

CITY COUNCIL

1520 AVENUE K



DATE: 10/27/2014
CALL TO ORDER: 7:00 p.m.
INVOCATION: Pastor Brian McClane
Northpointe Church
PLEDGE OF ALLEGIANCE: Jr. Girl Scout Troop 3461

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</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> PROCLAMATION: November is Pancreatic Cancer Awareness Month PROCLAMATION: The week of November 2 - 8 is Animal Shelter Appreciation Week PRESENTATION: The City of Plano's Marketing and Community Engagement Department was given the SAVVY Award at the 3CMA Conference</p> <p><u>OATHS OF OFFICE</u> <u>Library Advisory Board</u> Irma Landis</p> <p><u>Photographic Traffic Signal Advisory Committee</u> Angela Powell, Akram Syed</p> <p><u>CERTIFICATES OF APPRECIATION</u> <u>Board of Adjustment</u> Anthony Salas, Edward Stankunas</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Building Standards Commission</u> Mo Khoshkar, Pastor Sapinoso</p> <p><u>Community Relations Commission</u> Jean Dormier</p> <p><u>Cultural Affairs Commission</u> Allen Safir</p> <p><u>Heritage Commission</u> Donna Wenger</p> <p><u>Library Advisory Board</u> Syed Ali, Sneh Goyal, Jane Yancey</p> <p><u>Multicultural Outreach Roundtable</u> Jian Li</p> <p><u>Parks and Recreation Planning Board</u> Gary Fleming, Son Giep, Dustin Kolb</p> <p><u>Photographic Traffic Signal Advisory Committee</u> Phil Head</p> <p><u>Self Sufficiency Committee</u> Cynthia Nye</p> <p><u>Senior Citizens Advisory Board</u> Ronald Maxon, Jr., Karen Mitchell, Lori Williams</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> (a) October 13, 2014</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) RFP No. 2014-169-C for a one (1) year contract with three (3) City optional one-year renewals for life insurance, to be utilized by Human Resources to Cigna Corporation, in an estimated total amount of \$3,229,348; and authorizing the City Manager to execute all necessary documents.</p> <p>(c) Bid No. 2014-348-B for the purchase and installation of a Grounding Transformer for the Municipal Center to Kennedy Electric, Inc., in the amount of \$50,283; and authorizing the City Manager to execute all necessary documents.</p> <p>(d) Bid No. 2014-353-B for the purchase and installation of Backstand Power Upgrades for the Parkway Operations Building to Groves Electrical Service, Inc., in the amount of \$61,152; and authorizing the City Manager to execute all necessary documents.</p> <p>(e) Bid No. 2014-355-B for Canopy Roof Replacement at the Harrington Library to Roof Management Services, Inc., in the amount of \$98,820; and authorizing the City Manager to execute all necessary documents.</p> <p>(f) Bid No. 2014-349-B for the purchase and installation of HVAC and Electrical Modifications for 911 Operations in the Municipal Center to Infinity Contractors International, Ltd., in the amount of \$135,427; and authorizing the City Manager to execute all necessary documents.</p> <p>(g) CSP No. 2014-248-B for the construction of the Police Gun Range Modifications to Turner Construction Company, in the amount of \$1,189,000; and authorizing the City Manager to execute all necessary documents.</p> <p>(h) CSP No. 2014-73-B for an IP Based Fire Station Alerting System, for Public Safety Communications and Plano Fire Rescue to PURVIS Systems Incorporated in the total amount of \$1,306,334; and authorizing the City Manager to execute all necessary documents.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(i)	<p>Bid No. 2014-340-C for a one (1) year contract with three (3) City optional one-year renewals, for the purchase of de-chlorinator tablets for Public Works to HD Supply Waterworks, LTD, in the estimated annual amount of \$73,879; and authorizing the City Manager to execute all necessary documents.</p>	
	<p>Purchase from an Existing Contract</p>	
(j)	<p>To approve a five (5) year term contract for the purchase of Energy Management System Maintenance for Facilities Maintenance, in the estimated total amount of \$495,015 from Johnson Controls, Inc., through an existing contract/agreement with TXMAS; and authorizing the City Manager to execute all necessary documents. (TXMAS-5-03FAC020)</p>	
	<p>Approval of Contract Modification</p>	
(k)	<p>To approve and authorize Contract Modification No. 2 for additional design services for Oak Point Recreation Center Expansion & Renovation, in the amount of \$191,540 with Brinkley Sargent Architects; and authorizing the City Manager to execute all necessary documents.</p>	
	<p>Approval of Expenditure</p>	
(l)	<p>To approve expenditures for Major Arts Grant funds in the total amount of \$789,404 for various arts organizations; and authorizing the City Manager to execute all necessary documents.</p>	
	<p>Adoption of Resolutions</p>	
(m)	<p>To approve the terms and conditions of Local Project Advance Funding Agreement (LPAFA) between City of Plano and the Texas Department of Transportation (TxDOT) for improvements on Preston Road at President George Bush Turnpike (SH 190); authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date.</p>	
(n)	<p>To approve the terms and conditions of the amended Interlocal Agreement (ILA) between City of Plano and Collin County for improvements on McDermott Road from Coit Road to Ohio Drive. This amended Interlocal Agreement will supersede and will repeal the Interlocal Agreement approved on January 25, 2010 by Resolution 2010-1-12(R); authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date.</p>	
(o)	<p>To abandon a fee simple interest of a portion of road right-of-way known as Park Vista Road, dedicated by the Woodlands of Plano Final Plat Number 109891, Volume M, Page 260 Plat Records, as shown on Exhibit "A" which is located in the City of Plano, Texas, retaining a Fire Lane, Access, Utility, Drainage, Public Way, and Sidewalk easement; quitclaiming the fee simple interest to the abutting property owner, to the extent of their interests; authorizing the City Manager to execute all documents necessary to convey the interest; and declaring an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(p)	To approve the terms and conditions of a License Agreement by and between the City of Plano and Dallas Area Rapid Transit (DART) for the use of approximately 43,000 square feet of land at the DART Northwest Plano Park and Ride for the use of sand and salt storage; authorizing its execution by the City Manager; and providing an effective date.	
	<u>Adoption of Ordinances</u>	
(q)	To adopt and enact Supplement Number 108 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date.	
(r)	To approve the carrying-forward of certain fiscal year 2013-14 funds to fiscal year 2014-15; and providing an effective date.	
(s)	To repeal Ordinance No. 2014-10-7; amending Ordinance Nos. 2009-2-15 and 2013-10-32 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to reflect new rates and increase the fee schedules for water and sewer services effective November 1, 2014, and providing a repealer clause, a severability clause, a savings clause, and an effective date.	
(t)	To amend certain sections of Ordinance No. 2013-6-4 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for lost cards, room rentals, and administrative fees; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause, and an effective date.	
	<u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u>	
	<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>	
	<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>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(1)	Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-26 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, amending Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 5.600 (Amendments) of Article 5 (Site Plan Review), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended to modify the Urban Mixed-Use zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano	
(2)	Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-31 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 156.3± acres of land located at the southwest corner of Plano Parkway and Alma Drive in the City of Plano, Collin County, Texas, from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet Sitting to Urban Mixed-Use; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: RPC Heritage 190, LLC	
(3)	<p>Consideration of a request to call a public hearing to amend Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance in order to modify residential density requirements. Applicant: City of Plano</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</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:		10/27/2014		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
PROCLAMATION: November is Pancreatic Cancer Awareness Month				
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				
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PROCLAMATION: The week of November 2 - 8 is Animal Shelter Appreciation Week				
FINANCIAL SUMMARY				
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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

