

CITY COUNCIL

1520 AVENUE K



DATE: 4/25/2011
CALL TO ORDER: 7:00 p.m.
INVOCATION: Pastor Randall Worley
Prairie Creek Baptist Church
PLEDGE OF ALLEGIANCE: Boy Scout Troop 261
Christ United Methodist Church

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS & SPECIAL RECOGNITION</u> Special Recognition: Alliance Bulldogs, Girls Hockey National Champions Proclamation: Hedgcoxe Elementary Teacher Appreciation Week</p> <p><u>OATHS OF OFFICE</u> <u>North Texas Municipal Water District Board</u> Jerry E. Yancey</p> <p><u>Self Sufficiency Committee</u> Charles Ho</p> <p><u>COMMENTS OF PUBLIC INTEREST</u> <u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>CONSENT AGENDA</u> <u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p> <p><u>Approval of Minutes</u></p> <p>(a) April 4, 2011 April 11, 2011</p> <p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p> <p>(b) Bid No. 2011-119-B for Marsh Lane – Parker Road to Columbine Way to Jim Bowman Construction Company, L.P. in the amount of \$574,619 and authorizing the City Manager to execute all necessary documents.</p> <p>(c) Bid No. 2011-91-B for the purchase of Evans Park- Parking and Fence Renovations- Project No. 5945 for the Parks Department to Ratliff Hardscape, Ltd. in the amount of \$118,297 and authorizing the City Manager to execute all necessary documents.</p> <p>(d) Bid No. 2011-111-B for the Park Erosion Control Structures, Project No. 6034, to DCI Contracting, Inc. in the amount of \$335,200 and authorizing the City Manager to execute all necessary documents.</p> <p>(e) Bid No. 2011-126-B for the purchase of eight (8) Pick Up Trucks for Fleet Services to be utilized by Environmental Waste, Municipal Drainage, Pumping Facilities, Utility Cut Services, Ground Maintenance District #1 and #3, Park Support Services, & Athletic Field Maintenance from Baby Jack II Automotive (Caldwell Country Chevrolet) in the amount of \$164,798 and authorizing the City Manager to execute all necessary documents.</p> <p>Purchase from an Existing Contract</p> <p>(f) To approve a one (1) year contract with three (3) City optional renewals for the purchase of Oil & Lubrication Products for the Warehouse to be utilized by Fleet Services in an estimated amount of \$79,515 from Reeder Distributors through an existing contract/agreement with the City of Fort Worth, and authorizing the City Manager to execute all necessary documents. (City of Fort Worth Contract #09-0209)</p> <p>(g) To approve a contract for the purchase and installation of 180 new poles as part of the final phase of the Moto Mesh Wireless Network Project, in the amount of \$766,620 from Scientel Wireless, LLC, through an existing contract with the Houston-Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW10-09)</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Adoption of Resolutions</u></p> <p>(h) To ratify the Takeover Agreement by and between North American Specialty Insurance Company and the City of Plano for completion of Mapleshade Sanitary Sewer and Force Main project; approving its execution by the City Manager and providing an effective date.</p> <p>(i) To repeal Resolution No. 2011-1-16(R) and approving a revised Fire Department Fee Schedule for fire inspections, fire plan reviews, and hazardous occupancies permits; and providing a repealer clause, a severability clause, and an effective date.</p> <p>(j) To authorize continued participation with the Atmos Cities Steering Committee; authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and providing an effective date.</p> <p>(k) To approve the terms and conditions of a Second Amendment to Economic Development Incentive Agreement by and between the City of Plano, Texas, and Connecticut General Life Insurance Company, a Connecticut corporation ("CIGNA"); authorizing its execution by the City Manager; and providing an effective date.</p> <p>(l) To approve the terms and conditions of an Economic Development Incentive Agreement by and between Diodes Incorporated and the City of Plano; terminating a prior Tax Abatement Agreement and Economic Development Incentive Agreement between Diodes Incorporated and the City of Plano; and authorizing its execution by the City Manager; and providing an effective date.</p> <p>(m) To find Officer James Forsythe is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Brady Byrum v. City of Plano, et al.; and providing an effective date.</p>	
	<p><u>Adoption of Ordinances</u></p> <p>(n) To amend Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of North Star Road within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.</p> <p>(o) To abandon all right, title and interest of the City, in and to that certain 50-foot wide Drainage Easement recorded in Volume 5869, Page 6230, of the Land Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(p)	To abandon all right, title and interest of the City, in that certain 15-foot wide Sanitary Sewer Easement recorded in Document No. 20060907001285700, Official Public Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.	
(q)	To repeal Ordinance 2011-1-24, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2009 Edition of the International Fire Code, with certain revised additions, deletions, and amendments, as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.	
(r)	To amend Ordinance No. 2008-12-3, Section IV, codified as Section 6-70 of Article III Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano to change the annual registration due date; providing a penalty clause, a repealing clause, a severability clause, a savings clause, a publication clause; and an effective date.	
	<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p>	
(1)	Public Hearing and Discussion concerning the Comprehensive Plan and Undeveloped Land Study as they relate to Major Corridor Development in the Coit Road/Bush Turnpike Area.	
(2)	Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-04 - Request to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard from Commercial Employment and Central Business-1 to Planned Development-Commercial Employment. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Applicant: USL Frisco II, LLC	

ITEM NO.	EXPLANATION	ACTION TAKEN
(3)	Consideration of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Parkwood Village, Block A, Lots 1 & 2 - Retail, restaurants and 400 multifamily units on two lots on 20.3± acres located at the southwest corner of Parkwood Boulevard and State Highway 121. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Applicant: USL Frisco II, LLC	
(4)	Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-05 - Request to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial and Light Industrial-1 to Planned Development-Corridor Commercial. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade. Applicant: Coit 190, L.P. and Harkins Plano, L.P.	
(5)	Consideration of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Coit Center, Block A, Lots 1R, 8, & 9 and Block B, Lot 4R - Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane, and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade. Applicant: Coit 190, L.P. and Harkins Plano, L.P.	
(6)	<p>Public Hearing and consideration of a Resolution to adopt the City of Plano Heritage Preservation Plan 2011 and approving it as a guide for the heritage preservation efforts of the City (while not binding the City to specific expenditures), private investment in historic resources, and code and ordinance amendments relating to development, redevelopment, preservation and revitalization of the historic areas of the City of Plano, Texas; and providing an effective date.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



**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:		04/25/2011		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
Special Recognition: Alliance Bulldogs, Girls Hockey National Champions				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



**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:		04/25/2011		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
Proclamation: Hedgcoxe Elementary Teacher Appreciation Week				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**PLANO CITY COUNCIL
SPECIAL CALLED SESSION
April 4, 2011**

COUNCIL MEMBERS

Phil Dyer, Mayor
Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Lissa Smith
Harry LaRosiliere
Jean Callison

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 7:01 p.m., Monday, April 4, 2011, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Callison arrived at 7:11 p.m. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 for which a certified agenda is not required.

Mayor Dyer reconvened the meeting back into the Special Called Session at 7:37 p.m.

Opening Remarks

City Manager Glasscock spoke to setting a foundation for future budget discussions by reviewing the four pillars of the budget process: financial policies; bond ratings; fund structures; and the history of the tax rate. He spoke to the City as a major corporation with 2,000+ employees and a combined budget of \$400 million with \$200 million in the General Fund (70% of which is personnel services). Mr. Glasscock spoke to Staff efforts to make reductions with minimal impact on the community and advised that future savings will result in an impact on service delivery and citizen/employee satisfaction. He spoke to the increasing tax rates of other maturing cities, focusing on maintaining citizen satisfaction while controlling expenditures, and areas for Council consideration including whether or not to maintain the AAA bond rating, continuing the use of reserve balances, maintaining the tax rate, avoiding the issuance of debt, and/or a planned gradual tax rate increase to offset revenue changes.

Discussion on the City of Plano's Financial Policies

Director of Finance Tacke spoke to the origins of fund accounting and the need for governments to demonstrate compliance with significant legal restrictions on the use of public resources and their annual budget and advised that the use of fund accounting helps demonstrate fiscal and fiduciary responsibility. She advised that the funds are self-balancing sets of accounts, much like subsidiaries of private companies, vary in type and have their own records. Ms. Tacke advised that government funds (General Fund, Debt Service Fund, Special Revenue Fund, and Capital Projects Fund) are used for tax-supported debt and are recorded in a cash-based accounting system while proprietary funds are more business-like in nature and are recorded in an accrual fashion. She responded to the Council, advising that the City must comply with generally accepted standards of accounting in order to receive a "clean" audit opinion.

Ms. Tacke reviewed the spending of each fund, advising that the General Fund is the chief operating fund of the City housing the operating and maintenance portion of property and sales tax and franchise fees; the Debt Service Fund is used to set aside resources for current and future debt service payments and must be paid first; the Special Revenue Funds raise revenue for specific purposes including red light cameras and are restricted in use; the Capital Projects Fund is used for financing and construction of capital projects and is made up of revenue received from other participating government agencies, bond proceeds and capital reserve monies; Proprietary Funds are business-type activities; Enterprise Funds are recovered by a fee such as those for water/sewer and environmental services; Internal Service Funds function to support activities within the City; and the Equipment Replacement Fund is for large items and is based on the expected life of the asset.

Director of Budget and Research Rhodes-Whitley spoke to the need for a rate structure adjustment should internal loans between funds be considered. Ms. Tacke advised that "best practices" recommend 60 days of working capital for General and Enterprise Funds and that Plano has 30 days in the General Fund and 14 days in the Environmental Services Fund. Ms. Rhodes-Whitley spoke to keeping 60 days in the Water & Sewer Fund and to a lower balance in the Solid Waste Fund due to stable revenues in that account. Ms. Tacke advised that all funds in an account cannot be spent due to portions being restricted, committed or assigned and spoke regarding the use of encumbrances and further advised that new accounting board requirements will impact reserves for appropriations.

Ms. Tacke spoke to funds for health care benefits and the 115 Trust (covering retiree health insurance) accumulated from each department based on their number of employees and responded to Mayor Pro Tem Dunlap regarding reserve funds versus contingency funds. Ms. Rhodes-Whitley advised that the Central Appraisal District does an annual appraisal at no extra cost to the City and Deputy City Manager Turner spoke to earmarking monies in the Capital Reserve Fund for specific purposes. City Manager Glasscock advised that he was unaware of insurance that would cover major, unexpected repairs such as a sewer line break.

Bond Rating Discussion

Ms. Tacke spoke to consideration by bond rating agencies of economic development and opportunities to bring businesses into the City; the ability to raise taxes if needed; General Fund reserve balances; and their negative view of an erosion of the tax base and decreases in the General Fund or a drawing down of reserves. She advised that agencies look at conservative and sophisticated debt management policies such as the City's use of short-term debt. Ms. Tacke spoke to consideration of strong General Fund reserves and revenue raising flexibility and advised regarding the impact on the City's bond interest rate should the rating fall from AAA.

Overview of Governmental, Debt, Enterprise and Internal Services Funds and Budgetary Impact

Ms. Rhodes-Whitley spoke regarding the relationship of the General Fund to other funds and advised that allocation to the debt tax rate in the General Obligation Fund must be done first. She spoke to monies coming into the General Fund from Water & Sewer, Sustainability & Environmental Services, Municipal Drainage, Convention & Tourism and Rec Revolving Funds to pay for administrative services. She advised that a majority of the work done by the Plano Television Network is for the Council and Planning and Zoning Commission and will be transferred out of the General Fund. Ms. Rhodes-Whitley advised that a goal of the Capital Reserve Fund is to transfer 75% of the annual depreciation value of projects and stated that the Property and Liability Loss Fund covers workman's compensation, property damages, judgments and claims and is funded through the General, Sustainability & Environmental Services, and Water & Sewer Funds. She advised regarding funding of the PC Replacement Fund and spoke to the Technology Services Fund which maintains the operations of the Technology Services Department with 80% covered by the General Fund and 20% from the Water & Sewer Fund. Ms. Rhodes-Whitley advised that the Technology Fund receives \$1.4 million each year for large projects and the Economic Development Incentive Fund is comprised of two cents from the property tax rate.

Ad Valorem Tax Rate Overview

Ms. Rhodes-Whitley advised regarding new growth added to the tax rate, transfer of 10.5 cents of the rate to the Capital Reserve Fund and 2 cents for economic development. She spoke to future payments closing out existing tax notes and the resulting increase in monies available for operations and maintenance. Ms. Rhodes-Whitley advised that projections of additional revenues include the acquisition of new debt. She further advised that Plano utilizes short-term notes rather than long-term debt which incur less overall cost and that projections include all items approved and unfunded from the 2009 bond referendum. Ms. Rhodes-Whitley spoke to CIP projects coming online and the impact to the budget of their operating and maintenance with a cumulative cost of eight cents on the tax rate. City Manager Glasscock advised that in the past, the City has depended on new growth to offset the increased costs of operations and maintenance rather than increasing the tax rate and to this driving the deficits.

Ms. Rhodes-Whitley stated that if all items were funded as planned, the tax rate in 2014-15 would need to be 56.47 cents to maintain operations. She spoke to lost revenues through exemptions and tax freezes and to the effective tax rate as the rate that would be passed to collect the same tax revenue as the prior year. She spoke to the effective rate of 52.03 cents for 2010-11 and to the Council adopting a 48.86 tax rate which resulted in a missed opportunity of \$7.8 million. She responded to the Council advising that calculations do not include new development. Ms. Rhodes-Whitley spoke to the rollback rate which allows a taxing unit to raise the same amount for operations (only General Fund operations) as in the prior year plus provides an 8% cushion and stated that for last year it would have been 37.74 cents as compared to the 31.35 cents adopted by the Council. Mr. Turner advised that calculations for the rollback rate encourage cities to take on more debt because they exclude the debt cost. Ms. Rhodes-Whitley reviewed the budget calendar.

Conclusion/Next Steps

City Manager Glasscock spoke to setting a foundation to understand where the City is now and what is anticipated in the future. Council Member Smith spoke to receiving information from each department. Mr. Glasscock advised that he would bring forward a recommended budget and cuts along with a tax rate for Council's consideration. He spoke to each department presenting information on their general service delivery with an overall view. After discussion, the Council concurred to hold meetings on a separate evening from Council nights and to conduct them in the chambers.

Council Member LaRosiliere spoke to setting a clear direction and considering the quality of services and costs. He spoke to recent reductions taking \$13 in cuts for every \$1 in increased revenues, and to focusing on what citizens want and providing the resources to Staff to deliver their expectations. He and Council Member Callison spoke to the impact of decisions on service quality and bond ratings. Mr. Glasscock spoke to departments "telling their story," providing information on challenges and the impacts of the last three years. He further spoke to the difficulty of recovery should significant cuts be made and potential consequences on service, citizen satisfaction and financial stability.

Nothing further was discussed. Mayor Dyer adjourned the Session at 9:37 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
April 11, 2011**

COUNCIL MEMBERS

Phil Dyer, Mayor
Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Lissa Smith
Harry LaRosiliere
Jean Callison

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Paige Mims, Deputy City Attorney
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:05 p.m., Monday, April 11, 2011, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Deputy Mayor Pro Tem Miner arrived at 5:11 p.m. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071; and to receive information regarding Economic Development, Section 551.087; and Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:03 p.m.

Consideration and action resulting from Executive Session discussion:

North Texas Municipal Water District Board – Reappointment

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Miner, the Council voted 8-0 to reappoint Jerry E. Yancey.

Presentation of Police Department's Racial Profiling Report

Police Chief Rushin spoke to the requirement to present data gathered from traffic stops resulting in a citation or arrest noting the race or ethnicity of the individual detained and whether a search was conducted. He spoke to a new format for reports and advised that they contain rough data and do not constitute evidence of racial profiling. Chief Rushin advised that warnings and citations appear fairly equitable across racial lines, spoke to the percentage of stops affecting non-Plano residents, a baseline based on crash data population, and factors related to discretionary and non-discretionary arrests. He advised there were 57,054 traffic contacts in 2010 with two alleging bias and stated that both were investigated by the Professional Standards Unit with one determined "unfounded" and the other "not-sustained." Chief Rushin spoke to officer involvement in the community and future strategies to include gathering and analyzing data, utilizing car videos, review of standards, training, and minority recruiting.

Presentation of Police Department's Annual Report

Police Chief Rushin provided an overview of the department's 341 sworn officers, 156 civilians, 88 crossing guards and 194 Citizen's Police Academy alumni and its mission to provide outstanding police services in partnership with the community and to maintain a safe environment that contributes to the quality of life. He spoke to emphasizing voluntary compliance, education of citizens, partnership with the community, visual presence, detection and apprehension of offenders. Chief Rushin referred to performance measures including the crime rate (the lowest in over ten years), traffic safety, timely service with overall response times within target ranges and quality of service as measured by citizen surveys. He spoke to the efforts of the Plano Citizens Police Academy Alumni Association and accomplishments including recognition by Forbe's Magazine and CQ Press as a safe city, receipt of the National Award for Excellence in Neighborhood Watch from the National Sheriff's Association, Texas Tactical Police Officers' Association SWAT Competition award winners, receipt of CALEA Flagship Accreditation, efforts of Law Enforcement Explorer's Post 911, and the award winning National Night Out Program. Chief Rushin spoke to the positive impact of the Automated Red Light Camera Enforcement Program and the Department's budget reductions and voluntary savings of over \$5.3 million since April 2008. He spoke to future focus on performance measures, high quality service, efficiency/cost containment, technology, employee development, and community partnerships.

Chief Rushin responded to the Council regarding recruitment efforts, prevention and tracking of injuries, and benefits of the Moto Mesh system. He spoke to the cost savings of new police vehicles and the ability to mount all necessary equipment in the cabin area. Chief Rushin spoke to positive call response times and advised that officers report concerns regarding road conditions.

Discussion and Direction to Grant Permission to Plano Sports Authority, Inc. (PSA) to Alter and Remodel the Interior of the PSA Facility located in Carpenter Park

Bill Wadley, of SHW Group, spoke to the growth of soccer programs and the partnership with the Dallas Stars. He spoke to an agreement which would convert the current ice surfaces to indoor soccer fields and to renovations to open up the facility and change the name to *PSA 1 Center*. Mayor Dyer expressed appreciation for the partnership with the City and the Council concurred in approving the recommended changes.

Spring Creek Corridor Improvements

Public Works Director Cosgrove advised the Council regarding planned improvements at the intersections of Spring Creek Parkway and Independence Parkway/Custer Road advising that the proposal brings intersection roadways together to allow for easier left-turn lanes. He advised regarding funding received from regional monies and Collin County bond funds and stated that the City will retain ownership of the current rights-of-way.

Personnel - Self Sufficiency Committee

Upon a motion made by Council Member Davidson and seconded by Council Member Smith, the Council voted 8-0 to appoint Charles Ho as an interim member of the board.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agenda

Mayor Pro Tem Dunlap requested Consent Agenda Item "B," Bid No. 2011-83-B for the Spring Creek Parkway Railroad Track Removal Project No. 6092 to Jim Bowman Construction Company, L.P. in the amount of \$75,330 be removed for individual consideration due to a possible conflict of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:54 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary

PLANO CITY COUNCIL
April 11, 2011

COUNCIL MEMBERS

Phil Dyer, Mayor
Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Lissa Smith
Harry LaRosiliere
Jean Callison

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Paige Mims, Deputy City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, April 11, 2011, at 7:09 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Janet Collinsworth of St. Andrew United Methodist Church. Mayor Dyer led those in attendance in the Pledge of Allegiance.

PROCLAMATIONS & SPECIAL RECOGNITION

Mayor Dyer received a presentation of Volunteer Dollar Value Recognition and read a proclamation for National Volunteer Week. City Manager Glasscock recognized Chief Gregory Rushin for 25 Years of service.

COMMENTS OF PUBLIC INTEREST

O.B. Barsh, of Bullwinkle's Bistro and Pub requested favorable consideration of a request for a Specific Use Permit for a Private Club citing other areas in the City that receive an exception from the distance requirement to churches. Citizen of the City Jim Kubota spoke to requiring a permit for those who perform neighborhood lawn maintenance as is required for holding a garage sale. Residents Carolyn Roberts and Virginia Ziegler spoke to issues related to their participation in the Community Services Program and City Manager Glasscock advised that he would work with Staff for resolution of the program. No one else appeared to speak.

CONSENT AGENDA

Upon the request of Mayor Pro Tem Dunlap, Consent Agenda Item “B” was removed for individual consideration due to a possible conflict of interest.

Council Member Harris spoke to one correction to the Regular Minutes of March 28 amending a speaker’s name.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Callison, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as follows:

Approval of Minutes (Consent Agenda Item “A”)
March 28, 2011 (Approved with revision)

Approval of Expenditures

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

Purchase from an Existing Contract

To approve the purchase of audio equipment and a replacement PA system and speakers for the Carpenter Park Recreation Center renovation in the amount of \$74,593 from Schoolhouse Audio Visual through an existing contract with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract R4706). (Consent Agenda “C”)

Approval of Change Order

To ARK Contracting, LLC, increasing the contract by \$73,400 for the Park System Pond Restoration, Project No. 5895, Change Order No. 1. Original Bid No. 2011-24-B. (Consent Agenda “D”)

Approval of Expenditure

To approve the purchase of an upgrade to the pneumatic controls for the thermostats and controllers and an upgrade to a total of 79 terminal boxes at Robinson Justice Center in the amount of \$146,587 from Johnson Controls, Inc. through an existing contract with Choice Facilities Partners and authorizing the City Manager to execute all necessary documents. (Choice Facility Partners Contract Number 09/003JC-01) (Consent Agenda “E”)

Adoption of Resolutions

Resolution No. 2011-4-1(R): To approve the assignment of a Tax Abatement Agreement from KanAm Grund Kapitalanlagegesellschaft mbH, a German limited liability company to FSP Legacy Tennyson Circle LLC, a Delaware limited liability company and approving an amendment to the agreement reflecting same and removing the Lessee, Denbury Onshore LLC, a Delaware limited liability company from the Agreement; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda “F”)

Resolution No. 2011-4-2(R): To approve the terms and conditions of an Amended Restated Agreement by and between the City of Plano, Texas, a home rule municipal corporation, the County of Collin, Texas, Capital One, National Association, a national banking association, and Capital One Auto Finance, Inc., a Texas Corporation; and providing for consolidation of the abatements for the separate phases of the Capital One Project in Reinvestment Zone 111 into one Agreement; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda “G”)

Adoption of Ordinances

Ordinance No. 2011-4-3: To amend Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to enact a school zone on the section of North Star Road from a point 1,500 feet south of Plano Parkway south to the south City limits; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda “H”)

Ordinance No. 2011-4-4: To repeal Appendix B—Cable Television Franchise of the Code of Ordinances of the City of Plano, Texas to repeal Ordinance No. 83-7-8 granting a franchise to Telecable of Plano, Inc., its successors or assigns, to own and operate and maintain a cable communications system in the City of Plano, Texas; setting forth conditions accompanying the grant of franchise; providing for the regulation and use of said system; and providing an effective date. (Consent Agenda “I”)

Ordinance No. 2011-4-5: To amend the Transportation Element of the Comprehensive Plan along with the Future Land Use Plan map and Thoroughfare Plan map as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano (Approved by City Council 3/28/11) (Consent Agenda “J”)

END OF CONSENT

Mayor Pro Tem Dunlap stepped down from the bench at 7:35 p.m. and did not return.

Bid No. 2011-83-B for the Spring Creek Parkway Railroad Track Removal, Project No. 6092, to Jim Bowman Construction Company, L.P. in the amount of \$75,330 and authorizing the City Manager to execute all necessary documents.

Upon a motion made by Council Member Callison and seconded by Council Member LaRosiliere, the Council voted 7-0 to approve Bid No. 2011-83-B for the Spring Creek Parkway Railroad Track Removal to Jim Bowman Construction Company, L.P. in the amount of \$75,330.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:36 p.m.

Phil Dyer, MAYOR

ATTEST:

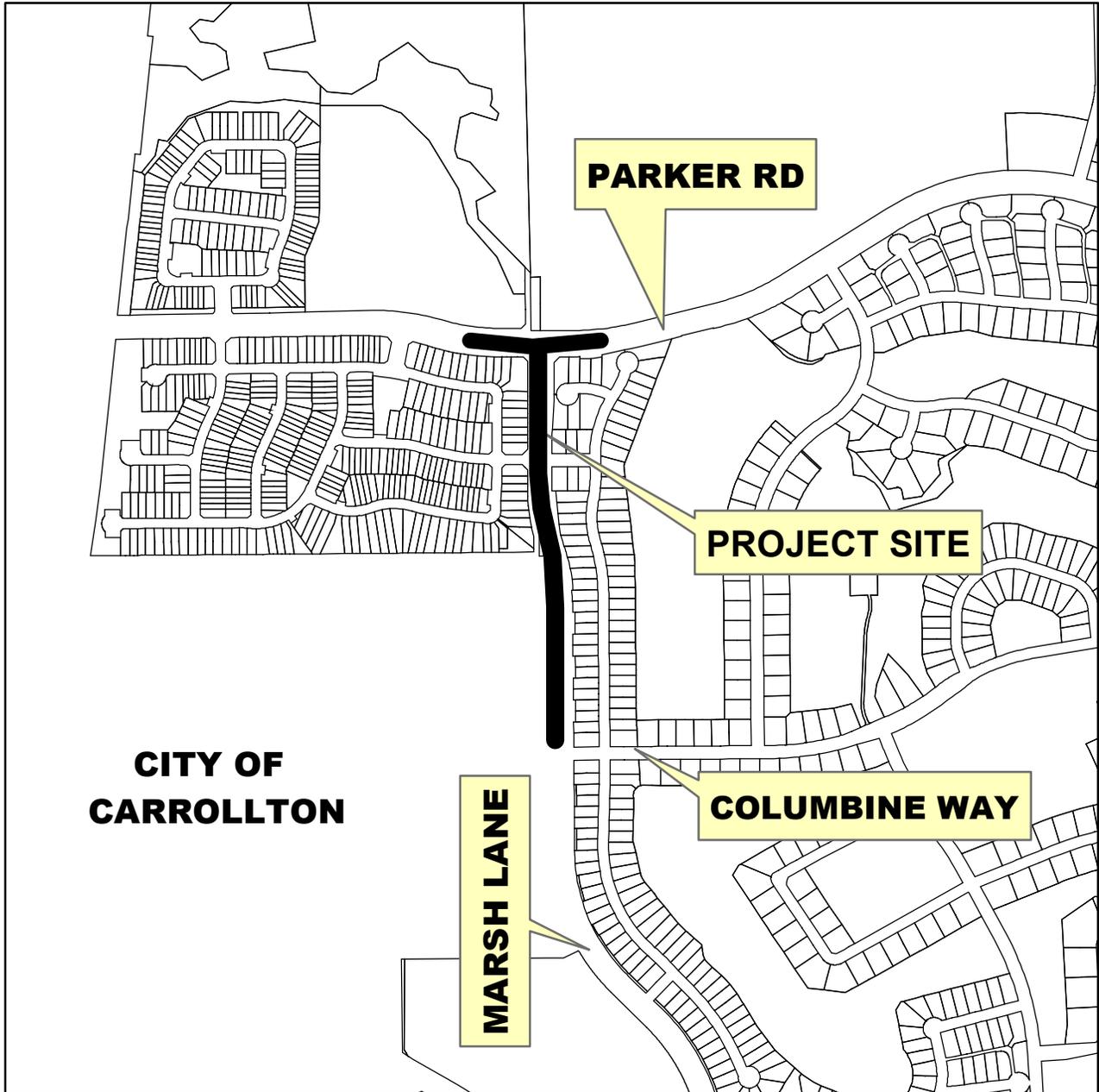
Diane Zucco, City Secretary



**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:		04/25/11		
Department:		Public Works		
Department Head:		Gerald P. Cosgrove		
Agenda Coordinator (include phone #):		Irene Pegues (7198)		Project No. 5844
CAPTION				
Bid No. 2011-119-B for Marsh Lane – Parker Road to Columbine Way to Jim Bowman Construction Company, L.P. in the amount of \$574,619 and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	100,694	704,306	0	805,000
Encumbered/Expended Amount	-100,694	-27,668	0	-128,362
This Item	0	-574,619	0	-574,619
BALANCE	0	102,019	0	102,019
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: Funds are included in the 2010-11 Street Improvement CIP. This item, in the amount of \$574,619, will leave a current year balance of \$102,019 for the Marsh – Parker Road South project. STRATEGIC PLAN GOAL: Intersection and lane construction relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Staff recommends the Alternate No. 1 bid of Jim Bowman Construction, LP, in the amount of \$574,618.82, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents. The second vendor being recommended is Smith Contracting, Inc., in the amount of \$589,321.41. Engineer's estimate was \$734,000. The project consists of the reconstruction of the intersection of Marsh Lane at Parker Road and construction of the three lane southbound section of Marsh Lane between Parker Road and Columbine Way. Denton County is providing funding for this project.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map, Bid Summary			N/A	

**MARSH LANE
PARKER ROAD TO COLUMBINE WAY
PROJECT NO. 5844**



**CITY OF PLANO
PUBLIC WORKS DEPARTMENT**



CITY OF PLANO

Bid No. 2011-119-B

**Marsh Lane – Parker Road to Columbine Way –
Project No. 5844**

Bid Recap

Bid opening Date/Time: March 29, 2011 @ 3:00 PM

Number of Vendors Notified: 1133

Vendors Submitting “No Bids”: 0

Number of Bids Submitted: 9

BIDDER:	BASE BID	ALTERNATE BID
Jim Bowman Construction Co. L.P.	\$ 574,618.82	\$ 574,618.82
Smith Contracting, Inc	\$ 589,321.41	\$ 589,321.41
Jet Underground Utilities, Inc.	\$ 607,428.50	\$ 607,428.50
JRJ Paving, LP	\$ 617,942.53	\$ 617,942.53
XIT Paving & Construction, Inc	\$ 621,730.16	\$ 621,730.16
Tiseo Paving Contracting LP	\$ 622,162.30	\$ 622,162.30
Ed Bell Construction Company	\$ 649,000.00	\$ 649,000.00
RKM Utility Services, Inc	\$ 654,683.10	\$ 654,683.10
McMahon Contracting LP	\$ 666,479.67	\$ 666,479.67

Bids Evaluated Non-Responsive to Specification: 0

Recommended Vendor(s):

Jim Bowman Construction Co. L.P

Heather Parkerson

Heather Parkerson, Buyer

April 5, 2011

Date



**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:		4/25/11		
Department:		Parks & Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): Nicole Griffin ext 7204				
CAPTION				
Bid No. 2011-91-B for the purchase of Evans Park- Parking and Fence Renovations- Project No. 5945 for the Parks department to Ratliff Hardscape, Ltd in the amount of \$118,297, and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	40,076	811,924	0	852,000
Encumbered/Expended Amount	-40,076	-97,580	0	-137,656
This Item	0	-118,297	0	-118,297
BALANCE	0	596,047	0	596,047
FUND(S): PARK IMPROVEMENT CIP				
COMMENTS: Funds are included in the 2010-11 Park Improvement CIP. This item, in the amount of \$118,297, will leave a current year balance of \$596,047 for the Park Improvements project. STRATEGIC PLAN GOAL: Parking and fence renovation relates to the City's Goal of Great Neighborhoods -1st Choice to Live.				
SUMMARY OF ITEM				
Parks and Recreation staff recommends the bid of Ratliff Hardscape, Ltd. in the amount of \$118,297 be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This is for the purchase of Evans Park- Parking and Fence Renovations- Project No. 5945. (2011-91-B)				
List of Supporting Documents: Memorandum , Bid Recap			Other Departments, Boards, Commissions or Agencies	

MEMORANDUM

TO: BEV ROGERS, BUYER
FROM: BILL DAKIN, LANDSCAPE ARCHITECT – PROJECT MANAGER
DATE: 4/12/2011
RE: **AWARD RECOMMENDATION 2011-91-B Evans Park - Parking and Fence Renovations – Project No 5945.**

It is the recommendation of Parks and Recreation Department to award bid number 2011-91-B Evans Park - Parking and Fence Renovations - Project. to Ratliff Hardscape for \$118,297.00. After reviewing the bid documents and with successful completion of projects with the Parks & Recreation Department, Ratliff Hardscape appears capable of meeting all of the requirements of the construction project. As stated in the bid documentation, this contract is to be awarded to the lowest responsive, responsible bidder.

As shown in the bid re-cap, Ratliff Hardscape is the lowest responsive, responsible bidder for this contract for construction on Evans Park. The Parks Department believes that awarding this bid to the lowest responsive, responsible bidder is in the best interest of the City.

Total annual amount awarded to Ratliff Hardscape for \$118,297.00 is approximately \$60,000 under the budgeted amount for this contract.

Please review and begin the necessary steps for award of this contract.

Thanks,

Bill Dakin

CITY OF PLANO

Bid No. 2011-91-B

Evan Park – Parking and Fence Renovations – Project No. 5945

Bid Recap

Bid opening Date/Time: March 4, 2011 @ 3:00 PM

Number of Vendors Notified: 1850

Vendors Submitting “No Bids”: 0

Number of Bids Submitted: 12

BIDDER:	Grand Total
Ratliff Hardscape, Ltd.	\$118,297.00
Jim Bowman Construction Co., LP	\$119,297.00
JRJ Paving, LP	\$124,580.70
Lucas Services, LLC	\$142,598.00
2L Construction, LLC	\$147,450.00
Jeske Construction	\$161,842.00
Wall Enterprises	\$163,650.00
C. Green Scaping, LP	\$166,451.00
Tri-Con Services, Inc.	\$170,310.00
Geotechnical Environmental Systems, Inc.	\$176,830.00
DCI Contracting, Inc.	\$184,400.00
Irricon Construction	\$253,100.00

Bids Evaluated Non-Responsive to Specification: 0

Recommended Vendor(s):

Ratliff Hardscape, Ltd. \$118,297.00

Nicole Griffin

April 5, 2011

Nicole Griffin, Buyer

Date



**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:	04/25/11
Department:	Parks and Recreation Department
Department Head	Amy Fortenberry
Agenda Coordinator (include phone #): Susan Berger (7255)	

CAPTION

Award of Bid No. 2011-111-B, for the Park Erosion Control Structures, Project No. 6034, to DCI Contracting, Inc. in the amount of \$335,200 and authorizing the City Manager or his authorized designee to execute all necessary documents.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	61,822	1,806,178	500,000	2,368,000
Encumbered/Expended Amount	-61,822	-684,429	0	-746,251
This Item	0	-335,200	0	-335,200
BALANCE	0	786,549	500,000	1,286,549

FUND(S): MUNICIPAL DRAINAGE CIP

COMMENTS: Funds are included in the 2010-11 Municipal Drainage CIP. This item, in the amount of \$335,200, will leave a current year balance of \$786,549 for the Creek Erosion project.

STRATEGIC PLAN GOAL: Park erosion control structures relate to the City's Goal of Financially Strong City with Service Excellence.

SUMMARY OF ITEM

Staff recommends that the bid of DCI Contracting, Inc. in the amount of \$335,200 be accepted as the lowest responsible bid for the Park Erosion Control Structures project conditioned upon timely execution of all necessary documents.

This project involves the construction of gabion earth retention structures, grade work, boulder limestone embankment reconstruction, bridge abutment repairs, concrete trail relocation, erosion control protection and miscellaneous site restoration and repair. The sites include; Arbor Hills Nature Preserve, Oak Point Park & Nature Preserve, Chisholm Trail, Coyote Creek Park, Archgate Park and Shady Brook Trail.

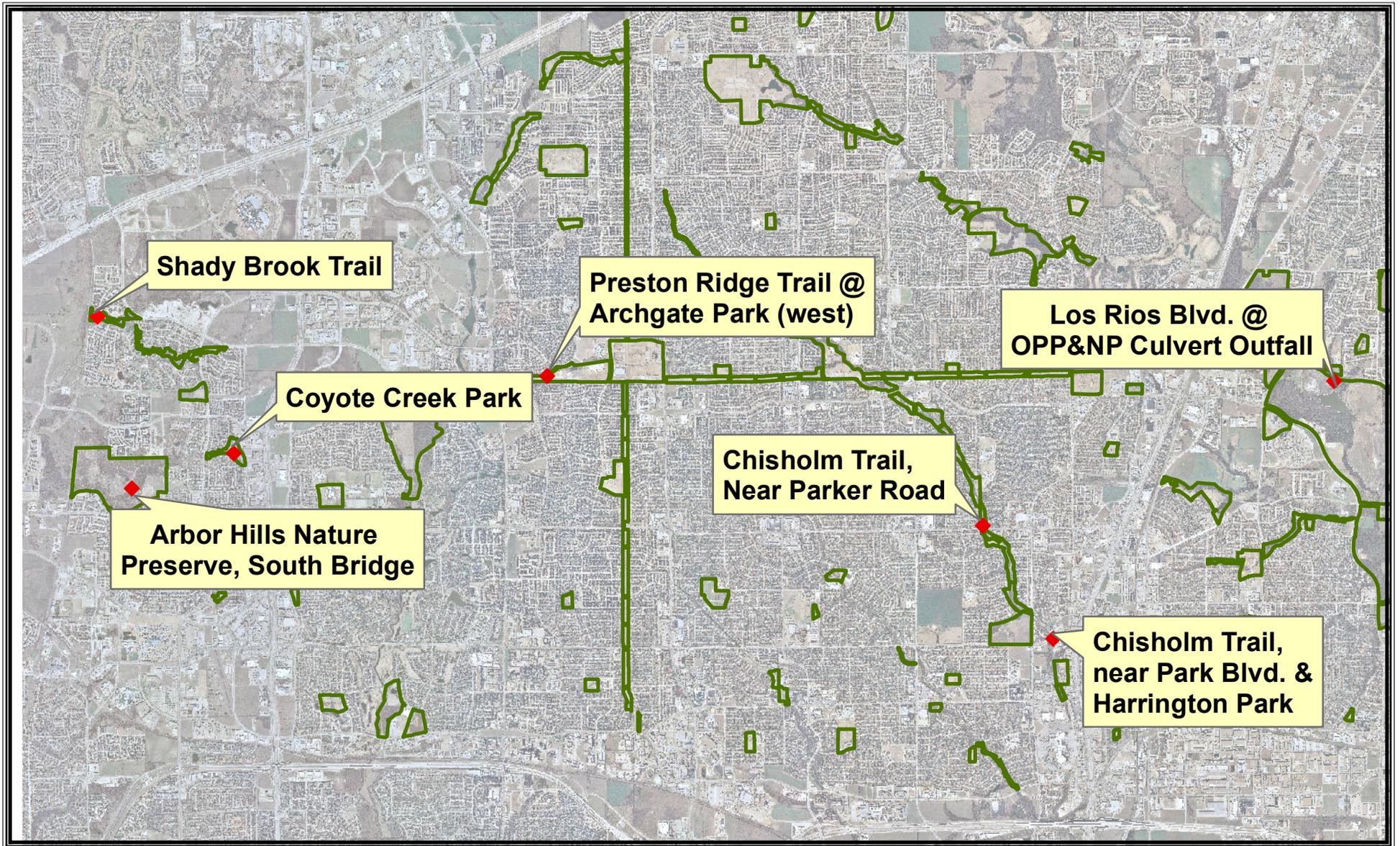
The secondary vendor being recommended is Austin Filter Systems, Inc. in the amount of \$380,455.

Funding for this project is from the Municipal Drainage Fund.



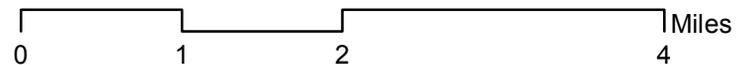
**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Location Map Bid Tabulation	



Park Erosion Control Structures

Location Map of Project Sites



Park Planning Division

CITY OF PLANO

Bid No. 2011-111-B Park Erosion Control Structures, Project No. 6034 Bid Recap

Bid opening Date/Time: March 21, 2011 at 3:00 PM

Number of Vendors Notified: 1013

Vendors Submitting "No Bids": 0

Number of Bids Submitted: 4

Vendors	Base Bid	Addendum 1 & 2 Acknowledged
DCI Contracting, Inc.	\$ 335,200.00	Yes
Austin Filter Systems Inc.	\$380,455.00	Yes
Craig Olden, Inc	\$474,288.92	Yes

Proposals Evaluated Non-Responsive to Specification: 1

Non Responsive Vendors	Base Bid	Addendum 1 & 2 Acknowledged
Geotechnical Environmental Systems	\$703,850.00	No, 1 only

Recommended Vendor(s):

DCI Contracting, Inc.

Nancy Corwin

Nancy Corwin, Buyer II

March 25, 2011

Date



**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:		4/25/11		
Department:		Purchasing/Fleet		
Department Head		Diane Palmer-Boeck/Reid Choate		
Agenda Coordinator (include phone #): Earl Whitaker x7074				
CAPTION				
Bid No. 2011-126-B for the purchase of eight (8) Pick Up Trucks for Fleet Services to be utilized by Environmental Waste, Municipal Drainage, Pumping Facilities, Utility Cut Services, Ground Maintenance District #1 and #3, Park Support Services, & Athletic Field Maintenance from Baby Jack II Automotive (Caldwell Country Chevrolet) in the amount of \$164,798 and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	255,000	0	255,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-164,798	0	-164,798
BALANCE	0	90,202	0	90,202
FUND(S): EQUIPMENT REPLACEMENT FUND				
<p>COMMENTS: Funds are included in the FY 2010-11 adopted budget to purchase eight (8) Baby Jack II Automotive Pick-Up Trucks utilizing the City of Plano Bid #2011-126-B. The eight (8) Pick-Up Trucks are for the following Departments: 748/Environmental Waste, 471/Municipal Drainage, 764/Pumping Facilities, 767/Utility Cut Services, 658/Ground Maintenance District #3, 644/Ground Maintenance District #1, 643/Park Support Services and 637/Athletic Field Maintenance.</p> <p>STRATEGIC PLAN GOAL: Providing Automotive Pick-Up Trucks for the City's Fleet Services Department relates to the City's goal of a Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
Staff recommends the bid of Baby Jack II Automotive (Caldwell Country Chevrolet) in the amount of \$164,798 be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Fleet Department to be utilized by Environmental Waste, Municipal Drainage, Pumping Facilities, Utility Cut Services, Ground Maintenance District #1 and #3, Park Support Services, & Athletic Field Maintenance (2011-126-B).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Award Memo, Bid Recap	N/A



MEMORANDUM

Date: March 28, 2011
To: Bruce D. Glasscock, City Manager
From: Reid Choate, Fleet Manager
Subject: FY 10-11 Pick-Up Purchase Recommendation

After review of all bids received on City of Plano Bid #2011-126-B it is the recommendation of Fleet Services to purchase line items 1,3,4,5,6,7 and 8 from Baby Jack II Automotive (Caldwell Country Chevrolet), the lowest responsive, responsible bidder meeting specifications, in the amount of \$164,798. Line item 2 will not be awarded due to an ambiguity in the specifications for that line item.

These vehicles are for the replacement of the following vehicles:

Item 1 Replaces unit 03315 in Cost Center 748/Environmental Waste Collections.

Unit 03315 is assigned to 45-748/Environmental Waste Services, as one of the Self-Directed Work Team (SDWT) Supervisor units. This vehicle is used daily traveling an average of 12,000+ miles annually, as a field unit, allowing the supervisor to perform his direct responsibilities associated with the residential trash, recycling, yard trimmings collections. In addition, the unit allows the supervisor to operate in the field for the majority of the day performing the following:

- Driver safety audits, performance observations and trainings of their assigned 8-9 drivers
- Responding to residential work orders averaging 1,954 per supervisor annually
- Insuring services are provided to an average of 14,130 individual residents
- Responding to after-hour and weekend issues as part of the On-call rotation
- Complete accident and property incident claim investigations
- Supporting City "special events" and other operational service areas as it relates to road conditions, trash, tree limbs and alley clearances

If Unit 03315 is not approved to be replaced, it would lead to a direct impact to our current level of services and operational protocols. Specifically there would be:

- Decrease in service level provided to our residents and increase in residential complaints
- Reduction in field time and residential coverage by supervisors
- Increase in costs associated with operations, equipment maintenance and payroll
- Increase in safety related accidents and/or property claims and associated insurance costs
- Decrease in support to operational issues from other City departments

Item 3 Replaces unit 04300 in Cost Center 471/Municipal Drainage and unit 03324 in Cost Center 764/Pumping Facilities.

Unit 04300 is utilized as a Supervisor for transportation to the various work sites he is responsible for. The supervisor also investigates customer complaints for Service Requests prior

to assigning crews to make repairs. It will also be utilized for refueling equipment located in remote locations away from fuel sources, particularly during snow and ice events and the debris loader here at the Service Center. If it is not replaced the crews will be working without adequate supervision. We will not be able to refuel loading equipment at the remote sand/salt storage areas without great difficulty.

Unit # 03324 is a 2003 ext. cab utility bed ¾ utility truck. We are asking for it to be downgraded to a ½ ton ext. cab regular bed pickup thus saving the Equipment Replacement Fund.

This particular unit is used for collecting State required water samples which must be done daily. Given the serious difficulties we had last June with our State mandated biological water sample testing, one of the items investigated as a potential cause was the cleanliness of this particular vehicle as it was used for various purposes by various individuals. Water samples must be maintained in a clean environment during collection and transport to the lab. The investigation did not prove to be the cause, but the potential needs to be removed. The replacement vehicle will be utilized by our water sampling crew leader and for her use the remainder of the day to check pump stations. It will not be utilized to transport several individuals to work assignments. This will allow better monitoring of the vehicle cleanliness and responsibility will rest with one employee.

Item 4 Replaces unit 02308 in Cost Center 767/Utility Cut Services.

The vehicle is utilized as a Supervisor for transportation to the various work sites he is responsible for. The supervisor also investigates customer complaints for Service Requests prior to assigning crews to make repairs. It also includes a diesel fuel tank for filling equipment located in remote locations from fuel sources, particularly during snow and ice events and the debris loader here at the Service Center. If it is not replaced the crews will be working without adequate supervision. We will not be able to refuel loading equipment at the remote sand/salt storage areas.

Item 5 Replaces unit 01333 in Cost Center 658/Ground Maintenance District #3.

Unit 01333 is a dedicated Park District Asst. Supervisor truck and it is an essential piece of equipment necessary to oversee crews and monitor site conditions of in-house and contractually maintained properties in Grounds Maintenance District 3. This district operates in a geographical area in the northwestern 1/3 of the city, which oversees over 600 acres of parks and public building properties.

Impact if this vehicle were not replaced:

1. Inadequate supervision of crews
 - Reduction of actual work performed by crew members
 - Reduction of crew members' adherence to policy
 - Reduction in the response time for employee accidents/injuries, compromising crew safety
2. Inadequate oversight of in-house maintenance of properties
 - Decrease site inspection response time, which would result in delayed follow-up with crew
 - Decrease the ability to individually handle details at sites or assist multiple crews throughout the day
3. Inadequate oversight of contractual maintenance of properties
4. Decrease site inspection response time, which would result in inadequate documentation and delayed follow-up with contractor

5. Inadequate response time for customer complaints/concerns
 - Impact on the Parks Department's history of customer service excellence
6. Inadequate emergency response time
 - Coordination of crews in inclement weather situations, i.e. downed trees, winter storm events, etc.
 - Coordination of crews during ICS Emergency Operations

Item 6 Replaces unit 01340 in Cost Center 644/Ground Maintenance District #1.

Unit 01340 is a dedicated Park District Asst. Supervisor truck and it is an essential piece of equipment necessary to oversee crews and monitor site conditions of in-house and contractually maintained properties in Grounds Maintenance District 1. This district operates in a geographical area east of US 75, which oversees over 700 acres of parks and public building properties.

Impact if this vehicle were not replaced:

1. Inadequate supervision of crews
 - Reduction of actual work performed by crew members
 - Reduction of crew members' adherence to policy
 - Reduction in the response time for employee accidents/injuries, compromising crew safety
2. Inadequate oversight of in-house maintenance of properties
 - Decrease site inspection response time, which would result in delayed follow-up with crew
 - Decrease the ability to individually handle details at sites or assist multiple crews throughout the day
3. Inadequate oversight of contractual maintenance of properties
4. Decrease site inspection response time, which would result in inadequate documentation and delayed follow-up with contractor
5. Inadequate response time for customer complaints/concerns
 - Impact on the Parks Department's history of customer service excellence
6. Inadequate emergency response time
 - Coordination of crews in inclement weather situations, i.e. downed trees, winter storm events, etc.
 - Coordination of crews during ICS Emergency Operations

Item 7 Replaces unit 99344 in Cost Center 643/Park Support Services.

Unit 99344 is assigned to the 643/Park Support, Assistant District Supervisor (ADS). This vehicle is used daily in maintaining sites and supporting numerous park operations citywide. The Park Support ADS performs routine inspections related to safety and condition of park sites and assets, administrates the activities of various contractors along with the work of 5 direct reports in the areas of:

- City-wide trail maintenance for over 65 miles of trail
- In-house park construction projects related to structure and fixture maintenance (restrooms, shade shelters, fencing, bridges, etc.)
- Special event support during and after hours (amphitheater, Balloon Fest, Dickens)
- Investigate and respond to citizen service requests
- Investigate and respond to other department service request
- Response to weather related events
- Various other activities related to park support and maintenance

If unit 99344 is not replaced or no longer available as part of Park Support's rolling stock inventory, all of the above requirements and responsibilities would be affected significantly. Park Support Supervisors have responsibilities at all neighborhood parks, community parks, athletic sites, greenbelts and linear parks citywide. A reduction in rolling stock inventory would result in the following:

- Delays in scheduled park site condition and safety inspection
- Contractors and in-house employees would not receive all the necessary support, supervision and follow up for work performed
- Delays in repairs and replacements of park assets
- Delays in response to citizen service requests
- Delays in response to other department service requests
- Delays in response to weather related events

Item 8 Replaces unit 02312 in Cost Center 637/Athletic Field Maintenance.

Unit 02312 is a supervisor truck. It is a ¾ ton super crew cab. The ¾ ton size is due to carrying a 75 gallon diesel tank at all times and occasionally having to pull the large 30' trailers. (Normally 1-ton trucks pull these) The super crew cab is required to transport site-based crews who do not have a vehicle from site to site. The new truck features match the existing unit.

If this vehicle is not replaced, the supervisor will not have transportation. There are 5 vehicles in this cost center; two supervisor vehicles, 2 crew vehicles, and one large dump truck. This cost center provides athletic field preparation and maintenance at 16 athletic sites located across the city.

All items are scheduled replacements in the approved FY10-11 Equipment Replacement Fund. Equipment replacement is analyzed based on age, mileage, maintenance cost and re-sale value in determining the need for replacement. The above trucks are from 6-11 years old and all above 100,000 miles. History tells us when the age of vehicles reaches 6 years and the mileage is greater than 100,000 miles the cost for maintenance increases greatly. Fleet Services recommendation is based on the Equipment Replacement criteria for these types of vehicles.

Feel free to call me if you have any questions at extension 4182.

CITY OF PLANO

BID NO. 2011-126-B
Pick Up Trucks 1/2 Ton & 3/4 Ton

BID RECAP

Bid opening Date/Time: March 25, 2011 @ 3:00 pm

Number of Vendors Notified: 444

Vendors Submitting "No Bids": 0

Number of Bids Submitted Responsive to Bid: 3

Baby Jack II Automotive (Caldwell Country Chevrolet) \$164,798.00

Philpott Motors, LTD \$169,130.00

Reliable Chevrolet \$180,050.00

Recommended Vendor:

Baby Jack II Automotive (Caldwell Country Chevrolet) \$164,798.00

Earl S. Whitaker

Earl S. Whitaker
Buyer II

March 29, 2011

Date



**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:	4/25/11
Department:	Purchasing/Warehouse
Department Head	Diane Palmer-Boeck/Josh Mathewes
Agenda Coordinator (include phone #): Earl Whitaker x7074	

CAPTION

To approve a one (1) year contract with three (3) City optional renewals for the purchase of Oil & Lubrication Products for the Warehouse to be utilized by Fleet Services in an estimated amount of \$79,515 from Reeder Distributors through an existing contract/agreement with the City of Fort Worth, and authorizing the City Manager to execute all necessary documents. (City of Fort Worth Contract #09-0209)

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2011-12, 2012-13, 2013-14 & 2014-15	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	2,005,478	238,545	2,244,023
Encumbered/Expended Amount	0	-937,842	0	-937,842
This Item	0	-79,515	-238,545	-318,060
BALANCE	0	988,121	0	988,121

FUND(S): WAREHOUSE

COMMENTS: This item approves price quotes. Expenditures will be made in the Inventory Stock department based on need within the approved budget appropriations for each year of the contract. The estimated annual amount to be spent in FY 2010-11 is \$79,515. The estimated future annual amount is \$238,545, which will be made within approved budget appropriations. Remaining balance will be used for other Inventory purchases.

STRATEGIC PLAN GOAL: The contracted purchase of Oil and Lubrication Products for Warehouse Inventory stock relates to the City's goal of a Financially Strong City with Service Excellence.

SUMMARY OF ITEM

Staff recommends the approval of a one (1) year contract with three (3) City optional renewals for the purchase of Oil & Lubrication Products for the Warehouse to be utilized by the Fleet Department in an estimated amount of \$79,515 through an existing contract/agreement with the City of Fort Worth. The City is authorized to purchase from a Local Cooperative Organization pursuant to Section 271 subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for Items (City of Fort Worth Contract #09-0209/City of Plano Internal Contract #2011-159-I).



**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents: Award Memo	Other Departments, Boards, Commissions or Agencies N/A



MEMORANDUM

DATE: March 24, 2011

TO: Earl Whitaker, Purchasing Buyer

FROM: Josh Mathewes, Inventory Control/Asset Disposal Supervisor

SUBJECT: It is the recommendation from ICAD and Fleet to purchase all oil and lubrication products from Reeder Distributors through the City of Fort Worth Oil and Lubrication contract #09-0209. This contract is for a one year period with an option of 3, one year renewals.

A review of Co-Operative Contracts was conducted. Buy Board offered the only available contract with similar items utilized by the City of Plano. By participating in the City of Fort Worth's contract, the City of Plano will receive a more competitive price than Buy Board and our previous contract due to joining with a larger entity. It will also be beneficial to the City of Plano in terms of decreased administrative costs achieved through contracting with one vendor as opposed to four, which is currently the number of vendors under contract with the City of Plano.

Approximate annual expenditures for this contract will be \$79,514.63

Josh Mathewes
Inventory Control/Asset Disposal
Supervisor



**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:		04/25/11		
Department:		Technology Services		
Department Head		David Stephens		
Agenda Coordinator (include phone #): Amy Powell X7342				
CAPTION				
To approve a contract for the purchase and installation of 180 new poles as part of the final phase of the Moto Mesh Wireless Network Project, in the amount of \$766,620 from Scientel Wireless, LLC, through an existing contract with the Houston-Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW10-09)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	19,164,512	1,492,897	0	20,657,409
Encumbered/Expended Amount	-19,164,512	-726,277	0	-19,890,789
This Item	0	-766,620	0	-766,620
BALANCE	0	0	0	0
FUND(S): TECHNOLOGY IMPROVEMENTS (TAX NOTES) & TECHNOLOGY FUND (66)				
COMMENTS: Funds are available from the 2007 and 2008 Tax Notes Sales and the Technology Fund. This item, in the amount of \$766,620, will utilize the remaining debt funds for this project and will require some additional funds from the wireless support account for the final phase of the Moto Mesh Project.				
STRATEGIC PLAN GOAL: Poles for the wireless mesh network relates to the City's Goal of Service Excellence.				
SUMMARY OF ITEM				
Technology Services recommends Council approve an expenditure for the purchase and installation of 180 new poles to be installed in several neighborhoods to augment existing assets owned by Oncor Electric. The purpose of this network is to provide wireless connectivity throughout the city limits of Plano for Public Safety personnel and vehicles and other non-public safety mobile employees. This work will be performed by Scientel Wireless, LLC through their contract with the Houston-Galveston Area Council, in the amount of \$766,620. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (HGAC Contract No. CW10-09).				
List of Supporting Documents: Staff Memo and Contract			Other Departments, Boards, Commissions or Agencies	

Memorandum

To: Diane Palmer-Boeck
Chief Purchasing Officer

From: David Stephens
Director, Technology Services

Date: 4/11/2011

Re: Recommendation Memo for Scientel Wireless, LLC

As the City of Plano approaches the final phase of the Moto Mesh wireless network build-out, it is necessary to install additional assets in several neighborhoods to augment existing assets owned by OnCor. As identified in a brand name justification memo to Mike Ryan, dated February 16, 2010, Technology Services requests that all maintenance and installation of devices pertaining to the mesh network project be done by Motorola or its designated sub-contractor, Scientel Wireless, LLC.

The purpose of this network is to provide wireless connectivity throughout the city limits of Plano for Public Safety personnel and vehicles and other non-public safety city mobile employees. Please note that this wireless network was not designed for public access. As the network has been deployed the scope has expanded to provide fixed network connectivity for remote City locations.

As the City has deployed the wireless access points, a concentrated effort was made to utilize existing assets wherever possible. These assets include City facilities, schools, traffic signal poles, siren poles, and utility poles. Over 1450 of these types of assets have been used to date. The final 180 wireless access points require the installation of new poles to supplement existing infrastructure that is not able to house the required equipment. These non-useable assets include devices, which OnCor owns, that have been determined as being out of compliance per industry standards to support the necessary wireless access points. These non-compliant poles are categorized as being Type 1 and Type 4 decorative poles. Pictures of each of these types of poles are attached – Picture 1 for Decorative Pole and Picture 2 for Type 4 Decorative Pole.

To overcome the deficiencies of these non-compliant poles, the City of Plano desires to install new poles in close proximity to existing power sources in areas that require additional access points. These proposed poles are similar in height to other light poles that are located throughout Plano, but will not have light fixtures located on them. These poles are dark in color (not metallic silver). We have strived to use existing assets wherever possible but these assets are not conducive to supporting the needs of the network. A picture of the proposed pole is also attached – Picture 3 Proposed Pole.

At this time I am requesting that Scientel Wireless, LLC be awarded a contract for \$766,620.16 for the installation of 180 poles, power to these poles, and installation of wireless access points on these poles. These poles are necessary to provide wireless coverage in the last 8% of the city mass that is currently not covered by the approximately 1,450 wireless access points already installed.

If the City of Plano does not install these poles then the wireless mesh network will be incomplete and service for public safety purpose and other city services will not be available in those areas where the Oncor poles are inadequate to support the necessary wireless access points.

Appendix A



Picture 1 – Type 1 Decorative Pole



Picture 2 -Type 4 Decorative Pole



Picture 3 -Proposed Pole

**CONTRACT BY AND BETWEEN
CITY OF PLANO AND SCIENTEL WIRELESS, LLC
FOR NEW POLE AUGMENTATION**

THIS CONTRACT is made and entered into by and between **SCIENTEL WIRELESS, LLC**, a limited liability company, whose address is 1200 Placid Avenue, Suite 500, Plano, Texas, hereinafter referred to as "Contractor," and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation, hereinafter referred to as "City," to be effective upon execution of this Contract by the Plano City Manager or his duly authorized designee.

For and in consideration of the covenants and agreements contained herein, and for the mutual benefits to be obtained hereby, the parties agree as follows:

**I.
SCOPE OF SERVICES**

Contractor shall provide installation and materials for new pole augmentation. These services shall be provided in accordance with this Contract and with The Houston-Galveston Area Council Contract No. HGAC CW 10-09, a copy of which is incorporated herein by reference in its entirety as if it were recited here verbatim and which is on file and available for inspection in the City of Plano Technology Services Department. This Contract consists of:

- (a) This Contract;
- (b) The Houston-Galveston Area Council Contract No. HGAC CW 10-09, on file with the City of Plano Technology Services Department;
- (c) Scientel's Statement of Work (Exhibit "A");
- (d) Insurance Requirements and Certificate of Insurance (Exhibit "B");and
- (e) Affidavit of No Prohibited Interest (Exhibit "C").

In the event there is a conflict in interpretation or terms, the documents shall control in the order listed above. These documents shall be referred to collectively as "Contract Documents".

**II.
PAYMENT**

Payments hereunder shall be made to Contractor following City's acceptance of the work and within thirty (30) days of receiving Contractor's invoice for the products and services delivered. Total compensation under this contract shall not exceed the sum of **SEVEN HUNDRED SIXTY SIX THOUSAND SIX HUNDRED TWENTY AND 16/100 DOLLARS (\$766,620.16)**.

**III.
TERM**

Contractor recognizes that this Contract shall commence upon the effective date herein and continue in full force and effect until termination in accordance with its provisions.

Contractor and City herein recognize that the continuation of any contract after the close of any given fiscal year of the City of Plano, which fiscal year ends on September 30th of each year, shall be subject to Plano City Council approval. In the event that the Plano City Council does not approve the appropriation of funds for this Contract, the Contract shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder.

IV. DESCRIPTION OF SERVICES

Contractor will provide the services described in the Contract Documents and Exhibit "A" attached hereto. At City's request, Contractor may also provide additional services under this Contract at Contractor's then-applicable rates for such services or goods under The Houston-Galveston Area Council Contract No. HGAC CW 10-09, or any additional contract addendums as executed by the Plano City Manager or his duly authorized designee.

V. CITY CONTACT

If requested by Contractor, City will provide Contractor with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable City's personnel to maintain contact, as needed, with Contractor.

VI. PROTECTION AGAINST ACCIDENT TO EMPLOYEES AND THE PUBLIC

Contractor shall at all times exercise reasonable precautions for the safety of employees and others on or near the work and shall comply with all applicable provisions of Federal, State, and Municipal safety laws.

VII. COMPLIANCE WITH APPLICABLE LAWS

Contractor shall at all times observe and comply with all directly applicable Federal, State and local laws, ordinances and regulations including all amendments and revisions thereto, which affect the work. If Contractor observes that the work is at variance therewith, Contractor shall promptly notify City in writing.

VIII. INDEMNIFICATION AND HOLD HARMLESS

THE CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY AND ITS RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, FINES, PENALTIES, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE, INTELLECTUAL PROPERTY INFRINGEMENT CLAIMS (INCLUDING PATENT, COPYRIGHT AND TRADEMARK INFRINGEMENT) OR OTHER HARM OR VIOLATIONS FOR WHICH

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

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

IN ADDITION TO CONTRACTOR'S INTELLECTUAL PROPERTY INFRINGEMENT INDEMNIFICATION AND DEFENSE REQUIREMENTS HEREIN, IF AN INFRINGEMENT CLAIM OCCURS, OR IN CONTRACTOR'S OPINION IS LIKELY TO OCCUR, CONTRACTOR SHALL, AT ITS EXPENSE: (A) PROCURE FOR THE CITY THE RIGHT TO CONTINUE USING THE PRODUCT; (B) REPLACE OR MODIFY THE PRODUCT SO THAT IT BECOMES NON-INFRINGEMENT WHILE PROVIDING FUNCTIONALLY EQUIVALENT PERFORMANCE; OR (C) ACCEPT THE RETURN OF THE PRODUCT AND GRANT THE CITY A REIMBURSEMENT FOR THE PRODUCT. CONTRACTOR WILL PROCEED UNDER SUBSECTION (C) ABOVE ONLY IF SUBSECTIONS (A) AND (B) PROVE TO BE COMMERCIALY UNREASONABLE.

THE INTELLECTUAL PROPERTY INFRINGEMENT INDEMNIFICATION HEREIN APPLIES TO ALL PRODUCTS PROVIDED, SUPPLIED OR SOLD UNDER THIS AGREEMENT BY CONTRACTOR TO CITY WHETHER MANUFACTURED BY CONTRACTOR OR A THIRD PARTY. CONTRACTOR REPRESENTS THAT, TO THE BEST OF ITS KNOWLEDGE, THE CITY'S USE OF PRODUCTS THAT ARE PROVIDED SUPPLIED, OR SOLD BY CONTRACTOR TO CITY AS PART OF THIS AGREEMENT DOES NOT CONSTITUTE AN INFRINGEMENT OF ANY INTELLECTUAL PROPERTY RIGHTS AND THE

CITY HAS THE LEGAL RIGHT TO USE SAID PRODUCTS. THE CITY ENTERS INTO THIS AGREEMENT RELYING ON THIS REPRESENTATION.

THE INDEMNIFICATION HEREIN SURVIVES THE TERMINATION OF THE CONTRACT AND/OR DISSOLUTION OF THIS AGREEMENT INCLUDING ANY INFRINGEMENT CURE PROVIDED BY THE CONTRACTOR PURSUANT TO PARAGRAPH 3 IN THE HEREIN INDEMNIFICATION SECTION.

**IX.
VENUE**

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Contract. The parties agree that this Contract is performable in Collin County, Texas, and that exclusive venue shall lie in Collin County, Texas.

**X.
ASSIGNMENT AND SUBLETTING**

Contractor agrees to retain control and to give full attention to the fulfillment of this Contract and that this Contract shall not be assigned without the prior written consent of City, except for assignments to a Contractor affiliate. An assignment of this Contract with the consent of the City or to an affiliate of Contractor is conditioned on the assignee agreeing to be bound by the terms of this Contract. Contractor may subcontract any portion of its performance under this Contract. Contractor further agrees that the subletting of any portion or feature of the work, or materials required in the performance of this Contract, shall not relieve Contractor from its full obligations to City as provided by this Contract. In the event any additional or different subcontractors are required or requested by City, or in the event City rejects the use of a particular subcontractor, such rejection must be submitted in writing and be based on just and reasonable cause. Any resultant change in contract price and/or schedule shall be mutually agreed upon.

**XI.
INDEPENDENT CONTRACTOR**

Contractor covenants and agrees that Contractor is an independent contractor and not an officer, agent, servant or employee of City; that Contractor shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and Contractor, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Contractor.

**XII.
INSURANCE AND CERTIFICATES OF INSURANCE**

Contractor shall procure and maintain for the duration of the Contract insurance coverage as set forth in Exhibit "B" including the City as a named insured.

**XIII.
FORCE MAJEURE**

Neither party is liable for delays or lack of performance resulting from any causes beyond the reasonable control of a party including 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 impact the Company's operations in the City.

**XIV.
AFFIDAVIT OF NO PROHIBITED INTEREST**

Contractor acknowledges and represents Contractor is aware of all applicable laws, City Charter, and City Code of Conduct regarding prohibited interests and that the existence of a prohibited interest at any time will render the Contract voidable. Contractor has executed the Affidavit of No Prohibited Interest, attached and incorporated herein as Exhibit "C".

**XV.
TERMINATION FOR CAUSE**

If either party defaults in the performance of this Contract, the other party will give to the non-performing party a written and detailed notice of the default. If City is the defaulting party, it will have thirty (30) days to provide a written plan to cure the default that is acceptable to Contractor and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement a cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Contract effective upon giving a written notice of termination to the defaulting party.

Any termination of this Contract will not relieve either party of obligations previously incurred pursuant to this Contract, including payments which may be due and owing at the time of termination. All sums owed and not in dispute by City will become due and payable immediately upon termination of this Contract. Upon the effective date of termination, Contractor will have no further obligation to provide Services.

**XVI.
SEVERABILITY**

The provisions of this Contract are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Contract 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 Contract. However, upon the occurrence of such event, either party may terminate this Contract by giving the other party thirty (30) days written notice.

**XVII.
TERMINATION FOR CONVENIENCE**

City may, at its option, with or without cause, and without penalty or prejudice to any other remedy it may be entitled to at law, or in equity or otherwise under this Contract, terminate further work under this Contract, in whole or in part by giving at least sixty (60) days prior written notice thereof to Contractor with the understanding that all services being terminated shall cease upon the expiration of the 60-day period.

If Contractor provides Services after the termination or expiration of this Contract, the terms and conditions in effect at the time of the termination or expiration will apply to those Services.

**XVIII.
PROPRIETARY INFORMATION; CONFIDENTIALITY;
INTELLECTUAL PROPERTY RIGHTS**

To the extent permitted by law, any information or data in the form of specifications, drawings, reprints, technical information or otherwise furnished to City under this Contract will remain Contractor's property, will be deemed proprietary, will be kept confidential, and will be promptly returned at Contractor's request. City may not disclose, without Contractor's written permission or as required by law, any such information, or data to any person, or use such information or data itself for any purpose other than performing its obligations under this Contract. The obligations set forth in this Section will survive the expiration or termination of this Contract.

**XIX.
MAILING OF NOTICES**

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

City of Plano
Technology Services
P.O. Box 860358
Plano, Texas 75086-0358
Attn: David Stephens

City agrees that all notices or communications to Contractor permitted or required under this Contract shall be addressed to Contractor at the following address:

Scientel Wireless, LLC
1200 Placid Avenue, Suite 500
Plano, Texas 75074
Attn: Joseph Mancino

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 on the date such notice or communication is posted by the sending party.

**XX.
ENTIRE AGREEMENT**

This Contract and its attachments embody the entire agreement between the parties and may only be modified in writing if executed by both parties.

City agrees to reference this Contract and The Houston-Galveston Area Council Contract No. HGAC CW 10-09, on any purchase order issued in furtherance of this Contract, however, an omission of the reference to this Contract shall not affect its applicability. In no event shall either party be bound by any terms contained in a City purchase order, acknowledgement, or other writings unless: (i) such purchase order, acknowledgement, or other writings specifically refer to this Contract; (ii) clearly indicate the intention of both parties to override and modify this Contract; and (iii) such purchase order, acknowledgement, or other writings are signed by authorized representatives of both parties.

**XXI.
AUTHORITY TO SIGN**

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

**XXII.
SUCCESSORS AND ASSIGNS**

This Contract shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns.

**XXIII.
HEADINGS**

The headings of this Contract are for the convenience of reference only and shall not affect in any manner any of the terms and conditions hereof.

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

SCIENTEL WIRELESS, LLC

Date: _____

By: _____
Name: _____
Title: _____

CITY OF PLANO, TEXAS

Date: _____

By: _____
Bruce D. Glasscock
CITY MANAGER

APPROVED AS TO FORM

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO

PLANO NEW POLES

Submitted to
David Stephens



Date

March 8, 2011

Joe Mancino
Scientel Wireless, LLC

Scientel Wireless LLC
1200 Placid Avenue
Suite 500
Plano, TX 75074
Office: (972)-881-7254
Fax: (972)-526-0437



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A. GENERAL DISCUSSION

Scientel Wireless is pleased to provide this proposal to City of Plano for the New Poles augmentation.

A.1 Material and Installation Breakout

The pricing will include the installation of materials as follows:

- 168 direct bury smooth composite poles
- 12 fluted direct bury composite poles
- All conduit, wiring, and connectors
- Installation of MWRs and IAPs
- All electrical required to bring power to the poles
- Trenching from the power source to the new poles

A.2 Assumptions

For this proposal, Scientel Wireless has made the following assumptions:

- Detailed RF design is the responsibility of Scientel Wireless
- All new pole locations have been approved by City of Plano and the HOAs
- Permits are the responsibility of City of Plano
- All public notification flyers will be provided by City of Plano

A.3 Detailed Site Survey and Design

Scientel Wireless will provide as-built documentation for all MWRs and IAPs installed on the new poles. All data collected for the project shall be presented to City of Plano in a formal and usable report format (CAD Drawings). Scientel will provide a final throughput report upon completion of the new poles deployment for the areas affected (areas 1 through 24).

Detailed Site Survey & Design

- ✓ Pole and site locations on all structures
- ✓ Equipment drawings

EXHIBIT A
PAGE 3 **OF** 9



A.4 Implementation, Integration and Configuration Services

Implementation, integration and configuration services include both implementation and configuration of equipment to the point of ingress to the customer network. Additional services include:

- Perform alignment, configuration and testing of equipment
- Compare results from original drive tests to new drive test results

A.5 Warranty Statement

Scientel Wireless, LLC warrants that work will be performed in accordance with sound engineering practice and professional standards, but makes no other warranty, express or implied including the merchantability.

In the event of any error, omission, or other professional negligence or any breach of the above warranty of which Scientel Wireless, LLC is notified in writing within 90 days after system acceptance, the sole and exclusive responsibility of Scientel Wireless, LLC shall be to re-perform deficient work at its own expense, and Scientel Wireless, LLC shall have no other liability whatsoever.

In no event shall Scientel Wireless, LLC be liable, whether in contract or tort, including negligence, for loss of profit, loss of product, loss of use, or for indirect, consequential or special damages. The liability of Scientel Wireless, LLC for injury or damage to persons or property arising out of this work shall not exceed the lesser of the total amount received by Scientel Wireless, LLC pursuant to this contract or \$1,000,000, whether in contract or tort, including negligence and shall not extend to liability arising out of the negligence or other fault of the client.

EMM
PAGE 4 **OF** 7



B. GENERAL PROJECT RESPONSIBILITIES

The following general project responsibilities, not defined by specific tasks, include:

B.1 Scientel Wireless Responsibilities

Scientel Wireless will designate a Project Manager who will direct Scientel's efforts and serve as the primary point of contact for City of Plano Corp. The Scientel Wireless Project Manager will have significant authority to make certain decisions relative to the project, on behalf of Scientel, and will have direct access to Scientel's executive management for resolving problems beyond the Project Manager's immediate authority. The responsibilities of the Scientel Wireless Project Manager include:

- Final Design Document.
- Participate with City of Plano in progress review meetings and submit status reports as requested that identify the activities of the previous review period, as well as activities planned for the upcoming review period, including an updated Project Schedule. Maintain project communications with the City of Plano Project Manager(s).
- Participate in weekly conference calls or face-to-face meetings and issue a mutually agreed upon agenda for each call or meeting.
- Manage the efforts of Scientel staff and coordinate activities with the City of Plano project team members.
- Measure, evaluate and report the progress against the Project Schedule.
- Resolve deviations from the Project Schedule.
- Monitor the project to ensure that support resources are available as scheduled and as identified in the contract.
 - Assume accountability for all Scientel Wireless contractor and subcontractor supplied tasks within the Project Schedule, if any.

EXHIBIT A
PAGE 5 **OF** 9



- Coordinate and oversee the installation of all City of Plano hardware.
- Review and administer change control procedures through City of Plano's Project Manager, commonly referenced as a "Project Change Request" (PCR), issued by the Scientel Project Manager.
- Work with the City of Plano Project Manager(s) in designing and approving the format of an action item log to be used in conjunction with the Project Schedule. The purpose of the log is to identify outstanding issues, provide continual status updates on specific tasks and to identify responsibilities of the parties.
- Prepare and submit regular status reports that identifies the activities and milestones completed in the previous month and activities planned for the current month and the next month, including progress and payment milestones, and an updated Project Schedule.
- In the event that Scientel must replace or substitute a Project Manager, Scientel will immediately notify City of Plano of such a change and will provide City of Plano with a resume of the person intends to substitute or change.
- Coordinate lift trucks and trained/authorized operators as well as licensed electricians to install devices as required. If tower crews are required per the defined type of installation in the summary section, it is the responsibility of Scientel.

B.2 City of Plano Responsibilities

The client will designate a Project Manager who will direct City of Plano's efforts and serve as the primary point of contact for City of Plano. City of Plano's Project Manager(s) will have significant authority to make certain decisions relative to the project, on behalf of City of Plano, and will have direct access to City of Plano executive management for resolving problems beyond the Project Manager's immediate authority. The responsibilities of the City of Plano Project Manager(s) include:

REVISION
PAGE 6 **OF** 9



- Maintain project communications with the Scientel Wireless Project Manager.
- Identify the efforts required of the City of Plano staff to meet the client task requirements and milestones in the Statement of Work and Project Schedule.
- Measure and evaluate progress against the Project Schedule.
- Monitor the project to ensure that support resources are available as scheduled.
- Participate in Progress Reviews meetings.
- Provide timely responses to issues related to project progress raised by Scientel's Project Manager.
- Approve and release payments in a timely manner predicated on project deliverables.
- Ensure that all appropriate City of Plano personnel attend and actively participate in Progress Reviews, conference calls, and other project meetings.
- Assign one or more personnel who will work with Scientel Wireless staff as needed for the duration of the project, including at least one system administrator.
- Ensure acceptable Standard Change Request and Approval Letter(s) are approved by authorized signature(s).
- Provide all permits necessary to install and power new poles. .
- Provide any required parking permits to Scientel Wireless personnel for restricted access entry and/or parking.
- Obtain all FCC, zoning, site access, and other permits (including, but not limited to, easements, impact studies, planning commission approval, variances, etc) necessary for this project and any other agreements required to gain use of sites.

EXHIBIT **A.**
PAGE 7 **OF** 9



- Provide the public notification flyers to alert the City of Plano residences that will be affected by the new pole installation operations.
- City of Plano must inform Scientel Wireless of all relevant rules, regulations, and requirements for installation. Should these conditions impact the project schedule and limit installation, City of Plano may incur additional cost.

C. PRICING

C.1 Proposal Pricing

The following proposal includes HGAC pricing for the following: (Ref HGAC Contract Number CW10-09) the installation of new poles and all ancillary materials and labor in the City of Plano's network.

EXHIBIT A
PAGE 8 OF 9



HGACBuy		CONTRACT PRICING WORKSHEET For Catalog & Price Sheet Type Purchases		Contract No.:	CW10-09	Date Prepared:	3/4/2011
<p><i>This Form must be prepared by Contractor and given to End User. End User issues PO to Contractor, and MUST also fax a copy of PO, together with completed Pricing Worksheet, to H-GAC @ 713-993-4548. Please type or print legibly.</i></p>							
Buying Agency:	City of Plano, TX			Contractor:	Scientel Wireless		
Contact Person:	Amy Powell			Prepared By:	Joseph Mancino		
Phone:	972-941-7342			Phone:	1-214-770-3162		
Fax:				Fax:	1-972-526-0437		
Email:	amyp@plano.gov			Email:	jmancino@scientelwireless.com		
Catalog / Price Sheet Name:	City of Plano, TX - New Poles						
General Description of Product:							
A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary							
Quan	Description			Unit Pr	Total		
180	Gateway Device Installation - (List Price - \$995) - SCI-GDI - (Services) - Includes Installation of Poles			945.25	170145		
180	Pole Rigid Mount (List Price -\$1,000) - SCI - A-OPT-HWR-DPRM-11 (Materials)			950	171000		
600	Project Management & Mobilization Costs (per hour) (List Price - \$175) - SCI-PM-MESH - (Services)			166.25	99750		
180	Gateway Installation Kit (Lamp Posts/Traffic Lights - each) (List Price - \$650) - SCI-GDK - (Materials)			617.5	111150		
19	Detailed Site Survey & Design (List Price -\$2,500) - SCI-DSSD - (Services)			2376	45144		
3	Network Setup, Optimization and Configuration - Large System (greater than 300 IAP/MWRs) - (List Price - \$16625)			16625	49875		
					0		
					0		
					0		
					0		
					0		
					0		
				Total From Other Sheets, If Any:			
				Subtotal A:		647064	
B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary (Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)							
Quan	Description			Unit Pr	Total		
1	Trenching and Power to New Poles			119556.16	119556.16		
					0		
					0		
					0		
				Total From Other Sheets, If Any:			
				Subtotal B:		119556.16	
Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).				For this transaction the percentage is:		18%	
C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges							
				Subtotal C:			
				0			
Delivery Date:		05/15/011		D. Total Purchase Price (A+B+C):		766620.16	

City of Plano Insurance Requirements

Requirements

Contractors performing work on City property or public right-of-way for the City of Plano shall provide the City a certificate of insurance evidencing the coverages and coverage provisions identified herein.

Contractors shall provide the City evidence that all subcontractors performing work on the project have the same types and amounts of coverages as required herein or that the subcontractors are included under the contractor's policy. The City, at its own discretion, may require a certified copy of the policy.

All insurance companies and coverages must be authorized by the Texas Department of Insurance to transact business in the State of Texas and must be acceptable to the City of Plano.

Listed below are the types and amounts of insurance required. The City reserves the right to amend or require additional types and amounts of coverages or provisions depending on the nature of the work.

Type of Insurance	Amount of Insurance	Provisions
1. Commercial General (Public) Liability to include coverage for: a) Premises/Operations b) Products/Completed Operations c) Independent Contractors d) Personal Injury e) Contractual Liability	\$500,000 each occurrence, \$1,000,000 general aggregate; Or \$1,000,000 combined single limits	City to be listed as additional insured and provided 30-day notice of cancellation or material change in coverage. City prefers that insurer be rated B+VI or higher by A.M. Best or A or higher by Standard & Poors
1. Business Auto Liability	As required by State of Texas	
Workers' Compensation & Employers' Liability	Statutory Limits \$100,000 each accident	City to be provided a waiver of subrogation

**Questions regarding this insurance should be directed to the City of Plano Purchasing Department
(972) 941-7557.**

A PURCHASE ORDER WILL NOT BE ISSUED WITHOUT EVIDENCE OF INSURANCE.



CERTIFICATE OF LIABILITY INSURANCE

OP ID KB

DATE (MM/DD/YYYY)

04/05/11

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hunt Insurance Agency, Inc. 12000 S. Harlem Avenue Palos Heights IL 60463-1153 Phone:708-361-5300 Fax:708-361-5316	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
E-MAIL ADDRESS:		
PRODUCER CUSTOMER ID #: SCIEN-1		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED Scientel Wireless, LLC Technet Leasing Corp 948 Springer Drive Lombard IL 60148	INSURER A:	Cincinnati Insurance Company 10677
	INSURER B:	CNA Insurance Company
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

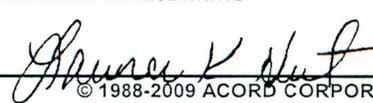
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY	X	X	CPP0813105	03/11/11	03/11/12	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 15,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY			CPA0813105	03/11/11	03/11/12	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS						\$
	<input checked="" type="checkbox"/> NON-OWNED AUTOS						\$
							\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB			CPP0813105	03/11/11	03/11/12	EACH OCCURRENCE \$ 5,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB						AGGREGATE \$ 5,000,000
	<input type="checkbox"/> CLAIMS-MADE						\$
	DEDUCTIBLE						\$
	<input checked="" type="checkbox"/> RETENTION \$ 0						\$
A	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		N/A	WC1919926	03/11/11	03/11/12	<input checked="" type="checkbox"/> WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$ 500,000
							E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000
B	<input type="checkbox"/> Professional Liab			CPB288321536	02/08/11	02/08/12	Prof Liab 5,000,000
							Ded 15,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The City of Plano, Texas is included as Additional Insured with respect to General Liability for work performed by insured. Waiver of Subrogation is included in favor of additional insured on the General Liability and Workers Compensation policies. **30 day notice of cancellation given, except 10 days notice for non-payment.**

CERTIFICATE HOLDER

CANCELLATION

PLANO-2 City of Plano Texas Purchasing Division Suite 370- 3rd Floor 1520 Avenue K Plano TX 75074	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



**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:		4/25/11		
Department:		Public Works		
Department Head		Gerald P. Cosgrove		
Agenda Coordinator (include phone #):		Irene Pegues (7198)		Project No. 5814.1
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, ratifying the Takeover Agreement by and between North American Specialty Insurance Company and the City of Plano for completion of Mapleshade Sanitary Sewer and Force Main project; approving its execution by the City Manager or his authorized designee; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no determinable fiscal impact at this time. STRATEGIC PLAN GOAL: Completion of this project relates to the City's Goal of Great Neighborhoods – 1st Choice to Live.</p>				
SUMMARY OF ITEM				
<p>On November 29, 2010, the City of Plano received a letter from W.R. Hodgson Co., L.P., stating Hodgson was voluntarily defaulting and terminating the original contract. Hodgson was contracted with the City of Plano to construct Project No. 5814.1, Mapleshade Sanitary Sewer and Force Main. North American Specialty Insurance Company as surety for the performance bond has agreed to complete the project. The majority of the work required to complete the project is to establish the grass.</p> <p>This agenda item ratifies the Takeover Agreement between the bonding company, North American Specialty Insurance Company, and the City of Plano by which North American Specialty Insurance Company agreed to take over completion of the project.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		N/A		

Plano Parkway

Ohio

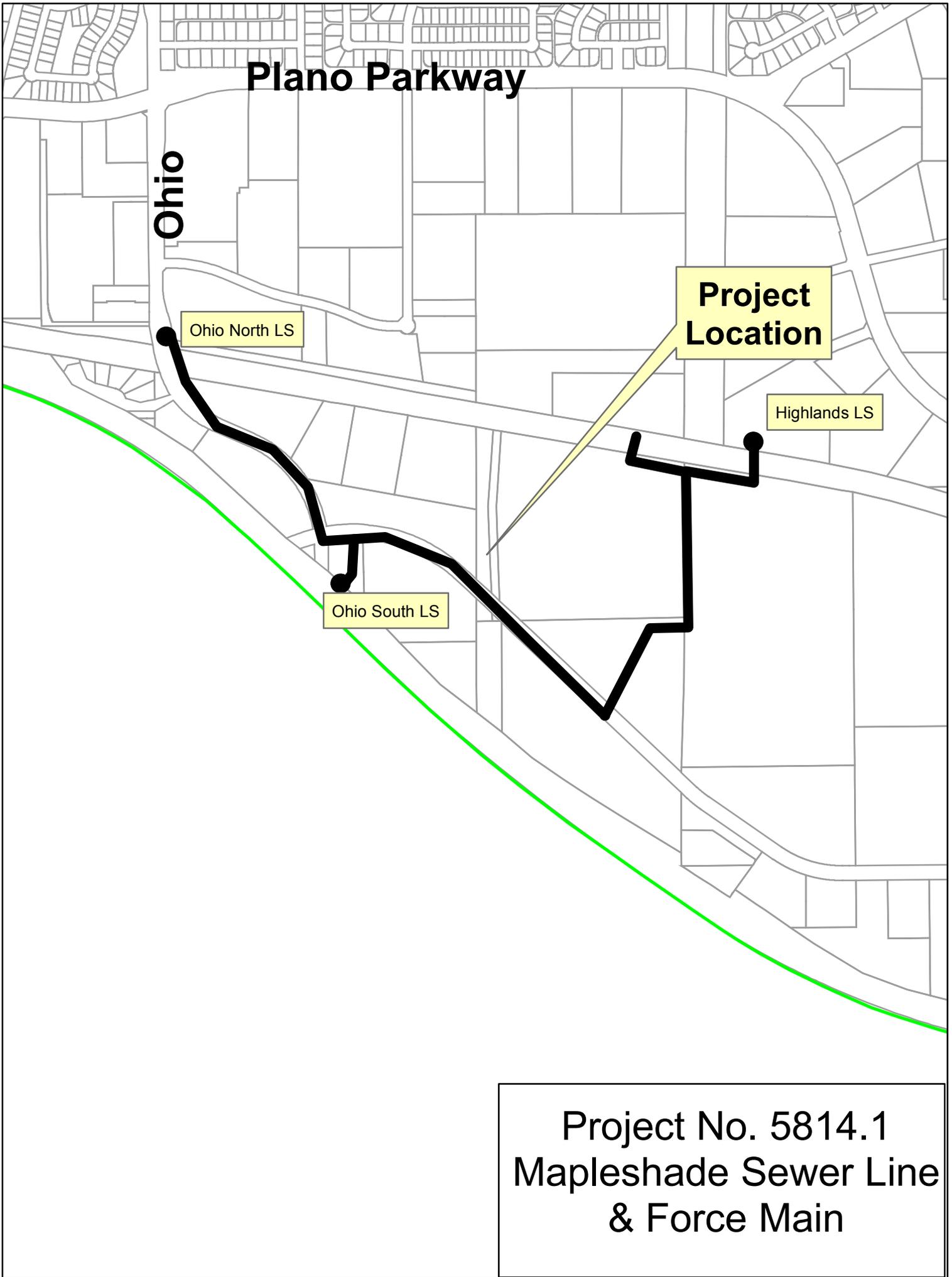
Ohio North LS

Project Location

Highlands LS

Ohio South LS

Project No. 5814.1
Mapleshade Sewer Line
& Force Main



A Resolution of the City Council of the City of Plano, Texas, ratifying the Takeover Agreement by and between North American Specialty Insurance Company and the City of Plano for completion of Mapleshade Sanitary Sewer and Force Main project; approving its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City of Plano and W. R. Hodgson Co., L. P., entered into a contract on May 26, 2009, for the construction of Mapleshade Sanitary Sewer and Force Main, Project No. 5814.1; and

WHEREAS, W. R. Hodgson Co., L. P., voluntarily defaulted and terminated the original contract on November 29, 2010, before completion of Mapleshade Sanitary Sewer and Force Main project; and

WHEREAS, North American Specialty Insurance Company is willing to complete the project as Surety for the performance bond, pursuant to the terms of the performance bond; and

WHEREAS, the City of Plano and North American Specialty Insurance Company have agreed to the terms for the Takeover Agreement to complete the Mapleshade Sanitary Sewer and Force Main project, a copy of which is attached hereto as Exhibit "A".

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

Section I. The Takeover Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, is hereby in all things ratified and execution by the City Manager or his authorized designee on behalf of the City of Plano is hereby approved.

Section II. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Takeover Agreement

This Takeover Agreement ("Agreement") is entered into by and between North American Specialty Insurance Company ("Surety") and the City of Plano, Texas ("Owner"), and is made effective as of the ____ day of April, 2011.

Recitals:

WHEREAS, W. R. Hodgson Co., LP ("Contractor") and Owner entered into a written contract dated May 26, 2009, in the original amount of \$1,268,929.00 ("Original Contract") which is incorporated herein by reference as if copied verbatim and a true and accurate copy of which is kept on file at the City of Plano Public Works Department, whereby Contractor agreed to construct that certain construction project known as the Mapleshade Sanitary Sewer and Force Main, Project No. 5814.1, Plano, Texas (the "Project"), in accordance with the terms and provisions of the Original Contract;

WHEREAS, as required by law and under the terms of the Original Contract, Contractor and Surety executed and delivered to Owner a Performance Bond No. 2102780 ("Performance Bond") and a Payment Bond No. 2102780 ("Payment Bond"), each in the penal sum of \$1,268,929.00;

WHEREAS, Contractor voluntarily defaulted and terminated the Original Contract, and Owner has called upon Surety to fulfill its obligations as surety under the terms of the Performance Bond; and

WHEREAS, Owner and Surety agree that the remaining scope of work to complete the Project is set forth in the Construction Site Punch List attached hereto and incorporated herein as Exhibit "A", and Surety is willing to undertake the completion thereof in accordance with the terms of the Performance Bond and this Agreement provided that in doing so it will receive the entire Contract Balance as hereinafter defined below.

NOW, THEREFORE, in consideration of the agreements and undertakings hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which being hereby acknowledged, Owner and Surety agree as follows:

Agreement:

1. Surety hereby undertakes to cause the performance of the terms, covenants and conditions of the Original Contract, including all modifications thereto, and agrees to be bound by the Original Contract as modified herein. Owner acknowledges that Surety, by its execution of this Agreement, is acting in its capacity as the surety for Contractor in making arrangements for the performance and completion of the Original Contract, and not as a completing contractor, and that Surety is not assuming any obligations or liabilities beyond those set forth in the Performance Bond. As to the completion of the Original Contract, except as otherwise provided in this Agreement, Surety is entitled to

all rights, title and interest of Contractor in and to the Original Contract in all respects as if Surety were the original party to the Original Contract. The term "contractor" as used in the Original Contract shall be deemed, after the effective date of this Agreement, to refer to Surety rather than to Contractor.

2. Owner acknowledges that Surety will subcontract the performance of the work under the Original Contract to Sage Contractor Services, Inc., as completion contractor ("Completion Contractor"), and Owner hereby consents to Surety's designation of this entity as Completion Contractor to complete the work under the Original Contract provided that Surety will designate such other subcontractors as needed to complete the project if the Completion Contractor fails to complete the project in accordance with the Original Contract requirements. Surety may satisfy the required insurance obligations under the Original Contract by providing evidence of the required insurance coverage carried by Completion Contractor, with Surety and Owner being named as additional insureds under the policy or policies.
3. Owner represents and warrants to Surety that as of the date of this Agreement:
 - a. The adjusted amount of the Original Contract, including all approved change orders, is the sum of \$1,280,128.45 (through C.O.#1);
 - b. Contractor has been paid the sum of \$1,236,846.68 by Owner; and
 - c. The "Contract Balance" (including unpaid retainage) shall be defined as the sum of \$43,281.77 [subsection (a) minus subsection (b)]. The Contract Balance shall be increased or decreased, as appropriate, as a result of any change orders for extra work or reductions from the scope of work as requested or required by Owner after the date of the execution of this Agreement per the terms of the Original Contract.
4. Owner agrees that the entire Contract Balance is dedicated to and will be applied to the completion of the Original Contract pursuant to this Agreement. Owner shall pay directly to Surety (as indicated below) the Contract Balance, plus or minus any additional amounts of money on account of any modifications or changes requested by Owner and agreed to in writing signed by Owner and Surety, as the work progresses. The payment of the Contract Balance to Surety shall be made in accordance with the terms of the Original Contract as to the time, amount and method of payment, and no payment shall be delayed by reason of any slow down or cessation of work in connection with the takeover of the Original Contract by Surety. Surety agrees to spend its own funds (subject to the penal sum cap described below) as may be necessary from time to time to pay for the performance of the Original Contract by Completion Contractor in the event that the Contract Balance is insufficient, with any such payments being credited against the penal sum of the Performance Bond. Owner agrees that it will not assess any liquidated or other damages against progress and/or retainage payments from the Contract Balance payable to Surety under this Agreement alleged to have occurred on or before the

effective date of this Agreement, and Owner agrees to pay said Contract Balances to Surety, without offset, back charge, reduction or diminution whatsoever for any action or inaction of Contractor and/or Surety alleged to have occurred on or before the effective date of this Agreement, except as may be made in accordance with the terms of this Agreement. All payments under this Agreement shall be made payable to Surety and shall be sent to Surety at the following address, unless and until Owner is notified in writing of any different address:

North American Specialty Insurance Company
c/o Jeffrey Goldberg
Vice President
475 N. Martingale Road, Suite 850
Schaumburg, IL 60173.

5. Surety shall complete the work required under the Original Contract pursuant to this Agreement within 30 calendar days (excluding the requirement of obtaining 70% of vegetative cover on all unpaved areas where hydromulch or hydroseed has been or will be applied) after receipt of a written notice to proceed from Owner (the "Completion Date"). Surety is hereby granted a non-compensatory time extension from the original completion date in the Original Contract until the Completion Date. As consideration for the non-compensatory time extension, Surety hereby waives any right to any claim for any additional time extensions and/or damages as a result of any delays which may have been caused by Owner up to and including the date of this Agreement. The assessment of any liquidated damages under the Original Contract and this Agreement may begin on the day after the Completion Date; provided, however, that any such assessment of liquidated damages shall *not* include any alleged delays of Contractor which occurred at any time during Contractor's performance of the work under the Original Contract, and that the calculation and assessment of any such liquidated damages shall include the recognition of any excusable delays during Surety's performance of this Agreement in accordance with the terms of the Original Contract.
6. Insofar as the Owner has any right, title or interest therein, Owner agrees that Surety and Completion Contractor shall have the right to use, without charge, any of the equipment, materials and appurtenances furnished or supplied by Contractor which may be stored on or about the premises of the Project site or materials which may have been fabricated for use in connection with the Original Contract, whether or not presently upon the Project site.
7. Surety will not have any employees or other representatives on the Project site on a daily basis other than Completion Contractor. Prior to the issuance of the written notice to proceed, Surety shall specifically authorize in writing an individual with Completion Contractor to be its designated representative (the "Authorized Individual") solely for the purposes set forth in this paragraph. The Authorized Individual will represent Surety in dealing with Owner on day-to-day construction issues with respect to the Project. The Authorized Individual shall also have the authority to negotiate and sign change orders

for extra work requested or required by Owner without Surety's prior written approval, provided the change order does not exceed \$1,000 and Completion Contractor is given additional time to perform the change order. If the change order exceeds \$1,000, or no additional time is given to Completion Contractor to perform the change order, then Surety's prior written approval is required to negotiate the change order and the final change order must be signed by Surety and not the Authorized Individual. If the total of all of the approved change orders exceeds the sum of \$5,000, then Surety, not the Authorized Individual, must approve in writing all additional or subsequent change orders regardless of the amount of each such change order. The Authorized Individual has no authority to negotiate deductive change orders, credits, back charges or net deductions from the Original Contract or the Contract Balance of any nature whatsoever without Surety's prior written approval. Any agreements with respect to any warranty work of Contractor or corrective work as a result of any latent defects in the work performed by Contractor shall require the written approval of Surety.

8. The authority of the Authorized Individual to deal directly with Owner may be revoked by Surety on three (3) days' written notice to Completion Contractor and Owner. In the event any dispute arises between Owner and Completion Contractor, or Completion Contractor is alleged to be or is in actual default under the terms of the Original Contract or this Agreement, Owner shall give Surety written notice thereof within forty-eight (48) hours of Owner's knowledge of same.
9. The total liability of Surety under this Agreement and the Performance Bond for the performance of the work, after the expenditure of the Contract Balance if paid by Owner to Surety hereunder, is limited to and shall not exceed the penal sum of the Performance Bond in the amount of \$1,268,929.00. All payments properly made by Surety subsequent to the date of this Agreement for the performance of the Original Contract shall be credited against the penal sum of the Performance Bond. Nothing in this Agreement constitutes a waiver of such penal sum as the maximum limitation of Surety's liability under the Performance Bond. In the event that Surety expends the penal sum of the Performance Bond, after the expenditure of the Contract Balance if paid by Owner to Surety hereunder, in performance of the Original Contract and this Agreement, Owner agrees that Surety shall have no further liability or obligation to Owner under the Performance Bond, this Agreement, the Original Contract or otherwise, and Surety may immediately cease performance without further obligation to Owner.
10. In no event shall Owner withhold any of the Contract Balance from Surety because of or on account of any claims, liens, suits or demands by any persons or entities furnishing or alleging to have furnished labor and/or materials to the Project. The Payment Bond shall remain in full force and effect in accordance with its terms and provisions. The total liability of Surety under the Payment Bond is limited to and shall not exceed the penal sum of the Payment Bond in the amount of \$1,268,929.00. All payments properly made by Surety under the Payment Bond shall be credited against the penal sum of the Payment Bond. Nothing in this Agreement constitutes a waiver of such penal sum or an increase in the liability of Surety under the Payment Bond.

11. Owner agrees that it will not acknowledge or honor any claim or charges against the Contract Balance by Contractor or any alleged assignees, successors, creditors or transferees of Contractor, or any other party making claim to any such proceeds or balances, without the prior written consent of Surety, or except by order of a court of competent jurisdiction after due notice to Surety.
12. This Agreement constitutes the entire agreement between the parties regarding the subject of this Agreement and supersedes any and all prior discussions, agreements, arrangements and/or understandings by and between them, all of which are merged into this Agreement. This Agreement shall not be changed, amended or altered in any way except in writing and signed by both Owner and Surety. Owner and Surety acknowledge that there have been no oral, written or other agreements of any kind as a condition precedent to or to induce the execution and delivery of this Agreement. Any written or oral discussions conducted prior to the effective date of this Agreement shall not in any way vary or alter the terms of this Agreement. Except as herein modified, all terms and conditions of the Original Contract shall remain unchanged and in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this Agreement and the Original Contract, priority of interpretation shall be in the following order: this Agreement, then the Original Contract. The Recitals to this Agreement shall be considered substantive terms and conditions and not mere recitals in the interpretation of this Agreement.
13. This Agreement is solely for the benefit of Owner and Surety. Owner and Surety do not intend by any provision of this Agreement to create any rights in any third-party beneficiaries, nor to confer any benefit upon or enforceable rights under this Agreement or otherwise upon anyone other than Owner and Surety. Specifically, Owner and Surety acknowledge that nothing in this Agreement shall extend or increase the rights of any third-party claimants or the liabilities or obligations of Surety under the Bonds.
14. Surety covenants and agrees that Surety and Completion Contractor are independent contractors and not officers, agents, servants or employees of Owner; that Surety shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between Owner and Surety, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between Owner and Surety.
15. This Agreement shall be governed by and controlled by the laws of the State of Texas and is performable in Collin County, Texas. Venue for any dispute arising out of this Agreement shall be in Collin County, Texas.
16. Any notices which are required to be given by the terms of this Agreement shall be sent via certified mail, return receipt requested, to the following persons and addresses:

Owner:

City of Plano, Texas
c/o Gerald P. Cosgrove
Director of Public Works
1520 K Avenue, Suite #250
Plano, Texas 75074

Surety:

North American Insurance Company
c/o Jeffrey Goldberg
Vice President
475 N. Martingale Road, Suite 850
Schaumburg, IL 60173

With a copy to:

Robert M. Fitzgerald
Law Offices of Robert M. Fitzgerald
1219 FM 314
Van, TX 75790.

17. This Agreement shall be binding upon the parties and their respective successors and assigns.
18. In the event that one or more provisions of this Agreement shall be declared to be invalid, illegal or unenforceable in any respect, unless such invalidity, illegality or unenforceability shall be tantamount to a complete failure of consideration, the validity, legality and enforceability of the remaining provisions contained in this Agreement shall not in any way be affected or impaired thereby.
19. It is understood and agreed by Owner and Surety that this Agreement shall be construed without regard to any presumption or other rule requiring construction against the party causing this Agreement to be drafted.
20. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original.

IN WITNESS WHEREOF, the parties have executed this Agreement and made effective as of the date indicated above, and each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties.

OWNER:

CITY OF PLANO, TEXAS

By: _____
Bruce D. Glasscock, City Manager

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this ____ day of April, 2011, by Bruce D. Glasscock as City Manager of the City of Plano, Texas, a Texas municipality, on behalf of said municipality.

Notary Public, State of Texas

SURETY:

NORTH AMERICAN INSURANCE
INSURANCE COMPANY

By: _____
Jeffrey Goldberg, Vice President

STATE OF ILLINOIS §
 §
COUNTY OF COOK §

This instrument was acknowledged before me on this ____ day of April, 2011, by Jeffrey Goldberg, a Vice President of North American Specialty Insurance Company, a _____ corporation, on behalf of said corporation.

Notary Public, State of Illinois

\\CLIENTS\Washington\2.111\Takeover Agreement.City of Plano.doc



Construction Site Punch List

PO Box 860358

Plano, TX 75086-0358

1520 K Ave

Project Plat Name:	Mapleshade Sewer & force main	Proj #: 5814.1
Common Name:		Date: 1-27-11
Address:		Page: 1 of 1

Contractor Name & Company W.R.Hodgson	Utilities: W.R.Hodgson Paving: -	James Powell - Sr. Construction Inspector 972.941.7329 office 972.941.7397 fax 972.816.8132 cell E-Mail: jamespo@plano.gov
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Item	Item To Be Completed/Adjusted/Corrected	Done?
1.	70% grass coverage between back of curb to the fence, north & south of railroad tracks	
2.	Wet well on Ohio Drive, north of the railroad tracks in the median needs to be dug up and verify if outflowing and Inflowing pipes have been cut & plugged. The sink hole continues to appear.	
3.	Construction entrance on Mapleshade Dr. needs to be removed and grass planted.	
4.	SWPPP sign & poles need to be removed.	
5.	Affidavit from all property owners that had work done on their property to their satisfaction.	
6.		
7.		
8.		
9.		
10.		
11.		
12.		
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**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:		04/25/11		
Department:		Fire		
Department Head		Hugo R. Esparza		
Agenda Coordinator (include phone #): Cynthia Morgan (ext. 7164)				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, repealing Resolution No. 2011-1-16(R) and approving a revised Fire Department Fee Schedule for fire inspections, fire plan reviews, and hazardous occupancies permits; and providing a repealer clause, a severability clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-2011	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): GENERAL FUND				
COMMENTS: Approval of this item adopts a revised Fire Department Fee Schedule only and therefore, has no fiscal impact. STRATEGIC PLAN GOAL: Approving a revised Fire Department Fee Schedule relates to the City's Goals of Safe Large City and Great Neighborhoods - 1st Choice to Live.				
SUMMARY OF ITEM				
After a complete review of the application of the fees, it is the recommendation of the Fire Department that the fee charged to apartment complexes be capped at \$700 maximum for any one complex. If the current fee structure remains, it would cause some complexes to pay over \$4,000. This was not the intent of the inspection fee program.				
List of Supporting Documents: Resolution, Exhibit A; Memo			Other Departments, Boards, Commissions or Agencies	



MEMORANDUM

From the Office of the Fire Chief

Date: April 19, 2011
To: Bruce Glasscock, City Manager
From: David Kerr, Assistant Fire Chief/Fire Marshal
Subject: Fire Inspection Fees

Further clarification of the impact on capping the fees charged to multi-family complexes is as follows:

Currently with no maximum on multi-family complexes = \$426,585 projected

Maximum of \$700 per complex = \$379,950 projected. This places us in line with the projected \$300,000 the Council was looking at when they asked us to cut the program in half. We capped the multi-story the first go-round in January, but did not place a cap on multi-family at that time. At 80% collection, we will be at \$303,960.

If you have any future questions or directions please let me know.

ec: LaShon Ross, Deputy City Manager
Hugo Esparza, Fire Chief

A Resolution of the City Council of the City of Plano, Texas, repealing Resolution No. 2011-1-16(R) and approving a revised Fire Department Fee Schedule for fire inspections, fire plan reviews, and hazardous occupancies permits; and providing a repealer clause, a severability clause, and an effective date.

WHEREAS, on January 24, 2011, the City Council passed Resolution 2011-1-16 (R) approving the Fire Department Fee Schedule for fire inspections, fire plan reviews, and hazardous occupancies permits; and

WHEREAS, because of typographical errors, it is necessary to repeal Resolution 2011-1-16(R) and approve a revised Fire Department Fee Schedule, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the all matters related and attendant thereto, the City Council is of the opinion that the revised Fee Schedule should be adopted and approved and that a copy of the revised Fee Schedule should be on file with and made available to the public at the Fire Department.

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

Section I. Resolution 2011-1-6(R) is hereby repealed in its entirety.

Section II. The Fire Department Fee Schedule attached hereto as Exhibit "A," having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, is hereby adopted and approved.

Section III. Any fees established by previous resolution which are in conflict with the provisions of this Resolution are hereby repealed, and all other provisions of the Resolutions of the City of Plano not in conflict with the provisions of this Resolution shall remain in full force and effect.

Section IV. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable, and if any phrase, clause, sentence, or section of this Resolution shall be declared unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Resolution, or any other portions even though it had known the affected parts would be held unconstitutional or invalid.

Section V. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"

FEE DESCRIPTION	FEE AMOUNT
EXISTING OCCUPANCY INSPECTIONS	
Commercial Business	
0-2,000	\$25
2,001-20,000	\$50
20,001- 100,000	\$75
100,001- 200,000	\$125
200,001 +	\$250
Parking Garages	\$75
Apartments	(Max. \$700/complex)
Garden	\$60 per building
Interior Access	\$75 per building
Fire Sprinkled Buildings will be Charged One Half the Inspection Fee	
Multi-story	
Multi-Story (3 or more floors in height)	\$75 per floor (Maximum \$450)
First Re-inspection	\$0
Second Re-inspection	\$35
Additional Re-inspections	\$75
ANNUAL PERMITS REQUIRED FOR EXISTING OCCUPANCIES	
Aerosol Products – Manufactured, Storage, Retail Display of Level 2 & 3 > 500 lbs.	\$100
Combustible Fibers - Storage	\$100
Compressed Gasses (>2,000 cu. ft. flammable; 6,000 cu. ft Non-flammable)	\$100
Cryogenic Fluids	\$100
Dry Cleaning Plants with Flammable combustible Solvents	\$100
Flammable & Combustible Liquids – Storage, Use, and Handling (Greater than 25 gallons Indoors or 60 gallons Outdoors)	\$100
Flammable Finishes applied	\$100
Hazardous Chemicals – Storage, Use and Handling in excess of the exempt amounts listed in the current International Fire Code	\$100
High-piled Combustible Stock Storage in Buildings Exceeding 2,500 sq. ft.	\$100
Liquefied petroleum Gas (LP Gas) – Aggregate 120 gallons Water Capacity or more	\$100
Oxidizers and Organic Peroxides – Storage, Dispensing, Handling	\$100
Refrigeration (Mechanical) - Unit/System containing > 20 lbs. Refrigerant (Exception: Air conditioning units or systems)	\$100
Repair Garages	\$100
In-Home Daycare (Annual Fee)	\$50
MULTI-USE PERMIT – Any Combination of Permits – Not to Exceed	\$250
FAILURE TO OBTAIN A PERMIT	2 x Fee
CONTRACTOR REGISTRATION (ANNUAL FEE)	
All contractors installing, repairing, or inspection fire protection systems, or any system or operation regulated by the International Fire Code	\$100
FIRE PLAN CHECK FEE	
1-100,000 SQUARE FEET @ \$.035 Per square foot of Building Area (minimum \$60)	\$.035 per sq. ft. (minimum \$60)
100,001 – 300,000 square feet - \$3,500 for 1 st 100,000; \$.017 for each additional square foot	
300,001 + square feet - \$6,900 for the first 300,000+ \$0.01 for each additional square foot	
Fire Protection System Work (when the Fire Protection Contractor is the only Contractor working on site)	½ plan check fee (minimum \$100)
Re-stamp, Lost Plans, or Addendum to Project	\$30 per hour
NEW CONSTRUCTION REINSPECTION FEES: (MUST BE PAID BEFORE SCHEDULING & BUILDING INSPECTION FINAL INSPECTIONS)	
First Re-inspection Fee	\$75
Second Re-inspection Fee	\$100
Third Re-inspection Fee	\$100
Additional Re-inspections	\$125
MISCELLANEOUS	
Environmental site Assessments (per site)	\$75 per hour
Fireworks (Outdoor)	\$300
Flammable and Combustible Liquid Storage Tank (New Install)	\$250 each tank
LP Gas Storage Tank (New Installation)	\$250 each tank
Tank or Fuel Line Repair (LP Gas or Flammable/Combustible Liquids)	\$200 per site
Pyrotechnics – Theatrical Effects	\$100 per event or \$500 per year
AFTER HOURS INSPECTIONS: MINIMUM CHARGE OF TWO (2) HOURS	\$75 per hour



**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:		April 25, 2011		
Department:		Customer and Utility Services		
Department Head		Mark D. Israelson, Assistant City Manager		
Agenda Coordinator (include phone #): Nancy Rodriguez X7510				
CAPTION				
A Resolution authorizing continued participation with the Atmos Cities Steering Committee; authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	5,350	0
Encumbered/Expended Amount		0	0	0
This Item		0	-13,681	0
BALANCE		0	-8,331	0
FUND(S): GENERAL FUND				
COMMENTS: Funding in the amount of \$5,350 was included in the approved FY 2010-11 Budget for this item. The overage, in the amount of \$8,331, will be covered from various savings in the Non-Departmental Budget. STRATEGIC PLAN GOAL: Participation with the Atmos Cities Steering Committee relates to the City's goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
This Resolution authorizes payment of annual per capita assessment for the City of Plano's continued membership in the Atmos Cities Steering Committee.				
List of Supporting Documents: Memorandum			Other Departments, Boards, Commissions or Agencies	

MEMORANDUM

DATE: April 25, 2011

TO: City Council through Bruce D. Glasscock, City Manager

FROM: Mark D. Israelson, Assistant City Manager

SUBJECT: Atmos Cities Steering Committee Annual Fee Assessment

The City of Plano participates with the Atmos Cities Steering Committee (ACSC) as a way of sharing costs to review the Company's requests for rate increases due to operational, investment and asset changes (rate cases) and interim rate increases for changes in assets (rate review mechanism or RRM). By participating with ACSC the City was able to reduce the total amount approved by \$215 million since 2004 which would have been passed on to citizens through gas rates.

Atmos Energy Mid-Tex Division Rate Cases (Includes Cost of Gas)				
Rate Case	GUD No.	Requested Increase	Increase Received	Difference between requested increase and increase received
Atmos Mid-Tex 2008	9762	\$59.2 million	\$19.6 million	\$39.6 million
Atmos Mid-Tex 2007	9670	\$59.8 million	\$5.04 million	\$54.76 million
TXU Gas Distribution 2004	9400	\$61.6 million	\$2.01 million	\$59.59 million

Atmos Energy Mid-Tex RRM Filings			
	Requested Increase	Increase Received	Difference between requested increase and increase received
2008 RRM	\$33.5 million	\$20 million	\$13.5 million
2009 RRM	\$20.2 million	\$ 2.6 million	\$17.6 million
2010 RRM	\$56.8 million	\$27 million	\$29.8 million

Purpose of the Resolution:

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Gas-Mid Tex. There are 154 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities:

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs:

1. This paragraph authorizes the continuation of the City’s membership in ACSC.
2. This paragraph authorizes payment of the City’s assessment to the ACSC in the amount of five cents (\$0.05) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.
3. This paragraph requires notification that the City has adopted the Resolution.

Payment of Assessment

The assessment payment check should be made out to “*Atmos Cities Steering Committee*” and mailed to Mary Bunkley, Treasurer, Atmos Cities Steering Committee, c/o Arlington City Attorney’s Office, Mail Stop 63-0300, PO Box 90231, Arlington, Texas 76004-3231.

A Resolution authorizing continued participation with the Atmos Cities Steering Committee; authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and providing an effective date.

WHEREAS, the City of Plano is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the City; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs;

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

Section I. That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Plano and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

Section II. It is further authorized to pay its 2011 assessment to the ACSC in the amount of five cents (\$0.05) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

Section III. A copy of this Resolution and approved assessment fee payable to "Atmos Cities Steering Committee" shall be sent to:

Mary Bunkley
Treasurer, Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
Post Office Box 90231
Arlington, Texas 76004-3231

Section IV. This Resolution shall become effective immediately.

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



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:		4/25/11		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley - 7479				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Second Amendment to Economic Development Incentive Agreement by and between the City of Plano, Texas, and Connecticut General Life Insurance Company, a Connecticut corporation ("CIGNA"); authorizing its execution by the City Manager or his designee; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): ECONOMIC DEVELOPMENT FUND				
COMMENTS: Strategic Plan Goal: Providing economic development incentives relates to the City's goal of strong local economy.				
SUMMARY OF ITEM				
<p>This is an amendment to the Economic Development Incentive Agreement between the City of Plano and Connecticut General Life Insurance Company which reflects that the initial value required for business personalty is based on investment value and not taxable value.</p>				
List of Supporting Documents: Second Amended Economic Development Incentive Agreement			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Second Amendment to Economic Development Incentive Agreement by and between the City of Plano, Texas, and Connecticut General Life Insurance Company, a Connecticut corporation (“CIGNA”); authorizing its execution by the City Manager or his designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed Second Amendment to Economic Development Incentive Agreement By and Between the City of Plano, Texas and Connecticut General Life Insurance Company, a Connecticut corporation (“CIGNA”), a substantial copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (hereinafter called “Second Amendment”); and,

WHEREAS, City and Company entered into an Agreement on November 10, 2008 for City to provide an economic development incentive grant to Company under certain terms and conditions; and

WHEREAS, City and Company entered into a First Amendment to the Agreement on February 8, 2010; and

WHEREAS, City and Company desire to further amend said Agreement to reflect that the initial value required for business personalty is based on investment value and not taxable value.

WHEREAS, upon full review and consideration of the Second Amendment, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his designee shall be authorized to execute it 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 terms and conditions of the Second Amendment, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager, or his designee, is hereby authorized to execute the Second Amendment and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Second Amendment.

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

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

**Second Amendment to Economic Development Incentive Agreement
between City of Plano, Texas and Connecticut General Life Insurance Company, a
Connecticut corporation (“CIGNA”)**

This Second Amendment to the Economic Development Incentive Agreement (hereinafter "Second Amendment") is made and entered into on this the ____ day of _____, 20____, by and between **CONNECTICUT GENERAL LIFE INSURANCE COMPANY**, a Connecticut corporation, (hereinafter “Company”) and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter “City”).

W I T N E S S E T H:

WHEREAS, City and Company entered into an Agreement on November 10, 2008 (hereinafter "Agreement") for City to provide an economic development incentive grant to Company under certain terms and conditions; and

WHEREAS, City and Company entered into a First Amendment to the Agreement on February 8, 2010 (hereinafter "First Amendment") amending Articles II, III, and IV; and

WHEREAS, City and Company desire to further amend said Agreement to reflect that the initial value required for business personalty is based on investment value and not taxable value.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the parties agree as follows:

I.

The original Agreement entered into on November 10, 2008, and the First Amendment entered into on February 8, 2010, are incorporated herein as if fully set forth at length. Except for the amendment below, all other terms and conditions of the original Agreement and the First Amendment shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this Second Amendment, First Amendment, and the original Agreement, the priority of interpretation shall be in the following order: Second Amendment, First Amendment, and the original Agreement.

II.

Article III, Obligation of Company (c) is hereby amended to read in its entirety as follows:

“Add business personalty to the Property that has a minimum initial investment value of not less than Twelve Million Dollars (\$12,000,000.00) on or before December 31, 2010;”

IN WITNESS WHEREOF, this Amendment is effective upon the last date of execution by all parties.

ATTEST:

CITY OF PLANO, TEXAS, a home rule municipal corporation

Diane Zucco, CITY SECRETARY

By: _____
Bruce D. Glasscock, CITY MANAGER

APPROVED AS TO FORM

Diane C. Wetherbee, CITY ATTORNEY

ATTEST:

CONNECTICUT GENERAL LIFE
INSURANCE COMPANY, a
Connecticut corporation

Name: _____
Title: _____

By: _____
Name: _____
Title: _____



**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:		4/25/11		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley - 7479				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Economic Development Incentive Agreement by and between Diodes Incorporated and the City of Plano; terminating a prior Tax Abatement Agreement and Economic Development Incentive Agreement between Diodes Incorporated and the City of Plano; and authorizing its execution by the City Manager or his authorized designee; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	12,179,503	0	12,179,503
Encumbered/Expended Amount	0	-2,878,500	-5,640,500	-8,519,000
This Item	0	-105,600	-194,400	-300,000
BALANCE	0	9,195,403	-5,834,900	3,360,503
FUND(S): ECONOMIC DEVELOPMENT FUND				
COMMENTS: Strategic Plan Goal: Providing economic development incentives relates to the City's goal of strong local economy				
SUMMARY OF ITEM				
<p>This resolution terminates a prior Tax Abatement and a prior Economic Development Incentive Agreement with Diodes Incorporated and also approves the terms and conditions of a new Economic Development Incentive Agreement. Diodes Incorporated requests incentives to relocate its business and commercial activities to the City, thereby generating additional local sales tax revenues and increasing ad valorem tax values to the City. Diodes Incorporated agrees to occupy not less than 41,000 square feet and agrees to retain, transfer or create 88 full time jobs by 6/30/11. Diodes Incorporated has the option to increase that number up to an additional 162 jobs by 12/31/2014.</p>				
List of Supporting Documents: Economic Development Incentive Agreement			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Economic Development Incentive Agreement by and between Diodes Incorporated and the City of Plano; terminating a prior Tax Abatement Agreement and Economic Development Incentive Agreement between Diodes Incorporated and the City of Plano; and authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed Economic Development Incentive Agreement by and between Diodes Incorporated and the City of Plano to replace the prior Economic Development Incentive Agreement for the purpose of the Company's relocation as further explained herein, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Replacement Agreement"); and

WHEREAS, City Council approved a prior Tax Abatement Agreement for Company's relocation to the southwest corner of Communications Parkway and Legacy Drive by Resolution No. 2008-6-10(R) as further amended by Resolution Nos. 2009-2-5(R) and 2010-1-8(R) respectively; and

WHEREAS, City Council approved a prior Economic Development Incentive Agreement for Company's relocation to the southwest corner of Communications Parkway and Legacy Drive by Resolution No. 2008-6-11(R) as further amended by Resolution Nos. 2009-2-4(R) and 2010-1-9(R); and

WHEREAS, Company and City find it is in the best interest of both parties to terminate the above referenced Tax Abatement Agreement and Economic Development Incentive Agreement between Diodes Incorporated and the City of Plano for Company's relocation to the southwest corner of Communications Parkway and Legacy Drive and enter into the Replacement Agreement to reflect Company's revised relocation to 4949 Hedgcoxe Road, Suite 200, Plano, Texas 75024. Due to the downturn in the economy, Company decided to move to an existing building within the City rather than construct a new building at the southwest corner of Communications Parkway and Legacy Drive as originally planned; and

WHEREAS, upon full review and consideration of the Replacement Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his authorized designee shall be authorized to execute it 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 approves and agrees to the termination of the Economic Development Incentive Agreement between Diodes Incorporated and the City of Plano approved by Resolution No. 2008-6-11(R) as further amended by Resolution Nos. 2009-2-4(R) and 2010-1-9(R) and it is in all things hereby terminated with no further obligations of the parties.

Section II. The City Council further approves and agrees to the termination of the Tax Abatement Agreement between Diodes Incorporated and the City of Plano approved by Resolution No. 2008-6-10(R) as further amended by Resolution Nos. 2009-2-5(R) and 2010-1-8(R) and it is in all things hereby terminated with no further obligations of the parties.

Section III. The terms and conditions of the Replacement Agreement, attached hereto as Exhibit "A", having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section IV. The City Manager or his authorized designee is hereby authorized to execute the Replacement Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section V. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

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

WITNESSETH:

WHEREAS, Company is engaged in the business of manufacturing and selling discrete, logic and analog semiconductor devices and plans to add \$700,000.00 of real property improvements and \$4,000,000.00 of business personalty at 4949 Hedgcoxe Road, Suite 200, Plano, Texas 75024 (the “Real Property”); and

WHEREAS, City Council approved a prior tax abatement agreement for Company’s relocation to the southwest corner of Communications Parkway and Legacy Drive by Resolution No. 2008-6-10(R) as further amended by Resolution Nos. 2009-2-5(R) and 2010-1-8(R) respectively; and

WHEREAS, City Council approved a prior economic development incentive agreement for Company’s relocation to the southwest corner of Communications Parkway and Legacy Drive by Resolution No. 2008-6-11(R) as further amended by Resolution Nos. 2009-2-4(R) and 2010-1-9(R); and

WHEREAS, Company and City agree to terminate the above referenced tax abatement and economic incentive agreements between Company and City for Company’s relocation to the southwest corner of Communications Parkway and Legacy Drive and enter into the herein economic incentive agreement to reflect Company’s revised relocation to 4949 Hedgcoxe Road, Suite 200, Plano, Texas 75024. Due to the downturn in the economy, Company decided to move to an existing building within the City rather than construct a new building at the southwest corner of Communications Parkway and Legacy Drive as originally planned; and

WHEREAS, Company agrees to own and/or occupy 41,000 square feet of “ Real Property” in the City and transfer, retain or create up to 250 Job Equivalents to Company’s business space to be located on the Property for the term of this Agreement; and

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

WHEREAS, the City Council finds that the ownership and/or occupancy of 41,000 square feet of “Real Property”, and the retention, creation or transfer of up to 250 Job Equivalents within the City will promote economic development, stimulate commercial activity and enhance the tax base and economic vitality of the City; and

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

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

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

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

Article I Definitions

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

“Company” shall mean Diodes Incorporated

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

“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 down turn shall not constitute an event of force majeure.

“Job Equivalent” shall mean one or more Company employees, whether individual or combined with other employees, who are located at the Real Property, and each Job Equivalent is paid a total 2080 hours annually and issued an Internal Revenue Service W-2 form by the Company.

“Real Property” shall mean 4949 Hedgcoxe Road, Suite 200, Plano, Texas 75024.

Article II Term

The term of this Agreement shall begin on the Effective Date and continue until June 30, 2021 unless sooner terminated as provided herein.

Article III Obligations of Company

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

- (a) On or before June 30, 2011, own and/or occupy not less than 41,000 square feet of the Real Property throughout the term of the Agreement; and,
- (b) Retain, create or transfer at least 88 Job Equivalents to Company's business space to be located at the Real Property by June 30, 2011 and at Company's option create up to a total of 162 additional Job Equivalents on or before December 31, 2014 and maintain those Job Equivalents on the Real Property throughout the Agreement. The specific schedule for the Job Equivalents is set out in 4.02; and,
- (c) Use reasonable efforts to place all Company-managed hotel room nights, related to the Company's business activities, at facilities located in the City.

Article IV Economic Development Grant

4.01 **Grant.** The City agrees to provide the Company a cash grant up to Three Hundred Thousand Dollars (\$300,000.00) as long as Company meets each of the obligations set out in Article III above and complies with the certification schedule and requirements set out in 4.02 below.

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

(a)(i) By June 30, 2011, the Company shall own and/or occupy not less than 41,000 square feet of the Real Property and have at least 88 Job Equivalents at Company's business space located at the Real Property to be eligible to receive the initial payment of One Hundred Five Thousand Six Hundred Dollars (\$105,600.00). The payment will not be pro-rated. Company must submit the initial certification form attached hereto as Exhibit "A" verifying compliance with the obligations set forth in this provision not later than September 30, 2011. A failure to provide such certification by that date is an event of default and, if not cured, results in an immediate and complete forfeiture of the entire grant.

City will make the first payment of One Hundred Five Thousand Six Hundred Dollars (\$105,600.00) within thirty (30) days of receipt of the initial certification unless the City reasonably objects to the certification.

(ii) If Company adds up to an additional 162 Job Equivalents to the existing initial 88 Job Equivalents to their business space located at the Real Property by December 31, 2014 so that the total potential number of Job Equivalents at Company's business space located at the Real Property is 250, the Company is entitled to a final payment of up to One Hundred Ninety Four Thousand Four Hundred Dollars (\$194,400.00). This amount will be pro-rated at One Thousand Two Hundred Dollars (\$1,200.00) per Job Equivalent for each Job Equivalent added by Company over the initial 88 Job Equivalents and up to 162 additional Job Equivalents for a total of up to 250 Job Equivalents. Company must have complied with 4.02(a)(i) above and have added up to an additional 162 Job Equivalents to receive this portion of the grant award. Company shall not receive any payment for Job Equivalents added after December 31, 2014. Company must submit its second certification verifying compliance with this provision on the form attached as Exhibit "B" not later than March 31, 2015. A failure to provide such certification by that date is an event of default and, if not cured, results in an immediate and complete forfeiture of the remaining outstanding grant.

City will make the final payment not to exceed One Hundred Ninety Four Thousand Four Hundred Dollars (\$194,400.00) within thirty (30) days of receipt of Exhibit "B" certification unless the City reasonably objects to the certification. Total amount of the grant payments shall not exceed Three Hundred Thousand Dollars (\$300,000.00).

(b) Additionally, Company must submit an annual certification on the form attached hereto as Exhibit "C" not later than January 31 of each year for the duration of this Agreement verifying compliance with Article III above. The certification must be based upon the number of Job Equivalents for which the Company has received a grant. A failure to file the annual certification by the January 31 deadline during the term of the Agreement shall result in a default and a right to a full refund of all grant amounts previously paid as set out in 4.03.

(c) All certifications must be verified by the Company's Chief Executive Officer or Chief Financial Officer.

4.03 **Refund/Default**

(a) If following the receipt of a grant payment, the Company fails to meet the required number of Job Equivalents for more than one hundred and eighty (180) consecutive days at any time during the term of this Agreement and the loss is not the result of an Event of Force Majeure, the Company shall refund to the City an amount equal to One Thousand Two Hundred Dollars (\$1,200.00) for each lost Job Equivalent. For the purposes of determining whether the City is due a refund under this section, the Company shall certify to the City as set out in Section 4.02 above the actual number of Job Equivalents at the Real Property for the compliance period using the forms attached as Exhibits "B" & "C". All refunds under this Agreement shall be due within thirty (30) days of written demand for payment. A failure to make the refund payment within thirty (30) days shall constitute an event of default. If a refund is due for one or more Job

Equivalents, Company is not entitled to any future payment for that lost Job Equivalents, notwithstanding that the Company subsequently complies with the Job Equivalent requirements of this Agreement.

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

(c) At any time during the term of this Agreement the Company is convicted of a violation under 8 U.S.C. Section 1324a(f) regarding the unlawful employment of undocumented workers, the Company shall reimburse the City all grant funds paid pursuant to this Agreement, together with interest charged from the date of payment of the grant 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 one hundred and twenty (120) days after the date the City notifies the Company of the conviction.

Article V Termination

5.01 This Agreement terminates upon any one or more of the following:

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

(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: (1) Five [5] years from the end of the Agreement period; or (2) 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 incentive grant (the "Records") upon receipt of ten (10) business days prior written notice from the City and upon City signing a non-disclosure agreement with the Company pertaining to non-disclosure of these Records. 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. Except as required by law, all information accessed by City shall be kept confidential except such specified information, which City received a prior written consent from the Company to disclose. In no event shall City's access to Company's Records include any access to any personal and/or medical data of any employees of Company except to confirm payroll information compliance for Job Equivalents. Company shall not be required to disclose to the City any information that by law Company is required to keep confidential. Should any good faith dispute or question arise as to the validity of the Records provided, the City reserves the right to require Company to obtain an independent firm to certify such Records. 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 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 inquires and open record requests are completed. Company agrees to maintain the Records in an accessible location.

Article VII Assignment

7.01 **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 prior 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 act on behalf of the other party under any circumstances by virtue of this Agreement.

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

8.02 **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.

8.03 **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:
City Manager
1520 Avenue K
P.O. Box 860358
Plano, Texas 75086-0358

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

If intended for the Company before occupancy:

Richard D. White
Chief Financial Officer
Diodes Incorporated
15660 Dallas Parkway, Suite 850
Dallas, Texas 75248

If intended for the Company after occupancy:

Richard D. White
Chief Financial Officer
Diodes Incorporated
4949 Hedgcoxe Road, Suite 200
Plano, Texas 75024

8.04 **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.

8.05 **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.

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

8.07 **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.

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

8.09. **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.

8.10 **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.

EXECUTED on this _____ day of _____, 20__.

ATTEST:

CITY OF PLANO, TEXAS, a home rule
municipal corporation

Diane Zucco, CITY SECRETARY

By: _____
Bruce D. Glasscock, CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ATTEST:

Diodes Incorporated

Name: _____
Title: _____

By: _____
Name: _____
Title: _____

EXHIBIT "A"

INITIAL CERTIFICATE OF COMPLIANCE

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

- _____ a. I hereby certify that Diodes Incorporated has owned and/or occupied 41,000 square feet of commercial space and retained, transferred or added at least 88 Job Equivalent positions to Company's business space at the Real Property by June 30, 2011 and is in compliance with the Agreement and is entitled to receive payment in accordance with Section 4.02 (a)(i) of that Agreement. The actual number of job equivalents is _____.

- _____ b. I hereby certify that Diodes Incorporated has failed to own and/or occupy 41,000 square feet of commercial space and failed to retain, transfer or add at least 88 Job Equivalent positions to Company's business space at the Property by June 30, 2011 and is not in compliance with the Agreement and is not entitled to receive payment in accordance with Section 4.02 (a)(i) of that Agreement. The actual number of job equivalents is _____.

ATTEST:

**Diodes Incorporated,
a Delaware Corporation**

By: _____
Name: _____
Chief Financial Officer

Date

This Certification is due by September 30, 2011.

This Certificate of Compliance should be mailed to:

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

EXHIBIT "B"

CERTIFICATE OF COMPLIANCE FOR FINAL GRANT PAYMENT

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

- _____ a. I hereby certify that Diodes Incorporated has retained, transferred or added up to 162 additional Job Equivalents to the existing initial 88 Job Equivalents at Company's business space located at the Real Property by December 31, 2014 and is in compliance with all terms of the Agreement and is entitled to receive payment in accordance with Section 4.02 (a)(ii). The actual number of Job Equivalents is _____ .
- _____ b. I hereby certify that Diodes Incorporated has not retained, transferred or added up to 162 additional Job Equivalents to the existing initial 88 Job Equivalents at Company's business space located at the Real Property by December 31, 2014 pursuant to the Agreement. The actual number of Job Equivalents is _____ . I further certify that the City of Plano is not required to pay an additional payment to Diodes Incorporated and has been refunded any appropriate amounts as required by Section 4.03 of the Agreement.

ATTEST:

**Diodes Incorporated
a Delaware Corporation**

By: _____
Name: _____
Chief Financial Officer

Date

This form is due by March 31, 2015.

This Certificate of Compliance should be mailed to:

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

EXHIBIT "C"

ANNUAL CERTIFICATE OF COMPLIANCE

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

_____ a. I hereby certify that Diodes Incorporated is in compliance with each applicable term as set forth in the Agreement and the transferred or retained number of Job Equivalents has not fallen below the number for which Diodes Incorporated has received a grant payment in accordance with the terms and conditions set out in Article IV. I further certify that as of December 31 of the prior year, the number of Job Equivalents was _____.

_____ b. I hereby certify that Diodes Incorporated is not in compliance with each applicable term as set forth in the Agreement and the transferred or retained number of Job Equivalents has fallen below the number for which Diodes Incorporated has received a grant payment in accordance with the terms and conditions set out in Article IV. I further certify that as of December 31 of the prior year, the number of Job Equivalents was _____. I further certify that the City of Plano has been refunded the appropriate amount as required by Article IV, Section 4.03 of the Agreement.

ATTEST:

**Diodes Incorporated,
a Delaware Corporation**

By: _____
Name: _____
Chief Financial Officer

Date

NOTE:

This form is due by January 31 of each year and as long as this Agreement is in effect with the final annual certification due on January 31, 2021.

This Certificate of Compliance should be mailed to:

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



**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:		April 25, 2011		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): Betsy Allen # 7545				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, finding Officer James Forsythe is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Brady Byrum v. City of Plano, et al.; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	600,000	0	600,000
Encumbered/Expended Amount	0	-262,686	0	-262,686
This Item	0	0	0	0
BALANCE	0	337,314	0	337,314
FUND(s): PROPERTY/LIABILITY LOSS				
COMMENTS: Any costs associated with this item are undeterminable at this time. Once determined, all costs will be covered by the Property/Liability Loss Fund.				
STRATEGIC PLAN GOAL: Legal representation for a city employee relates to the City's goal of Safe Large City.				
SUMMARY OF ITEM				
This Resolution provides for defense representation of Officer James Forsythe in the above-referenced lawsuit.				
List of Supporting Documents: n/a			Other Departments, Boards, Commissions or Agencies n/a	

A Resolution of the City Council of the City of Plano, Texas, finding Officer James Forsythe is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Brady Byrum v. City of Plano, et al.; and providing an effective date.

WHEREAS, City Council has reviewed the matter entitled Brady Byrum v. City of Plano, et al., and finds that defense representation is appropriate for Officer James Forsythe, pursuant to Section 2-10 of the City Code of Ordinances.

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

Section I. The City Council finds that based upon the pleadings in the above-referenced lawsuit and review by the City Attorney, the defense representation for Officer James Forsythe is appropriate pursuant to the terms of City Code of Ordinances Section 2-10.

Section II. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

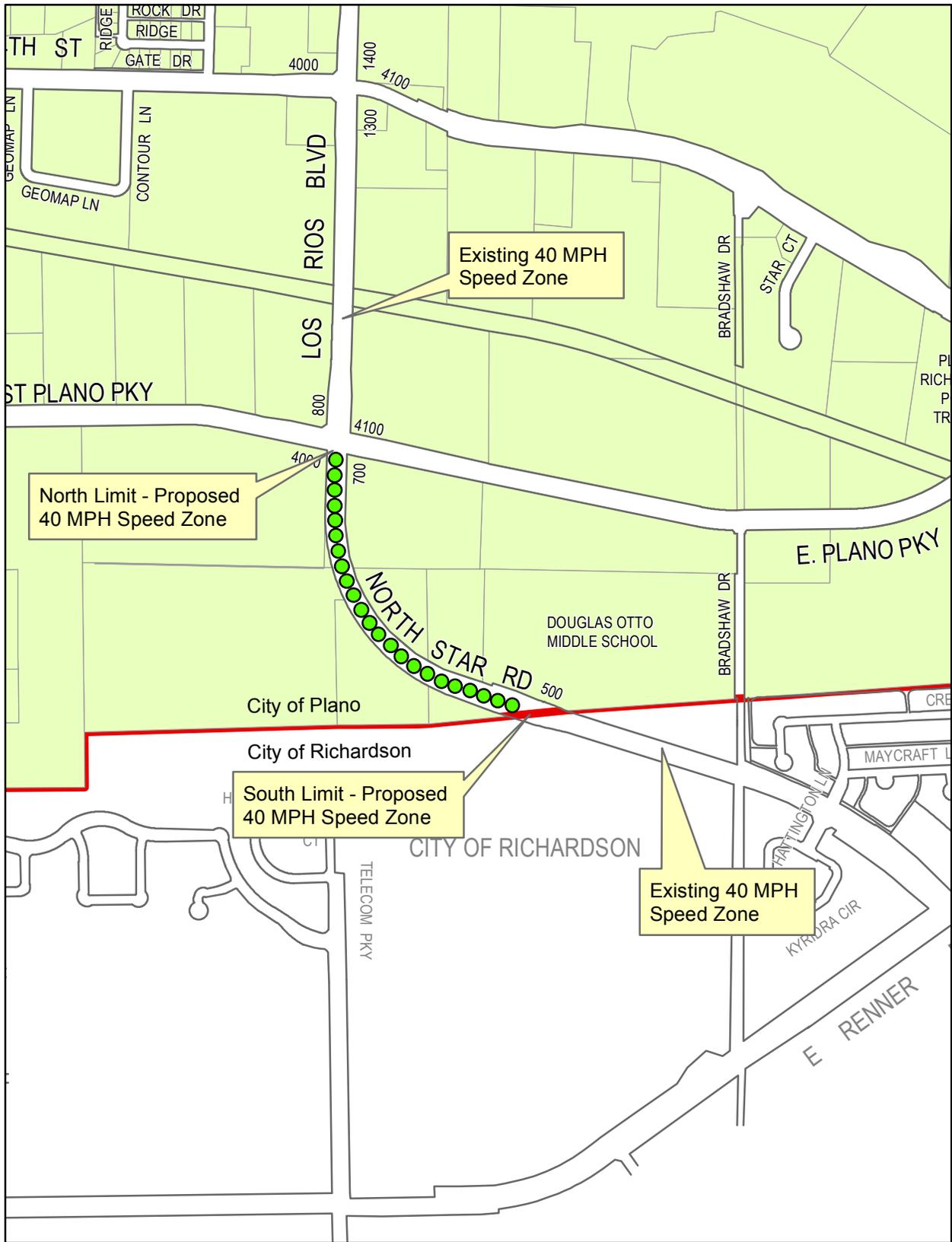
APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

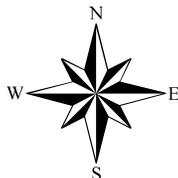


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		4/25/2011		
Department:	Public Works			
Department Head	Gerald Cosgrove			
Agenda Coordinator (include phone #): Irene Pegues (7198)				
CAPTION				
An Ordinance of the City of Plano, Texas, amending Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of North Star Road within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): GENERAL FUND				
COMMENTS: Any revenue received via fines as a result of this Ordinance is undeterminable at this time.				
STRATEGIC PLAN GOAL: Passage of this Ordinance relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The City of Plano Transportation Engineering Division received a request to review the speed limit on North Star Road from Plano Parkway south to the south city limit line. The Transportation Engineering Division performed an engineering and traffic investigation and determined that this section of street should be speed zoned for 40 miles per hour. The Transportation Engineering Division supports speed zoning North Star Road from Plano Parkway south to the south city limit line at 40 miles per hour and has prepared the attached ordinance for City Council consideration.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map			N/A	



**North Star Road
40 MPH Speed Zoning
Recommendation**



Transportation Engineering Division

An Ordinance of the City of Plano, Texas, amending Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of North Star Road within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.

WHEREAS, Section 545.356 of the Texas Transportation Code, as amended, grants to cities operating under a Home Rule Charter the authority to control the operation of motor vehicles using its streets and to prescribe reasonable and safe prima facie maximum speed limits for the same; and

WHEREAS, traffic and engineering studies of North Star Road have been completed, and the City Council is of the opinion that the speed limits applicable to certain portions of this roadway should be altered.

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

Section I. The following prima facie maximum speed limits hereafter indicated for motor vehicles are hereby determined and declared to be reasonable and safe, and such maximum speed limits are hereby fixed at the rate of speed indicated for motor vehicles traveling upon the named streets or highways or parts thereof. No motor vehicle shall be operated along or upon said portions of said named streets or highways within the corporate limits of the City of Plano in excess of the speeds now set forth.

Section II. Section 12-74(b) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances is hereby amended by the addition of the following Subsection to read as follows:

“North Star Road:

(1) Forty (40) miles per hour along and upon North Star Road from its intersection with Plano Parkway to its intersection with the south city limit line.”

Section III. The Traffic Engineer of Plano is hereby authorized to cause to be erected appropriate signs indicating such speed zone.

Section IV. All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, except that an ordinance of the City establishing a school zone and speed limit therefore within the zones changed herein, shall not be repealed but shall prevail over this Ordinance. All other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and full effect.

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

Section VI. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

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

Section VIII. This Ordinance shall become effective immediately from and after its passage and publication as required by law.

DULY PASSED AND APPROVED this 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

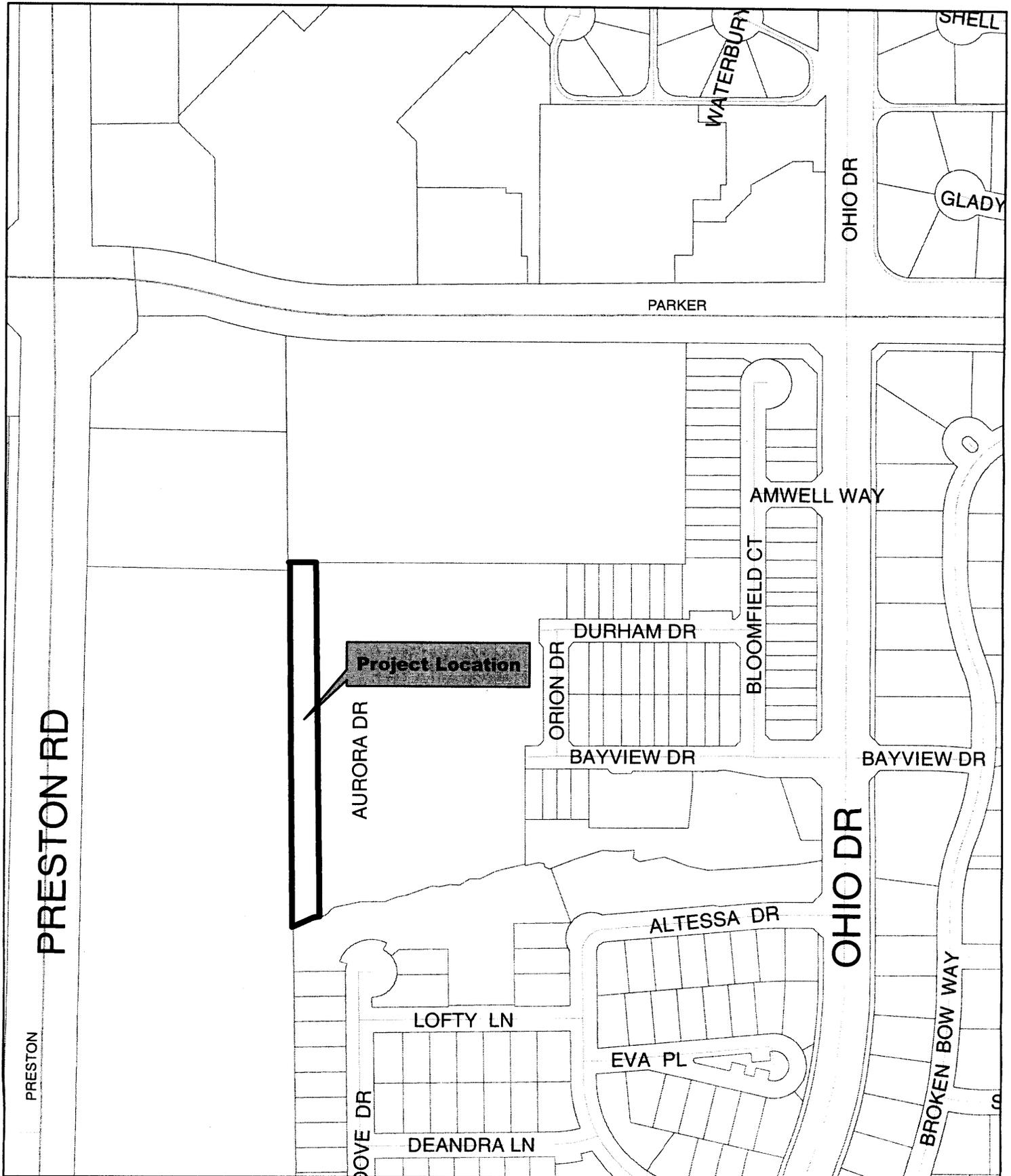
Diane C. Wetherbee, CITY ATTORNEY



**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:		4/25/2011			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #): Irene Pegues (X-7152) Proj. #5475-4					
CAPTION					
An ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain 50-foot wide Drainage Easement recorded in Volume 5869, Page 6230, of the Land Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(s): N/A					
COMMENTS: Approval of this ordinance will allow the City to abandon all rights, title and interest to a 50-foot wide Drainage Easement.					
STRATEGIC PLAN GOAL: Abandoning easements no longer needed due to storm drainage improvements relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.					
SUMMARY OF ITEM					
The easement is no longer needed due to storm drainage improvements redirecting the flow. Drainage will be conveyed in a pipe versus an open ditch. The proposed location of the pipe will be in the street right-of-way with a portion in a drainage easement being dedicated by Preston Village Phase II plat.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Location Map			N/A		

Easement Abandonment



Location Map

An ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain 50-foot wide Drainage Easement recorded in Volume 5869, Page 6230, of the Land Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.

WHEREAS, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to that certain 50-foot wide Drainage Easement recorded in Volume 5869, Page 6230, of the Land Records of Collin County, Texas (hereinafter called "Easement") being situated in the B. M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

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

WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Easement is abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easement should be abandoned;

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

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

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

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

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

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

**EXHIBIT A-1
LEGAL DESCRIPTION
DRAINAGE EASEMENT ABANDONMENT
0.82 ACRE**

BEING of a tract of land out of the B.M. CRAIG SURVEY, Abstract No. 176, in the City of Plano, Collin County, Texas, being part of the 51.02 acre tract of land described in deed to Meyer Levy Limited Partnership, recorded in Volume 4063, Page 782 of the Land Records of Collin County, Texas, being all the Drainage Easement recorded in Volume 5869, Page 6230 of the Land Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for the southwest corner of a 7.783 acre tract of land described in deed to Sunrise Plano Seniors Living, LLC recorded in Volume 5694, Page 4018 of the Land Records of Collin County, Texas;

THENCE with the south line of said 7.783 acre tract of land, South 89°31'13" East, a distance of 50.00 feet to a point for corner;

THENCE leaving said south line, South 00°16'49": East, a distance of 703.81 feet to a point in the south line of said 51.02 acre tract and in a creek;

THENCE with said south line. the following courses and distances to wit:

- North 85°30'50" West, a distance of 10.05 feet to a point for corner;
- South 69°59'36" West, a distance of 14.93 feet to a point for corner;
- South 58°34'31" West, a distance of 25.60 feet to a point for corner;
- South 43°03'52" West, a distance of 5.85 feet to a point for the southwest corner of said 51.02 acre tract;

THENCE with the west line of said 51.02 acre tract, North 00°16'49" West, a distance of 726.17 feet to the **POINT OF BEGINNING** and containing 0.82 acre of land.

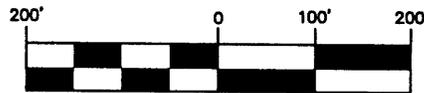
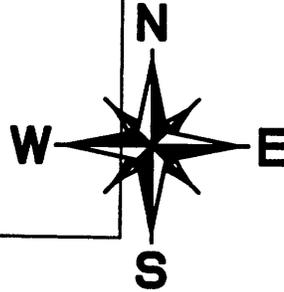
Bearing system based on the monuments found in the south line of the 7.783 acre tract of land described in deed to Sunrise Plano Seniors Living, LLC recorded in Volume 5694, Page 4018 of the Land Records of Collin County, Texas.



PARKER ROAD
110' ROW

7.783 AC.
SUNRISE PLANO
SENIORS LIVING LLC
VOL. 5694 pG. 4018
L.R.C.C.T.

POINT OF BEGINNING



MEYER LEVY LIMITED PARTNERSHIP
C.C.C.F.# 97-0108080
L.R.C.C.T.

OHIO DRIVE
92' ROW

50.00'
S89°31'13"E

500'16'49"E 703.81'
N00°16'49"W 726.17'

DRAINAGE ESMT.
C.C.C.F.# 98-0008443
L.R.C.C.T.

PROPERTY LINE

DRAINAGE ESMT.
C.C.C.F.# 92-0023816
L.R.C.C.T.

30' SANITARY SEWER &
DRAINAGE ESMT.
C.C.C.F.# 82-0023816
L.R.C.C.T.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N85°30'50"W	10.05'
L2	S69°59'36"W	14.93'
L3	S58°34'31"W	25.60'
L4	S43°03'52"W	5.85'

**EXHIBIT DRAWING
DRAINAGE EASEMENT
SUNRISE SENIOR LIVING
CITY OF PLANO
COLLIN COUNTY, TEXAS**



EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting DRAINAGE EASEMENT Vol. 5869 Pg. 6230 L.R.C.C.T. (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:

EASEMENT IS NOT LONGER NEEDED DUE TO STORM DRAINAGE IMPROVEMENTS REDIRECTING THE FLOW.

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

DRAINAGE WILL BE HANDLED IN PIPE VERSUS AN OPEN DITCH.

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.

4. ~~If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as **Exhibit "B-1"**.~~

5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.

6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

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

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

100% OVER PRESTON VILLAGES DEVELOPERS, LP.

8. Owners shall also prepare a map or drawing showing the ~~Easement to be abandoned along with a designation of all abutting property owners.~~ This map or drawing shall be attached hereto and incorporated herein as **Exhibit "C-1"**.
9. Owners shall also prepare a separate field note description for ~~each portion of the Easement to be released to each abutting property owner.~~ This description shall be attached hereto and incorporated herein as **Exhibit "D-1"**.

[Remainder of page blank]

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

PRESTON VILLAGES DEVELOPERS, LP. A TEXAS LIMITED PARTNERSHIP
BY: PRESTON VILLAGES, GP, LLC, AT TEXAS LIMITED LIABILITY COMPANY;
GENERAL PARTNER

Typed Name of Owner

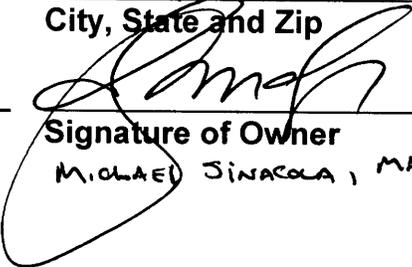
10950 RESEARCH ROAD

Address

FRISCO, TEXAS 75034

City, State and Zip

Dated: 01/26/11



Signature of Owner

MICHAEL SINACOLA, MANAGER

Contact Person for Property Owners:

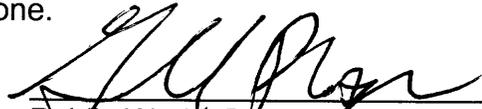
Name: Matt Robinson

Phone No: 214-387-3993

FOR DEPARTMENTAL USE ONLY

The Easement to be abandoned is to one or more abutting property owners and is exempt from the requirement that fair market value be paid for the following reason(s):

- The Easement consists of narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development code ordinances;
- The Easement consists of streets or alleys, owned in fee or used by easement;
- The Easement consists of land or a real property interest originally acquired for streets, rights-of-way, or easements that the City of Plano has decided to exchange with Owner for other land to be dedicated and used for streets, rights of way, easements, or other public purposes, including transactions partly for cash;
- The Easement contains land that the City wants to have developed by an independent foundation;
- The Easement is located within a reinvestment zone designated by law that the City desires to have developed under a project plan adopted by the municipality for the zone.



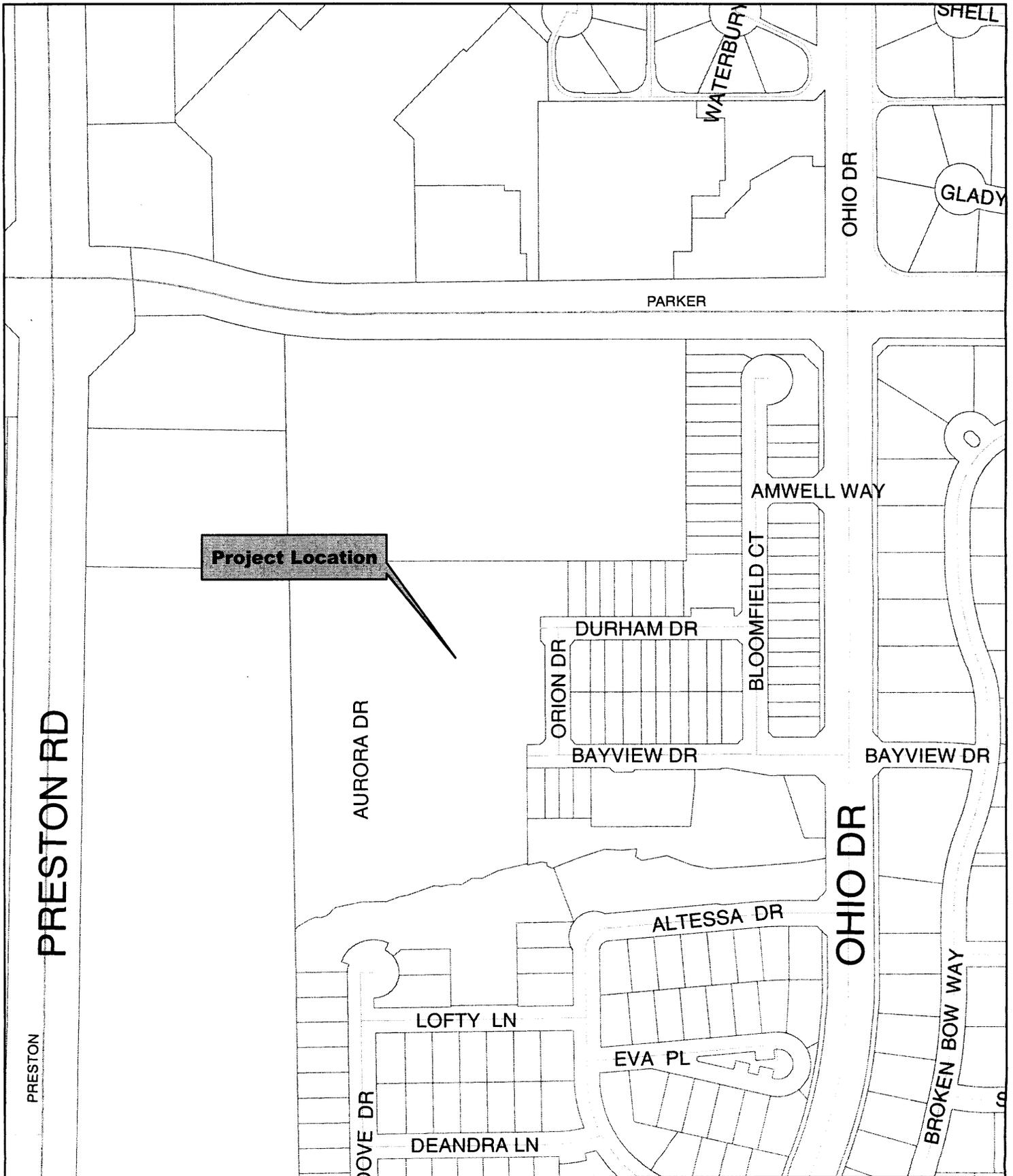
Public Works Department
City of Plano, Texas



**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:		4/25/2011			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #): Irene Pegues (X-7152) Proj. #5475-4					
CAPTION					
<p>An ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in that certain 15-foot wide Sanitary Sewer Easement recorded in Document No. 20060907001285700, Official Public Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.</p>					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(S): N/A					
<p>COMMENTS: Approval of this ordinance will allow the City to abandon all rights, title and interest to a 15-foot wide Sanitary Sewer Easement.</p> <p>STRATEGIC PLAN GOAL: Abandoning easements in return for right-of-way dedication relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.</p>					
SUMMARY OF ITEM					
<p>The owners are requesting to dedicate the right-of-way over the existing easement in order to clear title to the lots for future homeowners. Any portion of the easement outside of the future right-of-way will be dedicated on the final plat.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Location Map			N/A		

Easement Abandonment



Location Map

An ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in that certain 15-foot wide Sanitary Sewer Easement recorded in Document No. 20060907001285700, Official Public Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Preston Villages Developers, LP, to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.

WHEREAS, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in that certain 15-foot wide Sanitary Sewer Easement recorded in Document No. 20060907001285700, Official Public Records of Collin County, Texas (hereinafter called "Easement") being situated in the B. M. Craig Survey, Abstract No. 176, which is located within the city limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

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

WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Easement is abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easement should be abandoned;

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

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

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

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

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

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT A - 1
15' SANITARY SEWER EASEMENT ABANDONMENT
LEGAL DESCRIPTION
0.4469 ACRE

BEING a tract of land situated in the B.M. Craig Survey, Abstract Number 176, City of Plano, Collin County, Texas, and being part of a tract of land described in a deed to Preston Park, LTD. recorded in Volume 5694, Page 4070, Land Records, Collin County, Texas, being all of the easement recorded in Document No. 20060907001285700, Official Public Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at the northwest corner of said Preston Park, LTD. tract,

THENCE South 00°16'49" East with the west line of said Preston Park, LTD. a distance of 657.79 feet to the **POINT OF BEGINNING**;

THENCE departing the west line of said Preston Park LTD. the following calls:

North 69°47'46" East a distance of 127.71 feet to a point for corner;

North 00°19'58" East a distance of 486.18 feet to a point for corner;

South 89°40'02" East a distance of 364.32 feet to a point for corner;

South 00°19'58" West a distance of 15.00 feet to a point for corner;

North 89°40'02" West a distance of 349.32 feet to a point for corner;

South 00°19'58" West a distance of 235.00 feet to a point for corner;

South 89°40'02" East a distance of 321.50 feet to a point for corner;

South 00°19'58" West a distance of 15.00 feet to a point for corner;

North 89°40'02" West a distance of 321.50 feet to a point for corner;

South 00°19'58" West a distance of 231.58 feet to a point for corner;

South 69°47'46" West a distance of 143.55 feet to a point for corner in the west line of said Preston Park LTD.;

THENCE North 00°16'49" West with the west line of said Preston Park LTD. a distance of 15.95 feet to the **POINT OF BEGINNING** and containing 19,467 square feet or 0.4469 acre of land.

Bearing system based on the monuments found in the south line of the tract of land described in deed to Morsun Plano Senior Living, LP recorded in Volume 5827, Page 2572 of the Land Records of Collin County, Texas.

EXHIBIT A
15' SANITARY SEWER EASEMENT
CITY OF PLANO
COLLIN COUNTY, TEXAS



MORSUN PLANO SENIOR LIVING
C.C.C.F. # 2004-4202
L.R.C.C.T

P.O.C.

SANITARY SEWER ESMT.
0.4469 ACRE
19,467 SQ.FT.

17 18 19

S89°40'02"E 364.32'

N89°40'02"W 349.32'

S00°19'58"W
15.00'

DURHAM DRIVE

B.M. CRAIG SURVEY
ABSTRACT No. 176

1 2 3
PRESTON VILLAGE
PHASE 1
CAB. 2008 PG. 780

PRESTON PARK, LTD.
VOL. 5694, PG. 4070
L.R.C.C.T

ORION DRIVE

D
20 18 18

S00°16'49"E 657.79'

N00°19'58"E 486.18'

S00°19'58"W 235.00'

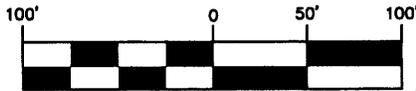
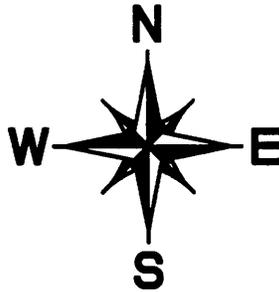
S89°40'02"E 321.50'

BAYVIEW DRIVE

N89°40'02"W 321.50'

S00°19'58"W
15.00'

24 25 26 27 28
COMMON AREA



FUTURE
PRESTON VILLAGE
ADDITION

P.O.B.

127.71'
N69°47'46"E

143.55'

S69°47'46"W

PRESTON LAKES
PHASE TWO
CABINET Q, PAGE 271
M.R.C.C.T.

N00°16'49"W
15.95'

FLOODWAY AND
DRAINAGE ESMT.
VOL. 2008 PG. 76
M.R.C.C.T.

16
OPEN SPACE
DEDICATED TO H.O.A.

PRESTON LAKES
PHASE SIX
VOL. 2008 PG. 76
M.R.C.C.T.

16
OPEN SPACE
DEDICATED TO H.O.A.

14

EXHIBIT DRAWING 15' SANITARY SEWER EASEMENT CITY OF PLANO COLLIN COUNTY, TEXAS



EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting SANITARY SEWER EASEMENT INST. # 20060907001285700 (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:

WE ARE DEDICATING RIGHT OF WAY OVER THE EXISTING EASEMENT AND WANT TO CLEAR TITLE TO THE RESIDENTIAL LOTS. THE EASEMENT AREA OUTSIDE THE FUTURE RIGHT OF WAY WILL BE GRANTED BY RECORDATION OF THE FINAL PLAT.

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

CLEAR TITLE FOR FUTURE HOMEOWNERS.

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.

4. If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, ~~Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as Exhibit "B-1".~~

5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.

6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

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

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

100% OVER PRESTON VILLAGES DEVELOPERS, L.P.

8. Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as **Exhibit "C-1"**.
9. Owners shall also prepare a separate field note description for each portion of the Easement to be released to each abutting property owner. This description shall be attached hereto and incorporated herein as **Exhibit "D-1"**.

[Remainder of page blank]

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

PRESTON VILLAGES DEVELOPERS, LP, A TEXAS LIMITED PARTNERSHIP
By: PRESTON VILLAGES, GP, LLC, A TEXAS LIMITED LIABILITY COMPANY, GENERAL PARTNER

Typed Name of Owner

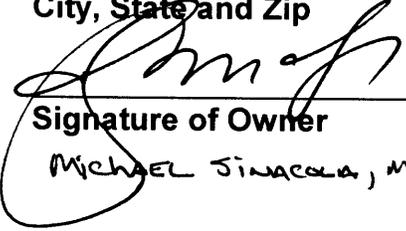
10950 RESEARCH ROAD

Address

FRISCO, TEXAS 75034

City, State and Zip

Dated: 01/26/11



Signature of Owner

MICHAEL SINACOLA, MANAGER

Contact Person for Property Owners:

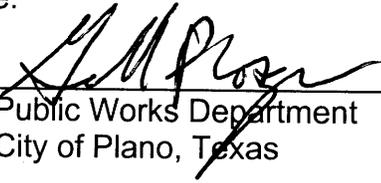
Name: MATT ROBINSON

Phone No: 214-387-3993

FOR DEPARTMENTAL USE ONLY

The Easement to be abandoned is to one or more abutting property owners and is exempt from the requirement that fair market value be paid for the following reason(s):

- The Easement consists of narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development code ordinances;
- The Easement consists of streets or alleys, owned in fee or used by easement;
- The Easement consists of land or a real property interest originally acquired for streets, rights-of-way, or easements that the City of Plano has decided to exchange with Owner for other land to be dedicated and used for streets, rights of way, easements, or other public purposes, including transactions partly for cash;
- The Easement contains land that the City wants to have developed by an independent foundation;
- The Easement is located within a reinvestment zone designated by law that the City desires to have developed under a project plan adopted by the municipality for the zone.



Public Works Department
City of Plano, Texas



**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:		04/25/11		
Department:		Fire		
Department Head		Hugo R. Esparza		
Agenda Coordinator (include phone #): Cynthia Morgan (ext. 7164)				
CAPTION				
An Ordinance of the City of Plano, Texas, repealing Ordinance 2011-1-24, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2009 Edition of the International Fire Code, with certain revised additions, deletions, and amendments, as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-2011	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): GENERAL FUND				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Revision of the 2009 International Fire Code relates to the City's Goals of Safe Large City and Great Neighborhoods - 1st Choice to Live.				
SUMMARY OF ITEM				
The 2009 International Fire Code is being revised to remove Section 106.2.3. This section allowed for a free inspection of existing occupancies and should have been deleted when the Council approved charging fees for existing occupancy inspections.				
List of Supporting Documents: Ordinance			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas, repealing Ordinance 2011-1-24, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2009 Edition of the International Fire Code, with certain revised additions, deletions, and amendments, as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.

WHEREAS, on January 24, 2011, the City Council enacted Ordinance 2011-1-24 adopting the 2009 Edition of the International Fire Code with certain additions, deletions and amendments as the Fire Code of the City of Plano; and

WHEREAS, because of certain typographical errors, it is necessary to repeal Ordinance 2011-1-24 and adopt the 2009 Edition of the International Fire Code with certain revised additions, deletions and amendments as the Fire Code of the City of Plano; and

WHEREAS, upon full review and consideration of all matters related and attendant thereto, the City Council is of the opinion that the Ordinance 2011-1-24 should be repealed and the 2009 Edition of the International Fire Code, along with the revised local amendments thereto, should be adopted as the Fire Code for the City of Plano and that regulations and fees should be established thereunder.

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

Section I. Ordinance No. 2011-1-24 duly passed and approved by the City Council of the City of Plano on January 24, 2011, and codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances, is hereby repealed in its entirety.

Section II. The 2009 Edition of the International Fire Code with certain revised additions, deletions and amendments is hereby adopted as the Fire Code of the City of Plano and shall read in its entirety as follows:

“ARTICLE II. FIRE CODE

Penalty.

Any person, firm, or corporation violating any of the provisions or terms of this Article or the Code adopted herein shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (\$2000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 8-17 Adoption of International Fire Code.

There is hereby adopted by the City Council of the City of Plano, Texas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the 2009 Edition of the International Fire Code, including Appendix B, E, and F of the 2009 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2009 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which Code and standards copies have been and are now filed in the office of the City Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on

which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Plano.

Section 101 Scope and General Requirements

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Plano, hereinafter referred to as “this Code.”

Section 102 Applicability

Sec. 102 is amended by the addition of the following:

Sec. 102.1 Construction and Design Provisions. The construction and design provisions of this Code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this Code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this Code.
3. Existing structures, facilities and conditions when required in Chapter 46 or by specific sections of this Code.
4. Existing structures, facilities and conditions which, in the opinion of the Fire Code Official, constitute a distinct hazard to life or property.

Sec. 102.4 is amended to read as follows:

Sec. 102.4 Application of Other Building Codes. The design and construction of new structures shall comply with this Code, and other codes as applicable, and any alterations, additions, changes in use or changes in structures required by this Code, which are within the scope of the International Building Code, shall be made in accordance herewith.

Sec. 102 is amended by the addition of the following:

Sec. 102.7 Referenced Codes and Standards. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the *ICC Electrical Code* shall mean the Electrical Code as adopted.

Sec. 103 Department of Fire Prevention

Sec. 103.1, 103.2, and 103.3 are amended to read as follows:

Sec. 103.1 General. The Fire Code shall be enforced by the Division of Fire Prevention. The Division of Fire Prevention is hereby established as a division of the Fire Department of the City of Plano and shall be operated under the supervision of the Chief of the Fire Department.

Sec. 103.2 Appointment. The Fire Marshal in charge of the Division of Fire Prevention shall be appointed by the Fire Chief on the basis of proper qualification.

Sec. 103.3 Deputies. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary and each member so assigned shall be authorized to enforce the provisions of the International Fire Code.

Sec. 104 General Authority and Responsibilities.

Sec. 104 is amended by the addition of the following:

Sec. 104.12 Fire Prevention Bureau Personnel and Police. The Chief and members of the Fire Prevention Bureau shall have the power to issue citations for violations of this Code. When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the Fire Department in enforcing the provisions of this Code.

Sec. 105. Permits.

Sec. 105.6.27 is amended to read as follows:

Sec. 105.6.27. LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 20 pound (9.0 Kg) water capacity or less serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

Section 109 Violations

Sec. 109.3 is amended to read as follows:

Sec. 109.3 Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 111

Stop Work Order

Sec. 111.4 is amended to read as follows:

Sec. 111.4 Failure to Comply. Any person who shall continue any work after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Sec. 202 General Definitions

Sec. 202 is amended by the addition of the following:

AMBULATORY HEALTH CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation.

ATRIUM. An opening connecting three or more stories, other than enclosed *stairways*, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or *mezzanines* that comply with Section 505.

HIGH-RISE BUILDING. A building having floors used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of Fire Department vehicle access.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for the utilization of fire service personnel shall be as normally calculated by the jurisdiction.

Sec. 202 the Definition of Firewatch is amended to read as follows:

FIREWATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel, when required by the Fire Code Official for the purpose of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire, and notifying the Fire Department.

Section 307 Open Burning, Recreational Fire, and Portable Outdoor Fireplaces.

Sec. 307.1.1 is amended to read as follows:

Sec. 307.1.1 Prohibited Open Burning. Open burning shall be prohibited within the City of Plano.

Exception:

1. Permits may be issued for ceremonial campfires not to exceed 3 feet in diameter and 2 feet in height, and located a minimum of 25 feet from any structure or property line.
2. Permits may be issued for warming fires when the following are met:
 - a. The fire is placed in a barrel not to exceed 55 gallons in size.
 - b. The barrel must have a screen secured to the top of the barrel.
 - c. The barrel must be located a minimum of 25 feet from any structure or property line.

Sec. 307.4.3 is amended by the deletion of the following:

Exception:

Portable outdoor fireplaces used at one- and two-family *dwellings*.

Section 308 Open Flames

Sec. 308.1.4 is amended to read as follows:

308.1.4 Open-flame Cooking Devices. Open-flame cooking devices, charcoal grills, and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 lbs (5 containers).
2. Where buildings, balconies, and decks are protected by an approved automatic sprinkler system, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs. (2 containers).

Section 308.1.6.2 Exception #3 is amended to read as follows:

Exceptions:

3. Torches or flame-producing devices in accordance with Section 308.1.3.

Section 311 Vacant Premises

Section 311 is amended to read as follows:

Sec. 311.5 Placards. The Fire Code Official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this Code relating to structural or interior hazards, shall be marked as required by Section 311.5.1 through 311.5.5.

Section 318 Standby Personnel.

Sec. 318 is amended by the addition of the following:

Sec. 318.1 Standby Personnel/Crowd Managers. When, in the opinion of the Fire Code Official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent, or lessee shall employ standby personnel, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted to take prompt measures as directed by the Fire Chief. Such duties may include, but not be limited to, extinguishment of fires that occur and assist in the evacuation of the public from the structure.

There shall be trained crowd managers or crowd manager supervisors at a ratio determined by the Fire Marshal.

Section 401 General

Sec. 401.3 is amended by the addition of the following:

Sec. 401.3.4 Fire Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted, or caused or permitted to be given, signaled or transmitted in any manner.

Section 405 Emergency Evacuation Drills

Sec. 405.1 is amended to read as follows:

Sec. 405.1 General. Emergency evacuation drills complying with the provisions of this Section shall be conducted in the occupancies listed in Table 405.2 or when required by the Fire Code Official. Drills shall be designed in cooperation with the local authorities.

Section 408 Use and Occupancy – Related Requirements

Sec. 408.5.4 is amended to read as follows:

Sec. 408.5.4 Drill Frequency. Emergency evacuation drills shall be conducted at least twelve times per year, four times per year on each shift. Drills are not required to comply with the time requirements of Section 405.4.

Section 501 General

Sec. 501.4 is amended to read as follows:

Sec. 501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

Section 503 Fire Apparatus Access Roads.

Sec. 503.1.1 Required Access is amended by the addition of the following to the first paragraph:

Sec. 503.1.1 Required Access. The 150 feet (150') shall be measured along a ten foot (10') wide unobstructed pathway around the external walls of the structure. The grade shall not exceed six (6) percent. The provision of this section notwithstanding, fire lanes may be required to be located within thirty feet (30') of a building if deemed to be reasonably necessary by the Fire Chief to enable proper protection of the building. A five (5) foot wide level pathway shall be provided unobstructed through all barriers. A continuous row of parking between the fire lane and the structure shall be considered a barrier.

Fire lane and access easements shall be provided to serve all buildings through parking areas, to service entrances of buildings, loading areas and trash collection areas, and other areas deemed necessary to be available to fire and emergency vehicles. The Fire Chief is authorized to designate additional requirements for fire lanes where the same is reasonably necessary so as to provide access for fire and rescue personnel.

Fire lanes provided during the platting process shall be so indicated on the plat as an easement. Where fire lanes are provided and a plat is not required, the limits of the fire lane shall be shown on a site plan and placed on permanent file with the Fire Marshal and City Planning Department.

No owner or person in charge of any premises served by a fire lane or access easement shall abandon, restrict, or close any fire lane or easement without first securing from the City of Plano approval of an amended plat or other acceptable legal instrument showing the removal of the fire lane.

Sec. 503.1.2 Additional Access is amended by the addition of the following to the first paragraph:

Sec. 503.1.2 Additional Access. All structures and subdivisions shall provide two points of access. The two points of access shall be a minimum of 140 feet apart. The maximum block length shall be 1200' and the maximum cul-de-sac length shall not exceed 600' in length as measured from the centerline of the intersection, street to the center point of the radius.

Sec. 503.2.1 Dimensions is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7,315 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4,267 mm).

Any such fire lane easement shall either connect both ends to a dedicated street or be provided with a turnaround having a minimum outer radius of 50 feet. If two or more interconnecting lanes are provided, interior radius for that connection shall be required in accordance with the following:

For 90 degree or greater turns only

24' fire lane – minimum radius 20'
30' fire lane – minimum radius 10'

For turns tighter than 90 degrees, American Association of State and Highway Transportation Officials (AASHTO) Geometric Design of Highways and Streets shall be utilized.

Sec. 503.2.3 Surface is amended to read as follows:

Sec. 503.2.3 Surface. Fire lanes shall be constructed of an asphalt or concrete surface capable of supporting the imposed loads of fire apparatus and meeting the requirements of the City of Plano parking lot standards. Those portions of the fire lane within sixty feet (60') of the structure to be protected shall be constructed with 6-inch thick, 3000 psi concrete or 5-inch thick, 3600 psi concrete reinforced with No. 3 bars spaced 24 inches on centers both ways and with sub-grade to a density not less than 95 percent as determined by TSDHPT Test Method Tex-113. Portions of the fire lane constructed of asphalt shall be ninety-five (95) percent compaction with a 6-inch asphalt stabilized base and 2-inch type D hot mix asphalt concrete. State Highway specification number 292. Whenever forty percent (40%) of existing, non-conforming fire lanes are replaced within a twelve month period, the entire fire lane shall be replaced according to current standards.

All fire lanes shall be maintained and kept in a good state of repair at all times by the owner and the City of Plano shall not be responsible for the maintenance thereof. It shall further be the responsibility of the owner to insure that all fire lane markings required by Sec. 503.3 be kept so that they are easily distinguishable by the public.

Sec. 503 is amended by the addition of the following:

Sec. 503.2.6 Bridges and Elevated Surfaces. All bridges and fire lane grades shall meet the City of Plano Engineering specifications.

Sec. 503.3 is amended to read as follows:

Sec. 503.3 Marking. Approved striping or, when allowed by the Code official, signs or both shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) **STRIPING** – Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “fire lane no parking” shall appear in four inch (4”) white letters at 25 foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) **SIGNS** – shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

Sec. 503.4 is amended to read as follows:

Sec. 503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Sec. 503.6 is amended to read as follows:

Sec. 503.6 Security Gates. Where security fencing is necessary, the owner shall provide gates or openings which may be secured. Gates when provided must open fully in either direction or be of a sliding or raised arm type. The main entry gates serving Group R & I occupancies shall be equipped with an approved automated entry system. All other entry points along the fire lane must be automated or Knox compatible as approved by the Fire Chief, to permit immediate access by fire personnel and equipment in the event of fire or emergency.

Section 505 Premises Identification.

Sec. 505.1 is amended to read as follows:

Sec. 505.1 Premises Identification. Approved numerals of a minimum 6” height and of a color contrasting with the background designating the address shall be placed on all new and existing buildings or structures in such a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways where said alleyways exist. Where buildings do not immediately front a street, approved 6 inch height building numerals or address and 3-inch height suite/apartment

numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum 20 inch by 30 inch background or border. Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches.

Exception 1. R-3 Single Family occupancies shall have approved numerals of a minimum 3 inches in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

Section 507 Fire Protection Water Supplies

Sec. 507.4 is amended to read as follows:

Sec. 507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 “Recommended Practice for Fire Flow Testing and Marking of Hydrants” and within one year of sprinkler plan submittal. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings.

Sec. 507.5.1 is amended to read as follows:

Sec. 507.5.1 Where Required. And as properties develop, fire hydrants shall be located at all intersecting streets and at the maximum spacing indicated in Table 903.4.2. Distances between hydrants shall be measured along the route that fire hose is laid by a fire vehicle from hydrant to hydrant.

Maximum Distance Between Hydrants

OCCUPANCY	SPRINKLERED	NOT SPRINKLERED
Residential (1 & 2 Family)	600 feet	500 feet
Residential (Multi Family)	400 feet	300 feet
All Other	500 feet	300 feet

Table 903.4.2

1. PROTECTED PROPERTIES. Fire hydrants required to provide a supplemental water supply for automatic fire protection system shall be within 100 feet of the Fire Department connection for such system and shall have an isolation valve located between the connections to a looped main.

2. FIRE HYDRANT LOCATIONS. Fire hydrants shall be located 4 feet to 7 feet back of curb or fire lane and shall not be located in the bulb of a cul-de-sac.

3. MINIMUM NUMBER OF FIRE HYDRANTS. There shall be a minimum of two (2) fire hydrants serving each property within the prescribed distances listed above.

Section 603 Fuel-Fire Appliances.

Sec. 603.3.2. Exception is amended to read as follows:

Exception: The aggregate capacity limit shall be permitted to be increased to 3,000 gallons (11,356 L) in accordance with all requirements of Section 3404.2.9.5.1 and Chapter 34.

Sec. 603.3.2.2 is amended to read as follows:

Sec. 603.3.2.2 Restricted use and connection. Tanks installed in accordance with Section 603.3.2 shall be used only to supply fuel oil to fuel-burning equipment installed in accordance with Section 603.3.2.4. Connections between tanks and equipment supplied by such tanks shall be made using closed piping systems.

Section 704 Floor Openings and Shafts

Sec. 704.1 is amended to read as follows:

Sec. 704.1 Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as specified in Chapter 46. When openings are required to be protected, openings into such shafts shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices are permitted if the fusible link rating does not exceed 135°F (57°C).

Section 807 Decorative Materials other than Decorative Vegetation in New and Existing Buildings

Sec. 807.4.3.2 and 807.4.4.2 are amended by the addition of the following:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

Section 901 General

Sec. 901.5 is amended by the addition of the following:

Sec. 901.5 Installation Acceptance Testing. All required tests shall be conducted by and at the expense of the owner or his representative. The Fire Department shall not be held responsible for any damages incurred in such test. Where it is required that the Fire Department witness any such test, such test shall be scheduled with a minimum of 48 hour notice to the Fire Chief or his representative.

Sec. 901.7 is amended to read as follows:

Sec. 901.7 Systems Out of Service. Where a required fire protection system is out of service or in the event of an excessive number of accidental activations, the Fire Department and the Code Official shall be notified immediately and, where required by the Code Official, the building shall either be evacuated or standby personnel shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

Where utilized, standby personnel shall be provided with at least one approved means for notification of the Fire Department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

Sec. 901.10 is amended to read as follows:

Sec. 901.10 Discontinuation or Change of Service. Notice shall be made to the Fire Code Official whenever contracted alarm services for monitoring of any fire alarm system is terminated.

Notice shall be made in writing to the Fire Code Official by the building owner or alarm service provider prior to the service being terminated.

Section 902 Definitions

Sec. 902.1 “Standpipe, Types of” definition, the term “manual dry” is amended to read as follows:

Manual Dry. A dry standpipe system that does not have a permanent water supply attached to the system. Manual dry standpipe systems require water from a Fire Department pumper to be pumped into the system through the Fire Department connection in order to supply the system demand. The system must be supervised as specified in Section 905.2.

Section 903 Automatic Sprinkler Systems

Sec. 903.1.1 is amended to read as follows:

Sec. 903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard and approved by the *Fire Code Official*.

Sec. 903.2 is amended to read as follows:

Sec. 903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machines spaces, and elevator hoistways.

Sec. 903.2 is amended by the deletion of the following:

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries, and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 707 of the *International Building Code* or not less than 2-hour horizontal assemblies constructed in accordance, with Section 712 of the *International Building Code*, or both.

Sec. 903.2.1.1, 903.2.1.3, 903.2.1.4, 903.2.3, 903.2.4 903.2.7, 903.2.9, and 903.2.9.1 are amended to read as follows:

Sec. 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (557.4m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.
4. The fire area contains a multi theater complex.

Sec. 903.2.1.3 Group A-3. An automatic sprinkler system shall be for Group A-3 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (557.4m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

Sec. 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (557.4m²).
2. The fire area has an occupant load of 300 or more
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

Sec. 903.2.3 Group E. An automatic sprinkler system shall be provided for Group E Occupancies where one of the following conditions exists:

1. Throughout all Group E fire areas greater than 6,000 square feet (557.4m²) in area;
2. Throughout every portion of educational building below the level of exit discharge.

Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

Sec. 903.2.4 Group F-1. An automatic sprinkler system shall be provided for Group F-1 Occupancies where one of the following conditions exists:

1. Where a Group F-1 fire area exceeds 6,000 square feet (557.4m²);
2. Where a Group F-1 fire area is located more than three stories above grade plane; or
3. Where combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).

Sec. 903.2.7 Group M. An automatic sprinkler system shall be for Group M Occupancies where one of the following conditions exists:

1. Where a Group M fire area exceeds 6,000 square feet (557.4m²);

2. Where a Group M fire area is located more than three stories above grade plane; or
3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).

Sec. 903.2.9 Group S-1. An automatic sprinkler system shall be for Group S-1 Occupancies where one of the following conditions exists:

1. A Group S-1 fire area exceeds 6,000 square feet (557.4m²);
2. A Group S-1 fire area is located more than three stories above grade plane; or
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).

Sec. 903.2.9.1 Repair Garages. An automatic sprinkler system shall be for Repair Garages where one of the following conditions exists:

1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 6,000 square feet (557.4m²);
2. One-story buildings with a fire area containing a repair garage exceeding 6,000 square feet (557.4m²);
3. Buildings with a repair garage servicing vehicles parked in the basement.

Sec. 903.2.9 is amended by the addition of the following:

Sec. 903.2.9.3 Self-service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities. A screen shall be installed at eighteen (18) inches below the level of the sprinkler heads to restrict storage above that level. This screen shall be a mesh of not less than one (1) inch nor greater than six (6) inches in size. The screen and its supports shall be installed such that all elements are at least eighteen (18) inches below any sprinkler heads.

Sec. 903.2.11. 3 is amended to read as follows:

903.2.11.3 Buildings more than 35 feet in Height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 of the *International Building Code*, that are located 35 feet (10,668 mm) or more above the lowest level of Fire Department vehicle access.

Exception: Open parking structures in compliance with Section 406.3 of the *International Building Code*.

Sec. 903.2.11 is amended by the addition of the following:

Sec. 903.2.11.7 High Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4,572 mm), see Chapter 23 to determine if those provisions apply.

Sec. 903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Sec. 903.2.11.9 Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings over 6,000 sq. ft. and greater, and in all existing buildings that are enlarged to be 6,000 square feet or greater, and in buildings greater than 6,000 square feet which are enlarged. For the purpose of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.3 of the *International Building Code*.
2. When of non-combustible construction, the area of awning extension or free-standing canopies, both sides, and not used for display or storage shall not be considered for requiring sprinkler protection for areas greater than 6,000 square feet but less than otherwise required in this Code.

Sec. 903.2.11.10 Expanded Tenant Spaces. Fire sprinklers shall be installed in all tenant spaces where the total fire area exceeds 6,000 square feet. For the purpose of fire sprinklers, fire walls shall not be used to separate single tenant fire areas.

Sec. 903.3.1.1.1 is amended to read as follows:

Sec. 903.3.1.1.1 Exempt Locations. When approved by the Fire Code Official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction, or contains electrical equipment.

1. Any room where the application of water or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two (2) hours.

Sec. 903.3.1.2 is amended to read as follows:

Sec. 903.3.1.2 NFPA 13 R Sprinkler Systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinklers shall be installed throughout in accordance with NFPA 13R. Sprinkler systems installed in accordance with 13R shall include sprinkler protection in combustible attics of buildings two (2) or more stories in height.

Sec. 903.3.1 is amended by the addition of the following:

Sec. 903.3.1.4 Installation. Automatic sprinkler and standpipe systems shall be installed with the following:

1. A single underground supply from a looped water main and point for the Fire Department Connection (FDC) shall be provided for all buildings.
2. Fire department connections serving more than 500 GPM shall be provided with one 5-inch Storz connection and one 2-1/2 inch connection.
3. All inspectors' test, ball-drips, and main-drains shall be piped directly to the outside of the building.
4. At least one inspection test valve shall be located at the remote system area.
5. Risers shall be equipped with a properly sized test header.
6. Fire pumps shall be equipped with a properly sized test header.
7. Underground piping shall have a 10-foot minimum separation from all other utilities and placed in a separate trench. Underground piping within 5 feet of the building may be combined with other utilities for entrance to the building.
8. Porches and balconies shall be sprinklered on all Group R-2 and R-3 occupancies.
9. A minimum of 4-feet of pipe between the check valve and inside wall of the Fire Department Connection.

Sec. 903.3.5 is amended to include a second paragraph to read as follows:

Sec. 903.3.5 Water Supplies. Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor.

Sec. 903.4 is amended to include a second paragraph after the exceptions to read as follows:

Sec. 903.4 Sprinkler System Monitoring and Alarms. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for a minimum of 45 seconds and not more than 90 seconds. All control valves in the sprinkler and standpipe systems except for Fire Department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Sec. 903.4.2 is amended to include second paragraph to read as follows:

Sec. 903.4.2 Alarms. The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the Fire Department connection.

Sec. 903.4.3 is amended to read as follows:

Sec. 903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor.

Sec. 903.6.3 and 903.6.4 are amended to read as follows:

Sec. 903.6.3 Spray Booths and Rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 1504.

Sec. 903.6.4 Existing R-1, 2, 3, and 4 Occupancies: In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces one or more occupants, the affected building shall be fire-sprinkled prior to re-occupancy of the unit/building.

Section 905 Standpipe Systems

Sec. 905.2 is amended to read as follows:

Sec. 905.2 Installation Standards. Standpipe system shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Sec. 905.3.2 is amended to read as follows:

Sec. 905.3.2 Group A; delete Exceptions 1 and 2.

1. Open-air-seating spaces without enclosed spaces.
2. Class I automatic dry and semiautomatic dry standpipes or manual wet standpipes are allowed in buildings where the highest floor surface used for human occupancy is 75 feet (22,860 mm) or less above the lowest level of Fire Department vehicle access.

Sec. 905.3.4 is deleted.

Sec. 905.4 is amended to section 5 as follows:

Sec. 905.4 Location of Class I Standpipe Hose Connections.

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of stairways with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

Sec. 905.4 is amended to add Section 7 as follows:

Sec. 905.4 Location of Class I Standpipe Hose Connections.

7. Class I standpipes shall also be required on all occupancies in which the distance from accessible points for Fire Department ingress to any point in the structure exceeds two hundred fifty feet (250') along the route that a fire hose is laid as measured from the fire lane. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter.

Sec. 905.5 is deleted.

Sec. 905.6 is deleted.

Sec. 905.9 is amended to add a second paragraph after the Exceptions to read as follows:

Sec. 905.9 Valve Supervision. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for a minimum of 45 seconds and not more than 90 seconds. All control valves in the sprinkler and standpipe systems except for Fire Department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 906 Portable Fire Extinguishers

Sec. 906.1 Exception is amended to read as follows:

Exception: In R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.

Section 907 Fire Alarm and Detection Systems

Sec. 907.1.1 is amended by the addition of the following:

Sec. 907.1.1 Construction Documents. Plans for fire alarm systems shall be in accordance with Plano Fire Department Fire Alarm Submittal Guidelines.

Sec. 907.1 is amended by the addition of the following:

Sec. 907.1.4 Design Standards. All alarm systems new or replacement shall be addressable. Alarm systems serving more than 20 smoke detectors shall be analog addressable.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after January 1, 1998, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building, compliance must take place within 18 months of permit application.

Sec. 907.2.1 is amended to read as follows:

Sec. 907.2.1 Group A. A manual fire alarm system shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy. Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Sec. 907.2.3 is amended to read as follows:

Sec. 907.2.3 Group E. A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in

Group E day care. Where automatic fire sprinklers are not provided, a full-coverage smoke detection system shall be provided in all Group E occupancies. Unless separated by a minimum of 100 feet open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Sec. 907.2.3 is amended to change Exception 1 and 1.1 to read as follows:

Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.

- 1.1** Residential In-home Day Care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 ½ or less years of age, see Section 907.2.6)

Sec. 907.2.6 is amended by the addition of the following:

Sec. 907.2.6.4 Group I-4 Occupancies. An approved smoke detection system shall be installed in Group I 4 occupancies. Where automatic fire sprinklers are not provided, a full-coverage smoke detection system shall be provided in all Group I-4 occupancies.

Sec. 907.2.13 is amended to read as follows:

Sec. 907.2.13 High-rise Buildings. Buildings having floors used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of Fire Department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communication system in accordance with Section 907.2.12.2.

Sec. 907.2.13 Exception 3 is amended to read as follows:

- 3.** Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

Sec. 907.5 is amended by the addition of the following:

Sec. 907.5.2.6 Manual alarm actuating devices shall be an approved double action type.

Sec. 907.7.1 is amended by the addition of the following:

Sec. 907.7.1.1 Wiring. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All initiating circuit conductors shall be Class "A" wired with a minimum of six feet separation between supply and return circuit conductors. IDC – Class "A" Style D; SLC – Class "A" Style 6; NAC – Class "B" Style Y. The IDC from an addressable device used to monitor the status of a suppression system may be wired Class B, Style B provided the distance from the addressable device is within 10-feet of the suppression system device.

Sec. 907.5 is amended by the addition of the following:

Sec. 907.7.5.2 Communication Requirements. All alarm systems, new or replacement, shall transmit alarm, supervisory, and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.

Sec. 907.5.3 Flow Detectors and Electronic Monitoring. Sprinkler and standpipe system water flow detectors shall be provided for each floor zone to the sprinkler system and shall cause an alarm upon detection of water flow for a minimum of 45 seconds and not more than 90 seconds. All control valves in the sprinkler and standpipe systems except for Fire Department hose connection valves shall be electrically supervised to initiate a trouble signal at the central station upon tampering.

Section 910 Smoke and Heat Vents

Sec. 910.2 is amended by the addition of the following:

Sec. 910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3 and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Sec. 910.2.4 Exit Access Travel Distance Increase. Buildings and portions thereof used as a Group F-1 or S-2 occupancy where the maximum exit access travel distance is increased in accordance with Section 1016.3.

Sec. 910.3 is amended as follows:

Sec. 910.3 Design and Installation. Change the title of the first row of the table from “Group F-1 and S-1” to include “Group H” and to read as follows:

Group H, F-1, S-1

Table 910.3 Change the title of the first row of the table to read as follows:

**[F] TABLE 910.3
REQUIREMENTS FOR DRAFT CURTAINS AND SMOKE AND HEAT VENTS^a**

OCCUPANCY GROUP AND COMMODITY CLASSIFICATION	DESIGNATED STORAGE HEIGHT (feet)	MINIMUM DRAFT CURTAIN DEPTH (feet)	MAXIMUM AREA FORMED BY DRAFT CURTAINS (square feet)	VENT-AREA TO-FLOOR-AREA RATIO ^c	MAXIMUM SPACING OF VENT CENTERS (feet)	MAXIMUM DISTANCE TO VENTS FROM WALL OR DRAFT CURTAINS ^b (feet)
Group F-1, H and S-1	—	$0.2 \times H_d$ but ≥ 4	50,000	1:100	120	60
<i>(Balance of table remains unchanged)</i>						

Sec. 910.3.2.1 is deleted.

Sec. 910.3.2.2 is amended by the addition of the following:

Section 910.3.2.2 Sprinkled Buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100°F (38°C) greater than the temperature rating of the sprinklers installed.

Section 912 Fire Department Connections

Section 912 is amended by the addition of the following:

Section 912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the Fire Department connection as the fire hose lays.

Section 913 Fire Pumps

Sec. 913 is amended to include the following:

Sec. 913.1 General. When located on the ground level, the fire pump room shall be provided with an exterior Fire Department access door that is not less than 3 ft. in width and 6 ft. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the Fire Code Official. Access keys shall be provided in the key box as required by Section 506.1.

Sec. 913.4 is amended to add a second paragraph to read as follows:

The fire-pump system shall also be supervised for “loss of power”, and “phase reversal” on supervisory circuits, and “pump running” as an alarm condition and shall report individually to the monitoring station.

Section 1004 Occupant Load

Sec. 1004.1.1 is amended to delete the following exception:

Sec. 1004.1.1 Areas Without Fixed Seating.

Exception: Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation shall be permitted to be used in the determination of the design occupant load.

Section 1018 Corridors

Sec. 1018.1 is amended by the addition of Exception 5 as follows:

Sec. 1018.1 Construction.

5. In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The smoke-detection system shall be connected to the building’s fire alarm system where such a system is provided.

Section 1022 Exit Enclosures

Sec. 1022.9 is amended to read as follows:

Sec. 1022.9 Smoke-proof Enclosures. In buildings required to comply with Section 403 or 405 of the IBC, each of the exits of a building that serves stores where any floor surface is located more than 55 feet (16,764 mm) above the lowest level of Fire Department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge service such floor levels shall be a smoke-proof enclosure or pressurized stairway in accordance with Section 909.20.

Section 1501 General

Sec. 1501.2 is deleted.

Section 1504 Spray Finishing

Sec. 1504.4 is amended to read as follows:

Sec. 1504.4 Fire Protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9 which shall also protect exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used.

Section 2202 Definitions

Sec. 2202.1 Definitions is amended by the addition of the following:

REPAIR GARAGE. This occupancy shall also include garages involved in minor repair, modification, and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

Section 2302 Commodity Classification

Sec. 2302 is amended to add a second paragraph to the definition of “High-Piled Combustible Storage” as follows:

Any building exceeding 6,000 sq. ft. that has a clear height in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities, to the maximum pile height.

Section 3301 General

Sec. 3301.1.3 is amended to read as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as provided in Section 3304 and 3308.
2. The use of fireworks for approved display as permitted in Section 3308.

The presence or use of fireworks within the jurisdiction of the City of Plano in violation of this Ordinance is hereby declared to be a common and public nuisance. The restrictions of this Section shall be applicable and in force throughout the territory of the City of Plano, Texas, and extending for a distance outside the City limits for a total of 5,000 feet; provided that this Section shall not be in effect within any portion of such 5,000 feet area which is contained within the territory of any other municipal corporation.

Sec. 3301.3 is amended to read as follows:

Sec. 3301.3 Prohibited Explosives. Permits shall not be issued or renewed for possession, manufacture, storage, handling, sale or use of explosives within the city limits of Plano.

Section 3302 Definitions

Sec. 3302 is amended to read as follows:

Sec. 3302 Fireworks. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOT for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purpose of this Code.

Fireworks, 1.3G. (Formerly Class B, Special Fireworks.) Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration or detonation. Such 1.3G fireworks include, but are not limited to firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN0335 by the DOT.

Section 3308 Fireworks Display

Sec. 3308.5 is amended by the addition of the following section:

Sec. 3308.5.3 Marking of Shells. Each aerial shell shall have printed directly on its outer casing the following minimum warning 1/8 inch high letters which contrast to the background:

**WARNING
EXPLOSIVES CLASS “C”
FIRE WORKS
DO NOT HANDLE – CALL “911”**

Sec. 3308 is amended by the addition of the following:

Sec. 3308.11 Ignition. Aerial shells shall be ignited by lighting the tips of fuses by an electrical ignition source except when manual ignition is approved by the Fire Chief. Operators shall not place any part of their bodies over the throat of the mortar.

Section 3403 General Requirements

Sec. 3403.6 is amended to add the following sentence:

An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 3404 Storage

Sec. 3404.2.7 is amended by the addition of the following:

Secondary containment shall be provided for all Above and Underground Storage Tanks (UST) and product lines in the form of double wall tanks and piping. Alternate methods of secondary containment may be used if approved by the Chief.

Sec. 3404.2.9.6.1 is amended to read as follows:

Sec. 3404.2.9.6.1 Location Where Above-Ground Tanks are Prohibited. The storage of flammable or combustible liquids in outside above ground tanks is prohibited within each and every zoning district within the City of Plano with the exception of those districts which are zoned for light industrial zoning use. Installation of above ground tanks in other than light industrial zoning districts shall be permitted at the discretion of the Fire Chief following his review of the proposed installation location, and the fire protection for the storage area. Tanks shall not be located within one hundred feet (100') of the property line of any Group E, I or R occupancies.

Sec. 3404.2.11.5 is amended to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

Sec. 3404.2.11.5.2 is amended to read as follows:

Sec. 3404.2.11.5.2 Leak Detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 3404.2.11.5.3.

Sec. 3404.2.11.5.3 is amended to read as follows:

Sec. 3404.2.11.5.3 Observation Wells. Approved sampling tubes of a minimum 6 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling sump at the corners of the excavation with a minimum of 4 sumps. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers. A minimum of two are required.

Section 3406 Special Operations

Sec. 3406.5.4.5 and 3406.5.4.5.1 through 3406.5.4.5.3 are amended to read as follows:

Sec. 3406.5.4.5 Commercial, Industrial, Governmental or Manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.

Section 3406.5.4.5.1 Site Requirements.

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.
2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
 - a) All buildings, structures, and appurtenances on site and their use or function;
 - b) All uses adjacent to the property lines of the site;
 - c) The locations of all storm drain openings, adjacent waterways, or wetlands;

- d) Information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and,
 - e) The scale of the site plan.
3. The Code Official is authorized to impose limits upon the times and/or days during which mobile fueling operations are allowed to take place, and specific locations on a site where fueling is permitted.
 4. Mobile fueling operations shall be conducted in areas not generally accessible to the public. Mobile fueling shall not take place with 15 feet (4.572 m) of buildings, property lines, or combustible storage.

Sec. 3406.5.4.5.2 Refueling Operator Requirements.

1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.
2. The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.
3. Signs prohibiting smoking or open flames within 25 feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on 3 sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than 100 feet (30.48 m) in length.
7. Absorbent materials, non-water absorbent pads, a 10 foot (3.048 m) long containment boom, and approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum 5-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1,893 L) between re-settings of the limit switch.

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.

9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.

10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.

Sec. 3406.5.4.5.3 Operational Requirements.

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Night time fueling operations shall only take place in adequately lighted areas.
5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
7. Motor vehicle fuel tanks shall not be topped off.
8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
9. The Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

Section 3504 Storage

Flammable Gas.

Sec. 3504.2 is amended by the addition of the following:

Sec. 3504.2 Maximum Capacity Within Established Limits. Tanks shall not be located within one hundred feet (100') of the property line of any Group A, E, I, or R occupancies.

Section 3803 Installation of Equipment - LP Gas

Sec. 3803.2.1 is amended by the addition of the following section:

Sec. 3803.2.1.8 Jewelry Repair, Dental Labs, and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20 pounds (9.0 kg) water capacity. Aggregate capacity shall not exceed 60 pounds (27.2 kg) water capacity. Each device shall be separated from other containers by not less than 20 feet.

Section 3804 Location of LP-Gas Containers

Sec. 3804.2 is amended to read as follows:

Sec. 3804.2 Maximum Capacity Within Established Limits. The manufacturing of LP-Gas shall be prohibited in each and every zoning district of the City of Plano. The storage and use of LP-Gas shall be allowed only in industrial zoned districts of the City of Plano and as allowed in specific uses outlined in Section 3803 and 3804. Storage shall not be located within one hundred feet (100') of the property line of E, A, I, or R occupancies.

Sec. 3804.3 is amended by the addition of the following:

Sec. 3804.3.2 Spas, Pool Heaters, and Other Listed Devices. Where natural gas service is not available, an LP-Gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 3804.3 for location of containers.

Exception: Lots where LP can be off loaded wholly on the property where the tank is located; may install 500 gallon above ground or 1,000 gallon underground approved containers.

Section 4603 Fire Safety Requirement for Existing Buildings

Section 4603.4 is amended to read as follows:

4603.4 Sprinkler Systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 4603.4.1 through 4603.4.4.

Sec. 4603.4 is amended by the addition of the following sections:

Sec. 4603.4.3 Spray Booths and Rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 1504.

Sec. 4603.4.4 Existing R-1, 2, 3, and 4 Occupancies: In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces one or more occupants, the affected building shall be fire-sprinkled prior to re-occupancy of the unit/building.

Section 8-18 Authorizing Suits for Injunctive Relief.

Notwithstanding any penal provision of this Ordinance, the City Attorney is authorized to file suit on behalf of the City of Plano, the Fire Chief or his authorized representative, or both for injunctive relief as may be necessary to enforce the provisions of this Ordinance.”

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

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

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

Section VI. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED on this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**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:		April 25, 2011		
Department:		Property Standards		
Department Head		Cynthia O'Banner		
Agenda Coordinator (include phone #): Gloria Carter - (972) 941-5150				
CAPTION				
An Ordinance of the City of Plano, Texas amending Ordinance No. 2008-12-3, Section IV, codified as Section 6-70 of Article III Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano to change the annual registration due date; providing a penalty clause, a repealing clause, a severability clause, a savings clause, a publication clause; and an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: FY 10-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	-275,310	0	-275,310
BALANCE	0	-275,310	0	-275,310
FUND(S): GENERAL FUND				
COMMENTS: This item will modify the annual registration due dates to coincide with the fiscal year. The budgeted revenues of \$275,310 for 2010-11 will not be collected this fiscal year but will be collected next fiscal year due to the change in collection dates.				
STRATEGIC PLAN GOAL: Amending an ordinance to modify the registration due dates from June 30 th to October 31 st relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Amending the annual due date will allow the collection of registration fees and applicable systematic inspections to occur during the same fiscal year. Implementation of the scheduled modification will initially cause a one-time shift in fee collections; shifting the projected FY 2010-11 collections to FY 2011-12.				
List of Supporting Documents: Memo & Ordinance			Other Departments, Boards, Commissions or Agencies	



MEMORANDUM

To: Bruce D. Glasscock, City Manager
Thru: Frank Turner, Deputy City Manager
From: Cynthia O'Banner, Property Standards Director
Re: Rearrangement of Multi-Family Rental Registrations & Inspections
Date: March 24, 2011

Since the inception of the Rental Registration and Inspection Program (RRIP), the following schedule has been in effect:

Registration Fees Collected	→	June through September
Initial Inspection Period	→	July through January
Re-inspection Period	→	February through May
Preparation for Next Cycle	→	February through May

Beginning the program cycle with registration fees due June 30th of each year creates operational complexities as well as efficiency challenges in analyzing the cost recovery component of the program. These complexities and challenges include revenue collection and creation of expenditures during different budget fiscal years, having to conduct the greatest volume of the required initial inspections during the hottest and coldest months of the year and needing to reconcile the cost analysis data for budget and activity based management preparation.

Therefore, rearrangement of the annual program schedule is being proposed to the following:

Registration Fees Collected	→	October through January
Initial Inspection Period	→	November through May
Re-inspection Period	→	June through September
Preparation for Next Cycle	→	June through September

Registration fee collections are projected at \$275,310 for the upcoming registration cycle. Implementation of the proposed schedule will initially cause a one-time shift in fee collections due to the collection period change from June through September 2011 (FY 10-11) to October 2011 through January 2012 (FY 11-12). Implementation of the proposed schedule will require an ordinance amendment to modify the change in due date from June 30th to October 31st.

Please advise of any questions or concerns.

/CO'B

Attachment: RRIP Yearly Process Schedule

An Ordinance of the City of Plano, Texas amending Ordinance No. 2008-12-3, Section IV, codified as Section 6-70 of Article III Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano to change the annual registration due date; providing a penalty clause, a repealing clause, a severability clause, a savings clause, a publication clause; and an effective date.

WHEREAS, on December 3, 2008, the City Council of the City of Plano enacted Ordinance No. 2008-12-3 amending certain sections of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; and

WHEREAS, such regulations are now codified in Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; and

WHEREAS, it is necessary to amend Ordinance No. 2008-12-3, Section IV, codified as Section 6-70 of Article III Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano to change the annual registration due date to allow registration and inspection of multi-family dwelling complexes to be completed in the same fiscal year.

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

Section I. Section 6-70 of Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano is hereby amended to read as follows:

“Sec. 6-70. Registration required.

- (a) The landlord of a multi-family dwelling complex that is five (5) years old or older with five (5) or more dwelling units shall annually register the complex with the property standards director by October 31st of each calendar year.
- (b) A registration is valid for one calendar year, unless the ownership of the complex changes.
- (c) If a change in ownership of the complex occurs during the period that a registration is otherwise valid, the landlord of the complex shall have thirty (30) days from the date the change of ownership occurred to file a new registration with the property standards director and shall pay a twenty-five dollar (\$25.00) fee to re-issue the registration.

- (d)** Annual registration or renewals postmarked or received after October 31st shall be assessed an additional fee increase of:

 - (1)** Ten (10) percent of registration fee if within one month of due date;
 - (2)** Thirty (30) percent of registration fee if within two (2) months of due date;
 - (3)** Fifty (50) percent of registration fee thereafter.
- (e)** Registration re-issues received after thirty (30) days of ownership change shall be assessed a late fee of seventy-five dollars (\$75.00) at the time of registration re-issue.
- (f)** All fees and assessments must be current with the city prior to the renewal of a registration certificate.
- (g)** The registration shall be on a form prescribed by the property standards director and shall at a minimum contain the following information about the complex:

 - (1)** The trade name, physical address, business mailing address and total number of units;
 - (2)** The names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent crime;
 - (3)** The names, addresses, and telephone numbers of the property owner, property manager, resident manager, registered agent, all federal, state, and local funding agencies; and the type of business entity which owns the complex;
 - (4)** The names, addresses and telephone numbers of any mortgage lienholders;
- (h)** A landlord commits an offense if the landlord operates a multi-family dwelling complex which is not currently registered with the director as prescribed.”

Section II. Any person, firm or corporation who violates any term or provision of this Ordinance, 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 III. All provisions of the ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

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

Section 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 provision of any Ordinances at the time of passage of this Ordinance.

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

DULY PASSED AND APPROVED this the 25th day of April, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**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:		4/25/11		
Department:		Planning		
Department Head		P. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey - x7156				
CAPTION				
Public Hearing and Discussion concerning the Comprehensive Plan and Undeveloped Land Study as they relate to Major Corridor Development in the Coit Road/Bush Turnpike Area.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
Please see attached memo.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo				
Maps				

April 19, 2011

MEMO

TO: Bruce D. Glasscock, City Manager
Frank F. Turner, Deputy City Manager

FROM: Phyllis M. Jarrell, Director of Planning

SUBJECT: Comprehensive Plan and Undeveloped Land Study Issues Related to the Coit Road/Bush Turnpike Area

City Council has requested information on the Comprehensive Plan and Undeveloped Land Study as they relate to the general area around the Coit Road and Bush Turnpike area. This memo addresses the area's Comprehensive Plan land use recommendations over time, its zoning and development history, and its prominence in the Undeveloped Land Study based on the amount of remaining vacant land.

Comprehensive Plan Recommendations

The 1986 Comprehensive Plan called for high intensity office uses south of Mapleshade Lane from Ohio Drive to Independence Parkway. Low intensity office/light industrial was recommended for areas north of Mapleshade Lane from Ohio Drive to Coit Road, and high intensity office east of Coit Road. These designations remained in place until the 1999 update of the Plan, which introduced the concept of "Major Corridor Development" in all areas south of the railroad from Ohio Drive to Independence Parkway. This designation is still in place. In areas proposed for "Major Corridor Development", development is expected to include a mix of commercial, office and technical production uses. Floor area ratios should range from 0.4:1 to 1:1, and heights should be limited by proximity to residential areas. Residential development is generally not appropriate within these corridors.

Zoning and Development History

As Coit Road was extended northward from Dallas, Plano began annexing property and by 1974 had completed annexation of much of the land between Ohio Drive, the railroad and Frankford Road. In the early 1990's, with the determination of the final alignment of the Bush Turnpike, all land south of the new tollway was disannexed from Plano and annexed by Dallas. As with much of Coit Road south from 15th Street, Light Industrial-1 zoning had been assigned to properties on both sides of the street. In 1987 the northeast corner of Coit Road and Bush Turnpike was zoned PD-Office-2/Retail, which allowed primarily high rise office development with some limited retail uses. At the northwest corner, a small planned development district was also created in 1987 and addressed the automotive uses and Sam's Wholesale Club which had recently been developed at the intersection.

To address the patchwork of zoning districts lining the US 75 and Bush Turnpike corridors, the city created the Corridor Commercial zoning district in 2000. This new district was applied to almost all of the land in the Coit Road/Bush Turnpike area, with the exception of properties immediately adjacent to the railroad. Since this area contained most of the remaining undeveloped land zoned for industrial uses in western Plano, some LI-1 zoning was retained for future industrial economic development prospects.

Development started in the mid-1980's with the construction of Sam's Club and several automotive uses along the west side of Coit Road. In 2002 Wal-Mart, along with several restaurant pad sites, were built north of Mapleshade Drive. Until recently, properties west of Wal-Mart and Sam's Club lacked sanitary sewer service, which has delayed additional development in the area west to Ohio Drive.

After being rezoned to Corridor Commercial, the east side of Coit Road began to develop in the early 2000's as well, with Central Market and the shopping center at the northeast corner of the intersection. A hotel, fitness club, and small medical and general offices were built as the Mapleshade Drive and Silverglen Drive connection was completed. The most recent development in this area is Atmos Energy's service yard and training facility, located on the north side of Mapleshade Drive adjacent to the railroad tracks.

Undeveloped Land Study

In 2011, staff prepared a study of the city's remaining undeveloped land. Approximately 8% or 3900 acres of the city's land remains available for development; the vacant land in the Coit Road/Bush Turnpike area comprises 173 acres or 4.4% of this total. The Undeveloped Land Study includes a review of the major Comprehensive Plan policy recommendations related to preserving land for economic development, infill housing, mixed-use development and other factors. The study also addresses the appropriate locations for additional multi-family development in the city.

The Planning & Zoning Commission's recommendations recognize that there is not a "one size fits all" approach for the ultimate development of this remaining land. Appropriate development types for major corridors may be different than what is appropriate for a parcel of land in an interior location. The Commission's recommendations focused on the need to continue to preserve land for economic development and employment-generating uses, especially in the city's major tollway/expressway corridors. However, higher density multi-family development may be appropriate in the expressway corridors, but only within mixed-use and urban center developments.

The Commission recommended that the location of potential sites for urban centers noted in the Urban Centers Study should be added to the Future Land Use Plan, and additional urban center locations should be considered in the future. The Coit Road/Bush Turnpike area is not one of the three potential locations identified in the Urban Centers Study.

Another recommendation of the Commission in the Undeveloped Land Study is that no single-family development should occur within the expressway corridors and major employment centers. Instead, single-family development should be limited to complete neighborhoods with access to schools, parks and amenities.

Please let me know if you need additional information.

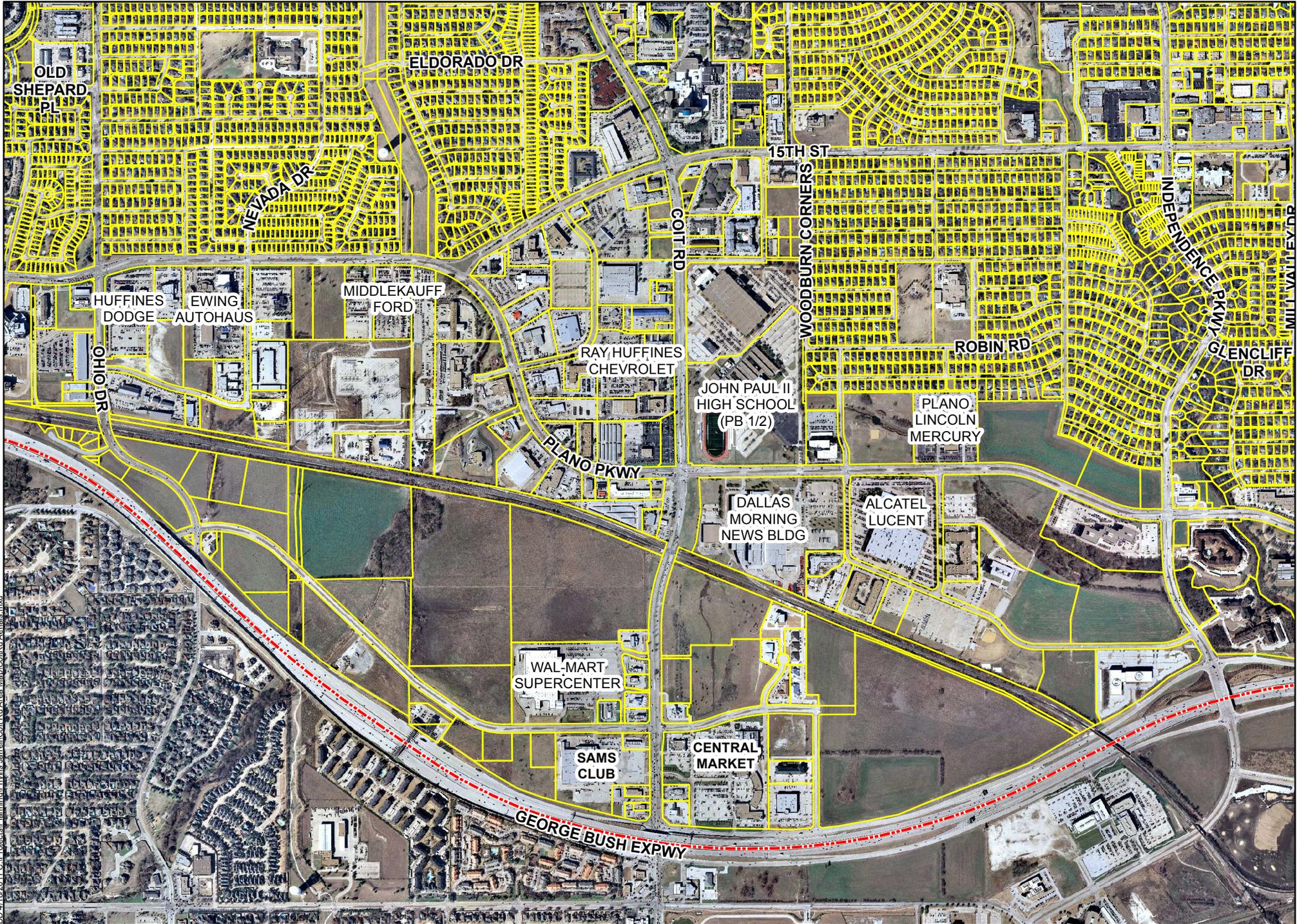
XC: Tina Firgens, Planning Manager



Major Developments

Date: April 2011

Source: City of Plano, GIS Division



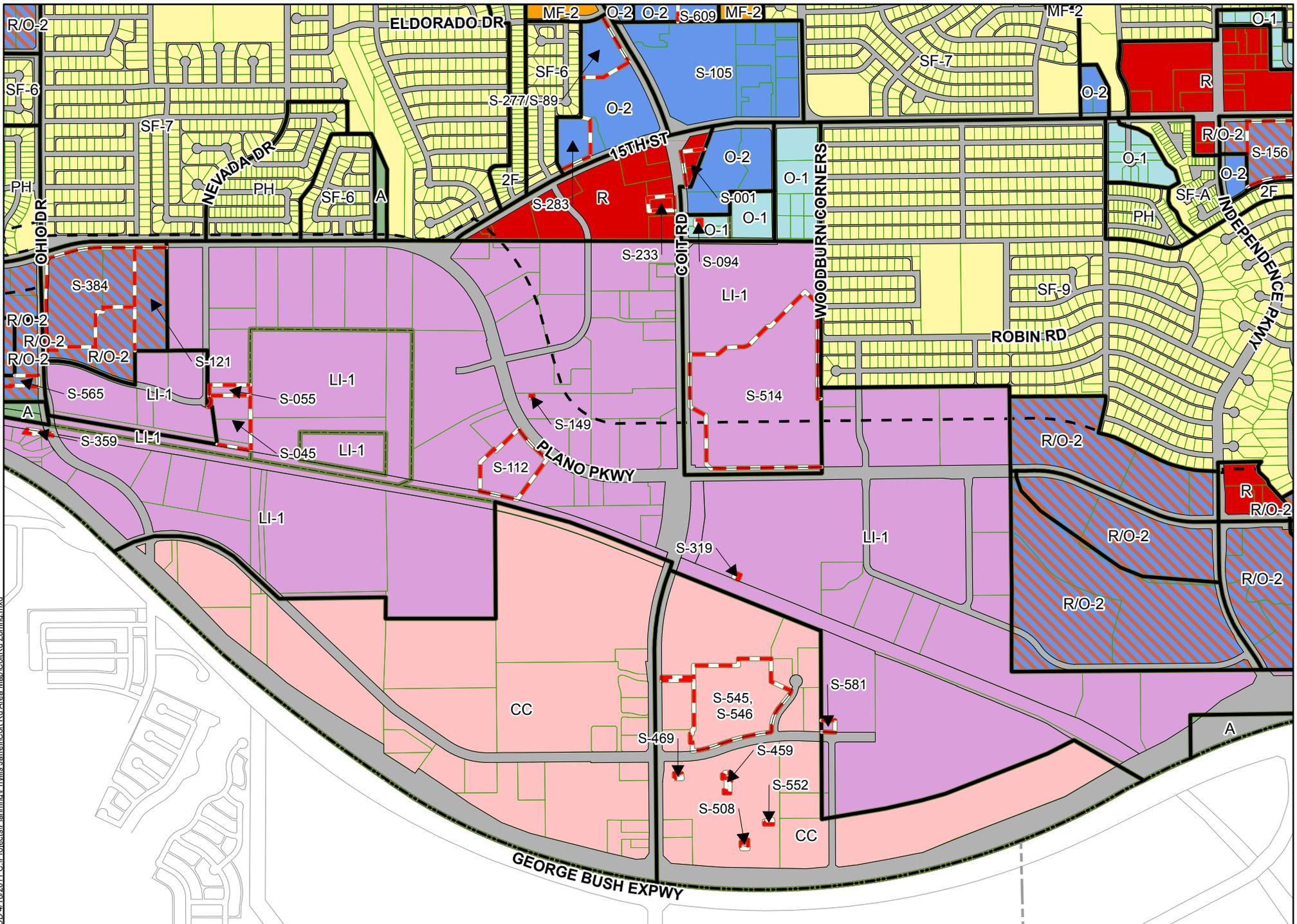


Area Zoning Map

Date: April 2011

Source: City of Plano, GIS Division

N



DD:4/18/2011, C:\Projects\Planning\Phyllis Jarrell\Coit Rd Area Map\Coit Rd Zoning.mxd



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:		April 25, 2011		
Department:		Planning		
Department Head		Phyllis M. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext. 7156				
CAPTION				
Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-04 - Request to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard from Commercial Employment and Central Business-1 to Planned Development-Commercial Employment. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Applicant: USL Frisco II, LLC				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
At its April 4, 2011 meeting, the Planning & Zoning Commission denied this request by a vote of 5-3. The applicant has appealed the Commission's denial. A 3/4 vote, or 6 of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents: Letter of Appeal from Applicant 2nd Vice Chair Report P&Z Follow-up Memo Staff Report Locator Map Zoning Exhibit Concept Plan			Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission	

Baldwin
Associates

April 5, 2011

Ms. Bester Munyaradzi
Senior Planner
City of Plano
1520 Avenue K
Plano, Texas 75074

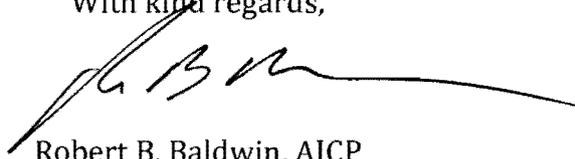
Re: Appeal of the Planning and Zoning Commission Decision on Case 2011-04

Dear Bester,

Please accept this letter as my official request to appeal the decision the Planning and Zoning Commission made on Case 2011-04 and the companion Concept Plan to the City Council. These requests were agenda items 6A and 6B on the Plano Planning and Zoning Commission's April 4, 2011 agenda. Please process this request at your earliest convenience and let me know when this case will be scheduled for a City Council hearing.

Thank you very much for your assistance with this matter. If I can be of any assistance, please do not hesitate to contact me.

With kind regards,



Robert B. Baldwin, AICP

RECEIVED
APR 05 2011
PLANNING DEPT.

**Recommendation of the Planning & Zoning Commission
April 4, 2011 Meeting
Second Vice-Chair's Report**

Zoning Case 2011-04 – Request to rezone 20.3+ acres located at the southwest corner of State Highway 121 and Parkwood Boulevard from Commercial Employment and Central Business-1 to Planned Development-Commercial Employment. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District.

Applicant: USL Frisco II, LLC

Staff Recommendation: Denial

Commission Action: Request was denied 5-3. Chairman Caso, Second Vice Chair Coleman, and Commissioners Dry, Norton, and Smith supported denial. Comments included:

- The proposed retail uses are not integrated with the multifamily building to meet the criteria for mixed use as outlined in the Mixed Use Policy Statement.
- Residential use is not appropriate for the site.
- Proposed residential use is not consistent with the Future Land Use Plan of the Comprehensive Plan that recommends that land within expressway corridors be reserved for economic development and employment.
- Proposed multifamily buildings are not in conformance with the Housing Density and Infill Housing Policy Statements that recommend that no residential use be allowed within 1200 feet of the centerline of State Highway 121 or within expressway corridors.

First Vice Chair Downs, and Commissioners Hazelbaker and Balda opposed denial of the request. Comments included:

- The proposed residential and retail uses are appropriate for the site and integrate with the existing adjacent retail and office uses to create a mixed use development.
- Requiring vertically-integrated retail in a multifamily building in order to meet mixed-use criteria is not economically feasible.
- Proposed project provides housing opportunities for nearby employees.
- Proposed multifamily provides a housing type that is in short supply in Plano and would be desirable for attracting young workers.

Additional Comments: The concept plan associated with Zoning Case 2011-04 was denied by the Commission 5-3.

Respectively submitted,



Michael Coleman
Second Vice Chair
Planning & Zoning Commission

DATE: April 5, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 4, 2011

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2011-04
APPLICANTS: USL FRISCO II, LLC**

Request to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard **from** Commercial Employment and Central Business-1 **to** Planned Development-Commercial Employment. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Tabled 03/21/11.

APPROVED: _____ **DENIED:** 5-3 **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Denied. The Commissioners voting in opposition to the denial recommendation believed the site is appropriate for multifamily use which could provide additional housing for employees of businesses nearby, and provide a housing type that may be attractive to younger employees. Additionally, the Commissioners believed that the proposed request would connect to neighboring properties, such as the existing development to the west.

FOR CITY COUNCIL MEETING OF: April 25, 2011 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/dc

xc: Wayne Malecha, USL Frisco II, LLC
Robert Baldwin, Baldwin Associates

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 4, 2011

Agenda Item No. 6A

Public Hearing: Zoning Case 2011-04

Applicant: USL Frisco II, LLC

DESCRIPTION:

Request to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard **from** Commercial Employment and Central Business-1 **to** Planned Development-Commercial Employment. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Tabled 03/21/11.

REMARKS:

This agenda item was tabled at the Planning & Zoning Commission's meeting on March 21, 2011, and needs to be removed from the table for consideration.

The purpose of this request is to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard from Commercial Employment and Central Business-1 (CE and CB-1) to Planned Development-Commercial Employment (PD-CE). The CE district is intended to provide the flexibility for an integrated development that may include retail, office, commercial, light manufacturing, and multifamily residences. The major focus of the CE district is to be corporate headquarters and research facilities arranged in a campus-like setting. The CB-1 district is intended for use in conjunction with the CE district to permit a highly concentrated business center similar to traditional downtown areas of major cities. A Planned Development (PD) district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions.

The PD district proposes the following: retaining the existing uses allowed within the CE zoning district; adding provisions to allow 400 multifamily units by right; modifying the area, yard, and bulk requirements; and modifying parking, landscaping, and screening requirements. A concept plan, Parkwood Village Addition, Block A, Lots 1 and 2, accompanies this request as Agenda Item No 6B.

Surrounding Land Use and Zoning

The area of the request is currently undeveloped. The property to the east has a retail store but is otherwise predominantly vacant land and zoned CE; to the west and south are vacant CB-1 zoned properties; and State Highway 121 borders the north side of the property and is the northern city limit.

Proposed Planned Development Stipulations

The requested zoning is Planned Development-Commercial Employment. There are two primary parts to this request: land use and design standards.

Land Use - The applicant proposes to retain CE as the base zoning. The CE base zoning would permit retail, restaurants, office, and light intensity manufacturing uses currently allowed in CE. The request also proposes a maximum of 400 multifamily residence units by right, with retail, restaurants, office, and live/work uses on the first floor of the residential buildings.

Design Standards - The request proposes a mix of commercial and residential uses within the development. Although smaller in scale, the intended form of development for the interior of the development is similar to Haggard Square (PD-20) and Legacy Town Center (PD-65). The concept plan indicates primarily two story restaurant and retail buildings of suburban scale on the north side of the property. Rear and side surface parking surrounds the individual buildings along the State Highway 121 frontage. A quasi-public street with angled parking which connects Parkwood Boulevard and Granite Parkway forms the core and focus of the proposed PD. The quasi-public street contains street trees and sidewalks, with reduced building setbacks. The retail and restaurant buildings are placed closer to the quasi-public street than to State Highway 121 frontage, and the multifamily uses are also positioned closer to the quasi-public street. The residential development proposes enclosed garages on the first floor of each building in addition to surface parking.

This request is for PD-CE zoning with the following stipulations.

Restrictions:

The permitted uses and standards shall be in accordance with the Commercial Employment (CE) zoning district unless otherwise specified herein.

General Conditions of the Planned Development District

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Street trees shall be provided at a rate of one three-inch caliper tree per 35 feet of street frontage per side. Spacing and location of street trees shall be determined at the time of preliminary site plan approval.

3. A quasi-public street shall connect Parkwood Boulevard to Granite Parkway consistent with as shown on the zoning exhibit. For the purposes of this PD, the term "Quasi-Public Street" is defined as a street, which is privately owned and maintained drives that are open to the public. A fire lane shall be located within all quasi-public streets. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of quasi-public streets.
4. If the quasi-public street section is one-way, then on-street parking must be angled.
5. Landscaping shall be provided in accordance with Section 3.1200 (Landscaping Requirements) and 4.800 (State Highway 121 Overlay District) except that a 10-foot wide landscape edge is required along Parkwood Boulevard.

Specific Provisions of the Planned Development - Tract A (Nonresidential)

Uses

Multifamily residential is prohibited.

Building Design

1. Nonresidential buildings facing a quasi-public street, except for parking garages, shall have a minimum of 40% of each building facade of the ground floor comprised of window area. Facades facing or fronting the SH 121 frontage road are exempt from this requirement. For the purposes of this standard, ground floor is defined as that portion of the building from street-level finish floor elevation and extending 12 feet above the street-level finish floor elevation.
2. Building setback requirements will be in accordance with the development standards for the CE zoning classification, except as modified below.
 - a. Seventy-five percent of the building facade along Parkwood Boulevard shall have a maximum setback of 30 feet or to the easement line. Seventy-five percent of the building facade along Granite Parkway shall have a maximum setback of 20 feet or to the easement line. When easements are present, 75% of the building facade shall be built to the easement line. The setbacks may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed along Parkwood Boulevard or Granite Parkway. The setback shall be measured from the right-of-way line for Parkwood Boulevard and Granite Parkway.

3. Screening:

- a. Off-street loading docks and service areas for nonresidential uses may not be located adjacent to or across a street or quasi-public street from buildings containing residential uses unless the loading dock or service area is screened in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations);
 - ii. Overhead doors if service area or loading dock is located internal to the building; or
 - iii. Any combination of the above.
 - b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless located internal to the building, and shall be screened from view from streets and required open space areas in accordance with the following:
 - i. Masonry screening walls with metal gates (in accordance with Section 3.1000, Screening, Fence, or Wall Regulations);
 - ii. Overhead doors if refuse and recycling containers are located internal to the building; or
 - iii. Any combination of the above.
4. Parking shall be in accordance with the parking regulations of the Zoning Ordinance - Section 3.1100 (Off-Street Parking and Loading).

Specific Provisions of the Planned Development - Tract B (Multifamily)

1. Tract B must be developed using the standards required by the planned development district for multifamily development. However, Tract B may be developed solely with nonresidential uses in accordance with the CE zoning district and the State Highway 121 Overlay District regulations contained within the Zoning Ordinance. The initial development for Tract B will determine the standards to be used for the remainder of the property.
2. Retail, restaurant, office and live/work uses shall only be allowed on the ground floor of residential buildings.
3. The ground floor of residential buildings facing a quasi-public street shall be designed to accommodate nonresidential uses, with a minimum floor to ceiling height of 12 feet; however, the ground floor may be used for residential uses.
4. The maximum number of multifamily dwelling units permitted in this district is 400.

Building Design

1. Seventy-five percent of the building facade along Parkwood Boulevard shall have a maximum setback of 30 feet or to the easement line. Seventy-five percent of the building facade along Granite Parkway shall have a maximum setback of 20 feet or to the easement line. When easements are present, 75% of the building facade shall be built to the easement line. The setbacks may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed along Parkwood Boulevard or Granite Parkway. The setback shall be measured from the right-of-way line for Parkwood Boulevard and Granite Parkway.
2. Seventy-five percent of the building facade facing the quasi-public street shall be within 20 feet of the back of curb of the quasi-public street unless easements are present. If easements are present, 75% of the building facade shall be built to the easement line. The setback is measured from the curb of the quasi-public street (inclusive of parking, if provided).

Residential Development Standards

1. Multifamily development shall be exempt from the supplementary regulations of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).
2. The minimum residential density for multifamily development shall be 30 dwelling units per acre; not to exceed 400 multifamily units on Tract B.
3. Minimum Floor Area per Dwelling Unit: 500 square feet
4. Maximum Lot Coverage: 60%
5. Street trees shall be placed in planting beds, tree grates, and/or islands located within six feet of the back of the street curb along the quasi-public street.
6. Sidewalks with a minimum unobstructed width of six feet shall be placed along the quasi-public street. Sidewalks are in addition to and placed adjacent to street tree areas.
7. Awnings may extend a maximum distance of six feet into the front yard setback, public right-of-way, and required sidewalks.
8. A minimum of 25,000 square feet of open space shall be provided and open to the public at all times. Open space shall have a minimum dimension of 30 feet.

Parking Regulations

1. The minimum required parking for multifamily use is:
 - a. One bedroom or less: One space per unit
 - b. Two bedrooms: One and one-half (1.5) spaces per unit
 - c. Three bedrooms or more: Two spaces per unit

2. The minimum required parking for all nonresidential uses shall be 1:300 square feet of floor area.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). This request is not in conformance with the Future Land Use Plan since the applicant is proposing multifamily residential development within the expressway corridor. The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities, and the proposed retail and restaurant uses only are consistent with this policy.

Adequacy of Public Facilities

Water and sanitary sewer services are available to serve the subject property. The available sanitary sewer capacity limits the maximum residential units to 400 units.

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

ISSUES:

Future Land Use Plan

As noted above, the Future Land Use Plan designates this property as Major Corridor Development (MCD). The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. Development in these major corridors is also expected to include a mix of commercial, office, and technical production uses. The proposed multifamily residential development is therefore not in conformance with the Future Land Use Plan.

Residential Use in a Major Corridor

The Housing Density Policy Statement of the Comprehensive Plan recommends no residential development within 1,200 feet of the centerline of State Highway 121, and the Infill Housing Policy Statement reaffirms that residential development within expressway corridors should be avoided. A reason for the 1,200-foot setback provision is due to proximity of residential uses to an expressway and promoting a livable residential environment. The setback allows for commercial development to serve as a buffer for residential uses located beyond the 1,200 foot distance. The proposed multi-story multifamily buildings are within 650± feet of the centerline of State Highway 121, and the proposed two story retail and restaurant buildings along State Highway 121 do not offer adequate buffer for the proposed multifamily development.

The Housing Density and Infill Housing Policy Statements recognize that well-integrated pedestrian oriented mixed use centers may be appropriate within expressway corridors. An example of this is the Legacy Town Center development. Although the residential uses in Legacy Town Center are approximately 700± feet from the Dallas North Tollway, the existing retail and office buildings provide a good buffer between the expressway and residential uses, unlike what is being proposed for the subject property.

Mixed Use Policy Statement

The mixed use policy statement of the Comprehensive Plan defines mixed use as vertical or horizontal integration of multiple uses that promotes easy access among uses and amenities, especially by pedestrians. The mixed use policy also provides a framework that is intended to assist with the evaluation of proposals for mixed use projects. The following is an analysis of the proposed request compared to the policy criteria.

- **Location and Context Sensitivity** - The mixed use policy statement encourages proposed mixed use projects to be sensitive to surrounding land uses and character of an area. An important criteria to consider is, if the same uses were to be considered alone, would each use be appropriate in this location? The proposed multifamily would not be appropriate if it were considered alone because of its proximity to a major highway, and the noise generated by the highway. Furthermore, the commercial uses being proposed along State Highway 121 do not offer the buffer and building heights that the proposed residential portion of the development needs. As a whole, the proposed uses are not well integrated within the development and have no direct connection with future development on surrounding vacant properties.
- **Multiple uses/integration of uses** - The mixed use policy statement encourages buildings and uses that are well integrated and tightly connected or grouped. The policy considers whether the combining of land uses promotes easy access among stores, services and amenities used by pedestrians. Additionally, it considers whether the first phase of the development is sufficient to stand on its own as a mixed use development. The proposed buildings are not tightly connected and grouped particularly within the northern tract, as is expected in a mixed use development. The residential buildings on the southern tract are positioned closer to the quasi-public street providing for closer connectivity. Staff is concerned that the residential portion of the development will not be sufficient to stand on its own if it is developed first because it lacks other amenities and uses that support a livable environment. Other than the proposed retail and restaurants, the proposed development has no other non-residential elements that enhance the livability of the residential portion of the development. Additionally, the proposed uses are too few to promote a synergistic and vibrant mixed use development.
- **Density** - The proposed multifamily density of 31 units per acre does not allow for more compact development as is supported by the mixed use policy. The density is limited by the available capacity of sanitary sewer service. The existing utilities were not designed for residential uses. Furthermore, the majority of the land is used for surface parking which hinders building compactness.
- **Pedestrian Orientation** - The site layout has the potential to provide a convenient, attractive and safe pedestrian system. Additionally, the open space provides an overall amenity for pedestrians.

- **Parking** - The policy statement does not require structured parking, recognizing that it may be a barrier to development. Therefore, the policy provides criteria for evaluating the amount and design of surface parking. In this case, the proposed development provides the majority of the parking on the rear side of residential buildings so that it is away from the pedestrian areas along the quasi-public streets, thus being consistent with the policy statement. The retail/commercial uses on the north side of the quasi-public street lose the compactness of an urban development given the surface parking that separates the buildings.

Overall, staff believes that the requested zoning as proposed does not address the significant criteria of the mixed use policy statement due to the lack of appropriateness for residential uses within the expressway corridor, and the limited commercial service uses and amenities needed to support residential development. Furthermore, the density is limited due to lack of available utilities.

While the requested zoning has standards that provide for reduced building setbacks along a central interior quasi-public street, as well as allowing for retail, restaurant, and office uses on ground floor of residential buildings fronting the quasi-public street, and minimizing views of the surface parking particularly in the southern tract, overall the project does not resemble the density and design that is expected of a mixed use development with potential retail and restaurant pads sites along State Highway 121 and multifamily uses behind them.

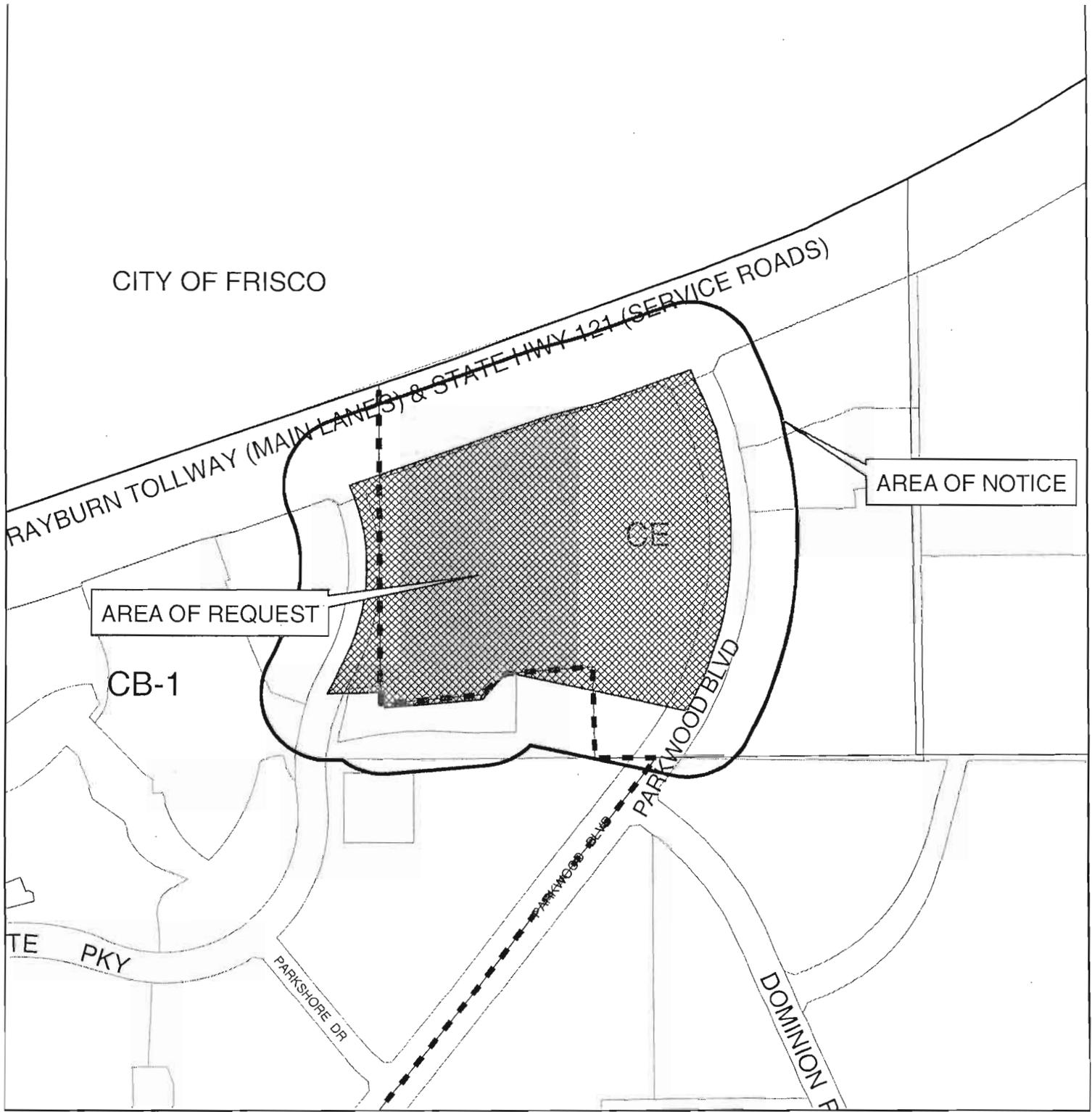
SUMMARY:

The applicant is requesting to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard **from** CE and CB-1 **to** PD-CE. The request is not in conformance with the Future Land Use Plan of the Comprehensive Plan. Furthermore, the request is not consistent with the Housing Density and Infill Housing Policy Statements regarding avoiding residential development within the expressway corridors. Additionally, the project is not consistent with the preservation of land within major expressway corridors and employment centers for economic development and employment opportunities. Lastly the proposed development fails to meet the more significant mixed use criteria as outlined in the Mixed Use Policy Statement of the Comprehensive Plan.

The site is a prime location with potential for economic development that will provide for employment opportunities as envisioned in the Future Land Use Plan. The current CE zoning also provides numerous commercial uses that are more suitable at this location than the multifamily residential being proposed. Therefore, staff recommends denial of the requested rezoning from CE and CB-1 to PD-CE.

RECOMMENDATIONS:

Recommended for denial.



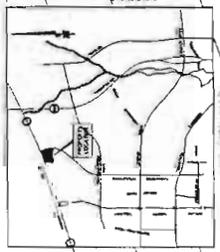
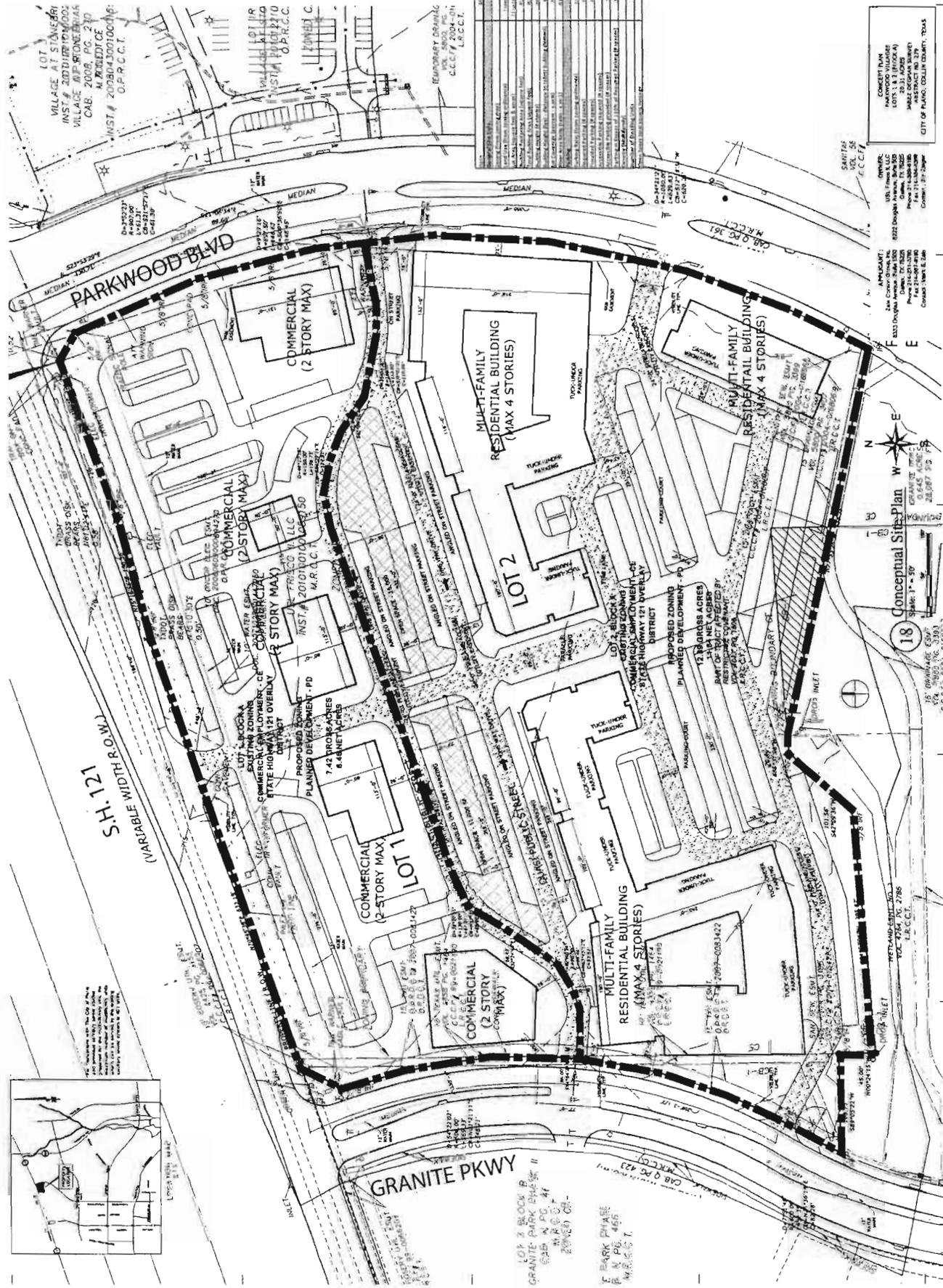
Zoning Case #: 2011-04

Existing Zoning: COMMERCIAL EMPLOYMENT & CENTRAL BUSINESS-1/
STATE HIGHWAY 121 OVERLAY DISTRICT



○ 200' Notification Buffer

Parkwood Villages
 City of Plano, Collin County, TX
 (Parkwood and 121)



NO.	DESCRIPTION	DATE	BY	APP. BY
1	PRELIMINARY	07/10/2011	J. P. HILL	J. P. HILL
2	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
3	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
4	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
5	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
6	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
7	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
8	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
9	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
10	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
11	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
12	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
13	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
14	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
15	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
16	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
17	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
18	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
19	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL
20	REVISIONS	07/10/2011	J. P. HILL	J. P. HILL

Project Number: 210222.00
 Issue for Bidding: 07/10/2011
 J. P. Hill
 NOT FOR REGULATORY
 CONSTRUCTION

JHP
 JHP Architecture / Urban Design
 8300 Maple Road, Suite 150
 Dallas, Texas 75248
 Phone: 214-963-5683
 Fax: 214-963-5685

OWNER
 U.S. Firm & LLC
 14000 Dallas Road, Suite 100
 Dallas, TX 75244
 Phone: 214-963-5683
 Contact: Mr. Zuber

APPLICANT
 Zuo Construction, Inc.
 8300 Douglas Avenue, Suite 100
 Dallas, TX 75248
 Phone: 214-963-5683
 Contact: Mr. Zuber

CONCEPT PLAN
 PARKWOOD VILLAGES
 121 PARKWOOD BLVD
 DALLAS, TEXAS 75248
 CITY OF PLANO, COLLIN COUNTY, TEXAS

CONCEPTUAL SITE PLAN
 SCALE: 1" = 50'
 18
 GRANITE PKWY
 PARKWOOD BLVD

PROPOSED ZONING
 PLANNED DEVELOPMENT PD
 12.78 ACRES
 PART OF TRACT APPLIED BY
 RESTRICTION COVENANT
 REFERENCE TO MAP 121
 DISTRICT

EXISTING ZONING
 COMMERCIAL EMPLOYMENT CE
 STATE HIGHWAY 121 OVERLAY
 DISTRICT

LOT 1
 COMMERCIAL (2 STORY MAX)
 INST. # 2003-001427
 M.R.C.C.

LOT 2
 MULTI-FAMILY RESIDENTIAL BUILDING (MAX 4 STORIES)
 INST. # 2003-001427
 M.R.C.C.

LOT 3
 MULTI-FAMILY RESIDENTIAL BUILDING (MAX 4 STORIES)
 INST. # 2003-001427
 M.R.C.C.



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:		April 25, 2011		
Department:		Planning		
Department Head		Phyllis M. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext. 7156				
CAPTION				
Consideration of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Parkwood Village, Block A, Lots 1 & 2 - Retail, restaurants and 400 multifamily units on two lots on 20.3± acres located at the southwest corner of Parkwood Boulevard and State Highway 121. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Applicant: USL Frisco II, LLC				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
At its April 4, 2011 meeting, the Planning & Zoning Commission denied the concept plan, by a vote of 5-3, due to their denial recommendation for the companion Zoning Case 2011-04. The applicant has appealed the Commission's denial. A simple majority vote, or 5 of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents: Letter of Appeal from Applicant P&Z Follow-up Memo Staff Report Locator Map Concept Plan			Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission	

Baldwin
Associates

April 5, 2011

Ms. Bester Munyaradzi
Senior Planner
City of Plano
1520 Avenue K
Plano, Texas 75074

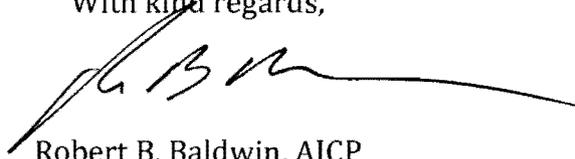
Re: Appeal of the Planning and Zoning Commission Decision on Case 2011-04

Dear Bester,

Please accept this letter as my official request to appeal the decision the Planning and Zoning Commission made on Case 2011-04 and the companion Concept Plan to the City Council. These requests were agenda items 6A and 6B on the Plano Planning and Zoning Commission's April 4, 2011 agenda. Please process this request at your earliest convenience and let me know when this case will be scheduled for a City Council hearing.

Thank you very much for your assistance with this matter. If I can be of any assistance, please do not hesitate to contact me.

With kind regards,



Robert B. Baldwin, AICP

RECEIVED
APR 05 2011
PLANNING DEPT.

DATE: April 5, 2011
TO: Applicants with Items before the Planning & Zoning Commission
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 4, 2011

**AGENDA ITEM NO. 6B - CONCEPT PLAN
8/PARKWOOD VILLAGES, BLOCK A, LOTS 1 & 2
APPLICANTS: USL FRISCO II, LLC**

Retail, restaurants and 400 multifamily units on two lots on 20.3± acres located at the southwest corner of Parkwood Boulevard and State Highway 121. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District.

APPROVED: _____ **DENIED:** 5-3 **TABLED:** _____

STIPULATIONS:

Denied. The Commission voted denial of the concept plan due to their denial recommendation for the companion Zoning Case 2011-04.

xc: Wayne Malecha, USL Frisco II, LLC
Robert Baldwin, Baldwin Associates

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 4, 2011

Agenda Item No. 6B

Concept Plan: Parkwood Villages, Block A, Lots 1 & 2

Applicant: USL Frisco II, LLC

DESCRIPTION:

Retail, restaurants and 400 multifamily units on two lots on 20.3± acres located at the southwest corner of Parkwood Boulevard and State Highway 121. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District.

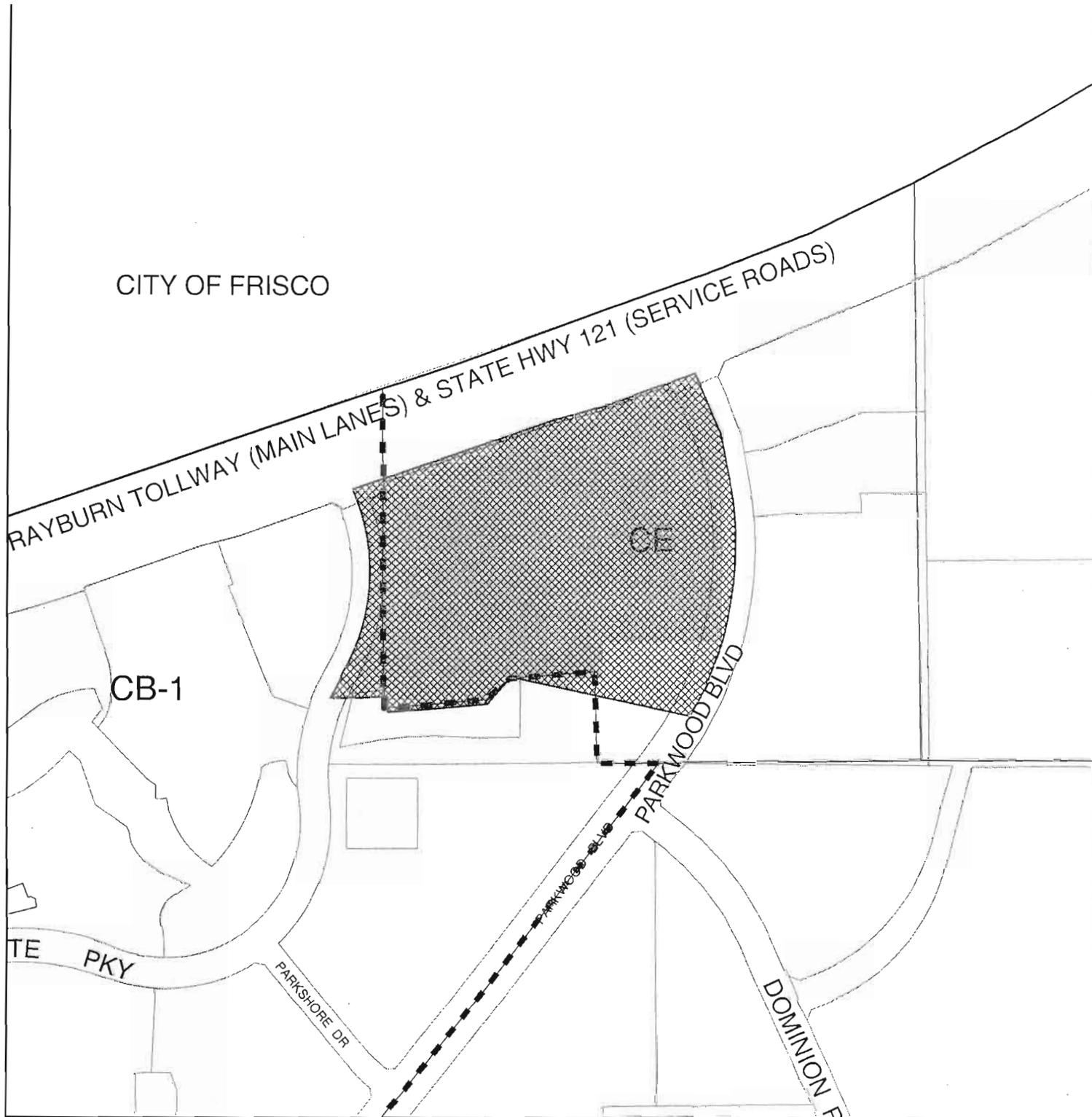
REMARKS:

This concept plan is associated with Zoning Case 2011-04. The purpose for this concept plan is to show the proposed mix of retail, restaurants, and multifamily residential development. The multifamily development is a maximum four stories and at a density of 30 dwelling units per acre. The site has access from State Highway 121, Parkwood Boulevard, and Granite Parkway.

Due to staff's recommendation for denial of the companion case, Zoning Case 2011-04, staff recommends denial of the proposed concept plan.

RECOMMENDATION:

Recommended for denial.



Item Submitted: CONCEPT PLAN

Title: PARKWOOD VILLAGES
BLOCK A, LOTS 1 & 2

Zoning: COMMERCIAL EMPLOYMENT & CENTRAL BUSINESS-1/
STATE HIGHWAY 121 OVERLAY DISTRICT



○ 200' Notification Buffer



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:		April 25, 2011		
Department:		Planning		
Department Head		Phyllis M. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext. 7156				
CAPTION				
Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-05 - Request to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial and Light Industrial-1 to Planned Development-Corridor Commercial. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade. Applicant: Coit 190, L.P. and Harkins Plano, 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:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
At its April 4, 2011 meeting, the Planning & Zoning Commission denied this request by a vote of 4-4. The applicant has appealed the Commission's denial. A 3/4 vote, or 6 of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents: Letter of Appeal from Applicant 2nd Vice Chair Report P&Z Follow-up Memo Staff Report Locator Map Zoning Exhibit Concept Plan		Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission		

April 5, 2011

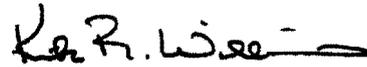
5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270214.745.5400 OFFICE
214.745.5390 FAX
winstead.comtinaf@plano.govTina Fergens, AICP
Planning Manager
City of Plano
1520 K Avenue
Plano, TX 75074Kirk R. Williams
Direct: (214) 745-5746
kwilliams@winstead.comRE: Zoning Case 2011-05 & Concept Plan for Coit Center
P&Z Agenda Items 7A & 7B on April 4, 2011

Dear Tina:

As you are aware, I represent the Applicants/Owners of the land involved in the referenced matter. As a result of the tie vote (4-4) on the zoning case and the denial of the Concept Plan (5-3), we respectfully appeal the recommendations of the P&Z to the City Council.

It is my understanding that you will schedule both items for consideration by the City Council at its meeting on Monday, April 25, 2011. Your attention to this matter is appreciated. If you have questions or need additional information, please let me know.

Best regards,



Kirk R. Williams

KRW/plg

Dallas_1\5659300\1
39956-7 4/5/2011

**Recommendation of the Planning & Zoning Commission
April 4, 2011 Meeting
Second Vice-Chair's Report**

Zoning Case 2011-05 – Request to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial and Light Industrial-1 to Planned Development-Corridor Commercial. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District.

Applicant: Coit 190, LP and Harkins Plano, LP

Staff Recommendation: Denial

Commission Action: Request was denied 4-4. Chairman Caso, Second Vice Chair Coleman, and Commissioners Dry and Smith supported denial of the request. Comments included:

- Proposed residential use is not consistent with the Future Land Use Plan of the Comprehensive Plan that recommends that land within expressway corridors be reserved for economic development and employment.
- Proposed multifamily use is not in conformance with the Housing Density and Infill Policy Statements that recommend that no residential use be allowed within expressway corridors.
- Determination of the appropriateness of residential land uses within commercial zoning districts should not be made on a case-by-case basis. The land use policies for the city should be studied and evaluated in regards to whether the policies should be changed before properties are rezoned.
- The proposed residential use does not integrate with the existing adjacent retail and office uses to create a mixed use development as outlined in the Mixed-Use Policy Statement.
- Concerns about the impact of additional traffic on Coit Road.
- Concerns about the impact of additional students on PISD.

First Vice Chair Downs, and Commissioners Balda, Hazelbaker, and Norton supported approval of the request. Comments included:

- The proposed residential use is appropriate for the site and integrates with the existing adjacent retail and office uses to create a mixed use development.
- Proposed multifamily provides a housing type that is in short supply in Plano and would be desirable for attracting young workers.
- The proposed project would be an economic benefit to the southern sector of the city.
- The Future Land Use Plan of the Comprehensive Plan and the Housing Density, Infill Housing, and Mixed-Use Policy Statements are guidelines and should not exclude developments that are beneficial for the city.

Additional Comments: The concept plan associated with Zoning Case 2011-05 was denied by the Commission 5-3.

Respectively submitted,



Michael Coleman
Second Vice Chair
Planning & Zoning Commission

DATE: April 5, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 4, 2011

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2011-05
APPLICANT: COIT 190, L.P. AND HARKINS PLANO, L.P.**

Request to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive **from** Corridor Commercial and Light Industrial-1 **to** Planned Development-Corridor Commercial. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade.

APPROVED: _____ **DENIED:** 4-4 **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 5 **OPPOSE:** 1

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Denied. The Commissioners voting in opposition to the denial recommendation believed the site is appropriate for multifamily use, and that the multifamily use provides for an additional housing type for persons who do not want to purchase a home. Additionally, the Commissioners believed that the proposed request provides an opportunity for a mixed use development in the southern area of the city, and it integrates with the existing retail and office development to the south and west.

FOR CITY COUNCIL MEETING OF: April 25, 2011 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Paul Gardner, Coit 190 Texas L.P.
Kirk Williams & Tommy Mann, Winstead PC

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 4, 2011

Agenda Item No. 7A

Public Hearing: Zoning Case 2011-05

Applicant: Coit 190, L.P. and Harkins Plano, L.P.

DESCRIPTION:

Request to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive **from** Corridor Commercial and Light Industrial-1 **to** Planned Development-Corridor Commercial. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade.

REMARKS:

The purpose of this request is to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial (CC) and Light Industrial-1 (LI-1) to two Planned Development-Corridor Commercial (PD-CC) districts. 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. A Planned Development (PD) district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls to both off and onsite conditions.

The PD districts propose the following: retaining the existing uses allowed within the CC zoning district, including allowing 1,600 multifamily units by right; modifying the area, yard, and bulk requirements; and modifying parking, landscaping, and screening requirements. A concept plan, Coit Center, Block A, Lots 1R, 8 & 9 and Block B, Lot 4R, accompanies this request as Agenda Item 7B.

Surrounding Land Use and Zoning

The properties are currently undeveloped and separated by Mapleshade Lane. The larger property is a 34.6± acre tract located generally at the northeast corner of Coit Road and Mapleshade Lane. To the east of this parcel, the property is zoned CC and is

developed as office uses. The property to the south is zoned CC and is developed as a retail shopping center. To the west, across Coit Road, are additional existing retail and restaurant uses zoned CC. To the north, across the existing railroad tracks, the property is zoned Light Industrial-1 (LI-1) and is partially developed as a convenience store with gas pumps and warehouse/distribution uses.

The smaller property in this request is a 5.3± acre tract located at the southwest corner of Mapleshade Lane and Silverglen Drive. To the east of this property, across Silverglen Drive, is undeveloped land and zoned LI-1. To the south, the property is zoned CC and is developed as hotel and health and fitness center uses. To the west is the existing retail shopping center, zoned CC. To the north, across Mapleshade Lane, the properties are also zoned CC and developed as office uses.

Proposed Planned Development Stipulations

The requested zoning is Planned Development-Corridor Commercial. There are two primary parts to this request: land use and design standards.

Land Use - The applicant is proposing to retain CC as the base zoning district with the additional use of multifamily. The applicant is proposing to develop the properties as either commercial or residential uses, except for allowing first floor nonresidential uses within multistory residential buildings fronting on Coit Road only. The CC zoning would permit retail, restaurants, office, and service uses. The request proposes multifamily standards which would enable the construction of 1,600 multifamily units, of which 1,200 units are planned for the larger property and the remaining 400 units for the smaller property. The companion concept plan reflects 1,180 units total even though the proposed stipulations allow for a maximum of 1,600 units.

Design Standards - The request is divided into three distinct tracts. The language in the proposed PD districts would allow certain tracts to be developed as multifamily residential in an urban form with the potential for first floor nonresidential uses within certain multistory residential buildings, or solely as nonresidential uses built to comply with the existing CC zoning district's area, yard, and bulk requirements.

Tract A is a 31.3± acre tract located on the east side of Coit Road and on the north side of Mapleshade Lane. The proposed concept plan shows the intended form of the residential development which would be similar to other existing multifamily residential developments within the city such as Haggar Square (PD-20-MU) and Legacy Town Center (PD-65-CB-1). The concept plan shows multistory residential buildings throughout Tract A with surface parking and individual garages under residential units (i.e. tuck under parking). A quasi-public street with parallel parking is proposed to connect Coit Road with Mapleshade Lane and will contain street trees, sidewalks, and reduced building setbacks. The language in the proposed PD allows for first floor nonresidential uses within residential buildings fronting on Coit Road only. If this occurred, the applicant would have to provide parking and drive aisles to serve the commercial tenants. As an alternative to multifamily uses, this tract could also develop as commercial uses as permitted in the CC district with the existing CC district's area, yard and bulk requirements. The first phase of development - whether multifamily residential or nonresidential - will determine the uses and development standards for

the tract. The PD does not allow for a combination of traditional CC uses developed at the CC area, yard and bulk requirements, and multifamily residential buildings.

Tract B is a 3.3± acre tract located generally at the northeast corner of Coit Road and Mapleshade Lane. The language in the proposed PD would allow this tract to be developed as multifamily residential only if Tract A were also developed as multifamily residential. The proposed language in the PD would also allow this tract to be developed as other uses as permitted within the CC district and built with the existing CC area, yard and bulk requirements.

Tract C is a 5.3± acre tract located at the southwest corner of Mapleshade Lane and Silverglen Drive. The concept plan shows a higher density multifamily building with structured parking similar to the Eastside Village development in downtown Plano. The proposed PD language also allows flexibility for this tract to be developed as nonresidential uses in accordance with the existing CC area, yard, and bulk requirements. However, the multifamily residential use could only be developed if Tract A was also developed as multifamily residential.

This request is for two PD-CC zoning districts with the following stipulations provided below. Due to the subject property being separated by Mapleshade Lane, two PD districts are proposed. Tracts A and B are proposed as PD #1, and Tract C is proposed as PD #2.

Restrictions:

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein.

PLANNED DEVELOPMENT #1

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Quasi-Public Streets:
 - a. A named quasi-public street shall be required connecting Mapleshade Lane and Coit Road as shown on the zoning exhibit.
 - b. Quasi-Public Streets Definition: Quasi-public streets are privately owned and maintained drives open to public access. A fire lane shall be located within all quasi-public streets. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of quasi-public streets.

3. Parking Regulations

- a. The minimum required parking shall be as follows:
 - i. Multifamily - One and one-half spaces (1.5) per unit.
 - ii. Nonresidential uses on the first floor of multistory residential buildings: One space per 300 square feet of floor area.
 - iii. All other nonresidential uses: Parking requirements shall be determined as provided in Section 3.1100 (Off-Street Parking and Loading) of the Zoning Ordinance.
- b. On-street parking adjacent to each lot may count toward the required parking for that lot and shall be permitted on both sides of interior public and quasi-public streets and fire lanes, except where prohibited for vehicular, fire, or pedestrian safety. Where on-street parking is provided, landscape islands a minimum six feet in width, shall be placed no less than every 150 feet of continuous on-street parking.
- c. Tandem parking spaces in front of garages shall be a minimum of 20 feet in length, and shall not be used to satisfy the minimum parking requirements.
- d. No parking is required for outdoor patio and sidewalk cafe/dining areas or other public seating areas except for freestanding restaurants.

4. Screening:

- a. Off-street loading docks and service areas for nonresidential uses may not be located adjacent to or across a street or quasi-public street from buildings containing residential uses unless the loading dock or service area is screened in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations)
 - ii. Overhead doors if service area or loading dock is located internal to the building; or
 - iii. Any combination of the above.
- b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless located internal to the building, and shall be screened from view from streets and required open space in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations);
 - ii. Overhead doors if refuse and recycling containers are located internal to the building; or
 - iii. Any combination of the above.

Specific Provisions of the Planned Development

Uses

1. Multifamily is a permitted use.
2. Nonresidential uses are permitted on the first floor of multistory residential buildings fronting on Coit Road.

General Development Standards

1. Tract A must be developed using the standards required by the PD district for multifamily development. However, Tract A may be developed solely with nonresidential uses in accordance with the Corridor Commercial (CC) zoning district and 190 Tollway/Plano Parkway Overlay District regulations contained within the Zoning Ordinance. The initial development for Tract A will determine the standards to be used for the remainder of the property.
2. Tract B may be developed as multifamily in accordance with the multifamily standards for Tract A only if Tract A is also developed as multifamily. Otherwise, Tract B shall be developed in accordance with the Corridor Commercial (CC) zoning district and 190 Tollway/Plano Parkway Overlay District.

Multifamily Standards

1. Multifamily development shall be exempt from the supplementary regulations of Subsection 3.104 (Multifamily Residence) and Subsection 3.117 (Usable Open Space).
2. The minimum floor area per dwelling unit shall be 500 square feet.
3. Minimum rear and side yard setbacks: none.
4. Quasi-public streets and required open space shall be excluded from density calculations.
5. Maximum Density: Maximum of 50 dwelling units per acre; not to exceed a maximum of 1,200 units.
6. Minimum Density: Minimum of 30 dwelling units per acre.
7. Maximum Lot Coverage: None.

8. Building Design:
 - a. Buildings fronting Coit Road:
 - i. Buildings with no first floor nonresidential uses: Minimum 30 foot setback.
 - ii. Buildings with first floor nonresidential uses must provide parking and drive aisles between the building face and Coit Road. The setback distance shall be a maximum of 125 feet.
 - iii. Buildings with first floor nonresidential uses, except for parking garages, shall have a minimum of 40% of the ground floor facade facing Coit Road comprised of window area. For the purposes of this standard, ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.
 - b. Buildings fronting Mapleshade Lane and Maplelawn Drive:
 - i. Setbacks: Buildings shall be constructed such that a minimum of 75% of the façade shall be located between a minimum of ten feet and a maximum of 25 feet from the right-of-way unless restricted by easements. Where easements are present, 75% of the building facade must be built to the easement line.
 - c. Buildings fronting quasi-public streets:
 - i. Setbacks: Buildings shall be constructed such that a minimum of 75% of the façade is located within 15 feet from the back of curb unless restricted by easements. Where easements are present, 75% of the facade must be built to the easement line.
 - d. The maximum building length along any facade shall be 300 feet.
 - e. Garage doors for residential uses shall not directly face any public or quasi-public streets.

Design Standards

1. Streetscape at Public Streets:
 - a. Along Coit Road and Mapleshade Lane, sidewalks with a minimum width of six feet shall be placed a minimum of six feet from back of curb.

- b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within public rights-of-way provided minimum six-foot accessible pathways are maintained.
2. Streetscape at Quasi-Public Streets:
- a. Along quasi-public streets, sidewalks with a minimum width of six feet shall be placed adjacent to the back of curb except when landscape areas are provided.
3. Landscaping and Open Space:
- a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District):
 - i. No landscape edge is required along quasi-public streets.
 - ii. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets.
 - b. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public and quasi-public streets. Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge.
 - c. A minimum of two one-acre open areas space shall be provided within Tract A and shall be open to the public at all times. Open space shall have a minimum dimension of 80 feet.
4. Fencing:
- a. Fencing shall be permitted, except in the following areas:
 - i. Between the front facade of any building and any public or quasi-public street however, fencing shall be permitted for private residential yards at a maximum height of 48 inches above grade;
 - ii. Public parking; and
 - iii. Required open space.
 - b. Fencing must be a minimum of 50% open, except along railroad right-of-way.

PLANNED DEVELOPMENT #2

General Provisions of the Planned Development

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Parking Regulations:
 - a. The minimum required parking shall be as follows:
 - i. Multifamily - One and one-half spaces (1.5) per unit.
 - ii. All other nonresidential uses: Parking requirements shall be determined as provided in Section 3.1100 (Off-Street Parking and Loading) of the Zoning Ordinance.
3. Screening:
 - a. Off-street loading docks and service areas for nonresidential uses may not be located adjacent to or across a street or quasi-public street from buildings containing residential uses unless the loading dock or service area is screened in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations)
 - ii. Overhead doors if service area or loading dock is located internal to the building; or
 - iii. Any combination of the above.
 - b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless located internal to the building, and shall be screened from view from streets and required open space in accordance with the following:
 - i. Masonry screening walls with solid metal gates (in accordance with Section 3.1000, Screening, Fence, and Wall Regulations);
 - ii. Overhead doors if refuse and recycling containers are located internal to the building; or
 - iii. Any combination of the above.

Specific Provisions of the Planned Development

Uses

1. Multifamily is a permitted use.

General Development Standards

1. Tract C may be developed as multifamily in accordance with the multifamily standards in this ordinance (PD #2), only if Tract A in PD #1 is also developed as multifamily. Otherwise, Tract C shall be developed in accordance with the Corridor Commercial (CC) zoning district and 190 Tollway/Plano Parkway Overlay District regulations contained within the Zoning Ordinance.

Multifamily Standards

1. Multifamily development shall be exempt from the supplementary regulations of Subsection 3.104 (Multifamily Residence) and Subsection 3.117 (Usable Open Space).
2. The minimum floor area per dwelling unit shall be 500 square feet.
3. Minimum rear and side yard setbacks: none.
4. Maximum Density: Maximum of 80 dwelling units per acre; not to exceed a maximum of 400 units.
5. Minimum Density: Minimum of 50 dwelling units per acre.
6. Maximum Lot Coverage: None.
7. Maximum Floor to Area Ratio: None.
8. Building Design:
 - a. Buildings fronting to Mapleshade Lane and Silverglen Drive:
 - i. Buildings shall be constructed such that a minimum of 75% of the facade is located within 25 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 75% of each facade must be built to the easement line.

Design Standards

1. Streetscape at Public Streets:
 - a. Along public streets, sidewalks with a minimum width of six feet shall be placed a minimum of six feet from back of curb.

2. Landscaping:

- a. Except as stated below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District):
 - i. Street trees shall be provided at a rate of one tree per 50 linear feet of street along all public streets. Street trees may be placed in tree islands, between the curb and the sidewalk, or in the landscape edge.
 - ii. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). This request is not in conformance with the Future Land Use Plan since the applicant is proposing multifamily residential development within the expressway corridor. The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. The proposed PD retains flexibility for the applicant to still potentially develop nonresidential uses, which is the only part of this request that is consistent with the city's land use policies.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject properties. The available sanitary sewer capacity limits the maximum number of residential units to approximately 900 units; therefore, the developer will be responsible for making improvements to the sanitary sewer system to increase the system capacity.

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

ISSUES:

Future Land Use Plan

As noted above, the Future Land Use Plan designates this property as Major Corridor Development (MCD). The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. Development in these major corridors is also expected to include a mix of commercial, office, and technical production uses. The proposed multifamily residential development is therefore not in conformance with the Future Land Use Plan.

Residential Use in a Major Corridor

The Housing Density Policy Statement of the Comprehensive Plan recommends prohibiting residential development within 1,200 feet of State Highway 121. Similarly, the Infill Housing Policy Statement states that residential development within expressway corridors should be avoided. The reason for the 1,200 foot separation is

that the proximity of residential use to an expressway does not promote a livable residential environment. The setback area allows for commercial development to serve as a buffer for residential uses located beyond the 1,200 foot distance. The proposed multifamily residential on Tracts A and B are approximately 1,300 feet from the centerline of State Highway 190, and are separated from the expressway by a large retail development. The proposed multifamily development on Tract C is approximately 950 feet from the centerline of State Highway 190, and is buffered from the expressway by a four-story hotel and two-story health and fitness center.

The Housing Density and Infill Housing policy statements recognize that well-integrated pedestrian oriented mixed use centers may be appropriate within expressway corridors. An example of this is the Legacy Town Center development which complies with the policy statements. Although the residential uses proposed are within the State Highway 190 corridor, the existing retail, hotel and health and fitness center buildings provide a buffer between the expressway and residential uses. Staff is concerned that the existing commercial development may not provide as effective a buffer when compared to commercial development within Legacy Town Center. The density and massing size of commercial development within Legacy Town Center is more significant and a more effective buffer compared to the existing commercial development at Coit Road and State Highway 190.

School Capacity

The subject property is located within the Jackson Elementary School attendance zone, which feeds into Wilson Middle School, Vines High School and Plano Senior High School. Jackson Elementary School is presently at capacity, whereas Wilson Middle School may have some capacity for growth.

Mixed Use Policy Statement

The Mixed Use Policy Statement of the Comprehensive Plan defines mixed use as vertical or horizontal integration of multiple uses that promotes easy access among uses and amenities especially by pedestrians. The mixed use policy also provides a framework that is intended to assist with the evaluation of proposals for mixed use projects. The following is an analysis of the proposed request compared to the policy criteria.

- **Location and Context Sensitivity** - The Mixed Use Policy Statement encourages that proposed mixed use projects be sensitive to surrounding land uses and character of an area. An important criteria to consider is of the uses being proposed, if the same uses were to be considered alone, would each use be appropriate in this location? The proposed multifamily would not be appropriate if it were to be considered on its own because of its proximity to a major highway, and adjacent non-residential zoning districts. Properties to the north of Tract A and east of Tract C are zoned LI-1, allowing for more intensive land uses. Although the applicant is proposing pedestrian connections to the existing retail development, as a whole, the proposed uses are not planned to be well integrated with the existing retail development.

- **Multiple Uses/Integration of Uses and Density** - The Mixed Use Policy Statement encourages buildings and uses that are well integrated and tightly connected or grouped. The policy considers whether the combining of land uses promotes easy access among stores, services and amenities used by pedestrians. Additionally, it considers whether the first phase of the development is sufficient to stand on its own as a mixed use development. The proposed buildings are not tightly connected and grouped as is expected in a mixed use development. While the applicant is proposing development stipulations that provide for reduced building setbacks along Mapleshade Drive, Silverglen Drive, and the required quasi-public street thus promoting an urban form, overall staff is concerned that due to the lower densities being proposed it is resulting in a development that is less compact. The proposed multifamily density of minimum 30 units per acre on Tracts A and B does not allow for more compact development as is supported by the mixed use policy statement. Additionally, if the existing retail and restaurant uses adjacent to this site were not present, this location would not be appropriate for residential development.
- **Pedestrian Orientation** - The concept plan proposes a convenient, attractive and safe pedestrian system with sidewalks and pedestrian connections. The proposed open space areas are large and centralized to the development and allow for easy access to residents. However, the north side of the proposed multifamily is approximately 1,400 feet from Mapleshade Lane and the existing retail uses to the south, and may create a distance barrier for some residents.
- **Public Spaces** - The applicant is proposing two one-acre open space areas adjacent to the required quasi-public street within Tract A. The concept plan shows the open space located in the center of Tract A and accessible via pedestrian connections to residents in Tracts B and C. The PD requires that the open space areas have a minimum dimension of 80 feet and be open to the public (not fenced) at all times. The size and minimum dimension specified for the open space is consistent with other required open space areas provided with developments such as Legacy Town Center (PD-65-CB-1) and Turnpike Commons (PD-207). The proposed open space will provide useable social and leisure areas for the benefit of the residents and the general public. The concept plan shows buildings flanking the open space on several sides providing a buffer for these areas from public streets and adjacent nonresidential development.
- **Parking** - The policy statement does not require structured parking, recognizing that it may be a barrier to development. Therefore, the policy provides criteria for evaluating the amount and design of surface parking. The applicant is proposing a majority of the parking in Tract A on the rear sides of residential buildings, away from open space and pedestrian areas along the quasi-public street. Tract C proposes structured parking wrapped by the proposed residential building. The locations of the surface parking provided within Tract A and the structured parking in Tract C are consistent with the policy statement.

Overall, staff believes that the requested zoning as proposed does not align with the Comprehensive Plan's goal to preserve land within expressway corridors for the purposes of future economic development and employment uses. Furthermore, the request does not address the significant criteria of the Mixed Use Policy Statement in regards to the appropriateness of the location of the multifamily residential use.

While the requested zoning has standards that provide for reduced building setbacks along the public streets and provides a central, pedestrian oriented quasi-public street to connect the multifamily residential uses to existing retail, restaurant and service uses, staff believes that the rezoning of the property would not further the city's goals as established in the Comprehensive Plan.

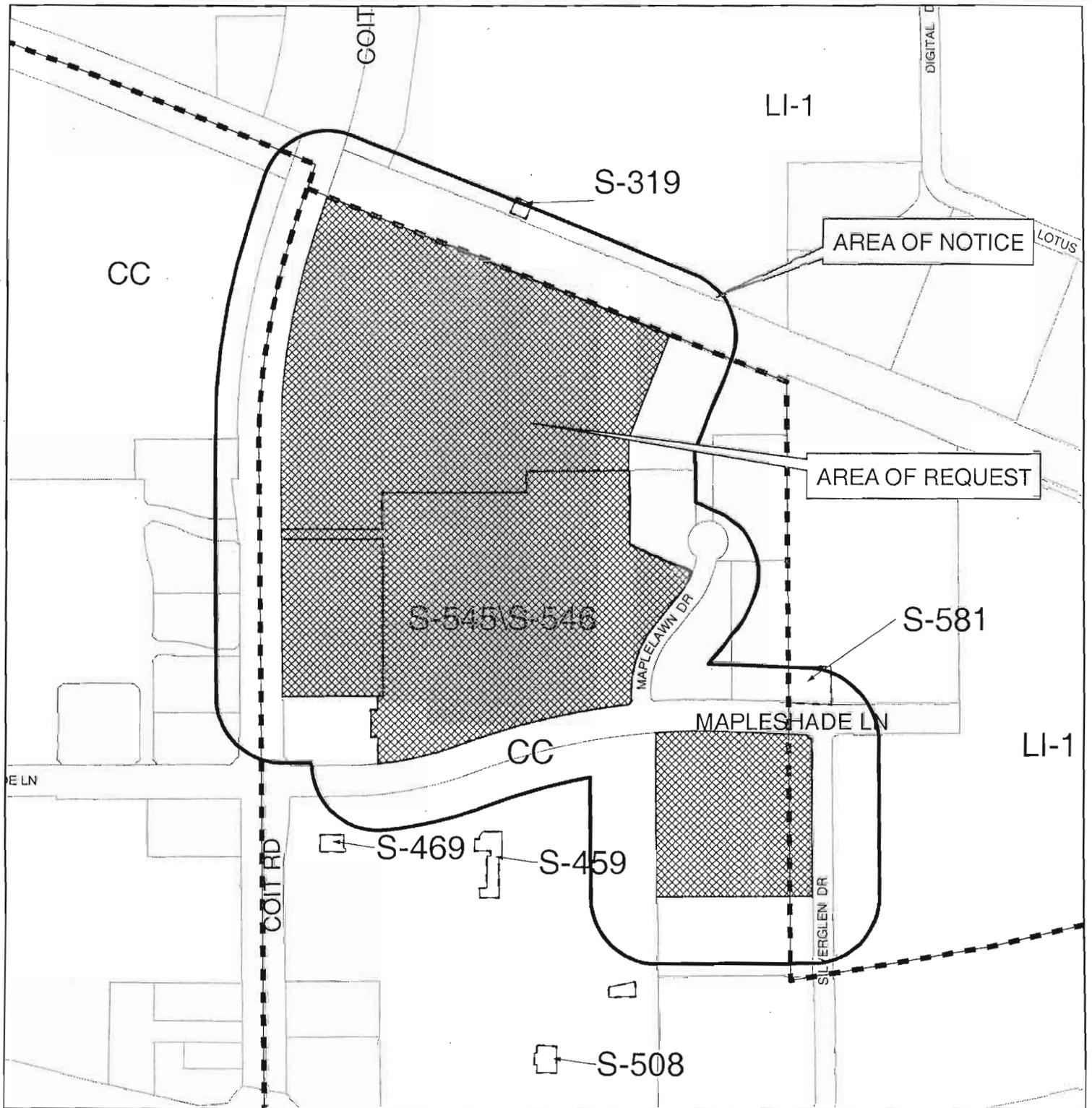
SUMMARY:

The applicant is requesting to rezone 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive from Corridor Commercial (CC) and Light Industrial-1 (LI-1) to Planned Development-Corridor Commercial (PD-CC). The request is not in conformance with the Future Land Use Plan of the Comprehensive Plan. Furthermore, the request is not consistent with the Housing Density and Infill Housing policy statements regarding avoiding residential development within the expressway corridors. Additionally, the proposed rezoning is not consistent with the preservation of land within major expressway corridors for future economic development and employment opportunities. Lastly, the proposed development fails to meet a significant criteria for consideration of mixed use developments and that is the appropriateness of all uses being proposed in a given location, as outlined in the Mixed Use Policy Statement of the Comprehensive Plan.

Staff believes that the multifamily residential use associated with the proposed development is not the best use for this area. The site is a prime location with the potential for economic development that will provide for employment opportunities as envisioned in the Future Land Use Plan. Also, the current CC and LI-1 zoning provides numerous commercial uses that are more suitable at this location than the multifamily residential being proposed. Therefore, staff recommends denial of the requested rezoning from CC and LI-1 to PD-CC.

RECOMMENDATION:

Recommended for denial.

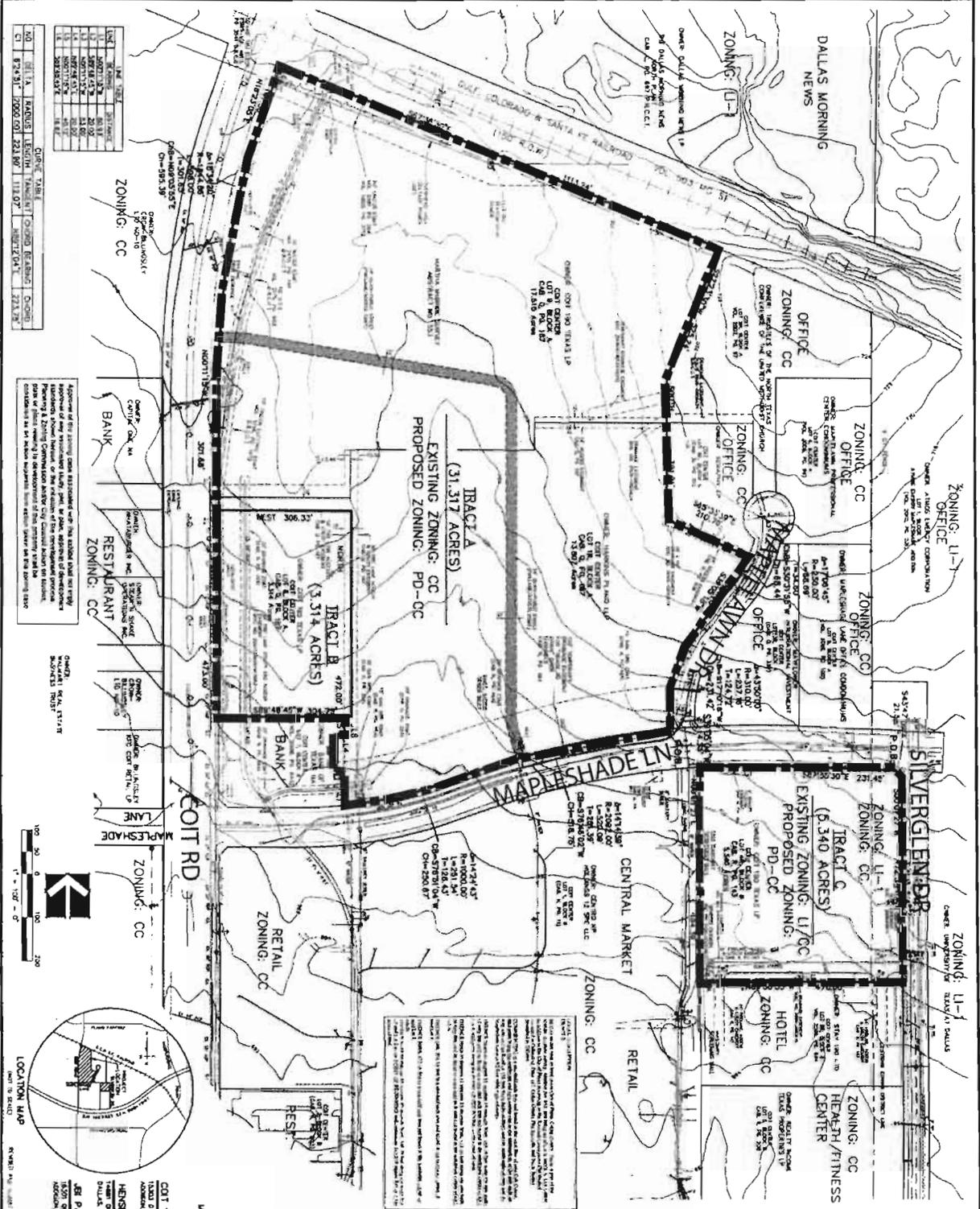


Zoning Case #: 2011-05

Existing Zoning: CORRIDOR COMMERCIAL & LIGHT INDUSTRIAL-1/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
 w/SPECIFIC USE PERMITS #545 & #546



○ 200' Notification Buffer

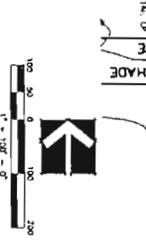


LOT	ACRES	OWNER	STATUS
1	0.0071	...	...
2	0.0071	...	...
3	0.0071	...	...
4	0.0071	...	...
5	0.0071	...	...
6	0.0071	...	...
7	0.0071	...	...
8	0.0071	...	...
9	0.0071	...	...
10	0.0071	...	...

LOT	ACRES	OWNER	STATUS
11	0.0071	...	...
12	0.0071	...	...
13	0.0071	...	...
14	0.0071	...	...
15	0.0071	...	...
16	0.0071	...	...
17	0.0071	...	...
18	0.0071	...	...
19	0.0071	...	...
20	0.0071	...	...

Approval of this zoning case is conditioned upon the applicant obtaining the necessary approvals of any governmental agency, public or private, whose approval is required by law for the proposed development. The applicant shall be responsible for obtaining all such approvals. The City of Plano Zoning Commission shall not be held responsible for any delay or denial of approval by any such agency. The applicant shall be responsible for obtaining all such approvals. The City of Plano Zoning Commission shall not be held responsible for any delay or denial of approval by any such agency.

North Arrow
Scale: 1" = 100'-0"



Mapleshade Ln
Coit Rd
Silverglender

ZONING EXHIBIT
ZONING CASE 2011-05
COIT CENTER
38.871 ACRES
OUT OF THE
MARTHA MORRIS SURVEY, ABSTRACT NO. 553
CITY OF PLANO
COLLIN COUNTY, TEXAS
OWNER/DEVELOPER
HENSLY LAMON RACHEL, INC.
10301 DALLAS PARKWAY, SUITE 300
DALLAS, TEXAS 75243
772-98-1803
ARCHITECT/PLANNER
CBI PARTNERS
16201 QUINN PARKWAY
DALLAS, TEXAS 75244
972-296-8400
972-296-7878

TRACT A
(3.317 ACRES)
EXISTING ZONING: CC
PROPOSED ZONING: PD-CC

TRACT B
(3.314 ACRES)
EXISTING ZONING: CC
PROPOSED ZONING: PD-CC

TRACT C
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT D
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT E
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT F
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT G
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT H
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT I
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT J
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT K
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT L
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT M
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC

TRACT N
(6.340 ACRES)
EXISTING ZONING: U/L-CC
PROPOSED ZONING: PD-CC



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:		April 25, 2011		
Department:		Planning		
Department Head		Phyllis M. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey, ext. 7156				
CAPTION				
Consideration of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Coit Center, Block A, Lots 1R, 8, & 9 and Block B, Lot 4R - Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane, and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 and #546 for Regional Theater and Arcade. Applicant: Coit 190, L.P. and Harkins Plano, 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:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
At its April 4, 2011 meeting, the Planning & Zoning Commission denied the concept plan, by a vote of 5-3, due to their denial recommendation for the companion Zoning Case 2011-05. The applicant has appealed the Commission's denial. A simple majority, or 5 of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents: Letter of Appeal from Applicant P&Z Follow-up Memo Staff Report Locator Map Concept Plan			Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission	

April 5, 2011

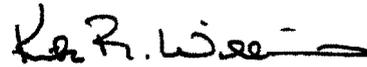
5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270214.745.5400 OFFICE
214.745.5390 FAX
winstead.comtinaf@plano.govTina Fergens, AICP
Planning Manager
City of Plano
1520 K Avenue
Plano, TX 75074Kirk R. Williams
Direct: (214) 745-5746
kwilliams@winstead.comRE: Zoning Case 2011-05 & Concept Plan for Coit Center
P&Z Agenda Items 7A & 7B on April 4, 2011

Dear Tina:

As you are aware, I represent the Applicants/Owners of the land involved in the referenced matter. As a result of the tie vote (4-4) on the zoning case and the denial of the Concept Plan (5-3), we respectfully appeal the recommendations of the P&Z to the City Council.

It is my understanding that you will schedule both items for consideration by the City Council at its meeting on Monday, April 25, 2011. Your attention to this matter is appreciated. If you have questions or need additional information, please let me know.

Best regards,



Kirk R. Williams

KRW/plg

Dallas_1\5659300\1
39956-7 4/5/2011

DATE: April 5, 2011
TO: Applicants with Items before the Planning & Zoning Commission
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 4, 2011

**AGENDA ITEM NO. 7B - CONCEPT PLAN
72/COIT CENTER, BLOCK A, LOTS 1R, 8, & 9 AND BLOCK B, LOT 4R
APPLICANT: COIT 190, L.P. AND HARKINS PLANO, L.P.**

Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane, and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 & #546 for Regional Theater and Arcade. Neighborhood #72.

APPROVED: _____ **DENIED:** 5-3 **TABLED:** _____

STIPULATIONS:

Denied. The Commission voted denial of the concept plan due to their denial recommendation for the companion Zoning Case 2011-05.

EH/dc

xc: Paul Gardner, Coit 190, L.P.
Krik Williams and Tommy Mann, Winstead PC

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 4, 2011

Agenda Item No. 7B

Concept Plan: Coit Center, Block A, Lots 1R, 8, & 9 and Block B, Lot 4R

Applicant: Coit 190, L.P. and Harkins Plano, L.P.

DESCRIPTION:

Multifamily and restaurant on three lots on 34.6± acres located generally at the northeast corner of Coit Road and Mapleshade Lane, and multifamily on one lot on 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive. Zoned Corridor Commercial and Light Industrial-1/190 Tollway/Plano Parkway Overlay District with Specific Use Permits #545 & #546 for Regional Theater and Arcade. Neighborhood #72.

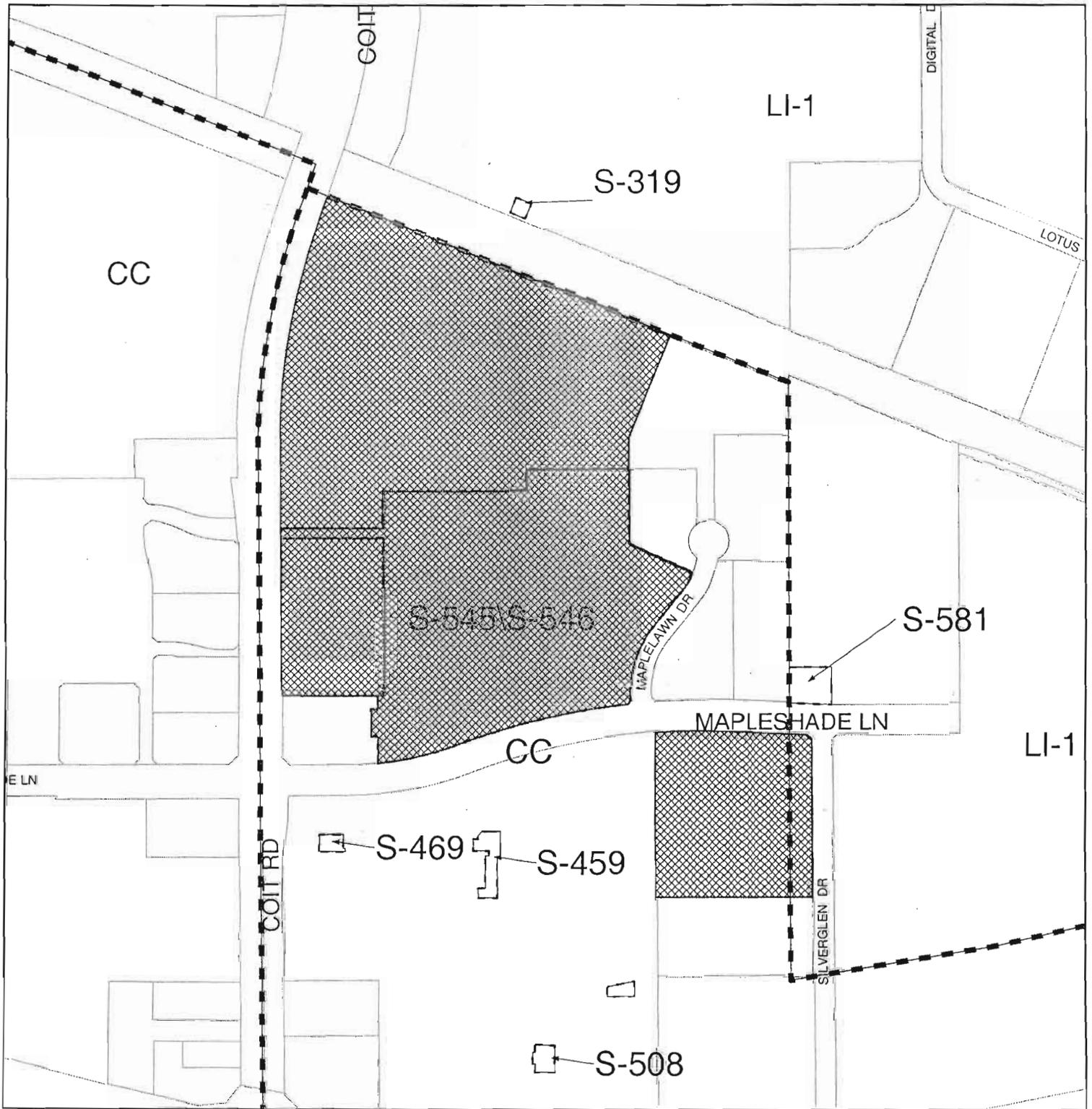
REMARKS:

This concept plan is associated with Zoning Case 2011-05 and is contingent upon approval of the zoning case. The purpose for the concept plan is to show the proposed multifamily residential and restaurant development. The applicant is proposing multifamily uses on Block A, Lots 1R and 9 with a combination of surface and enclosed parking and two open space areas. Multifamily use with structured parking is proposed for Block B, Lot 4R. The proposed multifamily uses have access from Coit Road, Mapleshade Drive, and Silverglen Drive. Restaurant uses are proposed for Block A, Lot 8 and front Coit Road.

Due to staff's recommendation for denial of the companion case, Zoning Case 2011-05, staff recommends denial of the proposed concept plan.

RECOMMENDATION:

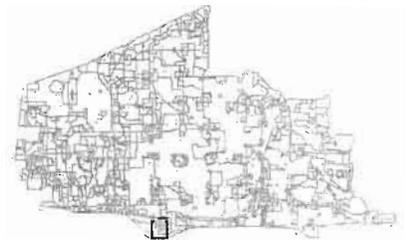
Recommended for denial.



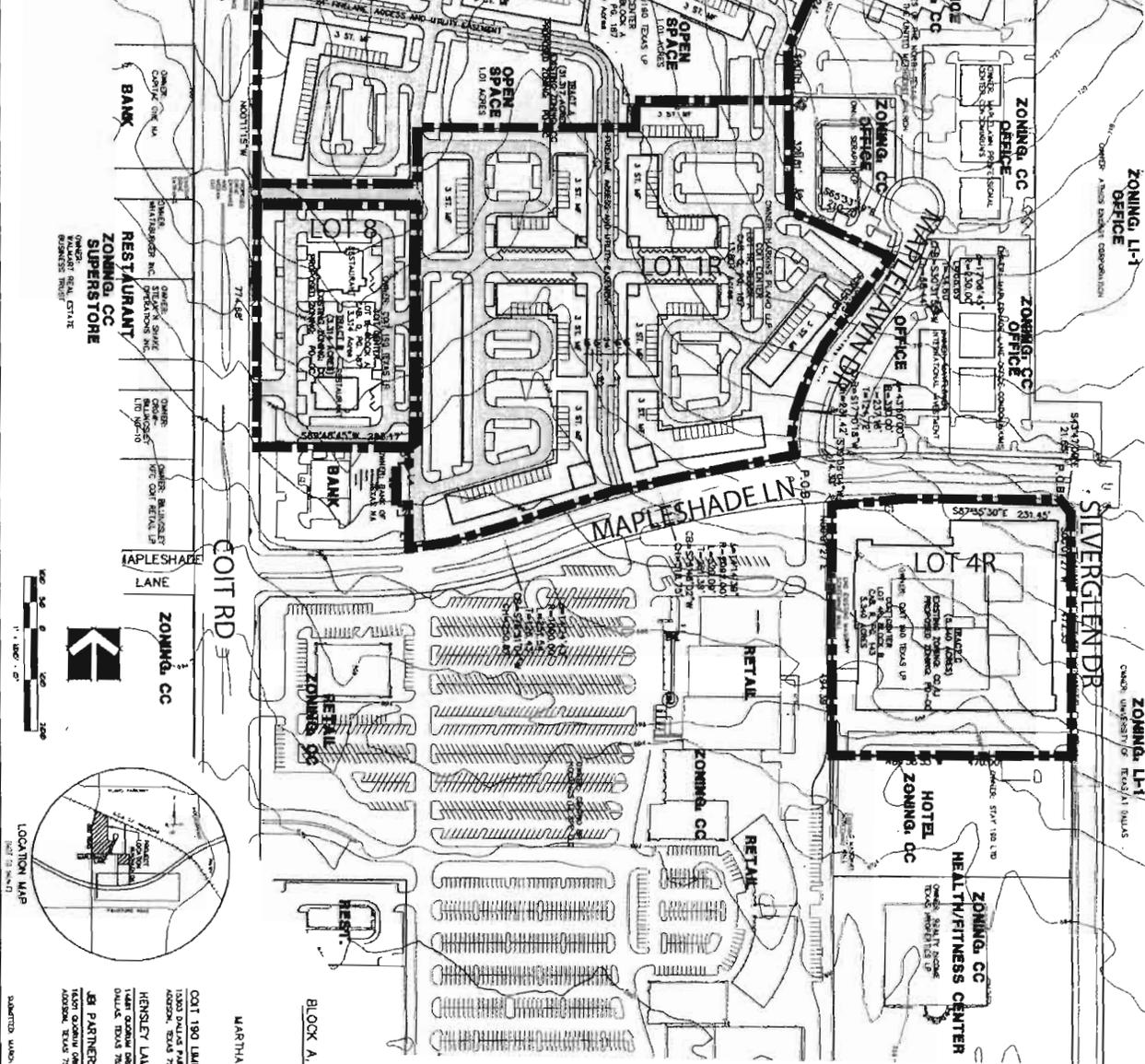
Item Submitted: CONCEPT PLAN

Title: COIT CENTER
BLOCK A, LOTS 1R, 8, & 9 & BLOCK B, LOT 4R

Zoning: CORRIDOR COMMERCIAL & LIGHT INDUSTRIAL-1/
190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT
w/SPECIFIC USE PERMITS #545 & #546



NO.	DATE	DESCRIPTION	BY	DATE
1	6/24/11	ISSUED FOR PERMITS	W. H. HARRIS	6/24/11
2	7/23/11	ISSUED FOR PERMITS	W. H. HARRIS	7/23/11
3	8/15/11	ISSUED FOR PERMITS	W. H. HARRIS	8/15/11
4	9/15/11	ISSUED FOR PERMITS	W. H. HARRIS	9/15/11
5	10/15/11	ISSUED FOR PERMITS	W. H. HARRIS	10/15/11
6	11/15/11	ISSUED FOR PERMITS	W. H. HARRIS	11/15/11
7	12/15/11	ISSUED FOR PERMITS	W. H. HARRIS	12/15/11
8	1/15/12	ISSUED FOR PERMITS	W. H. HARRIS	1/15/12
9	2/15/12	ISSUED FOR PERMITS	W. H. HARRIS	2/15/12
10	3/15/12	ISSUED FOR PERMITS	W. H. HARRIS	3/15/12
11	4/15/12	ISSUED FOR PERMITS	W. H. HARRIS	4/15/12
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98	7/15/19	ISSUED FOR PERMITS	W. H. HARRIS	7/15/19
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100	9/15/19	ISSUED FOR PERMITS	W. H. HARRIS	9/15/19



CONCEPT PLAN
 BLOCK A, LOTS 1R, 8 & 9 BLOCK B, LOT 4R
 COIT CENTER
 39,971 SQUARE FEET
 MARATHA WARRIOR DEVELOPMENT
 CITY OF DALLAS
 COLLIN COUNTY, TEXAS
 OWNER/DEVELOPER
 COIT 190 LIMITED PARTNERSHIP
 1900 MARATHA WARRIOR DRIVE, SUITE 250
 ADDISON, TEXAS 75001
 972-968-9950
 HENSLEY LAWREN RACHEL, INC. ARCHITECT/PLANNER
 1400 DOWNEY DRIVE, SUITE 200
 DALLAS, TEXAS 75244
 972-731-9400
 ST PARTNERS, INC. SURVEYOR/ENGINEER
 1400 DOWNEY DRIVE, SUITE 200
 DALLAS, TEXAS 75244
 972-246-7476



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		4/25/2011		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): Doris Carter ext. 5350				
CAPTION				
Public Hearing and consideration of a Resolution of the City Council of the City of Plano, Texas, adopting the City of Plano Heritage Preservation Plan 2011 and approving it as a guide for the heritage preservation efforts of the City (while not binding the City to specific expenditures), private investment in historic resources, and code and ordinance amendments relating to development, redevelopment, preservation and revitalization of the historic areas of the City of Plano, Texas; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Adopting the City of Plano Heritage Preservation Plan 2011 relates to the City's Goal of Great Neighborhoods - 1st Choice to Live.				
SUMMARY OF ITEM				
See attached memo				
List of Supporting Documents: Memo (including Attachment A) Resolution Exhibit A			Other Departments, Boards, Commissions or Agencies Heritage Commission	

MEMORANDUM

Date: April 15, 2011

To: Honorable Mayor Dyer and City Council

From: Anne Quaintance-Howard, Chairperson, Heritage Commission

Subject: Heritage Preservation Plan 2011

The Heritage Commission would like to thank City Council for the opportunity to present the completed City of Plano Heritage Preservation Plan 2011 to you for formal adoption.

The Heritage Preservation Plan is the guiding document for the city's heritage preservation program and related activities. It functions in conjunction with documents such as the Comprehensive Plan, the Zoning Ordinance, the Building Code, the Preservation Ordinance, and the Preservation Tax Exemption Ordinance.

The Heritage Preservation Plan was first adopted in 1981 following the adoption of Plano's first preservation ordinance in 1980. It was later updated in 1986, 1992, and 2002. For the past two years, the Heritage Commission and staff have been working on the current update.

The primary purpose of the plan is to guide future preservation efforts in Plano. The document includes several goals and objectives to help in this endeavor. In addition, the plan examines several development factors and challenges, such as Plano's limited undeveloped land and the increasing number of post WWII era structures reaching 50 years in age, which could potentially affect preservation efforts in Plano. The plan also summarizes Plano's preservation program as well as identifies the various styles of historic architecture that exist within the city.

The plan is divided into the following five chapters:

(Attachment A includes an outline of the plan for Council's information)

Chapter I: Overview

Chapter One is subdivided into four sections: *Section A: The Message - Defining Heritage Preservation*; *Section B: The Purpose - Planning a Future with Roots from the Past*; *Section C: The Vision - Defining Plano's Potential*; *Section D: The Goals - Framing the Vision*. This chapter defines heritage preservation and explains the purpose of the plan, which is meant to be a tool to help guide preservation efforts in Plano. The vision and goals set the groundwork for understanding how Plano may evolve over the next 15-20 years and what we hope to accomplish through promoting preservation efforts in Plano.

Chapter II: Context

Chapter Two is subdivided into two sections: *Section A: Plano's Development Eras*, is a history of Plano from prehistoric times to present. *Section B: History of Plano's Preservation Program*, describes the origins and evolution of Plano's Heritage Preservation program.

Chapter III: Current Conditions/Future Considerations

Chapter Three is subdivided into three sections. *Section A: Emerging Factors*, discusses various development factors such as Plano's development patterns, transportation systems, gathering places, and redevelopment and revitalization efforts, that may affect heritage preservation in the future. *Section B: Challenges*, discusses Plano's limited heritage resources, infill and redevelopment issues, limited private investment in preservation programs, and prospective heritage resources now reaching 50 years in age. *Section C: Opportunities*, discusses ongoing restoration of heritage properties, Plano's nonprofit historic museums, and the City's heritage preservation program.

Chapter IV: Strategic Framework

Chapter Four includes specific goals and objectives that will provide guidance as well as possible action steps for furthering heritage preservation in Plano. Below are the goals included in the plan. Each goal is further expanded upon with specific objectives within the plan.

Goal: Resource Identification, Preservation, and Interpretation

- *Expand and enhance efforts to identify, preserve, and interpret heritage resources*

Goal: Heritage Resource Designation

- *Expand and enhance efforts to designate eligible heritage resources within the City of Plano.*

Goal: Promoting Preservation and Reinvestment in Historic Assets

- *Expand and enhance efforts to promote Plano's heritage resources as well as efforts to reinvest in Plano's historic areas.*

Goal: Education and Community Outreach

- *Increase awareness, understanding, and appreciation of Plano's heritage resources.*

Goal: Implementation/Administrative

- *Continue and improve efforts to provide assistance to decision makers for the City of Plano regarding heritage preservation issues.*

Chapter V: Summary

Chapter Five concludes the plan and summarizes its key points.

In addition to the five chapters, the plan includes an appendix. The appendix is divided into the following six sections:

Appendix A: Plano's Current Preservation Program

Appendix A is a summary of Plano's current preservation program. It includes descriptions of the Heritage Commission and Heritage Preservation Officer. This appendix also provides information about Plano's heritage resource designation and certificate of appropriateness processes, as well as descriptions of the historic tax exemption and heritage preservation grant programs.

Appendix B: Plano's Major Historic Assets

Appendix B is subdivided into four sections. *Section A: Designated Heritage Resources* and *Section B: Individually Designated Heritage Resources* includes information regarding all of Plano's designated heritage resources. For each resource, the address, date of construction, architectural style, historic name (if any), and a photograph is provided. *Section C: Potential Heritage Resources* includes information regarding other properties in Plano that may have the potential to become a designated heritage resource with further research. *Section D: Plano's Historic Cemeteries* contains information regarding each of Plano's 11 historic cemeteries, including photos, location, and time span for when the cemeteries received burials.

Appendix C: Definition of Architectural Styles

Appendix C includes descriptions of all the historic architectural styles identified for Plano's heritage resources. Each description highlights the major architectural characteristics of the style and includes examples of structures in Plano that demonstrate that particular architectural style.

Appendix D: Glossary of Terms

Appendix D includes definitions of various terms found throughout the document.

Appendix E: Community Feedback

On September 29, 2009, the Heritage Commission and Planning Staff conducted a community workshop as part of the process of updating Plano's Preservation Plan. Also during the month of September 2009, the Heritage Preservation Survey was posted on the City of Plano website for all citizens to access. Survey forms were mailed out to Plano's preservation community stakeholders as well. Appendix E includes a summary of the workshop discussion items, and a summary of the survey results.

Appendix F: Bibliography

Appendix F contains a list of source materials that were used or consulted in the preparation of the plan document.

In summary, the Heritage Commission thanks you for the opportunity to present the completed City of Plano Heritage Preservation Plan 2011 for formal adoption by Council.

cc: Frank Turner, Deputy City Manager

Attachments: Heritage Preservation Plan Outline

Attachment A
City of Plano
Heritage Preservation Plan 2011
Outline

CHAPTER I: OVERVIEW

- Section A: The Message - Defining Heritage Preservation.
- Section B: The Purpose - Planning a Future with Roots from the Past.
- Section C: The Vision - Defining Plano's Potential.
- Section D: The Goals - Framing the Vision.

CHAPTER II: CONTEXT

- Section A: Plano's Development Eras.
- Section B: History of Plano's Preservation Program.

CHAPTER III: CURRENT CONDITIONS/FUTURE CONSIDERATIONS

- Section A: Emerging Factors
- Section B: Challenges
- Section C: Opportunities

CHAPTER IV: STRATEGIC FRAMEWORK

- Goal: Heritage Resource Identification, Preservation and Interpretation
- Goal: Heritage Resource Designation
- Goal: Promotion and Reinvestment in Historic Assets
- Goal: Education and Community Outreach
- Goal: Implementation/Administration

CHAPTER V: SUMMARY

APPENDIX

A: Plano's Current Preservation Program

B: Plano's Major Historic Assets

- Section A: Designated Heritage Districts.
- Section B: Individually Designated Heritage Resources.
- Section C: Potential Heritage Resources.
- Section D: Plano's Historic Cemeteries.

C: Definition of Architectural Styles

D: Glossary of Terms

E: Community Feedback

F: Bibliography

A Resolution of the City Council of the City of Plano, Texas adopting the City of Plano Heritage Preservation Plan 2011 and approving it as a guide for the heritage preservation efforts of the City (while not binding the City to specific expenditures), private investment in historic resources, and code and ordinance amendments relating to development, redevelopment, preservation and revitalization of the historic areas of the City of Plano, Texas; and providing an effective date.

WHEREAS, the City Council recognizes that the Heritage Preservation Plan is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, the City Council has declared that preservation of the City's heritage, including recognition and protection of historic landmarks and icons, promotion of the historic culture, enhancement of the public's knowledge of the City's past, and development of civic pride in the beauty and accomplishments in the past, is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the citizens of Plano; and

WHEREAS, the City Council assigned the Heritage Commission the responsibility of preparing and maintaining a heritage resource preservation plan; and

WHEREAS, the Heritage Commission has considered the proposed "City of Plano Heritage Preservation Plan 2011" and has recommended its acceptance during its meeting on March 22, 2011; and

WHEREAS, the City Council, having been presented the proposed "City of Plano Heritage Preservation Plan 2011," upon full review and consideration thereof and all matters attendant and related thereto, is of the opinion that this document should be approved, adopted, and utilized to guide public activities (while not binding the City to specific expenditures), private investment, and code and ordinance amendments relating to the development, redevelopment, preservation and revitalization of the historic areas of the City of Plano.

IT IS, THEREFORE, RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS. THAT:

Section I. The "City of Plano Heritage Preservation Plan 2011," a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, having been reviewed by the City Council of the City of Plano and found to be in the best interest of the City of Plano and its citizens, is hereby approved and adopted.

Section II. The “City of Plano Heritage Preservation Plan 2011” shall be utilized by developers, City Council, city staff and other city personnel, departments, boards, and commissions as a guiding document for matters relating to the heritage preservation of the historic areas of the City of Plano.

Section III. This resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS 25TH DAY OF APRIL, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

City of Plano Heritage Preservation Plan 2011

CHAPTER I: OVERVIEW

The Heritage Preservation Plan (“Preservation Plan”) is the guiding document for the city’s Heritage Preservation Program and related activities. It functions in conjunction with documents such as the Comprehensive Plan, the Zoning Ordinance, the Building Code, the Preservation Ordinance, and the Preservation Tax Exemption Ordinance. This chapter of the plan introduces the concept of Heritage Preservation as a key component of Plano’s future as well as a link to its past. The following topics are highlighted in the Overview Chapter:

- A. *The Message* - Defining Heritage Preservation
- B. *The Purpose* - Planning a Future with Roots from the Past
- C. *The Vision* - Defining Plano’s Potential
- D. *The Goals* - Framing the Vision

Section A: The Message - Defining Heritage Preservation

Heritage preservation is the process of passing on a community’s significant attributes from one generation to the next. These attributes include more than buildings and places; they are also the values, traditions, and other human qualities that shape our surroundings over time. In the purest sense, these attributes would be considered our “inheritance” and we, in turn, would be obligated to embrace and protect them. In reality, successful preservation programs combine social, economic, and cultural factors into a creative, practical, and ongoing process. Heritage preservation is more than simply recording a community’s history or keeping older buildings intact; it is the continued commitment to ensuring that physical and nonphysical attributes are preserved and defined so that future generations understand how yesterday impacts today, and how today may impact tomorrow.

Preservation activities become an even greater priority in cities and towns where residents may not be intimately familiar with the attributes that have defined them over time. Most Plano residents are products of its fast-paced growth in the past three decades. It may be difficult for residents to connect with Plano’s past because they have spent most of their lives in other places, or because they do not live nearby, or regularly travel through the historic center of Plano. A carefully planned and implemented preservation program should help retain visual character, complement economic development, and enhance community pride.

Section B: The Purpose - Planning a Future with Roots from the Past

Plano's Preservation Plan is intended to guide preservation efforts and provide for their integration into the broad range of plans, programs, and activities that shape the community over time. It provides for the utilization of significant heritage resources as catalysts for community and economic development activities and programs. It recognizes that Plano's transition from a growing to a maturing community is shifting emphasis away from new development on large vacant tracts of land to infill and redevelopment. The Preservation Plan should be viewed as an instrument for ensuring that old and new buildings are utilized in a manner that properly respects the past and the future. The objectives and strategies of the Preservation Plan are intended to serve as a framework for making decisions and establishing programs that are influenced by both the tangible and intangible attributes of Plano's heritage.

Section C: The Vision - Defining Plano's Potential

It is important to understand the factors that have led to Plano's growth, development, and evolution as a community when defining a process for future preservation efforts because it will set the groundwork for understanding how Plano may change in the future. In addition, recognizing the ongoing transition facing Plano will help establish a reasonable scenario for how Plano may evolve over the next 15-20 years, and how future changes may impact heritage preservation goals and strategies.

Plano and surrounding cities in the Dallas-Fort Worth metroplex have grown steadily during the past few decades. The city has limited vacant land available for new development and will rely on infill and redevelopment for new growth. Redevelopment and revitalization of Plano's built environment will become the focus. The revitalization of areas located around Plano's heritage properties, in particular, has the potential to positively impact heritage preservation. In addition, Plano will soon be faced with a growing number of post World War II subdivisions and developments that will reach 50 years in age. A new way of identifying which of these neighborhoods and structures are most important in telling the story of how Plano changed and developed during that time will become critical as these newly eligible properties are considered for designation as heritage resources. Also, the "green" movement has gained momentum throughout the country as well as in Plano, and preserving and reusing historic assets is consistent with sustainability.

To better understand how Plano has developed over time, Chapter II of the Preservation Plan includes the history of Plano. Chapter III discusses current conditions in Plano and emerging factors that may affect heritage preservation in Plano in the future.

Section D: The Goals - Framing the Vision

As Plano continues to mature, more properties become eligible for heritage designation and redevelopment, and as revitalization of Plano's built environment becomes more the focus within the city, it is important to have goals and objectives within the Preservation Plan that promotes the city's vision for heritage preservation. The

following statements provide the framework for identifying goals and objectives that promote preservation efforts in Plano:

1. Create a community of residents that are knowledgeable of Plano's past, strongly connected to the heritage passed down from previous generations, and committed to extending these same attributes to future generations.
2. Develop a well informed base of owners of heritage resource properties or those with potential for designation that understand the value in preserving historic assets.
3. Establish a resource identification program and process that provides clear direction when considering Heritage Resource designation.
4. Create an effective process for periodically evaluating, updating, and expanding Plano's inventory of existing and prospective Heritage Resources and Districts.
5. Balance preservation and redevelopment opportunities by utilizing heritage resources as catalysts for enhancing Plano's economy and quality of life. Establish a responsible and compatible relationship between infill and redevelopment projects and nearby heritage properties.
6. Ensure that the rehabilitation and restoration of heritage properties respects the original character of those properties and their surroundings.
7. Create an effective, multifaceted approach for expanding the knowledge, understanding, and connection of each generation of Plano residents for the physical and nonphysical attributes of the community's heritage.
8. Make heritage preservation an integral component of the community's sustainability efforts.
9. Ensure that city ordinances, policies, and practices remain consistent with and responsible to heritage preservation efforts.

CHAPTER II: CONTEXT

Section A: Plano's Development Eras

In the mid-1800s a small group of pioneers settled in north Texas in the area we know today as Plano. Since that time Plano has developed into a prosperous and diverse city, and its rich history has evolved through several development eras. The most notable eras are identified and described below. The history of Plano is an important tool that both supports and encourages the designation of local heritage resources. Understanding and educating others on Plano's history helps in identifying potential heritage resources before they are lost, and in explaining why they are important and should be preserved.

1. Prehistoric Era (ca. 11,000 B.C.-1840)

Knowledge and data of the prehistoric era of North Texas is very limited. The information available is not specific to the Plano area, but gives a general understanding of life in this area during this early period.

The first human occupation of North Central Texas likely occurred around 12,000 B.C. during the Clovis period of the prehistoric era.¹ These humans were nomadic and their diets would have consisted of large and small game.²

Approximately 6,000 years later, during the Archaic period, small bands of foraging hunters and gathers lived in the area. The sites that have been uncovered indicate that these hunters and gathers occupied the same places many times on a seasonal basis.

The late prehistoric period (circa A.D. 700) is characterized by the appearance of house structures, roasting pits, arrow points, and sand and grog tempered ceramics. Grog ceramics are pottery made with finely ground pieces of fired clay or broken pieces of pottery. Evidence of horticulture and the procurement of bison also appear in sites of this period.³ Shell beads and shell gorgets (decorative ornaments usually worn around the neck) were uncovered at one burial site at Rowlett Creek (circa 1010).

During the Protohistoric period (1600-1800), the Native America tribes that likely traversed the area were the Tonkawa, Wichita, Caddo, and Comanche. However, exact locations of their sites are unknown. In the 1840s, when the first of Plano's earliest settlers arrived, the tribes they most likely encountered were the Comanche, Tonkawa, Cherokee, Kickapoo, and Delaware tribes.⁴

¹ Anne M. Keen, Angela Tine, "Cultural Resources Database Review and Reconnaissance Survey for the Proposed Parker-Maxwell Creek 138 KV Transmission Line in Collin County, Texas." *Miscellaneous Report of Investigations Number 422*, Geo-Marine, Inc., Plano, Texas, 2008, p.6.

² Ibid, p.6.

³ Ibid, p.7.

⁴ Roy F. Hall, Helen Gibbard Hall, *Collin County: Pioneering North Texas*. Quanah, TX, Nortex Press, 1975, p.5-6

2. Early Development Era (1840-1860)

The first settlers arrived in the Plano area in the early 1840s. Primary access to the area was from the Shawnee Trail, a north-south road from Texas to Kansas City. Livestock were driven north to market along this road while southbound traffic included new settlers, soldiers and military supplies, and wagons bringing consumer goods. Early settlers were enticed to the area as a result of land grants issued by the Republic of Texas. In the mid-1840s, settlers recruited to homestead the Peters Colony arrived. The Peters Colony was established through an 1841 land grant that included present-day Collin County. Most of the Peters Colony immigrants were from Kentucky and Tennessee.

Plano's early development truly began in the 1850s when Kentucky farmer, William Forman, after a 1840s scouting trip, moved to the Plano area with his family. Forman built a general store, a gristmill, and a distillery, and opened a post office in his own home in 1851. The name Forman, as well as Fillmore, for President Millard Fillmore, were considered as possible names for the settlement, but the postal authorities approved Plano. The origin of the name is unclear. One story says Plano was named for the plain on which it was located, and another tale traces Plano's origin to a mispronunciation of "llano," the Spanish word for plain.

The earliest houses in Plano were log cabins built by pioneers. Many log houses were later replaced by or incorporated into simple frame structures. One of the oldest existing Plano houses, built around 1867, is the Joseph Forman House (1617 K Avenue). Oral histories of Plano hold that the original log home had been expanded several times. As a result, the current structure bears little resemblance to its beginnings, but exhibits characteristics of Texas vernacular Greek Revival style. The site of the house was designated a Plano Historic Landmark in 1983, and the house itself was designated in 1998.

Another house from this era is the Samuel Young House, constructed sometime between 1865 and 1872. Built in the Rowlett Creek area north of the present day Ridgeview Ranch Golf Club, its architectural style is Victorian Gothic. Members of the family occupied the house continuously until 1997. Due to development pressures in the area, the house was moved to the Farrell-Wilson homestead (present day Heritage Farmstead Museum, 1900 W. 15th Street) on 15th Street where it has been restored for use as an interpretive center.

3. Civil War Era (1860-1870)

Soon after the election of President Abraham Lincoln in 1860, talk of war was everywhere. The Civil War broke out in 1861 and the majority of Plano's able bodied men between the ages of 15 and 65 enlisted in the Confederate Army. Several Plano men became captains and colonels. In August 1861, trade with the northern states was forbidden, and the resulting blockade stopped the trailing of cattle up the Shawnee Trail

as well as the incoming provisions such as sugar, coffee, and shoes.⁵ Between 1861 and 1864, Plano's growth came to a standstill. After the war, soldiers returned to find their Plano families on the verge of starvation, fighting off outlaws, and being exploited by carpetbaggers.

4. Victorian Era (1870-1900)

The Houston & Texas Central Railroad (H&TC) opened Plano to the world in 1872, providing an economical way to export local agricultural products and import consumer goods. The flat, blackland prairie was ideal for cotton, the primary crop of this region. Several cotton ginning and milling operations were located in Plano, though none of them remain today. Local farmers sold and donated land for the right-of-way and depot to induce the rail company to include the community in its rail system. The railroad trustees then surveyed a system of streets and lots for the area. In 1887, the forerunner of the Cotton Belt Railroad was constructed southwestward from Commerce, through Greenville and Plano, to Fort Worth. The depot for this line was located on Main Street about three blocks south of the H&TC depot. As a result, railroad related businesses congregated in the southern portion of town. Plano's economic dependence on agriculture continued into the 1950s, when outgrowth from Dallas began to spread to Plano.

Plano was platted and incorporated in 1873, and the town grew steadily during the late nineteenth and early twentieth centuries. In 1874, J. Crittenden Son and E. K. Rudolph published Plano's first newspaper, the Plano News. In 1881, a fire destroyed nearly all of Plano's buildings and temporarily reduced Plano to a tent city. However, Plano was able to move past this setback and continued to grow. Two private schools opened in 1882: the Plano Institute, under the direction of W. F. Mister; and the Plano Academy, under Matthew C. Portman. Their enrollment was made up of children from the immediate vicinity and neighboring farms, usually within walking distance. These private schools would later be taken over by the public school system after it was formed in 1891. In 1888, new markets were opening up to Plano and it quickly became a retail outlet for productive blackland prairie farmers, thanks to the St. Louis, Arkansas & Texas Railway Company, which intersected the Houston & Texas Central.

Better means to transport crops to market stimulated local farmers to cultivate a far larger amount of land. Many new laborers were hired to farm the land. These new residents required the services of a wide variety of trades people, who began to build homes and business establishments centering on Main Street (now K Avenue) and Mechanic Street (now 15th Street). Although few buildings remain from the 19th century, it was in this time period that Plano's development pattern was set for the next seventy years.

By 1890, Plano had a population of 1,200, two railroads, six churches, two steam gristmill-cotton gins, three schools, and two newspapers. The 1891 "bird's eye view" map of Plano provides a rare view of the early appearance of the town. Documentary

⁵ Friends of the Plano Public Library. *Plano, Texas: The Early Years*. Wolfe City, TX, Henington Publishing Co, 1985, p. 199.

photographs and existing buildings indicate that this perspective illustration is a reliable depiction of the community's grid street pattern and buildings. The greatest concentration of residential buildings was along both sides of Main Street. Although retail activities were concentrated along Mechanic Street, there were additional stores on Main Street and scattered throughout town. The H&TC and Cotton Belt Railroad stations dominated the southern side of town.

The construction of the railroads in 1872 and 1888 produced significant change in the character and style of Plano's houses. The railroads made more building materials readily available, and many of Plano's finest houses were constructed from materials brought in by rail. These houses differed greatly in ornamentation and style from earlier homes. They typically reflected Victorian-era styles of architecture. Many homes were built in the area now known as Haggard Park. This area attracted a growing influx of talented and industrious people: doctors, merchants, educators, ministers, trades people, and many others, including some farmers whose growing prosperity allowed them to keep a house "in town," where their families could enjoy the social, educational, and cultural advantages of town life.

One of the most notable examples of the ornate homes of this period is the Carpenter House (1211 16th Street), a Queen Anne Victorian style house. It was constructed in 1898 using lumber shipped from east Texas. Another excellent example of Victorian style architecture is the Wall-Robbins House (1813 K Avenue), built around 1898 by Colonel James Edgar Wall for his wife.

Other 19th century Victorian houses were much simpler in design. Most notable of these is the Mitchell House (609 16th Street). The Salmon House (1414 15th Street) and the Vontress House (1611 H Avenue) are additional examples.

Two examples of 1890's farmhouses are the Wells House (3921 Coit Road) and Ammie Wilson House (1900 West 15th Street), and both homes are Queen Anne Victorian style. The Wells House has remained in the same family since it was constructed in 1893 and has never been significantly altered. Today, the Ammie Wilson House is a museum showing farm life as it was lived from 1890 to 1925. The Ammie Wilson House is listed on the National Register of Historic Places and is a Recorded Texas Historic Landmark.

The southwestern quadrant of town was settled originally in the 1870s. Although the 1890 Sanborn Fire Insurance Map shows five buildings identified as "Negro tenements" located near the Pioneer Cemetery, this area of town was home to both black and white residents at this time. The buildings were small, ranging from 64 to 420 square feet.⁶ The Bessie Franklin House (811 13th Street) is the oldest in the Douglass Community and the only known example of these early structures to survive. Records about its actual date of construction are unclear, but its frame styling is typical of houses built during this period.

⁶ Friends of the Plano Public Library. *Plano, Texas: The Early Years*. Wolfe City, TX, Henington Publishing Co, 1985, p. 191-198.

During this same period Plano schools, as in the rest of the South, were strictly segregated by race. The first school for African American children was established in the late 1800's at the Shiloh Baptist Church, and by 1896 had moved to the Methodist Episcopal Church now located on I Street near the H&TC Railroad Depot⁷. For children living too far to walk to that school, the Shepton Colored School (1900-1946) consisted of the first through fifth grades⁸. This school was housed in the Shepton Colored Church, also known as the Sallie Harrington Chapel, located on the Harrington property west of the intersection of present day Spring Creek Parkway and Preston Road.⁹ In 1896, the Plano Colored School was built on H Avenue between 11th and 12th Streets. Unfortunately the 1896 school building no longer exists today.

The original commercial district in Plano was a one-block section of Mechanic Street (15th Street). Most existing buildings date to the period between 1895 and 1930. Four major fires struck downtown Plano between 1872 and 1897. The first fire completely destroyed the original business district. In all, 51 structures were lost. Only a few of the original buildings were brick. Most of the buildings were wood frame and burned. Buildings built after the fires were brick with wood frame doors and windows.

The row of shops along the north side of 15th Street was, and still is, anchored by sizeable two-story structures on both the east and west ends. Often buildings were modified over time. The Plano National Bank/IOOF Lodge Building at 1001 15th Street (now Schell Insurance) was built in 1896, and modified to its present Art Deco style around 1936. The Harrington Furniture Building at 1039 15th Street has been a saloon, furniture store, funeral parlor, opera house, and is currently an art gallery.

The F&M Bank Building at 1015 15th Street was built in 1897 after the last major downtown fire. Home to many businesses over the years, it is best known for housing the Farmers and Merchants Bank which constructed the existing facade in 1919, and later the *Plano Star Courier* from 1934 to 1974.

5. Turn of the Century Era (1900-1930)

In 1908, the Texas Electric Railway, commonly known as the Interurban, was introduced to Plano. The Interurban Line connected cities between Sherman, located 46 miles north of Plano, and Waco, located 114 miles south. This commuter service passed through Plano every hour and contributed to the growth of the city during the early 1900s. In addition to the main depot on Mechanic Street at J Avenue, it stopped every four blocks for passengers to embark and disembark. Speeds through town were limited to eight miles per hour. During its existence, some Planoites were able to supplement their incomes through jobs in Dallas. The advent of automobiles, better roads, and the Great Depression eventually made this line unprofitable and service was

⁷ Sherrie S. McLeRoy. *A Century of Excellence, Plano I.S.D.: A Historical Perspective*. Plano, TX: Plano Futures Foundation, 1999, p. 8.

⁸ Ibid., p. 7.

⁹ Friends of the Plano Public Library. *Plano, Texas: The Early Years*. Wolfe City, TX, Henington Publishing Co, 1985, p. 164.

discontinued in 1948. The Interurban Station in Plano is the only substation still in existence on this line.

By far the largest contingent of historic homes in Plano, were built during these first three decades of the 20th century. Victorian style architecture was becoming less popular, and in fact, decorative elements were removed from the exterior of many existing Victorian homes. Prairie and Craftsman style architecture became the dominant style, quickly spreading throughout the country due to pattern books and popular magazines. Wealthier residents building new homes favored Prairie style, as seen in the first Arch Weatherford House (1410 15th Street), the Carlisle House (1407 15th Street), and the Hughston House (909 18th Street). City residents of more modest means tended to build one-story bungalows and cottages, or smaller two-story Craftsman style structures. The Rice-Hays House (1106 14th Street) and the Wyatt House (807 16th Street) are two good examples of bungalows. The Lane House (1300 16th Street) is an excellent example of a typical two-story Craftsman.

By World War I, the southwestern part of town near the Cotton Belt Railroad had become the primary residential area for African Americans. Andrew ("Pete") Davis, a local black entrepreneur, had purchased land in the vicinity of what is now F and G Avenues at 10th Street and was building homes specifically for this market.¹⁰ Most popular in the neighborhood were vernacular cottages, along with Cumberland Gap-style homes. Existing examples of this style of home are in the 1100 and 1200 blocks of I Avenue.

As Plano's population continued to grow, city parks were created to give its citizens beautiful green spaces that could be shared by the entire community. Harrington Park, located on 16th Street west of U.S. Highway 75, is the oldest city park. It was originally the location of the Plano Water Works, which included a dam and small lake, and it provided drinking water and recreational activities for community residents. Haggard Park, at the northeast corner of 15th Street and H Avenue, was developed in the early 1920s by the Lions' Club on property donated by the Saigling and Haggard families along with others. It was donated to the City of Plano in 1925 and expanded several times over the years to its current size of nearly six acres. Today, with both restored and new structures located within the neighborhood surrounding the park, it makes a valuable contribution to the historic fabric of Plano. The neighborhood association representing nearby residents has assumed its name.

In 1924, a new high school for white students was completed at a cost of \$52,000. Sherman architect W. A. Tackett gave it a very modern design for its time period. It is a two-story, red-brown brick structure with Art Deco style details. The gymnasium/auditorium was built in 1938 as a Works Progress Administration (WPA) project. In 1961, the Plano High School building became Cox Junior High School, named for the "beloved trainer and janitor" of 25 years, E.J. "Shorty" Cox. In 2002 the gymnasium was restored and converted to a 326 seat performing arts theater.

¹⁰ Ibid., p. 194.

6. Depression Years and World War II Era (1930-1945)

Development during the time period from 1930 to 1945 was greatly hampered by national economic and political conditions. The Great Depression reduced people's ability to afford new homes. Later, during World War II, building materials were in short supply. As a result Plano saw little new residential construction from 1930 to 1950, with only a limited number of Tudor style cottages constructed. Local examples include the Aldridge-Evans House (N Ave at 15th Place), the Brigham House (1306 14th Street), and the "little" Carlisle House (1611 K Avenue).

7. Post World War II Era (1945-1965)

After World War II, economic growth in Dallas began to spread beyond its borders. Construction of U.S. Highway 75, the creation of the North Texas Municipal Water District, and the school consolidation that created the Plano Independent School District all took place in the early 1950s. The effect was to make suburban residential development in Plano both possible and desirable. As a result of these efforts, Plano eventually became one of the fastest growing cities in the country in the last half of the twentieth century.

Housing demands, which had been stifled during the Depression and War, were now fulfilled by ranch style homes in suburban developments, and financed with VA and FHA insured mortgages. The first such single-family housing developments appeared north and east of the downtown Plano area. For example, the Haggard Addition (just north of the Haggard Park neighborhood) and Old Towne (just east of downtown) were both developed in a relatively short time period with small uniformly sized and shaped lots. Houses were constructed from similar or identical ranch-style house plans. An excellent example of a ranch style home from this era is the McCall-Skaggs House (1704 N Place). Later, developers such as the Fox & Jacobs Company began to develop farm and pasture land in many areas around town. This style of housing continued to be dominant for many decades.

In 1961, the Plano Colored School was renamed the Frederick Douglass School, in honor of the famed abolitionist, and a new International style school building was constructed on the site. In 1964, ten years after the U.S. Supreme Court decision *Brown v. Board of Education*, the Frederick Douglass School was integrated with Plano High School. The school board allowed the Douglass school students to make the decision to integrate, which they did by popular vote.¹¹ By 1968 the school had moved to a new location and the Frederick Douglass School building was no longer being used as a school. The site now houses the city's Douglass Recreational Center.

Downtown served the small Plano community well throughout the first half of the 20th century. However, beginning in the late 1960s the city's existing downtown retail area

¹¹ Wikipedia contributors, "Plano Senior High School" *Wikipedia, The Free Encyclopedia*, http://en.wikipedia.org/wiki/Plano_Senior_High_School (accessed December 8, 2010).

could no longer meet the needs of the growing suburban population. “Strip-style” shopping centers anchored by grocery stores were built at the intersections of many arterial streets. Suburban office buildings, schools, and other services soon followed.

As a rule these new structures were variations of the modern styles - simple, functional, with minimal decorations of the types earlier used. These buildings were designed to catch the eye not of a pedestrian but of a motorist. Large signs not only identified the businesses, but advertised it as well. Ample amounts of space were needed on each site to accommodate anticipated parking demands, forcing the structures either to be separated from others or consolidated in a shopping center.

8. Bedroom Suburban Boom Era (1965-1985)

Throughout the first half of the 20th century, Plano’s population had been increasing by approximately 400 new residences per decade. By 1960, there were 3,695 residents living in Plano and for the next decade, growth was unprecedented because in 1970, Plano’s population had reached 17,872. Throughout the 1970s, Plano’s population would continue to increase at a dramatic rate due to the growth of the Dallas region and migration to the Sun Belt. This growth led to major public improvement projects in Plano. It was also during this time that Plano experienced a decline in farming due to both the sprawling city that had begun to encroach on the farmland, and a 1970 land reappraisal that resulted in an increase in property taxes. By 1975, Plano was one of the fastest growing cities in the country with a population that had more than doubled since 1970. In 1980, the population had doubled yet again, when the total population surpassed 72,000, of which more than half of the residents were from outside of Texas.

Plano lost several of its historic resources during this era. Many historic structures were demolished to make room for newer more modern buildings. Recognizing the threat to Plano’s heritage resources, City Council adopted the first heritage preservation ordinance in 1979. A seven member Historical Landmark Committee was appointed to administer the new preservation program.

9. Economic Transformation Era (1985-2000)

In the early 1980s, the Electronic Data Systems Corporation (EDS), led by Ross Perot, acquired over 2,000 acres of land on the west side of Plano that was to become the Legacy Business Park. Construction on the office buildings began in 1985. EDS (now HP Enterprise Services) attracted major corporations to the area. These corporations provided new employment opportunities in Plano and attracted new people into the area.

Plano had become the commercial, financial, and educational center for Collin County, with an estimated 1,000 businesses. The Frito-Lay Corporation, JC Penney Company, and several other major companies all located their corporate headquarters here during this time. By 1990, Plano was comprised of 72 square miles and had a population of approximately 128,713 residents. Also during this era, three colleges had made Plano

their home: the Graduate Research Center of the Southwest (now called the University of Texas at Dallas in Richardson), the University of Plano, and a branch of the Collin County Community College system. While the Graduate Research Center of the Southwest and University of Plano no longer exist in Plano, the Collin County Community College (now Collin College) still has a strong presence in Plano with two campuses (Spring Creek Parkway at Jupiter Road and Preston Road at Park Boulevard).

10. First-Tier Suburban Era (2000-Present)

In the 1960s, Plano was thought of as a bedroom suburb of Dallas. People came to Plano to live, but worked outside the city. Today that trend has shifted to where more people are coming to Plano for its jobs and are settling down here. As of 2000, Plano had a population of 222,030 people and 7,726 businesses. Plano is now considered a “first-tier” suburb. A first-tier suburb is a city with established neighborhoods that is located near or just outside of a central city but inside the ring of developing suburbs.

Some of the challenges first-tier suburbs generally face are aging infrastructures, dealing with the aftermath of rapid growth and rapidly changing demographics. Approximately eight percent of the city is vacant land available for new development, and now the city must refocus its efforts on redeveloping existing properties and infill development. As more structures reach 50 years in age, the city is faced with the task of identifying which structures and neighborhoods are eligible for consideration of being designated heritage resources and districts. Also, Plano’s population continues to grow and diversify. For example, Whites comprised 88.5% of the city’s population during the 1990 Census as compared with 74.2% in 2009, as reported in the 2009 American Community Survey. Plano’s Hispanic population has grown significantly as well from 6.2% in 1990 to 14.5% in 2009, while the percentage of Asians has increased dramatically from 4.0% to 17.4%, respectively. Though the African American population has not changed as considerably, it has increased from 4.1% in 1990 to 6.4% in 2009.

Throughout its history Plano has seen and overcome many challenges. It has changed and reinvented itself many times in order to sustain its community. As Plano continues to evolve, it will face new challenges and will likely overcome each challenge as it has consistently done since its beginnings in the mid-1800s.

CHAPTER II: CONTEXT

Section B: History of Plano's Preservation Program

In the 1970s, Plano was growing and changing rapidly. The city recognized that the increase in population, the changes in Plano's land use, and the overall change in Plano's economy were significantly threatening Plano's heritage resources. In 1979, Plano's City Council adopted the first heritage preservation ordinance, the Historic Landmark Preservation Ordinance. They appointed a seven member Historical Landmark Committee with responsibility for administering this ordinance.

Subsequent to the adoption of the ordinance and appointment of the committee, a consultant conducted a survey of all of Plano's heritage resources in 1980. The survey identified historic areas and resources and created specific recommendations for the future of preservation in Plano. The first Preservation Plan was adopted in 1981 to help guide preservation in Plano. This plan established criteria for local heritage resource designation and Certificates of Appropriateness. In February 1982, the Ammie Wilson House (1900 West 15th Street) became the first heritage resource in Plano to be locally designated. Two years later, Plano's City Council adopted the Tax Exemption Ordinance, creating a tax exemption program for the purpose of providing property tax relief to encourage the preservation and maintenance of Plano's heritage resources. Besides the City of Plano, the other three taxing entities - Collin County, Plano Independent School District, and Collin County Community College participate in the tax exemption program.

By 1986, seven properties had been locally designated, and the Preservation Plan underwent its first revision. The 1986 plan recommended the creation of heritage districts in Plano as well as implementing a Historic Relocation Project. The Relocation Project would have allowed the city to move threatened historic structures to new sites rather than see them demolished. However, lack of funding and available publicly owned land led to the abandonment of this project. In the late 1980s, Plano joined the Certified Local Government Program, which is a partnership between local, state, and federal governments for historic preservation and provides matching grants.

Between 1986 and 1992, nine additional properties were locally designated in Plano, for a total of 16 locally designated properties. In 1992, the Preservation Plan was updated again and its focus was on the creation of a downtown heritage district, the creation and use of architectural guidelines for neighborhoods with historic houses, and the revision of zoning restrictions to provide greater flexibility in reuse of older residential structures. A year later, the city created "Design Guidelines for Plano's Historic Areas".

In 1998, the Historic Landmarks Committee changed its name to the Heritage Commission. It was thought that the new name would better encompass the full range of heritage preservation activities. The new name diverted the focus on historic resources as being only physical historic structures and broadened the scope to include historic sites and landscapes, archeological sites, and heritage preservation education. In December 1999, Plano's first locally designated heritage district, the Haggard Park Heritage District, was formed.

The Preservation Plan was updated again in October 2002. By this time, Plano had 24 locally designated heritage resources and one heritage district comprised of approximately 70 properties. In November 2002, the Downtown Heritage District, comprised of approximately 35 properties, was designated. Today, there are 125 locally designated properties in Plano. Two of these properties, the Ammie Wilson House and the Interurban Station, are also Recorded Texas Historic Landmarks and are listed in the National Register of Historic Places.

CHAPTER III: CURRENT CONDITIONS/FUTURE CONSIDERATIONS

Section A: Emerging Factors

Plano's explosive growth in the last four decades of the 20th century has been well documented, as has its transition from a rural town to a residential suburb to a major economic center to a "first tier" suburban city within the region. Growth has slowed considerably and undeveloped land is in short supply, but development pressure is likely to remain. The Dallas-Fort Worth region is projected to absorb another three million residents by 2030. The availability of fossil fuels, federal air and water quality mandates, and the composition of the population will require alternatives to the low-density suburban development patterns that have dominated the region for over 50 years. Some cities like Plano, with strong economic bases and reasonable commuting distances to Dallas, are turning to higher density, pedestrian oriented neighborhoods that combine opportunities for residence, work, recreation, entertainment, and shopping into a compact cohesive environment. Whether classified as "mixed use," "traditional neighborhood," or "urban center" projects, they represent a departure from the customary suburban zoning patterns that separate residential and nonresidential uses, and rely almost exclusively on the automobile for circulation.

Plano's primary development pattern has been established by a system of six lane arterial thoroughfares running east/west and north/south at approximate intervals of one mile. The intersections of these local thoroughfares often accommodate commercial, office, and multifamily residential complexes. The interiors of the one square mile neighborhoods created by the thoroughfare grid typically consist of low density single-family residences.

Major development corridors created by the four regional expressways that serve Plano are also major factors in defining Plano's development pattern. The access, visibility, and sheer volume of traffic generated by these corridors differentiate them from other parts of Plano. They have long attracted major retailers and restaurants, and are now being considered for high density multifamily development.

The emergence of these development factors does not mean that Plano's neighborhood grid pattern will diminish in significance. It means that other development forms are likely to coexist and evolve into a multifaceted physical environment. Below are statements that define a practical, yet forward looking vision of Plano's 2030 physical composition and character:

1. Development Pattern - Plano's basic development pattern will still be defined by the grid system of major thoroughfares, low-density residential neighborhoods, and more intense development along regional expressways. There will be more mid- and high-rise buildings in the expressway corridors, and mixing of residential and nonresidential uses in pedestrian oriented settings. Downtown Plano will have as many 3,000-4,000 residents within a half mile radius of DART Transit Station. The area around the Parker Road Station will include high-rise housing and commercial development that will gradually decrease in height and density toward the south and then increase in density and height near the Downtown Station. Many of the strip retail centers and turn of the century big box stores will be replaced by low- and mid-

rise development nodes at the intersections of major thoroughfares. These new nodes will consist of small mixed use centers with taller buildings located adjacent to the major thoroughfares and decreasing heights closer to existing neighborhoods.

2. Transportation System - Although the basic surface street system will remain intact, sleek new buses could be sharing the roadways with automobiles, and will even have priority over personal vehicles. Primarily traveling east to west, they will connect rail stations in eastern Plano with a new north-south rail line near Plano's western boundary. Medium- and high-density development nodes could become primary stopping points for a new "bus rapid transit" system.
3. Gathering Places - The pedestrian oriented environments created by these multisized centers will provide the opportunity to create special gathering places and focal points for social interaction. Public art and special streetscape treatments could further enhance these special places. Places where people congregate, socialize, relax, or just wait for a bus or train present opportunities to educate, enlighten, and amuse those who live in, work in, or visit the community. It may be possible to incorporate statues, information kiosks, plaques, and interactive displays to tell the story of Plano. Individuals following their daily routines would be able to connect with Plano's heritage and take pride in what it was and what it has become.
4. Redevelopment/Revitalization - In 2030, Plano may have very few undeveloped tracts of land, but it will remain a vibrant, evolving community. It will be continually "reinventing" itself to meet the challenges and opportunities presented by regional growth and new technologies. Will this mean that redevelopment will continually eliminate valuable heritage resources to accommodate the latest development or market trend? Not necessarily. With proper planning and preparation, it will be possible to strike a balance between progress and heritage preservation. A clearly defined preservation process will help stakeholders determine what is meaningful or not. There will be a combination of individually preserved heritage resources, heritage districts, and less restrictive conservation districts in locations across Plano that actually stimulate the productive redevelopment and/or adaptive reuse of nearby properties. Plano will have well defined expectations that encourage creativity in design while promoting compatibility and connectivity. Reproducing or mimicking historic structures with new ones will be an unacceptable practice. Instead architects will be encouraged to utilize the basic characteristics, shapes, arrangements of features, and orientations that identify surrounding structures.

In addition, "preservation" will not mean designating block after block and subdivision after subdivision of houses as soon as they turn a certain age. Age will not be an automatic determinant of historic value. Architectural design and/or style will not necessarily ensure designation or the commitment of incentives in return for their continued existence. Plano will be selective and resourceful in the way it identifies and protects valuable connections with its heritage.

5. Sustainable Practices - The positive results of the City of Plano's Sustainability Program initiated in 2007 will be evident throughout Plano. Innovative "Green" building practices will be common in new construction to save energy, and expand the use of recycled and renewable materials and resources. The preservation and

reuse of historical assets will be an integral part of the sustainability process. It may seem more practical and cost efficient to demolish and replace older structures with modern, more energy efficient buildings. With proper renovation and energy saving practices, historic resources can contribute to sustainability efforts.

- a. As the availability of land for new development continues to diminish, infill development of “left-over” sites and demolition and redevelopment of existing properties will become fairly common and necessary practices.
- b. The concept of “New Urbanism” essentially provides for the integration of places to live, work, shop, and recreate in pedestrian oriented environment. We are currently witnessing the transformation of the downtown area into an Urban Center in proximity to a transit station. This type of urban center is commonly referred to as a Transit-Oriented Development (TOD). It has increased the hours of operation of downtown businesses, added more than 500 residential units, and created a more active and interesting environment, while still keeping Plano’s original business district intact.
- c. Cities across the country are trying to determine the role that post World War II subdivisions and shopping centers could assume, along with efforts to redevelop properties for more modern and efficient buildings.
- d. The term “Conservation District” applies to locations where restoration of structures to their original appearance may not be feasible. Instead, a series of common design standards are established to ensure the additions to existing structures or the construction of new buildings are consistent in basic form and symmetry. Although not officially called a Conservation District, the Douglass Community is zoned to ensure the height, roof pitches, and materials are consistent with those of existing homes. There is also a requirement for front porches because they have been a major component of the neighborhood for decades.

Section B: Challenges

1. Limited Heritage Resources - Although Plano has 265,000± residents, its historic properties are relatively limited because more than 98% of its development has occurred since 1960. This increases the level of foresight and proactive efforts needed to provide for the preservation of existing and future resources. Effective preservation will require an approach that balances creativity with practicality.
2. Infill and Redevelopment - As available land continues to be developed, redevelopment of existing properties and infill development utilizing “left-over tracts” surrounded by existing development might threaten current and future heritage resources. With proper planning and foresight, infill, and redevelopment can be combined with heritage resources to create unique and vibrant environments.

3. Plano's Geography - Downtown Plano and surrounding neighborhoods contain most of the community's existing and potential heritage resources. The vast majority of Plano residents live, work, and shop in other locations, and do not have frequent contact with these historic areas. Public awareness and education efforts are essential to remind residents of Plano's rich history.
4. Lack of Large, Active Preservation Groups - A number of local organizations are actively involved in focused preservation activities; but no single entity such as a Historic Preservation Society currently functions as a broad based, "grass roots" community preservation catalyst and organizer.
5. Limited Private Investment in Preservation Programs - Except for property owners who restore and preserve individual properties, private investment in preserving Plano's past and promoting its heritage is generally limited to organizations that receive the vast majority of funds from the City of Plano through its annual Heritage Preservation Grant program. In recent years, the number of applicants and sizes of requests have increased significantly. Last year, requests exceeded available funding by more than 40%, and this trend is likely to continue. Nonpublic sources will need to be identified and utilized in the future.
6. Prospective Heritage Resources - As Plano continues to mature as a community, other properties and districts will increase in historic significance, and appropriate measures to recognize and preserve them will be necessary. Age, in itself, has a very small role in establishing historic value of a property. The community must clearly define the determinants of heritage and ensure that they are applied in an equitable and consistent manner.

Section C: Opportunities

1. Significant Public Investment in Preservation - The City of Plano's commitment to heritage preservation is represented by its annual reservation of a portion of hotel/motel tax receipts for Heritage Preservation activities. Since 1984, the city, Plano Independent School District, Collin County, and Collin County Community College District have combined to provide partial tax exemptions to owners of designated and contributing Heritage Resources to accommodate ongoing maintenance and restoration.
2. Ongoing Restoration of Individual Heritage Properties - The number of restored properties continues to increase as more home and business owners recognize the special attributes of heritage resources. There have also been two new homes built on vacant lots in a residential district that reflect the geometrical and architectural features of their surroundings.
3. Nonprofit Historic Museums - There are four historic museums with regular operating hours serving the community. They provide important opportunities for children and adults to learn about Plano's heritage and how the community has evolved over time.

4. Heritage Preservation Program - The city has one full time preservation planning position devoted to the program. Other positions in the Planning Department also contribute to the program as needed. In addition, the Building Inspections and Property Standards Departments also collaborate with the Heritage Preservation Officer to ensure preservation related matters are addressed consistently and effectively.

CHAPTER IV: STRATEGIC FRAMEWORK

A key component of the Heritage Preservation Plan includes a set of goals and strategies based upon the broad concepts of identification, preservation, and protection of the city's heritage resources. The goals and objectives below provide guidance and action steps for furthering heritage preservation in Plano. Each goal is supported by a set of objectives, including specific recommendations for accomplishing the objectives, thus furthering the overall goals.

Goal: Resource Identification, Preservation, and Interpretation

Expand and enhance efforts to identify, preserve, and interpret heritage resources

The following objectives promote efforts to identify, preserve, and interpret heritage resources in Plano:

1. Identify potential heritage resources within Plano.
 - a. Review the existing list of potential heritage resources identified in the 2002 Preservation Plan and amend list as needed.
 - b. Review Plano's list of potential heritage resources annually, and update the list as needed.
2. Improve understanding and documentation of Plano's existing heritage resources.
 - a. Maintain the computerization of the heritage properties inventory.
 - b. Update existing property files periodically to ensure the most current information is available.
3. Create a list of contributing and noncontributing heritage resources within the existing heritage districts to be approved by the Heritage Commission.
 - a. Establish criteria for identifying, contributing, and noncontributing structures within heritage districts.
 - b. Review all structures in existing districts to determine contributing status.
4. Update heritage district design guidelines as needed.

Goal: Heritage Resource Designation

Expand and enhance efforts to designate eligible heritage resources within the City of Plano.

The following objectives promote heritage resource designation of eligible heritage resources within the city:

1. Update City of Plano's Criteria for Designation in the Heritage Preservation Ordinance.
 - a. Create standards for identifying mid-20th century heritage resources and districts.
 - b. Improve the designation process by making it more selective.
 2. Encourage properties identified as potential heritage resources identified in this Preservation Plan to be individually designated.
 - a. Notify property owners of their eligibility for designation, and educate them regarding the benefits and procedures for designation.
-

Goal: Promoting Preservation and Reinvestment in Historic Assets

Expand and enhance efforts to promote Plano's heritage resources as well as efforts to reinvest in Plano's historic areas.

The following objectives promote preservation and reinvestment of heritage resources and historic areas:

1. Encourage the relocation of heritage structures in danger of demolition into existing heritage districts or neighborhoods that most closely resemble the original context that the structure existed in.
2. Promote property owner investment in heritage resources.
 - a. Encourage property owners to seek alternative funding sources and economic incentive programs for residential restoration.
 - b. Identify banks that may offer loans for home and commercial business preservation projects and create a brochure to promote and educate property owners about loan opportunities.
3. Encourage compatible building designs for new construction projects around Plano's heritage districts.
 - a. Include a Heritage Commission representative on any review committees for new development/redevelopment projects located near heritage districts in which the city is participating in the project.
 - b. Encourage the creation of home owners associations in Plano's older neighborhoods where they do not exist.
4. Encourage the rehabilitation of historic properties using new products in compliance with the Secretary of the Interior's Standards.

Evaluate the use of new products and materials when the use of historic materials is not possible.

5. Increase heritage tourism within Plano.
 - a. Work with the city's Convention and Visitor's Bureau to increase heritage tourism and promotional efforts for the museums and districts.
 - b. Install better way-finding signage leading to Plano's heritage districts.
 6. Promote events in and around Plano's historic areas.
 - a. Encourage the downtown merchants and Haggard Park neighborhood to enhance existing events by promoting awareness of Plano's heritage resources.
 - b. Encourage more participation from Plano's preservation community in the existing downtown events.
 7. Continue to better physically connect Plano's historic areas to the rest of the city.
 - a. Continue to use and expand public transportation that will include destination stops in or near Plano's heritage districts.
 - b. Continue to promote the use of hike and bike trails that connect Plano's heritage districts to other areas of the city.
 - c. Continue to encourage new development near Plano's historic areas to respect the connections to the heritage districts and be sensitive to the scale and orientation of existing buildings within the districts.
-

Goal: Education and Community Outreach

Increase awareness, understanding, and appreciation of Plano's heritage resources.

The following objectives provide for increased understanding and awareness of heritage resources in Plano:

1. Better distribute information regarding Heritage Preservation in Plano using the internet and possibly other social media outlets.
2. Educate property owners on proper procedures for making improvements to their heritage resources.

Mail out reminder post cards or emails to heritage property owners refreshing them on the types of projects that require Certificates of Appropriateness and what the application procedure is.

Goal: Implementation/Administrative

Continue and improve efforts to provide assistance to decision makers for the City of Plano regarding heritage preservation issues.

The following objectives promote efforts to assist decision makers for the City of Plano organization, including City Council, appointed boards and commissions, and staff regarding heritage preservation issues:

1. Continue to ensure that City of Plano's Heritage Preservation Program is consistent with the Comprehensive Plan.
2. Provide information and guidance to the Planning & Zoning Commission and the City Council as needed to further their understanding of Heritage Preservation related issues and to aid in their decision making process.
 - a. Develop a list of city owned properties that may be potential heritage resources to help aid the Planning & Zoning Commission and the City Council in their decision making process regarding these properties.
 - b. Foster communication between the Heritage Commission and the Planning & Zoning Commission, as well as the City Council, regarding development projects and rezoning cases that have the potential to affect Plano's heritage resources, earlier in the review and approval process, where possible.
3. Continue to work with city building inspectors to make sure that projects requiring a Certificate of Appropriateness (CA) are constructed in accordance with the approved plans.

Create a process for the Heritage Preservation Officer to participate in the inspection process.

4. Create subcommittees of Heritage Commissioners on an as needed basis to aid the entire Heritage Commission with various projects that may arise.
5. Encourage the designation of city owned properties that may be eligible for designation as heritage resources.

CHAPTER V: SUMMARY

Plano has grown from a small rural farming community to a major economic center and “first tier” city within the North Texas region. Growth and development, as well as redevelopment, continue to move forward and shape the city’s future and the future of heritage preservation within Plano. Heritage preservation has become much more than saving bricks and mortar. It is a social, economic, and cultural endeavor. The Preservation Plan is intended to help direct a coordinated and effective preservation effort in Plano. The plan outlines key issues, goals, and initiatives for the protection of Plano’s history and heritage resources. The key issues are within the areas of heritage resource identification, preservation and interpretation, heritage resource designation, promotion, and reinvestment in historic assets, education and community outreach, and implementation and administration of heritage preservation programs.

The stakeholders in preserving Plano’s heritage include citizens, business owners, property owners, visitors, museums, and other nonprofit agencies, and the City of Plano. The recommendations made in this plan will provide the basic tools and objectives to facilitate stewardship of Plano’s historic fabric, so that the stakeholders of the future have pride in the community’s heritage and continue to be effective stewards of the legacies our city has inherited and will continue to inherit.

APPENDIX A: Plano's Current Preservation Program

1. Planning and Administration

- a. Certified Local Government - The City of Plano is a Certified Local Government (CLG). This distinction recognizes a municipality's commitment to historic preservation, and encourages the continuation of preservation efforts through community planning and public participation. The National Park Service, U.S. Department of the Interior, grants certification through the Texas Historical Commission. To qualify for CLG status, cities must do the following:
- Write and enact a preservation ordinance for the designation and review of historic properties, using a national model that ensures the legal and effective protection of properties;
 - Set up an adequate and qualified review commission for historic preservation (locally, the Heritage Commission) composed of professional and lay members who show a demonstrated interest in preservation;
 - Implement and maintain a system for the survey and inventory of historic properties; and
 - Provide for public participation in the local historic preservation program.

Certified Local Governments also play an important role in the designation process for the National Register of Historic Places. Under this process, the Heritage Commission is responsible for verifying the accuracy of applications and for conducting public hearings on designations. The application is then forwarded to the Texas Historical Commission for review and approval. Approved nominations are then forwarded to the National Park Service for inclusion on the National Register.

- b. Heritage Preservation Officer - The City of Plano retains a full time staff person for historic preservation planning who acts as the Heritage Preservation Officer. The Heritage Preservation Officer is responsible for reviewing Heritage Resource Designation and CA applications, and providing recommendations and guidance to Plano's Heritage Commission. They also aid the Heritage Commission in overseeing Plano's Heritage Preservation incentive programs. Much of the Heritage Preservation Officer's time is devoted to public assistance and education, and monitoring the status of historic structures. The Planning Department and the Heritage Preservation Officer coordinate directly with the Building Inspections and Property Standards Department to make sure that construction and demolition permits are issued in compliance with preservation regulations and that designated properties are maintained in accordance with applicable standards and regulations.
- c. Heritage Commission - The Heritage Commission is a 7-member board appointed by the Mayor and City Council to protect the city's unique cultural and architectural heritage. It has many roles including serving as an advisor to the City Council regarding heritage preservation matters; acting as a regulatory body and reviewing applications for Heritage Resources Designation and Certificates of Appropriateness; and promoting and advocating heritage preservation. The Commission also oversees specific programs delegated to them, including the Historic Tax Exemption and Heritage Preservation Grant programs.

2. Processes

- a. Heritage Resource Designation - Heritage resources are historic, cultural, or natural resources which have been identified by its community as representative of the history of the area and of importance to the population. These resources may be, but are not limited to, buildings, sites, districts, cemeteries, etc. When a heritage resource is locally designated in Plano, it means that that resource has been officially recognized by the Heritage Commission and City Council as culturally and architecturally significant. A property may be individually designated or designated as part of a district. The purpose of designating a historic property or area is to bring it to the attention of the general public, protect it from inappropriate changes or demolition, and partially shield it from governmental actions (e.g., road construction).

Property owners, the Heritage Commission, the Planning & Zoning Commission, or City Council may initiate the designation of a property or district as historic. To begin this procedure, the interested party must submit an application to the City of Plano's Heritage Preservation Officer fully describing the property and documenting its historical importance. The Heritage Preservation Officer will then forward the completed applications to the Commission for its action. Approved applications will be forwarded to the Planning & Zoning Commission for its recommendation, and then to the City Council for final action.

Properties must meet one or more of the City of Plano's Criteria for Designation in order to be approved. The following is the City of Plano's criteria for designation:

1. Character, interest or value as a part of the development, heritage or cultural characteristics of the city, the state, or the United States;
2. Location as the site of a significant historic event;
3. Identification with a person who significantly contributed to the culture and development of the city;
4. Exemplification of the cultural, economic, social, or historical heritage of the city;
5. Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Embodiment of distinguishing characteristics of an architectural type or specimen;
7. Identification as the work of an architect or master builder whose individual work has influenced the development of the city;
8. Embodiment of elements of architectural design, detail, materials, or craftsmanship;
9. Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural, or architectural motif;
10. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city;

11. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest;
12. Value as an aspect of community sentiment or public pride; and
13. Input from affected property owners.

Although designation does involve certain regulations, it does not do the following:

- Restrict the use to which property is put;
 - Restrict the sale of property;
 - Require approval of interior changes or alterations;
 - Prevent new construction within historic areas; and
 - Require approval for ordinary maintenance.
- b. Certificates of Appropriateness (CA) - Before the owner of a designated historic property makes changes to his/her property, a CA must be approved in accordance with the district guidelines and the Secretary of the Interiors Standards for Rehabilitation to ensure that proposed alterations are in keeping with the architectural character of the district or resource. The intent of this program is to balance the rights of property owners with the public interest in preserving the structure. Alterations must be reviewed and approved for doors, windows, roofs, masonry work, woodwork, exterior light fixtures, signs, sidewalks, fences, steps, paving, and other exterior elements that are visible from the public right-of-way and which affect the appearance and compatibility of the historic resource.

Before and during the process of applying for a CA, owners are strongly advised to consult with the city's Heritage Preservation Officer to discuss the proposed work. If the officer advises changes to the proposed work, he will consult with the applicant before forwarding the application to the Heritage Commission. The Heritage Commission may also require changes to the proposal before approving it. If the Commission approves the certificate, a building permit will be issued. If it is denied, the applicant may appeal the denial to the City Council, which may issue the CA itself. CAs are generally scheduled for review by the Heritage Commission within 30 days after the application is filed.

3. Programs

- a. Historic Tax Exemption - The tax exemption ordinance was originally passed by City Council in 1984 for the purpose of providing tax relief needed to encourage preservation and maintenance of the historic structures of the city. The money saved by participating in the program is meant to be used by the participant to make improvements and repairs to the structure or site. During 1992, the four property taxing authorities (Collin County, City of Plano, Plano Independent School District, and Collin County Community College District) began offering these tax abatements to designated Heritage Resources. The Historic Tax Exemption Program offers a partial exemption based on the improvements value on the heritage property; the exemption will not affect any portion of the property taxes related to land. The percentage of tax exemption for which a property is eligible is based on the class of the historic structure as further defined below.
- **Class A Structures** - Structures occupied exclusively for residential purposes and individually designated as a local historic resource could potentially receive a 100% exemption.

- **Class B Structures** - Structures occupied in whole or in part for purposes other than residential and individually designated as a local historic resource could potentially receive a 50% exemption.
- **Class C Structures** - Structures occupied exclusively for residential purposes and noted as a contributing resource in a locally designated historic district could potentially receive a 75% exemption.
- **Class D Structures** - Structures occupied in whole or in part for purposes other than residential and noted as a contributing resource in a locally designated historic district could potentially receive a 38% exemption.

Participating properties are inspected annually by the Heritage Commission and staff to ensure that the structures are being adequately maintained. A list of maintenance/repair items (if any) is generated for each participating property during the survey. Property owners are required to complete the listed items prior to the next survey in order to remain in the program.

- b. Heritage Preservation Grants - The City of Plano offers a Heritage Preservation Grant to local nonprofit organizations that support heritage preservation and heritage tourism in Plano. This grant program, and the amount of funds awarded is available as funds permit. Grant funds may be used for projects consisting of historic programming, historic preservation advocacy, and some historic restoration projects. Funds to support this grant are generated by Plano's hotel/motel tax revenue; therefore, the projects or programs funded by the grant program must demonstrate how they will promote tourism in Plano and support Plano's hospitality industry.

APPENDIX B: Plano's Major Historic Assets

Section A: Designated Heritage Districts

Haggard Park Heritage District

The Haggard Park Heritage District, designated in 1999, was the first heritage district to be designated in Plano. It is the oldest neighborhood in Plano with houses dating back to the late 1800s. Its early residents included Plano's first doctors, merchants, educators, ministers, trades people, and farmers. Today, the Haggard Park neighborhood is still primarily residential and is comprised of houses built from the late 1800s to the late 1950s. It also includes a few new residential and commercial structures built between 1960 and 2007.

Resources



**Interurban Station
Haggard Park Heritage
District
901 E 15TH Street
Constructed: Circa 1908
Style: Commercial Vernacular**



**Wetzel House
Haggard Park Heritage
District
607 16TH Street
Constructed: Circa 1890
Style: Transitional Victorian**



Mitchell House
Haggard Park Heritage
District
609 16TH Street
Constructed: Circa 1890
Style: Folk Victorian



Haggard Park Heritage
District
617 16TH Street
Constructed: 2005
Style: New Construction
resembling Victorian style



Haggard Park Heritage
District
707 16TH Street
Constructed: 2007
Style: New Construction



Haggard Park Heritage
District
708 16TH Street
Constructed: Circa 1901
Style: Folk Victorian



Haggard Park Heritage District
710 16TH Street
Constructed: Circa 1941
Style: Craftsman



Haggard Park Heritage District
801 16TH Street
Constructed: 2001
Style: New Construction resembling Victorian and Craftsman styles



S. B. Wyatt House
Haggard Park Heritage District
807 16TH Street
Constructed: Circa 1910
Style: Craftsman



Haggard Park Heritage District
811 16TH Street
Constructed: Circa 1900
Style: Queen Anne Victorian



**Haggard Park Heritage
District
815 16TH Street
Constructed: Circa 1950
Style: Minimal Traditional**



**Haggard Park Heritage
District
819 16TH Street
Constructed: Circa 1910
Style: Craftsman**



**Haggard Park Heritage
District
901 16TH Street
Constructed: 1951
Style: Ranch**



**Saigling House
Haggard Park Heritage
District
902 16TH Street
Constructed: 1924
Style: Prairie**



**Haggard Park Heritage
District
907 16TH Street
Constructed: Circa 1915
Style: Craftsman**



**Haggard Park Heritage
District
909 16TH Street
Constructed: Circa 1895
Style: Queen Anne Victorian**



**Haggard Park Heritage
District
911 16TH Street
Constructed: 1946
Style: Ranch**



**Haggard Park Heritage
District
801 17TH Street
Constructed: Circa 1940
Style: Ranch**



**Haggard Park Heritage
District
805 17TH Street
Constructed: Circa 1950
Style: Post-War Bungalow**



**Haggard Park Heritage
District
807 17TH Street
Constructed: 1958
Style: Ranch**



**Haggard Park Heritage
District
808 17TH Street
Constructed: Circa 1943
Style: Minimal Traditional**



**Haggard Park Heritage
District
809 17TH Street
Constructed: 1958
Style: Ranch**



**Haggard Park Heritage
District**
813 17TH Street
Constructed: 2008
Style: New Construction
resembling Victorian style



**Haggard Park Heritage
District**
816 17TH Street
Constructed: Circa 1890
Style: Folk Victorian



**Will Schimelpfenig
House**
Haggard Park Heritage
District
900 17TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian



Mathews House
Haggard Park Heritage
District
901 17TH Street
Constructed: Circa 1890
Style: Folk Victorian



**Haggard Park Heritage
District
905 17TH Street
Constructed: 1966
Style: Ranch**



**Schimelpfenig-Dudley-
O'Neal House
Haggard Park Heritage
District
906 17TH Street
Constructed: Circa 1900
Style: Queen Anne Victorian**



**Haggard Park Heritage
District
907 17TH Street
Constructed: Circa 1958
Style: Post-War Bungalow**



**Haggard Park Heritage
District
908 17TH Street
Constructed: 1948
Style: Minimal Traditional**



**Haggard Park Heritage
District
910 17TH Street
Constructed: 1943
Style: Minimal Traditional**



**Haggard Park Heritage
District
911 17TH Street
Constructed: Circa 1911
Style: Vernacular**



**Haggard Park Heritage
District
913 17TH Street
Constructed: Circa 1940
Style: Minimal Traditional**



**Haggard Park Heritage
District
915/917 17TH Street
Constructed: Circa 1955
Style: Vernacular**



**Haggard Park Heritage
District
801 18TH Street
Constructed: Circa 1955
Style: Ranch**



**Haggard Park Heritage
District
803 18TH Street
Constructed: Circa 1955
Style: Ranch**



**Haggard Park Heritage
District
808 18TH Street
Constructed: Circa 1955
Style: Ranch**



**Haggard Park Heritage
District
810 18TH Street
Constructed: Circa 1940
Style: Minimal Traditional**



**Haggard Park Heritage
District
811 18TH Street
Constructed: Circa 1940
Style: Minimal Traditional**



**Haggard Park Heritage
District
812 18TH Street
Constructed: Circa 1940
Style: Minimal Traditional**



**Haggard Park Heritage
District
813 18TH Street
Constructed: Circa 1940
Style: Minimal Traditional**



**Haggard Park Heritage
District
825 18TH Street
Constructed: 1995
Style: New Construction**



**Haggard Park Heritage
District
900 18TH Street
Constructed: Circa 1978
Style: International**



**Olney Davis House
Haggard Park Heritage
District
901 18TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian**



**Haggard Park Heritage
District
903 18TH Street
Constructed: 1983
Style: New Construction**



**R. A. Davis House
Haggard Park Heritage
District
906 18TH Street
Constructed: Circa 1916
Style: Transitional Craftsman**



Hughston House
Haggard Park Heritage District
909 18TH Street
Constructed: Circa 1908
Style: Craftsman



Haggard Park Heritage District
910 18TH Street
Constructed: Circa 1930
Style: Tudor Cottage



Haggard Park Heritage District
913 18TH Street
Constructed: Circa 1910
Style: Vernacular



Mary Schimelpfenig House
Haggard Park Heritage District
914 18TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian



**Haggard Park Heritage
District
920 18TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian**



**Haggard Park Heritage
District
1517 G Avenue
Constructed: Circa 1890
Style: Vernacular**



**Haggard Park Heritage
District
1521 G Avenue
Constructed: Circa 1930
Style: Craftsman**



**Haggard Park Heritage
District
1605 G Avenue
Constructed: 1986
Style: New Construction**



**Haggard Park Heritage
District
1616 G Avenue
Constructed: Circa 1950
Style: Contemporary/ Mid-
Century**



**Haggard Park Heritage
District
1740 G Avenue
Constructed: 2006
Style: New Construction
resembling Craftsman style**



**Haggard Park Heritage
District
1804 G Avenue
Constructed: 1983
Style: New Construction**



**Haggard Park Heritage
District
1600 H Avenue
Constructed: 1957
Style: Ranch**



**Haggard Park Heritage
District
1603 H Avenue
Constructed: Circa 1930
Style: Transitional Tudor
Cottage**



**Haggard Park Heritage
District
1607 H Avenue
Constructed: Circa 1930
Style: Transitional Tudor
Cottage**



**Haggard Park Heritage
District
1611 H Avenue
Constructed: Circa 1890
Style: Folk Victorian**



**Aldridge House
Haggard Park Heritage
District
1615 H Avenue
Constructed: 1907
Style: Prairie**



**Haggard Park Heritage
District
1701 H Avenue
Constructed: 1953
Style: Ranch**



**Haggard Park Heritage
District
1706 H Avenue
Constructed: 1958
Style: Ranch**



**Haggard Park Heritage
District
1707 H Avenue
Constructed: 1983
Style: New Construction**



**Lamm House
Haggard Park Heritage
District
1709 H Avenue
Constructed: Circa 1890
Style: Queen Anne Victorian**



**Haggard Park Heritage
District
1715 H Avenue
Constructed: Circa 1908
Style: Vernacular**



**Haggard Park Heritage
District
1601 I Avenue
Constructed: Circa 1920
Style: Vernacular**



**Haggard Park Heritage
District
1703 I Avenue
Constructed: Circa 1951
Style: Ranch**

Downtown Heritage District

The Downtown Heritage District was locally designated in 2002. Downtown is the nucleus of the original location of the pioneer settlement of Plano founded in the 1840s, and was its commercial center. Most of the existing buildings date back to the 1890s.

Resources



**Plano National Bank
Downtown Heritage
District
1001 E 15TH Street
Constructed: Circa 1890
Significant Alteration: Circa
1936
Style: Art Deco**



**Downtown Heritage
District
1004 E 15TH Street
Constructed: 1967
Style: Tudor**



**Spillman Building
Downtown Heritage
District
1005-1007 E 15TH Street
Constructed: Circa 1896
Style: Late 19th - Early 20th
Century Vernacular**



**Downtown Heritage
District**
1006 E 15TH Street
Constructed: Circa 1896
Style: Late 19th - Early 20th
Century Vernacular



**Downtown Heritage
District**
1008 E 15TH Street
Constructed: Circa 1896
Significant Alteration: Circa
1930
Style: Art Deco



**Downtown Heritage
District**
1010 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th
Century Vernacular



McFarlin Building
Downtown Heritage
1011 E 15TH Street
Constructed: Circa 1896
Style: Late 19th - Early 20th
Century Vernacular



**Downtown Heritage
District**
1012 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th
Century Vernacular



**Downtown Heritage
District**
1013 E 15TH Street
Constructed: Circa 1896
Style: Late 19th - Early 20th
Century Vernacular



**Bagwill-Sherrill
Building**
Downtown Heritage
District
1015 E 15TH Street
Constructed: Circa 1896
Significant Alteration: Circa
1919
Style: Art Deco



Downtown Heritage District
1016 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1017 E 15TH Street
Constructed: Circa 1896
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1018 E 15TH Street
Constructed: Circa 1890
Significant Alteration: Circa 1950
Style: Mid-Century Modern



Downtown Heritage District
1020 E 15TH Street
Constructed: Circa 1890
Style: Vernacular



Downtown Heritage District
1021 E 15TH Street
Constructed: Circa 1896
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1022 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1024 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1025 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1026 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1027 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1029 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1031-1033 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1032 E 15TH Street
Constructed: Circa 1890
Significant Alteration: Circa 1920
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1035 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1037 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Harrington Furniture
Downtown Heritage District
1039 E 15TH Street
Constructed: Circa 1890
Significant Alteration: Circa 1920
Style: Late 19th - Early 20th Century Vernacular



**Downtown Heritage
District**
1400 J Avenue
Constructed: Circa 1954
Style: Vernacular



**Downtown Heritage
District**
1408 J Avenue
Constructed: Circa 1954
Style: Vernacular



**Downtown Heritage
District**
1410-1412 J Avenue
Constructed: Circa 1900
Style: Mid-Century



**Downtown Heritage
District**
1414 J Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th
Century Vernacular



Downtown Heritage District
1416 J Avenue
Constructed: 1952
Style: Vernacular



Downtown Heritage District
1416 K Avenue
Constructed: 1958
Style: Vernacular



Downtown Heritage District
1418 K Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



Downtown Heritage District
1420 K Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th Century Vernacular



**Downtown Heritage
District**
1423 K Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th
Century Vernacular



**Downtown Heritage
District**
1422 K Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th
Century Vernacular



**Downtown Heritage
District**
1425 K Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th
Century Vernacular



**Downtown Heritage
District**
1426-1428 K Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th
Century Vernacular

APPENDIX B: Plano's Major Historic Assets

Section B: Individually Designated Heritage Resources

An Individually Designated Heritage Resource is a structure, site or landmark of historical, cultural, archaeological, or architectural importance which has received local heritage resource designation on its own and not as part of a heritage resource district.



Ammie Wilson House
1900 W 15TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian



Roller House
1413 E 15TH Street
Constructed: Circa 1897
Style: Queen Anne Victorian



Aldridge House
Haggard Park Heritage District
1615 H Avenue
Constructed: 1907
Style: Prairie



Carpenter house
1211 16TH Street
Constructed: Circa 1898
Style: Queen Anne Victorian



Forman House
1617 K Avenue
Constructed: Circa 1867
Style: Greek Revival



Olney Davis House
Haggard Park Heritage District
901 18TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian



Lamm House
Haggard Park Heritage District
1709 H Avenue
Constructed: Circa 1890
Style: Queen Anne Victorian



Moore House/Masonic Lodge
Downtown Heritage District
1414 J Avenue
Constructed: Circa 1890
Style: Late 19th - Early 20th Century
Vernacular



Plano National Bank
Downtown Heritage District
1001 E 15TH Street
Constructed: Circa 1890
Significant Alteration: Circa 1936
Style: Art Deco



Mitchell House
Haggard Park Heritage District
609 16TH Street
Constructed: Circa 1890
Style: Folk Victorian



S. B. Wyatt House
Haggard Park Heritage District
807 16TH Street
Constructed: Circa 1910
Style: Craftsman



Interurban Station
Haggard Park Heritage District
901 E 15TH Street
Constructed: Circa 1908
Style: Commercial Vernacular



Bowman Cemetery
Location: Oak Grove Drive near the
southern end of Santa Fe Park
Time Span: 1868-1921



Carlisle House
1407 E 15TH Street
Constructed: Circa 1915
Style: Prairie



Mathews House
Haggard Park Heritage District
901 17TH Street
Constructed: Circa 1890
Style: Folk Victorian



Wells House
3921 Coit Road
Constructed: Circa 1893
Style: Queen Anne Victorian



Wall-Robbins House
1813 K Avenue
Constructed: Circa 1898
Style: Queen Anne Victorian



Hood House
1211 E 15TH Street
Constructed: Circa 1900
Style: Folk Victorian



Little Carlisle House
1611 K Avenue
Constructed: Circa 1935
Style: Transitional Tudor Cottage



R. A. Davis House
Haggard Park Heritage District
906 18TH Street
Constructed: Circa 1916
Style: Transitional Craftsman



Mary Schimelpfenig House
Haggard Park Heritage District
914 18TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian



Schell House
1210 16TH Street
Constructed: Circa 1933
Style: Neoclassical



Cox School
Haggard Park Heritage District
1517 H Avenue
Constructed: Circa 1934
Style: Art Deco



Merritt Building
Downtown Heritage District
1023 E 15TH Street
Constructed: Circa 1890
Style: Late 19th - Early 20th Century
Vernacular



Will Schimelpfenig House
Haggard Park Heritage District
900 17TH Street
Constructed: Circa 1890
Style: Queen Anne Victorian



Hughston House
Haggard Park Heritage District
909 18TH Street
Constructed: Circa 1908
Style: Prairie



**Schimelpfenig-Dudley-
O'Neal House**
Haggard Park Heritage District
906 17TH Street
Constructed: Circa 1900
Style: Queen Anne Victorian



Salmon House
1414 E 15TH Street
Constructed: Circa 1998
Style: Queen Anne Victorian



Bagwill-Sherrill Building
Downtown Heritage District
1015 E 15TH Street
Constructed: Circa 1896
Significant Alteration: Circa 1919
Style: Art Deco



Arch Weatherford House
1410 E 15TH Street
Constructed: Circa 1920
Style: Prairie



Thornton House
900 13TH Street
Constructed: Circa 1900
Style: Vernacular



McCall-Skaggs House
1704 N Place
Constructed: 1959
Style: Ranch

APPENDIX B: Plano's Major Historic Assets

Section C: Potential Heritage Properties & Conservation Districts

The Potential Heritage Properties listed below are historic properties that have been identified in previous heritage resource surveys and that were listed in the 2002 Heritage Preservation Plan. These properties have not been locally designated, but have the potential to be with further historical research and restoration. Property owners should be notified prior to properties being recommended for individual designation.

Resources

	<p>Douglass Community 704 13TH Street Constructed: Circa 1918 Style: Folk Victorian</p>
	<p>Bessie Franklin House Douglass Community 811 13TH Street Constructed: Circa 1890 Style: Vernacular</p>
	<p>Douglass Community 1204 F Avenue Constructed: Circa 1930 Style: Transitional Craftsman</p>



Old Town
1212 15TH Street
Constructed: Circa 1950
Style: Ranch



First Baptist Church
Old Town
1300 15TH Street
Constructed: Circa 1930
Style: Colonial Revival



Old Town
1404 15TH Street
Constructed: Circa 1900
Style: Vernacular



Lane House
Old Town
1300 16TH Street
Constructed: Circa 1910
Style: Craftsman



Old Town
1513 M Avenue
Constructed: Circa 1910
Style: Vernacular



Aldridge-Evans House
Old Town
1512 N Avenue
Constructed: Circa 1930
Style: Transitional Tudor
Cottage



Haggard Addition
808 19TH Street
Constructed: 1954
Style: Ranch



1108 11TH Street
Constructed: Circa 1928
Style: Transitional Victorian



Rice-Hays House
1106 14TH Street
Constructed: Circa 1932
Style: Craftsman



Brigham House
1306 14TH Street
Constructed: Circa 1945
Style: Tudor Cottage



Dr. Jerry Thomson House
1308 14TH Street
Constructed: Circa 1900
Style: Folk Victorian



Poole-Dinwiddy House
1305 K Avenue
Constructed: Circa 1900
Style: Folk Victorian



1307 K Avenue
Constructed: Circa 1930
Style: Craftsman



Mayes House
1311 K Avenue
Constructed: Circa 1930
Style: Craftsman



Sandifer-Wyatt House
1715 K Avenue
Constructed: Circa 1940
Style: Colonial Revival



Harrington House
1601 Alma
Constructed: Circa 1925
Style: Prairie



2nd Rice House
3021 South Rigsbee Drive
Constructed: Circa 1950
Style: Ranch



Farmstead on Parker at
NWC of Jupiter
Constructed: Circa 1900
Style: Vernacular

Conservation districts are unique and distinctive residential or commercial areas which contribute significantly to the overall character and identity of a city. These areas are worthy of preservation and protection, but may lack sufficient historical, architectural, or cultural significance at the present time to be designated as a historic district. Two neighborhoods in Plano have been identified as potential conservation districts. Further research is needed before either of these neighborhoods are recommended for being designated. Property owners should be notified prior to being recommended for designation as a conservation district.

	<p>Old Town Constructed: Late 1940s to Late 1960s Styles: Ranch and Minimal Traditional</p>
	<p>Haggard Addition Constructed: Late 1940s to Late 1960s Styles: Ranch and Minimal Traditional</p>

APPENDIX B: Plano's Major Historic Assets

Section D: Plano's Historic Cemeteries

The Potential Heritage Properties listed below are historic properties that have been identified in previous heritage resource surveys and that were listed in the 2002 Heritage Preservation Plan. These properties have not been locally designated, with the exception of the Bowman Cemetery, but have the potential to be with further historical research and restoration. Property owners should be notified prior to properties being recommended for individual designation.

Resources

	<p>Baccus Cemetery Location: Northwest corner of Bishop Road and Legacy Drive Time Span: 1847-Present</p>
	<p>Bethany Cemetery Location: Northwest corner of Custer and Cothes Road Time Span: 1877-Present</p>
	<p>Bowman Cemetery Location: Oak Grove Drive near the southern end of Santa Fe Park Time Span: 1868-1921</p>



**Collinsworth
Cemetery**

**Location: Southeast of
Parker Road at Ohio
Time Span: 1895-1920**



Felker Cemetery

**Location: Southwest corner
of Waycross Drive and
Auburn Place
Time Span: Circa 1890**



**Leach-Thomas
Cemetery**

**Location: East side of
intersection of Destin and
Pensacola Roads
Time Span: 1868-1920**



Old City Cemetery

**Location: Between H
Avenue and I Avenue at the
block of 11th and 12th
Streets
Time Span: 1881-Present**



**Plano Mutual
Cemetery**
Location: Northwest corner
of 18th Street and Jupiter
Road
Time Span: 1852-Present



**Rowlett Creek
Cemetery**
Location: Between Custer
Road and Rowlett Cemetery
Road, south of S.H. 121
Time Span: 1862-Present



**Shepard Ranch
Cemetery**
Location: Park Boulevard
west of Preston Road
Time Span: Circa 1950



Young Cemetery
Location: South of S.H. 121,
between Independence and
Custer Road
Time Span: 1847-1909

APPENDIX C: Definition of Architectural Styles

Plano's architecture has been evolving since the construction of its first log cabin in the mid-1800s. As new types of construction and architectural styles gained popularity, the old construction types and architectural styles made way for the new. Several examples of a wide range of historic architectural styles still exist in Plano today. These historic structures help us to understand and visualize how Plano has evolved over time.

Not every historic structure is a classic example of a particular architectural style. It is common to find historic structures with transitional styles. This indicates that a structure was constructed during a period when one architectural style may have been declining and another was gaining popularity. These structures often exhibited architectural characteristics of both styles.

Also, it is common to find historic structures that are not of any architectural style. These structures are labeled as "vernacular". Vernacular architecture refers to structures that employed local construction methods, materials, and traditions to meet the needs of the occupant. This type of architecture tends to evolve over time to reflect the environmental, cultural and historical conditions in which it exists. These structures were simple and functional, and often thought to be crude or unrefined. They did not represent any particular architectural style, though some examples may consist of an architectural element or two of the popular style of the time.

Plano's existing heritage resources fall within a large range of historic architectural styles. The following styles have been identified among Plano's existing heritage resources.

Greek Revival (1825-1860)



Common Features	
Roof: <ul style="list-style-type: none">• Gabled or hipped• Low pitch• Shingles• Boxed eaves with little overhang	Detailing: <ul style="list-style-type: none">• Entry or full-width front porch supported by prominent square or rounded columns• Front door surrounded by narrow sidelights and a rectangular line of transom lights above• Cornice line of main roof and porch roofs emphasized with wide band of trim
Heights: <ul style="list-style-type: none">• One or two stories	Other Features: <ul style="list-style-type: none">• Door and lights usually incorporated into more elaborate door surround• Porches may be full height on two story structures
Building Materials: <ul style="list-style-type: none">• Wood siding• Brick or stone• Stucco	

Greek Revival was the dominant style of American domestic architecture during the interval from about 1830 to 1850 (to 1860 in the Gulf Coast states) during which its popularity led it to be called the National Style. It occurs in all areas settled by 1860 and especially flourished in those regions that were being rapidly settled in the decades of the 1830s, '40s, and '50s. The style moved with the settlers from the older states as they crossed into Kentucky, Tennessee, and the Old Northwest Territory (today's Midwest). The style then followed the southern planters as they moved westward from the Old South into Alabama, Mississippi, and Louisiana. It even arrived on the west coast sometimes disassembled into packages and shipped by way of Cape Horn.

One of the oldest existing houses in Plano, the Joseph Forman House (1617 K Avenue), is a Greek Revival style structure. Built in 1867, the house was originally a log cabin. It was altered over time to give it a second floor as well as Greek Revival details such as the full-height entry porch and balcony (balcony is now enclosed) and round Doric columns.

(Source: McAlester, *A Field Guide to American Houses*)

Gothic Revival (1840-1880)



Common Features

Roof:

- Front-gabled, centered gable, paired gables, cross-gabled, castellated or parapeted
- Steeply pitched roof
- Shingles
- Intermediate eaves

Heights:

- One or two stories

Building Materials:

- Wood siding
- Brick or stone

Detailing:

- Gables commonly decorated with vergeboards
- Windows and doors frequently have pointed-arch shape
- Fanciful decorative ornamentation is a dominant feature

Other Features:

- Windows commonly extend into gable
- One-story porch usually present supported by flattened gothic arches
- Wall surfaces typically extend into gables

Most Gothic Revival houses were constructed between 1840 and 1870; examples from the 1870s are less frequent. The style was never as popular as were houses in the competing Greek Revival or Italianate styles, yet scattered examples can still be found in most areas of the country settled before 1880. Surviving Gothic Revival houses are most abundant in the northeastern states, where fashionable architects originally popularized the style. They are less common in the South, particularly in the new South States along the Gulf Coast. In this region Greek Revival houses dominated the expansions of the 1840s and '50s, while the Civil War and reconstruction all but halted building until the waning days of Gothic influence.

The Samuel Young House, built around 1865, is a Gothic Revival style structure. Though it has lost much of its Gothic details due to deterioration, its form with the three central gables, hint at its Gothic Revival beginnings. This structure, once located near the Rowlett Creek area, has been moved to the Farrell-Wilson homestead (present day Heritage Farmstead Museum, 1900 W 15th Street).

(Source: McAlester, *A Field Guide to American Houses*)

**Late 19th Century – Early 20th Century Vernacular Commercial Storefront
(1860-1920)**



Common Features	
<p>Roof:</p> <ul style="list-style-type: none"> • Flat roof • Roof often hidden behind cornice • No eaves <p>Heights:</p> <ul style="list-style-type: none"> • One or two stories <p>Building Materials:</p> <ul style="list-style-type: none"> • Wood siding • Brick or stone • May have stone detailing 	<p>Detailing:</p> <ul style="list-style-type: none"> • Large display windows • Transom lights • Wood kickplates • Recessed entry • Decorative cornice <p>Other Features:</p> <ul style="list-style-type: none"> • Tall second story windows • Entry may have double doors • May have flat metal canopy

The vernacular commercial storefront of the late 19th and early 20th centuries appears in commercial districts throughout the country. This building type is divided into two district bands. The first floor is more commonly transparent, so goods can be displayed; while the upper floor(s) are usually reserved for offices, residential and warehousing functions. Although construction of these buildings began as early as 1860 and continued until 1920, the majority were constructed at the turn-of-the century. Many examples carry Italianate detailing such as narrow double hung windows, often with rounded arch heads, protruding window sills, and dentil courses.

The majority of structures located in the Downtown Heritage District are Late 19th - Early 20th Century Vernacular style structures. They were constructed in the late 1800s and are all brick masonry structures. Earlier downtown structures had been constructed of wood, but due to several fires none have survived. Downtown includes both one and two story examples of this style of architecture. These structures consist of large display windows and recessed entries with transom windows. Most have decorative cornices with dentil courses. Canopies were typically flat or sloped at a very low angle. Today several structures have been restored and many have reinstalled flat canopies on the front of the structure.

Folk Victorian
(1870-1910)



Common Features	
<p>Roof:</p> <ul style="list-style-type: none"> • Front-gabled, gable front and wing, side-gabled, pyramidal • May have one or multiple roof dormers • Shingles • Boxed or Open eaves <p>Heights:</p> <ul style="list-style-type: none"> • One or two stories <p>Building Materials:</p> <ul style="list-style-type: none"> • Wood siding • Patterned wood shingles 	<p>Detailing:</p> <ul style="list-style-type: none"> • Porches with spindlework detailing and jigsaw cut trim • Lace-like spandrels and turned balusters may be used in porch railings and in friezes suspended from the porch ceiling • Window surrounds may have simple pediments above <p>Other Features:</p> <ul style="list-style-type: none"> • The boxed eaves often have decorative brackets • Spindlework details and jigsaw cut trim is sometimes used in the gables • Detached garage, if any

The Folk Victorian style was common throughout the United States. Like that of the National Folk forms on which they are based, the spread of Folk Victorian houses was made possible by the railroads. The growth of the railroad system made heavy woodworking machinery widely accessible at local trade centers where they produced inexpensive Victorian detailing. The railroads also provided local lumber yards with abundant supplies of pre-cut detailing from distant mills. Many builders simply grafted pieces of this newly available trim onto the traditional folk house forms familiar to local carpenters. Many fashion-conscious homeowners also updated their older folk homes with new Victorian porches. These dwellings make strong stylistic statements and are therefore treated here as distinctively styled houses, rather than pure folk forms. After about 1910, these Victorian houses were replaced by the Craftsman, Colonial Revival, and other fashionable eclectic styles.

Several examples of Folk Victorian style still exist in the Haggard Park Heritage District. The Mitchell House (609 16th Street) is one such example with its simple symmetrical plan, fish-scale shingles in the gables and spindlework columns.

(Source: McAlester, *A Field Guide to American Houses*)

Queen Anne (1870-1910)



Common Features

Roof:

- Front-gabled, cross-gabled, hipped roof with lower cross gable
- Steeply pitched
- Composite shingle, false thatch, slate
- Intermediate eaves

Heights:

- One to two and one-half stories

Building Materials:

- Wood siding
- Brick or stone
- Patterned wood shingles

Detailing:

- Spindlework ornamentation in the gables, porch balustrades, and as a frieze suspended from the porch ceiling
- Lacy spandrel and bead-like decorative elements
- Some examples use classical columns
- Patterned shingles
- Bays, towers, overhangs, and wall projections are common

Other Features:

- Asymmetrical form
- Dominant front-facing gable
- Detached garage, if any
- A small percentage of examples will have half-timbered detail in the upper-story gables

This was the dominant style building during the period from about 1880 until 1900; it continued with decreasing popularity through the first decade of this century. In the heavily populated northeastern states, the style is somewhat less common than elsewhere. There, except for resort areas, it is usually more restrained in decorative detailing and is more often executed in masonry. Moving southward and westward the style increased steadily in dominance and popularity. California and the resurgent, cotton-rich states of the New South have some of the most fanciful examples.

The Roller House (1413 15th Street) and the Carpenter House (1211 16th Street) are excellent examples of a Queen Anne Victorian style houses. These homes exemplify period construction with fish scale shingles in the gable ends and ornamental tower, and stained glass windows. Other examples include the Wall-Robbins House (1813 K Avenue), the Wells House (3921 Coit Road), and the Ammie Wilson House (1900 W. 15th Street).

(Source: McAlester, *A Field Guide to American Houses*)

Colonial Revival (1880-1955)



Common Features

Roof:

- Side-gabled, hipped, centered-gable, gambrel
- May have second-story overhang
- Roof may be asymmetrical
- Multiple roof dormers may be present
- May have one-story flat roofed or side-gabled wings
- Shingle
- Boxed eaves with little overhang

Heights:

- One and one-half to two and one-half stories

Building Materials:

- Wood siding
- Brick or stone
- Wood shingles

Detailing:

- Rectangular double-hung windows with six, eight, nine, or twelve panes in each sash
- Accentuated front entry, normally with a decorative pediment supported by pilasters or extended forward and supported by slender columns
- Front doors commonly have overhead fanlights or sidelights

Other Features:

- Rectangular plan
- Symmetrically balanced windows
- Detached garage, if any

The term “Colonial Revival,” as used here, refers to the entire rebirth of interest in the early English and Dutch houses along the Atlantic seaboard. The Georgian and Adam styles form the backbone of the Revival, with secondary influences from Postmedieval English or Dutch Colonial prototypes. Details from two or more of these precedents are freely combined in many examples so that pure copies of colonial houses are far less common than are eclectic mixtures.

Colonial Revival had multiple subtypes. The most two common subtypes included: the asymmetrical form with superimposed colonial details and the more authentic symmetrical hipped roof shape. Details of both subtypes have exaggerated proportions when compared to their historic precedents.

The Sandifer-Wyatt House (1715 K Avenue) is one of the few Colonial Revival styles structures existing in Plano. It consists of a symmetrical plan with front entry accentuated by a decorative pediment and round columns.

(Source: McAlester, *A Field Guide to American Houses*)

Tudor & Tudor Revival (1890-1940)



Common Features	
<p>Roof:</p> <ul style="list-style-type: none"> • Front facing gable • Single dominant front gable, multiple front gables, or front gable dormer • Composite shingle, false thatch, slate • Intermediate eaves <p>Heights:</p> <ul style="list-style-type: none"> • One and one-half to two stories <p>Building Materials:</p> <ul style="list-style-type: none"> • Wood siding • Brick or stone • Stucco • Stone is often used as an accent material around windows and doors 	<p>Detailing:</p> <ul style="list-style-type: none"> • Tall and narrow windows • Scaled fireplace with decorative brick work and chimney pots; fireplaces may be located on the front, side, or internally • Enclosed entry is common • Tudor (flattened pointed) arches are often used in door surrounds or entry porches • Simple round-arched doorways with heavy board-and-batten doors • Small tabs of cut stone may project into the brickwork <p>Other Features:</p> <ul style="list-style-type: none"> • False half-timbering • Wood or metal casement windows are typical, although more traditional double-hung sash windows are also common. Windows are typically grouped into strings of three or more. • Detached garage, if any

This dominant style of domestic building was used for a large proportion of early twentieth century suburban houses throughout the country. It was fashionable during the 1920s and early 1930s when only the Colonial Revival style rivaled it in popularity as a vernacular style.

The popular name for the style is historically imprecise, since relatively few examples closely mimic the architectural characteristics of early sixteenth century Tudor England. Instead, the style is loosely based on a variety of late Medieval English prototypes, ranging from thatch-roofed folk cottages to grand manor houses. These traditions are freely mixed in their American Eclectic expressions, but are united by an emphasis on steeply pitched roofs, and front-facing gables which are almost universally present as a dominant façade element in Tudor houses. Some of the houses have ornamental false half-timbering, a characteristic they share with some examples of the earlier Victorian styles that also drew heavily on Medieval English precedent. Most Tudor homes have stucco, masonry, or masonry-veneered walls.

Still relatively uncommon before World War I, the style expanded explosively in popularity during the 1920s and 1930s as masonry veneering techniques allowed even the most modest examples to mimic closely the brick and stone exteriors seen on English prototypes. They show endless variations in overall shape and roof form and are most conveniently subdivided on the basis of their dominant façade material (brick, stone, stucco, or wood).

The Tudor style structures found in Plano are smaller cottage-type houses. More so than earlier styles of architecture, the Tudor cottage was easily adapted to an owner's economic circumstances by varying the exterior wall cladding, the overall size of the structure, and roofing materials. These cottages were typically one-story with steep pitched roofs, rounded doorways, and ribbon windows. Local examples include the Aldridge-Evans House (N Ave at 15th Place), the Brigham House (1306 14th Street), and the "little" Carlisle House (1611 K Avenue).

(Source: McAlester, *A Field Guide to American Houses*)

Neoclassical (1895-1950)



Common Features

Roof:

- Front or side gable, hipped, or flat
- A combination of roof forms are often used
- Prominent central roof dormers are common in the one-story subtype
- Composite shingle, wood shingle
- Boxed eaves with a moderate overhang

Heights:

- One to two and one-half stories

Building Materials:

- Wood siding
- Brick or stone

Detailing:

- Double hung rectangular windows with multi-paned sashes; 6 or 9 panes to each sash is common
- Colonnaded front porch, either full or partial width
- Classical columns with Ionic or Corinthian capitals
- Roofline balustrades
- Dentil cornices

Other Features:

- Facades are typically symmetrical
- Detached garage, if any

Neoclassical was a dominant style for domestic building throughout the country during the first half of the twentieth century. Never quite as abundant as its closely related Colonial Revival contemporary, it had two principal waves of popularity. The first wave, from about 1900 to 1920, emphasized hipped roofs and elaborate, correct columns. The later phase, from about 1925 to the 1950s, emphasized side-gabled roofs and simple, slender columns. During the 1920s, the style was overshadowed by other eclectic fashions.

This revival of interest in classical models dates from the 1893 World's Columbian Exposition held in Chicago. The exposition's planners mandated a classical architectural theme, and many of the best-known architects of the day designed dramatic colonnaded buildings arranged around a central court. The exposition was widely photographed, reported, and attended. These Neoclassical models soon became the latest fashion throughout the country.

The central buildings of the exposition were of monumental scale and inspired countless public and commercial buildings in the following decades. The design of smaller pavilions representing each state in the Union were more nearly domestic in scale and in them can be seen the precedents for most Neoclassical houses. Depending upon the state being represented, the porches could have had: a semi-circular, full-height entry porch; a more traditional full-height entry porch with triangular pediments; and a full-height entry porch with lower full-width porch. All of these styles drew heavily on the country's previous interest in the Early Classical Revival and Greek Revival styles. The Virginia pavilion was a copy of George Washington's home, Mt. Vernon, whose full-façade porch, among the first in the country, had been added in 1784 to an earlier Georgian house. The presence of the Mt. Vernon replica at the exposition, and the original's wide familiarity as the nation's premier museum house, contributed to the incorrect impression that such porches were somehow colonial.

The Schell House (1210 16th Street) is an example of the Neoclassical style. It consists of a symmetrical plan with a side gable roof and multi-paned double hung windows. The most significant feature is the porch roofline balustrade.

(Source: McAlester, *A Field Guide to American Houses*)

Prairie (1900-1920)



Common Features

Roof:

- Hipped, or gabled roof
- Low-pitched
- Composite shingle, tile
- Wide eaves

Heights:

- One to two and one-half stories

Building Materials:

- Wood siding
- Brick or stone

Detailing:

- Tall and narrow windows

Other Features:

- The American Foursquare is a common vernacular variant of the Prairie style. A large central roof dormer is a common feature of this subtype.
- Detached garage, if any

The Prairie style originated in Chicago and landmark examples are concentrated in that city's early twentieth century suburbs. Examples can also be found in other large Midwestern cities. Vernacular examples were spread widely by pattern books and popular magazines and are common in early twentieth century suburbs throughout the country. Most were built between 1905 and 1915. The style quickly faded from fashion after World War I.

Massive square or rectangular piers of masonry used to support porch roofs are an almost universal feature of high-style examples. They remain common in vernacular examples, which also show squared wooden imitations. The characteristic horizontal emphasis is achieved by such decorative devices as: (1) contrasting caps on porch and balcony railings, (2) contrasting wood trim between stories, (3) horizontal board-and-batten siding, (4) contrasting colors on eaves and cornice, and (5) selective recessing of only the horizontal masonry joints. Other common details in both landmark and vernacular examples include window glazing (usually in leaded casement windows in high-style examples and upper sashes of wooden-muntin, double-hung windows in vernacular houses), broad, flat chimneys, contrasting wall materials or trim emphasizing the upper part of the upper story, and decorative friezes or door surrounds consisting of bands of carved geometric or stylized ornamentation. This type of decoration is sometimes called "Sullivan-esque" named after Chicago architect Louis Sullivan.

The Aldridge House (1615 H Avenue) is a Prairie style structure which can be identified by its low-pitched hipped roof, wide eaves, and bands of windows on the second floor. Other examples include the Arch Weatherford House (1410 15th Street), the Carlisle House (1407 15th Street), and the Hughston House (909 18th Street).

(Source: McAlester, *A Field Guide to American Houses*)

Craftsman & Bungalow (1905-1930)



Common Features	
<p>Roof:</p> <ul style="list-style-type: none"> • Front gable, cross gable, side gable, hipped • Low-pitched • Composite shingle • Intermediate to deep eaves <p>Heights:</p> <ul style="list-style-type: none"> • One and one-half to two stories <p>Building Materials:</p> <ul style="list-style-type: none"> • Wood siding • Brick or stone • Concrete block • Stucco 	<p>Detailing:</p> <ul style="list-style-type: none"> • Columns for supporting the porch roofs are a distinctive and variable detail. Typically short, square upper columns rest upon more massive piers, or upon a solid porch balustrade • Roof timbers either extend through the wall to support the eave or false rafter ends are added • Secondary influences such as Tudor false half-timbering, Swiss balustrades or Oriental roof forms are also sometimes seen <p>Other Features:</p> <ul style="list-style-type: none"> • Craftsman doors and windows are similar to those used in vernacular Prairie houses • Dormers are usually gabled with exposed rafter ends

This was the dominant style for smaller houses built throughout the country during the period from about 1905 until the early 1920s. The craftsman style originated in southern California and most landmark examples are concentrated there. Like vernacular examples of the contemporaneous Prairie style, it was quickly spread throughout the country by pattern books and popular magazines. The style rapidly faded from favor after the mid-1920s and few were built after the 1930s.

Craftsman houses were inspired primarily by the work of two California brothers—Charles Sumner Greene and Henry Mather Greene—who practiced together in Pasadena from 1893 to 1914. About 1903 they began to design simple Craftsman-type bungalows. By 1909, they had designed and executed several exceptional landmark examples that have been called the “ultimate bungalows.” Several influences—the English Arts and Crafts movement, an interest in oriental wooden architecture, and their early training in the manual arts—appear to have led the Greenes to design and build these intricately detailed buildings. These and similar residences were given extensive publicity in popular magazines, thus familiarizing the rest of the nation with the style. As a result, a flood of pattern books appeared, offering plans for Craftsman bungalows. Some plans even offered completely pre-cut packages of lumber and detailing to be assembled by local labor. Through these vehicles, the one-story Craftsman house quickly became the most popular and fashionable house in the country. High-style interpretations are rare except in California where they have been called the Western Stick style. One-story vernacular examples are often simply called bungalows or in the Bungaloid style.

During the same period when the large Prairie style homes were being constructed, Plano residents of more modest means were building one-story bungalows or two-story Craftsman style houses. These structures often had front facing gable roofs, gabled dormers, exposed

rafter tails, wood siding, and varying porch column styles. The Wyatt House (807 16th Street) is a classic example of the Craftsman bungalow. Other examples include the Rice-Hays House (1106 14th Street) and the Lane House (1300 16th Street), which is a two-story Craftsman.

(Source: McAlester, *A Field Guide to American Houses*)

Art Deco (1920-1940)



Common Features

Roof:

- Flat roof
- No eaves

Heights:

- One or multiple stories

Building Materials:

- Stucco
- Brick

Detailing:

- Smooth wall surface
- Towers and other vertical projections above roof line to give a vertical emphasis
- Low-relief zigzags, chevrons, and other stylized and geometric motifs occur as decorative elements

Other Features:

- Granite and terra cotta were sometimes used to face Art Deco buildings

This modernistic style received its first major impetus in 1922 when the *Chicago Tribune* held a world-wide competition for a headquarters building in Chicago. Although first prize went to a Gothic design, the second prize went to an Art Deco design by a young Finnish architect, Eliel Saarinen. His design was widely publicized and much of the architectural profession felt that he deserved the first prize; the style quickly became the latest architectural fashion. Art Deco style was common in public and commercial buildings in the 1920s and early 1930s. These buildings were very colorful and had a lot of geometric-shaped decorations. Decorative influences include the Egypt, the Far East, ancient Greece and Rome, Africa, India, and Mayan and Aztec cultures.

The Cox School (1517 G Avenue), built in 1924, is a two story, red brick structure with Art Deco details. These details include the geometric designs incorporated into the structure particularly around the entries and cornice. Two structures in downtown have Art Deco facades. These structures were originally Late 19th – Early 20th Century Vernacular style buildings built in the late 1800s. Both received Art Deco façade treatments around the early 1930s. The Plano National Bank Building (1001 15th Street) has a smooth stucco façade with decorative vertical bands of black glass running down the front of the building. The structure at 1008 15th Street is a colorful blue and yellow stuccoed structure with a curved flat metal canopy, and colorful tiled storefront details.

(Source: McAlester, *A Field Guide to American Houses*)

Minimal Traditional (1933-1950)



Common Features	
Roof: <ul style="list-style-type: none">• Front facing gable• Low or intermediate pitch• Composite shingle• No eaves	Detailing: <ul style="list-style-type: none">• Windows are typically double hung and/or fixed with multiple panes• A large chimney, in some cases• Small front porch shelter• Wrought iron or wood columns for porches• Occasionally corner wrapped windows are seen• Minimal ornamentation—modern and international style influences
Heights: <ul style="list-style-type: none">• Generally one story with some two story examples	Other Features: <ul style="list-style-type: none">• Attached (always a subordinate element to the main structure) and detached garages
Building Materials: <ul style="list-style-type: none">• Wood or shake siding• Brick or stone• Materials sometimes used in combination	

With the economic Depression of the 1930s, came this “compromised” style that reflects the form of traditional Eclectic houses, but lacks their decorative detailing. Roof pitches are low or intermediate, rather than steep as in the preceding Tudor style. Eaves and rake are close, rather than overhanging as in the succeeding Ranch Style. Usually, but not always, there is a large chimney or at a front-facing gable, both echoing Tudor features. In fact, many examples suggest Tudor cottages with the roof line lowered and detailing removed.

These houses were built in great numbers in the years immediately preceding and following World War II. They commonly dominate the large tract-housing developments of the period, typically built of wood, brick, stone, or a mixture of these wall-cladding materials. Although most were relatively small one-story houses, occasionally, two-story examples are also seen. More commonly, two-story homes of the period have extra detailing representing late examples of the traditional Eclectic styles, such as Colonial Revival or Monterey.

Several examples of Minimal Traditional style exist in the Haggard Park Heritage District. The house at 813 18th Street is a classic example. It is a small structure with a partial width front porch. The porch roof features a front-facing gable and is supported by simple decorative wood columns.

(Source: McAlester, *A Field Guide to American Houses*)

Ranch
(1935-1975)



Common Features	
<p>Roof:</p> <ul style="list-style-type: none"> • Cross gable, side gable, hipped • Low-pitch • Composite shingle • Moderate to wide eaves <p>Heights:</p> <ul style="list-style-type: none"> • Generally one story <p>Building Materials:</p> <ul style="list-style-type: none"> • Wood siding • Brick or stone • Materials sometimes used in combination 	<p>Detailing:</p> <ul style="list-style-type: none"> • Decorative iron or wood porch supports • Shutters • Ribbon windows • Large picture windows in living areas • Minimal ornamentation– Modern and International style influences <p>Other Features:</p> <ul style="list-style-type: none"> • Partially enclosed courtyards or patios • Attached garages • Sliding glass doors • Rational designs with influences from the automobile culture

This style originated in the mid-1930s by several creative California architects. It gained popularity during the 1940s to become the dominant style throughout the country during the decades of the 1950s and 1960s. The popularity of “rambling” ranch houses was made possible by the country’s increasing dependence on the automobile. Streetcar suburbs of the late-nineteenth and early-twentieth centuries still used relatively compact house forms on small lots because people walked to nearby streetcar lines. As the automobile replaced streetcars and buses as the principal means of personal transportation in the decades following World War II, compact houses could be replaced by sprawling designs on much larger lots. Never before had it been possible to be so lavish with land and the rambling form of the Ranch house emphasizes this by maximizing façade width. This is further enhanced by built-in garages that are an integral part of most Ranch houses.

The style is loosely based on early Spanish Colonial precedents of the American southwest and modified by influences borrowed from Craftsman and Prairie modernism of the early twentieth century.

Asymmetrical one-story shapes with low-pitched roofs dominate the Ranch style. Three common roof forms are used: the hipped version is probably the most common, followed by the cross-gabled, and finally, side-gabled examples. There is usually a moderate or wide eave overhang. This may be either boxed or open with the rafters exposed as in Craftsman houses. Both wooden and brick wall cladding are used, sometimes in combination. Builders frequently add modest bits of traditional detailing, based loosely on Spanish or English Colonial precedents. Decorative iron or wooden porch supports and decorative shutters are the most common details. Ribbon windows are frequent as are large picture windows in living areas.

Partially enclosed courtyards or patios, borrowed from Spanish houses, are also common features.

The suburban ranch house could be a small design on a small lot, or large and ornate on a sizeable piece of property. Plano has examples of both. The McCall-Skaggs House (1704 N Place), built in the 1950s, is a rambling Ranch style house that sits on a large corner lot in Plano's Old Town neighborhood.

(Source: McAlester, *A Field Guide to American Houses*)

Mid-Century Style Commercial Storefront (1935-1965)



Common Features	
<p>Roof:</p> <ul style="list-style-type: none"> • Flat roof • No eaves <p>Heights:</p> <ul style="list-style-type: none"> • One or multiple stories <p>Building Materials:</p> <ul style="list-style-type: none"> • Stucco, brick, stone, tile • Glass • Steel, aluminum 	<p>Detailing:</p> <ul style="list-style-type: none"> • Asymmetrical and angled storefront designs • Polished plate glass storefront windows • Picture frame and cantilevered display windows • Recessed entry <p>Other Features:</p> <ul style="list-style-type: none"> • A variety of materials were used for storefront details such as granite, marble, glass block, tile, • Some structures used slip-covered façades of various materials. • May have flat metal canopy or metal awning

Main Street changed dramatically in the mid-twentieth century as new buildings were constructed and older storefronts were modernized in appearance. In many towns the first architectural expression of Modernism was often the bank, specialty shop, cinema, or pharmacy. Mid-century storefront designs were completed by some of the most talented architects and designers practicing in the United States. The storefronts they designed set trends in downtowns across the country, while their numerous publications on store design had an even greater impact.

Meanwhile, the companies that produced glass and aluminum storefronts also promoted renovation. Glossy brochures showing sophisticated shoppers coaxed store owners to modernize in order to match new styles of goods, and fashion. The results were striking. Glassy storefronts spilled light onto busy sidewalks for evening shoppers. Redesigned buildings were honored by special events, celebrating up-to-date looks worthy of an optimistic post-war age. With new signs, storefronts, display windows or slipcovers, Main Street became modern.

One storefront in downtown Plano, 1018 15th Street, is Mid-Century style. It consists of an asymmetrical storefront, smooth stucco façade, aluminum framed display windows and tiled bulkheads.

(Source: Dyson, *How To Work With Storefronts of the Mid-Twentieth Century*)

International Style Commercial Storefront (1935 - Present)



Common Features	
Roof: <ul style="list-style-type: none">• Flat roof• No eaves	Detailing: <ul style="list-style-type: none">• Horizontal emphasis• Horizontal bands of glass• Smooth wall surfaces• Rounded corners
Heights: <ul style="list-style-type: none">• One or multiple stories	Other Features: <ul style="list-style-type: none">• Minimal Ornament and detail• Both symmetrical and asymmetrical facades
Building Materials: <ul style="list-style-type: none">• Stucco and Concrete• Glass• Steel	

In the years following World War I, architects saw a chance to contribute to a new world. For architecture, this meant rejecting most conventional design standards. International style is an influential modernist style in architecture that first developed in Europe. It is characterized chiefly by regular, unadorned geometric forms, open interiors, and the use of glass, steel, and reinforced concrete. This form of architecture stresses functionalism, and rejects all nonessential decorative elements.

Few International style structures were constructed in Plano. The Assistance Center of Collin County (900 18th Street) is a late example of International Style. The structure has smooth stuccoed walls, horizontal bands of glass and minimal ornamentation. Another example, still in existence is the Frederick Douglass School (1111 H Avenue) built in 1961. The building is a flat roofed, asymmetrical brick structure with minimal detail.

(Source: McAlester, *A Field Guide to American Houses*)

APPENDIX D: Glossary of Terms

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

Bedroom Suburb - suburban area or town where many commuters live and whose place of employment is located outside the area or town in which they live.

Building - any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Code - set of standards established and enforced by local government for the structural safety of buildings.

Carpetbaggers – Person(s) who lived in the North and moved to the South after the Civil War for political or financial advantage.

Certificate of Appropriateness - a signed and dated document evidencing the approval of the Heritage Commission and/or Heritage Preservation Officer for work proposed by an owner or applicant. Work may include an alteration, change, demolition, relocation, excavation, or new construction.

Certified Local Government - a local government that has met special requirements set by the State Historic Preservation Office and the National Park Service, and is eligible to receive 10 percent of the Historic Preservation Fund to finance local historic preservation activities.

Comprehensive Plan - is a long-range guide for the future growth, development, redevelopment of the city. It provides a general vision for the city's future and plays an important role in the city's decision-making process. Although the plan focuses on the community's physical environment, it is also tied to socio-economic factors. The plan may include policy statements, goals and objectives, maps and statistical information.

Contributing Heritage Resources - a property located within a designated heritage resource district (overlay) that is typical of the district, is an integral part of the historic and/or architectural fabric of the district, and retains a significant portion of its architectural or design integrity. A structure built outside of the district's period of significance may be deemed by the Heritage Commission as contributing if it is compatible with existing architecture and contributes to the overall architectural fabric of the district.

Design Guidelines - guidelines which are adopted by the Heritage Commission for property designated as a heritage resource or heritage resource district to protect, perpetuate and enhance the historical, cultural, architectural or archeological character of an object, site or structure.

First Tier Suburb - a city with established neighborhoods that is located near or just outside of a central city but inside the ring of developing suburbs.

Gorgetts - decorative ornaments usually worn around the neck.

Grog Ceramics - pottery made with finely ground pieces of fired clay or broken pieces of pottery.

Heritage Commission - is a 7-member board appointed by the City Council to protect the city's unique cultural and architectural heritage, established in accordance with Section 16-107 of the Code of the City of Plano.

Heritage preservation officer (HPO) - a staff person for the City of Plano whose duties encompass all heritage preservation activities for the city as established in accordance with Section 16-109 of the Code of the City of Plano.

Heritage preservation - the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of historic structures or property, or any combination of the foregoing activities.

Heritage resource - a structure, site or landmark of historical, cultural, archaeological, or architectural importance, and which has received local heritage designation.

Heritage resource designation - When a heritage resource is locally designated in Plano, it means that the heritage resource has been officially recognized by the Heritage Commission, Planning & Zoning Commission and City Council as culturally and architecturally significant. A property may be individually designated or designated as part of a district.

Heritage resource district - an area which includes two (2) or more structures or sites, together with their accessory buildings, fences and other appurtenances that are of historical, cultural, archaeological, or architectural importance, and which has received local heritage resource designation. A heritage resource district may have within its boundaries other structures that, while not of such historical, cultural, architectural or archeological significance as to be designated as a heritage resource, nevertheless contribute to the overall visual setting of or characteristics of the district.

Heritage resource survey - a comprehensive survey involving the identification, research, and documentation of buildings, sites, and structures of any historical, cultural, archaeological, or architectural importance; it is the survey of heritage resources published by the Heritage Commission, and as amended.

Heritage Tourism - is a branch of tourism oriented towards promoting the cultural heritage of the location where tourism is occurring.

Individually designated heritage resource - a structure, site or landmark of historical, cultural, archaeological, or architectural importance which has received local heritage resource designation on its own and not as part of a heritage resource district; it may consist of only a single property (not a district overlay), but maybe located within a separately designated historic district.

Metroplex - A metroplex is a large metropolitan area containing several cities and their suburbs.

Mid-Century Heritage Resources - a structure, collection of structures, site or landmark of historical, cultural, or architectural importance that dates from, approximately, 1935 to 1965. Most examples of Mid-Century modern architecture were constructed between the mid-1950s and late 1960s.

National Register of Historic Places - The listing maintained by the U.S. National Park Service of areas that have been designated as historically significant. The Register includes places of local and state significance, as well as those of value to the nation in general.

New Urbanism - the process of reintegrating the components of modern life - housing, workplace, shopping, and recreation - into compact, pedestrian-friendly, mixed-use neighborhoods linked by transit and set in a larger regional open space framework; also referred to as nontraditional planning.

Non-Contributing Heritage Resources - a building, site, structure, or object that does not add to the historic architectural qualities, historic association, or cultural values of the area because it was not present during the period of significance or does not relate to the documented significance of the property due to alterations, disturbances, additions, or other changes, or because it no longer possesses historic integrity nor is capable of yielding important information about the period.

Planning and Zoning Commission - the agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning and other functions as delegated to it by the City Council.

Preservation Ordinance - Plano's City Council established provisions for heritage preservation for the purposes of protecting and preserving places and areas of historical and cultural importance to the City of Plano. The Heritage Preservation Ordinance explains the City's heritage preservation program, and includes the purpose of the program, definitions for common preservation related terms, functions of the Heritage Commission, and explains the designation and certificate of appropriateness processes.

Preservation Tax Exemption Ordinance - The City of Plano offers a tax exemption program for the purpose of providing tax relief needed to encourage the preservation and maintenance of Plano's heritage resources. The Heritage Preservation Tax Exemption Ordinance explains the tax exemption program.

Potential Heritage Resources - a structure, collection of structures, site or landmark of historical, cultural, archaeological, or architectural importance which has not received local heritage resource designation but may have the potential to become a designated heritage resource.

Reconstruction - the act or process of reassembling, reproducing, or replacing by new construction, the form, detail and appearance of a structure or property and its setting as it appeared at a particular period of time by means of the removal of later work, the replacement of missing earlier work or the use of original materials.

Recorded Texas Historic Landmarks - Recorded Texas Historic Landmark (RTHL) is a designation awarded by the Texas Historical Commission for historically and architecturally significant properties in the state of Texas.

Rehabilitation - the act or process of returning a structure or property to a state of utility through repair, remodeling or alteration that makes possible an efficient contemporary use while preserving those portions or features of the structure or property which are significant to its historical, cultural, architectural or archeological values.

Resource - a source or collection of objects, sites, structures, or property which exemplifies the cultural, social, economic, political, archeological or architectural history of the nation, state or city.

Restoration - the act or process of accurately recovering the form and details of a structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Secretary of the Interior's Standards for Rehabilitation - The Secretary of the Interior is responsible for establishing standards for all programs under Departmental authority and for advising Federal agencies on the preservation of historic properties listed in or eligible for listing in the National Register of Historic Places. The standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

Site - the location of a significant event, a prehistoric or historic occupation or activity, or a structure or cluster of structures, whether standing, ruined or vanished, where the location itself maintains historical or archeological value, regardless of the value of any existing structure.

Suburb - low to medium development patterns that surround the urban areas of a city. The suburbs are often residential in character with single-family detached houses as the primary use of land. Increasingly, the suburbs contain employment and service centers as well as residential areas. The automobile historically determines the form of the suburbs.

Sun Belt - the part of the U.S. comprising most of states from the South and Southwest, characterized by warm, sunny climates and regarded as areas of rapid population and economic growth.

Transit Oriented Development (TOD) - moderate and high-density housing concentrated in mixed-use development located along transit routes. The location, design, and mix of uses in a TOD emphasize pedestrian-oriented environments and encourage the use of public transportation.

Urban Center - form of development that aims to integrate the components of modern life – housing, workplace, shopping and recreation – into compact, pedestrian-friendly, mixed-use neighborhood; this form of development typically has higher densities for uses.

Zoning Ordinance - an ordinance enacted by the City Council pursuant to state law that sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan of the city, which includes a zoning map, and complies with the provisions of state law.

APPENDIX E: Community Feedback

On September 29, 2009, the Heritage Commission and Planning Staff conducted a community workshop as part of the process of updating Plano's Preservation Plan. A letter was sent out inviting Plano's preservation community stakeholders to attend the workshop.

Also during the month of September 2009, the Heritage Preservation Survey was posted on the City of Plano website for all citizens to access. Survey forms were mailed out to Plano's preservation community stakeholders as well. The purpose of the survey was to help the Heritage Commission and city staff gauge the local community's interest and knowledge in Plano's heritage resources.

Workshop:

Twenty three individuals attended the workshop. The first half of the workshop concentrated on heritage preservation in Plano in general. The following questions were discussed:

- How is Heritage Preservation defined?
- What features are most important in defining Plano's heritage assets?
- What issues most threaten Plano's heritage assets?
- What things can we do to help protect and promote Plano's historic resources?

Key discussion items and ideas from the workshop included the following:

- Heritage preservation is more than just preserving the buildings around us. It also includes intangible things, such as preserving the history, culture and character of the community. It could also be about preserving a sense of place.
- There was a general concern about deteriorated structures and demolition by neglect. The idea of Plano creating its own "Heritage Village", similar to the one in Dallas, was brought up as a possible tool for preserving resources. Such a park could provide a place for structures to be relocated rather than be demolished.
- Design or architectural guidelines were discussed as tools that could help preserve Plano's historic structures. Several workshop attendees brought up examples of instances where the structures built did not match the approved designs. The general feeling was that Plano needed stronger guidelines and enforcement.
- Another concern was raised about new development near the heritage districts and some attendees were concerned that over time, it will continue to infringe upon the neighborhoods. Many stated that they would like to see stronger guidelines regulating construction in the areas around the Haggard Park and Downtown heritage districts. They felt that the style of new construction should reflect the historic areas better in order to maintain the overall character of Plano's historic area.
- An issue that threatens Plano's historic assets is lack of awareness of Plano's heritage districts. Better signage, more publicity and promotion are needed to draw people in. Residents from every corner of Plano need to feel connected to Plano's history and historic area, not just those people living near it.
- Workshop attendees want to see more economic incentives offered that could help heritage property owners with repair or restoration projects. Finding banks that offered

loans for such projects would be helpful. The idea of having an economic analysis conducted to see how much revenue Plano's heritage areas and museums generate, or could generate in the future, was brought up. If the analysis's findings were positive, it might encourage the city or other private entities to invest more in Plano's heritage districts and museums.

Survey Results:

Approximately 6% of the mailed out survey forms were completed. The majority of individuals that submitted a survey were either commercial heritage property owners, residential heritage property owners, or both. The following are responses received.

- Established heritage districts and historic buildings were identified as the most important features in defining Plano's historic character.
- Most of the surveys indicated that land development regulations and the designation of heritage districts and buildings were the most helpful in protecting heritage resources.
- The top two items that Plano's citizens want to know more about are heritage preservation grants and tax incentives for heritage properties.
- Deteriorated structures and lack of awareness of Plano's heritage resources were listed as the issues that most threaten Plano's heritage assets.
- There appeared to be a general concern about demolitions and new development around Plano's historic neighborhoods.
- Most felt that if preservation efforts weren't kept up, in 50 years Plano's heritage resources would be lost or left to deteriorate.
- Many of the surveys indicated they would like to see more restoration and designation of resources, and they were also interested in seeing more funding become available for restoration projects.

City of Plano Heritage Preservation Survey

The survey will help the Heritage Commission and city staff gauge the local community's interest and knowledge in Plano's heritage resources. Heritage resources are historic, cultural or natural resources which have been identified by its community as representative of the history of the area and of importance to the population. These resources are not limited to buildings, sites, districts, cemeteries, etc. Thank you for taking the time to participate in this survey.

1. Who are you? Select all that apply.

City board or commission member	<input type="checkbox"/>	Residential heritage property owner	<input type="checkbox"/>
Commercial heritage property owner	<input type="checkbox"/>	Residential heritage property tenant	<input type="checkbox"/>
Commercial heritage property tenant	<input type="checkbox"/>	Realtor	<input type="checkbox"/>
Developer	<input type="checkbox"/>	Other	<input type="checkbox"/>
Preservation-related organization	<input type="checkbox"/>		

If your answer was "other" please elaborate: _____

2. What features are most important in defining Plano's historic character? Please rank choices from 1 to 10 with 1 being most important.

Archaeological sites	<input type="checkbox"/>	Parks and other open spaces	<input type="checkbox"/>
Cemeteries	<input type="checkbox"/>	Transportation features (i.e. DART)	<input type="checkbox"/>
Established heritage districts	<input type="checkbox"/>	Urban centers (i.e. Downtown Plano & Legacy Town Center)	<input type="checkbox"/>
Heritage museums	<input type="checkbox"/>	Other	<input type="checkbox"/>
Historic buildings	<input type="checkbox"/>		
Neighborhoods	<input type="checkbox"/>		

If your answer was "other" please elaborate: _____

3. Which of the following would be most helpful for protecting Plano's heritage resources? Please rank choices from 1 to 7 with 1 being most important.

Demolition restrictions	<input type="checkbox"/>
Designation of heritage districts or individual buildings	<input type="checkbox"/>
Design guidelines	<input type="checkbox"/>

Identification of historic and archaeological resources in Plano	
Land development regulations (i.e. zoning ordinance, heritage preservation ordinance, comprehensive plan, preservation plan, etc.)	
Stronger criteria for designating resources	
Other	

If your answer was "other" please elaborate: _____

4. Which of the following preservation tools and techniques would you like to know more about? Select all that apply.

Certificates of Appropriateness		Local heritage districts	
Designation of properties as local heritage resources		Preservation restrictions for heritage properties	
Heritage Commission		Secretary of the Interior Standards for Rehabilitation	
Heritage preservation district guidelines		Tax incentives for heritage properties	
Heritage preservation grants		Zoning and development regulations	
Heritage preservation ordinance		Other	

If your answer was "other" please elaborate: _____

5. What issues most threaten Plano's heritage assets? Select all that apply.

Demolition of heritage resources		New developments near heritage resources	
Deteriorated structures (due to lack of interest and maintenance)		New infill construction	
Lack of awareness of Plano's heritage resources		Other	
Lack of heritage preservation organizations			

If your answer was "other" please elaborate: _____

6. What growth and development issues surrounding Heritage Preservation, if any, have you encountered not dealt with adequately under the current ordinances and regulations?

7. What do you think Plano will look like in 50 years if changes to local ordinances are not made?

8. What specific measures should be taken to protect and enhance Plano's unique character?

9. What specific items would you like to see happen regarding preservation in Plano and what can we do to achieve these items?

10. What actions can we take to educate stakeholders about the value of heritage preservation in Plano?

City of Plano
Heritage Preservation Survey Results

1. Who are you? Select all that apply. (Answers with the highest score were the most popular choices)

Answer Choice	Score	Additional Comments (from survey)
City board of commission member	2	President of Heritage Farmstead Board
Commercial heritage property owner	7	
Commercial heritage property tenant	0	
Developer	0	
Preservation-related organization	2	
Residential heritage property owner	7	
Residential heritage property tenant	1	
Realtor	2	
Other	1	"Work in Plano"

2. What features are most important in defining Plano's historic character? Please rank choices from 1 to 10 with 1 being most important. (Answers with the lowest score were the most popular choices, with the exception of *Other* which only received a few responses.)

Answer Choice	Score	Additional Comments (from survey)
Archaeological sites	74	
Cemeteries	76	
Established heritage districts	30	
Heritage museums	52	
Historic buildings	34	
Neighborhoods	64	
Parks and other open spaces	85	
Transportation features	86	
Urban Centers	86	
Other	16	Festivals; Keeping downtown looking its best; Historic homes are most important

3. Which of the following would be most helpful for protecting Plano's heritage resources? Please rank choices from 1 to 7 with 1 being the most important. (Answers with the lowest score were the most popular choices, with the exception of *Other* which only received a few responses.)

Answer Choice	Score	Additional Comments (from survey)
Demolition restrictions	52	
Designation of heritage districts or individual buildings	37	
Design guidelines	43	
Identification of historic and archaeological resources	43	
Land development regulations	34	
Stronger criteria for designating resources	55	
Other	7	To have teeth in guidelines, regulations and a review committee with absolute authority are needed to eliminate political pressures

4. Which of the following preservation tools and techniques would you like to know more about? Select all that apply. (Answers with the highest score were the most popular choices.)

Answer Choice	Score	Additional Comments (from survey)
Certificates of Appropriateness	4	
Designation of properties as local heritage resources	7	
Heritage Commission	4	
Heritage preservation district guidelines	7	
Heritage preservation grants	11	
Heritage preservation ordinance	6	
Local heritage districts	5	
Preservation restrictions for heritage properties	4	
Secretary of the Interior Standards for Rehabilitation	4	
Tax incentives for heritage properties	9	
Zoning and development regulations	6	
Other		

5. What issues most threaten Plano’s heritage assets? Select all that apply.
(Answers with the highest score were the most popular choices.)

Answer Choices	Score	Additional Comments (from survey)
Demolition of heritage resources	5	
Deteriorated structures	12	
Lack of awareness of Plano’s heritage resources	11	
Lack of heritage preservation organizations	4	
New developments near heritage resources	8	
New infill construction	7	
Other	3	See below.

Additional Comments from survey:

- Lack of coordination and cooperation among existing historic organizations (1 response)
- Lack of protection and more stringent guidelines to protect heritage resources and districts (2 responses)
- Lack of support and advocacy from Plano’s leaders (2 responses)
- The Heritage Commission (1 response)

6. What growth and development issues surrounding Heritage Preservation, if any, have you encountered not dealt with adequately under the current ordinances and regulations?

- Demolition of historic structures (1 response)
- Incompatible infill and new development near historic areas (2 responses)
- Lack of communication between the heritage property owners and the Heritage Commission and staff (2 response)

7. What do you think Plano will look like in 50 years if changes to local ordinances are not made?

- A community with no defining character (4 responses)
- It will look the same as it does now (1 response)
- A divided city, with deterioration and lack of investment on the east side and more expense and higher quality of development on the west side. (3 responses)
- A downtown with deteriorating structures (2 responses)

8. What specific measures should be taken to protect and enhance Plano’s unique character?

- More protection and preservation of Plano’s heritage resources (7 responses)

- Better educate the public on Plano's history and historic areas (1 response)
- Improvement of Plano's schools (1 response)
- Plano should first define who it is and then work on improvements and attractions that will encourage tourism (1 response)

9. What specific items would you like to see happen regarding preservation in Plano and what can we do to achieve these items?

- More funding opportunities for heritage property owners and historic organizations (3 responses)
- Better communication between residents on all sides of Plano (2 responses)
- Better preservation and maintenance of existing heritage resources and districts (3 responses)
- More activities in Plano's historic area to promote awareness of Plano's history (1 response)
- Better leadership, education, solidarity, political support, and long-term vision with goals to implement (1 response)

10. What actions can we take to educate stakeholders about the value of heritage preservation in Plano?

- More activities, meetings, and workshops to promote public involvement in heritage preservation in Plano (4 responses)
- Newsletters to update the public on heritage preservation activities and issues (2 responses)
- Better support and promotion of Plano's history and historic areas by the City especially from City leaders (2 responses)

APPENDIX F: Bibliography

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