

**PLANO CITY COUNCIL**  
**June 8, 2009**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Dyer convened the Council into the Regular Session on Monday, June 8, 2009, at 7:11 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Bryan Stamper of Grace Presbyterian Church. The Pledge of Allegiance was led by Representatives of the Boys & Girls Club of Collin County – Plano.

Mayor Dyer presented special recognition in appreciation of outgoing Mayor Pat Evans and Council Members Scott Johnson and Sally Magnuson.

**COMMENTS OF PUBLIC INTEREST**

K. Henderson addressed the Council regarding unsanitary conditions at a Plano restaurant, non-compliance with health regulations and unresponsive City Staff. She requested the location be cited for code violations.

Citizen of Plano Jay Cooper spoke regarding disconnection of water service, requested reconnection and an item be placed on a future agenda.

**CONSENT AGENDA**

Council Member Dunlap requested that Consent Agenda Item “D” be removed for individual consideration due to a possible conflict of interest.

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

**Approval of Minutes** (Consent Agenda Item “A”)  
May 26, 2009

### **Approval of Expenditures**

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

**CSP No. 2009-67-C** for the Avenue “N” Radio Communication Tower to EasTex Tower, Inc., in the amount of \$107,432 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”) [See Exhibit (A)]

**Bid No. 2009-116-B** for 2008-09 Screening Wall Panel Replacement Project to Ratliff Hardscape, LTD in the amount of \$296,890. This project involves the replacement of thin wall, screening wall panels at various locations across the City. (Consent Agenda Item “C”) [See Exhibit (B)]

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

To approve the purchase of Traffic Control, Enforcement & Signal Preemption Equipment, including Installation, Set-up, and Programming in the amount of \$187,320 from Consolidated Traffic Controls, Inc., through an existing contract/agreement with the Houston-Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. PE-05-09) (Consent Agenda Item “E”)

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

To approve an Engineering Contract by and between the City of Plano and Brown & Gay Engineers, Inc., in the amount of \$173,786 for design of Park Estates Water Rehabilitation, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

### **Adoption of Resolutions**

**Resolution No. 2009-6-1(R):** To designate the Director of Parks and Recreation to act for and on behalf of the City of Plano in seeking participation in the Collin County Parks and Open Space Project Funding Assistance Program; certifying that the City of Plano is eligible to receive such financial assistance; certifying that matching funds from the County program will be used to construct Bluebonnet Trail East which shall be dedicated for public park and recreational uses; and providing an effective date. (Consent Agenda Item “G”)

**Resolution No. 2009-6-2(R):** To authorize continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2009-6-3(R):** To approve and authorize the refunds of property tax overpayments; and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2009-6-4(R):** To approve the terms and conditions of a Software Support Agreement Renewal by and between Tritech Software Systems and the City of Plano, Texas for Computer Aided Dispatch System; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

**Resolution No. 2009-6-5(R):** To ratify the termination of a contract by and between Hisaw and Associates General Contractors, Inc., and the City of Plano for the Plano Centre Storage Expansion; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

**Resolution No. 2009-6-6(R):** To approve the terms and conditions of an Advance Funding Agreement for projects using funds held in the State Highway 121 Sub-Account – City Street Development – Off System Projects; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

### **END OF CONSENT**

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

**Bid No. 2009-117-B** for 2008-2009 Arterial Concrete Pavement Rehabilitation Project – Los Rios Boulevard and Jupiter Road to Hencie International, Inc. in the amount of \$268,250. This project involves the repair of arterial concrete pavement on Los Rios Boulevard between Country Club Drive and Park Boulevard and on Jupiter Road between Park Boulevard and Summit Road. (Consent Agenda Item “D”) [See Exhibit (C)]

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve Bid No. 2009-117-B for 2008-2009 Arterial Concrete Pavement Rehabilitation Project – Los Rios Boulevard and Jupiter Road to Hencie International, Inc. in the amount of \$268,250.

Deputy Mayor Pro Tem Dunlap resumed his place at the bench.

**Public Hearing and adoption of Ordinance No. 2009-6-7 as requested in Zoning Case 2008-74** to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding Day Care Centers; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “1”)

Director of Planning Jarrell spoke to conflicts between City and state regulations and proposed changes to the Zoning Ordinance to focus on the location of day care facilities rather than operational aspects. She advised that operators would need to comply with outdoor play space requirements set forth by the state and spoke to specific use permits for commercial operations in residential districts or those caring for more than eight children. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to revise definitions for day care center and day care center (in home), and create a new definition for day care center (accessory) use:
  - a. Day care center:

~~A facility providing care, training, education, custody, treatment, or supervision for 13 or more children for less than 24 hours per day The term “day care center” shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (See Subsection 3.102.) (Ordinance No. 93-10-32)~~

**Ordinance No. 2009-6-7 (cont'd)**

An operation other than public, parochial, or private school providing care for seven or more children under 14 years old for less than 24 hours per day at a location other than a residence.

b. Day care center (in home):

~~Allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence under these three options. (Ordinance No. 94-1-19)~~

- ~~1. Provides care for less than 24 hours a day to no more than 6 children under the age of 14, plus no more than 6 additional elementary school age children (age 5 to 13). The total number of children (counting the caretaker's own children) is no more than 12 at any time. Registration with the Texas Department of Protective and Regulatory Services is required, unless exempted by State law.~~
- ~~2. Provides care for less than 24 hours a day for 7 to 12 children (including the caretaker's and staff's children) under the age of 14. A license from the Texas Department of Protective and Regulatory Services is required. Care provided to 9 or more children that does not comply with Option 1 requires a specific use permit.~~
- ~~3. All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require specific use permit approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.~~

An operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time.

c. Day care center (accessory):

Accessory day care center is an accessory use providing care for children of employees, customers, or patrons of the principal use. The center shall be completely contained within the primary use and shall not constitute more than 15% of the area of the principal use.

2. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) allowing day care centers by right or with specific use permit, and adding End Note number 42 as follows:

**Ordinance No. 2009-6-7 (cont'd)**

**Residential Zoning Districts**

Permitted Uses	Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	2F - Two-Family (Duplex)	PH - Patio Home	SF-A - Single-Family Attached	MH - Mobile Home	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	GR - General Residential	UR - Urban Residential
Day Care Center	Service	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Day Care Center (In-home)	Service	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>	P	P	P	P	<u>P</u> <u>42</u>	<u>P</u> <u>42</u>
<u>Day Care Center (Accessory)</u>	<u>Service</u>											P	P	P		

End Note: 42 - See Subsection 3.102.2.c

**Nonresidential Zoning Districts**

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
Day Care Center	Service	P	P	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	S	P	P	S	S	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	S
<u>Day Care Center (Accessory)</u>	<u>Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>

**Ordinance No. 2009-6-7 (cont'd)**

3. Amend Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) as follows:

3.102 Day Care Centers, Day Care Centers (In-home), and Day Care Centers (Accessory)

~~Site plan approval by the Planning & Zoning Commission shall be required for all day care center sites, whether or not a specific use permit is required. Day care centers are a permitted use by right if operated by an organized church and within the building complex of said church. However, operation of day care facilities requires site plan approval and issuance of a Certificate of Occupancy for day care.~~

~~Day care centers located within any residential district except multifamily districts shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum requirements and in no case shall be approved in a configuration which could not, in the Planning & Zoning Commission's opinion, be converted into standard lots for residential development.~~

~~(1) Day care centers are permitted in nonresidential districts only when:~~

~~(a) The day care center is platted on an individual lot.~~

~~(b) The day care center is in a multi-occupant building with direct access to the exterior of the building. Direct access must be provided to the outdoor play space. The outdoor play space must be immediately adjacent and not separated from the day care center.~~

~~(c) The day care center is in an enclosed shopping mall exceeding 500,000 square feet of gross leasable area, provided the center shall be located within the interior of the mall, with no direct access to the exterior of the building. Day care shall be provided for less than four hours per day for an individual person within a mall day care center~~

~~(d) The day care center is located in an office structure or similar single-user structure with no direct access to the exterior of the building other than doorways connecting to outdoor play space as per building code requirements.~~

~~(e) The day care center is an accessory use which provides a service to employees, customers, or patrons of the principal use. A two square foot identification sign may be provided.~~

~~(f) The day care center is in an accessory building located on the same lot as the main building which provides a service to employees, customers, or patrons of the main building. A two square foot identification sign may be provided.~~

~~(2) All day care centers and day care centers (accessory) shall comply with the following standards:~~

~~(a) All passenger loading and unloading areas and outdoor play space shall be located so as to avoid conflict with vehicular traffic. Adequate walkways shall be provided.~~

~~(a) If required by the State of Texas, the day care center must be licensed or registered.~~

**Ordinance No. 2009-6-7 (cont'd)**

~~(b) Outdoor play space shall be provided at a rate of 65 square feet per child. This requirement shall be based on the maximum design capacity of the day care facility constructed. The outdoor play space shall have no dimension of less than 30 feet. This requirement may be waived by the Planning & Zoning Commission if the day care is provided for less than four hours per day for an individual person.~~

~~(c) In residential districts, a maximum of one half of the required outdoor play space may be provided offsite in a public park. When off premises outdoor play area is utilized, it must be located within 100 feet of the day care facility premises and safely accessible without crossing at grade any major or secondary thoroughfare.~~

~~(db) No day care center shall be part of a single-family or two-family dwelling.~~

~~(ec) A day care center shall abut and derive its primary access from a street with a pavement width of 36 feet or greater.~~

~~(f) As a general guideline, no portion of a day care center site should be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.~~

**(3) Day care center (in-home) is allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence subject to:**

**(a) If required by the State of Texas, the day care center must be licensed or registered.**

**(b) Care provided to eight or fewer children is allowed by right.**

**(c) Care provided to nine or more children is allowed with approval of a specific use permit.**

All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require specific use permit approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.

Ms. Jarrell advised the Council that use charts reflect City ordinance regulations and that deed restrictions not controlled by the City may be more restrictive. She advised that Plano does not regulate outdoor playspace for in-home care and spoke to neighborhood notification of specific use permits.

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

Upon a motion made by Council Member Miner and seconded by Council Member Harris, the Council voted 8-0 to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding Day Care Centers as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2008-74; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date; and further to adopt Ordinance No. 2009-6-7.

**Public Hearing and adoption of Ordinance No. 2009-6-8 as requested in Zoning Case 2009-08** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development 109-Retail/General Office on 14.8± acres located at the southwest corner of Park Boulevard and Alma Drive in the City of Plano, Collin County, Texas, to revise the concept plan to increase the lot size; 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: Racetrac Petroleum, Inc. (Regular Agenda Item “2”)

Director of Planning Jarrell advised that when this district was rezoned in 2000, the concept plan was adopted as part of the ordinance and this request to amend the plan allowing for a lot size to accommodate a convenience store/gas pumps. She advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Cheryl Williams, representing the applicant, requested the amendment to allow for a new-concept facility with enhanced exterior, landscaping, and lighting 20% less bright than typical locations. She spoke to input received from the nearby homeowners and responded to Deputy Mayor Pro Tem Dunlap advising that plant materials will be chosen with consideration of their preferences. Ms. Williams responded to Council Member Smith regarding canopy lighting and screening. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Mayor Pro Tem LaRosiliere, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development 109-Retail/General Office on 14.8± acres located at the southwest corner of Park Boulevard and Alma Drive in the City of Plano, Collin County, Texas, to revise the concept plan to increase the lot size; directing a change accordingly in the official zoning map of the City as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2009-08; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

**Public Hearing and adoption of Ordinance No. 2009-6-9 as requested in Zoning Case 2009-09** to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 6.200 (Board of Adjustments) of Article 6 (Procedures and Administration) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to amend regulations for household care facilities, rehabilitation care facilities, and boarding houses; establish definitions for household, boarding houses, and permitted uses and standards; and to establish a process for reasonable accommodation of housing for persons with disabilities; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “3”)

Director of Planning Jarrell advised that the proposed amendments will update the Zoning Ordinance to conform to Fair Housing Laws and the Americans' With Disabilities Act, update definitions, and that there are no changes to the use charts. She advised that the Planning and Zoning Commission recommended approval as follows: Deletions are indicated by a strikethrough; new language is indicated by underlined text.

**Ordinance No. 2009-6-9 (cont'd)**

**Article 1 General Regulations**  
**Section 1.600 Definitions**

**Assisted Living Facility** - A ~~development~~ building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services such as meals, housekeeping, transportation and community facilities such as central dining rooms and activity rooms.

**Boarding/Rooming House** - A ~~residence structure, other than a~~ excluding hotels, motels and multi-family dwellings, where ~~lodging and/or meals for four or more persons are provided for compensation~~ living quarters are shared by three or more persons not living together as a single household and where personal care services or assistance with medications (as defined by the Texas Health and Safety Code) are not provided

**Dwelling - Single-Family** - A building having accommodations for and occupied by not more than one ~~family~~ household.

**Dwelling - Two-Family** - A detached building having separate accommodations for and occupied by not more than two ~~families~~ households.

**Dwelling - Multifamily** - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more ~~families~~ households.

**Disabled Individual** - A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment. The term "disabled" includes persons recovering from addiction, but such term does not include current, illegal use of, or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Household** - A domestic unit that resides in and shares in common a single dwelling unit and consists of one or more individuals related by blood, marriage, adoption or recognized legal union or guardianship, and not more than four adult unrelated individuals, plus any minor children, or persons residing in a household care facility.

**Household Care Facility** - A dwelling unit that provides residence and care to not more than ~~six~~ eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two caregivers as a single household. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas.

**Household Care Institution** - A facility that provides residence and care to more than ~~six~~ eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; convalescing from illness, or rendered temporarily homeless due to fire, natural disaster or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas.

**Ordinance No. 2009-6-9 (cont'd)**

**Rehabilitation Care Facility** - A dwelling unit which provides residence and care to not more than ~~nine~~ eight persons, regardless of legal relationship, who have ~~demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct~~ been convicted of prohibited criminal conduct, and received conditional release, probation, or parole with supervision, living together with not more than two supervisory personnel as a single household ~~housekeeping unit~~. Where applicable, a rehabilitation care facility shall have appropriate licensing and/or registration.

**Rehabilitation Care Institution** - A facility which provides residence and care to ~~ten~~ nine or more persons, regardless of legal relationship, who have ~~demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct~~ been convicted of prohibited criminal conduct and received conditional release, probation, or parole with supervision, together with supervisory personnel.

**Article 2 Zoning Districts and Uses**  
**Subsection 2.502 Schedule of Permitted Uses**

Remove specific use permit requirement for household care facility in the Agricultural zoning district and allow this use by right.

**Article 6 Administration**  
**Subsection 6.200 Board of Adjustment**

Add (2)(e) as follows:

(e) Hear and decide requests for reasonable accommodations in the city's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, in accordance with the following procedures:

- (i) A request for reasonable accommodation may be made to the Chief Building Official by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.
- (ii) The Board of Adjustment shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:
  - 1 The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act and:
  - 2 The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation the applicant will be denied an equal opportunity to obtain the housing of his or her choice.

**Ordinance No. 2009-6-9 (cont'd)**

- (iii) If the applicant demonstrates the matters set out in (ii), (1) and (2) above, the request for reasonable accommodation shall be granted by the Board unless the accommodation would fundamentally alter the city's land use and zoning patterns or if the use's impact on its surroundings is no greater than that of other uses permitted in the district.
- (iv) A reasonable accommodation for an increase in the number of residents use terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act.

Ms. Jarrell responded to Deputy Mayor Pro Tem Dunlap advising that the Board of Adjustment will not be required to find a hardship for a variance.

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

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 6.200 (Board of Adjustments) of Article 6 (Procedures and Administration) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to amend regulations for household care facilities, rehabilitation care facilities, and boarding houses; establish definitions for household, boarding houses, and permitted uses and standards; and to establish a process for reasonable accommodation of housing for persons with disabilities as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2009-09; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date; and further to adopt Ordinance No. 2009-6-9.

**Public Hearing and adoption of Ordinance No. 2009-6-10** to repeal in its entirety Ordinance No. 97-8-7; codified as Section 19-21, Rules and Regulations Adopted, of Article II (Design and Construction) of Chapter 19 (Streets and Sidewalks) of the Code of Ordinances of the City of Plano; adopting minimum standards to be followed in the development of streets, thoroughfares, sidewalks, and appurtenances within the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "4")

Senior Traffic Engineer Green spoke to thoroughfare regulations providing design criteria and direction regarding the interface of driveways/minor roads with thoroughfares. He advised that this request includes language on variance procedures to facilitate redevelopment, updates visibility criteria, revises driveway design standards, and removes reference to Spring Creek Parkway as a Type "A" roadway. He spoke to modified requirements for offset roadways and consolidation of access requirements for service roads along control access facilities. Deputy Mayor Pro Tem Dunlap requested review of the turning radii and parking in the Legacy Town area and the impact on large vehicles (busses and fire trucks).

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

**Ordinance No. 2009-6-10 (cont'd)**

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Miner, the Council voted 8-0 to repeal in its entirety Ordinance No. 97-8-7; codified as Section 19-21, Rules and Regulations Adopted, of Article II (Design and Construction) of Chapter 19 (Streets and Sidewalks) of the Code of Ordinances of the City of Plano; adopting minimum standards to be followed in the development of streets, thoroughfares, sidewalks, and appurtenances within the City as requested by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date; and further to adopt Ordinance No. 2009-6-10.

There being no further discussion, Mayor Dyer adjourned the meeting at 8:05 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary