

**PLANO CITY COUNCIL
SPECIAL CALLED SESSION
April 20, 2011**

COUNCIL MEMBERS

Phil Dyer, Mayor
Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Lissa Smith
Harry LaRosiliere
Jean Callison

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 6:32 p.m., Wednesday, April 20, 2011, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Members Callison and LaRosiliere.

Opening Remarks

City Manager Glasscock spoke to setting the foundation as the Council moves into the process of adopting the budget for 2011-12. He spoke to focusing on General Fund departments and including information regarding the impacts seen as a result of reductions over the last three years. Mr. Glasscock spoke to the impact of decisions on the City's financial reputation and stability, quality of services and citizen/employee satisfaction. He spoke to maintaining the core values of providing outstanding service and facilities in cooperative efforts with citizens and contributing to the quality of life while revising strategies and practices. He spoke to Council consideration of whether or not to try and maintain the AAA bond rating, continuing the use of reserve balances, maintaining the tax rate, avoiding the issuance of debt, and/or a planned gradual tax rate increase to offset revenue changes.

Parks and Recreation Department Overview

Parks and Recreation Department Director Fortenberry spoke to their mission statement: "Enriching Plano through Parks, Facilities, Programs and Resource Stewardship" and provided an overview of employees (205 full-time, 690 part-time), accreditations, funding, awards received, sites and facilities. She spoke to assets of the department, partnerships with other organizations, volunteer participation and emergency preparedness responsibilities.

Ms. Fortenberry spoke to General Fund reductions including the elimination of free Senior Recreation Center transportation, the reduced level of maintenance of park land, reduced use of nighttime sports facilities, elimination of public swim times during the school year, elimination of the volunteer recognition event, shifting the costs of concerts to the Recreation Revolving Fund, shifting athletic field layout costs to user groups, partnering with the Boys and Girls Club of Collin County for the operation of the Douglass Community Center, partnering with DART to continue the Plano Senior Rides Taxi Voucher Program, suspension of the Public Art Program, elimination of 28 full-time and 3 part-time positions, two major re-organizations and elimination of two department divisions. She spoke to the importance of technology in the department, additional trail connections, the opening of the Tom Muehlenbeck Center, and decreases in revenues and attendance. Ms. Fortenberry spoke to use of the facilities by youth sports and other organized groups and budget reduction impacts including: the loss of flexibility to respond to unplanned events, lower maintenance levels, higher participation fees, delay of projects approved by citizens through bond elections (Oak Point Park improvements, Carpenter Park pool, Senior Center expansion, skate/dog parks, Douglass Community neighborhood park site and lighting of Plano Independent School District tennis courts).

Ms. Fortenberry spoke to the following challenges and opportunities: rising fuel prices resulting in more site-based work, acceptance of lower maintenance standards, increased employee absenteeism, loss of intellectual knowledge as a result of retirements, loss of promotional opportunities, and challenges in recruitment and retention of quality employees. She spoke to continuing renovations and possible grant opportunities and to finding a balance between privatized services and core in-house services. Ms. Fortenberry spoke to consideration of the City's cost-recovery philosophy and whether the focus should be on service delivery or financial decisions.

She responded to the Council regarding the distribution of monies in the Recreation Revolving Fund with a transfer of user fees and five percent of the net profits to the General Fund. Ms. Fortenberry spoke to the cost of programs being intertwined between direct service costs and those for utilities and site expenses. She further spoke to the benefits of departmental accreditation and differentiating publicly provided recreation services from those in the private sector by the availability of facilities and inclusion of all family members in programs and opportunities. Mr. Glasscock spoke to the funding of programs through the City's tax base and whether or not to consider increased fees. He further spoke to holding discussions with County officials regarding the availability of grant funds for the maintenance and improvement of parks. Ms. Fortenberry responded to the Council regarding a possible revision of service levels, advising that her recommendation would be to identify underutilized program times and potentially cut a day from schedules. She advised that utilizing rotating days for closures would prove problematic for scheduling purposes.

Health and Animal Services Department Overview

Director of Health Collins spoke regarding the objectives of the Animal Services Division: to protect the public and animals and contribute to the quality of life in the City. He advised that services provided include at-large animal pickup, animal quarantines, deceased animal pick up, pet adoptions, education, complaint response, cruelty investigations, nuisance complaints, and pet registration. Mr. Collins advised that the shelter housed 7,490 animals in 2009-10 with an overall placement rate of over 80% (second highest in the state), 2,319 animals sterilized and only 22 euthanized.

Mr. Collins spoke to only 5.3% of the pet population being registered and projected that if all were licensed, the department would collect 100.5% of their total budget. He reviewed field calls, rabies incidents, animal complaints, shelter visits, web site information and educational programs. Mr. Collins reviewed budget reductions and efficiencies including new fees, fee increases, staff reductions (2.5 full-time employees), reduced operations/maintenance expenditures, shelter expansion designed for minimal staffing, and outsourced pet registration. He spoke to the impact of changes including a reduction of 30% in field operation hours, elimination of trapping services, and stated that further reductions will have service impacts. Mr. Collins spoke to current and future issues including shelter renovations utilizing 25% City funding and 75% donations and the emergence of public private partnerships for registration and veterinary services. He and Animal Services Manager Cantrell responded to the Council regarding fees charged for impounded animals and coordination with other area facilities, verifying resident status when accepting animals at the shelter and the high level of adoptions. Mr. Collins advised that Animal Services is approximately 20% revenue supported and responded to City Manager Glasscock that he would provide previously gathered information regarding service delivery/cost if services were provided through an alternative means.

Mr. Collins reviewed the Health Department advising that the Consumer Health Division in 2009-10 permitted 1,357 facilities, conducted 3,167 routine food/restaurant inspections, handled 198 restaurant and 52 food borne illness complaints, permitted 458 temporary/seasonal events, trained 4,000 food handlers/manager and conducted 123 plan reviews and 205 certificates of occupancy inspections. Mr. Collins further advised that consumer health is 56% revenue supported, the Retail Food Program is 69% revenue supported and the Food Manager/Handler Programs are 100+% revenue supported.

Mr. Collins spoke to smoke-free regulations in place since June 2007, with 19 complaints investigated in FY 2009-10, possible modification following action in the legislature and the City's ordinance as a model for state regulations. He spoke to monitoring water quality in the City by inspection of 401 public/semi-public pool facilities and advised that with budget reductions the number of inspections has been reduced and that the program is approximately 48% revenue supported. Mr. Collins spoke to mosquito and vector control and the treatment of more than 100 pools during 2009-10 and responded to the Council regarding treatment methods and funding from the Water Quality and Drainage Fees. He advised regarding the mandated Storm Water Management Program, 100% supported by the Municipal Drainage Utility fee, the mandated Industrial Pretreatment Program approximately 79% revenue supported and the Liquid Waste Program preventing clogged sewer lines and pollutant discharge.

Mr. Collins spoke regarding current and future issues including staff reductions (2 field specialists and 1 manager) over the last three years, reduction in retail food safety inspection frequency, a reduction in the number of public/semi public pool inspections, the upward trend in response time to non-emergency food, pool, and environmental complaints and advised that further budget and staff reductions will decrease temporary and seasonal event inspections. He spoke to the inspections performed by supervisory staff in addition to increased managerial responsibilities. Mr. Collins responded to the Council regarding cost recovery for mosquito and vector control effort and spoke to categories for retail food inspections based on risk analysis and the optimum schedule being four times per year for high risk, three for medium and two for low risk as opposed to the current schedule.

Conclusion/Next Steps

The Council requested copies of information be provided prior to future sessions along with information regarding any studies of privatization. Council Member Harris spoke in support of receiving cost-recovery information. City Manager Glasscock spoke to the impact future reductions will have on the quality of services provided. Nothing further was discussed. Mayor Dyer adjourned the session at 9:37 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
AND REGULAR SESSION
April 25, 2011**

COUNCIL MEMBERS

Phil Dyer, Mayor
Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Lissa Smith
Harry LaRosiliere
Jean Callison

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:04 p.m., Monday, April 25, 2011, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071; and to receive information regarding Economic Development, Section 551.087; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:38 p.m.

Consideration and action resulting from Executive Session discussion:

No items were considered.

Discussion and Direction re Heritage Preservation Grant Program

Planning Manager Firgens spoke to encouraging Heritage Preservation Grant Program recipients to seek alternative sources of funding and become less reliant upon City funding with changes to the grant program beginning in Fiscal Year 2010-11 including placing a cap on funding for operations and maintenance at the FY 2009-10 level; stipulations that new grant recipients will not receive funding for operations and maintenance; and that recipients shall provide information from visitor sign-ins to demonstrate a link to increased tourism. She spoke to Council's direction that the Commission consider funding only a percentage of the recipients' overall total budget based on their most recently completed expenditures less eligible expenses. Ms. Firgens advised that several of the current recipients rely heavily on grants for their overall budget and will likely struggle if the maximum percent funded is significantly lowered and spoke to the Commission's recommendation that the City continue funding up to 100% of the previous year's expenditures for 2011-12 and continue to allocate monies based on the amount available. She advised that the Commission would like more time to evaluate how a cap would impact the groups and will revisit the funding percentage for subsequent years.

