

PLANO CITY COUNCIL
August 9, 2004

COUNCIL MEMBERS

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

STAFF

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

Mayor Evans convened the meeting into open session on Monday, August 9, 2004, at 7:16 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Gail Childres of the Bahai Faith of Plano.

The Pledge of Allegiance was led by Great Plains District Scouts.

Mayor Evans recognized Fire Chief Bill Peterson, Boy Scout Recruitment Week, the Mayor and City Council Volunteer of the Month and Chief Building Official Russ Mower.

GENERAL DISCUSSION

Sonja Hammar, citizen of the City, requested boards/commission agendas be more elaborative and further requested information regarding the appropriateness of discussions held by board/commission members following conclusion of their meetings. Mayor Evans advised that a response will be provided.

CONSENT AGENDA

Upon a request from Staff, Consent Agenda Item "H" was removed for individual consideration.

Upon a request from Council Member Stovall, Consent Agenda Item “N” was removed for individual consideration.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 8-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item “A”]

July 26, 2004

July 28, 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. C076-04 to establish a fixed-price contract for Pest Control Services in the amount of \$39,480. This will establish a two year fixed-price contract with two City optional one-year renewals. [Consent Agenda Item “B”] (See Exhibit “A”)

Bid No. C098-04 for an annual fixed-price contract with two optional renewals for Graffiti Removal in the estimated annual amount of \$40,000. [Consent Agenda Item “C”] (See Exhibit “B”)

Bid No. C127-04 to establish an annual fixed-price contract for CISV ONLY – Energy Management System Maintenance in the estimated annual amount of \$77,984. This item establishes an annual contract with two City optional one-year renewals. [Consent Agenda Item “D”] (See Exhibit “C”)

Bid No. C107-04 to establish an annual fixed-price contract for Chevrolet Automobile and Light Truck OEM Parts in the estimated annual amount of \$30,000. This item establishes an annual contract with two City optional one-year renewals. [Consent Agenda Item “E”] (See Exhibit “D”)

Bid No. C129-04 to establish an annual fixed-price contract with two City optional one-year renewals for Maintenance of Fire Alarm Systems in the estimated annual amount of \$27,450 [Consent Agenda Item “F”] (See Exhibit “E”)

Bid No. C114-04 to establish an annual fixed-price contract with two optional renewals for Voice and Data Wiring. Expenditures will be made from various departments and funds within the annually approved budget appropriations. Departments will order on an “as needed” basis. Any one expenditure exceeding \$25,000 will require Council approval prior to the commencement of work. [Consent Agenda Item “G”] (See Exhibit “F”)

Adoption of Resolutions

Resolution No. 2004-8-1(R) - To accept the certified appraisal roll for fiscal year 2004-2005, and providing an effective date. [Consent Agenda Item "I"]

Resolution No. 2004-8-2(R) - To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item "J"]

Resolution No. 2004-8-3(R) - To amend the existing Building Inspections Department Fee Schedule to provide for increased costs of certain City services and programs; repealing all previous fee schedules and charges for services listed in the new Building Inspections Department Fee Schedule; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item "K"]

Resolution No. 2004-8-4(R) - To create a Fire Department Fee Schedule for fire inspections, fire plan reviews, and hazardous occupancies permits; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item "L"]

Resolution No. 2004-8-5(R) - To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item "M"]

Resolution No. 2004-8-6(R) - To approve the terms and conditions of an interlocal cooperation agreement by and between the cities of Allen, Frisco and Plano, Texas and East Texas Medical Center providing terms and conditions for the use of the cities of Plano, Allen, and Frisco's trunked radio system by East Texas Medical Center; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item "O"]

Resolution No. 2004-8-7(R) - To approve the terms and conditions of an easement and right of way agreement from the City to TXU Electric Delivery Company; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item "P"]

Adoption of Ordinances

Ordinance No. 2004-8-8: To repeal Ordinance No. 2001-9-9 and Ordinance No. 2003-9-2 codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; adopting the 2003 edition of the International Building Code, with certain additions, deletions and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item "Q"]

Ordinance No. 2004-8-9: To repeal Ordinance No. 2001-9-13, Ordinance No. 2002-7-12 and Ordinance No. 2002-11-27 codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances, adopting the 2003 edition of the International Residential Code, with certain additions, deletions and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item “R”]

Ordinance No. 2004-8-10: To repeal Ordinance No. 2001-9-11, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; adopting the 2003 edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item “S”]

Ordinance No. 2004-8-11: To repeal Ordinance No. 2001-9-12 and Ordinance No. 2002-11-26 codified as Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; adopting the 2003 edition of the International Plumbing Code, with certain additions, deletions and amendments as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item “T”]

Ordinance No. 2004-8-12: To repeal Ordinance No. 2001-9-10 and Ordinance No. 2001-12-8 codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; adopting the 2003 edition of the International Fuel Gas Code, with certain additions, deletions and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item “U”]

Ordinance No. 2004-8-13: To repeal Ordinance No. 2000-11-15, codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; adopting the 2002 National Electrical Code; providing a repealer clause, a severability clause, a penalty clause, a savings clause, and an effective date. [Consent Agenda Item “V”]

Ordinance No. 2004-8-14: To repeal Ordinance No. 2001-9-8, codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; adopting the 2003 edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item “W”]

Ordinance No. 2004-8-15: To repeal Ordinance No. 2000-8-35, codified as Article X, Swimming Pools, of Chapter 6 of the Code of Ordinances; and establishing regulations for the construction, operation and maintenance of a swimming pool; establishing minimum standards for the construction of swimming pools; ordaining other matters on the subject; providing a penalty clause, a severability clause and an effective date. [Consent Agenda Item “X”]

Ordinance No. 2004-8-16: To repeal Ordinance No. 2001-12-18, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances; adopting the 2003 edition of the International Fire Code, with certain additions, deletions and amendments, as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item “Y”]

Award of Contract

To approve and authorize a contract with Jones & Boyd, Inc. to provide Landscape Architectural Services to study typical Hike and Bike Trail Crossings in an amount not to exceed \$28,800, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. (Project No. B012-04. Project No. 5435) [Consent Agenda Item “Z”]

To approve and authorize a contract with Jones & Boyd, Inc. to provide Landscape Architectural Services to prepare a Phase I Master Plan for the Plano Transit Village Veloweb in an amount not to exceed \$67,615, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. (RFP No. B012-04 Project No. 5435) [Consent Agenda Item “AA”]

END OF CONSENT

To terminate an annual contract with renewals between the City of Plano and A to Z Tire for Tire Re-Capping Service in the amount of \$63,750 (C080-04). To accept the next lowest responsive, responsible bid/proposal to establish an annual fixed-price contract for Tire Re-Capping Service in the amount of \$71,125 with two City optional one-year renewals. (C080-04). [Consent Agenda Item “H”]

Purchasing Agenda Palmer requested the Council act only on the contract termination and advised that Staff will rebid the remainder of the contract.

Upon a motion made by Council Member Stovall and seconded by Deputy Mayor Pro Tem Lambert, the Council voted 8-0 only to terminate the annual contract with renewals between the City of Plano and A to Z Tire for Tire Re-Capping Service in the amount of \$63,750 (C080-04) and have staff rebid the remainder of the contract.

A Resolution to direct TXU Electric Delivery Company to file certain information with the City of Plano; setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the City's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require the reimbursement of the City of Plano's rate case expenses; setting a Public Hearing for the purposes of determining if the existing rates of TXU Electric Delivery Company are unreasonable or in any way in violation of any provision of law and the determination by the City of Plano of just and reasonable rates to be charged by TXU Electric Delivery Company. [Consent Agenda Item "N"]

TXU Area Manager Steve Matthews spoke regarding the company's low wire charges, reasonable fees, high level of reliability and the challenge of providing quality service at a reasonable cost. He spoke to the need for capital improvement dollars for reliability and stated concern regarding the proposed request. Mr. Matthews spoke to reports filed with the Public Utility Commission (PUC), rate case expenses not being reimbursable by the company to the cities because they are included in current franchise payments and stated that eighty-five percent of the customer base is still on a "price to beat" plan. He stated that residential customers would not benefit by the actions proposed and that retail users have the option whether or not to pass any savings along to their customers. Mr. Matthews requested an opportunity to meet with Staff and have the item brought back to the Council at the September 13, 2004 meeting.

Assistant to the City Manager Israelson spoke to the current rise in fuel factors resulting in transmission/distribution costs being a lower proportion of the total bill. He advised that the PUC has issued no opinion regarding the earnings report filed by TXU and spoke regarding the coalition of cities in the North Texas area. Mr. Israelson spoke to the effect of rates on those coming off the "price to beat" program in 2007, the opportunity for companies to pass savings along to their customers and to the timeframe set among coalition cities. He spoke to taking a look at actual figures and setting appropriate rates and further requested the item be allowed to move forward. Mr. Israelson responded to the Council that the coalition consists of 20-25 cities who will have similar resolutions on their agendas over the next two weeks and spoke to possible over recovery by TXU.

Mr. Matthews spoke regarding cities' cost of litigation of a rate case. Mr. Israelson advised regarding assessments including that of ten-cents per capita for member cities of the coalition.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 8-0 to table a resolution to direct TXU Electric Delivery Company to file certain information with the City of Plano; setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the City's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require the reimbursement of the City of Plano's rate case expenses; setting a Public Hearing for the purposes of determining if the existing rates of TXU Electric Delivery Company are unreasonable or in any way in violation of any provision of law and the determination by the City of Plano of just and reasonable rates to be charged by TXU Electric Delivery Company until August 17, 2004 and further requested information regarding the action taken by other cities.

Public Hearing on the Proposed FY 2004-05 Budget and FY 2004-05 Community Investment Program (CIP). [Regular Agenda Item "1"]

Mayor Evans opened the Public Hearing. Sonja Hammar, citizen of the City, spoke regarding the amount of advertising in the budget, specifically in the areas of Convention and Tourism, Chamber of Commerce and Economic Development; inquired regarding the appropriate use of hotel/motel tax monies by board/commission members and requested information in writing regarding any monies in the budget for the Arts of Collin County Theater.

Warner Richeson, citizen of the City, requested budget items be categorized according to "*wants, needs and investments*" with "*needs*" being basic City services and "*investments*" including tax abatements and the performing arts center. He requested the City advertise what is expected as a "return on investment" for participation in the Sister Cities Program. Mr. Richeson spoke to some considering "the arts" as "*wants*" where others see them as "*investments*" and proposed that the City only purchase art that can be afforded recommending expenditures be limited to no more than those for social service agencies.

No one else spoke either for or against the request. The Public Hearing was closed.

Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to use or taking of a portion of an unnamed park located at the intersection of Willow Bend Drive and Windhaven Parkway for construction of Willow Bend Drive from Windhaven Parkway to approximately 700 feet south. [Regular Agenda Item "2"]

City Engineer Upchurch advised the Council that in planning for the extension of the east side of Willow Bend Drive it became apparent that a small corner clip was needed for construction of the roadway. He stated that since the land has been used for park purposes a request must go through the Chapter 26 hearing process to ensure that there is no feasible and prudent alternative to the use or taking of the park land as proposed by the project and that the project includes all reasonable planning to minimize harm to the park land resulting from the use or taking. Mr. Upchurch described the project location and placement and advised that the Parks and Recreation Planning Board recommended approval of the request. He responded to Mayor Pro Tem Stahel that this request represents the 25-foot corner cut now required at intersections.

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

Ordinance No. 2004-8-17 to approve a project for construction of Willow Bend Drive from Windhaven Parkway to approximately 700 feet south, requiring the use or taking of a portion of City of Plano unnamed public park land located at the intersection of Willow Bend Drive and Windhaven Parkway, providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the Park Land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item “3”]

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to approve a project for construction of Willow Bend Drive from Windhaven Parkway to approximately 700 feet south, requiring the use or taking of a portion of City of Plano unnamed public park land located at the intersection of Willow Bend Drive and Windhaven Parkway, providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the Park Land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2004-8-17.

Resolution No. 2004-8-18(R) to approve the dedication of right of way for Willow Bend Drive, located at the southeast corner of Willow Bend Drive and Windhaven Parkway in the City of Plano, Texas, and authorizing the execution of the Special Warranty Deed by the City Manager; and providing an effective date. [Regular Agenda Item “4”]

Upon a motion made by Council Member Dyer and seconded by Mayor Pro Tem Stahel, the Council voted 8-0 to approve the dedication of right of way for Willow Bend Drive, located at the southeast corner of Willow Bend Drive and Windhaven Parkway in the City of Plano, Texas, and authorizing the execution of the Special Warranty Deed by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-8-18(R).

Public Hearing and adoption of Ordinance No. 2004-8-19 to amend the “Land Use,” and “Transportation” Elements of the Comprehensive Plan as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapters as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Updates include the Introduction, Land Use and Transportation Elements including the Land Use and Thoroughfare Maps. Additionally, the Comprehensive Plan has been revised to include Policy Statements. Tabled 06-28-04 and 07-26-04 [Regular Agenda Item “5”]

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 8-0 to remove the item from the table.

Senior Planner Adams spoke to prior discussion of intersection improvements and upgrades and advised that Staff has made revisions per Council direction.

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

Mayor Pro Tem Stahel noted that reference is still being made to the former Cottonbelt Railroad right-of-way as being “under study” and requested a future agenda item to address moving this item to a higher priority for action. Mayor Evans spoke to the Council’s request that this be placed on the DART 2030 Plan.

Council Member Dyer requested clarification to the text indicating that grade separated interchanges would be considered at Legacy Drive/Preston Road only after all at-grade improvements have been implemented and found to be insufficient. Mayor Evans spoke to resizing an asterisk notation for this intersection on the Thoroughfare Plan Map and Deputy Mayor Pro Tem Lambert requested correction of a clerical error on the map.

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Lambert, the Council voted 8-0 to amend the “Land Use,” and “Transportation” Elements of the Comprehensive Plan as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapters as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date; with revisions to text regarding grade separated interchange consideration at Legacy Drive/Preston Road only after all at-grade improvements were found insufficient and to the Thoroughfare Plan Map for indication of this intersection and clerical error. The Council adopted Ordinance No. 2004-8-19 with revisions.

Public Hearing and adoption of Ordinance No. 2004-8-20 as requested in Zoning Case 2004-18 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 543 so as to allow the additional use of a 96-foot Commercial Antenna Support Structure on 0.1± acre of land located 350± feet south of McDermott Road and 645± feet east of Coit Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-261-Retail; 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 #5. Applicant: Plano Self Storage, LTD., and T-Mobile [Regular Agenda Item “6”]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval as submitted.

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

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Dyer, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 543 so as to allow the additional use of a 96-foot Commercial Antenna Support Structure on 0.1± acre of land located 350± feet south of McDermott Road and 645± feet east of Coit Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-261-Retail as requested in Zoning Case 2004-18 and as recommended by the Planning and Zoning Commission; 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.

Public Hearing and adoption of Ordinance No. 2004-8-21 as requested in Zoning Case 2004-24 – To amend Section 3-1600 (Sign Regulations), Section 3-1601 (Definitions), 3-1602 (Design and Construction Specifications), 3-1603 (General), and 3-1604 (Downtown Sign District) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, regarding signage; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. The proposed amendments include revisions to administrative procedures, enforcement provisions and miscellaneous minor amendments to sign definitions and sign design and construction. Applicant: City of Plano [Regular Agenda Item “7”]

Director of Planning Jarrell advised the Council that the proposed amendments focus primarily on enforcement actions, a revised purpose statement and judicial review if a sign is denied based on content. She stated that a limitation on free-standing signs has been added and that the exemption for inflatable signs has been eliminated. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as submitted.

Ordinance No. 2004-8-21 (cont'd)

Ms. Jarrell responded to the Council, stating that the Board of Adjustment serves as the Sign Board of Appeals. Chief Building Official Mower responded to the Council stating that banners are allowed by separate permit at promotional or festival events for periods of 30 days twice per year. Mayor Evans spoke to banners providing a decorative touch and Mr. Mower spoke to the possible difficulties in regulation or enforcement. Mr. Mower advised that any changes to sign regulations for banners would be established through the Planning and Zoning Commission. He responded to Mayor Evans regarding restrictions related to wall signs and signs placed in windows.

Mayor Evans opened the Public Hearing. Stephen DiNapoli, citizen of the City, spoke regarding the use of banners as part of overall architectural design and encouraged Council consideration. Mayor Evans spoke to Mr. DiNapoli meeting with Staff and providing examples. Deputy Mayor Pro Tem Lambert spoke to the creation of a task force to gather information and stated that the Council could then forward the item to the Planning and Zoning Commission. He spoke to receiving information from merchants as well as citizens. Mayor Evans advised that creation of a task force will be considered at an upcoming meeting and Mr. DiNapoli agreed to serve. Richard Simmons, citizen of the City, stated his willingness to serve on a task force and requested that any changes apply to small downtown businesses as well as large commercial sites. The Council concurred to address the issue of decorative banners at a later meeting. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Dyer and seconded by Council Member Stovall, the Council voted 8-0 to amend Section 3-1600 (Sign Regulations), Section 3-1601 (Definitions), 3-1602 (Design and Construction Specifications), 3-1603 (General), and 3-1604 (Downtown Sign District) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, regarding signage as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2004-24; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-8-21.

Public Hearing and adoption of Ordinance No. 2004-8-22 as requested in Zoning Case 2004-28 - To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 413 for a Private Club on 0.1± acre of land located 70± feet west of Preston Road and 480± feet north of Lorimar Drive in the City of Plano, Collin County, Texas, to reflect the boundaries of the outdoor dining and patio area, presently zoned Planned Development-447-Retail/Multi-Family-2 with Specific Use Permit No. 413 for a Private Club; 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 #31. Applicant: Turner Heritage Investments, Inc. [Regular Agenda Item "8"]

Ordinance No. 2004-8-22 (cont'd)

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Evans opened the Public Hearing. Stephen DiNapoli, citizen of the City, spoke regarding plans for the outdoor dining area and patio area. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Stovall, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 413 for a Private Club on 0.1± acre of land located 70± feet west of Preston Road and 480± feet north of Lorimar Drive in the City of Plano, Collin County, Texas, to reflect the boundaries of the outdoor dining and patio area, presently zoned Planned Development-447-Retail/Multi-Family-2 with Specific Use Permit No. 413 for a Private Club as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2004-28; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date and further to adopt Ordinance No. 2004-8-22.

Public Hearing and adoption of Ordinance No. 2004-8-23 as requested in Zoning Case 2004-29 – To repeal in its entirety Ordinance No. 91-8-14, thereby rescinding Specific Use Permit No. 61 for the additional use of a Private Club; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant Specific Use Permit No. 544 so as to allow the additional use of a Private Club on 0.8± acre of land located on the west side of U.S. 75, 700± feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 61 for a Private Club; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #66 Applicant: Chicago Pizza and Brewery Company [Regular Agenda Item “9”]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval as submitted.

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

Ordinance No. 2004-8-23 (cont'd)

Upon a motion made by Council Member Magnuson and seconded by Council Member Dyer, the Council voted 8-0 to repeal in its entirety Ordinance No. 91-8-14, thereby rescinding Specific Use Permit No. 61 for the additional use of a Private Club; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant Specific Use Permit No. 544 so as to allow the additional use of a Private Club on 0.8± acre of land located on the west side of U.S. 75, 700± feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 61 for a Private Club as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2004-29; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-8-23.

There being no further discussion, Mayor Evans adjourned the meeting at 8:49 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary