

PLANO CITY COUNCIL
November 11, 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, November 11, 2002, at 7:12 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Abdul Hadi Khan representing the Islamic Association of Collin County.

The Pledge of Allegiance was led by Junior Girl Scout Troop 236 of St. Mark's Catholic School.

Mayor Evans presented proclamations recognizing "CALEA Commissioner Dorris Certain Day" and "The Noah School Day."

Mayor Evans administered an oath of office to incoming Planning and Zoning Commissioner Willis D. Smith.

The Council resumed discussion of Preliminary Open Meeting items.

Discussion and Direction Regarding Municipal Center Meeting Room Reservation Policy

Executive Director Hogan spoke regarding input received from existing users of City Center facilities, stated that fees are currently charged for weekend use, and spoke regarding fees charged by other entities for facility usage and security currently being at Municipal Center provided at no charge.

Mr. Hogan advised that the proposed rate structure would cover costs, spoke to the cost of providing security, the number of outside agencies utilizing facilities, and to recommendations to grandfather those with current reservations. He requested Council direction to modify and implement the policy. Mr. Hogan responded to Council Member Stahel, stating that security fees would be charged to outside agencies on evenings when there is a City Council meeting or that of a Council appointed board so as to not leave the building without security should the City's meeting end first. He responded to Council Member Lambert that the fee proposed for custodial services would be \$18.00 per hour with a two hour minimum and spoke regarding set up and take down following meetings. Mr. Lambert spoke to fees being excessive if there is only trash collection involved and stated concerns regarding charging for security at times when there are already meetings being held. Mr. Hogan responded regarding fees related to heat/air conditioning being charged for the duration of the meeting. Mr. Lambert spoke to the effect of the rates on outside agencies and the possibility that facilities would no longer be used.

City Manager Muehlenbeck stated that the intent was to follow up from budget meetings, reflect the operating costs and identify a potential source of revenue that could be used to cover those costs.

Mr. Hogan stated that a calculation of fees generated based on current usage has not been made and that in the event more than one user were involved, each would be charged a security fee. Council Member McGee stated concern that the custodial fee would be charged for the entire meeting time, spoke to entities sharing the costs for security when scheduled at the same time and the goal being to "break even." Mr. Hogan spoke to possibly reflecting actual costs for Facilities Department services.

Council Member Stahel spoke to considering the custodial fee in terms of whether services would be "clean up" or "set up/take down," reviewing the security fee addressing those instances where there is another meeting taking place and advising users regarding alternate sites. Mr. Stahel spoke to covering incremental costs. Deputy Mayor Pro tem Stovall spoke to increased administrative costs to cover variables. Mayor Evans stated and the Council concurred that the intent is to cover costs but not make money.

Mayor Evans stated concern regarding the cancellation policy providing only 24 hour notice to groups. Mr. Muehlenbeck advised that this is existing policy which has been rarely used. Mr. Hogan spoke to reviewing the policy and Mayor Evans spoke to limiting cancellations to the Council Chambers. Council Member Stahel spoke to Staff making a reasonable effort to find organizations an alternate location in the event of cancellations.

Council Member Lambert spoke to charging for a set up based on what items are utilized (tables, chairs, etc) and regarding those groups that may no longer utilize the facility with these fees in place. Mr. Hogan responded to Council Member McGee, stating that the deposit is at an amount to be applied to the final bill and not necessitate that the City provide a refund. Mayor Evans stated that Staff would bring further recommendations forward at a later meeting.

Discussion and Direction of Parr Library and Collin County Community College as Early Voting Sites for the May, 2003 Election

City Secretary Bealke spoke to the number of votes cast at Parr Library and the Spring Creek Campus of Collin County Community College in the 2002 election and requested Council direction in making these locations permanent polling locations. Ms. Bealke advised that there were no problems resulting from usage at Parr Library. The Council stated a consensus to make both locations permanent early voting polling locations.

Council items for discussion/action on future agendas

Council Member Stahel requested an item for Council consideration to provide for recognition of Veteran's Day 2003.

Council Reports

Council Member Lambert spoke to the enthusiasm, morale and teamwork reflected by the Solid Waste Department. Deputy Mayor Pro tem Stovall spoke regarding the outstanding safety records of a number of Solid Waste Department employees.

GENERAL DISCUSSION

Lisa Kristof, representing K9 Lovers of Plano, spoke in support of the use of Jack Carter Dog Park by non-residents, requested information on how the park will be maintained at City standards and stated concern regarding harassment of those utilizing the park. She further requested follow through on the investigation into a missing euthanasia drug at the animal shelter. Mayor Evans advised that the City Manager would provide a response.

Receive City Manager's response to comments of public interest made at a previous Council meeting. Council may discuss and provide direction on the following item(s):

A. Boards/Commissions

City Manager Muehlenbeck provided responses to comments received on October 28, 2002, regarding the Animal Shelter Advisory Committee (ASAC), advising that it is not a final decision-making board and is therefore not subject to the Open Meetings Act and that the Mayor and/or two Council members must sponsor an item for it to be placed on an agenda. He stated that 72-hour notice for the ASAC is not required, but that Resolution 96-9-33(R) provides for a 24-hour notice which exceeds state law with regard to the Open Meetings Act and spoke to clarifying whether or not the resolution should be revised to require all advisory boards to comply. He further stated that the ASAC meeting dates will be posted on the City's website as soon as they become available and that antique postings will be removed and or updated on the site. Mr. Muehlenbeck spoke to City Staff following up on the placement of board/commission agendas and minutes on the City's website.

Mr. Muehlenbeck responded to comments received on October 28, 2002, regarding the board/commission application process, stating that the deadline was August 22, advising that this date represents a guideline, and that there are always applications received after the deadline especially for required positions due to an assortment of reasons. He stated that other shelters and municipalities were not specifically notified, but advised that the process includes utility inserts, notice provided via a publication of vacancies, information on the City's web site, PTN and in newspapers and receptions. He further advised regarding Council sponsorship in order for an item to be placed on the agenda.

Mr. Muehlenbeck responded to comments received on October 28, 2002, regarding the Animal Shelter, advising that no illegal activity occurred relating to euthanasia of animals on August 24, 2002, personnel matters are begin handled by the Division, no animals have been euthanized at the new facility due to a lack of space, and spoke regarding the "animals euthanized" log for the week following October 14, 2002. He advised that records listing "policy decision" as a reason for euthanasia include criteria such as poor temperament, sickness, injury, wildlife, bite-animals, fighting animals, feral animals or those exceeding the five day "hold" period and further that Staff is now more descriptive on records. Mr. Muehlenbeck spoke to the management decision to number rather than name each animal, and stated that the decision to not allow volunteers to sit in front of the shelter with animals was in an effort to provide for a minimized risk of animal escape and reduction in likelihood of bites/scratches. He stated that with regard to employees investigating themselves, more information would need to be provided, and further advised that Staff is following up on posting procedures for each of the boards/commissions/committees.

CONSENT AGENDA

Deputy Mayor Pro tem Stovall and Council Member Stahel advised that they would be stepping down on Consent Agenda Item "K" due to conflicts of interest.

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

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

October 28, 2002
November 4, 2002

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. 116-02 for purchase and maintenance of an Océ' roll printer/plotter/scanner system in the amount of \$35,429 for the Planning Department. [Consent Agenda Item (B)] (See Exhibit "A")

Adoption of Resolutions

Resolution No. 2002-11-6(R): To grant a one-year waiver to Columbia Medical Center of Plano Subsidiary, L.P. to meet the threshold requirement relating to the real property improvements value and the new job commitment set forth in a tax abatement agreement; and providing an effective date. [Consent Agenda Item (C)]

Resolution No. 2002-11-7(R): To grant a one-year waiver to LaserComm, Inc. to meet the requirement relating to the job commitment set forth in a tax abatement agreement; and providing an effective date. [Consent Agenda Item (D)]

Resolution No. 2002-11-8(R): To grant a one-year waiver to LETCHI, LTD. to meet the requirement relating to the new job commitment set forth in a tax abatement agreement; and providing an effective date. [Consent Agenda Item (E)]

Resolution No. 2002-11-9(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 KCD-TX I Investment Limited Partnership to Wells Operating Partnership, L.P.; approving an amendment to the tax abatement agreement to revise the notification information; and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2002-11-10(R): To approve the terms and conditions of a public right-of-way use agreement by and between the City of Plano, Texas and Metroplex Telephone Company, a Texas General Partnership, d/b/a AT&T Wireless, to locate, place, attach, install, operate, and maintain two conduits each containing six (6) coaxial cables in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2002-11-11(R): To approve the terms and conditions of an agreement by and between the City of Plano and TXU Gas Company for reimbursement of costs incurred to remove, relocate, lower and protect TXU's twelve-inch high pressure gas line out of conflict with City's project to widen and extend Parker Road from Midway Road to Dozier Road; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2002-11-12(R): To waive the City of Plano's application to receive funds under the Juvenile Accountability Incentive Block Grant Program administered by the Criminal Justice Division of the Office of the Governor of the State of Texas; allocating any funds for which the City of Plano was qualified to Collin County, Texas; providing that a representative of the City of Plano will participate in the Collin County Juvenile Probation Department and providing an effective date. [Consent Agenda Item (I)]

Adoption of Ordinances

Ordinance No. 2002-11-13: To change the name of the portion of Chase Oaks Boulevard, a dedicated street within the City of Plano, Collin County, Texas, south of Spring Creek Parkway to Premier Drive; providing for a change in the official zoning records to reflect such action; and providing an effective date. [Consent Agenda Item (J)]

Approval of Reimbursement of Oversize Participation

To approve and authorize reimbursement to Kimsport Corp. for oversize participation for paving improvements associated with the construction of Mapleshade Lane, east of Coit Road in the amount of \$37,591. [Consent Agenda Item (L)]

Award of Contract

To approve and authorize for the selection of Winkelmann & Associates, Inc. to provide Professional Engineering Services for an amount not to exceed \$204,745 in connection with the design of Plano Parkway Extension (Los Rios Boulevard to 14th Street) and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (M)]

END OF CONSENT

Due to conflicts of interest, Deputy Mayor Pro tem Stovall and Council Member Stahel stepped down from the bench on the following item.

Approval of QISV - To ratify an expenditure for consulting services from The Harding Group, Inc. in an amount of \$42,480 for the support of critical infrastructure projects and to provide network management services to the City during these projects; and authorizing the City Manager to execute all documents necessary to effectuate the purchase (QISV #1752621952600). [Consent Agenda Item (K)]

Upon a motion made by Council Member Lambert and seconded by Council Member McGee, the Council voted 6-0 to ratify an expenditure for consulting services from The Harding Group, Inc. in an amount of \$42,480 for the support of critical infrastructure projects and to provide network management services to the City during these projects; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.

Deputy Mayor Pro tem Stovall and Council Member Stahel resumed their places on the bench.

Public Hearing and adoption of Resolution No. 2002-11-14(R): - Consideration of Douglass Community Neighborhood Action Plan – To adopt the Douglass Community Plan for the general area bounded by F Avenue on the west, 14th Street on the north, DART Pacific rail line on the east, and Southwestern Avenue on the south, as proposed by the Douglass Community Planning Team, and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City Services within the Douglass Community, and providing an effective date. Applicant: City of Plano [Regular Agenda Item (1)]

Douglass Community resident Ben Thomas spoke to maintaining and enhancing the integrity of the neighborhood, consideration of a memorial park in the area, “history” displayed on the DART wall, and the Thornton building housing historical events and facts of the area. He commended Carl Zerweck for his leadership with regards to the infill project in the area.

Council Member Lambert spoke to review during budget deliberations and to including any appropriate expenses. Council Members Stahel and McGee spoke in support of the plan.

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 Stahel and seconded by Council Member McGee, the Council voted 8-0 to adopt the Douglass Community Plan for the general area bounded by F Avenue on the west, 14th Street on the north, DART Pacific rail line on the east, and Southwestern Avenue on the south, as proposed by the Douglass Community Planning Team, and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City Services within the Douglass Community, and providing an effective date; and further to adopt Resolution No. 2002-11-14(R).

Public Hearing and adoption of Ordinance No. 2002-11-15 as requested in Zoning Case 2002-44 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for Specific Use Permit (SUP) No. 477 so as to allow the additional use of an Arcade on 0.1± acre located 250± feet south of Spring Creek Parkway and 590± feet east of Custer Road in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Zoned Retail. Neighborhood #35. Applicant: Spring Plano Corp. [Regular Agenda Item (2)]

Director of Planning Jarrell advised the Council that the request meets distance requirements and that the Planning and Zoning Commission recommends approval as submitted. She responded to Council Member McGee stating that a maximum number of machines is not regulated through the City’s ordinance and to Mayor Pro tem Dyer that there are currently no “arcade only” operations in the City.

Ordinance No. 2002-11-15 (cont'd)

Mayor Evans opened the Public Hearing. Gene Davis, representing the applicant, spoke regarding plans for a family amusement center with 65 coin-operated machines (no gambling or pornographic machines) and offering tables for parties. He spoke to there being no opposition from homeowners associations, the center's owner or other tenants. Mr. Davis responded to Mayor Pro tem Dyer regarding the hours of operation and staffing and to Council Member Lambert, stating that the primary business would be an arcade and that tables for parties would be offered. No one else spoke either for or against the request. The Public Hearing was closed.

Deputy Mayor Pro tem Stovall spoke to the specific use permit (SUP) "going with the land." Ms. Jarrell spoke to an SUP being a land-use decision and not a business license. Council Member Lambert spoke to use of the location for any items allowed in an arcade including "eight-liners." Ms. Jarrell advised Deputy Mayor Pro tem Stovall that the location would not be large enough to qualify for a planned development and advised regarding other single-use arcades that have been located in the City. Mr. Stovall spoke to finding a way to limit the SUP. Council Member Lambert stated concern with starting a proliferation of single-use arcades. Ms. Jarrell responded to Council Member McGee stating that there is no method for review on a regular basis. Council Member Stahel stated concern about the possibility of having "eight-liners" in this facility in the future. Mayor Evans spoke to requesting the state legislature change the laws allowing such machines.

A motion was made by Council Member Lambert and seconded by Council Member Stahel to deny the request. The Council voted 5-3 with Mayor Evans, Deputy Mayor Pro tem Stovall, and Council Members Johnson, Magnuson, and McGee voting in opposition. The motion failed.

City Attorney Wetherbee advised Council Member McGee that arcades could be reviewed on a regular basis, but stated that this would change the nature of approval substantially. She advised that there is more discretion in a land-use decision as opposed to a business-permit decision. Mayor Evans spoke to having the Planning and Zoning Commission look into the use of business permits. Ms. Wetherbee advised that the use of a machine as a gambling device is what results in its confiscation. She responded to Deputy Mayor Pro tem Stovall that if state law were changed, the effect on the City would depend upon how the machines were permitted.

Council Member Lambert spoke regarding the SUP being with the land forever unless there is a hazard to health and safety and stated that someone else could come in with a more "adult" facility. Ms. Wetherbee spoke to remedies possible should an establishment be viewed as harmful. Mr. Lambert spoke regarding legislation considered in the last session that would compensate a land owner for damage caused by a zoning change.

Ordinance No. 2002-11-15 (cont'd)

Council Member McGee spoke to the proposed legislation addressing concerns related to “downzoning.” Ms. Wetherbee responded to Deputy Mayor Pro tem Stovall stating that the zoning ordinance was revised to recognize that the SUP was not personal, but rather a land attachment, that this was done to “catch up” with existing law and further that she would not recommend changing it back because this would be inconsistent with the law.

Mayor Pro tem Dyer spoke regarding deteriorating retail centers, but stated that he does not believe this request would lead to revitalization.

A motion was made by Council Member Magnuson and seconded by Council Member McGee to approve the request to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for Specific Use Permit (SUP) No. 477 so as to allow the additional use of an Arcade on 0.1± acre located 250± feet south of Spring Creek Parkway and 590± feet east of Custer Road in the City of Plano, Collin County, Texas, presently zoned Retail as requested in Zoning Case 2002-44 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. The Council voted 5-3 with Mayor Pro tem Dyer and Council Members Stahel and Lambert voting in opposition. The motion carried.

Public Hearing and adoption of Ordinance No. 2002-11-16 as requested in Zoning Case 2002-50 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for Specific Use Permit No. 478 so as to allow the additional use of Contract Construction on a 0.01± acre parcel located 723± feet east of K Avenue and 285± feet north of 19th Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-26-Light Commercial; 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-26-Light Commercial. Neighborhood #60. Applicant: Barnett Walker [Regular Agenda Item (3)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and responded to Council Member Stahel that the use would be inside an existing building.

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

Ordinance No. 2002-11-16 (cont'd)

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member Stahel, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for Specific Use Permit No. 478 so as to allow the additional use of Contract Construction on a 0.01± acre parcel located 723± feet east of K Avenue and 285± feet north of 19th Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-26-Light Commercial as requested in Zoning Case 2002-50 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. 2002-11-16.

Public Hearing and adoption of Ordinance No. 2002-11-17 as requested in Zoning Case 2002-51 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for Specific Use Permit (SUP) No. 479 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on 0.1± acre on the north side of Granite Parkway, 290± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas, presently zoned 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. Zoned Central Business-1. Neighborhood #8. Applicant: Granite Properties, Inc. [Regular Agenda Item (4)]

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. Rino Brigliadori, representing the applicant, advised the restaurant would offer Italian food. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for Specific Use Permit (SUP) No. 479 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on 0.1± acre on the north side of Granite Parkway, 290± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas, presently zoned Central Business-1, as requested in Zoning Case 2002-51 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. 2002-11-17.

Public Hearing and an ordinance as requested in Zoning Case 2002-52 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 10.0± acres on the southwest corner of Hedgcoxe Road and Custer Road in the City of Plano, Collin County, Texas, from Retail (R) to Planned Development-143-Retail (PD-R) to allow mini-warehouse/public storage as an additional use and to amend 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 with Specific Use Permit No. 453 (R w/SUP #453) for a Day Care Center. Neighborhood #11. Applicant: Seoul Enterprises [Regular Agenda Item (5)]

Director of Planning Jarrell spoke to the applicant's request to place the mini-warehouse units immediately adjacent to the southern and western property lines and advised that in similar cases, there has been an alley separating the uses. She stated that the Planning and Zoning Commission recommended approval with the following stipulations:

1. Mini-warehouse/public storage use is an additional allowed use.
2. 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 south property line and the west property line as part of the required screening wall. Freestanding walls must connect the buildings to form a solid continuous screen wall.
3. Maximum height of mini-warehouse/public storage buildings abutting residential uses shall be eleven feet.
4. Screening walls and building facades for the mini-warehouse/public storage use fronting Hedgcoxe Road must be brick construction.

Ms. Jarrell responded that the proposal is for storage on approximately half the site at this time, but that the PD would cover the entire site so someone could come in at a later date and either add more storage or locate it on the corner. She responded to Council Member Lambert that the basic requirements include a 10-foot setback unless an alley is present, in which case they could build up to the property line and further spoke regarding a location at Hedgcoxe/Ohio abutting two single-family lots without an alley between the uses. She responded to Council Member Stahel that if this were a retail development, the maximum height for the screening wall would be eight feet.

Mayor Evans opened the Public Hearing. John McCarty, citizen of the City, spoke in support of the request, stated concern regarding unused retail space, and spoke to the use being a low traffic neighbor and a good buffer. Ron Craig, representing the land owners, spoke to meetings held with the area homeowners, reviewed plans for the site and the differences between this plan and a retail development and spoke to the benefit of remediating drainage issues. He spoke regarding timing of this project as compared to the site planned across the street in the City of Allen.

Ordinance No. 2002-11-16 (cont'd)

Ms. Jarrell responded to Council Member Lambert that the plan shows 700 units on lot one. Mr. Lambert spoke to the possibility of there being 2,000 units if all lots were developed for mini-storage. Mr. Craig spoke to the demand for storage units in the area.

Richard Cinclair, citizen of the City, stated concern regarding the notification procedure and that the whole area may develop as mini-warehouses. Ben Stradley, representing the Estates of Wooded Cove Homeowners Association, spoke in opposition to zoning the area as public storage, concern that there could be 2,000 units, and the negative effect on home values. Ms. Jarrell stated that those within 200 feet received notification of the case and spoke regarding use of Collin County tax rolls which may not reflect the most recent owner information. Mr. Stradley stated concern that 200 feet is a insufficient notification area, particularly in instances where land is still undeveloped. Scott Perry, stated opposition to the request, spoke to the area being an entrance to the City, the proximity of current storage units, and the impact such a development would have on residential values. He spoke regarding the approval of a similar self-storage development by the City of Allen on the northeast corner. Brian Showalter, citizen of the City, spoke to an oversaturation of mini-warehouses in the area and stated opposition to the request. Bob Reid, citizen of the City, advised the Council that there is no delay of the project planned in Allen. Bill Greenwood, citizen of the City, stated the City does not need more storage units in residential areas. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Lambert stated concern that the SUP would cover the entire site and that technically 2,000 storage units could be constructed if demand for retail did not develop. He stated concern regarding construction being next to the property line and spoke to abiding by current regulations. Ms. Jarrell advised Deputy Mayor Pro tem Stovall that letters received in opposition stated concern regarding the development being near residential areas.

Ms. Jarrell responded to Mayor Evans, stating that if the applicants had submitted an SUP for a mini-warehouse development (now allowed in the retail zoning district), they would have had to set the buildings off ten feet from the back property line since there is no alley separating the houses from the retail corner. She spoke to past discussions regarding the "dead space" that may result from a ten-foot setback which may not be maintained or the possibility a driveway may be constructed with doors facing the residential area. Ms. Jarrell advised that the applicants in this case are requesting a planned development solely to allow buildings to be placed on the property line. She further stated that screening wall requirements between residential and retail uses call for a six to eight foot wall along the property line. Mayor Evans stated that by requesting a planned development, the applicant is addressing concerns related to keeping activity away from homes, providing screening and not providing a possible "dead space." Ms. Jarrell further advised that the Council could adopt the zoning exhibit and specify that the mini-warehouse use applies only to "lot one" as noted on the preliminary site plan and that if the applicant wanted to expand, they would need to go through another approval process. She responded to Council Member Lambert that if an alley were constructed, it would be City owned and maintained.

Ordinance No. 2002-11-16 (cont'd)

Council Member McGee stated concern that approval would open a large area to development as mini-warehouse and requested clarification regarding the wall height of eleven feet. Mr. Craig advised that a height of eleven feet is requested to allow for sloping of the roofs toward the center of the property and that the wall backing up to residences would be a single line. Ms. Jarrell spoke to the units being a variety of sizes in depth with eleven feet as the maximum height of the building abutting the residential area. Council Member Lambert spoke to the units stair-stepping down as they are developed across the property and this fact reinforcing his concerns about this site being appropriate.

Ms. Jarrell responded to Deputy Mayor Pro tem Stovall stating that should the request be denied, the applicant would need an SUP if they were to come back and provide the ten-foot setback. Mayor Evans spoke to the plan calling for a small entrance off Hedgcoxe Road, there being too much retail in the City, receiving positive input from an abutting homeowner and the development affecting home values in a more positive way than retail. Council Member Magnuson spoke to the majority of speakers being across Hedgcoxe Road.

Deputy Mayor Pro tem Stovall stated concern with the appearance of units along the eastern side of the mini-warehouses where there is no current development. Ms. Jarrell responded to Council Member Lambert that the gap left along the north/south fire lane was required by the property owner for landscape purposes.

Council Member Stahel stated concern regarding the planned height of eleven feet along the residences, spoke regarding an SUP allowing 50% maximum lot coverage for mini-warehouses in a retail district and recommended this restriction be placed on the entire piece of property, input received in opposition and stated opposition to the request as proposed. He spoke regarding the number of units possible should retail not develop on the adjoining property.

Ms. Jarrell responded to Deputy Mayor Pro tem Stovall that the lot coverage of 48% indicated on the plan would only apply to the warehouses and that currently there are no regulations limiting how many mini-warehouse sites can be developed in an area. City Attorney Wetherbee advised that the Council may take into consideration land uses within an area and Deputy Mayor Pro tem Stovall stated opposition to the item.

Ms. Jarrell advised Mayor Evans that if the request were not approved, any use allowed by right in the Retail zoning district would be accepted if it met requirements. Council Member Stahel recommended the developer meet with homeowners to try to find a compromise.

Ordinance No. 2002-11-16 (cont'd)

A motion was made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall to deny the request - Zoning Case 2002-52 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 10.0± acres on the southwest corner of Hedgcoxe Road and Custer Road in the City of Plano, Collin County, Texas, from Retail (R) to Planned Development-143-Retail (PD-R) to allow mini-warehouse/public storage as an additional use and to amend setback standards. The Council voted 6-2 with Mayor Evans and Council Member Magnuson voting in opposition. The motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 9:54 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary