



CITY COUNCIL

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

DATE: December 11, 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 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. Online registration opens at 5:00 p.m. on the Wednesday prior to the meeting and closes at 4:00 p.m. on the day of the meeting. Onsite registration is available on the day of the meeting until 15 minutes prior to the start of the meeting.

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

CALL TO ORDER

INVOCATION: Rev. Dr. Kyle Dennis - First Christian Church Plano

PLEDGE OF ALLEGIANCE / TEXAS PLEDGE: Cub Scout Pack 112 - Gullledge Elementary

PERFORMANCE: Legacy of Harmony

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

Presentation: Plano's Parks and Recreation Department was chosen for the 2023 National Recreation and Park Association Gold Medal for the fifth time. **Presented**

OATHS OF OFFICE

Senior Advisory Board

Efrain Girardot

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 27, 2023
Approved

Approval of Expenditures

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

- (b) RFB No. 2023-0441-B for Cartegraph Concrete Sidewalk Repairs - 2022, Project No. PW-S-7378, for the Public Works Department to Quick Set Concrete, Inc. in the amount of \$965,594; and authorizing the City Manager to execute all necessary documents. **Approved**
- (c) RFB No. 2023-0539-B for Frank Beverly Drainage Improvements, Project No. 7372, for the Parks and Recreation Department to North Rock Construction, LLC in the amount of \$120,341; and authorizing the City Manager to execute all necessary documents. **Approved**

Approval of Expenditure

- (d) 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 over the duration of 5 years and 9 months, from Atkins International, LLC for Visit Plano; and authorizing the City Manager to execute all necessary documents. **Approved**

- (e) To approve an expenditure for a Leadership Development and Executive Coaching consulting agreement with The Leadership Group, LLC in the estimated total amount of \$192,505 through September 30, 2025; and authorizing the City Manager to execute all necessary documents. **Approved**
- (f) To approve an expenditure for engineering professional services for Arbor Hills Nature Preserve Erosion Control, Pedestrian Bridge (Project No. PKR-D-00003) in the amount of \$318,500 from Freese and Nichols, Inc. for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. **Approved**
- (g) To approve an expenditure for engineering professional services for Citywide Traffic Signal Retiming - AM & PM Peak Periods in the amount of \$899,241 from Kimley-Horn and Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**

Approval of Contract / Agreement

- (h) To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and A&M Peak LTC, LLC, a Delaware limited liability company ("Company"), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. **Approved**

ITEMS FOR INDIVIDUAL CONSIDERATION:

Public Hearing Items:

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

Non-Public Hearing Items:

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

- (1) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-015 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Urban Mixed-Use-3 to modify development standards on 103.6 acres of land located on the east side of Alma Drive, 760 feet south of 15th Street 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. Petitioners: MM CCM 48M, LLC, VM Fund 1, LLC, Mattamy Homes, Ashton Dallas Residential, LLC, and Brightland Homes, Ltd. **Conducted and adopted Ordinance No. 2023-12-1.**

- (2) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-025 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 73 for Tattooing and Permanent Cosmetics on 0.1 acre of land located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: Wentwoods Retail Center Incorporated and Remarkable Ink Studio **Conducted and adopted Ordinance No. 2023-12-2.**
- (3) Consideration of a Resolution to authorize a funding agreement between the City of Plano and Habitat for Humanity of Collin County in an amount not to exceed \$368,431 in U.S. Department of Housing and Urban Development HOME Investment Partnerships funds for the acquisition, rehabilitation, and resale of single-family homes for low to moderate income households; authorizing the City Manager, or his authorized designee, to execute all necessary documents; and providing an effective date. **Adopted Resolution No. 2023-12-3(R)**
- (4) Public Hearing and Comment: Review of the Consolidated Annual Performance Evaluation Report describing the use of federal funds. This report details how the City used U.S. Department of Housing and Urban Development funds during the 2022-23 grant year. The public will be given an opportunity to speak on the report during the public hearing. **Conducted and presented.**
- (5) Consideration to approve an expenditure for the Fire Station 5 Renovation Project in the amount of \$10,102,511 from Pogue Construction Company, LP; and authorizing the City Manager to execute all necessary documents. **Approved**

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: 12/11/2023

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. Online registration opens at 5:00 p.m. on the Wednesday prior to the meeting and closes at 4:00 p.m. on the day of the meeting. Onsite registration is available on the day of the meeting until 15 minutes prior to the start of the meeting.

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RECOMMENDED ACTION: Location Link



CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023

DEPARTMENT: Proclamations

DIRECTOR: Ron Smith, Director of Parks and Recreation

AGENDA ITEM: Presentation: Plano's Parks and Recreation Department was chosen for the 2023 National Recreation and Park Association Gold Medal for the fifth time.

RECOMMENDED ACTION: Proclamations and Special Recognition

ITEM SUMMARY

Presentation: Plano's Parks and Recreation Department was chosen for the 2023 National Recreation and Park Association Gold Medal for the fifth time. **Presented**



CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: City Secretary
DIRECTOR: Lisa Henderson, City Secretary
AGENDA ITEM:
RECOMMENDED ACTION: Oaths of Office

ITEM SUMMARY

Senior Advisory Board

Efrain Girardot



CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: City Secretary
DIRECTOR: Lisa Henderson, City Secretary
AGENDA ITEM: Approval of Minutes
RECOMMENDED ACTION: Approval of Minutes

ITEM SUMMARY

November 27, 2023

Approved

ATTACHMENTS:

Description	Upload Date	Type
Preliminary Open Meeting Minutes	12/5/2023	Minutes
Regular Meeting Minutes	12/6/2023	Minutes

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
November 27, 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
Rick Smith

COUNCIL MEMBERS ABSENT

Julie Holmer

STAFF PRESENT

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

Mayor Muns called the meeting to order at 5:30 p.m., Monday, November 27, 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; 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 5:32 p.m. Council Member Williams left the meeting at 6:37 p.m.

Mayor Muns reconvened the meeting back into the Preliminary Open Meeting at 6:37 p.m. Council Member Ricciardelli arrived at the dais at 6:38 p.m.

- **Consideration and action resulting from Executive Session discussion**
- **Personnel - Appointment**
 - a) Senior Advisory Board - Interim Member
Upon a motion made by Council Member Smith and seconded by Council Member Horne, the Council voted 5-0 to appoint Efrain Girardot as interim member.
- **Community Partnership Update & Direction: My Possibilities**
The Council expressed concurrence to move forward with the program as presented.
- **Consent and Regular Agendas**
Staff removed Consent Item "I" from the agenda.
- **Council items for discussion/action on future agendas**

With no further discussion, the Preliminary Open Meeting adjourned at 6:45 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
November 27, 2023**

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Kayci Prince, Mayor Pro Tem
Maria Tu, Deputy Mayor Pro Tem
Anthony Ricciardelli
Rick Horne
Julie Holmer – via Zoom (7:49 p.m.)
Rick Smith

COUNCIL MEMBERS PRESENT

Shelby Williams

STAFF PRESENT

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

Mayor Muns convened the Council into the Regular Session on Monday, November 27, 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

Rabbi Michael Kushnick with Congregation Anshai Torah led the invocation and Mayor Muns led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

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

Consent Agenda

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Deputy Mayor Pro Tem Tu, the Council voted 6-0 to approve all items on the Consent Agenda, except Item “I”, as follows:

Approval of Minutes

November 7, 2023
(Consent Agenda Item “A”)

Approval of Expenditures

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

RFB No. 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. (Consent Agenda Item “B”)

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. (Consent Agenda Item “C”)

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. (Consent Agenda Item “D”)

Purchase from an Existing Contract

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) (Consent Agenda Item “E”)

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) (Consent Agenda Item “F”)

Approval of Change Order

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) (Consent Agenda Item “G”)

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) (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2023-11-3(R): 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. (Consent Agenda Item “J”)

Resolution No. 2023-11-4(R): 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. (Consent Agenda Item “K”)

Adoption of Ordinances

Ordinance No. 2023-11-5: 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. (Consent Agenda Item “L”)

Removed from the agenda by staff:

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. (Consent Agenda Item “I”)

End of Consent

Public Hearing and adoption of Ordinance No. 2023-11-6 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. (Regular Item “1”)

Mayor Muns opened the public hearing. No one requested to speak. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Council Member Horne and seconded by Council Member Ricciardelli, the Council voted 6-0 to adopt Youth Program Standards of Care for the City of Plano; and further to adopt Ordinance No. 2023-11-6.

Public Hearing and adoption of Resolution No. 2023-11-7(R) 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. (Regular Item “2”)

Mayor Muns opened the public hearing. No one requested to speak. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Mayor Pro Tem Prince, the Council voted 6-0 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 further to adopt Resolution No. 2023-11-7(R).

Council Member Holmer joined the meeting via Zoom at 7:49 p.m.

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 (Regular Item “3”)

Mayor Muns opened the public hearing. Tommy Mann representing the applicant spoke to the project. Paul Knowlton, Buddy Cramer (Managing Partner and Owner of Katy Trail Ice House Outpost in Plano), Steve Church, Joshua Naeger, Dwain Carter and Joe Klingele spoke in opposition. Mayor Muns closed the public hearing. The Council took brief recess at 8:04 p.m. and reconvened at 8:12 p.m. Council Member Horne made a motion to deny. Council Member Ricciardelli seconded. The Council discussed having separate votes for Specific Use Permits No. 68 for Private Club and No. 7 for Food Truck Park. Council Member Ricciardelli withdrew his second. The motion was affirmed as follows:

MOTION: Upon a motion made by Council Member Horne and seconded by Deputy Mayor Pro Tem Tu, the Council voted 5-2, with Mayor Pro Tem Prince and Council Member Ricciardelli in opposition, to deny 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.

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). (Regular Item “4”)

Jack Lagos expressed concern regarding the use of drones prior to the adoption of the updated regulations. Scott Shtofman (w/AUVSI) requested tabling to a late February/early March meeting. Council Member Holmer was briefly away from meeting.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Mayor Pro Tem Prince, the Council voted 6-0 to table the item to the February 26, 2024, Council meeting.

Public Hearing and adoption of Ordinance No. 2023-11-8 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 (Regular Item “5”)

Mayor Muns opened the public hearing. Trey Walker, Vice President of Capital Design & Construction with DART, spoke to the project. Mayor Muns closed the public hearing. Mayor Pro Tem Prince was briefly away from the dais.

MOTION: Upon a motion made by Council Member Smith and seconded by Council Member Horne, the Council voted 7-0 to grant 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; as requested in Zoning Case 2023-024; with the stipulation of approval of a Memorandum of Understanding between the City of Plano and Dallas Area Rapid Transit regarding cleanliness of facility; and further to adopt Ordinance No. 2023-11-8.

Second Reading and adoption of Ordinance No. 2023-11-9 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.) (Regular Item “6”)

Second Reading and adoption of Ordinance No. 2023-11-9 (Cont'd.)

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Mayor Pro Tem Prince, the Council voted 7-0 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 further to adopt Ordinance No. 2023-11-9.

Resolution No. 2023-11-10(R): 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. (Regular Item “7”)

MOTION: Upon a motion made by Mayor Muns and seconded by Council Member Ricciardelli, the Council voted 7-0, 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; allocating 149 votes for Rick Grady and 150 votes for Ron Kelley; and further to adopt Resolution No. 2023-11-10(R).

Resolution No. 2023-11-11(R): 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. (Regular Item “8”)

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Council Member Smith, the Council voted 7-0, 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; allocating 4 votes for Roy Atwood, 4 votes for Alex Buck and 4 votes for Ann Pomykal; and further to adopt Resolution No. 2023-11-11(R).

Deputy Mayor Pro Tem Tu and Council Member Holmer left the meeting.

Comments of Public Interest

Alexander Stein addressed the Council.

Bigger Barnes addressed the Council.

Tiny Allen Cross addressed the Council.

Joya Trivedi and Oliver Ong spoke to affordable housing in Plano.

With no further discussion, the Regular City Council Meeting adjourned at 9:22 p.m.

John B. Muns, Mayor

ATTEST:

Lisa C. Henderson, City Secretary

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: Public Works
DIRECTOR: Dan Prendergast, P.E. Director of Public Works
AGENDA ITEM: Award of bid in the amount of \$965,594 for Cartegraph Concrete Sidewalk Repairs - 2022, Project No. PW-S-7378.
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2023-0441-B for Cartegraph Concrete Sidewalk Repairs - 2022, Project No. PW-S-7378, for the Public Works Department to Quick Set Concrete, Inc. in the amount of \$965,594; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

Public Works recommends the bid for the Cartegraph Concrete Sidewalk Repairs - 2022 be awarded to Quick Set Concrete, Inc., in the amount of \$965,594; to be accepted as the lowest responsive and responsible bid for the project, conditioned upon timely execution of all necessary documents. A total of 847 vendors were notified of the bid. Five (5) vendors submitted a "No Bid" and five (5) bids were submitted.

This project involves the repair of 75,000 square feet of concrete sidewalk and 69 barrier free ramps, located throughout the City of Plano. The needed repairs were reported to the City from citizens and documented in Cartegraph, Public Work's work management system, and verified by Public Works staff.

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

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

If this project is not awarded at Council, these areas will not be repaired, which will result in elevated maintenance and replacement costs in the future. In addition, existing ADA compliance issues will not be repaired, leaving pedestrian facilities in an unsafe condition.

Engineer's estimate for this project is \$1,300,000.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Capital Maintenance Fund and is planned for future years, as well. Award of the contract for the Cartegraph Concrete Sidewalk Repairs - 2022 project, in the total amount of \$965,594, will leave a current year balance of \$258,806 for future expenses.

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

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	11/27/2023	Bid Recap

CITY OF PLANO

RFB CIP

Bid No. 2023-0441-B

Cartegraph Concrete Sidewalk Repairs - 2022

Project No. PW-S-7378

Bid Recap

<u>Bid Opening Date/Time:</u>	Tuesday, September 12, 2023 2:00 PM
<u>Number of Vendors Notified:</u>	847
<u>Vendors Submitting "No Bids":</u>	5
<u>Number of Non-Responsive Bids Submitted:</u>	0
<u>Number of Responsive Bids Submitted:</u>	5

<u>Vendor:</u>	<u>Total Bid:</u>
Quick Set Concrete, Inc.	\$ 965,594.00
R&A Legacy Construction, LLC	\$ 1,167,600.00
Talbert Companies, LLC	\$ 1,203,322.00
Greeniverse Construction	\$ 1,566,666.66
Capko Concrete Structures, LLC.	\$ 1,804,100.00

Recommended Vendor:

Quick Set Concrete, Inc.	\$ 965,594.00
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Nancy Corwin

Nancy Corwin, Contract Administrator

12-Sep-23

Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: Parks
DIRECTOR: Ron Smith, Director of Parks and Recreation
AGENDA ITEM: Award of bid in the amount of \$120,341 for Frank Beverly Drainage Improvements Project No. 7372.
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2023-0539-B for Frank Beverly Drainage Improvements, Project No. 7372, for the Parks and Recreation Department to North Rock Construction, LLC in the amount of \$120,341; and authorizing the City Manager to execute all necessary documents. **Approved**

PREVIOUS ACTION/PRESENTATION

On July 25, 2022, City Council rejected all bids for Frank Beverly Drainage Improvements, Project No. 7372 due to the determination that the scope needed to be reviewed and updated.

BACKGROUND

The Parks and Recreation Department opened bids on October 12, 2023 for Frank Beverly Drainage Improvements, Project No. 7372. The project is a renovation to Frank Beverly Park which will alleviate standing water and facilitate faster drainage in the far north eastern corner of the park, trail replacement, irrigation repair, and sod establishment.

The lowest responsive and responsible bid was submitted by North Rock Construction LLC, in the amount of \$120,341. There was a total of 1884 vendors notified of this project. Four complete bids were received for the project as shown in the attached bid recap.

The benefit of this project is the improved drainage of the site, improved trail, irrigation repair and the reestablishment of sod.

Failure to approve this item could result in continued standing water and drainage issues, and mosquito breeding.

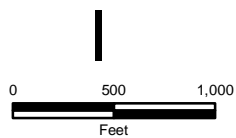
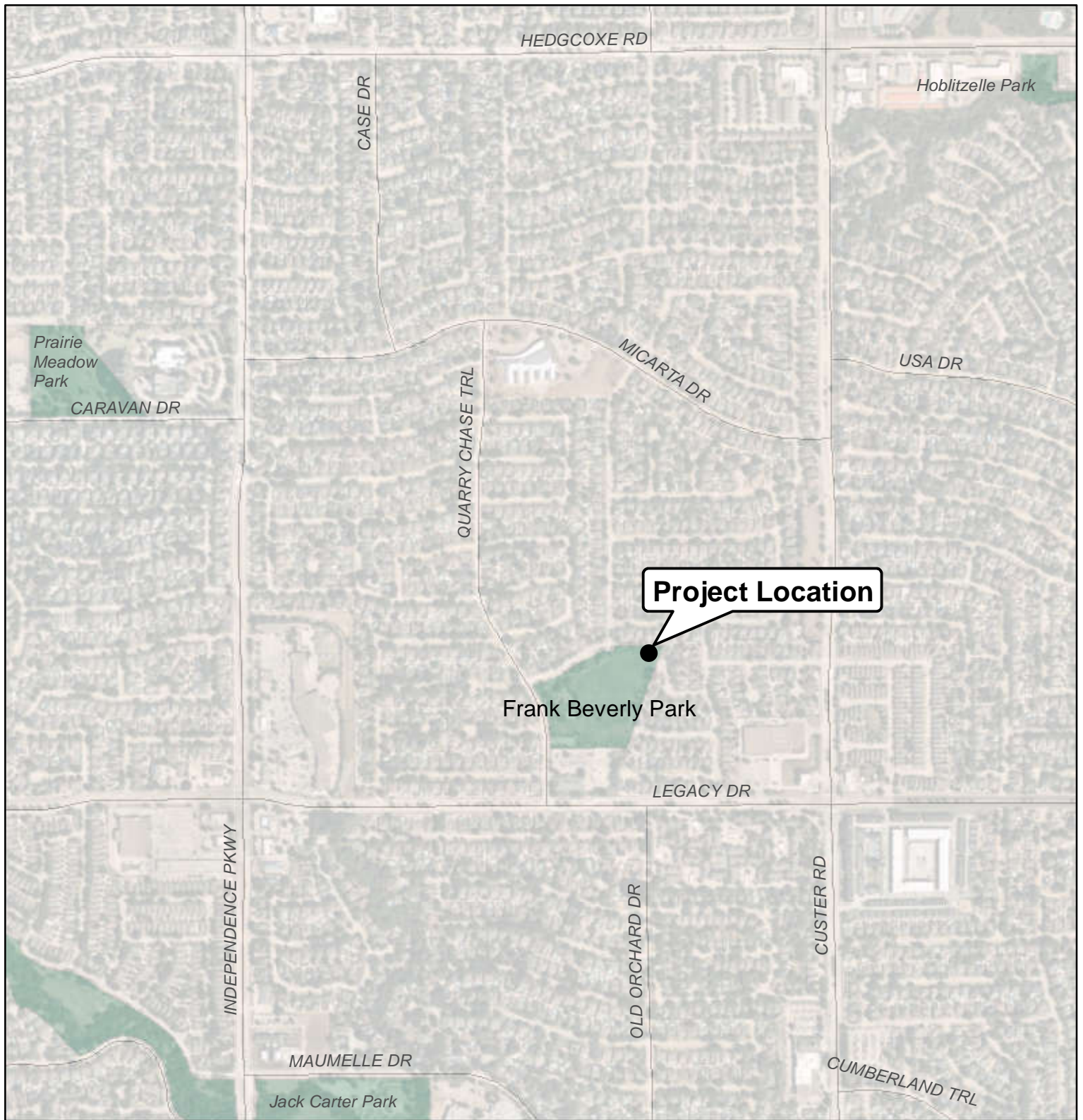
FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Capital Maintenance Fund. Construction services for the Frank Beverly Drainage Improvements project, in the total estimated amount of \$120,341, will leave a balance of \$41,444 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	11/14/2023	Map

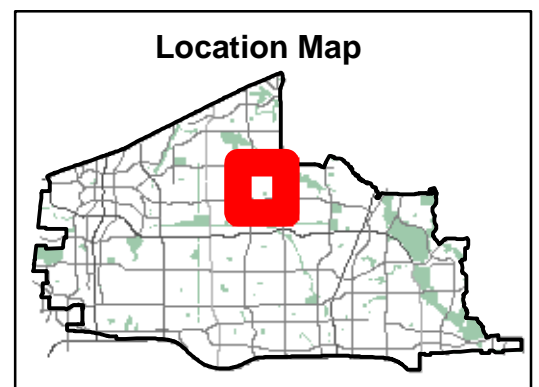


City of Plano Park Planning Division
11/6/2023

Location Map

Frank Beverly Park Drainage Improvements

Project #7372
Page 23



CITY OF PLANO

RFB CIP

Bid No. 2023-0539-B

Frank Beverly Drainage Improvements

Project No. 7372

Bid Recap

<u>Bid Opening Date/Time:</u>	Thursday, October 12, 2023 @ 2:00 PM
<u>Number of Vendors Notified:</u>	1,884
<u>Vendors Submitting "No Bids":</u>	9
<u>Number of Non-Responsive Bids Submitted:</u>	0
<u>Number of Responsive Bids Submitted:</u>	4

<u>Vendor:</u>	<u>Total Bid:</u>
North Rock Construction, LLC	\$ 120,340.59
Garret Shields Infrastructure	\$ 152,260.00
Capko Concrete Structures, LLC	\$ 154,105.00
Cole Construction, Inc.	\$ 163,500.00

Recommended Vendor:

North Rock Construction, LLC	\$ 120,340.59
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Stephanie Shaffer

Stephanie Shaffer, Contract Administrator

11/14/2023

Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
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

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 over the duration of 5 years and 9 months, from Atkins International, LLC for Visit Plano; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

Visit Plano has been working with The Atkins Group (TAG) for over 13 years. The Visit Plano team has found this firm to be one of the leading agencies in Texas to address the City's marketing and advertising needs in promoting tourism in Plano. TAG also works with Plano Event Center and Plano Economic Development, which provides cost savings and shared marketing and advertising opportunities beyond Visit Plano's scope of work. TAG's past work experience with the City of Plano, specifically with Visit Plano, has been exceptional, and their expertise and creative approach align with Visit Plano's advertising and marketing objectives. The agency has consistently met deadlines, delivered measurable results in terms of brand, visibility and sales conversations, and responded promptly to address inquiries, respective to feedback, and proactive in suggesting solutions. TAG's approach to storytelling is both engaging and relevant to Plano's target demographics.

Visit Plano recommends entering into this service agreement for continuity of operations for tourism and visitor traffic, and to continue to share marketing and advertising opportunities with the Plano Event Center and Plano Economic Development Department. In addition, Visit Plano will be undertaking its first Tourism Strategic Plan in 2024, and it would be disruptive to onboard a new agency while the plan is being completed. This plan is intended to develop goals, strategies, and measurable performance metrics for Visit Plano, which will include actions for marketing and advertising. Finally, Visit Plano has had an exceptional experience working with TAG in meeting deliverable deadlines, staying within budget, and developing "out of the box" marketing and advertising materials that have a positive measurable outcome and stand out in a crowded marketplace.

Over the last 5 years, the current service agreement with TAG has provided Visit Plano a total of 218,775,328 ad impressions and nearly 2.5 million website visits resulting in over 15 million overnight visitors to Plano, while contributing to the overall Plano economy by spending money at Plano hotels, restaurants, shops, attractions, and other offerings. The current contract was executed in 2017 and amended in 2018 to include a total estimated yearly compensation amount of \$1,040,600. Over the past five years, the scope of work has been expanded and was last amended on March 9, 2023 to include a total estimated yearly compensation amount of \$1,201,853 per year for increased services. The proposed service agreement is for \$1,289,409, which is a difference of \$87,556 per year from the existing contract.

The contract cost increase is due solely to media buying price increases. The proposed service agreement has a duration of five years and nine months for a total of \$7,479,958.66. The yearly budget is outlined below:

- 12/13/23 – 9/30/24- \$1,032,913.66
- 10/1/24 – 9/30/25 - \$1,289,409.00
- 10/1/25 – 9/30/26 - \$1,289,409.00
- 10/1/26 – 9/30/27 - \$1,289,409.00
- 10/1/27 – 9/30/28 - \$1,289,409.00
- 10/1/28 – 9/30/29 - \$1,289,409.00

Since the pandemic, the digital economy has grown exponentially. Digital marketing and advertising have become even more important as potential visitors are spending more time online than ever before. In addition, Plano has increased competition for visitors as additional hotels and entertainment venues have been constructed in neighboring cities. As Visit Plano enters this next phase of growth, the investment in marketing and advertising is critical to maintaining Plano's strong HOT tax and retail sales tax base and competing for business.

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: 12/11/2023
DEPARTMENT: HR
DIRECTOR: LaShon Ross, Deputy City Manager
AGENDA ITEM: Approval of Expenditure for Leadership Development and Executive Coaching Services.
RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for a Leadership Development and Executive Coaching consulting agreement with The Leadership Group, LLC in the estimated total amount of \$192,505 through September 30, 2025; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The City Manager's Office has been exploring and discussing the need for enhanced performance management including, but not limited to, leadership development and coaching opportunities for the Executive Team.

David Emenheiser, Senior Consultant with Leadership Group, LLC, will initially provide the Executive Team with a toolbox of offerings that will include 360 evaluations, executive coaching, and classroom instruction. The goal is to ultimately build a comprehensive performance management system that encourages consistent communication, planning, and monitoring of individual and collective employee performance. Mr. Emenheiser's work with the Executive Team should provide a foundation for this comprehensive performance management system.

External consultants are typically unbiased and not influenced by internal politics or personal relationships, which leads to more objective and credible assessments. When employees perceive processes as fair, unbiased, and focused on development rather than judgment, they are more likely to buy into the process and use the feedback constructively. Additionally, external consultants bring a fresh perspective to the process, which can lead to new insights and recommendations that might not be apparent to those deeply ingrained in our organizational culture.

If the City does not award this contract, performance management and leadership development will need to be delivered with internal resources. This could delay the process and impact the overall effectiveness of any performance management system and feedback/leadership coaching. Also, requiring this work of existing staff will challenge schedules that are already strained. In terms of expediency, working with a consultant will allow the City to implement these professional development tools much more quickly and seamlessly.

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. 2024-0098-X)

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding is available in the General Fund budget for this leadership development and executive coaching consulting agreement with The Leadership Group, in the estimated total amount of \$192,505 (\$108,680 in FY 2023-24 and \$83,825 in FY 2024-25).

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

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023

DEPARTMENT: Parks

DIRECTOR: Ron Smith, Director of Parks and Recreation

AGENDA ITEM: Approve an expenditure in the amount of \$318,500 for engineering professional services for Arbor Hills Nature Preserve Erosion Control, Pedestrian Bridge, Project No. PKR-D-00003

RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for engineering professional services for Arbor Hills Nature Preserve Erosion Control, Pedestrian Bridge (Project No. PKR-D-00003) in the amount of \$318,500 from Freese and Nichols, Inc. for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Arbor Hills Nature Preserve Erosion Control, Pedestrian Bridge project will create construction plans to address channel erosion currently undermining a key trail bridge on the 1.3 mile Arbor Hills Loop Trail. The loss of service of this 25-year-old trail bridge would create a gap in the total 3-mile trail loop and eliminate a critical emergency vehicle access point.

The proposed erosion control improvements will replace and add on to existing retaining walls, reinforce banks and vegetation. This approach will combine hard armoring in crucial locations while also incorporating stream restoration and vegetative techniques upstream to mitigate erosion currently undermining the bridge. The engineering professional services in this contract includes providing construction plans, hydraulic modeling, topographic and geotechnical surveying, and bidding and construction administrative services.

Freese and Nichols, Inc. was deemed most qualified based on their statement of qualifications submission for RFQ No. 2021-0377-XR. Freese and Nichols, Inc.'s RFQ statement included previous drainage analysis and design experience including projects of similar size and scope. Freese and Nichols, Inc. also previously provided a preliminary engineering report for the project location.

The Parks and Recreation Department recommends approval of an expenditure in the amount of \$318,500 for engineering professional services from Freese and Nichols, Inc. for the Arbor Hills Nature Preserve Erosion Control, Pedestrian Bridge project.

The primary benefit of this project includes protecting the trail bridge, trail loop continuity and emergency access point from damage through erosive forces. If this project is not approved, the bridge will eventually be undermined, disrupting trail loop continuity and eliminating an emergency access point.

FINANCIAL SUMMARY/STRATEGIC GOALS

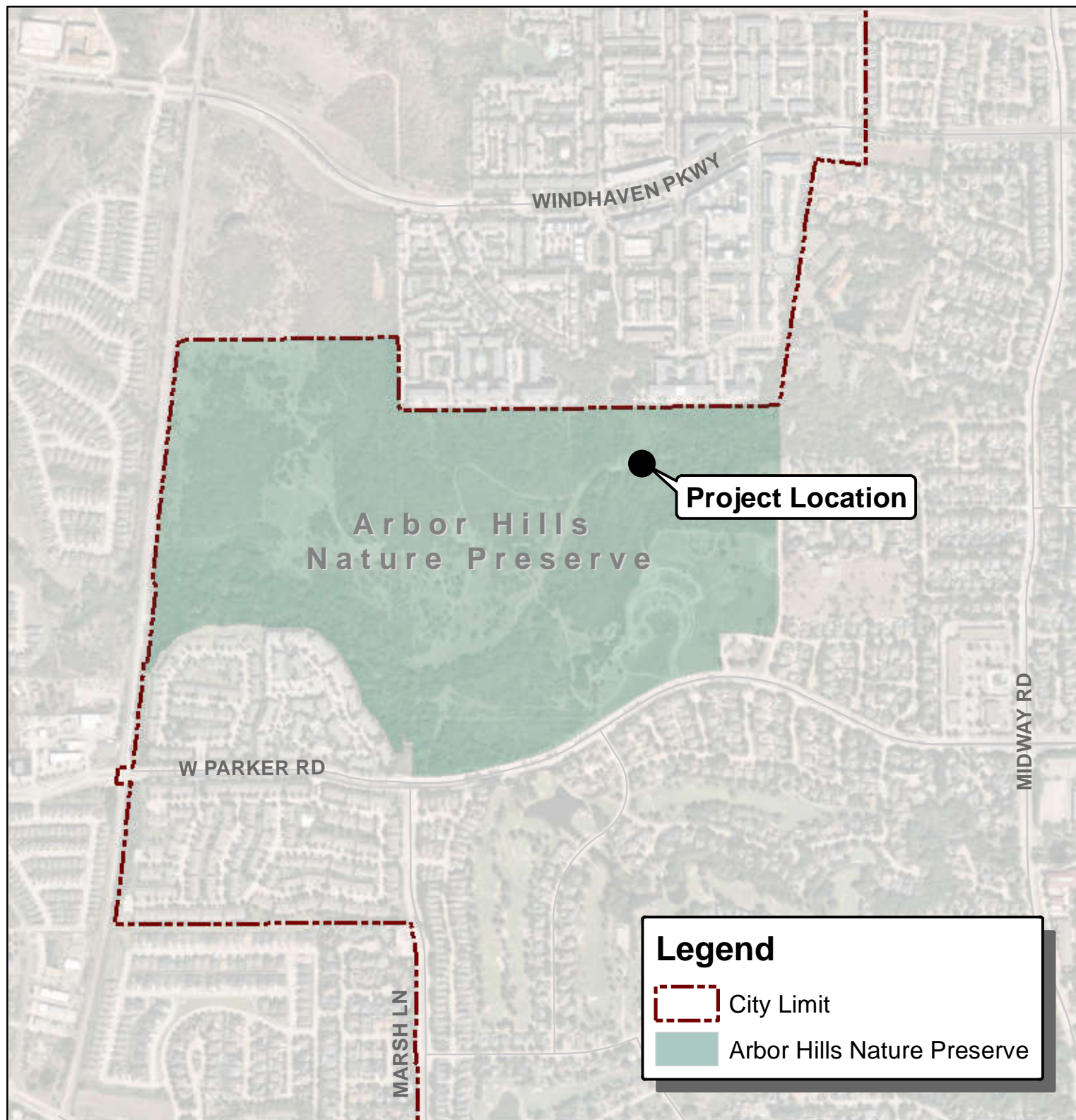
Funding for this project is available in the 2023-24 Municipal Drainage CIP and is planned for future years, as well. Engineering Professional Services for the Arbor Hills Nature Preserve Erosion Control, Pedestrian Bridge project, in the total amount of \$318,500, will leave a current year balance of \$328,817 for future

project expenditures.



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

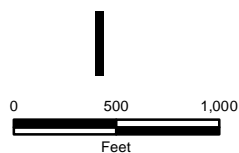
ATTACHMENTS:

Description	Upload Date	Type
Location Map	11/17/2023	Map



Legend

-  City Limit
-  Arbor Hills Nature Preserve



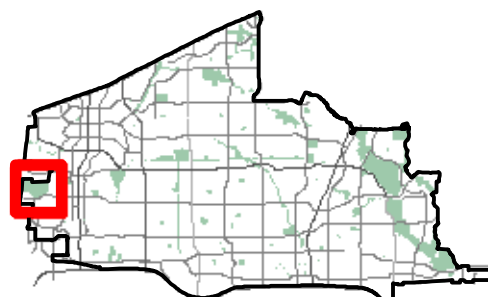
City of Plano Park Planning Division
11/15/2023

Location Map

Arbor Hills Nature Preserve Erosion Control, Pedestrian Bridge

Project #PKR-D-00003
Page 31

Location Map



CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023

DEPARTMENT: Engineering-Transportation

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

AGENDA ITEM: Award an expenditure in the amount of \$899,241, for an Engineering professional services agreement for Citywide Traffic Signal Retiming - AM & PM Peak Periods, Project No. TP-S-00001.

RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for engineering professional services for Citywide Traffic Signal Retiming - AM & PM Peak Periods in the amount of \$899,241 from Kimley-Horn and Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Engineering Department recommends approval of an expenditure in the amount of \$899,241 for engineering professional services from Kimley-Horn and Associates, Inc., for the development, implementation, and fine-tuning of new citywide coordinated AM and PM peak period traffic signal timing plans.

This project also includes a) traffic analysis; b) signal timing modelling, and documentation; c) preparation of “before” and “after” operational conditions; d) development of incident management traffic signal timing plans for the US 75 corridor; and e) cross-jurisdictional coordination of traffic signal timing with adjacent cities. The AM and PM peak traffic signal timing plans have not been updated since late 2017. An initiative to update these timing plans in 2020 was terminated due to COVID-19 and the subsequent significant reductions in traffic volumes. Traffic volumes have now reached the pre-COVID traffic volumes.

Kimley-Horn and Associates, Inc. was deemed most qualified consultant based on their Statement of Qualifications submission for RFQ No. 2023-0003-X.

The benefits of this expenditure for new AM and PM peak period timing plans include enhanced vehicle coordination and reduced motorist delay, stops, fuel consumption, and emissions.

Not approving the expenditure would result in significant delays in the design and implementation of updated traffic signal timing plans for the AM and PM peak periods. Consequences of not developing and implementing the updated traffic signal timing plans include continued reductions in mobility, efficiency of the traffic signal system, motorist delay and stops, as well as a reduced quality of life.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Street Improvements CIP Fund and is planned for future years, as well. Professional services, for the Citywide Traffic Signal Retiming project, have a total estimate of \$899,241 and will leave a current year balance of \$410,546 for future expenditures.

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

ATTACHMENTS:

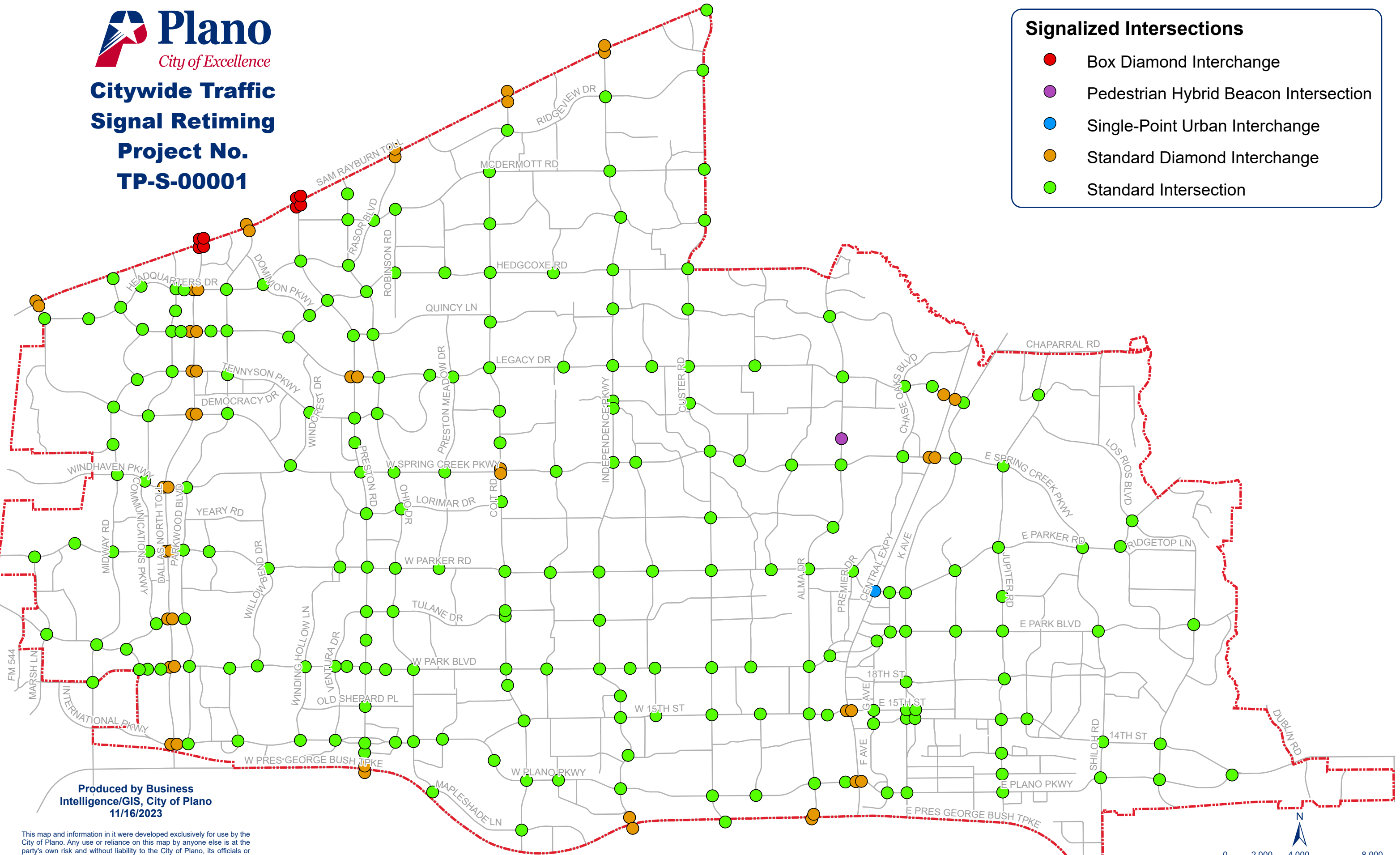
Description	Upload Date	Type
Existing Traffic Signals Map	11/28/2023	Map



Citywide Traffic Signal Retiming Project No. TP-S-00001

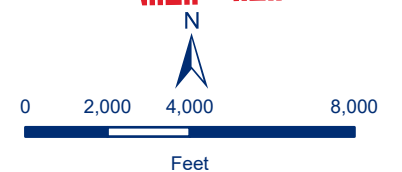
Signalized Intersections

- Box Diamond Interchange
- Pedestrian Hybrid Beacon Intersection
- Single-Point Urban Interchange
- Standard Diamond Interchange
- Standard Intersection



Produced by Business
Intelligence/GIS, City of Plano
11/16/2023

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



CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: Eco Dev
DIRECTOR: Doug McDonald, Director of Economic Development
AGENDA ITEM: Economic Development Incentive Agreement for A&M Peak LTC, LLC
RECOMMENDED ACTION: Approval of Contract / Agreement

ITEM SUMMARY

To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and A&M Peak LTC, LLC, a Delaware limited liability company ("Company"), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

This agenda item represents a request to approve an Economic Development Incentive Agreement for A&M Peak LTC, LLC, a Delaware limited liability company, pursuant to Chapter 380 of the Texas Local Government Code and conditioned on the terms as set forth in the attached agreement. A&M Peak LTC, LLC agrees to construct or cause to be constructed modernization improvements that have a minimum value of \$20,500,000 on the real property at 5228, 5232, 5236, and 5240 Tennyson Parkway, Plano, Texas 75024.

Property Location

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Economic Development Fund. This item, in the amount of \$1,992,000, will leave an unencumbered balance of \$50,581,105 available for future project consideration.

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

ATTACHMENTS:

Description	Upload Date	Type
A&M Peak LTC Chpt 380 Agmt	11/28/2023	Agreement

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Economic Development Incentive Agreement (“Agreement”) is made by and between the City of Plano, Texas (“City”), and A&M Peak LTC, LLC, a Delaware limited liability company (“Company”), acting by and through their respective authorized officers and representatives.

WITNESSETH:

WHEREAS, Company owns the real property located at 5228, 5232, 5236, and 5240 Tennyson Parkway, Plano, TX 75024 (the “Real Property” or “Property”), and intends to renovate and modernize the buildings located at the Property for office use (the “Buildings”); and

WHEREAS, Company agrees to construct or cause to be constructed Modernization Improvements, as defined in Article I, that have a minimum value of \$20,500,000 on the Real Property and Buildings; and

WHEREAS, Company has advised the City that a contributing factor that would induce the Company to make building modernization improvements, thereby generating additional local sales tax revenues and increasing ad valorem tax values for the City, would be an agreement by the City to provide an economic development grant to the Company; and

WHEREAS, City Council finds that the investment of at least \$20,500,000 of real property improvements will promote economic development, stimulate commercial activity, and enhance the tax base and economic vitality of the City; and

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

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

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

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

Article I

Definitions

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

“Buildings” shall mean the buildings located at the Property.

“Company” shall mean A&M Peak LTC, LLC, a Delaware limited liability company.

“Commencement of Construction” shall mean construction of the Modernization Improvements has commenced.

“Completion of Construction” shall mean that: (i) substantial completion of the Modernization Improvements has occurred; and (ii) the City has conducted a final inspection of the Modernization Improvements and verified completion of the Modernization Improvements.

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

“Effective Date” shall mean the last date on which all parties have executed this Agreement.

“Expiration Date” shall mean either (1) December 31, 2034, or (2) a date, to be determined by the City, in its sole discretion, after the Final Certification, as described in Section 4.02(e), has been submitted to the City for review and approval, whichever occurs first.

“Modernization Improvements” shall mean the improvements to the Building and Property with a minimum value of \$20,500,000 in accordance with approved Plans, including, but not limited to: (i) indoor tenant lounge and fitness center; (ii) perimeter sidewalk along Pinecrest Drive, Tennyson Parkway and Democracy Drive; (iii) outdoor furniture, fixtures, and equipment for the central green belt and site amenities; and (iv) outdoor shade structure with an electric fireplace.

“Plans” shall mean the plans for the Modernization Improvements to be approved by the City.

“Real Property” or “Property” shall mean 5228, 5232, 5236, and 5240 Tennyson Parkway, Plano, TX 75024.

Article II Term

The term of this Agreement shall begin on the Effective Date and continue until the Expiration Date, unless sooner terminated as provided herein (“Term”).

Article III Obligations of Company

In consideration of the Grant as defined in Section 4.01 below, the Company agrees to perform the following:

- (a) Prior to the Commencement of Construction, prepare and receive approval of the Plans for the Modernization Improvements from all applicable governmental authorities;
- (b) Prior to the Commencement of Construction, obtain and pay for all necessary permits for the construction of the Modernization Improvements;
- (c) By the Completion of Construction, construct or cause to be constructed the Modernization Improvements that have a minimum value of \$15,376,000.00 on the Real Property;
- (d) By the Expiration Date, construct or cause to be constructed the Modernization Improvements specifically improvements related to heating, ventilation, and air conditioning (“HVAC”) systems and finish-out of common areas in the Buildings located at 5228 Tennyson Parkway, 5236 Tennyson Parkway, and 5240 Tennyson Parkway that have a minimum value of \$5,124,000.00 on the Real Property; and
- (e) Prior to submission of a Grant Request, as defined below, notify the City that construction of the Modernization Improvements as required in subsection (c) of this Article has been completed and to make the Buildings available for the City to conduct a final inspection.

Article IV Economic Development Grant

4.01 **Grant.** City agrees to provide the Company a grant of \$1,992,000.00 (“Grant”) as long as Company meets and complies with the obligations of this Agreement.

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

- (a) **Fee Reimbursement Grant.** Company shall be entitled to a grant payment of up to \$142,000.00 for reimbursement of City of Plano fees, including, but not limited to permit,

building inspections, engineering, and planning fees, paid in relation to the construction of the Modernization Improvements (“Fee Reimbursement Grant”) if:

1. Company complies with the obligation set forth in Article III; and
2. Company submits an itemized schedule and any receipts of the fees paid by or caused to be paid by the Company to the City of Plano, Texas as it relates to the construction of the Modernization Improvements.

(b) **Modernization Grant.** Company shall be entitled to a grant payment of \$1,850,000.00 to offset costs to complete the construction of the Modernization Improvements (“Modernization Grant”) if:

1. Company complies with the obligations set forth in Article III; and
2. Company submits a certification that the Company has completed the Modernization Improvements and added a minimum of \$15,376,000.00 in real property improvements on the Property.

(c) **Grant Payment Schedule.** Company shall be required to submit separate requests for payment under the Fee Reimbursement Grant or Modernization Grant to the City (“Grant Request”). Such Grant Request shall include any documentation required by Section 4.02 of this Agreement and by the City, at its sole discretion. With each Grant Request, Company shall submit an executed Certificate of Compliance form, attached hereto as **Exhibit “A.”** Each Grant Request shall be submitted to the City by the Expiration Date. If Company does not submit its Grant Request to the City by the Expiration Date, City’s obligation to pay or reimburse Company under either the Fee Reimbursement Grant or Modernization Grant shall terminate after the Expiration Date.

1. City will make the Grant payment within thirty (30) days of receipt of the Grant Request. City may, in its sole discretion, withhold Grant payment if additional documents or information is needed from the Company.
2. For the Fee Reimbursement Grant, City shall only reimburse Company for fees, costs, and expenses actually incurred or paid by the Company.
3. Both the Fee Reimbursement Grant and Modernization Grant may be paid to the Company by the City prior to Company’s completion of the obligations set forth in Article III(d).

(d) The obligations of each grant shall be treated separate and apart. Company’s failure to comply with an obligation under a specific grant does not disqualify the Company from receiving payment under a different grant outlined in this Article. For example, if Company fails to comply with the obligations of the Fee Reimbursement Grant, Company may still be eligible to

receive payment under the Modernization Grant, so long as Company meets the specific obligations and requirements under that grant.

(e) **Final Certification.** Upon completion of the obligation detailed in Article III(d), Company shall submit an executed Certificate of Compliance form, attached hereto as **Exhibit “A”**, certifying to the City that Company has fulfilled all its obligations under this Agreement. If Company fails to fulfill the obligations as detailed in Article III(d) and/or submit an executed Certificate of Compliance form before the Expiration Date, City may require Company to repay as set forth in Section 4.03(d).

(f) All certifications required under this Agreement must be executed by the Company’s chief executive, operating, or financial officer.

4.03 **Refund/Repayment/Default.**

(a) The following events shall constitute an event of default (“Event of Default”) during the Term of this Agreement, if Company:

1. Fails to complete the Modernization Improvements;
2. Fails to refund any payments as required by the City;
3. Fails to fulfill any of the obligations set forth in this Agreement; or
4. Is convicted of a violation under 8 U.S.C. Section 1324a(f) regarding the unlawful employment of undocumented workers.

(b) If any Event of Default occurs prior to any Grant funds being paid to the Company by the City, then Company shall forfeit the entire Grant and the City’s obligations under this Agreement shall terminate.

(c) If any Event of Default, excluding an Event of Default under Section 4.03(a)(4), occurs after Grant funds have been paid to the Company by the City, then Company shall repay to the City all Grant funds paid to it within thirty (30) days of written notice of default from the City. City may use any efforts to collect such sums owed and Company agrees to pay any and all interest, and expenses, including attorney fees and costs incurred by City. This obligation shall survive termination of this Agreement.

(d) If Company fails to complete the Modernization Improvements, as required by Article III(d) after Grant funds have been paid to the Company by the City, then Company shall repay to the City a pro-rata share of the total Grant funds paid. The pro-rata share shall equal to the percentage of the dollar amount Company fails to construct of the \$20,500,000 minimum value requirement. For example, if Company fails to construct \$5,000,000 of the \$20,500,000 minimum value requirement, Company shall repay to the City 24% of the total Grant funds paid to the Company by the City.

(e) If a default occurs under Section 4.03(a)(4), then Company shall repay to the City all Grant funds paid pursuant to this Agreement together with interest charged from the date of payment of the funds at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01, but without the addition of penalty. Repayment of grant funds and interest shall be due not later than 120 days after the date the Company is convicted of the offense.

Article V Termination

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

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

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

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

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

Article VI Retention and Accessibility of Records

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

(a) Five (5) years from the end of the Agreement period; or

(b) The period required by other applicable laws and regulations.

6.02 Company gives City, its designee, or any of their duly authorized representatives, access to and the right to examine relevant books, accounts, records, audit reports, reports, files, documents, written or photographic material, videotape and other papers, things, or personal and Real Property belonging to or in use by Company pertaining to the Economic Development Program Grant (the "Records") upon receipt of ten (10) business days written notice from the City.

The City's access to Company's books and records will be limited to information needed to verify that Company is and has been complying with the terms of this Agreement. Any information that is not required by law to be made public shall be kept confidential by City. In no event shall City's access to Company's Records include any access to any personal and/or medical data of any employees of Company except to confirm payroll information compliance for Full-Time Job Equivalents. Company shall not be required to disclose to the City any information that by law Company is required to keep confidential. Should any good faith dispute or question arise as to the validity of the data provided, the City reserves the right to require Company to obtain an independent firm to verify the information. This certified statement by an independent firm shall be provided at the sole cost of Company. The rights to access the Records shall terminate five (5) years after the termination or expiration of this Agreement. Failure to provide reasonable access to the Records to authorized City representatives shall give the City the right to suspend or terminate this Agreement as provided for in Section 5.01 above, or any portion thereof, for reason of default. All Records shall be retained by Company for a period of five (5) years after all performance requirements are achieved for audit purposes until such audits or other administrative, civil or criminal matters including, but not limited to, investigations, lawsuits, administrative inquiries and open record requests are completed. Company agrees to maintain the Records in an accessible location.

Article VII Assignment

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

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

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

Article VIII Miscellaneous

8.01 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create a partnership or joint venture

among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances by virtue of this Agreement.

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

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

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

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

If intended for the Company:
A&M Peak LTC, LLC
Attention: Mark Velarde
Authorized Signatory
2276 East Maple Avenue
El Segundo, CA 90245

With a copy to:
City of Plano, Texas

Attention: Ms. Paige Mims
City Attorney
1520 Avenue K
P.O. Box 860358
Plano, TX 75086-0358

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

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

- (a) for an employer to fail or refuse to hire, or to discharge, any person;
- (b) for an employer to discriminate against any person with respect to compensation, terms, conditions or privileges, of employment;

(c) for an employer to limit, segregate or classify employees or applicants for employment in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee;

(d) for an employment agency to fail or refuse to refer for employment, or to otherwise discriminate against, any person because of a protected employment characteristic;

(e) for an employment agency to classify or refer for employment any person, on the basis of a protected employment characteristic;

(f) for a labor organization to exclude or expel from its membership, or to otherwise discriminate against, any person because of a protected employment characteristic;

(g) for a labor organization to fail or refuse to refer for employment any person because of a protected employment characteristic;

(h) for a labor organization to limit, segregate or classify its members or applicants for membership, in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee or as an applicant for employment;

(i) for a labor organization to cause or attempt to cause an employer to discriminate against a person in violation of this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

[INTENTIONALLY LEFT BLANK. SIGNATURES TO FOLLOW]

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

ATTEST:

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

Lisa C. Henderson, CITY SECRETARY

Mark D. Israelson, CITY MANAGER
Date: _____

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ATTEST:

A&M Peak LTC, LLC, a Delaware limited
liability company

Name: _____
Title: _____

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

**EXHIBIT “A”
CERTIFICATE OF COMPLIANCE**

Step One (Due by December 31, 2034):

Please select one of the options below under each grant, as applicable:

Fee Reimbursement Grant

_____ a. I hereby certify that A&M Peak LTC, LLC has submitted for approval itemized costs paid by or on behalf of A&M Peak LTC, LLC to the City of Plano for permit, building inspection, engineering and planning fees for the construction of the Real Property in Plano, Texas for reimbursement up to \$142,000.00 attached hereto as Exhibit “1”, and is in compliance with all terms of the Agreement and is requesting payment in accordance with the Agreement in the amount of _____ Dollars.

_____ b. I hereby certify that A&M Peak LTC, LLC has failed to submit itemized costs paid by or on behalf of A&M Peak LTC, LLC to the City of Plano for permit, building inspection, engineering and planning fees for the construction of the Real Property in Plano, Texas for reimbursement up to \$142,000.00 and is not entitled to receive payment in accordance with the Agreement.

Step Two (Due by December 31, 2034):

Please select one of the options below under each grant, as applicable:

Modernization Grant

_____ a. I hereby certify that A&M Peak LTC, LLC has completed the obligations in Article III(a), (b), (c), and (e) of the Agreement and has added a minimum of \$15,376,000.00 in Modernization Improvements to the Buildings and the Real Property on or before December 31, 2034, and is in compliance with all terms of the Agreement and is entitled to receive payment in accordance with the Agreement.

_____ b. I hereby certify that A&M Peak LTC, LLC has not completed the obligations in Article III(a), (b), (c), and (e) of the Agreement and has failed to add a minimum of \$15,376,000.00 in Modernization Improvements to the Buildings and the Real Property on or before December 31, 2034, and is not entitled to receive payment in accordance with the Agreement.

Step Three (Due by December 31, 2034):

Please select one of the options below under each grant, as applicable:

Final Certification

_____ a. I hereby certify that A&M Peak LTC, LLC has added an additional minimum of \$5,124,000.00 in Modernization Improvements to the Buildings and the Real Property on or before December 31, 2034, and is in compliance with all terms of the Agreement.

_____ b. I hereby certify that A&M Peak LTC, LLC has failed to add an additional minimum of \$5,124,000.00 in Modernization Improvements to the Buildings and the Real Property on or before December 31, 2034 and shall repay to the City a pro-rata share, as determined by the City, of the Modernization Grant funds paid to it within thirty (30) days.

ATTEST:

A&M Peak LTC, LLC, a Delaware limited
liability company

Name:

Title: _____

By: _____

Name: _____

Title: _____

Date

This Certificate of Compliance should be mailed to:

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

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-015.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-015 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Urban Mixed-Use-3 to modify development standards on 103.6 acres of land located on the east side of Alma Drive, 760 feet south of 15th Street 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. Petitioners: MM CCM 48M, LLC, VM Fund 1, LLC, Mattamy Homes, Ashton Dallas Residential, LLC, and Brightland Homes, Ltd. **Conducted and adopted Ordinance No. 2023-12-1.**

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	12/5/2023	Ordinance
ZC2023-015 Supporting Documents	11/30/2023	Informational

Zoning Case 2023-015

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Urban Mixed-Use-3 to modify development standards on 103.6 acres of land out of the Joseph Klepper Survey, Abstract No. 213, and the Samuel Klepper Survey, Abstract No. 216, located on the east side of Alma Drive, 760 feet south of 15th Street 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.

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 11th day of December 2023, for the purpose of considering amending Urban Mixed-Use-3 to modify development standards on 103.6 acres of land out of the Joseph Klepper Survey, Abstract No. 213, and the Samuel Klepper Survey, Abstract No. 216, located on the east side of Alma Drive, approximately 760 feet south of 15th Street in the City of Plano, Collin County, Texas; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of December 2023; and

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

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

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

Section I. The Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to amend Urban Mixed-Use-3 to modify development standards as described in Section II, which stipulations were agreed upon during the public hearing, on 103.6 acres of land of land out of the Joseph Klepper Survey, Abstract No. 213, and the Samuel Klepper

Survey, Abstract No. 216, located on the east side of Alma Drive, approximately 760 feet south of 15th Street in the City of Plano, Collin County, Texas, said property being described in the legal description on Exhibit A attached hereto.

Section II. The modified developments standards of Urban Mixed-Use-3 are hereby amended, according to the stipulations agreed upon during the public hearing, as described below:

Section 10.700.2 of the Urban Mixed-Use-3 Exceptions to be amended as follows:

10.700.2 Permitted Uses – Uses in Addition to Those Permitted in the UMU

Use Category	Use Type	Allowed	Restrictions	Blocks
Accessory and Incidental Uses	Car Wash	P	Limited to parking garage only	M, N, P, R – X, Z
	Concrete/Asphalt Batch Plant (Temp.)	36		All except A-D
Educational, Institutional, Public, and Special Uses	Community Center	P		All
	Fire Station/Public Safety Building	P		X, Z
	Helistop	S		S, X, Z
	Independent Living	P	Sec. 13.200.3, Sec. 13.300.2, and Sec. 15.1300.3-.5 shall not apply	M, N, P, S, X, Z
	Private Recreation Facility	P		All
Residential Uses	Single-Family Residence (Detached)	P		A – L, Q
	Two-Family Residence	P	Sec. 9.1100 shall not apply	A – L, Q
Retail Uses	Shopping Center	P		S
Service Uses	Amusement, Commercial (Outdoor)	S	Endnote 15 in Section 14.300 does not apply except for Item 6: Provide perimeter fencing/landscaping of the site at the time of site plan approval.	S, X, Y, Z
	Arcade	P		M, N, P, R – X, Z
	Artisan's Workshop	P		M, N, P, R – W

Service Uses (cont.)	Business Service	P		M, N, P, R – X, Z
	Cabinet/Upholstery Shop	P		S
	Kennel (Indoor)/Commercial Pet Sitting	P		S
	Veterinary Clinic	P		S
Transportation, Utility, Communication Uses	Electrical Substation	S		X, Z
Vehicle and Related Uses***	Motorcycle Sales & Service	P	Indoor only/No repair services	S
	Vehicle Dealer (New)	P	Indoor only/No repair services	S
	Vehicle Leasing and Renting	P	Parking of vehicles in garage only/No repair services	S
Wholesale	Public Storage/Mini-Warehouse	S	A maximum of 40,000 sf with storage units restricted to below street level	S
<p>P = Use permitted in block(s) indicated</p> <p>S = Use may be approved in block(s) indicated upon approval of a specific use permit (See Sec. 6.100)</p> <p>Numbers = Additional conditions/restrictions apply per Zoning Ordinance. See the Table Notes in Sec. 14.300</p> <p>*** = Vehicle and Related Uses are limited to a total allocation of 30 parking spaces for inventory storage.</p>				

Section 10.700.14.I. of the Urban Mixed-Use-3 Exceptions to be amended as follows:

I. Encroachments:

- i. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- ii. Canopies, balconies, bay windows, awnings, planter boxes, and other building projections may extend a maximum distance of two feet and at a height not less than eight feet into public rights-of-way or street easements with approval of a license agreement from the City of Plano. Building projections are intended to be decorative in nature and shall not be used to create additional building square footage. Where such encroachments are

located within eight feet of a city utility, the minimum height shall increase to not less than 14 feet.

Exceptions for Block AA in The Exceptions by Designated Block of the Urban Mixed-Use-3 Exceptions to be amended as follows:

Block AA

- i. Maximum Block Length: 1,800 feet
- ii. Minimum FAR: None

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 11th day of December, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

**ZONING CASE 2023-015
LEGAL DESCRIPTION**

BEING a tract of land situated in the Joseph Klepper Survey, Abstract No. 213 and the Samuel Klepper Survey, Abstract No. 216, in the City of Plano, Collin County, Texas, being all of Collin Creek Single Family Blocks A-L, and all of Collin Creek Block M, Lot 1, an addition to the City of Plano, recorded in Volume 2023, Pages 323-331, in the Map Records of Collin County, Texas, being further described as all of three tracts of land described in deed to JPMCCM 2001-CIBC2 Collin Creek Mall, LLC, recorded in Instrument No. 20150430000496790, in the Deed Records of Collin County, Texas, all of two tracts of land described in a deed to Primary Properties Corporation, recorded in Volume 3419, Page 192, in said Deed Records, all of a tract of land described in a deed to J.C. Penney Properties, Inc., recorded in Volume 1471, Page 630, in said Deed Records, all of a tract of land described in a deed to SRC Real Estate (TX), LP, recorded in Volume 5570, Page 2202, in said Deed Records, and all of a tract of land described in a deed to National Retail Properties, LP, recorded in Instrument No. 20080804000944490, in said Deed Records, also including all of a tract of land described as Vacant Property (Tracts 2 and 3) Tract A, in a deed to JPMCCM 2001-CIBC2 Collin Creek Mall, LLC, recorded in Instrument No. 20150430000496790, in said Deed Records, all of a tract of land described as Vacant Property (Tracts 2 and 3) Tract B, in a deed to JPMCCM 2001-CIBC2 Collin Creek Mall, LLC, recorded in Instrument No. 20150430000496790, in said Deed Records, and all of a tract of land described as Vacant Property (Tract 1), in a deed to JPMCCM 2001-CIBC2 Collin Creek Mall, LLC, recorded in Instrument No. 20150430000496790, in said Deed Records, said tract being more particularly described as follows:

BEGINNING at a PK Nail set at a northwest corner of said Collin Creek Single Family Addition, same being the southwest corner of Lot 1R, Block B, Collin Creek Phase II, an addition to the City of Plano, records in Cabinet P, Page 989, in said Map Records, being in the east line of Alma Drive (called 100-foot right-of-way), said point also being on a curve to the left, having a radius of 30.00 feet and a central angle of 44 degrees 25 minutes 51 seconds;

THENCE with the northerly line of said Collin Creek Single Family Addition and the south line of said Collin Creek Phase II, an arc distance of 23.26 feet (Chord Bearing South 72 degrees 51 minutes 54 seconds East 22.68 feet), to an "X" found in concrete at the point of tangency;

THENCE North 84 degrees 55 minutes 10 seconds East, continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, a distance of 19.73 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the right, having a radius of 360.00 feet and a central angle of 47 degrees 43 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, and with said curve to the right, an arc distance of 299.81 feet (Chord Bearing South 71 degrees 13 minutes 20 seconds East 291.22 feet) to a 1/2-inch iron rod found at the point of tangency;

THENCE South 47 degrees 21 minutes 50 seconds East, continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, a distance of 275.51 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing North 87 degrees 38 minutes 10 seconds East 28.28 feet), to a Magnail set at the point of tangency;

THENCE North 42 degrees 38 minutes 10 seconds East, continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, a distance of 267.84 feet to a nail found at the point of curvature of a curve to the right, having a radius of 119.50 feet and a central angle of 45 degrees 00 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, and with said curve to the right, an arc distance of 93.86 feet (Chord Bearing North 65 degrees 08 minutes 10 seconds East 91.46 feet), to an "X" found in concrete at the point of tangency;

THENCE North 87 degrees 38 minutes 10 seconds East, continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, a distance of 44.00 feet to an "X" found in concrete at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Single Family Addition and with the south line of said Collin Creek Phase II, and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing North 42 degrees 38 minutes 10 seconds East 28.28 feet), to an "X" set in concrete at the point of tangency, being in the east line of said Lot 1R

THENCE North 02 degrees 21 minutes 50 seconds West, continuing with the northerly line of said Collin Creek Single Family Addition and with the east line of said Collin Creek Phase II, a distance of 199.99 feet to a nail found at the point of curvature of a curve to the right, having a radius of 1,030.00 feet and a central angle of 06 degrees 00 minutes 30 seconds;

THENCE, continuing with the northerly line of said Collin Creek Single Family Addition and the east line of said Collin Creek Phase II, an arc distance of 108.01 feet (Chord Bearing North 00 degrees 38 minutes 25 seconds East 107.96 feet) to a PK Nail set at the point of tangency;

THENCE North 03 degrees 38 minutes 40 seconds East, continuing with the northerly line of said Collin Creek Single Family Addition and with the east lines of said Collin Creek Phase II and Lot 3R, Block B, Collin Creek Phase II, an addition to the City of Plano, recorded in Cabinet H, Page 408, in said Map Records, a distance of 392.14 feet to a PK Nail set at the point of curvature of a curve to the left, having a radius of 30.00 feet and a central angle of 41 degrees 45 minutes 15 seconds;

THENCE continuing with the northerly line of said Collin Creek Single Family Addition and with the east line of said Lot 3R, an arc distance of 21.86 feet (Chord Bearing North 17 degrees 13 minutes 58 seconds West 21.38 feet), to a PK Nail set at the northeast corner of said Lot 3R, being in the south line of FM 544 15th Street (100-foot right-of-way)

THENCE North 03 degrees 38 minutes 40 seconds East, for a distance of 50.00 feet to the centerline of said FM 544 15th Street, to a PK Nail set;

THENCE South 86 degrees 21 minutes 20 seconds East, for a distance of 76.34 feet to a PK Nail set;

THENCE South 03 degrees 38 minutes 40 seconds West for a distance of 50.00 feet to a PK Nail set at the northwest corner of Pace Addition, an addition to the City of Plano, recorded in Cabinet K, Page 90, in said Map Records, said point being on a curve to the left, having a radius of 30.00 feet and a central angle of 44 degrees 49 minutes 28 seconds;

THENCE continuing with the northerly line of said Collin Creek Addition and with the west line of said Pace Addition, and with said curve to the left, an arc distance of 23.47 feet (Chord Bearing South 26 degrees 03 minutes 24 seconds West 22.88 feet), to a PK Nail set at the point of tangency;

THENCE South 03 degrees 38 minutes 40 seconds West, continuing with the northerly line of said Collin Creek Addition and the west line of said Pace Addition, a distance of 390.97 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the left, having a radius 970.00 feet and a central angle of 06 degrees 00 minutes 30 seconds;

THENCE continuing with the northerly line of said Collin Creek Addition and with the west line of said Pace Addition, and with said curve to the left, an arc distance of 101.72 feet (Chord Bearing South 00 degrees 38 minutes 25 seconds West 101.67 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 02 degrees 21 minutes 50 seconds East, continuing with the northerly line of said Collin Creek Addition and with the west line of said Pace Addition, a distance of 200.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Addition and with the west line of said Pace Addition, and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing South 47 degrees 21 minutes 50 seconds East 28.28 feet), to an "X" set in concrete at the point of tangency, being in the south line of said Pace Addition;

THENCE North 87 degrees 38 minutes 10 seconds East, continuing with the northerly line of said Collin Creek Addition and the south line of said Pace Addition, a distance of 162.94 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the right, having a radius of 119.50 feet and a central angle of 16 degrees 15 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Addition and the south line of said Pace Addition, and with said curve to the right, an arc distance of 33.89 feet (Chord Bearing South 84 degrees 14 minutes 20 seconds East 33.78 feet), to an "X" set in concrete at the point of tangency;

THENCE South 76 degrees 06 minutes 50 seconds East, continuing with the northerly line of said Collin Creek Addition and the south line of said Pace Addition, a distance of 194.97 feet to a Magnail set at the point of curvature of a curve to the right, having a radius of 119.50 feet and a central angle of 16 degrees 15 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Addition and the south line of said Pace Addition, and with said curve to the right, an arc distance of 33.89 feet (Chord Bearing South

67 degrees 59 minutes 20 seconds East 33.78 feet), to an "X" set in concrete at the point of tangency;

THENCE South 59 degrees 51 minutes 50 seconds East, continuing with the northerly line of said Collin Creek Addition and the south line of said Pace Addition, a distance of 258.64 feet to an "X" set in concrete at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Addition and the south line of said Pace Addition, and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing North 75 degrees 08 minutes 10 seconds East 28.28 feet), to an "X" set in concrete at the point of reverse curvature of a curve to the right, having a radius of 485.36 feet and a central angle of 15 degrees 04 minutes 59 seconds;

THENCE continuing with the northerly line of said Collin Creek Addition and the south line of said Pace Addition, and with said curve to the right, an arc distance of 127.77 feet (Chord Bearing North 37 degrees 40 minutes 40 seconds East 127.40 feet), to a PK Nail set at the southeast corner of said Pace Addition, being in the south line of Dallas North Shopping Center 1988 Addition, an addition to the City of Plano, recorded in Cabinet H, Page 399, in said Map Records;

