

**PLANO CITY COUNCIL
REGULAR SESSION
April 27, 2015**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, Deputy City Manager
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, April 27, 2015, at 7:03 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Reverend Chad McSwain, Associate Pastor of St. Andrew United Methodist Church led the invocation and Jr. Girl Scout Troop 2739 from Hughston Elementary led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere recognized Katherine Thomas for receiving the Prudential Spirit of Community Award and presented a Child Abuse Prevention Month Proclamation.

COMMENTS OF PUBLIC INTEREST

Oscar Lindquist spoke to traffic signal lights and options for yellow light modification.

CONSENT AGENDA

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

Approval of Minutes

April 13, 2015
(Consent Agenda Item "A")

Approval of Expenditures

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

Bid No. 2015-219-B for the purchase of twenty-seven (27) Chevrolet, Black and White Police Tahoe's from Reliable Chevrolet in the amount of \$861,138 and the purchase of one (1) Chevrolet, Blue Police Tahoe from Caldwell Country Automotive (aka Baby Jack II) in the amount of \$31,485 for a total amount of \$892,623, for Fleet Services to be utilized by the Police Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

RFP No. 2015-002-B for an Athletics Consultant for a Regional Study of Sports to be utilized by the Parks Department to Ballard*King and Associates, LTD in the amount of \$81,640; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2014-286-B for Animal Services LED Monument Sign for Facilities Maintenance to NRG Conservation, Inc. dba Energy Experts in the amount of \$74,895; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Bid No. 2015-102-C for a one (1) year contract with three (3) City optional renewals, to purchase small water meter boxes for Inventory Control/Asset Disposal (ICAD) to be utilized by Public Works from Bass & Hays Foundry in the estimated annual amount of \$63,180; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

Bid No. 2015-101-C for a one (1) year contract with three (3) City optional renewals, to purchase imprinted compostable kraft paper bags for Inventory Control/Asset Disposal (ICAD) to be utilized by Sustainability and Environmental Services from Novolex in an estimated annual amount of \$70,308; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

Purchase from an Existing Contract

To approve a one (1) year contract with four (4) City optional renewals for the purchase of oil & lubrication products for Inventory Control/Asset Disposal (ICAD) to be utilized by Fleet Services in an estimated annual amount of \$70,000 from Reeder Distributors through an existing contract/agreement with the City of Fort Worth; and authorizing the City Manager to execute all necessary documents. (City of Fort Worth Contract #14-0251) (Consent Agenda Item "G")

Approval of Expenditure

To ratify the expenditure in the amount of \$68,496 for the purchase and installation of a new grate system at the Plano Aquatic Center from Progressive Commercial Aquatics, Inc.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

To approve an expenditure for Professional Services for inspection of buildings in the estimated annual amount of \$150,000 with three (3) City optional renewals from Bureau Veritas North America, Inc., for Building Inspections Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

To approve an expenditure for the renewal of software support and maintenance in the estimated three-year amount of \$841,566 from TriTech Software Systems, the sole-source provider of support services, for the Police and Fire Departments; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Adoption of Resolutions

Resolution No. 2015-4-9(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Liberty Mutual Insurance Company, a Massachusetts stock insurance company, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2015-4-10(R): To approve the terms and conditions of the Amended and Restated Regional Solid Waste System Contract with North Texas Municipal Water District, and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2015-4-11(R): To approve the terms and conditions of a First Amendment to Communications Facilities License By and Between the City of Plano, Texas, and Dallas MTA, L.P. d/b/a Verizon Wireless, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2015-4-12(R): To authorize continued participation with the Steering Committee of Cities Served by Oncor; authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2015-4-13(R): To authorize the ArtCentre of Plano to conduct a fundraising campaign for the restoration and repurposing of the Saigling House; and authorizing the City Manager to obtain and approve necessary procedures to ensure proper accounting and fiduciary responsibility related to donations and gifts in support of the fundraising campaign; and providing an effective date. (Consent Agenda Item “O”)

Adoption of Ordinances

Ordinance No. 2015-4-14: To authorize the issuance of “City of Plano, Texas, Tax Notes, Series 2015”; levying a continuing direct annual ad valorem tax for the payment of said notes; resolving other matters incident and related to the issuance, sale, payment and delivery of said notes; establishing procedures for the sale and delivery of said notes; and delegating matters relating to the sale and issuance of said notes to an authorized City official; enacting provisions incident and related to the purposes and subject of this Ordinance; and providing a severability clause and an effective date. (Consent Agenda Item “P”)

Ordinance No. 2015-4-15: To authorize the issuance of “City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2015”; levying a continuing direct annual ad valorem tax for the payment of said Bonds; resolving other matters incident and related to the issuance, sale, payment and delivery of said Bonds; establishing procedures for the sale and delivery of said Bonds; and delegating matters relating to the sale and issuance of said Bonds to an authorized City official; and providing a severability clause and an effective date. (Consent Agenda Item “Q”)

END OF CONSENT

Public Hearing and adoption Ordinance No. 2015-4-16 to designate a certain area within the City of Plano, Texas as Reinvestment Zone No. 139 for tax abatement, consisting of a 8.69 acre tract of land located in the Henry Cook Survey, Abstract No. 183, City of Plano, Collin County, Texas, and being a part of a tract of land Limited General Warranty Deed, to SWC Tollway & 121 LLC, recorded in Instrument Number 20140205000109390, Official Public Records, Collin County, Texas being part of Lot 1, Block C of Legacy West Addition, Lot 1 and Lot 2, Block B, Lot 1, Block C, Lot 1R, Block D and Lot 1 and 2, Block E, an addition to the City of Plano according to the plat thereof recorded in Instrument Number 20150130010000470, Official Public Records, Collin County, Texas, and described in Exhibit "A" attached hereto, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Item “1”)

Director of Economic Development Bane spoke to the requirements for a reinvestment zone for tax abatement stating \$325 million of real property improvements and \$35 million in business personal property will be put into place by December 2015. She added the abatement will have a term of 10 years beginning January 2017 for real property and January 2018 for business personal property based on an abatement amount of 50 percent.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to designate a certain area within the City of Plano, Texas as Reinvestment Zone No. 139 for tax abatement, consisting of a 8.69 acre tract of land located in the Henry Cook Survey, Abstract No. 183, City of Plano, Collin County, Texas, and being a part of a tract of land Limited General Warranty Deed, to SWC Tollway & 121 LLC, recorded in Instrument Number 20140205000109390, Official Public Records, Collin County, Texas being part of Lot 1, Block C of Legacy West Addition, Lot 1 and Lot 2, Block B, Lot 1, Block C, Lot 1R, Block D and Lot 1 and 2, Block E, an addition to the City of Plano according to the plat thereof recorded in Instrument Number 20150130010000470, Official Public Records, Collin County, Texas; and further to adopt Ordinance No. 2015-4-16.

Resolution No. 2015-4-17(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Liberty Mutual Insurance Company, a Massachusetts stock insurance company, and KDC LEGACY HQ INVESTMENTS TWO LP, a Texas limited partnership, providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Item “2”)

Director of Economic Development Bane stated the agreement is between Liberty Mutual Insurance Company, KDC Legacy HQ Investments Two, and the City of Plano and covers an improvement of a 900,000 square foot office building in the Legacy Business Park with an abatement of 50 percent and a term of 10 years.

Upon a motion made by Council Member Duggan and seconded by Council Member Gallagher, the Council voted 8-0, to approve the terms and conditions of an agreement by and between the City of Plano, Texas, Liberty Mutual Insurance Company, a Massachusetts stock insurance company, and KDC LEGACY HQ INVESTMENTS TWO LP, a Texas limited partnership, providing for real and business personal property tax abatement; and further to adopt Resolution No. 2015-4-17(R).

Council took a brief recess at 7:30 p.m. and resumed at 7:40 p.m. The following two items were discussed together.

Water Restriction Update

Director of Public Works Cosgrove provided a history of water restrictions covering the last four years and stated he has written or received over 12,000 emails related to water restrictions. He advised although Lake Lavon is at capacity, conservation is essential as the drought monitor indicates we are still in a drought cycle. Mr. Cosgrove spoke to the North Texas Municipal Water District model conservation plan with three stages. He stated the City's conservation plan was adopted by resolution. In response to Mayor Pro Tem Smith, Mr. Cosgrove advised we met and exceeded all conservation goals set forth by the District and in the last three years the City paid approximately \$30 million for unused water. City Manager Glasscock added between 2001-2014 the City paid \$74 million, before rebates, in unused water.

Mr. Cosgrove spoke to the proposed Water Conservation ordinance that would adopt a maximum of twice a week watering, provide guidelines for time of day watering, and the impact on the take or pay component of the contract with the District. In response to Deputy Mayor Pro Tem Harris, he stated the water fund currently had one day of working capital with the guideline being 45 days and that a 30% increase to water rates would be required to maintain the guideline. The Council discussed the financial impact and the ability to enforce the restrictions by passing a resolution versus an ordinance.

Consideration of an Ordinance to amend Section 21-52 of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to identify the authority of the City to implement Water Conservation Requirements; and providing a penalty clause, a savings clause, a severability clause, a repealer clause, a publication clause and an effective date. (Regular Item "3")

Upon a motion made by Deputy Mayor Pro Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to table the ordinance amending Section 21-52 of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to identify the authority of the City to implement Water Conservation Requirements.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-32 - Request to rezone 11.5± acres located on the north side of Mapleshade Lane, 1,425± feet west of Coit Road from Corridor Commercial to Planned Development- Corridor Commercial. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District. Applicant: Coit 190 L.P. and Harkins Plano L.P. (Tabled at December 8, 2014, January 26, and February 23, 2015 Council meetings.) (Regular Item "4")

Development Review Manager Hill stated the applicant has requested the item be withdrawn.

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

Upon a motion made by Council Member Miner and seconded by Council Member Duggan, the Council voted 8-0, to accept the applicant's request to withdraw the Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-32 - Request to rezone 11.5± acres located on the north side of Mapleshade Lane, 1,425± feet west of Coit Road from Corridor Commercial to Planned Development- Corridor Commercial.

Public Hearing and adoption Ordinance No. 2015-4-18 as requested in Zoning Case 2015-04 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 659 so as to allow the additional use of Mini-Warehouse/Public Storage on 5.5± acres of land located on the north side of Plano Parkway, 1,750± feet west of Custer Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-376-Retail/General Office; 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: Water Tower Park, LP (Regular Item "5")

Planner Altobelli spoke to the request providing information about the location, surrounding property uses, and stated Staff and the Planning and Zoning Commission recommended approval with the following stipulation:

The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements. A minimum of one three-inch caliper shade tree and one three-inch caliper ornamental tree (7-foot planted height) shall be placed per 25 feet of frontage exclusive of driveways.

Walter Nelson, agent for the applicant, spoke to the project and the water tower with easement dividing the property. He provided information about the lighting and security of the facility and elevation drawings. Michael Hope, manager and ownership interest in Water Tower Park, L.P., gave a brief history of the property and the development issues with the property. Mayor LaRosiliere opened the public hearing. Robert Miller, president of the Dallas North Estates HOA, spoke in opposition. Mayor LaRosiliere closed the public hearing.

Public Hearing and adoption Ordinance No. 2015-4-18 (Cont'd.)

Development Review Manager Hill provided information on other allowed uses for the property. Mayor Pro Tem Smith and Deputy Mayor Pro Tem Harris stated they would like to see different development on the property. Council Member Miner agreed stating the City has too many storage facilities currently. Mr. Hill provided information relating to the easement for Council Member Downs. Council Members Duggan and Gallagher and Mayor LaRosiliere expressed support the project.

Upon a motion made by Council Member Duggan and seconded by Council Member Gallagher, the Council voted 5-3, with Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris, and Council Member Miner voting in opposition, to grant Specific Use Permit No. 659 so as to allow the additional use of Mini-Warehouse/Public Storage on 5.5± acres of land located on the north side of Plano Parkway, 1,750± feet west of Custer Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-376-Retail/General Office; as requested in Zoning Case 2015-04; and further to adopt Ordinance No. 2015-4-18.

Public Hearing and adoption Ordinance No. 2015-4-19 as requested in Zoning Case 2015-08 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-75-Retail/General Office on 29.9± acres of land located on the east side of K Avenue, 780± feet north of Pecan Lane, in the City of Plano, Collin County, Texas, pertaining to open storage; 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: TH Holdings LLC (Regular Item “6”)

Development Review Manager Hill spoke to the project stating it modifies open storage regulations for an existing planned development and provided information about the property and surrounding property uses. He stated Staff and the Planning and Zoning Commission recommended approval subject to the following restrictions:

1. The following additional uses shall be permitted within the district:

- light-intensity manufacturing
- contract construction with no open storage
- office - showroom/warehouse (defined as a minimum of 30% office, maximum of 70% warehouse)
- cabinet/upholstery shop
- motorcycle sales/service (Personal watercraft and personal off-road vehicles are included. All repair/service facilities shall be enclosed within a building.)
- storage or repair of furniture/appliances (indoor)
- automobile leasing/renting (by specific use permit)

Public Hearing and adoption Ordinance No. 2015-4-19 (Cont'd.)

2. The following uses are prohibited within the district:

- automobile repair - minor/service station
- open storage: (unless attached to rear of main building sheltered with a roof and enclosed by a solid fence, wall, or living screen)
 - a. incidental to a primary retail use is prohibited unless in conformance with Section 3.900 (Open Storage) of the Zoning Ordinance.
 - b. incidental to any other allowed primary use is prohibited unless attached to the rear of the main building sheltered with a roof and enclosed by a solid fence, wall, or living screen.

Douglas Cooper, representing the applicant, spoke about the project and proposed use retail sales of golf carts. Allan Kennedy, property owner, was available to answer questions. Mayor LaRosiliere opened the public hearing. No one else appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to amend Planned Development-75-Retail/General Office on 29.9± acres of land located on the east side of K Avenue, 780± feet north of Pecan Lane, in the City of Plano, Collin County, Texas, pertaining to open storage; as requested in Zoning Case 2015-08; and further to adopt Ordinance No. 2015-4-19.

Public Hearing and adoption Ordinance No. 2015-4-20 as requested in Zoning Case 2015-09 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 660 so as to allow the additional use of Household Care Institution on 0.3± acre of land located on the north side of 19th Street, 260± feet west of N Avenue, in the City of Plano, Collin County, Texas, presently zoned General Office; 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: Agape Resource & Assistance Center, Inc. (Regular Item "7")

Senior Planner Marohnic spoke to the project, location, and surrounding property uses and stated the applicant is requesting the additional use of household care institution. She advised Staff and the Planning and Zoning Commission recommend approval with the stipulation of a maximum number of 20 residents.

Penelope Diaz, representative for the applicant, spoke to the project providing temporary housing of women in one suite of the building with the remaining suites being used as offices and a daycare center. She stated the exterior of the building would remain the same. Ms. Diaz stated the maximum number of the residents in the facility is 20 although the current plan is for 5 residents at this time. Mayor LaRosiliere opened the public hearing. Reverend Janet Collinsworth, Founder and Executive Director of Agape Resource and Assistance Center and Dione Pettegrew, Director of Star Kids, with New Hope Christian Fellowship Church, spoke in favor of the project. Mayor LaRosiliere closed the public hearing.

Public Hearing and adoption Ordinance No. 2015-4-20 (Cont'd.)

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to grant Specific Use Permit No. 660 so as to allow the additional use of Household Care Institution on 0.3± acre of land located on the north side of 19th Street, 260± feet west of N Avenue, in the City of Plano, Collin County, Texas, presently zoned General Office; as requested in Zoning Case 2015-09; and further to adopt Ordinance No. 2015-4-20.

Public Hearing and adoption of Ordinance No. 2015-4-21 as requested in Zoning Case 2014-48 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.4± acres of land located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Lyons Equities, Inc., Trustee Texas Corp. (Tabled at February 9, February 23 and March 17, 2015 Council meetings.) (Regular Item "8")

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

Development Review Manager Hill stated the item had been tabled to work on the layout of the site plan. He provided details of the project and uses of the surrounding properties. Mr. Hill stated Staff and the Planning and Zoning Commission recommend approval as submitted.

Mardy Brown with Texas Development Services, representing the applicant, spoke to the project of front entry single family homes. He stated the fencing and screening would comply with planning requirements and that the entries for this subdivision and the companion subdivision will match.

Mayor LaRosiliere opened the public hearing. Catherine Gibb spoke in opposition citing traffic concerns and school capacity. Mayor LaRosiliere closed the public hearing. Council Member Miner spoke in support of the project. Deputy Mayor Pro Tem Harris stated he would prefer non-attached properties. Council Member Downs spoke in favor of the project.

Upon a motion made by Council Member Miner and seconded by Council Member Downs, the Council voted 8-0, to rezone 6.4± acres of land located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached; as requested in Zoning Case 2014-48; and further to adopt Ordinance No. 2015-4-21.

Public Hearing and adoption of Ordinance No. 2015-4-22 in Zoning Case 2014-49 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 656 so as to allow the additional use of Single-Family Residence Attached on 6.3± acres of land located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Lyons Equities, Inc., Trustee Texas Corp. (Tabled at February 9, February 23, and March 17, 2015 Council meetings.) (Regular Item "9")

Public Hearing and Adoption of Ordinance No. 2015-4-22(Cont'd.)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to remove the item from the table.

Development Review Manager Hill provided information regarding the project, surrounding property uses, and traffic information for the area. He stated Staff and the Planning and Zoning Commission recommend approval as submitted.

Mardy Brown with Texas Development Services, representing the applicant, spoke to the project of front entry single family homes. He noted the areas of open space and the drainage area on the east side of the property.

Mayor LaRosiliere opened the public hearing. Catherine Gibb, Marian Hirsch, Don Nygro, Nancy Brown, Paula Guidi, and Leona Arthier spoke in opposition citing parking, number of units, noise, density, and safety of the neighborhood. Mayor LaRosiliere closed the public hearing. Mr. Brown clarified the quantity of parking spaces and the visibility when exiting the subdivision. Council Member Davidson spoke in support of the project.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 8-0, to grant Specific Use Permit No. 656 so as to allow the additional use of Single-Family Residence Attached on 6.3± acres of land located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail; as requested in Zoning Case 2014-49; and further to adopt Ordinance No. 2015-4-22.

The Council took a brief recess at 9:25 p.m. and reconvened into open session at 9:37 p.m.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Single-Family Residence Attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. (Regular Item "10")

Development Review Manager Hill stated the request has changed and applicant, due to the modifications of the plan, has requested the Council remand the item to the Planning and Zoning Commission.

Bryan Klein with Ion Design Group, representing the applicant, stated due to amendments to the project to mirror the adjacent subdivision on the west, the applicant requests the Council remand this item to the Planning and Zoning Commission for consideration. Mayor LaRosiliere opened the public hearing. Tom Harrison spoke in opposition. Laura Cabutto did not speak but expressed opposition. Mayor LaRosiliere closed the public hearing.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 (cont'd.)

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 8-0, to remand the an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Single-Family Residence Attached with modified development standards to the Planning and Zoning Commission for further consideration.

Consideration of an appeal of the Planning & Zoning Commission's denial of the Concept Plan for Villages of Prairie Commons East – 154 Single- Family Residence Attached lots, 112 Patio Home lots, and 14 common area lots on 43.1± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. (Regular Item “11”)

Development Review Manager Hill stated the applicant has requested the Council remand the item to the Planning and Zoning Commission.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to remand the appeal of the Planning & Zoning Commission's denial of the Concept Plan for Villages of Prairie Commons East – 154 Single- Family Residence Attached lots, 112 Patio Home lots, and 14 common area lots on 43.1± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive to the Planning and Zoning Commission for further consideration.

Public Hearing and reconsideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-47 - Request for a Specific Use Permit for Mid-Rise Residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment. Applicant: Winstead, P.C. (Regular Item “12”)

Development Review Manager Hill spoke to the project, its location, and surrounding property uses. Council Member Davidson discussed her request for the reconsideration. Kirk Williams representing the applicant spoke to the project's compliance with the comprehensive plan and zoning requirements. Megan Lasch representing the applicant provided an overview of the 102 unit complex and outdoor open space.

Mayor LaRosiliere opened the public hearing. Citizens Andrea Maluso, Juan Rodriguez, Neal Norton, Renee Fuller, Bill Kula, Greg Urech, Alishaa Chabra, Ward Olgreen, Paul Nolte, and Kenneth Chaiken spoke in opposition. Demetria McCain, VP and Deputy Director of Inclusive Communities Projects and Susan Watkins, speaking on behalf of ICP, spoke in support. Mayor LaRosiliere closed the public hearing. Mr. Williams addressed citizen comments and requested Council approve the application as submitted and represented today.

Mayor LaRosiliere stated this is an emotional issue and the decision should be made based on land use. City Attorney Mims clarified the accusations of potential lawsuits and the reconsideration process. The Council Members discussed their support or opposition to the project.

Public Hearing and reconsideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-47 (Cont'd.)

Upon a motion made by Council Member Davidson and seconded by Council Member Gallagher, the Council voted 5-3, with Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris, and Council Member Miner voting in opposition, with the motion failing the super majority requirement to grant an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-47 - Request for a Specific Use Permit for Mid-Rise Residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 10:49 p.m.

Harry LaRosiliere, Mayor

ATTEST

Lisa C. Henderson, City Secretary