

PLANO CITY COUNCIL
November 14, 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
Victoria Huynh, Deputy City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, November 14, 2011, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

Rabbi Stefan Weinberg of Congregation Anshai Torah led the invocation and Cub Scout Pack 221 of Hickey Elementary School led the Pledge of Allegiance.

Mayor Dyer presented Special Recognitions to Officer William Pace of the Plano Police Department and The Salvation Army.

COMMENTS OF PUBLIC INTEREST

Comments of Public Interest were received following the Council's vote on the Consent Agenda.

CONSENT AGENDA

Staff requested that Consent Agenda Item "J" be removed for individual consideration.

Citizen Geoffrey Anderson requested that Consent Agenda Item "Q" be removed for individual consideration.

Citizen Jack Lagos requested that Consent Agenda Item "U" be removed for individual consideration.

Mayor Dyer advised that he would be stepping down on Regular Agenda Item "5" due to a possible conflict of interest and further advised that Regular Agenda Items "6" and "7" would be considered immediately following Regular Agenda Item "4."

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

Approval of Minutes

October 24, 2011 (Consent Agenda Item "A")

Bid No. 2012-2-B for the 2010-11 Residential Concrete Pavement Rehab Zone L4, Project No. 6174 to Jerusalem Corporation in the amount of \$1,432,736 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2011-312-B for the construction of High Point Tennis Center Lighting Renovations, Project No. 6145, to Nema 3 Electric, Inc. in the amount of \$520,800 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2011-307-B for the purchase of four (4) Swenson Model EV100-9- 82-50 and ten (10) Swenson Model EV100-10-82-62 Sand Spreaders for Fleet Services to be utilized by Streets from Midwest Systems Truck Equipment in the amount of \$84,468 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Purchase from an Existing Contract

To approve the purchase of ball field renovations at Schell Park ball fields #1 and #2 and Carpenter Park ball fields #5 and #6 in the amount of \$66,308 from MasterTurf Products and Service, Inc., through an existing contract with BuyBoard and authorizing the City Manager to execute all necessary documents. (Buyboard Contract #373-11) (Consent Agenda Item "E")

To approve the purchase of one (1) Toro Tractor Mower for Fleet Services to be utilized by Ground Maintenance in the amount of \$85,706 from Professional Turf Products through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard Contract #373-11) (Consent Agenda Item "F")

Approval of Contract Modification

To approve and authorize Contract Modification No. 1 for the purchase of Professional Services for design of Alley Reconstruction – Plano East Project No. 6066 in the amount of \$6,800 from J. Volk Consulting, Inc. This modification will provide for the design of an additional 570 linear feet of alley to this project. (Consent Agenda Item "G")

Approval of Change Order

To Motorola USA, Inc., increasing the contract by \$110,637 for additional equipment and services associated with the CSP P-25 Simulcast System, Change Order #6. CSP No. 2009-137-C. (Consent Agenda Item "H")

Adoption of Resolutions

Resolution No. 2011-11-1(R): To approve the terms and conditions of an Advance Funding Agreement Amendment No. 1 by and between the Texas Department of Transportation and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "I")

Resolution No. 2011-11-2(R): To approve pursuant to Chapter 15, Parks and Recreation, Article IV, User Fees, of Section 15-81, Establishment of Fee, of the City Code of Ordinances of the City Council of the City of Plano, Texas authorizing the establishment of a Monthly Recreation Membership fee and new family rates; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2011-11-3(R): To approve the terms and conditions of an annual supply contract, one (1) year with three (3) City optional renewals, by and between the City of Plano and Interspec, LLC, the sole source provider of irrigation centralized control system; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2011-11-4(R): To ratify the additional expenditure of \$467,121 for years 2009, 2010 and 2011 for temporary labor services of waste collection; modifying the current estimated annual contract amount to increase to \$578,000; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2011-11-5(R): To authorize a City representative to take action as necessary for activities associated with the Cooperative Personnel Services Joint Exercise of Power Agreement, and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2011-11-6(R): To adopt the Tax Abatement Policy of the City of Plano thereby establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date. (Consent Agenda Item “O”)

Adoption of Ordinances

Ordinance No. 2011-11-7: To vacate Ordinance No. 2011-10-9, thereby rescinding the amendment of Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) 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 amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections, as heretofore amended, to allow for reader board/electronic message center signs; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. (Zoning Case 2011-26) (Consent Agenda Item “P”)

Ordinance No. 2011-11-8: To repeal Ordinance No. 2010-7-9 codified as Section 18-25, Article I of Chapter 18, Solid Waste of the City of Plano Code of Ordinances; amending Article II, Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano to add Section 18-36 Downtown Collection Accommodation and Rates for the collection of solid waste for the downtown merchants; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “R”)

Ordinance No. 2011-11-9: To amend Section 2-12(d), Procurement Code of Article I, In General, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to reflect the Purchasing Division responsibility for procurement duties of the City and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “S”)

Ordinance No. 2011-11-10: To amend and restate the Retirement Security Plan generally effective as of January 1, 2011; authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “T”)

COMMENTS OF PUBLIC INTEREST

Citizen Jack Lagos spoke regarding tax returns filed by the Plano Economic Development Board and requested City Council review.

ITEMS FOR INDIVIDUAL CONSIDERATION:

Resolution No. 2011-11-11(R): To approve the terms and conditions of an Amendment by and between the City of Plano and the City of The Colony to the existing potable water service agreement for an additional portion of the City of The Colony; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “J”)

Director of Public Works Cosgrove spoke to the contract entered into with the City of The Colony in 1998 which provided that no elevated storage tank would be built in an area of The Colony, but rather that Plano would provide the area water. He advised that The Colony pays the current rate charged by the North Texas Municipal Water District plus ten percent, follows current water restrictions and that this agreement will not increase water capacity. Mr. Cosgrove responded to Council Member Duggan, stating that without the agreement, The Colony would pump water to the area and construct a tank.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 8-0 to approve the terms and conditions of an Amendment by and between the City of Plano and the City of The Colony to the existing potable water service agreement for an additional portion of the City of The Colony; and further to adopt Resolution No. 2011-11-11(R).

Consideration of an Ordinance to add Sections 6-711 through 6-715, Article XXI Outdoor Toilet Facilities to Chapter 6 Buildings and Building Regulations of the Code of Ordinances of the City of Plano, Texas, to regulate portable toilet facilities in areas that lack permanently constructed toilet facilities where the area is zoned Commercial Amusement (Outdoor), Fair Grounds/Exhibition Area, or Private Recreation Facility or Area; and providing a penalty clause, a severability clause, a savings clause, a repealer clause, a publication clause and an effective date. (Consent Agenda Item “Q”)

Citizen Geoffrey Anderson spoke to the recommended ratio of facilities to attendees and concern that it may not be sufficient for large gatherings. Chief Building Official Mata spoke to data utilized to determine the ratios and responded to the Council that figures are based on the full timeframe of an event rather than consideration of intermissions. He further responded to the Council, advising that additional requirements may be added to address screening of facilities.

Upon a motion made by Council Member Davidson and seconded by Council Member Harris, the Council voted 8-0 to table consideration of an ordinance to add Sections 6-711 through 6-715, Article XXI Outdoor Toilet Facilities to Chapter 6 Buildings and Building Regulations of the Code of Ordinances.

Ordinance No. 2011-11-12: To transfer the sum of \$68,355 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for the legal fees associated with the dissolution of the Plano Economic Development Board; amending the Budget of the City and Ordinance No. 2011-9-8, declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “U”)

Citizen Jack Lagos spoke to monies spent on legal fees and requested Council action on tax returns of the Plano Economic Development Board. City Manager Glasscock advised that this item is related to legal fees associated with the dissolution of the Board.

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to transfer the sum of \$68,355 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for the legal fees associated with the dissolution of the Plano Economic Development Board; and further to adopt Ordinance No. 2011-11-12.

Resolution No. 2011-11-13(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2011 and providing an effective date. (Regular Agenda Item “1”)

Treasurer Conklin advised that the quarterly investment report must be formally presented on an annual basis to comply with the Texas Public Funds Investment Act. She spoke to maintaining a market value greater than the book value of assets, the fluctuation of assets over the fiscal year as ad valorem taxes flow into the City and expenses occur, diversification of assets and maturities and comparison of the portfolio to benchmarks. Ms. Conklin spoke to the City’s yield in the quarter and fiscal year, the level of interest rates, laddering of investments and the portfolio’s value.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Harris, the Council voted 8-0 to approve the Investment Portfolio Summary for the quarter ending September 30, 2011 and further to adopt Resolution No. 2011-11-13(R).

Public Hearing and adoption of Ordinance No. 2011-11-14 to allow the City of Plano to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253, and providing a severability clause, repealer clause, and an effective date. (Regular Agenda Item “2”)

Director of Budget and Research Rhodes-Whitley spoke regarding Senate Bill 1, passed by the 2011 legislature, which extended an ad valorem tax exemption on goods-in-transit stored in warehouses other than those of the goods’ owner. She advised that opting out of the exemption requires a Public Hearing and adoption of an ordinance. City Manager Glasscock advised that the impact of opting out would be minimal as the City does not have warehouses of the type defined.

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

Upon a motion made by Council Member Davidson and seconded by Council Member Gallagher, the Council voted 8-0 to allow the City of Plano to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253; and further to adopt Ordinance No. 2011-11-14.

Discussion and Direction regarding the selection of a firm to form an exclusive, non-binding 120-day planning and negotiation process to enter into an agreement, for the property located at Plano's Parker Road Station. (Regular Agenda Item “3”)

Tax Increment Financing Reinvestment Zone No. 2 board member Alan Johnson spoke to future plans for property at the northwest corner of Park Boulevard and K Avenue and proposals received and requested Council approval to negotiate with Prescott Realty Group to develop specific plans for a transit-oriented development. He advised that action on a plan will be brought back for Council consideration.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Gallagher, the Council voted 8-0 to form an exclusive, non-binding 120-day planning and negotiation process to enter into an agreement, for the property located at Plano's Parker Road Station.

Public Hearing and adoption of Ordinance No. 2011-11-15 as requested in Zoning Case 2011-15 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 119.2± acres located at the northeast corner of Custer Road and Park Boulevard in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-224-Single-Family Residence-6/Single-Family Residence-7/Patio Home and Planned Development-225-Single-Family Residence Attached; 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: Fairview Farm Land Co. Ltd. (Regular Agenda Item “4”)

Ordinance No. 2011-11-15 (cont'd)

Senior Planner Perry advised that the request creates two planned developments with one establishing three with different base zoning classifications; single-family-6, single-family-7, and patio home. She advised that the second planned development at the southwest corner of the site would have a base zoning of single-family attached. Ms. Perry advised that the request is consistent with the Comprehensive Plan and that the Planning and Zoning Commission recommended approval as follows:

Planned Development-Single-Family Residence-6/Single-Family Residence-7/Patio Home

Location: NE corner of Park Blvd. and Custer Rd.
Acreage: 108.2±

General Provisions of the Planned Development District:

1. The exhibits attached hereto are adopted as part of this ordinance.
2. Maintenance of all open space, landscaping, detention areas, and common amenities shall be the responsibility of a homeowners association. This responsibility shall include any landscaping improvements within the Baffin Bay Dr. right-of-way south of the curb line, and within the Country Place Dr. right of way west of the curb line. The homeowners association's documents shall be approved by the City Attorney.
3. A private recreation facility is an additional allowed use by right within the district.
4. Streets:
Baffin Bay Dr. shall be constructed as shown in Exhibit B.
5. Landscaping and Open Space:
 - a. A combined minimum of eight acres of open space shall be provided within the district and shall be provided in accordance with Subsection 3.117 (Useable Open Space), except as provided herein.
 - b. All residential lots within Tract C must be located within 1,200 feet of required usable open space as measured along a street.
 - c. Open space provided shall be shown on an approved concept plan.
 - d. A minimum 15-foot landscape buffer dedicated to a homeowners association shall be provided along Park Blvd. and Custer Rd.
6. Screening:
 - a. A maximum eight-foot masonry screening wall shall be constructed along the rear or side lot line of lots adjacent to Custer Rd., Park Blvd., and Baffin Bay Dr. The wall shall be separated from the right-of-way by a minimum 15-foot landscape buffer to be maintained by the homeowners association. The landscaping shall be provided on the street side of the wall. The wall shall be located in a lot dedicated to the homeowners association.
 - b. A six-foot ornamental metal fence, which is at least 50% open in construction, and shrubbery shall be installed/constructed when street rights-of-way are provided internal to the residential subdivision that are adjacent to either Baffin Bay Dr. or Country Place Dr. rights-of-way. The fence shall be separated from the right-of-way for Baffin Bay Dr. and Country Place Dr. by a minimum ten-foot landscape buffer dedicated to a homeowners association. Where the fence extends to single-family residential lots, the six-foot ornamental fence may extend across the front yard building line. A minimum of two pedestrian access points within the ornamental fence shall be provided to the sidewalk along Baffin Bay Dr. and a minimum of one pedestrian access point shall be provided to the sidewalk along Country Place Dr.

Ordinance No. 2011-11-15 (cont'd)

Residential Development Standards

1. Standards relating to SF-6 (Tract A)
 - a. Uses and development standards shall be in accordance with the SF-6 district except as provided in this subsection.
 - b. Minimum Front Yard (for front entry): 15 feet. Garages shall be set back a minimum of 20 feet from the front property lines.
 - c. Minimum Rear Yard: 15 feet
 - d. Minimum Side Yard: Six feet, except as provided in Section 3.600 (Side Yard Regulations)
 - e. Minimum Side Yard: -- Corner Lot: 15 feet on street side, except as provided in Section 3.600 (Side Yard Regulations)
 - f. Maximum Coverage: 55%
2. Standards relating to SF-7 (Tract B)
 - a. Uses and development standards shall be in accordance with the SF-7 district except as provided in this subsection.
 - b. Minimum Front Yard: 25 feet
 - c. Minimum Rear Yard: 10 feet, except as provided in Section 3.700 (Rear Yard Regulations)
 - d. Minimum Side Yard: 7 feet, except as provided in Section 3.600 (Side Yard Regulations)
 - e. Minimum Side Yard: -- Corner Lot: 15 feet on street side, except as provided in Section 3.600 (Side Yard Regulations)
 - f. Maximum Coverage: 55%
3. Standards relating to Patio Home (Tract C)
 - a. Uses and development standards shall be in accordance with the PH district except as provided in this subsection.
 - b. Maximum Lot Coverage: 65%

Planned Development- Single-Family Residence Attached

Location: NE corner of Park Blvd. and Custer Rd.

Acreage: 11.0±

General Provisions of the Planned Development District:

1. The exhibits attached hereto are adopted as part of this ordinance.
2. Maintenance of all open space, landscaping, detention areas and common amenities shall be the responsibility of a homeowners association. The homeowners association's documents shall be approved by the City Attorney.
3. All residential lots within the district must be located within 1,200 feet of required usable open space as measured along a street.
4. Streets:
 - a. The north and east sides of the district shall be bounded by streets with a minimum 60-foot right-of-way.
 - b. Streets shall be constructed as shown in Exhibit "D".
5. Landscaping
A minimum 15-foot landscape edge shall be provided along Park Blvd. and Custer Rd.

Ordinance No. 2011-11-15 (cont'd)

Residential Development Standards

Standards relating to SF-A

- a. Uses and development standards shall be in accordance with the SF-A district except as provided in this subsection.
- b. Maximum Density: 25 dwelling units per acre
- c. Minimum Lot Width: 20 feet
- d. Minimum Lot Depth: 50 feet
- e. Front Yard Setbacks:
 - i. Minimum Setback: 11 feet from back of curb to building
 - ii. Maximum Setback: 17 feet from back of curb to building
- f. Minimum Lot Area: 1,100 square feet
- g. Maximum Lot Coverage: 95%
- h. Maximum Rear Yard: Five feet
- i. Minimum Side Yard:
 - i. Interior Side Yard: None
 - ii. Exterior Side Yard (Corner Lot): Shall be treated the same as front yards
- j. Buildings must be separated by a minimum distance of ten feet.
- k. Maximum Height: two-story (35 feet)
- l. Maximum Building Length: 200 feet
- m. Maximum Number of Units per Building: Ten
- n. Each dwelling unit shall have a garage with a minimum of two parking spaces. Garage entrances shall be allowed only from an alley. The distance from the garage to the travel lane of the alley shall be a maximum of five feet in length or shall be a minimum of 20 feet in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.
- o. Street, Sidewalk and Streetscape Regulations
 - i. Street trees shall be uniformly placed in planting beds within six feet of the back-of-curb, a maximum of 90 feet on center.
 - ii. Sidewalks shall be a minimum unobstructed width of six feet and shall be placed along the street frontage. Sidewalks are in addition to and shall be placed adjacent to the street tree area.
 - iii. Stoops and landscaped areas adjacent to the building may extend a maximum distance of six feet into the areas between the front facade of the building and the back-of-curb provided that a minimum six-foot unobstructed sidewalk is maintained.

Mayor Dyer opened the Public Hearing. Matthew Alexander of Dowdey, Anderson, & Associates, Inc., representing the applicant, spoke to meetings held with homeowners in the area and an original plan for retail at the southwest corner of the site which has been revised to residential. He spoke to reduction of access points along Country Place Drive, plans for open space, Phase 1 under contract to Toll Brothers, and inclusion of a 22-foot greenbelt and 10-foot open space landscape buffer along Baffin Bay Drive. Mr. Alexander spoke to the development as a blended infill community that includes open space and pedestrian connectivity developed through cooperative efforts. He responded to the Council, advising that the northern 60 acres would have 210 housing units with the southern dependent on the builder at the time of development. Ms. Perry responded to the Council regarding replacement of trees along Baffin Bay Drive and advised that a City arborist determined current trees were in moderate to poor condition and would not survive construction and grade differences. Division President of Toll Brothers Rob Paul advised the Council that Phase 1 would have a governing homeowners association.

Ordinance No. 2011-11-15 (cont'd)

Citizen Kent Harrington spoke to trees along Baffin Bay and Country Place Drives requesting mature ones for a screening effect; increased traffic on collector streets requesting traffic signals at Custer Road/Baffin Bay Drive and Parker Road/Country Place Drive; and future consideration of retail at the southwest corner. Citizen Beau Chambo spoke to future development of retail and the need for consistent landscaping along Baffin Bay and Country Place Drives. Planning Manager Firgens responded to the Council, advising that the applicant has exceeded the requirements of the Zoning Ordinance as it does not address landscaping on residential streets and spoke to three-inch caliper as the generally accepted size. Deputy Mayor Pro Tem Smith spoke to the maturity and growth pattern of trees along Baffin Bay Drive and requested similar treatment by the developer on both roadways. Ms. Perry advised that landscape planted will be the responsibility of the homeowners association. Mr. Alexander responded to the Council regarding anticipated traffic flow and the impact on collector streets. Director of Public Works Cosgrove advised that placement of a signal at Custer Road and Baffin Bay Drive would be difficult given the intersection's offset.

Ms. Firgens spoke to language that could be included in the planned developments to address trees to provide shade trees at an average rate of one per forty feet with a minimum caliper of three inches and allow up to a maximum of 25% in ornamentals with an exchange rate of three ornamentals to one shade tree. Mr. Paul stated acceptance for the northern half of the property. Mr. Alexander responded to the Council regarding original plans for retail on the southwest corner and citizen Ken Helpert spoke to area opposition to retail development. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to rezone 119.2± acres located at the northeast corner of Custer Road and Park Boulevard in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-224-Single-Family Residence-6/Single-Family Residence-7/Patio Home and Planned Development-225-Single-Family Residence Attached; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-15 with amendments as follows and further to adopt Ordinance No. 2011-11-15.

**Planned Development-Single-Family Residence-6/Single-Family Residence-7/Patio Home
(General Provisions)**

4. Streets: Baffin Bay Dr. and a landscape buffer along Baffin Bay shall be constructed as shown in Exhibit "B". The landscape buffer shall be dedicated to a homeowners association.

5d. Landscaping and Open Space: A minimum 15-foot landscape buffer dedicated to a homeowners association shall be provided along Park Blvd. and Custer Rd. A minimum ten foot landscape buffer dedicated to a homeowners association shall be provided along Country Place Dr.

5e. Landscaping and Open Space: Within the required landscape buffers along Park Blvd., Custer Rd., Baffin Bay Dr., and Country Place Dr., shade trees shall be provided at an average rate of one tree per 40 linear feet and shall be a minimum three-inch caliper size. A maximum of 25% of the required shade trees may be substituted with ornamental trees at a rate of three ornamental trees to one shade tree.

6a. Screening: A maximum eight-foot masonry screening wall shall be constructed along the rear or side lot line of lots adjacent to Custer Rd., Park Blvd., and Baffin Bay Dr. The wall shall be separated from the right-of-way by the required landscape buffer to be maintained by the homeowners association. The landscaping shall be provided on the street side of the wall. The wall shall be located in a lot dedicated to the homeowners association.

Ordinance No. 2011-11-15 (cont'd)

Planned Development- Single-Family Residence Attached (General Provisions)

5b. Landscaping: Within the required landscape edge along Park Blvd. and Custer Rd., shade trees shall be provided at an average rate of one tree per 40 linear feet and shall be a minimum three-inch caliper size. A maximum of 25% of the required shade trees may be substituted with ornamental trees at a rate of three ornamental trees to one shade tree.

Resolution No. 2011-11-16(R) of the City of Plano to cast its ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Agenda Item “6”)

Upon a motion made by Mayor Dyer and seconded by Council Member Gallagher, the Council voted 8-0 to cast their ballot for Roy Wilshire for election to the Collin County Central Appraisal District Board of Directors; and further to adopt Resolution No. 2011-11-16(R).

Consideration of a Resolution of the City of Plano to cast its ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Agenda Item “7”)

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to table consideration of a resolution to cast its ballot for the election of members to the Denton Central Appraisal District Board of Directors.

Due to a possible conflict of interest, Mayor Dyer stepped down from the bench on the following item and did not return to the meeting.

Public Hearing and adoption of Ordinance No. 2011-11-17 as requested in Zoning Case 2011-14 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-185-Regional Commercial on 14.8± acres located at the northeast corner of Dallas North Tollway and Parker Road in the City of Plano, Collin County, Texas, to modify the development standards of the district; 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. Applicant: Cencor Realty Services (Regular Agenda Item “5”)

Planning Manager Firgens spoke to Planned Development-185 created in 2007 to allow for 250 multi-family units, establish standards for an urban form of development, restrict residential uses to the second floor or above, and restrict locations for taller buildings. She spoke to later amendment increasing the multi-family units to 265, and advised that the Planning and Zoning Commission approved the proposed amendments as follows:

Restrictions:

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

Ordinance No. 2011-11-17 (cont'd)

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.

~~1. 2.~~ A maximum of 265 multifamily residential dwelling units shall be allowed by right within Tract 1.
Multifamily residential is prohibited within Tracts 2 and 3.

~~2. 3.~~ Site Design

a. The district shall have a central north/south pedestrian-oriented private roadway that runs from Parker Rd. to the existing east/west fire lane of the regional theater property to the north. The private roadway shall have diagonal or 90° on-street parking and sidewalks on both sides of the roadway. The minimum width of the sidewalks shall be ~~22~~ 12 feet. The sidewalks may be used for outdoor eating areas, outdoor display, and other activities commonly associated with a pedestrian-oriented development, if a minimum six feet sidewalk clearance and/or distance to curb line of ~~a street or public way of five feet~~ the private roadway is maintained.

~~b. First floor uses shall be nonresidential except for lobbies for residential uses which may be on the first floor. Residential dwelling units shall be located on second or higher floors.~~

~~c. Building Materials: First floor exterior elevations of buildings and parking structures shall comply with the building material requirements of the RC zoning district. Second floor and higher exterior elevations shall comply with the building material standards except that specified materials shall only be required on 60% of the facade elevation. Interior elevations concealed by buildings or parking garages shall be exempt from material standards but shall be consistent in color and finish with the rest of the building or parking structure. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the east/west fire lane into the regional theater shall comply with the building material requirements of the RC zoning district.~~

4. Trash collection facilities shall be exempt from the minimum distance requirements from rights-of-way of Type C and above thoroughfares as specified in Section 2.824 (Regional Commercial) Subsection 6 (a) (Special District Requirements).

~~3. 5.~~ Area, Yard, and Bulk Requirements

a. Minimum Building Height: two story (30 feet) for buildings ~~that front along the north/south pedestrian-oriented private roadway and along the east/west fire lane of the regional theater property to the north within Tracts 1 and 3.~~

b. Maximum Building Height: eight story (120 feet) for hotel use; six story (100 feet) for all other structures other than parking ~~structures~~ garages; 52 feet for parking ~~structures~~ garages with no maximum number of levels. (The parking ~~structures~~ garages shall be permitted to have levels of parking over and above retail, surface parking, or other permitted uses on the ground level.) ~~Visual barriers shall be installed to cover any openings between parking levels of a parking structure for openings that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking structure facades that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure.)~~

c. Maximum Building Setback: Buildings fronting the north/south pedestrian-oriented private roadway and the existing east/west fire lane of the regional theater shall be constructed such that a minimum of 60% of the facade is located within 20 feet from the back of curb unless restricted by easements. Where easements are present, 60% of the facade must be built to the easement line.

~~d. Setbacks and Height Adjacent to Residential from Parkwood Blvd.: Setbacks from Parkwood Blvd., adjacent to residential uses shall be a Minimum of 50 feet as measured from the property line or three times the height, minus 90 feet as measured from the nearest residential district boundary line, whichever is more restrictive. ~~Conversely, the allowed height of a main building, parking structure, or accessory building, at a certain setback, would be equal to one third the setback plus 30 feet. Structures with hotel uses are exempt from this additional setback adjacent to residential uses.~~~~

Ordinance No. 2011-11-17 (cont'd)

4.6. Landscaping

a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Tollway Overlay District):

i. The required 30-foot landscape edge along the Dallas North Tollway frontage road and Parkwood Blvd. may be reduced to ten feet in width, and the required 30-foot landscape edge along Parkwood Blvd. may be reduced to eight feet in width provided (i) Parkwood Blvd. commencing at a point no less than 50 feet south of the northeastern entrance into the property from Parkwood Blvd. and extending southward along the Parkwood Blvd. right-of-way to a point no less than 50 feet north of the intersection of Parker Rd. and Parkwood Blvd. and (ii) along the Dallas North Tollway frontage road commencing at a point no less than 100 feet south of the northwestern entrance into the property from the Dallas North Tollway frontage road and extending southward along the Dallas North Tollway frontage road to a point no less than 50 feet north of the intersection of Parker Rd. and the Dallas North Tollway frontage road. A continuous meandering sidewalk interspersed with plant materials and berms as set forth in Subsection 4.604(3) shall not be required.

ii. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public streets and on both sides of the north/south pedestrian-oriented private roadway. The number of trees provided shall be equal to one tree per 40 lineal feet per side of the north/south pedestrian-oriented private roadway. Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge. There is no minimum or maximum spacing between trees.

iii. ~~All other landscaping shall comply with Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Tollway Overlay District).~~

~~5.7.~~ Parking

a. Unless listed below, the minimum required parking within this planned development shall comply with Section 3.1100 (Off-street Parking and Loading). The minimum required parking for multifamily uses and nonresidential uses other than hotels shall be provided as follows:

i. Multifamily Use: ± One space per bedroom

ii. Nonresidential Uses: ± One space per 250 square feet of floor area

b. Total required parking shall be computed on a district-wide basis regardless of any phase/property lines. Parking stall and drive aisle dimensions shall comply with Section 3.1100 (Off-street Parking and Loading).

8. Building Materials

a. Building Materials: First floor exterior elevations of buildings and parking garages shall comply with the building material requirements of the RC zoning district. Second floor and higher exterior elevations shall comply with the building material standards except that specified materials shall only be required on 60% of the facade elevation. Interior elevations concealed by buildings or parking garages shall be exempt from material standards but shall be consistent in color and finish with the rest of the building or parking garage.

b. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the existing east/west fire lane ~~into~~ of the regional theater, shall comply with the building material requirements of the RC zoning district.

c. Visual barriers shall be installed to cover any openings between parking levels of a parking structure garage for openings that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure garage. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking garage facades that both (i) face a residential use east of Parkwood Blvd. directly across from the property and (ii) are located above the third level of the parking structure garage.

Ordinance No. 2011-11-17 (cont'd)

d. Buildings with first floor nonresidential uses that front the north/south pedestrian-oriented private roadway, except for parking garages, shall have a minimum of 40% of the ground floor facade comprised of window area. For the purposes of this standard, ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.

9. Signage

a. For building facades and sidewalks/parkways fronting the north/south pedestrian-oriented private roadway and building facades fronting the existing east/west fire lane of the regional theater property to the north allowable signs must comply with Subsection 3.1605 (Downtown Sign District).

b. All other signage must comply with Section 3.1600 (Sign Regulations) and Section 4.600 (Dallas North Tollway Overlay District).

Mayor Pro Tem Miner opened the Public Hearing. David Palmer of Cencor Realty Services described plans for the development. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Duggan and seconded by Council Member Harris, the Council voted 7-0 to amend Planned Development-185-Regional Commercial on 14.8± acres located at the northeast corner of Dallas North Tollway and Parker Road to modify the development standards of the district as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-14; and further adopt Ordinance No. 2011-11-17.

Nothing further was discussed and Mayor Pro Tem Miner adjourned the meeting at 9:21 p.m.

Phil Dyer, MAYOR

Pat Miner, MAYOR PRO TEM

ATTEST:

Diane Zucco, City Secretary