

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
October 25, 2010**

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

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
LaShon Ross, Deputy City Manager
Mark Israelson, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:05 p.m., Monday, October 25, 2010, 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; to receive information regarding Economic Development, Section 551.087; and 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 6:50 p.m.

Consideration and Action Resulting From Executive Session

No items were brought forward.

Personnel Appointments: Self Sufficiency Committee

The Council deferred the appointment.

Energy Efficiency Community Block Grant Update

Director of Environmental Services and Sustainability Nevil spoke to receipt of \$2.5 million in grant funds and work to prioritize and develop projects with long-term savings and positive environmental impact. She advised that the only complete project is the installation of PC Shutdown Software which allows technicians to "wake up" computers for upgrades.

Ms. Nevil reviewed the status of other projects including LED Parking Lot Lighting, Solar Water Heater - Fire Station 11, and Replacement Chillers - Haggard Library and Senior Center. She advised that work has not started on solar projects or charger stations and spoke to bidding for the *Water-to-Fuel Feasibility Study* and demos of dual-arm trash collection trucks.

Sustainability & Environmental Services Manager Smouse spoke to the Energy Audit and Weatherization Grant Program (\$625,000) available for City households and advised that applications include attic insulation, caulking/weather-stripping, water heater jackets, outlet/light switch gaskets, replacement/repair of duct sealing, and solar screen/window films. Mr. Smouse spoke to the Residential Energy Improvement Loan Program (\$750,000) for more complete energy projects and spoke to funding methods and program development for applications including complete weatherization, energy monitoring/management systems, CFL light fixtures, tankless water heaters, HVAC, heat pump, window replacement, solar hot water or photovoltaic arrays and geothermal heating/cooling systems. Ms. Nevil responded to the Council, advising that monies must be spent by September 2012.

Discussion/Direction re Annual Fire Inspection Program

Fire Marshall Kerr spoke to charging for annual business fire inspections and advised that expansions could not be made with existing personnel. He spoke to 3,000 buildings subject to inspections with 1,200 high-risk locations currently inspected annually by certified personnel at a cost of \$355,000 and other locations reviewed through surveys conducted by non-certified Staff. Mr. Kerr advised that expansion could be accomplished through implementation of fees (\$649,000 in revenues) and the addition of two state-certified inspectors with 1,800 businesses inspected annually and 1,200 biennially. He spoke to issues of timing as training is limited to Collin County College with courses beginning in January; recommended that PISD, Collin County government facilities, community college campuses and City buildings be exempt from fees; and advised regarding a proposed education campaign.

Mr. Kerr responded to the Council, advising that current Staff is cross-trained to perform inspections when necessary and spoke to the impact of inspections on ISO ratings, the lack of other training sessions on a regular basis and review of potential fee collection processes. City Manager Muehlenbeck spoke to this as an ongoing fee and as another cost for the commercial sector. Mr. Kerr further responded to the Council, advising that entities may receive an insurance rate benefit based on an approved inspection, spoke to Staffing while new inspectors are being trained, and stated concern regarding the current conditions of locations that are not being fully inspected. He advised that apartments and hotel/motels are inspected annually and to Property Standards personnel inspections which are uncertified. Council Member LaRosiliere spoke to the importance of the program and Council Member Davidson spoke to consideration of the fee schedule prior to implementation. Mayor Dyer spoke to development of a modest fee to help defray some of the costs/reduce expenses and to moving ahead with hiring/training with implementation and fees to follow to which the Council concurred.

Comprehensive Monthly Financial Report

The Council postponed receipt of the report until the November 8, 2010 meeting.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

Mayor Pro Tem Dunlap requested that Consent Agenda Item "B," Bid No. 2010-230-B for the 2009-2010 Arterial Concrete Pavement Rehab, Spring Creek Parkway - Preston Road to Custer Road to Jim Bowman Construction Company, L.P. be removed for individual consideration due to a possible conflict of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:54 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, October 25, 2010, at 7:16 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Deacon Mike Seibold of St. Elizabeth Ann Seton Catholic Church and the Pledge of Allegiance was led by Cub Scout Pack 283 of Brinker and Centennial Elementary Schools.

