

**PLANO CITY COUNCIL**  
**October 24, 2011**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Pat Miner, Mayor Pro Tem  
Lissa Smith, Deputy Mayor Pro Tem  
Ben Harris  
André Davidson  
James Duggan  
Patrick Gallagher  
Lee Dunlap

**STAFF**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Pro Tem Miner convened the Council into the Regular Session on Monday, October 24, 2011, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Dyer.

Senior Pastor Gene Wilkes of Legacy Church led the invocation and Jr. Girl Scout Troop 8478 of Andrews Elementary led the Pledge of Allegiance.

**PROCLAMATIONS & SPECIAL RECOGNITION**

Mayor Pro Tem Miner presented a proclamation recognizing November 12<sup>th</sup> as Arbor Day in Plano.

**OATHS OF OFFICE**

Mr. Shaddock was not in attendance for his oath of office.

**CERTIFICATES OF APPRECIATION**

Mayor Pro Tem Miner presented certificates of appreciation to outgoing board members.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

## **CONSENT AGENDA**

Council Member Dunlap requested that Consent Agenda Item “B” be removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

### **Approval of Minutes (Consent Agenda Item “A”)**

October 10, 2011

October 18, 2011

### **Approval of Expenditures**

#### **Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

Bid No. 2011-290-B for Municipal Center Generator Replacement – Project No. 6042 to CEC Electrical, Inc. in the amount of \$240,748 plus the alternate # 1 bid amount of \$18,092 with the total bid award amount for \$258,840 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

#### **Purchase from an Existing Contract**

To approve the purchase of GIS Maintenance in the amount of \$56,880 from ESRI through an existing contract with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1637) (Consent Agenda Item “D”)

To approve the purchase of a Replacement Generator Enclosure for the Municipal Center in the amount of \$77,306 from Core Construction through an existing contract with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R4955) (Consent Agenda Item “E”)

To approve a contract for the purchase of an annual maintenance agreement for onsite support for Mesh Hardware, in the amount of \$500,000 from Scientel Wireless, LLC., through an existing contract with the Houston-Galveston Area Council and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW10-09) (Consent Agenda Item “F”)

#### **Approval of Contract Modification**

To approve and authorize Contract Modification No.1 for the purchase of additional Risk management services in the amount of \$124,800 from Southern Specialized Risk Options, LLC. This modification will provide for the research, analysis, coordination, development and assistance with implementation of high priority risk management functions. (Consent Agenda Item “G”)

### **Approval of Change Order**

To EMJ Corporation increasing the contract by \$56,000 for Carpenter Park Recreation Center Expansion and Renovation, Change Order No. 1, CSP No. 2010-202-B. (Consent Agenda Item “H”)

### **Adoption of Resolutions**

**Resolution No. 2011-10-11(R):** To approve membership in the Cooperative Personnel Services Joint Powers Authority, and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2011-10-12(R):** To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “J”)

**Resolution No. 2011-10-13(R):** To adopt rules for juvenile case managers employed by the City of Plano; and providing for an effective date. (Consent Agenda Item “K”)

### **Adoption of Ordinances**

**Ordinance No. 2011-10-14:** To amend Section 11-313, Article VIII Special Events, Chapter 11 Licenses and Business Regulations of the Code of Ordinances of the City of Plano, Texas to amend language regarding filing period; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “L”)

**Ordinance No. 2011-10-15:** To vacate Ordinance No. 2011-9-37, thereby rescinding the zoning designation of Planned Development-Corridor Commercial granted therein, and adopting this ordinance to correct a clerical error, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 13.2± acres out of the Daniel Rowlett Survey, Abstract No. 738, located at the northeast corner of Parker Road and U.S. Highway 75 in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-222-Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. (Zoning Case 2011-23) (Consent Agenda Item “M”)

**Ordinance No. 2011-10-16:** To approve the carrying-forward of certain fiscal year 2010-11 funds to fiscal year 2011-12; and providing an effective date. (Consent Agenda Item “N”)

### **END OF CONSENT**

Due to a possible conflict of interest, Council Member Dunlap stepped down from the bench on the following item.

**Bid No. 2011-300-B** for Intersection Improvements – Parker Road, Spring Creek Parkway and Jupiter Road to Jim Bowman Construction Company, LP in the amount of \$604,635 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Upon a motion made by Council Member Duggan and seconded by Deputy Mayor Pro Tem Smith, the Council voted 6-0 to approve Bid No. 2011-300-B for Intersection Improvements – Parker Road, Spring Creek Parkway and Jupiter Road to Jim Bowman Construction Company, LP in the amount of \$604,635.

Council Member Dunlap resumed his seat at the bench.

**Public Hearing and consideration of an Ordinance as requested in Zoning Case 2011-27** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 108.2± acres located at the southwest corner of State Highway 121 and Preston Road in the City of Plano, Collin County, Texas, from Commercial Employment to Planned Development-223-Commercial Employment; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Lincoln Property Company (Regular Agenda Item “1”)

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated in underlined text per the Commission’s recommendation.)

**Restrictions:**

The permitted uses and standards shall be in accordance with the existing Commercial Employment (CE) zoning district unless otherwise specified herein.

**General Provisions of the Planned Development**

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Quasi-Public Streets
  - a. Quasi-public streets shall be provided throughout the district, consistent with as shown on the zoning exhibit.
  - b. Quasi-Public Streets Definition: Quasi-public streets are privately owned and maintained drives open to public access. A fire lane shall be located within all quasi-public streets. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of quasi-public streets.
3. Parking Regulations
  - a. The minimum required parking shall be as follows:
    - i. Multifamily - 1.5 spaces per unit
    - ii. All nonresidential uses: Parking requirements shall be determined as provided in Section 3.1100 (Off-Street Parking and Loading) of the Zoning Ordinance.

- b. On-street parking adjacent to each lot may count toward the required parking for that lot and shall be permitted on both sides of quasi-public streets and fire lanes, except where prohibited for vehicular, fire, or pedestrian safety.
  - c. No parking is required for outdoor patio and sidewalk cafe/dining areas or other public seating areas except for freestanding restaurants.
4. Screening
- a. Off-street loading docks and service areas for nonresidential uses may not be located adjacent to or across a quasi-public street from buildings containing residential uses unless the loading dock or service area is screened in accordance with the following:
    - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000)
    - ii. Overhead doors if service area or loading dock is located internal to the building; or
    - iii. Any combination of the above.
5. Open space
- a. A minimum of five acres of open space shall be required within the planned development district.
  - b. The open space shall be open to the public at all times
  - c. A minimum of two open space areas shall be provided in Tract 2 and each open space area shall not be less than 0.5 acre in area. A minimum of one open space area shall be provided in Tract 3 and this open space area shall not be less than 0.5 acre in area. In all tracts, the required open space areas shall not have a dimension less than 80 feet.
6. Signage
- a. In addition to signs permitted by Section 3.1600 of the Zoning Ordinance, the following additional signs and/or revised sign definitions and standards are permissible.
    - i. Multi-Purpose Wall Signs
      - A multi-purpose wall sign is any sign mounted on the wall of a building which is used to identify shopping centers, retail districts, office districts, or commercial sites and may include a listing of occupants within the development being identified.
      - Multi-purpose wall signs are exempt from Subsections 3.1603 (1)(b) and (2)(f) of Section 3.1600.
      - A multi-purpose wall sign shall not be limited in height or width except that the sign shall be limited to 300 square feet in size.
      - A maximum of one multi-purpose wall sign may be mounted to a parking structure that has street frontage along State Highway 121 and/or Preston Road only, and the multi-purpose wall sign shall face State Highway 121 or Preston Road. A maximum of two multipurpose wall signs are allowed within the district.
    - ii. Directional Signs
      - A directional sign is any noncommercial sign, which directs the public to various locations, for instance, but not limited to, the retail, apartments, office or parking areas within the planned development district.
      - A directional sign may be a freestanding sign, a wall sign, a projecting sign, or a sign mounted to a vertical support. These signs shall not contain advertising and shall be specifically directional in nature.

- A directional sign mounted to a vertical support shall not exceed 15 square feet and the maximum sign width is three feet wide. The bottom of the sign shall not fall below four feet from the ground surface.
7. A maximum of 800 multifamily units shall be allowed within the district.

### **Specific Provisions of the Planned Development - Tract 1**

1. Uses: ~~Multifamily is prohibited.~~
  - a. Multifamily is prohibited
  - b. A minimum 350,000 sq. ft. of multistory office building(s) shall be provided within Tract 1.
2. Design Standards
  - a. Building Placement and Orientation: Buildings fronting quasi-public streets shall be constructed such that a minimum of 75% of the facade shall be located between a minimum of 15 feet and a maximum of 25 feet from the back of curb, except along quasi-public streets with a curve radius less than 250 feet from the centerline, which shall adhere to a minimum of 60%. Parking structures are exempt. Where easements are present, the buildings shall be built to the easement line.
  - b. Streetscape: Outdoor patio and sidewalk dining as well as other public seating areas are permitted within the quasi-public street easements provided minimum six-foot accessible pathways are maintained.
  - c. Landscaping
    - i. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscape Requirements), Sections 4.800 (State Highway 121 Overlay District) and 4.500 (Preston Road Overlay District).
    - ii. No landscape edge is required along quasi-public streets, except for where surface parking lots abut quasi-public streets, where a minimum five foot landscape edge shall be provided.
    - iii. Street trees shall be provided at a rate of a minimum of one tree per 60 linear feet of street along all quasi-public streets.
    - iv. Where service areas for nonresidential uses face Tract 2 and/or Tract 3, a minimum 10 foot landscape edge shall be provided including screening shrubbery and trees planted at an average rate of one tree per 50 linear feet of the landscape edge length. A minimum six-foot high (maximum eight-foot high) ornamental fence may be provided within this required landscape edge.
  - d. Maximum Lot Coverage: 80%

### **Specific Provisions of the Planned Development - Tract 2**

1. Uses
  - a. Tract 2 must be developed using the standards required by the planned development district for multifamily development. However, Tract 2 may be developed solely with nonresidential uses in accordance with the CE zoning district and the State Highway 121 and Preston Road Overlay District regulations contained within the Zoning Ordinance. The initial development for Tract 2 will determine the standards to be used for the remainder of the property with Tract 2.
  - b. Retail, restaurant, office, and live/work uses may be allowed on the ground floor of

- residential buildings only, and the ground floor shall be designed to accommodate nonresidential uses with a minimum floor to ceiling height of 12 feet; however, the ground floor may be used for residential uses.
- c. Multifamily is a permitted use by right within Tract 2.
2. Design Standards
    - a. Building Placement and Orientation Along Quasi-Public Streets: Buildings fronting quasi-public streets shall be constructed such that a minimum of 75% of the facade shall be located between a minimum of 15 feet and a maximum of 25 feet from the back of curb. Where easements are present, the buildings shall be built to the easement line.
    - b. Streetscape
      - i. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within the quasi-public street easements provided minimum six-foot accessible pathways are maintained.
      - ii. Along quasi-public streets, sidewalks with a minimum width of six feet shall be placed adjacent to the back of curb except when landscape areas are provided.
    - c. Landscaping
      - i. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscape Requirements)
      - ii. No landscape edge is required along quasi-public streets, except for where surface parking lots abut quasi-public streets, where a minimum five-foot landscape edge shall be provided.
      - iii. Street trees shall be provided at a rate of a minimum of one tree per 60 linear feet of street along all quasi-public streets.
    - d. Maximum Lot Coverage: 80%
  3. Multifamily Design Standards
    - a. Buildings fronting quasi-public streets shall be constructed such that a minimum of 75% of the facade shall be located between a minimum of 15 feet and a maximum of 25 feet from the back of curb. Where easements are present, the buildings shall be built to the easement line.
    - b. Multifamily development shall be exempt from the supplementary regulations of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).
    - c. Minimum Floor Area per Dwelling Unit: 500 square feet.
    - d. Minimum Rear and Side Yard Setbacks: none.
    - e. Quasi-public streets and required open space shall be excluded from density calculations.
    - f. Maximum Density: 65 units per acre
    - g. Minimum Density: 33 units per acre
    - h. Maximum Lot Coverage: None.

### **Specific Provisions of the Planned Development - Tract 3**

1. Uses
  - a. Tract 3 must be developed using the standards required by the planned development district for multifamily development. However, Tract 3 may be developed solely with nonresidential uses in accordance with the CE zoning district and the State Highway 121 and Preston Road Overlay Districts' regulations contained within the Zoning Ordinance.

- The initial development for Tract 3 will determine the standards to be used for the remainder of the property with Tract 3.
- b. Multifamily is a permitted use by right within Tract 3. Tract 3 may be developed as multifamily only if Tract 2 is also developed as multifamily. Otherwise Tract 3 shall be developed in accordance with the Commercial Employment (CE) zoning district.
  - c. Retail, restaurant, office, and live/work uses may be allowed on the ground floor of residential buildings only, and the ground floor shall be designed to accommodate nonresidential uses with a minimum floor to ceiling height of 12 feet; however, the ground floor may be used for residential uses.
2. Design Standards
- a. Building Placement and Orientation Along Quasi-Public Streets: Buildings fronting quasi-public streets shall be constructed such that a minimum of 75% of the facade shall be located between a minimum of 15 feet and a maximum of 25 feet from the back of curb. Where easements are present, the buildings shall be built to the easement line.
  - b. Streetscape
    - i. Outdoor patio and sidewalk dining as well as other public seating areas are permitted within the quasi-public street easements provided minimum six-foot accessible pathways are maintained.
    - ii. Along quasi-public streets, sidewalks with a minimum width of six feet shall be placed adjacent to the back of curb except when landscape areas are provided.
  - c. Landscaping
    - i. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscape Requirements)
    - ii. No landscape edge is required along quasi-public streets, except for where surface parking lots abut quasi-public streets, where a minimum five-foot landscape edge shall be provided.
    - iii. Street trees shall be provided at a rate of a minimum of one tree per 60 linear feet of street along all quasi-public streets.
  - d. Maximum Lot Coverage: 80%.
3. Multifamily Design Standards
- a. Buildings fronting quasi-public streets shall be constructed such that a minimum of 75% of the facade shall be located between a minimum of 15 feet and a maximum of 25 feet from the back of curb. Where easements are present, the buildings shall be built to the easement line.
  - b. Multifamily development shall be exempt from the supplementary regulations of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).
  - c. The Minimum Floor Area per Dwelling Unit: 500 square feet.
  - d. Minimum Rear and Side Yard Setbacks: none
  - e. Quasi-public streets and required open space shall be excluded from density calculations.
  - f. Maximum Density: 65 units per acre
  - g. Minimum Density: 33 units per acre
  - h. Maximum Lot Coverage: None

**Zoning Case 2011-27** (cont'd)

Ms. Jarrell advised that the stipulations intend to create a mixed-use development with higher density of multi-family units and that Frisco Independent School District did not indicate enrollment concerns. She spoke to the stipulation added by the Commission to limit multi-family units to a maximum of 800 and one by Staff to limit advertisement on multi-purpose wall signs to occupants within Tract 1. Ms. Jarrell responded to the Council, advising that retail would be developed in accordance with Commercial Employment (CE) standards and she spoke to the Commission's support for office development.

Mayor Pro Tem Miner opened the Public Hearing. Larry Good of Good Fulton and Farrell, spoke to the request following guidelines of the Mixed-Use Development Policy, walkability of the area, inclusion of the 1,200-foot setback from S.H. 121, connectivity via quasi-public streets, and development phases. He spoke to development of 300,000 square feet of retail/restaurant, 400,000 square feet of office space, and 550 multi-family units and compared the project to Legacy Town Center with regard to scale and density. Mr. Good responded to Council Member Duggan regarding the height of parking garages and advised that much of the retail is pre-leased. No one else spoke for or against the request. The Public Hearing was closed.

Council Member Duggan made a motion for approval as presented which was seconded by Council Member Gallagher. No vote was taken at this time.

Council Member Harris spoke to the importance of this location and to finding the highest and best use. He recommended tabling the request for further consideration. Council Member Davidson stated concern regarding the large amount of surface parking along the S.H. 121 corridor. Deputy Mayor Pro Tem Smith spoke to preservation of the site for businesses that expand the City's employment base. Council Member Gallagher spoke to the proposal's potential for revenue. Council Member Duggan spoke to the difference between the proposal and Legacy Town Center in terms of parking/retail, land available in the City for office uses, and development going to other cities. Council Member Harris spoke to future consideration of the impact on schools and the quantity of current retail zoning in the City. Council Member Dunlap spoke in opposition of the motion and in support of more integrated uses and higher density.

The motion made by Council Member Duggan and seconded by Council Member Gallagher to amend the Comprehensive Zoning Ordinance of the City, so as to rezone 108.2± acres located at the southwest corner of State Highway 121 and Preston Road in the City of Plano, Collin County, Texas, from Commercial Employment to Planned Development-223-Commercial Employment as requested in Zoning Case 2011-27 and recommended by the Planning and Zoning Commission and including stipulations limiting multi-family units to a maximum of 800 and limiting advertisement on multi-purpose wall signs to occupants within Tract 1 was restated. The Council voted 2-5 with Mayor Pro Tem Miner, Deputy Mayor Pro Tem Smith and Council Members Dunlap, Harris and Davidson voting in opposition. The motion failed.

**Public Hearing and adoption of Ordinance No. 2011-10-17** as requested in Zoning Case 2011-30, amending Subsection 2.821 (BG – Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to modify the area, yard, and bulk requirements and other standards of the Downtown Business/Government district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “2”)

Director of Planning Jarrell spoke to development of the Business/Government (BG) district and potential zoning impediments to future projects. She spoke to topography and other physical design constraints creating challenges and this request modifying regulations to alleviate issues. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

**Amend Subsection 2.821 (BG - Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) such portion of subsection to read as follows:**

3. Area, Yard and Bulk Requirements

Maximum Height - Four story (except as noted in Other Height/Setback Requirements below).

Four stories of multifamily are permitted on a horizontal structural concrete podium above a single level at grade of structured parking, and/or nonresidential uses and/or flex space units (below grade parking is excluded). Flex space units are defined as a ground floor unit that may be occupied by a residential use, a nonresidential use, or both. Flex space units must have an individual exterior entrance and a minimum floor-to-ceiling separation of nine feet. A flex-space unit must be constructed to accommodate nonresidential uses and may not be modified to prevent nonresidential occupancy.

The maximum height for parking structures shall be five levels at or above grade. Parking structures shall be obscured from view of streets and/or public ways designated as Type E or above on the city’s Thoroughfare Plan, plus 15th Street by buildings of equal or greater height and/or special architectural and/or landscaping treatments approved in conjunction with a preliminary site plan or site plan.

5. Special District Requirements

- c. A nonconforming building may be reconstructed to its original setback if it does not exceed the maximum permitted setback.
- d. Minimum ~~of~~ two-thirds of the front facade of the building shall fall within the minimum and maximum setback unless restricted by easements. Where easements are present, two-thirds of the front facade of the building shall be built to the easement line.
- e. First Floor Use  
No building, excluding parking structures, in the area bounded by 14th Street on the south, ~~H Avenue~~ the DART right-of-way on the west, 16th Street on the north, and Municipal/L Avenue on the east, shall have more than 60% of its total linear frontage on major streets devoted to residential use.

**Ordinance No. 2011-10-17**

g. Special Regulations for Multifamily Residences

- i. Minimum Floor Area per Dwelling Unit
  1. 400 square feet for efficiency units
  2. 475 square feet for one bedroom units
  3. 625 square feet for two bedroom units
  4. 150 square feet for each additional bedroom
- ii. Maximum Density: 100 dwelling units per acre
- iii. Minimum Density: 40 dwelling units per acre
- iv. No more than ~~230~~ 300 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-way.
- v. Usable open space requirements as specified in Subsection ~~3.104.4~~ 3.117 shall not apply.
- vi. The above requirements shall also apply to situations where only one or two units are included in a building.

Mayor Pro Tem Miner opened the Public Hearing. No one spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, the Council voted 7-0 to amend Subsection 2.821 of Section 2.800 of Article 2 and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, to modify the area, yard, and bulk requirements and other standards of the Downtown Business/Government district; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-30; and further to adopt Ordinance No. 2011-10-17.

Nothing further was discussed and Mayor Pro Tem Miner adjourned the meeting at 7:51 p.m.

---

Pat Miner, MAYOR PRO TEM

ATTEST:

---

Diane Zucco, City Secretary