



CITY COUNCIL

**1520 K Avenue, Plano TX 75074 and via
videoconference**

DATE: February 26, 2024

TIME: 7:00 PM

This City Council Meeting will be held in person in the Senator Florence Shapiro Council Chambers and via videoconference. A quorum of the City Council, including the presiding officer, will participate in person. The facility will be open to members of the public.

For those wanting to watch the meeting but not address the Council, the meeting will be live-streamed on Plano's website at www.planotv.org and Facebook.com/cityofplanotx.

To pre-register to speak at the City Council meeting, please visit https://forms.plano.gov/Forms/Sign_Up_Citizen. Online registration opens at 5:00 p.m. on the Wednesday prior to the meeting and closes at 4:00 p.m. on the day of the meeting. Onsite registration is available on the day of the meeting until 15 minutes prior to the start of the meeting.

Emails regarding agenda items may be submitted to: councilcomments@plano.gov.

CALL TO ORDER

INVOCATION: Dr. Terren Dames - North Dallas Community Bible Fellowship

PLEDGE OF ALLEGIANCE / TEXAS PLEDGE: Brownie Troop 1674 - Custer Road United Methodist Church

OUR VISION - PLANO IS A GLOBAL ECONOMIC LEADER BONDED BY A SHARED SENSE OF COMMUNITY WHERE RESIDENTS EXPERIENCE UNPARALLELED QUALITY OF LIFE.

The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.

CONSENT AGENDA

The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Presiding Officer will establish time limits based upon the number of speaker requests.

Approval of Minutes

- (a) February 12, 2024
Approved

Approval of Expenditures

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

- (b) RFB No. 2023-0693-ER for an initial term of \$2,443,200 or two (2) years, whichever occurs first, with two (2) City optional renewals for Residential Alley Repairs Requirements Contract - 2023, Project No. PW-S-00050, for the Public Works Department to Urban Infraconstruction, LLC in the amount of \$2,443,200 for each term; and authorizing the City Manager to execute all necessary documents. **Approved**
- (c) RFB No. 2024-0113-AC for a one (1) year contract with five (5) one-year automatic renewals for Median and Right-of-Way Mowing, Group A, for Parks and Recreation Department to Carruthers Landscape Management, Inc. in the estimated annual amount of \$99,680; and authorizing the City Manager to execute all necessary documents. **Approved**
- (d) RFB No. 2024-0063-AC for a one (1) year contract with three (3) one-year automatic renewals for Professional Food Service Personnel for the Plano Event Center to Mangwenya LLC in the estimated annual amount of \$314,650; and authorizing the City Manager to execute all necessary documents. **Approved**
- (e) RFB No. 2024-0151-B for Building No. 30 Animal Shelter 2023 Renovations, Project No. FAC-F-7618, for the Engineering Department to Native Consolidated Management LLC DBA Native Construction in the amount of \$509,844; and authorizing the City Manager to execute all necessary documents. **Approved**

Purchase from an Existing Contract

- (f) Rescind award of RFB No. 2021-0432-O for one (1) Six Yard Dump Truck for Fleet Services in the amount of \$99,269 from MHC Kenworth-Dallas and to approve the purchase of one (1) Six Yard Dump Truck for Fleet Services from Southwest International Trucks in the amount of \$117,969 through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 723-23) **Approved**
- (g) To approve the purchase of two (2) Ventrac Tractors, one (1) Utility Vehicle, one (1) Greens Roller, one (1) Turf Sprayer, and one (1) Sweeper for Fleet Services in the amount of \$279,131 from Professional Turf Products through existing contracts; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 706-23 and Sourcewell Contract No. 031121-TTC) **Approved**

Approval of Change Order

- (h) To approve an increase to the current awarded contract amount of \$4,782,963 by \$280,950, for a total amount of \$5,063,913, for Collin Creek Wastewater Improvements, Project No. 7230, from A & B Construction, LLC for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0455-B; Change Order No. 1) **Approved**
- (i) To ratify an increase to the current awarded contract amount of \$3,332,210 by \$285,909, for a total contract amount of \$3,618,119, for West Arterial Overlay - 2023, Project No. 7541, from Texas Materials Group, Inc. dba Texas Bit for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2023-0341-B; Change Order No. 1) **Approved**

Approval of Request

- (j) To call a public hearing to initiate a petition for rezoning of certain properties from Planned Development-381-Retail/General Office and Agricultural to Light Industrial-1 located south of Lotus Drive and north of President George Bush Turnpike at Independence Parkway. **Approved**

Approval of Expenditure

- (k) To approve an expenditure in the amount of \$1,040,660 for the purchase of a Sanitary Sewer Easement and a Temporary Construction Easement located at 2700 West Plano Parkway from 2700 Plano Parkway LLC; and authorizing the City Manager to execute all necessary documents. **Approved**
- (l) To approve an expenditure for engineering professional services for Winding Hollow Drainage Improvements, Project No. ENG-D-00006, in the amount of \$379,000 from Halff Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**

Approval of Contract / Agreement

- (m) To approve a Memorandum of Understanding between the City of Plano and Dallas Area Rapid Transit (DART), for ensuring the cleanliness of the equipment maintenance facility, wash buildings, and surrounding site for the proposed Silver Line Maintenance Facility; authorizing the City Manager to execute all necessary documents; and providing an effective date. **Approved**
- (n) To approve an Interlocal Agreement between Collin County and the City of Plano for use of county funds in the 2018 Parks and Open Space Bond Project for construction of the Chisholm Trail Extension; and authorizing the City Manager to execute all necessary documents. **Approved**

Adoption of Ordinances

- (o) To provide certain Heritage Resources within the City of Plano ad valorem tax relief as allowed by the Heritage Tax Exemption Ordinance to provide for reinvestment into maintenance and long-term preservation of historic structures, providing a severability clause, and an effective date. **Adopted Ordinance No. 2024-2-3**

ITEMS FOR INDIVIDUAL CONSIDERATION:

Public Hearing Items:

Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The Presiding Officer may amend these times as deemed necessary.

Non-Public Hearing Items:

The Presiding Officer will permit public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order requests are received until the cumulative time is exhausted.

- (1) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-021 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, rezoning 5.0 acres of land located on the west side of Enterprise Drive, 175 feet north of Park Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-72-Single-Family Residence Attached; 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. Petitioner: Fairview Farm Land Company, Ltd. **Conducted and adopted Ordinance No. 2024-2-4**
- (2) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-029 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 63 for Electrical Substation on 3.4 acres of land located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, 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. Petitioner: Plano Property Owner, LP **Conducted and adopted Ordinance No. 2024-2-5**
- (3) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-014 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano (Tabled at the October 23, 2023, and November 27, 2023, City Council meetings.) **Conducted and adopted Ordinance No. 2024-2-6**

- (4) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-019 to amend Article 3 (Site Plan Review), Article 5 (Variances and Appeals of Administrative Decisions), Article 7 (Nonconformities), Article 9 (Residential Districts), Article 10 (Nonresidential Districts), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 20 (Screening, Fence and Wall Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to recent state legislative actions to ensure compliance with state law, including amendments related to Senate Bill 929; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano **Conducted and adopted Ordinance No. 2024-2-7**
- (5) Public Hearing and consideration of an Ordinance as requested in Subdivision Ordinance Amendment 2023-003 to amend the Introduction and Procedural Overview, Article I (General Provisions), Article II (Definitions), Article III (Platting Procedures), Article IV (Assurance for Completion and Maintenance of Improvements), Article V (Requirements for Public Improvements, Reservation and Design), and Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, related to House Bill 3699, including extension of certain plat approval authority to staff as permitted under the bill; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano **Conducted and adopted Ordinance No. 2024-2-8**

COMMENTS OF PUBLIC INTEREST

This portion of the meeting is to allow up to three (3) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.

****IMPORTANT MESSAGE* Plano City Council meetings will temporarily be held at Davis Library as of April 8, 2024 during renovation of the council chambers.***

The City of Plano encourages participation from all citizens. The facility has accessible restroom facilities, drinking fountains, and power assist entrance doors. The facility is easily accessed from public sidewalks and parking areas, with designated accessible parking nearby. If you require additional assistance or reasonable accommodations under the Americans with Disabilities Act for this meeting or facility, including ASL interpreters, you should submit an ADA Reasonable Accommodation Request Form to the ADA Coordinator at least 48 hours in advance. If you need assistance completing the form, please call 972-941-7152. Complete or download the ADA Reasonable Accommodation Request Form at <https://www.plano.gov/395/Accessibility-Accommodations>.



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024

DEPARTMENT: City Secretary

DIRECTOR: Lisa Henderson, City Secretary

This City Council Meeting will be held in person in the Senator Florence Shapiro Council Chambers and via videoconference. A quorum of the City Council, including the presiding officer, will participate in person. The facility will be open to members of the public.

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AGENDA ITEM: To pre-register to speak at the City Council meeting, please visit https://forms.plano.gov/Forms/Sign_Up_Citizen. Online registration opens at 5:00 p.m. on the Wednesday prior to the meeting and closes at 4:00 p.m. on the day of the meeting. Onsite registration is available on the day of the meeting until 15 minutes prior to the start of the meeting.

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RECOMMENDED ACTION: Location Link



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: City Secretary
DIRECTOR: Lisa Henderson, City Secretary
AGENDA ITEM: Approval of Minutes
RECOMMENDED ACTION: Approval of Minutes

ITEM SUMMARY

February 12, 2024

Approved

ATTACHMENTS:

Description	Upload Date	Type
Preliminary Open Meeting Minutes	2/19/2024	Minutes
Regular Meeting Minutes	2/19/2024	Minutes

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
February 12, 2024**

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Kayci Prince, Mayor Pro Tem
Maria Tu, Deputy Mayor Pro Tem
Anthony Ricciardelli – arrived at 6:04 p.m.
Rick Horne
Shelby Williams
Julie Holmer
Rick Smith

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Sam Greif, Deputy City Manager
LaShon Ross, Deputy City Manager
Michelle D’Andrea, Deputy City Attorney
Lisa C. Henderson, City Secretary

Mayor Muns called the meeting to order at 5:00 p.m., Monday, February 12, 2024, in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue and via videoconference. A quorum was present. Mayor Muns then stated the Council would retire into Executive Session, in Training Room A, in compliance with Chapter 551, Government Code, Vernon’s Texas Codes Annotated in order to consult with an attorney to receive Legal Advice, Section 551.071; and discuss Economic Development matters, Section 551.087; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required. The Council convened into Executive Session at 5:15 p.m.

Mayor Muns reconvened the meeting back into the Preliminary Open Meeting at 6:05 p.m.

- **Consideration and action resulting from Executive Session discussion**
- **Appointment**
Tax Increment Financing Reinvestment Zone No. 5 Board – Council Liaisons
Upon a motion made by Mayor Muns and seconded by Deputy Mayor Pro Tem Tu, the Council voted 8-0 to appoint Councilmember Horne and Councilmember Smith as liaisons to the Tax Increment Financing Reinvestment Zone No. 5 Board.
- **Streambank Study Update**
Brent Ehmke (President of the Hills of Indian Creek HOA), Nancy Markham (homeowner and member of the Architectural Control Committee of the Hills of Indian Creek HOA) and Audrey Gillett (homeowner in Hills of Indian Creek spoke to policy changes, ownership issues and honoring an agreement to purchase property. Joey Sevin with Estates at Wooded Cove spoke to financial assistance and a tributary study and assessment being conducted by SMU Lyle School of Engineering.

- **Consent and Regular Agendas**
Consent Items “B” (Holmer), “N” (citizen), and “P” (Ricciardelli) were pulled for individual consideration.
- **Council items for discussion/action on future agendas**
Streambank Policy discussion (Williams/Tu)

With no further discussion, the Preliminary Open Meeting adjourned at 6:48 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
February 12, 2024**

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Kayci Prince, Mayor Pro Tem
Maria Tu, Deputy Mayor Pro Tem
Anthony Ricciardelli
Rick Horne
Shelby Williams
Julie Holmer
Rick Smith

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Sam Greif, Deputy City Manager
LaShon Ross, Deputy City Manager
Michelle D'Andrea, Deputy City Attorney
Lisa C. Henderson, City Secretary

Mayor Muns convened the Council into the Regular Session on Monday, February 12, 2024, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue and via videoconference. A quorum was present.

Invocation and Pledge

Pastor Julian McMillian with Grace Church Plano led the invocation and BSA Troop 380 with St. Andrew Methodist Church led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Presentation: The Salvation Army of North Texas presented the results of the 2023 Mayors Red Kettle Challenge.

Proclamation: February is Black History Month.

Consent Agenda

MOTION: Upon a motion made by Councilmember Horne and seconded by Councilmember Williams the Council voted 8-0 to approve all items on the Consent Agenda, except Items "B", "N", and "P" as follows:

Approval of Minutes

January 22, 2024
February 1, 2024 (Joint PISD)
(Consent Agenda Item "A")

Approval of Expenditures

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

RFB No. 2024-0143-B for Arterial Concrete Repair Park Boulevard - West City Limits to Preston Road, Project No. PW-S-00025, for the Public Works Department to XIT Paving and Construction, Inc. in the amount of \$2,066,495; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

RFB No. 2024-0026-B for Arterial Concrete Repair Legacy Drive – Coit Road to Custer Road, Project No. PW-S-00026, for the Public Works Department to XIT Paving and Construction Inc. in the amount of \$3,994,650; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

RFB No. 2023-0690-B for Bluebonnet Trail Drainage Improvements, Project No. 7598, for the Parks and Recreation Department to West Texas Rebar Placers Inc. in the amount of \$203,781; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

RFB No. 2023-0592-B for Intersection Improvements - 2022 Traffic Signal Construction - Various Locations, Project No. 7391, for the Engineering Department to EAR Telecommunications, LLC DBA EARTC, in the amount of \$3,194,502; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Purchase from an Existing Contract

To approve the purchase of fifteen (15) SCOTT SCBA’s (Self Contained Breathing Apparatus) and sixty (60) 45 minute air cylinders for Plano Fire-Rescue in the amount of \$195,585 from Metro Fire Apparatus Specialists, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 698-23) (Consent Agenda Item “G”)

To approve the purchase of office furniture for the Public Works Department through the Engineering - Facilities Division in the estimated amount of \$172,240 from Texas Furniture Source, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Omnia Contract No. R191804 and BuyBoard Contract No. 667-22) (Consent Agenda Item “H”)

To approve the purchase of ninety-five (95) Cisco network switches and accessories for Technology Solutions Department in the estimated amount of \$948,713 from Netsync Network Solutions, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-TSO-4167 and DIR Contract No. DIR-CPO-4430) (Consent Agenda Item “I”)

Approval of Change Order

To approve a decrease to the current awarded contract amount of \$5,930,325 by \$1,530,656, for a total contract amount of \$4,399,669, for Arterial Pavement Repair Parker Road - West City Limit to Preston Road from HQS Construction, LLC for Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0443-B; Change Order No. 1) (Consent Agenda Item “J”)

Approval of Expenditure

To approve an expenditure for engineering professional services for Parker Road Elevated Storage Tank Rehabilitation, Project No. PW-W-00005, in the amount of \$324,250 from Kimley-Horn and Associates, Inc. for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

To approve an expenditure for engineering professional services for Ridgeview Pump Station Assessment, Project No. PW-W-00013, in the amount of \$431,600 from Freese and Nichols, Inc. for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

To approve an expenditure for professional Lead and Copper Field Inspections in the estimated amount of \$2,800,000 from Ameresco, Inc. for Public Works; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

Approval of Contract / Agreement

To approve the terms and conditions of an Interlocal Agreement between the City of Plano and the Regional Transportation Council (RTC) concerning the roles and responsibilities of each party with respect to Transportation Development Credits (TDCs) awarded for the project summarized in Attachment 1; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “O”)

End of Consent

RFQ No. 2023-0513-B for a contract for a Cultural Arts Plan for the Special Projects Department to The Cultural Planning Group, LLC in the estimated amount of \$297,520; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Councilmember Holmer spoke to the importance of the study and arts in Plano.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Councilmember Holmer, the Council voted 8-0 to approve RFQ No. 2023-0513-B for a contract for a Cultural Arts Plan for the Special Projects Department to The Cultural Planning Group, LLC in the estimated amount of \$297,520; and authorizing the City Manager to execute all necessary documents.

To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Sysgration America Corporation, a Texas corporation (“Company”), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

Jennifer Groysman spoke in opposition to the economic development incentive agreement.

MOTION: Upon a motion made by Councilmember Ricciardelli and seconded by Councilmember Smith, the Council voted 8-0 to approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Sysgration America Corporation, a Texas corporation (“Company”), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents.

Resolution No. 2024-2-1(R): To approve the addition of the Retail Revitalization Program policy statement to the City of Plano Economic Development Policy for Economic Development Incentives; and providing an effective date. (Consent Agenda Item “P”)

The topic will be placed on a work session to discuss future policy updates.

MOTION: Upon a motion made by Councilmember Ricciardelli and seconded by Deputy Mayor Pro Tem Tu, the Council voted 8-0 to approve the addition of the Retail Revitalization Program policy statement to the City of Plano Economic Development Policy for Economic Development Incentives; and providing an effective date; and further to adopt Resolution No. 2024-2-1(R).

Public Hearing and adoption of Ordinance No. 2024-2-2 as requested in Zoning Case 2023-005 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, rezoning 89.1 acres of land located on the west side of the Dallas North Tollway, 305 feet north of Park Boulevard in the City of Plano, Collin County, Texas, from Regional Commercial to Planned Development-Regional Commercial and repealing Ordinances No. 2023-10-4, 2001-2-31, 2001-5-13, and 2001-6-27 for the purpose of rescinding Specific Use Permits No. 56, 434, 444, and 448 for Private Club; 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. Petitioner: Centennial Waterfall Willow Bend, LLC, The Neiman Marcus Group, LLC, Macy’s Retail Holdings, LLC, and Dillard’s, Inc. (Regular Item “1”)

Mayor Muns opened the public hearing. Steve Levin, Whitney Livingston and Michael Platt with Centennial spoke to the project. Jennifer Groysman and Cleo Marchese spoke in opposition of the project. Darrell Rodenbaugh, Paul Evans, Cynthia Padin, Dr. Sara Johnson, Jennifer Davis, George Stergios, Brian Dunne and Melanie Glickler spoke in support of the project. Mayor Muns closed the public hearing.

Councilmember Holmer requested private clubs by right be limited to 8,000 square feet or less and larger private clubs require a Specific Use Permit (SUP).

Public Hearing and adoption of Ordinance No. 2024-2-2 (Cont'd.)

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Deputy Mayor Pro Tem Tu, the Council voted 6-2, with Councilmembers Ricciardelli and Williams in opposition, to rezone 89.1 acres of land located on the west side of the Dallas North Tollway, 305 feet north of Park Boulevard in the City of Plano, Collin County, Texas, from Regional Commercial to Planned Development-Regional Commercial and repealing Ordinances No. 2023-10-4, 2001-2-31, 2001-5-13, and 2001-6-27 for the purpose of rescinding Specific Use Permits No. 56, 434, 444, and 448 for Private Club; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2023-005; with the amendment that private clubs by right be limited to 8,000 square feet or less and larger private clubs require a Specific Use Permit (SUP); and further to adopt Ordinance No. 2024-2-2 as amended.

The council took a brief recess at 9:08 p.m. and reconvened at 9:15 p.m. Councilmember Smith returned at 9:16 p.m. Councilmembers Ricciardelli and Holmer returned at 9:17 p.m.

Comments of Public Interest

Deputy Mayor Pro Tem Maria Tu spoke to Lunar New Year traditions.
Ayaan Ahmed requested Council support a resolution for a ceasefire in Gaza.
Ferdous Mahmood requested Council support a resolution for a ceasefire in Gaza.
Samina Ali requested Council support a resolution for a ceasefire in Gaza.
Deb Armintor requested Council support a resolution for a ceasefire in Gaza.
Misty Hoyt spoke to the new wayfinding signs in Plano.
Maleeha Kazmi requested Council support a resolution for a ceasefire in Gaza.
Samir Mansour requested Council support a resolution for a ceasefire in Gaza.
Chase Fitzpatrick requested Council support a resolution for a ceasefire in Gaza.
Khalid Ishaq called for peace regarding the Gaza conflict.
Jennifer Groysman spoke to the Gaza conflict and impact on the Jewish community.

With no further discussion, the Regular City Council Meeting adjourned at 9:44 p.m.

John B. Muns, Mayor

ATTEST:

Lisa C. Henderson, City Secretary

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024

DEPARTMENT: Public Works

DIRECTOR: Dan Prendergast, P.E. Director of Public Works

AGENDA ITEM: Award of bid for an initial term of \$2,443,200 or two (2) years, whichever occurs first, with two (2) City optional renewals for a total of \$7,329,600 for Residential Alley Repairs Requirements Contract - 2023, Project No. PW-S-00050

RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2023-0693-ER for an initial term of \$2,443,200 or two (2) years, whichever occurs first, with two (2) City optional renewals for Residential Alley Repairs Requirements Contract - 2023, Project No. PW-S-00050, for the Public Works Department to Urban Infraconstruction, LLC in the amount of \$2,443,200 for each term; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

Public Works recommends the bid for the Residential Alley Repairs Requirements Contract – 2023 contract be awarded to Urban Infraconstruction, LLC, for the initial term of \$2,443,200, or two years, whichever occurs first, with two City optional renewals; to be accepted as the lowest responsive and responsible bid for the project, conditioned upon timely execution of all necessary documents. A total of 864 vendors were notified of the bid, four (4) submitted a “No Bid” and two (2) responsive bids were submitted.

For each contract term, this project involves the repair of 18,500 square yards of residential concrete alley and street pavement, 4,000 square feet of sidewalk and 84 barrier free ramps, located in various locations throughout the City of Plano.

Public Works employs three options for different types of pavement repair needs. City staff typically handle smaller isolated repairs of significantly damaged street, sidewalk, and alley paving. Utilizing city crews for these areas is more cost-effective than a third party due to costs of mobilization and economy of scale. Next, larger areas of repair are bid as separate contracts such as neighborhood zone rehabilitation projects and arterial rehabilitation projects that cover several miles of infrastructure. Finally, requirements projects, such as this one, are location based work orders that address moderate sized areas of disrepair. Staff creates work orders for these areas with higher quantities of concrete repair and traffic control than City crews are able to address. Staff also inspects the third party construction activities to ensure the work is performed to City specifications.

Public Works staff continually evaluate both the effectiveness of our street projects and feasibility to do more work with Public Works staff. At this time, sufficient yard/storage space, staff space, and equipment is not available for City staff to perform larger pavement rehabilitation projects, such as this requirements project, and still address isolated areas for repair that cost the City more for private contractors to complete.

If this project is not awarded at Council, these areas will not be repaired, which will result in elevated

maintenance and replacement costs in the future. In addition, existing ADA compliance issues will not be repaired, leaving pedestrian facilities in an unsafe condition.

Engineer’s estimate for this project is \$2,548,000.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Capital Maintenance Fund and is planned for future years, as well. Award of the Residential Alley Repairs Requirements Contract - 2023 has an initial term of two (2) years or \$2,443,200 and two (2) City optional renewals of the same term, for an estimated total amount of \$7,329,600 if all renewal options are exercised.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	1/23/2024	Bid Recap

CITY OF PLANO
RFB CIP
SOLICITATION NO. 2023-0693-ER
RESIDENTIAL ALLEY REPAIRS REQUIREMENTS CONTRACT – 2023
PROJECT NO. PW-S-00050
BID RECAP

Bid Opening Date/Time: October 24, 2023 @ 2 p.m.

Number of Vendors Notified: 864

Number of Vendors Submitting “No Bids”: 4

Number of Non-Responsive Bids Submitted: 1

Number of Responsive Bids Submitted: 2

Vendor:

Urban Infraconstruction, LLC

ICOS Management, LLC

Total Bid:

\$2,443,200.00

\$3,808,500.00

Recommended Vendor:

Urban Infraconstruction, LLC

\$2,443,200.00

Lincoln Thompson

Lincoln Thompson
Contract Administrator

January 23, 2024

Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Parks
DIRECTOR: Ron Smith, Director of Parks and Recreation
AGENDA ITEM: 2024-0113-AC Median and Right-of-Way Mowing, Group A
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2024-0113-AC for a one (1) year contract with five (5) one-year automatic renewals for Median and Right-of-Way Mowing, Group A, for Parks and Recreation Department to Carruthers Landscape Management, Inc. in the estimated annual amount of \$99,680; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

This contract is for scheduled recurring median and right-of-way mowing, recurring proactive tree maintenance, litter collection, and annual mulch maintenance at various locations throughout the city along multiple high traffic thoroughfares. The locations have been mapped and labeled Group A. Group A is comprised of 10 locations totaling 65.65 acres and includes: 14th St, Brand Rd, Chaparral/Cloverhaven, Country Club Dr, Emerald Coast Dr, Jupiter Rd, Los Rios Blvd, Shiloh Rd, Spring Creek Walk, and Stratford Dr.

This evaluation was completed using the competitive sealed bid process. The City received six bids.

It is the recommendation of Plano Parks and Recreation to award 2024-0113-AC, Median and Right-of-Way Mowing, Group A to Carruthers Landscape Management, Inc., the lowest, responsive, and responsible bidder. The estimated annual expenditure is \$99,680.

The initial contract term for Group A is one-year with five one-year automatic renewals for a potential of a six (6) year contract. If all renewals are exercised, the total expenditure will be \$598,080. Performing this service contractually versus in-house will save the City approximately \$150,000 annually.

Failure to award this contract would result in numerous medians and rights of way becoming non-compliant with City of Plano municipal codes and ordinances for weeds, rubbish, and traffic visibility. This could lead to increased traffic hazards.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Park Median Maintenance Budget and is planned for future years as well. This request is for a one (1) year contract for an initial amount of \$74,490 and five (5) one-year automatic renewals for Median and Right-of-Way Mowing, Group A, in the annual amount of \$99,680. A current year balance of \$517,130 remains for other contractual expenditures. Future year expenditures are dependent on contract renewals in the annual estimated amount of \$99,680 for FY 2024-25 through FY 2028-29 and \$25,190 in FY 2029-30. All future year expenditures will occur within Council approved appropriations.

Approval of this item supports the City's Strategic Plan Critical Success Factor of Excellent, Innovative,

and Accountable City Government.

ATTACHMENTS:

Description

Upload Date

Type

Bid Recap

2/14/2024

Bid Recap

CITY OF PLANO

Bid No. 2024-0113-AC RFB for Median and Right-of-Way Mowing, Group A Bid Recap

Bid Opening Date/Time: December 6, 2023 @ 2:00 PM

Number of Vendors Notified: 710

Vendors Submitting “No Bids”: 1

Number of Vendors Non-Responsive: 0

Number of Bids Submitted: 6

Carruthers Landscape Management, Inc.	\$ 99,680.00
Nico's Landscape	\$119,731.35
Trevino's Landscaping	\$121,007.00
SLM Landscaping & Maintenance	\$128,965.00
SRH Landscapes LLC	\$141,795.00
BrightView Landscape Services	\$289,095.55

Recommended Vendor(s):

Carruthers Landscape Management, Inc.	\$ 99,680.00
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CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Parks
DIRECTOR: Ron Smith, Director of Parks and Recreation
AGENDA ITEM: Professional Food Service Personnel for Plano Event Center
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2024-0063-AC for a one (1) year contract with three (3) one-year automatic renewals for Professional Food Service Personnel for the Plano Event Center to Mangwenya LLC in the estimated annual amount of \$314,650; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Plano Event Center services catered functions with contracted professional food service personnel labor including waiters, bartenders, stewards, and concession workers. The current contract is nearing expiration so a solicitation for services was released.

The Plano Event Center recommends awarding the 2024-0063-AC Professional Food Service Personnel contract to Mangwenya LLC. Mangwenya LLC is the lowest responsive, responsible bidder. The Department believes they are capable of fully meeting the requirements of the contract as specified in the bid documentation.

The contract term is one year with three annual renewals at the City's discretion for a maximum of four years. The total award of this contract, estimated at \$1,258,600 anticipates exercising all contract option years for a full four-year term. FY 23-24 estimated at seven months for \$183,546 anticipates the contract beginning March 12, 2024. FY 24-25, estimated at \$314,650, will be the first full year of the contract. FY 25-26 and FY 26-27 are also estimated at \$314,650 each and FY27-28 (based on five remaining months) is estimated at \$131,104.

The professional services provided by this contract equate to an annual savings of \$130,850 if the same services were to be provided by additional in-house staff.

Should approval be denied, it would not be possible for Plano Event Center to service large catered events and there would be a loss of food and ancillary services revenues.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the FY 2023-24 Plano Event Center budget and is planned through FY 2027-28. This contract for food service personnel labor will begin March 2024 and will end March 2028. The estimated total amount to be spent is \$1,258,600 with expected annual expenses of \$183,546 in FY 2023-24, \$314,650 in each year of FY 2024-25, FY 2025-26, and FY 2026-27, and \$131,104 in FY 2027-28. All future year expenditures will be made within the annually approved budget appropriations.

Approval of this item supports the City's Strategic Plan Critical Success Factors of Residential and Commercial Economic Vitality and Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	2/14/2024	Bid Recap

CITY OF PLANO
BID NO. 2024-0063-AC
Professional Food Service Personnel

BID RECAP

Bid Opening Date/Time: November 6, 2023 at 2:00 p.m. CDT

Number of Vendors Notified: 478

Vendors Submitting “No Bids”: 10

Bids Evaluated Non-Responsive to Specifications: 0

Number of Bids Submitted Responsive to Bid: 4

<u>Vendor</u>	<u>Total Amount Bid</u>
Mangwenya LLC	\$314,650
Fancy Staff LLC	\$349,350
People Ready	\$353,280
SMB Staffing LLC	\$357,400

Recommended Vendor:

Mangwenya LLC	\$314,650
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CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024

DEPARTMENT: Engineering-Facilities

DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering

AGENDA ITEM: Award of bid in the amount of \$509,844 for 2024-0151-B for Building No. 30 Animal Shelter 2023 Renovations, Project No. FAC-F-7618.

RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2024-0151-B for Building No. 30 Animal Shelter 2023 Renovations, Project No. FAC-F-7618, for the Engineering Department to Native Consolidated Management LLC DBA Native Construction in the amount of \$509,844; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Engineering Department opened bids on January 18, 2024 for the Animal Shelter 2023 Renovations Project to replace the cat condos and outdoor kennels, renovate the indoor stray dog kennels and add motorized roll-up gates to create a sally port to safely receive animals into the facility.

The lowest responsive and responsible bid was submitted by Native Consolidated Management LLC, DBA Native Construction, in the amount of \$509,844. There were a total of 1,344 notified vendors, with 6 complete bids received and 4 no-bids for the project as shown in the attached bid recap.

Approximately 25% of the outside dog runs are no longer safe for animal containment. The cat adoption condos have an extensive amount of rust and will soon become unusable. The current condition of the run doors in the reclaim side exposes impounded animals to disease agents. The shelter does not have a controlled area for transferring impounded pets into the shelter. Approving this agenda item will preserve the capacity to shelter adoptable cats and dogs and will address the safety issues.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Capital Maintenance Fund and Animal Shelter Donations Fund. Construction services for the Animal Shelter 2023 Renovations project, in the total amount of \$509,844, will leave a combined balance of \$364,495 for future expenditures at the facility.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	2/8/2024	Bid Recap

CITY OF PLANO

RFB

Bid No. 2024-0151-B

Building No. 30 Animal Shelter 2023 Renovations
Project No. FAC-F-7618

Bid Recap

Bid Opening Date/Time: Thursday, January 18, 2024 @ 2:00 PM

Number of Vendors Notified: 1344

Vendors Submitting “No Bids”: 4

Number of Non-Responsive Bids Submitted: 0

Number of Responsive Bids Submitted: 6

<u>Vendor:</u>	<u>Total Bid</u>
Native Consolidated Management LLC DBA Native Construction	\$509,844.00
Tegrity Contractors Inc.	\$527,777.00
Falkenberg Construction Co., Inc.	\$536,261.00
P3 Builds (P3 Partners, LLC)	\$597,420.00
ICGM Group LLC (ICGM Group)	\$604,550.00
Patriot Development and Construction	\$667,340.67

Recommended Vendor:

Native Consolidated Management LLC DBA Native Construction	\$509,844.00
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Ruth Escalera

Ruth Escalera , Senior Buyer

2/5/2024

Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Fleet Services
DIRECTOR: Dan Prendergast, P.E. Director of Public Works
AGENDA ITEM: Rescind previous award of one (1) Six Yard Dump Truck. Award the purchase of one (1) Six Yard Dump Truck.
RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

Rescind award of RFB No. 2021-0432-O for one (1) Six Yard Dump Truck for Fleet Services in the amount of \$99,269 from MHC Kenworth-Dallas and to approve the purchase of one (1) Six Yard Dump Truck for Fleet Services from Southwest International Trucks in the amount of \$117,969 through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 723-23) **Approved**

PREVIOUS ACTION/PRESENTATION

On July 26, 2021, City Council awarded RFB No. 2021-0432-O for one (1) Six Yard Dump Truck for Fleet Services to MHC Kenworth, in the amount of \$99,269.

BACKGROUND

Staff worked with the original vendor through 2022 and 2023 and then, in late October 2023, the vendor provided notice that they cancelled the order. Due to the vendor's inability to provide this unit, the Public Works Department requests the award be rescinded thereby allowing the purchase of a truck through a cooperative purchasing program.

It is the recommendation of Fleet Services to purchase one (1) Six Yard Dump Truck in the amount of \$117,969 from Southwest International Trucks through BuyBoard Contract No. 723-23. Fleet Services solicited multiple Cooperative Contract quotes, and this vendor was the only responsive, responsible bidder.

This unit is an unscheduled replacement of a dump truck assigned to Streets. This unit is used for street, alley, and sidewalk repair as well as sanding operations to control ice during freezing weather.

The purchase of this unit is necessary for the following reasons:

1. The old unit was removed from service due to a damaged frame that is not repairable.
2. This unit is essential to the department's daily operations and is required to maintain service levels.
3. The absence of this unit has resulted in reduced efficiency of repair work.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (BuyBoard Contract No. 723-23 & the City of Plano Contract No. 2024-0236-O)

FINANCIAL SUMMARY/STRATEGIC GOALS

Funds are available in the FY 2023-24 Equipment Replacement Fund budget to purchase one (1) Six Yard Dump Truck in the amount of \$117,969 from Southwest International Trucks. This unit is an unscheduled replacement of unit 06804 Truck, Dump, 6-7 Cubic Yard in Cost Center 742 Streets. The funds needed for this purchase are available from savings in previous Equipment Replacement Fund purchases and fund balance.

Approval of this purchase relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Picture	1/24/2024	Attachment



Dump Truck

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024

DEPARTMENT: Fleet Services

DIRECTOR: Dan Prendergast, P.E. Director of Public Works

AGENDA ITEM: Purchase of two (2) Ventrac Tractors, one (1) Utility Vehicle, one (1) Greens Roller, one (1) Turf Sprayer, and one (1) Sweeper.

RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

To approve the purchase of two (2) Ventrac Tractors, one (1) Utility Vehicle, one (1) Greens Roller, one (1) Turf Sprayer, and one (1) Sweeper for Fleet Services in the amount of \$279,131 from Professional Turf Products through existing contracts; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 706-23 and Sourcewell Contract No. 031121-TTC) **Approved**

BACKGROUND

It is the recommendation of Fleet Services to Purchase two (2) Ventrac Tractors, one (1) Utility Vehicle, one (1) Greens Roller, one (1) Turf Sprayer, and one (1) Sweeper in the amount of \$279,131 from Professional Turf Products through BuyBoard Contract No. 706-23 and Sourcewell Contract No. 031121-TTC.

Five (5) units are scheduled replacements from Capital Outlay FY2023-24 in Parks and Recreation. One (1) Ventrac Tractor will be assigned to Grounds Maintenance District #2 and be used to edge and blow sidewalks in neighborhood parks and trails. The Utility Vehicle will be assigned to Athletic Fields Maintenance and will be used to set up athletic fields by transporting items such as trash cans, player benches, small goals, bleachers, and paint machines. The Greens Roller will be assigned to Golf Course Maintenance and will be used to maintain golf putting greens. The Turf Sprayer will be assigned to Grounds Maintenance District #1 and will be used for chemical applications at parks and to spray right of ways. The Sweeper will be assigned to Sports Turf Maintenance Services and will be used to vacuum and verticut athletic fields. One (1) Ventrac Tractor is an approved fleet addition from Capital Outlay FY2023-24 that will be assigned to Grounds Maintenance District #3 and used to edge and blow sidewalks in neighborhood parks and trails.

The purchase of these units is necessary for the following reasons:

1. These units are essential to these department's daily operations and are required to maintain current service levels.
2. The old units are in need of replacement. The determination for the need of replacement is based on age, usage, maintenance cost, and re-sale value. Based on these criteria, Fleet Services recommends the replacement of the above units.
3. If these units are not replaced, we will incur additional maintenance costs and the salvage values will be greatly depreciated. In addition, the older, aging units will limit the users' ability to perform their duties because of increased breakdowns and additional downtime for repairs. If the fleet addition Ventrac Tractor

is not purchased, Grounds Maintenance District #3 will not be able to adequately maintain walking and biking trails as extensions are added to the system.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (BuyBoard Contract No. 706-23 and Sourcewell Contract No. 031121-TTC, City of Plano Contract No. 2024-0235-O)

FINANCIAL SUMMARY/STRATEGIC GOALS

Funds are available in the FY 2023-24 Equipment Replacement Fund and General Fund budgets to purchase two (2) Ventrac Tractors, one (1) Utility Vehicle, one (1) Greens Roller, one (1) Turf Sprayer, and one (1) Sweeper from Professional Turf Products. Five (5) units are scheduled replacements of unit 15150 Turf Vehicle/Truckster, Diesel in Athletic Fields Maintenance; unit 11144 Turf Vehicle/Truckster, Gas in Grounds Maintenance District #1; unit 08708 Sweeper in Sports Turf Maintenance Services; unit 14136 Tractor, Compact in Grounds Maintenance District #2; and unit 11110 Greens Roller Golf Course Maintenance; and the one (1) remaining unit is an approved fleet addition in Grounds Maintenance District #3. The combined purchase amount is \$279,131 and the total budgeted amount for these items was \$261,700. The additional funds needed for this purchase, in the amount of \$17,431 are available from savings in previous purchases in the respective funds.

Approval of this purchase relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Cooperative Quote Recap	2/14/2024	Cooperative Quote Recap
Pictures	2/5/2024	Attachment

CITY OF PLANO
SOLICITATION NO. 2024-0235-O
FIELD EQUIPMENT
COOPERATIVE QUOTE RECAP

Number of Vendors Contacted: 1

Number of Quotes Received: 3

Item 1

Professional Turf Products via Buy Board Contract No. 706-23

One (1) Ventrac Tractor Model 4520Y Kubota D902 \$42,389.40

Professional Turf Products via Sourcewell Contract No. 031121-TTC

One (1) Ventrac Tractor Model 4520Y Kubota D902 \$43,189.20

Professional Turf Products via Omina No. 2017025

One (1) Ventrac Tractor Model 4520Y Kubota D902 \$43,189.20

Item 2

Professional Turf Products via Buy Board Contract No. 706-23

One (1) Ventrac Tractor Model 4520Y Kubota D902 w/ Accessory Kit,
Heated Sensory Seat \$58,040.30

Professional Turf Products via Sourcewell Contract No. 031121-TTC

One (1) Ventrac Tractor Model 4520Y Kubota D902 w/ Accessory Kit,
Heated Sensory Seat \$59,135.40

Professional Turf Products via Omina Contract No. 2017025

One (1) Ventrac Tractor Model 4520Y Kubota D902 w/ Accessory Kit,
Heated Sensory Seat \$59,135.40

Item 3

Professional Turf Products via Sourcewell Contract No. 031121-TTC

One (1) Workman HDX-2WD Kubota Diesel Model 07385 \$43,261.99

Professional Turf Products via Omina Contract No. 2017025

One (1) Workman HDX-2WD Kubota Diesel Model 07385 \$43,261.99

Professional Turf Products via Buy Board Contract No. 706-23

One (1) Workman HDX-2WD Kubota Diesel Model 07385 \$43,755.41

Item 4

Professional Turf Products via Buy Board Contract No. 706-23

One (1) Freight SM Roller \$26,421.00

Professional Turf Products via Sourcewell Contract No. 031121-TTC

One (1) Freight SM Roller \$26,421.00

Professional Turf Products via Omnia Contract No. 2017025

One (1) Freight SM Roller \$26,421.00

Item 5

Professional Turf Products via Sourcewell Contract No. 031121-TTC

Multi Pro 1750 Model 41188 \$53,778.20

Professional Turf Products via Omnia Contract No. 2017025

Multi Pro 1750 Model 41188 \$53,778.20

Professional Turf Products via Buy Board Contract No. 706-23

Multi Pro 1750 Model 41188 \$54,467.68

Item 6

Professional Turf Products via Buy Board Contract No. 706-23

One (1) Frgt-Harper Turbo Vac TV60 RHD Model 900244	\$55,240.00
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Professional Turf Products via Sourcewell Contract No. 031121-TTC

One (1) Frgt-Harper Turbo Vac TV60 RHD Model 900244	\$55,240.00
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Professional Turf Products via Omnia Contract No. 2017025

One (1) Frgt-Harper Turbo Vac TV60 RHD Model 900244	\$55,240.00
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Recommended Vendor:

Professional Turf Products

BuyBoard No. 706-23	Line Item 1,2,4 & 6	\$182,090.70
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Sourcewell Contract No. 031121-TTC	Line Item 3 & 5	\$97,040.19
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Total	\$279,130.89
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Ventrac Tractor



Utility
Vehicle



Greens Roller



Sprayer



Sweeper

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Engineering-CIP
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Approve an increase in the amount of \$280,950 for Collin Creek Wastewater Improvements, Project No. 7230.
RECOMMENDED ACTION: Approval of Change Order

ITEM SUMMARY

To approve an increase to the current awarded contract amount of \$4,782,963 by \$280,950, for a total amount of \$5,063,913, for Collin Creek Wastewater Improvements, Project No. 7230, from A & B Construction, LLC for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0455-B; Change Order No. 1) **Approved**

PREVIOUS ACTION/PRESENTATION

On July 25, 2022, Council awarded a bid in the amount of \$4,782,963 for Collin Creek Wastewater Improvements, Project No. 7230 to A & B Construction, LLC.

BACKGROUND

The Engineering Department recommends approval of Change Order No. 1 for the increase in the construction contract with A & B Construction, LLC, in the amount of \$280,950, for the Collin Creek Wastewater Improvements.

Change Order No. 1 is required for additional sanitary sewer construction necessary to complete the project. Unforeseen field conditions and franchise utility conflicts required additional work including; additional manholes, additional bypass pumping and a new 8" sewer service connection.

If this change order is not approved, existing property owners will lose sewer service, directly impacting their businesses.

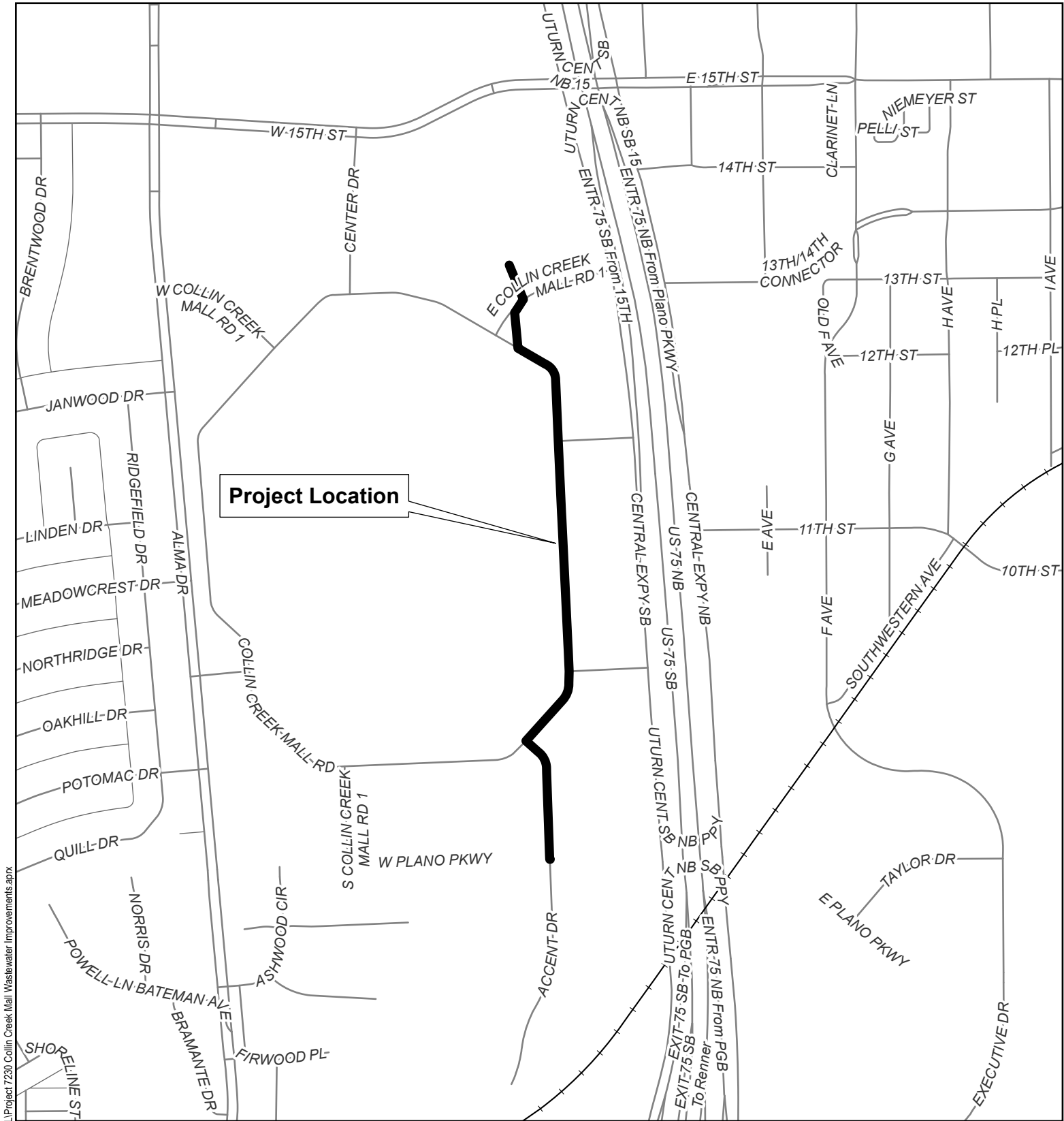
FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Sewer CIP. The first Change Order for the Collin Creek Wastewater Improvements project, in the total amount of \$280,950, will leave a current year balance of \$106,595 for future expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Location Map	1/19/2024	Map



alebron Z:\BI-GIS\Projects\Engineering\2020-01-10_Project7230_Collin Creek Mall Wastewater Improvements.aprx



0 300 600
Feet

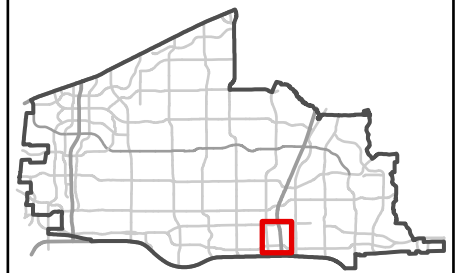


City of Plano BI-GIS Division
January 2020

Collin Creek Wastewater Improvements

Project # 7230

Project Location



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Public Works
DIRECTOR: Dan Prendergast, P.E. Director of Public Works
AGENDA ITEM: Ratification of an increase in the amount of \$285,909 for West Arterial Overlay - 2023, Project No. 7541
RECOMMENDED ACTION: Approval of Change Order

ITEM SUMMARY

To ratify an increase to the current awarded contract amount of \$3,332,210 by \$285,909, for a total contract amount of \$3,618,119, for West Arterial Overlay - 2023, Project No. 7541, from Texas Materials Group, Inc. dba Texas Bit for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2023-0341-B; Change Order No. 1) **Approved**

PREVIOUS ACTION/PRESENTATION

On June 12, 2023, Council awarded a bid in the amount of \$3,332,210 for West Arterial Overlay - 2023, Project No. 7541 to Texas Materials Group, Inc. dba Texas Bit.

BACKGROUND

Public Works recommends the approval of Change Order No. 1, increasing the current awarded contract amount of \$3,332,210 by \$285,909, for a total contract amount of \$3,618,119 to Texas Materials Group, Inc. dba Texas Bit, for the West Arterial Overlay - 2023, Project No. 7541.

This change order is for additional quantities of material for unforeseen pavement repairs that were needed at the intersection of Dallas North Tollway and Plano Parkway. As concrete repairs were underway near the intersection, staff noticed that significant additional repairs were needed due to subgrade issues beneath the existing pavement. The additional repairs needed to be performed immediately to ensure proper vehicle safety and maintain the overlay project schedule at Plano Parkway and the Dallas North Tollway. Original project quantities were used to complete this repair, causing a shortage of quantities needed for other areas within the project scope. The contractor will hold current prices for the additional quantities needed to complete the project.

If this change order is not awarded at Council, the project will lack the necessary funds to complete the full scope of overlay in other areas later this year, which will result in elevated maintenance and replacement costs in the future.

The City is exempt from the competitive bid process for this expenditure as allowed by Texas Local Government Code Chapter 252 Subchapter B Section 252.022(a)(2). (Contract No. 2023-0341-B; Change Order No. 1)

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Street Improvements CIP. The first Change Order for the West Arterial Overlay - 2023 project, in the total estimated amount of \$285,909, will leave a project balance of \$49,452 for future expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Call for Public Hearing
RECOMMENDED ACTION: Approval of Request

ITEM SUMMARY

To call a public hearing to initiate a petition for rezoning of certain properties from Planned Development-381-Retail/General Office and Agricultural to Light Industrial-1 located south of Lotus Drive and north of President George Bush Turnpike at Independence Parkway. **Approved**

BACKGROUND

In 2005, a segment of Lotus Drive was constructed west of Independence Parkway through the southern portion of a 55-acre property. This bisected a Planned Development zoning district which had been in place since 1987 and created a narrow, disconnected piece of the zoning district south of Lotus Drive. The boundaries of this disconnected piece no longer follow typical zoning district boundaries, such as lot lines, street and railroad centerlines, city limits, and shorelines, resulting in properties south of Lotus Drive having split zoning. One of those properties is impacted by an additional zoning anomaly. At the intersection of President George Bush Turnpike and Independence Parkway, there is property with Agricultural zoning that is primarily in the right-of-way, but that extends slightly into a developed, commercial property. A map is attached to provide additional detail on the precise location of these properties.

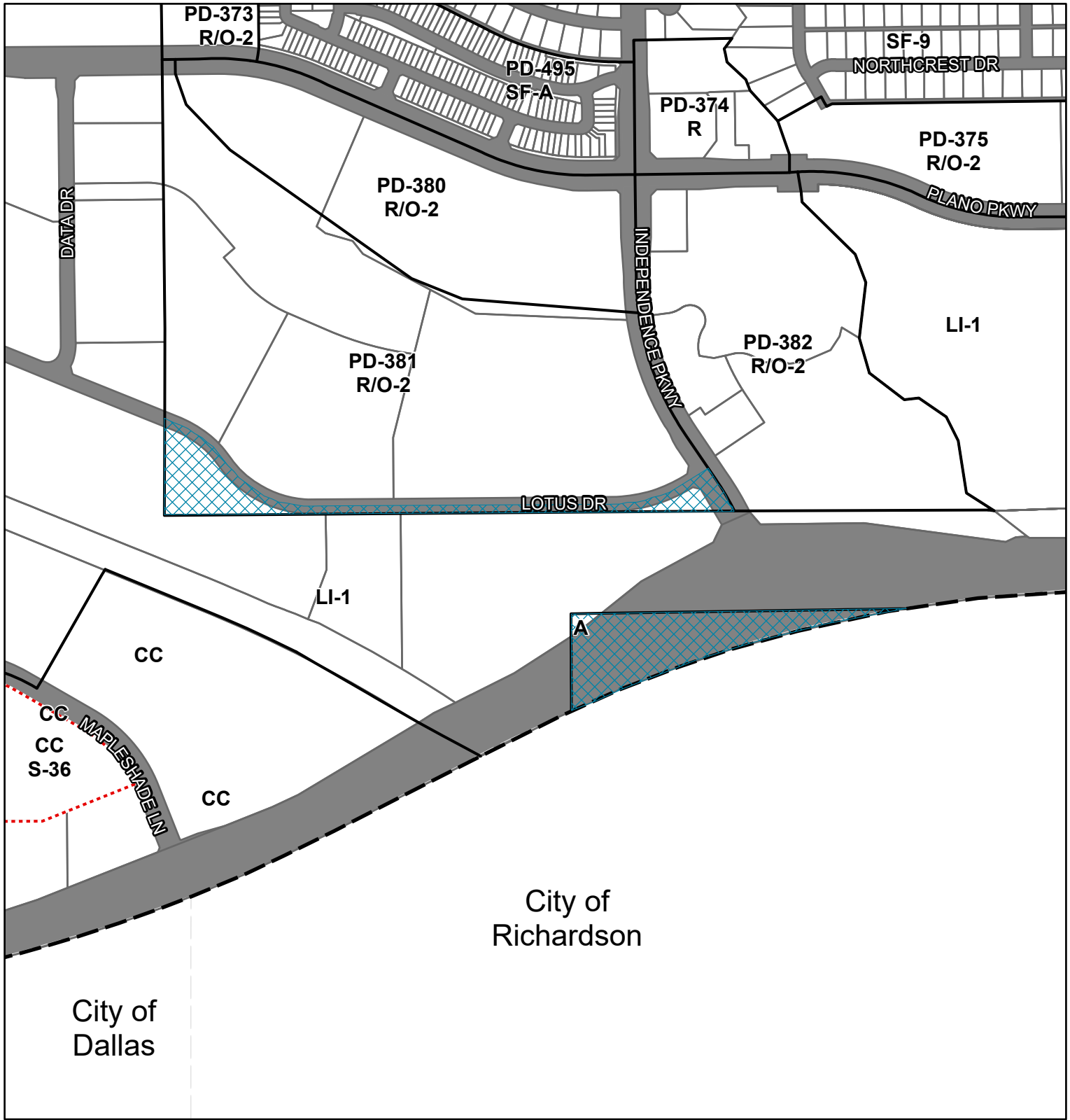
The purpose of the agenda item is to call a public hearing to initiate rezoning to consider bring all affected properties south of Lotus Drive fully within Light Industrial-1 zoning, providing consistency in regulations within this area.

Per Article 4.100 of the Zoning Ordinance, "the Planning & Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change in zoning on any property." City Council approval of the call for public hearing allows staff to submit a zoning petition, which will then follow the normal notice and hearing process for zoning cases, but does not imply the City Council's support, or lack of support, for the zoning change request.

Staff recommends that the City Council call a public hearing for this purpose.

ATTACHMENTS:

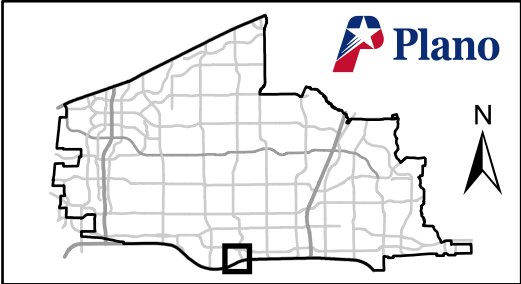
Description	Upload Date	Type
Locator Map	2/20/2024	Map



Item Submitted: Call for Public Hearing (CPH2024-002)

Existing Zoning: Planned Development-381-Retail/General Office
Agricultural

Proposed Zoning: Light Industrial-1



Subject Property
 Streets
 Municipal Boundaries
 Zoning Boundary
 Zoning Boundary Change/SUP
 Specific Use Permit



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Special Projects
DIRECTOR: Peter Braster, Director of Special Projects
AGENDA ITEM: Purchase of Sanitary Sewer & Temporary Construction Easements from 2700 Plano Parkway, LLC
RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure in the amount of \$1,040,660 for the purchase of a Sanitary Sewer Easement and a Temporary Construction Easement located at 2700 West Plano Parkway from 2700 Plano Parkway LLC; and authorizing the City Manager to execute all necessary documents. **Approved**

PREVIOUS ACTION/PRESENTATION

The Plano City Council approved the expenditure for engineering professional services for the Dallas North Trunk Sanitary Sewer Improvements project at its March 15, 2022 meeting.

BACKGROUND

The City of Plano will soon construct a 42" sanitary sewer line as part of the Dallas North Trunk Sanitary Sewer Improvements project. A permanent easement and a temporary construction easement for the sewer line is needed from the property owner at 2700 West Plano Parkway (see attached map). City staff reached agreement with the property owner (2700 Plano Parkway, LLC) to acquire the two easements following negotiations which began in July 2023. The fair market value of the easements was determined by an appraisal prepared by a Texas Certified General Real Estate Appraiser. The easement value includes both consideration for the easement rights necessary for the sanitary sewer project and compensation to restore landscaping and signage on the property that must be removed for the project to proceed. Staff recommends approval of this acquisition.

The City is exempt from the competitive bid process for this purchase as allowed by Texas Local Government Code Chapter 252 Subchapter B Section 252.022(a)(6).

This memo was prepared in collaboration with the City of Plano's Engineering Department.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Sewer CIP. Purchase of sanitary sewer and temporary construction easements for the Dallas North Trunk - Phase 2 project, in the total amount of \$1,040,660, will leave a balance of \$202,222 for future project expenditures.

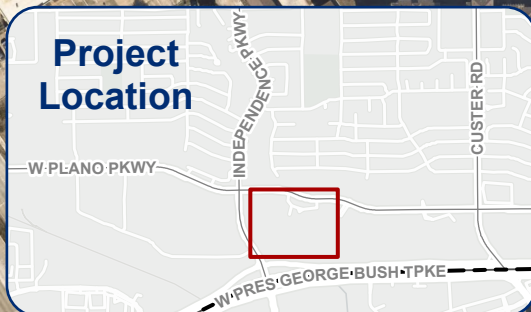
Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Map	2/8/2024	Map

Easement Type

-  Permanent Sanitary Sewer
-  Temporary Construction



Produced by Business
Intelligence/GIS, City of Plano
2/8/2024

This map and information in it were developed exclusively for use by the City of Plano. Any use or reliance on this map by anyone else is at the party's own risk and without liability to the City of Plano, its officials or employees for any discrepancies, errors, or variances which may exist.



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024

DEPARTMENT: Engineering-CIP

DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering

AGENDA ITEM: Approve an expenditure in the amount of \$379,000 for engineering professional services for Winding Hollow Drainage Improvements, Project No. ENG-D-00006.

RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for engineering professional services for Winding Hollow Drainage Improvements, Project No. ENG-D-00006, in the amount of \$379,000 from Halff Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Engineering Department recommends approval of an expenditure in the amount of \$379,000 for engineering services from Halff Associates, Inc., for the Winding Hollow Drainage Improvements.

This project includes reconstruction of the culvert that crosses Winding Hollow Lane at the outfall of Willow Bend Lake Number 1. The proposed culvert will provide increased capacity to address roadway flooding that occurs during significant rain events and will allow this section of Winding Hollow Lane to be removed from the FEMA 100-year floodplain.

The project also replaces the roadway pavement and water line along Winding Hollow Lane from Mariners Drive to Seascape Lane.

Halff Associates, Inc., was deemed most qualified based on their previous experience with drainage/erosion improvements, roadway and water line replacement projects, as provided in their Statement of Qualifications submission for RFQ No. 2021-0377-XR.

Not approving the expenditure would result in continued flooding over Winding Hollow Lane, as well as, continued deterioration of the roadway pavement, erosion along the streambank downstream of the creek crossing, and continued maintenance/repair of the existing water line.

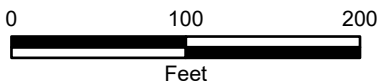
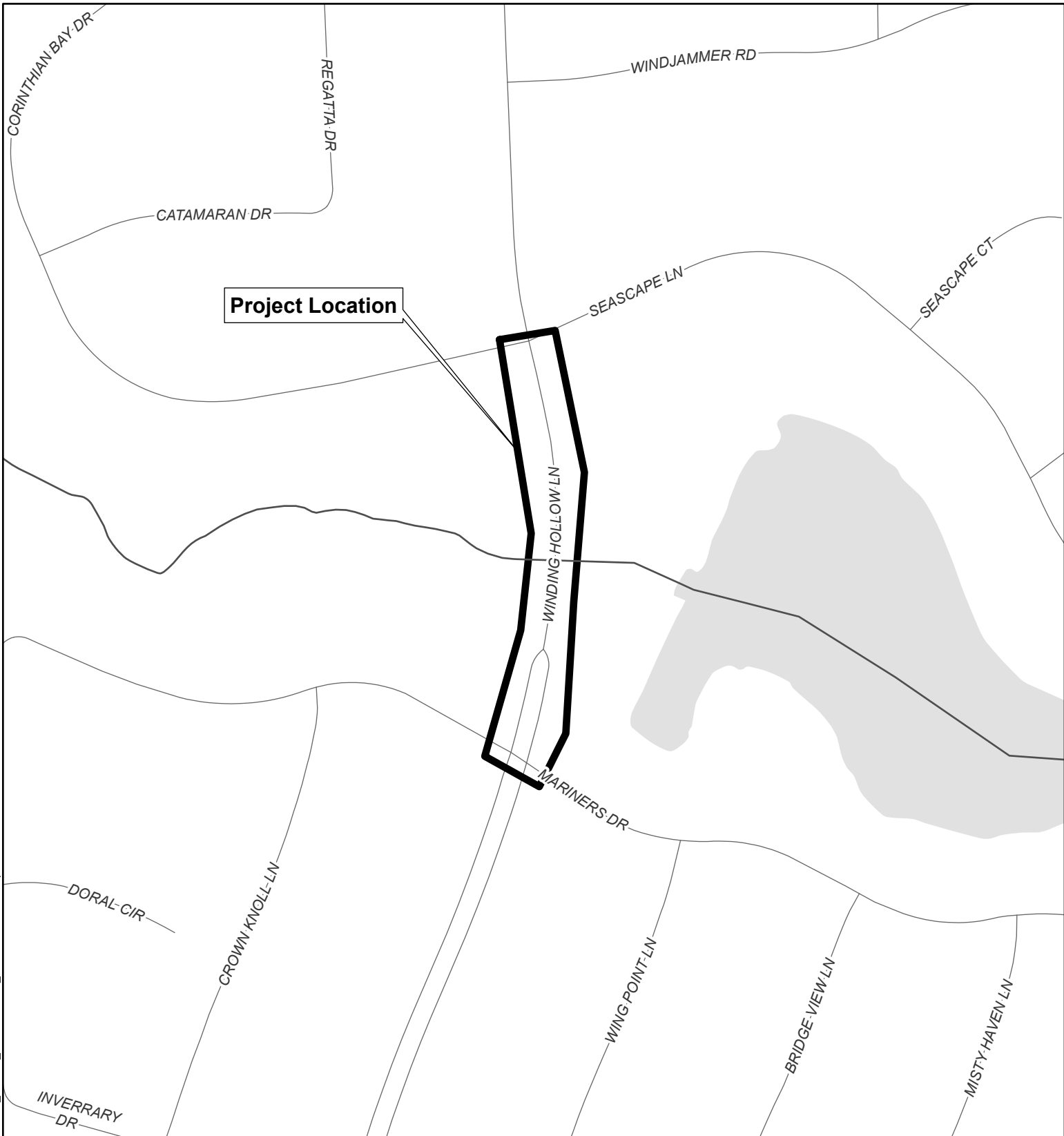
FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Municipal Drainage CIP. Engineering Professional Design Services for the Winding Hollow Drainage Improvements project, in the total amount of \$379,000, will leave a balance of \$30,000 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

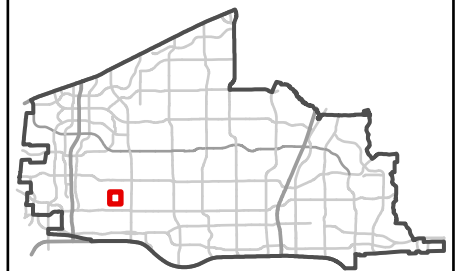
Description	Upload Date	Type
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Project ENG-D-00006

Winding Hollow Drainage Improvements

Project Location



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Deputy City Manager - Jack Carr
DIRECTOR: Jack Carr, P.E., Deputy City Manager
AGENDA ITEM: DART MOU Silver Line
RECOMMENDED ACTION: Approval of Contract / Agreement

ITEM SUMMARY

To approve a Memorandum of Understanding between the City of Plano and Dallas Area Rapid Transit (DART), for ensuring the cleanliness of the equipment maintenance facility, wash buildings, and surrounding site for the proposed Silver Line Maintenance Facility; authorizing the City Manager to execute all necessary documents; and providing an effective date. **Approved**

BACKGROUND

On November 27, 2023, during the consideration of Zoning Case 2023-024 for a Specific Use Permit (SUP) for Public Service Yard to provide an equipment maintenance facility for the Silver Line System, the City Council required assurance that the proposed yard area be maintained in a clean manner. The SUP was conditioned on the approval of a Memorandum of Understanding that addresses the appearance and maintenance of the yard area.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item approves the execution of a Memorandum of Understanding with DART that addresses the operation of the equipment maintenance facility that will be used for the Silver Line System.

Approval of this item will support the City's Strategic Plan Critical Success Factor of providing Multi-Modal Transportation and Mobility Solutions.

ATTACHMENTS:

Description	Upload Date	Type
Memorandum of Understanding	2/15/2024	Agreement

MEMORANDUM OF UNDERSTANDING
between
DALLAS AREA RAPID TRANSIT
and
CITY OF PLANO
for
SILVER LINE MAINTENANCE FACILITY

This Memorandum of Understanding ("MOU") is made and entered into by and between DALLAS AREA RAPID TRANSIT ("DART"), a regional transportation authority organized and existing pursuant to Chapter 452 of the Texas Transportation Code (the "Act"), and CITY OF PLANO ("CITY"), a Texas municipal corporation. DART and CITY may be referred to herein individually as a "Party" or collectively as "Parties."

WHEREAS, the CITY approved Specific Use Permit 61 for Public Service Yard for 5.2 acres of property near Technology Drive and Shiloh Road in Plano, TX (Ordinance No. 2023-11-8, hereinafter referred to as the "Permit"), after receiving an application for such Permit from DART, however, the approval of the Permit is conditioned upon the CITY and DART entering into this MOU for ensuring the cleanliness of the equipment maintenance facility and wash buildings (the "Facility") at the site; and

WHEREAS, pursuant to the City of Plano Zoning Ordinance, the City Council may, in the interest of the public welfare and to ensure compliance with the ordinance, establish conditions of operation on any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from offensive view or other undesirable conditions; and

WHEREAS, Chapter 791 of the Government Code allows local governments to contract to provide governmental functions; and

WHEREAS, the CITY wishes to ensure the Facility and site is kept in a well-maintained clean and orderly manner, free of weeds and litter in compliance with our City ordinances; and

WHEREAS, DART wants to be a good neighbor and agrees with the CITY that the Facility and surrounding site must be well-maintained and kept clean, and that an unclean Facility would be a nuisance that would be disruptive to the general public and the neighboring properties.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the Parties, the receipt and sufficiency which is hereby acknowledged, the Parties agree as follows:

Section I. DART'S Obligations and CITY Remedies

- 1.1 Maintenance of Facility. DART shall maintain the Facility, inclusive of surrounding site as noted on the approved site plan, in a clean and orderly manner, free of weeds and litter.
- 1.2 Storage. Open storage must comply with Article 19 of the City of Plano Zoning Ordinance.

- 1.3 Notice. Should the CITY determine that the Facility and surrounding site is not being kept in compliance with this MOU, the CITY shall provide written notice to DART specifically identifying the manner of uncleanness and the necessary actions to remedy the noncompliance. DART has sixty days from the date the notice is mailed to cure.
- 1.4 CITY Remedies. Should DART fail to comply with this MOU, the Parties agree that the CITY may enforce this MOU in the same manner that the CITY may enforce City ordinances on the same subject matter through the CITY's regular process, adhering to all due process requirements.

Section II. Effective Date and Termination

- 2.1 Effective Date. The effective date shall be the date of execution.
- 2.2 Expiration of MOU. This MOU shall terminate automatically if the Permit is revoked or if DART sells the property upon which the Facility is proposed and the new owner does not use the property as allowed under the Permit.

Section III. Miscellaneous

- 3.1 Notices. Notice shall be provided in writing at the following addresses:

DALLAS AREA RAPID TRANSIT
Nadine S. Lee
President & Chief Executive Officer
1401 Pacific Avenue
Dallas, Texas 75202-7210

Copy to:
DART General Counsel
P.O. Box 660163
Dallas, TX 75266-7255

CITY OF PLANO
Mark D. Israelson
City Manager
P.O. Box 860358
Plano, TX 75068-0358

Copy to:
City Attorney's Office Attn:
Paige Mims
P.O. Box 860358
Plano, TX 75068-0358

Either Party may designate a different address for receipt of notice by giving written notice of such change of address.

- 3.2 Entire Understanding and Amendments. This MOU embodies the entire understanding between the Parties and supersedes all prior understandings with respect to the matters addressed herein. This MOU may be amended or supplemented only by a written instrument executed by the Parties.
- 3.3 No Joint Enterprise. The Parties do not intend that this MOU be construed as finding that the Parties have formed a joint enterprise. It is not the intent of any of the Parties that a joint enterprise relationship is being entered into and the Parties hereto specifically disclaim such relationship.

- 3.4 Third Party Beneficiaries. There are no third-party beneficiaries to this MOU.
- 3.5 Construction and Interpretation. This MOU shall not be construed against the drafting Party.
- 3.6 Severability. If any provision of this MOU is determined to be illegal or unenforceable in any respect, such determination will not affect the validity or enforceability of any other provision, each of which will be deemed to be independent and severable.
- 3.7 No Discrimination. In the performance of this MOU, each Party warrants that it shall not discriminate against any person on account of race, color, sex, religious creed, age, disability, ethnic or national origin, veteran status or other protected group of persons.
- 3.8 Signature Authority. Each of the individuals signing this MOU warrants that he or she is duly and properly authorized to execute this MOU on behalf of his or her respective Party.

DALLAS AREA RAPID TRANSIT

Nadine S. Lee
President & Chief Executive Officer

Date: _____

APPROVED AS TO FORM:

Gene Gamez
General Counsel

CITY OF PLANO

Mark D. Israelson
City Manager

Date: _____

APPROVED AS TO FORM:

Paige Mims
City Attorney

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Parks
DIRECTOR: Ron Smith, Director of Parks and Recreation
AGENDA ITEM: Approval of an Interlocal Agreement between Collin County and the City of Plano, 2018 Parks and Open Space Bond
RECOMMENDED ACTION: Approval of Contract / Agreement

ITEM SUMMARY

To approve an Interlocal Agreement between Collin County and the City of Plano for use of county funds in the 2018 Parks and Open Space Bond Project for construction of the Chisholm Trail Extension; and authorizing the City Manager to execute all necessary documents. **Approved**

PREVIOUS ACTION/PRESENTATION

City Council adopted Resolution No.2023-6-1(R) on June 12, 2023 to approve City staff to apply for the Collin County 2023 Parks and Open Space Funding Assistance Program. The Resolution certified that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Project Funding Assistance Program; that the City's matching share is readily available; designated the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano; and that the Chisholm Trail Extension is dedicated for public park and recreational purposes.

BACKGROUND

The City of Plano applied for funding for the construction of the Chisholm Trail Extension through the 2023 Parks and Open Space Project Funding Assistance Program with Collin County. The City has been awarded \$267,428 for construction of the Chisholm Trail Extension project. The City will be required to provide matching funds to complete the project. The estimated project cost is \$1.1 million.

Located adjacent to 520 W 15th Street, the project addresses an emerging gap within the Chisholm Trail linear park by extending the existing trail south, from north of 15th Street to the ring road of Collin Creek Mall redevelopment. The mall redevelopment is currently constructing various live-work uses and amenities, as well as city-owned parks and 1.6 miles of trails. Stretching approximately 0.25 miles in length, the proposed 12ft. wide paved trail will connect the existing Chisholm Trail to the planned mall redevelopment segments of trail.

This trail connection is crucial to the continuity of Chisholm Trail into the mall redevelopment area as well as the regional connectivity of southwest Collin County as shown in the 2012 Collin County Regional Trails Master Plan. The trail is part of the Collin County Regional Trails Master Plan and the North Central Texas Council of Governments Mobility 2040 Regional Veloweb.

If this \$267,428 in Collin County 2023 Parks and Open Space Funding Assistance Program funding award is not accepted and the Interlocal Agreement is not signed by the City, the City wouldn't receive the grant funds to build the trail.

Project designs are expected to be completed in the spring of 2024 and the project is estimated to bid for

construction in summer, 2024.

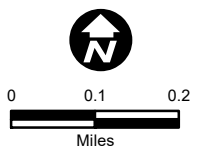
FINANCIAL SUMMARY/STRATEGIC GOALS

This item approves an interlocal agreement between Collin County and the City of Plano. Collin County will reimburse the City, for an amount not to exceed \$267,428, from the 2018 Parks and Open Space Bond Program. All funds shall be used for the Chisholm Trail Extension Project No. 7306.

Approval of this item supports the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

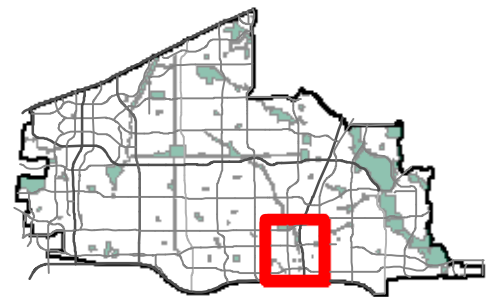
ATTACHMENTS:

Description	Upload Date	Type
Location Map	2/9/2024	Map
Agreement	2/9/2024	Agreement



Location Map Chisholm Trail Extension

Project Location



**INTERLOCAL AGREEMENT
BETWEEN
COLLIN COUNTY
AND THE
CITY OF PLANO
2018 PARKS AND OPEN SPACE BOND PROJECT OI18PG39**

WHEREAS, the County of Collin, Texas (“County”) and the City of Plano (“City”) desire to enter into an Agreement concerning the Chisholm Trail Extension project in the City of Plano, Collin County, Texas; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City and County have determined that the improvements may be constructed most economically by implementing this Agreement; and

WHEREAS, the City and the County find that this Agreement will benefit the residents of the County and provide additional park and recreational facilities and open space for all County residents; and

WHEREAS, this Agreement will support or advance the mission of the Collin County Parks and Open Space Strategic Plan.

NOW, THEREFORE, this Agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The City shall arrange for the construction of the Chisholm Trail Extension project, hereinafter called the “Project”.

ARTICLE II.

The City shall prepare plans and specifications for improvements, accept bids, award a construction contract and administer the construction contract in accordance with all state statutory requirements. The City shall provide the county with a copy of executed construction contract(s) for the Project. All improvements shall be in accordance with the plans and specifications approved by the City. Changes to the Project which alter the initial funding set forth in Exhibit “A” must be reviewed by the Parks Foundation Advisory Board and approved by the Commissioners Court.

ARTICLE III.

The City will not expend assistance funds to acquire easements or real property for use as right-of-way.

ARTICLE IV.

The City estimates the total actual cost of the Project to be \$1,003,485. The County agrees to fund a portion of the total cost for items described in Exhibit “A” in an amount not to exceed **\$267,428**. The County shall reimburse the City for invoices paid by the City for cost related to the Project on a dollar for dollar matching basis. Alternative payment schedules would require Commissioners Court approval.

ARTICLE V.

Collin County’s dollar for dollar matching participation in this project shall not exceed \$267,428 as indicated in Article IV above. The City shall be responsible for any costs, which exceed the total estimated project cost.

ARTICLE VI.

The City shall also provide **quarterly progress reports** in electronic format to the contact identified on Exhibit “A”. Following completion of the project, the City shall provide **an itemized final accounting of expenditures** including the City’s match, in-kind services or donations for the project. All projects for which the County has provided funds through its 2018 Parks and Open Space Bond Program must remain open and accessible to all County residents. Upon development of the property, the City shall install a **project sign** identifying the project as being partially funded by the Collin County 2018 Parks and Open Space Bond Program.

ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

ARTICLE VIII.

INDEMNIFICATION. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgements and costs, including reasonable attorneys’ fees and expenses, in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

ARTICLE IX.

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performable in Collin County, Texas and that exclusive venue for any disputes arising under this Agreement shall lie in Collin County, Texas.

ARTICLE X.

SEVERABILITY. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

ARTICLE XI.

ENTIRE AGREEMENT. This Agreement embodies the entire Agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

ARTICLE XIV.

EXPENSES FOR ENFORCEMENT. In the event either Party hereto is required to employ an attorney to enforce the provisions of this Agreement or is required to commence legal proceedings to enforce the provisions hereof, the prevailing Party shall be entitled to recover from the other, reasonable attorney's fees and court costs incurred in connection with such enforcement, including collection.

ARTICLE XV.

FORCE MAJEURE. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the affected party's reasonable control, including, without limitation: acts of God; flood, fire or explosion; war, invasion, riot or other civil unrest; actions, embargoes or blockades in effect on or after the date of this Agreement; or national or regional emergency (each of the foregoing, a "Force Majeure Event"). A party whose performance is affected by a Force Majeure Event shall give notice to the other party, stating the period of time the occurrence is expected to continue and shall use diligent efforts to end the failure or delay and minimize the effects of such Force Majeure Event.

ARTICLE XVI.

TERM. This Agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project.

ARTICLE XVII.

The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____
Date: _____

COUNTY OF COLLIN, TEXAS

By: _____
Name: Chris Hill
Title: County Judge
Date: _____
Executed on this ____ day of _____,
20 __, by the County of Collin,
pursuant to Commissioners' Court
Order No. _____ .

ATTEST:

By: _____
Name: _____
Title: _____
Date: _____

CITY OF PLANO

By: _____
Name: _____
Title: _____
Date: _____
Executed on behalf of the City of
Plano pursuant to City
Council Resolution No. 2023-6-1(R)

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT “A”

The County will provide funding assistance for the following:

- ❑ #4 Portion of concrete trail

Total funding	\$267,428
County Project Code OI18PG39	

Contact Information

Request for reimbursement submitted to:

Dawn Redwine
dredwine@co.collin.tx.us

Submission of electronic photos and quarterly reports:

Dawn Redwine
dredwine@co.collin.tx.us

Project Manager Contact: (must be able to answer specific questions regarding project)

Name: Katie Dunham

Address: 5901 Los Rios Blvd

Plano TX 75074

Phone: 972-941-7807

Email: kdunham@plano.gov

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Heritage
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: City Ad Valorem Tax Relief Ordinance for Heritage Resources
RECOMMENDED ACTION: Adoption of Ordinances

ITEM SUMMARY

To provide certain Heritage Resources within the City of Plano ad valorem tax relief as allowed by the Heritage Tax Exemption Ordinance to provide for reinvestment into maintenance and long-term preservation of historic structures, providing a severability clause, and an effective date. **Adopted Ordinance No. 2024-2-3**

BACKGROUND

The Heritage Tax Exemption Ordinance was established in 1984 to provide tax relief to owners of designated heritage properties, which can then be reinvested into maintenance and long-term preservation of historic structures. To receive a heritage tax exemption, properties are subject to an annual inspection, must make repairs as needed based upon inspection results, and shall meet all other eligibility requirements as stipulated in the Heritage Tax Exemption Ordinance. If approved, the property owner may receive an exemption ranging from 38% to 100% of the improvement value, based on use of the property and whether it is designated as a Heritage Landmark or is part of a Heritage District. Collin College and the Plano Independent School District also provide an equivalent tax exemption if approved by the City of Plano.

2024 Inspection Results

On January 3, 2024, city staff inspected 86 properties for compliance with the heritage tax exemption program eligibility requirements, including that all “Poor”-rated items identified in a previous inspection report had been completed. Last year’s inspection reports identified 30 “Poor”-rated issues and/or non-permitted construction among 19 different properties that had until January 1, 2024, to be completed.

Following this year’s inspections, there were four remaining “Poor”-rated issues and/or non-permitted construction among two different properties.

Table 2: 2023 “Poor”-rated Repairs Summary

	2023 Inspection Reports (March 2023)	2024 Inspection Results (January 2024)
Number of “Poor”-rated Issue(s) and/or Non-permitted Construction	30	4
Properties with “Poor”-rated Issue(s) and/or Non-permitted Construction	19	2

As a result of these inspections, two properties were deemed ineligible by staff and notified on January 9, 2024, of their right to appeal or request an extension from the Heritage Commission.

Heritage Commission Appeals, Extensions, and Waivers

In accordance with recent changes to the Heritage Tax Exemption Program procedures, the Heritage Commission resumed considering appeals and extension requests related to heritage tax exemptions at its January meeting each year. Additionally, the recent amendments to the Heritage Tax Exemption Ordinance includes a new feature in the appeals process that allows the Commission to grant a one-year waiver from certain eligibility requirements. If granted a waiver, property owners would be recommended for approval at half of their eligible tax exemption rate (i.e., if a property was eligible for a 75% tax exemption, they could receive a 38% tax exemption with approval of a waiver).

On January 30, 2024, the Heritage Commission considered extension requests from both the properties deemed ineligible by staff.

1. **810 18th Street** – Staff deemed the property ineligible due to exterior work completed without a Certificate of Appropriateness (CA) approval. A business sign at the front (north) facade was changed from a free-standing pole sign to a wall sign without a CA approval. At the meeting, the property owner presented evidence showing that the wall sign has been removed and the site is in compliance. The Commission granted an extension and with approval of the extension, the property is now eligible for 2024 Heritage Tax Exemption.

2. **910 18th Street** – Staff deemed the property ineligible due to an outstanding “Poor”-rated issue – exterior painting not completed by the deadline of January 1, 2024, and the following exterior work completed in deviation of a previously approved CAs:

- The repair and replaced wood siding at several locations on the front (north), east, and west facades of the primary building did not match the existing/original siding in size and profile per previously approved CA2023-040.
- The four new window openings on the west facade of the secondary building were not of the same size, and their header heights were not aligned per previously approved CA2022-008.

At the meeting, the property owner’s representative expressed the willingness to address all the outstanding issues and requested additional time to secure the correct siding and fix the secondary building windows issues. The representative explained the reasons for the delays and anticipated to address all issues by March 2024. The Commission granted the extension, allowing the property owner to address all outstanding issues by January 1, 2025. With approval of the extension, the property is now eligible for 2024 Heritage Tax Exemption.

As a result of these approvals, a total of 86 heritage properties are recommended for approval of a 2024 heritage tax exemption.

Next Steps

If approved, the list of 86 properties recommended for approval in the draft ordinance will be provided to the Collin County Central Appraisal District. 2024 Inspection Reports, including any newly identified “Poor”-rated repairs to be completed by the end of this year, will be provided to all participating property

owners after March 31, 2024. Property owners will then have the option to appeal these issues to the Commission in May.

Summary

A total of 86 properties are recommended for approval of heritage tax exemptions as listed in Exhibit A of the attached Ordinance. This exhibit lists information such as the exemption percentage applied, property improvement values, and estimated tax exemption values for each taxing entity. Based on current property values and tax rates, this equates to an estimated exemption of \$84,368 in city taxes and a total estimated exemption of \$318,535 among the three participating tax entities: City of Plano, Plano Independent School District, and Collin College (Collin County operates their own tax abatement program for historical properties). The actual value of the tax exemptions will be finalized after the taxing entities set their tax rates and after the values of the properties have been determined by the Collin Central Appraisal District (which includes other applicable property exemptions related to Homestead, Over 65, etc.).

FINANCIAL SUMMARY/STRATEGIC GOALS

This item will result in property tax exemptions to 86 properties ranging from 38% to 100% of the appraised improvement value in the 2023-24 fiscal year. The initial estimate of revenue lost from these exemptions totals \$84,368 based on the 2023 appraised improvement value and tax rate. However, since 2024 appraised values have not been established and the 2024 property tax rate has not been set, the actual value of these exemptions will not be determined until September 2024.

Approval of this item supports the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Ad Valorem Tax Relief Ordinance	2/15/2024	Ordinance

An Ordinance of the City of Plano, Texas, providing certain Heritage Resources within the City of Plano ad valorem tax relief as allowed by the Heritage Tax Exemption Ordinance to provide for reinvestment into maintenance and long-term preservation of historic structures, providing a severability clause, and an effective date.

WHEREAS, Article 8, Section 1-F of the Texas Constitution and the Texas Tax Code, Section 11.24, enable the City of Plano to exempt from taxation part or all of the assessed value of a structure if the structure is designated as a historically or archeologically significant site in need of tax relief to encourage its preservation; and

WHEREAS, City of Plano Ordinance No. 2022-8-14, also known as the Heritage Tax Exemption Ordinance, authorizes the City Council of the City of Plano, upon certification and recommendation by the Heritage Preservation Officer, or granting of an appeal, extension, or waiver by the Heritage Commission, to exempt from the current year taxation part or all of the assessed value of a structure if the structure is designated as a historically significant site and in need of tax relief to encourage its preservation; and

WHEREAS, in March 2023, property owners were sent the results of their 2023 annual inspection with a deadline of January 1, 2024, for completing any necessary repairs and additional information on the process, including appeals and extensions; and

WHEREAS, in October 2023, property owners were sent a reminder of the January 1, 2024, deadline for completing necessary repairs and information regarding the appeals and extension process eligible through the Heritage Commission; and

WHEREAS, on November 29, 2023, reminder postcards were sent to participating property owners informing them of the deadline to complete required repairs and upcoming inspections; and

WHEREAS, on January 3, 2024, inspections were carried out in accordance with the Heritage Tax Exemption Ordinance allowing the Heritage Preservation Officer to certify and recommend 84 properties for approval of ad valorem tax relief for 2024 as more specifically described in Exhibit A; and

WHEREAS, on January 9, 2024, in accordance with the Heritage Tax Exemption Ordinance, notice was sent via certified mail to two properties deemed ineligible for program participation and informing them of their right to appeal or request an extension to the Heritage Commission; and

WHEREAS, two extension requests were received for the properties at 810 18th Street and 910 18th Street; and

WHEREAS, on January 30, 2024, a one-year extension for the deadline to correct work completed without an approved Certificate of Appropriateness was considered and granted by the Heritage Commission for the property at 810 18th Street; and

WHEREAS, on January 30, 2024, a one-year extension for the deadline to complete required repairs was considered and granted by the Heritage Commission for the property at 910 18th Street; and

WHEREAS, on February 26, 2024, the City Council reviewed the properties recommended for 2024 Heritage Tax Exemption approval as listed in Exhibit A; and

WHEREAS, the City Council finds that the structures listed in Exhibit A to this ordinance have been certified and recommended by the Heritage Preservation Officer, or granted an appeal, extension, or waiver by the Heritage Commission, are to be approved based upon the agreement noted herein, and thus should be approved for ad valorem tax relief for 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The historic structures identified in the attached Exhibit A are hereby approved by the City Council for tax exemptions for the current year (2024) consistent with the relief indicated in the attached exhibit and in accordance with the provisions of Ordinance No. 2022-8-14.

Section II. All land shall be assessed for taxation in the same equal and uniform manner as all other taxable property in the City.

Section III. It is the intention of the City Council that this ordinance and every provision hereof shall be considered severable and the invalidity or partial invalidity of any section, clause, or provision of this ordinance should not affect the validity of any other portion of this ordinance.

Section IV. This Ordinance shall become effective immediately upon its passage as required by law.

PASSED AND APPROVED on the 26th day of February 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Exhibit A - Properties Recommended for 2024 Heritage Tax Exemption Approval

	Property Location	Heritage Landmark/Heritage District (HD)	Address '1' Owner's Mailing Address per CCAD	Staff Recommendation	Tax Exemption Percentage	2023 Improvement Value	Plano City (CPL) 0.4176%	Collin College (JCN) 0.081220%	Plano ISD (SPL) 1.077850%	Estimated Exemption for 2024
1	1001 E. 15th Street	Plano National Bank/IOOF Lodge Downtown HD	The Schell Family Trust B Shirley Carter Schell Trustee 1001 E. 15th St. #100 Plano, TX 75074-6250	Approval	50%	\$760,039	\$1,587	\$309	\$4,096	\$5,992
2	1015 E. 15th Street	Bagwill-Sherrill Building Downtown HD	1015 Metropolitan Plano Ltd. 3838 Oak Lawn Avenue; Suite 1416 Dallas, TX 75219	Approval	50%	\$276,529	\$577	\$112	\$1,490	\$2,180
3	1023 E. 15th Street	Merritt Building Downtown HD	M. F. Robert and Mirna Lynch 4604 Lawson Court Plano, TX 75093	Approval	50%	\$341,509	\$713	\$139	\$1,840	\$2,692
4	1407 E. 15th Street	Carlisle House	Michael and Harriet Linz 1407 E. 15th Street Plano, TX 75074	Approval	100%	\$539,767	\$2,254	\$438	\$5,818	\$8,510
5	1410 E. 15th Street	Arch Weatherford House	Josephine Howser 1410 E. 15th Street Plano, TX 75074	Approval	100%	\$395,804	\$1,653	\$321	\$4,266	\$6,241
6	1413 E. 15th Street	Roller House	James Baker and Deborah Sue 1413 E. 15th Street Plano, TX 75074	Approval	100%	\$837,089	\$3,496	\$680	\$9,023	\$13,198
7	1414 E.15th Street	Salmon House	Jarrod & Alexandra Moore 1414 E. 15th Street Plano, TX 75074-6350	Approval	100%	\$448,623	\$1,873	\$364	\$4,835	\$7,073
8	807 E. 16th Street	Wyatt House Haggard Park HD	William and Rebecca Ratliff 807 E. 16th Street Plano, TX 75074-5833	Approval	100%	\$461,912	\$1,929	\$375	\$4,979	\$7,283
9	1210 E. 16th Street	Schell House	Michael and Debra Hamilton 1210 E. 16th Street Plano, TX 75074-6116	Approval	100%	\$258,912	\$1,081	\$210	\$2,791	\$4,082
10	1211 E. 16th Street	Carpenter House	Richard, Barbara & Elizabeth Pool 1211 E. 16th Street Plano, TX 75074-6115	Approval	100%	\$634,574	\$2,650	\$515	\$6,840	\$10,005
11	900 17th Street	Will Schimelpfenig House Haggard Park HD	Jack and Cindy Boggs 1802 Weanne Drive Richardson, TX 75082	Approval	100%	\$369,049	\$1,541	\$300	\$3,978	\$5,819
12	901 17th Street	Mathews House Haggard Park HD	Michael Bratsch 3601 Potomac Ave Dallas Tx 75205	Approval	100%	\$474,651	\$1,982	\$386	\$5,116	\$7,484
13	906 17th Street	Schimelpfing-Dudley House Haggard Park HD	Donald Walker 2217 Maumelle Plano, TX 75023	Approval	100%	\$644,670	\$2,692	\$524	\$6,949	\$10,164
14	901 18th Street	Olney Davis House Haggard Park HD	AAG LLC Alison Lebeck Garcia 901 18th Street Plano, TX 75074	Approval	50%	\$429,896	\$898	\$175	\$2,317	\$3,389
15	906 18th Street	R.A. Davis House Haggard Park HD	Whitehead & Sheldon LLC 1213 Gardengrove Ct. Plano, TX 75075-7317	Approval	50%	\$397,662	\$830	\$161	\$2,143	\$3,135
16	909 18th Street	Hughston House Haggard Park HD	R3TE Ventures, LLC 1912 Glenwick Drive Plano, TX 75075	Approval	50%	\$463,455	\$968	\$188	\$2,498	\$3,654

Exhibit A (continued)

	Property Location	Heritage Landmark/Heritage District (HD)	Address '1' Owner's Mailing Address per CCAD	Staff Recommendation	Tax Exemption Percentage	2023 Improvement Value	Plano City (CPL) 0.4176%	Collin College (JCN) 0.081220%	Plano ISD (SPL) 1.077850%	Estimated Exemption for 2024
17	914 18th Street	Mary Schimelpfenig House Haggard Park HD	Anthony and Debbie Holman 914 18th Street Plano, TX 75074	Approval	50%	\$81,112	\$169	\$33	\$437	\$639
18	1615 H Avenue	Aldridge House Haggard Park HD	Clinton M. Haggard 7352 Independence Parkway Frisco, TX 75035	Approval	100%	\$442,699	\$1,849	\$360	\$4,772	\$6,980
19	1709 H Avenue	Lamm House Haggard Park HD	John and Helen Proch 1709 H Avenue Plano, TX 75074	Approval	100%	\$293,352	\$1,225	\$238	\$3,162	\$4,625
20	1611 K Avenue	Little Carlisle House	Little Carlisle House LLC 1611 K Avenue Plano, TX 75074	Approval	50%	\$132,850	\$277	\$54	\$716	\$1,047
21	1617 K Avenue	Forman House	Gwendolyn Workman 1617 K Avenue Plano, TX 75074	Approval	50%	\$220,887	\$461	\$90	\$1,190	\$1,741
22	1704 N Place	McCall Skaggs House	William and Annette Armstrong 1704 N Place Plano, TX 75074	Approval	100%	\$320,419	\$1,338	\$260	\$3,454	\$5,052
23	3921 Coit Road	Wells Homestead	Wells Homeplace LLC c/o Richard Wells 5001 K Avenue Plano, TX 75074	Approval	50%	\$65,164	\$136	\$26	\$351	\$514
24	1600 Carpenter Drive	Haggard Park HD	Wendi Carter 13148 Spruce Wood Trail Frisco, TX 75033-0779	Approval	75%	\$262,000	\$821	\$160	\$2,118	\$3,098
25	1601 Carpenter Drive	Haggard Park HD	Kelly Wykoff and Christopher Mark Dehertogh 1601 Carpenter Drive Plano, TX 75074	Approval	75%	\$285,688	\$895	\$174	\$2,309	\$3,378
26	1604 Carpenter Drive	Haggard Park HD	Greentree Properties, LLC 6239 Royal Lane Dallas, TX 75230	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579
27	1605 Carpenter Drive	Haggard Park HD	David & Mireya Cowen 1605 Carpenter Drive Plano, TX 75074	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579
28	1608 Carpenter Drive	Haggard Park HD	Shah Bindu S Revocable Trust 1608 Carpenter Drive Plano, TX 75074-8645	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579
29	1612 Carpenter Drive	Haggard Park HD	The Kraft Family Revocable Living Trust 3412 Starlight Trail Plano, TX 75023	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579
30	1613 Carpenter Drive	Haggard Park HD	Sallie Ann Plaxico 1613 Carpenter Drive Plano, TX 75074	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579
31	1616 Carpenter Drive	Haggard Park HD	Greentree Properties, LLC 6239 Royal Lane, Dallas, TX 75230	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579
32	1617 Carpenter Drive	Haggard Park HD	Jake Meyer & Stefani E Reed 2716 Glenclyff Drive Plano, TX 75075-7511	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579

Exhibit A (continued)

	Property Location	Heritage Landmark/Heritage District (HD)	Address '1' Owner's Mailing Address per CCAD	Staff Recommendation	Tax Exemption Percentage	2023 Improvement Value	Plano City (CPL) 0.4176%	Collin College (JCN) 0.081220%	Plano ISD (SPL) 1.077850%	Estimated Exemption for 2024
33	1621 Carpenter Drive	Haggard Park HD	Brett and Mara Bim 1621 Carpenter Drive Plano, TX 75074	Approval	75%	\$302,656	\$948	\$184	\$2,447	\$3,579
34	1624 Carpenter Drive	Haggard Park HD	Mat's Flats, LLC-Series 1624 Carpenter Dr. P.O. Box 940354 Plano, TX 75094-0354	Approval	75%	\$249,749	\$782	\$152	\$2,019	\$2,953
35	1625 Carpenter Drive	Haggard Park HD	Laura Frasca 1625 Carpenter Drive Plano, TX 75074	Approval	75%	\$249,749	\$782	\$152	\$2,019	\$2,953
36	617 E. 16th Street	Haggard Park HD	Peggy Ostrander 617 E. 16th Street Plano, TX 75074	Approval	38%	\$156,573	\$248	\$48	\$641	\$938
37	801 E. 16th Street	Haggard Park HD	Marcus and Megan Kotalik 801 E. 16th Street Plano, TX 75074	Approval	75%	\$1,469,540	\$4,603	\$895	\$11,880	\$17,377
38	811 E. 16th Street	Haggard Park HD	Gerald T. Schultz and Karen J. Bowen 811 E. 16th Street Plano, TX 75074	Approval	75%	\$452,423	\$1,417	\$276	\$3,657	\$5,350
39	815 E. 16th Street	Haggard Park HD	Travis Hamilton 802 E. 15th Street Plano, TX 75074	Approval	75%	\$94,960	\$297	\$58	\$768	\$1,123
40	819 E. 16th Street	Haggard Park HD	William and Rebecca Ratliff 807 E.16th Street Plano, TX 75074	Approval	75%	\$331,520	\$1,038	\$202	\$2,680	\$3,920
41	901 E. 16th Street	Haggard Park HD	Coolik Family Trust c/o Russell Coolik 901 E. 16th Street Plano, TX 75074	Approval	75%	\$471,565	\$1,477	\$287	\$3,812	\$5,576
42	907 E. 16th Street	Haggard Park HD	Richard McKee 907 E. 16th Street Plano, TX 75074	Approval	75%	\$318,899	\$999	\$194	\$2,578	\$3,771
43	805 17th Street	Haggard Park HD	Bertha Cardenas 805 17th Street Plano, TX 75074	Approval	75%	\$156,484	\$490	\$95	\$1,265	\$1,850
44	809 17th Street	Haggard Park HD	L.A. Whitley 809 17th Street Plano, TX 75074	Approval	75%	\$136,314	\$427	\$83	\$1,102	\$1,612
45	813 17th Street	Haggard Park HD	Brooks Family Trust 813 17th Street Plano, TX 75074	Approval	75%	\$271,422	\$850	\$165	\$2,194	\$3,210
46	816 17th Street	Haggard Park HD	Clint M. Haggard 7352 Independence Parkway Frisco, TX 75035	Approval	75%	\$110,517	\$346	\$67	\$893	\$1,307
47	907 17th Street	Haggard Park HD	Larry & Jacqueline Westbrook 907 17th Street Plano, TX 75074	Approval	75%	\$117,126	\$367	\$71	\$947	\$1,385
48	911 17th Street	Haggard Park HD	PMM Enterprises LLC c/o Patricia M. Mason 2413 Neal Drive Garland, TX 75040	Approval	75%	\$38,157	\$120	\$23	\$308	\$451
49	913 17th Street	Haggard Park HD	Charlene and Nathanael Ritter 913 17th St. Plano, TX 75074	Approval	75%	\$96,244	\$301	\$59	\$778	\$1,138

Exhibit A (continued)

		Heritage Landmark/Heritage District (HD)	Address '1' Owner's Mailing Address per CCAD	Staff Recommendation	Tax Exemption Percentage	2023 Improvement Value	Plano City (CPL) 0.4176%	Collin College (JCN) 0.081220%	Plano ISD (SPL) 1.077850%	Estimated Exemption for 2024
50	810 18th Street	Haggard Park HD	Dora Palao 810 18th St. Plano, TX 75074-5829	Approval	38%	\$47,086	\$75	\$15	\$193	\$282
51	811 18th Street	Haggard Park HD	STRG Commercial Holdings, LLC 811 18th St. Plano, TX 75074-5828	Approval	38%	\$14,610	\$23	\$5	\$60	\$88
52	903 18th Street	Haggard Park HD	Aierzzip LLC Attn: Nathan Hale 903 18th St., Ste 125 Plano, TX 75074	Approval	38%	\$666,353	\$1,057	\$206	\$2,729	\$3,992
53	910 18th Street	Haggard Park HD	1107 Investments LLC 660 N.Central Expy, #100 Plano, TX 75074-6759	Approval	38%	\$752,480	\$1,194	\$232	\$3,082	\$4,508
54	913 18th Street	Haggard Park HD	Lumar Ventures, Inc. 2015 Flat Creek Dr Richardson, TX 75080-2317	Approval	38%	\$366,640	\$582	\$113	\$1,502	\$2,197
55	920 18th Street	Haggard Park HD	Ergonis Family Living Trust Ergonis Cornelius Joe & Linda Ann-Tr 5001 Pinehurst Drive Frisco, TX 75034-6844	Approval	38%	\$308,428	\$489	\$95	\$1,263	\$1,848
56	1517 G Avenue	Haggard Park HD	ETR Investments, LLC 800 E. Campbell Road, Suite 337 Richardson, TX 75081-1873	Approval	38%	\$262,649	\$417	\$81	\$1,076	\$1,574
57	1521 G Avenue	Haggard Park HD	Michael Fremming Jr. 10950 Candlelight Lane Dallas, TX 75229-3951	Approval	75%	\$65,858	\$206	\$40	\$532	\$779
58	1600 H Avenue	Haggard Park HD	Coolik Family Trust c/o Russell Coolik 901 E. 16th Street Plano, TX 75074	Approval	75%	\$321,804	\$1,008	\$196	\$2,601	\$3,805
59	1603 H Avenue	Haggard Park HD	Carol Armstrong 1603 H Avenue Plano, TX 75074	Approval	75%	\$204,051	\$639	\$124	\$1,650	\$2,413
60	1607 H Avenue	Haggard Park HD	Kyle & Marygrace Forbes 1607 H Avenue Plano, TX 75074	Approval	75%	\$240,655	\$754	\$147	\$1,945	\$2,846
61	1611 H Avenue	Haggard Park HD	Pamela Holland 1611 H Avenue Plano, TX 75074	Approval	75%	\$203,381	\$637	\$124	\$1,644	\$2,405
62	1701 H Avenue	Haggard Park HD	Jonathan Kuo-En Tang 1701 H Avenue Plano, TX 75074	Approval	75%	\$416,060	\$1,303	\$253	\$3,363	\$4,920
63	1706 H Avenue	Haggard Park HD	Yan Lu PO Box 6105 Rosemead, CA 91770-6105	Approval	75%	\$239,083	\$749	\$146	\$1,933	\$2,827
64	1715 H Avenue	Haggard Park HD	Young Dean Homestead Ltd. 625 W. Blondy Jhune Road Lucas, TX 75002	Approval	38%	\$218,246	\$346	\$67	\$894	\$1,308
65	1003-07 E. 15th Street	Downtown HD	Eng & Wong Plano Downtown LLC 7005 Chase Oaks Blvd., Suite 200 Plano, TX 75025	Approval	38%	\$2,052,550	\$3,257	\$633	\$8,407	\$12,298

Exhibit A (continued)

	Property Location	Heritage Landmark/Heritage District (HD)	Address '1' Owner's Mailing Address per CCAD	Staff Recommendation	Tax Exemption Percentage	2023 Improvement Value	Plano City (CPL) 0.4176%	Collin College (JCN) 0.081220%	Plano ISD (SPL) 1.077850%	Estimated Exemption for 2024
66	1004 E. 15th Street	Downtown HD	Metropolitan Mammoth Jack, Ltd. 3838 Oak Lawn Avenue; Suite 1416 Dallas, TX 75219	Approval	38%	\$464,977	\$738	\$144	\$1,904	\$2,786
67	1008 E. 15th Street	Downtown HD	Crider Living Trust 3013 Crooked Stick Dr Plano, TX 75093	Approval	38%	\$553,415	\$878	\$171	\$2,267	\$3,316
68	1010 E. 15th Street	Downtown HD	LPW Real Estate Investment LLC 719 Cougar Dive Allen, TX 75013	Approval	38%	\$397,197	\$630	\$123	\$1,627	\$2,380
69	1011 E. 15th Street	Downtown HD	N A T Properties LLC 1014 15th Place Plano, TX 75074	Approval	38%	\$813,750	\$1,291	\$251	\$3,333	\$4,875
70	1012 E. 15th Street	Downtown HD	JSMTX Properties LLC c/o Judith Moore 6800 Del Norte Lane, Apt 245 Dallas, TX 75225	Approval	38%	\$423,831	\$673	\$131	\$1,736	\$2,539
71	1013 E. 15th Street	Downtown HD	Pierce Family Living Trust Ronald & Deborah Pierce Trustees 39 Vanguard Way Dallas, TX 75243	Approval	38%	\$545,462	\$866	\$168	\$2,234	\$3,268
72	1016 E. 15th Street	Downtown HD	JSMTX Properties LLC c/o Judith Moore 6800 Del Norte Lane, Apt 245 Dallas, TX 75225	Approval	38%	\$187,354	\$297	\$58	\$767	\$1,123
73	1017 E. 15th Street	Downtown HD	Comert Estates LLC c/o Selim Comert 1017 E. 15th Street Plano, TX 75074	Approval	38%	\$1,091,944	\$1,733	\$337	\$4,472	\$6,542
74	1018 E. 15th Street	Downtown HD	JSMTX Properties LLC c/o Judith Moore 6800 Del Norte Lane, Apt 245 Dallas, TX 75225	Approval	38%	\$144,338	\$229	\$45	\$591	\$865
75	1020 E. 15th Street	Downtown HD	CRH Rentals Ltd. 800 Central Parkway, Suite 100 Plano, TX 75074	Approval	38%	\$115,586	\$183	\$36	\$473	\$693
76	1021 E. 15th Street	Downtown HD	Tvg Holdings LLC 455 Bee Caves Road Lucas, TX 75002-7370	Approval	38%	\$213,539	\$339	\$66	\$875	\$1,279
77	1022 E. 15th Street	Downtown HD	15th Street Real Property Holdings, LLC Firewheel Town Center/Allred & Wilcox, Plc 1022 E.15th Street Plano, TX 75074	Approval	38%	\$963,713	\$1,529	\$297	\$3,947	\$5,774
78	1024 E. 15th Street	Downtown HD	JSMTX Properties LLC c/o Judith Moore 6800 Del Norte Lane, Apt 245 Dallas, TX 75225	Approval	38%	\$329,490	\$523	\$102	\$1,350	\$1,974
79	1026 E. 15th Street & 1421 K Avenue	Downtown HD	Sutton-1012 LLC c/o Richard Sutton 5577 Linhurst Court Fairview, TX 75069	Approval	38%	\$551,605	\$875	\$170	\$2,259	\$3,305

Exhibit A (continued)

	Property Location	Heritage Landmark/Heritage District (HD)	Address '1' Owner's Mailing Address per CCAD	Staff Recommendation	Tax Exemption Percentage	2023 Improvement Value	Plano City (CPL) 0.4176%	Collin College (JCN) 0.081220%	Plano ISD (SPL) 1.077850%	Estimated Exemption for 2024
80	1029 E. 15th Street	Downtown HD	Mirna Lynch 4604 Lawson Court Plano, TX 75093	Approval	38%	\$568,421	\$902	\$175	\$2,328	\$3,406
81	1031-1033 E. 15th Street	Downtown HD	MKNS, LLC P.O. Box 262447 Plano, TX 75026-2447	Approval	38%	\$328,672	\$522	\$101	\$1,346	\$1,969
82	1032 E. 15th Street	Downtown HD	Connor Chaddick Chaddick Center Leasing Office 1201 E. 15th Street, Suite 201 Plano, TX 75074	Approval	38%	\$629,570	\$999	\$194	\$2,579	\$3,772
83	1035 E. 15th Street	Downtown HD	Audience Inc 4906 Shady Knolls Drive Allen, TX 75002	Approval	38%	\$548,468	\$870	\$169	\$2,246	\$3,286
84	1037 E. 15th Street	Downtown HD	Joerg & Cathy Fercher 628 Water Oak Dr. Plano, TX 75025	Approval	38%	\$209,692	\$333	\$65	\$859	\$1,256
85	1410-12 J Avenue	Downtown HD	Brodhead Family Ltd. Partnership P O Box 865123 Plano, TX 75086	Approval	38%	\$554,479	\$880	\$171	\$2,271	\$3,322
86	1418 K Avenue	Downtown HD	PMM Enterprises LLC c/o Patricia M. Mason 2413 Neal Drive Garland, TX 75040	Approval	38%	\$199,292	\$316	\$62	\$816	\$1,194
						\$ 33,195,531	\$84,368	\$16,409	\$217,758	\$318,535



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-021.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-021 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, rezoning 5.0 acres of land located on the west side of Enterprise Drive, 175 feet north of Park Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-72-Single-Family Residence Attached; 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. Petitioner: Fairview Farm Land Company, Ltd. **Conducted and adopted Ordinance No. 2024-2-4**

BACKGROUND

The Planning & Zoning Commission recommended approval of this zoning case with a vote of 7-0 per their Final Report in the attached Supporting Documents.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality. For detailed comments on the comprehensive plan related to this item, please see the Staff Preliminary Report in the attached Supporting Documents.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/20/2024	Ordinance
ZC2023-021 Supporting Documents	2/20/2024	Informational

Zoning Case 2023-021

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, rezoning 5.0 acres of land out of the J.M. Salmons Survey, Abstract No. 814, located on the west side of Enterprise Drive, 175 feet north of Park Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-72-Single-Family Residence Attached; 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 26th day of February 2024, for the purpose of considering rezoning 5.0 acres of land out of the J.M. Salmons Survey, Abstract No. 814, located at on the west side of Enterprise Drive, 175 feet north of Park Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-72-Single-Family Residence Attached; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 26th day of February 2024; and

WHEREAS, the City Council is of the opinion and finds that such rezoning, as amended by the stipulations agreed upon during the public hearing, would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally; and

WHEREAS, the City Council authorized this Ordinance to be executed without further consideration, consistent with the stipulated restrictions presented at the hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 5.0 acres of land on the west side of Enterprise Drive, 175 feet north of Park Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-72-Single-Family Residence Attached, said property being described in the legal description in Exhibit A attached hereto.

Section II. The change in Section I is granted according to the stipulations agreed upon during the public hearing, as described below:

The permitted uses and standards shall be in accordance with the Single-Family Residence Attached (SF-A) zoning district unless otherwise specified herein:

1. Maximum Height: 3 story, 45 feet. Outdoor living areas, patios, and roof decks are allowed above the third story, and associated improvements shall not exceed the maximum 45-foot height.
2. Minimum townhouse lot setback from the southern property line: 35 feet
3. Minimum townhouse building setback from the northern property line: 30 feet.
4. A minimum 10-foot-wide landscape buffer at least 90 feet in length shall be provided along the southern property line, exclusive of the floodplain and shared driveways with the adjacent property. The buffer shall include a minimum 6-foot-tall wrought iron fence with irrigated evergreen shrubs with a minimum of 36 to 40 inches in height, supplemented by existing trees preserved in accordance with Section 17.800 (Tree Preservation and Protection) of the Zoning Ordinance.
5. A minimum 4-foot landscape buffer shall be provided along the northern property line, exclusive of the floodplain. The buffer shall contain a minimum 6-foot-tall ornamental metal fence and irrigated evergreen shrubs with a minimum of 36 to 40 inches in height at planting or other living screen as approved by the Director of Planning.
6. A 10-foot-wide sidewalk and associated easement shall connect the internal street network to the City of Plano Chisholm Trail.
7. A 6-foot metal fence, at least 50% open in construction, shall be constructed along the top of the masonry retaining wall adjacent to the drainage and floodway easement.
8. At least 1 acre of open space shall be provided along the western property line and shall be dedicated as a drainage and floodway easement. At least 0.5 acre of open space shall be provided, exclusive of floodplain, and shall be exempt from the dimensional standards of Section 13.800 (Usable Open Space) of the Zoning Ordinance.

Section III. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section IV. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 26th day of February, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

#ZC2023-021
Legal Description

BEING a tract of land situated in the J.M. Salmons Survey, Abstract No. 814, in the City of Plano, Collin County, Texas; and being all of Lot 2, Block A, Chisholm Enterprise Addition, an addition to the City of Plano, Collin County, Texas according to the plat thereof recorded in Volume M, Page 21, Plat Records Collin County Texas (PRCCT); also being a portion of Enterprise Drive, a 60 ft. right-of-way dedication to the City of Plano; and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with capped stamped "Cole/1019" for corner at the intersection of Enterprise Drive (said 60 ft. wide right-of-way) with the west line of Pebble Vale Drive (a 60 ft. right-of-way);

THENCE South 35 deg 47 min 09 sec East, departing the south line of Enterprise Drive; for a distance of 30.00 ft. to a point for corner on the centerline of said Enterprise Drive;

THENCE South 54 deg 12 min 51 sec West, along the centerline of said Enterprise Drive, for a distance of 114.09 ft. to a point for corner and for the beginning of a circular curve to the left having a central angle of 58 deg 20 min 22 sec, a radius of 400.00 ft., and a chord which bears South 25 deg 02 min 40 sec West for a distance of 389.92 ft.;

THENCE continuing along said centerline with the said circular curve to the left for an arc distance of 407.29 ft. to a point for corner;

THENCE South 85 deg 52 min 29 sec West, departing said centerline, for a distance of 30.00 ft. to a 1/2 inch rod with cap stamped "RPLS 4613" found for corner on the west line of said Enterprise Drive; said point being the northeast corner of Lot 2 Block A of said Chisholm Enterprise Addition;

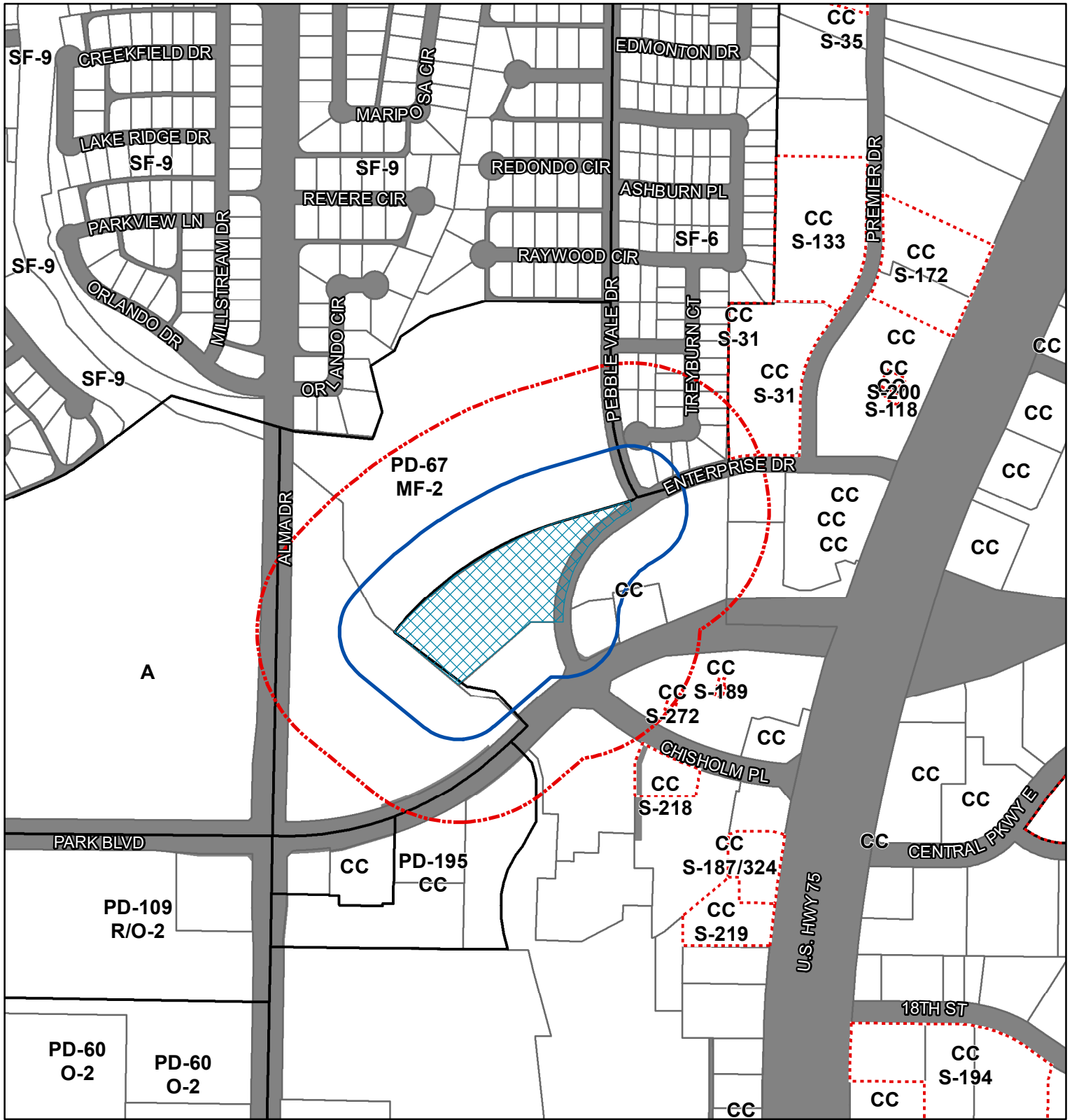
THENCE South 89 deg 48 min 51 sec West, departing said west line and along the north line of said Lot 2 Block A, for a distance of 88.00 ft. to a 1/2 inch iron capped rod set for corner;

THENCE South 48 deg 12 min 51 sec West, continuing along the west line of said Lot 2 Block A, for a distance of 345.47 ft. to a 1/2 inch iron capped rod set for corner at the southwest corner of said Lot 2 Block A; said point being on the northeast line of Lot 1, Block 1 of Chisholm Apartments Phase 1 per plat recorded in Volume C, Page 562 PRCCT;

THENCE North 51 deg 34 min 55 sec West, along said northeast line, for a distance of 304.06 ft. to a 1/2 inch iron capped rod set for corner; said point being the southeast corner of Lot 1, Block 1 of Chisholm Place II Apartments per the plat recorded in Volume G, Page 524 PRCCT; said point being the beginning of a circular curve to the right along the south line of said Lot 1 Block 1, said curve having a central angle of 34 deg 44 min 00 sec, a radius of 1,200.00 ft., and a chord which bears North 55 deg 26 min 25 sec East for a distance of 716.37 ft.;

THENCE continuing along said south line, with the said circular curve to the right for an arc distance of 727.45 ft. to a 1/2 inch iron rod found for corner;

THENCE North 72 deg 48 min 23 sec East, continuing along said south line, for a distance of 276.21 ft. to the **POINT OF BEGINNING**, and **CONTAINING** 219,510 sq. ft. or 5.039 Acres of land, more or less.

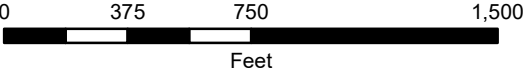
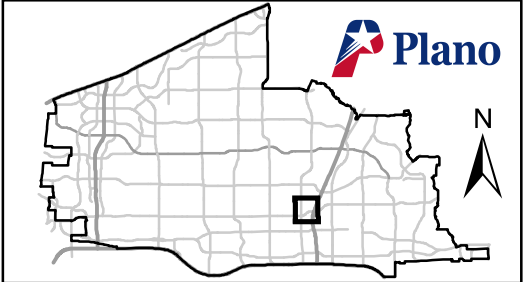


Zoning Case: 2023-021

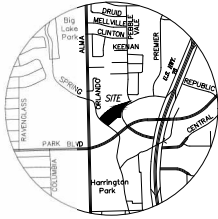
Existing Zoning: Corridor Commercial

Proposed Zoning: Planned Development-Single-Family Residence Attached

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Streets
- Municipal Boundaries
- Zoning Boundary
- Specific Use Permit
- Zoning Boundary Change/SUP



Block	Lot	Sq. Ft.	Acres
A	1	2,303.4	0.053
A	2	2,275.0	0.052
A	3	2,275.0	0.052
A	4	2,303.4	0.053
A	5	2,303.4	0.053
A	6	2,303.4	0.053
A	7	2,275.0	0.052
A	8	2,275.0	0.052
A	9	2,303.4	0.053
A	10X	94,334.4	2.166
B	1	2,303.4	0.053
B	2	2,275.0	0.052
B	3	2,275.0	0.052
B	4	2,275.0	0.052
B	5	2,275.0	0.052
B	6	2,275.0	0.052
B	7	2,275.0	0.052
B	8	3,602.7	0.083
B	9X	2,415.9	0.055
B	10	2,303.4	0.053
B	11	2,275.0	0.052
B	12	2,275.0	0.052
B	13	2,275.0	0.052
B	14	2,312.5	0.053
B	15X	7,884.3	0.181
C	1	3,231.1	0.074
C	2	2,275.0	0.052
C	3	2,303.4	0.053
C	4X	15,902.7	0.364



VICINITY MAP
NOT TO SCALE

PLANO PUBLIC FACILITY CORP.
C.C. 2023000046556

LOT 1, BLOCK 1
CHISHOLM PLACE II
APARTMENTS
VOL. G, PG. 524

ZONED
PD-67 MF-2

EXISTING 100 YR
FLOOD LIMITS

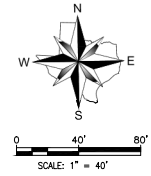
BL A

PROPOSED 100 YR
FULLY DEVELOPED
FLOODPLAIN

BL B

BL C

ZONED
SF-6



ZONING DESCRIPTION

BEING a tract of land situated in the J.M. Salmons Survey, Abstract No. 814, in the City of Plano, Collin County, Texas; and being all of Lot 2, Block A, Chisholm Enterprise Addition, an addition to the City of Plano, Collin County, Texas according to the plat thereof recorded in Volume M, Page 21, Plat Records Collin County Texas (PRCT); also being a portion of Enterprise Drive, a 60 ft. right-of-way dedication to the City of Plano; and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with capped stamped "Cole/1019" for corner at the intersection of Enterprise Drive (said 60 ft. wide right-of-way) with the west line of Pebble Vale Drive (a 60 ft. right-of-way);

THENCE South 35 deg 47 min 09 sec East, departing the south line of Enterprise Drive; for a distance of 30.00 ft. to a point for corner on the centerline of said Enterprise Drive;

THENCE South 54 deg 12 min 51 sec West, along the centerline of said Enterprise Drive, for a distance of 114.09 ft. to a point for corner and for the beginning of a circular curve to the left having a central angle of 58 deg 20 min 22 sec, a radius of 400.00 ft., and a chord which bears South 25 deg 02 min 40 sec West for a distance of 389.92 ft.;

THENCE continuing along said centerline with the said circular curve to the left for an arc distance of 407.29 ft. to a point for corner;

THENCE South 85 deg 52 min 29 sec West, departing said centerline, for a distance of 30.00 ft. to a 1/2 inch rod with cap stamped "RPLS 4613" found for corner on the west line of said Enterprise Drive; said point being the northeast corner of Lot 2 Block A of said Chisholm Enterprise Addition;

THENCE South 89 deg 48 min 51 sec West, departing said west line and along the north line of said Lot 2 Block A, for a distance of 88.00 ft. to a 1/2 inch iron capped rod set for corner;

THENCE South 48 deg 12 min 51 sec West, continuing along the west line of said Lot 2 Block A, for a distance of 345.47 ft. to a 1/2 inch iron capped rod set for corner at the southwest corner of said Lot 2 Block A; said point being on the northeast line of Lot 1, Block 1 of Chisholm Apartments Phase 1 per plat recorded in Volume C, Page 562 PRCT;

THENCE North 51 deg 34 min 55 sec West, along said northeast line, for a distance of 304.06 ft. to a 1/2 inch iron capped rod set for corner; said point being the southeast corner of Lot 1, Block 1 of Chisholm Place II Apartments per the plat recorded in Volume G, Page 524 PRCT; said point being the beginning of a circular curve to the right along the south line of said Lot 1 Block 1, said curve having a central angle of 34 deg 44 min 00 sec, a radius of 1,200.00 ft., and a chord which bears North 55 deg 26 min 25 sec East for a distance of 716.37 ft.;

THENCE continuing along said south line, with the said circular curve to the right for an arc distance of 727.45 ft. to a 1/2 inch iron rod found for corner;

THENCE North 72 deg 48 min 23 sec East, continuing along said south line, for a distance of 276.21 ft. to the POINT OF BEGINNING, and containing 219,510 sq. ft. or 5.039 Acres of land, more or less.

"APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT, OR PLAN, APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS. PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLATS, OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE."

ZONING EXHIBIT PROJECT NO. ZC2023-021 VILLAS AT PARK ADDITION

5.039 ACRES
25 SINGLE FAMILY RESIDENCES - ATTACHED
LOTS 1-9, 10X BLOCK A, LOTS 1-8, 9X, 10-14, 15X BLOCK B
LOTS 1-3, 4X BLOCK C
4 H.O.A. LOTS

AN ADDITION TO THE CITY OF
PLANO, TEXAS
SITUATED IN THE
J.M. SALMONS SURVEY, ABSTRACT NO. 814
COLLIN COUNTY, TEXAS
JANUARY, 2024

OWNER:

FAIRVIEW FARM LAND CO., LTD.
3369 PREMIER DR.
SUITE 100
PLANO, TEXAS 75023
CONTACT: RODNEY HAGGARD

DEVELOPER:

P CUSTOM HOMES, LLC
1680 PRINCE WILLIAM LANE
FRODO, TEXAS 75034
CONTACT: WARREN PACKER
PH. 214.837.2792

ENGINEER/SURVEYOR:

WINKELMANN & ASSOCIATES, INC.
6750 HILLCREST PLAZA DR.
SUITE 215
DALLAS, TEXAS 75230
CONTACT: MARIA BONILLA, P.E.
PH. 972.490.7090

SHIV FOOD & FUEL LLC
C.C. 2022000171766
LOT 1, BLOCK A
CHISHOLM ENTERPRISE
ADDITION
VOL. M, PG. 21

ZONED
CORRIDOR COMMERCIAL

DRAINAGE & FLOODWAY
EASEMENT
VOL. M, PG. 21

ACCESS EASEMENT NO. 2
VOL. 4536 PG. 2381
C.C. 99-0135575

POINT OF
BEGINNING

KARWAN INC.
C.C. 20210817001665240

ACCESS EASEMENT NO. 1
VOL. 4536 PG. 2381
C.C. 99-0135575

SLOPE EASEMENT
VOL. 4536 PG. 2381
C.C. 99-0135575

PARK BLVD

ENTERPRISE DR

ZONED
PD-67 MF-2

CHISHIMA REAL ESTATE
CO., LTD.
CC #20170510000599240
LOT 1, BLOCK 1
CHISHOLM
APARTMENTS PHASE I
VOL. C, PG. 562

 Winkelmann & Associates, Inc. 6750 HILLCREST PLAZA DR., SUITE 215 DALLAS, TEXAS 75230 PHONE: 972.490.7090 FAX: 972.490.7091 WWW.WINKELMANN-AND-ASSOCIATES.COM	APPROVE	DATE
	REVISION	DATE
	2-8-2024	
	ZONING EXHIBIT ENTERPRISE DRIVE PLANO, TEXAS	
ZEXH01		

DATE: February 6, 2024

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission *MB*
Christina D. Day, AICP, Director of Planning *CD*

SUBJECT: Results of Planning & Zoning Commission Meeting of February 5, 2024

AGENDA ITEM NO. 3A - ZONING CASE 2023-021
PETITIONER: FAIRVIEW FARM LAND COMPANY, LTD.

Request to rezone 5.0 acres located on the west side of Enterprise Drive, 175 feet north of Park Boulevard from Corridor Commercial to Planned Development-Single-Family Residence Attached. Tabled on December 18, 2023 and January 2, 2024. Project #ZC2023-021.

APPROVED: 7-0

Speaker Card(s) Received:	Support:	<u>2</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Letters Received Within 200' Notice Area:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>

Commissioner Bronsky was not in attendance.

RESULTS:

The Commission recommended the item for approval subject to the following stipulations:

The permitted uses and standards shall be in accordance with the Single-Family Residence Attached (SF-A) zoning district unless otherwise specified herein:

1. Maximum Height: 3 story, 45 feet. Outdoor living areas, patios, and roof decks are allowed above the third story, and associated improvements shall not exceed the maximum 45-foot height.
2. Minimum townhouse lot setback from southern property line: 35 feet
3. Minimum townhouse building setback from northern property line: 30 feet

4. A minimum 10-foot-wide landscape buffer at least 90 feet in length shall be provided along the southern property line, exclusive of the floodplain and shared driveways with the adjacent property. The buffer shall include a minimum 6-foot-tall wrought iron fence with irrigated evergreen shrubs with a minimum of 36 to 40 inches in height, supplemented by existing trees preserved in accordance with Section 17.800 (Tree Preservation and Protection) of the Zoning Ordinance.
5. A minimum 4-foot landscape buffer shall be provided along the northern property line, exclusive of the floodplain. The buffer shall contain a minimum 6-foot tall ornamental metal fence and irrigated evergreen shrubs with a minimum of 36 to 40 inches in height at planting or other living screen as approved by the Director of Planning.
6. A 10-foot-wide sidewalk and associated easement shall connect the internal street network to the City of Plano Chisholm Trail.
7. A 6-foot metal fence, at least 50% open in construction, shall be constructed along the top of the masonry retaining wall adjacent to the drainage and floodway easement.
8. At least 1 acre of open space shall be provided along the western property line and shall be dedicated as a drainage and floodway easement. At least 0.5 acre of open space shall be provided, exclusive of floodplain, and shall be exempt from the dimensional standards of Section 13.800 (Usable Open Space) of the Zoning Ordinance.

To view the hearing, please click on the provided link:

<https://planotx.new.swagit.com/videos/296510?ts=370>

KC/kob

cc: Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

MEETING DATE

Monday, February 5, 2024

RESULTS

I, Chair/Commissioner David Downs, after review of the written information and listening to the hearing participants, voted in **SUPPORT** of this case, finding the following:

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: VARIETY OF HOUSING OPTIONS AVAILABLE;
and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: HOUSING NEEDS, HIGH QUALITY DEVELOPMENT
and
3. The request is consistent with other policies, actions, maps:
 - ☒ Future Land Use Map and Dashboards – Description & Priorities
 - ☒ Future Land Use Map and Dashboards – Mix of Uses
 - ☒ Future Land Use Map and Dashboards – Character Defining Elements
 - ☐ Thoroughfare Plan Map & Cross Sections
 - ☐ Bicycle Transportation Plan Map
 - ☐ Parks Master Plan Map
 - ☐ Expressway Corridor Environmental Health Map
 - ☐ Undeveloped Land Policy – Action 3 (UL3)
 - ☒ Redevelopment & Growth Management Policy – Action 8 (RGM8)
 - ☐ Other: _____
4. Comments on any of the above which further explain my position: _____.

Overall, I believe the applicant's request should be supported; and the reasons I have indicated above outweigh the project's incompatibility with the mix of uses, density, or building heights favored by the Future Land Use Map Dashboard of the Comprehensive Plan.


Signature

02/05/24
Date

MEETING DATE	TIME	MEETING ID	ZONING CASE
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February 5, 2024	7:00 PM	PZ 02.05.24	ZC2023-021
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RESULTS for Bennett Ratliff

I, **Bennett Ratliff**, 2nd Vice Chair, after review of the written information and listening to the hearing participants, voted in **SUPPORT** to this case, finding the following:

- (1) The request is consistent with the overall Guiding Principles of the Comprehensive Plan because:

I provides a variety of housing types, heights and sizes as recommended by the plan

and

- (2) The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because:

Adds a new residential housing option on an otherwise vacant tract.

and

- (3) The request is consistent with other policies, actions, maps:

- ☐ Bicycle Transportation Plan Map
- ☐ Expressway Corridor Environmental Health Map & Guidelines
- ☒ Future Land Use Map & Dashboards - Mix of Uses
- ☒ Future Land Use Map and Dashboards - Priorities
- ☐ Heritage Preservation Plan (Preservation Plano 150)
- ☐ Redevelopment & Growth Management Policy - Action 1 (RGM1)
- ☐ Redevelopment & Growth Management Policy - Action 5C (RGM5C)
- ☐ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Other

- (4) Comments on any of the above which further explain my position:

The only deviation from the plan is the building height, which is not a significant enough reason for denial on this parcel given a commercial development could be built to the same or greater height.

BENNETT RATLIFF

Signature

February 5, 2024 @ 7:40:20 PM

Date

MEETING DATE	TIME	MEETING ID	ZONING CASE
February 5, 2024	7:00 PM	PZ 02.05.24	ZC2023-021

RESULTS for Bill Lisle

I, **Bill Lisle**, Commissioner, after review of the written information and listening to the hearing participants, voted in **SUPPORT** to this case, finding the following:

- (1) The request is consistent with the overall Guiding Principles of the Comprehensive Plan because:

The only thing not in conformance is the height. I don't believe that the height in this location is a concern to the adjacent properties. I believe that the added height creates a better product for those that eventually occupy.

and

- (2) The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because:

This development takes an empty lot and creates a niche pocket neighborhood that I expect to be a positive to the area.

and

- (3) The request is consistent with other policies, actions, maps:

- ☒ Bicycle Transportation Plan Map
- ☒ Expressway Corridor Environmental Health Map & Guidelines
- ☐ Future Land Use Map & Dashboards - Mix of Uses
- ☒ Future Land Use Map and Dashboards - Priorities
- ☐ Heritage Preservation Plan (Preservation Plano 150)
- ☒ Redevelopment & Growth Management Policy - Action 1 (RGM1)
- ☒ Redevelopment & Growth Management Policy - Action 5C (RGM5C)
- ☒ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☒ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Other

- (4) Comments on any of the above which further explain my position:



Signature

February 5, 2024 @ 7:41:10 PM

Date

MEETING DATE	TIME	MEETING ID	ZONING CASE
February 5, 2024	7:00 PM	PZ 02.05.24	ZC2023-021

RESULTS for Gary Cary

I, **Gary Cary**, 1st Vice Chair, after review of the written information and listening to the hearing participants, voted in **SUPPORT** to this case, finding the following:

- (1) The request is consistent with the overall Guiding Principles of the Comprehensive Plan because:

It provides for a variety of housing types and sizes and is aligned with the FLUM.

and

- (2) The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because:

Provides housing in an area that has never been developed

and

- (3) The request is consistent with other policies, actions, maps:

- ☐ Bicycle Transportation Plan Map
- ☐ Expressway Corridor Environmental Health Map & Guidelines
- ☒ Future Land Use Map & Dashboards - Mix of Uses
- ☒ Future Land Use Map and Dashboards - Priorities
- ☐ Heritage Preservation Plan (Preservation Plano 150)
- ☐ Redevelopment & Growth Management Policy - Action 1 (RGM1)
- ☐ Redevelopment & Growth Management Policy - Action 5C (RGM5C)
- ☐ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Other

- (4) Comments on any of the above which further explain my position:

Gary Cary

Signature

February 5, 2024 @ 7:40:05 PM

Date

MEETING DATE	TIME	MEETING ID	ZONING CASE
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February 5, 2024	7:00 PM	PZ 02.05.24	ZC2023-021
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RESULTS for J. Michael Brounoff

I, **J. Michael Brounoff**, Commissioner, after review of the written information and listening to the hearing participants, voted in **SUPPORT** to this case, finding the following:

- (1) The request is consistent with the overall Guiding Principles of the Comprehensive Plan because:

It creates a variety of housing types which helps to preserve and enhance the surrounding existing neighborhood while establishing a new one. This plan makes creative use of a small, oddly shaped infill lot with a residential development that promises to enhance Plano today and in 2050.

and

- (2) The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because:

It creates a variety of housing types by introducing townhomes into the mix of housing types in the neighborhood, and reinforces the residential character of the neighborhood.

and

- (3) The request is consistent with other policies, actions, maps:

- ☒ [X] Bicycle Transportation Plan Map
- ☐ [] Expressway Corridor Environmental Health Map & Guidelines
- ☐ [] Future Land Use Map & Dashboards - Mix of Uses
- ☐ [] Future Land Use Map and Dashboards - Priorities
- ☐ [] Heritage Preservation Plan (Preservation Plano 150)
- ☐ [] Redevelopment & Growth Management Policy - Action 1 (RGM1)
- ☐ [] Redevelopment & Growth Management Policy - Action 5C (RGM5C)
- ☐ [] Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ [] Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ [] Other

- (4) Comments on any of the above which further explain my position:

See above.

J. Michael Brounoff

Signature

February 5, 2024 @ 7:42:03 PM

Date

MEETING DATE	TIME	MEETING ID	ZONING CASE
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February 5, 2024	7:00 PM	PZ 02.05.24	ZC2023-021
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RESULTS for Tianle Tong

I, **Tianle Tong**, Commissioner, after review of the written information and listening to the hearing participants, voted in **SUPPORT** to this case, finding the following:

- (1) The request is consistent with the overall Guiding Principles of the Comprehensive Plan because:

It meets all the requirements except for the height, which would have been allowed by right if the project were for corridor commercial development

and

- (2) The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because:

This piece of property has never been developed for decades. This development will definitely help improve the surrounding communities.

and

- (3) The request is consistent with other policies, actions, maps:

- ☐ Bicycle Transportation Plan Map
- ☐ Expressway Corridor Environmental Health Map & Guidelines
- ☒ Future Land Use Map & Dashboards - Mix of Uses
- ☒ Future Land Use Map and Dashboards - Priorities
- ☐ Heritage Preservation Plan (Preservation Plano 150)
- ☐ Redevelopment & Growth Management Policy - Action 1 (RGM1)
- ☒ Redevelopment & Growth Management Policy - Action 5C (RGM5C)
- ☒ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☒ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Other

- (4) Comments on any of the above which further explain my position:

It looks like a great addition to the neighborhood of that location.

Tianle Tong

February 5, 2024 @ 7:42:03 PM

Signature

Date

MEETING DATE	TIME	MEETING ID	ZONING CASE
February 5, 2024	7:00 PM	PZ 02.05.24	ZC2023-021

RESULTS for Tosan Olley

I, **Tosan Olley**, Commissioner, after review of the written information and listening to the hearing participants, voted in **SUPPORT** to this case, finding the following:

- (1) The request is consistent with the overall Guiding Principles of the Comprehensive Plan because:

promotes the safety, viability, and vibrancy of Plano's existing neighborhoods, managing growth and shaping change that complements the city's suburban character and rich history

and

- (2) The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because:

successfully manages Plano's transition to a mature city, seeking innovative approaches and best practices to accommodate emerging trends, technologies, and opportunities that improve the quality of life and allow the city to remain attractive and vibrant into the future.

and

- (3) The request is consistent with other policies, actions, maps:

- ☒ Bicycle Transportation Plan Map
- ☐ Expressway Corridor Environmental Health Map & Guidelines
- ☐ Future Land Use Map & Dashboards - Mix of Uses
- ☐ Future Land Use Map and Dashboards - Priorities
- ☐ Heritage Preservation Plan (Preservation Plano 150)
- ☒ Redevelopment & Growth Management Policy - Action 1 (RGM1)
- ☐ Redevelopment & Growth Management Policy - Action 5C (RGM5C)
- ☐ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Redevelopment & Growth Management Policy - Action 8 (RGM8)
- ☐ Other

Largely supports the Undeveloped Land Policy Plan guidelines

- (4) Comments on any of the above which further explain my position:



Signature

February 5, 2024 @ 7:41:15 PM

Date

AGENDA ITEM NO. 3A

PUBLIC HEARING: Zoning Case 2023-021

PETITIONERS: Fairview Farm Land Company, Ltd.

CASE PLANNER: Katya Copeland, AICP

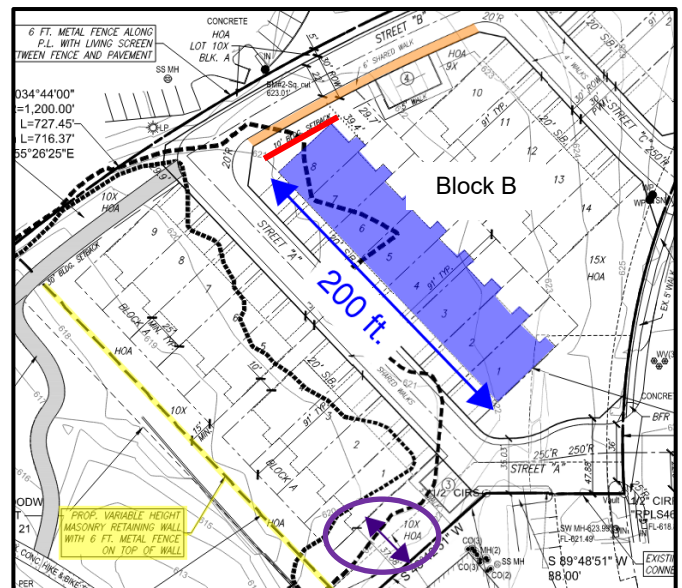
DESCRIPTION: Request to rezone 5.0 acres located on the west side of Enterprise Drive, 175 feet north of Park Boulevard **from** Corridor Commercial **to** Planned Development-Single-Family Residence Attached. Tabled December 18, 2023, and January 2, 2024. Project #ZC2023-021.

EXECUTIVE SUMMARY:

The applicant is requesting to rezone the subject property from Corridor Commercial (CC) to Planned Development-Single-Family Residence Attached (PD-SF-A) to allow 25 residential units and modify development standards. The request creates standards to allow infill residential development within this unique property. However, this request is disfavored because the proposal lacks conformity with the building height recommendations of the Comprehensive Plan.

On January 2, 2024, the Planning & Zoning Commission (Commission) tabled the zoning case to the February 5, 2024, meeting and requested the applicant make modifications related to the building length, side yard setbacks, and fencing along the proposed retaining wall. To address the Commission's concerns, the applicant has made the following revisions to the proposed Planned Development (PD) stipulations and associated concept plan:

1. Reduced the number of proposed lots from 26 to 25 by eliminating a lot in Block B within the building shown in **blue**.
2. Building lengths were reduced to comply with the SF-A district's maximum length of 200 feet. The previously proposed PD stipulation allowing up to 250 feet of building length has been removed (shown in **blue**).
3. Side yard setbacks for corner lots now conform to the base zoning district at 10 feet. The previously proposed PD stipulation reducing the minimum side yard setback has been removed (shown in **red**).
4. The applicant previously proposed a stipulation to allow a maximum height of "3 stories, 45 feet inclusive of roof decks." The Commission questioned whether this language was sufficient to allow the proposed rooftop decks. In response, the PD stipulation regarding building height has



been modified to state that outdoor living areas, patios, and roof decks are allowed above the third story. The building height, including associated rooftop improvements, shall not exceed the maximum total height of 45 feet. Planning staff has confirmed that the language is adequate to construct the buildings as proposed.

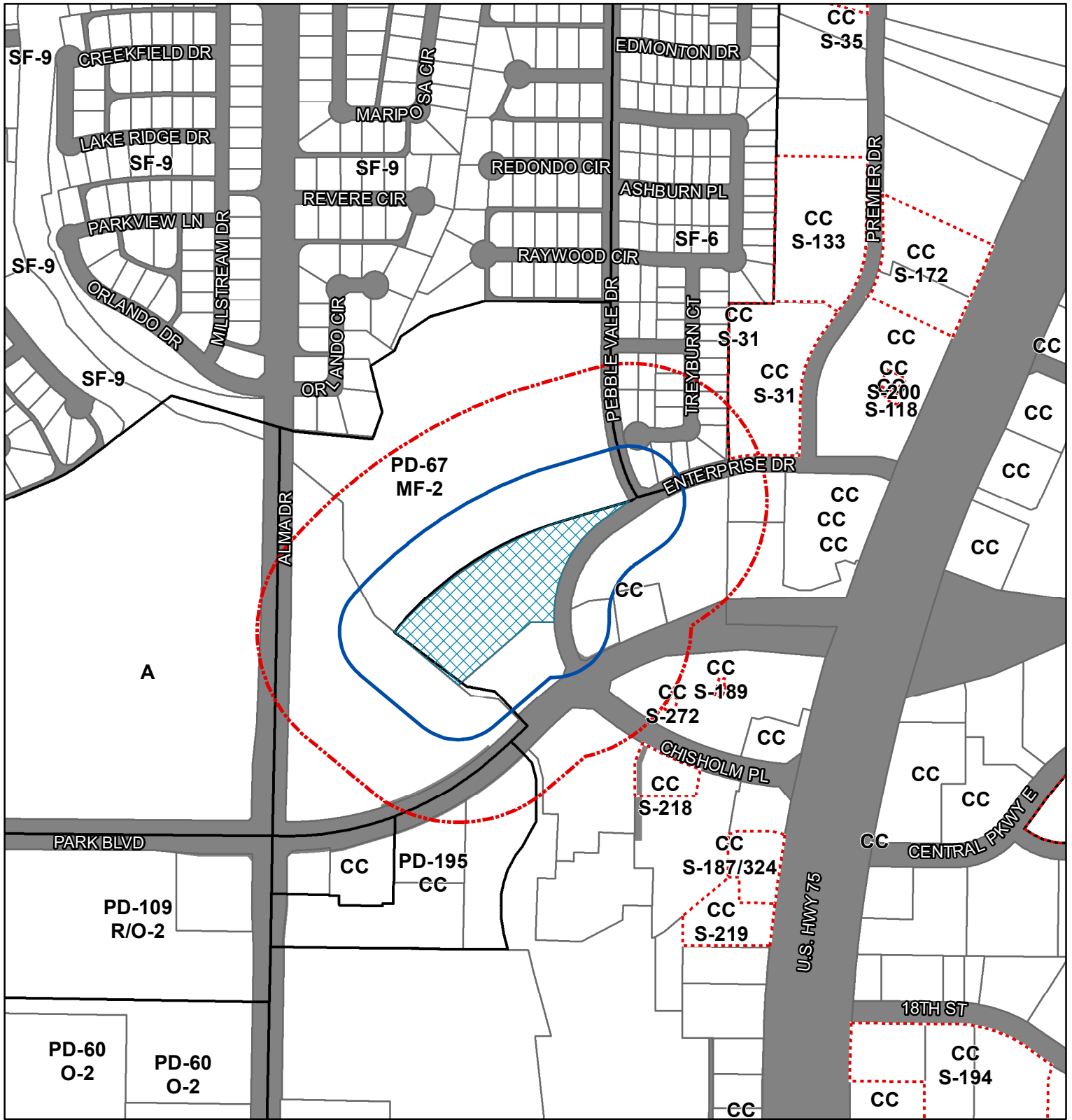
5. The minimum setback from the southern property line adjacent to the convenience store was increased from 33 feet to 35 feet (shown in purple).
6. A PD stipulation was added to require a metal fence along the top of the retaining wall adjacent to the drainage and floodway easement (shown in yellow).
7. The sidewalk along the mews street, running parallel to the adjacent property to the north, was increased from 4 to 6 feet in width (shown in orange).

Major topics of consideration in this request include:

- Conformance to the Comprehensive Plan – The subject property is located within the Neighborhoods (N) and Open Space Network (OS) categories of the Future Land Use Map. While a new single-family attached neighborhood is consistent with the N category, the applicant's request to increase the maximum building height to 3 stories with an allowance for rooftop decks does not meet the 2-story maximum height recommendations of the N Dashboard. The context of the area includes multifamily residential development immediately adjacent to the north, which is limited to 2 stories, 35 feet in height. The heights allowed under the Corridor Commercial (CC) zoning to the east will be substantially limited by proximity to residential. Due to the requested height, findings are required by the Planning & Zoning Commission and City Council to approve this request.
- Residential Use – The subject property has long been zoned for commercial purposes; however, commercial development has not occurred due to several challenges. First, the site has limited visibility from major roadways. Second, it is uniquely shaped with a significantly sized drainage and floodway easement, placing various constraints on the allowable buildable area. A rezoning to allow residential uses is benefited by adjacency with other residential zoning to the north and west and direct access to the Chisholm Hike and Bike Trail.
- Modified Development Standards – The requested Planned Development will vary from the standard requirements of the SF-A district for building height. Additional modifications, including buffers and setbacks from adjacent uses, required open space, additional fencing, and connections to the city's trail system, are also recommended to provide protection and amenities for future residents.
- Street Design – The applicant is requesting to use mews streets rather than the standard Type G residential local streets. Mews streets are often appropriate for small, infill developments. The proposed concept plan includes the typical mews street design in most locations; however, one segment of mews street will include a 6-foot sidewalk on one side of the street rather than 3-foot sidewalks on both sides. Staff finds this acceptable in this instance due to its proximity to the property line and the proposed sidewalk's width.
- Adjacency and Access – The site currently provides shared access to an adjacent convenience store to the south. As shown in the associated concept plan, the applicant proposes maintaining this access point, with a portion of the current drive aisle converted to a collector street design.

A second access to the SF-A development will be located on the northern portion of the property. Shared access between a residential street and a commercial drive is not ideal. Still, it may be unavoidable due to the unique shape of the property, existing development, and the change in land use.

A concept plan accompanies this request as Agenda Item No. 3B.



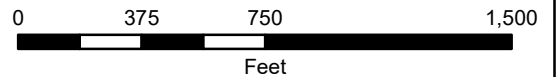
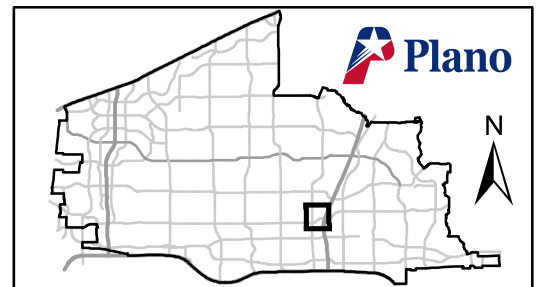
Zoning Case: 2023-021

Existing Zoning: Corridor Commercial

Proposed Zoning: Planned Development-Single-Family Residence Attached


- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property

- Streets
- Municipal Boundaries
- Zoning Boundary
- Specific Use Permit
- Zoning Boundary Change/SUP





Zoning Case 2023-021

 Area of Request

0 220 440
Feet

STAFF PRELIMINARY REPORT – INTRODUCTORY REMARKS

The applicant is requesting to rezone the subject property from Corridor Commercial (CC) to Planned Development-Single-Family Residence Attached (PD-SF-A) to allow for modified development standards.

Zoning – Sections 10.600.1 and 9.1000.1 of the Zoning Ordinance state the purpose of the CC and SF-A districts, respectively, as follows:

- Corridor Commercial (CC): *The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways.*
- Single-Family Residence Attached (SF-A): *The SF-A district is intended to provide for a variety of residential housing types and densities in the medium density ranges (5-10 units/acre) on individually platted lots or multiple units on a single lot.*

Proposed Uses – The Zoning Ordinance defines Single-Family Residence (Attached) as follows:

Single-Family Residence (Attached) – A dwelling that is part of a structure containing 3 or more dwellings, each designed and constructed for occupancy by one family, with each dwelling attached by a common wall to another with a minimum length of attachment of 20 feet, in which each dwelling is located on a separate platted lot (unless the dwelling is part of a planned residential development approved without separate platted lots); except that 20% of the total dwellings in a single-family attached project may be included in structures containing only 2 dwellings.

Planned Developments – A Planned Development (PD) district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions. Section 12.100 (Purpose) of Article 12 (Planned Development District) of the Zoning Ordinance guides the establishment of planned development districts. This section states that planned developments are intended for the following purposes:

1. *To protect and provide for the public health, safety, and general welfare of the city.*
2. *To guide the future development of the city in accordance with the Comprehensive Plan.*
3. *To accommodate innovation by modifying regulations to better accomplish the city's development goals.*
4. *To mitigate developmental impacts, especially those related to the environment, traffic, public services and facilities, and adjacent and area land uses.*
5. *To protect and enhance the aesthetic and visual quality of development.*

Proposed Planned Development Stipulations

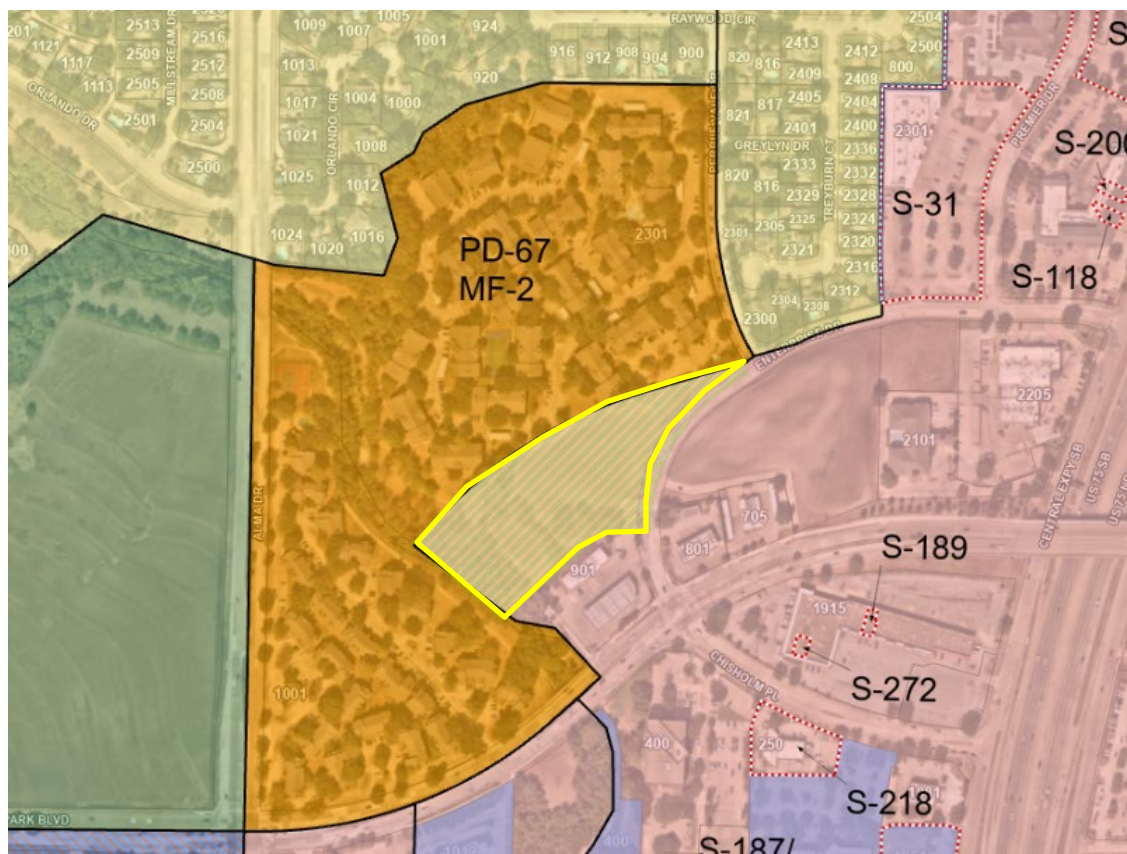
The proposed planned development language is as follows:

The permitted uses and standards shall be in accordance with the Single-Family Residence Attached (SF-A) zoning district unless otherwise specified herein:

1. Maximum Height: 3 story, 45 feet. Outdoor living areas, patios, and roof decks are allowed above the third story, and associated improvements shall not exceed the maximum 45-foot height.
2. Minimum townhouse lot setback from southern property line: 35 feet
3. Minimum townhouse building setback from northern property line: 30 feet
4. A minimum 10-foot-wide landscape buffer at least 90 feet in length shall be provided along the southern property line, exclusive of the floodplain and shared driveways with the adjacent property. The buffer shall include a minimum 6-foot-tall wrought iron fence with irrigated evergreen shrubs with a minimum of 36 to 40 inches in height, supplemented by existing trees preserved in accordance with Section 17.800 (Tree Preservation and Protection) of the Zoning Ordinance.
5. A minimum 4-foot landscape buffer shall be provided along the northern property line, exclusive of the floodplain. The buffer shall contain a minimum 6-foot tall ornamental metal fence and irrigated evergreen shrubs with a minimum of 36 to 40 inches in height at planting or other living screen as approved by the Director of Planning.
6. A 10-foot-wide sidewalk and associated easement shall connect the internal street network to the City of Plano Chisholm Trail.
7. A 6-foot metal fence, at least 50% open in construction, shall be constructed along the top of the masonry retaining wall adjacent to the drainage and floodway easement.
8. At least 1 acre of open space shall be provided along the western property line and shall be dedicated as a drainage and floodway easement. At least 0.5 acre of open space shall be provided, exclusive of floodplain, and shall be exempt from the dimensional standards of Section 13.800 (Usable Open Space) of the Zoning Ordinance.

Surrounding Land Use and Zoning

North	The property to the north is zoned Planned-Development-67-Multifamily Residence-2 (PD-67-MF-2) and is developed with a multifamily residence development.
East	There are two properties to the east across Enterprise Drive zoned Corridor Commercial (CC). The property to the northeast is undeveloped. The property to the southeast is developed with a vehicle fueling station that is not in operation today.
South	The property to the south is zoned CC and is developed with a convenience store and a vehicle fuel dispensing station.
West	The property to the west is zoned PD-67-MF-2 and is developed with a multifamily residence development and the City of Plano Chisholm Trail.



VISION: "Plano is a global leader, excelling in exceptional education, abounding with world class businesses and vibrant neighborhoods"
GUIDING PRINCIPLES: Plano Today. Plano 2050. Plano Together.

1 | Future Land Use Map

The subject property is located within the **Neighborhoods and Open Space Network** Future Land Use designations



Neighborhoods (N)

PRIORITIES

The Neighborhoods future land use category consists primarily of residential areas focused on sustaining a high quality of life through well-maintained infrastructure, housing, open space, schools, and limited service/institutional uses.

Residential Areas - Single-family residential should remain the primary use within neighborhoods. It is the intention to preserve and enhance these uses and to regulate the design of new residential infill products to be within the context of the surrounding environment. Existing multifamily developments, which function as transitions from moderate and high intensity commercial areas, should be well maintained to preserve neighborhood character. With few large tracts left for residential development, some infill and redevelopment opportunities may not fit the typical neighborhood design.

Non-Residential Areas - Institutional, light office, and service uses are considered secondary uses and may be located along the frontage of arterial streets and intersections.

Residential Adjacency Standards - Adequate transitions in building setbacks and height must be provided when development is proposed near established neighborhoods.

1. Preserving neighborhood character and quality of life
2. Upkeep of existing housing stock
3. Require adjacent commercial land uses to provide adequate transitions
4. Variety of housing heights, sizes, and types.

Open Space Network (OS)

PRIORITIES

The Open Space Network future land use category includes major public open space preserves, community parks, neighborhood parks, linear parks, and trails. These areas are intended to retain their character to provide regional recreation and leisure opportunities

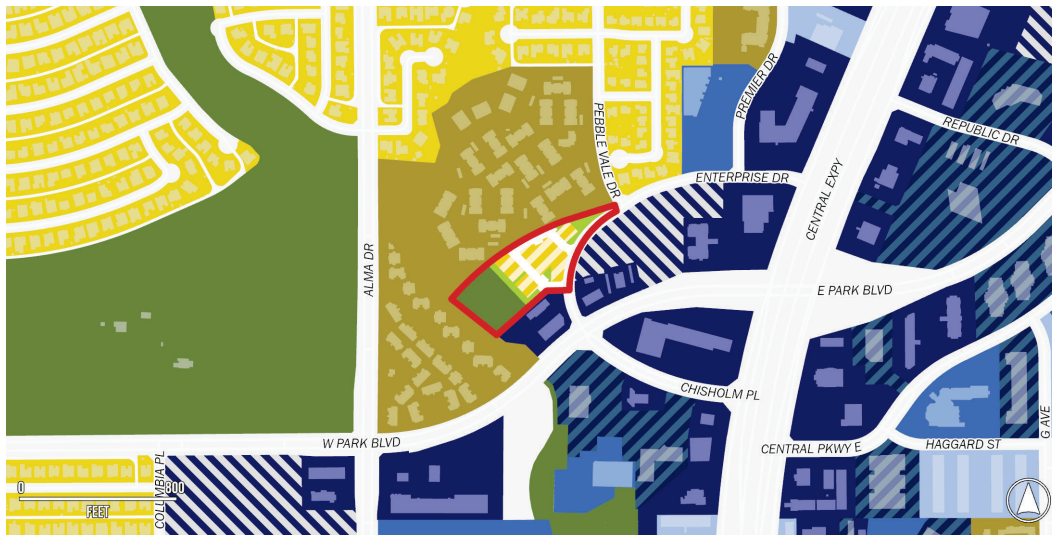
1. Maintain and upgrade parks and open spaces as needed to serve the health and recreational needs of the diverse community.
2. Improve access to these areas through transit and micromobility options.

2 | Mix of Uses



Click here for
"How to Read
The Dashboards"

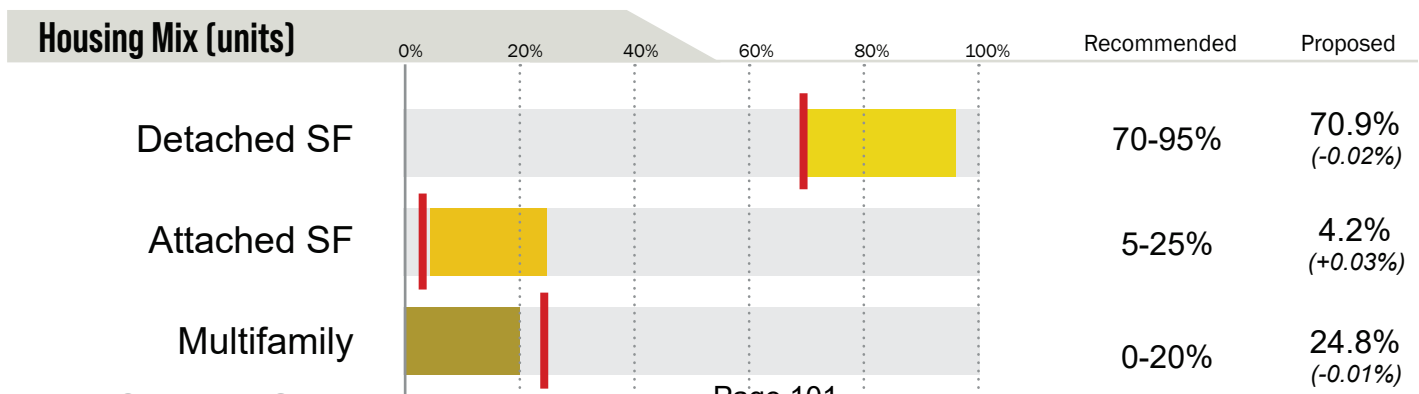
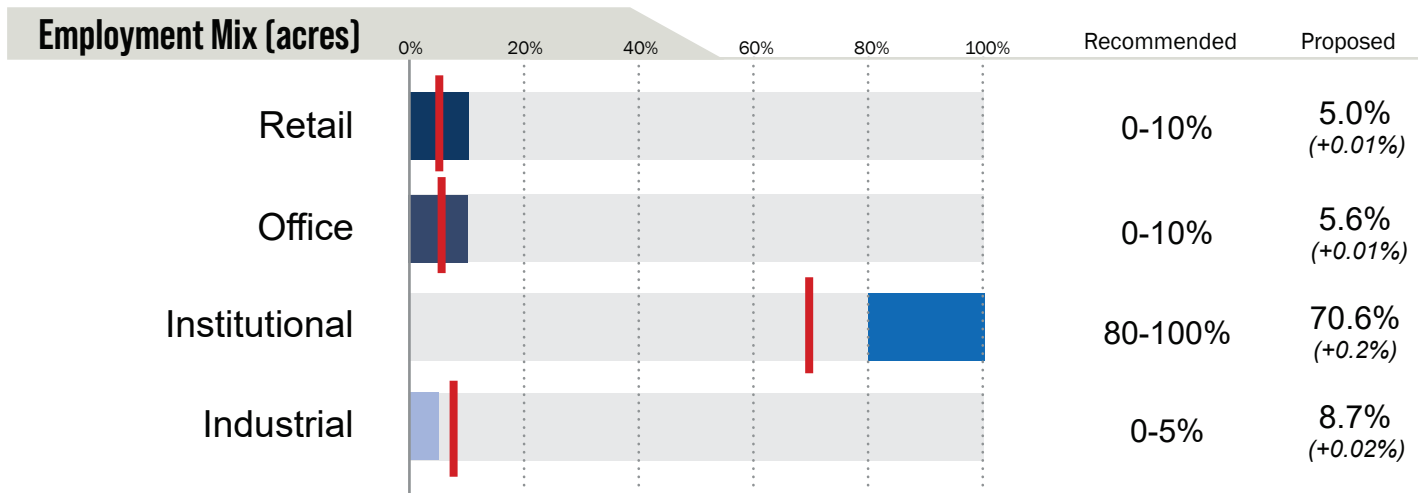
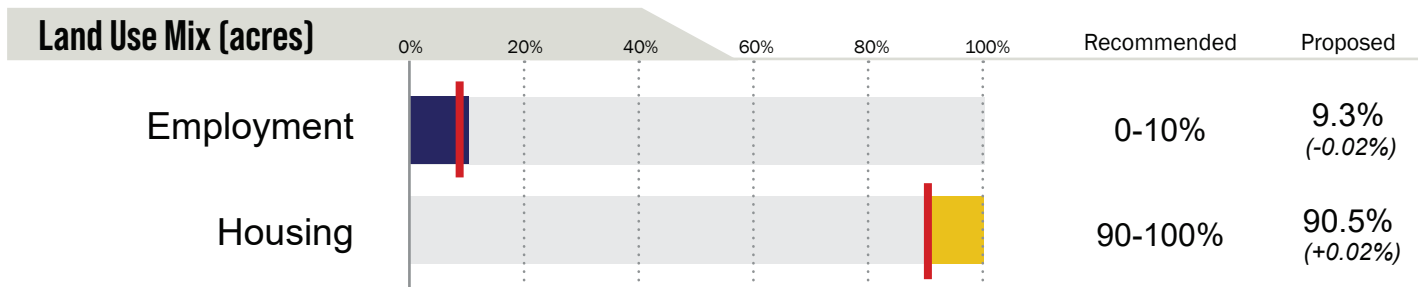
If approved, the request would result in the following Mix of Uses:



Land Use & Housing Inventory (LUHI)

- Employment, Retail Types
- Employment, Office Types
- Employment, Institutional Types
- Employment, Industrial Types
- Housing, Detached SF Types
- Housing, Attached SF Types
- Housing, Multifamily Types
- Housing, Open Space
- Employment, Undeveloped
- Housing, Undeveloped
- General Open Space
- Subject Property

LUHI Snapshot Date: 10/1/2023
Measurement Area: All properties within the N
Category



3 | Desirable Character Defining Elements

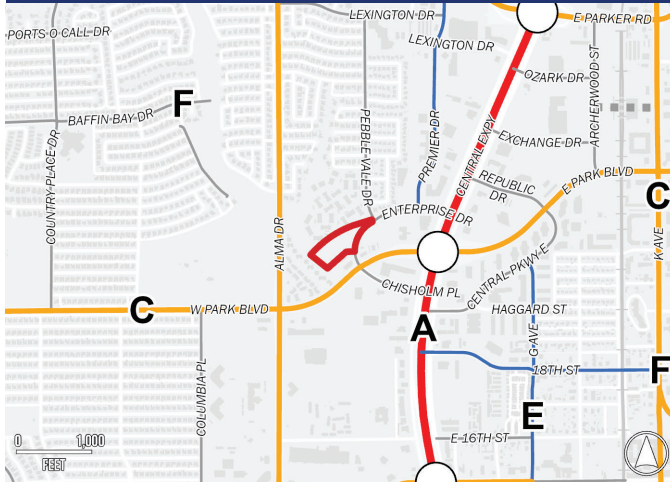


Click here for
"How to Read
The Dashboards"

DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	<p>Neighborhoods: 1 to 2 stories</p> <p>Open Space: 1 to 2 stories</p>	<p>Neighborhoods: 3 stories with a roof deck above the third story</p> <p>Open Space: N/A</p>
Density	<p>Neighborhoods: SF: 0.5 to 10 DUA MF: 10 to 22 DUA</p> <p>Open Space: N/A</p>	<p>Neighborhoods: 9.1 Dwelling Units Per Acre (DUA)</p> <p>Open Space: N/A</p>
Intensity	<p>Neighborhoods: Low (0 to 50% Lot Coverage)</p> <p>Open Space: Low (0 to 50% Lot Coverage)</p>	<p>Neighborhoods: N/A</p> <p>Open Space: N/A</p>
Open Space	<p>Neighborhoods: 10% to 50% Passive OS</p> <p>Open Space: 100% Active and Recreational OS</p>	<p>Neighborhoods: 19.9% Passive Open Space + 12.2% Active Open Space (32% total open space)</p> <p>Open Space: 100% Recreational Open Space</p>
Parking Orientation	<p>Neighborhoods: Res: garages with driveways Non-res: surface lots</p> <p>Open Space: surface lots</p>	<p>Neighborhoods: Residential garages with driveways</p> <p>Open Space: N/A</p>
Block Pattern & Streetscape	<p>Neighborhoods: Gridded or curvilinear blocks Traditional Residential Streets</p> <p>Open Space: Wide blocks, OS Corridor Streets</p>	<p>Neighborhoods: Curvilinear blocks, Traditional Residential Streets</p> <p>Open Space: N/A</p>
Multimodal Access		
1. Automobiles	<p>Neighborhoods: HIGH Direct access from local streets</p> <p>Open Space: MEDIUM Limited access to major and local streets</p>	<p>Neighborhoods: HIGH Direct access to the site is available from Enterprise Drive</p> <p>Open Space: N/A</p>
2. Transit	<p>Neighborhoods: MEDIUM Served by bus on perimeter arterial streets</p> <p>Open Space: MEDIUM Served by bus</p>	<p>Neighborhoods: LOW - There are currently no bus routes serving the arterial streets immediately adjacent to the subject property. Parker Road Station is approximately 0.75 mile east of the site.</p> <p>Open Space: N/A</p>
3. Micromobility	<p>Neighborhoods: HIGH Connected to trails and bike routes</p> <p>Open Space: HIGH Integrated trails and bike routes</p>	<p>Neighborhoods: HIGH - The subject property has direct access to the Chisholm Trail and On-Street Bike Routes 73 and 75.</p> <p>Open Space: HIGH - Integrated connectivity to the Chisholm Trail</p>
4. Pedestrians	<p>Neighborhoods: HIGH Walkable to parks and schools</p> <p>Open Space: HIGH Short walk from neighborhoods</p>	<p>Neighborhoods: HIGH - The subject property has direct access to the Chisholm Trail, is located within 0.10 miles of the Proposed South Central Community Park Site and is within 0.40 miles of Harrington Park as well as the Sam Johnson Senior Recreation Center.</p> <p>Open Space: HIGH - Direct access between Chisholm Trail and proposed neighborhood</p>

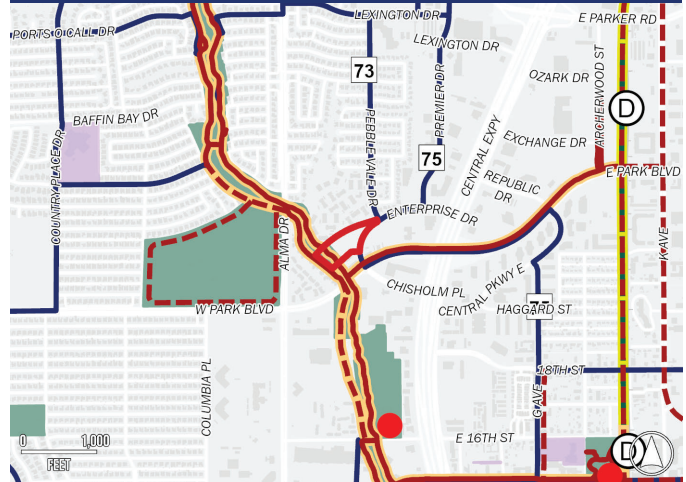
4 | Other Comprehensive Plan Maps

Thoroughfare Plan Map



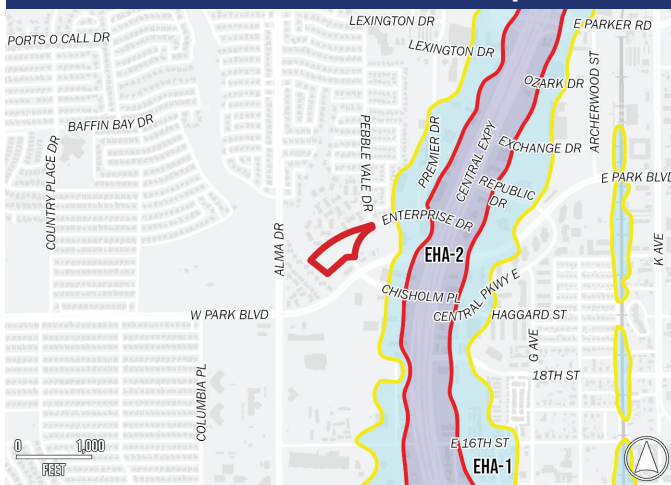
Access to the subject property will be from Enterprise Drive which is designated as a Type F: Minor Collector (Commercial Context).

Bicycle Transportation Plan Map



On-Street Bike Routes 73 and 75 are located along Enterprise Drive and the Chisholm Trail is a designated shared-use path located along the western edge of the subject property.

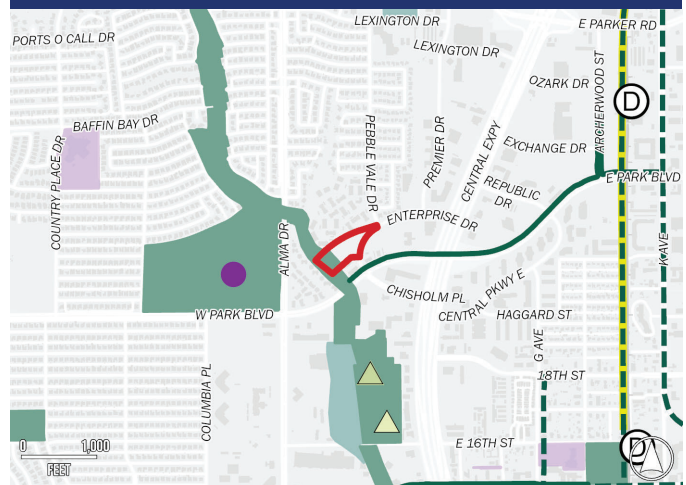
Expressway Corridor Environmental Health Map



The subject property is not within the Expressway Corridor Environmental Health Map areas.

☐ EHA-1 ☐ EHA-2 ☒ Not Applicable

Parks Master Plan Map



The subject property can directly access Chisholm Trail, is located within 0.10 miles of the proposed South Central Community Park Site, and is within 0.40 miles of Harrington Park and the Sam Johnson Senior Recreation Center.

5 | Comprehensive Plan Policies & Actions

CORE POLICIES: The following policies are applicable to all zoning cases. No specific analysis of these policies are provided in the staff report as these serve as the fundamental basis for all staff recommendations.



Land Use: Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.



Redevelopment & Growth Management: Plano will protect and preserve the well-established built environment of Plano and prevent overcrowding by requiring new growth and redevelopment to respect the unique development patterns, suburban character, housing needs, infrastructure capacity considerations, and fiscal constraints of our community.

LAND USE-RELATED POLICIES: The following policies are applicable on a case-by-case basis depending upon the type, location, and general nature of the request. Refer to the staff report for analysis of these policies with the respect to the proposed zoning change, where applicable.



Redevelopment of Regional Transportation Corridors: Plano will encourage reinvestment and redevelopment of identified regional transportation corridors to create cohesive developments that incorporate well-designed commercial, retail, and housing opportunities, where those uses are appropriate according to the Future Land Use Map and other related Comprehensive Plan standards.

☐ Applicable
☒ Not Applicable



Revitalization of Retail Shopping Centers: Plano will encourage reinvestment, revitalization, and redevelopment of underperforming neighborhood retail corners to accommodate a viable combination of local commercial, retail, and entertainment uses. Where appropriate transitions can be maintained, redevelopment may present opportunities to introduce residential uses and improve access.

☐ Applicable
☒ Not Applicable



Special Housing Needs: Plano will support the special housing needs of residents including seniors, people with disabilities, and low- to moderate-income households through inclusive regulations and programs and actions furthering the goals stated in the Consolidated Plan. Proposed locations for special housing needs should be afforded the same health and safety considerations as other housing.

☐ Applicable
☒ Not Applicable



Transit-Oriented Development: Plano will proactively encourage development within walking distance of existing and planned transit stations to create an integrated mix of uses including residential, employment, retail, and civic spaces.

☐ Applicable
☒ Not Applicable



Undeveloped Land: Plano will reserve its remaining undeveloped land for high quality development with distinctive character, prioritizing businesses offering skilled employment. New housing in these areas will only be considered appropriate where it is consistent with the Future Land Use Map and other related Comprehensive Plan standards.

☒ Applicable
☐ Not Applicable

OTHER POLICIES/DOCUMENTS: Additional policies may apply where applicable:

Undeveloped Land Policy Action #3:

Ensure that new housing growth on undeveloped land provides functional and appropriate environments for residential uses and activities such as proximity to existing compatible residential development, configuration to support housing, and access to neighborhood parks, and ensure any development standards include adequate green space. When adjacent to existing residential neighborhoods a compatible transition in building height and bulk should be provided.

- ☐ Envision Oak Point (2018)
☐ Downtown Vision & Strategy Update (2019)
☐ Spring Creekwalk Master Plan (1990)
☐ Preservation Plano 150 (2018)
☒ Other

FOR RESIDENTIAL AND MIXED-USE DEVELOPMENTS ONLY: The following actions from the Redevelopment & Growth Management (RGM) Policy are applicable to requests for mixed-use developments:

RGM5: Ensure that any rezoning requests for multiuse development include:

☐ Applicable
☒ Not Applicable

- A) No more than 50% square footage for residential uses. Requests should also conform with other identifying elements (density, building heights, etc.) in the applicable Dashboard descriptions.
- B) Phasing requirements that prevent the disproportionate completion of residential uses prior to nonresidential uses within the development. Nonresidential square footage must constitute a minimum of 33% of all square footage approved for occupancy during development (e.g., every 2 square feet of residential development requires at least 1 square foot of nonresidential development; and
- C) Key design features provided prior to, or concurrent with, the construction of any residential uses. These include elements of the development supporting the long-term value to the overall community, and specifically any new residents, such as open/green space, amenities, street enhancements, and trails.

RGM8: Limit new residential development to areas that are appropriate based on individual site considerations and consistency with the Future Land Use Map and Dashboards. Multifamily developments should also meet a housing diversification or economic development need of the city, including transit-oriented development, special housing needs (as defined by the city's Consolidated Plan), or be constructed as part of a high-rise 10 stories or greater.

☒ Applicable
☐ Not Applicable

6 | Findings Policy

RGM1: Mix of Uses, Density, & Building Height

In accordance with the Redevelopment and Growth Management (RGM) Policy Action 1, zoning change requests that do not conform to the mix of uses, density, and building heights as described in the Dashboards are **disfavored**. Requests that do not conform to these criteria may be occasionally allowed when found:

- ▶ Consistent with the Guiding Principles of the Comprehensive Plan; and
- ▶ Substantially beneficial to the immediate neighbors, surrounding community, and general public interest.

RGM5: Mixed-Use Developments

In addition, the Redevelopment and Growth Management (RGM) Policy Action 2 requires findings when approving a mixed-use development that exceeds 50% square footage for residential uses and/or does not conform to other identifying elements (density, height, etc.) in the applicable Dashboard.

Are Findings Required?

- ☐ Yes, because the request does not comply with the Mix of Uses of the associated Dashboard.
- ☒ Yes, because the request does not comply with the Building Heights of the associated Dashboard.
- ☐ Yes, because the request does not comply with the Maximum Density of the associated Dashboard.
- ☐ Yes, because the request is inconsistent with Action RGM5 (for mixed-use developments).
- ☐ No, findings are not required.

STAFF PRELIMINARY REPORT – CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below; the Comprehensive Plan Fact Sheet has more specific details about the request.

Guiding Principles – This set of Guiding Principles to the Comprehensive Plan establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

Future Land Use Map Category & Dashboard

Future Land Use Category – The subject property is located in the [Neighborhoods \(N\)](#) and [Open Space Network \(OS\)](#) categories of the Future Land Use Map (FLUM). The request partially meets the description and priorities of the N category, which recommends primarily single-family uses. However, this request would allow for heights that are outside the recommended threshold. These heights are distinct from the one- and two-story residential developments which are adjacent to the subject property.

Although the height associated with this request is not completely in keeping with the surrounding context, it is important to note that Priority #4 in the N designation recommends a “*variety of housing heights, sizes, and types.*” Additionally, the request aligns with the N description relative to infill projects, as the site cannot fit the typical neighborhood design block pattern due to the size of the subject property and the floodplain limitations.

The western portion of the subject property is within the OS designation and will be utilized as open space and include a connection to the existing Chisholm Trail. This request is in conformance with the OS designation.

Based on these considerations, the proposed request is generally consistent with the description and priorities of the N and OS categories.

FLUM – N Description and Priorities		
Description		Partially Meets
Priorities	Preserving neighborhood character and quality of life	N/A
	Upkeep of existing housing stock	N/A
	Requiring adjacent commercial land uses to provide adequate transitions	N/A
	Variety of housing heights, sizes, and types	Meets
FLUM – OS Description and Priorities		
Description		Meets
Priorities	Maintain and upgrade parks and open spaces as needed to serve the health and recreational needs of the diverse community.	Meets
	Improve access to these areas through transit and micromobility options.	Meets

[Mix of Uses](#) – The Mix of Uses in the N designation recommends 90-100% Housing Land Uses within this category, consistent with this request. Additionally, the request would increase the number of units within the *Attached Single-Family Types* within the Housing Mix in the Neighborhoods measurement area from 4,135 units to 4,160 units, or 4.2%. This percentage is below the recommended 5-25% threshold within the N Dashboard, but the request does provide marginal improvements.

The Mix of Uses in the OS designation recommends no housing be allowed. As the western portion of the property will be utilized as open space, the mix of uses is consistent with this request.

FLUM – N Mix of Uses	
Land Use Mix	Meets
Employment Mix	N/A
Housing Mix	Meets
FLUM – OS Mix of Uses	
Land Use Mix	Meets
Employment Mix	N/A
Housing Mix	Meets

[Desirable Character-Defining Elements in N Designation](#) – The proposed use is located within an undeveloped property. The request meets the character-defining elements of the N designation, with the exception of building height. The applicant proposes building heights up to three stories, with an allowance for roof decks above the third story, which is inconsistent with the one- to two-story height recommendation.

[Desirable Character-Defining Elements in OS Designation](#) – The zoning request meets the applicable character-defining elements of the OS designation.

FLUM – N Desirable Character Defining Elements			
Building Height	Does Not Meet	Multimodal Access <ul style="list-style-type: none">• Automobiles• Transit• Micromobility• Pedestrians	Meets Meets Meets Meets
Maximum Density	Meets		
Intensity	N/A		
Open Space	Meets		
Parking Orientation	Meets		
Block Pattern & Streetscape	Meets		
FLUM – OS Desirable Character Defining Elements			
Building Height	N/A	Multimodal Access <ul style="list-style-type: none">• Automobiles• Transit• Micromobility• Pedestrians	N/A N/A Meets Meets
Maximum Density	N/A		
Intensity	N/A		
Open Space	Meets		
Parking Orientation	N/A		
Block Pattern & Streetscape	N/A		

Other Comprehensive Plan Maps

The request is in conformance with and would not require improvements applicable to the Thoroughfare Plan Map, Bicycle Transportation Plan Map, Parks Master Plan Map, or Expressway Corridor Environmental Health Map.

Other Comprehensive Plan Maps	
Thoroughfare Plan Map	Meets
Bicycle Transportation Plan Map	Meets
Parks Master Plan Map	Meets
Expressway Corridor Environmental Health Map	Meets

Policies & Actions of the Comprehensive Plan and Other Studies

[Undeveloped Land Policy – Action 3 \(UL3\)](#) – This policy recommends that the city ensure that new housing on undeveloped land meets appropriate criteria. The request is in an appropriate environment, with setbacks and buffers from the adjacent convenience store. Additionally, the site is configured appropriately to support housing with internal public streets. The proposed land use is consistent with the recommended threshold for *Single-Family Attached Types* within the Mix of Uses for the N category, and the request is adjacent to existing residential uses and has access to amenities such as open space, trails, on-street bike routes, and parks. Although the request exceeds the threshold for building height recommended by the N category, the description does offer direction that infill projects such as this proposal may not fit the typical neighborhood design. For these reasons, this request is generally in conformance with this policy.

[Redevelopment and Growth Management Policy – Action 1 \(RGM1\)](#) – This action recommends that zoning requests conform to the recommended mix of uses, density, and building heights described in the N and OS dashboards. The request is in conformance with the mix of uses and density described in the dashboards. However, due to the proposed height, the request is inconsistent with RGM1, and findings will be required by the Commission to approve the request.

[Redevelopment and Growth Management Policy – Action 8 \(RGM8\)](#) – This action recommends residential uses be limited to areas based on individual site considerations and the FLUM Dashboards. As mentioned previously, there are significant elements of this request that are appropriate based on individual site considerations and the Future Land Use Map and Dashboards. However, due to the proposed height, staff finds the request is neutral with RGM8.

Comprehensive Plan Summary

The N and OS categories generally support the request for SF-A. However, the request includes inconsistencies with the N Future Land Use Category description and the recommended maximum height. For this reason, approval of this request will require findings by the Commission and City Council.

Comprehensive Plan Policy Summary

Policy or Study	Analysis
Future Land Use Map and Dashboards – (combining both the N and OS analyses) <ul style="list-style-type: none"> • Description & Priorities • Mix of Uses • Character Defining Elements 	<ul style="list-style-type: none"> • Partially Meets • Meets • Partially Meets (Triggers Findings Policy)
Thoroughfare Plan Map	Meets
Bicycle Transportation Plan Map	Meets
Parks Master Plan Map	Meets
Expressway Corridor Environmental Health Map	Meets
Undeveloped Land Policy – Action 3 (UL3)	Meets
Redevelopment & Growth Management Policy – Action 1 (RGM1)	Does Not Meet
Redevelopment & Growth Management Policy – Action 8 (RGM8)	Neutral

Adequacy of Public Facilities – Water and sanitary sewer services are available to serve the subject property.

Traffic Impact Analysis (TIA) – A TIA is not required for this rezoning request.

School Capacity – Plano Independent School District has provided a letter regarding school capacity, which is included.

Public Safety Response Time – Fire emergency response times will be sufficient to serve the site based on existing personnel, equipment, and facilities.

Access to and Availability of Amenities and Services

Parks: The subject property is located within Park Fee Service Area 5. Private open space will be provided to serve residents within the subject property per the planned development standards.

Libraries: The subject property is within the Harrington Library's service area, and service to future residents would be possible with the current library resources.

STAFF PRELIMINARY REPORT – ANALYSIS & RECOMMENDATION

Single-Family Attached Uses

This request is an infill development project consisting of 25 single-family attached residences. As indicated on the companion concept plan, the applicant is proposing the buildings which are three stories, 45 feet in height, and include roof decks above the third story. Internal public streets will serve the site, and the applicant is also proposing open space within the development as well as along the creek with a connection to the City of Plano Chisholm Trail (South) Shared Use Path.

*Infill development refers to the development of vacant or underutilized land (usually individual lots or leftover properties) within areas that are already largely developed.
- from Glossary of Terms in the Comprehensive Plan*

Building Height

The SF-A district allows a maximum height of two stories. The applicant proposes allowing a maximum of three stories in height, with an allowance for rooftop decks, outdoor living areas, and patios above the third floor. This rooftop deck design was used by the applicant in a similar development located in The Colony ([see photo to the right](#)), which has views of Lake Lewisville.

Adjacent properties include 1-story convenience stores and 2-story multifamily residences. The existing Corridor Commercial zoning allows a maximum height of 20 stories, which is limited by residential adjacency, and the adjacent MF-2 zoning to the north and west allows a maximum height of two stories. Additional height may be needed to provide the necessary square footage to justify the development; however, the height would also be inconsistent with the heights of other nearby buildings.



Other PD Stipulations

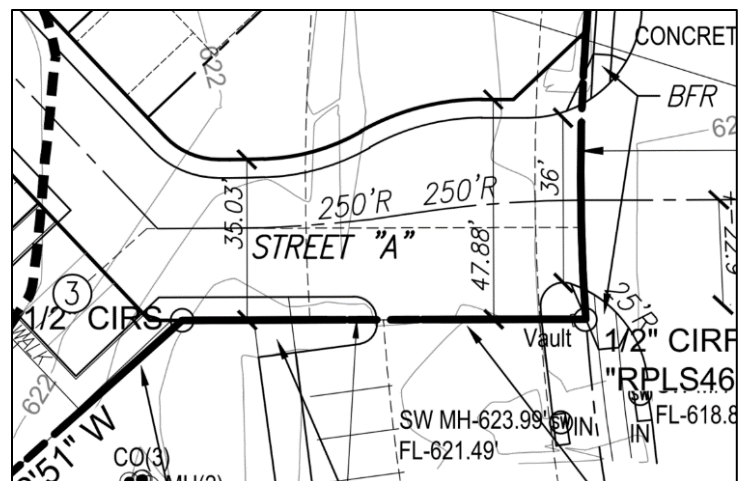
Other Planned Development stipulations, in addition to the modified development standards, include those related to the setback from adjacent properties, landscape buffers, additional fencing, trails, and open space. Staff is generally supportive of these changes.

- **Setbacks from Property Lines** – The applicant proposes minimum building setbacks of 30 feet from the northern property line and 35 feet from the southern property line. These are intended to restrict buildings from being located closer to the adjacent uses, the convenience store to the south, and the multifamily development to the north.

- *Screening/Landscape Buffers* – The Zoning Ordinance typically requires screening walls to be constructed by multifamily or nonresidential uses when located adjacent to single-family zoning districts. The existing convenience store and multifamily residences cannot be forced to retroactively construct these walls; therefore, some form of screening or buffering is needed. The PD stipulations include requirements for a 10-foot landscape buffer with a double tree row to buffer from the convenience store to the south and a wrought iron fence and a 6-foot tall hedgerow to buffer from the multifamily residences to the north.
- *Fencing* – As the associated concept plan shows, the applicant proposes a variable-height retaining wall adjacent to the existing drainage and floodway easement. For additional guest and resident protection, a stipulation has been added to include the installation of a six-foot metal fence, at least 50% open in construction, along the retaining wall.
- *Trails and Open Space* – As shown in the associated concept plan, the applicant proposes 0.5 acre of open space within the development, 1.0 acre of open space along the western property line adjacent to the Chisholm Trail, and a direct connection to the trail. PD stipulations are included to ensure these amenities are provided.

Adjacency & Access

The companion concept plan shows two driveways off Enterprise Drive for the development. The southern access point will be shared with the convenience store to the south to maintain existing conditions. Shared access was negotiated in 2000 to create a second access point to the convenience store from Enterprise Drive to mitigate traffic issues caused by vehicles blocked by southbound traffic waiting to turn on Park Boulevard. The existing driveway on the subject property will be converted to a collector street section into the townhome development to maintain this access and connect to the existing drive on the convenience store property. As



shown, the driveway connection created does not meet the minimum separation requirements of the Street Design Standards. This situation is not ideal; however, the Engineering Department has accepted the design due to the low volume of vehicles anticipated to use this access.

FINAL SUMMARY:

The applicant is requesting to rezone the subject property from Corridor Commercial to Planned Development-Single-Family Residence Attached to allow 25 residential units and modify development standards. The request is intended to create standards to allow infill development within this unique property. However, this request is disfavored because the proposal lacks conformity with building heights of the Neighborhoods Dashboard. Although this request is disfavored, should the Commission choose to support it, staff recommends consideration of which design standards will produce the best residential project over the long-term.

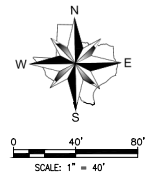
RECOMMENDATION:

This request is disfavored because the proposal lacks conformity with Comprehensive Plan policies. Approval of the request will require Findings by the Planning & Zoning Commission and City Council.

LOT 1, BLOCK 1
CHISHOLM PLACE I
APARTMENTS
VOL. G, PG. 524

~~ZONED~~
~~PD-67 MF-2~~

*ZONED
SF-6*



ZONING DESCRIPTION

BEING a tract of land situated in the J.M. Salmons Survey, Abstract No. 814, in the City of Plano, Collin County, Texas; and being all of Lot 2, Block A, Chisholm Enterprise Addition, an addition to the City of Plano, Collin County, Texas according to the plat thereof recorded in Volume M, Page 21, Plat Records Collin County Texas (PRCCT); also being a portion of Enterprise Drive, a 60 ft. right-of-way dedication to the City of Plano; and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with capped stamped "Cole/1019" for corner at the intersection of Enterprise Drive (said 60 ft. wide right-of-way) with the west line of Pebble Vale Drive (a 60 ft. right-of-way);

THENCE South 35 deg 47 min 09 sec East, departing the south line of Enterprise Drive; for a distance of 30.00 ft. to a point for corner on the centerline of said Enterprise Drive;

THENCE South 54 deg 12 min 51 sec West, along the centerline of said Enterprise Drive, for a distance of 114.09 ft. to a point for corner and for the beginning of a circular curve to the left having a central angle of 58 deg 20 min 22 sec, a radius of 400.00 ft., and a chord which bears South 25 deg 02 min 40 sec West for a distance of 389.92 ft.;

THENCE continuing along said centerline with the said circular curve to the left for an arc distance of 407.29 ft. to a point for corner;

THENCE South 85 deg 52 min 29 sec West, departing said centerline, for a distance of 30.00 ft. to a 1/2 inch rod with cap stamped "RPLS 4613" found for corner on the west line of said Enterprise Drive; said point being the northeast corner of Lot 2 Block 4 of said Chisholm Enterprise Addition;

THENCE South 89 deg 48 min 51 sec West, departing said west line and along the north line of said Lot 2 Block A, for a distance of 88.00 ft. to a 1/2 inch iron capped rod set for corner;

THENCE South 48 deg 12 min 51 sec West, continuing along the west line of said Lot 2 Block A, for a distance of 345.47 ft. to a 1/2 inch iron capped rod set for corner at the southwest corner of said Lot 2 Block A; said point being on the northeast line of Lot 1, Block 1 of Chisholm Apartments Phase 1 per plat recorded in Volume C, Page 562 PRCTT.

THENCE North 51 deg 34 min 55 sec West, along said northeast line, for a distance of 304.06 ft. to a 1/2 inch iron capped rod set for corner; said point being the southeast corner of Lot 1, Block 1 of Chisholm Place II Apartments per the plat recorded in Volume G, Page 524 PRCTT; said point being the beginning of a circular curve to the right along the south line of said Lot 1 Block 1, said curve having a central angle of 34 deg 44 min 00 sec, a radius of 1,200.00 ft., and a chord which bears North 55 deg 26 min 25 sec East for a distance of 716.37 ft.:

THENCE continuing along said south line, with the said circular curve to the right for an arc distance of 727.45 ft. to a 1/2 inch iron rod found for corner;

PROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT, OR PLAN. APPROVAL OF DEVELOPMENT STANDARDS SHOWS, OR THE INITIATION OF THE DEVELOPMENT PROCESS. PLANNING & ZONING COMMISSION /OR CITY COUNCIL ACTION ON STUDIES, PLATS, OR PLANS RELATING TO DEVELOPMENT OF PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE."

ZONING EXHIBIT
PROJECT NO. ZC2023-021
VILLAS AT PARK ADDITION

5.039 ACRES
25 SINGLE FAMILY RESIDENCES - ATTACHED
LOTS 1-9, 10X BLOCK A, LOTS 1-8, 9X, 10-14, 15X BLOCK B
LOTS 1-3, 4X BLOCK C
4 H.O.A. LOTS

AN ADDITION TO THE CITY OF
PLANO, TEXAS
SITUATED IN THE
J.M. SALMONS SURVEY, ABSTRACT NO. 814
COLLIN COUNTY, TEXAS
JANUARY, 2024

Winkelman & Associates, Inc.
CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HELLKIST PLAZA DR., SUITE 215
DALLAS, TEXAS 75230
TEL: 469-7690
FAX: 469-7699
FAX: 469-7699

2-8-2024

ZONING EXHIBIT
ENTERPRISE DRIVE
PLANO TEXAS

ZEXH01

2.907 acres of area out of the floodplain.

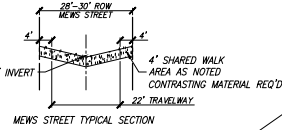
Townhome min. lots:
25 ft. standard lot width
30 ft. corner lot min. width
25.5 ft. end lot min. width
91 ft. depth

R.O.W. for residential streets to be 30 ft. with 22 ft. of pavement and a 4 ft. shared walk area on each side of Street A and Street C, and 6 ft. on southeast side of Street B.

TOTAL: 25 UNITS

Legend:

----- FEMA 100YR FLOODPLAIN
----- PRE-PROJECT 100YR FLOODPLAIN
----- PROP. 100YR FULLY DEVELOPED FLOODPLAIN



PLANO PUBLIC FACILITY CORP.
C.C. 202300046556

LOT 1, BLOCK 1
CHISHOLM PLACE II
APARTMENTS
VOL. G, PG. 524

ZONED
PD-67 MF-2

6 FT. METAL FENCE
AROUND DOG PARK

HOA
O.S.

1/2" IRF
CM

GATE
HOA

DOG PARK

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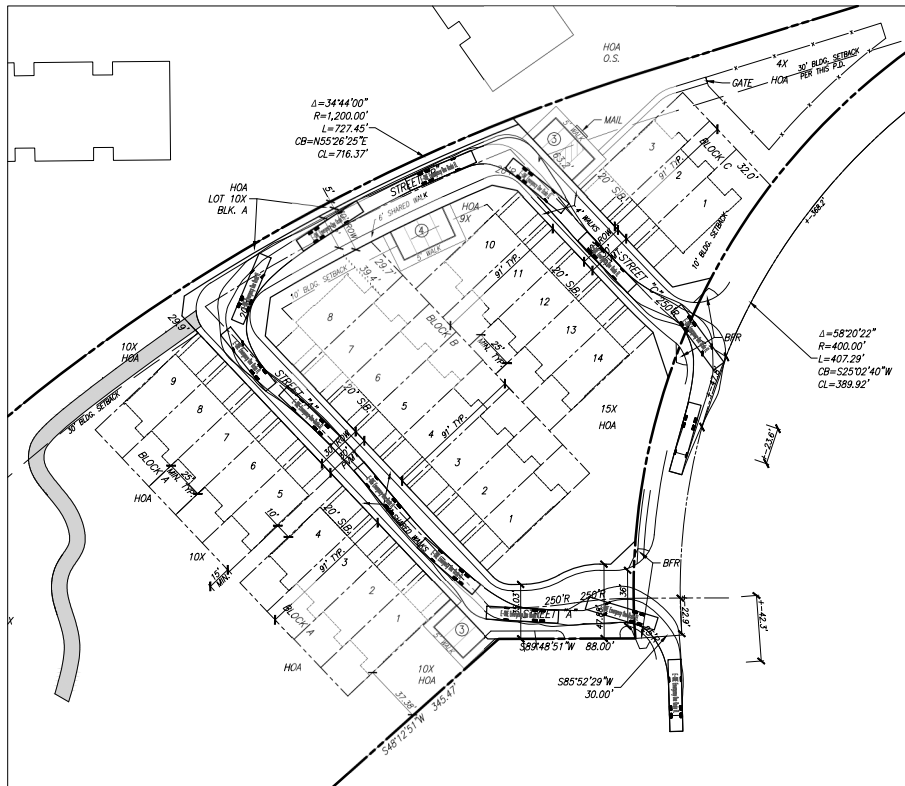
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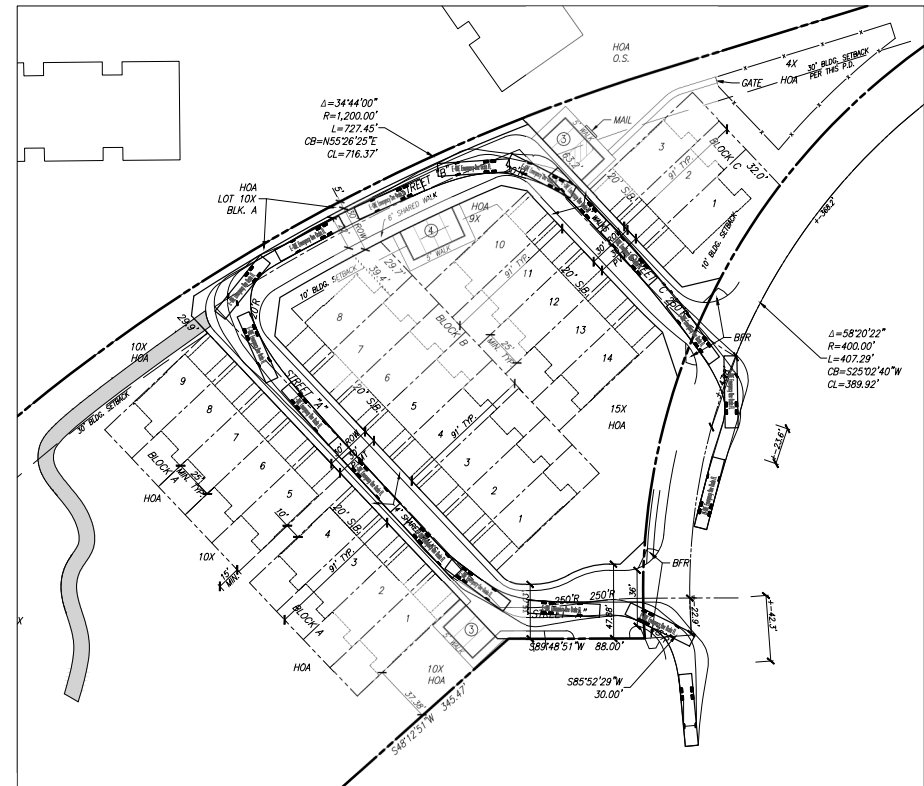
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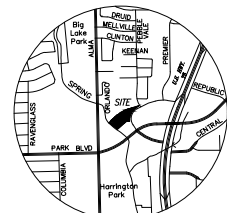
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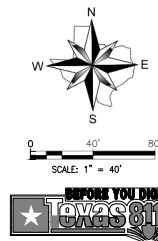
FIRE APPARATUS
CLOCKWISE PATH



FIRE APPARATUS
COUNTER CLOCKWISE PATH



VICINITY MAP
NOT TO SCALE



CONCEPT PLAN
PROJECT NO. CP2023-010
VILLAS AT PARK ADDITION

4.670 ACRES
25 SINGLE FAMILY RESIDENCES - ATTACHED
LOTS 1-9, 10X BLOCK A, LOTS 1-8, 9X, 10-14, 15X BLOCK B
LOTS 1-3, 4X BLOCK C
4 H.O.A. LOTS

AN ADDITION TO THE CITY OF
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J.M. SALMONS SURVEY, ABSTRACT NO. 814
COLLIN COUNTY, TEXAS
JANUARY, 2024

FIRE APPARATUS TURNING PLAN

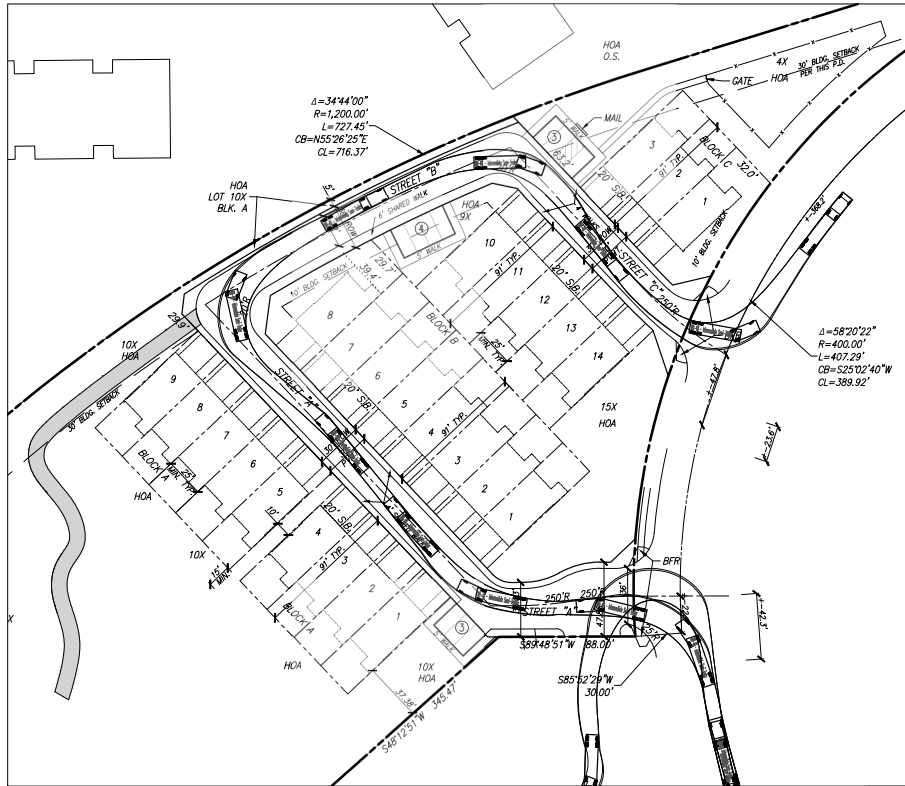
ENTERPRISE DRIVE
PLANO, TEXAS

ZCP01

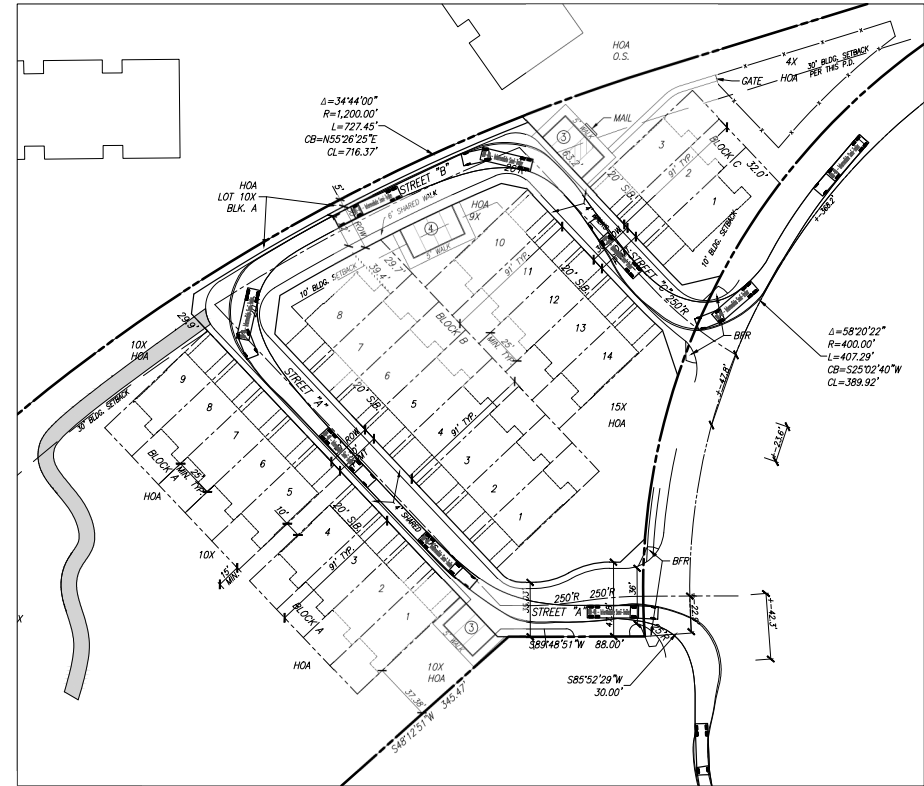
2-8-2024

Winkelmann & Associates, Inc.
CIVIL ENGINEERS
10000 WEST 15TH AVENUE, SUITE 100
DENVER, COLORADO 80202
(303) 750-1000 FAX
(303) 750-1001
WWW.WINKELMANN-ASSOCIATES.COM

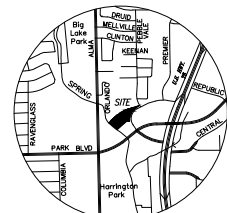
NO.	DATE	REVISION	APPROVAL



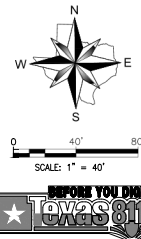
WB-40 CLOCKWISE PATH



WB-40 COUNTER CLOCKWISE PATH



VICINITY MAP
NOT TO SCALE



CONCEPT PLAN
PROJECT NO. CP2023-010
VILLAS AT PARK ADDITION

4.670 ACRES
25 SINGLE FAMILY RESIDENCES - ATTACHED
LOTS 1-9, 10X BLOCK A, LOTS 1-8, 9X, 10-14, 15X BLOCK B
LOTS 1-3, 4X BLOCK C
4 H.O.A. LOTS

AN ADDITION TO THE CITY OF
PLANO, TEXAS
SITUATED IN THE
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COLLIN COUNTY, TEXAS
JANUARY, 2024

Winkelmänn & Associates, Inc.	NO.	DATE	REVISION	APPROVAL
2-8-2024				
WB-40 TRUCK TURNING PLAN				
ENTERPRISE DRIVE PLANO, TEXAS				
ZCP01				

MEETING DATE

Monday, February 12, 2024

RESULTS

I, Mayor/Councilmember _____, after review of the written information and listening to the hearing participants, voted in **SUPPORT** of this case, finding the following:

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: _____;
and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: _____;
and
3. The request is consistent with other policies, actions, maps:
 - ☐ Future Land Use Map and Dashboards – Description & Priorities
 - ☐ Future Land Use Map and Dashboards – Mix of Uses
 - ☐ Future Land Use Map and Dashboards – Character Defining Elements
 - ☐ Thoroughfare Plan Map & Cross Sections
 - ☐ Bicycle Transportation Plan Map
 - ☐ Parks Master Plan Map
 - ☐ Expressway Corridor Environmental Health Map
 - ☐ Undeveloped Land Policy – Action 3 (UL3)
 - ☐ Redevelopment & Growth Management Policy – Action 8 (RGM8)
 - ☐ Other: _____
4. Comments on any of the above which further explain my position: _____.

Overall, I believe the applicant's request should be supported; and the reasons I have indicated above outweigh the project's incompatibility with the mix of uses, density, or building heights favored by the Future Land Use Map Dashboard of the Comprehensive Plan.

Signature

Date

City Council Findings Form

The Guiding Principles establish overarching themes that apply to all policies and actions and express values for Today, 2050, and Together. These Principles are not intended to stand alone but to be used in concert with one another and carry across the Plan as a whole. Each principle must be judged through a lens that incorporates all of the other principles to be fully and accurately understood.

Guiding Principle 1 | Plano Today

- 1.1. The Plan enhances the quality of life in the near term, continually striving to meet the needs and priorities of current residents, businesses, and institutions of Plano.
- 1.2. The Plan promotes the safety, viability, and vibrancy of Plano's existing neighborhoods, managing growth and shaping change that complements the city's suburban character and rich history.
- 1.3. The Plan promotes the educational, recreational, and cultural centers of the community, providing an environment for world-class facilities, businesses, and institutions that support a vital economy.
- 1.4. The Plan respects the suburban character of Plano and seeks to preserve and enhance the built environment.
- 1.5. The Plan acknowledges that Plano is mostly developed and does not anticipate significant changes in population or residential development in the future.
- 1.6. Implementation of the Plan will be open and transparent, with a high standard for exceptions to land use principles, proactively seeking community input, and updated when needed with opportunities for the public to continually share their needs and priorities with community leaders and inform the decision-making process.

Guiding Principle 2 | Plano 2050

- 2.1. The Plan enhances the quality of life in the long term, preparing for future generations of residents, businesses, and institutions of Plano who may not yet have a voice but are impacted by the decisions of today.
- 2.2. The Plan successfully manages Plano's transition to a mature city, seeking innovative approaches and best practices to accommodate emerging trends, technologies, and opportunities that improve the quality of life and allow the city to remain attractive and vibrant into the future.
- 2.3. The Plan builds on Plano's strong history of thoughtful planning, guiding future development and redevelopment where it is safe, attractive, appropriate, and convenient; contributes to a variety of housing, employment, and social opportunities; and respects the natural environment.
- 2.4. Implementation of the Plan will be fiscally responsible, ensuring that alternatives are considered and completion of actions provides the greatest long-term value.

Guiding Principle 3 | Plano Together

- 3.1. The Plan serves people of all backgrounds, striving to meet the needs of an inclusive and vibrant community that calls Plano "home."
- 3.2. The Plan promotes a community that is safe, engaged, and rich in educational, cultural, and recreational opportunities that are highly desirable to residents and visitors alike.
- 3.3. The Plan embraces Plano's position as a leader in the region, demonstrating the city's standard of excellence and supporting our neighbors through linkages including health, economy, culture, transportation, and sense of community.
- 3.4. The Plan manages growth and redevelopment in a gradual manner, ensuring changes are beneficial to neighbors and the surrounding community based on real, city-level demand.
- 3.5. Implementation of the Plan will be done in partnership with the community and educational, nonprofit, civic, cultural, faith-based, and governmental organizations, promoting cooperation towards common goals that enhance the quality of life for the residents, businesses, and institutions of Plano.

MEETING DATE

Monday, February 26, 2024

RESULTS

I, Mayor/Councilmember _____, after review of the written information and listening to the hearing participants, voted in **OPPOSITION** to this case, finding the following:

☐ I agree with the conclusions in the preliminary report provided by staff because:

_____.

or

☐ The project is incompatible with the Future Land Use Map Dashboard of the Comprehensive Plan because: _____.

☐ The request is inconsistent with the overall Guiding Principles of the Comprehensive Plan because: _____.

☐ The request is not substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: _____.

The request is inconsistent with other policies, actions, maps:

- ☐ Future Land Use Map and Dashboards – Description & Priorities
- ☐ Future Land Use Map and Dashboards – Character Defining Elements
- ☐ Redevelopment & Growth Management Policy – Action 1 (RGM1)
- ☐ Redevelopment & Growth Management Policy – Action 8 (RGM8)
- ☐ Other: _____

☐ Comments on any of the above which further explain my position: _____.

Overall, I believe the applicant's request should be opposed due to the reasons I have indicated above.

Signature

Date

City Council Findings Form

The Guiding Principles establish overarching themes that apply to all policies and actions and express values for Today, 2050, and Together. These Principles are not intended to stand alone but to be used in concert with one another and carry across the Plan as a whole. Each principle must be judged through a lens that incorporates all of the other principles to be fully and accurately understood.

Guiding Principle 1 | Plano Today

- 1.1. The Plan enhances the quality of life in the near term, continually striving to meet the needs and priorities of current residents, businesses, and institutions of Plano.
- 1.2. The Plan promotes the safety, viability, and vibrancy of Plano's existing neighborhoods, managing growth and shaping change that complements the city's suburban character and rich history.
- 1.3. The Plan promotes the educational, recreational, and cultural centers of the community, providing an environment for world-class facilities, businesses, and institutions that support a vital economy.
- 1.4. The Plan respects the suburban character of Plano and seeks to preserve and enhance the built environment.
- 1.5. The Plan acknowledges that Plano is mostly developed and does not anticipate significant changes in population or residential development in the future.
- 1.6. Implementation of the Plan will be open and transparent, with a high standard for exceptions to land use principles, proactively seeking community input, and updated when needed with opportunities for the public to continually share their needs and priorities with community leaders and inform the decision-making process.

Guiding Principle 2 | Plano 2050

- 2.1. The Plan enhances the quality of life in the long term, preparing for future generations of residents, businesses, and institutions of Plano who may not yet have a voice but are impacted by the decisions of today.
- 2.2. The Plan successfully manages Plano's transition to a mature city, seeking innovative approaches and best practices to accommodate emerging trends, technologies, and opportunities that improve the quality of life and allow the city to remain attractive and vibrant into the future.
- 2.3. The Plan builds on Plano's strong history of thoughtful planning, guiding future development and redevelopment where it is safe, attractive, appropriate, and convenient; contributes to a variety of housing, employment, and social opportunities; and respects the natural environment.
- 2.4. Implementation of the Plan will be fiscally responsible, ensuring that alternatives are considered and completion of actions provides the greatest long-term value.

Guiding Principle 3 | Plano Together

- 3.1. The Plan serves people of all backgrounds, striving to meet the needs of an inclusive and vibrant community that calls Plano "home."
- 3.2. The Plan promotes a community that is safe, engaged, and rich in educational, cultural, and recreational opportunities that are highly desirable to residents and visitors alike.
- 3.3. The Plan embraces Plano's position as a leader in the region, demonstrating the city's standard of excellence and supporting our neighbors through linkages including health, economy, culture, transportation, and sense of community.
- 3.4. The Plan manages growth and redevelopment in a gradual manner, ensuring changes are beneficial to neighbors and the surrounding community based on real, city-level demand.
- 3.5. Implementation of the Plan will be done in partnership with the community and educational, nonprofit, civic, cultural, faith-based, and governmental organizations, promoting cooperation towards common goals that enhance the quality of life for the residents, businesses, and institutions of Plano.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-029.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-029 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 63 for Electrical Substation on 3.4 acres of land located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, 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. Petitioner: Plano Property Owner, LP **Conducted and adopted Ordinance No. 2024-2-5**

BACKGROUND

The Planning & Zoning Commission recommended approval of this zoning case with a vote of 7-0 per their Final Report in the attached Supporting Documents.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality. For detailed comments on the comprehensive plan related to this item, please see the Staff Preliminary Report in the attached Supporting Documents.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/7/2024	Ordinance
ZC2023-029 Supporting Documents	2/12/2024	Informational

Zoning Case 2023-029

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 63 for Electrical Substation on 3.4 acres of land out of the J.T. McCullough Survey, Abstract No. 633, located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 26th day of February 2024, for the purpose of considering granting Specific Use Permit No. 63 for Electrical Substation on 3.4 acres of land out of the J.T. McCullough Survey, Abstract No. 633, located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 26th day of February 2024; and

WHEREAS, the City Council is of the opinion and finds that granting Specific Use Permit No. 63 for an Electrical Substation on 3.4 acres of land out of the J.T. McCullough Survey, Abstract No. 633, located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center would not be detrimental to the public health, safety, or general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 63 for an Electrical Substation on 3.4 acres of land out

of the J.T. McCullough Survey, Abstract No. 633, located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, said property being described in the legal description in Exhibit A attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 26th day of February, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

#ZC2023-029
Legal Description

BEING a 3.349 acre proposed Substation situated in the J.T. McCullough Survey, Abstract No. 633, City of Plano, Collin County, Texas, further being a portion of the remainder of Lot 4, Block A, Flextronics Campus Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Document Number 2019-141, Plat Records, Collin County, Texas (P.R.C.C.T.), said proposed Substation being more particularly described by metes and bounds as follows:

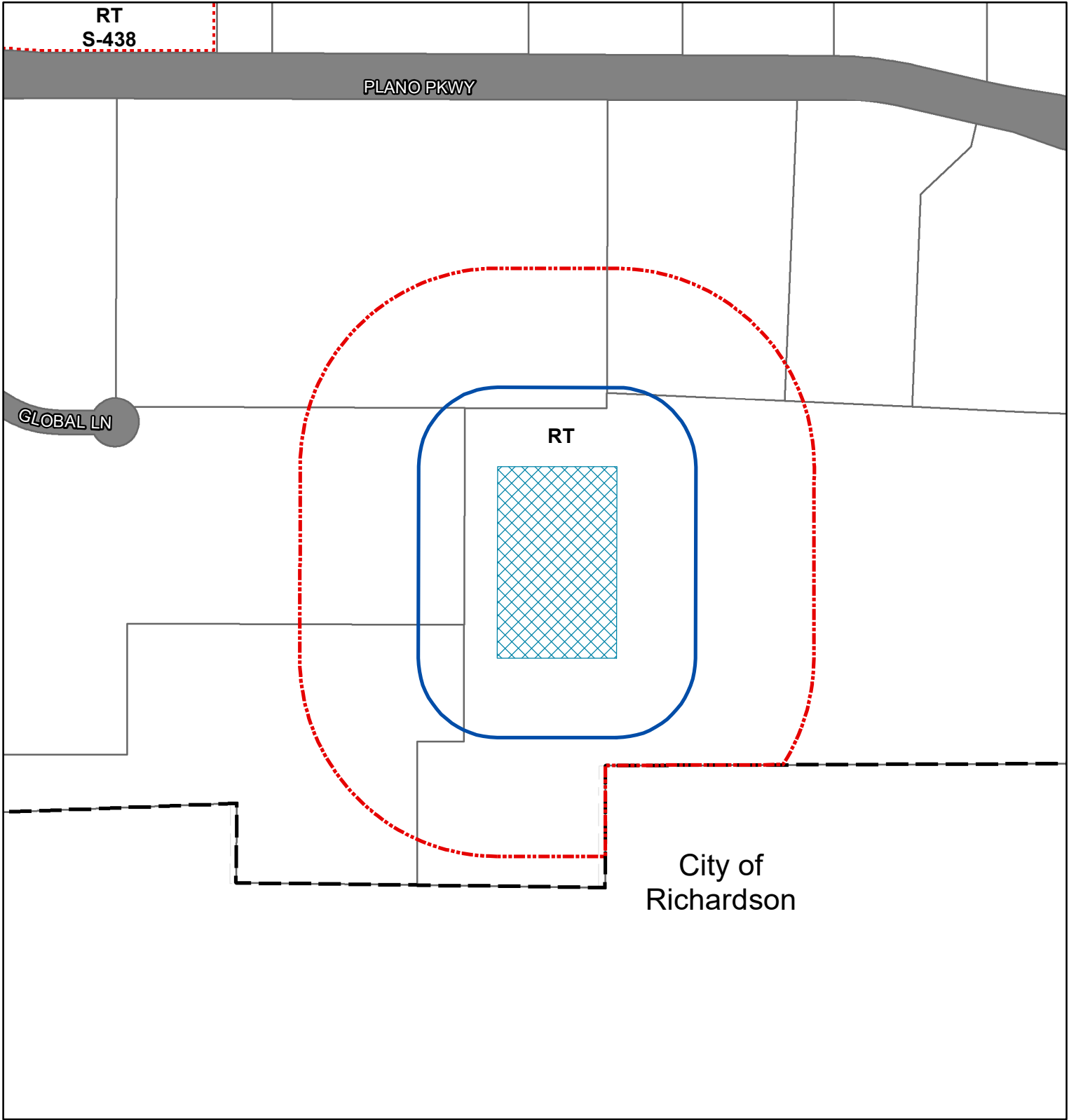
COMMENCING at a 1/2 inch iron rod with cap stamped "WESTWOOD" found for the most westerly northwest corner of said remainder of Lot 4, same being the the northeast corner of Lot 2, Block A, Flextronics Campus Addition, recorded in Cabinet N, Page 527, Map Records, Collin County, Texas (M.R.C.C.T.) and being a point on the south line of Lot 4, Block A, Flextronics Campus Addition, recorded in Document Number 2022-533, M.R.C.C.T; **THENCE** South 12 degrees 45 minutes 12 seconds East, a distance of 152.95 feet to the point of **BEGINNING** for the northwest corner of the herein described tract;

THENCE North 89°07'53" East, along the north line of the herein described tract, a distance of 302.00 feet to a point for corner for the northeast corner of the herein described tract;

THENCE South 00°52'07" East, along the east line of the herein described tract, parallel to east most west line of said remainder of Lot 4, a distance of 483.00 feet to a point for the southeast corner of the herein described tract, from which a 5/8 inch iron rod with cap stamped "KHA" found for an ell corner of said remainder of Lot 4, Block A bears South 06 degrees 30 minutes 09 seconds East, a distance of 268.81 feet, same being a northwest corner of Lot 1, Block A, Flextronics Richardson, recorded in Document Number 2019-143, Map Records, Collin County, Texas;

THENCE South 89°07'53" West, along the south line of the herein described tract, a distance of 302.00 feet to a point for corner for the southwest corner of the herein described tract;









THENCE North 00°52'07" West, along the west line of the herein described tract, parallel to the east most west line of said remainder of Lot 4, being 34.50 feet east of said east most west line, a distance of 483.00 feet to the **POINT OF BEGINNING** and **CONTAINING** 145,866 square feet or 3.349 acres of land.

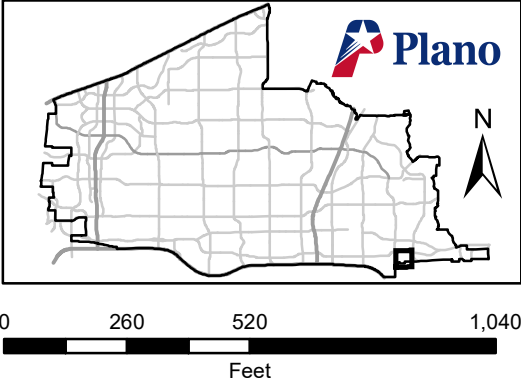


Zoning Case: 2023-029

Existing Zoning: Research/Technology Center

Proposed Zoning: Specific Use Permit for Electrical Substation

- | | | |
|--|--|---|
|  500' Courtesy Notification Buffer |  Streets |  Zoning Boundary |
|  200' Notification Buffer |  Municipal Boundaries |  Specific Use Permit |
|  Subject Property |  Zoning Boundary Change/SUP | |



ZONING EXHIBIT OVERALL

olsson

6700 Tarrytown Parkway
Suite 100
Plano, TX 75024
Firm No. F-4293
TEL 817.288.9775
www.olsen.com

BY

DATE

REVISION DESCRIPTION

REV. NO.

2023

OVERALL ZONING EXHIBIT

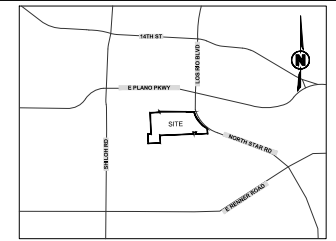
ALIGNMENT DATA CENTERS

DFW04 - PLANO

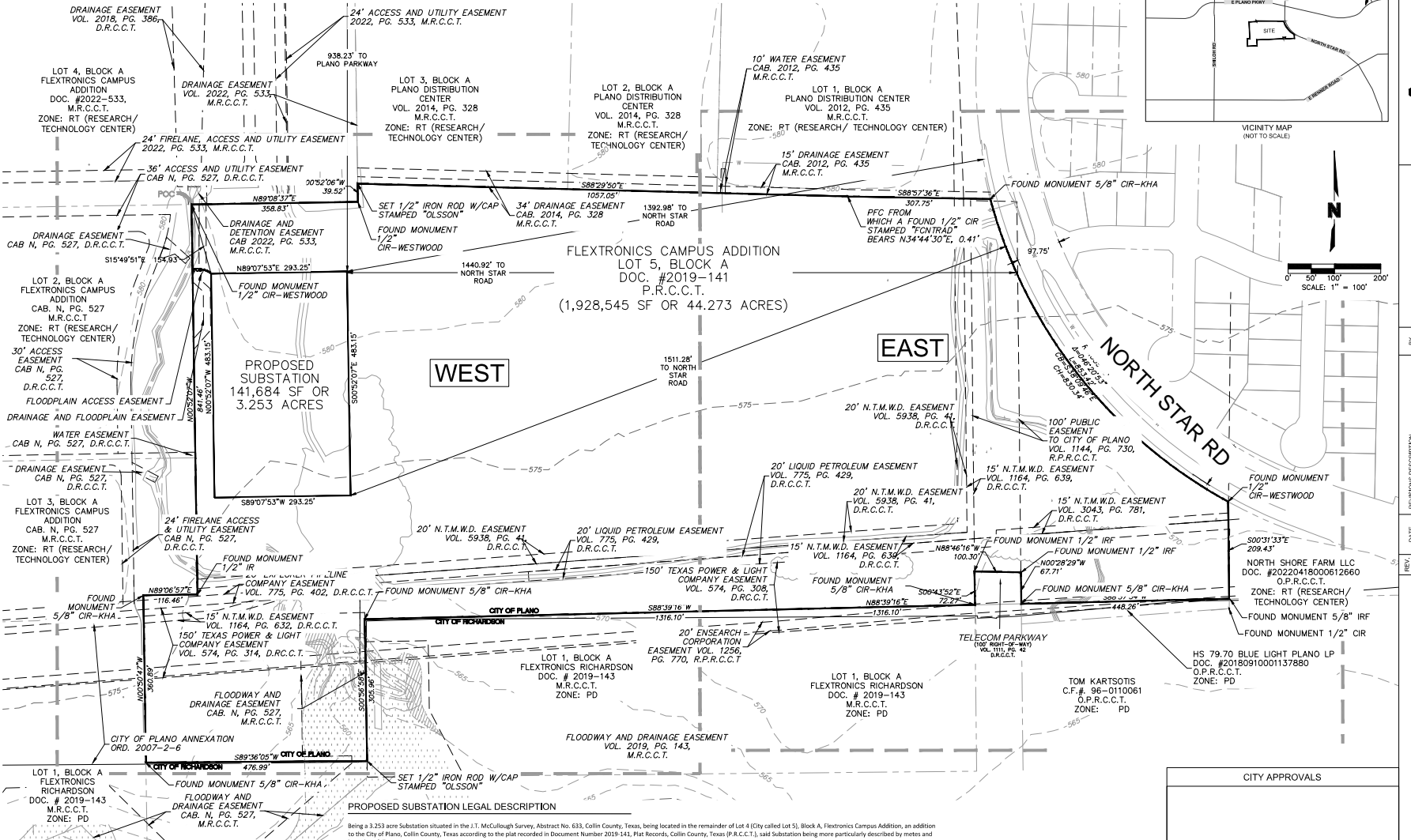
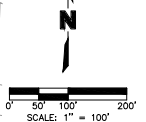
PLANO, COLLIN COUNTY, TEXAS

drawn by
checked by
approved by
dated by
project no.
drawing no.
date

12-05-2023



VICINITY MAP
(NOT TO SCALE)



NOTE

- APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR PLAN, APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS, PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLATS, OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.
- SEE PROPERTY LEGAL DESCRIPTION ON PAGE 04

PROPOSED SUBSTATION LEGAL DESCRIPTION

Being a 3.253 acre Substation situated in the J.T. McCullough Survey, Abstract No. 633, Collin County, Texas, being located in the remainder of Lot 4 (City called Lot 5), Block A, Flextronics Campus Addition, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Document Number 2019-141, Plat Records, Collin County, Texas (P.R.C.C.T.), said Substation being more particularly described by notes and bounds as follows:

THENCE North 89°07'53" East, a distance of 293.25 feet to a point for corner;
THENCE South 0°52'07" East, a distance of 483.15 feet to a point for corner from which a 5/8" iron rod with cap stamped "KHA" found for an ell corner of said remainder of Lot 4 (City called Lot 5) recorded in Document Number 2019-141, (P.R.C.C.T.) bears South 86 degrees 33 minutes 33 seconds East, a distance of 268.69 feet, same being a northwest corner of Lot 1, Block A, Flextronics Richardson, recorded in Document Number 2019-143, Map Records, Collin County, Texas;
THENCE South 89°07'53" West, a distance of 293.25 feet to a point for corner;
THENCE North 0°52'07" West, a distance of 483.15 feet to the POINT OF BEGINNING and containing 141,684 square feet or 3.253 acres of land.

CLOSURE SUMMARY
PRECISION, 1 PART IN: 1293137.03'
ERROR DISTANCE: 0.01'
ERROR DIRECTION: S89°58'41.71"E

DEVELOPER / OWNER

Allegor Data Center
(P) 972.345.5555
3000 DALLAS STREET
PLANO, TX 75074
PHONE: (972) 425-4463
CONTACT: CARRELL ANDREWS
EMAIL: CARRELL.ANDREWS@ALLEGORENERGY.COM

ENGINEER / SURVEYOR

OLSON
300 WOODMONT STREET
SUITE 100
FORT WORTH, TX 76102
PHONE: (817) 288-9775
CONTACT: TAMIYAH E. MARTIN
EMAIL: TAMIYAH.E.MARTIN@OLSON.COM

PROJECT #ZC2023-029
ZONING EXHIBIT
1,928,545 SF / 44.273 ACRES
FLEXTRONICS CAMPUS ADDITION
LOT 5, BLOCK A, 3.253 ACRES
DOC. #2319-141 P.R.C.C.T.
CITY OF PLANO, COLLIN COUNTY, TEXAS
NOVEMBER 2023

DATE: February 6, 2024

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission *MB*
Christina D. Day, AICP, Director of Planning

SUBJECT: Results of Planning & Zoning Commission Meeting of February 5, 2024 *CD*

AGENDA ITEM NO. 4A - ZONING CASE 2023-029
PETITIONER: PLANO PROPERTY OWNER, LP

Request for a Specific Use Permit for Electrical Substation on one lot on 3.4 acres located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway. Zoned Research/Technology Center. Tabled on January 2, 2024. Project #ZC2023-029.

APPROVED: 7-0

Speaker Card(s) Received:	Support:	<u>2</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Letters Received Within 200' Notice Area:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>

Commissioner Bronsky was not in attendance.

RESULTS:

The Commission recommended the item for approval as submitted.

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/296510?ts=2226>

PM/kob

cc: Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 4A

PUBLIC HEARING: Zoning Case 2023-029

PETITIONER: Plano Property Owner, LP

CASE PLANNER: Parker McDowell

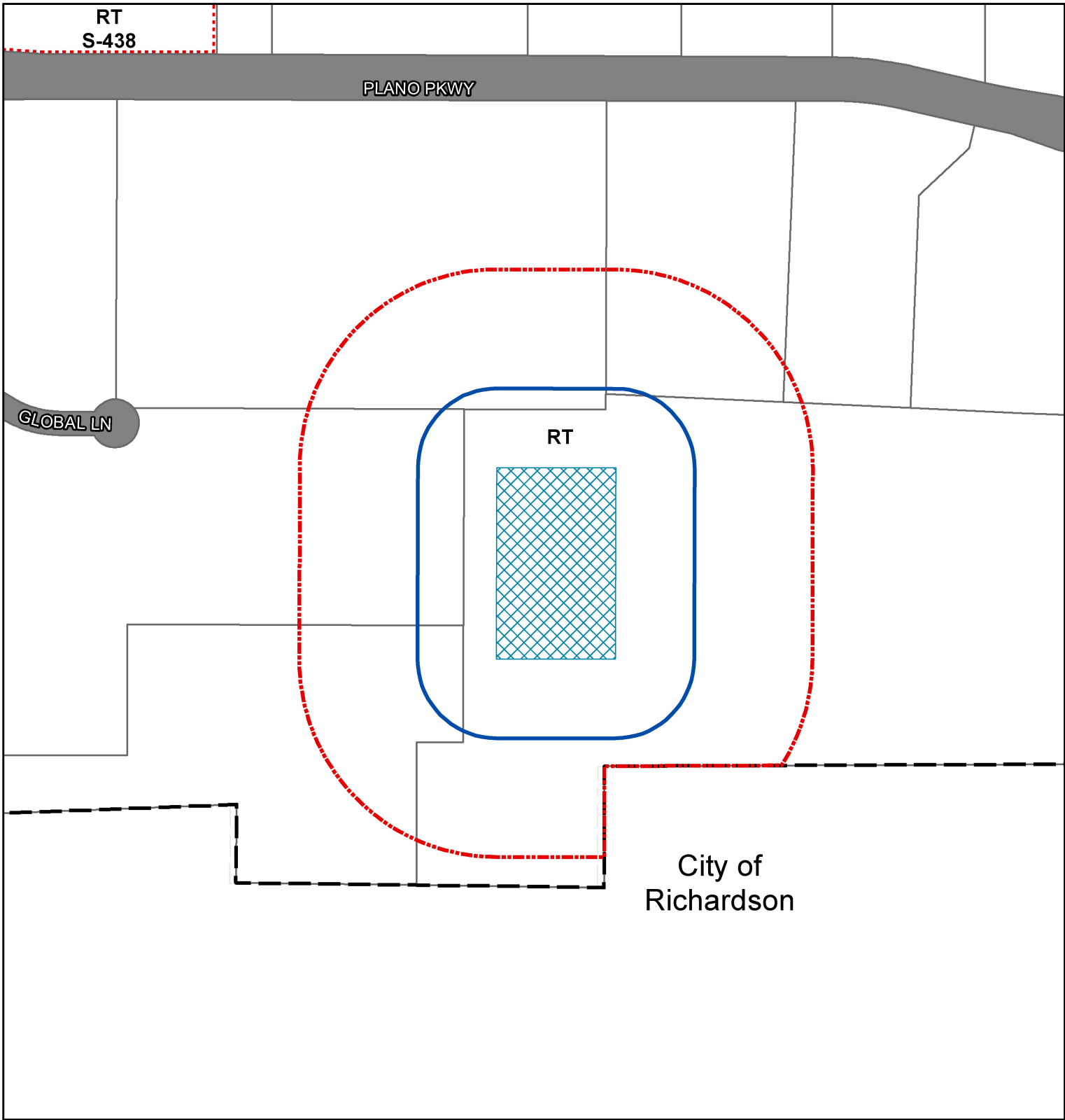
DESCRIPTION: Request for a Specific Use Permit for Electrical Substation on one lot on 3.4 acres located 1,440 feet west of North Star Road and 940 feet south of Plano Parkway. Zoned Research/Technology Center. Tabled on January 2, 2024.

SUMMARY:

The applicant is requesting a Specific Use Permit for a privately-owned Electrical Substation on an undeveloped parcel along North Star Road, south of Plano Parkway. Major topics of consideration in this request include:

- **Associated Data Center** – The substation is necessary to serve a proposed data center located on the same lot. Data centers are a permitted use in the Research/Technology (RT) District.
- **Proximity to Electrical Transmission Lines** – The subject property is located along the route of high-voltage electric transmission lines that generally follow the border between Plano and Richardson before extending farther east into Murphy. This proximity allows all connections between the proposed substation and existing transmission lines to be located wholly within the property and adjacent easements, significantly minimizing the visual impacts of new electrical lines traversing the city.
- **Floodplain** – The substation is located in proximity to a floodplain. Preliminary engineering studies show the substation outside of the floodplain limits; additional study will be required at future stages of the development to establish the final limits of the floodplain.
- **Conformance to the Comprehensive Plan** – The request is consistent with the Employment Centers Dashboard and the Undeveloped Land Policy of the comprehensive plan.

For these reasons, staff recommends approval of the request. A preliminary site plan accompanies this request as Agenda Item No. 4B.

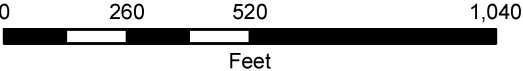
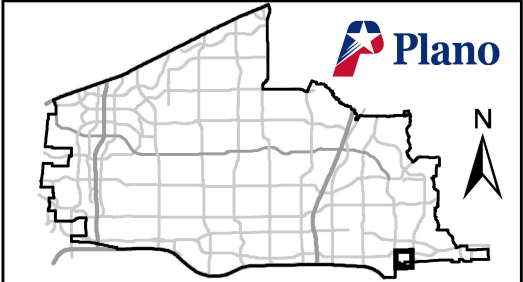


Zoning Case: 2023-029

Existing Zoning: Research/Technology Center

Proposed Zoning: Specific Use Permit for Electrical Substation

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Streets
- Municipal Boundaries
- Zoning Boundary
- Specific Use Permit
- Zoning Boundary Change/SUP



PLANO PKWY



Zoning Case 2023-029



Area of Request



STAFF PRELIMINARY REPORT – INTRODUCTORY REMARKS

The applicant is requesting a Specific Use Permit (SUP) for develop an Electrical Substation on a property zoned Research/Technology Center.

Specific Use Permit – Section 6.100 (Specific Use Permits) of the Zoning Ordinance states:

The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could benefit the general welfare in a particular case, provided that adequate development standards and safeguards are established.

Additionally, Section 6.100 (Specific Use Permits) states the following:

The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.

Proposed Uses – The Zoning Ordinance defines electrical substation as follows:

Electrical Substation - A subsidiary station in which electric current is transformed.

Zoning – The subject property is currently zoned Research/Technology Center (RT). Section 10.1300.1 of the Zoning Ordinance states the purpose of the RT district is as follows:

The RT district is intended to create a low-density, employment center consisting of office, research and development facilities, and limited assembly operations. RT districts should generally accommodate several users in a campus environment.

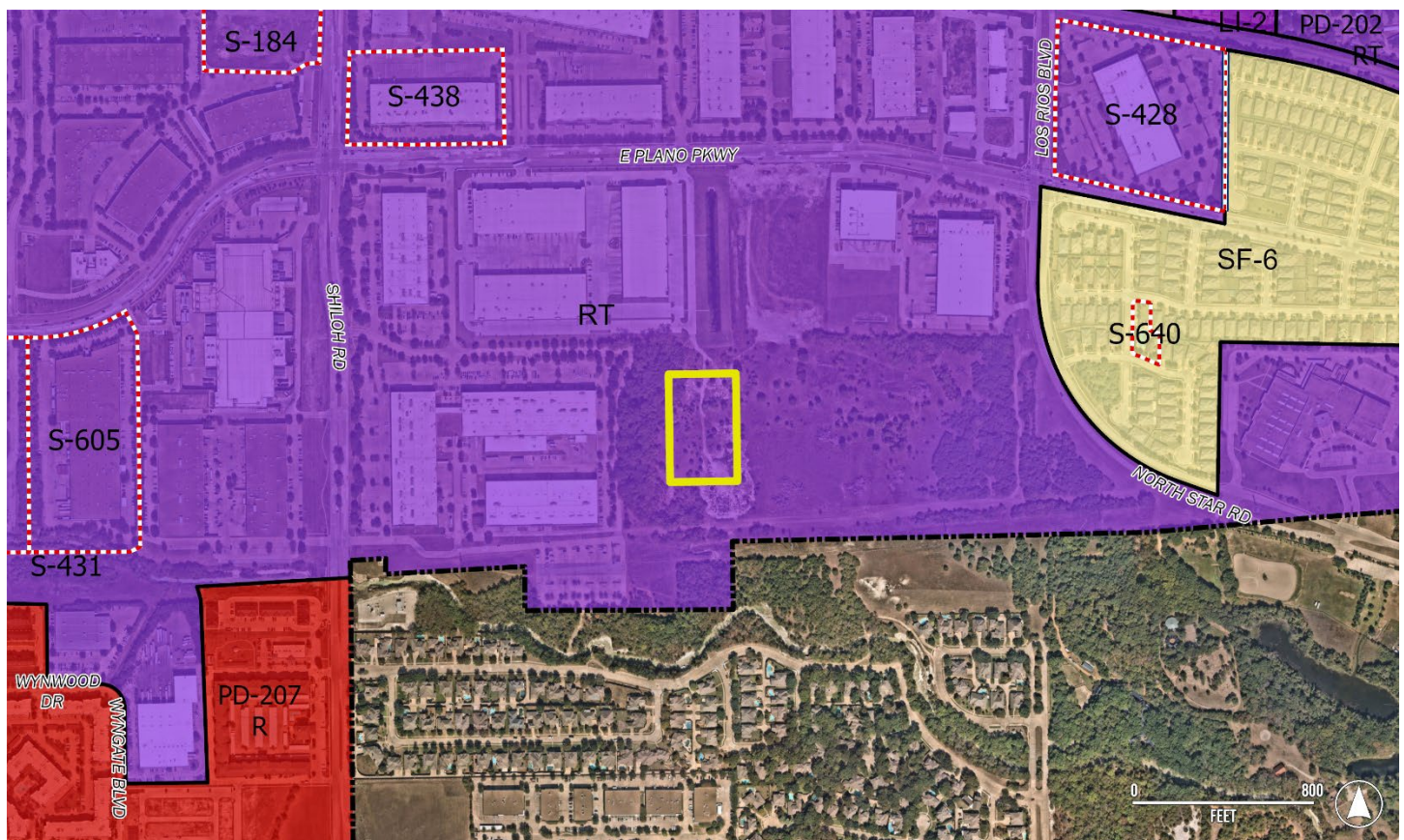
History

The subject property was zoned RT in 1998 and is currently undeveloped. A preliminary site plan and preliminary plat for an office/showroom warehouse use were approved by the Planning & Zoning Commission in December 2022 and June 2023, respectively. The property has since been sold to a new owner who is no longer pursuing the office/showroom warehouse use and is seeking to develop a data center with the substation.

Surrounding Land Use and Zoning

The boundaries of the SUP are located within the larger 44.3-acre, proposed Lot 5 of Flextronics Campus Addition, which is undeveloped land zoned Research/Technology District. Adjacent uses and zoning in the following table are those beyond the limits of the lot.

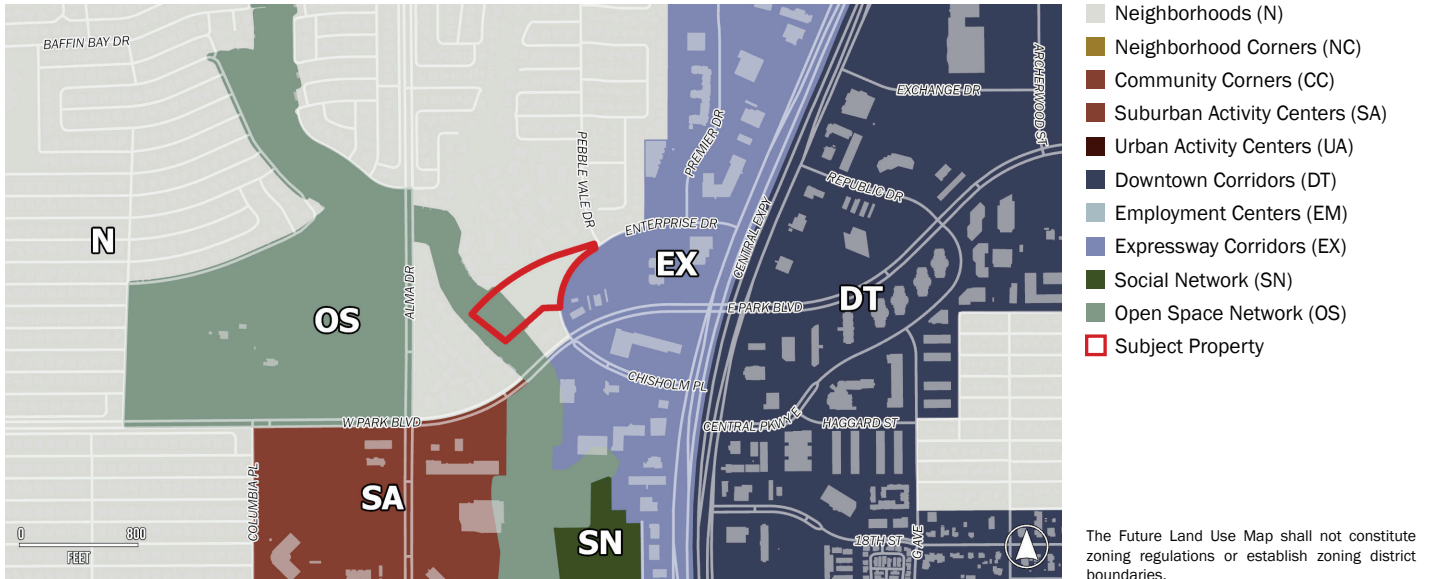
North	Office showroom/warehouse, moderate-intensity manufacturing, office professional/general administration, dance/gymnastics studio, and undeveloped land with preliminary site plan approval for office/showroom warehouse zoned Research/Technology Center (RT)
East	Undeveloped land zoned RT directly east, single-family detached neighborhood zoned Single-Family Residence-6 (SF-6), and public middle school zoned Research/Technology Center (RT) to the east across North Star Road
South	Undeveloped land with electric transmission utilities and single-family detached neighborhoods located in the City of Richardson
West	Office storage/warehouse, office professional/general administration, and moderate-intensity manufacturing zoned RT



VISION: "Plano is a global leader, excelling in exceptional education, abounding with world class businesses and vibrant neighborhoods"
GUIDING PRINCIPLES: Plano Today. Plano 2050. Plano Together.

1 | Future Land Use Map

The subject property is located within the **Neighborhoods and Open Space Network** Future Land Use designations



Neighborhoods (N)

PRIORITIES

The Neighborhoods future land use category consists primarily of residential areas focused on sustaining a high quality of life through well-maintained infrastructure, housing, open space, schools, and limited service/institutional uses.

Residential Areas - Single-family residential should remain the primary use within neighborhoods. It is the intention to preserve and enhance these uses and to regulate the design of new residential infill products to be within the context of the surrounding environment. Existing multifamily developments, which function as transitions from moderate and high intensity commercial areas, should be well maintained to preserve neighborhood character. With few large tracts left for residential development, some infill and redevelopment opportunities may not fit the typical neighborhood design.

Non-Residential Areas - Institutional, light office, and service uses are considered secondary uses and may be located along the frontage of arterial streets and intersections.

Residential Adjacency Standards - Adequate transitions in building setbacks and height must be provided when development is proposed near established neighborhoods.

1. Preserving neighborhood character and quality of life
2. Upkeep of existing housing stock
3. Require adjacent commercial land uses to provide adequate transitions
4. Variety of housing heights, sizes, and types.

Open Space Network (OS)

PRIORITIES

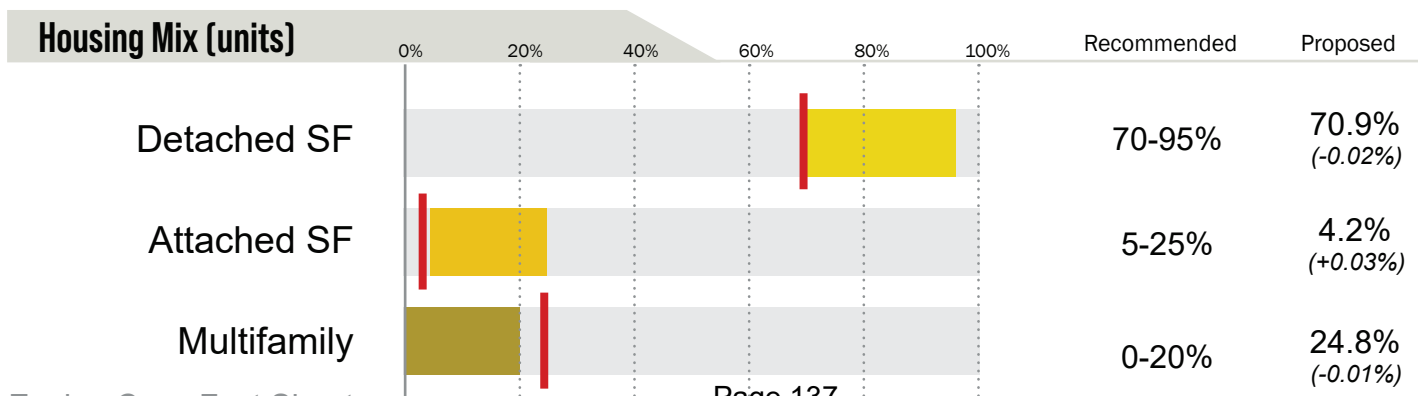
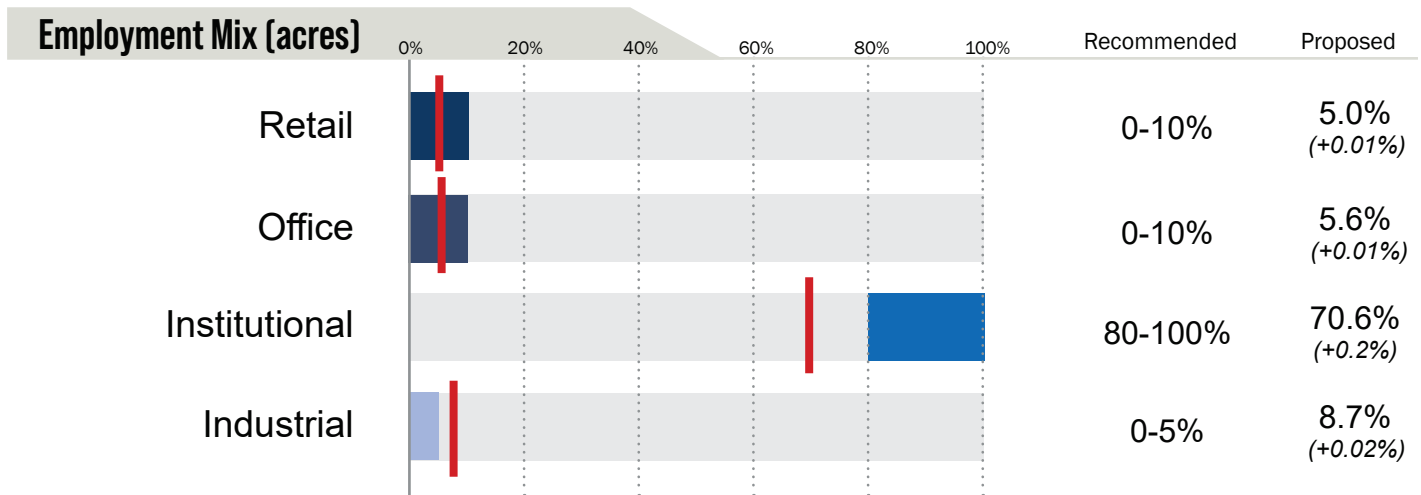
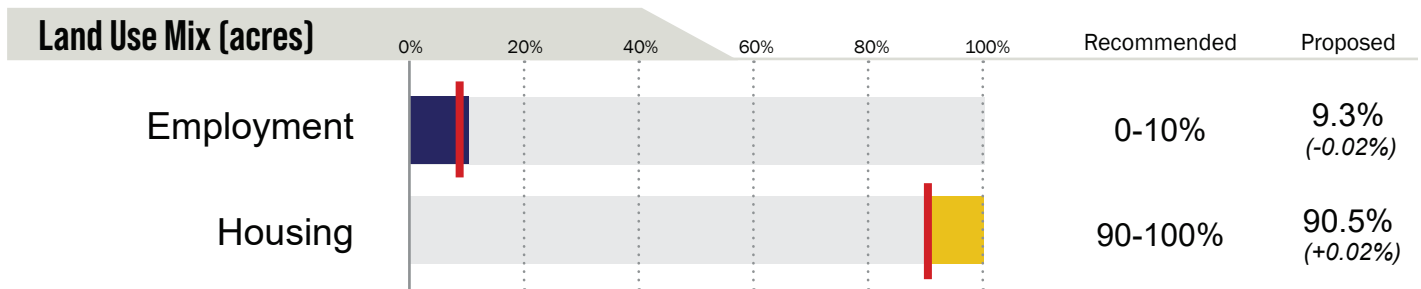
The Open Space Network future land use category includes major public open space preserves, community parks, neighborhood parks, linear parks, and trails. These areas are intended to retain their character to provide regional recreation and leisure opportunities

1. Maintain and upgrade parks and open spaces as needed to serve the health and recreational needs of the diverse community.
2. Improve access to these areas through transit and micromobility options.

2 | Mix of Uses

[Click here for "How to Read The Dashboards"](#)

If approved, the request would result in the following Mix of Uses:



3 | Desirable Character Defining Elements

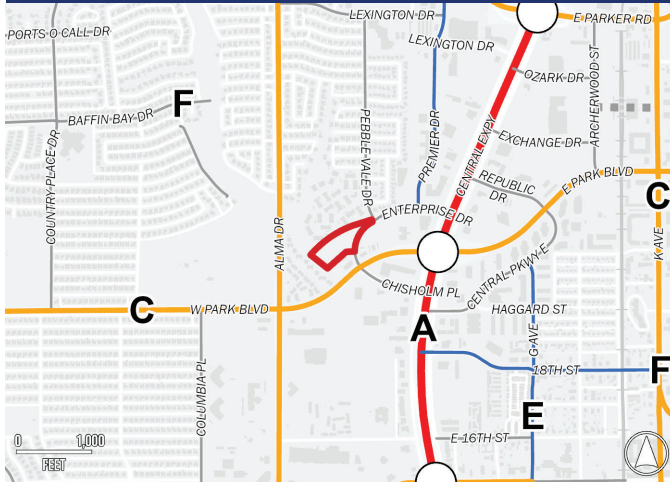


Click here for
"How to Read
The Dashboards"

DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	<p>Neighborhoods: 1 to 2 stories</p> <p>Open Space: 1 to 2 stories</p>	<p>Neighborhoods: 3 stories with a roof deck above the third story</p> <p>Open Space: N/A</p>
Density	<p>Neighborhoods: SF: 0.5 to 10 DUA MF: 10 to 22 DUA</p> <p>Open Space: N/A</p>	<p>Neighborhoods: 9.1 Dwelling Units Per Acre (DUA)</p> <p>Open Space: N/A</p>
Intensity	<p>Neighborhoods: Low (0 to 50% Lot Coverage)</p> <p>Open Space: Low (0 to 50% Lot Coverage)</p>	<p>Neighborhoods: N/A</p> <p>Open Space: N/A</p>
Open Space	<p>Neighborhoods: 10% to 50% Passive OS</p> <p>Open Space: 100% Active and Recreational OS</p>	<p>Neighborhoods: 19.9% Passive Open Space + 12.2% Active Open Space (32% total open space)</p> <p>Open Space: 100% Recreational Open Space</p>
Parking Orientation	<p>Neighborhoods: Res: garages with driveways Non-res: surface lots</p> <p>Open Space: surface lots</p>	<p>Neighborhoods: Residential garages with driveways</p> <p>Open Space: N/A</p>
Block Pattern & Streetscape	<p>Neighborhoods: Gridded or curvilinear blocks Traditional Residential Streets</p> <p>Open Space: Wide blocks, OS Corridor Streets</p>	<p>Neighborhoods: Curvilinear blocks, Traditional Residential Streets</p> <p>Open Space: N/A</p>
Multimodal Access		
1. Automobiles	<p>Neighborhoods: HIGH Direct access from local streets</p> <p>Open Space: MEDIUM Limited access to major and local streets</p>	<p>Neighborhoods: HIGH Direct access to the site is available from Enterprise Drive</p> <p>Open Space: N/A</p>
2. Transit	<p>Neighborhoods: MEDIUM Served by bus on perimeter arterial streets</p> <p>Open Space: MEDIUM Served by bus</p>	<p>Neighborhoods: LOW - There are currently no bus routes serving the arterial streets immediately adjacent to the subject property. Parker Road Station is approximately 0.75 mile east of the site.</p> <p>Open Space: N/A</p>
3. Micromobility	<p>Neighborhoods: HIGH Connected to trails and bike routes</p> <p>Open Space: HIGH Integrated trails and bike routes</p>	<p>Neighborhoods: HIGH - The subject property has direct access to the Chisholm Trail and On-Street Bike Routes 73 and 75.</p> <p>Open Space: HIGH - Integrated connectivity to the Chisholm Trail</p>
4. Pedestrians	<p>Neighborhoods: HIGH Walkable to parks and schools</p> <p>Open Space: HIGH Short walk from neighborhoods</p>	<p>Neighborhoods: HIGH - The subject property has direct access to the Chisholm Trail, is located within 0.10 miles of the Proposed South Central Community Park Site and is within 0.40 miles of Harrington Park as well as the Sam Johnson Senior Recreation Center.</p> <p>Open Space: HIGH - Direct access between Chisholm Trail and proposed neighborhood</p>

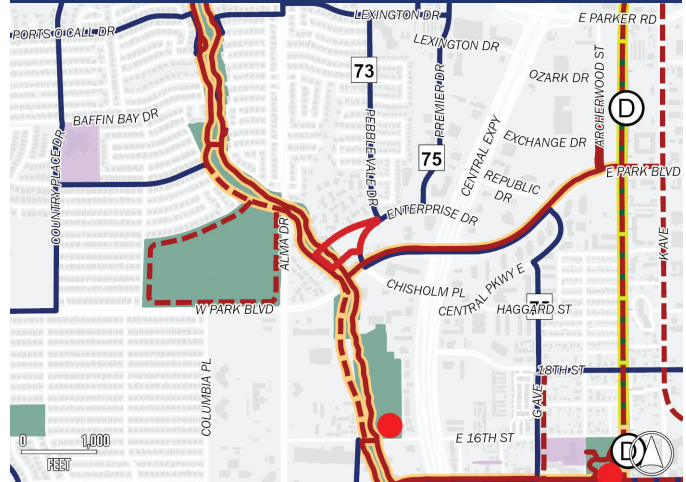
4 | Other Comprehensive Plan Maps

Thoroughfare Plan Map



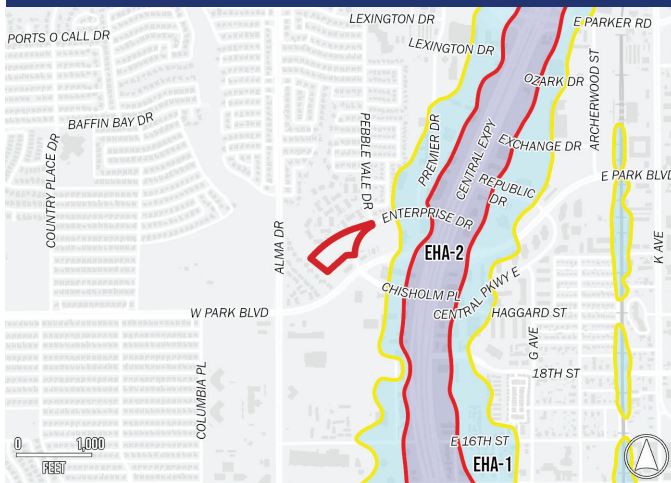
Access to the subject property will be from Enterprise Drive which is designated as a Type F: Minor Collector (Commercial Context).

Bicycle Transportation Plan Map



On-Street Bike Routes 73 and 75 are located along Enterprise Drive and the Chisholm Trail is a designated shared-use path located along the western edge of the subject property.

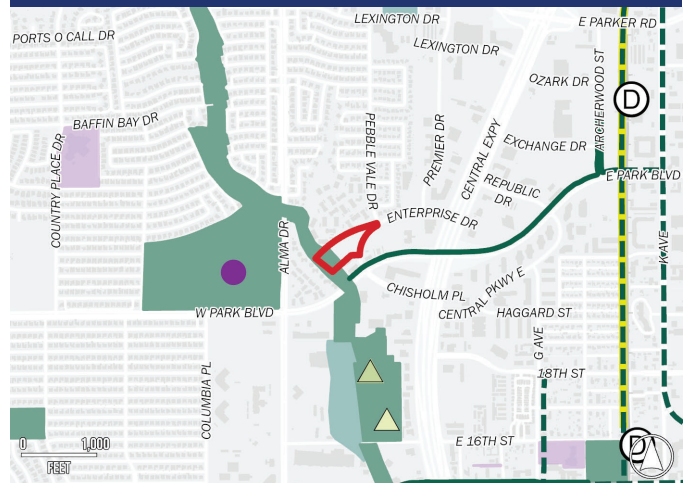
Expressway Corridor Environmental Health Map



The subject property is not within the Expressway Corridor Environmental Health Map areas.

☐ EHA-1 ☐ EHA-2 ☒ Not Applicable

Parks Master Plan Map



The subject property can directly access Chisholm Trail, is located within 0.10 miles of the proposed South Central Community Park Site, and is within 0.40 miles of Harrington Park and the Sam Johnson Senior Recreation Center.

5 | Comprehensive Plan Policies & Actions

CORE POLICIES: The following policies are applicable to all zoning cases. No specific analysis of these policies are provided in the staff report as these serve as the fundamental basis for all staff recommendations.



Land Use: Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.



Redevelopment & Growth Management: Plano will protect and preserve the well-established built environment of Plano and prevent overcrowding by requiring new growth and redevelopment to respect the unique development patterns, suburban character, housing needs, infrastructure capacity considerations, and fiscal constraints of our community.

LAND USE-RELATED POLICIES: The following policies are applicable on a case-by-case basis depending upon the type, location, and general nature of the request. Refer to the staff report for analysis of these policies with the respect to the proposed zoning change, where applicable.



Redevelopment of Regional Transportation Corridors: Plano will encourage reinvestment and redevelopment of identified regional transportation corridors to create cohesive developments that incorporate well-designed commercial, retail, and housing opportunities, where those uses are appropriate according to the Future Land Use Map and other related Comprehensive Plan standards.

☐ Applicable
☒ Not Applicable



Revitalization of Retail Shopping Centers: Plano will encourage reinvestment, revitalization, and redevelopment of underperforming neighborhood retail corners to accommodate a viable combination of local commercial, retail, and entertainment uses. Where appropriate transitions can be maintained, redevelopment may present opportunities to introduce residential uses and improve access.

☐ Applicable
☒ Not Applicable



Special Housing Needs: Plano will support the special housing needs of residents including seniors, people with disabilities, and low- to moderate-income households through inclusive regulations and programs and actions furthering the goals stated in the Consolidated Plan. Proposed locations for special housing needs should be afforded the same health and safety considerations as other housing.

☐ Applicable
☒ Not Applicable



Transit-Oriented Development: Plano will proactively encourage development within walking distance of existing and planned transit stations to create an integrated mix of uses including residential, employment, retail, and civic spaces.

☐ Applicable
☒ Not Applicable



Undeveloped Land: Plano will reserve its remaining undeveloped land for high quality development with distinctive character, prioritizing businesses offering skilled employment. New housing in these areas will only be considered appropriate where it is consistent with the Future Land Use Map and other related Comprehensive Plan standards.

☒ Applicable
☐ Not Applicable

OTHER POLICIES/DOCUMENTS: Additional policies may apply where applicable:

Undeveloped Land Policy Action #3:

Ensure that new housing growth on undeveloped land provides functional and appropriate environments for residential uses and activities such as proximity to existing compatible residential development, configuration to support housing, and access to neighborhood parks, and ensure any development standards include adequate green space. When adjacent to existing residential neighborhoods a compatible transition in building height and bulk should be provided.

- ☐ Envision Oak Point (2018)
- ☐ Downtown Vision & Strategy Update (2019)
- ☐ Spring Creekwalk Master Plan (1990)
- ☐ Preservation Plano 150 (2018)
- ☒ Other

FOR RESIDENTIAL AND MIXED-USE DEVELOPMENTS ONLY: The following actions from the Redevelopment & Growth Management (RGM) Policy are applicable to requests for mixed-use developments:

RGM5: Ensure that any rezoning requests for multiuse development include:

☐ Applicable

☒ Not Applicable

- A) No more than 50% square footage for residential uses. Requests should also conform with other identifying elements (density, building heights, etc.) in the applicable Dashboard descriptions.
- B) Phasing requirements that prevent the disproportionate completion of residential uses prior to nonresidential uses within the development. Nonresidential square footage must constitute a minimum of 33% of all square footage approved for occupancy during development (e.g., every 2 square feet of residential development requires at least 1 square foot of nonresidential development; and
- C) Key design features provided prior to, or concurrent with, the construction of any residential uses. These include elements of the development supporting the long-term value to the overall community, and specifically any new residents, such as open/green space, amenities, street enhancements, and trails.

RGM8: Limit new residential development to areas that are appropriate based on individual site considerations and consistency with the Future Land Use Map and Dashboards. Multifamily developments should also meet a housing diversification or economic development need of the city, including transit-oriented development, special housing needs (as defined by the city's Consolated Plan), or be constructed as part of a high-rise 10 stories or greater.

☒ Applicable

☐ Not Applicable

6 | Findings Policy

RGM1: Mix of Uses, Density, & Building Height

In accordance with the Redevelopment and Growth Management (RGM) Policy Action 1, zoning change requests that do not conform to the mix of uses, density, and building heights as described in the Dashboards are **disfavored**. Requests that do not conform to these criteria may be occasionally allowed when found:

- ▶ Consistent with the Guiding Principles of the Comprehensive Plan; and
- ▶ Substantially beneficial to the immediate neighbors, surrounding community, and general public interest.

RGM5: Mixed-Use Developments

In addition, the Redevelopment and Growth Management (RGM) Policy Action 2 requires findings when approving a mixed-use development that exceeds 50% square footage for residential uses and/or does not conform to other identifying elements (density, height, etc.) in the applicable Dashboard.

Are Findings Required?

- ☐ Yes, because the request does not comply with the Mix of Uses of the associated Dashboard.
- ☒ Yes, because the request does not comply with the Building Heights of the associated Dashboard.
- ☐ Yes, because the request does not comply with the Maximum Density of the associated Dashboard.
- ☐ Yes, because the request is inconsistent with Action RGM5 (for mixed-use developments).
- ☐ No, findings are not required.

STAFF PRELIMINARY REPORT – CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below, but the Comprehensive Plan Fact Sheet has more specific details about the request.

Guiding Principles – This set of Guiding Principles to the Comprehensive Plan establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

Future Land Use Map Category & Dashboard

Future Land Use Category – The subject property is located in the [Employment Centers \(EM\)](#) category of the Future Land Use Map (FLUM). The EM future land use category includes corporate office campuses, medical centers, education facilities, technology centers, and research centers, with supporting uses such as limited manufacturing and warehouse uses.

The request for a Specific Use Permit to allow for Electrical Substation does not impact the previously approved existing land use types or mix of uses. Staff finds the request consistent with the description and priorities of the EM category.

FLUM – EM Description and Priorities		
Description		Meets
Priorities	Maintaining land for employment-generating uses	Meets
	Evaluating policies to sustain long-term viability of corporate campuses	N/A
	Updating the Legacy Area Master Plan	N/A

Mix of Uses – The subject property is currently an undeveloped lot. Approval of this request would result in no changes to the Mix of Uses.

FLUM – EM Mix of Uses	
No Change	

Desirable Character Defining Elements – The proposed Specific Use Permit for an electrical substation would not result in any reduced conformance to the Desirable Character Defining Elements.

FLUM – EM Desirable Character Defining Elements			
Building Height	Meets	Multimodal Access Automobiles Transit Micromobility	Meets
Maximum Density	N/A		Meets
Intensity	Neutral		Meets
Open Space	Meets		Meets
Parking Orientation	Meets		Meets

Block Pattern & Streetscape	Meets	Pedestrians	Meets
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Other Comprehensive Plan Maps

The scope of the request would not require improvements applicable to the Thoroughfare Plan Map, Bicycle Transportation Plan Map, Parks Master Plan Map, or Expressway Corridor Environmental Health Map.

Other Comprehensive Plan Maps	
Thoroughfare Plan Map	N/A
Bicycle Transportation Plan Map	N/A
Parks Master Plan Map	N/A
Expressway Corridor Environmental Health Map	N/A

Undeveloped Land Policy – This policy recommends that the city reserve its limited undeveloped land for high-quality development with distinctive character, prioritizing businesses offering skilled employment. This substation request is necessary for the associated data center use. Since this request is a small portion of a larger development, as shown in the associated plan, the approval of the SUP will not impact the utilization of the remainder of the property for development that would align with this policy.

Comprehensive Plan Policy Summary

Policy or Study	Analysis
Future Land Use Map and Dashboards: Description & Priorities Mix of Uses Character Defining Elements	Meets No Change Meets
Thoroughfare Plan Map	N/A
Bicycle Transportation Plan Map	N/A
Parks Master Plan Map	N/A
Expressway Corridor Environmental Health Map	N/A
Undeveloped Land Policy	Meets

Adequacy of Public Facilities – N/A

Traffic Impact Analysis (TIA) – A TIA is not required for this rezoning request.

School Capacity - N/A

Public Safety Response Time – Fire emergency response times will be sufficient to serve the site based on existing personnel, equipment, and facilities.

Access to and Availability of Amenities and Services – N/A

STAFF PRELIMINARY REPORT - ANALYSIS & RECOMMENDATION

Associated Data Center Use

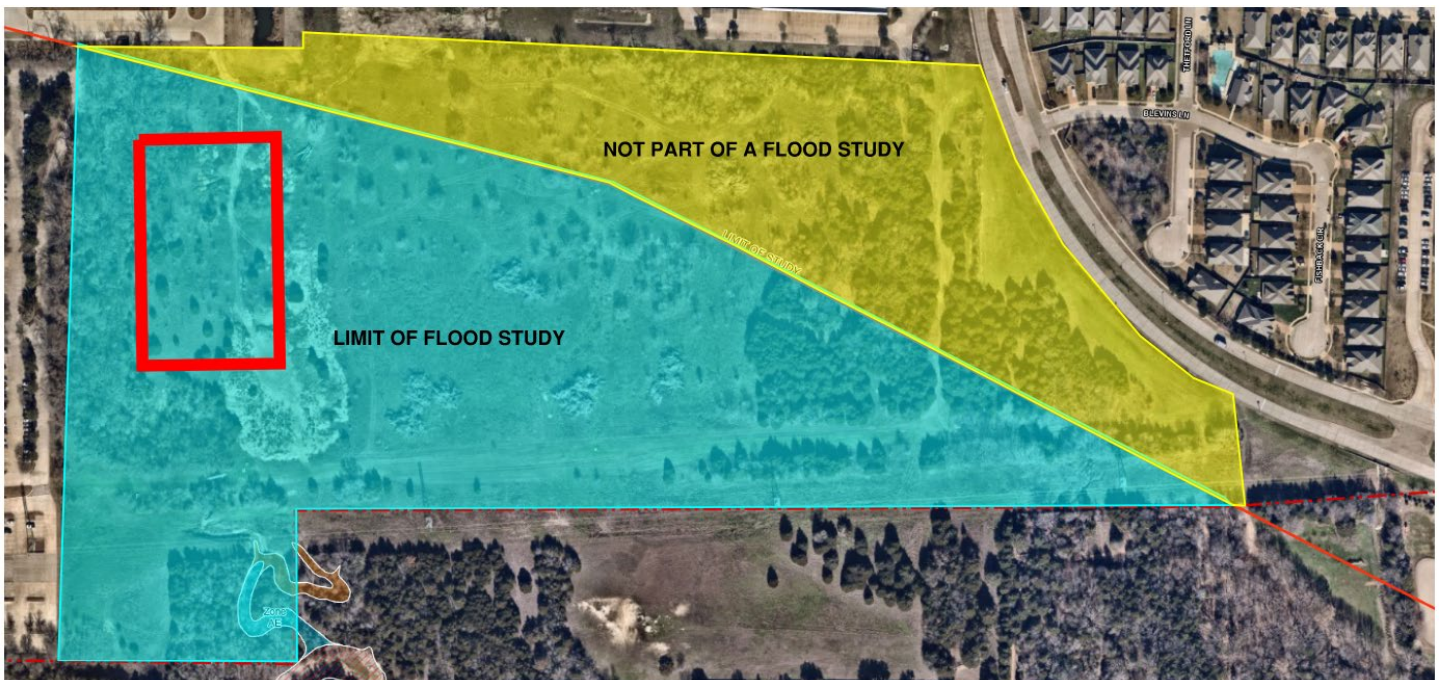
An SUP would allow the applicant to construct a private electric substation to support a potential data center on the property, which is permitted by right in the RT district. Constructing a substation with the data center is beneficial for the flexibility and reliability of their operations.

Transmission Lines

The proposed substation will be located along the existing transition lines that run along the property's southern boundary. The location of these larger transmission lines will allow for the substation and potential future connections entirely on the subject property. This will minimally impact the visibility of new lines and allow the substation to provide mechanical screening for the equipment.

Floodplain

As shown on the associated preliminary site plan, the proposed substation is located adjacent to existing and proposed drainage and floodway easements. The current location is also shown in the FEMA Flood Zone X, which FEMA defines as *"The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood."* Based on the preliminary engineering review, the site will not be in the floodplain, but it needs to be noted that the current limit of the flood study splits the property, as shown in the following map. The entire impact of the development with the 450,000-square-foot data center will need a new flood study done to determine what impact and mitigation will be required for the proposed development at the site plan step.

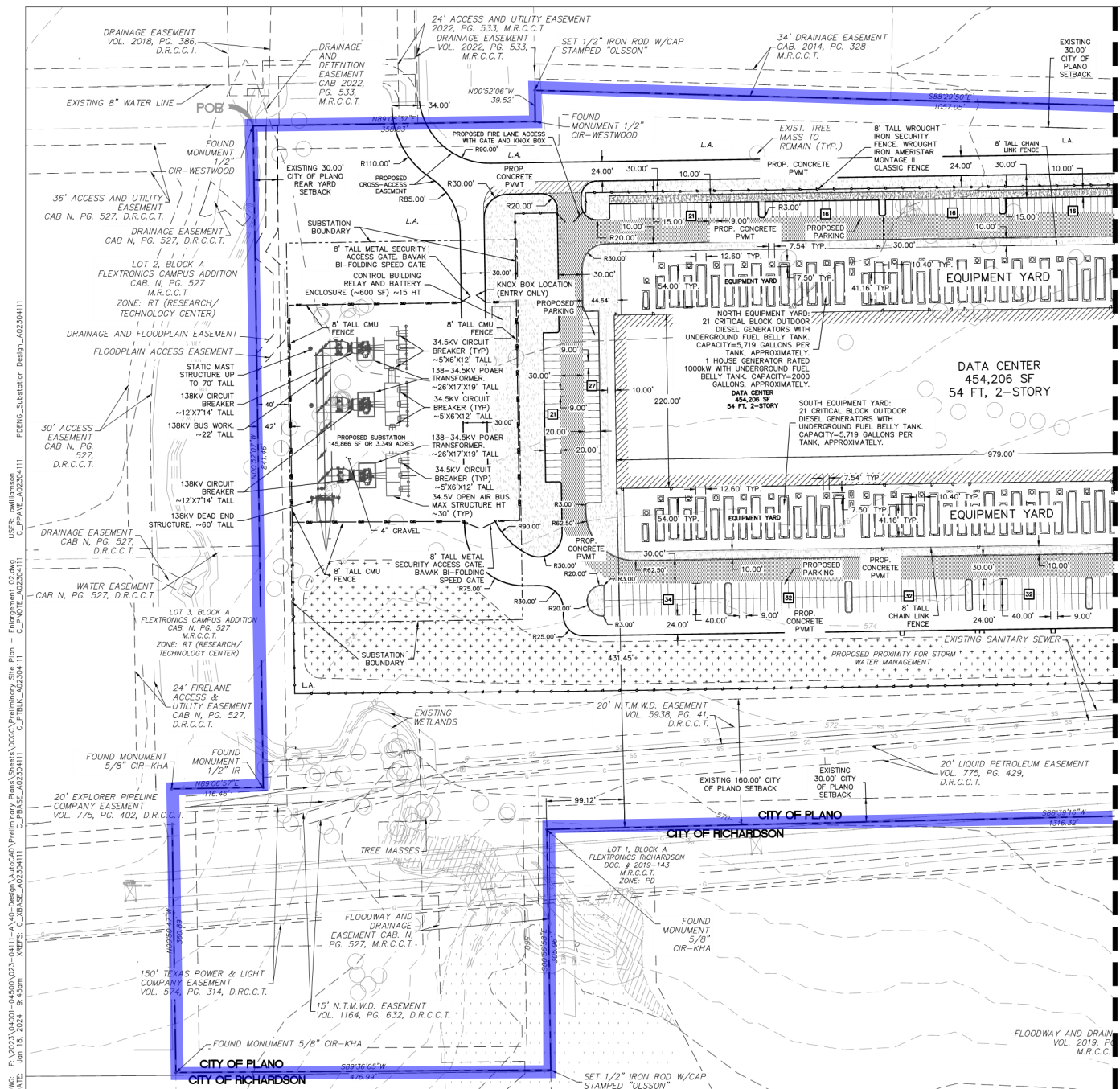


SUMMARY:









The applicant is requesting a Specific Use Permit for an Electrical Substation associated with a proposed data center on an undeveloped parcel along North Star Road, south of Plano Parkway. The request is generally consistent with policies within the Comprehensive Plan and with engineering approval of the preliminary site plan location. For these reasons, staff supports the request for a Specific Use Permit for Electrical Substation.

RECOMMENDATION:

Recommended for approval as submitted.

[illegible][illegible]

CONTROL POINT TABLE (SURFACE DATUM)				
POINT	NORTHING	EASTING	ELEVATION	FULL DES. CP
100	7054462.8910	2534015.3480	577.993	CP
101	7053792.2940	2534331.1800	575.085	CP
102	7053453.5760	2534864.8970	571.935	CP

Symbol Table	
	CPT CONTROL POINT
	PH FIRE HYDRANT
	MOM. MOVEMENT (AS SHOWN)
	SDM STORM DRAIN MANHOLE
	SGN SIGN
	SSMH SANITARY SEWER MANHOLE
	SV SEWER VALVE
	WV WATER VALVE

EASEMENT / SETBACK LEGEND			
PAGE			PG.
VOLUME			EMT.
EASEMENT			EMT.
POINT FOR CORNER			PFC
POINT OF BEGINNING			P.O.B.
DEED RECORDING			D.R.
DEED RECORDING, COLLIN COUNTY TEXAS			D.R.C.C.T.
DEED RECORDING, COLLIN COUNTY TEXAS			D.R.C.C.T.
OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS			O.P.R.C.C.

PROJECT CONTACT LIST	
DEVELOPER	SUBSENIOR
ARMED DATA PARTNERS PROFECO, LLC 2805 BARRIE FARGO, ND 58204 PHONE: (701) 432-4443 FAX: (701) 432-4443 E-MAIL: ARMED@ARMEDPARTNERS.COM	CLISON 3000 THORNTON SUITE 400 FORT WORTH, TX 76102 PHONE: (817) 268-2800 FAX: (817) 268-2800 E-MAIL: TONY@TAMCO.COM

100

CITY APPROVALS

PROJECT #PSP2023-026 &
GTS2023-024
PRIMARY SITE PLAN & GENERAL TRAIL
SURVEY
1,928,545 SF / 44.273 ACRES
ELECTRONICS CAMPUS ADDITION
LOT 5, BLOCK A
DOC. #2319-141 P.R.C.C.T.
F PIANO, COLLIN COUNTY, TEXAS
NOVEMBER 2023

<small>drawn by</small> <small>checked by</small> <small>approved by</small> <small>On/Off by</small> <small>project no.</small> <small>drawing no.</small> <small>date</small>	PRELIMINARY SITE PLAN		REV. NO.	DATE	REVISIONS DESCRIPTION	BY
	ALIGNED DATA CENTERS DFW04 - PLANO					
PLANO, COLLIN COUNTY, TEXAS		2023	REVISIONS			

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Zoning - Text
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-014.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-014 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano (Tabled at the October 23, 2023, and November 27, 2023, City Council meetings.) **Conducted and adopted Ordinance No. 2024-2-6**

PREVIOUS ACTION/PRESENTATION

The City Council tabled the item on October 23, 2023, and November 27, 2023. The Supporting Documents include information requested at the October 23 meeting. At the November 27, 2023 meeting, City Council requested a video be prepared by operators to provide operational information, due to difficulty in scheduling site visits. In response, this video was provided.

BACKGROUND

The Planning & Zoning Commission recommended approval of this zoning case with a vote of 6-2 per their Final Report in the attached Supporting Documents.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality. For detailed comments on the comprehensive plan related to this item, please see the Staff Preliminary Report in the attached Supporting Documents.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/21/2024	Ordinance
ZC2023-014 Supporting Documents	2/15/2024	Informational

Zoning Case 2023-014

An Ordinance of the City of Plano, Texas, amending Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 23rd day of October 2023, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing on the 23rd day of October 2023, and heard all persons wishing to be heard both for and against the change in the Zoning Ordinance and tabled the item to the 27th day of November 2023, during which time the item was once again opened to public hearing and Council heard all persons wishing to be heard both for and against the change in the Zoning Ordinance and tabled to the 26th day of February 2024, when it held an additional public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance; and

WHEREAS, the City Council is of the opinion and finds that such change should be adopted, would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section 1. Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add and amend definitions to read as follows:

Commercial Drone Delivery Hub (Large)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft, including but not limited to those defined under Commercial Drone Delivery Hub (Small), to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Commercial Drone Delivery Hub (Small)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by small, unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as defined in Section 44801 of Title 49, United States Code, as amended, whichever is the lesser, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Drone Staging Area

A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment. (See Sec. 15.100.3)

Heliport

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of rotary wing and tiltrotor passenger aircraft, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities. (See Sec. 15.600)

Helistop

The same as a heliport, except that no refueling, maintenance, repairs, or storage of aircraft is permitted. (See Sec. 15.600)

Section II. Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add the following to the Residential Districts Use Table:

RESIDENTIAL ZONING DISTRICTS																	
Use Type	Use 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	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
Commercial Drone Delivery Hub (Large)	EIPS																
Commercial Drone Delivery Hub (Small)	EIPS																

Section III. Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add the following to the Nonresidential Districts Use Table:

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category															
		O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
Commercial Drone Delivery Hub (Large)	EIPS									0				0	0	
Commercial Drone Delivery Hub (Small)	EIPS		3	3	3	3	3	3	3	3	3	3	3	3	3	3

Section IV. Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, to add a note to read as follows:

Number	End Note
3	See Sec. 15.100

Section V. Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add Section 15.100, such section to read in its entirety as follows:

15.100 Commercial Drone Delivery Hubs

These regulations apply to both commercial drone delivery hub (large) and commercial drone delivery hub (small) uses, except where individually referenced.

.1 Commercial Drone Delivery Hubs (Large)

A commercial drone delivery hub (large) may be allowed, if and where granted a specific use permit, in the CE, LI-1, and LI-2 districts if the requirements of this section are met.

.2 Commercial Drone Delivery Hubs (Small)

A. A commercial drone delivery hub (small) is allowed as a primary use in the CE, LI-1, and LI-2 districts when the requirements of this section are met.

B. A commercial drone delivery hub (small) is allowed as an accessory use to a permitted food/grocery store, restaurant/cafeteria, retail store, shopping center, superstore, or warehouse/distribution center use in any district when the requirements of this section are met.

C. When a detached accessory building is occupied or intended to be occupied for an accessory commercial drone delivery hub (small), the floor area is limited to a maximum of 10% of the total floor area of the building containing the primary use.

.3 Drone Staging Areas

A. The drone staging area must be designated on an approved site plan.

B. The drone staging area must not be placed:

- i. Within any required building setbacks;
- ii. Within any required landscape edge;

- iii. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or
 - iv. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.
- C. As an accessory use, the drone staging area is limited to 10% of the total lot area or 1,000 square feet, whichever is greater. A drone staging area located inside of or on the roof of the building containing the primary use is not subject to this limitation.
- D. When located at grade, any goods, materials, containers, trailers, or other equipment must be screened according to the requirements for open storage in Sec. 19.200. Landing pads are exempt from this screening requirement. The Planning & Zoning Commission may waive these requirements with approval of a site plan.
- E. When a drone staging area is located on top of a building:
 - i. Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements in Sec. 20.300; and
 - ii. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except a single mast up to 10 feet in height for a windsock may exceed the maximum height requirement.
- F. Antennas and antenna support structures are subject to the requirements in Sec. 15.200.

G. Proximity to Noise-Sensitive Uses

- i. The drone staging area for a commercial drone delivery hub (small) shall not be located within 150 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located.
- ii. The drone staging area for a commercial drone delivery hub (large) shall not be located within 300 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located. The 300-foot buffer requirement may be reduced to 150 feet if City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

- iii. The measurement of the required buffer is to be made in a straight horizontal line from the edge of the drone staging area to the closest property line of a property containing a dwelling, retirement and supportive housing facility use, or public park.

.4 Parking and Loading

- A. Parking is not required for an accessory commercial drone delivery hub use.
- B. Loading spaces shall be provided for a commercial drone delivery hub as per the requirements in Sec. 16.1400 for retail, commercial, and industrial uses. Loading spaces are not required for an accessory commercial drone delivery hub use.
- C. The Planning & Zoning Commission may decrease the amount of required parking for a site by up to 10% to accommodate the drone staging area for a commercial drone delivery hub with approval of a site plan. The parking reduction is revoked if the commercial drone delivery hub use is removed.

Section VI. Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add the following:

Parking Space Schedule for Nonresidential Uses in all Districts

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Nonresidential Uses
Commercial Drone Delivery Hub (Large) or Commercial Drone Delivery Hub (Small)	One space per 1,000 square feet of floor area for storage or warehousing, plus one space per 300 square feet of floor area for office, customer service, or other areas. A minimum of one parking space per 300 square feet of the designated drone staging area is required for commercial drone delivery hubs with no buildings.

Section VII. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VIII. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section IX. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section X. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section XI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 26th day of February, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Date: November 17, 2023

To: Honorable Mayor and City Council

From: Christina D. Day, AICP, Director of Planning

Subject: Additional Information on Drones and Advanced Air Mobility Aircraft and Zoning Case 2023-014

During its consideration of Zoning Case 2023-014, City Council expressed a desire for additional background information before making a decision on the case. Staff has compiled information on drones and Advanced Air Mobility, privacy concerns, noise concerns, peer city standards, and existing standards in the Zoning Ordinance to support this request. To summarize:

1. Additional information on Advanced Air Mobility aircraft is provided.
2. State law includes privacy protections associated with drones.
3. Noise varies greatly among different drone models, but is generally at or below 75 decibels (dB) from the proposed 150- and 300-foot buffer distances, at or below 68 dB during flight, and the loudest at the delivery location.
 - The city has no ability to control or regulate the delivery location or flight path as part of operations.
4. Other cities have taken three general approaches to address commercial drone delivery hubs in their communities: no regulations, interpretation as an existing defined land use, or adoption of a newly defined land use.
 - Other use-specific standards are limited to a Planned Development (PD) district.
5. Several peer cities use the term “rotary wing aircraft” in their heliport definitions and cities with a vertiport definition use the terms “rotary wing” or “tiltrotor aircraft” which is more permissive than our “helicopter” language – indicating allowance of modern, Advanced Air Mobility aircraft without changes to their ordinances.
6. Open storage screening requirements have been in the Zoning Ordinance since 1971, and P&Z recommended consistent application of the standards to land uses, existing and proposed, in the interest of fairness. The take-off and landing area is exempted from screening; only storage of materials was required to be screened consistent with other business interests. The screening is similar in height to the items screened, and no impacts of screening open storage have been heard to date beyond financial impacts that would be common to all businesses. Screening consisting of landscaping, masonry, or

concealed placement is required for open storage, including shipping containers, throughout the city.

This memo and the attached exhibits include a more detailed discussion of these topics.

1. Drones and Advanced Air Mobility

Advanced Air Mobility (AAM) aircraft include a range of technologies, such as unmanned aerial vehicles, vertical take-off and landing (VTOL) aircraft, and electric or hydrogen aircraft. Drones – referred to as unmanned or uncrewed aircraft (UAs) in most industry settings – are included when referring to AAM.

The proposed amendments to the Zoning Ordinance are largely for drones engaged in the delivery of commercial goods. This is reflected by the proposed definition, which identifies “*unmanned aircraft... [used] to distribute commercial goods by air.*” Under this definition, drones engaged in the transport of people would not be included within the proposed commercial drone delivery hub (large) land use. A fact sheet showing several commercial delivery drones in use is provided in Exhibit A.

AAM aircraft that transport people, whether piloted or drone-operated, would be captured under the amended definitions for heliports and helistops. The proposed amendments include the addition of the phrase “passenger aircraft” to ensure that future drone taxis are subject to the same requirements as a helicopter or other AAM aircraft with an onboard pilot.

It is worth noting that drone taxis are not anticipated in the near future, as that industry is currently focused on the development and introduction of AAM aircraft with onboard pilots. The first commercial passenger flights in the United States are expected in 2025 and initial operations are expected to use existing helicopter infrastructure. As the sector matures, operators plan to introduce “vertiports,” which would form a mobility network. Flights to locations other than a heliport or vertiport are not part of the current discussion on AAM to staff’s knowledge, but may be part of the long-term vision.

Both the [Texas Department of Transportation](#) and the [U.S. Department of Transportation](#) have assembled working groups to develop plans for the introduction of AAM service and infrastructure. [Dallas Fort Worth International Airport](#) has signed a memorandum of understanding with an AAM operator to explore development of a vertiport network in the region.

The city’s helicopter regulations are relatively strict. Heliport and helistop are allowed by right in only the CE and CB-1 zoning districts, citywide; however, the use is disallowed within 1,000 feet of an existing residence, or land within the Neighborhoods Future Land Use category. Additional details on this regulation can be found in Section 10.1000 of the [Zoning Ordinance](#). The availability to request an SUP is found in 10 of 15 commercial districts for Helistop and 7 of 15 for Heliport. Both uses are prohibited in residential districts, with the exception of the Agricultural district, which allows a heliport by SUP. Additionally, the Ordinance has use-specific standards in Section 15.600 that provide for setbacks from specific uses and the ability for City Council to waive the setbacks. If amended, AAM service would be required to abide by the same regulations, with very little opportunity for by-right operations (essentially only in the Legacy Business Park area, where the distance requirements can be met).

2. Privacy Concerns

Privacy is a key concern among the public when discussing drones, as these aircraft are equipped with cameras for navigation. Questions about the specifications of the cameras, data relay, and data storage are best directed to drone operators, but staff generally understands that:

- Cameras for navigation tend to be fairly low-resolution and do not have a zoom capability, as they only need to be able to identify immediate hazards; and
- Data is not recorded.

The city cannot adopt or enforce any ordinance related to the operation of a drone. This is specifically restricted by the State of Texas in [Government Code 423.009](#). Under the Government Code, the city may adopt ordinances regarding:

- The use of a drone during a defined special event, such as the Plano Balloon Festival;
- The city's use of a drone, such as by the Plano Police Department; or
- The use of a drone near a facility or infrastructure owned by the city, subject to approval by the FAA and a public hearing.

Chapter 423 of the Government Code contains language protecting privacy. In 2022, the US District Court for the Western District of Texas struck the privacy-related sections of Chapter 423 as unconstitutional ([NPPA v. McCraw](#)). However, on October 23, 2023, the 5th Circuit Court of Appeal overturned the district court's decision ([NPPA v. McCraw](#)). Staff reports provided previously were written based on the 2022 decision.

The FAA generally does not restrict the flight paths that commercial delivery drones take to their destinations, provided the drone stays within the airspace below 400 feet above ground level and does not enter restricted airspace, such as around commercial airports. There are broad restrictions on operation over people and vehicles, which is only permitted under certain criteria outlined in [Subpart D of Part 107 of the Code of Federal Regulations](#).

3. Noise Concerns

Drones generate noise the same as any other motorized vehicle. Study into noise emission, perception of noise, and noise abatement is limited but ongoing. Many factors can affect noise, including aircraft size, take-off weight, travel speed, distance from the ground, ground and weather conditions, rotor speed, and aircraft design. The size and weight of drones in active operation vary significantly, and, as such, it is difficult to come up with a typical maximum noise exposure level. Noise studies for drones in use by Amazon Prime Air, Flytrex (Causey Aviation), UPS, Wing Aviation, and Zipline are available from the FAA as part of published [Final Environmental Assessments](#).

Select key measurements are provided in the table below, and a comparison showing typical sound exposure levels of various outdoor and indoor noise sources is provided in Exhibit B. Ground level measurements from 150 and 300 feet of the launch pad were chosen, if available,

as these are the proposed buffer distances from a drone staging area to sensitive land uses. Measurements for Zipline's drone are not included, as the available noise study is for a model not used in urban settings.

Drone Operator/Model	Distance from Receiver	Max. Sound Exposure Level
Amazon Prime Air MK27-2	142 ft. from launch pad	83.0 dB
	306 ft. from launch pad	75.8 dB
	165 ft. above ground level (typical cruising altitude)	67.7 dB
	32.8 ft. above ground level (typical delivery altitude)	96.5 dB
Flytrex FTX-M600P	150 ft. from launch pad	69.7 dB
	216 ft. above ground level (typical cruising altitude)	66.4 dB
	0 ft. above ground level (typical delivery altitude)	81.0 dB
UPS Matternet Model M2	150 ft. from launch pad	79.0 dB
	250 ft. above ground level (typical cruising altitude)	67.8 dB
	20 ft. from landing pad (typical safety distance)	90.1 dB
Wing Aviation Hummingbird 7000W-B	150 ft. from launch pad	75.2 dB
	150 ft. above ground level (typical cruising altitude)	65.2 dB
	28.3 ft. above ground level (typical delivery altitude)	86.5 dB

Noise exposure is highest at the delivery point, as this is where the drone is closest to the receiver and also maintains a hover. The city does not have the ability to regulate or control where drones perform deliveries due to FAA pre-emption and State laws restricting drone ordinances.

4. Peer City Standards

Staff researched the zoning regulations of other cities in Texas that are known to have commercial drone delivery operations. Staff also researched a small number of notable cities outside Texas that have used their zoning ordinances to support or restrict commercial drone delivery hubs. These findings are provided in Exhibit C. Generally, cities made one of three interpretations:

1. The use is accessory or incidental to another permitted use, such as a retail store.
2. The use is contained within an existing defined land use, such as a warehouse/distribution center or heliport, and is subject to the same standards.
3. The use is defined separately as a new land use.

There are very few examples of cities using zoning to regulate commercial drone delivery hubs and only one example of use-specific regulations. A general drone ordinance establishing requirements for the operation of unmanned aircraft within the city is more common, but these do not control land use and this type of ordinance regulating the operation of an aircraft is specifically prohibited by the State of Texas in [Government Code 423.009](#).

5. Definitions: Rotary Wing Aircraft vs. Helicopter

Staff also researched how peer cities in Texas define heliports and helistops in their zoning ordinances to determine whether the proposed changes were appropriate. Staff also looked at a small number of communities outside Texas that have introduced a new vertiport land use to their zoning ordinances. These findings are provided in Exhibit D. In summary:

- Many cities use the term “rotary wing aircraft” in the definition of a heliport, which is consistent with the proposed amended definition;
- Dallas uses the term “rotary wing aircraft” in their definition of a heliport, which is the land use applicable to the vertiport at the Kay Bailey Hutchison Convention Center Dallas; and
- The two cities with vertiport definitions use the phrases “tiltrotor aircraft” and “rotary wing aircraft,” which is consistent with the proposed amended definition.

6. Open Storage and Screening

The purpose of these amendments is to provide a solution that will allow operators in Plano as a permanent land use, consistent with community standards, for the foreseeable future. As trends change, the ordinance will need to be updated.

Screening is required for open storage throughout the city as described in [Article 19 of the Zoning Ordinance](#). These requirements are largely the same today as they were in 1971 when they were introduced. Specifically:

- Open storage must be screened from view of streets in the LI-1 and LI-2 districts;
- Open storage must be screened from view of streets and neighboring properties in all other districts; and
- Screening may be provided in the form of another building, a masonry wall between six and eight feet high, or landscaping in the form of an irrigated living screen between six to eight feet high. P&Z may waive the screening requirement if no public purpose would be served or if there are natural features, such as topography or vegetation, that provide sufficient screening.

Open storage is defined in the Zoning Ordinance as “*The keeping outside of goods, materials, containers, vehicles, trailers, or other equipment on a lot or tract.*” This includes shipping containers, such as the ones that some commercial drone delivery operators use to store their aircraft when not in use. It also includes trailer-mounted generators, which are common for operators who do not have shore power, or power directly available from the primary building.

Currently, any person or business that wishes to utilize a shipping container for storage is subject to the requirements for open storage, no matter the land use. The city receives requests from other businesses on a somewhat regular basis, looking to store goods, such as shipping containers or modified shipping containers, on their property, and the Zoning Ordinance provides

a consistent answer to these requests. Containers are included in the definition of open storage and are therefore subject to the location and screening requirements for open storage.

The proposed amendments would allow a commercial drone delivery operator to locate open storage, including shipping containers, within the designated drone staging area. The open storage must be screened, with the exception of the landing pads, unless waived by the Planning & Zoning Commission as part of the site plan approval process.

The location of a designated drone staging area is not as restrictive as the location of open storage. For example, open storage is not permitted in front of a building in the Retail (R) district, but a drone staging area would be allowed in front of a building. Allowing the drone staging area to be located in front of a building provides greater separation from neighborhoods located behind the shopping center and appears to be a preferred location for drone delivery operators based on discussions with operators and site visits. The below image shows, in red, the approximate location of a commercial drone delivery hub in Frisco. Open storage could be located in this drone staging area, provided that it is directly associated with an active commercial drone delivery hub land use and is screened appropriately.



It is important to emphasize that the proposed amendments exempt landing pads from the screening requirement, and screening would only be required for other open storage, such as shipping containers. An 8-foot tall masonry fence should pose no more of a navigational hazard than the 8-foot tall container it screens.

Additionally, at the direction of the Planning & Zoning Commission, the amendments include an allowance for the Commission to waive the screening requirements at the time of site plan approval.

These screening standards for open storage apply citywide, no matter the use, as having varying screening standards for structures that are the same except for their use is likely to cause confusion and enforcement issues over time. For example, a superstore with an accessory commercial drone delivery hub could have two sets of shipping containers: one used for overflow storage associated with the superstore and one used for drone storage located in the drone staging area. Under the proposed regulations, both of these shipping containers must be screened.

UNMANNED AIRCRAFT (DRONES) REFERENCE SHEET (1/3)

Summary of commercial delivery drones currently in use in Texas



Source: Amazon.com Inc.



Source: Amazon.com Inc.

AMAZON PRIME AIR MK27-2 UA

Amazon Prime Air serves two markets in College Station, TX, and San Joaquin County, CA. The operator received Part 135 air carrier certification to operate within a 43.7 square mile service area.

The MK27-2 is a hybrid rotary wing and fixed wing "tail sitter" aircraft, which takes off and lands vertically and switches to a horizontal orientation in flight. Deliveries are dropped from a compartment in the aircraft tail.

MK27-2 Key Statistics

Max. 91.5lbs take-off weight
Max. 5lbs payload
Approx. 4 mile service radius
52 knots cruising speed
180 feet AGL cruising altitude
13 feet AGL delivery altitude



Source: Flytrex Inc. via Business Insider

CAUSEY AVIATION UNMANNED FLYTREX FTX-M600P UA

Causey Aviation Unmanned and Flytrex provide delivery service in Granbury, TX, and in North Carolina. The operator received Part 135 air carrier certification to operate within a 16.6 square mile service area in each of the North Carolina markets. An application to expand the Part 135 certificate to Granbury and Rowlett is under review by the FAA.

The FTX-M600P is a rotary wing aircraft. Deliveries are lowered by a tether.

FTX-M600P Key Statistics

Max. 33.4lbs take-off weight
Max. 6.6lbs payload
Approx. 2 mile service radius
29 knots cruising speed
230 feet AGL cruising altitude
82 feet AGL delivery altitude



Source: Flytrex Inc.

The information provided in this summary is taken from publicly-available sources including company websites, press releases, and reports by the Federal Aviation Administration. The City of Plano does not take responsibility for the accuracy, reliability, or completeness of the information.

UNMANNED AIRCRAFT (DRONES) REFERENCE SHEET (2/3)

Summary of commercial delivery drones currently in use in Texas



Source: DroneUp LLC via Ars Technica



Source: Watts Innovations Inc.



Source: Wing Aviation™



Source: Wing Aviation™

DRONEUP WATTS INNOVATIONS PRISM UA

DroneUp has 34 hubs across the United States, including 11 in the Dallas-Fort Worth Metroplex. Operations are currently under Part 107.

The PRISM unmanned aircraft is a rotary wing aircraft available in a quadcopter (4 rotor) or coaxial (8 rotor) configuration. Deliveries are lowered by a tether.

PRISM Key Statistics

- Max. 35lbs take-off weight (Quadcopter)
- Max. 55lbs take-off weight (Coaxial X8)
- Max. 5lbs payload (Quadcopter)
- Max. 25lbs payload (Coaxial X8)
- Approx. 1 mile service radius
- Max. 51 knots cruising speed
- 300 feet AGL cruising altitude
- 80 feet AGL delivery altitude

WING AVIATION HUMMINGBIRD 7000W-A UA

Wing Aviation serves two American markets in Texas and Virginia, and is also active in Australia, Finland, and Ireland. The operator received Part 135 air carrier certification to operate two hubs in Frisco and Little Elm, TX with a total 97.3 square mile service area.

The Hummingbird 7000W-A is a hybrid rotary wing and fixed wing “convertiplane” aircraft. Deliveries are lowered by a tether.

Hummingbird 7000W-A Key Statistics

- Max. 15lbs take-off weight
- Max. 2.65lbs payload
- Approx. 4 mile service radius
- 56 knots cruising speed
- 300 feet AGL cruising altitude
- 23 feet AGL delivery altitude

The information provided in this summary is taken from publicly-available sources including company websites, press releases, and reports by the Federal Aviation Administration. The City of Plano does not take responsibility for the accuracy, reliability, or completeness of the information.

UNMANNED AIRCRAFT (DRONES) REFERENCE SHEET (3/3)

Other commercial delivery drone operators of note

AMERIFLIGHT MATTERNET MODEL M2 UA

Ameriflight is a Dallas-based cargo airline that received FAA approval to add the M2 UA to their fleet in May 2023, allowing drone delivery nationwide. Early operations will be focused on healthcare and e-commerce.



Source: Matternet

M2 Key Statistics

Max. 29.1lbs take-off weight
Max. 4.4lbs payload
31 knots cruising speed
250 feet AGL cruising altitude
Delivery performed at ground level

MANNA MNA-1090 UA

Manna is a Dublin-based operator that in March 2023 announced plans to enter the Dallas market. They are partnering with developer Hillwood to bring drone delivery to the AllianceTexas development (Fort Worth).



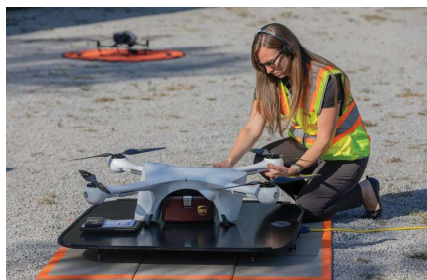
Source: Manna Drone Delivery via Business Insider

MNA-1090 Key Statistics

Max. 4.4lbs payload
Approx. 1.8 mile service radius
43 knots cruising speed
200 feet AGL cruising altitude
50 feet AGL delivery altitude

UPS FLIGHT FORWARD MATTERNET MODEL M2 UA

UPS has a Part 135 certificate for operations in Florida, North Carolina, and Ohio. Service areas are up to 40.4 square miles, but flights are between distribution centers rather than to customers' residences.



Source: UPS via Forbes

M2 Key Statistics

Max. 29.1lbs take-off weight
Max. 4.4lbs payload
31 knots cruising speed
250 feet AGL cruising altitude
Delivery performed at ground level

ZIPLINE SPARROW "ZIP" UA

Zipline has a Part 135 certificate for operations in Arkansas, North Carolina, and Utah.

The P1 Zip is a fixed wing aircraft with approved service areas up to 1,675 square miles, ideal for rural areas. Deliveries are made using a parachute system as the aircraft cannot hover.

The P2 Zip is a hybrid rotary wing and fixed wing "convertiplane" aircraft that was recently announced in March 2023. Deliveries are lowered by a tether.



Source: Zipline International Inc.

P1 Zip Key Statistics

Max. 49.3lbs take-off weight
Max. 4lbs payload
Approx. 50 mile service radius
50 knots cruising speed
250 feet AGL cruising altitude
60 feet AGL delivery altitude

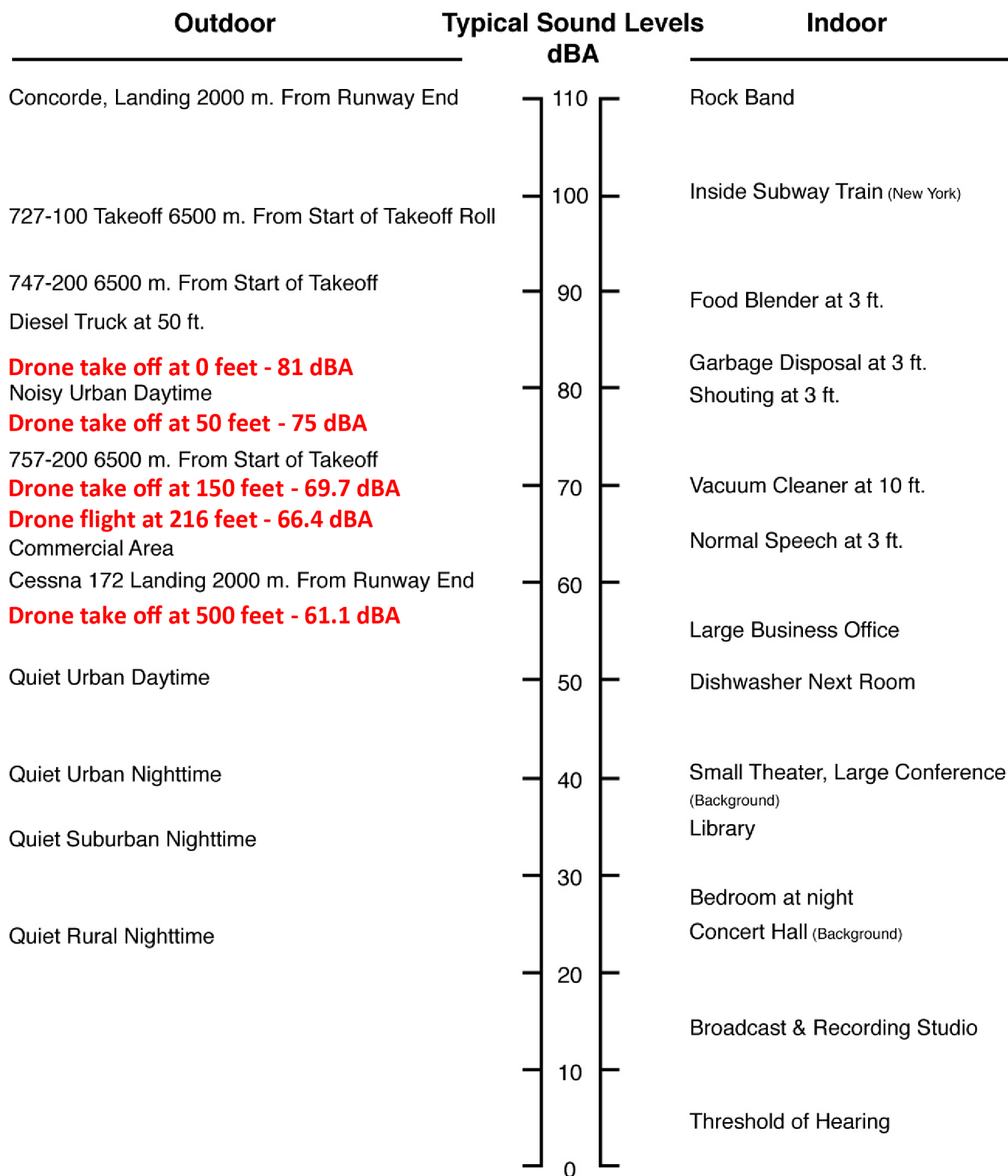


Source: Zipline International Inc.

P2 Zip Key Statistics

Max. 55lbs take-off weight
Max. 8lbs payload
Approx. 10 mile service radius
60 knots cruising speed
300 feet AGL cruising altitude
300 feet AGL delivery altitude

The information provided in this summary is taken from publicly-available sources including company websites, press releases, and reports by the Federal Aviation Administration. The City of Plano does not take responsibility for the accuracy, reliability, or completeness of the information.



Common environmental sound levels, originally from "Expressway Corridor Environmental Healthy Study" prepared by HMMH dated September 2019. Drone noise data from "Noise Assessment for Causey Proposed Package Delivery Operations with Flytrex FTX-M600P Unmanned Aircraft," prepared by HMMH dated February 28, 2022.

UNMANNED AIRCRAFT (DRONES) ZONING REGULATIONS		
Municipality	Land Use Interpretation	Standards and Regulations
Albion, MI	Drone (Unmanned Aerial) Center: no definition.	Permitted by right in industrial districts.
Allen, TX	Helipport: A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.	Requires an SUP.
Bentonville, AR	Long-term Temporary Use or Structure: Land uses that are not permanent in nature and often include, but are not limited to, carnivals, circuses, tent revivals, real estate sales offices, construction facilities, special sales events, community events, private special events, and Christmas tree stands.	Requires an SUP.
College Park, GA	Unmanned Aircraft System Dispatch and Delivery Center: A property and/or building thereon that serves as a base for drones to initiate delivery of commercial products or services to retail or wholesale customers which may, but does not have to, contain storage capacity for said commercial products or service tools and/or the control center for dispatch and flight regulation of said drones, and which has been approved for drone usage by FAA registration and waiver.	Permitted by right in industrial districts; requires an SUP in one commercial district.
College Station, TX	Consumer, small-scale aerial distribution: The use of drones or similar devices weighing less than 100 pounds on takeoff, including everything on board or otherwise attached to the drone, to enable the receipt, storage, and distribution of packages by air. Distribution of consumer packages by land must be limited to 5 trips per day.	Use and definition are specific to a PD; take-off and landing area are shown on a concept plan as an exhibit to the PD; landscape buffer required.
The Colony, TX	Helistop: A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of six thousand (6,000) pounds and not for regularly scheduled stops and subject to approval by the City of The Colony.	Requires an SUP.
Dallas, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Frisco, TX	Use is unlisted.	One location has a temporary use on an existing helipad. Use may be added in the future.
Garland, TX	Use is unlisted.	Allowed incidental to a primary use; use is currently unlisted but may be added in the future.

UNMANNED AIRCRAFT (DRONES) ZONING REGULATIONS

Municipality	Land Use Interpretation	Standards and Regulations
Granbury, TX	Kiosk: A small, free-standing, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices, and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 25 square feet.	No specific standards beyond the restrictions contained in the “Kiosk” definition.
Holly Springs, NC	Temporary use: no definition provided.	Requires a temporary use permit.
Little Elm, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Mesquite, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Murphy, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Richardson, TX	Has not made a determination to date, but may technically be permitted in the current definition of Helipad: A landing pad for use by rotary wing aircraft not including on-site servicing or fueling facilities for such aircraft.	Helipad requires an SUP if determined to be this use.
Rogers, AR	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
San Joaquin County, CA	Warehouse, Storage, and Distribution: Storage and distribution facilities with incidental onsite sales to the public or public storage in small individual spaces exclusively and directly accessible to a specific tenant. Small showrooms may be included as an accessory use.	No specific standards.

HELICOPTERS AND ADVANCED AIR MOBILITY (AIR TAXIS) ZONING REGULATIONS		
City	Land Use Definition	Standards and Regulations
Plano, TX	Heliport: an area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters , and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.	Requires SUP. Sec. 15.600 1,000 feet setback from sensitive uses.
Allen, TX	Heliport: a landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.	Requires SUP.
Austin, TX	Heliport: means the area of land, water, or a structure used or intended to be used permanently for the landing and takeoff of helicopters , together with appurtenant buildings and facilities.	Requires heli-facility permit. Article 4 (Heliports and helicopter operations) of Chapter 13-1 (Aviation Services) of Title 13 (Transportation Services) of the Code of the City of Austin.
Arlington, TX	Heliport: An area designed to be used for the landing or takeoff of helicopters , including operating facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.	Requires an SUP.
Carrollton, TX	No defined land use.	
Chicago, IL	Vertiport: A landing facility for one or more tiltrotors or helicopters that may include fueling stations, helicopter or tiltrotor storage or other service-related functions, such as, but not limited to, service or maintenance hangers. Vertiports may only be located at ground level.	
The Colony, TX	Heliport: means an area of land, water or a structural surface containing fuel facilities that is designed, used or intended to be used for the landing and takeoff of helicopters , and any appurtenant areas including buildings or other facilities such as parking, maintenance and repair facilities. Helistop: means a minimum facility without the logistical support provided by a heliport at which helicopters land and take off, including the touchdown area and parking and related facilities other than maintenance and repair buildings. A helistop may be at ground level or elevated on a structure.	Permitted by right in PD, HC, and I. Heliport permitted by SUP in A, LC, and BP. Helistop permitted by SUP in A, O2, SC, GR, LC, and BP.
Dallas, TX	Heliport: A facility for the landing and taking off of rotary wing aircraft .	By right with Residential Adjacency Review in IR and IM. By SUP in other districts.


HELICOPTERS AND ADVANCED AIR MOBILITY (AIR TAXIS) ZONING REGULATIONS		
City	Land Use Definition	Standards and Regulations
Frisco, TX	<p>Airport/Heliport: A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passenger.</p> <p>Helistop (Accessory Use): An accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.</p>	<p>Airport/heliport by SUP in I district.</p> <p>Helistop by SUP.</p> <p>Hospital definition includes helistop.</p> <p>Municipal uses definition includes helistop.</p>
Garland, TX	<p>Airport/Heliport: An area reserved or improved for the landing or take-off of aircraft, including rotary wing aircraft, which may include hangars, fueling, repair, and servicing facilities for aircraft, as well as facilities for passengers.</p> <p>Helipad: An area of land or water, or a structural surface, which is used or intended for use for the landing and taking off of helicopters. The term does not include refueling, maintenance, repairs, or overnight storage of helicopters.</p>	<p>Airport/heliport permitted by SUP in HC and IN only.</p> <p>Helipad permitted by SUP in other districts.</p>
Irving, TX	<p>Aviation facilities such as airports and heliports: not defined.</p>	<p>Aviation facilities such as airports and heliports are considered environmentally sensitive land uses and generally not permitted except in a Site Plan Zoning District approved by P&Z and Council. (<i>Note: seems the same as Plano's PD process</i>)</p>
McKinney, TX	<p>Airport, Heliport, Landing Field, and Aircraft Hangar: A landing area, runway, or other facility designed, used, or intended to be used for air transportation, including all necessary taxiways, control towers, aircraft storage and tie-down areas, hangars, and other necessary buildings, facilities, and open spaces. Auxiliary facilities may include parking, waiting rooms, fueling, and maintenance equipment.</p> <p>Helistop: A designated, marked area on the ground or the top of a building or structure where helicopters may land, load and takeoff. This accessory use does not include the fueling or storage of aircrafts.</p>	<p>Airport etc. permitted by SUP in I1 and by right in AP.</p> <p>Helistop permitted by SUP as an accessory use.</p> <p>Hospital may include a helipad.</p>
Orlando, FL	<p>Vertiport: An identifiable ground or elevated area, including any buildings or facilities thereon, that has been designated to be used for the takeoff and landing of tiltrotor aircraft and rotorcraft.</p>	<p>Use-specific standards in Part 4P.</p> <p>Permitted by SUP.</p>
Richardson, TX	<p>Helipad: means a landing pad for use by rotary wing aircraft not including on-site servicing or fueling facilities for such aircraft.</p>	<p>Permitted by SUP.</p>


HELICOPTERS AND ADVANCED AIR MOBILITY (AIR TAXIS) ZONING REGULATIONS		
City	Land Use Definition	Standards and Regulations
San Antonio, TX	<p>Heliport: That area used by helicopters or other steep gradient aircraft for take-offs and landings. Such area may include passenger, cargo, maintenance and overhaul facilities, plus fueling service, storage space, tie-down area, hangars and other accessory buildings and open spaces.</p> <p>Helistop: That area used by helicopters or other steep gradient aircraft for the purpose of takeoffs and landings. Such area may be used for the pickup or discharge of passengers and cargo, storage space, and tie-down area, but shall not include maintenance, overhaul, or fueling services and facilities.</p>	<p>Permitted by SUP.</p> <p>Article III (Heliports, Helistops) of Chapter 3 (Airports) of the Code of Ordinances of San Antonio.</p> <p>500 feet setback to noise-sensitive uses, Council may reduce to no less than 250 feet.</p>
Sugar Land, TX	<p>Helipad (Accessory): An accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.</p> <p>Heliport: A place where helicopters can land and take off, equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.</p> <p>Helicopter: means an aircraft whose support in the air is derived from the aerodynamic forces acting on one or more rotors turning about a substantially vertical axis. (Note: this could be interpreted to include AAM aircraft)</p>	<p>Helipad and heliport permitted by CUP.</p> <p>Municipal airport land use includes helipads.</p> <p>750 feet setback to noise-sensitive uses.</p> <p>2,400 feet setback to other helipads/heliports.</p> <p>Also, Article VII (Heliports and Helistops) of Chapter 4 (Licenses, Permits, and Business Regulations) of the Code of Ordinances of Sugar Land.</p>

DATE: October 3, 2023

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission
Christina D. Day, AICP, Director of Planning 

SUBJECT: Results of Planning & Zoning Commission Meeting of October 2, 2023 

AGENDA ITEM NO. 3 - ZONING CASE 2023-014
PETITIONER: CITY OF PLANO

Request to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft. Tabled on August 21, 2023. Project #ZC2023-014.

APPROVED: 6-2

Speaker Card(s) Received:	Support: <u>0</u>	Oppose: <u>1</u>	Neutral: <u>1</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>0</u>	Oppose: <u>2</u>	Neutral: <u>2</u>

First Vice Chair Cary and Commissioner Lisle voted in opposition to the item.

RESULTS:

The Commission recommended the item for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

- Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended and new definitions to read as follows:**

Commercial Drone Delivery Hub (Large)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft, including but not limited to those defined under Commercial Drone Delivery Hub (Small), to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Commercial Drone Delivery Hub (Small)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by small unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as

defined in Section 44801 of Title 49, United States Code, as amended, whichever is the lesser, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Drone Staging Area

A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment. (See Sec. 15.100.3)

Heliport

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of ~~helicopters~~ rotary wing and tiltrotor passenger aircraft, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities. (See Sec. 15.600)

Helistop

The same as a heliport, except that no refueling, maintenance, repairs, or storage of ~~helicopters~~ aircraft is permitted. (See Sec. 15.600)

- 2. Amend Sec. 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:**

RESIDENTIAL ZONING DISTRICTS			
Use Type		Use Category	
<u>Commercial Drone Delivery Hub (Large)</u>	<u>EIPS</u>	A - Agricultural	
		ED - Estate Development	
<u>Commercial Drone Delivery Hub (Small)</u>	<u>EIPS</u>	SF-20 - Single-Family-20	
		SF-9 - Single-Family-9	
		SF-7 - Single-Family-7	
		SF-6 - Single-Family-6	
		UR - Urban Residential	
		PH - Patio Home	
		SF-A - Single-Family Attached	
		2F - Two Family (Duplex)	
		GR - General Residential	
		MF-1 - Multifamily-1	
		MF-2 - Multifamily-2	
		MF-3 - Multifamily-3	
	MH - Mobile Home		
	RCD - Residential Community Design		

3. Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

NONRESIDENTIAL ZONING DISTRICTS														
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1
Commercial Drone Delivery Hub (Large)	EIPS									13 10				13 10
Commercial Drone Delivery Hub (Small)	EIPS		13	13	13	13	13	13	13	13	13	13	13	13 10
														13

4. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such note to read as follows:

Number	End Note
3	[Reserved] See Sec. 15.100

5. Amend Section 15.100 ([Reserved]) of Article 15 (Use-specific Regulations), such section to read in its entirety as follows:

Sec. 15.100 [Reserved] Commercial Drone Delivery Hubs

These regulations apply to both commercial drone delivery hub (large) and commercial drone delivery hub (small) uses, except where individually referenced.

.1 Commercial Drone Delivery Hubs (Large)

A commercial drone delivery hub (large) may be allowed, if and where granted a specific use permit, in the CE, LI-1, and LI-2 districts if the requirements of this section are met.

.2 Commercial Drone Delivery Hubs (Small)

A. A commercial drone delivery hub (small) is allowed as a primary use in the CE, LI-1, and LI-2 districts when the requirements of this section are met.

B. A commercial drone delivery hub (small) is allowed as an accessory use to a permitted food/grocery store, restaurant/cafeteria, retail store, shopping center,

superstore, or warehouse/distribution center use in any district when the requirements of this section are met.

- C.** When a detached accessory building is occupied or intended to be occupied for an accessory commercial drone delivery hub (small), the floor area is limited to a maximum of 10% of the total floor area of the building containing the primary use.

.3 Drone Staging Areas

- A.** The drone staging area must be designated on an approved site plan.
- B.** The drone staging area must not be placed:
- i.** Within any required building setbacks;
 - ii.** Within any required landscape edge;
 - iii.** Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or
 - iv.** So as to obstruct visibility or interfere with pedestrian or vehicle circulation.
- C.** As an accessory use, the drone staging area is limited to 10% of the total lot area or 1,000 square feet, whichever is greater. A drone staging area located inside of or on the roof of the building containing the primary use is not subject to this limitation.
- D.** When located at grade, any goods, materials, containers, trailers, or other equipment must be screened according to the requirements for open storage in Sec. 19.200. Landing pads are exempt from this screening requirement. The Planning & Zoning Commission may waive these requirements with approval of a site plan.
- E.** When a drone staging area is located on top of a building:
- i.** Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements in Sec. 20.300; and
 - ii.** Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except a single mast up to 10 feet in height for a windsock may exceed the maximum height requirement.
- F.** Antennas and antenna support structures are subject to the requirements in Sec. 15.200.

G. Proximity to Noise-Sensitive Uses

- i.** The drone staging area for a commercial drone delivery hub (small) shall not be located within 150 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located.
- ii.** The drone staging area for a commercial drone delivery hub (large) shall not be located within 300 feet of any property upon which a dwelling, retirement

and supportive housing facility, or public park is located. The 300-foot buffer requirement may be reduced to 150 feet if City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

iii. The measurement of the required buffer is to be made in a straight horizontal line from the edge of the drone staging area to the closest property line of a property containing a dwelling, retirement and supportive housing facility use, or public park.

.4 Parking and Loading

- A.** Parking is not required for an accessory commercial drone delivery hub use.
- B.** Loading spaces shall be provided for a commercial drone delivery hub as per the requirements in Sec. 16.1400 for retail, commercial, and industrial uses. Loading spaces are not required for an accessory commercial drone delivery hub use.
- C.** The Planning & Zoning Commission may decrease the amount of required parking for a site by up to 10% to accommodate the drone staging area for a commercial drone delivery hub with approval of a site plan. The parking reduction is revoked if the commercial drone delivery hub use is removed.

6. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portion of the section to read as follows:

Parking Space Schedule for Nonresidential Uses in all Districts

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Nonresidential Uses
<u>Commercial Drone Delivery Hub (Large) or Commercial Drone Delivery Hub (Small)</u>	<u>One space per 1,000 square feet of floor area for storage or warehousing, plus one space per 300 square feet of floor area for office, customer service, or other areas. A minimum of one parking space per 300 square feet of the designated drone staging area is required for commercial drone delivery hubs with no buildings.</u>

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/273003?ts=6003>

JR/kob

cc: Mike Bell, Development Review Manager
Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 3

PUBLIC HEARING: Zoning Case 2023-014

PETITIONER: City of Plano

DESCRIPTION: Request to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft. Tabled on August 21, 2023. Project #ZC2023-014.

SUMMARY:

The purpose of this request is to add new land use definitions and regulations for commercial drone delivery services, consistent with the procedures for considering new and unlisted land uses in Section 14.400 of the Zoning Ordinance. Amendments to the Heliport and Helistop land use definitions are also requested to allow service by advanced mobility aircraft. These amendments are in conformance with the Comprehensive Plan and position the city ahead of these emerging technologies. For these reasons, staff recommends approval, as noted in the following recommendation section.

STAFF PRELIMINARY REPORT - REMARKS

BACKGROUND:

The topics of commercial drone delivery and advanced air mobility have been discussed at three prior Planning & Zoning Commission (Commission) meetings. The discussion originated from a request by a commercial drone delivery operator to construct a drone delivery hub, which is not listed as a use in the Zoning Ordinance. Section 14.400 of the Zoning Ordinance outlines the procedures for considering and adding new uses.

October 3, 2022

At the October 3, 2022, Commission meeting ([staff report](#) | [video](#)), staff presented information to the Commission with a request to determine whether commercial drone delivery hubs should be listed as a new land use in the Zoning Ordinance. The Commission noted the following comments, and they recommended additional information be brought forward at a future date:

1. The standards should address noise and privacy in whatever capacity the city is able to regulate or control these issues.
2. The Commission desired an opportunity for oversight through a specific use permit approval process.
3. Various stakeholders, including drone companies, should be involved in formulating the standards to ensure that what is considered and adopted is workable across the industry and will not require frequent or immediate amendments. The standards should consider what operations will look like in the near future, not just what is occurring today.
4. Drone taxi service amendments were generally acceptable as proposed.

June 19, 2023

At the June 19, 2023, Commission meeting ([staff report](#) | [video](#)), staff presented additional information and options for potential standards. This meeting was attended by representatives from commercial drone delivery companies, who also made presentations to the Commission. The Commission provided the following direction on the proposed commercial drone delivery hub land use options:

1. Two new land uses for small and large commercial drone delivery hubs are appropriate and should be tied to a federally-defined aircraft classification.
2. A small commercial drone delivery hub should not require a specific use permit. It should be permitted as a primary use in a limited number of districts and an accessory use in most nonresidential districts.
3. A large commercial drone delivery hub should always require a specific use permit and should be permitted in a limited number of districts.

4. A 150-foot setback from noise-sensitive uses is appropriate as a starting point and could be reviewed in the future with more data on noise exposure.
5. Opportunities to reduce parking requirements for properties with a commercial drone delivery hub should be explored.

After discussion, the Commission directed staff to prepare amendments to the Zoning Ordinance for consideration and called a public hearing.

August 21, 2023

At the August 21, 2023, Commission meeting ([staff report](#) | [video](#)), a public hearing was held on the proposed Zoning Ordinance amendments. At this meeting, staff was provided the following direction in response to the proposed standards for commercial drone delivery hubs:

1. Review the proposed standards related to small commercial properties and address any potential barriers to these properties having a commercial drone delivery hub. Specifically, staff was directed to review the maximum size of the take-off and landing area for an accessory commercial drone delivery hub (small) use and the required buffer from noise-sensitive uses.
2. Determine whether reducing parking requirements would be appropriate for properties with a commercial drone delivery hub.
3. Remove the requirement to screen any goods, materials, containers, trailers, and other equipment the same as open storage.
4. Remove the requirement to screen a take-off and landing area located on the roof of a building as rooftop mechanical or commercial antenna equipment.

After discussion, the Commission tabled the request and directed staff to refine the proposed standards for commercial drone delivery hubs.

Federal Aviation Administration and State Regulation

As discussed in the previous staff reports and Commission meetings, regulation of drones and other aircraft is largely preempted by the Federal Aviation Administration (FAA) or restricted by the State. The FAA has set rules for the operation of unmanned aircraft and is active alongside other government and corporate bodies in developing regulations, air traffic control systems, and safety technology for unmanned aircraft and advanced mobility aircraft. The State has limited involvement but passed legislation restricting the ability of municipalities to adopt or enforce ordinances regulating the operation of an unmanned aircraft in [Texas Government Code Section 423.009](#). The proposed Zoning Ordinance amendments regulate only land use, which is within the city's regulatory power. The proposal has been reviewed by the Office of the Chief Counsel of the Federal Aviation Administration, and they did not identify any preemption issues. They specifically stated, *"State and local laws may regulate the location of UAS takeoff and landing areas, which is what the proposal does."*

REMARKS

This report summarizes the overall proposal along with the amendments made since the last Commission meeting. These amendments are based on the Commission's direction and stakeholders' feedback. To aid the Commission, a copy of the proposed amendments with tracked changes – comparing the proposed amendments to those previously presented on August 21, 2023 – is provided in Exhibit A. The proposed amendments are provided in full as part of the staff recommendation at the end of this report.

PROPOSED CHANGES

Definitions

Two new land use definitions are proposed: Commercial Drone Delivery Hub (Small) and Commercial Drone Delivery Hub (Large). These land uses are functionally identical, except that Commercial Drone Delivery Hubs (Large) would be subject to more restrictive location standards than Commercial Drone Delivery Hubs (Small). The distinction between the two is that Commercial Drone Delivery Hubs (Small) are limited to small unmanned aircraft systems (sUAS), which are under 55 pounds total take-off weight. For simplicity, “drone hub” will be used in this report to refer to both proposed land uses collectively.

Commercial Drone Delivery Hub (Small)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by small unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as defined in Section 44801 of Title 49, United States Code, as amended, whichever is the lesser, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

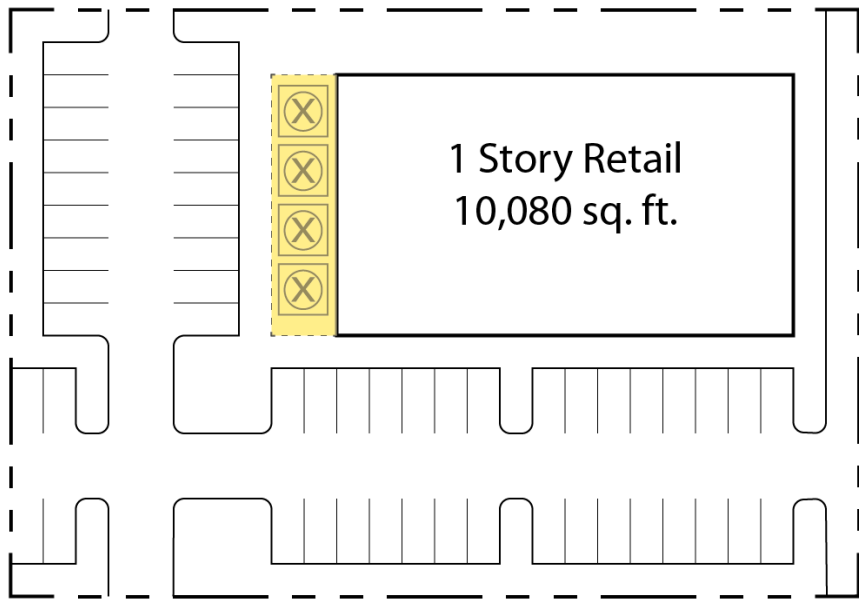
Commercial Drone Delivery Hub (Large)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft, including but not limited to those defined under Commercial Drone Delivery Hub (Small), to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Drone Staging Area

A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment.

The proposed definition for a drone staging area is not a land use but forms part of the drone hub. The drone staging area would be subject to size and location restrictions due to the noise impacts associated with unmanned aircraft coming and going. For example, buffers to residences would be measured from the edge of the designated drone staging area. A conceptual site plan is shown in the following illustration, with the drone staging area highlighted in yellow. The “Changes Made Since August 21, 2023” section, beginning on page 6, outlines more information on these areas.



General Site Data	Lot 1
Zoning	R
Land Use	Retail Store
Lot Area	35,100 sq. ft.
Building Footprint	10,080 sq. ft.
Lot Coverage	28.7%
Parking	
Parking Ratio	1:200
Required Parking	51
Provided Parking	52
Drone Staging Area	
Max. Permitted	3,510 sq. ft.
Provided	1,440 sq. ft.
Parking Reduction	None

The existing definitions for Heliport and Helistop land uses are proposed to be amended to allow for advanced air mobility aircraft, which do not meet the typical understanding of a helicopter. This includes a variety of aircraft types in development that utilize tiltrotor or other rotary wing configurations to achieve flight.

Zoning Districts Use Tables

The drone hub uses will also be added to the use tables in Article 14 (Allowed Uses and Use Classifications). Neither of the drone hub uses is proposed to be permitted in a residential district. Each would be permitted in select nonresidential districts with some limitations. These use permissions would be detailed in Section 15.100 of Article 15 (Use-specific Regulations) of the Zoning Ordinance.

Commercial Drone Delivery Hubs (Large) are proposed only to be permitted with a specific use permit (SUP) in the Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), and Commercial Employment (CE) districts. These districts permit the Warehouse/Distribution Center land use, which is expected to be complementary to operators using drones larger than 55 pounds. The SUP requirement would allow greater control over drone hubs with larger drones, which are expected to generate more noise.

Commercial Drone Delivery Hubs (Small) would not require an SUP and are proposed to be permitted by right as accessory uses to certain retail and warehousing uses in all nonresidential districts except for Neighborhood Office (O-1), as this district does not permit the identified retail or warehouse uses. The use is also proposed to be permitted by right as a primary use in LI-1, LI-2, and CE. These use permissions would be detailed in Article 15 (Use-specific Regulations).

Use	Type	How Permitted
Commercial Drone Delivery Hub (Large)	Primary or Accessory Use	Permitted with Specific Use Permit in CE, LI-1, LI-2
Commercial Drone Delivery Hub (Small)	Primary Use	Permitted by right in CE, LI-1, LI-2
Commercial Drone Delivery Hub (Small)	Accessory Use to Grocery Store, Restaurant, Retail, or Warehouse uses	Permitted by right in all nonresidential districts except O-1

Use-Specific Standards

The bulk of the proposed amendments are new use-specific standards. The proposed standards would apply to both drone hub land uses, except for a more restrictive buffer requirement that would apply to Commercial Drone Delivery Hub (Large) only. The proposed amendments are modeled after existing standards for similar land uses.

- Drone staging area: The drone staging area must be shown on an approved site plan, is not permitted to be located on certain areas of the site, and would have limits on the total size. Screening would be required in some situations, as described below.
- Drone hubs on roofs: The proposed size limit would not apply to a drone staging area located on the roof of the primary building, which is intended to encourage the utilization of the roof. When located on a roof, some screening for roof-mounted equipment, consistent with current requirements, would be required. Any screening or structure on the roof would need to be within the allowable building height, with a single exemption for a wind sock.
- Proximity to noise-sensitive uses: A buffer would be required from the edge of the drone staging area to certain land uses, including residences, public parks, and retirement and supportive housing facilities. A 150-foot buffer is required for a Commercial Drone Delivery Hub (Small) and a 300-foot buffer is required for a Commercial Drone Delivery Hub (Large). The proposed standards include an allowance for the buffer to be reduced to 150 feet by the City Council through a review of the required SUP.

The purpose of the buffer is to mitigate nuisances to noise-sensitive land uses and is not intended to address security or privacy concerns. The city is unable to regulate where drones fly, except as permitted by [Texas Government Code Section 423.009](#).

- Parking: Finally, the parking rate for drone hubs as a primary use would be added to Article 16 of the Zoning Ordinance. The proposed parking rate is as follows: One space per 1,000 square feet of warehouse space plus one space per 300 square feet of other uses. Should a drone hub have no building, the parking rate would be one space per 300 square feet of the drone staging area. The proposed parking rates are intended to allow the use to be easily added to existing properties or replaced with other uses without significant impacts to the parking needs. To allow flexibility for small sites, parking is not required for accessory drone hubs, and the Commission may decrease the amount of required parking for a site by up to 10% with approval of a site plan.

CHANGES MADE SINCE AUGUST 21, 2023

The following changes have been made since August 21, 2023:

Drone Staging Area

The take-off and landing area has been renamed the “drone staging area,” and the definition has been revised to clarify that the area includes both the launch pads and safety areas. An area for materials storage may also be included. Operators requested this clarification due to similarities to other industry terms with more specific meanings, such as “touchdown and liftoff area.” The definitions for both commercial drone delivery hub uses have been updated accordingly.

The definition intends to capture the broad range of possible operations and infrastructure, which could be ground-mounted, on top of a building or structure, or suspended from a structure. The designated drone staging area is intended to be flexible enough to accommodate changes to operations without requiring additional city review, such as adding, removing, or relocating launch pads within the area defined on the site plan. Expanding the designated area would require updating the site plan.

Open Storage Screening Requirements

The Commission felt that screening requirements may increase noise-related nuisance due to reduced air flow and reflection of sound, pose a navigational hazard to aircraft, and create a barrier to entry for commercial drone delivery operators. Staff has discussed the topic of screening and fencing internally and with several stakeholders to determine appropriate standards to balance the safe operation of aircraft, the enforceability of regulations, and upholding the public's vision of the community.

To address this, the requirement to screen open storage-like uses at grade has been revised to include an exemption for a single special vehicle and a single shipping container. This would allow for pilot projects and small-scale operations to begin with minimal changes to a site while retaining the screening requirements for larger operations. Screening the areas used for storage is intended to prevent storage from becoming a visual nuisance, contain storage within a defined and approved area, and assist staff in the field if a complaint is received.



The proposed exemptions are both specific and modest and respond to the Commission's desire to remove barriers to entry for new operators. The above image shows a drone staging area in Frisco, which includes landing pads, one trailer-mounted generator, and one shipping container for drone storage. Screening would not be required under the proposed standards. The area has been fenced by the operator for public and crew safety.

Alternatively, the Commission may choose to waive the screening requirements for open storage-like uses and substitute one of the following options:

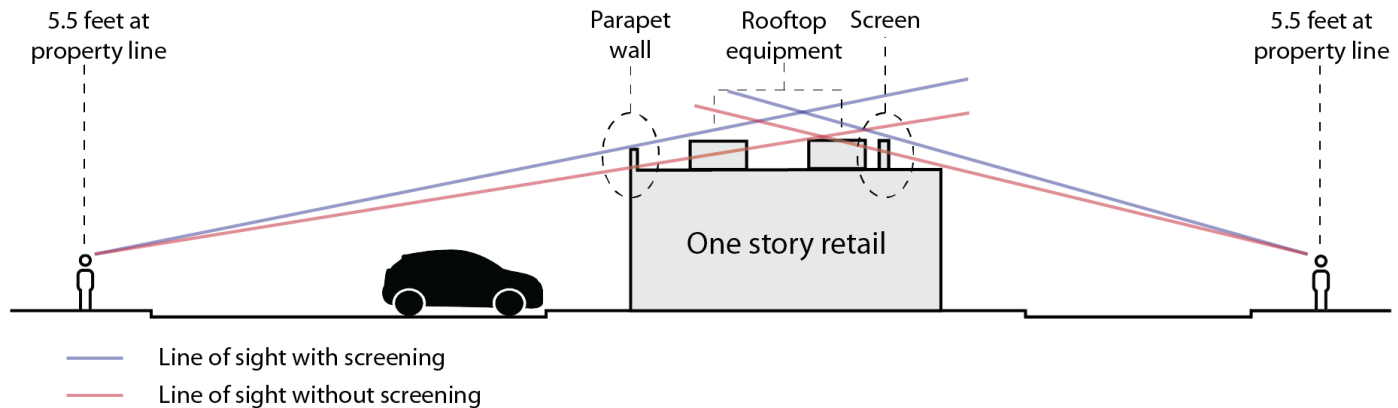
1. Open storage associated with a drone delivery hub and located in the designated drone staging area is exempt from the screening requirements, however must be enclosed with a secure, metal fence. Fencing the area is intended to contain storage within a defined and approved area and to assist staff in the field if a complaint is received.
2. Open storage associated with a drone delivery hub and located in the designated drone storage area is exempt from the screening requirements. Fencing is not required.

Complete removal of the screening requirement is not recommended without also reviewing the current screening requirements for open storage, in general, to ensure consistency and fairness across the city. Having varying screening standards for uses that appear the same is likely to cause enforcement issues over time, where a recycling trailer, for example, is required to be screened, but a trailer for drone deliveries is not required to be screened, even when at the same site. See the following photos for examples of unscreened open storage that has been pursued as a violation by the Property Standards division of Neighborhood Services as a zoning violation.



Rooftop Screening Requirements

The requirement to screen a drone staging area on the roof of a building has been updated to clarify that screening is only required for rooftop equipment, excluding landing pads. Screening is currently required when rooftop equipment is visible from a height of 5.5 feet along the property lines. Most commercial buildings are constructed with a parapet wall, making screening necessary only for equipment placed near the roof's edge or for tall equipment. See below for an illustration and examples of typical screening.



Left: Mini storage building with a parapet wall.



Right: Office building with rooftop screening.

It would be most appropriate to have consistent standards for any rooftop equipment or storage related to this new use, to preserve the community's aesthetic standards. Building code requirements would continue to apply and may require the installation of a parapet wall or safety railing, even if no visual screening is required. Safety railings are typically a minimum of 3.5 feet in height. Any building additions or structures would be subject to the height regulations of the zoning district.

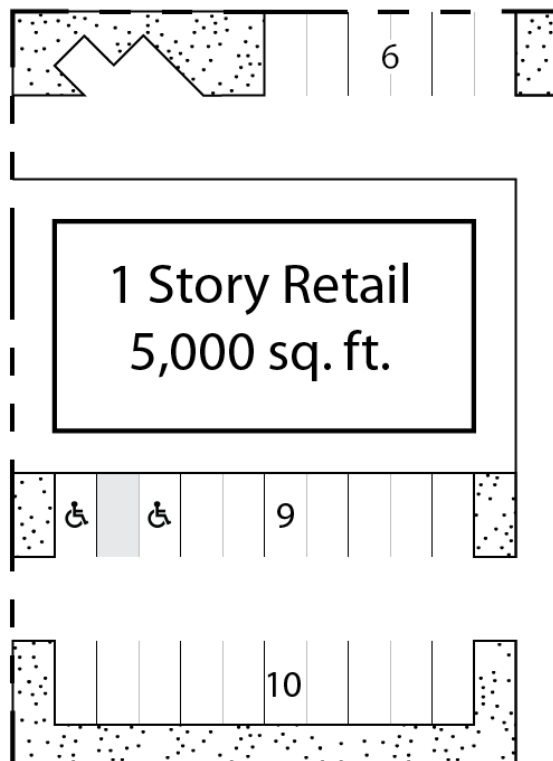
Allowances for Small Commercial Properties

Staff looked at small commercial pad sites in Plano, which typically contain restaurant or single-tenant retail uses. Pad sites are generally more than 20,000 square feet in lot area, which would have afforded a 1,000-square-foot drone operations area using the previously recommended 5% limitation. The Commission noted that restricting the drone operations area based on the size of the property may make a commercial drone delivery hub infeasible on these small sites. Additionally, site planning could be constrained by the required buffer from noise-sensitive land uses and the cumulative requirements for parking, fire lanes, landscaping, and other development requirements.

To address this:

- The maximum size of a drone operations area for an accessory commercial drone delivery hub (small) has been increased to 10% of the lot area or 1,000 square feet, whichever is greater. 10% of the lot area correlates with the typical interpretation of an accessory building or use. The 1,000-square-foot figure will provide a functional drone operations area for the smallest commercial properties, but does not absolve the owner from meeting other ordinance requirements, such as parking or landscaping.
- Several nonresidential land uses have been removed from the list of noise-sensitive uses. Religious facilities, schools, and day care centers have been removed as the noise sensitivity is largely limited to indoor activities, which are less impacted by outside noise. The revised list includes only dwellings, retirement and supportive housing uses, and public parks.
- An option to reduce the minimum required parking has been added. With the approval of a site plan, the Commission would have the discretion to reduce the parking requirement for the property as a whole by up to 10%. This is consistent with other parking reductions available in the Zoning Ordinance.

As noted, site planning must consider required parking, access aisles and fire lanes, landscaping, and other development requirements. These pose challenges for small properties even before considering a drone operations area for a commercial drone delivery hub. A conceptual site plan is provided in the following graphic, which shows the minimum parking, landscaping, and circulation requirements for a 5,000-square-foot retail building. In this example, a 600-square-foot drone staging area could be accommodated only by reducing the required parking by three spaces. Significant parking reductions are not recommended without a complete review of the parking requirements for all uses, which is anticipated to be part of the upcoming comprehensive review of the Zoning Ordinance.



General Site Data	Lot 1
Zoning	R, Retail
Land Use	Retail Store
Lot Area	23,400 sq. ft.
Building Footprint	5,000
Lot Coverage	21.4%
Parking	
Parking Ratio	1:200
Required Parking	25
Provided Parking	25
Accessible Parking Required	2
Accessible Parking Provided	2
Landscape Area	
Landscape Edge Area	120 sq. ft.
Required Interior Landscape Area	200 sq. ft.
<i>Total Landscape Area</i>	320 sq. ft.
Drone Staging Area	
Max. Permitted	2,340 sq. ft.
Max. Parking Reduction (10%)	3 spaces
Possible Drone Staging Area	600 sq. ft.

Commercial Antenna Requirements

Staff has added a statement to clarify that antennas for a commercial drone delivery hub are subject to the requirements for commercial antennas and antenna support structures found in Sec. 15.200. This was one of the questions posed in a letter received for the August 21, 2023, public hearing.

Parking and Loading Requirements

Staff has added a subsection addressing parking and loading requirements for commercial drone delivery hubs. These proposed standards clarify when parking and loading spaces are required and align with the existing requirements for retail, commercial, and industrial uses.

STAFF PRELIMINARY REPORT - CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below.

Guiding Principles – The set of [Guiding Principles to the Comprehensive Plan](#) establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

[Land Use Policy](#) – *Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.*

The proposed amendments introduce new land uses and update existing land uses in response to changing market demands. The amendments include standards to protect residential neighborhoods from negative impacts associated with aircraft noise. This request is in conformance with this policy.

[Land Use Action 1 \(LU1\)](#) – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.*

The proposed amendments introduce new land uses and update existing land uses in response to changing market demands. The amendments include standards to protect residential neighborhoods from negative impacts associated with aircraft noise. This request is in conformance with this action statement.

[Land Use Action 4 \(LU4\)](#) – *Create regulations that incentivize the redevelopment and revitalization of underperforming retail and multifamily development.*

The proposed amendments would allow a new method to deliver products to customers. While the amendments would not directly result in material changes or improvements to retail centers, the additional revenue stream could support existing businesses and make others more viable. This request is in conformance with this action statement.

[Regional Transportation Policy](#) – *Plano will evaluate regional transportation initiatives with consideration of the impacts on existing residential and business development and emphasis on expanding transportation options, traffic demand management, and other traffic efficiency strategies to improve regional mobility.*

The proposed amendments would allow commercial goods to be delivered to customers by aerial drone, eliminating some vehicle trips from city roadways. Amendments to the heliport and helistop uses are intended to allow aerial taxis and advanced air mobility aircraft as this form of transportation is developed and implemented. This request is in conformance with this policy. In addition, this request is in conformance with the North Central Texas Council of Governments' [Metropolitan Transportation Plan](#) aviation policies.

STAFF PRELIMINARY REPORT - RECOMMENDATION

SUMMARY:

The purpose of this request is to add new land use definitions and regulations for commercial drone delivery services, consistent with the procedures for considering new and unlisted land uses in Section 14.400 of the Zoning Ordinance. Amendments to the Heliport and Helistop land use definitions are also requested to allow service by advanced mobility aircraft. These amendments are in conformance with the Comprehensive Plan and position the city ahead of these emerging technologies. For these reasons, staff recommends approval, as noted in the following recommendation section.

RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in ~~strikethrough~~ text).

1. **Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended and new definitions to read as follows:**

Commercial Drone Delivery Hub (Large)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft, including but not limited to those defined under Commercial Drone Delivery Hub (Small), to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Commercial Drone Delivery Hub (Small)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by small unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as defined in Section 44801 of Title 49, United States Code, as amended, whichever is the lesser, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Drone Staging Area

A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment. (See Sec. 15.100.3)

Heliport

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of ~~helicopters~~ rotary wing and tiltrotor passenger aircraft, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities. (See Sec. 15.600)

Helistop

The same as a heliport, except that no refueling, maintenance, repairs, or storage of ~~helicopters~~ aircraft is permitted. (See Sec. 15.600)

- 2. Amend Sec. 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:**

RESIDENTIAL ZONING DISTRICTS		
Use Type	Use Category	
<u>Commercial Drone Delivery Hub (Large)</u>	<u>EIPS</u>	
<u>Commercial Drone Delivery Hub (Small)</u>	<u>EIPS</u>	
		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
		UR - Urban Residential
		PH - Patio Home
		SF-A - Single-Family Attached
		2F - Two Family (Duplex)
		GR - General Residential
		MF-1 - Multifamily-1
		MF-2 - Multifamily-2
		MF-3 - Multifamily-3
		MH - Mobile Home
		RCD - Residential Community Design

- 3. Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:**

[illegible]

4. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such note to read as follows:

Number	End Note
3	{Reserved} See Sec. 15.100

5. Amend Section 15.100 (~~{Reserved}~~) of Article 15 (Use-specific Regulations), such section to read in its entirety as follows:

Sec. 15.100 ~~{Reserved}~~ Commercial Drone Delivery Hubs

These regulations apply to both commercial drone delivery hub (large) and commercial drone delivery hub (small) uses, except where individually referenced.

.1 Commercial Drone Delivery Hubs (Large)

A commercial drone delivery hub (large) may be allowed, if and where granted a specific use permit, in the CE, LI-1, and LI-2 districts if the requirements of this section are met.

.2 Commercial Drone Delivery Hubs (Small)

A. A commercial drone delivery hub (small) is allowed as a primary use in the CE, LI-1, and LI-2 districts when the requirements of this section are met.

B. A commercial drone delivery hub (small) is allowed as an accessory use to a permitted food/grocery store, restaurant/cafeteria, retail store, shopping center, superstore, or warehouse/distribution center use in any district when the requirements of this section are met.

C. When a detached accessory building is occupied or intended to be occupied for an accessory commercial drone delivery hub (small), the floor area is limited to a maximum of 10% of the total floor area of the building containing the primary use.

.3 Drone Staging Areas

A. The drone staging area must be designated on an approved site plan.

B. The drone staging area must not be placed:

i. Within any required building setbacks;

ii. Within any required landscape edge;

iii. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or

iv. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.

C. As an accessory use, the drone staging area is limited to 10% of the total lot area or 1,000 square feet, whichever is greater. A drone staging area located inside of or on the roof of the building containing the primary use is not subject to this limitation.

D. When located at grade, any goods, materials, containers, trailers, or other equipment associated with the commercial drone delivery hub and located in the designated

drone staging area must be screened according to the requirements for open storage in Sec. 19.200 and Sec. 20.100, except:

- i. Screening is not required for up to one special vehicle up to 22 feet in length and one shipping container; and
- ii. Screening is not required for landing pads.

E. When a drone staging area is located on top of a building:

- i. Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements in Sec. 20.300; and
- ii. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except a single mast up to 10 feet in height for a windsock may exceed the maximum height requirement.

F. Antennas and antenna support structures are subject to the requirements in Sec. 15.200.

G. Proximity to Noise-Sensitive Uses

- i. The drone staging area for a commercial drone delivery hub (small) shall not be located within 150 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located.
- ii. The drone staging area for a commercial drone delivery hub (large) shall not be located within 300 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located. The 300-foot buffer requirement may be reduced to 150 feet if City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.
- iii. The measurement of the required buffer is to be made in a straight horizontal line from the edge of the drone staging area to the closest property line of a property containing a dwelling, retirement and supportive housing facility use, or public park.

.4 Parking and Loading

- A. Parking is not required for an accessory commercial drone delivery hub use.**
- B. Loading spaces shall be provided for a commercial drone delivery hub as per the requirements in Sec. 16.1400 for retail, commercial, and industrial uses. Loading spaces are not required for an accessory commercial drone delivery hub use.**
- C. The Planning & Zoning Commission may decrease the amount of required parking for a site by up to 10% to accommodate the drone staging area for a commercial drone delivery hub with approval of a site plan. The parking reduction is revoked if the commercial drone delivery hub use is removed.**

6. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portion of the section to read as follows:

Parking Space Schedule for Nonresidential Uses in all Districts

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Nonresidential Uses
<u>Commercial Drone Delivery Hub (Large) or Commercial Drone Delivery Hub (Small)</u>	<u>One space per 1,000 square feet of floor area for storage or warehousing, plus one space per 300 square feet of floor area for office, customer service, or other areas. A minimum of one parking space per 300 square feet of the designated drone staging area is required for commercial drone delivery hubs with no buildings.</u>

Zoning Case 2023-014 Draft Standards

Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

Additions and deletions to the standards presented on August 21, 2023 are indicated in red text.

1. Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended and new definitions to read as follows:

Commercial Drone Delivery Hub (Large)

An area of land, structural surface, building, or structure with one or more designated ~~take-off and landing~~drone staging areas for use by unmanned aircraft, including but not limited to those defined under Commercial Drone Delivery Hub (Small), to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Commercial Drone Delivery Hub (Small)

An area of land, structural surface, building, or structure with one or more designated ~~take-off and landing~~drone staging areas for use by small unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as defined in Section 44801 of Title 49, United States Code, as amended, whichever is the lesser, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Drone Staging Area

A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment. (See Sec. 15.100.3)

Heliport

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of ~~helicopters~~ rotary wing and tiltrotor passenger aircraft, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities. (See Sec. 15.600)

Helistop

The same as a heliport, except that no refueling, maintenance, repairs, or storage of ~~helicopters~~ aircraft is permitted. (See Sec. 15.600)

Take-off and Landing Area

A designated load bearing area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off.

[Remainder of page intentionally blank]

2. Amend Sec. 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:

RESIDENTIAL ZONING DISTRICTS																		
Use Type		Use 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	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
<u>Commercial Drone Delivery Hub (Large)</u>		<u>EIPS</u>																
<u>Commercial Drone Delivery Hub (Small)</u>		<u>EIPS</u>																

3. Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:

NONRESIDENTIAL ZONING DISTRICTS																	
Use Type	Use Category		O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
<u>Commercial Drone Delivery Hub (Large)</u>	<u>EIPS</u>										IC				IC	IC	
<u>Commercial Drone Delivery Hub (Small)</u>	<u>EIPS</u>			IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC

4. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such note to read as follows:

Number	End Note
3	[Reserved] See Sec. 15.100

5. Amend Section 15.100 (~~[Reserved]~~) of Article 15 (Use-specific Regulations), such section to read as follows:

Sec. 15.100 ~~[Reserved]~~ Commercial Drone Delivery Hubs

These regulations apply to both commercial drone delivery hub (large) and commercial drone delivery hub (small) uses, except where individually referenced.

.1 Commercial Drone Delivery Hubs (Large)

A commercial drone delivery hub (large) may be allowed, if and where granted a specific use permit, in the CE, LI-1, and LI-2 districts if the requirements of this section are met.

.2 Commercial Drone Delivery Hubs (Small)

- A. A commercial drone delivery hub (small) is allowed as a primary use in the CE, LI-1, and LI-2 districts when the requirements of this section are met.
- B. A commercial drone delivery hub (small) is allowed as an accessory use to a permitted food/grocery store, restaurant/cafeteria, retail store, shopping center, superstore, or warehouse/distribution center use in any district when the requirements of this section are met.
- C. When a detached accessory building is occupied or intended to be occupied for an accessory commercial drone delivery hub (small), the floor area is limited to a maximum of 10% of the total floor area of the building containing the primary use.

.3 Take-off and Landing Drone Staging Areas

These regulations apply to the take-off and landing areas for both commercial drone delivery hub (large) and commercial drone delivery hub (small) uses, except where individually referenced.

- A. The ~~take-off and landing~~ drone staging area must be designated on an approved site plan.
- B. The ~~drone staging take-off and landing~~ area must not be placed:
 - i. Within any required building setbacks;
 - ii. Within any required landscape edge;
 - iii. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or
 - iv. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.
- C. As an accessory use, the ~~drone staging take-off and landing~~ area is limited to 510% of the total lot area or 1,000 square feet, whichever is greater. ~~, except that a A drone staging take-off and landing~~ area located inside of or on the roof of the building

containing the primary use is not subject to this limitation. may exceed 5% of the total lot area.

D. When located at grade, any goods, materials, containers, trailers, or other equipment associated with the commercial drone delivery hub and located in the designated drone staging area must be screened according to the requirements for open storage in Sec. 19.200 and Sec. 20.100, except:

i. Screening is not required for up to one special vehicle up to 22 feet in length and one shipping container; and

ii. ~~Landing pads are exempt from this screening requirement.~~ Screening is not required for landing pads.

E. When a drone staging area is located on top of a building, the take-off and landing area must be screened from view at a point 5.5 feet above the property line with a parapet wall, mansard roof, or alternative architectural feature.:

i. Any roof-mounted equipment, excluding landing pads, is subject to the mechanical screening requirements in Sec. 20.300; and

ii. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except for a single mast up to 10 feet in height for a windsock, which may exceed the maximum height requirement.

F. Antennas and antenna support structures are subject to the requirements in Sec. 15.200.

G. Proximity to Noise-Sensitive Uses:

i. The ~~take-off and landing~~ drone staging area for a commercial drone delivery hub (small) shall not be located within 150 feet of any ~~day care center, religious facility, property upon which a dwelling, retirement and supportive housing facility, or public park is located~~ retirement and supportive housing facility, school, or public park, or within 150 feet of any property upon which a dwelling is located.

ii. The ~~take-off and landing~~ drone staging area for a commercial drone delivery hub (large) shall not be located within 300 feet of any ~~day care center, religious facility, property upon which a dwelling, retirement and supportive housing facility, or public park is located~~ retirement and supportive housing facility, school, or public park, or within 300 feet of any property upon which a dwelling is located. The 300-foot buffer requirement may be reduced to 150 feet if City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

iii. The measurement of the required buffer is to be made in a straight horizontal line from the edge of the ~~take-off and landing~~ drone staging area to the closest property line of a property containing a dwelling, retirement and supportive housing facility use, or public park, or to the building face of a day care center, religious facility, public and parochial school, or private school use.

.4 Parking and Loading

A. Parking is not required for an accessory commercial drone delivery hub use.

- B. Loading spaces shall be provided for a commercial drone delivery hub as per the requirements in Sec. 16.1400 for retail, commercial, and industrial uses. Loading spaces are not required for an accessory commercial drone delivery hub use.
- C. The Planning & Zoning Commission may decrease the amount of required parking for a site by up to 10% to accommodate the drone staging area for a commercial drone delivery hub with approval of a site plan. The parking reduction is revoked if the commercial drone delivery hub use is removed.

6. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portion of section to read as follows:

Parking Space Schedule for Nonresidential Uses in all Districts

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Nonresidential Uses
<u>Commercial Drone Delivery Hub (Large) or Commercial Drone Delivery Hub (Small)</u>	<u>One space per 1,000 square feet of floor area for storage or warehousing, plus one space per 300 square feet of floor area for office, customer service, or other areas. A minimum of one parking space per 300 square feet of the designated take-off and landingdrone staging area is required for commercial drone delivery hubs with no buildings.</u>

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Zoning - Text
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-019.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-019 to amend Article 3 (Site Plan Review), Article 5 (Variances and Appeals of Administrative Decisions), Article 7 (Nonconformities), Article 9 (Residential Districts), Article 10 (Nonresidential Districts), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 20 (Screening, Fence and Wall Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to recent state legislative actions to ensure compliance with state law, including amendments related to Senate Bill 929; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano **Conducted and adopted Ordinance No. 2024-2-7**

BACKGROUND

The Planning & Zoning Commission recommended approval of this zoning case with a vote of 7-0 per their Final Report in the attached Supporting Documents.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality. For detailed comments on the comprehensive plan related to this item, please see the Staff Preliminary Report in the attached Supporting Documents.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/21/2024	Ordinance
ZC2023-019 Supporting Documents	2/14/2024	Informational

Zoning Case 2023-019

An Ordinance of the City of Plano, Texas, amending Article 3 (Site Plan Review), Article 5 (Variances and Appeals of Administrative Decisions), Article 7 (Nonconformities), Article 9 (Residential Districts), Article 10 (Nonresidential Districts), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 20 (Screening, Fence and Wall Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to recent state legislative actions to ensure compliance with state law, including amendments related to Senate Bill 929; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 26th day of February 2024, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 26th day of February 2024; and

WHEREAS, the City Council is of the opinion and finds that such change should be adopted, would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Part B of Subsection 3.100.5 (Submission of Applications) of Section 3.100 (General) of Article 3 (Site Plan Review) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read in its entirety as follows:

- B.** Applications for approval of plans required by this article must be submitted to the City of Plano Planning Department. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates. This calendar will generally specify two submittal

dates for each calendar month, and must specify one submittal date for each calendar month. An application is considered submitted on the first submittal date on or after the date that: 1) the fee is paid; 2) other requirements permitted by law are met; and 3) the applicant delivers the application to the City of Plano Planning Department or deposits the application with the United States Postal Service by certified mail addressed to the City of Plano Planning Department. The date on which the application is submitted shall constitute the filing date for the site plan.

Section II. Subsection 5.200.3 (Amortization) of Section 5.200 (Jurisdiction) of Article 5 (Variances and Appeals of Administrative Decisions) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subsection to read in its entirety as follows:

.3 Payment for Termination of Nonconforming Use or Amortization

A. Hear and decide appeals of:

- i. The amount of payment determined under Section 7.700.3, and
- ii. The period of continued use determined under Section 7.700.4.

B. The city has the burden of proof to establish the correctness of its determination under Sections 7.700.3 and 7.700.4 at such hearing on the appeal.

Section III. Article 7 (Nonconformities) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such article to read in its entirety as follows:

7.100 Nonconforming Status

Nonconforming status shall exist under the following provision of this ordinance:

- .1** When a use or structure, which does not conform to the regulations prescribed in the district in which such use or structure is located, was in existence and lawfully operating prior to August 27, 1956, and has been operating without discontinuance.
- .2** When on the effective date of this ordinance the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the prior zoning ordinance or which was a nonconforming use there under, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.

- .3 When a use or structure, which does not conform to the regulations, prescribed in the district in which such use or structure is located was in existence at the time of annexation to the City of Plano and has since been in regular and continuous use.

7.200 Continuance

Any nonconforming use of land or structure may be continued for indefinite periods of time, except nonconformities may be terminated as described in Sections 7.600, 7.700, and 7.800.

7.300 Change of Use

The Building Official, in consultation with the Director of Planning, may grant a change of occupancy from one nonconforming use to another, providing the use is within the same, or higher or more restricted classification as the original nonconforming use. In the event a nonconforming use of a building may be changed to another nonconforming use of more restricted classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

7.400 Residential Uses in Nonresidential Zoning Districts

Existing residences, including but not limited to single-family, multifamily, and independent living facilities, located in nonresidential districts may be improved, maintained, or rebuilt as conforming structures.

7.500 Loss of Nonconforming Status

- .1 Notwithstanding any other provisions of this ordinance, if a nonconforming use on a particular parcel shall cease operation for a period of more than 6 months, then such nonconforming use shall be deemed to be permanently abandoned and shall not be re-instituted on that parcel or any other parcel in any district which does not permit the discontinued use. For the purposes of this paragraph, to “cease operation” shall mean to intentionally abandon the nonconforming use. The temporary suspension of a use shall not constitute abandonment, provided the property is not used during the period of suspension for any other purpose. The preceding provision shall apply in all cases except those specified for the RT district.
- .2 If (1) a nonconforming structure or (2) a structure occupied by a nonconforming use is destroyed, it may not be rebuilt unless the structure or use can conform to the provisions of this ordinance. For purposes of this section, a structure is destroyed if it has suffered damage, neglect, disrepair, or impairment in excess of 60% of its reasonable value. If such a structure is not destroyed, reconstruction will be permitted, but the size or function of the nonconforming structure, or any nonconforming use occupying the structure, cannot be expanded. The preceding provision shall apply in all cases except for those specified for UR, RT, and CC districts.

7.600 Stopping Nonconforming Use Status

City Council may order a nonconforming use to stop as follows:

- .1 A City Council member uses the city's regular process to place an item on a Council meeting agenda.
- .2 During that meeting, the Council votes as to whether they wish to proceed with full deliberation of the matter at a future meeting or terminate the discussion of the matter.
- .3 If the Council determines to proceed, the matter will be agendized at a future meeting for full deliberation and a possible order that the nonconforming use stop. The order shall be made by adoption of a resolution. The date of the resolution is the date of the action by Council to adopt.

7.700 Process Following City Council Order to Stop a Nonconforming Use

- .1 The City must notify the property owner or lessee of the property, as indicated by the most recently approved municipal tax roll, not later than the 10th day after the date of the resolution. Notice must include a copy of the resolution and a description of the remedies, either payment or continued use, which an owner or lessee is entitled to under state law.
- .2 Not later than the 30th day after the date the city gives notice, the property owner or lessee must respond in writing to the city indicating the remedy, either payment or continued use, chosen by the owner or lessee. If the city does not receive timely notice from an owner or lessee, the city may choose the remedy, as provided by state law.
- .3 If the owner or lessee elects payment, or the city chooses payment after the owner or lessee fails to timely respond under Section 7.700.2, then the city will hire an appraiser and follow the requirements of state law to determine the appropriate payment. A city official will notice the owner or lessee of the amount of the payment and simultaneously pay the owner or lessee. The person receiving payment must stop the nonconforming use not later than the 10th day after the date of the payment.
- .4 If the owner or lessee elects continuing use, or the city chooses continuing use after the owner or lessee fails to timely respond, then the city will hire an expert and follow the requirements of state law to determine the appropriate amount and therefore, the period of time for the use to continue before it is terminated. The city will notice the owner or lessee of the appropriate amount and time determined by the expert. The person must stop the nonconforming use at the determined time.

- .5 A person entitled to payment or continuing use may appeal the determination by the appraiser or expert to the Board of Adjustment not later than the 20th day after the date of the notice of the determination of the amount or the period of time as described in subsection .3 or .4 above.
- .6 Continued use, apportionment, and appeal of the Board of Adjustment's determination is as described in state law.

7.800 Other methods of Terminating a Nonconforming Use or Removal or Relocation of Structures due to Nonconformity

- .1 Nonconforming uses or structures may also be terminated by court order or as otherwise allowed by law.
- .2 Removal or relocation of structures due to nonconformity is at the discretion of City Council.

7.900 Determination of Nonconforming Status and Administrative Official Decision

The process for determination of nonconforming status is overseen by the Director of Planning. In their absence, a designee may be appointed.

.1 Informal Determination

City staff makes initial, informal determinations of whether a nonconforming use or structure exists under the provisions of the Zoning Ordinance. The informal determination is not appealable, and is considered valid unless a formal decision is requested.

.2 Formal Decision

The property owner may request a formal decision as to whether a nonconforming use or structure exists on their property from the Director of Planning.

A. The Director of Planning will meet with the requesting property owner, tenant, or designated representative within twenty (20) business days of the date on which the request for a formal decision was filed with the Director of Planning, unless otherwise agreed by the parties.

B. Based upon the evidence presented at such meeting, the Director of Planning will provide a formal, written decision within twenty (20) business days. The formal decision and related evidence are public records.

.3 Appeal

The formal decision of the Director of Planning may be appealed to the Board of Adjustment under Article 5 of this Ordinance.

Section IV. Subsection 9.1200.4 (Special District Requirements) of Section 9.1200 (GR, General Residential District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portion of the subsection to read as follows:

.4 Special District Requirements

The Douglass Community is a unique location which is of architectural and cultural importance to the community, and has special elements that should be maintained to perpetuate the long-term character and viability of the community. The following provisions are required for that purpose:

...

Section V. Subsection 10.800.3 (Area, Yard, and Bulk Requirements) of Section 10.800 (BG, Downtown Business/Government District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portion of the subsection to read as follows:

Description	Commercial and Multifamily Requirement	Single-Family Attached Requirement
...		
Maximum Height	<p>4 story (except as noted in Other Height/Setback Requirements below).</p> <p>Four stories of multifamily are permitted on a horizontal structural podium above a single level at grade of structured parking, and/or nonresidential uses and/or flex space units (below-grade parking is excluded). Flex space units are defined as a ground floor unit that may be occupied by a residential use, a nonresidential use, or both. Flex space units must have an individual exterior entrance and a minimum floor-to-ceiling separation of 9 feet. A flex-space unit must be constructed to accommodate nonresidential uses and may not be modified to prevent nonresidential occupancy.</p>	3 story, 50 feet

Description	Commercial and Multifamily Requirement	Single-Family Attached Requirement
	The maximum height for parking structures shall be 5 levels at or above grade. Parking structures shall be obscured from view of streets and/or public ways designated as Downtown Couplet or Gateway Corridor on the Thoroughfare Plan Map, plus 15th Street by buildings of equal or greater height and/or special architectural and/or landscaping treatments approved in conjunction with a preliminary site plan or site plan.	
...		

Section VI. Part B of Subsection 10.1100.6 (Special District Requirements) of Section 10.1100 (RC, Regional Commercial District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to repeal the part that required certain building materials in its entirety and reserve it for future use:

B. [Reserved]

Section VII. Subpart A.ii of Part A of Subsection 10.1200.6 (Special District Requirements) of Section 10.1200 (RE, Regional Employment District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to repeal the subpart that required certain building materials in its entirety and reserve it for future use:

ii. [Reserved]

Section VIII. Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add the following to the Residential Districts Use Table:

RESIDENTIAL ZONING DISTRICTS																	
Use Type	Use Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family Residence-20	SF-9 - Single-family Residence-9	SF-7 - Single-Family Residence-7	SF-6 - Single-Family Residence-6	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two-Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
Farm, Ranch, Garden, or Orchard	EIPS	P 56	P 56	P 56	P 56	P 56	P 56	56	P 56	P 56	P 56	P 56	P 56	P 56	P 56	P 56	P 56
Kennel (Indoor Pens)/ Commercial Pet Sitting	Service	S 22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22
Kennel (Outdoor Pens)	Service	P 22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22
Veterinary Clinic	Service	S 22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22

Section IX. Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended to add the following to the Nonresidential Districts Use Table:

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
Farm, Ranch, Garden, or Orchard	EIPS	P 56	P 56	P 56	P 56	P 56	56	56	P 56	P 56	P 56	P 56	P 56	P 56	P 56	P 56
Kennel (Indoor Pens)/ Commercial Pet Sitting	Service	S 22	S 22	P 22	P 22	P 22	22	P 22	P 22	22	P 22	P 22	22	P 22	P 22	P 22
Kennel (Outdoor Pens)	Service	22	22	22	22	22	22	22	22	22	22	22	22	P 22	P 22	22
Veterinary Clinic	Service	S 22	S 22	P 22	P 22	P 22	22	P 22	P 22	22	P 22	P 22	22	P 22	P 22	P 22

Section X. Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, to add a note to read as follows:

Number	End Note
56	See Sec. 14.700.

Section XI. Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such additional section to read in its entirety as follows:

14.700 Agricultural Operations

- .1 These regulations are adopted for the purpose of complying with the Texas Agriculture Code, the Federal and Texas Constitutions, and state and federal laws.
- .2 Agricultural operations, as defined in Chapter 251 of the Texas Agriculture Code, are allowed by right in all zoning districts but are otherwise bound by the development regulations of the City of Plano except where specifically exempted by law.

Section XII. Subsection 15.1400.2 of Section 15.1400 (Superstores) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subsection to read in its entirety as follows:

- .2 Building facades that face or front public streets or public ways shall comply with 2 of the 3 criteria listed below. Building facades that do not face or front public streets or public ways shall comply with either Sec. 15.1400.2B or Sec. 15.1400.2C.
 - A. Covered walkways shall be provided along a minimum of 50% of the facade length. A covered walkway may consist of awnings, roof overhangs, or similar architectural features.
 - B. No building facade shall exceed a length of 100 feet without a horizontal and vertical break in the facade. The horizontal and vertical break shall be a minimum depth/height of 3 feet for a minimum length of 20 feet.
 - C. Facades shall contain repeating patterns of contrasting materials, material colors, or material textures that visually breakup the horizontal and vertical expanse of the facade.

Section XIII. Section 15.1600 (Veterinary Clinics and Kennels (Indoor Pens)/Commercial Pet Sitting) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

15.1600 Veterinary Clinics, Kennels (Indoor Pens)/Commercial Pet Sitting, and Kennels (Outdoor Pens)

- .1** In the O-1 and O-2 districts, veterinary clinics and kennel (indoor pens)/commercial pet sitting may be permitted by a specific use permit only. In these districts, veterinary clinics and kennels (indoor pens)/commercial pet sitting shall meet the following conditions and requirements:
 - A.** Separate customer and service entrances must be provided from exterior building doorways.
 - B.** Clinics may only be allowed in freestanding, single-occupant buildings or the ground floor of a multi-occupant building.
 - C.** Disposal of all waste materials shall be in accordance with the Texas Department of Health regulations.
- .2** In all districts, veterinary clinics operated as part of an agricultural operation, as defined in Section 251.002 of the Agriculture Code, as may be amended, and kennels (indoor pens)/commercial pet sitting and kennels (outdoor pens) are permitted when located on agricultural land as defined in Section 251.006 of the Agriculture Code, as may be amended. See also Section 14.700.

Section XIV. Part A of Subsection 20.200.1 of Section 20.200 (General Fence and Wall Regulations) of Article 20 (Screening, Fence and Wall Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read in its entirety as follows:

- A.** For public and parochial schools, private and primary schools, and day care centers, fences and berms may be a combined maximum height of 8 feet above grade, provided that the fence material is wrought iron or chain link.

Section XV. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section XVI. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section XVII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section XVIII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section XIX. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 26th day of February, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY


APPROVED AS TO FORM:


Paige Mims, CITY ATTORNEY

DATE: February 6, 2024

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission
Christina D. Day, AICP, Director of Planning 

SUBJECT: Results of Planning & Zoning Commission Meeting of February 5, 2024 

AGENDA ITEM NO. 5B - ZONING CASE 2023-019
PETITIONER: CITY OF PLANO

Request to amend various sections of the Zoning Ordinance pertaining to recent state legislative actions and to ensure compliance with state law, including amendments related to SB 929. Tabled on January 2, 2024. Project #ZC2023-019.

APPROVED: 7-0

Speaker Card(s) Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>

Commissioner Bronsky was not in attendance.

RESULTS:

The Commission recommended approval of the item as shown in Exhibit A.

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/296510?ts=4931>

RK/kob

cc: Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 5B

PUBLIC HEARING: Zoning Case 2023-019

PETITIONER: City of Plano

CASE PLANNER: Robyn Kirk, AICP

DESCRIPTION: Request to amend various sections of the Zoning Ordinance pertaining to recent state legislative actions to ensure compliance with state law, including amendments related to SB 929. Tabled on January 2, 2024. Project #ZC2023-019.

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to align with recently adopted Texas statutes. The amendments will ensure compliance with state law and are in conformance with the recommendations of the Comprehensive Plan. Staff recommends approval as noted in the following recommendation section.

STAFF PRELIMINARY REPORT – REMARKS

Background

A number of state requirements were recently passed with impacts to the Zoning Ordinance. Due to the extent of changes required under the 88th Texas Legislative session, the amendments were split into three Zoning Ordinance amendment cases. On July 17, 2023 ([staff report](#) | [video](#)), the Planning & Zoning Commission (Commission) recommended approval of Zoning Case 2023-010 to establish a process for determining nonconforming uses. On August 7, 2023 ([staff report](#) | [video](#)), the Planning & Zoning Commission recommended approval of Zoning Case 2023-012 regarding changes related to several recent bills and called an additional public hearing for this zoning case to consider further Zoning Ordinance amendments, including amendments related to SB 929.

The proposed Zoning Ordinance amendments are shown in Exhibit A and relate to the following requirements:

- [House Bill 1750](#) (HB 1750) and [House Bill 2308](#) (HB 2308): HB 1750 protects the operation of veterinary services as part of agricultural operations. This bill does not allow a municipality to prohibit a generally accepted agricultural practice. HB 2308 similarly protects kennels or commercial pet sitting as part of agricultural improvements when these uses are associated with agricultural land.
- [Senate Bill 929](#) (SB 929): SB 929 details procedures and noticing standards for when a nonconforming use is created and when a municipality requires a nonconforming use to stop, including procedures for amortization or buyouts. The procedure for determining a nonconforming use was adopted as part of Zoning Case 2023-010, while the noticing requirements were adopted as part of Zoning Case 2023-012. The additional changes proposed with this amendment focus on the process for amortization or buyouts.
- Texas Administrative Code [Rule 61.1031](#): Updates to the Texas Administrative Code [Rule 61.1031](#) relating to school safety requirements have prompted staff to revisit school fencing requirements.
- As part of Zoning Case 2023-012, the Zoning Ordinance was updated to revisit changes stemming from [House Bill 2439](#) (HB 2439), the Materials Bill, from the 2019 Legislative Session (86th Texas Legislature). Additional regulations need to be updated to comply with these standards.

[House Bill 1750](#) and [House Bill 2308](#) (Exhibit B)

HB 1750 prohibits municipalities from imposing a governmental requirement that applies to agricultural operations unless the requirement is necessary to protect from imminent danger, which must be in the form of a resolution based on a report conducted by a city health officer or a consultant. HB 2308 (Exhibit C) does not allow a municipality to regulate an agricultural improvement located on agricultural land, including pens for sheltering or feeding of animals (kennels/commercial pet sitting), unless the regulation is adopted and meets the requirements of HB 1750. Both bills add veterinary services to the definition of agricultural operation.

Due to the restrictions under these bills, staff proposes allowing veterinary clinic, kennel (indoor pens)/commercial pet sitting, and kennel (outdoor pens) uses in all zoning districts when part of an agricultural operation. Additionally, a new section, 14.700, is proposed to permit agricultural operations as allowed by state law as a general reference to the law.

[Senate Bill 929](#) (Exhibit D)

This bill provides for an amortization or buyout and appeal processes if a nonconforming use is required to stop operating by the municipality.

The procedure for stopping a nonconforming use and associated amortization process is proposed to be added to Article 7 (Nonconformities) to comply with this new state law. Additionally, the language in Article 5 (Variances and Appeals of Administrative Decisions) regarding amortization is proposed to be simplified to refer to the procedures in Article 7. This will eliminate any conflicts in language.

Of note, due to the nature of the proposed changes, no uses are made nonconforming through these amendments. Therefore, the additional notice requirements of SB 929 do not apply to this case.

[Texas Administrative Code Rule 61.1031](#) (Exhibit E)

New rules concerning school facilities [were adopted in May 2023](#) to ensure minimum school safety standards. Adopted new subsection (a) establishes definitions for the rule, including a definition for “exterior secured area,” which details fence height and design requirements. An exterior secured area enclosed by a fence or wall must utilize a fence or wall at least six feet in height with design features that prevent it from being easily scalable or must be a minimum of eight feet in height.

Article 20 (Screening, Fence and Wall Regulations) currently limits a fence or wall located in the front yard of a property used for public and parochial schools, private and primary schools, and day care centers to 60 inches. It is proposed that this requirement be increased to eight feet to comply with the Texas Administrative Code.

[House Bill 2439](#) (Exhibit F)

This bill, passed in 2019 by the 86th Texas Legislature, impacted a municipality’s authority to regulate building materials or products on a building’s facades. The bill restricted municipalities from prohibiting any building product or material allowed by a national model code published within the last three code cycles. However, two exceptions could apply to Plano’s zoning regulations:

1. The building is identified as either a landmark or located in an area designated as a national, state, or local historic district.
2. As a Certified Local Government, Plano may regulate exterior materials on buildings located in a place or area designated for historical, cultural, or architectural importance and significance under zoning.

As the full impacts of the bill were unclear at the time and still being debated amongst city officials across the state, Plano focused on adopting mitigating requirements through Zoning Case 2019-011 to lessen the impacts of legislation and offer an alternative incentive if developers or owners chose to

follow building material standards. In the years since this bill became effective, cities around the Metroplex have conceded to allow only materials permissible under code.

General material standards were removed as part of Zoning Case 2023-012 to comply more closely with state law and the operations of other cities. However, some specific zoning districts are recommended for updates with this amendment.

Additional Amendment

The submission process for site plan reviews under Article 3 is also proposed to be updated to be consistent with changes made under companion item 5A, Subdivision Ordinance Amendment 2023-003. This change will continue to allow site plans and plats for the same development project to keep the submission dates synchronized for the purposes of reviewing the project.

STAFF PRELIMINARY REPORT – CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has been reviewed for conformance with the Comprehensive Plan.

Guiding Principles – The set of [Guiding Principles to the Comprehensive Plan](#) establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

Land Use Action 1 (LU1) – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.*

The proposed amendments will ensure compliance with state law. This request is in conformance with this action statement.

STAFF PRELIMINARY REPORT – SUMMARY & RECOMMENDATION

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to align with recently adopted Texas statutes. The amendments will ensure compliance with state law and are in conformance with the recommendations of the Comprehensive Plan. Staff recommends approval as noted in the recommendation section below.

RECOMMENDATION:

Recommended for approval as shown in Exhibit A (additions are indicated in underlined text; deletions are indicated in ~~striethrough~~ text).

Zoning Case 2023-019 Draft Standards

Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

Amend Part B of Subsection 3.100.5 (Submission of Applications) of Section 3.100 (General) of Article 3 (Site Plan Review), such part to read in its entirety as follows:

- B.** Applications for approval of plans required by this article must be submitted to the City of Plano Planning Department. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates. This calendar will generally specify two submittal dates for each calendar month, and must specify one submittal date for each calendar month. An application is considered submitted on the first submittal date on or after the date that: 1) the fee is paid; 2) other requirements permitted by law are met; and 3) the applicant delivers the application to the City of Plano Planning Department or deposits the application with the United States Postal Service by certified mail addressed to the City of Plano Planning Department. The date on which the application is submitted shall constitute the filing date for the site plan. ~~A calendar of official submittal dates for items requiring Planning & Zoning Commission approval shall be published by the city 30 days prior to the beginning of each year. All applications received on a date other than an official submittal date shall be scheduled for consideration on the next official submittal date. An application or plan is considered filed on the date the applicant delivers the application or plan to the City of Plano Planning Department or deposits the application or plan with the United States Postal Service by certified mail addressed to the City of Plano Planning Department. Complete applications requiring Planning & Zoning Commission approval shall be placed on the meeting agenda of the Planning & Zoning Commission no later than 28 days following the official date of submittal. Items authorized for staff approval only may be submitted at any time during normal office hours. Complete applications authorized for staff approval shall be acted upon by the Director of Planning or designee within 21 days. (See Sec. 3.900)~~

Amend Subsection 5.200.3 (Amortization) of Section 5.200 (Jurisdiction) of Article 5 (Variances and Appeals of Administrative Decisions), such subsection to read in its entirety as follows:

.3 Payment for Termination of Nonconforming Use or Amortization

~~Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The Board of Adjustment shall, from time to time, on its own motion or upon cause presented by interested property~~

Zoning Case 2023-019 Draft Standards

Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

~~owners, inquire into the existence, continuation, or maintenance of any nonconforming use within the city.~~

A. Hear and decide appeals of:

- i. The amount of payment determined under Section 7.700.3, and
- ii. The period of continued use determined under Section 7.700.4.

B. The city has the burden of proof to establish the correctness of its determination under Sections 7.700.3 and 7.700.4 at such hearing on the appeal.

Amend Article 7 (Nonconformities), such article to read in its entirety as follows:

7.100 Nonconforming Status

Nonconforming status shall exist under the following provision of this ordinance:

- .1** When a use or structure, which does not conform to the regulations prescribed in the district in which such use or structure is located, was in existence and lawfully operating prior to August 27, 1956, and has been operating without discontinuance.
- .2** When on the effective date of this ordinance the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the prior zoning ordinance or which was a nonconforming use there under, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.
- .3** When a use or structure, which does not conform to the regulations, prescribed in the district in which such use or structure is located was in existence at the time of annexation to the City of Plano and has since been in regular and continuous use.

7.200 Continuance

~~A person using a property in a manner considered to be a nonconforming use as a result of the adoption of or change to a zoning regulation or boundary may continue (for indefinite periods of time) to use the property in the same manner unless required by the city to stop the nonconforming use of the property.~~

Any nonconforming use of land or structure may be continued for indefinite periods of time, except nonconformities may be terminated as described in Sections 7.600, 7.700, and 7.800.

Zoning Case 2023-019 Draft Standards

Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

7.300 Change of Use

The Building Official, in consultation with the Director of Planning, may grant a change of occupancy from one nonconforming use to another, providing the use is within the same, or higher or more restricted classification as the original nonconforming use. In the event a nonconforming use of a building may be changed to another nonconforming use of more restricted classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

7.400 Residential Uses in Nonresidential Zoning Districts

Existing residences, including but not limited to single-family, multifamily, and independent living facilities, located in nonresidential districts may be improved, maintained, or rebuilt as conforming structures.

7.500 Loss of Nonconforming Status

- .1 Notwithstanding any other provisions of this ordinance, if If a nonconforming use on a particular parcel shall cease operation for a period of more than 6 months, then such nonconforming use shall be deemed to be permanently abandoned and shall not be re-instituted on that parcel or any other parcel in any district which does not permit the discontinued use. For the purposes of this paragraph, to “cease operation” shall mean to intentionally abandon the nonconforming use. The temporary suspension of a use shall not constitute abandonment, provided the property is not used during the period of suspension for any other purpose. The preceding provision shall apply in all cases except those specified for the RT district.
- .2 If (1) a nonconforming structure or (2) a structure occupied by a nonconforming use is destroyed, it may not be rebuilt unless the structure or use can conform to the provisions of this ordinance. For purposes of this section, a structure is destroyed if it has suffered damage, neglect, disrepair, or impairment in excess of 60% of its reasonable value. If such a structure is not destroyed, reconstruction will be permitted, but the size or function of the nonconforming structure, or any nonconforming use occupying the structure, cannot be expanded. The preceding provision shall apply in all cases except for those specified for UR, RT, and CC districts.

7.600 Stopping Nonconforming Use Status

City Council may order a nonconforming use to stop as follows:

- .1 A City Council member uses the city’s regular process to place an item on a Council meeting agenda.
- .2 During that meeting, the Council votes as to whether they wish to proceed with full deliberation of the matter at a future meeting or terminate the discussion of the matter.

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Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

- .3 If the Council determines to proceed, the matter will be agendized at a future meeting for full deliberation and a possible order that the nonconforming use stop. The order shall be made by adoption of a resolution. The date of the resolution is the date of the action by Council to adopt.

7.700 Process Following City Council Order to Stop a Nonconforming Use

- .1 The City must notify the property owner or lessee of the property, as indicated by the most recently approved municipal tax roll, not later than the 10th day after the date of the resolution. Notice must include a copy of the resolution and a description of the remedies, either payment or continued use, which an owner or lessee is entitled to under state law.
- .2 Not later than the 30th day after the date the city gives notice, the property owner or lessee must respond in writing to the city indicating the remedy, either payment or continued use, chosen by the owner or lessee. If the city does not receive timely notice from an owner or lessee, the city may choose the remedy, as provided by state law.
- .3 If the owner or lessee elects payment, or the city chooses payment after the owner or lessee fails to timely respond under Section 7.700.2, then the city will hire an appraiser and follow the requirements of state law to determine the appropriate payment. A city official will notice the owner or lessee of the amount of the payment and simultaneously pay the owner or lessee. The person receiving payment must stop the nonconforming use not later than the 10th day after the date of the payment.
- .4 If the owner or lessee elects continuing use, or the city chooses continuing use after the owner or lessee fails to timely respond, then the city will hire an expert and follow the requirements of state law to determine the appropriate amount and therefore, the period of time for the use to continue before it is terminated. The city will notice the owner or lessee of the appropriate amount and time determined by the expert. The person must stop the nonconforming use at the determined time.
- .5 A person entitled to payment or continuing use may appeal the determination by the appraiser or expert to the Board of Adjustment not later than the 20th day after the date of the notice of the determination of the amount or the period of time as described in subsection .3 or .4 above.
- .6 Continued use, apportionment, and appeal of the Board of Adjustment's determination is as described in state law.

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7.800 Other methods of Terminating a Nonconforming Use or Removal or Relocation of Structures due to Nonconformity

- .1 Nonconforming uses or structures may also be terminated by court order or as otherwise allowed by law.**
- .2 Removal or relocation of structures due to nonconformity is at the discretion of City Council.**

7.900 ~~7.600~~ Determination of Nonconforming Status and Administrative Official Decision

The process for determination of nonconforming status is overseen by the Director of Planning. In their absence, a designee may be appointed.

.1 Informal Determination

City staff makes initial, informal determinations of whether a nonconforming use or structure exists under the provisions of the Zoning Ordinance. The informal determination is not appealable, and is considered valid unless a formal decision is requested.

.2 Formal Decision

The property owner may request a formal decision as to whether a nonconforming use or structure exists on their property from the Director of Planning.

- A.** The Director of Planning will meet with the requesting property owner, tenant, or designated representative within twenty (20) business days of the date on which the request for a formal decision was filed with the Director of Planning, unless otherwise agreed by the parties.
- B.** Based upon the evidence presented at such meeting, the Director of Planning will provide a formal, written decision within twenty (20) business days. The formal decision and related evidence are public records.

.3 Appeal

The formal decision of the Director of Planning may be appealed to the Board of Adjustment under Article 5 of this Ordinance.

Amend Subsection 9.1200.4 (Special District Requirements) of Section 9.1200 (GR, General Residential District) of Article 9 (Residential Districts), such portion of the subsection to read as follows:

.4 Special District Requirements

The Douglass Community is a unique location which is of architectural and cultural importance to the community, and has special elements that should be maintained

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Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

to perpetuate the long-term character and viability of the community. The following provisions are required for that purpose:

...

Amend Subsection 10.800.3 (Area, Yard, and Bulk Requirements) of Section 10.800 (BG, Downtown Business/Government District) of Article 10 (Nonresidential Districts), such portions of the subsection to read as follows:

Description	Commercial and Multifamily Requirement	Single-Family Attached Requirement
...		
Maximum Height	4 story (except as noted in Other Height/Setback Requirements below).	3 story, 50 feet
	Four stories of multifamily are permitted on a horizontal structural concrete podium above a single level at grade of structured parking, and/or nonresidential uses and/or flex space units (below-grade parking is excluded). Flex space units are defined as a ground floor unit that may be occupied by a residential use, a nonresidential use, or both. Flex space units must have an individual exterior entrance and a minimum floor-to-ceiling separation of 9 feet. A flex-space unit must be constructed to accommodate nonresidential uses and may not be modified to prevent nonresidential occupancy.	
	The maximum height for parking structures shall be 5 levels at or above grade. Parking structures shall be obscured from view of streets and/or public ways designated as Downtown Couplet or Gateway Corridor on the Thoroughfare Plan Map, plus 15th Street by buildings of equal or greater height and/or special architectural and/or landscaping treatments approved in conjunction with a preliminary site plan or site plan.	
...		

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Amend Part B of Subsection 10.1100.6 (Special District Requirements) of Section 10.1100 (RC, Regional Commercial District) of Article 10 (Nonresidential Districts), such part to read in its entirety as follows:

- ~~B. At least 80% of any exposed exterior wall of main buildings, parking structures, and accessory buildings shall consist of glass, native stone, clay-fired brick or tile, or a combination of these materials. All exterior building materials made of glass shall have a maximum exterior visible reflectance of 20%. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes and Article 23 may be used on the remaining 20% of any exposed exterior wall, except that for buildings 55 feet in height and over this percentage may be increased to 50% for use of metal only. The Planning & Zoning Commission may allow, at its sole discretion, the use of cast concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building, or group of buildings. [Reserved]~~

Amend Subpart A.ii of Part A of Subsection 10.1200.6 (Special District Requirements) of Section 10.1200 (RE, Regional Employment District) of Article 10 (Nonresidential Districts), such subpart to read in its entirety as follows.

- ~~ii. At least 80% of any exposed exterior wall of main buildings, parking structures, and accessory buildings shall consist of glass, native stone, clay-fired brick or tile, or a combination of these materials. All exterior building materials made of glass shall have a maximum exterior visible reflectance of 20%. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes and Article 23 may be used on the remaining 20% of any exposed exterior wall, except that for buildings 55 feet in height and over this percentage may be increased to 50% for use of metal only. The Planning & Zoning Commission may allow, at its sole discretion, the use of cast concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building, or group of buildings. [Reserved]~~

Zoning Case 2023-019 Draft Standards

Additions are indicated in underlined text; deletions are indicated in ~~strike through~~ text.

Amend Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

RESIDENTIAL ZONING DISTRICTS																	
Use Type	Use Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family Residence-20	SF-9 - Single-family Residence-9	SF-7 - Single-Family Residence-7	SF-6 - Single-Family Residence-6	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two-Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
Farm, Ranch, Garden, or Orchard	EIPS	P 56	P 56	P 56	P 56	P 56	P 56	56	P 56	P 56	P 56	P 56	P 56	P 56	P 56	P 56	P 56
Kennel (Indoor Pens)/ Commercial Pet Sitting	Service	S 22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22
Kennel (Outdoor Pens)	Service	P 22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22
Veterinary Clinic	Service	S 22	22	22	22	22	22	22	22	22	22	22	22	22	22	22	22

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Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
Farm, Ranch, Garden, or Orchard	EIPS	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>56</u>	<u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>	<u>P</u> <u>56</u>
Kennel (Indoor Pens)/ Commercial Pet Sitting	Service	<u>S</u> <u>22</u>	<u>S</u> <u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>
Kennel (Outdoor Pens)	Service	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>22</u>
Veterinary Clinic	Service	<u>S</u> <u>22</u>	<u>S</u> <u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>	<u>P</u> <u>22</u>

Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such additional note to read as follows:

Number	End Note
...	...
22	See Sec. 15.1600.
...	...
<u>56</u>	<u>See Sec. 14.700.</u>

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Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

Amend Article 14 (Allowed Uses and Use Classifications), such additional section to read in its entirety as follows:

14.700 Agricultural Operations

- .1** These regulations are adopted for the purpose of complying with the Texas Agriculture Code, the Federal and Texas Constitutions, and state and federal laws.
- .2** Agricultural operations, as defined in Chapter 251 of the Texas Agriculture Code, are allowed by right in all zoning districts but are otherwise bound by the development regulations of the City of Plano except where specifically exempted by law.

Amend Subsection 15.1400.2 of Section 15.1400 (Superstores) of Article 15 (Use-specific Regulations), such subsection to read in its entirety as follows:

- .2** Building facades that face or front public streets or public ways shall comply with 2 of the 3 criteria listed below. Building facades that do not face or front public streets or public ways shall comply with either Sec. 15.1400.2B or Sec. 15.1400.2C.
 - A.** Covered walkways shall be provided along a minimum of 50% of the facade length. A covered walkway may consist of awnings, roof overhangs, or similar architectural features.
 - B.** No building facade shall exceed a length of 100 feet without a horizontal and vertical break in the facade. The horizontal and vertical break shall be a minimum depth/height of 3 feet for a minimum length of 20 feet.
 - C.** Facades shall contain repeating patterns of contrasting materials, material colors, ~~and~~ or material textures that visually breakup the horizontal and vertical expanse of the facade.

Amend Section 15.1600 (Veterinary Clinics and Kennels (Indoor Pens)/Commercial Pet Sitting) of Article 15 (Use-specific Regulations), such section to read in its entirety as follows:

15.1600 Veterinary Clinics, and Kennels (Indoor Pens)/Commercial Pet Sitting, and Kennels (Outdoor Pens)

- .1** In the O-1 and O-2 districts, A veterinary clinics and kennel (indoor pens)/commercial pet sitting may be permitted in accordance with the use table of Sec. 14.100 and Sec. 14.200, in the O-1 and O-2 districts by a specific use permit only. In these districts, veterinary clinics and kennels (indoor

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pens)/commercial pet sitting shall meet the following conditions and requirements:

- A.** ~~.4~~ Separate customer and service entrances must be provided from exterior building doorways.
 - B.** ~~.2~~ Clinics may only be allowed in freestanding, single-occupant buildings or the ground floor of a ~~single or multistory~~, multi-occupant building.
 - C.** ~~.3~~ Disposal of all waste materials shall be in accordance with the Texas Department of Health regulations.
- .2** In all districts, veterinary clinics operated as part of an agricultural operation, as defined in Section 251.002 of the Agriculture Code, as may be amended, and kennels (indoor pens)/commercial pet sitting and kennels (outdoor pens) are permitted when located on agricultural land as defined in Section 251.006 of the Agriculture Code, as may be amended. See also Section 14.700.

Amend Part A of Subsection 20.200.1 of Section 20.200 (General Fence and Wall Regulations) of Article 20 (Screening, Fence and Wall Regulations), such part to read in its entirety as follows:

- A.** For public and parochial schools, private and primary schools, and day care centers, fences and berms may be a combined maximum height of ~~60 inches~~ 8 feet above grade, provided that the fence material is wrought iron or chain link.

H.B. No. 1750

AN ACT

relating to the applicability of certain city requirements to agricultural operations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 251, Agriculture Code, is amended to read as follows:

CHAPTER 251. EFFECT OF NUISANCE ACTIONS AND GOVERNMENTAL REQUIREMENTS ON CERTAIN [~~PREFEXISTING~~] AGRICULTURAL OPERATIONS

SECTION 2. Sections 251.002(1) and (2), Agriculture Code, are amended to read as follows:

(1) "Agricultural operation" includes the following activities:

(A) cultivating the soil;

(B) producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber;

(C) floriculture;

(D) viticulture;

(E) horticulture;

(F) silviculture;

(G) wildlife management;

(H) raising or keeping livestock or poultry, including veterinary services; and

(I) planting cover crops or leaving land idle for

the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(2) "Governmental requirement" includes any rule, regulation, ordinance, zoning, license or permit requirement, or other requirement or restriction enacted or promulgated by a county, city, or other municipal corporation that has the power to enact or promulgate the requirement or restriction.

SECTION 3. Section 251.005(c), Agriculture Code, is amended to read as follows:

(c) A governmental requirement of a city:

(1) does not apply to any agricultural operation located ~~[situated]~~ outside the corporate boundaries of the city; and

(2) applies to an agricultural operation located in the corporate boundaries of the city only if the governmental requirement complies with Section 251.0055 ~~[on the effective date of this chapter. If an agricultural operation so situated is subsequently annexed or otherwise brought within the corporate boundaries of the city, the governmental requirements of the city do not apply to the agricultural operation unless the requirement is reasonably necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the danger of:~~

~~[(1) explosion, flooding, vermin, insects, physical injury, contagious disease, removal of lateral or subjacent support, contamination of water supplies, radiation, storage of toxic materials, or traffic hazards, or~~

1 ~~[(2) discharge of firearms or other weapons, subject~~
2 ~~to the restrictions in Section 229.002, Local Government Code].~~

3 SECTION 4. Chapter 251, Agriculture Code, is amended by
4 adding Section 251.0055 to read as follows:

5 Sec. 251.0055. LIMITATIONS ON CITY GOVERNMENTAL
6 REQUIREMENTS APPLICABLE WITHIN CORPORATE BOUNDARIES. (a) A city
7 may not impose a governmental requirement that applies to
8 agricultural operations located in the corporate boundaries of the
9 city unless:

10 (1) there is clear and convincing evidence that the
11 purposes of the requirement cannot be addressed through less
12 restrictive means and that the requirement is necessary to protect
13 persons who reside in the immediate vicinity or persons on public
14 property in the immediate vicinity of the agricultural operation
15 from the imminent danger of:

16 (A) explosion;
17 (B) flooding;
18 (C) an infestation of vermin or insects;
19 (D) physical injury;
20 (E) the spread of an identified contagious
21 disease that is directly attributable to the agricultural
22 operation;

23 (F) the removal of lateral or subjacent support;
24 (G) an identified source of contamination of
25 water supplies;

26 (H) radiation;
27 (I) improper storage of toxic materials;

1 (J) crops planted or vegetation grown in a manner
2 that will cause traffic hazards; or

3 (K) discharge of firearms or other weapons,
4 subject to the restrictions in Section 229.002, Local Government
5 Code;

6 (2) the governing body of the city makes a finding by
7 resolution, based on a report described by Subsection (b), that the
8 requirement is necessary to protect public health; and

9 (3) the requirement is not otherwise prohibited by
10 this section.

11 (b) Before making a finding described by Subsection (a)(2),
12 the governing body of the city must obtain and review a report
13 prepared by the city health officer or a consultant that:

14 (1) identifies evidence of the health hazards related
15 to agricultural operations;

16 (2) determines the necessity of regulation and the
17 manner in which agricultural operation should be regulated;

18 (3) states whether each manner of regulation under
19 Subdivision (2) will restrict or prohibit a generally accepted
20 agricultural practice listed in the manual prepared under Section
21 251.007; and

22 (4) if applicable, includes an explanation why the
23 report recommends a manner of regulation that will restrict the use
24 of a generally accepted agricultural practice that the manual
25 indicates does not pose a threat to public health.

26 (c) A city may not impose a governmental requirement that
27 directly or indirectly:

1 (1) prohibits the use of a generally accepted
2 agricultural practice listed in the manual prepared under Section
3 251.007, except as provided by Subsections (a) and (b);

4 (2) prohibits or restricts the growing or harvesting
5 of vegetation for animal feed, livestock forage, or forage for
6 wildlife management, except as provided by Subsection (d);

7 (3) prohibits the use of pesticides or other measures
8 to control vermin or disease-bearing insects to the extent
9 necessary to prevent an infestation; or

10 (4) requires an agricultural operation be designated
11 for:

12 (A) agricultural use under Section 1-d, Article
13 VIII, Texas Constitution; or

14 (B) farm, ranch, wildlife management, or timber
15 production use under Section 1-d-1, Article VIII, Texas
16 Constitution.

17 (d) A city may impose a maximum height for vegetation that
18 applies to agricultural operations only if:

19 (1) the maximum vegetation height is at least 12
20 inches; and

21 (2) the requirement applies only to portions of an
22 agricultural operation located no more than 10 feet from a property
23 boundary that is adjacent to:

24 (A) a public sidewalk, street, or highway; or

25 (B) a property that:

26 (i) is owned by a person other than the
27 owner of the agricultural operation; and

1 (ii) has a structure that is inhabited.

2 (e) A governmental requirement of a city relating to the
3 restraint of a dog that would apply to an agricultural operation
4 does not apply to a dog used to protect livestock on property
5 controlled by the property owner while the dog is being used on such
6 property for that purpose.

7 (f) A city may require a person to provide a written
8 management plan that meets the specifications described by Section
9 23.521(c), Tax Code, to establish that activities constitute an
10 agricultural operation on the basis of being wildlife management
11 activities.

12 SECTION 5. Chapter 251, Agriculture Code, is amended by
13 adding Sections 251.007 and 251.008 to read as follows:

14 Sec. 251.007. GENERALLY ACCEPTED AGRICULTURAL PRACTICES.
15 The Texas A&M AgriLife Extension Service shall develop a manual
16 that identifies generally accepted agricultural practices and
17 indicates which of those practices do not pose a threat to public
18 health, including a threat to public health posed by a danger listed
19 in Section 251.0055(a)(1).

20 Sec. 251.008. CONFLICT WITH OTHER LAW. If there is a
21 conflict between this chapter and other law, this chapter prevails.

22 SECTION 6. Sections 251.005(c-1) and (c-2), Agriculture
23 Code, are repealed.

24 SECTION 7. As soon as practicable after the effective date
25 of this Act, the Texas A&M AgriLife Extension Service shall develop
26 the manual described by Section 251.007, Agriculture Code, as added
27 by this Act.

1 SECTION 8. Sections 251.002 and 251.005, Agriculture Code,
2 as amended by this Act, and Section 251.0055, Agriculture Code, as
3 added by this Act, apply to a governmental requirement adopted
4 before, on, or after the effective date of this Act.

5 SECTION 9. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1750 was passed by the House on April 11, 2023, by the following vote: Yeas 143, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1750 was passed by the Senate on May 15, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

H.B. No. 2308

AN ACT

relating to nuisance actions and other actions against agricultural operations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 251.001, Agriculture Code, is amended to read as follows:

Sec. 251.001. POLICY. Food security being essential, it ~~[It]~~ is the policy of this state to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. It is the purpose of this chapter to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be legally threatened, subject to suit, regulated, or otherwise declared ~~[considered]~~ to be a nuisance.

SECTION 2. Section 251.002(1), Agriculture Code, is amended to read as follows:

(1) "Agricultural operation" includes the following activities:

- (A) cultivating the soil;
- (B) producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber;
- (C) floriculture;
- (D) viticulture;

(E) horticulture;

(F) silviculture;

(G) wildlife management;

(H) raising or keeping livestock or poultry, including veterinary services; and

(I) planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

SECTION 3. Sections 251.003, 251.004, and 251.006, Agriculture Code, are amended to read as follows:

Sec. 251.003. ESTABLISHED DATE OF OPERATION. For purposes of this chapter, the established date of operation is the date on which an agricultural operation commenced agricultural operations ~~[operation. If the physical facilities of the agricultural operation are subsequently expanded, the established date of operation for each expansion is a separate and independent established date of operation established as of the date of commencement of the expanded operation, and the commencement of expanded operation does not divest the agricultural operation of a previously established date of operation]~~.

Sec. 251.004. NUISANCE OR OTHER ACTIONS. (a) No nuisance action or other action to restrain an agricultural operation may be brought against an agricultural operation that has lawfully been in operation and substantially unchanged for one year or more prior to the date on which the action is brought. A person who brings a nuisance action or other action to restrain an agricultural operation that is not prohibited by this section must establish

1 each element of the action by clear and convincing evidence [~~, if~~
 2 ~~the conditions or circumstances complained of as constituting the~~
 3 ~~basis for the nuisance action have existed substantially unchanged~~
 4 ~~since the established date of operation]~~. This subsection does not
 5 restrict or impede the authority of this state or a political
 6 subdivision to [~~protect the public health, safety, and welfare or~~
 7 ~~the authority of a municipality to]~~ enforce state law, including an
 8 enforcement action by the Texas Commission on Environmental
 9 Quality. For the purposes of this subsection, a substantial change
 10 to an agricultural operation means a material alteration to the
 11 operation of or type of production at an agricultural operation
 12 that is substantially inconsistent with the operational practices
 13 since the established date of operation.

14 (b) A person who brings a nuisance action or other action to
 15 restrain an agricultural operation and seeks [~~for~~] damages or
 16 injunctive relief against an agricultural operation that has
 17 existed for one year or more prior to the date that the action is
 18 instituted or who violates the provisions of Subsection (a) [~~of~~
 19 ~~this section~~] is liable to the agricultural operator for:

20 (1) all costs and expenses incurred in defense of the
 21 action, including [~~but not limited to~~] attorney's fees, court
 22 costs, travel, and other related incidental expenses incurred in
 23 the defense; and

24 (2) any other damages found by the trier of fact.

25 (c) This section does not affect or defeat the right of any
 26 person to recover for injuries or damages sustained because of an
 27 agricultural operation or portion of an agricultural operation that

1 is conducted in violation of a federal, state, or local statute or
2 governmental requirement that applies to the agricultural
3 operation or portion of an agricultural operation.

4 Sec. 251.006. AGRICULTURAL IMPROVEMENTS. (a) An owner,
5 lessee, or occupant of agricultural land is not liable to the state,
6 a governmental unit, or the owner, lessee, or occupant of other
7 agricultural land for the construction or maintenance on the land
8 of an agricultural improvement if the construction is not expressly
9 prohibited by statute or a governmental requirement adopted in
10 accordance with Section 251.005 in effect at the time the
11 improvement is constructed. Such an improvement does not
12 constitute a nuisance and is not otherwise subject to suit or
13 injunction.

14 (b) ~~[This section does not apply to an improvement that~~
15 ~~obstructs the flow of water, light, or air to other land.]~~ This
16 section does not prevent the enforcement of a state or federal
17 statute ~~[or governmental requirement to protect public health or~~
18 ~~safety]~~.

19 (c) In this section:

20 (1) "Agricultural land" includes:

21 (A) any land the use of which qualifies the land
22 for appraisal based on agricultural use as defined under Subchapter
23 D, Chapter 23, Tax Code; and

24 (B) any other land on which agricultural
25 operations exist or may take place.

26 (2) "Agricultural improvement" includes pens, barns,
27 fences, arenas, and other improvements designed for:

1 (A) the sheltering, restriction, or feeding of
2 animal or aquatic life;

3 (B) [~~for~~] storage of produce or feed; [~~or~~] or

4 (C) [~~for~~] storage or maintenance of:

5 (i) implements used for management
6 functions; or

7 (ii) equipment necessary to carry out
8 agricultural operations.

9 SECTION 4. Chapter 251, Agriculture Code, is amended by
10 adding Section 251.008 to read as follows:

11 Sec. 251.008. CONFLICT WITH OTHER LAW. If there is a
12 conflict between this chapter and other law, this chapter prevails.

13 SECTION 5. The changes in law made by this Act apply only to
14 a cause of action that accrues on or after the effective date of
15 this Act. A cause of action that accrued before the effective date
16 of this Act is governed by the law applicable to the cause of action
17 immediately before the effective date of this Act, and that law is
18 continued in effect for that purpose.

19 SECTION 6. This Act takes effect September 1, 2023.

H.B. No. 2308

President of the Senate

Speaker of the House

I certify that H.B. No. 2308 was passed by the House on April 11, 2023, by the following vote: Yeas 142, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2308 on May 8, 2023, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2308 was passed by the Senate, with amendments, on May 4, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the notice and compensation a municipality must provide before revoking the right to use property for a use that was allowed before the adoption of or change to a zoning regulation or boundary.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 211.006, Local Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In addition to any notice required by this section or Section 211.007, the governing body of a municipality or a zoning commission, as applicable, shall provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed. The notice must:

(1) be mailed by United States mail to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date;

(2) contain the time and place of the hearing; and

(3) include the following text in bold 14-point type or larger:

"THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT
WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO

1 CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE.

2 PLEASE READ THIS NOTICE CAREFULLY."

3 SECTION 2. Subchapter A, Chapter 211, Local Government
4 Code, is amended by adding Section 211.019 to read as follows:

5 Sec. 211.019. NONCONFORMING LAND USE. (a) In this section,
6 "market value" means the price the sale of the property would bring
7 in an arms-length transaction when offered for sale by one who
8 wishes, but is not obliged, to sell and when bought by one who is
9 under no necessity of buying it.

10 (b) A person using a property in a manner considered to be a
11 nonconforming use as a result of the adoption of or change to a
12 zoning regulation or boundary may continue to use the property in
13 the same manner unless required by a municipality to stop the
14 nonconforming use of the property.

15 (c) A requirement imposed by a municipality to stop a
16 nonconforming use of a property under this section includes:

17 (1) an official action by the governing body of the
18 municipality or a board, commission, department, or official of
19 the municipality; or

20 (2) a determination by the municipality that a
21 nonconforming use has an adverse effect or other necessary
22 determination that a municipality must make before imposing a
23 requirement to stop a nonconforming use under applicable law.

24 (d) If a municipality requires a property owner or lessee to
25 stop the nonconforming use of a property as described by Subsection
26 (b), the owner or lessee of the property is entitled to:

27 (1) payment from the municipality in an amount equal

1 to the sum of:

2 (A) the costs incurred by the owner or lessee of
3 the property that are directly attributable to ceasing the
4 nonconforming use of the property, including expenses related to
5 demolition, relocation, termination of a lease, or discharge of a
6 mortgage; and

7 (B) an amount equal to the greater of, as
8 determined by the municipality, the diminution in the market value
9 of the property, computed by subtracting the current market value
10 of the property after the imposition of a requirement to stop the
11 nonconforming use of the property from:

12 (i) the market value of the property on the
13 day before the date the notice was given under Section
14 211.006(a-1); or

15 (ii) the market value of the property on the
16 day before a person submits an application or request to the
17 municipality to require or the municipality otherwise requires a
18 person to stop using the property in a manner that is a
19 nonconforming use as described by Subsection (b); or

20 (2) continued nonconforming use of the property until
21 the owner or lessee recovers the amount determined under
22 Subdivision (1) through the owner or lessee's continued business
23 activities according to generally accepted accounting principles.

24 (e) Not later than the 10th day after the date a
25 municipality imposes a requirement to stop a nonconforming use of a
26 property under this section, the municipality shall give written
27 notice to each owner or lessee of the property, as indicated by the

most recently approved municipal tax roll, who is required to stop a nonconforming use of the property of the requirement and of the remedies which an owner or lessee of the property is entitled to under Subsection (d).

(f) The owner or lessee of a property that is subject to a requirement to stop a nonconforming use of the property under this section shall not later than the 30th day after the date the municipality gives the notice required by Subsection (e) respond in writing to the municipality indicating the remedy under Subsection (d) chosen by the owner or lessee. In the event of a conflict in the choice of remedy by the owner and a lessee of the property, the owner's choice of remedy shall control. In the event of a conflict in the choice of remedy by the owners of a property that has more than one owner, the choice of remedy made by an owner or owners holding the greater ownership interest in the property shall control. If the municipality does not receive timely notice from an owner or lessee, the municipality may choose the remedy provided under this section.

(g) A person receiving a payment under Subsection (d)(1) must stop the nonconforming use not later than the 10th day after the date of the payment.

(h) A person who continues the nonconforming use under Subsection (d)(2) must stop the nonconforming use immediately on the recovery of the amount determined under Subsection (d)(1).

(i) If more than one person seeks a payment from the municipality under Subsection (d)(1), the municipality shall apportion the payment between each person based on the market value

1 of the person's interest in the property. A person may appeal the
2 apportionment in the manner provided by this section.

3 (j) A person entitled to a remedy under this section may
4 appeal a determination under Subsection (d)(1) or (2) to the board
5 of adjustment of the municipality not later than the 20th day after
6 the date the determination is made. At the hearing before the board
7 of adjustment, the municipality has the burden of proof to
8 establish the correctness of its determination.

9 (k) A municipality or a person aggrieved by the final
10 decision of the board of adjustment under Subsection (j) may seek
11 judicial review of the decision by filing suit as provided by
12 Section 211.011 not later than the 20th day after the date the final
13 decision is made. The court shall review the decision in the manner
14 provided by Section 211.011 except that:

15 (1) the municipality has the burden of proving by clear
16 and convincing evidence that its determination was correct; and

17 (2) the court:

18 (A) in reviewing the municipality's decision may
19 not use a deferential standard in the municipality's favor; and

20 (B) is not limited to determining whether a
21 decision of the board meets the requirements of this chapter or
22 other applicable law.

23 (l) A person seeking to continue a nonconforming use under
24 Subsection (d)(2) who appeals the decision of the municipality or
25 board of adjustment may continue to use the property in the same
26 manner pending the appeal unless an official of the body that made
27 the decision shows cause to stay the nonconforming use by

certifying in writing to the board of adjustment or court with jurisdiction over the appeal facts supporting the official's opinion that continued nonconforming use of the property would cause imminent peril to life or property. On a showing of cause the board of adjustment or court with jurisdiction over the appeal may, after notice to the official, grant a restraining order to stay continued nonconforming use of the property.

(m) If the board of adjustment or court with jurisdiction over an appeal determines that an owner or lessee is entitled to:

(1) a payment under this section in an amount different than the amount determined by the municipality under Subsection (d)(1), the board of adjustment or court shall order, as applicable:

(A) additional payment to the owner or lessee; or

(B) the owner or lessee to reimburse the municipality; or

(2) an amount of time to operate the nonconforming use that is different than the amount of time initially received under Subsection (d)(2), the board of adjustment or court shall order the municipality to allow an owner or lessee to continue the nonconforming use for additional or less time.

(n) An owner or lessee may waive the rights and remedies provided by this section by providing to the municipality a written waiver.

(o) This section does not apply to a nonconforming use that has been intentionally abandoned for at least six months.

(p) A municipality's immunity from suit and governmental

1 immunity from liability are waived for purposes of an action
2 brought by a property owner or lessee to enforce the rights and
3 remedies under this section.

4 SECTION 3. (a) Section 211.006, Local Government Code, as
5 amended by this Act, and Section 211.019, Local Government Code, as
6 added by this Act, apply to a property for which:

7 (1) on or after June 1, 2023, the governing body or
8 zoning commission of a municipality considers a proposed adoption
9 of or change to a zoning regulation or boundary under which a
10 current conforming use of the property is a nonconforming use; or

11 (2) on or after February 1, 2023, the governing body or
12 a board, commission, department, or official of a municipality
13 requires, by ordinance or otherwise, or receives an application or
14 request to require a person to stop nonconforming use of the
15 property due to its nonconformity with the property's current
16 zoning.

17 (b) Subsection (a)(2) of this section applies to a property
18 regardless of whether the governing body or a board, commission,
19 department, or official of the municipality is required by
20 applicable law to make a determination that the nonconforming use
21 has an adverse effect or other determination before the
22 nonconforming use is required to stop.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2023.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 929 passed the Senate on April 20, 2023, by the following vote: Yeas 30, Nays 1.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Secretary of the Senate</div>
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I hereby certify that S.B. No. 929 passed the House on May 4, 2023, by the following vote: Yeas 136, Nays 8, one present not voting.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Chief Clerk of the House</div>
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Approved:

Date

Governor

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Texas Administrative Code

[TITLE 19](#)

EDUCATION

[PART 2](#)

TEXAS EDUCATION AGENCY

[CHAPTER 61](#)

SCHOOL DISTRICTS

[SUBCHAPTER CC](#)

COMMISSIONER'S RULES CONCERNING SCHOOL FACILITIES

RULE §61.1031

School Safety Requirements

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings.

(1) Actively monitored--supervised by an adult who can visibly review visitors prior to entrance, who can take immediate action to close and/or lock the door, and whose duties allow for sufficient attention to monitoring.

(2) Exterior secured area--an area fully enclosed by a fence and/or wall that:

(A) if enclosed by a fence or wall, utilizes a fence or wall at least 6 feet high with design features that prevent it from being easily scalable, such as stone, wrought iron, chain link with slats or wind screen, or chain link topped with an anti-scaling device, or utilizes a fence or wall at least 8 feet high;

(B) is well maintained; and

(C) if gated, features locked gates with emergency egress hardware and has features to prevent opening from the exterior without a key or combination mechanism.

(3) Instructional facility--this term has the meaning assigned in Texas Education Code (TEC), §46.001, and includes any real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching curriculum under TEC, §28.002. For purposes of this section, an instructional facility does not include real property, improvements to real property, or necessary fixtures of an improvement to real property that are part of a federal, state, or private correctional facility or facility of an institution of higher education, medical provider, or other provider of professional or social services over which a school system has no control.

(4) Modular, portable building--

(A) an industrialized building as defined by Texas Occupations Code (TOC), §1202.002 and §1202.003;

(B) any relocatable educational facility as defined by TOC, §1202.004, regardless of the location of construction of the facility; or

(C) any other manufactured or site-built building that is capable of being relocated and is used as a school facility.

(5) Primary entrance--

(A) the main entrance to an instructional facility that is closest to or directly connected to the reception area; or

(B) any exterior door the school system intends to allow visitors to use to enter the facility during school hours either through policy or practice.

(6) School system--a public independent school district or public open-enrollment charter school.

(7) Secure vestibule--a secured space with two or more sets of doors and an office sign-in area where all but the exterior doors shall:

- (A) remain closed, latched, and locked;
- (B) comply with subsection (c)(3)(B) of this section; and
- (C) only open once the visitor has been visually verified.

(b) The provisions of this section apply to all school instructional facilities owned, operated, or leased by a school system, regardless of the date of construction or date of lease. The provisions of this section ensure that all school system instructional facilities have access points that are:

- (1) secured by design;
- (2) maintained to operate as intended; and
- (3) appropriately monitored.

(c) A school system shall implement the following safety and security standards compliance requirements to all school instructional facilities owned, operated, or leased by the school system.

(1) All instructional facilities campus-wide, including modular, portable buildings, must include the addition of graphically represented alpha-numerical characters on both the interior and exterior of each exterior door location. The characters may be installed on the door, or on at least one door at locations where more than one door leads from the exterior to the same room inside the facility, or on the wall immediately adjacent to or above the door location. Characters shall comply with the International Fire Code, §505. The primary entrance of an instructional facility shall always be the first in the entire sequence and is the only door location that does not require numbering. The numbering sequence shall be clockwise and may be sequenced for the entire campus or for each facility individually. The door-numbering process must comply with any and all accessibility requirements related to signage.

(2) Unless a secure vestibule is present, a primary entrance shall:

- (A) meet all standards for exterior doors;
- (B) include a means to allow an individual located within the building to visually identify an individual seeking to enter the primary entrance when the entrance is closed and locked, including, but not limited to, windows, camera systems, and/or intercoms;
- (C) feature a physical barrier that prevents unassisted access to the facility by a visitor; and
- (D) feature a location for a visitor check-in and check-out process.

(3) All exterior doors shall:

- (A) be, by default, set to a closed, latched, and locked status, except that:
 - (i) a door may be unlocked if it is actively monitored or within an exterior secured area; and
 - (ii) for the purposes of ventilation, a school system may designate in writing as part of its multi-hazard emergency operations plan under TEC, §37.108, specific exterior doors that are allowed to remain open for specified periods of time if explicitly authorized by the school safety and security committee established by TEC, §37.109, when a quorum of members are present, and only if it is actively monitored or within an exterior secured area;

(B) be constructed, both for the door and door frame and their components, of materials and in a manner that make them resistant to entry by intruders. Unless inside an exterior secured area, doors constructed of glass or containing glass shall be constructed or modified such that the glass cannot be easily broken and allow an intruder to open or otherwise enter through the door (for example, using forced entry-resistant film);

(C) include:

(i) a mechanism that fully closes and engages locking hardware automatically after entry or egress without manual intervention, regardless of air pressure within or outside of the facility; and

(ii) a mechanism that allows the door to be opened from the inside when locked to allow for emergency egress while remaining locked; and

(D) if keyed for re-entry, be capable of being unlocked with a single (or a small set of) master key(s), whether physical key, punch code, or key-fob or similar electronic device.

(4) Except when inside an exterior secured area, classrooms with exterior entry doors shall include a means to allow an individual located in the classroom to visually identify an individual seeking to enter the classroom when the door is closed and locked, including, but not limited to, windows, camera systems, and/or intercoms.

(5) Except when inside an exterior secured area, all windows that are adjacent to an exterior door and that are of a size and position that, if broken, would easily permit an individual to reach in and open the door from the inside shall be constructed or modified such that the glass cannot be easily broken.

(6) Except when inside an exterior secured area, all ground-level windows near exterior doors that are of a size and position that permits entry from the exterior if broken shall be constructed or modified such that the glass cannot be easily broken and allow an intruder to enter through the window frame (for example, using forced entry-resistant film).

(7) If designed to be opened, all ground-level windows shall have functional locking mechanisms that allow for the windows to be locked from the inside and, if large enough for an individual to enter when opened or if adjacent to a door, be closed and locked when staff are not present.

(8) Roof access doors should default to a locked, latched, and closed position when not actively in use and be lockable from the interior.

(9) All facilities must:

(A) include one or more distinctive, exterior secure master key box(es) designed to permit emergency access to both law enforcement agencies and emergency responder agencies from the exterior (for example, a Knox box) at a location designated by the local authorities with applicable jurisdiction; or

(B) provide all local law enforcement electronic or physical master key access to the building(s).

(10) A communications infrastructure shall be implemented that must:

(A) ensure equipment is in place such that law enforcement and emergency responder two-way radios can function within most portions of the building(s); and

(B) include a panic alert button, duress, or equivalent alarm system, via standalone hardware, software, or integrated into other telecommunications devices or online applications, that includes the following functionality.

(i) An alert must be capable of being triggered by campus staff, including temporary or substitute staff, from an integrated or enabled device.

(ii) An alert must be triggered automatically in the event a district employee makes a 9-1-1 call using the hardware or integrated telecommunications devices described in this subparagraph from any location within the school system.

(iii) With any alert generated, the location of where the alert originated shall be included.

(iv) The alert must notify a set of designated school administrators as needed to provide confirmation of response, and, if confirmed, notice must be issued to the 9-1-1 center of an emergency situation requiring a law enforcement and/or emergency response and must include the location of where the alert originated. A notice can simultaneously be issued to all school staff of the need to follow appropriate emergency procedures.

(v) For any exterior doors that feature electronic locking mechanisms that allow for remote locking, the alert system will trigger those doors to automatically lock.

(11) In implementing the requirements of this section, school systems shall comply with state and federal Kari's Laws and federal RAY BAUM's Act and corresponding rules and regulations pertaining to 9-1-1 service for school telephone systems, including a multi-line telephone system.

(d) Certain operating requirements. A school system shall implement the following.

(1) Access control. The board of trustees or the governing board shall adopt a policy requiring the following continued auditing of building access:

(A) conduct at least weekly inspections during school hours of all exterior doors of all instructional facilities to certify that all doors are, by default, set to a closed, latched, and locked status and cannot be opened from the outside without a key as required in subsection (c)(3)(A) of this section;

(B) report the findings of weekly inspections required by subparagraph (A) of this paragraph to the school system's safety and security committee as required by TEC, §37.109, and ensure the results are kept for review as part of the safety and security audit as required by TEC, §37.108;

(C) report the findings of weekly inspections required by subparagraph (A) of this paragraph to the principal or leader of the instructional facility to ensure awareness of any deficiencies identified and who must take action to reduce the likelihood of similar deficiencies in the future; and

(D) include a provision in the school system's applicable policy stating that nothing in a school system's access control procedures will be interpreted as discouraging parents, once properly verified as authorized campus visitors, from visiting campuses they are authorized to visit.

(2) Exterior and interior door numbering site plan.

(A) A school system must develop and maintain an accurate site layout and exterior and interior door designation document for each instructional facility school system-wide that identifies all exterior and interior doors in the instructional facility and depicts all exterior doors on a floor plan with an alpha-numeric designation, in accordance with the door numbering specifications established in subsection (c)(1) of this section.

(B) Copies of exterior and interior door numbering site plans shall be readily available in each campus main office.

(C) Electronic copies of exterior and interior door numbering site plans shall be supplied to the local 9-1-1 administrative entity so that the site plans can be made available to emergency responders by 9-1-1 dispatchers.

(D) The site layout and exterior and interior door designation document should be oriented in a manner that depicts true north.

(3) Maintenance.

(A) A school system shall perform at least twice-yearly maintenance checks to ensure the facility components required in subsection (c) of this section function as required. At a minimum, maintenance checks shall ensure the following:

(i) instructional facility exterior doors function properly, including meeting the requirements in subsection (c)(3)(A) and (C) of this section;

(ii) the locking mechanism for any ground-level windows that can be opened function properly;

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H.B. No. 2439

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN

GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND

COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the

1 construction, renovation, maintenance, or other alteration of a
2 residential or commercial building if the building product or
3 material is approved for use by a national model code published
4 within the last three code cycles that applies to the construction,
5 renovation, maintenance, or other alteration of the building; or

6 (2) establishes a standard for a building product,
7 material, or aesthetic method in construction, renovation,
8 maintenance, or other alteration of a residential or commercial
9 building if the standard is more stringent than a standard for the
10 product, material, or aesthetic method under a national model code
11 published within the last three code cycles that applies to the
12 construction, renovation, maintenance, or other alteration of the
13 building.

14 (b) A governmental entity that adopts a building code
15 governing the construction, renovation, maintenance, or other
16 alteration of a residential or commercial building may amend a
17 provision of the building code to conform to local concerns if the
18 amendment does not conflict with Subsection (a).

19 (c) This section does not apply to:

20 (1) a program established by a state agency that
21 requires particular standards, incentives, or financing
22 arrangements in order to comply with requirements of a state or
23 federal funding source or housing program;

24 (2) a requirement for a building necessary to consider
25 the building eligible for windstorm and hail insurance coverage
26 under Chapter 2210, Insurance Code;

27 (3) an ordinance or other regulation that regulates

outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

(B) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April

1 1, 2019;

2 (7) a building located in an area designated as a
3 historic district on the National Register of Historic Places;

4 (8) a building designated as a Recorded Texas Historic
5 Landmark;

6 (9) a building designated as a State Archeological
7 Landmark or State Antiquities Landmark;

8 (10) a building listed on the National Register of
9 Historic Places or designated as a landmark by a governmental
10 entity;

11 (11) a building located in a World Heritage Buffer
12 Zone; and

13 (12) a building located in an area designated for
14 development, restoration, or preservation in a main street city
15 under the main street program established under Section [442.014](#).

16 (d) A municipality that is not a municipality described by
17 Subsection (c)(5)(A) or (B) may adopt or enforce a regulation
18 described by Subsection (a) that applies to a building located in a
19 place or area designated on or after April 1, 2019, by the
20 municipality for its historical, cultural, or architectural
21 importance and significance, if the municipality has the voluntary
22 consent from the building owner.

23 (e) A rule, charter provision, ordinance, order, building
24 code, or other regulation adopted by a governmental entity that
25 conflicts with this section is void.

26 Sec. 3000.003. INJUNCTION. (a) The attorney general or an
27 aggrieved party may file an action in district court to enjoin a

1 violation or threatened violation of Section 3000.002.

2 (b) The court may grant appropriate relief.

3 (c) The attorney general may recover reasonable attorney's
4 fees and costs incurred in bringing an action under this section.

5 (d) Sovereign and governmental immunity to suit is waived
6 and abolished only to the extent necessary to enforce this chapter.

7 Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter
8 does not affect provisions regarding the installation of a fire
9 sprinkler protection system under Section 1301.551(i), Occupations
10 Code, or Section 775.045(a)(1), Health and Safety Code.

11 Sec. 3000.005. SEVERABILITY. If any provision of a rule,
12 charter provision, ordinance, order, building code, or other
13 regulation described by Section 3000.002(a) is held invalid under
14 this chapter, the invalidity does not affect other provisions or
15 applications of the rule, charter provision, ordinance, order,
16 building code, or other regulation that can be given effect without
17 the invalid provision or application, and to this end the
18 provisions of the rule, charter provision, ordinance, order,
19 building code, or other regulation are severable.

20 SECTION 2. This Act takes effect September 1, 2019.

H.B. No. 2439

President of the Senate

Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor

CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024
DEPARTMENT: Zoning - Text
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Subdivision Ordinance Amendment 2023-003.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Subdivision Ordinance Amendment 2023-003 to amend the Introduction and Procedural Overview, Article I (General Provisions), Article II (Definitions), Article III (Platting Procedures), Article IV (Assurance for Completion and Maintenance of Improvements), Article V (Requirements for Public Improvements, Reservation and Design), and Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, related to House Bill 3699, including extension of certain plat approval authority to staff as permitted under the bill; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano **Conducted and adopted Ordinance No. 2024-2-8**

BACKGROUND

The Planning & Zoning Commission recommended approval of this subdivision ordinance amendment with a vote of 6-1 per their Final Report in the attached Supporting Documents.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/21/2024	Ordinance
SOA2023-003 Supporting Documents	2/14/2024	Informational

Subdivision Ordinance Amendment 2023-003

An Ordinance of the City of Plano, Texas, amending the Introduction and Procedural Overview, Article I (General Provisions), Article II (Definitions), Article III (Platting Procedures), Article IV (Assurance for Completion and Maintenance of Improvements), Article V (Requirements for Public Improvements, Reservation and Design), and Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, related to House Bill 3699, including extension of certain plat approval authority to staff as permitted under the bill; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 26th day of February 2024, for the purpose of considering a change in the Subdivision Ordinance; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by its Subdivision Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Subdivision Ordinance, on the 26th day of February 2024; and

WHEREAS, the City Council is of the opinion and finds that such change should be adopted, would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Introduction and Procedural Overview of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portion of the Introduction and Procedural Overview to read as follows:

Introduction and Procedural Overview

This is a summary for the convenience of the public to understand the basic process for subdivision. It does not supersede the actual regulations contained in Articles 1-7, below.

The Subdivision Ordinance of the City of Plano is designed to prepare land for development. A pre-application meeting is offered to review potential subdivision design before formal submittal. City of Plano engineering and planning staff will discuss stormwater impacts of the proposed development and opportunities to comply with stormwater quality and quantity goals of Plano's Texas Pollution Discharge Elimination System (TPDES) permit.

The process for gaining subdivision approval depends on the size and complexity of the subdivision. Minor subdivisions, which are subdivisions of four or fewer lots requiring no public improvements, may be approved by staff in a one-step process. Approval of major plats may involve from one to three steps depending on the nature of development. In addition, remainders of tracts being subdivided and parcels smaller than five acres but not proposed for improvement or development may in some instances be approved in a one-step process under the conveyance plat provisions of the ordinance. Some types of subdivisions are not regulated under this ordinance. No property may be developed without an approved plat. The general process of subdivision approval is described below.

1. Major Subdivision Approval Process - The approval process for a major subdivision typically begins with the preparation of a concept plan. This plan establishes a general schematic for the site development, primarily focusing on vehicular access and circulation. Concept plans may be used to separate large properties into parts for phasing site planning and development. A concept plan may be as simple as a plan defining the location of arterial or collector streets shown on the city's Thoroughfare Plan. However, a concept plan may also show the preliminary layout of local streets and lots. Approval of a concept plan showing the proposed street and lot layout is required prior to the submittal of a preliminary plat application for a residential subdivision. Concept plans may be used to define a phasing plan for the development of property. In this case, areas proposed for immediate development will be more detailed than future phases of the development. Concept plans for multi-phased projects may be amended and refined as subsequent phases are ready to proceed through the subdivision approval process.

The approval of a preliminary plat is the second step in processing a major subdivision. The preliminary plat must generally conform to the approved concept plan for the property. The preliminary plat is a detailed, fully dimensional plat and engineered plan for the subdivision. Following the approval of the preliminary plat by the Director of Planning and the release of the engineering plans by the Director of Engineering, the developer may begin construction of the site improvements. The preliminary plat may not be filed with the county clerk, nor may lots be sold with preliminary plat approval.

The final stage of the subdivision process is approval of the final plat. Once the improvements have been constructed, inspected, and approved for acceptance by the Director of Engineering, the final plat may be considered for approval. All corrections and alterations to the plat are made prior to approval, thus eliminating the reasons for most replats. If improvements have not been completed or if minor corrections are

needed, the developer and the city may enter into an improvement agreement specifying the work remaining and providing necessary surety for future performance. This agreement can be approved concurrent with a final plat, thereby allowing the plat to be filed and lots sold. If the developer elects to do so, he could enter into a development agreement with the city for all improvements. This would only be appropriate for small subdivisions, however.

2. Minor Subdivision Approval Process - The ordinance provides a one-step process for minor plats. A minor plat is defined as a subdivision of four or fewer lots not requiring any public improvements. Minor plats can be processed for either residential or nonresidential subdivisions. Minor plats can be approved by staff without any action by the Commission.
3. Conveyance Plats - The Subdivision Ordinance recognizes the need to subdivide and sell property without plans for its immediate development. In addition, a lot from a tract may be sold for development, leaving an unimproved remainder. A conveyance plat allows the recording of a subdivision without requiring the construction of public improvements. This alternative is an interim step in the subdivision process and may generally be used only where the parcels or lots being created are larger than five acres.

A conveyance plat is a boundary survey drawn as a plat. Easements, dedications, and reservations may be recorded on a conveyance plat. Engineering plans are not required to process a conveyance plat, unless the developer plans to construct limited improvements on the property. Engineering Inspection fees are not collected at the time of conveyance plat approval.

4. Review Time - Preliminary plats, final plats, replats, and conveyance plats will be acted on within 30 days of official submittal date. All plats not acted upon within this period will be considered approved.
5. Appeals - The action of staff concerning a plat may be appealed to the Commission. The action of the Commission regarding subdivision approval may be appealed to the Plano City Council.

...

Section II. Section 1.4 (Authority) of Article I (General Provisions) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

1.4 Authority

- a. These regulations are formulated under the powers granted by Chapter 212, Subchapters A and B of the Texas Local Government Code. The term "plat" as

used in Subchapter A and this ordinance shall also include within its definition the term "development plat" specified in Subchapter B, except where noted.

- b. In addition to its other responsibilities, the Commission of the City of Plano (hereinafter "Commission") is vested with the authority to review, approve, conditionally approve and disapprove applications for the platting or subdivision of land, including conveyance plats, preliminary plats, final plats, amended plats, preliminary replats, replats, and vacations of plats, subject to review by the Plano City Council (hereinafter "Council"). The Commission may grant variances from these regulations pursuant to the provisions of Section 1.11.
- c. The Director of Planning is vested with the authority, as permitted by law, to review, approve, conditionally approve, and disapprove applications for conveyance plats, preliminary plats, final plats, nonresidential preliminary replats, nonresidential replats, minor plats, and amended plats. The Director of Planning may, for any reason, elect to present a plat to the Commission for approval.

Section III. Subsection 1.5.e of Section 1.5 (Jurisdiction) of Article I (General Provisions) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such subsection to read in its entirety as follows:

- e. Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Commission or the Director of Planning in accordance with these regulations.

Section IV. Section 1.12 (Waivers from Development Exactions) of Article I (General Provisions) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

1.12 Waivers from Development Exactions

...

- a. Petition for Relief - A petition must set forth the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested. The property owner or applicant must submit a written petition for relief to the Planning Department:
 - 1. For petitions for relief of conditions known prior to consideration, the written petition must be submitted:
 - (a) Prior to the approval by the Director of Planning of a conveyance plat, preliminary plat, final plat, or site plan, or

(b) At least 10 days prior to the scheduled consideration by the Commission of a conveyance plat, preliminary plat, final plat, or site plan.

2. For relief from conditions of approval originated by the Commission at its meeting during its consideration of a conveyance plat, preliminary plat, final plat, or site plan, the written petition must be submitted no later than 10 days following the Commission's action. During the review of the petition, the approved plat or site plan, and any permits based on that document, will be suspended until the resolution of the petition for relief.

b. Consideration of Development Application - After receipt of a petition for relief, the Planning Department shall schedule consideration of the plat or site plan, within 30 days or within any time frame required by state law. The Commission shall approve the plat or site plan subject to future consideration of the applicant's petition for relief from a dedication or construction requirement, or disapprove the plat or site plan.

...

i. Plat or Site Plan Modification - If a plat or site plan for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, the Director of Engineering may prepare a new study to validate the relief. The petitioner may file for relief, and the new application and study shall be submitted and processed according to the procedures outlined above.

Section V. Section 2.2 (Words and Terms Defined) of Article II (Definitions) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended to add Subsection e (Approval Authority), amend definitions, and reletter accordingly as follows:

2.2 Words and Terms Defined

...

e. Approval Authority - The entity authorized to take action on a plat, including approval, conditional approval, disapproval, or other options that may be provided under this ordinance. Typically, either the Director of Planning or the Planning & Zoning Commission.

...

aa. Development Regulations - The term used to collectively refer to the following city codes and ordinances, as amended:

1. Zoning Ordinance;

2. Subdivision Ordinance;
3. Street Design Standards; and
4. Any other development-related code or ordinance that is referenced herein.

...

- ii. Final Plat - The map of a subdivision or addition to be recorded after approval and any accompanying material and additional requirements as described in these regulations.

...

- ccc. Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision or addition to be submitted for approval.

...

Section VI. Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

3.1 General

- a. Classification of Subdivisions and Additions - Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by these regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

...

Except as otherwise permitted, approval of a preliminary plat is required prior to the construction of public improvements on or for the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the Approval Authority.

Upon completion of the required public improvements, or the provision of a subdivision improvement agreement described under Article IV, the owner may submit a corrected final plat for the development. Lots may be sold and building permits obtained after approval of the plat by the Approval Authority and filing of the signed plat. The preliminary plat process may be omitted if the owner enters into a subdivision improvement agreement with the city and provides sufficient

surety for all proposed public improvements. If the preliminary plat process is omitted, engineering plans must be submitted in conjunction with the final plat.

- b. Official Submission Date for Items Requiring Commission and Staff Approval - The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates to facilitate compliance with the statutorily-required approval process. This calendar will generally specify two submittal dates for each calendar month, and must specify one submittal date for each calendar month. An application or plat is considered submitted on the first submittal date on or after the date that: 1) the fee is paid; 2) other requirements permitted by law are met; and 3) the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department. The date on which the application is submitted shall constitute the filing date, after which the statutory period required for approval or disapproval of the plat shall commence to run.
- c. Approval Criteria - Applications for the approval of plats as defined by this ordinance shall be evaluated for compliance with these regulations and the requirements contained in the city's Development Regulations. The determination of infrastructure needs and capacity and the delineation of floodplain or other limitations on development will be done only during the review and approval of either a preliminary or a final plat complete with required engineering plans and studies. The approval of any plat other than a preliminary plat does not certify the availability or capacity of infrastructure or that the property is suitable for development.
- d. Statutory Compliance Procedure -
 - 1. The Approval Authority shall approve, conditionally approve, or disapprove the application. In the case of conditional approval or disapproval, the Approval Authority shall identify the requirements which must be satisfied in order to obtain approval of the application, with citation to the appropriate regulation or law. Approval, conditional approval, or disapproval must occur prior to the expiration of thirty (30) calendar days following the official submission date. If the Approval Authority fails to take the required action on an application within thirty (30) calendar days following the official submission date, the application shall be deemed approved.
 - 2. After conditional approval or disapproval, if the applicant resubmits the application, the Approval Authority has fifteen (15) calendar days following the official resubmission date to determine whether the resubmittal remedies all of the identified requirements as described above or if the resubmission is again conditionally approved or denied. If the resubmission is conditionally approved or denied, the Approval Authority shall identify the remaining requirements which must be satisfied in order to obtain approval of the

resubmittal with citation to the appropriate regulation or law. If the Approval Authority fails to take the required action on a resubmittal within fifteen (15) calendar days following the official resubmission date, the application shall be deemed approved.

3. The Approval Authority may extend the period of time for review of the application for a period up to thirty (30) days, but may only do so upon receipt of a written request of the applicant. The Approval Authority may suggest that the applicant withdraw a plat application that is not ready for approval to avoid denial. The applicant may resubmit a withdrawn application for a project with no additional fees if it is rescheduled within sixty (60) calendar days following the date of withdrawal.

...

Section VII. Section 3.2 (Preliminary Plat) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

3.2 Preliminary Plat

- a. Purpose - The purpose of the preliminary plat is to allow the Approval Authority to evaluate the proposed plat for conformity with requirements and conditions identified at the time of concept plan, preliminary site plan, or conveyance plat approval and to evaluate construction plans for public improvements or to provide adequate security for construction of the same.
- b. Applicability - A preliminary plat is required for all major subdivisions prior to the construction of public improvements. If a preliminary plat is omitted, a final plat shall be required in conformance to Section 3.5. If a property has previously been platted, a preliminary replat may be used, following the procedures of a preliminary plat and those outlined in Section 7.1.
- c. Application Procedure and Requirements - On forms approved by the city, the applicant shall file for approval of a preliminary plat, which conforms substantially with the concept plan, preliminary site plan, or conveyance plat submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Texas and shall bear his seal, signature and date on each sheet. The payment of all applicable fees shall be required at the time of submission.
 1. Pre-Application Meeting - A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater

requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. Pre-application meeting notes will be provided to the applicant after the meeting.

2. General Application Requirements - Copies of the proposed preliminary plat shall be at a scale of 1" = 100' or larger and in a form substantially as follows:

...

(m) Documents necessary for dedication of right-of-way

...

3. Standards for Approval - No preliminary plat shall be approved by the Approval Authority unless the following standards have been met:

- (a) The plat substantially conforms with the approved concept plan, preliminary site plan, or conveyance plat or other study as provided in Section 3.2.c.
- (b) The construction plans have been reviewed by the Director of Engineering.
- (c) Provision for installation and dedication of public improvements has been made.
- (d) The plat conforms to applicable zoning and other regulations.
- (e) The plat meets all other requirements of these regulations.

4. Timing of Public Improvements -

- (a) All public improvements must be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat by the Director of Planning or Chair of the Commission, except the Director of Engineering may permit or require the deferral of the construction of public improvements if in their judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and offsite public improvements. When deferments of construction of public improvements are permitted:

- i. Any required public improvement(s) approved for deferred construction must be provided for as required in Article IV prior to the approval of the final plat. (See Section 4.4).
 - ii. The Director of Engineering shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in Section 4.1.b.
 - (b) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.
 - (c) The applicant may appeal the decision of the Director of Engineering with regard to timing of public improvements by filing a Notice of Appeal in the office of the Director of Planning, no later than ten (10) calendar days after the date on which the Director of Engineering notifies the applicant of their decision. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning & Zoning Commission shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the Notice of Appeal is filed. The Commission may affirm, modify, or reverse the decision of the Director of Engineering and may, where appropriate, remand the plat to the Director of Planning for further proceedings consistent with the Commission's decision.
5. Approval Procedure - After review of the preliminary plat, the report and recommendation of the Director of Engineering on the construction plans, and any exhibits submitted, the applicant shall be advised of any required changes and/or additions. The Director of Planning shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the owner with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat. If the Director of Planning disapproves the proposed preliminary plat, the applicant may execute an appeal in the manner prescribed in Section 3.8.
6. Effect of Approval - Approval of a preliminary plat by the Director of Planning constitutes authorization for the Director of Engineering to release construction plans subject to their final approval and for the Director of Engineering to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Director of Engineering. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the Director of Engineering may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter

authorized. Additional certificates may be issued by the Director of Engineering authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

“The preliminary plat for (insert name of the subdivision or addition) as approved by the Director of Planning on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the Director of Engineering. A final plat shall be approved by the Director of Planning upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with Section 3.5 of the Subdivision Ordinance of the City of Plano.”

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two (2) years following the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat.

7. Lapse of Preliminary Plat Approval - The approval of a preliminary plat shall be effective for a period of two (2) years following the date that the preliminary plat is approved by the Approval Authority, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. (See Section 3.4 concerning extensions and reinstatement of approval.)

d. Construction Plan Procedure and Requirements -

...

2. Construction Plan Review Procedure - Copies of the construction plans, and the required number of copies of the plat shall be submitted to the Director of Engineering for final approval. The plans shall contain all necessary information for construction of the project, including screening walls, permanent BMPs, and other special features. All materials specified shall conform to the Engineering Construction Standards of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The Director of Engineering will release the plans for construction, after approval of the preliminary plat by the Approval Authority and payment of all inspection fees. Upon such release, each Contractor shall maintain one

set of plans, stamped with city release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted. (Also see Sections 4.2 and 4.3)

...

Section VIII. Section 3.3 (Amendments to Preliminary Plat) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

3.3 Amendments to Preliminary Plat

- a. At any time following the approval of a preliminary plat, and before the lapse of such approval, a property owner may request an amendment. The rerouting of streets, addition, or deletion of alleys, or addition or deletion of more than ten (10) percent of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details, the addition or deletion of lots within ten (10) percent of the approved number, and the adjustment of lot lines shall be considered minor amendments.
- b. The Director of Planning may approve or disapprove minor amendments. Major amendments may be approved in accordance with the same requirements for the approval of a preliminary plat.
- c. Approval - The Approval Authority shall approve, conditionally approve, or disapprove any proposed amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.
- d. Retaining Previous Approval - If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Approval Authority, the applicant may withdraw the proposed amendment or may appeal the action in accordance with Section 3.8.

Section IX. Section 3.5 (Final Subdivision Plat) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

3.5 Final Subdivision Plat

...

- c. Application Procedure and Requirements - A final plat may be approved by the Director of Planning in accordance with Section 1.4.c. Final plats shall comply

to the preliminary plat where applicable. The application shall be accompanied by the following:

...

3. Improvement agreement and security -

- (a) The improvement agreement shall include a provision that the property owner will comply with all the terms of the final plat approval as determined by the Commission.
- (b) The security shall be in a form satisfactory to the City Attorney and in the amount of the cost of the improvements as established by the Director of Engineering.

...

- e. Approval Procedure - Minor or final plats may be approved by the Director of Planning or referred to the Commission in accordance with Section 1.4.c. In the event of disapproval, reasons for disapproval shall be stated. One (1) copy of the final subdivision plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.
- f. Appeals - If the Director of Planning disapproves the final plat, the applicant may appeal to the Commission in the manner prescribed in Section 3.8.
- g. Certificate of Compliance - Upon final approval of a final plat required by these regulations, the Director of Planning shall issue to the person applying for approval a certificate stating that the final plat has been approved by the Approval Authority. For purposes of this section, final approval shall not occur until all conditions of approval have been met.
- h. Signing and Recording of Final Plat -
 - 1. When an improvement agreement and security are required, the Approval Authority shall endorse approval on the final plat after the agreement and security have been approved by the Director of Engineering and City Attorney, and all the conditions pertaining to the final plat have been satisfied.
 - 2. When installation of public improvements is required prior to recordation of the final plat, the Approval Authority shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the Director of

Engineering stating that the necessary dedication of public lands and installation of public improvements has been accomplished. (See Section 4.3)

...

- j. Lapse of Final Plat Approval - The approval of a final plat shall be effective for a period of six (6) months following the date that the final plat is approved by the Approval Authority, at the end of which time the applicant must have recorded the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until the applicant has recorded the final plat with the County Clerk. (See Section 3.4 concerning extensions and reinstatement of approval.)

Section X. Section 3.6 (Conveyance Plats) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of section to read as follows:

3.6 Conveyance Plats

...

- c. Application Procedure and Requirements -
 1. Pre-Application Meeting - A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. Pre-application meeting notes will be provided to the applicant after the meeting.
- ...
4. Approval Procedure - Conveyance plats shall be approved provided they comply with all appropriate ordinances and the Comprehensive Plan. The Director of Planning must approve, conditionally approve, or deny a

conveyance plat no later than thirty (30) calendar days following the official submission date. If denied, the Director of Planning shall provide a written explanation of the reason for denial. If the Director of Planning fails to approve or deny the application within thirty (30) calendar days following the official submission date, the conveyance plat shall be deemed approved.

5. Signing and Filing -

- (a) After the approval of the conveyance plat by the Approval Authority, and the correction of the conveyance plat if required, the property owner shall be responsible for filing the plat with the applicable County. The property owner may request a delay of filing the approved conveyance plat for up to six (6) months following the date of approval. Any conveyance plat which has not been filed with the County within six (6) months following the date of approval shall be void. Prior to filing with the County, the property owner may withdraw and void a conveyance plat. Any conveyance plat withdrawn and/or voided, must be later resubmitted as a new project under then-current regulations and procedures and reapproved by the Approval Authority and filed with the County. Prior to filing, the Approval Authority shall endorse approval of the conveyance plat. One (1) copy of the recorded conveyance plat shall be returned to the Director of Planning within seven (7) calendar days following its filing at the applicable county. Failure to record the conveyance plat and to submit a copy of the recorded plat to the Planning Department, within the respective time frames above, shall be deemed a violation pursuant to Section 1.13 of these regulations. The city shall have the right, but not the obligation, to cause an approved conveyance plat to be recorded with the applicable County.

...

Section XI. Subsection 3.7.b of Section 3.7 (Development Plat) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such subsection to read in its entirety as follows:

- b. A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. Pre-application meeting notes will be provided to the applicant after the meeting.

Section XII. Section 3.8 (Appeals to Council) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

3.8 Appeals

- a. Decisions of the Director - The applicant or two members of the Commission or Council may appeal to the Commission the decision of the Director of Planning to approve or deny any type of plat.
- b. Decisions of the Commission - The applicant, Director of Planning, or two members of Council may appeal to City Council the decision of the Commission to approve or deny any type of plat or variance.
- c. Procedures and Actions - A Notice of Appeal must be filed in the office of the Director of Planning, no later than ten (10) calendar days after the date on which the Approval Authority notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission or Council at a public meeting. Written notice of any appeal shall be sent to the property owner. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Commission or Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the Notice of Appeal is filed. The Commission or Council may affirm, modify, or reverse the decision of the Director of Planning or Commission and may, where appropriate, remand the plat to the Director of Planning or Commission for further proceedings consistent with Commission or Council's decision.

Section XIII. Section 4.1 (Improvements and Subdivision Improvement Agreement) of Article IV (Assurance for Completion and Maintenance of Improvements) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

4.1 Improvements and Subdivision Improvement Agreement

- a. Completion of Improvements - Except as provided below, before any type of recordable plat is signed by the Chair of the Commission or Director of Planning, as applicable, all applicants shall be required to complete, in accordance with the city's decision and to the satisfaction of the Director of Engineering, all the required street, water, sanitary sewer, stormwater management, permanent BMPs, and other public improvements, as well as improvements on the individual residential lots of the subdivision or development as required in these regulations, specified in the final plat, and as approved by the Approval Authority, and to dedicate those public improvements with the exception of future streets,

to the city. Applicants may voluntarily dedicate street right-of-way at the time of final plat when an improvement agreement is completed meeting the requirements of this section.

b. Improvement Agreement and Guarantee -

1. Agreement -

(a) The Director of Engineering may:

- i. Waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final or other recordable plat, and may permit the property owner to enter into an improvement agreement by which the property owner covenants to complete all required public improvements no later than two (2) years following the date on which the plat is signed.
- ii. Require the property owner to complete and dedicate some required public improvements prior to approval of the plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period.
- iii. Allow the property owner to enter into an improvement agreement for construction of future streets or alleys only if the property owner determines that he or she is voluntarily dedicating the land for the future street or alley, and that the City is not requiring such dedication.

...

2. Improvement Agreement Required for Oversize Reimbursement - The city shall require an improvement agreement pertaining to any public improvement for which the developer shall request reimbursement from the city for oversize costs as provided in Article V. The Director of Engineering shall authorize the approval of such agreement if it meets all applicable requirements of the city, and the city shall not withhold approval as a means of avoiding compensation due under the terms of this ordinance. The Director of Engineering is authorized to sign an improvement agreement on behalf of the city.

...

4. Letter of Credit - If the Director of Engineering authorizes the property owner to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

...

- c. Temporary Improvements - The property owner shall build and pay for all costs of temporary improvements required by the city and shall maintain those temporary improvements for the period specified by the Director of Engineering. Prior to construction of any temporary facility or improvement, the owner shall file with the city a separate improvement agreement and escrow, or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

...

- f. Acceptance of Dedication Offers - Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by authorization of the Director of Engineering. The approval by the Approval Authority of any type of plat shall not in or of itself be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on the plat. The Approval Authority may require the plat to be endorsed with appropriate notes to this effect.

...

Section XIV. Paragraph c.1 of Subsection c (Conditions Prior to Authorization) of Section 4.2 (Construction Procedures) of Article IV (Assurance for Completion and Maintenance of Improvements) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such paragraph to read in its entirety as follows:

1. The preliminary plat shall be approved by the Approval Authority.

Section XV. Subsection b (Certificate of Satisfactory Completion) of Section 4.3 (Inspection of Public Improvements) of Article IV (Assurance for Completion and Maintenance of Improvements) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portion of the subsection to read as follows:

- b. Certificate of Satisfactory Completion - The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the Director of Engineering that all required public improvements have been completed through submission of detailed record drawings (also called "as-builts") of the property, indicating location, dimensions, materials, and other information required by the Commission, Director of Planning, or the Director of Engineering. The record drawings shall show the following:

...

Section XVI. Section 4.4 (Deferral of Required Improvements) of Article IV (Assurance for Completion and Maintenance of Improvements) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

4.4 Deferral of Required Improvements

- a. The Director of Engineering may, upon petition of the property owner and favorable recommendation of the Director of Planning, defer at the time of final approval of the plat, subject to appropriate conditions, the provision of any or all public improvements as, in their judgment, are not required in the interests of the public health, safety, and general welfare. (See Section 3.2.c.4)
- b. Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the Director of Engineering, the property owner shall deposit in escrow his share of the costs (in accordance with Article VI of this ordinance) of the future public improvements with the city prior to signing of the final plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit or other surety approved by the City Attorney guaranteeing completion of the deferred public improvements upon demand of the city.

Section XVII. Section 5.1 (General Requirements) of Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

5.1 General Requirements

- a. Plats Straddling Municipal Boundaries - Whenever access to the subdivision or development is required across land in another municipality, the city may request assurance from that municipality's attorney that access is legally established, and from its engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county, or school district boundary lines.

...

- d. Character of the Land - Land that the Directors of Planning and Engineering find to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or development and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the

Directors of Planning and Engineering, to solve the problems created by the unsuitable land conditions.

...

Section XVIII. Section 5.2 (Lot Design and Improvements) of Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

5.2 Lot Design and Improvements

...

b. Typical Neighborhood Development -

1. General - A residential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to nonresidential or mixed-use properties, as well as such additional development standards as may be required, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

...

c. Nonresidential and Traditional Multifamily Developments -

1. General - A nonresidential or multifamily plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential or mixed-use properties, as well as such additional development standards as may be required, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning.

2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

...

d. Mixed-Use Development -

1. General - A mixed-use development plat shall be subject to all the requirements of these regulations as well as such additional development standards as may be required, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Where conflicts exist with neighborhood, nonresidential, and multifamily property requirements, the provisions of this section shall apply. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

...

3. Frontage Standards -

...

- (c) Mews - Where appropriate based on the Thoroughfare Plan Map and Street Design Standards, mixed-use lots may front a mews street in subdivisions where the following conditions apply:

...

- iii. If the use of a mews makes it appear that a residential lot fronts onto a Type B or C street, as determined by the Director of Engineering, a fence or wall that meets City standards shall be installed between the front yard of the home and the public sidewalk along the street.

...

Section XIX. Section 5.4 (Streets and Thoroughfares) of Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

5.4 Streets and Thoroughfares

...

- b. Design Standards - In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these regulations, together with those contained in the city's Engineering Construction Standards. In the event of a conflict between these or other regulations and those contained in such documents, the more specific, and/or restrictive provisions shall be applied.

...

- e. Street Dedications and Reservations -

- 1. Dedication of Right-of-Way - The property owner shall provide all right-of-way required for existing streets, including perimeter streets, as shown in the Thoroughfare Plan Map or other valid development plans approved by the Director of Planning, Commission, or Council. The property owner shall provide all right-of-way required for future streets, including perimeter streets, as shown in the Thoroughfare Plan Map and the Community Investment Program. Additional right-of-way may be necessary to meet drainage, utility placement, visibility, or other requirements as required by the Director of Engineering. (See Section 3.6.c.3 for information on reservations and dedications with conveyance plats.) In the case of perimeter streets, half of the total required right-of-way for such streets shall be provided. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street. A minimum parkway width of ten (10) feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the Director of Engineering. Standard right-of-way widths are as specifically set forth in the Street Design Standards.

...

Section XX. Subsection c (Pedestrian Accesses) of Section 5.5 (Sidewalks and Bikeways) of Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such subsection to read in its entirety as follows:

- c. Pedestrian Accesses - The Approval Authority may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.

Section XXI. Section 5.6 (Drainage, Storm Sewers, and Permanent BMPs) of Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

5.6 Drainage, Storm Sewers, and Permanent BMPs

...

- b. Design of Facilities -

...

- 3. Effect on Downstream Drainage Areas - The owner's engineer, subject to approval by the Director of Engineering, shall study the effect of each development's stormwater runoff on the existing underground drainage facilities immediately downstream of the development. Where it is determined that existing capacity is not available immediately downstream, the owner's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. The Approval Authority may withhold approval of the plat until such mitigation has been provided. If oversize improvements are required, then the city shall participate in the cost as prescribed by these regulations.

...

- c. Creeks and Floodplains -

- 1. Floodplain Restrictions - The Director of Engineering shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, or where prohibited in the Flood Damage Prevention provisions in the city's Code of Ordinances (Chapter 16, Article VIII) prohibit development of any portion of the property which lies within the floodplain of

any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps, except at the discretion of the Director of Engineering. Floodplains are also subject to the restrictions of the tree preservation requirements in the Zoning Ordinance.

...

Section XXII. Paragraph a.4 of Subsection a (General Requirements) of Section 5.7 (Park Access) of Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such paragraph to read in its entirety as follows:

4. Where a nonresidential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping. Access points to the park may be permitted by the Approval Authority if public benefit is established.

Section XXIII. Paragraph 2 (Preliminary Plat and Final Plat) of Subsection b (Procedure for Reserving Land) of Section 5.12 (Public Uses) of Article V (Requirements of Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such paragraph to read in its entirety as follows:

2. Preliminary Plat and Final Plat - All preliminary and final plats submitted for approval shall continue to reserve sites for public use as designated on approved land studies or concept plans. The city shall initiate acquisition of any area reserved for public use on a plat within one (1) year following the date of approval of the plat, unless the period is extended by the mutual agreement of the city and the developer. The reservation shall be made void if the city fails to initiate acquisition of the area reserved within this period and the area shall be free for development in accordance with these regulations.

Section XXIV. Section 7.1 (Replatting of Land) of Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

7.1 Replatting of Land

...

- b. Replatting Without Vacating Preceding Plat - A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. Is signed and acknowledged by only the owners of the property being replatted;
2. Is properly approved; and
3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

c. Additional Requirements for Certain Replats -

...

2. Final action on the replat may be taken only after a public hearing before the Commission on the matter at which parties in interest and citizens have an opportunity to be heard. Notice of the hearing shall be given before the fifteenth (15th) day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county and by written notice, with a copy of Section 7.1.c.3 attached, forwarded by the Commission to the owners, as indicated on the most recently approved ad valorem tax roll of the city, of property in the original subdivision within two hundred (200) feet of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.

...

Section XXV. Subsection 7.2.a of Section 7.2 (Amending Plats) of Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portions of the subsection to read as follows:

- a. The Director of Planning may, upon petition of the property owner or developer, approve and issue an amending plat which is signed by the applicants only unless otherwise required to the contrary and which is for one (1) or more of the purposes set forth in this section, and such approval and issuance shall not require notice, hearing, or approval of other lot owners. This subsection shall apply only if the sole purpose of the amending plat is:

...

6. To correct any other type of scrivener or clerical error or omission as previously approved by the Approval Authority; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

...

Section XXVI. Subsection e (Government Initiated Plat Vacation) of Section 7.3 (Plat Vacation) of Article VII (Replatting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such portion of the subsection to read as follows:

e. Government Initiated Plat Vacation -

1. General Conditions - The Commission, on its motion, may vacate the plat of an approved subdivision or addition when:

- (a) No lots within the approved plat have been sold within five (5) years from the date that the plat was signed by the Director of Planning or Chair of the Commission;

...

Section XXVII. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section XXVIII. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section XXIX. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section XXX. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section XXXI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 26th day of February, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY



APPROVED AS TO FORM:


Paige Mims, CITY ATTORNEY

DATE: February 6, 2024

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission 
Christina D. Day, AICP, Director of Planning 

SUBJECT: Results of Planning & Zoning Commission Meeting of February 5, 2024 

AGENDA ITEM NO. 5A – SUBDIVISION ORDINANCE AMENDMENT 2023-003
PETITIONER: CITY OF PLANO

Request to amend various sections of the Subdivision Ordinance related to HB 3699 including extension of certain plat approval authority to staff as permitted under the bill. Tabled on January 2, 2024. Project #SOA2023-003.

APPROVED: 6-1

Speaker Card(s) Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>

Commissioner Brounoff voted in opposition and Commissioner Bronsky was not in attendance.

RESULTS:

The Commission recommended the item for approval as submitted.

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/296510?ts=3839>

RK/kob

cc: Eric Hill, Assistant Director of Planning
Mike Bell, Development Review Manager
Christina Sebastian, Land Records Planning Manager

AGENDA ITEM NO. 5A

PUBLIC HEARING: Subdivision Ordinance Amendment 2023-003

PETITIONER: City of Plano

CASE PLANNER: Robyn Kirk, AICP

DESCRIPTION: Request to amend various sections of the Subdivision Ordinance related to HB 3699, including extension of certain plat approval authority to staff as permitted under the bill. Tabled on January 2, 2024. Project #SOA2023-003.

SUMMARY:

The purpose of this request is to amend the Subdivision Ordinance to align with a recently adopted Texas House bill. The amendments will extend certain plat approval authority to staff as permitted under state law. This is intended to improve customer service by allowing plats to be approved sooner and reduce the volume of items presented to the Planning & Zoning Commission for administrative approval. Staff recommends approval as noted in the following recommendation section.

STAFF PRELIMINARY REPORT - REMARKS

Background

The 88th Texas Legislature passed [House Bill 3699](#) (HB 3699), requiring substantial changes to the Subdivision Ordinance. HB 3699 includes fairly extensive updates to city subdivision requirements, including platting requirements, street dedications, development requirements, procedures, and approval authority and procedures.

Due to the broad impact of the bill and numerous other changes to development standards made by the Legislature, the amendments were split into two Subdivision Ordinance Amendment cases. On August 7, 2023 ([staff report](#) | [video](#)), the Planning & Zoning Commission recommended approval of Subdivision Ordinance Amendment 2023-002 (SOA2023-002), regarding changes related to street dedication allowances and called an additional public hearing for this amendment to consider further Subdivision Ordinance amendments related to HB 3699, including consideration of extending certain plat approval authority to staff as permitted under the bill.

On September 18, 2023 ([staff report](#) | [video](#)), staff presented information to the Commission with a request to provide direction on proposed plat approval authority changes due to the passage of HB 3699. The matter was discussed, and the Commission gave a tentative recommendation to move forward, asking staff for additional research regarding what other cities are doing and how to maintain transparency in the development process.

On December 4, 2023 ([staff report](#) | [video](#)), staff presented additional information to the Commission and responded to questions from the September 18 meeting. The Commission directed staff to move forward with the proposed plat approval authority changes, outlined below and included in Exhibit A. Note that plat vacations, in which an approved and recorded plat is vacated, were not included in the previous reports and are not proposed for changes.

HB 3699

The changes to the Subdivision Ordinance proposed in this amendment focus on plat approval authority. HB 3699 (Exhibit B) amended [Chapter 212 of the Local Government Code](#) (LGC), allowing staff to approve plats previously approved by the Planning & Zoning Commission, if the Commission or City Council chooses to delegate this authority. Prior to the changes made through HB 3699, approval authority could only be delegated to staff for certain plat types. This is reflected in the current Subdivision Ordinance, which allows staff approval of amended plats and minor plats but requires Planning & Zoning Commission approval of all other plat types.

HB 3699 also restricts requiring a study or other document to be submitted with a plat application unless explicitly allowed by state law. SOA2023-002 made some amendments in regard to this requirement, but some additional amendments are proposed under this case.

Summary of Proposed Changes

The changes permitted by HB 3699 allow the Commission or City Council to delegate approval authority to staff for most plat types rather than a select few. Plat approval is an administrative procedure, wherein a plat may only be denied if it does not comply with city regulations, and reasons are provided for the denial, including a citation of the city regulation with which the plat fails to comply. The proposed

ordinance changes delegate approval authority to staff for all plats except replats and preliminary replats of single- and two-family subdivisions, any plat with a variance, and plat vacations.

The proposed changes are shown in the following table. Using the number of plats approved between September 1, 2022, and August 31, 2023, the number of plats approved by the Commission would be reduced by 87%, providing earlier approvals for the majority of plat applicants and more efficient Commission meetings.

Plat Type	No. In Year ¹	Current	Proposed
Amended Plat	0	Staff Approval ²	Staff Approval ²
Minor Plat	0	Staff Approval ²	Staff Approval ²
Conveyance Plat	11	Consent Agenda ³	Staff Approval ²
Preliminary Plat	19	Consent Agenda ³	Staff Approval ²
Final Plat	22	Consent Agenda ³	Staff Approval ²
Preliminary Replat (SF & 2F residential zoning)	3	Public Hearing	Public Hearing
Preliminary Replat (all others)	27	Public Hearing	Staff Approval ²
Replat (SF & 2F residential zoning)	14	Public Hearing	Public Hearing
Replat (all others)	32	Public Hearing	Staff Approval ²
Plat Vacations	0	Consent Agenda ³	Consent Agenda ³
Total Staff-Approved		0	111
Total P&Z-Approved		128	17

1 Number of plats processed from September 1, 2022, to August 31, 2023.

2 Unless a variance to the Subdivision Ordinance is required, when it is approved either as a non-public hearing item or, if a companion item to a zoning case, a public hearing item.

3 Unless a variance to the Subdivision Ordinance is required, when it is approved either as a non-public hearing item or, if a companion item to a zoning case, a public hearing item; and unless it is a companion item to a zoning case, when it is approved as a public hearing item.

As the Subdivision Ordinance includes information on process throughout, the quantity of proposed amendments is substantial. However, the overall processing of plats will remain the same, with the same initial review process and only a change in the entity doing the approval, which is generally expected to streamline approvals. Additionally, under the proposed amendments:

- Plats approved or denied by staff can be appealed to the Commission.
- Pre-application meetings are no longer required to submit a plat application, though still offered, to meet the requirements of HB 3699. The Zoning Ordinance will continue to require pre-application meetings for zoning and site plan applications, so most development projects will still have pre-application meetings.
- Rewording of some ordinance language to provide enhanced clarity or better align with state statute, including Subsection 3.1.b, Official Submission Date for Items Requiring Commission and Staff Approval, and Subsection 3.1.d, Statutory Compliance Procedure.
- Minor clerical corrections.

- As part of implementation of the proposed amendments, staff will provide a report of all plats approved by staff in the preceding month in the packet for the second Planning & Zoning Commission meeting each month.

No changes are proposed for:

- Due to noticing and public hearing requirements, replats and preliminary replats of single- and two-family residential subdivisions. The Planning & Zoning Commission would continue to approve these through the public hearing process, as outlined in the following information.
- All plats requiring variances, as variances are legislative items that the Commission has the discretion to approve.
- Plat vacations, in which a recorded plat is vacated before a new one is submitted. Plat vacations are rare as, typically, plats are simply replatted without vacating the preceding plat. The most recent plat vacation request was approved in 2016.

STAFF PRELIMINARY REPORT - ANALYSIS & RECOMMENDATION

State Law

As outlined at the September 18 and December 4 Commission meetings, the Subdivision Ordinance outlines requirements for a variety of different plat types. These are subject to [Chapter 212](#) of the Texas Local Government Code, which includes several requirements that must be met:

- Notice and Public Hearings for Certain Replats: Per Section 212.015, replats of land that are limited via zoning or deed to residential uses of two or fewer residential units have specific standards, depending on whether a variance is required:
 1. *If a variance is required*: a public hearing is required, along with associated written notice to owners of land within 200 feet of the replat and within the same subdivision.
 2. *If a variance is not required*: a public hearing is not required, but the same notice is still required within 15 days of approval. Alternatively, a public hearing can be held as described in option 1.

Because the need for a variance is not always identified early in the plat review process, and by the notice deadline, the city has opted to notice and hold public hearings for all single- and two-family residential replats (option 1), and this is not proposed to change.

The city currently schedules all nonresidential replats for public hearings before the Planning & Zoning Commission, though written notice is not sent; this is proposed to change by allowing staff approval of nonresidential replats.

- Action Required Within 30 Days: Section 212.009 outlines specific timelines in which plats must be approved. Plano has implemented this via two routes (see Exhibit C for flowcharts from the [Plano Development Handbook](#)):

1. *Shot Clock*: Once a complete plat submittal is received (all required documents are submitted and fees paid), a plat must be approved, approved with conditions, or denied within 30 days of the submittal date. If the plat is not ready to be acted upon, the applicant can request a Review Period Extension Request, which the Commission can approve. If the applicant fails to file this request, then the plat must be denied, and the applicant must resubmit and pay fees again.
 2. *Pre-Submittal*: To provide additional flexibility to applicants, this alternative review option allows the plat to be submitted and reviewed, but fees are not paid, and the submittal is not deemed complete until the plat is ready for approval, at which point it continues through the Shot Clock process. This route allows staff and the applicant a longer timeframe to work through comments and any potential issues, if needed, as the 30-day deadline does not apply until the fees are paid.
- Administrative Consideration: Section 212.0091 requires that denial of plats cannot be arbitrary and must be due to the plat not meeting requirements of Chapter 212 or the Subdivision Ordinance. Section 212.010 outlines the standards of approval, states that plats must be approved if they meet all standards, and provides a legal path for an owner if the plat was not approved per the Section.

The combination of these requirements can create challenges for applicants and staff, as the majority of plats still need to be placed on a Commission agenda for approval. Due to the set schedule for Commission meetings, plats may be ready for consideration one to two weeks prior to a Commission meeting. Still, the applicant must wait for approval at the Commission meeting as staff prepares the agenda, locators, and graphics. This creates unnecessary delays for applicants, as shown in the graphic.

These complexities also mean that preparing a plat for Commission review takes substantial time (approximately 20 minutes per plat) to create the agenda

caption and update the plat graphic to outline property line boundaries and add street names. These documents are then reviewed for errors by additional staff for approximately another 10 minutes per plat. This time is in addition to the time spent doing standard plat review and communication with the applicant that occurs before the plat is ready for placement on the agenda.

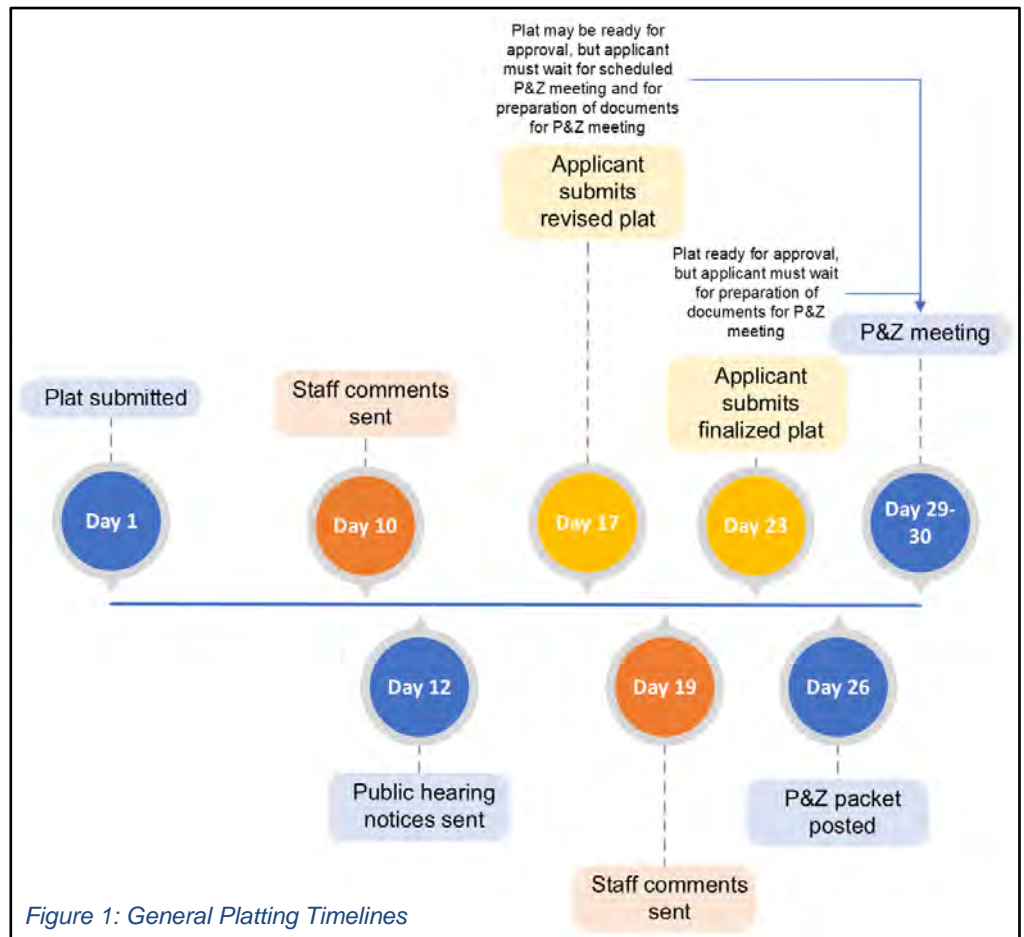


Figure 1: General Platting Timelines

Peer Community Regulations

Staff inquired with 23 communities throughout Texas about any changes that have been made or are planned to be made to their plat approval processes as a result of HB 3699. Of the 23 communities, three have adopted ordinances to delegate plat approval authority to staff, two have regulations drafted to delegate approval authority to staff, five have begun discussions to consider changes to plat approval authority in the future, eight are not currently considering any changes to their practice, and five did not provide a response. It should be noted that all communities will continue to hold public hearings for residential replats requiring a variance, as required by state law. A summary of the information from the communities that responded is provided in the following table.

Status	Municipality	HB 3699 Response
Plat approval deferred to staff	Austin, TX	Staff approval for all plats except residential replats and variances approved in August of 2023.
	Georgetown, TX	Staff approval for all plats except residential replats and variances approved in August of 2023.
	McKinney, TX	Staff approval for all plats except residential replats and variances approved in October of 2023.
	San Marcos, TX	Staff approval for all plats except replats and variances approved in October of 2023.
City expects that approval will be deferred to staff soon	Garland, TX	Amendments to the city charter are in progress. Changes to allow staff to approve all eligible plats are expected to be approved by council in early 2024.
Discussion underway	Allen, TX	Preliminary discussions have been held to consider allowing staff to approve plats.
	Denton, TX	Preliminary discussions have been held to consider allowing staff to approve plats.
	Frisco, TX	Preliminary discussions have been held to consider allowing staff to approve plats.
	Lewisville, TX	Preliminary discussions have been held to consider allowing staff to approve plats.
	Little Elm, TX	Preliminary discussions have been held to consider allowing staff to approve plats.
Not considering changes at this time	Anna, TX	Not considering changes at this time due to recent major update to Subdivision Ordinance.
	Arlington, TX	Not considering changes at this time.
	Carrollton, TX	Not considering changes at this time.
	Grapevine, TX	Not considering changes at this time.
	Irving, TX	Not considering changes at this time.
	Princeton, TX	Not considering changes at this time.
	Sugarland, TX	Not considering changes at this time.
	Wylie, TX	Not considering changes at this time.

The Commission inquired as to the differential in the reaction of communities surveyed. In the experience of staff, Plano is typically at the forefront of ordinance changes related to legislative action, so it would not be unexpected for other communities to reserve action for a later date. They may not place the same priority on maintaining ordinances or have the same legal and staff resources to do so.

Maintaining Transparency of the Development Process

There are multiple ways in which proposed plats are currently displayed to the public, detailed below:

- *Zoning & Recent Development Activity Map* (share.plano.gov/zoningmap): All development projects, including plats, are displayed on the Zoning & Recent Development Activity map. Projects are added to the map at time of submittal and remain on the map for one year after action is taken.
- *New Submittal and Development Review Lists*: The [Planning Department website](#) includes two lists with development project details. The [New Submittal List](#) contains projects submitted on the most recent submittal date. The [Development Review List](#) contains all active projects, with the newest cases listed first. Both lists include details such as project type, name, description, address, owner, applicant, and planner reviewing the case.
- *Planning & Zoning Commission Meeting Agendas*: All plats, with the exception of minor and amending plats, are placed on a Commission meeting agenda for approval, and the proposed plats are included in each meeting packet:
 - Final plats, conveyance plats, and preliminary plats are consent items, so are not typically reviewed individually during the meeting.
 - Replats are public hearing items and are considered individually during the meeting.
 - Any nonresidential plat requiring a variance is considered individually during the meeting.

If approval authority of plats is delegated to staff, all plat information will continue to be available for public viewing through the Zoning & Recent Development Activity Map and the New Submittal and Development Review Lists. Staff contact information will continue to be provided so members of the public may inquire with questions or concerns on proposed plats. Residential replats (single-family and two-family only), plats requiring variances, and plat vacations will continue to be placed on P&Z meeting agendas.

If these proposed amendments are approved, staff can also provide a monthly Staff Approval Report containing all plats approved by staff in the Commission packet for the second meeting of the month, which would also be available online for the public to provide additional transparency. A sample report was presented at the December 4 meeting and is attached as Exhibit D.

Upon further consideration, however, creation of the Staff Approval Report as presented will result in these plats being treated differently than other current staff approval items, including landscape plans, tree surveys, site plans, amended plats, minor plats, and facade plans. If the Staff Approval Report includes only plats, we may want to articulate why some staff-approval administrative items are being included and not others. However, including all staff-approved plans would increase the work of creating this report to the extent that it might offset the staff efficiency benefits of removing plats from the agenda. For example, there were 409 staff-approved plans in the prior-reported fiscal year (139 substantially conforming site plans, 49 site plans, 83 facade plans, 4 open space plans, and 134 landscape plans and general tree surveys).

Alternatively, the Commission may wish to receive the new submittal list for each submittal day so staff can be contacted regarding any plans and plats of interest prior to approval and perhaps even prior to comments going to the applicant.

Summary of Benefits of Proposed Amendments

Staff supports delegated approval authority for most plat types due to the overall benefits to property owners and the community at large. In summary, the benefits of making this change include:

1. Streamlining of the development process by allowing plats, which are a technical document under State Law subject to administrative approval, to be approved sooner since processing time, effort, and resources would be reduced (see item #3 below) for Planning & Zoning Commission meetings.
2. Increased efficiency for the public at Commission meetings since the public in attendance for non-administrative items (such as zoning cases and discussion items) will not have to sit through approval of as many administrative items. The Commission will also have more opportunity to focus on substantive legislative items.
3. Increased efficiency since staff would not need to prepare locator maps, graphics, presentations, or agenda items for these plats, with the possible exception of the staff approval report.
4. Report to the Commission on approvals or new submittals.

SUMMARY:

The purpose of this request is to amend the Subdivision Ordinance to align with a recently adopted Texas House bill. The amendments will extend certain plat approval authority to staff as permitted under state law. This is intended to improve customer service by allowing plats to be approved sooner and reduce the volume of items presented to the Planning & Zoning Commission for administrative approval. Staff recommends approval as noted in the recommendation section below.

RECOMMENDATION:

Recommended for approval as shown in Exhibit A (**additions are indicated in blue text; deletions are indicated in red strikethrough text**).

Subdivision Ordinance Amendment 2023-003 Draft Standards

Additions are indicated in blue text; deletions are indicated in red-strikethrough text.

Amend the Introduction and Procedural Overview of the Subdivision Ordinance, such portion of the Introduction and Procedural Overview to read as follows:

Introduction and Procedural Overview

This is a summary for the convenience of the public to understand the basic process for subdivision. It does not supersede the actual regulations contained in Articles 1-7, below.

The Subdivision Ordinance of the City of Plano is designed to prepare land for development. ~~Prior to submission of applications, a~~ A pre-application meeting is offered required. ~~The purpose of the meeting is~~ to review potential subdivision design before formal submittal. City of Plano engineering and planning staff will discuss stormwater impacts of the proposed development and opportunities to comply with stormwater quality and quantity goals of Plano's Texas Pollution Discharge Elimination System (TPDES) permit.

The process for gaining subdivision approval depends on the size and complexity of the subdivision. Minor subdivisions, which are subdivisions of four or fewer lots requiring no public improvements, may be approved by staff in a one-step process. Approval of major plats may involve from one to three steps depending on the nature of development. In addition, remainders of tracts being subdivided and parcels smaller than five acres but not proposed for improvement or development may in some instances be approved in a one-step process under the conveyance plat provisions of the ordinance. Some types of subdivisions are not regulated under this ordinance. ~~These exempt subdivisions include divisions of property where no part being created is smaller than 20 acres, certain forms of leaseholds, divisions created through inheritance, and divisions created by the action of a court of law. However, no~~ No property may be developed without an approved plat. The general process of subdivision approval is described below. ~~This description does not substitute for the actual regulations contained in Articles 1-7.~~

1. Major Subdivision Approval Process - The approval process for a major subdivision typically begins with the preparation of a concept plan. This plan establishes a general schematic for the site development, primarily focusing on vehicular access and circulation. Concept plans may be used to separate large properties into parts for phasing site planning and development. A concept plan may be as simple as a plan defining the location of arterial or collector streets shown on the city's Thoroughfare Plan. However, a concept plan may also show the preliminary layout of local streets and lots. Approval of a concept plan showing the proposed street and lot layout is required prior to the submittal of a preliminary plat application for a residential subdivision. Concept plans may be used to define a phasing plan for the development of property. In this case, areas proposed for immediate development will be more detailed than future phases of the development. Concept plans for multi-phased projects may be amended and refined as subsequent phases are ready to proceed through the subdivision approval process.

Subdivision Ordinance Amendment 2023-003 Draft Standards

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The approval of a preliminary plat is the second step in processing a major subdivision. The preliminary plat must generally conform to the approved concept plan for the property. The preliminary plat is a detailed, fully dimensional plat and engineered plan for the subdivision. Following the approval of the preliminary plat by the **Commission Director of Planning** and the release of the engineering plans by the Director of Engineering, the developer may begin construction of the site improvements. The preliminary plat may not be filed with the county clerk, nor may lots be sold with preliminary plat approval.

The final stage of the subdivision process is approval of the final plat. Once the improvements have been constructed, inspected, and approved for acceptance by the Director of Engineering, the final plat may be **considered** ~~presented to the Commission~~ for approval. All corrections and alterations to the plat are made prior to approval, thus eliminating the reasons for most replats. If improvements have not been completed or if minor corrections are needed, the developer and the city may enter into an improvement agreement specifying the work remaining and providing necessary surety for future performance. This agreement can be approved concurrent with a final plat, thereby allowing the plat to be filed and lots sold. If the developer elects to do so, he could enter into a development agreement with the city for all improvements. This would only be appropriate for small subdivisions, however.

2. Minor Subdivision Approval Process - The ordinance provides a one-step process for minor plats. A minor plat is defined as a subdivision of four or fewer lots not requiring any public improvements. Minor plats can be processed for either residential or nonresidential subdivisions. Minor plats can be approved by staff without any action by the Commission.
3. Conveyance Plats - The Subdivision Ordinance recognizes the need to subdivide and sell property without plans for its immediate development. In addition, a lot from a tract may be sold for development, leaving an unimproved remainder. A conveyance plat allows the recording of a subdivision without requiring the construction of public improvements. This alternative is an interim step in the subdivision process and may generally be used only where the parcels or lots being created are larger than five acres.

A conveyance plat is a boundary survey drawn as a plat. Easements, dedications, and reservations may be recorded on a conveyance plat. Engineering plans are not required to process a conveyance plat, unless the developer plans to construct limited improvements on the property. **Engineering Inspection** ~~Development~~ fees are not collected at the time of conveyance plat approval.

4. Review Time - Preliminary plats, final plats, **replats**, and conveyance plats will be acted on within 30 days of **official submittal date filing**. All plats not acted upon within this period will be considered approved. ~~Minor plats may be processed in a shorter period, since they only require staff approval. All other approvals require the action of the Commission.~~

Subdivision Ordinance Amendment 2023-003 Draft Standards

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5. Appeals - The action of staff concerning a ~~minor~~ plat may be appealed to the Commission. The action of the Commission regarding subdivision approval may be appealed to the Plano City Council.

...

Amend Section 1.4 (Authority) of Article I (General Provisions), such section to read in its entirety as follows:

1.4 Authority

- a. These regulations are formulated under the powers granted by Chapter 212, Subchapters A and B of the Texas Local Government Code. The term "plat" as used in Subchapter A and this ordinance shall also include within its definition the term "development plat" specified in Subchapter B, except where noted.
- b. In addition to its other responsibilities, the Commission of the City of Plano (hereinafter "Commission") is vested with the authority to review, approve, conditionally approve and disapprove applications for the platting or subdivision of land, including ~~land studies~~, conveyance plats, preliminary plats, final plats, amended plats, preliminary replats, replats, and vacations of plats, subject to review by the Plano City Council (hereinafter "Council"). The Commission may grant variances from these regulations pursuant to the provisions of Section 1.11.
- c. The Director of Planning is vested with the authority, as permitted by law, to review, approve, conditionally approve, and disapprove applications for conveyance plats, preliminary plats, final plats, nonresidential preliminary replats, nonresidential replats, minor plats, and amended plats. The Director of Planning may, for any reason, elect to present a ~~minor~~ plat to the Commission for approval. ~~The Director of Planning may not disapprove a minor plat and shall refer any minor plat refused for approval to the Commission within 30 days of the official date of application.~~

Amend Subsection 1.5.e of Section 1.5 (Jurisdiction) of Article I (General Provisions), such subsection to read in its entirety as follows:

- e. Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Commission or the Director of Planning in accordance with these regulations.

Subdivision Ordinance Amendment 2023-003 Draft Standards

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Amend Section 1.12 (Waivers from Development Exactions) of Article I (General Provisions), such portions of the section to read as follows:

1.12 Waivers from Development Exactions

...

- a. Petition for Relief - ~~The property owner or applicant must submit a written petition for relief to the Planning Department at least 10 days prior to the Commission's consideration of a conveyance plat, preliminary plat, final plat, or site plan. The~~ A petition ~~shall~~ must set forth the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested. ~~The property owner or applicant must submit a written petition for relief to the Planning Department:~~

1. For petitions for relief of conditions known prior to consideration, the written petition must be submitted:
 - (a) Prior to the approval by the Director of Planning of a conveyance plat, preliminary plat, final plat, or site plan, or
 - (b) At least 10 days prior to the scheduled consideration by the Commission of a conveyance plat, preliminary plat, final plat, or site plan.
2. For relief from conditions of approval originated by the Commission at its meeting during its consideration of a conveyance plat, preliminary plat, final plat, or site plan, the written petition must be submitted no later than 10 days following the Commission's action. During the review of the petition, the approved plat or site plan, and any permits based on that document, will be suspended until the resolution of the petition for relief.

~~An applicant may also submit a petition for relief from conditions of plat or site plan approval added by the Commission in its consideration of a conveyance plat, preliminary plat, final plat, or site plan. This petition must be submitted no later than 10 days following the Commission's action.~~

- b. Consideration of Development Application - After receipt of a petition for relief, the Planning Department shall schedule consideration of the plat or site plan, within 30 days ~~a reasonable time frame~~ or within any time frame required by state law. The Commission shall approve the plat or site plan subject to future consideration of the applicant's petition for relief from a dedication or construction requirement, or disapprove the plat or site plan.

...

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- i. Plat or Site Plan Modification - If a plat or site plan for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, the Director of Engineering may prepare a new study to validate the relief. The petitioner may file for relief, and the new application and study shall be submitted and processed according to the procedures outlined ~~in Sections 1-5~~ above.

Amend Section 2.2 (Words and Terms Defined) of Article II (Definitions), such amended and new definitions to read as follows, and the remaining terms relettered:

2.2 Words and Terms Defined

...

- e. Approval Authority - The entity authorized to take action on a plat, including approval, conditional approval, disapproval, or other options that may be provided under this ordinance. Typically, either the Director of Planning or the Planning & Zoning Commission.

...

- aa ~~z.~~ Development Regulations - The term used to collectively refer to the following city codes and ordinances, as amended:
 - 1. Zoning Ordinance;
 - 2. Subdivision Ordinance;
 - 3. Street Design Standards; and
 - 4. Any other development-related code or ordinance ~~that is incorporated herein by reference.~~ that is referenced herein

...

- ii ~~hh.~~ Final Plat - The map of a subdivision or addition to be recorded after approval ~~by the Commission~~ and any accompanying material and additional requirements as described in these regulations.

...

- ccc ~~bbb.~~ Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision or addition to be submitted ~~to the Commission~~ for approval.

...

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Amend Section 3.1 (General) of Article III (Platting Procedures), such portions of the section to read as follows:

3.1 General

- a. Classification of Subdivisions and Additions - Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by these regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

...

Except as otherwise permitted, ~~the Commission's~~ approval of a preliminary plat is required prior to the construction of public improvements on or for the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the ~~Commission~~ Approval Authority.

Upon completion of the required public improvements, or the provision of a subdivision improvement agreement described under Article IV, the owner may submit a corrected final plat for the development. Lots may be sold and building permits obtained after approval of the plat by the Approval Authority ~~Commission~~, and filing of the signed plat. The preliminary plat process may be omitted if the owner enters into a subdivision improvement agreement with the city and provides sufficient surety for all proposed public improvements. If the preliminary plat process is omitted, engineering plans must be submitted in conjunction with the final plat.

- b. Official Submission Date for Items Requiring Commission and Staff Approval - ~~For the purpose of these regulations, the~~ The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates to facilitate compliance with the statutorily-required approval process. This calendar will generally specify two submittal dates for each calendar month, and must specify one submittal date for each calendar month. An application or plat is considered submitted on the first submittal date on or after the date that: 1) the fee is paid; 2) other requirements permitted by law are met; and 3) the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department. The date on which the application is first filed submitted shall constitute the official submission filing date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official

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~~submittal dates. This calendar shall specify two submittal dates for each calendar month. All applications delivered to the city on a date other than a scheduled date shall be scheduled for consideration on the next official submittal date. An application or plat is considered filed on the date the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department.~~

- c. Approval Criteria - Applications for the approval of ~~studies and~~ plats as defined by this ordinance shall be evaluated for compliance with these regulations and the requirements contained in the city's Development Regulations, ~~all of which are incorporated herein by reference~~. The determination of infrastructure needs and capacity and the delineation of floodplain or other limitations on development will be done only during the review and approval of either a preliminary or a final plat complete with required engineering plans and studies. The approval of any ~~study or~~ plat other than a preliminary plat does not certify the availability or capacity of infrastructure or that the property is suitable for development.
- d. Statutory Compliance Procedure - ~~The Director of Planning shall place the application on a scheduled meeting of the Commission prior to the expiration of thirty (30) calendar days following the official submission date.~~
 - 1. The Approval Authority ~~Commission~~ shall approve, conditionally approve, or disapprove the application. In the case of conditional approval or disapproval, the Approval Authority shall, ~~or~~ identify the requirements which must be satisfied ~~prior~~ in order to obtain approval of the application ~~at the meeting~~, with citation to the appropriate regulation or law. Approval, conditional approval, or disapproval must occur prior to the expiration of thirty (30) calendar days following the official submission date. If the Approval Authority ~~Commission~~ fails to take the required action on ~~approve or disapprove (disapproval includes the identification of requirements to be satisfied prior to approval)~~ an application within thirty (30) calendar days following the official submission date, the application shall be deemed approved.
 - 2. After conditional approval or disapproval, if the applicant resubmits the application, the Approval Authority has fifteen (15) calendar days following the official resubmission date to determine whether the resubmittal remedies all of the identified requirements as described above or if the resubmission is again conditionally approved or denied. If the resubmission is conditionally approved or denied, the Approval Authority shall identify the remaining requirements which must be satisfied in order to obtain approval of the resubmittal with citation to the appropriate regulation or law. If the Approval Authority fails to take the required action on a resubmittal within fifteen (15) calendar days following the official resubmission date, the application shall be deemed approved.

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~~However, the identification of requirements by the Commission, (at a scheduled meeting of the Commission prior to thirty (30) calendar days following the official submission date) which remain to be satisfied prior to plat approval, shall constitute disapproval of the application for purposes of statutory compliance only. Unless the Commission unconditionally disapproves the plat application within such period, the city shall continue to process the application for compliance with these regulations.~~

3. The Approval Authority may extend the period of time for review of the application for a period up to thirty (30) days, but may only do so upon receipt of a written request of the applicant. The Approval Authority ~~Commission may not table any type of plat, but~~ may suggest that ~~request~~ the applicant to withdraw a plat application that is not ready for approval, ~~and such application must be withdrawn by the applicant~~ to avoid denial. The applicant may resubmit a withdrawn application for a the project with no additional fees if it is rescheduled within sixty (60) calendar days following the date of withdrawal. ~~The Commission shall consider the application within thirty (30) days of resubmission.~~

...

Amend Section 3.2 (Preliminary Plat) of Article III (Platting Procedures), such portions of the section to read as follows:

3.2 Preliminary Plat

- a. Purpose - The purpose of the preliminary plat is to allow the Approval Authority ~~Commission and/or the Council~~ to evaluate the proposed plat for conformity with requirements and conditions identified at the time of concept plan, preliminary site plan, or conveyance plat approval and to evaluate construction plans for public improvements or to provide adequate security for construction of the same.
- b. Applicability - A preliminary plat is required for all major subdivisions prior to the construction of public improvements. If a preliminary plat is omitted, a final plat shall be required in conformance to Section 3.5. ~~If a property has previously been platted, a preliminary replat may be used, following the procedures of a preliminary plat and those outlined in Section 7.1.~~
- c. Application Procedure and Requirements - On forms approved by the city, the applicant shall file for approval of a preliminary plat, which conforms substantially with the concept plan, preliminary site plan, or conveyance plat submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Texas and shall bear his seal, signature and date on each sheet. The payment of all applicable fees shall be required at the time of submission.

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1. Pre-Application Meeting - ~~Before preparing the preliminary plat, the applicant shall schedule an appointment and meet~~ A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. ~~A pre~~ Pre-application meeting notes will be provided to the applicant after the meeting ~~checklist can be obtained from the city.~~
2. General Application Requirements - Copies of the proposed preliminary plat shall be at a scale of 1" = 100' or larger and in a form substantially as follows:
...
(m) ~~Additional documents~~ Documents necessary for dedication of right-of-way or conveyance of easements and rights-of-way, as required by the city. ~~The city may, in some instances, require the conveyance of fee simple title for certain rights-of-way.~~
...
3. Standards for Approval - No preliminary plat shall be approved by the ~~Approval Authority Commission or by the Council~~ unless the following standards have been met:
 - (a) The plat substantially conforms with the approved concept plan, preliminary site plan, or conveyance plat or other study as provided in Section 3.2.c.
 - (b) The construction plans have been reviewed by the Director of Engineering.
 - (c) Provision for installation and dedication of public improvements has been made.
 - (d) The plat conforms to applicable zoning and other regulations.
 - (e) The plat meets all other requirements of these regulations.

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4. Timing of Public Improvements -

- (a) ~~The Commission may require that all~~ All public improvements must be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat by the Director of Planning or Chairman of the Commission, ~~except the Director of Engineering. The Commission~~ may permit or require the deferral of the construction of public improvements if in ~~its~~ ~~their~~ judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and offsite public improvements. ~~When deferments of construction of public improvements are permitted:~~
 - i. Any required public improvement(s) approved for deferred construction must be provided for as required in Article IV prior to the approval of the final plat. (See Section 4.4).
 - ii. ~~(b) If the Commission does not require that all public improvements be installed, offered for dedication and accepted by the city prior to signing of the final plat by the Chairman, it~~ The Director of Engineering shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in Section 4.1.b.
 - (b) ~~(e)~~ This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.
 - (c) The applicant may appeal the decision of the Director of Engineering with regard to timing of public improvements by filing a Notice of Appeal in the office of the Director of Planning, no later than ten (10) calendar days after the date on which the Director of Engineering notifies the applicant of their decision. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning & Zoning Commission shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the Notice of Appeal is filed. The Commission may affirm, modify, or reverse the decision of the Director of Engineering and may, where appropriate, remand the plat to the Director of Planning for further proceedings consistent with the Commission's decision.
5. Approval Procedure - After review of the preliminary plat, ~~the report and recommendations of the Director of Planning concerning the preliminary plat and the application,~~ the report and recommendation of the Director of Engineering on the construction plans, and any exhibits submitted ~~at a public meeting,~~ the applicant shall be advised of any required changes and/or additions. The Director of Planning ~~Commission~~ shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary

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plat shall be returned to the owner with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat. If the **Director of Planning Commission** disapproves the proposed preliminary plat, the applicant may execute an appeal in the manner prescribed in Section 3.8.

6. Effect of Approval - Approval of a preliminary plat by the **Director of Planning Commission** constitutes authorization for the Director of Engineering to release construction plans subject to ~~his~~ **their** final approval and for the Director of Engineering to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the ~~Commission~~ **Director of Engineering**. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the Director of Engineering may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. Additional certificates may be issued by the Director of Engineering authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

“The preliminary plat for (insert name of the subdivision or addition) as approved by the **Director of Planning City of Plano Commission** on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the Director of Engineering. A final plat shall be approved by the **Director of Planning Commission** upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with Section 3.5 of the Subdivision Ordinance of the City of Plano.”

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two (2) years following the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat.

7. Lapse of Preliminary Plat Approval - The approval of a preliminary plat shall be effective for a period of two (2) years following the date that the preliminary plat is approved by the **Approval Authority Commission or the Council**, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a new plat for

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review subject to the then existing zoning restrictions and subdivision regulations. (See Section 3.4 concerning extensions and reinstatement of approval.)

d. Construction Plan Procedure and Requirements -

...

2. Construction Plan Review Procedure - Copies of the construction plans, and the required number of copies of the plat shall be submitted to the Director of Engineering for final approval. The plans shall contain all necessary information for construction of the project, including screening walls, permanent BMPs, and other special features. All materials specified shall conform to the Engineering Construction Standards of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The Director of Engineering will release the plans for construction, after approval of the preliminary plat by the **Approval Authority Commission** and payment of all inspection fees. Upon such release, each Contractor shall maintain one set of plans, stamped with city release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted. (Also see Sections 4.2 and 4.3)

...

Amend Section 3.3 (Amendments to Preliminary Plat) of Article III (Platting Procedures), such section to read in its entirety as follows:

3.3 Amendments to Preliminary Plat

- a. At any time following the approval of a preliminary plat, and before the lapse of such approval, a property owner may request an amendment. The rerouting of streets, addition, or deletion of alleys, or addition or deletion of more than ten (10) percent of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details, **the** ~~the~~ addition or deletion of lots within ten (10) percent of the approved number, and the adjustment of lot lines shall be considered minor amendments.
- b. The Director of Planning may approve or disapprove **a** minor amendments. ~~Disapproval may be appealed to the Commission.~~ Major amendments may be approved ~~by the Commission at a public meeting~~ in accordance with the same requirements for the approval of a preliminary plat.

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- c. Approval - The Approval Authority ~~Commission~~ shall approve, conditionally approve, or disapprove any proposed ~~major~~ amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.
- d. Retaining Previous Approval - If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Approval Authority ~~Commission~~, the applicant may withdraw the proposed ~~major~~ amendment or may appeal the action ~~of the Commission to the Council~~ in accordance with Section 3.8.

Amend Section 3.5 (Final Subdivision Plat) of Article III (Platting Procedures), such portions of the section to read as follows:

3.5 Final Subdivision Plat

...

- c. Application Procedure and Requirements - A final plat ~~for minor subdivisions~~ may be approved by the Director of Planning in accordance with Section 1.4.c. ~~A final plat for a major subdivision shall require approval by the Commission.~~ Final plats shall comply to the preliminary plat where applicable. The application shall be accompanied by the following:

...

3. Improvement agreement and security -

- (a) The improvement agreement shall include a provision that the property owner will comply with all the terms of the final plat approval as determined by the Commission. ~~and~~
- (b) The security, ~~if required,~~ shall be in a form satisfactory to the City Attorney and in ~~an~~ the amount of the cost of the improvements as established by the ~~Commission upon recommendation of the~~ Director of Engineering ~~and shall include a provision that the property owner shall comply with all the terms of the final plat approval as determined by the Commission.~~

...

- e. Approval Procedure - ~~After review of the final plat, the Director of Planning shall place the final plat for consideration on the agenda of a public meeting of the Commission.~~ Minor or final plats may be approved by the Director of Planning or referred to the Commission in accordance with Section 1.4.c. In the event of disapproval, reasons for disapproval shall be stated. One (1) copy of the final subdivision plat shall be returned to the applicant with the date of approval,

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conditional approval, or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

- f. Appeals - If the **Director of Planning** ~~Commission~~ disapproves the final plat, the applicant may appeal to the **Commission** ~~Council~~ in the manner prescribed in Section 3.8.
- g. Certificate of Compliance - Upon final approval of a final plat required by these regulations, the **Director of Planning** ~~Commission~~ shall issue to the person applying for approval a certificate stating that the final plat has been approved by the **Approval Authority** ~~Commission and/or the Council~~. For purposes of this section, final approval shall not occur until all conditions of approval have been met.
- h. Signing and Recording of Final Plat -
 - 1. When an improvement agreement and security are required, the **Approval Authority** ~~Chairman of the Commission or the Mayor, if approval has been granted by the Council, and the Director of Planning or Engineering~~, shall endorse approval on the final plat after the agreement and security have been approved by the ~~Commission~~ **Director of Engineering and City Attorney**, and all the conditions pertaining to the final plat have been satisfied.
 - 2. When installation of public improvements is required prior to recordation of the final plat, the **Approval Authority** ~~Chairman of the Commission or the Mayor, if the plat has been approved by the Council and Director of Planning or Engineering~~, shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the Director of Engineering stating that the necessary dedication of public lands and installation of public improvements has been accomplished. (See Section 4.3)
- ...
- j. Lapse of Final Plat Approval - The approval of a final plat shall be effective for a period of six (6) months following the date that the final plat is approved by the **Approval Authority** ~~Commission or the Council~~, at the end of which time the applicant must have recorded the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until

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the applicant has recorded the final plat with the County Clerk. (See Section 3.4 concerning extensions and reinstatement of approval.)

Amend Section 3.6 (Conveyance Plats) of Article III (Platting Procedures), such portions of the section to read as follows:

3.6 Conveyance Plats

...

c. Application Procedure and Requirements -

1. Pre-Application Meeting - ~~Before preparing the conveyance plat, the applicant shall schedule an appointment and meet~~ A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. ~~A pre~~ Pre-application meeting notes will be provided to the applicant after the meeting ~~checklist can be obtained from the city.~~

...

4. Approval Procedure - ~~A conveyance plat meeting all requirements of the city shall be placed on the consent agenda of the Commission.~~ Conveyance plats shall be approved provided they comply with all appropriate ordinances and the Comprehensive Plan. The Director of Planning ~~Commission~~ must approve, conditionally approve, or deny a conveyance plat no later than thirty (30) calendar days following the official submission date. If denied, the Director of Planning ~~Commission~~ shall provide a written explanation of the reason for denial. If the Director of Planning ~~Commission~~ fails to approve or deny the application within thirty (30) calendar days following the official submission date, the conveyance plat shall be deemed approved. ~~A conveyance plat qualifying as a minor plat shall be reviewed and acted upon by the Director of Planning, or by the Commission if deferred by the Director, in accordance with Section 1.4.e.~~
5. Signing and Filing -
 - (a) After the approval of the conveyance plat by the Approval Authority ~~Commission~~, and the correction of the conveyance plat if required by the

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~~Commission~~, the property owner shall be responsible for filing the plat with the applicable County. The property owner may request a delay of filing the approved conveyance plat for up to six (6) months following the date of approval. Any conveyance plat which has not been filed with the County within six (6) months following the date of approval shall be void. Prior to filing with the County, the property owner may withdraw and void a conveyance plat. Any conveyance plat withdrawn and/or voided, must be later resubmitted as a new project under then-current regulations and procedures and reapproved by the ~~Approval Authority Commission~~ and filed with the County. Prior to filing, the ~~Approval Authority Chairman of the Commission or the Director of Planning, as applicable,~~ shall endorse approval of the conveyance plat. One (1) copy of the recorded conveyance plat shall be returned to the Director of Planning within seven (7) calendar days following its filing at the applicable county. Failure to record the conveyance plat and to submit a copy of the recorded plat to the Planning Department, within the respective time frames above, shall be deemed a violation pursuant to Section 1.13 of these regulations. The city shall have the right, but not the obligation, to cause an approved conveyance plat to be recorded with the applicable County.

...

Amend Subsection 3.7.b of Section 3.7 (Development Plat) of Article III (Platting Procedures), such subsection to read in its entirety as follows:

- b. ~~Before preparing the development plat, the applicant shall schedule an appointment and meet~~ A pre-application meeting is offered to review potential subdivision design with the staff of the Planning and Engineering Departments before submittal. The purposes of the pre-application meeting are to review the proposed development with regard to stormwater requirements (see Section 5.6.e) and goals of Plano's TPDES permit; to discuss the procedures for approval of the plat and the requirements as to general layout of streets and/or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services; and to discuss application procedures and submittal requirements. ~~A pre~~ Pre-application meeting notes will be provided to the applicant after the meeting ~~checklist can be obtained from the city.~~

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Amend Section 3.8 (Appeals to Council) of Article III (Platting Procedures), such section to read in its entirety as follows:

3.8 Appeals ~~to Council~~

- a. Decisions of the Director - The applicant or two members of the Commission or Council may appeal to the Commission the decision of the Director of Planning to approve or deny any type of plat.
- b. Decisions of the Commission - The applicant, Director of Planning, or two members of Council may appeal to City Council the decision of the Commission to approve or deny ~~with regard to~~ any type of plat ~~or~~, variance, ~~or petition~~. ~~by filing a~~
- c. Procedures and Actions - A Notice of Appeal ~~must be filed~~ in the office of the Director of Planning, no later than ten (10) calendar days after the date on which the ~~Approval Authority Commission~~ notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission ~~or Council~~ at a public meeting. Written notice of any appeal shall be sent to the property owner. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Commission or Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the Notice of Appeal is filed. The ~~Commission or~~ Council may affirm, modify, or reverse the decision of the ~~Director of Planning or~~ Commission and may, where appropriate, remand the plat, ~~or variance request~~ to the ~~Director of Planning or~~ Commission for further proceedings consistent with ~~Commission or~~ Council's decision.

Amend Section 4.1 (Improvements and Subdivision Improvement Agreement) of Article IV (Assurance for Completion and Maintenance of Improvements), such portions of the section to read as follows:

4.1 Improvements and Subdivision Improvement Agreement

- a. Completion of Improvements - Except as provided below, before any type of recordable plat is signed by the Chair~~man~~ of the Commission or Director ~~of Planning~~, as applicable, all applicants shall be required to complete, in accordance with the city's decision and to the satisfaction of the Director of Engineering, all the required street, water, sanitary sewer, stormwater management, permanent BMPs, and other public improvements, as well as improvements on the individual residential lots of the subdivision or development as required in these regulations, specified in the final plat, and as approved by the ~~Approval Authority Commission~~, and to dedicate those public improvements with the exception of future streets, to the city. Applicants may voluntarily dedicate street right-of-way at the time of final plat when an improvement agreement is completed meeting the requirements of this section.

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b. Improvement Agreement and Guarantee -

1. Agreement -

(a) The **Director of Engineering** ~~Commission, upon recommendation of the Director of Planning,~~ may:

- i. Waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final or other recordable plat, and may permit the property owner to enter into an improvement agreement by which the property owner covenants to complete all required public improvements no later than two (2) years following the date on which the plat is signed.
- ii. Require the property owner to complete and dedicate some required public improvements prior to approval of the plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period.
- iii. Allow the property owner to enter into an improvement agreement for construction of future streets or alleys only if the property owner determines that he or she is voluntarily dedicating the land for the future street or alley, and that the City is not requiring such dedication.

...

2. Improvement Agreement Required for Oversize Reimbursement - The city shall require an improvement agreement pertaining to any public improvement for which the developer shall request reimbursement from the city for oversize costs as provided in Article V. The **Director of Engineering** ~~Commission~~ shall authorize the approval of such agreement if it meets all applicable requirements of the city, and the city shall not withhold approval as a means of avoiding compensation due under the terms of this ordinance. The Director of Engineering is authorized to sign an improvement agreement on behalf of the city.

...

4. Letter of Credit - If the **Director of Engineering** ~~Commission~~ authorizes the property owner to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

...

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- c. Temporary Improvements - The property owner shall build and pay for all costs of temporary improvements required by the ~~city Commission~~ and shall maintain those temporary improvements for the period specified by the ~~Director of Engineering Commission~~. Prior to construction of any temporary facility or improvement, the owner shall file with the city a separate improvement agreement and escrow, or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

...

- f. Acceptance of Dedication Offers - Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by authorization of the Director of Engineering. The approval by the ~~Approval Authority Commission~~ of any type of plat shall not in or of itself be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on the plat. The ~~Approval Authority Commission~~ may require the plat to be endorsed with appropriate notes to this effect.

...

Amend Paragraph c.1 of Subsection c (Conditions Prior to Authorization) of Section 4.2 (Construction Procedures) of Article IV (Assurance for Completion and Maintenance of Improvements), such paragraph to read in its entirety as follows:

1. The preliminary plat shall be approved by the ~~Approval Authority Commission~~.

Amend Subsection b (Certificate of Satisfactory Completion) of Section 4.3 (Inspection of Public Improvements) of Article IV (Assurance for Completion and Maintenance of Improvements), such portion of the subsection to read as follows:

- b. Certificate of Satisfactory Completion - The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the Director of Engineering that all required public improvements have been completed through submission of detailed record drawings (also called "as-builts") of the property, indicating location, dimensions, materials, and other information required by the Commission, ~~Director of Planning~~, or the Director of Engineering. The record drawings shall show the following:

...

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Amend Section 4.4 (Deferral of Required Improvements) of Article IV (Assurance for Completion and Maintenance of Improvements), such section to read in its entirety as follows:

4.4 Deferral of Required Improvements

- a. The **Director of Engineering Commission** may, upon petition of the property owner and favorable recommendation ~~of the directors~~ **Director** of Planning ~~and Engineering~~, defer at the time of final approval ~~of the plat~~, subject to appropriate conditions, the provision of any or all public improvements as, in ~~its~~ **their** judgment, are not required in the interests of the public health, safety, and general welfare. (See Section 3.2.c.4)
- b. Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the **Director of Engineering Commission**, the property owner shall deposit in escrow his share of the costs (in accordance with Article VI of this ordinance) of the future public improvements with the city prior to signing of the final plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit or other surety approved by the City Attorney guaranteeing completion of the deferred public improvements upon demand of the city.

Amend Section 5.1 (General Requirements) of Article V (Requirements for Public Improvements, Reservation and Design), such portions of the section to read as follows:

5.1 General Requirements

- a. Plats Straddling Municipal Boundaries - Whenever access to the subdivision or development is required across land in another municipality, the **city Commission** may request assurance from that municipality's attorney that access is legally established, and from its engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county, or school district boundary lines.

...

- d. Character of the Land - Land that the **Directors of Planning and Engineering Commission** finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or development and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the **Directors of Planning and**

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Engineering Commission, ~~upon recommendation of the Director of Engineering,~~
to solve the problems created by the unsuitable land conditions.

...

Amend Section 5.2 (Lot Design and Improvements) of Article V (Requirements for Public Improvements, Reservation and Design), such section to read in part as follows:

5.2 Lot Design and Improvements

...

b. Typical Neighborhood Development

1. General - A residential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to nonresidential or mixed-use properties, as well as such additional development standards as may be required ~~by the Commission~~, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning ~~Commission~~.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority ~~Commission~~ that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

...

c. Nonresidential and Traditional Multifamily Developments

1. General - A nonresidential or multifamily plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential or mixed-use properties, as well as such additional development standards as may be required ~~by the Commission~~, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and plat approval may proceed simultaneously at the discretion of the Director of Planning ~~Commission~~.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Approval Authority ~~Commission~~ that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

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...

d. Mixed-Use Development

1. General - A mixed-use development plat shall be subject to all the requirements of these regulations as well as such additional **development** standards as may be required ~~by the Commission~~, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Where conflicts exist with neighborhood, nonresidential, and multifamily property requirements, the provisions of this section shall apply. Site plan approval and plat approval may proceed simultaneously at the discretion of the **Director of Planning** ~~Commission~~.
2. Design Principles - In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the **Approval Authority** ~~Commission~~ that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

...

3. Frontage Standards -

...

- (c) Mews - Where appropriate based on the Thoroughfare Plan Map and Street Design Standards, mixed-use lots may front a mews street in subdivisions where the following conditions apply:

...

- iii. If the use of a mews makes it appear that a residential lot fronts onto a Type B or C street, as determined by the Director of Engineering ~~or his/her designee~~, a fence or wall that meets City standards shall be installed between the front yard of the home and the public sidewalk along the street.

...

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Amend Section 5.4 (Streets and Thoroughfares) of Article V (Requirements for Public Improvements, Reservation and Design), such portions of the section to read as follows:

5.4 Streets and Thoroughfares

...

- b. Design Standards - In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these regulations, together with those contained in the city's Engineering Construction Standards, ~~which are incorporated herein by reference~~. In the event of a conflict between these or other regulations and those contained in such documents, the more specific, and/or restrictive provisions shall be applied.

...

e. Street Dedications and Reservations -

1. Dedication of Right-of-Way - The property owner shall provide all right-of-way required for existing streets, including perimeter streets, as shown in the Thoroughfare Plan Map or other valid development plans approved by the [Director of Planning](#), Commission, or Council. The property owner shall provide all right-of-way required for future streets, including perimeter streets, as shown in the Thoroughfare Plan Map and the Community Investment Program. Additional right-of-way may be necessary to meet drainage, utility placement, visibility, or other requirements as required by the Director of Engineering. (See Section 3.6.c.3 for information on reservations and dedications with conveyance plats.) In the case of perimeter streets, half of the total required right-of-way for such streets shall be provided. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street. A minimum parkway width of ten (10) feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the Director of Engineering. Standard right-of-way widths are as specifically set forth in the Street Design Standards.

...

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Amend Subsection c (Pedestrian Accesses) of Section 5.5 (Sidewalks and Bikeways) of Article V (Requirements for Public Improvements, Reservation and Design), such subsection to read in its entirety as follows:

- c. Pedestrian Accesses - The Approval Authority ~~Commission~~ may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.

Amend Section 5.6 (Drainage, Storm Sewers, and Permanent BMPs) of Article V (Requirements for Public Improvements, Reservation and Design), such portions of the section to read as follows:

5.6 Drainage, Storm Sewers, and Permanent BMPs

...

- b. Design of Facilities -

...

3. Effect on Downstream Drainage Areas - The owner's engineer, subject to approval by the Director of Engineering, shall study the effect of each development's stormwater runoff on the existing underground drainage facilities immediately downstream of the development. Where it is determined that existing capacity is not available immediately downstream, the owner's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. The Approval Authority ~~Commission~~ may withhold approval of the plat until such mitigation has been provided. If oversize improvements are required, then the city shall participate in the cost as prescribed by these regulations.

...

- c. Creeks and Floodplains -

1. Floodplain Restrictions - The Director of Engineering ~~Commission~~ shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, or where prohibited in the Flood Damage Prevention provisions in the city's Code of Ordinances (Chapter 16, Article VIII) prohibit development of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps, except at the discretion of the Director of Engineering ~~Commission~~. Floodplains are also

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subject to the restrictions of the tree preservation requirements in the Zoning Ordinance.

...

Amend Paragraph a.4 of Subsection a (General Requirements) of Section 5.7 (Park Access) of Article V (Requirements for Public Improvements, Reservation and Design), such paragraph to read as follows:

4. Where a nonresidential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping. Access points to the park may be permitted by the **Approval Authority** ~~Commission~~ if public benefit is established.

Amend Paragraph 2 (Preliminary Plat and Final Plat) of Subsection b (Procedure for Reserving Land) of Section 5.12 (Public Uses) of Article V (Requirements for Public Improvements, Reservation and Design) such paragraph to read in its entirety as follows:

2. Preliminary Plat and Final Plat - All preliminary and final plats submitted for approval shall continue to reserve sites for public use as designated on approved land studies or concept plans. ~~Boundaries of land reserved for public use may be adjusted subject to the approval of the Commission.~~ The city shall initiate acquisition of any area reserved for public use on a plat within one (1) year following the date of approval of the plat, unless the period is extended by the mutual agreement of the city and the developer. The reservation shall be made void if the city fails to initiate acquisition of the area reserved within this period and the area shall be free for development in accordance with these regulations.

Amend Section 7.1 (Replatting of Land) of Article VII (Replatting Procedures), such portions of the section to read as follows:

7.1 Replatting of Land

...

- b. Replatting Without Vacating Preceding Plat - A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 1. Is signed and acknowledged by only the owners of the property being replatted;
 2. Is **properly** approved ~~by the Director of Planning or Commission, after a public hearing on the matter at which parties in interest and citizens have an~~

Subdivision Ordinance Amendment 2023-003 Draft Standards

Additions are indicated in blue text; deletions are indicated in red-strikethrough text.

~~opportunity to be heard, if subject to Section 7.1.c below by the Commission;~~
and

3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

c. Additional Requirements for Certain Replats -

...

2. Final action on the replat may be taken only after a public hearing before the Commission on the matter at which parties in interest and citizens have an opportunity to be heard. Notice of the hearing ~~required under Section 7.1.b~~ shall be given before the fifteenth (15th) day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county and by written notice, with a copy of Section 7.1.c.3 attached, forwarded by the Commission to the owners, as indicated on the most recently approved ad valorem tax roll of the city, of property in the original subdivision within two hundred (200) feet of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.

...

Amend Subsection 7.2.a of Section 7.2 (Amending Plats) of Article VII (Replating Procedures), such portion of the subsection to read as follows:

- a. The Director of Planning may, upon petition of the property owner or developer, approve and issue an amending plat which is signed by the applicants only unless otherwise required to the contrary and which is for one (1) or more of the purposes set forth in this section, and such approval and issuance shall not require notice, hearing, or approval of other lot owners. This subsection shall apply only if the sole purpose of the amending plat is:

...

6. To correct any other type of scrivener or clerical error or omission as previously approved by the Approval Authority ~~city's Commission or Council~~; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

...

Subdivision Ordinance Amendment 2023-003 Draft Standards

Additions are indicated in blue text; deletions are indicated in ~~red-strikethrough~~ text.

Amend Subsection e (Government Initiated Plat Vacation) of Section 7.3 (Plat Vacation) of Article VII (Replatting Procedures), such portions of the subsection to read as follows:

e. Government Initiated Plat Vacation -

1. General Conditions - The Commission, on its motion, may vacate the plat of an approved subdivision or addition when:

- (a) No lots within the approved plat have been sold within five (5) years from the date that the plat was signed by the **Director of Planning or Chair**~~man~~ of the Commission;

...

H.B. No. 3699

AN ACT

relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 212.001 (2) and (3), Local Government Code, are amended to read as follows:

(2) ~~["Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.~~

~~[(3)]~~ "Plat" includes a preliminary plat, ~~[general plan,]~~ final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0015 to read as follows:

Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to restrict a municipality from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

SECTION 3. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0021 to read as follows:

Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing body of a municipality, by ordinance and after notice is published in a newspaper of general circulation in the municipality, may:

(1) adopt, based on the amount and kind of travel over

1 each street or road in a subdivision, reasonable specifications
2 relating to the construction of each street or road; and
3 (2) adopt reasonable specifications to provide
4 adequate drainage for each street or road in a subdivision in
5 accordance with standard engineering practices.

6 SECTION 4. Section 212.004 , Local Government Code, is
7 amended by amending Subsections (a) and (b) and adding Subsections
8 (f) and (g) to read as follows:

9 (a) The owner of a tract of land located within the limits or
10 in the extraterritorial jurisdiction of a municipality who divides
11 the tract in two or more parts to lay out a subdivision of the tract,
12 including an addition to a municipality, to lay out suburban,
13 building, or other lots, or to lay out streets, alleys, squares,
14 parks, or other parts of the tract intended by the owner of the
15 tract to be dedicated to public use ~~[or for the use of purchasers or~~
16 ~~owners of lots fronting on or adjacent to the streets, alleys,~~
17 ~~squares, parks, or other parts]~~ must have a plat of the subdivision
18 prepared. A division of a tract under this subsection includes a
19 division regardless of whether it is made by using a metes and
20 bounds description in a deed of conveyance or in a contract for a
21 deed, by using a contract of sale or other executory contract to
22 convey, or by using any other method. A division of land under this
23 subsection does not include a division of land into parts greater
24 than five acres, where each part has access and no public
25 improvement is being dedicated.

26 (b) To be recorded, the plat must:

27 (1) describe the subdivision by metes and bounds;

(2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use ~~[or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part].~~

(f) A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

(1) the governing body of the municipality; or

(2) the municipal authority responsible for approving plats.

(g) The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law.

SECTION 5. Section 212.005 , Local Government Code, is amended to read as follows:

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies the requirements of this subchapter ~~[all~~

1 ~~applicable regulations].~~

2 (b) This subchapter may not be construed to convey any
3 authority to a municipality regarding the completeness of an
4 application or the approval of a plat or replat that is not
5 explicitly granted by this subchapter.

6 SECTION 6. Sections 212.0065 (a) and (c), Local Government
7 Code, are amended to read as follows:

8 (a) The governing body of a municipality or the municipal
9 planning commission may delegate to one or more officers or
10 employees of the municipality or of a utility owned or operated by
11 the municipality the ability to approve, approve with conditions,
12 or disapprove a plat [:-

13 [~~(1) amending plats described by Section 212.016~~ ,

14 [~~(2) minor plats or replats involving four or fewer~~
15 ~~lots fronting on an existing street and not requiring the creation~~
16 ~~of any new street or the extension of municipal facilities; or~~

17 [~~(3) a replat under Section 212.0145 that does not~~
18 ~~require the creation of any new street or the extension of municipal~~
19 ~~facilities].~~

20 (c) An applicant has the right to appeal to the governing
21 body of the municipality or the municipal planning commission if
22 the designated [The] person disapproves a [~~or persons shall not~~
23 ~~disapprove the~~] plat [~~and shall be required to refer any plat which~~
24 ~~the person or persons refuse to approve to the municipal authority~~
25 ~~responsible for approving plats within the time period specified in~~
26 ~~Section 212.009~~].

27 SECTION 7. Subchapter A, Chapter 212, Local Government

Code, is amended by adding Section 212.0081 to read as follows:

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality to which this subchapter applies shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter.

(b) An application submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete.

(c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of the list or an amendment to the list in:

(1) a newspaper of general circulation in the municipality; and

(2) a public place in the location in which the governing body of the municipality meets.

SECTION 8. Sections 212.009 (a), (b), (b-2), (c), and (d), Local Government Code, are amended to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a ~~[plan or]~~

1 plat within 30 days after the date the ~~[plan or]~~ plat is filed. A
2 ~~[plan or]~~ plat is approved by the municipal authority unless it is
3 disapproved within that period and in accordance with Section
4 212.0091 .

5 (b) If an ordinance requires that a ~~[plan or]~~ plat be
6 approved by the governing body of the municipality in addition to
7 the planning commission, the governing body shall approve, approve
8 with conditions, or disapprove the ~~[plan or]~~ plat within 30 days
9 after the date the ~~[plan or]~~ plat is approved by the planning
10 commission or is approved by the inaction of the commission. A
11 ~~[plan or]~~ plat is approved by the governing body unless it is
12 disapproved within that period and in accordance with Section
13 212.0091 .

14 (b-2) Notwithstanding Subsection (a) or (b), the parties
15 shall ~~[may]~~ extend the 30-day period described by those subsections
16 for one or more periods, each ~~[a period]~~ not to exceed 30 days if:

17 (1) both:

18 (A) the applicant requests the extension in
19 writing to the municipal authority responsible for approving plats
20 or the governing body of the municipality, as applicable; and

21 (B) ~~[(2)]~~ the municipal authority or governing
22 body, as applicable, approves the extension request; or

23 (2) Chapter 2007 , Government Code, requires the
24 municipality to perform a takings impact assessment in connection
25 with the plan or plat.

26 (c) If a ~~[plan or]~~ plat is approved, the municipal authority
27 giving the approval shall endorse the ~~[plan or]~~ plat with a

certificate indicating the approval. The certificate must be signed by:

(1) the authority 's presiding officer and attested by the authority 's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a ~~[plan—or]~~ plat within the prescribed period, the authority on the applicant 's request shall issue a certificate stating the date the ~~[plan—or]~~ plat was filed and that the authority failed to act on the ~~[plan—or]~~ plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 9. Section [212.0091](#) (a), Local Government Code, is amended to read as follows:

(a) A municipal authority or governing body that conditionally approves or disapproves a ~~[plan—or]~~ plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

SECTION 10. Sections [212.0093](#) , [212.0095](#) , and [212.0096](#) , Local Government Code, are amended to read as follows:

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a ~~[plan—or]~~ plat under Section [212.0091](#) , the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the ~~[plan—or]~~ plat

1 a written response that satisfies each condition for the
2 conditional approval or remedies each reason for disapproval
3 provided. The municipal authority or governing body may not
4 establish a deadline for an applicant to submit the response.

5 Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL
6 OF RESPONSE. (a) A municipal authority or governing body that
7 receives a response under Section 212.0093 shall determine whether
8 to approve or disapprove the applicant 's previously conditionally
9 approved or disapproved ~~[plan—or]~~ plat not later than the 15th day
10 after the date the response was submitted.

11 (b) A municipal authority or governing body that
12 conditionally approves or disapproves a ~~[plan—or]~~ plat following
13 the submission of a response under Section 212.0093 :

14 (1) must comply with Section 212.0091 ; and

15 (2) may disapprove the ~~[plan—or]~~ plat only for a
16 specific condition or reason provided to the applicant under
17 Section 212.0091 .

18 (c) A municipal authority or governing body that receives a
19 response under Section 212.0093 shall approve a previously
20 conditionally approved or disapproved ~~[plan—or]~~ plat if the
21 response adequately addresses each condition of the conditional
22 approval or each reason for the disapproval.

23 (d) A previously conditionally approved or disapproved
24 ~~[plan—or]~~ plat is approved if:

25 (1) the applicant filed a response that meets the
26 requirements of Subsection (c); and

27 (2) the municipal authority or governing body that

received the response does not disapprove the ~~[plan or]~~ plat on or before the date required by Subsection (a) and in accordance with Section 212.0091 .

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009 , 212.0091 , 212.0093 , and 212.0095 , an applicant may elect at any time to seek approval for a ~~[plan or]~~ plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009 , 212.0091 , 212.0093 , and 212.0095 .

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009 , 212.0091 , 212.0093 , and 212.0095 before bringing an action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

SECTION 11. Section 212.0099 , Local Government Code, is amended to read as follows:

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section [212.010](#) , Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The municipal authority responsible for approving plats may not require the dedication of land within a subdivision for a future street or alley that is:

(1) not intended by the owner of the tract; and

(2) not included, funded, and approved in:

(A) a capital improvement plan adopted by the municipality; or

(B) a similar plan adopted by a county in which the municipality is located or the state.

(d) A municipal authority responsible for approving plats may not refuse to review a plat or to approve a plat for recordation for failure to identify a corridor, as defined by Section [201.619](#) , Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. The applicant shall recover reasonable attorney 's fees and court costs in the action if the applicant prevails. The municipality may recover reasonable attorney 's fees and court costs in the action if the municipality prevails and the

1 court finds the action is frivolous.

2 SECTION 13. As soon as practicable after the effective date
3 of this Act but not later than January 1, 2024, each municipality
4 shall adopt and publish the list described by Section 212.0081,
5 Local Government Code, as added by this Act.

6 SECTION 14. The changes in law made by this Act apply only
7 to an application submitted on or after the effective date of this
8 Act. An application submitted before the effective date of this Act
9 is governed by the law applicable to the application immediately
10 before the effective date of this Act, and that law is continued in
11 effect for that purpose.

12 SECTION 15. This Act takes effect September 1, 2023.

H.B. No. 3699

President of the Senate

Speaker of the House

I certify that H.B. No. 3699 was passed by the House on May 9, 2023, by the following vote: Yeas 130, Nays 12, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3699 on May 25, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 139, Nays 3, 1 present, not voting; and that the House adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 3699

I certify that H.B. No. 3699 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 22, Nays 9; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 20, Nays 11; and that the Senate adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

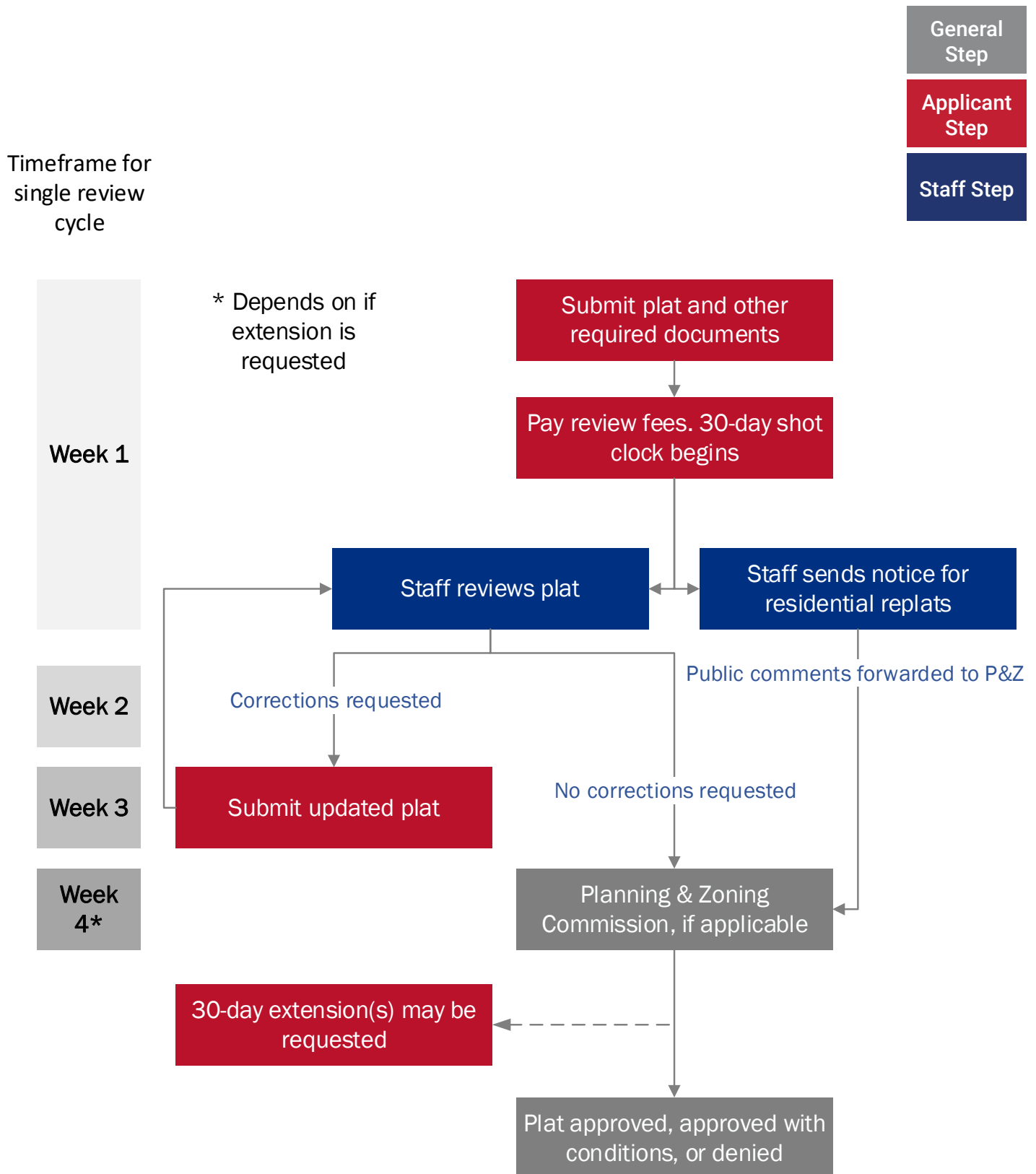
APPROVED: _____

Date

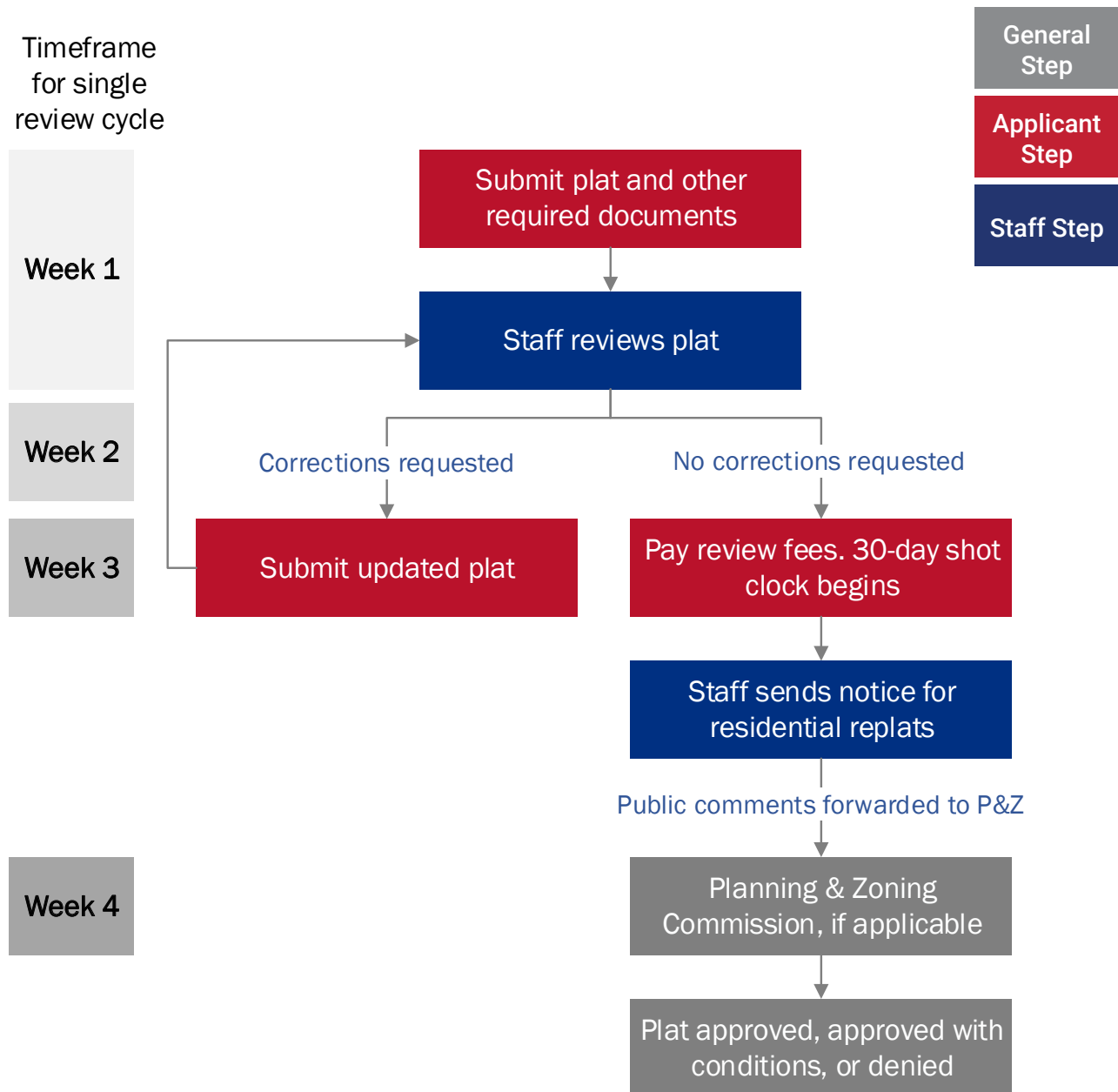
Governor

Plat Process - Shot Clock Option

The submission and review procedures for plats are unique due to state “shot clock” platting statutes. State law requires these plats be acted upon by P&Z within 30 days of their submittal; however, the applicant may request a one-time 30-day extension from P&Z. The shot clock process is shown below.



Due to numerous factors, the city recognizes that some projects may not be ready for approval in 30 days. To continue to offer quality customer service and allow flexibility for property owners, the city has created a pre-submittal process, shown below, which applicants may select when they turn in their plat. If this option is selected, the plat is reviewed according to the submittal calendar, and the shot clock deadlines will not be initiated until the applicant determines the plat is ready for formal submittal and the fee is paid. Once the applicant pays the fee, the plat will be scheduled for P&Z consideration.



PLANNING & ZONING COMMISSION
STAFF REPORT: FEBRUARY 20, 2017



REPORT: Staff-Approved Plats

DESCRIPTION: Plats approved by staff during the month of January 2017.

STAFF REPORT - REMARKS

REMARKS:

The following plats met the requirements of the Subdivision Ordinance and were approved by staff in January 2017:

Final Plats:

- | | |
|---------------|------------------------------------|
| 1. FP2017-038 | EDS Lakes Addition, Block A, Lot 3 |
| 2. FP2017-044 | TenCorp Center, Block A, Lot 3 |

Preliminary Plats/Revised Preliminary Plats:

- | | |
|----------------|--|
| 3. PP2017-045 | Avenue K & Legacy Addition, Block A, Lot 1 |
| 4. PP2017-021 | Harvard Addition, Block A, Lots 5 & 8X |
| 5. PP2017-039 | Northglen 2 Addition, Block B, Lots 5 & 7 |
| 6. PP2017-047 | Spike Diamond Addition, Block A, Lot 2 |
| 7. PP2017-040 | Spike Diamond Addition, Block A, Lot 5 |
| 8. RPP2017-004 | TenCorp Center, Block A, Lot 5 |
| 9. PP2017-043 | Village at 121 Addition, Block 1, Lot 11 |

Replats:

- | | |
|---------------|---|
| 10. R2017-067 | Legacy Corporate Center, Block A, Lot 6R |
| 11. R2017-065 | Legacy West Addition, Block C, Lots 2R & 3R |

Revised Conveyance Plats:

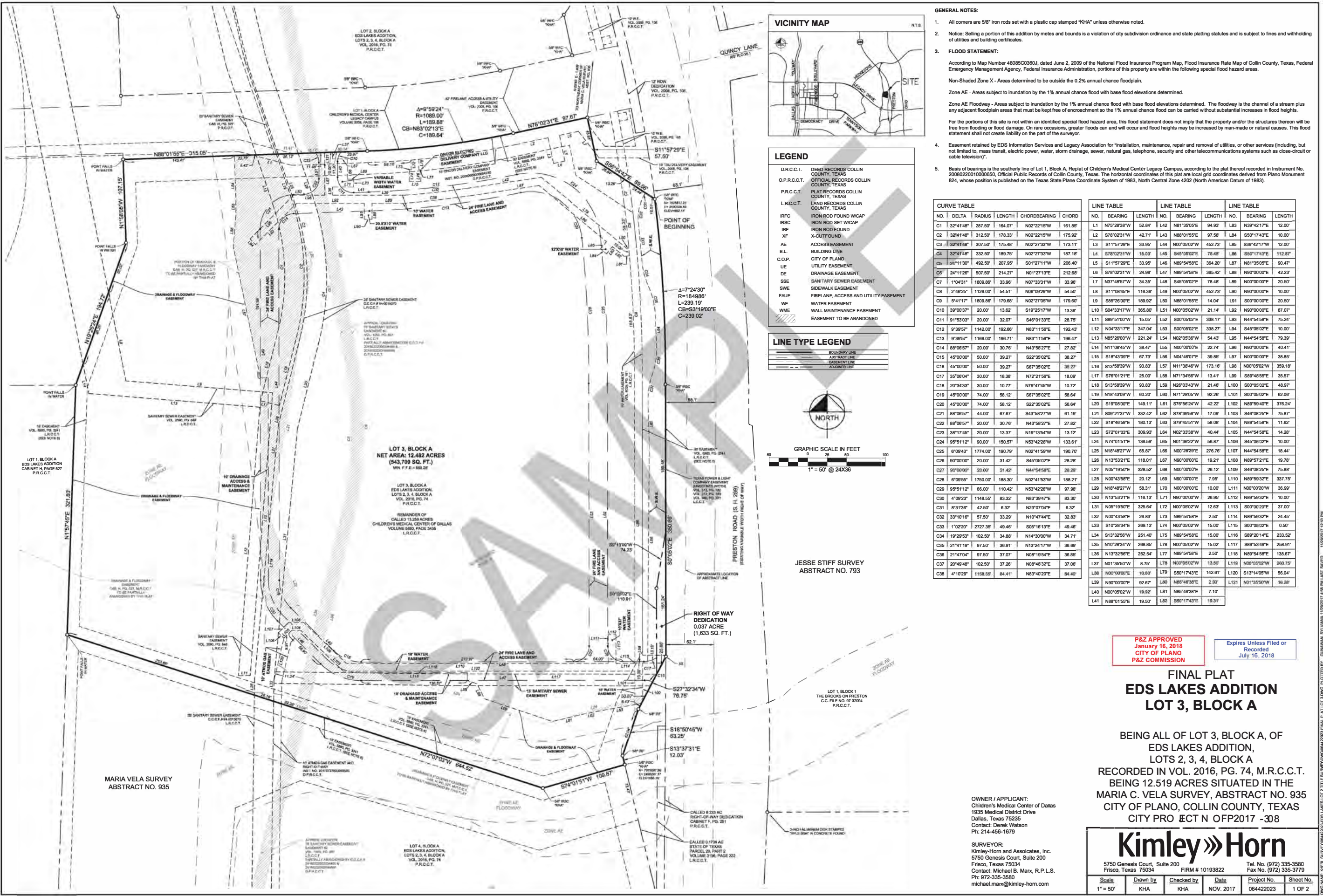
- | | |
|------------------|--|
| 12. RCOP2017-012 | Plano Distribution Center, Block A, Lots 2 & 3 |
|------------------|--|

ATTACHMENTS:

- | | |
|----------------|--|
| 1. FP2017-038 | EDS Lakes Addition, Block A, Lot 3 |
| 2. FP2017-044 | TenCorp Center, Block A, Lot 3 |
| 3. PP2017-045 | Avenue K & Legacy Addition, Block A, Lot 1 |
| 4. PP2017-021 | Harvard Addition, Block A, Lots 5 & 8X |
| 5. PP2017-039 | Northglen 2 Addition, Block B, Lots 5 & 7 |
| 6. PP2017-047 | Spike Diamond Addition, Block A, Lot 2 |
| 7. PP2017-040 | Spike Diamond Addition, Block A, Lot 5 |
| 8. RPP2017-004 | TenCorp Center, Block A, Lot 5 |
| 9. PP2017-043 | Village at 121 Addition, Block 1, Lot 11 |

10.R2017-067	Legacy Corporate Center, Block A, Lot 6R
11.R2017-065	Legacy West Addition, Block C, Lots 2R & 3R
12.RCOP2017-012	Plano Distribution Center, Block A, Lots 2 & 3

SAMPLE



GENERAL NOTES:

1. All corners are 5/8" iron rods set with a plastic cap stamped "G4A" unless otherwise noted.

2. Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.

3. **FLOOD STATEMENT:**

According to Map Number 48085C0360J, dated June 2, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, portions of this property are within the following special flood hazard areas.

Non-Shaded Zone X - Areas determined to be outside the 0.2% annual chance floodplain.

Zone AE - Areas subject to inundation by the 1% annual chance flood with base flood elevations determined.

Zone AE Floodway - Areas subject to inundation by the 1% annual chance flood with base flood elevations determined. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so the 1% annual chance flood can be carried without substantial increases in flood heights.

For the portions of this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

4. Easement retained by EDS Information Services and Legacy Association for "installation, maintenance, repair and removal of utilities, or other services (including, but not limited to, mass transit, electric power, water, storm drainage, sewer, natural gas, telephone, security and other telecommunications systems such as close-circuit or cable television)".

5. Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 2008022001000050, Official Public Records of Collin County, Texas. The horizontal coordinates of this plat are local grid coordinates derived from Plano Monument 824, whose position is published on the Texas State Plane Coordinate System of 1983, North Central Zone 4202 (North American Datum of 1983).

CURVE TABLE					LINE TABLE			LINE TABLE			LINE TABLE			
NO.	DELTA	RADIUS	LENGTH	CHORD	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH		
C1	32°41'48"	287.50'	164.07'	N02°22'15"W	161.85'	L1	N75°28'38"W	52.84'	L42	N81°35'05"E	94.93'	L83	N39°42'17"E	12.00'
C2	32°41'48"	312.50'	178.33'	N02°22'15"W	175.92'	L2	S78°02'31"W	42.71'	L43	N88°01'55"E	97.58'	L84	S50°17'43"E	10.00'
C3	32°41'48"	307.50'	175.48'	N02°27'33"W	173.11'	L3	S11°57'29"E	33.95'	L44	N00°05'02"W	452.73'	L85	S39°42'17"W	12.00'
C4	32°41'48"	332.50'	189.75'	N02°27'33"W	187.18'	L4	S78°02'31"W	15.00'	L45	S45°05'02"E	78.48'	L86	S50°17'43"E	112.87'
C5	24°11'30"	492.50'	207.95'	S01°27'11"W	206.40'	L5	S11°57'29"E	33.95'	L46	N89°54'58"E	364.20'	L87	N81°35'05"E	90.47'
C6	24°11'30"	507.50'	214.27'	N01°27'13"E	212.68'	L6	S78°02'31"W	24.98'	L47	N89°54'58"E	365.42'	L88	N90°00'00"E	42.23'
C7	1°04'31"	1809.86'	33.96'	N07°33'31"W	33.96'	L7	N37°48'57"W	34.35'	L48	S45°05'02"E	78.48'	L89	N00°00'00"E	20.50'
C8	2°46'25"	1126.00'	54.51'	N06°09'29"W	54.50'	L8	S11°08'45"E	116.36'	L49	N00°05'02"W	452.73'	L90	N90°00'00"E	10.00'
C9	9°41'17"	1809.86'	179.68'	N02°27'05"W	179.60'	L9	S85°26'00"E	189.92'	L50	N88°01'55"E	114.04'	L91	S00°00'00"E	20.50'
C10	39°00'37"	20.00'	13.62'	S19°29'17"W	13.36'	L10	S04°33'17"W	365.80'	L51	N00°05'02"W	21.14'	L92	N90°00'00"E	87.07'
C11	91°53'03"	20.00'	32.07'	S46°01'33"E	28.75'	L11	S89°51'00"W	15.05'	L52	S00°05'02"E	338.17'	L93	N44°54'58"E	75.24'
C12	9°39'57"	1142.00'	192.66'	N83°11'58"E	192.43'	L12	N04°33'17"E	347.04'	L53	S00°05'02"E	338.27'	L94	S45°05'02"E	10.00'
C13	9°39'57"	1166.00'	196.71'	N83°11'58"E	196.47'	L13	N85°26'00"W	221.24'	L54	N02°05'36"W	54.43'	L95	N44°54'58"E	79.39'
C14	88°06'57"	20.00'	30.76'	N43°58'27"E	27.82'	L14	N11°08'45"W	38.47'	L55	N00°00'00"E	22.74'	L96	N90°00'00"E	40.41'
C15	45°00'00"	50.00'	39.27'	S22°35'02"E	38.27'	L15	S18°43'09"E	67.73'	L56	N04°46'07"E	39.85'	L97	N00°00'00"E	38.85'
C16	45°00'00"	50.00'	39.27'	S67°35'02"E	38.27'	L16	S13°58'39"W	93.83'	L57	N11°38'46"W	173.16'	L98	N00°05'02"W	359.18'
C17	35°06'04"	30.00'	18.38'	N72°21'58"E	18.09'	L17	S76°01'21"E	25.00'	L58	N71°34'56"W	13.41'	L99	S89°48'55"E	35.57'
C18	20°34'33"	30.00'	10.77'	N79°47'45"W	10.72'	L18	S13°58'39"W	93.83'	L59	N26°03'43"W	21.46'	L100	S00°05'02"E	48.97'
C19	45°00'00"	74.00'	58.12'	S67°35'02"E	58.64'	L19	N18°43'09"W	60.20'	L60	N71°26'05"W	92.26'	L101	S00°05'02"E	62.08'
C20	45°00'00"	74.00'	58.12'	S22°35'02"E	56.64'	L20	S19°08'00"E	149.11'	L61	S76°56'24"W	42.22'	L102	N89°59'40"E	376.24'
C21	88°06'57"	44.00'	67.87'	S43°58'27"W	61.19'	L21	S09°21'31"W	332.42'	L62	S78°39'56"W	17.09'	L103	S46°08'25"E	75.87'
C22	88°06'57"	20.00'	30.76'	N43°58'27"E	27.82'	L22	S16°46'59"E	180.13'	L63	S79°45'51"W	58.08'	L104	N89°54'58"E	11.62'
C23	38°17'45"	20.00'	13.37'	N19°13'54"W	13.12'	L23	S72°07'03"E	309.93'	L64	N02°33'38"W	40.44'	L105	N44°54'58"E	14.28'
C24	95°51'12"	90.00'	150.57'	N53°42'28"W	133.61'	L24	N74°01'51"E	136.59'	L65	N01°36'22"W	56.87'	L106	S45°05'02"E	10.00'
C25	6°09'43"	1774.00'	190.79'	N02°41'59"W	190.70'	L25	N18°48'27"W	65.87'	L66	N00°26'29"E	276.76'	L107	N44°54'58"E	18.44'
C26	90°00'00"	20.00'	31.42'	S45°05'02"E	28.28'	L26	N13°53'21"E	118.01'	L67	N90°00'00"E	19.21'	L108	N89°57'21"E	19.78'
C27	90°00'00"	20.00'	31.42'	N44°54'58"E	28.28'	L27	N05°19'50"E	328.52'	L68	N00°00'00"E	26.12'	L109	S46°08'25"E	75.88'
C28	6°09'55"	1750.00'	188.30'	N02°41'53"W	188.21'	L28	N00°43'58"E	20.12'	L69	N90°00'00"E	7.95'	L110	N89°59'32"E	337.75'
C29	95°51'12"	66.00'	110.42'	N53°42'28"W	97.98'	L29	N18°48'27"W	56.31'	L70	N00°00'00"E	10.00'	L111	N00°00'00"E	36.99'
C30	4°09'23"	1148.55'	83.32'	N83°39'47"E	83.30'	L30	N13°53'21"E	116.13'	L71	N90°00'00"W	26.99'	L112	N89°59'32"E	10.00'
C31	8°31'36"	42.50'	6.32'	N23°07'04"E	6.32'	L31	N05°19'50"E	325.64'	L72	N00°05'02"W	12.63'	L113	S00°00'20"E	37.00'
C32	33°10'16"	57.50'	33.29'	N10°47'44"E	32.83'	L32	N00°43'58"E	26.83'	L73	N89°54'58"E	2.50'	L114	N89°59'32"E	24.45'
C33	1°02'20"	2727.35'	49.46'	S05°16'13"E	49.46'	L33	S10°28'34"E	269.13'	L74	N00°05'02"W	15.00'	L115	S00°05'02"E	0.50'
C34	19°29'53"	102.50'	34.88'	N14°30'00"W	34.71'	L34	S13°32'56"W	251.40'	L75	N89°54'58"E	15.00'	L116	S89°20'14"E	233.52'
C35	21°41'19"	97.50'	36.91'	N13°24'17"W	36.69'	L35	N10°26'34"W	268.85'	L76	N00°05'02"W	15.02'	L117	S89°53'49"E	258.91'
C36	21°47'04"	97.50'	37.07'	N08°19'54"E	36.85'	L36	N13°32'56"W	252.54'	L77	N89°54'58"E	2.50'	L118	N89°54'58"E	138.67'
C37	20°49'48"	102.50'	37.26'	N08°48'32"E	37.06'	L37	N01°35'50"W	8.75'	L78	N00°05'02"W	13.50'	L119	N00°05'02"W	260.75'
C38	4°10'29"	1198.55'	84.41'	N83°40'20"E	84.40'	L38	N00°00'00"E	10.80'	L79	S50°17'43"E	142.81'	L120	S13°14'05"W	58.04'
						L39	N90°00'00"E	92.67'	L80	N85°46'38"E	2.93'	L121	N01°35'50"W	16.28'
						L40	N00°05'02"W	19.92'	L81	N85°46'38"E	7.10'			
						L41	N88°01'55"E	19.50'	L82	S50°17'43"E	19.31'			

P&Z APPROVED
January 16, 2018
CITY OF PLANO
P&Z COMMISSION

Expires Unless Filed or
Recorded
July 16, 2018

FINAL PLAT
EDS LAKES ADDITION
LOT 3, BLOCK A

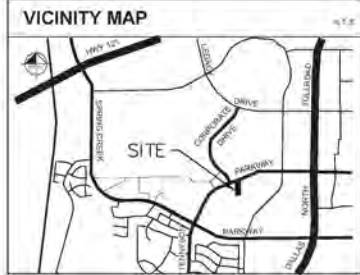
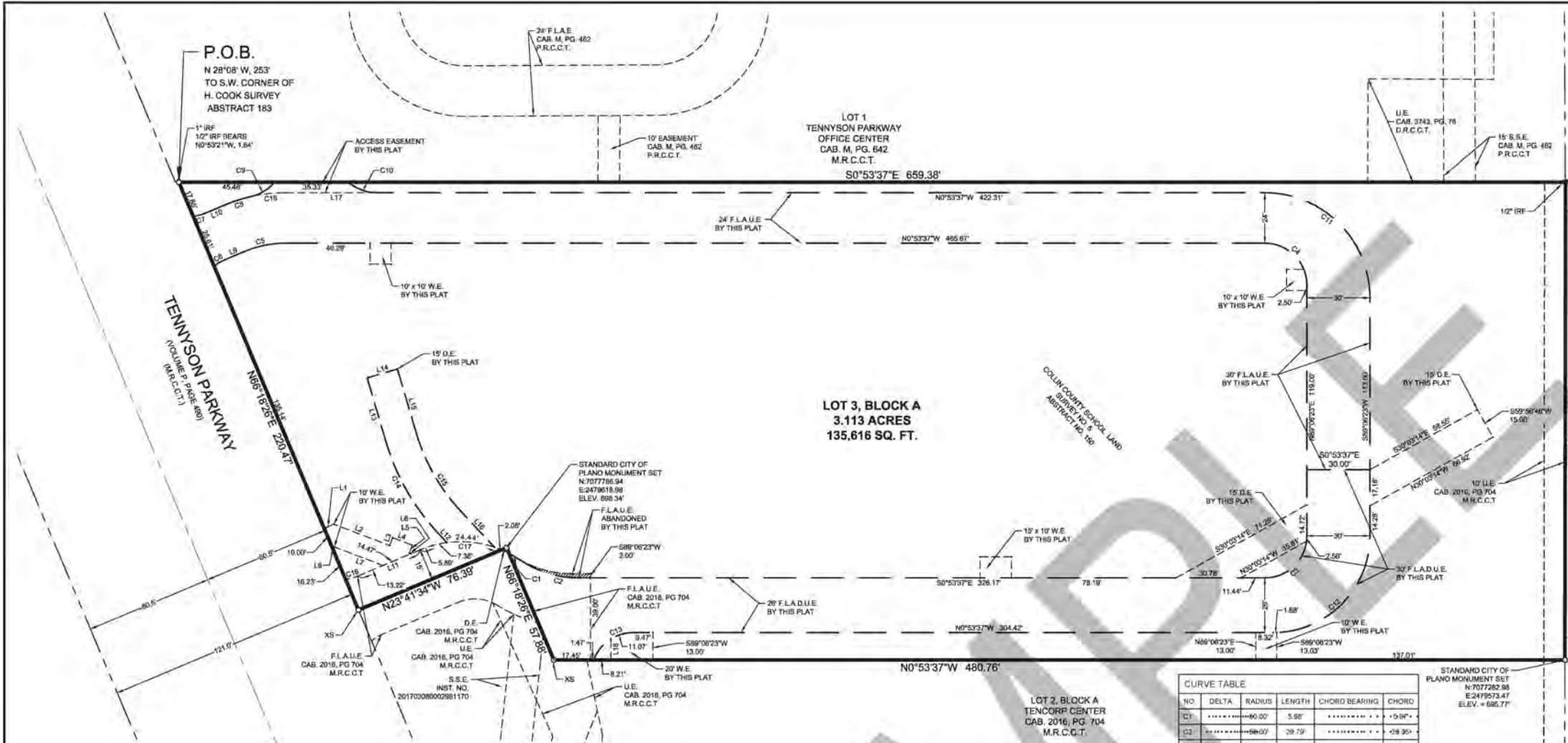
BEING ALL OF LOT 3, BLOCK A, OF
EDS LAKES ADDITION,
LOTS 2, 3, 4, BLOCK A
RECORDED IN VOL. 2016, PG. 74, M.R.C.T.
BEING 12.519 ACRES SITUATED IN THE
MARIA C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS
CITY PRO ECT N OFF2017 -308

Kimley»Horn

5750 Genesis Court, Suite 200
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3590
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	KHA	KHA	NOV. 2017	064422023	1 OF 2

NAME	DATE	SURVEY	LOT	TITLE	SURVEY	DATE	FILE	DATE	FILE
NAME	DATE	SURVEY	LOT	TITLE	SURVEY	DATE	FILE	DATE	FILE



LEGEND
IRF = IRON ROD FOUND
IRSC = 5/8" IRON ROD WITH "KHA" CAP SET
IRFC = IRON ROD WITH CAP FOUND
F.E. = FIBER OPTIC EASEMENT
D.E. = DRAINAGE EASEMENT
G.E. = GAS EASEMENT
U.E. = UTILITY EASEMENT
S.S.E. = SANITARY SEWER EASEMENT
F.L.A.U.E. = FIRE LANE ACCESS AND UTILITY EASEMENT
D.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TEXAS
L.R.C.C.T. = LAND RECORDS, COLLIN COUNTY, TEXAS
M.R.C.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
P.O.B. = POINT OF BEGINNING
INST. = INSTRUMENT
NO. = NUMBER

CERTIFICATE OF APPROVAL
APPROVED on this _____ day of _____, 2018
by the Planning & Zoning Commission, City of Plano, Texas.

CHAIRMAN, PLANNING & ZONING COMMISSION
STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name _____

SECRETARY, PLANNING & ZONING COMMISSION OR CITY ENGINEER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name _____

APPROVED
JANUARY 2, 2018
CITY OF PLANO
P&Z COMMISSION

EXPIRES
JUNE 2, 2018
UNLESS FILED &
RECORDED

CITY PROJECT # FP 2017-044
FINAL PLAT
TENCORP CENTER
LOT 3, BLOCK A
BEING ALL OF
LOT 3, BLOCK A
TENCORP CENTER
LOTS 1,2 & 3, BLOCK A
CAB. 2016, PG. 704
M.R.C.C.T.
3.113 ACRES OUT OF
COLLIN COUNTY SCHOOL LAND SURVEY NO. 5,
ABSTRACT NO. 150
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
Tel. No. (972) 770-1300
Fax No. (972) 259-3829

FIRM # 10115500
DEC. 2016
064029002
1 OF 1

OWNER'S CERTIFICATION
STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, PS LPT Properties Investors, are the owner a tract of land situated in the Collin County School Land Survey No. 5, Abstract No. 150, City of Plano, Collin County, Texas, being all of Lot 3, Block A of Tencorp Center, Lots 1, 2, & 3, Block an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet 2016, Page 704, Map Records, Collin County, Texas and being part of a tract of land described in Special Warranty Deed to PS LPT Properties Investors, recorded in Instrument No. 20170105000019650, Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found in the south right-of-way line of Tennyson Parkway (a variable width right-of-way, from said point a 1/2-inch iron rod found for the northwest corner of Lot 1 of Tennyson Parkway Office Center, an addition to the City of Plano according to the Plat thereof recorded in Volume M, Page 642, Map Record of Collin County, Texas, ...

THENCE with the west line of said Lot 1, South ... distance of 659.38 feet to a 1/2-inch iron rod found in the north line of a called 19.8098 acre tract and the north line of Lot 1, Block 1, of Earl Bacous # 1 Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet 2016, Page 7, Map Records, Collin County, Texas, ...

THENCE with said north line of the 19.8098 acre tract and the north line of Lot 1, Block 1, of Earl Bacous # 1 Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet 2016, Page 7, Map Records, Collin County, Texas, ...

THENCE departing said north line Lot 1, the following courses and distances to wit:

North ... West ... a distance of 76.39 feet to an "X" cut in concrete set in said south right-of-way line of Tennyson Parkway;

THENCE with said south right-of-way line of Tennyson Parkway, North ... distance of 220.47 feet to the POINT OF BEGINNING and containing 3.113 acres or 135,616 square feet of land

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

- NOTES:**
- Notice ... portion of this addition by mates and bounds is a violation of the City Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.
 - Bearing system of this survey is based on a line oriented between City of Plano monuments 824 and 807 found in the field, whose positions are published on the Texas Coordinate System of 1983, North Central Zone (4202) North American Datum of 1983.

FLOOD STATEMENT:
According to Community Panel No. 46085C0355J, dated June 2, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, a portion of this property is not within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

OWNER'S DEDICATION
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT PS LPT Properties Investors, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as TENCORP CENTER, LOT 3, BLOCK A, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the City of Plano, Texas, the streets ... easements and public use areas, as shown, and ...

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire ...

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

Witness, my hand, this _____ day of _____, 2018.

By: PS LPT Properties Investors,
a Maryland real estate investment trust,
By: _____
Printed Name _____

STATE OF TEXAS
COUNTY OF DALLAS
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the _____ day of _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS.

Print Name _____

CURVE TABLE				
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING
C1	60.00	5.98	1.98	15.84
C2	60.00	29.79	9.86	28.35
C3	60.00	31.42	10.38	28.78
C4	60.00	31.42	10.38	28.78
C5	60.00	19.90	6.58	16.70
C6	60.00	5.66	1.86	4.64
C7	60.00	5.73	1.87	4.69
C8	60.00	13.96	4.58	11.84
C9	60.00	13.22	4.38	11.38
C10	60.00	14.45	4.64	11.84
C11	60.00	78.54	26.91	27.91
C12	60.00	72.26	24.80	26.80
C13	60.00	24.28	7.80	19.80
C14	60.00	49.67	16.43	39.43
C15	60.00	42.91	14.30	35.30
C16	60.00	5.76	1.86	4.64
C17	60.00	39.77	13.30	28.30

SURVEYOR'S CERTIFICATION
KNOW ALL MEN BY THESE PRESENTS:

That I, Dana Brown, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Plano, Texas.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

Dana Brown
Registered Professional Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
Ph. 972-770-1300
dana.brown@kimley-horn.com

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Dana Brown, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

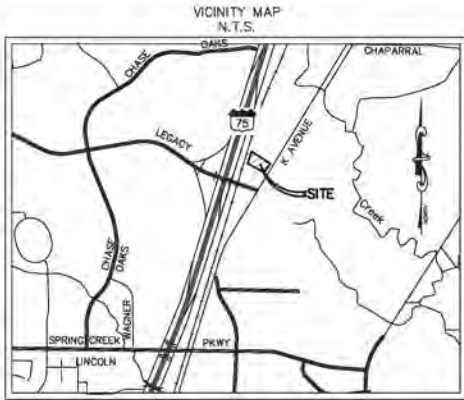
Given under my hand and seal of office on this the _____ day of _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name _____



OWNER LOT 3
PS LPT Properties Investors
701 Western Avenue
Glendale, CA 91201
972-905-6747
Contact: Jarrod Yates
ENGINEER:
Kimley-Horn and Associates, Inc.
9750 Galleria Court, Ste 200
Fricko, Texas 75034
972-335-3660
Contact: Trey Braswell, PE



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CB	CD
C1	31.42'	20.00'	90°00'00"	N 11°53'01" W	28.28'
C2	34.93'	20.00'	100°04'43"	S 73°04'37" W	30.66'
C3	80.31'	44.00'	104°34'50"	S 70°49'34" W	69.62'
C4	22.10'	44.00'	28°46'42"	N 42°29'40" W	21.87'
C5	66.93'	20.00'	191°14'33"	N 56°01'24" E	39.79'
C6	32.38'	20.00'	92°45'39"	S 59°01'44" W	28.96'
C7	15.33'	44.00'	19°58'04"	N 23°07'57" E	15.26'
C8	31.42'	20.00'	90°00'00"	S 11°53'01" E	28.28'
C9	26.33'	20.00'	75°25'10"	S 19°10'26" E	24.47'
C10	36.51'	20.00'	104°34'50"	S 70°49'34" W	31.64'
C11	10.05'	20.00'	28°46'42"	N 42°29'40" W	9.94'
C12	24.75'	44.00'	32°13'29"	S 44°13'04" E	24.42'
C13	32.82'	20.00'	93°26'47"	N 13°36'25" W	29.12'
C14	31.42'	20.00'	90°00'00"	N 78°06'59" E	28.28'
C15	20.94'	20.00'	60°00'00"	N 26°53'01" W	20.00'

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.00'	S 33°06'59" W
L2	62.00'	N 56°53'01" W
L3	50.00'	S 33°06'59" W
L4	277.59'	N 56°53'01" W
L5	24.86'	N 56°53'01" W
L6	129.37'	N 18°32'09" E
L7	277.47'	S 56°53'01" E
L8	52.23'	S 56°29'49" E
L9	96.69'	S 33°06'59" W
L10	18.00'	S 56°53'01" E
L11	36.16'	S 56°53'01" E
L12	23.29'	S 56°29'49" E
L13	48.16'	S 78°06'59" W
L14	15.00'	S 33°06'59" W
L15	37.22'	N 56°53'01" W
L16	14.48'	N 33°06'59" E
L17	38.00'	S 56°53'01" E
L18	295.79'	N 56°53'01" W
L19	64.87'	N 18°32'09" E
L20	277.47'	S 56°53'01" E
L21	54.99'	S 33°06'59" W
L22	4.50'	S 33°06'59" W
L23	15.00'	N 56°53'01" W
L24	15.00'	N 33°06'59" E
L25	12.02'	S 56°53'01" E
L26	5.59'	S 56°53'01" E
L27	8.87'	S 33°06'59" W
L28	25.88'	N 71°27'51" W
L29	10.00'	N 33°06'59" E
L30	78.70'	S 56°53'01" E
L31	10.00'	N 33°06'59" E
L32	10.00'	S 56°53'01" E
L33	10.00'	S 33°06'59" W
L34	19.32'	N 56°53'01" W

OWNER'S DEDICATION
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Jerry Spencer, L.P., a Texas Limited Partnership, with Jerry Spencer GP, Inc., a Texas corporation, as its General Partner, does hereby adopt this preliminary plat designated the herein above property as **LOT 1, BLOCK A, AVENUE K AND LEGACY ADDITION**, an Addition to the City of Plano, Texas, and does hereby dedicate in fee simple, to the public use forever, the streets and alleys shown therein. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown are dedicated, for the public use forever, for the purposes indicated on the plat. No buildings, fences, trees, shrubs or any other improvements of growth shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Plano. In addition, utility easements may also be used for mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said utilities, said use by particular utilities being subordinate to the public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growth which may in any way endanger or interfere with the construction, maintenance or efficiency of their respective systems on times have the full right if ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

That the undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes stating "Fire Lane, No Parking". The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for the fire department and emergency use.

The undersigned do covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

JERRY SPENCER, L.P.

By: JERRY SPENCER GP, INC., Its General Partner

By: _____
Jerry Spencer

STATE OF TEXAS
COUNTY OF _____

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Jerry Spencer, known to me to be the person or persons whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity herein stated and the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2018.

Notary Public in and for _____ County, Texas

SURVEYOR'S CERTIFICATE

I, Timothy R. Mankin, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual on the ground survey of the land and that the monuments shown thereon were found and/or placed under my personal supervision in accordance with Plotting Rules and regulations of the City Planning Commission of the City of Plano, Texas.

PRELIMINARY---NOT FOR RECORDING

Timothy R. Mankin Date _____
Registered Professional Land Surveyor, No. 6122

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared TIMOTHY R. MANKIN, known to me to be the person or persons whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity herein stated and the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2018.

Notary Public in and for Tarrant County, Texas

STATE OF TEXAS
COUNTY OF COLLIN

OWNER'S CERTIFICATE

Whereas, Jerry Spencer, L.P. is the sole owner of a 2.464 acre tract situated in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas, and being a portion of that certain tract of land to Jerry Spencer, L.P., by Warranty Deed recorded in Volume 4985, Page 2426, Deed Records, Collin County, Texas, and being all of Lot 1, Block A, Avenue K & Legacy Addition Lot 1, Block A, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in County Clerk File No. 2018-19, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at an 'X' cut found for the most easterly corner of said Lot 1, same being in the west right-of-way line of K Avenue (a 105' right-of-way at this point), same being in the southerly line of Lot 2, Block B, Spencer Addition, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet O, Page 387, Map Records, Collin County, Texas;

THENCE South 33 deg. 06 min. 59 sec. West, along the common line of said Lot 1, and the west right-of-way line of K Avenue, a distance of 192.04 feet to a 1/2 inch iron rod with "Peiser & Mankin SURV" red cap found (hereinafter referred to as 1/2 inch iron rod found) for the most easterly south corner of said Lot 1, same being the most easterly corner of Lot 2, said Block A, Avenue K & Legacy Addition;

THENCE along the common line of said Lots 1 and 2, Block A as follows:
North 56 deg. 53 min. 01 sec. West, a distance of 50.00 feet to a 1/2 inch iron rod found for corner;
South 33 deg. 06 min. 59 sec. West, a distance of 38.50 feet to a 1/2 inch iron rod found for the most southerly corner of said Lot 1;
North 56 deg. 53 min. 01 sec. West, a distance of 390.30 feet to a 1/2 inch iron rod found for the West corner of said Lot 1, same being the North corner of said Lot 2, Block A, same being in the east right-of-way line of DART Light Rail (formerly known as Southern Pacific Railroad)(a 100' right-of-way);

THENCE North 18 deg. 32 min. 09 sec. East, along the common line of said Lot 1, and said DART Light Rail, a distance of 241.67 feet to a standard City of Plano Concrete Monument found for the north corner of said Lot 1, same being the west corner of aforesaid Lot 2, Block B;

THENCE South 56 deg. 30 in. 03 sec. East, along the common line of said Lot 1, and said Lot 2, Block B, a distance of 501.15 feet to the POINT OF BEGINNING and containing 107,332 square feet or 2.464 acres of computed land, more or less.

CERTIFICATE OF APPROVAL

APPROVED on this the ____ day of _____, 2018, by the Planning & Zoning Commission, City of Plano, Texas.

Chairman, Planning & Zoning Commission

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Secretary, Planning & Zoning Commission or City Engineer

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.


GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

APPROVED
JANUARY 16, 2018
CITY OF PLANO
P&Z COMMISSION

EXPIRES
JANUARY 16, 2018
CITY OF PLANO

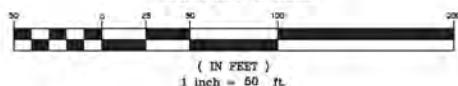
CITY PROJECT #PP2017-045
PRELIMINARY PLAT
AVENUE K AND LEGACY ADDITION
LOT 1, BLOCK A
2.464 ACRES
BEING ALL OF LOT 1, BLOCK A,
AVENUE K AND LEGACY ADDITION
COUNTY CLERK FILE NO. 2018-19
AND BEING IN THE
DANIEL ROWLETT SURVEY, ABSTRACT NO. 738
CITY OF PLANO, COLLIN COUNTY, TEXAS
DECEMBER 2017

JOB NO.: 17-081BPP	PEISER & MANKIN SURVEYING, LLC		SHEET
DATE: 12/5/2017	www.peisersurveying.com		
FIELD DATE: 09/12/2017		823 E. DALLAS ROAD GRAPEVINE, TEXAS 76051 817-481-1806 (O) 817-481-1809 (F)	1
SCALE: 1" = 50'		COMMERCIAL RESIDENTIAL BOUNDARIES TOPOGRAPHY MORTGAGE	OF
FIELD: J.K.			
DRAWN: J.B.W.			
CHECKED: T.R.M.		tmonkin@peisersurveying.com FIRM No. 100999-00	Member Since 1977

NOTES:

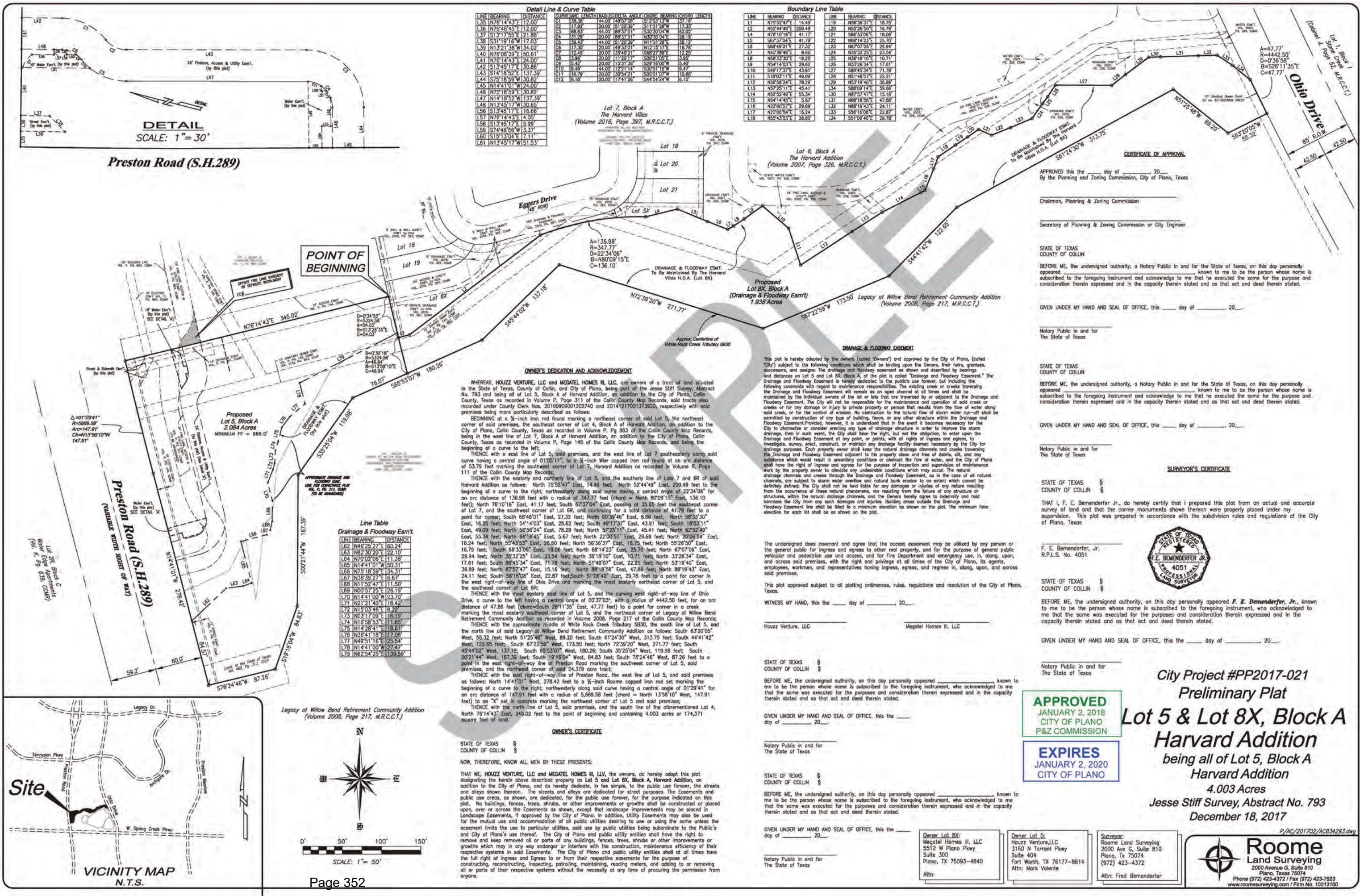
1. Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state plotting statutes and is subject to fines and withholding of utilities and building certificates.
2. The purpose of this preliminary plat is to dedicate easements for development.
3. Basis of Bearing - Based on the southeast line (South 33 deg. 06 min. 59 sec. West) of Being Lot 1, Block B, Spencer Addition, an Addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Page 896, Map Records of Collin County, Texas.
4. 1/2" RCIRF - 1/2 inch Iron Rod found w/ "PEISER & MANKIN SURV" red plastic cap

GRAPHIC SCALE



FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Collin County, the subject property Does Not appear to lie within a Special Flood Hazard Area (100 Year Flood), Map date 6/7/17 Community Panel No. 48085C0380K subject lot is located in Zone X. If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, water floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.





VICINITY MAP
N.T.S.



EASEMENT LINE TABLE

LINE BEARING	DISTANCE
E1 S 08°02'29" E	36.73
E2 S 84°19'05" E	70.50
E3 S 64°19'05" W	28.99
E4 N 08°02'29" W	26.29
E5 N 08°02'29" W	344.09
E6 N 08°02'29" W	24.50
E7 N 89°15'59" E	14.77
E8 N 08°02'29" W	124.83
E9 N 64°19'05" E	160.84
E10 N 89°15'59" E	28.99
E11 N 89°15'59" E	32.65
E12 S 00°44'04" E	32.65
E13 N 89°15'59" E	15.00
E14 S 00°44'04" E	28.99
E15 S 89°15'59" W	9.87
E16 S 00°44'04" E	60.89
E17 N 89°15'59" E	9.87
E18 S 00°44'04" E	24.00
E19 N 00°44'04" E	72.73
E20 S 89°15'59" W	31.50
E21 N 89°15'59" E	15.00
E22 S 00°44'04" E	28.99
E23 S 41°51'29" E	33.64
E24 N 00°44'04" W	297.59
E25 S 89°15'59" E	28.99
E26 S 08°02'29" E	4.92
E27 S 89°15'59" W	24.50
E28 N 08°02'29" W	10.00
E29 S 89°15'59" W	18.28
E30 S 00°43'04" E	111.58
E31 S 00°44'04" E	103.09
E32 S 70°28'40" E	22.99
E33 S 70°28'40" E	35.72
E34 S 25°13'04" W	19.19
E35 S 64°19'05" W	42.18
E36 S 89°15'59" W	53.87
E37 N 64°19'05" E	91.25
E38 N 25°13'04" E	43.54
E39 N 70°28'40" E	8.87
E40 N 25°40'55" W	10.00
E41 N 64°19'05" E	10.00
E42 S 25°40'55" E	12.25
E43 N 00°44'04" W	9.87
E44 N 89°15'59" E	10.00
E45 S 00°49'42" E	9.87
E46 N 00°44'04" W	9.87
E47 N 89°15'59" E	10.00
E48 S 00°44'04" E	10.00
E49 S 89°15'59" W	7.22
E50 S 89°15'59" W	10.00
E51 N 00°44'04" W	32.00
E52 N 89°15'59" E	10.00
E53 N 00°44'04" E	32.65
E54 S 89°15'59" W	184.16
E55 S 89°15'59" W	158.89
E56 S 89°15'59" W	191.69
E57 N 08°02'29" W	132.84
E58 N 64°19'05" E	160.84
E59 N 89°15'59" E	37.61
E60 S 00°44'04" E	45.18
E61 S 08°02'29" E	52.87
E62 S 00°44'04" E	71.89
E63 N 81°57'31" E	7.81
E64 N 08°02'29" W	10.00
E65 S 81°57'31" W	8.65
E66 N 08°02'29" W	28.22
E67 S 89°15'59" W	4.92
E68 N 00°44'04" W	9.87
E69 S 89°15'59" W	10.00
E70 S 00°44'04" E	8.61
E71 S 89°15'59" W	34.68
E72 S 00°44'04" E	20.79
E73 N 89°15'59" E	19.88
E74 S 89°28'14" W	19.88
E75 N 41°51'29" W	26.59

EASEMENT CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
EC1	49.47	44.00	N 32°08'34" E	46.90
EC2	55.57	44.00	N 28°08'18" E	51.90
EC3	25.36	20.00	N 28°08'18" E	23.61
EC4	19.16	44.00	N 78°43'30" E	19.01
EC5	10.36	44.00	S 78°53'37" W	10.33
EC6	26.87	220.00	S 19°40'07" E	26.85
EC7	69.12	44.00	S 45°44'04" E	62.23
EC8	31.42	20.00	S 45°44'04" E	28.28
EC9	14.94	200.00	S 02°52'26" E	14.93
EC10	31.42	20.00	S 44°15'59" W	28.28
EC11	14.94	200.00	S 02°52'26" E	14.93
EC12	31.42	20.00	N 81°27'26" W	2.59
EC13	2.59	20.00	N 49°23'17" W	26.42
EC14	28.87	20.00	N 49°23'17" W	26.42
EC15	31.42	20.00	S 44°15'59" W	28.28
EC16	31.42	20.00	S 44°15'59" W	28.28
EC17	31.42	20.00	S 44°15'59" W	28.28
EC18	33.97	20.00	S 49°23'16" W	30.03
EC19	28.87	20.00	N 49°23'16" W	26.42
EC20	33.97	20.00	N 49°23'16" W	30.03

BOUNDARY CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
BC1	58.58	1229.92	S 11°58'14" E	86.32

BOUNDARY LINE TABLE

LINE BEARING	DISTANCE
L1 S 70°28'40" E	35.72
L2 S 43°51'19" W	14.24

CERTIFICATE OF APPROVAL

APPROVED on this _____ day of _____, 2018, by the Planning & Zoning Commission of the City of Plano, Texas.

Chairman, Planning & Zoning Commission

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2018.

Notary Public in and for the State of Texas

Secretary, Planning & Zoning Commission or City Engineer

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2018.

Notary Public in and for the State of Texas

LEGEND

- (B) = BLOCK
- POB = IRON ROD FOUND
- CIRF = POINT OF BEGINNING
- CIRS = CAPPED IRON ROD FOUND
- C— = CENTERLINE OF ROAD

SURVEYOR

EAGLE SURVEYING, LLC
ATTN: JOHN COX
210 SOUTH ELM STREET
SUITE: 104
DENTON, TX 76201
940.222.3009

ENGINEER

CLAYMOORE ENGINEERING, INC.
ATTN: MATT MOORE
1903 CENTRAL DRIVE
SUITE: 408
BEDFORD, TX 76021
817.281.1570

OWNER

GILLESPIE LOT 4 LP
ATTN: DR. DAIN BROOKS
5940 W. PARKER RD. STE: 103
PLANO, TX 75093
214.799.8550

JOB #: 17-05-27 PP

DATE: 01/05/2018

DRAWN BY: DBR



EAGLE SURVEYING, LLC
210 SOUTH ELM STREET
SUITE: 104
DENTON, TX 76201
940.222.3009
TX FIRM # 10194177

PREPARED: JANUARY 2ND, 2018

OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, DR. DAIN BROOKS, is the sole owner of all that certain 5.00 acre tract of land situated in the McKinney & Williams Survey, Abstract No. 650, Collin County, Texas, being all of Lot 5, Block B of the Revised Conveyance Plat of Northglen 2 Addition, an addition to the City of Plano, recorded in Document No. 2017-729 of the Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped iron rod stamped "Eagle Surveying" found for corner at the beginning of a corner clip at the Southwest intersection of State Highway 121 & Gillespie Drive (60' R.O.W.) and being the most Northerly Northeast corner of said Lot 5;

Thence South 70°28'40" East along said corner clip for a distance of 35.72 feet to a 1/2" capped iron rod stamped "Eagle Surveying" set for corner at the beginning of a curve right, having a radius of 220.00 feet with a chord bearing and distance of South 11°58'14" East, 86.32 feet;

Thence along the West right-of-way line of said Gillespie Drive along said curve an arc distance of 86.88 feet to a 1/2" capped iron rod stamped "RPLS #4613" found for corner;

Thence South 00°44'04" East continuing along the West right-of-way line of said drive a distance of 601.10 feet to a 1/2" capped iron rod stamped "Eagle Surveying" found at the beginning of a corner clip at the Northwest intersection of Gillespie Drive and National Drive (60' R.O.W.);

Thence South 43°51'19" West along said corner clip for a distance of 14.24 feet to a 1/2" capped iron rod stamped "Eagle Surveying" found for corner, said point lies in the North right-of-way line of said National Drive and being the most Southern Southeast corner of said Lot 5;

Thence South 88°28'14" West with the North right-of-way line of said National Drive a distance of 287.67 feet to a 1/2" capped iron rod stamped "Eagle Surveying" found for the Southeast corner of Lot 6, Block B of said addition and being the Southwest corner of said Lot 5;

Thence North 05°02'29" West with the common line thereof a distance of 568.20 feet to a 1/2" capped iron rod stamped "Eagle Surveying" found for the Northwest corner of said Lot 5 and the Northeast corner of said Lot 6 and being in the South right-of-way line of said State Highway 121;

Thence North 64°19'05" East with the South line thereof and the North line of said Lot 5 a distance of 352.52 feet to the POINT OF BEGINNING and enclosing 5.00 acres or 217,806 square feet of land more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT DR. DAIN BROOKS, acting herein by and through its duly authorized officer, does hereby adopt this plat, designating the herein above described property as NORTHGLEN 2 ADDITION, LOTS 5 & 7, BLOCK B, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Plano. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Plano and public utility entities shall at all times have the right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking or motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "FIRE LANE, NO PARKING." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easement to be maintained free and unobstructed at all times for fire department and emergency use.

The undersigned does hereby covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

Plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Plano, Texas.

WITNESS AT MY HAND, this _____ day of _____, 2018.

OWNER: Gillespie Lot 4 LP

By: _____
Dr. Dain Brooks

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared DR. DAIN BROOKS, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2018.

Notary Public in and for the State of New Mexico

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF COLLIN

I, ERNEST WOORSTER, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from and actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2" iron rods capped "Eagle Surveying" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the City of Plano, Collin County, Texas.



Ernest Wooster, R.P.L.S. # 6508

Date

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared ERNEST WOORSTER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2018.

John Cox, Notary Public in and for the State of Texas



APPROVED
JANUARY 16, 2018
CITY OF PLANO
P&Z COMMISSION

EXPIRES
JANUARY 16, 2018
CITY OF PLANO

PAGE 1 OF 1

CITY PROJECT # 2017-039
PRELIMINARY PLAT
NORTHGLEN 2 ADDITION
LOTS 5 & 7, BLOCK B
BEING A PORTION OF
REVISED CONVEYANCE PLAT OF NORTHGLEN 2 ADDITION,
AN ADDITION TO THE CITY OF PLANO, TEXAS,
RECORDED IN DOC# 2017-729 - P.R.C.C.T.
BEING 5.00 ACRES OF LAND SITUATED IN THE MCKINNEY &
WILLIAMS SURVEY, ABSTRACT NO. 650, COLLIN COUNTY, TEXAS



LOCATION MAP
NTS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
THAT SOP Properties Two, LLC, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinafter described property as Spike Diamond Addition, Lot 2, Block A, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Plano. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

FIRE LANE EASEMENT:

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

CERTIFICATE OF APPROVAL

APPROVED on this the _____ day of _____, 20____, by the Planning and Zoning Commission, City of Plano, Texas.

Chairman, Planning and Zoning Commission

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therefor expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC in and for the STATE OF TEXAS

Secretary, Planning and Zoning Commission or City Engineer

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therefor expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC in and for the STATE OF TEXAS

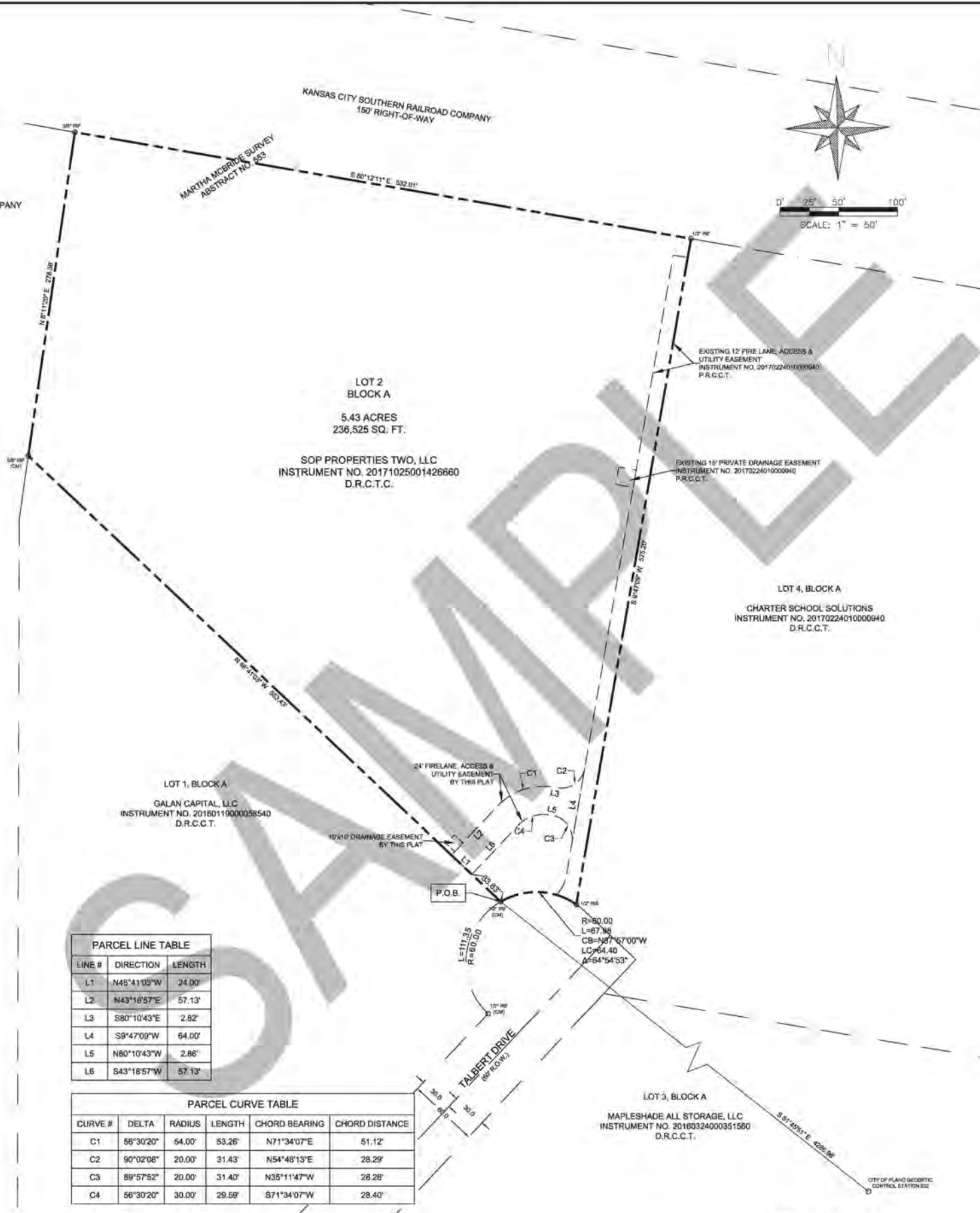
FLOOD CERTIFICATE

As determined by the Flood Insurance Rate Maps Dallas County, Texas, the subject property Does Not lie within a Special Flood Hazard Area (100 Year Flood), Map date June 7, 2017 Community Panel No. 48685C 0370K subject lot is located in Zone X.

If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

NOTES:

1. I.R.F. - IRON ROD FOUND
2. I.R.S. - IRON ROD SET
3. BASIS OF BEARING - ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983.
4. C.M. = CONTROLLING MONUMENT
5. P.R.C.C.T. - PLAT RECORDS, COLLIN COUNTY, TEXAS
6. D.R.C.C.T. - DEED RECORDS, COLLIN COUNTY, TEXAS
7. R.O.W. - RIGHT-OF-WAY
8. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.
9. A CONVEYANCE PLAT IS A RECORD OF PROPERTY APPROVED BY THE CITY FOR THE PURPOSE OF SALE OR CONVEYANCE IN ITS ENTIRETY OR INTERESTS THEREON DEFINED. NO BUILDING PERMIT SHALL BE ISSUED NOR PERMANENT PUBLIC UTILITY SERVICE PROVIDED UNTIL A FINAL PLAT IS APPROVED, FILED OF RECORD, AND PUBLIC IMPROVEMENTS ACCEPTED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF THE CITY OF PLANO. SELLING A PORTION OF THIS PROPERTY BY METES AND BOUNDS, EXCEPT AS SHOWN ON AN APPROVED, FILED, AND ACCEPTED CONVEYANCE PLAT, FINAL PLAT, OR REPLAT IS A VIOLATION OF THE CITY ORDINANCE AND STATE LAW.
10. THE PURPOSE OF THIS REVISED CONVEYANCE PLAT IS TO ADD A FIRE LANE AND ACCESS EASEMENT.
11. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.



PARCEL LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N45°41'03"W	24.00'
L2	N43°16'57"E	57.13'
L3	S80°10'43"E	2.82'
L4	S8°47'09"W	64.00'
L5	N80°10'43"W	2.86'
L6	S43°18'57"W	57.13'

PARCEL CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING
C1	56°30'20"	54.00'	53.26'	N71°34'07"E
C2	90°02'08"	20.00'	31.43'	N54°48'13"E
C3	89°57'52"	20.00'	31.40'	N35°11'47"W
C4	56°30'20"	30.00'	29.58'	S71°34'07"W

OWNER:
SOP Properties Two, LLC
12 Danforth Road
Allon, IL 62002-3205

OWNERS DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, SOP Properties Two, LLC is the sole owner of all that certain tract 5.43 acres of land located in the Martha McBride Survey, Abstract No. 553, Plano, Collin County, Texas, being the same tract of land as recorded in Document Number 20171025001426860, Deed Records, Collin County, Texas, which is all of Lot 2, Block A, Spike Diamond Addition, an addition to the City of Plano, as recorded in Document Number 20160511010001940, Plat Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an 1/2" iron rod found for corner, said point being in the north line of Talbert Drive (60 foot right-of-way), same point being in the northeast line of Lot 1, Block A said point being the southeast corner of said SOP Properties Two, LLC tract;

THENCE North 46 degrees 41 minutes 03 seconds West, along the common line of this tract and the said Lot 1, Block A, a distance of 553.43 feet to a found 5/8 inch iron rod found in the east line of a tract of land as described in a deed to Oncor Electric Delivery Company as recorded in Volume 689, Page 405 of the said deed records;

THENCE North 08 degrees 11 minutes 20 seconds East, along the common line of this tract and the said Oncor Electric Delivery Company tract, a distance of 278.36 feet to a found 5/8 inch iron rod found in the south right-of-way line of Kansas City Southern Railroad Company (150 foot right-of-way);

THENCE South 80 degrees 12 minutes 11 seconds East along the common line of this tract and the said Kansas City Southern Railroad right-of-way, a distance of 532.91 feet to a found 1/2 inch iron rod found in the west line of Lot 4, Block A;

THENCE South 09 degrees 47 minutes 09 seconds West along the common line of this tract and the said Lot 4, Block A, a distance of 575.20 feet to a set 1/2 inch iron rod found in said Talbert Drive right-of-way, said point being in a curve to the left having a radius of 60.00 feet and a chord bearing North 87 degrees 57 minutes 00 seconds West and a chord length of 64.40 feet;

THENCE along said curve to the left, a distance of 67.96 feet to the POINT OF BEGINNING and containing 5.43 acres or 236,525 square feet of computed land.

SOP Properties Two, LLC

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therefor expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC in and for the STATE OF TEXAS

SURVEYORS CERTIFICATE

That I, William P. Price, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land and the monuments shown hereon were found and/or placed under my personal supervision in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Plano, Texas.

William P. Price
Texas RPLS NO. 3047

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared William P. Price, person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therefor expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC in and for the STATE OF TEXAS

APPROVED
JANUARY 16, 2018
CITY OF PLANO
P&Z COMMISSION

EXPIRES
JANUARY 16, 2018
CITY OF PLANO

CITY PROJECT #PP2017-047

PRELIMINARY PLAT
OF
SPIKE DIAMOND ADDITION
LOT 2, BLOCK A
DOCUMENT NO. 20160511010001940
PLAT RECORDS, COLLIN COUNTY, TEXAS
SITUATED IN
MARTHA MCBRIDE SURVEY, ABSTRACT NO 553
CITY OF PLANO, COLLIN COUNTY, TEXAS

SHEET: 1 OF 1

NO.	DATE	REVISION
1.		
2.		
3.		

TBPS No. 101733-00

SURVEY GROUP		JOB NO.:	17-138
SURVEYING * CONSULTING * MANAGEMENT		DATE:	December 20, 2017
1475 HERITAGE PKWY., STE 217 MANSFIELD, TEXAS 76063		SCALE:	1" = 50'
(817) 354-1445 surveygroup@att.net		DRAWN BY:	RP



LEGEND	
(Not all items may be applicable)	
○	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPIARSEN" SET, UNLESS OTHERWISE NOTED
IR	IRON ROD FOUND
CR	CAVITY IRON ROD FOUND
CM	CONCRETE MONUMENT
(BTP)	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
BL	BUILDING LINE
DRCT	DEED RECORDS, COLLIN COUNTY, TEXAS
PRCT	PLAT RECORDS, COLLIN COUNTY, TEXAS



STATE OF TEXAS §
COUNTY OF COLLIN §

OWNER'S CERTIFICATE

WHEREAS Galen Capital, LLC, is the owner of a tract of land situated in the M. McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas, the subject tract being a portion of a tract conveyed to Lot 1, Block A, Spike Diamond Addition according to the deed recorded in Cabinet 2015, Page 712 of the Plat Records, Collin County, Texas (PRCT), with the subject tract being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap found on the northeast line of Mapleshade Lane, a 92 foot wide right-of-way, for the southwest corner of Lot 1, being the southeast corner of a tract conveyed to Oncor Electric Delivery Company, recorded in Volume 869, Page 405, Deed Records, Collin County, Texas (DRCT);

THENCE N 00°09'03" E, 304.46 feet along the common line thereof to the POINT OF BEGINNING of the subject tract;

THENCE N 00°09'03" E, 417.75 feet along the east line of said Oncor tract to a 5/8" iron rod with plastic cap found;

THENCE N 08°11'03" E, 53.88 feet continuing along the east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set for a southwesterly corner of Lot 2, Block A, Spike Diamond Addition, recorded in Cabinet 2017, Page 147 PRCT;

THENCE S 46°41'20" E, 553.43 feet along a southwesterly line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set on the line of a cul-de-sac of Talbert Drive;

THENCE along the line of said cul-de-sac, around a non-tangent curve to the left having a central angle of 106°19'14", a radius of 60.00 feet, a chord of S 06°28'17" W - 96.04 feet, an arc length of 111.34 feet to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set;

THENCE S 43°18'40" W, 222.24 feet along the northwest line of Spike Diamond Drive

THENCE N 46°41'20" W, 42.00 feet;

THENCE S 43°18'40" W, 36.00 feet;

THENCE N 46°41'20" W, 237.67 feet to the POINT OF BEGINNING with the subject tract containing 150,177 square feet or 3.448 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Galen Capital, LLC, does hereby adopt this plat designating the hereinabove described property as SPIKE DIAMOND ADDITION, an addition to the City of Plano, Texas, and do hereby dedicate, in fee simple, for public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Plano. In addition, Utility Easements may also be used for the mutual use accommodation of all public utilities desiring to use or using same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of their respective systems on said Easements. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements, or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking". The Fire Marshal or his duly authorized representative or the Chief of Police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to and from real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

This plat approved subject to all plotting ordinances, rules, regulations, and resolution of the City of Plano, Texas.

Witness our hands at Collin County, Texas, this _____ day of _____, 2017.

PLAIN OLD TEXAS, LLC

By: TIMOTHY CARROLL, OWNER

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared _____ known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2017;

Notary Public, State of Texas

CERTIFICATE OF APPROVAL

APPROVED this _____ day of _____, 2017, by the Planning and Zoning Commission, City of Plano, Texas.

Chairman, Planning and Zoning Commission

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared _____ known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2017.

Notary Public, State of Texas

Secretary, Planning and Zoning Commission or City Engineer

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared _____ known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2017.

Notary Public, State of Texas

SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Plano, Texas.

Dated this the _____ day of _____, 2017.



DARREN K. BROWN, R.P.L.S. NO. 5252

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Darren K. Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2017.

Notary Public, State of Texas

P&Z APPROVED
January 16, 2018
CITY OF PLANO
P&Z COMMISSION

Expires
January 16, 2020

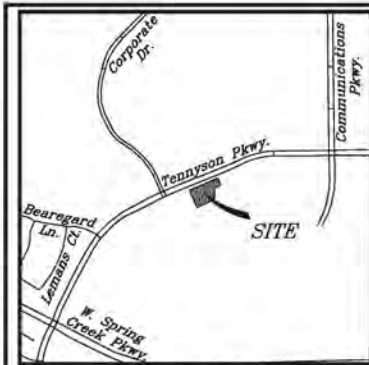
CITY PROJECT NO. PP2017-040
PRELIMINARY PLAT

SPIKE DIAMOND ADDITION

LOT 5, BLOCK A
BEING A 3.448 ACRE TRACT IN THE
M. McBRIDE SURVEY, ABSTRACT NO. 553
CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER / APPLICANT
Plain Old Texas, LLC
809 Shorecrest Drive
Southlake, Texas 76092
Telephone (817) 271-7916
Contact: Timothy Carroll

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121 / TBPLS No. F-10043100
Contact: David Bond



Vicinity Map

Not to Scale

LEGEND

- Boundary Line
- Adjoiner Boundary Line
- Right-of-Way Line
- Easement Line
- Found Monument (as noted)
- Set Monument (as noted)
- Found Nail (as noted)
- Set Nail (as noted)
- Cut "X" Found
- Cut "X" Set
- FLAUE (Fire Lane Access & Utility Easement)
- DRCC (Deed Records, Collin County, Texas)
- MRCCT (Map Records, Collin County, Texas)
- OPRCCT (Official Public Records, Collin County, Texas)
- FLAUE To be abandoned by this plot

NOTES:

- Selling a portion of this addition by metes and bounds is a violation of the City Subdivision Ordinance and State plotting statutes and is subject to fines and withholding of utilities and building certificates.
- Base of Elevation: NAVD 88, utilizing GEOID 12A, using WDS Network
- Base of Bearings: NAD83, State Plane, Texas North Central Zone, established using a WDS network RTK observation. This observation was compared to an OPUS solution for accuracy.
- By scaled map location and graphical plotting only. This property is located in Zone "X" which are areas of 0.2% chance flood and not located within any presently established 100-year floodplain as determined by the National Flood Insurance Program, Flood Insurance Rate Map for Travis County, Texas. Map Number: 48085C0355K. Map Revised: June 17, 2017.

PIZZA HUT ADDITION
LOTS 1 & 2, BLOCK 1
INST. NO. 201005070100000880
(OPRCCT)

Tennyson Pkwy.
(SLIDE P, PAGE 490)
(MRCCT)

Corporate Dr.
(SLIDE P, PAGE 455)
(MRCCT)

Benchmark Information

STANDARD CITY OF PLANO MONUMENT NO.207 FOUND IN THE NORTHWEST CORNER OF CURB INLET ALONG CURB LINE OF TENNYSON PKWY. ± 65' NORTHWEST OF WINDCREST DRIVE. ELEV = 674.88

BM #1: CUT "SQUARE WITH AN 'X' ON THE SOUTHWEST CORNER OF A CONCRETE CURB INLET ON THE SOUTH SIDE OF TENNYSON PKWY ± 92' EAST OF THE NORTHWEST PROPERTY CORNER OF LOT 5. ELEV=684.03"

BM #2: CUT "SQUARE WITH AN 'X' ON THE SOUTHWEST CORNER OF A CONCRETE CURB INLET ON THE SOUTH SIDE OF TENNYSON PKWY ± 130' EAST OF THE NORTH EAST PROPERTY CORNER OF LOT 5. ELEV=688.09"

SURVEYOR'S CERTIFICATION

STATE OF TEXAS §
COUNTY OF DALLAS §

THIS is to certify that I, J. R. January, a Registered Professional Land Surveyor for the State of Texas have performed, for this plot, an actual survey on the ground, and that this plot correctly represents that survey made by me or under my direct supervision.

J. R. January
Texas Registered Professional Land Surveyor #5382

"Preliminary, this document shall not be recorded for any purpose and shall not be used as evidence or relied upon as a final survey document."

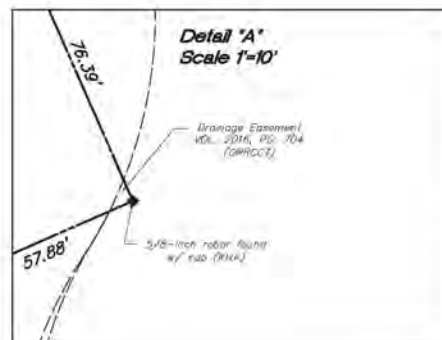
STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day appeared personally J. R. January, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he has executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2018.

Notary Public in and for the State of _____

Detail "A" Scale 1"=10'



SECRETARY, PLANNING & ZONING COMMISSION OR CITY ENGINEER

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day appeared personally _____ Known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he has executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2018.

Notary Public in and for the State of _____

STATE OF TEXAS §
COUNTY OF COLLIN §

OWNER'S CERTIFICATE

WHEREAS, We Tencorp Partners, LP, are the owners of all that certain 1.190 acre tract of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY #5, ABSTRACT No. 150 in the City of Plano, Collin County, Texas, being all of Lot 5, Block A, Revised Conveyance Plot, Tencorp Center, on addition to the City of Plano, Collin County, Texas, according to the Revised Conveyance Plot thereof recorded in Volume (Vol.) 2017, Page (Pg.) 653, and Document Number (Doc#) 201708100003900, Official Public Records, Collin County, Texas (OPRCCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8-inch rebar with cap (KHA) at the Northeast corner of said Lot 5, Block A, of Tencorp Center, said point being on the south Right-of-Way (ROW) of Tennyson Parkway (a variable width public ROW) and being at the Northwest corner of Lot 3, Block A, of the Conveyance Plot of Tencorp Center, Lots 1, 2, & 3, block A, an addition to the City of Plano as recorded in Doc# 20161004010004100, OPRCCT;

THENCE leaving said ROW and along the common boundary of said Lots 3 and 5, the following three (3) calls:

SOUTH 23°41'34" EAST, 76.39 feet to a found 5/8-inch rebar with cap (KHA) at the most eastern Southeast corner of said Lot 5 and an interior corner of said Lot 3;

SOUTH 66°18'26" WEST, 57.88 feet to a found 5/8-inch rebar with cap (KHA) at a common corner, of said Lot 3 and Lot 5; SOUTH 00°53'37" EAST, 141.21 feet to a Standard City of Plano Concrete Monument set at the most southern Southeast corner of said Lot 5, said point being also the Northeast corner of Lot 4, Block A of said Revised Tencorp Center and being in the west line of said Lot 3;

THENCE SOUTH 66°18'26" WEST, leaving the west line of said Lot 3 and along the common line of said Lots 4 and 5, 191.46 feet to set 5/8-inch rebar with cap (CEI ENG ASSOC INC) for the southwest corner of said Lot 5, said point being on inner ell corner of said Lot 4;

THENCE NORTH 23°50'41" WEST, along a common line of said Lots 4 and 5, 207.08 feet, to a set 5/8-inch rebar with cap (CEI ENG ASSOC INC) at the Northwest corner of said Lot 5, said point being the most northerly northeast corner of said Lot 4 and in the southerly ROW line of said Tennyson Parkway;

THENCE NORTH 66°18'26" EAST, along the north line of said Lot 5 and the southerly ROW line of said Tennyson Parkway, 304.61 feet, to the POINT OF BEGINNING, and having an area of 5,816 square feet or 1.190 acres of land, more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT TENCORP PARTNERS, LP acting herein by and through it's duly authorized officers, does hereby adopt this plat designating the hereinabove described property as Tencorp Center, Lot 5, Block A, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Plano. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, repairing, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time of procuring permission from anyone.

The undersigned does covenant and agree that the access easements may be utilized by any person or the general public for ingress and egress to the other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and other law enforcement use, along, upon, and across said premises, with the right and privilege of all lines of the City of Plano, it's agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon, and across said premises.

This plat is approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Plano, Texas. WITNESS, my hand, this _____ day of _____, 2018.

BY: TENCORP PARTNERS, LP,
a Texas Limited Partnership
BY: Tencorp Partners, GP, LLC
a Texas Limited Liability Company

By: David Fogel, Manager

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day appeared personally David Fogel, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he has executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2018.

Notary Public in and for the State of _____

CERTIFICATE OF APPROVAL

APPROVED this _____ day of _____, 2018 by the Planning and Zoning Commission, City of Plano, Texas.

CHAIRMAN, PLANNING & ZONING COMMISSION

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day appeared personally _____ Known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he has executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2018.

Notary Public in and for the State of _____

APPROVED
JANUARY 16, 2018
CITY OF PLANO
P&Z COMMISSION

EXPIRES
JANUARY 16, 2018
CITY OF PLANO

CITY PROJECT #RPP2017-004
REVISED PRELIMINARY PLAT
TENCORP CENTER
Block A, Lot 5

An Addition to the City of Plano,
Collin County, Texas

Being 1.190 Acres situated in the
Collin County School Land Survey No. 5, Abstract No. 150
in the City of Plano, County Collin, Texas

OWNERS
David Fogel Manager
Tencorp Partners, LP
Office: 214-366-0009
Cell: 214-244-8274
David@tencorp.com
4303 W. Lovers Lane, Suite 200,
Dallas, Texas, 75209

CEI Engineering Associates, Inc.
ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS
4303 W. Lovers Lane, Suite 200, Dallas, Texas 75209
BENEFICIAL: 214-366-0009
DALLAS OFFICE: 214-244-8274
DALLAS OFFICE: 214-244-8274
DALLAS OFFICE: 214-244-8274

Plot Preparation Date: January 4, 2018

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS

That I, Dana Brown, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Plano, Texas.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

Dana Brown
Registered Professional Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
13455 Noel Road, Two Galleria Office Tower, Suite 700
Dallas, Texas 75240
Ph. 972-770-1300



STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Dana Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations thereof expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2018.

Notary Public, State of Texas

Print Name

OWNER'S CERTIFICATION

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, 121 VILLAGE LTD., is the owner of a tract of land situated in the Jabez Degman Survey, Abstract No. 279, City of Plano, Collin County, Texas and being all of Lot 11, Block 1, of Village at 121 Addition, Lot 5 and Lot 11, Block 1, an addition to the City of Plano, Texas according to the plat recorded in Volume 2017, Page 1031, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a standard City of Plano monument set at the northwest corner of the intersection of the north right-of-way line of Towne Square Drive (a 60-foot wide right-of-way) and the west right-of-way line of Bellevue Drive (a 60-foot wide right-of-way) and at the beginning of a curve to the right having a central angle of _____ and a radius of 420.00 feet, a _____

THENCE with said west right-of-way line, the following courses and distances to wit:

In a southeasterly direction, with said curve to the right, an arc distance of 199.42 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;
South _____ ~~East~~ a distance of 270.57 feet to a "X" cut in concrete set at the southeast corner of said Lot 11, Block 1;

THENCE departing said west right-of-way line and with the south line of said Lot 11, Block 1, South _____ ~~West~~, a distance of 306.90 feet to a "X" cut in concrete set for corner at the southwest corner of said Lot 11, Block 1;

THENCE with the west line of said Lot 11, Block 1, the following courses and distances to wit:

North _____ ~~West~~ a distance of 711.39 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of _____ and a radius of 62.00 feet, a chord bearing and distance _____

In a northwesterly direction, with said curve to the left, an arc distance of 31.48 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North _____ ~~West~~ a distance of 25.01 feet to a standard City of Plano monument set for corner at the northwest corner of said Lot 11, Block 1;

THENCE with the north line of said Lot 11, Block 1, North _____ ~~East~~ a distance of 125.07 feet to a "X" cut in concrete set for corner in the west line of Lot 1R, of said Block 1, at the northeast corner of said Lot 11, Block 1.

THENCE with said west line, and the west line of Lot 7, Block 1, of Lots 1R, 5, 8, 9, and 10, Block 1, Village at 121 Addition, an addition to the City of Plano, Texas according to the plat recorded in Volume 2017, Page 627, Official Public Records of Collin County, Texas, the following courses and distances to wit:

South _____ ~~East~~ a distance of 387.45 feet to a "X" cut in concrete set at the beginning of a tangent curve to the right having a central angle of _____ and a radius of 450.00 feet, a chord bearing and distance of South _____ East, 0.93 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 9.93 feet to a "X" cut in concrete found in said north right-of-way line at the southwest corner of said Lot 7, Block 1;

THENCE with said north right-of-way line, South _____ ~~West~~ a distance of 30.01 feet to the **POINT OF BEGINNING** and containing 4.7007 acres or 204,763 square feet of land.

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT 121 VILLAGE LTD., acting herein by and through their duly authorized officers, do hereby adopt this plat designating the hereinafore described property as **VILLAGE AT 121 ADDITION, LOT 11, BLOCK 1**, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown _____ the streets and alleys are dedicated for street _____ the easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this _____ the buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of _____ in addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Plano's use _____ the City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said _____ the City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire _____ the maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating _____ the police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does hereby covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

WITNESS, my hand, this ____ day of _____, 2018.

by _____

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

Given under my hand and seal of office on this the ____ day of _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name

CERTIFICATE OF APPROVAL

APPROVED on this the ____ day of _____, 2018 by the Planning & Zoning Commission, City of Plano, Texas.

CHAIRMAN, PLANNING & ZONING COMMISSION

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Richard Grady, the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

Given under my hand and seal of office on this the ____ day of _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name

SECRETARY, PLANNING & ZONING COMMISSION OR CITY ENGINEER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

Given under my hand and seal of office on this the ____ day of _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name

OWNER/APPLICANT:
121 Village LTD.
2000 McKinney Avenue, Suite 1000
Dallas, TX 75201
Ph. 214-740-5300
Contact: Tim Smith

ENGINEER:
Kimley-Horn and Associates, Inc.
5750 Genesis Court, Suite 200
Frisco, Texas 75034
Ph. 972-335-3690
Contact: Trey Braswell, P.E.

P&Z APPROVED 1/16/2018 CITY OF PLANO P&Z COMMISSION	EXPIRES 1/16/20 CITY OF PLANO
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PRELIMINARY PLAT
PROJECT #PP2017-043

VILLAGE AT 121 ADDITION
LOT 11, BLOCK 1

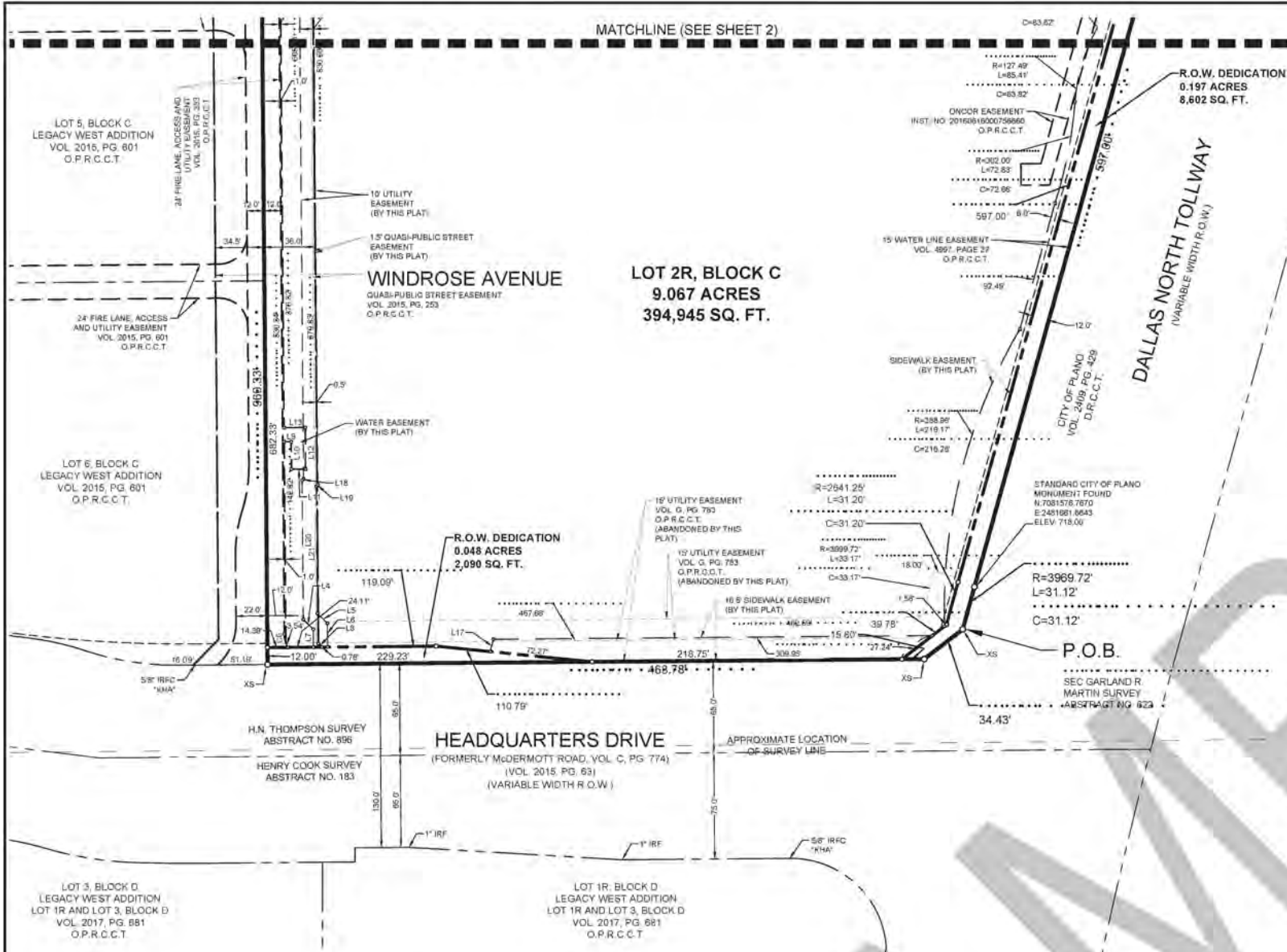
BEING ALL OF LOT 11, BLOCK 1 OF
VILLAGE AT 121 ADDITION
LOT 5 AND LOT 11, BLOCK 1
RECORDED IN VOLUME 2017, PAGE 1031
OFFICIAL PUBLIC RECORDS, COLLIN
COUNTY, TEXAS

AND BEING 4.7007 ACRES SITUATED IN THE
JABEZ DEGMAN SURVEY, ABSTRACT NO. 279
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115560 Tel. No. (972) 770-1300 Fax No. (972) 230-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	OCT. 2017	063486543	2 OF 2



OWNER'S CERTIFICATION

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS LIBERTY MUTUAL PLANO, LLC is the owner of a tract of land situated in the H.N. Thompson Survey, Abstract No. 896, City of Plano, Collin County, Texas, being part of called Tract III described in Limited General Warranty Deed, to SWC Tollway & 121 LLC, recorded in Instrument Number 20140205000109390, Official Public Records, Collin County, Texas and being a REPLAT of all of Lot 2, Block C of Legacy West Addition, Lots 1R, 2, and 3, Block C, an addition to the City of Plano according to the plat thereof recorded in Volume 2015, Page 253, Official Public Records, Collin County, Texas and all of Lot 3R, Block C of Legacy West Addition, Lots 1R, 3R and 7, Block C, an addition to the City of Plano, Texas according to the plat recorded in Volume 2016, Page 231, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a "X" cut in concrete set at the northernmost end of a right-of-way corner clip at the intersection of the west right-of-way line of the Dallas North Tollway (a variable width right-of-way) and the north right-of-way line of Headquarters Drive (a variable width right-of-way);

THENCE with said right-of-way corner clip, South $\dots\dots\dots$ West, a distance of 34.43 feet to a "X" cut in concrete set at the southernmost end of said right-of-way corner clip;

THENCE with said north right-of-way line, South $\dots\dots\dots$ West, a distance of 483.78 feet to a "X" cut in concrete set at the southernmost (southwest) corner of Lot 2, Block C;

THENCE departing said north right-of-way line and with the west line of said Lot 2, Block C, North $\dots\dots\dots$ West, a distance of 960.33 feet to a "X" cut in concrete set at the northwest corner of said Lot 3R, Block C;

THENCE with the north line of said Lot 3R, Block C, North $\dots\dots\dots$ East, a distance of 744.74 feet to a standard City of Plano monument set in said west right-of-way line at the northeast corner of said Lot 3R, Block C and at the beginning of a non-tangent curve to the right having a central angle of $\dots\dots\dots$ radius of 3669.72 feet, a

THENCE with said west right-of-way line, the following courses and distances to wit:

In a southwesterly direction, with said curve to the right, an arc distance of 56.51 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

South $\dots\dots\dots$ West, a distance of 89.90 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of $\dots\dots\dots$ radius of 3667.72 feet, a

In a southwesterly direction, with said curve to the right, an arc distance of 140.01 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

South $\dots\dots\dots$ East, a distance of 12.00 feet to a "X" cut in concrete set at the beginning of a non-tangent curve to the right having a central angle of $\dots\dots\dots$ radius of 3669.72 feet, a chord bearing and distance

In a southwesterly direction, with said curve to the right, an arc distance of 59.12 feet to a "X" cut in concrete set for corner;

South $\dots\dots\dots$ West, a distance of 597.00 feet to a standard City of Plano monument found at the beginning of a tangent curve to the left having a central angle of $\dots\dots\dots$ radius of 3669.72 feet, a chord

In a southwesterly direction with said curve to the left, an arc distance of 31.12 feet to the **POINT OF BEGINNING** and containing 13.642 acres or 594,260 square feet of land.

Bearing system of this survey is based on a line oriented between City of Plano monuments 201 and 301 found in the field, whose positions are published on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (NAD83/2007). The horizontal coordinates of this survey are local surface coordinates derived from Plano Monument 201.

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT LIBERTY MUTUAL PLANO, LLC acting herein by and through its duly authorized officer, does hereby adopt this plat designating the hereinabove described property as LEGACY WEST ADDITION, LOTS 2R AND 3R, BLOCK C, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown $\dots\dots\dots$ streets and alleys are dedicated for street $\dots\dots\dots$ easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this $\dots\dots\dots$ buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of $\dots\dots\dots$ addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Plano's use $\dots\dots\dots$ City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said $\dots\dots\dots$ City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire $\dots\dots\dots$ The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating $\dots\dots\dots$ No $\dots\dots\dots$ The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

WITNESS, my hand, this _____ day of _____, 2016.

By: LIBERTY MUTUAL PLANO, LLC, a Delaware limited liability company

By: _____

Title: _____

Print Name: _____

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

Given under my hand and seal of office on this the _____ day of _____, 2016.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name: _____

NOTES:

- Bearing system of this survey is based on a line oriented between City of Plano monuments 201 and 301 found in the field, whose positions are published on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (NAD83/2007). The horizontal coordinates of this survey are local surface coordinates derived from Plano Monument 201.
- All corners are a 5/8-inch iron rod with plastic cap stamped "KHA" set unless otherwise noted.
- Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
- The purpose of this replat is to dedicate easements and right-of-way.

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/ CAP FOUND
IRPF = IRON PIPE FOUND
XF = "X" CUT IN CONCRETE FOUND
ADF = ALUMINUM DISK FOUND
O.P.R.C.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
L.R.D.C.T. = LAND RECORDS, COLLIN COUNTY, TEXAS
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

VICINITY MAP

1" = 50' @ 24"x36"

GRAPHIC SCALE IN FEET

0 10 20 30 40 50

STATE OF TEXAS
COUNTY OF DALLAS

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS

That I, Dana Brown, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Plano, Texas.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Dana Brown
Registered Professional Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
PH. 972-770-1300

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Dana Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations thereof expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2016.

Notary Public, State of Texas

Print Name: _____

CERTIFICATE OF APPROVAL

APPROVED on this the _____ day of _____, 2016 by the Planning & Zoning Commission, City of Plano, Texas.

CHAIRMAN, PLANNING & ZONING COMMISSION

Print Name: _____

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

Given under my hand and seal of office on this the _____ day of _____, 2016.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name: _____

SECRETARY, PLANNING & ZONING COMMISSION OR CITY ENGINEER

Print Name: _____

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

Given under my hand and seal of office on this the _____ day of _____, 2016.

NOTARY PUBLIC in and for the STATE OF TEXAS

Print Name: _____

OWNER/APPLICANT:
LIBERTY MUTUAL PLANO, LLC
175 BERKELEY STREET
BOSTON, MA 02116
PHONE: 617-357-9500

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
113455 NOEL ROAD
TWO GALLERIA OFFICE TOWER, SUITE 700
PHONE: 972-770-1307
CONTACT: DANA BROWN, R.P.L.S.

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
113455 NOEL ROAD
TWO GALLERIA OFFICE TOWER, SUITE 700
PHONE: 972-770-1300
CONTACT: BRAD MOSS, P.E.

P&Z APPROVED
1/2/2016
CITY OF PLANO
P&Z COMMISSION

EXPIRES
City of Plano
July 2, 2016
Unless Filed & Recorded

REPLAT
PROJECT R2017-065

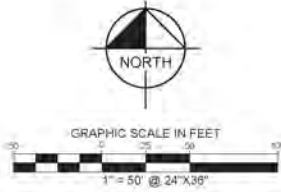
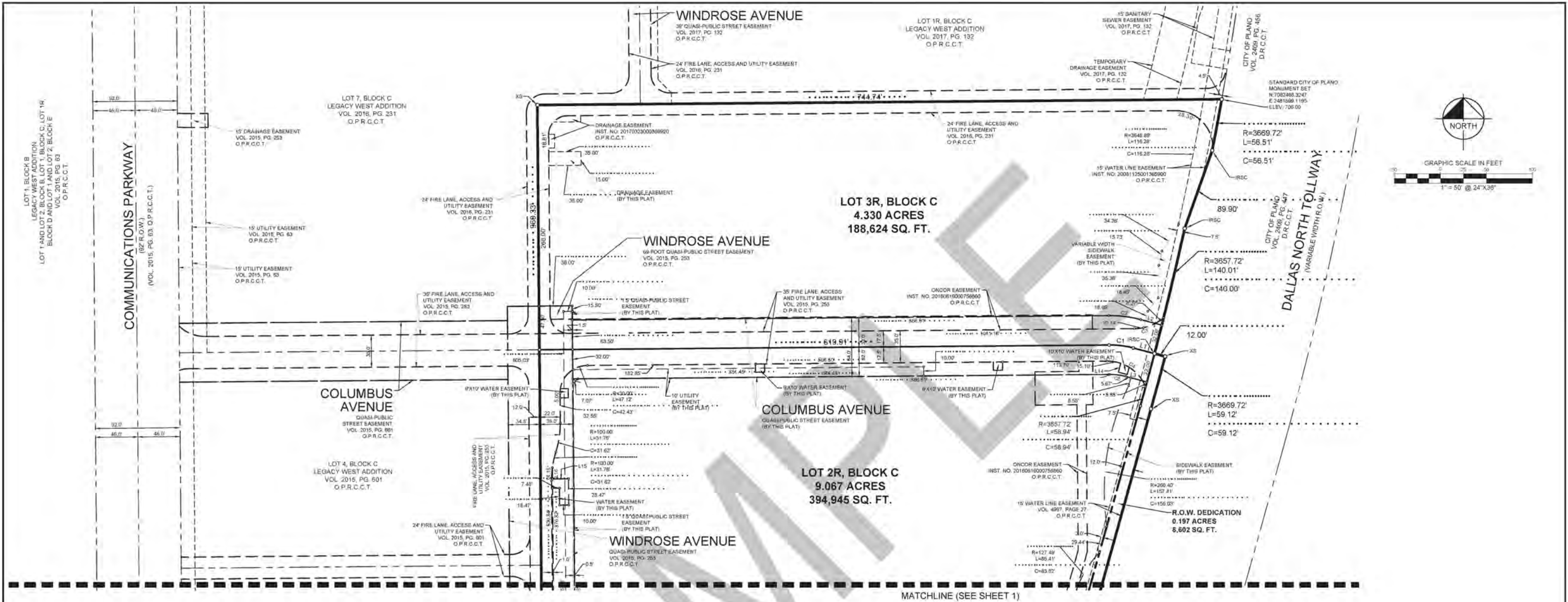
LEGACY WEST ADDITION
LOTS 2R AND 3R, BLOCK C

BEING A REPLAT OF LOT 2 AND LOT 3, BLOCK C
LEGACY WEST ADDITION
LOTS 1R, 2 AND 3, BLOCK C
13.642 ACRES SITUATED IN THE
H.N. THOMPSON SURVEY ABSTRACT NO. 896
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115600 Tel. No. (972) 770-1300 Fax No. (972) 230-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	SRD	DAB	NOV. 2017	068178043	1 OF 2



CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	00°00'	25.50'	29.47'	29.47'	29.47'
C2	00°00'	25.04'	04.94'	04.94'	04.94'
C3	00°00'	34.84'	34.14'	34.14'	34.14'
C4	00°00'	53.50'	58.40'	58.40'	58.40'
C5	00°00'	18.00'	48.00'	48.00'	48.00'
C6	00°00'	9.20'	60.00'	60.00'	60.00'

LINE TABLE		
NO.	BEARING	LENGTH
L1	00°00'	29.47'
L2	00°00'	04.94'
L3	00°00'	34.14'
L4	00°00'	58.40'
L5	00°00'	48.00'
L6	00°00'	60.00'
L7	00°00'	60.00'
L8	00°00'	60.00'
L9	00°00'	60.00'
L10	00°00'	60.00'
L11	00°00'	60.00'
L12	00°00'	60.00'
L13	00°00'	60.00'
L14	00°00'	60.00'
L15	00°00'	60.00'
L16	00°00'	60.00'
L17	00°00'	60.00'
L18	00°00'	60.00'
L19	00°00'	60.00'
L20	00°00'	60.00'
L21	00°00'	60.00'

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/ CAP FOUND
IPF = IRON PIPE FOUND
XF = "X" CUT IN CONCRETE FOUND
ADF = ALUMINUM DISK FOUND
O.P.R.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
L.R.D.C.T. = LAND RECORDS, COLLIN COUNTY, TEXAS
O.P.R.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

- NOTES:
- Bearing system of this survey is based on a line oriented between City of Plano monuments 201 and 301 found in the field, whose positions are published on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (NAD83/2011). The horizontal coordinates of this survey are local surface coordinates derived from Plano Monument 201.
 - All corners are a 5/8-inch iron rod with plastic cap stamped "KHA" set unless otherwise noted.
 - Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
 - The purpose of this replat is to dedicate easements and right-of-way.

P&Z APPROVED
1/2/2018
CITY OF PLANO
P&Z COMMISSION

EXPIRES
City of Plano
July 2, 2018
Unless Filed & Recorded

REPLAT
PROJECT R2017-065

LEGACY WEST ADDITION
LOTS 2R AND 3R, BLOCK C

BEING A REPLAT OF LOT 2 AND LOT 3, BLOCK C
LEGACY WEST ADDITION
LOTS 1R, 2 AND 3, BLOCK C
13.642 ACRES SITUATED IN THE
H.N. THOMPSON SURVEY ABSTRACT NO. 896
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

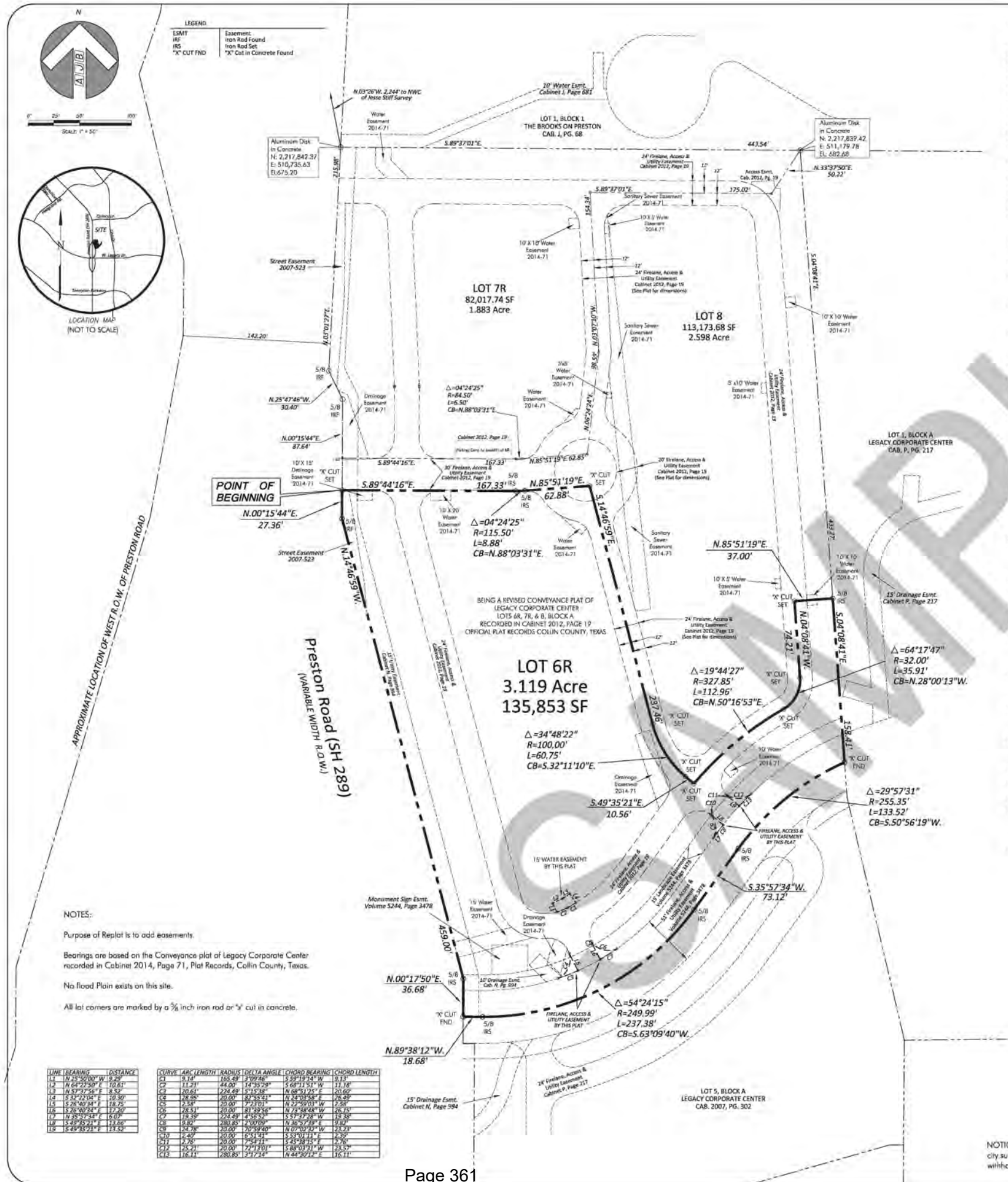
13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 230-3820

OWNER/APPLICANT:
LIBERTY MUTUAL PLANO, LLC
175 BERKELEY STREET
BOSTON, MA 02116
PHONE: 617-357-9500

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
113455 NOEL ROAD
TWO GALLERIA OFFICE TOWER, SUITE 700
PHONE: 972-770-1300
CONTACT: DANA BROWN, R.P.L.S.

ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
113455 NOEL ROAD
TWO GALLERIA OFFICE TOWER, SUITE 700
PHONE: 972-770-1300
CONTACT: BRAD MOSS, P.E.





NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT SCHERER I, LTD acting herein by and through their duly authorized officers, does hereby adopt this plat designating the hereinabove described property as LOT 6R, BLOCK A, LEGACY CORPORATE CENTER, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Plano. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

SCHERER I, LTD.

Name:

Title:

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY _____ OF _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

CERTIFICATE OF APPROVAL

APPROVED on this _____ day of _____, 2017, by the Planning & Zoning Commission, City of Plano, Texas.

Chairman, Planning & Zoning Commission

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

Secretary, Planning & Zoning Commission or City Engineer

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS _____ DAY OF _____, 2018.

NOTARY PUBLIC in and for the STATE OF TEXAS

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS SCHERER I, LTD, are the owners of a 3.119 acre tract of land according to the csl 20110104000017440 recorded in the Real Property Records of Collin County, Texas and being situated in the Jesse Stiff Survey, Abstract No. 793, in the City of Plano, Collin County, Texas and being all of Lot 6R, Block A of LEGACY CORPORATE CENTER according to the plat recorded in Cabinet 2012, Page 19 of the Official Plat Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at an "X" cut in concrete set for the northwest corner of said Lot 6R of said Legacy Corporate Center and being located in the east line of Preston Road (State Highway 289);

THENCE departing the east line of said Preston Road (State Highway 289) and following the north line of said Lot 6R as follows:

SOUTH 89°44'16" EAST a distance of 167.33 feet to a 5/8 inch iron rod set for the beginning of a curve to the left having a radius of 115.50 feet and a chord bearing of North 88°03'31" East;

Continuing along said curve to the left through a central angle of 04°24'25" for an arc length of 8.88 feet to a 5/8 inch iron rod set for corner;

NORTH 85°51'19" EAST a distance of 62.88 feet to an "X" in concrete set for the northerly northeast corner of said Lot 6R;

SOUTH 14°40'59" EAST a distance of 237.46 feet with the center of a 24" Firelane, Access and Utility Easement to an "X" in concrete set for the beginning of a curve to the left having a radius of 100.00 feet and a chord bearing of South 32°11'10" East;

Continuing with said Firelane and said curve to the left through a central angle of 34°48'22" for an arc length of 60.75 feet to an "X" in concrete set for corner;

SOUTH 49°35'21" EAST a distance of 10.56 feet to an "X" in concrete set for the beginning of a non-tangent curve to the right having a radius of 327.85 feet and a chord bearing of North 50°56'19" East;

Continuing with said non-tangent curve to the right through a central angle of 19°44'27" for an arc length of 112.96 feet to an "X" in concrete set for the beginning of a reverse curve to the left having a radius of 32.00 feet and a chord bearing of North 28°00'13" East;

Continuing with said curve to the left through a central angle of 64°17'47" for an arc length of 35.91 feet to "X" in concrete set for corner;

NORTH 04°08'41" WEST a distance of 74.21 feet to an "X" in concrete set for corner;

Departing the centerline of said 24" Firelane, NORTH 85°51'19" EAST a distance of 37.00 feet to a 5/8 inch iron rod set for the northerly northeast corner of said Lot 6R;

THENCE SOUTH 04°08'41" EAST a distance of 158.41 feet to an "X" in concrete found for the southeast corner of said Lot 6R and being the center of a 51" wide Firelane, Access & Utility Easement running in an east/west direction and being the beginning of a non-tangent curve to the left having a radius of 255.35 feet and a chord bearing of South 50°56'19" West;

THENCE along the south line of said Lot 6R with the center of said Firelane, Access & Utility Easement as follows:

Continuing with said non-tangent curve to the left through a central angle of 29°57'31" for an arc length of 133.52 feet to a 5/8 inch iron rod set for corner;

SOUTH 35°57'34" WEST a distance of 73.12 feet to a 5/8 inch iron rod set for the beginning of a curve to the right having a radius of 243.99 feet and a chord bearing of South 63°09'40" West;

Continuing with said curve to the right through a central angle of 54°24'15" for an arc length of 237.38 feet to a 5/8 inch iron rod set for corner;

NORTH 89°38'12" WEST a distance of 18.68 feet to an "X" cut in concrete found for the southwest corner of said Lot 6R and being located in the east line of said Preston Road (State Highway 289);

THENCE along the east line of said Preston Road (State Highway 289) as follows:

NORTH 00°17'50" EAST a distance of 36.68 feet to a 5/8 inch iron rod set for corner;

NORTH 14°46'59" WEST a distance of 458.00 feet to a 5/8 inch iron rod found for corner;

NORTH 00°15'44" EAST a distance of 27.36 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 3.119 acres or 135,853 square feet of land more or less.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Austin J. Bedford, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Planning Rules and Regulations of the City of Plano, Texas.

"Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document."

Austin J. Bedford
Registered Professional Land Surveyor No. 4132

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Austin J. Bedford, known to me to be the same person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office this _____ day of _____, 2018.

Notary Public in and for the State of Texas

P&Z APPROVED
January 2, 2018
CITY OF PLANO
P&Z COMMISSION

Expires Unless Filed or
Recorded
July 2, 2018

REPLAT LOT 6R, BLOCK A LEGACY CORPORATE CENTER R2017-067

BEING A REPLAT PLAT OF LEGACY CORPORATE CENTER LOT 6R, BLOCK A
RECORDED IN CABINET 2014, PAGE 71
OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
JESSE STIFF SURVEY ABST. NO. 793
CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNERS: SCHERER I, LTD
7800 PRESTON ROAD, SUITE 145
Plano, Texas 75024 972.618.9900

ENGINEER:
DR. RANKIN, PLLC
2321 DAYBREAK TRAIL
PLANO, TX 75093
972.378.0683

SCALE: 1" = 60'
DATE: NOVEMBER 29, 2017
TECHNICIAN: SPRADLING
DRAWN BY: SPRADLING

Checked By: A.J. BEDFORD
P.C.: CRYSTEN SPRADLING
File: LOT 6R PRELIMINARY
Job: No. L57-001

301 N. Alamo St., Rockwall, Texas 75087
(972) 722-0225, www.abedfordgroup.com

ABEDFORD GROUP, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
10PLS F1081 #10103200

SHEET:
OF: 1

NOTICE: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.

0' 30' 60' 120'
1" = 60'



VICINITY MAP
(NOT TO SCALE)

DETAIL A
(NOT TO SCALE)

D=38°56.33'
R=54.00'
AL=36.70
CB=S20°53'28"W
CL=36.00'

D=38°54.37'
R=64.00'
AL=36.67'
CB=S20°54'26"W
CL=36.97'

DETAIL B
(NOT TO SCALE)

S88°34'48"E
72.00'
N01°25'12"E
19.25'
N88°34'48"W
12.00'

P&Z APPROVED
January 16, 2018
CITY OF PLANO
P&Z COMMISSION

Expires Unless Filed or
Recorded
July 16, 2018

SURVEYOR'S NOTES:

- The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202).
- Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
- A conveyance plat is a record of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued nor permanent public utility service provided until a final plat is approved, filed of record, and public improvements accepted in accordance with the provisions of the Subdivision Ordinance of the City of Plano. Selling a portion of this property by metes and bounds, except as shown on an approved, filed, and accepted conveyance plat, final plat, or replat is a violation of the city ordinance and State law.
- The purpose of this revised conveyance plat is to dedicate Access, Firelane & Utility Easement on Lot 3, Block A.

LEGEND

FR: FOUND IRON ROD
FX: FOUND "X" CUT
FMON: FOUND ALUMINUM DISC MONUMENT
SIR: SET IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GEONAV"
SMON: SET CITY OF PLANO STANDARD CONCRETE MONUMENT
O.P.R.C.C.T.: OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
CCAD: COLLIN COUNTY CENTRAL APPRAISAL DISTRICT
PG: PLAT

DYNAMIC ENGINEERING
(dba) MIDWEST DYNAMIC ENGINEERING CONSULTANTS, PC
LAND DEVELOPMENT CONSULTING • PERMITTING • GEOTECHNICAL • ENVIRONMENTAL • SURVEY • PLANNING & ZONING

Additional offices conveniently located at:
1904 Main Street, Lake Como, New Jersey 07719 Ph: 732.974.0198 Fax: 732.974.3521
14521 Old Katy Road, Suite 250, Houston, TX 77079 Ph: 281.789.6400
245 Main Street, Suite 113, Chester, New Jersey 07930 Ph: 908.879.9299 Fax: 908.879.0222
223 North Sycamore Street, Newtown, Pennsylvania 18940 Ph: 247.685.0276 Fax: 247.685.0361
8 Robbins Street, Suite 102, Torrance, New Jersey 08053 Ph: 732.974.0198 Fax: 732.974.3521

Texas Registered Engineering Firm No. F-13660
1301 Central Expressway South - Suite 210
Allen, TX 75013
T: 972.534.2100
www.dynamicoec.com

OWNER LOT 2:
ACTAON, LLC
11969 PLANO RD, STE 190
PHONE: 214-302-0011
CONTACT:

OWNER LOT 3:
CHIGANI REAL ESTATE, LTD.
C/O GHOLLAM CHIGANI
PHONE: 972-644-3880
CONTACT: GHOLLAM CHIGANI

GEONAV
SURVEYING • MAPPING • SCANNING

2081 HUTTON DRIVE, SUITE 107 CARROLLTON, TEXAS 75006
SCALE 1"=60' (972) 243-2409 PROJECT NUMBER: 1247
TBPLS FIRM NO. 10194205

DATED: JANUARY 03, 2018 DRAWN BY: JCH

PROJECT #
RCOP2017-012

**REVISED CONVEYANCE PLAT OF
PLANO DISTRIBUTION CENTER
LOTS 2 & 3 BLOCK A
13.997 ACRES**

AN ADDITION TO THE CITY OF PLANO, BEING A REVISED CONVEYANCE PLAT OF
LOT 2 AND 3, BLOCK A, PLANO DISTRIBUTION CENTER
RECORDED IN VOLUME 2014, PAGE 328,
IN THE PLAT RECORDS OF
COLLIN COUNTY, TEXAS WHICH IS 14.144 ACRES
J.T. MCULLOUGH SURVEY, ABSTRACT NUMBER 833
CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT ACTAeon, LLC AND CHIGANI REAL ESTATE, LTD., acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as LOTS 2 AND 3, BLOCK A, PLANO DISTRIBUTION CENTER, an addition to the City of Plano, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Plano. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Plano's use thereof. The City of Plano and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Plano and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Plano, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

OWNERS DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS Chigani Real Estate, Ltd. and ACTAeon, LLC are the owners of a those tracts of lands situated in the J.T. McCullough Survey, Abstract Number 633 of Collin County, Texas, and being all of Lots 2 and 3, Block A of Plano Distribution Center, an addition to the City of Plano, as recorded in Volume 2014, Page 328 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being that tract of land described in deed to ACTAeon, LLC, as recorded in Instrument Number 20171114001510480, O.P.R.C.C.T., and all of that tract of land described in deed to Chigani Real Estate, Ltd., as recorded in Instrument Number 201502240000195270, O.P.R.C.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at a City of Plano standard concrete monument set for the common northeast corner of said Lot 2, Block A and the northwest Lot 1, Block A of Plano Distribution Center, an addition to the City of Plano, as recorded in Volume 2012, Page 435, O.P.R.C.C.T., said corner being on the south right-of-way line of Plano Parkway (a variable width public right-of-way);

THENCE South 11 degrees 42 minutes 33 seconds West, along the common east line of said Lot 2 and west line of said Lot 1, Block A, a distance of 58.41 feet to an "X"-Cut found for corner;

THENCE South 45 degrees 56 minutes 47 seconds West, continuing along said common line, a distance of 174.10 feet to an "X"-Cut found for corner;

THENCE South 01 degrees 25 minutes 12 seconds West, a distance of 533.25 feet to a 1/2-inch iron rod with cap stamped "GEONAV" found for the common southeast corner of said Lot 2 and southwest corner of said Lot 1, Block A, said corner being on the north line of that tract of land described in deed to Flextronics International USA, Inc., as recorded in Instrument Number 2001-0069342, O.P.R.C.C.T.;

THENCE North 88 degrees 29 minutes 20 seconds West, along the common south line of said Lot 2 and north line of said Flextronics International tract, at a distance of 322.15 feet passing a 1/2-inch iron rod with cap stamped "PBURN" for the common southwest corner of said Lot 2 and southeast corner of said Lot 3, Block A, and continuing along the common south line of said Lot 3 and north line of said Flextronics International, in all a total cumulative distance of 774.85 feet to a City of Plano standard concrete monument for the common southwest corner of said Lot 3 and the southeast corner of Lot 4, Block A of Flextronics Campus Addition, an addition to the City of Plano, as recorded in Instrument Number 2001-0180301, O.P.R.C.C.T.;

THENCE North 00 degrees 51 minutes 15 seconds West, along the common west line of said Lot 3 and east line of said Lot 4, Block A, a distance of 730.00 feet to a City of Plano standard concrete monument set for corner on said south right-of-way line of Plano Parkway;

THENCE North 89 degrees 08 minutes 46 seconds East, along the common north line of said Lot 3 and said south right-of-way line, a distance of 578.57 feet to the point of curvature of a tangent circular curve to the right, having a radius of 795.00 feet, a chord bearing of South 84 degrees 36 minutes 01 seconds East, a chord distance of 173.21 feet;

THENCE continuing along said common line and along said curve, through a central angle of 12 degrees 30 minutes 30 seconds, an arc distance of 173.56 feet, to a 1/2-inch iron rod with a cap stamped "HALFF" found for the point of tangency;

THENCE South 78 degrees 17 minutes 27 seconds East, a distance of 188.96 feet to the POINT OF BEGINNING AND CONTAINING 609,718 square feet or 13.997 acres of land, more or less.

GHOLLAM CHIGANI

STATE OF TEXAS:
COUNTY OF:
BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS _____ DAY OF _____, 20____

NOTARY PUBLIC in and for the STATE OF TEXAS

ACTAeon, LLC

STATE OF TEXAS:
COUNTY OF:
BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS _____ DAY OF _____, 20____

NOTARY PUBLIC in and for the STATE OF TEXAS

SURVEYOR CERTIFICATE:

That I, Joel C. Howard, A Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land and the monuments shown hereon were found and/or placed under my personal supervision in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Plano, Texas.

JOEL C. HOWARD
TEXAS RPLS NO. 6267

STATE OF TEXAS:
COUNTY OF:
BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS _____ DAY OF _____, 20____

NOTARY PUBLIC in and for the STATE OF TEXAS

CERTIFICATE OF APPROVAL
APPROVED on this the _____ day of _____, 20____, by the Planning & Zoning Commission, City of Plano, Texas.

Chairman, Planning & Zoning Commission

STATE OF TEXAS:
COUNTY OF:
BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS _____ DAY OF _____, 20____

NOTARY PUBLIC in and for the STATE OF TEXAS

Secretary, Planning & Zoning Commission or City Engineer

STATE OF TEXAS:
COUNTY OF:
BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared _____ person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration thereof expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS _____ DAY OF _____, 20____

NOTARY PUBLIC in and for the STATE OF TEXAS

SURVEYOR'S NOTES:

1. The Basis of Bearing is the south line Lot 2, Block A, as recorded in Document Number 20151215010004470 of the Plat Records of Collin County, Texas.
2. Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
3. A conveyance plat is a record of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued nor permanent public utility service provided until a final plat is approved, filed of record, and public improvements accepted in accordance with the provisions of the Subdivision Ordinance of the City of Plano. Selling a portion of this property by metes and bounds, except as shown on an approved, filed, and accepted conveyance plat, final plat, or replat is a violation of the city ordinance and State law.
4. The purpose of this revised conveyance plat is to subdivide Lot 2, Block A into 2 lots, and establish Lot 4.
5. This survey was prepared without the benefit of a title report.

P&Z APPROVED
January 16, 2018
CITY OF PLANO
P&Z COMMISSION

Expires Unless Filed by
Recorded
July 16, 2018

GEONAV
SURVEYING • MAPPING • SCANNING

2081 HUTTON DRIVE, SUITE 107 CARROLLTON, TEXAS 75006
SCALE 1"=60' (972) 243-2409 PROJECT NUMBER: 1247
TBPLS FIRM NO. 10194205

DATED: JANUARY 03, 2018 DRAWN BY: JCH

PROJECT #
RCOP2017-012
REVISED CONVEYANCE PLAT OF
PLANO DISTRIBUTION CENTER
LOTS 2 & 3 BLOCK A
13.997 ACRES

AN ADDITION TO THE CITY OF PLANO, BEING A REVISED CONVEYANCE PLAT OF LOT 2 AND 3, BLOCK A, PLANO DISTRIBUTION CENTER RECORDED IN VOLUME 2014, PAGE 328, IN THE PLAT RECORDS OF COLLIN COUNTY, TEXAS WHICH IS 14.144 ACRES J.T. MCCULLOUGH SURVEY, ABSTRACT NUMBER 633 CITY OF PLANO, COLLIN COUNTY, TEXAS



CITY COUNCIL AGENDA MEMO

MEETING DATE: 2/26/2024

DEPARTMENT: Zoning

DIRECTOR: Lisa Henderson, City Secretary

AGENDA ITEM: ***IMPORTANT MESSAGE*** *Plano City Council meetings will temporarily be held at Davis Library as of April 8, 2024 during renovation of the council chambers.*

RECOMMENDED ACTION: Important Message

ITEM SUMMARY

PREVIOUS ACTION/PRESENTATION

BACKGROUND

FINANCIAL SUMMARY/STRATEGIC GOALS