PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
NOVEMBER 12, 2012

COUNCIL MEMBERS PRESENT
Phil Dyer, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher

COUNCIL MEMBERS ABSENT
Lee Dunlap

STAFF PRESENT
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 5:30 p.m., Monday, November 12, 2012, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was 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; receive information regarding Economic Development, Section 551.087, and Real Estate, Section 551.072 and to discuss Personnel, Section 551.074 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 6:22 p.m.

Consideration and action resulting from Executive Session discussion

No items were brought forward.

Comprehensive Monthly Financial Report

Controller Cockrell advised that the September 2012 report represents the end of the City's fiscal year and that actual General Fund revenues are up $11.5 million, primarily due to an increase in ad valorem taxes, an increase in sales tax resulting from an audit adjustment, and increases in court fines. She noted that almost every fund has expenditures under budget and that those in the General Fund will be approximately $4.5 million under re-estimates. She advised that when final figures are in, the City should end the year with a net increase in the General Fund of $8.1 million as compared to FY 2011's increase of $3.4 million and FY 2010's decrease of $1.3 million.

Ms. Cockrell spoke to sales tax collections of $70 million and a rebounding real estate market and advised that since publication of the report, the City's unemployment rate has declined to 5.6%.

Council items for discussion/action on future agendas

Mayor Pro Tem Smith requested an update regarding the FEMA Flood Plan. City Manager Glasscock advised that a report will be brought forward for the November 26 meeting.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:29 p.m.

_____
Phil Dyer, MAYOR

ATTEST

_____
Diane Zucco, City Secretary

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Mayor Dyer convened the Council into the Regular Session on Monday, November 12, 2012, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor John Omewah of Redeemed Christian Church of God – Heavens Glorious Embassy led the invocation and Webelos 1 of Cub Scout Pack 285 – St. Mark Catholic School led the Pledge of Allegiance.

Mayor Dyer recognized the Salvation Army and Red Kettle Program and graduates of the Plano Citizens Government Academy. Mayor Dyer accepted, on behalf of the City, certification as a "Scenic City."

COMMENTS OF PUBLIC INTEREST

Citizen Richard Howe spoke in support of promoting solar energy in the City of Plano.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
October 22, 2012

Approval of Expenditures

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

CSP No. 2012-328-B for Wentworth and Tennyson Elevated Tanks project to J.R. Stelzer Company in the amount of $468,384 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2012–238–B–R for the 2011-2012 Manhole Rehabilitation Project, Project No. 6241 to Standard Cement Materials, Inc. in the amount of $527,440 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2012-334-B for Ridgeview Ground Storage Reservoirs project to J.R. Stelzer Company in the amount of $559,602 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Bid No. 2012-312-B for the Alley Reconstruction Plano East project to Zagros Construction Company in the amount of $574,455 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

Bid No. 2012-287-B for purchase and installation of Idle Reduction and Data Collector Units for the Police Department to Energy Xtreme, LLC, in the amount of $532,880 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

Bid No. 2012-319-C for a one (1) year contract with three (3) City optional renewals to purchase Janitorial and Laundry Supplies for Inventory Control & Asset Disposal (ICAD) from Amsan, LLC, Eagle Brush & Chemical, Inc., Empire Paper, MedWaste Solutions, Inc., and XPEDX for an estimated amount of $51,185 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

Rescind award of Contract 2008-88-C Traffic Signal Pre-Emption Equipment to BIKO Inc., and rescind awarded line items 3 & 9 from Contract 2009-40-C Traffic Markers to BIKO Inc. (Consent Agenda Item "H")

Purchase from an Existing Contract

To ratify and approve the purchase of the installation of a wireless irrigation connectivity project in the amount of $73,368 from Scientel Wireless, LLC through an existing HGAC contract and authorizing the City Manager to execute all necessary documents. (HGAC CW10-09) (Consent Agenda Item "I")

To approve Amendment 4 to the Verizon Business Services Agreement with Verizon Business Network Services, Inc. on behalf of MCI Communications Services, Inc. to terminate existing Dedicated Internet Access Services and accept the vendor's agreement to waive all early termination fees; and to approve the purchase of Dedicated Internet Access Services with Verizon Business Network Services on behalf of MCI Communications Services, Inc. for a period of 18 months in the amount of $185,280 through an existing Department of Information Resources contract and authorizing the City Manager to execute all necessary documents. (DIR-NG-CTSA-010) (Consent Agenda Item "J")

To approve the purchase of replacement desktop and laptop computers in the amount of $602,510 from Dell Marketing, LP through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-890) (Consent Agenda Item "K")

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve a Professional Services Agreement by and between the City of Plano and Urban Engineers Group, Inc., in the amount of $84,580 for the Alley Replacement Dallas North Estates and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "L")

To approve a Professional Services Agreement by and between the City of Plano and Wier & Associates, Inc., in the amount of $131,300 for Robin Road and Linda Lane Paving and Water Line Replacement, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "M")

To approve a Professional Services Agreement by and between the City of Plano and Pipeline Analysis, LLC, in the amount of $1,131,881 for Rowlett Creek Basin Sanitary Sewer Assessment and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "N")

Approval of Expenditure

To approve an estimated expenditure of $57,125 with North Central Texas Council of Governments (NCTCOG) to engage the services of Atkins North America, Inc. on behalf of the City of Plano for compliance with the Texas Pollutant Discharge Elimination System (TPDES) storm water permit requirements; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "O")

To approve the purchase of Cisco Switch Software and Hardware Annual Maintenance in the amount of $248,102 from INX, LLC, a Presidio Company through the Department of Information Resources contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386) (Consent Agenda Item "P")

Adoption of Resolutions

Resolution No. 2012-11-1(R): To approve the terms and conditions of a Second Amendment to Office Lease by and between Granite Park III, Ltd., and the City of Plano for Granite Park Three Office Building; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "Q")

Resolution No. 2012-11-2(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Mobius Partners, Inc. and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "R")

Resolution No. 2012-11-3(R): To approve the terms and conditions of an Interlocal Agreement by and between the North Central Texas Council of Governments (NCTCOG) and the City of Plano providing terms and conditions for an Expanded Regional Storm Water Management Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "S")

Resolution No. 2012-11-4(R): To adopt a 2013 State Legislative Program for the City of Plano, Texas; directing the City Manager to act with regard to the City's Legislative Program; and providing an effective date. (Consent Agenda Item "T")

Resolution No. 2012-11-5(R): To approve the terms and conditions of an agreement by and between North Central Texas Trauma Regional Advisory Council and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "U")

Resolution No. 2012-11-6(R): To approve the terms and conditions of an annual maintenance contract in the annual amount not to exceed $300,000 by and between the City of Plano and Motorola Solutions, Inc., the sole source provider for depot repairs, and technical support for the City of Plano's MESH data devices; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "V")

Resolution No. 2012-11-7(R): To review and approve the City's written Public Funds Investment Policy; and providing an effective date. (Consent Agenda Item "W")

Resolution No. 2012-11-8(R): To repeal Resolution No. 2012-7-6(R) and adopt this resolution nominating Denbury Onshore, LLC, to the Office of the Governor, Economic Development and Tourism through the Texas Economic Development Bank for designation as an Enterprise Project under the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Texas Government Code, Chapter 2303; and providing an effective date. (Consent Agenda Item "X")

END OF CONSENT

Resolution No. 2012-11-9(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2012 and providing an effective date. (Regular Agenda Item "1")

Treasurer Conklin advised that the quarterly investment report must be formally presented on an annual basis to comply with the Texas Public Funds Investment Act. She spoke to maintaining a market value greater than the book value of assets, the fluctuation of assets over the fiscal year as ad valorem taxes flow into the City and expenses occur, diversification of assets and maturities and comparison of the portfolio to benchmarks. Ms. Conklin spoke to the City's yield in the quarter and fiscal year, the level of interest rates, laddering of investments and the portfolio's value.

Resolution No. 2012-11-9(R):

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to approve the Investment Portfolio Summary for the quarter ending September 30, 2012, and further to adopt Resolution No. 2012-11-9(R).

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-26 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, amending Heritage Resource Designation No. H-4 to allow the additional use of Assembly Hall, 0.5± acre located at the northwest corner of M Avenue and 16th Street, presently zoned Multifamily Residence-1 with Heritage Resource Designation H-4; 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, a publication clause, and an effective date. Applicants: Stanley E. & Pat M. Black (Regular Agenda Item "2")

Development Review Manager Firgens spoke to the Carpenter House's designation as a heritage resource in 1982 and revision in 1992 to allow for bed/breakfast as an additional permitted use. She spoke to the home's location within a residential neighborhood, reviewed the process for consideration of an additional use and the zoning running with the land. Ms. Firgens advised that the request would allow for weddings and events which have been held on the property for years. She stated that while not permitted, the City has not enforced the noncompliant use due to the lack of complaints received from neighboring property owners, but that during June 2012 complaints were received and enforcement was pursued resulting in the request to amend the property's designation. Ms. Firgens advised that the Planning and Zoning Commission recommended approval subject to the following:

1. Allow assembly hall use as defined in Section 1.600 (Definitions) of the Zoning Ordinance, as an additional permitted use with the following restrictions:

    a. The maximum occupancy for the property (including indoor and outdoor) shall collectively be 45 people (inclusive of staff and guests);

    b. No outdoor or indoor activity shall occur after 10:00 p.m.; and

    c. No amplified music allowed on the property.

Ms. Firgens advised that should the Council approve the request, the applicant will need to obtain site plan approval for a proposed parking lot and a Certificate of Occupancy. She further advised that because adjacent property owners' opposition constitutes more than 20% of the land within the 200-foot notice area, approval requires a three-quarter majority vote.

Mayor Dyer opened the Public Hearing. Robert Miklos, representing the applicant, spoke to efforts to meet the concerns of neighbors and the owner's belief that use as a wedding chapel was permitted based on history. He advised that the City issued a cease and desist order in the summer and that the applicant is working to validate zoning for compliance. Mr. Miklos spoke to approval by the Heritage/Planning and Zoning Commissions, a reduced number of event attendees, plans for parking on the property and available parking in the area, restrictions on hours of operation/sound and requested approval.

Zoning Case 2012-26 (cont'd)

Applicant Pat Black spoke to the tradition of use at this location, the economic impact of event attendees, concessions made to address neighborhood concerns and the low number of complaints. Applicant Stan Black spoke to their stewardship in Plano, types of events held, average attendance, planned additional parking, and a pledge to work with neighbors. Citizen Randy Wright spoke to illegal use of the property, complaints, and concerns of neighbors. He spoke to zoning running with the land, spot zoning, and the residential nature of the area and requested the Council deny the item. Citizen Janis Allman spoke to negative interaction with those attending events, issues of enforcement, in support of bed/breakfast use and requested denial. Citizens Donna Heleins and Diane Stratton spoke to noise and parking concerns and requested denial. Citizen Debbie Cole Hamilton spoke to the owners not occupying the home and concerns regarding an assembly hall use in a residential neighborhood. Travis Black spoke in support of the request and efforts to resolve complaints when they occur. Citizen Julie Owens spoke in support of the request, lack of complaints and offered her property for overflow parking. She spoke to the potential for multi-family uses on the property. Mr. Miklos spoke to use of the site for twelve years without complaint, preservation/appropriateness of the use in the location, enforceability of proposed restrictions and requested approval. No one else spoke for or against the request. The Public Hearing was closed.

Ms. Firgens spoke to the ability to use off-site parking within 300 feet of the property, the ability to designate such a use on historic resource property, and consideration/denial of another request which was found incompatible by the Heritage Commission. She advised the Council that multi-family zoning applies; but, that the structure is protected by the Heritage designation.

The Council commended both sides on their presentations. Council Member Miner spoke to other assembly halls in the City that are not located in residential neighborhoods and have large parking areas. He stated support for the bed/breakfast use, but concern with a more commercial venture in a historic/residential portion of the City and stated his recommendation to deny the request. Council Member Gallagher spoke to the priority to develop the downtown and east Plano areas, cooperation of commercial and residential partners, and in support of the request. Mayor Pro Tem Smith and Council Members Davidson and Duggan spoke to concessions given by the applicants, importance of the Carpenter House to the downtown area and in support of the request. City Manager Glasscock advised the Council that there have been no nuisance reports registered for two years. Deputy Mayor Pro Tem Harris spoke in support of the request, citing the lack of complaints and efforts to accommodate parking and requested the parties work together in the future.

Mayor Dyer spoke to residential uses in the area and importance of the Carpenter House. He spoke to there being other ways to preserve the site and denial of the request.

Council Member Miner made a motion to deny the request. The Council spoke to the opportunity for additional discussion among the parties and subsequent consideration and Mr. Miner retracted his motion.

Upon a motion made by Council Member Miner and seconded by Council Member Gallagher, the Council voted 7-0 to table the request until the December 10, 2012, Council meeting.

Public Hearing and adoption of Ordinance No. 2012-11-10 as requested in Zoning Case 2012-29, to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) and Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Article 5 (Site Plan Review), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to create the Urban Mixed-Use zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "3")

Director of Planning Jarrell advised that in April 2012, the Council amended the Comprehensive Plan to assist in the creation of an Urban Mixed-Use area while reserving sufficient land for employment and economic development related uses. She spoke to the underlying goals of the new district including higher density, compact and pedestrian-oriented development, inclusion of street grids, a variety of open space areas, reduced parking and a size of between 25-200 acres. Ms. Jarrell spoke to development that may take 10-15 years or longer to complete and establishment of a development plan to guide construction; inclusion of a governance association to assume responsibility for common areas; required inclusion of three or more use categories; an average residential density of 40 dwelling units per acre; inclusion of 20,000 square feet of nonresidential space in the first phase of development; block sizes limited to three acres; and a central "main street" element. She spoke to work with developers and reviewed requirements for a mix of uses from "primary, secondary and tertiary" categories. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (New ordinance language is underlined; strikethroughs indicate changes to existing ordinance language.)

2.829 UMU - Urban Mixed-Use

1. Purpose
   The UMU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The UMU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate.
2. Permitted Uses
   See Subsection 2.502 Schedule of Permitted Uses for a complete listing.
3. Area, Yard, and Bulk Requirements

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner	Interior Side Yard - None Exterior Side Yard (Corner

	Lot) - Shall be treated the same as front yards.	Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story
Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unair-conditioned space.
c. Gross Leasable Area - The total floor area intended for tenant occupancy and exclusive use, but excluding garages, patios, attics, balconies, roof decks, and other exposed or un-air-conditioned space.
d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
e. Effective Residential Density - A measure applied to a mixed-use building which includes residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the gross leasable area of nonresidential and/or live/work/flex space divided by the average residential unit size.
f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.

Ordinance No. 2012-11-10 (cont'd)

g. Block - An area enclosed by streets on all sides, excluding divisions created by fire lanes, alleys, and service drives.
h. Block Length - The distance along a street face uninterrupted by an intersecting street, excluding intersections with alleys and service drives.
i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.
j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unair-conditioned space.

5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

a. Requirement for an adopted development plan
b. Requirement for a governance association
c. Minimum residential densities for multifamily development
d. Requirement to maintain three or more uses
e. Requirement for nonresidential uses to be constructed within the first phase of development

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, including the minimum and maximum amount of gross floor area designated for each category of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district and shall only be amended by the same process by which it was created. (See Section 5.500 Adopted Development Plan.)

Ordinance No. 2012-11-10 (cont'd)

7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. Only residential, retail, and office/institutional may be a primary use category. A primary use category must include not less than 50% or more than 70% of the gross floor area. Secondary use categories must include not more than 40% or less than 20% of the gross leasable area. Tertiary uses shall not represent more than 20% of the gross floor area. The percentage of primary, secondary, and tertiary uses is to be defined in the adopting ordinance. The primary use must always be the largest amount of actual building area constructed and under construction. Use categories are designated below:

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

a. If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments of 5-12 stories in height.

Ordinance No. 2012-11-10 (cont'd)

b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual and effective residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses.

c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building,

10. Streets and Sidewalks

a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.

b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:

i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.
ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)
iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)
iv. Mews Street (Single-Family Attached) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.
v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane

c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.

d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.

Ordinance No. 2012-11-10 (cont'd)

e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.

f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street (two 11-foot travel lanes with parallel or diagonal parking). Buildings of a minimum of two stories shall front onto the main street. No parking garages or surface parking lots shall directly abut the main street. A 600 foot to 1,200 foot section of the street shall be the activity center of the district core. This area shall have the highest concentration of retail, restaurant, and entertainment square footage in the UMU district. The maximum width of store fronts in this area shall be limited to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street. It shall also designate the location of at least 60% of the gross floor area along the main street for primary and secondary uses.

g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.

h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of 7 feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

11. Usable Open Space

a. Usable public open space shall be provided in an amount not less than 5% or more than 10% of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located within the main street area required in 10.f. above. Smaller usable open spaces may also be provided. Individual public open space areas shall be no larger than three acres or smaller than one-quarter acre. The plan for the arrangement of common open space must be adopted when the district is established. It may be amended only through the same process as the district was created. The common open space is to be maintained by the association.

Ordinance No. 2012-11-10 (cont'd)

b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.
c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

12. Parking Requirements

a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross leasable area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of the capped parking requirement for the entire development, as shown on the development plan, may be located in a surface parking lot. Parking in excess of 10% over the above maximum caps may be provided only in parking garages.
b. Parking for multifamily residential uses shall be required as follows:
   i. One bedroom or less: One parking space per unit
   ii. Two bedrooms: 1.5 parking spaces per unit
   iii. Three bedrooms or more: Two parking spaces per unit
c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
d. All surface parking lots with 50 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.
f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.

h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

Ordinance No. 2012-11-10 (cont'd)

13. Building Placement and Design

a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.
d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of 10 feet.

14. Single-Family Attached (Townhouse) Residence Regulations

a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
b. Maximum Density: 40 dwelling units per acre
c. Minimum Density: 25 dwelling units per acre
d. Minimum Floor Area per Dwelling Unit: 800 square feet
e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
f. Maximum Building Length: 200 feet
g. Buildings must be separated by a minimum distance of ten feet.
h. No usable open space areas are required.
i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be 5 or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

15. Additional Requirements and Restrictions

a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
c. The regulations, specifications, and design standards for signs contained in Subsection 3.1605 (Downtown Sign District) Area A shall apply unless otherwise specified in this ordinance or in the adopted development plan.

Ordinance No. 2012-11-10 (cont'd)

Article 2. Zoning Districts and Uses

2.502 Schedule of Permitted Uses

Uses to be allowed in the Urban Mixed-Use district by right are listed below:

Adult Day Care Center
Antenna
Antenna Support Structure (Commercial and Amateur)
Antique Shop
Assembly Hall
Assisted Living Facility
Automobile Parking Lot/Garage
Bank, Savings and Loan, or Credit Union
Commercial Amusement (Indoor)
Construction Yard (Temporary)
Continuing Care Facility
Convenience Store (without gasoline pumps)
Day Care Center
Day Care Center (Accessory)
Field Office
Florist Shop
Food/Grocery Store
Fraternal Organization, Lodge, or Civic Club
Furniture, Home Furnishings, and Equipment Store
Gymnastics/Dance Studio
Health/Fitness Center
Home Occupation
Homebuilder Marketing Center
Hospital
Hotel/Motel
Independent Living Facility
Laundromat
Licensed Massage Therapy
Live/Work/Flex Space
Long-term Care Facility
Medical Office
Multifamily Residence
Office-Professional/General Administrative
Park/Playground
Personal Service Shop
Pet Shop
Post Office
Print Shop (Minor)
Private Club
Private Utility (other than listed)
Religious Facility
Research and Development Center
Restaurant/Cafeteria (no drive-through service)
Retail Stores and Shops
School – Primary or Secondary (Private)
School - Primary or Secondary (Public or Parochial)
Single-Family Residence Attached
Studio for Photographer, Musician, Artist, Radio, and/or TV
Tattooing and Permanent Cosmetics (See End Note 37; permitted as an accessory use to a personal service shop only and allowed in districts where that use is permitted, and in accordance with Subsections '3.116 Tattooing, Permanent Cosmetics, and Body Piercing' and '2.502 Schedule of Permitted Uses')
Theater - Neighborhood
Transit Center/Station
Transportation and Utility
Structures/Facility
University/College
Utility Distribution/Transmission Line

Ordinance No. 2012-11-10 (cont'd)

Uses to be allowed by specific use permit are listed below:

Arcade
Theater - Regional
Trade/Commercial School

Article 5. Site Plan Review

5.500 Adopted Development Plan

5.501 General

An adopted development plan must accompany a zoning petition for the Urban Mixed-Use zoning district and is only applicable in conjunction with that specific district. The purpose of the plan is to:

1. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
2. Determine the placement, configuration, coverage, size, use, and height of buildings.
3. Specify the primary, secondary, and tertiary categories of land use, including the minimum and maximum number of residential units.
4. Determine the design of public and private street improvements and rights-of-way and the design and location of drives, aisles, and parking.
5. Determine location and preliminary design of open space, landscaping, walls, screens, and amenities.
6. Enumerate all standards, conditions, performance, and implementation requirements not contained within the base zoning district.
7. Determine the preliminary design of drainage facilities and utilities.

5.502 Applicability

An adopted development plan approved as part of the zoning action establishing an Urban Mixed-Use district shall be required prior to the consideration of a preliminary site plan or site plan for development of property defined in Subsection 5.101 and located within an Urban Mixed-Use zoning district. The adopted development plan must include all property contained within the district.

Ordinance No. 2012-11-10 (cont'd)

5.503 Application Procedure and Requirements

1. Pre-application

Before preparing an adopted development plan, the applicant shall meet with the staff of the Planning and Engineering Departments. The purpose of the pre-application meeting is to review the proposed development with regard to storm water quality and quantity goals of the City of Plano's Texas Commission on Environmental Quality (TCEQ) Non-Point Discharge Elimination System (NPDES) permit and the proposed development for general compliance with development regulations as well as to discuss application procedures and submittal requirements.

2. General Application

The property owner shall file an application for the approval of an adopted development plan in conjunction with a petition for Urban Mixed-Use zoning. This application shall include the information listed below on one, dimensioned, scaled drawing on a sheet size 24" x 36". The drawing shall include existing and proposed site conditions and improvements, as follows:

a. Site boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.
b. Location map, north arrow, scale, title block, and site data summary table.
c. Topography at two foot contours or less.
d. Natural features including tree masses and anticipated tree loss, floodplains, drainage ways, and creeks. (See Section '3.1200 Landscaping Requirements'.)
e. Land use onsite and on adjacent properties, including the primary, secondary, and tertiary categories of land use.
f. Building locations and footprints, including building size, intensity, density, height, setback, and use.
g. Public streets, private drives, and fire lanes with pavement widths, rights-of-way, median openings, turn lanes (including storage and transition space), and driveways (including those on or planned on adjacent property) with dimensions and radii.
h. Parking areas and structures, aisles and spaces, handicap spaces, ramps, crosswalks, and loading areas with typical dimensions.
i. Access easements and offsite parking.
j. Proposed dedications and reservations of land for public use including, but not limited to, rights-of-way, easements, park land, open space, drainage ways, floodplains, and facility sites.
k. Screening walls, fences, living screens, retaining walls, headlight screens, and service area screens.
l. Landscaping and open space areas. (See Section '3.1200 Landscaping Requirements'.)
m. Phases of development, including delineation of areas, building sites, land use, and improvements to be constructed in independent phases and the scheduled timing and sequencing of development.

Ordinance No. 2012-11-10 (cont'd)

n. If the proposed development intends to take advantage of development incentives as defined in Section 3.1700 (Storm Water Management), the areas of the site intended for storm water conservation shall be delineated. (ZC 2006-02; Ordinance No. 2006-4-24)

3. Standards of Approval

The Planning & Zoning Commission and City Council may approve, conditionally approve, table, or deny an adopted development plan based on: (See Section '5.900 Appeals'.)

a. Conformance with the Comprehensive Plan and adopted design guidelines.
b. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property.
c. Compliance with previously approved, valid site-specific storm water management plan. (ZC 2006-02; Ordinance No. 2006-4-24)
d. Impact on the site's natural resources and effect on adjacent and area property and land use.
e. Safety and efficiency of vehicular and pedestrian circulation, traffic control, and congestion mitigation.
f. Safety and convenience of off-street parking and loading facilities.
g. Access for firefighting and emergency equipment to buildings.
h. Use of landscaping and screening to shield lights, noise, movement, or activities from adjacent properties and to complement the design and location of buildings and parking.
i. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

4. Effect

Approval of an adopted development plan by the Planning & Zoning Commission and City Council shall constitute authorization by the city for the owner(s) to submit an application for preliminary site plan approval for development of the entire site or a portion thereof provided that the preliminary site plan conforms to the adopted development plan and any conditions attached to its approval. As long as the adopted development plan remains valid, the location of buildings, landscape areas, open space, streets, drives, fire lanes, median breaks, curb cuts, and parking shall remain fixed except as to permit minor adjustments resulting from subsequent engineering improvements or to prevent a condition affecting public health or safety which was not known at the time of approval. Except where authorized by ordinance, an adopted development plan may not be used to approve an exception to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

5. Lapse

An adopted development plan does not have an expiration date and is valid as long as the property retains the Urban Mixed-Use zoning classification. (See Section 5.600 for amendment procedures.)

Ordinance No. 2012-11-10 (cont'd)

~~5.500~~5.600 Amendments

At any time following the approval of a concept plan, preliminary site plan, adopted development plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan. Amendments to previously approved storm water conservation areas, increases in building height and/or building proximity to an adjacent offsite residential use, and all other amendments shall be considered major amendments and may be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan. Major amendments to an adopted development plan for the Urban Mixed-Use District may only be approved through the same process by which it was initially adopted. The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

~~5.600~~5.700 Extension and Reinstatement Procedure

1. Sixty days prior to or following the lapse of approval for a concept plan, preliminary site plan, or site plan as provided in these regulations, the property owner may petition the Planning & Zoning Commission to extend or reinstate the approval. Such petition shall be considered at a public meeting of the Planning & Zoning Commission.

2. In determining whether to grant such request, the Planning & Zoning Commission shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted regulations shall apply to the plan. The Planning & Zoning Commission shall extend or reinstate the plan, or deny the request, in which instance the property owner must submit a new application for approval.

3. The Planning & Zoning Commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning & Zoning Commission may also specify a shorter time for lapse of the extended or reinstated plan than is applicable to original approvals.

Ordinance No. 2012-11-10 (cont'd)

~~5.700~~5.800 Revocation of Approval

The City Council or the Planning & Zoning Commission may revoke approval of a concept plan, preliminary site plan, adopted development plan, or site plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information which affects a significant health or safety interest.

Any plan approved prior to March 13, 1986, on which no progress has been made toward completion of the project ~~will expire~~ expired as of May 11, 2004. All other plans expire according to the lapse of approval standards within this section. (ZC 2003-15; Ordinance No. 2003-9-22)

~~5.800~~5.900 Appeals

(ZC 96-23; Ordinance No. 96-6-20)

The decision of the Planning & Zoning Commission to approve or deny a concept plan, preliminary site plan, adopted development plan, and site plan shall be final and binding unless an appeal of the decision is made to the City Council. The applicant, Director of Planning, or two members of City Council may appeal the decision of the Commission with regard to a plan by filing a Notice of Appeal in the office of the Director of Planning, no later than ten days after the date on which the Commission notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission at a public meeting. Written notice of any appeal shall be sent to the property owner. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The City Council shall consider the appeal at a public meeting no later than 45 days after the date on which the Notice of Appeal is filed. The City Council may affirm, modify, or reverse the decision of the Commission and may, where appropriate, remand the plan to the Commission for further proceedings consistent with City Council's decision.

~~5.900~~5.1000 Additional Development and Redevelopment

Following the completion of improvements shown on an approved site plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised site plan. Minor expansions and redevelopment may be approved by the Director of Planning under the terms of Section ~~5.500~~5.600. All other expansions or redevelopment shall require submittal of a revised site plan and the approval of the Planning & Zoning Commission under the requirements and procedures then in effect.

Ordinance No. 2012-11-10 (cont'd)

~~5.1000~~5.1100 Design Standards and Specifications

The following design standards and specifications are incorporated by reference into this ordinance:

Design Standards and Specifications
Water & Sewer Design Manual
Standard Construction Details
Standard Specifications for Public Works Construction with City of Plano Special Provisions
Thoroughfare Standards Rules & Regulations
Flood Damage Prevention Ordinance
Erosion Control Ordinance
Storm Drainage Design Manual
Fire Code
Retail Corner Design Guidelines
Multifamily Design Guidelines
Subdivision Ordinance
Downtown Development Plan
Douglass Area Study
White Rock Creek and Tributaries Floodplain Management Study
Comprehensive Plan Design Studies Element
Spring Creekwalk Master Development Plan

Mayor Dyer opened the Public Hearing. Lucy Billingsley of Billingsley Company stated concern regarding forced structured parking and its impact on rental rates and the ability to accommodate a variety of products within such developments. Lucilo A. Peña, of Billingsley Company thanked Staff for their work and stated concern regarding the potential for townhomes given the required density, floor-area ratio and three-acre block restriction. Ms. Billingsley and Mr. Peña spoke to working on future developments. Ms. Jarrell spoke to the recommendation allowing for a mix of residential uses and providing walkable blocks. She spoke to hospitals, schools or parks which could have a larger footprint. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Davidson, the Council voted 7-0 to amend Subsection 2.502 of Section 2.500 and Section 2.800 of Article 2, Article 5 and related sections of the Comprehensive Zoning Ordinance of the City to create the Urban Mixed-Use zoning district as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-29; and further to adopt Ordinance No. 2012-11-10.

Public Hearing and adoption of Ordinance No. 2012-11-11 to amend the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) to amend the Mixed-Use Policy Statement with guidelines for reviewing zoning requests for mixed-use projects; providing procedures approving the utilization of said policy statement by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano (Regular Agenda Item "4")

Planning Manager Firgens advised that the Mixed-Use Policy Statement was approved in 2009 to provide guidelines when reviewing requests. She stated that the proposed changes reflect consistency with redevelopment and undeveloped land policy recommendations and Urban Mixed-Use standards. Ms. Firgens spoke to providing clarification regarding: land area for urban centers, multi-family densities, public open space, parking, residential setbacks and design parameters. She advised that the policy statement will assist with assessment and appropriateness of urban mixed-use zoning requests and may require additional amendments with the creation of neighborhood mixed-use standards. Ms. Firgens advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to amend the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) to amend the Mixed-Use Policy Statement with guidelines for reviewing zoning requests for mixed-use projects; as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2012-11-11.

Mayor Dyer spoke regarding his service on Council and advised that he would not be seeking reelection in May 2013. Nothing further was discussed. Mayor Dyer adjourned the meeting at 9:20 p.m.

_____
Phil Dyer, MAYOR

ATTEST

_____
Diane Zucco, City Secretary