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Council Meeting Date:		10/27/2014		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
PRESENTATION: The City of Plano's Marketing and Community Engagement Department was given the SAVVY Award at the 3CMA Conference				
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
PRELIMINARY OPEN MEETING
October 13, 2014**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
Jim Parrish, Deputy City Manager
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, October 13, 2014, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere 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 and discuss Litigation, Section 551.071; to receive information regarding Economic Development, Section 551.087; and to discuss Real Estate, Section 551.072; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:18 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session –

No items were brought forward.

Personnel – Appointments/Reappointments

Community Relations Commission

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 8-0 to reappoint Michael Caranfa as Chair.

Library Advisory Board

Upon a motion made by Council Member Gallagher and seconded by Council Member Duggan, the Council voted 8-0 to appoint Irma Landis as a member.

Photographic Traffic Signal Advisory Committee

Mayor LaRosiliere appointed Akram Syed as a member. Deputy Mayor Pro Tem Harris appointed Angela Powell as a member. Upon a motion made by Mayor LaRosiliere and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to appoint Robert Drotman as Chair. The Vice-Chair appointment was deferred.

Saigling House Briefing

Deputy City Manager Turner gave a brief presentation on the history of Saigling House and discussed building a partnership with the Arts Center of Plano. He introduced Landscape Architect Liz Del Turco who detailed the location of the property and provided historic and current photographs of the Saigling House façade. Ms. Del Turco spoke to the master plan for the property including the addition of galleries, classrooms, offices spaces, a sculpture garden, plaza spaces, additional parking, addition of porches, exterior historic restoration, interior and exterior schematic designs, integration to the neighboring park, events, and timeline of the project. Ms. Del Turco stated construction would begin after August 2015, when current tenant, CITY House vacates the property, with completion estimated within six to nine months.

Mr. Turner spoke to the possible uses of the facility being large and small events, wedding receptions, gallery space, educational and youth programs, and that the pedestrian access with the Courtyard Theater will allow for larger, coordinated events. He stated the tent pad areas allow for larger events and can accommodate festivals. Mr. Turner advised the City has been communicating with the neighborhood for project input. He stated the project is in the final stages of the business and finance plan and will be brought back to Council before the end of the year.

Human Resources Briefing

Director of Human Resources and Risk Management Akafia presented an overview of the Department. She stated the department's 24 employee's role is to work as a strategic business partner with internal and external customers. Ms. Akafia outlined the Risk Management Division's core functions including Worker's Compensation administration, General Liability/Property and Casualty, Family Medical Leave administration, and safety and loss prevention. She provided a brief video on the City's training opportunities for employee development and advancement, training partners, reciprocal training with other area cities, and extending training opportunities to local non-profit organizations.

Technology Services Briefing

Chief Information Officer Stephens provided an overview of the services provided by the Technology Services Department. He spoke to the 275 applications supported and the department's responsibility for network, security, and server administration. He advised the service desk handled over 15,250 calls in fiscal year 2013-2014. Mr. Stephens stated the department provides radio services for Public Safety Communications and the Cities of Allen, Wylie, Murphy and The Colony, and is also responsible for the Warning Sirens. Mr. Stephens reported the department provides support for the phone system and all wireless devices, and spoke to the importance of increased mobility and additional web services for citizens and employees.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 6:54 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
October 13, 2014**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
Jim Parrish, Deputy City Manager
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, October 13, 2014, at 7:02 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Senior Pastor Fenceroy from Mt. Olive Church of Plano led the invocation and Cadette Girl Scout Troop 3068 from Haggard Middle School led the Pledge of Allegiance.

Mayor LaRosiliere presented a proclamation recognizing November as Pulmonary Hypertension Awareness Month. He further administered oaths of office to incoming board and commission members.