Special Recognition of Bradley Robertson was postponed. Mayor Dyer received a presentation recognizing the City of Plano as Fit-Friendly. Mayor Dyer administered an oath of office to Cynthia Nye of the Self Sufficiency Committee and presented Certificates of Appreciation to outgoing board and commission members.

Comments of Public Interest

No one appeared to speak.

Consent Agenda

Mayor Pro Tem Dunlap requested that Consent Agenda Item “B” be removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item “A”)
October 11, 2010

Approval of Expenditures

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

CSP No. 2010-226-B for Stadium Ground Storage Reservoir Repaint - Reservoir No. 1 and Reservoir No. 4 project to J.R. Stelzer Co. in the amount of \$886,020 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2010-241-B for the 2009-2010 Residential Concrete Pavement Rehabilitation Project Zone J5 North to Jerusalem Corporation in the amount of \$1,113,571 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Purchase from an Existing Contract

To approve the purchase of seven (7) Caterpillar Backhoe Loaders to be utilized by Utility Cut Services, Utility Operations, Streets, and Drainage Operations in the amount of \$501,851 from Holt Company of Texas through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard contract #268-07) (Consent Agenda Item "E")

To approve a contract for the purchase of a Premier Support Services agreement, in the amount of \$68,310 from Microsoft Corporation, through an existing contract with the State of Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-SDD-821) (Consent Agenda Item "F")

Approval of Change Order

To Motorola, Inc., decreasing the contract by \$75,000 to reduce the number of Motorola Mesh poles to be installed. Change Order No. 5, Original Bid No. 2008-41-I, HGAC Contract No. RA01-06. (Consent Agenda Item "G")

To Tiseo Paving Company, increasing the contract by \$66,304 for McDermott Road from Ohio Drive to Coit Road, Change Order No. 3. Original Bid No. 2009-143-B. (Consent Agenda Item "H")

To Insituform Technologies, Inc., increasing the contract by \$111,078 for Russell Creek Sewer Main Rehab Phase 1, Change Order No. 1. Original Bid No. 2010-83-B. (Consent Agenda Item "I")

Adoption of Strategic Plan

To adopt an amendment to the Strategic Plan: 2010-2015 (Consent Agenda Item "J")

Adoption of Resolutions

Resolution No. 2010-10-16(R): To approve an agreement between the City of Plano and SunGard Public Sector Inc., a sole source vendor, for the maintenance and support of H.T.E. software applications in the amount of \$126,498; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2010-10-17(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and Denton County, Texas and providing terms and conditions for receipt of funding for Library Services in the amount of \$9,966 from Denton County, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "L")

Adoption of Ordinances

Ordinance No. 2010-10-18: To amend specific sections of Ordinance No. 2010-9-5 codified as Section 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to clarify the water rate schedule as provided in Section 21- 147(1)(b)(3) for residential customers and Section 21-147(3)(b)(3) for customers with separately metered irrigation systems, and distinguish fees for residential and commercial customers with 1-inch metered irrigation use under Section 21-147(3)(a) effective November 1, 2010, and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “M”)

Ordinance No. 2010-10-19: To approve the carrying forward of certain fiscal year 2009-10 funds to fiscal year 2010-11; and providing an effective date. (Consent Agenda Item “N”)

END OF CONSENT

Due to a possible conflict of interest, Mayor Pro Tem Dunlap stepped down from the bench on the following item.

Bid No. 2010-230-B for the 2009-2010 Arterial Concrete Pavement Rehab, Spring Creek Parkway - Preston Road to Custer Road to Jim Bowman Construction Company, L.P. in the amount of \$774,435 and authorizing the City Manager to execute all necessary documents (Consent Agenda Item “B”)

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve Bid No. 2010-230-B for the 2009-10 Arterial Concrete Pavement Rehab (Spring Creek Parkway-Preston Road to Custer Road) to Jim Bowman Construction Company, L.P. in the amount of \$774,435.

Mayor Pro Tem Dunlap resumed his seat at the bench.

