

**PLANO CITY COUNCIL**  
**September 8, 2003**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Evans convened the meeting into open session on Monday, September 8, 2003, at 7:09 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Members Johnson and Magnuson.

The invocation was led by Dr. Mark Forrest of Murphy Road Baptist Church.

The Pledge of Allegiance was led by Sr. Girl Scout Troop 1717 of Vines High School.

**PROCLAMATIONS AND SPECIAL RECOGNITION**

Mayor Evans presented a proclamation recognizing "Mental Illness and Substance Abuse Recovery Month."

The Council resumed discussion of the Preliminary Open Meeting.

**Personnel Appointments**

### **Animal Shelter Advisory Committee**

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to appoint John Carver DVM as the veterinarian member, Dennis Abraham as a municipality representative, Roger Bolin as a citizen member and Jeffrey Cosby and Eloisa Sue Muzquiz as citizen members with interim terms and further name Roger Bolin as Chair.

### **Civil Service Commission**

City Manager Muehlenbeck advised there are no openings on this commission and that the board appoints the Chair position.

### **Community Relations Commission**

Upon a motion made by Council Member Callison and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to appoint Victoria Hoyos-Arango and further name Matt Shaheen as Chair. Ms. Callison advised that consideration of an additional position would be deferred to a later Council meeting.

### **Cultural Affairs Commission**

Upon a motion made by Council Member Callison and seconded by Council Member Dyer, the Council voted 6-0 to appoint Alex Johnson. Mr. Dyer advised that consideration of the Chair would be deferred to a later Council meeting.

### **Heritage Commission**

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to name Lisette Briley as Chair.

### **Keep Plano Beautiful Commission**

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to name Karen Minato as Chair.

### **Library Advisory Board**

Upon a motion made by Council Member Callison and seconded by Council Member Dyer, the Council voted 6-0 to appoint Betty Monday Mahan and Kimberly Nelon to regular terms, Hilton Kong to an interim term and further name Joe Holmes as Chair.

### **Parks and Recreation Planning Board**

Upon a motion made by Council Member Callison and seconded by Council Member Dyer, the Council voted 6-0 to name Charles Bell as Chair.

### **Plano Housing Authority**

Upon a motion made by Mayor Evans and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to appoint Karen Sparks.

### **Plano Transition and Revitalization Commission**

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to name Larry May as Chair.

### **Public Arts Committee**

Upon a motion made by Mayor Pro Tem Stovall and seconded by Council Member Dyer, the Council voted 6-0 to appoint Michael Coleman and Peggy Jernigan to regular terms, Robert B. Drotman to an interim term and further name Kathryn L. McGill as Chair. Mr. Stovall advised that consideration of an additional regular term would be deferred to a later Council meeting.

### **Retirement Security Plan Committee**

City Manager Muehlenbeck recommended appointment of Ronald P. Timmons to an employee position and Kien Liew as Chair.

Upon a motion made by Council Member Lambert and seconded by Council Member Dyer, the Council voted 6-0 to appoint Ronald P. Timmons to an employee position and further name Kien Liew as Chair.

### **Self Sufficiency Committee**

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 6-0 to appoint Evelyn Sandberg and Carl Pribanic and further to name Greg Huckaby as Chair.

### **Senior Citizens Advisory Board**

Upon a motion made by Mayor Pro Tem Stovall and seconded by Council Member Lambert, the Council voted 6-0 to appoint Tiffany Duncan and Naomi Selinger Sanit. Mayor Pro Tem Stovall advised that consideration of the Chair would be deferred to a later Council meeting.

### **Tax Increment Financing Reinvestment Zone No. 2 Board**

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Stahel the Council voted 6-0 to appoint Michael Wayne Tucker and G. Lynn Carr.

### **Technology Commission**

Upon a motion made by Mayor Pro Tem Stovall and seconded by Council Member Dyer, the Council voted 6-0 to appoint Patrick Ng and further name Jeff Gardner as Chair.

### **Transportation Advisory Committee**

Upon a motion made by Council Member Callison and seconded by Council Member Dyer, the Council voted 6-0 to appoint Jess B. Fox, Michael Hutchison and Raj K. Minocha and further to name Tom Lohr as Chair.

### **GENERAL DISCUSSION**

Richard Simmons, citizen of the City, spoke in support of efforts to curb speeding on southbound K Avenue in the downtown area, but stated concern that traffic ignores pedestrians and recommended lining the left boundary of the left-hand lanes with reflective buttons or painted lines. Mr. Simmons spoke to the additional parking provided in the area, but stated concern that there are no restrictions on the parking spaces. He further spoke regarding discrepancies in enforcement of parking restrictions between Eastside Village Phases I and II. City Manager Muehlenbeck stated that in Phase I, the developer placed signage and that the City does not have the same authority as it does in Phase II. He advised he would provide further information.

### **CONSENT AGENDA**

City Secretary Bealke advised that Staff has requested Consent Agenda Item "F" be removed for individual consideration in order to make a floor amendment.

Mayor Pro Tem Stovall advised that he would be stepping down on Consent Agenda Item "L" due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 6-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

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

August 25, 2003  
August 27, 2003  
September 2, 2003

**Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:**

**Bid No. C101-03** for a fixed-price contract for Street Sign Blades and Blanks in the estimated annual amount of \$25,741 to be stocked in the City Warehouse. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. C087-03** for Oil & Lubrication products in the estimated annual amount of \$66,489. [Consent Agenda Item (C)] (See Exhibit "B")

**Adoption of Resolutions**

**Resolution No. 2003-9-5(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 (D)]

**Resolution No. 2003-9-6(R):** To authorize the payment of \$25,796 to Electronic Data Systems Corporation under the amended Median and Right-of-Way Landscape and Irrigation Agreement signed on July 16, 1992; ratifying the 1992 amendment to the Median and Right-of-Way Landscape and Irrigation Agreement; and providing an effective date. [Consent Agenda Item (E)]

**Resolution No. 2003-9-7(R):** To approve the terms and conditions of an interlocal cooperation agreement by and between the cities of Allen, Frisco and Plano, Texas and the City of Wylie for the City of Wylie's use of the Trunked Radio System owned by the cities of Allen, Frisco and Plano; authorizing execution of the interlocal agreement by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

**Resolution No. 2003-9-8(R):** To approve the terms and conditions of an interlocal cooperation agreement by and between the cities of Allen, Frisco and Plano, Texas and the Plano Independent School District for the Plano Independent School District's use of the Trunked Radio System owned by the cities of Allen, Frisco and Plano; authorizing execution of the interlocal agreement by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

**Resolution No. 2003-9-9(R):** To approve the hiring of an Assistant City Attorney by the City Attorney; and providing an effective date. [Consent Agenda Item (I)]

**Resolution No. 2003-9-10(R):** To authorize the City Manager or his designee, including the chairman of Cities Aggregation Power Project, Inc. (CAPP), to execute an electric supply agreement pursuant to the contract to be signed by CAPP for deliveries of electricity effective January 1, 2004. [Consent Agenda Item (J)]

**Resolution No. 2003-9-11(R):** To authorize the use of statistical sampling as an approved method for determining the validity of signatures for local option elections; providing rules for persons requesting verification of signatures; and providing an effective date. [Consent Agenda Item (K)]

### **Adoption of Ordinances**

**Ordinance No. 2003-9-12:** To revise Section 8-3 of Chapter 8 Fire Prevention and Protection, of the Code of Ordinances of the City; establishing a policy of responding only to emergency ambulance service requests; establishing EMS Special Events Fee; providing for the collection of such fees and for crediting thereof upon receipt; ordaining other matters on the subject; and providing a severability clause and an effective date. [Consent Agenda Item (M)]

**Ordinance No. 2003-9-13:** To repeal City of Plano Ordinance No. 96-9-31; establishing a certification pay plan for classified members of the Plano Fire and Police Departments; establishing an assignment pay plan for members of the Plano Fire Department serving in the capacity of paramedic, establishing a shift personnel coordinator and paramedic preceptor pay plan for members of the Plano Fire Department; establishing an assignment pay plan for members of the Plano Police Department serving in the capacity of field training officers; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (N)]

**Ordinance No. 2003-9-14:** To transfer the sum of \$3,500,000 from various unappropriated fund balances to the operating appropriations for Fiscal Year 2002-03 for the purpose of funding health insurance claims and payments; amending the budget of the City and Ordinance No. 2002-9-18, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (O)]

**Ordinance No. 2003-9-15:** To abandon all right, title and interest of the City, in and to a portion of that certain 20-foot wide sanitary sewer easement and 80-foot wide drainage easement being situated in the Villages of Preston Glen, Phase II Addition which is located south of Hedgcoxe Road and east of Robinson Road within the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owners, to the extent of their interests; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (P)]

**Approval of State Contract**

To approve entering into a Premier Support service contract with Microsoft Corporation in an amount of \$59,706 through the Department of Information Resources (DIR); and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (DIR-MPC-01-005) [Consent Agenda Item (Q)]

**Approval of Agreement**

To approve the terms and conditions of a Professional Service Agreement between the City of Plano and Kasner & Associates, a Texas LLC, wherein Kasner & Associates will provide services to the City of Plano to perform a review of data concerning businesses, transactional tax accounting systems, audits, procedures, invoices, internal/external reports/filings, contracts, agreements, and other supporting records to ensure proper application of local tax situs, state and local tax exemptions, exclusions, and/or apportionment in order to identify, quantify, and secure recoveries on behalf of the City; and authorizing execution of such agreement by the City Manager, and providing an effective date. [Consent Agenda Item (R)]

To approve a Geographic Information System server upgrade purchase through the Department of Information Resources in the amount of \$40,227. [Consent Agenda Item (S)]

**Approval of QISV**

To authorize an expenditure for professional consulting services in an amount of \$30,000 from Exodus Consulting Group, LLC, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (QISV #1752923695600) [Consent Agenda Item (T)]

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

**Resolution No. 2003-9-16(R):** To approve the assignment of the tax abatement agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Letchi, Ltd. to CNL Plano Hotel, LP; approving an amendment to the tax abatement agreement to provide for a new date for tax collection goals, a new formula for remittance in the event of a shortfall in these taxes, revisions to the default provisions, revisions to the notification information; and providing an effective date. [Consent Agenda Item (F)]

City Attorney Wetherbee spoke regarding clarifying Paragraph 5(b) of the agreement to read “The Owner agrees that the property shall be devoted to a hotel and conference center and that as a condition of this Agreement, beginning January 1, 2005 and for the remainder of the agreement, the hotel and motel taxes generated on an annual basis shall not be less than \$980,000 and annual sales tax collected on behalf of the City shall be not less than \$80,000.”

Upon a motion made by Mayor Pro Tem Stovall and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to approve the assignment of the tax abatement agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Letchi, Ltd. to CNL Plano Hotel, LP; approving an amendment to the tax abatement agreement to provide for a new date for tax collection goals, a new formula for remittance in the event of a shortfall in these taxes, revisions to the default provisions, revisions to the notification information with clarification as stated; and providing an effective date; and further to adopt Resolution No. 2003-9-16(R), as revised.

Mayor Pro Tem Stovall stepped down from the bench on the following item due to a possible conflict of interest.

**Resolution No. 2003-9-17(R):** To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the Department of Information Resources/Telecommunications Services Division of the State of Texas for connectivity to the TEX-AN network for communications services, including video, voice, routed data, internet and equipment; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Upon a motion made by Council Member Lambert and seconded by Council Member Dyer, the Council voted 5-0 to approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the Department of Information Resources/Telecommunications Services Division of the State of Texas for connectivity to the TEX-AN network for communications services, including video, voice, routed data, internet and equipment; authorizing execution of the agreement by the City Manager; and providing an effective date; and further to adopt Resolution No. 2003-9-17(R).

Mayor Pro Tem Stovall resumed his place on the bench.

**Ordinance No. 2003-9-18** to approve and adopt the tax rate for the fiscal year beginning October 1, 2003, and terminating September 30, 2004, and providing an effective date. [Regular Agenda Item (1)]

City Manager Muehlenbeck advised the Council that this item would set the ad valorem tax rate for 2003-04 at 45.35 cents per \$100 assessed valuation with 29.08 cents for Operations and Maintenance and 16.27 cents for General Obligation Debt and responded to Council Member Lambert that this is the same as the current tax rate.

Upon a motion made by Council Member Lambert and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to approve and adopt the tax rate for the fiscal year beginning October 1, 2003, and terminating September 30, 2004, and providing an effective date; and further to adopt Ordinance No. 2003-9-18.

**Ordinance No. 2003-9-19** to approve and adopt the budget and setting the appropriations for the fiscal year beginning October 1, 2003, and terminating September 30, 2004; and providing an effective date. [Regular Agenda Item (2)]

City Manager Muehlenbeck advised the Council that this item would adopt the operating budget for 2003-04 and set the level of appropriations and transfers for the various funds as reviewed and adjusted by the Council.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to approve and adopt the budget and setting the appropriations for the fiscal year beginning October 1, 2003, and terminating September 30, 2004; and providing an effective date; and further to adopt Ordinance 2003-9-19.

**Ordinance No. 2003-9-20** to approve and adopt the capital improvement program and setting the appropriations for 2003-2004; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Mayor Pro Tem Stovall and seconded by Council Member Dyer, the Council voted 6-0 to approve and adopt the capital improvement program and setting the appropriations for 2003-2004; and providing an effective date; and further to adopt Ordinance No. 2003-9-20.

**Public Hearing and consideration of an amended 2003-04 Action Plan**, including HOME objectives and proposed use of funds for 2003-04. [Regular Agenda Item (4)]

Community Relations Commission Chair LaRosiliere spoke to the board's consideration and highlighted recommendations for appropriations which include those provided to the City for rehabilitation and which would require matching funds to be provided by Habitat for Humanity. He spoke to the appropriations for the Plano Housing Corporation and the requirement that these funds be given to Community Housing Development Organizations (CHDO). Mr. LaRosiliere spoke to funds provided to the City for administrative costs and advised that these do not require matching funds. He responded to Deputy Mayor Pro Tem Stahel stated that marketing risks for the Frank H. Brown Foundation Affordable Housing Construction project would be the responsibility of the builder.

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

**Resolution No. 2003-9-21(R)** to amend the 2003-2004 Action Plan for the use of HOME investment partnership funds in the amount of \$750,000 for Program Year 2003-2004; and declaring an effective date. [Regular Agenda Item (5)]

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to amend the 2003-2004 Action Plan for the use of HOME investment partnership funds in the amount of \$750,000 for Program Year 2003-2004; and declaring an effective date; and further to adopt Resolution No. 2003-9-21(R).

**Public Hearing and adoption of Ordinance No. 2003-9-22 as requested in Zoning Case 2003-15** – To amend Subsection 5-203 (Application Procedure and Requirements) Paragraph 5. (Lapse) of Section 5-200 (Concept Plan) and Section 5-700 (Revocation of Approval) of Article 5 (Site Plan Approval) of the Comprehensive Zoning Ordinance of the City of Plano, Ordinance No. 86-3-14, as heretofore amended, pertaining to lapse of approval and revocation of approval of plans; and amending Subsection 6-104 (Zoning Application Details) of Section 6-100 (Procedural Steps of Zoning Applications and Amendments) of Article 6 (Procedures and Administration) of the Comprehensive Zoning Ordinance of the City of Plano, pertaining to zoning application details; and amending Article 6 (Procedures and Administration) of the Comprehensive Zoning Ordinance of the City of Plano by substituting the word “petition” for “application” wherever stated; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that pursuant to changes in state law this item recommends modifications to the Zoning Ordinance. She stated that the Planning and Zoning Commission recommended approval of the request subject to the following stipulations: (Additions are indicated by underlined text; deletions are indicated by strikethrough text.)

**Ordinance No. 2003-9-22 (cont'd)**

1. All references to a zoning “application” in Article Six be replaced by the word “petition”.
2. Modification of the following language in Sub-section 6-104 (additions are underlined):

**Zoning Petition Details**

The zoning petition shall contain sufficient information relative to the amendment requested including but not limited to the following:

1. A key map showing all existing zoning within 200 feet of the subject property; and
2. A location map land study, ~~as defined in Section 4-103~~, showing existing and proposed thoroughfares, collector streets and local streets on the subject property and within 200 feet of the subject property.
3. A statement reading as follows:

“Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.”

To ensure the submission of adequate information, the Planning staff is hereby empowered to maintain and distribute a list of specific requirements for zoning applications. Upon periodic review, the Planning staff shall have the authority to update such requirements for zoning application details.

3. The addition of the following to Section 5-700 (Revocation of Approval).

Any plan approved prior to March 13, 1986 on which no progress has been made toward completion of the project will expire as of May 11, 2004. All other plans expire according to the lapse of approval standards within this section.

4. Modification of the following language in Sub-section 5-203 (Application Procedure and Requirements).

**Ordinance No. 2003-9-22 (cont'd)**

5. Lapse - Concept plan approval shall expire ~~five~~ two years following the date of its original approval. ~~unless 50% of the gross floor area shown on the plan is built or under construction (see planned development districts Section 5-600 pertaining to reinstatement of plan approval).~~

Ms. Jarrell responded to Mayor Pro Tem Stovall regarding how the level of progress is determined for projects. She responded to Council Member Lambert stating that there are no remaining extraterritorial jurisdiction areas and to City Manager Muehlenbeck regarding the property along the City of Plano's western boundary and the uncertainty as to whether or not it would be annexed.

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

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 6-0 to amend Subsection 5-203 (Application Procedure and Requirements) Paragraph 5. (Lapse) of Section 5-200 (Concept Plan) and Section 5-700 (Revocation of Approval) of Article 5 (Site Plan Approval) of the Comprehensive Zoning Ordinance of the City of Plano, Ordinance No. 86-3-14, as heretofore amended, pertaining to lapse of approval and revocation of approval of plans; and amending Subsection 6-104 (Zoning Application Details) of Section 6-100 (Procedural Steps of Zoning Applications and Amendments) of Article 6 (Procedures and Administration) of the Comprehensive Zoning Ordinance of the City of Plano, pertaining to zoning application details; and amending Article 6 (Procedures and Administration) of the Comprehensive Zoning Ordinance of the City of Plano by substituting the word "petition" for "application" wherever stated as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-15; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-9-22.

**Ordinance No. 2003-9-23** to amend certain policies and procedures relating to lapse and expiration of plat approval as set out in the Subdivision Ordinance of the City of Plano as codified in Article VII (Platting, Developing and Subdividing of Land) of Chapter 16 (Planning and Development) of the Plano Code of Ordinances; providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (7)]

Director of Planning Jarrell advised the Council that this item provides revisions to the Subdivision Ordinance. She stated that the Planning and Zoning Commission recommended approval of the request subject to the following stipulations:

**Ordinance No. 2003-9-23 (cont'd)**

1. Addition of Sub-section 3.6 (additions are underlined):

Lapse of Final Plat Approval - The approval of a final plat shall be effective for a period of six (6) months from the date that the final plat is approved by the Planning & Zoning Commission or the City Council, at the end of which time the applicant must have met the requirements for recording of the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No certificate of occupancy or change of occupancy permit will be allowed for the property until the applicant has met the requirements for filing of the final plat with the County Clerk. (See Section 3.5 concerning extensions and reinstatement of approval.)

2. Modification of Subsection 3.5 (additions are underlined):

Extension and Reinstatement Procedure

- a. Sixty days prior to or following the lapse of approval for a land study, ~~or~~ preliminary plat, conveyance plat or final plat as provided in these regulations, the property owner may petition the Commission to extend or reinstate the approval. Such petition shall be considered at a public meeting of the Commission.
- b. In determining whether to grant such requests, the Commission shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The Commission shall extend or reinstate the plat or study, or deny the request, in which instance the property owner must submit a new application for approval.
- c. The Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Commission may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.

**Ordinance No. 2003-9-23 (cont'd)**

- d. The approval of a preliminary plat for a portion or phase of a land study, or the approval of a final plat for a portion or phase of a preliminary plat, shall not automatically affect the expiration of approval of the land study or preliminary plat as it pertains to the balance of the property. Extensions and reinstatement of a land study, ~~or preliminary plat,~~ conveyance plat, or final plat may be approved under the provisions of this section.
3. The addition of the following as Subsection 3.10:

Dormant Projects

- a. The following items will expire as of May 11, 2004:
  1. Any plat or land study approved prior to February 12, 1990 on which no progress has been made toward completion of the project.
  2. All final plats which have not been filed of record with the county approved between February 12, 1990 and the effective date of this ordinance amendment.
- b. All other plats and land studies expire according to the lapse of approval standards within this section.

Ms. Jarrell responded to Mayor Evans stating that the City of Plano's development process allows development to begin with preliminary plat approval and that the final plat records what has been put in place. She stated that the six-month requirement had been in place before 1990, but was removed when a new process was initiated whereby a developer could build with preliminary plat approval. Council Member Lambert spoke to the filing of revised plats when changes are made, stated that in residential developments plats are typically filed since recording information is necessary for title transfer and stated delays in filing may be more problematic in commercial development. Ms. Jarrell responded to Mayor Evans stating that in the event the filing of the final plat is overlooked, the item could be reconsidered by the Planning and Zoning Commission. City Attorney Wetherbee advised that no Public Hearing is required by the Local Government Code and that the Council can take action on this request.

**Ordinance No. 2003-9-23 (cont'd)**

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to amend certain policies and procedures relating to lapse and expiration of plat approval as set out in the Subdivision Ordinance of the City of Plano as codified in Article VII (Platting, Developing and Subdividing of Land) of Chapter 16 (Planning and Development) of the Plano Code of Ordinances; providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-9-23.

**Public Hearing and adoption of Ordinance No. 2003-9-24 as requested in Zoning Case 2003-30** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 506 so as to allow the additional use of a Private Club on 0.1± acre of land located on the west side of Bishop Road, 72± feet north of Kincaid Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16 Applicant: The Shops at Legacy, LP [Regular Agenda Item (8)]

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

Upon a motion made by Council Member Dyer and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 506 so as to allow the additional use of a Private Club on 0.1± acre of land located on the west side of Bishop Road, 72± feet north of Kincaid Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-30; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-9-24.

**Public Hearing and adoption of Ordinance No. 2003-9-25 as requested in Zoning Case 2003-36** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 485 so as to allow the expansion of a Private Club on 0.3± acre of land located on the northwest corner of Bishop Road and Martin Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16. Applicant: The Shops at Legacy, LP [Regular Agenda Item (9)]

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

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 485 so as to allow the expansion of a Private Club on 0.3± acre of land located on the northwest corner of Bishop Road and Martin Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-36; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-9-25.

**Public Hearing and adoption of Ordinance No. 2003-9-26 as requested in Zoning Case 2003-37** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 491 so as to allow the expansion of a Private Club on 0.1± acre of land located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16. Applicant: The Shops at Legacy, LP [Regular Agenda Item (10)]

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

**Ordinance No. 2003-9-26 (cont'd)**

Upon a motion made by Mayor Pro Tem Stovall and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 491 so as to allow the expansion of a Private Club on 0.1± acre of land located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 as recommended by the Planning and Zoning Commission and as recommended in Zoning Case 2003-37; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-9-26.

**Public Hearing and adoption of Ordinance No. 2003-9-27 as requested in Zoning Case 2003-38** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 487 so as to allow the expansion of a Private Club on 0.1± acre of land located on the southwest corner of Bishop Road and Kincaid Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16. Applicant: The Shops at Legacy, LP [Regular Agenda Item (11)]

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

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 487 so as to allow the expansion of a Private Club on 0.1± acre of land located on the southwest corner of Bishop Road and Kincaid Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-38; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-9-27.

**Public Hearing and adoption of Ordinance No. 2003-9-28 as requested in Zoning Case 2003-42** – To repeal in its entirety Ordinance No. 91-2-19 thereby rescinding Specific Use Permit No. 180 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. 507 so as to allow the additional use of a Private Club on 0.1± acre of land located on the west side of U.S. Highway 75, 1,584± feet north of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit #180 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: Peter McGuire [Regular Agenda Item (12)]

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. 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 Lambert, the Council voted 6-0 to repeal in its entirety Ordinance No. 91-2-19 thereby rescinding Specific Use Permit No. 180 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. 507 so as to allow the additional use of a Private Club on 0.1± acre of land located on the west side of U.S. Highway 75, 1,584± feet north of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit #180 for a Private Club as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-42; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-9-28.

**Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2003-22** - A request for a Specific Use Permit (SUP) for a Used Car Dealer on one lot on 0.2+ acre on the west side of K Avenue and 60+ feet north of 20th Street. Zoned Light Commercial with Specific Use Permit #223 for Limited Assembly and Manufacturing Uses. Neighborhood #60. Applicant: David Howard [Regular Agenda Item (13)]

Director of Planning Jarrell stated that the applicant has requested this item be tabled to the September 22, 2003 Council meeting. City Attorney Wetherbee clarified the requirement for a three-quarter vote.

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to table the request - Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2003-22 - A request for a Specific Use Permit (SUP) for a Used Car Dealer on one lot on 0.2+ acre on the west side of K Avenue and 60+ feet north of 20th Street. Zoned Light Commercial with Specific Use Permit #223 for Limited Assembly and Manufacturing Uses until the September 22, 2003 Council meeting.

**Resolution No. 2003-9-29** to nominate a candidate for election to the Collin County Central Appraisal District Board of Directors; and providing an effective date. [Regular Agenda Item (14)]

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to nominate Roy Wilshire for election to the Collin County Central Appraisal District Board of Directors; and providing an effective date; and further to adopt Resolution No. 2003-9-29.

There being no further discussion, Mayor Evans adjourned the meeting at 8:08 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary