



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		June 28, 2016		
Department:		Planning		
Department Head		Christina Day		
Agenda Coordinator (include phone #): Tammy Stuckey, Ext 7156				
CAPTION				
Request for a Parking Reduction Program for data center on one lot on 11.0 acres located on the west side of Communications Parkway, 1,900 feet south of Tennyson Parkway. Zoned Commercial Employment. Project# RPSP2016-005. Applicant: Skybox Legacy, L.P.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Responding to requests from property owners regarding parking requirements relates to the City's goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
At its June 6, 2016 meeting, the Planning & Zoning Commission recommended approval of this request by a vote of 7-0.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from Applicant P&Z Follow-up Memo Staff Report Locator Map Site Plan Exhibit Performance Agreement				



Stantec Consulting Services Inc.
 5310 Harvest Hill Road Suite 100, Dallas TX 75230-5812

May 18, 2016

Attention: Erica Marohnic, Senior Planner
 City of Plano – Planning Department
 1520 K Avenue Ste. 250
 Plano, Texas 75074

Dear Erica,

Reference: Skybox Legacy I Data Center – Request for Parking Reduction Program.

On behalf of Skybox Legacy I, we are submitting this request for approval of a reduction in the required number of parking spaces in accordance with the City of Plano Zoning Ordinance Article 16.1100, Parking Reduction Program. The amount deferred is 22.6% of the total parking required for the proposed data center facility. Based on actual counts of occupied spaces at peak periods, the required amount of parking far exceeds the actual demand, as set forth below.

The proposed building consists of 149,187 square feet, to be used as a data center facility, of that, approximately 16,276 square feet designated as office space.

BASELINE PARKING ASSESSMENT

According to Article 3.1107, Schedule of Off-Street Parking, of the City's Zoning Ordinance, the proposed Skybox Legacy I Data Center is required to provide 1 space per 1,000 square feet, or 150 parking spaces. There are 116 parking spaces proposed for the data center. Therefore, a parking reduction is being requested for 23% of the required parking.

Use	Parking Space Requirement	Parking Metric	Parking Spaces Required
Data Center	1:1000 sq. ft.	149,187 sq. ft.	150
Total Parking Required			150
Total Parking Proposed			116
Parking to be deferred			34 (23%)



May 18, 2016
Erica Marohnic, Senior Planner
Page 2 of 4

Reference: Skybox Legacy I Data Center – Request for Parking Reduction Program.

ESTIMATED ACTUAL DEMAND

The subject site is currently under construction, with estimated shell completion to be October 1st, 2016. Observations of parking usage on sister data center, Skybox Houston located on 22000 Franz Road, Katy TX were conducted during a 2 week period. This facility consists of a 100,000 square feet building, of that approximately 20,000 square feet designated as office space. This data center opened for business on March 1st, 2015. City of Katy zoning ordinance requires data centers to provide one space per 1,850 square feet of building or 54 parking spaces.

The parking count on this facility was conducted during the weeks of Sunday April 24th through Friday May 9th. An examination of the key card entry data for these two weeks demonstrated the peak days to be Monday through Friday, with the most usage seen on Thursday April 28th, 2016 and May 5th, 2016 with 19 vehicles on site. This number of occupied spaces results in a surplus of 35 parking spaces.

Parking count

	Week 1 - Vehicles on site	Week 2 - Vehicles on site
Monday	7	8
Tuesday	8	8
Wednesday	7	7
Thursday	19	19
Friday	8	9

These observations of actual demands on a 100,000 square feet data center can be related to the estimated demands on the 150,000 square feet proposed site. If the peak for the 100,000 square feet facility is 19 vehicles, then by extrapolation the peak for a 150,000 facility can be estimated as 29 vehicles. These observations demonstrate that a deferment of 34 parking spaces would still leave a significant amount of unused parking spaces, even during the busiest site activity, resulting in a surplus of parking spaces available on site.



May 18, 2016
Erica Marohnic, Senior Planner
Page 3 of 4

Reference: Skybox Legacy I Data Center – Request for Parking Reduction Program.

The attached exhibit 'Skybox Office-Test Fit Layout' is an example of the densest possible square footage (i.e. "worse case scenario") of the office space. This is not how the facility is expected to be finished out. The expected occupancy is 33 people, with the densest occupancy of 66 people. Again, this office layout is not what is proposed, rather, it is intended to show the highest potential density of this office space.

Data Center Actual Space Designation

<i>Space designation</i>	<i>No.</i>	<i>Total Square footage</i>	<i>Expected occupancy</i>
Office	5	625 SF	5
Open office	1	7929 SF	28
		Total occupancy	33

PRELIMINARY SITE PLAN

The accompanying Preliminary Site Plan demonstrates that the additional 34 parking spaces can be provided north and south of the mechanical yards. Providing this additional parking would cost approximately \$55,000.00

Based on actual counts on sister data center facility recently conducted, the parking requirement is substantially greater than actual demand at this time. A Performance Agreement would assure the City that the additional parking could be provided, if warranted in the future.

A Parking Management Plan is not necessary as part of this request because we are proposing to provide parking that is actually greater than the parking demand. Additionally, due to the surplus of parking already provided compared to actual demand, we do not anticipate overflow parking to occur.

Consequently, because (i) the amount of required parking is significantly greater than actual parking demand, (ii) parking in excess of actual demand is being proposed, and (iii) requiring the additional would decrease landscaping/open area, we respectfully request that the Parking Reduction Program for a deferral of 23% of the required parking be approved for Skybox Legacy.



May 18, 2016
Erica Marohnic, Senior Planner
Page 4 of 4

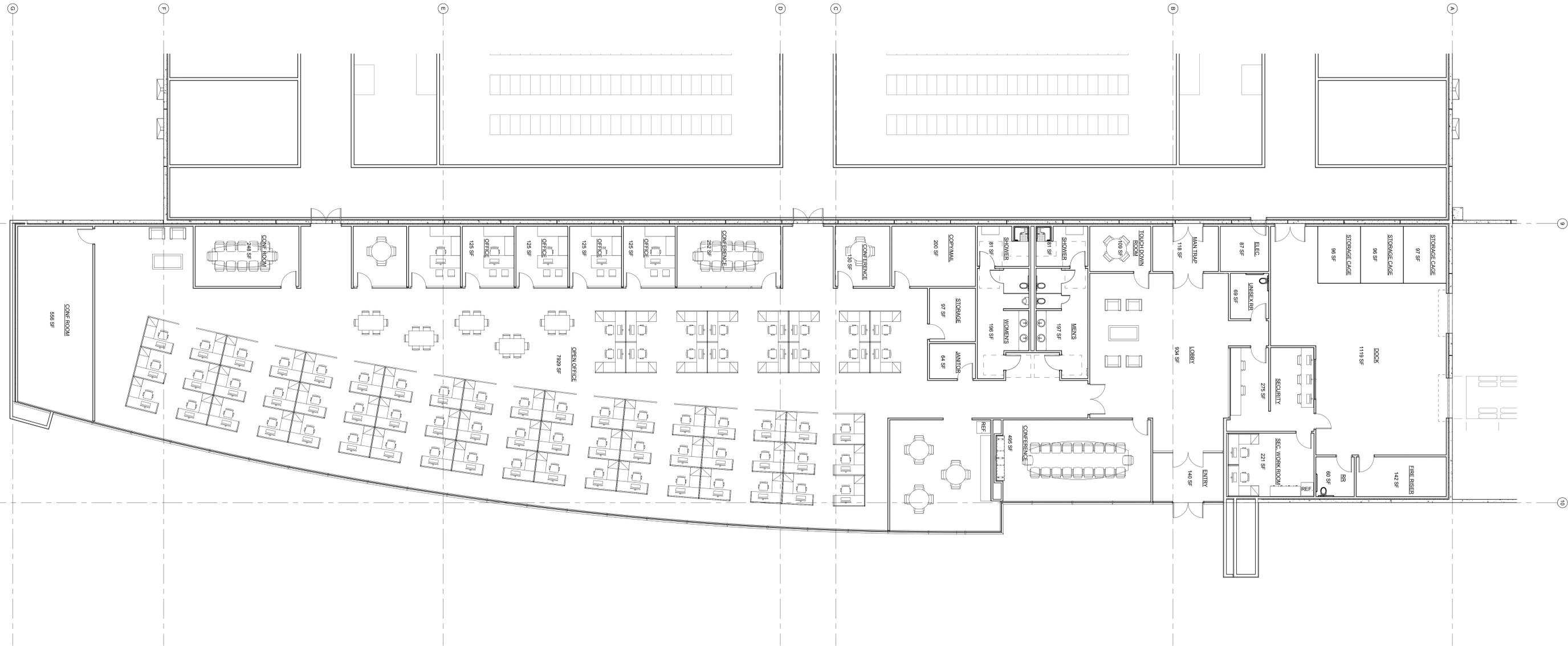
Reference: Skybox Legacy I Data Center – Request for Parking Reduction Program.

Regards,

STANTEC CONSULTING SERVICES INC.

Grayson K. Hughes, PE
Associate
Phone: 972-991-0011
Fax: 972-991-0278
grayson.hughes@stantec.com

Attachment: Skybox Office – Test Fit Layout



"Skybox Office-Test Fit Layout"

DATE: June 7, 2016

TO: Honorable Mayor & City Council

FROM: John Muns, Chair, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of June 6, 2016

**AGENDA ITEM NO. 8 - REVISED PRELIMINARY SITE PLAN
EARL BACCUS #1 ADDITION, BLOCK A, LOT 1
APPLICANT: SKYBOX LEGACY, L.P.**

Data center on one lot on 11.0 acres located on the west side of Communications Parkway, 1,900 feet south of Tennyson Parkway. Zoned Commercial Employment. Project #RPSP2016-005.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval subject to:

1. City Council approval of the request for a parking reduction; and
2. The applicant executing a performance agreement with the city, subject to approval by the City Attorney.

FOR CITY COUNCIL MEETING OF: June 28, 2016 (To view the agenda for this meeting, see www.plano.gov)

EM/amf

xc: Thomas A. Leiger, Skybox Legacy I LP
Grayson K. Hughes, Stantec
Wayne Snell, Permit Services Manager

<https://goo.gl/maps/vXw27HjrGEB2>

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 6, 2016

Agenda Item No. 8

Revised Preliminary Site Plan: Earl Baccus #1 Addition, Block A, Lot 1

Applicant: Skybox Legacy, L.P.

DESCRIPTION:

Data center on one lot on 11.0 acres located on the west side of Communications Parkway, 1,900 feet south of Tennyson Parkway. Zoned Commercial Employment. Project #RPSP2016-005.

REMARKS:

The purpose for the revised preliminary site plan is to show a proposed data center on Lot 1. The applicant is requesting a 23% parking reduction related to Section 16.1200 (Parking Reduction Program) of Article 16 (Parking and Loading) of the Zoning Ordinance. The City of Plano's parking reduction program is designed to address the actual parking needs of large developments by allowing fewer parking spaces than normally required through parking management techniques. The ordinance states that the Planning & Zoning Commission must review all proposed Parking Reduction Programs and make a recommendation to the City Council for approval, modification, or denial of the proposed project, based on a finding that the Parking Reduction Program will not negatively impact adjacent streets or properties.

The ordinance allows developments to defer between 5-30% of the required parking spaces. The applicant is requesting a 23% reduction in required parking due to their estimated demand. A study of a similarly sized data center is attached as part of the applicant's request which provides trip generation information over a two week period. Based on the study, the actual parking demand would be one parking space per 5,200 square feet of gross floor area. The proposed data center is required to provide 150 parking spaces at a ratio of one parking space per 1,000 square feet of gross floor area. The applicant is requesting to provide 116 spaces for a 34 space reduction.

In accordance with the program criteria, the applicant has provided documentation of estimated actual demand, a development plan which outlines the parking proposal, and the city's standard parking performance agreement. If the parking reduction is granted, the applicant must enter into the performance agreement with the city which allows deferral of the construction of the spaces until demand for a greater number of parking

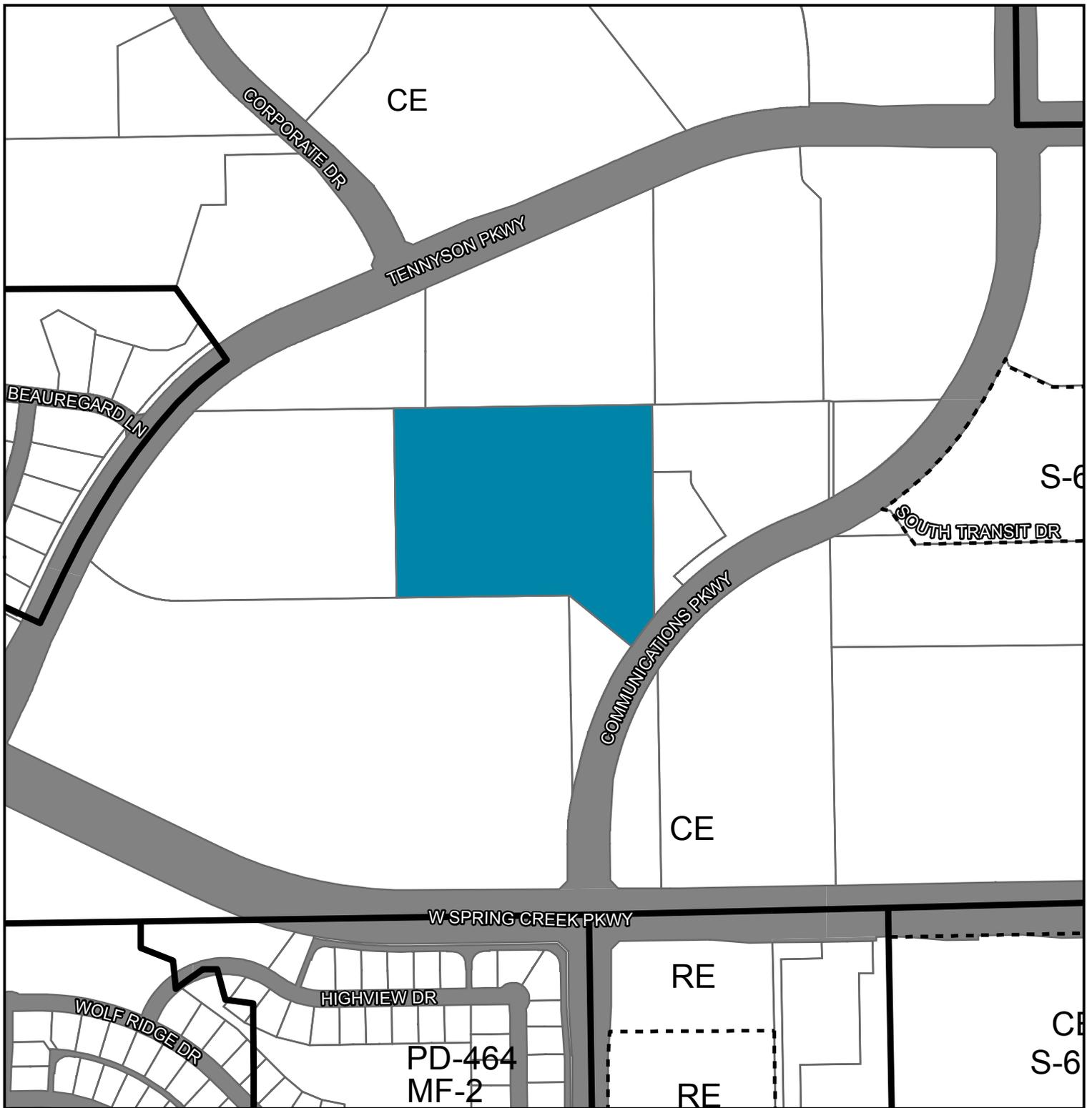
spaces is reached or a change of occupancy occurs. The applicant's proposed program includes details regarding the potential construction of the 34 surface parking spaces at a total estimated cost of \$55,000. This area will be reserved via easement for deferred parking if needed for future operations or reuse of the site, and the city can require the applicant to construct the parking if the performance agreement is not met.

Staff believes the site has sufficient parking to accommodate the anticipated demand, as described in the attached letter from the applicant. Therefore, staff supports the request for parking reduction.

RECOMMENDATION:

Recommended for approval subject to:

1. City Council approval of the request for a parking reduction; and
2. The applicant executing a performance agreement with the city, subject to approval by the City Attorney.

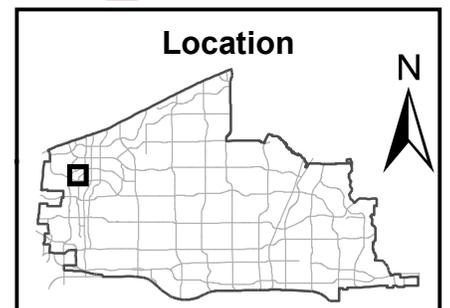


Item Submitted: Revised Preliminary Site Plan

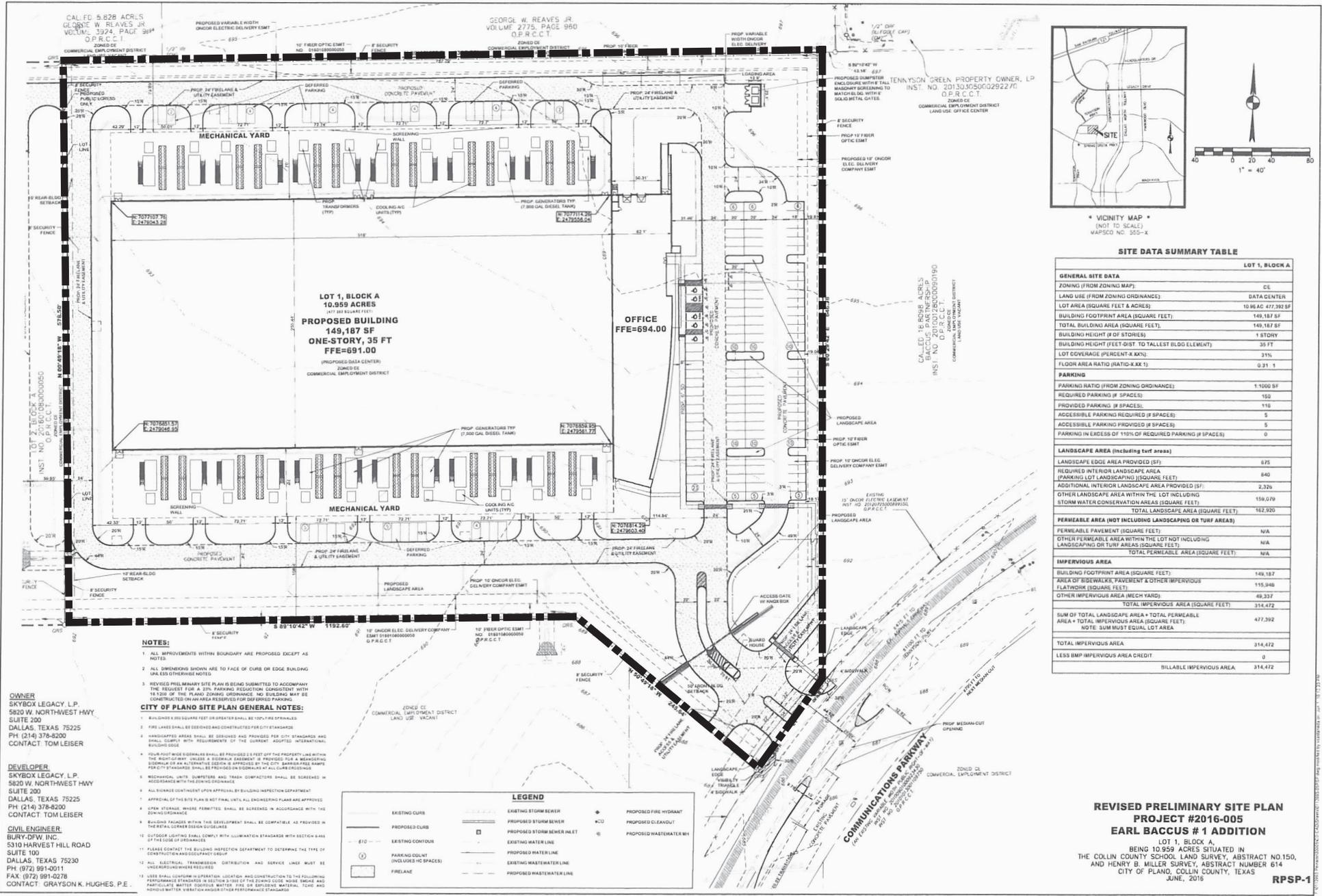
Title: Earl Baccus #1 Addition, Block A, Lot 1

Zoning: Commercial Employment

- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- City Limits
- Right-of-Way
- Specific Use Permit



Source: City of Plano Planning Department



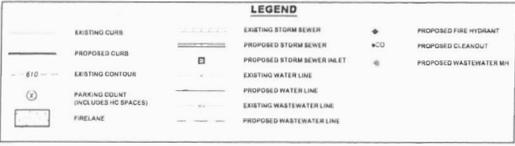
SITE DATA SUMMARY TABLE

GENERAL SITE DATA		LOT 1, BLOCK A
ZONING (FROM ZONING MAP):	CE	
LAND USE (FROM ZONING ORDINANCE):	DATA CENTER	
LOT AREA (SQUARE FEET & ACRES):	10,959 AC	477,392 SF
BUILDING FOOTPRINT AREA (SQUARE FEET):		149,187 SF
TOTAL BUILDING AREA (SQUARE FEET):		149,187 SF
BUILDING HEIGHT (# OF STORIES):		1 STORY
BUILDING HEIGHT (FEET-DIST. TO TALLEST BLDG ELEMENT):		35 FT
LOT COVERAGE (PERCENT X.XX%):		31%
FLOOR AREA RATIO (RATIO X.XX-1):		0.31-1
PARKING		
PARKING RATIO (FROM ZONING ORDINANCE):	1-1000 SF	
REQUIRED PARKING (# SPACES):	150	
PROVIDED PARKING (# SPACES):	116	
ACCESSIBLE PARKING REQUIRED (# SPACES):	5	
ACCESSIBLE PARKING PROVIDED (# SPACES):	5	
PARKING IN EXCESS OF 11% OF REQUIRED PARKING (# SPACES):	0	
LANDSCAPE AREA (Including turf areas)		
LANDSCAPE EDGE AREA PROVIDED (SF):	875	
REQUIRED INTERIOR LANDSCAPE AREA (PARKING LOT LANDSCAPING) (SQUARE FEET):	840	
ADDITIONAL INTERIOR LANDSCAPE AREA PROVIDED (SF):	2,326	
OTHER LANDSCAPE AREA WITHIN THE LOT INCLUDING STORM WATER CONSERVATION AREAS (SQUARE FEET):	159,079	
TOTAL LANDSCAPE AREA (SQUARE FEET):	162,320	
PERMEABLE AREA (NOT INCLUDING LANDSCAPING OR TURF AREAS)		
PERMEABLE PAVEMENT (SQUARE FEET):	N/A	
OTHER PERMEABLE AREA WITHIN THE LOT NOT INCLUDING LANDSCAPING OR TURF AREAS (SQUARE FEET):	N/A	
TOTAL PERMEABLE AREA (SQUARE FEET):	N/A	
IMPERVIOUS AREA		
BUILDING FOOTPRINT AREA (SQUARE FEET):	149,187	
AREA OF SIDEWALKS, PAVEMENT & OTHER IMPERVIOUS PLATWORK (SQUARE FEET):	115,948	
OTHER IMPERVIOUS AREA (MECH YARD):	49,337	
TOTAL IMPERVIOUS AREA (SQUARE FEET):	314,472	
SUM OF TOTAL LANDSCAPE AREA + TOTAL PERMEABLE AREA + TOTAL IMPERVIOUS AREA (SQUARE FEET):	477,392	
NOTE: SUM MUST EQUAL LOT AREA.		
TOTAL IMPERVIOUS AREA	314,472	
LESS BMP IMPERVIOUS AREA CREDIT	0	
BILLABLE IMPERVIOUS AREA	314,472	

- NOTES:**
1. ALL IMPROVEMENTS WITHIN BOUNDARY ARE PROPOSED EXCEPT AS NOTED.
 2. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB OR EDGE BUILDING UNLESS OTHERWISE NOTED.
 3. REVISED PRELIMINARY SITE PLAN IS BEING SUBMITTED TO ACCOMPANY THE REQUEST FOR A 30% PARKING REDUCTION CONSISTENT WITH THE 18' SIDE OF THE PLANNING ZONING ORDINANCE. NO BUILDING MAY BE CONSTRUCTED ON AN AREA RESERVED FOR DEFERRED PARKING.

CITY OF PLANO SITE PLAN GENERAL NOTES:

1. BUILDINGS 3,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE EXTINGUISHED.
2. FIRE LINES SHALL BE DESIGNED AND CONSTRUCTED PER CITY STANDARDS.
3. HANDICAPPED AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT ADOPTED INTERNATIONAL BUILDING CODE.
4. 100% FOOT WIDE SIDEWALKS SHALL BE PROVIDED 5 FEET OFF THE PROPERTY LINE WITHIN THE RIGHT OF WAY UNDER A SEWERAGE AGREEMENT OR PROVIDED AS A MEASURING COURSE FOR AN ALTERNATIVE DESIGN AS APPROVED BY THE CITY. BARBED WIRE SHALL BE PER CITY STANDARDS. SHALL BE PROVIDED AS SIGNALS AT ALL CURB CROSSINGS.
5. MECHANICAL UNITS, CONDENSERS, AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
6. ALL SIGNS SUBJECT TO APPROVAL BY BUILDING INSPECTION DEPARTMENT.
7. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
8. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
9. BUILDING FACADES WITHIN THE DEVELOPMENT SHALL BE COMPATIBLE AS PROVIDED IN THE ZONING ORDINANCE GUIDELINES.
10. OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITH SECTION 6.4.4.5 OF THE CODE OF ORDINANCES.
11. PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
12. ALL ELECTRICAL, TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND UNLESS OTHERWISE NOTED.
13. SEER SHALL CONFORM TO OPERATOR LOCATION AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS AS SET FORTH IN THE CLIMATE CODE: MOISTURE BEAKS AND PARTICULATE MATTER CONDENSED WATER PIPES OR EXPLOSIVE MATERIAL, TOXIC AND HIGHLY FLAMMABLE, VENTILATION THROUGH OTHER PERFORMANCE STANDARDS.



OWNER
 SKYBOX LEGACY L.P.
 5820 W. NORTHWEST HWY.
 SUITE 200
 DALLAS, TEXAS 75225
 PH (214) 378-8200
 CONTACT: TOM LEISER

DEVELOPER
 SKYBOX LEGACY L.P.
 5820 W. NORTHWEST HWY.
 SUITE 200
 DALLAS, TEXAS 75225
 PH (214) 378-8200
 CONTACT: TOM LEISER

CIVIL ENGINEER
 BURY-DW INC.
 5310 HARVEST HILL ROAD
 SUITE 100
 DALLAS, TEXAS 75230
 PH (972) 991-0011
 FAX (972) 991-0278
 CONTACT: GRAYSON K. HUGHES, P.E.

REVISED PRELIMINARY SITE PLAN
PROJECT #2016-005
EARL BACUS # 1 ADDITION
 LOT 1, BLOCK A,
 BEING 10.959 ACRES SITUATED IN
 THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO.150,
 AND HENRY B. MILLER SURVEY, ABSTRACT NUMBER 614
 CITY OF PLANO, COLLIN COUNTY, TEXAS
 JUNE, 2016

**PERFORMANCE AGREEMENT FOR PARKING REDUCTION UNDER SECTION
16.1200 OF THE CITY OF PLANO ZONING ORDINANCE**

THIS PERFORMANCE AGREEMENT (hereinafter referred to as "Performance Agreement") pertains to that certain property known as Earl Baccus #1, Block A, Lot 1 in Plano, Texas (the "Property") and is made and entered into by and between the owner of the Property, **SKYBOX LEGACY I, LP**, a Texas limited partnership (hereinafter referred to as "Owner"), and the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation (hereinafter referred to as "City"), to be effective from and after the date hereinafter provided. For and in consideration of the covenants and agreements contained herein, and for the mutual benefits to be obtained hereby, the parties hereto agree as follows:

I. NUMBER OF SPACES TO BE DEFERRED

The City hereby enters into this Performance Agreement to allow the deferral by Owner of the construction of thirty four (34) parking spaces on the Property, which is used as a data center, until demand for a greater number of parking spaces is reached, as solely determined by the City, or a change of occupancy occurs in accordance with Section 16.1200 (Parking Reduction Program) of the City's Zoning Ordinance.

II. MEASURES TO MITIGATE IMPACTS

In order to mitigate the impact of reduced parking on on-street parking and parking lots not owned or controlled by Owner or its tenants, Owner shall encourage use of public transportation by providing DART bus route schedules and vanpool information in common areas within the facility. Owner shall encourage the promotion of carpooling among facility users, and owner shall install a bike rack on site for facility users.

III. PROGRAM USED TO DECREASE PARKING DEMAND

Owner has been exempt from providing a parking management program because the amount of parking being provided exceeds the anticipated parking demand.

IV. ANNUAL PARKING DEMAND REPORTS AND ADDITIONAL PARKING SPACE REQUIREMENTS

The Owner shall provide an annual parking demand monitoring report to the City of Plano Planning Department due on March 1 of each year, beginning with the March immediately following the certificate of occupancy, which will note any changes in occupancy of the building located on the Property or demand for additional parking. The report shall include, but not be limited to, a statement of existing uses (per zoning ordinance), statement of required parking (per zoning ordinance ratios) and an estimate of actual demand. If the City determines that a demand for additional parking exists or if a change of occupancy or use occurs at the Property, the City shall have the right to require the construction of additional parking spaces on the Property by notification to Owner in writing. Within thirty (30) days of receipt of written notification from the City to the Owner that additional parking spaces are needed at the Property,

the Owner shall execute a written modification to this Performance Agreement reflecting the required number of additional spaces to be added to the Property, as solely determined by the City. If Owner fails to execute a modification to this Performance Agreement for additional parking spaces within thirty (30) days of notice of same as required herein, this Performance Agreement shall terminate pursuant to the requirements in Section VI. herein.

V. NOTICES

Unless instructed otherwise in writing, Owner agrees that all notices or communications to City permitted or required under this Performance Agreement shall be addressed to City at the following address:

City of Plano
Planning Department
Attn: Director of Planning
P.O. Box 860358
Plano, TX 75086-0358

With a copy to:

City of Plano
Attn: City Attorney
P.O. Box 860358
Plano, TX 75086-0358

City agrees that all notices or communications to Owner permitted or required under this Agreement shall be addressed to Owner at the following addresses:

Skybox Legacy I, LP
Attn: Thomas Leiser
5820 W. Northwest Hwy, Ste. 200
Dallas, TX 75225

With a copy to:

Highline Real Estate Group
Attn: Scott Beatty
3131 Turtle Creek Blvd, Ste. 850
Dallas, TX 75219

All notices or communications required to be given in writing by one party or the other shall be considered as having been given to the addressee three days after the date such notice or communication is sent by certified mail postage prepaid posted to the receiving party.

VI. TERMINATION OF AGREEMENT

This Performance Agreement may be terminated by City for Owner's failure to comply with its terms. Notwithstanding anything herein to the contrary, Owner's failure to comply shall not be deemed to have occurred unless and until City has given written notice to Owner of Owner's failure to comply and Owner has failed to cure such non-compliance within thirty (30) days after Owner's receipt of notice. Upon termination of this Performance Agreement, the Owner shall construct parking spaces on the Property to meet the baseline parking assessment as shown on the Revised Preliminary Site Plan, attached as Exhibit A, or submit a new site plan for review in compliance with the then current development regulations.

The construction of the parking spaces to meet the baseline parking assessment shall be completed within a timeframe mutually agreeable to the City of Plano and Owner, but in no event less than 90 days after this Performance Agreement is terminated. Owner may terminate this Performance Agreement by sending notice to the City and acknowledging that such termination will be subject to construction of the parking spaces in conformance with the baseline parking assessment.

Termination of this Performance Agreement by either party is without penalty or prejudice to any other remedy either party may be entitled to at law or in equity or otherwise.

VII. EFFECTIVE DATE

The effective date of this Performance Agreement shall be the date of the last signatory to this Performance Agreement as indicated below.

VIII. AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION

Plano has executed this Performance Agreement pursuant to duly authorized action of the Plano City Council. The person or entity signing this Performance Agreement on behalf of Owner represents that he or she is authorized to execute this Performance Agreement.

IX. SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement.

X. VENUE

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

XI. REMEDIES

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Performance Agreement may be waived without the express written consent of the parties. Each party reserves the right to seek any available enforcement remedies for breach of this Performance Agreement or for violations of federal, state, or local law.

XII. SUCCESSORS AND ASSIGNS

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

Notwithstanding the foregoing, no such consent shall be required if Owner transfers its ownership of the Property (and / or assigns or delegates its rights hereunder) to: (i) any parent, subsidiary or affiliate of Owner, which shall include without limitation an assignment of Owner’s interest under this Performance Agreement by operation of law, or as the consequence of a merger of Owner into or with another entity or (ii) if Owner transfers its interest in the Property to a third party and leases the Property back maintaining the same or lower occupancy levels as before the transfer of the Property. Owner shall notify the City of such event under subparts (i) or (ii) of the preceding sentence within 30 days of the occurrence of such event. If an Assignment by Owner results in a change of occupancy or use at the Property, additional parking may be required at the Property by the City.

IN WITNESS WHEREOF, the parties have executed this Performance Agreement upon the year and date indicated beside their signatures hereto.

SKYBOX LEGACY I, LP,

DATE: _____

BY: _____

Thomas A. Leiser
Manager of Skybox BR, LLC, and
General Partner of Skybox Legacy
I, LP, and Skybox Legacy I, GP

CITY OF PLANO, TEXAS

DATE: _____

BY: _____

Bruce D. Glasscock
CITY MANAGER

APPROVED AS TO FORM:

Paige Mims
CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
§
COUNTY OF _____

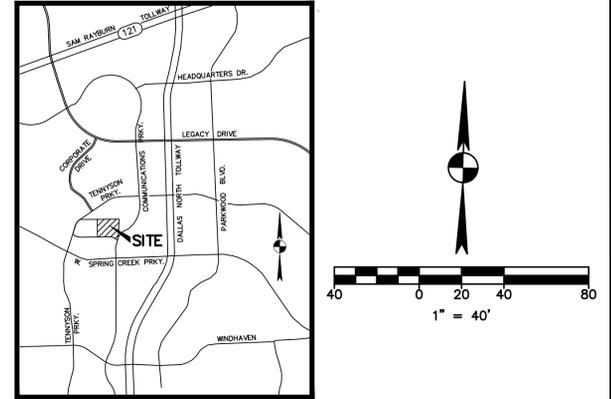
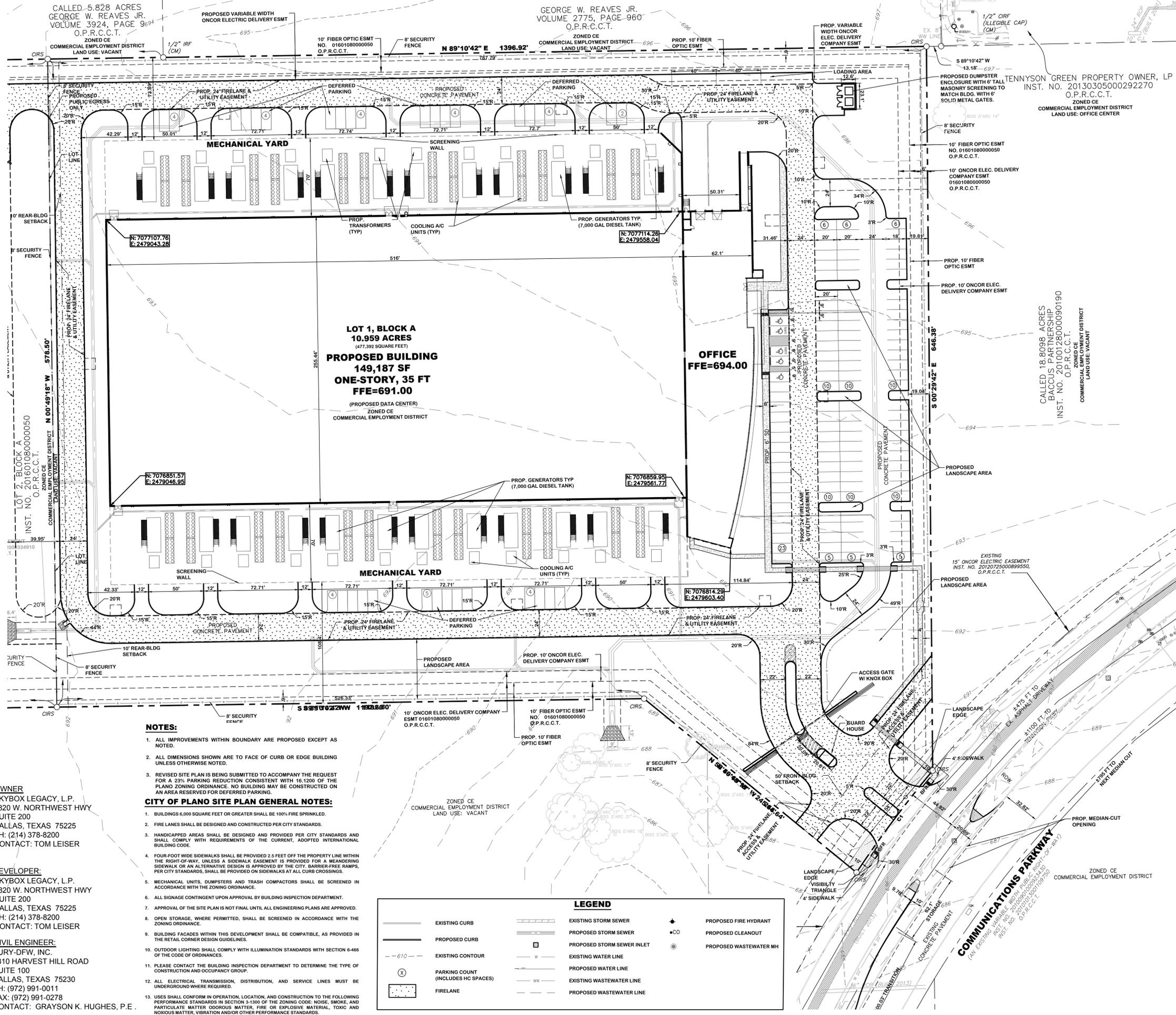
This instrument was acknowledged before me on the _____ day of _____, 2016 by Thomas A. Leiser, Manager of Skybox Legacy 1, LP, a Texas Limited Partnership; General Partner of Skybox Legacy 1 GP, a Texas Limited Liability Company, and General Partner of Skybox BR, LLC, a Texas Limited Liability Company, on behalf of said limited partnership and limited liability companies.

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2016 by Bruce D. Glasscock, CITY MANAGER of the CITY OF PLANO, TEXAS, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

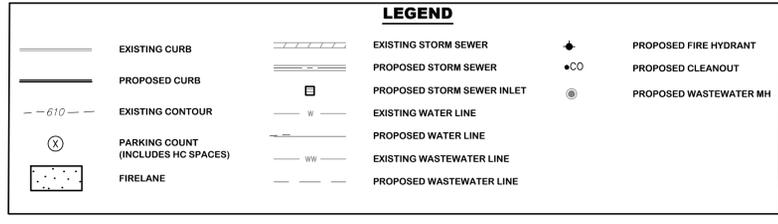


* VICINITY MAP *
(NOT TO SCALE)
MAPSCO NO. 555-X

SITE DATA SUMMARY TABLE

LOT 1, BLOCK A	
GENERAL SITE DATA	
ZONING (FROM ZONING MAP):	CE
LAND USE (FROM ZONING ORDINANCE):	DATA CENTER
LOT AREA (SQUARE FEET & ACRES):	10.96 AC 477,392 SF
BUILDING FOOTPRINT AREA (SQUARE FEET):	149,187 SF
TOTAL BUILDING AREA (SQUARE FEET):	149,187 SF
BUILDING HEIGHT (# OF STORIES):	1 STORY
BUILDING HEIGHT (FEET-DIST. TO TALLEST BLDG ELEMENT):	35 FT
LOT COVERAGE (PERCENT-X.XX%):	31%
FLOOR AREA RATIO (RATIO-X.XX:1):	0.31 : 1
PARKING	
PARKING RATIO (FROM ZONING ORDINANCE):	1:1000 SF
REQUIRED PARKING (# SPACES):	150
PROVIDED PARKING (# SPACES):	116
ACCESSIBLE PARKING REQUIRED (# SPACES):	5
ACCESSIBLE PARKING PROVIDED (# SPACES):	5
PARKING IN EXCESS OF 110% OF REQUIRED PARKING (# SPACES)	0
LANDSCAPE AREA (including turf areas)	
LANDSCAPE EDGE AREA PROVIDED (SF):	675
REQUIRED INTERIOR LANDSCAPE AREA (PARKING LOT LANDSCAPING) (SQUARE FEET):	840
ADDITIONAL INTERIOR LANDSCAPE AREA PROVIDED (SF):	2,326
OTHER LANDSCAPE AREA WITHIN THE LOT INCLUDING STORM WATER CONSERVATION AREAS (SQUARE FEET):	159,079
TOTAL LANDSCAPE AREA (SQUARE FEET):	162,920
PERMEABLE AREA (NOT INCLUDING LANDSCAPING OR TURF AREAS)	
PERMEABLE PAVEMENT (SQUARE FEET):	N/A
OTHER PERMEABLE AREA WITHIN THE LOT NOT INCLUDING LANDSCAPING OR TURF AREAS (SQUARE FEET):	N/A
TOTAL PERMEABLE AREA (SQUARE FEET):	N/A
IMPERVIOUS AREA	
BUILDING FOOTPRINT AREA (SQUARE FEET):	149,187
AREA OF SIDEWALKS, PAVEMENT & OTHER IMPERVIOUS FLATWORK (SQUARE FEET):	115,948
OTHER IMPERVIOUS AREA (MECH YARD):	49,337
TOTAL IMPERVIOUS AREA (SQUARE FEET):	314,472
SUM OF TOTAL LANDSCAPE AREA + TOTAL PERMEABLE AREA + TOTAL IMPERVIOUS AREA (SQUARE FEET):	477,392
NOTE: SUM MUST EQUAL LOT AREA	
TOTAL IMPERVIOUS AREA:	314,472
LESS BMP IMPERVIOUS AREA CREDIT:	0
BILLABLE IMPERVIOUS AREA:	314,472

- NOTES:**
- ALL IMPROVEMENTS WITHIN BOUNDARY ARE PROPOSED EXCEPT AS NOTED.
 - ALL DIMENSIONS SHOWN ARE TO FACE OF CURB OR EDGE BUILDING UNLESS OTHERWISE NOTED.
 - REVISED SITE PLAN IS BEING SUBMITTED TO ACCOMPANY THE REQUEST FOR A 25% PARKING REDUCTION CONSISTENT WITH 16.1200 OF THE PLANO ZONING ORDINANCE. NO BUILDING MAY BE CONSTRUCTED ON AN AREA RESERVED FOR DEFERRED PARKING.
- CITY OF PLANO 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 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 THE PROPERTY LINE WITHIN THE RIGHT-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 INSPECTION DEPARTMENT.
 - APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
 - OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
 - BUILDING FACADES WITHIN THIS DEVELOPMENT SHALL BE COMPATIBLE, AS PROVIDED IN THE RETAIL CORNER DESIGN GUIDELINES.
 - OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITH SECTION 6-466 OF THE CODE OF ORDINANCES.
 - PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
 - ALL ELECTRICAL TRANSMISSION, DISTRIBUTION, AND SERVICE LINES MUST BE UNDERGROUND WHERE REQUIRED.
 - USES SHALL CONFORM IN OPERATION, LOCATION, AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 3-1300 OF THE ZONING CODE: NOISE, SMOKE, AND PARTICULATE MATTER, ODOUR, FIRE OR EXPLOSIVE MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION AND/OR OTHER PERFORMANCE STANDARDS.



OWNER
SKYBOX LEGACY, L.P.
5820 W. NORTHWEST HWY
SUITE 200
DALLAS, TEXAS 75225
PH: (214) 378-8200
CONTACT: TOM LEISER

DEVELOPER:
SKYBOX LEGACY, L.P.
5820 W. NORTHWEST HWY
SUITE 200
DALLAS, TEXAS 75225
PH: (214) 378-8200
CONTACT: TOM LEISER

CIVIL ENGINEER:
BURY-DFW, INC.
5310 HARVEST HILL ROAD
SUITE 100
DALLAS, TEXAS 75230
PH: (972) 991-0011
FAX: (972) 991-0278
CONTACT: GRAYSON K. HUGHES, P.E.

**REVISED PRELIMINARY SITE PLAN
PROJECT #2016-005
EARL BACCUS # 1 ADDITION**

LOT 1, BLOCK A,
BEING 10.959 ACRES SITUATED IN
THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO.150,
AND HENRY B. MILLER SURVEY, ABSTRACT NUMBER 614
CITY OF PLANO, COLLIN COUNTY, TEXAS
MAY, 2016

RPSP-1