Ms. Firgens spoke to limited opportunities for fundraising and the possibility that recipients may cease operations if funding is significantly reduced. Russ Kissick, Co-director of the Plano Conservancy, spoke to fundraising difficulties, programs that are offered for the benefit of the City and providing venues for citizens and visitors. The Council stated a consensus to maintain funding of up to 100% of the previous year's expenditures beginning in 2011-12 and to continue the funding cap for operations and maintenance funding at the 2009-10 level.

Discussion and Direction re the Sale of Alcohol in Residentially Zoned Districts in Association with Wineries

Director of Planning Jarrell spoke to issues for Council consideration in relation to the requested amendment, advising that the Texas Alcoholic Beverage Code allows a wide range of activities as part of a winery permit, including the manufacturing, bottling, blending and packaging of wines which may or may not be appropriate in the district; most of the properties with heritage designations are located within residential districts and alcohol sales may or may not be appropriate in each area; and while Mr. Coker's request is specific to wineries, the potential exists for heritage property to be used for a restaurant, wedding, or reception venue with alcohol sales.

Michael R. Coker of Michael R Coker Company, requested consideration of a specific exception for the property at 3921 Coit Road to resolve a disparity between City codes that does not allow sale of alcohol in residentially zoned districts. He advised that the applicant wishes to continue operation of the restaurant with longer operating hours at this heritage designated site and the potential for a winery with the sale of alcohol. John and Teresa Weeks requested consideration to allow for food and wine pairings, tastings and sale for off-premise consumption. They further spoke to neighborhood support for the request. Ms. Jarrell advised that the Zoning Ordinance requires a Specific Use Permit for Wineries and other uses on heritage designated properties, the Code of Ordinances prohibits the sale of alcohol in residential areas. The Council spoke to consideration of requests on a case-by-case basis and requested Staff work to develop regulations for appropriate properties.

Mayor Dyer advised at 7:06 p.m. that the Regular Session would be convened.

Pastor Randall Worley of Prairie Creek Baptist Church led the Invocation and Boy Scout Troop 261 of Christ United Methodist Church led the Pledge of Allegiance.

Mayor Dyer presented special recognition to Alliance Bulldogs, Girls Hockey National Champions and a proclamation recognizing Hedgcoxe Elementary Teacher Appreciation Week.

Mayor Dyer administered oaths of office to Jerry E. Yancey on the North Texas Municipal Water District Board and Charles Ho on the Self Sufficiency Committee.

Mayor Dyer reconvened the Preliminary Open Meeting at 7:21 p.m.

Legacy Drive at Preston Road - Post-Construction Traffic Flow and Safety

Transportation Engineering Manager Neal provided an overview of the intersection including information regarding pre-construction conditions (high crash rate, long traffic back-ups, high traffic congestion and delays) and post construction conditions (reduced crashes, back-ups, delays, congestion and increased driver acceptance).

Mr. Neal spoke to other planned locations including the intersections of Plano Parkway/Preston Road and Spring Creek Parkway/Coit Road and responded to the Council, advising if the Council recommended reverting to the original design there should be performance measurements of clean air standards to obtain funds. He spoke to traffic diverted from the intersection to other areas of the City, full funding provided for the Legacy/Preston location, and advised that construction is not scheduled for other locations until 2015. He advised that other planned locations are at their maximum physical capacities and stated that Staff is working to resolve congestion at Plano Parkway/Preston Road. Mayor Dyer and Council Member Harris spoke to looking at turn lanes and other mitigation efforts for intersections. The Council concurred directing Staff to work on the design phase for the other locations and keep the Council informed of developments at Legacy Drive/Preston Road.

Comprehensive Monthly Financial Report

Director of Finance Tacke advised that for the Month of March 2011, General, Water/Sewer, and Civic Center were up slightly. She spoke to actual General Fund revenues being down \$3.7 million due to the decrease in ad valorem taxes and court fine revenues offset by an increase in sales tax. Ms. Tacke advised that General Fund expenditures are up slightly and Water/Sewer expenditures are down slightly. She spoke to the decrease in the unemployment rate to 7.1% and the increase of 16.7% in sales tax.

Microsoft Exchange Online Migration

This item was passed over.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agenda

Mayor Pro Tem Dunlap requested Consent Agenda Item “B,” Bid No. 2011-119-B for Marsh Lane – Parker Road to Columbine Way to Jim Bowman Construction Company, L.P. in the amount of \$574,619 and “C,” Bid No. 2011-91-B for the purchase of Evans Park - Parking and Fence Renovations- Project No. 5945 for the Parks Department to Ratliff Hardscape, Ltd. in the amount of \$118,297 be removed for individual consideration due to possible conflicts of interest.

Mayor Dyer advised that he would be stepping down on Regular Agenda Items “1,” Public Hearing and Discussion concerning the Comprehensive Plan and Undeveloped Land Study as they relate to Major Corridor Development in the Coit Road/Bush Turnpike Area; “4,” consideration of an Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2011-05 - Request to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial and Light Industrial-1 to Planned Development-Corridor Commercial; and “5,” consideration of an appeal of the Planning & Zoning Commission’s Denial of the Concept Plan for Coit Center, Block A, Lots 1R, 8, & 9 and Block B, Lot 4R - Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane, and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive due to possible conflicts of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting directly into the remainder of the Regular session at 7:47 pm.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Mayor Pro Tem Dunlap, Consent Agenda Items “B,” and “C” were removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Council Member Davidson and seconded by Council Member LaRosiliere, the Council voted 8-0 to approve and adopt the remaining items as recommended and as follows:

Approval of Minutes (Consent Agenda Item “A”)

April 4, 2011

April 11, 2011

Approval of Expenditures

Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)

Bid No. 2011-111-B for the Park Erosion Control Structures, Project No. 6034, to DCI Contracting, Inc. in the amount of \$335,200 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2011-126-B for the purchase of eight (8) Pick Up Trucks for Fleet Services to be utilized by Environmental Waste, Municipal Drainage, Pumping Facilities, Utility Cut Services, Ground Maintenance District #1 and #3, Park Support Services, & Athletic Field Maintenance from Baby Jack II Automotive (Caldwell Country Chevrolet) in the amount of \$164,798 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Purchase from an Existing Contract

To approve a one (1) year contract with three (3) City optional renewals for the purchase of Oil & Lubrication Products for the Warehouse to be utilized by Fleet Services in an estimated amount of \$79,515 from Reeder Distributors through an existing contract/agreement with the City of Fort Worth, and authorizing the City Manager to execute all necessary documents. (City of Fort Worth Contract #09-0209) (Consent Agenda Item “F”)

To approve a contract for the purchase and installation of 180 new poles as part of the final phase of the Moto Mesh Wireless Network Project, in the amount of \$766,620 from Scientel Wireless, LLC, through an existing contract with the Houston-Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW10-09) (Consent Agenda Item “G”)

Adoption of Resolutions

Resolution No. 2011-4-6(R): To ratify the Takeover Agreement by and between North American Specialty Insurance Company and the City of Plano for completion of Mapleshade Sanitary Sewer and Force Main project; approving its execution by the City Manager and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2011-4-7(R): To repeal Resolution No. 2011-1-16(R) and approving a revised Fire Department Fee Schedule for fire inspections, fire plan reviews, and hazardous occupancies permits; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “I”)

Resolution No. 2011-4-8(R): To authorize continued participation with the Atmos Cities Steering Committee; authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2011-4-9(R): To approve the terms and conditions of a Second Amendment to Economic Development Incentive Agreement by and between the City of Plano, Texas, and Connecticut General Life Insurance Company, a Connecticut corporation (“CIGNA”); authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2011-4-10(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Diodes Incorporated and the City of Plano; terminating a prior Tax Abatement Agreement and Economic Development Incentive Agreement between Diodes Incorporated and the City of Plano; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2011-4-11(R): To find Officer James Forsythe is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Brady Byrum v. City of Plano, et al.; and providing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2011-4-12: To amend Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of North Star Road within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “N”)

Ordinance No. 2011-4-13: To abandon all right, title and interest of the City, in and to that certain 50-foot wide Drainage Easement recorded in Volume 5869, Page 6230, of the Land Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “O”)

Ordinance No. 2011-4-14: To abandon all right, title and interest of the City, in that certain 15-foot wide Sanitary Sewer Easement recorded in Document No. 20060907001285700, Official Public Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “P”)

Ordinance No. 2011-4-15: To repeal Ordinance 2011-1-24, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2009 Edition of the International Fire Code, with certain revised additions, deletions, and amendments, as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2011-4-16: To amend Ordinance No. 2008-12-3, Section IV, codified as Section 6-70 of Article III Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano to change the annual registration due date; providing a penalty clause, a repealing clause, a severability clause, a savings clause, a publication clause; and an effective date. (Consent Agenda Item “R”)

END OF CONSENT

Due to possible conflicts of interest, Mayor Pro Tem Dunlap stepped down from the bench on the following two items.

Bid No. 2011-119-B for Marsh Lane – Parker Road to Columbine Way to Jim Bowman Construction Company, L.P. in the amount of \$574,619 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Upon a motion made by Council Member Davidson and seconded by Council Member LaRosiliere, the Council voted 7-0 to approve Bid No. 2011-119-B for Marsh Lane – Parker Road to Columbine Way to Jim Bowman Construction Company, L.P. in the amount of \$574,619.

Bid No. 2011-91-B for the purchase of Evans Park- Parking and Fence Renovations- Project No. 5945 for the Parks Department to Ratliff Hardscape, Ltd. in the amount of \$118,297 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Callison, the Council voted 7-0 to approve Bid No. 2011-91-B for the purchase of Evans Park- Parking and Fence Renovations- Project No. 5945 for the Parks Department to Ratliff Hardscape, Ltd. in the amount of \$118,297.

Mayor Pro Tem Dunlap resumed his seat at the bench.

Due to possible conflicts of interest, Mayor Dyer stepped down from the bench on the following item.

Public Hearing and discussion concerning the Comprehensive Plan and Undeveloped Land Study as they relate to Major Corridor Development in the Coit Road/Bush Turnpike Area. (Regular Agenda Item “1”)

Director of Planning Jarrell provided a history of zoning and development in the area and reviewed the current zoning which includes Corridor Commercial for major properties and Light Industrial-1 adjacent to the railroad. She spoke to recommendations of the Planning and Zoning Commission that focused on the need to continue to preserve land for economic and employment generating uses especially in major tollway corridors while considering higher-density multifamily use in mixed-use urban centers. Ms. Jarrell advised that the Commission recommended that the location of potential sites for urban centers noted in the Urban Centers Study be added to the Future Land Use Plan and that additional locations be considered in the future.

She further stated that the area is not one of the locations identified in the Urban Centers Study which included the Park Boulevard/Preston Road intersection, Collin Creek Mall and Parker Road Station area. Ms. Jarrell stated that another recommendation of the Commission was that no single-family development should occur within the expressway corridors and major employment centers, but should be limited to complete neighborhoods with access to schools, parks and amenities. She reviewed the uses allowed in Light Industrial-1 zoning and spoke to the configuration of Mapleshade Lane. Mayor Pro Tem Dunlap spoke to the potential route and impact of the Cottonbelt line. Mayor Pro Tem Dunlap opened the Public Hearing. No one appeared to speak for or against the item. The Public Hearing was closed.

Mayor Dyer resumed his seat at the bench.

The following two items were read and considered concurrently.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-04 - Request to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard from Commercial Employment and Central Business-1 to Planned Development-Commercial Employment. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Applicant: USL Frisco II, LLC (Regular Agenda Item "2")

Consideration of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Parkwood Village, Block A, Lots 1 & 2 - Retail, restaurants and 400 multifamily units on two lots on 20.3± acres located at the southwest corner of Parkwood Boulevard and State Highway 121. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Applicant: USL Frisco II, LLC (Regular Agenda Item "3")

Planning Manager Firgens advised that the applicant has requested the items be tabled until the May 23, 2011, meeting.

Upon a motion made by Council Member Callison and seconded by Council Member LaRosiliere, the Council voted 8-0 to table the Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2011-04 and the Appeal of their denial of the Concept Plan for Parkwood Village until the May 23, 2011 City Council meeting.

Due to possible conflicts of interest, Mayor Dyer stepped down on the following two items which were read concurrently.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-05 - Request to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial and Light Industrial-1 to Planned Development-Corridor Commercial. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade. Applicant: Coit 190, L.P. and Harkins Plano, L.P. (Regular Agenda Item "4")

Consideration of an Appeal of the Planning & Zoning Commission’s Denial of the Concept Plan for Coit Center, Block A, Lots 1R, 8, & 9 and Block B, Lot 4R - Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane, and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade. Applicant: Coit 190, L.P. and Harkins Plano, L.P. (Regular Agenda Item “5”)

Planning Manager Firgens advised that the properties under consideration are currently undeveloped and separated by Mapleshade Lane and spoke to surrounding zoning including Corridor Commercial and Light Industrial-1. She spoke to consideration of land use as the applicant is proposing to develop the properties as either commercial or residential with first floor nonresidential uses in buildings fronting Coit Road and the concept plan reflecting 1,180 units. Ms. Firgens spoke to design standards for the three tracts: Tract A includes multistory residential buildings with surface parking and individual garages under units, a quasi-public street and the first phase of development (whether residential or nonresidential) will determine the uses and development standards for the remainder of the tract; Tract B is proposed to be developed as multifamily only if Tract A develops as such; the concept plan for Tract C shows a higher density multifamily building with structured parking only if Tract A were developed as such, but it may be developed in accordance with Corridor Commercial standards. She advised that Staff considered the potential for economic development on the site as envisioned by the Future Land Use Plan and felt that the current zoning was more suitable.

Ms. Firgens advised that the Planning and Zoning Commission took no affirmative action on the request with a vote of 4-4 so that a three-quarter vote of the Council is not required for approval. She spoke to the concerns of Commissioners voting in opposition: the proposed residential use is not consistent with the Future Land Use plan; multifamily is not in conformance with the Housing Density and Infill Policy Statements that recommend no residential uses within expressway corridors; determination of residential uses within commercial zoning should not be made on a case-by-case basis; the proposed residential use does not integrate with the existing adjacent retail and office uses to create a mixed-use development; and that there would be impacts on Coit Road traffic and school enrollment. Ms. Firgens responded to the Council, advising that the proposed concept plan is an independent document and may need revision based on the property’s zoning. She reviewed the uses permitted in Corridor Commercial zoning and Staff’s views that the site has potential for economic development, the current zoning allows for suitable uses, and the proposed multi-family zoning would not be an appropriate stand-alone use. Ms. Firgens spoke to letters received in support (5) and opposition (1) and to Tracts A and B exceeding the 1,200 foot criteria from a major thoroughfare.

Deputy Mayor Pro Tem Dunlap opened the Public Hearing. Kirk Williams, representing the applicant spoke to the request as the last phase of a 90-acre development started in 1999, City guidelines recognizing that pedestrian-oriented development may be appropriate in corridor areas, mixed-use policy statements, the Tri-City Retail Study findings of excessive retail in the City and requested the Council deny without prejudice the zoning for Tract B and approve Tract C for a maximum development of 300 units. Paul Gardner of Coit 190 Texas L.P., spoke to the history of the developer and other sites. He spoke to the area as being appropriate for urban-style development and made comparisons to Legacy Town Center. He spoke to the development having a minimal impact on school enrollment and contributing to the tax rolls.

Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2011-05 (cont’d)

Mr. Gardner reviewed plans for the area and spoke to it generating less traffic, increasing neighborhood values, completing a mixed-use development and bringing young and affluent citizens to this area of the City. He responded to the Council that comparisons to housing units in Legacy Town Center include townhomes, there would be no government-subsidized housing, all units would be rental with a size of 850-1000 square feet and one to two bedrooms. He further compared traffic separation at Mapleshade Lane to that of Legacy Drive. Director of Planning Jarrell spoke to conversion of some rental units in the City to condominiums and vice-versa and advised that zoning only sets uses and does not specify unit descriptions. Ms. Firgens spoke to Staff’s concerns that multi-family would not be appropriate as a stand-alone use at this location and in that context it does not qualify as a mixed-use development. She further responded regarding school attendance zones.

Ms. Jarrell advised that should the land be vacant, Staff would be looking for density and tight connections between uses and to consideration of the need to preserve land for economic development.

Shirley Ogden, of North Dallas Joint Venture, spoke to support by investors holding property to the west of this location. Robert Miller, representing the Plano Homeowners Council, spoke in opposition to the request, citing it as a multi-family use next to a retail center rather than a mixed-use development and stated concern that approval would set a precedent. Mr. Williams spoke to the development including pedestrian connectors and elements to ensure a close-knit community. He spoke to the need for workforce housing in the area and responded to the Council regarding the anticipated number of residents, walkways, connectivity, landscaping, open space, parking and units being planned as rentals. No one else spoke for or against the request. The Public Hearing was closed.

Deputy Mayor Pro Tem Miner stated concern that the plan is not what was envisioned by the Transition and Revitalization Commission, does not include walkability, and may set a negative precedent. Council Member LaRosiliere spoke to the request as a residential development abutted to retail uses, not a destination area. He spoke to the residents supporting the existing businesses, having an initial minimal impact to schools, consideration of locations on a case-by-case basis and in support of approval. Council Member Harris spoke to the City’s high ratio of multifamily zoning, but stated that this location would support existing businesses and spoke in support. Council Member Davidson spoke to consideration of this particular location and adding residents to stimulate the economy and generate business for retail. She spoke to an initially low number of students and spoke in support. Council Member Smith spoke to the request not being well-integrated and tightly connected, but stated it is a good use for this location and has some connectivity to area retail. Council Member Callison stated concerns regarding school enrollment and lack of connectivity and spoke to the potential for revitalization. Mayor Pro Tem Dunlap spoke to surrounding uses, lack of interest in the site, and the proposal not reflecting “new urbanism.” He spoke potential benefits to the tax base.

A motion was made by Council Member LaRosiliere and seconded by Council Member Davidson to approve the rezoning of 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial and Light Industrial-1 to Planned Development-Corridor Commercial as requested in Zoning Case 2011-05 as follows:

PLANNED DEVELOPMENT #1

Restrictions:

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein.

Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2011-05 (cont’d)

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Quasi-Public Streets:
 - a. A named quasi-public street shall be required connecting Mapleshade Lane and Coit Road as shown on the zoning exhibit.
 - b. Quasi-Public Streets Definition: Quasi-public streets are privately owned and maintained drives open to public access. A fire lane shall be located within all quasi-public streets. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of quasi-public streets.
3. Parking Regulations
 - a. The minimum required parking shall be as follows:
 - i. Multifamily - One and one-half spaces (1.5) per unit.
 - ii. Nonresidential uses on the first floor of multistory residential buildings: One space per 300 square feet of floor area.
 - iii. All other nonresidential uses: Parking requirements shall be determined as provided in Section 3.1100 (Off-Street Parking and Loading) of the Zoning Ordinance.
 - b. On-street parking adjacent to each lot may count toward the required parking for that lot and shall be permitted on both sides of interior public and quasi-public streets and fire lanes, except where prohibited for vehicular, fire, or pedestrian safety. Where on-street parking is provided, landscape islands a minimum six feet in width, shall be placed no less than every 150 feet of continuous on-street parking.
 - c. Tandem parking spaces in front of garages shall be a minimum of 20 feet in length, and shall not be used to satisfy the minimum parking requirements.
 - d. No parking is required for outdoor patio and sidewalk cafe/dining areas or other public seating areas except for freestanding restaurants.
4. Screening:
 - a. Off-street loading docks and service areas for nonresidential uses may not be located adjacent to or across a street or quasi-public street from buildings containing residential uses unless the loading dock or service area is screened in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations)
 - ii. Overhead doors if service area or loading dock is located internal to the building; or
 - iii. Any combination of the above.
 - b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless located internal to the building, and shall be screened from view from streets and required open space in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations);
 - ii. Overhead doors if refuse and recycling containers are located internal to the building; or
 - iii. Any combination of the above.

Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2011-05 (cont’d)

Specific Provisions of the Planned Development

Uses

1. Multifamily is a permitted use.
2. Nonresidential uses are permitted on the first floor of multistory residential buildings fronting on Coit Road.

General Development Standards

1. The subject property must be developed using the standards required by the PD district for multifamily development. However, the subject property may be developed solely with nonresidential uses in accordance with the Corridor Commercial (CC) zoning district and 190 Tollway/Plano Parkway Overlay District regulations contained within the Zoning Ordinance. The initial development for the subject property will determine the standards to be used for the remainder of the property.

Multifamily Standards

1. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence) and Subsection 3.117 (Usable Open Space).
2. The minimum floor area per dwelling unit shall be 500 square feet.
3. Minimum rear and side yard setbacks: none.
4. Quasi-public streets and required open space shall be excluded from density calculations.
5. Maximum Density: Maximum of 50 dwelling units per acre; not to exceed a maximum of 1,200 units.
6. Minimum Density: Minimum of 30 dwelling units per acre.
7. Maximum Lot Coverage: None.
8. Building Design:
 - a. Buildings fronting Coit Road:
 - i. Buildings with no first floor nonresidential uses: Minimum 30 foot setback.
 - ii. Buildings with first floor nonresidential uses must provide parking and drive aisles between the building face and Coit Road. The setback distance shall be a maximum of 125 feet.
 - iii. Buildings with first floor nonresidential uses, except for parking garages, shall have a minimum of 40% of the ground floor facade facing Coit Road comprised of window area. For the purposes of this standard, ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.
 - b. Buildings fronting Mapleshade Lane and Maplelawn Drive:
 - i. Setbacks: Buildings shall be constructed such that a minimum of 75% of the façade shall be located between a minimum of ten feet and a maximum of 25 feet from the right-of-way unless restricted by easements. Where easements are present, 75% of the building facade must be built to the easement line.
 - c. Buildings fronting quasi-public streets:
 - i. Setbacks: Buildings shall be constructed such that a minimum of 75% of the façade is located within 15 feet from the back of curb unless restricted by easements. Where easements are present, 75% of the facade must be built to the easement line.
 - d. The maximum building length along any facade shall be 300 feet.

Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2011-05 (cont’d)

- e. Garage doors for residential uses shall not directly face any public or quasi-public streets.

Design Standards

- 1. Streetscape at Public Streets:
 - a. Along Coit Road and Mapleshade Lane, sidewalks with a minimum width of six feet shall be placed a minimum of six feet from back of curb.
 - b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within public rights-of-way provided minimum six-foot accessible pathways are maintained.
- 2. Streetscape at Quasi-Public Streets:
 - a. Along quasi-public streets, sidewalks with a minimum width of six feet shall be placed adjacent to the back of curb except when landscape areas are provided.
- 3. Landscaping and Open Space:
 - a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District):
 - i. No landscape edge is required along quasi-public streets.
 - ii. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets.
 - b. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public and quasi-public streets. Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge.
 - c. A minimum of two one-acre open space areas shall be provided within Tract A and shall be open to the public at all times. Open space shall have a minimum dimension of 80 feet.
- 4. Fencing:
 - a. Fencing shall be permitted, except in the following areas:
 - i. Between the front facade of any building and any public or quasi-public street however, fencing shall be permitted for private residential yards at a maximum height of 48 inches above grade;
 - ii. Public parking; and
 - iii. Required open space.
 - b. Fencing must be a minimum of 50% open, except along railroad right-of-way.

PLANNED DEVELOPMENT #2

Restrictions:

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

- 1. The zoning exhibit shall be adopted as part of the ordinance.
- 2. Parking Regulations:
 - a. The minimum required parking shall be as follows:
 - i. Multifamily - One and one-half spaces (1.5) per unit.
 - ii. All other nonresidential uses: Parking requirements shall be determined as provided in Section 3.1100 (Off-Street Parking and Loading) of the Zoning Ordinance.

Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2011-05 (cont’d)

3. Screening:

- a. Off-street loading docks and service areas for nonresidential uses may not be located adjacent to or across a street or quasi-public street from buildings containing residential uses unless the loading dock or service area is screened in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations)
 - ii. Overhead doors if service area or loading dock is located internal to the building; or
 - iii. Any combination of the above.
- b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless located internal to the building, and shall be screened from view from streets and required open space in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations);
 - ii. Overhead doors if refuse and recycling containers are located internal to the building; or
 - iii. Any combination of the above.

Specific Provisions of the Planned Development

Uses

- 1. Multifamily is a permitted use.

General Development Standards

- 1. The subject property may be developed as multifamily in accordance with the multifamily standards in this ordinance (PD #2), only if the property located within PD #1 is also developed as multifamily. Otherwise, the subject property shall be developed in accordance with the Corridor Commercial (CC) zoning district and 190 Tollway/Plano Parkway Overlay District regulations contained within the Zoning Ordinance.

Multifamily Standards

- 1. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence) and Subsection 3.117 (Usable Open Space).
- 2. The minimum floor area per dwelling unit shall be 500 square feet.
- 3. Minimum rear and side yard setbacks: none.
- 4. Maximum Density: Maximum of 80 dwelling units per acre; not to exceed a maximum of 300 units.
- 5. Minimum Density: Minimum of 50 dwelling units per acre.
- 6. Maximum Lot Coverage: None.
- 7. Maximum Floor to Area Ratio: None.
- 8. Building Design:
 - a. Buildings fronting to Mapleshade Lane and Silverglen Drive:
 - i. Buildings shall be constructed such that a minimum of 75% of the facade is located within 25 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 75% of each facade must be built to the easement line.

Design Standards

- 1. Streetscape at Public Streets:
 - a. Along public streets, sidewalks with a minimum width of six feet shall be placed a minimum of six feet from back of curb.

Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2011-05 (cont’d)

2. Landscaping:
 - a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District):
 - i. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public streets. Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge.
 - ii. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets.

The City Council’s motion included denying the rezoning of Tract B (Coit Center Addition, Block A, Lot 8) therefore the existing Corridor Commercial zoning remains in place. The Council voted 6-1 with Deputy Mayor Pro Tem Miner voting in opposition. The motion carried.

Upon a motion made by Council Member Smith and seconded by Council Member Larosiliere the Council voted 7-0 to refer consideration of an appeal of the Planning & Zoning Commission’s Denial of the Concept Plan for Coit Center, generally at the northeast corner of Coit Road and Mapleshade Lane and the southwest corner of Mapleshade Lane and Silverglen Drive back to the Planning and Zoning Commission for action, due to the approval of companion Zoning Case 2011-05 with changes to the planned development stipulations.

Mayor Dyer resumed his seat at the bench.

Public Hearing and adoption of Resolution No. 2011-4-17(R) to adopt the City of Plano Heritage Preservation Plan 2011 and approving it as a guide for the heritage preservation efforts of the City (while not binding the City to specific expenditures), private investment in historic resources, and code and ordinance amendments relating to development, redevelopment, preservation and revitalization of the historic areas of the City of Plano, Texas; and providing an effective date. (Regular Agenda Item “6”)

Heritage Commission Chair Anne Quaintance-Howard reviewed the document appendices including a summary of the current program, Plano’s major historic assets, definitions of architectural styles, glossary of terms, information on community feedback, and a bibliography of source materials.

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member LaRosiliere, the Council voted 8-0 to adopt the City of Plano Heritage Preservation Plan 2011 and further to adopt Resolution No. 2011-4-17(R).

Nothing further was discussed and Mayor Dyer adjourned the meeting at 9:39 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary