

PLANO CITY COUNCIL
June 23, 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
Elaine Bealke, City Secretary

Mayor Evans convened the meeting into open session on Monday, June 23, 2003, at 7:00 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Father Dean Pratt of St. Marks' Catholic Church.

The Pledge of Allegiance was led by Jr. Girl Scout Troops 236 and 1008 of St. Mark's Catholic School.

Students from Debra Hadfield's Music Studio performed for the Council.

Mayor Evans presented a proclamation recognizing "National Aquatics Month." Council Member Lambert spoke to the upcoming rededication of the City's natatorium.

The Council resumed discussion of the Preliminary Open Meeting.

Discussion Regarding Downtown Pedestrian Friendly Plan

Transportation Engineering Manager Neal spoke to continuing discussions to improve the accessibility of the downtown area. He reviewed the goals, phases of action and the features of a successful pedestrian plan. Mr. Neal reviewed possible designs for crosswalks and the proposal for a mid-block crossing on 15th Street along with handicap ramp installation.

Mr. Neal reviewed the short-term action plan including crosswalk installations, the use of street-light pole banners to highlight local events and the deployment of "Speed Display Boards" along K Avenue and 14th Street and the estimated costs. He further reviewed the mid-term action plan which includes the development of a conceptual plan and cost estimates for K Avenue and prioritizing/scheduling ADA access modifications.

Mr. Neal responded to Council Member Johnson regarding the cost of "street level" lighting, its implementation near Presbyterian Hospital and stated his recommendation would be to try alternative methods first. Council Member Lambert spoke to looking at a reduced speed coming through the downtown area and Mr. Neal responded that a lower limit does not necessarily equate to compliance and may result in a heavy enforcement effort. Mayor Evans spoke in agreement with Council Member Lambert regarding lowering the limit to 25 MPH.

Mayor Evans spoke to banners announcing arrival to the downtown area, other cities having lower speed limits and historic banners. Mr. Neal clarified the design for new crosswalks, their locations and advised that these are limited to white in color. Mayor Evans spoke to considering a speed limit of 25 MPH and Mr. Neal responded that compliance would be small and spoke to the burden of enforcement.

Deputy Mayor Pro Tem Stahel spoke to the possibility of flashing lights during peak crossing periods, in favor of a reduced speed limit, and spoke to starting slowly with banner usage. Mayor Evans spoke to the development of the downtown area and stated that there would no longer be limited peak crossing periods. Mr. Neal responded to Council Member Lambert that the Council can set a traffic limit when substantiated by a traffic engineering study. City Attorney Wetherbee advised the Council regarding the possible ramifications of enacting a speed limit without a study to support the findings. Mr. Neal spoke to enforcement and education as primary tools in developing a more pedestrian friendly area.

Council Member Magnuson spoke regarding the brick pavement, DART station, and merchant signage along 15th and its effect on slowing traffic speed and to working with merchants in developing a similar ambiance for other areas of downtown.

City Manager Muehlenbeck spoke to these recommendations being a first phase and stated that a pending study may result in some alternatives/proposals. Mr. Neal advised that flashing lights were considered but seemed too obtrusive to the neighborhood. Deputy Mayor Pro Tem Stahel spoke to moving forward with the first phase. The Council discussed banners denoting the downtown area or promoting safety and Mr. Neal responded that Staff will look into alternatives and bring information back for the Council's consideration.

Comprehensive Monthly Financial Report

Director of Finance McGrane presented the Comprehensive Monthly Finance Report for the month of May and stated that the General Fund is ahead of the previous year, the percentage of sales tax collected is higher than last year, and spoke to increases in solid waste and hotel/motel tax revenue. He advised that the single-family housing starts for the month were up when compared to a year ago and that in the Central Corridor area some hotels are ahead of last year's occupancy rates.

Mr. McGrane responded to City Manager Muehlenbeck, stating that input has been received from the Council for revisions to the report, a project task force will be meeting next week and advised that a draft will be prepared for Council consideration. He spoke regarding the effect of deadlines in compiling information and reflecting Plano's change from a growing to a mature City.

