



## CITY COUNCIL

**1520 K Avenue, Plano, Texas 75074  
Senator Florence Shapiro Council Chambers**

**DATE: January 14, 2019**

**TIME: 7:00 PM**

**CALL TO ORDER**

**INVOCATION: Pastor Kelvin Foley - North Dallas Community Bible Fellowship**

**PLEDGE OF ALLEGIANCE / TEXAS PLEDGE: Cadette Girl Scout Troop 968 - Islamic Association of Collin County**

OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.

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

### **PROCLAMATIONS AND SPECIAL RECOGNITIONS**

Special Recognition: The Plano Management Preparation Program is recognizing those who recently graduated from the MP3 Class of 2018. **Presented**

### **COMMENTS OF PUBLIC INTEREST**

This portion of the meeting is to allow up to five (5) 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.

### **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. Citizens are limited to two (2) items and discussion time of three (3) minutes each.

**Approval of Minutes**

- (a) December 18, 2018  
**Approved**

**Approval of Expenditures**

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

- (b) RFB No. 2019-0101-B for Screening Wall - Spring Creek and Brougham, Project No. 6808.1, for the Engineering Department to Ratliff Hardscape, Ltd. in the amount of \$691,018; and authorizing the City Manager to execute all necessary documents.  
**Approved**

**Purchase from an Existing Contract**

- (c) To approve the purchase of twenty-four (24) Chevrolet Tahoe 2WD PPV for Fleet Services to be utilized by the Police Department in the amount of \$824,125 from Caldwell Country Chevrolet through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 521-16)  
**Approved**

**Approval of Expenditure**

- (d) To approve an expenditure for Microsoft Unified Advanced Support for a one (1) year agreement in the estimated amount of \$87,816 from Microsoft; and authorizing the City Manager to execute all necessary documents. **Approved**
- (e) To approve an expenditure for the purchase of seventeen (17) Motorola APX 8000 portable radios in the amount of \$121,703 from Motorola Solutions, Inc. for Plano Fire-Rescue; and authorizing the City Manager to execute all necessary documents.  
**Approved**
- (f) To approve an expenditure for design services for master planning and future development of the new park property located near the intersection of Legacy Drive and Communications Parkway for the Legacy Drive Park Site Master Plan, Project No. 7070, in the amount of \$64,600 from Studio Outside LLC; and authorizing the City Manager to execute all necessary documents. **Approved**
- (g) To approve an expenditure for Bridge Repairs Phase III, Project No. 7056, in the amount of \$113,000 from Huitt-Zollars, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**
- (h) To approve an expenditure for Westgate Subdivision - Paving and Waterline Improvements, Project No. 7045, in the amount of \$425,050 from Halff Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**



**Approval of Contract / Agreement**

- (i) To approve an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Princeton, Texas to allow employees of the City of Princeton to participate in training programs offered by the City of Plano Professional Development Center in the estimated annual receivable amount of \$1,000; and authorizing the City Manager to execute all necessary documents. (City of Plano Contract No. 2019-0003-1) **Approved**
- (j) To approve an Interlocal Agreement between Collin County and the City of Plano concerning the Design and Construction of Arterial Concrete Pavement Maintenance Rehabilitation from 2013 to 2018; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. **Approved**

**Adoption of Resolutions**

- (k) **Resolution No. 2019-1-1(R):** To review and approve the City's official Public Funds Investment Policy; and providing an effective date. **Adopted**

**Adoption of Ordinances**

- (l) **Ordinance No. 2019-1-2:** To change the street name of Royal Syndey Court, a dedicated street within the City of Plano, Denton County, Texas, to Royal Sydney Court; providing for a change in the official records to reflect such action; and providing an effective date. **Adopted**
- (m) **Ordinance No. 2019-1-3:** To amend Section 21-154 of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to change the hours that services may be scheduled; and providing a repealer clause; a severability clause; a savings clause and an effective date. **Adopted**

**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 extend these times as deemed necessary.**

**Non-Public Hearing Items:**

**The Presiding Officer may permit limited 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 cards are received until the cumulative time is exhausted.**

- (1) **Second Reading and adoption of Ordinance No. 2019-1-4** to grant to Atmos Energy Corporation, a Texas and Virginia corporation, its successors and assigns, a Franchise to construct, maintain, and operate pipelines and equipment in the City of Plano, Collin and Denton County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and ratifying the month-to-month extension of the previous Franchise Agreement; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (First Reading approved December 10, 2018.) **Second reading conducted and adopted**
- (2) Consideration of changing the name of The Club at Los Rios, located at 1700 Country Club Drive, Plano, Texas, to Los Rios Park. **Approved**
- (3) Consideration of naming the amphitheater at Oak Point Park, located at 2801 East Spring Creek Parkway, Plano, Texas, Red Tail. **Approved**
- (4) Public Hearing to receive comments regarding the Assessment of Fair Housing completed under the guidance of the University of Texas at Arlington. All comments received during the public comment period will be included in the report. **Conducted**
- (5) **Resolution No. 2019-1-5(R):** To support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 1.54± acres, at 1421 G Avenue, Plano, TX; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. **Adopted**
- (6) **Resolution No. 2019-1-6(R):** To support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 2.09± acres located at 1309 F Avenue, Plano, TX; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. **Adopted with amendment**
- (7) Consideration to designate the 2019 9% Housing Tax Credit (HTC) application that contributes to the concerted revitalization efforts of the City more than any other application. **Approved - Patriot Park Seniors**
- (8) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2018-014 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 19.3 acres of land located at the northwest corner of the Dallas North Tollway and Plano Parkway in the City of Plano, Collin County, Texas, from Regional Commercial to Planned Development-25-Regional Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Kreymer Investments, LTD. (Previously tabled at 12/10/18, 11/26/18, and 11/12/18 Council meetings.) **Tabled to 2/25/2019**

- (9) **Public Hearing and adoption of Ordinance No. 2019-1-7** as requested in Zoning Case 2018-029 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 93 for Indoor Gun Range on 2.8 acres of land located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Wolverine Equities Company 2000 Highway 190, LP **Conducted and adopted**
- (10) **Public Hearing and adoption of Ordinance No. 2019-1-8** as requested in Zoning Case 2018-032 to amend Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts), Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to various modifications to standards for communications antennas and equipment, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. **Conducted and adopted with amendments**
- (11) Request to call a public hearing to consider a rezoning request on 50.8 acres located at the southwest corner of Jupiter Road and Spring Creek Parkway. Zoned General Office (O-2) and located within the Parkway Overlay District. **Public hearing called**
- (12) Public Hearing on the proposed General Obligation Bond Referendum scheduled for May 4, 2019. **Conducted**
- (13) Discussion and direction on the proposed 2019 General Obligation Bond Referendum. **Discussed**

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Proclamations

Department Head:

Agenda Coordinator:

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### CAPTION

Special Recognition: The Plano Management Preparation Program is recognizing those who recently graduated from the MP3 Class of 2018. **Presented**

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### FINANCIAL SUMMARY

**FUND(S):**

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**COMMENTS:**

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### SUMMARY OF ITEM

**Strategic Plan Goal:**

**Plano Tomorrow Plan Pillar:**

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## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: City Secretary

Department Head: Lisa Henderson

Agenda Coordinator:

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### CAPTION

December 18, 2018  
**Approved**

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### FINANCIAL SUMMARY

**FUND(S):** N/A

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### COMMENTS:

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### SUMMARY OF ITEM

**Strategic Plan Goal:**

**Plano Tomorrow Plan Pillar:**

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### ATTACHMENTS:

Description	Upload Date	Type
Preliminary Open Session minutes	1/2/2019	Minutes
Regular Session minutes	1/2/2019	Minutes

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
December 18, 2018**

**COUNCIL MEMBERS PRESENT**

Harry LaRosiliere, Mayor  
Angela Miner, Deputy Mayor Pro Tem  
Anthony Ricciardelli  
Rick Grady  
Kayci Prince  
Tom Harrison – arrived at 5:01 p.m.  
Rick Smith

**COUNCIL MEMBERS ABSENT**

Ron Kelley, Mayor Pro Tem

**STAFF PRESENT**

Mark Israelson, Senior Deputy City Manager  
Jim Parrish, Deputy City Manager  
Jack Carr, Deputy City Manager  
Brandi Youngkin, Assistant City Manager  
Paige Mims, City Attorney  
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 6:00 p.m., Tuesday, December 18, 2018, in the Senator Florence Shapiro Council Chambers of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that 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 and receive Legal Advice, Section 551.071; to receive information regarding Economic Development, Section 551.087; and to discuss Real Estate, Section 551.072; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:35 p.m. in the Senator Florence Shapiro Council Chambers. Council Members Ricciardelli and Prince were away from the dais.

- **Consideration and action resulting from Executive Session discussion**
- **Consent and Regular Agendas**
- **Council items for discussion/action on future agendas**

With no further discussion, the Preliminary Open Meeting was adjourned at 6:37 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST:

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Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL  
REGULAR SESSION  
December 18, 2018**

**COUNCIL MEMBERS PRESENT**

Harry LaRosiliere, Mayor  
Angela Miner, Deputy Mayor Pro Tem  
Anthony Ricciardelli  
Rick Grady  
Kayci Prince  
Tom Harrison  
Rick Smith

**COUNCIL MEMBERS ABSENT**

Ron Kelley, Mayor Pro Tem

**STAFF PRESENT**

Mark Israelson, Senior Deputy City Manager  
Jim Parrish, Deputy City Manager  
Jack Carr, Deputy City Manager  
Brandi Youngkin, Assistant City Manager  
Paige Mims, City Attorney  
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Tuesday, December 18, 2018 at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

**Invocation and Pledge**

Pastor Jackie Linden-Schade with Preston Meadow Lutheran Church led the invocation and Cub Scout Pack 612 from Davis Elementary led the Pledge of Allegiance and Texas Pledge.

**Comments of Public Interest**

No one appeared to speak.

**Consent Agenda**

**MOTION:** Upon a motion made by Council Member Grady and seconded by Council Member Prince, the Council voted 7-0, to approve all items on the Consent Agenda, as follows:

**Approval of Minutes**

December 10, 2018  
(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. 2018-0333-B** for Purchase and Installation of A/V Equipment at Municipal Center for Technology Services to Designs that Compute, Inc. dba Visionality in the amount of \$50,719; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**RFP No. 2018-0126-B** for the Citywide Motomesh Removal for Technology Services to Scientel Solutions, LLC in the estimated amount of \$209,990; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**RFP No. 2018-0212-C** for a four (4) year contract with two (2) one-year City optional renewals for Water Meters for Public Works to Core & Main LP in the estimated amount of \$10,170,894 for the first term and subsequent renewals in the estimated annual amount of \$193,361, for a total contract amount of \$10,557,616; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**RFP No. 2018-0131-B** for a one-time contract for the development of a Disaster Recovery and Redevelopment Plan for Emergency Management to Hagerty Consulting, Inc. in the estimated amount of \$70,313; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**RFB No. 2018-0594-B** for Dallas North Estates Alley Reconstruction, Project No. 6247, to Austin Raymond Construction, LLC dba Texas Civil Construction in the amount of \$655,550; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

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

To approve the purchase of two (2) 4-node Rubrik appliances for Technology Services in the amount of \$231,902 from Freeit Data Solutions, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-TSO-3944) (Consent Agenda Item “G”)

To approve the purchase of 157 WatchGuard In-Car Video Recording Systems with all necessary peripherals, installation, software licensing, warranties, and maintenance for six (6) year term for the Police Department in the amount of \$1,299,387 from WatchGuard, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-TSO-4163) (Consent Agenda Item “H”)

### **Approval of Contract Modification**

To approve an increase to the current awarded contract amount of \$48,380 by \$2,500, for a total contract amount of \$50,880, for Security Fencing Replacement at Water Facility Sites from Birkhoff, Hendricks & Carter, L.L.P.; and authorizing the City Manager to execute all necessary documents. (Project No. 6408, Modification No. 2) (Consent Agenda Item “I”)



To approve an increase to the current awarded contract amount of \$90,000 by \$15,000, for a total contract amount of \$105,000, for the Plano Mayor's Summer Internship Program from VWait Group, LLC for the City of Plano, Texas, and the desire to amend such contract to add three (3) twelve-month City of Plano optional renewals; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "J")

### **Approval of Expenditure**

To approve an expenditure for a two-year membership in the Legacy Area Transportation Management Association in the amount of \$80,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "K")

To approve an expenditure for a VirTra 100 Law Enforcement Use of Force Training Simulator in the amount of \$77,519 from VirTra for the Police Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "L")

To approve an expenditure for Architectural Design Services in the amount of \$90,103 from Komatsu Architecture for Phase 1 of the design of Davis Library Expansion and Renovation; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "M")

To approve an expenditure for Architectural Design Services in the amount of \$335,000 from SmithGroup for renovation of 777 E. 15th Street; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "N")

To approve an expenditure for Parker Road Reconstruction - Custer Road to Roundrock Trail, Project No. 7050, in the amount of \$475,195 from Garver Engineers, LLC; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "O")

### **Approval of Contract / Agreement**

To approve a one-year Interlocal Agreement with ten (10) one-year automatic renewals by and between the Cities of Plano and Allen and Collin County for a Public Safety Radio Communications System; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "P")

To approve an Interlocal Cooperation Agreement between the North Central Texas Council of Governments and City of Plano for Implementation of 511/DFW/WAZE Data Sharing Project - TRN5034, a road performance reporting system for use by the public; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "Q")

To approve an Interlocal Cooperation Agreement between the North Central Texas Council of Governments and City of Plano for Implementation of Regional Traffic Signal Data Sharing Program, Data Sharing Project - TRN5028, a multi-agency communication, data, and video sharing project that provides traffic signal and road performance data to participating transportation agencies, research institutes, software developers, and auto manufacturers; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "R")

## **Adoption of Ordinances**

**Ordinance No. 2018-12-4:** To adopt and enact Supplement Number 126 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “S”)

**Ordinance No. 2018-12-5:** To repeal in its entirety Article IV, Right-of-Way Management Regulations, of Chapter 19, Streets and Sidewalks, of the Code of Ordinances of the City of Plano, and replacing it with this new Article IV, Right-of-Way Management Regulations, to conform to new rules adopted by the Federal Communications Commission pursuant to its Declaratory Ruling, Report and Order related to small cell technology and adopt other minor changes, and providing penalty clauses, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. (Consent Agenda Item “T”)

## **END OF CONSENT AGENDA**

**Public Hearing and adoption of Ordinance No. 2018-12-6** to approve the levy of a special assessment for the Downtown Plano Public Improvement District; approving an assessment roll and levying an assessment for 2018-2019 at a rate of \$0.15 per \$100 of appraised value on real property in the Public Improvement District; and providing an effective date. (Regular Item “1”)

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

**MOTION:** Upon a motion made by Council Member Grady and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0, to approve the levy of a special assessment for the Downtown Plano Public Improvement District; approving an assessment roll and levying an assessment for 2018-2019 at a rate of \$0.15 per \$100 of appraised value on real property in the Public Improvement District; and to further adopt Ordinance No. 2018-12-6.

**Public Hearing and adoption of Ordinance No. 2018-12-7** to designate a certain area within the City of Plano as Tax Increment Financing Reinvestment Zone Number Three of the City of Plano, Texas; establishing the boundaries of such zone; creating a board of directors for said reinvestment zone, and other matters related thereto; providing a repealer clause; a savings clause; and a severability clause; and an effective date. (Regular Item “2”)

Mayor LaRosiliere opened the public hearing. Colleen Epstein spoke in opposition. Mayor LaRosiliere closed the public hearing.

**MOTION:** Upon a motion made by Mayor LaRosiliere and seconded by Council Member Ricciardelli, the Council voted 7-0, to designate a certain area within the City of Plano as Tax Increment Financing Reinvestment Zone Number Three of the City of Plano, Texas; establishing the boundaries of such zone; creating a board of directors for said reinvestment zone, and other matters related thereto; and to further adopt Ordinance No. 2018-12-7.

With no further discussion, the Regular City Council Meeting adjourned at 7:22 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST:

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Lisa C. Henderson, City Secretary



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Dave Leong X7251

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### CAPTION

RFB No. 2019-0101-B for Screening Wall - Spring Creek and Brougham, Project No. 6808.1, for the Engineering Department to Ratliff Hardscape, Ltd. in the amount of \$691,018; and authorizing the City Manager to execute all necessary documents. **Approved**

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### FINANCIAL SUMMARY

CIP

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	169,200	2,176,440	0	2,345,640
Encumbered/Expended Amount	-169,200	-18,280	0	-187,480
This Item	0	-691,018	0	-691,018
Balance	0	1,467,142	0	1,467,142

**FUND(S):** Street Improvements CIP

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**COMMENTS:** Funding for this item is available in the 2018-19 Street Improvements CIP. Construction of the Screening Wall - Spring Creek and Brougham project, in the amount of \$691,018, will leave a project balance of \$1,467,142 available for future expenditures on this or other street improvement projects.

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### SUMMARY OF ITEM

The Engineering Department accepted bids on December 6, 2018, for the Screening Wall - Spring Creek and Brougham Project # 6808.1. The project includes reconstruction of 869 linear feet of masonry screening wall and reinforced concrete foundation. This project also includes reconstruction of sidewalk and alley adjacent to the wall.

The lowest responsive and responsible bid was submitted by Ratliff Hardscape, Ltd., in the amount of \$691,018.27. There were a total of 3,699 vendors notified of this project. Five (5) complete bids were received for the project as shown in the attached bid recap.

If this project is not awarded, the result is continued deterioration of the alley and screening wall, having a negative impact on the quality of life for residents.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence, Exciting Urban Centers - Destination for Residents and Guests

**Plano Tomorrow Plan Pillar:**

Built Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Bid Recap	1/3/2019	Bid Recap
Location Map	12/31/2018	Map

# CITY OF PLANO

## RFB CIP

**Bid No. 2019-0101-B**

**Screening Wall – Spring Creek and Brougham**

**Project No. 6808.1**

### **Bid Recap**

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**Bid Opening Date/Time:** December 6, 2018, at 2:00 PM Central

**Number of Vendors Notified:** 3,699

**Vendors Submitting “No Bids”:** 0

**Number of Non-Responsive Bids Submitted:** 1

**Number of Responsive Bids Submitted:** 5

<b><u>Vendor:</u></b>	<b><u>Total Bid</u></b>
Ratliff Hardscape, Ltd.	\$ 691,018.27
Wall Enterprises	\$ 696,803.50
Waterton Construction Group, LLC	\$ 720,558.42
MHB Construction, Inc.	\$ 845,717.42
Joe Funk Construction	\$ 916,485.14

### **Recommended Vendor:**

Ratliff Hardscape, Ltd.	\$ 691,018.27
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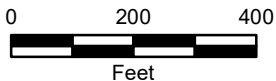
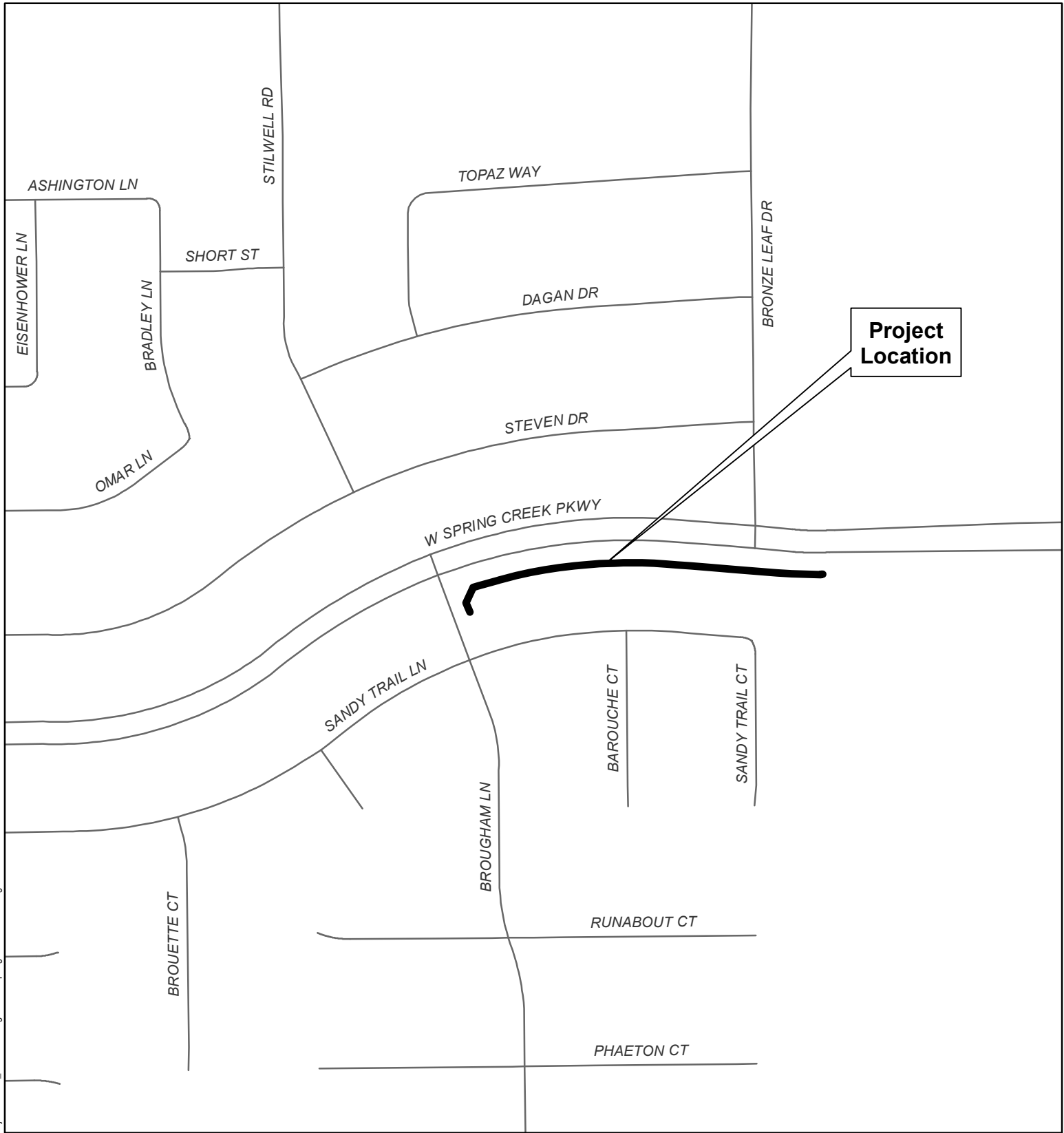
*Dave Leong*

Dave Leong, Contract Administrator

December 12, 2018

Date

georgelau Z:\GIS\Projects\Engineering\2018-12-27 Screening Wall at Spring Creek and Brougham.mxd Project 6808.1\_GU Screening Wall at Spring Creek and Brougham.mxd



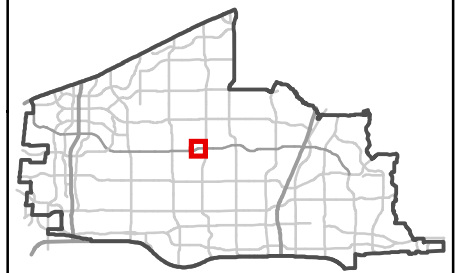
City of Plano BI-GIS Division  
December 2018

## Screening Wall Spring Creek and Brougham

**Project # 6808.1**

Page 17

### Project Location





## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Fleet Services

Department Head: Gerald Cosgrove

Agenda Coordinator: Lincoln Thompson (Ext. 7376)

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### CAPTION

To approve the purchase of twenty-four (24) Chevrolet Tahoe 2WD PPV for Fleet Services to be utilized by the Police Department in the amount of \$824,125 from Caldwell Country Chevrolet through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 521-16) **Approved**

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### FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,032,000	0	1,032,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-824,125	0	-824,125
Balance	0	207,875	0	207,875

**FUND(S):** Equipment Replacement Fund and General Fund

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**COMMENTS:** Funds are available in the FY 2018-19 Adopted Budget to purchase twenty-four (24) Chevrolet Tahoe 2WD PPV. Twenty-three (23) units are scheduled replacements in Cost Center 532/Police and will be funded out of the Equipment Replacement Fund. One (1) unit is a new addition in Cost Center 532/Police and will be funded out of the General Fund. Total cost for all units is \$824,125. The remaining balance will be used for other Equipment Replacement Fund capital purchases.

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### SUMMARY OF ITEM

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. 521-16 / City of Plano Internal Contract No. 2019-0106-O)  
See Recommendation Memo.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

Built Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Recommendation Memo	12/17/2018	Memo
Cooperative Quote Recap	12/19/2018	Cooperative Quote Recap

**Date:** December 4, 2018

**To:** Bruce D. Glasscock, City Manager

**From:** Gerald Cosgrove, P.E., Director of Public Works

**Subject:** Chevrolet Tahoe 2WD PPV Purchase Recommendation

It is the recommendation of Fleet Services to purchase twenty-four (24) Chevrolet Tahoe 2WD PPV from Caldwell Country Chevrolet in the amount of \$824,125.00 through BuyBoard Contract No. 521-16. Fleet Services and Purchasing have reviewed multiple cooperative contract quotes and found this to be the best value for the City.

Twenty-three (23) units are scheduled replacements from Capital Outlay FY2018-19 in Cost Center 532 Police. One (1) unit is a new addition from the Capital Outlay FY2018-19 Supplement No. 532001 in Cost Center 532 Police. Due to operational demands, it is necessary to purchase these vehicles at this time.

There are three (3) main reasons to purchase these Police Package Vehicles (PPV) for the Police Department:

1. The PPV are used to replace vehicles in the Patrol, Traffic, Neighborhood Police Officer, and Crime Prevention Units. Equipment replacement is analyzed based on age, usage, and maintenance cost and re-sale value in determining the need for replacement. If these PPV are not replaced additional maintenance costs will be incurred and the salvage value of the PPV will be greatly depreciated.
2. One vehicle is also being added to the City's fleet and is earmarked for a newly budgeted position.
3. Failure to purchase these PPV would most likely lead to more down time lost to vehicle repairs which would in turn lead to slower response times to citizen calls for service.

CITY OF PLANO  
SOLICITATION NO. 2019-0106-O  
CHEVROLET TAHOE 2WD PPV  
ONE (1) SOLID WHITE AND TWENTY-THREE (23) BLACK AND WHITE  
COOPERATIVE QUOTE RECAP

---

**Number of Vendors Contacted:** 2

**Vendors Submitting "No Bids":** 0

**Quotes Deemed Non-responsive:** 0

**Number of Responsive Quotes Received:** 3

Caldwell Country Chevrolet via BuyBoard Contract No. 521-16	\$824,125.00
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Caldwell Country Chevrolet via Tarrant County Contract No. 2019-014	\$854,620.00
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Caldwell Country Chevrolet via HGAC Contract No. VE11-18	\$901,249.00
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**Recommended Vendor:**

Caldwell Country Chevrolet	\$824,125.00
----------------------------	--------------

*Lincoln Thompson*

Lincoln Thompson  
Senior Buyer

*November 26, 2018*

Date



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Technology Services

Department Head: Chris Chiancone

Agenda Coordinator: Kellie Pendleton

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### CAPTION

To approve an expenditure for Microsoft Unified Advanced Support for a one (1) year agreement in the estimated amount of \$87,816 from Microsoft; and authorizing the City Manager to execute all necessary documents. **Approved**

---

### FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	4,088,821	0	4,088,821
Encumbered/Expended Amount	0	-1,812,394	0	-1,812,394
This Item	0	-87,816	0	-87,816
Balance	0	2,188,611	0	2,188,611

**FUND(S):** Technology Services

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**COMMENTS:** Funding for this item is available in the 2018-19 Technology Services Fund Budget. This request is to purchase annual Microsoft support and maintenance, in the amount of \$87,816, which will leave a remaining balance of \$2,188,611 in the 2018-19 Budget for additional support and maintenance expenditures for Technology Services.

---

### SUMMARY OF ITEM

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)(4). City of Plano Internal Contract No. 2019- 0194-X.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

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**ATTACHMENTS:**

Description	Upload Date	Type
Recommendation Memo	1/3/2019	Memo

**Date:** January 3, 2019

**To:** Diane Palmer-Boeck, Director of Procurement and Project Management

**From:** Chris Chiancone, Chief Information Officer

**Subject:** Award Recommendation for Microsoft Unified Advanced Support 2019-0194-X

As part of the continuing effort to reduce risk, modernize technology, increase productivity, decrease cost, and leverage redundancy, improve security, and increase to mean time for recovery, the City of Plano Technology Services department is recommending the approval to purchase annual Microsoft Unified Advanced Support (previously known as Premier Service Support). This services is only available through Microsoft as it relates directly to Microsoft products and services used by both general and Public Safety City of Plano employees.

This support agreement provides the City with expedited and critical Microsoft support directly from Microsoft employees, including their development staff, reducing research time and contract support. This agreement includes unlimited hours of real time problem resolution support, on-demand assessments for major Microsoft systems, on-demand technical training, and advanced advisory escalation and support as needed in crisis situations. The support provided by Microsoft is crucial for time sensitive and emergency support for Microsoft products within our environment. This support allows Technology Services to continue providing critical network and application continuity, reduce rework, and allow for a reduction in downtime for outages; including guided technical implementation for new and emerging Microsoft products.

The support identified in this agreement is through January 24, 2020.

It is the recommendation of City of Plano Technology Services department to award this to the Microsoft Corporation in the amount of \$87,816 in order to reduce time to resolve issues related to Microsoft products and services.

If this is not awarded, our ability to support our customers will be greatly reduced, eliminating opportunities for expediting problem resolution, reducing training on products/services to stay abreast of latest security features, increase cost and time for third party training, incur additional expenses for Microsoft assistance with new service implementations and migrations.



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Fire

Department Head: Sam Greif

Agenda Coordinator: Kellie Pendleton

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### CAPTION

To approve an expenditure for the purchase of seventeen (17) Motorola APX 8000 portable radios in the amount of \$121,703 from Motorola Solutions, Inc. for Plano Fire-Rescue; and authorizing the City Manager to execute all necessary documents. **Approved**

---

### FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	190,110	0	190,110
Encumbered/Expended Amount	0	0	0	0
This Item	0	-121,703	0	-121,703
Balance	0	68,407	0	68,407

**FUND(S):** General Fund & Fire Equipment Replacement Fund

---

**COMMENTS:** This item approves the purchase of seventeen (17) portable radios. Expenditures will be made in the Fire Department based on need and within the approved budget appropriations. The total estimated amount to be spent is \$121,703; a portion of that total equalling \$74,000 will be spent to support new personnel and to equip reserve apparatus and will be made within the Fire Department's approved operating budget appropriations. The remaining expenditure of \$47,703 to replace existing radios will be made within the FY 2018-19 Fire Department's Equipment Replacement Fund budget.

---

### SUMMARY OF ITEM

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)(7)(A). (City of Plano Internal Contract No. 2019-0144-X)

See Recommendation Memo

**Strategic Plan Goal:**

Financially Strong City with Service Excellence, Safe Large City

**Plano Tomorrow Plan Pillar:**

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**ATTACHMENTS:**

Description	Upload Date	Type
Recommendation Memo	12/21/2018	Memo



**Date:** December 18, 2018

**To:** Diane Palmer-Boeck, Director of Procurement & Project Management

**From:** Sam Greif, Fire Chief

**Subject:** Award the purchase of seventeen (17) Motorola APX 8000 portable radios

Plano Fire-Rescue has used Motorola APX radios for some time. All Department radios are APX models. The majority of our radios are single band radios (APX 6000 version). The APX 8000 version is a multi-band radio. A multi-band radio allows communication with jurisdictions that use a different radio frequency than the City of Plano. Additionally, these radios have built in Bluetooth technology. The Bluetooth technology allows the Fire Department to use a device that simplifies communication through our Self Contained Breathing Apparatus (SCBA) without having to use the extended microphone on the radio. During field-testing, Bluetooth technology was proven to be a valuable asset in enhancing the quality of fire ground communications.

Funding for these radios comes from three avenues. First, eight (8) portable radios were included in the supplement to purchase equipment for two (2) reserve Engines. The second funding source came from two (2) additional Fire Department positions that were approved in the 2018-2019 budget. The third source is the Fire Department ERF, seven (7) radios will be purchased from this fund.

The radios will be purchased from Motorola Solutions, Inc. Motorola Solutions, Inc. is a sole source vendor for the APX 8000 radios. Total cost for this purchase is \$121,703.

Failure to award the purchase will impede the advancement of clear communications on the fire ground.



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Parks

Department Head: Robin Reeves

Agenda Coordinator: Susan Berger

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### CAPTION

To approve an expenditure for design services for master planning and future development of the new park property located near the intersection of Legacy Drive and Communications Parkway for the Legacy Drive Park Site Master Plan, Project No. 7070, in the amount of \$64,600 from Studio Outside LLC; and authorizing the City Manager to execute all necessary documents. **Approved**

---

### FINANCIAL SUMMARY

CIP

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	5,985,285	3,220,545	0	9,205,830
Encumbered/Expended Amount	-5,985,285	-2,851,040	0	-8,836,325
This Item	0	-64,600	0	-64,600
Balance	0	304,905	0	304,905

**FUND(S):** Park Improvements CIP

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### COMMENTS:

Funding is available in the 2018-19 Park Improvements CIP for this item. Preparation of a master plan for the Legacy Drive Park site, in the amount of \$64,600, will leave an available balance of \$304,905 available for future expenditures on park improvement projects.

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### SUMMARY OF ITEM

See recommendation memo.

**Strategic Plan Goal:**

Great Neighborhoods - 1st Choice to Live, Exciting Urban Centers - Destination for Residents and Guests

**Plano Tomorrow Plan Pillar:**

Built Environment, Social Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Location Map	1/2/2019	Map
Recommendation Memo	1/9/2019	Memo





0 100 200  
Feet



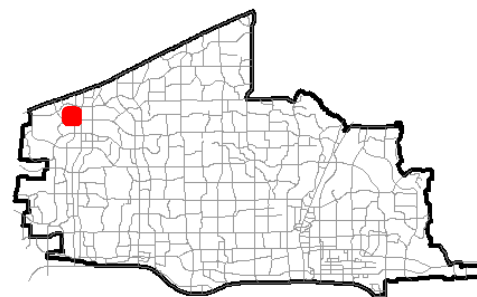
City of Plano Park Planning Division  
11/8/2018

## Location Map Legacy Drive Park Site

Project Number: 7070  
Legacy West Addition  
Lot 3R, Block E

Page 30

### Project Location



**Date:** December 31, 2018

**To:** Bruce Glasscock, City Manager

**From:** Robin Reeves, Director of Parks and Recreation

**Subject:** Approval of an Expenditure - Legacy Drive Park Site Master Plan, Project No. 7070, RFQ No. 2017-0281-X

The park site on Legacy Drive was purchased in 2017. The 7.11-acre site is located at the intersection of Legacy Drive and Communications Parkway. This area is identified in the Parks and Recreation Master Plan as being underserved by public park facilities.

The Legacy Drive Park Site Master Plan project is for master planning the park. The intent of the master plan is to provide guidance for future development of the property, taking into consideration opportunities and constraints specific to the site, community feedback, and future operations and maintenance cost. Staff expects to develop a base plan for City funded improvements at the park that can be enhanced and expanded if local property owners participate in funding development of the park. No City funding is available for development of the park at this time. City funding for the park will be subject to approval in a future bond election and future collection of park fees in this area of the City. We anticipate that funding will be considered for the 2021 Bond Election and prioritized along with other park improvement needs.

The Parks and Recreation Department recommends approval of an expenditure in the amount of \$64,600 for professional services from Studio Outside, LLC for the Legacy Drive Park Site Master Plan. Studio Outside, LLC was selected as the most qualified consultant for this project based on their Statement of Qualifications submission for RFQ No. 2017-0281-X. The project scope includes community outreach, a phased park master plan design and a program for amenities identified as desirable. The fee is typical for a project of this size and scope.

The master planning process will provide opportunities for public input and provide a plan for guiding future development of the park. If this project is not awarded, a master plan for the park will not be prepared.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

Council Meeting Date: 1/14/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Dave Leong x7251

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**CAPTION**

To approve an expenditure for Bridge Repairs Phase III, Project No. 7056, in the amount of \$113,000 from Huitt-Zollars, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**

---

**FINANCIAL SUMMARY**

CIP

FISCAL YEAR:	2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	300,000	2,000,000	<b>2,300,000</b>
Encumbered/Expended Amount		0	0	0	<b>0</b>
This Item		0	-113,000	0	<b>-113,000</b>
BALANCE		0	187,000	2,000,000	<b>2,187,000</b>

**FUND(S):** Street Improvements CIP

---

**COMMENTS:** Funding for this item is available in the 2018-19 Street Improvements CIP and is planned for future years. Professional design services for the Bridge Repairs Phase III project, in the amount of \$113,000, will leave a project balance of \$2,187,000 available for future project expenditures.

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**SUMMARY OF ITEM**

The Engineering Department recommends approval of an expenditure in the amount of \$113,000 for professional design services from Huitt-Zollars, Inc., a Texas Corporation, for the Bridge Repairs Phase III project. This project includes the assessment of the latest TxDOT BRINSAP bridge reports for the City of Plano, and development of a Bridge Inventory Database, the preparation of a bridge condition assessment report, and the development of a cumulative repair cost matrix. This study will prioritize City of Plano bridges for future bridge rehabilitation. The total expenditure is for \$113,000.

Huitt-Zollars, Inc., a Texas Corporation was deemed most qualified based on their Statement of Qualifications submission for RFQ No. 2017-0284-X.

The benefit of this project includes assessment of all City of Plano bridges and prioritization of rehabilitation efforts based on TxDOT's initial bridge reports. Benefits also include creation of an inventory database for future rehabilitation projects. The study and final report will provide guidance for future bridge rehabilitation and repair in the City of Plano.

Not approving the expenditure would result in less cost effective methods of bridge maintenance leading to larger and more disruptive maintenance projects in the future having negative impact on quality of life for motorists.

**Strategic Plan Goal:**

Safe Large City, Strong Local Economy, Great Neighborhoods - 1st Choice to Live

**Plano Tomorrow Plan Pillar:**

Built Environment, Economic Environment

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## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Dave Leong X7251

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### CAPTION

To approve an expenditure for Westgate Subdivision - Paving and Waterline Improvements, Project No. 7045, in the amount of \$425,050 from Halff Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**

---

### FINANCIAL SUMMARY

CIP

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	500,000	4,000,000	4,500,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-297,535	-127,515	-425,050
Balance	0	202,465	3,872,485	4,074,950

**FUND(S):** Street Improvements CIP

---

**COMMENTS:** Funding for this item is available in the 2018-19 Street Improvements CIP and is planned for future years. Professional design services for the Westgate Subdivision Paving and Waterline Improvements project, in the amount of \$425,050, will leave a project balance of \$4,074,950 available for future project expenditures.

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## SUMMARY OF ITEM

The Engineering Department recommends approval of an expenditure in the amount of \$425,050 for professional design services from Halff Associates, Inc, for the Westgate Subdivision - Paving and Waterline Improvements Project #7045. This project includes preliminary design, final design, and construction related engineering services for the full street and sidewalk reconstruction of the following sections:

Cambridge Dr. (from Alma Dr. to Dickens Dr.)  
Warwick Dr. (from Alma Dr. to Dickens Dr.)  
Arbor Downs Dr. (from Alma Dr. to Dickens Dr.)  
Eagle Pass (Cambridge Dr. to Arbor Downs Dr.)  
Dickens Dr. (from Cambridge Dr. to Kipling Dr.)  
Brittany Dr. (from Cambridge Dr. to the alley).

The project also includes water line and storm drain replacements within the above mentioned street limits. The total expenditure is for \$425,050.

Halff Associates, Inc. was deemed most qualified based on their Statement of Qualifications submission for RFQ No. 2017-0284-X.

The benefit of this project includes updating the existing water line and storm drain infrastructure to current standards and reconstructing the pavement and sidewalk to repair the multiple failures of the pavement.

Not approving the expenditure would result in continued deterioration of the pavement and sidewalks causing increased maintenance costs in the future, and decreased quality of life for residents.

### Strategic Plan Goal:

Financially Strong City with Service Excellence, Great Neighborhoods - 1st Choice to Live

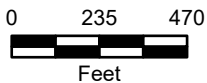
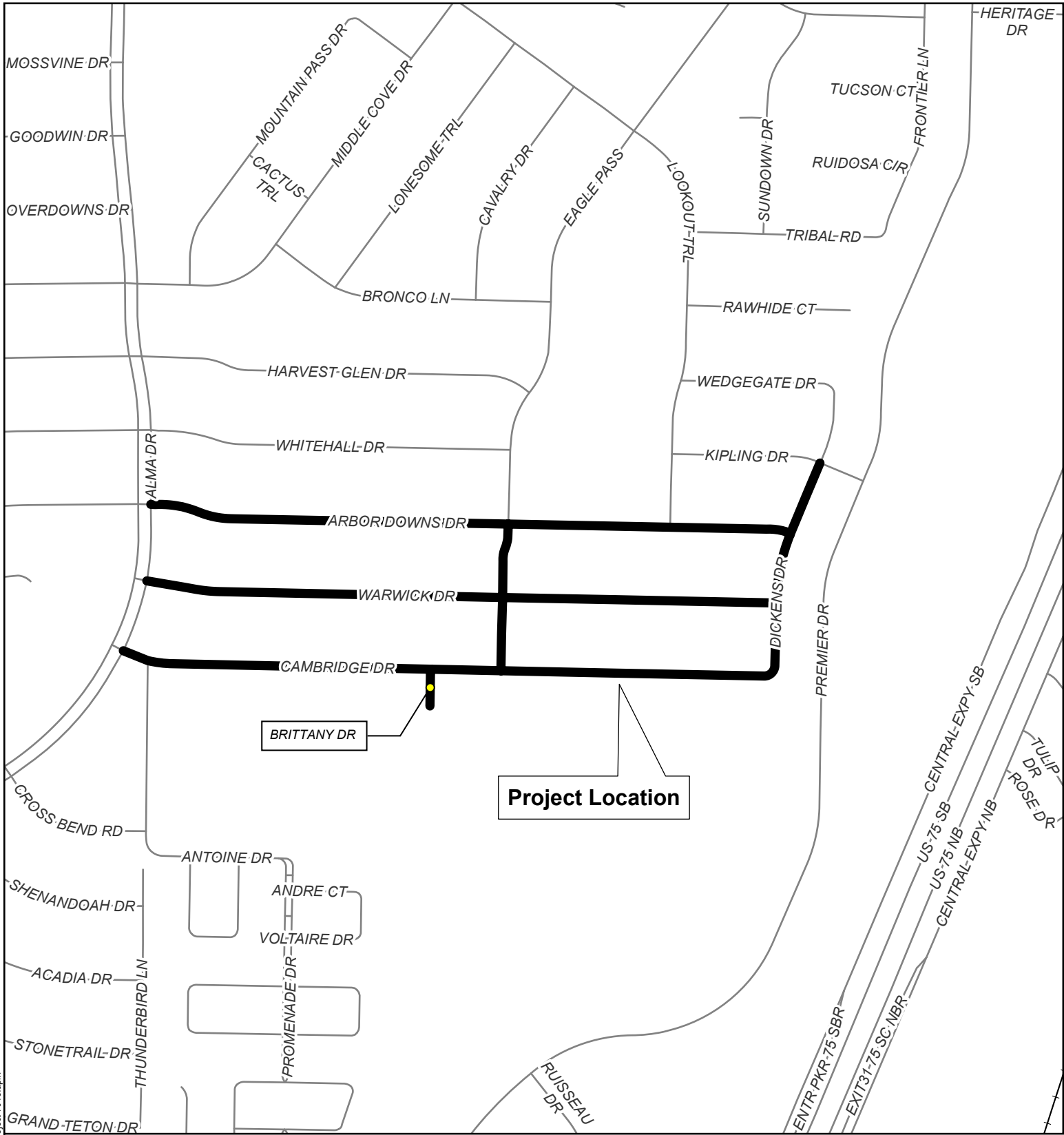
### Plano Tomorrow Plan Pillar:

Built Environment, Economic Environment

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### ATTACHMENTS:

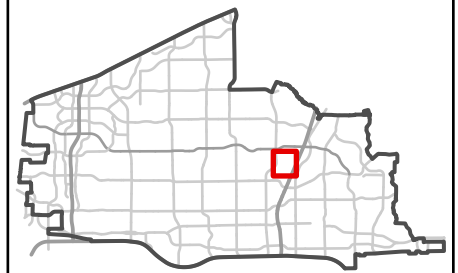
Description	Upload Date	Type
Location Map	1/2/2019	Map



## Westgate Subdivision Paving and Waterline Improvements

Project No. 7045

### Project Location





## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: HR

Department Head: Shanté Akafia

Agenda Coordinator: Vernie Rambo

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### CAPTION

To approve an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Princeton, Texas to allow employees of the City of Princeton to participate in training programs offered by the City of Plano Professional Development Center in the estimated annual receivable amount of \$1,000; and authorizing the City Manager to execute all necessary documents. (City of Plano Contract No. 2019-0003-I) **Approved**

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### FINANCIAL SUMMARY

Revenue

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	1,000	0	1,000
Balance	0	1,000	0	1,000

**FUND(S):** General Fund

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**COMMENTS:** Approval of this item will result in \$1,000 in revenue for the City of Plano from the City of Princeton for the City of Princeton employees to participate in the City of Plano training programs. The estimated annual amount of revenue to be earned in FY 2018-19 is \$1,000, and will continue every year the Agreement is renewed.

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### SUMMARY OF ITEM

Interlocal Agreement by and between the City of Plano, Texas and the City of Princeton employees. This

Agreement shall be for a period of one (1) year commencing on the effective date hereof. The Agreement shall automatically renew each year on the Effective Date, unless sooner terminated as provided in Section V. TERMINATION herein. (City of Plano Contract No. 2019-0003-I).

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

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**ATTACHMENTS:**

Description	Upload Date	Type
2019-0003-I Interlocal with City of Princeton	12/3/2018	Agreement

**INTERLOCAL AGREEMENT BY AND BETWEEN  
THE CITY OF PLANO, TEXAS AND THE CITY OF PRINCETON, TEXAS  
FOR CITY OF PRINCETON EMPLOYEES TO PARTICIPATE IN PLANO PROGRAM  
2019-0003-I**

**THIS AGREEMENT** is made and entered by and between the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter referred to as "Plano", and the **CITY OF PRINCETON, TEXAS**, a municipality hereinafter referred to as "Princeton", as follows:

**WITNESSETH:**

**WHEREAS**, Plano and Princeton are political subdivisions within the meaning of Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the "Act"); and

**WHEREAS**, the Act provides authority for entities such as Plano and Princeton to enter into interlocal agreements with each other to perform governmental functions and services as set forth in the Act; and

**WHEREAS**, City of Plano Professional Development Center offers Business Productivity education courses ("Program") and desires to offer the Program to Princeton employees; and

**WHEREAS**, Princeton has current revenues available to satisfy the fees and/or expenses incurred pursuant to this Agreement; and

**WHEREAS**, the Program will provide employees of both cities with additional knowledge and skills to more effectively serve the citizens.

**NOW, THEREFORE**, Plano and Princeton, for and in consideration of the recitals set forth above and terms and conditions below, agree as follows:

**I.  
TERM**

The initial term of this Agreement shall commence on March 1, 2019 and continue for a period of one (1) year, unless sooner terminated as provided in Section **V. TERMINATION** herein. This Agreement shall automatically renew each year on the Effective Date (each a "Renewal Term"), unless sooner terminated as provided in Section **V. TERMINATION** herein.

**II.  
THE PROGRAM**

The parties agree that Plano and Princeton shall offer the business productivity training courses as identified in **Exhibit "A"** attached hereto and incorporated herein by reference. The parties understand and agree that deviations or modifications in the courses, fees and/or conditions provided for in **Exhibit "A"** may be authorized from time to time by the respective City Manager, or designee, but said authorization must be made in writing and provided pursuant to the Notice provision of this Agreement.

**III.**  
**ROLES AND GENERAL RESPONSIBILITIES OF THE PARTIES**

1. Princeton and Plano shall each designate a program liaison that will manage program details and work with the other party's program liaison in content and logistics planning. Princeton and Plano shall provide the other party with reasonably necessary student-employee information for the purpose of registration and documentation. Plano shall also provide appropriate training facilities and all reasonably necessary equipment, including AV equipment, for any session that is presented within the boundaries of their respective city.

2. Plano shall provide curriculum design, program delivery, assembly of program materials, and development of materials for participants for Program courses being presented in their respective cities.

**IV.**  
**CONSIDERATION / FEES**

A. In consideration for providing the Program courses as specified in Exhibit "A", each party whose employees receive such training shall pay the city providing the Program services according to the terms set out in Exhibit "A" attached hereto and made a part hereof. Upon delivery of Program services, and presentation of a properly documented invoice, the party receiving the Program services under this Agreement shall promptly, and in any case within thirty (30) days, pay the providing party the full amount of the invoice. All payments for services will be made from current revenues available to the paying party.

B. Plano and Princeton recognize that this Agreement shall commence upon the effective date herein and continue in full force and effect until termination in accordance with its provisions. Plano and Princeton herein recognize that the continuation of any contract after the close of any given fiscal year of Plano or Princeton, which fiscal year ends on September 30th of each year, shall be subject to the respective city council approval. In the event that the respective city council does not approve the appropriation of funds for this Program, the Agreement shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder.

**V.**  
**TERMINATION**

Either party may terminate this Agreement at any time without cause or penalty by giving thirty (30) days advance written notice. The obligation of the parties to pay any and all fees and costs, if any, incurred under this Agreement prior to the effective date of termination shall survive such cancellation until performed or discharged by the Parties.

**VI.**  
**RELEASE AND HOLD HARMLESS**

Each Party shall accept responsibility for, any claim, cause of action or responsibility, and bodily injury, death or property damage resulting in any manner from the sole negligence of its agents, employees, or officers, which cause bodily injury, death, or property damage occurring during the Program or while traveling to or from the Program. Plano, to the extent

allowed by law and without waiving any rights or protections provided therein, agrees to be responsible for its own acts of negligence and Princeton, to the extent allowed by law and without waiving any rights or protections provided therein, agrees to be responsible for its own acts of negligence which may arise in connection with any and all claims for damages, cost, and expenses to person or persons and property that may arise out of or be occasioned by this Agreement.

In the event of joint and concurrent negligence, Princeton and Plano agree that responsibility shall be apportioned comparatively. This obligation shall be construed for the benefit of the parties hereto, and not for the benefit of any third parties, nor to create liability for the benefit of any third parties, nor to deprive the parties hereto of any defenses each may have as against third parties under the laws and court decisions of the State of Texas.

It is expressly understood and agreed that, in the execution of this Agreement, no 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. To the extent authorized under the Constitution and laws of the State of Texas, and without waiving sovereign immunity, each Party shall be responsible for any and all claims, demands, suits, actions, damages, and causes for action related to or arising out of or in any way connected with its own actions, and the actions of its personnel rendered or performed pursuant to the terms and conditions of this Agreement.

#### **VII. NOTICE**

Any notice provided under this Agreement shall be delivered by mail or personal service to the parties named below:

**City of Princeton Representative:**

Lesia Gronemeier  
Asst. City Manager  
City of Princeton  
123 W. Princeton Drive  
Princeton, Texas 75407  
T 972-736-2416

**City of Plano Representative:**

Debbie Speed  
Training Coordinator  
Human Resources Department  
City of Plano  
1520 Avenue K  
Plano, Texas 75074  
T 972-941-7217

#### **VIII. AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION**

The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. Plano has executed this Agreement pursuant to duly authorized action of the Plano City Council. Princeton has executed this Agreement pursuant to the authority granted by its governing body. Each of the parties shall provide written documentation evidencing the grant of approval by its respective governing body.

**IX.  
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 to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice.

**X.  
VENUE**

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The parties agree that this Agreement shall be enforceable in Collin County, Texas, and, if legal action is necessary, exclusive venue shall lie in Collin County, Texas.

**XI.  
INTERPRETATION OF AGREEMENT**

Although this Agreement is drafted by Plano, this is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

**XII.  
REMEDIES**

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

**XIII.  
SUCCESSORS AND ASSIGNS**

The parties each bind themselves, their respective successors, executors, administrators and assigns to the other party to this contract. Neither party will assign, sublet, subcontract or transfer any interest in this Agreement without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of both parties.




**XIV.  
EFFECTIVE DATE**

This Agreement shall be effective from and after the date of execution by the last signatory hereto as evidenced below.

**IN WITNESS WHEREOF**, the parties have executed this Agreement by signing below.

**CITY OF PRINCETON, TEXAS**

Date: October 9, 2018

By:   
Name: Lesia Gronemeier  
Title: ASSISTANT CITY MANAGER

APPROVED AS TO FORM:

Clark McCoy, CITY ATTORNEY

**CITY OF PLANO, TEXAS**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Bruce D. Glasscock  
CITY MANAGER

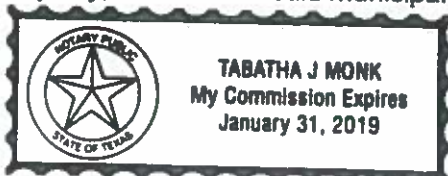
APPROVED AS TO FORM:


Paige Mims, CITY ATTORNEY

**ACKNOWLEDGMENTS**

STATE OF TEXAS           §  
                                      §  
COUNTY OF Collin     §

This instrument was acknowledged before me on the 9 day of October, 2018, by **LESIA GRONEMEIER**, Assistant City Manager, of **CITY OF PRINCETON, TEXAS**, a municipality, on behalf of said municipality.

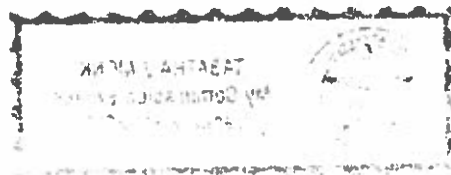


  
Notary Public, State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by **BRUCE D. GLASSCOCK**, City Manager, of **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas



## Exhibit A

### Scope of Services

Training classes to be available to the City of Princeton employees include:

Leadership
Management
Customer Service
Diversity/Inclusion
Desktop Computing
Professional Development

Class pricing per employee will be as follows:

Half day class = \$65.00
Full day class= \$110.00
2 hour class = \$35.00
40 Hr. Conflict Mediation = \$ 335.00

#### Special Courses:

Conflict Mediation 40 hour certification course. \$300.00 plus manual cost of \$35.00.

7 Habits = \$285.00 plus manual cost of \$125.00

Six month course "Leadership for the 21st Century" = \$1650.00

#### Cancellation Policy:

Class enrollment may be cancelled without billing, by providing 5 business days notification prior to the start of the class. No shows will be billed.



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Libby McCabe

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### CAPTION

To approve an Interlocal Agreement between Collin County and the City of Plano concerning the Design and Construction of Arterial Concrete Pavement Maintenance Rehabilitation from 2013 to 2018; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. **Approved**

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### FINANCIAL SUMMARY

Revenue, CIP

FISCAL YEAR:	2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	12,452,047	0	12,452,047
BALANCE		0	12,452,047	0	12,452,047

**FUND(S):** Capital Maintenance Fund

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**COMMENTS:** Approval of this interlocal agreement with Collin County will facilitate the reimbursement of expenditures made from the Capital Maintenance Fund for arterial concrete maintenance projects completed between 2013 and 2018. These funds will be used for future street projects in the Capital Maintenance Fund.

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### SUMMARY OF ITEM

Staff recommends approval of an Interlocal Agreement (ILA) by and between City of Plano and County of Collin, Texas, for Arterial Concrete Pavement Maintenance Rehabilitation from 2013 to 2018; authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date.

This item would facilitate the reimbursement by Collin County from the 2007 bond program to the City of Plano for \$12,452,047 for the maintenance and rehabilitation of streets and sidewalks associated with the following projects:

- 6291 Arterial Pavement Rehab on Alma Dr – Parker Rd to Hedgcoxe Dr
- 6320 Arterial Pavement Rehab on Independence Pkwy – Spring Creek Pkwy to SH 121
- 6359 Independence Pavement Rehab – Plano Pkwy to Spring Creek Pkwy
- 6361 Arterial Pavement Rehab
  - o Midway Rd – Plano Pkwy to Spring Creek Pkwy
  - o Communications Dr – Communications Dr to Spring Creek Pkwy
- 6381 Pavement Maintenance – Legacy Dr Area
- 6483 Arterial Pavement Rehab Legacy Dr – Preston Rd to Independence Pkwy
- 6484 Arterial Pavement Rehab Parker Rd – Coit Rd to Roundrock Trl
- 6500 Pavement Maintenance Requirements (Various Arterial)
  - o Legacy Dr – Custer to Quarry Chase
  - o Premier Dr – Parker to Ruisseau Dr
  - o Premier Dr – Parker Rd to Enterprise Dr
  - o Shiloh Rd – Sherrye Dr to Park Blvd
  - o Coit Rd – Legacy Dr to Hearst Castle Ln
  - o Plano Pkwy – Ohio Dr to Preston Rd
- 6705 Pavement Maintenance Requirements Contract (Various Minor Repairs II)
  - o Plano Pkwy – Shepton High School to Parkwood Blvd
  - o Parker Rd – Preston Meadow Dr to Ohio Dr
  - o McDermott Rd – Coit Rd to Independence Pkwy
  - o Independence Pkwy – Mollimar Dr to Parkhaven Dr
  - o Independence Pkwy – W Plano Pkwy to PGBT
  - o Custer Rd (NB) – 15<sup>th</sup> St to Park Blvd
- 6734 Arterial Pavement Repair Ohio Dr – PGBT to Legacy Dr

All projects listed above have been completed. This ILA reallocates funding to projects meeting the 2007 bond program requirements and already completed by the City of Plano. The total amount of \$12,452,047 will be reimbursed to the Capital Reserve Fund.

### **Strategic Plan Goal:**

Financially Strong City with Service Excellence, Great Neighborhoods - 1st Choice to Live, Partnering for Community Benefit

### **Plano Tomorrow Plan Pillar:**

Built Environment, Economic Environment, Regionalism

### **ATTACHMENTS:**

Description	Upload Date	Type
Agreement	12/28/2018	Agreement

**INTERLOCAL AGREEMENT  
BETWEEN COLLIN COUNTY AND THE CITY OF PLANO  
CONCERNING THE DESIGN AND CONSTRUCTION OF  
ARTERIAL CONCRETE PAVEMENT MAINTENANCE  
REHABILITATION FROM 2013 to 2018**

**THIS AGREEMENT** is made and entered by and between the County of Collin, Texas ("County"), and the City of Plano, Texas ("City") a Home-Rule Municipal Corporation, as follows:

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code authorizes governmental entities to contract with each other to perform governmental functions and services under the terms thereof; and

**WHEREAS**, the County and the City are political subdivisions within the State of Texas and engaged in the provision of governmental services for the benefit of their citizens; and

**WHEREAS**, the County and the City desire to enter into an agreement concerning Arterial Concrete Pavement Maintenance Rehabilitation From 2013 to 2018 (the "Project") in Plano, Collin County, Texas; and

**WHEREAS**, Arterial Concrete Pavement Maintenance Rehabilitation From 2013 to 2018 includes the following projects:

A. County Bond Project: 07-057;

B. City CIP projects:

- a. 6291 Arterial Pavement Rehab on Alma Dr – Parker Rd to Hedgcoxe Dr
- b. 6320 Arterial Pavement Rehab on Independence Pkwy – Spring Creek Pkwy to SH 121
- c. 6359 Independence Pavement Rehab – Plano Pkwy to Spring Creek Pkwy
- d. 6361 Arterial Pavement Rehab
  - i. Midway Rd – Plano Pkwy to Spring Creek Pkwy
  - ii. Communications Dr – Communications Dr to Spring Creek Pkwy
- e. 6381 Pavement Maintenance – Legacy Dr Area
- f. 6483 Arterial Pavement Rehab Legacy Dr – Preston Rd to Independence Pkwy
- g. 6484 Arterial Pavement Rehab Parker Rd – Coit Rd To Roundrock Trl
- h. 6500 – Pavement Maintenance Requirements – Various Arterial
  - i. Legacy Dr- Custer Rd to Quarry Chase
  - ii. Premier Dr – Parker Rd to Ruisseau Dr
  - iii. Premier Dr – Parker Rd to Enterprise Dr
  - iv. Shiloh Rd – Sherrye Dr to Park Blvd
  - v. Coit Rd – Legacy Dr to Hearst Castle Ln

- vi. Plano Pkwy – Ohio Dr to Preston Rd
- i. 6705 – Pavement Maintenance Requirements Contract – Various Minor Repairs II
  - i. Plano Pkwy – Shepton High School to Parkwood Blvd
  - ii. Parker Rd – Preston Meadow Dr to Ohio Dr
  - iii. McDermott Rd – Coit Rd to Independence Pkwy
  - iv. Independence Pkwy – Mollimar Dr to Parkhaven Dr
  - v. Independence Pkwy – W Plano Pkwy to PGBT
  - vi. Custer Rd (NB) – 15th St to Park Blvd
- j. 6734 – Arterial Pavement Repair Ohio Drive – PGBT to Legacy Dr

**WHEREAS**, the city has \$1,600,000 of unused funding from the 2007 Collin County Bond Program project 07-059, Toll Rd/Chapel Hill Ramps and \$600,000 of unused funding from the 2007 Collin County Bond Program project 07-060, Preston and SH 190 and \$1,400,000 of unused funding from 2007 Collin County Bond Program project 07-066, Shiloh Rd – 14<sup>th</sup> St to Park Blvd and \$950,000 of unused funding from the 2007 Collin County Bond Program project 07-068, Park Blvd – Shiloh to East City Limits and \$4,000,000 of unused funding from the 2007 Collin County Bond Program project 07-075, Parker Interchange at US 75 and \$493,075 of unused funding from the 2007 Collin County Bond Program project 07-076, Ridgeview Dr – Coit Rd to Independence Pkwy, in Collin County, Texas; and

**WHEREAS**, the City and County have determined that the improvements may be constructed most economically by implementing this agreement.

**NOW, THEREFORE**, this agreement is made and entered into by the County and the City upon and for the mutual consideration of the recitals set forth above and terms and conditions below.

#### **WITNESSETH:**

#### ARTICLE I.

The City has arranged for the construction of the Project. All improvements were designed to meet or exceed the current Collin County design standards and were constructed in accordance with the plans and specifications approved by the City.

#### ARTICLE II.

The City prepared plans and specifications for the improvements, accepted bids and awarded a contract to construct the improvements and administer the construction contract. In all such activities, the City complied with all state statutory requirements. The City shall provide the County with a copy of the executed construction contract(s) for the Project.

### ARTICLE III.

The City acquired easements required for the project; however, no fee interest in real property was acquired.

### ARTICLE IV.

The City estimates the total actual cost of the project to be \$26,000,000. The County agrees to fund an amount not to exceed \$3,408,972 from 2007 bond project 07-057, \$1,600,000 from 2007 bond project 07-059, \$600,000 from 2007 bond project 07-060, \$1,400,000 from 2007 bond project 07-066, \$950,000 from 2007 bond project 07-068, \$4,000,000 from 2007 bond project 07-075 and \$493,075 from 2007 bond project 07-076 for a total funding amount of \$12,452,047. The County shall remit 50 percent of this amount, to the City within thirty (30) days after the City issues a Notice to Proceed to the lowest responsible bidder and the City requests payment. The County will remit the remaining 50 percent within thirty (30) days after receipt of notice from the City that the Project is 50 percent complete. Following completion of the Project, the City shall provide a final accounting of expenditures for the Project. The "total cost of the Project" shall include, engineering, construction, testing, and easement.

### ARTICLE V.

If the actual cost to construct the Project ("Actual Project Cost") is less than the Estimated Project Cost, and the County has participated up to fifty percent (50%) of the Estimated Project Cost, then the City shall reimburse the County in an amount equal to fifty percent (50%) of the difference between the Estimated Project Cost and the Actual Project Cost. The County Commissioners Court may revise this payment schedule based on the progress of the Project. As used herein, the term "Actual Project Cost" shall include engineering, construction, inspection, testing, street lighting, and construction administration costs including contingencies.

### ARTICLE VI.

The City shall provide before, during and after photos and quarterly progress reports in electronic format or via US mail to the Collin County Engineering Department. Following completion of the project, the City shall provide an itemized final accounting of expenditures including in-kind services or donations for the project.

### 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 AND WITHOUT WAIVER OF IMMUNITY, 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, JUDGMENTS 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 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 a 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.

TERM. This agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project. This agreement shall automatically renew annually during this period.

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**COUNTY OF COLLIN, TEXAS**

By: \_\_\_\_\_  
Name: Keith Self  
Title: County Judge  
Date: \_\_\_\_\_

Executed on this \_\_\_\_\_ day of \_\_\_\_\_,  
2019, by the County of Collin,  
pursuant to Commissioners' Court  
Order No. \_\_\_\_\_.

**ATTEST:**

By: \_\_\_\_\_  
Name: Lisa C. Henderson  
Title: City Secretary  
Date: \_\_\_\_\_

**CITY OF PLANO, TEXAS**

By: \_\_\_\_\_  
Name: Bruce D. Glasscock  
Title: City Manager  
Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Name: Paige Mims  
Title: City Attorney  
  
Date: \_\_\_\_\_



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Finance

Department Head: Denise Tacke

Agenda Coordinator: Susan Oldham

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### CAPTION

**Resolution No. 2019-1-1(R):** To review and approve the City's official Public Funds Investment Policy; and providing an effective date. **Adopted**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

**FUND(S):** N/A

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**COMMENTS:** This item has no fiscal impact.

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### SUMMARY OF ITEM

Public Funds Investment Policy review and approval.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

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**ATTACHMENTS:**

Description	Upload Date	Type
Memorandum	1/9/2019	Memo
Resolution	12/31/2018	Resolution
Investment Policy	12/31/2018	Other

**Date:** January 14, 2019  
**To:** City Council of the City of Plano, Texas  
**From:** Myra Conklin, Treasurer  
**Subject:** Investment Policy

The Public Funds Investment Act (PFIA) of the State of Texas requires the City Council of municipalities to review and adopt a written investment policy on an annual basis. The City Council last approved the written investment policy of the City of Plano on November 27, 2017. The Treasury Department proposes no changes to the written investment policy. Thank you for your consideration.

**CC:** Bruce Glasscock, City Manager  
Jim Parrish, Deputy City Manager  
Denise Tacke, Finance Director

**A Resolution of the City of Plano, Texas, reviewing and approving the City's official Public Funds Investment Policy; and providing an effective date.**

**WHEREAS**, Section 2256.005(e) of the Texas Government Code requires the governing body of an investing entity to adopt a written investment policy regarding the investment of its funds and funds under its control and to review said written investment policy on an annual basis; and,

**WHEREAS**, on November 27, 2017, by Resolution No. 2017-11-8(R), the City Council approved and adopted a written Investment Policy for the City of Plano regarding investment of public funds; and,

**WHEREAS**, the City Council has been presented the existing and duly approved Public Funds Investment Policy which contains investment strategies, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and,

**WHEREAS**, the City Council has reviewed the Public Funds Investment Policy attached hereto as Exhibit "A" and the investment strategies contained therein and finds that it is consistent with prudent fiscal policy.

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

**Section I.** The City Council of the City of Plano, Texas has reviewed the Public Funds Investment Policy attached hereto as Exhibit "A" and the investment strategies contained therein.

**Section II.** The Public Funds Investment Policy as contained in Exhibit "A" attached hereto shall be the official policy of the City of Plano regarding investment of public funds.

**Section III.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 14th day of January, 2019.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

## **City of Plano Investment Policy**

The City of Plano (the “City”) is required under the Public Funds Investment Act (the “PFIA”) Chapter 2256, Texas Government Code, to adopt a written investment policy. The City is required to comply with the Investment Policy as approved by the City Council.

### **Statement of Intent**

It is the Policy of the City to invest funds in a manner, which will insure maximum security and provide for the daily cash flow demands of the City, and conform to all State and local statutes governing the investment of public funds.

### **Scope**

This Investment Policy applies to all financial assets of the City, except certain trust and pension funds contractually invested by outside managers, e.g. Retirement/Pension, and Employee Deferred Compensation.

This policy includes all funds listed and accounted for in the City's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Proprietary Funds
- Internal Service Funds
- Trust and Agency Fiduciary Funds, to the extent not required by law or existing contract to be kept segregated and managed separately;
- Component Units

### **Prudence**

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by Investment Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Investment Officers, acting in accordance with written procedures and the Investment Policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from

expectations are reported immediately upon knowledge of the deviation and appropriate action is taken to control adverse developments.

Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

## **Objectives**

The primary objectives of the City's investment activities shall be as follows:

1. Safety of principal is the foremost objective of the City's investment program. Investment transactions of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that actual losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that can be reasonably anticipated.
3. The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints of safety and liquidity needs.

## **Investment Strategy**

The City intends to maintain a consolidated portfolio in which all funds under the City's control, as specified in this Policy, are pooled for investment purposes. One of the fund's primary objectives is to insure that anticipated cash flows are matched with investment maturities. Both short and longer-term maturities are laddered to meet general operating, capital project and debt service expenditures, based on known and projected cash flows.

Another primary objective of the fund is the preservation and safety of principal by insuring that all securities are of a sufficiently high quality and duration so as to limit exposure to credit and market risks. The portfolio should therefore experience minimal volatility during varying economic cycles. Securities of all types are purchased with the intention of holding until maturity.

Other objectives include maintaining liquidity, including the ability to reasonably meet unanticipated needs by purchasing securities with an active secondary/resale market. Diversification is maintained in order to minimize possible credit risk in a specific security type.

The final objective of obtaining a market rate of return while considering risk constraints and cash flow needs, is much less important than safety of principal and liquidity. The majority of investments are limited to low risk securities earning an equitable rate of return relative to the amount of risk.



## **Delegation of Authority**

City employees authorized to engage in investment transactions and authorized as Investment Officers are the City Manager, the Director of Finance, the Treasurer and the Treasury Analyst. Management responsibility for the investment program is delegated from the City Manager to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Investment procedures should include reference to the following: safekeeping agreements, repurchase agreements, wire transfer agreements, collateral agreements, depository service contracts and agreements, broker/dealer selection criteria, and security bidding and purchase processes. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Director of Finance. The Director of Finance shall be responsible for routine authorization of investments and the Controller shall be responsible for proper accounting of investments in order to maintain appropriate internal controls. The Director of Finance shall establish a system of controls to regulate the activities of subordinates.

## **Ethics and Conflict of Interest**

1. Any Investment Officer of the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the City, as described in Texas Government Code § 2256.005(i), shall file a statement disclosing that personal business interest with the Texas Ethics Commission and City Council.
2. Any investment officer of the City who is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to engage in an investment transaction with the City shall file a statement disclosing that relationship with the Texas Ethics Commission and City Council.

## **Depository Selection**

A qualified depository shall be selected through the City's professional services contract process in compliance with state bidding requirements, and shall include a formal Competitive Sealed Bid. The centralization of depository services is designed to maximize investment capabilities while minimizing service costs as well as staff time spent on activities such as reconciliation.

The selection of a depository shall be based on the financial institution offering the most favorable terms and conditions at the best value, while adhering to the guidelines and provisions within the request for proposal. In selecting a depository, the City shall give consideration to the financial institution's credit characteristics, financial history, service capabilities, and costs for required services.

The City's depository contract shall be in compliance with State law. Specialized services may be contracted for by the City with another financial institution or company if the depository cannot provide such service or charges more for the same service with little or no appreciable benefit.

### **Authorized Securities Dealers**

The Investment Committee will review and adopt annually a list of qualified securities dealers authorized to engage in investment transactions with the City. The City will provide any business organization offering to engage in an investment transaction with the City, including investment pools or investment management firms, with a copy of the City's Investment Policy.

A qualified representative of the business organization offering to engage in an investment transaction must execute a written statement acknowledging that the business organization has:

1. Received and reviewed the City's Investment Policy, and
2. Implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by this Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio, requires an interpretation of subjective investment standards, or relates to the investment transactions of the City that are not made through accounts or other contractual arrangements over which the City has accepted discretionary investment authority.

All approved broker/dealer firms must submit a completed City Broker/Dealer Questionnaire, a written acknowledgment per above guidelines, an executed master repurchase agreement, if applicable, and a copy of current audited financial statements.

### **Investment Advisers**

Investment Advisers shall adhere to the spirit, philosophy and specific term of the Investment Policy and shall invest within the same objectives. The Investment Officer shall establish criteria to evaluate Investment Advisers, including:

1. Adherence to the City's policies and strategies;
2. Investment strategy recommendations within accepted risk constraints;
3. Responsiveness to the City's request for services and information;
4. Understanding of the inherent fiduciary responsibility of investing public funds; and
5. Similarity in philosophy and strategy with the City's objectives.

Selected Investment Advisors must be registered under the Investment Advisers Act of 1940 or with the State Securities Board. A contract with an Investment Adviser may not be for a term longer than two years and any contract, renewal or extension must be approved by the City Council.

## Authorized Investments

The City is authorized to invest in the following types of securities, as specified in the PFIA Eligible investments include the following:

1. Obligations of, or guaranteed by governmental entities including:
  - a) Obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Bank;
  - b) Direct obligations of the State of Texas or its agencies and instrumentalities;
  - c) Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
  - d) Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent; and
  - e) Interest-bearing banking deposits that are guaranteed or insured by:
    - 1) The Federal Deposit Insurance Corporation or its successor; or
    - 2) The National Credit Union Share Insurance Fund or its successor.
2. Certificates of deposit, issued by a depository institution that has its main office or a branch office in this state:
  - a) And such certificates of deposits are:
    - 1) Guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or the National Credit Union Share Insurance Fund, or its successor;
    - 2) Secured by obligations that are described by the PFIA, which are intended to include all direct federal agency or instrumentality issued mortgage backed securities that have a market value of not less than 102% of the principal amount of the certificates or in any other manner and amount provided by law for deposits of the investing entities;
    - 3) Secured in accordance with Chapter 2257 or in any other manner and amount provided by law for deposits of the City.
  - b) Certificates of Deposit made with the following conditions:
    - 1) The funds are invested by an investing entity through
      - a. A broker that has its main office or a branch office in the state of Texas and is selected from a list adopted by the City as required by Section 2256.025; or
      - b. The broker or the depository institution selected by the City under Subdivision a) arranges for the deposit of the funds in certificates of deposit in one or more

- federally insured depository institutions, wherever located, for the account of the City;
  - c. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States;
  - d. The City appoints the depository institution selected depository institution under Subdivision a), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 as custodian for the City with respect to the certificates of deposit issued for the account of the City.
- 3. Fully collateralized repurchase agreements having a defined termination date, secured by a combination of cash and obligations described by the PFIA, pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City, and is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state;
- 4. Commercial Paper having a stated maturity of 270 days or fewer from the date of issuance and is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.
- 5. Mutual funds
  - a) A no-load money market mutual fund that is registered with and regulated by the Securities and Exchange Commission; provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 or the Investment Company Act of 1940; complies with federal Securities and Exchange Commission Rule 2a-7, promulgated by the Investment Company Act of 1940; or
  - b) A no-load mutual fund that it is registered with the Securities and Exchange Commission; has an average weighted maturity of less than two years; and either has a duration of one year or more and is invested exclusively in obligations approved by Chapter 2256, sections 9 through 16; or has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities
  - c) The City is not authorized to:
    - 1) Invest in aggregate more than 15% of the City's monthly

average fund balance, excluding bond proceeds, reserves, and debt service funds;

- 2) Invest any portion of bond proceeds, reserves, and debt service funds; and
- 3) Invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund in an amount that exceeds 10% of the total assets or the mutual fund.

6. Local Government Investment Pools must follow the requirements of the PFIA and are required to provide the City a policy regarding holding deposits in cash. Also, any Pool that uses amortized cost or fair value accounting must mark its portfolio to market daily and seek a stable \$1.00 net asset value. The governing body of the Pool shall take action as necessary to eliminate or reduce to the extent reasonable any NAV values less than \$0.995 or greater than \$1.005 In addition, a Pool is to be authorized by a separate resolution, which meet the requirements of Chapter 2256.016 of the Public Funds Investment Act and are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service. To become eligible, investment pools must be approved by City Council action.

### **Unauthorized Investments**

The City's authorized investments are more restrictive than those allowed by State law. Not all investments authorized by State Law are authorized by this Policy. The City prohibits investments in all collateralized mortgage obligations. State law specifically prohibits investment in the following investment securities:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal;
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

The City is not required to liquidate investments that were authorized investments at the time of purchase. The City will take prudent measures to liquidate any investment that loses its required minimum rating.

### **Competitive Selection of Investment Instruments**

The City requires competitive bidding for all individual security purchases except for those transactions with MMMFs, LGIPs and for government securities purchased at issue

through an approved broker/dealer at the auction price. The Treasurer may rely not only on yield in selecting MMMFs and LGIPs but also on adherence to applicable Securities and Exchange Commission (SEC) guidelines for MMMFs and other criteria as determined.

At least three bids or offers must be solicited in all transactions involving individual securities. For those situations where it may be impractical or unreasonable to receive three bids for an agency transaction due to secondary market availability, bids may be considered comparable for agencies with comparable structures and having maturities within 15 calendar days before and after the requested security. Bids may be solicited in any manner provided by law. All bids received must be documented and filed for auditing purposes.

### **Collateralization**

In order to anticipate market changes and provide a level of security for all funds, collateralization is required for all City funds held in the depository as available funds, in certificates of deposit, and for repurchase agreements. With the exception of deposits secured with irrevocable letters of credit at 100% of amount, the collateralization level will be 102% of market value of principal and accrued interest. Evidence of the pledged collateral shall be maintained by the Director of Finance, or a third party financial institution. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate. If upon review, the collateral is found to be of inadequate value, the City will notify the pledging financial institution to immediately provide additional collateral.

The City shall accept only the following as collateral:

1. FDIC insurance coverage;
2. A Bond, Bill, Certificate of Indebtedness, or Treasury Note of the United States, or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States;
3. Obligations, the principal and interest on which, are unconditionally guaranteed or insured by the State of Texas;
4. A Bond of the State of Texas or a county, city or other political subdivision of the State of Texas having been rated at no less than "A" or its equivalent by a nationally recognized rating agency with a remaining maturity of ten years or less;
5. Obligations of the United States' agencies and instrumentalities, limited to the FHLB, FNMA, FFCB and FHLMC; or
6. A letter of credit issued to the City by the Federal Home Loan Bank.

Collateral will be held by an independent third party with whom the entity will sign a custodial agreement. Safekeeping receipts must be supplied to the City and must be retained. All collateral shall be subject to inspection and audit by the Director of Finance or the City's independent auditors.

Additional collateral may be pledged as required, released when it is not needed, and

substituted, if necessary, with the written consent of the Director of Finance, or an authorized Investment Officer. Any financial institution requesting substitution must contact the Director of Finance for approval and settlement. The substituted security's value will be calculated and substitution approved if its value is equal to or greater than the required security level. The Director of Finance or designated Investment Officer must provide a written notification of the decision to the bank or the safekeeping agent holding the security prior to any security release. Substitution is allowable for all transactions, but should be limited, if possible, to minimize potential administrative problems and transfer expense.

### **Delivery vs. Payment, Safekeeping and Custody**

All security transactions entered into by the City, with the exception of investment pools, and mutual funds, shall be conducted on a delivery-versus-payment (DVP) basis. Securities and collateral will be held by a third party custodian designated by the Investment Officer and Director of Finance, and held in the City's name as evidenced by safekeeping receipts of the institution with which the securities are deposited.

### **Diversification**

The City will diversify the portfolio at all times to ensure the reduction of risk while still maintaining reasonable rates of return, and to ensure a certain degree of liquidity. The City will diversify its investments by security type in the following manner:

With the exception of United States Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single security type. (Such as FNMA, FHLB, FHLMC, CD's at one institution, etc.)

Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average and final maturity, and avoidance of over-concentration of specific instruments.

Risk to liquidity due to cash flow complications shall be controlled by maintaining minimum bank, investment pool, and money market mutual fund balances.

### **Maximum Maturities**

To the extent possible, the City will attempt to match its anticipated cash flow requirements with maturing investments. The City will not directly invest in securities maturing more than five years from the date of purchase. The portfolio's maximum average dollar-weighted maturity will be two and a half years based on the stated maturity date of the investment.

### **Performance Standards**

The investment portfolio will be designed to obtain a market average rate of return during

unpredictable budgetary and economic cycles at the local and federal levels, taking into account the City's investment risk constraints and cash flow needs.

The City's investment strategy is primarily passive. Given this strategy, the basis, or benchmark, used by the Investment Officer to determine whether market yields are being achieved shall be the 3 month or 6 month Treasury Bill or 1 or 2 year Treasury Note, whichever is closest to the weighted average maturity of the portfolio.

## **Reporting**

**Monthly Reporting.** The Director of Finance is responsible for providing monthly information on investment activity in the Comprehensive Monthly Finance Report, to include the size of the portfolio, the distribution by maturity, the distribution by market sector, interest income earned during the current month and fiscal year to date, and the current portfolio yield.

**Quarterly Reporting.** The Director of Finance shall submit a signed quarterly investment report, jointly prepared and signed by all Investment Officers, that summarizes current market conditions, economic developments and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturities, risk characteristics, and shall explain the total investment return for the quarter.

The quarterly investment report shall provide a status of the current investment portfolio and transactions made over the last quarter. The report will be provided not less than quarterly to the City Manager and City Council and include the following:

1. Describe in detail the investment position of the entity on the date of the report;
2. Contain a summary statement of each pooled fund group that states the:
  - a. Beginning market value for the reporting period;
  - b. Ending market value for the reporting period;
  - c. Fully accrued interest for the reporting period;
3. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;
4. State the maturity date of each separately invested asset that has a maturity date;
5. State the account or fund or pooled group fund in the City for which each individual investment was acquired;
6. State the compliance of the investment portfolio of the City as it relates to:
  - a. the investment strategy expressed in the City's investment policy; and
  - b. relevant provisions of the chapter.
7. A statement of compliance of the City's investment portfolio with State law and the investment strategy and Policy approved by the City Council.

Quarterly reports must be formally reviewed at least annually by an independent auditor and reported to City Council.



## **Market Pricing**

Market Value of the investment portfolio will be calculated monthly. Pricing information will come from Bloomberg, IDC, or any other source deemed reliable by the Director of Finance. If the price of a particular security is not available from any of these sources, the price may be estimated by analyzing similar securities' market values.

## **Investment Rating**

Investment rating will be obtained monthly from broker-dealers on the City's approved list or from other independent third parties. Obligation of States (other than Texas), agencies, counties, cities and other political subdivisions must not be rated less than A or its equivalent by at least one nationally recognized investment rating firm. Mutual funds must not be rated less than AAA or its equivalent by at least one nationally recognized investment rating firm. Money market mutual funds (MMMF's) are not required to be rated. Investment Pools must not be rated less than AAA or an equivalent by at least one nationally recognized investment rating firm. If an investment that was eligible at the time of purchase becomes ineligible during the holding period, consistent with the Public Funds Investment Act, Sec. 2256.017, the Treasurer is not required to liquidate the investment. The Treasurer shall take all prudent measures that are consistent with this Policy to analyze the investment and determine the most prudent course of action to minimize any potential loss.

## **Quality and Capability of Investment Management**

Subject to availability of funds, the City shall provide periodic training in investments for Director of Finance, the Treasurer and any other authorized Investment Officer through courses and seminars offered by professional organizations and associations, in order to insure the quality and capability of the City's investment officers.

## **Training**

The Director of Finance, the Treasurer and any other authorized Investment Officer must attend at least a 10 hour training session relative to their responsibilities under the PFIA within twelve months after taking office or assuming duties from an independent source approved by the Investment Committee. In addition, each must receive not less than 8 hours of instruction not less than once each two years relating to investment responsibilities from an independent source approved by the Investment Committee. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with PFIA.

## **Internal Controls and Compliance Audit**

The Director of Finance is responsible for establishing appropriate internal controls. The Investment Officers are responsible for executing investment transactions and the Accounting division is responsible for preparation of general ledger journal entries based on documentation prepared by the Investment Officers. The Investment Policy requires,

in conjunction with its annual audit, a compliance audit of management controls on investments and adherence to the City's established investment policies.

### **Investment Policy Review and Adoption**

The City's Investment Policy shall be reviewed periodically by the Investment Committee and revised and recommended for Council approval, when necessary. In addition, the Policy must be reviewed not less than annually by the City Council. This review will include adoption of a written resolution stating that the Council has reviewed the Investment Policy and investment strategies and include any changes made to the Policy or strategies.

### **Investment Committee**

An Investment Committee comprised of the City Manager, Director of Finance, and the Investment Officer(s) will meet on a quarterly basis. In addition to monthly and quarterly reporting to City Council, the Director of Finance will present a brief report of pertinent investment activities to the Investment Committee.

The primary objective of the Committee will be to review general strategies and policies, monitor investment program results, select independent training sources, and authorize securities dealers.



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Planning

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

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### CAPTION

**Ordinance No. 2019-1-2:** To change the street name of Royal Syndey Court, a dedicated street within the City of Plano, Denton County, Texas, to Royal Sydney Court; providing for a change in the official records to reflect such action; and providing an effective date. **Adopted**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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### COMMENTS:

This item has no financial impact.

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### SUMMARY OF ITEM

On November 19, 2018, letters were mailed out to the seven property owners affected by the proposed street name change. In this same letter, property owners were instructed to notify Land Records staff with any concerns, and contact information was provided. As of December 31, 2018, no responses were received.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

Built Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Letter to Property Owners	1/8/2019	Letter
Ordinance	12/21/2018	Ordinance

**FAX NO. (972) 941-7396**

November 19, 2018

[REDACTED]  
[REDACTED]  
[REDACTED]

**RE: CLARIFICATION OF THE SPELLING OF A STREET NAME**

Dear Ms. [REDACTED]

This letter relates to the spelling of a street name, for a street on which our records indicate you own property in Plano, Texas.

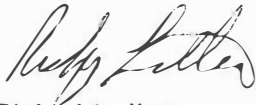
**There are currently two spellings recorded:**

1. **Royal Sydney Court** - utilized by the U.S. Post Office, Denton County Appraisal District, and as shown on the street sign; and
2. **Royal Syndey Court** - per the final recorded plat of The Hills At Prestonwood Hills V-B.

The City of Plano is proposing to prepare and approve an Ordinance to officially rename the street from Royal Syndey Court to Royal Sydney Court, to resolve the issue with the final recorded plat.

Please contact me at (972) 941-7151 by December 15, 2018, if you have any questions or concerns.

Sincerely,



Ricky Lindley  
Land Records Manager  
[rickyl@plano.gov](mailto:rickyl@plano.gov)

RL/amc

**An Ordinance of the City of Plano, Texas, changing the street name of Royal Syndey Court, a dedicated street within the City of Plano, Denton County, Texas, to Royal Sydney Court; providing for a change in the official records to reflect such action; and providing an effective date.**

**WHEREAS**, Royal Syndey Court is a dedicated public street within the City of Plano; and

**WHEREAS**, the street name Royal Syndey Court was adopted by plat in 1995; however, the U.S. Post Office, Denton County Appraisal District, and internet mapping systems use the spelling Royal Sydney Court; and

**WHEREAS**, the City Council has determined that to promote public safety, Royal Syndey Court should be renamed to Royal Sydney Court to standardize its spelling; and

**WHEREAS**, this street name change has been thoroughly reviewed by the Planning Department, the Police Department, the Fire Department, and the Public Safety Communications Department; and

**WHEREAS**, the City Council, upon full consideration of the recommendation of city staff and all matters attendant and related thereto, is of the opinion and finds that Royal Syndey Court should be changed to Royal Sydney Court and that the official records of the city be amended to reflect this street name change.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Royal Syndey Court, a public street within the city limits of the City of Plano, Collin County, Texas, is hereby changed to Royal Sydney Court.

**Section II.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED THIS THE 14TH DAY OF JANUARY 2019.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: CUS

Department Head: Denise Tacke

Agenda Coordinator: Susan Oldham

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### CAPTION

**Ordinance No. 2019-1-3:** To amend Section 21-154 of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to change the hours that services may be scheduled; and providing a repealer clause; a severability clause; a savings clause and an effective date. **Adopted**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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**COMMENTS:** This item has no financial impact.

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### SUMMARY OF ITEM

See attached memo.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

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**ATTACHMENTS:**

Description	Upload Date	Type
Memo	12/31/2018	Memo
Ordinance	12/28/2018	Ordinance



**Date:** December 21, 2018

**To:** Jim Parrish, Deputy City Manager

**From:** Stephanie Foster, Customer & Utility Services Manager

**Subject:** Change to On Call Hours

The Customer & Utility Services Department is requesting to make a change to our on call hours. We currently have staff on call from 5:00 p.m. to 9:00 p.m. weekdays and 8:00 a.m. until 9:00 p.m. on Saturdays and holidays. We reviewed our on call activity after 5:00 p.m. on Saturdays and holidays from January 2017 – August 2018 and have assessed the following:

Total calls received on Saturday – 232  
Total calls received after 5 p.m. on Saturday – 22  
Total calls received after 5 p.m. during January – August 2018 – 6  
Total calls received after 5 p.m. on holidays – 1 in 2017

Due to the minimal amount of calls received after 5:00 p.m. on Saturdays and holidays we would like to change the on call hours on those days to 8:00 a.m. to 5:00 p.m. We have discussed this information with our Utility Operations Department and due to their department having someone on call 24 hours, they have agreed to answer any calls that might occur between 5:00 p.m. and 9:00 p.m. on Saturdays and holidays.

**An Ordinance of the City of Plano, Texas, amending Section 21-154 of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to change the hours that services may be scheduled; and providing a repealer clause; a severability clause; a savings clause and an effective date.**

**WHEREAS**, staff has reviewed the activity of calls for service made after 5:00 p.m. on Saturdays and holidays and determined that such calls have been minimal; and

**WHEREAS**, staff recommends that the Customer and Utility Services Department's hours to schedule services on Saturdays and holidays be set between 8:00 a.m. to 5:00 p.m.; and

**WHEREAS**, the City Council of the City of Plano having reviewed and considered the proposed modifications contained herein and is of the opinion that these amendments should be approved and adopted.

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

**Section I.** Section 21-154, Utility services fee, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, is hereby amended to read as follows:

**"Sec. 21-154. - Utility services fee.**

- (a) There is hereby established a utility service fee of twenty dollars (\$20.00) which shall be assessed for the following services:
  - (1) Initial commencement of service;
  - (2) Any request for transfer of service from one (1) name or address to another;
  - (3) Costs associated with collection of delinquent accounts;
  - (4) Reconnection of water service resulting from non-payment of bill;
  - (5) Lock-up or removal of meters for unauthorized use of water;
  - (6) Any other non-emergency service call made at the customer's request;
  - (7) Failure to make payment by the stated deadline after receiving an extension to pay.
- (b) Any customer requested modification to the initial request for service on the day of that service will result in an administrative fee of twenty dollars (\$20.00) being applied in addition to the utility service fees as described in subsection (c).
- (c) Utility service fees are nonrefundable fees to cover the cost of providing these services. The fees are "per account" for residential services and "per meter" for commercial services. The utility service fee shall be:

Service scheduled during normal city working hours\\$20.00

Service scheduled outside normal city working hours\*—Weekdays from 5:00 p.m. to 9:00 p.m. and Saturdays and holidays from 8:00 a.m. to 5:00 p.m.\\$50.00

Service will not be scheduled weekdays from 9:00 p.m. to 8:00 a.m. or Saturdays and holidays after 5:00 p.m.; and will not be scheduled at all on Sundays.

Emergency disconnect of water services\No charge

\* Monday—Friday 8:00 a.m. to 5:00 p.m., excluding city holidays.

- (d) The utility services fee shall be paid by each applicant for service from the city water utilities at the time of submission of each request, shall be paid to the service representative at the time service is performed, or shall be added to the customer's account. Payment shall be made to "City of Plano Utilities."
- (e) Whenever a customer fails to keep an appointment for a utility service call and requests the service representative to make a return call to the same address(es), the customer shall be charged the applicable fee for the missed service call as well as the fee for the service call during which work was actually performed.
- (f) A twenty-five (\$25.00) dollar fee will be assessed for any returned checks and bank drafts."

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

**Section III.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**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 Ordinances at the time of passage of this Ordinance.

**Section V.** This Ordinance shall become effective January 14, 2019 upon its passage.

**DULY PASSED AND APPROVED** this the 14th day of January, 2019.

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Harry LaRosiliere, MAYOR

**ATTEST:**

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Lisa C. Henderson, CITY SECRETARY

**APPROVED AS TO FORM:**

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Paige Mims, CITY ATTORNEY



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Gov Relations

Department Head: Brandi Youngkin

Agenda Coordinator: Michelle Wariner

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### CAPTION

**Second Reading and adoption of Ordinance No. 2019-1-4** to grant to Atmos Energy Corporation, a Texas and Virginia corporation, its successors and assigns, a Franchise to construct, maintain, and operate pipelines and equipment in the City of Plano, Collin and Denton County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and ratifying the month-to-month extension of the previous Franchise Agreement; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (First Reading approved December 10, 2018.) **Second reading conducted and adopted**

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### FINANCIAL SUMMARY

#### Revenue

<b>FISCAL YEAR: 2018-19 thru 2033-34</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
<b>Budget</b>	0	0	0	0
<b>Encumbered/Expended Amount</b>	0	0	0	0
<b>This Item</b>	0	0	0	0
<b>Balance</b>	0	0	0	0

**FUND(S):** N/A

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**COMMENTS:** The extension of this Franchise Agreement will produce an indeterminable amount of revenue, attributable to an annual franchise fee based on 5% of the Gross Revenues during the proceeding calendar year, as defined in the agreement. As a point of reference, anticipated Gas Franchise Fee Revenue to be received in FY 2018-19 is approximately \$3.0 million.

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## SUMMARY OF ITEM

The City of Plano and Atmos Energy Corporation have come to an agreement to extend the current franchise until December 31, 2033. The first reading was held on Monday, December 10, 2018 and the second reading will be held on Monday, January 14, 2019. After the second reading, the ordinance will be published for four consecutive weeks in the official Plano newspaper.

### Strategic Plan Goal:

Financially Strong City with Service Excellence

### Plano Tomorrow Plan Pillar:

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### ATTACHMENTS:

Description	Upload Date	Type
Ordinance	1/3/2019	Ordinance

**An Ordinance of the City of Plano, Texas, granting to Atmos Energy Corporation, a Texas and Virginia corporation, its successors and assigns, a Franchise to construct, maintain, and operate pipelines and equipment in the City of Plano, Collin and Denton County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and ratifying the month-to-month extension of the previous Franchise Agreement; and providing a repealer clause, a severability clause, a savings clause, and an effective date.**

**WHEREAS**, the City of Plano, Texas, (“City”) currently has a Franchise Agreement with Atmos Energy Corporation (“Grantee” or “Atmos Energy”) that expired on December 31, 2017, and said Franchise Agreement has been continued thereafter on a month-to-month basis; and,

**WHEREAS**, the City finds that it is in the best interest of the City to ratify the month-to-month extension of the previous franchise agreement and enter into a new Franchise Agreement with Atmos Energy to furnish and supply gas to the general public in the City of Plano, and for the transporting, delivery, sale, and distribution of gas in, out of, and through said municipality for all purposes.

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

**SECTION I. GRANT OF AUTHORITY:** The City hereby ratifies the month-to-month extension of the previous franchise agreement between the City and Atmos Energy from December 31, 2017, until the Effective Date (as defined below) and grants to Atmos Energy, its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places (“Public Rights-of-Way”), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the “System”) to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term to begin on the Effective Date (as defined below) and ending December 31, 2033. Unless written notice of its intent to renegotiate is provided by either the City or Atmos Energy at least 180 days prior to the expiration of any term, the franchise shall be extended for up to two (2) additional terms of five (5) years each on the same terms and conditions as set forth herein.

**SECTION II. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:**

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, shall place or cause to be placed appropriate barriers to mark excavations or obstructions, and shall restore to at its cost all Public Rights-of-Way that it may disturb to their approximate original condition. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. Likewise, in determining the location of facilities in the City, Atmos Energy shall minimize interference with then existing underground structures of the City or other utility franchisees. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way. Promptly after completion of any construction, installation replacement, or relocation of facilities, Atmos Energy will provide the City accurate and complete “as-built” plans showing the nature and specific location of all work done.

The location of Atmos Energy’s pipes, mains, laterals, and other equipment in the present and future Public Rights-of-Way in the City shall be fixed under the supervision of the City or an authorized agent appointed by the City as provided in the City’s Right-of-Way Management Ordinance and located in the Public Rights-of-Way in accordance with the Right-of-Way Management Ordinance. Atmos Energy shall comply with all permitting requirements as required in the Right-of-Way Management Ordinance, except that Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy’s operations in Public Rights-of-Way.



City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.

- B. If City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. However, City shall have no obligation to independently identify such programs, and nothing in this agreement shall require City to make such application. Upon receipt of reimbursement from a federal or state agency, the City shall remit any portion owed to Atmos Energy within thirty (30) days.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than, the construction or reconstruction of sewers, drainage, water lines, streets or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.

- C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.
- D. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

### **SECTION III. INDEMNITY & INSURANCE:**

- A. General Provisions. In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall defend, indemnify and hold harmless City, its agents, officers, officials, and employees from any and all claims, lawsuits, judgments, fines, penalties, costs and expenses for personal injury (including death), property damage, or other harm or violation for which recovery of damages, fines, or penalties is sought, suffered by any person or persons, except to the extent such injury or damage is attributable to the sole fault of the City, including, without limitation, the City's negligent or intentional acts or omissions. In the event of joint and concurrent negligence or fault of both Atmos Energy and the City, responsibility and indemnity, if any, shall be apportioned comparatively in

accordance with the laws of the State of Texas without, however, waiving any governmental immunity available to the City under Texas law and without waiving any of the defenses of the parties under Texas law. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices. In the event that any action, suit, or proceeding is brought against City upon any liability arising out of the construction, operation, or maintenance of the system operated by Atmos Energy, City shall give notice in writing to Atmos Energy by certified mail. Upon receipt of such notice, Atmos Energy, at its own expense, shall defend such action and take all such steps as may be necessary or proper to prevent the obtaining of a Judgment against the City and/or to satisfy said Judgment. The City agrees to cooperate with Atmos Energy in connection with such defense. The provisions of this indemnity are solely for the benefit of the City and are not intended to create or grant any rights, contractual or otherwise, to Atmos Energy or any other entity.

- B. Insurance. Atmos Energy shall maintain adequate insurance covering its obligations of indemnity under this Franchise. Such insurance shall be at Atmos Energy's sole expense. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this Franchise may be in the form of self-insurance to the extent permitted by applicable law, but in no instance shall such self-insurance be less than the commercial insurance coverages required in the Right-of-Way Management Ordinance. An insurance certificate shall be provided to the City initially and upon any substantial change in the nature of its coverage. A notice to the City must be submitted as of the effective date of this Franchise identifying the process for filing a claim. Such notice shall be updated immediately when changes occur in this process. This Franchise shall satisfy the requirements of the Right-of-Way Management Ordinance with respect to proof of appropriate insurance or other financial assurance required for receipt of a permit to perform work within the Public Right-of-Way.

**SECTION IV. NON-EXCLUSIVE FRANCHISE:** The rights, privileges, and franchises granted by this Ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

**SECTION V. QUALITY OF SERVICE:** Atmos Energy shall furnish adequate and efficient service to the public at fair, just, and reasonable rates and charges therefor; and Atmos Energy shall maintain its property, equipment, and appliances in good order and condition.

**SECTION VI. EXTENSION OF MAINS:** Atmos Energy shall not be required to extend mains on any street more than one hundred (100) feet for any one consumer of gas; provided, however, if the anticipated connected load is calculated to prohibit Atmos Energy a reasonable return on its investment as may be allowed by statute, law, or regulation, Atmos Energy shall have no obligation to extend mains any distance unless such customer requires the extended main for unsupplemented space heating or water heating.

**SECTION VII. PAYMENTS TO CITY:**

- A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 15th day of February 2019, and on or before the same day of each succeeding year during the life of this franchise, the last payment of the initial term being made on the 15th day of February, 2033, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in VII(B) below, received by Company during the preceding calendar year.
- B. "Gross Revenues" shall mean:
- (1) All revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
  - (2) All revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
  - (3) The value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
  - (4) "Gross Revenues" shall also include fees collected pursuant to this agreement and the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas, charges to handle returned checks from consumers within the City, and contributions in aid of construction.

(5) "Gross Revenues" shall not include:

- (a) revenues billed but not ultimately collected or received by Atmos Energy;
- (b) the revenue of any affiliate or subsidiary of Atmos Energy;
- (c) sales tax paid to the City;
- (d) interest or investment income earned by Atmos Energy; and
- (e) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2019, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made. The franchise fee amounts that are due based on CIAC shall be paid at least once annually on or before April 30 each year based on the total CIAC recorded during the preceding calendar year. The initial CIAC franchise fee amount will be paid on or before April 30, 2019 and will be based on the calendar year January 1 through December 31, 2018. The final CIAC franchise fee amount of the initial term will be paid on or before April 30, 2034 and will be based on the calendar year January 1 through December 31, 2033.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. Should City not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of all charges for the use of the streets, alleys, and public ways of the City of Plano as outlined herein, the City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Grantee's obligations, if any, to pay such charges.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy.

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise Ordinance, or renew an existing municipal franchise Ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise Ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise Ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise in toto. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the Ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

## **SECTION VIII. TRANSFER OF FRANCHISE:**

- A. The rights granted by this Franchise inure to the benefit of the Atmos Energy. Atmos Energy may, without consent by City, transfer or assign the rights granted by this Franchise to a parent, subsidiary or affiliate, provided that such parent, subsidiary or affiliate assumes all obligations of Atmos Energy hereunder and is bound to the same extent as Atmos Energy hereunder, and has net capital and liquid assets reasonably equivalent to the Atmos Energy's as of the month immediately preceding the transfer or there are provided other guarantees or assurances of the transferee's or assignee's financial ability to perform this Franchise reasonably acceptable to the City. Atmos Energy shall give City written notice thirty (30) days prior to such assignment.
  
- B. City will have the right to approve the transfer or assignment of the Franchise, except as provided in Section VIII(A). City shall grant approval unless the assignee is material weaker than Atmos Energy. For the purpose of this section, "materially weaker" means that the long term unsecured debt rating of the assignee is less than investment grade as rated by both S&P and Moody's. If the assignee is materially weaker, the City may request additional documents and information reasonably related to the transaction and the legal, financial, and technical qualifications of the assignee. City agrees that said approval shall not be unreasonably withheld or delayed. Any such assignment or transfer shall require that said assignee assume all obligations of Atmos Energy and be bound to the same extent as Atmos Energy hereunder. If within the first ninety (90) days after assignment to assignee, City identifies a failure to comply with a material provision of this Franchise, City shall have the right, after notice and opportunity for hearing before Council, to terminate this Franchise. No assignment to any person shall be effective until the assignee has filed with the City an instrument in writing, duly executed, reciting the fact of such assignment, accepting the terms of this Franchise, and agreeing to comply with all of the provisions herein.

## **SECTION IX. CONFORMITY TO LAWS AND REGULATIONS:**

- A. Notwithstanding Section IX(B) below, this Franchise is subject to applicable provisions of the Constitution and Laws of the United States and the State of Texas, the Charter of the City of Plano, and the City of Plano Code of Ordinances. This Franchise shall in no way affect or impair the rights, obligations, or remedies of the parties under the Public Utility Regulatory Act of Texas. Except as expressly provided herein, Atmos Energy shall not recover costs or expenses directly from the City (exclusive of charges related to the City's billings as a customer and reimbursable removals and relocations) for taking any actions mandated by this Franchise or by any order or request issued by authority of this Franchise.
- B. The City reserves the right to adopt, in addition to the provisions included in this Franchise, such additional reasonable regulations as it shall find necessary with respect to governing the use of its Public Rights-of-Way; provided, however, that if such regulations are in conflict with the privileges granted by this Franchise, Atmos Energy and City shall enter into good faith negotiations to determine the applicability of these laws, rules or Ordinances with respect to this Franchise. In the event there is conflict between the requirements of this Franchise and other lawful and generally applicable City Ordinances governing Atmos Energy's ability to use the Public Rights-of-Way, Atmos Energy and City agree to reserve their respective rights with respect to such conflict.

**SECTION X. ACCEPTANCE OF FRANCHISE:** In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise Ordinance within thirty (30) days after its final passage and approval by City. If such written acceptance of this franchise Ordinance is not filed by Atmos Energy, the franchise Ordinance shall be rendered null and void.

When this franchise Ordinance becomes effective, all previous Ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

**SECTION XI. PARAGRAPH HEADINGS. CONSTRUCTION:** The paragraph headings contained in this Ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this Ordinance and this Ordinance shall not be construed either more or less strongly against or for either party.



**SECTION XII. REPEALER CLAUSE:** All provisions of the Code of Ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

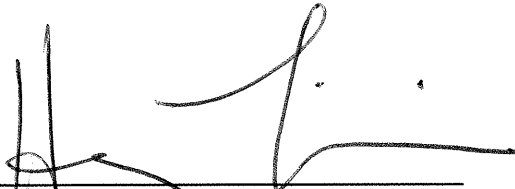
**SECTION XIII. SEVERABILITY CLAUSE:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**SECTION XIV. SAVINGS CLAUSE:** 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 at the time of passage of this Ordinance.


**SECTION XV. PUBLIC HEARINGS:** This Ordinance shall be read at two separate regular meetings of the City Council of the City of Plano, with the second meeting to be at least 30 days from the first reading, and the caption shall be published once each week for four consecutive weeks in the official newspaper of the City of Plano.

**SECTION XVI. EFFECTIVE DATE:** Upon and subject to the filing of the Grantee's written acceptance of the terms and conditions of the Franchise Agreement set forth herein, this Ordinance (A) shall become effective thirty (30) days after the final adoption of this Ordinance by the City (such date being the "Effective Date"), and (B) shall, as of the Effective Date, supersede and replace that certain Ordinance No. 92-11-50, passed and approved by the City Council of the City on November 23, 1992, as subsequently amended.

**DULY PASSED AND APPROVED ON FIRST READING** on this the 10<sup>th</sup> day of December, 2018.

  
\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

  
\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

**DULY PASSED AND APPROVED ON SECOND READING (which date is at least 30 days from the first reading) on this the 14<sup>th</sup> day of January, 2019.**

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

ACCEPTED BY ATMOS ENERGY  
CORPORATION

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Parks

Department Head: Robin Reeves

Agenda Coordinator: Susan Berger

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### CAPTION

Consideration of changing the name of The Club at Los Rios, located at 1700 Country Club Drive, Plano, Texas, to Los Rios Park. **Approved**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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**COMMENTS:** This item has no financial impact.

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### SUMMARY OF ITEM

The City of Plano acquired the land where The Club at Los Rios is located in October 2014. The club and golf course are no longer in operation.

The working name for the future park has been Rowlett Creek Greenbelt. During the master planning process for the park, area residents indicated that the preferred name for the park is Los Rios Park.

In accordance with the attached policy for naming parks and recreation facilities, a committee was

appointed to consider names for the new park. The committee met on November 28, 2018. After consideration, the committee recommends that the park be renamed Los Rios Park.

The name change must be approved by a simple majority vote of the City Council members present at the meeting.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence, Partnering for Community Benefit

**Plano Tomorrow Plan Pillar:**

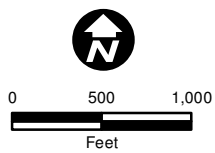
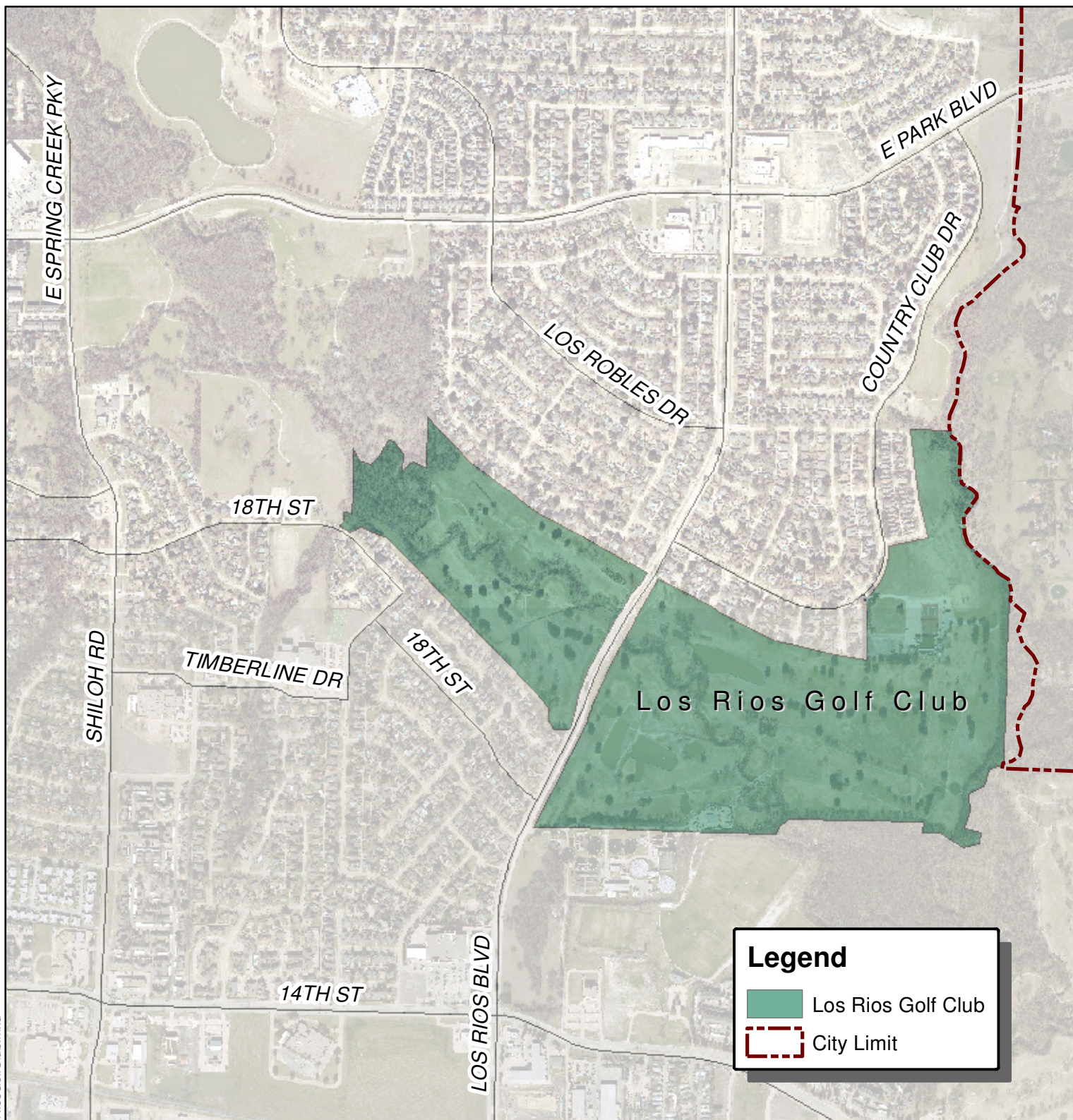
Social Environment, Natural Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Location Map	1/2/2019	Map
Naming of Park Site and Recreation Facilities Policy	12/28/2018	Other





City of Plano Park Planning Division  
1/2/2019

## Location Map

# Los Rios Golf Club

1700 Country Club Dr.  
Plano, TX 75074

### Project Location



## NAMING OF PARK SITES AND RECREATION FACILITIES POLICY 704.00

### **I. Purpose**

The purpose of this policy is to establish procedures for the naming of park sites and recreation facilities.

### **II. Responsibility**

In accordance with Chapter 2, Article I, Sec. 2-13 of the City of Plano Code of Ordinances the city council is solely responsible for naming all city-owned facilities, structures and improvements, whether natural or manmade, including but not limited to: Libraries, buildings, parks, and recreation facilities located within the City of Plano. The authority to name all meeting rooms and other internal rooms or auditoriums within city-owned facilities shall also be reserved to the city council unless such naming rights are granted as a sponsorship program authorized by the city council.

### **III. Notification of the Mayor**

The City Manager shall inform the Mayor of the need for parks or facilities to be named prior to or during development of the park site or facility. Multiple parks and facilities may be named at the same time.

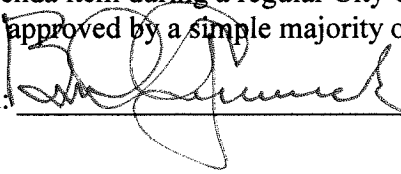
### **IV. Procedures**

- A. **Committee** – The mayor will appoint two City Council Members to sit on a naming committee along with the Chairperson of the Parks and Recreation Planning Board and the Director of Parks and Recreation or his/her designee. The Senior Advisory Board Chairperson may be included when naming senior facilities.
- B. **Timing** – Park sites and facilities will be named prior to or during development. Names should be determined with sufficient time to allow for the manufacture of signs or printing of other materials prior to the opening of the facility.
- C. **Naming Parks and Facilities after People** – Parks and facilities may be named in honor of a person. The person should have made a major contribution to the City of Plano and/or the Plano parks and recreation system, or the person should be known for some other significant accomplishment.
- D. **Naming of Sections of a Park or Facility** – Sections of a park or facility, such as a playground or meeting room, may be given a name which is different from that of the overall park or facility.
- E. **Renaming Parks or Facilities** – When appropriate, parks or facilities may be renamed. The procedure for doing so shall be the same as for originally naming a park or facility.

**V. CITY COUNCIL APPROVAL PROCESS**

The committee's council members will present the committee's recommendation as an agenda item during a regular City Council meeting. The naming of a park or facility must be approved by a simple majority of City Council members present.

Approved:

A handwritten signature in black ink, appearing to be "B. J. ...", written over a horizontal line.

Date:

10/12/18





## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Parks

Department Head: Robin Reeves

Agenda Coordinator: Susan Berger

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### CAPTION

Consideration of naming the amphitheater at Oak Point Park, located at 2801 East Spring Creek Parkway, Plano, Texas, Red Tail. **Approved**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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**COMMENTS:** This item has no financial impact.

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### SUMMARY OF ITEM

The amphitheater in Oak Point Park has never been officially named. It is referred to as the amphitheater in Oak Point Park by default.

In late 2016 a small advisory team was created to develop a strategic approach to increasing the use and brand awareness of the amphitheater. Renaming the facility was identified as one important way to begin re-branding the facility. Members of the team solicited ideas from the community via a “word game” of sorts; words received from the public were used in brainstorming new ideas for naming the facility.

Four names were presented to the Parks and Recreation Planning Board on February 6, 2018; Red Tail Pavilion at Oak Point, The Glade at Oak Point, The Echo at Oak Point and Sonora at Oak Point. The preferred name was Red Tail Pavilion in honor of the majestic red-tailed hawk that is found in the nature preserve. The name is unique and pays homage to the natural setting of the nature preserve. We stayed clear of using Blackland Prairie or leading with Oak Point since so much in the area already has components of both in their names. We want the venue to be recognizable by its name and not confused with another location.

In accordance with the attached policy for naming parks and recreation facilities, a committee was appointed to consider the name change. The committee met on November 28, 2018. After consideration, the committee chose to remove the word pavilion from the name and recommends that the facility simply be named "Red Tail".

The name change must be approved by a simple majority vote of the City Council members present at the meeting.

### **Strategic Plan Goal:**

Financially Strong City with Service Excellence, Partnering for Community Benefit

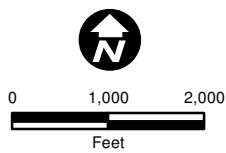
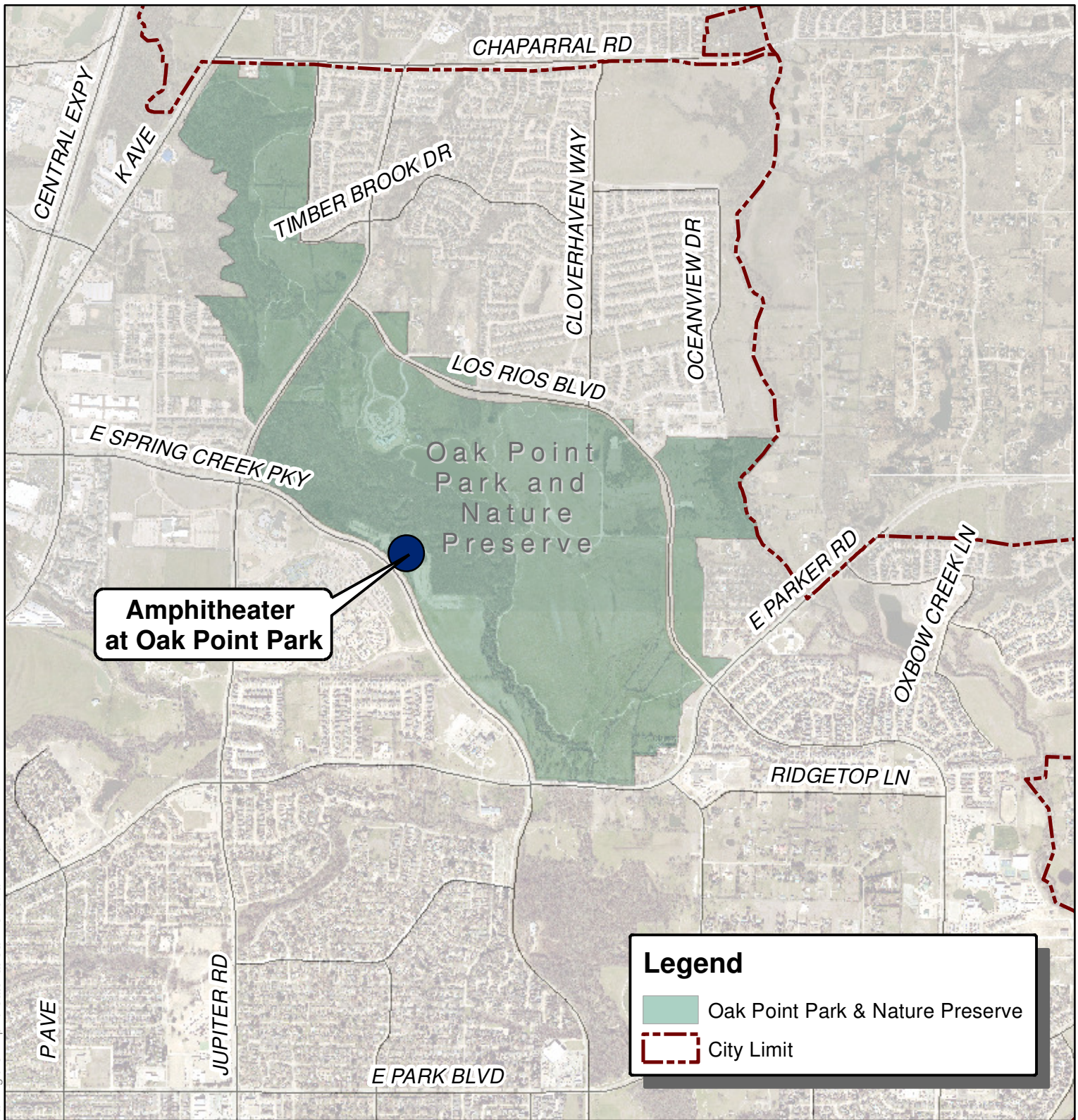
### **Plano Tomorrow Plan Pillar:**

Social Environment, Natural Environment

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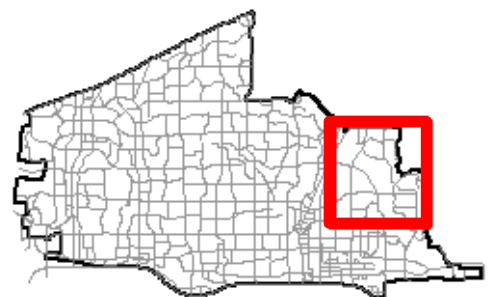
### **ATTACHMENTS:**

Description	Upload Date	Type
Location Map	1/2/2019	Map
Naming of Park Site and Recreation Facilities Policy	12/28/2018	Other



## Location Map Naming the Amphitheater at Oak Point Park

### Project Location





## NAMING OF PARK SITES AND RECREATION FACILITIES POLICY 704.00

### **I. Purpose**

The purpose of this policy is to establish procedures for the naming of park sites and recreation facilities.

### **II. Responsibility**

In accordance with Chapter 2, Article I, Sec. 2-13 of the City of Plano Code of Ordinances the city council is solely responsible for naming all city-owned facilities, structures and improvements, whether natural or manmade, including but not limited to: Libraries, buildings, parks, and recreation facilities located within the City of Plano. The authority to name all meeting rooms and other internal rooms or auditoriums within city-owned facilities shall also be reserved to the city council unless such naming rights are granted as a sponsorship program authorized by the city council.

### **III. Notification of the Mayor**

The City Manager shall inform the Mayor of the need for parks or facilities to be named prior to or during development of the park site or facility. Multiple parks and facilities may be named at the same time.

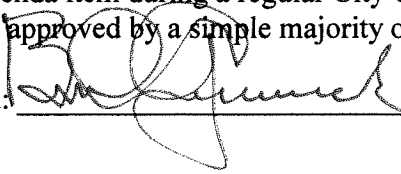
### **IV. Procedures**

- A. **Committee** – The mayor will appoint two City Council Members to sit on a naming committee along with the Chairperson of the Parks and Recreation Planning Board and the Director of Parks and Recreation or his/her designee. The Senior Advisory Board Chairperson may be included when naming senior facilities.
- B. **Timing** – Park sites and facilities will be named prior to or during development. Names should be determined with sufficient time to allow for the manufacture of signs or printing of other materials prior to the opening of the facility.
- C. **Naming Parks and Facilities after People** – Parks and facilities may be named in honor of a person. The person should have made a major contribution to the City of Plano and/or the Plano parks and recreation system, or the person should be known for some other significant accomplishment.
- D. **Naming of Sections of a Park or Facility** – Sections of a park or facility, such as a playground or meeting room, may be given a name which is different from that of the overall park or facility.
- E. **Renaming Parks or Facilities** – When appropriate, parks or facilities may be renamed. The procedure for doing so shall be the same as for originally naming a park or facility.

**V. CITY COUNCIL APPROVAL PROCESS**

The committee's council members will present the committee's recommendation as an agenda item during a regular City Council meeting. The naming of a park or facility must be approved by a simple majority of City Council members present.

Approved:

A handwritten signature in black ink, appearing to be "B. G. Smith", written over a horizontal line.

Date:

10/12/18



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Community Services

Department Head: Lori Schwarz

Agenda Coordinator: Nichole Adamo x8135

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### CAPTION

Public Hearing to receive comments regarding the Assessment of Fair Housing completed under the guidance of the University of Texas at Arlington. All comments received during the public comment period will be included in the report. **Conducted**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

**FUND(S):** Grant Fund

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**COMMENTS:** This item has no fiscal impact.

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### SUMMARY OF ITEM

This agenda item is a public hearing to receive comments regarding the Assessment of Fair Housing completed under the guidance of the University of Texas at Arlington. All comments received during the public comment period will be included in the report.

**Strategic Plan Goal:**

**Plano Tomorrow Plan Pillar:**

Social Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Memo	1/3/2019	Memo
Presentation	12/31/2018	Other

**Date:** January 3, 2019  
**To:** Bruce D. Glasscock, City Manager  
**From:** Shanette Eaden, Housing and Community Services Manager  
**Subject:** Assessment of Fair Housing

## Summary

This agenda item is a public hearing to receive comments regarding the Assessment of Fair Housing completed under the guidance of the University of Texas at Arlington. All comments received during the public comment period will be included in the report.

## Background

In July 2015, HUD issued a rule that required the City of Plano develop an Assessment of Fair Housing by October 1, 2020.

In January 2017, the City Council authorized the participation in a collaboration of 22 jurisdictions in the North Texas region, referred to as the North Texas Regional Housing Assessment (NTRHA), to address the required Assessment of Fair Housing. This effort was performed under the guidance of the University of Texas at Arlington (UTA). Public engagement and data analysis began in 2017 and continued into 2018. UTA conducted in-depth analysis of local and regional data. Outreach and consultation was targeted to service providers, developers of affordable housing, and members of the public, making sure to include low-income residents, persons with disabilities, and members of protected classes under the Civil Rights Act of 1964.

In January 2018, HUD issued a notice extending the deadline for the submission of the Assessment of Fair Housing until after October 2020. The notice cited significant deficiencies in HUD's Assessment of Fair Housing Data and Mapping Tool and the need to provide more time and technical assistance to grantees. As most of the preparation for NTRHA's Assessment of Fair Housing reports had been completed at the time of the notice, the majority of NTRHA members chose to continue their Assessment of Fair Housing process and complete their reports.

In May of 2018, HUD issued three additional notices in relation to the Assessment of Fair Housing. The notices had the following effects:

- 1) Withdrew the January 2018 notice as described above thereby removing the AFH submission deadline extension;
- 2) Suspended the use of the Local Government Assessment of Fair Housing Data and Mapping Tool; and
- 3) Reinstated the requirement for HUD grantees to update their Assessment of Impediments, in accordance with HUD's Fair Housing Planning Guide.



In November 2018, staff received clarification from the HUD Fort Worth Field Office that our Assessment of Fair Housing will satisfy their requirement for an updated Assessment of Impediments. This allows the City of Plano to include the Assessment of Fair Housing with the next Consolidated Plan cycle instead of updating the Assessment of Impediments. The goals stated within the Assessment of Fair Housing report will be substituted for the Assessment of Impediments goals to satisfy our legal responsibility to affirmatively further fair housing.

A public comment period for the Assessment of Fair Housing report began on December 10, 2018 and will end at the close of the public hearing during the January 14, 2019 City Council Meeting. Staff will include all comments received during the public comment period within the report.

#### Next Steps

- The goals and strategies in the Assessment of Fair Housing will be implemented through collaboration with other City departments, community organizations, and public-private partnerships and will be tracked and progress will be reported annually to HUD through the submission of the Consolidated Annual Performance Evaluation Report (CAPER).
- In early 2020, the 2020-2024 Consolidated Plan will be submitted to the City Council for a public hearing and approval.

xc: Jack Carr, Deputy City Manager  
Lori Schwarz, Director of Neighborhood Services



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# Assessment of Fair Housing (AFH) City of Plano Report

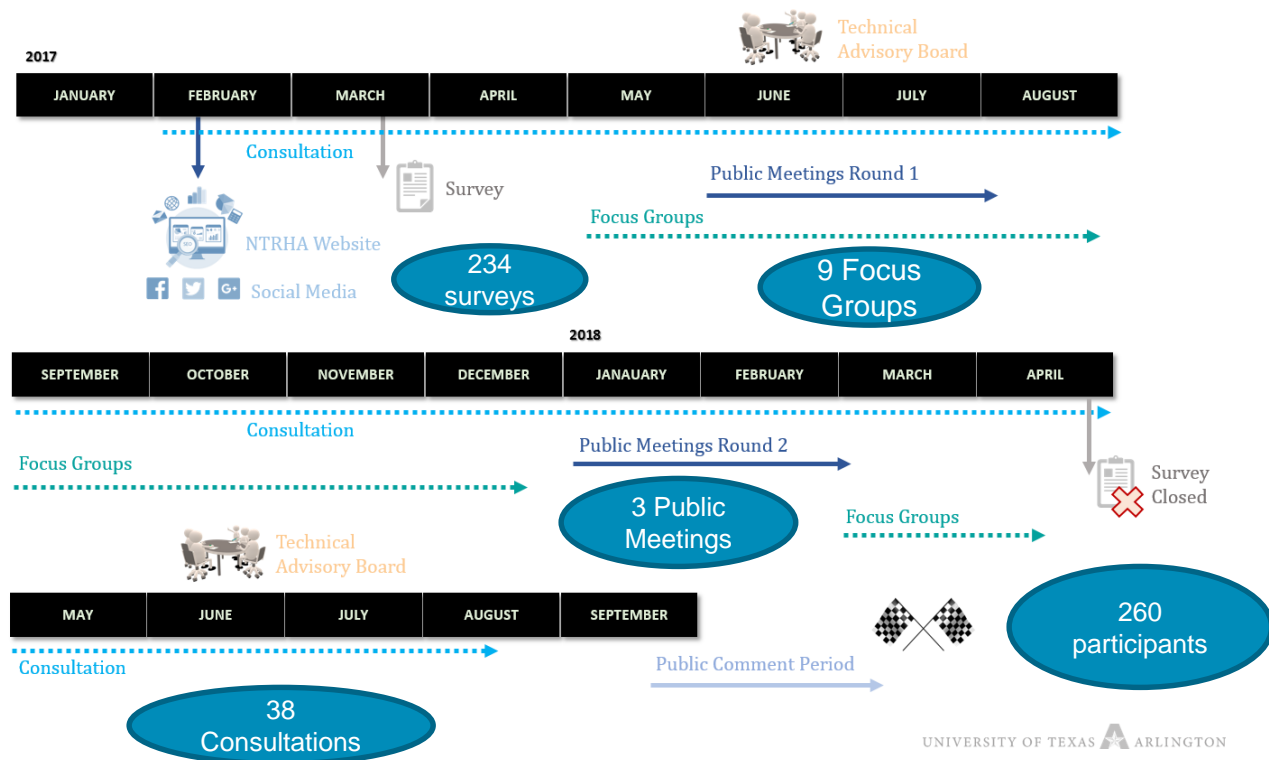
North Texas Regional Housing Assessment  
January 2019



# City of Plano AFH Timeline

- March 2016: HUD published final rule replacing the Analysis of Impediments (AI) with the AFH.
- September 2016: 2015-19 Citizen Participation Plan Updated
- January 2017: City Council approved participation in the North Texas Regional Housing Assessment.
- January 2018: HUD extended the deadline for the AFH.
- May 2018: HUD determines that an AFH is not required, but an AI must be submitted.

# Research grounded in public engagement



UNIVERSITY OF TEXAS ARLINGTON

# Report Structure

- Executive summary
- Community participation process
- Assessment of past goals and actions
- Fair housing analysis
- Publicly supported housing analysis
- Disabilities and accessibility
- Fair housing enforcement
- Fair housing goals and priorities

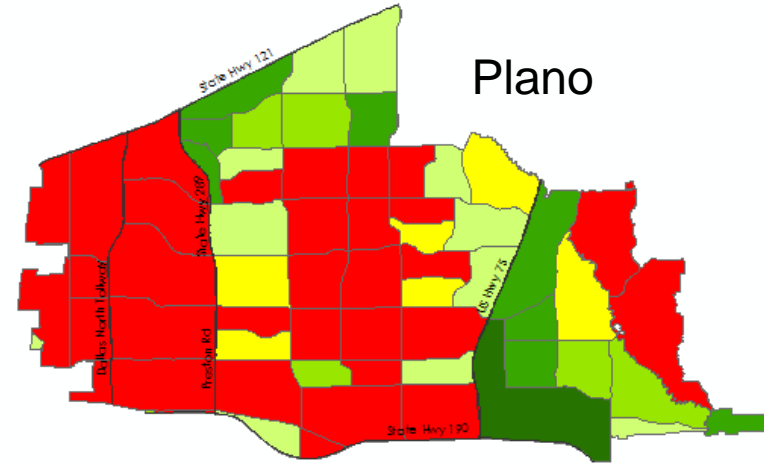
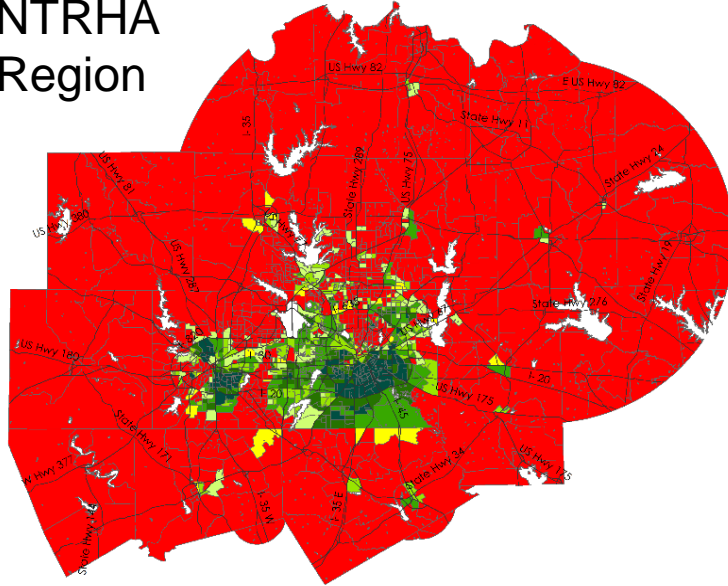
# Fair Housing Analysis

- Subjects
  - Demographics
  - Segregation/integration
  - Racially or ethnically concentrated areas of poverty (R/ECAPs)
  - Disparities in access to opportunity
  - Disproportionate housing needs
- HUD/US Census Data (1990 – 2014)
- Additional information (local, 2014-2018)
- Contributing factors (HUD categories)

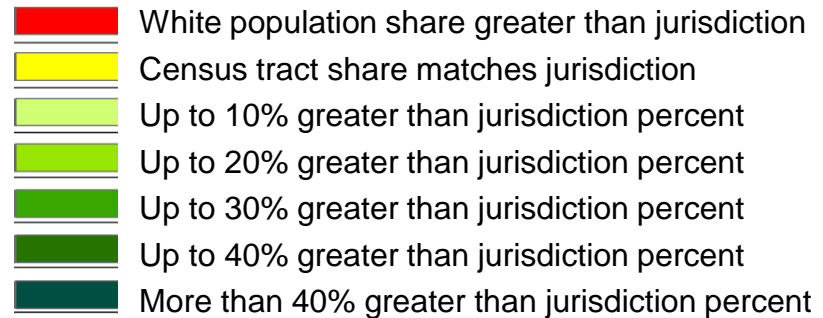
# Executive Summary

- Residential segregation

NTRHA  
Region

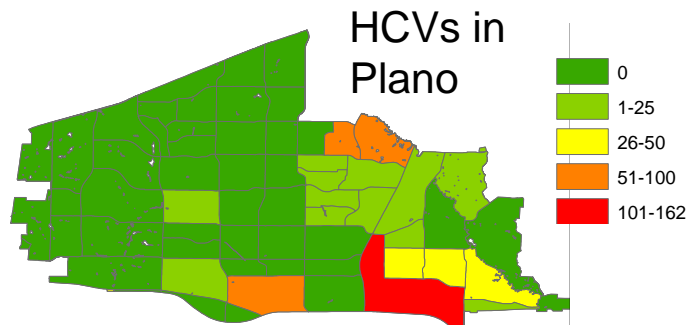


## Legend: Census tract compared to jurisdiction



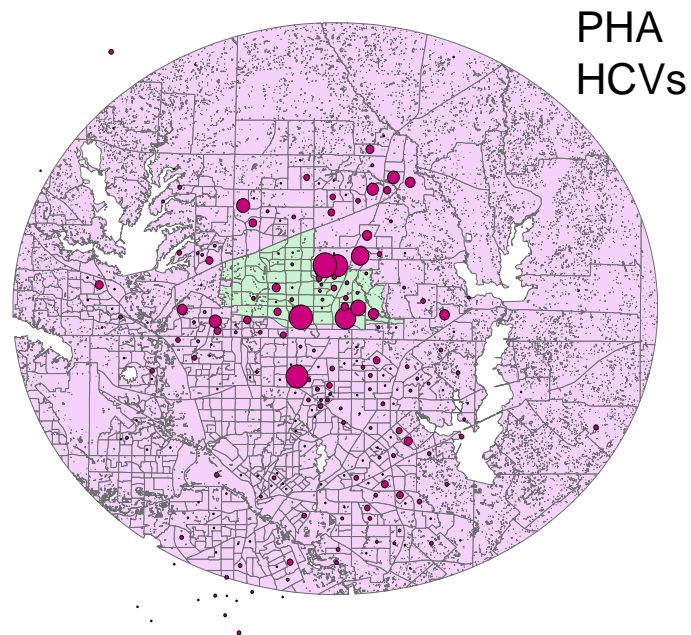
# Executive Summary

- Location of publicly supported housing



Zip Code	Yes	No	No Response
75013	0	1	0
75023	0	18	2
75024	0	24	9
75025	0	11	2
75074	2	17	13
75075	0	15	4
75093	2	23	5
Total	4	109	35

Landlords  
and HCVs





# Executive Summary

- Issues from public engagement data
  - Lack of affordable housing
  - Discrimination
  - Lack of affordable transportation
  - Lack of housing for persons with disabilities
  - Fair housing education and enforcement
  - Need for investment and revitalization in older, lower income neighborhoods

# Executive Summary: Plano AFH Goals

- Increase access to affordable housing in high-opportunity areas
- Increase supply of affordable housing units
- Increase supply of accessible, affordable housing for persons with disabilities
- Increase access to affordable transportation options for low-income households and persons with disabilities
- Make investments in designated neighborhoods to increase opportunity
- Increase access to information and resources on fair and affordable housing
- Maintain and improve the quality and management of publicly supported housing

It's been a privilege to do this important work with the City of Plano.

**Thank you!**





## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Community Services

Department Head: Lori Schwarz

Agenda Coordinator: Nichole Adamo x8135

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### CAPTION

**Resolution No. 2019-1-5(R):** To support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 1.54± acres, at 1421 G Avenue, Plano, TX; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. **Adopted**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

**FUND(S):** N/A

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**COMMENTS:** This item has no fiscal impact.

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### SUMMARY OF ITEM

DMA Development Company, LLC submitted an application for a resolution supporting its proposed 9% housing tax credit (HTC) development, The Park on 14th. The proposed project is one of two 2019 HTC resolution applications received and both are located within the City's Concerted Revitalization Plan area.

Proposed Project Location: The Park on 14th will include 60 units on 1.54 acres located at 1421 G

Avenue, Plano, TX 75074.

**Strategic Plan Goal:**

Great Neighborhoods - 1st Choice to Live

**Plano Tomorrow Plan Pillar:**

Social Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Memo	1/3/2019	Memo
Assessment	1/3/2019	Other
Resolution	1/4/2019	Resolution

**Date:** January 3, 2019  
**To:** Bruce D. Glasscock, City Manager  
**From:** Lori F. Schwarz, AICP, Director of Neighborhood Services  
**Subject:** City Housing Tax Credit Resolution Application

## **Summary**

DMA Development Company, LLC submitted an application for a resolution supporting its proposed 9% housing tax credit (HTC) development, The Park on 14th. The proposed project is one of two 2019 HTC resolution applications received and both are located within the City's Concerted Revitalization Plan area.

Proposed Project Location: The Park on 14th will include 60 units on 1.54 acres located at 1421 G Avenue, Plano, TX 75074.

## **Background**

Housing Tax Credits (HTC), through the Texas Department of Housing and Community Affairs (TDHCA), promote the development of affordable rental housing for low income households. Texas Government Code §2306.6710 and Texas Administrative Code Title 10, §11.9(d)(1) affords TDHCA applicants up to seventeen (17) points for resolutions voted on and adopted by the governing body of the municipality. Additionally, TDHCA applicants may receive one (1) point for a commitment of development funding from the municipality in which it is located, and up to seven (7) points if it is located within the municipality's Concerted Revitalization Plan area. The City Council approved the criteria necessary to receive a resolution supporting a housing tax credit application through Resolution No. 2016-11-4(R). The revision of the application along with the criteria were reviewed and approved by the City Council at the Preliminary Open Meeting on November 12, 2018.

## **Project Details:**

On December 13, 2018, DMA Development Company, LLC submitted an application for a Resolution of Support for its proposed 9% housing tax credit application for The Park on 14th. This development is estimated to consist of 60 total units, 12 of which will be leased at market rate and 48 units will be leased at an affordable rate to households with income below 60% of the area median income (AMI).

## **Community Need**

The 2015-2019 Consolidated Plan of Housing and Community Development Needs (the Plan) highlights the unmet housing affordability that low income renters experience. The Plan includes a decent housing strategy of encouraging the provision of decent, safe, and affordable housing for low and moderate income and special needs residents. Article XI of the City of Plano Code of Ordinances establishes an Infill Housing Program that promotes the development of real property for low and moderate income housing to effectuate the public purpose of providing affordable housing for low and moderate income families.

## **Resolution of Support Application Review**

Staff from the Neighborhood Services, Planning, and Special Projects Departments, convened as a review committee to evaluate the two submitted applications. The Staff Review Committee finds the

application for The Park on 14th to be in conformance with the City Council approved evaluation criteria to receive a Resolution of Support. The application met a minimum of four out of the five threshold questions. The committee's threshold question review of this housing tax credit application is provided as an attachment.

**Next Steps**

If approved, DMA Development Company, LLC will include the Resolution of Support with the application for 9% housing tax credits for The Park on 14th to TDHCA. All applications receiving a Resolution of Support will also receive a minimum of \$500 commitment of development funding in the form of fee waivers.

Attachment 1: The Park on 14<sup>th</sup> Threshold Evaluation

XC: Jack Carr, Deputy City Manager  
Shanette Eaden, Housing and Community Services Manager



## City of Plano Housing Tax Credit Resolution Application Threshold Evaluation

<b>Development Name</b>	The Park on 14th
<b>Applicant Name</b>	DMA Development Company, LLC
<b>Total Threshold Questions Met</b>	Four (4)
<b>Resolution Recommendation</b>	Resolution of Support

### Threshold Questions

- 1) Do the units address a housing need or problem identified in the Needs Assessment or Market Analysis sections of the City of Plano's current Consolidated Plan for HUD programs?

**Review Committee Assessment:** Yes

**Review Committee Comments:** The application addresses the unmet housing affordability that low-income renters experience, as identified in the city's current Consolidated Plan.

- 2) Location: Is the project located within 0.50 mile walking distance of DART transportation (current or developing public transportation route) and/or is the project located in a high opportunity area?

High opportunity area is defined as an area with an area median income (AMI) greater than 80%; or an area with poverty rate of 10% or less

**Review Committee Assessment:** Yes

**Review Committee Comments:** The proposed development is located within a half mile (0.5) walking distance of DART transportation.

- 3) Does the development have at least 20% of market rate units?

**Review Committee Assessment:** Yes

**Review Committee Comments:** Market rate units make up 20% the development.

- 4) Does this development redevelop a multifamily complex or under-performing development?

Under-performing commercial development includes underused commercial structures (office building, shopping mall/center, and retail), aging commercial centers, and commercial structures that are incompatible with surrounding uses.

**Review Committee Assessment:** No

**Review Committee Comments:** The proposed site is vacant land.

- 5) Does the development include at least four of the below energy efficient or sustainable/green build components?

- The use of **better than** R-3 insulation on exposed hot water pipes;
- Energy Star qualified windows with Low E glass;
- Energy Star qualified HVAC;





## City of Plano Housing Tax Credit Resolution Application Threshold Evaluation

- Energy Star certified water heaters;
- Radiant barrier per ASTM standards in attic and/or roof sheathing; and/or exterior wall sheathing (**may not be combined with spray foam insulation**);
- Spray foam insulation exceeding code requirements; and
- Low or no VOC paint

**Review Committee Assessment:** Yes

**Review Committee Comments:** Per the application, the development has five of the seven components mentioned above.

**Conclusion:** Staff finds the application for The Park on 14th to be in conformance with the City Council approved evaluation criteria to receive a Resolution of Support.

**A Resolution of the City of Plano, Texas, supporting an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 1.54± acres, at 1421 G Avenue, Plano, TX; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date.**

**WHEREAS**, DMA Development Company, LLC has proposed a development for affordable rental housing which will be named “The Park on 14th” and will include approximately 60 units on 1.54± acres located at 1421 G Avenue, in the City of Plano, Collin County; and

**WHEREAS**, DMA Development Company, LLC intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2019 Competitive 9% Housing Tax Credits for The Park on 14th development; and

**WHEREAS**, The Park on 14th development will include 12 market rate units and 48 units affordable to seniors with an income at or below 60% of the area median income; and

**WHEREAS**, DMA Development Company has submitted a housing tax credit resolution application to the City which satisfies the criteria established in Resolution No. 2016-11-4(R) and criteria amendments approved during the Preliminary Open City Council Meeting on November 12, 2018; and

**WHEREAS**, the proposed development is located within the Concerted Revitalization Plan area; and

**WHEREAS**, the applicant, DMA Development Company, is recognized as a 501(c)3 organization by the Internal Revenue Service; and

**WHEREAS**, the City of Plano Housing Infill Program encourages the development of real property for low and moderate income housing; and

**WHEREAS**, the 2015-2019 Consolidated Plan of Housing and Community Development Needs notes that low income renters within the City of Plano have unmet housing needs, mostly related to affordability; and

**WHEREAS**, this Resolution of Support is specifically related to potential financing only and makes no finding regarding either the suitability of the proposed development site or compliance with the city’s development regulations, and approval of this resolution will not be construed as a development permit or approval; and

**WHEREAS**, the City of Plano will waive a minimum of \$500 in fees for each development of which a Resolution of Support was adopted by the City Council; and

**WHEREAS**, it is in the public interest of the citizens of the City of Plano that the application be made for such funding.

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

**SECTION I.** In accordance with Texas Government Code §2306.6710 and Texas Administrative Code Title 10, § 11.9(d)(1), the City of Plano, acting through its governing body, hereby confirms that it supports the proposed application for The Park on 14th, on 1.54± acres located at 1421 G Avenue, Plano, TX 75074, and that this formal action has been taken to put on record the opinion expressed by the City of Plano on January 14, 2019.

**SECTION II.** The Resolution of Support is based on the following information presented in the applications for The Park on 14th development:

1. The applications met four out of the five City of Plano Housing Tax Credit Resolution Application threshold questions; and
2. The Park on 14th development will include 12 market rate units and 48 units affordable to families with an income at or below 60% of the area median income.

**SECTION III.** The City Manager is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

**SECTION IV.** This resolution shall take effect immediately upon its passage.

**DULY PASSED AND APPROVED THIS THE 14<sup>th</sup> DAY OF JANUARY, 2019.**

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

Approved as to form:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Community Services

Department Head: Lori Schwarz

Agenda Coordinator: Nichole Adamo x8135

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### CAPTION

**Resolution No. 2019-1-6(R):** To support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 2.09± acres located at 1309 F Avenue, Plano, TX; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. **Adopted with amendment**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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**COMMENTS:** This item has no fiscal impact.

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### SUMMARY OF ITEM

Plano Housing Corporation submitted an application for a resolution supporting its proposed 9% housing tax credit (HTC) development, the Patriot Park Seniors. The proposed project is one of two 2019 HTC resolution applications received and both are located within the City's Concerted Revitalization Plan area.

Proposed Project Location: Patriot Park Seniors will include 81 units on 2.093 acres located at 1309 F Avenue, Plano, TX 75074.

**Strategic Plan Goal:**

Great Neighborhoods - 1st Choice to Live

**Plano Tomorrow Plan Pillar:**

Social Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Memo	1/4/2019	Memo
Assessment	1/4/2019	Other
Resolution	1/7/2019	Resolution

**Date:** January 3, 2019  
**To:** Bruce D. Glasscock, City Manager  
**From:** Lori F. Schwarz, AICP, Director of Neighborhood Services  
**Subject:** City Housing Tax Credit Resolution Application

## **Summary**

Plano Housing Corporation submitted an application for a resolution supporting its proposed 9% housing tax credit (HTC) development, Patriot Park Seniors. The proposed project is one of two 2019 HTC resolution applications received and both are located within the City's Concerted Revitalization Plan area.

Proposed Project Location: Patriot Park Seniors will include 81 units on 2.093 acres located at 1309 F Avenue, Plano, TX 75074.

## **Background**

Housing Tax Credits (HTC), through the Texas Department of Housing and Community Affairs (TDHCA), promote the development of affordable rental housing for low income households. Texas Government Code §2306.6710 and Texas Administrative Code Title 10, §11.9(d)(1) affords TDHCA applicants up to seventeen (17) points for resolutions voted on and adopted by the governing body of the municipality. Additionally, TDHCA applicants may receive one (1) point for a commitment of development funding from the municipality in which it is located, and up to seven (7) points if it is located within the municipality's Concerted Revitalization Plan area. The City Council approved the criteria necessary to receive a resolution supporting a housing tax credit application through Resolution No. 2016-11-4(R). The revision of the application along with the criteria were reviewed and approved by the City Council at the Preliminary Open Meeting on November 12, 2018.

## **Project Details:**

On December 13, 2018, Plano Housing Corporation submitted an application for a Resolution of Support for its proposed 9% housing tax credit application for Patriot Park Seniors. This is the second phase of the development and is estimated to consist of 81 total units, 17 of which will be leased at market rate and 64 units will be leased at an affordable rate to households with income below 60% of the area median income (AMI).

## **Community Need**

The 2015-2019 Consolidated Plan of Housing and Community Development Needs (the Plan) highlights the unmet housing affordability that low income renters experience. The Plan includes a decent housing strategy of encouraging the provision of decent, safe, and affordable housing for low and moderate income and special needs residents. Article XI of the City of Plano Code of Ordinances establishes an Infill Housing Program that promotes the development of real property for low and moderate income housing to effectuate the public purpose of providing affordable housing for low and moderate income families.

### **Resolution of Support Application Review**

Staff from the Neighborhood Services, Planning, and Special Projects Departments, convened as a review committee to evaluate the two submitted applications. The Staff Review Committee finds the application for Patriot Park Seniors to be in conformance with the City Council approved evaluation criteria to receive a Resolution of Support. The application met the minimum of four out of the five threshold questions. The committee's threshold question review of this housing tax credit application is provided as an attachment.

### **Next Steps**

If approved, Plano Housing Corporation will include the Resolution of Support with the application for 9% housing tax credits for Patriot Park Seniors to TDHCA. All applications receiving a Resolution of Support will also receive a minimum of \$500 commitment of development funding in the form of fee waivers.

Attachment 1: Patriot Park Seniors Threshold Evaluation

XC:        Jack Carr, Deputy City Manager  
              Shanette Eaden, Housing and Community Services Manager



## City of Plano Housing Tax Credit Resolution Application Threshold Evaluation

<b>Development Name</b>	Patriot Park Seniors
<b>Applicant Name</b>	Plano Housing Corporation
<b>Total Threshold Questions Met</b>	Four (4)
<b>Resolution Recommendation</b>	Resolution of Support and application that contributes more than any other proposed 2019 HTC developments to the concerted revitalization efforts.

### Threshold Questions

- 1) Do the units address a housing need or problem identified in the Needs Assessment or Market Analysis sections of the City of Plano's current Consolidated Plan for HUD programs?

**Review Committee Assessment:** Yes

**Review Committee Comments:** The application addresses the unmet housing affordability that low-income renters experience, as identified in the city's current Consolidated Plan.

- 2) Location: Is the project located within 0.50 mile walking distance of DART transportation (current or developing public transportation route) and/or is the project located in a high opportunity area?

High opportunity area is defined as an area with an area median income (AMI) greater than 80%; or an area with poverty rate of 10% or less

**Review Committee Assessment:** Yes

**Review Committee Comments:** The proposed development is located within a half mile (0.5) walking distance of DART transportation.

- 3) Does the development have at least 20% of market rate units?

**Review Committee Assessment:** Yes

**Review Committee Comments:** Market rate units make up 20.99% the development.

- 4) Does this development redevelop a multifamily complex or under-performing development?

Under-performing commercial development includes underused commercial structures (office building, shopping mall/center, and retail), aging commercial centers, and commercial structures that are incompatible with surrounding uses.

**Review Committee Assessment:** No

**Review Committee Comments:** The proposed site is vacant land.

- 5) Does the development include at least four of the below energy efficient or sustainable/green build components?

- The use of **better than** R-3 insulation on exposed hot water pipes;
- Energy Star qualified windows with Low E glass;





## City of Plano Housing Tax Credit Resolution Application Threshold Evaluation

- Energy Star qualified HVAC;
- Energy Star certified water heaters;
- Radiant barrier per ASTM standards in attic and/or roof sheathing; and/or exterior wall sheathing **(may not be combined with spray foam insulation)**;
- Spray foam insulation exceeding code requirements; and
- Low or no VOC paint

**Review Committee Assessment:** Yes

**Review Committee Comments:** The application indicated that the development will include all of the energy efficient components listed above. However, it is important to note that radiant barrier sheathing should not be used in conjunction with the spray foam insulation method.

**Conclusion:** Staff finds the application for Patriot Park Seniors to be in conformance with the City Council approved evaluation criteria to receive a Resolution of Support.

**A Resolution of the City of Plano, Texas, supporting an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 2.09± acres located at 1309 F Avenue, Plano, TX; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date.**

**WHEREAS**, Plano Housing Corporation has proposed a development for affordable rental housing which will be named “Patriot Park Seniors” and will include approximately 81 units on 2.09± acres located at 1309 F Avenue, in the City of Plano, Collin County; and

**WHEREAS**, Plano Housing Corporation intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2019 Competitive 9% Housing Tax Credits for the Patriot Park Seniors development; and

**WHEREAS**, Patriot Park Seniors development will include 17 market rate units and 64 units affordable to seniors with an income at or below 60% of the area median income; and

**WHEREAS**, Plano Housing Corporation has submitted a housing tax credit resolution application to the City which satisfies the criteria established in Resolution No. 2016-11-4(R) and criteria amendments approved during the Preliminary Open City Council Meeting on November 12, 2018; and

**WHEREAS**, the applicant, Plano Housing Corporation, is recognized as a 501(c)3 organization by the Internal Revenue Service; and

**WHEREAS**, the City of Plano Housing Infill Program encourages the development of real property for low and moderate income housing; and

**WHEREAS**, the 2015-2019 Consolidated Plan of Housing and Community Development Needs notes that low income renters within the City of Plano have unmet housing needs, mostly related to affordability; and

**WHEREAS**, this Resolution of Support is specifically related to potential financing only and makes no finding regarding either the suitability of the proposed development site or compliance with the city’s development regulations, and approval of this resolution will not be construed as a development permit or approval; and

**WHEREAS**, the City of Plano will waive a minimum of \$500 in fees for each development of which a Resolution of Support was adopted by the City Council; and

**WHEREAS**, it is in the public interest of the citizens of the City of Plano that the application be made for such funding.

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

**SECTION I.** In accordance with Texas Government Code §2306.6710 and Texas Administrative Code Title 10, § 11.9(d)(1), the City of Plano, acting through its governing body, hereby confirms that it supports the proposed application for Patriot Park Seniors, on 2.09± acres located at 1309 F Avenue, Plano, TX 75074, and that this formal action has been taken to put on record the opinion expressed by the City of Plano on January 14, 2019.

**SECTION II.** The Resolution of Support is based on the following information presented in the applications for Patriot Park Seniors development:

1. The applications met four out of the five City of Plano Housing Tax Credit Resolution Application threshold questions; and
2. Patriot Park Seniors development will include 17 market rate units and 64 units affordable to families with an income at or below 60% of the area median income.

**SECTION III.** The City Manager is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

**SECTION IV.** This resolution shall take effect immediately upon its passage.

**DULY PASSED AND APPROVED THIS THE 14<sup>th</sup> DAY OF JANUARY, 2019.**

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

Approved as to form:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Community Services

Department Head: Lori Schwarz

Agenda Coordinator: Nichole Adamo x8135

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### CAPTION

Consideration to designate the 2019 9% Housing Tax Credit (HTC) application that contributes to the concerted revitalization efforts of the City more than any other application. **Approved - Patriot Park Seniors**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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**COMMENTS:** This item has no fiscal impact.

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### SUMMARY OF ITEM

Consideration to designate the 2019 9% Housing Tax Credit (HTC) application that contributes to the concerted revitalization efforts of the City more than any other application. The staff review committee is recommending the application for Patriot Park Seniors receive this designation in the 2019 HTC process.

**Strategic Plan Goal:**

Great Neighborhoods - 1st Choice to Live

**Plano Tomorrow Plan Pillar:**

Social Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
Memo	1/4/2019	Memo
Attachment 1 - Staff assessment	1/4/2019	Attachment
Attachment 2 - Patriot Park Seniors application	1/4/2019	Attachment
Attachment 3 - The Park on 14th application	1/4/2019	Attachment

**Date:** January 4, 2019  
**To:** Bruce D. Glasscock, City Manager  
**From:** Lori F. Schwarz, AICP, Director of Neighborhood Services  
**Subject:** Concerted Revitalization Points Review

## **Summary**

Consideration to designate the 2019 9% Housing Tax Credit (HTC) application that contributes to the concerted revitalization efforts of the City more than any other application. The staff review committee is recommending the application for Patriot Park Seniors receive this designation in the 2019 HTC process.

## **Background**

An applicant for the Competitive (9%) Housing Tax Credits may receive an additional two (2) points in the Texas Department of Housing and Community Affairs (TDHCA) process if the development is explicitly identified in a City resolution, as contributing more than any other to the concerted revitalization efforts of the municipality. However, a municipality may only identify one (1) development per Concerted Revitalization Plan (CRP) area during each HTC Application Round.

The City Council reviewed and approved the revised HTC Resolution Application and criteria to receive the concerted revitalization points at the Preliminary Open Meeting on November 12, 2018. To be considered the development that contributes more than any other to the concerted revitalization efforts of the municipality, an application must:

1. Receive a Resolution of Support,
2. Have a development located within the City's CRP area, and,
3. Most fully meet or exceed the criteria identified in the application.

## **Consideration to Receive Concerted Revitalization Points Review**

Staff from the Neighborhood Services, Planning, and Special Projects Departments, convened as a review committee to evaluate the two submitted applications, Patriot Park Seniors and The Park on 14<sup>th</sup>. The staff review committee finds both applications to be in conformance with the City Council approved evaluation criteria to receive a Resolution of Support, and to be considered for the concerted revitalization points.

The committee discussed various positive and negative aspects of both applications. Staff found both proposed developments would advance the goals of the City's CRP by adding housing units and providing the needed affordable housing to low-to-moderate income households. Both developments target populations are residents aged 55 and older and will provide amenities to the residents. A detailed assessment of the applications by the approved criteria is provided as Attachment 1.

Upon review of all of the submitted application criteria, the majority of the review committee recommends that Patriot Park Seniors be deemed as the development that contributes to the concerted revitalization efforts of the City more than any other 2019 9% HTC application.

**Next Steps:**

After consideration of the staff recommendation and presentations by the applicants, the development application that is deemed by City Council as contributing to the concerted revitalization efforts of the City more than any other 2019 9% HTC applicant will have the following added to the Resolution of Support for submission to the TDHCA application process.

**WHEREAS**, the proposed development is located within the Concerted Revitalization Plan area and contributes to the concerted revitalization efforts of the City more than any other proposed nine percent housing tax credit applications; and

**Attachments:**

Attachment 1: Staff review committee assessment for consideration of CRP points

Attachment 2: Patriot Park Seniors 2019 City of Plano HTC application

Attachment 3: The Park on 14<sup>th</sup> 2019 City of Plano HTC application

XC: Jack Carr, Deputy City Manager  
Shanette Eaden, Housing and Community Services Manager

**Consideration to be deemed the Development contributing more than any other to the City of Plano's Concerted Revitalization efforts**

All applications receiving a Resolution of Support will be provided:

- A minimum of a \$500 commitment of development funding in the form of a fee waiver; and
- Consideration to be deemed the application that best fits the City's Concerted Revitalization Plan.

Consideration to be deemed the application that best fits the City's Concerted Revitalization Plan	Review Committee Assessment	
	Patriot Park Seniors	The Park on 14 <sup>th</sup>
Developments' amenities and features.	The application listed various amenities including: <ul style="list-style-type: none"> <li>• Clubhouse;</li> <li>• Meeting room;</li> <li>• Workout facility; and</li> <li>• A dog park and sitting areas.</li> </ul>	The application listed various amenities including: <ul style="list-style-type: none"> <li>• Community room with covered patio and party kitchen;</li> <li>• Library/T.V. lounge;</li> <li>• A movie/auditorium;</li> <li>• Business center;</li> <li>• Fitness room;</li> <li>• Stoops and/or patios for first floor units fronting 14th Street and G Avenue to activate the streetscape and tie into the neighborhood; and</li> <li>• Outdoor seating areas</li> </ul>
1. Is the development located within the Tax Increment Finance (TIF) district and is it located within the Neighborhood Empowerment Zone (NEZ)?	<b>Yes</b> The development is located within 0.5 mile walking distance of DART transportation.	<b>Yes</b> The development is located within 0.5 mile walking distance of DART transportation.
2. Is the development located within the Opportunity Zone?	<b>No</b>	<b>No</b>
3. Is the Developer or Applicant a nonprofit organization?	<b>Yes</b>	<b>Yes</b>
4. Has the ownership entity and/or applicant been certified as a Community Housing Development Organization (CHDO) within the last twelve (12) months)?	<b>Yes</b> The applicant was recently certified as a Community Housing Development Organization (CHDO) by the City of Plano.	<b>No</b>



Consideration to be deemed the application that best fits the City's Concerted Revitalization Plan	Review Committee Assessment	
	Patriot Park Seniors	The Park on 14 <sup>th</sup>
5. Does the applicant have equity partner(s) for this development?	<b>Yes</b> The applicant provided the letter of intent to invest equity, dated December 13, 2018. The letter did not detail the terms of the agreement.	<b>Yes</b> The applicant provided a detailed equity partner agreement, dated January 24, 2018, which thoroughly detailed the specific financial commitments and responsibilities of the Managing Member, the applicant (DMA), and Guarantor, the bank.
6. Does the development have at least 20% market rate units? Preference will be given to the project with a higher percentage of market rate units.	<b>Yes</b> Market rate units make up 20.99% of the development.	<b>Yes</b> Market rate units make up 20% of the development.
7. Are the target populations for the proposed development low-income families?	<b>No- 74% of total units are 1-bedroom units.</b> Although the development will serve low-to-moderate income tenants, 74% of the total units are 1-bedroom units and the remaining are 2-bedroom units. Based on the distribution of units, the target population of this development appears to be 1-2 person households rather than families.	<b>No- 78% of total units are 1- bedroom units.</b> Although the development will serve low-to-moderate income tenants, 78% of the total units are 1-bedroom units and the remaining are 2-bedroom units. Based on the distribution of units, the target population of this development appears to be 1-2 person households rather than families.
8. Does the applicant have current or previous funding contracts for the use of federal funds; or have completed Housing Tax Credit Project(s), within the past 5 years.	<b>Yes</b> The applicant has current funding contracts with the TDHCA for the development of two HTC projects, Veranda Townhomes and Patriot Park Family. Construction of both projects are scheduled to start in 2019.  The applicant listed one (1) development completed by its development partner. However, this development partner was not listed in the application. Therefore, staff did not include this project in the consideration of the application.	<b>Yes</b> The applicant showed their experience in successfully building and operating HTC developments by listing six existing HTC developments that they built within the last five years throughout Texas.

Consideration to be deemed the application that best fits the City's Concerted Revitalization Plan	Committee Review Assessment	
	<i>Patriot Park Seniors</i>	<i>The Park on 14<sup>th</sup></i>
9. Does the development advance the goals of the City's Concerted Revitalization Plan?	<p><b>Yes</b></p> <p>The applicant indicated that its development advances the goal by providing mixed housing opportunities and needed affordable housing.</p> <p>Answer provided by the applicant included below:            "Mixed Housing Opportunities. This project is specifically mentioned in the Plan as item O on the key map and in the Appendix on page 30. This is the second phase of that development. It was formerly known as Artist's Lofts. It meets the designs and principals of the Plan and provides needed affordable housing in the Opportunity Area."</p>	<p><b>Answer Not Provided:</b></p> <p>The applicant did not provide the answer within the application. Rather, the applicant attached a separate page as its response. As stated in the application, only required documents will be reviewed. Therefore, the attached answer to this question was not reviewed by the committee.</p>



## City of Plano HTC Resolution Application Threshold Questions

### Threshold Evaluation Criteria

Staff will use the below threshold questions and information submitted by the developer with the application to determine whether a Resolution of Support or a Resolution of No Objection will be recommended to City Council.

#### Resolutions of Support

Applications meeting at least 4 of the 5 threshold questions below, including threshold question #1, will receive a staff recommendation for a Resolution of Support.

#### Resolutions of No Objection

Applications meeting at least 3 of the 5 threshold questions below, including threshold question #1, will receive a staff recommendation for a Resolution of No Objection.

#### Threshold Questions – as defined further within the application.

- 1) Do the units address a housing need or problem identified in the Needs Assessment or Market Analysis sections of the City of Plano's current Consolidated Plan for HUD programs?
- 2) Is the proposed Development located within half a mile (0.50) mile walking distance of DART transportation (current or developing public transportation route); **or** is the proposed Development located in a high opportunity area?  
  
High opportunity area is defined as an area with area median income (AMI) greater than 80%; or an area with poverty rate of 10% or less.
- 3) Does the proposed development have at least 20% market rate units?
- 4) Does this development redevelop a multifamily complex or under-performing commercial development?
- 5) Does the development include at least 4 of the below energy efficient or sustainable/green build components?
  - a) The use of better than R-3 insulation on exposed hot water pipes;
  - b) Energy Star qualified windows with Low E glass;
  - c) Energy Star qualified HVAC;
  - d) Energy Star certified water heaters;
  - e) Radiant barrier per ASTM standards in attic and/or roof sheathing; and/or exterior wall sheathing (may not be combined with spray foam insulation);
  - f) Spray foam insulation exceeding code requirements; or
  - g) Low or no VOC paint



## City of Plano HTC Resolution Application Threshold Questions

### All applicants receiving a Resolution of Support will be provided:

- **Commitment of Development Funding:** A minimum of a \$500 commitment of development funding in the form of a fee waiver; and
- **Consideration to receive Concerted Revitalization Points:** An application that receives a Resolution of Support **and** is located within the City's Concerted Revitalization Plan area may be considered as the application that best fits the City's Concerted Revitalization Plan. The additional two points will be awarded to the applicant who most fully meets or exceeds the criteria listed below:
  1. The project is located within the Tax Increment Financing (TIF) and/or Neighborhood Empowerment Zone (NEZ) area(s);
  2. The project is located within the Opportunity Zone;
  3. The applicant is a nonprofit organization;
  4. The applicant has been certified as a Community Housing Development Organization (CHDO) within the last 12 months;
  5. The applicant has an equity partner;
  6. At least 20% of the units in the development are market rate units. Preference will be given to the project with a higher percentage of market rate units;
  7. The target populations for the proposed development are low-income families;
  8. The applicant has current funding contracts or has completed Housing Tax Credit project(s) within the past 5 years; and
  9. The development advances the goals of the City's Concerted Revitalization Plan; and

City of Plano Timeline	
Deadline	Action
November 12, 2018	Brief City Council on the updated process
December 14, 2018	9% HTC Resolution Application due
January 14, 2019	City Council Review of HTC Resolutions
TDHCA Timeline	
Deadline	Required Documentation
January 4, 2019	Application acceptance period begins
March 1, 2019	Local resolutions and state representative letters due
June 1, 2019	Application scores released
July 2019	Final awards



## City of Plano

### Housing Tax Credit Resolution of Support Application

#### **Percent (4%) Housing Tax Credit Resolution Application**

Four Percent (4%) housing tax credit applications are accepted year round. Use one application per resolution request. The applications will be subject to the same evaluation criteria as the Nine Percent (9%) applications.

#### **Nine Percent (9%) Housing Tax Credit Resolution Application**

Nine Percent (9%) housing tax credit applications must be submitted by 3:00 PM on Friday, December 14, 2018. Use one application per resolution request. Any documents submitted after the deadline will not be considered as part of your application and will not be reviewed.

#### **Required Documents**

To be considered for the resolution, you must submit the required documents listed below with your application. Incomplete applications and/or applications missing substantial information will be deemed ineligible. Do not provide any non-required documents such as cover letter, pictures and informational insert(s).

Please submit **ONLY** the required items below.

- Location map showing the site of the proposed development;
- IRS 501(c)3 Letter of Determination (if applicable);
- A Confirmed Equity Commitment Letter; and
- CHDO Certification Letter (if applicable).

#### **Application Submission**

Applications and required documents must be submitted by email to [nopawna@plano.gov](mailto:nopawna@plano.gov). Documents must be readable using Adobe PDF Reader software. Scanned documents must be legible and printable on standard 8.5" by 11" paper.

Successful application submission will receive confirmation email by staff within one (1) business day. Applications submitted without submission receipt email confirming successful receipt of your application(s) will not be considered.

Applications delivered by individuals to the City or by mail will not be accepted.

For questions, contact Nopawn Austin ([nopawna@plano.gov](mailto:nopawna@plano.gov)) in the Neighborhood Services Department at 972-208-8150.

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## City of Plano Housing Tax Credit Resolution of Support Application

Select type of Housing Tax Credit Resolution are you requesting:

☐ 4% Housing Tax Credit

OR

☒ 9% Housing Tax Credit

### Development Information

Development Name as it will appear on the TDHCA application:

Patriot Park Seniors

Ownership Entity as it will appear on the TDHCA application:

Plano Seniors 001 LP

Development Address: 1309 F Ave., Plano, TX 75074

Legal Description: Being Lot 2R, Block 1, of MILLENNIUM ADDITION, an Addition to the City of Plano, Collin County, Texas, according to the Replat thereof recorded in Volume K, Page 747, Map Records, Collin County, Texas. and abandoned portion of F Avenue.

Development Type:

☒ New Construction ☐ Reconstruction ☐ Adaptive Reuse ☐ Rehabilitation

Site Acreage: 2.093

Number of buildings: 1

Number of Stories: 4

Unit Type	Market Rate Units	Affordable Units	Total Number of Units
Number of Units Proposed	17.00	64.00	81.00
Percentage of Total Units	20.99%	79.01%	100.00%

How many units are available to each income bracket listed below (i.e. rent level of tenants)?

0-30% AMI	31-50% AMI	51-60% AMI	61-80% AMI	Market Rate	Total Units
7.00	26.00	31.00		17.00	81.00

Unit mix/types available:

Efficiency	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	Total Units
	60.00	21.00			81.00

How many accessible units are included? 5

Will the development be tax exempt upon completion? ☒ Yes OR ☐ No

If yes, explain:

CHDO exemption

List property amenities below, noting any difference between market rate and affordable amenities:

All units will be energy efficient, have 9' ceiling, energy star appliances, W/D connections, ceiling fans, etc.

Amenities -

Clubhouse, meeting room, service provider's office, workout facility, dog park and sitting areas.

On site services and programs appropriate for seniors will be provided at no cost to all residents.

There will be no difference in amenities for affordable or market rate residents.

(380 Characters Max.)

### **Preliminary Development Budget**

Land/Acquisition	\$ 1,346,000.00
Site Preparation Cost/ Off Site Costs	\$ 25,000.00
Direct Construction and Site Work	\$ 8,583,250.00
Indirect Construction Cost and Soft Costs	\$ 2,743,206.00
Site Amenities	
Developer Fee	\$ 1,019,256.00
Other Costs	
<b>Total</b>	<b>\$ 13,716,712.00</b>
<b>Comments:</b> Site Amenities are included in direct construction and indirect costs. This includes cost of construction of facilities and furnishings.	

(600 Characters Max.)



## Addressing Threshold Questions

1) Explain how the development addresses a housing need (pages 26 to 48) or problem identified in the Needs Assessment or Market Analysis sections (pages 57 to 68) of the City of Plano's current Consolidated Plan.

Meets needs outlined in City's CR Plan by providing affordable housing near amenities including DART train and senior's center. This project meets Consolidated Plan's needs for low and extreme low income, cost burdened and elderly renters. 5% of the units will be completely accessible that can be used by eligible disabled residents, a specific need of the Plan. This will serve lower income elderly which are specific needs outlined on pages 26, 28, 29, 34, 57 & 60 of the Plan.

(440 Characters Max.)

2) Is the project located within a half mile (0.5) walking distance of DART transportation (current or developing public transportation route) and/or is the project located in a high opportunity area? ☒ Yes OR ☐ No

If yes, specify ☒ Within 0.5 mile ☐ High Opportunity

3) Does the development have at least 20% of market rate units?

☒ Yes OR ☐ No

4) What is the current use of the proposed site? (350 Characters Max.)

vacant

4-A) Is the proposed project a redevelopment of under-performing commercial development or multifamily complex? Under-performing commercial development includes underused commercial structures (office building, shopping mall/center, and retail), aging commercial centers, and commercial structures that are incompatible with surrounding uses.

☐ Yes OR ☒ No If yes, briefly explain:

(350 Characters Max.)

5) Will the development include any of the below energy efficient components or sustainable/green build components? Please select each applicable component. (Minimum of four components is necessary to meet this threshold requirement).

- ☒ The use of better than R-3 insulation on exposed hot water pipes
- ☒ Energy Star Qualified windows with Low E Glass
- ☒ Energy Star Qualified HVAC
- ☒ Energy Star Certified Water Heaters
- ☒ Radiant barrier per ASTM standards in attic and/or roof sheathing; and/or exterior wall sheathing (may not be combined with spray foam insulation)
- ☒ Spray foam insulation exceeding code requirements
- ☒ Low or no VOC paint

**Consideration to be deemed the application  
that best fits the City's Concerted Revitalization Plan**

1. Is the development located within the City of Plano Concerted Revitalization Plan Area?

☒ Yes OR ☐ No

Check the area(s) in which the development is located:

☒ Tax Increment Financing (TIF) and/or ☒ Neighborhood Empowerment Zone (NEZ)?

2. Is the project located within the Opportunity Zone?

☐ Yes OR ☒ No

3. Is the Developer or Applicant a 501(c)3 organization?

☒ Yes OR ☐ No

4. Has the ownership entity and/or applicant been certified as a CHDO within the last 12 months?

☒ Yes OR ☐ No

If yes, please state the city/cities that provided such certification:

City of Plano

(440 Characters Max.)

5. Does the applicant have equity partner(s) for this development? (Equity partner confirmation letter must be provided in order to receive this point.)

☒ Yes OR ☐ No

6. Does the proposed development have at least 20% market rate units? Preference will be given to project with higher percentage of market rate units.

☒ Yes OR ☐ No Percentage of Market Rate Units: 20.99%

7. Are the target populations for the proposed development low-income families?

☒ Yes OR ☐ No OR ☐ Combination



8. Does the applicant have current or previous funding contracts for the use of federal funds; or have completed Housing Tax Credit Project(s), within the past 5 years.

☒ Yes OR ☐ No

List existing development properties that have been built by the Ownership Entity and/or the Applicant within the past five (5) years.

Project Name	City	Type of Funding (HTC/CDBG/ HOME /OTHER)	Estimated Project Budget	Was the project completed as proposed?
Veranda Townhomes	Plano	HTC	\$ 14,000,000	
Comments: Project's construction will start by 1/31/19				
Patriot Park Family	Plano	HTC	\$ 23,300,000	
Comments: Project's construction will start by 4/1/19				
Residences at Earl Campbell	Tyler	HTC	\$ 15,000,000	✓
Comments: Completed 7/17 by Lakewood Property Management LLC development partner				
Comments:				
Comments:				
Comments:				
Comments:				
Comments:				

9. How does the development advance the goals of the City's Concerted Revitalization Plan? Describe how it fully meets or exceeds the goals.

Mixed Housing Opportunities. This project is specifically mentioned in the Plan as Item O on the key map and in the Appendix on page 30. This is the second phase of that development. It was formerly known as Artist's Lofts. It meets the design elements and principals of the Plan and provides needed affordable housing in the Opportunity Area.

**Developer Information**

(850 Characters Max.)

Organization Name:

Address:  City/State/Zip code:

DUNS Number:

Main Contact Person:  Title:

Phone Number:  Email:

Do you have site control or owner's consent to apply for HTC funding on this site?

☒ Yes OR ☐ No

**Property Owner Information**

Owner Name(s):

Address:  City/State/Zip:

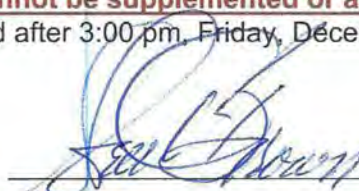
Phone Number:  Email:

**Application Submittal Signature**

By signing this form, the Applicant authorizes the City of Plano to begin proceeding in accordance with the process for this request. The applicant further acknowledges that submission of an application does not in any way obligate the City of Plano to approve the application and that although City staff may make certain recommendations regarding this application, the decision making authority may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.

Any information found to be misleading and/or inaccurate will result in automatic disqualification under this program.

**This application cannot be supplemented or amended after submission.** Nine Percent (9%) application submitted after 3:00 pm, Friday, December 14, 2018, will not be accepted.

Applicant Signature:  Date: 12-10-18



Printed Name: Steve Brown



# Patriot Park Seniors

Distance to DART Train  
(DART Route 870 Flex at site)

## Legend

-  0.45 miles path to train station
-  Seniors site





INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
1100 COMMERCE STREET  
DALLAS, TX 75242-0000

DEPARTMENT OF THE TREASURY

OCT 23 1992  
Date:

PLANO HOUSING CORPORATION  
C/O ROBERT W BUFFINGTON  
P O BOX 860358  
PLANO, TX 75086-0358

Employer Identification Number:  
75-2441404  
Contact Person:  
SHARI FLOWERS  
Contact Telephone Number:  
(214) 767-3526

Accounting Period Ending:  
December 31  
Foundation Status Classification:  
509(a)(1)  
Advance Ruling Period Begins:  
March 16, 1992  
Advance Ruling Period Ends:  
December 31, 1996  
Addendum Applies:  
N/A

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

Letter 1045(DO/CG)



PLANO HOUSING CORPORATION

If we publish a notice in the Internal Revenue Bulletin stating that we will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social securities taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If you are required to file a return you must file it by the 15th day of

Letter 1045(DO/CG)

PLANO HOUSING CORPORATION

the fifth month after the end of your annual accounting period. We charge a penalty of \$10 a day when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty we charge cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. We may also charge this penalty if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

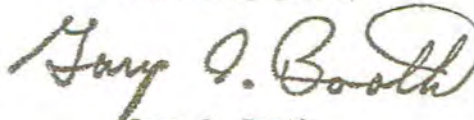
You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in dark ink, reading "Gary O. Booth". The signature is fluid and cursive, with the first name "Gary" being the most prominent part.

Gary O. Booth  
District Director

Enclosure(s):  
Form 872-C





December 13, 2018

Jean Brown  
Executive Director  
Plano Housing Corporation  
1740 Avenue G  
Plano, Texas 75074

*RE: Letter of intent to invest equity in Patriot Park Seniors*

Dear Jean:

I am pleased to inform you of Enterprise Housing Credit Investment's ("EHCI") commitment to syndicating the Low Income Housing Tax Credits ("LIHTCs") in the Patriot Park Seniors transaction, a proposed senior development in Plano, Texas. EHCI is one of the leading syndicators of LIHTCs and is very active in the Texas market. Since 1986, Enterprise has raised over \$15.0 billion in equity for the development of low income housing.

EHCI has worked with the Plano Housing Corporation team for over five years on several projects and initiatives. Our acquisitions team has reviewed the proposed structure with the Plano Housing Corporation team and is very familiar with the site and intended development.

EHCI can commit to providing approximately \$14 million in equity depending on the tax credit allocation in the Patriot Park Seniors development. We operate eight equity funds with appetite in the greater Dallas area and we have vetted the transaction to confirm placement with standard terms with the investor. This commitment is confirmed through at least December 31, 2019.

Please direct all questions and/or concerns regarding this letter of intent to Aron Weisner at 410-772-2621 who serves in the capacity as Vice President, Acquisitions for Enterprise Community Investment.

Sincerely,

A handwritten signature in dark ink that reads "Aron Weisner". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Aron Weisner  
Vice President, Acquisitions

Plano Housing Corporation  
Board of Directors  
Steve Brown  
2320 King Arthur Blvd, Lewisville, TX 75056

December 12, 2018

RE: COMMUNITY HOUSING DEVELOPMENT ORGANIZATION  
2018-2019 CERTIFICATION

Dear Mr. Brown and Board of Directors:

We are pleased to inform you that your organization has met the requirements for the Community Housing Development Organization (CHDO) certification as described in Subpart A, Section 92.2 of the HOME Final Rule.

Based on documents received, reviewed and accepted for CHDO certification, Plano Housing Corporation complies with HUD's regulations for a Community Housing Development Organization. Therefore, the organization is certified to act as a CHDO within the City of Plano.

CHDO certifications should be renewed annually. Additional and updated documents will be requested for each HOME-assisted project; the required documents will include but are not limited to:


- The organization's strategic plan specifying an action plan for housing development,
- A formal process for low-income input, and
- Complete details, information and supporting documents of proposed project(s)

**Please understand that being a certified CHDO does not guarantee City of Plano's funding and does not in any way obligate the City of Plano to approve a project proposed by the CHDO.**

The City looks forward to working with you on your affordable housing programs. Should you have any questions, please feel free to contact us at 972-208-8150.

  
Nopawn M Austin  
Housing and Community Services Coordinator, Sr.

12/12/2018  
Date

  
Shanette Eaden  
Housing & Community Services Manager

12/12/18  
Date

cc: Jean Brown, Executive Director/Operation Manager



## City of Plano HTC Resolution Application Threshold Questions

### Threshold Evaluation Criteria

Staff will use the below threshold questions and information submitted by the developer with the application to determine whether a Resolution of Support or a Resolution of No Objection will be recommended to City Council.

#### Resolutions of Support

Applications meeting at least 4 of the 5 threshold questions below, including threshold question #1, will receive a staff recommendation for a Resolution of Support.

#### Resolutions of No Objection

Applications meeting at least 3 of the 5 threshold questions below, including threshold question #1, will receive a staff recommendation for a Resolution of No Objection.

#### Threshold Questions – as defined further within the application.

- 1) Do the units address a housing need or problem identified in the Needs Assessment or Market Analysis sections of the City of Plano's current Consolidated Plan for HUD programs?
- 2) Is the proposed Development located within half a mile (0.50) mile walking distance of DART transportation (current or developing public transportation route); or is the proposed Development located in a high opportunity area?  
  
High opportunity area is defined as an area with area median income (AMI) greater than 80%; or an area with poverty rate of 10% or less.
- 3) Does the proposed development have at least 20% market rate units?
- 4) Does this development redevelop a multifamily complex or under-performing commercial development?
- 5) Does the development include at least 4 of the below energy efficient or sustainable/green build components?
  - a) The use of better than R-3 insulation on exposed hot water pipes;
  - b) Energy Star qualified windows with Low E glass;
  - c) Energy Star qualified HVAC;
  - d) Energy Star certified water heaters;
  - e) Radiant barrier per ASTM standards in attic and/or roof sheathing; and/or exterior wall sheathing (may not be combined with spray foam insulation);
  - f) Spray foam insulation exceeding code requirements; or
  - g) Low or no VOC paint





## City of Plano HTC Resolution Application Threshold Questions

### All applicants receiving a Resolution of Support will be provided:

- **Commitment of Development Funding:** A minimum of a \$500 commitment of development funding in the form of a fee waiver; and
- **Consideration to receive Concerted Revitalization Points:** An application that receives a Resolution of Support **and** is located within the City's Concerted Revitalization Plan area may be considered as the application that best fits the City's Concerted Revitalization Plan. The additional two points will be awarded to the applicant who most fully meets or exceeds the criteria listed below:
  1. The project is located within the Tax Increment Financing (TIF) and/or Neighborhood Empowerment Zone (NEZ) area(s);
  2. The project is located within the Opportunity Zone;
  3. The applicant is a nonprofit organization;
  4. The applicant has been certified as a Community Housing Development Organization (CHDO) within the last 12 months;
  5. The applicant has an equity partner;
  6. At least 20% of the units in the development are market rate units. Preference will be given to the project with a higher percentage of market rate units;
  7. The target populations for the proposed development are low-income families;
  8. The applicant has current funding contracts or has completed Housing Tax Credit project(s) within the past 5 years; and
  9. The development advances the goals of the City's Concerted Revitalization Plan; and

City of Plano Timeline	
Deadline	Action
November 12, 2018	Brief City Council on the updated process
December 14, 2018	9% HTC Resolution Application due
January 14, 2019	City Council Review of HTC Resolutions
TDHCA Timeline	
Deadline	Required Documentation
January 4, 2019	Application acceptance period begins
March 1, 2019	Local resolutions and state representative letters due
June 1, 2019	Application scores released
July 2019	Final awards



## City of Plano

### Housing Tax Credit Resolution of Support Application

#### **Percent (4%) Housing Tax Credit Resolution Application**

Four Percent (4%) housing tax credit applications are accepted year round. Use one application per resolution request. The applications will be subject to the same evaluation criteria as the Nine Percent (9%) applications.

#### **Nine Percent (9%) Housing Tax Credit Resolution Application**

Nine Percent (9%) housing tax credit applications must be submitted by 3:00 PM on Friday, December 14, 2018. Use one application per resolution request. Any documents submitted after the deadline will not be considered as part of your application and will not be reviewed.

#### **Required Documents**

To be considered for the resolution, you must submit the required documents listed below with your application. Incomplete applications and/or applications missing substantial information will be deemed ineligible. Do not provide any non-required documents such as cover letter, pictures and informational insert(s).

Please submit **ONLY** the required items below.

- Location map showing the site of the proposed development;
- IRS 501(c)3 Letter of Determination (if applicable);
- A Confirmed Equity Commitment Letter; and
- CHDO Certification Letter (if applicable).

#### **Application Submission**

Applications and required documents must be submitted by email to [nopawna@plano.gov](mailto:nopawna@plano.gov). Documents must be readable using Adobe PDF Reader software. Scanned documents must be legible and printable on standard 8.5" by 11" paper.

Successful application submission will receive confirmation email by staff within one (1) business day. Applications submitted without submission receipt email confirming successful receipt of your application(s) will not be considered.

Applications delivered by individuals to the City or by mail will not be accepted.

For questions, contact Nopawn Austin ([nopawna@plano.gov](mailto:nopawna@plano.gov)) in the Neighborhood Services Department at 972-208-8150.

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## City of Plano Housing Tax Credit Resolution of Support Application

Select type of Housing Tax Credit Resolution are you requesting:

☐

4% Housing Tax Credit

OR

☒

9% Housing Tax Credit

### Development Information

Development Name as it will appear on the TDHCA application:

The Park on 14th

Ownership Entity as it will appear on the TDHCA application:

Plano TSAHC-DMA Housing, LLC

Development Address: 1421 G Avenue, Plano TX 75074

Legal Description: Attached behind application.

Development Type:

☒

New Construction

☐

Reconstruction

☐

Adaptive Reuse

☐

Rehabilitation

Site Acreage: 1.54

Number of buildings: 1

Number of Stories: 4

Unit Type	Market Rate Units	Affordable Units	Total Number of Units
Number of Units Proposed	12.00	48.00	60.00
Percentage of Total Units	20.00%	80.00%	100.00%

How many units are available to each income bracket listed below (i.e. rent level of tenants)?

0-30% AMI	31-50% AMI	51-60% AMI	61-80% AMI	Market Rate	Total Units
5.00	20.00	23.00	0.00	12.00	60.00

Unit mix/types available:

Efficiency	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	Total Units
0.00	47.00	13.00	0.00	0.00	60.00

How many accessible units are included?

2

Will the development be tax exempt upon completion?

☒

Yes

OR

☐

No

If yes, explain:

The Managing Member of the development is a 501(c)(3) organization (see attached IRS letter).



List property amenities below, noting any difference between market rate and affordable amenities:

The following development amenities will be included: community room with covered patio and party kitchen, library/T.V. lounge, movie theater/auditorium, outdoor seating areas, business center, fitness room, and community laundry facilities. There are no design or amenity differences between market rate and affordable units. Each apartment will include 9' ceilings, a full appliance package, washer/dryer hook-ups, and ceiling fans. First floor units will include stoops and/or patios fronting 14th Street and G Ave. to activate the streetscape and tie into the neighborhood.

(380 Characters Max.)

**Preliminary Development Budget**

Land/Acquisition	\$ 612,500.00
Site Preparation Cost/ Off Site Costs	\$ 0.00
Direct Construction and Site Work	\$ 5,304,229.00
Indirect Construction Cost and Soft Costs	\$ 2,931,371.00
Site Amenities	\$ 60,000.00
Developer Fee	\$ 1,013,000.00
Other Costs	\$ 242,767.00
<b>Total</b>	<b>\$ 10,163,867.00</b>

**Comments:**

Other Costs: 6 months of debt service and operating reserve.

(600 Characters Max.)



### Addressing Threshold Questions

1) Explain how the development addresses a housing need (pages 26 to 48) or problem identified in the Needs Assessment or Market Analysis sections (pages 57 to 68) of the City of Plano's current Consolidated Plan.

The Park on 14th will add to Plano's supply of centrally located, quality affordable housing serving the aging population. With the majority set aside for low to moderate income residents, The Park on 14th will provide greater housing choice thereby decreasing the amount of cost burdened households and provide better physical living conditions, both noted as a primary needs in the Consolidated Plan.

(440 Characters Max.)

2) Is the project located within a half mile (0.5) walking distance of DART transportation (current or developing public transportation route) and/or is the project located in a high opportunity area? ☒ Yes OR ☐ No

If yes, specify



Within 0.5 mile



High Opportunity

3) Does the development have at least 20% of market rate units?



Yes

OR



No

4) What is the current use of the proposed site? (350 Characters Max.)

Vacant land, zoned Planned Development, Downtown Business/Government District.

4-A) Is the proposed project a redevelopment of under-performing commercial development or multifamily complex? Under-performing commercial development includes underused commercial structures (office building, shopping mall/center, and retail), aging commercial centers, and commercial structures that are incompatible with surrounding uses.



Yes

OR



No

If yes, briefly explain:

While not a multifamily complex, this development began with the demolition of 8 blighted homes in an under-performing area of town. The site is now poised for redevelopment which will help this area revitalize.

(350 Characters Max.)

5) Will the development include any of the below energy efficient components or sustainable/green build components? Please select each applicable component. (Minimum of four components is necessary to meet this threshold requirement).



The use of better than R-3 insulation on exposed hot water pipes



Energy Star Qualified windows with Low E Glass



Energy Star Qualified HVAC



Energy Star Certified Water Heaters



Radiant barrier per ASTM standards in attic and/or roof sheathing; and/or exterior wall sheathing  
(may not be combined with spray foam insulation)



Spray foam insulation exceeding code requirements



Low or no VOC paint

**Consideration to be deemed the application  
that best fits the City's Concerted Revitalization Plan**

1. Is the development located within the City of Plano Concerted Revitalization Plan Area?

☒ Yes OR ☐ No

Check the area(s) in which the development is located:

☒ Tax Increment Financing (TIF) and/or ☒ Neighborhood Empowerment Zone (NEZ)?

2. Is the project located within the Opportunity Zone?

☐ Yes OR ☒ No

3. Is the Developer or Applicant a 501(c)3 organization?

☒ Yes OR ☐ No

4. Has the ownership entity and/or applicant been certified as a CHDO within the last 12 months?

☐ Yes OR ☒ No

If yes, please state the city/cities that provided such certification:

N/A

(440 Characters Max.)

5. Does the applicant have equity partner(s) for this development? (Equity partner confirmation letter must be provided in order to receive this point.)

☒ Yes OR ☐ No

6. Does the proposed development have at least 20% market rate units? Preference will be given to project with higher percentage of market rate units.

☒ Yes OR ☐ No Percentage of Market Rate Units: 20.00%

7. Are the target populations for the proposed development low-income families?

☒ Yes OR ☐ No OR ☐ Combination

8. Does the applicant have current or previous funding contracts for the use of federal funds; or have completed Housing Tax Credit Project(s), within the past 5 years.

☒ Yes OR ☐ No

List existing development properties that have been built by the Ownership Entity and/or the Applicant within the past five (5) years.

Project Name	City	Type of Funding (HTC/CDBG/HOME /OTHER)	Estimated Project Budget	Was the project completed as proposed?
The Reserve at Dry Creek	Hewitt	HTC/HOME	\$ 16,200,000	✓
<b>Comments:</b> DMA Development Company, LLC				
Aldrich 51	Austin	HTC/BOND	\$ 41,000,000	✓
<b>Comments:</b> DMA Development Company, LLC				
Altura Heights	Houston	HTC/TCAP	\$ 20,300,000	✓
<b>Comments:</b> DMA Development Company, LLC				
Prairie Gardens	Abilene	HTC/HOME	\$ 5,600,000	✓
<b>Comments:</b> DMA Development Company, LLC				
The Trails at Carmel Creek	Hutto	HTC/HOME	\$ 8,400,000	✓
<b>Comments:</b> DMA Development Company, LLC				
Bailey Square	Cuero	HTC/HOME	\$ 7,500,000	✓
<b>Comments:</b> DMA Development Company, LLC				
<b>Comments:</b>				
<b>Comments:</b>				

9. How does the development advance the goals of the City's Concerted Revitalization Plan? Describe how it fully meets or exceeds the goals.

Please see attached CRP Write Up.



Please see attached CRP Write Up.

**Developer Information**

(850 Characters Max.)

Organization Name: DMA Development Company, LLC

Address: 4101 Parkstone Heights Dr, 310 City/State/Zip code: Austin, TX 78746

DUNS Number: 078744055

Main Contact Person: Janine Sisak Title: Senior Vice President/General Counsel

Phone Number: (512) 328-3232 Email: JanineS@dmacompanies.com

Do you have site control or owner's consent to apply for HTC funding on this site?

☒ Yes OR ☐ No

**Property Owner Information**

Owner Name(s): Texas State Affordable Housing Corporation

Address: 2200 East MLK Jr. Boulevard City/State/Zip: Austin, TX 78702

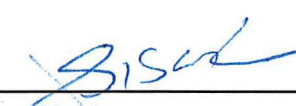
Phone Number: (512) 477-3562 Email: ddanenfelzer@tsahc.org

**Application Submittal Signature**

By signing this form, the Applicant authorizes the City of Plano to begin proceeding in accordance with the process for this request. The applicant further acknowledges that submission of an application does not in any way obligate the City of Plano to approve the application and that although City staff may make certain recommendations regarding this application, the decision making authority may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.

Any information found to be misleading and/or inaccurate will result in automatic disqualification under this program.

**This application cannot be supplemented or amended after submission.** Nine Percent (9%) application submitted after 3:00 pm, Friday, December 14, 2018, will not be accepted.

Applicant Signature: 

Date: 12/11/18

Printed Name: Janine Sisak

**EXHIBIT "A"**  
**Property Description**

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Joseph Klepper Survey, Abstract No. 213, being all of Lot 9 and part of Lot 10 of J. F. Kendricks 1st Addition, an addition to the City of Plano as recorded in Volume 23, Page 494 of the Collin County Map Records, said lots further described in Volume 563, Page 425, Volume 564, Page 219, Volume 582, Page 565, Volume 3174, Page 777 and Volume 3174, Page 780 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a Roome ½" capped iron rod found marking the northeast corner of Lot 10C of said Addition as recorded under County Clerk No. 2008-1118001340140 of the Collin County Land Records and being an interior corner of the herein described premises;

THENCE with the north line of Lot 10C and a south line of said premises, North 89°34'04" West, 86.38 feet to a Roome ½" capped iron rod found in the west line of Lot 10, the east right-of-way line of "F" Avenue and marking the northwest corner of Lot 10C and the most westerly southwest corner of the herein described premises;

THENCE with the east right-of-way line of "F" Avenue, the west line of Lot 10 and the most westerly west line of said premises, North 01°11'02" East, 66.04 feet to an "X" found in concrete marking the intersection of the east right-of-way of "F" Avenue with the south right-of-way of 14th Street, the northwest corner of Lot 10 and the most northerly northwest corner of the herein described premises;

THENCE with the south right-of-way line of 14th Street, the north line of said premises and the north line of Lots 9 & 10, South 89°00'50" East, 424.05 feet to an "X" found in concrete marking the intersection of the south right-of-way of 14th Street with the west right-of-way of "G" Avenue, the northeast corner of Lot 9 and the northeast corner of the herein described premises;

THENCE with the west right-of-way line of "G" Avenue, the east line of Lot 9 and said premises, South 01°07'33" West, 191.72 feet to an "X" found marking the southeast corner of Lot 9, said premises and the northeast corner of Lot 12D of said Addition as recorded under County Clerk No. 2008-0819001007820 of the Collin County Land Records;

THENCE departing said west right-of-way line, along the north line of Lot 12D, the south line of Lot 9 and a south line of said premises, West, passing at 206.13 feet a 1" iron rod found marking the northwest corner of Lot 12D and the northeast corner of a 1.926 acre tract as recorded in Volume 4169, Page 2737 of the Collin County Land Records and continuing for a total distance of 276.16 feet to a Roome ½" capped iron rod found marking the most southerly southwest corner of said premises, a corner of said 1.926 acre tract and the southeast corner of Lot 10D as recorded under County Clerk No. 2008-1118001340140 of the Collin County Land Records;



THENCE with a west line of said premises and the east line of Lot 10D, North, 67.57 feet to a ½" iron rod found marking an interior corner of said premises and the northeast corner of Lot 10D;

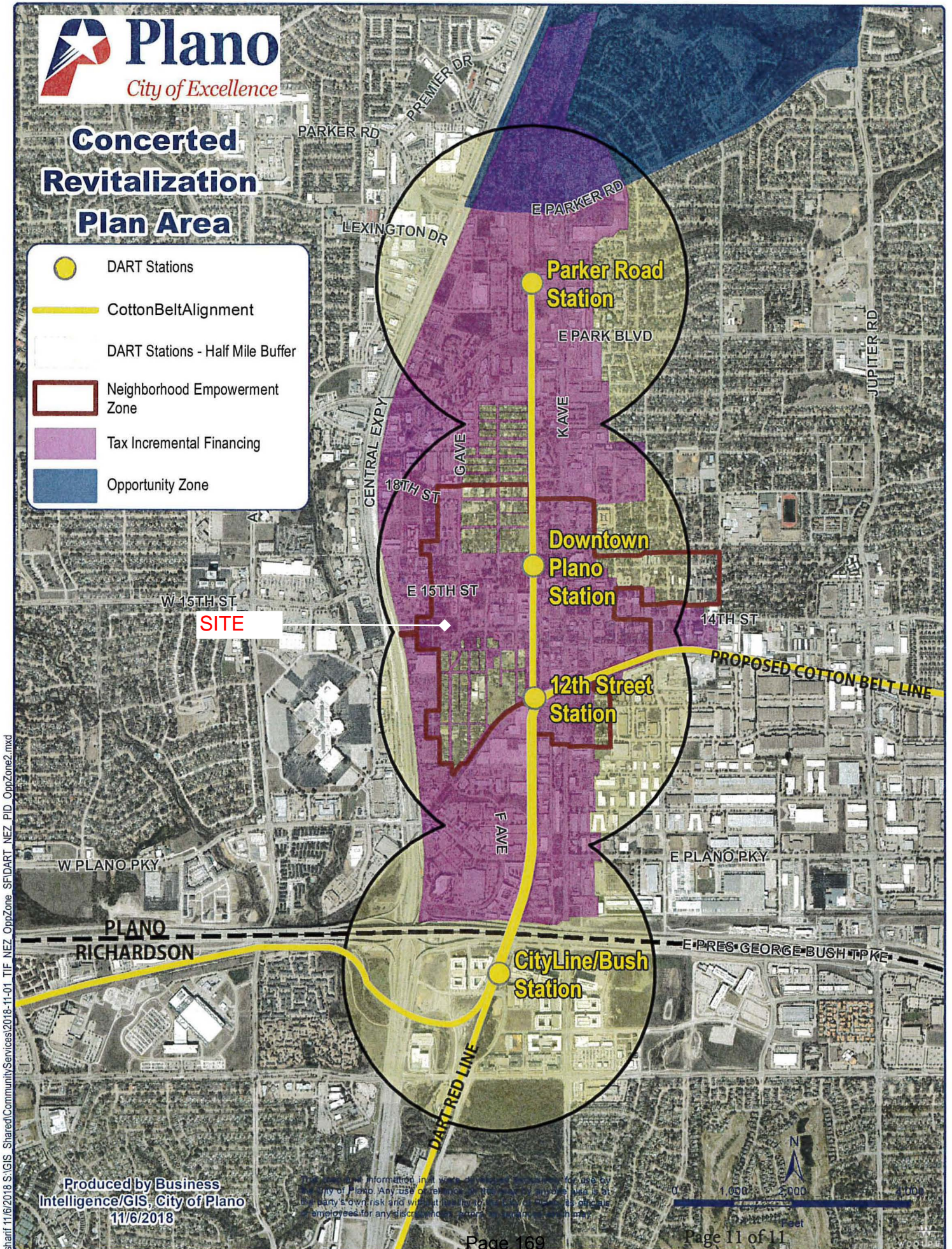
THENCE with the a south line of said premises and the north line of Lot 10D, South 89°29'36" West, 58.47 feet to a Roome ½" capped iron rod found marking a southwest corner of said premises and the southeast corner of the aforementioned Lot 10C;

THENCE with a west line of said premises and the east line of Lot 10C, North 00°30'24" West, 65.25 feet to the point of beginning and containing 67,234 square feet or 1.54 acres of land.

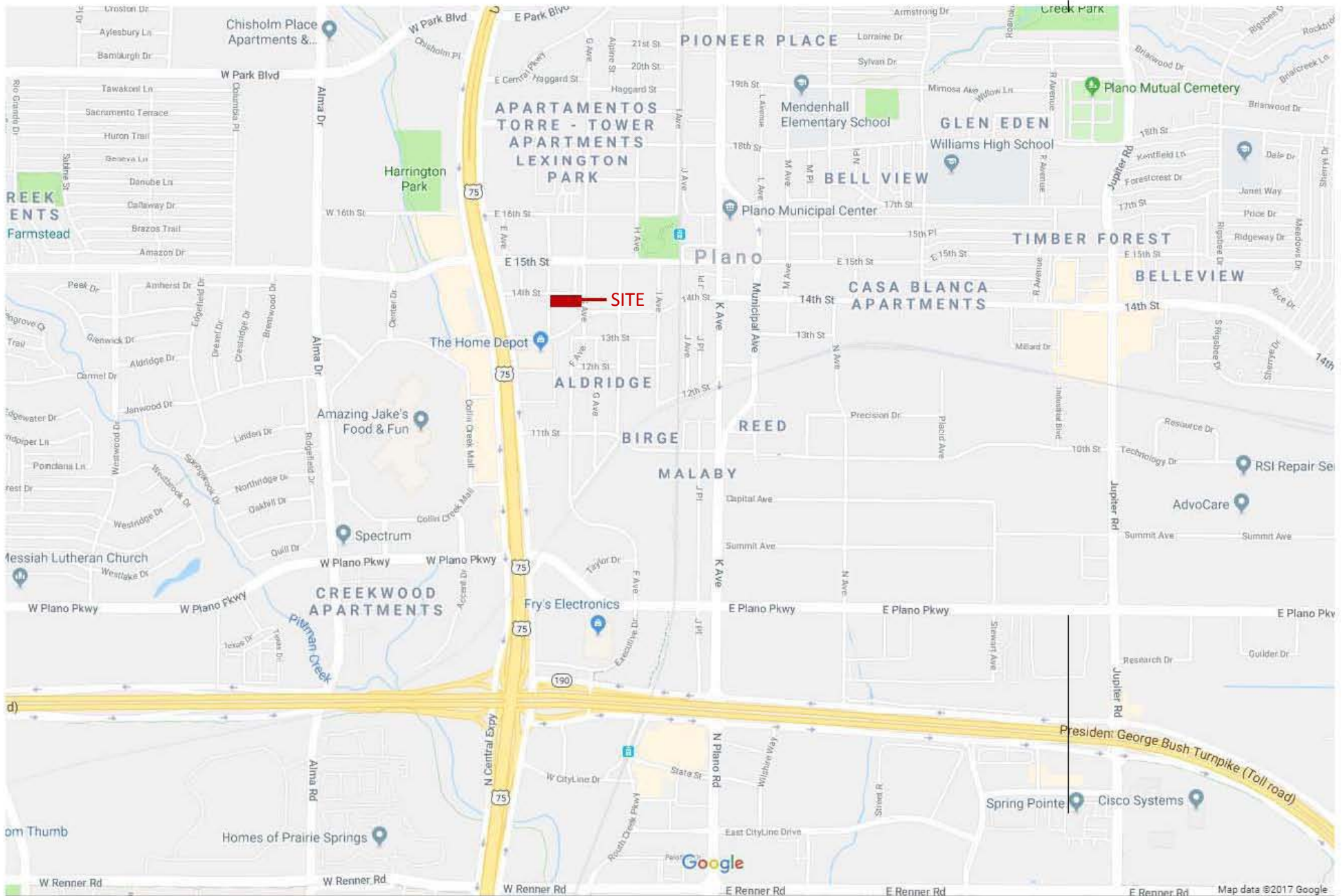


# Concerted Revitalization Plan Area

-  DART Stations
-  CottonBeltAlignment
-  DART Stations - Half Mile Buffer
-  Neighborhood Empowerment Zone
-  Tax Incremental Financing
-  Opportunity Zone







PLANO

The Park on 14<sup>th</sup> Site Location

SW of the intersection of 14<sup>th</sup> Street and G Avenue (Approx. 1421 G Avenue, Plano TX 75074)



## IRS 501 (c)3 Letter of Determination

Plano DMA-TSAHC Housing, LLC is a joint venture between DMA Development Company, LLC and the Texas State Affordable Housing Corporation. DMA Development Company, LLC will serve as the lead developer and will manage the proposed development through its affiliate, DMA Properties, LLC. TSAHC owns the site and will lease it to the ownership entity, and will also serve as the managing member and a co-developer. TSAHC brings financial backing to the transaction, in furtherance of its non-profit mission to facilitate both homeownership and rental housing opportunities for seniors and working families. Attached is the IRS 501 (c)3 Determination Letter for Texas State Affordable Housing Corporation.

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAY 02 2006**

TEXAS STATE AFFORDABLE HOUSING  
CORPORATION  
1005 CONGRESS AVE STE 500  
AUSTIN, TX 78701

Employer Identification Number:  
74-2746185  
DLN:  
17053330731035  
Contact Person:  
SHEILA M ROBINSON ID# 31220  
Contact Telephone Number:  
(877) 829-5500  
Public Charity Status:  
509(a)(2)

Dear Applicant:

Our letter dated February 6, 2001, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

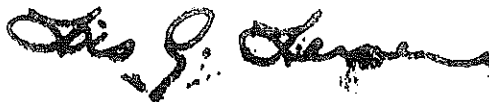
Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at [www.irs.gov](http://www.irs.gov).

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner  
Director, Exempt Organizations  
Rulings and Agreements

**RECEIVED**

**MAY 08 2006**

TEXAS STATE AFFORDABLE  
HOUSING CORPORATION

Letter 1050 (DO/CG)



January 24, 2018

Plano TSAHC-DMA Housing, LLC  
4101 Parkstone Heights Drive  
Suite 310  
Austin, TX 78746  
Attn: Diana McIver

**Re:     *The Park on 14th  
          Plano, TX***

Dear Diana:

Thank you for providing us the opportunity to submit a proposal on The Park on 14th (the “Project”). This letter serves as our mutual understanding of the business terms regarding the acquisition of an ownership interests in Plano TSAHC-DMA Housing, LLC, a Texas to-be-formed limited liability company, or similar entity to be formed (the “Company”). RBC Tax Credit Equity, LLC, its successors and assigns (“RBC”) will acquire a 99.98% interest, and RBC Tax Credit Manager II, Inc. (“RBC Manager”) will acquire a .01% interest (collectively, the “Interest”) in the Company.

1.     **Project and Parties Involved.**

- (a)     The Project, located in the City of Plano, State of Texas will consist of 60 apartment units. Within the Project 50 units will be occupied in compliance with the low-income housing tax credit (“LIHTC”) requirements of Section 42 of the Internal Revenue Code and the remaining 10 units will be unrestricted market rate units.
- (b)     The parties involved with the Project are as follows:
  - (i)     **Managing Member.** The Managing Member is TSAHC Park on 14th, LLC, a to-be-formed single purpose, tax-exempt entity, 95% owned by Texas State Affordable Housing Corporation (TSAHC) and 5% owned by DMA Park on 14<sup>th</sup>, LLC.
  - (ii)    **Developer.** The developers are DMA Development Company and TSAHC, collectively referred to herein as “Developer”.
  - (iii)   **Guarantors.** Subject to RBC's review and approval of financial statements, the Guarantors are DMA Development Company, LLC, and Diana McIver on a joint and several basis.

2.     **Purchase Price.** The Interest in the Company will be acquired for a total capital contribution of \$6,671,816. This capital contribution is based on the Project receiving the tax credits described in Paragraph 3 and represents a price per tax credit dollar of \$0.90. The capital contribution, subject to adjustments set forth in Paragraph 5 below, will be payable to the Company in installments as set forth on **Exhibit A**.

3.     **LIHTC.** The Project anticipates receiving a reservation of 2018 LIHTC in the amount of \$741,387 annually. The total LIHTC anticipated to be delivered to the Company is \$7,413,870. The LIHTC will be available to the Company beginning in 2020.

4. **Funding Sources.** The purchase price is based upon the assumption that the Project will receive funding on the terms and conditions listed on **Exhibit B**.

5. **Adjustments.**

- (a) **Downward Capital Adjustment.** The amount of LIHTC to be allocated to RBC during the credit period ("Certified LIHTC") will be determined promptly following receipt of cost certification from the accountant and Form 8609. If the Certified LIHTC is less than Projected LIHTC, RBC's capital contributions will be reduced by an amount (the "Downward Capital Adjustment") equal to the product of (i) \$0.90 multiplied by (ii) the difference between Projected LIHTC and Certified LIHTC.
- (b) **Late Delivery Adjustment.** The amount of LIHTC allocated to RBC for 2020 will be determined at the time the Project is fully leased. If the amount of the LIHTC allocated to RBC for calendar year 2020 is less than the amounts shown in Paragraph 3, RBC's capital contribution shall be reduced by an amount (the "Late Delivery Adjustment") equal to the difference between the amount shown in Paragraph 3 (adjusted for any Downward Capital Adjustment) and the amount of the LIHTC allocated to RBC for calendar year 2020 less the present value (using a 10% discount rate) of the additional LIHTC projected to be received in 2030.
- (c) **Payment by Managing Member.** If the Downward Capital Adjustment and the Late Delivery Adjustment exceed the total of all unfunded capital contributions, then the Managing Member will make a payment to the Company equal to the amount of such excess, and the Company will immediately distribute such amount to RBC as a return of its capital contribution. Except to the extent otherwise stated herein, this payment will not give rise to any right as a loan or capital contribution or result in any increase in the Managing Member's capital account.
- (d) **Early Delivery Adjustment.** The amount of LIHTC allocated to RBC for 2020 will be determined at the time the Project is fully leased. If the amount of the LIHTC allocated to RBC for calendar year 2020 is more than the amounts shown in Paragraph 3, RBC's capital contribution shall be increased by an amount (the "Early Delivery Adjustment") equal to the difference between the amount shown in Paragraph 3 (adjusted for any Downward Capital Adjustment) and the amount of the LIHTC allocated to RBC for calendar year 2020, multiplied by \$0.40. This additional capital contribution will be paid by RBC at the time of its final capital contribution and will be applied first to any deferred developer fee, with any remaining amounts released to Net Cash Flow.
- (e) **Upward Capital Adjustment.** If the Certified LIHTC is more than the Projected LIHTC, RBC will pay an additional capital contribution (the "Upward Capital Adjustment") equal to the product of (i) \$0.90 multiplied by (ii) the difference between the Certified LIHTC and the Projected LIHTC. This additional capital contribution will be paid by RBC at the time of its final capital contribution and will be applied first to any deferred developer fee, with any remaining amounts released to Net Cash Flow.

The aggregate of the Early Delivery Adjustment and Upward Capital Adjustment will not exceed 5% of the total capital contribution.

6. **Managing Member and Guarantor Obligations.** In addition to Paragraph 5(c) above, the Managing Member is responsible for items 6(a) through 6(f) below. Any amounts advanced by the Managing Member will not be considered as loans or capital contributions reimbursable or repayable by the Company unless otherwise stated herein.

- (a) **Construction Completion.** The Managing Member will guarantee construction completion in accordance with approved plans and specifications and will pay for any construction costs, costs to

achieve permanent loan closing, repayment of all construction financing and costs necessary to fund reserves required to be funded at or before permanent loan closing.

(b) Operating Deficits.

- (i) Pre-Stabilization. The Managing Member will guarantee funding of operating deficits until the date (the “Stabilization Date”) which is the first day of the month following a 3-month period (such 3-month period to commence after the permanent loan closing) in which the Project has maintained an average 1.15 debt service coverage; and
- (ii) Post-Stabilization. Commencing with the Stabilization Date and continuing until the Release Date (defined below), the Managing Member will guarantee funding of operating deficits in an amount equal to 6 months of operating expenses, debt service, and replacement reserves. Any funds paid by the Managing Member under this Paragraph 6(b)(ii) shall be treated as an unsecured loan to the Company with interest at the rate of 0% per annum, to be repaid out of cash flow, refinancing, sale and liquidation proceeds as provided in Paragraph 9 hereof.

The “Release Date” is the later of:

- (A) the fifth anniversary of the Stabilization Date,
- (B) the date the Project has achieved an average debt service coverage of 1.15 for the 12-month period immediately prior to the Release Date, and
- (C) the date the Project has achieved a 1.15 debt service coverage for each of the 3 months immediately prior to the Release Date.

- (c) LIHTC Shortfall or Recapture Event. To the extent not already addressed by the Downward Capital Adjustment or the Late Delivery Adjustment, if the actual amount of LIHTC for any year is less than Projected LIHTC, the Managing Member will guarantee payment to RBC of an amount equal to the shortfall or recapture amount, plus related costs and expenses incurred by RBC.
- (d) Repurchase. The Managing Member will repurchase RBC’s interest upon the occurrence of certain events described in the Project Entity Agreement.
- (e) Environmental Indemnity. The Managing Member will indemnify RBC against any losses due to environmental condition at the Project.
- (f) Developer Fee. The Managing Member will guarantee payment of any developer fee remaining unpaid at the end of the LIHTC compliance period.
- (g) Guarantors. The Guarantors will guarantee all of the Managing Member’s obligations. The Guarantors will maintain a net worth and liquidity level as determined by RBC after review of the Guarantors’ financial statements.

7. Reserves.

- (a) Operating Reserves. An operating reserve in an amount equal to six months of operating expenses, debt service and replacement reserves will be established and maintained by the Managing Member concurrent with RBC’s third capital contribution. Withdrawals from the operating reserve will be subject to RBC’s consent. Expenditures from operating reserves will be replenished from available cash flow as described in Paragraph 9(b) below.
- (b) Replacement Reserves. The Company will maintain a replacement reserve, and make contributions on an annual basis equal to the greater of (i) \$250 per unit and (ii) the amount required by the permanent lender. The amount of the contribution will increase annually by 3%. Annual contributions will commence with substantial completion of the Project.

8. **Fees and Compensation.** The following fees will be paid by the Company for services rendered in organizing, developing and managing the Company and the Project.

- (a) **Developer Fee.** The Developer will earn a developer fee of \$1,013,000 projected to be paid as follows:
  - (i) \$125,000 (12.34%) concurrent with RBC's first capital contribution;
  - (ii) \$303,851 (30.00%) concurrent with RBC's second capital contribution;
  - (iii) \$340,000 (33.56%) concurrent with RBC's third capital contribution;
  - (iv) \$185,000 (18.26%) concurrent with RBC's final capital contribution; and
  - (v) \$59,149 (5.84%) is deferred and paid from net cash flow.

The deferred portion of the developer fee shall accrue interest at 8% per annum commencing as of the date of RBC's final capital contribution. Payment of the deferred fee will be subordinate to all other Company debt as well as operating expense and reserve requirements

- (b) **Incentive Management Fee.** An incentive management fee will be payable to the Managing Member on an annual basis in an amount equal to 90% of net cash flow as set forth on Paragraph 9(b) below.
- (c) **Property Management Fee.** The property management fee will not exceed 6.49% of gross rental revenues. The management agent and the terms of the property management agreement are subject to the prior approval of RBC. If the management agent is an affiliate of any Guarantor, its fee will be subordinated to payment of operating costs and required debt service and reserve payments.
- (d) **Asset Management Fee.** The Company will pay RBC Manager an annual asset management fee of \$7,500 which will increase by 3% annually.

9. **Tax Benefits and Distributions.**

- (a) **Tax Benefits.** Tax profits, tax losses, and tax credits will be allocated 99.98% to RBC, .01% to RBC Manager, and .01 % to the Managing Member.
- (b) **Net Cash Flow Distributions.** Distributions of net cash flow (cash receipts less cash expenditures, payment of debt service, property management fee and asset management fee), will be made as follows:
  - (i) to RBC in satisfaction of any unpaid amounts due under Paragraphs 5 and 6 above and for any other amounts due and owing to RBC;
  - (ii) to RBC Manager for any unpaid asset management fees;
  - (iii) to the operating reserve to maintain the balance required in Paragraph 7(a);
  - (iv) to the payment of any unpaid developer fee;
  - (v) to the payment of any debts owed to the Managing Member or their affiliates;
  - (vi) 90% of the remaining cash flow to the Managing Member as an incentive management fee; and

- (vii) the balance to the Managing Member, RBC and RBC Manager in accordance with their percentage interests described in Paragraph 9(a).
- (c) Distributions upon Sale, Liquidation or Refinance. Net proceeds resulting from any sale, liquidation or refinance will be distributed as follows:
  - (i) to payment in full of any Company debts except those due to RBC, RBC Manager, Managing Member and/or their affiliates;
  - (ii) to the setting up of any required reserves for contingent liabilities or obligations of the Company;
  - (iii) to RBC, in satisfaction of any unpaid amounts due under Paragraphs 5 and 6 above and for any other amounts due and owing to RBC;
  - (iv) to RBC Manager for any unpaid asset management fees;
  - (v) to RBC for any excess or additional capital contributions made by it;
  - (vi) to the payment of any debts owed to the Managing Member or their affiliates including any unpaid developer fee;
  - (vii) to RBC Manager, 1% of such proceeds as a capital transaction administrative fee;
  - (viii) to RBC in an amount equal to any projected federal income tax incurred as a result of the transaction giving rise to such proceeds; and
  - (ix) the balance, 90% to the Managing Member, 9% to RBC, and 1% to RBC Manager.

10. **Construction.** The Managing Member will arrange for a fixed or guaranteed maximum price construction contract. The Contractor's obligations will be secured by a letter of credit in an amount not less than 15% of the amount of the construction contract or a payment and performance bonds in an amount not less than the amount of the construction contract. The Project will establish a construction contingency in an amount not less than 5% of the construction costs, or such greater amount as RBC may reasonably require following its review of construction documents. RBC, may, in its sole discretion, engage a construction consultant (i) to review plans and specifications and (ii) evaluate the construction progress by providing monthly reports to the Company. The cost of the construction consultant will be paid by the Company.

11. **Due Diligence, Opinions and Projections.**

- (a) Due Diligence: The Managing Member will provide RBC with all due diligence items set forth on its due diligence checklist, including but not limited to, financial statements for the Guarantors, schedule of real estate owned and contingent liabilities, plans and specifications, a current appraisal, a current (less than 6 months old) market study, a current (less than 6 months old) Phase I environmental report, rent and expense data from comparable properties, site/market visit and title and survey. The Managing Member agrees to reasonably cooperate with RBC (including signing such consents as may be necessary) in obtaining background reports on the Developer, Guarantors and other Project entities as determined by RBC.
- (b) Legal Opinions. The Managing Member's counsel will deliver to RBC a local law opinion satisfactory to RBC. RBC's counsel will prepare a tax opinion and the Managing Member agrees to cooperate to provide all necessary documentation requested by RBC's counsel.




- (c) Diligence Reimbursement. The Company will reimburse RBC \$75,000 toward the costs incurred by RBC in conducting its due diligence review and for the costs and expenses of RBC's counsel in connection with the preparation of the tax opinion. RBC may deduct this amount from its first capital contribution.
- (d) Projections. The projections to be attached to the Project Entity Agreement and that support the Tax Opinion will be prepared by RBC based on projections provided by the Managing Member. RBC's projections will include development sources and uses, calculation of eligible basis, operating and construction period cash flow analysis, 15-year operating projection, 30-year debt analysis and 15-year capital account analysis.

12. Closing Contingencies. RBC's obligation to close on the purchase of the Interest will be contingent upon RBC's receipt, review and approval of all due diligence including the items set forth on its due diligence checklist as well as the following:

- (a) Project Entity Documents. Preparation and execution of RBC's standard Project Entity Agreement and other fee agreements containing representations and warranties, covenants, consent rights, and indemnities, each on terms and conditions satisfactory to RBC.
- (b) Information and Laws. No adverse change in the information you have provided to us, no adverse change in market conditions and no adverse change in existing law.
- (c) Anticipated Closing Date. The closing occurring on or before December 31, 2018.
- (d) Third Party Investor. RBC's receipt of a firm commitment from a third party investor to purchase from RBC the LP Interest on terms and conditions satisfactory to RBC in its sole discretion.

If the foregoing is in accordance with your understanding of the terms and conditions, please indicate your acceptance on the enclosed copy and return it to the undersigned.

Very truly yours,

By:   
Name: Dan Kierce  
Title: Director

The undersigned approves and accepts the terms of this Letter of Intent.

**MANAGING MEMBER:**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**GUARANTORS:**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**  
**CAPITAL CONTRIBUTIONS**

<u>Conditions</u>	<u>Amount</u>	<u>Anticipated Funding Date</u>
i) 15.00% upon the later of: (a) the execution of the Operating Agreement, (b) closing of the financing sources described in Exhibit B, and (c) receipt and approval of all due diligence items on RBC's due diligence checklist.	\$1,000,772	December 1, 2018
ii) 35.00% upon the later of: (a) receipt of final Certificates of Occupancy for all of the units, (b) receipt of an architect's certificate of substantial completion, (c) receipt of a preliminary cost certification accompanied by a Managing Member certification, and (d) December 1, 2019.	\$2,335,136	December 1, 2019
iii) 47.23% upon the later of: (a) receipt of a final cost certification from an independent certified public accountant, (b) achievement of 100% qualified occupancy, (c) permanent loan conversion, including achievement of 90 days at a 1.15 Debt Service Coverage Ratio, and (d) July 1, 2020.	\$3,150,908	July 1, 2020
iv) 2.77% upon the later of: (a) achievement of the Stabilization Date, (b) receipt of the IRS Form 8609, and (c) October 1, 2020.	\$185,000	October 1, 2020
<b>Total:</b>	\$6,671,816	

## **EXHIBIT B SOURCES**

### Construction/Permanent Loan

- Lender: Chase Bank (or another Lender acceptable to RBC)
- Amount: \$6,850,000 during construction, \$3,400,000 upon Conversion
- Maturity: 15 years after Conversion
- Amortization: 30 years
- Interest Rate: 4.00% during construction, 5.75% upon Conversion
- Collateral: 1st mortgage on Project during construction and upon Conversion (or other collateral acceptable to RBC)

### Fee Waiver

- Source: City of Plano
- Amount: \$1,000



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Zoning

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

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### CAPTION

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2018-014 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 19.3 acres of land located at the northwest corner of the Dallas North Tollway and Plano Parkway in the City of Plano, Collin County, Texas, from Regional Commercial to Planned Development-25-Regional Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Kreymer Investments, LTD. (Previously tabled at 12/10/18, 11/26/18, and 11/12/18 Council meetings.) **Tabled to 2/25/2019**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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COMMENTS:

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## SUMMARY OF ITEM

### Strategic Plan Goal:

Financially Strong City with Service Excellence

### Plano Tomorrow Plan Pillar:

Built Environment

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### ATTACHMENTS:

Description	Upload Date	Type
ZC 2018-014 Follow-Up	12/21/2018	P/Z Follow-up Memo
ZC 2018-014 2nd Vice Chair Report	12/21/2018	Other
ZC 2018-014 Write-Up	12/21/2018	Staff Report
ZC 2018-014 Locator	1/3/2019	Map
ZC 2018-014 Aerial	12/21/2018	Map
ZC 2018-014 Zoning Exhibit (Bold)	12/21/2018	Map
ZC 2018-014 Preliminary Site Plan	12/21/2018	Informational
ZC 2018-014 Open Space Plan	12/21/2018	Informational
ZC 2018-014 Ordinance with Exhibits	1/3/2019	Ordinance

**DATE:** October 16, 2018  
**TO:** Honorable Mayor & City Council  
**FROM:** John Muns, Chair, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of October 15, 2018

GA

**AGENDA ITEM NO. 1A - PUBLIC HEARING  
ZONING CASE 2018-014  
APPLICANT: KREYMER INVESTMENTS, LTD.**

Request to rezone 19.3 acres located at the northwest corner of the Dallas North Tollway and Plano Parkway from Regional Commercial to Planned Development-Regional Commercial in order to modify development standards. Zoned Regional Commercial and located within the Dallas North Tollway Overlay District. Tabled October 1, 2018. Project #ZC2018-014.

<b>Speaker Card(s) Received</b>	<b>Support:</b> <u>1</u>	<b>Oppose:</b> <u>3</u>	<b>Neutral:</b> <u>0</u>
<b>Petition Signatures Received:</b>	<b>Support:</b> <u>2</u>	<b>Oppose:</b> <u>2</u>	<b>Neutral:</b> <u>0</u>
<b>Other Responses:</b>	<b>Support:</b> <u>9</u>	<b>Oppose:</b> <u>0</u>	<b>Neutral:</b> <u>0</u>
<b>APPROVED:</b> <u>4-2</u>	<b>DENIED:</b> _____	<b>TABLED:</b> _____	

First Vice Chair Barbera recused himself due to a business relationship with a neighboring property owner.

One Commissioner voting in opposition was opposed to the location of the retirement housing uses. The other Commissioner did not state a reason for their opposition.

**STIPULATIONS:**

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district, unless otherwise specified herein:

1. Additional Permitted Uses:

- a. Assisted Living Facility
- b. Independent Living Facility

2. Standards for Assisted and Independent Living Facilities:

- a. Maximum total number of combined assisted living facility and independent living facility units: 650



b. Setbacks

- i. Minimum setback from the centerline of the main lanes of the Dallas North Tollway: 350 feet
  - ii. If located within 500 feet of the centerline of the main lanes of the Dallas North Tollway, a nonresidential building or buildings, including parking structures must be constructed between buildings and the frontage road of the Dallas North Tollway. The nonresidential building(s) must be a minimum of 4 stories in height, and equal or greater linear square footage as measured along a street when compared with the retirement housing building(s).
- c. 75% of all independent living facility units must have one of the following design features: a true balcony, stoop, or patio to create outdoor living space.
- d. No building facade may exceed a length of 150 feet without a break in the facade of a minimum depth of 5 feet for a minimum length of 10 feet.
- e. Buildings must have a usable outdoor terrace on the highest three floors. Terraces will be tiered so that they are stepped back on the two highest floors.
- f. Noise Mitigation
- i. Windows on the sides of the buildings facing the Dallas North Tollway must have a sound transmission class of 35 or greater.
  - ii. Building facades with a direct line of sight to the Dallas North Tollway should minimize exterior use areas where possible.

3. Maximum Floor Area Ratio: 2:1

4. Landscape Standards:

- a. The Dallas North Tollway and Plano Parkway landscape edges must be in conformance with the Dallas North Tollway Overlay District requirements, and trees must be planted at an average of 30 feet of linear frontage.
- b. Along the north and west property lines, trees must be planted at an average of 40 feet on-center and consist of 1 large shade tree species.

5. Height:

a. Minimum Height:

- i. Assisted living and independent living: 5 story, 70 feet.

- ii. Medical and professional/general administrative office: 4 story, 60 feet.
  - b. Maximum Height for Structured Parking: 6 story, 84 feet.
- 6. Phasing: A building permit for a minimum of 45,000 square feet of medical and/or professional/general administrative office must be approved prior to or concurrent with the site plan approval of any assisted or independent living facility uses.
- 7. Open Space:
  - a. Minimum of 1.5 acres of open space must be provided.
  - b. For assisted living and independent living facilities, a minimum of 4% of the total building gross square footage must be allocated to interior courtyards and amenity areas.
  - c. Required landscaping is excluded.
  - d. Open space areas must have minimum dimensions of 24 feet by 80 feet and be a minimum of 3,500 square feet in size.
- 8. Parking Space Schedule for Health/Fitness Use: One space for each 200 square feet.

**FOR CITY COUNCIL MEETING OF:** November 12, 2018 (To view the agenda for this meeting, see [www.plano.gov](http://www.plano.gov))

## **PUBLIC HEARING - ORDINANCE**

RA/amc

xc: Karol Kreymer, Kreymer Investments, Ltd.  
Judd Millinix, Kimley-Horn & Associates, Inc.  
Jeanna Scott, Building Inspections Manager

<https://goo.gl/maps/Uywfick7VUo>

RECOMMENDATION OF THE PLANNING & ZONING COMMISSION ZONING

CASE 2018-014

OCTOBER 15, 2018

SECOND VICE CHAIRMAN'S REPORT

**Agenda Item No. 1A – Public Hearing**

**Zoning Case 2018-014** – Request to rezone 19.3 acres located at the northwest corner of the Dallas North Tollway and Plano Parkway from Regional Commercial to Planned Development-Regional Commercial in order to modify development standards. Zoned Regional Commercial and located within the Dallas North Tollway Overlay District.

**Applicant:** KREYMER INVESTMENTS, LTD.

**Staff Recommendation:** Staff recommended approval as follows:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district, unless otherwise specified herein:

1) Additional Permitted Uses:

- a) Assisted Living Facility
- b) Independent Living Facility

2) Standards for Assisted and Independent Living Facilities:

- a) Maximum total number of combined assisted living facility and independent living facility units: 650
- b) Setbacks
  - i. Minimum setback from the centerline of the main lanes of the Dallas North Tollway: 350 feet
  - ii. If located within 500 feet of the centerline of the main lanes of the Dallas North Tollway, a nonresidential building or buildings, including parking structures must be constructed between buildings and the frontage road of the Dallas North Tollway. The nonresidential buildings(s) must be a minimum of 4 stories in height, and equal or greater linear square footage as measured along a street when compared with the retirement housing building(s).

- c) 75% of all independent living facility units must have one of the following design features: a true balcony, stoop, or patio to create outdoor living space.
  - d) No building facade may exceed a length of 150 feet without a break in the facade of a minimum depth of 5 feet for a minimum length of 10 feet.
  - e) Buildings must have a useable outdoor terrace on the highest three floors. Terraces will be tiered so that they are stepped back on the two highest floors.
  - f) Noise Mitigation
    - i. Windows on the sides of the buildings facing the Dallas North Tollway must have a sound transmission class of 35 or greater.
    - ii. Building facades with a direct line of sight to the Dallas North Tollway should minimize exterior use areas where possible.
- 3) Maximum Floor Area Ratio: 2:1
- 4) Landscape Standards:
- a) The Dallas North Tollway and Plano Parkway landscape edges must be in conformance with the Dallas North Tollway Overlay District requirements, and trees must be planted at an average of 30 feet of linear frontage.
  - b) Along the north and west property lines, trees must be planted at an average of 40 feet on-center and consist of 1 large shade tree species.
- 5) Height:
- a) Minimum Height:
    - i. Assisted living and independent living: 5 story, 70 feet.
    - ii. Medical and professional/general administrative office: 4 story, 60 feet.
  - b) Maximum Height for Structured Parking: 6 story, 84 feet.
- 6) Phasing: A building permit for a minimum of 45,000 square feet of medical and/or professional/general administrative office must be approved prior to or concurrent with the site plan approval of any assisted or independent living facility uses.
- 7) Open Space:
- a) Minimum of 1.5 acres of open space must be provided.

- b) For assisted living and independent living facilities a minimum of 4% of the total building gross square footage must be allocated to interior courtyards and amenity areas.
  - c) Required landscaping is excluded.
  - d) Open space areas must have minimum dimensions of 24 feet by 80 feet and be a minimum of 3,500 square feet in size.
- 8) Parking Space Schedule for Health/Fitness Use: One space for each 200 square feet.

**Commission Action:** After hearing from the Applicant and citizen, Shane Jordan, in support of the item and citizens, Colleen Epstein and Henry Billingsley, in opposition to the item, Chair Muns closed the public hearing. First Vice Chair Barbera recused himself. After much discussion, upon a motion made by Commissioner Thomas and seconded by Commissioner Gibbons, the Commission voted 4-2 to approve the item subject to the stipulations recommended by staff. Commissioner Moore and Commissioner Plonka voted in opposition to the item. Commissioner Kong was absent and did not attend the meeting.

Comments made in support of the motion included:

- The requested use would allow the senior population who chose to live in it to have a greater tie to the community and by not being separated as much from the community at large.
- The requested use would not interfere with the surrounding office use as it was on the edge of the office use and compact but still had significant open space.
- The City of Plano has identified the requested use as a special housing need.

Comments made in opposition of the motion included:

- The location of the requested use was prime real estate along two major commercial corridors and better suited as an employment center.
- The requested use incompatible with the surrounding office use.

Respectfully Submitted,

*Hilton Kong*

Hilton Kong Second Vice Chair  
City of Plano Planning & Zoning Commission

CITY OF PLANO  
PLANNING & ZONING COMMISSION

October 15, 2018

**Agenda Item No. 1A**

**Public Hearing:** Zoning Case 2018-014

**Applicant:** Kreymer Investments, Ltd.

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**DESCRIPTION:**

Request to rezone 19.3 acres located at the northwest corner of the Dallas North Tollway and Plano Parkway **from** Regional Commercial **to** Planned Development-Regional Commercial in order to modify development standards. Zoned Regional Commercial and located within the Dallas North Tollway Overlay District. Tabled October 1, 2018. Project #ZC2018-014.

**REMARKS:**

The applicant is requesting to rezone the subject property to Planned Development-Regional Commercial (PD-RC) to allow independent living and assisted living facility as additional permitted uses and to modify development standards. A planned development 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.

The existing zoning is Regional Commercial (RC). The RC district is intended for use in conjunction with a Regional Employment district. It provides for retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and surrounding communities, in addition to office and limited manufacturing uses. The district's standards are designed to ensure compatibility between various uses within a corridor and surrounding residential neighborhoods.

Initially, the applicant approached staff about requesting a Specific Use Permit (SUP) for Assisted Living Facility and Independent Living Facility. As part of that discussion, the applicant was proposing to construct a vehicle parking structure that exceeded the maximum parking structure height of the RC zoning district. The garage height is needed to buffer the proposed retirement housing uses from the tollway noise. To allow an increased height, staff determined that a planned development district must be requested; therefore, the applicant modified their request from a Specific Use Permit (SUP) to a Planned Development (PD).

The subject property is currently undeveloped. A preliminary site plan, CMS Addition, Block A, Lot 2, accompanies this request as Agenda Item 1B. The preliminary site plan shows several multi-story buildings with parking structures in conformance with the proposed PD standards.

### Surrounding Land Use and Zoning

North	Mini-warehouse/public storage zoned Planned Development-220-Regional Commercial (PD-220-RC) and professional/general administrative office zoned RC.
East	Across the Dallas North Tollway, north of Plano Parkway, undeveloped land zoned Planned Development-200-Regional Employment (PD-200-RE); south of Plano Parkway, new vehicle dealer zoned Planned Development-211-Light Commercial (PD-211-LC) with Specific Use Permit No. 561 for New Car Dealer.
South	Across Plano Parkway, convenience store with fuel pumps, medical office, and professional/general administrative office zoned Light Industrial-1 (LI-1).
West	Professional/general administrative office zoned RC.

### Proposed Development Stipulations

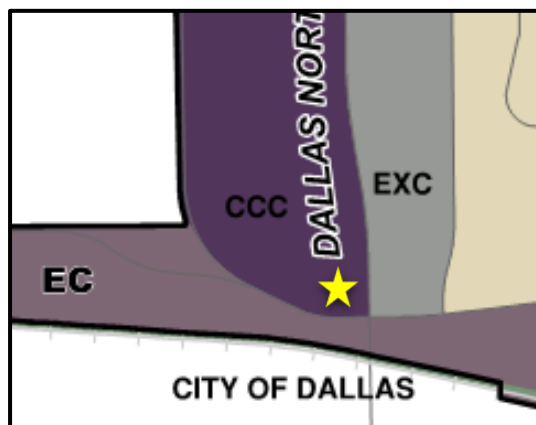
The requested zoning is PD-RC. There are two primary parts to this request: land use and design standards.

**Land Use** - The applicant is proposing to allow assisted living facility and independent living facility as additional permitted uses.

**Design Standards** - The proposed PD standards would allow this site to be developed with a mix of retirement housing and nonresidential uses with increased lot coverage, required open space, and building design standards.

### Conformance to the Comprehensive Plan

**Future Land Use Map** - *The Future Land Use Map designates the property as Compact Complete Center (CCC). The CCC future land use designation applies to areas that may see new growth or experience significant redevelopment. Land uses supported within the CCC include mid-rise buildings with office, retail, service, entertainment, and residential uses, which are based on the concepts of mixed-use, community design, and where possible, transit-oriented design.*

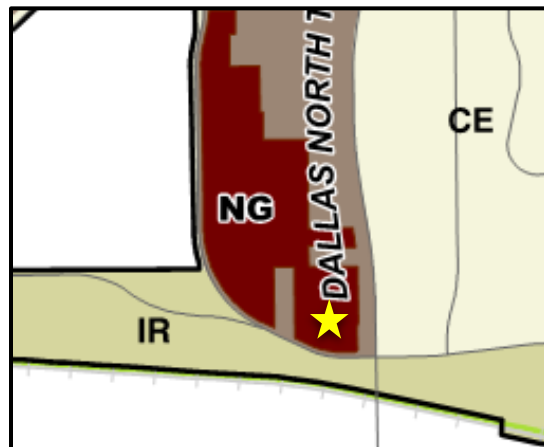


The applicant is proposing to create a development which includes a mix of independent living, assisted living, medical office, and supporting retail and service uses located within several mid-rise buildings. The proposed PD language includes standards intended to create quality community design by requiring a mix of retirement housing and office uses, structured parking, minimum setbacks for retirement housing uses, required open space, mid-rise buildings, and building design elements. This request is in conformance with the CCC future land use designation.

**Growth and Change Map** - The Growth and Change Map designates the subject property as New Growth (NG).

*These existing undeveloped areas (>50 acres) are expected to experience new development through master-planned projects.*

The applicant is proposing a new development project with a mix of uses, required open space, and building design standards. This request is in conformance with the NG designation.



**Land Use Policy** - *Plano will support a system of organized land uses to provide greater housing and employment choices, where new and redevelopment areas respect existing neighborhoods and businesses.*

The proposed zoning request would allow retirement housing and additional employment choices for the area. The subject property is not adjacent to any existing neighborhoods. The inclusion of retirement housing and supporting uses would add diversity to the mix of nonresidential uses within this portion of the Dallas North Tollway corridor. This zoning request is in conformance with the Land Use Policy.

**Undeveloped Land Policy** - *Plano will reserve its remaining undeveloped land for high quality development with distinctive character, emphasizing businesses offering highly skilled employment and limiting housing and retail uses except when integrated into compact complete centers to ensure adequate land for projected employment growth.*

The applicant is proposing standards to encourage a high quality development with distinctive character by requiring multiple compatible uses, minimum building height, parking garages, setbacks, building design elements, enhanced landscaping requirements, and open space. The proposed stipulations are intended to create a distinctive retirement housing development, with restrictions on the location and number of retirement housing units. This zoning request is in conformance with the Undeveloped Land Policy.

**Special Housing Needs Policy** - *Plano will accommodate senior and special needs housing through inclusive regulations and the goals stated in the Consolidated Plan.*

The requested zoning would allow the applicant to develop assisted and independent living facility uses. This policy recommends regulations which support additional housing



for this purpose; however, rezoning requests should be carefully examined to consider the appropriateness of these uses in the context of surrounding properties and zoning. Although there are no other senior housing developments in the general area, the applicant is proposing standards which would buffer residents from the impacts of the Dallas North Tollway. Additionally, the adjacent office and mini-warehouse developments should be minimally impactful to residents of the proposed development, and the existing gas station south of Plano Parkway is approximately 280 feet away from the closest retirement housing building. This request is in conformance with this policy.

**Adequacy of Public Facilities** - Water and sanitary sewer services are available to serve the subject property; however, the applicant may be responsible for making improvements to either the water and/or sanitary sewer system to increase the system capacity if required.

**Traffic Impact Analysis (TIA)** - A TIA is not required for this rezoning request. However, in considering the traffic impact using the average Institute of Traffic Engineers (ITE) trip generation rates, staff compared the proposed development with the potential build-out of the subject property as general office. Using a similar building lot coverage as the office development to the west, it is possible that a total of 120,000 square feet of medical office and 120,000 square feet of professional/general administrative office development could be constructed on the subject property. The table below shows the estimated traffic generation for the proposed mix of uses for a single hour during weekday peak hours (7:00-9:00 a.m. and 4:00-6:00 p.m.):

	AM	PM
<b>Proposed Development</b>		
Independent Living Facility (550 units)	193	242
Assisted Living Facility (100 rooms/114 beds)	21	40
Medical Office (50,000 square feet)	181	223
Health/Fitness (14,000 Square feet)	20	57
Retail (5,900 square feet)	6	22
<b>Total</b>	<b>421</b>	<b>584</b>
<b>Potential Development</b>		
Medical Office (120,000 square feet)	434	534
Professional/General Administrative Office (120,000 square feet)	186	179
<b>Total</b>	<b>620</b>	<b>713</b>
<b>Difference</b>	<b>-199</b>	<b>-129</b>

From the table above, the proposed development request would generate significantly fewer peak hour trips.

**Public Safety Response Time** - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site.

**Access to and Availability of Amenities and Services** - The subject property is not within a Park Fee service area. The applicant has committed to provide private open space to serve the retirement housing residents.

The subject property is located within Parr Library's service area and service to future residents would be possible with the current library resources.

## **ISSUES:**

### Retirement Housing Uses

The applicant is proposing to allow assisting living and independent living facility uses by right. The Zoning Ordinance specifies four types of retirement housing uses:

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

**Continuing Care Facility** - A development providing housing/accommodations and services along the continuum of an elderly person's needs, including independent living, assisted living, and/or long-term care facilities.

**Independent Living Facility** - A development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.

**Long-term Care Facility** - A development providing in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

Retirement housing uses are part of the "institutional" use category within Article 14 (Allowed Uses and Use Classifications) of the Zoning Ordinance because they provide services and care to residents. In addition to the services they provide, they also function as housing, as specifically mentioned in all of the definitions except for long-term care facility. As a type of housing, the city should be cautious when considering an appropriate location for these uses. It would be to the detriment of future residents if the city were to ignore the housing functions of these uses and instead look at them only as "institutions." Staff believes that retirement housing uses are appropriate for the subject property if:

1. Appropriate standards are established to protect residents from the effects of the proximity to the Dallas North Tollway; and
2. Appropriate standards are established to encourage a high-quality, master-planned development, consistent with the recommendations of the Comprehensive Plan.

The applicant's proposed PD language is intended to fulfill these standards.

#### Retirement Housing Location and Noise Attenuation

The city has long maintained policies separating housing from major thoroughfares. The purpose for these policies has been to reserve the frontage roads for significant commercial development, and to encourage a high quality of living for all residents within Plano. In most recent rezoning requests, with a few exceptions, significant setbacks have been established by the city when considering placing housing in close proximity to major highways. Most recently, the zoning for the developments of Legacy Central Addition (Breezeway Farms), adjacent to U.S. Highway 75, specified minimum setbacks from the centerline of adjacent highways of 260 feet and 600 feet, respectively. Additionally, these planned developments also required nonresidential buildings or parking garages to be constructed to buffer the units from the highways.

The applicant is proposing a minimum setback of 350 feet from the centerline of the main lanes of the Dallas North Tollway, and a requirement that if retirement housing is located within 500 feet of the centerline of the Dallas North Tollway, a minimum 4-story nonresidential building or buildings, including parking structures, must be constructed to buffer the retirement housing from highway. Staff believes the proposed standards are sufficient to buffer retirement housing residents from the impacts of the adjacent thoroughfare only if noise attenuation stipulations are included in the PD.

The applicant hired a consultant to perform a noise study on the proposed development. The resulting Noise Analysis Report provided potential mitigation strategies to mitigate the traffic noise from the Dallas North Tollway. Specifically, the report noted that windows on the sides of the buildings facing the Dallas North Tollway should be of a sound transmission class that is sufficient to reduce interior noise levels below the Environmental Protection Agency (EPA) guidelines. Additionally, the report recommended that areas with a direct line of sight to the Dallas North Tollway should be devoid of exterior use areas. The applicant has proposed standards to meet these recommendations within the PD stipulations. Staff is in support of these standards.

#### Open Space

The proposed zoning includes a requirement for a minimum of 1.5 acres of open space be provided, with minimum size requirements. This equates to 10.8% of the lot area and 7.8% of the planned development district. This amount of open space is consistent with the Urban Mixed-Use (UMU) zoning district requirements. The companion concept plan shows open space areas within interior courtyards and external amenity areas, but excluding required landscape edges adjacent to streets. The applicant is currently proposing a total of 2.0 acres of open space as shown on the attached Open Space Exhibit. Staff is in support of the proposed open space standards.

### Additional Standards

The applicant is requiring several other standards intended to create a high quality development:

1. Parking - A minimum of 80% of parking spaces will be placed within garages or podiums.
2. Building Design - Balconies, stoops, facade requirements, and a minimum building height are required.
3. Phasing - A building permit for a minimum of 45,000 square feet of medical and/or professional/general administrative office must be approved prior to the approval of a site plan for a building containing retirement housing uses.
4. Density - In order to achieve the proposed density, the applicant is requesting to increase the floor area ratio to 2:1, including proposed parking garages.
5. Landscaping - The proposed standards require additional trees be planted within required landscape edges adjacent to rights-of-way.

These standards are sufficient to encourage the creation of a high quality development. Staff is in support of these stipulations.

### **SUMMARY:**

The applicant is requesting to rezone the subject property to allow for independent living and assisted living facility uses with modified development standards. The planned development stipulations require a mix of retirement housing and office uses, and specify setbacks and other design elements to encourage a quality living environment for residents. With careful consideration given to the placement and standards associated with retirement housing uses, this request is in conformance with the Comprehensive Plan. For these reasons, staff is in support of the request, as noted in the recommendation below.

### **RECOMMENDATION:**

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district, unless otherwise specified herein:

1. Additional Permitted Uses:
  - a. Assisted Living Facility
  - b. Independent Living Facility
2. Standards for Assisted and Independent Living Facilities:

- a. Maximum total number of combined assisted living facility and independent living facility units: 650
- b. Setbacks
  - i. Minimum setback from the centerline of the main lanes of the Dallas North Tollway: 350 feet
  - ii. If located within 500 feet of the centerline of the main lanes of the Dallas North Tollway, a nonresidential building or buildings, including parking structures must be constructed between buildings and the frontage road of the Dallas North Tollway. The nonresidential building(s) must be a minimum of 4 stories in height, and equal or greater linear square footage as measured along a street when compared with the retirement housing building(s).
- c. 75% of all independent living facility units must have one of the following design features: a true balcony, stoop, or patio to create outdoor living space.
- d. No building facade may exceed a length of 150 feet without a break in the facade of a minimum depth of 5 feet for a minimum length of 10 feet.
- e. Buildings must have a usable outdoor terrace on the highest three floors. Terraces will be tiered so that they are stepped back on the two highest floors.
- f. Noise Mitigation
  - i. Windows on the sides of the buildings facing the Dallas North Tollway must have a sound transmission class of 35 or greater.
  - ii. Building facades with a direct line of sight to the Dallas North Tollway should minimize exterior use areas where possible.

3. Maximum Floor Area Ratio: 2:1

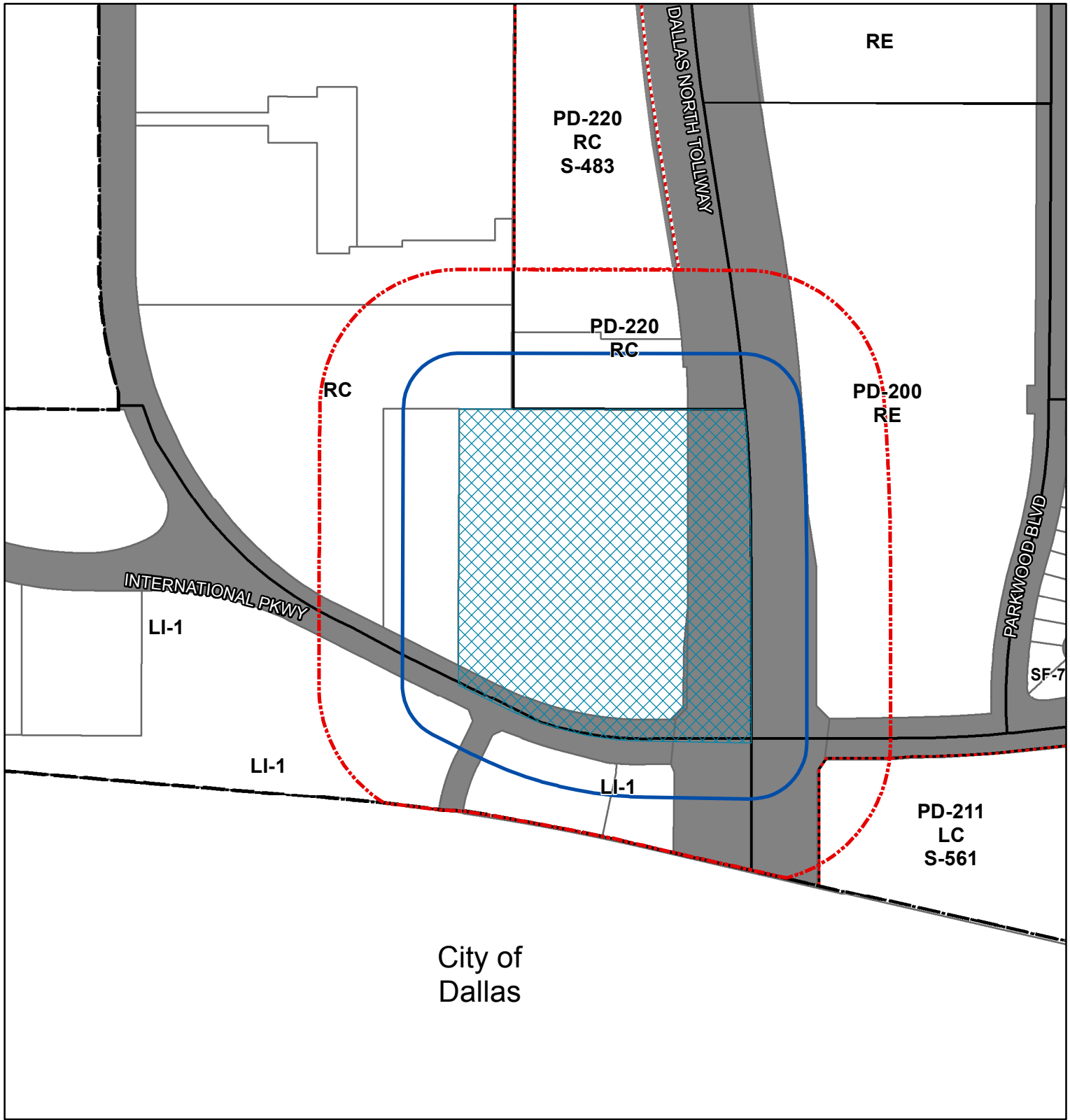
4. Landscape Standards:

- a. The Dallas North Tollway and Plano Parkway landscape edges must be in conformance with the Dallas North Tollway Overlay District requirements, and trees must be planted at an average of 30 feet of linear frontage.
- b. Along the north and west property lines, trees must be planted at an average of 40 feet on-center and consist of 1 large shade tree species.

5. Height:

- a. Minimum Height:

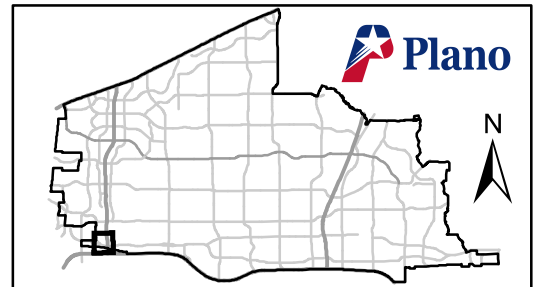
- i. Assisted living and independent living: 5 story, 70 feet.
    - ii. Medical and professional/general administrative office: 4 story, 60 feet.
  - b. Maximum Height for Structured Parking: 6 story, 84 feet.
- 6. Phasing: A building permit for a minimum of 45,000 square feet of medical and/or professional/general administrative office must be approved prior to or concurrent with the site plan approval of any assisted or independent living facility uses.
- 7. Open Space:
  - a. Minimum of 1.5 acres of open space must be provided.
  - b. For assisted living and independent living facilities, a minimum of 4% of the total building gross square footage must be allocated to interior courtyards and amenity areas.
  - c. Required landscaping is excluded.
  - d. Open space areas must have minimum dimensions of 24 feet by 80 feet and be a minimum of 3,500 square feet in size.
- 8. Parking Space Schedule for Health/Fitness Use: One space for each 200 square feet.



Zoning Case: 2018-014

Existing Zoning: Regional Commercial (RC)

Proposed Zoning: Planned Development-Regional Commercial (PD-RC)





mherbst 10/4/2018 Z:\02 - Commissions & Council/Locators & Graphics\2018 ZC\ZC2018-014\ZC2018-014A.mxd



Area of Request

PLANO PARKWAY

DALLAS NORTH TOLLWAY

DALLAS PARKWAY

HORIZON NORTH PARKWAY

RAMP DNT SB PGB HIGHWAY

RAMP PGB WB DNT HIGHWAY

RAMP DNT NB PGB HIGHWAY  
PRES GEORGE BUSH TURNPIKE

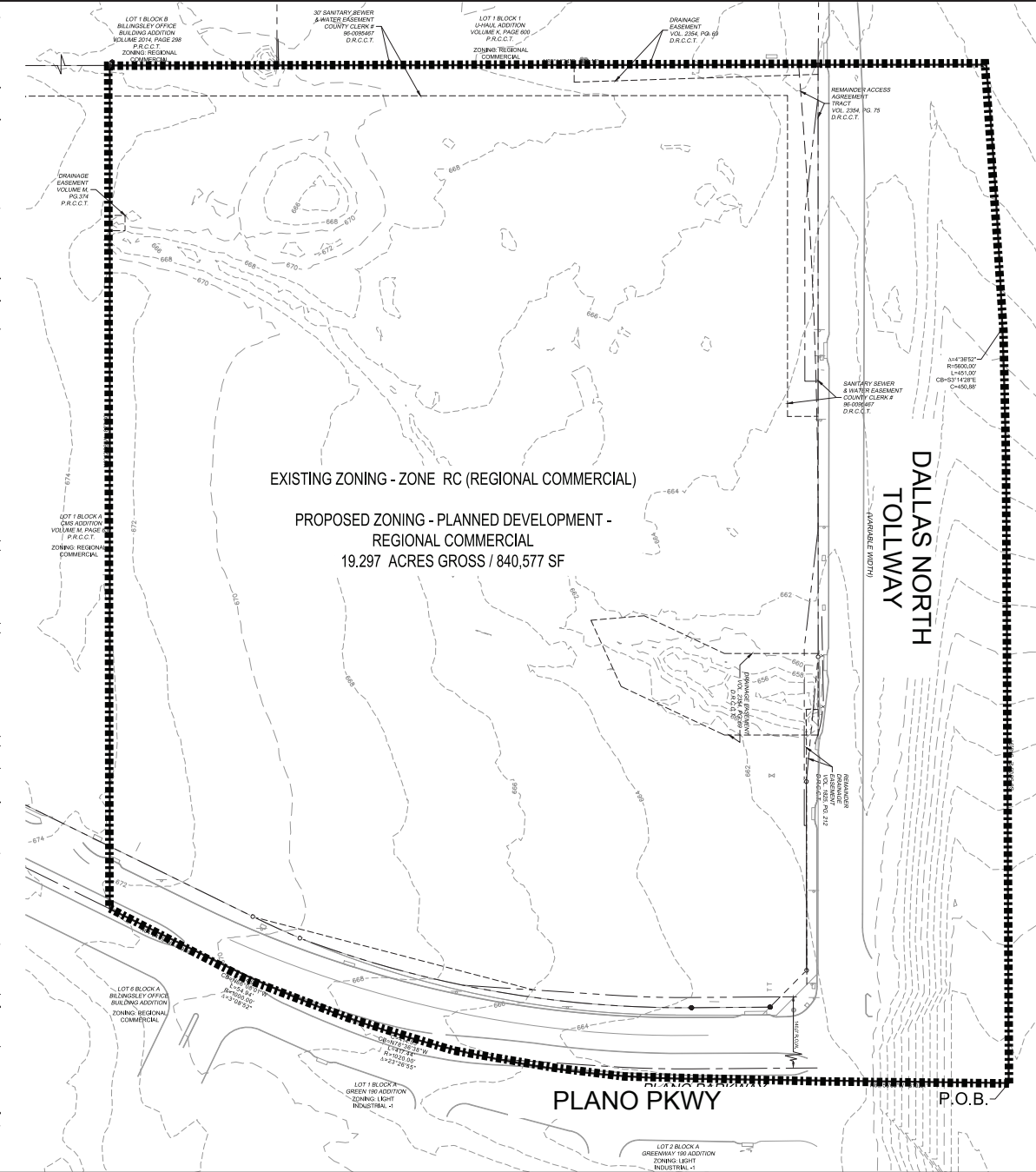


Source: City of Plano, Planning Dept.  
Date : 10/25/2018

Zoning Case 2018-014

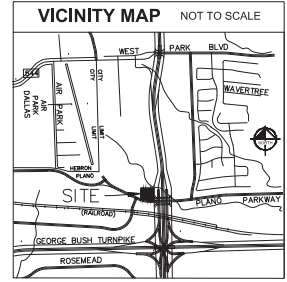


This document, together with the concepts and designs presented herein, are an instrument of service, to be recorded only for the specific purpose and object for which it was prepared. None of the engineer's or architect's liability shall be waived hereby by the recording of this document without the written consent of the engineer or architect. The engineer or architect shall not be responsible for the accuracy of the information provided herein, or for the accuracy of the information provided by the engineer or architect.



NOTES:

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 INTENTION OF THE DEVELOPMENT PROCESS, PLANNING AND 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.



LEGAL DESCRIPTION

19.297 ACRES

BEING A TRACT OF LAND SITUATED IN THE MARY A. TAYLOR SURVEY, ABSTRACT NO. 897, CITY OF PLANO, COLLIN COUNTY, TEXAS AND BEING THE REMAINDER OF LOT 2, BLOCK A, C&S ADDITION, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT FILED OF RECORD IN VOLUME M, PAGE 574, PLAT RECORDS COLLIN COUNTY, TEXAS. ALSO BEING PORTIONS OF THE DALLAS NORTH TOLLWAY (A VARIABLE WIDTH RIGHT-OF-WAY) AND PLANO PARKWAY (A VARIABLE WIDTH RIGHT-OF-WAY), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE APPROXIMATE CENTERLINE INTERSECTION OF SAID DALLAS NORTH TOLLWAY AND PLANO PARKWAY FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE LEAVING SAID DALLAS NORTH TOLLWAY CENTERLINE, WITH THE APPROXIMATE CENTERLINE OF SAID PLANO PARKWAY THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

NORTH 89°50'50" WEST, A DISTANCE OF 310.81 FEET TO A POINT FOR A CORNER OF THIS TRACT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 23°29'50", A RADIUS OF 1020.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 78°38'38" WEST, 414.53 FEET;

WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 417.44 FEET TO A POINT FOR A CORNER OF THIS TRACT AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 0°18'52", A RADIUS OF 1050.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 68°08'01" WEST, 54.93 FEET;

WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 54.94 FEET TO A POINT FOR A CORNER OF THIS TRACT;

NORTH 54°34'29" WEST, A DISTANCE OF 126.4 FEET TO A POINT OF INTERSECTION AT THE PROJECTED WEST LINE OF THE ABOVE MENTIONED LOT 2, SAME BEING COMMON WITH THE EAST LINE OF LOT 1, BLOCK A, C&S ADDITION, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT FILED OF RECORD IN VOLUME M, PAGE 637, PLAT RECORDS COLLIN COUNTY, TEXAS, WITH THE APPROXIMATE CENTERLINE OF THE ABOVE MENTIONED PLANO PARKWAY AND BEING THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 0°42'28" WEST, LEAVING SAID CENTERLINE, WITH SAID COMMON LINE, A DISTANCE OF 87.38 FEET TO A POINT IN THE MOST NORTHWEST CORNER OF LOT 1, BLOCK B, BUILDINGS OFFICE BUILDING ADDITION, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT FILED OF RECORD IN VOLUME 2014, PAGE 208, PLAT RECORDS COLLIN COUNTY, TEXAS, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 1, BLOCK A, C&S ADDITION AND THE COMMON NORTHWEST CORNER OF SAID LOT 2 AND THIS TRACT;

THENCE NORTH 89°42'43" EAST, LEAVING SAID COMMON CORNER, WITH A PORTION OF SAID SOUTHERLY LINE, PASSING AT A DISTANCE OF 164.00 FEET THE MOST SOUTHWEST CORNER OF SAID LOT 1, BLOCK B, SAME BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, U-HAUL ADDITION AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT FILED OF RECORD IN VOLUME K, PAGE 600, PLAT RECORDS COLLIN COUNTY, TEXAS, CONTINUING WITH THE SOUTH FORK OF SAID U-HAUL ADDITION, SAME BEING THE NORTH LINE OF SAID LOT 2 AND THIS TRACT, PROJECTING SAID LINE TO A POINT OF INTERSECTION WITH THE APPROXIMATE CENTERLINE OF THE ABOVE MENTIONED DALLAS NORTH TOLLWAY FOR A POINT TO A POINT TO A POINT FOR THE NORTHEAST CORNER OF THIS TRACT AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 0°38'32", A RADIUS OF 5605.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 0°10'08" EAST, 450.18 FEET;

WITH SAID CURVE TO THE RIGHT AND CENTERLINE, AN ARC DISTANCE OF 451.00 FEET TO A POINT FOR A CORNER OF THIS TRACT;

THENCE SOUTH 5°56'03" EAST, WITH SAID CENTERLINE, A DISTANCE OF 548.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 840.573 SQUARE FEET OR 19.297 ACRES OF LAND, MORE OR LESS.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 0863.27, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CORRECT OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS HEREBY OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

**ZONING CASE #ZC2018-014**  
**ZONING EXHIBIT**  
**CMS ADDITION, BLOCK A, LOT 2**  
**19.30 ACRES**

SITUATED IN THE  
MARY A. TAYLOR SURVEY, ABSTRACT NO. 897  
CITY OF PLANO, COLLIN COUNTY, TEXAS

**OWNER:**  
New Kimley»Horn Investments LTD  
10 B. Briar Hollow Ln Unit B8  
Crested, Grand Kingdom  
Email: gkcc@kimleyhorn.com

**CIVIL ENGINEER:**  
**Kimley»Horn**  
5750 Geminiella Ct. Suite 300  
Frisco, TX 75034  
Contact: Judd Mullins, P.E.  
Email: judd.mullins@kimley-horn.com  
State of Texas  
Registration No. F-628

DATE OF PREPARATION: 09/10/2018

**SCALE:**  
AS SHOWN

**DESIGNED BY:**  
A

**DRAWN BY:**  
M

**CHECKED BY:**  
C

**DATE:**  
09/21/2018

**PROJECT NO.:**  
063227812

**SHEET NUMBER:**  
1 OF 1







## **Zoning Case 2018-014**

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 19.3 acres of land out of the Mary A. Taylor Survey, Abstract No. 897, located at the northwest corner of the Dallas North Tollway and Plano Parkway in the City of Plano, Collin County, Texas, from Regional Commercial to Planned Development-25-Regional Commercial; 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 12th day of November 2018, for the purpose of considering rezoning 19.3 acres of land out of the Mary A. Taylor Survey, Abstract No. 897, located at the northwest corner of the Dallas North Tollway and Plano Parkway in the City of Plano, Collin County, Texas, from Regional Commercial to Planned Development-25-Regional Commercial; 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 14th day of January 2019; and

**WHEREAS**, the City Council is of the opinion and finds that such rezoning 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.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 19.3 acres of land out of the Mary A. Taylor Survey, Abstract No. 897, located at the northwest corner of the Dallas North Tollway and Plano Parkway in the City of Plano, Collin County, Texas, from Regional Commercial to Planned Development-25-Regional Commercial, said property being described in the legal description on Exhibit A attached hereto.

**Section II.** The change in Section I is granted subject to the following:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district, unless otherwise specified herein:

1. Additional Permitted Uses:

- a. Assisted Living Facility
- b. Independent Living Facility

2. Standards for Assisted and Independent Living Facilities:

- a. Maximum total number of combined assisted living facility and independent living facility units: 650
- b. Setbacks
  - i. Minimum setback from the centerline of the main lanes of the Dallas North Tollway: 350 feet
  - ii. If located within 500 feet of the centerline of the main lanes of the Dallas North Tollway, a nonresidential building or buildings, including parking structures must be constructed between buildings and the frontage road of the Dallas North Tollway. The nonresidential building(s) must be a minimum of 4 stories in height, and equal or greater linear square footage as measured along a street when compared with the retirement housing building(s).
- c. 75% of all independent living facility units must have one of the following design features: a true balcony, stoop, or patio to create outdoor living space.
- d. No building facade may exceed a length of 150 feet without a break in the facade of a minimum depth of 5 feet for a minimum length of 10 feet.
- e. Buildings must have a usable outdoor terrace on the highest three floors. Terraces will be tiered so that they are stepped back on the two highest floors.
- f. Noise Mitigation
  - i. Windows on the sides of the buildings facing the Dallas North Tollway must have a sound transmission class of 35 or greater.
  - ii. Building facades with a direct line of sight to the Dallas North Tollway should minimize exterior use areas where possible.

3. Maximum Floor Area Ratio: 2:1

4. Landscape Standards:

- a. The Dallas North Tollway and Plano Parkway landscape edges must be in conformance with the Dallas North Tollway Overlay District requirements, and trees must be planted at an average of 30 feet of linear frontage.
- b. Along the north and west property lines, trees must be planted at an average of 40 feet on-center and consist of 1 large shade tree species.

5. Height:

a. Minimum Height:

- i. Assisted living and independent living: 5 story, 70 feet.
- ii. Medical and professional/general administrative office: 4 story, 60 feet.

b. Maximum Height for Structured Parking: 6 story, 84 feet.

6. Phasing: A building permit for a minimum of 45,000 square feet of medical and/or professional/general administrative office must be approved prior to or concurrent with the site plan approval of any assisted or independent living facility uses.

7. Open Space:

a. Minimum of 1.5 acres of open space must be provided.

b. For assisted living and independent living facilities, a minimum of 4% of the total building gross square footage must be allocated to interior courtyards and amenity areas.

c. Required landscaping is excluded.

d. Open space areas must have minimum dimensions of 24 feet by 80 feet and be a minimum of 3,500 square feet in size.

8. Parking Space Schedule for Health/Fitness Use: One space for each 200 square feet.

**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 THIS THE 14TH DAY OF JANUARY 2019.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY



**Zoning Case 2018-014**

Being a tract of land situated in the Mary A. Taylor Survey, Abstract No. 897, City of Plano, Collin County, Texas and being the remainder of a Lot 2, Block A, CMS Addition, an addition to the City of Plano, Collin County, Texas according to the plat filed of record in Volume M, Page 374, Plat Records Collin County, Texas, also being portions of the Dallas North Tollway (a variable width right of way) and Plano Parkway (a variable width right of way), said tract being more particularly described as follows:

Beginning at the approximate centerline intersection of said Dallas North Tollway and Plano Parkway for the southeast corner of this tract;

Thence, leaving said Dallas North Tollway centerline, with the approximate centerline of said Plano Parkway the following four (4) courses and distances: North 89°56'08" West, a distance of 310.81 feet to a point for a corner of this tract at the beginning of a non-tangent curve to the right having a central angle of 23°26'55", a radius of 1020.00 feet, a chord bearing and distance of North 78°36'38" West, 414.53 feet;

With said curve to the right, an arc distance of 417.44 feet to a point for a corner of this tract and the beginning of a non-tangent curve to the right having a central angle of 03°08'52", a radius of 1000.00 feet, a chord bearing and distance of North 66°08'01" West, 54.93 feet;

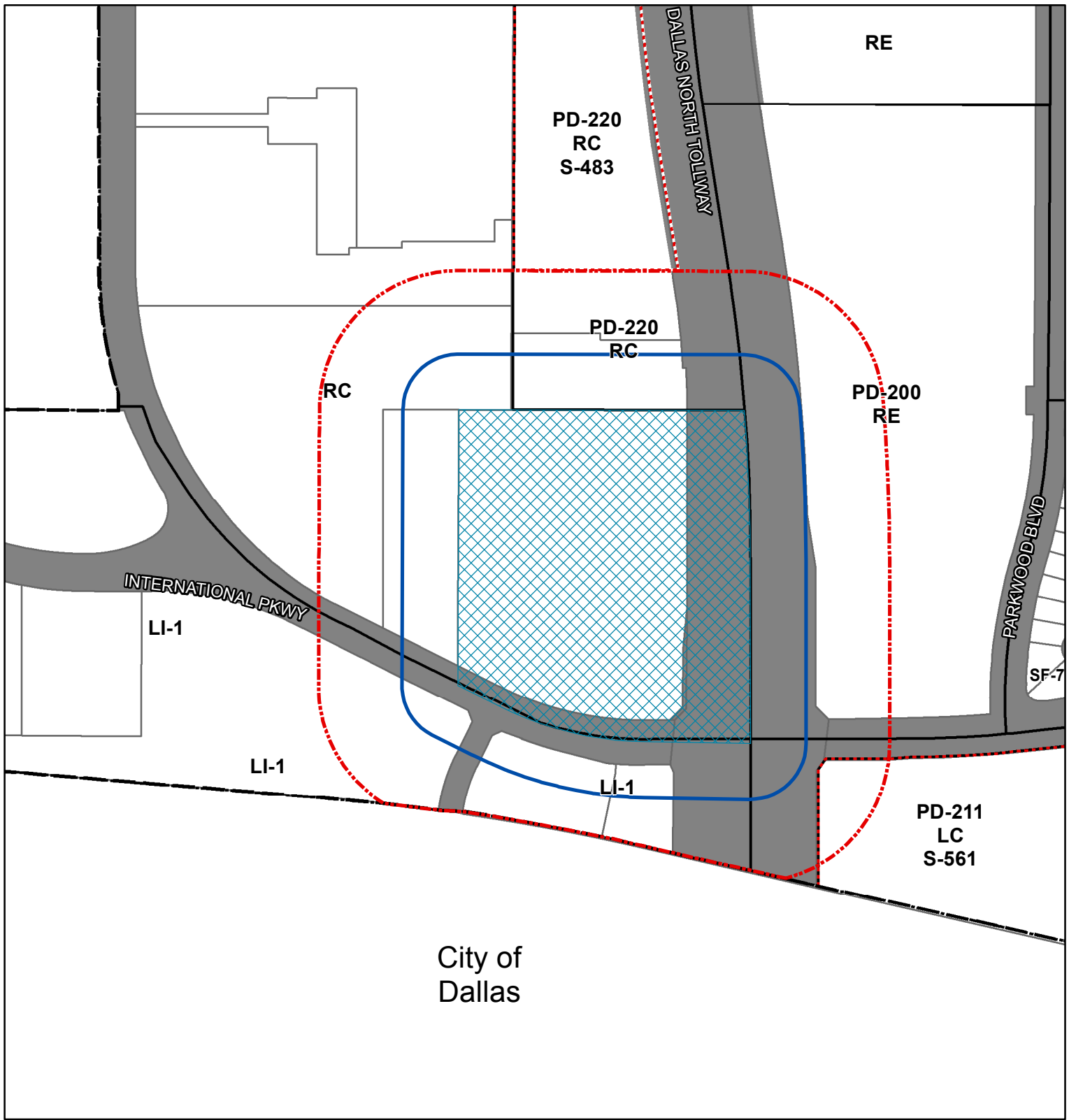
With said curve to the right, an arc distance of 54.94 feet to a point for a corner of this tract; North 64°34'29" West, a distance of 129.4 feet to a point of intersection at the projected west line of the above mentioned Lot 2, same being common with the east line of Lot 1, Block A, CMS Addition, an addition to the City of Plano according to the plat filed of record in Volume M, Page 637, Plat Records Collin County, Texas, with the approximate centerline of the above mentioned Plano Parkway and being the southwest corner of this tract;

Thence, North 0°42'26" West, leaving said centerline, with said common line, a distance of 827.30 feet to a point in the most northerly south line of Lot 1, Block B, Billingsley Office Building Addition, an addition to the City of Plano, Collin County, Texas according to the plat filed of record in Volume 2014, Page 298, Plat Records Collin County, Texas, said point being the northeast corner of said Lot 1, Block A CMS Addition and the common northwest corner of said Lot 2 and this tract;

Thence, North 89°14'34" East, leaving said common corner, with a portion of said southerly line, passing at a distance of 164.00 feet the most easterly southeast corner of said Lot 1, Block B, same being the southwest corner of Lot 1, Block 1, U-Haul Addition an addition to the City of Plano, Collin County, Texas according to the plat filed of record in Volume K, Page 600, Plat Records Collin County, Texas, continuing with the south line of said U-Haul addition, same being the north line of said Lot 2 and this tract, projecting said line to a point of intersection with the approximate centerline of the above mentioned Dallas North Tollway for a total distance of 860.13 feet to a point for the northeast corner of this tract and the beginning of a non-tangent curve to the right having a central angle of 04°36'52", a radius of 5600.00 feet, a chord bearing and distance of South 03°14'28" East, 450.88 feet;

With said curve to the right and centerline, an arc distance of 451.00 feet to a point for a corner of this tract;

Thence, South 0°56'03" East, with said centerline, a distance of 548.51 feet to the POINT OF BEGINNING and CONTAINING 840,573 square feet or 19.297 acres of land, more or less.

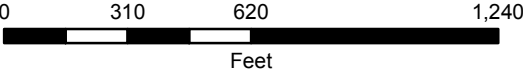
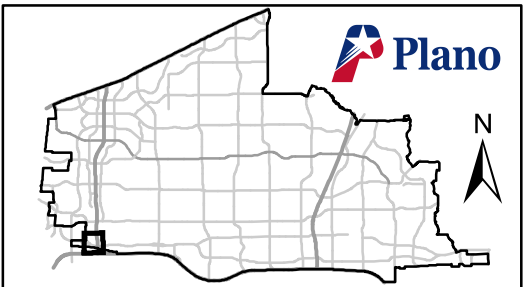


Zoning Case: 2018-014

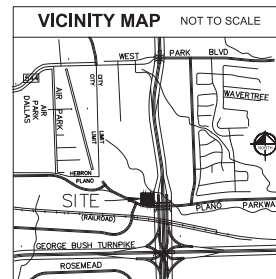
Existing Zoning: Regional Commercial (RC)

Proposed Zoning: Planned Development-Regional Commercial (PD-RC)

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



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 AND 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



SHEET NUMBER		1 OF 1	
PROJECT NO.		03227612	
DATE		09/21/2018	
<p>MIXED-USE PLANO PARKWAY          &amp; DALLAS NORTH TOLLWAY          CITY OF PLANO, TEXAS</p>			
<p>SCALE          AS SHOWN</p> <p>DESIGNED BY          JCM</p> <p>DRAWN BY          JCM</p> <p>CHECKED BY          JCM</p>			
<p><b>Kimley-Horn</b></p> <p>FOR REVIEW ONLY          Not for construction or permit purposes</p> <p>Kimley-Horn          6750 GENESEE COURT, SUITE 300, IRVING, TX 75039          P.O. Box 330938 • Dallas, TX 75231-0938</p>			
<p><b>Kimley-Horn</b></p> <p>© 2018 KIMLEY-HORN AND ASSOCIATES, INC.          6750 GENESEE COURT, SUITE 300, IRVING, TX 75039          WWW.KIMLEY-HORN.COM</p>		<p>TEAMS REGISTERED ENGINEERING FIRM F-528</p>	
NO		REVISIONS	
DATE			



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Zoning

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

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### CAPTION

**Public Hearing and adoption of Ordinance No. 2019-1-7** as requested in Zoning Case 2018-029 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 93 for Indoor Gun Range on 2.8 acres of land located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Wolverine Equities Company 2000 Highway 190, LP **Conducted and adopted**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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COMMENTS:

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### SUMMARY OF ITEM

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

Built Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
ZC 2018-029 Follow-Up	12/21/2018	P/Z Follow-up Memo
ZC 2018-029 Write-Up	12/21/2018	Staff Report
ZC 2018-029 Locator	12/21/2018	Map
ZC 2018-029 Aerial	12/21/2018	Map
ZC 2018-029 Zoning Exhibit (Bold)	1/8/2019	Map
ZC 2018-029 Ordinance with Exhibits	12/21/2018	Ordinance

**DATE:** December 4, 2018  
**TO:** Honorable Mayor & City Council  
**FROM:** John Muns, Chair, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of December 3, 2018

**AGENDA ITEM NO. 3A - PUBLIC HEARING**

**ZONING CASE 2018-029**

**APPLICANT: WOLVERINE EQUITIES COMPANY 2000 HIGHWAY 190, LP**

Request for a Specific Use Permit for Indoor Gun Range on one lot on 2.8 acres located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive. Zoned Corridor Commercial and located within the 190 Tollway/Plano Parkway Overlay District. Project #ZC2018-029.

**APPROVED:** 7-1 **DENIED:**            **TABLED:**           

The Commissioner voting in opposition did not state a reason for their opposition.

<b>Speaker Card(s) Received</b>	<b>Support:</b> <u>1</u>	<b>Oppose:</b> <u>0</u>	<b>Neutral:</b> <u>0</u>
<b>Letters Received Within 200' Notice Area:</b>	<b>Support:</b> <u>0</u>	<b>Oppose:</b> <u>0</u>	<b>Neutral:</b> <u>0</u>
<b>Petition Signatures Received:</b>	<b>Support:</b> <u>0</u>	<b>Oppose:</b> <u>0</u>	<b>Neutral:</b> <u>0</u>
<b>Other Responses:</b>	<b>Support:</b> <u>24</u>	<b>Oppose:</b> <u>3</u>	<b>Neutral:</b> <u>0</u>

**STIPULATIONS:**

Recommended for approval subject to the following stipulation:

The subject property will fully conform to the performance standards located within Article 24 (Performance Standards) of the Zoning Ordinance.

**FOR CITY COUNCIL MEETING OF:** January 14, 2019 (To view the agenda for this meeting, see [www.plano.gov](http://www.plano.gov))

**PUBLIC HEARING - ORDINANCE**

RA/kl

xc: Holt Lunsford, Wolverine Equities Company 2000 Highway 190, LP  
Juan Vasquez, Vasquez Engineering

<https://goo.gl/maps/wUgXjTiVqBL2>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

December 3, 2018

**Agenda Item No. 3A**

**Public Hearing:** Zoning Case 2018-029

**Applicant:** Wolverine Equities Company 2000 Highway 190, LP

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**DESCRIPTION:**

Request for a Specific Use Permit for Indoor Gun Range on one lot on 2.8 acres located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive. Zoned Corridor Commercial and located within the 190 Tollway/Plano Parkway Overlay District. Project #ZC2018-029.

**REMARKS:**

The applicant is requesting a Specific Use Permit (SUP) for an Indoor Gun Range. The Zoning Ordinance defines Indoor Gun Range as any indoor facility open to the public and occupying all, or a portion of, a building where firearms are discharged for testing or recreation purposes. The purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established.

There are currently two indoor gun ranges in the City of Plano:

1. Bullet Trap: Located at 2608 K Avenue, this facility features 18 pistol and two rifle lanes, classroom facilities, and retail sales.
2. Plano-Richardson Police Training Center: Located at 4912 14th Street, this facility features 12 indoor lanes. Additionally, there are three outdoor lanes at this location.

Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) 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.”

The subject property is vacant. The applicant is proposing a 30,884 square foot building with indoor ranges, classroom, retail, and accessory office and storage areas. A preliminary site plan and concept plan, Pappy’s Mapleshade Addition, Block A, Lots 2, 3, & 4 accompanies this request as agenda item number 3B.

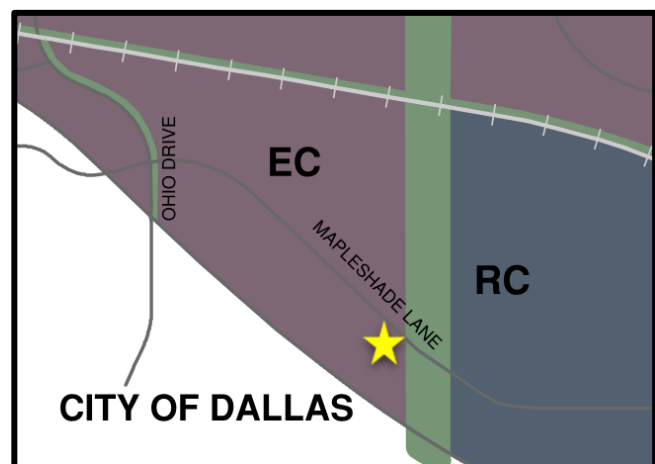
Surrounding Land Uses and Zoning:

North	Across Mapleshade Lane, professional/general administrative office and hospital zoned Corridor Commercial (CC).
East	Vacant property zoned CC.
South	Across State Highway 190, residential developments located within the City of Dallas.
West	Vacant property zoned CC.

Conformance to the Comprehensive Plan

**Future Land Use Map** - The Future Land Use Map of the city’s Comprehensive Plan designates the subject property as Employment Center (EC).

*The Employment Center future land use category applies to business centers. The primary uses for employment centers are commercial uses which provide corporate office campuses, medical centers, educational facilities, technology centers, and research facilities. Limited manufacturing and warehouse uses may be allowed to support the employment centers. Adequate building setbacks must be considered when development is proposed near neighborhoods. Residential development is not appropriate within these centers in order to ensure the city’s ability to attract and maintain employment generating uses.*



The EC designation recommends uses associated with business centers. This SUP request would increase the mix of uses in this area which currently consists of office, hotel, commercial pet sitting, indoor recreational facility, private school, mini-

warehouse/public storage, and retail. The proposed use is commercial in nature and is consistent with the EC designation.

### SUP Request

The subject property has frontage on State Highway 190 and Mapleshade Lane, with access solely from Mapleshade Lane. Surrounding properties are partially developed with nonresidential uses and zoned Corridor Commercial. There are no residential uses in proximity to the subject property; however, the UMU-2 district located to the northeast does allow residential uses. The adopted Development Plan shows residential uses approximately 1,700 feet as measured in a straight line, or 2,000 feet as measured along Mapleshade Lane and via a future private street. The closest school is the Harmony Science Academy located approximately 780 feet to the north as measured in a straight line from the subject property, or 1,100 feet as measured along Mapleshade Lane and Talbert Drive.

The applicant has provided a letter (Attachment A) that describes the proposed business. Within the letter, the applicant has stated that the following operations will occur on site:

- Training
- Firearms ranges including a dedicated 100 yard rifle bay
- A competition-ready archery range
- Gunsmithing services
- Bow tuning
- Ammo and accessory sales
- Membership club
- Hosting private and corporate events

Additionally, the applicant has stated that the range will be designed using the standards necessary to achieve the National Shooting Sports Foundation (NSSF) Five-Star Range designation, which the firearms industry uses to evaluate and designate top quality facilities. The rating system to achieve this designation has been included for information purposes as Attachment B. However, the zoning will not require this standard as proposed.

### SUP Restriction

Article 24 (Performance Standards) of the Zoning Ordinance includes regulations pertaining to noise, vibration, and other standards for land uses. Staff has discussed these requirements with the applicant who has confirmed that the development will comply with the city's regulations. Although it is already required, for emphasis, the applicant has agreed to include a stipulation ensuring compliance with the performance standards of the Zoning Ordinance as well as the city's Code of Ordinances.

### **SUMMARY:**

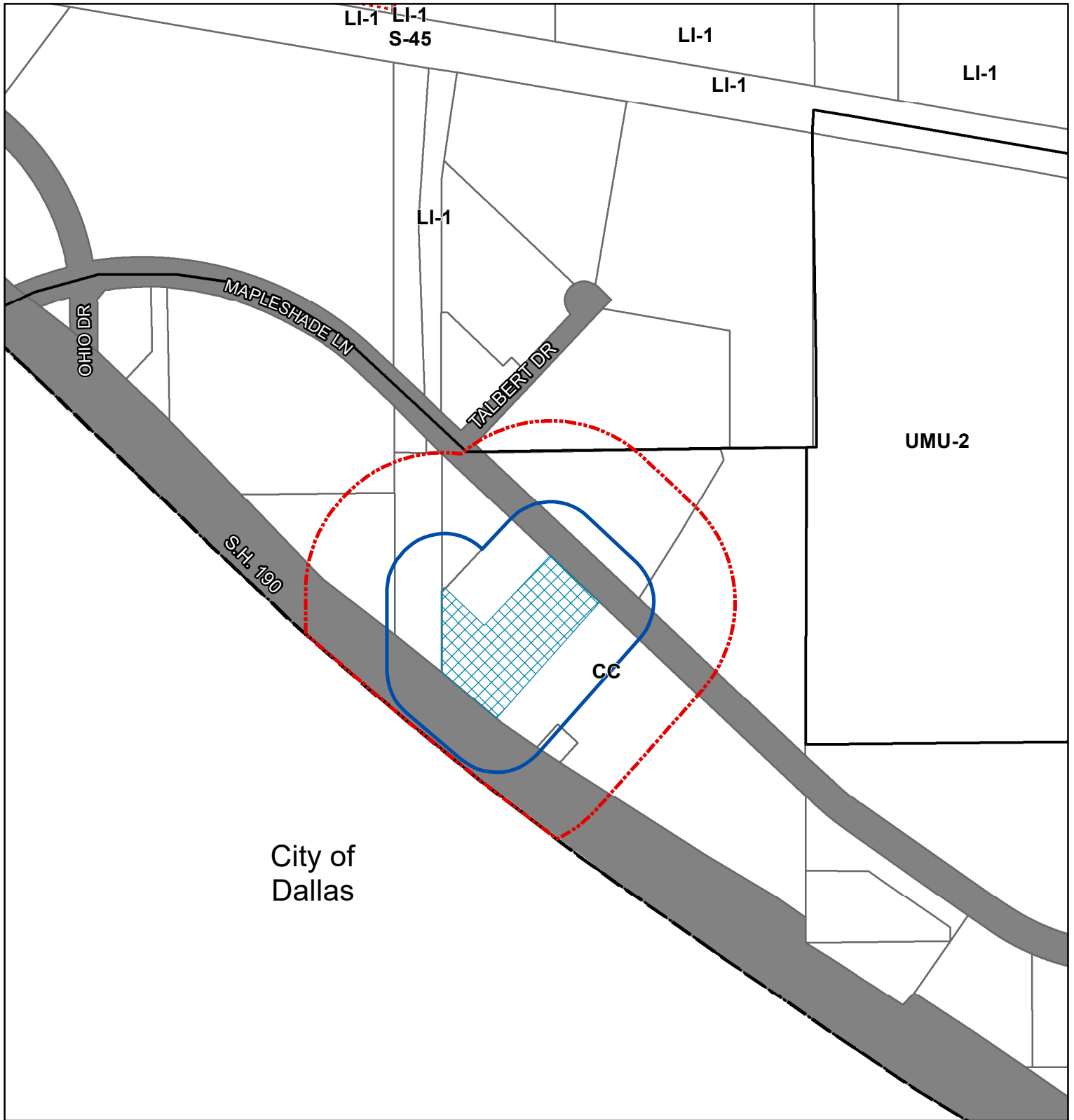
This is a request for a Specific Use Permit for Indoor Gun Range. The requested use will further diversify the mix of commercial uses within the area designated as Employment Center. The subject property is surrounded by nonresidential uses and zoning, and is

separated from the existing private school and future residential development by Mapleshade Lane and existing and future nonresidential uses. Lastly, the applicant is proposing a stipulation to reiterate the requirement to conform to the city's performance standards. For these reasons staff is in support of the request.

**RECOMMENDATION:**

Recommended for approval subject to the following stipulation:

The subject property will fully conform to the performance standards located within Article 24 (Performance Standards) of the Zoning Ordinance.

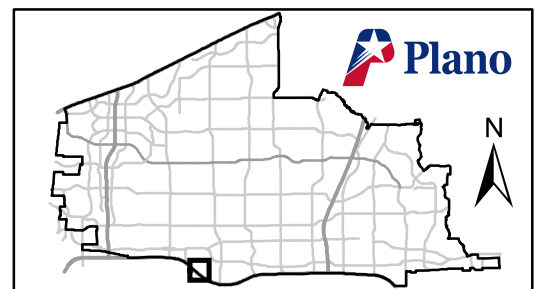


Zoning Case: 2018-029

Existing Zoning: Corridor Commercial (CC) and located within the 190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Specific Use Permit for Indoor Gun Range

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



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Feet

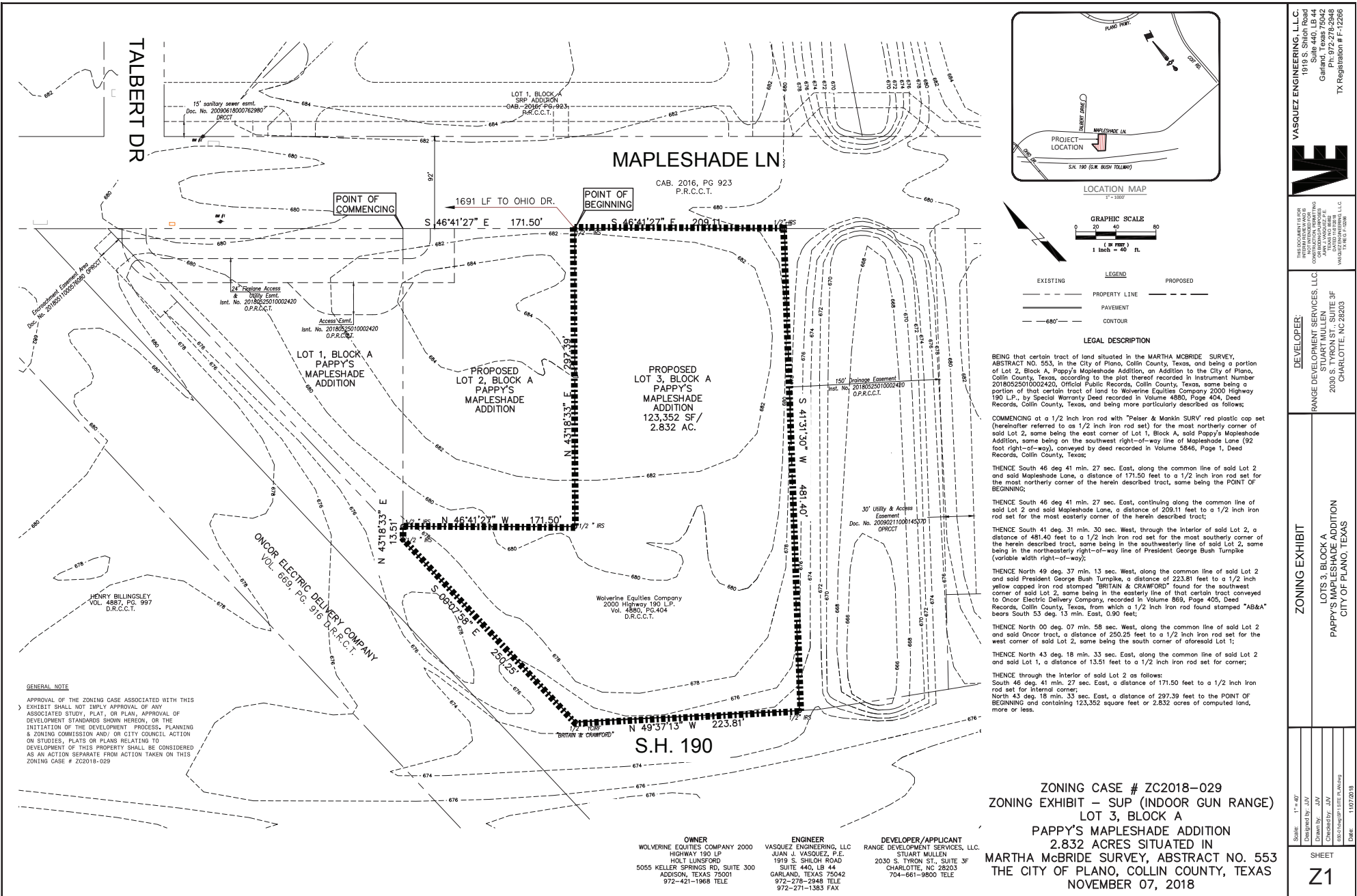




Source: City of Plano, Planning Dept.  
Date: 11/21/2018

Zoning Case 2018-029





## **Zoning Case 2018-029**

**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. 93 for Indoor Gun Range on 2.8 acres of land out of the Martha McBride Survey, Abstract No. 553, located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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 14th day of January 2019, for the purpose of considering granting Specific Use Permit No. 93 for Indoor Gun Range on 2.8 acres of land out of the Martha McBride Survey, Abstract No. 553, located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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 14th day of January 2019; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 93 for Indoor Gun Range on 2.8 acres of land out of the Martha McBride Survey, Abstract No. 553, located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, would not be detrimental or injurious to the public health, safety and 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.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**



**Section I.** The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 93 for Indoor Gun Range on 2.8 acres of land out of the Martha McBride Survey, Abstract No. 553, located on the south side of Mapleshade Lane, 1,691 feet east of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial , said property being more fully described on the legal description in Exhibit A attached hereto.

**Section II.** The change in Section I is granted subject to the following:

The subject property will fully conform to the performance standards located within Article 24 (Performance Standards) 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 THIS THE 14TH DAY OF JANUARY 2019.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

**Zoning Case 2018-029**

Being that certain tract of land situated in the Martha McBride Survey, Abstract No. 553, in the City of Plano, Collin County, Texas, and being a portion of Lot 2, Block A, Pappy's Mapleshade Addition, an Addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Instrument Number 20180525010002420, Official Public Records, Collin County, Texas, same being a portion of that certain tract of land to Wolverine Equities Company 2000 Highway 190 L.P., by Special Warranty Deed recorded in Volume 4880, Page 404, Deed Records, Collin County, Texas, and being more particularly described as follows;

Commencing at a 1/2 inch iron rod with "Peiser & Mankin SURV" red plastic cap set (hereinafter referred to as 1/2 inch iron rod set) for the most northerly corner of said Lot 2, same being the east corner of Lot 1, Block A, said Pappy's Mapleshade Addition, same being on the southwest right-of-way line of Mapleshade Lane (92 foot right-of-way), conveyed by deed recorded in Volume 5846, Page 1, Deed Records, Collin County, Texas;

Thence South 46 deg 41 min. 27 sec. East, along the common line of said Lot 2 and said Mapleshade Lane, a distance of 171.50 feet to a 1/2 inch iron rod set for the most northerly corner of the herein described tract, same being the Point of Beginning;

Thence South 46 deg 41 min. 27 sec. East, continuing along the common line of said Lot 2 and said Mapleshade Lane, a distance of 209.11 feet to a 1/2 inch iron rod set for the most easterly corner of the herein described tract;

Thence South 41 deg. 31 min. 30 sec. West, through the interior of said Lot 2, a distance of 481.40 feet to a 1/2 inch iron rod set for the most southerly corner of the herein described tract, same being in the southwesterly line of said Lot 2, same being in the northeasterly right-of-way line of President George Bush Turnpike (variable width right-of-way);

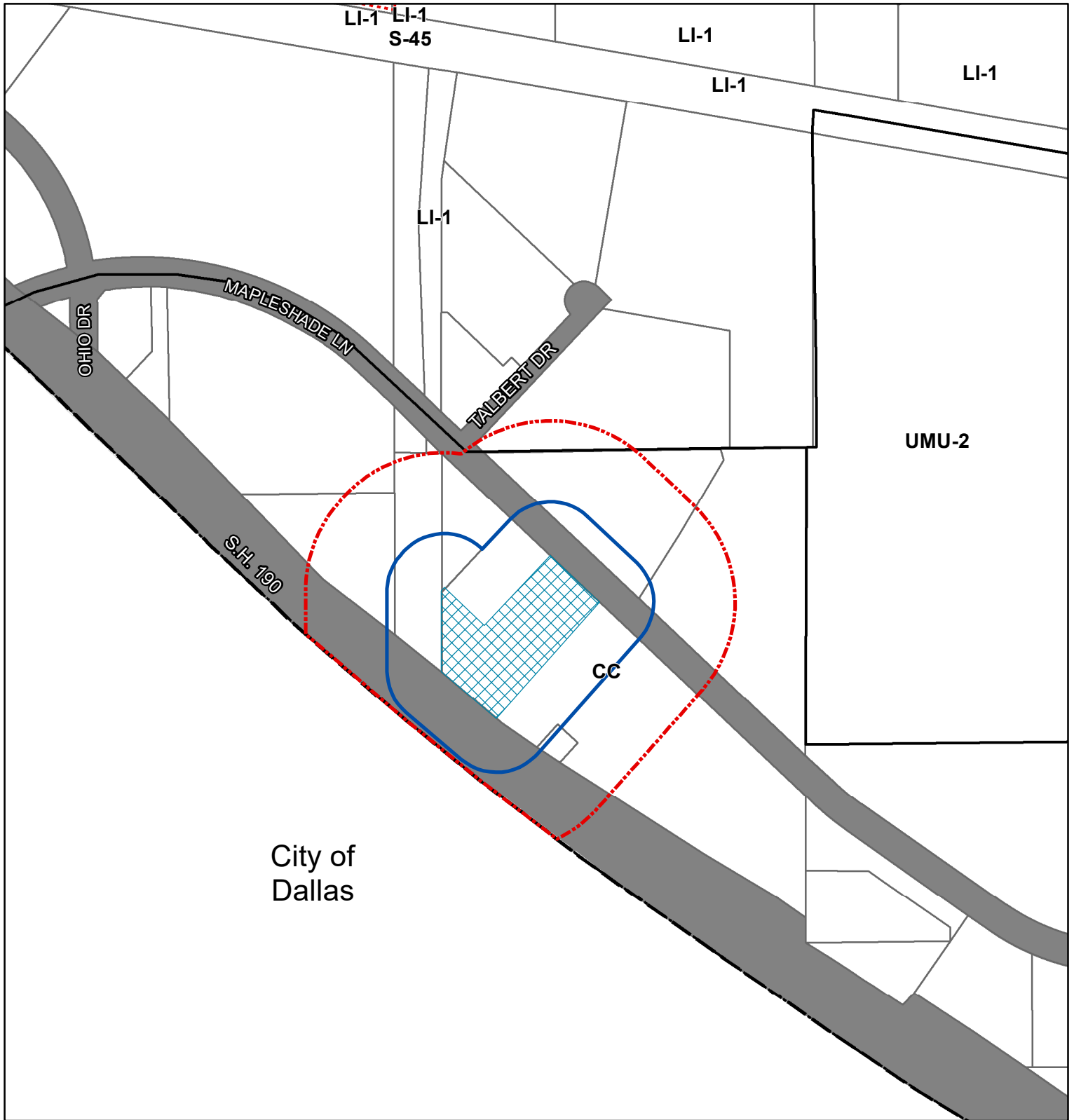
Thence North 49 deg. 37 min. 13 sec. West, along the common line of said Lot 2 and said President George Bush Turnpike, a distance of 223.81 feet to a 1/2 inch yellow capped iron rod stomped "BRITAIN & CRAWFORD" found for the southwest corner of said Lot 2, same being in the easterly line of that certain tract conveyed to Oncor Electric Delivery Company, recorded in Volume 869, Page 405, Deed Records, Collin County, Texas, from which a 1/2 inch iron rod found stamped "AB&A" bears South 53 deg. 13 min. East, 0.90 feet;

Thence North 00 deg. 07 min. 58 sec. West, along the common line of said Lot 2 and said Oncor tract, a distance of 250.25 feet to a 1/2 inch iron rod set for the west corner of said Lot 2, same being the south corner of aforesaid Lot 1;

Thence North 43 deg. 18 min. 33 sec. East, along the common line of said Lot 2 and said Lot 1, a distance of 13.51 feet to a 1/2 inch iron rod set for corner;

Thence through the interior of said Lot 2 as follows: South 46 deg. 41 min. 27 sec. East, a distance of 171.50 feet to a 1/2 inch iron rod set for internal corner;

North 43 deg. 18 min. 33 sec. East, a distance of 297.39 feet to the POINT OF BEGINNING and CONTAINING 123,352 square feet or 2.832 acres of computed land, more or less.

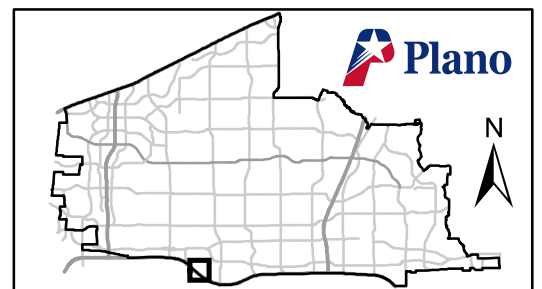


Zoning Case: 2018-029

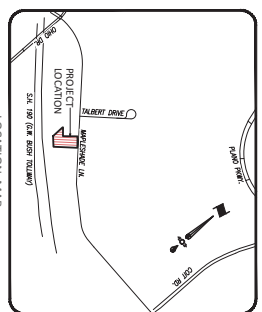
Existing Zoning: Corridor Commercial (CC) and located within the 190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Specific Use Permit for Indoor Gun Range

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



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Feet



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	Drawn by: JUV
	Checked by: JUV
	650-011dwg/SP1 SITE PLAN.dwg
Date: 11/07/2018	

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LEGEND

EXISTING	PROPOSED
--- --	---
PAVEMENT	---
CONTOUR	---
690'	---

LOTS 3, BLOCK A  
PAPPY'S MAPLESHADE ADDITION  
CITY OF PLANO, TEXAS

RANGE DEVELOPMENT SERVICES, LLC  
STUART MULLEN  
2030 S. TYRON ST., SUITE 3F  
CHARLOTTE, NC 28203

THIS DOCUMENT IS FOR  
INTERIM REVIEW AND IS  
NOT INTENDED FOR  
CONSTRUCTION, PERMITTING  
OR BIDDING PURPOSES  
JUAN J. VASQUEZ, P.E.  
TEXAS NO. 85852  
DATED 11/07/2018  
VASQUEZ ENGINEERING, L.L.C.  
TX REG. E-17368

NE

**VASQUEZ ENGINEERING, L.L.C.**  
1919 S. Shiloh Road  
Suite 440, LB 44  
Garland, Texas 75042  
Ph: 972-278-2948  
TX Registration # F-12266



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Zoning

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

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### CAPTION

**Public Hearing and adoption of Ordinance No. 2019-1-8** as requested in Zoning Case 2018-032 to amend Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts), Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to various modifications to standards for communications antennas and equipment, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

**Conducted and adopted with amendments**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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COMMENTS:

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### SUMMARY OF ITEM



**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

Built Environment

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**ATTACHMENTS:**

Description	Upload Date	Type
ZC 2018-032 Follow-Up	1/8/2019	P/Z Follow-up Memo
ZC 2018-032 Write-Up	1/8/2019	Staff Report
ZC 2018-032 Ordinance	1/8/2019	Ordinance

**DATE:** January 8, 2019  
**TO:** Honorable Mayor & City Council  
**FROM:** John Muns, Chair, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of January 7, 2019

**AGENDA ITEM NO. 6 - PUBLIC HEARING  
ZONING CASE 2018-032  
APPLICANT: CITY OF PLANO**

Request to amend Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts), Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance pertaining to various modifications to standards for communications antennas and equipment. Project #ZC2018-032.

**APPROVED:** 7-0 **DENIED:**            **TABLED:**           

**Speaker Card(s) Received** **Support:** 0 **Oppose:** 0 **Neutral:** 0

**Letters Received Within 200' Notice Area:** **Support:** 0 **Oppose:** 0 **Neutral:** 0

**Petition Signatures Received:** **Support:** 0 **Oppose:** 0 **Neutral:** 0

**Other Responses:** **Support:** 0 **Oppose:** 0 **Neutral:** 0

**STIPULATIONS:**

Recommended for approval as follows, excepting any modification found necessary to conform with legal requirements prior to the City Council consideration (additions are indicated in underlined text; deletions are indicated in strikethrough text):

**Amend Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:**

**11.700 Heritage Resource Overlay Districts**

**.5 Certificate of Appropriateness Review**

**A.** No person or entity shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, stabilization, repair, site improvements, demolition, or relocation of any H or HD designated property which affects the exterior appearance of any structure without obtaining a Certificate of Appropriateness by the Heritage Commission or

Heritage Preservation Officer, or other designee of the Director of Planning, as appropriate, for the types of work described in Section 16-112 of the city's Code of Ordinances, as amended.

**B.** No person or entity shall carry out any construction, installation, or erection of a network node in or within 300 feet of an H or HD designated property without obtaining a Certificate of Appropriateness from the Heritage Preservation Officer, or other designee of the Planning Director. The Heritage Preservation Officer or designee will review the application for such network node for consistency with associated published heritage district design guidelines or standards, as amended.

**C.B.** Certificate of Appropriateness review procedures, criteria, exemptions, and other associated requirements are located in Article VI, Chapter 16, of the City Code of Ordinances, as amended.

**Amend Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such section to read as follows:**

**15.200 Communications Antennas, Amateur and Commercial**

**.1 Purpose**

These regulations are adopted for the following purposes:

- A.** To protect and provide for the public health, safety, and general welfare of the city.
- B.** To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently.
- C.** To provide regulations for antenna support structures and antennas that provide secure mounting and construction and prevent interference with public safety communications equipment.
- D.** To encourage the users of support structures and antennas to collocate site share where possible and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal.
- E.** To protect and enhance the city's environmental and aesthetic quality.
- F.** To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.
- G.** To comply with applicable state and federal law.

## **.2 Applicability**

**A.** This article applies to all commercial and amateur antenna installations located outside of city right-of-way, unless exempted by Sec. 15.200.2B.

**B.** Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City of Plano, and which comply with the requirements of Sec. 15.200.7, are subject to all applicable ordinances for such structures including, but not limited to Sec. 15.200.7.

**C.B.** Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height.

- i. In any zoning district, antennas that are one meter (39 inches) or less in diameter.
- ii. In the O-1, O-2, R, BG, LC, RE, RC, RT, CE, CC, CB-1, LI-1, and LI-2 nonresidential zoning districts within Article 10 (Nonresidential Districts), antennas that are 2 meters or less in diameter.
- iii. In any zoning district, antennas designed to receive television broadcasts.
- iv. In any zoning district, amateur radio antennas concealed behind, on, or within attics, eaves, gutters, or roofing.
- v. In any zoning district, amateur radio ground-mounted whips and wire antennas unless mounted on a pole or mast over 20 feet in height.

~~**C.** Support structures or antennas legally installed before adoption of this ordinance or installed within city right-of-way are not required to comply with this ordinance but must meet all applicable state and federal requirements, city right-of-way ordinances, design manuals, building codes, and safety standards.~~

**D.** An AM array shall be subject to these regulations. An AM array consisting of one or more support structure units and supporting ground equipment, which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the support structures, including the guide wires, in the array. Additional support structure units may be added within the perimeter of the AM array by right.

### **.3 Definitions**

#### **Alternative Antenna Support Structure**

A clock tower, bell tower, steeple, human-initiated tree, light pole, or similar alternative-design mounting structure that camouflages or conceals the presence of antennas or support structures. The generic term "stealth" may also be applied to any method that would hide or conceal an antenna, supporting electrical or mechanical equipment, or any other support structure. Panel antennas and omni and yagi antennas attached to existing structures are considered to be alternative in design if they are integrated into the architectural features of the structure or are painted to match the support structure.

#### **Amateur Radio Antenna**

Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

#### **Antenna**

Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communication signals.

#### **Antenna Support Structure**

The transmitting or receiving system, its supporting structures, and any appurtenances mounted thereon, including a free-standing structure built specifically to support or act as an antenna or a structure mounted on some other human-initiated object such as a building or bridge.

#### **Backhaul Network**

The lines that connect a communications provider's support structure/cell sites to one or more telephone switching offices and/or long distance providers, or the public switched telephone network.

#### **Collocation**

~~The use of a single support structure and/or site by more than one communications provider.~~ Mounting or installing an antenna facility on a preexisting structure, and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

#### **Commercial Antenna**

An antenna designed or used for commercial purposes. It includes but is not limited to network node antennas.

**Decorative Pole**

A streetlight pole specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specifically designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to the City of Plano Zoning Ordinance regulation of light pole banners, as may be further amended, and as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Design District**

An area that is zoned or otherwise designated by city ordinance for which the city maintains and enforces unique design and aesthetic standards, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**FAA**

The Federal Aviation Administration

**Facilities**

The plant, equipment, and property, including, but not limited to, lines, transport service, poles, mains, pipes, conduits, ducts, cables and wires located under, or above the surface of the ground within the public right-of-way and valves, and related facilities and equipment used or useful for the provision of utility services, wireless or network services, or communications to the public, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**FCC**

The Federal Communications Commission

**Guyed Lattice Support Structure**

A guyed 3- or 4-sided, open steel frame structure used to support telecommunications equipment.

**Height**

The distance measured from the finished grade of the parcel to the highest point on the support structure or other structure including the base pad and any antenna.

**Historic District**

A geographic area that is zoned or otherwise designated as a historic or heritage district, resource, landmark, structure, marker, memorial, monument, or other notable designation under municipal, state or federal law.

**Monopole**

A structure composed of a single spire used to support telecommunications equipment.

**Network Nodes**

Type of telecommunications facility, also known as small wireless facility, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Omni Antenna**

A thin, vertical, whip-type antenna that delivers an omni-directional signal.

**Plano Design Standard Support Structure (PDSS)**

An alternative support structure or stealth design structure pre-approved for use in the type of location where the carrier wishes to locate. Applicants may submit designs for designation as a PDSS.

**Pole**

A service pole, utility pole, or utility service pole, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Pre-Existing Support Structures and Pre-Existing Antennas**

Any support structure or antenna for which a building permit or specific use permit has been properly issued prior to the effective date of this ordinance, including permitted support structures or antennas that have not yet been constructed so long as such approval is current and not expired.

**Self-supporting Lattice Support Structure**

A self-supporting, open steel frame structure used to support telecommunications equipment.

**Site Sharing**

The use of a single-support structure and/or site by more than one communications provider.

**Telecommunications Facility**

Any unmanned facility consisting of equipment for the transmission, switching, and/or receiving of wireless communications. Such facility may be elevated (either structure-mounted or ground-mounted) transmitting and receiving antennas, low-power mobile radio service base station equipment, and interconnection equipment. The categories of facility types include both roof and/or structure-mount facilities and telecommunications support structures.

**Temporary Antenna**

An antenna and supporting equipment used on a temporary basis in conjunction with a special event, emergency situation, or in case of equipment failure.

**Transceiver Radio**

Radio equipment rectangular in shape that attaches to lighting fixtures and/or utility poles and meets wind load requirements. Transceiver radios may have an attached omni-directional whip antenna.



### **Utility Structure**

An electrical transmission/distribution tower or elevated water storage tank.

### **Yagi Antenna**

A horizontal beam-type, directional antenna with short vertical bars, generally used for micro cells.

## **.4 Application General Requirements**

~~A. Antennas and support structures may be considered either principal or accessory uses.~~

~~B. Antenna installations shall comply with all other requirements of the zoning ordinance with the exception of those specified within this section.~~

~~A.~~ **C.** Applications for commercial antennas and antenna support structures shall include the following:

- i. The distance between the proposed support structure and the nearest residential unit and/or residential zoning district boundary line.
- ii. An inventory or map of the applicant's existing support structures, antennas, or sites previously approved for such, either owned or leased, both within the city and within one mile of the city limits, including specific information about the location, height, and design of each support structure. The separation distance between the proposed support structure or antenna and these support structures shall also be noted.
- iii. Certification of the following:
  - a. That the applicant has sought and received all franchises or permits required by the city for the construction and operation of the communication system.
  - b. Identification of the backhaul provider and connectivity locations for the installation. Applicants must notify the city of any change in ~~collocation~~ site sharing or backhaul providers within 30 days of the change.
  - c. Certification of the structural engineering information.
  - d. Certification of whether the installation is a network node.
  - ~~d.~~ **e.** A notarized statement from the applicant that the proposed support structure can accommodate the ~~collocation~~ site sharing of additional antennas.

- iv. Information concerning the finished color, alternative design standards (if applicable), and method of fencing.
  - v. The application may require a site plan and landscape plan in accordance with this ordinance. Platting of the property may be required in accordance with the Subdivision Ordinance.
  - vi. The Director of Planning may establish procedures, forms, and standards with regards to application materials and information constituting a complete application for communications antenna, commercial and amateur.
- B.** ~~D.~~ All commercial signs, flags, lights and attachments, other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be replaced on light standards that are altered or replaced to serve as antenna support structures.
- C.** ~~E.~~ All antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within 6 months or as required by the regulating authority.
- D.** ~~F.~~ A building permit is required to erect or install an antenna, antenna support structure, and related equipment, unless the particular antenna is exempt from regulation, as stated in Sec. 15.200.2B. All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association. ~~Owners shall have 30 days after receiving notice that an installation is in violation of applicable codes to fully comply, or the owner may appeal to the Building Standards Commission.~~
- E.** ~~G.~~ All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the City of Plano's radio frequencies and public safety operations as required by the FCC.
- F.** ~~H.~~ No commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires, or ground equipment may be located within any required front, side, or rear yard setback.
- G.** ~~I.~~ All antennas and antenna support structures owned and/or operated by a governmental entity shall be permitted by right in any district.
- H.** ~~J.~~ All antennas and support structures must meet visibility requirements as defined in Sec. 13.500.2K and Sec. 20.100.4 even if a permit is not required.

**I.** ~~K.~~ Safeguards shall be utilized to prevent unauthorized access to an antenna support structure. Safeguards include those devices identified by the manufacturer of the antenna support structure utilized, a fence, climbing guard, or other commercially-available safety device. Climbing spikes must be removed after use.

**J.** ~~L.~~ Temporary antennas shall only be allowed in the following instances:

- i. In conjunction with a festival, carnival, or other activity requiring a Special Event Permit from the City of Plano.
- ii. In case of emergency as required by the city's Police or Fire Departments.
- iii. When needed to restore service on a temporary basis after failure of an antenna installation. The city must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than 7 days, then the provider must acquire a permit for the use.

## **.5 General Requirements**

**A.** Antennas and support structures may be considered either principal or accessory uses.

**B.** Antenna installations shall comply with all other requirements of the Zoning Ordinance with the exception of those specified within this section.

**C.** Commercial antennas and antenna support structures are permissible in all zoning districts when the following requirements are met:

- i.** When totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.
- ii.** A commercial antenna may be mounted on or incorporated into flagpoles.
- iii.** Attached to a utility structure in any zoning district, except that if the communications antenna and antenna support structures exceed 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna cannot extend more than 15 feet above the utility structure.
- iv.** Attached to an existing street light, park ballfield lights, and parking lot light standards, or the light standard in any zoning district may be replaced to accommodate the antennas. The height of the light

standard may be increased no more than 15 feet, up to a maximum of 60 feet, to accommodate the antennas.

- v. In residential districts, only Omni, Yagi, network nodes, and small panel antennas not exceeding one foot in width by eight feet in length, mounted flush to the support structure, are allowed. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5".

D. Commercial antennas and antenna support structures are permissible in nonresidential districts, when the following requirements are met:

- i. 60 feet or less in height is allowed by right.
- ii. Greater than 60 feet in height is allowed with approval of a specific use permit.
- iii. Must meet the setback requirements from residential districts as stated in Sec. 15.200.5.G.iv.

E. Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached purposes, unless the conditions of Sec. 15.200.2.C are met.

F. In addition to the allowances for commercial antennas and antenna support structures, network nodes are permissible in all zoning districts when the following requirements are met:

- i. Network nodes are allowed by right if the support structure on which antenna facilities are mounted is no more than 10 percent taller than other adjacent structures, or the support structure on which antenna facilities are mounted is not extended to a height more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities.
- ii. Network nodes may be attached to a utility structure as described above if the antenna does not extend more than 10 percent above the preexisting height of the utility structure.
- iii. Network nodes may be attached to the light standard if the antenna is no more than 10 percent taller than other adjacent structures or the equipment is not extended to a height of more than 10 percent above its preexisting height as a result of the new antenna facilities.
- iv. No single antenna may be larger than three cubic feet.
- v. Overhead facilities and overhead transport facilities cannot be installed overhead on private property if the property is adjacent to a park or is

adjacent to a street or thoroughfare that is classified Class E+ or smaller. All transport facilities must be underground per the requirements of the City of Plano Right-of-Way and Subdivision Ordinances.

- vi. Network nodes in a Design or Historic District must meet the requirements of Sec. 11.700 and criteria in the City of Plano Right-of-Way Ordinance, as amended.

**G. Setback, Separation, and Screening of Ground Equipment requirements:**

- i. The height of a support structure is limited to 200 feet in the Light Industrial-1 and Light Industrial-2 zoning districts and is limited to 120 feet in all other nonresidential zoning districts, except that for network nodes, the structure on which the antenna facilities are mounted cannot be more than 10 percent taller than other adjacent structures or the structure on which antenna facilities are mounted cannot extend to a height of more than 10 percent above its preexisting height as a result of the collocation site sharing of new antenna facilities.
- ii. Support structures, except for network node poles, must be set back a minimum of 125% of the support structure height from public rights-of-way.
- iii. Equipment buildings must comply with the screening requirements specified in Sec. 15.200.6, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.
- iv. Support structures, guy wires, and accessory buildings must satisfy the minimum zoning district setbacks requirements. Where the district does not specify a minimum front yard setback, the front yard setback must be 50 feet; where the district does not specify a minimum side yard setback, the side yard setback must be 10 feet; where the district does not specify a minimum rear yard setback, the rear yard setback must be 10 feet.
- v. The following separation distances between support structures must be maintained:

	<u>Lattice</u>	<u>Guyed</u>	<u>Monopole 75 Feet in Height or Greater</u>	<u>Monopole Less Than 75 Feet in Height</u>	<u>Network Node</u>
<u>Lattice</u>	<u>5,000</u>	<u>5,000</u>	<u>1,500</u>	<u>750</u>	<u>750</u>
<u>Guyed</u>	<u>5,000</u>	<u>5,000</u>	<u>1,500</u>	<u>750</u>	<u>750</u>
<u>Monopole 75 Feet in Height or Greater</u>	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>	<u>750</u>	<u>750</u>
<u>Monopole Less Than 75 Feet in Height</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>
<u>Network Node</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>150</u>

vi. Alternative or stealth designs as defined by this ordinance are exempt from the above spacing requirements.

vii. No commercial antenna support structure, other than a network node 60 feet or greater in height, shall be closer to any residential district boundary line than a distance equal to the sum of the required setback specified for the zoning district in which such structure is located, plus 25 feet, plus twice the height of the portion of the structure above 25 feet, or 125% of the height of the support structure, whichever is greater. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line. Setbacks from residentially-zoned property do not apply to antennas, other than a network node, less than 60 feet in height or those attached to existing utility structures exceeding 60 feet in height, or to antennas placed wholly within a building or attached to a building; however, the building itself must meet all applicable setback requirements.

#### **5.6 Collocation Site Sharing**

Collocation Site sharing shall be accomplished as follows:

- A.** All new support structures over 60 feet in height must be constructed to support antennas for at least 2 carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment must also be provided.
- B.** A support structure which is modified or reconstructed to accommodate collocation site sharing shall be of the same type or design as the existing structure and is subject to the following regulations:
  - i.** The support structure may be modified or rebuilt to a height not to exceed 30 feet over the support structure's existing height, with a maximum height of 120 feet. If a specific use permit issued for the

support structure stipulated a maximum height, the support structure may not be modified unless the specific use permit is amended.

- ii. Distance separation from other support structures and residential zoning district boundaries are based on the original support structure and are not increased.
  - iii. The support structure may be moved on the same property within 50 feet of its existing location but may not be moved closer to residentially-zoned property. The new location must be within the boundaries of the specific use permit.
  - iv. The original support structure must be removed from the property within 90 days of the completion of the new support structure.
- C. Additional antennas attached to an existing support structure must comply with the design of the existing antenna on the support structure.

#### **6.7 Support Buildings and Equipment Storage**

In order to minimize the effect on property values and to maintain the aesthetics of the area, sSupport buildings and equipment storage areas or buildings must meet the following requirements:

- A. When mounted on rooftops, they must be screened by a parapet wall or other mechanical unit screening. Existing mechanical unit screening may be utilized if it provides screening in accordance with Sec. 20.300.
- B. When ground mounted, they must comply with the following:
  - i. Meet all applicable front, side, and rear yard setback requirements.
  - ii. Be of a neutral color and use exterior building materials that are compatible with surrounding structures.
  - iii. Be screened by an evergreen landscape screen with an initial planting size of 5 gallons and 4 feet in height, with an ultimate height of 6 feet or a solid masonry fence 6 feet in height. Landscaping must be irrigated and maintained in a living, growing condition. Wooden fences are prohibited and wrought iron or chain link may only be used in conjunction with a landscape screen.

#### **7 ~~Requirements for the Placement of Support Structures and Antennas~~**

- ~~A. In all residential zoning districts (A, ED, SF-20, SF-9, SF-7, SF-6, PH, 2F, SF-A, MH, MF-1, MF-2, MF-3, GR, UR), commercial antennas and antenna support structures located outside of city right-of-way are prohibited, except as specified within this section.~~



- ~~i. No commercial antenna or antenna support structure shall be allowed on lots used or platted for single family, two family, or single family attached purposes. Commercial antennas and antenna support structures shall be installed on multifamily lots only as allowed below.~~
  - ~~ii. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower or elevated water storage tank) exceeding 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna may not extend more than 15 feet above the utility structure.~~
  - ~~iii. A commercial antenna may be totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design. Commercial antennas may also be totally enclosed within a flagpole.~~
  - ~~iv. Antennas may be attached to existing street light, park ballfield lights, and parking lot light standards, or the light standard may be replaced to accommodate the antennas. The height of the light standard may be increased no more than 15 feet, up to a maximum of 60 feet, to accommodate the antenna.~~
  - ~~v. In residential districts, only omni, yagi, and small panel antennas not exceeding one foot in width by 8 feet in length, mounted flush to the support structure, are allowed. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5". Other types of antennas may be used only when incorporated or enclosed within a building permitted in the district, or within a flagpole or other stealth design, or attached to any existing utility structure exceeding 60 feet in height.~~
  - ~~vi. Equipment buildings must comply with the same screening requirements specified in Sec. 15.200.6, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.~~
- ~~B. In nonresidential zoning districts (O-1, O-2, R, BG, LC, LI-1, LI-2, CE, CB-1, CC, RT, RC, RE), commercial antennas and antenna support structures located outside of city right-of-way are allowed as follows:~~
- ~~i. Commercial antenna support structures are allowed by right if they are 60 feet or less in height and by a specific use permit if over 60 feet in height. In all nonresidential zoning districts, antenna support structures must meet the setback requirements from residential districts as stated in Sec. 15.200.7C.v.~~
  - ~~ii. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower or elevated water storage tank) exceeding 60 feet in height, provided that the antenna does not extend more than 10 feet~~

~~above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna may not extend more than 15 feet above the utility structure.~~

- ~~iii. Antennas may be attached to existing street light, park ballfield lights, and parking lot light standards, or the light standard may be replaced to accommodate the antennas. The height of the light standard may be increased a total of 15 feet, up to a maximum of 60 feet, to accommodate the antenna. Only omni, yagi, and small panel antennas not exceeding one foot in width by 8 feet in length, mounted flush to the support structure, may be attached to existing light standards less than 60 feet in height. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5".~~
- ~~iv. A commercial antenna may be totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.~~
- ~~v. A commercial antenna mounted on a roof or existing structure, other than a support structure, shall extend no more than 10 feet above the highest point of the structure.~~
- ~~vi. A commercial antenna may be mounted on or incorporated into flagpoles.~~
- ~~vii. The height of a support structure is limited to 200 feet in the LI-1 and LI-2 zoning districts and is limited to 120 feet in all other commercial zoning districts.~~

~~C. The following setback and separation regulations shall apply to commercial communications support structures:~~

- ~~i. Support structures must be set back a minimum of 125% of the support structure height from public rights-of-way.~~
- ~~ii. Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.~~
- ~~iii. The following separation distances between support structures must be maintained:~~

	<b>Lattice</b>	<b>Guyed</b>	<b>Monopole 75 Feet in Height or Greater</b>	<b>Monopole Less Than 75 Feet in Height</b>
<b>Lattice</b>	<b>5,000</b>	<b>5,000</b>	<b>1,500</b>	<b>750</b>
<b>Guyed</b>	<b>5,000</b>	<b>5,000</b>	<b>1,500</b>	<b>750</b>
<b>Monopole 75 Feet in Height or Greater</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>	<b>750</b>
<b>Monopole Less Than 75 Feet in Height</b>	<b>750</b>	<b>750</b>	<b>750</b>	<b>750</b>

- ~~iv. Alternative or stealth designs as defined by this ordinance are exempt from the above spacing requirements.~~
- ~~v. No commercial antenna support structure shall be closer to any residential district boundary line than a distance equal to the sum of the required setback specified for the zoning district in which such structure is located, plus 25 feet, plus twice the height of the portion of the structure above 25 feet, or 125% of the height of the support structure, whichever is greater. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line. Setbacks from residentially-zoned property do not apply to antennas attached to existing utility structures exceeding 60 feet in height, or to antennas placed wholly within a building or attached to a building; however, the building itself must meet all applicable setback requirements.~~

#### **.8 Antennas on City-Owned Property**

Antennas owned by other than governmental entities may be located on property owned by the City of Plano under the following conditions:

- A.** Antennas and support structures located within city right-of-way must comply with the City of Plano Right-of-Way Management Regulations, design manuals, and other ordinances.
- B.** The antennas and support structures outside of the right-of-way may only be attached to an existing improvement or replace an existing improvement and must follow the requirements of Sec. 15.200.5 ~~15.200.7~~. ~~The improvement shall be capable of supporting the antenna and any associated equipment and shall not interfere with the use or other operations of the city.~~
- C.** ~~Prior a~~Authorization for use of city property must be shown by a franchise, lease, license, permit, or other document duly executed by an authorized city representative and adopted in conformance with all applicable city regulations and guidelines for the property prior to submission of an application for review under this Section. ~~The granting of a franchise, lease, license, or permit is at the discretion of the City Council or its authorized designee and must comply with all ordinances.~~

~~D. The antennas and any accompanying equipment must comply with all ordinances, rules, and regulations.~~

~~E. Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City of Plano, and which comply with the requirements of Sec. 15.200.8B, are subject to all applicable ordinances for such structures including, but not limited to Sec. 15.200.7.~~

## **.9 Aesthetic and Alternative Design Requirements**

**A. In order to preserve property values and to maintain the aesthetics of the area, All antennas and antenna support structures must meet the following requirements:**

i. Support structures ~~shall~~ must have a galvanized steel finish or ~~shall~~ be painted a neutral color, unless other designs and colors are required by the Federal Aviation Administration for safety purposes.

ii. Antennas and supporting equipment installed on an existing structure other than a support structure must be of a neutral color that is compatible with the color of the supporting structure.

**iii. Alternative or stealth designs are encouraged for all antenna support structures, antennas, and supporting equipment.**

~~B. Alternative or stealth designs are encouraged for all antenna support structures, antennas, and supporting equipment but are required for the following unless mounted on existing street light or parking lot light standards:~~

~~i. Antenna support structures in nonresidential zoning districts that do not require a specific use permit.~~

~~ii. Supporting equipment when mounted on rooftops or located in residential districts.~~

## **.10 Amateur Radio Antennas and Support Structures**

**A.** Amateur radio antennas that are owned and operated by a federally-licensed amateur radio station operator are allowed in any district. A building permit is required for antenna support structures of 20 feet or more in height. (See Sec. 15.200.2B for exemptions.)

**B.** No amateur antenna support structure or antenna may be greater than 50 feet in height. However, the height of such antenna support structure or antenna may be increased up to 75 feet with the installation of a telescopic or crank-up support structure. Upon the issuance of a specific use permit,

an amateur antenna support structure or antenna may be constructed to exceed these height limits.

- C. Amateur antenna support structures, antenna, or support wires must be located behind the face of the main building. No amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback. For an amateur antenna support structure or antenna in excess of 35 feet, the setback from side setback lines must be increased one foot for every foot the height exceeds 35 feet.
- D. The bottom section of an antenna support structure may not exceed 48 inches in width. An antenna support structure having a bottom section with a width exceeding 30 inches but not greater than 48 inches must be of a tapered design.
- E. Only one amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a specific use permit. Excluded from this provision are monopoles 4 inches or less in diameter used exclusively to support wire antennas as referenced in Sec. 15.200.2B.v.
- F. Amateur radio antennas, antenna support structures, bases, masts, and poles in existence or for which a permit was issued prior to the effective date of this ordinance shall be considered legal nonconforming uses subject to the provisions specified in *Article 7*.

## **.11 Appeals**

- A. An applicant may appeal a decision of the Director of Planning for an antenna installation that does not require a specific use permit, other than a network node installation, to the Planning & Zoning Commission by filing a Notice of Appeal within 10 days following the date the Director notifies the applicant of ~~his action~~ the decision. The Planning & Zoning Commission may approve, conditionally approve, table, or deny an appeal. Decisions of the Planning & Zoning Commission may be appealed to City Council in accordance with Article 4.
- B. Any applicant may appeal a decision of the Director of Planning to the City Manager for a network node installation if the applicant believes that the denial of a permit materially inhibits the provision of service, in violation of Sections 253 or 332 of the Telecommunication Act of 1996. The City Manager may adopt rules regulating the process and requirements for appeals. The City Manager must issue a decision within ten (10) business days of receipt of the written appeal. Decisions of the City Manager are final. Failure to render a decision constitutes a denial.

**C.** Any entity that desires to erect or utilize telecommunications facilities that would be limited by the provisions of this ordinance may petition the Planning & Zoning Commission to modify the ordinance. In determining the need to initiate an amendment to the ordinance, the Commission shall consider the extent to which strict application of these regulations would prohibit or have the effect of prohibiting communications services.

**FOR CITY COUNCIL MEETING OF:** January 14, 2019 (To view the agenda for this meeting, see [www.plano.gov](http://www.plano.gov))

**PUBLIC HEARING - ORDINANCE**

EM/kls

CITY OF PLANO  
PLANNING & ZONING COMMISSION

January 7, 2018

**Agenda Item No. 6**

**Public Hearing:** Zoning Case 2018-032

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**DESCRIPTION:**

Request to amend Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts), Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance pertaining to various modifications to standards for communications antennas and equipment. Project #ZC2018-032.

**REMARKS:**

Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations) regulates communications antennas and network nodes. In September 2018, the Federal Communications Commission (FCC) issued an order regarding fifth-generation cellular wireless infrastructure (5G) which will preempt the authority of state and local governments to regulate certain aspects of the placement of network nodes on public and private property.

The City of Plano Right-of-Way Ordinance was amended on December 18, 2018, to accommodate the requirements of the new ruling. This zoning case is a request to amend the associated regulations of the Zoning Ordinance. The FCC requires these amendments to be completed by January 14, 2019. For this reason, if approved by the Planning & Zoning Commission on January 7, 2019, the case will be heard by the City Council on January 14, 2019.

The FCC order will result in substantial changes to the way the city administers its regulations as follows:

1. Conformance with the FCC Order – The order established time frames in which the city must act upon a small cell permit, a \$500 cap for all application fees, amended technical terminology, and set maximum dimensions for antennas and ground equipment. These requirements apply to any zoning action, building permit, or other approvals needed to allow small cell antennas on a building, pole, or other structure.



2. Clarification and Organization of Existing Ordinance – After review of Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations), staff determined that the general layout of the section could be improved to provide clarity for property owners, telecommunication service providers, and contractors. For this reason, staff is proposing updates to better organize these regulations.

#### Conformance to the Comprehensive Plan

**Land Use Action Statement LU1** – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on the policies of the Comprehensive Plan.*

The proposed updates to the Zoning Ordinance will bring the city's requirements for communications antenna on private property, including network nodes, into compliance with the FCC order and recent amendments to the City of Plano Right-of-Way Ordinance. This request is in conformance with this policy.

#### Proposed Changes

Staff is proposing changes to various portions of the ordinance as follows:

1. Method of Approval – The FCC order states that a local government's requirements for approval of a small cell permit cannot impede the ability of the utility operator to provide their service, especially in regards to timing of approvals. Staff believes the best way to ensure that the city will meet this standard is to allow administrative review of most small cell installations, including those proposed within heritage districts or individual heritage designated properties. Therefore, staff proposes that discretionary approvals, such as Specific Use Permits (SUP) should be limited, wherever possible.
2. Applicability – The proposed changes include language stating that the purpose of the requirements is to comply with all state and federal laws, and to avoid a negative impact to the public resulting in the unsightly proliferation of network node poles.
3. Definitions – Staff is proposing to add and amend various definitions, consistent with the FCC order, and the city's Historic Preservation and Right-of-Way Ordinances.
4. Application Requirements – The updates include clarifying application criteria in accordance with city requirements and state and federal law.
5. Area Requirements – Staff is proposing to consolidate and update setback, height, distance separation, and other requirements consistent with the FCC order.
6. Requirements for City-Owned Property – The updated language clarifies that Zoning Ordinance regulations are distinct from Right-of-Way Ordinance regulations and apply to city property outside of public right-of-way.
7. Aesthetic and Alternative Design Requirements – The changes clarify that alternative and stealth designs are encouraged in all zoning districts and are required for all

structures in nonresidential districts not requiring an SUP, as well as for roof mounted equipment in residential districts.

8. Establish Appeal Procedure – The proposed updates create a procedure to appeal the denial of a permit. The procedure allows the City Manager final approval authority, consistent with the Right-of-Way Ordinance.
9. Enforcement – The proposed updates remove an exemption related to legal nonconformance and an SUP requirement paragraph because they are duplicative of portions of this and other ordinance sections, which could cause unforeseen conflicts. The language change is not intended to impact the legally conforming status of properties, but rather provide clarity.

#### **SUMMARY:**

The proposed changes to communications antenna requirements are in conformance with the FCC order and the City of Plano Right-of-Way Ordinance. These amendments will also provide clarity for property owners, telecommunication service providers, and contractors. Staff recommends approval as submitted.

#### **RECOMMENDATION:**

Recommended for approval as follows, excepting any modification found necessary to conform with legal requirements prior to the City Council consideration (additions are indicated in underlined text; deletions are indicated in strikethrough text):

**Amend Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:**

#### **11.700 Heritage Resource Overlay Districts**

##### **.5 Certificate of Appropriateness Review**

- A. No person or entity shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, stabilization, repair, site improvements, demolition, or relocation of any H or HD designated property which affects the exterior appearance of any structure without obtaining a Certificate of Appropriateness by the Heritage Commission or Heritage Preservation Officer, or other designee of the Director of Planning, as appropriate, for the types of work described in Section 16-112 of the city's Code of Ordinances, as amended.
- B. No person or entity shall carry out any construction, installation, or erection of a network node in or within 300 feet of an H or HD designated property without obtaining a Certificate of Appropriateness from the Heritage Preservation Officer, or other designee of the Planning Director. The Heritage Preservation Officer or designee will review the

application for such network node for consistency with associated published heritage district design guidelines or standards, as amended.

- C.B.** Certificate of Appropriateness review procedures, criteria, exemptions, and other associated requirements are located in Article VI, Chapter 16, of the City Code of Ordinances, as amended.

**Amend Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such section to read as follows:**

**15.200 Communications Antennas, Amateur and Commercial**

**.1 Purpose**

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the city.
- B. To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently.
- C. To provide regulations for antenna support structures and antennas that provide secure mounting and construction and prevent interference with public safety communications equipment.
- D. To encourage the users of support structures and antennas to ~~collocate~~ site share where possible and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal.
- E. To protect and enhance the city's environmental and aesthetic quality.
- F. To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.
- G. To comply with applicable state and federal law.

**.2 Applicability**

- A. This article applies to all commercial and amateur antenna installations located outside of city right-of-way, unless exempted by Sec. 15.200.2B.
- B. Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City of Plano, and which comply with the requirements of Sec. 15.200.7, are subject to all applicable ordinances for such structures including, but not limited to Sec. 15.200.7.

**C.B.** Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height.

- i. In any zoning district, antennas that are one meter (39 inches) or less in diameter.
- ii. In the ~~O-1, O-2, R, BG, LG, RE, RC, RT, CE, CC, CB-1, LI-1, and LI-2~~ nonresidential zoning districts within Article 10 (Nonresidential Districts), antennas that are 2 meters or less in diameter.
- iii. In any zoning district, antennas designed to receive television broadcasts.
- iv. In any zoning district, amateur radio antennas concealed behind, on, or within attics, eaves, gutters, or roofing.
- v. In any zoning district, amateur radio ground-mounted whips and wire antennas unless mounted on a pole or mast over 20 feet in height.

~~**C.** Support structures or antennas legally installed before adoption of this ordinance or installed within city right-of-way are not required to comply with this ordinance but must meet all applicable state and federal requirements, city right-of-way ordinances, design manuals, building codes, and safety standards.~~

**D.** An AM array shall be subject to these regulations. An AM array consisting of one or more support structure units and supporting ground equipment, which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the support structures, including the guide wires, in the array. Additional support structure units may be added within the perimeter of the AM array by right.

### **.3 Definitions**

#### **Alternative Antenna Support Structure**

A clock tower, bell tower, steeple, human-initiated tree, light pole, or similar alternative-design mounting structure that camouflages or conceals the presence of antennas or support structures. The generic term “stealth” may also be applied to any method that would hide or conceal an antenna, supporting electrical or mechanical equipment, or any other support structure. Panel antennas and omni and yagi antennas attached to existing structures are considered to be alternative in design if they are integrated into the architectural features of the structure or are painted to match the support structure.

**Amateur Radio Antenna**

Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

**Antenna**

Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communication signals.

**Antenna Support Structure**

The transmitting or receiving system, its supporting structures, and any appurtenances mounted thereon, including a free-standing structure built specifically to support or act as an antenna or a structure mounted on some other human-initiated object such as a building or bridge.

**Backhaul Network**

The lines that connect a communications provider's support structure/cell sites to one or more telephone switching offices and/or long distance providers, or the public switched telephone network.

**Collocation**

~~The use of a single support structure and/or site by more than one communications provider.~~ Mounting or installing an antenna facility on a preexisting structure, and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

**Commercial Antenna**

An antenna designed or used for commercial purposes. It includes but is not limited to network node antennas.

**Decorative Pole**

A streetlight pole specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specifically designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to the City of Plano Zoning Ordinance regulation of light pole banners, as may be further amended, and as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Design District**

An area that is zoned or otherwise designated by city ordinance for which the city maintains and enforces unique design and aesthetic standards, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**FAA**

The Federal Aviation Administration

**Facilities**

The plant, equipment, and property, including, but not limited to, lines, transport service, poles, mains, pipes, conduits, ducts, cables and wires located under, or above the surface of the ground within the public right-of-way and valves, and related facilities and equipment used or useful for the provision of utility services, wireless or network services, or communications to the public, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**FCC**

The Federal Communications Commission

**Guyed Lattice Support Structure**

A guyed 3- or 4-sided, open steel frame structure used to support telecommunications equipment.

**Height**

The distance measured from the finished grade of the parcel to the highest point on the support structure or other structure including the base pad and any antenna.

**Historic District**

A geographic area that is zoned or otherwise designated as a historic or heritage district, resource, landmark, structure, marker, memorial, monument, or other notable designation under municipal, state or federal law.

**Monopole**

A structure composed of a single spire used to support telecommunications equipment.

**Network Nodes**

Type of telecommunications facility, also known as small wireless facility, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Omni Antenna**

A thin, vertical, whip-type antenna that delivers an omni-directional signal.

**Plano Design Standard Support Structure (PDSS)**

An alternative support structure or stealth design structure pre-approved for use in the type of location where the carrier wishes to locate. Applicants may submit designs for designation as a PDSS.

**Pole**

A service pole, utility pole, or utility service pole, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Pre-Existing Support Structures and Pre-Existing Antennas**

Any support structure or antenna for which a building permit or specific use permit has been properly issued prior to the effective date of this ordinance, including permitted support structures or antennas that have not yet been constructed so long as such approval is current and not expired.

**Self-supporting Lattice Support Structure**

A self-supporting, open steel frame structure used to support telecommunications equipment.

**Site Sharing**

The use of a single-support structure and/or site by more than one communications provider.

**Telecommunications Facility**

Any unmanned facility consisting of equipment for the transmission, switching, and/or receiving of wireless communications. Such facility may be elevated (either structure-mounted or ground-mounted) transmitting and receiving antennas, low-power mobile radio service base station equipment, and interconnection equipment. The categories of facility types include both roof and/or structure-mount facilities and telecommunications support structures.

**Temporary Antenna**

An antenna and supporting equipment used on a temporary basis in conjunction with a special event, emergency situation, or in case of equipment failure.

**Transceiver Radio**

Radio equipment rectangular in shape that attaches to lighting fixtures and/or utility poles and meets wind load requirements. Transceiver radios may have an attached omni-directional whip antenna.

**Utility Structure**

An electrical transmission/distribution tower or elevated water storage tank.

**Yagi Antenna**

A horizontal beam-type, directional antenna with short vertical bars, generally used for micro cells.

**.4 Application General Requirements**

- ~~A. Antennas and support structures may be considered either principal or accessory uses.~~
- ~~B. Antenna installations shall comply with all other requirements of the zoning ordinance with the exception of those specified within this section.~~



**A.** ~~C.~~ Applications for commercial antennas and antenna support structures shall include the following:

- i. The distance between the proposed support structure and the nearest residential unit and/or residential zoning district boundary line.
- ii. An inventory or map of the applicant's existing support structures, antennas, or sites previously approved for such, either owned or leased, both within the city and within one mile of the city limits, including specific information about the location, height, and design of each support structure. The separation distance between the proposed support structure or antenna and these support structures shall also be noted.
- iii. Certification of the following:
  - a. That the applicant has sought and received all franchises or permits required by the city for the construction and operation of the communication system.
  - b. Identification of the backhaul provider and connectivity locations for the installation. Applicants must notify the city of any change in ~~collocation~~ site sharing or backhaul providers within 30 days of the change.
  - c. Certification of the structural engineering information.
  - d. Certification of whether the installation is a network node.
  - ~~d.~~ **e.** A notarized statement from the applicant that the proposed support structure can accommodate the ~~collocation~~ site sharing of additional antennas.
- iv. Information concerning the finished color, alternative design standards (if applicable), and method of fencing.
- v. The application may require a site plan and landscape plan in accordance with this ordinance. Platting of the property may be required in accordance with the Subdivision Ordinance.
- vi.** The Director of Planning may establish procedures, forms, and standards with regards to application materials and information constituting a complete application for communications antenna, commercial and amateur.

**B.** ~~D.~~ All commercial signs, flags, lights and attachments, other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure. However,

lights may remain or be replaced on light standards that are altered or replaced to serve as antenna support structures.

- C. E.** All antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within 6 months or as required by the regulating authority.
- D. F.** A building permit is required to erect or install an antenna, antenna support structure, and related equipment, unless the particular antenna is exempt from regulation, as stated in Sec. [15.200.2B](#). All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association. ~~Owners shall have 30 days after receiving notice that an installation is in violation of applicable codes to fully comply, or the owner may appeal to the Building Standards Commission.~~
- E. G.** All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the City of Plano's radio frequencies and public safety operations as required by the FCC.
- F. H.** No commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires, or ground equipment may be located within any required front, side, or rear yard setback.
- G. I.** All antennas and antenna support structures owned and/or operated by a governmental entity shall be permitted by right in any district.
- H. J.** All antennas and support structures must meet visibility requirements as defined in Sec. [13.500.2K](#) and Sec. [20.100.4](#) even if a permit is not required.
- I. K.** Safeguards shall be utilized to prevent unauthorized access to an antenna support structure. Safeguards include those devices identified by the manufacturer of the antenna support structure utilized, a fence, climbing guard, or other commercially-available safety device. Climbing spikes must be removed after use.
- J. L.** Temporary antennas shall only be allowed in the following instances:
- i. In conjunction with a festival, carnival, or other activity requiring a Special Event Permit from the City of Plano.
  - ii. In case of emergency as required by the city's Police or Fire Departments.

- iii. When needed to restore service on a temporary basis after failure of an antenna installation. The city must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than 7 days, then the provider must acquire a permit for the use.

## **.5 General Requirements**

- A. Antennas and support structures may be considered either principal or accessory uses.**
- B. Antenna installations shall comply with all other requirements of the zoning ordinance with the exception of those specified within this section.**
- C. Commercial antennas and antenna support structures are permissible in all zoning districts when the following requirements are met:**
  - i. When totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.**
  - ii. A commercial antenna may be mounted on or incorporated into flagpoles.**
  - iii. Attached to a utility structure in any zoning district, except that if the communications antenna and antenna support structures exceed 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna cannot extend more than 15 feet above the utility structure.**
  - iv. Attached to an existing street light, park ballfield lights, and parking lot light standards, or the light standard in any zoning district may be replaced to accommodate the antennas. The height of the light standard may be increased no more than 15 feet, up to a maximum of 60 feet, to accommodate the antennas.**
  - v. In residential districts, only Omni, Yagi, network nodes, and small panel antennas not exceeding one foot in width by 8 feet in length, mounted flush to the support structure, are allowed. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5".**

- D. Commercial antennas and antenna support structures are permissible in nonresidential districts, when the following requirements are met:
- i. 60 feet or less in height is allowed by right.
  - ii. Greater than 60 feet in height is allowed with approval of a specific use permit.
  - iii. Must meet the setback requirements from residential districts as stated in Sec. 15.200.5.G.iv.
- E. Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached purposes, unless the conditions of Sec. 15.200.2.C are met.
- F. In addition to the allowances for commercial antennas and antenna support structures, network nodes are permissible in all zoning districts when the following requirements are met:
- i. Network nodes are allowed by right if the support structure on which antenna facilities are mounted is no more than 10 percent taller than other adjacent structures, or the support structure on which antenna facilities are mounted is not extended to a height more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities.
  - ii. Network nodes may be attached to a utility structure as described above if the antenna does not extend more than 10 percent above the preexisting height of the utility structure.
  - iii. Network nodes may be attached to the light standard if the antenna is no more than 10 percent taller than other adjacent structures or the equipment is not extended to a height of more than 10 percent above its preexisting height as a result of the new antenna facilities.
  - iv. No single antenna may be larger than three cubic feet.
  - v. Overhead facilities and overhead transport facilities cannot be installed overhead on private property if the property is adjacent to a park or is adjacent to a street or thoroughfare that is classified Class E+ or smaller. All transport facilities must be underground per the requirements of the City of Plano Right-of-Way and Subdivision Ordinances.
  - vi. Network nodes in a Design or Historic District must meet the requirements of Sec. 11.700 and criteria in the City of Plano Right-of-Way Ordinance, as amended.

**G. Setback, Separation, and Screening of Ground Equipment requirements:**

- i.** The height of a support structure is limited to 200 feet in the Light Industrial-1 and Light Industrial-2 zoning districts and is limited to 120 feet in all other nonresidential zoning districts, except that for network nodes, the structure on which the antenna facilities are mounted cannot be more than 10 percent taller than other adjacent structures or the structure on which antenna facilities are mounted cannot extend to a height of more than 10 percent above its preexisting height as a result of the ~~collocation~~ site sharing of new antenna facilities.
- ii.** Support structures, except for network node poles, must be set back a minimum of 125% of the support structure height from public rights-of-way.
- iii.** Equipment buildings must comply with the screening requirements specified in Sec. 15.200.6, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.
- iv.** Support structures, guy wires, and accessory buildings must satisfy the minimum zoning district setbacks requirements. Where the district does not specify a minimum front yard setback, the front yard setback must be 50 feet; where the district does not specify a minimum side yard setback, the side yard setback must be 10 feet; where the district does not specify a minimum rear yard setback, the rear yard setback must be 10 feet.
- v.** The following separation distances between support structures must be maintained:

	<u>Lattice</u>	<u>Guyed</u>	<u>Monopole 75 Feet in Height or Greater</u>	<u>Monopole Less Than 75 Feet in Height</u>	<u>Network Node</u>
<u>Lattice</u>	<u>5,000</u>	<u>5,000</u>	<u>1,500</u>	<u>750</u>	<u>750</u>
<u>Guyed</u>	<u>5,000</u>	<u>5,000</u>	<u>1,500</u>	<u>750</u>	<u>750</u>
<u>Monopole 75 Feet in Height or Greater</u>	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>	<u>750</u>	<u>750</u>
<u>Monopole Less Than 75 Feet in Height</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>
<u>Network Node</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>150</u>

- vi.** Alternative or stealth designs as defined by this ordinance are exempt from the above spacing requirements.

vii. No commercial antenna support structure, other than a network node 60 feet or greater in height, shall be closer to any residential district boundary line than a distance equal to the sum of the required setback specified for the zoning district in which such structure is located, plus 25 feet, plus twice the height of the portion of the structure above 25 feet, or 125% of the height of the support structure, whichever is greater. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line. Setbacks from residentially-zoned property do not apply to antennas, other than a network node, less than 60 feet in height or those attached to existing utility structures exceeding 60 feet in height, or to antennas placed wholly within a building or attached to a building; however, the building itself must meet all applicable setback requirements.

**5.6 Collocation Site Sharing**

~~Collocation~~ Site sharing shall be accomplished as follows:

- A. All new support structures over 60 feet in height must be constructed to support antennas for at least 2 carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment must also be provided.
- B. A support structure which is modified or reconstructed to accommodate ~~collocation~~ site sharing shall be of the same type or design as the existing structure and is subject to the following regulations:
  - i. The support structure may be modified or rebuilt to a height not to exceed 30 feet over the support structure's existing height, with a maximum height of 120 feet. If a specific use permit issued for the support structure stipulated a maximum height, the support structure may not be modified unless the specific use permit is amended.
  - ii. Distance separation from other support structures and residential zoning district boundaries are based on the original support structure and are not increased.
  - iii. The support structure may be moved on the same property within 50 feet of its existing location but may not be moved closer to residentially-zoned property. The new location must be within the boundaries of the specific use permit.
  - iv. The original support structure must be removed from the property within 90 days of the completion of the new support structure.

- C. Additional antennas attached to an existing support structure must comply with the design of the existing antenna on the support structure.

#### **6.7 Support Buildings and Equipment Storage**

~~In order to minimize the effect on property values and to maintain the aesthetics of the area, s~~Support buildings and equipment storage areas or buildings must meet the following requirements:

- A. When mounted on rooftops, they must be screened by a parapet wall or other mechanical unit screening. Existing mechanical unit screening may be utilized if it provides screening in accordance with Sec. [20.300](#).
- B. When ground mounted, they must comply with the following:
- i. Meet all applicable front, side, and rear yard setback requirements.
  - ii. Be of a neutral color and use exterior building materials that are compatible with surrounding structures.
  - iii. Be screened by an evergreen landscape screen with an initial planting size of 5 gallons and 4 feet in height, with an ultimate height of 6 feet or a solid masonry fence 6 feet in height. Landscaping must be irrigated and maintained in a living, growing condition. Wooden fences are prohibited and wrought iron or chain link may only be used in conjunction with a landscape screen.

#### **7 ~~Requirements for the Placement of Support Structures and Antennas~~**

- ~~A. In all residential zoning districts (A, ED, SF-20, SF-9, SF-7, SF-6, PH, 2F, SF-A, MH, MF-1, MF-2, MF-3, GR, UR), commercial antennas and antenna support structures located outside of city right-of-way are prohibited, except as specified within this section.~~
- ~~i. No commercial antenna or antenna support structure shall be allowed on lots used or platted for single-family, two-family, or single-family attached purposes. Commercial antennas and antenna support structures shall be installed on multifamily lots only as allowed below.~~
  - ~~ii. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower or elevated water storage tank) exceeding 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna may not extend more than 15 feet above the utility structure.~~
  - ~~iii. A commercial antenna may be totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it~~

is painted and integrated into the overall architectural design. Commercial antennas may also be totally enclosed within a flagpole.

- ~~iv. Antennas may be attached to existing street light, park ballfield lights, and parking lot light standards, or the light standard may be replaced to accommodate the antennas. The height of the light standard may be increased no more than 15 feet, up to a maximum of 60 feet, to accommodate the antenna.~~
  - ~~v. In residential districts, only omni, yagi, and small panel antennas not exceeding one foot in width by 8 feet in length, mounted flush to the support structure, are allowed. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5". Other types of antennas may be used only when incorporated or enclosed within a building permitted in the district, or within a flagpole or other stealth design, or attached to any existing utility structure exceeding 60 feet in height.~~
  - ~~vi. Equipment buildings must comply with the same screening requirements specified in Sec. [15.200.6](#), unless the equipment is attached to the support structure itself or enclosed within another structure on the property.~~
- ~~B. In nonresidential zoning districts (O-1, O-2, R, BG, LC, LI-1, LI-2, CE, CB-1, CC, RT, RC, RE), commercial antennas and antenna support structures located outside of city right-of-way are allowed as follows:~~
- ~~i. Commercial antenna support structures are allowed by right if they are 60 feet or less in height and by a specific use permit if over 60 feet in height. In all nonresidential zoning districts, antenna support structures must meet the setback requirements from residential districts as stated in Sec. [15.200.7C.v](#).~~
  - ~~ii. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower or elevated water storage tank) exceeding 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna may not extend more than 15 feet above the utility structure.~~
  - ~~iii. Antennas may be attached to existing street light, park ballfield lights, and parking lot light standards, or the light standard may be replaced to accommodate the antennas. The height of the light standard may be increased a total of 15 feet, up to a maximum of 60 feet, to accommodate the antenna. Only omni, yagi, and small panel antennas not exceeding one foot in width by 8 feet in length, mounted flush to the support structure, may be attached to existing light standards less than 60 feet in height. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5".~~



- ~~iv. A commercial antenna may be totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.~~
- ~~v. A commercial antenna mounted on a roof or existing structure, other than a support structure, shall extend no more than 10 feet above the highest point of the structure.~~
- ~~vi. A commercial antenna may be mounted on or incorporated into flagpoles.~~
- ~~vii. The height of a support structure is limited to 200 feet in the LI-1 and LI-2 zoning districts and is limited to 120 feet in all other commercial zoning districts.~~

~~C. The following setback and separation regulations shall apply to commercial communications support structures:~~

- ~~i. Support structures must be set back a minimum of 125% of the support structure height from public rights-of-way.~~
- ~~ii. Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.~~
- ~~iii. The following separation distances between support structures must be maintained:~~

	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Feet in Height	750	750	750	750

- ~~iv. Alternative or stealth designs as defined by this ordinance are exempt from the above spacing requirements.~~
- ~~v. No commercial antenna support structure shall be closer to any residential district boundary line than a distance equal to the sum of the required setback specified for the zoning district in which such structure is located, plus 25 feet, plus twice the height of the portion of the structure above 25 feet, or 125% of the height of the support structure, whichever is greater. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line. Setbacks from residentially-zoned property do not apply to antennas attached to existing utility structures exceeding 60 feet in height,~~

~~or to antennas placed wholly within a building or attached to a building; however, the building itself must meet all applicable setback requirements.~~

## **.8 Antennas on City-Owned Property**

Antennas owned by other than governmental entities may be located on property owned by the City of Plano under the following conditions:

- A. Antennas and support structures located within city right-of-way must comply with the City of Plano Right-of-Way Management Regulations, design manuals, and other ordinances.
- B. The antennas and support structures outside of the right-of-way may only be attached to an existing improvement or replace an existing improvement and must follow the requirements of Sec. 15.200.5 15.200.7. ~~The improvement shall be capable of supporting the antenna and any associated equipment and shall not interfere with the use or other operations of the city.~~
- C. ~~Prior a~~ Authorization for use of city property must be shown by a franchise, lease, license, permit, or other document duly executed by an authorized city representative and adopted in conformance with all applicable city regulations and guidelines for the property prior to submission of an application for review under this Section. ~~The granting of a franchise, lease, license, or permit is at the discretion of the City Council or its authorized designee and must comply with all ordinances.~~
- ~~D. The antennas and any accompanying equipment must comply with all ordinances, rules, and regulations.~~
- ~~E. Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City of Plano, and which comply with the requirements of Sec. 15.200.8B, are subject to all applicable ordinances for such structures including, but not limited to Sec. 15.200.7.~~

## **.9 Aesthetic and Alternative Design Requirements**

- A. In order to preserve property values and to maintain the aesthetics of the area, Aall antennas and antenna support structures must meet the following requirements:
  - i. Support structures ~~shall~~ must have a galvanized steel finish or ~~shall~~ be painted a neutral color, unless other designs and colors are required by the Federal Aviation Administration for safety purposes.
  - ii. Antennas and supporting equipment installed on an existing structure other than a support structure must be of a neutral color that is compatible with the color of the supporting structure.

iii. Alternative or stealth designs are encouraged for all antenna support structures, antennas, and supporting equipment.

~~B. Alternative or stealth designs are encouraged for all antenna support structures, antennas, and supporting equipment but are required for the following unless mounted on existing street light or parking lot light standards:~~

~~i. Antenna support structures in nonresidential zoning districts that do not require a specific use permit.~~

~~ii. Supporting equipment when mounted on rooftops or located in residential districts.~~

#### **.10 Amateur Radio Antennas and Support Structures**

A. Amateur radio antennas that are owned and operated by a federally-licensed amateur radio station operator are allowed in any district. A building permit is required for antenna support structures of 20 feet or more in height. (See Sec. [15.200.2B](#) for exemptions.)

B. No amateur antenna support structure or antenna may be greater than 50 feet in height. However, the height of such antenna support structure or antenna may be increased up to 75 feet with the installation of a telescopic or crank-up support structure. Upon the issuance of a specific use permit, an amateur antenna support structure or antenna may be constructed to exceed these height limits.

C. Amateur antenna support structures, antenna, or support wires must be located behind the face of the main building. No amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback. For an amateur antenna support structure or antenna in excess of 35 feet, the setback from side setback lines must be increased one foot for every foot the height exceeds 35 feet.

D. The bottom section of an antenna support structure may not exceed 48 inches in width. An antenna support structure having a bottom section with a width exceeding 30 inches but not greater than 48 inches must be of a tapered design.

E. Only one amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a specific use permit. Excluded from this provision are monopoles 4 inches or less in diameter used exclusively to support wire antennas as referenced in Sec. [15.200.2B.v](#).

- F. Amateur radio antennas, antenna support structures, bases, masts, and poles in existence or for which a permit was issued prior to the effective date of this ordinance shall be considered legal nonconforming uses subject to the provisions specified in *Article 7*.

## **.11 Appeals**

- A. An applicant may appeal a decision of the Director of Planning for an antenna installation that does not require a specific use permit, other than a network node installation, to the Planning & Zoning Commission by filing a Notice of Appeal within 10 days following the date the Director notifies the applicant of ~~his action~~ the decision. The Planning & Zoning Commission may approve, conditionally approve, table, or deny an appeal. Decisions of the Planning & Zoning Commission may be appealed to City Council in accordance with [Article 4](#).
- B. Any applicant may appeal a decision of the Director of Planning to the City Manager for a network node installation if the applicant believes that the denial of a permit materially inhibits the provision of service, in violation of Sections 253 or 332 of the Telecommunication Act of 1996. The City Manager may adopt rules regulating the process and requirements for appeals. The City Manager must issue a decision within ten (10) business days of receipt of the written appeal. Decisions of the City Manager are final. Failure to render a decision constitutes a denial.
- C. Any entity that desires to erect or utilize telecommunications facilities that would be limited by the provisions of this ordinance may petition the Planning & Zoning Commission to modify the ordinance. In determining the need to initiate an amendment to the ordinance, the Commission shall consider the extent to which strict application of these regulations would prohibit or have the effect of prohibiting communications services.

## **Zoning Case 2018-032**

**An Ordinance of the City of Plano, Texas, amending Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts), Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to various modifications to standards for communications antennas and equipment, 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 14th day of January 2019, for the purpose of considering a change in the Zoning Ordinance; 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 14th day of January 2019; and

**WHEREAS**, the City Council is of the opinion and finds that such change 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.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Subsection 11.700.5 (Certificate of Appropriateness) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

### **11.700 Heritage Resource Overlay Districts**

#### **.5 Certificate of Appropriateness Review**

- A. No person or entity shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, stabilization, repair, site improvements, demolition, or relocation of any H or HD designated property which affects the exterior

appearance of any structure without obtaining a Certificate of Appropriateness by the Heritage Commission or Heritage Preservation Officer, or other designee of the Director of Planning, as appropriate, for the types of work described in Section 16-112 of the city's Code of Ordinances, as amended.

- B. No person or entity shall carry out any construction, installation, or erection of a network node in or within 300 feet of an H or HD designated property without obtaining a Certificate of Appropriateness from the Heritage Preservation Officer, or other designee of the Planning Director. The Heritage Preservation Officer or designee will review the application for such network node for consistency with associated published heritage district design guidelines or standards, as amended.
- C. Certificate of Appropriateness review procedures, criteria, exemptions, and other associated requirements are located in Article VI, Chapter 16, of the city's Code of Ordinances, as amended.

**Section II.** Amend Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning 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:

## **15.200 Communications Antennas, Amateur and Commercial**

### **.1 Purpose**

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the city.
- B. To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently.
- C. To provide regulations for antenna support structures and antennas that provide secure mounting and construction and prevent interference with public safety communications equipment.
- D. To encourage the users of support structures and antennas to site share where possible and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal.
- E. To protect and enhance the city's environmental and aesthetic quality.
- F. To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.
- G. To comply with applicable state and federal law.

## **.2 Applicability**

- A. This article applies to all commercial and amateur antenna installations located outside of city right-of-way, unless exempted by Sec. 15.200.2B.
- B. Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City of Plano, and which comply with the requirements of Sec. 15.200.7, are subject to all applicable ordinances for such structures including, but not limited to Sec. 15.200.7.
- C. Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height.
  - i. In any zoning district, antennas that are one meter (39 inches) or less in diameter.
  - ii. In the nonresidential zoning districts within Article 10 (Nonresidential Districts), antennas that are 2 meters or less in diameter.
  - iii. In any zoning district, antennas designed to receive television broadcasts.
  - iv. In any zoning district, amateur radio antennas concealed behind, on, or within attics, eaves, gutters, or roofing.
  - v. In any zoning district, amateur radio ground-mounted whips and wire antennas unless mounted on a pole or mast over 20 feet in height.
- D. An AM array shall be subject to these regulations. An AM array consisting of one or more support structure units and supporting ground equipment, which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the support structures, including the guide wires, in the array. Additional support structure units may be added within the perimeter of the AM array by right.

## **.3 Definitions**

### **Alternative Antenna Support Structure**

A clock tower, bell tower, steeple, human-initiated tree, light pole, or similar alternative-design mounting structure that camouflages or conceals the presence of antennas or support structures. The generic term “stealth” may also be applied to any method that would hide or conceal an antenna, supporting electrical or mechanical equipment, or any other support structure. Panel antennas and omni and yagi antennas attached to existing structures are considered to be alternative in design if they are integrated into the architectural features of the structure or are painted to match the support structure.

**Amateur Radio Antenna**

Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

**Antenna**

Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communication signals.

**Antenna Support Structure**

The transmitting or receiving system, its supporting structures, and any appurtenances mounted thereon, including a freestanding structure built specifically to support or act as an antenna or a structure mounted on some other human-initiated object such as a building or bridge.

**Backhaul Network**

The lines that connect a communications provider's support structure/cell sites to one or more telephone switching offices and/or long distance providers, or the public switched telephone network.

**Collocation**

Mounting or installing an antenna facility on a preexisting structure, and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

**Commercial Antenna**

An antenna designed or used for commercial purposes. It includes but is not limited to network node antennas.

**Decorative Pole**

A streetlight pole specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specifically designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to the City of Plano Zoning Ordinance regulation of light pole banners, as may be further amended, and as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Design District**

An area that is zoned or otherwise designated by city ordinance for which the city maintains and enforces unique design and aesthetic standards, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**FAA**

The Federal Aviation Administration

**Facilities**

The plant, equipment, and property, including, but not limited to, lines, transport service, poles, mains, pipes, conduits, ducts, cables and wires located under or above the surface



of the ground within the public right-of-way and valves, and related facilities and equipment used or useful for the provision of utility services, wireless or network services, or communications to the public, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**FCC**

The Federal Communications Commission

**Guyed Lattice Support Structure**

A guyed 3- or 4-sided, open steel frame structure used to support telecommunications equipment.

**Height**

The distance measured from the finished grade of the parcel to the highest point on the support structure or other structure including the base pad and any antenna.

**Historic District**

A geographic area that is zoned or otherwise designated as a historic or heritage district, resource, landmark, structure, marker, memorial, monument, or other notable designation under municipal, state or federal law.

**Monopole**

A structure composed of a single spire used to support telecommunications equipment.

**Network Nodes**

Type of telecommunications facility, also known as small wireless facility, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Omni Antenna**

A thin, vertical, whip-type antenna that delivers an omni-directional signal.

**Plano Design Standard Support Structure (PDSS)**

An alternative support structure or stealth design structure pre-approved for use in the type of location where the carrier wishes to locate. Applicants may submit designs for designation as a PDSS.

**Pole**

A service pole, utility pole, or utility service pole, as defined in the City of Plano Right-of-Way Ordinance, as amended.

**Pre-Existing Support Structures and Pre-Existing Antennas**

Any support structure or antenna for which a building permit or specific use permit has been properly issued prior to the effective date of this ordinance, including permitted support structures or antennas that have not yet been constructed so long as such approval is current and not expired.

**Self-supporting Lattice Support Structure**

A self-supporting, open steel frame structure used to support telecommunications equipment.

**Site Sharing**

The use of a single-support structure and/or site by more than one communications provider.

**Telecommunications Facility**

Any unmanned facility consisting of equipment for the transmission, switching, and/or receiving of wireless communications. Such facility may be elevated (either structure-mounted or ground-mounted) transmitting and receiving antennas, low-power mobile radio service base station equipment, and interconnection equipment. The categories of facility types include both roof and/or structure-mount facilities and telecommunications support structures.

**Temporary Antenna**

An antenna and supporting equipment used on a temporary basis in conjunction with a special event, emergency situation, or in case of equipment failure.

**Transceiver Radio**

Radio equipment rectangular in shape that attaches to lighting fixtures and/or utility poles and meets wind load requirements. Transceiver radios may have an attached omnidirectional whip antenna.

**Utility Structure**

An electrical transmission/distribution tower or elevated water storage tank.

**Yagi Antenna**

A horizontal beam-type, directional antenna with short vertical bars, generally used for micro cells.

**.4 Application Requirements**

- A. Applications for commercial antennas and antenna support structures shall include the following:
  - i. The distance between the proposed support structure and the nearest residential unit and/or residential zoning district boundary line.
  - ii. An inventory or map of the applicant's existing support structures, antennas, or sites previously approved for such, either owned or leased, both within the city and within one mile of the city limits, including specific information about the location, height, and design of each support structure. The separation distance between the proposed support structure or antenna and these support structures shall also be noted.
  - iii. Certification of the following:
    - a. That the applicant has sought and received all franchises or permits required by the city for the construction and operation of the communication system.

- b. Identification of the backhaul provider and connectivity locations for the installation. Applicants must notify the city of any change in site sharing or backhaul providers within 30 days of the change.
    - c. Certification of the structural engineering information.
    - d. Certification of whether the installation is a network node.
    - e. A notarized statement from the applicant that the proposed support structure can accommodate the site sharing of additional antennas.
  - iv. Information concerning the finished color, alternative design standards (if applicable), and method of fencing.
  - v. The application may require a site plan and landscape plan in accordance with this ordinance. Platting of the property may be required in accordance with the Subdivision Ordinance.
  - vi. The Director of Planning may establish procedures, forms, and standards with regards to application materials and information constituting a complete application for communications antenna, commercial and amateur.
- B. All commercial signs, flags, lights and attachments, other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be replaced on light standards that are altered or replaced to serve as antenna support structures.
- C. All antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within 6 months or as required by the regulating authority.
- D. A permit is required to erect or install an antenna, antenna support structure, and related equipment, unless the particular antenna is exempt from regulation, as stated in Sec. 15.200.2B. All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association.
- E. All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the City of Plano's radio frequencies and public safety operations as required by the FCC.

- F. No commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires, or ground equipment may be located within any required front, side, or rear yard setback.
- G. All antennas and antenna support structures owned and/or operated by a governmental entity shall be permitted by right in any district.
- H. All antennas and support structures must meet visibility requirements as defined in Sec. 13.500.2K and Sec. 20.100.4 even if a permit is not required.
- I. Safeguards shall be utilized to prevent unauthorized access to an antenna support structure. Safeguards include those devices identified by the manufacturer of the antenna support structure utilized, a fence, climbing guard, or other commercially available safety device. Climbing spikes must be removed after use.
- J. Temporary antennas shall only be allowed in the following instances:
  - i. In conjunction with a festival, carnival, or other activity requiring a Special Event Permit from the City of Plano.
  - ii. In case of emergency as required by the city's Police or Fire Departments.
  - iii. When needed to restore service on a temporary basis after failure of an antenna installation. The city must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than 7 days, then the provider must acquire a permit for the use.

## **.5 General Requirements**

- A. Antennas and support structures may be considered either principal or accessory uses.
- B. Antenna installations shall comply with all other requirements of the Zoning Ordinance with the exception of those specified within this section.
- C. Commercial antennas and antenna support structures are permissible in all zoning districts when the following requirements are met:
  - i. When totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.
  - ii. A commercial antenna may be mounted on or incorporated into flagpoles.

- iii. Attached to a utility structure in any zoning district, except that if the communications antenna and antenna support structures exceed 60 feet in height, provided that the antenna does not extend more than 10 feet above the highest point of the utility structure. If the utility structure is 100 feet or more in height, the antenna cannot extend more than 15 feet above the utility structure.
  - iv. Attached to an existing street light, park ballfield lights, and parking lot light standards, or the light standard in any zoning district may be replaced to accommodate the antennas. The height of the light standard may be increased no more than 15 feet, up to a maximum of 60 feet, to accommodate the antennas.
  - v. In residential districts, only Omni, Yagi, network nodes, and small panel antennas not exceeding one foot in width by eight feet in length, mounted flush to the support structure, are allowed. Radio transceivers may also be used if the equipment box does not exceed 8" x 14" x 5".
- D. Commercial antennas and antenna support structures are permissible in nonresidential districts, when the following requirements are met:
- i. 60 feet or less in height is allowed by right.
  - ii. Greater than 60 feet in height is allowed with approval of a specific use permit.
  - iii. Must meet the setback requirements from residential districts as stated in Sec. 15.200.5.G.iv.
- E. Commercial antennas and antenna support structures are prohibited in residential districts on lots used or platted for single-family, two-family, or single-family attached purposes, unless the conditions of Sec. 15.200.2.C are met.
- F. In addition to the allowances for commercial antennas and antenna support structures, network nodes are permissible in all zoning districts when the following requirements are met:
- i. Network nodes are allowed by right if the support structure on which antenna facilities are mounted is no more than 10 percent taller than other adjacent structures, or the support structure on which antenna facilities are mounted is not extended to a height more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities.
  - ii. Network nodes may be attached to a utility structure as described above if the antenna does not extend more than 10 percent above the preexisting height of the utility structure.

- iii. Network nodes may be attached to the light standard if the antenna is no more than 10 percent taller than other adjacent structures or the equipment is not extended to a height of more than 10 percent above its preexisting height as a result of the new antenna facilities.
- iv. No single antenna may be larger than three cubic feet.
- v. Overhead facilities and overhead transport facilities cannot be installed overhead on private property if the property is adjacent to a park or is adjacent to a street or thoroughfare that is classified Class E+ or smaller. All transport facilities must be underground per the requirements of the City of Plano Right-of-Way and Subdivision Ordinances.
- vi. Network nodes in a Design or Historic District must meet the requirements of Sec. 11.700 and criteria in the City of Plano Right-of-Way Ordinance, as amended.

G. Setback, Separation, and Screening of Ground Equipment requirements:

- i. The height of a support structure is limited to 200 feet in the Light Industrial-1 and Light Industrial-2 zoning districts and is limited to 120 feet in all other nonresidential zoning districts, except that for network nodes, the structure on which the antenna facilities are mounted cannot be more than 10 percent taller than other adjacent structures or the structure on which antenna facilities are mounted cannot extend to a height of more than 10 percent above its preexisting height as a result of the site sharing of new antenna facilities.
- ii. Support structures, except for network node poles, must be set back a minimum of 125% of the support structure height from public rights-of-way.
- iii. Equipment buildings must comply with the screening requirements specified in Sec. 15.200.6, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.
- iv. Support structures, guy wires, and accessory buildings must satisfy the minimum zoning district setbacks requirements. Where the district does not specify a minimum front yard setback, the front yard setback must be 50 feet; where the district does not specify a minimum side yard setback, the side yard setback must be 10 feet; where the district does not specify a minimum rear yard setback, the rear yard setback must be 10 feet.
- v. The following separation distances between support structures must be maintained:

	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height	Network Node
Lattice	5,000	5,000	1,500	750	750
Guyed	5,000	5,000	1,500	750	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750	750
Monopole Less Than 75 Feet in Height	750	750	750	750	750
Network Node	750	750	750	750	150

- vi. Alternative or stealth designs as defined by this ordinance are exempt from the above spacing requirements.
- vii. No commercial antenna support structure, other than a network node 60 feet or greater in height, shall be closer to any residential district boundary line than a distance equal to the sum of the required setback specified for the zoning district in which such structure is located, plus 25 feet, plus twice the height of the portion of the structure above 25 feet, or 125% of the height of the support structure, whichever is greater. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line. Setbacks from residentially-zoned property do not apply to antennas, other than a network node, less than 60 feet in height or those attached to existing utility structures exceeding 60 feet in height, or to antennas placed wholly within a building or attached to a building; however, the building itself must meet all applicable setback requirements.

## **.6 Site Sharing**

Site sharing shall be accomplished as follows:

- A. All new support structures over 60 feet in height must be constructed to support antennas for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment must also be provided.
- B. A support structure which is modified or reconstructed to accommodate site sharing shall be of the same type or design as the existing structure and is subject to the following regulations:
  - i. The support structure may be modified or rebuilt to a height not to exceed 30 feet over the support structure's existing height, with a maximum height of 120 feet. If a specific use permit issued for the support structure stipulated a maximum height, the support structure may not be modified unless the specific use permit is amended.

- ii. Distance separation from other support structures and residential zoning district boundaries are based on the original support structure and are not increased.
  - iii. The support structure may be moved on the same property within 50 feet of its existing location but may not be moved closer to residentially-zoned property. The new location must be within the boundaries of the specific use permit.
  - iv. The original support structure must be removed from the property within 90 days of the completion of the new support structure.
- C. Additional antennas attached to an existing support structure must comply with the design of the existing antenna on the support structure.

## **.7 Support Buildings and Equipment Storage**

In order to minimize the effect on property values and to maintain the aesthetics of the area, support buildings and equipment storage areas or buildings must meet the following requirements:

- A. When mounted on rooftops, they must be screened by a parapet wall or other mechanical unit screening. Existing mechanical unit screening may be utilized if it provides screening in accordance with Sec. 20.300.
- B. When ground mounted, they must comply with the following:
  - i. Meet all applicable front, side, and rear yard setback requirements.
  - ii. Be of a neutral color and use exterior building materials that are compatible with surrounding structures.
  - iii. Be screened by an evergreen landscape screen with an initial planting size of 5 gallons and 4 feet in height, with an ultimate height of 6 feet or a solid masonry fence 6 feet in height. Landscaping must be irrigated and maintained in a living, growing condition. Wooden fences are prohibited and wrought iron or chain link may only be used in conjunction with a landscape screen.

## **.8 Antennas on City-Owned Property**

Antennas owned by other than governmental entities may be located on property owned by the City of Plano under the following conditions:

- A. Antennas and support structures located within city right-of-way must comply with the City of Plano Right-of-Way Management Regulations, design manuals, and other ordinances.



- B. The antennas and support structures outside of the right-of-way may only be attached to an existing improvement or replace an existing improvement and must follow the requirements of Sec. 15.200.5.
- C. Authorization for use of city property must be shown by a franchise, lease, license, permit, or other document duly executed by an authorized city representative and adopted in conformance with all applicable city regulations and guidelines for the property prior to submission of an application for review under this Section.

## **.9 Aesthetic and Alternative Design Requirements**

- A. In order to preserve property values and to maintain the aesthetics of the area, all antennas and antenna support structures must meet the following requirements:
  - i. Support structures must have a galvanized steel finish or be painted a neutral color, unless other designs and colors are required by the Federal Aviation Administration for safety purposes.
  - ii. Antennas and supporting equipment installed on an existing structure other than a support structure must be of a neutral color that is compatible with the color of the supporting structure.
  - iii. Alternative or stealth designs are encouraged for all antenna support structures, antennas, and supporting equipment.

## **.10 Amateur Radio Antennas and Support Structures**

- A. Amateur radio antennas that are owned and operated by a federally-licensed amateur radio station operator are allowed in any district. A building permit is required for antenna support structures of 20 feet or more in height. (See Sec. 15.200.2B. for exemptions.)
- B. No amateur antenna support structure or antenna may be greater than 50 feet in height. However, the height of such antenna support structure or antenna may be increased up to 75 feet with the installation of a telescopic or crank-up support structure. Upon the issuance of a specific use permit, an amateur antenna support structure or antenna may be constructed to exceed these height limits.
- C. Amateur antenna support structures, antenna, or support wires must be located behind the face of the main building. No amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback. For an amateur antenna support structure or antenna in excess of 35 feet, the setback from side setback lines must be increased one foot for every foot the height exceeds 35 feet.

- D. The bottom section of an antenna support structure may not exceed 48 inches in width. An antenna support structure having a bottom section with a width exceeding 30 inches but not greater than 48 inches must be of a tapered design.
- E. Only one amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a specific use permit. Excluded from this provision are monopoles 4 inches or less in diameter used exclusively to support wire antennas as referenced in Sec. 15.200.2B.v.
- F. Amateur radio antennas, antenna support structures, bases, masts, and poles in existence or for which a permit was issued prior to the effective date of this ordinance shall be considered legal nonconforming uses subject to the provisions specified in Article 7.

## **.11 Appeals**

- A. An applicant may appeal a decision of the Director of Planning for an antenna installation that does not require a specific use permit, other than a network node installation, to the Planning & Zoning Commission by filing a Notice of Appeal within 10 days following the date the Director notifies the applicant of the decision. The Planning & Zoning Commission may approve, conditionally approve, table, or deny an appeal. Decisions of the Planning & Zoning Commission may be appealed to City Council in accordance with Article 4.
- B. Any applicant may appeal a decision of the Director of Planning to the City Manager for a network node installation if the applicant believes that the denial of a permit materially inhibits the provision of service, in violation of Sections 253 or 332 of the Telecommunication Act of 1996. The City Manager may adopt rules regulating the process and requirements for appeals. The City Manager must issue a decision within ten (10) business days of receipt of the written appeal. Decisions of the City Manager are final. Failure to render a decision constitutes a denial.
- C. Any entity that desires to erect or utilize telecommunications facilities that would be limited by the provisions of this ordinance may petition the Planning & Zoning Commission to modify the ordinance. In determining the need to initiate an amendment to the ordinance, the Commission shall consider the extent to which strict application of these regulations would prohibit or have the effect of prohibiting communications services.

**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 THIS THE 14TH DAY OF JANUARY 2019.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY



## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Zoning

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

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### CAPTION

Request to call a public hearing to consider a rezoning request on 50.8 acres located at the southwest corner of Jupiter Road and Spring Creek Parkway. Zoned General Office (O-2) and located within the Parkway Overlay District. **Public hearing called**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

FUND(S): N/A

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COMMENTS:

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### SUMMARY OF ITEM

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

## Plano Tomorrow Plan Pillar:

Built Environment

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### ATTACHMENTS:

Description	Upload Date	Type
Plano Event Center Write-Up	1/3/2019	Staff Report
Plano Event Center Locator	1/3/2019	Map

# CITY OF PLANO

## CITY COUNCIL

January 14, 2019

### **Request to Call a Public Hearing:** Jupiter Spring Creek Addition (Plano Event Center)

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#### **DESCRIPTION:**

Request to call a public hearing to consider a rezoning request on 50.8 acres located at the southwest corner of Jupiter Road and Spring Creek Parkway. Zoned General Office (O-2) and located within the Parkway Overlay District.

#### **REMARKS:**

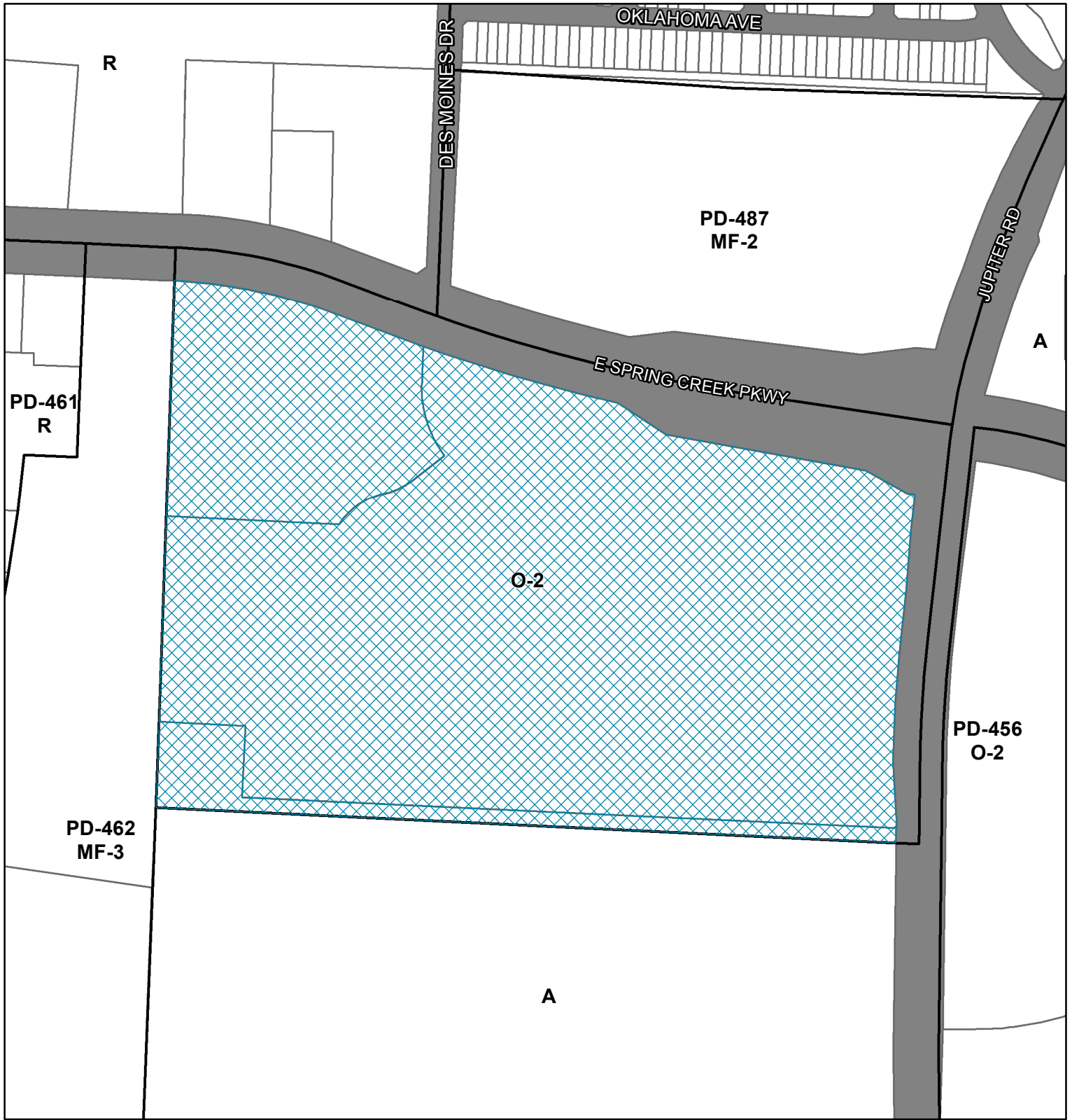
The developer of the hotel on the Plano Event Center site has proposed to construct restaurants and retail stores supporting the hotel on the five acres leased from the Plano Event Center property. While those uses appear consistent with adopted land use policy, and supportive of Plano Event Center operations, the uses are not allowed by right under the existing General Office (O-2) zoning.

For consistency in development form and function, zoning on the Event Center property should be considered as a whole. Therefore, staff recommends calling a public hearing for rezoning the entire 50 acre site, including the existing lots. Please note that the acreage of the rezoning request will increase once the right-of-way areas, to the centerlines of Jupiter Road and Spring Creek Parkway, are included.

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 Council's support, or lack of support, for the zoning change request.

#### **RECOMMENDATIONS:**

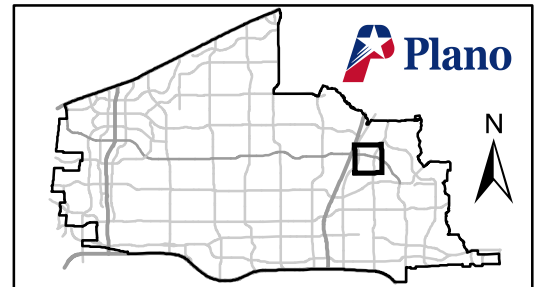
Staff recommends that the City Council call a public hearing for this purpose.









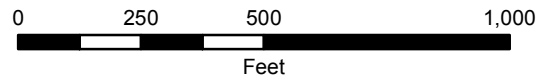
Item Submitted: Call For Public Hearing

Title: Jupiter Spring Creek Addition, Block 1, Lots 1, 2 & 3

Zoning: General Office and located within the Parkway Overlay District



- |   |   |   |
|---|---|---|
|  Subject Property           |  City Limits     |  Specific Use Permit |
|  Zoning Boundary Change/SUP |  Zoning Boundary |  Streets             |





## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Budget

Department Head: Karen Rhodes-Whitley

Agenda Coordinator: Matt Yager, x5220

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### CAPTION

Public Hearing on the proposed General Obligation Bond Referendum scheduled for May 4, 2019.  
**Conducted**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

**FUND(S):** N/A

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**COMMENTS:** This item has no financial impact. This is the first public hearing on the proposed General Obligation Bond Referendum scheduled for May 4, 2019. A future public hearing is planned for the January 28, 2019 city council meeting.

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### SUMMARY OF ITEM

First public hearing on the proposed General Obligation Bond Referendum scheduled for May 4, 2019.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence



**Plano Tomorrow Plan Pillar:**

Built Environment, Natural Environment

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## CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 1/14/2019

Department: Budget

Department Head: Karen Rhodes-Whitley

Agenda Coordinator: Matt Yager, x5220

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### CAPTION

Discussion and direction on the proposed 2019 General Obligation Bond Referendum. **Discussed**

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### FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
Balance	0	0	0	0

**FUND(S):** N/A

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**COMMENTS:** This item has no fiscal impact.

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### SUMMARY OF ITEM

Discussion and direction on the proposed 2019 Bond Referendum.

**Strategic Plan Goal:**

Financially Strong City with Service Excellence

**Plano Tomorrow Plan Pillar:**

**ATTACHMENTS:**

Description	Upload Date	Type
Memo & 2019 Bond Referendum Discussion Packet	1/9/2019	Informational

**Date:** January 14, 2019

**To:** Bruce D. Glasscock, City Manager

**From:** Karen Rhodes-Whitley, Director of Budget & Research

**Subject:** 2019 Bond Referendum Packet

Enclosed is the 2019 Bond Referendum Discussion Packet for review at the Monday, January 14, 2019 City Council meeting. At present the proposed May 4, 2019 bond referendum totals \$44.7 million in potential new authority to fund street, parks & recreation and city facility maintenance projects. Included in the packet is the calendar of key dates leading up to the May 4 election day, the current proposed project list with identified amounts for both project design and construction as well as operating and maintenance budgetary impacts, and project descriptions.

Due to state election law requirements, a final listing of projects for the bond referendum as well as proposed propositions needs to be decided upon at the January 28, 2019 city council meeting. Once finalized the Plano City Council can take formal action to call the election at its February 11 meeting.

Staff will be available at the meeting to present about the proposed projects, answer any questions City Council may have regarding projects. Please let me know if you require any further information.

<p style="text-align: center;"><b>BOND REFERENDUM CALENDAR</b>  <b>ELECTION MAY 4, 2019</b></p>
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Jun/Jul	City staff prepares initial project lists, descriptions and financial analysis
August 18	Presentation of Preliminary Recommended Bond Referendum Proposal to City Council during Budget Work Session
December 20	City staff meets regarding preliminary bond referendum project list, timelines, financial analysis, marketing opportunities and presentations to City Council
January 14	Council Project Discussions for Proposed Projects Public Hearing for Citizen Input on the 2019 Bond Referendum
January 28	City Council agrees on propositions to be submitted before voters Public Hearing for Citizen Input on the 2019 Bond Referendum
February 11	City Council considers an ordinance to call the 2019 Bond Referendum
Feb/Mar	Voter education materials developed and distributed
Early March	Materials presented to Plano citizens
Mid-Mar/April	Presentations to Community & Civic Groups
Mid-April	Educational video begins to air
April 15 – April 26	Publish Notices for Elections
April 22 – April 30	Early Voting
May 4	Election Day

*The Budget and Research Department reserves the right to make changes to this calendar, as required or may be appropriate, to facilitate the timely execution of tasks and required productions of publications.*

**2019 BOND REFERENDUM PROJECTS**

**AS OF January 2019**

<b>Project</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Total</b>
<b><u>Facility Projects</u></b>			
Parkway Operations & Fleet Service Center Revitalization	2,000,000	3,800,000	5,800,000
Davis Library Roof Replacement & Weatherproofing	600,000	-	600,000
Harrington Library Roof Replacement	600,000	-	600,000
Plano Aquatic Center Roof Replacement	500,000	-	500,000
Fire Station 5 Building Revitalization		500,000	500,000
Animal Shelter Parking Expansion	275,000	-	275,000
Fire Station 2 Roof Replacement	250,000	-	250,000
<b>Total Facility Authority Needed</b>	<b>4,225,000</b>	<b>4,300,000</b>	<b>8,525,000</b>
<b><u>Park Maintenance Projects</u></b>			
Community Parks	2,790,000	3,100,000	5,890,000
<b>O&amp;M</b>	<b>-</b>	<b>7,500</b>	<b>7,500</b>
Neighborhood Parks	2,450,000	1,300,000	3,750,000
Park Restrooms	1,175,000	1,175,000	2,350,000
<b>O&amp;M</b>	<b>15,000</b>	<b>30,000</b>	<b>45,000</b>
Trail Replacement	1,660,000	600,000	2,260,000
Lighting Replacements	1,360,000	895,000	2,255,000
Tom Muehlenbeck Center Pump Room	935,000	-	935,000
<b>Total Park Authority Needed</b>	<b>10,370,000</b>	<b>7,070,000</b>	<b>17,440,000</b>
<b>Total O&amp;M</b>	<b>15,000</b>	<b>37,500</b>	<b>52,500</b>
<b><u>Street Maintenance Projects</u></b>			
Residential Street & Alley Replacement	5,375,000	6,000,000	11,375,000
Arterial Concrete Repair	3,625,000	3,750,000	7,375,000
<b>Total Street Maintenance Authority Needed</b>	<b>9,000,000</b>	<b>9,750,000</b>	<b>18,750,000</b>
 <b>TOTAL PROJECTED AUTHORITY NEEDED</b>	 <b>23,595,000</b>	 <b>21,120,000</b>	 <b>44,715,000</b>
 <b>TOTAL O&amp;M NEEDED (Cumulative)</b>	 <b>15,000</b>	 <b>37,500</b>	 <b>52,500</b>
 <b>TOTAL CAPITAL MAINTENANCE FUNDING IMPACT</b>	 <b>500,750</b>	 <b>441,583</b>	 <b>942,333</b>

<b>2019 BOND REFERENDUM PROJECT DESCRIPTIONS</b>
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**FACILITY PROJECTS*****Parkway Operations & Fleet Service Center Revitalization - \$5,800,000***

Renovation of facilities at the Parkway Service Center used by Plano Public Works and Health Departments, including the facility used to repair and maintain city vehicles at 4120 West Plano Parkway.

***Davis Library Roof Replacement & Weatherproofing - \$600,000***

Roof replacement and exterior weatherproofing at the Plano Public Library Branch located at 7501-B Independence Parkway.

***Harrington Library Roof Replacement - \$600,000***

Roof replacement at the Plano Public Library Branch located at 1501 18<sup>th</sup> Street.

***Plano Aquatic Center Roof Replacement - \$500,000***

Roof replacement at the indoor aquatic facility located at 2301 Westside Drive.

***Fire Station 5 Building Revitalization - \$500,000***

Restroom remodel, carpet replacement, ceiling tile replacement & patio cover replacement at the fire station located at 5115 West Park Boulevard.

***Animal Shelter Parking Expansion - \$275,000***

Additional off street parking at the animal shelter located at 4028 W. Plano Parkway.

***Fire Station 2 Roof Replacement - \$250,000***

Roof replacement of the fire station located at 2630 West 15<sup>th</sup> Street.

**PARKS & RECREATION PROJECTS*****Community Parks - \$5,890,000***

Community park renovations at Old Shepard Place Park, Willowcreek Park and Russell Creek Park may include new playground equipment, shade shelter replacement, accessibility improvements, and restroom, lighting and irrigation replacements within the available funding.

***Neighborhood Parks - \$3,750,000***

Neighborhood park renovations at Evans Park, Glen Meadows Park and Caddo Park may include new playground equipment, shade shelter replacement, accessibility improvements, and lighting and irrigation replacements within the available funding.

***Park Restrooms - \$2,350,000***

Design and construct replacement restrooms at Bob Woodruff Park and Schell Park within the available funding.

***Trail Replacements - \$2,260,000***

Trail replacements along Chisholm Trail, Hoblitzelle Park trail and Bob Woodruff Park trail within the available funding.

***Lighting Replacements - \$2,225,000***

Replacement of athletic field lighting at Cheyenne Park and High Point Park North within the available funding.

***Tom Muehlenbeck Center Pump Room - \$935,000***

Renovation of the Tom Muehlenbeck Recreation Center pump room within the available funding.

**STREET MAINTENANCE PROJECTS**

***Residential Street & Alley Replacement - \$11,375,000***

Pavement repairs on streets, alleys and sidewalks within residential neighborhoods.

***Arterial Concrete Repair - \$7,375,000***

Paving repairs along major thoroughfares in Plano.