

**PLANO CITY COUNCIL**  
**April 23, 2012**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Pat Miner, Mayor Pro Tem  
Lissa Smith, Deputy Mayor Pro Tem  
Ben Harris  
André Davidson  
James Duggan  
Patrick Gallagher  
Lee Dunlap

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Paige Mims, Deputy City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, April 23, 2012, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Reverend Janet Collinsworth of St. Andrew United Methodist Church led the invocation and Mayor Dyer led the Pledge of Allegiance.

**PROCLAMATIONS & SPECIAL RECOGNITION**

Mayor Dyer recognized Annual National Volunteer Month and Libby McCabe, the 2012 VIP Supervisor.

**COMMENTS OF PUBLIC INTEREST**

Matt Lagos, citizen of the City, spoke to the need for the Council to lead the City through changes.

**CONSENT AGENDA**

Upon the request of Staff, Consent Agenda Item “C” was pulled and held.

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, 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”)  
April 9, 2012

### **Approval of Expenditures**

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

**Bid No. 2012-129-C** for a one (1) year contract with three (3) City optional renewals for Neighborhood Park Litter Services for the Parks Department to Northstar Facility Services, Inc., in the estimated annual amount of \$63,050 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

#### **Purchase from an Existing Contract**

To approve the purchase in the amount of \$67,937 from Sunbelt Pools for re-plastering the Tom Muehlenbeck Center outdoor pool through an existing contract with BuyBoard; authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 370-11) (Consent Agenda Item “C”) (Pulled and held)

#### **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 Pipeline Analysis, LLC, in the amount of \$178,233 for Lower White Rock Creek Basin Infiltration/Inflow Analysis Project No. 6228; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and David T. Retzsch Design, LLC, in the amount of \$70,250 for design services for Sunset Park and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

#### **Approval of Change Order**

To Crossland Construction Company decreasing the contract by \$95,000 for Fire Station 13, Change Order No. 2; original Bid No. 2010-123-B. (Consent Agenda Item “F”)

#### **Adoption of Resolutions**

**Resolution No. 2012-4-11(R):** To repeal Resolution No. 2005-9-5(R) and designating a certain area within the City of Plano as Neighborhood Empowerment Zone No. 1; establishing the boundaries of such a zone; providing for waiving of certain development and building fees; and providing an effective date. Applicant: City of Plano (Consent Agenda Item “G”)

**Resolution No. 2012-4-12(R):** To approve the purchase of services from Redflex Traffic Systems, Inc., a sole source provider, for existing and new equipment for the Red Light Photo Enforcement system in the amount of \$4,877 per approach; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement; and providing an effective date. (Consent Agenda Item “H”)

## **Adoption of Ordinances**

**Ordinance No. 2012-4-13:** To amend Sections 21-53 through 21-60.2 of Article II, Division 4, Drought Contingency Plan, of Chapter 21, Utilities of the Code of Ordinances of the City of Plano to identify the authority of the City to declare drought and emergency stages and applicable requirements, correct error and inconsistencies, and providing a penalty clause, a savings clause, a severability clause, a repealer clause, a publication clause and an effective date. (Consent Agenda Item “I”)

## **END OF CONSENT**

**Ordinance No. 2012-4-14:** To amend Ordinance No. 79-6-10 to reduce the percentage of gross receipts for the sale of food for certain private club permittees and changing the references to the current provisions of the Zoning Ordinance; providing a severability clause and an effective date. Applicant: City of Plano (Regular Agenda Item “1”)

Director of Planning Jarrell spoke to the Council’s recent amendments to private club regulations contained in the Zoning Ordinance which necessitate an update to Ordinance No. 79-6-10. She advised that the proposed ordinance reflects the change in the food-to-beverage ratio requirement and the current provisions of the Zoning Ordinance related to private clubs, but contains no changes to the annual audit procedures. Ms. Jarrell reviewed the procedures: each private club permit holder must submit an annual audit by April 1; if a private club holder does not submit the audit, the City may select and engage a CPA to perform the audit at the permit holder’s expense; audits are presented to the City Council for consideration to determine compliance; and the Council may establish a six-month probation period for permit holders whose operations are non-compliant, or begin proceedings to revoke the specific use permit. She advised that the Finance Department will receive and review the annual audits and that the ordinance also contains language which would allow the Council to immediately suspend operation of the private club. Ms. Jarrell advised that the City does not have the authority to suspend or revoke a state-issued permit and spoke to specific use permits which are issued to property rather than a specific operator.

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to amend Ordinance No. 79-6-10 to reduce the percentage of gross receipts for the sale of food for certain private club permittees and changing the references to the current provisions of the Zoning Ordinance and further to adopt Ordinance No. 2012-4-14.

**Public Hearing and adoption of Ordinance No. 2012-4-15** to amend the Land Use Element of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended 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 (Tabled – April 9, 2012) (Regular Agenda Item “2”)

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to remove the item from the table.

### **Ordinance No. 2012-4-15 (cont'd)**

Director of Planning Jarrell spoke regarding tabling of proposed amendments to the Land Use Element in order to receive additional public comment. She spoke to the Comprehensive Plan used as a guide for development and growth and including policies to assist elected and appointed officials and staff with making decisions pertaining to land use development. Ms. Jarrell spoke to property owners, developers, businesses and residents reliance upon the plan, its flexibility and role as the foundation for regulations such as the Zoning Ordinance. She reviewed recommendations: (language revised after April 9, 2012 is underlined)

1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services. Ms. Jarrell spoke to expansion of the review, advising that the City has traditionally evaluated zoning requests based on infrastructure.
2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (5 to 12 stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land uses are compatible. Ms. Jarrell spoke to mid-rise development along major expressway corridors, as part of an urban center, or for small infill areas. She spoke to this form of development reducing the land area of footprints, thus leaving property to accommodate other uses and referenced construction costs (steel/concrete) which would result in higher rental rates or sales prices.
3. The 1,200-foot setback for residential uses from the centerline of State Highway 121 should be retained, and applied to the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75. Factors including topography, creeks, vegetation, and existing development patterns should be considered in applying this standard.
4. No new low-rise multifamily development less than five stories in height should be allowed south of Tennyson Parkway, along the Dallas North Tollway (DNT) between Communications Parkway and Parkwood Boulevard. However, mid-rise multifamily development (5 to 12 stories) may be considered by specific use permit (SUP) in this corridor. Ms. Jarrell spoke to the demand for commercial development and corporate relocation along the DNT and preserving land for these types of uses. She advised that Windhaven Parkway could be considered as the southern boundary.
5. New multifamily zoning should require a minimum density of 40 dwelling units per acre on the project site. Phased development should have a minimum average 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 project. Additionally, mid-rise multifamily development and neighborhood mixed-use zoning districts could be exceptions to this minimum density requirement.

**Ordinance No. 2012-4-15 (cont'd)**

Ms. Jarrell spoke to mixed-use and urban centers providing walkable areas, a variety of uses and requiring diversity/density. She reviewed three potential locations (Collin Creek Mall, Parker Road Station and Park Boulevard/Preston Road) and referenced the variety of housing types (apartments, condos, townhomes) that may be developed through phasing.

6. Establish two new zoning districts - an urban mixed-use district and neighborhood mixed-use district. An option to allow mid-rise residential buildings (5 to 12 stories) by specific use permit should be available in major corridors (State Highway 121, Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75) and in urban mixed-use districts where designated as appropriate in the Comprehensive Plan.

Mayor Dyer opened the Public Hearing. Rick Fambro stated concern regarding the requirement for connectivity between residential subdivisions and spoke to letting the market direct changes in land use. Shula Netzer spoke to utilizing zoning categories as guidelines and to reviewing each request independently in conjunction with the needs of the market. Robbie Robinson spoke to retaining commercial zoning in the area of The Shops at Legacy, citing the areas' economic impact and benefits. Robert Miller, representing the Dallas North Estates Homeowners Association and Plano Homeowners Council stated concern regarding the increase in the percentage of multi-family units in the City and spoke to ensuring that mixed-use guidelines are followed. Lucio A. Peña of Billingsley Development Company, provided examples of mixed-use development in Austin Ranch and advised that the overall average is 32 units per acre. He responded to the Council, advising that these products are four-story wood frame and stated that current costs do not justify building above five stories in the current market. Owen Haggard spoke in support of 5-12 story residential units along the DNT from Tennyson Parkway south to Windhaven Parkway as recommended. No one else spoke for or against the request. The Public Hearing was closed.

Council Member Duggan stated concern that the 1,200 foot setback would be an obstacle for some developers and spoke regarding homes that may be impacted by 5-12 story residential units along the DNT. He stated support for the Windhaven Parkway boundary. Ms. Jarrell responded to the Council regarding single-family development setbacks and spoke to other municipalities that have 1,200 foot setbacks along highways. She spoke to the goal to preserve land in major corridors for commercial uses. Council Member Gallagher stated support for flexibility and guidelines and the Windhaven Parkway boundary. He spoke to the various filters offered by Staff, the Commission and Council in reviewing requests and stated support for retaining commercial uses at The Shops at Legacy. Mayor Dyer spoke to enforcing the recommendations of the Comprehensive Plan while retaining the flexibility to make changes when appropriate. He stated support for the Windhaven Parkway boundary.

Council Member Dunlap stated his concern that the recommendations combine guidelines for mid-rise and high-rise, rather than separating the two. He spoke to different areas in the City that would be appropriate for each use and to the Council moving away from garden-style apartments toward high-rise units that attract smaller households and do not heavily impact infrastructure or school enrollment. Mr. Dunlap spoke to the lack of necessity for a 1,200 foot required setback on commercial corridor properties as structures are developed to mitigate related issues and in support of the Windhaven Parkway boundary.

**Ordinance No. 2012-4-15 (cont'd)**

Deputy Mayor Pro Tem Smith stated support for the Windhaven Parkway boundary and spoke to discouraging multi-family development at The Shops at Legacy. Ms. Jarrell advised that the recommendation for mid-rise development is a result of efforts to incorporate some allowance for residential uses in the commercial corridor areas. She spoke to the critical nature of future decisions with 8% of land undeveloped, the long-term vision of the Comprehensive Plan, and the potential for mid-rise development sometime in the future. Council Member Dunlap spoke to striking reference to 12 stories in order to achieve height. Council Member Harris spoke in support of the Windhaven Parkway boundary, review by the Commission and retaining flexibility to review each request. Council Member Davidson spoke in support of the guidelines offered and layers in place to produce the desired outcomes and protect the Legacy corridor.

A motion was made by Council Member Harris and seconded by Mayor Pro Tem Miner to amend the Land Use Element of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) as recommended by the Planning and Zoning Commission with revision utilizing Windhaven Parkway as the southern boundary for low-rise residential multifamily development along the Dallas North Tollway. The Council voted 6-2 with Council Members Dunlap and Duggan voting in opposition. The motion carried.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 8:12 p.m.

---

**Phil Dyer, MAYOR**

ATTEST:

---

Diane Zucco, City Secretary