THENCE North 74 degrees 00 minutes 40 seconds East, continuing with the northerly line of said Collin Creek Addition and with the south line of said Dallas North Shopping Center, a distance of 233.76 feet to a PK Nail set in the northerly line of Janwood Addition, an addition to the City of Plano, recorded in Cabinet G, Page 723, in said Map Records, said point being on a curve to the left, having a radius of 425.36 feet and a central angle of 43 degrees 52 minutes 32 seconds;

THENCE with the easterly line of said Collin Creek Addition and the northerly line of said Janwood Addition and with said curve to the left, an arc distance of 325.73 feet (Chord Bearing South 52 degrees 04 minutes 26 seconds West 317.83 feet) to a 5/8-inch iron rod found at the point of compound curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the northerly line of said Janwood Addition, an arc distance of 31.42 feet (Chord Bearing South 14 degrees 52 minutes 00 seconds East 28.28 feet), to an "X" set in concrete at the point of tangency;

THENCE South 59 degrees 51 minutes 50 seconds East, continuing with the easterly line of said Collin Creek Addition and with the westerly line of said Janwood Addition, a distance of 244.36 feet to an "X" set in concrete at the point of curvature of a curve to the right, having a radius of 119.50 feet and a central angle of 57 degrees 30 minutes 07 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the westerly line of said Janwood Addition, an arc distance of 119.93 feet (Chord Bearing South 31 degrees 06 minutes 46 seconds East 114.96 feet), to a 5/8-inch iron rod found at the point of tangency;

THENCE South 02 degrees 21 minutes 50 seconds East, continuing with the easterly line of said Collin Creek Addition and the westerly line of said Janwood Addition, a distance of 251.22 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the westerly line of said Janwood Addition, an arc distance of 31.42 feet (Chord Bearing South 47 degrees 21 minutes 50 seconds East 28.28 feet), to an "X" found in concrete at the point of tangency;

THENCE North 87 degrees 38 minutes 10 seconds East, continuing with the easterly line of said Collin Creek Addition and with the south line of said Janwood Addition, a distance of 276.94 feet to a PK Nail set at the point of curvature of a curve to the left, having a radius of 50.00 feet and a central angle of 32 degrees 40 minutes 53 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the south line of said Janwood Addition, an arc distance of 28.52 feet (Chord Bearing North 71 degrees 17 minutes 44 seconds East 28.13 feet), to a PK Nail set at the southeast corner of said Janwood Addition, being in the west line of US Highway 75 (variable width right-of-way);

THENCE North 86 degrees 38 minutes 32 seconds East, for a distance of 180.00 feet, to the centerline of said US Highway 75;

THENCE South 03 degrees 21 minutes 28 seconds East, along the centerline of said US Highway 75, for a distance of 75.18 feet, to a point;

THENCE South 86 degrees 38 minutes 32 seconds West, departing said centerline for a distance of 180.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northeast corner of Lot 5R, Block VII of Collin Creek Village Addition, an addition to the City of Plano, recorded in Volume 2019, Page 94, in said Map Records, said point being on a curve to the left, having a radius of 30.00 feet and a central angle of 40 degrees 41 minutes 57 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and with the north line of said Lot 5R, an arc distance of 21.31 feet (Chord Bearing North 72 degrees 00 minutes 52 seconds West 20.86 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 87 degrees 38 minutes 10 seconds West, continuing with the easterly line of said Collin Creek Addition and with the north line of said Lot 5R, a distance of 285.68 feet to a 1/2-inch iron rod with cap stamped "DUNAWAY" found at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds,

THENCE continuing with the easterly line of said Collin Creek Addition and with the north line of said Lot 5R, and with said curve to the left, arc distance of 31.42 feet (Chord Bearing South 42 degrees 38 minutes 10 seconds West 28.28 feet), to 1/2-inch iron with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 02 degrees 21 minutes 50 seconds East, continuing with the easterly line of said Collin Creek Addition and with the west line of said Lot 5R, with the west lines of Lot 4A-R and 4B, Block VII, of Collin Creek Village Addition, an addition to the City of Plano, recorded in Cabinet H, Page 63, in said Map Records, of Lot 3, Block VII, of said Collin Creek Village Addition recorded in Cabinet G, Page 641, of Lot 2R, Block VII, of Collin Creek Village Addition, an addition to the City of Plano, recorded Cabinet H, Page 132, in said Map Records, and of Lot 1, Block VII, of Collin Creek Village Addition, an addition to the City of Plano, recorded in Cabinet C, Page 309, in said Map Records, a distance of 1,053.64 feet to a Magnail set at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition, with the west line of said Lot 1, and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing South 47 degrees 21 minutes 50 seconds East 28.28 feet) to an "X" found in concrete at the point of tangency;

THENCE North 87 degrees 38 minutes 10 seconds East, continuing with the easterly line of said Collin Creek Addition and with the south line of said Lot 1, a distance of 299.54 feet to a PK Nail set at the point of curvature of a curve to the left, having a radius of 50.00 feet and a central angle of 32 degrees 21 minutes 38 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the south line of said Lot 1, an arc distance of 28.24 feet (Chord Bearing North 71 degrees 27 minutes 21 seconds East 27.87 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southeast corner of said Lot 1, being in the west line of said US Highway 75;

THENCE North 86 degrees 31 minutes 30 seconds East, for a distance of 180.00 feet, to a point in the centerline of said US Highway 75;

THENCE South 03 degrees 28 minutes 30 seconds East, along the centerline of said US Highway 75, for a distance of 21.27 feet;

THENCE South 04 degrees 25 minutes 20 seconds East, continuing along said centerline, for a distance of 50.06 feet;

THENCE South 85 degrees 34 minutes 40 seconds West, departing said centerline, for a distance of 180.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northeast corner of Collin Creek Village Addition II, an addition to the City of Plano, recorded in Instrument No. 20130607010001670, in the Deed Records of Collin County, Texas, said point being on a curve to the left, having a radius of 30.00 feet and a central angle of 40 degrees 05 minutes 16 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition, with the north line of said Collin Creek Village Addition II, and with said curve to the left, an arc distance of 20.99 feet (Chord Bearing North 72 degrees 19 minutes 12 seconds West 20.56 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 87 degrees 38 minutes 10 seconds West, continuing with the easterly line of said Collin Creek Addition and the north line of said Collin Creek Village Addition II, a distance of 309.28 feet to an "X" found in concrete at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition, with the northwesterly line of said Collin Creek Village Addition II and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing South 42 degrees 38 minutes 10 seconds West 28.28 feet), to an "X" set in concrete at the point of tangency;

THENCE South 02 degrees 21 minutes 50 seconds East, continuing with the easterly line of said Collin Creek Addition and the northwesterly line of said Collin Creek Village Addition II, a distance of 17.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of

curvature of a curve to the right, having a radius of 119.50 feet and a central angle of 45 degrees 00 minutes 00 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the northwesterly line of said Collin Creek Village Addition II, and with said curve to the right, an arc distance of 93.86 feet (Chord Bearing South 20 degrees 08 minutes 10 seconds West 91.46 feet) to an "X" found in concrete at the point of tangency;

THENCE South 42 degrees 38 minutes 10 seconds West, continuing with the easterly line of said Collin Creek Addition and the northwesterly line of said Collin Creek Village Addition II, a distance of 233.03 feet to a Magnail set at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the northwesterly line of said Collin Creek Village Addition II, and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing South 02 degrees 21 minutes 50 seconds East 28.28 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 47 degrees 21 minutes 50 seconds East, continuing with the easterly line of said Collin Creek Addition and with the west line of said Collin Creek Village Addition II, a distance of 54.29 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the right, having a radius of 129.00 feet and a central angle of 45 degrees 00 minutes 00 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the west line of said Collin Creek Village Addition II, an arc distance of 101.32 feet (Chord Bearing South 24 degrees 51 minutes 50 seconds East 98.73 feet), to a Magnail set at the point of tangency;

THENCE South 02 degrees 21 minutes 50 seconds East, continuing with the easterly line of said Collin Creek Addition and the west line of said Collin Creek Village Addition II, a distance of 395.67 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the left, having a radius of 30.00 feet and a central angle of 51 degrees 38 minutes 33 seconds;

THENCE continuing with the easterly line of said Collin Creek Addition and the west line of said Collin Creek Village Addition II, and with said curve to the left, an arc distance of 27.04 feet (Chord Bearing South 28 degrees 11 minutes 06 seconds East 26.13 feet), to an "X" set in concrete at the southeast corner of said Collin Creek Addition, being in the north line of Plano Parkway (variable width right-of-way);

THENCE South 02 degrees 19 minutes 44 seconds East, for a distance of 50.56 feet, to centerline of said Plano Parkway;

THENCE South 87 degrees 40 minutes 16 seconds West, along the centerline of said Plano Parkway, for a distance of 82.73 feet;

THENCE North 02 degrees 19 minutes 44 seconds West, departing said centerline, for a distance of 50.54 feet, to an "X" set in concrete, being on curve to the left, having a radius of 30.00 feet and a central angle of 51 degrees 33 minutes 36 seconds;

THENCE continuing with the southerly line of said Collin Creek Addition and with the east line of Collin Creek Village Addition Block V, Lot 1, an addition to the City of Plano, recorded in Cabinet H, Page 433, in said Map Records, and with said curve to the left, an arc distance of 27.00 feet (Chord Bearing North 23 degrees 24 minutes 58 seconds East 26.10 feet), to a Magnail set at the point of tangency;

THENCE North 02 degrees 21 minutes 50 seconds West, continuing with the southerly line of said Collin Creek Addition and with the east line of Collin Creek Village Addition Block V, Lot 1, a distance of 395.67 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the left, having a radius of 69.00 feet and a central angle of 45 degrees 00 minutes 00 seconds;

THENCE continuing with the southerly line of said Collin Creek Addition and with the east line of Collin Creek Village Addition Block V, Lot 1, and with said curve to the left, an arc distance of 54.19 feet (Chord Bearing North 24 degrees 51 minutes 50 seconds West 52.81 feet), to a PK Nail set at the point of tangency;

THENCE North 47 degrees 21 minutes 50 seconds West, continuing with the southerly line of said Collin Creek Addition and with the east line of Collin Creek Village Addition Block V, Lot 1, a distance of 54.29 feet to a 5/8-inch iron rod with cap stamped "STANTEC" found at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the southerly line of said Collin Creek Addition and with the north line of said Collin Creek Village Addition Block V, Lot 1, an arc distance of 31.42 feet (Chord Bearing South 87 degrees 38 minutes 10 seconds West 28.28 feet), to a Magnail set at the point of tangency;

THENCE South 42 degrees 38 minutes 10 seconds West, continuing with the southerly line of said Collin Creek Addition and the north line of said Collin Creek Village Addition Block V, Lot 1, a distance of 42.63 feet to a Magnail set at the point of curvature of a curve to the right, having a radius of 119.50 feet and a central angle of 45 degrees 00 minutes 00 seconds;

THENCE continuing with the southerly line of said Collin Creek Addition and the north line of Collin Creek Village Addition Block V, Lot 1, and with said curve to the right, an arc distance of 93.86 feet (Chord Bearing South 65 degrees 08 minutes 10 seconds West 91.45 feet), to a Magnail set at the point of tangency;

THENCE South 87 degrees 38 minutes 10 seconds West, continuing with the southerly line of said Collin Creek Addition and the north lines of said Collin Creek Village Addition Block V, Lot 1, and Collin Creek Village Addition Block V, Lot II, an addition to the City of Plano, recorded in Cabinet F, Page 566, in said Map Records, a distance of 725.84 feet to an "X" found in concrete at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the southerly line of said Collin Creek Addition and the north line of said Collin Creek Village Addition Block V Lot II, and with said curve to the left, an arc distance of 31.42 feet (Chord Bearing South 42 degrees 38 minutes 10 seconds West 28.28 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 02 degrees 21 minutes 50 seconds East, continuing with the southerly line of said Collin Creek Addition and with the west line of said Collin Creek Village Addition Block V Lot II, a distance of 397.70 feet to a PK Nail set at the point of curvature of a curve to the left, having a radius of 30.00 feet and a central angle of 51 degrees 34 minutes 36 seconds;

THENCE continuing with the southerly line of said Collin Creek Addition and the west line of said Collin Creek Village Addition Block V Lot II, and with said curve to the left, an arc distance of 27.01 feet (Chord Bearing South 28 degrees 08 minutes 00 seconds East 26.10 feet), to a PK Nail set in the north line of said Plano Parkway;

THENCE South 02 degrees 19 minutes 44 seconds East, for a distance of 49.97 feet, to point in the centerline of said Plano Parkway;

THENCE South 87 degrees 40 minutes 16 seconds West, along the centerline of said Plano Parkway, for a distance of 82.70 feet;

THENCE North 02 degrees 19 minutes 44 seconds West, departing said centerline for a distance of 49.92 feet, to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set on a curve to the left, having a radius of 30.00 feet and a central angle of 51 degrees 33 minutes 58 seconds;

THENCE continuing with the southerly line of said Collin Creek Addition and with the east line of Veladi Ranch Steakhouse Addition, an addition to the City of Plano, recorded in Cabinet J, Page 495, in said Map Records, an arc distance of 27.00 feet (Chord Bearing North 23 degrees 25 minutes 09 seconds East 26.10 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE North 02 degrees 21 minutes 50 seconds West, continuing with the southerly line of said Collin Creek Addition and the east line of said Veladi Ranch Steakhouse, and with the Collin Creek Village Addition, Block IV, Lot 1, an addition to the City of Plano, recorded in Cabinet H, Page 433, in said Map Records, a distance of 397.70 feet to a 1/2-inch iron rod found at the point of curvature of a curve to the left, having a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

THENCE continuing with the southerly line of said Collin Creek Single Family Addition and the east line of said Collin Creek Village Addition, Block IV, Lot 1, an arc distance of 31.42 feet (Chord Bearing North 47 degrees 21 minutes 50 seconds West 28.28 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 87 degrees 38 minutes 10 seconds West, continuing with the southerly line of said Collin Creek Single Family Addition and with northerly line of said Collin Creek Village Addition, Block IV, Lot 1, a distance of 40.00 feet to an "X" in concrete found at the point of curvature of a curve to the right, having a radius of 119.50 feet and a central angle of 45 degrees 00 minutes 00 seconds;

THENCE continuing with the southerly line of said Collin Creek Single Family Addition and the northerly line of said Collin Creek Village Addition, Block IV, Lot 1, an arc distance of 93.86 feet (Chord Bearing North 69 degrees 51 minutes 50 seconds West 91.46 feet), to a 1-inch iron rod found at the point of tangency;

THENCE North 47 degrees 21 minutes 50 seconds West, continuing with the southerly line of said Collin Creek Single Family Addition and the northerly line of said Collin Creek Village

Addition, Block IV, Lot 1, a distance of 224.59 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northernmost corner of said Collin Creek Village Addition, Block IV, Lot 1 and the southeast corner of a tract of land described as "Vacant Property - Tract A", in a deed to JPMCCM 2201-CIBC2 Collin Creek Mall, LLC, recorded in Instrument No. 20150430000496790, in said Deed Records,

THENCE South 42 degrees 38 minutes 10 seconds West, continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and with the southerly line of said "Vacant Property Tract A", a distance of 77.87 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 87 degrees 38 minutes 10 seconds West, continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and the southerly line of said "Vacant Property Tract A", a distance of 77.64 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 05 degrees 04 minutes 50 seconds East, continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and the southerly line of said "Vacant Property Tract A", a distance of 54.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the right, having a radius of 10.00 feet and a central angle of 92 degrees 43 minutes 00 seconds;

THENCE continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and the southerly line of said "Vacant Property Tract A", and with said curve to the right, an arc distance of 16.18 feet (Chord Bearing South 41 degrees 16 minutes 40 seconds West 14.47 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE South 87 degrees 38 minutes 10 seconds West, continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and the southerly line of said "Vacant Property Tract A", a distance of 107.91 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of curvature of a curve to the right, having a radius of 10.00 feet and a central angle of 87 degrees 17 minutes 00 seconds;

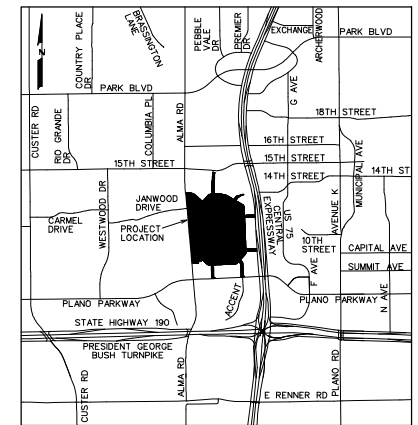
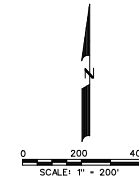
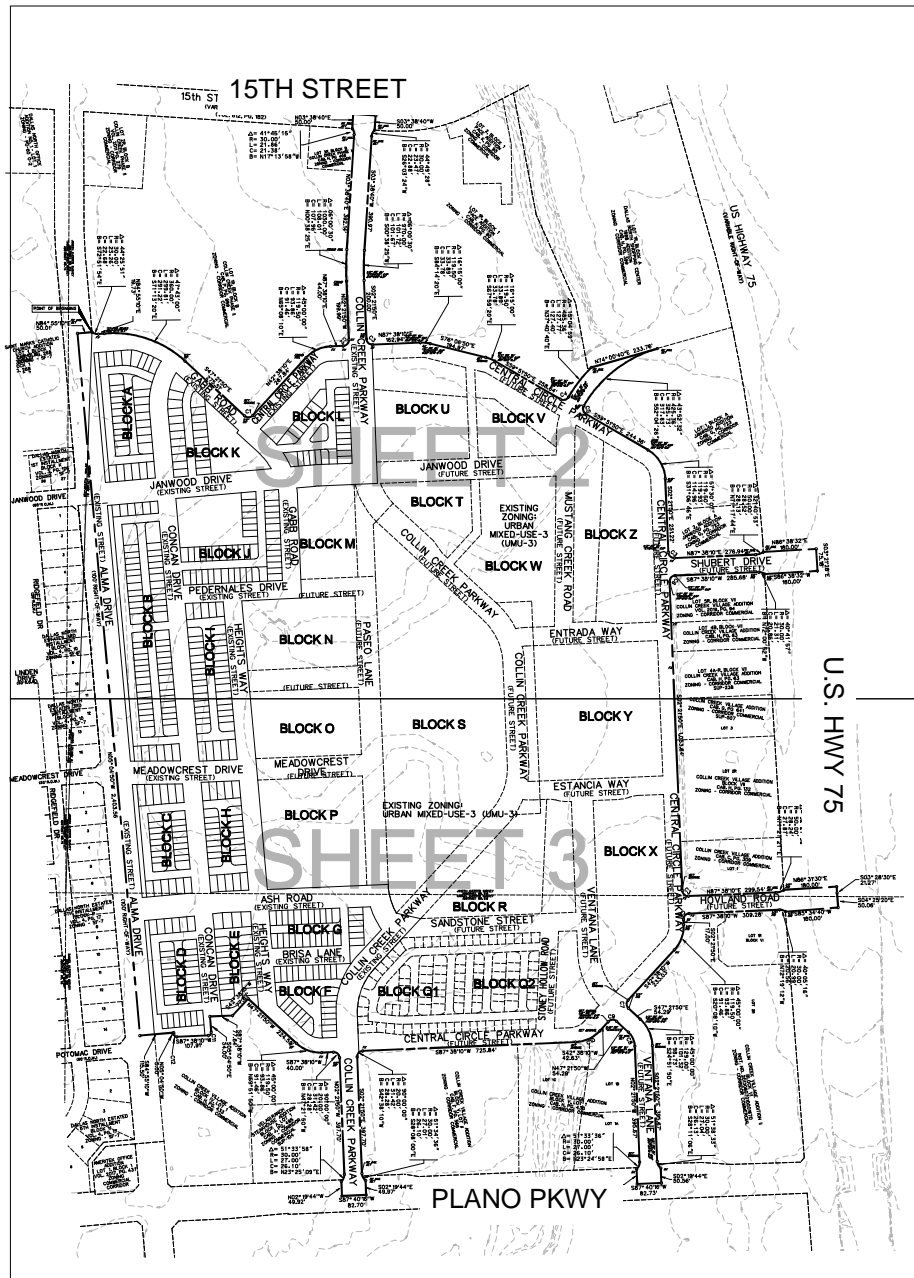
THENCE continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and the southerly line of said "Vacant Property Tract A", and with said curve to the right, an arc distance of 15.23 feet (Chord Bearing North 48 degrees 43 minutes 20 seconds West 13.80 feet), to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the point of tangency;

THENCE North 05 degrees 04 minutes 50 seconds West, continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and the southerly line of said "Vacant Property Tract A", a distance of 5.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 84 degrees 55 minutes 10 seconds West, continuing with the northerly line of said Collin Creek Village Addition, Block IV, Lot 1 and the southerly line of said "Vacant Property Tract A", at 65.49 feet, passing a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northwest corner of said Collin Creek Village Addition, Block IV, Lot 1 and the southwest corner of said "Vacant Property Tract A", also being in the east line of Alma Drive (100 foot right-of-way), for a total distance of 115.50 feet to a PK Nail set in the centerline of said Alma Drive;

THENCE North 05 degrees 04 minutes 50 seconds West, with the centerline of said Alma Drive, a distance of 2,403.56 feet to a point;

THENCE, North 84 degrees 55 minutes 10 seconds East, departing said centerline, a distance of 50.01 feet to the **POINT OF BEGINNING** and **CONTAINING** 103.615 acres of land.



VICINITY MAP
SCALE: 1"=2000'

TOTAL ACRES 103.615

ZONING CASE *2023-015
ZONING EXHIBIT
COLLIN CREEK
SINGLE FAMILY
BLOCKS A-L
COLLIN CREEK
BLOCK M, LOT 1

103.615 ACRES OUT OF THE
JOSEPH KLEPPER SURVEY,
ABSTRACT NO. 213
SAMUEL KLEPPER SURVEY,
ABSTRACT NO. 216
IN THE
CITY OF PLANO
COLLIN COUNTY, TEXAS

OWNERS

VM FUND I, LLC

KIRK WILSON

1800 VALLEY VIEW LANE, SUITE 321

FARMERS BRANCH, TEXAS 75234

833-433-8356

MM COM 48M LLC

MEHRAD MOAYEDI

1800 VALLEY VIEW LANE, SUITE 300

FARMERS BRANCH, TEXAS 75234

469-892-7200

PREPARED BY

CORWIN ENGINEERING, INC.

200 W. BELMONT, SUITE E

ALLEN, TEXAS 75013

972-396-1200

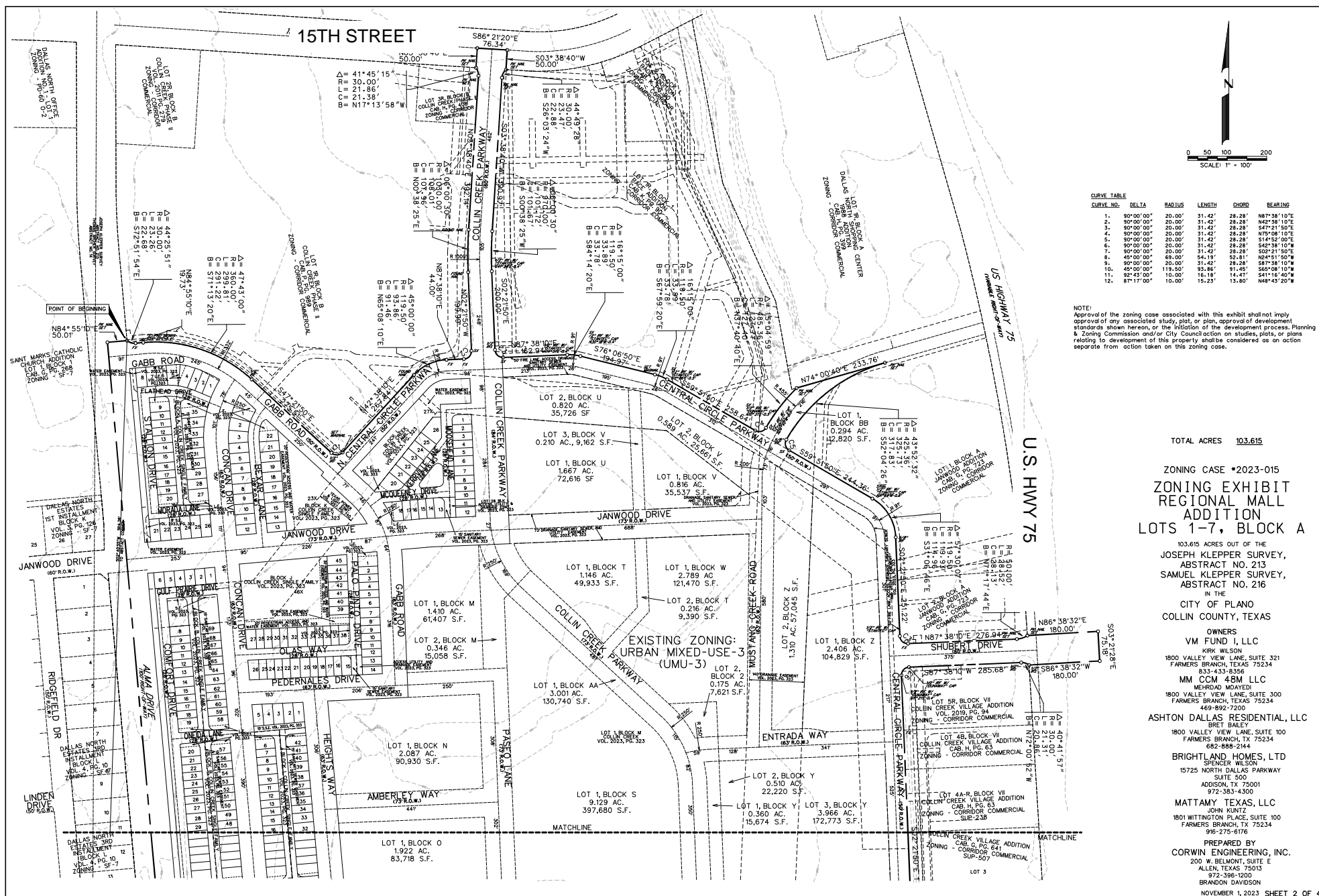
BRANDON DAVIDSON

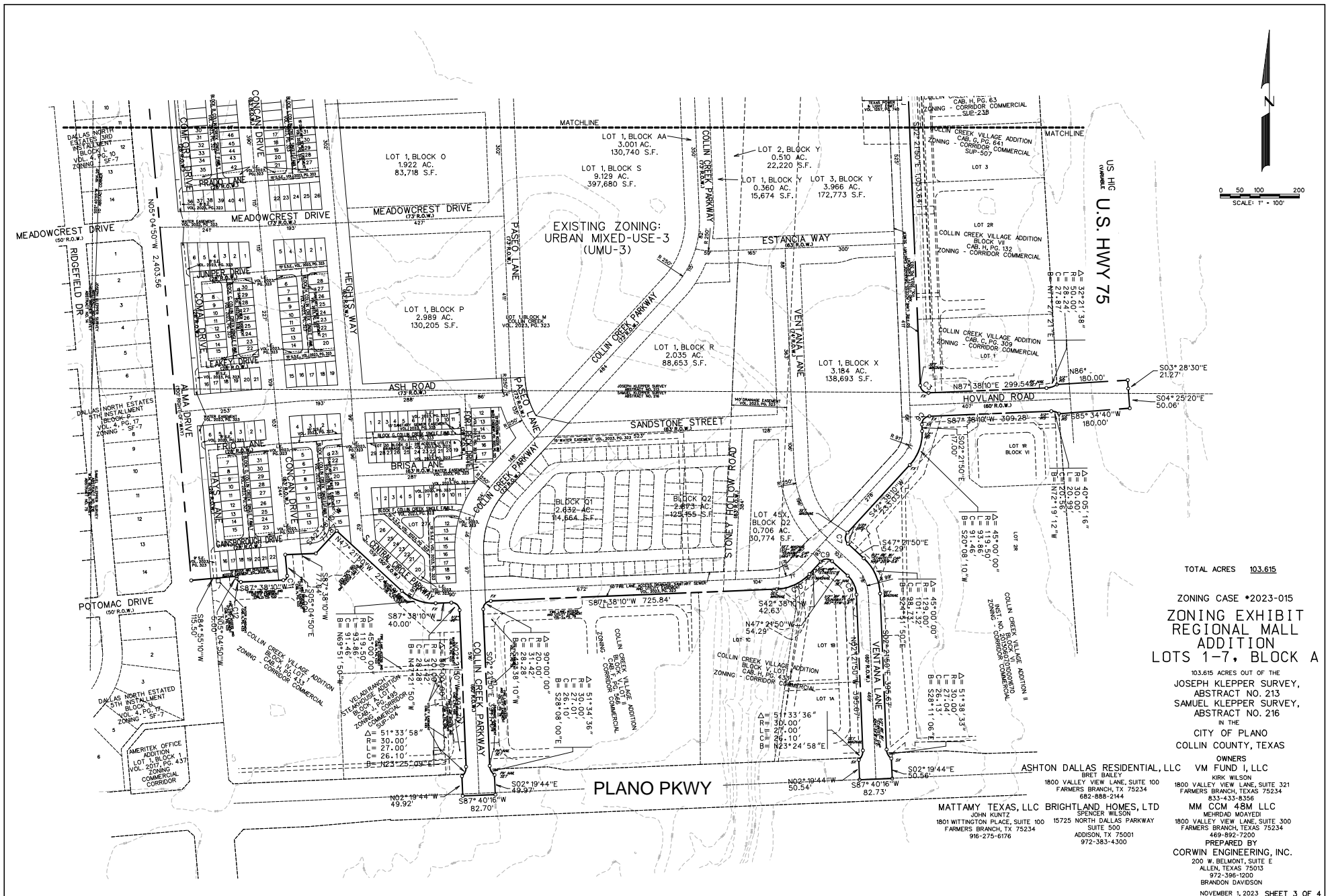
NOVEMBER 1, 2023 SHEET 1 OF 4

BRIGHTLAND HOMES, LTD
SPENCER WILSON
15725 NORTH DALLAS PARKWAY
SUITE 500
ADDISON, TX 75001
972-383-4300

MATTAMY TEXAS, LLC
JOHN KUNTZ
1801 WITTINGTON PLACE, SUITE 100
FARMERS BRANCH, TX 75234
916-275-6176

ASHTON DALLAS RESIDENTIAL, LLC
BRET BAILEY
1800 VALLEY VIEW LANE, SUITE 100
FARMERS BRANCH, TX 75234
682-888-2144





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DATE: November 21, 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 20, 2023

AGENDA ITEM NO. 3A - ZONING CASE 2023-015

PETITIONERS: MM CCM 48M, LLC, VM FUND 1, LLC, MATTAMY HOMES, ASHTON DALLAS RESIDENTIAL, LLC, AND BRIGHTLAND HOMES, LTD.

Request to amend Urban Mixed-Use-3 on 103.6 acres located on the east side of Alma Drive, 760 feet south of 15th Street, in order to modify development standards. Zoned Urban Mixed-Use-3. Project #ZC2023-015.

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>0</u>	Oppose:	<u>1</u>	Neutral:	<u>0</u>

RESULTS:

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

Section 10.700.2 of the Urban Mixed-Use-3 Exceptions to be amended as follows:

10.700.2 Permitted Uses – Uses in Addition to Those Permitted in the UMU

Use Category	Use Type	Allowed	Restrictions	Blocks
Accessory and Incidental Uses	Car Wash	P	Limited to parking garage only	M, N, P, R – X, Z
	Concrete/Asphalt Batch Plant (Temp.)	36		All except A-D

Educational, Institutional, Public, and Special Uses	Community Center	P		All
	Fire Station/Public Safety Building	P		X, Z
	Helistop	S		S, X, Z
	Independent Living	P	Sec. 13.200.3, Sec. 13.300.2, and Sec. 15.1300.3-.5 shall not apply	M, N, P, <u>S</u> , X, Z
	Private Recreation Facility	P		All
Residential Uses	Single-Family Residence (Detached)	P		A – L, Q
	Two-Family Residence	P	Sec. 9.1100 shall not apply	A – L, Q
Retail Uses	Shopping Center	P		S
Service Uses	Amusement, Commercial (Outdoor)	S	Endnote 15 in Section 14.300 does not apply except for Item 6: Provide perimeter fencing/landscaping of the site at the time of site plan approval.	S, X, Y, Z
	Arcade	P		M, N, P, R – X, Z
	Artisan's Workshop	P		M, N, P, R – W
	Business Service	P		M, N, P, R – X, Z
	Cabinet/Upholstery Shop	P		S
	Kennel (Indoor)/Commercial Pet Sitting	P		S
	Veterinary Clinic	P		S
Transportation, Utility, Communication Uses	Electrical Substation	S		X, Z
Vehicle and Related Uses***	Motorcycle Sales & Service	P	Indoor only/No repair services	S
	Vehicle Dealer (New)	P	Indoor only/No repair services	S
	Vehicle Leasing and Renting	P	Parking of vehicles in garage only/No repair services	S
Wholesale	Public Storage/Mini-Warehouse	S	A maximum of 40,000 sf with storage units restricted to below street level	S

P = Use permitted in block(s) indicated

S = Use may be approved in block(s) indicated upon approval of a specific use permit (See Sec. 6.100)

Numbers = Additional conditions/restrictions apply per Zoning Ordinance. See the Table Notes in Sec. 14.300

***** = Vehicle and Related Uses are limited to a total allocation of 30 parking spaces for inventory storage.**

Section 10.700.14.I. of the Urban Mixed-Use-3 Exceptions to be amended as follows:

I. Encroachments:

- i. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- ii. Canopies, balconies, bay windows, awnings, planter boxes, and other building projections may extend a maximum distance of two feet and at a height not less than eight feet into public rights-of-way or street easements with approval of a license agreement from the City of Plano. Building projections are intended to be decorative in nature and shall not be used to create additional building square footage. Where such encroachments are located within eight feet of a city utility, the minimum height shall increase to not less than 14 feet.

Exceptions for Block AA in The Exceptions by Designated Block of the Urban Mixed-Use-3 Exceptions to be amended as follows:

Block AA

- i. Maximum Block Length: 1,800 feet
- ii. Minimum FAR: None

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

<https://planotx.new.swagit.com/videos/281566?ts=1908>

DS/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. 3A

PUBLIC HEARING: Zoning Case 2023-015

PETITIONERS: MM CCM 48M, LLC, VM Fund 1, LLC, Mattamy Homes, Ashton Dallas Residential, LLC, and Brightland Homes, Ltd.

CASE PLANNER: Donna Sepulvado

DESCRIPTION: Request to amend Urban Mixed-Use-3 on 103.6 acres located on the east side of Alma Drive, 760 feet south of 15th Street, in order to modify development standards. Zoned Urban Mixed-Use-3. Project #ZC2023-015.

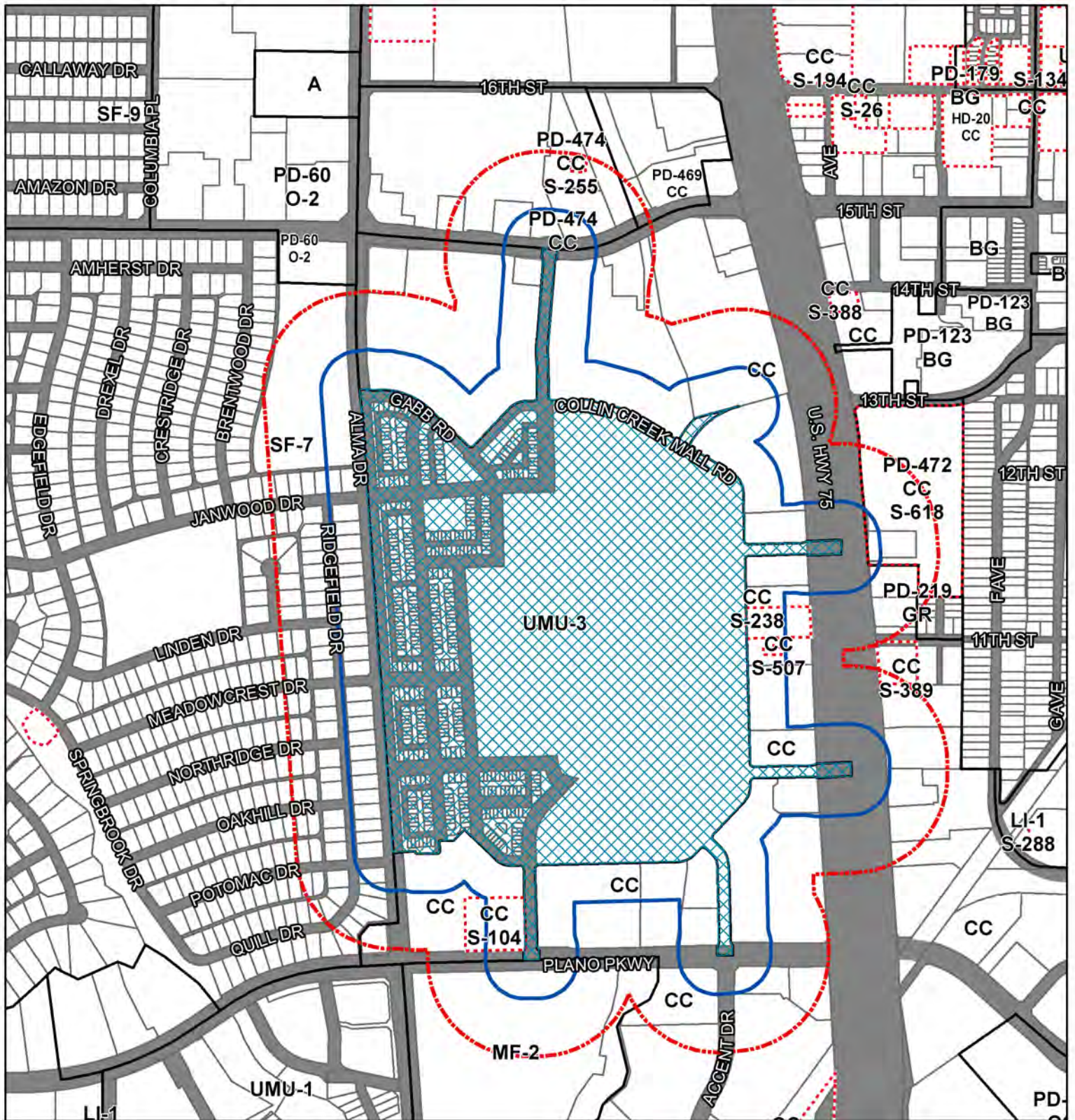
SUMMARY:

This is a request to amend the Urban Mixed-Use-3 district to allow certain architectural projections of single-family buildings to encroach into city right-of-way with a city-approved license agreement and other minor clarification edits. Major topics of consideration in this request include:

- Conformance to the Comprehensive Plan – The request is consistent with the general description of the Urban Activity Center category of the Future Land Use Map.
- Right-of-way Encroachments – The applicant proposes to allow architectural encroachments, such as roof overhangs, balconies, planter boxes, bay windows, and awnings, to encroach into city right-of-way with a license agreement by the City of Plano. These projections will be restricted with minimum heights to maintain a clear pedestrian zone at ground level and allow access to utilities. The requested encroachments are consistent with allowances in similar zoning districts where a mixed-use, urban form is encouraged.
- Minor Amendments – Staff, with agreement of the applicant, is requesting minor amendments to the UMU-3 language for clarity and consistency.

The request complies with the Comprehensive Plan and is consistent with development standards in similar zoning districts and planned developments. For these reasons, staff is supportive of the request.

A revised site plan, Collin Creek Single-Family, Blocks A-L, accompanies this request as Agenda Item No. 3B.

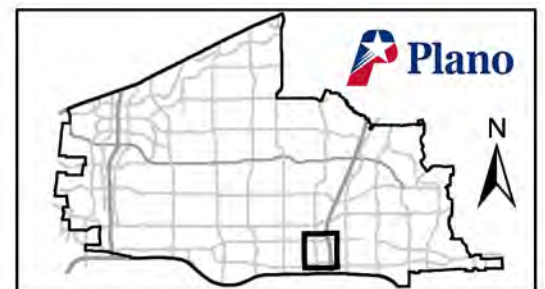


Zoning Case: 2023-015

Existing Zoning: Urban Mixed-Use-3

Proposed Zoning: Amend Urban Mixed-Use-3

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



0 500 1,000 2,000
Feet

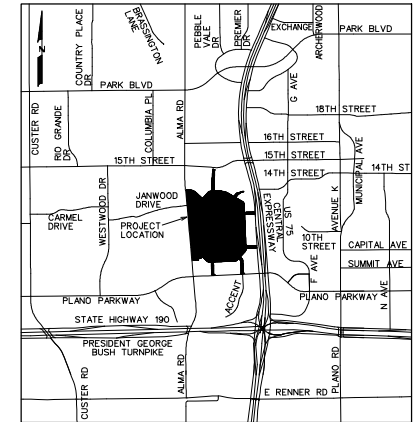
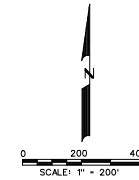
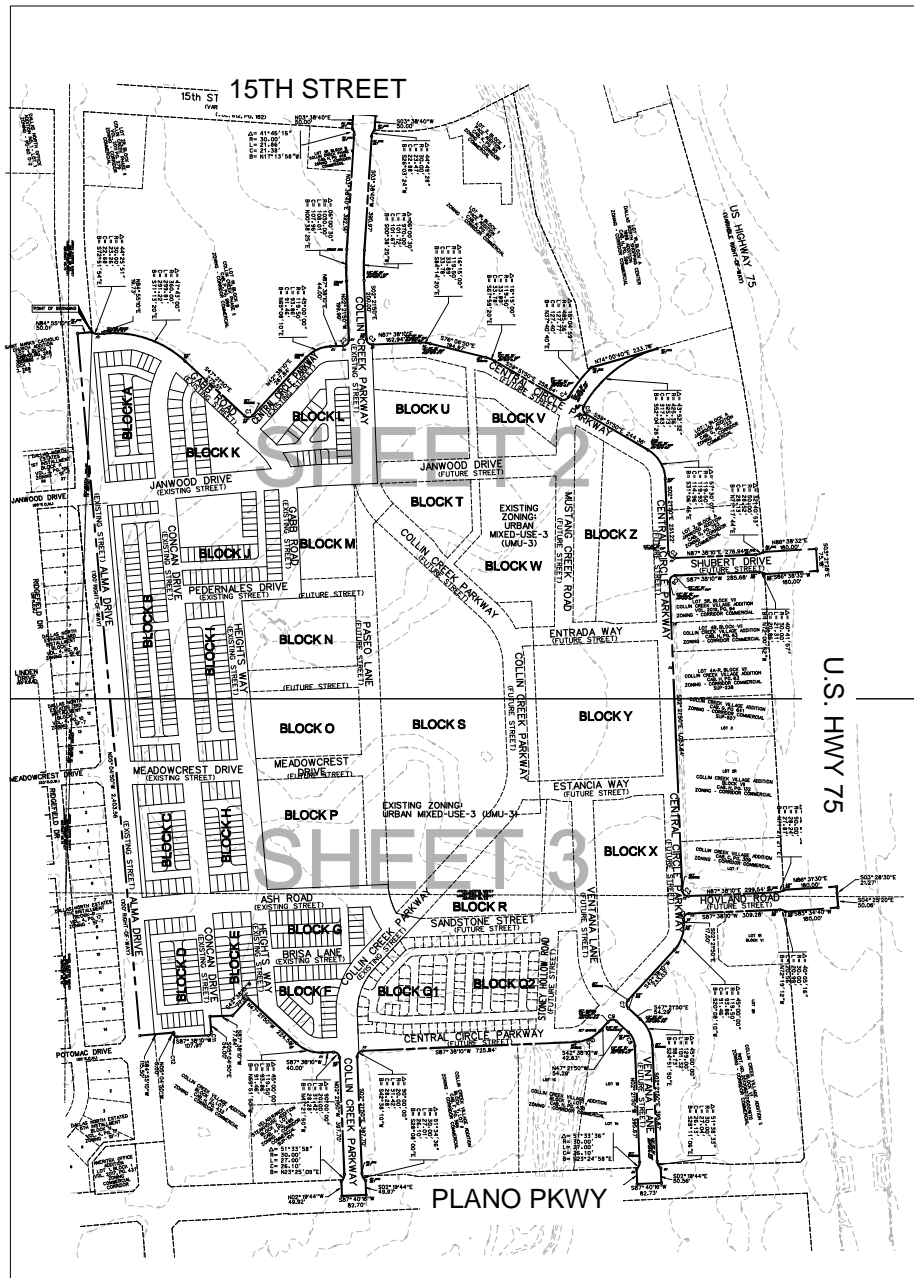


Zoning Case 2023-015



Area of Request

0 700 1,400
Feet



VICINITY MAP
SCALE: 1"=2000'

TOTAL ACRES 103.615

ZONING CASE *2023-015
ZONING EXHIBIT
COLLIN CREEK
SINGLE FAMILY
BLOCKS A-L
COLLIN CREEK
BLOCK M, LOT 1

103.615 ACRES OUT OF THE
JOSEPH KLEPPER SURVEY,
ABSTRACT NO. 213
SAMUEL KLEPPER SURVEY,
ABSTRACT NO. 216
IN THE
CITY OF PLANO
COLLIN COUNTY, TEXAS

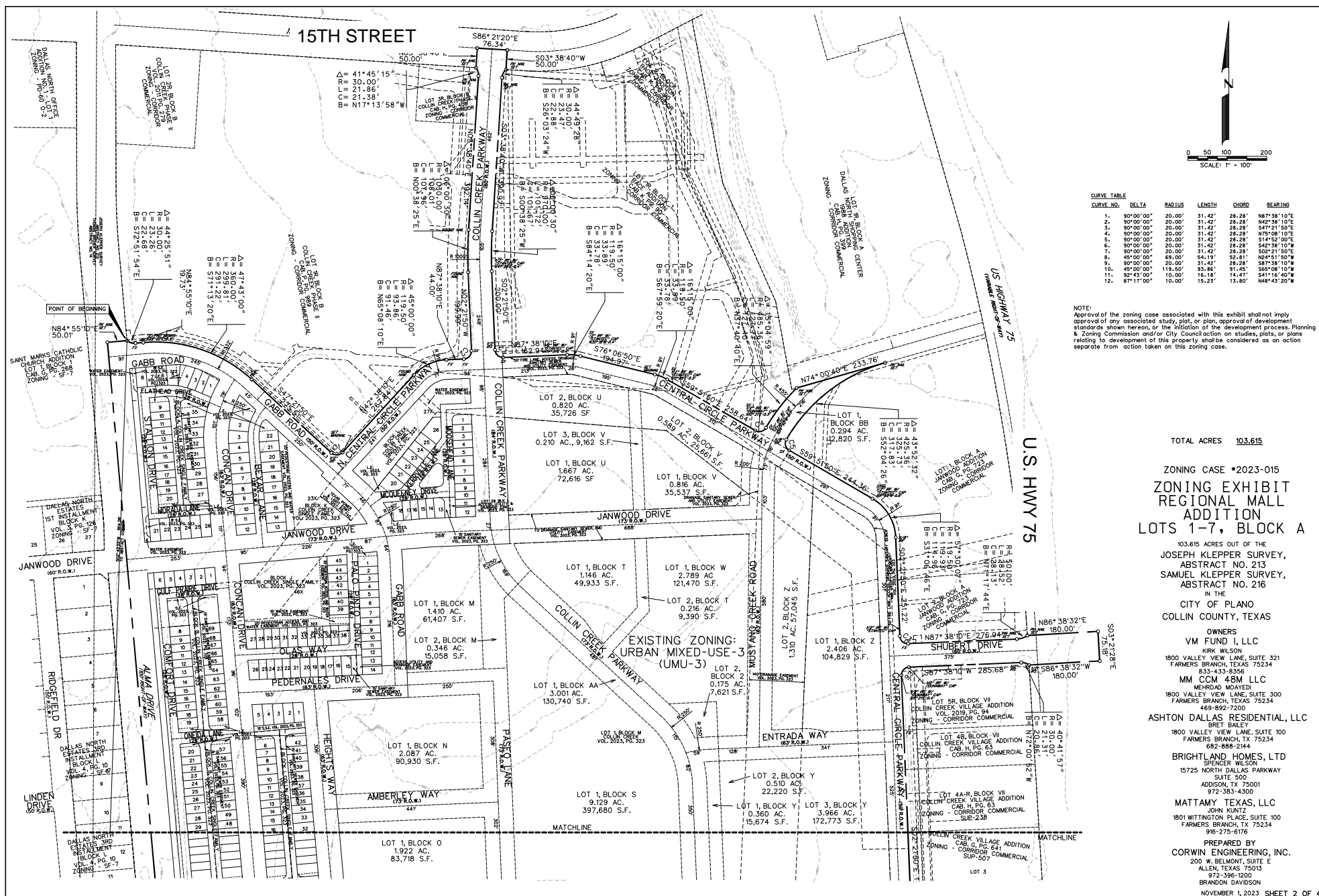
BRIGHTLAND HOMES, LTD
SPENCER WILSON
15725 NORTH DALLAS PARKWAY
SUITE 500
ADDISON, TX 75001
972-383-4300

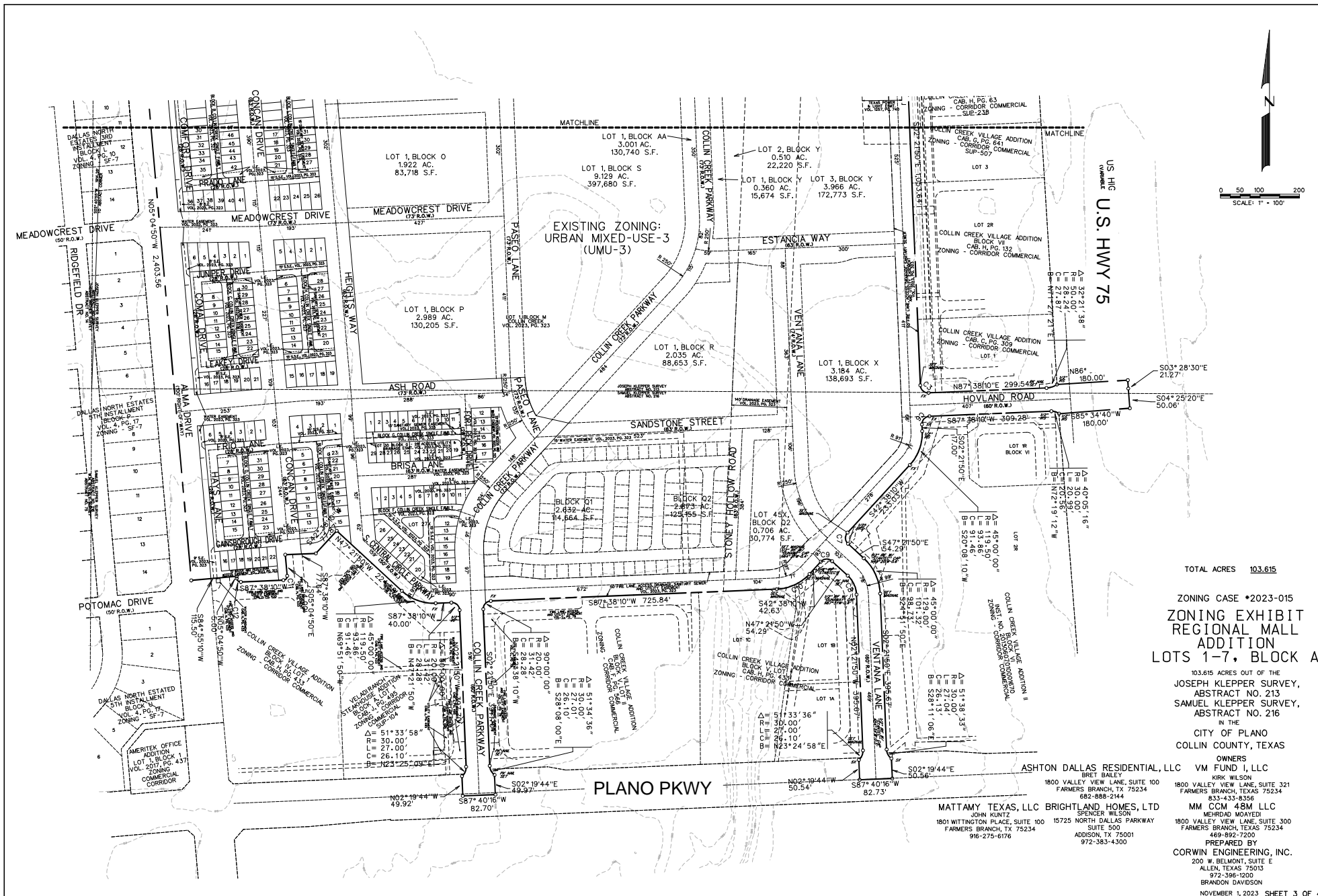
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ASHTON DALLAS RESIDENTIAL, LLC
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MM COM 48M LLC
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PREPARED BY
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972-396-1200
BRANDON DAVIDSON
NOVEMBER 1, 2023 SHEET 1 OF 4





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STAFF PRELIMINARY REPORT - INTRODUCTORY REMARKS

The subject property is currently zoned Urban Mixed-Use-3 (UMU-3). Established in 2018, UMU-3 includes a [development plan and list of exceptions](#) to the base Urban Mixed Use (UMU) district standards that are specific to the Collin Creek Mall redevelopment site. The primary purpose of the request is to modify Section 10.700.14 (Single-Family Regulations) of the UMU-3 exceptions to allow architectural projections of single-family buildings into city right-of-way with approval of a license agreement from the City of Plano. Other minor edits include updating the UMU-3 standards related to Block AA and Block S for clarity and consistency.

Urban Mixed Use – The subject property is one of three UMU districts in the city. Section 10.700 of the Zoning Ordinance states the purpose of the UMU district is as follows:

The UMU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers that promote social interaction, community identity, and efficient use of land and resources. The UMU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. The district is applicable primarily to large undeveloped properties where higher-density residential and commercial uses are appropriate.

UMU-3 Background – The UMU-3 district was established in 2018 to facilitate redevelopment of the Collin Creek Mall. Development plans include repurposing a portion of the original mall building along with a mix of single-family, duplex, multifamily, independent living facilities, office, retail, and various other commercial uses. The development will also provide two city park sites, a hike-and-bike trail, and other open-space amenities.

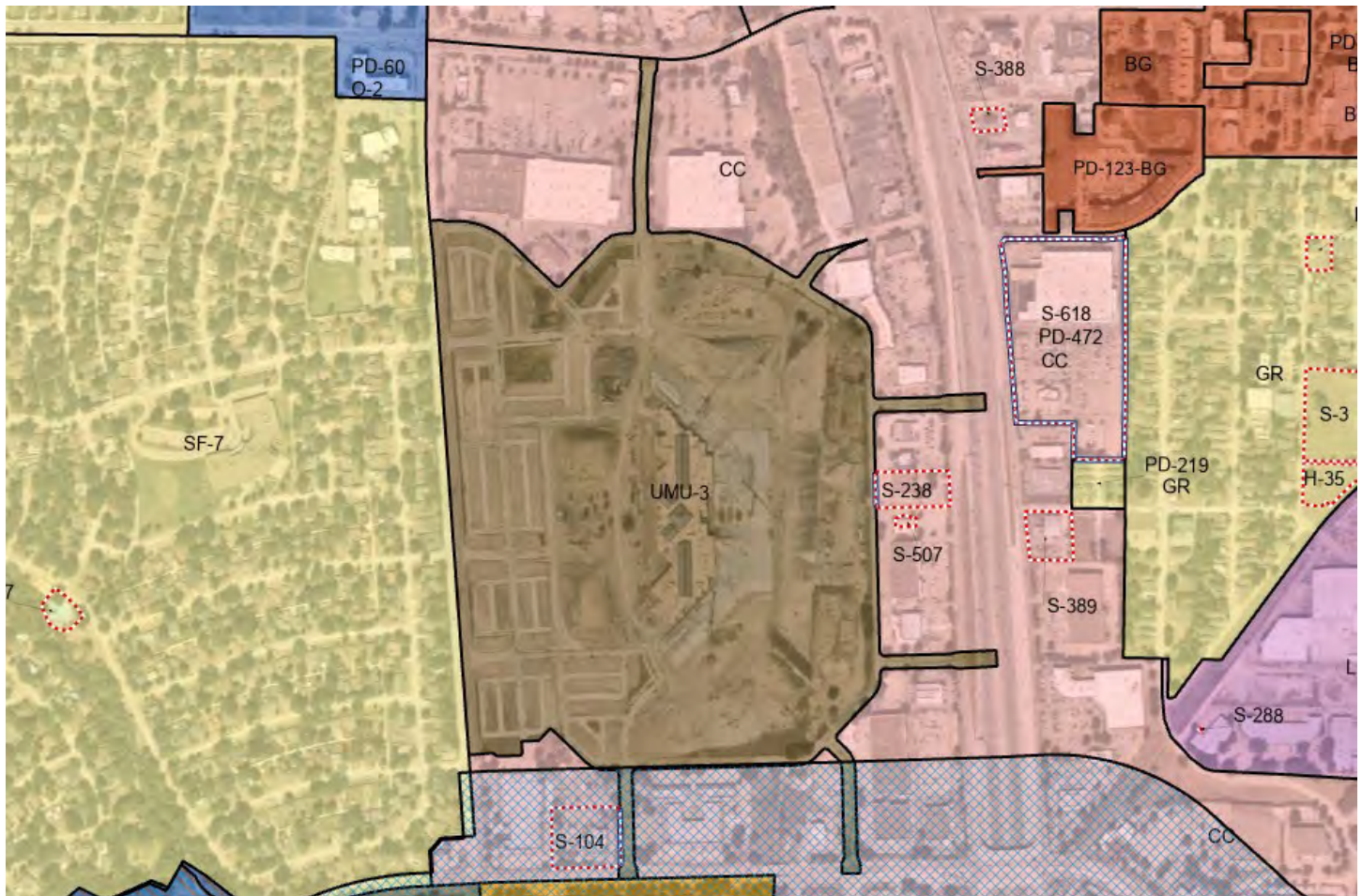
As shown on the parcel map to the right, the first construction phase includes many of the single-family and duplex blocks on the west side of the development along Alma Drive. These lot sizes range from approximately 1,000 to 2,500 square feet. Most of these blocks have received plat and site plan approvals and are nearing street and utility construction completion.

Upon review of the building permit applications for the homes, it was discovered that the proposed building plans included roof projections into the city's right-of-way. Only awnings, canopies, and other detachable features may extend into the public right-of-way per the UMU district standards. According to the applicant, other non-detachable projections were intended from the beginning; however, the associated UMU-3 exceptions were not expressly written to allow this. The purpose of this request is to amend the UMU-3 exceptions to allow other non-detachable features, including roof overhangs and bay windows, to extend up to two feet into city right-of-way with approval of a license agreement from the City of Plano.



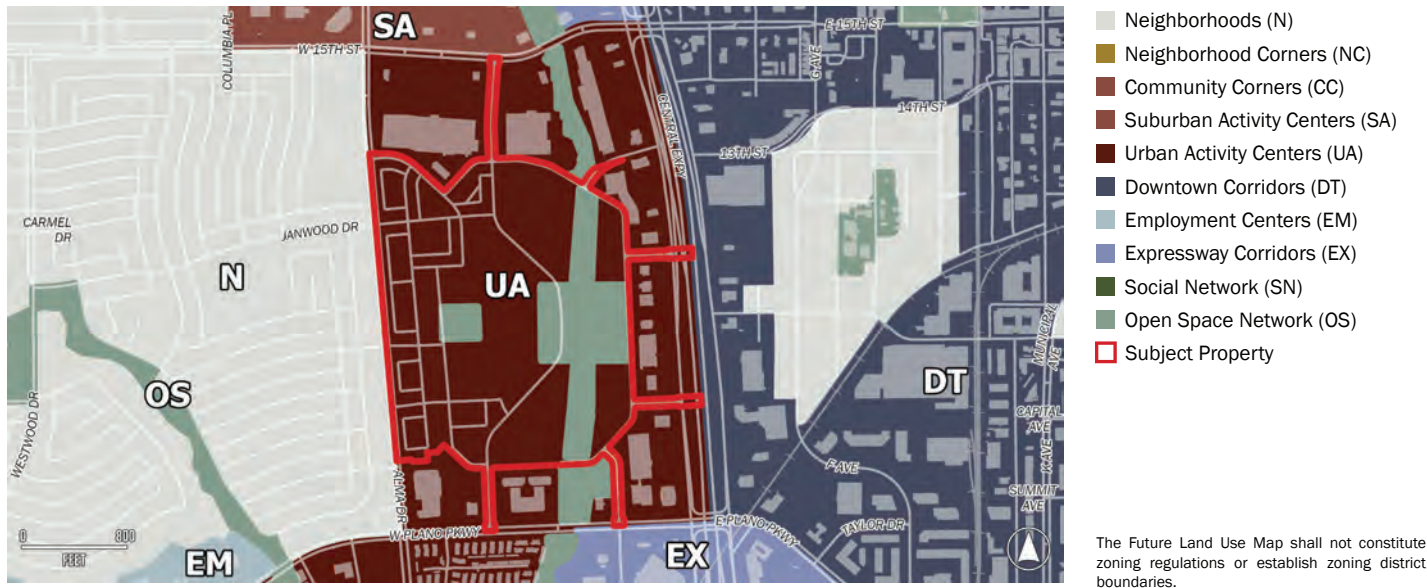
Surrounding Land Use and Zoning

North	Immediately to the north of the subject property are existing shopping centers with retail, restaurant, and minor vehicle repair uses zoned Corridor Commercial (CC) along 15th Street.
East	Existing shopping center developments with retail, restaurant, and service uses zoned CC with Specific Use Permits No. 238 and No. 507 for Private Club along the U.S. Highway 75 frontage road.
South	Existing shopping center developments with retail, restaurant, and personal service shop uses zoned CC with Specific Use Permit No. 104 for Private Club along Plano Parkway.
West	Across Alma Drive are existing single-family residences and a religious facility zoned Single-Family Residence-7.



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



Urban Activity Centers (UA)

PRIORITIES

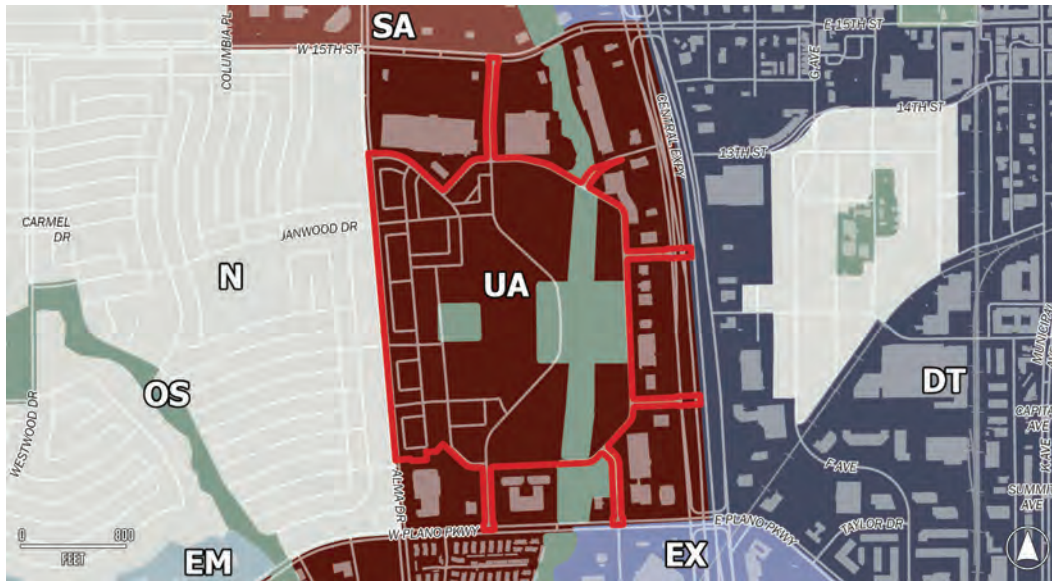
The Urban Activity Centers future land use category applies to areas designated for significant development or redevelopment with high intensity mixed-use activity centers attracting large corporations, specialty shopping, dining, and entertainment, and high density residential development. These areas are typically a minimum of 100 acres and include mid- to high-rise buildings with a compact block structure, and human-scale street and building design, which create a highly walkable urban form.

Complete Neighborhoods - Uses should be highly integrated, creating self-contained neighborhoods with a variety of housing types, convenient access to jobs, active open spaces, bicycle and pedestrian connections, cultural activities, and supporting services. Parking structures should be provided to reduce surface parking and encourage efficient use of land. Where possible, these areas should incorporate principles of Transit-Oriented Development to accommodate future transit connections.

Design Standards - These areas will be developed on the principles of mixed-use and urban form, creating active and engaging social hubs for residents and visitors. Structured parking and high-rise buildings will allow maximum efficiency of the land, while also providing active, usable open space with plazas, fountains, public art, and linear greenspaces.

1. Attracting corporate headquarters and promoting economic development
2. High standards for mixed-use form, amenities, and open space
3. Providing amenities in early phases of development commercial centers

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.

Open Space Network (OS)

PRIORITIES

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

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

3 | Desirable Character Defining Elements

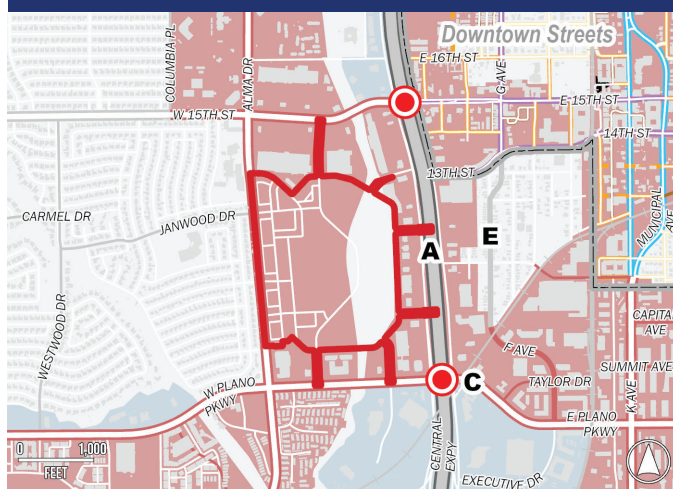


Click here for
"How to Read
The Dashboards"

DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	1 to 20 stories	No changes proposed
Density	SF: 10 to 40 DUA MF: 30 to 120 DUA	No changes proposed
Intensity	High (75 to 100% Lot Coverage)	No changes proposed
Open Space	10% to 15% Active Open Space	No changes proposed
Parking Orientation	Structured, on-street, and valet; surface lots limited to single aisles	No changes proposed
Block Pattern & Streetscape	Short block grid Urban Streets	No changes proposed
Multimodal Access		
1. Automobiles	MEDIUM: May require short walk to destination	No changes proposed
2. Transit	HIGH: Integrated bus and rail when possible	No changes proposed
3. Micromobility	HIGH: Integrated bike routes and trails	No changes proposed
4. Pedestrians	HIGH: Highly Walkable	No changes proposed

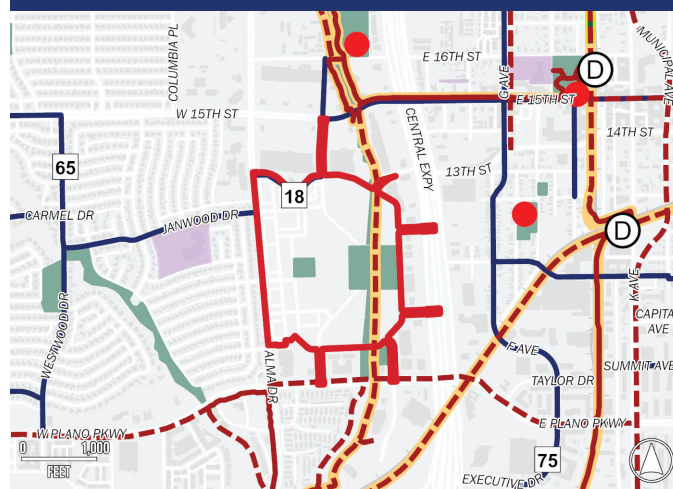
4 | Other Comprehensive Plan Maps

Thoroughfare Plan Map



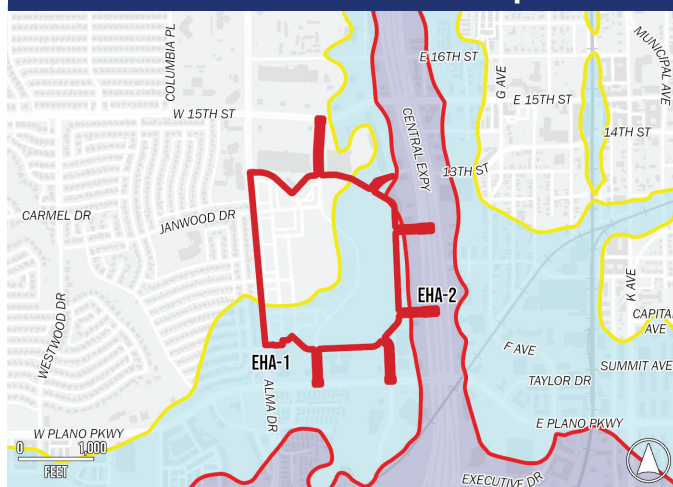
Alma Drive, W 15th Street and Plano Parkway bound the north, west, and south sides of the property and are designated as a Type C - Major Arterial (Mixed-Use Context). U.S. Highway 75 is designated as a Type A - Expressway and is located east of the site. No improvements are required as part of this request.

Bicycle Transportation Plan Map



On-Street Bike Route 18 connects to the site along Collin Creek Parkway to Gabb Road. Additionally, a proposed shared use path will be constructed that runs through the development as a portion of Chisholm Trail. No improvements are required as part of this request.

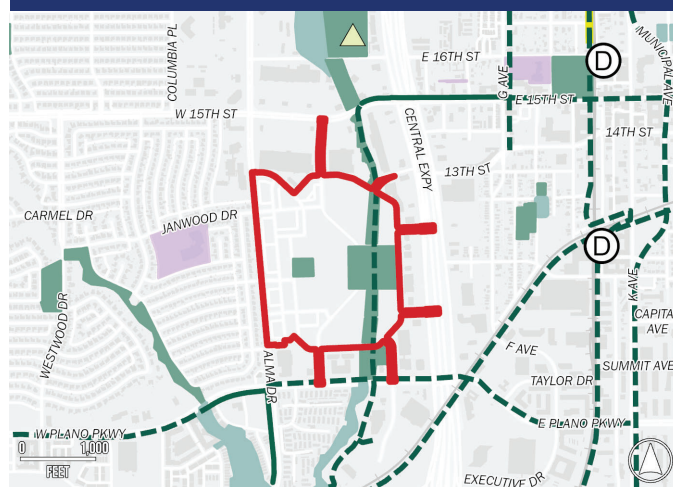
Expressway Corridor Environmental Health Map



Portions of the site are located within the Environmental Health Area-1 and Environmental Health Area-2. Because the proposal does not include a request to add any sensitive land uses, an EHA Site Analysis is not required.

☒ EHA-1 ☒ EHA-2 ☐ Not Applicable

Parks Master Plan Map



The site will be served by 8.7 acres of Public Usable Open Space, the future sites for Sunrise Park and Starlight Park. Harrington Park is located north of the site and will be connected via the proposed shared use path which will be part of Chisholm Trail. No improvements are required as part of this request.

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:

There are no other policies 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 [Urban Activity Centers \(UA\)](#) and [Open Space Network \(OS\)](#) categories of the Future Land Use Map (FLUM). The Urban Activity Centers future land use category applies to areas designated for significant development or redevelopment, with high-intensity mixed-use activity centers attracting large corporations, specialty shopping, dining, and entertainment, and high-density residential development. These areas typically have a minimum of 100 acres and include mid- to high-rise buildings with a compact block structure and human-scale street and building design, which create a highly walkable urban form.

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

The request to amend the Urban Mixed-Use-3 (UMU-3) exceptions to allow certain architectural projections of single-family buildings into city rights-of-way does not impact the previously approved existing land use types, mix of uses, portions of the subject property within the UA category, or any other policies of the Comprehensive Plan. Staff finds the request consistent with the description and priorities of the UA category.

FLUM – UA Description and Priorities		
Description		Meets
Priorities	Attracting corporate headquarters and promoting economic development	N/A
	High standards for mixed-use form, amenities, and open space	Meets
	Providing amenities in early phases of development	N/A

Mix of Uses – The subject property is currently classified as a mix of *Retail, Multifamily, Attached and Detached SF, Open Space, and General Open Space Types*, as defined by the Comprehensive Plan. Approval of the request for an amendment to UMU-3 to allow for revised architectural standards would result in no changes to the Mix of Uses.

FLUM – UA Mix of Uses
No Change

Desirable Character Defining Elements – The proposed UMU-3 amendment would not result in any significant changes to the site. Therefore, the UA dashboard's Desirable Character Defining Elements section does not apply to this request.

FLUM – UA 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

Comprehensive Plan Summary

As the request does not impact the previously approved existing land use types, mix of uses, or any other policies, staff finds the proposed amendments to UMU-3 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"> Description & Priorities Mix of Uses Character Defining Elements 	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

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

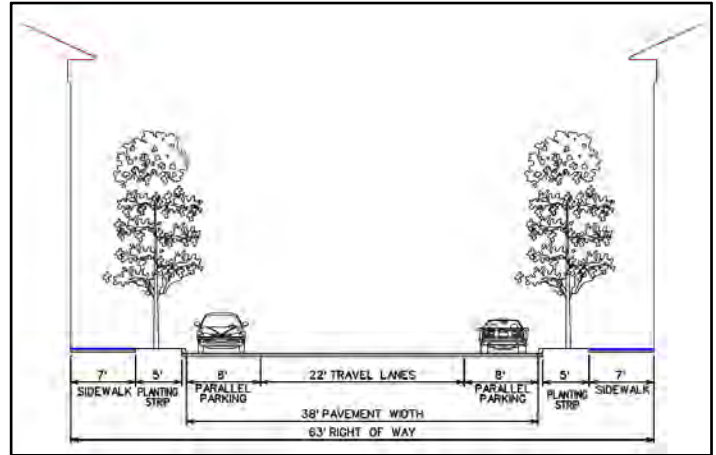
Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request.

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

Building Projections

The applicant is requesting to allow canopies, balconies, bay windows, awnings, planter boxes, and other building projections to extend up to two feet into the public right-of-way with approval of a city-issued license agreement. Detachable features are already permitted to the right-of-way under existing UMU-3 standards; therefore, this request would broaden the allowance to include certain non-detachable features and larger homes on the lots. The street cross-section graphic from the UMU-3 development plan to the right shows an example of a roof projection (shown in red) into the sidewalk area (shown in blue), which is a public right-of-way. As proposed, the projections must have a minimum height of eight feet to maintain a pedestrian clear zone at ground level. If city utilities are present, the minimum height is increased to 14 feet to allow access to maintenance equipment.



These types of encroachment allowances are not uncommon for areas that promote a mixed-use, urban form, with similar allowances in the city's zoning districts covering Downtown Plano (BG), the Legacy area (PD-64 and PD-65), Plano Gateway (PD-207), and the Aura190 Apartments (PD-491).

Clarification Edits

With agreement from the applicant, staff is requesting two additional clarification edits in the UMU-3 language as part of this request:

- The first amendment is updating the table of permitted uses to clarify Independent Living Facilities are permitted on Block S. The development plan approved in 2018 shows an independent living facility in this block; however, the table of permitted uses in the UMU-3 exception language did not match. The purpose of this edit is to correct this oversight. This does not allow any additional units beyond those previously approved.
- The second amendment is to clarify that no minimum floor area ratio is necessary for the private street lot on Block AA. It was never intended that Block AA be developed with large buildings, although there is an overhang extending from Block S planned above the street. This overhang will serve as a canopy above the ground-level street and outdoor patio dining on the second floor. This edit would clarify the minimum FAR does not apply in this unique condition.

SUMMARY:

This is a request to amend Urban Mixed-Use-3 to allow architectural projections of single-family buildings into city right-of-way with a city-approved license agreement and other minor clarification edits. The request is in conformance with policies of the Comprehensive Plan. Staff is supportive of the request to amend Urban Mixed-Use-3.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated by underlining; deletions are indicated by strike-through)

Section 10.700.2 of the Urban Mixed-Use-3 Exceptions to be amended as follows:

10.700.2 Permitted Uses – Uses in Addition to Those Permitted in the UMU

Use Category	Use Type	Allowed	Restrictions	Blocks
Accessory and Incidental Uses	Car Wash	P	Limited to parking garage only	M, N, P, R – X, Z
	Concrete/Asphalt Batch Plant (Temp.)	36		All except A-D
Educational, Institutional, Public, and Special Uses	Community Center	P		All
	Fire Station/Public Safety Building	P		X, Z
	Helistop	S		S, X, Z
	Independent Living	P	Sec. 13.200.3, Sec. 13.300.2, and Sec. 15.1300.3-.5 shall not apply	M, N, P, <u>S</u> , X, Z
	Private Recreation Facility	P		All
Residential Uses	Single-Family Residence (Detached)	P		A – L, Q
	Two-Family Residence	P	Sec. 9.1100 shall not apply	A – L, Q
Retail Uses	Shopping Center	P		S
Service Uses	Amusement, Commercial (Outdoor)	S	Endnote 15 in Section 14.300 does not apply except for Item 6: Provide perimeter fencing/landscaping of the site at the time of site plan approval.	S, X, Y, Z
	Arcade	P		M, N, P, R – X, Z
	Artisan's Workshop	P		M, N, P, R – W
	Business Service	P		M, N, P, R – X, Z

Service Uses (cont.)	Cabinet/Upholstery Shop	P		S
	Kennel (Indoor)/Commercial Pet Sitting	P		S
	Veterinary Clinic	P		S
Transportation, Utility, Communication Uses	Electrical Substation	S		X, Z
Vehicle and Related Uses***	Motorcycle Sales & Service	P	Indoor only/No repair services	S
	Vehicle Dealer (New)	P	Indoor only/No repair services	S
	Vehicle Leasing and Renting	P	Parking of vehicles in garage only/No repair services	S
Wholesale	Public Storage/Mini-Warehouse	S	A maximum of 40,000 sf with storage units restricted to below street level	S
<p>P = Use permitted in block(s) indicated</p> <p>S = Use may be approved in block(s) indicated upon approval of a specific use permit (See Sec. 6.100)</p> <p>Numbers = Additional conditions/restrictions apply per Zoning Ordinance. See the Table Notes in Sec. 14.300</p> <p>*** = Vehicle and Related Uses are limited to a total allocation of 30 parking spaces for inventory storage.</p>				

Section 10.700.14.I. of the Urban Mixed-Use-3 Exceptions to be amended as follows:

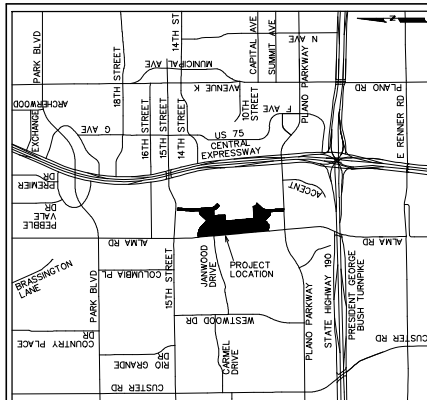
I. Encroachments:

- i. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- ii. Canopies, balconies, bay windows, awnings, planter boxes, and other building projections may extend a maximum distance of two feet and at a height not less than eight feet into public rights-of-way or street easements with approval of a license agreement from the City of Plano. Where such encroachments are located within eight feet of a city utility, the minimum height shall increase to not less than 14 feet.

Exceptions for Block AA in The Exceptions by Designated Block of the Urban Mixed-Use-3 Exceptions to be amended as follows:

Block AA

- i. Maximum Block Length: 1,800 feet
- ii. Minimum FAR: None



VICINITY MAP
N.T.S.

Block	A	B	C	D	E	F	G	H	I	J	K	L
Lots	1-35	1-73	1-32	1-32	1-24	1-28	1-30	1-29	1-43	1-46	1-23	1-27
General Site Data	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3
Zoning	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3	UMU-3
Proposed Land Use	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)	Single-Family Residence (Detached), Single-Family Residence (Attached)
Block Area (sf)	72,730	137,688	59,308	63,281	20,969	46,314	46,605	48,717	70,156	104,555	67,277	76,335
Block Area (acres)	1.670	3.161	1.362	1.403	0.486	1.061	1.071	1.118	1.611	2.402	1.544	1.752
Residential Lot Area	46,994	76,813	39,090	42,166	21,961	29,686	30,885	35,558	52,408	49,411	30,807	31,095
Open Space Area	0	0	0	0	0	0	0	0	0	0	0	0
Building Footprint Area	34,530	61,965	30,245	31,646	18,136	24,500	25,481	28,444	42,152	43,502	24,861	23,957
Total Building Area	87,500	170,000	75,000	77,500	55,000	65,000	70,000	70,000	105,000	112,500	55,000	62,500
Building Height Maximum (Stories)	3	3	3	3	3	3	3	3	3	3	3	3
Building Height Maximum (Feet)	50	50	50	50	50	50	50	50	50	50	50	50
Lot Coverage (Min. 60% per UMC 3 except for end units)	73.48%	83.14%	76.85%	78.35%	83.49%	83.88%	85.38%	79.99%	86.45%	88.04%	78.35%	85.06%
Front Area Ratio	1.20	1.22	1.20	1.22	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
Single-Family Density (units/acre)	52.0	38.5	52.0	52.0	45.5	38.5	38.5	38.5	23.0	23.0	52.0	52.0

Block	A	B	C	D	E	F	G	H	I	J	K	L
Lots	1-35	1-73	1-32	1-32	1-24	1-28	1-30	1-29	1-43	1-46	1-23	1-27
Parking	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio	Detached/Duplex, 2/Unit, Attached, 2.25/Unit - Ratio
Detached/Duplex Units - 2 Story (Total 208 - 76%)	19	12	12	6	6	0	0	0	10	10	0	22
Attached Units - 3 Story (Total - 298 - 76%)	16	56	18	25	16	26	28	18	32	45	0	18
Total Required Parking Spaces	74	150	65	69	48	59	63	61	52	102	44	50
Garage Spaces Provided	70	138	60	62	44	52	56	56	48	90	44	50
On-Street Parking Provided	14	48	14	14	17	14	14	14	14	14	14	14
Total Parking Provided	88	186	74	76	56	66	66	66	76	100	114	65
Percentage Excess of 100% of Required Parking	0	0	0	0	0	0	0	0	0	0	0	0
On-Street Parking Required (0.25/Unit Fronting on a street with on-street parking and 0.75/Unit on new lots)	21	56	18	18	22	19	28	18	42	23	12	18
On-Street Parking Required	16	73	14	14	14	14	14	14	14	14	14	14
On-Street Parking Provided	16	73	14	14	14	14	14	14	14	14	14	14
Residential Lots Fronting Street (Total 353 - 88%)	35	48	30	24	22	26	22	26	42	24	12	18
Residential Lots Fronting Mews (Total 49 - 12%)	0	0	0	0	0	0	0	0	0	0	0	0
Lot Type	Maximum 75% Attached Townhomes - Total 298 (74%)	16	56	18	25	16	26	28	18	32	45	18
Minimum 25% with a Max. Height of 2 stories and 35 feet - Total 104 - (26%)	19	12	12	6	6	0	0	0	10	10	0	22
Lot Width	0	0	0	0	0	0	0	0	0	0	0	0
Lot Width between 18' and 20' (Maximum 50)	0	0	0	0	0	0	0	0	0	0	0	0
Lot Width of or (Maximum 50' - Total 4)	0	0	0	0	0	0	0	0	0	0	0	0
Density	35	48	30	24	22	26	22	26	42	24	12	18
Units	1,008	1,776	950	883	663	668	670	682	1,202	1,312	672	872
Lot Area	82	38	33	37	35	38	40	34	35	40	31	35
Density (Maximum 40, Minimum 18)	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3	12.3
Units with one car garages	0	0	0	0	0	0	0	0	0	0	0	0

SITE PLAN 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 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 hazard material, toxic and noxious matter, vibration, and/or other performance standards.



NOTES:

- All parallel parking spaces are 8' wide x 22' long.
- All proposed pavement is concrete.
- All turn lanes, median openings and driveways on ring road and surrounding thoroughfares are existing unless noted otherwise.
- An effort will be made to obtain easements or additional right-of-way from adjacent property owners in order to provide pedestrian refuge areas and improved landscape edges at entryways where the existing paving/curbing abuts the development's property line.
- A variance request has been approved for Block F, Lot 20 to allow the garage entry to be less than or equal to 13 feet from the outside edge of the travel lane.
- The purpose of this revised site plan is to add Public Access Easements along the fronts of buildings in Blocks A-L.

OWNERS
VM FUND I, LLC
 1800 VALLEY VIEW LANE, SUITE 316
 FARMERS BRANCH, TEXAS 75234
 972-740-3256

MM CCM 48M LLC
 MERRIDAO MOATED
 VALLEY VIEW LANE, SUITE 100
 FARMERS BRANCH, TEXAS 75234
 682-892-7200

MATTAMY HOMES
 1801 WITTINGTON PLACE, SUITE 100
 FARMERS BRANCH, TX 75234
 988-275-6776

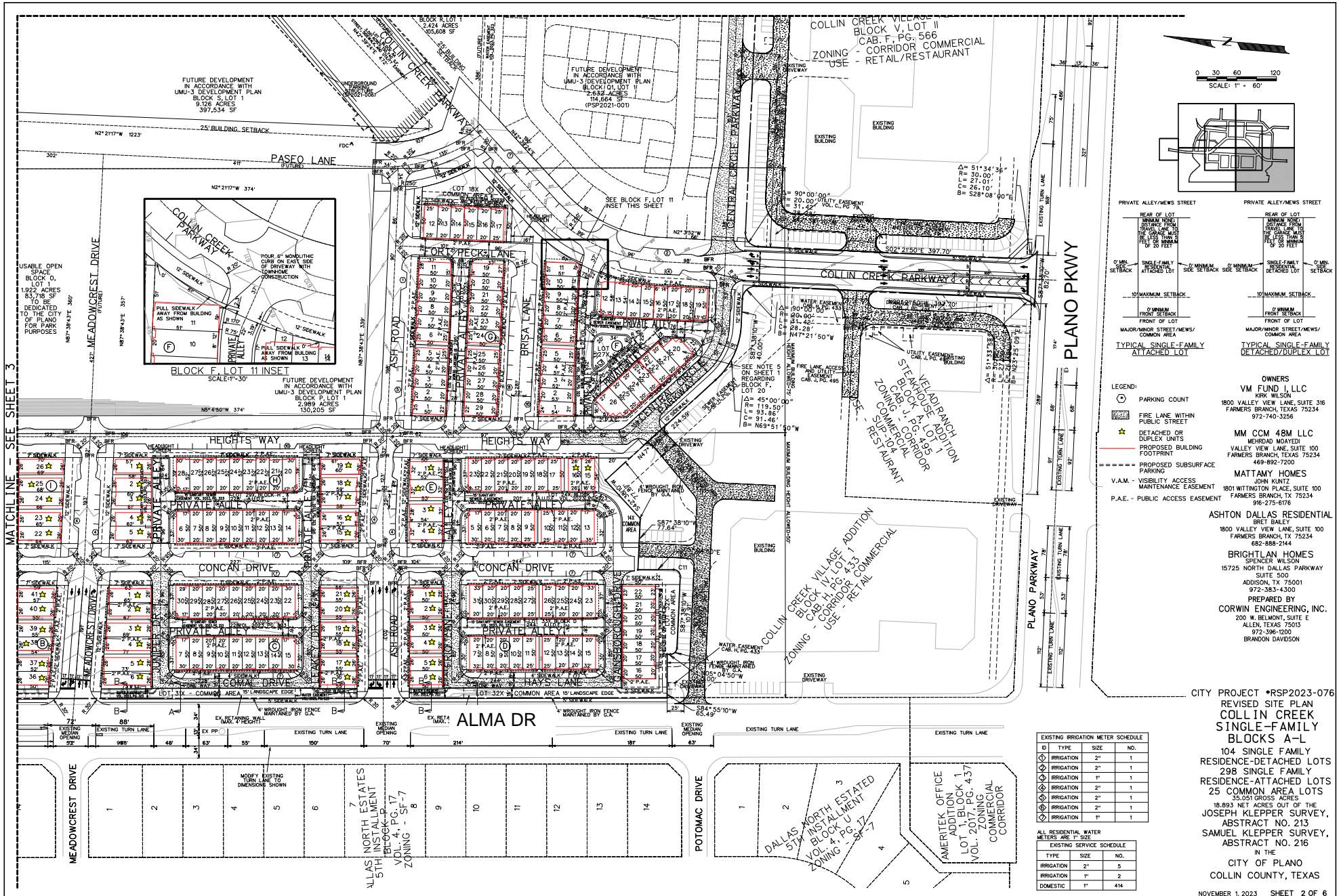
ASHTON DALLAS RESIDENTIAL
 BRET BAILEY
 1800 VALLEY VIEW LANE, SUITE 100
 FARMERS BRANCH, TX 75234
 682-888-2144

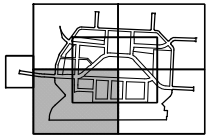
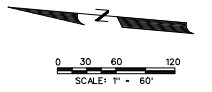
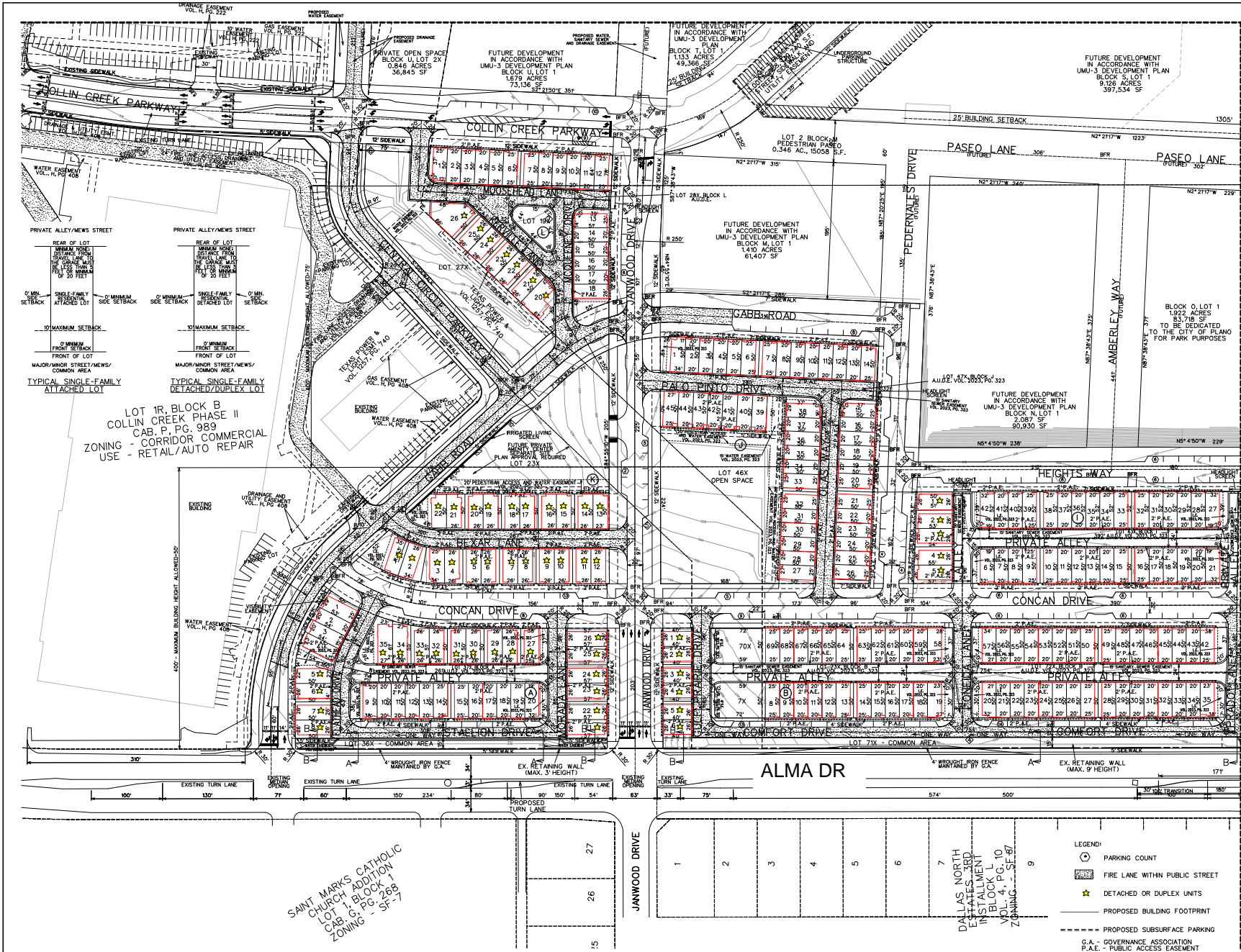
BRIGHTLAN HOMES
 SPENCER WILSON
 15725 NORTH DALLAS PARKWAY
 SUITE 500
 ADDISON, TX 75001
 972-383-4300

PREPARED BY
CORWIN ENGINEERING, INC.
 200 W. BELMONT, SUITE E
 ALLEN, TEXAS 75015
 972-396-1200
 BRANDON DAVIDSON

CITY PROJECT *RSP2023-076
 REVISED SITE PLAN
 COLLIN CREEK
 SINGLE-FAMILY
 BLOCKS A-L
 104 SINGLE FAMILY
 RESIDENCE-DETACHED LOTS
 298 SINGLE FAMILY
 RESIDENCE-ATTACHED LOTS
 25 COMMON AREA LOTS
 35,051 GROSS ACRES
 18.893 NET ACRES OUT OF THE
 JOSEPH KLEPPER SURVEY,
 ABSTRACT NO. 213
 SAMUEL KLEPPER SURVEY,
 ABSTRACT NO. 216
 IN THE
 CITY OF PLANO
 COLLIN COUNTY, TEXAS

MATCHLINE - SEE SHEET 3





EXISTING IRRIGATION METER SCHEDULE		
TYPE	SIZE	NO.
IRRIGATION	2"	1
IRRIGATION	2"	1
IRRIGATION	1"	1
IRRIGATION	2"	1
IRRIGATION	2"	1
IRRIGATION	1"	1

ALL RESIDENTIAL WATER METERS ARE 1" SIZE		
EXISTING SERVICE SCHEDULE		
TYPE	SIZE	NO.
IRRIGATION	2"	5
IRRIGATION	1"	2
DOMESTIC	1"	414

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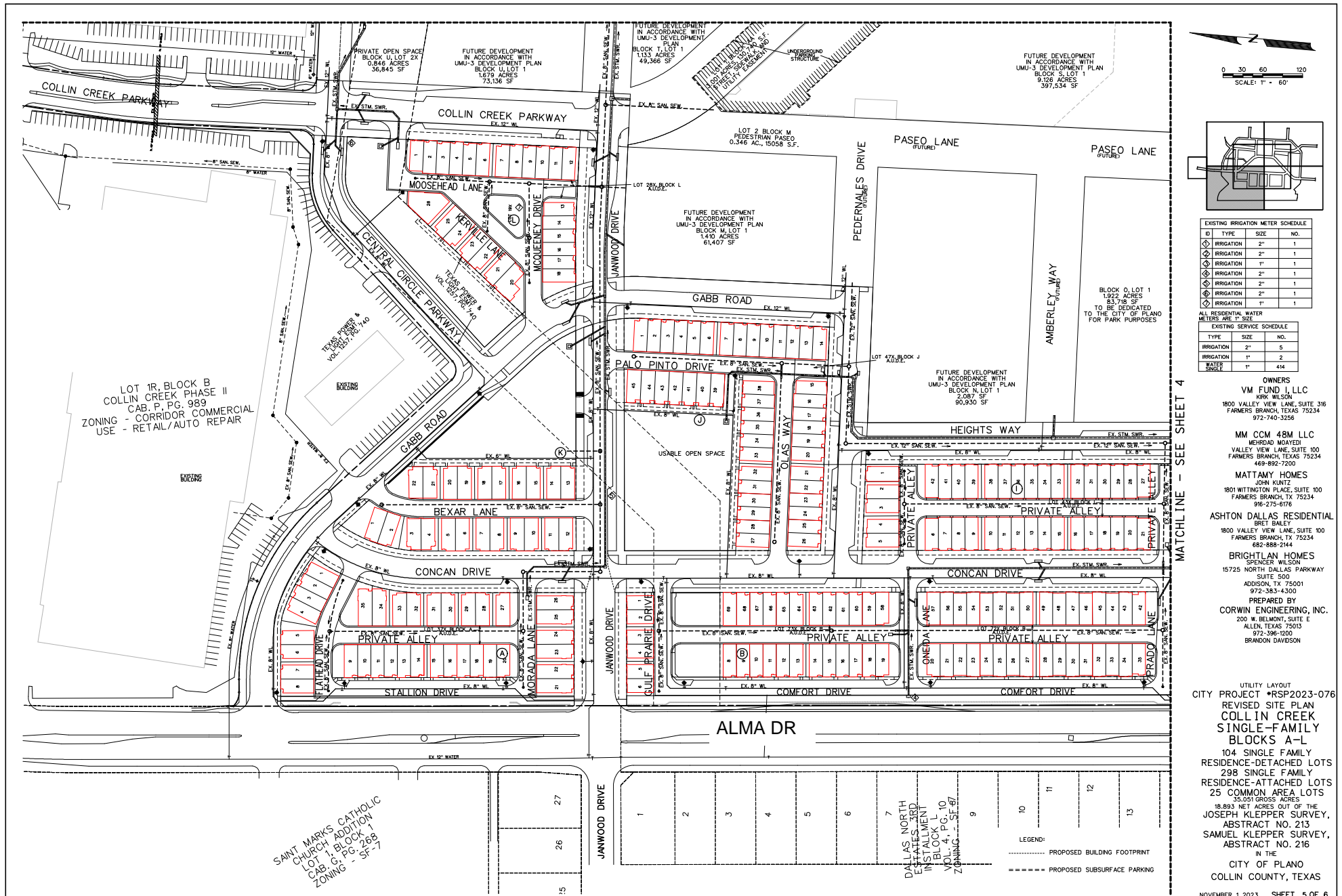
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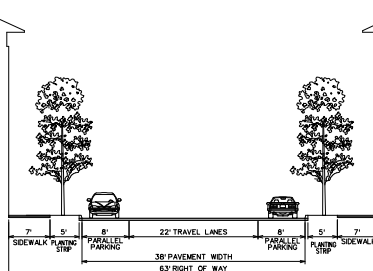
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 972-396-1000
 BRANDON DAVIDSON

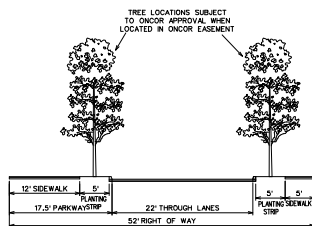
CITY PROJECT #RSP2023-076
REVISED SITE PLAN
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NOVEMBER 1, 2023 SHEET 3 OF 6

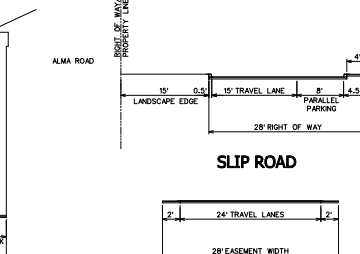




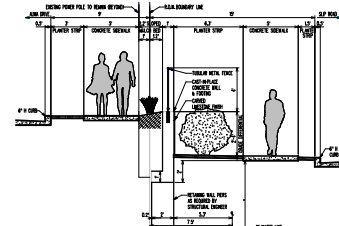
MINOR STREET-63' RIGHT OF WAY



RING ROAD - 50' RIGHT OF WAY



TYPICAL SINGLE FAMILY BUILDING LAYOUT



ALMA DRIVE RETAINING WALL SECTION B

OWNERS
VM FUND I, LLC
KIRK WILSON
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CITY PROJECT *RSP2023-076
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OF THE JOSEPH KLEPPER SURVEY,
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ABSTRACT NO. 216

IN THE
CITY OF PLANO
COLLIN COUNTY, TEXAS

NOVEMBER 1, 2023 SHEET 6 OF 6

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-025.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-025 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 73 for Tattooing and Permanent Cosmetics on 0.1 acre of land located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: Wentwoods Retail Center Incorporated and Remarkable Ink Studio **Conducted and adopted Ordinance No. 2023-12-2.**

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	12/4/2023	Ordinance
ZC2023-025 Supporting Documents	11/30/2023	Informational

Zoning Case 2023-025

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. 73 for Tattooing and Permanent Cosmetics on 0.1 acre of land out of the George W. Barnett Survey, Abstract No. 45, located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of December 2023, for the purpose of considering granting Specific Use Permit No. 73 for Tattooing and Permanent Cosmetics on 0.1 acre of land out of the George W. Barnett Survey, Abstract No. 45, located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of December 2023; and

WHEREAS, the City Council is of the opinion and finds that granting Specific Use Permit No. 73 for Tattooing and Permanent Cosmetics on 0.1 acre of land out of the George W. Barnett Survey, Abstract No. 45, located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial 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. 73 for Tattooing and Permanent Cosmetics on 0.1 acre

of land out of the George W. Barnett Survey, Abstract No. 45, located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, said property being described in the legal description in Exhibit A attached hereto.

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

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

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

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

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

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

PASSED AND APPROVED on the 11th day of December, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

**ZONING CASE 2023-025
LEGAL DESCRIPTION**

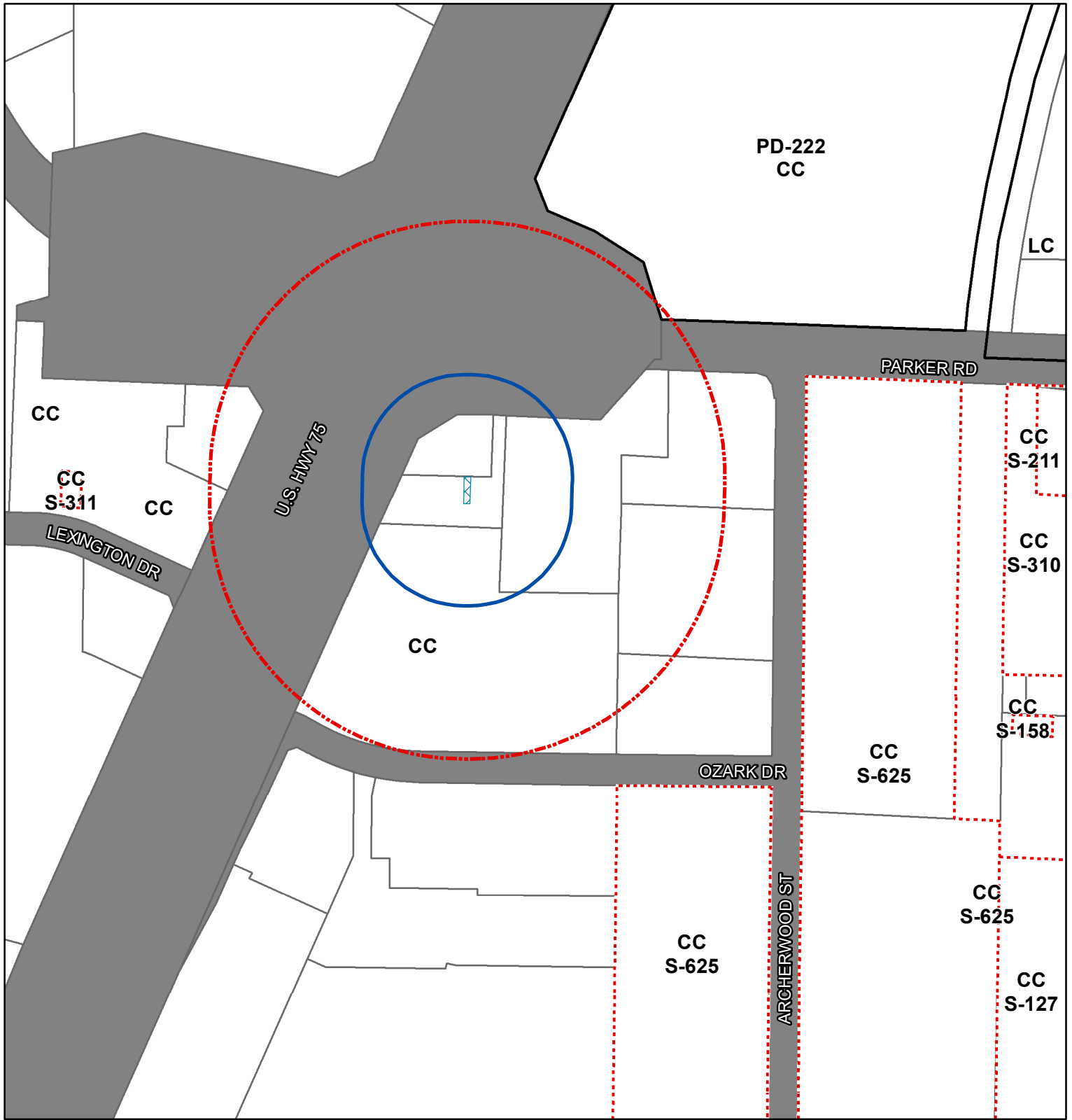
BEING a 0.015 acre tract of land out of the George W. Barnett Survey, Abstract No. 45, situated in the City of Plano, Collin County, Texas, being a portion of Lot 2R, Block A of Rader Addition No. 2, a subdivision of record in Cabinet L, Page 399 of the Plat Records of Collin County, Texas, said Lot 2R having been conveyed to Wentwoods Retail Center Incorporated by deed of record in Document Number 20210804001575520 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 3 inch brass TxDOT monument found in the East right-of-way line of U.S. Highway 75, being the Northeast corner of a called Parcel 3 and the Southeast corner of a called Parcel 4 conveyed to The State of Texas by deed of record in Document Number 20170721000962560 of said Official Public Records, being in the North line of said Lot 2R and the South line of Lot 1R, Block A of said Rader Addition No. 2;

THENCE S88°00'18"E, leaving the East right-of-way line of U.S. Highway 75, over and across said Lot 2R, a distance of 122.29 feet to the **POINT OF BEGINNING** and Northwest corner hereof;

THENCE continuing over and across said Lot 2R, the following four (4) courses and distances: 1. S89°01'51"E, a distance of 12.50 feet to the Northeast corner hereof, from which an "X" cut found at the Southeast corner of said Lot 1R and an interior ell corner of said Lot 2R bears N89°19'47"E, a distance of 42.16 feet; 2. S00°36'00"W, a distance of 52.39 feet to the Southeast corner hereof, from which an "X" cut found at the Southeast corner of said Lot 2R bears S51°50'47"E, a distance of 77.07 feet; 3. N89°10'58"W, a distance of 12.50 feet to the Southwest corner hereof;

4. N00°36'00"E, a distance of 52.42 feet to the **POINT OF BEGINNING**, and **CONTAINING** an area of 0.015 acres (655 square feet) of land, more or less.

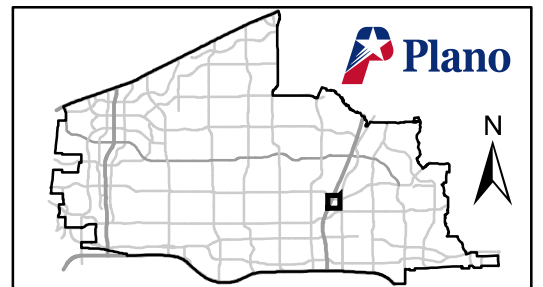


Zoning Case: 2023-025

Existing Zoning: Corridor Commercial

Proposed Zoning: Specific Use Permit for Tattooing and Permanent Cosmetics

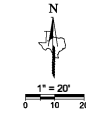
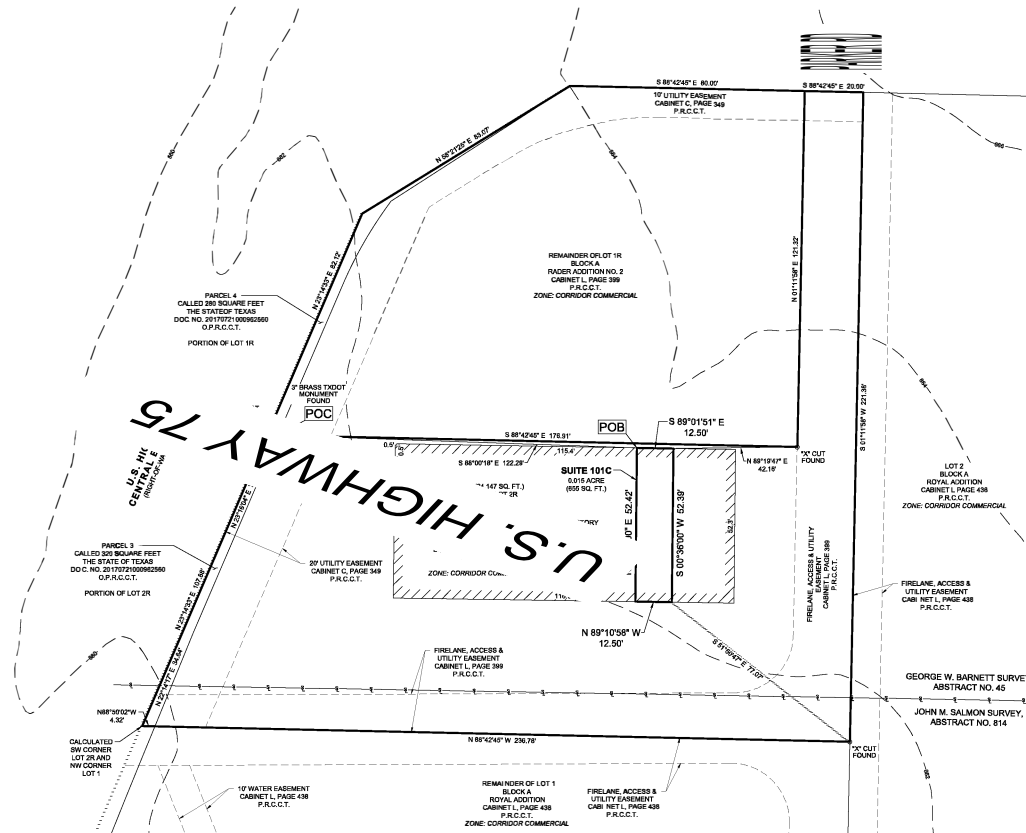
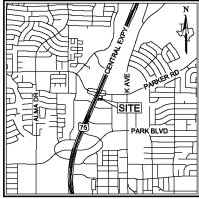
- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- X Subject Property
- Streets
- Municipal Boundaries
- Zoning Boundary
- Specific Use Permit
- Zoning Boundary Change/SUP



0 205 410 820
Feet

VICINITY MAP

NOT TO SCALE



LEGAL DESCRIPTION

Being a 0.05 acre tract of land out of the George W. Barnett Survey, Abstract No. 45, situated in the City of Plano, Collin County, Texas, being a portion of Lot 2R, Block A of Rader Addition No. 2, a subdivision of record in Collin County, Texas, being a portion of the Plat Records of Collin County, Texas, said Lot 2R having been conveyed to Wentwoods Retail Center Incorporated by deed of record in Document Number 2021080400157520 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 3 inch brass TxDOT monument found in the East right-of-way line of U.S. Highway 75, being the Northeast corner of a called Parcel 3 and the Southeast corner of a called Parcel 4 conveyed to The State of Texas by deed of record in Document Number 2017072100082560 of said Official Public Records, being in the Northline of said Lot 2R and the South line of Lot 1R, Block A of said Rader Addition No. 2;

THENCE, S88°00'18"E, leaving the East right-of-way line of U.S. Highway 75 over and across said Lot 2R, a distance of 122.29 feet to the **POINT OF BEGINNING** and Northwest corner hereof;

THENCE, continuing over and across said Lot 2R, the following four (4) courses and distances:

1. S89°01'51"E, distance of 12.50 feet to the Northeast corner hereof, from which "X" cut found at the Southeast corner of said Lot 1R and an interior at corner said Lot 2R bears N89°19'47"E, distance of 42.16 feet;
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3. N89°10'58"W, a distance of 12.50 feet to the Southwest corner hereof;
4. N00°36'00"E, a distance of 52.42 feet to the **POINT OF BEGINNING**, and containing an area of 0.015 acres (655 square feet) of land, more or less.

Bearings are based on GPS observations utilizing the AITerra RTK Network, North American Datum of 1983 (Adjustment Realization 2011).

GENERAL NOTES

1. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.
2. Zoning data shown on this exhibit per City of Plano Zoning GIS Map.
3. Topographic contour data shown on this exhibit per Collin County GIS Map.
4. Bearings are based on GPS observations utilizing the AITerra RTK Network, North American Datum of 1983 (Adjustment Realization 2011).

ZONING EXHIBIT

Rader Addition No. 2, Lot 2R, Block A
Zoning Case # ZC2023-025

Specific Use Permit

0.015 Acres (655 Square Feet)

City of Plano, Collin County, Texas
George W. Barnett Survey, Abstract Number 45

October 2023

JOB NUMBER
1912.041-04
DATE
10/09/2023
REVISION
10/19/2023
DRAWN BY
HSB/CHM



Eagle Surveying, LLC
222 South Elm Street
Suite: 200
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177

LEGEND	
PCB	POINT OF BEGINNING
POB	POINT OF COMMENCEMENT
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS
P.R.C.C.T.	PLAT RECORDS
DOC NO	COLLIN COUNTY, TEXAS
O	DOCUMENT NUMBER
	COLLIN COUNTY, TEXAS
	BOUNDARY MONUMENT
	SURVEY ABSTRACT LINE
	APPROXIMATE LOCATION

OWNER:
Wentwoods Retail Center Inc.
Contact: Rohan Shrestha
6840 Wilderness Way Drive
Grand Prairie, TX 75044
+1 (310) 310-4429

PREPARER:
Eagle Surveying, LLC
Contact: Greg Lacey
222 South Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009

DATE: November 21, 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 20, 2023

AGENDA ITEM NO. 2 - ZONING CASE 2023-025

PETITIONERS: WENTWOODS RETAIL CENTER INCORPORATED AND REMARKABLE INK STUDIO

Request for a Specific Use Permit for Tattooing and Permanent Cosmetics on 0.1 acre located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road. Zoned Corridor Commercial. Project #ZC2023-025.

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>2</u>	Neutral:	<u>0</u>

RESULTS:

The Commission recommended the item for approval as submitted.

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

<https://planotx.new.swagit.com/videos/281566>

JK/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. 2

PUBLIC HEARING: Zoning Case 2023-025

PETITIONERS: Wentwoods Retail Center Incorporated and Remarkable Ink Studio

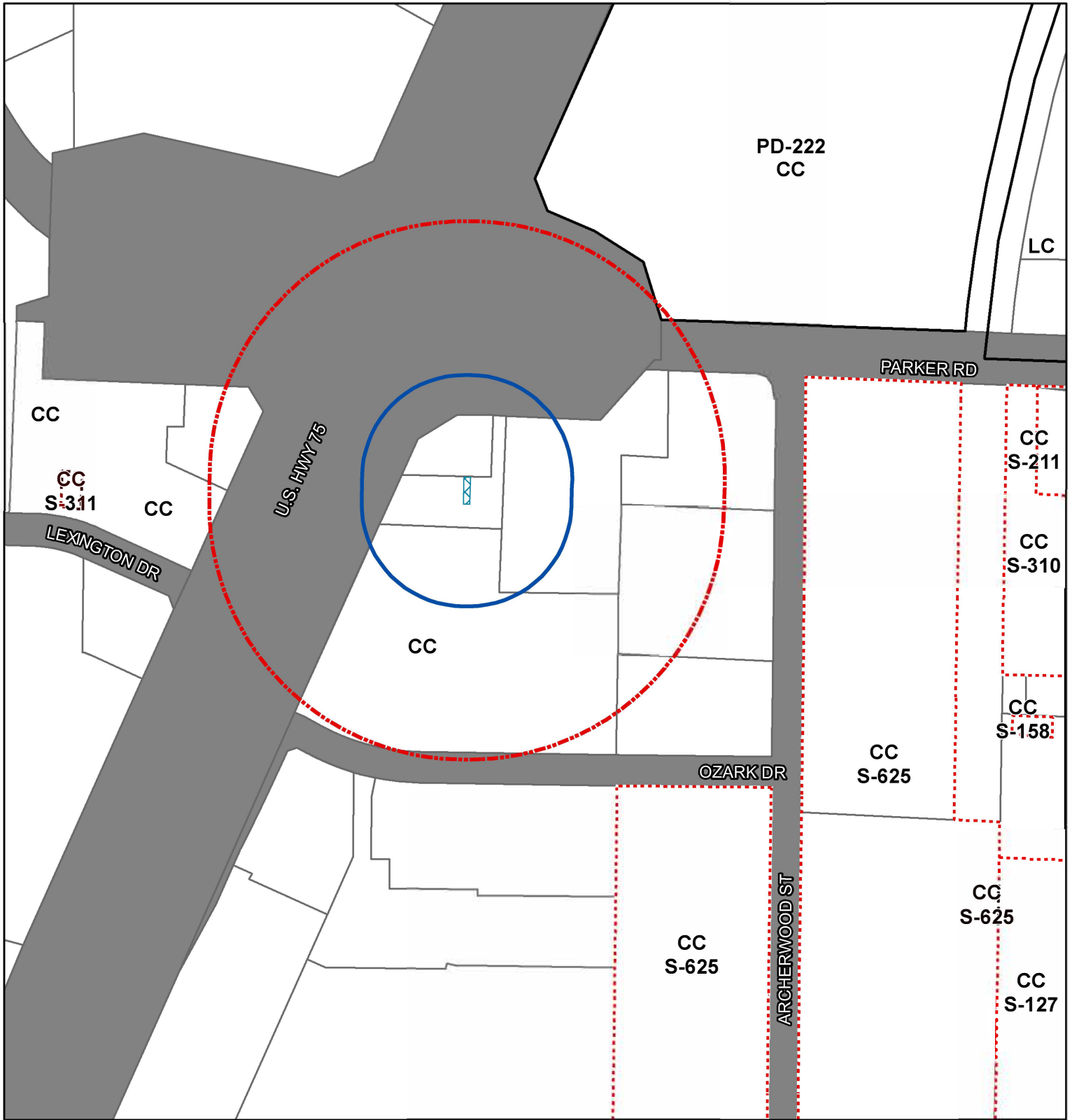
DESCRIPTION: Request for a Specific Use Permit for Tattooing and Permanent Cosmetics on 0.1 acre located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road. Zoned Corridor Commercial. Project #ZC2023-025.

SUMMARY:

The applicant is requesting a Specific Use Permit for Tattooing and Permanent Cosmetics 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 Downtown Corridors (DT) category of the Future Land Use Map.
- Separation Requirements – Tattooing and Permanent Cosmetics are required to be located 1,000 feet or more from a religious facility, residentially-zoned district, or public or parochial school.
- Concentration of Uses Specializing in Highly Regulated Activities – The subject property is located in an existing strip retail center that includes retail uses, specifically a liquor store and a smoking, vaping, and cannabis store. While these uses present no significant concerns individually, a concentration of stores specializing in highly regulated activities may be detrimental to community character and perception of this location.

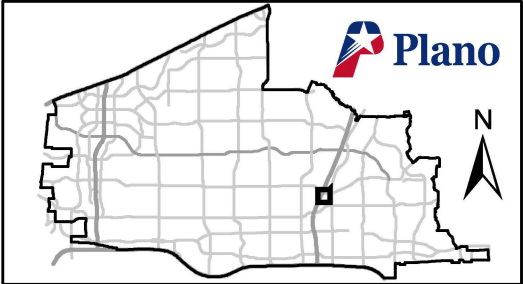
The site is generally consistent with policies within the Comprehensive Plan and complies with separation requirements. For these reasons, staff supports the request for a Specific Use Permit for Tattooing and Permanent Cosmetics.



Zoning Case: 2023-025

Existing Zoning: Corridor Commercial

Proposed Zoning: Specific Use Permit for Tattooing and Permanent Cosmetics



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





Zoning Case 2023-025

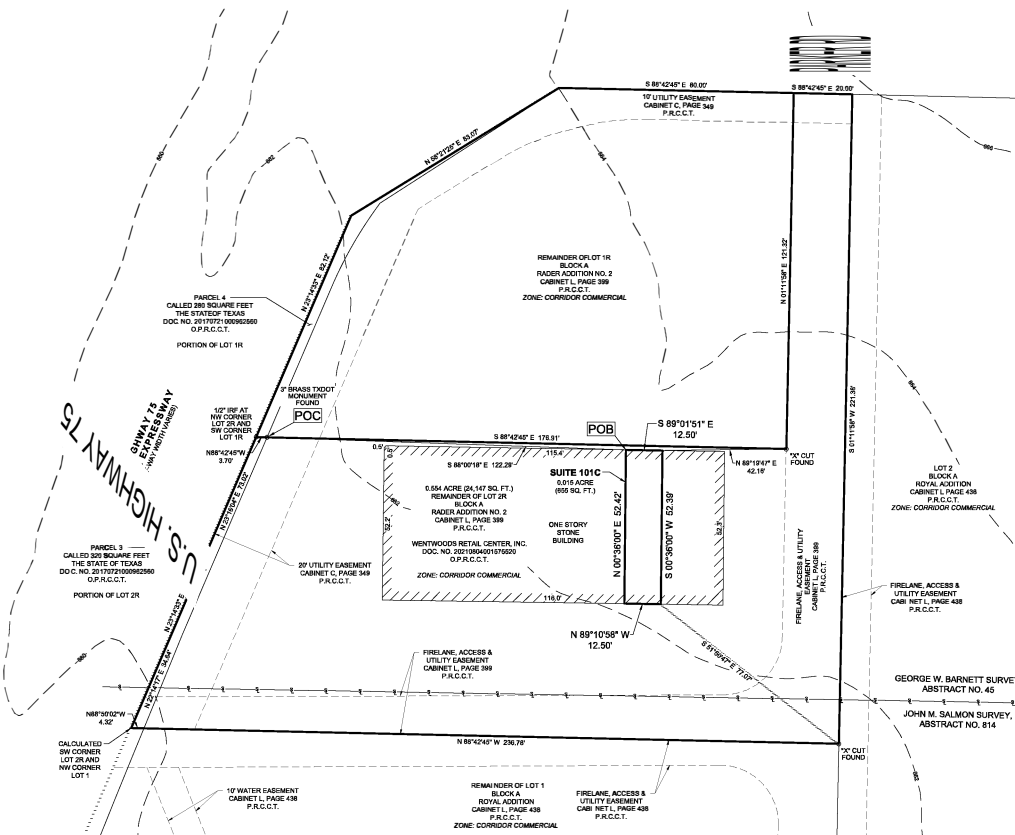
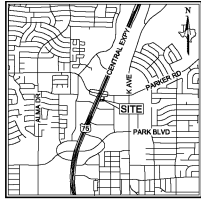


Area of Request

0 110 220
Feet

OZARK DR

VICINITY MAP NOT TO SCALE



LEGAL DESCRIPTION

Being a 0.05 acre tract of land out of the George W. Barnett Survey, Abstract No. 45, situated in the City of Plano, Collin County, Texas, being a portion of Lot 2R, Block A of Rader Addition No. 2, a subdivision of record in Plat Book L, Page 399 of the Plat Records of Collin County, Texas, said Lot 2R having been conveyed to Wentwoods Retail Center Incorporated by deed of record in Document Number 2021080400157552 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

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ZONING EXHIBIT

Rader Addition No. 2, Lot 2R, Block A

Zoning Case # ZC2023-025

Specific Use Permit

0.015 Acres (655 Square Feet)

City of Plano, Collin County, Texas

George W. Barnett Survey, Abstract Number 45

October 2023

LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS
P.R.C.C.T.	PLAT RECORDS
DOC NO.	COLLIN COUNTY, TEXAS
O	DOCUMENT NUMBER
	COLLIN COUNTY, TEXAS
	BOUNDARY MONUMENT
	SURVEY ABSTRACT LINE
	APPROXIMATE LOCATION

Eagle Surveying, LLC
222 South Elm Street
Suite: 200
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177

EAGLE
SURVEYING

JOB NUMBER
1912.041-04
DATE
10/09/2023
REVISION
10/19/2023
DRAWN BY
HSB/CHM

OWNER:
Wentwoods Retail Center Inc.
Contact: Rohan Shrestha
6840 Wilderness Way Drive
Grand Prairie, TX 75044
+1 (310) 310-4429

PREPARER:
Eagle Surveying, LLC
Contact: Greg Lacey
222 South Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009

STAFF PRELIMINARY REPORT - INTRODUCTORY REMARKS

The applicant is requesting a Specific Use Permit (SUP) for Tattooing and Permanent Cosmetics within a 655-square-foot lease space in an existing shopping center currently zoned Corridor Commercial (CC).

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

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

Additionally, 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 Use – The Zoning Ordinance defines Tattooing and Permanent (or Intradermal) Cosmetics as follows:

The practice of producing an indelible mark or figure on the human body by scarring or inserting pigment under the skin using needles, scalpels, or other related equipment.

Zoning – The subject property is currently zoned Corridor Commercial (CC). Section 10.600.1 of the Zoning Ordinance states:

The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways.

Surrounding Land Use and Zoning

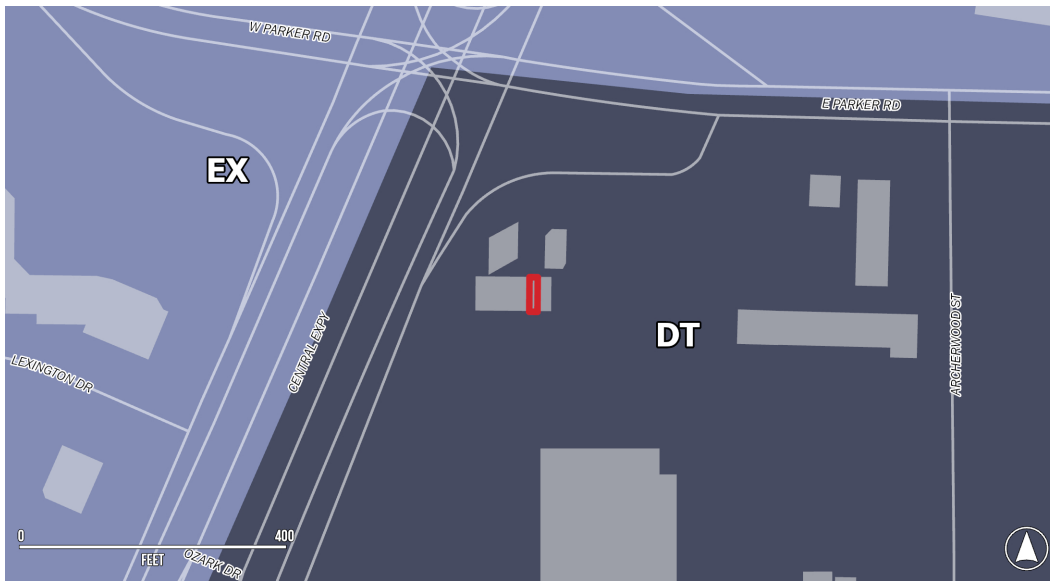
The subject property is located in an existing retail shopping center zoned Corridor Commercial (CC).

North	A convenience store with vehicle fueling station zoned CC
East	An undeveloped property zoned CC
South	A retail store zoned CC
West	Across U.S. Highway 75 is a shopping center zoned CC



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.

Downtown Corridors (DT)

The Downtown Corridors future land use category applies to historic Downtown Plano and the K Avenue and 14th Street corridors. Located along former State Highway 5, FM 544, and the Houston & Texas Central and Cotton Belt Railroads (now the DART Red/Orange and Silver Line), these areas have long served as major gateways to Downtown for both car and rail. The Downtown Corridors category is intended to create attractive gateways and support the continued transformation of historic Downtown Plano into the civic and cultural heart of the city.

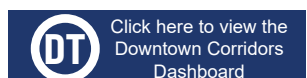
PRIORITIES

1. Enhancing bicycle and pedestrian connections
2. Improving mobility connections between Downtown and Collin Creek area
3. Focusing density in Downtown core and within 1/4 mile walking distance of rail stations

Transit-Oriented Development (TOD) Areas - The principles of transit-oriented development will be used at planned stations along both rail lines, with residential, employment, retail, and civic uses located within one-quarter mile of a rail transit stop. Development elsewhere in the corridors should be oriented towards the rail as secondary frontage, especially where elevated, to improve aesthetics and create welcoming gateways into the community.

Corridor Revitalization & Redevelopment - As some of the oldest parts of the city, development along the K Avenue and 14th Street corridors reflects many decades of growth, infill, and transition, resulting in an eclectic mix of warehouses, commercial centers, and neighborhoods. These corridors will redevelop to serve as gateways to Downtown Plano and transit nodes with street, bike, trail, and sidewalk improvements emphasized to create a more accessible, walkable, and unified corridor. Parking structures should be provided to reduce surface parking and encourage efficient use of land.

Historic Preservation - Development projects should respect the historic character of Downtown and surrounding neighborhoods. Creative opportunities should be supported which both allow Plano's heritage resources to remain in active and productive use and protect them from the pressures of growth and redevelopment.

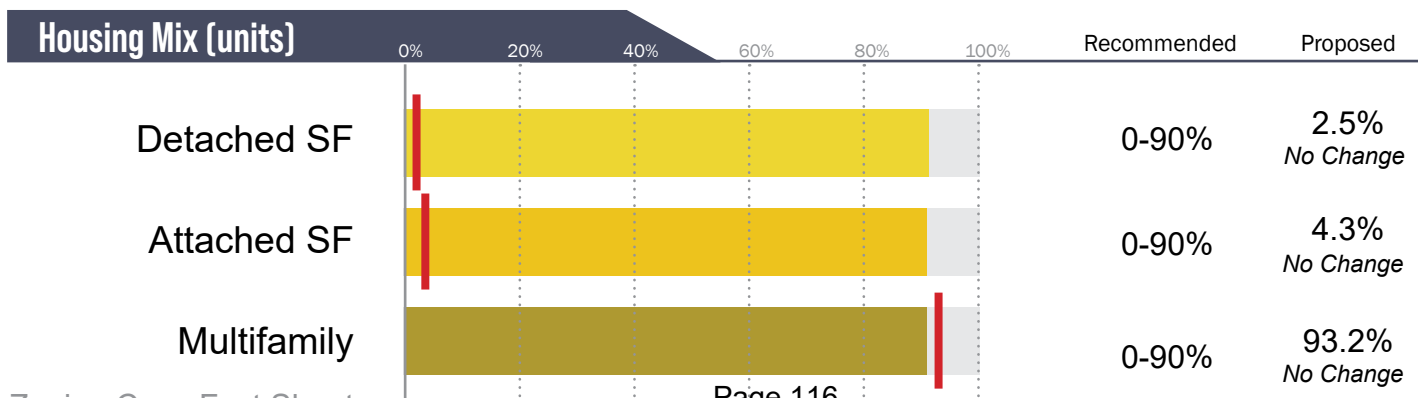
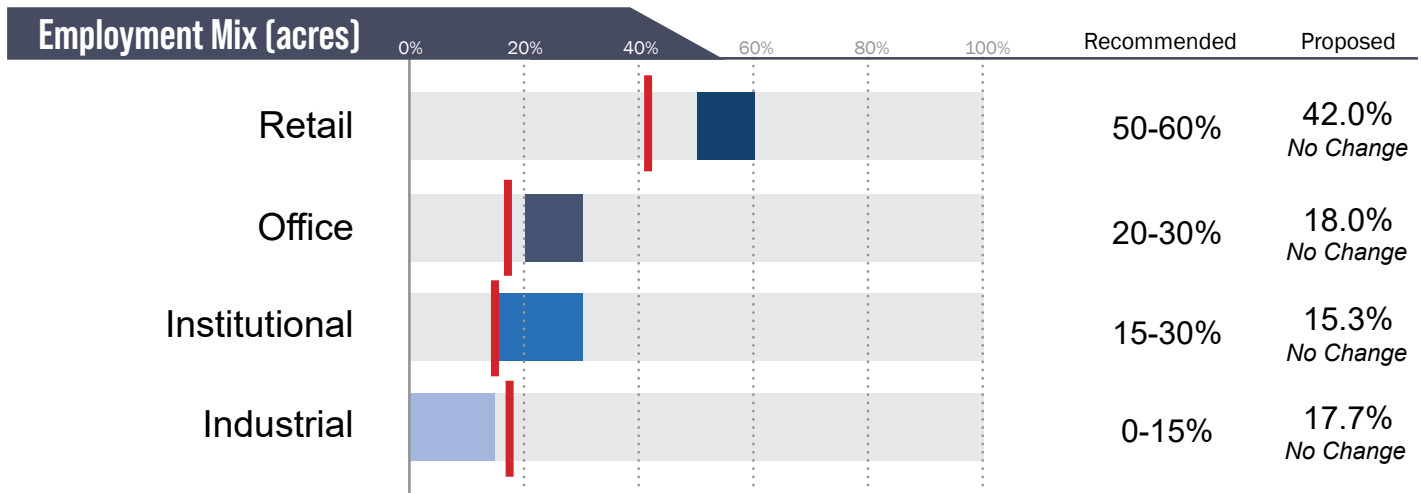
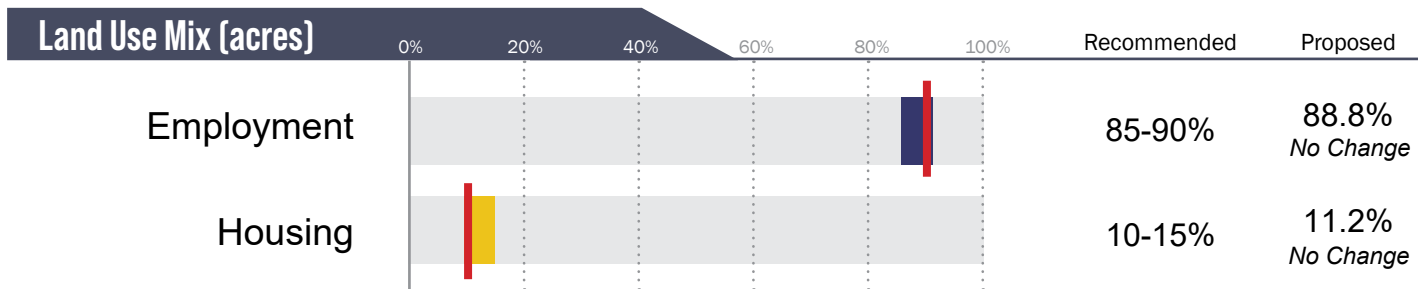
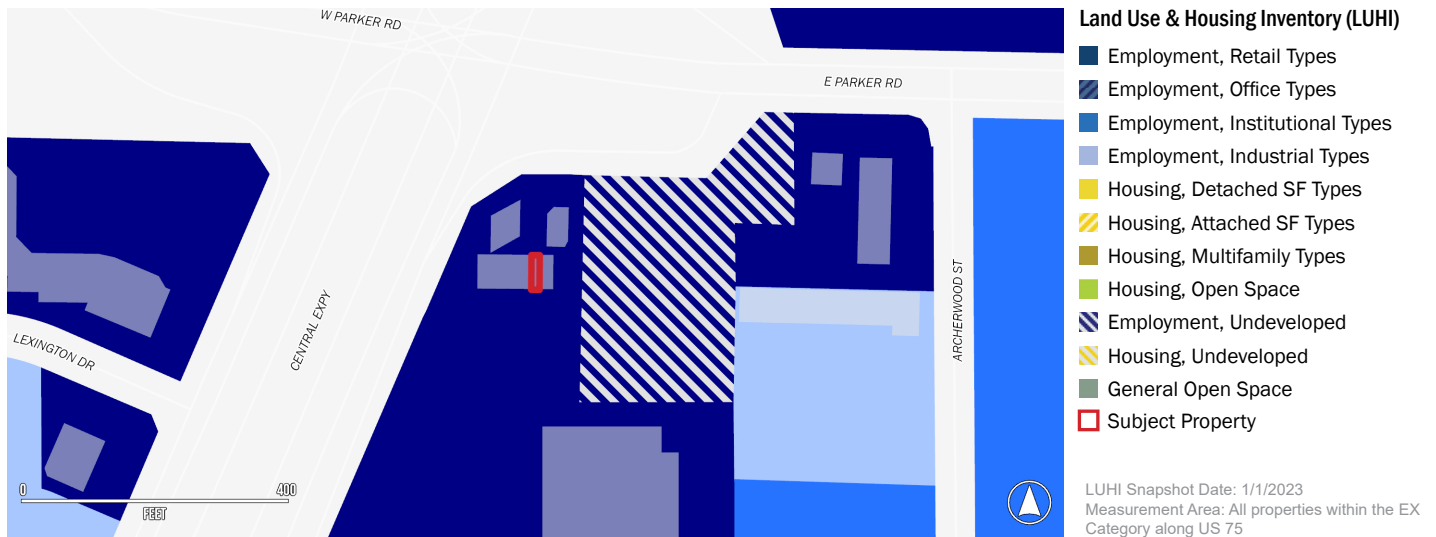


2 | Mix of Uses



Click here for
"How to Read
The Dashboards"

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



3 | Desirable Character Defining Elements

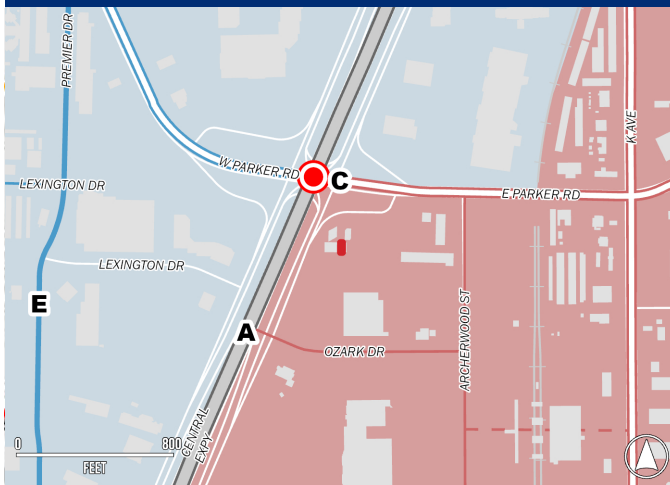


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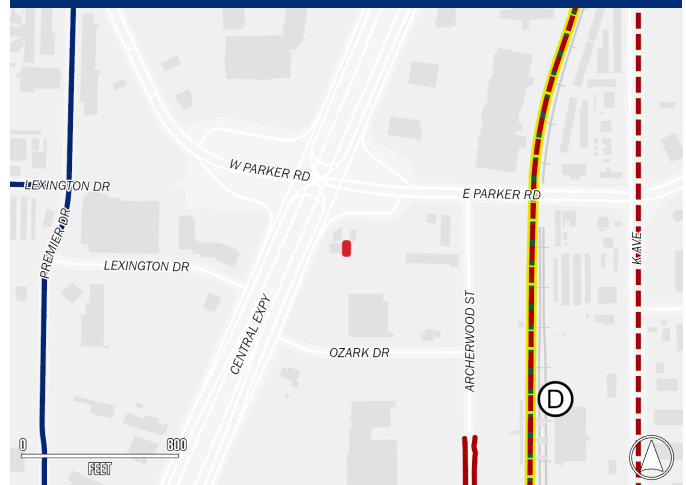
DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	1 to 5 stories	
Density	Non-TOD Areas - SF: 4 to 22 DUA MF: 10 to 50 DUA TOD Areas - SF: 4 to 40 DUA MF: 10 to 100 DUA	
Intensity	Moderate (50 to 75% Lot Coverage)	
Open Space	TOD Areas: 5 to 10% Other: 10 to 20% Active Open Space	
Parking Orientation	Mix of garages, structured on-street, surface lots, and valet	
Block Pattern & Streetscape	Short block grid Urban Streets	
Multimodal Access		
1. Automobiles	MEDIUM: May require short walk to destination	
2. Transit	HIGH: Served by rail and bus stations	
3. Micromobility	HIGH: Connected to trails and bike routes	

4 | Other Comprehensive Plan Maps

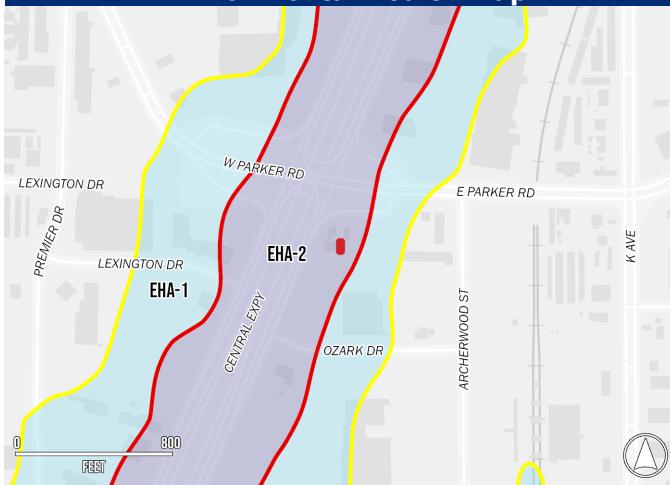
Thoroughfare Plan Map



Bicycle Transportation Plan Map



**Expressway Corridor
Environmental Health Map**

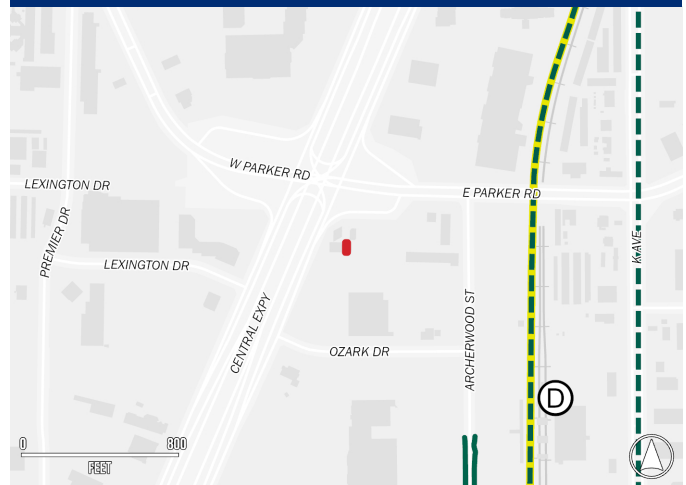


EHA-1

EHA-2

Not Applicable

Parks Master Plan Map



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:

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 [Downtown Corridors \(DT\)](#) category of the Future Land Use Map (FLUM). The DT future land use category supports retail and service uses. The proposed use is consistent with the Downtown Corridors category.

FLUM – DT Description and Priorities		
Description		Meets
Priorities	Enhancing bicycle and pedestrian connections	N/A
	Improving mobility connections between Downtown and Collin Creek area	N/A
	Focusing density in Downtown core and within 1/4 mile walking distance of rail stations	N/A

Mix of Uses – The subject property is currently classified as *Retail Types*, as defined by the Comprehensive Plan. Approval of the request to allow for Tattooing and Permanent Cosmetics would result in no changes to the Mix of Uses.

FLUM – DT Mix of Uses
No Change

Desirable Character Defining Elements – The proposed use is located within an existing multi-tenant building, and no significant changes are proposed to the site. Therefore, the Desirable Character Defining Elements section of the DT dashboard is not applicable to this request.

FLUM – DT 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

Not Applicable

Policies & Actions of the Comprehensive Plan and Other Studies

Redevelopment of Regional Transportation Corridors (RRTC) Policy – The SUP request for Tattooing and Permanent Cosmetics neither contributes nor detracts from the policy's goals of encouraging reinvestment and redevelopment of the U.S. Highway 75 Corridor. Staff finds the request as neutral to this policy. To qualify as reinvestment or redevelopment, the request would need to include physical changes to the site toward the land use goals of the policy.

Comprehensive Plan Summary

As the request is generally consistent with the description of the Downtown Corridors (DT) future land use category, staff finds the proposed use of a tattoo studio 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">Description & PrioritiesMix of UsesCharacter Defining Elements	Meets N/A 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
Redevelopment of Regional Transportation Corridors Policy	Neutral

STAFF PRELIMINARY REPORT - ANALYSIS & RECOMMENDATION

Tattooing and Permanent Cosmetics Use

The subject property is a lease space within a 6,087-square-foot shopping center. Section 15.1500 (Tattooing, Permanent Cosmetics, and Body Piercing) of Article 15 (Use-specific Regulations) of the Zoning Ordinance states that an SUP for Tattooing and Permanent Cosmetics may be granted in the CC zoning district if the following requirement is met:

- A. *A facility offering these services shall be prohibited within 1,000 feet of any religious facility, residentially-zoned district, or public or parochial school.*
 - i. *The distance shall be measured in a straight line from the facility's front door to the nearest property line of the religious facility, public or parochial school, or to the closest residential district boundary line.*
 - ii. *The 1,000-foot distance requirement may be reduced to 300 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, or otherwise offensive to the neighborhood.*

There are no religious facilities, residentially-zoned district, or public or parochial school within 1,000 feet of the front door of the subject property, and the existing uses in the surrounding area are largely retail and shopping centers.

Concentration of Uses

The subject property is located in an existing 6,087-square-foot shopping center. There are other existing retail uses in this shopping center that sell highly regulated products, including a liquor store and a smoking/vaping/cannabis store. While these uses are permitted in the CC district and present no significant concerns individually, a concentration of stores specializing in highly regulated activities may be detrimental to the community's character and perception of this location. Absent explicit policies or standards discouraging such concentrations, staff is not opposed in this instance but recommends considering adoption of such guidance in the upcoming comprehensive update to the Zoning Ordinance.

SUMMARY:

The applicant is requesting a Specific Use Permit for Tattooing and Permanent Cosmetics in an existing shopping center. The request is generally consistent with policies within the Comprehensive Plan and complies with separation requirements for this use. There are other highly regulated retail uses in the shopping center, including a liquor store and a smoking/vaping/cannabis store, that may raise concerns about community character and the perception of this area; however, there are no policies or standards explicitly discouraging concentration of such uses. For these reasons, staff supports the request for a Specific Use Permit for Tattooing and Permanent Cosmetics.

RECOMMENDATION:

Recommended for approval as submitted.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023

DEPARTMENT: Community Services

DIRECTOR: Lori Schwarz, Director of Neighborhood Services

AGENDA ITEM: Consideration of a Resolution to authorize a funding agreement between the City of Plano and Habitat for Humanity of Collin County in an amount not to exceed \$368,431 in U.S. Department of Housing and Urban Development HOME Investment Partnerships funds.

RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration of a Resolution to authorize a funding agreement between the City of Plano and Habitat for Humanity of Collin County in an amount not to exceed \$368,431 in U.S. Department of Housing and Urban Development HOME Investment Partnerships funds for the acquisition, rehabilitation, and resale of single-family homes for low to moderate income households; authorizing the City Manager, or his authorized designee, to execute all necessary documents; and providing an effective date. **Adopted Resolution No. 2023-12-3(R)**

BACKGROUND

On August 24, 2023, after the review and approval of CHDO Application documentation, Habitat for Humanity of Collin County was certified as the City's second active CHDO. This certification expands the availability of U.S. Department of Housing and Urban Development HOME Investment Partnerships (HOME) Grant funds that the organization is eligible to use, if such funds are awarded.

On November 10, 2023, Celeste Cox, President/CEO of Habitat for Humanity of Collin County, submitted a CHDO funding application to assist the organization in their efforts to create affordable housing that will result in two affordable homes being available for sale to low income households in Plano. The application requests a total of \$368,430.87 in CHDO funds to rehabilitate an unoccupied single family home for sale to a low income household, as well as purchase a single family home for rehabilitation and resale to a low income household.

At their November 30, 2023, CRC meeting, commissioners approved the recommendation of CHDO and HOME Entitlement funds in the amount of \$368,430.87 for Habitat for Humanity of Collin County in a 8-0 vote.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item authorizes a funding agreement between the City of Plano and Habitat for Humanity of Collin County in an amount not to exceed \$368,431 in U.S. Department of Housing and Urban Development HOME Investment Partnerships funds for the acquisition, rehabilitation, and resale of single-family homes for low to moderate income households

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
Memo	12/5/2023	Memo
Resolution	12/6/2023	Resolution

Date: December 5, 2023

To: Mark Israelson, City Manager
Sam Greif, Deputy City Manager

From: Lori Schwarz, Director of Neighborhood Services
Shanette Eaden, Community Services Manager

Subject: CHDO Funding History

On August 24, 2023, after the review and approval of CHDO Application documentation, Habitat for Humanity of Collin County was certified as the City's second active CHDO. This certification expands the availability of U.S. Department of Housing and Urban Development HOME Investment Partnerships (HOME) Grant funds that the organization is eligible to use, if such funds are awarded.

On November 10, 2023, Celeste Cox, President/CEO of Habitat for Humanity of Collin County, submitted a CHDO funding application to assist the organization in their efforts to create affordable housing that will result in two affordable homes being available for sale to low income households in Plano. The application requests a total of \$368,430.87 in CHDO funds to rehabilitate an unoccupied single family home for sale to a low income household, as well as purchase a single family home for rehabilitation and resale to a low income household.

At their November 30, 2023, CRC meeting, commissioners approved the recommendation of CHDO and HOME Entitlement funds in the amount of \$368,430.87 for Habitat for Humanity of Collin County in a 8-0 vote.

Background

Annually, the U.S. Department of Housing and Urban Development (HUD) provides HOME funds to cities/counties using a formula allocation. All HOME funds must be expended within five years of the receipt of the allocation of funds. Additionally, HUD requires cities/counties to set aside 15% of their allocated HOME funds as "CHDO Reserve" to be used on activities undertaken by a city/county approved CHDOs. The City of Plano accepts applications to serve as an approved CHDO year-round. The CHDO application and annual certification process can be found here: <https://www.plano.gov/916/Housing-Development-Assistance>, under the tab labeled "CHDOS."

In 2020, due to the COVID-19 Pandemic, HUD removed the CHDO Reserve requirement for the 2019 and 2020 HUD funding years. The CHDO Reserve requirement was reinstated in 2021. As of October 1, 2023, the City of Plano has \$265,841 in unallocated CHDO funds. Likewise, the City has \$299,455 in unallocated HOME entitlement funds that are eligible to allocate. These amounts remain because funding requests have not been submitted by nonprofit organizations

to carry out HOME funded, eligible activities. Available HOME funds to allocate by program year are shown below.

Funding Year	Type of HOME Funds	Unallocated Amount
2021	CHDO Reserve	\$ 82,279
2022	CHDO Reserve	\$ 92,806
2023	CHDO Reserve	\$ 90,756
Total CHDO Reserve Available		\$265,841
2021	HOME Entitlement	\$ 69,706
2022	HOME Entitlement	\$ 3,741
2023	HOME Entitlement	\$226,008
Total HOME Entitlement Available		\$299,455

Though HUD requires funds to be set aside, the allocation of these funds is dependent upon a city-approved CHDO submitting a request for CHDO funds. The last request for CHDO funds was submitted in 2018 during the Consolidated Grant Application Process. The Community Relations Commission (CRC) recommended the application for funding, and the City Council awarded the funds.

CHDO Funding Application Types

The City has three types of applications for approved CHDOs to utilize when requesting CHDO funds. Application types are as follows:

1. *Consolidated Grant Housing/Site Improvement/Public Facility Application:* This application is utilized when funds are being requested during the January 1st through March 1st Consolidated Grant Application Process.
2. *CHDO Permanent Housing Project Funding Application-Current Consolidated Grant Application Recipient:* This application is utilized by an organization that was awarded funding in the most recently completed Consolidated Grant Application Process, but either is requesting additional CHDO funding or wishing to submit a new CHDO funding request prior to the next Consolidated Grant Application Process. This application does not require the submittal of documents such as an audit because those documents were reviewed during the review of their Consolidated Grant Application.
3. *CHDO Permanent Housing Project Funding Application- Non-Consolidated Grant Application Recipient:* This application is utilized when a CHDO did not apply and/or did not receive funding through the most recently completed Consolidated Grant Application Process.

Habitat for Humanity of Collin County Current Funding

In March 2023, Habitat for Humanity of Collin County requested \$50,000 through the 2023 Consolidated Grant Application Process. At that time, the organization was not a City of Plano

approved CHDO; rather they applied as a nonprofit housing developer. The CRC recommended the organization for \$45,000 in HOME funds to rehabilitate an owner-occupied home, and the City Council awarded these funds to the organization. These funds will be used to rehabilitate an owner-occupied home.

A Resolution of the City of Plano, Texas, authorizing a funding agreement between the City of Plano and Habitat for Humanity of Collin County in an amount not to exceed \$368,431 in U.S. Department of Housing and Urban Development HOME Investment Partnerships funds for the acquisition, rehabilitation, and resale of single-family homes for low to moderate income households; authorizing the City Manager, or his authorized designee, to execute all necessary documents; and providing an effective date.

WHEREAS, the City Council previously approved the activity of acquisition, rehabilitation, and resale of single-family homes for the preservation of existing affordable housing in its 2021, 2022, and 2023 HUD Action Plans; and

WHEREAS, the City has determined that Habitat for Humanity of Collin County (Habitat), a Texas nonprofit, is a qualified and eligible community housing development organization (CHDO) and may receive a portion of the HOME Investment Partnerships (HOME) funds received by the City from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City Council has determined that it is in the best interests of the citizens of Plano that the HOME funds be granted to Habitat to be utilized for the acquisition, rehabilitation, and resale of single-family homes for low to moderate income households, and that each such purpose is a valid public purpose and in compliance with the HUD regulations; and

WHEREAS, the City Council approves the funding agreement with Habitat and that the City Manager or his authorized designee shall be authorized to execute the funding agreement on behalf of the City of Plano.

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

SECTION I. The City Council authorizes a funding agreement with Habitat for Humanity of Collin County in an amount not to exceed \$368,431 in HUD HOME funds for the acquisition, rehabilitation, and resale of single-family homes for low to moderate income households pursuant to the City's 2021, 2022, and 2023 HUD Action Plans.

SECTION II. The City Manager, or his authorized designee, is hereby authorized to execute all necessary documents pursuant to this resolution including any agreements between the City and Habitat for Humanity of Collin County.

SECTION III. This resolution shall take effect immediately upon its passage.

PASSED AND APPROVED on the 11th day of December, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: Community Services
DIRECTOR: Lori Schwarz, Director of Neighborhood Services
AGENDA ITEM: Review of the Consolidated Annual Performance Evaluation Report describing the use of federal funds.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and Comment: Review of the Consolidated Annual Performance Evaluation Report describing the use of federal funds. This report details how the City used U.S. Department of Housing and Urban Development funds during the 2022-23 grant year. The public will be given an opportunity to speak on the report during the public hearing. **Conducted and presented.**

BACKGROUND

This agenda item provides a public hearing/opportunity for comments regarding the use of funds from the U.S. Department of Housing and Urban Development (HUD), during the grant cycle October 1, 2022 through September 30, 2023.

No formal action is needed by City Council.

The City receives Community Development Block Grant (CDBG) and HOME Investment Partnership funds from HUD. Therefore, in order to continue receiving these funds, the City must prepare an annual report that states the manner in which federal funds were used over the past year. The report is the Consolidated Annual Performance Evaluation Report (CAPER). A summary of the CAPER will be presented during the public hearing. The comments received during the public hearing will be included in the report provided to HUD.

The following is an overview of the 2022 grant year, which is Year 3 of Plano's 2020-2024 HUD Consolidated Plan for housing and community development needs.

- Plano expended \$2,306,518 in CDBG, HOME and CDBG-CV federal funds from HUD.
- One hundred percent of funds expended were used to provide housing and/or public services to low- and moderate-income persons.
- A total of 291 individuals and 28 households were assisted.
- Projects related to creating and sustaining housing included housing rehabilitations for 28 households.
- A total of 116 individuals received homelessness prevention assistance, of which 21 were economically impacted by the COVID-19 Pandemic.
- Projects that contributed to suitable living environments included homeless shelter and supportive services for 96 individuals and youth programs for 42 individuals.

The Community Relations Commission received a presentation and held a discussion on the 2022-23 CAPER at their November 30, 2023 meeting.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

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
Memo	12/4/2023	Agreement
DRAFT 2022-2023 CAPER Report	12/4/2023	Attachment

Date: December 1, 2023

To: Mark Israelson, City Manager
Sam Greif, Deputy City Manager

From: Lori Schwarz, Director of Neighborhood Services
Shanette Eaden, Community Services Manager

Subject: 2022-23 Consolidated Annual Performance Evaluation Report (CAPER) Highlights

PLANO RESIDENTS ASSISTED

Program year 2022-23 represents Year Three of the 2020-2024 Five Year Consolidated Plan. The City of Plano expended \$2,306,518 in Community Development Block Grant (CDBG), Community Development Block Grant-Coronavirus (CDBG-CV), and HOME Investment Partnerships Program (HOME) funds on low and moderate income residents. A total of 291 individuals and 28 households living in Plano received housing and/or social service assistance. The below chart shows HUD accomplishments by agency/program.

Agency/Program	Individuals/Persons	Households/Families
CDBG Funded Activity/Program		
Boys and Girls Clubs	42	0
City of Plano Homelessness Prevention – Administered by the Assistance Center of Collin County	95	0
The Family Place	59	0
Texas Muslim Women's Foundation	37	0
City of Plano Housing Rehabilitation Program (8 Home Repairs; 20 Emergency Repairs)	0	28
CDBG-CV Funded Activity/Program		
CDBG-CV Homelessness Prevention – Administered by the Assistance Center of Collin County	21	0
Texas Muslim Women's Foundation – Emergency Housing Voucher Case Management	29	0
Hope's Door New Beginnings – Emergency Housing Voucher Case Management	8	0
Total	291	28

Additionally, 3,805 Plano residents and households were assisted with Buffington Community Services Grants (BCSG) funds. The below chart shows BCSG accomplishments by agency/program.

Agency/Program	Individuals/Persons Families/Households
Assistance League of Greater Collin County	94
Brain Injury Network	61
City House	47
Communities in Schools of the Dallas Region Inc.	1,507
Court Appointed Special Advocates of Collin County	82
Family Compass	77
Health Services of North Texas	363
Hopes Door (New Beginning Center)	143
Jewish Family Service	318
Meals on Wheels	708
My Possibilities	29
Prelude Clubhouse	13
Rainbow Days	195
Rape Crisis Center (The Turning Point)	20
Rosa Es Rojo	15
The Salvation Army	79
The Samaritan Inn	45
Veterans Center of North Texas	9
Total	3805

2020-2024 Consolidated Plan Accomplishments as of Year Three

Goal	Indicator	Expected Strategic Plan	Actual Strategic Plan	Percent Complete
Homeless Shelter and Services	Homeless Person Overnight Shelter	60	132	220%
Housing Rehabilitation	Homeowner Housing Rehabilitated	85	77	90.59%
Homelessness Prevention	Homelessness Prevention	500	333	62.60%

Goal	Indicator	Expected Strategic Plan	Actual Strategic Plan	Percent Complete
Public Services - Special Needs	Public service activities other than Low/Moderate Income Housing Benefit	450	265	58.89%
Homeownership	Direct Financial Assistance to Homebuyers	15	6	40.00%
Tenant Based Rental Assistance	Tenant-based rental assistance / Rapid Rehousing	38	8	21.05%
Homeless Shelter and Services	Overnight/Emergency Shelter/Transitional Housing Beds added	25	2	8.00%
Five Year Goals without Accomplishment Data				
Public Services - Job Training	Public service activities other than Low/Moderate Income Housing Benefit	32	0	0.00%
<i>Comment: Job training is a community need expressed during the creation of the five-year plan, as well as during Neighborhood Services department's March/April 2023 nonprofit roundtables. In the past three years, a grant application to provide job training to Plano residents has not been submitted. Staff continues to meet with nonprofit organizations to encourage them to apply for funds to assist the City in meeting the goal.</i>				
Public Services - Transportation	Public service activities other than Low/Moderate Income Housing Benefit	160	0	0.00%
<i>Comment: Transportation services is a community need expressed during the creation of the five-year plan, as well as during Neighborhood Services department's March/April 2023 nonprofit roundtables. In the past three years, a grant application to provide transportation to Plano residents has not been submitted. Staff continues to meet with nonprofit organizations to encourage them to apply for funds to assist the City in meeting the goal.</i>				
Supply of Units	Rental units constructed	5	0	0.00%
<i>Comment: In the past three years, a grant application to construct rental property with the use of HUD funds has not been submitted. Staff is working with a Consultant to draft a Housing Plan for City Council approval. The Draft plan is expected in late Spring 2024.</i>				
Supply of Units	Homeowner Housing Added	4	0	0.00%
<i>Comment: Habitat for Humanity and Housing Channel are two organizations that have been awarded HUD funds to assist the City in meeting this goal. Both organizations have projects underway and this goal is expected to be met by the end of program year 2024.</i>				

City of Plano

DRAFT 2022 - 2023 Consolidated Annual Performance Report

Prepared for the
United States Department of Housing and Urban
Development



Plano
City of Excellence



PY 2022 at a glance

HOUSING



Housing Rehabilitation

City of Plano

28
homeowners

PUBLIC SERVICES

Texas Muslim Women's Foundation



37 Domestic
Violence Survivors

Homelessness Prevention Program



116 Persons

Boys and Girls Clubs of Collin County



42 Youth

The Family Place



59 Persons

OTHER GRANT FUNDS

BUFFINGTON COMMUNITY SERVICES GRANT

City of Plano General Funds

Grants to 18 organizations serving Plano residents providing senior services, transitional housing, youth programs, health services, meals, counseling, education, and more

3,805 People

HOMELESS HOUSING & SERVICES PROGRAM

Texas Department of Housing and Community Affairs

Rapid Rehousing Program

- Housing assistance
- Case management
- Supportive services

31 people

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan.

91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Each year, at the recommendation of the Community Relations Commission, Plano City Council allocates funding from the U.S Department of Housing and Urban Development (HUD) to eligible activities, which may include housing activities, economic development, and public services. For Program Year (PY) 2022, which covers the period from October 1, 2022, to September 30, 2023, the City of Plano received an entitlement of \$1,447,148 in Community Development Block Grant (CDBG) and \$618,704 in HOME Investment Partnerships (HOME) funds and collected \$234,595 in CDBG and HOME program income. The City also continued to utilize CDBG-Corona Virus (CDBG-CV) funds that were allocated in the previous years. The total expended in PY 2022 for CDBG, CDBG-CV, and HOME, in the amount of \$2,306,518, includes funds from PY 2020 and prior years. All unexpended federal funds will carry over to PY 2023. General fund expenditures totaled \$551,452. With the assistance of nonprofit organizations, the combined federal and general funds enabled the City to accomplish specific goals outlined in the 2020-2024 Consolidated Plan (Con Plan).

The City of Plano recognizes the critical role of nonprofit organizations in addition to City-administered programs. A total of four organizations received new allocations of CDBG funding to help the City of Plano serve residents during PY 2022. The City of Plano requires 100% of persons assisted with HUD funds to be at or below 80% of the area median income (AMI) for the Dallas Metro Statistical Area (MSA) as determined by HUD. During the past program year, 291 individuals and 28 households living in Plano received CDBG, CDBG-CV, or HOME-funded services. These services helped them maintain and, in many cases, improve their economic situations.

The City allocates general fund dollars annually as Robert W. Buffington Community Services Grants (BCSG). These funds supplement federal resources available to accomplish Con Plan goals. The program year for BCSG funds coincides with the HUD program year. In 2022, \$551,452 in general funds were set aside for BCSG grants. The City partnered with 18 nonprofit organizations to provide public services to Plano residents with BCSG funds. Though the City does not have an income guideline for BCSG funds, most BCSG organizations report they assist those with the greatest need and low income. Based on PY 2022 final agency reports, 3,805 Plano residents and households were assisted with BCSG funds. All except three of the BCSG organizations fully expended their grants.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Grant Administration	Administration	CDBG:\$281,430 HOME:\$61,870	Other	Other	0	0	0.00%	0	0	0.00%
Homeless Shelter and Services	Homeless	CDBG: \$44,332	Homeless Person Overnight Shelter	Persons Assisted	60	132	220%	20	37	185%
Homeless Shelter and Services	Homeless	CDBG: \$54,000	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	25	2	8.00%	40	0	0.00%
Homelessness Prevention	Homeless	CDBG:\$117,691 CDBG-CV:\$37,544	Homelessness Prevention	Persons Assisted	500	333	62.60%	114	116	101%
Homeownership	Affordable Housing	CDBG: \$8,000 HOME:\$150,000	Direct Financial Assistance to Homebuyers	Households Assisted	15	6	40.00%	3	0	0.00%
Housing Rehabilitation	Affordable Housing	CDBG:\$923,480 HOME:\$197,037	Homeowner Housing Rehabilitated	Household Housing Unit	85	77	90.59%	20	28	140%

Public Services - Job Training	Non-Homeless Special Needs	CDBG: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	32	0	0.00%	0	0	0.00%
Public Services - Special Needs	Non-Homeless Special Needs	CDBG: \$65,740	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	450	265	58.89%	51	101	198%
Public Services - Transportation	Non-Homeless Special Needs	CDBG: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	160	0	0.00%	0	0	0.00%
Supply of Units	Affordable Housing	HOME: \$0	Rental units constructed	Household Housing Unit	5	0	0.00%	0	0	0.00%
Supply of Units	Affordable Housing	HOME: \$0	Homeowner Housing Added	Household Housing Unit	4	0	0.00%	2	0	0.00%
Tenant Based Rental Assistance	Affordable Housing	HOME: \$174,615	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	38	8	21.05%	0	0	0.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

To address housing goals related to rehabilitation, the City provided funds to rehabilitate single-family housing. The City's Housing Rehabilitation Program (HRP) provided eight limited repairs and 20 emergency repairs to low- to moderate-income Plano homeowners during the program year, spending \$1,474,787 in CDBG funds. Habitat for Humanity of Collin County used \$40,000 in CDBG and \$160,000 in HOME funding to rehabilitate an owner-occupied home and purchased a home for an acquisition, rehabilitation, resale project for one low income homebuyer. Both projects will be completed in PY 2023 and accomplishments will be stated in the PY 2023 CAPER. The City met and exceeded its anticipated one-year goal for housing rehabilitation. Additionally, the First Time Homebuyer Program held eleven Homebuyer Education Classes, with a total of 70 individuals participating this program year. Three households did receive approval to purchase homes, however they were unable to locate homes due to the challenging housing market.

Other housing goals related to homeownership and supply of units are primarily supported by HOME funding and described in Section CR-20.

To address goals related to public services, the City-funded programs related to domestic violence, homelessness prevention, and after-school care. The City's Homelessness Prevention Program utilized \$155,235 to assist 116 at-risk individuals with maintaining their residence. This number included 95 for current year Homelessness Prevention fund recipients and 21 residents affected by COVID-19.

The Public Services – Special Needs annual goal was exceeded through the services offered by Boys and Girls Clubs of Collin County and The Family Place through the use of CDBG funds. Boys and Girls Clubs of Collin County used \$39,181 to provide after-school enrichment programs to 42 children. The Family Place provided counseling and therapy to 59 children and their adult family members that have survived abuse and are now living in homeless shelters, through the use of \$8,220 in CDBG funds and \$394 in Buffington Community Services Grant (BCSG) funds. Texas Muslim Women's Foundation (TMWF) used \$44,332 to provide culturally-sensitive services to 37 domestic violence survivors, 8 of whom received overnight shelter. The City used Buffington Community Services Grant (BCSG) funds to support additional public service programs. In the third year of Con Plan period, the City provided public services to 3,805 Plano residents, including 92 individuals who received homeless services.

The City did not make progress on its Transportation and Job Training goals. The City did not receive proposals for these services from local agencies during its 2022 consolidated grant processes. The City continues to actively seek nonprofit partners to assist us in achieving this

goal.

While the COVID-19 response goals were first established in PY 2019, they continued going forward in PY 2022. The City's Homelessness Prevention Program served 21 individuals with the reallocated 2019 CDBG-CV funds. In PY 2023, the City will be reallocating remaining CDBG-CV funds for new, eligible activities, as directed by City Council.

In June 2023, the City began utilizing HOME-ARP funds to provide services for those who are homeless or at risk of homelessness. As of September 30, 2023, a total of 69 households have received rental and a small portion of utility assistance. The Tenant-Based Rental Assistance Program has approved 17 households and six have been housed. The financial accounting will be reported in the FY 2023 due to the inability to use prior year flags in HUD's Integrated Disbursement and Information System.

PY 2022 Federal Grant Administration:

In order for the City to carryout programs and perform activities during PY 2022, grant administration was crucial. Therefore, below is a breakdown of how grant administration funds were used for City personnel.

Administrative costs are set-aside for overall grant oversight, including the City's single-audit federal requirement, federal trainings, software costs, non-profit agency capacity building and outside fees associated with furthering the Continuum of Care through collaboration. Staff within the Neighborhood Services (NSD) and Finance department assist with our federal grant

administration.

CDBG Grant Administration – maximum 20% of total CDBG allocation \$281,430

Administered by:

City Staff – Seven (7) partial FTEs in NSD and Finance Department

- Community Services Grants Administrator (~95%)
- Two (2) Housing and Community Services Coordinator ~ 50% and 55%
- Two (2) Rehabilitation Coordinators at 7% each maximum
- Two (2) Accountants at 4% each maximum

HOME Grant Administration – maximum 10% of total HOME allocation \$61,870

Administered by:

City Staff – Four (4) partial FTEs in NSD and Finance Department

- Two (2) Housing and Community Services Coordinators at 35% and 40% (approx.)
- Two (2) Accountants at 1% and 2% (approx.)

Activity: HOME Rehabilitation

Housing Rehabilitation Program (City of Plano)

This program assists low-to-moderate income homeowners with Limited Repairs or Emergency

Assistance.

Source(s):

CDBG (HUD), including program income (FY 21 and 22)	\$1,474,787
HOME (HUD), including program income	\$0

Program Costs:

Direct assistance to property owners (28 properties)	\$1,290,129
Administrative Assistance, including application processing, etc. 12% of total CDBG Rehabilitation Expenditures	\$184,657

Administered by:

City Staff – Four (4) partial FTEs in NSD

- Two (2) Housing and Community Services Coordinator
- Two (2) Rehabilitation Coordinators

Activity: Home Ownership Assistance

FTHB (First Time Homebuyer Program)

The FTHB program assists low or moderate income households to purchase a home by providing down payment and closing costs assistance, in the form of deferred payment loans. First Time Homebuyer Education classes are also provided.

Source(s):

CDBG (HUD) – Program administration, classes	\$8,000
HOME (HUD)	\$0

Program Costs:

Direct assistance to property owners	\$0
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First Time Homebuyer Class and administration:

- 70 people were assisted through the Homebuyer Education Classes
- Three (3) applicants were approved for FTHB assistance

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	100	0
Black or African American	131	0
Asian	32	0
American Indian or American Native	0	0
Native Hawaiian or Other Pacific Islander	0	0
Other- Multicultural	28	0
Total	291	0
Hispanic	63	0
Not Hispanic	228	0

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Table 2 represents households and individuals served across the City's various CDBG and HOME programs. CDBG and HOME funds were used to help all Plano residents, regardless of race and ethnicity. When reviewing Table 2, approximately 66% of the households and individuals assisted with these funds classified themselves as a racial minority. About 21% of individuals reported ethnicity of Hispanic. All people helped with CDBG and HOME funds had an income at or below 80% of the area median income.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,547,148	2,035,752
HOME	public - federal	625,454	221,870
Other	public - local	581,340	551,452

Table 3 - Resources Made Available

Narrative

At the conclusion of PY 2022, the City had expended \$532,122 in 2021 CDBG entitlement and program income funds and \$1,503,630 in 2022 CDBG entitlement and program income funds. There is \$396,834 in HOME funds remaining which have been allocated to activities. The City continued to fund case management services for Plano residents that are working with Hope's Door New Beginnings and Texas Muslim Women's Foundation to obtain an Emergency Housing Voucher.

The "Resources Made Available" column in Table 3 includes \$100,000 budgeted CDBG program income and \$1,447,148 in CDBG entitlement funds. For HOME funds the "Resources Made Available" amount includes \$6,750 of budgeted HOME program income and \$618,704 in HOME entitlement funds.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Plano	100	100	City-wide

Table 4 – Identify the geographic distribution and location of investments

Narrative

Due to the eligibility criteria for the CDBG and HOME programs and their focus on low to moderate-income populations, most funds are expended in areas that have higher concentrations of low to moderate-income residents, such as southeast Plano and many areas located to the immediate east and west of US-75. However, funds are expended in all areas of the City, as all programs are available city-wide, and low and moderate-income persons reside in all areas of the City. See the map in Appendix A showing the income distribution of sites with at least 42.34% low- to moderate-income households, per HUD's Exception rule for the City of Plano.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City of Plano requires nonprofit agencies producing affordable single-family homes to leverage outside funds to complete the construction or rehabilitation of homes for low-income buyers. Like the First Time Homebuyer program, this permits the nonprofit agency and homebuyer to have more significant equity in the home and allows more people to benefit from City programs. The City of Plano utilizes match for HOME funds by calculating the interest saved by homebuyers due to obtaining reduced interest or interest-free loans and the developers' deferred payment gap loans. The City also uses cash contributions and in-kind volunteer labor provided for HOME construction projects.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	0
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	0
4. Match liability for current Federal fiscal year	0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	0

Table 5 – Fiscal Year Summary - HOME Match Report

The following Tables 6,7,8,9, and 10 do not reflect accomplishments as the City of Plano did not undertake HOME activities met reported requirements during PY 2022.

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match
0	0	0	0	0	0	0	0	0

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
0	0	0	0	0

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

The City of Plano did not undertake any activities that required relocation and real property acquisition.

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired	0	0				
Businesses Displaced	0	0				
Nonprofit Organizations Displaced	0	0				
Households Temporarily Relocated, not Displaced	0	0				
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	72	144
Number of Special-Needs households to be provided affordable housing units	0	0
Total	72	144

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	49	116
Number of households supported through The Production of New Units	2	0
Number of households supported through Rehab of Existing Units	20	28
Number of households supported through Acquisition of Existing Units	1	0
Total	72	144

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City met and exceeded most of its annual goals, with the exception of the, “Acquisition of Existing Units” and “Production of New Units” goal. The City continued to provide assistance to residents that are income eligible for our Homellessness Prevention program assistance and exceeded the goal by assisting 116 people (50 households). The City’s Housing Rehabilitation program exceeded the goal by eight households. Habitat for Humanity acquired one existing unit for rehabilitation and resale during PY 2022. However, this accomplishment will be reported in PY 2023 when the single family home is sold to a low-income household. The housing market continued to be challenging in PY 2022, which affected the production of new affordable units.

Discuss how these outcomes will impact future annual action plans.

The increase in the housing market also affects those who desire to rent a home instead of purchase a home. The city of Plano continues to have a challenging rent market that increases the housing cost burden for all residents, regardless of incomes. During PY 2022 the Neighborhood Services and Planning Departments are utilizing the expertise of a consultant to prepare data and provide a housing analysis that will assist the City in addressing housing concerns through a housing policy that is inclusive of the needs of Plano residents across age and income levels.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	245	0
Low-income	51	0
Moderate-income	23	0
Total	319	0

Table 13 – Number of Households Served

Narrative Information

All of the City's HUD-funded programs are limited to low to moderate-income persons. Beneficiaries are required to provide income information by family size or meet presumed beneficiary criteria, such as homelessness or victim of domestic violence. Most people served in PY 2022 were extremely low-income, earning no more than 30% of the area median income. The persons served in this program are in the extremely-low income category at a higher rate than most other programs, as they enter the program facing a severe financial crisis, often due to job loss.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Plano strives to utilize best practices and implement data-driven strategies to address homelessness in its jurisdiction and participates in regional coordination of homeless services through active leadership and participation in both the Collin County Homeless Coalition (CCHC) and the TX-600 Dallas City/County & Irving Continuum of Care (CoC). Housing Forward, the CoC lead agency, employs a Coordinated Assessment Case Manager in Plano at the Assistance Center of Collin County. This individual provides assessment, resource coordination, and housing/shelter placement for unsheltered homeless persons. City staff works closely with the Case Manager through a referral relationship and by providing documentation of homelessness through data collected during PIT counts, and at the Harrington Library, all of which are described further below.

The City utilizes Community Services Division staff person to assist unsheltered persons with locating suitable shelter and support services and entry into HMIS placement on the CoC Housing Priority List. The Police Department, Parks and Recreation Department and Community Services Division visit various locations throughout the city to provide assistance to our unhoused residents. Additionally, the Neighborhood Service Building's rather unique location in the city's downtown area has become a stop for those seeking housing to stop by and receive assistance. Community Services Division staff also organize and coordinate the homeless Point-in-Time (PIT) count for Plano each year, coordinating with the CoC and CCHC. Data collected during the PIT is used to determine priority needs and allocation of resources for the City's homeless population.

During PY 2022, the City continued the coordinated effort for responding to homelessness across multiple City departments. These efforts included forming a group in the City's Neighborhood Police Officer unit that responds to calls related to homelessness and mental health crises. This group coordinates with the City's Homeless Services Coordinator in the Neighborhood Services Department to provide outreach, housing placement, and case management to Plano's homeless population.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City used \$44,332 in CDBG funds to support Texas Muslim Women's Foundation, which provides culturally-sensitive services, including access to emergency shelter for women and children fleeing domestic violence. The organization served a total of 37 people, 8 of whom received overnight shelter. City general fund monies, in the form of Buffington Community Services Grants (BCSG), were used to fill in the funding gap between emergency shelter and transitional housing needs and available CDBG funding for public services. The City provided BCSG funds for the following programs:

- \$58,500 to The Samaritan Inn to support their Transitional Shelter Program, which provides shelter and supportive services to individuals and families experiencing homelessness and served 45 people.

The City also partners with the Dallas Area Real Time Rapid Rehousing collaborative to provide \$100,000 to both Hope's Door New Beginning and Texas Muslim Womens's Foundation to provide assistance to those residents receiving Emergency Housing Vouchers through this cross-governmental collaboration.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City's Homelessness Prevention Program provides temporary housing assistance, coupled with case management and connection to other supportive services such as financial education, credit counseling, job search assistance, food pantry, clothing, and assistance with obtaining mainstream benefits and counseling. In FY 2022, \$117,691 in CDBG funds and \$37,544 in CDBG-CV funds were used to help 116 Plano residents at risk of homelessness remain housed.

Finally, the City also assisted low- and moderate-income residents through social service programs that address a wide range of needs, including counseling, youth education and advocacy, information and referral, and services for seniors and people with disabilities.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Since 2018, the City has been eligible to receive Homeless Housing and Services Program (HHSP) funding from the Texas Department of Housing and Community Affairs (TDHCA). The Rapid Rehousing program is administered by The Salvation Army, which provides up to 12 months of flexible housing assistance and case management. Over the last three years, the program housed a total of 79 persons experiencing homelessness. As Plano residents exit the program, follow-up is conducted, and outcome data is tracked to ensure program effectiveness.

In addition to its Rapid Rehousing Program, the City of Plano also collaborates with service providers to assist homeless persons in finding shelter, resources, and permanent housing as quickly as possible. City staff works closely with the Coordinated Assessment Case Manager to help chronically homeless individuals and those who have experienced a shorter period of homelessness. Homeless individuals and families with children are often referred to the Samaritan Inn, a transitional housing shelter, as well as the Coordinated Assessment Case Manager. Homeless veterans are first referred to the Veterans Center of North Texas for services and the VA for HUD-VASH vouchers. The City also coordinates with Plano Housing Authority to identify individuals eligible for a Mainstream voucher, reserved for homeless, non-elderly adults with a disability. Shelter and housing for unaccompanied youth is found through coordination with City House.

The City is an active member of the Collin County Homeless Coalition, as well as the TX-600 Continuum of Care (CoC). City staff works collaboratively with the lead CoC agency, Housing Forward, to bring services to Collin County through regional efforts.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Plano Housing Authority (PHA) is the local public housing agency in Plano. PHA currently has 908 Housing Choice Vouchers (HCV), 39 Mainstream Vouchers, 40 Veterans Affairs Supportive Housing (VASH) vouchers and 23 single-family, scattered site Public Housing units. PHA vouchers can be used within a 25-mile radius of PHA's office and are not limited to Plano city limits. Thirty-nine (39) vouchers are reserved for homeless persons with disabilities from the ages of 18-61. The criteria surrounding these vouchers makes it difficult to issue the mainstream vouchers.

City staff works collaboratively with PHA by facilitating referrals to the mainstream voucher program for Plano's homeless residents that meet eligibility criteria. City and PHA staff meet regularly to discuss programs and how both entities can work together.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

City staff continued to work with PHA staff to ensure that voucher program participants are aware of opportunities at the City for homeownership through programs such as the First Time Homebuyer (FTHB) program and that FTHB participants are aware of options to purchase homes that PHA rehabilitates and sells.

Actions taken to provide assistance to troubled PHAs

The Plano Housing Authority does not have a "troubled" designation.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Plano's code of ordinances, including but not limited to building code, land use, and fee structures, were reviewed by the consulting agency in 2018 during the development of the 2020 Analysis of Impediments. The review showed that the City of Plano's ordinances is consistent with those that promote affordable housing. In February 2019, Plano City Council passed a new ordinance to allow backyard cottages, providing increased housing diversity to benefit special populations, including seniors, persons with disabilities, and young adults. The City also works with developers to incentivize affordable housing development in the form of reimbursement for public improvements and other fee waivers.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Recognizing Federal resources alone are not sufficient to meet community needs, the City of Plano created the Buffington Community Services Grant (BCSG) in 1998. The grant consists of general funds of \$2 per capita to help meet underserved needs and assist agencies in accomplishing their missions. During PY 2022, \$551,452 was awarded to 18 social service agencies to provide public services to Plano residents.

During PY 2022, City staff enlisted the help of consultants to undergo a Housing Plan that focuses on housing for all Plano residents. This plan is expected to be completed during PY 2023 and will serve as a guiding framework for future housing development within our city.

Unemployment and under-employment can also act as an obstacle to meeting the needs of the underserved. The City of Plano continued to operate the Day Labor Center, a meeting place for laborers and contractors to connect for work. Five thousand eight hundred fifty-two labor placements were made during PY 2022, with an average daily placement rate of 28%. City of Plano staff is also active participants in local social service organizations and coalitions. City staff participated in the following organizations that met to collaborate on how to meet the needs of the underserved best:

- Collin County Homeless Coalition;
- Housing Forward (Continuum of Care);
- DFW Regional Local Government Collaboration of Housing Departments;
- Collin County Social Services Association; and
- Collin County Council of Family Violence;

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

During PY 2022, the Community Services Division had two Certified Lead Risk Assessors on its staff. Lead-based paint hazards are addressed through CDBG and HOME-funded housing programs, including Housing Rehabilitation, First Time Homebuyer, and subrecipient programs. As homes enter these programs, they are evaluated for lead-based paint and, when necessary, such hazards are mitigated, as required by HUD regulations.

As mentioned above, the City utilized general fund dollars to support programs at 18 nonprofit organizations serving Plano residents. During PY 2022, the City approved funds for various programs that primarily assist low to moderate-income persons and groups with special needs. Some of these programs included a home-based mentoring program for parents, a comprehensive health and social services program for seniors, a therapy program for survivors of sexual assault, and a STEM education program for youth.

Additionally, using CDBG, state funds, and City general funds, the City supported several programs aimed at self-sufficiency. These programs combine housing assistance with supportive services. They include Homelessness Prevention, Rapid Rehousing, Tenant-Based Rental Assistance, The Samaritan Inn, Hope's Door New Beginning Center, City House, and Texas Muslim Women's Foundation.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

As mentioned above, the City utilized general fund dollars to support programs at 18 nonprofit organizations serving Plano residents. During PY 2022, the City approved funds for various programs that primarily assist low to moderate-income persons and groups with special needs. Some of these programs included a home-based mentoring program for parents, a comprehensive health and social services program for seniors, a therapy program for survivors of sexual assault, and a STEM education program for youth.

Additionally, using CDBG, state funds, and City general funds, the City supported several programs aimed at self-sufficiency. These programs combine housing assistance with supportive services. They include Homelessness Prevention, Rapid Rehousing, Tenant-Based Rental Assistance, The Samaritan Inn, Hope's Door New Beginning Center, City House, and Texas Muslim Women's Foundation.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Plano utilizes City staff to deliver its First Time Homebuyer and Housing Rehabilitation programs. At the same time, nonprofit organizations partner with the City to carry out other housing, homeless, and community development goals. To enhance institutional structure on an

ongoing basis, Community Services Division staff actively collaborates with outside agencies through various coalitions and networking groups, as listed in the next section. In June 2019, the City purchased a subscription to the Foundation Directory Online database, a robust directory and search tool that nonprofits can utilize to access new funding opportunities. Since that time, over 80 nonprofits in the community have used the database to expand their capacity. Other efforts include networking with neighboring participating jurisdictions through the National Community Development Association.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

To enhance coordination, Community Services Division staff actively collaborates with outside agencies through various coalitions and networking groups, which include: the Collin County Homeless Coalition, Housing Forward (Continuum of Care), and Collin County Social Service Association. Through these affiliations, City staff form relationships with key staff from local agencies, enabling them to provide residents a “warm hand-off” to social service providers who can address their specific needs. Other efforts include:

- Participating in a DFW Regional Collaboration of Local government housing/homeless services departments.
- Networking with neighboring participating jurisdictions through the National Community Development Association.
- Advocating for the elimination of duplicate services among public service agencies.
- Coordinating with Plano Housing Authority to provide information to the public about obtaining a Housing Choice Voucher or public housing.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City took the following actions this year to foster fair housing choice and to address contributing factors and impediments identified in the AI:

- Provided detailed information and referral for any persons who contacted the City needing information on how to file a fair housing complaint;
- Continued to support the overall vitality and stability of low to moderate-income neighborhoods through general-funded programs. These programs include 1) Love Where You Live, in which the City and community volunteers “adopt” a neighborhood for a year and complete two major service events that involve completing minor home repairs, landscaping projects, and cleaning up litter and trash from the neighborhood’s creeks, streets and properties; and 2) Plano CARES, which connects local volunteers to Plano

residents who are experiencing physical or financial hardship and are unable to correct common property code violations such as tree trimming, trash removal, damaged fence removal/repair, accessory building removal/repair, and minor exterior home repair;

- Provided six free property maintenance workshops, including one exclusively for women, to help homeowners learn how to best care for their properties and maximize the life of their homes;
- Continued to provide language assistance to applicants and program participants with Limited English Proficiency on an as-needed basis. Within the Neighborhood Services Department, staff persons can provide translation in Spanish, French, Farsi, Kurdish, Pashto, Turkish, Japanese, Thai, and American Sign Language. If needed, outside translation services are utilized.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

City staff attended various HUD-sponsored training sessions as well as participated in webinars during PY 2022. These efforts ensure staff is current with new or revised federal regulations regarding HUD-funded programs. Staff attended training sessions and webinars in CDBG/HOME regulations, COVID-19 response programs, HUD Regional Quarterly Meetings, and National Community Development Association training. For planning/monitoring requirements, staff conducts quarterly desk monitoring and annual onsite monitoring of programs to ensure program and comprehensive planning compliance. In addition, staff requires mandatory training for all CDBG and HOME subrecipients and publishes a "CDBG and HOME Subrecipient Compliance Manual" for those agencies and provides ongoing technical assistance as needed. The City has a designated staff person to oversee HOME-funded developers and conducts onsite visits throughout the construction phase until the homes are sold to low-income homebuyers. Developers are monitored annually using a City of Plano Monitoring checklist, including a HUD-prescribed HOME checklist to ensure compliance with regulations.

Staff continued marketing and outreach to Minority Business Enterprises (MBEs) by searching websites like the Small Business Administration and local chapters of national minority associations. The City networks with the Dallas Chapter of the National Association of Builders and the National Association of the Remodeling Industry. The City also provides announcements of available contracting opportunities to the following local entities: National Association of Minority Contractors Dallas-Ft. Worth, Regional Black Contractors Association, and Regional Hispanic Contractors Association.

The City of Plano utilizes its Day Labor Center to help contractors locate Section 3 residents. Annually, City staff sponsors a free contractor event for training and recruitment purposes. The City has a web page that includes a contractor application and requirements for participation in the City's housing rehabilitation program. The online application is open to all contractors. City staff has utilized the PlanoTX.ionwave.net online contracting system, procured contractors, and awarded bonus points in procurement for Section 3 Businesses. In addition, staff conducted outreach efforts to relevant trades, general contractors, structural engineering, and architectural firms listed on the www.sam.gov website. Together with networking and referrals, these efforts resulted in 44.2% (\$452,949) of total CDBG funds awarded through housing rehabilitation as MWBE construction contracts. HUD's MWBE reporting requirements exclude reporting MWBE metrics for HOME-funded projects.

Additional Information

Effective August 24, 2021, 24 CFR § 75.3 regulation was amended, which changed the Section 3 reporting requirements for projects funded with CDBG or a combination of CDBG and HOME funds. The revised requirements exclude reporting on housing rehabilitation and housing construction projects that receive less than \$200,000 in CDBG or a combination of CDBG and HOME funding. For FY 2022-2023, no housing rehabilitation or housing construction projects were funded at or above \$200,000 regulatory threshold.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

This report was prepared by the Community Services Division of the Neighborhood Services Department. The City placed a public notice in the Plano Star Courier on November 26, 2023, for residents to view the draft performance document. The notice informed the public that they could obtain a copy of the draft report from the Neighborhood Services Department office and via the Neighborhood Services website. The notice also informed the public where to direct their comments. A public hearing will be held on December 11 before City Council. A 15-day public comment period will be held from November 27 to December 11. All comments received by the public during this comment period will be submitted to HUD with the CAPER Report.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

N/A

CR-50 - HOME 24 CFR 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City of Plano did not utilize HOME funds to rehabilitate or create affordable rental units.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 24 CFR 91.520(e) and 24 CFR 92.351(a)

The City of Plano did not utilize HOME funds for rental projects or homebuyer projects with greater than four units. However, the City of Plano affirmatively markets all HOME homebuyer projects to the extent feasible.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

During PY 2022, the City used \$240,816 program income on 28 homeowner rehabilitation projects.

Describe other actions taken to foster and maintain affordable housing. 24 CFR 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 24 CFR 91.320(j)

Through policy, funding commitments, and in-house programs, the City has provided opportunities to maintain and increase its affordable housing stock. During PY 2022, 28 homeowners were provided emergency and regular home rehabilitation projects through the Housing Rehabilitation Program. The City also provided funding to Habitat for Humanity to acquire a single family home for rehabilitation and resale to a low income household.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDB G	HOM E	ESG	HOPW A	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours	0				
Total Section 3 Worker Hours	0				
Total Targeted Section 3 Worker Hours	0				

Table 14 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDB G	HOM E	ESG	HOPW A	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					

Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					
Other.					

Table 15 – Qualitative Efforts - Number of Activities by Program

Narrative

Effective August 24, 2021, 24 CFR § 75.3 regulation was amended, which changed the Section 3 reporting requirements for projects funded with CBDG or a combination of CBDG and HOME funds. The revised requirements exclude reporting on housing rehabilitation and housing construction projects that receive less than \$200,000 in CBDG or a combination of CBDG and HOME funding. For FY 2022-2023, no housing rehabilitation or housing construction projects were funded at or above \$200,000 regulatory threshold. As such, the below tables have been left blank.

Appendix

Explanation of Table 1 – Accomplishments – Program Year & Strategic Plan to Date

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Grant Administration	Administration	CDBG: \$281,430 HOME: \$61,870	Other	Other	0	0	0.00%	0	0	0.00%
Homeless Shelter and Services	Homeless	CDBG: \$44,332	Homeless Person Overnight Shelter	Persons Assisted	60	132	220%	20	37 Texas Muslim Women's Foundation	185%
Homeless Shelter and Services	Homeless	CDBG: \$54,000	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	25	2	8.00%	40	0	0.00%
Homelessness Prevention	Homeless	CDBG: \$117,691 CDBG-CV: \$37,544	Homelessness Prevention	Persons Assisted	500	333	62.60%	114	116 Assistance Center of Collin County	101%
Homeownership	Affordable Housing	CDBG: \$8,000 HOME: \$150,000	Direct Financial Assistance to Homebuyers	Households Assisted	15	6	40.00%	3	0	0.00%
Housing Rehabilitation	Affordable Housing	CDBG: \$923,480 HOME: \$197,037	Homeowner Housing Rehabilitated	Household Housing Unit	85	77	90.59%	20	28 City of Plano	140%

Public Services - Job Training	Non-Homeless Special Needs	CDBG: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	32	0	0.00%	0	0	0.00%
Public Services - Special Needs	Non-Homeless Special Needs	CDBG: \$65,740	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	450	265	58.89%	51	101 Boys & Girls Club (42) The Family Place (59)	198%
Public Services - Transportation	Non-Homeless Special Needs	CDBG: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	160	0	0.00%	0	0	0.00%
Supply of Units	Affordable Housing	HOME: \$0	Rental units constructed	Household Housing Unit	5	0	0.00%	0	0	0.00%
Supply of Units	Affordable Housing	HOME: \$0	Homeowner Housing Added	Household Housing Unit	4	0	0.00%	2	0	0.00%
Tenant Based Rental Assistance	Affordable Housing	HOME: \$174,615	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	38	8	21.05%	0	0	0.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 12/11/2023
DEPARTMENT: Engineering-Facilities
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Renovations and Addition for Fire Station No. 5.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration to approve an expenditure for the Fire Station 5 Renovation Project in the amount of \$10,102,511 from Pogue Construction Company, LP; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

Funding for the renovation of Fire Station 5 was approved by voters as part of the 2021 Bond Referendum. This project includes the addition of apparatus bays, additional parking, and renovation to interior residential areas. Construction Manager at Risk (CMAR) was selected as the delivery method for this project.

On July 13, 2022, through a two-step Request for Qualifications process (RFQ 2022-0534-B), the City received qualifications from five firms for the project. The evaluation team consisted of staff from several stakeholder departments.

The evaluation team requested the two top-scoring firms to submit proposals for pre-construction services including their fees for managing the construction of the project. The firms were then asked to present their project solution to city staff, during which they provided their pre-construction and construction approaches for the project along with their experience with similar projects.

Based on their proposed project team, fee amount, project approach and overall interview, city staff chose Pogue Construction Company, LP (Pogue), as Construction Manager at Risk (CMAR) for the project. On November 1, 2022, Pogue and the City entered into a pre-construction services agreement.

During the development of the design, Pogue provided extensive feedback regarding the constructability of the project and prepared construction cost estimates for the iterations. Through this process, Pogue has offered value management construction options to keep the project within budget. They have worked with city staff and the consultant/architect (Martinez Architects) to develop a guaranteed maximum price (GMP) in the amount of \$10,102,511 for the management and construction of the Fire Station 5 Renovation project. Engineering-Facilities staff and the design consultant recommend approval of the GMP for this project.

If this agenda item is not approved, Fire Station 5 will have limited functionality, unable to properly store Fire Department apparatus and be limited on staff occupancy.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Fire and Public Safety Facilities CIP and is planned for future years, as well. Construction services for the Fire Station 5 Renovations project, in the total estimated

amount of \$10,102,511, will leave a balance of \$217,855 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
Presentation	12/4/2023	Other
Map	11/27/2023	Map
Memo	11/27/2023	Memo



Fire Station 5 Renovation

Construction Manager at Risk
Guaranteed Maximum Price

Information developed by Engineering – Facilities (with consultants)

FIRE STATION 5 RENOVATIONS

CURRENT FACILITY

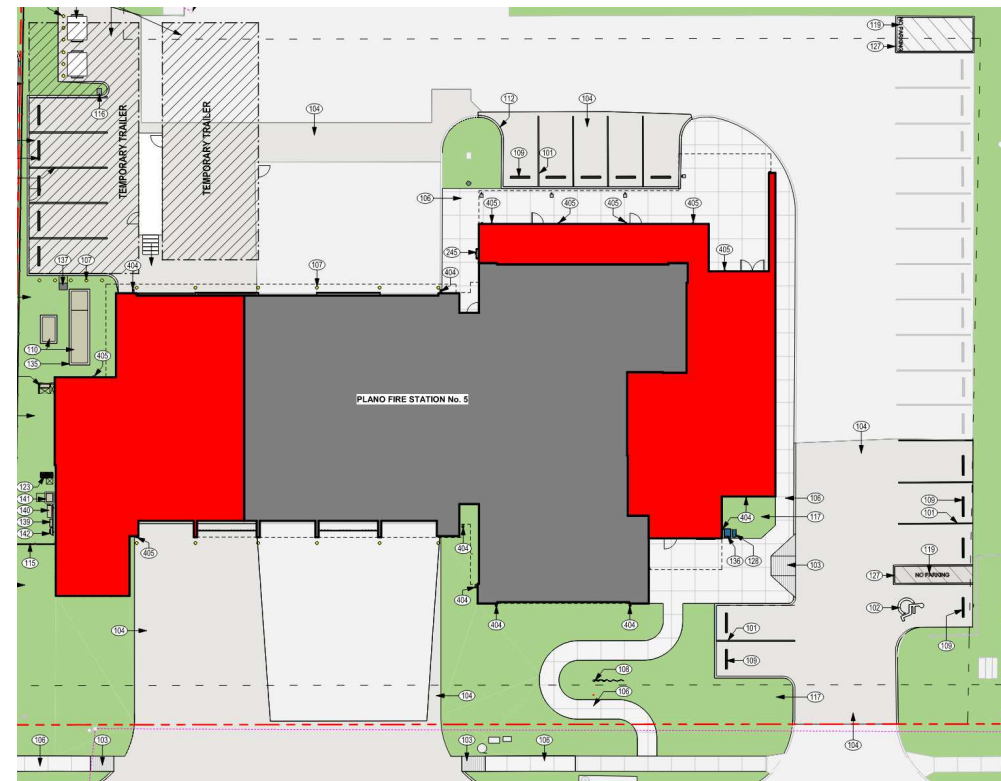


PROPOSED FACILITY



PROJECT SUMMARY

- Approved 2021 Bond Referendum
- Project Scope
 - Addition to apparatus bay and storage
 - Additional exterior vehicle parking
 - Renovation of interior residential portion of the station
 - Square Footage
 - › Existing - 7,200 square feet
 - › Proposed – 13,954 square feet



Estimated Project Costs

Construction – \$10,102,511

- Requesting Approval 12/11/2023
- CMAR GMP - \$10,102,511 – Construction scheduled from January 2024 to April 2025

Design – \$1,165,930

- Architecture - \$750,550 - October 2022 to October 2023
- Costs of other consultants - \$415,380

Other – \$731,559

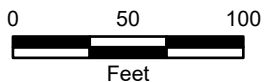
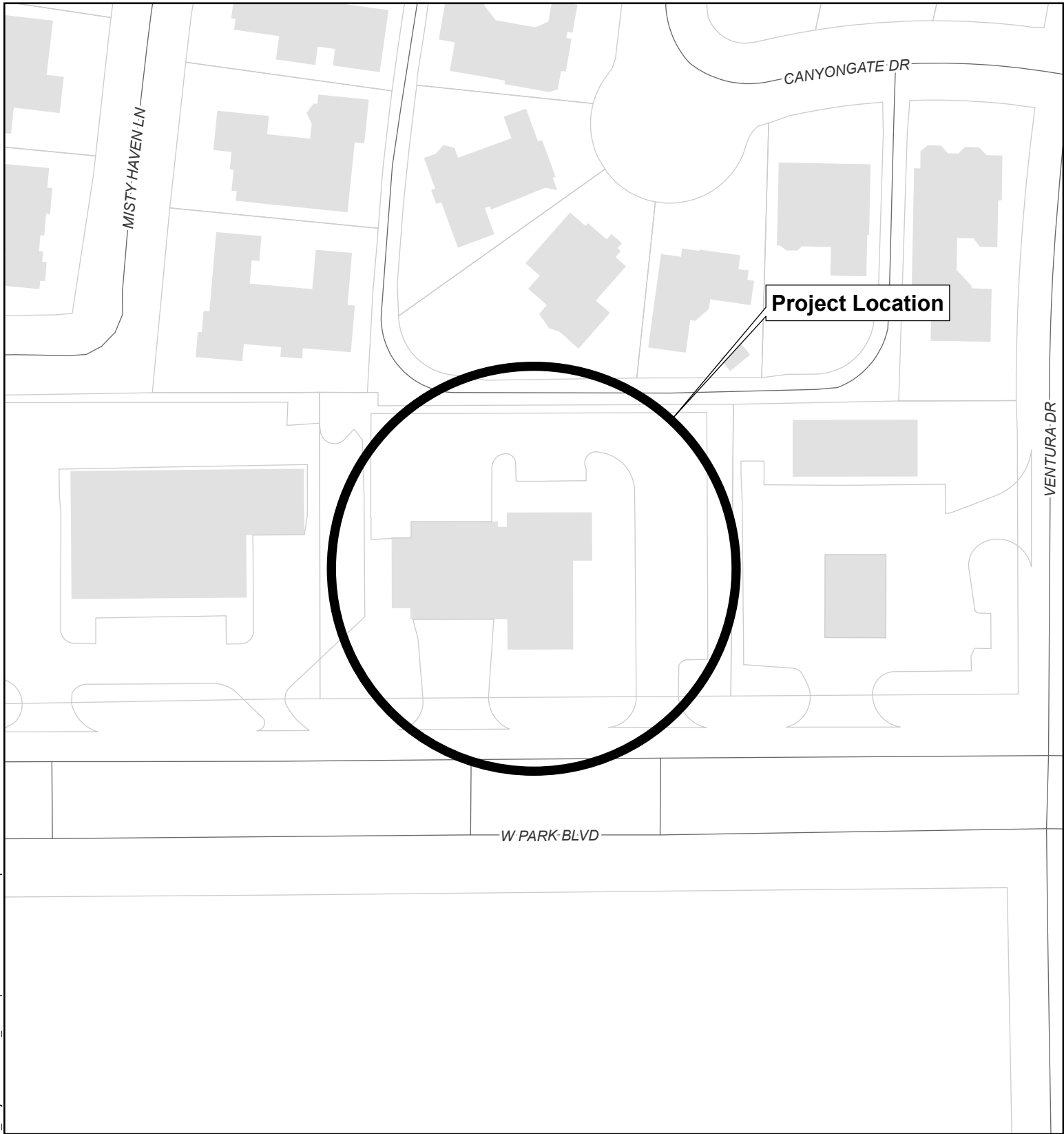
- Temporary relocation, utilities, furniture, technologies and other owner provided items



FIRE STATION 5 RENOVATIONS



Paul V Kunze III, CCM
Engineering Department, Facilities Division Manager

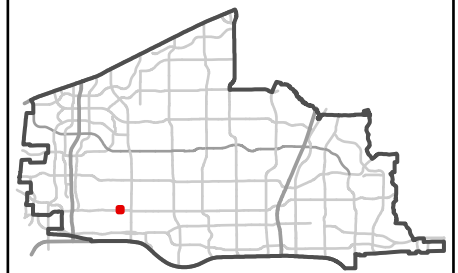


**Project FAC-F-7493
Bid # 2022-0534-B**

Fire Station 5-Renovation & Addition

5115 West Park Boulevard

Project Location



Date: May 24, 2023
To: Mark D. Israelson, City Manager
Via: Jack Carr, Deputy City Manager
From: Paul Kunze, Facilities Division Manager
Subject: Facilities Project Delivery Methods

For the City of Plano Facilities Division there are two project delivery methods that are used: Design-Bid-Build (DBB) and Construction Manager at Risk (CMAR).

There are two versions of DBB, both lead to a fixed fee contract based on a completed set of design contract documents. They are Request for Bid (RFB) and Competitive Sealed Proposal (CSP). RFB is awarded solely on the proposed cost, and CSP is awarded based on an evaluation of the contractor's experience and the proposed cost. For a DBB contract, the design is developed prior to releasing to proposed contractors.

For some complex projects, the Facilities Division's utilizes the delivery method of Construction Manager at Risk (CMAR).

Construction Manager at Risk is defined as: A delivery method that entails a commitment by the construction manager to deliver the project for an established amount, often a Guaranteed Maximum Price (GMP). The construction manager acts as a consultant to the owner in the development and design phases. During Construction, the CM will assume additional obligations and will undertake construction responsibilities, typically being placed in a legal position similar to that of a general contractor.

Guaranteed Maximum Price (GMP) is defined as: A contractual form of agreement wherein a maximum price for the work is established based upon an agreed to scope. Established with an understanding by the parties that the actual cost of the work could be more or less.

The guaranteed maximum is not a guarantee for all project costs, it is only for the scope of work that is established by the agreed to contract design documents. If the original scope is revised, typically by owner directive or unforeseen conditions, the costs may change accordingly. If the project cost is less than the GMP, it is typically recognized through project savings. Savings may be a result of subcontractor contract vs. bid cost savings, savings on administrative cost for early finished construction activities and any remaining unused contingencies. The CMAR typically has a contractual shared saving incentive to perform more aggressively in these areas. The CMAR is responsible to cover cost increases of market conditions, bid omissions and omissions as part of the guarantee.

I would happy to discuss this further with anyone having any related questions or concerns.