Council Items for Discussion/Action on Future Agendas

Mayor Evans responded to Deputy Mayor Pro Tem Stahel that recognition of the National Spelling Bee winner is scheduled for the July 28 meeting.

Consent and Regular Agenda

No items were discussed.

Council Reports

No items were discussed.

GENERAL DISCUSSION

Lisa Kristof, citizen of the City, spoke regarding the volunteer efforts of "Canine Lovers of Plano" to educate users of the Dog Park regarding trash pickup and self-policing. She spoke regarding the need for Staff assistance in identifying those dogs that have not had their shots or are not registered. Ms. Kristof spoke to other cities interested in dog parks, the benefits of the park, and stated concerns with allowing access to children under the age of 12. City Manager Muehlenbeck responded to Mayor Evans that the Parks and Recreation Staff would respond.

Margaret Fitch, citizen of the City, stated concerns related to signage for the location of the park and denoting the large/small dog areas, problems for patrons who bring both large and small dogs, issues related to mud, the lack of "bumpers" on dispenser stations, and fencing problems. Mayor Evans spoke to City Manager Muehlenbeck providing a response.

Citizens of the City, Mohammad Rehman, Ginny Evans, Tim Politz, and Bert Bader stated concerns regarding the installation of utility poles along Ridgeview Drive including safety issues, lack of disclosure, issues of notification and decline in property values. Mr. Politz spoke regarding violations including street blockage, the condition of the site and use of private property. He spoke to Ridgeview Drive being a 2-lane roadway, the City not imposing any penalties against Coserv for non-compliance and requested installation be stopped. He further requested the poles be buried. Mr. Bader requested an open discussion and spoke to the cost to correct the situation. He spoke regarding the timing of the permit issuance, the blockage on the roadway although no traffic control plan was issued, the lack of excavation plans, and the size of holes being created. Mr. Bader spoke to discussions with Legal Staff regarding right-of-way issues, prohibitions against the placement of power lines over easements and these franchise rights being for maintenance and not new construction. He requested the Council revoke Ordinance 2003-6-2 or require buried poles only on Ridgeview Drive. Mr. Bader responded to Mayor Pro Tem Stovall regarding the size/location of holes being excavated near the existing gas line, stated that t-arms and lines on the poles being installed extend over homeowner association property and that Coserv has not repaired the sidewalk to provide for its full use.

City Engineer Upchurch stated that Coserv is relocating some poles due to overhanging problems, the gas line is being relocated and that he would follow up on the holes being excavated. He spoke to contacts made regarding road barricades and stated that Staff will follow up. Mr. Upchurch stated that the screening wall is owned by the City and advised that Staff has advised Coserv and will follow up to ensure that no pole t-arms/lines extend over private property. He responded to Mayor Pro Tem Stovall regarding the costs for installing facilities underground and stated that providers look for someone to pay the costs which are typically the abutting property owners.

City Attorney Wetherbee advised that if further discussion is needed, her recommendation would be to post the item for a future meeting. The Council spoke to placing an item on a future agenda and scheduling the discussion for a time accessible to the public. City Attorney Wetherbee advised that she will meet with Staff and homeowners association representatives to prepare a response and that depending on the result, a meeting may or may not be needed. The Council discussed calling a special meeting if necessary.

CONSENT AGENDA

Upon a motion made by Council Member Lambert and seconded by Council Member Callison, the Council voted 8-0 to approve and adopt all items on the Consent agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

June 9, 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. B080-03 for construction of the Alley Reconstruction No. 2 project in the amount of \$498,792. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. B084-03 for construction of F Avenue Sidewalk and Street Improvements in the amount of \$330,900 . [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. B082-03 for turf establishment at Legacy Trail in the amount of \$102,400. [Consent Agenda Item (D)] (See Exhibit “C”)

Bid No. B085-03 for construction of the P Avenue Reconstruction – Park Boulevard to Parker Road project in the amount of \$1,433,535. [Consent Agenda Item (E)] (See Exhibit “D”)

Bid No. B075-03 for Video Surveillance Upgrade for the Traffic Department in the amount of \$25,545. [Consent Agenda Item (F)] (See Exhibit “E”)

Adoption of Resolutions

Resolution No. 2003-6-14(R): To support the continued operation and licensing of the Plano Police Academy and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2003-6-15(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2003-6-16(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the City of Richardson, Texas, providing terms and conditions for the City of Richardson to operate and maintain the street lights along North Star Road between the north city limits of Richardson and Plano Parkway, within the Plano city limits. [Consent Agenda Item (I)]

Adoption of Ordinances

Ordinance No. 2003-6-17: To amend Section VII of Ordinance No. 99-9-29 and Ordinance Nos. 2002-7-11, 2002-10-17, and 2003-1-5, currently codified as Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-73(g) of the City of Plano Code of Ordinances, to establish school zones on Crystal Creek Drive, Ohio Drive, and Robinson Road; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (J)]

Ordinance No. 2003-6-18: To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-102(c) to include the prohibition of motor-vehicle-parking along the east and west sides of Robinson Road from Crystal Creek Drive north to Risinghill Drive between the hours of 7:15 a.m. to 8:15 a.m. and 2:45 p.m. to 3:30 p.m. on school days, declaring the parking of motor vehicles in said section of Robinson Road within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (K)]

Award of Contract

To approve the terms and conditions of a contract by and between Columbia Medical Center of Plano Subsidiary, L.P. D/B/A Medical Center of Plano, and the City for Wellness Program (RFP C006-03) at \$109,160 annually; and authorizing the City Manager to execute all documents necessary to effectuate the contract. [Consent Agenda Item (L)]

To approve and authorize for the selection of NRS Consulting Engineers, Inc. to provide Professional Engineering Services for an amount not to exceed \$251,250 in connection with the design of Plano Parkway from Dallas North Tollway to Park Boulevard and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (M)]

To approve and authorize for the selection of Jacobs Civil, Inc. to provide professional engineering services for an amount not to exceed \$297,604 in connection with traffic engineering, preliminary schematic design, and environmental analysis needed for Plano's US 75 Ramp Improvement Implementation Project, Phase IIB, and to authorize the City Manager to effectuate all necessary documents to effectuate this contract. [Consent Agenda Item (N)]

Approval of Change Order

To approve a change order to Datamatic, Inc. in the amount of \$107,640 for installation of 5,980 Firefly® transponders as part of the automated meter reading project. (Bid No. C047-02). [Consent Agenda Item (O)]

To P&E Contractors, Inc. increasing the contract by \$47,800 for the Residential Slab Replacement, 2002-03, Zone J5, Change Order No. 1, (Bid No. B013-03). [Consent Agenda Item (P)]

To Jerusalem Corporation increasing the contract by \$136,886 for the Residential Slab Replacement, 2002-03, Zone J4, Change Order No. 1, (Bid No. B004-03) [Consent Agenda Item (Q)]

END OF CONSENT

Resolution No. 2003-6-19(R): To approve the terms and conditions of an agreement between the City of Plano and Plano Balloon Festival, Inc., authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (1)]

City Manager Muehlenbeck advised that the item represents a lump sum payment along with “in-kind” work. He responded to Council Member Lambert stating that this was already budgeted and did not fall under new procedures and further that funds will come from monies above and beyond the 15% allocation of hotel/motel taxes.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 8-0 to approve the terms and conditions of an agreement between the City of Plano and Plano Balloon Festival, Inc., authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2003-6-19(R).

Public Hearing and adoption of Ordinance No. 2003-6-20 to designate a certain area within the City of Plano as Reinvestment Zone No. 78 for commercial/industrial tax abatement consisting of a 7.522-acre tract of land located at the northwest corner of Democracy Drive and Parkwood Boulevard in the City of Plano; 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 that a Public Hearing should be held in order to establish a reinvestment zone.

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 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 78 for commercial/industrial tax abatement consisting of a 7.522-acre tract of land located at the northwest corner of Democracy Drive and Parkwood Boulevard in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2003-6-20.

Resolution No. 2003-6-21(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 Southwest Corporate Federal Credit Union, and providing for a commercial/industrial tax abatement for Southwest Corporate Federal Credit Union, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Resolution No. 2003-6-21(R) (cont'd)

Director of Finance McGrane stated that the abatement would be for ten years at 50%, employment provided would ultimately be 350 people, and that using the current value estimate the City tax abated would be approximately \$35,000.

Upon a motion made by Mayor Pro Tem Stovall and seconded by Council Member Magnuson, the Council voted 8-0 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 Southwest Corporate Federal Credit Union, and providing for a commercial/industrial tax abatement for Southwest Corporate Federal Credit Union, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2003-6-21(R).

Public Hearing and an ordinance to adopt the maximum permitted rates and operator selected rates for basic cable services and certain equipment and installation to be charged by Comcast Cable Communications Inc. ("Comcast") (formerly AT&T Broadband and TCI of Plano, Inc.) (Comcast and all its predecessors collectively are referred to herein as "Comcast"), and reducing the maximum permitted rates and operator selected rates to be charged by Comcast for basic cable service, installation and equipment; providing for enforcement action generally; providing a repealer clause, a severability clause and an effective date. Tabled from 05/27/03 [Regular Agenda Item (4)]

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

City Attorney Wetherbee advised the Council to table the item to a date not later than August 4, 2003.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, the Council voted 8-0 to table an ordinance to adopt the maximum permitted rates and operator selected rates for basic cable services and certain equipment and installation to be charged by Comcast Cable Communications Inc. ("Comcast") (formerly AT&T Broadband and TCI of Plano, Inc.) (Comcast and all its predecessors collectively are referred to herein as "Comcast"), and reducing the maximum permitted rates and operator selected rates to be charged by Comcast for basic cable service, installation and equipment; providing for enforcement action generally; providing a repealer clause, a severability clause and an effective date until a date not later than August 4, 2003.

Public Hearing and consideration of the “Spring Creek Parkway/Jupiter Road Area Plan” and approving it as a general guide for decisions relating to land use, transportation, and public facilities and services within the study. Tabled 06-09-03 [Regular Agenda Item (5)]

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

Director of Jarrell advised the Council that the report was developed to include a new DART rail station located in the U.S. 75/Spring Creek Parkway area, improved access to the Plano Centre area and the creation of an urban activity center near the rail station. She advised that the Planning and Zoning Commission has approved the plan as presented and requested that the Council not take action at this time, but focus on transportation issues and table the request until August 11 for further discussion regarding land use.

Dennis Wilson of Townscape, Inc. stated that if no DART station is located in the area, the Planning and Zoning Commission recommends Concept Plan “A.” He advised that there would be two City-funded transportation improvements: reversing ramps on U.S. 75 and depressing the Spring Creek Parkway through lanes at U.S. 75. Mr. Wilson stated that an east-west connector and connector between Legacy Drive and Des Moines Drive would be developer funded and that the land use scenario envisions a concentration of retail at K Avenue and Spring Creek Parkway, preserves the Plano Centre site in its current configuration, and includes clustered residential and an office/technology park.

Mr. Wilson stated that if a DART Station is planned, Concept “D” would be recommended which includes the acquisition of a hotel site, DART Station and new interchange. He spoke regarding ramp reversal on U.S. 75 and a Legacy Road connector. He advised that the concept envisions a fairly small urban center with office space, medium-density residential, and Plano Centre expansion to the south.

Rod Kelly of P.E., Townscape, Inc., spoke regarding the primary transportation elements for Concept “A” which would include ramp reversal on U.S. 75 and depressed Spring Creek Parkway through lanes. He advised that for Concept Plan “D” the thoroughfare improvements would include the secondary thoroughfares going from a two-lane collector design to a four-lane divided minor arterial design and become a looped roadway. Mr. Kelly advised that Concept “D” design would include ramp reversals on U.S. 75, Spring Creek Parkway/U.S. 75 improvements and an interchange on U.S. 75 at the new loop road. He reviewed the traffic impact and cost comparison between Concepts “A” and “D” advising that “D” includes roadway improvements, acquisition of a DART Station site, and the costs of the loop road. Mr. Kelly spoke to the current and anticipated demands on Spring Creek Parkway.

Mr. Wilson responded to Deputy Mayor Pro Tem Stahel that Plano Centre is planned to expand east/west at the current time, but a looped roadway would “cut off” the western portion of the site thereby necessitating expansion to the south and resulting in land acquisition/swap which is not included in cost comparisons. Mr. Kelly responded to Deputy Mayor Pro Tem Stahel, stating that while the additional interchange is not planned to be funded by developers, this would be a potential source of monies or the state may offer relief if the roadway is overloaded. He further responded that a three-level diamond interchange would not offer enough capacity to accommodate the volumes on Spring Creek Parkway but that this would be an issue for more study.

Director of Planning Jarrell spoke regarding the secondary interchange stating that the City would be in competition for state monies and to consideration of prioritization with other needs. She spoke to the value of a connection from the northbound service road to K Avenue and to further study of the benefits. Mr. Kelly responded to City Manager Muehlenbeck regarding the effect of depressed lanes at Spring Creek Parkway and its effect on access to commercial sites stating that the frontage road would have access but that through lanes would be limited and that u-turns could be part of the improvement.

Mayor Evans opened the Public Hearing. Ken Murchison, representing SLJ Company, stated that his company has property in the area and spoke regarding access problems, his company being unable to contribute to the construction of a loop roadway, the appropriateness of current zoning, and requested the Council receive feedback from Economic Development. Bill Hanks, representing Rosebriar Holding, Inc. spoke as a property owner in the area and addressed efforts to develop as currently planned advising that there are several different alternatives being considered. Ms. Jarrell advised that this property is currently zoned Corridor Commercial. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 8-0 to table Public Hearing and consideration of the “Spring Creek Parkway/Jupiter Road Area Plan” and approving it as a general guide for decisions relating to land use, transportation, and public facilities and services within the study until the August 11, 2003 meeting.

Public Hearing and adoption of Ordinance No. 2003-6-22 as requested in Zoning Case 2003-20 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 493 so as to allow the additional use of a private club on 0.6+ acre of land located 443+ feet north of Enterprise Drive and 320+ feet west of Premier Drive in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit #116 for an Arcade; 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 #47. Applicant: Enterprise Landmark, Ltd. (The Premier Center) [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the applicant has requested to convert an existing theater space to a wedding chapel/convention meeting facility with alcoholic beverage and food service. She advised that under current regulations, assembly hall facilities are not permitted, but that the next item (Zoning Case 2003-21) would allow them by right and that Staff feels this is an appropriate use for the area. Ms. Jarrell spoke to concerns of area homeowners regarding the proximity of exit doors to residences and a current arcade permit, advising that the Planning and Zoning Commission has initiated a Public Hearing to rescind this specific use permit. She advised that the applicant is in agreement to this rescinding and that the Commission has recommended approval subject to:

1. City Council approval of Zoning Case 2003-21, and
2. City Council waiving the 300-foot distance requirement from residentially zoned property.

Ms. Jarrell responded to the Council, stating that the walking distance from the front door to the neighborhood would be approximately 1,400 feet, and that the zoning case rescinding the arcade permit would come before the Council in August.

Mayor Evans opened the Public Hearing. Todd Croteau and Brad Hennigan representing The Premier Grand reviewed plans to create a business conference and special events center, spoke regarding current vagrant problems at the site and stated agreement to rescinding the arcade permit. Mr. Croteau spoke to the six-foot screening wall between the site and residences and the benefits of the specific use permit. He spoke to retail revitalization, reduction in crime and vagrancy, removal of the arcade permit, providing a needed service and plans for business expansion. Mr. Croteau responded to Council Member Johnson that renovations will be provided by the landlord, that the lease is for 20 years and that a purchase of the property had been discussed. Ms. Jarrell responded to Council Member Lambert stating that there were no limits regarding the number of arcade games. Anthony Atherton, citizen of the City, spoke in support of the request. No one else spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2003-6-22 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, 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. 493 so as to allow the additional use of a private club on 0.6+ acre of land located 443+ feet north of Enterprise Drive and 320+ feet west of Premier Drive in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit #116 for an Arcade as requested in Zoning Case 2003-20 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; and further to adopt Ordinance No. 2003-6-22.

Public Hearing and adoption of Ordinance No. 2003-6-23 as requested in Zoning Case 2003-21 - To amend Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3-115 (Retirement Housing) 4. (Maximum Residential Density) of Section 3-100 (Supplementary Regulations for Principle Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations), of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, pertaining to assembly hall and retirement housing uses and related development standards within the Corridor Commercial Zoning District; 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 (7)]

Director of Planning Jarrell advised the Planning and Zoning Commission recommends approval of the request with the following stipulations:

1. Amend the use charts in Section 2-502 (Schedule of Permitted Uses) to allow "Independent Living Facility", "Assisted Living Facility", "Long-term Care Facility", and "Continuing Care Facility" uses with approval of a Specific Use Permit and to allow "Assembly Hall" use by right within the Corridor Commercial zoning district. (See Exhibit "F")
2. Amend standard 4. (Maximum Residential Density) of Sub-section 3-115 (Retirement Housing) of Section 3-100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) to provide a maximum density standard for retirement housing uses within the CC zoning district as follows:

“4. Maximum Residential Density

Maximum Density (Nonresidential Districts)

	O-1	0-2	R	BG	CE	CB-1	CC
Independent Living Facility (dwelling units per acre)	45	45	45	100	21.5 174*	21.5 174*	<u>100</u>
Assisted Living Facility	FAR/ LC	FAR/ LC	FAR/ LC	FAR/ LC	FAR/ LC	FAR/ LC	<u>FAR/ LC</u>
Long-Term Care Facility	FAR/ LC	FAR/ LC	FAR/ LC	FAR/ LC	FAR/ LC	FAR/ LC	<u>FAR/ LC</u>

Maximum Density (Residential Districts)

	MF-1	MF-2	MF-3
Independent Living Facility (dwelling units per acre)	45	45	45
Assisted Living Facility	LC	LC	LC
Long-Term Care Facility	LC	LC	LC

Note: The maximum density for a continuing care facility shall be based upon the proportionate densities of the independent living facility, assisted living facility and/or long-term care facility within the continuing care facility.

Legend: FAR – Floor Area Ratio

LC – Lot Coverage

* = For Structures over three (3) stories in height”

Ms. Jarrell responded to Council Member Lambert that the only revision to density would be in the area of Corridor Commercial and clarified that only existing multi-family developments are allowed by right. She responded to Deputy Mayor Pro Tem Stahel regarding Staff’s recommendation that the Corridor Commercial district allows for a higher density and additional height.

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 Magnuson and seconded by Council Member Dyer, the Council voted 8-0 to amend Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3-115 (Retirement Housing) 4. (Maximum Residential Density) of Section 3-100 (Supplementary Regulations for Principle Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations), of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, pertaining to assembly hall and retirement housing uses and related development standards within the Corridor Commercial Zoning District as requested in Zoning Case 2003-21 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. 2003-6-23.

Public Hearing and adoption of Ordinance No. 2003-6-24 as requested in Zoning Case 2003-23 - To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 0.2+ acre located on the west side of J Place, 220+ feet south of 10th Street in the City of Plano, Collin County, Texas, from Planned Development-53-Mobile Home to Light-Industrial-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 #67. Applicant: Plano Marine [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 Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 0.2+ acre located on the west side of J Place, 220+ feet south of 10th Street in the City of Plano, Collin County, Texas, from Planned Development-53-Mobile Home to Light-Industrial-1 as requested in Zoning Case 2003-23 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; and further to adopt Ordinance No. 2003-6-24.

Public Hearing and adoption of Ordinance 2003-6-25 as requested in Zoning Case 2003-28 - To repeal in its entirety Ordinance No. 94-7-14, thereby rescinding Specific Use Permit No. 262 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. 494 so as to allow the additional use of a private club and amend Specific Use Permit No. 263 for the additional use of an arcade to expand the limits of the arcade to accommodate the larger lease space on 0.2+ acre of land located 370+ feet east of Independence Parkway and 195+ feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Retail with Specific Use Permit No. 262 for a Private Club and Specific Use Permit No. 263 for an Arcade; 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 #34. Applicant: West Parker Shopping Center, L.P. [Regular Agenda Item (9)]

Director of Planning Jarrell advised the Council that the applicant is requesting to expand the private club permit to included a larger lease space and further that they are willing to limit the arcade use to an area of 800 square feet. She stated that the Planning and Zoning Commission recommended approval of the request as submitted.

Ms. Jarrell advised that the applicants have submitted a floor plan indicating the location of pool tables and an arcade area and stated that the Council could include a stipulation limiting the square footage. City Attorney Wetherbee spoke to being specific as to the area covered or the number of machines. Ms. Jarrell spoke to defining accessory use by utilizing square footage or by receipts collected and stated that this issue will be reviewed by the Planning and Zoning Commission. The Council discussed methods of indicating the area to be covered. Ms. Jarrell reviewed the floor plan and locations requested to be covered by the permit. Ms. Wetherbee advised that the Council could require that the arcade area is limited to the existing plan indicating the location of billiards and arcades which is an area not to exceed 800 square feet.

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

Ordinance 2003-6-25 (cont'd)

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Stahel the Council voted 8-0 to repeal in its entirety Ordinance No. 94-7-14, thereby rescinding Specific Use Permit No. 262 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. 494 so as to allow the additional use of a Private Club and amend Specific Use Permit No. 263 for the additional use of an arcade *to limit the arcade uses to 800 square feet in the area shown on the floor plan on 0.2± acre of land located 370± feet east of Independence Parkway and 195± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Retail with Specific Use Permit No. 262 for a Private Club and Specific Use Permit No. 263 for an Arcade; 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. 2003-6-25 with revision.*

Council discussion and direction on a request for the City Council to notify the Collin County Commissioners of Plano's support for an indigent health care services program as presented by Dallas Area Interfaith. [Regular Agenda Item (10)]

City Manager Muehlenbeck advised the Council that the packet includes a letter indicating support for the program. Council Member Dyer spoke to there being a number of organizations in the county trying to address medical care issues. He stated support for the efforts of Plano Area Interfaith and recommended drafting a letter of support without being specific as to who they should contact. Council Member Lambert agreed that there may be other groups, stated his reluctance with the City directing county commissioners and spoke to drafting a letter of support to the interfaith group itself.

Shanna Fine, member of the interfaith group, spoke regarding the need in the area, volunteer organizations and stated that their proposal is to establish an institution funded from monies being held by Collin County since the sale of the county hospital.

Mayor Evans spoke to Council Members Dyer and Callison gathering information and coming back to the Council with a recommendation and/or a revised letter. Deputy Mayor Pro Tem Stahel spoke to sending support directly to the interfaith group and to going through the proper channels if the Council is interested in contacting the county commissioners. Mayor Pro Tem Stovall spoke to health care being a responsibility of the county, Collin County residents being cared for at Parkland Hospital, and having direct conversation with the commissioners. Council Member Lambert spoke to having discussion during a joint retreat. Council Member Magnuson volunteered to work with Council Members Dyer and Callison. Chris Caller, member of the interfaith group, spoke to the group contacting other cities in the county and stated that the purpose of the clinic is to help those below the poverty line.

Mayor Evans spoke to the percentage of the City's population that falls below the poverty level and to bringing recommendations back to the Council.

There being no further discussion, Mayor Evans adjourned the meeting at 10:07 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary