

PLANO CITY COUNCIL
May 10, 2004

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 Pro Tem Stovall convened the meeting into open session on Monday, May 10, 2004, 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 Evans.

The invocation was led by Pastor Bob Ross of Prairie Creek Baptist Church.

The Pledge of Allegiance was led by Plano Law Enforcement Explorer Post 911.

Mayor Pro Tem Stovall presented proclamations recognizing “National Public Works Week,” “Chinese Heritage Week,” Public Service Recognition Week, and Neurofibromatosis (NF) Awareness Month. He further recognized Tabatha Alston – “America’s Homecoming Queen” Nominee,” the Employee of the Year (EOY), and Paul Standberry Memorial Scholarship Award recipients.

GENERAL DISCUSSION

No one appeared to speak.

CONSENT AGENDA

Upon the request of the Council and citizen Warner Richeson, Consent Agenda Item “F” was removed for individual consideration.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, 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”]

April 22, 2004

April 26, 2004

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. B065-04 for Municipal Center Phase II Chiller Replacement in the amount of \$39,285. [Consent Agenda Item “B”] (See Exhibit “A”)

Bid No. B068-04 for Douglass Community Center Roof Replacement Project in the amount of \$44,000. [Consent Agenda Item “C”] (See Exhibit “B”)

Adoption of Resolutions

Resolution No. 2004-5-1(R) - To ratify an agreement by the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a “Click It or Ticket” Project, PIN 17560006409000, conducting a two week occupant protection enforcement effort during the Memorial Day Holiday period; authorizing the City Manager to execute any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item “D”]

Resolution No. 2004-5-2(R) - To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item “E”]

Approval of Agreement

To approve and authorize a professional services agreement with North Star Destination Strategies, LLC to conduct a branding study for the City of Plano in the amount of \$42,000 and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item “G”]

Award of Contract

To award a contract for Landscape Maintenance and Field Mowing in the amount of \$102,522 through an Interlocal Agreement with Plano ISD, pursuant to Chapter 271, Section 271.102 of the Local Government Code, and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item “H”]

Amendment to Contract

To amend a contract with MACTEC Engineering and Consulting, Inc., for Professional Material Testing Services in the amount of \$5,000 in connection with construction of Kimberlea Water Rehabilitation and Fire Hydrant Installation and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item "I"]

Approval of Change Order

To McMahon Contracting, L.P., increasing the contract by \$40,180 for Kimberlea Water Rehabilitation and Fire Hydrant Installation, Change Order No. 2 (Bid No. B064-03) This change order is for additional replacement of concrete pavement in poor condition on Northcrest Drive and Canoncita Lane along with an additional water service installation on Northcrest Drive. [Consent Agenda Item "J"]

Approval of QISV

To authorize approval of an annual fixed price contract for Video Detection System with Paradigm Traffic Systems, Inc., a vendor listed on the State Purchasing and Texas Building and Procurement Commission Catalog Information Systems Vendor list in the estimated annual amount of \$301,768 for an annual contract with two optional renewals. (CISV #1752520341400). [Consent Agenda Item "K"]

ITEMS FOR INDIVIDUAL CONSIDERATION:

An Ordinance to order a Special Election to be held on September 11, 2004 for the purpose of determining whether to provide a tax limitation on the increase of ad valorem taxes on homestead property of persons disabled or 65 years of age or older as allowed by Texas Constitution Art. 8 Sec. 1-b(h). [Consent Agenda Item "F"]

Council Member Lambert spoke to the cost of an election and requested the Council table the request for two weeks with direction that Staff bring back a companion item to establish the tax freeze without conducting an election. Council Member Dyer spoke to receipt of citizen input, regarding passage should an election be held and in support of bringing forward an ordinance to pass the freeze.

Warner Richeson, citizen of the City, expressed appreciation for the Council's consideration.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to table an ordinance ordering a Special Election to be held on September 11, 2004 for the purpose of determining whether to provide a tax limitation on the increase of ad valorem taxes on homestead property of persons disabled or 65 years of age or older as allowed by Texas Constitution Art. 8 Sec. 1-b(h) for two weeks and further providing instruction to come back in two weeks with a companion ordinance to enact the freeze.

Bid No. B073-03 for construction of Premier Drive – Ruisseau Drive to Heritage Drive in the amount of \$1,594,588. Tabled 04/26/04 [Regular Agenda Item “1”] (See Exhibit C)

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 7-0 to remove the item from the table.

City Engineer Upchurch advised the Council that documents have been signed and that Staff’s recommendation is to award the contract. He responded to Council Member Lambert that Premier Drive will connect Parker Road to Spring Creek Parkway and to Council Member Dyer that a name change would take place at Spring Creek Parkway.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 7-0 to approve Bid No. B073-03 for construction of Premier Drive – Ruisseau Drive to Heritage Drive in the amount of \$1,594,588.

Public Hearing and Ordinance No. 2004-5-3 to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 80 for commercial/industrial tax abatement consisting of a 3.472 acre tract of land located at 2700 E. Plano Parkway in the City of Plano, Texas; 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 the Council that McDowell Packaging and Advertising Co., Inc. plans to build a 40,000 square foot corporate headquarters employing approximately 44 in the City and that the proposed abatement will be equal to fifty percent for five years.

Mayor Pro Tem Stovall 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 Council Member Magnuson, the Council voted 7-0 to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 80 for commercial/industrial tax abatement consisting of a 3.472 acre tract of land located at 2700 E. Plano Parkway in the City of Plano, Texas; establishing the boundaries of such zone, ordaining other matters relating thereto and providing an effective date; and further to adopt Ordinance No. 2004-5-3.

Resolution No. 2004-5-4(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 McDowell Packaging & Advertising Co., Inc., and David H. McDowell, L.L.C., and providing for a real and personal property commercial/industrial tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item “3”]

Resolution No. 2004-5-4(R) (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Lambert, the Council voted 7-0 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 McDowell Packaging & Advertising Co., Inc., and David H. McDowell, L.L.C., and providing for a real and personal property commercial/industrial tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-5-4(R).

Public Hearing and an ordinance as requested in Zoning Case 2004-09 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 7.5± acres located on the southeast corner of Legacy Drive and Ohio Drive in the City of Plano, Collin County, Texas, from Single-Family-7 to Planned Development-Office-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 #17. Applicant: Dr. David Hain [Regular Agenda Item “4”]

Director of Planning Jarrell advised the Council that Staff has received letters in opposition from more than 20% of land owners within the 200-foot notice boundary which evokes a three-quarter majority requirement for Council passage of this item. She spoke to the future land use designation of residential development for the property and advised that it is separated from an existing single-family development by drainage easements. Ms. Jarrell spoke to consideration of the physical character of the property and its relationship to adjacent land uses and regarding a current drainage channel and proposed living screen which would provide separation. She spoke to building height and sign restrictions intended to minimize visual impact and stated further that the Planning and Zoning Commission denied a request to include a bank as an allowed use. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as Planned Development-Office-1 subject to the following stipulations:

1. The maximum building height shall be one-story, 25 feet except that buildings within 250 feet of the southern right-of-way line of Legacy Drive and within 500 feet of the eastern right-of-way line of Ohio Drive shall be a maximum height of two-stories, 35 feet.
2. Pole signs are prohibited.

Mayor Pro Tem Stovall opened the Public Hearing. Tony Callaway, representing the applicant, spoke to support for the project and stipulations that address concerns identified by neighborhood citizens. He spoke to the length of time the site has been vacant with the current zoning, regarding issues experienced during previous efforts to develop the property as residential and challenges in addressing the drainage channel.

Zoning Case 2004-09

Mr. Callaway spoke to meetings held with area residents and reviewed the key points of the zoning request which include zoning the property Planned Development-Office-1; limiting uses to medical and general office with one financial institution; zoning standards being controlled by Office-1 neighborhood criteria; lighting limited to decorative-type fixtures and building lights; inclusion of a living screen; limiting building height to one story for those units adjacent to homes and two stories along Legacy Drive; a concept plan and elevation defined for compatibility and further stated that signage would be monument signs. He spoke to opposition arising as a result of information received indicating that a Montessori school may be developed at the location.

Nancy Evans, representing the Wellington Homeowners Association, spoke in opposition and regarding the land being zoned SF-7 when adjacent homes were developed, the negative impact this development would have on the flood plain, protection of the natural environment, issues related to traffic, issues relating to the seller's pricing and requested the Council follow the master plan. Andrew Hoodwin, representing the Wellington Homeowners Association, spoke in opposition, citing the number of homeowners in the area that are in opposition to the request, possible reduction in property values and regarding other development that could occur on the site. Cesar Escarfullery, representing the Wellington Homeowners Association, spoke to the increased value of homes in the area, exercising responsibility for the creek and regarding opposition expressed by area homeowners. Sander Wolf, representing the Wellington Homeowners Association, stated concern that the proposal would increase the impact and frequency of flooding. Kristina Davies, representing the Wellington Homeowners Association, stated concern regarding the density, spoke in opposition and regarding the neighborhood association's dedication to maintaining standards for their area. Dave Cornell, representing the Wellington Homeowners Association, stated concerns related to hours of operation, zoning in place when homes were purchased, negative impact on property values and that the project does not meet requirements of the land use plan. He spoke to issues related to the flood plain, drainage, lighting, traffic congestion, landscaping and density and requested the Council deny the request. Tom Metcalf, citizen of the City, spoke in support of the item and its benefits.

Mr. Callaway spoke regarding property values that may benefit from the development, studies indicating that the area can accommodate traffic created from the project, the market setting the value of the property and issues related to the flood plain. He stated that hours of operation would be when residents are at work and that lighting would be unobtrusive. No one else spoke either for or against the request. The Public Hearing was closed.

City Engineer Upchurch responded to Council Member Lambert stating that the drainage channel is designed for fully-developed conditions. Mr. Lambert stated reluctance to making changes to an existing developed neighborhood unless there was support from residents and stated he could not support the rezoning. Council Members Johnson and Dyer spoke in agreement with Council Member Lambert.

Zoning Case 2004-09

Upon a motion made by Council Member Dyer and seconded by Council Member Lambert, the Council voted 7-0 to deny the request to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 7.5± acres located on the southeast corner of Legacy Drive and Ohio Drive in the City of Plano, Collin County, Texas, from Single-Family-7 to Planned Development-Office-1 as requested in Zoning Case 2004-09.

Public Hearing and Ordinance No. 2004-5-5 as requested in Zoning Case 2004-10 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 101.3± acres located on the east and west sides of Ohio Drive, between Parker Road and Tulane Drive in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-Single-Family-Attached, Single-Family-9, Single-Family-7, and Patio Home; 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 #43 Applicants: Myer Levy Limited Partnership, Meyer Levy Charitable Foundation, and Meyer Levy Revocable Trust [Regular Agenda Item “5”]

Director of Planning Jarrell advised the Council that Single-Family-9 (SF-9) zoning is requested for the northeast quadrant of this property, Single-Family-7 (SF-7) for the southeast, Patio Home for the southwest and Planned Development-Single-Family-Attached for the northwest. She spoke to maintenance to be provided for a cemetery located in the northeast quadrant and stated that the Planning and Zoning Commission recommended approval of the request as PD-SF-A, PH, SF-7, and SF-9 and that the Planned Development Single Family-Attached zoning is subject to the following stipulations:

1. Additional uses of independent living facility, assisted living facility, long-term care facility, and continuing care facility shall be allowed by right as described in Section 3-115 of the Zoning Ordinance.
2. A height of three stories and 50 feet will be allowed for retirement housing uses, including independent living, assisted living, long-term care, and continuing care facilities.
3. Minimum lot depth for SF-A lots: 80 feet.
4. A setback of 130 feet will be required between retirement housing of three stories and any adjacent Single-Family development.

Ms. Jarrell advised that the Planning and Zoning Commission felt it was not appropriate to reduce the front yard setback to ten feet for some SF-A residential lots. She responded to Council Member Lambert that the 130-foot retirement housing setback will not be adjacent to existing housing and responded that research is being done to establish ownership of the cemetery and that design will be done for its protection.

Ordinance No. 2004-5-5 (cont'd)

Mayor Pro Tem Stovall opened the Public Hearing. David Dalhoefer, representing the applicant, requested Council consideration of a ten-foot setback for SF-A lots to improve aesthetics. Council Member Lambert spoke to approval of a similar case with regard to the ten-foot setbacks. Mr. Dalhoefer responded to Deputy Mayor Pro Tem Stahel stating that with regard to the property to the west, access will be provided if it were to develop as residential. He spoke to the request for a 130-foot setback allowing the retirement housing building to be moved further back from Preston Road and Parker Road, regarding a requested cross-access easement to the west and the desire to provide a supplementary area for pedestrian circulation further from the easement. Mayor Pro Tem Stovall spoke to the standard 150 feet setback and Jay Robinson, representing the applicant, stated that an increased setback would provide a safer pedestrian area and spoke regarding the minimal difference in a line of site between 150 and 130 feet. He responded that the back of the retirement housing development would include courtyards and covered parking. Deputy Mayor Pro Tem Stahel spoke to having an additional 20 feet behind the building for residents if the setback were to remain at 150 feet. Mr. Robinson spoke to the 130 feet providing adequate outdoor space and responded to Council Member Lambert that the retirement housing would be under construction as the residential development is moving through the planning process. Mayor Pro Tem Stovall spoke to the 130-foot setback not being in line with the standards in place. No one else spoke either for or against the request. The Public Hearing was closed.

A motion was made by Council Member Lambert and seconded by Council Member Magnuson to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 101.3± acres located on the east and west sides of Ohio Drive, between Parker Road and Tulane Drive in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-Single-Family-Attached, Single-Family-9, Single-Family-7, and Patio Home; directing a change accordingly in the official zoning map of the City as requested in Zoning Case 2004-10 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-5-5 with addition of the stipulation below:

For SF-A residential lots that are front entry, the minimum front yard setback may be reduced to 10 feet provided that:

- a) The garage shall maintain a minimum setback of 20 feet from the front property line.*
- b) The open yard area of either the rear yard or non-zero side yard is increased by an amount equal to or greater than that of the increased buildable area created by the reduction in the front yard setback.*

The Council voted 6-1 with Mayor Pro Tem Stovall voting in opposition. The motion carried.

Public Hearing and Ordinance No. 2004-5-6 as requested in Zoning Case 2004-12 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 538 so as to allow the additional use of a Private Club on 0.1± acre of land located on the southeast corner of K Avenue and Vontress Drive in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government; 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 #60. Applicant: Eastside Village [Regular Agenda Item “6”]

Director of Planning Jarrell spoke to the DART right-of-way and downtown buildings separating the proposed private club from Haggard Park and advised the Council that the Planning and Zoning Commission recommended approval of the request subject to waiving the 1,000 foot distance requirement from a publicly owned park.

Mayor Pro Tem Stovall 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 Council Member Callison, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 538 so as to allow the additional use of a Private Club on 0.1± acre of land located on the southeast corner of K Avenue and Vontress Drive in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government; directing a change accordingly in the official zoning map of the City as requested in Zoning Case 2004-12 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-5-6.

The Council took a brief recess at 9:15 p.m. and reconvened at 9:33 p.m.

Consideration of an Appeal of the Planning and Zoning Commission’s Approval of a Preliminary Site Plan for Wal-Mart DNT Addition – A retail superstore on one lot on 23.1± acres located on the west side of Parkwood Boulevard, 580± feet south of Park Boulevard. Zoned Regional Commercial. Neighborhood #53. [Regular Agenda Item “7”]

City Attorney Wetherbee advised the Council that review of a preliminary site plan is an uncommon occurrence and advised that the process is a method for determining that a building, its land use and the layout comply with existing regulations from setbacks, zoning, “and the like.” She advised that other criteria include the circulation of traffic on the property, issues of safety and efficiency for pedestrians and access for emergency equipment. Ms. Wetherbee stated that it is the Council’s role to ensure compliance with the regulations, but not to unilaterally impose new conditions that do not exist in the City’s regulations nor remove rights that might be involved in the development process. She advised that the Council does have flexibility in making adjustments to layout, access to and circulation on the property and stated that if changes are to be made, the Council should provide reasons for the changes as approved.

Director of Planning Jarrell spoke regarding the request advising that it is a preliminary site plan for a 203,000 square foot retail store including minor automotive repair bays, pharmacy drive-through and garden center. She stated that the property sits south of an existing shopping center with an existing fire lane running along the northern edge and a creek running through the property at the southern edge. Ms. Jarrell spoke to issues that would be addressed in the next phase of the site plan review process which include the requirement that a full civil engineering design set be submitted that covers drainage, erosion control, paving, utilities and other civil engineering details along with landscape and façade plans. She advised that the property is part of the Regional Commercial zoning district, spoke to façade requirements and advised regarding meetings conducted between the developer and homeowner groups.

Ms. Jarrell spoke to recent developer agreement to remove enough parking to widen the landscaped edge along Parkwood Boulevard and install an 8-foot tall wall at the 50-foot setback line; to include additional berming on the northern and southern sides; to place a wrought iron fence along the southern side of the building to catch trash; not to allow left turn movements north onto Parkwood Boulevard from the southern driveway; to install a stormceptor system filtering the auto-shop area and southeastern side of the parking lot; to add trash gates and cans in the parking lot and a trash grate system in the creek; and to include settling ponds with filtering plants and possible oil-filtering boom to address the remainder of the parking area and upstream developments. She stated that Wal-Mart would need to maintain any drainage devices installed and that the International Plumbing Code does not allow connections to the sanitary sewer system from open air garden centers.

Ms. Jarrell recommended the installation of the 50-foot landscape edge and 8-foot tall screening wall along Parkwood Boulevard and redesign of the southern driveway to prevent left turns. She stated that while other items are not City requirements, if Wal-Mart is in agreement, or if they are required by the Corp. of Engineers, Staff will ensure inclusion on the final site plan. Ms. Jarrell responded to the Council that while there is potential for problems related to garden nursery runoff of chemicals, she is not aware of any incidents and that the stormceptor system works best for oils and suspended solids rather than dissolved products. City Engineer Upchurch advised that stormceptors use a low-flow situation to separate solids from liquids.

Mayor Pro Tem Stovall opened the Public Hearing. James Hall, representing the applicant, spoke regarding plan modifications including a change in the truck drive location, screening to Parkwood Boulevard, orientation of the store, placement of the main building wall as far west as possible, elimination of an out-lot, and transplantation of existing trees to landscape islands. He spoke regarding changes made following meetings with homeowners which include posting signs to prohibit overnight recreational vehicle or truck parking, adding a fence along the rear of store, limiting construction traffic to the Dallas North Tollway service road and existing private drive at the north of the site, transplanting trees to parking lot islands and the median of Parkwood Boulevard, providing a trash interceptor in the creek, locking the general merchandise door at night, having fixed rather than moving security cameras, meandering the cruiser lane, researching provision of a stormceptor and addressing spills in garden center and providing trash receptacles in parking lot.

Mr. Hall stated that findings indicate the church downstream was constructed based on his site being developed commercially, spoke to the requirement for a Corp. of Engineer's permit to fill in a portion of the channel, preparation of a stormwater pollution prevention plan and maintenance plan for the channel, and stated that a study indicates the site contains no endangered species. Mr. Hall spoke to Parkwood Boulevard being a class "D" thoroughfare and stated that the existing street network is capable of handling the traffic created by the development. He spoke to office-based uses having more impact and regarding revision of the "cruiser" lane to address cut-through traffic. Mr. Hall spoke to a 50-foot wide setback line, replacement of a chain-link fence with wrought iron, driveway modification, and additional screening.

Karen Dubrow, president of the Stone Lake Estates Homeowners Association, spoke to the solutions presented by Wal-Mart and requested the Council include revisions and declare the item a planned development. She further requested allowing the garden area to drain into the sewer system and requested enforcement of environmental requirements and City notification when permits are requested by the applicant. Patricia Templeton, PhD, citizen of the City, spoke to flaws in the traffic impact analysis and stated that it should be rejected. She spoke to an expansion of the building not reflected in the traffic impact analysis (TIA) and to using data designed for a "supercenter" rather than a shopping center would result in peak traffic coming to the site 42% higher than that shown. David Romick, citizen of the City, requested a planned traffic signal at Balcones Drive and Plano Parkway not be installed, that a deceleration lane be added north of the proposed site to allow eastbound traffic to turn right into the shopping center without blocking the right lane of Park Boulevard, that a deceleration lane be added at Park Boulevard/Parkwood Boulevard to allow eastbound traffic to go south, lengthening the left-turn lane from westbound Park Boulevard onto southbound Parkwood Boulevard, and lengthening the left turn lane from westbound Park Boulevard turning into the shopping center. He stated support for removal of a left-turn lane from the southern driveway onto Parkwood Boulevard.

Pastor C. Robert Hasley, and Trustee Chair Dean Clubb of St. Andrew United Methodist Church, spoke to work done with Wal-Mart and stated support for the settling ponds, filtering plants, stormceptor, trash grates, receptacles, oil-collection boom and trash fences. Mr. Clubb requested the Council assist in verifying these commitments and advised that the church is ready to work with the City in developing a water sampling plan to detect and address pollution. George Morton, citizen of the City, spoke to the Wal-Mart at Park Boulevard/Preston Road providing services needed, spoke to the proliferation of Wal-Mart locations in the City and their effect on other retailers and vandalism experienced in their parking lots. Robert Biggs, citizen of the City, spoke regarding traffic in the area and the impact that would be felt on Parkwood Boulevard as compared to traffic in the area of the Spring Creek Parkway Wal-Mart location. Matt Hutchins, citizen of the City, spoke to the Council's consideration of the health, safety and welfare of the adjoining residents and to evaluating other concurrent jurisdictional authorities that have the right to approve development on this land as a part of site development consideration. Ms. Jarrell advised that development steps include the preliminary site plan authorizing the developer to move ahead to the final site plan, plat, landscape/façade plans and a complete civil engineering set. She stated that if additional permits are required, they must be in place before the City approves construction.

Roger Holmes, citizen of the City, spoke against modification of the southern exit. He stated that eliminating a left turn will reduce the ability for emergency vehicles to ingress/egress, cause more congestion, funnel all traffic to a more narrow area and requested that all exits to Parkwood Boulevard be unrestricted. William L. Wilkes, citizen of the City, stated that the northern exit from the parking lot is across from his house, and stated concern that there would be more traffic if the southern exit were restricted, and spoke in support of preserving the creek. Phil Tonge, citizen of the City, stated concern regarding the level of congestion that can result from the project and that the traffic impact analysis should be complete and accurate before the request moves forward. He spoke to errors in calculations of traffic volumes and omissions in assumptions including no traffic turning in from either west or eastbound Park Boulevard, no westbound traffic from northbound Parkwood Boulevard turning onto Park Boulevard, no traffic from the Dallas North Tollway/Plano Parkway exit and no cutting through the northbound service road to Parkwood Boulevard through the parking lot. He questioned whether the study takes into consideration multiple-family dwelling units to the south, the low growth rate utilized and why projections did not include the year 2006 when an impact would be realized. Linda Parkinson, citizen of the City, spoke to issues related to cut-through traffic, stating that if cars are not allowed to turn left onto Parkwood Boulevard from the site, they will either go north through the parking lot to Tenaya Street or Park Boulevard or they will use the tollway's northbound feeder road. She spoke a study done prior to development of the Willow Bend Mall that was flawed forcing remedies at tax-payer expense and requested ensuring the study utilized 2003 as the base year. David Romick spoke regarding improvements including lengthening the left-turn lane of westbound Park Boulevard into the area, reviewing the traffic signal cycle times at Park Boulevard/Parkwood Boulevard, and extending the length of the deceleration lane on the east side of the property. He requested the City disallow by ordinance non-passenger truck traffic on Parkwood Boulevard and non-idling/non passenger trucks within 1,000 feet of residences and addressing the zoning at the northeast corner of Park Boulevard/Parkwood Boulevard so that no high-traffic development may occur.

Ms. Jarrell responded to the Council that trucks can not be parked overnight or at any point other than loading and unloading except in light-industrial zoned property and confirmed that the property at the northeast corner of Park Boulevard/Parkwood Boulevard is zoned for patio homes with a specific use permit for a private school.

Mr. Hall stated that using "shopping center" criteria from the trip generation manual generates a higher p.m. peak than does the "supercenter" rate. He advised that the applicant will develop as promised and is not desirous of a planned development, the Wal-Mart at Park Boulevard/Preston Road cannot be expanded to the size of a supercenter, building permits will be held until others are coordinated with outside agencies and that the street network is capable of handling traffic from the site and maintaining acceptable levels of service. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Lambert spoke to areas where the preliminary site plan does not meet City codes in that it does not show cross-street intersection or pavement widths on existing roadways, does not adequately address the width of the fire lane access easement, contains issues regarding the length of parking spaces at the rear of the building, includes only a 60-foot stacking on the deceleration lane going into the cruise lane and includes no deceleration lane where it goes into the existing cross road to the north. He stated that the site data summary indicates that the floor area ratio required by ordinance is a 1:1 but a .25:1 is provided and should say “allowed” not “required;” the west truck dock is wide open to the tollway, the City should have preliminary drainage and utility design, tollway guideline procedures call for integration of loading dock service areas, trash pickup should be in service courts to minimize visibility and further that plans should include pedestrian friendly stores so it is not a single “big box.”

Council Member Lambert spoke to there being no cross-access to the south and stated that the request does not match tollway guidelines, and that scenario dates are wrong as the traffic impact analysis utilizes data from a Monday/Tuesday in March rather than a Saturday which is recommended for “big box” users and makes no daily or seasonal adjustments. He spoke to the traffic counts provided being low, the time required for additional permits and obtaining figures to reflect a 2005/06 market when development is complete and questioned the report’s finding that some intersections improve with additional traffic. Mr. Lambert questioned whether or not the intersection of Plano Parkway/Parkwood Boulevard would be signalized and what the impact would be on nearby property developing as office zoned. He spoke to flaws in the analysis, having insufficient data and to the applicant addressing what the impact of their project will be on area intersections.

Council Member Johnson spoke to Saturday traffic not being included in the traffic impact analysis and obtaining counts at existing locations. Council Member Lambert recommended a two-week traffic count be conducted at this location as well as the Spring Creek Parkway/US 75 Wal-Mart.

Deputy Mayor Pro Tem Stahel spoke in support of the curvature of the “cruise lane” and the 50-foot setback and to creating standard access points for both the northern and southern exits onto Parkwood Boulevard. Ms. Jarrell advised that anything off the Wal-Mart property can not be required and would need a separate action by the City to acquire rights-of-way and fund installation of deceleration lanes or free right-turn lanes. Mr. Stahel spoke to speed bumps at other Wal-Mart locations and Ms. Jarrell responded that typically on-site speed control is left to the developer.

Mayor Pro Tem Stovall spoke to addressing traffic traveling along the southern and eastern sides of the building in order to avoid the Park Boulevard/Dallas North Tollway intersection. Mr. Hall advised that this traffic is modeled in the traffic analysis and spoke regarding existing retail to the north of the site and the reduction in the size and scope of the project to preserve the creek area. He advised that cross access to the south was not provided in order to stay out of the creek area and to provision of a northern driveway for cross access. Mayor Pro Tem Stovall spoke to cross-access to the south being very important in the future.

Ms. Jarrell advised that to ensure cross access, it would need to be installed with the initial development. Mr. Hall spoke to landscaping and a berm that could be built to offer screening for truck areas and dock doors. He advised that analysis includes signalization of the Plano Parkway/Parkwood Boulevard intersection. Bridgette Shamburger, representing the applicant, advised the Council that if the intersection were unsignalized, it would be better than a service level "D." Mr. Hall stated that actual traffic counts indicate that while the trip generation rate from a "supercenter" is higher on a Saturday, that of background traffic is higher during the week so that the combination of these cases mean that the worst case scenario is the one included in the original study rather than during a Saturday peak. He spoke to City traffic counts being lower and Council Member Lambert restated his request for further information. Ms. Shamburger spoke to the delay in transmitting information and advised regarding determining how much more traffic would result in a level below "D" indicating that just over 20% more traffic could be added in addition to what is reflected in the analysis of the p.m. peak.

Deputy Mayor Pro Tem Stahel made a motion to accept the preliminary site plan as approved by the Planning and Zoning Commission with an additional stipulation to include the installation of a 50-foot landscaped edge and an 8-foot tall screening wall along Parkwood Boulevard along with cross access to the south and not include a redesign of the southern driveway to prevent northbound left turns onto Parkwood Boulevard. Council Member Magnuson seconded the motion but no vote was taken at this time.

Council Member Lambert spoke to truck docks being in violation of tollway guidelines and concerns regarding the traffic impact analysis including the omission of Saturday figures and stated opposition to the motion.

Director of Planning Jarrell advised that the Council could table the request to receive more information, but that review should be limited to ordinance requirements in place at the time of plan submission. Mayor Pro Tem Stovall spoke to receiving more traffic data and drainage information and to traffic concerns on westbound Park Boulevard as well as at the Dallas North Tollway/Park Boulevard intersection. Council Member Lambert stated concern that seasonal adjustments have not been taken into consideration. Council Members Callison and Dyer advised that they could not support the motion. Deputy Mayor Pro Tem Stahel and Council Member Magnuson withdrew the motion.

City Attorney Wetherbee pointed out that the Council is entitled to require the TIA to be valid, but the effect of the report is to provide Council information on timing for public improvements. Council Member Lambert stated concern regarding truck dock issues and stated that the process should ensure that the roadway system is adequate to accommodate the proposed use and mitigation measures may be necessary to do so. He spoke regarding the timing and cost sharing agreements for construction of off-site improvements that may be considered and stated that if the TIA is below acceptable levels, the City may hold the project back for a maximum of two years until mitigation is done at which time if the problems are not corrected, the City has to "turn them loose." He stated concern that if the project were built without addressing problems, there will be later obligations which may be worse.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 7-0 to table consideration of the preliminary site until the June 14, 2004 Council meeting and requested supplemental information regarding the Traffic Impact Analysis.

Council Member Dyer spoke to receiving information early enough to allow for the Council's consideration and Deputy Mayor Pro Tem Stahel complimented the homeowners on their efforts.

There being no further discussion, Mayor Pro Tem Stovall adjourned the meeting at 11:32 p.m.

Steve Stovall, **MAYOR PRO TEM**

ATTEST:

Elaine Bealke, City Secretary