Comments of Public Interest

Citizen Jack Lagos spoke regarding the disbursement of assets from the dissolution of The Arts Center of North Texas and Citizen Larry Geary spoke regarding property standard concerns in the Los Rios area.

CONSENT AGENDA

Citizen Jack Lagos requested that Consent Agenda Item "L" be pulled for individual consideration.

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

Approval of Minutes (Consent Agenda Item “A”)

September 22, 2014

Approval of Expenditures

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

CSP No. 2014-330-B for the Jupiter and Coit Elevated Tanks project to J.R. Stelzer Company, in the amount of \$876,763; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2014-344-B for the purchase of one (1) Chevrolet, 1-Ton Extended Cab Pick-Up from Reliable Chevrolet, in the amount of \$29,329 and one (1) Dodge, ½-Ton Extended Cab Pick-Up from Grapevine DCJ, LLC (aka Grapevine Dodge Chrysler Jeep), in the amount of \$22,770; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2014-221-B for the Residential Concrete Pavement Rehab Project, Zone M5, Project No. 6424 to Lone Star Civil Construction, Inc., in the amount of \$2,744,444; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2014-318-B for Archgate Park Site Improvements to Reconstruction Experts, Inc. in the amount of \$272,599; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

To reject all proposals for CSP No. 2013-136-C for an Advanced Authentication Product for the Police Department. (Consent Agenda Item “F”)

Purchase from an Existing Contract

To approve the purchase of an open performance subscription and professional services in the amount of \$144,000 for three (3) years (\$48,000 per year), with optional one (1) year renewals, from Socrata, Inc., through an existing State of Texas Department of Information Resources (DIR) reseller contract with Dell Marketing, L.P. and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1951) (Consent Agenda Item “G”)

To approve the purchase of fifty (50) GETAC B300 rugged laptop computers and docking hardware for the Police Department in the amount of \$187,250 from Hewlett-Packard Company through an existing DIR (Department of Information Resources) contract, and authorizing the City Manager to execute all necessary documents. (DIR-TSO-2538) (Consent Agenda Item “H”)

To approve the purchase of cable installation services for the renovated Technology Services Support Facility in the amount of \$78,103 from Able Communications, Inc. through an existing contract and authorizing the City Manager to execute all necessary documents. (2011-195-C) (Consent Agenda Item “I”)

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve a Professional Services Agreement by and between the City of Plano and Verdunity, Inc., in the amount of \$117,705 for the Screening Wall Replacement - 15th Street and Custer Road project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

To approve a Professional Services Agreement by and between the City of Plano and Burgess & Niple, Inc., in the amount of \$223,815 for the Dallas North, Los Rios, Ridgewood & Westgate Water Rehabilitation project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

Approval of Contract Modification

To approve a contract modification for the purchase of additional material testing services for the Huntington Park – Timbercreek Estates project in the amount of \$11,234 from Terracon Consultants, Inc., and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

To approve and authorize Contract Modification No. 3 for the purchase of additional engineering services for Windhaven Parkway Project No. 5741 in the amount of \$75,000 from Teague, Nall and Perkins, Inc. This modification will provide for engineering services required to conduct the public hearing and make necessary revisions to the final construction plans. (Consent Agenda Item “N”)

Approval of Change Order

To Red River Construction Company, increasing the contract by \$91,430 for Stadium Pump Station Rehabilitation Project No. 6210, Change Order No. 2. Original Bid No. 2014-166-B. (Consent Agenda Item “O”)

Adoption of Resolutions

Resolution No. 2014-10-1(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between ZeOmega, Inc., a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2014-10-2(R): To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and County of Collin, Texas for improvements along Dallas Parkway and Dallas North Tollway between President George Bush Turnpike (SH 190) and Headquarters Drive; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2014-10-3(R): To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and County of Collin, Texas for the construction of Mapleshade Lane from Silverglen Drive to President George Bush Turnpike (SH 190); authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item “R”)

Resolution No. 2014-10-4(R): To approve the terms and conditions of a First Modification of Ground Lease by and between Oly-IDA Eastside Village, LLP, and the City of Plano to extend the term of the Ground Lease and amend the provision of public parking accessibility; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “S”)

Resolution No. 2014-10-5(R): To approve the hiring of Timothy A. Dunn as Assistant City Attorney III by the City Attorney; and providing an effective date. (Consent Agenda Item “T”)

Adoption of Ordinances

Ordinance No. 2014-10-6: To repeal Ordinance Nos. 2014-9-2 and 2014-9-16; establishing the number of certain classifications within the Fire Department for fiscal year 2014-15; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Fire Department effective October 13, 2014; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “U”)

Ordinance No. 2014-10-7: To amend Ordinance Nos. 2009-2-15 and 2013-10-32 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to reflect the new rates and increase the fee schedules for water and sewer services effective November 1, 2014, and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “V”)

END OF CONSENT

To approve and authorize the Fourth Amendment for an office lease renewal in the amount of \$436,189 from Granite Park III, Ltd., for Economic Development. This amendment will provide for the renewal of the lease for the office space used by Economic Development for one (1) five-year term, with one (1) City optional five-year renewal term. (Consent Agenda Item “L”)

Jack Lagos spoke in opposition to the process used in granting the lease.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to approve and authorize the Fourth Amendment for an office lease renewal in the amount of \$436,189 from Granite Park III, Ltd., for Economic Development. This amendment will provide for the renewal of the lease for the office space used by Economic Development for one (1) five-year term, with one (1) City optional five-year renewal term.

Public Hearing and adoption of Resolution No. 2014-10-8(R) to authorize the creation of the Downtown Plano Public Improvement District, directing the City Manager or his designee, to publish required public notice of the district's authorization, and establishing an effective date. (Regular Item "1")

Deputy City Manager Turner advised the property owners petitioned to create a Downtown Plano Public Improvement District and that the district area boundary is generally the Courtyard Theater area on the west, Municipal Drive on the east, 12th street on the south and 14th street on the north. He stated the majority of the property owners support the district represented by 94.1 percent of the assessed property value, 66.7 percent of property owners and 74.5 percent of the land area. Mr. Turner estimated the district would generate revenues of \$137,953 in 2015, \$170,906 in 2016, and \$188,859 in 2017. He spoke to the initial term of three years, extended only by property owner request; the assessed property values remaining at the 2014 values for assessment purposes, unless property ownership changes or property is improved more than \$200,000; the \$25,000 maximum contribution for multifamily properties; and that the City would contribute \$50,000 annually to the District.

Mr. Turner stated at the Council's discretion, an advisory board may be established with all property owners as members and an executive committee of the board consisting of eight members, including the three highest value property owners and five members elected by the board. He advised the Advisory Board would develop a budget, service and assessment plan for Council to consider and an additional public hearing would be held in December.

Mayor LaRosiliere opened the Public Hearing. Bonnie Shea, owner of Urban Crust, Urban Rio and the Ice House, spoke in favor of the District stating it will improve the cohesiveness of Downtown. Aaron Allred, property owner, spoke in favor of the District noting it will enhance all businesses, even those not dependent on foot traffic. Mayor LaRosiliere closed the Public Hearing.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 8-0, to authorize the creation of the Downtown Plano Public Improvement District, directing the City Manager or his designee, to publish required public notice of the district's authorization, and establishing an effective date; and further to adopt Resolution No. 2014-10-8(R).

Resolution No. 2014-10-9(R): To appoint an Advisory Board for the Downtown Plano Public Improvement District, establishing membership requirements for an Executive Committee of the Advisory Board, and providing an effective date. (Regular Item "2")

Deputy City Manager Turner stated this item will establish the Advisory Board for the Downtown Plano Public Improvement District with all property owners as members.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0, to appoint an Advisory Board for the Downtown Plano Public Improvement District, establishing membership requirements for an Executive Committee of the Advisory Board, and providing an effective date; and further to adopt Resolution No. 2014-10-9(R).

Public Hearing and adoption of Ordinance No. 2014-10-10 as requested in Zoning Case 2014-27 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend and expand Planned Development-65-Central Business-1 on 168.1± acres of land located at the northeast corner of the Dallas North Tollway and Tennyson Parkway, in the City of Plano, Collin County, Texas, in order to modify the development standards and to include 69.8± acres of land located at the southwest corner of the Dallas North Tollway and Headquarters Drive currently zoned Planned Development-65-Central Business-1 and Central Business-1 with Specific Use Permit No. 265 for Day Care Center; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: J.C. Penney Co., Inc. and SWC Tollway & State Highway 121, LLC (Regular Item “3”)

Director of Planning Day spoke to the request to add two tracts, totaling 70 acres, west of Dallas North Tollway, to the existing PD-65. She stated the uses for Tract C would be mixed-use including retail, office space, a hotel, and multi-family (maximum 800 units) with a quasi-public street and Tract D would be single-family attached. Ms. Day spoke to the requested modifications to the plan regarding open space and signage. She reported the applicant’s request includes an increase in the maximum sign size to 450 square feet and provided samples of existing signage and simulated signs on a parking garage for comparison. Ms. Day advised the Planning and Zoning Commission recommended a sign size of 300 square feet and if Council would like to increase the size, it would require a separate super (¾) majority vote. She stated the Planning and Zoning Commission recommended for approval as noted below:

(Proposed additions are indicated by underlined text; deletions are indicated by ~~strikethrough text~~.)

Restrictions:

General Conditions of the Planned Development District

1. The zoning exhibits shall be adopted as part of this ordinance.
2. The Planned Development shall be divided into four tracts:
 - a. Tract A, south of Legacy Dr., must be developed using the standards required by the planned development district.
 - b. Tract B, north of Legacy Dr., may be developed using either these requirements or the CB-1 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.
 - c. Tract C, west of the Dallas North Tollway, north of Legacy Dr., east of Communications Pkwy. and south of Headquarters Dr. must be developed using the standards required by the planned development district.
 - d. Tract D, at the southwest corner of Headquarters Dr. and Communications Pkwy. must be developed using the standards required by the planned development district. Tract D may be developed in accordance with the uses permitted within the CB-1 zoning district, or as single-family residence attached.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

3. Telecommunications Plan - A plan for providing telecommunications service within the district and wireless antenna sites serving the larger area shall be submitted within one year of the approval of this ordinance.
4. Street trees shall be provided at a rate of 1 4-inch caliper tree per 35 feet of street frontage per side. Exact spacing and location of street trees shall be determined at the time of site plan approval.
5. Lots must have frontage on a street. There is no required frontage distance for a lot although each lot must meet the design standards of the district.

Specific Provisions of the Planned Development

1. Building Design

- a. On the south side of Legacy Dr., buildings fronting on Bishop Rd. must be designed to accommodate ground floor retail uses from Legacy Dr. south to Martin Rd. On the north side of Legacy Dr., retail, office, and live/work space is allowed on the ground floor of all multifamily buildings but is not required. Ground floor activities of nonresidential buildings shall be oriented to the street and shall have access directly from the street. 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. Nonresidential buildings, except for parking garages, shall have a minimum of 40% of the ground floor facade comprised of window area. Facades facing the Dallas North Tollway frontage road and Legacy Dr. within 400 feet from the Dallas North Tollway frontage road are exempt from this requirement and shall have a minimum of 30% of the ground floor facade comprised of window area. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.
- c. Canopies, balconies, stoops, bay windows, awnings, and other building projections may encroach up to 5 feet into the public right-of-way.
- d. Buildings shall be constructed with 75% of each facade within 6 feet of the right-of-way for streets and mews, unless restricted by easements. Where easements are present, 75% of each facade must be built to the easement line.

Exceptions to these setback requirements are:

- i. Within Tracts A and B, buildings with facades along the Dallas North Tollway frontage road shall have a 300-foot maximum setback.
- ii. Within Tracts A and B, buildings with facades along Legacy Dr., within 400 feet from the Dallas North Tollway frontage road, shall have a 300-foot maximum setback.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

iii. Within Tracts A and B, Aall developments having building facades along Legacy Dr., except for item ii. above, shall have a maximum setback of 30 feet or to the easement line if greater than 30 feet. The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed along Legacy Dr. A public or private mews street may also be installed between Legacy Dr. and the buildings. In this case, 75% of the building facade shall be within 6 feet of the mews street right-of way. The initial development along the south side of Legacy Dr., except within the area defined in item ii. above, shall determine which development standard is to be used.

iv. Within Tract C, buildings shall be constructed with 75% of each façade within 30 feet of the back of curb of the quasi-public street or within 100 feet of the back of curb of Headquarters Dr., Communications Pkwy., Legacy Dr. or the Dallas North Tollway.

v. Within Tract C, off-street surface parking is prohibited between the quasipublic street and the building facade.

vi. Within Tract C, if a public open space, patio dining, plaza, or other public amenity is provided between the building face and the street, then the amenity may be used to meet the maximum building setback. Surface parking lots cannot be used to meet the maximum building setback.

e. Within Tracts A and B, Bbuilding facades fronting Headquarters Dr. or Tennyson Pkwy. shall have a maximum setback of 30 feet or to the easement line if greater than 30 feet. The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed along Headquarters Dr. or Tennyson Pkwy. If a mews street is used, the building facade shall have 75% of its face with 6 feet of the mews street right-of-way line.

f. Within Tracts A and B, Bbuilding facades fronting Parkwood Blvd. shall have a maximum setback of 30 feet or to the easement line if greater than 30 feet. The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed along Parkwood Blvd. A public or private mews street may also be installed between the buildings and the right-of-way of Parkwood Blvd. If a mews street is used, the building facade shall have 75% of its face within 6 feet of the mews street right-of-way line. The minimum setback shall be 6 feet from the right-of-way of Parkwood Blvd.

g. No building facade shall exceed a length of 400 feet without a break in the facade of a minimum depth of 5 feet for a minimum length of 10 feet.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

h. Tract C shall contain a quasi-public street connecting Legacy Dr. to Headquarters Blvd.

i. Quasi-Public Street Definition: Quasi-public streets are privately owned and maintained drives open to public access. A quasi-public street easement shall be dedicated for all quasi-public streets, and a fire lane shall be located within all quasi-public street easements. On-street parking and sidewalks provided along quasi-public streets shall be located within the quasi-public street easement. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of quasi-public streets.

ii. On-street parking is permitted along the quasi-public street provided it is parallel or angled. Ninety-degree, head-in parking, is prohibited along the quasi-public street.

iii. Buildings fronting the quasi-public street shall be designed to accommodate ground floor retail and office uses. Live/work space is permitted on the ground floor of all multifamily buildings. Ground floor activities of nonresidential buildings shall be oriented to the street and shall have access directly from the street. Ground floor is defined as that portion of building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.

iv. Public or private mews streets may be installed between the buildings, perpendicular to the quasi-public street and all other public streets. If a mews street is used, the building façade shall have 75% of its face within 7 feet of the mews street right-of-way line.

i. Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

2. Residential Development Standards

a. Standards relating to all residential development

i. Within Tracts A and B, No minimum open space shall be required per residential dwelling unit. However, 2 park or courtyard areas must be provided within the planned development district, 1 on each side of Legacy Dr. The park areas shall total 5 acres in size. These areas may be publicly or privately owned. Parks, courtyards, and streetscape areas shall be shown at the time of concept plan or site plan approval on the concept plan or site plan.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

ii. No off-street loading docks shall be required for buildings containing residential uses. Off-street loading docks for nonresidential uses may not be located adjacent to or across a street or alley from buildings containing residential uses unless the loading dock is screened in accordance with the following:

- Solid metal gates
- Masonry screening walls (in accordance with Section 3.1000)
- Overhead doors
- Any combination of the above

b. Standards relating to multifamily residence development

i. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104.

ii. The minimum residential density for multifamily development shall be 40 dwelling units per acre. Mid-rise residential is excluded from this requirement.

iii. Within Tract C, the maximum number of multifamily dwelling units shall be 800.

iv. Within Tract C, the first floor of residential buildings shall not solely consist of structured parking.

c. Standards relating to single-family residence attached development

i. Each dwelling unit shall be on an individually-platted lot. Lots shall front on a public street, or private mews street, or slip road. Mews streets used for private lot frontage shall be named streets and shall not be gated.

ii. Within Tract D, Garages for single-family residence attached uses shall not front on Headquarters Dr. or Communications Pkwy.

iii. Minimum Lot Area: 700 square feet.

iv. Maximum Density: 40 dwelling units per acre

v. Minimum Lot Width: 20 feet

vi. Minimum Lot Depth: 35 feet

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

vii. Front yard setbacks shall apply as follows:

- Minimum Setback from Mews Street or Slip Road: 12 feet from back of street curb to building
- Maximum Setback from Mews Street or Slip Road: 18 feet from back of street curb to building
- Maximum Setback from Public Street or Slip Road: 15 feet from back of street curb to building
- Maximum Setback from Public Street or Slip Road: 21 feet from back of street curb to building
- Minimum of 75% of the front facade of the building shall fall within the minimum and maximum setback

viii. Minimum Side Yard

- Interior Side Yard: None
- Exterior Side Yard (Corner Lot): Shall be treated the same as front yards

ix. Minimum Rear Yard: None

x. Maximum Height: 3 story (50 feet)

xi. Minimum Floor Area per Dwelling Unit: 800 square feet

xii. Maximum Lot Coverage: 100%

xiii. Street trees shall be placed in planting beds or tree grates within 6 feet of the back of the street curb.

xiv. Sidewalks with a minimum unobstructed width of 6 feet shall be placed along street frontage within Tracts A and B. Sidewalks with a minimum unobstructed width of 7 feet shall be placed along street frontage within Tracts C and D. Sidewalks are in addition to and placed adjacent to street tree areas.

xv. Stoops and landscaped areas adjacent to the building may extend a maximum distance of six feet into the area between the front facade of the building and the back of the street curb.

xvi. Maximum Building Length: 200 feet

xvii. Buildings must be separated by a minimum distance of 10 feet.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

xviii. Maximum Number of Units per Building: 10

xix. Rear entry drives are required. The distance from the garage to the travel lane of the alley shall be 10 or less feet in length or shall be 20 feet or greater in length. The distance from the garage to the mews street shall be in accordance with the attached mews street section.

3. Street, Sidewalk, and Streetscape Regulations

- a. Streets, private streets and drives, streetscape and visibility triangles shall be in accordance with the attached street and drive sections and intersection diagrams.
- b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted. These areas shall not be included in parking calculations.
- c. Within Tracts C and D, trees, landscaping, outdoor dining areas, bicycle racks and street furniture may be placed within a sidewalk but may not reduce the 7 feet unobstructed width.

4. Parking Regulations

- a. On-street parking within 300 feet of a proposed use may be counted toward satisfying the parking requirement for such use. Assignment of on-street parking shall be at the time of approval of the site plan.

The required parking within the district shall be as follows:

- Multifamily - One space per bedroom (including efficiencies). Spaces for multifamily uses may be provided in a joint use parking structure and need not be within 100 feet of the units served.
- Single-Family Attached - Each dwelling unit shall have a rear entry drive within a minimum of 2 parking spaces per garage. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.
- Live/Work Space - 1 space per 800 square feet of area on the ground floor
- Retail - 1 space per 500 square feet of floor area
- Office - 1 space per 300 square feet of floor area
- Hotel - 1 space per guest room and 1 space per 160 square feet of meeting area
- All Other Nonresidential Uses - 1 space per 250 square feet of floor area

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

b. Within Tract C, a maximum of 100 off-street parking spaces are permitted within a surface parking area within each lot. These areas shall contain a five-foot landscaped edge between the parking area and the street. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet.

c. The initial developments in the district will provide parking as required above. Required parking may be shared among the following uses: multifamily, residential, office, retail, restaurant, health club, hotel, and theater, based on time-of-day parking demands for such uses. A parking study detailing parking needs and shared parking arrangements must be submitted at the time of site plan review and approval.

d. When a building is under single ownership, a maximum of 50% of the spaces provided in a parking structure may utilize small car parking requirements.

e. Structured parking shall be designed to minimize the ground level view of automobiles below their hood lines. Parking structure facades shall have strong horizontal architectural elements. Pedestrian entrances to parking garages shall be directly accessed by a sidewalk or mews or through an internal building vestibule.

5. Prohibited/Additional Allowed Uses

a. The following uses shall be prohibited:

- electrical substation
- railroad team track
- freight terminal or dock
- service yard for governmental agency
- shops, office, or storage area for public/private utility
- water treatment plant
- automobile parts sales (inside)
- automobile repair garage
- automobile storage
- car wash
- motorcycle sales/service
- tire dealer (no open storage)

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

- contract construction
- general commercial plant
- transfer storage and baggage terminal

b. The following additional uses shall be permitted:

- artisan's workshop
- bed & breakfast
- single-family residence attached

c. Within Tract C, the following additional uses shall be permitted:

- Multifamily and mid-rise residential

d. Within Tract D, the following additional uses shall be permitted:

- Single-family residence attached

6. Signage Regulations

In addition to signs permitted by Section 3.1600 of the Zoning Ordinance, the following additional signs and/or revised sign definitions and standards are permissible:

Freestanding Identification Signs - Freestanding identification signs may be installed at the following locations and shall comply with the Dallas North Tollway Overlay District signage requirements:

- The intersections of Type D and larger thoroughfares.
- The intersection of Bishop Rd. and Type D and larger thoroughfares.

Freestanding identification signs are exempt from the requirement that they be located at least 30 feet from a private property line.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

Directional Signs

a. General

- A directional sign is any noncommercial sign, which directs the public to various locations, for instance, but not limited to, the retail, apartments, hotel, or parking areas.
- A directional sign may be a freestanding sign, a wall sign, a projecting sign, or mounted to a vertical support.
- These signs shall not contain advertising and shall be specifically directional in nature.

b. Sign Size - A directional sign mounted to a vertical support shall not exceed 15 square feet and the maximum sign width is 3 feet wide. The bottom of the sign shall not fall below 7 feet from the ground surface.

Banners – General

- Banners may be mounted to a vertical support or attached to a building or parking deck and may cross the street.
- Banners, which are mounted to a vertical support, may be integrated onto street and pedestrian light poles.
- Banners may display artwork or a message that pertains to the district or a special event.

Portals – General

- A portal is an entry feature, which may be freestanding, span across an area, or attached to a building or structure.
- Portals may be located at the following locations:
 - The intersections of Bishop Rd. and Type D and larger thoroughfares.
 - The intersection of Henry Cook Blvd. and Parkwood Blvd.
- Portals which span across the public right-of-way may be erected subject to city approval.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

Directory Map

a. General

- A directory map is a noncommercial map listing the occupants within a shopping center, retail district, office district, or commercial site.
- A directory map may be freestanding, mounted to a wall, mounted to a vertical support, incorporated into a kiosk, or anchored within the public right-of-way.
- A directory map is used to provide way finding information for pedestrians.

b. Sign Size

- A directory map, mounted to a vertical support, shall not exceed 40 square feet.

Architectural Roof Signs

a. General

- An architectural roof sign is a sign on top of a roof structure which may extend above the highest point of a roofline.
- Architectural roof signs are prohibited on building facades facing the Dallas North Tollway, Headquarters Dr., Parkwood Blvd., Tennyson Pkwy., and Legacy Dr.

b. Sign Size

- Architectural roof signs shall not exceed an overall height of 9 feet and shall not exceed a maximum square footage of 150 square feet.

Sloping Roof Signs

a. General

- A sloping roof sign sits at the base of a sloping roof structure/awning element and does not extend above the roofline of the structure or element.
- Sloping roof signs are limited to the retail portions of Legacy Town Center and Tract C.

b. Sign Size

- Sloping roof sign height shall not exceed 1/3 of the height of the sloping roof seen in true elevation. (See attached zoning exhibit for sloping roof sign detail.)

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

A-frame Signs

a. General

- An a-frame sign is a self-supporting A-shaped sign with 2 visible sides that is located on or adjacent to a sidewalk.
- The sign shall be sufficiently weighted or anchored.
- A-frame signs may be located within the public right-of-way.

b. Sign Size

- The maximum square footage is 8 square feet per sign face and the maximum sign height is 4 feet high.

Projecting Signs

a. General

- Projecting signs must keep a minimum clearance of 8 feet above the sidewalk.
- Projecting signs may be located within the public right-of-way.

b. Sign Size

- The horizontal portion of any projecting sign shall not be more than 6 feet 6 inches in length measured from the building face.
- The projecting sign shall not exceed 60 square feet.

Murals - General

- Murals are noncommercial pictures, not advertising a product or service, which is sold on the premises, painted on, or attached to the exterior walls. The subject matter of a mural is expressed by means easily understood by a general audience.
- Murals shall be reviewed and approved at the discretion of the Building Official for compliance with the definition of a mural and for appropriate size and placement.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

Kiosks

a. General

- Freestanding kiosk structures may be anchored within the public right-of-way or erected on individual lots. If anchored in the public right-of-way, kiosks are limited to 15 feet in height, and all accessibility and visibility requirements must be met for public sidewalks and streets. A maximum of 4 freestanding kiosks may be installed in the public right-of-way, 2 in the portion of the planned development district south of Legacy Dr., and 2 in the portion north of Legacy Dr. Kiosks in the public right-of-way may display directory maps, artwork, or messages that pertain to the district or special events, but shall not be used for commercial advertising signs. Kiosks located on private property may display commercial advertising signs.

b. Sign Size

- Signage on all kiosks shall not exceed 40 square feet in the public right-of-way. Signage on kiosks located on private property may not exceed 60 square feet. For multiple-sided kiosks, the gross surface area of each side shall not exceed 2 times the allowable square footage divided by the number of sign faces.

Multipurpose Wall Signs

a. General

- A multipurpose wall sign is any sign mounted on the wall of a building which is used to identify shopping centers, retail districts, office districts, or commercial sites and may include a listing of occupants within the development being identified. The multipurpose wall sign may also be an electronic changeable wall sign as defined herein.
- Multipurpose wall signs are exempt from Subsections 3.1603 (1)(b) and (2)(f) of Section 3.1600.
- An electronic changeable wall sign is a type of multipurpose wall sign that displays static images that change message or copy by programmable electronic processes. Electronic changeable wall signs shall be allowed to change copy every 8 seconds.

b. Size and Location

- Multipurpose wall signs shall not be limited in height or width except that they shall be limited to 300 square feet in size.
- Multipurpose wall signs within Tract C shall be limited to 300 square feet in size.
- A maximum of 2 multipurpose signs shall be mounted to parking garages located adjacent to the Dallas North Tollway within Tract C.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

- A maximum of 2 multipurpose wall signs shall be mounted to the parking garage located at the southeast corner of the Dallas North Tollway frontage road and Legacy Cr. only. The signs shall be mounted on the north, west, or south facades, and only 1 sign shall be permitted on each facade.
- Multipurpose wall signs may only be used to advertise tenants, owners and uses and any of their products or services within PD-65. ~~by the Dallas North Tollway on the west, Legacy Dr. on the south, Bishop Rd. on the east, and Legacy Cr. on the north.~~

Design Guidelines for Planned Development-65-Central Business-1 and Planned Development-Central Business-1

OPEN SPACE

1. A minimum of 5% of the gross acreage of PD-CB-1 and Tracts C & D within PD-65- CB-1 shall be provided as open space.
2. A minimum of 0.25 acre shall be located on the quasi-public street within Tract C of PD-65-CB-1.
3. Open space shall be accessible to the public at all times and shall not be fenced.
4. Open space shall have a minimum dimension of 30 feet long by 30 feet wide.

