



## **CITY COUNCIL**

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

**DATE: November 27, 2023**

**TIME: 7:00 PM**

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

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

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

Emails regarding agenda items may be submitted to: [councilcomments@plano.gov](mailto:councilcomments@plano.gov).

### **CALL TO ORDER**

**INVOCATION: Rabbi Michael Kushnick - Congregation Anshai Torah**

### **PLEDGE OF ALLEGIANCE / TEXAS PLEDGE:**

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

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

### **PROCLAMATIONS AND SPECIAL RECOGNITIONS**

Proclamation: The Salvation Army Christmas Campaign is being recognized for its annual Red Kettle and Angel Trees that provide help to countless citizens in need.  
**Presented**

## **COMMENTS OF PUBLIC INTEREST**

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

## **CONSENT AGENDA**

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

### **Approval of Minutes**

- (a) November 7, 2023  
**Approved**

### **Approval of Expenditures**

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

- (b) RFB No. 2023-0505-AC for a one (1) year contract with five (5) one-year automatic renewals for security personnel services for the Municipal Court to Investigation Technologies, Inc., dba International Investigators, in the estimated annual amount of \$102,400; and authorizing the City Manager to execute all necessary documents. **Approved**
- (c) RFB No. 2024-0012-AC for a one (1) year contract with five (5) one-year automatic renewals for Median and Right-of-Way Mowing, Group B, for Parks and Recreation Department to Carruthers Landscape Mgt., Inc. in the estimated annual amount of \$151,800; and authorizing the City Manager to execute all necessary documents. **Approved**
- (d) RFB No. 2023-0670-B for Plano Event Center Street Improvements, Project No. 7201, for the Engineering Department to DDM Construction Corporation in the amount of \$4,550,761; and authorizing the City Manager to execute all necessary documents. **Approved**

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

- (e) To approve the purchase of TASER 10 conducted energy weapons (CEWs) for a five (5) year contract for the Police Department in the estimated amount of \$1,592,430 from Axon Enterprise, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 648-21) **Approved**



- (f) To approve the purchase and installation of fiber optic cables and necessary hardware for the Engineering Department in the amount of \$163,286 from Capco Telecom LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (Frisco ISD Bid No. 001-2020-09) **Approved**

#### **Approval of Change Order**

- (g) To approve an increase to the current awarded contract amount of \$3,296,285 by \$737,929, for a total contract amount of \$4,034,214, for Arterial Concrete Repair Hedcoxe Road - Legacy Drive to Custer Road, Project No. 7513, from HQS Construction, LLC for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0460-B; Change Order No. 1) **Approved**
- (h) To approve an increase to the current awarded contract amount of \$2,225,340 by \$227,350, for a total contract amount of \$2,452,690, for Screening Wall Replacement - Amelia Court, Park Boulevard, Woodburn Corners, Custer Road and Parker Road, Project No. 7290, from A & B Construction, LLC for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0667-B; Change Order No. 1) **Approved**

#### **Approval of Expenditure**

- (i) To approve an expenditure for Advertising Agency Services contract effective December 13, 2023 through September 30, 2024 in the estimated amount of \$1,032,914 with five (5) one-year automatic renewals in the estimated annual amount of \$1,289,409, for an estimated total amount of \$7,479,959, from Atkins International, LLC for Visit Plano; and authorizing the City Manager to execute all necessary documents. **Removed from the agenda by staff.**

#### **Adoption of Resolutions**

- (j) To call for a public hearing on the creation of a tax increment reinvestment zone containing approximately 703 acres of land generally located in the Legacy Business Area within the corporate limits of the City of Plano; authorizing the issuance of notice by the City Secretary regarding the public hearing; directing the City of Plano to prepare a preliminary reinvestment zone financing plan, and providing a severability clause and an effective date. **Adopted Resolution No. 2023-11-3(R)**
- (k) To find that CoServ Gas, Ltd.'s ("Company") statement of intent to increase rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and the City's legal counsel; and providing an effective date. **Adopted Resolution No. 2023-11-4(R)**

**Adoption of Ordinances**

- (l) To repeal in its entirety Ordinance No. 2022-11-5, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, a publication clause and an effective date. **Adopted Ordinance No. 2023-11-5**

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

**Public Hearing Items:**

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

**Non-Public Hearing Items:**

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

- (1) Public Hearing and consideration of an Ordinance to adopt Youth Program Standards of Care for the City of Plano; and providing a repealer clause, a severability clause, a savings clause, and an effective date. **Conducted and adopted Ordinance No. 2023-11-6**
- (2) Public Hearing and consideration of a Resolution to approve and reauthorize the City of Plano Policy Statement for Tax Abatement thereby establishing criteria for evaluating tax abatement incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date. **Conducted and adopted Resolution No. 2023-11-7(R)**
- (3) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-006 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permits No. 68 for Private Club and No. 7 for Food Truck Park on 0.8 acre of land located 524 feet north of Park Boulevard and 940 feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: Amreit SSPF Preston Gold, LP **Conducted and denied request.**

- (4) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-014 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano (Tabled at the October 23, 2023, City Council meeting.) **Tabled to the February 26, 2024 City Council Meeting.**
- (5) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-024 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 61 for Public Service Yard on 5.2 acres of land located 325 feet north of Technology Drive and 700 feet west of Shiloh Road in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: Dallas Area Rapid Transit **Conducted and adopted Ordinance No. 2023-11-8 with stipulation.**
- (6) Second Reading and consideration of an Ordinance to amend Section I of Ordinance No. 2014-6-11 to extend the non-exclusive franchise granted to CoServ Gas, Ltd., a Texas limited partnership d/b/a CoServ Gas, to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes; and providing a repealer clause, a severability clause, a publication clause, and an effective date. (First reading was held at the October 9, 2023, City Council meeting.) **Second reading and adoption of Ordinance No. 2023-11-9**
- (7) Consideration of a Resolution for the City of Plano to cast its ballot for the election of members to the Collin Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. **Adopted Resolution No. 2023-11-10(R), 149 votes cast for Richard "Rick" Grady and 150 votes cast for Ronald L. Kelley**
- (8) Consideration of a Resolution for the City of Plano to cast its ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. **Adopted Resolution No. 2023-11-11(R), 4 votes cast for Roy Atwood, 4 votes cast for Alex Buck and 4 votes cast for Ann Pomykal**

The City of Plano encourages participation from all citizens. The Plano Municipal Center has accessible restroom facilities, drinking fountains, and power assist entrance doors. The facility is easily accessed from public sidewalks and parking areas. Designated accessible parking is available on the north and south sides of the building. The Senator Florence Shapiro Council Chambers is accessible by elevator to the lower level. If you require additional assistance or reasonable accommodations under the Americans with Disabilities Act for this meeting or facility, including ASL interpreters, you should submit an ADA Reasonable Accommodation Request Form to the ADA Coordinator at least 48 hours in advance. Complete or download the ADA Reasonable Accommodation Request Form at <https://www.plano.gov/395/Accessibility-Accommodations>

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023

**DEPARTMENT:** City Secretary

**DIRECTOR:** Lisa Henderson, City Secretary

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

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

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**RECOMMENDED  
ACTION:** Location Link

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## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023

**DEPARTMENT:** Proclamations

**DIRECTOR:** Andrew Fortune, Director of Policy & Government Relations

**AGENDA ITEM:** Proclamation: The Salvation Army Christmas Campaign is being recognized for its annual Red Kettle and Angel Trees that provide help to countless citizens in need.

**RECOMMENDED ACTION:** Proclamations and Special Recognition

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### **ITEM SUMMARY**

Proclamation: The Salvation Army Christmas Campaign is being recognized for its annual Red Kettle and Angel Trees that provide help to countless citizens in need. **Presented**



## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** City Secretary  
**DIRECTOR:** Lisa Henderson, City Secretary  
**AGENDA ITEM:** Approval of Minutes  
**RECOMMENDED ACTION:** Approval of Minutes

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### **ITEM SUMMARY**

November 7, 2023

**Approved**

### **ATTACHMENTS:**

Description	Upload Date	Type
Preliminary Open Meeting Minutes	11/10/2023	Minutes
Regular Meeting Minutes	11/10/2023	Minutes

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
November 7, 2023**

**COUNCIL MEMBERS PRESENT**

John B. Muns, Mayor  
Kayci Prince, Mayor Pro Tem  
Maria Tu, Deputy Mayor Pro Tem  
Anthony Ricciardelli – arrived at 5:42 p.m.  
Rick Horne  
Shelby Williams – arrived at 5:31 p.m.  
Julie Holmer  
Rick Smith

**STAFF PRESENT**

Jack Carr, Deputy City Manager  
Shelli Siemer, Deputy City Manager  
Sam Greif, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Paige Mims, City Attorney  
Lisa C. Henderson, City Secretary

Mayor Muns called the meeting to order at 5:30 p.m., Tuesday, November 7, 2023, in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue and via videoconference. A quorum was present. Mayor Muns then stated the Council would retire into Executive Session, in Training Room A, in compliance with Chapter 551, Government Code, Vernon's Texas Codes Annotated in order to consult with an attorney to receive Legal Advice and discuss Litigation, Section 551.071; and discuss Economic Development Matters, Section 551.087; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required. The Council convened into Executive Session at 5:42 p.m.

Mayor Muns reconvened the meeting back into the Preliminary Open Meeting at 6:40 p.m.

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

With no further discussion, the Preliminary Open Meeting adjourned at 6:46 p.m.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL  
REGULAR SESSION  
November 7, 2023**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

Jack Carr, Deputy City Manager  
Shelli Siemer, Deputy City Manager  
Sam Greif, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Paige Mims, City Attorney  
Lisa C. Henderson, City Secretary

Mayor Muns convened the Council into the Regular Session on Tuesday, November 7, 2023, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue and via videoconference. A quorum was present.

**Invocation and Pledge**

Rev. Dr. Victor Kollmann, Senior Pastor with Messiah Lutheran Church led the invocation and American Legion Harding – Blaine Post 321 Color Guard and Cub Scout Pack 1259 - Harrington, Hughton and Wells Elementary Schools led the Pledge of Allegiance and Texas Pledge.

**Proclamations and Special Recognitions**

Proclamation: Municipal Court Week is November 6 - 10, 2023.

Proclamation: November 11 is Veterans Day, a day to honor all who served.

Proclamation: Hunger and Homelessness Awareness Week is November 11 - 18, 2023.

Presentation: Plano's Communications and Community Outreach Department worked with the Plano Police Department Victim Services Unit and LifePath Systems to create a Public Service Announcement video series. The series has received numerous state and national awards.

**Oaths of Office**

The Mayor administered the oath of office to incoming board and commission members.

**Comments of Public Interest**

Cynthia Minchillo spoke to adding equestrian trails.

Marti Holland spoke to adding equestrian trails in the Los Rios Park area.

Denise Hamilton spoke to adding equestrian trails.



### **Consent Agenda**

**MOTION:** Upon a motion made by Council Member Horne and seconded by Council Member Ricciardelli, the Council voted 8-0 to approve all items on the Consent Agenda, as follows:

### **Approval of Minutes**

October 23, 2023  
(Consent Agenda Item “A”)

### **Approval of Expenditures**

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

**RFQ No. 2023-0288-B** for the Public Works Facility Master Plan for the Public Works Department to Parkhill, Smith & Cooper, Inc., dba Parkhill, in the estimated amount of \$541,620; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**RFB No. 2023-0616-B** for Residential Concrete Pavement Repair Zone L8 North, Project No. PW-S-00052, for the Public Works Department to Jim Bowman Construction Company, L.P. in the amount of \$4,425,203; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**RFB No. 2023-0583-B** for Building No. 047 Courtyard Theater Window Replacement, Project No. FAC-F-7269, for the Engineering Department to RTC Restoration & Glass, Inc. in the amount of \$188,327; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**RFB No. 2023-0417-B** for Kingston Drive, Duchess Trail, Lorraine Drive and Willow Lane - Paving and Waterline Improvements, Project No. 7460, for the Engineering Department to ANA Site Construction, LLC in the amount of \$3,217,802; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

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

To approve the purchase of Office Furniture for the Finance and Communications Departments for the Engineering Department in the estimated amount of \$383,157 from Plano Office Supply Co. through an existing contract; and authorizing the City Manager to execute all necessary documents. (OMNIA #R191806 and CCCC #HON MPBA-100590) (Consent Agenda Item “F”)

### **Approval of Contract Modification**

To approve an increase to the current awarded contract amount of \$90,000 by \$70,000 to the initial term of the contract, for an amount of \$160,000, for professional design consulting services from Olsson, Inc. for the Planning Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2023-0120-AC; Modification No. 1) (Consent Agenda Item “G”)

To approve the terms and conditions of a Second Amendment to the Interlocal Agreement between North Central Texas Council of Governments (NCTCOG) and the City of Plano for the Regional Stormwater Management Program in the amount of \$9,922 for Environmental Health and Sustainability; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve a modification to the Interlocal Cooperation Agreement between the North Texas Municipal Water District and the City of Plano regarding the operation and maintenance of the Regional Composting Program; and authorizing the City Manager to execute all necessary documents. (Modification No. 1) (Consent Agenda Item “I”)

To approve a modification to the Memorandum of Understanding between the North Texas Municipal Water District and the Cities of Allen, Frisco, McKinney, Plano, and Richardson regarding the operation of the Regional Composting Program; and authorizing the City Manager to execute all necessary documents. (Modification No. 1) (Consent Agenda Item “J”)

### **Approval of Change Order**

To approve an increase to the current awarded contract amount of \$4,781,689 by \$243,437, for a total amount of \$5,025,126, for Water Rehabilitation - Post Oak & Whiffletree II, III and IV, Project No. 7239, from DDM Construction Corporation for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0238-B; Change Order No. 3) (Consent Agenda Item “K”)

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

To approve an Interlocal Cooperative Agreement between City of Plano and the North Central Texas Council of Governments (NCTCOG) for the Cotton Belt Regional Trail; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

### **End of Consent**

**Public Hearing and adoption of Ordinance No. 2023-11-1** as requested in Zoning Case 2023-003 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 99.0 acres of land located at the southeast corner of Legacy Drive and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Commercial Employment to Planned Development-62-Commercial Employment; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: EDS Legacy Partners, LLC (Tabled at the August 14, 2023, September 11, 2023, and October 23, 2023, City Council meetings.) (Regular Item “1”)

Mayor Muns opened the public hearing. Frank Zaccanelli, Neda Hosseiny, Lucy Bannon and Sam Megally, all with NexPoint representing the applicant, spoke to the project.

After a lengthy discussion, the Council took a brief recess at 8:47 p.m. and reconvened at 9:01 p.m. The following amendments to Section II of the ordinance language were proposed:

1. Use Restrictions & Modifications

B. All manufacturing uses are allowed where limited to life science applications and:

- i. Life sciences is described under North American Industry Classification System Codes 3254 (Pharmaceutical and Medicine Manufacturing), 334510 (Electromedical and Electrotherapeutic Apparatus Manufacturing), 334517 (Irradiation Apparatus Manufacturing), 3391 (Medical Equipment and Supplies Manufacturing), and 5417 (Scientific Research and Development Services), as amended, and includes related pharmaceutical, medicinal, biological, biotechnology, and nanotechnology uses; and
- ii. Manufacturing uses are setback a minimum of 700 feet from Parkwood Boulevard.

E. The primary central building of the original EDS Headquarters campus must be primarily used for those activities described in North American Industry Classification System Code 5417 (Scientific Research and Development Services), as amended, and includes related pharmaceutical, medicinal, biological, biotechnology, and nanotechnology uses, as well as any other use in support of, relating to, or contracting with such aforementioned uses.

And 6. General Stipulations:

- C. Development Phasing: A construction permit for the addition of any new mid-rise residential building or hotel building will not be approved until all of the following standards are met:
- i. A minimum of 946,700 square feet of the primary central building of the original EDS Headquarters campus must receive a certificate of occupancy, and;
  - ii. A minimum of 375,000 square feet of manufacturing must receive a certificate of occupancy, and;
  - iii. An additional manufacturing facility having a minimum of 375,000 square feet must be issued a building permit and construction must have commenced, and;
  - iv. A minimum of 7 acres of open space is open for public use.

Jennifer Groysman spoke in opposition to the project. Mayor Muns closed the public hearing.

**MOTION:** Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Ricciardelli, the Council voted 7-1, with Council Member Williams in opposition, to rezone 99.0 acres of land located at the southeast corner of Legacy Drive and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Commercial Employment to Planned Development-62-Commercial Employment; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2023-003; with the changes as presented; and further to adopt Ordinance No. 2023-11-1.

The council took a brief recess at 9:18 p.m. to complete the finding forms and reconvened at 9:22 p.m.

**Public Hearing and adoption of Ordinance No. 2023-11-2** as requested in Zoning Case 2023-018 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-37-Retail/Neighborhood Office to increase the amount of retail and restaurant square footage on 7.8 acres of land located on the north side of 14th Street, 808 feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: 4301 Development, LP (Regular Item “2”)

Mayor Muns opened the public hearing. Osman Hussain, the applicant, spoke to the project. Mayor Muns closed the public hearing.

**MOTION:** Upon a motion made by Council Member Smith and seconded by Council Member Holmer, the Council voted 8-0 to amend Planned Development-37-Retail/Neighborhood Office to increase the amount of retail and restaurant square footage on 7.8 acres of land located on the north side of 14th Street, 808 feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2023-018; and further to adopt Ordinance No. 2023-11-2.

With no further discussion, the Regular City Council Meeting adjourned at 9:28 p.m.

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John B. Muns, Mayor

ATTEST:

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Lisa C. Henderson, City Secretary

**MEETING DATE**

Tuesday, November 7, 2023

**RESULTS**

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

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: THE REDEVELOPMENT OF THIS PROPERTY IS IMPORTANT and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: ECONOMIC DEVELOPMENT; and
3. The request is consistent with other policies, actions, maps:
  - ☐ Future Land Use Map and Dashboards – Priorities
  - ☐ Thoroughfare Plan Map & Cross-Sections
  - ☐ Bicycle Transportation Plan Map
  - ☐ Parks Master Plan Map
  - ☐ Heritage Preservation Plan (Preservation Plano 150)
  - ☒ Redevelopment & Growth Management Policy – Action 5A
  - ☒ Redevelopment & Growth Management Policy – Action 5B
  - ☒ Redevelopment & Growth Management Policy – Action 5C
  - ☒ Redevelopment & Growth Management Policy – Action 8
  - ☐ Other: \_\_\_\_\_
4. Comments on any of the above which further explain my position: \_\_\_\_\_

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

Signature

Date

11/7/23

**MEETING DATE**

Tuesday, November 7, 2023

**RESULTS**

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

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: it promotes economic development & creates jobs  
and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: it revitalizes an empty office building in Plano  
and
3. The request is consistent with other policies, actions, maps:
  - ☒ Future Land Use Map and Dashboards – Priorities
  - ☒ Thoroughfare Plan Map & Cross-Sections
  - ☒ Bicycle Transportation Plan Map
  - ☒ Parks Master Plan Map
  - ☐ Heritage Preservation Plan (Preservation Plano 150)
  - ☒ Redevelopment & Growth Management Policy – Action 5A
  - ☒ Redevelopment & Growth Management Policy – Action 5B
  - ☒ Redevelopment & Growth Management Policy – Action 5C
  - ☒ Redevelopment & Growth Management Policy – Action 8
  - ☐ Other: \_\_\_\_\_
4. Comments on any of the above which further explain my position: \_\_\_\_\_

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

Signature

Date

11/7/23

## MEETING DATE

Tuesday, November 7, 2023

## RESULTS

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

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: Remains Economic Development; and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: Economic Development; and
3. The request is consistent with other policies, actions, maps:
  - ☐ Future Land Use Map and Dashboards – Priorities
  - ☐ Thoroughfare Plan Map & Cross-Sections
  - ☐ Bicycle Transportation Plan Map
  - ☐ Parks Master Plan Map
  - ☐ Heritage Preservation Plan (Preservation Plano 150)
  - ☒ Redevelopment & Growth Management Policy – Action 5A
  - ☒ Redevelopment & Growth Management Policy – Action 5B
  - ☒ Redevelopment & Growth Management Policy – Action 5C
  - ☒ Redevelopment & Growth Management Policy – Action 8
  - ☐ Other: \_\_\_\_\_
4. Comments on any of the above which further explain my position: \_\_\_\_\_

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

  
Signature

11/7/23  
Date



# CITY COUNCIL

FINDINGS RELATED TO ZONING CASE 2023-003



## MEETING DATE

Tuesday, November 7, 2023

## RESULTS

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

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: It will be a transformational redevelopment of our; and largest office vacancy and make Plano a life sciences hub
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: Same as above; and
3. The request is consistent with other policies, actions, maps:
  - ☐ Future Land Use Map and Dashboards – Priorities
  - ☐ Thoroughfare Plan Map & Cross-Sections
  - ☐ Bicycle Transportation Plan Map
  - ☐ Parks Master Plan Map
  - ☐ Heritage Preservation Plan (Preservation Plano 150)
  - ☒ Redevelopment & Growth Management Policy – Action 5A
  - ☐ Redevelopment & Growth Management Policy – Action 5B
  - ☐ Redevelopment & Growth Management Policy – Action 5C
  - ☐ Redevelopment & Growth Management Policy – Action 8
  - ☒ Other: Policies relating to commercial vitality
4. Comments on any of the above which further explain my position: Please see my comments during meeting

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

Signature

Date



## MEETING DATE


Tuesday, November 7, 2023

## RESULTS

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

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: Taking unused vacant building to improve to a development and that will only be positive impact to city keep vision 2050 in mind, and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: economic impact to local and businesses, and
3. The request is consistent with other policies, actions, maps:
  - ☒ Future Land Use Map and Dashboards – Priorities
  - ☒ Thoroughfare Plan Map & Cross-Sections
  - ☒ Bicycle Transportation Plan Map
  - ☒ Parks Master Plan Map
  - ☐ Heritage Preservation Plan (Preservation Plano 150)
  - ☐ Redevelopment & Growth Management Policy – Action 5A
  - ☒ Redevelopment & Growth Management Policy – Action 5B
  - ☒ Redevelopment & Growth Management Policy – Action 5C
  - ☒ Redevelopment & Growth Management Policy – Action 8
  - ☐ Other: \_\_\_\_\_
4. Comments on any of the above which further explain my position: \_\_\_\_\_

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

  
\_\_\_\_\_  
Signature

11/7/23  
\_\_\_\_\_  
Date

**MEETING DATE**

Tuesday, November 7, 2023

**RESULTS**

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

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

\_\_\_\_\_.

or

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

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

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

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

☒ Future Land Use Map and Dashboards – Description & Priorities

☐ Future Land Use Map & Dashboards – Mix of Uses

☐ Future Land Use Map & Dashboards – Character Defining Elements

☐ Redevelopment & Growth Management Policy – Action 1

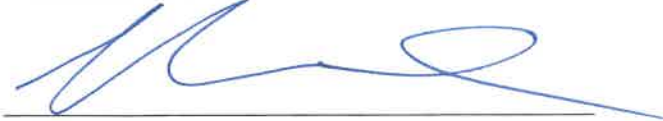
☐ Redevelopment & Growth Management Policy – Action 8

☐ Other: \_\_\_\_\_

☒ Comments on any of the above which further explain my position:

*apartments open to the general public cannot be considered critical to the success of the life sciences park*

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

  
 \_\_\_\_\_  
 Signature

*11/7/2023*  
 \_\_\_\_\_  
 Date

## MEETING DATE

Tuesday, November 7, 2023

## RESULTS

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

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: It maintains Plano as a thriving employment center.  
and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: job creation, revitalizes an unused area, brings a new industry to the area + provides communal space to be enjoyed by many.  
and
3. The request is consistent with other policies, actions, maps:
  - ☒ Future Land Use Map and Dashboards – Priorities
  - ☒ Thoroughfare Plan Map & Cross-Sections
  - ☐ Bicycle Transportation Plan Map
  - ☒ Parks Master Plan Map
  - ☐ Heritage Preservation Plan (Preservation Plano 150)
  - ☒ Redevelopment & Growth Management Policy – Action 5A
  - ☒ Redevelopment & Growth Management Policy – Action 5B
  - ☒ Redevelopment & Growth Management Policy – Action 5C
  - ☒ Redevelopment & Growth Management Policy – Action 8
  - ☐ Other: \_\_\_\_\_
4. Comments on any of the above which further explain my position: \_\_\_\_\_

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

  
Signature11-7-2023  
Date

**MEETING DATE**


Tuesday, November 7, 2023

**RESULTS**

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

1. The request is consistent with the overall Guiding Principles of the Comprehensive Plan because: Redevelopment consistent w/ community plan; and
2. The request is substantially beneficial to the immediate neighbors, surrounding community, and general public interest because: Redevelopment; and
3. The request is consistent with other policies, actions, maps:
  - ☐ Future Land Use Map and Dashboards – Priorities
  - ☐ Thoroughfare Plan Map & Cross-Sections
  - ☐ Bicycle Transportation Plan Map
  - ☐ Parks Master Plan Map
  - ☐ Heritage Preservation Plan (Preservation Plano 150)
  - ☒ Redevelopment & Growth Management Policy – Action 5A
  - ☒ Redevelopment & Growth Management Policy – Action 5B
  - ☒ Redevelopment & Growth Management Policy – Action 5C
  - ☐ Redevelopment & Growth Management Policy – Action 8
  - ☐ Other: \_\_\_\_\_
4. Comments on any of the above which further explain my position: \_\_\_\_\_

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

  
\_\_\_\_\_  
Signature11/7/23  
\_\_\_\_\_  
Date

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Municipal Court  
**DIRECTOR:** Paul McNulty, Chief Municipal Judge  
**AGENDA ITEM:** Municipal Court Security Guards  
**RECOMMENDED ACTION:** Award/Rejection of Bid/Proposal

---

### **ITEM SUMMARY**

RFB No. 2023-0505-AC for a one (1) year contract with five (5) one-year automatic renewals for security personnel services for the Municipal Court to Investigation Technologies, Inc., dba International Investigators, in the estimated annual amount of \$102,400; and authorizing the City Manager to execute all necessary documents. **Approved**

### **BACKGROUND**

The contract is for two security guards to man the security checkpoint for all persons entering the Raymond Robinson Justice Center. The security checkpoint will be operational all hours that the building is open to the public. The security guards man a walk-through metal detector, an x-ray scanner for parcels and large objects and hand-held magnetic wands for personal examinations.

This contract was secured through a Request for Bid. The City received five (5) bids. Applied Operations Security, CSC Security Services Corporation, Good Guard Security, Inc., Investigation Technologies, Inc., dba International Investigators, and North American Security Service. The recommendation is to award this bid to Investigation Technologies, Inc., dba International Investigators as submitting the lowest responsive and responsible bid.

The contract will be for one (1) year with five (5) one-year automatic renewal periods. Estimated cost for the first year is approximately \$102,400.00. The amount of future annual renewals may be increased by the same amount as shown in the mean hourly wage for Occupation Code 33-9032 Security Guards in the Dallas-Plano-Irving Metropolitan Division published by the U.S. Bureau of Labor Statistics Occupational Employment Statistics Program.

Failure to award this contract will result in there being no one to operate the single entry point security station in the Raymond Robinson Justice Center. This would expose the Court Clerks, City Prosecutors, Judges, and citizens to possible threats by a person unhappy with the operations of the Municipal Court of Record, staff and magistrates. Previous security guard operations have successfully detected and prevented the introduction into the Courthouse of knives, firearms, and other contraband.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item approves a one (1) year contract with five (5) automatic renewals for security personnel services at the Raymond Robinson Justice Center. The estimated cost for FY 2023-24 is \$68,267, which will leave a remaining fiscal year balance of \$77,291 for additional expenditures. The total estimated cost for future years is \$546,133. Future expenditures are dependent on contract renewals in the estimated amounts of \$102,400 per year in FY 2024-25 through FY 2028-29 and \$34,133 in FY 2029-30. Expenditures will be made in the Building Security Fund within the approved budget appropriations for each year of the contract.

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

**ATTACHMENTS:**

Description	Upload Date	Type
2023-0505 Recap	11/14/2023	Bid Recap

City of Plano  
2023-0505-AC  
Security Personnel Services for Municipal Court  
Bid Recap

Opening Date/Time:	August 24, 2023 at 2 PM
Vendors Notified:	194
"No Bid"s Submitted:	4
Bids Submitted:	5

Bidder	Markup Submitted	Rank
Applied Operations Security	62.05%	4
CSC Security Services Corporation (McWilliams)	100.00%	5
Good Guard Security, Inc.	49.68%	3
Investigation Technologies, Inc. dba International Investigators	37.90%	1
North America Security Service (L&J Staffing Solutions Inc)	43.00%	2

Recommended Bidder	Markup
Investigation Technologies, Inc. dba International Investigators	37.90%



## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Parks  
**DIRECTOR:** Ron Smith, Director of Parks and Recreation  
**AGENDA ITEM:** Bid No. 2024-0012-AC for Median and Right-of-Way Mowing, Group B  
**RECOMMENDED ACTION:** Award/Rejection of Bid/Proposal

---

### **ITEM SUMMARY**

RFB No. 2024-0012-AC for a one (1) year contract with five (5) one-year automatic renewals for Median and Right-of-Way Mowing, Group B, for Parks and Recreation Department to Carruthers Landscape Mgt., Inc. in the estimated annual amount of \$151,800; and authorizing the City Manager to execute all necessary documents. **Approved**

### **BACKGROUND**

This contract is for scheduled re-occurring median and right-of-way mowing, re-occurring proactive tree maintenance, litter collection, and annual mulch maintenance at various locations throughout the city along multiple high traffic thoroughfares. The locations have been mapped and labeled Group B. Group B is comprised of 8 locations totaling 114.81 acres and includes: Communications Pkwy, Legacy Dr, Parker Rd, Parkwood Blvd, Plano Pkwy, Preston Meadow Dr, Tennyson Pkwy/Archgate Dr, and Windhaven Pkwy.

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

It is the recommendation of Plano Parks and Recreation to award 2024-0012-AC, Median and Right-of-Way Mowing, Group B, to Carruthers Landscape Mgt., Inc., the lowest, responsive, and responsible bidder. The estimated annual expenditure is \$151,800.

The initial contract term for Group B is one (1) year with five (5) one-year automatic renewals for a potential of a six (6) year contract. If all renewals are exercised, the total expenditure will be \$910,800. Performing this service contractually versus in-house will save the city \$106,706.77 annually.

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

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item approves price quotes. Funding for this item is available in the 2023-24 Park Median Maintenance Budget. This request is for a one (1) year contract with five (5) one-year automatic renewals for Median and Right-of-Way Mowing, Group B, in the estimated amount of \$119,735, which will leave a remaining balance of \$511,075 for other contractual expenditures in the 2023-24 Park Median Maintenance Budget. Future year expenditures are dependent on contract renewals in the annual estimated amount of \$151,800 in the 2024-25 through 2028-29 Budgets and \$32,065 in the 2029-30 Budget. All future year expenditures will occur within council approved appropriations.

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



**ATTACHMENTS:**

Description	Upload Date	Type
Bid Recap	11/15/2023	Bid Recap

# CITY OF PLANO

**Bid No. 2024-0012-AC**  
**RFB for Median and Right-of-Way Mowing, Group B**  
**Bid Recap**

---

**Bid opening Date/Time:** Tuesday, October 31, 2023 @ 2:00 PM

**Number of Vendors Notified:** 692

**Vendors Submitting “No Bids”:** 1

**Number of Vendors Non-Responsive:** 0

**Number of Bids Submitted:** 5

Carruther’s Landscape Mgt., Inc.	\$151,800.00
Nico’s Landscape	\$152,577.67
Incircle Management, Inc.	\$174,500.00
SLM Landscape & Maintenance	\$192,559.00
Trevino’s Landscaping	\$350,992.00

**Recommended Vendor(s):**  
Carruther’s Landscape Mgt., Inc. \$151,800.00

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Engineering-CIP  
**DIRECTOR:** B. Caleb Thornhill, P.E., Director of Engineering  
**AGENDA ITEM:** Award of bid in the amount of \$4,550,761 for Plano Event Center Street Improvements Project No. 7201.  
**RECOMMENDED ACTION:** Award/Rejection of Bid/Proposal

---

### **ITEM SUMMARY**

RFB No. 2023-0670-B for Plano Event Center Street Improvements, Project No. 7201, for the Engineering Department to DDM Construction Corporation in the amount of \$4,550,761; and authorizing the City Manager to execute all necessary documents. **Approved**

### **BACKGROUND**

The Engineering Department opened bids on October 19, 2023 for the Plano Event Center Street Improvements, Project No. 7201. The project includes new infrastructure at the Plano Event Center to support future development on the site. Improvements include approximately 13,000 square yards of new street pavement, 3,500 linear feet of new 6" and 8" water line installation, 3,400 linear feet of new closed-system storm drain improvements, 2,400 linear feet of new 8" on-site sanitary sewer improvements, and 420 linear feet of 8" off-site sanitary sewer improvements.

The lowest responsive and responsible bid was submitted by DDM Construction Corporation, in the amount of \$4,550,761. There were a total of 1,886 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, it will result in the event center site unable to support planned development at the Plano Event Center, resulting in negative economic impacts to the City and a decrease in the quality of life for citizens and visitors to the City that utilize the Plano Event Center.

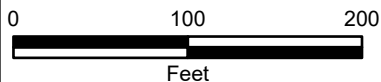
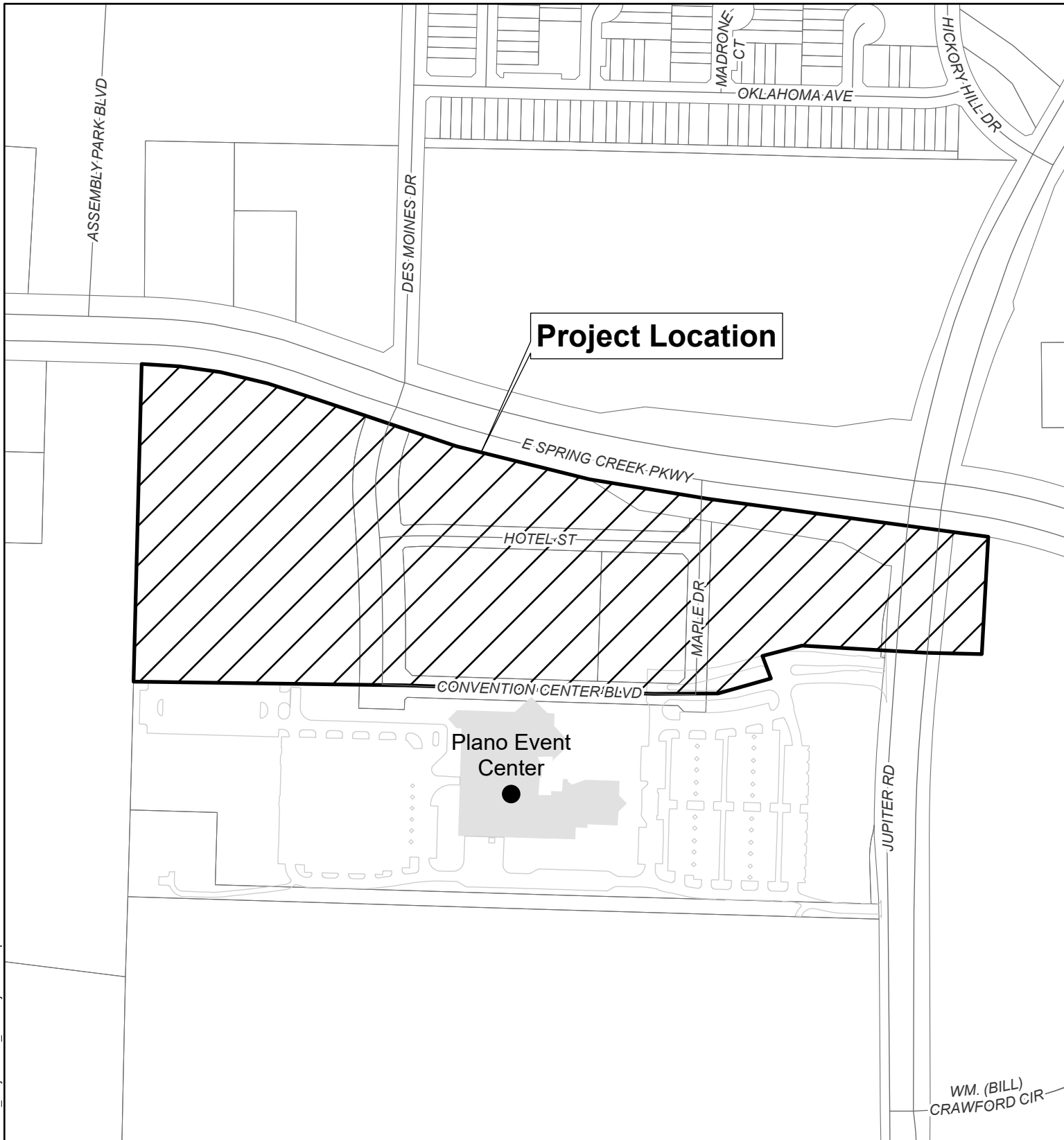
### **FINANCIAL SUMMARY/STRATEGIC GOALS**

Funding for this item is available in the 2023-24 Street Improvements CIP and Sewer CIP and is planned for future years, as well. Construction services for the Plano Event Center Street Improvements project, in the total estimated amount of \$4,550,761, will leave a balance of \$70,454 for future expenditures.

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

### **ATTACHMENTS:**

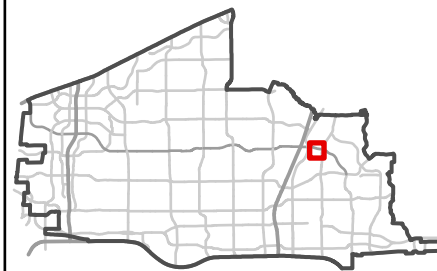
Description	Upload Date	Type
Location Map	11/9/2023	Map
Bid Recap	11/9/2023	Bid Recap



**Project No. 7201**

**Plano Event Center  
Street  
Improvements**

**Project Location**



**CITY OF PLANO**  
**RFB CIP**  
**Bid No. 2023-0670-B**  
**Plano Event Center Street**  
**Improvements Project No. 7201**

**Bid Recap**

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<b><u>Bid Opening Date/Time:</u></b>	Thursday, October 19 2023 @ 2:00 PM
<b><u>Number of Vendors Notified:</u></b>	1,886
<b><u>Vendors Submitting "No Bids":</u></b>	8
<b><u>Number of Non-Responsive Bids Submitted:</u></b>	0
<b><u>Number of Responsive Bids Submitted:</u></b>	5

<b><u>Vendor:</u></b>	<b><u>Total Bid:</u></b>
DDM Construction Corporation	\$ 4,550,760.50
Quality Excavation, LLC	\$ 5,082,596.00
McMahon Contracting	\$ 5,338,672.31
XIT Paving and Construction, Inc.	\$ 5,561,098.00
The Fain Group, Inc.	\$ 6,030,515.00

**Recommended Vendor:**

DDM Construction Corporation	\$ 4,550,760.50
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*Stephanie Shaffer*

Stephanie Shaffer, Contract Administrator

11/8/2023

Date

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Police  
**DIRECTOR:** Ed Drain, Chief of Police  
**AGENDA ITEM:** To approve the purchase of TASER 10 Conducted Energy Weapons (CEWs).  
**RECOMMENDED ACTION:** Purchase from Existing Contract

---

### **ITEM SUMMARY**

To approve the purchase of TASER 10 conducted energy weapons (CEWs) for a five (5) year contract for the Police Department in the estimated amount of \$1,592,430 from Axon Enterprise, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 648-21) **Approved**

### **BACKGROUND**

It is the recommendation of the Police Department to purchase three hundred fifty (350) TASER 10 conducted energy weapons (CEWs) less lethal projectile device and accessories from Axon Enterprise, Inc., the manufacturer and sole supplier for these products. These items are available to the City of Plano through BuyBoard Contract No. 648-21. TASER (CEWs) have proven to be an effective use of force option, as they have allowed officers to apprehend numerous aggressive and/or armed suspects without resorting to lethal force, and with fewer injuries to officers and suspects.

TASER 10 (CEWs) will be available for every First Responder in the Police Department.

The current X2 TASER will be unserviceable in the future. If this recommendation is not approved, the Police Department's capabilities would be significantly reduced by removing this less lethal force option in the future. This would negatively impact the Police Department's ability to provide a safe and effective response to public safety incidents in our community.

The City is authorized to purchase from the State Contract list 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. 648-21 and City of Plano Contract No. 2024-0035-O)

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

Funds are available in the Police Equipment Replacement Fund budget for the purchase of three hundred fifty (350) TASER 10 conducted energy weapons (CEW), in the total amount of \$1,592,430 (or \$318,486 per year in FY 2023-24 through FY 2027-28).

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government with Safe, Vibrant Neighborhoods.

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Engineering-Facilities  
**DIRECTOR:** B. Caleb Thornhill, P.E., Director of Engineering  
**AGENDA ITEM:** To approve the purchase and installation of fiber optic cables and necessary hardware for the Engineering Department.  
**RECOMMENDED ACTION:** Purchase from Existing Contract

---

### **ITEM SUMMARY**

To approve the purchase and installation of fiber optic cables and necessary hardware for the Engineering Department in the amount of \$163,286 from Capco Telecom LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (Frisco ISD Bid No. 001-2020-09) **Approved**

### **BACKGROUND**

Engineering staff recommends the expenditure in the amount of \$163,286 to Capco Telecom LLC to extend and install the termination points for fiber optic cables and hardware from the intersection of Plano Parkway and Coit Road to a leased Public Works office space at 625 Digital Drive. This work is necessary to allow secure and reliable communications and data transmission for up to 30 public works staff being relocated to this location. This extension would allow these local network assets to reach the network hardware locations and the dedicated fiber ring terminals.

If the City Council does not approve this expenditure, this leased facility will not have the necessary secure network bandwidth support.

The funding for this expenditure is coming from the Capital Maintenance Fund (359008).

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. (Frisco ISD Bid No.001-2020-09 and the City of Plano Contract No. 2024-0052-I).

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

Funding for this item is available in the 2023-24 Capital Maintenance Fund. The purchase and installation of fiber optic cables and hardware to office space at 625 Digital Drive, in the total estimated amount of \$163,286, will leave a balance of \$486,714 for future expenditures.

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

### **ATTACHMENTS:**

Description	Upload Date	Type
Map	11/2/2023	Map



# City of Plano 625 Digital Drive

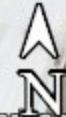
Proposed OSP Fiber Path to 625 Digital Drive

## Legend

- Aerial path
- EMT
- Traffic Conduit
- Underground Path

Splice 48 strands into existing City of Plano 96CT Fiber

Terminate 24 strands at 625 Digital Drive





## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023

**DEPARTMENT:** Public Works

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

**AGENDA ITEM:** Approve an increase in the amount of \$737,929 for Arterial Concrete Repair Hedgcoxe Road - Legacy Drive to Custer Road, Project No. 7513

**RECOMMENDED ACTION:** Approval of Change Order

---

### **ITEM SUMMARY**

To approve an increase to the current awarded contract amount of \$3,296,285 by \$737,929, for a total contract amount of \$4,034,214, for Arterial Concrete Repair Hedgcoxe Road - Legacy Drive to Custer Road, Project No. 7513, from HQS Construction, LLC for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0460-B; Change Order No.

1) **Approved**

### **PREVIOUS ACTION/PRESENTATION**

On June 27, 2022, City Council awarded a bid in the amount of \$3,296,285 for Arterial Concrete Repair Hedgcoxe Road - Legacy Drive to Custer Road, Project 7513 to HQS Construction, LLC.

### **BACKGROUND**

This change order will allow the remaining work to be completed on Hedgcoxe Road. In order to expedite projects, staff uses road condition scores to estimate the amount of pavement repair needed on a project. Staff's goal is to fall within 15 to 20 percent above or below the estimated quantity at the end of the project. In addition, the original project was designed in the fall of 2021 and further deterioration of Hedgcoxe Road occurred prior to completing construction which increased the quantity of work that needs to be completed.

The change order also allows the approval of requested unit price increases to complete the remaining work. Staff evaluated the unit price increase requests with current unit prices from projects that recently bid to ensure the project is still a good value to the city.

If this project is not awarded at Council, these areas will not be repaired, which will result in elevated maintenance and replacement costs in the future. The remaining section of Hedgcoxe Road will need to be rebid at higher unit prices and the overall construction time will be significantly delayed along with the overlay planned for this section of Hedgcoxe Road.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

Funding for this item is available in the 2023-24 Street Improvements CIP. The first change order for the Arterial Concrete Repair Hedgcoxe Road - Legacy Drive to Custer Road project, in the total estimated amount of \$737,929, will leave a balance of \$1,150 for future expenditures.

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

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023

**DEPARTMENT:** Engineering-CIP

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

**AGENDA ITEM:** Approve an increase in the amount of \$227,350 for Screening Wall Replacement - Amelia Court, Park Boulevard, Woodburn Corners, Custer Road and Parker Road, Project No. 7290.

**RECOMMENDED ACTION:** Approval of Change Order

---

### **ITEM SUMMARY**

To approve an increase to the current awarded contract amount of \$2,225,340 by \$227,350, for a total contract amount of \$2,452,690, for Screening Wall Replacement - Amelia Court, Park Boulevard, Woodburn Corners, Custer Road and Parker Road, Project No. 7290, from A & B Construction, LLC for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0667-B; Change Order No. 1) **Approved**

### **BACKGROUND**

The Engineering Department recommends approval of Change Order No. 1 for the increase in the construction contract with A&B Construction, LLC, in the amount of \$227,350, for the project Screening Wall Replacement- Amelia Court, Park Boulevard, Woodburn Corners, Custer Road and Parker Road.

Change Order No. 1 includes the extension of the screening wall along Custer Road by approximately 420 linear feet to the intersection at Rustic Drive. The current project limits stopped short of the intersection, as separate phases of the adjacent neighborhood, constructed in the 1970's, did not provide screening requirements along the second phase. This extension would complete screening requirements per subdivision ordinance requirements. Upon completion, the entire limits of the adjacent neighborhood will have appropriate screening requirements.

If this change order is not approved, it would result in continued non-conformance of screening requirements around subdivisions per the subdivision ordinance, resulting in non-compliant aesthetics, increased noise for neighborhood citizens, and a reduction of the quality of life for neighboring citizens.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

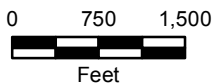
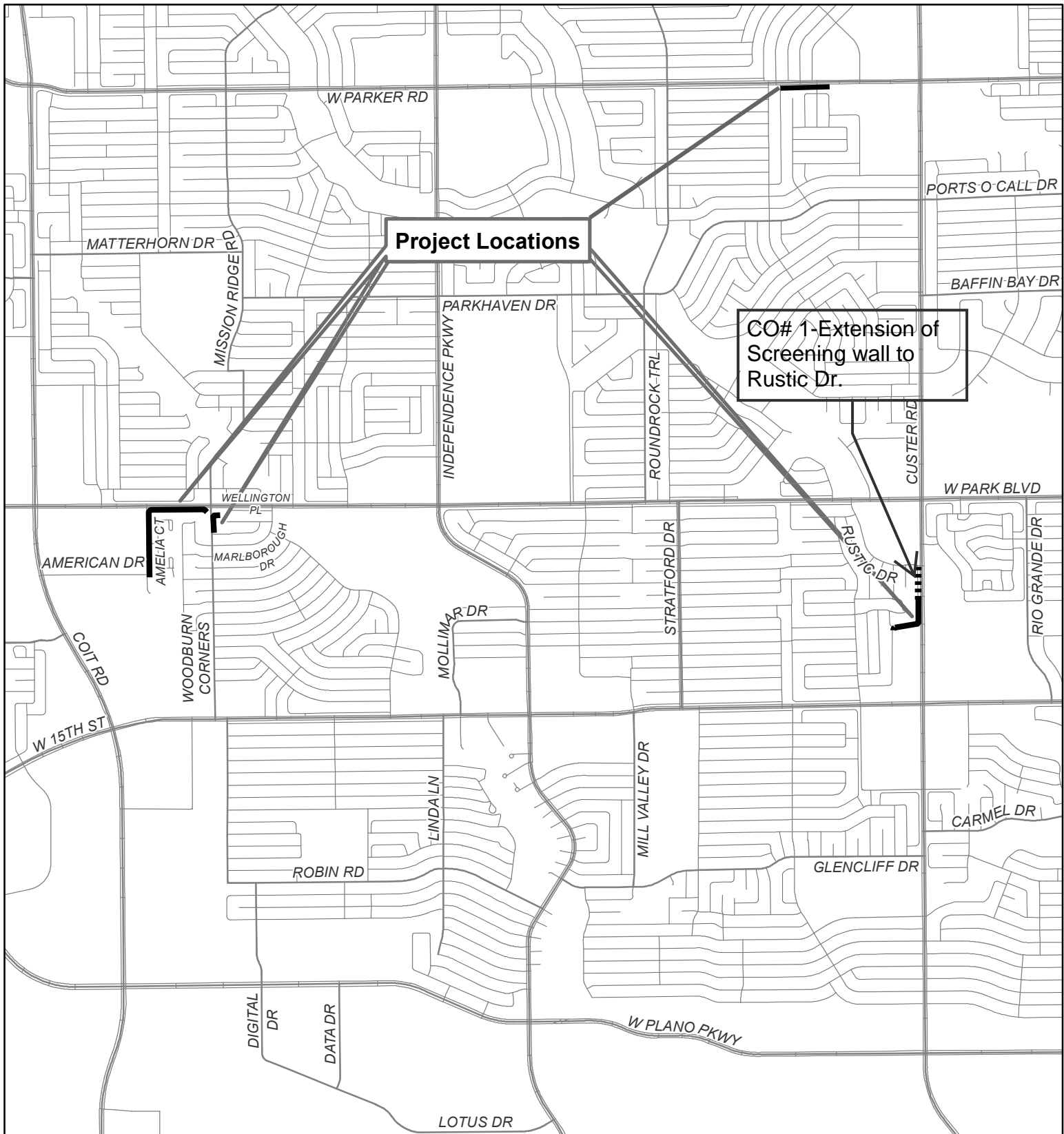
Funding for this item is available in the 2023-24 Street Improvements CIP. The first change order for the Screening Wall Replacement - Amelia Court, Park Boulevard, Woodburn Corners, Custer Road and Parker Road project, in the total estimated amount of \$227,350, will leave a balance of \$2,650 for future expenditures.

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

### **ATTACHMENTS:**

Description	Upload Date	Type
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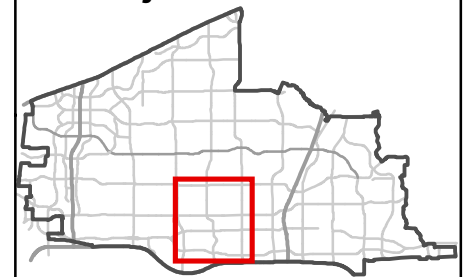




# Screening Wall Replacement Amelia Court, Park Boulevard, Woodburn Corners, Custer Road & Parker Road.

Project No. 7290

## Project Location



## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Visit Plano  
**DIRECTOR:** Doug McDonald, Director of Economic Development  
**AGENDA ITEM:** Approval of Expenditure for Advertising Agency Services for Visit Plano.  
**RECOMMENDED ACTION:** Approval of Expenditure

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### **ITEM SUMMARY**

To approve an expenditure for Advertising Agency Services contract effective December 13, 2023 through September 30, 2024 in the estimated amount of \$1,032,914 with five (5) one-year automatic renewals in the estimated annual amount of \$1,289,409, for an estimated total amount of \$7,479,959, from Atkins International, LLC for Visit Plano; and authorizing the City Manager to execute all necessary documents.

**Removed from the agenda by staff.**

### **BACKGROUND**

Visit Plano has been working with The Atkins Group for 13 years. We have found them to be one of the leading agencies in Texas to address the needs of Visit Plano. They are also currently working with Plano Event Center and Plano Economic Development which gives us some cost savings and shared opportunities to work together.

After reviewing The Atkins Group past work and projects with Visit Plano it is clear that their expertise and creative approach align with Visit Plano's marketing objectives.

The Atkins Group can boast about having a strong profile, featuring well-known brands in our industry. They have consistently delivered measurable results in terms of brand, visibility, and sales conversions.

The agency is known for its "out of the box" ideas, ensuring that our brand will stand out in a crowded marketplace. Their approach to storytelling is both engaging and relevant to our target demographics.

Visit Plano's interaction with their team, especially the account manager, has been seamless. They are prompt to address inquiries, responsive to feedback, and proactive in suggesting solutions.

We are making this recommendation to enter into this service agreement because this would be the best recommendation for us to make. This conclusion was based on several reasons. The most obvious reasons include the current relationship the City of Plano has with the agency through agreements with Visit Plano, Plano Economic Development and Plano Event Center. In addition, Visit Plano will be doing a full Tourism Strategic Plan in 2024 and we don't feel that it would be in our best interest to change the ad agency before this plan is completed. Finally, the agency is doing outstanding work on our behalf as noted above.

If this is not awarded by council, we will have to see if we can get an extension to the current agreement and/or go without an ad agency which would have a devastating impact on Visit Plano's marketing efforts. We do not have the bandwidth in-house to take on these processes. We would expect to see a decrease in overnight visitors which is currently at 3.5 million for 2021-22. This drop in visitors would have a negative

impact on the over \$75 million in local and state taxes generated by visitors to Plano, which would then impact our hotels, restaurant, retail and so on.

The City is exempt from the competitive bid process for this purchase as allowed by Texas Local Government Code Chapter 252 Subchapter B Section 252.022(a)(4). (City of Plano Internal Contract No. 2023-0700- XR)

#### **FINANCIAL SUMMARY/STRATEGIC GOALS**

Funding for this item is available in the FY 2023-24 Visit Plano budget and is planned through FY 2028-29 as well. This contract for an advertising agreement will begin December 13, 2023 and will end September 2029. The estimated total amount to be spent is \$7,479,959 with expected annual expenses of \$1,032,914 in FY 2023-24, and \$1,289,409 annually for FY 2024-25 through FY2028-29. All future year expenditures will be made within the annually approved budget appropriations.

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

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Special Projects  
**DIRECTOR:** Peter Braster, Director of Special Projects  
**AGENDA ITEM:** Call a public hearing to establish TIRZ#5 (EDS)  
**RECOMMENDED ACTION:** Adoption of Resolutions

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### **ITEM SUMMARY**

To call for a public hearing on the creation of a tax increment reinvestment zone containing approximately 703 acres of land generally located in the Legacy Business Area within the corporate limits of the City of Plano; authorizing the issuance of notice by the City Secretary regarding the public hearing; directing the City of Plano to prepare a preliminary reinvestment zone financing plan, and providing a severability clause and an effective date. **Adopted Resolution No. 2023-11-3(R)**

### **PREVIOUS ACTION/PRESENTATION**

On October 23, 2023, staff presented the concept of establishing a tax increment financing zone to support the redevelopment of vacant corporate campuses in the Legacy Business Area. Three boundary options were presented. A map of the selected zone option is attached to this resolution.

### **BACKGROUND**

The Texas Legislature, under Section 311 of the Texas Tax Code, created tax increment financing as a tool that local governments can use to publicly finance projects that will enhance an area's economic vitality. This is accomplished by creating a fund that sifts a portion or amount of tax increment generated from municipal property taxes attributable to the area above the base year's amount. The yearly increment is then deposited into the tax increment fund.

The City of Plano has 3 active zones: #2: Downtown Plano; #3 DART Silver Line; and #4 Collin Creek Mall

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item has no financial impact.

Approval of this item supports the City's Strategic Plan Critical Success Factor of Residential and Commercial Economic Vitality.

### **ATTACHMENTS:**

Description	Upload Date	Type
Resolution	11/15/2023	Resolution

**A Resolution of the City of Plano, Texas calling for a public hearing on the creation of a tax increment reinvestment zone containing approximately 703 acres of land generally located in the Legacy Business Area within the corporate limits of the City of Plano; authorizing the issuance of notice by the City Secretary regarding the public hearing; directing the City of Plano to prepare a preliminary reinvestment zone financing plan, and providing a severability clause and an effective date.**

**WHEREAS**, the City of Plano, Texas (the "City"), is authorized under Chapter 311 of the Texas Tax Code, as amended (the "Act"), to create a tax increment reinvestment zone within its corporate limits; and

**WHEREAS**, the City Council of the City (the "City Council") wishes to hold a public hearing in accordance with Section 311.003 of the Act regarding the establishment of a tax increment reinvestment zone containing approximately 703 acres of land generally located in the Legacy Business Area and being wholly located within the corporate limits of the City (the "Zone"), with the boundaries of the Zone being generally depicted in **Exhibit A** attached hereto and made a part hereof; and

**WHEREAS**, in order to hold a public hearing for the creation of the Zone, notice must be given in a newspaper of general circulation in the City no later than the 7th day before the date of the hearing in accordance with Section 311.003 of the Act; and

**WHEREAS**, the City Council has determined to hold a public hearing on January 8, 2024, on the creation of the Zone.

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

**Section I:** That a public hearing is hereby called for January 8, 2024, at 7:00 p.m., in the Senator Florence Shapiro Council Chambers at Plano Municipal Center, 1520 K Avenue, Plano, Texas 75074, for the purpose of hearing any interested person speak for or against: (i) the inclusion of property within the Zone; (ii) the creation of the Zone; (iii) the boundaries of the Zone; and/or (iv) the concept of tax increment financing.

**Section II:** That at such time and place the City Council will hear testimony regarding (i) the inclusion of property within the Zone; (ii) the creation of the Zone; (iii) the boundaries of the Zone; and/or (iv) the concept of tax increment financing and will provide a reasonable opportunity for the owner of any property within the proposed Zone to protest the inclusion of their property within the Zone. Upon closing the public hearing, the City Council will consider the adoption of an ordinance creating the Zone and other related matters.

**Section III:** That attached hereto as **Exhibit B** is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved.



**Section IV:** That the City Secretary is hereby authorized and directed to cause said notice to be published in substantially the form attached hereto as **Exhibit B** in a newspaper of general circulation in the City no later than the 7th day before the date of the hearing on January 8, 2024.

**Section V:** That before the January 8, 2024, hearing concerning the Zone, the City shall prepare a preliminary reinvestment zone project and finance plan.

**Section VI:** That all of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein.

**Section VII:** That if any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision.

**Section VIII:** That this Resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

**PASSED AND APPROVED** on the 27<sup>th</sup> day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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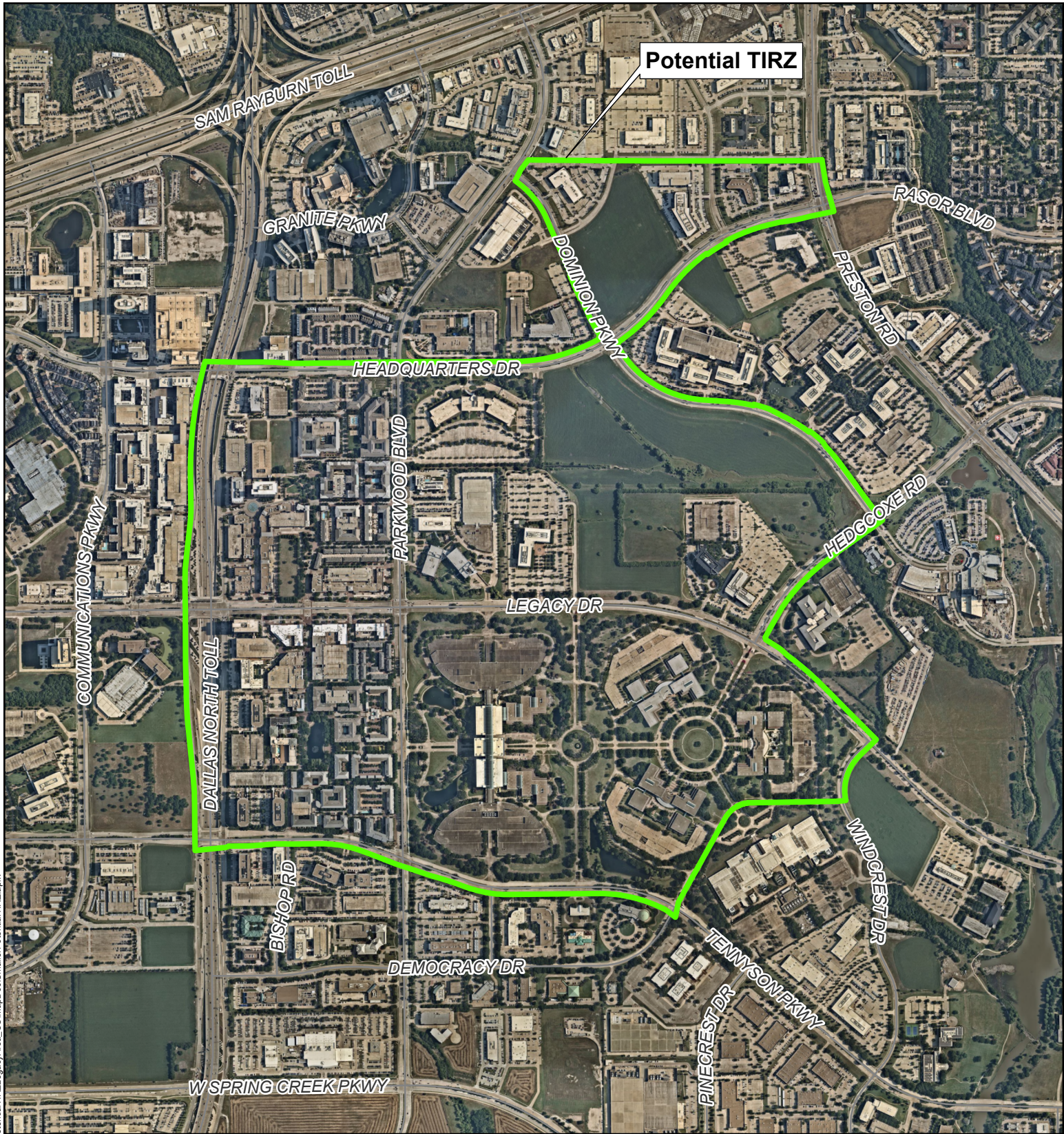
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

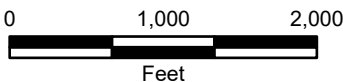
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Paige Mims, CITY ATTORNEY





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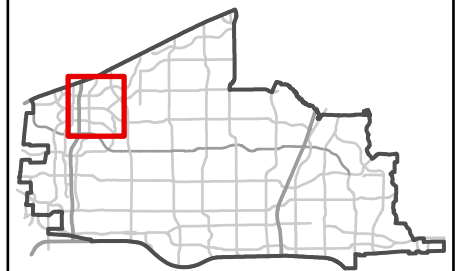
City of Plano BI-GIS Division  
October 2023

## EXHIBIT A

# Potential Tax Increment Reinvestment Zone (TIRZ)

## Legacy Area

## Potential TIRZ Location





**EXHIBIT B**  
**FORM OF NOTICE**

**CITY OF PLANO CITY COUNCIL**  
**NOTICE OF PUBLIC HEARING**  
**ON CREATION OF A REINVESTMENT ZONE**

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Notice is hereby given that the City of Plano City Council will hold a public hearing on January 8, 2024, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers at Plano Municipal Center, 1520 K Avenue, and via video conference to consider the creation of a reinvestment zone and its benefits to the City of Plano and to provide a reasonable opportunity for any owner of property within the proposed zone to protest the inclusion of their property within the proposed zone. The proposed reinvestment zone contains approximately 703 acres of land generally located in the Legacy Business Area and being wholly located within the corporate limits of the City of Plano, Texas. A map depicting the boundaries of the proposed reinvestment zone is available in the Office of the City Secretary at 1520 K Avenue, Plano, Texas 75074, and is available for public inspection. At the public hearing, any interested person may speak for or against the inclusion of property within the proposed reinvestment zone, the creation of the proposed reinvestment zone, its boundaries and/or the concept of tax increment financing. Following the public hearing, the city council will consider adoption of an ordinance creating the reinvestment zone and other related matters.

All persons wishing to enter testimony during a video conference are invited to participate remotely via broadcast by webinar to voice their opinion (registration is required). A registration link will be listed on the City Council agenda, which will be available on January 3, 2024, after 5:00 p.m. at the following link: <https://www.plano.gov/1444/City-Council-Agendas>. Total testimony is limited to thirty (30) minutes.

Emails regarding public hearing items may be submitted to [councilcomments@plano.gov](mailto:councilcomments@plano.gov). The meeting will be live streamed on Plano's website at [www.planotv.org](http://www.planotv.org) for those wanting to watch the meeting but not address the Council.

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Gov Relations  
**DIRECTOR:** Andrew Fortune, Director of Policy & Government Relations  
**AGENDA ITEM:** Adoption of a Resolution to deny the rate increase proposed by CoServ Gas.  
**RECOMMENDED ACTION:** Adoption of Resolutions

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### **ITEM SUMMARY**

To find that CoServ Gas, Ltd.'s ("Company") statement of intent to increase rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and the City's legal counsel; and providing an effective date. **Adopted Resolution No. 2023-11-4(R)**

### **PREVIOUS ACTION/PRESENTATION**

On August 28, 2023, the City of Plano approved a Resolution suspending the effective date of CoServ Gas' requested gas rate increase to allow time to review the request.

### **BACKGROUND**

On July 28, 2023, CoServ Gas, Ltd. ("CoServ" or "Company"), pursuant to Subchapter C of Chapter 104 of the Gas Utility Regulatory Act, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas ("RRC") and in all municipalities exercising original jurisdiction within its service area.

The Steering Committee of Cities Served by CoServ Gas, Ltd. ("CoServ Gas Cities") engaged the services of consultants to review the Company's filing. The consultants identified numerous unreasonable expenses and proposed significant reductions to the Company's request. Settlement discussions are ongoing, but no agreement has been met. Accordingly, CoServ Gas Cities' attorneys recommend that all member cities adopt the Resolution denying the rate change. Once the Resolution is adopted, CoServ will have 30 days to appeal the decision to the Railroad Commission where the appeal will be consolidated with CoServ's filing. The Railroad Commission will then render a decision that will apply to all of CoServ's service territory.

All cities with original jurisdiction will need to adopt the denial resolution no later than December 7.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item has no financial impact.

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

### **ATTACHMENTS:**

Description	Upload Date	Type
Memo	11/10/2023	Memo
Resolution	11/21/2023	Resolution

**Date:** November 27, 2023

**To:** Plano City Council

**From:** Andrew Fortune, Director of Policy & Government Relations

**Subject:** Resolution to Deny CoServ Gas, Ltd. Requested Rate Change

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**Summary** On July 28, 2023, CoServ Gas, Ltd. (“CoServ” or “Company”), pursuant to Subchapter C of Chapter 104 of the Gas Utility Regulatory Act, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas (“RRC”) and in all municipalities exercising original jurisdiction within its service area.

The Steering Committee of Cities Served by CoServ Gas, Ltd. (“CoServ Gas Cities”) engaged the services of consultants to review the Company’s filing. The consultants identified numerous unreasonable expenses and proposed significant reductions to the Company’s request. Settlement discussions are ongoing, but no agreement has been met. Accordingly, CoServ Gas Cities’ attorneys recommend that all member cities adopt the Resolution denying the rate change. Once the Resolution is adopted, CoServ will have 30 days to appeal the decision to the Railroad Commission where the appeal will be consolidated with CoServ’s filing.

The purpose of the Resolution is to deny the rate increase proposed by CoServ. All cities with jurisdiction will need to adopt the denial Resolution no later than December 7th.

**Background** In the City of Plano, an estimated 6% is serviced by CoServ Gas, and the remaining 94% is serviced by Atmos Energy. CoServ Gas territories in Plano are located along Highway 121 in North Plano and in far West Plano.

#### Explanation of “Be it Resolved” Sections

Section I. This paragraph finds that the Company’s application is unreasonable and should be denied.

Section II. This section states that the Company’s current rates shall not be changed.

Section III. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants, approved by the Cities, will submit monthly invoices that will be forwarded to CoServ for reimbursement.

Section IV. This section merely recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section V. This section provides CoServ and counsel for CoServ Gas Cities will be notified of the City’s action by sending a copy of the approved and signed resolution to counsel.

Section VI. This section states that this Resolution shall become effective immediately upon its passage.

**A Resolution of the City of Plano, Texas finding that CoServ Gas, Ltd.'s ("Company") statement of intent to increase rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and the City's legal counsel; and providing an effective date.**

**WHEREAS**, the City of Plano, Texas ("City") is a gas utility customer of CoServ Gas, Ltd. ("CoServ" or "Company") and is a regulatory authority under the Gas Utility Regulatory Act ("GURA") with exclusive original jurisdiction over CoServ's rates, operations, and services within the City; and

**WHEREAS**, the City cooperated with a coalition of similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting the rates charged in CoServ's service area ("CoServ Gas Cities" or "Steering Committee of Cities Served by CoServ Gas, Ltd."); and

**WHEREAS**, on or about July 28, 2023, CoServ filed with the City a Statement of Intent to Increase Rates seeking to increase natural gas rates by \$10.3 million annually in incorporated areas; and

**WHEREAS**, the City passed Resolution No. 2023-8-8(R) to suspend the effective date of CoServ's requested rate increase for 90 days, the maximum period allowed by law; and

**WHEREAS**, CoServ Gas Cities hired and directed legal counsel and consultants to prepare a collective response to the Company's requested increase, which resulted in a conclusion that CoServ's proposed rates are not reasonable; and

**WHEREAS**, CoServ Gas Cities' attorneys recommend that members deny the requested increase; and

**WHEREAS**, GURA § 103.022 provides that costs incurred by CoServ Gas Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

**Section I.** The rates proposed by CoServ to be recovered through its gas rates charged to customers located within the City limits are hereby found to be unreasonable and shall be denied.

**Section II.** The Company shall continue to charge its existing rates to customers within the City.

**Section III.** The City's reasonable rate case expenses shall be reimbursed in full by CoServ.



**Section IV.** It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and the public notice of the time, place, and purpose of said meeting was given as required.

**Section V.** A copy of this Resolution shall be sent to CoServ, care of Charles Harrell, CoServ Gas, Ltd., 7701 South Stemmons Freeway, Corinth, Texas 76210 (Charrell@coserv.com), and to Thomas Brocato, counsel for CoServ Gas Cities, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

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

**PASSED AND APPROVED** on the 27<sup>th</sup> day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Environmental Waste Services  
**DIRECTOR:** Dan Prendergast, P.E. Director of Public Works  
**AGENDA ITEM:** Ordinance updating commercial container rates for 2023 - 2024 fiscal year, effective 12/01/2023.  
**RECOMMENDED ACTION:** Adoption of Ordinances

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### **ITEM SUMMARY**

To repeal in its entirety Ordinance No. 2022-11-5, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, a publication clause and an effective date. **Adopted Ordinance No. 2023-11-5**

### **BACKGROUND**

In December 2017, the City of Plano entered into a ten year contract with Republic Services to collect solid waste from commercial and multifamily properties. Republic Services bills the commercial customers directly and pays the City a 7.5% franchise fee based on gross receipts of revenues. The contract allows an annual commercial rate increase based on the Bureau of Labor Statistics Consumer Price Index for Water, Sewer, and Trash. The CPI increase for September 2023 was 4.1%. The contract allows for a maximum increase of 4% effective December 1, 2023.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

While approval of this item will increase all categories of commercial collection rates, any financial impact is indeterminable at this time. The next financial impact of increased rates is expected to be minimal.

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

### **ATTACHMENTS:**

Description	Upload Date	Type
Ordinance with Commercial Solid Waste Rate Increase 2023 - 2024	11/16/2023	Agreement

**An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2022-11-5, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, a publication clause and an effective date.**

**WHEREAS**, on November 28, 2022, the City Council of the City of Plano enacted Ordinance No. 2022-11-5, which was codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, revising the schedule of rates and charges for the collection and disposal of solid waste from commercial customers within and outside the City and repealing Ordinance No. 2021-11-7, which had established the prior rate structure in Section 18-34; and

**WHEREAS**, the schedule of rates and charges for solid waste collection and disposal must be reviewed periodically and adjusted to address increased operational costs and/or increased services being provided; and

**WHEREAS**, upon recommendation of staff and upon full review and consideration of all matters thereto, the City Council hereby finds and determines that it is necessary to revise the schedule of rates and charges for solid waste collection and disposal, as hereinafter provided, and that such revised schedule of rates and charges is reasonable and in the best interest of the City of Plano and its citizens.

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

**Section I.** Ordinance No. 2022-11-5, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas, is hereby repealed in its entirety.

**Section II.** Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas is enacted to read as follows:

**"Sec. 18-34. Commercial container rates.**

(a) The collection and disposal of solid waste from commercial accounts in the City of Plano shall only be performed by those commercial contractors authorized by the City Council to conduct such business within the City of Plano.

(b) The following rates and charges as set forth in the schedule below are hereby established as the maximum rates that may be charged by an authorized commercial contractor for collection, transportation and disposal of solid waste pursuant to that commercial contractor's contract with the City:

- (1) Rates for commercial container service for containers with a volume between two (2) cubic yards and eight (8) cubic yards shall be as follows plus a one-time delivery charge of one hundred forty-seven dollars and seventy-three cents (\$147.73):

<u>SIZE OF CONTAINER</u>	<u>SERVICE</u>	<u>MONTHLY CHARGES</u>
2 Cu. Yd.	1 x Week	\$73.29
	2 x Week	\$113.41
	3 x Week	\$170.09
	4 x Week	\$210.81
	5 x Week	\$254.52
	6 x Week	\$314.68
	Extras	\$57.89
3 Cu. Yd.	1 x Week	\$96.81
	2 x Week	\$176.68
	3 x Week	\$245.65
	4 x Week	\$291.19
	5 x Week	\$371.62
	6 x Week	\$443.44
	Extras	\$61.98
4 Cu. Yd.	1 x Week	\$117.39
	2 x Week	\$205.77
	3 x Week	\$293.99
	4 x Week	\$383.45
	5 x Week	\$490.89
	6 x Week	\$525.93
	Extras	\$68.13
6 Cu. Yd.	1 x Week	\$161.89
	2 x Week	\$291.19
	3 x Week	\$419.80
	4 x Week	\$566.26
	5 x Week	\$713.84
	6 x Week	\$885.67
	Extras	\$76.74

8 Cu. Yd.	1 x Week	\$210.81
	2 x Week	\$369.48
	3 x Week	\$549.62
	4 x Week	\$742.00
	5 x Week	\$886.33
	6 x Week	\$1,048.91
	Extras	\$86.75

- (2) Rates for commercial compactors with a volume between two (2) cubic yards and eight (8) cubic yards shall be as follows plus a onetime delivery charge of one hundred forty-seven dollars and seventy-three cents (\$147.73):

**COMPACTORS**

<b><u>SIZE OF CONTAINER</u></b>	<b><u>SERVICE</u></b>	<b><u>MONTHLY CHARGES</u></b>
2 Cu. Yd. Compactor	1 x Week	\$188.22
	2 x Week	\$370.02
	3 x Week	\$553.42
	4 x Week	\$740.03
	5 x Week	\$923.43
	6 x Week	\$1,106.82
	Extras	\$58.62
3 Cu. Yd. Compactor	1 x Week	\$236.11
	2 x Week	\$468.03
	3 x Week	\$698.77
	4 x Week	\$936.06
	5 x Week	\$1,166.80
	6 x Week	\$1,397.54
	Extras	\$67.17
4 Cu. Yd. Compactor	1 x Week	\$284.00
	2 x Week	\$566.04
	3 x Week	\$844.13
	4 x Week	\$1,132.07
	5 x Week	\$1,410.16
	6 x Week	\$1,696.91
	Extras	\$75.70
6 Cu. Yd. Compactor	1 x Week	\$480.66
	2 x Week	\$961.28
	3 x Week	\$1,441.94
	4 x Week	\$1,922.59
	5 x Week	\$2,403.20
	6 x Week	\$2,883.84
	Extras	\$86.52

8 Cu. Yd. Compactor	1 x Week	\$640.83
	2 x Week	\$1,281.60
	3 x Week	\$1,922.42
	4 x Week	\$2,563.15
	5 x Week	\$3,203.99
	6 x Week	\$3,844.79
	Extras	\$115.36

- (3) Rates for container service for open top containers and compactors with a volume in excess of eight (8) cubic yards will be determined and paid based on haul charges plus a per ton disposal charge that is established annually by the North Texas Municipal Water District (NTMWD). Haul charges are determined based on established zip codes that reflect the contractor's transportation costs using time/distance from the service location to the disposal site. A minimum haul charge of two hundred eighteen dollars and sixty-five cents (\$218.65) will be assessed for disposal at one of NTMWD's three transfer stations or the appropriate zip code charge associated for disposal at the NTMWD RDF 121 Landfill site. Customers renting containers will be charged a delivery fee and per day rental fee. Haul rates and associated fees shall be as follows:

**HAUL FEES BY ZIP CODE**

75074	75024	75093	DELIVERY	DAILY RENTAL	MONTHLY RENTAL
75023	75075				
75025					
75094					
\$308.31	\$369.98	\$431.63	142.05	\$6.04	\$181.33

**DISPOSAL FEE:** \$43.35 per ton

- (4) Reserved.
- (5) In addition to the rates specified in subsections (b)(1) and (b)(3) above, there will be a delivery charge of one hundred forty-seven dollars and seventy-three cents (\$147.73) for each temporary or on-call container delivered. "Temporary service" shall be defined as service of duration of less than one year.
- (6) All rates for solid waste services are subject to the appropriate state taxes.

- (7) Charges for damages to commercial solid waste containers not caused by the authorized commercial contractor, and charges for replacement of such containers at more frequent intervals than approved by the City Council shall be set forth in the performance standards for the authorized commercial contractor as referenced in the commercial franchise agreement.
- (8) In addition to the charges hereinabove specified, the following additional fees and charges are authorized:

**FRONT LOADER FEES:**

Casters	\$ 5.91 per lift
Locks	\$ 2.96 per lift
Gates	\$ 2.96 per lift
Exchange	\$147.73
Extra Yardage	\$ 48.46
Relocation	\$ 88.65
Removals	\$147.73

**ROLL-OFF FEES:**

Dry Run	\$200.92
Liner	\$ 41.36
Relocate	\$147.73
Removal	\$147.73
Wash	\$295.47

**Section III.** The rates established in Section 18-34 shall be effective for all billings rendered on and after December 1, 2023.

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

**Section V.** It is hereby declared to 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 VI.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** on the 27th day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY



## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Parks  
**DIRECTOR:** Ron Smith, Director of Parks and Recreation  
**AGENDA ITEM:** Annual Approval of Youth Program Standards of Care  
**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Public Hearing and consideration of an Ordinance to adopt Youth Program Standards of Care for the City of Plano; and providing a repealer clause, a severability clause, a savings clause, and an effective date. **Conducted and adopted Ordinance No. 2023-11-6**

### **BACKGROUND**

A portion of the Parks and Recreation Department's (PARC) classes and most of its summer camps meet Chapter 42 of the Human Resources Code's definition of "Day Care" as stated in § 42.002(7). These classes and camps operated by PARC are, however, exempt from state licensing requirements as a Municipal Recreation Program. In order to file for this exemption with the Department of Family and Protective Services Child Care Licensing program, the Human Resources Code requires the City to annually adopt Standards of Care for these programs by Ordinance. These standards will ensure a minimum child/caregiver ratio, minimum employee qualifications, minimum building, health, and safety standards, and a mechanism for monitoring and enforcing the adopted local standards. Plano Parks and Recreation Youth Program Standards of Care were presented to the Parks and Recreation Planning Board on November 14, 2023.

It is recommended that the City Council adopt the ordinance establishing the Plano Parks and Recreation Youth Program Standards of Care providing basic child care regulations for day camp activities operated by the City of Plano Parks and Recreation Department, including staffing ratios, minimum qualifications, minimum facility standards, health and safety standards, and mechanisms for monitoring and enforcing the adopted local regulations.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item has no financial impact.

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

### **ATTACHMENTS:**

Description	Upload Date	Type
Presentation	10/31/2023	Other
Ordinance	9/26/2023	Ordinance
Exhibit A to Ordinance	11/14/2023	Exhibit



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# Youth Program Standards of Care

Plano Parks and Recreation



# Plano Parks and Recreation Camp Programs

- Offered approximately 260 camp opportunities
- Approximately 5,000 camp registrations

# Texas Department of Family and Protective Services

## Human Resources Code

“Day Care Center” according to Section 42.002(7)

- › 7 or more children
- › Ages 5-13
- › 3 days, 2 hours per day

# Texas Administrative Code Title 40 Chapter 745.115(3)

- ✓ Municipal program
- ✓ Parents understand programs are not state licensed
- ✓ Do not advertise as a child-care operation
- ✓ Adoption of Standards of Care by governing body
- ✓ Standards of Care provided to parents of participants
- ✓ Minimum standards and enforcement methods identified

# Standards of Care – Minimum Requirements

- ✓ Student/instructor ratios
- ✓ Minimum employee qualifications
- ✓ Minimum building, health, and safety standards
- ✓ Mechanisms for monitoring and enforcing the standards of care





# Plano's Youth Program Standards of Care

Section III. C.

Annual report to City Council:

Plano's Youth Standards of Care meet the minimum requirements within the Texas Department of Family and Protective Services Child Care Licensing Program.



# Thank you!



**An Ordinance of the City of Plano, Texas, adopting Youth Program Standards of Care for the City of Plano; and providing a repealer clause, a severability clause, a savings clause, and an effective date.**

**WHEREAS**, Texas Human Resources Code § 42.041(b)(14) establishes requirements for exempting recreational programs operated by municipalities for elementary age (5-13) children from childcare licensing requirements; and

**WHEREAS**, in order to receive exempt status for a youth recreation program, a municipality must adopt standards of care by ordinance after a public hearing for the program; and

**WHEREAS**, a public hearing for the Plano Parks and Recreation Youth Programs was held on November 27, 2023; and

**WHEREAS**, the Plano Parks and Recreation Youth Program Standards of Care will provide basic child care regulations for day camp activities operated by the City of Plano Parks and Recreation Department in accordance with Texas Human Resources Code § 42.041(b)(14).

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

**Section I.** The City Council of the City of Plano adopts the Plano Parks and Recreation Youth Program Standards of Care for providing basic child care regulations for day camp activities operated by the City of Plano Parks and Recreation Department, which include staffing ratios, minimum qualifications, minimum facility, health and safety standards, and mechanisms for monitoring and enforcing the adopted local standards.

**Section II.** A copy of the Plano Parks and Recreation Youth Program Standards of Care, herein adopted, is attached hereto as Exhibit A and incorporated as if set forth in full.

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

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

**PASSED AND APPROVED** on the 27<sup>th</sup> day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY



## **PLANO PARKS AND RECREATION YOUTH PROGRAM STANDARDS OF CARE**

The Standards of Care are intended to be minimum standards by which the City of Plano Parks and Recreation Department will operate its Youth Programs. The programs operated by the City of Plano Parks and Recreation Department are recreational in nature and are not licensed by the state of Texas as certified day care programs.

### **GENERAL ADMINISTRATION**

#### **I. Definitions**

- A. City Council: City Council of the City of Plano, Texas
- B. City: City of Plano
- C. Department: City of Plano Parks and Recreation Department
- D. Director: Plano Parks and Recreation Department Director or his/her designee.
- E. Parent(s): One or both Parent(s) or Guardian(s) who have legal custody and authority to enroll their child(ren) in a Plano Parks and Recreation Youth Program.
- F. Participant: A youth whose Parent(s) or Guardian(s) have completed all required registration procedures and has been deemed eligible to participate in a Plano Parks and Recreation Youth Program.
- G. Program Leader or Leader: Plano Parks and Recreation Department full-time, part-time, seasonal, temporary staff, or contract instructor who has been assigned responsibility to implement the Department's Youth Program.
- H. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Plano Parks and Recreation Youth Programs.
- I. Program Site: Area or facility where Plano Parks and Recreation Youth Programs are held.
- J. Program Staff: Plano Parks and Recreation Department full-time, part-time, seasonal, and temporary staff, or contract instructor assigned responsibility for managing, administering, or implementing some or all portions of one or more Plano Parks and Recreation Department Youth Programs. This definition also includes Recreation Supervisor, Recreation Coordinator and Program Leader.
- K. Recreation Center: One type of facility used to host one or more Programs.

- L. Recreation Coordinator: Plano Parks and Recreation Department programmer who has been assigned responsibility for one or more Youth Programs.
- M. Recreation Supervisor: Recreation Coordinator's supervisor who handles administrative responsibility for Youth Programs if the Recreation Coordinator is absent.
- N. Superintendent: Plano Parks and Recreation employee with administrative responsibility over one or more facilities in which the Youth Programs are held.
- O. Youth Program or Program: Plano Parks and Recreation Department programs for children ages 5-13 lasting two (2) or more hours, three (3) days or more per week.

## **II. Organization**

- A. The governing body of the Youth Program is the Plano City Council.
- B. Implementation of Plano Parks and Recreation Department Youth Programs Standards of Care is the responsibility of the Director and Program Staff.
- C. Youth Programs to which these Standards of Care will apply are Plano Parks and Recreation Department programs for children ages 5-13 lasting two (2) or more hours, three (3) days or more per week.
- D. Each Program Site will have a current copy of the Standards of Care available for the public and Program Staff.
- E. A current copy of the Standards of Care is available for view on the City's website for parents of participants to view at any time.
- F. Criminal background checks will be conducted on prospective Program Staff. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment or contract:
  - a. A felony or a misdemeanor classified as an offense against a person or family,
  - b. A felony or a misdemeanor classified as public indecency,
  - c. Any offense that would potentially put the City of Plano at risk.
- G. In addition, checks of the Texas Department of Public Safety database for the Texas Sex Offender Registration Program will be conducted on prospective Program Staff. If results of that check indicate that an applicant is a registered sex offender, he or she will not be considered for employment or contract.

### **III. Inspection/Monitoring/Enforcement**

- A. The Recreation Supervisor or Coordinator will initiate a Pre-summer inspection in May of each year of each Youth Program and site.
- B. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Coordinator will be responsible for taking the necessary steps to resolve the problem. The Coordinator will record complaints regarding enforcement of the Standards of Care and their resolution. The Director will address serious complaints regarding enforcement of the Standards of Care and the complaints and the resolutions will be noted.
- C. The Director or an appointed designee will make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

### **IV. Enrollment**

Before a child can attend a Youth Program, Parents/Guardians must register their child and provide the following information:

- a. Child's name, address, phone number
- b. Parents'/Guardians' name, address, email and phone number during program hours
- c. Proof of residency when appropriate
- d. Signed liability waiver and release forms needed for program

### **V. Suspected Abuse**

- A. Program Staff will report suspected child abuse to the Texas Department of Family and Protective Services, in accordance with the Texas Family Code, telephone number, 1-800-252-5400.
- B. Program Staff will receive information related to child abuse identification and prevention, and how to report suspected abuse.

## **STAFFING — RESPONSIBILITIES AND TRAINING**

### **VI. Recreation Coordinator (Coordinator) Qualifications**

- A. Recreation Coordinators will be professional staff of the Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.



- B. Coordinators should possess the following combination of experience and training.
  - a. Working knowledge of recreation programming and facilities planning.
  - b. Bachelor's degree in Recreation, Recreation Administration or related field.
  - c. One-year experience in developing and implementing recreation programs.
  - d. Any work related experience resulting in acceptable proficiency levels in the above minimum qualifications is an acceptable substitute for the above-specified education and experience requirements.
  - e. Current certification in First Aid, Cardio Pulmonary Resuscitation (CPR) Adult and Child, and Automated External Defibrillator (AED).

## **VII. Recreation Coordinator Responsibilities**

- A. Coordinators are responsible for administrating the Youth Program's operations in compliance with the adopted Standards of Care.
- B. Coordinators are responsible for recommending for hiring, supervising and evaluating Program Leaders.
- C. Coordinators are responsible for planning, overseeing and evaluating Youth Programs.

## **VIII. Program Leader (Leader) Qualifications**

- A. Program Leaders will be full-time, part-time, seasonal, temporary staff, or contract instructor, who has been assigned responsibility to implement the Department's Youth Programs.
- B. Leaders should be able to consistently exhibit competency, good judgment and self-control when working with Participants.
- C. Leaders must relate to Participants with courtesy, respect, tolerance and patience.
- D. Leaders must pass a background investigation.

## **IX. Program Leader (Leader) Responsibilities**

- A. Leaders will be responsible for providing Participants with an environment in which they can feel safe, enjoy wholesome recreation activities and participate in appropriate social opportunities with their peers.

- B. Leaders will be responsible for knowing and adhering to all City, Departmental, and Youth Program standards, policies and procedures that apply to the Youth Programs.
- C. Leaders will ensure Participants are released only to a Parent/Guardian or an individual designated by the Parent/Guardian. Release of Participants 10 years of age and older into the recreation center requires prior approval by the Parent/Guardian.

#### **X. Training/Orientation**

- A. The Department is responsible for ensuring Youth Program Staff has the training and information necessary to conduct the Youth Programs in accordance with the Standards of Care adopted by the City Council.
- B. Program Staff must be familiar with the Standards of Care for Youth Programs.
- C. Program Staff must be knowledgeable of appropriate procedures to handle emergencies.
- D. Program Staff will be trained in relevant areas including City, Department and Youth Program policies and procedures, recreation activities organization, safety issues, program organization, and other areas as required by assigned Youth Program.
- E. All Program Staff employed by the City will have First Aid, Cardio Pulmonary Resuscitation (CPR) Adult and Child, and Automated External Defibrillator (AED) certifications.

### **OPERATIONS**

#### **XI. Staff-Participant Ratio**

- A. In a Youth Program, the standard ratio of Participants to Staff is a maximum of 20 to 1, based on age of Participants and average daily attendance.

#### **XII. Discipline**

- A. Program Staff will execute discipline and guidance in a consistent manner based on the best interests of Participants.
- B. There will be no cruel treatment or harsh punishment (physical or verbal abuse). Examples include, but are not limited to, striking a child, belittling, or screaming at a child.
- C. Program Staff will use brief, supervised, separation from the group if necessary.
- D. A sufficient number and/or severe nature of discipline incidents, as detailed in the Program Manual, may result in a Participant being suspended from the Youth Program immediately.

- E. Participants will be removed from the Program Site as soon as possible in instances of danger to other Participants or Staff, i.e., hitting or biting other Participants or Staff and damage to any City property.

### **XIII. Programming**

- A. Program Staff will provide cultural, educational and recreational programs for each group of Participants according to their ages, interests and abilities.
- B. Activities will be appropriate to Participant's health, safety and well-being.
- C. Activities will be flexible and promote the Participant's emotional, social and mental growth.

### **XIV. Communication**

Each remote Program Site will have a cell phone available to allow the Site to be contacted by Program Staff. Each Program Site will have access to a cell phone for use in contacting Program Staff or making emergency telephone calls. At each Program Site the Coordinator will make the following telephone numbers accessible to all Program Staff:

- a. City of Plano ambulance or emergency medical services
- b. City of Plano Police Department
- c. City of Plano Fire Department
- d. Plano Parks and Recreation Department Administrative Office
- e. Numbers at which Parents/Guardians may be reached
- f. Telephone numbers and address for the Program Site itself
- g. Telephone number of Coordinator's office
- h. Poison Control

### **XV. Transportation**

- A. Program staff will be attentive and considerate of the Participants' safety during any transportation provided by the Program.
- B. Program Staff will have authorization for emergency medical care and emergency contact information for each Participant.

- C. Program Staff will have a written list of the Participants in the group and will check the roll frequently, specifically before departure to and from destination.
- D. First aid supplies and a first aid and emergency guide will be available in all Youth Program vehicles that transport Participants.
- E. Seatbelts will be worn if provided.
- F. Participants will be oriented to expected behavior and safety rules.

## **FACILITY STANDARDS**

### **XVI. Safety**

- A. Program Staff will inspect Program Sites weekly checking for sanitation and safety concerns that might affect the health and safety of the Participants.
- B. Buildings, grounds and equipment on the Program Site will be inspected, cleaned, repaired and maintained to protect the health of the Participants.
- C. Program Site equipment and supplies will be safe for the Participants use.
- D. Program Staff will have first aid supplies available at each Program Site in a designated location, during transportation, and for the duration of any off-site activity. Program Staff will have an immediate access to a guide for first aid and emergency care.

### **XVII. Fire**

- A. In case of fire, danger of fire, explosion or other emergency, Program Staff's first priority is to evacuate the Participants to a pre-designated safe area.
- B. Each indoor Program Site will have an annual fire inspection by the Plano Fire Department, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Director who will review it and establish the deadline and criteria for compliance.
- C. Each indoor Program Site will have at least one fire extinguisher approved by the Fire Marshall readily available to all Program Staff.

### **XVIII. Health**

- A. Illness or Injury
  - a. A Participant who is considered a health or safety concern to other Participants or Program Staff will not be admitted to the Youth Program.

- b. Illnesses and injuries will be handled in a manner to protect the health of all Participants and Program Staff. Participants having a fever of 100 degrees or more will not be allowed back into the Program for a minimum of 24 hours.
- c. Program Staff will follow emergency procedures for injured Participants or for Participants with symptoms of an acute illness as specified in the Program Manual.
- d. Program Staff will follow the recommendations of the Texas Department of State Health Services concerning the admission or readmission of any Participant after a communicable disease and a doctor's note may be required allowing Participant's re-admission to the Program.
- e. Should Program Staff suspect that a Participant may have a communicable disease (pink eye, lice, ringworm, strep throat, etc.), the Parent will be asked to pick up the child immediately. A doctor's note may be required before the Participant may return to the Program.

#### B. Medications

- a. Medications are considered to be any pills, liquids, inhalers, sprays, eye drops, ear drops, cough drops or topically applied creams or ointments that are expected to relieve symptoms.
- b. Any medication, prescription or over the counter, must be accompanied by a completed Medication Administration Request and Authorization Form and turned in to the Parks and Recreation staff member overseeing the program. Staff may require renewal of the form at any point in time.
- c. Written permission from parents and physician is required for participants to carry and self-administer medications. Staff may require renewal of the written permission at any time. Only insulin, asthma reliever inhalers or emergency epinephrine, will be allowed as self-carry medications. All other medications must be turned in and administered by Parks and Recreation staff.
- d. Only medications that cannot be given at home will be given during program hours.
- e. Only a one day supply of medication will be accepted each day.
- f. It is recommended that the first dose of any medication be given at home where the parent can monitor the effects.
- g. Intramuscular injections (IM) will only be administered by Parks and Recreation staff in life-threatening situations per physician emergency action plans. Injections, intravenous (IV) medications, rectal medications and medications that require special knowledge, skills or training to administer will not be administered by Parks

and Recreation staff. Should these be necessary, a parent must contact Plano Parks and Recreation at least 2 weeks prior to the start of the program so arrangements for proper medication administration can be made.

- h. Prescription and OTC medication must be in the original labeled pharmacy container and will be administered in compliance with the prescription instructions printed on the label.
- i. Expired medications will not be administered.

#### C. Toilet Facilities

- a. Each Program Site will have toilets located and equipped so Participants can use them independently and Program Staff can monitor as needed.
- b. There will be one toilet for every 30 Participants. Urinals may be counted in the ratio of toilets to Participants, but will not exceed 50% of the total number of toilets.
- c. An adequate number of lavatories will be provided.

#### D. Sanitation

- a. Each indoor Program Sites will have adequate light, ventilation, air conditioning and heat.
- b. Each Program Site will have an adequate supply of water meeting the Texas Department of State Health standards for drinking water. Water will be supplied to the Participants in a safe and sanitary manner.
- c. Garbage will be removed from Program Sites daily.
- d. All waste matters will be kept in a leak-proof, covered container.

#### E. Special Needs

- a. Every reasonable accommodation will be made to address special needs Participants.
- b. For health and safety reasons, special needs Participants must provide a personal attendant for assistance in feeding, changing of clothes, and using the restroom.

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023

**DEPARTMENT:** Eco Dev

**DIRECTOR:** Doug McDonald, Director of Economic Development

**AGENDA ITEM:** Public Hearing to request the approval and reauthorization of a resolution for the City of Plano Policy Statement for Tax Abatement.

**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Public Hearing and consideration of a Resolution to approve and reauthorize the City of Plano Policy Statement for Tax Abatement thereby establishing criteria for evaluating tax abatement incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date. **Conducted and adopted Resolution No. 2023-11-7(R)**

### **PREVIOUS ACTION/PRESENTATION**

The City first adopted the Policy Statement for Tax Abatement on November 14, 2011. This policy was amended and reauthorized on January 23, 2012, January 13, 2014, December 14, 2015, December 11, 2017, November 25, 2019 and December 7, 2021.

### **BACKGROUND**

Chapter 312 of the Texas Local Government Code enables municipalities to elect to become eligible to participate in tax abatement. To remain eligible to participate, a municipality must reauthorize guidelines and criteria to govern tax abatement agreements by resolution every two years. The current policy was approved and reauthorized on December 7, 2021 and will expire on December 7, 2023.

Before the governing body of a taxing unit may adopt, amend, repeal, or reauthorize guidelines and criteria, Chapter 312 of the Texas Local Government Code requires the governing body to hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item has no financial impact.

Reauthorizing the City of Plano Policy Statement for Tax Abatement will support the City's Strategic Plan Critical Success Factor of Residential and Commercial Economic Vitality.

### **ATTACHMENTS:**

Description	Upload Date	Type
Memo - Reauthorization of the City of Plano Policy Statement for Tax Abatement	9/27/2023	Memo
Resolution for Reauthorization of City of Plano Policy Statement for Tax Abatement	11/13/2023	Resolution
City of Plano Policy Statement for Tax Abatement	9/27/2023	Attachment



**Date:** October 27, 2023

**To:** Mark Israelson, City Manager

**From:** Doug McDonald, Economic Development Director

**Subject:** Reauthorization of the City of Plano Policy Statement for Tax Abatement

At the November 27, 2023 City Council meeting, Council will hold a public hearing and consider approval and reauthorization of the City of Plano Policy Statement for Tax Abatement. Below is a summary of the state statute and the City's existing tax abatement program. The Policy Statement has been updated to align with the goals and eligibility of the new Policy Statement for Economic Development Incentives, which was recently approved by City Council on August 14, 2023.

### **State Enabling Legislation**

Chapter 312 of the Texas Local Government Code enables municipalities to elect to become eligible to participate in tax abatement. To remain eligible to participate, a municipality must reauthorize guidelines and criteria to govern tax abatement agreements by resolution every two years.

The City first adopted the Policy Statement for Tax Abatement on November 14, 2011. This policy was amended and reauthorized on January 23, 2012, January 13, 2014, December 14, 2015, December 11, 2017, November 25, 2019 and December 7, 2021. The current policy will expire on December 7, 2023.

### **Public Hearing**

Before the governing body of a taxing unit may adopt, amend, repeal, or reauthorize guidelines and criteria, Chapter 312 of the Texas Local Government Code requires the governing body to hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization.

### **Tax Abatement History**

Tax abatements can be offered in two categories: (1) real property and/or (2) business personal property. Real property abatements may be offered to applicants that pursue the construction of new, expanded, or significantly improved facilities in which to house the applicant's project. The tax abatement will apply to the assessed value of real property improvements made. Business personal property abatements may be offered to applicants that pursue the occupancy of a new or significantly improved existing facility. The abatement will apply to the assessed value of new business personal property brought into the taxing jurisdiction. Business personal property may not be moved from another Plano location to the applicant's proposed site. Agreements cannot exceed 10 years.

Since 1987, Plano City Council has passed 141 tax abatement agreements. Currently, the City has 15 active tax abatement agreements. Six of the 15 active tax abatement agreements will expire on December 31, 2023. The last tax abatement City Council approved was on March 21, 2016.

## **Modifications to Existing Policy Statement for Tax Abatement**

The Policy Statement for Tax Abatement has been updated to align with the recently approved Policy Statement for Economic Development Incentives. New sections to the Policy Statement for Tax Abatement include:

- State Enabling Legislation
- Goals *(aligned goals with the recently adopted Policy Statement for Economic Development Incentives)*
- Eligibility *(aligned eligibility with the recently adopted Policy Statement for Economic Development Incentives)*
- Comprehensive Plan & Infrastructure Alignment
- Economic Impact Report
- Administrative Authority - *(References authority granted in the recently adopted Policy Statement for Economic Development Incentives)*

**A Resolution of the City of Plano, Texas, approving and reauthorizing the City of Plano Policy Statement for Tax Abatement thereby establishing criteria for evaluating tax abatement incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date.**

**WHEREAS**, the City is authorized by Chapter 312 of the Texas Local Government Code to provide tax abatements to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, the City adopted the initial tax abatement guidelines and criteria on November 14, 2011 and has amended and reauthorized the guidelines and criteria on January 23, 2012, January 13, 2014, December 14, 2015, December 11, 2017, November 25, 2019 and December 7, 2021; and

**WHEREAS**, the City wishes to reauthorize the City of Plano Policy Statement for Tax Abatement that is applicable for all tax abatement applications submitted after the date of this Resolution; and

**WHEREAS**, a public hearing to receive comments regarding the City of Plano Policy Statement for Tax Abatement was held on November 27, 2023; and

**WHEREAS**, upon full review and consideration of the City of Plano Policy Statement for Tax Abatement, the City Council is of the opinion that the City of Plano Policy Statement for Tax Abatement should be approved; and

**WHEREAS**, the City of Plano Policy Statement for Tax Abatement guidelines and criteria are effective for two (2) years from the date of adoption.

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

**Section I.** The City Council hereby approves the reauthorization of the City of Plano Policy Statement for Tax Abatement, which is attached hereto as Exhibit "A" effective for two (2) years from the date of this Resolution.

**Section II.** The City of Plano elects to be eligible to participate in tax abatement agreements pursuant to Chapter 312 of the Texas Local Government Code.

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

**PASSED AND APPROVED** on the 27th day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

## **CITY OF PLANO**

### **POLICY STATEMENT FOR TAX ABATEMENT**

**Effective 11-27-2023**

#### **I. Purpose**

The City of Plano, Texas (“City”) is committed to the promotion and retention of high-quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. The City will, on a case-by-case basis, consider providing tax abatements to promote economic development and to stimulate business and commercial activity in Plano.

The purpose of this Policy Statement is to define the program goals and guiding principles for the City to consider when providing tax abatements. Nothing herein shall imply or suggest that the City is under any obligation to provide any tax abatement to any applicant.

The City Council first approved the tax abatement guidelines and criteria on November 14, 2011. This Policy Statement aligns with the City’s Policy Statement for Economic Development Incentives Program.

#### **II. State Enabling Legislation**

Article III, Section 52-a of the Texas Constitution sets up the constitutional framework for public funding of economic development efforts.

Municipal authority to create economic development incentives is granted by a variety of statutes. Chapter 312 of the Texas Local Government Code enables municipalities to elect to become eligible to participate in tax abatement. To remain eligible to participate, a municipality must reauthorize guidelines and criteria to govern tax abatement agreements by resolution every two years.

#### **III. Goals**

A successful economic development approach responds to the needs of the community, illustrates resiliency during dynamic market conditions, utilizes a proactive intervention strategy and is guided by shared community values. The primary goals for City’s Policy Statement for Tax Abatement are to:

1. Retain existing jobs while attracting new jobs to provide access to wealth through economic growth;
2. Create new value from improvements (in both real and business personal property) to increase the tax base and provide high quality services to citizens;
3. Diversify the economic base to cushion against economic shock; and

4. Stimulate commercial activity to encourage investment in and redevelopment of underperforming office, industrial and retail developments, and special reinvestment areas, such as Downtown Plano.

For a tax abatement to be approved (granted), the goals must be measurable and binding upon the tax abatement's recipient as set forth in the agreement between the City and recipient.

#### **IV. Eligibility**

All tax abatements provided by the City must have as their underlying goal to further economic development in Plano. The City will ensure that the public purpose of economic development is pursued and the tax abatement, once granted, will promote economic development, stimulate commercial activity, enhance the tax base, and further the economic vitality of the City.

All applicants will be considered on a case-by-case basis. Although the City will consider all applications for tax abatements that meet the eligibility requirements set forth in this Policy, the City is especially interested in supporting projects that are expected to produce a meaningful impact on the City and its economy and that result in one or more of the following:

- Retention or expansion of an existing employer,
- Creation of high-wage jobs,
- Growth of business activity, employment, or investment in one of the City's identified target industries,
- Significant investment in real property and business personal property, or
- Revitalization with likelihood of ancillary development in areas identified for redevelopment in the City's Comprehensive Plan.

Eligibility of tax abatement includes both new facilities and structures and expansion or modernization of existing facilities and structures.

#### **V. Comprehensive Plan & Infrastructure Alignment**

Prior to submitting an application for tax abatement, the applicant should review the City's Comprehensive Plan along with existing water, sewer and roadway plans to determine if the use is supported and if additional infrastructure capacity is warranted for the new development.

#### **VI. Tax Abatement Categories**

Tax abatements can be offered in two categories: (1) real property and/or (2) business personal property. Real property abatements may be offered to applicants that pursue the construction of new, expanded, or significantly improved existing facilities where the applicant's project will be housed. The tax abatement will apply to the assessed value of real property improvements made. Business

personal property abatements may be offered to applicants that pursue the occupancy of a new or significantly improved existing facility. The abatement will apply to the assessed value of new business personal property brought into the taxing jurisdiction. Business personal property may not be moved from another Plano location to the applicant's proposed site.

Assessed value, as used in this Policy Statement, shall mean the taxable value of real property and/or business personal property improvements as determined by the county appraisal district in which the property is located.

Following an assessment of an application, the City Manager shall determine whether it is in the best interest of the City to recommend a tax abatement. If a recommendation is made to offer a tax abatement, the percentage of a proposed abatement and term will be determined based upon information provided in the tax abatement application.

## **VII. General Application Requirements and Procedures for Tax Abatement**

Any person, organization or corporation seeking a tax abatement must comply with the following procedures. Nothing within these procedures shall imply or suggest that the City is under any obligation to provide any tax abatement to an applicant. Prior to submitting an application, the applicant should meet with the City's Economic Development Department ("Department") to determine project eligibility and review application requirements. A mutual non-disclosure agreement may be executed at this time at the request of the applicant.

Information provided by applicant on the application may be subject to release to the public pursuant to the Texas Public Information Act ("TPIA"). However, certain information provided to the City in connection with an application may be confidential and not subject to public disclosure until the tax abatement agreement is executed. The City will respond to requests for disclosure as required by law and will assert exceptions to disclosure as it deems relevant. The City will make reasonable attempts to notify the applicant of the request so it may assert its own objections to the Texas Office of Attorney General in accordance with the TPIA.

### **Application Process**

An application must be completed and submitted to the Department.

- A. All information in the application will be reviewed for completeness and accuracy. The applicant shall prepare and submit a metes and bounds legal description of the property. The applicant's recent annual audit/company financials will also be reviewed by City. Additional information may be requested, as needed. The City Manager may use City personnel and third parties to assist in the application review process.



- B. The City will invite the applicant to attend a meeting where members of the City will review the application and hear from the applicant about the proposed project.
- C. Upon review, the City Manager will determine whether it is in the best interests of the City to recommend that a tax abatement be offered to the applicant. If a tax abatement is recommended, it will be presented to the City Council in an executive session pursuant to the Texas Open Meetings Act. The proposed tax abatement recommendation by the City Manager does not bind the City Council to provide any tax abatement. It is a conditional recommended offer and subject to the City Council's approval.
- D. Upon receipt of the proposed offer, the applicant will have ninety (90) days to accept, decline or request an extension of the proposed offer. All responses and requests must be made in writing to the City Manager. In certain circumstances, the City Manager may alter the time frame.
- E. Upon written acceptance by the applicant of the proposed offer, the recommendation of the City Manager with all relevant materials will be forwarded to the City Council.
- F. The City Council may consider a resolution calling a public hearing to consider establishment of a Reinvestment Zone as required by Chapter 312 of the Texas Local Government Code.
- G. The City Council may hold a public hearing and determine whether the project is "feasible and practical and would be of benefit to the land to be included in the zone and to the municipality after the expiration of the tax abatement agreement."
- H. A minimum of forty-five (45) days prior to the public hearing, the applicant must provide a metes and bounds (legal property description) and a general address of the property. To meet the requirement of state law, notice of the public meeting where a Reinvestment Zone and a tax abatement will be considered must be published at least thirty (30) days before the scheduled City Council public hearing meeting date.

Additionally, the following information is required in the public notice:

- a. The name of the property owner and the name of the applicant for the agreement;
- b. The name and location of the Reinvestment Zone where the property subject to the tax abatement agreement is located;
- c. A general description of the nature of the improvements or repairs included in the proposed agreement; and
- d. The estimated cost of the improvements or repairs.

- I. After the public hearing, the City Council may consider adoption of an ordinance designating the area described in the metes and bounds (legal property description) of the proposed project as a Reinvestment Zone.
- J. The City Council may consider adoption of a resolution approving the terms and conditions of a tax abatement agreement between the City and the applicant governing the provisions of the tax abatement.
- K. If the tax abatement agreement is approved and executed, the City will send copies of the agreement to the Office of the Governor Economic Development and Tourism, Office of the Comptroller and the State Property Tax Board each April.
- L. Property taxes are assessed on January 1 of each year. It is the obligation of the applicant to ensure that all final approvals for the tax abatement agreement have occurred by December 31st of the year prior to the year the improvements are assessed. No tax abatement can be given for improvements that are on the Tax Assessor's Roll before the tax abatement is effective. It is the applicant's responsibility to ensure the follow-up of these items and approvals.
- M. At a minimum, all tax abatement agreements will include the following provisions:
  - 1) No business personal property shall be relocated from any other Plano location;
  - 2) Job creation and/or retention shall not be a requirement in the City's tax abatement agreements including any tax abatement agreements in effect at the time of adoption of this Policy;
  - 3) Right of inspection by the City of the premises must be provided by the applicant to ensure compliance with the agreement;
  - 4) The right of recapture by the City of previously abated taxes if applicant fails to pay taxes for the assessed value for the real property and/or business personal property;
  - 5) The value of all real property improvements and business personal property will be the assessed value as determined by the appropriate county appraisal district;
  - 6) The term of a tax abatement agreement may not exceed ten (10) years as required by state law;
  - 7) The right to terminate a tax abatement agreement in the event of a material breach of the agreement; and

- 8) Written annual certification to the City by a designated officer of the applicant receiving the tax abatement that it has complied with the terms and conditions of the tax abatement agreement.

#### **VIII. Economic Impact Report**

An economic impact report will be developed by the City for applicable economic development tax abatement requests based on information provided in the application. This report will summarize the employment, fiscal and community impact of the project, value of incentive/tax abatement, city-associated costs, net financial benefits and the rate of return/payback period.

#### **IX. Administrative Authority**

The City Manager or designee has been authorized by the City Council to administer and approve specific items related to economic development incentive agreements. This authority is described in the City's Policy Statement for Economic Development Incentives Program.

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Zoning  
**DIRECTOR:** Christina Day, Director of Planning  
**AGENDA ITEM:** Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-006.  
**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-006 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permits No. 68 for Private Club and No. 7 for Food Truck Park on 0.8 acre of land located 524 feet north of Park Boulevard and 940 feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: Amreit SSPF Preston Gold, LP **Conducted and denied request.**

### **BACKGROUND**

The Planning & Zoning Commission recommended approval of this zoning case with a vote of 8-0 per their Final Report in the attached Supporting Documents.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

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

### **ATTACHMENTS:**

Description	Upload Date	Type
Ordinance with Exhibits	11/20/2023	Ordinance
ZC2023-006 Supporting Documents	11/15/2023	Informational

## **Zoning Case 2023-006**

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permits No. 68 for Private Club and No. 7 for Food Truck Park on 0.8 acre of land out of the Thomas J. Cotton Survey, Abstract No. 202, located 524 feet north of Park Boulevard and 940 feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.**

**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 27th day of November, 2023, for the purpose of considering granting Specific Use Permits No. 68 for Private Club and No. 7 for Food Truck Park on 0.8 acre of land out of the Thomas J. Cotton Survey, Abstract No. 202, located 524 feet north of Park Boulevard and 940 feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail; 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 27th day of November 2023; and

**WHEREAS**, the City Council is of the opinion and finds that granting Specific Use Permits No. 68 for Private Club and No. 7 for Food Truck Park on 0.8 acre of land out of the Thomas J. Cotton Survey, Abstract No. 202, located 524 feet north of Park Boulevard and 940 feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail, would not be detrimental to the public health, safety, or general welfare, or otherwise offensive to the neighborhood; and

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

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

**Section I.** The Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 68 for Private Club on 0.8 acre of land out of the Thomas J. Cotton Survey, Abstract No. 202, located 524 feet north of Park Boulevard and 940 feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail, said property being described in the legal description in Exhibit A attached hereto.

**Section II.** The Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 7 for Food Truck Park on 0.8 acre of land out of the Thomas J. Cotton Survey, Abstract No. 202, located 524 feet north of Park Boulevard and 940 feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail, said property being described in the legal description in Exhibit A attached hereto.

**Section III.** The change in Section II is granted subject to the following:

The food truck park must be setback a minimum of 250 feet from the residential zoning district boundary line to the north, and a minimum of 50 feet from the eastern property line of Preston Towne Crossing, Block 1, Lot 2.

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

**Section V.** 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 VI.** 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 VII.** 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 VIII.** 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 IX.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** on the 27th day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY



**ZONING CASE 2023-006  
LEGAL DESCRIPTION**

**BEING** a 32,872 square foot (0.7546 of an acre) tract of land, situated in the Thomas J. Cotton Survey, Abstract No. 202, City of Plano, Collin County, Texas, and being part of Lot 2, Block 1 of Preston Towne Crossing, recorded in Cabinet G, Page 138 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and also being part of a tract of land as described in a Special Warranty Deed to Amreit SSPF Preston Gold, LP, a Delaware limited partnership, recorded in Instrument No. 20061116001637830 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T) and being more particularly described by metes and bounds as follows;

**COMMENCING** at the northeast corner of said Lot 2 and the northwest corner of Lot 1R, Block 1, Berkeley Square Addition, recorded in Instrument No. 20190802010003340 (O.P.R.D.C.T.);

**THENCE** South 00 degrees 22 minutes 13 seconds East, along the east line of said Lot 2 and the west line of said Lot 1R, a distance of 59.62 feet;

**THENCE** Departing the east line of said Lot 2 and the west line of said Lot 1R, over and across said Lot 2, the following courses and distances;

South 89 degrees 37 minutes 47 seconds West, a distance of 74.92 feet to the northeast external corner of a building, and being the **POINT OF BEGINNING**;

South 00 degrees 25 minutes 49 seconds East, along the east exterior wall edge of said building, a distance of 210.31 feet to a point for corner;

North 89 degrees 34 minutes 11 seconds East, departing the east exterior wall edge of said building, a distance of 22.76 feet to a point for corner on the west line of a 24-foot wide fire lane, access, gas, and water easement as shown on final plat of said Preston Towne Crossing;

South 00 degrees 22 minutes 13 seconds East, along the west line of said 24-foot wide fire lane, access, gas, and water easement, a distance of 75.00 feet to a point for corner;

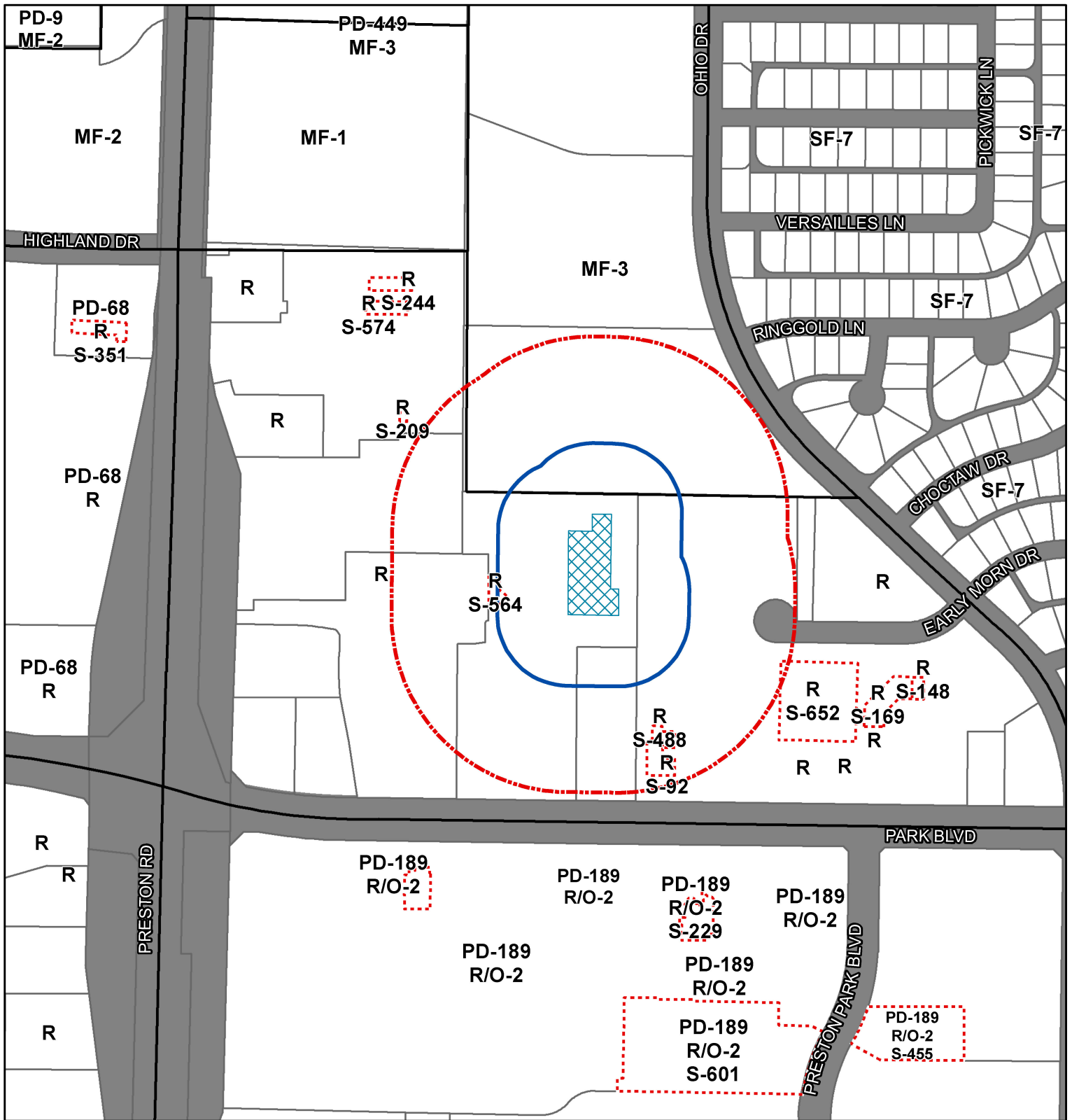
South 89 degrees 44 minutes 02 seconds West, departing the west line of said 24-foot wide fire lane, access, gas, and water easement, passing at a distance of 22.68 feet the east exterior wall edge of said building, in all, a total distance of 143.29 feet to a point for corner on the south exterior wall edge of said building;

North 00 degrees 25 minutes 49 seconds West, along the center of an interior wall of said building, a distance of 236.95 feet to a point for corner;

North 89 degrees 34 minutes 11 seconds East, along the center of an interior wall of said building a distance of 67.00 feet to a point for corner;

North 00 degrees 25 minutes 49 seconds West, along the center of an interior wall of said building, a distance of 48.00 feet to a point for corner on the north exterior wall edge of said building;

North 89 degrees 37 minutes 01 second East, along the north exterior wall edge of said building, a distance of 53.60 feet to the **POINT OF BEGINNING** and **CONTAINING** 32,872 Acres or 0.7546 of an acre, more or less.

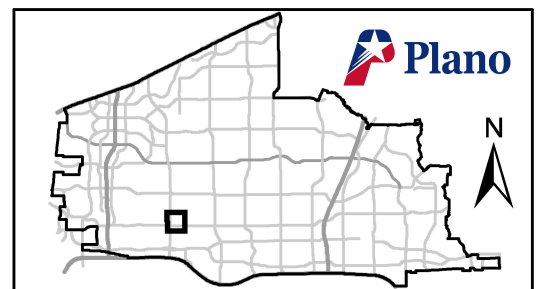


Zoning Case: 2023-006

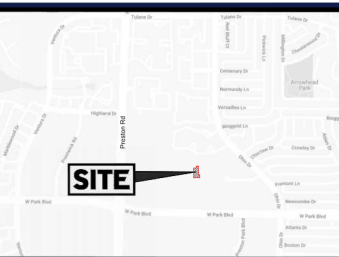
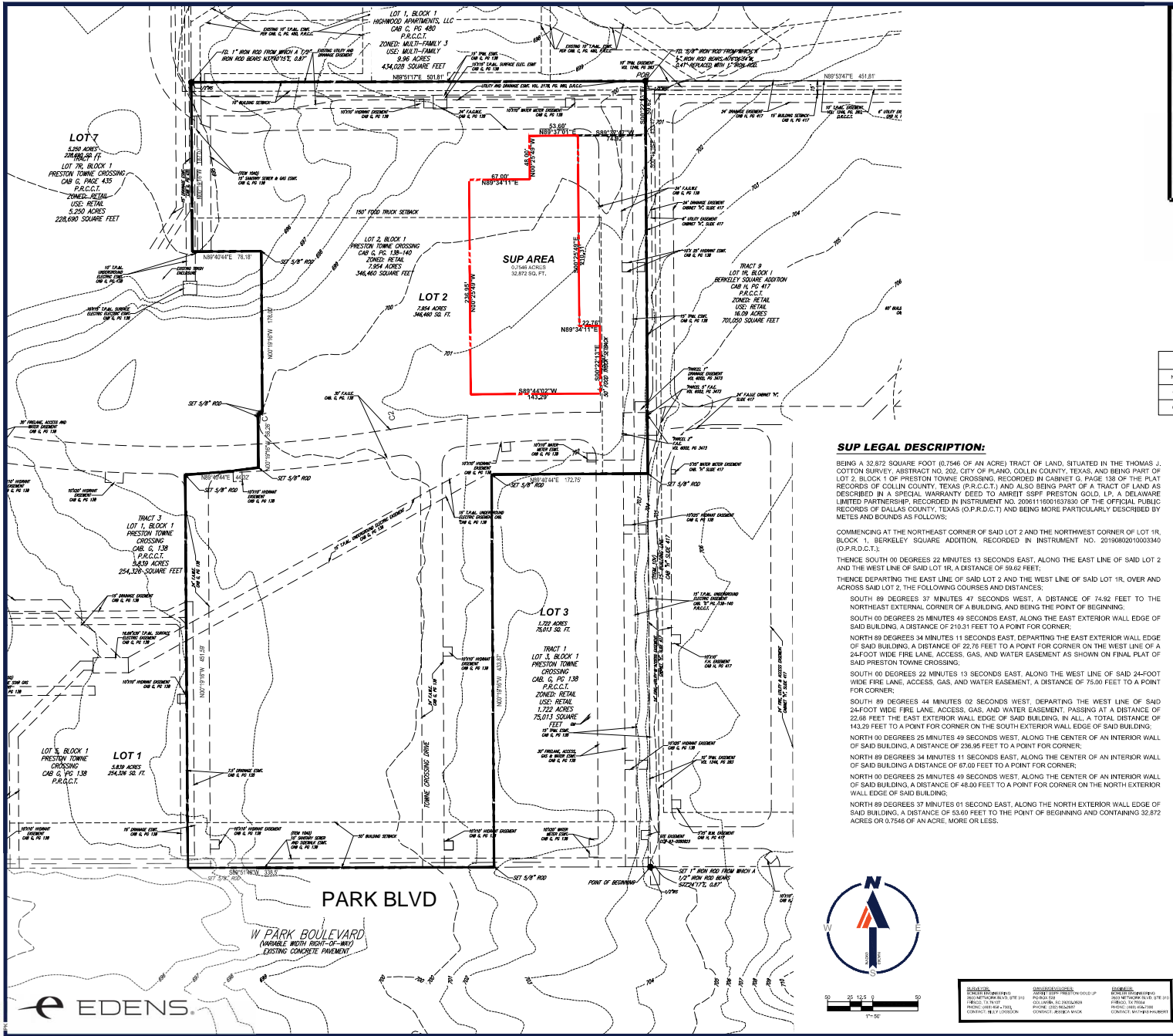
Existing Zoning: Retail

Proposed Zoning: Specific Use Permits for Private Club and Food Truck Park

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



0 290 580 1,160  
Feet



LOCATION MAP  
SCALE: N.T.S.

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

CURVE TABLE					
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING
C1	128.76'	60°38'57"	350.00'	63.48'	N11°10'27"W 128.87'
C2	158.02'	61°13'30"	600.34'	79.40'	N07°34'07"W 157.96'

EXIST. LEGEND	
	PROPERTY BOUNDARY
	FUTURE R.O.W.
	ADJACENT PROPERTY BOUNDARY
	EXIST. SETBACK
	EXIST. EASEMENT
	EXIST. ELECTRIC EASEMENT

**SUP LEGAL DESCRIPTION:**  
BEING A 32,872 SQUARE FOOT (0.7546 OF AN ACRE) TRACT OF LAND, SITUATED IN THE THOMAS J. COTTON SURVEY, ABSTRACT NO. 202, CITY OF PLANO, COLLIN COUNTY, TEXAS, AND BEING PART OF LOT 2, BLOCK 1 OF PRESTON TOWNE CROSSING, RECORDED IN GABINET K, PAGE 138 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS (P.R.C.C.T.) AND ALSO BEING PART OF A TRACT OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO JAMIE SPFF PRESTON GOLD, LP, A DELAWARE LIMITED PARTNERSHIP, RECORDED IN INSTRUMENT NO. 2006116001637830 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS (O.P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 AND THE NORTHWEST CORNER OF LOT 1R, BLOCK 1, BERKELEY SQUARE ADDITION, RECORDED IN INSTRUMENT NO. 2019080201000340 (O.P.R.D.C.T.);  
THENCE SOUTH 00 DEGREES 22 MINUTES 13 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 2 AND THE WEST LINE OF SAID LOT 1R, A DISTANCE OF 89.62 FEET;  
THENCE DEPARTING THE EAST LINE OF SAID LOT 2 AND THE WEST LINE OF SAID LOT 1R, OVER AND ACROSS SAID LOT 2, THE FOLLOWING COURSES AND DISTANCES:  
SOUTH 89 DEGREES 37 MINUTES 47 SECONDS WEST, A DISTANCE OF 74.92 FEET TO THE NORTHEAST EXTERIOR CORNER OF A BUILDING, AND BEING THE POINT OF BEGINNING;  
SOUTH 00 DEGREES 23 MINUTES 49 SECONDS EAST, ALONG THE EAST EXTERIOR WALL EDGE OF SAID BUILDING, A DISTANCE OF 210.31 FEET TO A POINT FOR CORNER;  
NORTH 89 DEGREES 34 MINUTES 11 SECONDS EAST, DEPARTING THE EAST EXTERIOR WALL EDGE OF SAID BUILDING, A DISTANCE OF 22.76 FEET TO A POINT FOR CORNER ON THE WEST LINE OF A 24-FOOT WIDE FIRE LANE, ACCESS, GAS, AND WATER EASEMENT AS SHOWN ON FINAL PLAT OF SAID PRESTON TOWNE CROSSING;  
SOUTH 00 DEGREES 22 MINUTES 13 SECONDS EAST, ALONG THE WEST LINE OF SAID 24-FOOT WIDE FIRE LANE, ACCESS, GAS, AND WATER EASEMENT, A DISTANCE OF 75.00 FEET TO A POINT FOR CORNER;  
SOUTH 89 DEGREES 44 MINUTES 02 SECONDS WEST, DEPARTING THE WEST LINE OF SAID 24-FOOT WIDE FIRE LANE, ACCESS, GAS, AND WATER EASEMENT, PASSING AT A DISTANCE OF 22.68 FEET THE EAST EXTERIOR WALL EDGE OF SAID BUILDING, IN ALL, A TOTAL DISTANCE OF 143.29 FEET TO A POINT FOR CORNER ON THE SOUTH EXTERIOR WALL EDGE OF SAID BUILDING;  
NORTH 90 DEGREES 25 MINUTES 49 SECONDS WEST, ALONG THE CENTER OF AN INTERIOR WALL OF SAID BUILDING, A DISTANCE OF 236.95 FEET TO A POINT FOR CORNER;  
NORTH 89 DEGREES 34 MINUTES 11 SECONDS EAST, ALONG THE CENTER OF AN INTERIOR WALL OF SAID BUILDING, A DISTANCE OF 87.60 FEET TO A POINT FOR CORNER;  
NORTH 00 DEGREES 25 MINUTES 49 SECONDS WEST, ALONG THE CENTER OF AN INTERIOR WALL OF SAID BUILDING, A DISTANCE OF 48.00 FEET TO A POINT FOR CORNER ON THE NORTH EXTERIOR WALL EDGE OF SAID BUILDING;  
NORTH 89 DEGREES 37 MINUTES 01 SECOND EAST, ALONG THE NORTH EXTERIOR WALL EDGE OF SAID BUILDING, A DISTANCE OF 53.60 FEET TO THE POINT OF BEGINNING AND CONTAINING 32,872 ACRES OR 0.7546 OF AN ACRE, MORE OR LESS.



DATE	BY	DESCRIPTION
08/04/2023	J. BOHLER	PREPARED FOR PRESTON TOWNE CROSSING
08/04/2023	J. BOHLER	REVIEWED FOR PRESTON TOWNE CROSSING
08/04/2023	J. BOHLER	APPROVED FOR PRESTON TOWNE CROSSING

CITY APPROVALS

ZC2023-006  
ZONING EXHIBIT

LOT 2, BLOCK 1  
PRESTON TOWNE CROSSING  
CAB G, P. 138-140  
7.95 ACRES  
SUP AREA 0.7546 ACRES  
4817 W PARK BLVD  
PLANO, COLLIN COUNTY, TEXAS  
PREPARATION DATE AUGUST 04, 2023

**BOHLER**  
SITE CIVIL AND CONSULTING ENGINEERING  
LANDSCAPE ARCHITECTURE  
PROGRAM MANAGEMENT  
PERMITTING SERVICES  
TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	COMMENT

**811**  
How many calls before you call before you dig?  
ALWAYS CALL 811  
It's fast. It's free. It's the law.

**NOT APPROVED FOR CONSTRUCTION**

PROJECT NO: TXA220066.00  
DRAWN BY: DUCPAC  
CHECKED BY: MJH  
DATE: 11/01/2023  
PROJECT: ZONING EXHIBIT ZC2023-006 FOR EDENS.

**BOHLER**  
2600 NETWORK BLVD, STE 310  
FRISCO, TX 75034  
Phone: (469) 458-7300  
TX@BohlerEng.com  
TXB: TXA220066.00, 10/28/2023

PLANS PREPARED BY **BOHLER**  
FOR REVIEW PURPOSES ONLY

**ZONING EXHIBIT**

SHEET TITLE

SHEET NUMBER  
**1 OF 1**

ORG. DATE - 07/24/2023

**DATE:** November 7, 2023

**TO:** Honorable Mayor & City Council

**FROM:** Planning & Zoning Commission

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

**SUBJECT:** Results of Planning & Zoning Commission Meeting of November 6, 2023

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**AGENDA ITEM NO. 1A - ZONING CASE 2023-006**  
**PETITIONER: AMREIT SSPF PRESTON GOLD, LP**

Request for a Specific Use Permits for a Private Club and Food Truck Park on 0.8 acre located 524 feet north of Park Boulevard and 940 feet east of Preston Road. Zoned Retail. Tabled September 5, 2023, September 18, 2023, and October 2, 2023. Project #ZC2023-006.

**APPROVED:** 8-0

Speaker Card(s) Received:	Support:	<u>1</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Letters Received Within 200' Notice Area:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>6</u>	Oppose:	<u>3</u>	Neutral:	<u>0</u>

**RESULTS:**

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

Food truck park must be setback a minimum of 250 feet from the residential zoning district boundary line to the north, and a minimum of 50 feet from the eastern property line of Preston Towne Crossing, Block 1, Lot 2.

To view the hearing, please click on the provided link:  
<https://planotx.new.swagit.com/videos/280321?ts=266>

KC/kob

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

[Google Link](#)

**AGENDA ITEM NO. 1A**

**PUBLIC HEARING:** Zoning Case 2023-006

**PETITIONER:** Amreit SSPF Preston Gold, LP

**DESCRIPTION:** This request is for Specific Use Permits for a Private Club and Food Truck Park on 0.8 acre located 524 feet north of Park Boulevard and 940 feet east of Preston Road. Zoned Retail and located within the Preston Road Overlay District. Project #ZC2023-006. Tabled September 5, 2023, September 18, 2023, and October 2, 2023.

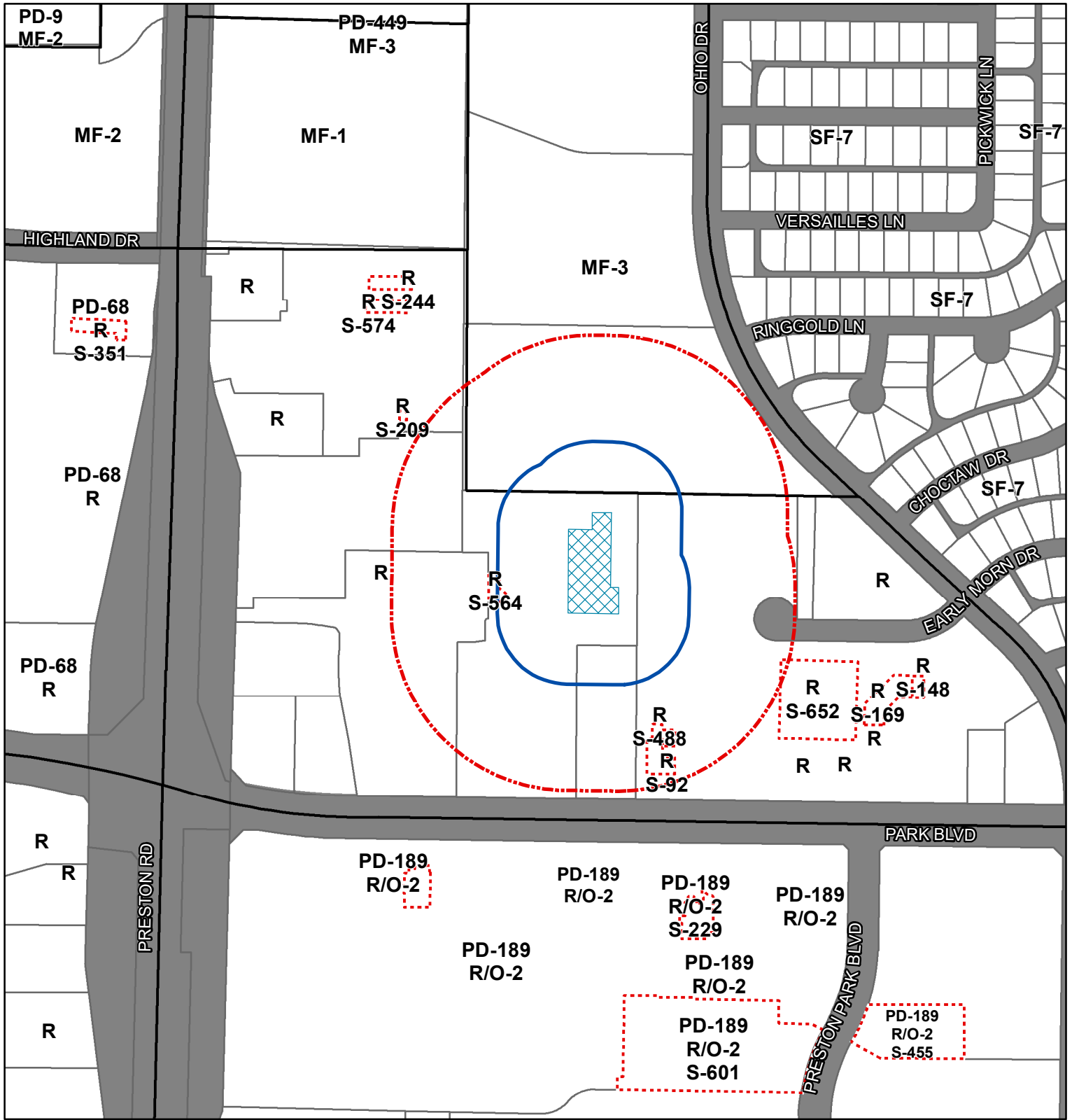
**SUMMARY:**

The applicant is requesting Specific Use Permits for a Private Club and Food Truck Park to accompany a proposed restaurant use in an existing shopping center. Major topics of consideration in this request include:

- Conformance to the Comprehensive Plan – The subject property is located within the Suburban Activity Center (SA) category of the Future Land Use Map.
- Separation Requirements – Private clubs must meet separation requirements from nearby schools, church, and other uses.
- Residential Adjacency Standards – Food truck parks are required to be located at least 150 feet from a residential district.
- Parking – The subject property does not have adequate parking onsite to meet the requirements of the Zoning Ordinance. A shared parking agreement with the adjacent property is proposed as a condition of approval for the site plan to meet the parking requirements.

This request will contribute to the mix of commercial uses within the general area and is in conformance with the policies of the Comprehensive Plan. The private club and food truck park uses are consistent with the distance requirements of the Zoning Ordinance, and the applicant is proposing a stipulation to further separate the food truck park use from the residential development to the north. Staff is in support of the request with the stipulation noted in the recommendation.

A revised site plan for the property accompanies this request as Agenda Item No. 1B.

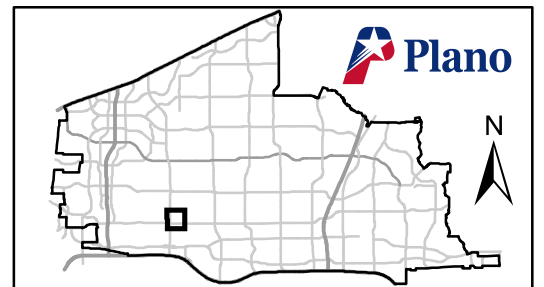


Zoning Case: 2023-006

Existing Zoning: Retail

Proposed Zoning: Specific Use Permits for Private Club and Food Truck Park

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




0 290 580 1,160  
Feet



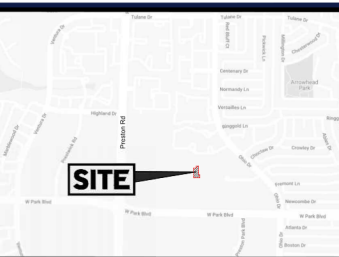
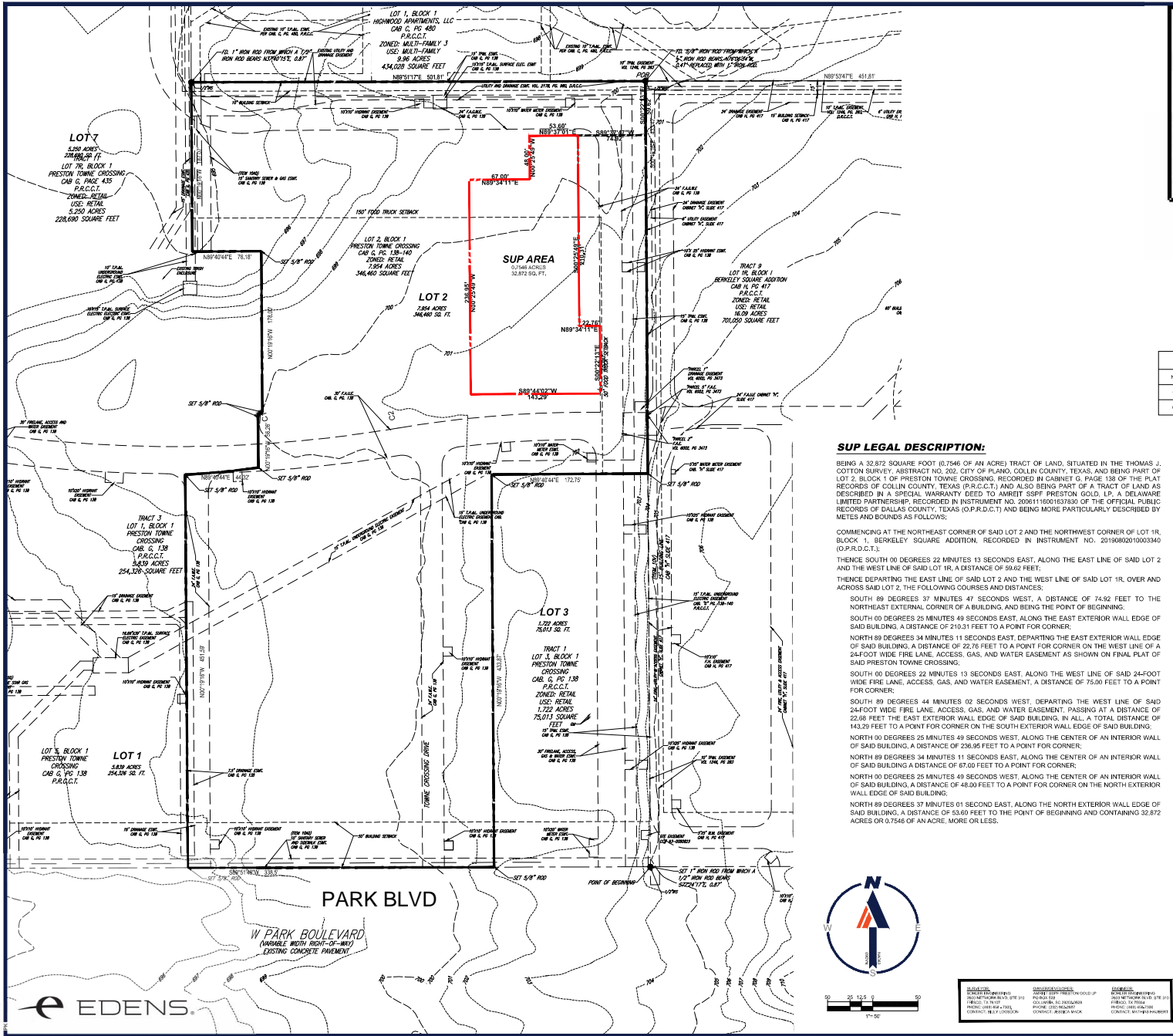


Zoning Case 2023-006

 Area of Request

0 150 300  
Feet





LOCATION MAP  
SCALE: N.T.S.

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

CURVE TABLE					
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING
C1	128.76'	60°38'57"	350.00'	63.48'	N11°10'27"W
C2	158.02'	61°13'30"	600.34'	79.40'	N07°34'07"W

EXIST. LEGEND	
---	PROPERTY BOUNDARY
---	FUTURE R.O.W.
---	ADJACENT PROPERTY BOUNDARY
---	EXIST. SETBACK
---	EXIST. EASEMENT
---	EXIST. ELECTRIC EASEMENT

**SUP LEGAL DESCRIPTION:**  
BEING A 32,872 SQUARE FOOT (0.7546 OF AN ACRE) TRACT OF LAND, SITUATED IN THE THOMAS J. COTTON SURVEY, ABSTRACT NO. 202, CITY OF PLANO, COLLIN COUNTY, TEXAS, AND BEING PART OF LOT 2, BLOCK 1 OF PRESTON TOWNE CROSSING, RECORDED IN GABINET G, PAGE 138 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS (P.R.C.C.T.) AND ALSO BEING PART OF A TRACT OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO JAMES S. PRESTON, GOLD, LP, A DELAWARE LIMITED PARTNERSHIP, RECORDED IN INSTRUMENT NO. 2006116001637830 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS (O.P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 AND THE NORTHWEST CORNER OF LOT 1R, BLOCK 1, BERKELEY SQUARE ADDITION, RECORDED IN INSTRUMENT NO. 2015080201000340 (O.P.R.D.C.T.);  
THENCE SOUTH 00 DEGREES 22 MINUTES 13 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 2 AND THE WEST LINE OF SAID LOT 1R, A DISTANCE OF 384.2 FEET;  
THENCE DEPARTING THE EAST LINE OF SAID LOT 2 AND THE WEST LINE OF SAID LOT 1R, OVER AND ACROSS SAID LOT 2, THE FOLLOWING COURSES AND DISTANCES:  
SOUTH 89 DEGREES 37 MINUTES 47 SECONDS WEST, A DISTANCE OF 74.92 FEET TO THE NORTHEAST EXTERIOR CORNER OF A BUILDING, AND BEING THE POINT OF BEGINNING;  
SOUTH 00 DEGREES 23 MINUTES 49 SECONDS EAST, ALONG THE EAST EXTERIOR WALL EDGE OF SAID BUILDING, A DISTANCE OF 210.31 FEET TO A POINT FOR CORNER;  
NORTH 89 DEGREES 34 MINUTES 11 SECONDS EAST, DEPARTING THE EAST EXTERIOR WALL EDGE OF SAID BUILDING, A DISTANCE OF 22.76 FEET TO A POINT FOR CORNER ON THE WEST LINE OF A 24-FOOT WIDE FIRE LANE, ACCESS, GAS, AND WATER EASEMENT AS SHOWN ON FINAL PLAT OF SAID PRESTON TOWNE CROSSING;  
SOUTH 00 DEGREES 22 MINUTES 13 SECONDS EAST, ALONG THE WEST LINE OF SAID 24-FOOT WIDE FIRE LANE, ACCESS, GAS, AND WATER EASEMENT, A DISTANCE OF 75.00 FEET TO A POINT FOR CORNER;  
SOUTH 89 DEGREES 44 MINUTES 02 SECONDS WEST, DEPARTING THE WEST LINE OF SAID 24-FOOT WIDE FIRE LANE, ACCESS, GAS, AND WATER EASEMENT, PASSING AT A DISTANCE OF 22.68 FEET THE EAST EXTERIOR WALL EDGE OF SAID BUILDING, IN ALL, A TOTAL DISTANCE OF 143.29 FEET TO A POINT FOR CORNER ON THE SOUTH EXTERIOR WALL EDGE OF SAID BUILDING;  
NORTH 90 DEGREES 25 MINUTES 49 SECONDS WEST, ALONG THE CENTER OF AN INTERIOR WALL OF SAID BUILDING, A DISTANCE OF 236.95 FEET TO A POINT FOR CORNER;  
NORTH 89 DEGREES 34 MINUTES 11 SECONDS EAST, ALONG THE CENTER OF AN INTERIOR WALL OF SAID BUILDING, A DISTANCE OF 87.60 FEET TO A POINT FOR CORNER;  
NORTH 00 DEGREES 25 MINUTES 49 SECONDS WEST, ALONG THE CENTER OF AN INTERIOR WALL OF SAID BUILDING, A DISTANCE OF 48.00 FEET TO A POINT FOR CORNER ON THE NORTH EXTERIOR WALL EDGE OF SAID BUILDING;  
NORTH 89 DEGREES 37 MINUTES 01 SECONDS EAST, ALONG THE NORTH EXTERIOR WALL EDGE OF SAID BUILDING, A DISTANCE OF 53.60 FEET TO THE POINT OF BEGINNING AND CONTAINING 32,872 ACRES OR 0.7546 OF AN ACRE, MORE OR LESS.



DATE	BY	DESCRIPTION
08/04/2023	J. BOHLER	PREPARED FOR PRESTON TOWNE CROSSING
08/04/2023	J. BOHLER	REVIEWED FOR PRESTON TOWNE CROSSING
08/04/2023	J. BOHLER	APPROVED FOR PRESTON TOWNE CROSSING

CITY APPROVALS

\_\_\_\_\_  
ZC2023-006  
ZONING EXHIBIT

LOT 2, BLOCK 1  
PRESTON TOWNE CROSSING  
CAB G, P. 138-140  
7.95 ACRES  
SUP AREA 0.7546 ACRES  
4817 W PARK BLVD  
PLANO, COLLIN COUNTY, TEXAS  
PREPARATION DATE AUGUST 04, 2023

BOHLER  
SITE CIVIL AND CONSULTING ENGINEERING  
LANDSCAPE ARCHITECTURE  
PROGRAM MANAGEMENT  
PERMITTING SERVICES  
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT

811  
How many calls before you call before you dig?  
ALWAYS CALL 811  
It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PROJECT NO: TXA220046.00  
DRAWN BY: DUCPAC  
CHECKED BY: MJH  
DATE: 11/01/2023  
CADD ID: 11/01/2023

PROJECT: **ZONING EXHIBIT ZC2023-006**

FOR: EDENS.

LOT 2, BLOCK 1  
PRESTON TOWNE CROSSING  
CAB G, P. 138-140  
7.95 ACRES  
SUP AREA 0.7546 ACRES  
4817 W PARK BLVD  
PLANO, COLLIN COUNTY, TEXAS

BOHLER  
2600 NETWORK BLVD, STE 310  
FRISCO, TX 75034  
Phone: (469) 458-7300  
TX@BohlerEng.com  
TXB: TXA, TXB, TXC, TXD, TXE, TXF, TXG, TXH, TXI, TXJ, TXK, TXL, TXM, TXN, TXO, TXP, TXQ, TXR, TXS, TXT, TXU, TXV, TXW, TXX, TXY, TXZ

PLANS PREPARED BY BOHLER FOR REVIEW PURPOSES ONLY

SHEET TITLE: **ZONING EXHIBIT**

SHEET NUMBER: **1 OF 1**

ORG. DATE: 07/24/2023

## STAFF PRELIMINARY REPORT - INTRODUCTORY REMARKS

---

The applicant is requesting Specific Use Permits (SUP) to operate a Private Club and an associated Food Truck Park in an existing shopping center located in a 1,600-square-foot area adjacent to the building.

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

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

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

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

Proposed Uses – The Zoning Ordinance defines private clubs and food truck parks as follows:

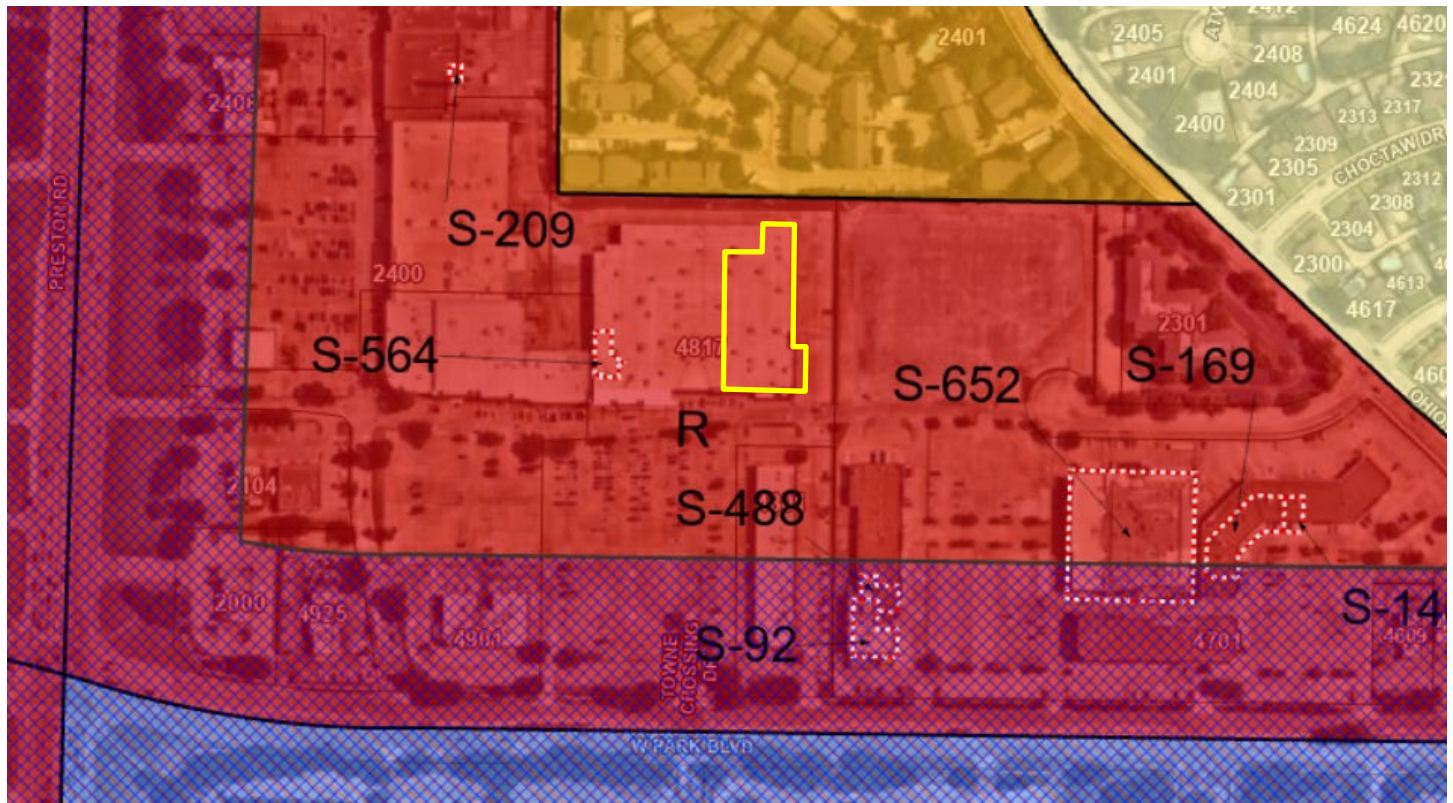
- *Private Club – an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.*
- *Food Truck Park – an area designed to accommodate two or more mobile food units and offering food and/or beverages for sale to the public as the property's primary use.*

Zoning – The subject property is currently zoned Retail (R). Section 10.400.1 of the Zoning Ordinance states the purpose of the R district is as follows:

*The R district is intended primarily to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services, including convenience stores, shopping centers, and regional malls, but not including wholesaling or warehousing.*

## Surrounding Land Use and Zoning

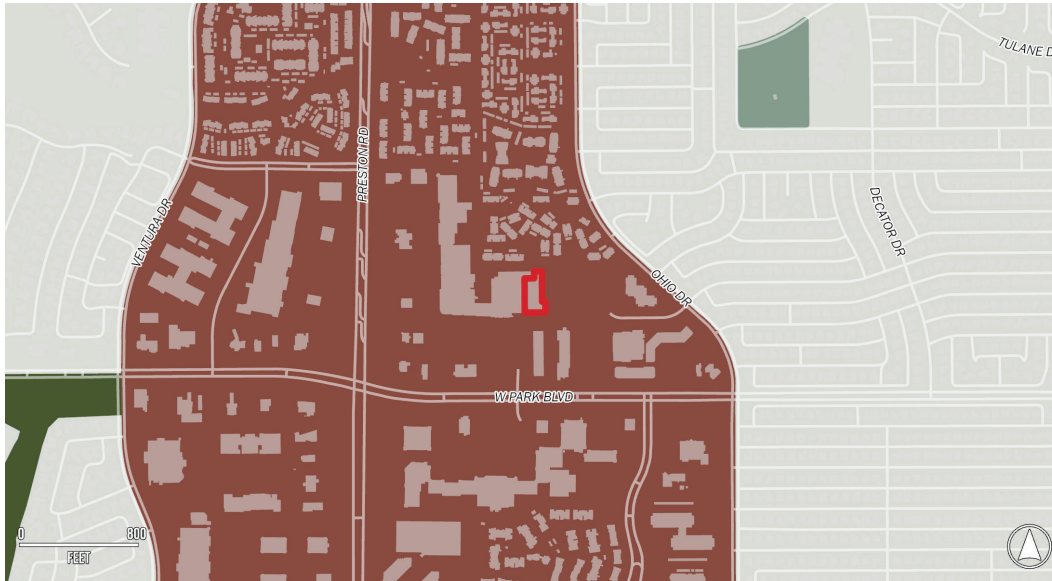
North	The property is zoned Multifamily Residence-3 (MF-3) and is developed with multifamily residences.
East	Immediately adjacent to the subject property, the property is zoned Retail (R) and is developed with a parking lot that serves the existing shopping center and regional theater. Further east, adjacent to Early Morn Drive, is an existing building with medical office, retail, and health/fitness center uses, and a regional theater zoned R with Specific Use Permit No. 652 for Regional Theater.
South	The property is zoned R with Specific Use Permits No. 92 and No. 488 for Private Club and is developed with a shopping center with retail, personal service shop, and restaurant uses.
West	The property is zoned R with Specific Use Permit No. 564 for Private Club and is developed with a shopping center with retail, medical office, and health/fitness center uses.





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

## 1 | Future Land Use Map



- Neighborhoods (N)
- Neighborhood Corners (NC)
- Community Corners (CC)
- Suburban Activity Centers (SA)
- Urban Activity Centers (UA)
- Downtown Corridors (DT)
- Employment Centers (EM)
- Expressway Corridors (EX)
- Social Network (SN)
- Open Space Network (OS)
- Subject Property

The Future Land Use Map shall not constitute zoning regulations or establish zoning district boundaries.

### Suburban Activity Centers (SA)

### PRIORITIES

The Suburban Activity Centers future land use category applies to areas with large commercial and mixed-use developments that serve the specialty shopping, dining, service, and entertainment needs at the intersections of high traffic corridors. These areas are typically 50-100 acres in size and anchored by major retailers, superstores, large grocers, or theaters. Hotels, office, and institutional uses are supportive uses in these centers. When provided, residential uses should be incorporated within cohesively planned, mixed-use developments of moderate density and intensity.

**Development Pattern** - Due to noise and health impacts of expressways, residential development should be considered in limited circumstances where needed to revitalize declining commercial centers. Use of the Expressway Corridor Environmental Health Map is crucial to ensure that buildings are adequately designed to protect sensitive land uses, such as schools, housing, and day cares.

**Residential Adjacency** - As Suburban Activity Centers are often adjacent to established neighborhoods, development in these areas will provide a compatible transition in building height, scale, and intensity.

**Park & Preston** - The Suburban Activity Center at Park Boulevard and Preston Road is unique from other SA areas in that it is not in the vicinity of an expressway and is surrounded by Neighborhoods. For this reason, the maximum density for this Center should be limited to 22 DUA within 400 feet of single-family zoning districts and 35 DUA elsewhere.

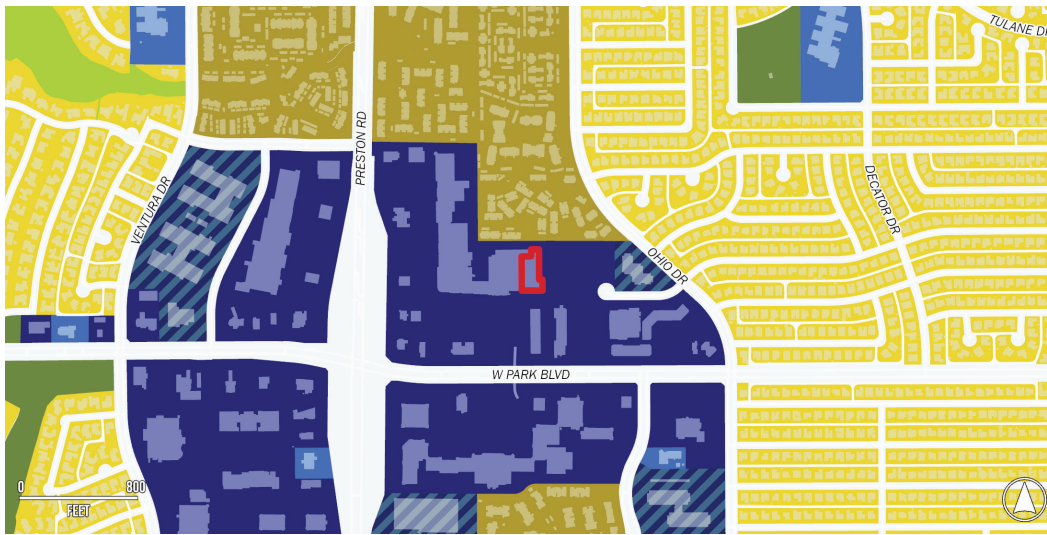
1. Creating destination shopping and entertainment centers
2. Activated open space, quality building materials, and walkable streetscapes internal to the development
3. Thoughtfully and cohesively planned mix of uses

## 2 | Mix of Uses



Click here for  
"How to Read  
The Dashboards"

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

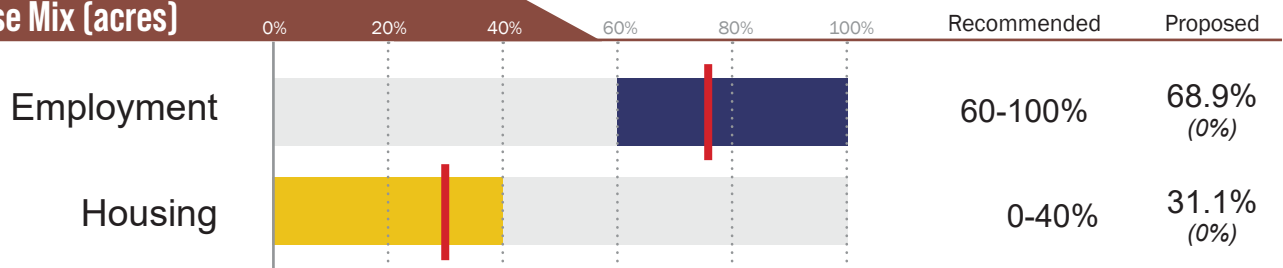


### Land Use & Housing Inventory (LUHI)

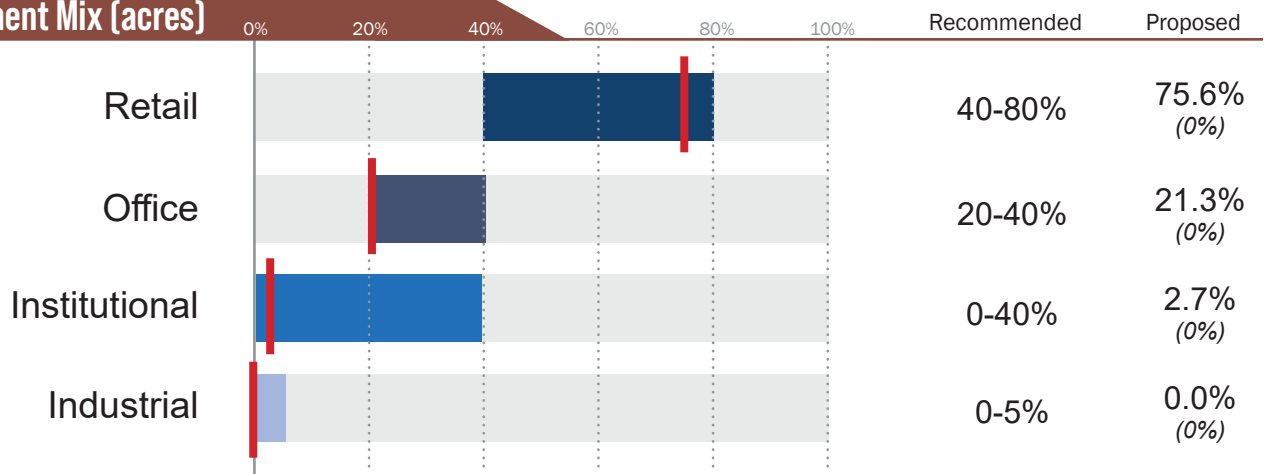
- Employment, Retail Types
- Employment, Office Types
- Employment, Institutional Types
- Employment, Industrial Types
- Housing, Detached SF Types
- Housing, Attached SF Types
- Housing, Multifamily Types
- Housing, Open Space
- Employment, Undeveloped
- Housing, Undeveloped
- General Open Space
- Subject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

LUHI Snapshot Date: 1/1/2023  
Measurement Area: All properties within the EX  
Category along US 75

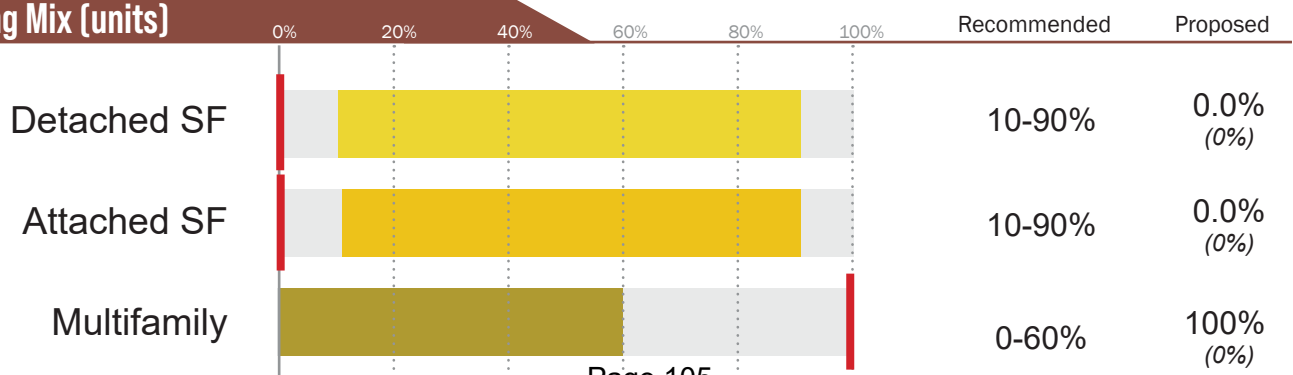
### Land Use Mix (acres)



### Employment Mix (acres)



### Housing Mix (units)



### 3 | Desirable Character Defining Elements



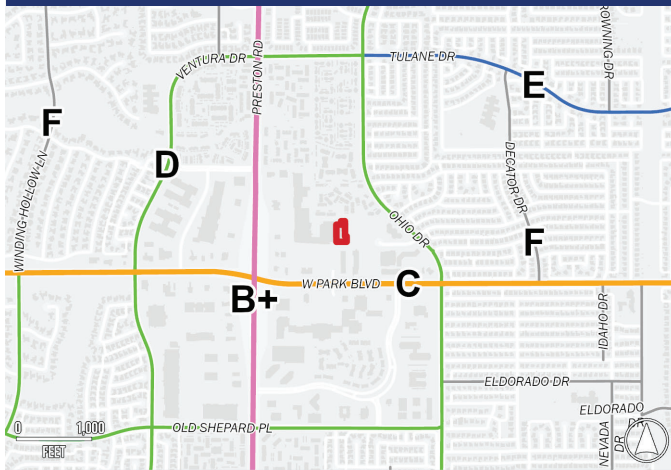
Click here for  
"How to Read  
The Dashboards"

DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	1 to 5 stories	Existing 1 Story Building.
Density	SF: 4 to 22 DUA MF: 10 to 50 DUA	Not applicable to this request.
Intensity	Moderate (50 to 75% Lot Coverage)	No changes proposed to the existing site.
Open Space	15% to 20% Active Open Space	No changes proposed to the existing site.
Parking Orientation	<i>Res:</i> Structured, on- street <i>Non-res:</i> Mix of structured, on-street, surface lots, valet	Existing surface parking lot, no changes proposed to the existing site.
Block Pattern & Streetscape	Short to medium block grid Urban and Traditional Streets	No changes proposed to the existing site.
Multimodal Access		
1. Automobiles	MEDIUM: May require short walk to destination	HIGH: Direct access to the site is available from major streets, Park Boulevard and Preston Road.
2. Transit	MEDIUM: Served by bus	MEDIUM: DART Bus Route #241 has a stop located on the northeast corner of Park Boulevard and Preston Road, approximately 0.25 miles from the subject site.
3. Micromobility	MEDIUM: Connected to trails and bike routes	MEDIUM: On-street bike route #45 is located adjacent to the site along Ohio Drive.
4. Pedestrians	MEDIUM: High walkability internal to the site	LOW: The subject site is mostly served by perimeter sidewalks.



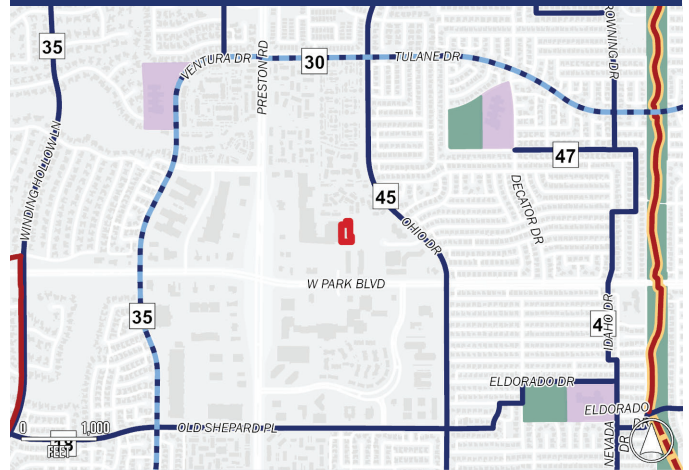
## 4 | Other Comprehensive Plan Maps

### Thoroughfare Plan Map



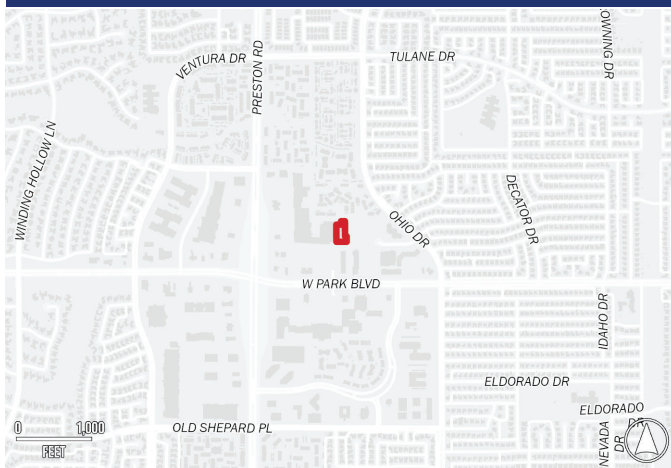
The subject site is located adjacent to Preston Rd a Type B+ Thoroughfare (six lane, divided arterial) and Park Boulevard Type C Thoroughfare (six lane, divided arterial).

### Bicycle Transportation Plan Map



On-street bike route #45 is located adjacent to the site along Ohio Drive to the east. Bike Route #30 is located approximately 0.75 miles from the subject site to the north.

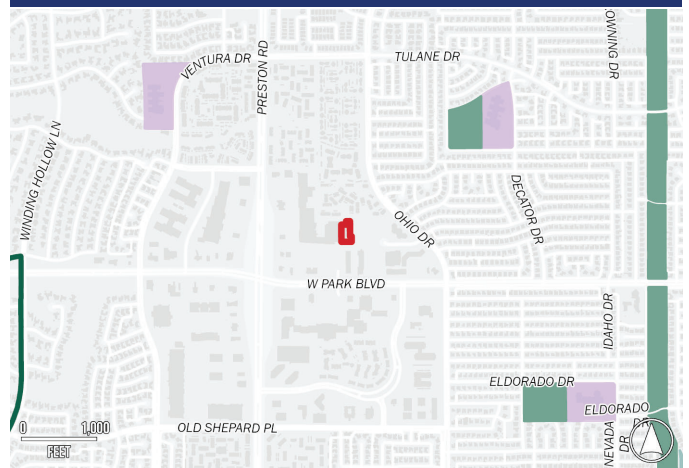
### Expressway Corridor Environmental Health Map



The site is not located within the Expressway Corridor Environmental Health Map areas.

☐ EHA-1 ☐ EHA-2 ☒ Not Applicable

### Parks Master Plan Map



Arrowhead Park is located approximately 0.80 miles northeast of the subject site.

## 5 | Comprehensive Plan Policies & Actions

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



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



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

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



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

☐ Applicable  
☒ Not Applicable



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

☒ Applicable  
☐ Not Applicable



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

☐ Applicable  
☒ Not Applicable



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

☐ Applicable  
☒ Not Applicable



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

☐ Applicable  
☒ Not Applicable

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

N/A

- ☐ Envision Oak Point (2018)  
☐ Downtown Vision & Strategy Update (2019)  
☐ Spring Creekwalk Master Plan (1990)

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

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

☐ Applicable

☒ Not Applicable

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

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

☐ Applicable

☒ Not Applicable

## 6 | Findings Policy

### RGM1: Mix of Uses, Density, & Building Height

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

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

### RGM5: Mixed-Use Developments

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

Are Findings Required?

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

## STAFF PRELIMINARY REPORT - CONFORMANCE TO THE COMPREHENSIVE PLAN

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

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

### Future Land Use Map Category & Dashboard

**Future Land Use Category** – The subject property is located in the [Suburban Activity \(SA\)](#) category of the Future Land Use Map (FLUM). This designation supports entertainment uses such as food truck parks and private clubs to create destination shopping and entertainment centers. The applicant is proposing minor site changes associated with the proposed uses; therefore, staff finds the request consistent with the description and priorities of the SA category.

FLUM – SA Description and Priorities		
Description		Meets
Priorities	Creating destination shopping and entertainment centers	Meets
	Activated open space, quality building materials, and walkable streetscapes internal to the development	N/A
	Thoughtfully and cohesively planned mix of uses	Meets

**Mix of Uses** – The subject property is currently classified as *Retail Types*, as defined by the Comprehensive Plan. Approval of SUPs for a Private Club and Food Truck Park would result in no changes to the Land Use Mix or Employment Mix for the area, which is already within the recommended ranges for these categories.

FLUM – SA Mix of Uses	
No Change	

**Desirable Character Defining Elements** – The proposed uses are located within an existing building, and no significant changes are proposed to the site. Therefore, the Desirable Character Defining Elements section of the SA dashboard is not applicable to this request.

FLUM – SA Desirable Character Defining Elements	
Not Applicable	

## Other Comprehensive Plan Maps

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

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

## Policies & Actions of the Comprehensive Plan and Other Studies

[Revitalization of Retail Shopping Centers Policy](#) – The request for a private club and food truck park contributes to the policy's goal of encouraging reinvestment, revitalization, and redevelopment of neighborhood retail corners to accommodate a viable combination of local commercial, retail, and entertainment uses.

Other Comprehensive Plan Policies	
Revitalization of Retail Shopping Centers Policy	Meets

## Comprehensive Plan Summary

As the request is generally consistent with the description of the Suburban Activity Centers (SA) future land use category and Revitalization of Retail Shopping Centers Policy, staff finds the request for a private club and food truck park consistent with the Comprehensive Plan.

### Comprehensive Plan Policy Summary

Policy or Study	Analysis
Future Land Use Map and Dashboards <ul style="list-style-type: none"><li>Description &amp; Priorities</li><li>Mix of Uses</li><li>Character Defining Elements</li></ul>	Meets No Change N/A
Thoroughfare Plan Map	N/A
Bicycle Transportation Plan Map	N/A
Parks Master Plan Map	N/A
Expressway Corridor Environmental Health Map	N/A
Revitalization of Retail Shopping Centers Policy	Meets

## STAFF PRELIMINARY REPORT - ANALYSIS & RECOMMENDATION

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The proposal includes an approximately 31,000 square foot private club and a 1,600 square foot food truck park located within a large, existing shopping center. The shopping center contains multiple buildings and a mix of uses, including retail, health/fitness center, personal service shop, regional theater, and restaurant. The proposed uses will support and further diversify the commercial uses within the existing shopping center.

### Private Club Use

The applicant is requesting an SUP for Private Club to take advantage of the city's food-to-beverage ratio for alcohol. Most restaurants which serve alcohol within the City of Plano currently operate under a mixed-beverage permit with a food-and-beverage certificate, which are prohibited by the Texas Alcoholic and Beverage Commission (TABC) from deriving more than 50% of gross receipts from the sale of alcohol. The TABC permits private clubs to serve a higher percentage of alcohol, however city regulations in the Zoning Ordinance stipulate that all private clubs must derive a minimum 35% of gross receipts from the sale of food. The companion site plan shows that this private club request is part of a proposed restaurant. The applicant has provided the attached letter to confirm that this standard will be met. Staff is supportive of the requested private club use.

Subsection 15.1000 (Private Clubs) of Article 15 (Use-specific Regulations) of the Zoning Ordinance contains regulations which control the location and requirements of private clubs. This subsection includes setbacks from churches, schools, and other uses. The ordinance prohibits private clubs within 300 feet of the property line of any religious facility, public or parochial school, and hospital. The subject property is in compliance with the required setbacks.

### Food Truck Park Use

As shown in the companion site plan, the applicant proposes an area totaling 1,600 square feet east of the restaurant/private club lease space to be dedicated for a food truck park. Section 21.500 (Standards) of Article 21 (Residential Adjacency Standards) of the Zoning Ordinance states that a food truck park is not permitted within 150 feet of a residential district. The designated food truck park area on the associated site plan is located approximately 275 feet from the adjacent MF-3 district to the north, which exceeds this requirement. A six-foot masonry screening wall (required by the Zoning Ordinance) and existing landscaping also separate the proposed use from the multifamily development to the north. To provide additional protections to nearby residents to the north and potential future development to the east, staff recommends the following stipulation:

*The food truck park must be setback a minimum of 250 feet from the residential district boundary line to the north, and a minimum of 50 feet from the eastern property line of Preston Towne Crossing, Block 1, Lot 2.*

With the requested restriction, staff supports the food truck park use.

### Parking

The required parking for the property, including the Health/Fitness Center in the adjacent suite, is 531 off-street spaces. There are currently 484 existing spaces on the subject property, 47 parking spaces short of the required parking. There is not an opportunity for the property to provide these additional



required spaces within the property boundary; however, the applicant owns several adjacent properties in the shopping center that have existing excess parking. The applicant will provide the additional 47 spaces offsite on Lot 1 to the west, which currently has 97 excess parking spaces, through a shared parking agreement consistent with the requirements of the Zoning Ordinance. This requirement has been noted as a condition of approval on the associated site plan (see Agenda Item No. 1B). Staff does not recommend stipulating the offsite parking as part of the SUP, as the parking requirement would remain in perpetuity regardless if future changes in occupancy result in lower parking requirements for the overall site (thereby, lowering or altogether removing the need for offsite parking). The site plan approval process is sufficient to ensure that the offsite parking is properly provided prior to issuance of a Certificate of Occupancy.

### **SUMMARY:**

The applicant is requesting Specific Use Permits for a Private Club and Food Truck Park to accompany a proposed restaurant use in an existing shopping center. This request will contribute to the mix of commercial uses within the general area and is in conformance with the policies of the Comprehensive Plan. The private club and food truck park uses are consistent with the distance requirements of the Zoning Ordinance, and the applicant is proposing a stipulation to further separate the food truck park use from the residential development to the north. Staff is in support of the request with the stipulation noted in the recommendation.

### **RECOMMENDATION:**

Private Club: Recommended for approval.

Food Truck Park: Recommended for approval with the following restriction: Must be setback a minimum of 250 feet from the residential zoning district boundary line to the north, and a minimum of 50 feet from the eastern property line of Preston Towne Crossing, Block 1, Lot 2.



## **EXPLANATION OF REQUEST**

This request is for a Specific Use Permit to allow a Private Club use and a Food Truck Park use at the property. The Property is located at the northeast side of the intersection of West Park Boulevard and Preston Road and is currently improved with a shopping center, which also extends beyond the boundaries of the Property and onto adjacent parcels. The Applicant is proposing to locate the Private Club use within an existing corner retail space at the shopping center and to eliminate seven parking spaces outside that same retail space where the Food Truck Park use is proposed to be located.

The Property is zoned “R” Retail and, thus, the uses proposed require an SUP, in order to be permitted. The proposed Food Truck Park will not be located within 150 feet of a residential district, including the existing multifamily apartment complex to the north of the site. A revised site plan has been submitted together with this SUP request.

The Property consists of approximately 8.0 acres of land. Surrounding zoning is predominately “R” Retail with several SUP’s for Private Club uses (e.g. S-92, S-488, S-564). Land to the north of the Property is zoned “MF-3” Multifamily Residence 3, and land to the south, across West Park Boulevard, is zoned “R” Retail/”O-2” General Office. Surrounding uses are almost exclusively shopping center, retail, and restaurant uses. Thus, the proposed uses are consistent with the area and ongoing pattern of development.

The Future Land Use Map classifies the site as a suburban activity center. Thus, the Private Club use and Food Truck Park use proposed for the existing shopping center are consistent with the City’s Comprehensive Plan.

The site will comply with the City’s noise regulations and ordinances.





Dear Plano City Officials,

On behalf of Kirby Ice House, I am excited to share our sincere interest in bringing our beloved family-owned business to the vibrant city of Plano. Our mission has always been to create the perfect environment for a friendly neighborhood hangout, and our slogan "a neighborhood pearl," reflects our commitment.

Kirby Ice House, founded by the Morgan family in Houston, has its roots in the multi-family apartment business, branded Pearl Apartments, hence Kirby Ice House's slogan. Our experience in developing and managing multi-family apartments has given us a profound understanding of community dynamics and the importance of fostering a welcoming and inclusive atmosphere.

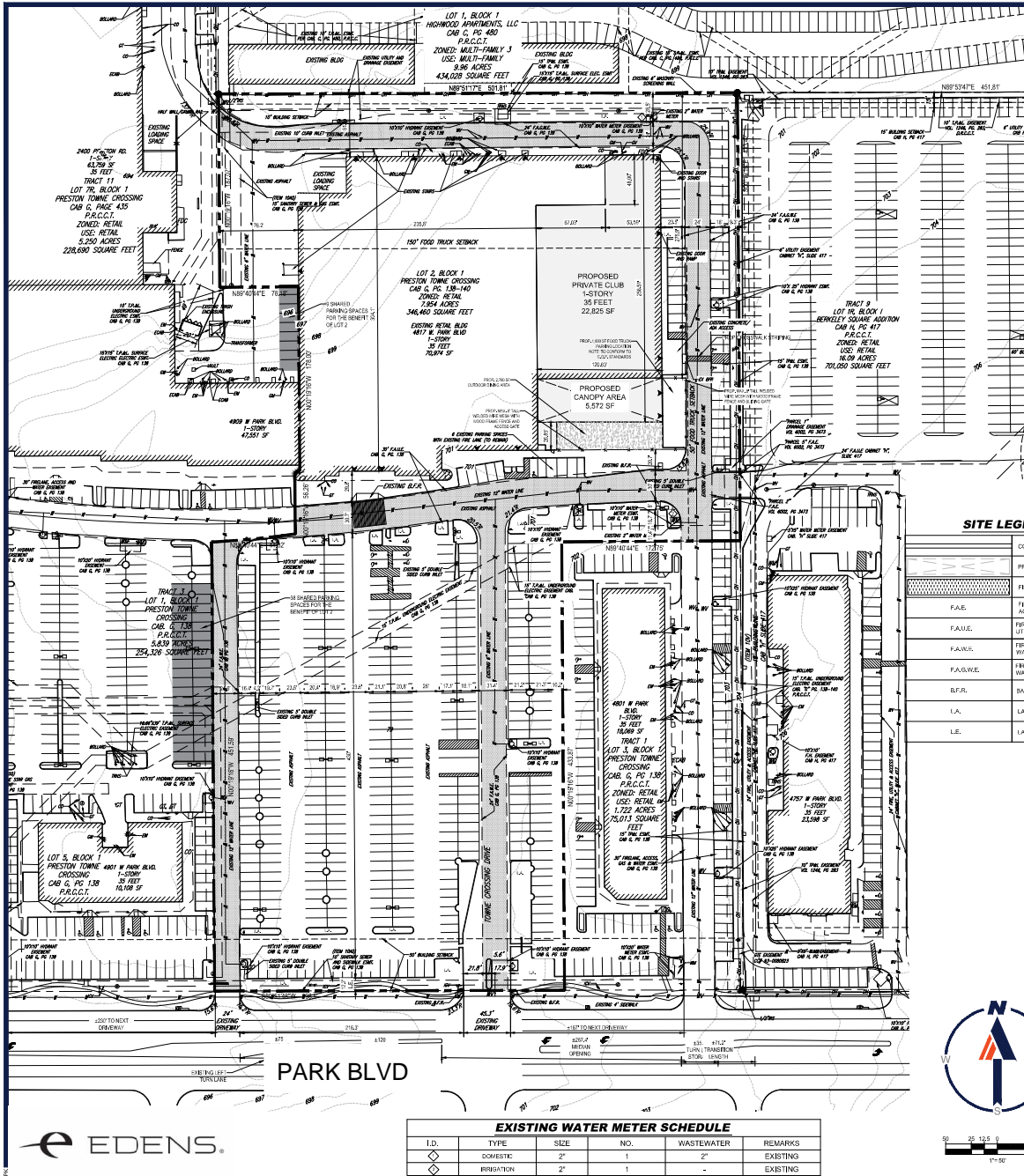
The concept of Kirby Ice House emerged as the ideal gathering spot for the communities we serve. Our first location in Upper Kirby, situated within a residential neighborhood near single and multi-family complexes, quickly became a staple in the community. We take immense pride in providing a causal and welcoming space where the community can connect with colleagues, friends, family, and their dogs.

Our reputation for maintaining impeccable cleanliness, offering excellent service, a wide variety of drinks and food, and being a considerate neighbor to the community around us has been central to our success. As we continue to grow, we actively seek opportunities to serve dense communities that lack a central gathering spot, and Plano stood out as a natural next choice.

Plano's thriving population, coupled with its similarities to the Memorial community in Houston, where the Morgan family grew up and opened their second Kirby Ice House, resonated with us deeply. We hope to provide a warm and inviting space where the people of Plano can forge meaningful connections, just as we have achieved in Memorial, Upper Kirby, and the Woodlands. What sets Kirby Ice House apart is our expansive patio and seating areas, designed to accommodate large groups and foster a sense of togetherness among residents. We understand the value of hosting large corporate events, multiple celebrations (birthdays, engagements, reunions, etc.), and communal sports watching experiences, which we believe further enhances the spirit of unity within the community. At our current locations, unexpectedly running into friends, neighbors, and colleagues is a common occurrence, and we aim to replicate that sense of tight-knit community in Plano.

We humbly ask your approval of our Specific Use Permit application to allow a Private Club use and Food Truck Park use. As required by the City Zoning Ordinance, our proposed Private Club use will comply with the requirement that a minimum of 35% of gross receipts be derived from the sale of food. We earnestly hope that the city of Plano will welcome Kirby Ice House with open arms, as we eagerly look forward to providing the same high-quality service, comfort, and cherished memories that have made us a beloved establishment in Houston.

Sincerely,  
Russ Morgan  
President



### CITY OF PLANO GENERAL SITE PLAN NOTES:

1. BUILDINGS 6,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED.
2. FIRE ALARMS SHALL BE PROVIDED AND CONSTRUCTED PER CITY STANDARDS.
3. HANDICAPPED PARKING AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT ADAPTED INTERNATIONAL BUILDING CODE.
4. FOURFOOT WIDE, BARRIERED SIDEWALKS SHALL BE PROVIDED 24 FEET OFF OF THE PROPERTY LINE WITHIN THE RIGHT-OF-WAY UNLESS A SIDEWALK EASEMENT IS PROVIDED FOR A SIDEWALK BARRIERED SIDEWALK PER CITY STANDARDS. SHALL BE PROVIDED ON SIDEWALKS ALL CURB CROSSINGS.
5. MECHANICAL UNITS, DUMPSTER, AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
6. ALL DRAINAGE CONTINGENT UPON APPROVAL BY BUILDING INSPECTORS (UPON APPROVAL).
7. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
8. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
9. BUILDING FACADES WITHIN THIS DEVELOPMENT SHALL BE COMPATIBLE, AS PROVIDED IN THE RETAIL CORNER DESIGN GUIDELINES.
10. OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION 6.06 OF THE CODE OF ORDINANCES.
11. PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
12. ALL ELECTRICAL TRANSMISSION, DISTRIBUTION, AND SERVICE LINES MUST BE UNDERGROUND.
13. UTILITIES SHALL CONFORM TO OPERATION, LOCATION, AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS IN ARTICLE 24 OF THE ZONING ORDINANCE: NOISE, SMOKE AND PARTICULATE MATTER, ODOROUS MATTER, FIRE OR EXPLOSIVE HAZARD MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION, AND/OR OTHER PERFORMANCE STANDARDS.

- NOTE:**
1. APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT BE FINAL APPROVAL OF ANY ASSOCIATED PLAT OR PLANS. APPROVAL OF THE DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS, PLANNING AND ZONING COMMITTEE REVIEW OF THE ACTION, ACTION ON STUDIES, PLATS, OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED A PLAN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.
  2. THIS PLAN PROTECTS EXISTING TREES AND LANDSCAPING AND DOES NOT PROPOSE ANY REMOVAL OF EXISTING TREES OR OTHERWISE LANDSCAPING AREAS.
  3. THE PURPOSE OF THIS REVISED SITE PLAN IS THE ADDITION OF A PRIVATE CLUB TRACT WITHIN A RETAIL ZONED AREA. THIS IMPROVEMENTS WILL INCLUDE THE REMOVAL OF 7 PARKING SPACES ALONG WITH A CANOPY ADDITION AND AN ONSITE PARKING FOR LOT 265 DEFICIENT BY 47 PARKING SPACES. LOT 2 SHALL PROVIDE A PARKING AGREEMENT WITHIN THE LOT IN THE SAME ADDITION TO SATISFY THE CITY MINIMUM PARKING REQUIREMENTS.

### CURVE TABLE

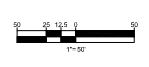
NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	126.76	307°30'47"	150.00	63.48	N11°02'27"W	126.67
C2	158.30	014°13'37"	608.24	78.64	N07°34'27"W	157.67

### SITE LEGEND

CONCRETE CURB	PROPERTY BOUNDARY
PROP. OVERHEAD CANOPY	FUTURE FLOW
FIRE LANE	ADJACENT PROPERTY BOUNDARY
F.A.E.	EXIST. SETBACK
F.A.U.E.	EXIST. EASEMENT
F.A.W.E.	EXIST. ELECTRIC EASEMENT
F.A.S.W.E.	ASPHALT MARKING
S.P.R.	EXIST. SANITARY SEWER
L.A.	EXIST. WATERLINE
L.E.	EXIST. SANITARY SEWER MANHOLE
	EXIST. STORM SEWER MANHOLE
	EXIST. WATER VALVE
	EXIST. FIRE HYDRANT
	EXIST. OVERHEAD LINE
	EXIST. P.O. LOCATION
	EXIST. BOLLARD
	EXIST. SIGN
	EXIST. FIRE HYDRANT
	EXIST. TREE
	EXIST. LIGHT POLE
	EXIST. STORM MANHOLE
	EXIST. IRRIGATION CONTROL VALVE
	EXIST. GUY WIRE

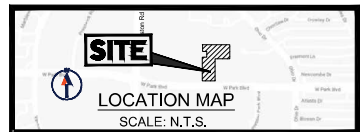
### EXIST. LEGEND

PROPERTY BOUNDARY	EXIST. SETBACK	EXIST. ELECTRIC EASEMENT	ASPHALT MARKING	EXIST. SANITARY SEWER	EXIST. WATERLINE	EXIST. SANITARY SEWER MANHOLE	EXIST. STORM SEWER MANHOLE	EXIST. WATER VALVE	EXIST. FIRE HYDRANT	EXIST. OVERHEAD LINE	EXIST. P.O. LOCATION	EXIST. BOLLARD	EXIST. SIGN	EXIST. FIRE HYDRANT	EXIST. TREE	EXIST. LIGHT POLE	EXIST. STORM MANHOLE	EXIST. IRRIGATION CONTROL VALVE	EXIST. GUY WIRE
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### EXISTING WATER METER SCHEDULE

I.D.	TYPE	SIZE	NO.	WASTEWATER	REMARKS
1"	DOMESTIC	2"	1	-	EXISTING
2"	IRRIGATION	2"	1	-	EXISTING



### SITE DATA SUMMARY TABLE

ITEM	LOT 2
ZONING (FROM ZONING ORDINANCE)	RETAIL - SUP 564
OVERLAY DISTRICT (FROM ZONING ORDINANCE)	PRESTON ROAD OVERLAY DISTRICT
LAND USE (FROM ZONING ORDINANCE)	GENERAL RETAIL CLUB FITNESS CENTER
LOT AREA (SQUARE FEET)	348,490
LOT AREA (ACRES)	7.96
TOTAL BUILDING FIRST FLOOR AREA (SQUARE FEET)	36,613
USE BREAKDOWN:	
RESTAURANT & PRIVATE CLUB FLOOR AREA (SQUARE FEET)	29,387
INCLUDES CANOPY AREA	
FITNESS CENTER (SQUARE FEET)	40,800 TOTAL (25,200 EXISTING AREA, 15,600 REMOVED)
GENERAL RETAIL (SQUARE FEET)	29,387
TOTAL BUILDING FLOOR AREA (SQUARE FEET)	36,613
FOOD TRUCK PARKING AREA (SQUARE FEET)	1,600
OUTDOOR DINING AREA (SQUARE FEET)	2,700
BUILDING HEIGHT (FEET)	MAX. 35
BUILDING HEIGHT (# OF STORES)	1
LOT COVERAGE PERCENT - 30.00%	26.46%
FLOOR AREA RATIO (FAR) (X/100)	0.2646
EXISTING OPEN STORAGE (SQUARE FEET)	0
PROPOSED OPEN STORAGE (SQUARE FEET)	0

### PARKING

RESTAURANT & PRIVATE CLUB FIRST FLOOR 1,250 SF 750 SF = 25 SPACES	531
RESTAURANT & PRIVATE CLUB REMAINING 29,387 SF 2,126 SF = 108 SPACES	47
EXISTING OPEN STORAGE 1,600 SF 1,600 SF = 11 SPACES	47
FITNESS CENTER 1,000 SF 1,000 SF = 11 SPACES	47
GENERAL RETAIL 1,250 SF 1,250 SF = 11 SPACES	47
OUTDOOR DINING AT 1,250 SF 1,250 SF = 11 SPACES	47

### REQUIRED PARKING (# OF SPACES)

REQUIRED ON-SITE PARKING (# OF SPACES)	476
PROVIDED ON-SITE PARKING (# OF SPACES)	0
ACCESSIBLE PARKING REQUIRED (# OF SPACES)	9
ACCESSIBLE PARKING PROVIDED (# OF SPACES)	0
TOTAL PROVIDED ON-SITE & ON-SITE PARKING (# OF SPACES)	476
TOTAL OFF-SITE PARKING WITHIN LOT 1	47
PARKING IN EXCESS OF 10% OF REQUIRED PARKING (# OF SPACES)	47

### LANDSCAPE AREA (INCLUDING TURF AREAS)

LANDSCAPE EDGE AREA PROVIDED (SQUARE FEET)	3,504
PROVIDED INTERIOR LANDSCAPE AREA (PARKING LOT LANDSCAPING) (SQUARE FEET)	13,161
ADDITIONAL INTERIOR LANDSCAPE AREA PROVIDED (SQUARE FEET)	14,195
OTHER LANDSCAPE AREA WITHIN THE LOT INCLUDING STORM WATER CONSERVATION AREAS (SQUARE FEET)	30,660
TOTAL LANDSCAPE AREA (SQUARE FEET)	30,660

### PERMEABLE AREA (NOT INCLUDING LANDSCAPING OR TURF AREAS)

PERMEABLE ASPHALT (SQUARE FEET)	0
OTHER PERMEABLE AREA WITHIN THE LOT NOT INCLUDING LANDSCAPING OR TURF AREAS	0
TOTAL PERMEABLE AREA (SQUARE FEET)	0
IMPERVIOUS AREA	
BUILDING FOOTPRINT AREA (SQUARE FEET)	36,613
AREA OF TERRAZZO, ASPHALT, & OTHER IMPERVIOUS PLATFORM (SQUARE FEET)	218,987
OTHER IMPERVIOUS AREA	0
SUM OF TOTAL LANDSCAPE AREA + TOTAL PERMEABLE AREA + TOTAL IMPERVIOUS AREA (SQUARE FEET) TOTAL MUST EQUAL LOT AREA	348,490
TOTAL IMPERVIOUS AREA	315,600
LESS BMP IMPERVIOUS AREA CREDIT	315,600
BI-LABE IMPERVIOUS AREA	315,600

\*NO ACCESSIBLE PARKING IS BEING REMOVED WITH THIS REVISED SITE PLAN AND BOHLER ASSUMES TOTAL ACCESSIBLE PARKING WITHIN THE OVERALL SHOPPING CENTER IS SATISFIED.

### CITY APPROVALS

CITY PROJECT #RSP2023-058	REVISED SITE PLAN
LOT 2, BLOCK 1	
PRESTON TOWNE CROSSING	
CAB G. P.D. 138-140	
7.96 ACRES	
SUP AREA 0.7546 ACRES	
4817 W PARK BLVD	
PLANO, COLLIN COUNTY, TEXAS	
PREPARATION DATE AUGUST 04, 2023	

**BOHLER**  
SITE CIVIL AND CONSULTING ENGINEERING  
LANDSCAPE ARCHITECTURE  
PROGRAM MANAGEMENT  
PERMITTING SERVICES  
TRANSPORTATION SERVICES

### REVISIONS

REV	DATE	COMMENT	APPROVED

**811**  
Know what's below.  
Call before you dig.  
ALWAYS CALL 811  
It's fast. It's free. It's the law.

**NOT APPROVED FOR CONSTRUCTION**

THEY HAVE REVIEWED THE PROJECT, HOWEVER, THEY HAVE NOT REVIEWED THE PROJECT FOR CONSTRUCTION.

PROJECT NO.: TXA20206.00  
DRAWN BY: DUCKP  
CHECKED BY: MMH  
DATE: 11/01/2023

**CITY PROJECT #RSP2023-058**  
**REVISED SITE PLAN**

FOR

**EDENS.**

LOT 2, BLOCK 1  
PRESTON TOWNE CROSSING  
CAB G. P.D. 138-140  
7.96 ACRES  
SUP AREA 0.7546 ACRES  
4817 W PARK BLVD  
PLANO, COLLIN COUNTY, TEXAS

**BOHLER**  
2500 NETWORK BLVD, STE 310  
FREDCO, TX 75034  
Phone: (409) 458-7300  
TX@BohlerEng.com  
TXPR No. 108615 (PL 108, 108-1413)

PLANS PREPARED BY  
**BOHLER**  
FOR REVIEW PURPOSES ONLY  
(NOT FOR CONSTRUCTION)

SHEET TITLE

**REVISED SITE PLAN**

SHEET NUMBER

**1 OF 1**

ORG. DATE - 07/24/2023

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Zoning - Text  
**DIRECTOR:** Christina Day, Director of Planning  
**AGENDA ITEM:** Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-014.  
**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-014 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano (Tabled at the October 23, 2023, City Council meeting.) **Tabled to the February 26, 2024 City Council Meeting.**

### **PREVIOUS ACTION/PRESENTATION**

The City Council tabled the item on October 23, 2023. The Supporting Documents have been updated with information requested in that meeting.

### **BACKGROUND**

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

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

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

### **ATTACHMENTS:**

Description	Upload Date	Type
ZC2023-014 Ordinance	10/24/2023	Ordinance
ZC2023-014 Supporting Documents	11/20/2023	Informational

## **Zoning Case 2023-014**

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

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

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

**WHEREAS**, on the 23rd day of October 2023, the City Council of said City, held its public hearing and tabled the item to the 27th day of November 2023, during which it held an additional public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance; and

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

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

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

**Commercial Drone Delivery Hub (Large)**

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

**Commercial Drone Delivery Hub (Small)**

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

**Drone Staging Area**

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

**Heliport**

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

**Helistop**

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

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

RESIDENTIAL ZONING DISTRICTS																		
Use Type	Use Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design	
		Commercial Drone Delivery Hub (Large)	EIPS															
		Commercial Drone Delivery Hub (Small)	EIPS															

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

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



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

Number	End Note
3	See Sec. 15.100

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

### **15.100 Commercial Drone Delivery Hubs**

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

#### **.1 Commercial Drone Delivery Hubs (Large)**

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

#### **.2 Commercial Drone Delivery Hubs (Small)**

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

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

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

#### **.3 Drone Staging Areas**

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

B. The drone staging area must not be placed:

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

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

**G. Proximity to Noise-Sensitive Uses**

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



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

#### **.4 Parking and Loading**

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

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

#### **Parking Space Schedule for Nonresidential Uses in all Districts**

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

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

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

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

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

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

**PASSED AND APPROVED** on the 27th day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

**Date:** November 17, 2023

**To:** Honorable Mayor and City Council

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

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

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

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

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

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

## 1. Drones and Advanced Air Mobility

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

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

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

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

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

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

## 2. Privacy Concerns

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

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

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

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

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

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

## 3. Noise Concerns

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

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

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

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

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

#### 4. Peer City Standards

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

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

There are very few examples of cities using zoning to regulate commercial drone delivery hubs and only one example of use-specific regulations. A general drone ordinance establishing requirements for the operation of unmanned aircraft within the city is more common, but these do not control land use and this type of ordinance regulating the operation of an aircraft is specifically prohibited by the State of Texas in [Government Code 423.009](#).

## 5. Definitions: Rotary Wing Aircraft vs. Helicopter

Staff also researched how peer cities in Texas define heliports and helistops in their zoning ordinances to determine whether the proposed changes were appropriate. Staff also looked at a small number of communities outside Texas that have introduced a new vertiport land use to their zoning ordinances. These findings are provided in Exhibit D. In summary:

- Many cities use the term “rotary wing aircraft” in the definition of a heliport, which is consistent with the proposed amended definition;
- Dallas uses the term “rotary wing aircraft” in their definition of a heliport, which is the land use applicable to the vertiport at the Kay Bailey Hutchison Convention Center Dallas; and
- The two cities with vertiport definitions use the phrases “tiltrotor aircraft” and “rotary wing aircraft,” which is consistent with the proposed amended definition.

## 6. Open Storage and Screening

The purpose of these amendments is to provide a solution that will allow operators in Plano as a permanent land use, consistent with community standards, for the foreseeable future. As trends change, the ordinance will need to be updated.

Screening is required for open storage throughout the city as described in [Article 19 of the Zoning Ordinance](#). These requirements are largely the same today as they were in 1971 when they were introduced. Specifically:

- Open storage must be screened from view of streets in the LI-1 and LI-2 districts;
- Open storage must be screened from view of streets and neighboring properties in all other districts; and
- Screening may be provided in the form of another building, a masonry wall between six and eight feet high, or landscaping in the form of an irrigated living screen between six to eight feet high. P&Z may waive the screening requirement if no public purpose would be served or if there are natural features, such as topography or vegetation, that provide sufficient screening.

Open storage is defined in the Zoning Ordinance as “*The keeping outside of goods, materials, containers, vehicles, trailers, or other equipment on a lot or tract.*” This includes shipping containers, such as the ones that some commercial drone delivery operators use to store their aircraft when not in use. It also includes trailer-mounted generators, which are common for operators who do not have shore power, or power directly available from the primary building.

Currently, any person or business that wishes to utilize a shipping container for storage is subject to the requirements for open storage, no matter the land use. The city receives requests from other businesses on a somewhat regular basis, looking to store goods, such as shipping containers or modified shipping containers, on their property, and the Zoning Ordinance provides



a consistent answer to these requests. Containers are included in the definition of open storage and are therefore subject to the location and screening requirements for open storage.

The proposed amendments would allow a commercial drone delivery operator to locate open storage, including shipping containers, within the designated drone staging area. The open storage must be screened, with the exception of the landing pads, unless waived by the Planning & Zoning Commission as part of the site plan approval process.

The location of a designated drone staging area is not as restrictive as the location of open storage. For example, open storage is not permitted in front of a building in the Retail (R) district, but a drone staging area would be allowed in front of a building. Allowing the drone staging area to be located in front of a building provides greater separation from neighborhoods located behind the shopping center and appears to be a preferred location for drone delivery operators based on discussions with operators and site visits. The below image shows, in red, the approximate location of a commercial drone delivery hub in Frisco. Open storage could be located in this drone staging area, provided that it is directly associated with an active commercial drone delivery hub land use and is screened appropriately.



It is important to emphasize that the proposed amendments exempt landing pads from the screening requirement, and screening would only be required for other open storage, such as shipping containers. An 8-foot tall masonry fence should pose no more of a navigational hazard than the 8-foot tall container it screens.

Additionally, at the direction of the Planning & Zoning Commission, the amendments include an allowance for the Commission to waive the screening requirements at the time of site plan approval.



These screening standards for open storage apply citywide, no matter the use, as having varying screening standards for structures that are the same except for their use is likely to cause confusion and enforcement issues over time. For example, a superstore with an accessory commercial drone delivery hub could have two sets of shipping containers: one used for overflow storage associated with the superstore and one used for drone storage located in the drone staging area. Under the proposed regulations, both of these shipping containers must be screened.

# UNMANNED AIRCRAFT (DRONES) REFERENCE SHEET (1/3)

## Summary of commercial delivery drones currently in use in Texas



Source: Amazon.com Inc.



Source: Amazon.com Inc.

### AMAZON PRIME AIR MK27-2 UA

Amazon Prime Air serves two markets in College Station, TX, and San Joaquin County, CA. The operator received Part 135 air carrier certification to operate within a 43.7 square mile service area.

The MK27-2 is a hybrid rotary wing and fixed wing "tail sitter" aircraft, which takes off and lands vertically and switches to a horizontal orientation in flight. Deliveries are dropped from a compartment in the aircraft tail.

#### MK27-2 Key Statistics

Max. 91.5lbs take-off weight  
Max. 5lbs payload  
Approx. 4 mile service radius  
52 knots cruising speed  
180 feet AGL cruising altitude  
13 feet AGL delivery altitude



Source: Flytrex Inc. via Business Insider

### CAUSEY AVIATION UNMANNED FLYTREX FTX-M600P UA

Causey Aviation Unmanned and Flytrex provide delivery service in Granbury, TX, and in North Carolina. The operator received Part 135 air carrier certification to operate within a 16.6 square mile service area in each of the North Carolina markets. An application to expand the Part 135 certificate to Granbury and Rowlett is under review by the FAA.

The FTX-M600P is a rotary wing aircraft. Deliveries are lowered by a tether.

#### FTX-M600P Key Statistics

Max. 33.4lbs take-off weight  
Max. 6.6lbs payload  
Approx. 2 mile service radius  
29 knots cruising speed  
230 feet AGL cruising altitude  
82 feet AGL delivery altitude



Source: Flytrex Inc.

The information provided in this summary is taken from publicly-available sources including company websites, press releases, and reports by the Federal Aviation Administration. The City of Plano does not take responsibility for the accuracy, reliability, or completeness of the information.

# UNMANNED AIRCRAFT (DRONES) REFERENCE SHEET (2/3)

## Summary of commercial delivery drones currently in use in Texas



Source: DroneUp LLC via Ars Technica



Source: Watts Innovations Inc.



Source: Wing Aviation™



Source: Wing Aviation™

### DRONEUP WATTS INNOVATIONS PRISM UA

DroneUp has 34 hubs across the United States, including 11 in the Dallas-Fort Worth Metroplex. Operations are currently under Part 107.

The PRISM unmanned aircraft is a rotary wing aircraft available in a quadcopter (4 rotor) or coaxial (8 rotor) configuration. Deliveries are lowered by a tether.

#### PRISM Key Statistics

- Max. 35lbs take-off weight (Quadcopter)
- Max. 55lbs take-off weight (Coaxial X8)
- Max. 5lbs payload (Quadcopter)
- Max. 25lbs payload (Coaxial X8)
- Approx. 1 mile service radius
- Max. 51 knots cruising speed
- 300 feet AGL cruising altitude
- 80 feet AGL delivery altitude

### WING AVIATION HUMMINGBIRD 7000W-A UA

Wing Aviation serves two American markets in Texas and Virginia, and is also active in Australia, Finland, and Ireland. The operator received Part 135 air carrier certification to operate two hubs in Frisco and Little Elm, TX with a total 97.3 square mile service area.

The Hummingbird 7000W-A is a hybrid rotary wing and fixed wing “convertiplane” aircraft. Deliveries are lowered by a tether.

#### Hummingbird 7000W-A Key Statistics

- Max. 15lbs take-off weight
- Max. 2.65lbs payload
- Approx. 4 mile service radius
- 56 knots cruising speed
- 300 feet AGL cruising altitude
- 23 feet AGL delivery altitude

The information provided in this summary is taken from publicly-available sources including company websites, press releases, and reports by the Federal Aviation Administration. The City of Plano does not take responsibility for the accuracy, reliability, or completeness of the information.



# UNMANNED AIRCRAFT (DRONES) REFERENCE SHEET (3/3)

## Other commercial delivery drone operators of note

### AMERIFLIGHT MATTERNET MODEL M2 UA

Ameriflight is a Dallas-based cargo airline that received FAA approval to add the M2 UA to their fleet in May 2023, allowing drone delivery nationwide. Early operations will be focused on healthcare and e-commerce.



Source: Matternet

#### M2 Key Statistics

Max. 29.1lbs take-off weight  
Max. 4.4lbs payload  
31 knots cruising speed  
250 feet AGL cruising altitude  
Delivery performed at ground level

### MANNA MNA-1090 UA

Manna is a Dublin-based operator that in March 2023 announced plans to enter the Dallas market. They are partnering with developer Hillwood to bring drone delivery to the AllianceTexas development (Fort Worth).



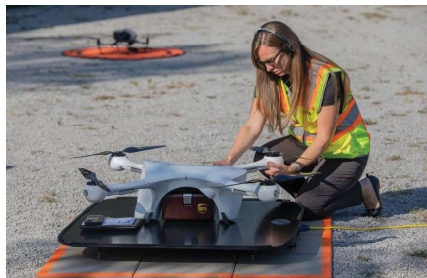
Source: Manna Drone Delivery via Business Insider

#### MNA-1090 Key Statistics

Max. 4.4lbs payload  
Approx. 1.8 mile service radius  
43 knots cruising speed  
200 feet AGL cruising altitude  
50 feet AGL delivery altitude

### UPS FLIGHT FORWARD MATTERNET MODEL M2 UA

UPS has a Part 135 certificate for operations in Florida, North Carolina, and Ohio. Service areas are up to 40.4 square miles, but flights are between distribution centers rather than to customers' residences.



Source: UPS via Forbes

#### M2 Key Statistics

Max. 29.1lbs take-off weight  
Max. 4.4lbs payload  
31 knots cruising speed  
250 feet AGL cruising altitude  
Delivery performed at ground level

### ZIPLINE SPARROW "ZIP" UA

Zipline has a Part 135 certificate for operations in Arkansas, North Carolina, and Utah.

The P1 Zip is a fixed wing aircraft with approved service areas up to 1,675 square miles, ideal for rural areas. Deliveries are made using a parachute system as the aircraft cannot hover.

The P2 Zip is a hybrid rotary wing and fixed wing "convertiplane" aircraft that was recently announced in March 2023. Deliveries are lowered by a tether.



Source: Zipline International Inc.

#### P1 Zip Key Statistics

Max. 49.3lbs take-off weight  
Max. 4lbs payload  
Approx. 50 mile service radius  
50 knots cruising speed  
250 feet AGL cruising altitude  
60 feet AGL delivery altitude

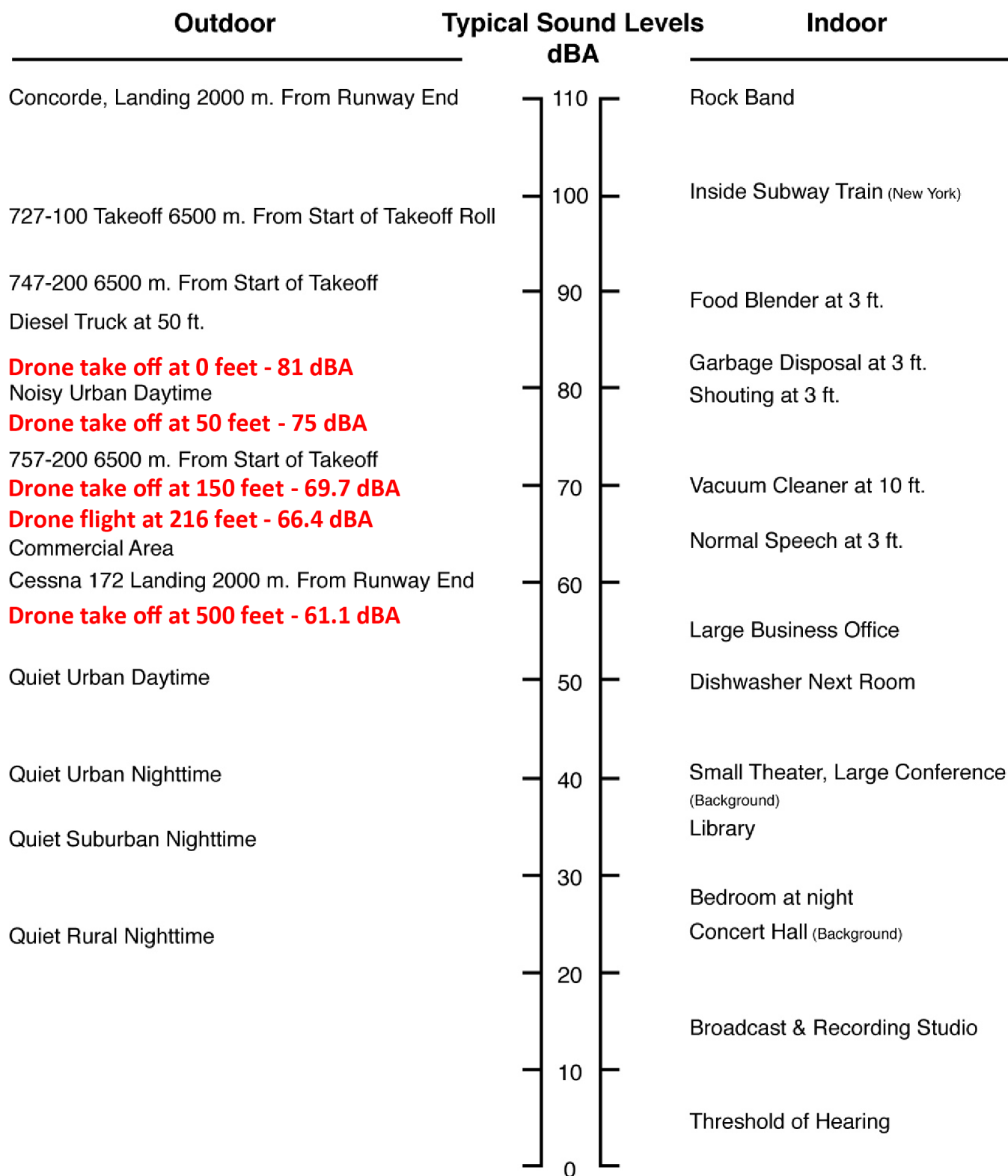


Source: Zipline International Inc.

#### P2 Zip Key Statistics

Max. 55lbs take-off weight  
Max. 8lbs payload  
Approx. 10 mile service radius  
60 knots cruising speed  
300 feet AGL cruising altitude  
300 feet AGL delivery altitude

The information provided in this summary is taken from publicly-available sources including company websites, press releases, and reports by the Federal Aviation Administration. The City of Plano does not take responsibility for the accuracy, reliability, or completeness of the information.



Common environmental sound levels, originally from "Expressway Corridor Environmental Healthy Study" prepared by HMMH dated September 2019. Drone noise data from "Noise Assessment for Causey Proposed Package Delivery Operations with Flytrex FTX-M600P Unmanned Aircraft," prepared by HMMH dated February 28, 2022.

UNMANNED AIRCRAFT (DRONES) ZONING REGULATIONS		
Municipality	Land Use Interpretation	Standards and Regulations
Albion, MI	<b>Drone (Unmanned Aerial) Center:</b> no definition.	Permitted by right in industrial districts.
Allen, TX	<b>Heliport:</b> A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.	Requires an SUP.
Bentonville, AR	<b>Long-term Temporary Use or Structure:</b> Land uses that are not permanent in nature and often include, but are not limited to, carnivals, circuses, tent revivals, real estate sales offices, construction facilities, special sales events, community events, private special events, and Christmas tree stands.	Requires an SUP.
College Park, GA	<b>Unmanned Aircraft System Dispatch and Delivery Center:</b> A property and/or building thereon that serves as a base for drones to initiate delivery of commercial products or services to retail or wholesale customers which may, but does not have to, contain storage capacity for said commercial products or service tools and/or the control center for dispatch and flight regulation of said drones, and which has been approved for drone usage by FAA registration and waiver.	Permitted by right in industrial districts; requires an SUP in one commercial district.
College Station, TX	<b>Consumer, small-scale aerial distribution:</b> The use of drones or similar devices weighing less than 100 pounds on takeoff, including everything on board or otherwise attached to the drone, to enable the receipt, storage, and distribution of packages by air. Distribution of consumer packages by land must be limited to 5 trips per day.	Use and definition are specific to a PD; take-off and landing area are shown on a concept plan as an exhibit to the PD; landscape buffer required.
The Colony, TX	<b>Helistop:</b> A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of six thousand (6,000) pounds and not for regularly scheduled stops and subject to approval by the City of The Colony.	Requires an SUP.
Dallas, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Frisco, TX	Use is unlisted.	One location has a temporary use on an existing helipad. Use may be added in the future.
Garland, TX	Use is unlisted.	Allowed incidental to a primary use; use is currently unlisted but may be added in the future.

## UNMANNED AIRCRAFT (DRONES) ZONING REGULATIONS

Municipality	Land Use Interpretation	Standards and Regulations
Granbury, TX	<b>Kiosk:</b> A small, free-standing, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices, and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 25 square feet.	No specific standards beyond the restrictions contained in the “Kiosk” definition.
Holly Springs, NC	<b>Temporary use:</b> no definition provided.	Requires a temporary use permit.
Little Elm, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Mesquite, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Murphy, TX	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
Richardson, TX	Has not made a determination to date, but may technically be permitted in the current definition of <b>Helipad:</b> A landing pad for use by rotary wing aircraft not including on-site servicing or fueling facilities for such aircraft.	Helipad requires an SUP if determined to be this use.
Rogers, AR	Use is unlisted.	Allowed incidental to a primary use, but otherwise, no use-specific standards.
San Joaquin County, CA	<b>Warehouse, Storage, and Distribution:</b> Storage and distribution facilities with incidental onsite sales to the public or public storage in small individual spaces exclusively and directly accessible to a specific tenant. Small showrooms may be included as an accessory use.	No specific standards.



HELICOPTERS AND ADVANCED AIR MOBILITY (AIR TAXIS) ZONING REGULATIONS		
City	Land Use Definition	Standards and Regulations
Plano, TX	<b>Heliport:</b> an area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of <b>helicopters</b> , and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.	Requires SUP.  Sec. 15.600  1,000 feet setback from sensitive uses.
Allen, TX	<b>Heliport:</b> a landing facility for <b>rotary wing aircraft</b> subject to regularly scheduled use and may include fueling or servicing facilities for such craft.	Requires SUP.
Austin, TX	<b>Heliport:</b> means the area of land, water, or a structure used or intended to be used permanently for the landing and takeoff of <b>helicopters</b> , together with appurtenant buildings and facilities.	Requires heli-facility permit.  Article 4 (Heliports and helicopter operations) of Chapter 13-1 (Aviation Services) of Title 13 (Transportation Services) of the Code of the City of Austin.
Arlington, TX	<b>Heliport:</b> An area designed to be used for the landing or takeoff of <b>helicopters</b> , including operating facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.	Requires an SUP.
Carrollton, TX	No defined land use.	
Chicago, IL	<b>Vertiport:</b> A landing facility for one or more <b>tiltrotors</b> or <b>helicopters</b> that may include fueling stations, helicopter or tiltrotor storage or other service-related functions, such as, but not limited to, service or maintenance hangers. Vertiports may only be located at ground level.	
The Colony, TX	<b>Heliport:</b> means an area of land, water or a structural surface containing fuel facilities that is designed, used or intended to be used for the landing and takeoff of <b>helicopters</b> , and any appurtenant areas including buildings or other facilities such as parking, maintenance and repair facilities.  <b>Helistop:</b> means a minimum facility without the logistical support provided by a heliport at which <b>helicopters</b> land and take off, including the touchdown area and parking and related facilities other than maintenance and repair buildings. A helistop may be at ground level or elevated on a structure.	Permitted by right in PD, HC, and I.  Heliport permitted by SUP in A, LC, and BP.  Helistop permitted by SUP in A, O2, SC, GR, LC, and BP.
Dallas, TX	<b>Heliport:</b> A facility for the landing and taking off of <b>rotary wing aircraft</b> .	By right with Residential Adjacency Review in IR and IM. By SUP in other districts.


HELICOPTERS AND ADVANCED AIR MOBILITY (AIR TAXIS) ZONING REGULATIONS		
City	Land Use Definition	Standards and Regulations
Frisco, TX	<p><b>Airport/Heliport:</b> A place where <b>aircraft and/or helicopters</b> can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passenger.</p> <p><b>Helistop (Accessory Use):</b> An accessory use where <b>helicopters</b> can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.</p>	<p>Airport/heliport by SUP in I district.</p> <p>Helistop by SUP.</p> <p>Hospital definition includes helistop.</p> <p>Municipal uses definition includes helistop.</p>
Garland, TX	<p><b>Airport/Heliport:</b> An area reserved or improved for the landing or take-off of aircraft, including <b>rotary wing aircraft</b>, which may include hangars, fueling, repair, and servicing facilities for aircraft, as well as facilities for passengers.</p> <p><b>Helipad:</b> An area of land or water, or a structural surface, which is used or intended for use for the landing and taking off of <b>helicopters</b>. The term does not include refueling, maintenance, repairs, or overnight storage of helicopters.</p>	<p>Airport/heliport permitted by SUP in HC and IN only.</p> <p>Helipad permitted by SUP in other districts.</p>
Irving, TX	<p><b>Aviation facilities such as airports and heliports:</b> not defined.</p>	<p>Aviation facilities such as airports and heliports are considered environmentally sensitive land uses and generally not permitted except in a Site Plan Zoning District approved by P&amp;Z and Council. (<i>Note: seems the same as Plano's PD process</i>)</p>
McKinney, TX	<p><b>Airport, Heliport, Landing Field, and Aircraft Hangar:</b> A landing area, runway, or other facility designed, used, or intended to be used for air transportation, including all necessary taxiways, control towers, aircraft storage and tie-down areas, hangars, and other necessary buildings, facilities, and open spaces. Auxiliary facilities may include parking, waiting rooms, fueling, and maintenance equipment.</p> <p><b>Helistop:</b> A designated, marked area on the ground or the top of a building or structure where <b>helicopters</b> may land, load and takeoff. This accessory use does not include the fueling or storage of aircrafts.</p>	<p>Airport etc. permitted by SUP in I1 and by right in AP.</p> <p>Helistop permitted by SUP as an accessory use.</p> <p>Hospital may include a helipad.</p>
Orlando, FL	<p><b>Vertiport:</b> An identifiable ground or elevated area, including any buildings or facilities thereon, that has been designated to be used for the takeoff and landing of <b>tiltrotor aircraft and rotorcraft</b>.</p>	<p>Use-specific standards in Part 4P.</p> <p>Permitted by SUP.</p>
Richardson, TX	<p><b>Helipad:</b> means a landing pad for use by <b>rotary wing aircraft</b> not including on-site servicing or fueling facilities for such aircraft.</p>	<p>Permitted by SUP.</p>


HELICOPTERS AND ADVANCED AIR MOBILITY (AIR TAXIS) ZONING REGULATIONS		
City	Land Use Definition	Standards and Regulations
San Antonio, TX	<p><b>Heliport:</b> That area used by <b>helicopters or other steep gradient aircraft</b> for take-offs and landings. Such area may include passenger, cargo, maintenance and overhaul facilities, plus fueling service, storage space, tie-down area, hangars and other accessory buildings and open spaces.</p> <p><b>Helistop:</b> That area used by <b>helicopters or other steep gradient aircraft</b> for the purpose of takeoffs and landings. Such area may be used for the pickup or discharge of passengers and cargo, storage space, and tie-down area, but shall not include maintenance, overhaul, or fueling services and facilities.</p>	<p>Permitted by SUP.</p> <p>Article III (Heliports, Helistops) of Chapter 3 (Airports) of the Code of Ordinances of San Antonio.</p> <p>500 feet setback to noise-sensitive uses, Council may reduce to no less than 250 feet.</p>
Sugar Land, TX	<p><b>Helipad (Accessory):</b> An accessory use where <b>helicopters</b> can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.</p> <p><b>Heliport:</b> A place where <b>helicopters</b> can land and take off, equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.</p> <p><b>Helicopter:</b> means an aircraft whose support in the air is derived from the aerodynamic forces acting on <b>one or more rotors</b> turning about a substantially vertical axis. (Note: this could be interpreted to include AAM aircraft)</p>	<p>Helipad and heliport permitted by CUP.</p> <p>Municipal airport land use includes helipads.</p> <p>750 feet setback to noise-sensitive uses.</p> <p>2,400 feet setback to other helipads/heliports.</p> <p>Also, Article VII (Heliports and Helistops) of Chapter 4 (Licenses, Permits, and Business Regulations) of the Code of Ordinances of Sugar Land.</p>

**DATE:** October 3, 2023

**TO:** Honorable Mayor & City Council

**FROM:** Planning & Zoning Commission

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

**SUBJECT:** Results of Planning & Zoning Commission Meeting of October 2, 2023 

**AGENDA ITEM NO. 3 - ZONING CASE 2023-014**  
**PETITIONER: CITY OF PLANO**

Request to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft. Tabled on August 21, 2023. Project #ZC2023-014.

**APPROVED:** 6-2

Speaker Card(s) Received:	Support: <u>0</u>	Oppose: <u>1</u>	Neutral: <u>1</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>0</u>	Oppose: <u>2</u>	Neutral: <u>2</u>

First Vice Chair Cary and Commissioner Lisle voted in opposition to the item.

**RESULTS:**

The Commission recommended the item for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

- Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended and new definitions to read as follows:**

**Commercial Drone Delivery Hub (Large)**

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

**Commercial Drone Delivery Hub (Small)**

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by small unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as



3. Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

NONRESIDENTIAL ZONING DISTRICTS														
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1
Commercial Drone Delivery Hub (Large)	EIPS									13 10				13 10
Commercial Drone Delivery Hub (Small)	EIPS		13	13	13	13	13	13	13	13	13	13	13	13
														13

4. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such note to read as follows:

Number	End Note
3	[Reserved] See Sec. 15.100

5. Amend Section 15.100 ([Reserved]) of Article 15 (Use-specific Regulations), such section to read in its entirety as follows:

**Sec. 15.100 [Reserved] Commercial Drone Delivery Hubs**

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

**.1 Commercial Drone Delivery Hubs (Large)**

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

**.2 Commercial Drone Delivery Hubs (Small)**

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

**B.** A commercial drone delivery hub (small) is allowed as an accessory use to a permitted food/grocery store, restaurant/cafe/teria, retail store, shopping center,



superstore, or warehouse/distribution center use in any district when the requirements of this section are met.

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

### **.3 Drone Staging Areas**

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

### **G. Proximity to Noise-Sensitive Uses**

- i.** The drone staging area for a commercial drone delivery hub (small) shall not be located within 150 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located.
- ii.** The drone staging area for a commercial drone delivery hub (large) shall not be located within 300 feet of any property upon which a dwelling, retirement

and supportive housing facility, or public park is located. The 300-foot buffer requirement may be reduced to 150 feet if City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

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

#### **.4 Parking and Loading**

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

**6. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portion of the section to read as follows:**

**Parking Space Schedule for Nonresidential Uses in all Districts**

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

To view the hearing, please click on the provided link:  
<https://planotx.new.swagit.com/videos/273003?ts=6003>

JR/kob

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

**AGENDA ITEM NO. 3**

**PUBLIC HEARING:** Zoning Case 2023-014

**PETITIONER:** City of Plano

**DESCRIPTION:** Request to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft. Tabled on August 21, 2023. Project #ZC2023-014.

**SUMMARY:**

The purpose of this request is to add new land use definitions and regulations for commercial drone delivery services, consistent with the procedures for considering new and unlisted land uses in Section 14.400 of the Zoning Ordinance. Amendments to the Heliport and Helistop land use definitions are also requested to allow service by advanced mobility aircraft. These amendments are in conformance with the Comprehensive Plan and position the city ahead of these emerging technologies. For these reasons, staff recommends approval, as noted in the following recommendation section.

## STAFF PRELIMINARY REPORT - REMARKS

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### BACKGROUND:

The topics of commercial drone delivery and advanced air mobility have been discussed at three prior Planning & Zoning Commission (Commission) meetings. The discussion originated from a request by a commercial drone delivery operator to construct a drone delivery hub, which is not listed as a use in the Zoning Ordinance. Section 14.400 of the Zoning Ordinance outlines the procedures for considering and adding new uses.

#### October 3, 2022

At the October 3, 2022, Commission meeting ([staff report](#) | [video](#)), staff presented information to the Commission with a request to determine whether commercial drone delivery hubs should be listed as a new land use in the Zoning Ordinance. The Commission noted the following comments, and they recommended additional information be brought forward at a future date:

1. The standards should address noise and privacy in whatever capacity the city is able to regulate or control these issues.
2. The Commission desired an opportunity for oversight through a specific use permit approval process.
3. Various stakeholders, including drone companies, should be involved in formulating the standards to ensure that what is considered and adopted is workable across the industry and will not require frequent or immediate amendments. The standards should consider what operations will look like in the near future, not just what is occurring today.
4. Drone taxi service amendments were generally acceptable as proposed.

#### June 19, 2023

At the June 19, 2023, Commission meeting ([staff report](#) | [video](#)), staff presented additional information and options for potential standards. This meeting was attended by representatives from commercial drone delivery companies, who also made presentations to the Commission. The Commission provided the following direction on the proposed commercial drone delivery hub land use options:

1. Two new land uses for small and large commercial drone delivery hubs are appropriate and should be tied to a federally-defined aircraft classification.
2. A small commercial drone delivery hub should not require a specific use permit. It should be permitted as a primary use in a limited number of districts and an accessory use in most nonresidential districts.
3. A large commercial drone delivery hub should always require a specific use permit and should be permitted in a limited number of districts.

4. A 150-foot setback from noise-sensitive uses is appropriate as a starting point and could be reviewed in the future with more data on noise exposure.
5. Opportunities to reduce parking requirements for properties with a commercial drone delivery hub should be explored.

After discussion, the Commission directed staff to prepare amendments to the Zoning Ordinance for consideration and called a public hearing.

#### August 21, 2023

At the August 21, 2023, Commission meeting ([staff report](#) | [video](#)), a public hearing was held on the proposed Zoning Ordinance amendments. At this meeting, staff was provided the following direction in response to the proposed standards for commercial drone delivery hubs:

1. Review the proposed standards related to small commercial properties and address any potential barriers to these properties having a commercial drone delivery hub. Specifically, staff was directed to review the maximum size of the take-off and landing area for an accessory commercial drone delivery hub (small) use and the required buffer from noise-sensitive uses.
2. Determine whether reducing parking requirements would be appropriate for properties with a commercial drone delivery hub.
3. Remove the requirement to screen any goods, materials, containers, trailers, and other equipment the same as open storage.
4. Remove the requirement to screen a take-off and landing area located on the roof of a building as rooftop mechanical or commercial antenna equipment.

After discussion, the Commission tabled the request and directed staff to refine the proposed standards for commercial drone delivery hubs.

#### Federal Aviation Administration and State Regulation

As discussed in the previous staff reports and Commission meetings, regulation of drones and other aircraft is largely preempted by the Federal Aviation Administration (FAA) or restricted by the State. The FAA has set rules for the operation of unmanned aircraft and is active alongside other government and corporate bodies in developing regulations, air traffic control systems, and safety technology for unmanned aircraft and advanced mobility aircraft. The State has limited involvement but passed legislation restricting the ability of municipalities to adopt or enforce ordinances regulating the operation of an unmanned aircraft in [Texas Government Code Section 423.009](#). The proposed Zoning Ordinance amendments regulate only land use, which is within the city's regulatory power. The proposal has been reviewed by the Office of the Chief Counsel of the Federal Aviation Administration, and they did not identify any preemption issues. They specifically stated, "*State and local laws may regulate the location of UAS takeoff and landing areas, which is what the proposal does.*"

## REMARKS

This report summarizes the overall proposal along with the amendments made since the last Commission meeting. These amendments are based on the Commission's direction and stakeholders' feedback. To aid the Commission, a copy of the proposed amendments with tracked changes – comparing the proposed amendments to those previously presented on August 21, 2023 – is provided in Exhibit A. The proposed amendments are provided in full as part of the staff recommendation at the end of this report.

## PROPOSED CHANGES

### Definitions

Two new land use definitions are proposed: Commercial Drone Delivery Hub (Small) and Commercial Drone Delivery Hub (Large). These land uses are functionally identical, except that Commercial Drone Delivery Hubs (Large) would be subject to more restrictive location standards than Commercial Drone Delivery Hubs (Small). The distinction between the two is that Commercial Drone Delivery Hubs (Small) are limited to small unmanned aircraft systems (sUAS), which are under 55 pounds total take-off weight. For simplicity, “drone hub” will be used in this report to refer to both proposed land uses collectively.

#### **Commercial Drone Delivery Hub (Small)**

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

#### **Commercial Drone Delivery Hub (Large)**

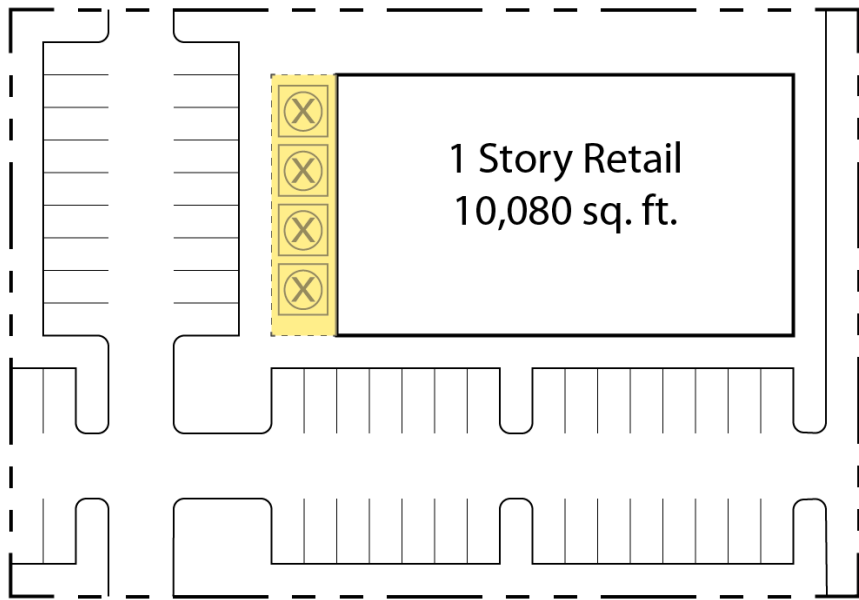
An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft, including but not limited to those defined under Commercial Drone Delivery Hub (Small), to distribute commercial goods by air. This includes any appurtenant areas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

#### **Drone Staging Area**

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

The proposed definition for a drone staging area is not a land use but forms part of the drone hub. The drone staging area would be subject to size and location restrictions due to the noise impacts associated with unmanned aircraft coming and going. For example, buffers to residences would be measured from the edge of the designated drone staging area. A conceptual site plan is shown in the following illustration, with the drone staging area highlighted in yellow. The “Changes Made Since August 21, 2023” section, beginning on page 6, outlines more information on these areas.





General Site Data	Lot 1
Zoning	R
Land Use	Retail Store
Lot Area	35,100 sq. ft.
Building Footprint	10,080 sq. ft.
Lot Coverage	28.7%
<b>Parking</b>	
Parking Ratio	1:200
Required Parking	51
Provided Parking	52
<b>Drone Staging Area</b>	
Max. Permitted	3,510 sq. ft.
Provided	1,440 sq. ft.
Parking Reduction	None

The existing definitions for Heliport and Helistop land uses are proposed to be amended to allow for advanced air mobility aircraft, which do not meet the typical understanding of a helicopter. This includes a variety of aircraft types in development that utilize tiltrotor or other rotary wing configurations to achieve flight.

### Zoning Districts Use Tables

The drone hub uses will also be added to the use tables in Article 14 (Allowed Uses and Use Classifications). Neither of the drone hub uses is proposed to be permitted in a residential district. Each would be permitted in select nonresidential districts with some limitations. These use permissions would be detailed in Section 15.100 of Article 15 (Use-specific Regulations) of the Zoning Ordinance.

Commercial Drone Delivery Hubs (Large) are proposed only to be permitted with a specific use permit (SUP) in the Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), and Commercial Employment (CE) districts. These districts permit the Warehouse/Distribution Center land use, which is expected to be complementary to operators using drones larger than 55 pounds. The SUP requirement would allow greater control over drone hubs with larger drones, which are expected to generate more noise.

Commercial Drone Delivery Hubs (Small) would not require an SUP and are proposed to be permitted by right as accessory uses to certain retail and warehousing uses in all nonresidential districts except for Neighborhood Office (O-1), as this district does not permit the identified retail or warehouse uses. The use is also proposed to be permitted by right as a primary use in LI-1, LI-2, and CE. These use permissions would be detailed in Article 15 (Use-specific Regulations).

Use	Type	How Permitted
Commercial Drone Delivery Hub (Large)	Primary or Accessory Use	Permitted with Specific Use Permit in CE, LI-1, LI-2
Commercial Drone Delivery Hub (Small)	Primary Use	Permitted by right in CE, LI-1, LI-2
Commercial Drone Delivery Hub (Small)	Accessory Use to Grocery Store, Restaurant, Retail, or Warehouse uses	Permitted by right in all nonresidential districts except O-1

## Use-Specific Standards

The bulk of the proposed amendments are new use-specific standards. The proposed standards would apply to both drone hub land uses, except for a more restrictive buffer requirement that would apply to Commercial Drone Delivery Hub (Large) only. The proposed amendments are modeled after existing standards for similar land uses.

- Drone staging area: The drone staging area must be shown on an approved site plan, is not permitted to be located on certain areas of the site, and would have limits on the total size. Screening would be required in some situations, as described below.
- Drone hubs on roofs: The proposed size limit would not apply to a drone staging area located on the roof of the primary building, which is intended to encourage the utilization of the roof. When located on a roof, some screening for roof-mounted equipment, consistent with current requirements, would be required. Any screening or structure on the roof would need to be within the allowable building height, with a single exemption for a wind sock.
- Proximity to noise-sensitive uses: A buffer would be required from the edge of the drone staging area to certain land uses, including residences, public parks, and retirement and supportive housing facilities. A 150-foot buffer is required for a Commercial Drone Delivery Hub (Small) and a 300-foot buffer is required for a Commercial Drone Delivery Hub (Large). The proposed standards include an allowance for the buffer to be reduced to 150 feet by the City Council through a review of the required SUP.

The purpose of the buffer is to mitigate nuisances to noise-sensitive land uses and is not intended to address security or privacy concerns. The city is unable to regulate where drones fly, except as permitted by [Texas Government Code Section 423.009](#).

- Parking: Finally, the parking rate for drone hubs as a primary use would be added to Article 16 of the Zoning Ordinance. The proposed parking rate is as follows: One space per 1,000 square feet of warehouse space plus one space per 300 square feet of other uses. Should a drone hub have no building, the parking rate would be one space per 300 square feet of the drone staging area. The proposed parking rates are intended to allow the use to be easily added to existing properties or replaced with other uses without significant impacts to the parking needs. To allow flexibility for small sites, parking is not required for accessory drone hubs, and the Commission may decrease the amount of required parking for a site by up to 10% with approval of a site plan.

## **CHANGES MADE SINCE AUGUST 21, 2023**

The following changes have been made since August 21, 2023:

### Drone Staging Area

The take-off and landing area has been renamed the “drone staging area,” and the definition has been revised to clarify that the area includes both the launch pads and safety areas. An area for materials storage may also be included. Operators requested this clarification due to similarities to other industry terms with more specific meanings, such as “touchdown and liftoff area.” The definitions for both commercial drone delivery hub uses have been updated accordingly.

The definition intends to capture the broad range of possible operations and infrastructure, which could be ground-mounted, on top of a building or structure, or suspended from a structure. The designated drone staging area is intended to be flexible enough to accommodate changes to operations without requiring additional city review, such as adding, removing, or relocating launch pads within the area defined on the site plan. Expanding the designated area would require updating the site plan.

### Open Storage Screening Requirements

The Commission felt that screening requirements may increase noise-related nuisance due to reduced air flow and reflection of sound, pose a navigational hazard to aircraft, and create a barrier to entry for commercial drone delivery operators. Staff has discussed the topic of screening and fencing internally and with several stakeholders to determine appropriate standards to balance the safe operation of aircraft, the enforceability of regulations, and upholding the public's vision of the community.

To address this, the requirement to screen open storage-like uses at grade has been revised to include an exemption for a single special vehicle and a single shipping container. This would allow for pilot projects and small-scale operations to begin with minimal changes to a site while retaining the screening requirements for larger operations. Screening the areas used for storage is intended to prevent storage from becoming a visual nuisance, contain storage within a defined and approved area, and assist staff in the field if a complaint is received.



The proposed exemptions are both specific and modest and respond to the Commission's desire to remove barriers to entry for new operators. The above image shows a drone staging area in Frisco, which includes landing pads, one trailer-mounted generator, and one shipping container for drone storage. Screening would not be required under the proposed standards. The area has been fenced by the operator for public and crew safety.



Alternatively, the Commission may choose to waive the screening requirements for open storage-like uses and substitute one of the following options:

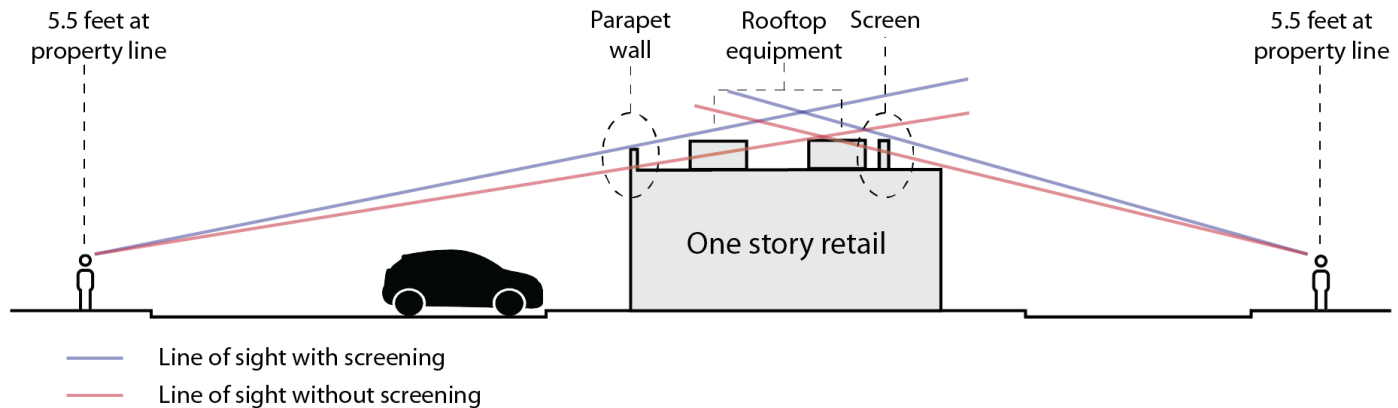
1. Open storage associated with a drone delivery hub and located in the designated drone staging area is exempt from the screening requirements, however must be enclosed with a secure, metal fence. Fencing the area is intended to contain storage within a defined and approved area and to assist staff in the field if a complaint is received.
2. Open storage associated with a drone delivery hub and located in the designated drone storage area is exempt from the screening requirements. Fencing is not required.

Complete removal of the screening requirement is not recommended without also reviewing the current screening requirements for open storage, in general, to ensure consistency and fairness across the city. Having varying screening standards for uses that appear the same is likely to cause enforcement issues over time, where a recycling trailer, for example, is required to be screened, but a trailer for drone deliveries is not required to be screened, even when at the same site. See the following photos for examples of unscreened open storage that has been pursued as a violation by the Property Standards division of Neighborhood Services as a zoning violation.



## Rooftop Screening Requirements

The requirement to screen a drone staging area on the roof of a building has been updated to clarify that screening is only required for rooftop equipment, excluding landing pads. Screening is currently required when rooftop equipment is visible from a height of 5.5 feet along the property lines. Most commercial buildings are constructed with a parapet wall, making screening necessary only for equipment placed near the roof's edge or for tall equipment. See below for an illustration and examples of typical screening.



Left: Mini storage building with a parapet wall.



Right: Office building with rooftop screening.

It would be most appropriate to have consistent standards for any rooftop equipment or storage related to this new use, to preserve the community's aesthetic standards. Building code requirements would continue to apply and may require the installation of a parapet wall or safety railing, even if no visual screening is required. Safety railings are typically a minimum of 3.5 feet in height. Any building additions or structures would be subject to the height regulations of the zoning district.

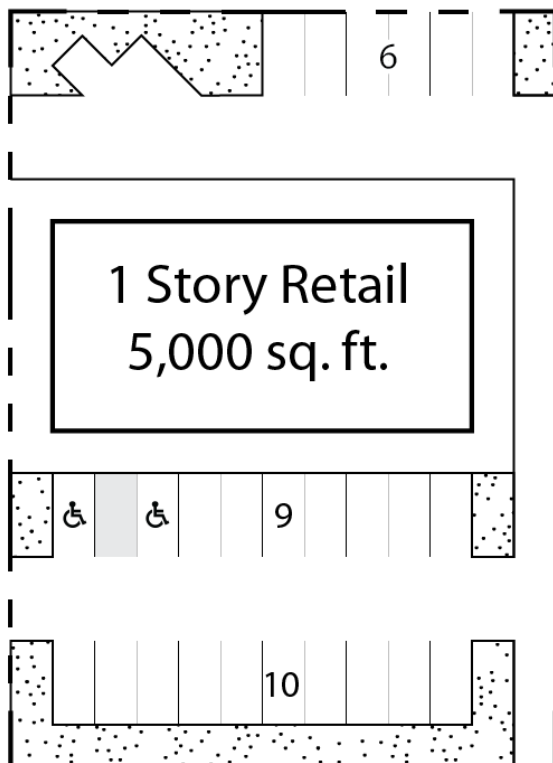
## Allowances for Small Commercial Properties

Staff looked at small commercial pad sites in Plano, which typically contain restaurant or single-tenant retail uses. Pad sites are generally more than 20,000 square feet in lot area, which would have afforded a 1,000-square-foot drone operations area using the previously recommended 5% limitation. The Commission noted that restricting the drone operations area based on the size of the property may make a commercial drone delivery hub infeasible on these small sites. Additionally, site planning could be constrained by the required buffer from noise-sensitive land uses and the cumulative requirements for parking, fire lanes, landscaping, and other development requirements.

To address this:

- The maximum size of a drone operations area for an accessory commercial drone delivery hub (small) has been increased to 10% of the lot area or 1,000 square feet, whichever is greater. 10% of the lot area correlates with the typical interpretation of an accessory building or use. The 1,000-square-foot figure will provide a functional drone operations area for the smallest commercial properties, but does not absolve the owner from meeting other ordinance requirements, such as parking or landscaping.
- Several nonresidential land uses have been removed from the list of noise-sensitive uses. Religious facilities, schools, and day care centers have been removed as the noise sensitivity is largely limited to indoor activities, which are less impacted by outside noise. The revised list includes only dwellings, retirement and supportive housing uses, and public parks.
- An option to reduce the minimum required parking has been added. With the approval of a site plan, the Commission would have the discretion to reduce the parking requirement for the property as a whole by up to 10%. This is consistent with other parking reductions available in the Zoning Ordinance.

As noted, site planning must consider required parking, access aisles and fire lanes, landscaping, and other development requirements. These pose challenges for small properties even before considering a drone operations area for a commercial drone delivery hub. A conceptual site plan is provided in the following graphic, which shows the minimum parking, landscaping, and circulation requirements for a 5,000-square-foot retail building. In this example, a 600-square-foot drone staging area could be accommodated only by reducing the required parking by three spaces. Significant parking reductions are not recommended without a complete review of the parking requirements for all uses, which is anticipated to be part of the upcoming comprehensive review of the Zoning Ordinance.



General Site Data	Lot 1
Zoning	R, Retail
Land Use	Retail Store
Lot Area	23,400 sq. ft.
Building Footprint	5,000
Lot Coverage	21.4%
<b>Parking</b>	
Parking Ratio	1:200
Required Parking	25
Provided Parking	25
Accessible Parking Required	2
Accessible Parking Provided	2
<b>Landscape Area</b>	
Landscape Edge Area	120 sq. ft.
Required Interior Landscape Area	200 sq. ft.
<i>Total Landscape Area</i>	320 sq. ft.
<b>Drone Staging Area</b>	
Max. Permitted	2,340 sq. ft.
Max. Parking Reduction (10%)	3 spaces
Possible Drone Staging Area	600 sq. ft.

### Commercial Antenna Requirements

Staff has added a statement to clarify that antennas for a commercial drone delivery hub are subject to the requirements for commercial antennas and antenna support structures found in Sec. 15.200. This was one of the questions posed in a letter received for the August 21, 2023, public hearing.

### Parking and Loading Requirements

Staff has added a subsection addressing parking and loading requirements for commercial drone delivery hubs. These proposed standards clarify when parking and loading spaces are required and align with the existing requirements for retail, commercial, and industrial uses.



## STAFF PRELIMINARY REPORT - CONFORMANCE TO THE COMPREHENSIVE PLAN

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The proposed request has been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below.

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

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

The proposed amendments introduce new land uses and update existing land uses in response to changing market demands. The amendments include standards to protect residential neighborhoods from negative impacts associated with aircraft noise. This request is in conformance with this policy.

**[Land Use Action 1 \(LU1\)](#)** – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.*

The proposed amendments introduce new land uses and update existing land uses in response to changing market demands. The amendments include standards to protect residential neighborhoods from negative impacts associated with aircraft noise. This request is in conformance with this action statement.

**[Land Use Action 4 \(LU4\)](#)** – *Create regulations that incentivize the redevelopment and revitalization of underperforming retail and multifamily development.*

The proposed amendments would allow a new method to deliver products to customers. While the amendments would not directly result in material changes or improvements to retail centers, the additional revenue stream could support existing businesses and make others more viable. This request is in conformance with this action statement.

**[Regional Transportation Policy](#)** – *Plano will evaluate regional transportation initiatives with consideration of the impacts on existing residential and business development and emphasis on expanding transportation options, traffic demand management, and other traffic efficiency strategies to improve regional mobility.*

The proposed amendments would allow commercial goods to be delivered to customers by aerial drone, eliminating some vehicle trips from city roadways. Amendments to the heliport and helistop uses are intended to allow aerial taxis and advanced air mobility aircraft as this form of transportation is developed and implemented. This request is in conformance with this policy. In addition, this request is in conformance with the North Central Texas Council of Governments' [Metropolitan Transportation Plan](#) aviation policies.

## STAFF PRELIMINARY REPORT - RECOMMENDATION

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### SUMMARY:

The purpose of this request is to add new land use definitions and regulations for commercial drone delivery services, consistent with the procedures for considering new and unlisted land uses in Section 14.400 of the Zoning Ordinance. Amendments to the Heliport and Helistop land use definitions are also requested to allow service by advanced mobility aircraft. These amendments are in conformance with the Comprehensive Plan and position the city ahead of these emerging technologies. For these reasons, staff recommends approval, as noted in the following recommendation section.

### RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in ~~strikethrough~~ text).

1. **Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended and new definitions to read as follows:**

#### **Commercial Drone Delivery Hub (Large)**

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

#### **Commercial Drone Delivery Hub (Small)**

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

#### **Drone Staging Area**

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

#### **Heliport**

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

#### **Helistop**

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

2. Amend Sec. 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

RESIDENTIAL ZONING DISTRICTS																		
Use Type		Use Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
<u>Commercial Drone Delivery Hub (Large)</u>		<u>EIPS</u>																
<u>Commercial Drone Delivery Hub (Small)</u>		<u>EIPS</u>																

3. Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of the section to read as follows:

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
<u>Commercial Drone Delivery Hub (Large)</u>	<u>EIPS</u>									13 13				13 13	13 13	
<u>Commercial Drone Delivery Hub (Small)</u>	<u>EIPS</u>		13	13	13	13	13	13	13	13	13	13	13	13	13	13

4. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such note to read as follows:

Number	End Note
3	<del>{Reserved}</del> See Sec. 15.100

5. Amend Section 15.100 (~~{Reserved}~~) of Article 15 (Use-specific Regulations), such section to read in its entirety as follows:

**Sec. 15.100 ~~{Reserved}~~ Commercial Drone Delivery Hubs**

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

**.1 Commercial Drone Delivery Hubs (Large)**

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

**.2 Commercial Drone Delivery Hubs (Small)**

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

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

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

**.3 Drone Staging Areas**

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

B. The drone staging area must not be placed:

i. Within any required building setbacks;

ii. Within any required landscape edge;

iii. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or

iv. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.

C. As an accessory use, the drone staging area is limited to 10% of the total lot area or 1,000 square feet, whichever is greater. A drone staging area located inside of or on the roof of the building containing the primary use is not subject to this limitation.

D. When located at grade, any goods, materials, containers, trailers, or other equipment associated with the commercial drone delivery hub and located in the designated

drone staging area must be screened according to the requirements for open storage in Sec. 19.200 and Sec. 20.100, except:

- i. Screening is not required for up to one special vehicle up to 22 feet in length and one shipping container; and
- ii. Screening is not required for landing pads.

**E. When a drone staging area is located on top of a building:**

- i. Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements in Sec. 20.300; and
- ii. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except a single mast up to 10 feet in height for a windsock may exceed the maximum height requirement.

**F. Antennas and antenna support structures are subject to the requirements in Sec. 15.200.**

**G. Proximity to Noise-Sensitive Uses**

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

**.4 Parking and Loading**

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

6. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portion of the section to read as follows:

**Parking Space Schedule for Nonresidential Uses in all Districts**

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



## Zoning Case 2023-014 Draft Standards

Additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text.

Additions and deletions to the standards presented on August 21, 2023 are indicated in red text.

1. Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended and new definitions to read as follows:

### **Commercial Drone Delivery Hub (Large)**

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

### **Commercial Drone Delivery Hub (Small)**

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

### **Drone Staging Area**

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

### **Heliport**

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

### **Helistop**

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

### **Take-off and Landing Area**

A designated load bearing area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off.

[Remainder of page intentionally blank]

2. Amend Sec. 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:

RESIDENTIAL ZONING DISTRICTS																		
Use Type		Use Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
<u>Commercial Drone Delivery Hub (Large)</u>		<u>EIPS</u>																
<u>Commercial Drone Delivery Hub (Small)</u>		<u>EIPS</u>																

3. Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:

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

4. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such note to read as follows:

Number	End Note
3	<del>[Reserved]</del> See Sec. 15.100

5. Amend Section 15.100 (~~[Reserved]~~) of Article 15 (Use-specific Regulations), such section to read as follows:

**Sec. 15.100 ~~[Reserved]~~ Commercial Drone Delivery Hubs**

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

**.1 Commercial Drone Delivery Hubs (Large)**

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

**.2 Commercial Drone Delivery Hubs (Small)**

- A. A commercial drone delivery hub (small) is allowed as a primary use in the CE, LI-1, and LI-2 districts when the requirements of this section are met.
- B. A commercial drone delivery hub (small) is allowed as an accessory use to a permitted food/grocery store, restaurant/cafeteria, retail store, shopping center, superstore, or warehouse/distribution center use in any district when the requirements of this section are met.
- C. When a detached accessory building is occupied or intended to be occupied for an accessory commercial drone delivery hub (small), the floor area is limited to a maximum of 10% of the total floor area of the building containing the primary use.

**.3 Take-off and Landing Drone Staging Areas**

These regulations apply to the take-off and landing areas for both commercial drone delivery hub (large) and commercial drone delivery hub (small) uses, except where individually referenced.

- A. The ~~take-off and landing~~ drone staging area must be designated on an approved site plan.
- B. The ~~drone staging take-off and landing~~ area must not be placed:
  - i. Within any required building setbacks;
  - ii. Within any required landscape edge;
  - iii. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or
  - iv. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.
- C. As an accessory use, the ~~drone staging take-off and landing~~ area is limited to 510% of the total lot area or 1,000 square feet, whichever is greater. ~~, except that a A drone staging take-off and landing~~ area located inside of or on the roof of the building

containing the primary use is not subject to this limitation. may exceed 5% of the total lot area.

D. When located at grade, any goods, materials, containers, trailers, or other equipment associated with the commercial drone delivery hub and located in the designated drone staging area must be screened according to the requirements for open storage in Sec. 19.200 and Sec. 20.100, except:

i. Screening is not required for up to one special vehicle up to 22 feet in length and one shipping container; and

ii. ~~Landing pads are exempt from this screening requirement.~~ Screening is not required for landing pads.

E. When a drone staging area is located on top of a building, ~~the take-off and landing area must be screened from view at a point 5.5 feet above the property line with a parapet wall, mansard roof, or alternative architectural feature.~~

i. Any roof-mounted equipment, excluding landing pads, is subject to the mechanical screening requirements in Sec. 20.300; and

ii. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except ~~for~~ a single mast up to 10 feet in height for a windsock, ~~which~~ may exceed the maximum height requirement.

F. Antennas and antenna support structures are subject to the requirements in Sec. 15.200.

**G. Proximity to Noise-Sensitive Uses:**

i. The ~~take-off and landing~~ drone staging area for a commercial drone delivery hub (small) shall not be located within 150 feet of any ~~day care center, religious facility, property upon which a dwelling, retirement and supportive housing facility, or public park is located~~ retirement and supportive housing facility, school, or public park, or within 150 feet of any property upon which a dwelling is located.

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

iii. The measurement of the required buffer is to be made in a straight horizontal line from the edge of the ~~take-off and landing~~ drone staging area to the closest property line of a property containing a dwelling, retirement and supportive housing facility use, or public park, ~~or to the building face of a day care center, religious facility, public and parochial school, or private school use.~~

**.4 Parking and Loading**

**A. Parking is not required for an accessory commercial drone delivery hub use.**

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

**6. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portion of section to read as follows:**

**Parking Space Schedule for Nonresidential Uses in all Districts**

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

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Zoning  
**DIRECTOR:** Christina Day, Director of Planning  
**AGENDA ITEM:** Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-024.  
**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-024 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 61 for Public Service Yard on 5.2 acres of land located 325 feet north of Technology Drive and 700 feet west of Shiloh Road in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: Dallas Area Rapid Transit **Conducted and adopted Ordinance No. 2023-11-8 with stipulation.**

### **BACKGROUND**

The Planning & Zoning Commission recommended approval of this zoning case with a vote of 8-0 per their Final Report in the attached Supporting Documents.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

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

### **ATTACHMENTS:**

Description	Upload Date	Type
Ordinance with Exhibits	11/16/2023	Ordinance
ZC2023-24 Supporting Documents	11/16/2023	Informational



## **Zoning Case 2023-024**

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 61 for Public Service Yard on 5.2 acres of land out of the Eli Murphy Survey, Abstract No. 597, located 325 feet north of Technology Drive and 700 feet west of Shiloh Road in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.**

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 27th day of November, 2023, for the purpose of considering granting Specific Use Permit No. 61 for Public Service Yard on 5.2 acres of land out of the Eli Murphy Survey, Abstract No. 597, located 325 feet north of Technology Drive and 700 feet west of Shiloh Road in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 27th day of November, 2023; and

**WHEREAS**, the City Council is of the opinion and finds that granting Specific Use Permit No. 61 for Public Service Yard on 5.2 acres of land out of the Eli Murphy Survey, Abstract No. 597, located 325 feet north of Technology Drive and 700 feet west of Shiloh Road in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, would not be detrimental to the public health, safety, or general welfare, or otherwise offensive to the neighborhood; and

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

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

**Section I.** The Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 61 for Public Service Yard on 5.2 acres of land out of the

Eli Murphy Survey, Abstract No. 597, located 325 feet north of Technology Drive and 700 feet west of Shiloh Road in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center, said property being described in the legal description in Exhibit A attached hereto.

**Section II.** The change in Section I is granted subject to the following:

1. Necessary parking is provided at the time of the site plan review; and
2. A sound wall is constructed north of the public service yard facility and within the ROW; and
3. The equipment maintenance facility and wash buildings are fully enclosed.

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

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

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

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

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

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

**PASSED AND APPROVED** on the 27th day of November, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

**ZONING CASE 2023-024  
LEGAL DESCRIPTION**

**BEING** a 5.155 acre (224,557 square feet) tract of land situated in the Eli Murphy Survey, Abstract Number 597, City of Plano, Collin County, Texas, being a portion of a 100-foot wide railroad right-of-way, conveyed to Dallas Area Rapid Transit (hereinafter, referred to as DART), by deed recorded in Volume 3424, Page 126, Deed Records, Collin County, Texas and being more particularly described as follows:

**BEGINNING** at a 1/2-inch iron rod with a plastic cap stamped 'HALFF' found (Grid Coordinates N:7056321.180 | E:2529561.939) in the South line of said DART railroad right-of-way, for the Northwest corner of Lot 7, Block 1, Plano Tech Center, an addition to the City of Plano according to the plat recorded in Document Number 2001-0165902, Plat Records, Collin County, Texas and the Northeast corner of Lot 1R, Block 21, Central Plano Industrial Park, an addition to said City of Plano according to the plat recorded in Volume 2010, Page 76, said Plat Records;

**THENCE:** North 80 degrees, 12 minutes, 36 seconds West, with the South line of said DART railroad right-of-way, at 695.66 feet, pass the Northeast corner of the St. Louis Southwestern Railway 30-foot railroad right-of-way, as shown on the Re-Plat of Blocks 16, 17 20 and 21 of the Central Plano Industrial Park, an addition to said City of Plano according to the plat recorded in Cabinet F, Page 145, said Deed Records, at 109.34 feet, pass the Northwest corner of said 30-foot railroad right-of-way, for the West most Northeast corner of Lot 2R, Block A, Hematronix Addition, an addition to said City of Plano according to the plat recorded in Volume 2009, Page 193, said Plat Records, at 93.83 feet, pass the Northwest corner of said Lot 2R, Block A, Hematronix Addition, for the Northeast corner of Lot 1R, Block A, of Hematronix Addition, an addition to said City of Plano according to the plat recorded in Volume 2006, Page 773, said Plat Records, at 326.39 feet, pass the Northwest corner of said Lot 1R, Block A, Hematronix Addition and the Northeast corner of Lot 1R, Block B, Jupiter North, Phase II Distribution Center, an addition to the City of Plano according to the plat recorded in Cabinet H, Page 127, said Plat Records, in all a total distance of 1649.51 feet to an angle point in the North line of said Lot 1R, Block B, Jupiter North, Phase II Distribution Center and the South line of said DART railroad right-of-way;

**THENCE:** North 73 degrees, 50 minutes, 23 seconds West, continuing with the Southwesterly line of said DART railroad right-of-way and the Northeasterly line of said Lot 1R, Block B, Jupiter North Phase II Distribution Center, a distance of 585.83;

**THENCE:** North 09 degrees, 47 minutes, 35 seconds East, departing the Northeasterly line of said Lot 1R, Block B, Jupiter North, Phase II Distribution Center, over and across said DART railroad right-of-way, a distance of 25.44 feet;

**THENCE:** South 80 degrees, 12 minutes, 25 seconds East, continuing over and across said DART railroad right-of-way, a distance of 2,887.40 feet;

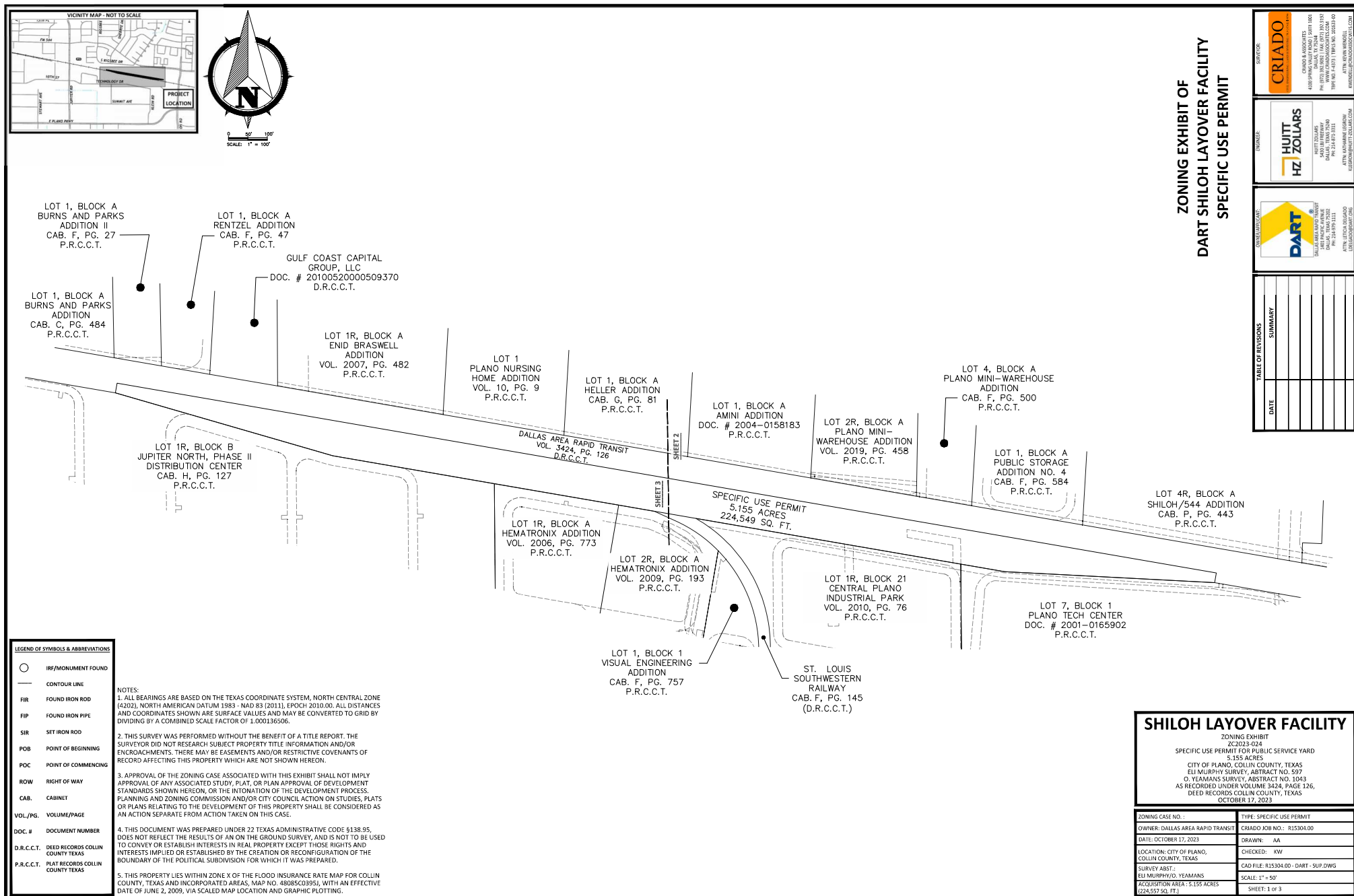
**THENCE:** South 09 degrees, 47 minutes, 42 seconds West, continuing over and across said DART railroad right-of-way, a distance of 25.82 feet to a 1/2-inch iron rod with a plastic cap

stamped 'HALFFF' in the South line of said DART railroad right-of-way and the North line of said Lot 7, Block 1, Plano Tech Center;

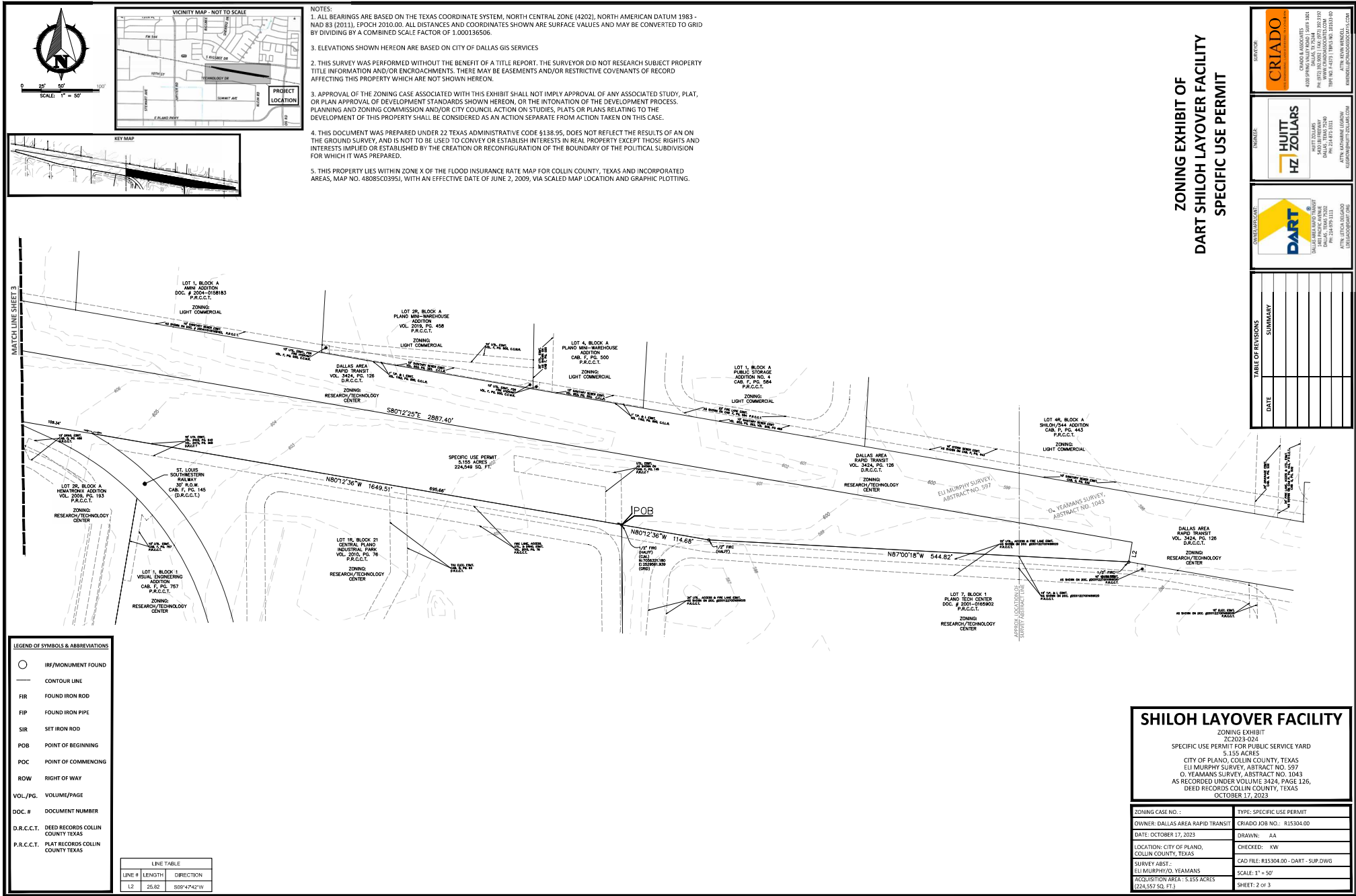
**THENCE:** North 87 degrees, 00 minutes, 18 seconds West, with the South line of said DART railroad right-of-way and the North line of said Lot 7, Block 1, Plano Tech Center, a distance of 544.82 feet to a 1/2-inch iron rod with a plastic cap stamped 'HALFFF' found;

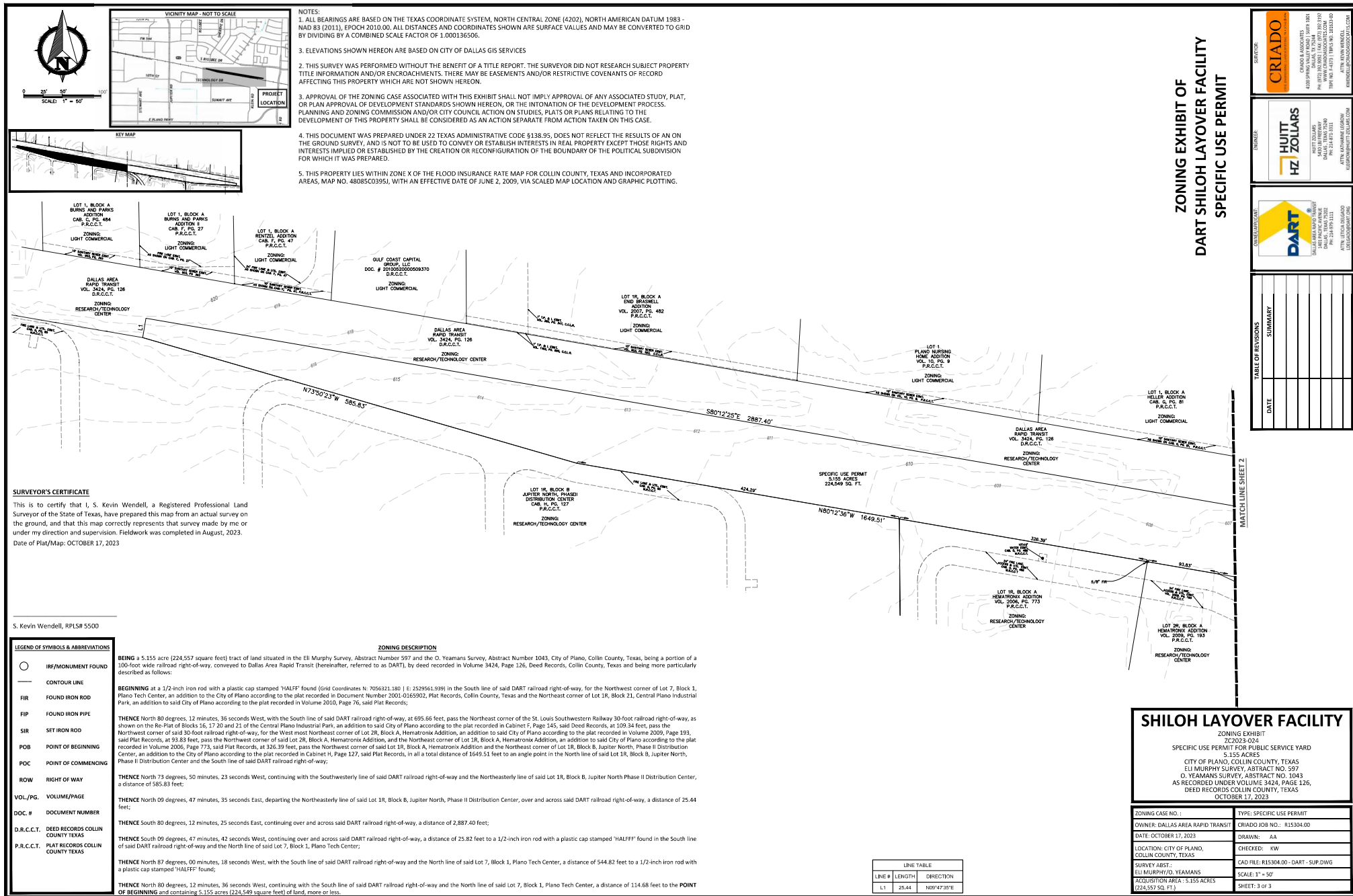
**THENCE:** North 80 degrees, 12 minutes, 36 seconds West, continuing with the South line of said DART railroad right-of-way and the North line of said Lot 7, Block 1, Plano Tech Center, a distance of 114.68 feet to the **POINT OF BEGINNING** and **CONTAINING** 5.155 acres (224,557 square feet) of land, more or less.











**DATE:** November 7, 2023

**TO:** Honorable Mayor & City Council

**FROM:** Planning & Zoning Commission

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

**SUBJECT:** Results of Planning & Zoning Commission Meeting of November 6, 2023

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**AGENDA ITEM NO. 2A - ZONING CASE 2023-024**  
**PETITIONER: DALLAS AREA RAPID TRANSIT**

Request for a Specific Use Permit for Public Service Yard on 5.2 acres located 325 feet north of Technology Drive and 700 feet west of Shiloh Road. Zoned Research/Technology Center. Project #ZC2023-024.

**APPROVED:** 8-0

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

**RESULTS:**

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

1. Necessary parking is provided at the time of the site plan review; and
2. A sound wall is constructed north of the public service yard facility and within the ROW; and
3. The equipment maintenance facility and wash buildings are fully enclosed.

To view the hearing, please click on the provided link:  
<https://planotx.new.swagit.com/videos/280321?ts=2554>

RP/kob

cc: Eric Hill, Assistant Director of Planning  
Christina Sebastian, Land Records Planning Manager  
Melissa Kleineck, Lead Planner

Justin Cozart, Sr. GIS Technician  
Jeanna Scott, Building Inspections Manager  
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

[Google Link](#)

**AGENDA ITEM NO. 2A**

**PUBLIC HEARING:** Zoning Case 2023-024

**PETITIONER:** Dallas Area Rapid Transit

**DESCRIPTION:** Request for a Specific Use Permit for Public Service Yard on 5.2 acres located 325 feet north of Technology Drive and 700 feet west of Shiloh Road. Zoned Research/Technology Center. Project #ZC2023-024.

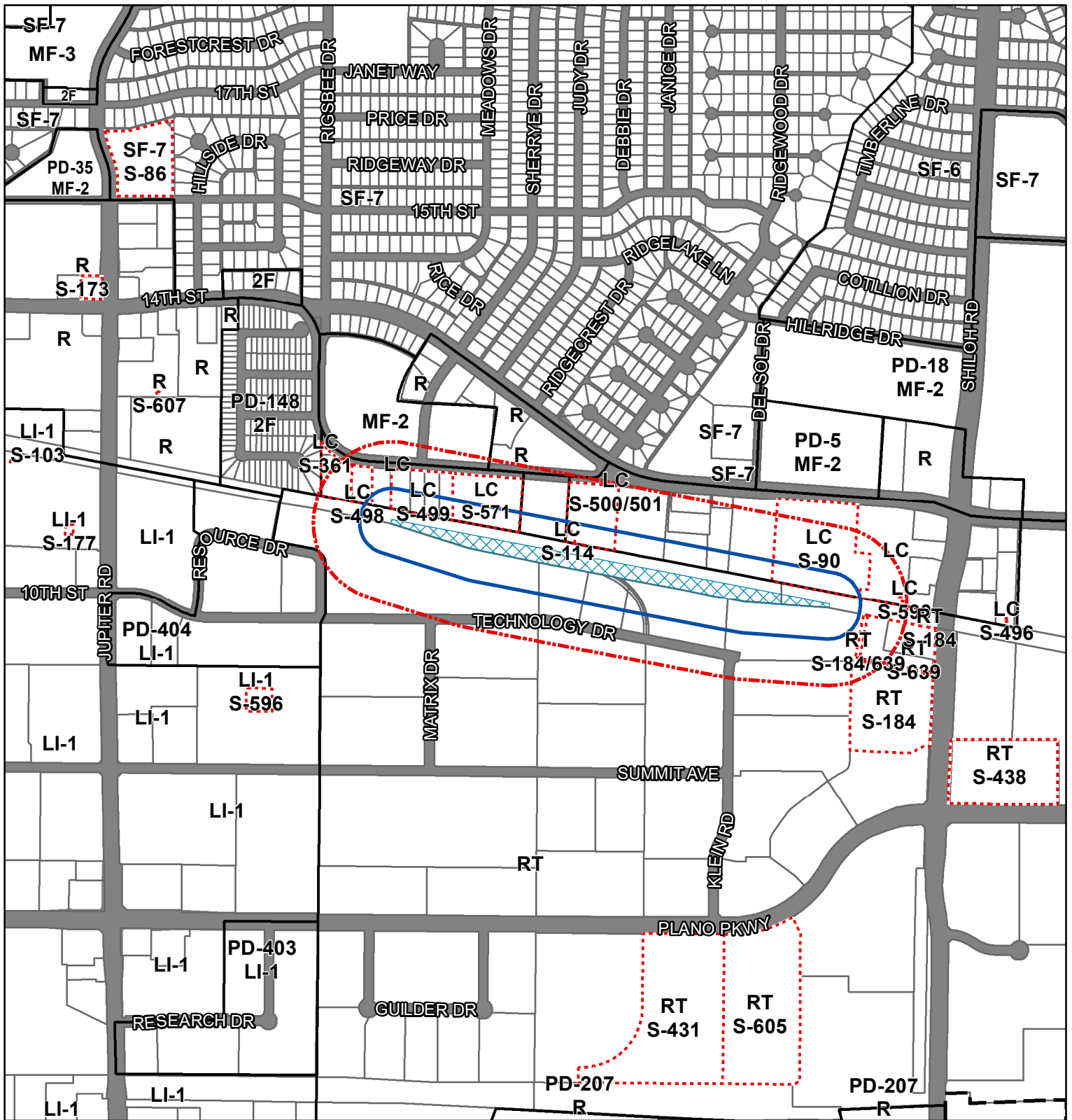
**SUMMARY:**

This is a request for a Specific Use Permit (SUP) for a Public Service Yard within the Dallas Area Rapid Transit (DART) right-of-way. This yard will be used to service rail vehicles at the end of the DART Silver Line currently under construction. Up to six trains may be stored within the facility on a daily basis, including one at peak service times, three during non-peak times, and six overnight. Major topics of consideration in this request include:

- Conformance to the Comprehensive Plan – The subject property is located within the Employment Center (EM) category in the Future Land Use Map.
- Access and Emergency Services – Access to the site will be provided from the adjacent property to the south, located at 3201 Technology Drive.
- Noise Impacts – To mitigate potential noise impacts, maintenance and washing facilities will be located within enclosed buildings, and a 14-foot concrete sound wall will be constructed along the property's northern boundary.

The SUP is in conformance with the policies of the Comprehensive Plan and consistent with uses in the general area. Staff supports the request with the conditions that the wash building is fully enclosed, necessary parking for the public service yard is provided at the time of the site plan review, and a sound wall is installed on the north side of the public service yard.

A preliminary site plan for the public service yard and a revised site plan for the associated access and parking modifications on the adjacent property to the south accompany this request as Agenda Items No. 2B and 2C.

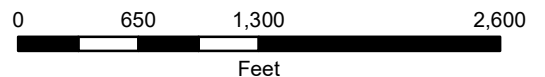
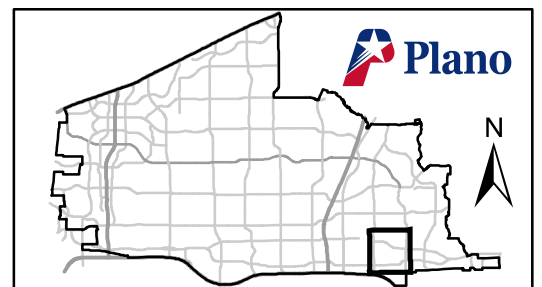


Zoning Case: 2023-024

Existing Zoning: Research/Technology Center

Proposed Zoning: Specific Use Permit for Public Service Yard

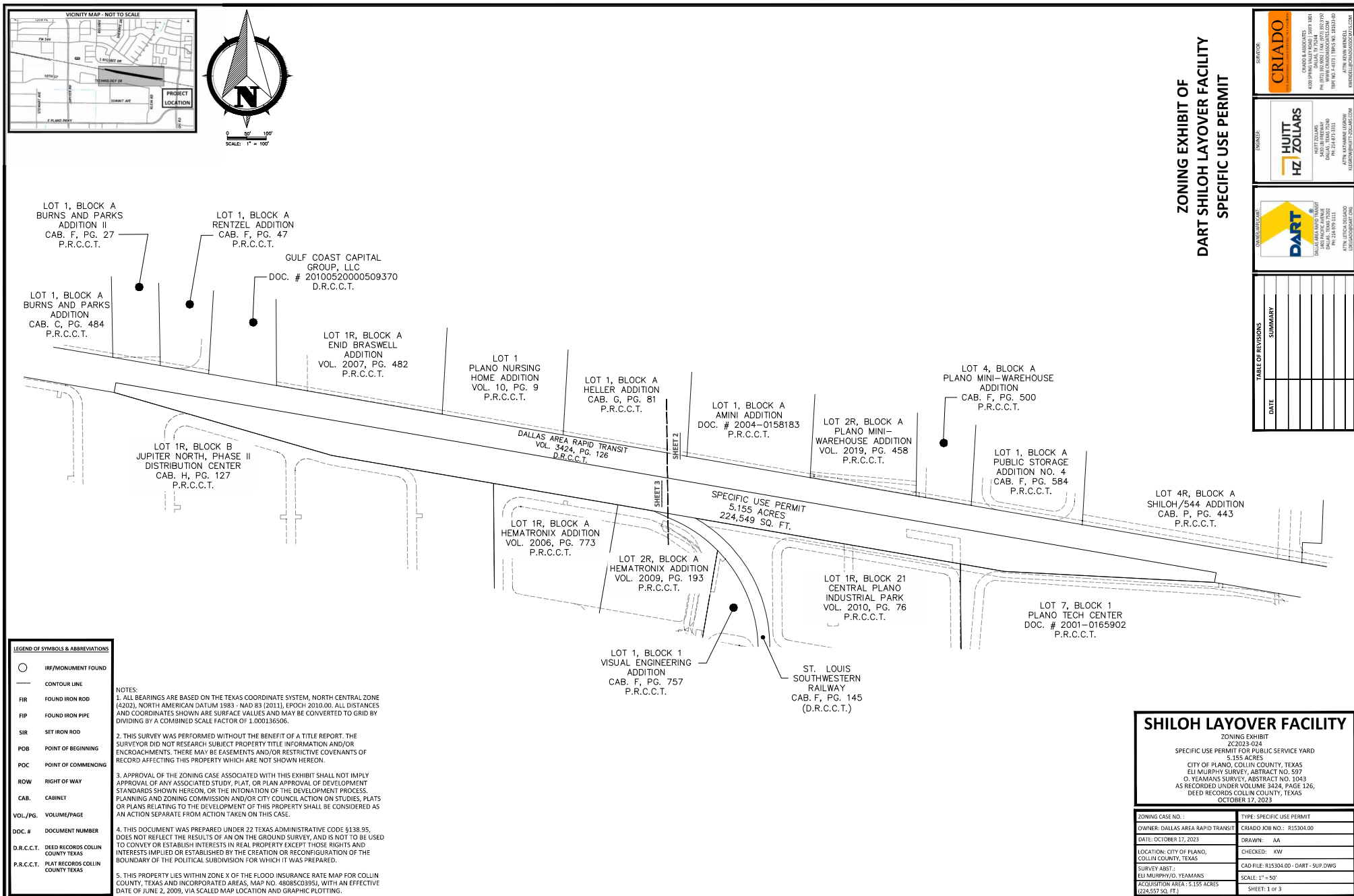
- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Streets
- Municipal Boundaries
- Zoning Boundary
- Specific Use Permit
- Zoning Boundary Change/SUP

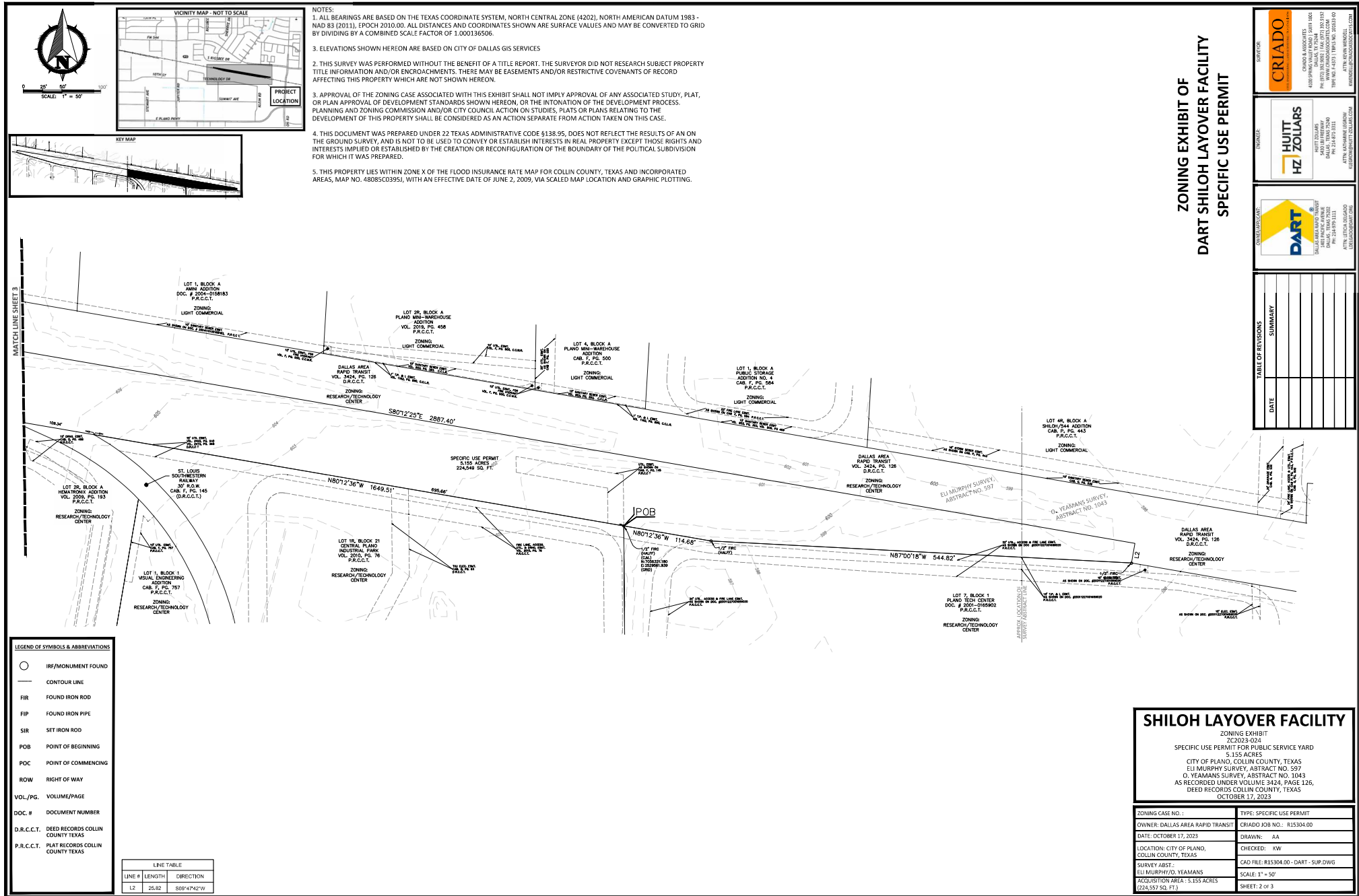


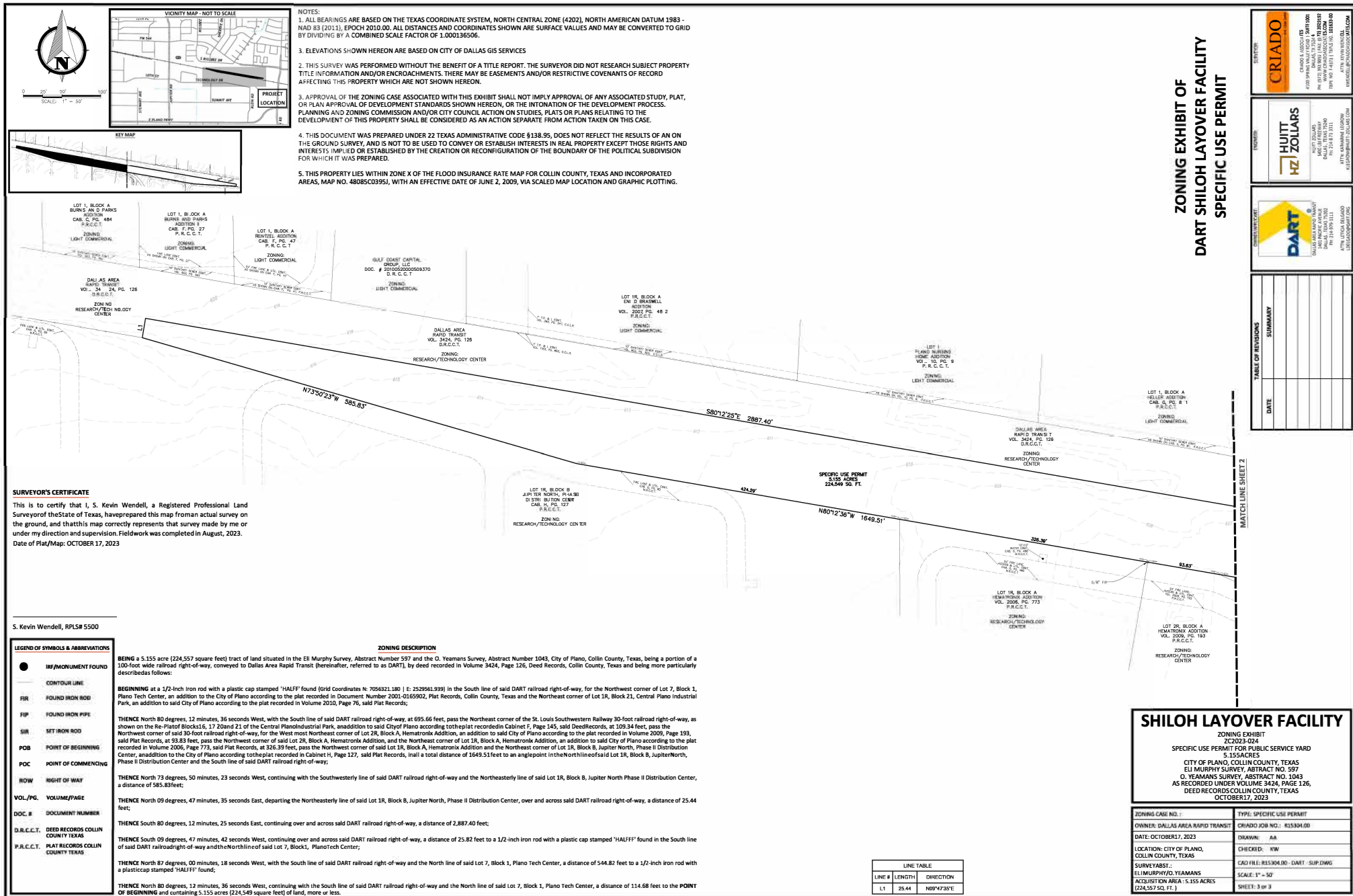












## STAFF PRELIMINARY REPORT - INTRODUCTORY REMARKS

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The applicant is requesting a Specific Use Permit (SUP) for Public Service Yard that will be operated within the Dallas Area Rapid Transit (DART) right-of-way. The subject property is located within the Research-Technology (RT) District.

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

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

Additionally, Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

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

Public Service Yard – Section 8.200 (Terms Defined) of the Zoning Ordinance defines a public service yard as:

*An area for the servicing and storage of vehicles, mechanical items, or other property of a government agency, or public or private utility.*

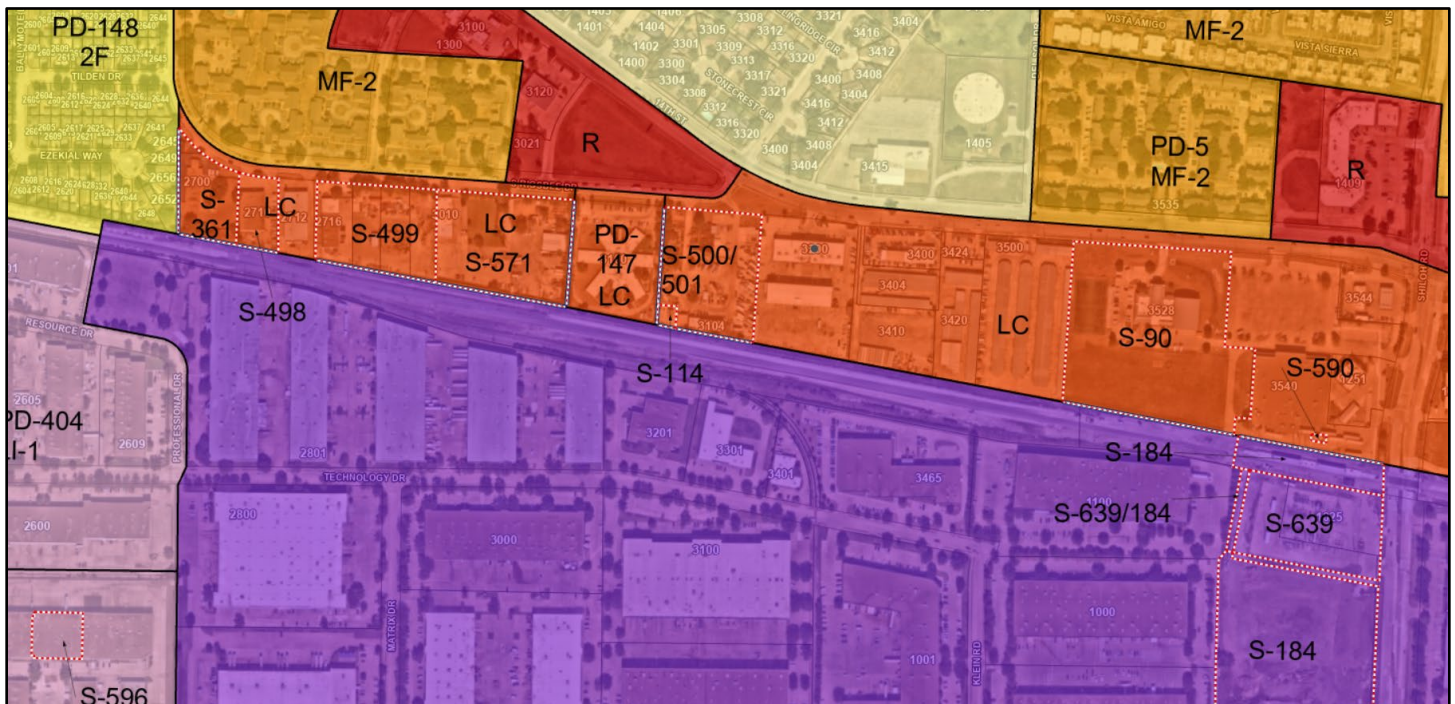
Zoning – The subject property is currently zoned Research/Technology Center (RT) District. Section 10.1300.1 of the Zoning Ordinance states the purpose of the RT district is as follows:

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



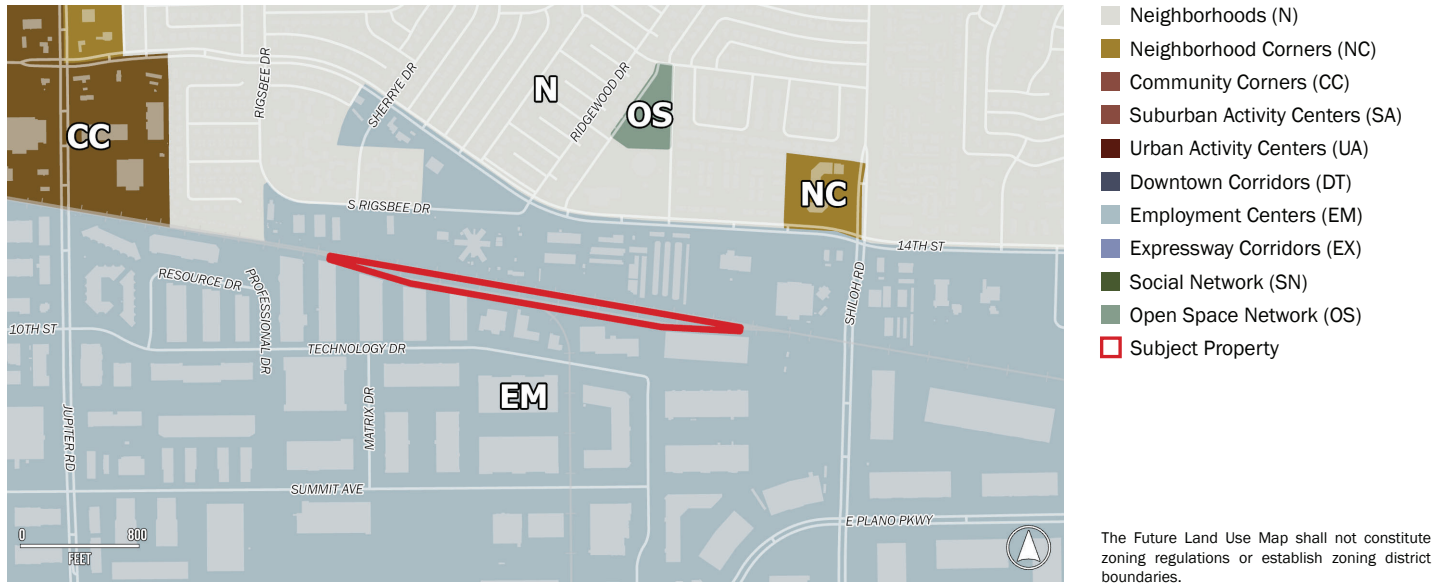
## Surrounding Land Use and Zoning

North	<p>The properties are zoned Light Commercial (LC) with the following Specific Use Permits and Planned Developments (from west to east):</p> <ul style="list-style-type: none"> <li>Specific Use Permits No. S-361 for day care center, No. S-498 and No. S-499 for compact construction, No. S-571 for service contractor, No. S-500 for Used Car Dealer, No. S-501 for nursery, S-114 for radio tower, S-90 for household care institution, and No. S-590 for commercial antenna support structure.</li> <li>Planned Development-147-LC (PD-147-LC), which provides for a long-term care facility as an additional allowed use.</li> </ul> <p>These properties are developed with a variety of uses, including household care institutions, mini-warehouse/public storage, used vehicle dealers, medical offices, professional/general administrative offices, retail, nursery, major and minor vehicle repair, vehicle parking lot/garage, religious facility, restaurant, long-term care facility, utility structure (radio tower), service contractor, assembly hall, open storage, and vehicle storage.</p>
East	<p>The properties are zoned Research/Technology Center (RT) with Specific Use Permits No. S-184 for Transit Center/Station and No. S-639 for electrical substation and are developed accordingly.</p>
South	<p>The properties are zoned RT and are developed with distribution center/warehouse, professional/general administrative office, and light-intensity manufacturing.</p>
West	<p>The property is zoned RT and is part of the DART Silver Line right-of-way.</p>



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

## 1 | Future Land Use Map



### Employment Centers (EM)

### PRIORITIES

The Employment Centers future land use category applies to the business centers in the Legacy area and along the Plano Parkway/President George Bush Turnpike. The primary uses for Employment Centers are corporate office campuses, medical centers, educational facilities, technology centers, and research facilities. Limited manufacturing and warehouse uses may be allowed to support the employment centers.

**Evolving Trends In Office** - Much of the Legacy area Employment Center was developed with large corporate campuses. Although these provide desirable open space and urban tree canopy, these sprawling office complexes are often isolated from supporting restaurants, entertainment, service uses, and transit connections that many large businesses are seeking in today's office environment. With improved access to the Dallas/Fort Worth International Airport through the DART Silver Line Rail and recent widening of the PGBT and Sam Rayburn Tollways, the city should evaluate what is needed to sustain the attractiveness of these areas to large corporations.

**Residential Development** - Residential uses are not appropriate within these centers in order to ensure the city's ability to attract and maintain employment generating uses.

1. Maintaining Land for employment generating uses
2. Evaluating policies to sustain long-term viability of corporate campuses
3. Updating the Legacy Area Master Plan

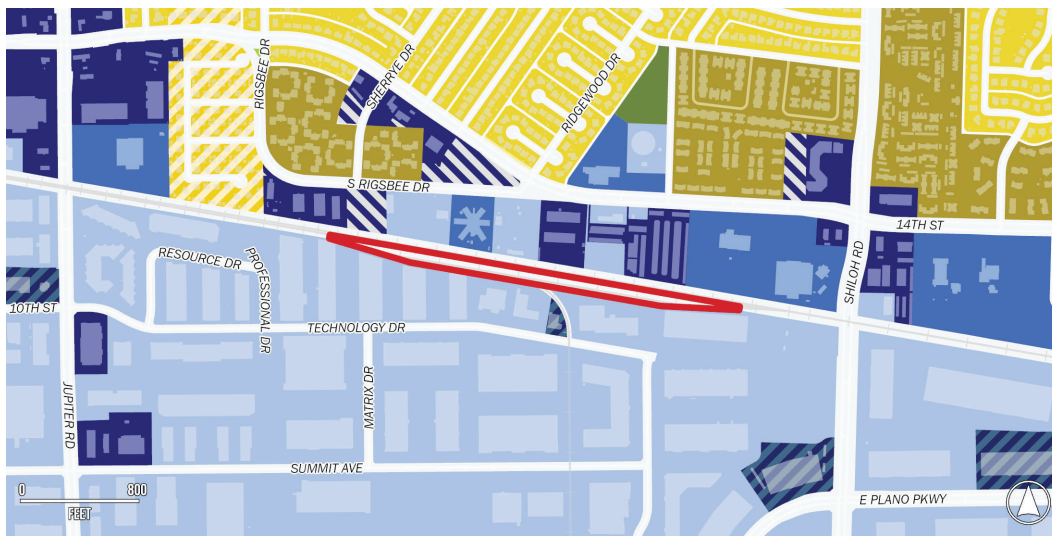


## 2 | Mix of Uses



Click here for  
"How to Read  
The Dashboards"

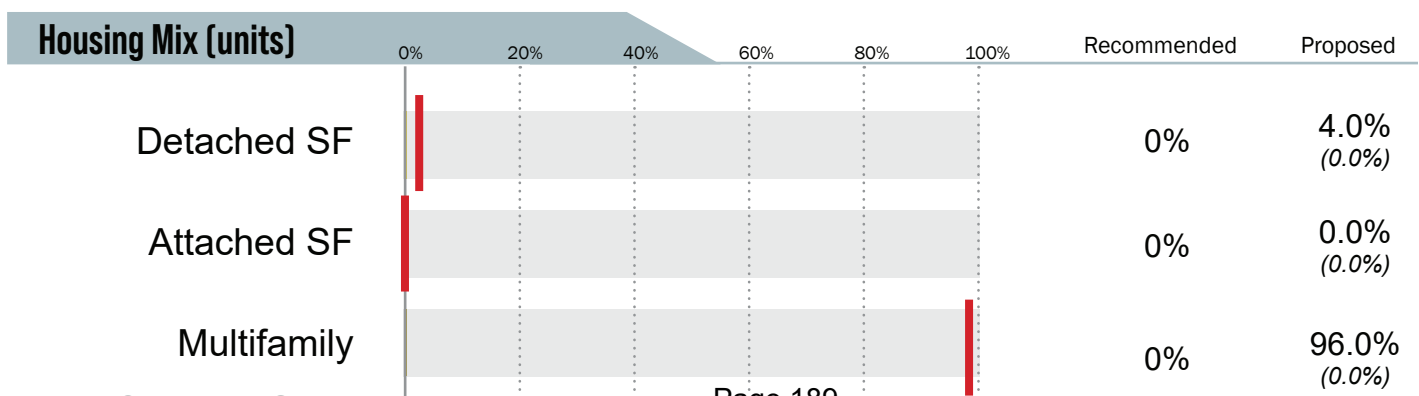
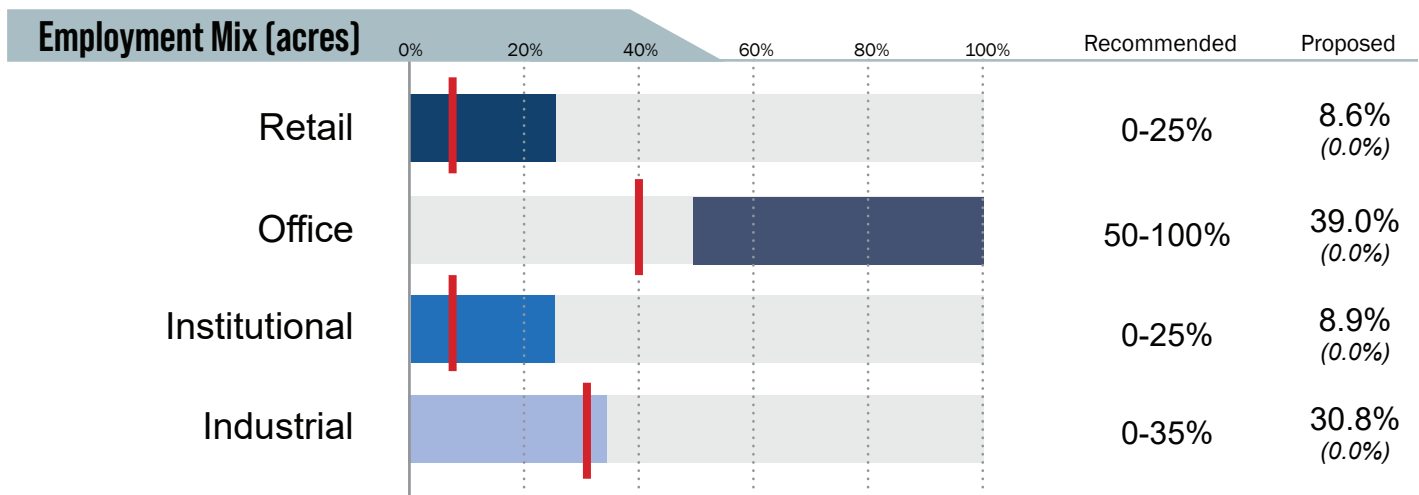
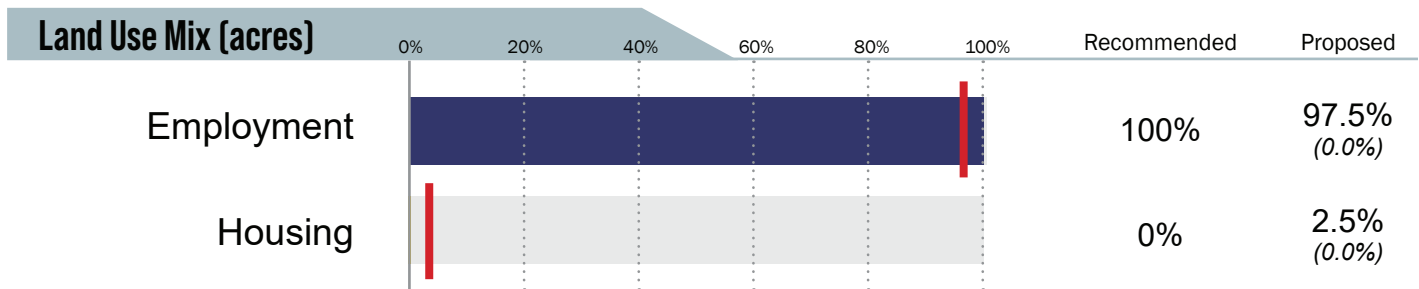
If approved, the request would result in the following Mix of Uses:



Land Use & Housing Inventory (LUHI)

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

LUHI Snapshot Date: 1/1/2023  
Measurement Area: All properties within the EX  
Category along US 75



### 3 | Desirable Character Defining Elements

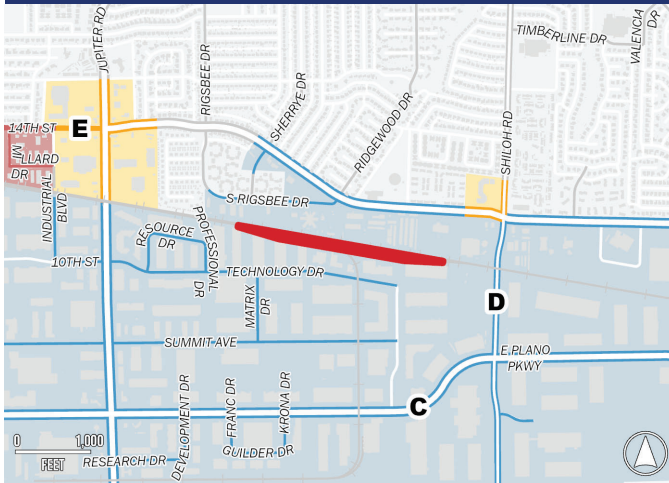


Click here for  
"How to Read  
The Dashboards"

DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	1 to 20 stories	1 story.
Density	N/A	Not applicable to this request.
Intensity	Moderate to High (50 to 75% Lot Coverage)	Low: 9.78%
Open Space	10% to 35% Passive Open Space	Not applicable to this request.
Parking Orientation	Structured parking preferable to surface lots	Surface parking lot.
Block Pattern & Streetscape	Wide blocks Corporate Corridor Streets	Not applicable to this request.
<b>Multimodal Access</b>		
1. Automobiles	HIGH: Direct access from major streets	Access will be provided from Technology Drive via an access easement provided through adjacent property to the south.
2. Transit	MEDIUM: Commuter Bus Ser- vice	Subject site is located within 0.25 miles of the Shiloh Road Station on the DART Silver Line currently under construction.
3. Micromobility	MEDIUM: Connected to trails and bike routes	On-Street Bike Route #8 is located directly south of the site. The DART Silver Line Hike-and-Bike trail is under construction and is located directly north of the site.
4. Pedestrians	LOW: Mostly served by perimeter sidewalks	The site is served by perimeter sidewalks on Technology Drive.

## 4 | Other Comprehensive Plan Maps

### Thoroughfare Plan Map



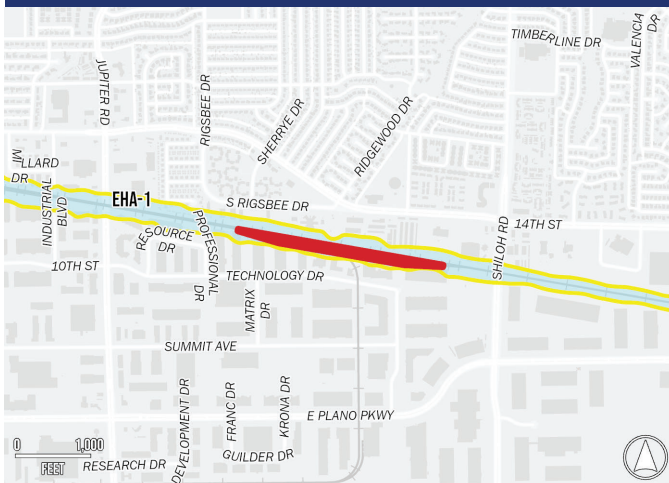
The subject site is accessed via connections on adjacent properties which abut Technology Drive, which is designated as a Type F Minor Collector (two lane, undivided collector).

### Bicycle Transportation Plan Map



On-Street Bike Route #8 is located directly south of the site. The DART Silver Line Hike-and-Bike trail is under construction and is located directly north of the site.

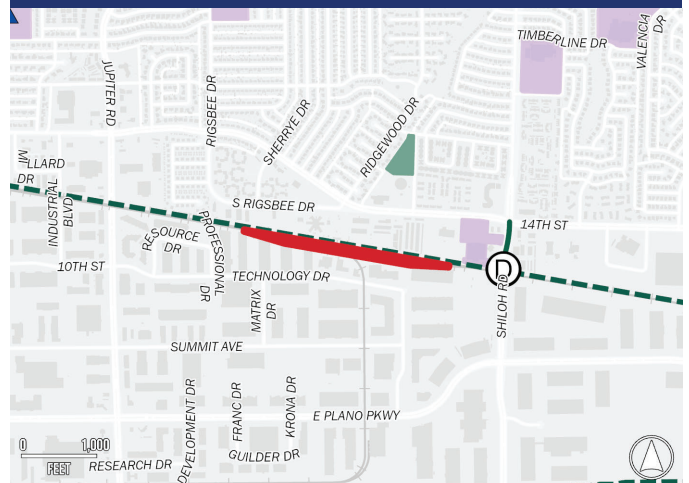
### Expressway Corridor Environmental Health Map



The subject site is located within the Expressway Corridor Environmental Health Area One (EHA-1). This is not considered a sensitive land use, therefore a site analysis and mitigation are not required.

☒ EHA-1    ☐ EHA-2    ☐ Not Applicable

### Parks Master Plan Map



Shoshoni Park is located approximately 0.25 miles north of the subject site. The DART Silver Line Hike-and-Bike trail is under construction and is located directly north of the site.

## 5 | Comprehensive Plan Policies & Actions

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



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



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

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



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

☐ Applicable  
☒ Not Applicable



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

☐ Applicable  
☒ Not Applicable



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

☐ Applicable  
☒ Not Applicable



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

☐ Applicable  
☒ Not Applicable



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

☐ Applicable  
☒ Not Applicable

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

No other policies are applicable to this request.

- ☐ Envision Oak Point (2018)  
☐ Downtown Vision & Strategy Update (2019)  
☐ Spring Creekwalk Master Plan (1990)

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

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

☐ Applicable  
☒ Not Applicable

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

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

☐ Applicable  
☒ Not Applicable

## 6 | Findings Policy

### RGM1: Mix of Uses, Density, & Building Height

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

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

### RGM5: Mixed-Use Developments

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

#### Are Findings Required?

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



## STAFF PRELIMINARY REPORT - CONFORMANCE TO THE COMPREHENSIVE PLAN

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

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

### Future Land Use Map Category & Dashboard

**Future Land Use Category** – The subject property is located in the **Employment Centers (EM)** category of the Future Land Use Map (FLUM). This category applies to the business centers in the Legacy area and along the Plano Parkway/President George Bush Turnpike. The primary uses for Employment Centers are corporate office campuses, medical centers, educational facilities, technology centers, and research facilities. Limited manufacturing and warehouse uses may be allowed to support the employment centers.

FLUM – EM Description and Priorities		
Description		<b>Meets</b>
Priorities	Maintaining land for employment-generating uses	<b>Meets</b>
	Evaluating policies to sustain long-term viability of corporate campuses	Not Applicable
	Updating the Legacy Area Master Plan	Not Applicable

**Mix of Uses** – Located within DART right-of-way, approval of the request would result in no changes to the Mix of Uses.

FLUM – EM Mix of Uses	
Mix of Uses	No Change

**Desirable Character Defining Elements** – The request complies with the Character Defining Elements of the DT Dashboard, as outlined in the table below.

FLUM – EM Desirable Character Defining Elements			
Building Height	<b>Meets</b>	<b>Multimodal Access</b> <ul style="list-style-type: none"><li>• Automobiles</li><li>• Transit</li><li>• Micromobility</li><li>• Pedestrians</li></ul>	<b>Meets</b> <b>Meets</b> <b>Meets</b> <b>Meets</b>
Maximum Density	N/A		
Intensity	<b>Meets</b>		
Open Space	N/A		
Parking Orientation	<b>Meets</b>		
Block Pattern & Streetscape	<b>Meets</b>		



## Other Comprehensive Plan Maps

The subject property is within Expressway Corridor Environmental Health Area One (EHA-1) of the Expressway Corridor Environmental Health Map. However, the requested public service yard use is not a sensitive land use, so a site analysis and mitigation for EHA purposes are not required.

Additionally, the scope of the request would not require improvements pertaining to the Thoroughfare Plan Map, Bicycle Transportation Plan Map, or Parks Master Plan Map.

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

## Comprehensive Plan Summary

As the request is generally consistent with the description of the Employment Centers (EM) Future Land Use category, the proposed Special Use Permit for a Public Service Yard is in conformance with the Comprehensive Plan.

### Comprehensive Plan Policy Summary

Policy or Study	Analysis
Future Land Use Map and Dashboards <ul style="list-style-type: none"><li>Description &amp; Priorities</li><li>Mix of Uses</li><li>Character Defining Elements</li></ul>	Meets No Change Meets
Thoroughfare Plan Map	N/A
Bicycle Transportation Plan Map	N/A
Parks Master Plan Map	N/A
Expressway Corridor Environmental Health Map	Meets

Adequacy of Public Facilities – As part of the Specific Use Permit, new private water, sanitary sewer, and access easements are required and are included in the revised preliminary site plan for the adjacent property located at 3201 Technology Drive for the purpose of being available to serve the subject property.

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

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

## STAFF PRELIMINARY REPORT - ANALYSIS & RECOMMENDATION

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The request would allow DART to construct a Public Service Yard within its right-of-way, including maintenance facilities for train cars operating along the DART Silver Line Commuter Rail. This site was selected due to wider right-of-way in this location, which will accommodate additional tracks and structures without impacting Silver Line operations or adjacent properties. As shown in the associated preliminary site plan (see Agenda Item No. 2B), proposed structures include a 17,995-square-foot maintenance building, a 3,740-square-foot wash building, and an open-air fueling canopy. Maintenance operations will include inspection, repair, refueling, and washing of train cars, as well as storage of fuel and other maintenance supplies.

Access - Employee and emergency access to the site is provided through the adjacent property to the south located at 3201 Technology Drive. The applicant has also secured agreements with the property owner to provide supplemental office space and employee parking at this location for DART employees. These spaces and access routes are shown on the associated revised site plan (see Agenda Item No. 2C).

Noise Mitigation - The applicant conducted their own voluntary noise and vibration analysis for the proposed public service yard facility. According to the study, the only significant source of noise or vibration would be from the movement of train cars. Although no noise or vibration impacts were identified beyond acceptable levels by the U.S Federal Transportation Administration (FTA), DART has agreed to install a 14-foot tall sound wall along the north side of the railroad tracks to mitigate any potential noise to the household care institution located to the north.

### **SUMMARY:**

The applicant is requesting a Specific Use Permit (SUP) for Public Service Yard within the Dallas Area Rapid Transit (DART) right-of-way. The SUP is in conformance with the policies of the Comprehensive Plan and consistent with uses in the general area. Staff is supportive of the requested SUP with the conditions that the wash building is fully enclosed, necessary parking for the public service yard is provided at the time of the site plan review, and a sound wall is installed on the north side of the public service yard.

### **RECOMMENDATION:**

Recommended for approval subject to the following conditions.

SUP for Public Service Yard with Restrictions:

1. Necessary parking is provided at the time of the site plan review; and
2. A sound wall is constructed north of the public service yard facility and within the ROW; and
3. The equipment maintenance facility and wash buildings are fully enclosed.



Dallas Area Rapid Transit  
Cotton Belt (Silver Line)  
Environmental Documentation  
Phase E Memorandum to File  
Plano Changes  
Attachment 2A

F1. Shiloh Road Layover Facility

Noise and Vibration Impact  
Assessment



# Technical Memorandum

Date: Monday, December 19, 2022

Project: DART GPC VII – Contract C-2053306-01 – Task Order 8.3 – Final Design Support

To: Jamie Patel, HDR Engineering, Inc.  
John Hoppie, DART

From: David A. Towers and Scott S. Edwards, Cross-Spectrum Acoustics Inc.

Subject: DART Silver Line Shiloh Road Layover Facility Noise and Vibration Impact Assessment  
CSA Reference J2020-1260

## INTRODUCTION AND SUMMARY

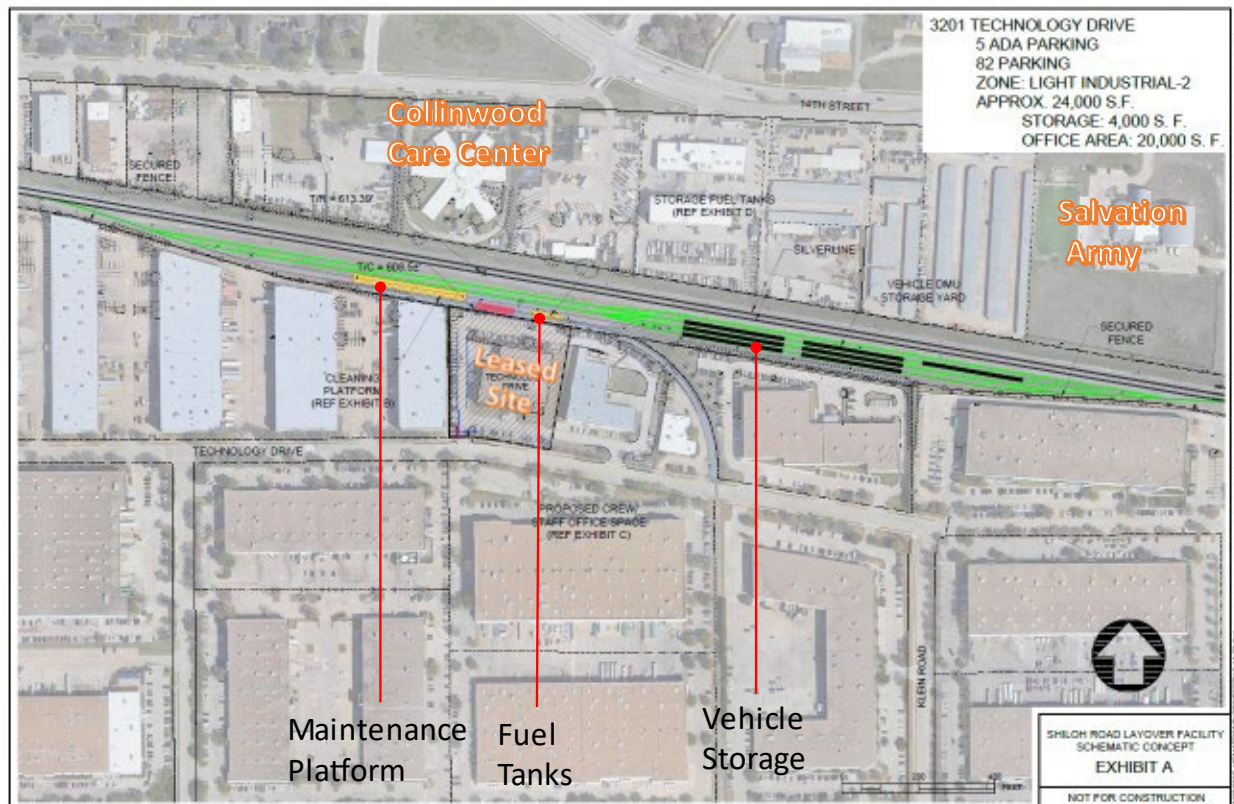
This technical memorandum summarizes a noise and vibration impact assessment for the Cotton Belt (Silver Line) Regional Rail Project at sensitive receivers located near the proposed Shiloh Road Layover Facility in Plano, TX. The methodology used for this assessment is consistent with the U.S. Federal Transit Administration (FTA) “*Transit Noise and Vibration Impact Assessment Manual*” (FTA Report No. 0123, September 2018). The objective of the assessment was to determine whether facility operations would cause additional project noise or vibration impacts. The analysis was conducted for Dallas Area Rapid Transit (DART) under subcontract to HDR Engineering, Inc. by Cross-Spectrum Acoustics Inc. (CSA).

The analysis concluded that the anticipated layover facility operations are not predicted to cause noise or vibration impacts at any nearby sensitive locations. The combined noise exposure levels predicted from facility operations and Silver Line train operations are below the applicable FTA noise impact criteria thresholds. In addition, ground-borne vibration levels from facility operations would be below the applicable FTA and DART vibration impact criteria thresholds. Thus, no noise or vibration mitigation measures are required for the Shiloh Road Layover Facility.

## BACKGROUND

DART has identified a location immediately west of the Shiloh Road Station within the DART owned railroad right-of-way for a layover facility that was not anticipated in the DART Cotton Belt Corridor **FEIS/ROD**. As shown by the site plan in **Figure 1**, the proposed facility would include a maintenance platform, fuel tanks, and vehicle storage tracks. It is anticipated that six (6) vehicles would be located at the facility on a daily basis, with one (1) stored during peak service, three (3) stored during off-peak service and all six stored overnight. The maintenance platform would be used for daily cleaning, inspection and refueling of the Silver Line fleet of vehicles. Vehicles would operate to the cleaning platform or to a storage track and be powered down and plugged into an electric power source to avoid

idling. Thus, the only significant source of noise or vibration at the layover facility would be vehicle movements, with a maximum of 14 movements during the daytime hours (7 am to 10 pm) and 19 movements during the nighttime hours (10 pm to 7 am).



**Figure 1. Shiloh Road Layover Facility Site Plan**

## EXISTING CONDITIONS

### Sensitive Land Use

As shown in **Figure 1**, the land use surrounding the layover facility site is primarily industrial, with a limited number of community facilities. The noise and vibration sensitive land uses closest to the site include the Collinwood Care Center and the Salvation Army Building, both located to the north of the Silver Line tracks. The Collinwood Care Center, a nursing and rehabilitation facility with nighttime sensitivity, is a FTA Category 2 (residential) land use. The Salvation Army Building, which houses a charitable organization and place of worship with daytime and evening sensitivity, is a FTA Category 3



(institutional) land use. Existing noise sources affecting these locations include freight train operations, roadway traffic, aircraft, and industrial activities. Existing sources of ground-borne vibration in the area are limited to freight train operations.

### Existing Noise Levels

The existing noise exposure levels at the two noise-sensitive receptors closest to the layover facility site were estimated based on available information from the DART Cotton Belt Corridor FEIS as follows:

- Collinwood Care Center. The existing noise exposure level at this location is estimated to be 58 dBA in terms of the Day-Night Sound Level (Ldn)<sup>1</sup> based on the results of a 24-hour noise measurement conducted for the FEIS at Site LT-19. This measurement site was at a residence similarly located about 100 feet north of the Silver Line, approximately 1,600 feet to the west of the Collinwood Care Center, with a comparable noise environment.
- Salvation Army Building. The existing noise exposure level at this location is estimated to be 54 dBA in terms of the Equivalent Sound Level (Leq)<sup>2</sup> based on the results of a one-hour noise measurement conducted for the FEIS at Site ST-5. This measurement site was at a church similarly located about 350 feet north of the Silver Line, approximately 1,800 feet to the east of the Salvation Army Building, with a comparable noise environment.

### NOISE IMPACT ASSESSMENT

Noise impact was assessed at the two noise-sensitive locations closest to the proposed layover facility by (1) predicting the combined noise exposure levels from facility operations and Silver Line operations, (2) comparing the total predicted project noise exposure levels with the estimated existing noise exposure levels, and (3) applying the FTA noise impact criteria.

Noise exposure levels from layover facility operations were predicted in accordance with FTA General Noise Assessment methodology for yards and shops using the FTA Noise Impact Assessment Spreadsheet. At the Collinwood Care Center, the Ldn from facility operations was predicted assuming 14 vehicle movements during the daytime hours (7 am to 10 pm), 19 vehicle movements during the nighttime hours (10 pm to 7 am), and a distance of 500 feet to the center of the site. At the Salvation Army Building, the Leq from facility operations was predicted assuming three (3) vehicle movements during the peak activity hour, and a distance of 1,200 feet to the center of the site.

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<sup>1</sup> Ldn is a 24-hour cumulative A-weighted noise level that includes all noises that occur during a day, with a 10-dB penalty for nighttime noise (10 pm to 7 am). This nighttime penalty means that any noise events at night are equivalent to ten similar events during the day.

<sup>2</sup> Leq is the level of a steady sound, which in a stated time period and at a stated location, has the same sound energy as the time-varying sound.





Noise exposure levels from Silver Line operations were predicted using FTA Detailed Noise Analysis methodology based on the assumptions from the most recent noise impact analysis for the DART Silver Line Project.<sup>3</sup>

The results of the noise impact assessment are summarized in **Table 1**, and are shown graphically in **Figure 2** for the Collinwood Care Center and in **Figure 3** for the Salvation Army Building. Based on these results, it is concluded that the combined noise exposure levels from layover facility operations and Silver Line operations are predicted to be below the applicable FTA noise impact criteria thresholds. Therefore, noise impact from the project is not anticipated at any sensitive locations near the proposed Shiloh Road Layover Facility, and no noise mitigation measures are required.

**Table 1. Summary of Noise Impact Assessment for the DART Silver Line Shiloh Road Layover Facility**

Noise-Sensitive Location	Existing Noise Level (dBA)	Predicted Project Noise Exposure Level (dBA)			Project Noise Impact Criteria (dBA)		Total Noise Level (dBA)	Noise Level Increase (dBA)	Impact
		Layover Facility	Silver Line	Total	Moderate	Severe			
Collinwood Care Center <sup>1</sup>	58	54	52	56	57	62	60	2	None
Salvation Army Building <sup>2</sup>	54	40	40	43	60	66	54	0	None

Source: Cross-Spectrum Acoustics, 2022

<sup>1</sup> Noise levels at this location are based on Ldn and measured in dBA (rounded to the nearest decibel).

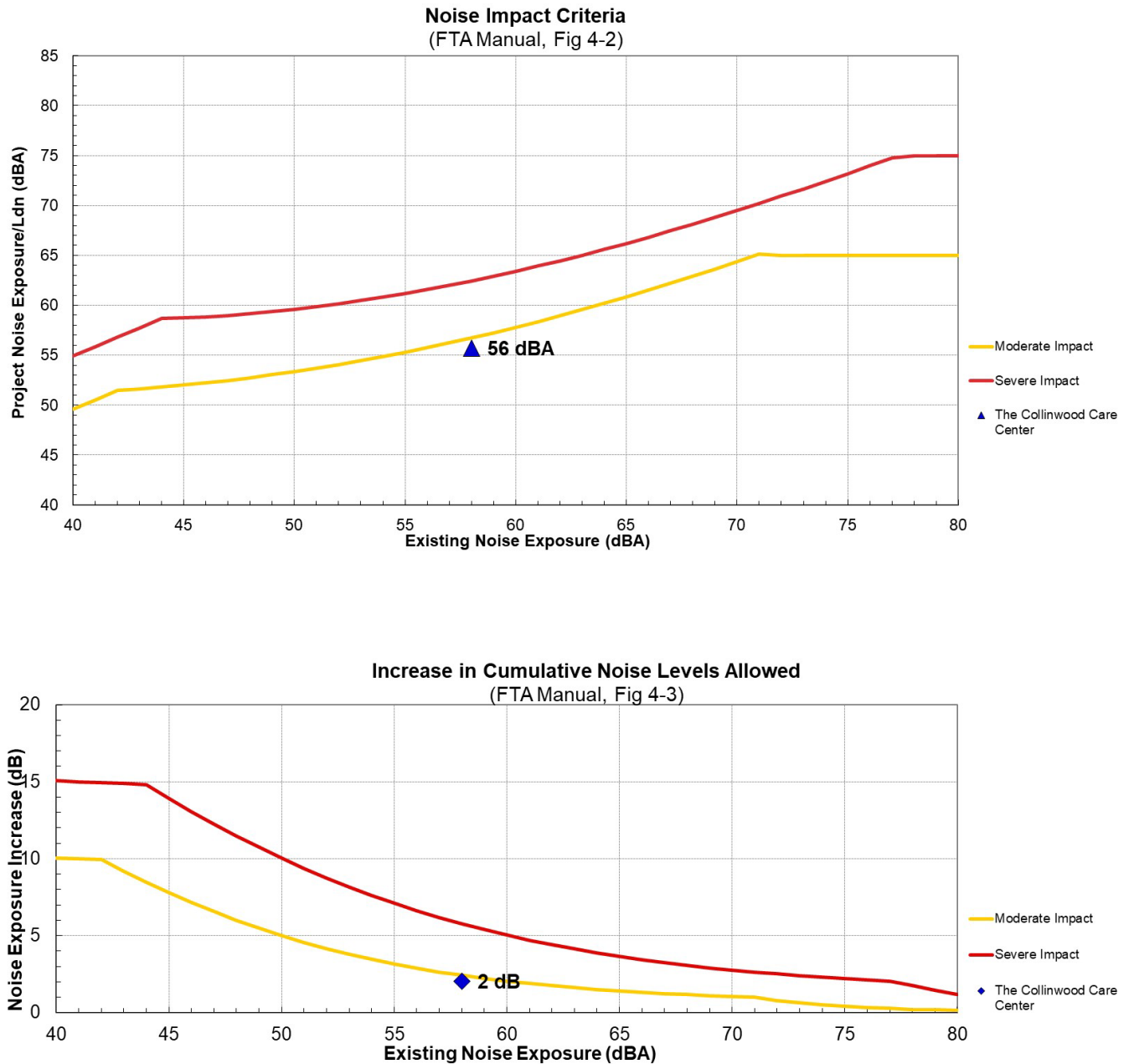
<sup>2</sup> Noise levels at this location are based on Leq(1h) and measured in dBA (rounded to the nearest decibel).

## VIBRATION IMPACT ASSESSMENT

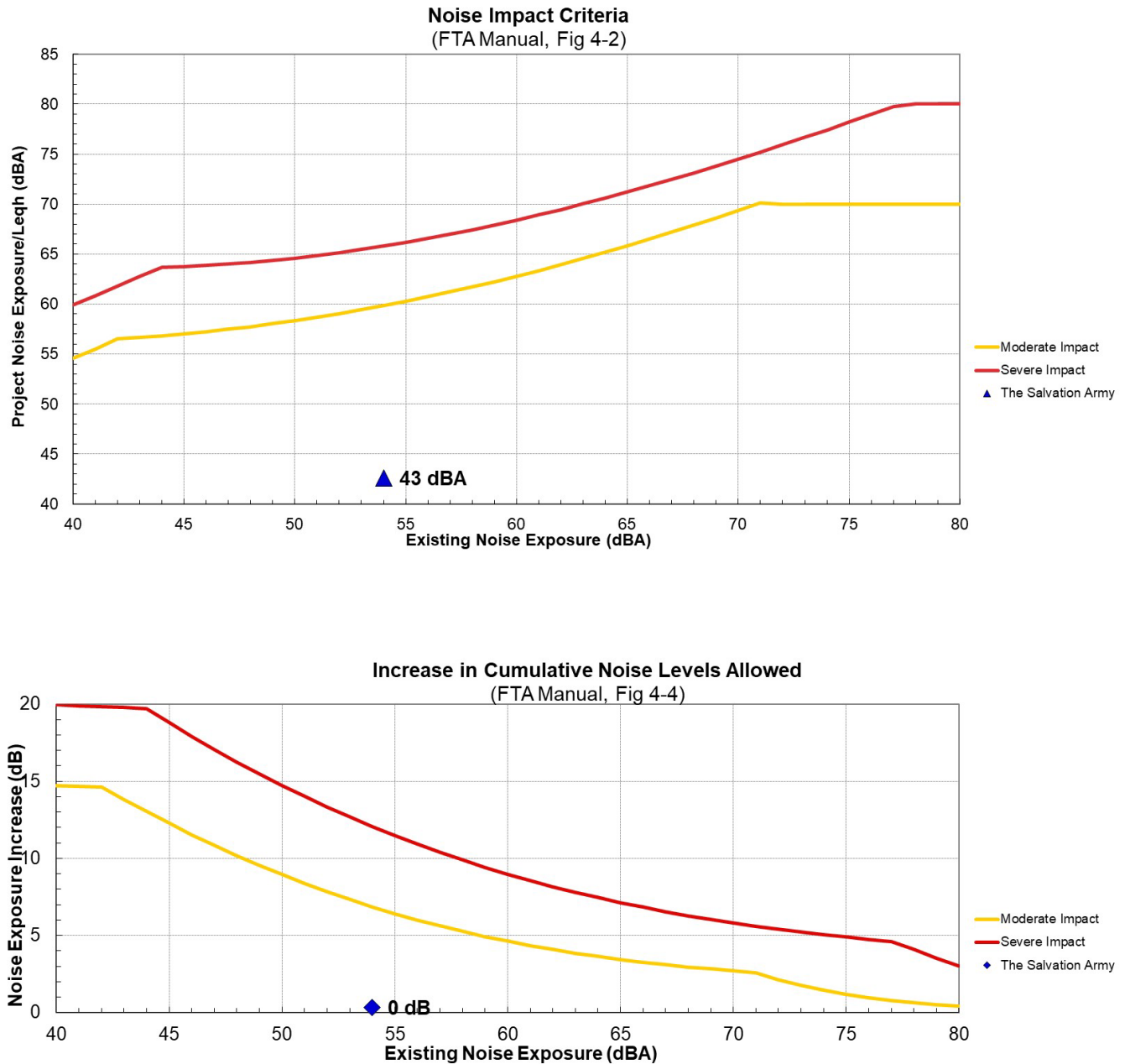
Based on the most recent vibration impact analysis for the DART Silver Line Project,<sup>4</sup> the maximum one-third octave band ground-borne vibration level from Silver Line operations at the Collinwood Care Center was predicted to be 54 VdB, well below the FTA impact threshold of 72 VdB and the DART vibration goal of 65 VdB. Because operations at the layover facility will occur further from this and other sensitive buildings and at lower speeds, ground-borne vibration from facility operations will be even lower. Thus, it is concluded that vibration impact from the Silver Line Project is not anticipated at any sensitive locations near the proposed Shiloh Road Layover Facility and no vibration mitigation measures are required.

<sup>3</sup> Cross-Spectrum Acoustics, *DART Silver Line Updated Noise Analysis*, Technical Memorandum, October 30, 2020

<sup>4</sup> Cross-Spectrum Acoustics, *DART Silver Line Design-Build Project Vibration Assessment and Mitigation Analysis of Final Design*, Technical Memorandum, January 18, 2021



**Figure 2. FTA Noise Impact Assessment at the Collinwood Care Center**



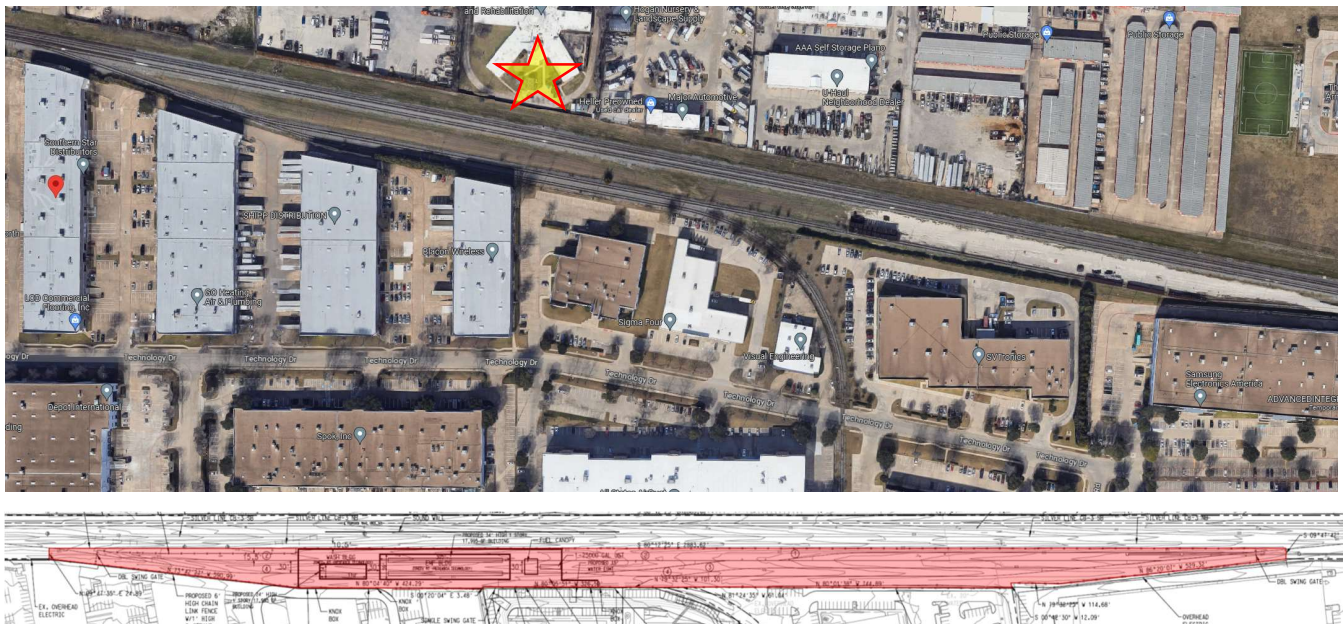
**Figure 3. FTA Noise Impact Assessment at the Salvation Army Building**

**Project Location:** Rail line behind 3201 Technology Blvd.

**Proposed Request:** DART is requesting approval of a Rail Service Yard for the Silver Commuter Rail project located within DART's right-of-way (shown below), which requires approval of a Specific Use Permit (SUP). The SUP is required based on the current zoning designation on the rail right-of-way (ROW).

This location was selected because the existing right-of-way is wide enough to accommodate additional track and structures without impacting Silver Line operations or adjacent property. The location is also at the end of the line, which is operationally more efficient and reduces unnecessary non-revenue train movements thereby maximizing the life of the assets. The cars stored on site overnight will be plugged in so as to be readily available for use. By doing this, the cars do not have to continually run on diesel and therefore, will not produce fumes.

Additionally, DART has agreed to install a 15-foot tall betterment wall to mitigate any potential noise to the nearby residential retirement facility property (shown with a star below). DART conducted noise analysis on the light maintenance facility and no noise impact was identified.



The primary functions of this facility as currently proposed would include DART's operations and maintenance contractors, washing and fueling the vehicles daily while performing light maintenance, and inspection.

- The site will contain two (2) new building and a canopy structure.
  - The larger building is for equipment maintenance
  - The smaller building is to wash the trains
  - The canopy is to cover the fuel dispensing area between the tracks

DART is requesting that the storage track will be constructed prior to the maintenance facility and associated structures. No tree survey or landscape/open space plan has been provided as there no trees on site and no landscaping is proposed.

July 21, 2023

Mr. Mark Israelson  
City Manager  
City of Plano  
1520 K Avenue, Suite 300  
Plano, TX 75074

Via email: [marki@plano.gov](mailto:marki@plano.gov)

Subject: Shiloh Maintenance Facility

Dear Mr. Israelson:

Dallas Area Rapid Transit (DART) values our long-time partnership with the City of Plano. We also appreciate your continued support of the Silver Line Commuter Rail project, the adjacent hike and bike trail, and our proposed rail maintenance facility near Shiloh Road. As outlined in this letter, we are seeking additional consideration on the type of facility located within DART's right-of-way and the associated City actions required to advance this alternative.

DART has been working with the City of Plano staff to locate and design a light maintenance and layover facility within DART's existing rail right-of-way for DART's Silver Line Commuter Rail project. This facility, based on its current design, will store eight diesel multiple units in a small yard within the Silver Line alignment near 3201 Technology Drive, a building leased by DART. DART will utilize 3201 Technology Drive for the office space of DART Commuter Rail operations and operations and maintenance contractors. This location was selected because the existing right-of-way is wide enough to accommodate additional track and structures without impacting Silver Line operations or adjacent property. The location is also at the end of the line, which is operationally more efficient and reduces unnecessary non-revenue train movements thereby maximizing the life of the assets.

The primary functions of this facility as currently proposed would include DART's operations and maintenance contractors, washing and fueling the vehicles daily while performing light maintenance, and inspection. Light maintenance tasks involve daily vehicle inspections, oil and fluid checks, brake inspections, cleaning, and interior maintenance. The equipment used in a light maintenance facility would include basic hand tools, lubrication equipment, cleaning supplies, diagnostic tools for minor troubleshooting, and inspection equipment. The facility will include a wash building, maintenance building, and fuel canopy along two sets of tracks prior to splitting into four storage tracks. Under this plan, DART would build a heavy maintenance facility for work such as transmission or engine overhauls in Lewisville at a shared facility with Denton County Transit Authority (DCTA).

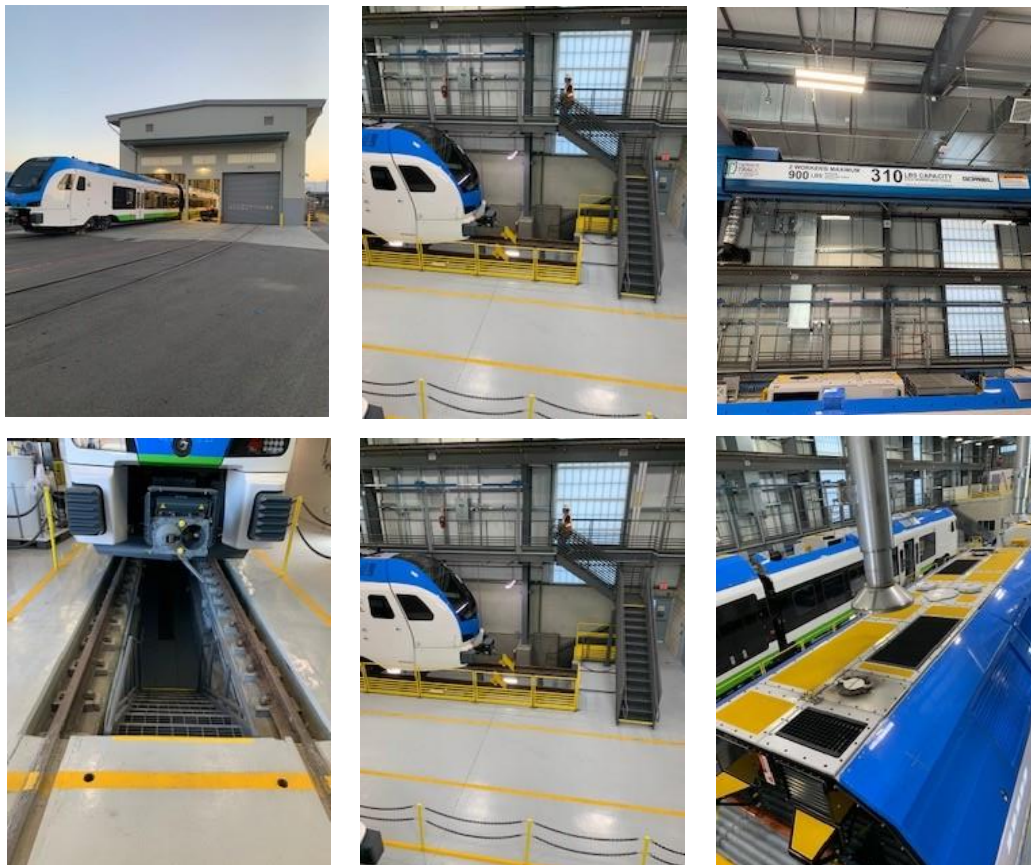


Figure 1: Proposed Enclosed Shiloh Maintenance Facility



Over the last few months, DART has engaged with City staff to review functions of the facility for code compliance and zoning policy. To address City staff concerns and to comply with existing zoning, DART has agreed to provide underground fuel storage, dedicated fire lane access, and to fully enclose the maintenance building to match the area's industrial setting and aesthetics as shown in Figure 1. Also, DART has agreed to install a 15'-tall betterment wall meant to deter noise adjacent to a nearby residential retirement facility. DART conducted noise analysis on the light maintenance facility and no noise impact was identified. The now fully enclosed facility and the betterment wall will further reduce any noise generated by the facility.

Because of the benefits of the location, the proximity to the Silver Line alignment, and the full enclosure design now being advanced, DART recommends upgrading the building to a full maintenance facility at Shiloh Road and to forego modifying the DCTA facility in Lewisville. In building a full maintenance facility at Shiloh, DART would avoid \$30 million in capital costs and \$950,000 in annual operating costs compared to the present concept of divided maintenance and operations over two facilities. These costs are largely associated with infrastructure modifications to the DCTA facility, upgrades of the track and crossings between Carrollton and Lewisville, and avoided operating costs from the DCTA facility and the additional deadhead miles north of the Silver Line to reach the DCTA facility. All Silver Line operations and maintenance support personnel would now be located in a centralized location allowing for more efficient operations and maintenance. Further, DART would prefer to invest DART assets within DART Service Area cities. Locating a maintenance and operations facility at DCTA would dedicate a significant investment into non-DART infrastructure outside the DART Service Area.



*Figure 2: Exterior and interior photos of similarly sized full maintenance facility in San Bernadino, CA. This shows the type of equipment that would be accommodated in a full maintenance facility.*



In transitioning the Shiloh Road facility to a full maintenance facility, the primary changes would occur within the facility as the additional maintenance activities would all be performed inside the enclosed building. The interior of the facility would require full size pits and additional maintenance equipment such as cranes, lifts, and additional material storage similar to the San Bernadino example shown in Figure 2. Hours of operation, the building footprint, yard footprint, facility exterior, and train movements in the yard would not change.

It is our understanding that the current zoning would allow for a layover or light maintenance facility but would not allow for a full maintenance facility without a special use permit. DART's intent with this letter is to help City staff understand the benefits of transitioning this facility from a light maintenance facility to a full maintenance facility and demonstrate that the transition to a full maintenance facility would have no additional impact on the surrounding area since the building is fully enclosed, fuel infrastructure is underground, and the residential retirement facility is protected by a betterment wall.

As noted above, DART would prefer to invest within a service area city and would benefit from having a full maintenance facility located at the end of the Silver Line alignment. With this expansion to a full maintenance facility, the City of Plano would be recognized as a 'center of excellence' for regional rail operations and maintenance in North Texas, joining Irving (TRE), Lewisville (DCTA), and Fort Worth (Trinity Metro) as the only commuter rail maintenance facility cities within the region. Additionally, the facility, combined with the offices at 3201 Technology Drive, would serve as a permanent employment center for 65 people.

Given the benefits outlined here, it is our intent to submit a special use permit request to the City to expand use of the facility to incorporate full maintenance. We would appreciate the City and staff's continued support. To reach prompt resolution by the end of the year on the location of DART's full maintenance facilities, we want to understand any concerns or challenges that the City of Plano might have that will impede the successful adoption of the special use permit. We look forward to working alongside City of Plano staff, leadership, and City Council to deliver a successful project to further enhance regional mobility and connect Plano to activity centers in the northern part of the DART Service Area and DFW Airport.

If you have any questions about this information, please contact me by email at [nlee@DART.org](mailto:nlee@DART.org).

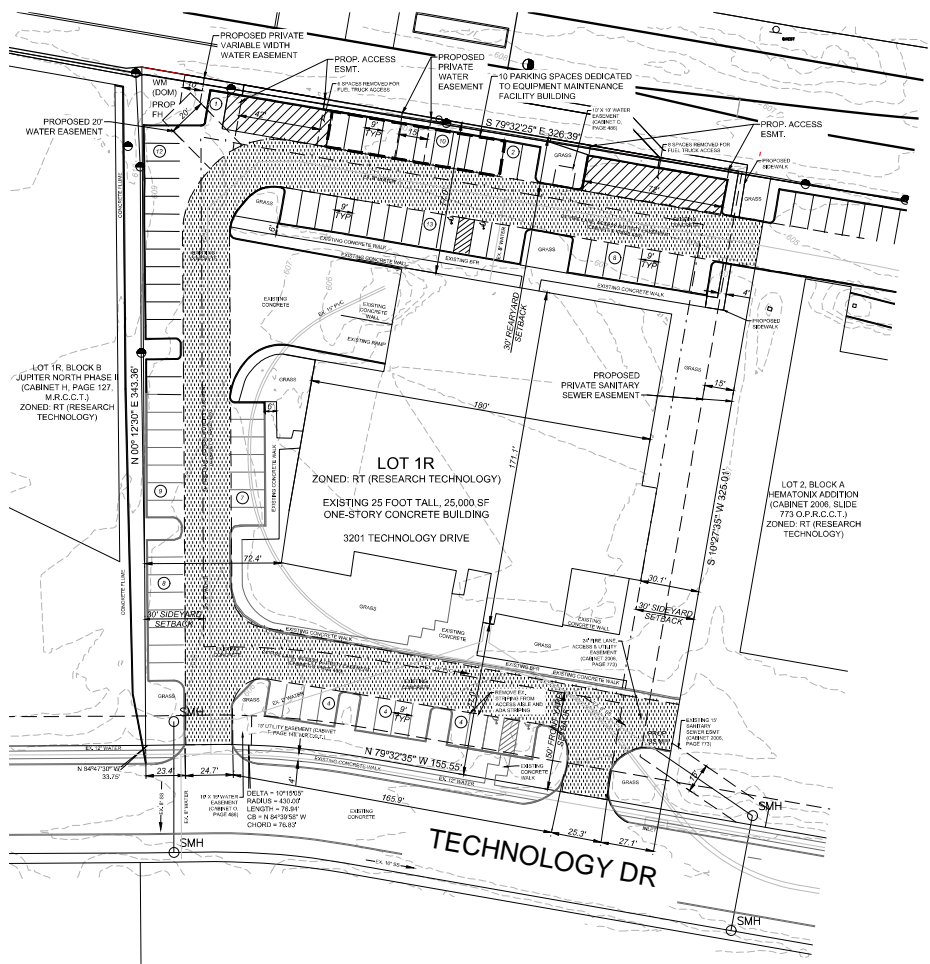
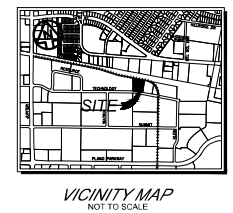
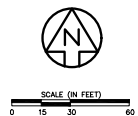
Sincerely,



Nadine S. Lee  
President & Chief Executive Officer

c: Jack Carr, City of Plano, Assistant City Manager  
Cristina Day, City of Plano, Director of Planning,  
DART Board  
Dee Leggett, DART, Executive Vice President/Chief Development Officer  
Jeamy Molina, DART, Executive Vice President and Chief Communications Officer  
Trey Walker, DART, Vice President, Capital Design & Construction  
Edie Diaz, DART, Vice President, Government and Community Relations





NOTE:  
ALL DIMENSIONS ARE FROM BACK OF CURB TO  
BACK OF CURB, UNLESS OTHERWISE NOTED

NOTE:  
ALL FIRE LANES TO BE A MINIMUM OF 24 FT.  
WIDE WITH A 20 FT INSIDE RADIUS

NOTE:  
A MINIMUM OF 10 FEET IS REQUIRED FOR  
LANDSCAPE BUFFER ALONG STREETS

NOTE:  
CURRENTLY THERE ARE NO PROTECTED  
TREES EXISTING WITHIN THE LIMITS OF  
THIS SITE

NOTE:  
THE PURPOSE OF THE REVISED  
PRELIMINARY SITE PLAN IS TO SHOW  
IMPROVEMENTS REQUIRED TO 3201  
TECHNOLOGY DRIVE TO SERVE THE  
PROPOSED DEVELOPMENT IN THE DART  
RIGHT OF WAY

ITEM	LOT 1R
GENERAL SITE DATA	
ZONING (FROM ZONING MAP)	RT (RESEARCH/TECHNOLOGY)
LAND USE (FROM ZONING ORDINANCE)	OFFICE/WAREHOUSE
LOT AREA (SF)	97,040
BUILDING FOOTPRINT AREA (SF)	20,000 SF (OFFICE); 5,000 SF (WAREHOUSE)
TOTAL BUILDING AREA (SF)	25,000
BUILDING HEIGHT (STORIES)	1
BUILDING HEIGHT (FEET - DISTANCE TO TALLEST ELEMENT)	30
LOT COVERAGE (PERCENT - XXX%)	25.76
FLOOR AREA RATIO (RATIO - XXX:1)	0.26:1
PARKING	
PARKING RATIO (FROM ZONING ORDINANCE)	1 SPACE PER 1000 SF WAREHOUSE; 1 SPACE PER 300 SF OFFICE
REQUIRED PARKING (# SPACES)	72
PROVIDED PARKING (# SPACES)	72
ACCESSIBLE PARKING REQUIRED (# SPACES)	4
ACCESSIBLE PARKING PROVIDED (# SPACES)	4
PARKING IN EXCESS OF 110% OF REQUIRED PARKING (# SPACES)	0
LANDSCAPING	
INTERIOR LANDSCAPE AREA REQUIRED (SF)	768
INTERIOR LANDSCAPE AREA PROVIDED (SF)	2,080
LANDSCAPE EDGE AREA (SF)	2,087
OTHER LANDSCAPE AREA WITHIN THE LOT INCLUDING STORM-WATER CONSERVATION AREAS (SF)	19,838
TOTAL LANDSCAPE AREA (SF)	24,005
PERMEABLE AREA (NOT INCLUDING LANDSCAPING)	
PERMEABLE PAVEMENT (SF)	0
OTHER PERMEABLE AREA WITHIN THE LOT NOT INCLUDING LANDSCAPE AREA (SF)	0
TOTAL PERMEABLE AREA (SF)	0
IMPERVIOUS AREA	
BUILDING FOOTPRINT AREA (SF)	25,000
AREA OF SIDEWALKS, PAVEMENT & OTHER IMPERVIOUS FLATWORK (SF)	48,041
OTHER IMPERVIOUS	0
ACTUAL TOTAL IMPERVIOUS AREA (SF)	73,041
BMP IMPERVIOUS AREA CREDIT	0
BILLABLE IMPERVIOUS AREA	73,041

- CITY OF PLANO GENERAL NOTES
- BUILDINGS 6,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED.
  - FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER CITY STANDARDS.
  - HANDICAPPED PARKING AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT, ADOPTED INTERNATIONAL BUILDING CODE.
  - FOUR-FOOT WIDE SIDEWALKS SHALL BE PROVIDED 2.5 FEET OFF OF THE PROPERTY LINE WITHIN THE RIGHTS-OF-WAY. UNLESS A SIDEWALK EASEMENT IS PROVIDED FOR A MEANDERING SIDEWALK OR AN ALTERNATIVE DESIGN IS APPROVED BY THE CITY, BARRIER-FREE RAMPS, PER CITY STANDARDS, SHALL BE PROVIDED ON SIDEWALKS AT ALL CURB CROSSINGS.
  - MECHANICAL UNITS, DUMPSTERS, AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - ALL SIGNAGE CONTINGENT UPON APPROVAL BY BUILDING INSPECTIONS DEPARTMENT.
  - APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
  - OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - BUILDING FACADES WITHIN THIS DEVELOPMENT SHALL BE COMPATIBLE, AS PROVIDED IN THE RETAIL CORNER DESIGN GUIDELINES.
  - OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION 6-466 OF THE CODE OF ORDINANCES.
  - PLEASE CONTACT THE BUILDING INSPECTIONS DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
  - ALL ELECTRICAL TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND.
  - USES SHALL CONFORM IN OPERATION, LOCATION, AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS IN ARTICLE 24 OF THE ZONING ORDINANCE: NOISE, SMOKE AND PARTICULATE MATTER, ODOROUS MATTER, FIRE OR EXPLOSIVE HAZARDOUS MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION, AND/OR OTHER PERFORMANCE STANDARDS.

REV. AMEND. CR. DATE DESCRIPTION				BY ENG CHK APP			
OWNER: BURLINGAME VENTURES, L.L.C. PO BOX 4046 COWLING, CA 95014				PROJECT INFORMATION 3201 TECHNOLOGY DRIVE BLOCK A, LOT 1R, HEMATONIX ADDITION CITY OF PLANO, COLLIN COUNTY, TEXAS ELI MURPHY SURVEY, ABSTRACT NO. 597			
PREPARED BY: HUIT ZOLLARS, INC. 5401 BUSSEYWAY, SUITE 1500 DALLAS, TEXAS 75260-0501 FAX: 972.731.1311				CONTACT: KEN HUGHES TECH-RESIDENT PHONE: 214-471-1311			
APPLICANT: DALLAS AREA RAPID TRANSIT FLOOR BOX 60103 DALLAS, TEXAS 75268				CONTACT: LUTHER DELGADO, RPA, PMA DEVELOPMENT DEPARTMENT PHONE: 214-648-2633			
REVISOR: DAVID A. HUGHES 10/10/2022				REVISED PRELIMINARY SITE PLAN 3201 TECHNOLOGY DRIVE RPS2022-004 BLOCK A, LOT 1R, HEMATONIX ADDITION CITY OF PLANO, COLLIN COUNTY, TEXAS ELI MURPHY SURVEY, ABSTRACT NO. 597 LOT AREA 2.228 AC PREPARED: OCTOBER 3, 2023			

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** Gov Relations  
**DIRECTOR:** Andrew Fortune, Director of Policy & Government Relations  
**AGENDA ITEM:** A second reading of an Ordinance to extend the current Franchise Agreement between CoServ Gas and the City of Plano.  
**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Second Reading and consideration of an Ordinance to amend Section I of Ordinance No. 2014-6-11 to extend the non-exclusive franchise granted to CoServ Gas, Ltd., a Texas limited partnership d/b/a CoServ Gas, to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes; and providing a repealer clause, a severability clause, a publication clause, and an effective date. (First reading was held at the October 9, 2023, City Council meeting.) **Second reading and adoption of Ordinance No. 2023-11-9**

### **PREVIOUS ACTION/PRESENTATION**

The first reading of the Ordinance was held at the October 9, 2023 City Council meeting.

### **BACKGROUND**

The City of Plano and CoServ Gas agree to extend the term of the existing Franchise Agreement for a period of five years until December 31, 2028.

As required by City Charter, a first reading was held at the Monday, October 9th City Council meeting, and the second reading will be held at the Monday, November 27th City Council meeting. After the second reading, the Ordinance will be published for four consecutive weeks in the official Plano newspaper, and conditioned upon written acceptance by CoServ Gas.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

The extension of this Franchise Agreement will produce an indeterminable amount of revenue, attributable to a quarterly franchise fee based on 5% of the Gross Revenues during the preceding quarter, as defined in the agreement. As a point of reference, anticipated CoServ Gas Franchise Fee Revenue to be received in FY 2023-24 is approximately \$186,000.

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

### **ATTACHMENTS:**

Description	Upload Date	Type
Ordinance	10/24/2023	Ordinance

**An Ordinance of the City of Plano, Texas, amending Section I of Ordinance No. 2014-6-11 to extend the non-exclusive franchise granted to CoServ Gas, Ltd., a Texas limited partnership d/b/a CoServ Gas, to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes; and providing a repealer clause, a severability clause, a publication clause, and an effective date.**

**WHEREAS**, on June 23, 2014, by Ordinance No. 2014-6-11, the City Council of the City of Plano ("City") granted to CoServ Gas, Ltd., d/b/a CoServ Gas ("CoServ Gas"), a non-exclusive franchise to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, and for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes ("Franchise"); and

**WHEREAS**, the existing Franchise is set to expire on December 31, 2023; and

**WHEREAS**, CoServ Gas has requested an extension of the existing Franchise for a period of five (5) years; and

**WHEREAS**, the City Council accepts that the current Franchise should be extended until December 31, 2028, under the same terms and conditions as the existing Franchise granted by Ordinance No. 2014-6-11.

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

**Section I.** The Franchise granted to CoServ Gas by Ordinance No. 2014-6-11 (the "Original Ordinance") is hereby extended until December 31, 2028, under the same terms and conditions as the Original Ordinance.

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

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

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

**Section V.** This Ordinance shall become effective 30 days after its final passage and publication as required by City Charter (the "Effective Date"), subject to CoServ Gas filing with the City Secretary its written acceptance of this Ordinance prior to the Effective Date, such written acceptance to be in the form attached hereto as Exhibit A and incorporated herein by this reference; otherwise, this Ordinance shall be null and void.

**PASSED AND APPROVED ON THE FIRST READING** on the 9<sup>th</sup> day of October, 2023.

  
\_\_\_\_\_  
John B. Muns, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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



**FINALLY PASSED AND APPROVED ON THE SECOND READING (which date is at least 30 days from the first reading) on the 27<sup>th</sup> day of November, 2023.**

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY

**EXHIBIT A**

**CoServ Acceptance of Franchise Extension Ordinance**

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

City of Plano, Texas  
1520 K Avenue  
Plano, Texas 75074

RE: CoServ Gas Franchise, Ordinance No. \_\_\_\_\_

This letter certifies that CoServ Gas, Ltd., d/b/a CoServ Gas, accepts and agrees to be contractually bound by the terms and conditions of Ordinance No. \_\_\_\_\_, a copy of which is attached hereto as Exhibit A.

COSERV GAS, LTD.,  
d/b/a COSERV GAS

By: CoServ Natural, L.L.C.,  
its general partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** City Secretary  
**DIRECTOR:** Lisa Henderson, City Secretary  
**AGENDA ITEM:** Collin County Appraisal District Board of Directors Ballot  
**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Consideration of a Resolution for the City of Plano to cast its ballot for the election of members to the Collin Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. **Adopted Resolution No. 2023-11-10(R), 149 votes cast for Richard "Rick" Grady and 150 votes cast for Ronald L. Kelley**

### **BACKGROUND**

The city is allocated 299 votes based on its pro rata share of Collin County tax roll..

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item has no financial impact.

Approval of this Resolution will support the City's Strategic Plan Critical Success Factor of Residential and Commercial Economic Vitality.

### **ATTACHMENTS:**

Description	Upload Date	Type
Resolution	11/2/2023	Resolution
Exhibit A	11/2/2023	Resolution
CCAD Letter & list of Nominees	11/2/2023	Informational

**A Resolution of the City of Plano, Texas, casting its ballot for the election of members to the Collin Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date.**

**WHEREAS**, the Property Tax Code provides that a taxing jurisdiction may cast its ballot for members to the Collin Central Appraisal District Board of Directors under certain terms and conditions as provided by law; and

**WHEREAS**, the City Council of the City of Plano, Texas, has deliberated on these matters and selected the person to whom it wishes to cast its vote.

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

**Section I.** The City Council authorizes Mayor John B. Muns to cast the ballot for the City of Plano as follows:

\_\_\_\_\_  
– 299 votes

**Section II.** The official ballot of the Collin Central Appraisal District is attached hereto and made a part hereof Exhibit “A.”

**Section III.** This resolution shall become effective immediately upon its passage, and a certified copy shall be delivered to the Chief Appraiser prior to December 15, 2023.

**PASSED AND APPROVED** on the 27th day of November, 2023.

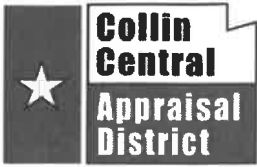
\_\_\_\_\_  
John B. Muns, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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



# Collin Central Appraisal District

## OFFICIAL BALLOT

ISSUED TO: **Plano City**

NUMBER OF VOTES: **299**

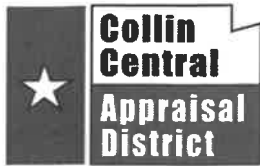
FOR: **BOARD OF DIRECTORS, COLLIN CENTRAL APPRAISAL DISTRICT, ONE-YEAR TERM  
BEGINNING JANUARY 1, 2024.**

NOMINEES	VOTES
<i>DAN BOLLNER</i>	
<i>DAVID GENSLER</i>	
<i>RICHARD "RICK" GRADY</i>	
<i>MICHELLE HOWARTH</i>	
<i>RONALD L. KELLEY</i>	
<i>BRIAN MANTZEY</i>	
<i>CLINT PRUETT</i>	
<i>SCOTT SPERLING</i>	
<i>CHARLES WEIS</i>	
<i>RICHARD WILLIAMS</i>	
<i>VERONICA YOST</i>	

October 18, 2023

Marty Wright, Chief Appraiser

Section 6.03 (g) of the State Property Tax Code requires the above action be taken by resolution, therefore, please attach a copy of the resolution to this ballot and return to the chief appraiser, at 250 Eldorado Pkwy., McKinney, Texas 75069, before December 15, 2023, except taxing units with 250 or more votes.



# Collin Central Appraisal District

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October 18, 2023

Lisa Henderson, Director of Records and Elections/City Secretary  
Plano City  
PO Box 860358  
Plano, TX 75086

RE: Board of Directors election, one-year term, beginning January 1, 2024

Dear Ms. Henderson:

Enclosed you will find the ballot listing the nominees for the Board of Director positions for the Collin Central Appraisal District. The candidates are listed alphabetically by their surname.

Each voting unit must vote in an open meeting, report its vote by written resolution, and submit the resolution to the chief appraiser before December 15, 2023, **except taxing units with 250 or more votes**.

**Taxing Units with 250 or more votes MUST determine its votes by Resolution adopted at the FIRST or SECOND open meeting of the governing body held after the chief appraiser delivers the ballot and their voting Resolution must be submitted to the chief appraiser not later than the THIRD day following the date the Resolution was adopted.**

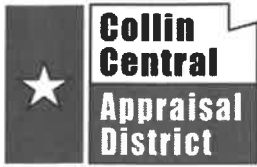
Each unit may cast all its votes for one candidate or distribute the votes among any number of the candidates listed. Since there is no provision for write-in candidates, the chief appraiser will not count votes for someone not listed on the official ballot.

Regards,

Marty Wright  
Chief Appraiser

Enclosure





# Collin Central Appraisal District

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2024 - 2025  
COLLIN CENTRAL APPRAISAL DISTRICT  
BOARD OF DIRECTOR'S NOMINATIONS

DAN BOLLNER	Nominated by the City of Frisco. Resides in Frisco, TX.
DAVID GENSLER	Nominated by the Town of Saint Paul. Resides in Saint Paul, TX
RICHARD "RICK" GRADY	Nominated by the City of Plano and Plano ISD. Resides in Plano, TX.
MICHELLE HOWARTH	Nominated by the City of Sachse. Resides in Sachse, TX.
RONALD L. KELLEY	Nominated by Plano ISD. Resides in Plano, TX. Current Board member.
BRIAN MANTZEY	Nominated by the City of McKinney. Resides in McKinney, TX. Current Board member.
CLINT PRUETT	Nominated by Collin County. Resides in McKinney, TX.
SCOTT SPERLING	Nominated by the City of Lucas. Resides in Fairview, TX.
CHARLES WEIS	Nominated by the City of Parker. Resides in Parker, TX.
RICHARD WILLIAMS	Nominated by the City of Parker. Resides in Parker, TX.
VERONICA YOST	Nominated by the City of Allen and Allen ISD. Resides in Allen, TX.

## CITY COUNCIL AGENDA MEMO

**MEETING DATE:** 11/27/2023  
**DEPARTMENT:** City Secretary  
**DIRECTOR:** Lisa Henderson, City Secretary  
**AGENDA ITEM:** Denton County Appraisal District Board of Directors Vote  
**RECOMMENDED ACTION:** Items for Individual Consideration

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### **ITEM SUMMARY**

Consideration of a Resolution for the City of Plano to cast its ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. **Adopted Resolution No. 2023-11-11(R), 4 votes cast for Roy Atwood, 4 votes cast for Alex Buck and 4 votes cast for Ann Pomykal**

### **BACKGROUND**

The city is allocated 12 votes based on its pro rata share of value of Denton County tax base.

### **FINANCIAL SUMMARY/STRATEGIC GOALS**

This item has no financial impact.

Approval of this Resolution will support the City's Strategic Plan Critical Success Factor of Residential and Commercial Economic Vitality.

### **ATTACHMENTS:**

Description	Upload Date	Type
Resolution	11/2/2023	Resolution
Exhibit A	11/21/2023	Exhibit
Distribution of votes	11/9/2023	Informational

**A Resolution of the City of Plano, Texas, casting its ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date.**

**WHEREAS**, the Property Tax Code provides that a taxing jurisdiction may cast its ballot for members to the Denton Central Appraisal District Board of Directors under certain terms and conditions as provided by law; and

**WHEREAS**, the City Council of the City of Plano, Texas, has deliberated on these matters and selected the person to whom it wishes to cast its vote.

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

**Section I.** The City Council authorizes Mayor John B. Muns to cast the ballot for the City of Plano as follows:

\_\_\_\_\_  
– 12 votes

**Section II.** The list of candidates for the Denton Central Appraisal District Board of Directors is attached hereto and made a part hereof Exhibit “A.”

**Section III.** This resolution shall become effective immediately upon its passage, and a certified copy shall be delivered to the Chief Appraiser prior to December 15, 2023.

**PASSED AND APPROVED** on the 27th day of November, 2023.

\_\_\_\_\_  
John B. Muns, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

## **Exhibit “A”**

**The candidates nominated by the taxing jurisdictions are:**

<b>Candidate</b>	<b>Nominating Jurisdiction</b>
1. Roy Atwood	Lewisville ISD, City of Carrollton
2. Alex Buck	City of Denton, Lewisville ISD, City of Highland Village, Denton County, City of Lewisville
3. Vicki Byrd	City of Denton
4. Jared Eutsler	City of Corinth
5. David Johnson	Denton County
6. Alicia McKinley	Lake Dallas ISD
7. Ann Pomykal	City of Denton, Lewisville ISD, City of Lewisville, Denton County
8. Charles Stafford	Denton ISD
9. David Terre	City of Frisco, City of The Colony

DENTON CENTRAL APPRAISAL DISTRICT				
2023 DISTRIBUTION OF VOTES				
JURISDICTIONS		2022 LEVY	%OF TOTAL LEVIES	NUMBER OF VOTES
<b>SCHOOL DISTRICTS:</b>				
S01	ARGYLE ISD	57,729,737.33	2.0325%	100
S02	AUBREY ISD	32,140,405.52	1.1316%	55
S03	CARROLLTON-FB ISD	66,937,310.58	2.3567%	115
S04	CELINA ISD	2,016,132.33	0.0710%	4
S05	DENTON ISD	381,834,324.20	13.4432%	670
S15	ERA ISD	1,594.95	0.0001%	1
S06	FRISCO ISD	201,087,819.96	7.0797%	395
S07	KRUM ISD	21,125,396.24	0.7438%	37
S08	LAKE DALLAS ISD	42,321,252.43	1.4900%	75
S09	LEWISVILLE ISD	664,082,835.32	23.3803%	1165
S10	LITTLE ELM ISD	106,496,811.83	3.7495%	185
S11	NORTHWEST ISD	208,207,831.34	7.3304%	365
S12	PILOT POINT ISD	12,457,693.34	0.4386%	22
S13	PONDER ISD	14,296,588.01	0.5033%	25
S17	PROSPER ISD	39,426,702.96	1.3881%	65
S14	SANGER ISD	27,828,739.77	0.9798%	45
S16	SLIDELL ISD	607,060.77	0.0214%	1
<b>SCHOOL DISTRICTS TOTALS</b>		<b>\$1,878,600,236.88</b>	<b>66.140%</b>	<b>3325</b>
<b>G01</b>	<b>DENTON COUNTY</b>	<b>\$325,997,698.54</b>	<b>11.48%</b>	<b>570</b>
<b>CITIES:</b>				
C26	TOWN OF ARGYLE	4,002,826.80	0.1409%	7
C01	CITY OF AUBREY	3,724,432.98	0.1311%	7
C31	TOWN OF BARTONVILLE	1,015,989.24	0.0358%	2
C02	CITY OF CARROLLTON	60,557,113.82	2.1320%	105
C49	CITY OF CELINA	4,000,845.79	0.1409%	7
C03	CITY OF THE COLONY	44,635,723.21	1.5715%	75
C21	TOWN OF COPPELL	1,082,706.48	0.0381%	2
C27	TOWN OF COPPER CANYON	1,091,992.27	0.0384%	2
C04	CITY OF CORINTH	16,052,439.56	0.5652%	28
C20	CITY OF DALLAS	15,615,768.58	0.5498%	25
C05	CITY OF DENTON	95,215,268.08	3.3522%	165
C42	CITY OF DISH	178,040.52	0.0063%	1
C30	TOWN OF DOUBLE OAK	1,242,008.15	0.0437%	2
C47	TOWN OF CORRAL CITY	15,002.61	0.0005%	1
C07	TOWN OF FLOWER MOUND	57,531,041.09	2.0255%	100
C36	CITY OF FORT WORTH	36,039,241.12	1.2688%	60
C32	CITY OF FRISCO	70,675,151.90	2.4883%	120
C39	CITY OF GRAPEVINE	379.60	0.0000%	1
C22	TOWN OF HACKBERRY	209,778.62	0.0074%	1
C38	CITY OF HASLET	2,968.26	0.0001%	1
C19	TOWN OF HICKORY CREEK	2,437,524.38	0.0858%	4
C08	CITY OF HIGHLAND VILLAGE	15,455,682.82	0.5441%	27
C09	CITY OF JUSTIN	4,873,581.96	0.1716%	9
C18	CITY OF KRUGERVILLE	1,277,866.80	0.0450%	2
C10	CITY OF KRUM	3,965,762.04	0.1396%	7
C11	CITY OF LAKE DALLAS	3,889,313.83	0.1369%	7
C25	CITY OF LAKEWOOD VILLAGE	727,649.32	0.0256%	1
C12	CITY OF LEWISVILLE	83,296,973.75	2.9326%	145
C13	TOWN OF LITTLE ELM	40,813,461.21	1.4369%	72
C45	CITY OF NEW FAIRVIEW	193,095.35	0.0068%	1
C33	TOWN OF NORTHLAKE	6,077,731.93	0.2140%	11
C24	CITY OF OAK POINT	3,586,696.08	0.1263%	6
C14	CITY OF PILOT POINT	3,258,741.49	0.1147%	6
C29	CITY OF PLANO	6,655,066.28	0.2343%	12
C15	TOWN OF PONDER	1,776,492.06	0.0625%	3
C48	CITY OF PROSPER	8,774,383.22	0.3089%	15
C51	TOWN OF PROVIDENCE VILLAGE	4,924,170.16	0.1734%	9
C17	CITY OF ROANOKE	10,865,782.12	0.3826%	19
C16	CITY OF SANGER	6,554,449.47	0.2308%	12
C34	TOWN OF SHADY SHORES	1,447,590.74	0.0510%	3
C37	CITY OF SOUTHLAKE	775,210.87	0.0273%	1
C28	CITY OF TROPHY CLUB	11,085,300.61	0.3903%	20
C44	TOWN OF WESTLAKE	149,456.79	0.0053%	1
<b>CITY TOTAL</b>		<b>\$635,750,701.96</b>	<b>22.38%</b>	<b>1105</b>
<b>TOTAL ALL JURISDICTIONS</b>		<b>\$2,840,348,637.38</b>	<b>100.00%</b>	<b>5000</b>
Indicates Entity Vote				