Ordinance No. 2010-10-20: To repeal Ordinance No. 2000-8-4 in order to terminate the existing Private Franchise Agreement by and between the City of Plano, Texas, and Allied Waste Systems, Inc. d/b/a Allied Waste Services of Plano and approving a new Private Franchise Agreement by and between the City of Plano, Texas, and Allied Waste Systems, Inc. d/b/a Allied Waste Services of Plano, providing terms and conditions upon which Allied Waste Systems, Inc. shall be granted an exclusive Private Franchise for collection and disposal of solid waste for commercial customers located within the City of Plano in accordance with Article 10-A of the City Charter and a non-exclusive Private Franchise for collection of recyclable materials from commercial customers located in the City of Plano; and authorizing its execution by the City Manager or his designee; providing a repealer clause, a severability clause, a savings clause, a penalty clause, providing for publication and an effective date. Second Reading (First Reading Approved – September 13, 2010) (Regular Agenda Item “1”)

Director of Environmental Services and Sustainability Nevil spoke to negotiating the agreement in lieu of bidding and the value of the partnership (\$873,600) including the Reduced Recycling Processing Fee, Commercial Recycling Program, Live Green Expo, Environmental Community Awards and Annual Employee Awards Function. She advised that over the life of the contract, these items contribute \$6 million and spoke to the \$6 million in cost avoidance related to the diversion program. Ms. Nevil reviewed Plano rates with those from other cities and quotes from other firms, advising rates are in line.

Ordinance No. 2010-10-20 (cont'd)

Ms. Nevil spoke to cities with long-term contractual relationships with haulers and building partnerships. She advised that under an "open market" concept it would be difficult to ensure that all waste is disposed at the North Texas Municipal Water District (NTMWD) as required and responded to the Council that the City has been with Allied Waste since the early 1980's at which time the contract went through the bidding process. Resident Dwayne Clark spoke to viewing commercial trash collection as a competitive market, to use of NTMWD for disposal and to the bias nature of information provided.

Ms. Nevil spoke to companies that may not utilize NTMWD and stated concerns regarding disruption to users if a new vendor were selected, lack of a relationship and guarantees for the quality of work. She spoke to negotiating the commercial franchise fee and recycling processing fees concurrently, cost savings and the contract term of seven years with two, three-year renewals. The Council discussed the length of the contract and service provided by Allied Waste. Reid Donaldson of Allied Waste spoke to the depreciation of vehicles being seven years which coincides with the term of the contract, customer service, equipment costs, the material recovery center and typical lengths of contracts. Ms. Nevil responded to the Council, advising that unbundling services may result in higher rates and less program support. Dick Dimien of IESI stated interest in bidding for the contract. Ms. Nevil advised that IESI rates were included in the information provided and stated that if Council were to delay, the recycling processing would need to be renegotiated which may result in the loss of \$1 million over ten years.

Council Member Harris spoke to the long-term nature of the contract without implementation of a bid process and Ms. Nevil advised that after seven years the Council would have the option of going out to bid. Mayor Dyer spoke to the positive partnership and disruption should a change be made and Council Member LaRosiliere spoke to the length of contracts in other cities and allowing future Council the opportunity to review and determine the need for a bid process. He made a motion for approval which Deputy Mayor Pro Tem Miner seconded. (No vote was taken at this time.)

Mr. Donaldson responded to Council Member Smith regarding the limited number of cities in the Metroplex having a Material Recovery Facility; equipment, employees and benefits of trucks utilizing a Plano location; and the cyclical nature of the recyclable marketplace. Ms. Smith spoke to having more time for consideration in the future.

Mayor Dyer restated the motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Miner to repeal Ordinance No. 2000-8-4 in order to terminate the existing Private Franchise Agreement by and between the City of Plano, Texas, and Allied Waste Systems, Inc. and approving a new Private Franchise Agreement for collection and disposal of solid waste for commercial customers located within the City; and further adopt Ordinance No. 2010-10-20. The Council voted 8-0 and the motion carried.

Public Hearing and adoption of Ordinance No. 2010-10-21 to designate a certain area within the City of Plano as Reinvestment Zone No. 123 for a tax abatement consisting of a 14.36 acre tract of land located at the southwest corner of Shiloh Road and East Plano Parkway in the City of Plano, Texas; establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "2")

Ordinance No. 2010-10-21 (cont'd)

Director of Finance Tacke spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on an estimated \$4.5 million in real and \$900,000 in business personal property for a period of ten years from January 1, 2011 through December 31, 2020 at the rate of fifty percent for real property; stating the impact would be \$10,993.50 at the current tax rate.

Mayor Dyer opened the Public Hearing. Resident Kevin Butler inquired and was advised that this property is not the location under consideration by the Samaritan Inn. No one else appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Miner the Council voted 8-0 to designate Reinvestment Zone No. 123 for a tax abatement consisting of a 14.36 acre tract of land located at the southwest corner of Shiloh Road and East Plano Parkway in the City of Plano, Texas; and further to adopt Ordinance No. 2010-10-21.

Resolution No. 2010-10-22(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, and Air System Components, Inc., a Delaware Corporation; providing for a real property tax abatement; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "3")

Director of Finance Tacke advised that the agreement would be between the City of Plano and Air System Components, Inc. for 90,000 square feet of existing space for ten years with retention, transfer or creation of 130 full-time job equivalents.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Davidson, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City and Air System Components, Inc., providing for a real property tax abatement; and further to adopt Resolution No. 2010-10-22(R).

Resolution No. 2010-10-23(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Air System Components Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "4")

Director of Finance Tacke advised that Air System Components Inc., would occupy no less than 90,000 square feet of space and retain, transfer or create up to 100 full-time jobs by November 1, 2010. Ms. Tacke advised that the terms of the agreement are for ten years in an amount of up to \$40,000.

Upon a motion made by Council Member Harris and seconded by Council Member Callison, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement between the City and Air System Components Inc. and further to adopt Resolution No. 2010-10-23(R).

Public Hearing and adoption of Ordinance No. 2010-10-24 as requested in Zoning Case 2010-15 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-207-Retail on 119.9± acres located at the northwest corner of Shiloh Road and Renner Road in the City of Plano, Collin County, Texas, to modify the development standards and definitions, and to limit uses within certain areas of the district; 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. Applicant: Turnpike Commons Plano, LLC (Regular Agenda Item “5”)

Planning Manager Firgens spoke to rezoning of the property in 2008 to allow for retail/residential/office development and the current request for amendments to modify the development standards and limit uses to certain areas. She advised that it would: 1) revert the 16-acre tract at the northwest corner of Shiloh and Renner Roads to a retail base allowing for retail and service uses; 2) limit multi-family zoning to the interior and northern tracts with retail along roadways and the ground floor of multi-family units with a regional theater use near US 190; and 3) establish definitions for quasi-private streets, reflect permitted uses and development standards for tracts. She advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated in underlined text and deletions are shown as strike-through text.)

The permitted uses and standards shall be in accordance with the Retail (R) zoning district unless otherwise specified herein.

General Standards

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Maximum Lot Coverage: 50% increased to 70% if structured parking is provided
3. Maximum Floor to Area Ratio: 1.75:1
4. Maximum Height: Five story (75 feet) for buildings with multifamily residential use; 20 story for all other buildings
5. Minimum Side Yard: None, except as required by building or fire codes
6. Minimum Rear Yard: None, except as required by building or fire codes
7. Parking Regulations:
 - a. The minimum required parking shall be as follows:
 - Multifamily - One Bedroom or Less: One parking space per unit
Two Bedrooms: One and one-half parking spaces per unit
Three Bedrooms or More: Two spaces per unit
 - Freestanding Restaurant - One space per 100 square feet of floor area
 - Hotel: See Section 3.1100 (Off-Street Parking and Loading)
 - Theater: See Section 3.1100 (Off-Street Parking and Loading)
 - All Other Nonresidential Uses: One space per 300 square feet of floor area.
 - b. On-street parking may count toward required parking 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. On-street parking may be parallel, angle, or 90° to the street. Where on-street parking is provided, islands shall be placed as a break to delineate travel lanes. An island break of a minimum six feet in width shall be placed no less than every 150 feet of continuous on-street parking.

Ordinance No. 2010-10-24 (cont'd)

- c. No off-street loading spaces are required. Off-street loading for the loading and unloading of merchandise and goods must not occur in public streets or fire lanes, but may occur in parking areas or private drive aisles. Designated off-street loading spaces for nonresidential uses, if provided, may not be located adjacent to or across a street or alley from buildings containing residential uses unless the loading dock is screened by solid metal gates, masonry screening walls, overhead doors, buildings, or any combination of these.
- d. Except for freestanding restaurants, no parking is required for outdoor patio and sidewalk dining areas or other public seating areas and open space.

Design Standards

~~8.~~ 1. Street Pattern: The maximum block length shall be 500 feet. Public streets, quasi-public streets, and/or fire lanes may be used to obtain this required block length.

~~9.~~ 2. Streetscape:

- a. Along Wynnwood Dr., Wynhurst Dr., Wyngate Blvd., Wynview Dr., and required named quasi-public streets, sidewalks with a minimum width of six feet shall be placed no more than six feet from back of curb. Street trees shall be provided at a rate of one tree per 50 linear feet of street.
- b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within public rights-of-way provided accessible pathways are maintained.

3. 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.

~~10.~~ 4. Building Design:

- a. Nonresidential, ~~multi-use~~ buildings, except for parking garages, shall have a minimum of 40% of the ground floor comprised of window area. Buildings fronting S. H. 190 frontage road, Renner Rd., and Shiloh Rd. are exempt from this requirement. 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. Canopies, balconies, stoops, bay windows, awnings, and other building projections may encroach up to five feet into the public right-of-way provided accessible pathways are maintained.

~~11.~~ 5. Landscaping and Open Space:

- a. Except as stated in standard ~~11.~~ 5.b. below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District) except as follows:
 - i. No landscape edge is required along Wynnwood Dr., Wynhurst Dr., Wyngate Blvd., Wynview Dr., and required named quasi-public streets, except for lots located within Tract 1.
 - ii. Landscape edge width may be reduced to 10 feet along Shiloh Rd., north of Wynview Dr. and along Renner Rd. between Wyngate Blvd. and Shiloh Rd.

Ordinance No. 2010-10-24 (cont'd)

- b. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets, except for lots located within Tract 1. Street trees shall be provided at a rate of one tree per 50 linear feet of street.
 - c. A minimum of two acres of open space shall be provided and shall be open to the public at all times. Open space shall have a minimum dimension of 80 feet.
- ~~12.~~ 6. Screening:
- a. The rear and service sides of nonresidential buildings oriented toward residential use or open space shall be screened as provided in Section 3.1000 (Screening, Fence, and Wall Regulations).
 - b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless internal to the building, and shall be screened from view from streets and open space in accordance with Section 3.1000 (Screening, Fence, and Wall Regulations).
- ~~13.~~ 7. Fencing: For residential use only, fencing is allowed in the front yard setback up to eight feet in height. Fencing must be a minimum of 50% open.
- ~~14.~~ 8. Signage:
- a. For buildings fronting S.H. 190 frontage road, Renner Rd., and Shiloh Rd., signage must comply with Section 3.1600 (Sign Regulations) and Section 4.700 (190 Tollway/Plano Parkway Overlay District).
 - b. Signage for all other buildings must comply Area A standards within Subsection 3.1605 (Downtown Sign District). Additionally, freestanding, single tenant buildings may have monument signs per Section 4.700 (190 Tollway/Plano Parkway Overlay District).

Multifamily Residential Development Standards

- ~~15.~~ 1. Maximum Number of Dwelling Units: 1,200 units
- ~~16.~~ 2. Minimum Density: 35 dwelling units per acre
- ~~17.~~ 3. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence).

Standards Specific to Tracts 1 and 5-10

- 1. Tract 1 shall be developed in accordance with Retail (R) zoning district area, yard and bulk requirements.
- ~~18.~~ 2. Uses:
- a. Regional theater use is permitted. Multifamily use is an additional permitted use.
 - b. Car wash use is prohibited.
- ~~19.~~ Building Design:
- a. Buildings fronting to Renner Road or Shiloh Road:
 - i. The minimum front yard setback shall be 10 feet.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 85 feet if parking or drive aisles are located between the building face and the street.
 - b. Buildings fronting to Wynwood Drive, Wynhurst Drive, Wyngate Boulevard, or Wynview Drive:
 - i. There is no minimum front yard setback.

