

PLANO CITY COUNCIL
August 26, 2002

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
Jim McGee
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, August 26, 2002, at 7:03 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Gary Mueller, Senior Pastor from First United Methodist Church.

The Pledge of Allegiance was led by Plano Police Explorer Troop 911.

Mr. Simmons was unable to attend to receive his certificate of appreciation.

GENERAL DISCUSSION

James M. Craft, Jr., citizen of the City, spoke regarding the impact of the current solicitation ordinance on non-profit fundraising groups and requested the Council separate consideration and guidelines for non-profit groups versus street selling profit vendors. Mr. Craft spoke regarding the benefits that might be offered. Mayor Evans requested the City Attorney and City Manager respond and look at putting the request on an agenda.

Todd Campbell and Ronnie Teaff of New Image Advertising, requested an item for a future agenda to discuss the placement of off-premise business advertisements on trash receptacles. Mayor Evans requested that Staff respond to the request.

Beverly Barker, citizen of the City, stated concern regarding the current one sign limitation for garage sales. She spoke to requiring names and addresses on signs and to prompt removal of signage. Mayor Evans requested Staff look at bringing information to the Council.

Joe Cattell, citizen of the City, and Gary A. Oviatt, Francis Richmond, volunteers at the Plano Animal Shelter stated concern regarding procedures for evaluation of animal temperament and euthanasia. Ms. Oviatt spoke to placing an item on the Council's agenda. Mayor Evans spoke regarding the upcoming meeting of the Animal Shelter Advisory Committee.

CONSENT AGENDA

City Secretary Bealke advised that the Council has requested Consent Agenda Item "B" be removed for individual consideration to read into the record the names of entities receiving refunds of property tax overpayments.

Dick Bode, citizen of the City, requested Consent Agenda Item "E" be removed for individual consideration.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to approve and adopt the remaining Consent Agenda items as recommended and as follows:

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

August 6, 2002
August 10, 2002
August 12, 2002
August 15, 2002

Adoption of Resolutions

Resolution No. 2002-8-8(R): To approve participation in a grant of \$12,200 from the Telecommunications Infrastructure Fund Board to the North Texas Virtual Reference Collaborative, an Interlocal Collaborative including the Irving Public Library System, the North Richland Hills Public Library, the Carrollton Public Library, and the Plano Public Library System; authorizing the City Manager to execute all necessary documents to participate in the grant funding; designating Plano's appropriation of the grant funding for purchase of equipment for a collaborative virtual reference service; authorizing the Plano Library System to contribute \$325 toward the \$1,300 in local funds needed for development of the project; and providing an effective date. [Consent Agenda Item (C)]

Resolution No. 2002-8-9(R): To support a proposal by the Arts of Collin County for an arts complex to be owned and operated by the cities of Allen, Frisco, McKinney and Plano; providing guidelines for the building and operation of the arts complex and providing an effective date. [Consent Agenda Item (D)]

Approval of Agreement Renewal

To renew an agreement to provide the Certificate of Public Administration Program between the City of Plano and the University of Texas at Dallas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (F)]

Approval of Request

To approve a request for an 80-foot tall flagpole at American Legion Post 321 located at 1236 J Avenue. Applicant: American Legion Post 321. [Consent Agenda Item (G)]

END OF CONSENT

Resolution No. 2002-8-10(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (B)]

City Secretary Bealke read into the record the names of entities receiving a refund of property tax overpayments.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to approve and authorize refunds of property tax overpayments; and providing an effective date; and further to adopt Resolution No. 2002-8-10(R).

Resolution No. 2002-8-11(R): To approve the terms and conditions of a real estate contract by and between Plano Properties, Inc. and the City of Plano for the purchase of 4.589 acres of land; located at the northwest corner of Avenue K and Park Boulevard; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (E)]

Dick Bode, citizen of the City, requested information regarding the item including the purpose and plan for the property, whether or not it is a budgeted CIP item, the method of financing, and if it is included in the DART station issue.

Executive Director Turner advised regarding the location of the property, and stated that the acquisition is intended to “land bank” the property in hopes of attracting transit-oriented development in the future. He spoke to the benefits of this type of development, DART’s support and their indicating a willingness to modify the platform to “marry it” to future development. Mr. Turner advised that funding would be from an internal loan program and is included in the Parker Road Study area.

Resolution No. 2002-8-11(R) (cont'd)

Upon a motion made by Council Member Stahel and seconded by Council Member Lambert the Council voted 8-0 to approve the terms and conditions of a real estate contract by and between Plano Properties, Inc. and the City of Plano for the purchase of 4.589 acres of land; located at the northwest corner of Avenue K and Park Boulevard; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-8-11(R)

Public Hearing on a proposal to increase total tax revenues from properties on the tax roll by 6.72 percent. [Regular Agenda Item (1)]

Director of Budget and Research Rhodes advised that the proposed tax rate is 45.35 cents and that total tax revenue will be 6.72 percent over the previous year. She responded to Deputy Mayor Pro tem Stovall that the tax rate is the same as for the 2001-02 budget.

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

Public Hearing and adoption of Ordinance No. 2002-8-12 to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 71 for commercial/industrial tax abatement consisting of a 6.086-acre tract of land located at 5700 Democracy Drive 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 stated that the proposed 25% real property and business personal property tax abatement on the improvements will be for three years beginning in January 2004 through December 2006. He further advised that there will be 250 employees.

Mayor Evans opened the Public Hearing. Jason Lantz, citizen of the City, spoke to concerns regarding this abatement, stating that he has circulated a petition in opposition, that this case represents a relocation and not a new company and that only 188 jobs are mandated by the contract. He further spoke to consideration of any unemployment impact, the long-term viability of the company and its ethics, spoke regarding building taking place, and requested the Council table the item. Tarrah Browning, spoke regarding Frisco's methods of attracting corporations and consideration of the tax code related to the granting of tax abatements. She requested the Council table the item. No one else spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2002-8-12 (cont'd)

Mr. McGrane responded to the Council regarding review by the Tax Abatement Committee and advised that the company was looking to relocate out of Dallas. Mayor Pro tem Dyer stated that in general, companies come to the City via real estate brokers when seeking to leave their current locations and spoke regarding the benefits to be derived.

Upon a motion made by Council Member Lambert and seconded by Council Member Johnson, the Council voted 8-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 71 for commercial/industrial tax abatement consisting of a 6.086-acre tract of land located at 5700 Democracy Drive 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. 2002-8-12.

Resolution No. 2002-8-13(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 6.086 L.P. and Ameriplan Corporation, and providing for a commercial/industrial tax abatement for 6.086 L.P. and Ameriplan Corporation, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Mayor Pro tem Dyer 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 6.086 L.P. and Ameriplan Corporation, and providing for a commercial/industrial tax abatement for 6.086 L.P. and Ameriplan Corporation, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-8-13(R).

Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-27 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 5.0± acres on the south side of Los Rios Boulevard, 250± feet east of Flintstone Drive in the City of Plano, Collin County, Texas, from Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED) to Single-Family-20 (SF-20); 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. Zoned Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED). Neighborhood #50. Applicant: John W. Jolly [Regular Agenda Item (4)]

Director of Planning Jarrell advised that due to the property's small size and access restrictions it would be difficult to develop as minimum one-acre lots, that an SF-20 would provide a transition area, and that the Planning and Zoning Commission recommended approval of the request as submitted. She responded to the Council that if approved, the property would still be within the original PD requirements for density.

Zoning Case 2002-27 (cont'd)

Mayor Evans opened the Public Hearing. Applicant John W. Jolly stated that his intent is to hold the investment for future development and requested Council approval. He responded to Council Member Stahel that at the time it was purchased the land was zoned for one-acre lots, there was church property located to the south and that at the time he had no development plans. Nancy Jenison, citizen of the City, stated that residents on Ridgetop Lane and Flintstone Drive would like to go on record in support of retaining the one-acre zoning designation and that a change would set a precedence. Richard Crucknol, representing the Stoney Hollow development, requested the one-acre zoning be retained and stated that an offer has been made to annex these lots into his development. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Council Member Stahel regarding access and that the development would most likely accommodate 3 lots. She responded to Council Member Lambert that this area and the church property to the south have not been a part of the overall tract for approximately 15 years and that no plan has been submitted. She further reviewed zoning in the area and the transition from one-acre lots, stated that access would be from Los Rios Boulevard, and spoke regarding the configuration which has been zoned for one-acre lots since 1984.

Council Member Stahel spoke to the original plan and neighborhood concerns related to density, rezoning to a maximum of 950 dwelling units and to the buffer zone of one-acre lots. He spoke regarding the layout of Los Rios Boulevard, the intentional dead end of Ridgetop Lane to avoid through traffic from the high school, and to development that followed. Mr. Stahel spoke to respecting those who built and bought homes with an understanding of what the zoning was, the desire by the Stoney Hollow development to annex the property, and stated support for retaining one-acre lots and further made a motion to deny the request which Council Member Lambert seconded. (No vote was taken at this time.)

Deputy Mayor Pro tem Stovall spoke to consideration by the Planning and Zoning Commission, existing transition of zoning, the unusual configuration of the property and there being no access to current development. He stated an inclination to grant the SF-20 zoning and spoke to an opposition to the motion. Council Member Lambert spoke to the request being speculation and to the current zoning which has been in place for a long time. Deputy Mayor Pro tem Stovall stated agreement that the request is speculation and advised that he has changed his mind.

The Council discussed denying the item with or without prejudice. Council Member Stahel revised his motion to deny with prejudice. Ms. Jarrell advised that if the case is denied with prejudice, there is a strict two-year waiting period for the applicant to file any subsequent cases. Council Member Stahel advised that he is reverting back to his original motion to deny and spoke retaining the current zoning.

Zoning Case 2002-27 (cont'd)

Upon a motion made by Council Member Stahel and seconded by Council Member Lambert, the Council voted 8-0 to deny (without prejudice) a request to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 5.0± acres on the south side of Los Rios Boulevard, 250± feet east of Flintstone Drive in the City of Plano, Collin County, Texas, from Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED) to Single-Family-20 (SF-20) as requested in Zoning Case 2002-27; 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 . Zoned Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED).

Public Hearing and adoption of Ordinance No. 2002-8-14 as requested in Zoning Case 2002-33 – To amend Subsection 2-815 (R-Retail) F. Special District Requirements, Subsection 2-819 (LC-Light Commercial) F. Special District Requirements, and Subsection 2-820 (CE-Commercial Employment) G. Special District Requirements 1. Miscellaneous, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to govern the maximum lot coverage requirements for mini-warehouse/public storage developments; 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 (5)]

Director of Planning Jarrell advised that this item would amend zoning districts to allow a 50% maximum lot coverage only for miniwarehouse uses and that other uses would be subject to lot coverage provisions of the base zoning district. She advised that the Planning and Zoning Commission has recommended approval with the following stipulations:

1. Amend Subsection 2-815 (Retail) F. Special District Requirements, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:

“F. SPECIAL DISTRICT REQUIREMENTS

1. For gasoline service stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures.
2. For mini-warehouse/public storage uses, the maximum lot coverage shall be 50%.”

Ordinance No. 2002-8-14 (cont'd)

2. Amend Subsection 2-819 (Light Commercial) F. Special District Requirements, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:

“F. SPECIAL DISTRICT REQUIREMENTS

1. For gasoline service stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures.
2. For mini-warehouse/public storage developments, maximum 50% lot coverage shall be allowed.”

3. Amend Subsection 2-820 (Commercial Employment) G. Special District Requirements 1. Miscellaneous of Section 2-800 (District Charts) of Article 2 (Zoning District & Uses) to read as follows:

“G. SPECIAL DISTRICT REQUIREMENTS

1. MISCELLANEOUS

- a. District requires a minimum contiguous area of 200 acres.
- b. Parking structures or surface parking facilities shall be excluded in computing lot coverage.
- c. A minimum front yard of 50 feet shall be required for any non-residential use; provided, however, none of the off-street parking requirements set forth in Section 3-1100 shall be met utilizing the first 20 feet of such front yard. A minimum front yard of 25 feet shall be required for any residential use; provided, however, that in no case shall the front yard be less than one-half the height of the building, and in no case need such front yard exceed 50 feet regardless of the height of the building.
- d. The City Council, at the time of granting Commercial Employment district zoning to any tract of land, shall have the authority to modify the district requirements, and may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space and screening.

Ordinance No. 2002-8-14 (cont'd)

- e. The City Council, at the time of granting Commercial Employment district zoning to any tract of land, shall have the authority to limit multi-family uses to certain designated locations within such tract and to limit the number of multi-family units to be built on such designated locations.
- f. A general phasing plan for the total development of the property shall be approved at the time of land study approval.
- g. The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of land study approval.
- h. Site plan approval in accordance with article 5 shall be required.
- i. For gasoline service stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures.)
- j. For mini-warehouse/public storage developments, a maximum 50% lot coverage shall be allowed.”

Ms. Jarrell responded to Mayor Pro tem Dyer that the height of multi-story units would depend on the height limitation in the zoning district and that this request addresses only lot coverage. She reviewed lot coverage requirements in light commercial and light industrial and stated that those facilities currently in retail districts were addressed as planned development stipulation. Deputy Mayor Pro tem Stovall stated concern with 50% coverage in retail zoned areas.

Ms. Jarrell responded to Council Member Lambert that 50% lot coverage would apply only to mini-warehouse development at a site, that those done in the past have been in this range of density, and that an SUP would still be required for those located in Retail districts. She reviewed the areas currently zoned as Commercial Employment and Light Commercial and stated that mini-warehouses are permitted in Corridor Commercial zoning with 50% lot coverage.

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

Council Member McGee stated no problem with increasing the lot coverage

Ordinance No. 2002-8-14 (cont'd)

Deputy Mayor Pro tem Stovall spoke regarding restricting multi-story units. Ms. Jarrell spoke to uses within Light Commercial or Retail districts being restricted by the maximum height within the district and that this item was only advertised to amend lot coverage and advised that the Council may direct to have a future agenda item addressing height. Mayor Evans and Council Member McGee spoke regarding the two story height limit in Retail districts with anything further requiring an SUP.

A motion was made by Council Member McGee and seconded by Mayor Pro tem Dyer to amend Subsection 2-815 (R-Retail) F. Special District Requirements, Subsection 2-819 (LC-Light Commercial) F. Special District Requirements, and Subsection 2-820 (CE-Commercial Employment) G. Special District Requirements 1. Miscellaneous, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to govern the maximum lot coverage requirements for mini-warehouse/public storage developments as requested in Zoning Case 2002-33 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. 2002-8-14. The Council voted seven in favor and one in opposition with Deputy Mayor Pro tem Stovall casting the opposing vote. The motion carried.

Public Hearing and adoption of Ordinance No. 2002-8-15 as requested in Zoning Case 2002-28 – To amend the Comprehensive Zoning Ordinance of the City; Ordinance No. 86-3-14, as heretofore amended, so as to rezone 12.7± acres on the northeast corner of Hedgcoxe Road and Ohio Drive in the City of Plano, Collin County, Texas from Retail to Planned Development-Retail to allow mini-warehouse/public storage as an additional use and to amend lot coverage and setback standards; 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. Zoned Retail. Neighborhood #4. Applicant: Copacabana Corporation [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the applicant wishes to use the back wall of the mini-warehouses as the screening wall between the residential neighborhood to the east and to the north. She spoke to the Planning and Zoning Commission's consideration of the design of the back side of the building and the façade facing Hedgcoxe Road. Ms. Jarrell advised that the item was recommended for approval by the Planning and Zoning Commission subject to the following stipulations:

1. Mini-warehouse/public storage is an additional allowed use.
2. The maximum lot coverage for mini-warehouse/public storage development shall be 50%.

Ordinance No. 2002-8-15 (cont'd)

3. A zero rear yard setback is allowed for the mini-warehouse/public storage use. The exterior walls of the mini-warehouse/public storage buildings shall be allowed on the north property line and the east property line as part of the required screening wall. Freestanding walls must connect the buildings to form a solid continuous screen wall. The rear walls on the north and east property lines must be of uniform height and of brick construction.
4. Screening walls and building facades for the mini-warehouse/public storage use fronting Hedgcoxe Road must be brick construction.

Ms. Jarrell responded to Council Member Stahel that exterior maintenance on the rear of the back wall would require working through access issues with the adjacent property owner. Council Member McGee spoke to other locations with a similar design and the positive aspects. Mr. Stahel spoke to this being a good method of “doubling up.” The Council spoke regarding other locations with similar designs. Ms. Jarrell advised that the commission recommended a stipulation that the back of the units be of brick construction.

Mayor Evans opened the Public Hearing. Jim Dewey, representing the applicant, spoke to the request to amend lot coverage and setback requirements and the benefits of this design including enhancing security of the property and addressing concerns related to lighting. He spoke regarding meetings held with area homeowners and stated that brick will be used in compliance with the commission’s recommendations. No one spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell stated that the area between the alley and the wall will be cemented and Mr. Dewey spoke to addressing maintenance should there be any accidents involving the wall and responded that walls between buildings would be increased in height to match the anticipated 8-9 foot height of the buildings.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, 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 12.7± acres on the northeast corner of Hedgcoxe Road and Ohio Drive in the City of Plano, Collin County, Texas from Retail to Planned Development-Retail to allow mini-warehouse/public storage as an additional use and to amend lot coverage and setback standards; directing a change accordingly in the official zoning map of the City as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2002-28; and further to adopt Ordinance No. 2002-8-15.

Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-31 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 22.2± acres on the north side of Parker Road, 1,480± feet east of Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Single-Family-9 (SF-9); 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 #38. Applicants: Robert B. & Claire Wilkins, Jason & Cindy So, Community Unitarian Universalist Church of Plano & First United Methodist Church. Tabled 08-12-02 [Regular Agenda Item (7)]

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the item was removed from the table.

Director of Planning Jarrell advised that the applicant has worked with area homeowners to address issues related to the creation of a buffer zone along Parker Road and special screening and landscaping requirements primarily along the west side of the property and for lots closest to Parker Road. She advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Evans opened the Public Hearing. Rick Fambro, representing the applicant, spoke regarding concerns he has received from area homeowners stating that changes are occurring along Parker Road with the construction of a church in the area. He advised that the adjacent zoning is SF-9, a buffer will be provided to minimize the impact on the area south of Parker Road and spoke regarding the proposal's conformity to the City's Land Use Plan, a review of drainage issues and Parker Road access. He stated that those impacted to the north support the item and spoke to an agreement reached with a representative of area homeowners. Patty Milligan, citizen of the City, stated opposition, citing concerns related to the change in the area and possible flooding that might occur as a result of development. Richard Crucknol, citizen of the City, spoke in opposition to the item, retaining the continuity of the neighborhood and requiring homes to fit into a neighborhood. He stated concern that not enough time was given for homeowners to work with the developer. James Mahdak, citizen of the City, stated opposition to the request and said that SF-9 is not conducive, that the uniqueness of the area should be preserved and that any future development attempts should be larger lots to match the area. Bucky Buckley, citizen of the City, spoke to his work with the developer regarding fencing and screening and stated support of the change as proposed. He responded to Mayor Evans that his property is zoned SF-9. Sharon Prince, citizen of the City, stated concern regarding the lack of responsiveness of the applicant and requested the item be denied and returned to the Planning and Zoning Commission for development as a planned development. She spoke to consistency along the perimeter.

Zoning Case 2002-31 (cont'd)

Mr. Fambro stated the changes agreed to include a 95-foot setback, landscaped area and six-foot stone wall along Parker Road, a wrought iron fence along the western border with a hedge extending 205 feet north from the stone wall, the lots backing to the western border deed restricted from wooden fences, placement of wrought iron fence/screening along the south side of the closest lots to Parker Road with an extension to the north on the east side of the property. He clarified that any location having the wrought iron fence and hedge would be deed restricted from wooden fences as well. Mr. Fambro spoke to the screening provided by the Unitarian church, stated that everything possible would be done to preserve trees on this development and that the developer would be putting in the wrought iron fence.

Will Prince, citizen of the City, spoke to homeowner discussions with the developer and spoke in support of the zoning change with the changes that Mr. Fambro outlined. John H. Harney, citizen of the City, stated concerns that his homeowners group was not contacted regarding the zoning request and regarding flooding. He spoke to retaining the nature of the area. Rocky Schwartz, citizen of the City, spoke to the area being one of national focus. Ms. Jarrell responded to Mr. Schwartz stating that property to the west of the development is zoned SF-9 and it is typical when starting a development in an area to require a stubbed-out street to provide access for future development. Mr. Schwartz spoke to SF-20 possibly being necessary to set a precedent for future development. Wendy Plagens, citizen of the City, stated her opposition, spoke to "blending a neighborhood in" and requested the Council deny the item. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Deputy Mayor Pro tem Stovall stating that the property was zoned as SF-9 sometime in the mid-1970's as a map change and that if the request moves forward engineering will review a drainage plan for conformance. Mr. Stovall spoke to flooding issues. Matt Robinson of Carter & Burgess, Inc. stated that a drainage study will come forward at the time of the preliminary plat, reviewed tributaries in the area and stated that drainage from the tract would go into a culvert. Mr. Stahel spoke to water coming down in a southeasterly direction running into the ponds. Council Member Lambert spoke to Ms. Milligan's property being affected not only by the water level of Brown Branch but also Rowlett Creek. Ms. Milligan spoke to the land being raised for development of the Methodist church in the area, the culvert constructed, the source of flooding on her property and stated that her barn was built above the floodplain. She stated that the land for the Methodist church had been her land.

Ms. Jarrell reviewed “PD language” based on Mr. Fambro’s changes which include the requirement of a minimum 95-foot wide landscaped area along the north side of Parker Road, a minimum 6-foot tall stone wall between the landscaped area and the adjacent lots to the north, a minimum 6-foot tall wrought-iron or tubular steel fence beginning at the western and eastern ends of the stone wall (referenced above) and extending along the entire western boundary of the planned development district. She spoke to the landscaping on the western boundary extending 205 feet, on the eastern end of the stone wall landscaping and wrought iron fencing extending a minimum distance of 205 feet north, and a requirement of a minimum 6-foot tall wrought-iron or tubular steel fence with landscaping along the rear yard of the lots located in the southeast corner of the planned development district adjacent to the existing pond and extending along the eastern boundary a minimum of 365 feet to the north. She advised the Council that if the zoning case was passed, Staff would then bring back an ordinance to create a planned development district. Council Member Lambert made a motion to approve the zoning case subject to the stipulations detailed by Ms. Jarrell and requested that the ordinance be prepared as a planned development and brought back to the Council in two weeks. Mayor Pro tem Dyer seconded the motion. (No vote was taken at this time.)

Deputy Mayor Pro tem Stovall spoke to extending the fence/landscaping along the eastern boundary up to the entrance on Spring Creek Parkway. Mr. Fambro stated that the primary entrance will be off of Spring Creek Parkway. Mike Brady of Standard Pacific Homes advised that the fence/landscaping would be continued on the eastern boundary up to Spring Creek Parkway. Council Member Lambert modified his motion to include additional fencing/landscaping along the eastern boundary.

Ms. Jarrell advised that the issues related to flooding cannot be resolved through zoning but will need to be addressed as properties come in for development and stated assurance that the City’s engineers will seriously consider this.

Council Member Stahel spoke to the rezoning of property in the area to SF-9, the improbability that this will be revised and the homeowners in the area wanting something other than SF-9. He spoke to the entrance off Parker Road being set back 200-250 feet, requested the item be tabled to see if this setback were acceptable, and stated that he would be voting in opposition to the current motion.

Mayor Evans advised that the motion was amended by Council Member Lambert to which Mayor Pro tem Dyer seconded the revised motion to approve the item, Zoning Case 2002-31, so as to rezone 22.2± acres on the north side of Parker Road, 1,480± feet east of Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Single-Family-9 (SF-9); with stipulations stating the requirement of a minimum 95-foot wide landscaped area along the north side of Parker Road, a minimum 6-foot tall stone wall between the landscaped area and the adjacent lots to the north, a minimum 6-foot tall wrought-iron or tubular steel fence beginning at the western and eastern ends of the stone wall (referenced above) and extending along the entire western boundary of the planned development district. She spoke to the landscaping on the western boundary extending 205 feet, on the eastern end of the stone wall landscaping and wrought iron fencing extending a minimum distance of 205 feet north, and a requirement of a minimum 6-foot tall wrought-iron or tubular steel fence with landscaping along the rear yard of the lots located in the southeast corner of the planned development district adjacent to the existing pond and extending along the eastern boundary a minimum of 365 feet to the north with amendment that the fence/landscaping be continued on the eastern boundary up to Spring Creek Parkway. The Council voted seven in favor and one in opposition with Council Member Stahel voting in opposition. The motion carried. The Council further directed Staff to bring forward an ordinance for consideration.

The Council took a brief recess at 10:17 p.m. and reconvened at 10:30 p.m.

Public Hearing and consideration of an appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-30 - A request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2) to accommodate the development of multiple-family dwellings. Neighborhood #67. Applicant: Mockingbird Properties [Regular Agenda Item (8)]

Director of Planning Jarrell advised that while there is not a district that would address the density of the proposed townhouse development, Multi-Family-2 would be the most similar. She advised that the applicant is requesting a Planned Development with the following stipulations:

1. The minimum required open space shall be 190 square feet for each one bedroom unit and 110 square feet for each additional bedroom.
2. The allowed height shall be 3-stories, 45-feet; and
3. 70% of garage spaces provided shall be counted as required parking.

Zoning Case 2002-30 (cont'd)

Ms. Jarrell stated that Multi-Family Guidelines recommend that no more than 50% of the parking provided for a development be in garages. She spoke to Comprehensive Plan policies recommending that no more than 500 units be located within a 1,500-foot radius advising that there are currently 720 units within this radius and stated that this location is not adjacent to residential development and does not have a direct link to either a public/private park or recreation area as recommended. Ms. Jarrell stated that the Planning and Zoning Commission recommended denial of the request.

Ms. Jarrell responded to the Council stating that other cities do have similar development, but that she did not know the nature of the zoning and that if approved as multi-family zoning, the applicant could come back in with an apartment development. She advised regarding the differences between this request and Single-Family-Attached zoning, stated that the form of ownership is typically not addressed through zoning, and spoke to the options for platting. Council Member Lambert stated concern with placing MF-2 zoning in an area above guidelines for density. Ms. Jarrell responded to Deputy Mayor Pro tem Stovall, stating that she would not recommend creating a new zoning district, but rather fitting this type of development into an existing category though a planned development district.

Mayor Evans opened the Public Hearing. Mitchell Vexler, representing the applicant, spoke to the demographics of the City, the availability/cost of housing and regarding the planned development. No one else spoke either for or against the request. The Public Hearing was closed.

Mr. Vexler responded to Deputy Mayor Pro tem Stovall that other cities have usually utilized Single-Family-Attached zoning. He responded to Council Member Johnson that the community would be gated and that every alley would be a fire lane.

Council Member Johnson spoke to the viability of the housing and providing different types of housing and made a motion to approve the request as a planned development. Council Member Magnuson seconded the motion. (No vote was taken at this time.)

Ms. Jarrell recommended that if the Council is not comfortable with MF-2 as a base zoning they table the request and instruct Staff to bring back a planned development to address issues. She spoke regarding platting issues and the applicant's desire to sell only the land under the building. Mayor Pro tem Dyer spoke regarding the positives of the "product," the four-story look, and being within walking distance to parks. He stated concern regarding the density and that he could not support the item as presented. Mayor Evans spoke to being over the Multi-Family Guidelines, stated that the request is not in an urban setting, and that she would not support the request. Council Member Lambert spoke to this type of request being in the downtown area and concerns related to the MF-2 zoning.

Zoning Case 2002-30 (cont'd)

Mayor Evans restated Council Member Johnson's motion to approve the request and Council Member Magnuson withdrew her second. The motion failed for lack of a second.

A motion was made by Council Member McGee and seconded by Mayor Pro tem Dyer to deny the request - Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-30 - A request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2) to accommodate the development of multiple-family dwellings. The Council voted 6 in favor and 2 in opposition with Council Members Johnson and Magnuson casting the opposing votes. The motion carried

The Council considered Regular Agenda Items "9" and "10" concurrently.

Public Hearing and consideration of an appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-32 - A request to rezone 24.6± acres on the southwest corner of Los Rios Boulevard and 14th Street from Research Technology Center (RT) to Planning Development-Retail (PD-R) to accommodate the development of a retail shopping center. Zoned Research Technology Center. Neighborhood #69. Applicant: ASG Plano Industrial, Ltd. [Regular Agenda Item (9)]

Consideration of an appeal of the Planning and Zoning Commission's Denial of a Concept Plan for The Village at Los Rios - A retail development on eight lots on 24.6± acres on the southwest corner of Los Rios Boulevard and 14th Street. Zoned Research Technology Center. Neighborhood #69. Applicant: ASG Plano Industrial, Ltd. [Regular Agenda Item (10)]

Director of Planning Jarrell stated that the applicant is requesting a Planned-Development-Retail zoning with stipulations regarding the number of pad sites, the exterior façade construction materials, the maximum height of the building and signage. She spoke to the commission's review and consideration of retail in the area and whether or not to rezone a portion of the Research Technology (RT) district. Ms. Jarrell spoke to the results of the Tri-City Retail Study and responded to Council Member Lambert regarding existing retail development.

Mayor Evans opened the Public Hearing. Tim McNamara and Don Silverman, representing the applicant, spoke regarding consideration of the location, proposed façade/landscaping, and the Retail zoning prior to the creation of the RT district, and requested approval. Patricia Ann Cole, representing Old Towne and the Southwood Estates Home Owner's Association, spoke in opposition to the request citing past experience with retail development, demographics, and the Tri-City Retail Study.

Zoning Case 2002-32/Concept Plan (cont'd)

Alan Smith, representing the Creekside North Homeowners Association, spoke in opposition to the request, in support of maintaining the RT district and regarding the amount of retail currently in the area. Natalie Davis, citizen of the City, spoke regarding opposition expressed by other grocers in the area, in support of a low traffic use/homeowner friendly use, and regarding the impact on small retailers. Timothy Penn, representing the Ridge Gate Estates Homeowners Association, spoke in opposition to the request, regarding the growth of the technology sector, and the current retail zoning being sufficient. Katherine Brewer, citizen of the City, spoke in support of the RT district and requested the item be denied. Mary Tave-Ihenacho, representing the Ridge Gate Estate Homeowners Association, stated concerns regarding excessive traffic, noise and lighting. Tony Hopkins, representing Ridge Gate Estates, stated concern that the quality of life will decline and regarding an escalation of traffic and noise. No one else spoke either for or against the request. The Public Hearing was closed.

A motion was made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stovall to deny the items: Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-32 - A request to rezone 24.6± acres on the southwest corner of Los Rios Boulevard and 14th Street from Research Technology Center (RT) to Planning Development-Retail (PD-R) to accommodate the development of a retail shopping center; and Appeal of the Planning and Zoning Commission's Denial of a Concept Plan for The Village at Los Rios - A retail development on eight lots on 24.6± acres on the southwest corner of Los Rios Boulevard and 14th Street. The Council voted seven in support and one in opposition with Mayor Evans casting the opposing vote. The motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 11:40 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary