



CITY COUNCIL

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

DATE: August 26, 2019

TIME: 7:00 PM

CALL TO ORDER

INVOCATION: Pastor Kelvin Foley - North Dallas Community Bible Fellowship

PLEDGE OF ALLEGIANCE / TEXAS PLEDGE: Cub Scout Pack 79 - Skaggs Elementary

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: Several Plano Parks & Recreation staff members' quick thinking and CPR/AED knowledge helped save the life of Dr. Jiahuan Ding on July 25th.
Presented

Proclamation: September 2019 is Hunger Action Month meant to mobilize the public to take action on the issue of hunger. **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 Expenditures

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

- (a) RFB No. 2019-0338-C for a one-year contract with three (3) one-year City optional renewals for Batteries: Auto, Truck and Marine for the Inventory Control and Asset Disposal division to Battery Systems in the estimated annual amount of \$13,431, Interstate Batteries of Dallas (Distributor Operations, Inc.) in the estimated annual amount of \$30,272, and IEH Auto Parts LLC dba Auto Plus Auto Parts in the annual estimated amount of \$32,721; and authorizing the City Manager to execute all necessary documents. **Approved**
- (b) RFB No. 2019-0496-B for Sewer Improvements - Data Drive and Lotus Drive, Project No. 6821, for the Engineering Department to ANA Site Construction, LLC in the amount of \$152,105; and authorizing the City Manager to execute all necessary documents. **Approved**

Purchase from an Existing Contract

- (c) To approve the purchase of one (1) Bobcat T650 Compact Track Loader for Fleet Services to be utilized by Streets in the amount of \$57,015 from Bobcat of North Texas through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 515-16) **Approved**
- (d) To approve the purchase of two (2) Caterpillar Backhoe Loaders for Fleet Services to be utilized by Streets in the amount of \$170,620 from Holt Texas, Ltd. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Sourcewell Contract No. 032119-CAT) **Approved**

Approval of Contract Modification

- (e) To approve an increase to the current awarded contract amount of \$49,150 by \$2,750, for a total contract amount of \$51,900, for Preston Elevated Tank Painting & Site Improvements, Project No. 7038, from Birkhoff, Hendricks & Carter, LLP for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2019-0595-X; Modification No. 1) **Approved**

Approval of Expenditure

- (f) To ratify an expenditure in the amount of \$258,714 for renewal support of Inform CAD software from TriTech Software Systems for Technology Services; and authorizing the City Manager to execute all necessary documents. **Approved**

- (g) To ratify an expenditure in the amount of \$264,237 for one (1) Caterpillar M318F Excavator from Holt Texas, Ltd. for Fleet Services to be utilized by Municipal Drainage Operations; and authorizing the City Manager to execute all necessary documents. **Approved**
- (h) To approve an expenditure for Advertising Services for a one (1) year contract with two (2) one-year City optional renewals in the annual estimated amount of \$59,616 from JG Media dba Community Impact Newspaper for the Communications & Community Outreach Department; and authorizing the City Manager to execute all necessary documents. **Approved**
- (i) To approve an expenditure for Motorola Irrigation Controllers in the amount of \$248,340 from Interspec LLC for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. **Approved**
- (j) To approve an expenditure for professional engineering services for Sidewalk Improvements - 15th Street from Coit Road to Custer Road, Project No. 7138.1, in the amount of \$265,000 from J. Volk Consulting Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**

Approval of Contract / Agreement

- (k) To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Masergy Communications, Inc., a Delaware corporation ("Company"), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. **Approved**
- (l) To approve an Agreement by and between the Regional Transportation Council (RTC), acting in its capacity as policy body for the Metropolitan Planning Organization (MPO), and City of Plano, outlining the roles and responsibilities with respect to Transportation Development Credits (TDC) awarded for the projects; and authorizing the City Manager to execute all necessary documents. **Approved**
- (m) To approve an Interlocal Agreement by and between the City of Plano and Dallas Area Rapid Transit (DART) for the implementation of a Transit Signal Priority (TSP) Pilot Program on certain bus routes in the City; and authorizing the City Manager to execute all necessary documents. **Moved to a future meeting.**

Adoption of Ordinances

- (n) **Ordinance No. 2019-8-5:** To repeal Ordinance No. 2018-1-3 and Ordinance No. 2012-6-19, codified as Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances; and replacing the provisions with a new Heritage Preservation Ordinance; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. **Adopted**
- (o) **Ordinance No. 2019-8-6:** To repeal Ordinance No. 2017-2-2, codified as Article II, Ad Valorem Taxes, Division 3, Historic Structures, of Chapter 20, Taxation, of the Code of Ordinances; and replacing the provisions establishing the Heritage Tax Exemption Program for the City; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date. **Adopted**

- (p) **Ordinance No. 2019-8-7:** To abandon all right, title and interest of the City, in and to that certain Right-of-Way, situated in the Joseph Klepper Survey, Abstract No. 213, being all of a 157 square foot tract of land as described in instrument number 94-0043790, and all of a 3,147 square foot tract of land as described in instrument number 94-0048019, Deed Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the property owner, MM CCM 48M, LLC, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing 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) **Public Hearing and adoption of Ordinance No. 2019-8-8** as requested in Zoning Case 2019-011 to amend various sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. **Conducted and Adopted**
- (2) **Public Hearing and adoption of Ordinance No. 2019-8-9** as requested in Subdivision Ordinance Amendment 2019-001 to amend Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. **Conducted and adopted.**
- (3) Public Hearing on the proposed tax rate of \$0.4482 cents per \$100 assessed property valuation. This rate is equal to the effective tax rate which will raise the same amount of tax revenue on properties in 2019 as in 2018. **Conducted**

- (4) Public Hearing on the creation of the Collin Creek West Public Improvement District, being located within the corporate limits of the City of Plano. **Tabled to September 23, 2019.**
- (5) Public Hearing on the creation of the Collin Creek East Public Improvement District, being located within the corporate limits of the City of Plano. **Tabled to September 23, 2019.**
- (6) Public Hearing on establishing the Tax Increment Reinvestment Zone #4, Plano, Texas, being located within the corporate limits of the City of Plano. **Tabled to September 23, 2019.**

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: 8/26/2019

Department: Proclamations

Department Head:

Agenda Coordinator:

CAPTION

Special Recognition: Several Plano Parks & Recreation staff members' quick thinking and CPR/AED knowledge helped save the life of Dr. Jiahuan Ding on July 25th. **Presented**

FINANCIAL SUMMARY

FUND(S):

COMMENTS:

SUMMARY OF ITEM

Strategic Plan Goal:

Plano Tomorrow Plan Pillar:



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Proclamations

Department Head:

Agenda Coordinator:

CAPTION

Proclamation: September 2019 is Hunger Action Month meant to mobilize the public to take action on the issue of hunger. **Presented**

FINANCIAL SUMMARY

FUND(S):

COMMENTS:

SUMMARY OF ITEM

Strategic Plan Goal:

Plano Tomorrow Plan Pillar:



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Purchasing

Department Head: Diane Palmer-Boeck

Agenda Coordinator: Angie Morales x7169

CAPTION

RFB No. 2019-0338-C for a one-year contract with three (3) one-year City optional renewals for Batteries: Auto, Truck and Marine for the Inventory Control and Asset Disposal division to Battery Systems in the estimated annual amount of \$13,431, Interstate Batteries of Dallas (Distributor Operations, Inc.) in the estimated annual amount of \$30,272, and IEH Auto Parts LLC dba Auto Plus Auto Parts in the annual estimated amount of \$32,721; and authorizing the City Manager to execute all necessary documents.

Approved

FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR: 2018-19 thru 2021-22	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	2,150,000	229,272	2,379,272
Encumbered/Expended Amount	0	-2,116,563	0	-2,116,563
This Item	0	-21,972	-229,272	-251,244
Balance	0	11,465	0	11,465

FUND(S): Municipal Warehouse Fund

COMMENTS:

This item approves price quotes. This request is to award an annual contract with three (3) one-year City optional renewals for the purchase of auto, truck, and marine batteries. The Inventory Stock Department estimates \$21,972 for battery expenditures in the 2018-19 Budget, which will leave a remaining balance of \$11,465 in the 2018-19 Budget. Future year expenditures are dependent on contract renewals in the annual estimated amount of \$76,424 for 2019-20 through 2021-22 Budgets. All future year expenditures will occur within council approved appropriations.

SUMMARY OF ITEM

See Recommendation Memo

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:

ATTACHMENTS:

Description	Upload Date	Type
Recommendation Memo	8/16/2019	Memo
Bid Recap	8/20/2019	Bid Recap

Date: July 10, 2019
To: Kellie Pendleton, Purchasing Manager
From: Josh Mathewes, Inventory Control/Asset Disposal Supervisor
Subject: Award of Bid # 2019-0338-C Batteries-Auto /Truck/Marine

It is the recommendation from Inventory Control/ Asset Disposal (ICAD) based on inventory requirements and Fleet based on specifications to award 2019-0338-C by line item as follows, versus a total award to one vendor due to the total dollar savings achieved.

Battery Systems provided the lowest overall total bid but failed to provide a bid for line item 5. Battery Systems provided the lowest bid pricing for line items 1, 2, 3, 4, 7, 8, 9, 11, 15 and 16; however, they failed to meet specifications on 2, 8, and 11.

Interstate Batteries of Dallas (Distributor Operations, Inc.) provided the lowest overall total bid, bidding all line items; however, they failed to meet specifications for line item 5. Interstate Batteries of Dallas (Distributor Operations, Inc.) provided the lowest responsive, responsible bid meeting specifications for line items 6, 12, 13 and 14. During the evaluation it was determined that Interstate provided the lowest responsive bid meeting specifications for line item 11 as well.

Parts Authority provided the lowest bid meeting specifications for line item 10; however, during evaluation to reduce administration costs it was decided to award line 10 to Interstate Battery. The estimated annual difference in costs will be \$7.20.

IEH Auto Parts LLC dba Auto Plus Auto Parts provided the lowest responsive bid meeting specifications for line items 2, 5 and 8.

It is the recommendation of Inventory Control and Asset Disposal to award bid 2019-0338-C by line item as follows:

Battery Systems:
Line items: 1, 3, 4, 7, 9, 15 and 16.
Estimated amount: \$13,430.95

Interstate Batteries of Dallas (Distributor Operations, Inc.):
Line items: 6, 10, 11, 12, 13 and 14.
Estimated amount: \$30,272.10

IEH Auto Parts LLC dba Auto Plus Auto Parts:
Line items: 2, 5 and 8.
Estimated amount \$32,720.90

Estimated total overall amount: \$76,423.95

Failure to award this bid could result in extended lead times, prolonged down time to city Fleet vehicles and equipment, higher procurement costs and the inability to provide inventory in an emergency or maintenance situation.

The specifics of this bid are on file with the Purchasing Division.

Josh Mathewes
Inventory Control/Asset Disposal Supervisor

CITY OF PLANO

RFB No. 2019-0338-C

Batteries: Auto, Truck and Marine

Bid Recap

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Proposal Opening Date/Time: May 16, 2019 at 10:00 AM

Number of Vendors Notified: 2,305

Vendors Submitting “No Bids”: 0

Number of Bids Submitted: 7

<u>VENDOR NAME</u>		<u>TOTAL BASE BID</u>
Battery Systems	(16/19 Items)	\$48,604.89
Interstate Batteries of Dallas (Distributor Operations, Inc.)	(18/19 Items)	\$73,217.20
IEH Auto Parts LLC dba Auto Plus Auto Parts	(18/19 Items)	\$92,055.14
Continental Battery	(19/19 Items)	\$100,718.40
XL Parts, LLC	(17/19 Items)	\$93,614.64
Parts Authority, Inc.	(17/19 Items)	\$69,945.37
Advance Starter Service	(18/19 Items)	\$76,207.80

RECOMMENDED VENDORS

Battery Systems:

Line items: 1, 3, 4, 7, 9, 15 and 16.

TOTAL

\$13,430.95

Interstate Batteries of Dallas (Distributor Operations, Inc.):

Line items: 6, 10, 11, 12, 13 and 14.

\$30,272.10

IEH Auto Parts LLC dba Auto Plus Auto Parts:

Line items: 2, 5 and 8.

\$32,720.90

\$76,423.95

Angie Morales

Angie Morales, Buyer II

August 15, 2019

Date



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Dave Leong

CAPTION

RFB No. 2019-0496-B for Sewer Improvements - Data Drive and Lotus Drive, Project No. 6821, for the Engineering Department to ANA Site Construction, LLC in the amount of \$152,105; and authorizing the City Manager to execute all necessary documents. **Approved**

FINANCIAL SUMMARY

CIP

FISCAL YEAR: 2018-19, 2019-20	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	166,741	375,000	2,453,000	2,994,741
Encumbered/Expended Amount	-166,741	-193,134	0	-359,875
This Item	0	-50,000	-102,105	-152,105
Balance	0	131,866	2,350,895	2,482,761

FUND(S): CIP

COMMENTS: Funding is available for this item in the 2018-19 CIP Budget and is expected in 2019-20. Construction services for the Sewer Improvements - Data Drive and Lotus Drive project in the amount of \$152,105 will leave a balance of \$2,482,761 for future project expenditures.

SUMMARY OF ITEM

The Engineering Department accepted bids on July 25, 2019 for the Sewer Improvements-Data and Lotus. The project includes replacing sanitary sewer pipelines and street paving.

The lowest responsive and responsible bid was submitted by ANA Site Construction, LLC, in the amount

of \$152,105. There were a total of 3,983 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 existing sewer system, resulting in increased maintenance costs and a negative impact on the quality of life in the area.

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:

Built Environment

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	8/9/2019	Bid Recap
Location Map	8/13/2019	Map

CITY OF PLANO

RFP CIP

Bid No. 2019-0496-B

Sewer Improvements - Data and Lotus

Project No. 6821

Bid Recap

<u>Bid Opening Date/Time:</u>	July 25, 2019, 2:00 PM
<u>Number of Vendors Notified:</u>	3,983
<u>Vendors Submitting "No Bids":</u>	0
<u>Number of Non-Responsive Bids Submitted:</u>	0
<u>Number of Responsive Bids Submitted:</u>	5

<u>Vendor:</u>	Total Bid
ANA Site Construction, LLC	\$ 152,105.00
A&M Construction and Utilities, Inc.	\$ 157,757.60
KIK Underground, LLC	\$ 163,708.20
Dowager Utility Construction, Ltd	\$ 197,524.00
Pennington Utility Construction, LLC	\$ 242,172.00

Recommended Vendor:

ANA Site Construction, LLC	\$ 152,105.00
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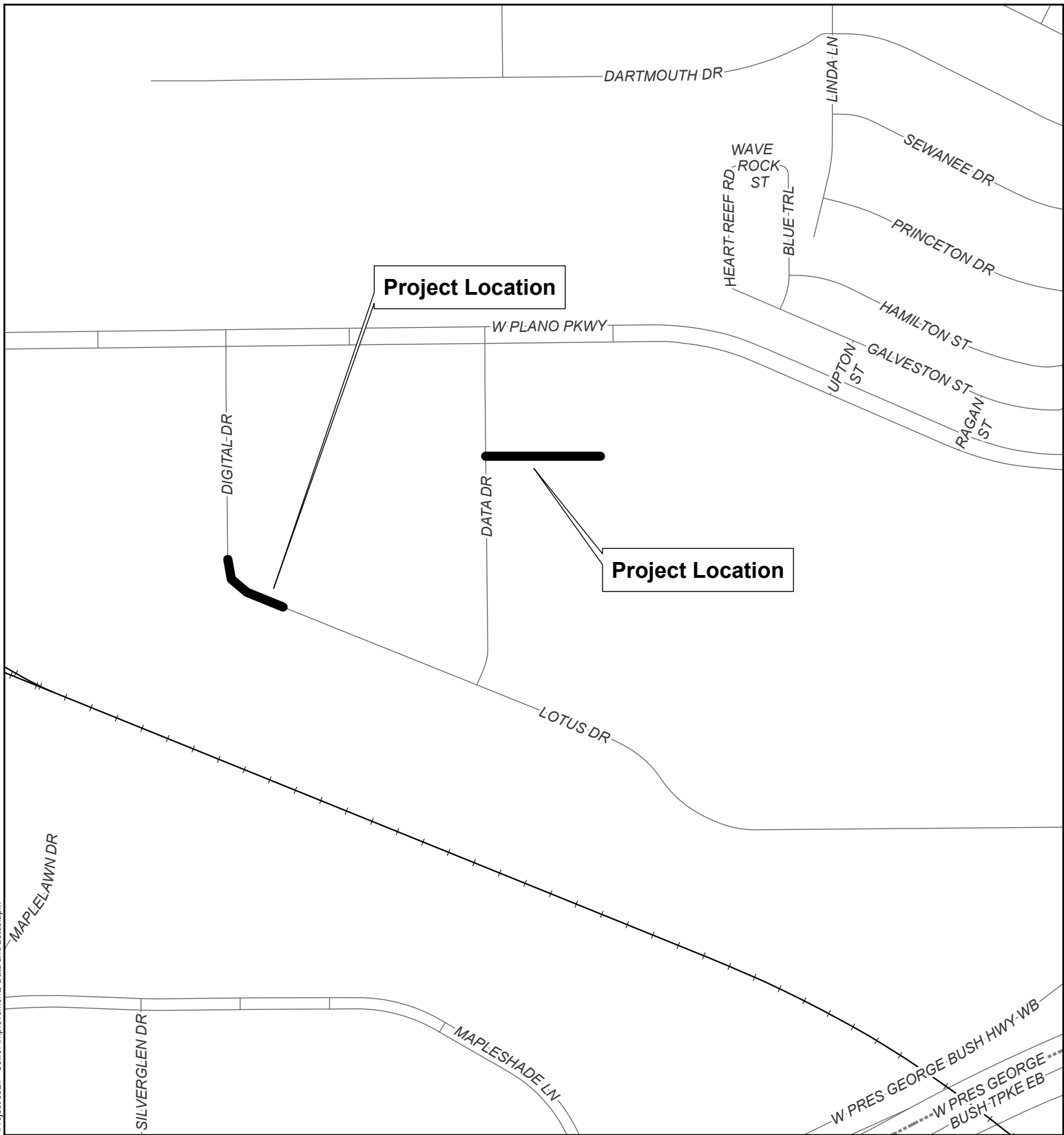
Dave Leong

Dave Leong, Contract Administrator

25 July, 2019

Date

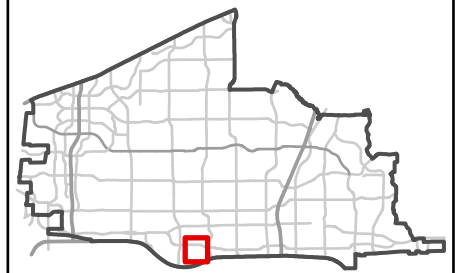
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Sewer Improvements – Data and Lotus Drive

Project No. 6821

Project Location





CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Fleet Services

Department Head: Gerald Cosgrove

Agenda Coordinator: Lincoln Thompson (Ext. 7376)

CAPTION

To approve the purchase of one (1) Bobcat T650 Compact Track Loader for Fleet Services to be utilized by Streets in the amount of \$57,015 from Bobcat of North Texas through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 515-16) **Approved**

FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR:	2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	96,300	0	96,300
Encumbered/Expended Amount		0	0	0	0
This Item		0	-57,015	0	-57,015
BALANCE		0	39,285	0	39,285

FUND(S): Equipment Replacement Fund

COMMENTS: Funds are available in the FY 2018-19 Adopted Budget to purchase one (1) Bobcat T650 Compact Track Loader for the scheduled replacement of unit 10504 in Cost Center 742 / Streets. Remaining balance will be used for other Fleet and Equipment Services purchases.

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. 515-16 / City of Plano Internal Contract No. 2019-0606-O)
See Recommendation Memo.

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:

Built Environment

ATTACHMENTS:

Description	Upload Date	Type
Recommendation Memo	8/8/2019	Memo
Cooperative Quote Recap	8/8/2019	Cooperative Quote Recap

Date: August 8, 2019

To: Mark D. Israelson, City Manager

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

Subject: Bobcat T650 Compact Track Loader Purchase Recommendation

It is the recommendation of Fleet Services to purchase one (1) Bobcat T650 Compact Track Loader in the amount of \$57,015.34 from Bobcat of North Texas through BuyBoard Contract No. 515-16. Fleet Services and Purchasing have reviewed multiple Cooperative Contract quotes and found this to be the best value for the City.

This unit is a scheduled replacement from Capital Outlay FY18-19 for unit 10504 Backhoe, with Loader in Cost Center 742 Streets. Due to operational demands, it is necessary to purchase at this time.

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

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

CITY OF PLANO
SOLICITATION NO. 2019-0606-O
ONE (1) BOBCAT T650 COMPACT TRACK LOADER
COOPERATIVE QUOTE RECAP

Number of Vendors Contacted: 1

Number of Quotes Received: 3

Bobcat of North Texas BuyBoard Contract No. 515-16	\$ 57,015.34
Bobcat of North Texas HGAC Contract No. EM06-19	\$ 59,908.45
Bobcat of North Texas Sourcewell Contract No. 042815-CEC	\$ 59,908.45

Recommended Vendor:

Bobcat of North Texas BuyBoard Contract No. 515-16	\$ 57,015.34
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Lincoln Thompson

Lincoln Thompson
Senior Buyer

August 6, 2019

Date



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Fleet Services

Department Head: Gerald Cosgrove

Agenda Coordinator: Lincoln Thompson (Ext. 7376)

CAPTION

To approve the purchase of two (2) Caterpillar Backhoe Loaders for Fleet Services to be utilized by Streets in the amount of \$170,620 from Holt Texas, Ltd. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Sourcewell Contract No. 032119-CAT) **Approved**

FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR:	2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	192,600	0	192,600
Encumbered/Expended Amount		0	0	0	0
This Item		0	-170,620	0	-170,620
BALANCE		0	21,980	0	21,980

FUND(S): Equipment Replacement Fund

COMMENTS: Funds are available in the FY 2018-19 Adopted Budget to purchase two (2) Caterpillar Backhoe Loaders for the scheduled replacement of units 08508 and 09501 in Cost Center 742 / Streets. Remaining balance will be used for other Fleet and Equipment Services purchases.

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. (Sourcewell Contract No. 032119-CAT / City of Plano Internal Contract No. 2019-0601-O)
See Recommendation Memo.

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:

Built Environment

ATTACHMENTS:

Description	Upload Date	Type
Recommendation Memo	8/8/2019	Memo
Cooperative Quote Recap	8/8/2019	Cooperative Quote Recap

Date: August 8, 2019

To: Mark D. Israelson, City Manager

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

Subject: Caterpillar Backhoe Loaders Purchase Recommendation

It is the recommendation of Fleet Services to purchase two (2) Caterpillar Backhoe Loaders in the amount of \$170,620.00 from Holt Texas, Ltd. through Sourcewell Contract No. 032119-CAT. Fleet Services and Purchasing have reviewed multiple Cooperative Contract quotes and found this to be the best value for the City.

These units are scheduled replacements from Capital Outlay FY18-19 for units 08508 and 09501 Backhoe, with Loader in Cost Center 742 Streets. Due to operational demands, it is necessary to purchase at this time.

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

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

**CITY OF PLANO
SOLICITATION NO. 2019-0601-O
CATERPILLAR BACKHOE LOADERS
COOPERATIVE QUOTE RECAP**

Number of Vendors Contacted: 1

Number of Quotes Received: 6

Line Item 1 – One (1) Caterpillar Model 416F2 Backhoe Loader:

Holt Texas, Ltd. Sourcewell Contract No. 032119-CAT	\$ 79,980.00
Holt Texas, Ltd. BuyBoard Contract No. 515-16	\$ 81,459.00
Holt Texas, Ltd. HGAC Contract No. HT06-18	\$ 81,870.00

Line Item 2 – One (1) Caterpillar Model 420F2 HRC Backhoe Loader:

Holt Texas, Ltd. Sourcewell Contract No. 032119-CAT	\$ 90,640.00
Holt Texas, Ltd. BuyBoard Contract No. 515-16	\$ 92,316.00
Holt Texas, Ltd. HGAC Contract No. HT06-18	\$ 92,778.00

Recommended Vendor:

Holt Texas, Ltd. Sourcewell Contract No. 032119-CAT	Line Item 1	\$ 79,980.00
Holt Texas, Ltd. Sourcewell Contract No. 032119-CAT	Line Item 2	<u>\$ 90,640.00</u>
Total Award		\$170,620.00

Lincoln Thompson
Lincoln Thompson
Senior Buyer

August 6, 2019
Date



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Dave Leong

CAPTION

To approve an increase to the current awarded contract amount of \$49,150 by \$2,750, for a total contract amount of \$51,900, for Preston Elevated Tank Painting & Site Improvements, Project No. 7038, from Birkhoff, Hendricks & Carter, LLP for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2019-0595-X; Modification No. 1) **Approved**

FINANCIAL SUMMARY

CIP

FISCAL YEAR: 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	60,000	0	60,000
Encumbered/Expended Amount	0	-49,150	0	-49,150
This Item	0	-2,750	0	-2,750
Balance	0	8,100	0	8,100

FUND(S): Capital Maintenance Fund

COMMENTS: Funding is available for this item in the 2018-19 Capital Maintenance Fund budget. This first modification on the Elevated Tank Painting project, in the amount of \$2,750, will leave a current year balance of \$8,100 available for future expenditures related to elevated tank maintenance and repairs.

SUMMARY OF ITEM

The Engineering Department recommends approval of Contract Modification No. 1 for the increase in the professional engineering services agreement with Birkhoff, Hendricks & Carter, LLP in the amount of \$2,750, for the Preston Elevated Tank Painting & Site Improvements.

Contract Modification No. 1 includes structural engineering design for steel grating at the base of the 10 foot diameter dry riser located at the center of the Preston Elevated Storage Tank to span over an 8 foot open access pit. The grating will provide safety for personnel that access the dry riser ladder.

If this contract modification is not approved, the dry riser will continue to be without steel grating over the access open pit. Without the addition of the steel grating, safety for personnel will continue to be a concern.

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:

Built Environment



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Technology Services

Department Head: Chris Chiancone

Agenda Coordinator: Earl Whitaker (Ext. 7074)

CAPTION

To ratify an expenditure in the amount of \$258,714 for renewal support of Inform CAD software from TriTech Software Systems for Technology Services; 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	5,795,212	0	5,795,212
Encumbered/Expended Amount	0	-4,979,684	0	-4,979,684
This Item	0	-258,714	0	-258,714
Balance	0	556,814	0	556,814

FUND(S): Technology Services Fund

COMMENTS: Funding for this item is available in the 2018-19 Technology Services Fund. This request is to renew the support and maintenance for Inform CAD software, in the annual amount of \$258,714, which will leave a current year balance of \$556,814 for future expenditures in the 2018-19 Technology Service Budget.

SUMMARY OF ITEM

This is a necessary procurement because renewal of Inform CAD software support from TriTech

Software Systems, the system used for the 911 dispatching application and is critical to the Police, Fire and Public Safety Communications. This renewal of software was executed under the Health and Safety exemption, as a result of critical first responder applications potentially becoming unavailable. 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)(2). (City of Plano Intern Contract No. 2019-0624-X) See Recommendation Memo.

Strategic Plan Goal:

Financially Strong City with Service Excellence, Safe Large City

Plano Tomorrow Plan Pillar:

ATTACHMENTS:

Description	Upload Date	Type
Recommendation Memo	8/16/2019	Memo

Date: May 21, 2019

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

From: Chris Chiancone, Chief Information Officer

Subject: Memo for Ratification of Inform CAD from TriTech Software Systems

Technology Services requests City Council to ratify the expenditure for the renewal of Inform CAD software support from TriTech Software Systems in the amount of \$258,714.49. This renewal of software was executed under the Health and Safety exemption, as a result of critical first responder applications potentially becoming unavailable. Due to internal circumstances, TriTech did not provide the renewal quotation in enough time for the City to complete its procurement process. The quote was received just 10 days prior to expiration which is not enough time to prepare an item to be presented to council due to the amount of the expenditure.

Inform CAD is the Cities 911 dispatching application and is critical to the Police, Fire and Public Safety Communications departments. Failure to renew the Inform CAD application could have resulted in the loss of system availability and ability to dispatch first responders to life threatening events within the City.



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Fleet Services

Department Head: Gerald Cosgrove

Agenda Coordinator: Lincoln Thompson (Ext. 7376)

CAPTION

To ratify an expenditure in the amount of \$264,237 for one (1) Caterpillar M318F Excavator from Holt Texas, Ltd. for Fleet Services to be utilized by Municipal Drainage Operations; 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	264,237	0	264,237
Encumbered/Expended Amount		0	0	0	0
This Item		0	-264,237	0	-264,237
BALANCE		0	0	0	0

FUND(S): Equipment Replacement Fund

COMMENTS: Funds are available in the FY 2018-19 Adopted Budget to purchase one (1) Caterpillar M318F Excavator for the unforeseen, unscheduled, emergency replacement of unit 08510 in Cost Center 471 / Municipal Drainage Operations. The current unit has reached the end of its useful life and experienced major mechanical error with greater than expected repair costs.

SUMMARY OF ITEM

This is a necessary procurement because of unforeseen damage to public machinery, equipment, or other property. 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)(3). (City of Plano Intern Contract No. 2019-0620-X)
See Recommendation Memo.

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:

Built Environment

ATTACHMENTS:

Description	Upload Date	Type
Recommendation Memo	8/8/2019	Memo

Date: August 8, 2019

To: Mark D. Israelson, City Manager

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

Subject: Excavator Purchase Ratification

Fleet Services requests the ratification of the purchase of one (1) Caterpillar M318F Excavator in the amount of \$264,237.00 from Holt Texas, Ltd.

This unit was an unforeseen, unscheduled, emergency replacement for unit 08510 Excavator in Cost Center 471 Municipal Drainage Operations. The current unit has reached the end of its useful life and experienced major mechanical error with estimated repair costs in excess of \$38,000.00.

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

1. This unit is essential to this department's daily operations and is required to maintain current service levels.
2. Not purchasing this unit would have led to extensive maintenance and repair costs.

Fleet Services requests ratification of the expenditure of \$264,237.00 which was necessary to maintain Municipal Drainage Operations' services.



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Marketing

Department Head: Shannah Hayley

Agenda Coordinator: Kimberly Williams ext. 7204

CAPTION

To approve an expenditure for Advertising Services for a one (1) year contract with two (2) one-year City optional renewals in the annual estimated amount of \$59,616 from JG Media dba Community Impact Newspaper for the Communications & Community Outreach Department; and authorizing the City Manager to execute all necessary documents. **Approved**

FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR:	2018-19 thru 2021-22	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	88,215	172,224	260,439
Encumbered/Expended Amount		0	-76,843	0	-76,843
This Item		0	-6,624	-172,224	-178,848
BALANCE		0	4,748	0	4,748

FUND(S): General Fund

COMMENTS: Funding for this item is included in the approved FY 2018-19 Budget. The estimated amount to be spent in FY 2018-19 is \$6,624. The total estimate future amount to be spent is \$172,224 (FY 2019-20 \$59,616, FY 2020-21 \$59,616 and FY 2021-22 \$52,992). All future year expenditures will occur within Council approved appropriations. This agreement approves a one-year contract with (2) optional one-year renewals for an estimated total amount of \$178,848. Remaining balance will be used for other Communications & Community Outreach Department professional services contracts.

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)(16). (City of Plano Contract No. 2019-

0565-C)

See Recommendation Memo

Strategic Plan Goal:

Financially Strong City with Service Excellence, Partnering for Community Benefit

Plano Tomorrow Plan Pillar:

Economic Environment, Regionalism

ATTACHMENTS:

Description	Upload Date	Type
Recommendation Memo	8/20/2019	Memo

Date: July 31, 2019

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

From: Shannah Hayley, Director of Communications and Community Outreach

Subject: Professional Services – JG Media dba Community Impact Newspaper

Since 2015, the city has contracted with JG Media dba Community Impact Newspaper to produce a two-page spread within the publication. The intent was provide a hard-copy newsletter which would be delivered to every mailbox in Plano, including businesses, and single family and multi-family residential. The initial contract began with four (4) inserts per year. Based on significant positive feedback from the community, the contract was expanded to a frequency of nine (9) total yearly two-page inserts.

The City's latest communication survey of residents via Nextdoor indicated that more than 40% of respondents receive news and information about the City of Plano from JG Media dba Community Impact Newspaper. The Senior Advisory Board's survey of adults 50+ in Plano found nearly 38% of respondents receive news and information about the City of Plano from JG Media dba Community Impact Newspaper.

To date, JG Media dba Community Impact Newspaper is the only publication within Plano that is delivered to every mailbox, including businesses, and single family and multi-family residential. This free-to-readers publication is supported by advertising revenue, primarily from local businesses. Its current circulation exceeds 122,654 mailboxes in Plano.

Staff recommends that the City Council approve the expenditure between the City of Plano Communications and Community Outreach Department and JG Media dba Community Impact Newspaper to provide nine (9) two-page spreads per year for a period of three years, with an estimated annual compensation not to exceed \$59,616. This recommendation is based on JG Media dba Community Impact Newspaper unique status as the only publication to reach a significant portion of Plano's population.

This contract will be funded through the Communications and Community Outreach department's advertising funds. This contract covers the total cost of publishing nine (9) monthly two-page inserts and mailing costs are covered by JG Media dba Community Impact Newspaper. The contract reflects pricing of \$6,624 per insert, with a total contract value not to exceed estimated amount of \$59,616 per year. Because circulation quantities and hard costs, such as paper, have an impact on annual cost, this contract reflects that each annual renewal for up to three years will not be increased by more than 3% per year.

Failure to award this expenditure reduces the City's ability to reach many of Plano's residents who do not use social media as a primary source of news and information. This publication plays a significant role in Plano's communication strategy, helping residents and businesses gain access to information about the City's programs, services and important updates.



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Parks

Department Head: Robin Reeves

Agenda Coordinator: Kimberly Williams ext. 7204

CAPTION

To approve an expenditure for Motorola Irrigation Controllers in the amount of \$248,340 from Interspec LLC for the Parks and Recreation 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		233,179	375,218	670,000	1,278,397
Encumbered/Expended Amount		-233,179	-41,668	0	-274,847
This Item		0	-248,340	0	-248,340
BALANCE		0	85,210	670,000	755,210

FUND(S): Capital Maintenance Fund

COMMENTS: Funding for this item is available in the 2018-19 Capital Maintenance Fund budget. The purchase of replacement irrigation controllers, in the amount of \$248,340, will leave a current year balance of \$85,210 available for future expenditures to replace and enhance technical and mechanical elements of the irrigation systems across Plano's park system, public buildings and medians.

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. 2019-0518-X)

See Recommendation Memo.

Strategic Plan Goal:

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

Plano Tomorrow Plan Pillar:

Built Environment, Natural Environment

ATTACHMENTS:

Description	Upload Date	Type
Recommendation Memo	8/15/2019	Memo

Date: August 15, 2019

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

From: Ron Smith, Park Services Manager

Subject: Award Recommendation: 2019-0518-X – Motorola Irrigation Controllers

As part of the City's annual maintenance of its citywide central irrigation system, this contract will be utilized to purchase 59 replacement irrigation controllers and associated parts for medians, parks and public buildings across the city. Irrigation controllers, part of the City's Motorola Irrigation Center Control (ICC) system, have a lifecycle of approximately eight years. Each year the Department targets 12-percent of the 483 citywide controls for replacement, thus keeping the system up-to-date and functioning. The 59 controllers identified for replacement this cycle have reached the end of their operational lifecycle. A list of replacement locations is attached to this memorandum.

Motorola's ICC system was selected over 25 years ago as the preferred centralizing irrigation system for the City of Plano. Motorola's proprietary system provides a reliable, technology-based central control platform for managing the City's irrigation system and verdant, living assets.

All replacement units will be acquired from Interspec LLC, which is the sole source for Motorola's ICC system. These controllers are part of a proprietary system and are not available from other manufacturers. It is the recommendation of the Parks and Recreation Department to proceed with the purchase of the replacement controllers. Upon approval, Parks intends to purchase the following:

48 radio-controlled D/C irrigation controllers @ \$3,600.00 per unit
Five (5) radio-controlled 12 station A/C irrigation controllers @ \$4,000.00 per unit
Five (5) radio-controlled 24 station A/C irrigation controllers @ \$4,590.00 per unit
One (1) IP controlled Ace irrigation controller @ \$13,900.00 per unit
21 radios to replace outdated devices @ \$890.00 per unit

Total amount is \$248,340.00.

This amount is the direct, wholesale price from the manufacturer, Mottech Water Solutions LTD

This purchase is planned to occur in 2019 (funding source CMF acct # 53361 Irrigation Technology & Mechanical) as a one-time purchase from Interspec LLC. The total amount of this contract is within budget for this purchase.

These replacements will keep citywide irrigation systems on-line and functioning properly, meeting the City objective of establishing and maintaining "Great Neighborhoods – 1st Choice to live." Should this request be denied, essential parts of the city's ICC will no longer perform properly, placing valuable city assets at risk.

Cc:
Purchasing Department
Ron Smith, Park Services Manager
Renee Jordan, Chief Park Planner

System ID	Type	Location Description	Address	
60	Ace	Archgate E	6700	Archgate Dr
1802	Scorpio	Cheyenne N	2601	Mission Ridge
622	Scorpio	Spring Creek Walk way		E. 16th St
6804	Scorpio	Russell Creek Trail	3002	Bryce Canyon
3802	Scorpio	Suncreek E	815	Albright
3804	Scorpio	Suncreek W	1019	Rollins
1604	Scorpio	Carpenter Rec	6701	Coit
36	Scorpio	Prairie Meadow	3225	Caravan
6001	Scorpio	Archgate W	6700	Archgate Dr
1804	Scorpio	Cheyenne S	2601	Mission Ridge
2002	Scorpio	Davis Police	7501	Independence
1203	Scorpio	15th Raised Beds (Einstein Bagels)	1203	E. 15th St
402	Scorpio	Custer South of Cumberland	6605	Custer Rd
4427	Scorpio	Shiloh North of Oleander		E Shiloh
4604	Scorpio	Plano Parkway East of 75	678	E Plano Parkway
4612	Scorpio	14th @ Ave K Parking		14th St
4612	Scorpio	Ave K North of Summit	802	K Ave
4614	Scorpio	Plano Parkway East of 75	678	E. Plano Pkwy
2606	Scorpio	Spring Creek East of Tollway	5786	W Spring Creek Pkwy
5408	Scorpio	Spring Creek West of Tollway	5986	W Spring Creek Pkwy
5412	Scorpio	Midway @ Wolf Run	6450	Midway Rd
6408	Scorpio	Spring Creek East of Midway	6278	W Spring Creek Pkwy
1614	Scorpio	Preston Meadow South of Spring Creek		Preston Meadow
3402	Scorpio	Park East of Polo Club		Park Rd
3410	Scorpio	Plano Parkway East of Balcones		Park Rd
3412	Scorpio	Plano Parkway East of Midway	6458	W Plano Parkway
3414	Scorpio	Park West of Airpark		Park Rd
4010	Scorpio	Coit South of Stonehaven	8402	Coit Rd
4420	Scorpio	Mcdermott West of Custer		Mcdermott
5804	Scorpio	Parker West of Silvercreek	5214	W Parker
5808	Scorpio	Willow Bend North of parker		Willow Bend Rd
5822	Scorpio	Parker East of Tollway	5970	W Parker
5826	Scorpio	Willow Bend South of Parker	3202	Willow Bend Rd
6616	Scorpio	Mamelle @ Independence		Mamelle
6618	Scorpio	Independence @ San Simeon	6611	Independence
6620	Scorpio	Spring Creek East of Coit	3106	W Spring Creek
6622	Scorpio	Independence South of Loch Haven		Independence
6624	Scorpio	Independence North of Bullock		Independence
6626	Scorpio	Independence North of Citadel		Independence
6630	Scorpio	Independence South of Spring Creek	5422	Independence
4616	Scorpio	14th & Ave K Parking @ MCS	1317	K Ave
4618	Scorpio	Plano Parkway West of Stewart	1606	E. Plano Pkwy
3408	Scorpio	Park East of Polo Club	5902	W. Park Blvd
3420	Scorpio	Plano Parkway East of Balcones	5851	W. Plano Pkwy
3422	Scorpio	Plano Parkway East of Midway	6458	W. Plano Pkwy
3424	Scorpio	Park West of Airpark	6454	W. Park Blvd
3426	Scorpio	Parkwood South of Park	1762	Parkwood Blvd
4710	Scorpio	McDermott West of Custer	2406	McDermott Dr
4810	Scorpio	Custer South of Cumberland	6605	Custer Rd
5802	Scorpio	Parker West of Silver Creek	5214	W. Parker Rd
5804	Scorpio	Willow Bend North of Parker	3630	Willow Bend Dr
5806	Scorpio	Willow Bend South of Parker	3202	Willow Bend Dr
5808	Scorpio	Parker East of Tollway	5970	W. Parker Rd
6604	Scorpio	Independence @ San Simeon	6611	Independence Pkwy
6606	Scorpio	Spring Creek East of Coit	3106	W. Spring Creek Pkwy
6608	Scorpio	Independence South of Loch Haven	5326	Independence Pkwy
6612	Scorpio	Independence North of Bullock	4006	Independence Pkwy
6614	Scorpio	Independence North of Citadel	3814	Independence Pkwy
6618	Scorpio	Independence South of Spring Creek	5422	Independence Pkwy



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Dave Leong

CAPTION

To approve an expenditure for professional engineering services for Sidewalk Improvements - 15th Street from Coit Road to Custer Road, Project No. 7138.1, in the amount of \$265,000 from J. Volk Consulting Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents.

Approved

FINANCIAL SUMMARY

CIP

FISCAL YEAR: 2018-19, 2019-20	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	50,000	800,000	850,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-25,000	-240,000	-265,000
Balance	0	25,000	560,000	585,000

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 Sidewalk Improvements along 15th Street From Coit Road to Custer Road, in the total amount of \$265,000, will leave a balance of \$585,000 available for future expenditures through FY 2019-20.

SUMMARY OF ITEM

The Engineering Department recommends approval of an expenditure in the amount of \$265,000 for professional engineering services from J. Volk Consulting Inc. for the Sidewalk Improvements-15th Street

from Coit Road to Custer Road. This project includes filling in missing sidewalk, design barrier free ramps, and a masonry screening wall between Montclair Drive and Silverwood Lane. The total expenditure is for \$265,000.

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

The benefit of this project includes pedestrian connectivity along the 15th Street corridor. The connectivity will provide safer pedestrian conditions, more opportunity for multimodal use, and better quality of life for the citizens of Plano.

Not approving the expenditure would result in discontinuity in pedestrian routes which can lead to unsafe pedestrian conditions and decreased quality of life for the citizens of Plano.

Strategic Plan Goal:

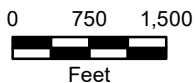
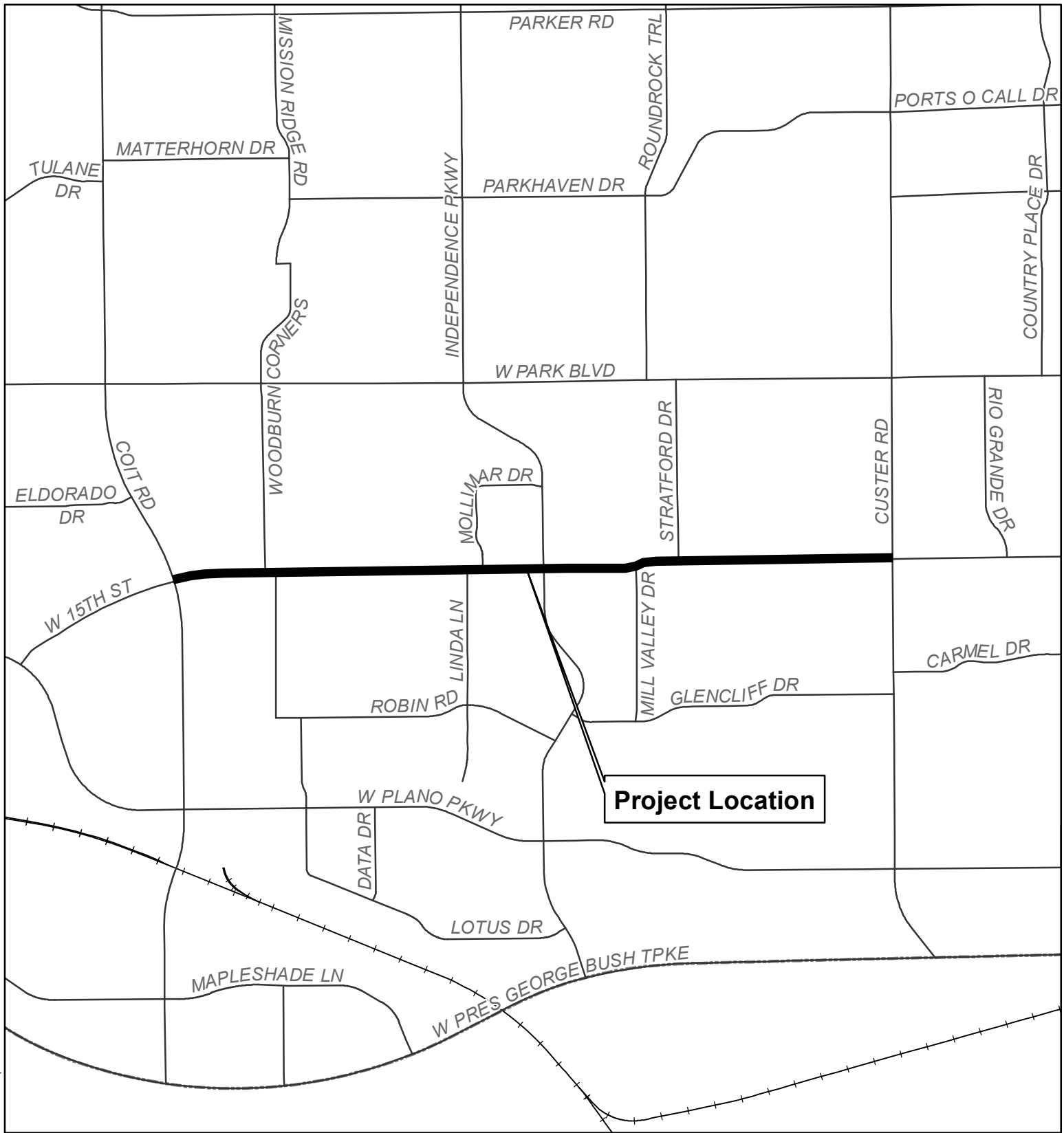
Safe Large City, Great Neighborhoods - 1st Choice to Live

Plano Tomorrow Plan Pillar:

Built Environment, Social Environment

ATTACHMENTS:

Description	Upload Date	Type
Location Map	8/9/2019	Map

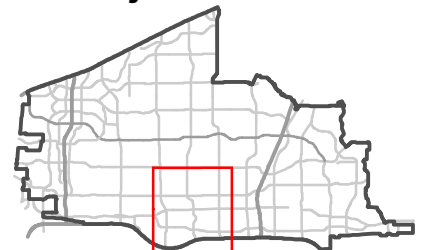


City of Plano, BI/GIS
July 2019

Sidewalk Improvements - 15th Street from Coit Road to Custer Road

Project No. 7138.1

Project Location





CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Eco Dev

Department Head: Sally Bane

Agenda Coordinator: Paula Date

CAPTION

To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Masergy Communications, Inc., a Delaware corporation ("Company"), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. **Approved**

FINANCIAL SUMMARY

Operating Expense

FISCAL YEAR: 2019-20 through 2029-30	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	47,373,052	0	47,373,052
Encumbered/Expended Amount	0	-3,065,965	-11,197,654	-14,263,619
This Item	0	-487,800	0	-487,800
Balance	0	43,819,287	-11,197,654	32,621,633

FUND(S): ECONOMIC DEVELOPMENT INCENTIVE FUND

COMMENTS:

Funding for this item is available in the Economic Development Incentive Fund.

SUMMARY OF ITEM

A request to approve an Economic Development Incentive Agreement for Masergy Communications, Inc., a Delaware corporation, pursuant to Chapter 380 of the Texas Local Government Code and conditioned on the terms as set forth in the attached agreement. Masergy Communications, Inc. agrees to occupy 90,000 gross square feet of office space at 2740 North Dallas Parkway, Plano, TX 75093 and transfer, retain or create up to 542 Job Equivalents by 12/31/2024.

<http://bit.ly/2WZQ3nP>

Strategic Plan Goal:

Strong Local Economy

Plano Tomorrow Plan Pillar:

Economic Environment

ATTACHMENTS:

Description	Upload Date	Type
Masergy Communications_Chpt 380 Agmt_08-26-19	8/14/2019	Agreement

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Economic Development Incentive Agreement (“Agreement”) is made by and between the City of Plano, Texas (“City”), and Masergy Communications, Inc., a Delaware corporation (“Company”), acting by and through their respective authorized officers and representatives.

WITNESSETH:

WHEREAS, Company is engaged in the business of voice, video and data network connectivity services and plans to add Seven Million Eight Hundred Thousand Dollars (\$7,800,000) of Real Property improvements and Four Million Two Hundred Thousand Dollars (\$4,200,000) of Business Personal Property (“BPP”) on the Real Property; and

WHEREAS, Company agrees to occupy at least 90,000 gross square feet of office space and transfer or create up to 542 Job Equivalents, above the existing employment of 120, to be located on the Real Property for the term of this Agreement; and

WHEREAS, the Company has advised the City that a contributing factor that would induce the Company to relocate and expand its business and commercial activities in the City, thereby generating additional local sales tax revenues and increasing ad valorem tax values for the City, would be an agreement by the City to provide an economic development grant to the Company; and

WHEREAS, the City Council finds that the occupancy of at least 90,000 gross square feet of office space and the creation or transfer of up to 542 Job Equivalents within the City will promote economic development, stimulate commercial activity and enhance the tax base and economic vitality of the City; and

WHEREAS, the City has adopted programs for promoting economic development; and

WHEREAS, the City is authorized by TEX. LOC. GOV’T CODE §380.001 *et seq.* to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, the City has determined that making an economic development grant to the Company in accordance with the terms and conditions set forth in this Agreement will further the objectives of the City, will benefit the City and its citizens and will promote local economic development and stimulate business and commercial activity in the City.

NOW THEREFORE, in consideration of the foregoing and the premises, mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby covenant and agree as follows:

Article I

Definitions

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Commencement Date” shall mean the earlier of the occupancy of the office space on the Real Property or September 30, 2019, whichever occurs first.

“Company” shall mean Masergy Communications, Inc., a Delaware corporation.

“Baseline Job Equivalents” shall mean One Hundred Twenty (120) employees of the Company who are located at the Real Property and each employee is paid at least 2,080 hours annually and issued an Internal Revenue Service W-2 form by the Company.

“Event of Force Majeure” shall mean any contingency or cause beyond the reasonable control of a party including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of the party), fires, explosions or floods, strikes, slowdowns or work stoppages any of which event(s) directly and significantly impact the Company’s operations in the City. An economic downturn shall not constitute an Event of Force Majeure.

“Job Equivalent” shall mean one or more Company employees, whether individual or combined with other employees, who are located at the Real Property and each Job Equivalent is paid a total 2,080 hours annually and issued an Internal Revenue Service W-2 form by the Company. For Purposes of this Agreement, Job Equivalents shall not include the initial One Hundred Twenty (120) Baseline Job Equivalents located at the Property and for which Company received payment in a prior Agreement.

“Real Property” or “Property” shall mean 2740 North Dallas Parkway, Plano, TX 75093.

Article II

Term

The term of this Agreement shall begin on the Commencement Date and continue for ten (10) years thereafter, unless sooner terminated as provided herein.

Article III

Obligations of Company

In consideration for the grant of public funds as set forth in Section 4.01 below, the Company agrees to perform the following:

(a) By the Commencement Date, occupy the office space on the Real Property and maintain occupancy throughout the term of the Agreement; and

(b) By September 30, 2019, create or transfer at least 248 Job Equivalents in addition to the 120 Baseline Job Equivalents for which the Company received payment in a prior agreement and maintain the additional Job Equivalents for a minimum of 180 days prior to grant payment and continue to maintain those Job Equivalents and Baseline Job Equivalents on the Real Property throughout the Agreement; and

(c) By December 31, 2024, and subject to maintaining the required number of Job Equivalents pursuant to Article III, Section (b) herein, Company may create or transfer up to 294 additional Job Equivalents, for a total of up to 542 Job Equivalents, in addition to the 120 Baseline Job Equivalents for which the Company received payment in a prior agreement, and maintain those Job Equivalents and the Baseline Job Equivalents on the Real Property throughout the Agreement; and

(d) Use reasonable efforts to place all Company-managed hotel room nights, related to the Company's business activities, at facilities located in the City of Plano.

Article IV Economic Development Grant

4.01 **Grant.** The City agrees to provide the Company a cash grant of up to Four Hundred Eighty-Seven Thousand Eight Hundred Dollars (\$487,800) as long as Company meets each of the obligations set out in Article III above and complies with the certification schedule and requirements set out in Section 4.02 below.

4.02 **Grant Payment Requirements and Schedule.** Except as otherwise indicated, the Company shall be entitled to the grant award in accordance with the following requirements and schedule:

(a) By September 30, 2019, Company shall occupy the office space and transfer or create at least 248 Job Equivalents to the Real Property, in addition to the existing 120 Baseline Job Equivalents, and maintain the additional Job Equivalents for a minimum of 180 days to be eligible to receive a payment of Two Hundred Twenty-Three Thousand Two Hundred Dollars (\$223,200). The payment will not be pro-rated. **Company must submit the Initial Certification form attached hereto as Exhibit "A" certifying compliance with the obligations set forth in Article III, Sections (a), (b) and (d) not earlier than March 31, 2020 and not later than June 30, 2020. A failure to provide this form by that date is an event of default and, if not cured, results in an immediate and complete forfeiture of the entire grant.**

City will make the payment within thirty (30) days of receipt of the initial certification unless the City reasonably objects to the certification.

(b) By December 31, 2024, and subject to the Company transferring, creating and maintaining the minimum number of Job Equivalents required pursuant to Section 4.02(a) herein, Company may add up to an additional 294 Job Equivalents for a total maximum number of 542 Job Equivalents at the Real Property, in addition to the 120 Baseline Job Equivalents for which the Company received payment in a prior agreement, to be eligible to receive a second (2nd) grant payment of up to Two Hundred Sixty-Four Thousand Six Hundred Dollars (\$264,600) which may be pro-rated at Nine Hundred Dollars (\$900) for each Job Equivalent up to the maximum amount allowed herein. **Company must submit the Annual Certification form attached hereto as Exhibit “B” as required by Section 4.02(c) below certifying the number of Job Equivalents added pursuant to Article III, Section (c) and compliance with Article III, Sections (a), (b) and (d) not later than January 31, 2025 to be eligible for the second (2nd) grant payment. A failure to provide this form by that date is an event of default and, if not cured, results in an immediate and complete forfeiture of the remaining grant and invokes the City’s right to a full refund, including damages as set out in Section 4.03 below.**

City will make the payment within thirty (30) days of receipt of the January 31, 2025 annual certification if Company qualifies for a second (2nd) grant payment pursuant to this Section 4.02(b), unless the City reasonably objects to the certification. In no event will the City make the second (2nd) grant payment prior to January 1, 2025.

(c) Beginning January 31, 2021, Company must submit an annual certification on the form attached hereto as Exhibit “B” not later than January 31st of each year for the duration of this Agreement certifying compliance with all of the obligations set out in Article III above. **A failure to file the annual certification by the January 31st deadline during the remaining years of the Agreement shall be an event of default and, if not cured, results in the City’s right to a full refund, including damages as set out in Section 4.03.**

(d) All certifications must be executed by the Company’s chief executive or financial officer.

4.03 **Refund/Default.**

(a) If the Company fails to meet and maintain the required number of Job Equivalents for more than 180 consecutive days as set out in Section 4.02(a) and the loss is not the result of an Event of Force Majeure, the Company shall forfeit the entire grant. Thereafter, if the Company fails to maintain the required number of Job Equivalents, for which it has received payment, for more than 180 consecutive days at any time during the term of this Agreement and the loss is not the result of an Event of Force Majeure, the Company shall refund to the City an amount equal to Nine Hundred Dollars (\$900) for each lost Job Equivalent.

For the purposes of determining whether the City is due a refund under this section, the Company shall certify to the City as set out in Section 4.02 above the actual number of Job Equivalents at the Real Property for the compliance period using the form attached as Exhibit “B”. A failure to make the refund payment prior to or at the time of filing certification shall constitute an event of default. If a refund has been paid for one or more Job Equivalent(s), Company is not entitled to any future payment for that lost Job Equivalent(s) notwithstanding that it subsequently complies with the Job Equivalent requirements of this Agreement at a later date.

(b) If the Company defaults on the payment of any refund or fails to timely provide any certification as required by Section 4.02, the full amount of the entire grant paid shall be refunded by Company to the City. City may use any efforts to collect such sums owed and Company agrees to pay any and all interest, and expenses, including attorney fees and costs incurred by City. This obligation shall survive termination of this Agreement.

(c) If the Company fails to maintain occupancy at the Property, in default of Article III, Section (a) herein, at any point during the term of the agreement, the full amount of the entire grant paid shall be refunded by Company to the City immediately. Occupancy of the site shall mean that the Company is regularly open and operating their business at the Property and employees of Company, as required by Article III herein, are present and performing their job duties on a full time basis on the site. City may use any efforts to collect such sums owed and Company agrees to pay any and all interest, and expenses, including attorney fees and costs incurred by City. This obligation shall survive termination of this Agreement.

(d) At any time during the term of this Agreement the Company is convicted of a violation under 8 U.S.C. Section 1324a(f) regarding the unlawful employment of undocumented workers, it shall reimburse the City all grant funds paid pursuant to this Agreement together with interest charged from the date of payment of the funds at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01, but without the addition of penalty. Repayment of grant funds and interest shall be due not later than 120 days after the date the Company is convicted of the offense.

Article V Termination

5.01 **Events of Termination.** This Agreement terminates upon any one or more of the following:

(a) By expiration of the term and where no defaults have occurred; or

(b) If a party defaults or breaches any of the terms or conditions of this Agreement and such default or breach is not cured within thirty (30) days after written notice thereof by the non-defaulting party unless a longer period is provided. Any default under this provision and right to recover any claims, refunds, damages and/or expenses shall survive the termination of the Agreement.

The City Manager is authorized on behalf of the City to send notice of default and to terminate this Agreement for any default that is not cured.

5.02 **Effect of Termination/Survival of Obligations.** The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the applicable effective date of termination of this Agreement, except for any obligations or default(s) that existed prior to such termination or as otherwise provided herein and those liabilities and obligations shall survive the termination of this Agreement, including the refund provision, maintenance of records, and access thereto.

Article VI

Retention and Accessibility of Records

6.01 Company shall maintain the fiscal records and supporting documentation for expenditures of funds associated with this Agreement. Company shall retain such records, and any supporting documentation for the greater of:

- (a) Five (5) years from the end of the Agreement period; or
- (b) The period required by other applicable laws and regulations.

6.02 Company gives City, its designee, or any of their duly authorized representatives, access to and the right to examine relevant books, accounts, records, audit reports, reports, files, documents, written or photographic material, videotape and other papers, things, or personal and Real Property belonging to or in use by Company pertaining to the Economic Development Program Grant (the "Records") upon receipt of ten (10) business days written notice from the City. The City's access to Company's books and records will be limited to information needed to verify that Company is and has been complying with the terms of this Agreement. Any information that is not required by law to be made public shall be kept confidential by City. In no event shall City's access to Company's Records include any access to any personal and/or medical data of any employees of Company except to confirm payroll information compliance for Job Equivalents. Company shall not be required to disclose to the City any information that by law Company is required to keep confidential. Should any good faith dispute or question arise as to the validity of the data provided, the City reserves the right to require Company to obtain an independent firm to verify the information. This certified statement by an independent firm shall be provided at the sole cost of Company. The rights to access the Records shall terminate five (5) years after the termination or expiration of this Agreement. Failure to provide reasonable access to the Records to authorized City representatives shall give the City the right to suspend or terminate this Agreement as provided for in Section 5.01 above, or any portion thereof, for reason of default. All Records shall be retained by Company for a period of five (5) years after all performance requirements are achieved for audit purposes until such audits or other administrative, civil or criminal matters including, but not limited to, investigations, lawsuits, administrative inquiries and open record requests are completed. Company agrees to maintain the Records in an accessible location.

Article VII

Assignment

This Agreement may not be assigned without the express written consent of the non-assigning party, except that the Company may assign this Agreement without obtaining the City's consent (a) to one of its wholly owned affiliates, or (b) to any person or entity that directly or indirectly acquires, through merger, sale of stock, purchase or otherwise, all or more than ninety (90) percent of the assets of the Company as long as the Company gives sixty (60) days prior written notice to the City and the assignee executes an agreement with the City to be bound to all the terms and conditions of this Agreement and be responsible for any default(s) that occurred prior to or after the assignment.

For any assignment not covered by (a) or (b) in the preceding paragraph, the Company must obtain the prior approval of the City through its City Manager and the assignee must agree to be bound to all the terms and conditions of this Agreement and to accept all liability for any default that occurred prior to and/or after the assignment.

Any assignment agreement must be furnished in a form acceptable to the City and be provided at least thirty (30) days prior to the effective assignment date. City agrees to notify the potential assignee of any known default, but such notification shall not excuse defaults that are not yet known to the City.

Article VIII Miscellaneous

8.01 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create a partnership or joint venture among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances by virtue of this Agreement.

8.02 **Notice of Bankruptcy.** In the event Company files for bankruptcy, whether involuntarily or voluntary, Company shall provide written notice to the City within three (3) business days of such event.

8.03 **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

8.04 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered.

If intended for the City:
City of Plano, Texas
Attention: Mr. Mark D. Israelson
City Manager
1520 Avenue K
P.O. Box 860358
Plano, TX 75086-0358

With a copy to:
City of Plano, Texas
Attention: Ms. Paige Mims
City Attorney
1520 Avenue K
P.O. Box 860358
Plano, TX 75086-0358

If intended for the Company:
Masergy Communications, Inc.
Attention: Mr. Garry Gay
Vice President, Human Resources
2740 North Dallas Parkway, Suite 260
Plano, TX 75093

8.05 **Compliance with Equal Rights Ordinance.** Company agrees to comply with Section 2-11(F) of the City Code of Ordinances, which reads as follows:

“It shall be unlawful for an employer to discriminate against any person on the basis of race, color, sex, religion, age, national origin, genetic information, sexual orientation, gender identity, disability status or United States military/veteran status by the following actions or inactions:

- (a) for an employer to fail or refuse to hire, or to discharge, any person;
- (b) for an employer to discriminate against any person with respect to compensation, terms, conditions or privileges, of employment;
- (c) for an employer to limit, segregate or classify employees or applicants for employment in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee;
- (d) for an employment agency to fail or refuse to refer for employment, or to otherwise discriminate against, any person because of a protected employment characteristic;
- (e) for an employment agency to classify or refer for employment any person, on the basis of a protected employment characteristic;
- (f) for a labor organization to exclude or expel from its membership, or to otherwise discriminate against, any person because of a protected employment characteristic;
- (g) for a labor organization to fail or refuse to refer for employment any person because of a protected employment characteristic;
- (h) for a labor organization to limit, segregate or classify its members or applicants for membership, in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee or as an applicant for employment; or
- (i) for a labor organization to cause or attempt to cause an employer to discriminate against a person in violation of this subsection;

(j) for an employer, a labor organization or a joint labor-management committee, to discriminate against any person because of a protected employment characteristic in the admission to, or employment in, any program established to provide apprenticeship or other training;

(k) for an employer to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by the employer that indicates any preference, limitation, specification or discrimination, based on a protected employment characteristic;

(l) for an employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to membership in or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification or discrimination, based on a protected employment characteristic; or

(m) for a joint labor-management committee to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification or discrimination, based on a protected employment characteristic.”

Company also understands that it is entitled to apply to the City Manager for a waiver from the Equal Rights Ordinance’s application to its business if applying it would conflict with state or federal law. During the review of the waiver request, the contract will be placed on hold.

8.06 **Entire Agreement.** This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

8.07 **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction. Venue for any action concerning this Agreement, the transactions contemplated hereby or the liabilities or obligations imposed hereunder shall be in the State District Court of Collin County, Texas.

8.08 **Amendment.** This Agreement may only be amended by the mutual written agreement of the parties.

8.09 **Severability.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

8.10 **Recitals.** The recitals to this Agreement are incorporated herein.

8.11 **Authorized to Bind.** The persons who execute their signatures to this Agreement represent and agree that they are authorized to sign and bind their respective parties to all of the terms and conditions contained herein.

8.12 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

This Agreement shall be effective upon the last date on which all parties have executed this Agreement.

ATTEST:

CITY OF PLANO, TEXAS, a home-rule
municipal corporation

Lisa C. Henderson, CITY SECRETARY

Mark D. Israelson, CITY MANAGER

Date: _____

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ATTEST:

MASERGY COMMUNICATIONS, INC., a
Delaware company

Name: _____
Title: _____

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

EXHIBIT "A"

INITIAL CERTIFICATE OF COMPLIANCE

Please select one of the options below before signing and returning the certification:

- _____ a. I hereby certify that Masergy Communications, Inc. has occupied the office space and transferred or added at least 248 additional Job Equivalent positions at the Real Property by September 30, 2019, in addition to maintaining the 120 Baseline Job Equivalents at the Property and is in compliance with all terms of the Agreement and is entitled to receive payment in accordance with Section 4.02(a) of that Agreement. The actual number of Job Equivalents is _____.
- _____ b. I hereby certify that Masergy Communications, Inc. has failed to occupy the office space and/or has failed to transfer or add at least 248 Job Equivalent positions at the Real Property by September 30, 2019, in addition to maintaining the 120 Baseline Job Equivalents at the Property and is not in compliance with the Agreement and is not entitled to receive payment in accordance with Section 4.02(a) of that Agreement. The actual number of Job Equivalents is _____.

ATTEST:

MASERGY COMMUNICATIONS, INC., a
Delaware company

Name: _____
Title: _____

By: _____
Name: _____
Chief Financial Officer

Date

NOTE: This form is due not earlier than March 31, 2020 and not later than June 30, 2020.

This Certificate of Compliance should be mailed to:

City of Plano
Finance Department
P.O. Box 860358
Plano, TX 75086-0358

EXHIBIT “B”

ANNUAL CERTIFICATE OF COMPLIANCE

Please select one of the options below before signing and returning the certification:

- _____ a. I hereby certify that Masergy Communications, Inc. is in compliance with each applicable term as set forth in the Agreement and the transferred or added number of Job Equivalents has not fallen below the number for which Masergy Communications, Inc. has received a grant payment in accordance with the terms and conditions set out in Article IV. I further certify that as of December 31 of the prior year, the number of Job Equivalents was _____.
- _____ b. I hereby certify that Masergy Communications, Inc. is not in compliance with each applicable term as set forth in the Agreement and the transferred or added number of Job Equivalents has fallen below the number for which Masergy Communications, Inc. has received a grant payment. I further certify that as of December 31 of the prior year, the number of Job Equivalents was _____ and that the City of Plano has been refunded the appropriate amount as required by Article IV, Section 4.03 of the Agreement.
- _____ c. **(FOR USE IN JANUARY 2025 ONLY IF APPLICABLE)** I hereby certify that Masergy Communications, Inc. is in compliance with all terms and conditions of the Agreement and that as of December 31, 2024, Masergy Communications, Inc. has added _____ total number of Job Equivalents (not to exceed 294), in addition to the 248 initial Job Equivalents and the 120 Baseline Job Equivalents, and is entitled to receive a second (2nd) grant payment in accordance with Section 4.02(b). I further certify that as of December 31 of the prior year, the total number of Job Equivalents was _____.

ATTEST:

MASERGY COMMUNICATION, INC., a
Delaware company

Name: _____
Title: _____

By: _____
Name: _____
Chief Financial Officer

Date

NOTE: This form is due by January 31 of each year beginning on January 31, 2021, and as long as this Agreement is in effect.

This Certificate of Compliance should be mailed to:

City of Plano
Finance Department
P.O. Box 860358
Plano, TX 75086-0358



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Eva X-7232

CAPTION

To approve an Agreement by and between the Regional Transportation Council (RTC), acting in its capacity as policy body for the Metropolitan Planning Organization (MPO), and City of Plano, outlining the roles and responsibilities with respect to Transportation Development Credits (TDC) awarded for the projects; and authorizing the City Manager to execute all necessary documents. **Approved**

FINANCIAL SUMMARY

Revenue, CIP

FISCAL YEAR: 2019-20	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	593,800	593,800
Balance	0	0	593,800	593,800

FUND(S): Street Improvements CIP, Legacy Area Transportation Management Association

COMMENTS: This item facilitates the award of \$593,800 in Transportation Development Credits to the City of Plano for use on transportation projects where the City was previously awarded federal funds - the Legacy Transportation Management Association, the Citywide Traffic Camera, Traffic Signal and Signal Communications Upgrades and the State Highway 121 Frontage Road from Custer Road to Spring Creek Parkway Signal Controller and Software Upgrades project.

SUMMARY OF ITEM

The City of Plano has several federally funded projects that are utilizing Transportation Development

Credits (TDC) as the required local match. One of the requirements in the Texas Administrative Code pertaining to TDC's is that agencies receiving TDC's from an Metropolitan Planning Organization (MPO) for a project must enter into an agreement with that MPO that outlines the terms of using the TDC's. This agreement is separate from the standard Local Project Advance Funding Agreement (LPAFA) that we execute with TxDOT.

Strategic Plan Goal:

Financially Strong City with Service Excellence, Strong Local Economy, Partnering for Community Benefit

Plano Tomorrow Plan Pillar:

Economic Environment, Regionalism

ATTACHMENTS:

Description	Upload Date	Type
Agreement	8/9/2019	Agreement

**AGREEMENT FOR AWARD OF TRANSPORTATION DEVELOPMENT CREDITS
BETWEEN
THE REGIONAL TRANSPORTATION COUNCIL
AND
*CITY OF PLANO***

This Agreement is entered into by and between the Regional Transportation Council (RTC), acting in its capacity as policy body for the Metropolitan Planning Organization (MPO), and City of Plano, a home-rule municipal corporation. The purpose of this Agreement is to outline the roles and responsibilities of each party with respect to Transportation Development Credits (TDC) awarded for the projects listed in Attachment 1.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the MPO for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the RTC, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions; and,

WHEREAS, 23 U.S.C. §120 permits a state to use certain toll revenue expenditures, TDCs, formerly called toll credits, as a credit toward the non-Federal share of all programs authorized by Title 23, with the exception of emergency relief programs, and for transit programs authorized by Title 49, Chapter 53; and,

WHEREAS, 43 Tex. Admin. Code §5.106 authorizes an MPO to award TDCs allocated to it by the State and 43 Tex. Admin. Code §5.110 requires an agreement be entered into between the MPO and entity awarded TDCs prior to and in order for those credits to be used; and,

WHEREAS, on April 13, 2017 and July 13, 2017, the RTC awarded \$593,800 TDCs to the City of Plano for the projects listed in Attachment 1.

NOW, THEREFORE, in consideration of these premises and of the mutual covenants contained herein, NCTCOG and the City of Plano agree as follows:

AGREEMENT

1. The RTC has awarded \$593,800 TDCs to the City of Plano for use as described herein.
2. The City of Plano agrees to utilize the TDCs for the projects identified and described herein as match to certain federal grant funds totaling \$2,969,000.
3. Any unused TDCs shall be reallocated to other projects as solely determined by the RTC.

4. The City of Plano will be required to execute separate funding agreements with a party other than the RTC and/or NCTCOG for the federal grant funds referenced above.
5. Neither Party may assign this Agreement in whole or in part, without first obtaining the written consent of the other Party.
6. In the event any one or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as near as possible the original intent of the Parties.
7. The Parties shall negotiate in good faith toward resolving any disputes that arise under this Agreement, which shall be construed and enforced in accordance with the laws of the State of Texas. Venue for any action under this Agreement shall lie exclusively in Tarrant County, Texas.
8. This instrument constitutes the entire agreement of the Parties with respect to the matters contemplated herein and supersedes all prior understandings and agreements regarding such subject matter. This Agreement may be modified or amended only in writing, signed by all Parties hereto.
9. The effective date of this Agreement is the date of last signature by the parties hereto.

Signed and Duly Executed by the Parties Below:

Mark D. Israelson
City Manager
City of Plano

Date

Michael Morris, P.E.
Staff Director
Regional Transportation Council

Date

Approved as to form:

Paige Mims
City Attorney
City of Plano

Date

**Transportation Development Credit (TDC) Agreement
Project List
City of Plano**

Attachment 1

TIP Code	CSJ	Project Description	Federal Funding Amount	TDC Amount	Award Date
14001	0918-24-239	LEGACY TRANSPORTATION MANAGEMENT ASSOCIATION; NORTH PLANO - LEGACY BUSINESS AREA; CREATE A TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) THAT REDUCES DEMAND FOR AN OVER CAPACITY NETWORK; REDUCING SINGLE OCCUPANCY TRIPS BY IMPLEMENTING TMA PROGRAMS	\$700,000	\$ 140,000	July 13, 2017
19005	0918-24-251	PLANO CITYWIDE TRAFFIC CAMERA, TRAFFIC SIGNAL, AND SIGNAL COMMUNICATION UPGRADES	\$1,867,000	\$ 373,400	April 13, 2017
19007	0918-24-253	SH 121 FRTG RD FROM CUSTER TO SPRING CREEK PKWY; SIGNAL CONTROLLER AND SOFTWARE UPGRADES	\$402,000	\$ 80,400	April 13, 2017
TOTAL AWARDED			\$2,969,000	\$ 593,800	



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Eva X-7232

CAPTION

To approve an Interlocal Agreement by and between the City of Plano and Dallas Area Rapid Transit (DART) for the implementation of a Transit Signal Priority (TSP) Pilot Program on certain bus routes in the City; and authorizing the City Manager to execute all necessary documents. **Moved to a future meeting.**

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

COMMENTS: This item has no financial impact.

SUMMARY OF ITEM

DART and DART participating cities wish to cooperatively improve bus travel speeds, ridership and performance within the City. To improve bus speed, ridership and performance, DART will implement a Transit Signal Priority (TSP) Pilot Program on certain bus routes in the City. TSP reduces or eliminates unnecessary stops at signalized intersections for certain vehicles and provides priority signal changes for emergency vehicles. Implementation of the DART TSP Pilot Program will require the installation of certain equipment and software by DART on vehicles and DART property which will transmit signals to 20

selected City intersections along Spring Creek Parkway.

Strategic Plan Goal:

Financially Strong City with Service Excellence, Strong Local Economy, Partnering for Community Benefit

Plano Tomorrow Plan Pillar:

Economic Environment, Regionalism

ATTACHMENTS:

Description	Upload Date	Type
Agreement	8/19/2019	Agreement

INTER LOCAL AGREEMENT FOR PILOT TRANSIT SIGNAL PRIORITY SYSTEMS
between
DALLAS AREA RAPID TRANSIT
and
CITY OF PLANO

This INTERLOCAL AGREEMENT ("Agreement") is made and entered into, by and between DALLAS AREA RAPID TRANSIT ("DART"), a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, and the CITY OF PLANO (the "City"), a Texas home rule municipality (each a "Party" or collectively the "Parties"), acting by and through their authorized representatives.

RECITALS

WHEREAS, DART and DART participating cities wish to cooperatively improve bus travel speeds, ridership and performance within the City; and

WHEREAS, to improve bus speed, ridership and performance, DART will implement a pilot Transit Signal Priority ("TSP") Pilot Program on certain bus routes in the City. TSP reduces or eliminates unnecessary stops at signalized intersections for certain vehicles and provides priority signal changes for emergency vehicles; and

WHEREAS, implementation of the DART TSP Pilot Program will require the installation of certain equipment and software by DART on vehicles and DART property which will transmit signals to selected City Intersections (defined below) as set forth in Exhibit 1 attached hereto and incorporated herein for all purposes; and

WHEREAS, the Parties are each a "local government" as defined in the Interlocal Cooperation Act, as amended (Chapter 791, Texas Government Code, as amended, or "the Act") whose governmental functions include the authority to provide for public transportation within their respective jurisdiction; and

WHEREAS, the Parties desire to enter this Agreement pursuant to the Act and set forth the terms and conditions pursuant to which the TSP Pilot Program will be performed.

NOW THEREFORE, in consideration of the premises and mutual promises and covenants contained herein to be performed by the Parties, the receipt and sufficiency of which are hereby acknowledged, DART and the City agree as follows:

AGREEMENT

1. **Definitions.** For purposes of this Agreement, the following words and phrases shall have the following meanings:

"City Intersections" means certain City's signalized street intersections identified in Exhibit 1.

“City’s Representative” means City’s selected employee or contractor designated by City to serve as the primary contact for this Agreement, which shall be Brian Shewski, Transportation Engineering Manager, unless the City notifies DART otherwise in writing.

“Commencement Date” means the date TSP equipment and software installed by DART and City’s equipment for the TSP Pilot Program is properly functioning and DART commences using the TSP on City Intersections.

“Effective Date” means the date this Agreement has been signed by authorized representatives of both Parties.

2. Term. Subject to earlier termination as provided in this Agreement, the term of this Agreement shall commence on the Effective Date and end on the last day of the calendar month in which the fifth (5th) anniversary of the Commencement Date occurs.
3. Transit Signal Priority.
 - A. DART shall be authorized to implement TSP on Route 211 which travels across City Intersections. The installation, programming and maintenance schedules for the TSP equipment and software will be determined by DART in reasonable cooperation with City. The Parties agree that additional City Intersections may be added to or deleted from Exhibit 1 upon written agreement of the City’s Representative and DART’s Vice-President specifying the impacted intersection, without any action of either Party’s governing board. Any written agreement to add or delete City Intersections shall refer to this Agreement and be deemed to amend this Agreement.
 - B. During the first 180 days of the TSP Pilot Program DART will receive analytic information from TSP software and DART shall, at DART option, provide either direct access to the analytic information or at least monthly provide such analytic information in a written report to the City. After the initial 180 days of the TSP Pilot Program, the Parties shall meet cooperatively to consider DART-requested adjustments (if any) to City Intersection signals and other City signals based on the analytics obtained. While City is not bound to provide such adjustments, City agrees to reasonably consider implementation of requested adjustments based on the analytic information in order to improve public transit ridership and performance balanced with other safety and traffic concerns.
4. Installation Cost. The installation, integration, maintenance, repair, replacement, programming and removal of all software necessary for the TSP Pilot Project shall be at the sole cost of DART. City has installed all equipment and hardware necessary for City interface with the TSP Pilot Program and will maintain and repair such City equipment and hardware as necessary for continuous operation of the TSP Pilot Program.

5. Opticom Installation. To implement the TSP Pilot Program, the Parties acknowledge the City Intersections will require traffic signal programming by City with assistance by DART or a DART contractor.

5.01. DART will provide for the installation of all software and hardware on DART electronic facilities on DART property necessary to implement the Pilot Program at City Intersections.

5.02. Subject to the provisions of this Agreement, City hereby grants DART and DART's contractor a right of entry on, to, above, and below, as needed, to the City Intersections and adjacent City-controlled property for the purposes of the TSP Pilot Program programming, testing, signal transmission and subsequent maintenance and repair work. City shall provide its Project Representative or designee to be present during all noticed testing, programming and maintenance activities conducted by DART. At City's written request, City may perform the programming, testing and subsequent maintenance and repair work on City TSP facilities, but only with a DART representative in attendance during the work.

5.03. Integration and startup of the TSP Pilot Program at the City Intersections shall be tested by DART with City's Representative present during the testing. DART shall determine in its sole discretion when the TSP equipment and software is operating properly and when repair and/or maintenance is necessary. At City's written request, City may perform the testing, but only with a DART representative in attendance during the testing and DART shall determine in its sole discretion when the TSP equipment and software is operating properly and when repair and/or maintenance is necessary

5.04. DART, at DART's cost, shall be responsible for repairing at any damages to City's traffic control equipment resulting from the installation of the TSP and caused by DART, its employees or contractors. Such repairs shall be made promptly upon written request of City and shall meet City's reasonable standards for acceptance of the repairs.

5.05. City shall not make any changes to City equipment at City Intersections that could or would affect TSP without first providing written notice to DART at least three days in advance of making any such change. City shall coordinate with DART so as to allow DART reasonable advance time to implement any changes necessary in the TSP equipment and software to accommodate City's proposed changes to City equipment.

5.06. Except in situations involving immediate public safety concerns, City shall not make any changes to City equipment at City Intersections that could or would affect TSP without first providing written notice to DART at least three days in advance of making any such change. If changes are required due to immediate public safety concerns, City shall make only such changes necessary in the circumstances and promptly (within twelve hours) notify DART of the changes. City shall coordinate with DART so as to allow DART reasonable advance time to implement any changes necessary in the TSP equipment and software necessary to accommodate City's proposed change to their equipment.

6. Ownership of TSP Software. DART shall own all TSP software affecting City Intersections pursuant to this Agreement.
7. Licenses for TSP Software. DART shall be responsible for entering into such software license and maintenance agreements as necessary to obtain the right to install and use all software necessary for the TSP Pilot Program during the term of this Agreement.
8. Communication and Coordination. Each Party shall identify a representative to coordinate all communication with the other Party regarding this Agreement.
9. Compliance with Regulations. During the performance of this Agreement, each Party, for itself, its assignees, and successors agrees to comply with all applicable local, state, and federal laws, ordinances and regulations.
10. Liability. To the extent permitted by law, DART and City agree that each Party is responsible for its individual negligent acts and deeds as well as the negligent acts and deeds of their respective contractors, employees, representatives and agents. Nothing in this Agreement shall be interpreted as a waiver of governmental immunity on behalf of any Party, and each Party reserves for itself such immunities to which it is entitled. The provisions of this Section are solely for the benefit of the Parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity. The provisions of this Section shall survive termination of this Agreement. There shall be no third-party beneficiaries to this Agreement.
11. DART Contractor Insurance and Indemnity. DART shall require its contractor, at no cost to City, to obtain and maintain during the term of this Agreement, Commercial General Liability Insurance with a per occurrence limit of liability of no less than \$1,000,000 naming DART and City as additional insureds for ongoing and completed operations without any qualifications or restrictions. DART and City must be given not less than 30 days prior written notice of any proposed cancellation or modification to the levels of insurance coverage. The policy shall be endorsed waiving the issuing insurance company's rights of recovery against DART or the City, whether by way of subrogation or otherwise. DART agrees to require all contractors performing work arising from this Agreement on behalf of DART to indemnify and defend the City of Plano as specified in attached Exhibit 2.
12. Notices. Any notice required or permitted to be given by any Party to another shall be in writing and shall be deemed to have been duly given when sent by certified mail, return receipt requested, in a postage paid envelope addressed to the Party at the Party's address as set out below:

DART Dallas Area Rapid Transit
 1401 Pacific Avenue
 Dallas, Texas 75202
 Attention: VP, Service Planning

City of Plano: City of Plano
1520 K Avenue
Plano, Texas 75074
Attention: Brian Shewski, Transportation Manager

With copy to: City of Plano
1520 K Avenue
Plano, Texas 75074
Attention: Mark D. Israelson, City Manager

The above Notice information may be modified by giving written notice of such change to the other Party in accordance with the notice requirements above without requiring an amendment to this Agreement.

13. Entire Agreement. This Agreement embodies the entire agreement of the Parties relating to its specific subject matter herein and supersedes all prior understandings and agreements regarding such subject matter. Other than specifically set forth herein, this Agreement may be modified or amended only in writing, signed by all Parties. Because of the unique nature of the TSP Pilot Program, no any other previously executed agreements between or among the Parties are applicable to the subject matter of this Agreement.
14. Force Majeure. DART will at all times use reasonable commercial efforts to provide or cause to be provided TSP to the extent required by this Agreement, but DART does not warrant or guarantee uninterrupted TSP service, operations or analytics and shall not be liable for any special, direct or consequential damages relating to or arising from an interruption in TSP operations. The obligations of DART to perform under this Agreement shall be suspended to the extent that it is unable to perform as a result of causes beyond DART's control, including, but not limited to, unforeseeable equipment breakdown or accidents, acts of nature and governmental action. In such event, DART shall use reasonable efforts, in its discretion, to eliminate the cause as quickly as possible.
15. Subcontracting. DART or City may use a contractor or agent to perform any of the duties and responsibilities contemplated by this Agreement.
16. Contractual Relationship. It is understood and agreed that the relationship described in this Agreement between the Parties is contractual in nature between independent Parties and is not to be construed to create a partnership, joint venture, joint enterprise or agency relationship between the Parties. Nor shall either Party be liable for any debts incurred by the other Party in the conduct of such other Party's business or functions. There shall be no third-party beneficiaries of this Agreement.
17. Assignment. No Party may assign this Agreement in whole or in part, without first obtaining the written consent of the other Parties, which may be withheld for any reason.

18. No Waiver. No Party shall be deemed, by any act or omission, to have waived any of its rights or remedies hereunder unless such waiver is in writing and signed by the waiving Party, and then only to the extent specifically set forth in such writing. A waiver with reference to one event shall not be construed as continuing or as a bar to or waiver of any right or remedy as to a subsequent event.
19. Captions. The captions, headings, and arrangements used in this Agreement are for convenience only and shall not in any way affect, limit, amplify, or modify its terms and provisions.
20. Number and Gender. Words of any gender used in this Agreement shall be held and construed to include any other gender; and words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.
21. Governing Law. This Agreement shall be construed and enforced in accordance with the laws and court decisions of the State of Texas.
22. Venue. This Agreement shall be enforceable in Collin County, Texas, and if legal action is necessary to enforce it, exclusive venue shall lie in a state court of competent jurisdiction in Collin County, Texas.
23. Severability and Legal Construction. In the event any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as nearly as possible the original intent of the Parties.
24. Nondiscrimination. In its performance of this Agreement, each Party warrants that it shall not discriminate against any person on account of race, color, sex, religious creed, age, disability, ethnic or national origin, or veteran status.
25. No Kickbacks. Each Party warrants that, to the best of their knowledge and belief, no trustee, officer, employee, or agent of the other Party has been or will be employed, retained or paid a fee, or otherwise has received any personal compensation or consideration in connection with the obtaining, arranging, negotiation or performance of this Agreement.
26. Early Termination. The Parties may terminate this Agreement prior to the end of the term set forth in Section 2 as follows:
 - 26.01. By written agreement of the Parties on a date specified in such agreement; or
 - 26.02. Upon the date set forth in a notice from DART to City, which date is not less than thirty (30) days after the date DART delivers such termination notice to City; or

26.03 Upon the date set forth in a notice from City to DART, which date is not less than thirty (30) days after the date City delivers such termination notice to DART.

(signatures on following page)

SIGNED AND AGREED this ____ day of _____, 2019.

CITY OF PLANO

By: _____
Mark D. Israelson, City Manager

Date: _____

ATTEST:

Lisa C. Henderson, City Secretary

APPROVED AS TO FORM:

Paige Mims, City Attorney

SIGNED AND AGREED this ____ day of _____, 2019, pursuant to DART Board
Resolution No. _____ approved on _____.

DALLAS AREA RAPID TRANSIT

By: _____
Gary C. Thomas
President/Executive Director

Date: _____

Intersection	Jurisdiction	Approach E to W	Approach W to E
Spring Creek Parkway @ Central Expressway	Plano		
Spring Creek Parkway @ Premier Dr	Plano		N/A
Spring Creek Parkway @ Chase Oaks Blvd	Plano	N/A	
Spring Creek Parkway @ Alma Dr	Plano		
Spring Creek Parkway @ Rainier Rd	Plano		
Spring Creek Parkway @ Blue Ridge Trail	Plano		
Spring Creek Parkway @ Custer Rd	Plano		
Spring Creek Parkway @ Roundrock Trai	Plano		
Spring Creek Parkway @ Independence Pkwy	Plano		
Spring Creek Parkway @ Mission Ridge Rd	Plano		
Spring Creek Parkway @ Coit Rd.	Plano		
Spring Creek Parkway @ Preston Meadow Dr	Plano		
Spring Creek Parkway @ Ohio Dr	Plano		
Spring Creek Parkway @ Preston Rd	Plano		
Spring Creek Parkway @ Windcrest	Plano	N/A	
Spring Creek Parkway @ Windhaven Pkwy	Plano		N/A
Spring Creek Parkway @ Parkwood Blvd	Plano		
Spring Creek Parkway @ Dallas Pky.	Plano		
Spring Creek Parkway @ Communications Pkwy	Plano	N/A	
Communications Pkwy. @Spring Creek Pkwy	Plano		N/A

Exhibit 2
DART Contractor
Indemnification of City

CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY AND ITS RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, FINES, PENALTIES, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM OR VIOLATIONS FOR WHICH RECOVERY OF DAMAGES, FINES, OR PENALTIES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY CONTRACTOR'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS CONTRACT, VIOLATIONS OF LAW, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, INTENTIONAL, OR STRICTLY LIABLE ACT OR OMISSION OF THE CONTRACTOR, ITS OFFICERS, AGENTS, EMPLOYEES, INVITEES, SUBCONTRACTORS, OR SUB-SUBCONTRACTORS AND THEIR RESPECTIVE OFFICERS, AGENTS, OR REPRESENTATIVES, OR ANY OTHER PERSONS OR ENTITIES FOR WHICH THE CONTRACTOR IS LEGALLY RESPONSIBLE IN THE PERFORMANCE OF THIS CONTRACT. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OF THE CITY, AND ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS. THE CITY DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY OR OTHER DEFENSES AVAILABLE TO IT UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

CONTRACTOR AT ITS OWN EXPENSE IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF CONTRACTOR'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF CONTRACTOR'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. CONTRACTOR SHALL RETAIN DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO INDEMNIFICATION UNDER THIS AGREEMENT. IF CONTRACTOR FAILS TO RETAIN COUNSEL WITHIN THE REQUIRED TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF AND CONTRACTOR SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CITY.



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Heritage

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

CAPTION

Ordinance No. 2019-8-5: To repeal Ordinance No. 2018-1-3 and Ordinance No. 2012-6-19, codified as Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances; and replacing the provisions with a new Heritage Preservation Ordinance; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. **Adopted**

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

COMMENTS: This item has no financial impact.

SUMMARY OF ITEM

Strategic Plan Goal:

Financially Strong City with Service Excellence, Great Neighborhoods - 1st Choice to Live, Exciting Urban Centers - Destination for Residents and Guests

Plano Tomorrow Plan Pillar:

Built Environment, Social Environment

ATTACHMENTS:

Description	Upload Date	Type
Heritage Preservation - Follow-up	8/14/2019	Other
Heritage Preservation - Write-up	8/15/2019	Staff Report
Heritage Preservation - Ordinance	8/14/2019	Ordinance

DATE: July 24, 2019

TO: Honorable Mayor & City Council

FROM: Harold Sickler, Chair, Heritage Commission

SUBJECT: Results of Heritage Commission Meeting on July 23, 2019 *MS*

**AGENDA ITEM NO. 3 - DISCUSSION & CONSIDERATION
HERITAGE PRESERVATION ORDINANCE
APPLICANT: CITY OF PLANO**

Discussion and consideration of amendments to the Heritage Preservation Ordinance.

APPROVED: 5-0-1 **DENIED:** **TABLED:**

Commissioner Karahan voted in abstention.

Speaker Card(s) Received **Support:** 0 **Oppose:** 0 **Neutral:** 0

STIPULATIONS:

Recommend approval of amendments of the Heritage Preservation Ordinance.

FOR CITY COUNCIL MEETING OF: August 26, 2019 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

BM/ks

CITY OF PLANO
HERITAGE COMMISSION

July 23, 2019

Agenda Item No. 3

Discussion & Consideration: Heritage Preservation Ordinance

DESCRIPTION:

Discussion and consideration of amendments to the Heritage Preservation Ordinance.

REMARKS:

In 2019, the 86th Texas Legislature approved HB 2496, which requires a three-fourths supermajority vote to approve designations of historic landmarks without property owner consent. As the procedures of the city's Heritage Preservation Ordinance allow for city-initiated designation of individual properties (Individually Designated Heritage Resources) without property owner consent, they need to be amended for conformance with the new law.

Terminology

For consistency with the state law and to remove potential confusion with terms used in the Zoning Ordinance, staff is proposing to rename the terms for designated landmarks and districts in the Heritage Preservation Ordinance as follows:

Description:	Existing Terms:	Proposed Terms:
Term for a property designated based upon its individual significance. (local historic landmark)	Individually Designated Heritage Resource (IDHR)	Heritage Landmark or Individually Designated Heritage Resource (H)
Term for properties designated as district based upon their significance as an area. (local historic district)	Heritage Resource Overlay District (HROD)	Heritage District or Heritage Resource District (HD)

Supermajority Vote

In conformance with the new state law, city-initiated designation procedures in Section 16-111 will now require a three-fourths supermajority vote of the Heritage Commission or Planning and Zoning Commission and a three-fourths supermajority vote of the City

Council to approve designation of heritage landmarks without property owner consent. Designations of heritage landmarks with property owner consent will continue to only require a recommendation of the Heritage Commission and Planning & Zoning Commission, followed by a simple majority vote of City Council for approval.

There are no proposed changes to the procedures for designation of a heritage district. These will continue to require signatures from sixty percent of property owners within the proposed district, a recommendation of the Heritage Commission and Planning & Zoning Commission, and a simple majority of a City Council for approval.

Heritage Landmark Designation Impact Statement

HB 2496 also required that cities provide the owner of a property proposed for designation as a historic landmark with an impact statement explaining the regulations, procedures, and potential benefits of designation. In accordance, staff has included a “Heritage Landmark Designation Impact Statement” provision to Section 16-111 which requires staff to provide an impact statement that includes:

1. Regulations that are authorized to be applied to the heritage landmark after the designation;
2. Procedures for the designation;
3. Tax benefits that are authorized to be applied to the heritage landmark after the designation, if any; and
4. Rehabilitation or repair programs offered by the City of Plano for a heritage landmark, if any.

Other Changes:

In addition to the substantive changes above, staff is proposing the following routine updates to aid in administration of the Heritage Preservation Program:

Section:	Proposed Amendments:
16-103.	Definitions. Added a definition of “Designation or Heritage Designation” and revised definitions of “Heritage Landmark or Individually Designated Heritage Resource,” “Heritage Districts or Heritage Resource Districts,” “Heritage Resource,” and “Potential Heritage Resource.”
16-104.	Heritage Commission – Established. Reinstated a provision regarding abstention that was erroneously removed during a previous update of the Heritage Preservation Ordinance.
16-114.	Certificates of Appropriateness – Procedures. Added provisions regarding the expiration of Certificates of Appropriateness to include expiration if the work has been suspended or abandoned for a period of 180 days. This mirrors similar requirements for expiration of building permits in the Building Code.

RECOMMENDATION:

Staff recommends approval of amendments of the Heritage Preservation Ordinance.

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NO. 2018-1-3 AND ORDINANCE NO. 2012-6-19, CODIFIED AS ARTICLE VI, HERITAGE RESOURCE PRESERVATION, OF CHAPTER 16, PLANNING AND DEVELOPMENT, OF THE CODE OF ORDINANCES; AND REPLACING THE PROVISIONS WITH A NEW HERITAGE PRESERVATION ORDINANCE; PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Plano established provisions for historic landmark preservation for the City of Plano for the purpose of protecting and preserving places and areas of historical and cultural importance to the City of Plano, by Ordinance Nos. 79-12-13, 81-12-10, Subsection (d) of Section II of Ordinance No. 83-10-10, and Ordinance No. 88-10-12, and such Ordinances were collectively codified as Article VI, Historic Landmark Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; and

WHEREAS, the above ordinances were subsequently repealed and replaced by the City Council of the City of Plano on February 23, 1998, by Ordinance No. 98-2-26; again repealed and replaced on August 24, 1998, by Ordinance No. 98-8-35; again repealed and replaced on October 8, 2007, by Ordinance No. 2007-10-23; amended on June 25, 2012, by Ordinance No. 2012-6-19; and repealed and replaced on January 8, 2018 effective July 9, 2018, by Ordinance 2018-1-3; and

WHEREAS, the provisions of Ordinance No. 2012-6-19 related to Heritage Commissioner abstentions were not repealed and inadvertently omitted from Ordinance 2018-1-3; and

WHEREAS, legislation adopted by the State of Texas requires us to further update the ordinance to comply with state law; and

WHEREAS, upon the recommendation of the Heritage Commission, the City Council now finds that it is necessary to adopt updated provisions for heritage preservation within the City of Plano and that such provisions are in the best interest of the City and its citizens.

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

Section I. Ordinance No. 2018-1-3, duly passed and approved by the City Council of the City of Plano, Texas, on January 8, 2018 and effective July 9, 2018, is hereby repealed in its entirety.

Section II. Ordinance No. 2012-6-19, duly passed and approved by the City Council of the City of Plano, Texas, on June 25, 2012, is hereby repealed in its entirety.

Section III. Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano is hereby replaced as follows:

“Sec. 16-101. General and Purpose.

(a) *Purpose.* The City Council of the City of Plano hereby finds and declares as a matter of public policy that the preservation of the city's heritage, including the recognition and protection of historic landmarks and icons, promotion of the historic culture, enhancement of the public's knowledge of the city's historical past, and development of civic pride in the beauty and noble accomplishments in the past, is a public necessity and is required in the interest of the culture, prosperity, education, and welfare of the people. The aspirations of this article are to:

- (1) Safeguard the city's history and culture by promoting the value and importance reflected in recognizing founders of the city, establishing historic landmarks, teaching the evolution of the area, and fostering general heritage preservation;
- (2) Protect, enhance, and perpetuate historic resources and districts which represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archaeological, and architectural history;
- (3) Promote the city's heritage by educating and attracting tourists and visitors while providing incidental support and stimulus to business and industry;
- (4) Enhance and protect property values, recognize the owner's property rights, promote economic development, and foster sustainability;
- (5) Promote the city's heritage by encouraging the use of historic resources;
- (6) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city;
- (7) Increase historical awareness, including educating the youth of the city, in order to strengthen the culture, prosperity, and welfare of local citizens and visitors to the city;
- (8) Encourage stabilization, restoration, maintenance, and improvements of such properties; and
- (9) Provide input and advice to the City Council regarding matters of heritage preservation.

(b) *Fees, Forms, and Procedures.* City Council may establish a schedule of fees as required to recoup costs related to the administration of this ordinance. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, and number of copies of information constituting an application under this ordinance.

Sec. 16-102. Enabling Authority.

This article is enabled by Sections 211.001 and 211.003 of the Texas Local Government Code:

211.001 Purpose

The powers granted under this subchapter are for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

...

211.003 Zoning Regulations Generally

The governing body of a municipality may regulate:

...

(b) In the case of designated places and areas of historical, cultural or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration or razing of buildings and other structures.

...

Sec. 16-103. Definitions.

Accessory Building means a structure or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. An Accessory Building does not include a Landscape Feature.

Archaeology means the science or study of the material remains of past life or activities and physical site, location, or context in which they are found, as delineated in the Department of the Interior's Archaeological Resources Protection Act of 1979.

Building means a resource created principally to shelter any form of human activity.

Certificate of Appropriateness (CA) means a signed and dated document evidencing the approval of the Heritage Commission or Heritage Preservation Officer when he or she is authorized to approve such certification, for work proposed by an owner or applicant that is subject to this Ordinance.

Certified Local Government (CLG) means a local government certified or recognized by the State Historic Preservation Office (SHPO) and the National Park Service (NPS), as an active partner in the Federal Historic Preservation Program with a demonstrated commitment to preserve, protect, and increase awareness of cultural heritage found in the built environment.

Compatible Structure means a structure within a heritage district that was substantially constructed after the district's period of significance, but fits within the existing character of the heritage district to reflect existing buildings in massing, height, scale, material, roof, color, architectural details, and general appearance, or is built in accordance with an approved Certificate of Appropriateness (CA).

Contributing Structure means a structure within a heritage district that was substantially constructed within the district's period of significance and retains a significant amount of its physical integrity and character-defining features including location, setting, design, construction, workmanship, or association with historical persons or events.

Delegation of Duties means the list of duties that are delegated to the Heritage Preservation Officer by the Heritage Commission, as amended from time to time.

Demolition means an act or process (notwithstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic, or architectural integrity.

Demolition by Neglect means allowing a structure, whether intentional or unintentional, to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Demolition Delay means suspension by the City of Plano of an application for removal or demolition of a structure.

Design Standards means guidelines adopted by the City Council to provide direction in making determinations that proposed actions are in compliance with this ordinance and consistent in maintaining the historic character of the structure, district, and city.

Designation or Heritage Designation means approval of an "H" or "HD" zoning overlay district on a property or group of properties in combination with the underlying (base) zoning district.

Heritage Commission or Commission means the Heritage Commission of the City of Plano.

Heritage District or Heritage Resource District (HD) means an area which includes two (2) or more structures or sites, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance, and that has received designation from the Plano City Council as a unified district. A heritage district may have within its boundaries contributing, compatible, and non-contributing structures.

Heritage Landmark or Individually Designated Heritage Resource (H) means a structure, site, or landmark, together with its accessory buildings, fences, and other appurtenances, of historical, cultural, archaeological, or architectural importance that has received designation from the Plano City Council on its own and not as part of a heritage district. It may or may not also be located within a heritage district as part of a separate designation.

Heritage Preservation or Historic Preservation means the identification, evaluation, recordation, documentation, acquisition consistent with the Fifth Amendment of the United States Constitution, protection, management, repairs, rehabilitation, restoration, stabilization, maintenance, and reconstruction of historic structures or property, or any one or more of the foregoing activities.

Heritage Preservation Officer (HPO) means a staff person for the City of Plano whose duties encompass all heritage preservation activities for the city as established in accordance with Section 16-106 of the Code of the City of Plano.

Heritage Preservation Plan or Preservation Plan means a document created by the Heritage Commission to provide a current inventory of heritage resources, a list of potential heritage resources, and to make policy recommendations to guide heritage preservation activities for the City of Plano.

Heritage Resource means a property or properties designated by the City Council as a Heritage Landmark (H) or Heritage District (HD).

Heritage Resource Survey means a comprehensive survey involving the identification, research, and documentation of buildings, sites, and structures of any historic, cultural, archaeological, or architectural importance.

Landscape Feature means an outdoor enhancement for recreational or aesthetic use.

Maintenance means any work for which the purpose and effect of which is to correct or protect with least degree of intervention any deterioration or decay of or damage to a structure or property, or any part thereof, and to repair or replace the same, as nearly as may be practicable, to avoid any further deterioration, decay, or damage, using the same materials or those materials available which are as close as practicable to the original and all of which must comply with applicable codes and ordinances. Maintenance does not include a change in design, material, or outward appearance, but does include in-kind repairs or replacements.

Minor In-kind Repairs or Replacements means small-scale repairs or replacements to correct minor problems or damage to the exterior of a structure or building, not including a change in design, material, or outward appearance. Examples that satisfy this definition include, but are not limited to touch up painting, spot replacement of shingles, replacement of a windowpane, caulking, and securing loose boards.

National Register of Historic Places means the nation's official list of buildings, districts, and sites, including structures and objects, significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission.

National Historic Landmark means a nationally significant historic place designated by the Secretary of the Interior for its exceptional value or quality in illustrating or interpreting the heritage of the United States.

Non-Contributing Structure means a structure within a heritage district that was substantially constructed after the district's period of significance and is not an integral part of the historic, archaeological and architectural fabric of the district or the city, or was substantially constructed within the district's period of significance and does not retain a significant portion of its architectural or design integrity.

Potential Heritage Resource means a property listed in the Preservation Plan that, according to preliminary research, may have historical, cultural, archaeological or architectural importance, either as an individual property or as part of larger district. A potential heritage resource has not received designation, but has the potential to become designated with further historic research, restoration, or property owner interest.

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Reasonable Rate of Return means a reasonable profit or capital appreciation, which may accrue from the use or ownership of a structure or property as the result of an investment or labor.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Recorded Texas Historical Landmark means a state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric, at least 50 years of age, and retained their original exterior appearance.

Rehabilitation means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

Relocation means any change of the location of a structure, object, or material thing in its present setting to another setting.

Restoration means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Secretary of the Interior's Standards for Rehabilitation means the standards established by the Secretary of the Interior for advising federal agencies on the preservation and rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

State Antiquities Landmark means a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. This designation can include buildings as well as archeological sites. For a building to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places.

Sec. 16-104. Heritage Commission – Established.

- (a) *Creation.* There is hereby created a Commission to be known as the Heritage Commission of the City, referred to as the "Commission" in this article.
- (b) *Members, Appointments, and Qualifications.* The Commission shall be composed of seven (7) members appointed by the City Council. The seven (7) members shall be appointed from the citizens of the City of Plano, and, if possible, consideration should be given to a property owner from each heritage district and owners of heritage landmarks. All members should have a demonstrated interest, competence, or knowledge in historic preservation, history, planning, architecture, real estate, legal, archaeology, or other related field.
- (c) *Terms.* The members serve for staggered terms of two (2) years ending on October 31; however, a member may serve until his or her successor is appointed. Vacancies shall be filled by appointment for the unexpired term only.
- (d) *Compensation.* The Commission members shall serve without compensation for their service.
- (e) *Officers.* The City Council shall appoint the chairperson of the Commission. The Commission shall designate a vice-chairperson from the appointed members.
- (f) *Removal from office.* The City Council may remove any member from the Commission at will, for any or no reason.
- (g) *Meetings.* The minutes of each meeting shall be filed in the Planning Department. All meetings of the Commission are open to the public (with the exception of Executive Sessions as allowed by the Texas Open Meetings Act). Both applicants and remonstrators may give testimony as determined by law, or in accordance with adopted by-laws, or in the discretion of the chairperson if no law or by-law applies. Notice of meetings is published by the Commission in accordance with the Texas Open Meetings Act.
- (h) *By-laws.* The Commission shall adopt the Heritage Commission Rules and Procedures to detail the duties of its officers and ensure the efficiency of its meetings.
- (i) *Abstentions.* No commissioner who is on the board of a nonprofit organization shall discuss, deliberate or vote on the nonprofit organization's application request for funding and shall abstain on all matters relating hereto.

Sec. 16-105. Heritage Commission – Powers and Duties.

The Commission shall have the power to perform the following acts:

- (a) Adopt or amend Heritage Commission Rules and Procedures, as needed;
- (b) Review and take action on all Certificates of Appropriateness applications for compliance with adopted design standards pursuant to this article;
- (c) Periodically review and recommend to the City Council the update of criteria to be used in determining whether certain buildings, structures, land, areas, and districts should be designated as heritage resources;
- (d) Evaluate applications requesting the designation of a heritage resource;
- (e) Recommend to the City Council that an application be submitted to begin a city-initiated designation of a heritage resource;
- (f) Recommend conferral of recognition upon the owners of heritage resources by means of certificates, plaques, or markers;
- (g) Review and make comments to the Texas Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
- (h) Periodically review and recommend to the City Council the update of guidelines or standards to be used in determination of whether to grant or deny certificates of appropriateness for proposed alterations to the exterior of a heritage resource;
- (i) Make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of heritage resources within the city;
- (j) Receive, review, and recommend grant applications from area historic preservation agencies, groups, or organizations and make a recommendation to the City Council on the recipient's grant and amount to be awarded, if any;
- (k) Recommend to City Council the acceptance of donations, grants, funds, or gifts of historic property, and recommend to City Council the acquisition of heritage resources that cannot otherwise be preserved. The Commission shall not obligate the City of Plano without prior consent by City Council;
- (l) Participate in private, state, and federal historic preservation programs with the consent of the City Council;
- (m) Encourage public understanding of and involvement in the unique historical, architectural, and cultural heritage of the City of Plano through educational and interpretive programs;
- (n) Recommend incentive programs for preservation, such as tax exemptions, and administer the programs at the will of City Council;
- (o) Update the Heritage Preservation Plan subject to provisions in Section 16-108 and recommend to the City Council approval of the plan;

- (p) Present an annual report to the City Council summarizing the work completed during the previous year;
- (q) Adopt and amend the Delegation of Duties, as needed;
- (r) Conduct, review, and approve heritage resource surveys; and
- (s) Perform any task otherwise authorized by this Article.

Sec. 16-106. Heritage Preservation Officer – Established.

- (a) *Creation.* There is hereby created a staff person to be known as the Heritage Preservation Officer.
- (b) *Appointment.* The City Manager, or his or her designee, shall appoint a qualified staff person, as outlined in the Secretary of the Interior's Professional Qualification Standards, to serve as the Heritage Preservation Officer.

Sec. 16-107. Heritage Preservation Officer – Powers and Duties.

The Heritage Preservation Officer shall have the power and duty to perform the following acts:

- (a) Administer this article and advise the Commission on matters submitted to the Commission;
- (b) Set deadlines for submittals to the Commission in order to assure adequate staff review time and proper notification of the Commission and general public;
- (c) Review Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this article for routine maintenance and for any other action which the Commission has specifically delegated review under the Delegation of Duties or otherwise;
- (d) Coordinate the city's heritage preservation activities with those of local, state, and federal agencies as well as other municipal departments and the general public;
- (e) Submit to the Texas Historical Commission a list or inventory of designated heritage resources;
- (f) File with the appropriate county a list of designated heritage resources;
- (g) Assist in developing community outreach programs to support the heritage preservation program;
- (h) Manage reporting requirements to monitor and maintain Certified Local Government (CLG) status;
- (i) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Antiquities Landmark, and National Register property, as deemed necessary;

- (j) Help maintain and update heritage resource surveys, as needed; and
- (k) Perform any task otherwise authorized by this Article.

Sec. 16-108. Heritage Preservation Plan.

- (a) *Purpose.* The Preservation Plan is the guiding policy document for the city's heritage preservation program and related activities. The plan elaborates upon and works toward the goals and objectives identified in this Article and Heritage Preservation Policy of the Comprehensive Plan. The plan:
 - (1) Maintains an inventory of heritage resources;
 - (2) Develops a list of potential heritage resources that have the potential to become designated with further historic research, restoration, or property owner interest;
 - (3) Develops a strategic framework which includes goals and objectives of the heritage preservation program; and
 - (4) Seeks and integrates community feedback.
- (b) *Review and Recommendation by the Heritage Commission.* The Commission will review the Preservation Plan and make a recommendation to City Council.
- (c) *Decision by the City Council for Plan Adoption.* The City Council will adopt by resolution the Preservation Plan.

Sec. 16-109. Heritage Resource Surveys.

- (a) *Purpose.* The purpose of completing a heritage resource survey is to identify and gather historic information on buildings, structures, and sites in the city that are at least fifty (50) years or older that may qualify for designation as a heritage resource. The Heritage Commission, Heritage Preservation Officer, or its designees, may conduct surveys for existing and potential heritage resources, as needed.
- (b) *Survey Data.* Heritage resource surveys may vary in scope and detail, however all surveys should include, at a minimum, the following information for all properties within the survey:
 - (1) Location of the property;
 - (2) Photographs of the property;
 - (3) Date of construction or approximate date of construction;
 - (4) Architectural style of the structure;
 - (5) Defining architectural details, including their materials, color, and condition; and

(6) Accessory structures and landscape features.

(c) *Building Category and Integrity Evaluation.* After information for the heritage resource survey is compiled, the Heritage Commission shall review the properties surveyed to determine:

(1) If based upon the age of the structure and its historical, architectural, or cultural significance, the buildings are historic or non-historic;

(2) Whether the properties would be classified as contributing, compatible, or non-contributing to the surveyed area or the overall history and character of the city or other jurisdiction should the area be designated as a heritage district; and

(3) To what extent each structure retains its key, character-defining features.

A heritage resource survey map showing the location of all potential contributing, compatible, and non-contributing structures should be included with the survey.

(d) *Approval.* The Heritage Commission shall approve the results of a heritage resource survey. Approval of a survey shall not establish any additional restrictions upon the properties within the survey, nor shall the structure categorization make any property within the survey eligible for any potential heritage tax exemptions, unless or until a property or group of properties are designated as a heritage resource through the procedure in Section 16-110 of this article.

Sec. 16-110. Designation of Heritage Resources – Criteria.

(a) *Purpose.* The purpose of designating a heritage resource is to bring it to the attention of the general public and protect it from inappropriate changes or demolition.

(b) *Criteria for Designating Heritage Landmarks.* Any building, structure, site, or object, must be at least fifty (50) years old and must substantially comply with two (2) or more of the following:

(1) Possesses significance in history, architecture, archeology, or culture.

(2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.

(3) Is associated with events that have made a significant impact in the city's past.

(4) Represents the work of a master designer, builder, or craftsman.

(5) Embodies the distinctive characteristics of a type, period, or method of construction.

(6) Represents an established and familiar visual feature of the city.

(7) Is identified with a person who significantly contributed to the culture and development of the city.

- (8) Is a unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city.
- (c) *Criteria for Designating Heritage Districts.* A district may be designated if it includes two (2) or more structures or sites at least fifty (50) years old, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance and substantially complies with all of the following:
 - (1) Contains properties and an environmental setting which meet two (2) or more of the criteria for designation of a heritage landmark;
 - (2) Constitutes a unique area of the City, such as a neighborhood or business center; and
 - (3) Contains two (2) or more properties that have been classified as contributing as part of a heritage resource survey.
- (d) *Heritage Resource Survey Map.* All proposed heritage districts shall contain a map illustrating the location of all contributing, compatible, and non-contributing properties and structures within the district as informed by the completion of a heritage resource survey.
- (e) *Original Construction Site.* Listed structures should typically remain on the original construction site. In the event that a potential heritage resource structure has been moved, the Commission shall determine if the structure can be designated. A priority listing of potential relocation sites is referenced in Section 16-116 (c) (8).
- (f) *Criteria for Removing a Heritage Resource Designation.* The designation of an heritage landmark or heritage district, whether in whole or in part, may be removed if the heritage resource no longer complies with the criteria for designation in Section 16-100(b) and (c) of this Article, and:
 - (1) A heritage landmark located outside of a heritage district has been relocated or involuntarily destroyed and on-site new construction would not fit within the historic character of the site or the surrounding area.
 - (2) A heritage resource located within a heritage district has been involuntarily destroyed, relocated outside of the heritage district, or has lost its historic integrity, and where removal of the designation would not create a gap, hole, or other irregular shape in the boundaries of a heritage district that would be detrimental to the existing character of the district as a whole.

Sec. 16-111. Designation of Heritage Resources – Procedure.

- (a) *Property Owner-Initiated Designation.* Any person or corporation having a proprietary interest in a property may submit an application to designate the property as a heritage resource or heritage district. Applications shall be made in writing on a form suitable to the Planning Department and accompanied by payment of the appropriate fee to be charged by the City of Plano, Texas, for administering the application.

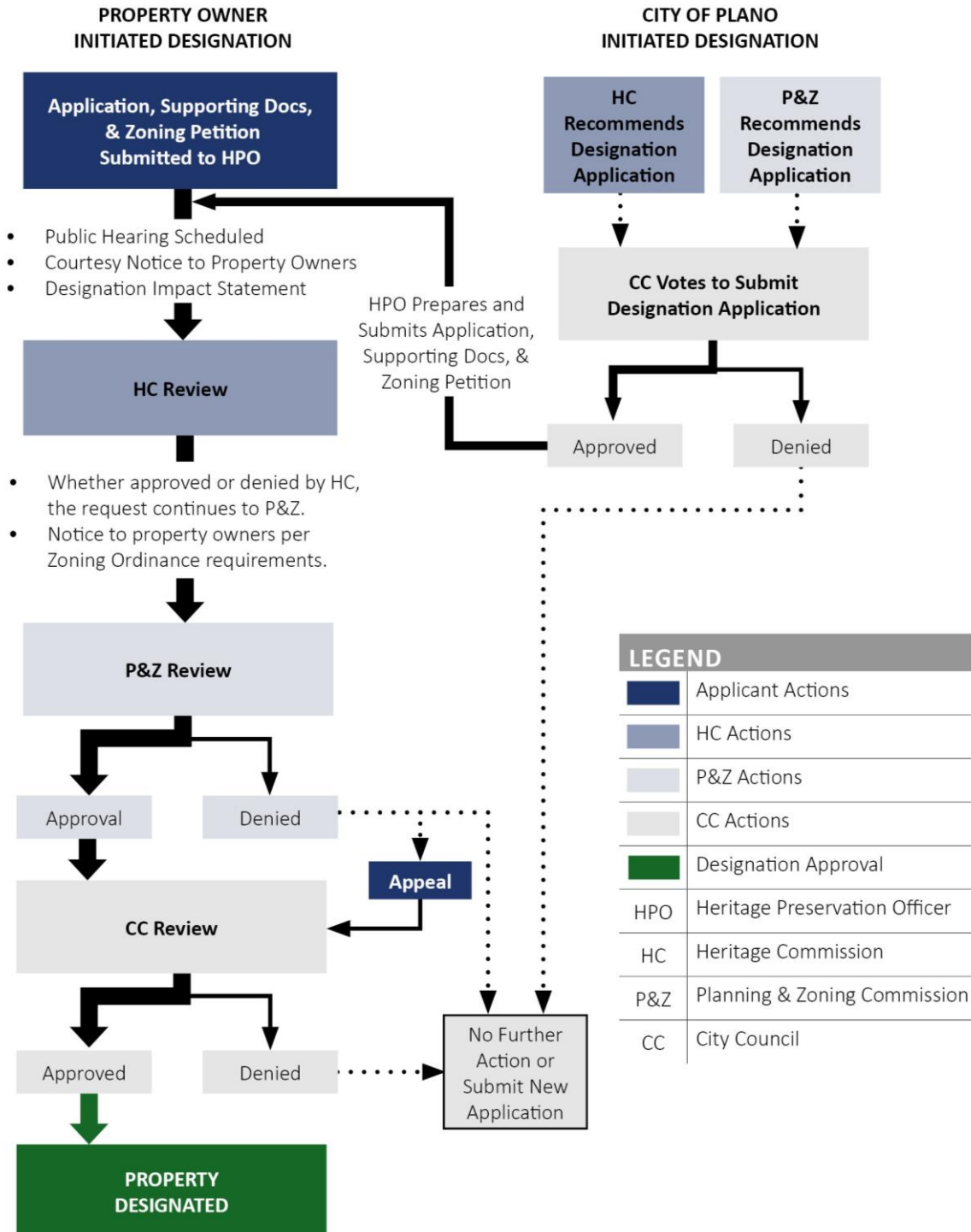
- (1) *Signature Requirements – Heritage Landmarks.* Application for designation of a heritage landmark shall require the signatures of all owners of the property, or their authorized agents.
 - (2) *Signature Requirements – Heritage District.* Applications for designation of heritage districts must contain the signatures of property owners, or authorized agents, of at least sixty percent (60%) of the total number of lots or parcels of land in the proposed district boundaries, as determined by the most recently approved municipal tax roll in which the district is located.
- (b) *City-Initiated Designation.* The Heritage Commission or Planning & Zoning Commission may recommend to the City Council an application be submitted to designate any property, structure, site, or district within the incorporated limits of the City of Plano as a heritage landmark or heritage district. The City Council may, on its own motion, direct city staff to initiate designation proceedings. Upon approval of such motion, the Heritage Preservation Officer shall prepare a heritage resource designation application and zoning petition on behalf of the City of Plano. Pursuant to Section 211.0165 of the Texas Local Government Code, city-initiated designation of a heritage landmark shall require:
- (1) Written consent of the property owner, which may be withdrawn at any time in the process; or
 - (2) A three-fourths vote of approval by the Heritage Commission or Planning and Zoning Commission to move forward to City Council, and a three-fourths vote of approval by City Council.
- (c) *Heritage Landmark Designation Impact Statement.* At least fifteen (15) calendar days prior to the public hearing at the Heritage Commission for designation of a heritage landmark, staff shall provide the property owner(s) with a Heritage Landmark Designation Impact Statement that includes:
- (1) Regulations that are authorized to be applied to the heritage landmark after the designation;
 - (2) Procedures for the designation;
 - (3) Tax benefits that are authorized to be applied to the heritage landmark after the designation, if any; and
 - (4) Rehabilitation or repair programs offered by the City of Plano for a heritage landmark, if any.
- (d) *Review and Recommendation by the Heritage Commission.* Upon staff's acceptance or completion of an application, the Heritage Preservation Officer shall schedule a public hearing at the next practicable Heritage Commission meeting. At least ten (10) calendar days prior to the Heritage Commission meeting, a written courtesy notice of the public hearing shall be sent to all owners of real property within 500 feet of the property or properties on which the designation is proposed. The Heritage Commission shall make a recommendation to the Planning & Zoning Commission as to whether or not the

property, district, or site is eligible for heritage resource designation according to the criteria in Section 16-110 of this article and the merits of the application.

- (e) *Review and Recommendation by the Planning & Zoning Commission.* Upon receiving a recommendation by the Heritage Commission, the matter shall be scheduled by staff for a public hearing before the Planning & Zoning Commission. The matter shall proceed in the same manner as a petition for the amendment of the Zoning Ordinance. The Planning & Zoning Commission will consider the criteria for designation specified in the Zoning Ordinance.
- (f) *Decision by the City Council.* The matter shall proceed to the City Council in the same manner and in the same instances as a petition for the amendment of the Zoning Ordinance, except as noted in Section 16-111(b). In the event that the City Council approves the amendment to the Zoning Ordinance, the property shall be designated "H" for a heritage landmark or "HD" for a heritage district. If the City Council does not approve the designation, the procedure for successive applications for petitions for the amendment of the Zoning Ordinance for a particular tract of property shall apply.
- (g) *Decision Recordation.* Upon passage by the City Council of an ordinance designating property as "H" or "HD," the City Secretary shall file a copy of the ordinance with the appropriate county clerk, in accordance with state law, and the appropriate county tax assessor, together with a written notice briefly stating the fact of the designation and shall send a copy of such notice by certified mail to the owner of the affected property. Designated properties, districts, or sites shall be governed by the comprehensive zoning ordinance of the city and the ordinance establishing the heritage resource.
- (h) *Amendment or Removal.* The same application and procedure that is followed for the designation of heritage resources shall apply for amendment or removal of the designation, except:
 - (1) An owner of any individual property within a heritage district may submit an application to remove only their property from the district without requiring the signatures of at least sixty percent (60%) of the total number of lots of parcels of land within the district boundaries.
 - (2) An owner of any individual property within a heritage district may submit an application to amend the categorization of their property as contributing, compatible, or non-contributing without requiring the signatures of at least sixty percent (60%) of the total number of lots or parcels of land within the district boundaries.
 - (3) The Commission or the Heritage Preservation Officer may initiate amendments to a heritage landmark or heritage district ordinance without a motion from City Council as described in subsection (b) above.

Exhibit 1 – Summary of the Heritage Resource Designation Procedure

Date specific requirements are located in Section 16-111. In the case of conflict between Exhibit 1 and the ordinance language, the ordinance language shall prevail.



Sec. 16-112. Certificate of Appropriateness – Review Required.

- (a) *Purpose.* The intent of the Certificate of Appropriateness is to insure that the integrity and character of Plano's heritage resources are maintained.
- (b) *Review Required.* No person or entity shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, stabilization, repair, site improvements, demolition, or relocation of any heritage resource which affect the exterior appearance of any structure without obtaining a Certificate of Appropriateness issued by the Commission or Heritage Preservation Officer, as appropriate, for the following types of work:
 - (1) Repair (other than maintenance), reconstruction, alteration, addition, stabilization, restoration, or rehabilitation;
 - (2) New construction on real property excluding public rights-of-way;
 - (3) Material changes in any doors, roofs, windows, masonry work, woodwork, light fixtures, signs, sidewalks, fences, steps, paving, and/or other exterior elements visible from a public right-of-way which affect the appearance and compatibility of the structure or property; or
 - (4) Demolition, removal, or relocation of a heritage resource, including any accessory buildings or landscape features.
- (c) *Maintenance and Minor in-kind Repair and Replacements.* Nothing in this article should be construed to prevent maintenance or minor in-kind repair of any exterior architectural feature of a heritage landmark or structure located in a heritage district. Repairs shall be made in accordance with the design standards established by the City Council.
- (d) *Emergency Repair.* If a heritage resource is unexpectedly damaged and the Heritage Preservation Officer determines that additional deterioration is likely to occur without immediate repair, the Heritage Preservation Officer may authorize the property owner, or agent on behalf of the property owner, to take temporary measures to stabilize and protect the structure. In such cases, the property owner, or agent on behalf of the property owner, shall apply for a Certificate of Appropriateness within ten (10) calendar days of completion of the emergency corrective measures. The corrective measures authorized under this subsection shall not permanently alter the architectural features of the heritage resource.
- (e) *Building Permit and Site Plan Approval.* Unless where otherwise excepted by this article, a Certificate of Appropriateness must be approved prior to issuance of any building permit or site plan approval. The Certificate of Appropriateness application shall be in addition to, and not in lieu of, any required building permit. Issuance of any necessary permits and approval of any plans from the Building Inspections, Planning, Public Works, or Environmental Health Departments are required with an approved Certificate of Appropriateness before work can commence.

Sec. 16-113. Certificate of Appropriateness – Criteria.

In considering an application for a Certificate of Appropriateness, the Commission shall be guided by design standards/guidelines, where established for a heritage district, and the *Secretary of Interior's Standards for Rehabilitation of Historic Buildings*:

- (a) Every reasonable effort shall be made to adapt the property in a manner that requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features of examples of skilled craftsmanship, which characterize a building, structure, object, or site, shall be kept where possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever practicable. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities, where practicable. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken in the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (i) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that, if additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.
- (j) Proposals for demolition, removal, or relocation of a heritage resource shall be evaluated under the provisions listed in Section 16-116 of this ordinance.

Sec. 16-114. Certificate of Appropriateness – Procedure.

- (a) *Application Required.* The owner or his/her agent (architect, contractor, lessee, etc.) shall apply for a review of proposed changes and request a Certificate of Appropriateness.
- (b) *Heritage Preservation Officer Review.* The Heritage Preservation Officer may meet with the applicant as needed and review the proposed work according to the decision criteria as described in Section 16-113.
- (c) *Heritage Commission/Heritage Preservation Officer Decision.* The Commission or the Heritage Preservation Officer, if delegated review authority, shall deny, with or without prejudice, delay as permitted in Section 16-118(e), approve, or approve with modifications a Certificate of Appropriateness. The Heritage Preservation Officer shall provide a written notice of the decision to deny, delay, or accept the Certificate of Appropriateness with any approved conditions to the Building Inspections Department and applicant within ten (10) calendar days after the Commission meeting during which the application was considered. If the Commission/Heritage Preservation Officer has taken no action within sixty (60) calendar days of original receipt by the Planning Department, the building permit shall be issued by the Building Inspection Department.
- (d) *Changes in Building or Site Plans Following a Decision.* The applicant shall be allowed to work with the Heritage Preservation Officer to resolve any issues that may arise during the permit review process. No change shall be made in the application for any building permit after issuance of a Certificate of Appropriateness without resubmittal to the Heritage Preservation Officer.
- (e) *Appeal.*
 - (1) *Appeal of Heritage Preservation Officer Decision.* The applicant may appeal the decision of the Heritage Preservation Officer to the Commission by filing a written request with the Director of Planning within thirty (30) calendar days of the receipt of a written notice of the action taken by the officer. The Heritage Preservation Officer shall schedule the appeal for the next practicable Commission meeting.
 - (2) *Appeal of Heritage Commission Decision.* If the Commission has denied the Certificate of Appropriateness, the applicant, the Director of Planning, or two (2) members of the City Council may file in writing a notice of appeal to the City Council with the Director of Planning within thirty (30) calendar days after the date upon which the Commission notified the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission at the public meeting. Written notice of any appeal shall be sent to the property owner. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The City Secretary shall place the appeal on the next practicable City Council agenda, and the applicant shall be notified of the date of the hearing. The City Council, utilizing the criteria described in Section 16-113, shall deny, with or without prejudice, or approve, with or without conditions, or remand the item to the Commission for further proceedings consistent with City Council's decision.
- (f) *Resubmittal Following a Decision.* If the Commission is silent as to whether the denial is with or without prejudice, then the denial will be deemed to be without prejudice. All

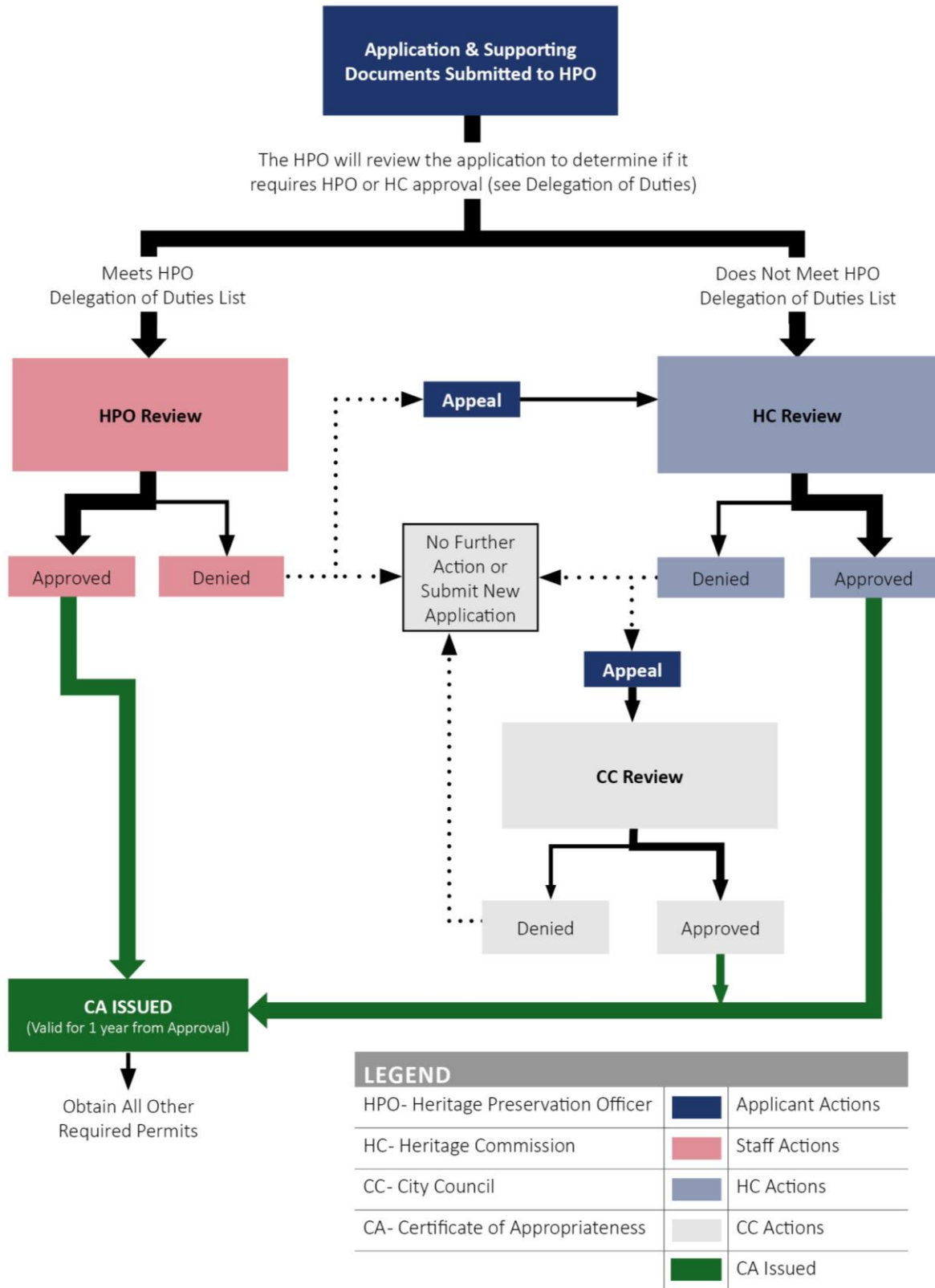
denials made by Heritage Preservation Officer shall be deemed as without prejudice. After a decision is reached by the Commission denying, with prejudice, an application for Certificate of Appropriateness, where no appeal is made to the City Council, a resubmittal of application will not be accepted for additional hearing within a twelve (12) month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the Commission. Denial of a Certificate of Appropriateness without prejudice permits reapplication immediately.

- (g) *Expiration.* Every Certificate of Appropriateness issued pursuant to this section shall expire and be void if the authorized work has not commenced within one (1) year from the date of approval or is suspended or abandoned at any time after the work commenced for a period of 180 calendar days. Failure to complete the work within the required time, including any extension(s), may result in the revocation of the Certificate of Appropriateness. Following expiration or revocation, approval of a new Certificate of Appropriateness application is required to commence construction.
- (h) *Extensions.* If work has not commenced, or has commenced but a delay greater than 180 calendar days is anticipated, extensions may be granted by the Heritage Preservation Officer for any period up to one (1) year. No combination of extensions shall exceed one (1) year from the original expiration date. Requests for extensions shall be submitted in the form as required by the Heritage Preservation Officer prior to the date of expiration and should include the following:
 - (1) Reason for requesting the extension; and
 - (2) A timetable for starting/restarting and completing work.

Denial of an extension request may be appealed to the Heritage Commission. The requested extension shall be scheduled for consideration at the next practicable Commission meeting.

Exhibit 2 – Summary of the Certificate of Appropriateness Procedure

Date specific requirements are located in Section 16-114. In the case of conflict between Exhibit 2 and the ordinance language, the ordinance language shall prevail.



Sec. 16-115. Demolition, Removal, or Relocation – Review Required.

- (a) *Purpose.* It is the intent of this and succeeding sections to preserve historic and architectural resources of the city through limitations on demolition and removal of heritage resources to the extent it is economically feasible, practical, and necessary. The demolition or removal of heritage landmarks and contributing structures within a heritage district diminishes the city's historic character, significance, and authenticity and is discouraged.
- (b) *Review Required.* No building permit shall be issued to demolish, remove, or relocate a heritage resource, accessory building, or landscape feature without a Certificate of Appropriateness. The following resources require demolition review by the Heritage Preservation Officer or Heritage Commission:
 - (1) *Heritage Landmarks.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.
 - (2) *Contributing Structure located within a Heritage District.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.
 - (3) *Compatible Structure located within a Heritage District.* The Commission shall render a decision to grant or delay a Certificate of Appropriateness for demolition, removal, or relocation, and shall not render a decision to deny.
 - (4) *Non-contributing Structure located within a Heritage District.* The Heritage Preservation Officer shall render a decision to grant a Certificate of Appropriateness for demolition, removal, or relocation, and shall not render a decision to deny.
 - (5) *Accessory buildings and landscape features identified as integral to the historic interpretation or integrity of the heritage resource in an area where a historic resource survey has been conducted.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.

Sec. 16-116. Demolition, Removal, or Relocation – Criteria.

- (a) *Valid Reasons for Demolition or Removal.*
 - (1) The heritage resource is a non-contributing or compatible structure within a heritage district;
 - (2) The subject accessory structure and/or landscape feature is not integral to the historic interpretation or integrity of the heritage resource;
 - (3) The heritage resource has lost its architectural significance and/or historic integrity;
 - (4) Preserving the heritage resource creates an extreme economic hardship because there is no economically viable use of the current building;

(5) The structure poses an imminent threat to public health or safety upon determination by the Chief Building Official and agreement by the Heritage Preservation Officer and Director of Planning; or

(6) The structure poses a threat to public health or safety.

(b) *Valid Reasons for Relocation.*

(1) The heritage resource is subject to future roadway, capital improvement project, or economic development plans and there are no reasonable alternatives except relocation; or

(2) All other preservation options have been exhausted.

(c) *Criteria for Decision.* A decision by the Commission to approve or deny a Certificate of Appropriateness for demolition, removal, or relocation for one of the above reasons shall be guided by:

(1) The historic, cultural, or architectural significance of the building, structure, site, or object;

(2) The historic, cultural, or architectural significance of the building, structure, site, or object to the character of a district;

(3) The difficulty or impossibility of reproducing such a building, structure, site, or object because of its unique design, features, material, detail, or unique location;

(4) Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood, district, or the city;

(5) Whether there are definite plans for development of the property if the proposed demolition is carried out, and the potential effect of those plans on the character of the district or surrounding area;

(6) Whether the demolition would result in a vacant lot or void in the continuous, historic building facade along the street;

(7) Whether reasonable measures can be taken to save the building, structure, site, or object;

(8) Whether the building, structure, site, or object is capable of earning a reasonable economic return on its value; and

(9) For relocation, whether the property owner has, in good faith, made efforts to relocate the structure in its entirety with a sense of place and time in the following order:

i. On the same site;

ii. Within a heritage district, if applicable;

- iii. Within the City of Plano's municipal boundaries;
- iv. Within the same county boundaries;
- v. Within adjoining county boundaries; or
- vi. Within the State of Texas.

Sec. 16-117. Demolition, Removal, or Relocation – Required Documentation.

An applicant seeking to demolish, remove, or relocate a structure described in Section 16-115 must provide necessary documentation as proof to establish the necessity of a Certificate of Appropriateness. If the applicant is seeking approval for more than one reason, he/she shall provide all documentation required for each reason. The applicant, private persons, organizations, and city departments may submit relevant evidence in addition to the required documentation. The Commission may also request additional information beyond the required documentation. Documentation requirements are as follows:

(a) *Required Documentation for a Compatible or Non-Contributing Structure in a Heritage District.* Applicants seeking to demolish, remove, or relocate any compatible or non-contributing structure in a heritage district shall provide the following with their application:

- (1) Available records depicting the original construction of the existing structure, including drawings, pictures, or written descriptions.
- (2) Photographic documentation demonstrating the existing condition of the structure.

(b) *Required Documentation for a Heritage Landmark or Contributing Structure in a Heritage District.* Applicants for demolition, removal, or relocation of heritage landmarks or contributing structures in a heritage district shall state one or more of the following reasons for removal, demolition, or relocation, and shall provide the corresponding documentation to substantiate the request.

(1) *The heritage resource has lost its architectural significance and/or historic integrity.* An application for demolition, removal, or relocation of a heritage resource that has lost its architectural significance and/or historic integrity shall include the documentation listed below:

- i. Available records depicting the original construction of the existing structure, including drawings, historic photographs, or written descriptions.
- ii. Documentation of the current condition of the exterior of the existing structure, including drawings, photographs, or written descriptions. Documentation of the current condition of the interior is not required, but may be provided to support the request.
- iii. Definitive plans for the future development of the property. A Certificate of Appropriateness application for the future development of the property is strongly encouraged in concurrence with the demolition request.

(2) *No economically viable use of the property exists.* An application for demolition, removal, or relocation of a heritage resource based on lack of economic viability shall include the documentation listed below. The City may retain an economic expert knowledgeable in the area of valuation, renovation, redevelopment, and rehabilitation of real estate to review the documentation submitted by each applicant and provide a written report to the Commission regarding the economic viability of each property. The application must include:

- i. The amount paid for the property and date of purchase;
- ii. Remaining balance on any mortgage or other financing secured by the property and annual debt service;
- iii. Real estate taxes for the previous three (3) years and assessed value according to the most recent valuation;
- iv. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- v. The fair market value of the property at the time the application is filed as determined by a licensed appraiser;
- vi. Any listing of the property for sale or rent, name of the broker/agent, price asked for and offers received, if any, for the previous two (2) years, including relevant documents or affidavits;
- vii. The price or rent sought by the applicant;
- viii. Any advertisements placed for the sale or rent of the property;
- ix. A report from any one or more of the following: an architect, engineer, developer, real estate consultant, appraiser or other real estate profession experienced in rehabilitation of historic property as to the economic feasibility of rehabilitation or adaptive reuse of the existing structure on the property;
- x. Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return;
- xi. Form of ownership or operation of the property (i.e. sole proprietorship, trust, partnership, corporation, joint venture, for profit, not for profit, etc.);
- xii. A documented report attested to by a certified public accountant that includes the annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses, depreciation deduction, and annual cash flow before and after debt service, if any, during the same period (commercial properties only); and
- xiii. A statement as to why the structure cannot be moved or relocated to another similar site or within a heritage district.

(3) *The structure poses an immediate threat to public health or safety.* If a heritage resource exhibits unsafe and dangerous conditions, poses a fire hazard or other public health or safety risk, and such danger or hazard is so great and so immediate that time normally taken for evaluation of the structure or consideration by the Commission should be circumvented to prevent immediate and substantial harm to persons or property, the Heritage Preservation Officer is authorized to approve emergency demolition, or removal of specific structural features that are the source of danger or hazard, upon finding both of the following by the Chief Building Official in consultation with the Director of Planning:

- i. The structure to be demolished, or the structural features to be removed, endanger public health or safety due to the risk of immediate:
 - 1. Physical damage to adjacent properties or structures from potential structural collapse or from pieces of the structure becoming detached and falling or blowing from the structure due to advanced deterioration or a serious state of disrepair;
 - 2. Encroachment into or physical damage within abutting public rights-of-way due to the conditions described in item 1 above; or
 - 3. Physical damage to public infrastructure, utilities, or other public facilities.
- ii. There is no reasonable way, other than demolition or removal of specific structural features, to eliminate the immediate threat.

(4) *The structure poses a threat to public health or safety.* An application for demolition or removal that poses a threat to public health or safety that is not an immediate threat as described immediately above shall include the documentation listed below. The owner must establish the necessary facts to prove demolition is necessary to alleviate a threat to public health and safety. The application must include:

- i. Documentation depicting the current condition of the structure, including drawings, photographs, or written descriptions;
- ii. A study regarding the nature, imminence, and severity of the threat, as performed by a licensed engineer or architect;
- iii. A study regarding both the cost or restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer; and
- iv. An assessment of the property by the Property Standards division, if requested by the Commission or applicant.

A recommendation by the Building Standards Commission may be requested by the Heritage Commission or applicant.

Sec. 16-118. Demolition, Removal, or Relocation - Procedure.

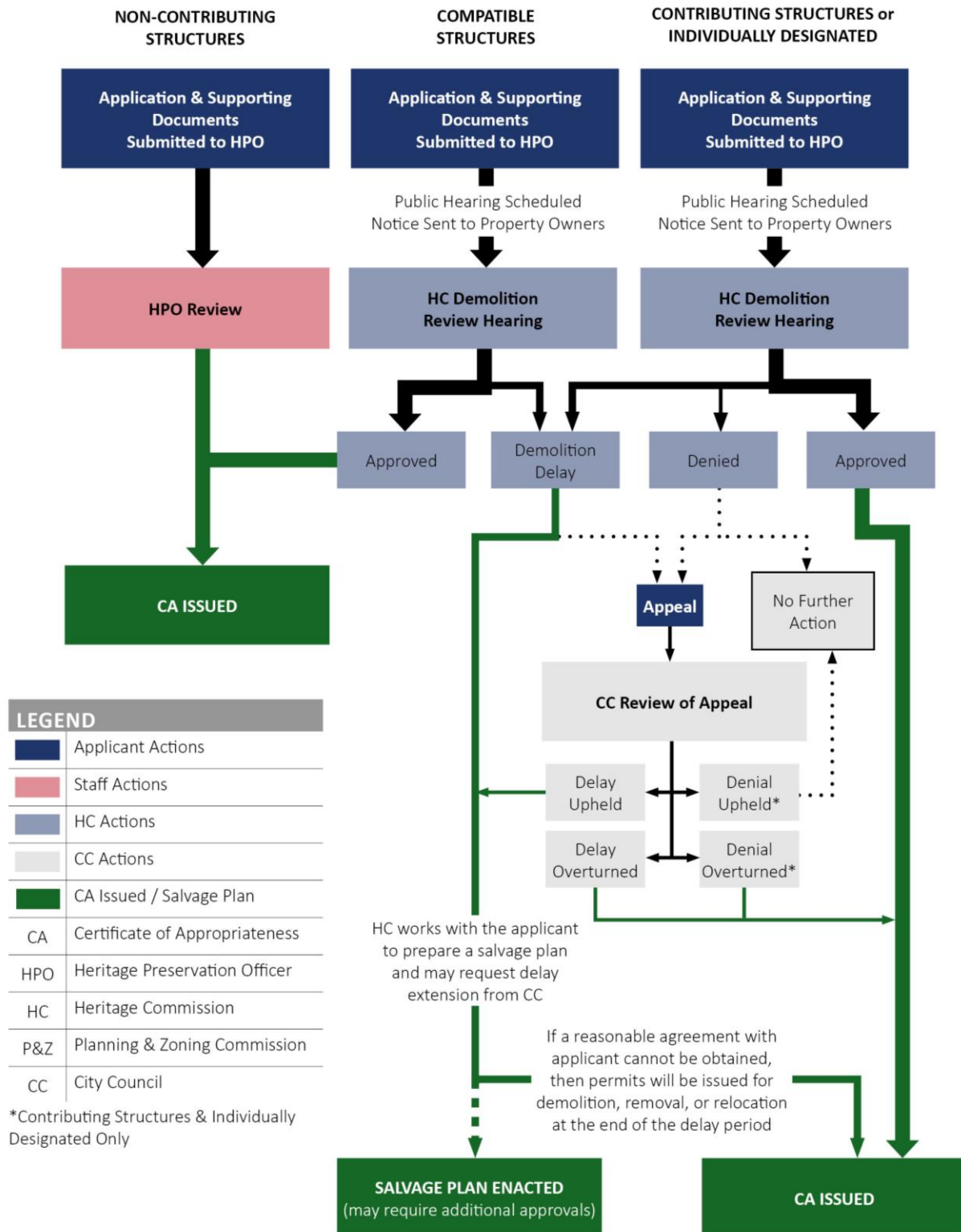
- (a) *Application Required.* An owner or his or her designee seeking demolition, removal, or relocation of a structure described in Section 16-115 shall submit a Certificate of Appropriateness - Demolition Application to the Heritage Preservation Officer. The application must be signed and sworn to by all the owners of the property or their duly authorized representatives.
- (b) *Heritage Preservation Officer Review – Non-Contributing Structures.* If the structure proposed for demolition, removal, or relocation is classified as a non-contributing structure in a heritage district, the Heritage Preservation Officer shall have ten (15) calendar days to approve the application.
- (c) *Demolition Review Hearing – All Other Structures.* If the structure proposed for demolition, removal, or relocation is a heritage landmark or is classified as a contributing or compatible structure in a heritage district, the Heritage Preservation Officer shall schedule a public hearing for the next practicable Commission meeting. At least ten (10) calendar days prior to the public hearing, the applicant(s) shall be given written notice of the hearing to the address provided in the application and a written courtesy notice of the public hearing shall be sent to all owners of real property within 500 feet of the property or properties on which the demolition, removal, or relocation is proposed. At the hearing, the Commission shall review and consider all submitted documents and testimony of any interested parties.
- (d) *Demolition Review Decision.* The Commission must render a decision to approve, delay, or deny the application within sixty (60) calendar days of the receipt of the Certificate of Appropriateness application by the Planning Department. The Heritage Preservation Officer shall notify the applicant within five (5) calendar days of the final decision. Failure of the Commission to decide or suspend said application within the sixty (60) calendar day time limit described immediately above shall be deemed to be approval of the application and the Building Official shall issue the necessary permits to allow the requested demolition, removal, or relocation.
- (e) *Demolition Delay.*
 - (1) In the interest of identifying alternatives to save a structure, the Commission may suspend an application for removal, relocation, or demolition of a heritage landmark or contributing or compatible resources within a heritage district. The demolition, removal, or relocation of the structure may be delayed, and, in that event, the application shall be suspended for a period not exceeding ninety (90) calendar days from the date of the demolition review hearing. Within the suspension period, the Commission may request an extension of the suspension period by the City Council.
 - (2) If the City Council, after notice to the applicant and a public hearing, determines that there are likely to be reasonable grounds for preservation, the City Council may extend the suspension period for an additional period not exceeding one hundred twenty (120) calendar days, for a total of not more than two hundred forty (240) calendar days from the date of the Certificate of Appropriateness application. During the period of suspension of the application, no permit shall be issued for such

demolition, relocation, or removal, nor shall any person demolish, remove, or relocate the structure.

- (3) During the suspension time of the delay period, the Commission may prepare and submit to the applicant a salvage plan, which may suggest proposals to preserve the site for purposes consistent with this chapter. The plan may include recommendations for complete or partial tax abatements, tax credits, or authority for alteration or construction not inconsistent with the purposes of this article, and other actions allowable by law. The plan may also include an architectural salvage plan if the structure cannot be saved. The owner shall conduct in good faith with the local and state preservation organizations and interested parties a diligent effort to seek an alternative to removal or demolition. If a reasonable agreement for salvage cannot be obtained with the applicant, then the permits shall be issued for demolition, removal, or relocation at the end of the delay period.
- (4) Demolition delay shall not be ordered for properties that request relief based on the fact that they are not economically viable or for properties that are a threat to public health or safety.
- (f) *Appeal.* If the Commission has denied or delayed the Certificate of Appropriateness for demolition, removal, or relocation, the applicant may follow the same procedure for appeal set forth in Section 16-114(e).
- (g) *Emergency Demolition, Removal, or Relocation.* If any heritage resource, regardless of classification, is deemed by the Chief Building Official to pose an immediate threat to public health or safety pursuant to Section 16-117(b)(3), a Certificate of Appropriateness for total or partial demolition, removal, or relocation may be approved by the Heritage Preservation Officer at any time.

Exhibit 3 – Summary of Demolition, Removal, or Relocation Procedure

Date specific requirements are located in Section 16-118. In the case of conflict between Exhibit 3 and the ordinance language, the ordinance language shall prevail.



Sec. 16-119. Minimum Maintenance Requirement and Prevention of Deterioration.

Heritage resources shall be maintained in accordance with the minimum property, structural, health, and safety standards as adopted by the City of Plano. No owner, which is defined in this Section as a person, entity, association, or corporation with ownership, care, custody, or control over a heritage landmark or contributing structure within a heritage district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any architectural feature which would produce a detrimental effect upon the character of the heritage district or the life and character of the property itself. Owners shall be required to fulfill a minimum level of maintenance on their property in order to keep it from deteriorating. Any of the following are prima facie evidence of a serious state of disrepair:

- (a) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall claddings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- (b) Deterioration that causes a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the structure.

Sec. 16-120. Demolition by Neglect.

Failure to provide the minimum maintenance required by Section 16-119 of this ordinance may result in a finding of demolition by neglect. If conditions of neglect are present or suspected, the Heritage Preservation Officer, in coordination with the Code Official, is authorized to lawfully investigate in an effort to prevent further deterioration.

(a) Procedure to Address Demolition by Neglect.

- (1) *Documentation of Neglect.* The Heritage Preservation Officer and Code Official shall document evidence of disrepair or neglect.
- (2) *Notification of Owner.* The Owner shall be notified in writing, providing specific information about the alleged deterioration, and requesting that the Owner to appear before the Commission at the next practicable regular meeting of the Commission. The notification shall be sent to the Owner by registered mail.
- (3) *Hearing.* The Commission shall conduct a hearing. The purpose of the hearing is to enable the Commission to make a fuller and more accurate determination of the existence and degree of deterioration and, the urgency for corrective action. The Owner may appear before the Commission in person or by agent.
- (4) *Appeal.* An Owner may follow the same procedure for appeal set forth in Section 16-114(e) for applicants to appeal the decision of the Commission.
- (5) *Required Action Upon Finding of Demolition by Neglect.* If the Commission determines that the deterioration has produced a detrimental effect on the architectural significance and/or historic integrity of the property or district, the Heritage Preservation Officer, in coordination with the Code Official, shall take the following actions:

- i. Send notice to the Owner, by certified mail, describing the required repairs or stabilization and specifying:
 - 1. The repairs must be started within sixty (60) calendar days; and
 - 2. A date by which the repairs must be completed; as determined by the Commission.
 - ii. Meet with the Owner within ninety (90) calendar days after the notice is sent, if the Heritage Preservation Officer determines that it would be useful to discuss progress in making repairs and consider any issues that may delay completion of repairs.
 - iii. Administratively approve a Certificate of Appropriateness, if necessary, to expedite work.
- (b) The Heritage Preservation Officer or Code Official may refer a demolition by neglect case to the City Attorney for enforcement of this Section.
- (c) The requirements of this Section do not prohibit enforcement and prosecution under any other applicable law.

Sec. 16-121. Authority to Preserve Substandard Building as Historic Property.

The City may preserve a substandard building as permitted under Section 214.00111 of the Texas Local Government Code.

Sec. 16-122. Prohibited Acts, Penalty for Violation, and Enforcement.

- (a) It shall be unlawful to construct, reconstruct, remove, structurally alter, remodel, renovate, restore, demolish, raze, maintain, or failure to maintain any heritage resource in violation of the provisions of this article. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing, maintenance, or failure to maintain, to restrain, correct, or abate such violation.
- (b) 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.
- (c) All work performed pursuant to a Certificate of Appropriateness issued under this article shall conform to all of its requirements. It shall be the duty of the Heritage Preservation Officer to inspect periodically to assure such compliance. In the event work is not being performed in accordance with a Certificate of Appropriateness, or no Certificate of Appropriateness has been approved, or upon notification of such fact by the Commission and verification by the Heritage Preservation Officer, the Building Official shall issue a stop-work order and all work shall immediately cease. The property owner shall then be required to apply for a Certificate of Appropriateness and receive approval. No further work shall be undertaken on the project as long as a stop-work

order is in effect until a decision is rendered by the Heritage Preservation Officer or Commission on the application.

- (d) All required permits must be issued and plans approved by the Building Inspections, Planning, Public Works, and Environmental Health Departments before work can commence under an approved Certificate of Appropriateness.”

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

PASSED AND APPROVED THIS THE _____ DAY OF _____, 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: 8/26/2019

Department: Heritage

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

CAPTION

Ordinance No. 2019-8-6: To repeal Ordinance No. 2017-2-2, codified as Article II, Ad Valorem Taxes, Division 3, Historic Structures, of Chapter 20, Taxation, of the Code of Ordinances; and replacing the provisions establishing the Heritage Tax Exemption Program for the City; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date. **Adopted**

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

COMMENTS: This item has no financial impact.

SUMMARY OF ITEM

Strategic Plan Goal:

Financially Strong City with Service Excellence, Great Neighborhoods - 1st Choice to Live, Exciting Urban Centers - Destination for Residents and Guests

Plano Tomorrow Plan Pillar:

Built Environment, Social Environment

ATTACHMENTS:

Description	Upload Date	Type
Heritage Tax Exemption - Follow-up	8/14/2019	Other
Heritage Tax Exemption - Write-up	8/16/2019	Staff Report
Heritage Tax Exemption - Ordinance	8/14/2019	Ordinance

DATE: July 24, 2019

TO: Honorable Mayor & City Council

FROM: Harold Sickler, Chair, Heritage Commission

SUBJECT: Results of Heritage Commission Meeting on July 23, 2019 *HS*

**AGENDA ITEM NO. 2 - PUBLIC HEARING & CONSIDERATION
HERITAGE TAX EXEMPTION ORDINANCE UPDATE
APPLICANT: CITY OF PLANO**

Public hearing and consideration of amendments to the Heritage Tax Exemption Ordinance.

APPROVED: 6-0 **DENIED:** **TABLED:**

Speaker Card(s) Received **Support:** 0 **Oppose:** 0 **Neutral:** 0

STIPULATIONS:

Recommend approval of amendments of the Heritage Tax Exemption Ordinance.

FOR CITY COUNCIL MEETING OF: August 26, 2019 (To view the agenda for this meeting, see www.plano.gov)

BM/ks

CITY OF PLANO
HERITAGE COMMISSION

July 23, 2019

Agenda Item No. 2

Public Hearing & Consideration: Heritage Tax Exemption Ordinance Update

DESCRIPTION:

Public hearing and consideration of amendments to the Heritage Tax Exemption Ordinance.

REMARKS:

In 2017, the 85th Texas Legislature approved an amendment to Chapter 41.44(a) of the Texas Tax Code regarding procedures for filing written protests of property tax appraisals. Due to these changes, in 2018, the Collin Central Appraisal District (CCAD) revised its annual protest deadline to May 15 (previously May 30) and requested the City of Plano submit its list of properties receiving heritage tax exemptions no later than March 1 (previously May 1) each year. To comply with this request, staff proposes changes to procedures in the Heritage Tax Exemption Ordinance that would streamline the approval process and provide additional benefits to participating properties.

Tax Exemption Program Overview

Since 1984, the City of Plano has granted a tax exemption to historic properties. The percentage of assessed improvement value exempt from ad valorem taxes which a property may receive depends on the type of designation and the use of the property.

Structure Class:	Designation Type:	Use:	Exemption Percentage:
Class A	Individually designated (Heritage Landmark)	Residential	100%
Class B	Individually designated (Heritage Landmark)	Non-Residential	50%
Class C	Contributing or Compatible to a Heritage District	Residential	75%
Class D	Contributing or Compatible to a Heritage District	Non-Residential	38%

Plano ISD and Collin College also participate in the city's tax exemption program and offer the same exemption rates. There are no changes to the structure classifications or tax exemption percentages within the proposed amendments.

Summary of Existing and Proposed Procedures

Proposed amendments to the Heritage Tax Exemption Ordinance are primarily related to program procedures and eligibility requirements as described below. A comparison table demonstrating the differences between the existing and proposed procedures is included as Attachment 1.

Existing Procedure Summary

Under existing procedures, staff conducts exterior inspections of participating properties every January to determine:

1. If all required repairs from the previous year's inspection were completed?
2. Are there any new repairs required?
3. Are there any code violations?
4. Has any exterior alteration been completed in conformance with an approved Certificate of Appropriateness (CA)?

The results of the inspection are presented to the Heritage Commission for consideration. All properties recommended for approval, along with any appeals for denied properties, are then forwarded to City Council for final approval. An ordinance adopting tax exemptions, including the list of properties receiving exemptions, the percentage of exemption received, and any repairs required to maintain eligibility the following year, is sent to CCAD by May 1. Applicants are then provided a detailed inspection report in May and are required to complete any listed repairs by December 31.

Proposed Procedure Summary

Under the proposed procedure, staff will continue to conduct exterior inspections of participating properties every January; however, the results of the inspection will be divided into two steps:

- Step 1 – Current Year Approvals

If, following inspection, a property meets all *eligibility requirements* listed in Section 20-55 of the proposed ordinance (see Eligibility Requirements section below), it will be forwarded straight to City Council for approval by the end of February. Unlike the existing procedure, this approval will not include any information about future repairs required to maintain eligibility for the following year. Any property that is deemed ineligible for tax exemption will be sent a notice and may appeal the determination to City Council. An ordinance adopting tax exemptions, including the list of properties receiving exemptions and the percentage of exemption received, will be sent to CCAD by March 1.

- Step 2 – Repairs Required for the Following Year

After approval by City Council, applicants will be provided a detailed inspection report that includes a list of any repairs required to maintain eligibility for the following year. The applicant may appeal the determination that a repair is required, and the deadline to complete the repair, to the Heritage Commission by filing a written appeal with staff by April 30. The Heritage Commission will consider any appeals by May 31.

The proposed procedure will also allow applicants an additional opportunity to request an extension by filing a written request by October 31. Extensions may be granted due to extenuating circumstances, such as a finding that the repair needs to be completed as part of a larger series of repairs and requires additional time to complete. The Heritage Commission will consider any extension requests by December 31. An approved extension would allow a property to maintain eligibility for tax exemption the following year.

Eligibility Requirements

One shortcoming of the existing ordinance is that it does not succinctly list the program's eligibility requirements in one user-friendly location. To correct this, staff proposes to add *Section 20-55 – Eligibility Requirements* that would clearly list what is required to be eligible for a tax exemption each year. Two new criteria have been listed in addition to the existing eligibility requirements:

1. The structure is being preserved and maintained in accordance with minimum property, structural, health, and safety standards as adopted by the City of Plano;
2. The structure and site are in compliance with the City's Zoning Ordinance and Heritage Preservation Ordinance;
3. **(NEW)** There are no delinquent property taxes owed to the City of Plano;
4. **(NEW)** No permits or applications for demolition or relocation of the structure have been submitted, suspended, approved, issued, or are in any other stage that may allow demolition or relocation of the structure during the current year;
5. No exterior work was completed, installed, or is under construction without a Certificate of Appropriateness (CA) or in deviation of a previously approved CA; and
6. All repairs required from a previous tax exemption inspection have been completed by the established deadline, if applicable.

Under the existing ordinance, the responsibility to certify that properties meet eligibility requirements belongs to the Heritage Commission. Under the proposed ordinance, the Commission would delegate this authority to staff, allowing the necessary time to prepare inspection results, notify applicants of properties deemed ineligible, and receive City Council approval by the new deadline requested by CCAD. The Heritage Commission

will instead focus on the inspection results and repairs required to maintain eligibility the following year.

Benefits of Proposed Changes

The proposed ordinance will have the following benefits to property owners:

1. Annual inspection results to be provided earlier in the year to allow more time to complete repairs.
2. Inspection items rated as 'Poor' condition (requiring repair by the end of the year to maintain program eligibility) may be appealed to the Heritage Commission.
3. Property owners will have two opportunities to request an extension of the deadline to repair 'Poor' rated items due to extenuating circumstances.

Minor Amendments

In addition to the procedural changes, the following minor amendments are included in the proposed amendments:

- Replaced list of definitions with a reference to definitions in the Heritage Preservation Ordinance.
- Refined terminology in the Classes of Historically Significant Sites for consistency of terms with the Zoning Ordinance.
- Inclusion of a diagram illustrating the tax exemption procedures for consistency with designation, certificate of appropriateness, and demolition procedures in the Heritage Preservation Ordinance.

RECOMMENDATION:

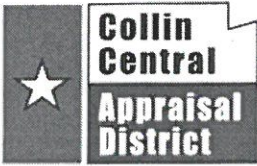
Staff recommends approval of amendments of the Heritage Tax Exemption Ordinance.

ATTACHMENTS:

1. Summary of Proposed v. Existing Procedures
2. Letter from Collin Central Appraisal District

Attachment 1
Summary of Proposed v. Existing Procedures

	Procedure Item:	Existing Procedure:	Proposed Procedure:
1.	Application Deadline	January 1	January 1
2.	Inspections	Early January	Early January
3.	Notice to Properties Recommended for Denial/ Deemed Ineligible	At least 20 days prior to Heritage Commission	At least 20 days prior to City Council
4.	Heritage Commission Recommendation	by March 30th	N/A
5.	Time for Appeal of Recommendation/ Ineligibility Determination	10 days following Heritage Commission	At least 10 days prior to City Council
6.	City Council Approval	by May 1	by March 1
7.	Inspection Report Provided to Applicant	May	March
8.	Deadline to Appeal Inspection Report	N/A	April 30
9.	Heritage Commission Consideration of Appeals	N/A	by May 31
10.	Deadline to Request Extension to Complete Repairs	N/A	October 31
11.	Heritage Commission Consideration of Extension Requests	N/A	by December 31
12.	Deadline to Complete Repairs	December 31	December 31 (unless extended by the Heritage Commission)



Collin Central Appraisal District

1/17/18

(EX – HT Notice Dates)

City of Plano Planning Department
Attention: Bhavesh Mittal
1520 K Avenue Ste 250
Plano, TX 75074

RECEIVED
JAN 19 2018
PLANNING DEPARTMENT

Dear Mr. Mittal,

I am writing to inform you of the recent legislative changes that will affect property owners' protest deadlines and our annual notice requirements. Per Section 41.44(a), effective 1/1/2018, the general protest deadline for property owners will be moved up from May 30th to May 15th. As a result, our office will mail out value notices two weeks earlier in the year (4/13/2018) to ensure property owners receive ample time to protest any issues they may have, including issues with exemptions.

One of our goals has always been to have the historic exemptions accurately reflected on a property account by the time these notices are mailed out, and we greatly appreciate the hard work and effort you all put forth in helping us realize this goal each year.

With that in mind, we would like to request that your finalized historic exemption lists be submitted between February 1st and March 1st each year. We realize this may be too short of notice for you to implement this year, and we apologize for the delayed correspondence from our office. We understand and appreciate the time it takes to inspect these properties and obtain approval from your governing bodies, so please let us know if you have any questions or concerns.

Thank you for your time.

Regards,

Brian Swanson
Litigation, Abatements & Commercial Exemptions Mgr

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NO. 2017-2-2, CODIFIED AS ARTICLE II, AD VALOREM TAXES, DIVISION 3, HISTORIC STRUCTURES, OF CHAPTER 20, TAXATION, OF THE CODE OF ORDINANCES; AND REPLACING THE PROVISIONS ESTABLISHING THE HERITAGE TAX EXEMPTION PROGRAM FOR THE CITY; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

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

WHEREAS, the City Council has heretofore established a program of designating historic sites and structures as heritage resources, through the zoning process, in order to preserve and protect the cultural heritage of Plano; and

WHEREAS, by Ordinance 84-8-24, the City Council established provisions for historic structures for the City of Plano to grant partial exemption from ad valorem taxes for certain structures which have been recommended for exemption, and such Ordinances were collectively codified as Article II, Division 3, Historic Structures, of Chapter 20 of the Code of Ordinances of the City of Plano; and

WHEREAS, designated heritage resources include heritage landmarks and heritage districts; and

WHEREAS, preservation of individually designated heritage landmarks and contributing structures within a heritage district is vital to the protection of the cultural heritage of Plano; and

WHEREAS, compatible structures within a heritage district contribute to the successful preservation of the heritage district by providing continuity, opportunities for economic development, and necessary infill; and

WHEREAS, the City Council wishes to provide tax relief for the purpose of encouraging historic preservation; and

WHEREAS, upon the recommendation of the Heritage Commission, the City Council now finds it is necessary to adopt updated provisions for the tax exemption program for heritage preservation within the City of Plano and that such provisions are in the best interest of the City and its citizens.

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

Section I. Ordinance No. 2017-2-2, passed and approved by the City Council of the City of Plano, Texas, on February 13, 2017, is hereby repealed in its entirety.

Section II. Article II, Ad Valorem Taxes, Division 3, Historic Structures, of Chapter 20, Taxation, of the Code of Ordinances of the City of Plano is hereby replaced as follows:

“Sec. 20-51. – Granting of Exemptions.

The City Council shall by ordinance, concurrent with the levy of taxes for each current year, approve for partial exemption from ad valorem taxes certain historically significant sites which have been recommended for exemption pursuant to provisions of this division.

Sec. 20-52. – Historically Significant Sites.

For the purpose of this division, historically significant sites are defined as structures within the (H) and (HD) zoning overlay districts, except for structures categorized as non-contributing structures within a (HD) zoning overlay district.

Sec. 20-53. – Classes of Historically Significant Sites.

Historically significant sites shall be divided into the following classes:

(1) *Class A.* Structures that are:

- a. Occupied exclusively for residential purposes; and
- b. Individually designated as a Heritage Landmark (H).

(2) *Class B.* Structures that are:

- a. Occupied in whole or in part for purposes other than residential; and
- b. Individually designated as a Heritage Landmark (H).

(3) *Class C.* Structures that are:

- a. Occupied exclusively for residential purposes;
- b. Located in a designated Heritage District (HD); and
- c. Categorized as contributing or compatible to the (HD) district.

(4) *Class D.* Structures that are:

- a. Occupied in whole or in part for purposes other than residential;

- b. Located in a designated Heritage District (HD); and
- c. Categorized as contributing or compatible to the (HD) district.

Sec. 20-54. – Percentage of Value Exempted.

The following classes of historically significant sites, which are approved for exemption by ordinance pursuant to the provisions of this division, shall have the following percentage of assessed improvement value exempt from ad valorem taxes levied by the City:

- (1) Class A structures shall have an exemption of one hundred (100) percent of the assessed improvement value of the structure during the applicable collection period.
- (2) Class B structures shall have an exemption of fifty (50) percent of the assessed improvement value of the structure during the applicable collection period.
- (3) Class C structures shall have an exemption of seventy-five (75) percent of the assessed improvement value of the structure during the applicable collection period.
- (4) Class D structures shall have an exemption of thirty-eight (38) percent of the assessed improvement value of the structure during the applicable collection period.

Sec. 20-55. – Eligibility Requirements.

To qualify for a heritage tax exemption, a historically significant site must comply with the following eligibility requirements as of January 1 of the year in which the tax exemption is to be granted (current year):

- (1) The structure is being preserved and maintained in accordance with minimum property, structural, health, and safety standards as adopted by the City of Plano;
- (2) The structure and site are in compliance with the City's Zoning Ordinance and Heritage Preservation Ordinance;
- (3) There are no delinquent property taxes owed to the City of Plano;
- (4) No permits or applications for demolition or relocation of the structure have been submitted, suspended, approved, issued, or are in any other stage that may allow demolition or relocation of the structure during the current year;

- (5) No exterior work was completed, installed, or is under construction without a Certificate of Appropriateness (CA) or in deviation of a previously approved CA; and
- (6) All repairs required from a previous tax exemption inspection have been completed by the established deadline, if applicable.

Sec. 20-56. – Application.

Applications for heritage tax exemption shall be submitted as follows:

- (1) For the assessment year for which the owner of the structure desires such structure to be tax exempt to the extent provided by this division, the owner shall file with the Heritage Preservation Officer an application, no later than January 1, attesting that the eligibility requirements of this article and Texas Tax Code Section 11.42 are fully satisfied.
 - a. Once the owner has filed and been approved for tax exemption of a property, a new application shall not be required to be filed by the property owner annually as long as he/she retains ownership of the property.
 - b. If the property ownership changes on an exempt property, the property shall retain tax exempt status for the remainder of the current year and the new property owner is responsible for any outstanding repairs and other eligibility requirements to maintain eligibility for the following year. A new application will be required to be filed as set out herein for the following assessment year.
 - c. If a property owner was previously denied tax exempt status for a property, a new application will be required to be filed as set out herein. Any outstanding eligibility requirements, including maintenance items identified in previous tax exemption inspections, must be met to regain eligibility.
- (2) Application forms are to be available online and from the City Planning Department.
- (3) The application shall affirmatively set forth the owner's authorization for City staff members to visit and inspect the property and books and records as necessary to certify whether or not the structure is being preserved and maintained as required by Sec. 20-57 of this division.

Sec. 20-57. – Inspection.

Upon receipt of sworn application, the Heritage Preservation Officer, or his/her designees, shall inspect the property and review the books and records as necessary to certify the following:

- (1) The property meets all eligibility requirements.

- (2) The structure, accessory structures, grounds, property elements, and building elements with their materials and finishes have been maintained in good repair and in operable condition to avoid decay, damage, structural failure and hazardous or unsafe conditions to life, health, or other property. Generally:
- a. Exterior surfaces of all structures (main structure and accessory structures) shall be clean, maintained, protected, and weathertight. Surfaces that have been previously painted/stuccoed shall be protected with paint and/or other appropriate finishes/coatings.
 - b. Repainting/paint touch-ups shall closely match the existing paint colors and applied at reasonable intervals.
 - c. Damaged, loose, or rotted materials/details shall be reestablished, repaired or replaced. All joints or cracks shall be weatherproofed appropriately by proper maintenance.
 - d. Exterior facades shall be clean from any graffiti, overgrown vegetation, and left over residues from previous work/installations.
 - e. Damaged or worn property elements such as those listed in the immediate section below shall be repaired, restored or replaced and secured properly to remain operable.
 - f. Vacant structures shall be securely closed and weathertight. Any unoccupied structure shall be maintained and secured to avoid becoming a structure that may be considered demolished by neglect as defined in Chapter 16, Planning and Development, Article IV. Heritage Resource Preservation.
 - g. Exterior materials shall be maintained to historic standards as outlined in the Heritage Resource District Design Guidelines/Standards and the Secretary of the Interior's Standards.
 - h. Exterior plumbing, electrical and mechanical fixtures shall be secured properly.
 - i. Grounds shall be maintained free of excessive rubbish, garbage, junk, refuse or debris.

Sec. 20-58. – Eligible Property Certification.

Following completion of the inspection, the Heritage Preservation Officer shall make a finding as to whether the application meets all eligibility requirements. A list of all properties which have been certified in compliance with eligibility requirements shall be forwarded to the City Council for approval.

Sec. 20-59. – Ineligible Property Notification and Appeal.

- (1) Notification shall be sent to applicants of properties deemed ineligible for tax-exempt status by certified mail at least twenty (20) calendar days prior to City Council consideration of the adoption ordinance as described in Section 20-60 of this division.
- (2) An applicant may appeal the finding of the Heritage Preservation Officer that the property is ineligible for tax exempt status by submitting a notice of appeal in the form of a signed letter to the Heritage Preservation Officer at least ten (10) calendar days prior to City Council consideration of the adoption ordinance.
- (3) Appeals shall be limited to evidence that the Heritage Preservation Officer incorrectly deemed the property ineligible or to present new evidence that the property indeed met eligibility requirements as of January 1 of the current year.
- (4) The Heritage Preservation Officer shall submit the letter of appeal to the City Council and it shall be heard as part of Council's consideration of the adoption ordinance.

Sec. 20-60. – City Council Adoption Ordinance.

The City Council shall review the list of properties certified as eligible for tax exemption and consider any appeals. In considering appeals, the City Council shall only grant an appeal if it finds that the property met eligibility requirements as of January 1 of the current year. The City Council shall then adopt an ordinance granting partial tax exemption under this division. The ordinance shall specify the class of exempt structures and shall provide that all land shall be assessed for taxation in the same equal and uniform manner as all other taxable properties in the City. The City shall cause a copy of the ordinance to be forwarded to the chief appraiser not later than March 1 of the subject year.

Sec. 20-61. – Inspection Report and Required Repairs.

By no later than March 31st of the current year, the Heritage Preservation Officer or his/her designee shall send to the applicant:

- (1) Written notification of the City Council's approval; and
- (2) A copy of the inspection report that details, at a minimum, any maintenance items requiring repair and a deadline to complete the required repairs in order to maintain eligibility for the following year.

Sec. 20-62. – Appeal of Inspection Report.

- (1) Any applicant may appeal the results of the inspection report by submitting a notice of appeal in the form of a signed letter to the Heritage Preservation Officer by April 30 of the current year. Appeals shall be limited to items listed in the inspection

report as requiring repair to maintain eligibility for the following year and the deadline to complete them.

- (2) The Heritage Commission shall hold a public hearing to consider any appeals of the inspection report by May 31 of the current year. The Heritage Commission may grant an appeal if it finds that extenuating circumstances exist. Such circumstances should generally be justified by supportive information such as:
 - a. Documentation that the required repair was misidentified or did not exist in the manner described in the inspection report;
 - b. Cost estimates or other information indicating the repair required is more substantial than initially expected; or
 - c. Documentation that the issue is being addressed as part of a larger series of repairs or improvements that may require additional time to complete than allowed by the deadline established in the inspection report.

Sec. 20-63. – Extension Requests

- (1) An applicant may submit a request to extend the deadline to complete a required repair to the Heritage Commission. Requests shall be submitted in the form of a signed letter to the Heritage Preservation Officer by October 31 of the current year.
- (2) The Heritage Commission shall hold a public hearing to consider the extension request by December 31 of the current year. The Heritage Commission may grant an extension to the deadline if it is determined that extenuating circumstances exist, as generally described in Section 20-62(b) and 20-62(c) of this division.
- (3) Extensions shall be granted in one-year increments from the originally established deadline.

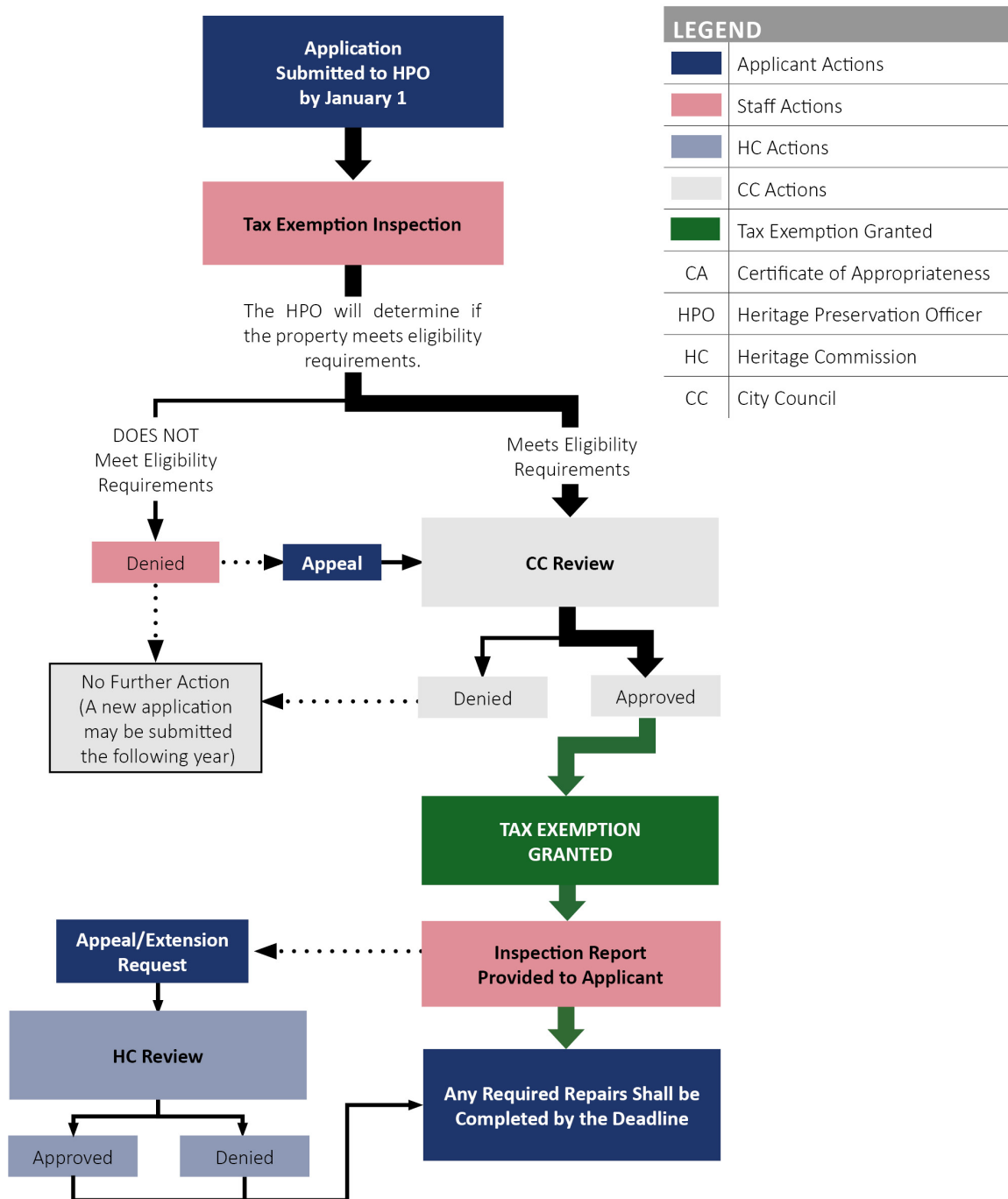
Sec. 20-64. – Rendition and assessment of historically significant sites for ad valorem taxation.

The provisions of this division pertaining to partial exemption of historically significant sites do not change the provisions of any other ordinance provision of the City pertaining to taxation, and the applicant's structures shall be rendered and assessed in the same manner as any other property if the City Council elects to disapprove the application for exemption.

Sec. 20-65. – Definitions.

The definitions codified in Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano, as amended, shall apply this Division.

Exhibit A – Summary of Heritage Tax Exemption Process



”

Section III. 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 IV. 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 phase, 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 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 at the time of this Ordinance.

Section VI. Any person, firm, or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

PASSED AND APPROVED THIS THE 26TH DAY OF AUGUST 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: 8/26/2019

Department: Engineering

Department Head: B. Caleb Thornhill

Agenda Coordinator: Eva X-7232

CAPTION

Ordinance No. 2019-8-7: To abandon all right, title and interest of the City, in and to that certain Right-of-Way, situated in the Joseph Klepper Survey, Abstract No. 213, being all of a 157 square foot tract of land as described in instrument number 94-0043790, and all of a 3,147 square foot tract of land as described in instrument number 94-0048019, Deed Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the property owner, MM CCM 48M, LLC, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date. **Adopted**

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

COMMENTS: This item has no financial impact.

SUMMARY OF ITEM

The owners are requesting the abandonment of the Right-of-Way because the Right-of-Way was dedicated for a bus stop that has since been abandoned. The City of Plano will no longer be responsible

for maintenance of the unused bus stop pavement. Removing the bus stop will prevent vehicles from parking in this area which would create an unsafe condition on Alma Road.

Strategic Plan Goal:

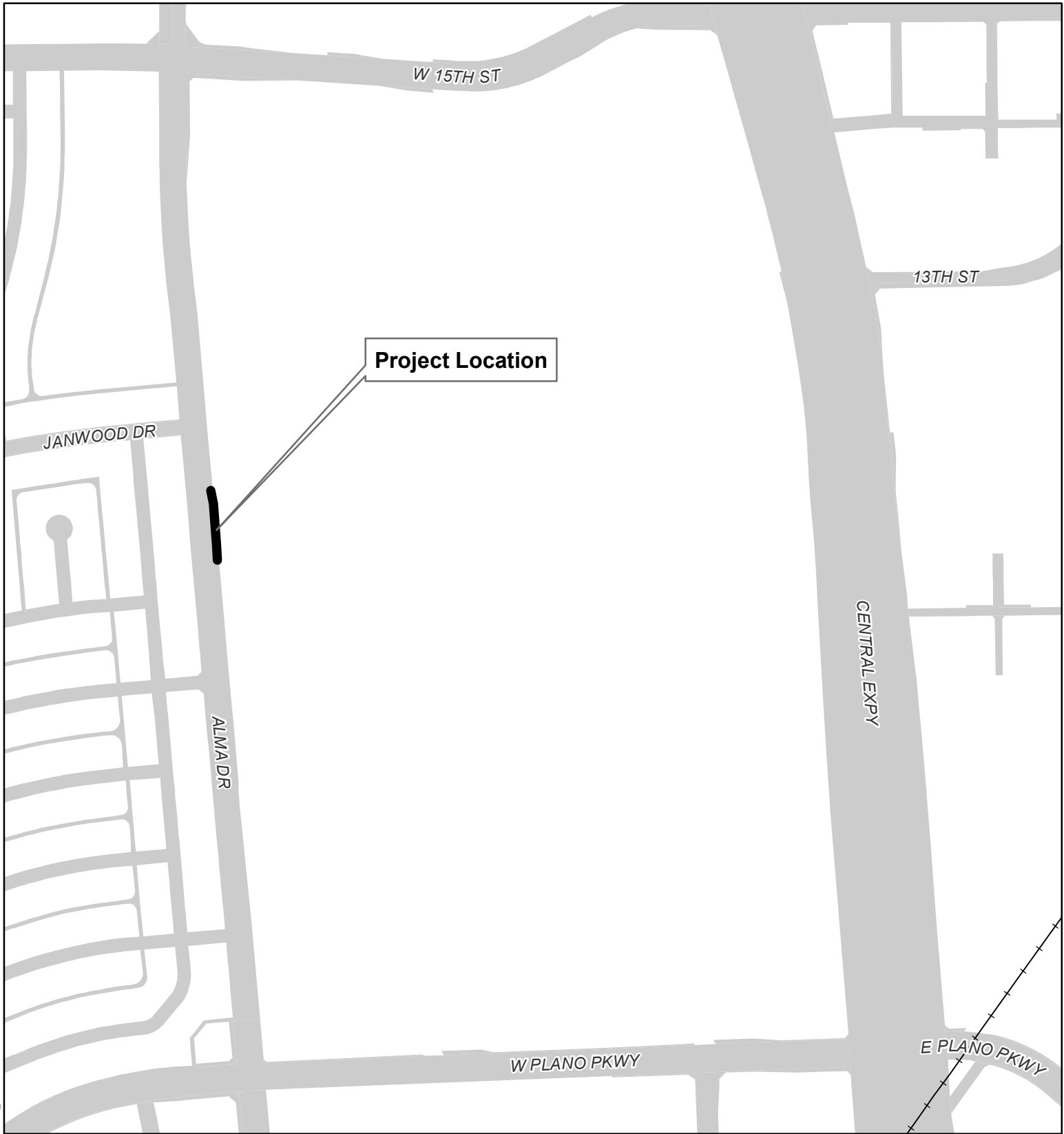
Safe Large City, Exciting Urban Centers - Destination for Residents and Guests

Plano Tomorrow Plan Pillar:

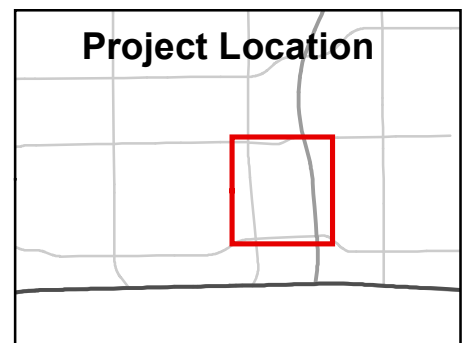
Built Environment, Economic Environment

ATTACHMENTS:

Description	Upload Date	Type
Location Map	8/9/2019	Map
Ordinance	8/9/2019	Ordinance



Regional Mall Addition ROW Abandonment



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain Right-of-Way, situated in the Joseph Klepper Survey, Abstract No. 213, being all of a 157 square foot tract of land as described in instrument number 94-0043790, and all of a 3,147 square foot tract of land as described in instrument number 94-0048019, Deed Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the property owner, MM CCM 48M, LLC, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.

WHEREAS, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to that certain Right-of-Way, (hereinafter called Right-of-Way), situated in the Joseph Klepper Survey, Abstract No. 213, which is located within the City limits of Plano, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

WHEREAS, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference; and

WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Right-of-Way is abandoned and quitclaimed to the Property Owner, and has advised that the Right-of-Way should be abandoned.

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

Section I. All the right, title and interest of the City of Plano, Texas, in and to the Right-of-Way is hereby abandoned, and all right, title and interest of the City in and to the Right-of-Way, is hereby quitclaimed to the Property Owner in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee, is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Right-of-Way by the City of Plano.

Section II. The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Right-of-Way. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Right-of-Way.

Section III. The City Council hereby finds and determines that the abandonment of the Right-of-Way is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

Section IV. This Ordinance shall become effective immediately upon its passage as set forth below.

DULY PASSED AND APPROVED this the 26th day of August, 2019.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[For Right-of-Way Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **ALMA DRIVE** (hereinafter called "Right-of-Way"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Right-of-Way.

1. The Owners are requesting the abandonment of the Right-of-Way for the following reasons:

The right of way was dedicated for a bus stop that has since been abandoned.

2. The following public interest will be served as a result of the abandonment:

The City of Plano will no longer be responsible for maintenance of the unused bus stop pavement. Removing the bus stop will prevent vehicles from parking in this area which would create an unsafe condition.

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Right-of-Way as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Right-of-Way, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. ~~If the Owners are providing a replacement right-of-way for the Right-of-Way requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement right-of-way and attach same to this Petition as **Exhibit "B"**.~~
5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Right-of-Way to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment and closing of the Right-of-Way by City.

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Right-of-Way will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Right-of-Way owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

MM CCM 48M LLC – 100%

8. Owners shall also prepare a map or drawing showing the Right-of-Way to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as **Exhibit "C"**.
9. ~~Abutting property owners have signed letters indicating their support of the right-of-way abandonment. These are attached hereto and incorporated herein as **Exhibit "D"**.~~

[Reminder of page blank]

10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

MM CCM 48M, LLC

Typed Name of Owner

1800 Valley View Lane, Suite 300

Address

Farmers Branch, TX 75234

City, State and Zip

Dated: 6-21-19


Signature of Owner

Contact Person for Property Owners:

Name: Rob Romo

Phone No: 469-892-7200

RIGHT OF WAY ABANDONMENT
LEGAL DESCRIPTION

BEING a tract of land situated in the Joseph Klepper Survey, Abstract Number 213, being all of a 157 square foot tract of land as described in instrument number 94-0043790 as recorded in the Deed Records of Collin County, Texas, and all of a 3,147 square foot tract of land as described in instrument number 94-0048019 in said Deed Records, being more particularly described as follows:

BEGINNING at a 3/4 inch iron rod found at the southwest corner of said 157 square foot tract, also being the northwest corner of Lot 4, Block A, Regional Mall Addition, an addition to the City of Plano as recorded in Volume C, Page 320, in the Plat Records of Collin County, Texas, also being in the east line of Alma Drive (100' Right of Way);

THENCE, North 05°04'50" West, with the west line of said 157 square foot tract and the west line of said Alma Drive for a distance of 57.00 feet to a calculated point for corner at the northernmost corner of said 157 square foot tract;

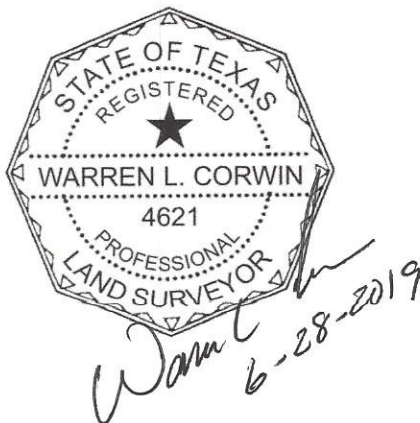
THENCE, South 10°34'50" East, departing said west lines and with the east line of said 157 square foot tract, passing at 57.26 feet the southeast corner of said 157 square foot tract, also being the northeast corner of said 3,147 square foot tract, and continuing with the east line of said 3,147 square foot tract for a total distance of 125.20 feet to a calculated point for corner;

THENCE, South 05°04'50" East, with said east line, for a distance of 150.00 feet to a calculated point for corner;

THENCE, South 00°21'38" West, with said east line, for a distance of 126.55 feet to a calculated point for corner being the southernmost corner of said 3,147 square foot tract, also being in the east line of said Alma Drive;

THENCE, North 05°04'50" West, with the west line of said 3,147 square foot tract and the east line of said Alma Drive, for a distance of 343.61 feet to the POINT OF BEGINNING and containing 3,304 square feet of land.

Prepared by:
Corwin Engineering, Inc.
Firm No. 10031700
200 W. Belmont
Allen, Texas 75013



RIDGEFIELD DRIVE
50' RIGHT OF WAY

POINT OF BEGINNING

0 30 60
SCALE: 1" = 60'

DALLAS NORTH
ESTATES 3RD
INSTALLMENT
BLOCK L
VOL. 4, PG. 10
ZONING - SF-7

N05°04'50"W
57.00'

3/4" IRF

N05°04'50"W 343.61'

S05°04'50"E 150.00'

S00°21'38"W
126.55'

4.46 ACRE TRACT
MM CCM 48M LLC
INST. #20181221001549900
D.R.C.C.T.

CITY OF PLANO
CLERKS FILE
NO. 94-0043790
D.R.C.C.T.

CITY OF PLANO
CLERKS FILE
NO. 94-0048019
D.R.C.C.T.

LOT 4 BLOCK A
REGIONAL MALL ADDITION
VOLUME C, PAGE 320
M.R.C.C.T.



NOTES

1. Bearing are referenced to Regional Mall Addition, an addition to the City of Plano as recorded in Volume C, Page 320, in the Map Records of Collin County, Texas.
2. IRF - IRON ROD FOUND
D.R.C.C.T. - Deed Records Collin County Texas
M.R.C.C.T. - Map Records Collin County Texas

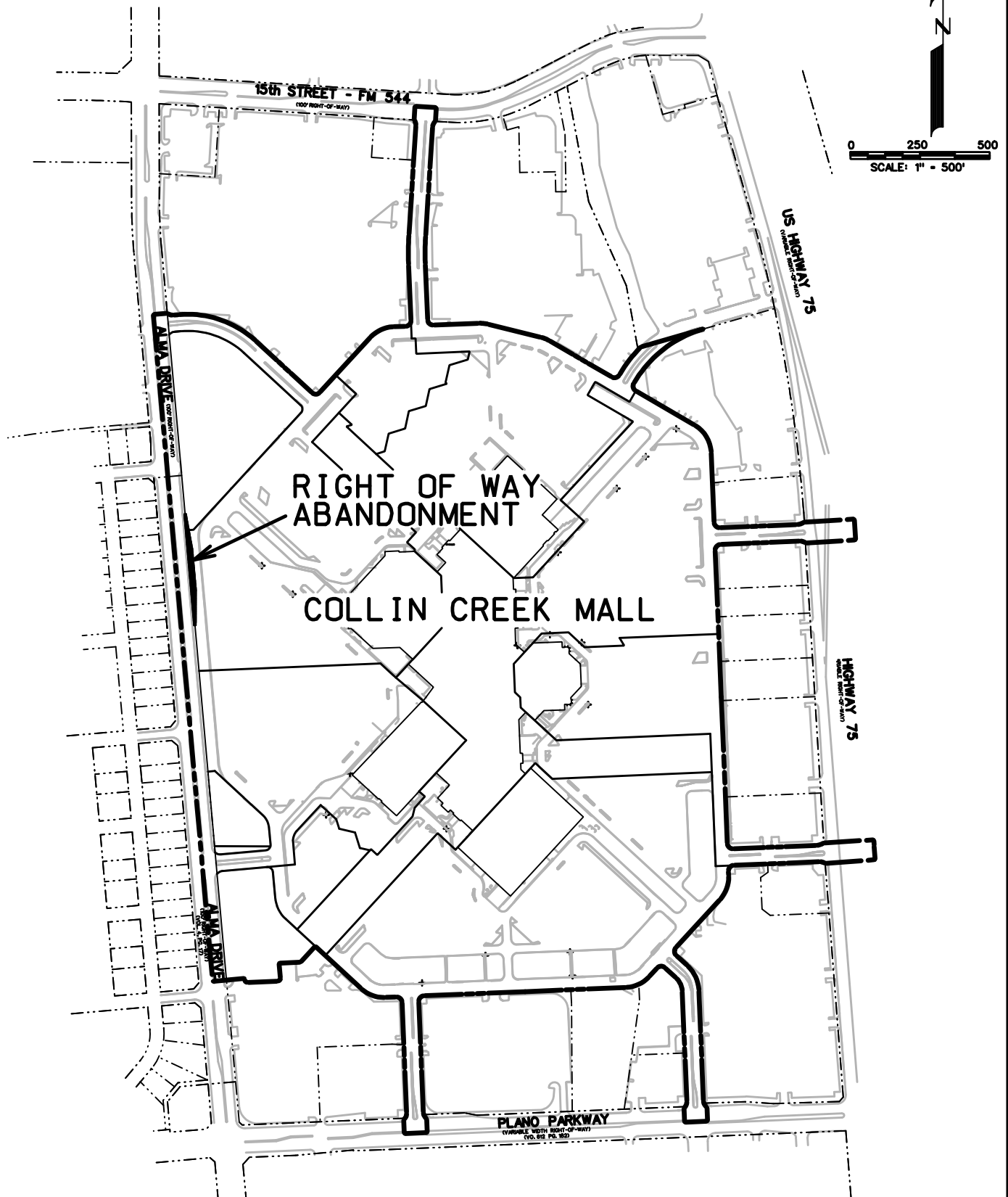


CORWIN ENGINEERING, INC.

200 W. BELMONT, SUITE E ALLEN, TEXAS 75013 (972) 396-1200

EXHIBIT A-1 - PAGE 2
RIGHT OF WAY ABANDONMENT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO
COLLIN COUNTY, TEXAS

Exhibit "C"



CORWIN ENGINEERING, INC.

200 W. BELMONT, SUITE E ALLEN, TEXAS 75013 (972) 396-1200

EXHIBIT C - RIGHT OF WAY ABANDONMENT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO
COLLIN COUNTY, TEXAS



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Zoning

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

CAPTION

Public Hearing and adoption of Ordinance No. 2019-8-8 as requested in Zoning Case 2019-011 to amend various sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. **Conducted and Adopted**

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

COMMENTS:

SUMMARY OF ITEM

Strategic Plan Goal:

Financially Strong City with Service Excellence, Strong Local Economy, Great Neighborhoods - 1st Choice to Live, Exciting Urban Centers - Destination for Residents and Guests

Plano Tomorrow Plan Pillar:

Built Environment, Social Environment, Economic Environment

ATTACHMENTS:

Description	Upload Date	Type
ZC 2019-011 - Follow-up	8/14/2019	P/Z Follow-up Memo
ZC 2019-011 - Write-up	8/14/2019	Staff Report
ZC 2019-011 - Ordinance	8/22/2019	Ordinance

DATE: August 6, 2019
TO: Honorable Mayor & City Council
FROM: M. Nathan Barbera, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of August 5, 2019

**AGENDA ITEM NO. 5A - PUBLIC HEARING
ZONING CASE 2019-011**

Request to amend various sections of the Zoning Ordinance as a result of recent state legislative actions and to ensure compliance with state law. Project # ZC2019-011.

APPROVED: 5-1 **DENIED:** _____ **TABLED:** _____

Speaker Card(s) Received Support: 0 Oppose: 0 Neutral: 0

The Commissioner voting in opposition requested additional time to consider the proposed changes.

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 Section 1.900 (Design Standards and Specifications) of Article 1 (Legal Framework) of the Zoning Ordinance, such section to read as follows:

The following design standards and specifications, as amended, are incorporated by reference into this ordinance:

Design Standards and Specifications

- .1 Comprehensive Plan Design Studies Element
- .2 Douglass Area Study
- .3 Downtown Development Plan
- .4 Downtown Heritage Resource District Design Standards
- .5 Engineering Construction Standards
- .6 Erosion and Sediment Control Manual Ordinance
- .7 Facade Plan Review Checklist per Article 23
- .8 Fire Code
- .9 Flood Damage Prevention provisions in the city's Code of Ordinances (Chapter 16, Article VIII)
- .10 Haggard Park Heritage Resource District Design Standards
- .11 Heritage Preservation Ordinance

- .12 Landscaping Plan Review Checklists per Article 17
- .13 Manual for the Design of Water & Sanitary Sewer Lines
- .14 Multifamily Design Guidelines
- .15 NCTCOG Standard Specifications for Public Works Construction with City of Plano
- .16 Retail Corner Design Guidelines
- .17 Special Provisions
- .18 Site Plan Review Checklists per Article 3
- .19 Site Design Standards for Solid Waste Containers
- .20 Spring Creekwalk Master Development Plan
- .21 Standard Construction Details
- .22 Storm Drainage Design Manual
- .23 Stormwater Quality Requirements
- .24 Subdivision Ordinance
- .25 Thoroughfare Standards, Rules & Regulations
- .26 White Rock Creek and Tributaries Floodplain Management Study

Amend Subsection 3.100.6 (Fees, Forms, and Procedures) of Section 3.100 (General) of Article 3 (Site Plan Review) of the Zoning Ordinance, such subsection to read as follows:

.6 Fees, Forms, and Procedures

- A.** City Council shall establish a schedule of fees as required to recoup costs related to the administration of this ordinance.
- B.** The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for concept plans, preliminary site plans, and site plans for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

Amend Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Zoning Ordinance, such definition to read as follows:

Exterior Sales

The sale or display of merchandise within a ~~designed~~ designated area outside of a building, including greenhouses designed ~~with a fabric, membrane, glass, or plastic roof structure~~ and used exclusively for the sale or storage of plants.

Amend Part B of Subsection 9.300.4 (Special District Requirements) of Section 9.300 (ED, Estate Development District) of Article 9 (Residential Districts) of the Zoning Ordinance, such part to read as follows:

B. Accessory Buildings

- i. Accessory buildings in the ED district, except garages, must be located behind the main dwelling in the rear yard.

- ii. Accessory buildings shall be at least 50 feet from any side property line and 25 feet from the rear property line.
- iii. Accessory buildings must be at least 100 feet from dwellings on adjoining property.
- iv. The number of accessory buildings shall be limited to one, except that more than one may be granted by approval of a site plan.
- ~~v. Accessory buildings must be designed and constructed so that they are in keeping with the general architecture of the development.~~
- ~~vi. Accessory buildings with corrugated metal siding shall not be permitted, but flat metal siding with raised ribs or seams is acceptable. Corrugated metal roofing will be acceptable.~~

Amend Subsection 10.900.3 (Area, Yard, and Bulk Requirements) of Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.3 Area, Yard, and Bulk Requirements

The following area, yard, and bulk requirements apply to all development in the CB-1 district unless otherwise expressly stated:

Description	Residential Requirement	Nonresidential Requirement
Maximum Residential Density	21.5 units per acre; 174 units per acre if over 3 story	N/A
Minimum Lot Area	8,400 square feet	None
Minimum Lot Width	70 feet	None
Minimum Lot Depth	120 feet, 1-3 story; 200 feet, 4+ story	None
Minimum Front Yard	None, except as provided in Sec. 15.800 and Sec. 13.500.2	None, except as provided in Sec. 13.500.2
Minimum Side Yard	None, except as provided in Sec. 15.800 and Sec. 13.500.3	None, except as provided in Sec. 13.500.3
Maximum Side Yard	None	None
Minimum Rear Yard	None (See Sec. 15.800 and Sec. 13.500.4)	10 feet, where no alley abuts the rear property line (See Sec. 13.500.4)
Minimum Floor Area per Dwelling Unit	400 square feet, with no more than 10% of the units less than 550 square feet	N/A

Maximum Lot Coverage	None	None (See Sec. 10.900.5A.vii)
Maximum Height	None	None
Minimum Usable Open Space	100 square feet per unit <u>See Sec. 10.900.5A.viii</u>	None

Amend Part A of Subsection 10.900.5 (Special District Requirements) of Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such part to read as follows:

A. Miscellaneous

- i. District requires a minimum contiguous area of 100 acres.
- ii. The City Council, at the time of granting CB-1 district zoning to any tract of land, shall have the authority to modify the district requirements and may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas including, but not limited to, light and air orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
- iii. The City Council, at the time of granting CB-1 district zoning to any tract of land, shall have the authority to limit multifamily uses to certain designated locations within such tract and to limit the number of multifamily units to be built on such designated locations.
- iv. A general phasing plan for the total development of the property shall be approved at the time of concept plan approval.
- v. The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of concept plan approval.
- vi. Site plan approval in accordance with Article 3 shall be required for development of property.
- vii. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage.(A maximum 30% of the lot may be covered by the primary and/or accessory structures)
- viii. Minimum usable open space shall be calculated as follows:
 - a. Standard Option: 200 square feet per unit

- b.** Incentive Option: If utilizing the standards in Article 23, the minimum usable open space may be reduced to 100 square feet per unit.

Amend Subsection 10.1100.1 (Purpose) of Section 10.1100 (RC, Regional Commercial District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.1 Purpose

The RC district is an architectural and cultural district intended for use in conjunction with an RE district in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investment. 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.

Amend Subsection 10.1200.1 (Purpose) of Section 10.1200 (RE, Regional Employment District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.1 Purpose

The RE district is an architectural and cultural district intended to provide for office and limited manufacturing uses in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investment that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

Amend Subsection 10.1400.6 (Special District Requirements) of Section 10.1400 (LI-1, Light Industrial-1 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.6 Special District Requirements

~~A. See Sec. 23.300 for provisions governing the use of metal and membrane building materials. (ZC 2011-02; Ordinance No. 2011-2-14)~~

B. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for vehicle fueling stations.)

Amend Subsection 10.1500.6 (Special District Requirements) of Section 10.1500 (LI-2, Light Industrial-2 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.6 Special District Requirements

~~A. See Sec. 23.300 for provisions governing the use of metal and membrane building materials. (ZC 2011-02; Ordinance No. 2011-2-14)~~

B. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for vehicle fueling stations.)

Amend Subsection 11.200.4 (Landscaping Requirements) of Section 11.200 (Preston Road Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.1- .2.

Amend Subsection 11.300.4 (Landscaping Requirements) of Section 11.300 (Dallas North Tollway Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.2- .3.

Amend Subsection 11.400.4 (Landscaping Requirements) of Section 11.400 (190 Tollway/Plano Parkway Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.3- .4.

Amend Subsection 11.500.4 (Landscaping Requirements) of Section 11.500 (State Highway 121 Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.4- .5.

Amend Subsection 11.600.4 (Landscaping Requirements) of Section 11.600 (Parkway Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.5- .6.

Amend Subsection 11.700.1 (Purpose) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.1 Purpose

To provide for the preservation of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values which reflect the heritage of the city of Plano, portions of certain districts are designated with the letters "H" or "HD." Areas designated on the zoning district map by an "H" shall indicate an individual ~~designated property~~ heritage landmark and "HD" shall indicate a ~~H~~ Heritage Resource district.

Amend Part B of Subsection 15.200.7 (Support Buildings and Equipment Storage) of Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such part to read as follows:

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.

Amend portions of Section 15.1400 (Superstores) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such portions of section to read as follows:

15.1400 Superstores

- ~~.4~~ Seventy-five percent of the area of all exterior facades shall consist of clay fired brick, native stone, cast stone, integral-colored architectural concrete block, plaster, stucco, or a combination of these materials. Each façade shall not contain more than 75% of any single material.
- ~~.5~~ .4 Loading docks shall not be oriented towards residential zoning districts. Where loading areas are located parallel to residential zoning districts, they must be screened by an architecturally-integrated minimum 14-foot tall wall the entire length of the loading space.

- ~~6~~ 5 The location of drive-through windows, automotive service bays, and gasoline pumps must comply with the requirements of the Residential Adjacency Standards in Article 21.
- ~~7~~ 6 Where the property immediately abuts a residential zoning district, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Article 20. A minimum 30-foot wide landscape edge is also required along all street frontages, with the exception of U.S. Highway 75 (Central Expressway). The Central Business-1 zoning district is also exempt from this requirement. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous over story (shade) trees (minimum 4-inch caliper) placed a minimum 25 feet on center. Plantings may be grouped.
- ~~8~~ 7 Open storage areas shall be ~~connected to the building and~~ screened with the same building materials as required in Sec. 19.3200.
- ~~9~~ 8 The applicant must demonstrate that the building can be subdivided in a reasonable manner for multiple tenants.
- ~~10~~ 9 Primary and accessory superstore structures shall be set back a minimum distance of 100 feet measured from the residential zoning district boundary line to the nearest face or edge of the structure.

Amend Part B of Subsection 15.1800.3 (Architectural and Design Standards) of Section 15.1800 (Backyard Cottages) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such part to read as follows:

- B.** Backyard cottages shall be architecturally designed to be compatible with the main dwelling unit, ~~including consistent architectural design elements, building materials, and colors.~~

Amend Part A of Subsection 17.100.1 (Landscaping along Street Rights-of-Way) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such portion of subsection to read as follows:

- A.** A landscape edge shall be provided adjacent to all streets as follows:
 - i.** Standard Option: The landscape edge shall be a minimum width of 20 feet, exclusive of rights-of-way. Within the landscape edge, 6 caliper inches of shade trees or 12 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge. See Figure 17-1.
 - ii.** Incentive Option: If utilizing the standards in Article 23, ~~the~~ the landscape edge may be reduced to shall be a minimum width of 10 feet, exclusive of street

rights-of-way. Within the landscape edge, 3 caliper inches of shade trees or 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge. See Figure 17-1.

Amend Part B of Subsection 17.100.3 (Landscaping for Corner Lots) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

- B. For corner lots, a landscape edge shall be provided adjacent to all streets as follows:**
- i. Standard Option: A minimum 20-foot wide landscape edge shall be located along all street right-of-way lines beginning at the corner and extending 175 feet or to the closest driveway. Beyond this point, the landscape edge may be gradually reduced (over a distance of 25 feet) to 10 feet in width.**
 - ii. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to A—a minimum 15-foot wide landscape edge shall be located along all street right-of-way lines beginning at the corner and extending 175 feet or to the closest driveway. Beyond this point, the landscape edge may be gradually reduced (over a distance of 25 feet) to 10 feet in width.**

Amend Portion of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such portion to read as follows:

These standards shall apply to all nonresidential districts except BG, UMU, and CB-1. Any area within a planned development district or overlay district containing landscaping standards shall be regulated by the standards of the planned development district or overlay district where such standards conflict with the standards herein. Tree preservation requirements shall apply to all zoning districts as listed in Sec. 17.800.2.

Amend Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such additional subsection to read as follows:

.6 Landscaping along Internal Property Lines

A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- A. Standard Option: A minimum 10-foot landscape edge shall be provided. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size**

of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.

- B. Incentive Option:** If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Amend Part A of Subsection 17.200.1 (Multifamily and Retirement Housing Landscaping Requirements) of Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

A. A landscape edge shall be provided adjacent to all streets as follows:

- i.** Standard Option: The landscape edge shall be a minimum width of 20 feet, exclusive of rights-of-way. Within the landscape edge, two shade trees (3-inch caliper minimum) or an approved ornamental tree shall be planted per 500 feet of landscape edge. The number of required trees shall be calculated solely on the area of the required landscape edge.
- ii.** Incentive Option: If utilizing the standards in Article 23, ~~The~~ the landscape edge may be reduced to shall be a minimum width of 10 feet, exclusive of street rights-of-way. Within the landscape edge, one shade tree (3-inch caliper minimum) or an approved ornamental tree shall be planted per 500 square feet of landscape edge. The number of required trees shall be calculated solely on the area of the required landscape edge.

Amend Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such additional subsection to read as follows:

.3 Landscaping Along Internal Property Lines

A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- A.** Standard Option: A minimum 10-foot landscape edge shall be provided. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.
- B.** Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Amend Subsection 17.300 (Overlay District Landscaping Requirements) of Section of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

17.300 Overlay District Landscaping Requirements

.1 General

A. A landscape edge within all overlay districts except for the Parkway Overlay District shall be provided by as follows:

- i. Standard Option: A minimum 40-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) must be provided. The landscape edge must not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.
- ii. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) must be provided. If utilizing the standards in Article 23, the landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.

- iii. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements as follows, except for the Dallas North Tollway Overlay District which must comply with Subsec. 17.300.3:
 - a. Standard Option: A minimum of two 3-inch caliper shade trees and two 3-inch caliper ornamental trees (7-foot planted height) placed per 50 feet of frontage, exclusive of driveways.
 - b. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways.
- iv. A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:
 - a. Standard Option: A minimum 10-foot landscape edge shall be provided along all internal property lines. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.
 - b. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Amend Subsection 17.300.1 (Preston Road Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

4.2 Preston Road Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the Preston Road Overlay district shall meet the following special landscaping requirements:

- ~~A. A landscape edge shall be provided by complying with Sec. 17.300.1A.i, as follows:~~

i. Landscape Edge and Landscape Material Requirements

- ~~a. A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as~~

~~specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights of way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.~~

~~b. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements. A minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways.~~

B. A. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens shall consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms shall have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming shall not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They shall not exceed 8 feet in individual or combined height. The above shall also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.

C. B. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) must be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens must consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms must have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming must not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening

walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or the required front yard setback, whichever is greater. They must not exceed 8 feet in individual or combined height. The above must also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.

- C.** Along Parkwood Boulevard and Communications Parkway south of Spring Creek Parkway, continuous meandering sidewalks shall be interspersed with plant materials and berms.
- D.** A digitally controlled automatic irrigation system shall be installed to ensure maintenance of plant materials in a living and growing condition.
- E.** A landscape plan shall be submitted in conjunction with the site plan review process.
- F.** The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- G.** During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

Amend Subsection 17.300.2 (Dallas North Tollway Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

2.3 Dallas North Tollway Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the Dallas North Tollway Overlay district shall meet the following special landscaping requirements:

- A.** ~~Except for property zoned Central Business-1, a landscape edge shall be provided in accordance with Sec. 17.300.2A.i, as follows:~~

i. Landscape Edge and Landscape Material Requirements

- a.** ~~A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much~~

as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop roads, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.

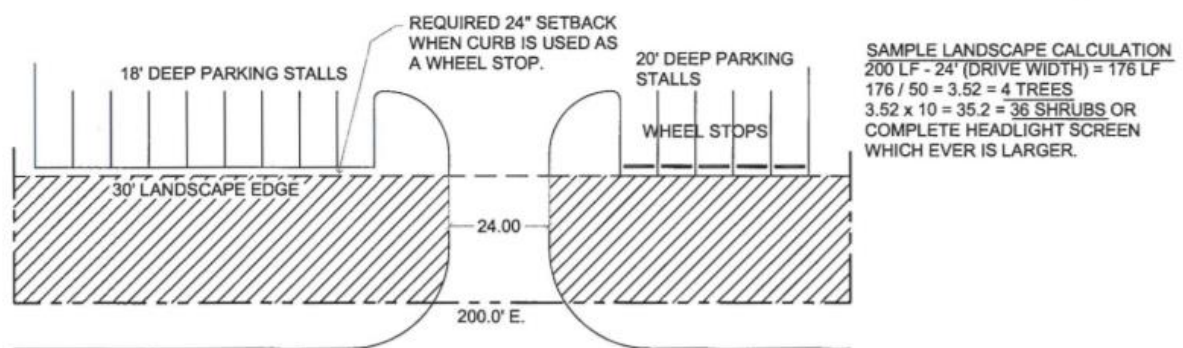


Figure 17-5: 30-Foot Landscape Edge

b. A. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements as specified below follows:-

- i. Trees shall be placed within the landscape edge as follows:
- ii. For the tollway frontage roads, one 3-inch caliper or greater Live Oak and one 3-inch caliper or greater deciduous shade tree per 50 feet of linear frontage planted in a formal double row, triangular pattern.
- iii. For east/west thoroughfares (Type D and above), 2 shade trees per 50 feet of linear frontage (exclusive of driveways) planted in formal double row, triangular pattern. 8 ornamental trees 7 feet in planted height shall be placed in a dense double row pattern within 30 feet of the primary entrance driveway to a development.
- iv. For Communications Parkway, Parkwood Boulevard, and north/south segments of Plano Parkway and Chapel Hill Drive, one 3-inch caliper or greater shade tree and one ornamental (7-foot planted height) per 50 feet of linear frontage, exclusive of drive-ways, planted in an informal fashion.

- v. For Commercial Employment zoned properties, the types, numbers, and locations of trees shall be determined at the time of site plan approval and shall be consistent with existing landscape treatments.
- ~~C.~~ B. A digitally controlled automatic irrigation system shall be installed to ensure maintenance of plant materials in a living and growing condition.
- ~~D.~~ C. A landscape plan shall be submitted in conjunction with the site plan review process.
- ~~E.~~ D. The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- ~~F.~~ E. During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

Amend Subsection 17.300.3 (190 Tollway/Plano Parkway Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

3 .4 190 Tollway/Plano Parkway Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the 190 North/Plano Parkway Overlay district shall meet the following special landscaping requirements:

~~A.~~ A landscape edge shall be provided by complying with Sec. 17.300.3A.i, as follows:

~~i.~~ Landscape Edge and Landscape Material Requirements

- ~~a.~~ A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business 1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of

~~the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.~~

~~b. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements. A minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways~~

- ~~B.~~ **A.** A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens shall consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms shall have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming shall not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They shall not exceed 8 feet in individual or combined height. The above shall also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- ~~C.~~ **B.** A digitally controlled automatic irrigation system shall be installed to ensure maintenance of plant materials in a living and growing condition.
- ~~D.~~ **C.** A landscape plan shall be submitted in conjunction with the site plan review process (Article 3).
- ~~E.~~ **D.** The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- F. E.** During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

Amend Subsection 17.300.4 (State Highway 121 Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

.4 5 State Highway 121 Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the State Highway 121 Overlay district shall meet the following special landscaping requirements:

~~A. A landscape edge shall be provided by complying with Sec. 17.300.4A.i, as follows:~~

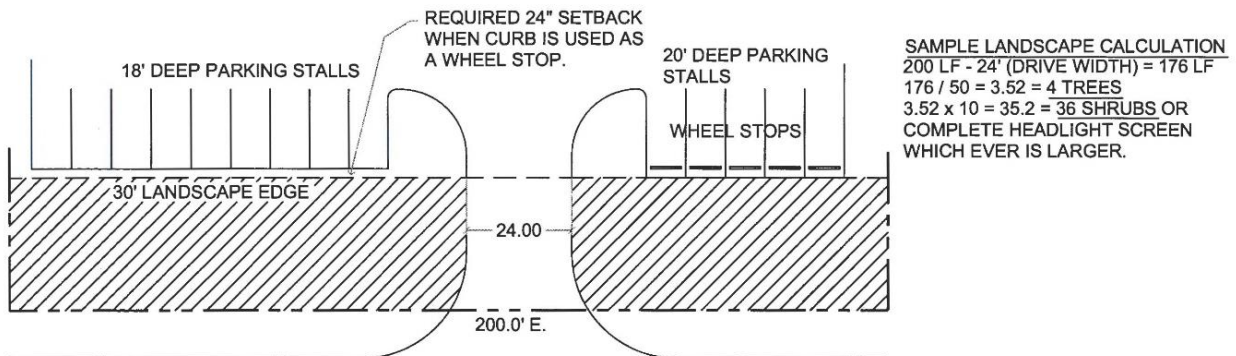
~~i. Landscape Edge and Landscape Material Requirements~~

~~a. A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.~~

~~b. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements. A minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways.~~

B. A. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens shall consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms shall have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming shall not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They shall not exceed 8 feet in individual or combined height. The above shall also conform to the required visibility triangles

noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.



- G. B.** A digitally controlled automatic irrigation system shall be installed to ensure maintenance of plant materials in a living and growing condition.
- D. C.** A landscape plan shall be submitted in conjunction with the site plan review process (Article 3).
- E. D.** The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- F. E.** During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

Amend Part A of Subsection 17.300.5 (Parkway Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

17.300.5 Parkway Overlay District

Development and/or redevelopment in a Parkway Overlay district shall meet the following special landscaping requirements:

A. Landscape Edge:

- i. Standard Option:** A minimum 45 25-foot wide landscape edge (as measured from the front property line, exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. With the exception of width, the landscape edge shall comply with Article 17.

- ii. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum 15-foot wide landscape edge (as measured from the front property line, exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. With the exception of width, the landscape edge shall comply with Article 17.
- iii. A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:
 - a. Standard Option: A minimum 10-foot landscape edge shall be provided along internal property lines. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.
 - b. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Amend Subsection 17.700.2 of Section 17.700 (Landscape Plan Approval) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

- .2 Submission of landscape plans shall be made to the Planning and Engineering Departments and ~~shall must~~ comply with all submittal requirements and the Landscape Plan Checklist. The applicant shall be provided a landscape review checklist that may include additional landscape requirements. City staff shall evaluate the appropriateness of the landscape and irrigation plans and may approve them or approve them subject to stipulations. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for landscape plans for clarity and consistency of operations. The procedures, forms, and standards shall have the force of ordinance as if fully incorporated herein.

Amend Parts A and B of Subsection 17.800.5 (Tree Survey and Preservation Plan Required) of Section 17.800 (Tree Preservation and Protection) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such parts to read as follows:

.5 Tree Survey and Preservation Plan Required

A. Preliminary Development Plans

A general survey of natural vegetation showing tree groupings and anticipated tree losses shall be submitted with all preliminary site plan applications and must comply with the General Tree Survey Plan Checklist. Required data includes approximate locations and species of individual trees 8 inches or larger in caliper and a range of sizes and species for tree groupings. Photographs of the site showing tree cover are also required.

B. Final Development Plans

A tree survey and tree preservation plan shall be submitted with all site plan and preliminary plat applications and must comply with the General Tree Survey Plan Checklist and the Tree Preservation Plan Checklist. The Planning Department is authorized to maintain a list of required information for tree surveys and tree preservation plans. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for tree surveys and tree preservation plans for clarity and consistency of operations. The procedures, forms, and standards shall have the force of ordinance as if fully incorporated herein. The tree survey shall include the exact location, size, condition if damaged or diseased, and common name of each tree 8 inches in caliper or larger. The survey must also show existing and proposed spot elevations near the trunk of trees to be preserved. This document must be signed by the preparer. The tree preservation plan shall indicate which trees are to be preserved, which are to be removed and the manner in which they will be protected during the construction period. A tree mitigation plan must be included as part of the tree survey and protection plan. Projects will not be released for construction until a tree preservation plan (if applicable) has been approved.

Amend Article 23 (Exterior Wall Construction Standards) of the Zoning Ordinance, such article to read as follows:

Article 23 Exterior Wall Construction Standards

23.100 Introduction	23-1
23.200 Residential Structures	23-1
23.300 Nonresidential Structures	23-1

23.100 Introduction

Exterior wall construction for structures shall be in accordance with the standards of this article for consistency with community values of achieving high quality development and architectural compatibility. For the purposes of this article, exterior wall construction refers to the exterior material or finish of a wall assembly.

23.200 Residential Structures

The following shall apply to ensure architectural compatibility within the neighborhood. If these standards are not met by a minimum of 50% of the residential properties which share a lot line with the property, the standards may be waived by the Building Official, or designee. Right-of-way for streets 60 feet and smaller may be excluded in calculating shared lot lines so properties across streets and alleys are included.

- .1 Exterior wall construction for residential structures and retirement housing shall consist of a minimum of 80% masonry, 3-step stucco, and/or glass, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of Exterior Insulation and Finish Systems (EIFS).
- .2 Unless specified as part of a planned development district, the above masonry requirements shall not apply to UR or GR districts, and exterior plasters are not permitted in UR districts.
- .3 For midrise residential structures, a maximum of 50% of any exposed exterior wall may consist of metal.

23.300 Nonresidential Structures

.1 General

Except for the LI-1 and LI-2 districts, and as otherwise regulated by this ordinance, exterior wall construction for nonresidential structures shall consist of a minimum of 80% masonry, 3-step stucco, glass, or combination of these materials, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of EIFS.

.2 Metal Exterior Wall Construction

Metal exterior wall construction within nonresidential zoning districts shall be permitted, provided that a maximum of 25% of any exposed exterior wall may consist of metal. This percentage may be exceeded in accordance with the following:

- A. For buildings 55 feet in height and over, a maximum of 50% of any exterior wall may consist of metal.

B. Within the LI-1 and LI-2 districts only, up to 100% of any exposed exterior wall may consist of metal with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:

- i. The metal exterior wall is not visible from a public thoroughfare or residential zoning district.
- ii. The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.

~~.3 Membrane Exterior Wall Construction~~

~~Membrane exterior wall construction is permitted within the LI-1 and LI-2 districts only, with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:~~

- ~~**A.** The membrane exterior wall is not visible from a public thoroughfare or residential zoning district.~~
- ~~**B.** The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.~~

~~.4 .3 Special Requirements for Parking Structures~~

~~Except in BG and CB-1 zoning districts, all exterior walls of parking structures shall be architecturally designed to be integrated with the primary building on the site, including consistent architectural design elements and building materials between structures.~~

FOR CITY COUNCIL MEETING OF: August 26, 2019 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

EH/amc

xc: Erica Marohnic, Lead Planner
Jeanna Scott, Building Inspections Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 5, 2019

Agenda Item No. 5A

Public Hearing: Zoning Case 2019-011

DESCRIPTION:

Request to amend various sections of the Zoning Ordinance as a result of recent state legislative actions and to ensure compliance with state law. Project # ZC2019-011.

REMARKS:

The 86th Texas Legislature passed three House Bills (HB) which require ordinance updates. HB 2439 impacts the city's ability to regulate exterior material requirements for residential and nonresidential buildings. HB 2496 requires either a 75% majority vote or consent of the property owner for a heritage landmark designation. The third bill, HB 3167, impacts the city's development review process. At the June 17, 2019, Planning & Zoning Commission meeting, the Commission called a public hearing to consider necessary amendments to the Zoning Ordinance.

HB 2496 went immediately into effect upon passage, while HB 2439 and HB 3167 will become effective September 1, 2019. The bills are attached to this staff report for reference. The impacts and recommended changes have been reviewed for consistency with the statute by staff from the Planning and Engineering Departments, and the City Attorney's Office. Staff has attended meetings and held conversations with numerous cities regarding the impact of these bills in order to better understand how language is being interpreted and make recommendations. Due to the complexity of the bills and limited time frame, additional changes may be necessary in the future.

Conformance to the Comprehensive Plan

Comprehensive Plan Vision Statement - *Plano is a global leader, excelling in exceptional education, abounding with world class businesses, and vibrant neighborhoods.*

The vision statement for the Comprehensive Plan states that the city is a global leader. As a part of the effort to be a leader, the city ensures its policies and regulations are compliant with federal, state, and local laws. The proposed changes relating to these bills are intended to bring the city's development regulations into conformance with the recently adopted statutes. This request is in conformance with the Comprehensive Plan vision statement.

HB 2439 (Materials Bill)

This bill impacts a municipality's authority to regulate building materials or products on a building's facades. It replaces local authority with national standards. HB 2439 restricts municipalities from prohibiting any building product or material allowed by a national model code published within the last three code cycles. However, there are three exceptions that do, or may in specific circumstances, apply to Plano:

1. Where contradicted by a program established by a state agency that requires particular standards, incentives, or financing arrangements to comply with a state or federal funding source or housing program.

This restriction will apply only to specific projects funded by state or federal agencies, and does not appear to impact the Zoning Ordinance.

2. Where the building is either a landmark or located in an area designated as a historic district at the national, state, or local level.

This includes Downtown Plano's designation on the National Register of Historic Places, Plano's 34 local landmarks, and two heritage districts, Downtown and Haggard Park. The standards for these properties reside in the specific heritage district guidelines, so no Zoning Ordinance updates are required and we may continue regulation of exterior building materials.

3. As a Certified Local Government, Plano may regulate exterior materials on buildings located in a place or area designated for historical, cultural, or architectural importance and significance under zoning.

This staff report focuses on identifying impacted portions of the Zoning Ordinance to:

- Clarify which areas of Plano are designated for historical, cultural, or architectural importance and significance consistent with the requirements of the legislation;
- Adopt mitigating requirements to lessen the impacts of legislation and offer an alternative incentive if developers or owners choose to follow building material standards; and
- Eliminate regulations where there is no exception to the bill.

The City of Plano has maintained zoning-based material standards for residential developments since 1986, and nonresidential regulation through zoning districts began in 1996. The city focuses on striking a balance between ensuring a level of quality



Brick House in Forest Creek Estates Neighborhood in Central Plano built circa 1985.

expected by residents and businesses based on generally-accepted community standards and maintaining a property owner-supportive environment. Since many Plano standards have been in place for decades and during the majority of development in the community, they have become well vested in our built environment's architectural and cultural heritage. These standards also echo the built environment of quality products and standards of Plano's neighborhoods from earlier years, from the 1950's through 1980's when the

standard materials required today were typically utilized on homes, such as, facades that are almost entirely of brick construction.

There are areas of Plano with significant residential and commercial material standards that are used to create and preserve cultural or architectural harmony. Due to the city's longstanding commitment to high quality and cohesive development consistent with adopted Comprehensive Plan policies, staff is proposing that these areas be maintained as allowed through exceptions or incentives.

However, other standards are recommended for elimination. This will preserve the architectural integrity and character of Plano's neighborhood and economic development areas consistent with our exemptions as a Certified Local Government, but eliminate those things that the bill requires the city to remove.

Perhaps key to the issue is understanding that building codes alone will not allow preservation of our cultural and architectural significance; there are national codes which allow materials such as metal, plywood, and hay bales to dominate facades in a community where this would be wholly out of character. The following photos are two examples of why “national model building code” alone is not sufficient to protect the cultural and architectural harmony of Plano, and zoning standards are necessary. The International Residential Code allows Straw Bale Construction in Appendix S, and metal buildings are also allowed under the code. Either building in the photos below would be out of character in any Plano neighborhood due, largely, to the materials utilized.



Sources: <http://tracys-trinkets-treasures.blogspot.com/2011/09/cute-house-with-license-plate-siding.html>;
<https://www.plataformaarquitectura.cl/cl/02-2749/casa-de-invitados-aata-asociados/56fdc53ce58ece551a000015-casa-de-invitados-aata-asociados-foto>

A summary of the proposed Zoning Ordinance changes is as follows:

1. Update definition of exterior sales to remove greenhouse building material details.
2. Deleted specific material requirements for accessory dwelling units in the Estate Development (ED) zoning district.
3. Updated Central Business-1 zoning district to create an incentive tied to minimum open space per dwelling unit to encourage compliance with Article 23 (Exterior Wall Construction Standards).
4. Updated Regional Commercial (RC) and Regional Employment (RE) zoning districts to clarify purpose for existing material standards.
5. Deleted restrictions on the use of metal and membrane buildings in the Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) zoning districts.
6. Deleted exterior building material requirement for communication antenna support structure related buildings.
7. Deleted use-specific building material requirements for superstores.

8. Deleted use-specific requirements for backyard cottages.
9. Created landscape incentives to encourage compliance with Article 23 (Exterior Wall Construction Standards) or further screen non-compliant buildings.
10. Updated Article 23 (Exterior Wall Construction Standards) to include language consistent with the bill.

HB 2496 (Preservation Bill)

In response to HB 2496, updates to the Heritage Preservation Ordinance are scheduled for City Council consideration on August 26, 2019. As a part of these updates, the terms for properties that receive a Heritage Resource Overlay District designation as specified by Section 11.700 (Heritage Resource Overlay Districts) of the Zoning Ordinance need to be updated to “Heritage Landmarks (H)” and “Heritage Districts (HD).” The proposed update to the Zoning Ordinance is for consistency with these new terms.

HB 3167 (Shot Clock Bill)

Currently, state law requires cities to act on plats within 30 days of submission. This bill extends this 30-day “shot clock” to site plans and other development plans. The bill also contains specific criteria for reviewing, approving, and disapproving plans, and even limits the applicant’s ability to table a project. To comply with this update, staff is proposing to adopt the site plan, landscape plan, and related checklists by reference into Section 1.900 (Design Standards and Specifications) of the Zoning Ordinance. This section has also been updated to organize the information alphabetically and provide numbering for references. Additionally, Section 3.100 (Fees, Forms, and Procedures) is proposed to be updated to include language related to content, format, graphics, and related details necessary for staff to perform plan review in compliance with the bill.

SUMMARY:

The proposed changes to the city’s exterior material standards, historic landmark designation requirements, development review process are in conformance with recently adopted house bills. Staff is proposing updates to the Zoning Ordinance to accommodate these changes with proposed changes which will maintain the high standards of development and quality customer service. 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 Section 1.900 (Design Standards and Specifications) of Article 1 (Legal Framework) of the Zoning Ordinance, such section to read as follows:

The following design standards and specifications, as amended, are incorporated by reference into this ordinance:

Design Standards and Specifications

- .1 Comprehensive Plan Design Studies Element
- .2 Douglass Area Study
- .3 Downtown Development Plan
- .4 Downtown Heritage Resource District Design Standards
- .5 Engineering Construction Standards
- .6 Erosion and Sediment Control Manual Ordinance
- .7 Facade Plan Review Checklist per Article 23
- .8 Fire Code
- .9 Flood Damage Prevention provisions in the city's Code of Ordinances (Chapter 16, Article VIII)
- .10 Haggard Park Heritage Resource District Design Standards
- .11 Heritage Preservation Ordinance
- .12 Landscaping Plan Review Checklists per Article 17
- .13 Manual for the Design of Water & Sanitary Sewer Lines
- .14 Multifamily Design Guidelines
- .15 NCTCOG Standard Specifications for Public Works Construction with City of Plano
- .16 Special Provisions
- .17 Site Plan Review Checklists per Article 3
- .18 Retail Corner Design Guidelines
- .19 Site Design Standards for Solid Waste Containers
- .20 Spring Creekwalk Master Development Plan
- .21 Standard Construction Details
- .22 Storm Drainage Design Manual
- .23 Stormwater Quality Requirements
- .24 Subdivision Ordinance
- .25 Thoroughfare Standards, Rules & Regulations
- .26 White Rock Creek and Tributaries Floodplain Management Study

Amend Subsection 3.100.6 (Fees, Forms, and Procedures) of Section 3.100 (General) of Article 3 (Site Plan Review) of the Zoning Ordinance, such subsection to read as follows:

.6 Fees, Forms, and Procedures

- A.** City Council shall establish a schedule of fees as required to recoup costs related to the administration of this ordinance.
- B.** The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for concept plans, preliminary site plans, and site plans for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

Amend Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Zoning Ordinance, such definition to read as follows:

Exterior Sales

The sale or display of merchandise within a ~~designed~~ designated area outside of a building, including greenhouses designed ~~with a fabric, membrane, glass, or plastic roof structure~~ and used exclusively for the sale or storage of plants.

Amend Part B of Subsection 9.300.4 (Special District Requirements) of Section 9.300 (ED, Estate Development District) of Article 9 (Residential Districts) of the Zoning Ordinance, such part to read as follows:

B. Accessory Buildings

- i. Accessory buildings in the ED district, except garages, must be located behind the main dwelling in the rear yard.
- ii. Accessory buildings shall be at least 50 feet from any side property line and 25 feet from the rear property line.
- iii. Accessory buildings must be at least 100 feet from dwellings on adjoining property.
- iv. The number of accessory buildings shall be limited to one, except that more than one may be granted by approval of a site plan.
- v. ~~Accessory buildings must be designed and constructed so that they are in keeping with the general architecture of the development.~~
- vi. ~~Accessory buildings with corrugated metal siding shall not be permitted, but flat metal siding with raised ribs or seams is acceptable. Corrugated metal roofing will be acceptable.~~

Amend Subsection 10.900.3 (Area, Yard, and Bulk Requirements) of Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.3 Area, Yard, and Bulk Requirements

The following area, yard, and bulk requirements apply to all development in the CB-1 district unless otherwise expressly stated:

Description	Residential Requirement	Nonresidential Requirement
Maximum Residential Density	21.5 units per acre; 174 units per acre if over 3 story	N/A
Minimum Lot Area	8,400 square feet	None
Minimum Lot Width	70 feet	None
Minimum Lot Depth	120 feet, 1-3 story; 200 feet, 4+ story	None

Minimum Front Yard	None, except as provided in Sec. 15.800 and Sec. 13.500.2	None, except as provided in Sec. 13.500.2
Minimum Side Yard	None, except as provided in Sec. 15.800 and Sec. 13.500.3	None, except as provided in Sec. 13.500.3
Maximum Side Yard	None	None
Minimum Rear Yard	None (See Sec. 15.800 and Sec. 13.500.4)	10 feet, where no alley abuts the rear property line (See Sec. 13.500.4)
Minimum Floor Area per Dwelling Unit	400 square feet, with no more than 10% of the units less than 550 square feet	N/A
Maximum Lot Coverage	None	None (See Sec. 10.900.5A.vii)
Maximum Height	None	None
Minimum Usable Open Space	400 square feet per unit <u>See Sec. 10.900.5A.viii</u>	None

Amend Part A of Subsection 10.900.5 (Special District Requirements) of Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such part to read as follows:

A. Miscellaneous

- i. District requires a minimum contiguous area of 100 acres.
- ii. The City Council, at the time of granting CB-1 district zoning to any tract of land, shall have the authority to modify the district requirements and may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas including, but not limited to, light and air orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
- iii. The City Council, at the time of granting CB-1 district zoning to any tract of land, shall have the authority to limit multifamily uses to certain designated locations within such tract and to limit the number of multifamily units to be built on such designated locations.
- iv. A general phasing plan for the total development of the property shall be approved at the time of concept plan approval.
- v. The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of concept plan approval.

- vi. Site plan approval in accordance with Article 3 shall be required for development of property.
- vii. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage.(A maximum 30% of the lot may be covered by the primary and/or accessory structures)
- viii. Minimum usable open space shall be calculated as follows:
 - a. Standard Option: 200 square feet per unit
 - b. Incentive Option: If utilizing the standards in Article 23, the minimum usable open space may be reduced to 100 square feet per unit.

Amend Subsection 10.1100.1 (Purpose) of Section 10.1100 (RC, Regional Commercial District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.1 Purpose

The RC district is an architectural and cultural district intended for use in conjunction with an RE district in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investment. 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.

Amend Subsection 10.1200.1 (Purpose) of Section 10.1200 (RE, Regional Employment District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.1 Purpose

The RE district is an architectural and cultural district intended to provide for office and limited manufacturing uses in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investment that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

Amend Subsection 10.1400.6 (Special District Requirements) of Section 10.1400 (LI-1, Light Industrial-1 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.6 Special District Requirements

~~A. See Sec. 23.300 for provisions governing the use of metal and membrane building materials. (ZC 2011-02; Ordinance No. 2011-2-14)~~

B. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for vehicle fueling stations.)

Amend Subsection 10.1500.6 (Special District Requirements) of Section 10.1500 (LI-2, Light Industrial-2 District) of Article 10 (Nonresidential Districts) of the Zoning Ordinance, such subsection to read as follows:

.6 Special District Requirements

~~A. See Sec. 23.300 for provisions governing the use of metal and membrane building materials. (ZC 2011-02; Ordinance No. 2011-2-14)~~

B. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for vehicle fueling stations.)

Amend Subsection 11.200.4 (Landscaping Requirements) of Section 11.200 (Preston Road Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.1- 2

Amend Subsection 11.300.4 (Landscaping Requirements) of Section 11.300 (Dallas North Tollway Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.2- 3

Amend Subsection 11.400.4 (Landscaping Requirements) of Section 11.400 (190 Tollway/Plano Parkway Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.3- 4

Amend Subsection 11.500.4 (Landscaping Requirements) of Section 11.500 (State Highway 121 Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.4- .5

Amend Subsection 11.600.4 (Landscaping Requirements) of Section 11.600 (Parkway Overlay District) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.4 Landscaping Requirements

See Sec. 17.300.5- .6

Amend Subsection 11.700.1 (Purpose) of Section 11.700 (Heritage Resource Overlay Districts) of Article 11 (Overlay Districts) of the Zoning Ordinance, such subsection to read as follows:

.1 Purpose

To provide for the preservation of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values which reflect the heritage of the city of Plano, portions of certain districts are designated with the letters "H" or "HD." Areas designated on the zoning district map by an "H" shall indicate an individual ~~designated property~~ heritage landmark and "HD" shall indicate a ~~H~~ Heritage Resource district.

Amend Part B of Subsection 15.200.7 (Support Buildings and Equipment Storage) of Section 15.200 (Communications Antennas, Amateur and Commercial) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such part to read as follows:

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.

Amend portions of Section 15.1400 (Superstores) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such portions of section to read as follows:

15.1400 Superstores

- ~~.4~~ 4 ~~Seventy-five percent of the area of all exterior facades shall consist of clay fired brick, native stone, cast stone, integral colored architectural concrete block, plaster, stucco, or a combination of these materials. Each façade shall not contain more than 75% of any single material.~~
- ~~.5~~ 4 Loading docks shall not be oriented towards residential zoning districts. Where loading areas are located parallel to residential zoning districts, they must be screened by an architecturally-integrated minimum 14-foot tall wall the entire length of the loading space.
- ~~.6~~ 5 The location of drive-through windows, automotive service bays, and gasoline pumps must comply with the requirements of the Residential Adjacency Standards in Article 21.
- ~~.7~~ 6 Where the property immediately abuts a residential zoning district, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Article 20. A minimum 30-foot wide landscape edge is also required along all street frontages, with the exception of U.S. Highway 75 (Central Expressway). The Central Business-1 zoning district is also exempt from this requirement. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous over story (shade) trees (minimum 4-inch caliper) placed a minimum 25 feet on center. Plantings may be grouped.
- ~~.8~~ 7 Open storage areas shall be ~~connected to the building and screened with the same building materials as required in Sec. 19.3200.~~
- ~~.9~~ 8 The applicant must demonstrate that the building can be subdivided in a reasonable manner for multiple tenants.
- ~~.10~~ 9 Primary and accessory superstore structures shall be set back a minimum distance of 100 feet measured from the residential zoning district boundary line to the nearest face or edge of the structure.

Amend Part B of Subsection 15.1800.3 (Architectural and Design Standards) of Section 15.1800 (Backyard Cottages) of Article 15 (Use-specific Regulations) of the Zoning Ordinance, such part to read as follows:

- B.** Backyard cottages shall be architecturally designed to be compatible with the main dwelling unit, ~~including consistent architectural design elements, building materials, and colors.~~

Amend Part A of Subsection 17.100.1 (Landscaping along Street Rights-of-Way) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such portion of subsection to read as follows:

A. A landscape edge shall be provided adjacent to all streets as follows:

- i. Standard Option:** The landscape edge shall be a minimum width of 20 feet, exclusive of rights-of-way. Within the landscape edge, 6 caliper inches of shade trees or 12 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge. See Figure 17-1.
- ii. Incentive Option:** If utilizing the standards in Article 23, ~~the~~ the landscape edge may be reduced to shall be a minimum width of 10 feet, exclusive of street rights-of-way. Within the landscape edge, 3 caliper inches of shade trees or 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge. See Figure 17-1.

Amend Part B of Subsection 17.100.3 (Landscaping for Corner Lots) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

B. For corner lots, a landscape edge shall be provided adjacent to all streets as follows:

- i. Standard Option:** A minimum 20-foot wide landscape edge shall be located along all street right-of-way lines beginning at the corner and extending 175 feet or to the closest driveway. Beyond this point, the landscape edge may be gradually reduced (over a distance of 25 feet) to 10 feet in width.
- ii. Incentive Option:** If utilizing the standards in Article 23, the landscape edge may be reduced to A-a minimum 15-foot wide landscape edge shall be located along all street right-of-way lines beginning at the corner and extending 175 feet or to the closest driveway. Beyond this point, the landscape edge may be gradually reduced (over a distance of 25 feet) to 10 feet in width.

Amend Portion of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such portion to read as follows:

These standards shall apply to all nonresidential districts except BG, UMU, and CB-1. Any area within a planned development district or overlay district containing landscaping standards shall be regulated by the standards of the planned development district or

overlay district where such standards conflict with the standards herein. Tree preservation requirements shall apply to all zoning districts as listed in Sec. 17.800.2.

Amend Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such additional subsection to read as follows:

.6 Landscaping along Internal Property Lines

A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- A. Standard Option: A minimum 10-foot landscape edge shall be provided. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.
- B. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Amend Part A of Subsection 17.200.1 (Multifamily and Retirement Housing Landscaping Requirements) of Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

A. A landscape edge shall be provided adjacent to all streets as follows:

- i. Standard Option: The landscape edge shall be a minimum width of 20 feet, exclusive of rights-of-way. Within the landscape edge, two shade trees (3-inch caliper minimum) or an approved ornamental tree shall be planted per 500 feet of landscape edge. The number of required trees shall be calculated solely on the area of the required landscape edge.
- ii. Incentive Option: If utilizing the standards in Article 23, ~~the~~ the landscape edge may be reduced to shall be a minimum width of 10 feet, exclusive of street rights-of-way. Within the landscape edge, one shade tree (3-inch caliper minimum) or an approved ornamental tree shall be planted per 500 square feet of landscape edge. The number of required trees shall be calculated solely on the area of the required landscape edge.

Amend Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such additional subsection to read as follows:

.3 Landscaping Along Internal Property Lines

A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- A. Standard Option: A minimum 10-foot landscape edge shall be provided. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.
- B. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Amend Subsection 17.300 (Overlay District Landscaping Requirements) of Section of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

17.300 Overlay District Landscaping Requirements

.1 General

- A. A landscape edge within all overlay districts except for the Parkway Overlay District shall be provided by as follows:
 - i. Standard Option: A minimum 40-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) must be provided. The landscape edge must not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.
 - ii. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) must be provided. If utilizing the standards in Article 23, the landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may

be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.

iii. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements as follows, except for the Dallas North Tollway Overlay District which must comply with Subsec. 17.300.3:

a. Standard Option: A minimum of two 3-inch caliper shade trees and two 3-inch caliper ornamental trees (7-foot planted height) placed per 50 feet of frontage, exclusive of driveways.

b. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways.

iv. A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

a. Standard Option: A minimum 10-foot landscape edge shall be provided along all internal property lines. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.

b. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Amend Subsection 17.300.1 (Preston Road Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

17.300.1 Preston Road Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the Preston Road Overlay district shall meet the following special landscaping requirements:

- A.** ~~A landscape edge shall be provided by complying with Sec. 17.300.1A.i, as follows:~~

~~i. Landscape Edge and Landscape Material Requirements~~

- ~~a.~~** ~~A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.~~
- ~~b.~~** ~~The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements. A minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways.~~

- ~~B.~~ A.** ~~A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens shall consist of earthen berms, shrubby hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms shall have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming shall not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They shall not exceed 8 feet in individual or combined height. The above shall also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.~~

- ~~C.~~ B. A digitally controlled automatic irrigation system shall be installed to ensure maintenance of plant materials in a living and growing condition.
- ~~D.~~ C. A landscape plan shall be submitted in conjunction with the site plan review process.
- ~~E.~~ D. The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- ~~F.~~ E. During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

Amend Subsection 17.300.2 (Dallas North Tollway Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

.2 .3 Dallas North Tollway Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the Dallas North Tollway Overlay district shall meet the following special landscaping requirements:

- ~~A.~~ Except for property zoned Central Business 1, a landscape edge shall be provided in accordance with Sec. 17.300.2A.i, as follows:

i. ~~——~~ Landscape Edge and Landscape Material Requirements

- ~~a.~~ A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business 1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop roads, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.

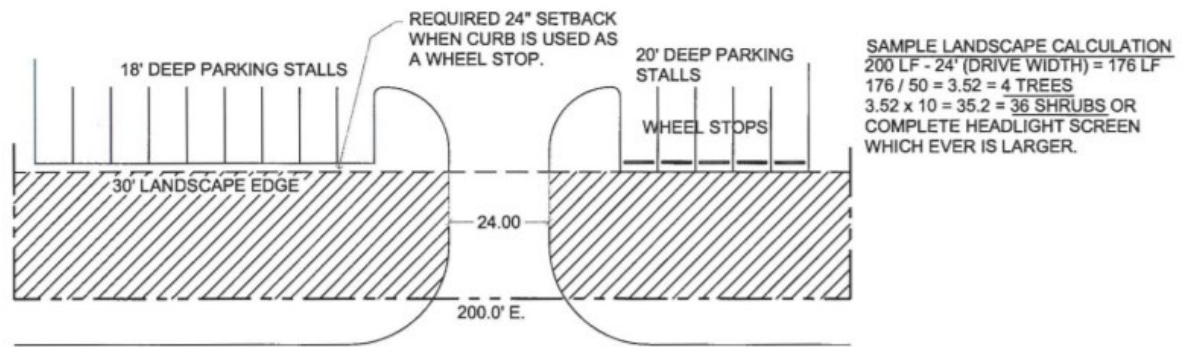


Figure 17-5: 30-Foot Landscape Edge

b. A. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements as specified below follows:-

- i. Trees shall be placed within the landscape edge as follows:
- ii. For the tollway frontage roads, one 3-inch caliper or greater Live Oak and one 3-inch caliper or greater deciduous shade tree per 50 feet of linear frontage planted in a formal double row, triangular pattern.
- iii. For east/west thoroughfares (Type D and above), 2 shade trees per 50 feet of linear frontage (exclusive of driveways) planted in formal double row, triangular pattern. 8 ornamental trees 7 feet in planted height shall be placed in a dense double row pattern within 30 feet of the primary entrance driveway to a development.
- iv. For Communications Parkway, Parkwood Boulevard, and north/south segments of Plano Parkway and Chapel Hill Drive, one 3-inch caliper or greater shade tree and one ornamental (7-foot planted height) per 50 feet of linear frontage, exclusive of drive-ways, planted in an informal fashion.
- v. For Commercial Employment zoned properties, the types, numbers, and locations of trees shall be determined at the time of site plan approval and shall be consistent with existing landscape treatments.

Amend Subsection 17.300.3 (190 Tollway/Plano Parkway Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

3.4 190 Tollway/Plano Parkway Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the 190 North/Plano Parkway Overlay district shall meet the following special landscaping requirements:

~~A. A landscape edge shall be provided by complying with Sec. 17.300.3A.i, as follows:~~

~~i. Landscape Edge and Landscape Material Requirements~~

~~a. A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.~~

~~b. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements. A minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways~~

B. A. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens shall consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms shall have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming shall

not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They shall not exceed 8 feet in individual or combined height. The above shall also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.

- ~~C.~~ **B.** A digitally controlled automatic irrigation system shall be installed to ensure maintenance of plant materials in a living and growing condition.
- ~~D.~~ **C.** A landscape plan shall be submitted in conjunction with the site plan review process (Article 3).
- ~~E.~~ **D.** The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- ~~F.~~ **E.** During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

Amend Subsection 17.300.4 (State Highway 121 Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

.4 .5 State Highway 121 Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the State Highway 121 Overlay district shall meet the following special landscaping requirements:

~~A.~~ A landscape edge shall be provided by complying with Sec. 17.300.4A.i, as follows:

i. Landscape Edge and Landscape Material Requirements

- ~~a.~~ A minimum 30-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. The landscape edge shall not apply to that portion of the overlay district zoned Central Business 1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning

~~lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40 foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40 foot distance.~~

~~b. The landscape edge shall consist of trees, shrubs, groundcover, berms, and related elements. A minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage exclusive of driveways.~~

B. A. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens shall consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms shall have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming shall not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They shall not exceed 8 feet in individual or combined height. The above shall also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.

C. B. A digitally controlled automatic irrigation system shall be installed to ensure maintenance of plant materials in a living and growing condition.

D. C. A landscape plan shall be submitted in conjunction with the site plan review process (Article 3).

E. D. The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.

F. E. During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

Amend Part A of Subsection 17.300.5 (Parkway Overlay District) of Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such part to read as follows:

5 6 Parkway Overlay District

Development and/or redevelopment in a Parkway Overlay district shall meet the following special landscaping requirements:

A. Landscape Edge:

- A. i.** Standard Option: A minimum 15 25-foot wide landscape edge (as measured from the front property line, exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. With the exception of width, the landscape edge shall comply with Article 17.
- ii.** Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum 15-foot wide landscape edge (as measured from the front property line, exclusive of rights-of-way for thoroughfares Type C or above) shall be provided. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. With the exception of width, the landscape edge shall comply with Article 17.
- iii.** A landscape edge shall be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:
- a.** Standard Option: A minimum 10-foot landscape edge shall be provided along internal property lines. Within the landscape edge, 6 caliper inches of ornamental trees shall be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees shall be calculated solely on the area of the required landscape edge.
- b.** Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.
- ~~A.~~** ~~A landscape plan shall be submitted in conjunction with the site plan review process (Article 3). (ZC 2006-02; Ordinance No. 2006-4-24)~~
- ~~B.~~** ~~The location of plant materials shall comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations. (ZC 2006-02; Ordinance No. 2006-4-24)~~

Amend Subsection 17.700.2 of Section 17.700 (Landscape Plan Approval) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such subsection to read as follows:

- .2** Submission of landscape plans shall be made to the Planning and Engineering Departments and shall must comply with all submittal requirements and the Landscape Plan Checklist. ~~The applicant shall be provided a landscape review checklist that may include additional landscape requirements. City staff~~

shall evaluate the appropriateness of the landscape and irrigation plans and may approve them or approve them subject to stipulations. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for landscape plans for clarity and consistency of operations. The procedures, forms, and standards shall have the force of ordinance as if fully incorporated herein.

Amend Parts A and B of Subsection 17.800.5 (Tree Survey and Preservation Plan Required) of Section 17.800 (Tree Preservation and Protection) of Article 17 (Landscaping and Tree Preservation) of the Zoning Ordinance, such parts to read as follows:

.5 Tree Survey and Preservation Plan Required

A. Preliminary Development Plans

A general survey of natural vegetation showing tree groupings and anticipated tree losses shall be submitted with all preliminary site plan applications and must comply with the General Tree Survey Plan Checklist. Required data includes approximate locations and species of individual trees 8 inches or larger in caliper and a range of sizes and species for tree groupings. Photographs of the site showing tree cover are also required.

B. Final Development Plans

A tree survey and tree preservation plan shall be submitted with all site plan and preliminary plat applications and must comply with the General Tree Survey Plan Checklist and the Tree Preservation Plan Checklist. The Planning Department is authorized to maintain a list of required information for tree surveys and tree preservation plans. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for tree surveys and tree preservation plans for clarity and consistency of operations. The procedures, forms, and standards shall have the force of ordinance as if fully incorporated herein. The tree survey shall include the exact location, size, condition if damaged or diseased, and common name of each tree 8 inches in caliper or larger. The survey must also show existing and proposed spot elevations near the trunk of trees to be preserved. This document must be signed by the preparer. The tree preservation plan shall indicate which trees are to be preserved, which are to be removed and the manner in which they will be protected during the construction period. A tree mitigation plan must be included as part of the tree survey and protection plan. Projects will not

be released for construction until a tree preservation plan (if applicable) has been approved.

Amend Article 23 (Exterior Wall Construction Standards) of the Zoning Ordinance, such article to read as follows:

Article 23 Exterior Wall Construction Standards

23.100 Introduction	23-1
23.200 Residential Structures	23-1
23.300 Nonresidential Structures	23-1

23.100 Introduction

Exterior wall construction for structures shall be in accordance with the standards of this article for consistency with community values of achieving high quality development and architectural compatibility. For the purposes of this article, exterior wall construction refers to the exterior material or finish of a wall assembly.

23.200 Residential Structures

The following shall apply to ensure architectural compatibility within the neighborhood. If these standards are not met by a minimum of 50% of the residential properties which share a lot line with the property, the standards may be waived by the Building Official, or designee. Right-of-way for streets 60 feet and smaller may be excluded in calculating shared lot lines so properties across streets and alleys are included.

- .1** Exterior wall construction for residential structures and retirement housing shall consist of a minimum of 80% masonry, 3-step stucco, and/or glass, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of Exterior Insulation and Finish Systems (EIFS).
- .2** Unless specified as part of a planned development district, the above masonry requirements shall not apply to UR or GR districts, and exterior plasters are not permitted in UR districts.
- .3** For midrise residential structures, a maximum of 50% of any exposed exterior wall may consist of metal.

23.300 Nonresidential Structures

.1 General

Except for the LI-1 and LI-2 districts, and as otherwise regulated by this ordinance, exterior wall construction for nonresidential structures shall consist of a minimum of 80% masonry, 3-step stucco, glass, or combination of these materials, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of EIFS.

.2 Metal Exterior Wall Construction

Metal exterior wall construction within nonresidential zoning districts shall be permitted, provided that a maximum of 25% of any exposed exterior wall may consist of metal. This percentage may be exceeded in accordance with the following:

- A.** For buildings 55 feet in height and over, a maximum of 50% of any exterior wall may consist of metal.
- B.** Within the LI-1 and LI-2 districts only, up to 100% of any exposed exterior wall may consist of metal with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:
 - i.** The metal exterior wall is not visible from a public thoroughfare or residential zoning district.
 - ii.** The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.

~~.3 Membrane Exterior Wall Construction~~

~~Membrane exterior wall construction is permitted within the LI-1 and LI-2 districts only, with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:~~

- ~~**A.** The membrane exterior wall is not visible from a public thoroughfare or residential zoning district.~~
- ~~**B.** The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.~~

.4 .3 Special Requirements for Parking Structures

Except in BG and CB-1 zoning districts, all exterior walls of parking structures shall be architecturally designed to be integrated with the primary building on the site, including consistent architectural design elements and building materials between structures.

Zoning Case 2019-011

An Ordinance of the City of Plano, Texas, amending various sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 26th day of August 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 26th day of August 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. Amend Section 1.900 (Design Standards and Specifications) of Article 1 (Legal Framework) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such section to read as follows:

Design Standards and Specifications

- .1 Comprehensive Plan Design Studies Element
- .2 Douglass Area Study
- .3 Downtown Development Plan
- .4 Downtown Heritage Resource District Design Standards
- .5 Engineering Construction Standards
- .6 Erosion and Sediment Control Manual Ordinance
- .7 Facade Plan Review Checklist per Article 23
- .8 Fire Code

- .9 Flood Damage Prevention provisions in the city's Code of Ordinances (Chapter 16, Article VIII)
- .10 Haggard Park Heritage Resource District Design Standards
- .11 Heritage Preservation Ordinance
- .12 Landscaping Plan Review Checklists per Article 17
- .13 Manual for the Design of Water & Sanitary Sewer Lines
- .14 Multifamily Design Guidelines
- .15 NCTCOG Standard Specifications for Public Works Construction with City of Plano
- .16 Retail Corner Design Guidelines
- .17 Special Provisions
- .18 Site Design Standards for Solid Waste Containers
- .19 Site Plan Review Checklists per Article 3
- .20 Spring Creekwalk Master Development Plan
- .21 Standard Construction Details
- .22 Storm Drainage Design Manual
- .23 Stormwater Quality Requirements
- .24 Subdivision Ordinance
- .25 Thoroughfare Standards, Rules & Regulations
- .26 White Rock Creek and Tributaries Floodplain Management Study

Section II. Amend Subsection 3.100.6 (Fees, Forms, and Procedures) of Section 3.100 (General) or Article 3 (Site Plan Review) 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:

.6 Fees, Forms, and Procedures

- A. City Council must establish a schedule of fees as required to recoup costs related to the administration of this ordinance.
- B. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for concept plans, preliminary site plans, and site plans for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

Section III. Amend Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such definition to read as follows:

Exterior Sales

The sale or display of merchandise within a designated area outside of a building, including greenhouses designed and used exclusively for the sale or storage of plants.

Section IV. Amend Part B of Subsection 9.300.4 (Special District Requirements) of Section 9.300 (ED, Estate Development District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

B. Accessory Buildings

- i. Accessory buildings in the ED district, except garages, must be located behind the main dwelling in the rear yard.
- ii. Accessory buildings must be at least 50 feet from any side property line and 25 feet from the rear property line.
- iii. Accessory buildings must be at least 100 feet from dwellings on adjoining property.
- iv. The number of accessory buildings must be limited to one, except that more than one may be granted by approval of a site plan.

Section V. Amend Subsection 10.900.3 (Area, Yard, and Bulk Requirements) of Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential 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:

.3 Area, Yard, and Bulk Requirements

The following area, yard, and bulk requirements apply to all development in the CB-1 district unless otherwise expressly stated:

Description	Residential Requirement	Nonresidential Requirement
Maximum Residential Density	21.5 units per acre; 174 units per acre if over 3 story	N/A
Minimum Lot Area	8,400 square feet	None
Minimum Lot Width	70 feet	None
Minimum Lot Depth	120 feet, 1-3 story; 200 feet, 4+ story	None
Minimum Front Yard	None, except as provided in Sec. 15.800 and Sec. 13.500.2	None, except as provided in Sec. 13.500.2
Minimum Side Yard	None, except as provided in Sec. 15.800 and Sec. 13.500.3	None, except as provided in Sec. 13.500.3
Maximum Side Yard	None	None

Minimum Rear Yard	None (See Sec. 15.800 and Sec. 13.500.4)	10 feet, where no alley abuts the rear property line (See Sec. 13.500.4)
Minimum Floor Area per Dwelling Unit	400 square feet, with no more than 10% of the units less than 550 square feet	N/A
Maximum Lot Coverage	None	None (See Sec. 10.900.5A.vii)
Maximum Height	None	None
Minimum Usable Open Space	See Sec. 10.900.5A.viii	None

Section VI. Amend Part A of Subsection 10.900.5 (Special District Requirements) of Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

A. Miscellaneous

- i. District requires a minimum contiguous area of 100 acres.
- ii. The City Council, at the time of granting CB-1 district zoning to any tract of land, will have the authority to modify the district requirements and may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas including, but not limited to, light and air orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
- iii. The City Council, at the time of granting CB-1 district zoning to any tract of land, shall have the authority to limit multifamily uses to certain designated locations within such tract and to limit the number of multifamily units to be built on such designated locations.
- iv. A general phasing plan for the total development of the property will be approved at the time of concept plan approval.
- v. The general allocation of permitted density levels of development on the various sections of the property will be approved at the time of concept plan approval.
- vi. Site plan approval in accordance with Article 3 will be required for development of property.

- vii. For vehicle fueling stations, canopies must be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures.)
- viii. Minimum usable open space must be calculated as follows:
 - a. Standard Option: 200 square feet per unit
 - b. Incentive Option: If utilizing the standards in Article 23, the minimum usable open space may be reduced to 100 square feet per unit.

Section VII. Amend Subsection 10.1100.1 (Purpose) of Section 10.1100 (RC, Regional Commercial District) of Article 10 (Nonresidential 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:

.1 Purpose

The RC district is an architectural and cultural district intended for use in conjunction with an RE district in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investment. 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.

Section VIII. Amend Subsection 10.1200.1 (Purpose) of Section 10.1200 (RE, Regional Employment District) of Article 10 (Nonresidential 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:

.1 Purpose

The RE district is an architectural and cultural district intended to provide for office and limited manufacturing uses in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investment that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

Section IX. Amend Subsection 10.1400.6 (Special District Requirements) of Section 10.1400 (LI-1, Light Industrial-1 District) of Article 10 (Nonresidential 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:

.6 Special District Requirements

For vehicle fueling stations, canopies must be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for vehicle fueling stations.)

Section X. Amend Subsection 10.1500.6 (Special District Requirements) of Section 10.1500 (LI-2, Light Industrial-2 District) of Article 10 (Nonresidential 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:

.6 Special District Requirements

For vehicle fueling stations, canopies must be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for vehicle fueling stations.)

Section XI. Amend Subsection 11.200.4 (Landscaping Requirements) of Section 11.200 (Preston Road Overlay District) 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:

.4 Landscaping Requirements

See Sec. 17.300.2

Section XII. Amend Subsection 11.300.4 (Landscaping Requirements) of Section 11.300 (Dallas North Tollway Overlay District) 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:

.4 Landscaping Requirements

See Sec. 17.300.3

Section XIII. Amend Subsection 11.400.4 (Landscaping Requirements) of Section 11.400 (190 Tollway/Plano Parkway Overlay District) 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:

.4 Landscaping Requirements

See Sec. 17.300.4

Section XIV. Amend Subsection 11.500.4 (Landscaping Requirements) of Section 11.500 (State Highway 121 Overlay District) 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:

.4 Landscaping Requirements
See Sec. 17.300.5

Section XV. Amend Subsection 11.600.3 (Landscaping Requirements) of Section 11.600 (Parkway Overlay District) 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:

.3 Landscaping Requirements
See Sec. 17.300.6

Section XVI. Amend Subsection 11.700.1 (Purpose) 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:

.1 Purpose
To provide for the preservation of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values which reflect the heritage of the city of Plano, portions of certain districts are designated with the letters “H” or “HD.” Areas designated on the zoning district map by an “H” will indicate an individual heritage landmark and “HD” will indicate a heritage district.

Section XVII. Amend Part B of Subsection 15.200.7 (Support Buildings and Equipment Storage) of 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 part to read as follows:

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 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.

Section XVIII. Amend portions of Section 15.1400 (Superstores) 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 portions to read as follows:

15.1400 Superstores

- .4 Loading docks must not be oriented towards residential zoning districts. Where loading areas are located parallel to residential zoning districts, they must be screened by an architecturally-integrated minimum 14-foot tall wall the entire length of the loading space.
- .5 The location of drive-through windows, automotive service bays, and gasoline pumps must comply with the requirements of the Residential Adjacency Standards in Article 21.
- .6 Where the property immediately abuts a residential zoning district, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Article 20. A minimum 30-foot wide landscape edge is also required along all street frontages, with the exception of U.S. Highway 75 (Central Expressway). The Central Business-1 zoning district is also exempt from this requirement. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous over story (shade) trees (minimum 4-inch caliper) placed a minimum 25 feet on center. Plantings may be grouped.
- .7 Open storage areas must be screened as required in Sec. 19.200.
- .8 The applicant must demonstrate that the building can be subdivided in a reasonable manner for multiple tenants.
- .9 Primary and accessory superstore structures must be set back a minimum distance of 100 feet measured from the residential zoning district boundary line to the nearest face or edge of the structure.

Section XIX. Amend Part B of Subsection 15.1800.3 (Architectural and Design Standards) of Section 15.1800 (Backyard Cottages) 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 part to read as follows:

- B.** Backyard cottages must be architecturally designed to be compatible with the main dwelling unit.

Section XX. Amend Portion of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portion to read as follows:

These standards shall apply to all nonresidential districts except BG, UMU, and CB-1. Any area within a planned development district or overlay district containing landscaping standards shall be regulated by the standards of the planned development district or overlay district where such standards conflict with the standards herein. Tree preservation requirements shall apply to all zoning districts as listed in Sec. 17.800.2.

Section XXI. Amend Part A of Subsection 17.100.1 (Landscaping along Street Rights-of-Way) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part of subsection to read as follows:

A. A landscape edge must be provided adjacent to all streets as follows:

- i.** Standard Option: The landscape edge must be a minimum width of 20 feet, exclusive of rights-of-way. Within the landscape edge, 6 caliper inches of shade trees or 12 caliper inches of ornamental trees must be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees must be calculated solely on the area of the required landscape edge. See Figure 17-1.
- ii.** Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum width of 10 feet, exclusive of street rights-of-way. Within the landscape edge, 3 caliper inches of shade trees or 6 caliper inches of ornamental trees must be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees must be calculated solely on the area of the required landscape edge. See Figure 17-1.

Section XXII. Amend Part B of Subsection 17.100.3 (Landscaping for Corner Lots) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

B. For corner lots, a landscape edge must be provided adjacent to all streets as follows:

- i.** Standard Option: A minimum 20-foot wide landscape edge must be located along all street right-of-way lines beginning at the

corner and extending 175 feet or to the closest driveway. Beyond this point, the landscape edge may be gradually reduced (over a distance of 25 feet) to 10 feet in width.

- ii. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum 15-foot wide landscape edge located along all street right-of-way lines beginning at the corner and extending 175 feet or to the closest driveway. Beyond this point, the landscape edge may be gradually reduced (over a distance of 25 feet) to 10 feet in width.

Section XXIII. Amend Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such additional subsection to read as follows:

.6 Landscaping along Internal Property Lines

A landscape edge must be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- A. Standard Option: A minimum 10-foot landscape edge must be provided. Within the landscape edge, 6 caliper inches of ornamental trees must be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees must be calculated solely on the area of the required landscape edge.
- B. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Section XXIV. Amend Part A of Subsection 17.200.1 (Multifamily and Retirement Housing Landscaping Requirements) of Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

- A. A landscape edge must be provided adjacent to all streets as follows:

- i. Standard Option: The landscape edge shall be a minimum width of 20 feet, exclusive of rights-of-way. Within the landscape edge, two shade trees (3-inch caliper minimum) or an approved ornamental tree shall be planted per 500 feet of landscape edge. The number of required trees shall be calculated solely on the area of the required landscape edge.
- ii. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum width of 10 feet, exclusive of street rights-of-way. Within the landscape edge, one shade tree (3-inch caliper minimum) or an approved ornamental

tree shall be planted per 500 square feet of landscape edge. The number of required trees shall be calculated solely on the area of the required landscape edge.

Section XXV. Amend Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such additional section to read as follows:

.3 Landscaping along Internal Property Lines

A landscape edge must be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- A.** Standard Option: A minimum 10-foot landscape edge must be provided. Within the landscape edge, 6 caliper inches of ornamental trees must be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees must be calculated solely on the area of the required landscape edge.
- B.** Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Section XXVI. Repeal and replace Section 17.300 (Overlay District Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such section to read as follows:

.1 Regulations for Specific Districts

Development and redevelopment in the Preston Road, Dallas North Tollway, 190 Tollway/Plano Parkway, and State Highway 121 Overlay Districts must meet the regulations provided below.

- A.** A landscape edge must be provided as follows:
 - i.** Standard Option: A minimum 40-foot wide landscape edge (as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) must be provided. The landscape edge must not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, and drainage improvements. Underground utilities, or related

facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchange.

- ii. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum 30-foot wide landscape edge as measured from the front property line exclusive of rights-of-way for thoroughfares Type C or above) must be provided. If utilizing the standards in Article 23, the landscape edge shall not apply to that portion of the overlay district zoned Central Business-1 at the time of development or redevelopment. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. This landscape edge may be reduced by as much as 15 feet if the combined width of the unpaved right-of-way and the landscape edge is at least 40 feet. Such modifications may be permitted to accommodate variations in unpaved rights-of-way along the respective roadways due to grade-separated interchanges, turning lanes, transit stops, drainage improvements, underground utilities, or related facilities. The 40-foot distance shall be measured from the back of the permanent curb of the roadways including those existing or planned acceleration and deceleration lanes, loop road, and ramps at grade-separated interchanges. Sidewalks shall be calculated as part of the 40-foot distance.
- iii. The landscape edge must consist of trees, shrubs, groundcover, berms, and related elements as follows, except for the Dallas North Tollway Overlay District which must comply with *Subsec. 17.300.3*:
 - a. Standard Option: A minimum of two 3-inch caliper shade trees and two 3-inch caliper ornamental trees (7-foot planted height) placed per 50 feet of frontage, exclusive of driveways.
 - b. Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) must be placed per 50 feet of frontage exclusive of driveways.

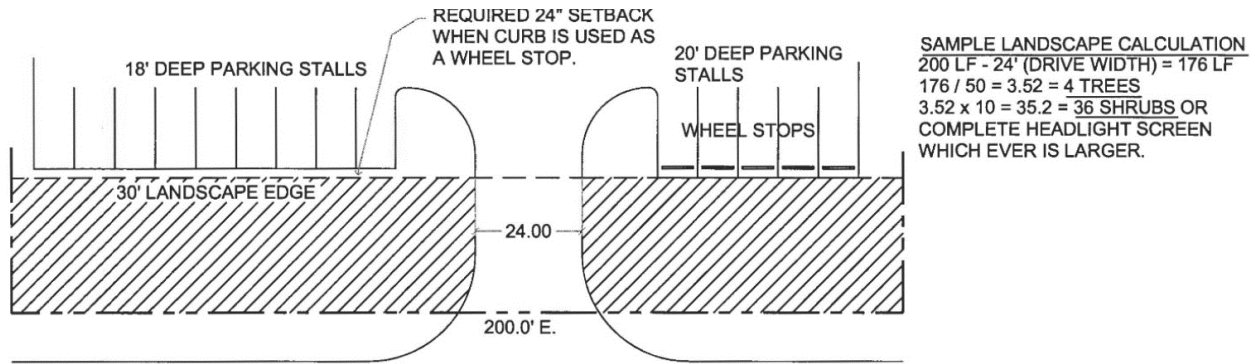


Figure 17-4: 30-Foot Landscape Edge

iv. A landscape edge must be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- a. Standard Option: A minimum 10-foot landscape edge must be provided along all internal property lines. Within the landscape edge, 6 caliber inches of ornamental trees must be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliber. The number of required trees must be calculated solely on the area of the required landscape edge.
- b. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

.2 Preston Road Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the Preston Road Overlay district must meet the following special landscaping requirements:

- A. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) must be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens must consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms must have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming must not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They must not exceed 8 feet in individual or combined height. The above must also conform to the required visibility triangles noted in

Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.

- B.** A digitally controlled automatic irrigation system must be installed to ensure maintenance of plant materials in a living and growing condition.
- C.** A landscape plan must be submitted in conjunction with the site plan review process.
- D.** The location of plant materials must comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- E.** During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

.3 Dallas North Tollway Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the Dallas North Tollway Overlay district must meet the following special landscaping requirements:

- A.** The landscape edge must consist of trees, shrubs, groundcover, berms, and related elements as specified below, and trees must be placed within the landscape edge as follows:
 - i.** For the tollway frontage roads, one 3-inch caliper or greater Live Oak and one 3-inch caliper or greater deciduous shade tree per 50 feet of linear frontage planted in a formal double row, triangular pattern.
 - ii.** For east/west thoroughfares (Type D and above), 2 shade trees per 50 feet of linear frontage (exclusive of driveways) planted in formal double row, triangular pattern. 8 ornamental trees 7 feet in planted height must be placed in a dense double row pattern within 30 feet of the primary entrance driveway to a development.
 - iii.** For Communications Parkway, Parkwood Boulevard, and north/south segments of Plano Parkway and Chapel Hill Drive, one 3-inch caliper or greater shade tree and one ornamental (7-foot planted height) per 50 feet of linear frontage, exclusive of drive-ways, planted in an informal fashion.
 - iv.** For Commercial Employment zoned properties, the types, numbers, and locations of trees must be determined at the time of site plan approval and must be consistent with existing landscape treatments.

- B. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) must be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens must consist of earthen berms, shrubbery hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms must have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming must not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or the required front yard setback, whichever is greater. They must not exceed 8 feet in individual or combined height. The above must also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- C. Along Parkwood Boulevard and Communications Parkway south of Spring Creek Parkway, continuous meandering sidewalks shall be interspersed with plant materials and berms.
- D. A digitally controlled automatic irrigation system must be installed to ensure maintenance of plant materials in a living and growing condition.
- E. A landscape plan must be submitted in conjunction with the site plan review process.
- F. The location of plant materials must comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- G. During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

.4 190 Tollway/Plano Parkway Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the 190 North/Plano Parkway Overlay district must meet the following special landscaping requirements:

- A. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) must be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens must consist of earthen berms,

shrubby hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms must have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming must not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is greater. They must not exceed 8 feet in individual or combined height. The above must also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.

- B. A digitally controlled automatic irrigation system must be installed to ensure maintenance of plant materials in a living and growing condition.
- C. A landscape plan must be submitted in conjunction with the site plan review process (Article 3).
- D. The location of plant materials must comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- E. During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

.5 State Highway 121 Overlay District

In addition to requirements in Sec. 17.300.1, development and/or redevelopment in the State Highway 121 Overlay district must meet the following special landscaping requirements:

- A. A landscape screen with a minimum height of 18 inches (as measured from the finished grade of the parking area) must be provided in locations where the landscape edge separates a surface parking area from the tollway frontage road or another major thoroughfare (Type D and above). Landscape screens must consist of earthen berms, shrubby hedges, or a combination. Retaining walls may be used to facilitate berming if they are not visible from the street. Earthen berms must have a maximum slope of 4-to-1, requiring at least 4 feet of horizontal width for every one foot of vertical height. Shrubby hedges forming a continuous living screen and retaining walls used for berming must not exceed 40 inches in height within the required landscape edge. Living screens, retaining walls, and screening walls more than 40 inches in height but no greater than 8 feet in height may be placed beyond the required landscape edge and/or front yard setback, whichever is

greater. They must not exceed 8 feet in individual or combined height. The above must also conform to the required visibility triangles noted in Sec. 13.500.2K and to visibility requirements of the Thoroughfare Standards, Rules & Regulations.

- B.** A digitally controlled automatic irrigation system must be installed to ensure maintenance of plant materials in a living and growing condition.
- C.** A landscape plan must be submitted in conjunction with the site plan review process (Article 3).
- D.** The location of plant materials must comply with the visibility requirements of the Thoroughfare Standards, Rules & Regulations.
- E.** During the site plan review process, the Planning & Zoning Commission (or the City Council upon appeal) may reduce the width of the landscape edge by as much as 15 feet upon a finding that the full landscape requirement would prevent a property's reasonable development in a safe, efficient manner.

.6 Parkway Overlay District

Development and/or redevelopment in a Parkway Overlay district must meet the following special landscaping requirements:

A. Landscape Edge:

- i.** Standard Option: A minimum 25-foot wide landscape edge (as measured from the front property line, exclusive of rights-of-way for thoroughfares Type C or above) must be provided. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. With the exception of width, the landscape edge must comply with Article 17.
- ii.** Incentive Option: If utilizing the standards in Article 23, the landscape edge may be reduced to a minimum 15-foot wide landscape edge (as measured from the front property line, exclusive of rights-of-way for thoroughfares Type C or above) must be provided. This requirement is not intended to prohibit the placement of driveway openings as specified in the Thoroughfare Standards, Rules & Regulations. With the exception of width, the landscape edge must comply with Article 17.
- iii.** A landscape edge must be provided adjacent to all internal property lines which are not adjacent to a right-of-way or street easement as follows:

- a. Standard Option: A minimum 10-foot landscape edge must be provided along internal property lines. Within the landscape edge, 6 caliper inches of ornamental trees must be planted per 500 square feet of landscape edge with a minimum tree size of 2-inch caliper. The number of required trees must be calculated solely on the area of the required landscape edge.
- b. Incentive Option: If utilizing the standards in Article 23, a landscape edge along internal property lines is not required.

Section XXVII. Amend Subsection 17.700.2 of Section 17.700 (Tree Preservation and Protection) of Article 17 (Landscaping and Tree Preservation) 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:

- .2** Submission of landscape plans must be made to the Planning and Engineering Departments and must comply with all submittal requirements and the Landscape Plan Checklist. City staff shall evaluate the appropriateness of the landscape and irrigation plans and may approve them or approve them subject to stipulations. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for landscape plans for clarity and consistency of operations. The procedures, forms, and standards shall have the force of ordinance as if fully incorporated herein.

Section XXVIII. Amend Parts A and B of Subsection 17.800.5 (Tree Survey and Preservation Plan Required) of Section 17.800 (Tree Preservation and Protection) of Article 17 (Landscaping and Tree Preservation) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such parts to read as follows:

.5 Tree Survey and Preservation Plan Required

A. Preliminary Development Plans

A general survey of natural vegetation showing tree groupings and anticipated tree losses must be submitted with all preliminary site plan applications and must comply with the General Tree Survey Plan Checklist. Required data includes approximate locations and species of individual trees 8 inches or larger in caliper and a range of sizes and species for tree groupings. Photographs of the site showing tree cover are also required.

B. Final Development Plans

A tree survey and tree preservation plan must be submitted with all site plan and preliminary plat applications and must comply with the General

Tree Survey Plan Checklist and the Tree Preservation Plan Checklist. The Planning Department is authorized to maintain a list of required information for tree surveys and tree preservation plans. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for tree surveys and tree preservation plans for clarity and consistency of operations. The procedures, forms, and standards shall have the force of ordinance as if fully incorporated herein. The tree survey must include the exact location, size, condition if damaged or diseased, and common name of each tree 8 inches in caliper or larger. The survey must also show existing and proposed spot elevations near the trunk of trees to be preserved. This document must be signed by the preparer. The tree preservation plan must indicate which trees are to be preserved, which are to be removed and the manner in which they will be protected during the construction period. A tree mitigation plan must be included as part of the tree survey and protection plan. Projects will not be released for construction until a tree preservation plan (if applicable) has been approved.

Section XXIX. Amend Article 23 (Exterior Wall Construction Standards) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such article to read as follows:

23.100 Introduction 23-1
23.200 Residential Structures 23-1
23.300 Nonresidential Structures 23-1

23.100 Introduction

Exterior wall construction for structures must be in accordance with the standards of this article for consistency with community values of achieving high quality development and architectural compatibility. For the purposes of this article, exterior wall construction refers to the exterior material or finish of a wall assembly.

23.200 Residential Structures

The following shall apply to ensure architectural compatibility within the neighborhood. If these standards are not met by a minimum of 50% of the residential properties which share a lot line with the property, the standards may be waived by the Building Official, or designee. Right-of-way for streets 60 feet and smaller may be excluded in calculating shared lot lines so properties across streets and alleys are included.

- .1** Exterior wall construction for residential structures and retirement housing must consist of a minimum of 80% masonry, 3-step stucco, and/or glass, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of Exterior Insulation and Finish Systems (EIFS).

- .2 Unless specified as part of a planned development district, the above masonry requirements shall not apply to UR or GR districts, and exterior plasters are not permitted in UR districts.
- .3 For midrise residential structures, a maximum of 50% of any exposed exterior wall may consist of metal.

23.300 Nonresidential Structures

.1 General

Except for the LI-1 and LI-2 districts, and as otherwise regulated by this ordinance, exterior wall construction for nonresidential structures must consist of a minimum of 80% masonry, 3-step stucco, glass, or combination of these materials, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of EIFS.

.2 Metal Exterior Wall Construction

Metal exterior wall construction within nonresidential zoning districts shall be permitted, provided that a maximum of 25% of any exposed exterior wall may consist of metal. This percentage may be exceeded in accordance with the following:

- A. For buildings 55 feet in height and over, a maximum of 50% of any exterior wall may consist of metal.
- B. Within the LI-1 and LI-2 districts only, up to 100% of any exposed exterior wall may consist of metal with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:
 - i. The metal exterior wall is not visible from a public thoroughfare or residential zoning district.
 - ii. The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.

.3 Special Requirements for Parking Structures

Except in BG and CB-1 zoning districts, all exterior walls of parking structures must be architecturally designed to be integrated with the primary building on the site, including consistent architectural design elements and building materials between structures.

Section XXX. 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 XXXI. 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 XXXII. 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 XXXIII. 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 XXXIV. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 26TH DAY OF AUGUST 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: 8/26/2019

Department: Zoning

Department Head: Christina Day

Agenda Coordinator: Linette Magaña

CAPTION

Public Hearing and adoption of Ordinance No. 2019-8-9 as requested in Subdivision Ordinance Amendment 2019-001 to amend Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. **Conducted and adopted.**

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

COMMENTS:

SUMMARY OF ITEM

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:

Built Environment

ATTACHMENTS:

Description	Upload Date	Type
SOA 2019-001 - Follow-up	8/14/2019	P/Z Follow-up Memo
SOA 201-001 - Write-up	8/14/2019	Staff Report
SOA 2019-001 - Ordinance	8/22/2019	Ordinance

DATE: August 6, 2019
TO: Honorable Mayor & City Council
FROM: M. Nathan Barbera, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of August 5, 2019

**AGENDA ITEM NO. 5B - PUBLIC HEARING
SUBDIVISION ORDINANCE AMENDMENT 2019-001**

Request to amend various sections of the Subdivision Ordinance in response to recent state legislative actions and to ensure compliance with state law. Project #SOA2019-001.

APPROVED: 6-0 **DENIED:** **TABLED:**

Speaker Card(s) Received

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 e (Fees, Application Forms, and Procedures) of Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance, such subsection to read as follows:

e. Fees, Application Forms, and Published Procedures—

1. Council shall establish a schedule of fees as required to recoup costs related to the administration of this ordinance.

2. The following design standards and specifications, as amended, are incorporated by reference into this ordinance:

(a) Conveyance Plat/Revised Conveyance Plat Checklist

(b) Preliminary Plat/Preliminary Replat Checklist

(c) Final Plat/Replat Checklist

(d) Amended Plat Checklist

3. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for a preliminary plat, conveyance plat, replat, vacation of plat or final plat. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

FOR CITY COUNCIL MEETING OF: August 26, 2019 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

EH/amc

xc: Erica Marohnic, Lead Planner
Jeanna Scott, Building Inspections Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 5, 2019

Agenda Item No. 5B

Public Hearing:
Subdivision Ordinance Amendment 2019-001

DESCRIPTION:

Request to amend various sections of the Subdivision Ordinance in response to recent state legislative actions and to ensure compliance with state law. Project #SOA2019-001.

REMARKS:

The 86th Texas Legislature passed House Bill 3167 (HB 3167) which impacts the way the city currently operates its development review process. Staff has examined the city's platting procedures for conformance with HB 3167 and has identified minor changes for conformance with the statute. At the June 17, 2019, Planning & Zoning Commission meeting, the Commission called a public hearing to consider necessary amendments to the Subdivision Ordinance.

This bill will become effective September 1, 2019, and is attached to this staff report for reference. The impacts and recommended changes have been reviewed for consistency with the statute by staff from the Planning and Engineering Departments, and the City Attorney's Office. Staff has attended meetings and held conversations with numerous cities regarding the impact of the bill in order to better understand how language is being interpreted and make recommendations. Due to the complexity of the bill and limited time frame, additional changes may be necessary in the future.

To ensure the standards of approval required by the HB 3167 are met, staff is recommending incorporating the city's plat checklists by reference within the Subdivision Ordinance. The checklists identify format and general standards, require specific site information and adjacent property information, and identify required legal information necessary for property owners to submit complete and accurate documents. The city's checklists create consistency for plat submittals and will conform to the requirements of HB 3167.

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 e (Fees, Application Forms, and Procedures) of Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance, such subsection to read as follows:

e. Fees, Application Forms, and Procedures—

1. Council shall establish a schedule of fees as required to recoup costs related to the administration of this ordinance.
2. The following design standards and specifications, as amended, are incorporated by reference into this ordinance:
 - (a) Conveyance Plat/Revised Conveyance Plat Checklist
 - (b) Preliminary Plat/Preliminary Replat Checklist
 - (c) Final Plat/Replat Checklist
 - (d) Amended Plat Checklist
3. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for a preliminary plat, conveyance plat, replat, vacation of plat or final plat. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

Subdivision Ordinance Amendment 2019-001

An Ordinance of the City of Plano, Texas, amending Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; 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 Subdivision Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 26th day of August 2019, for the purpose of amending Section 3.1 (General) of Article III (Platting Procedures) of the Subdivision Ordinance of the City of Plano, pertaining to recent state legislative actions and to ensure compliance with state law; and

WHEREAS, the City Secretary of Plano accordingly caused to be issued and published the notices required by 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 Plano, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Subdivision Ordinance on the 26th day of August 2019; and

WHEREAS, the City Council is of the opinion and finds that such amendments to the Subdivision Ordinance 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 e (Fees, Application Forms, and Procedures) of Section 3.1 (General) of Article III (Platting Procedures) of Subdivision Ordinance No. 2017-11-4, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

e. Fees, Application Forms, and Procedures

1. Council shall establish a schedule of fees as required to recoup costs related to the administration of this ordinance.
2. The following design standards and specifications, as amended, are incorporated by reference into this ordinance:

(a) Conveyance Plat/Revised Conveyance Plat Checklist

(b) Preliminary Plat/Preliminary Replat Checklist

(c) Final Plat/Replat Checklist

(d) Amended Plat Checklist

3. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, graphics, and number of copies of information constituting an application for a preliminary plat, conveyance plat, replat, vacation of plat or final plat. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

Section II. 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 III. 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 IV. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) or (b), as appropriate, of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

PASSED AND APPROVED THIS THE 26TH DAY OF AUGUST 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: 8/26/2019

Department: Budget

Department Head: Karen Rhodes-Whitley

Agenda Coordinator: Jennifer Morvant

CAPTION

Public Hearing on the proposed tax rate of \$0.4482 cents per \$100 assessed property valuation. This rate is equal to the effective tax rate which will raise the same amount of tax revenue on properties in 2019 as in 2018. **Conducted**

FINANCIAL SUMMARY

Not Applicable

FISCAL YEAR: 2019-20	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

COMMENTS: The City of Plano's proposed tax rate is \$0.4482 cents per \$100 of assessed property valuation which is a decrease of \$0.0121 cents per \$100 of taxable value from the current tax rate of \$0.4603 cents. The City Council is scheduled to adopt the tax rate on Monday, September 9, 2019 at 7:00 p.m.

SUMMARY OF ITEM

Public Hearing on the proposed tax rate.

Strategic Plan Goal:

Financially Strong City with Service Excellence

Plano Tomorrow Plan Pillar:



CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Special Projects

Department Head: Peter Braster

Agenda Coordinator:

CAPTION

Public Hearing on the creation of the Collin Creek West Public Improvement District, being located within the corporate limits of the City of Plano. **Tabled to September 23, 2019.**

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

COMMENTS: This item has no financial impact. If adopted the financial impact of creating a public improvement district for the western portion of the Collin Creek Mall redevelopment area is indeterminable at this time, with the funding for the district's activities being born by the property owners within the district

SUMMARY OF ITEM

On July 22, 2019, the City Council adopted a resolution calling a public hearing to establish the Collin Creek West Public Improvement District. The public hearing was noticed in the newspaper and by US Post as required by State law. See attached memo for more information. Staff recommends tabling the public hearing until September 23, 2019. The item will be re-noticed in the newspaper and by mail.

Strategic Plan Goal:

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

Plano Tomorrow Plan Pillar:

Social Environment, Economic Environment

ATTACHMENTS:

Description	Upload Date	Type
Memo	8/15/2019	Agreement

Date: August 15, 2019

To: Mark D. Israelson, City Manager
Jack Carr, Deputy City Manager

From: Peter J. Braster, Director of Special Projects

Subject: Collin Creek West Public Improvement District

On July 22, 2019, City Council adopted a resolution calling for a public hearing on the creation of a public improvement district: the Collin Creek West Public Improvement District (West PID). The public hearing is to consider the creation of the West PID to finance the following public improvements:

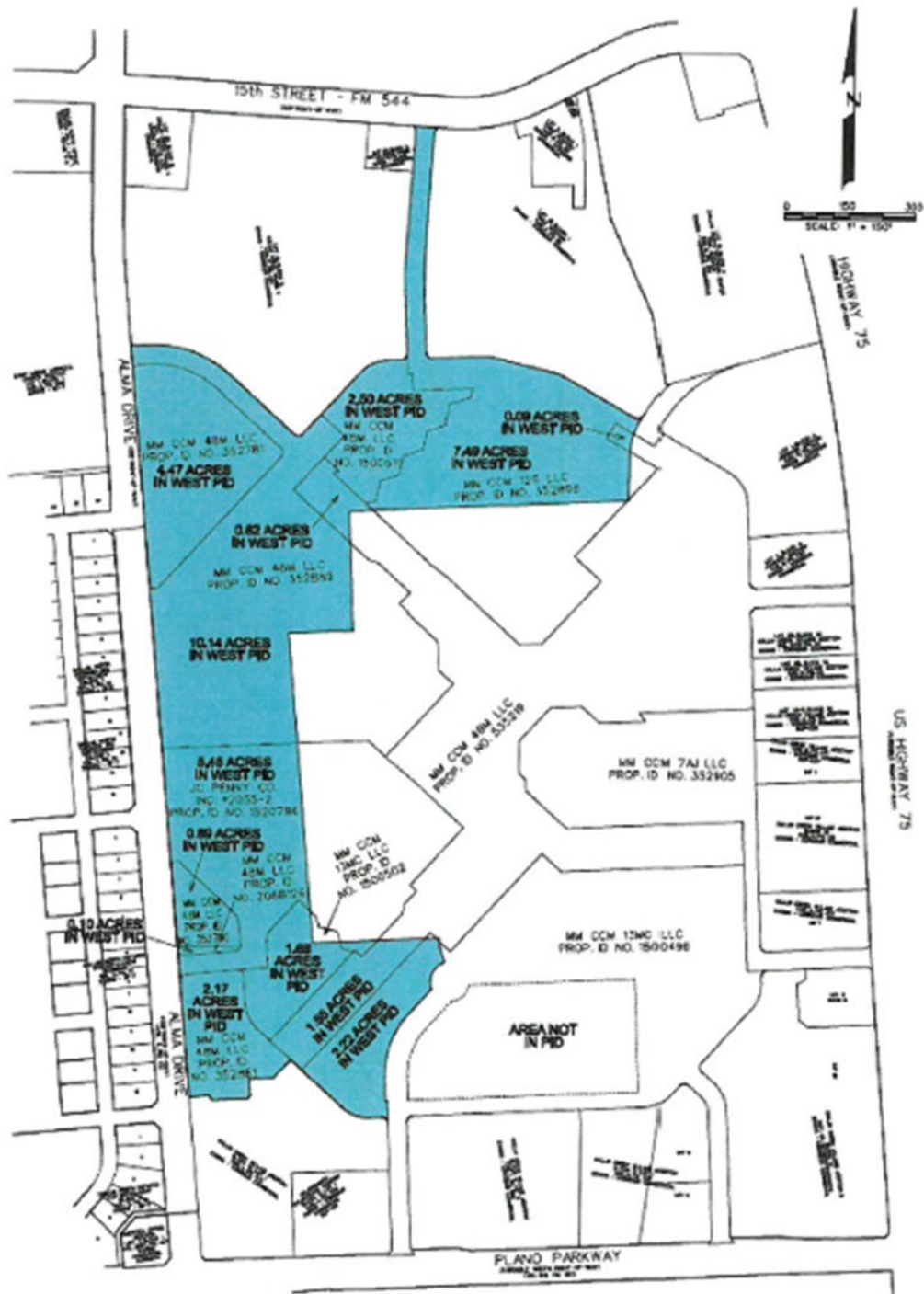
- (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way;
- (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein;
- (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage;
- (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities;
- (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District;
- (vi) special supplemental services for improvement and promotion of the District;
- (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and
- (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District.

Immediately following the resolution's adoption, notice of the public meeting was published in *The Dallas Morning News* on July 24, 2019 and mailed to each property owner via US Post (certified return receipt service). Both notices met the required 15-day notice period as required by Chapter 372 of the Texas Local Government Code.

The developer/ petitioner has submitted a draft Service Plan and Assessment Plan. The City has completed its preliminary review of both plans. The review has found several issues that

will necessitate further discussion before staff can recommend the plan(s) approval. At this time, staff recommends tabling the public hearing until September 23, 2019 to enable staff and the development team to work through the issues.

Location Map





CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Special Projects

Department Head: Peter Braster

Agenda Coordinator:

CAPTION

Public Hearing on the creation of the Collin Creek East Public Improvement District, being located within the corporate limits of the City of Plano. **Tabled to September 23, 2019.**

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

COMMENTS:

This item has no financial impact. If adopted the financial impact of creating a public improvement district for the eastern portion of the Collin Creek Mall redevelopment area is indeterminable at this time, with the funding for the district's activities being born by the property owners within the district.

SUMMARY OF ITEM

On July 22, 2019, the City Council adopted a resolution calling a public hearing to establish the Collin Creek East Public Improvement District. The public hearing was noticed in the newspaper and by US Post as required by State law. See attached memo for more information. Staff recommends tabling the public hearing until September 23, 2019. The item will be re-noticed in the newspaper and by mail.

Strategic Plan Goal:

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

Plano Tomorrow Plan Pillar:

Social Environment, Economic Environment

ATTACHMENTS:

Description	Upload Date	Type
Memo	8/15/2019	Memo

Date: August 15, 2019

To: Mark D. Israelson, City Manager
Jack Carr, Deputy City Manager

From: Peter J. Braster, Director of Special Projects

Subject: Collin Creek East Public Improvement District

On July 22, 2019, City Council adopted a resolution calling for a public hearing on the creation of a public improvement district: the Collin Creek East Public Improvement District (East PID). The public hearing is to consider the creation of the East PID to finance the following public improvements:

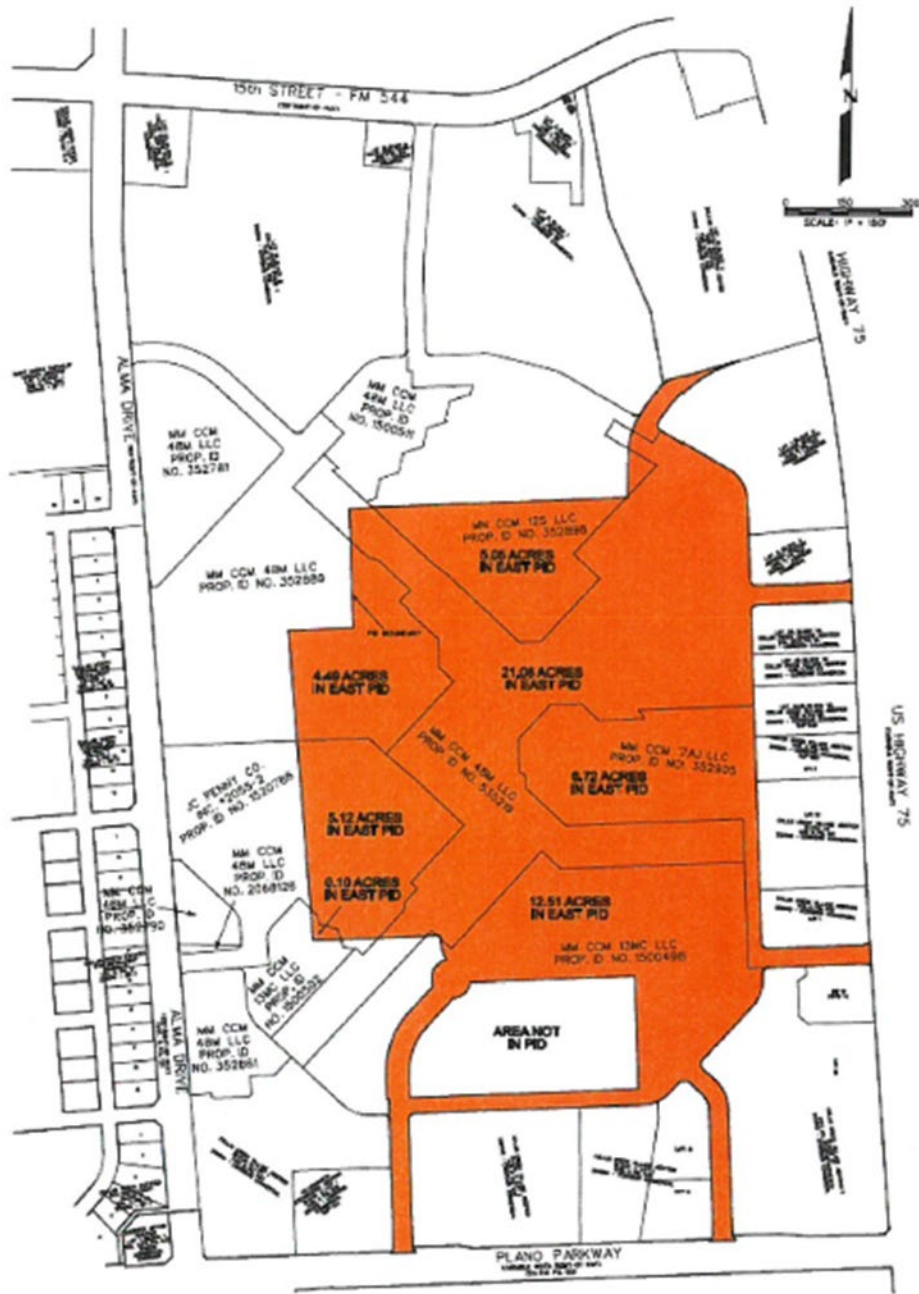
- (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way;
- (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein;
- (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage;
- (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities;
- (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District;
- (vi) special supplemental services for improvement and promotion of the District;
- (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and
- (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District.

Immediately following the resolution's adoption, notice of the public meeting was published in *The Dallas Morning News* on July 24, 2019 and mailed to each property owner via US Post (certified return receipt service). Both notices met the required 15-day notice period as required by Chapter 372 of the Texas Local Government Code.

The developer/ petitioner has submitted a draft Service Plan and Assessment Plan. The City has completed its preliminary review of both plans. The review has found several issues that

will necessitate further discussion before staff can recommend the plan(s) approval. At this time, staff recommends tabling the public hearing until September 23, 2019 to enable staff and the development team to work through the issues.

Location Map





CITY OF PLANO COUNCIL AGENDA ITEM

Council Meeting Date: 8/26/2019

Department: Special Projects

Department Head: Peter Braster

Agenda Coordinator:

CAPTION

Public Hearing on establishing the Tax Increment Reinvestment Zone #4, Plano, Texas, being located within the corporate limits of the City of Plano. **Tabled to September 23, 2019.**

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

COMMENTS: This item has no financial impact. If adopted the financial impact of creating a Tax Increment Reinvestment Zone surrounding the Collin Creek Mall property will be dependent on future property values which are indeterminable at this time, with a portion of future property tax revenue from increased property values within the zone being unavailable to Plano's General Fund and General Obligation Debt Fund

SUMMARY OF ITEM

On July 22, 2019, the City Council approved a development agreement for the redevelopment of the Collin Creek Mall. As part of the agreement, Council agreed to consider establishing a tax increment reinvestment zone. Holding a public hearing is the first step in the process of establishing such a zone.

The public hearing was noticed in the newspaper as required by State law. In addition, notices of the public hearing were sent to each property owner located in the proposed zone. See attached memo for more information. Staff recommends tabling the public hearing until September 23, 2019. The item will be re-noticed in the newspaper.

Strategic Plan Goal:

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

Plano Tomorrow Plan Pillar:

Social Environment, Economic Environment

ATTACHMENTS:

Description	Upload Date	Type
Memo	8/15/2019	Memo

Date: August 15, 2019

To: Mark D. Israelson, City Manager
Jack Carr, Deputy City Manager

From: Peter J. Braster, Director of Special Projects

Subject: Creation of Tax Increment Reinvestment Zone #4, City of Plano

On July 22, 2019, City Council approved a development agreement with Collin Creek Development, LLC. Article IV, Section 4.01 of the development agreement states:

- (a) The City intends to create the TIRZ in accordance with the TIRZ Act. The Property shall be within the boundaries of the TIRZ.
- (b) The City, in exercising its powers under the TIRZ Act, intends to dedicate seventy-five percent (75%) of the TIRZ's collected ad valorem tax increment collected from within the Property (less the City's administrative costs relating to the TIRZ). The total amount paid by the TIRZ, the time period during which TIRZ Revenues shall be dedicated, and the use of the TIRZ Revenues shall be set forth in the Funding Agreement.

In addition Section 4.02 states:

- (a) In accordance with the TIRZ Project and Finance Plan, the tax increment funds in the amount set forth in 4.01(b) above shall be deposited to the Collin Creek PID Account of the TIRZ Fund annually beginning with the first tax increment revenue generated after the creation of the TIRZ. It is anticipated that the funds on deposit in the Collin Creek PID Account of the TIRZ Fund shall be distributed in accordance with the TIRZ Project and Finance Plan for the purposes set forth in the Funding Agreement.
- (b) TIRZ revenues on deposit in the Collin Creek PID Account of the TIRZ Fund after the expiration of the term set forth in the Funding Agreement, if any, shall be returned to the TIRZ Fund and used for any lawful purpose under the TIRZ Act.

A notice of the public meeting was published in *The Dallas Morning News* on August 2, 2019 meeting the required 7-day notice period as required by Chapter 311 of the Texas Tax Code. In addition, notices were mailed to each property owner in the proposed zone.

The developer/petitioner has submitted a draft Project Plan and Finance Plan. The City has completed its preliminary review of both plans. The review has found several issues that will necessitate further discussion before staff can recommend the plan(s) approval. At this time, staff recommends tabling the public hearing until September 23, 2019 to enable staff and the development team to work through the issues.

Location Map