Ordinance No. 2010-10-24 (cont'd)

- ~~ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.~~
- e. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. There is no minimum front yard setback.
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line.

Standards Specific to Tract 2

~~20.~~ 1. Uses:

- a. Regional theater use is permitted.
- b. Car wash use is prohibited.

~~21.~~ 2. Building Design:

- a. Buildings fronting to Renner Rd. ~~or Shiloh Rd.:~~
 - i. Minimum front yard setback: 30 feet
 - ii. Maximum front yard setback: None
- b. Buildings fronting to Wyngate Blvd. or Wynview Dr.:
 - i. Minimum front yard setback: None
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.

Standards Specific to Tracts 3 and 4

~~22.~~ 1. Uses:

- a. Regional theater use and multifamily use are is additional permitted uses.
- b. Car wash use is prohibited.

~~23.~~ Street Pattern: ~~Tract 4 shall be bisected by a named quasi-public street and shall comply with the streetscape requirements in standard 9 above.~~

~~24.~~ 2. Building Design:

- a. Buildings fronting to Wynnwood Dr., or Wynhurst Dr., ~~Wyngate Blvd., or Wynview Dr.:~~
 - i. Minimum Front Yard Setback: None
 - ii. Buildings shall be constructed such that a minimum of 50% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 50% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 100 feet if parking or drive aisles are located between the building face and the street.
- b. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. Maximum Front Yard Setback: 15 feet unless restricted by easements. If easements are present, the facade must be built to the easement line.

Ordinance No. 2010-10-24 (cont'd)

Standards Specific to Tract 4

1. Uses:
 - a. Multifamily use is permitted.
 - b. Car wash use is prohibited.
 - c. Office, retail, service and restaurant uses may only occupy space within the first floor of multi-story residential buildings. Free standing office, retail, service and restaurant buildings are prohibited.
2. Street Pattern: Tract 4 shall be bisected by a named quasi-public street and shall comply with the streetscape requirements as stated in 'Design Standards 2. Streetscape' above.
3. Building Design:
 - a. Buildings fronting to Wynnwood Dr., Wynthurst Dr., Wyngate Blvd., or Wynview Dr.:
 - i. Minimum Front Yard Setback: None
 - ii. Buildings shall be constructed such that a minimum of 50% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 50% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 100 feet if parking or drive aisles are located between the building face and the street.
 - b. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. The maximum front yard setback shall be 15 feet unless restricted by easements. If easements are present, the facade must be built to the easement line.

Standards Specific to Tracts 5 & 7

1. Uses:
 - a. Multifamily use is permitted.
 - b. Car wash use is prohibited.
 - c. Retail, service and restaurant uses are prohibited.
2. Building Design:
 - a. Buildings fronting to Wynnwood Dr.:
 - i. Minimum Front Yard Setback: None
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.
 - b. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line.

Ordinance No. 2010-10-24 (cont'd)

Standards Specific to Tracts 6, 8, 9 & 10

1. Uses: Car wash use is prohibited.
2. Building Design:
 - a. Buildings fronting to Renner Rd. or Shiloh Rd.:
 - i. The minimum front yard setback shall be 10 feet.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 85 feet if parking or drive aisles are located between the building face and the street.
 - b. Buildings fronting to Wyngate Blvd. or Wynview Dr.:
 - i. Minimum Front Yard Setback: None
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.
 - c. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line.

Mayor Dyer opened the Public Hearing. David Hicks, representing the owners spoke to changes in development plans since 2008. Ms. Firgens responded to the Council, advising that the density would be lower than that at Legacy Town Center. Director of Planning Jarrell advised that this request does not include phasing requirements for development and advised that the Plano Independent School District did not note any overcrowding impacts during review in 2008. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member LaRosiliere, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, so as to amend Planned Development-207-Retail on 119.9± acres located at the northwest corner of Shiloh Road and Renner Road in the City of Plano, to modify the development standards and definitions; as requested in Zoning Case 2010-15 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2010-10-24.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 8:43 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary