

May 12, 2003

May 19, 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. B072-03** for construction of Tollroad Service Road from Parker Road to Spring Creek Parkway in the amount of \$743,752. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. C076-03** for a fixed-price contract for the Repair/Maintenance of Brick Screening Walls in the estimated annual amount of \$40,127. [Consent Agenda Item (C)] (See Exhibit "B")

**Bid No. C077-03** for a fixed-price contract for the purchase of Traffic Controllers and Traffic Controller Cabinets in the estimated annual amount of \$39,788. [Consent Agenda Item (D)] (See Exhibit "C")

**Bid No. B051-03** for Intec Brand Name Video Recording Equipment for the Solid Waste Department in the amount of \$57,070. [Consent Agenda Item (E)] (See Exhibit "D")

**Adoption of Resolutions**

**Resolution No. 2003-5-15(R):** To authorize the purchase and installation of electric power infrastructure for Oak Point Park and Nature Preserve from Oncor, the sole source provider of such services and equipment; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase and installation of electric power service; and providing an effective date. [Consent Agenda Item (F)]

**Resolution No. 2003-5-16(R):** To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds in the amount of \$577,730 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

**Resolution No. 2003-5-17(R):** To find William Peterson is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Joseph A. Gorman v. City of Plano and William Peterson; and providing an effective date. [Consent Agenda Item (H)]

**Resolution No. 2003-5-18(R):** To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (I)]

### **Adoption of Ordinances**

**Ordinance No. 2003-5-19:** To adopt and enact Supplement Number 61 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the code; and providing an effective date. [Consent Agenda Item (J)]

**Ordinance No. 2003-5-20:** To repeal Ordinance No. 2000-2-16 codified as Division 1.5, Cross Connection Control Program, of Article II, Water, of Chapter 21, Utilities, of the Code of Ordinances; adopting a new Division 1.5 of Article II, Chapter 21 of the Code of Ordinances; to revise definitions, processes, regulations and enforcement provisions; providing a repealer clause, a savings clause, a severability clause, a penalty clause and an effective date. [Consent Agenda Item (K)]

**Ordinance No. 2003-5-21:** To repeal Ordinance No. 2003-1-7; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2002-2003; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Police and Fire Departments effective June 1, 2003; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (L)]

### **Reimbursement of Oversize Participation**

To approve and authorize reimbursement to Electronic Data Systems Corporation for oversize participation for paving and water line improvements associated with the construction of the Headquarters Drive extension, from Parkwood Boulevard to Preston Road in the amount of \$76,967. [Consent Agenda Item (M)]

### **Approval of Contracts:**

To approve and authorize for the selection of Terra-Mar, Inc. to provide Construction Material Testing Services for an amount not to exceed \$26,693 in connection with the construction of Jupiter Road – Spring Creek Parkway to Chaparral Road and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (N)]

### **END OF CONSENT**

**Public Hearing and an ordinance** adopting the maximum permitted rates and operator selected rates for basic cable services and certain equipment and installation to be charged by Comcast Cable Communications Inc. ("Comcast") (formerly AT&T Broadband and TCI of Plano, Inc.) (Comcast and all its predecessors collectively are referred to herein as "Comcast"), and reducing the maximum permitted rates and operator selected rates to be charged by Comcast for basic cable service, installation and equipment; providing for enforcement action generally; providing a repealer clause, a severability clause and an effective date. [Regular Agenda Item (1)]

City Attorney Wetherbee recommended that the Council table this item until June 23 in order that additional time may be utilized to obtain additional information from Comcast and to review the rates.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall the Council voted 8-0 to table this item adopting the maximum permitted rates and operator selected rates for basic cable services and certain equipment and installation to be charged by Comcast Cable Communications Inc. ("Comcast") (formerly AT&T Broadband and TCI of Plano, Inc.) (Comcast and all its predecessors collectively are referred to herein as "Comcast"), and reduce the maximum permitted rates and operator selected rates to be charged by Comcast for basic cable service, installation and equipment; providing for enforcement action generally; providing a repealer clause, a severability clause and an effective date until June 23, 2003.

**Public Hearing and adoption of Ordinance No. 2003-5-22** to designate a certain area within the City of Plano as Reinvestment Zone No. 75 for commercial/industrial tax abatement consisting of a 6.036-acre tract of land located at 4001 East Plano Parkway, Suite 500, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane advised that state law requires that prior to entering into tax abatement agreements, a Public Hearing must be held before a reinvestment zone can be approved.

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

Upon a motion made by Mayor Pro Tem Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 75 for commercial/industrial tax abatement consisting of a 6.036-acre tract of land located at 4001 East Plano Parkway, Suite 500, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2003-5-22.

**Resolution No. 2003-5-23(R)** to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Cates Control Systems, Inc., and providing for a commercial/industrial tax abatement for Cates Control Systems, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Finance Director McGrane stated that Cates Control Systems, Inc. assembles and writes software and is expanding and relocating from the City of Addison to the City of Plano and plans to lease approximately 18,300 square feet located at 4001 East Plano Parkway, Suite 500.

Mr. McGrane stated that an estimated 40 people will be employed along with making real property improvements valued at \$315,000, \$300,000 in business personal property within the reinvestment zone, and a two-year abatement at 50%. He stated that based on company estimates this abatement will realize a tax savings of \$1,394.

Upon a motion made by Council Member Dyer and seconded by Mayor Pro Tem Stovall, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Cates Control Systems, Inc., and providing for a commercial/industrial tax abatement for Cates Control Systems, Inc., and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2003-5-23(R).

**Public Hearing and adoption of Ordinance No. 2003-5-24** to designate a certain area within the City of Plano as Reinvestment Zone No. 76 for commercial/industrial tax abatement consisting of a 6-acre tract of land located at 3701 East Plano Parkway, Suite 100, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (4)]

Finance Director McGrane advised that state law requires that prior to entering into tax abatement agreements, a Public Hearing must be held before a reinvestment zone can be approved.

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

Upon a motion made by Council Member Magnuson and seconded by Council Member Dyer, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 76 for commercial/industrial tax abatement consisting of a 6-acre tract of land located at 3701 East Plano Parkway, Suite 100, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2003-5-24.

**Resolution No. 2003-5-25(R)** to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Estech Systems, Inc., and providing for a commercial/industrial tax abatement for Estech Systems, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (5)]

Finance Director McGrane advised that Estech Systems, Inc. sells, designs, and assembles telecom equipment and is an existing Plano company relocating within the City and plans to lease 46,400 square feet at 3701 East Plano Parkway, Suite 100. He stated that an estimated 100 people will be employed, along with making real property improvements to the lease facility valued at \$250,000, \$875,000 of business personal property within the reinvestment zone, and a seven-year abatement at 50%. He stated that that based on company estimates, a tax savings of \$2,550 will be realized.

Upon a motion made by Council Member Dyer and seconded by Mayor Pro Tem Stovall, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Estech Systems, Inc., and providing for a commercial/industrial tax abatement for Estech Systems, Inc., and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2003-5-25(R).

**Public Hearing and adoption of Ordinance No. 2003-5-26** to designate a certain area within the City of Plano as Reinvestment Zone No. 77 for commercial/industrial tax abatement consisting of a 15.413-acre tract of land located at the northwest corner of Preston Road and Tennyson Parkway in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (6)]

Finance Director McGrane advised that prior to entering into a tax abatement, state law requires that a Public Hearing must be held before a reinvestment zone can be approved

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

Upon a motion made by Council Member Magnuson and seconded by Mayor Pro Tem Stovall, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 77 for commercial/industrial tax abatement consisting of a 15.413-acre tract of land located at the northwest corner of Preston Road and Tennyson Parkway in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2003-5-26.

**Resolution No. 2003-5-27(R)** to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Advanced Neuromodulation Systems, Inc., and providing for a commercial/industrial tax abatement for Advanced Neuromodulation Systems, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (7)]

Finance Director McGrane advised that Advanced Neuromodulation Systems, Inc. is a Plano based company which manufactures medical devices that specifically work to manage chronic pain in the spinal system and is further expanding to construct a 140,000 square foot headquarter campus located at the northwest corner of Preston Road and Tennyson Parkway. He stated that they plan to employ 185 people, with an estimated value of real property improvements at \$8 Million and \$16 Million in business personal property with an abatement period of ten years at 50% and an annual tax savings of \$54,420.

Upon a motion made by Council Member Lambert and seconded by Mayor Pro Tem Stovall, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Advanced Neuromodulation Systems, Inc., and providing for a commercial/industrial tax abatement for Advanced Neuromodulation Systems, Inc., and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2003-5-27(R).

**Public Hearing and adoption of Ordinance No. 2003-5-28 as requested in Zoning Case 2003-02** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Sections 2. (Residential Development Standards), 4. (Parking Regulations) a., and 5. (Prohibited/Additional Allowed Uses) b. of Planned Development-65-Central Business-1 on 149.7± acres located on the northeast corner of the Dallas North Tollway and Tennyson Parkway in the City of Plano, Collin County, Texas, to allow for the development of townhomes; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhoods #8 and #16. Applicants: EDS; Leddy Ventures, Ltd.; The Shops at Legacy; Lincoln Property Company; Clearview Legacy, L.P.; and Post Properties. [Regular Agenda Item (8)]

Director of Planning Jarrell spoke regarding interest in the development of townhomes in the Legacy Town Center area and stated that property owners have requested that the Planned Development District be amended to allow this usage. She stated that townhomes on individually platted lots are not presently allowed, and that proposed townhomes will be an urban style product and will have townhome regulations devised for the Business Government (BG) District in the downtown area. Ms. Jarrell stated that setbacks and street type modifications were made but otherwise the request mirrors the BG District. She stated there is a maximum of 40 units per acre which are required to have frontage on a public or muse street with rear entry garages. Ms. Jarrell stated that the Planning and Zoning Commission recommended approval of the request as follows: (Additions are underlined)

*Specific Provisions of the Planned Development*

2. Residential Development Standards

a. Standards relating to all residential development

- i. No minimum open space shall be required per residential dwelling unit. However, two park or courtyard areas must be provided within the planned development district, one on each side of Legacy Drive. The park areas shall total five acres in size. These areas may be publicly or privately owned. Parks, courtyards, and streetscape areas shall be shown at the time of concept plan or site plan approval on the concept plan or site plan.

- ii. No off-street loading docks shall be required for buildings containing residential uses. Off-street loading docks for non-residential uses may not be located adjacent to, or across a street or alley from, buildings containing residential uses.
- b. Standards relating to multi-family residence development
- i. Multi-family development shall be exempt from the supplemental regulations of Section 3-104.
  - ii. The minimum residential density for multi-family development shall be 40 dwelling units per acre. (ZC 2002-58; Ordinance No. 2002-12-7)
- c. Standards relating to single family residence (attached) development
- i. Each dwelling unit shall be on an individually-platted lot. Lots shall front on a public street or private mews street. Mews streets used for private lot frontage shall be named streets and shall not be gated.
  - ii. Minimum Lot Area: 700 square feet
  - iii. Maximum Density: 40 dwelling units per acre
  - iv. Minimum Lot Width: 20 feet
  - v. Minimum Lot Depth: 35 feet
  - vi. Front yard setbacks shall apply as follows:
    - Minimum Setback from mews street: 12 feet from back of street curb to building
    - Maximum Setback from mews street: 18 feet from back of street curb to building
    - Minimum Setback from public street: 15 feet from back of street curb to building
    - Maximum Setback from public street: 21 feet from back of street curb to building
    - Minimum of 75% of the front façade of the building shall fall within the minimum and maximum setback.

vii. Minimum Side Yard

- Interior Side Yard: None
- Exterior Side Yard (corner lot): Shall be treated the same as front yards

viii. Minimum Rear Yard: None

ix. Maximum Height: 3 stories (50 feet)

x. Minimum Floor Area/ Dwelling Unit: 800 square feet

xi. Maximum Lot Coverage: 100%

xii. Street trees shall be placed in planting beds or tree gates within six (6) feet of the back of the street curb.

xiii. Sidewalks with a minimum unobstructed width of six (6) feet shall be placed along street frontage. Sidewalks are in addition to and placed adjacent to street tree areas.

xiv. Stoops and landscaped areas adjacent to the building may extend a maximum distance of six (6) feet into the area between the front facade of the building in the back of the street curb.

xv. Maximum Building Length: 200 feet

xvi. Buildings must be separated by a minimum distance of 10 feet.

xvii. Maximum Number of Dwelling Units Per Building: 10 units

xviii. Rear entry drives are required. The distance from the garage to the travel lane of the alley shall be five (5) or less feet in length or shall be 20 feet or greater in length. The distance from the garage to the travel lane of the mews street shall be in accordance with the attached mews street section.

4. Parking Regulations

- a. On-street parking within 300 feet of a proposed use may be counted toward satisfying the parking requirement for such use. Assignment of on-street parking shall be at the time of approval of the site plan.

The required parking within the district shall be as follows:

- Multi-Family - One space per bedroom (including efficiencies). Spaces for multi-family uses may be provided in a joint use parking structure and need not be within 100 feet of the units served.
- Single-Family (Attached) - Each dwelling unit shall have a rear entry drive with a minimum of two parking spaces per garage. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.
- Live/Work Space - One space per 800 square feet of area on the ground floor
- Retail - One space per 500 square feet of floor area
- Office - One space per 300 square feet of floor area
- Hotel - One space per guest room and one space per 160 square feet of meeting area
- All Other Non-Residential Uses - One space per 250 square feet of floor area

5. Prohibited/Additional Allowed Uses

b. The following additional uses shall be permitted:

- artisan's workshop
- bed & breakfast
- single-family residence (attached)

Ms. Jarrell responded to the Council that current requirements to Multi-Family are not being changed and that these townhomes will be in addition to the 1500 allowed Multi-Family units in the area and will be owner occupied. She advised the Council that there is a minimum density for multi-family and a maximum density for the townhomes.

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

Upon a motion made by Council Member Lambert and seconded by Mayor Pro Tem Stovall, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Sections 2. (Residential Development Standards), 4. (Parking Regulations) a., and 5. (Prohibited/Additional Allowed Uses) b. of Planned Development-65-Central Business-1 on 149.7± acres located on the northeast corner of the Dallas North Tollway and Tennyson Parkway in the City of Plano, Collin County, Texas, to allow for the development of townhomes; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-02 directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhoods #8 and #16. Applicants: EDS; Leddy Ventures, Ltd.; The Shops at Legacy; Lincoln Property Company; Clearview Legacy, L.P.; and Post Properties; and further to adopt Ordinance No 2003-5-28.

**Public Hearing and adoption of Ordinance No. 2003-5-29 as requested in Zoning Case 2003-08** to repeal in its entirety Ordinance No. 87-7-19 thereby; rescinding Specific Use Permit No. 139 for the additional use of an Arcade on 0.1± acre of land located 800± feet east of K Avenue and 800± feet north of Spring Creek Parkway 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 #22. Applicant: City of Plano [Regular Agenda Item (9)]

Planning Director Jarrell addressed this item simultaneously with Items 10 and 11 and advised that these items remove specific use permits for arcades that are no longer in business. She stated that letters received in opposition mistook the intent of the item as granting new permits for arcades. Ms. Jarrell stated that the Planning and Zoning Commission has recommended approval as submitted for all three items.

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

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 8-0 to repeal in its entirety Ordinance No. 87-7-19 thereby; rescinding Specific Use Permit No. 139 for the additional use of an Arcade on 0.1± acre of land located 800± feet east of K Avenue and 800± feet north of Spring Creek Parkway in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-08 and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-5-29.

**Public Hearing and adoption of Ordinance No. 2003-5-30 as requested in Zoning Case 2003-09** to repeal in its entirety Ordinance No. 93-10-24 thereby; rescinding Specific Use Permit No. 232 for the additional use of an Arcade on 0.3± acre of land located 285± feet east of Independence Parkway and 180± feet north 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 #57. Applicant: City of Plano [Regular Agenda Item (10)]

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

Upon a motion made by Mayor Pro Tem Stovall and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 8-0 to repeal in its entirety Ordinance No. 93-10-24 thereby; rescinding Specific Use Permit No. 232 for the additional use of an Arcade on 0.3± acre of land located 285± feet east of Independence Parkway and 180± feet north of 15th Street in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-09 and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-5-30.

**Public Hearing and adoption of Ordinance No. 2003-5-31 as requested in Zoning Case 2003-10** to repeal in its entirety Ordinance No. 95-6-30 thereby; rescinding Specific Use Permit No. 292 for the additional use of an Arcade on 0.1± acre of land located 550± feet east of Alma Drive and 650± feet south of Parker Road 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 #47. Applicant: City of Plano [Regular Agenda Item (11)]

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

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, the Council voted 8-0 to repeal in its entirety Ordinance No. 95-6-30 thereby; rescinding Specific Use Permit No. 292 for the additional use of an Arcade on 0.1± acre of land located 550± feet east of Alma Drive and 650± feet south of Parker Road in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-10 and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-5-31.

There being no further discussion, Mayor Evans adjourned the meeting at 7:43 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY AND REGULAR OPEN MEETING**

**June 2, 2003**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Evans called the meeting to order at 5:05 p.m., Monday, June 2, 2003, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Dyer.

**PRELIMINARY OPEN MEETING**

**DART Status Report**

DART Board Chair Pope spoke to the ending of Legislative session and the successful passage of bills supported by DART regarding internet procurement usage, fare evasion, roadway clearance, and Dallas Regional Mobility Coalition single election for 4a - 4b cities. He spoke to the need for development of a plan for the region before the next legislative session and to an upcoming City of Dallas/Fort Worth joint Chamber event to discuss regional transit. Mr. Pope stated that an estimated \$28 Million reduction in sales tax revenues is projected for next year, and spoke to a proposal to decrease the operation side which would include a reduction in bus routes and staff positions. He spoke to hopefully looking for a total of \$48 Million in total reductions and not having to delay build-out of the current plan beyond a two year period of time if reductions can be found. Mr. Pope responded to the Council that the proposed budget shortfall represents approximately 8+% for next year.

## **PROCLAMATIONS AND SPECIAL RECOGNITION**

Mayor Evans presented the Mayor and City Council's Public Service Appreciation Award.

Mayor Evans presented a proclamation naming June 1 through 7, 2003 as "Management Week."

### **Mobility Report**

Transportation Engineering Manager Neal spoke to new "double cycling" features and revised signal timing at US Highway 75 and Legacy Road northbound service road to reduce congestion and delays, and to new signal construction design at Legacy Road at Quarry Chase. He stated that City Staff met with Plano Independent School District Barron Elementary School administration regarding implementing a new student drop-off plan and further spoke to changing the speed limit on Hedgcoxe Road from 35 mph to 40 mph.

Mr. Neal responded to the Council regarding thunder storms causing school/signal lights to malfunction, and stated that a short list is being created regarding K Avenue crossing issues. He spoke to traffic safety records, analyzing collision patterns and locations, and developing accident reduction factors. Mr. Neal spoke to program challenges, driver non-compliance, presented a graph of collision categories, spoke to day versus night conditions, bike and pedestrian trends, and collision statistics sorted by age groups. He stated that contributing factors at intersection collisions include failure to yield to oncoming traffic, red-light running, improper lane change, and exceeding safe speed limits.

Mr. Neal responded to the Council that computer chip red light applications are not applied to signalization control and to red light photo use in the City of Garland as being processed as a civil misdemeanor. Mayor Pro Tem Stovall requested that Mr. Neal look into the ability of tollroad usage of photo ticketing and the City's inability to do the same and further requested that a report be presented regarding traffic signal timing

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

Deputy Mayor Pro Tem Stahel spoke to presenting a proclamation of achievement to Sai Gunturi, winner of the 76th Scripps Howard National Spelling Bee. Mr. Stahel spoke to Sai Gunturi's previous attendance at Barron Elementary School and Bowman Middle School.

### **Consent and Regular Agenda**

No items were brought forward.

### **Council Committee Reports**

No reports were made.

### **CONSENT AGENDA**

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

#### **Adoption of Resolutions**

**Resolution No. 2003-6-1(R):** To suspend the effective date of TXU Gas Distribution's requested rate changes to permit the City time to study the request and to establish reasonable rates; approving cooperation with other cities within the TXU Gas distribution system to create a steering committee to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; requiring reimbursement of cities' rate case expenses; authorizing intervention in the proceeding at the Railroad Commission; requiring notice of this resolution to the company. [Consent Agenda Item (A)]

**Resolution No. 2003-6-2(R):** To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for widening Dallas North Tollroad service roads, from Parker Road to Spring Creek Parkway; authorizing its execution by the City Manager and providing an effective date. [Consent Agenda Item (B)]

#### **END OF CONSENT**

#### **Adoption of Ordinances**

**Ordinance No. 2003-6-3:** Second reading and consideration of 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 approved 04/28/03) [Agenda Item 1]

City Manager Muehlenbeck responded to the Council that this item gives Coserv Electric the authority to operate in the public rights of way as opposed to any type of capital improvement program. Assistant to the City Manager Isrealson advised the Council "erecting" speaks to replacement of poles as needed, and not for the actual expansion of the system at any given time.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, the Council voted 7-0 to approve the second reading 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 and to further adopt Ordinance No. 2003-6-3.

Mayor Evans advised at 5:40 p.m. that the Council will recess and convene into Executive Session in Training Room A after which time the meeting will finally adjourn. The Council convened into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to discuss Legal Advice, Section 551.071 for which a certified agenda is not required.

Nothing further was discussed. Mayor Evans finally adjourned the meeting in Training Room A at 6:13 p.m.

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Pat Evans, **MAYOR**

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Elaine Bealke, **City Secretary**



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>6/9/03</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> <i>[Signature]</i>	
Agenda Coordinator (include phone #): <b>Jean Stelatella X7248</b>					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
<b>CAPTION</b>					
Award, rejection of Bids/Proposals, Conditional Acceptance of lowest responsible, responsive Bid/Proposal for Auto & Truck Non OEM Parts. (C078-03)					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR: <b>02-03</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
<b>BALANCE</b>	0	0	0	0	
<b>FUND(S): WAREHOUSE FUND</b>					
<b>COMMENTS:</b> This item approves price quotes. Expenditures will be made in the Warehouse Department within approved budget appropriations. The estimated annual amount is \$80,000.00 <b>STRATEGIC PLAN GOAL:</b> Auto & Truck Non OEM Parts relate to the City's Goal of "Service Excellence."					
<b>SUMMARY OF ITEM</b>					
Staff recommends bid of Plano Auto Supply in the estimated amount of \$80,000.00 to be accepted as lowest responsible, responsive bidder meeting specifications for Auto & Truck Non OEM Parts. This is no alternate bidder.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Bid Recap					

**CITY OF PLANO BID NO. C078-03**

**Auto & Truck Non OEM Parts**

**BID RECAP**

**Bid Opening Date/Time:** May 21, 2003 @ 3:00 PM

**Number of offers:** Three (3)

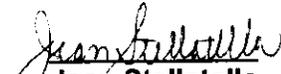
**Number of Bid Notices Viewed/Notified:** 246

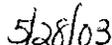
**Vendors Submitting "NO BIDS":** Six (6)

**Vendors Non-Responsive to Specification:** Two (2)

**Responsive Bidders:**

Plano Auto Supply Percentage off Weatherly Price Index: 56%

  
**Jean Stellatella**

  
**Date**

*B-2*



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>			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 C.S.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:		<b>6/9/03</b>	Reviewed by Legal <i>SSG</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation			Initials	Date
Department Head	Don Wendell			<i>DW</i>	<i>6-7-03</i>
Dept Signature:	<i>Don Wendell</i>			<i>DW</i>	<i>6/2/03</i>
City Manager					
Agenda Coordinator (include phone #): <b>Linda Benoit (7255)</b>					
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					
<b>CAPTION</b>					
Approving the terms and conditions of four (4) funding agreements in a total amount not to exceed \$4,000 between the City of Plano, Texas, and Collin County Ballet Theatre, Dallas Asian American Youth Orchestra, Dallas Chinese Choral Society, and Texas Performing Chinese Arts Association, which all render services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager, or his designee, to execute such funding agreements with these organizations for support of the arts; and providing an effective date.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2002-03</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	1,000	0	1,000
Encumbered/Expended Amount		0	0	0	0
This Item		0	-4,000	0	-4,000
BALANCE		0	-3,000	0	-3,000
FUND(S): <b>CONVENTION &amp; TOURISM FUND</b>					
COMMENTS: The FY 2002-03 Approved Budget includes \$1,000 for this item. The remaining balance will be covered by a donation in the amount of \$3,000 from the Plano Arts and Cultural Endowment (PACE).					
<b>SUMMARY OF ITEM</b>					
This resolution establishes funding agreements with various art organizations for \$1,000 approved in the FY 2002-03 budget. The remaining \$3,000 has been donated by Plano Arts and Cultural Endowment (PACE).					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Resolution					
Contract					

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF FOUR (4) FUNDING AGREEMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$4,000.00 BETWEEN THE CITY OF PLANO, TEXAS, AND COLLIN COUNTY BALLET THEATRE, DALLAS ASIAN AMERICAN YOUTH ORCHESTRA, DALLAS CHINESE CHORAL SOCIETY, AND TEXAS PERFORMING CHINESE ARTS ASSOCIATION, WHICH ALL RENDER SERVICES THAT ARE BENEFICIAL TO THE PUBLIC AND SERVE A VALID PUBLIC PURPOSE; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SUCH FUNDING AGREEMENTS WITH THESE ORGANIZATIONS FOR SUPPORT OF THE ARTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council established the Cultural Arts Commission for the purpose of considering funding requests from outside organizations; and

**WHEREAS**, this Commission considered funding requests for small grants, conducted extensive reviews, and made recommendations for funding to the City Council based on established criteria as set forth in Resolution 2003-2-19; and

**WHEREAS**, the City Council conducted a public hearing on the proposed budget and approved and adopted the 2002-03 budget; and

**WHEREAS**, pursuant to Ordinance No. 2002-9-18, the City Council has appropriated \$1,000.00 for such purposes and finds that the services provided by the four (4) organizations are beneficial to the public and serves a valid public purpose; and

**WHEREAS**, the Plano Arts and Cultural Endowment (PACE) has donated \$3,000.00 for the purpose of supporting the arts through funding agreements; and

**WHEREAS**, the City Council desires to enter into Funding Agreements with the four (4) arts organizations which establish the terms and conditions for funding.

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

**Section I.** The terms and conditions of the Funding Agreement with the below named organizations in the amount specified, a substantial copy of a sample Funding Agreement being attached hereto, having been reviewed by the City Council and found to be proper and acceptable and in the best interests of the City of Plano, are hereby in all things approved:

Collin County Ballet Theatre	\$1,000.00
Dallas Asian American Youth Orchestra	\$1,000.00
Dallas Chinese Choral Society	\$1,000.00
Texas Performing Chinese Arts Association	\$1,000.00
TOTAL	\$4,000.00

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**Section II.** The City Manager, or his designee, is hereby authorized to execute the Funding Agreements 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 Funding 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

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FUNDING AGREEMENT BETWEEN CITY OF PLANO  
AND \_\_\_\_\_

STATE OF TEXAS            )  
  )  
COUNTY OF COLLIN        )       **KNOW ALL PERSONS BY THESE PRESENTS:**

**THIS AGREEMENT**, this day made and entered into by and between the **CITY OF PLANO**, a Texas home rule municipal corporation (hereinafter referred to as "City"), and \_\_\_\_\_, a Texas non-profit corporation, acting herein through its duly authorized representative (hereinafter referred to as "Organization");

**WHEREAS**, it is deemed to be in the best interest of the residents of and the City of Plano to expend public funds for improvement, promotion, application, and encouragement of the arts and culture for organizations which provide services within the corporate limits of the City of Plano; and

**WHEREAS**, the City Council finds that expending public funds for encouragement, promotion, improvement, and application of the arts and culture are valid public purposes and will promote tourism and visitors to the City of Plano; and

**WHEREAS**, the City Council determined that up to \$1,000.00 shall be expended for the purposes as outlined in the attachment entitled "Small Grants Application 2003" (hereinafter referred to as "Application");

**NOW, THEREFORE**, for and in consideration of the covenants, obligations, and undertakings of each of the respective parties to the Agreement, the parties hereby agree as follows:

*CH*

**SECTION I.**  
**PURPOSES/CONSIDERATION; PRIORITY OF DOCUMENTS**

1.01 Purpose/Consideration. The purpose of this Agreement is to provide terms and conditions under which City shall make available the sum of money up to but not to exceed, \$1,000.00, to be used for the purposes set forth in the Application submitted by Organization, such purposes being those which will aid in the improvement, promotion, encouragement, and application of the arts and culture within the corporate limits of the City of Plano. City's source of these funds is general revenues derived from collection of property, sales and other taxes, as well as other sources.

In consideration of the City of Plano providing the funding specified in the 2002-03 fiscal year, Organization shall abide by the terms and conditions of this Agreement.

1.02 Priority of Documents. This Agreement consists of: Agreement Between City of Plano and \_\_\_\_\_; General Conditions; and Application. The documents are complementary, and what is called for by one shall be binding as if called for by all. In the event of inconsistency in any provisions of the documents, the inconsistency shall be resolved by giving precedence to the documents in the order in which they are listed above.

**SECTION II.**  
**PERMITTED USES OF FUNDS; CONDITIONS OF USE**

2.01 Organization shall use any and all funds furnished by City under this Agreement only for those purposes as outlined in the Application, a copy of which is attached hereto and made a part hereof as Exhibit "A". No expenditure of funds contrary to the funding application is permitted unless prior written approval is received from the City Manager or his designee.

2.02 All funds shall be utilized in compliance with the Application, this Agreement and all attachments, and all written amendments thereto which are signed by both parties. Agreement compliance is defined as:

(a) At least 90% of expenses funded by City monies and budgeted must be spent as represented in the Application.

(b) All other conditions of this Agreement must be met.

2.03 Organization agrees to the general conditions of the grant as set forth in the attachment entitled "General Conditions of Agreement" (hereinafter referred to as the "General Conditions"), a copy of which is attached hereto and incorporated herein as Exhibit "B".

2.04 City funds which are remaining with Organization and which are not expended or unencumbered on September 30, 2003, will revert to the City general revenues.

**SECTION III.**  
**NON-ASSIGNMENT**

Organization shall not assign any interest in this Agreement, whether in whole or part, without prior approval of the City Council as reflected by a duly authorized resolution.

**SECTION IV.**  
**INDEPENDENT CONTRACTOR**

Organization covenants and agrees that it is an independent contractor and not an officer, agent, servant or employee of City, that Organization shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same. Organization shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants. The doctrine of respondeat superior shall not apply as between City and Organization, its officers,

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agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Organization.

**SECTION V.**  
**DISBURSEMENT OF FUNDS**

5.01 Disbursement. Funds provided for under this Agreement shall be disbursed on or about \_\_\_\_\_, 2003. Expenses incurred after the termination date will not be reimbursed under this Agreement and the City shall assume no liability for same.

5.02 Reporting Requirements. Within thirty (30) days of the close of the contract term, Organization agrees to provide financial records sufficiently describing the expenditure of funds provided by the City, as well as a description of program goals achieved and/or progress of same for the contract period. The report shall be furnished in writing to the Contract Administrator at the following address:

Sabrina Shuford  
Performing Arts Division, Parks Department  
c/o City of Plano  
P.O. Box 860358  
Plano, Texas 75086-0358  
Telephone: 972/941-5201  
Fax: 972/941-7182

**SECTION VI.**  
**AFFIDAVIT OF NO PROHIBITED INTEREST**

Organization acknowledges and represents it is aware of all applicable laws, City Charter, and City Code of Conduct regarding prohibited interests and that the existence of a prohibited interest at any time will render the Contract voidable. At the time of signing this Agreement, a representative of Organization shall execute the Affidavit of No Prohibited Interest, attached and incorporated herein as Exhibit "C".

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**SECTION VII**  
**INDEMNIFICATION.**

7.01 Organization shall release, defend, indemnify and hold harmless City and its officers, agents and employees from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including attorney's fees and expenses, in any way arising out of, related to, or resulting from the performance of the work or caused by the negligent act or omission of Organization, its officers, agents, employees, contractors, subcontractors, licensees, invitees or any other third parties for whom Organization is legally responsible (hereinafter "Claims"). Organization is expressly required to defend City against all such Claims.

7.02 In its sole discretion, City shall have the right to select or to approve defense counsel to be retained by Organization in fulfilling its obligation hereunder to defend and indemnify City, unless such right is expressly waived by City in writing. City reserves the right to provide a portion or all of its own defense; however, City is under no obligation to do so. Any such action by City is not to be construed as a waiver of Organization's obligation to defend City or as a waiver of Organization's obligation to indemnify City pursuant to this Agreement. Organization shall retain City approved defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this Agreement. If Organization fails to retain Counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Organization shall be liable for all costs incurred by City.

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**SECTION VIII.****TERM.**

The term of this Agreement shall begin on the date approved by the Plano City Council and shall end September 30, 2003. At the expiration of this Agreement, the Organization shall have the continuing obligation to complete any unfulfilled terms and conditions of this Agreement, including but not limited to the submission of a final report to the City.

**SECTION IX.****TERMINATION**

9.01 Either party shall have the right to an early termination of this Agreement by giving the other party written notice of intention of such early termination, with such notice to be given in writing ninety (90) days before the desired early termination date. The right to early termination of this Agreement is specifically reserved to both parties. Any commitments and obligations of Organization existing prior to notice of early termination shall be honored and shall not prejudice the right of Organization to pay such costs previously incurred out of the funds furnished by City. However, City is only required to pay those previously incurred costs that are properly due and payable under the terms of this Agreement. In the event of such early termination, or at the end of the term of this Contract, the Organization agrees to return to City the unused balance of any funds previously disbursed to the Organization by City pursuant to this Agreement within ten (10) days of either event.

9.02 In the event Organization breaches any of the terms or conditions of this Agreement, whether in whole or part, the City shall have the right to immediately terminate this Agreement by providing thirty (30) days written notice to the Organization, notwithstanding any provisions to the contrary. In the event of termination for breach, Organization shall be solely responsible for funds expended contrary to the terms and

conditions of this Agreement. Funds expended contrary to the terms and conditions of this Agreement and unexpended funds in the possession of Organization shall be returned to City within ten (10) days of termination.

**SECTION X.**  
**MISCELLANEOUS**

10.01 Entire Agreement/Agreement. This Agreement and its attachments embodies the entire agreement between the parties and may only be modified, amended or supplemented, in writing if executed by both parties.

10.02 Authorized to Execute/Binding on Organization. The undersigned represents and warrants that he or she is the duly authorized representative of the Organization and that this Agreement has been approved and accepted by the Organization.

10.03 Binding on the City of Plano. This Agreement shall not be considered fully executed or binding on the City of Plano until the same shall have been executed by Organization, the City Manager or his designee, approved and accepted by the City Council of the City of Plano in open meeting as required by law. After such approval and acceptance, City shall deliver to Organization a certified copy of the Resolution as evidence of the authority of the City Manager or his designee to bind the City of Plano to the covenants, terms and provisions of this Agreement and to perform the same in accordance herewith.

The Parties agree that they, their officials, successors, legal representatives and administrators are bound to the terms and conditions of this Agreement.

10.04 Notice. Notice as required by this Agreement shall be in writing delivered to the parties as follows:

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City

Organization

Sabrina Shuford  
c/o Performing Arts  
City of Plano  
P.O. Box 860358  
Telephone: 972/941-5201  
Fax: 972/941-7182

10.05 Paragraph Headings. The paragraph headings contained herein are for convenience only and are not intended to define or limit the scope of any provisions in this Agreement.

10.06 Interpretation of Contract. Although this Agreement is drafted by the City, should any part be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

10.07 Texas Law/Venue. The parties agree that the laws of the State of Texas shall govern this Agreement and that it is performable in Collin/Denton Counties, Texas. Exclusive venue shall lie in Collin County, Texas..

**IN TESTIMONY OF WHICH THE PARTIES HERETO AFFIXED THEIR SIGNATURES ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.**

**CITY OF PLANO, TEXAS**

BY: \_\_\_\_\_  
Thomas H. Muehlenbeck  
CITY MANAGER

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

**ORGANIZATION**

BY: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENTS**

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 said corporation.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

STATE OF TEXAS       )  
  )  
COUNTY OF \_\_\_\_\_)

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2003 by \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, on behalf of said non-profit Organization.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

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**EXHIBIT B**

**GENERAL CONDITIONS OF AGREEMENT**

The Organization agrees to the following general conditions:

- (1) The Organization must provide the City Performing Arts Division reports of its activities as described in V.B.1. This report will be submitted on a report format acceptable to the City.
- (2) The Organization agrees to maintain accounting records in its headquarter offices for three years after the close of the fiscal year.
- (3) All accounting procedures, records, and reports shall be available for inspection by a duly authorized representative of the City of Plano.
- (4) The Organization agrees to on-site inspection of its facilities and/or programs by the City.
- (5) Improper use of funds awarded in the Agreement may result in the termination of the Agreement, forfeiture of the Agreement and/or recovery of previous payments.
- (6) Programs, activities, employment opportunities, etc. funded totally or partially by the City of Plano must be made available to all people regardless of race, color, religion, sex, age, national origin, disability, or political affiliation.
- (7) The Organization and any person or organization it contracts with shall comply with all applicable laws, regulations, ordinances, and codes of the United States of America, the State of Texas, and the City of Plano
- (8) The Organization shall comply with all Federal, State and Local conflict of interest laws, statutes, regulations, and said laws shall apply to all parties and beneficiaries under this contract as well as to all officers, employees and agents of City.
- (9) Organization shall not assign any interest in this contract without prior written consent of the City Council.

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- (10) None of the funds, materials, property, or services provided directly or indirectly under this contract shall be used for any partisan political activity or to further the election or defeat of any candidate for public office, or for publicity, lobbying and/or propaganda purposes designed to support or defeat legislation pending before the Congress of the United States of America, the Legislature of the State of Texas, the City Council of the City of Plano, or any other political body.
  
- (11) The City shall have the right to review any and all contracts to be let by the Organization prior to execution by the Organization, and to require such terms and conditions as it deems necessary to protect the City's interests to be modified, added, or deleted.

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>6/9/03</b>		Reviewed by Legal <i>SSG</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Parks and Recreation		Initials	Date	
Department Head	Don Wendell		Executive Director	<i>[Signature]</i> 6-2-03	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 6/2/03	
Agenda Coordinator (include phone #): <b>Linda Benoit (7255)</b>					
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**

Authorizing the purchase and installation of underground electric power infrastructure from Oncor, the sole source provider of such services and equipment; authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the purchase and installation of electrical power service; and providing an effective date.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>FY 2002-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	94,285	3,887,715	675,000	<b>4,657,000</b>
Encumbered/Expended Amount	-94,285	-300,572	0	<b>-394,857</b>
This Item	0	-242,702	0	<b>-242,702</b>
BALANCE	0	3,344,441	675,000	<b>4,019,441</b>

FUND(S): **PARK IMPROVEMENT CIP**

COMMENTS: Funds are available in the FY 2002-03 Park Improvement CIP. This item, in the amount of \$242,702 will leave a current year balance of \$3,344,441 for the Tennyson/Archgate Athletic Site project.

STRATEGIC PLAN GOAL: This item relates to the City's Goal of "Premier City for Families"

**SUMMARY OF ITEM**

Staff recommends the purchase and installation of electric power infrastructure from Oncor in the amount of \$242,702.33. Oncor is the sole provider for the installation of this infrastructure in the area of Archgate Park, and therefore, the purchase is exempt from competitive bid as provided by V.T.C.A. Local Government Code, Section 252.022 (a)(7)(C).

The electrical service infrastructure consists of purchase and installation for removal of 2,700 feet of overhead line, poles, and appurtenance, and install approximately 2,700 feet of underground conduits, vaults, cables, poles, guys, and all appurtenance needed to serve Archgate Park.

*d-1*



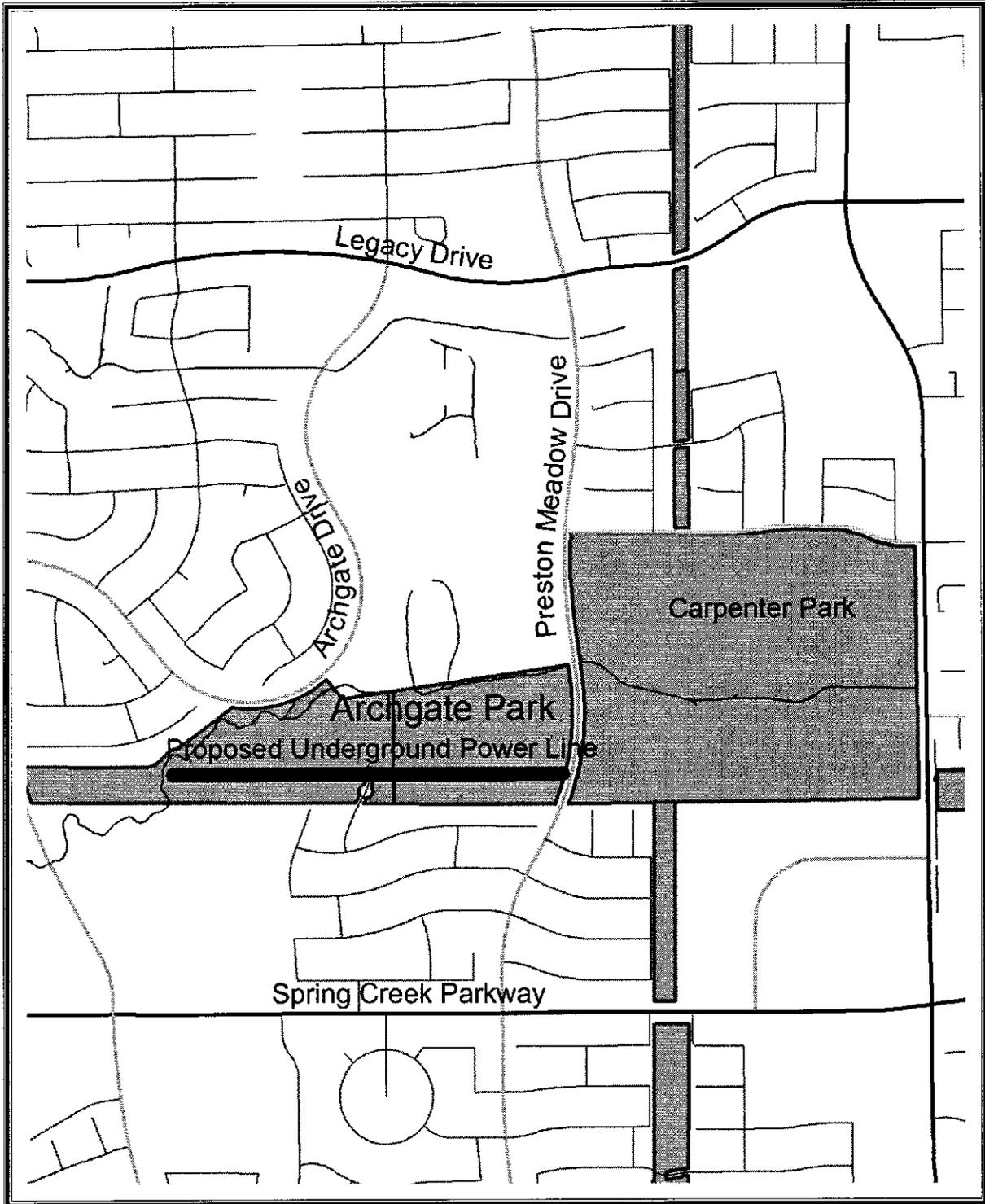
**CITY OF PLANO  
COUNCIL AGENDA ITEM**

The overhead service lines are being placed underground in order to facilitate the future construction of athletic fields at this park.

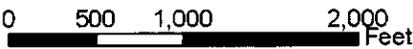
List of Supporting Documents:  
Resolution  
Location Map

Other Departments, Boards, Commissions or Agencies

*d-2*



**Archgate Park**  
**Underground Power Line**  
 Parks & Recreation Department, Park Planning Division



*d-3*

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE PURCHASE AND INSTALLATION OF UNDERGROUND ELECTRIC POWER INFRASTRUCTURE FOR ARCHGATE PARK FROM ONCOR, THE SOLE SOURCE PROVIDER OF SUCH SERVICES AND EQUIPMENT; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE SUCH ACTION AND EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE THE PURCHASE AND INSTALLATION OF ELECTRIC POWER SERVICE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Plano, Texas, desires to purchase electric power service for installation at Archgate Park, and

**WHEREAS**, Oncor is the exclusive electric power provider and sole source provider in the area of Archgate Park; and

**WHEREAS**, the City Council is of the opinion that the installation of electric power infrastructure is available from only one source, Oncor, and therefore the purchase and installation is exempt from competitive bid as provided for in *V.T.C.A., Local Governmental Code, Section 252.022(a)(7)(C)*; and

**WHEREAS**, upon full review and consideration of the City's need for electric power service and related thereto, the City Council is of the opinion that the required installation should be approved, and that the City Manager or his designee should be authorized to take such action and execute such documents as necessary to effectuate the purchase and installation of the electric power service infrastructure.

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

**Section I.** The City Council hereby finds and determines that Oncor is the sole source provider of electric power service infrastructure thus, the purchase and installation of such equipment is exempt from competitive bid as provided for in *V.T.C.A., Local Government Code, Section 252.022(a)(7)(C)*.

**Section II.** The City Manager or his designee is hereby authorized to take such action and execute such documents with Oncor, the sole source supplier of such service and equipment, as necessary to effectuate the purchase and installation of electric power service infrastructure in an amount not to exceed the sum of **(TWO HUNDRED FORTY TWO THOUSAND SEVEN HUNDRED TWO DOLLARS AND 33 CENTS (\$242,702.33))**.

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**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

*cl-5*



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>06/09/2003</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Police Department			
Department Head	Gregory W. Rushin	Executive Director	Initials: <i>[Signature]</i> Date: <b>06.04.03</b> <i>[Signature]</i> 6/4/03	
Dept Signature:	<i>[Signature]</i>	City Manager		
Agenda Coordinator (include phone #): <b>Pam Haines, Ext 2526</b>				
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				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an agreement by and between City of Plano, the City of Richardson and the City of Garland for expansion of the Tri-City Police Training Academy; authorizing its execution by the City Manager or, in his absence, an Executive Director; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2002-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	3,600,000	0	3,600,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-3,600,000	0	-3,600,000
BALANCE	0	0	0	0
FUND(s): <b>GO DEBT FUND, POLICE FACILITIES CIP</b>				
COMMENTS: Funds are included in the 2002-03 GO Debt Fund for an annual principal and interest payment from the Cities of Garland and Richardson for participation in the expansion of Tri-City Academy, a project in the 2002-03 Police Facilities CIP.				
STRATEGIC PLAN GOAL: This item relates to the City's Goal of Service Excellence.				
<b>SUMMARY OF ITEM</b>				
If approved, the Cities will enter into an agreement in which the Tri-City Academy will be improved, expanded, and financed.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Agreement				

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN CITY OF PLANO, THE CITY OF RICHARDSON AND THE CITY OF GARLAND FOR EXPANSION OF THE TRI-CITY POLICE TRAINING ACADEMY; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Plano, the City of Richardson and the City of Garland (hereinafter referred to collectively as "Cities") jointly funded and developed the Tri-City Police Training Academy which operates pursuant to a Police Academy Operating Agreement dated October 2001; and

**WHEREAS**, the City Council has been presented a proposed Agreement between the Cities for the expansion of the Tri-City Police Training Academy, 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:**

**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.

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**Section III.** This Resolution shall become effective from and after 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

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §  
  §  
COUNTY OF DALLAS       §

**AGREEMENT FOR THE EXPANSION OF THE  
TRI-CITY POLICE TRAINING ACADEMY**

**THIS AGREEMENT**, entered into by and between the CITY OF PLANO, a Texas home-rule municipal corporation, acting herein through its duly-authorized City Manager pursuant to Resolution No. \_\_\_\_\_, passed and approved \_\_\_\_\_, 2003, (hereinafter referred to as "Plano"); the CITY OF RICHARDSON, a Texas home-rule municipal corporation, acting herein through its duly-authorized City Manager pursuant to Resolution No. \_\_\_\_\_, passed and approved \_\_\_\_\_, 2003, (hereinafter referred to as "Richardson"); and the CITY OF GARLAND, a Texas home-rule municipal corporation, acting herein through its duly- authorized City Manager pursuant to Resolution No. \_\_\_\_\_, passed and approved \_\_\_\_\_, 2003, (hereinafter referred to as "Garland")(collectively the "Cities"),

**WITNESSETH:**

**WHEREAS**, Plano currently owns real property within its corporate limits upon which is located a facility generally known as the "Tri-City Police Training Academy" (the "Academy"), which facilities were jointly funded and developed by Plano, Richardson, and Garland pursuant to a Police Academy Construction Agreement dated May, 1990 (the "Construction Agreement") and which are currently being jointly operated pursuant to a Police Academy Operating Agreement dated October 2001(the "Operating Agreement"); and

**WHEREAS**, Plano currently has voted authority (the "Bonds") to issue up to the amount of **THREE MILLION SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,600,000.00)** for certain improvements to and the expansion of the Academy, located at 4912 E 14<sup>th</sup> Street, Plano, Texas; and

**WHEREAS**, the Cities desire to continue the Construction Agreement and the Operating Agreement in full force and effect, and further desire to amend the Operating Agreement to extend the effective term of the Operating Agreement taking into consideration the improvements and expansion contemplated in this Agreement; and

**WHEREAS**, the Cities consider it necessary to enter into an agreement providing terms and conditions under which the Academy will be improved, expanded, and financed.

**NOW, THEREFORE**, for and in consideration of the covenants, obligations, and

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undertakings of each of the respective parties to this Agreement, the Cities hereby agree as follows:

**SECTION I. PURPOSE.** The purpose of this Agreement by and between the Cities is to set forth their respective rights and obligations for the funding of the expansion and improvement of the Academy. The funds to be obtained under this Agreement will be used for the construction of five additional office spaces, three additional classrooms, construction of a classroom adjacent to the shooting range, a retractable curtain to be installed in the gymnasium, and expansion of the firing range to add additional rifle and pistol lanes as funds permit, and other, smaller projects. PSA Architects has been retained by the Cities to prepare plans and specifications for the all improvements other than the shooting range. A separate consultant will be selected by the Cities at a later date for those improvement related to the shooting range. The Cities acknowledge that they have obtained, reviewed, and approved the plans and specifications for the contemplated expansion of and improvements to the Academy. Plano shall be responsible for soliciting competitive bids for the construction contracts, awarding bids and managing the construction contracts in accordance with the approved plans and specifications. All work under this Agreement should be completed within twenty-four (24) months from the date of this Agreement.

**SECTION II. BOND ISSUANCE.** Plano shall include in its Series 2003 General Obligation Bonds an amount sufficient to fully satisfy expansion costs for the Academy.

**SECTION III. BOND SERVICE.** Plano shall calculate the total and annual proportionate shares of the debt service of the Bonds on the basis of a one-third (1/3) share for each City, including issuance costs and related fees, such calculation to be performed and information provided to Richardson and Garland no later than ten (10) working days following the closing of the Plano Series 2003 General Obligation Bond Sale. Annual debt service shall be paid over the life of the Bonds with payments being made in March and September of each year, including the year in which the Bonds are issued. Plano shall prepare and deliver to Richardson and Garland a Debt Service schedule for the 2003 Series Bonds upon issuance and closure of the sale of the Bonds. Richardson and Garland shall deliver or cause to be delivered sufficient funds from current revenues to meet their respective obligations. Funds by check must be tendered no fewer than seven (7) working days prior to due dates or wire funds tendered by 2:00 p.m. on the working day immediately prior to due dates. Plano shall deposit Richardson and Garland payments into its General Obligation Bonds Debt Service Fund, for payment to the paying agent/registrar of the 2003 Series General Obligation Bonds. Upon the default of any city to meet its annual debt service obligations, the total indebtedness for the defaulting party shall be accelerated and become immediately due and owing.

**SECTION IV. PRE-PAYMENT.** Richardson or Garland may elect, at their option, to pre-pay all or a portion of the Debt Service obligation of the Bonds. Pre-payment shall be based upon a calculation of the present value of the then outstanding principal amount of the Bonds and shall be equal to the proportionate responsibility of each party. Should the City of Plano in its sole discretion exercise any call provisions

provided for in the issuance documents for the Bonds, the calculation of the present value shall be made to the call date.

**SECTION V. HOLD HARMLESS AND INDEMNIFICATION.** Each City shall accept responsibility for, and shall hold the other cities harmless from, any claim, cause of action or responsibility, any bodily injury, death or property damage resulting in any manner from the sole negligence of its agents, employees, or officers, which cause bodily injury, death, or property damages occurring at the Academy or while traveling to or from the Academy.

**SECTION VI. DURATION OF AGREEMENT.** This Agreement shall, upon execution by all Cities, be effective as of the agreement date, and this Agreement shall continue in force and effect until all Bonds including any refunding bonds and all interest thereon shall have been paid or provided for, and thereafter shall continue in force and effect during the entire useful life of the Academy.

**SECTION VII. AMENDMENT OF THE OPERATING AGREEMENT.** Notwithstanding anything to the contrary contained in the Operating Agreement, provided that Richardson and Garland pay their respective shares of the bond service as described in Section III, above, the Operating Agreement shall remain in full force and effect pursuant to its terms or for the duration of this Agreement, whichever is longer, and the Operating Agreement is hereby amended accordingly.

**SECTION VII. ANNUAL AUDIT.** Plano agrees to make all accounting records and reports related to the Series 2003 General Obligation Bonds available for inspection by a duly authorized representative of either Richardson or Garland during normal business hours. Plano further agrees to include all transactions relating to the issuance, payments, and other matters regarding the Bonds, as appropriate, in all financial disclosures, statements, and reports prepared for, or by, the City of Plano and its internal or external auditors, and agrees to make copies of these reports available to Richardson and Garland upon request.

**IN TESTIMONY OF WHICH THE PARTIES HERETO AFFIXED THEIR SIGNATURES** on this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**CITY OF PLANO, TEXAS**

DATE: \_\_\_\_\_

\_\_\_\_\_  
Thomas H. Muehlenbeck,  
CITY MANAGER

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

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APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

**CITY OF RICHARDSON**

DATE: \_\_\_\_\_

\_\_\_\_\_  
Bill Keffler, CITY MANAGER

ATTEST:

\_\_\_\_\_  
Pam Schmidt, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, CITY ATTORNEY

**CITY OF GARLAND**

DATE: \_\_\_\_\_

\_\_\_\_\_  
Jeff Muzzy, CITY MANAGER

ATTEST:

\_\_\_\_\_  
Ranette Larsen, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles Hinton, CITY ATTORNEY

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>6/9/03</b>		Reviewed by Legal <b>§56</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Municipal Court		Initials	Date
Department Head	Don Stevenson		Executive Director	
Dept Signature:	<i>Don Stevenson</i>		City Manager	<i>[Signature]</i> 6/2/03
Agenda Coordinator (include phone #): <b>Carol Jasien x7545</b>				

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

### CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS REPEALING SECTION VII OF ORDINANCE NO. 99-12-4, CODIFIED AS SECTION 13-8(d), MUNICIPAL COURT TECHNOLOGY FUND, OF CHAPTER 13, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, REPEALING THE TERMINATION DATE FOR THE MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING A REPEALER CLAUSE, A SEVERABILITY 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
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUND(s):**

**COMMENTS:**

### SUMMARY OF ITEM

The 78<sup>th</sup> Legislature of the State of Texas amended Article 102.0172(d) of the Code of Criminal Procedure by repealing the provision that terminated the municipal court technology fund on September 1, 2005. Therefore, Section 13-8(d) of Chapter 13 of the Code of Ordinances is repealed to reflect this change in state law. The municipal court technology fund will be effective until terminated by the City Council.

List of Supporting Documents:

Red-Line Version of Sec. 13-8 of the Plano Code of Ordinances

Other Departments, Boards, Commissions or Agencies

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS REPEALING SECTION VII OF ORDINANCE NO. 99-12-4, CODIFIED AS SECTION 13-8(d), MUNICIPAL COURT TECHNOLOGY FUND, OF CHAPTER 13, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, REPEALING THE TERMINATION DATE FOR THE MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the 76th Legislature of the State of Texas amended Chapter 102 of the Texas Code of Criminal Procedure by adding Article 102.0172 to allow a municipality by Ordinance to create a municipal court technology fund effective until September 1, 2005; and

**WHEREAS**, the City Council on December 6, 1999 passed Ordinance No. 99-12-4 which established the municipal court technology fund; and

**WHEREAS**, the 78th Legislature of the State of Texas amended Article 102.0172(d) of the Code of Criminal Procedure by repealing the provision that terminated the municipal court technology fund on September 1, 2005.

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

**Section I.** The City Council hereby effectively repeals as of September 1, 2003 Section VII of Ordinance No. 99-12-4 currently codified as Section 13-8(d) of Chapter 13, Municipal Court, of the City of Plano Code of Ordinances.

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

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

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**Section IV.** This Ordinance shall become effective on September 1, 2003, which date occurs after its passage and approval by the City Council.

**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

**Sec. 13-8. Municipal court technology fund.**

(a) A municipal court technology fund is hereby created and shall be administered by the treasurer of the city. The municipal court technology fund shall be used only to finance the purchase of technological enhancements for the municipal court of the city in accordance with the provisions of Article 102.0172 of the Texas Code of Criminal Procedure, as amended.

(b) Any defendant convicted in the City of Plano Municipal Court of a misdemeanor offense committed on or after September 1, 2001, shall pay a four dollar (\$4.00) technology fee as a cost of court. For purposes of this subsection, "convicted" includes the court's imposition of sentence, grant of deferred adjudication, and deferral of final disposition in a case.

(c) The Municipal Court Clerks for the City of Plano shall collect the four dollar (\$4.00) technology fee and shall pay such costs to the treasurer of the city for deposit into the municipal court technology fund.

~~(d) In accordance with Article 102.0172 of the Code of Criminal Procedure, this section and the assessment and collection of the municipal court technology fee expires September 1, 2005 unless terminated by the city council before said date. The purpose of the use of any funds remaining in the fund shall continue to be used and administered as required by this section and for that purpose this section remains in effect.~~



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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 checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
Council Meeting Date: <b>6/9/03</b>		Reviewed by Legal <i>JS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Municipal Court Judge		Initials	Date	
Department Head	Don Stevenson		Executive Director	N/A	
Dept Signature:	<i>Don Stevenson</i>		City Manager	<i>JRH</i> 5/23/03	
Agenda Coordinator (include phone #): <b>Don Stevenson x2495</b>					
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					
<b>CAPTION</b>					
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE COLLECTION OF A FEE FOR PROCESSING PAYMENT BY CREDIT CARD TO THE MUNICIPAL COURT; IMPOSING A PROCESSING FEE FOR PAYMENTS BY CREDIT CARD TO THE MUNICIPAL COURT; AND PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2002-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	10,050	40,200	<b>50,250</b>
BALANCE		0	10,050	40,200	<b>50,250</b>
FUND(s): <b>GENERAL FUND</b>					
COMMENTS: Approval of this item will result in additional revenue of approximately \$10,050 for the remainder of this fiscal year. Thereafter, it is anticipated that the City will receive approximately \$40, 200 annually. As more of the Court's options become available through E-commerce, this annual revenue amount could increase.					
<b>SUMMARY OF ITEM</b>					
Section 132.002, Local Government Code, authorizes the assessment and collection of a processing fee for credit card payments made by defendants to the municipal court for fees, fines, court costs and other charges. The processing fee is graduated according to the amount of the credit card payment. The processing fee will not exceed five percent (5%) of the total payment and there is no fee for payments less than \$20.00.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
None		Finance (Court Administration); Information Services			

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE COLLECTION OF A FEE FOR PROCESSING PAYMENT BY CREDIT CARD TO THE MUNICIPAL COURT; IMPOSING A PROCESSING FEE FOR PAYMENTS BY CREDIT CARD TO THE MUNICIPAL COURT; AND PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 132.002 of the Local Government Code allows the collection of a fee for the processing of payment by credit card of fees, fines, court costs, or other charges in the Municipal Court; and

**WHEREAS**, in order to collect such fee, the City of Plano must authorize a municipal official who collects fees, fines, court costs, and other charges to accept payment by credit card of a fee, fine, court cost, or other charge, and collect a fee for processing the payment by credit card; and

**WHEREAS**, the City Council hereby finds and determines that it is necessary and in the best interest of the City and its citizens to collect and retain a fee for the processing of payment by credit card of fees, fines, court costs, or other charges in the Municipal Court.

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

**Section I.** The Municipal Court Clerk is hereby authorized to accept payment by credit card of a fee, fine, court cost, or other charge; and to collect a fee for the processing of payment by credit card of fees, fines, court costs, or other charges in the Municipal Court.

**Section II.** The processing fee is set in the amounts shown below for processing credit card payments of fees, fines, court costs, or other charges to the Municipal Court. The processing fee shall not exceed five percent (5%) of the amount of the fee, fine, court cost, or other charge being paid.

<u>Amount Charged To Credit Card</u>	<u>Processing Fee</u>
Less than \$20.00	-0-
\$20.00 to \$50.00	\$ 1.00
\$50.01 to \$100.00	\$ 2.00
\$100.01 to \$200.00	\$ 4.00
\$200.01 to \$500.00	\$10.00
\$500.01 to \$1,000.00	\$20.00
More than \$1,000.00	\$50.00

**Section III.** The clerks of the Municipal Court of the City of Plano shall collect the processing fee and shall pay such fees to the Treasurer for the City of Plano for deposit into the City's General Fund.

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

**Section V.** This ordinance shall become effective immediately upon its passage and publication as required by law.

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

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>6/9/03</b>		Reviewed by Legal <i>JSB</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane G. Wetherbee		Executive Director	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 6/2/03
Agenda Coordinator (include phone #): <b>Carol Jasien x7545</b>				
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 SECTION 11-145 OF ARTICLE IV OF CHAPTER 11, "LICENSES AND BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF PLANO BY ADDING SUBSECTION (e) PROHIBITING SOLICITATION UPON RESIDENTIAL PREMISES THAT ARE POSTED WITH A NO SOLICITATION SIGN; PROVIDING SEVERABILITY, SAVINGS, REPEALING, PENALTY AND PUBLICATION CLAUSES; 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

This amendment to Ordinance No. 2002-7-13 further limits solicitors from knocking on the door or ringing the doorbell of a residence with a sign stating "no solicitation", "no peddlers", or "no trespassing" posted in a conspicuous place near the main entrance.

List of Supporting Documents:

Code of Ordinances Sec. 11-145 Changes

Other Departments, Boards, Commissions or Agencies

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 11-145 OF ARTICLE IV OF CHAPTER 11, "LICENSES AND BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF PLANO BY ADDING SUBSECTION (e) PROHIBITING SOLICITATION UPON RESIDENTIAL PREMISES THAT ARE POSTED WITH A NO SOLICITATION SIGN; PROVIDING SEVERABILITY, SAVINGS, REPEALING, PENALTY AND PUBLICATION CLAUSES; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council on July 22, 2002 passed Ordinance No. 2002-7-13 which made it unlawful for a handbill distributor to place a handbill upon any residential property that had a sign posted in a conspicuous place near the main entrance to residence stating "no trespassing", "no peddlers", "no advertisements", "no solicitation", "no handbills" or any similar language; and

**WHEREAS**, the City Council finds that the current City regulations are inadequate and do not prohibit a solicitor from ringing the doorbell or knocking on the door of a residence that has posted a "no solicitation", "no peddlers", or "no trespassing" sign; and

**WHEREAS**, the City Council finds that citizens have the right to be free from the interruptions of a solicitor if the citizen has posted a no solicitation sign on their premises; and

**WHEREAS**, the City Council finds that this amendment to the Ordinance is necessary to further this purpose of protecting the privacy of the citizens of Plano.

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

**Section I.** The City Council hereby amends Section 11-145 of Ordinance No. 2002-7-13 passed on July 22, 2002, currently codified in the City of Plano Code of Ordinances under Chapter 11, Licenses and Business Regulations, Article IV, Peddlers and Solicitors, Section 11-145, to add verbatim subsection (e):

"(e) It shall be unlawful for any person to go upon any residential premises for the purpose of solicitation and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no solicitation", "no peddlers", or "no trespassing". The letters on such cards shall be not less than two-thirds (2/3) of an inch in height."

**Section II.** It is the intention of the City Council that this Ordinance, and every position hereof, shall be considered severable, and the invalidity or



unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section III.** All provisions of the ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Plano, codified or uncodified, 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 Ordinances at the time of passage of this Ordinance.

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

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

**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

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**Section 11-145. Solicitation and handbill distribution on private property.**

- (a) It shall be unlawful for any person to conduct commercial solicitation upon residential property within the City, without first obtaining a written permit as prescribed by this article.
- (b) All solicitation on residential property, whether for a commercial or non-commercial purpose shall occur only during the time that is ½ hour after sunrise and ½ hour before sunset. This provision does not apply where the solicitor is on the property by express, prior invitation of the owner of the property or a person residing on the premises.
- (c) It shall be unlawful for any person, handbill distributors, sponsor, to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises or by placing or depositing the same in a manner to secure to prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
- (d) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any residential property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no trespassing," "no peddlers," "no advertisements," "no solicitation," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.
- "(e) It shall be unlawful for any person to go upon any residential premises for the purpose of solicitation and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no solicitation", "no peddlers", or "no trespassing". The letters on such cards shall be not less than two-thirds (2/3) of an inch in height."



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>06/9/03</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Upchurch	Executive Director	<i>[Signature]</i>	5/30/03
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	6/2/03
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 4872	
<b>ACTION REQUESTED:</b> <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
To Mario Sinacola & Sons Excavating, Inc., increasing the contract by \$145,126.11 for Parker Road Widening from Midway Road to West City Limits (Bid No. B185-01).				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	<b>2002-03</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
Budget		2,601,728	871,272	0
Encumbered/Expended Amount		-2,601,728	-725,266	0
This Item		0	-145,126	0
BALANCE		0	880	0
<b>FUND(S): STREET IMPROVEMENT CIP</b>				
<b>COMMENTS:</b> Funds are included in the 2002-03 Street Improvement CIP. This item, in the amount of \$145,126 will leave a current year balance of \$880 for the Parker Road - Midway to West City Limits project. <b>STRATEGIC PLAN GOAL:</b> This item relates to the City's Goal of Safe and Efficient Travel.				
<b>SUMMARY OF ITEM</b>				
Staff recommends approval of Change Order No.5 in the amount of \$145,126.11 for additional work needed to complete the construction of the roadway project and process final payment to the contractor.  Change Order No.5 is to pay for the additional items required to complete the project that were not in the original contract and to pay for quantity overruns of contract items.  Staff recommends approval of Change Order No. 5. The contract total will be \$3,380,704.93, which includes change orders of 9.68% of the original contract amount of \$3,082,297.70. Funding is from Denton County.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Change Order No. 5		N/A		
Location Map				

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**CHANGE ORDER NO. 5**  
**PARKER ROAD - MIDWAY ROAD TO WEST CITY LIMITS**  
**PROJECT NO. 4872**  
**PURCHASE ORDER NO. 102265; CIP NO. 33-31406**

**A. INTENT OF CHANGE ORDER**

The intent of this change order is to modify the provisions of the contract entered into by the **CITY OF PLANO, TEXAS** and **MARIO SINACOLA & SONS EXCAVATING, INC.** for the **PARKER ROAD - MIDWAY ROAD TO WEST CITY LIMITS PROJECT**, dated **August 27, 2001**.

**B. DESCRIPTION OF CHANGE**

The change order is for additional fencing, water line lowering, gas service relocation, ADA ramps, left turn lanes, median noses, driveway paving, park site drainage and other miscellaneous items necessary to complete the project.

**C. EFFECT OF CHANGE**

This change order will have the following effect on the cost of this project:

ITEM NO.	ITEM DESCRIPTION	ORIGINAL QUANTITY	REVISED QUANTITY	UNIT	UNIT PRICE	AMOUNT OF CHANGE
106	Remove 18" pipe	176.00	333.00	LF	\$12.00	\$1,884.00
109	Remove misc. pipe	186.00	446.00	LF	\$18.00	\$4,680.00
127	2" type D asphalt	978.50	1,980.00	SY	\$7.82	\$7,831.73
128	8" type B asphalt	978.50	1,449.00	SY	\$20.63	\$9,706.42
131A	ADA ramps	0.00	5.00	EA	\$1,150.00	\$5,750.00
132	6" conc. Driveway	196.00	381.00	SY	\$40.00	\$7,400.00
133A	5" rip-rap	824.00	1,212.00	SY	\$62.00	\$24,056.00
139	Metal beam guard rail	62.50	198.00	LF	\$32.55	\$4,410.53
141	Conc. Median nose	1.00	11.00	EA	\$1,000.00	\$10,000.00
140	Terminal anchor section	2.00	5.00	EA	\$420.00	\$1,260.00
147	Silt fence	2,650.00	3,910.00	LF	\$1.56	\$1,965.60
152	Adjust SS MH	1.00	4.00	EA	\$750.00	\$2,250.00
165A	Waterline Lowering	0.00	1.00	LS	\$13,500.00	\$13,500.00
170	36" RCP	203.00	206.00	LF	\$68.37	\$205.11
181A	Connect French Drain to RCP	0.00	1.00	LS	\$1,850.00	\$1,850.00
182	6FT Recessed Curb Inlet	2.00	0.00	EA	\$1,950.00	-\$3,900.00
182A	TXDOT TyC Curb Inlet w/ Ext	0.00	2.00	EA	\$3,275.00	\$6,550.00
188A	Wye Inlet / RCP @ Nat Presrv	0.00	1.00	LS	\$9,000.00	\$9,000.00
196	4" solid white marking	2,100.00	2,824.00	LF	\$0.47	\$340.28
196A	Intersection marking	0.00	168.00	LF	\$2.00	\$336.00
197	4" solid yellow marking	305.00	1,452.00	LF	\$0.63	\$722.61
200	8" solid white marking	2,100.00	3,622.00	LF	\$1.00	\$1,522.00
204	4" reflective buttons	645.00	1,374.00	EA	\$4.20	\$3,061.80
212A	11N RM Conduit @ Bridge	0.00	1.00	LS	\$790.00	\$790.00
217	Bubblers	291.00	430.00	EA	\$9.44	\$1,312.16
219	4" Sleeves	910.00	1,541.00	LF	\$15.75	\$9,938.25
220	1-1/4" Sleeves	910.00	1,261.00	LF	\$13.13	\$4,608.63
227E	Ornamental steel fence	0.00	137.00	LF	\$50.00	\$6,850.00
227F	Temporary fence	0.00	665.00	LF	\$3.00	\$1,995.00
227G	Lower gas service	0.00	1.00	LS	\$4,250.00	\$4,250.00
227H	Parkway grading & sod	0.00	1.00	LS	\$1,000.00	\$1,000.00
	<b>TOTAL:</b>					<b>\$145,126.11</b>

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Original Contract Amount	<u>\$ 3,082,297.70</u>
Contract Amount (Including Previous Change Orders)	<u>\$ 3,235,578.82</u>
<b>Amount, Change Order No. 5</b>	<u><b>\$ 145,126.11</b></u>
<b>Revised Contract Amount</b>	<u><b>\$ 3,380,704.93</b></u>
<b>Total Percent Increase Including Previous Change Orders</b>	<u><b>9.68%</b></u>

D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 0 days to this project:

Original Contract Time	<u>200 working days</u>
Amount (Including Previous Change Orders)	<u>285 working days</u>
<b>Amount, Change Order No. 5</b>	<u><b>0 working days</b></u>
<b>Revised Contract Time</b>	<u><b>285 working days</b></u>
<b>Total Percent Increase Including Previous Change Orders</b>	<u><b>42.50%</b></u>

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E. AGREEMENT

By the signatures below, duly authorized agents of the City of Plano, Texas and **MARIO SINACOLA & SONS EXCAVATING, INC.**, do hereby agree to append this Change Order No. 5 to the original contract between themselves, dated **August 27, 2001**.

**CITY OF PLANO**

**MARIO SINACOLA & SONS  
EXCAVATING, INC.**

\_\_\_\_\_  
*OWNER*

\_\_\_\_\_  
*CONTRACTOR*

By: \_\_\_\_\_

(signature)

By: \_\_\_\_\_

(signature)

Print

Name: Thomas H. Muehlenbeck  
\_\_\_\_\_

Print

Name: \_\_\_\_\_

Print

Title: City Manager  
\_\_\_\_\_

Print

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_

Diane C. Wetherbee, City Attorney

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**ACKNOWLEDGMENTS**

STATE OF TEXAS       )  
                                  )  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, by \_\_\_\_\_, \_\_\_\_\_, of \_\_\_\_\_, a **Texas** corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

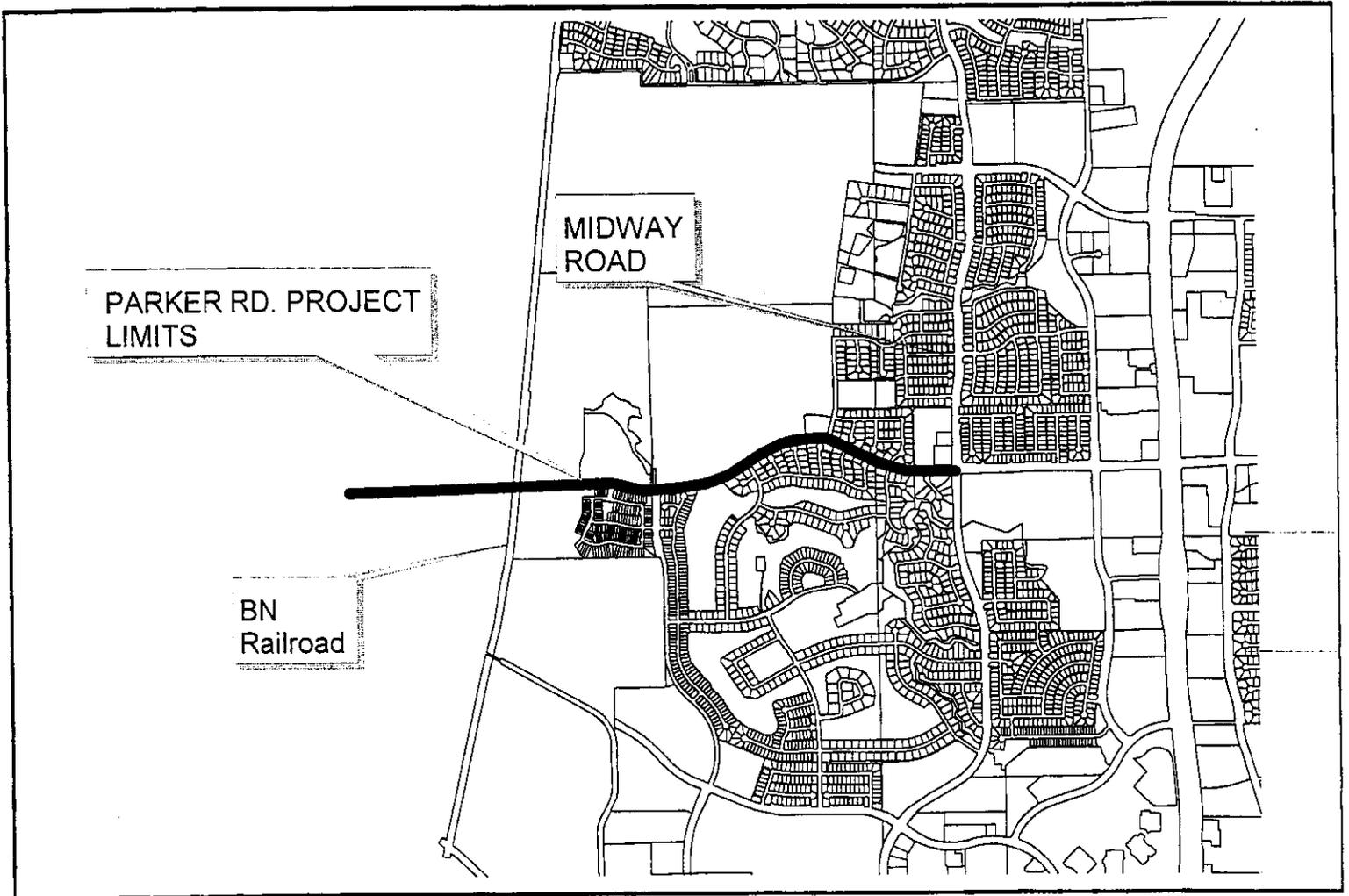
STATE OF TEXAS       )  
                                  )  
COUNTY OF COLLIN    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, by **THOMAS H. MUEHLENBECK, CITY MANAGER** of the **City of Plano, Texas**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

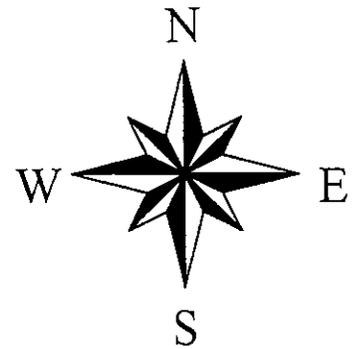
\_\_\_\_\_  
Notary Public, State of Texas

*1-5*

# PARKER ROAD - MIDWAY TO WEST CITY LIMITS



City of Plano  
Engineering Department



0.7      0      0.7      1.4 Miles

*i-6*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>06/09/03</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration/Mike Rapplear		Initials	Date	
Department Head	Jimmy Foster		Executive Director	<i>[Signature]</i>	5-30-03
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	6/2/03
Agenda Coordinator (include phone #): <b>Margie Stephens (4104)</b>					

**ACTION REQUESTED:**     ORDINANCE     RESOLUTION     CHANGE ORDER     AGREEMENT  
 APPROVAL OF BID     AWARD OF CONTRACT     OTHER PURCHASE FROM EXISTING CONTRACT

**CAPTION**

Purchase of detector cards and opticom equipment to be installed at various signalized intersections within the City of Plano from two existing City of Plano Contracts (C089-01 and C050-02).

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2002-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	506,000	450,000	<b>956,000</b>
Encumbered/Expended Amount	0	-381,420	0	<b>-381,420</b>
This Item	0	-132,745	0	<b>-132,745</b>
BALANCE	0	-8,165	450,000	<b>441,835</b>

**FUND(S): CAPITAL RESERVE CIP**

**COMMENTS:** Funds are available in the 2002-03 Capital Reserve CIP for Traffic Signal Improvements. This item, in the amount of \$132,745 will be encumbered during the current fiscal year and carry forward into the cash allocations of FY 03-04.

**STRATEGIC PLAN GOAL:** This item relates to the City's Goal of Safe and Efficient Travel.

**SUMMARY OF ITEM**

Staff recommends the purchase of detector cards, opticom detector heads and opticom discriminator cards from Consolidated Traffic Control Inc., in the amount of \$132,745 to be installed at various signalized intersections. These components exist at all the City's signalized intersections and are used for emergency response vehicles and vehicle detection. This purchase is a maintenance related item.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
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*J-1*



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input checked="" 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:	<b>6/9/03</b>	Reviewed by Legal <i>(Signature)</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	FINANCE	Initials	Date		
Department Head	John McGrane	Executive Director			
Dept Signature:	<i>(Signature)</i>	City Manager	<i>(Signature)</i>	6/3/03	
Agenda Coordinator (include phone #):	Sandy Gaugler X7479			(rev. 1/02)	
<b>ACTION REQUESTED:</b> <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					
<b>CAPTION</b>					
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AMENDMENT TO CITY OF PLANO AND COLLIN COUNTY TEXAS AGREEMENT TO PARTICIPATE IN THE CITY OF PLANO TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> 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
<b>FUND(s):</b>					
<b>COMMENTS:</b> This item amends the Tax Increment Financing (TIF) District Number Two Project and Financing Plan.					
<b>SUMMARY OF ITEM</b>					
This Resolution creates an Amendment to the Tax Increment Financing District Number Two Project and Financing Plan. In consideration of the mutual benefits to be derived from the funding of the TIF District Improvements and increased future tax base generated from this development, Collin County shall contribute an amount equal to 80% of its Tax Increment into the Tax Increment Fund for a period of thirteen (13) years beginning in year 2003 and ending in year 2015.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Resolution		TIF Number 2 Board			

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AMENDMENT TO CITY OF PLANO AND COLLIN COUNTY TEXAS AGREEMENT TO PARTICIPATE IN THE CITY OF PLANO TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO; 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 Amendment to City of Plano and Collin County Texas Agreement to Participate in the City of Plano Tax Increment Financing Reinvestment Zone Number Two, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Amendment"); and,

**WHEREAS**, upon full review and consideration of the Amendment, 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 Amendment, 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 Amendment 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 Amendment.

**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

1-2  
RES-APPROVAL

**AMENDMENT TO CITY OF PLANO AND COLLIN COUNTY TEXAS  
AGREEMENT TO PARTICIPATE IN THE CITY OF PLANO  
TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO**

This Amendment to Agreement ("Amendment") is made and entered into by and between the **CITY OF PLANO, TEXAS** ("City"), a home-rule municipal corporation, and **COLLIN COUNTY, TEXAS**, ("County").

**WITNESSETH:**

**WHEREAS**, the City and County entered into an agreement ("Agreement") setting terms under which the County would contribute tax increment to the TIF District Tax Increment Fund; and

**WHEREAS**, the City and County wish to amend the terms under which the County will contribute tax increment to the TIF District Tax Increment Fund ("Amendment").

**NOW, THEREFORE**, in consideration of the foregoing, and for other good and valuable consideration, City and County hereby agree as follows:

The original Agreement is incorporated herein as set forth fully at length. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this Amendment, priority of interpretation shall be in the following order: Amendment, Agreement.

**I.**

As of the effective date of this Amendment, Paragraph A. of Section II Agreements to Further Purpose is hereby amended to read in its entirety as follows:

**"II. AGREEMENTS TO FURTHER PURPOSE**

A. In consideration of the mutual benefits to be derived from the funding of the TIF District Improvements and in consideration of the increased future tax base generated from this development, County shall contribute an amount equal to 80% of its Tax Increment into the Tax Increment Fund pursuant to §311.013(a), (b) and (g) of the Act and as authorized by the Commissioners' County Order No. 99-646-10-25 dated October 25, 1999. County shall annually pay its Tax Increment into the Tax Increment Fund for a period of thirteen (13) years beginning in year 2003 and ending in the year 2015."

**II.**

As of the effective date of this agreement, Paragraph C. of Section II. Agreements to Further Purpose is hereby amended to read in its entirety as follows:

**"II. AGREEMENTS TO FURTHER PURPOSE**

The Tax Increment Fund may not be used for projects not included in the Preliminary Project Plan (attached to the original Agreement as Exhibit "D") unless the City obtains the written agreement of County to include such additional projects in the final Project Plan, or a subsequent amendment to the final Project Plan for the TIF District."

**IN WITNESS WHEREOF**, the parties have executed this Amendment by signing below. The effective date of this Amendment shall be the date of last signature of the parties hereto.

**CITY OF PLANO**

By \_\_\_\_\_  
Thomas H. Muehlenbeck  
CITY MANAGER

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Diane C. Wetherbee  
CITY ATTORNEY

**COLLIN COUNTY, TEXAS**

By: \_\_\_\_\_  
Honorable Ron Harris  
COUNTY JUDGE

Date: \_\_\_\_\_

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**ACKNOWLEDGMENTS**

**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 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 **RON HARRIS**, County Judge for **COLLIN COUNTY, TEXAS**.

\_\_\_\_\_  
Notary Public, State of Texas

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input checked="" 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:	<b>6/9/03</b>		Reviewed by Legal <i>W</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	FINANCE		Initials	Date	
Department Head	John McGrane		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 6/13/03	
Agenda Coordinator (include phone #):	<b>Sandy Gaugler X7479</b>			(rev. 1/02)	

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

**CAPTION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE ASSIGNMENT BY WILLOW BEND ASSOCIATES LIMITED PARTNERSHIP OF ITS RIGHTS AND OBLIGATIONS UNDER A MASTER AGREEMENT FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, THROUGH A SERIES OF ASSIGNMENTS TO WILLOW BEND SHOPPING CENTER LIMITED PARTNERSHIP; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR HIS DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

**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):

COMMENTS: This item amends the Tax Increment Financing (TIF) District Number One Master Agreement.

**SUMMARY OF ITEM**

This Resolution approves the assignment of the Tax Increment Financing (TIF) District Number One Master Agreement to Willow Bend Shopping Center Limited Partnership by Willow Bend Associates Limited Partnership.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Resolution	TIF #1 Board

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE ASSIGNMENT BY WILLOW BEND ASSOCIATES LIMITED PARTNERSHIP OF ITS RIGHTS AND OBLIGATIONS UNDER A MASTER AGREEMENT FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, THROUGH A SERIES OF ASSIGNMENTS TO WILLOW BEND SHOPPING CENTER LIMITED PARTNERSHIP; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR HIS DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on November 23, 1998, the City Council of the City of Plano approved Ordinance No. 98-11-38 (as subsequently amended) creating Tax Increment Financing Reinvestment Zone No. One; and

**WHEREAS**, on August 9, 1999, in Resolution No. 98-8-14(R) the City of Plano approved a Master Agreement with the Taubman Realty Group Limited Partnership ("TRG") for project improvements within Tax Increment Financing Reinvestment Zone No. One; and

**WHEREAS**, Section 20 of the Master Agreement prohibits any assignment of TRG's rights and obligations under the Master Agreement without the City Council's prior approval; and

**WHEREAS**, on January 10, 2000, in Resolution No. 2000-1-2(R) the City of Plano approved an assignment of the Master Agreement from TRG to Willow Bend Associates Limited Partnership ("Partnership"); and

**WHEREAS**, Partnership by letter dated May 27, 2003 (hereinafter "Assignment") a copy of which is attached hereto and incorporated herein for all purposes as Exhibit "A", requests that the City Council approve an assignment of its rights and obligations under the Master Agreement to Willow Bend Shopping Center Limited Partnership; and

**WHEREAS**, Willow Bend Shopping Center Limited Partnership is a wholly owned Partnership subsidiary and no unaffiliated third parties have acquired any interest, directly or indirectly, in Partnership parcels located in Tax Increment Financing Reinvestment Zone No. One.

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

**Section I.** The terms and conditions of the Assignment, 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 approve the Assignment according to the terms and conditions set forth in the Assignment.

**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

MIRO WEINER & KRAMER  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
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MARTIN L. KATZ  
(248) 258-1222  
mkatz@mirolaw.com

May 27, 2003



Via E-mail and  
Overnight Delivery

John Gilliam, Esq.  
First Assistant City Attorney  
City of Plano  
1520 Avenue K, Suite 340  
Plano, Texas 75074

Re: The Shops at Willow Bend

Dear Mr. Gilliam:

Willow Bend Associates Limited Partnership (the "Partnership") is about to refinance the existing construction loan for The Shops at Willow Bend (the "Shopping Center"). The new lender will be an affiliate of Credit Suisse First Boston, and the loan will be structured as a commercial, mortgage-backed securities financing (a "CMBS"). In accordance with the requirements of the national rating agencies which rate the securities issued in a CMBS transaction (e.g., Standard & Poors), the Partnership needs to transfer the Shopping Center to a new, special purpose entity. The Partnership will, therefore, transfer the Shopping Center to a newly-formed limited partnership which will be wholly-owned by the Partnership.

The new partnership will be "Willow Bend Shopping Center Limited Partnership," a Delaware limited partnership. Its general partner will be Willow Bend SPE, L.L.C., a newly-formed Delaware limited liability company, which will be wholly-owned by the Partnership. Its limited partner will be the Partnership. Nothing that is being done in this restructuring affects the real ownership of the Shopping Center. The Taubman Realty Group Limited Partnership ("TRG") will still own 100% of the indirect ownership interests in Willow Bend Shopping Center Limited Partnership.

In accordance with Section 20 of that certain Master Agreement, dated August 9, 1999, between the City of Plano and TRG (whose rights and obligations thereunder were assigned to the

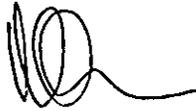
2-4

John D. Gilliam, Esq.  
Page 2  
May 27, 2003

Partnership with the consent of the City), the Partnership requests that the City Council grant approval for an assignment of the Partnership's rights and obligations under the Master Agreement to Willow Bend Shopping Center Limited Partnership. If you need any additional information, please let me know.

We would appreciate being on the agenda for the City Council meeting on June 9, 2003. The loan is scheduled to close on June 17, 2003.

Sincerely,



Martin L. Katz

/plm

cc: Steven E. Eder  
Mark Bulmash  
Michael Cleary  
Chris B. Heaphy

2-5



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>06/09/03</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning			Initials
Department Head	Phyllis Jarrell	Executive Director	Date	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	5/12/03
Agenda Coordinator (include phone #):		L. Woodall/7156		

**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 2002-68 - 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 AND 05/12/03.**

**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 May 12, 2003, to allow for staff to provide additional information regarding the Corridor Commercial zoning district.

List of Supporting Documents: Follow-up Memo and Staff Report	Other Departments, Boards, Commissions or Agencies
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March 4, 2003

**TO:** Honorable Mayor & City Council  
**FROM:** Lee Dunlap, Chairman, Planning & Zoning Commission *TE*  
**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.

*3-2*

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.

3-4

- 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.

3-5

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.

3-6

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.

3-8

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.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

GA/dw

xc: Lanae Jobe, Sr. Administrative Assistant

3-9

CITY OF PLANO  
PLANNING & ZONING COMMISSION

March 3, 2003

**Agenda No. 6**

**Public Hearing: Zoning Case 2002-68**

**Applicant: City of Plano**

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**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:

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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.

*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.

3-12

*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.

3-13

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

3-14

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.

3-15

- 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.

3-16

- 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.

**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 9th day of June, 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 9th day of June, 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 I.** 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:

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"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

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- 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.

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## 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.
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.

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**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

3-30



May 27, 2002

TO: Mayor and City Council

FROM:  Greg Adams, Senior Planner

SUBJECT: Parker Road Station Study – Transit Overlay District (ZC2002-68 and ZC2002-69)

Pat Evans  
Mayor

Steve Stovall  
Mayor Pro tem

Shep Stahel  
Deputy Mayor Pro tem

Scott Johnson  
Place 2

Phil Dyer  
Place 3

Sally Magnuson  
Place 4

Jean Callison  
Place 7

Ken Lambert  
Place 8

Thomas H. Muehlenbeck  
City Manager

Further to your discussion of the above-captioned subject, staff had prepared additional information to facilitate the discussion at your next meeting.

The uses allowed within the Transit-overlay District (TOD) will be primarily in accordance with the allowed uses for Corridor Commercial (CC). Staff has included some additional information on the CC district for your information. The CC district was established in 1999 for the properties within Plano, in the vicinity of U.S. Highway 75. This district was intended to allow retail, service, office and manufacturing uses along major transportation corridors. This district allows the density and intensity of development that is critical to the success of transit-oriented development. A list of the permitted uses and development standards for CC is attached. Please note that the proposed TOD prohibits some of the uses generally allowed in CC.

Also enclosed is a map of the proposed overlay district which indicates the maximum building height throughout the district. As you are aware, the TOD allows a maximum height of 20 stories. This maximum is however adjusted depending on proximity to residentially-zoned property. The enclosed map indicates the following:

- The property west of the rail right-of-way and north of Park Boulevard would be considered for the 20-story maximum afforded by the TOD.
- The property immediately north of 22<sup>nd</sup> Street would be allowed a maximum of 4 stories.

Both areas mentioned above are presently zoned CC, therefore the TOD would not change the height restrictions on these properties.

At the May 12<sup>th</sup> meeting Council indicated that staff should consider "Town homes" as another residential use allowed in the TOD. This issue was not discussed specifically by the Planning and Zoning Commission. If Council decides to remand this ordinance back to the Planning and Zoning Commission for further study, staff would suggest the following additional areas to be addressed:

- The TOD boundary should be extended north to Parker Road, and
- The property at the southwest corner of Park Boulevard and K Avenue should be rezoned to CC so that all the property included within the TOD would have the same underlying zoning.

Please review this information and let me know if you have any questions or comments. You may reach me at (972) 941-7152.

**CC - CORRIDOR COMMERCIAL** (ZC 98-68; Ordinance No. 99-10-14)

- A. PURPOSE - 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 high visibility of these regional highways.
- B. PERMITTED USES - See Section 5-100 for site plan requirements.

Most uses from the following categories are permitted:

- 1. Retail
- 2. Service
- 3. Institutional
- 4. Professional
- 5. Transportation, Utility or Communication

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

C. AREA, YARD & BULK REQUIREMENTS

1. Minimum Lot Area	None
2. Minimum Lot Width	None
3. Minimum Lot Depth	None
4. Minimum Front Yard	50 feet, except as specified in Section 3-500 and Number 10 below.
5. Minimum Side Yard --of corner lot	None 50 feet
6. Maximum Rear Yard	None
7. Maximum Height	20 stories, not to exceed 325 feet in height except as noted in Number 10 below.
8. Maximum Lot Coverage	50%, 70% if structured parking is included.
9. Maximum Floor Area Ratio	1:1

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<p>10. Setbacks from Residential Districts</p>	<p>In addition to the above yard requirements, the following additional setbacks shall apply (as measured from nearest residential district boundary line):</p> <ol style="list-style-type: none"> <li>a. A minimum setback of three times the height up to a maximum height of eight stories or 140 feet whichever is more restrictive for a minimum distance of 1,000 feet.</li> <li>b. Beyond 1,000 feet, the setback shall be increased at one times the height above eight stories or 140 feet, whichever is more restrictive up to 20 stories or 325 feet in height, whichever is more restrictive.</li> </ol>
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D. PARKING REQUIREMENTS - See Section 3-1100, Parking Regulations

E. LANDSCAPING - See Section 3-1200

F. SPECIAL DISTRICT REQUIREMENTS

1. For gasoline service stations, canopies shall be considered as an accessory structure and shall be included in all calculations for lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures for service stations.
2. Multi-family residences lawfully constructed prior to the institution of a CC district are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwellings of a particular structure or site.

G. LIMITED ASSEMBLY AND MANUFACTURING

In the CC district, limited assembly and manufacturing uses shall meet the following standards:

1. Operations should be fully enclosed with no outside storage of good or materials;

2. Storage and distribution facilities should be incidental to the main use;
3. Dock areas should be screened from adjacent properties and public streets; and
4. No noise, vibration, odor, smoke, and dust should impact adjacent properties in conformance with the performance standards in Section 3-1300.

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## Corridor Commercial - (CC)

### EDUCATIONAL, INSTITUTIONAL, PUBLIC AND SPECIAL USES

Airport/Heliport (4)	S
Cemetery/Mausoleum	S
Church and Rectory (5)	P
Civic Center	P
College/University (5)	P
Farm, Ranch, Garden, or Orchard	P
Fire Station/Public Safety Building	P
Fraternal Organization, Lodge, or Civic Club	P
Golf Course/Country Club (Private)	P
Helistop (4)	S
Hospital (5)	P
Open Storage	7
Park, Playground or Community Center	P
Post Office	P
Private Recreation Center	P
Recreation Center	P
School, Primary or Secondary (Private) (5)	P
School, Primary or Secondary (Public or Parochial) (5)	P
Trade/Commercial School	P

### TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES

Antenna	34
Antenna Support Structure (Commercial & Amateur) (ZC 99-43)	34
Electrical Substation	P
Private Utility (other than listed)	S
Railroad Spur Track (ZC 98-69)	P
Service Yard of Governmental Agency	S
Sewage Treatment Plant	S
Shops, Office, and Storage Area for Public/Private Utility	S
Transit Center (ZC 96-29)	P
Transportation and Utility Structures/Facility	P
Utility Distribution/Transmission Line	P
Water Treatment Plant	P

### ACCESSORY AND INCIDENTAL USES

Accessory Building or Use (8)	P
Caretaker's/Guard's Residence	P
Construction Yard and Field Office (Temporary) (9)	35
Homebuilder Marketing Center (10)	P
Home Occupation (11)	

## Corridor Commercial - (CC)

### RETAIL USES

Antique Shop (Inside Sales)	P
Building Material Sales (ZC 96-29)	P
Convenience Store (ZC 98-69, ZC 99-46)	R, 33
Farmer's Market	P
Feed Store	P
Flea Market (Inside)	S
Florist Shop	P
Furniture, Home Furnishings and Equipment Store	P
Garden Center (ZC 99-46)	R
General Merchandise Store	P
Hardware	P
Miscellaneous Retail Store	P
Pet Shop	P
Portable Building Sales (ZC 99-46)	S, R
Retail Stores and Shops	P
Shopping Center	P
Superstore (ZC 2000-48)	P

### SERVICE USES

Adult Day Care	P
Arcade (12)	S
Artisan's Workshop	P
Bank, Savings and Loan, or Credit Union	P
Business Service	P
Cleaning (Small Plant or Shop)	P
Commercial Amusement (Indoor)	P
Commercial Amusement (Outdoor) (ZC 97-51) (15)	S
Dance Hall	S
Day Care Center (ZC 93-45, AC 96-32) (13)	S
Fairgrounds/Exhibition Area (ZC 99-46)	S, R
Gymnastics/Dance Studio	P
Health/Fitness Center (ZC 96-29)	P
Household Appliance Service and Repair	P
Indoor Gun Range	S
Laundromat	P
Licensed Massage Therapy	P
Mortuary/Funeral Parlor	P
Motel/Hotel	P
Personal Service Shop	P
Print Shop (Major)	S
Print Shop (Minor)	P

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Permissible Use = P

Residential Adjacency Standard = R

Specific Use Permit = S

See numbered endnotes following Use Charts.

## Corridor Commercial - (CC)

Private Club (19)	S
Residence Hotel (ZC 95-23)	P
Restaurant (Drive-In)	P
Restaurant/Cafeteria	P
Small Engine Repair Shop (ZC 99-46)	R
Studio for Photographer, Musician, Artist, Radio, or TV	P
Tattooing & Permanent Cosmetics	37
Theater (Drive-In) (ZC 96-24, ZC 99-46)	R
Theater, Neighborhood (ZC 96-24)	P
Theater, Regional (ZC 96-24)	S
Tool Rental Shop	P
Trailer Rental	S
Veterinarian Clinic/Kennel (Indoor Pens)	P

### OFFICE AND PROFESSIONAL USES

Clinic	P
Medical Office	P
Office Center	P
Office (Professional) General Administrative	P
Research and Development Center	P

### AUTOMOBILE AND RELATED USES

Auto Parts Sales (Inside)	P
Automobile Leasing/Renting (ZC 99-46)	R
Automobile Parking Lot/Garage	P
Automobile Repair/Major (ZC 96-29, ZC 99-46)	R, 33
Automobile Repair/Minor/Service Station (ZC 96-29, ZC 99-46)	R, 33
Automobile Storage	S
Car Wash (ZC 99-46)	R, 33
Motorcycle Sales/Service (ZC 99-46)	R
New Car Dealer (ZC 99-46) (7)	R
Recreational Vehicle Sales and Service (New/Used) (ZC 95-53, ZC 99-46)	S, R
Tire Dealer (No Open Storage) (ZC 99-46)	R
Truck/Bus Leasing (ZC 99-46)	R, 27
Used Car Dealer (ZC 99-46) (7)	S, R

### CONTRACT CONSTRUCTION USES

Cabinet/Upholstery Shop	P
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### WHOLESALE USES

Bottling Works	
Mini-Warehouse/Public Storage (ZC 96-29)	S
Office-Showroom/Warehouse	P
	CC

### COMMERCIAL, MANUFACTURING AND INDUSTRIAL USES

Concrete/Asphalt Batching Plant (Temporary)	36
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Permissible Use = P

Residential Adjacency Standard = R

Specific Use Permit = S

See numbered endnotes following Use Charts.

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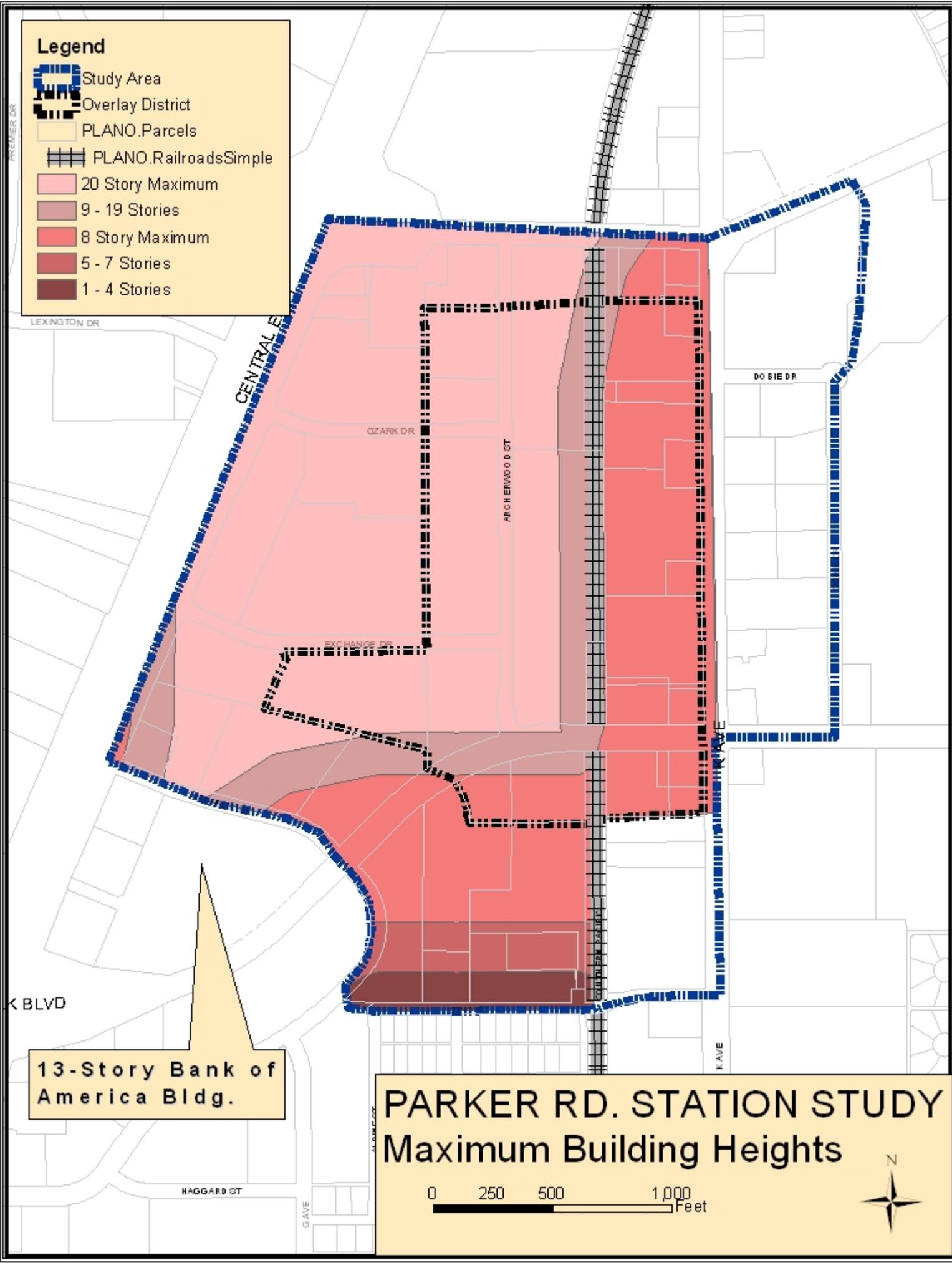
NUMBER	NOTE
*	Uses allowed when their combined area does not exceed 10% of the gross floor area of a development; see Section 2-824, Regional Employment district or Section 2-827, Research Technology district
1	See Section 3-104
2	See Section 2-818
3	See Section 2-820
4	See Section 3-106
5	See Section 3-401
6	Heliport allowed by right; airport allowed by specific use permit
7	See Section 3-900 (Open Storage)
8	See Section 3-200
9	For construction yard, field offices and other temporary buildings, see Section 3-103
10	See Section 3-103
11	See Section 3-110
12	See Section 3-101
13	See Sections 1-600, 3-102, 3-1107, and 3-1109
14	May be permitted by a specific use permit as an accessory use when operated by the resident
15	See Outdoor Commercial Amusement Guidelines
16	See Section 1-600 for specific use permit requirements for certain in-home day care operations
17	Permitted as an incidental use in a single-tenant building; separate outside entrance and outside signage are prohibited
18	Permitted as an incidental use; separate outside entrance and outside signage are prohibited
19	See Section 3-105
20	Permitted when the building is a minimum of 200 feet from the nearest residential boundary district
21	Permitted as an accessory use
22	See Section 3-111
23	Scientific, research and medical laboratories will be allowed in the Retail, Business/Government and Office-1 districts as an accessory use to medical offices
24	Allowed as a secondary use only to automobile and related uses as listed in the Schedule of Permitted Uses
25	Permitted in the Commercial Employment district, see Section 2-820
26	Permitted as an accessory use but not as a primary use
27	Allowed by specific use permit only for single-unit trucks with enclosed beds; maximum two axles
28	Allowed by specific use permit as a primary use; allowed by right as an accessory use to other storage operations

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NUMBER	NOTE
29	See Section 2-820-G
30	Permitted as an accessory use
31	Permitted as an accessory use to Motel/Hotel or Residence Hotel
32	Maximum gross floor area for first floor - 100,000 square feet, and maximum percentage gross floor area devoted to Warehouse - 70% (see Section 2-827)
33	Fuel dispensing and/or car washing facilities associated with this use may be prohibited when in proximity to residential districts (see Residential Adjacency Standards)
34	See Section 3-107
35	Subject to temporary permit and removal at completion of project
36	Concrete Plant: issuance of temporary permit by City Engineer and removal as directed; Asphalt Plant: issuance of temporary permit by resolution of City Council
37	Permitted as an accessory use to a personal service shop and allowed in districts where that use is permitted; allowed by specific use permit as a primary use in the Retail, Corridor Commercial, Light Commercial, Light Industrial-1, and Light Industrial-2 districts (see Section 3-116 and reference use charts)
38	Specific Use Permits (SUPs) for "General Manufacturing" in RT districts shall not include food processing, chemical and petroleum processing and manufacturing, and foundries.
39	See Section 3-113
40	Fuel dispensing facilities are not allowed in the Business/Government district.

**Legend**

-  Study Area
-  Overlay District
-  PLANO.Parcels
-  PLANO.RailroadsSimple
-  20 Story Maximum
-  9 - 19 Stories
-  8 Story Maximum
-  5 - 7 Stories
-  1 - 4 Stories



13-Story Bank of America Bldg.

**PARKER RD. STATION STUDY  
Maximum Building Heights**

0 250 500 1,000 Feet





## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>06/09/03</b>		Reviewed by Legal <i>W</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	Phyllis Jarrell		Executive Director	<i>W</i> 6/9/03
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 6/9/03
Agenda Coordinator (include phone #): <b>L.Woodall/7156</b>				

**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 2002-69 - 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.**

APPLICANT: CITY OF PLANO. TABLED 03/24/03 AND 05/12/03.

### 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 May 12, 2003, to allow for staff to provide additional information regarding the Corridor Commercial zoning district.

List of Supporting Documents:

Follow-up Memo and Staff Report

Other Departments, Boards, Commissions or Agencies

March 4, 2003

**TO:** Honorable Mayor & City Council

**FROM:** Lee Dunlap, Chairman, Planning & Zoning Commission <sup>RE</sup>

**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

*4-2* xc: Lanae Jobe, Sr. Administrative Assistant



## Kin Properties, Inc.

185 N.W. Spanish River Blvd., Suite 100 • Boca Raton, FL 33431-4230  
Tel (561) 620-9200 • Fax (561) 955-9921  
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

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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.

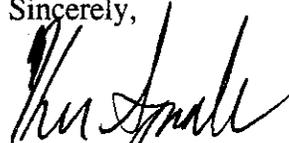
We therefore respectfully propose that the City reconsider the prohibited use provisions, so that a tire store (such as Discount Tire) would be classified as a conforming use (rather than as an allowed non-conforming use) in the District.

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)

4-4

CITY OF PLANO  
PLANNING & ZONING COMMISSION

March 3, 2003

**Agenda No. 7**

**Public Hearing:** Zoning Case 2002-69

**Applicant:** City of Plano

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**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.

45

### 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.

4-6  
r

- 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.

4-7

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.

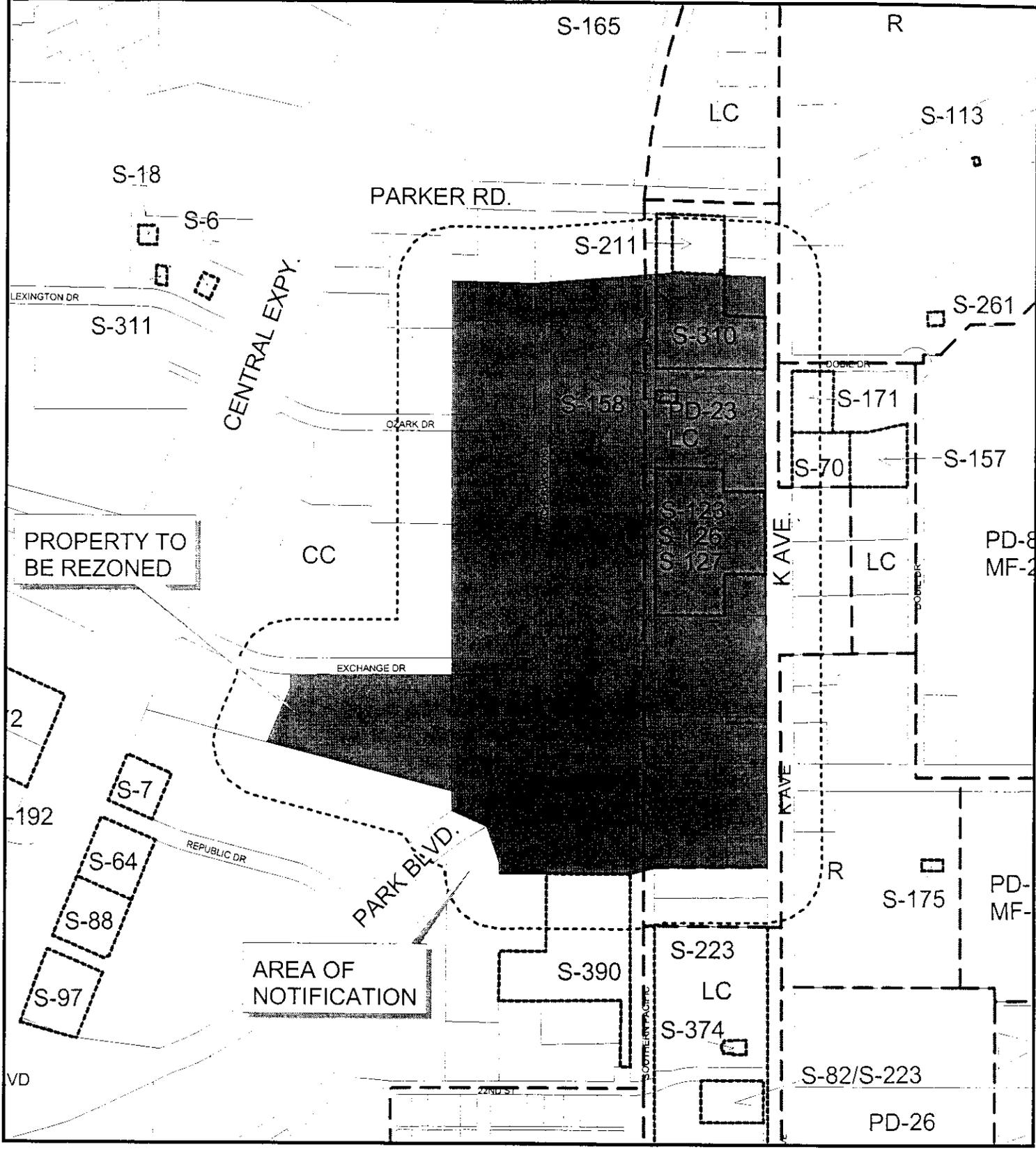
#### **SUMMARY:**

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**

48  
Recommended for approval as submitted.



**ZONING CASE  
# 2002-69**

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

*[Signature]*  
49  
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 9th day of June, 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 9th day of June, 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.

4-10

**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.

**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

4-12

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.

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>6/9/03</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Planning	Initials	Date	
Department Head	Phyllis Jarrell	Executive Director	<i>[Signature]</i>	6/2/03
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	6/3/03
Agenda Coordinator (include phone #):		<b>Jeff Zimmerman Ext. 7371</b>		
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				
<b>CAPTION</b>				
PUBLIC HEARING AND CONSIDERATION OF THE "SPRING CREEK PARKWAY/JUPITER ROAD AREA PLAN" AND APPROVING IT AS A GENERAL GUIDE FOR DECISIONS RELATING TO LAND USE, TRANSPORTATION, AND PUBLIC FACILITIES AND SERVICES WITHIN THE STUDY.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
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:				
<b>SUMMARY OF ITEM</b>				
<b>Staff requests tabling of this item until June 23 since one of our consultants will be unavailable. Affected property owners and homeowners have been informed of this change.</b>				
In the fall the Planning and Zoning Commission forwarded a recommended plan to the City Council for its consideration. Subsequently, the City Council asked the Commission to prepare an alternative plan based on the location of a DART rail station near the intersection of Spring Creek Parkway and K Avenue. The Commission's latest proposal (Plan "D") includes the DART station, a "Transit Oriented Development" around the station and a series of related transportation improvements.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies Planning and Zoning Commission		

*5-1*

May 20, 2003

**TO:** Honorable Mayor & City Council  
**FROM:** Lee Dunlap, Chairman, Planning & Zoning Commission   
**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 19, 2003

At its meeting of May 19, the Planning & Zoning Commission took action on the following:

**Public Hearing:** Zoning Case 2003-11

**Applicant:** Presbyterian Hospital Plano

**DESCRIPTION:**

Request to amend Planned Development-427-Office-2 to revise floor area ratio and building square footage requirements. The property consists of an existing hospital campus on one lot on 41.9± acres on the southwest corner of Parker Road and Communications Parkway. Zoned Planned Development-427-Office-2 with Specific Use Permits #141, #142, and #143 (PD-427-O-2 w/S-141, 142, & 143) for heliport, day care center, and hospital.

**APPROVED:** 7-1 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **FAVOR:** 2 **OPPOSE:** 7

**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 follows: (Strike-through text indicates proposed deletions.)

1. No structure shall be located within 60 feet of any dedicated street.
2. All structures above two stories shall be located a minimum of up to 125 feet from a residential district.
3. Eight-story medical office building shall be a maximum of 125 feet in height, and shall be setback a minimum of 160 feet from the zoning district boundary line.

6-1

Honorable Mayor & City Council  
Zoning Case 2003-11  
May 20, 2003  
Page 2 of 2

4. Ten story buildings shall be a maximum height of 150 feet and shall be set back a minimum of 300 feet from the zoning district boundary line.
5. Submittal of the landscape and screening plan for staff approval.
6. A minimum of 10% of the site shall be landscaped area.
7. A minimum 30-foot wide landscape buffer shall be placed adjacent to all zoning district boundaries except where abutting defined open space on adjacent properties.
8. A three-foot high berm with a minimum three-foot high living screen shall be constructed along the southern edge of the property to the existing creek.
9. Dedication of a fifteen-foot wide utility easement adjacent to Midway and Parker Roads for the future placement of underground utilities.
- ~~10. Maximum FAR: 0.7:1.~~
11. Office portion of the development to be restricted to medical offices only.
- ~~12. Maximum total square footage allowed on the site shall be 815,000 square feet.~~

The commissioner voting in opposition expressed concerns with the proposed deletion of the maximum FAR of 0.7:1.

**FOR CITY COUNCIL MEETING OF:** June 9, 2003 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

CDL/pp

xc: Phil Wentworth, Presbyterian Hospital Plano  
John Wilson AIA, FKP Architects Inc.  
Lynn Woodall, Administrative Support Supervisor

6-2

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 19, 2003

**Agenda No. 6A**

**Public Hearing:** Zoning Case 2003-11

**Applicant:** Presbyterian Hospital Plano

---

**DESCRIPTION:**

Request to amend Planned Development-427-Office-2 to revise floor area ratio and building square footage requirements. The property consists of an existing hospital campus on one lot on 41.9± acres on the southwest corner of Parker Road and Communications Parkway. Zoned Planned Development-427-Office-2 with Specific Use Permits #141, #142, and #143 (PD-427-O-2 w/S-141, 142, & 143) for heliport, day care center, and hospital.

**REMARKS:**

The requested zoning is to amend PD-427-O-2 to revise the current floor-area ratio (FAR) from 0.7:1 to 1:1, and to delete the maximum square footage of 815,000 square feet, allowing the current base zoning of O-2 with FAR 1:1 to set the maximum square footage of the development allowed on the site. A revised preliminary site plan for Presbyterian Hospital Plano, Block A, Lot 1A, accompanies this zoning case.

The O-2 district, the base zoning, is intended to allow for a variety of low-, mid-, and high-rise office developments providing for professional, financial, medical, and similar services to local residents; corporate offices for regional and national operations; and major centers of employment for Plano and surrounding communities. A Planned Development (PD) provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and on-site conditions.

The existing hospital campus consists of, from west to east, a five-story medical office building, a six-story hospital facility with two adjacent six-story medical office towers, and a four-level parking garage. The southeast corner of the property also includes a one-story medical office building and a day care center.

As part of the hospital expansion, the applicant is proposing to add a 254,543 square foot, eight-story building addition adjacent to the existing hospital and south of the existing six-story medical office building and the existing parking garage. The proposed height of the building addition is 150 feet. Two additional levels of parking are proposed for the existing four-story parking garage, and a six-level parking garage is proposed adjacent to and east of the existing parking garage, on the west side of Communications Boulevard. The proposed height of the two parking garages is 67.5 feet.

With this zoning case, the applicant is requesting to delete two stipulations of PD-427-O-2, stipulations #10 and #12. Stipulation #10 requires a maximum floor area ratio of 0.7:1. The floor area ratio (FAR) is the ratio of permitted floor area of a building or buildings in relation to the size of the lot. With the proposed building addition, the FAR is 0.6:1 (966,942 total square feet all floors / 1,610,543.88 total square feet lot area). The maximum FAR for Office-2 zoning is 1:1.

Stipulation #12 requires a maximum square footage on the site of 815,000 square feet. The existing total square footage of all buildings (except parking garages) is 712,399 square feet. The proposed 254,543 square foot addition to the hospital facility would exceed the maximum allowed square footage of 815,000 by 151,942 square feet, for a total of 966,942 square feet.

### **Conformance to the Comprehensive Plan**

**Future Land Use Plan** – The Future Land Use Plan designates Medium Intensity Office (MIO) for the land south of Parker Road between Midway Road and Communications Parkway. The Comprehensive Plan states MIO areas are similar to High Intensity Office areas at a slightly smaller scale. MIO is defined as areas of larger and taller buildings, with FAR up to 0.75:1 and building heights to eight stories. Auxiliary uses, such as service facilities, fill the balance of these areas.

**Adequacy of Facilities** – Water and sewer are available.

**Traffic Impact Analysis (TIA)** – The findings of the TIA indicate that the proposed development can be accommodated by the area roadway system, and the development will not create any unacceptable impacts on intersection or roadway operations (see attached memo).

**ISSUES:**

The proposed uses and bulk standards of this request are generally consistent with the Medium Intensity Office land use designation. The applicant is requesting to delete the 0.7:1 floor area ratio and maximum 815,000 square feet building area stipulations of the planned development district. The floor area ratio, and resulting maximum building area would then be governed by the 1:1 floor area ratio of the base Office-2 zoning district. With the remaining stipulations of the planned development district, the potential development is limited, meeting the intent of the Medium Density Office land use designation.

Staff supports the applicant's request. The request provides a transition between the higher intensity Regional Employment-zoned properties to the east and the residential properties to the north, south and west. The maximum building height and building setback stipulations effectively limit the extent of the development consistent with the Medium Intensity Office land use designation and provide a transition for adjacent residential development.

**RECOMMENDATIONS:**

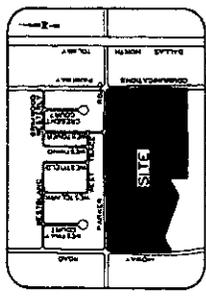
Recommended for approval as follows: (Strike-through text indicates proposed deletions.)

1. No structure shall be located within 60 feet of any dedicated street.
2. All structures above two stories shall be located a minimum of up to 125 feet from a residential district.
3. Eight-story medical office building shall be a maximum of 125 feet in height, and shall be setback a minimum of 160 feet from the zoning district boundary line.
4. Ten story buildings shall be a maximum height of 150 feet and shall be set back a minimum of 300 feet from the zoning district boundary line.
5. Submittal of the landscape and screening plan for staff approval.
6. A minimum of 10% of the site shall be landscaped area.
7. A minimum 30-foot wide landscape buffer shall be placed adjacent to all zoning district boundaries except where abutting defined open space on adjacent properties.

8. A three-foot high berm with a minimum three-foot high living screen shall be constructed along the southern edge of the property to the existing creek.
9. Dedication of a fifteen-foot wide utility easement adjacent to Midway and Parker Roads for the future placement of underground utilities.
- ~~10. Maximum FAR: 0.7:1.~~
11. Office portion of the development to be restricted to medical offices only.
- ~~12. Maximum total square footage allowed on the site shall be 815,000 square feet.~~

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**SITE DATA SUMMARY TABLE**

COMING: PD-147-D-3 SUP 141, 142, 143

PROPOSED USE: HOSPITAL MEDICAL OFFICE, OUTPATIENT CENTER

BUILDING LOT AREA: 36,993 SQ. FT. (1,043,430 SQ. FT.)

BUILDING SQ. FT.:

- EXISTING HOSPITAL: 234,648
- HOSPITAL ADDITION: 234,648
- EXISTING MEDICAL OFFICE: 41,253
- NEW MEDICAL OFFICE: 158,300
- EXISTING PARKING GARAGE: 14,833
- NEW PARKING GARAGE: 208,161

TOTAL BUILDING SQ. FT.: 646,539

NEW PARKING SPACES: 208,161 (6.11%)

**BUILDING HEIGHTS:**

- 15'-0" (GROUND TO ROOF, 6 FLOORS)
- 21'-0" (GROUND TO ROOF, 7 FLOORS)
- 27'-0" (GROUND TO ROOF, 8 FLOORS)
- 33'-0" (GROUND TO ROOF, 9 FLOORS)
- 39'-0" (GROUND TO ROOF, 10 FLOORS)
- 45'-0" (GROUND TO ROOF, 11 FLOORS)
- 51'-0" (GROUND TO ROOF, 12 FLOORS)
- 57'-0" (GROUND TO ROOF, 13 FLOORS)

**PARKING REQUIREMENTS:**

- EXISTING HOSPITAL: 237 SPACES
- HOSPITAL ADDITION: 237 SPACES
- EXISTING MEDICAL OFFICE: 164
- NEW MEDICAL OFFICE: 164
- EXISTING PARKING GARAGE: 14,833
- NEW PARKING GARAGE: 208,161

**ACCESSIBLE PARKING REQUIRED:** 17 SPACES

**PARKING PROVIDED:** 2,317 SPACES

**ACCESSIBLE PARKING PROVIDED:** 48 SPACES

**LANDSCAPING REQUIRED:** 18,034 SQ. FT.

**LANDSCAPING PROVIDED:** 231,139 SQ. FT. (114% OF REQ.)

**SQ. FT. OF IMPERVIOUS SURFACE:** 1,032,633 SQ. FT. OF PAVED

**FLOOR AREA RATIO:** 0.80

- GENERAL NOTES:**
- Building 6,000 square feet in size shall be 100% fire sprinkled. Alternative fire protection measures may be approved by the Building Department and Fire Department.
  - The lot shall be developed and constructed per city standards.
  - Handicapped parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.
  - Site work shall be completed by 2.5 feet off of the property, the utility, the adjacent property, or a substantially unimproved parcel. For curbside work, the site work shall be approved by the city. Stormwater runoff shall be controlled, and shall be provided on the site at all work meetings.
  - Mechanical units, compressors and fresh compressors shall be screened in accordance with the zoning ordinance.
  - All signage shall be approved by Building Inspection Department.
  - Approved of the site plan in not final until all engineering plans are approved.
  - Open storage, when permitted, shall be screened in accordance with the zoning ordinance.
  - Building setbacks within the development shall be as provided in the Retail Center Design Guidelines.
  - Outdoor lighting shall comply with illumination standards with Section 8-466 of the Code of Ordinances.
  - Please contact the Building Inspection Department to determine the type of the construction and occupancy group.
  - All required impervious, distribution, and access shall be underground, except as excluded by 180 Texas Highway Overlay District requirements.
  - Site shall conform to applicable zoning and construction in the following performance standards in Section 11-100 of the Zoning Code: noise, smoke and particulate matter, odorous matter, fire or explosive material, odorous matter, fire or explosive material, odorous matter, fire or explosive material.

**LOT 1A, BLOCK A**

**PRESBYTERIAN HOSPITAL OF PLANO**

COLLIN COUNTY LAND SURVEY, ABSTRACT NO. 151

IN MARTIN SURVEY, ABSTRACT NO. 803

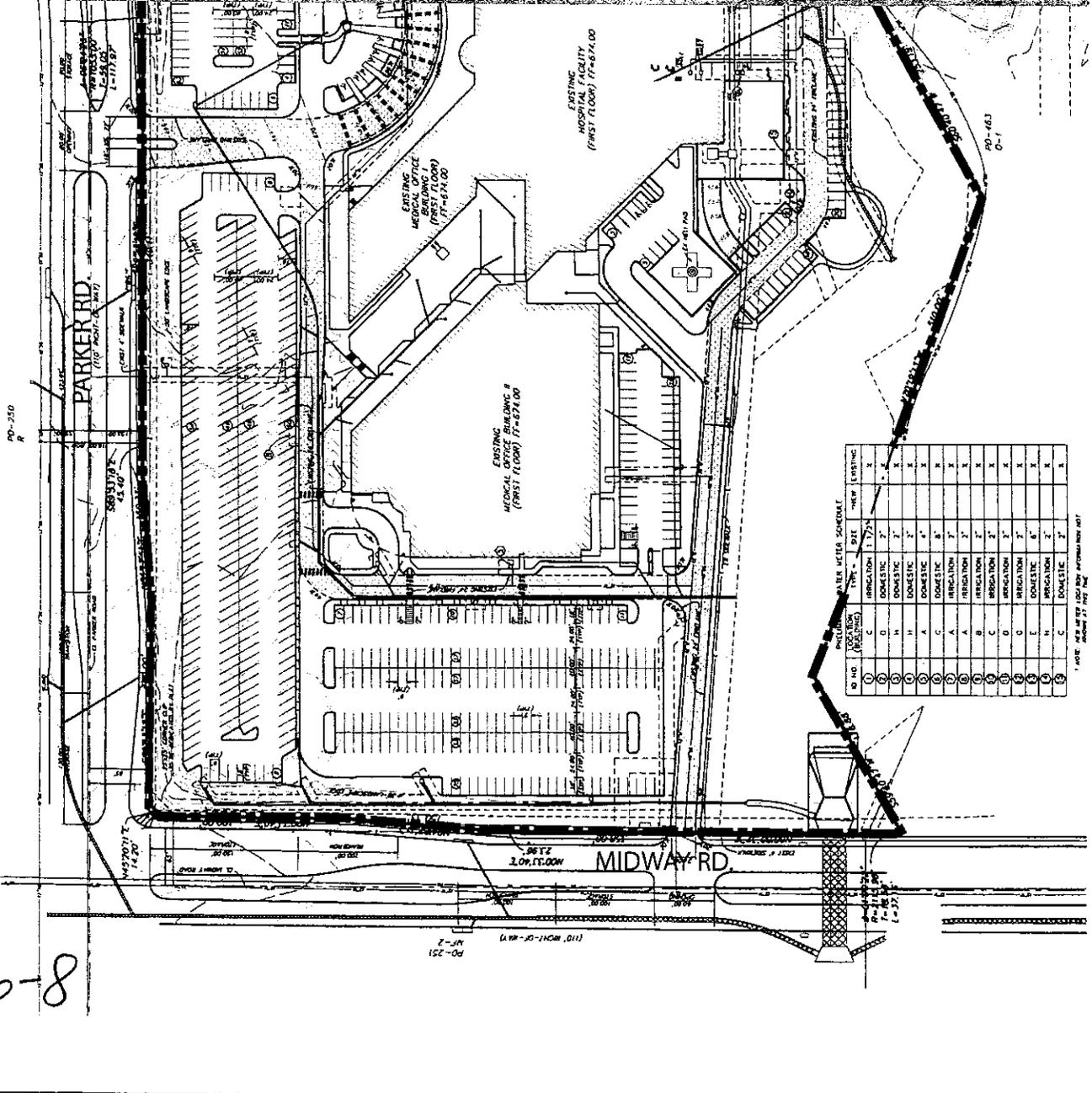
CITY OF PLANO, COLLIN COUNTY, TEXAS

PREPARED BY: J. DONOVAN, INC.  
 10000 W. HICKORY, SUITE 200  
 DALLAS, TX 75241-1118  
 (214) 341-1000

DATE: APRIL 14, 2003

SCALE: 1" = 40'

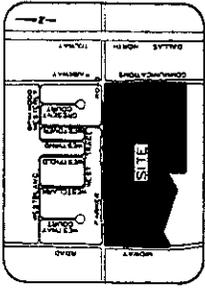
**MATCH LINE**



**WATER UTILITY SCHEDULE**

ID NO.	TYPE	SIZE	NEW	EXISTING
1	IRRIGATION	1 1/2"	X	X
2	DOMESTIC	2"	X	X
3	DOMESTIC	2"	X	X
4	DOMESTIC	2"	X	X
5	DOMESTIC	2"	X	X
6	DOMESTIC	2"	X	X
7	IRRIGATION	2"	X	X
8	IRRIGATION	2"	X	X
9	IRRIGATION	2"	X	X
10	IRRIGATION	2"	X	X
11	IRRIGATION	2"	X	X
12	IRRIGATION	2"	X	X
13	DOMESTIC	2"	X	X
14	DOMESTIC	2"	X	X

4-8



LOCATION MAP

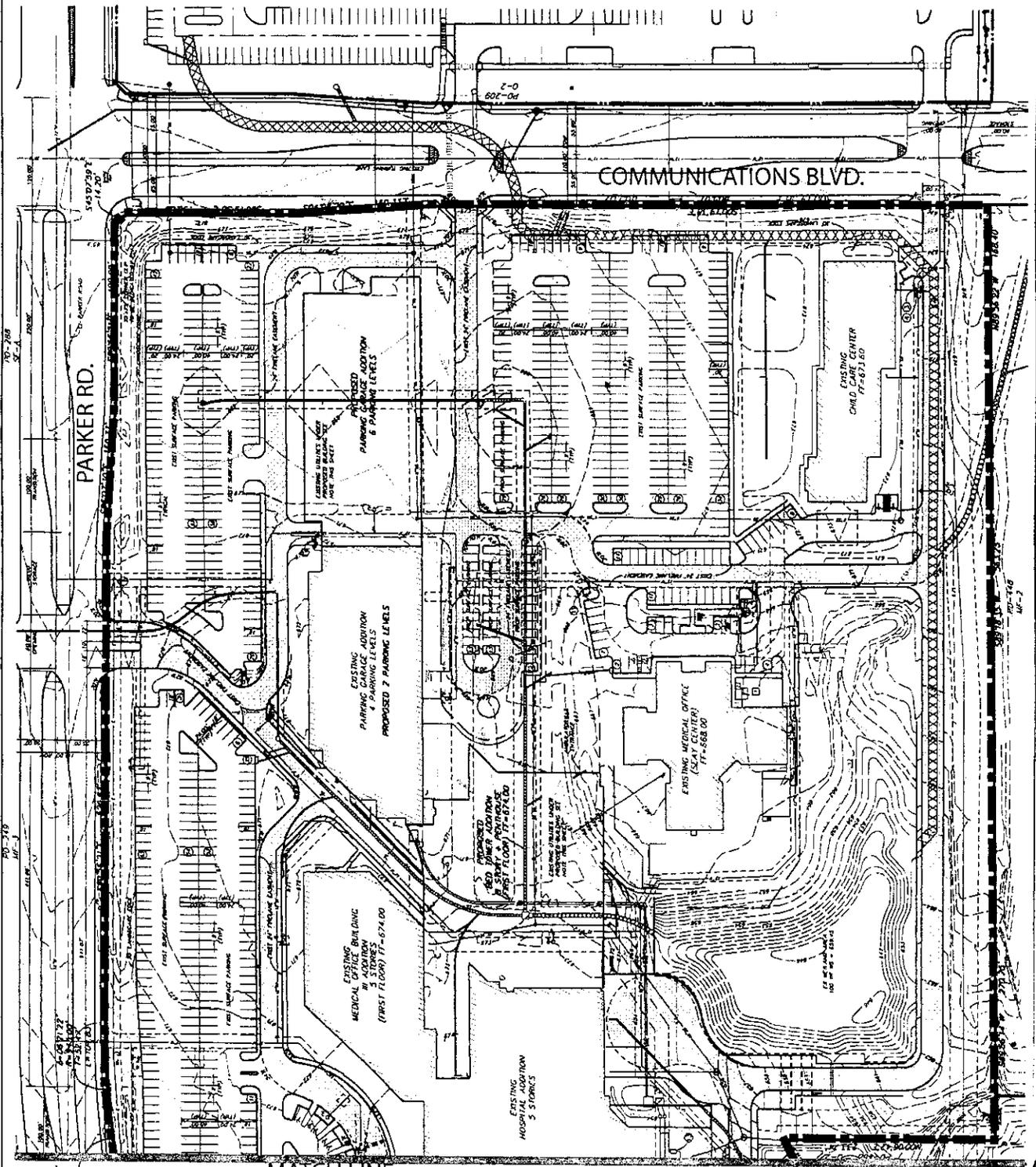
NOTE: EXISTING UTILITIES UNDER PROPOSED BUILDINGS WILL NOT BE ALLOWED AND WILL BE RELOCATED WITH NEW EASEMENTS WITH SUFFICIENT WIDTH FOR THEIR MAINTENANCE.

PRELIMINARY WATER METER SCHEDULE

ID NO.	LOCATION	TYPE	SIZE	NEW	EXISTING
1		IRRIGATION	1 1/2"	X	
2		DOMESTIC	3/4"	X	
3		DOMESTIC	3/4"	X	
4		DOMESTIC	3/4"	X	
5		DOMESTIC	3/4"	X	
6		DOMESTIC	3/4"	X	
7		IRRIGATION	3/4"	X	
8		IRRIGATION	3/4"	X	
9		IRRIGATION	3/4"	X	
10		IRRIGATION	3/4"	X	
11		IRRIGATION	3/4"	X	
12		IRRIGATION	3/4"	X	
13		IRRIGATION	3/4"	X	
14		IRRIGATION	3/4"	X	
15		IRRIGATION	3/4"	X	
16		IRRIGATION	3/4"	X	
17		IRRIGATION	3/4"	X	
18		IRRIGATION	3/4"	X	
19		IRRIGATION	3/4"	X	
20		IRRIGATION	3/4"	X	

ZONING EXHIBIT CASE NO. 2008-17  
 REVISED PRELIMINARY SITE PLAN  
 LOT 1A, BLOCK A  
 PRESBYTERIAN HOSPITAL OF PLANO  
 COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 151  
 J.B. MARTIN SURVEY, ABSTRACT NO. 803  
 CITY OF PLANO, COLLIN COUNTY, TEXAS

SCALE: 1"=50'  
 DATE: APRIL 14, 2008  
 SHEET 2 OF 4



4-082475  
 A-1005.00  
 L-117.00

MATCH LINE

SHOW 77  
 25119

6-9

April 16, 2003

MEMO

To: Tom Elgin, Development Review Manager

From: Jeff Green, P.E., Senior Traffic Engineer *JD*

Subject: 40/TIA for Presbyterian Hospital (SEC Parker Road/Midway Road)

The subject tract is located east of Midway Road along the south side of Parker Road. An expansion of the existing hospital structure, along with the addition of approximately 165,000 square feet of additional medical office is the proposed use. The proposed use is projected to generate approximately 7,692 additional daily trip ends, including an additional 561 P.M. Peak Hour trips. The traffic impact of the proposed site was evaluated in terms of its impact on level of service at several surrounding intersections.

All of the intersections in the study area were shown to operate at Level of Service "D" or better under both existing and proposed traffic conditions. Based on the review of this study, staff agrees with the conclusions of the traffic study that the proposed development can be accommodated by the area roadway system, and that the development will not create any unacceptable impacts on intersection or roadway operations.

Xc: Lloyd E. Neal, P.E., Transportation Division Manager  
Carrie Lee, Planner

6-10

**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2003-11)**

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 AMEND PLANNED DEVELOPMENT-427-OFFICE-2 ON 41.9+ ACRES OUT OF THE J. B. MARTIN SURVEY, ABSTRACT NO. 603, LOCATED ON THE SOUTHWEST CORNER OF PARKER ROAD AND COMMUNICATIONS PARKWAY IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, TO REVISE FLOOR AREA RATIO AND BUILDING SQUARE FOOTAGE REQUIREMENTS; 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 9th day of June, 2003, for the purpose of amending Planned Development-27-Office-2 on 41.9+ acres out of the J. B. Martin Survey, Abstract No. 603, located on the southwest corner of Parker Road and Communications Parkway in the City of Plano, Collin County, Texas, to revise floor area ratio and building square footage requirements; 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 9th day of June, 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 I.** The Comprehensive Zoning Ordinance No. 86-3-14, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development-427-Office-2 on 41.9± acres out of the J. B. Martin Survey, Abstract No. 603, located on the southwest corner of Parker Road and Communications Parkway in the City of Plano, Collin County, Texas, as further described in the legal description on Exhibit "A" attached hereto, to read as follows:

"PD-427-O-2 on 41.9± located on the southwest corner of Parker Road and Communications Parkway in the City of Plano, Collin County, Texas.

1. No structure shall be located within 60 feet of any dedicated street.
2. All structures above two stories shall be located a minimum of up to 125 feet from a residential district.
3. Eight-story medical office building shall be a maximum of 125 feet in height, and shall be setback a minimum of 160 feet from the zoning district boundary line.
4. Ten story buildings shall be a maximum height of 150 feet and shall be set back a minimum of 300 feet from the zoning district boundary line.
5. Submittal of the landscape and screening plan for staff approval.
6. A minimum of 10% of the site shall be landscaped area.
7. A minimum 30-foot wide landscape buffer shall be placed adjacent to all zoning district boundaries except where abutting defined open space on adjacent properties.
8. A three-foot high berm with a minimum three-foot high living screen shall be constructed along the southern edge of the property to the existing creek.
9. Dedication of a fifteen-foot wide utility easement adjacent to Midway and Parker Roads for the future placement of underground utilities.
10. Office portion of the development to be restricted to medical offices only."

**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.

6-12

**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

6-13

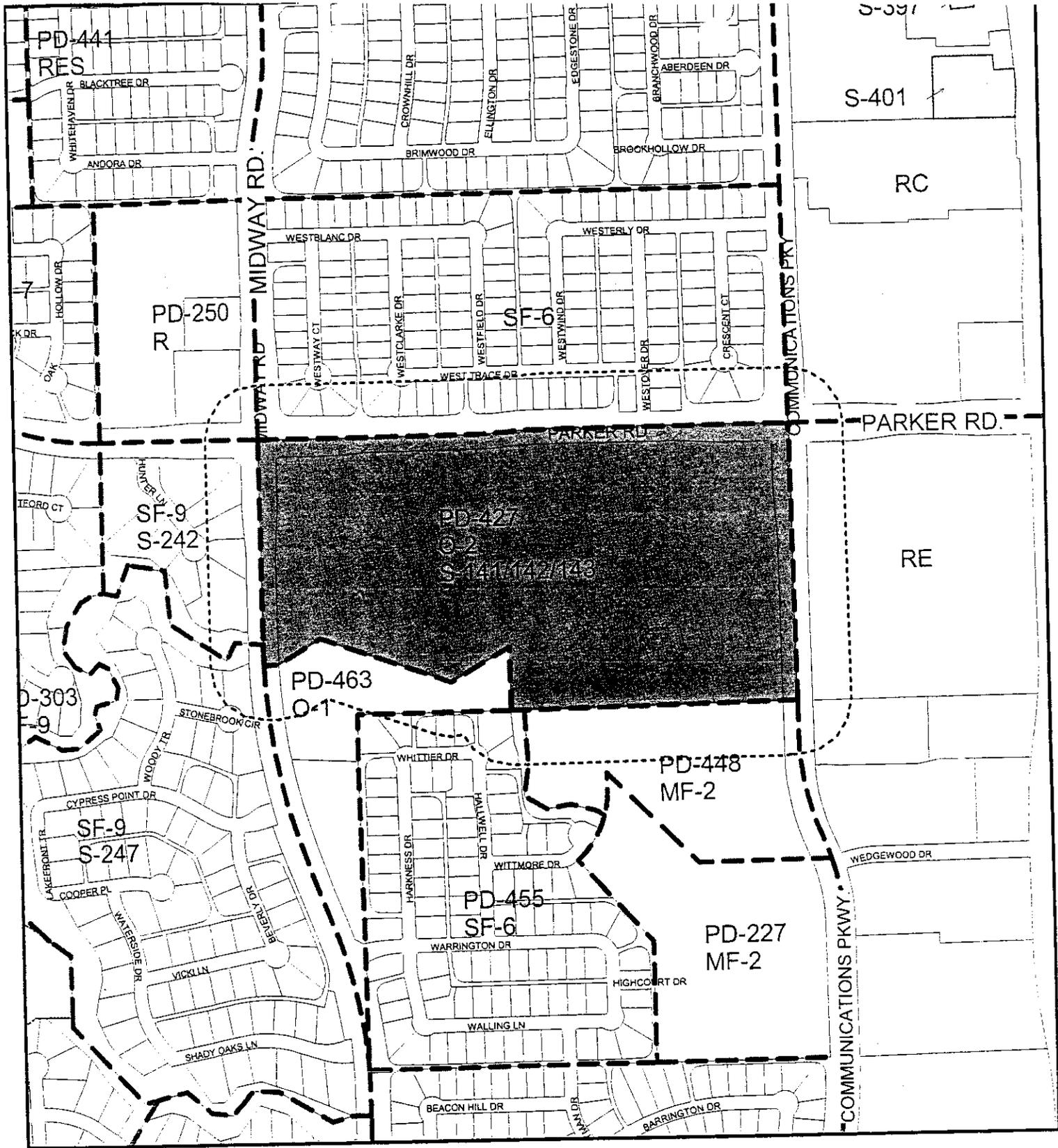
ORDINANCE NO. \_\_\_\_\_ (ZC 2003-11)

Exhibit "A" - Page 1 of 1

EXHIBIT "A"  
LEGAL DESCRIPTION

BEING 41.9± acres of land out of the J. B. Martin Survey, Abstract 603, and known more particularly as Presbyterian Hospital of Plano, Block A, Lot 1, Map Records, Collin County, Texas.

6-14



**ZONING CASE  
# 2003-11**

**EXISTING ZONING:  
PD-427-O-2 w/S-141,  
S-142, AND S-143**



*6-15*  
200' Notification  
Buffer

May 20, 2003

**TO:** Honorable Mayor & City Council  
**FROM:** Lee Dunlap, Chairman, Planning & Zoning Commission   
**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 19, 2003

At its meeting of May 19, the Planning & Zoning Commission took action on the following:

**Public Hearing:** Zoning Case 2003-12

**Applicant:** The Shops at Legacy, LP

**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for a Private Club on 0.1± acre on the east side of Bishop Road, 342± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1 (PD-65-CB-1). Neighborhood #16.

**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:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** June 9, 2003 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

CDD/pp

xc: The Shops at Legacy L.P., The Karahan Cos-Fehmi Karahan  
Fabien Goury, Main Street Bakery & Bistro L.L.C.  
Lynn Woodall, Administrative Support Supervisor

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 19, 2003

**Agenda No. 7**

**Public Hearing:** Zoning Case 2003-12

**Applicant:** The Shops at Legacy, LP

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**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for a Private Club on 0.1± acre on the east side of Bishop Road, 342± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1 (PD-65-CB-1). Neighborhood #16.

**REMARKS:**

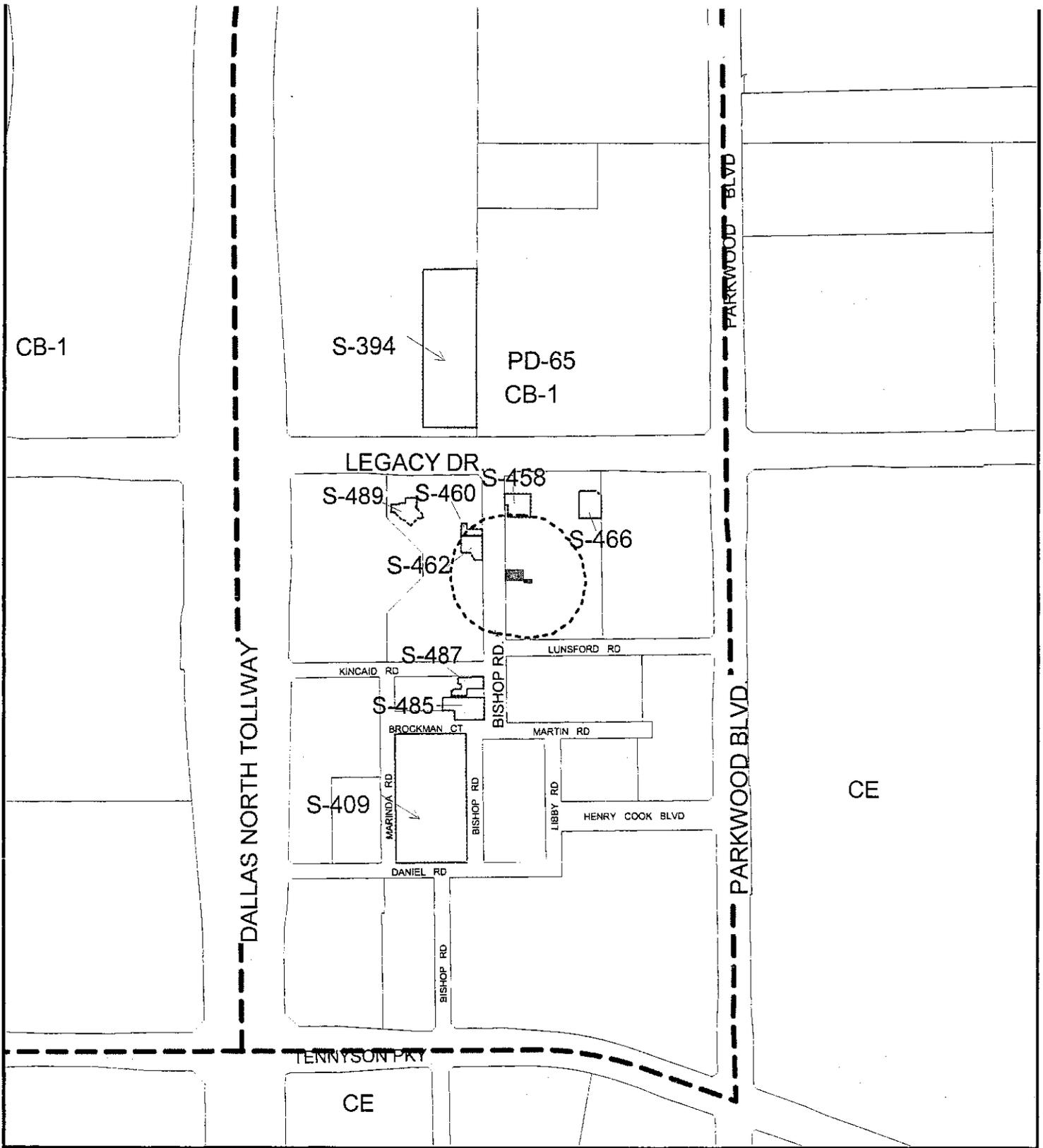
The requested zoning is for an SUP for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant. The restaurant is located within the Shops at Legacy.

The front door of the proposed restaurant is not within 1,000 feet of a church, school, or publicly owned park and is not within 300 feet of the nearest residential district. The property meets the parking standards of PD-65-CB-1 for a restaurant with a private club.

**RECOMMENDATIONS:**

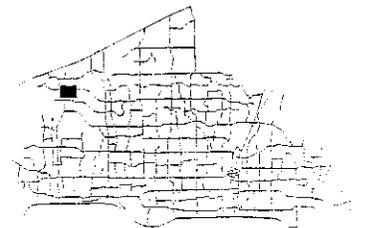
Recommended for approval as submitted.

7-2



**ZONING CASE  
# 2003-12**

**EXISTING ZONING:  
PD-65-CB-1**



200' Notification  
Buffer



**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2003-12)**

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 491 SO AS TO ALLOW THE ADDITIONAL USE OF A PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE MARIA C. VELA SURVEY SURVEY, ABSTRACT NO. 935, LOCATED ON THE EAST SIDE OF BISHOP ROAD, 342± FEET SOUTH OF LEGACY DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**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 9th day of June, 2003, for the purpose of considering granting Specific Use Permit No. 491 for a Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 935, located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; 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 9th day of June, 2003; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 491 for a Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 932, located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

7-5

**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.

**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 grant Specific Use Permit No. 491, allowing the additional use of a Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 932, located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, said property being more fully described on the legal description in 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.

7-6

**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

7-7

EXHIBIT "A"  
LEGAL DESCRIPTION

**Maria C. Vela Survey, Abstract No. 935  
City of Plano, Collin County, Texas**

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, in the City of Plano, Collin County, Texas, and being a portion of Lot 1, Block F of Legacy Town Center (South), an addition to the City of Plano, Texas, according to the map or plat thereof recorded in Volume M at Page 47 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and being more particularly described by metes and bounds as follows (bearings based on the east right-of-way line of Bishop Road as dedicated in said Legacy Town Center (South), said bearing being North):

COMMENCING at the most westerly, northwest corner of said Lot 1, Block F, same being the intersection of the south right-of-way line of Legacy Drive (a variable width right-of-way) with the east right-of-way line of Bishop Road (an 82-foot wide right-of-way);

THENCE South, along the west line of said Lot 1, Block F and the east right-of-way line of said Bishop Road, a distance of 342.47 feet to a point along the east right-of-way line of Bishop Road;

THENCE East, departing the east right-of-way line of said Bishop Road, a distance of 1.64 feet to the POINT OF BEGINNING, same being on an exterior wall supporting the second story of an existing building;

THENCE East, along the northern wall of said building, a distance of 65.67 feet to a corner;

THENCE South, departing said northern wall, along a defined lease line, a distance of 34.94 feet to a corner;

THENCE East, along a defined lease line, a distance of 31.67 feet to a corner;

THENCE South, along the eastern wall of said building, a distance of 15.33 feet to a corner;

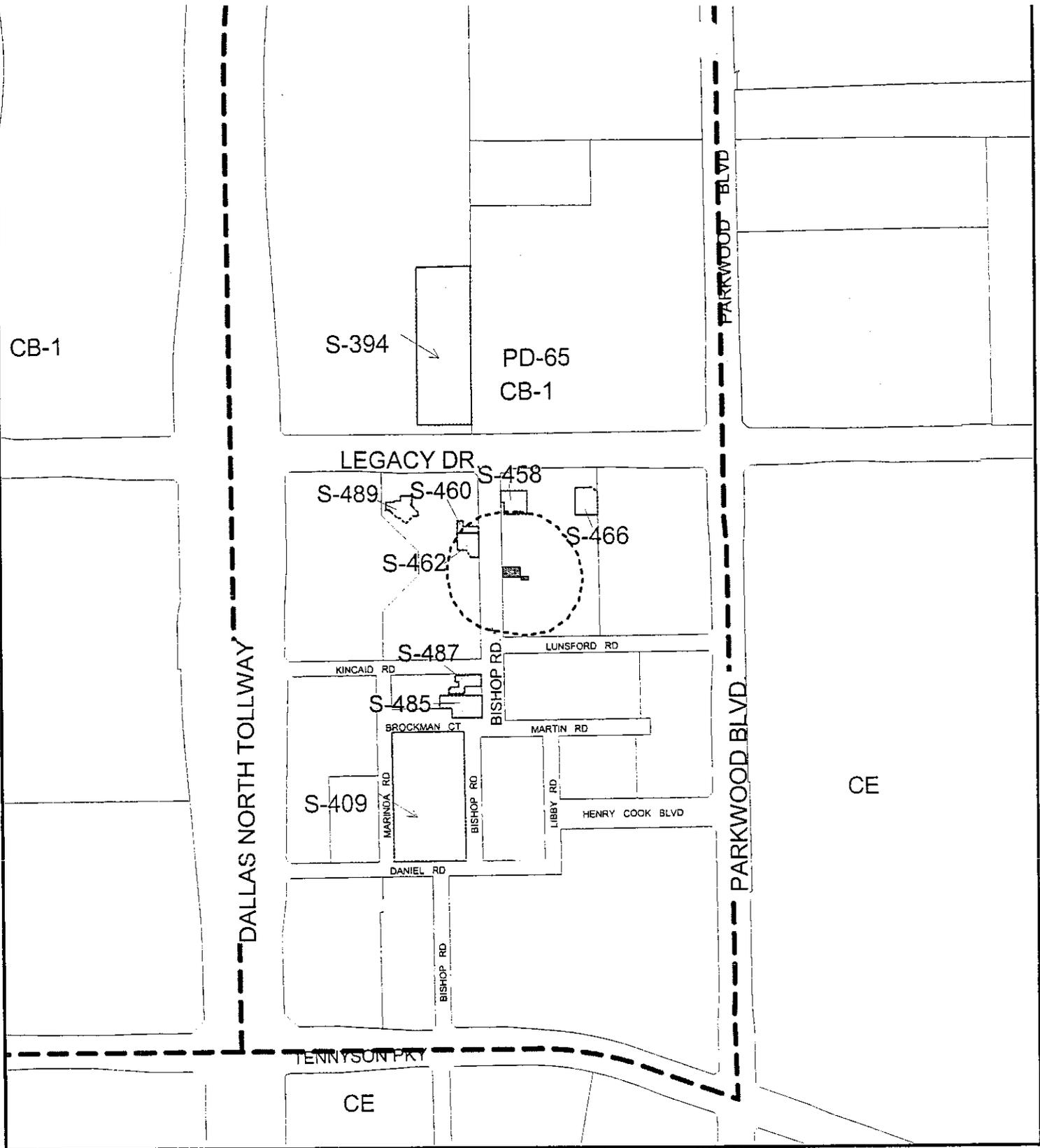
THENCE West, departing said easterly wall, along a defined lease line, a distance of 31.67 feet to a corner;

THENCE North, along a defined lease line, a distance of 10.10 feet to a corner;

THENCE West, along a defined lease line, a distance of 65.67 feet to a corner;

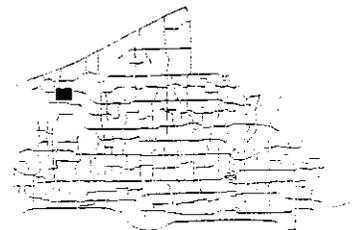
7-8

THENCE North, along the east right-of-way line of said Bishop Road a distance of 40.17 feet to the POINT OF BEGINNING and containing 0.072 of an acre of land, more or less.



**ZONING CASE  
# 2003-12**

**EXISTING ZONING:  
PD-65-CB-1**



200' Notification  
Buffer

May 20, 2003

**TO:** Honorable Mayor & City Council

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

**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 19, 2003

At its meeting of May 19, the Planning & Zoning Commission took action on the following:

**Public Hearing:** Zoning Case 2003-13

**Applicant:** The Shops at Legacy, LP

**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for a Private Club on 0.1± acre on the south side of Legacy Drive, 300± feet west of Parkwood Boulevard. Zoned Planned Development-65-Central Business-1 (PD-65-CB-1). Neighborhood #16.

**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:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** June 9, 2003 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

CDD/pp

xc: Fehmi Karahan, The Shops at Legacy L.P.  
Sheri Thompson, Allen & Ridinger Consulting Inc.  
Lynn Woodall, Administrative Support Supervisor

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 19, 2003

**Agenda No. 8**

**Public Hearing:** Zoning Case 2003-13

**Applicant:** The Shops at Legacy, LP

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**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for a Private Club on 0.1± acre on the south side of Legacy Drive, 300± feet west of Parkwood Boulevard. Zoned Planned Development-65-Central Business-1 (PD-65-CB-1). Neighborhood #16.

**REMARKS:**

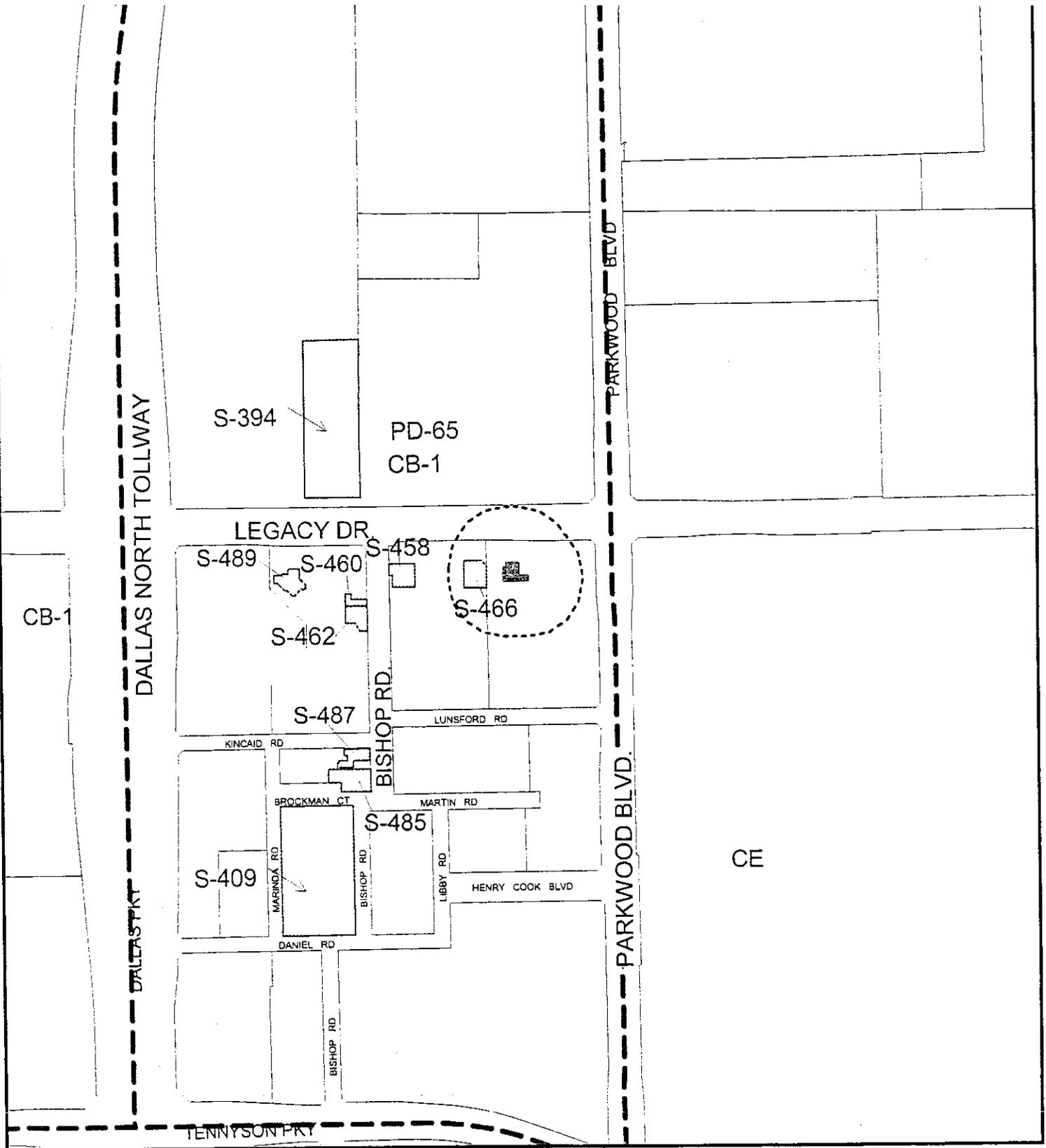
The requested zoning is for an SUP for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant. The restaurant is located within the Shops at Legacy.

The front door of the proposed restaurant is not within 1,000 feet of a church, school, or publicly owned park and is not within 300 feet of the nearest residential district. The property meets the parking standards of PD-65-CB-1 for a restaurant with a private club.

**RECOMMENDATIONS:**

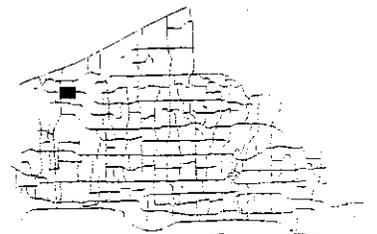
Recommended for approval as submitted.

8-2



**ZONING CASE  
# 2003-13**

**EXISTING ZONING:  
PD-65-CB-1**



*8-3*  
200' Notification  
Buffer





**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2003-13)**

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 492 SO AS TO ALLOW THE ADDITIONAL USE OF A PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE MARIA C. VELA SURVEY, ABSTRACT NO. 935, LOCATED ON THE SOUTH SIDE OF LEGACY DRIVE, 300± FEET WEST OF PARKWOOD BOULEVARD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**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 9th day of June, 2003, for the purpose of considering granting Specific Use Permit No. 492 for a Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 932, located on the south side of Legacy Drive, 300± feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; 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 9th day of June, 2003; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 492 for a Private Club on 0.1± acres of land out of the Maria C. Vela Survey, Abstract No. 932, located on the south side of Legacy Drive, 300± feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas, 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.

**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 grant Specific Use Permit No. 492, allowing the additional use of a Private Club on 0.1+ acres of land out of the Maria C. Vela Survey, Abstract No. 932, located on the south side of Legacy Drive, 300+ feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, said property being more fully described on the legal description in 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.

8-6

**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

**Henry Cook Survey, Abstract No. 183**  
**Maria C. Vela Survey, Abstract No. 935**  
**City of Plano, Collin County, Texas**

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935 in the City of Plano, Collin County, Texas and being a portion of Lot 2, Block F of Legacy Town Center (South), an addition to the City of Plano, Texas, according to the map or plat thereof recorded in Volume M at Page 47 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and being more particularly described by metes and bounds as follows (bearings based on the north right-of-way line of Lundsford Road as dedicated in said Legacy Town Center (South), and bearing being North):

COMMENCING at a 5/8-inch "KHA" capped iron rod found for the southeast corner of Lot 1, Block F of said Legacy Town Center (South) said iron also being on the north line of Lunsford Road (a 60 foot right-of-way) a publicly dedicated right-of-way as evidenced by the map or plat of the aforesaid Legacy Town Center (South);

THENCE North, along the common line of said Lots 1 and 2, Block F, a distance of 451.96 feet to a corner;

THENCE East, departing the common line of said Lots 1 and 2, Block F, a distance of 42.81 feet to the POINT OF BEGINNING;

THENCE East, along the southerly face of an existing building a distance of 94.21 feet to a corner;

THENCE North, and generally along a defined lease line, a distance of 23.42 feet to a corner;

THENCE West, and generally along a defined lease line, a distance of 32.33 feet to a corner;

THENCE North, and generally along a defined lease line, a distance of 44.67 feet to a corner;

THENCE West, along the face of the northerly wall of said building, a distance of 4.75 feet to a corner;

THENCE North following the northerly wall of said building, a distance of 2.50 feet to a corner;

THENCE West following the northerly wall of said building, a distance of 21.00 feet to a corner;

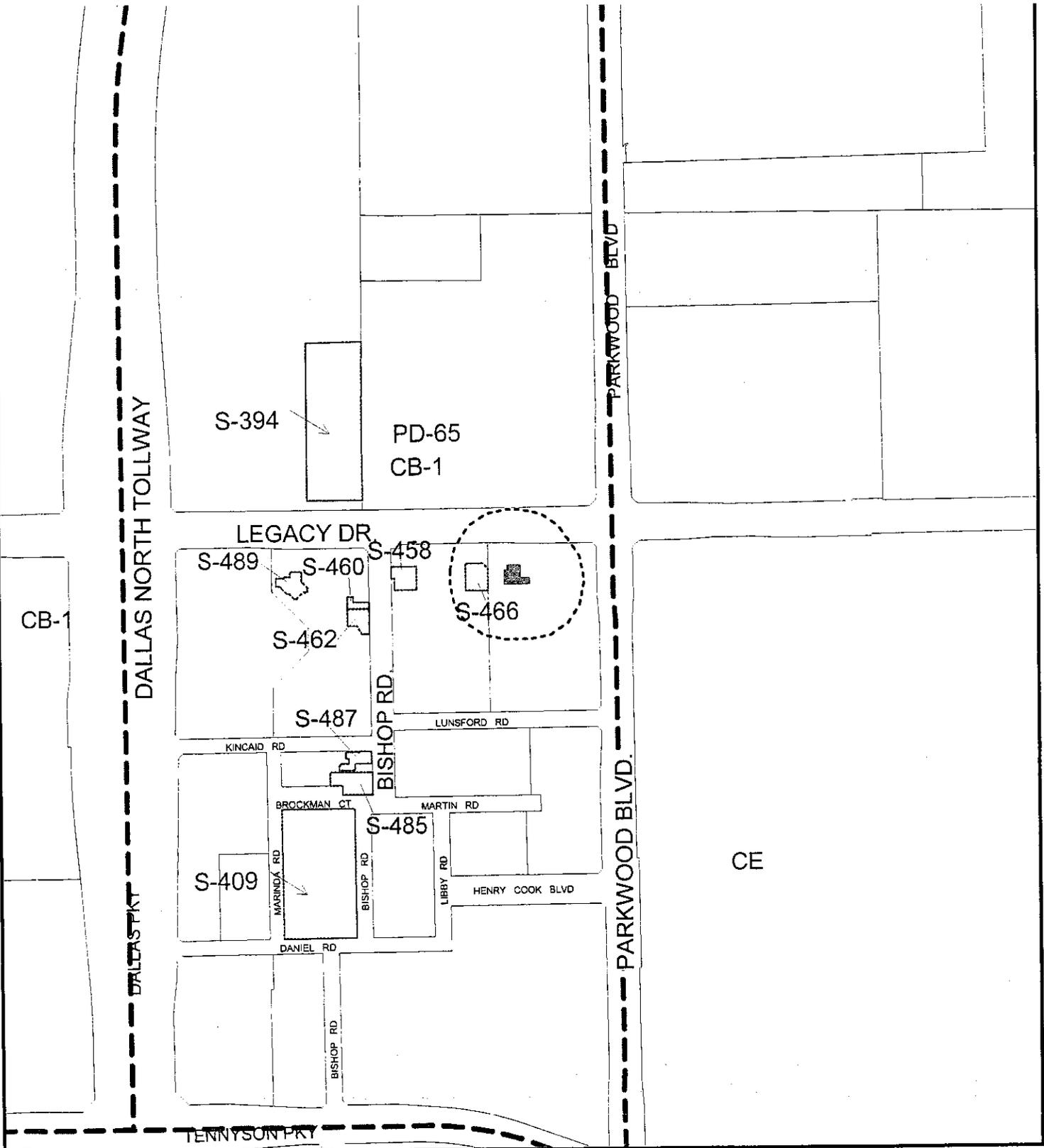
THENCE North following the northerly wall of said building, a distance of 0.67 feet to a corner;

THENCE West following the northerly wall of said building, a distance of 26.00 feet to a corner;

THENCE South, along the face of the westerly wall of said building, a distance of 18.63 feet to a corner;

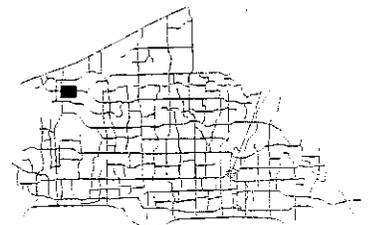
THENCE West, departing westerly wall of said building, a distance of 10.13 feet to a corner;

THENCE South, a distance of 52.63 feet to the POINT OF BEGINNING and containing (4,948.11 sf). 0.114 of an acre of land, more or less.



**ZONING CASE  
# 2003-13**

**EXISTING ZONING:  
PD-65-CB-1**



200' Notification  
Buffer