Mr. Fehmi Karahan, applicant, spoke to the project providing a brief history of the property and introduced Mr. Barry Hand of Gensler, the Architect, of the project. Mr. Hand discussed the project and provided renderings detailing the site plan, property uses, aesthetics, and samples of similar projects. He provided a scale drawing of the approved sign size, the requested size, and a billboard size sign on the parking garage rendering for the project. Mr. Karahan spoke to the importance of expanded parking in the project. In response to a question from Deputy Mayor Pro Tem Harris regarding lack of land for corporate development, Mr. Karahan stated the Town Center concept is an attraction to corporations.

Mayor LaRosiliere opened the Public Hearing. Robbie Robinson, Plano resident, spoke to his concerns of the site plan not having space for additional corporate campus projects, traffic congestion on the street within the development, and the request for the larger sign. Mayor LaRosiliere closed the Public Hearing.

Mayor LaRosiliere stated the development's amenities, restaurants, and retail are desirable to businesses relocating to the area. Council Member Downs requested more information regarding the undeveloped land in the area for new corporate locations. Ms. Day provided additional information about the available properties. Mr. Karahan spoke to building office towers for commercial development in a vertical manner instead of sprawling campus areas. Mayor Pro Tem Smith stated she liked the proposed project. Council Member Duggan appreciated the mix of amenities and open land for new development. Mayor LaRosiliere stated the Council needed to consider the sign portion of the item first and then address the remainder of the zoning case.

Public Hearing and adoption of Ordinance No. 2014-10-10 (cont'd)

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0, to amend the maximum sign size for a multipurpose wall sign for Tract C to 450 square feet.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend and expand Planned Development-65-Central Business-1 on 168.1± acres of land located at the northeast corner of the Dallas North Tollway and Tennyson Parkway, in the City of Plano, Collin County, Texas, in order to modify the development standards and to include 69.8± acres of land located at the southwest corner of the Dallas North Tollway and Headquarters Drive currently zoned Planned Development-65-Central Business-1 and Central Business-1 with Specific Use Permit No. 265 for Day Care Center; directing a change accordingly in the official zoning map of the City; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-27, with the exception of the maximum sign square footage for Tract C; and further to adopt Ordinance No. 2014-10-10.

Public Hearing and adoption of Ordinance No. 2014-10-11 as requested in Zoning Case 2014-28 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 137.3± acres of land located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, from Central Business-1 to Planned Development-64-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: J.C. Penney Co., Inc. and SWC Tollway & State Highway 121, LLC (Regular Item “4”)

Director of Planning Day stated the property located at State Highway 121 and the Dallas North Tollway is zoned Central Business-1. She spoke to the five-acre open space area and the proposed uses of office space, retail, and mid-rise residential development. Ms. Day stated the Planning and Zoning Commission recommended for approval as noted below; subject to City Council approval of Zoning Case 2014-27:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

Restrictions:

1. Mid-rise residential is an additional permitted use subject to the following standards:
 - a. A maximum of 10 acres may be developed as mid-rise residential.
 - b. Mid-rise residential is prohibited within 700 feet of the right-of-way line of State Highway 121 and the Dallas North Tollway.
 - c. Minimum density: None
 - d. Minimum building height: 7 stories
 - e. Maximum number of dwelling units: 1,000

Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

Public Hearing and adoption of Ordinance No. 2014-10-11 (cont'd)

Design Guidelines for Planned Development-65-Central Business-1 and Planned Development-Central Business-1

OPEN SPACE

1. A minimum of 5% of the gross acreage of PD- CB-1 and Tracts C & D within PD-65-CB-1 shall be provided as open space.
2. A minimum of 0.25 acre shall be located on the quasi-public street within Tract C of PD-65-CB-1.
3. Open space shall be accessible to the public at all times and shall not be fenced.
4. Open space shall have a minimum dimension of 30 feet long by 30 feet wide.

Ms. Day responded to questions from Council stating the 1,000 maximum units and ten acres dedicated to residential development is due to the primary use being commercial, and residential is an infill use and the distance from the centerline of major roads in mixed-use developments is typically closer than the standard requirement of 1200 feet and is similar to other developments in the area.

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against. Mayor LaRosiliere closed the Public Hearing.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, so as to rezone 137.3± acres of land located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, from Central Business-1 to Planned Development-64-Central Business-1; directing a change accordingly in the official zoning map of the City; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-28; and further to adopt Ordinance No. 2014-10-11.

Ordinance No. 2014-10-12: To determine the public use, need, and necessity for the acquisition of street, sidewalk, utility and temporary construction easements as described in the attached Exhibit "A", for the Parker Road Corridor Project; authorizing the use of the power of eminent domain to condemn the easement properties; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property including making initial and bona fide offers, and authorizing the City Attorney or her designee to file eminent domain proceedings, if necessary, and providing an effective date. (Regular Item "5")

Director of Engineering Carr stated the ordinance provides the authority to acquire the easements needed for the Parker Road Construction Project to reduce congestion. He advised Staff will continue to negotiate with the eight owners to acquire the properties. Mr. Carr provided maps designating the easement areas and stated a specific motion is needed for the item.

Public Hearing and adoption of Ordinance No. 2014-10-12 (cont'd)

Council Member Davidson moved to authorize the use of the power of eminent domain to acquire all easement properties for the Parker Road Corridor Project, beginning at West Parker Road and Coit Road and ending at West Parker Road and Alma Drive, and more fully described in Exhibit "A" which is attached hereto and to the Ordinance posted on tonight's City Council agenda marked as Item No. 5, and for the public use of street, sidewalk, utility, and temporary construction easements; and further to adopt Ordinance No. 2014-10-12. City Attorney Mims requested the City Secretary attach Exhibit "A" to the motion for the record. Council Member Downs seconded the motion and the Council voted 8-0. The motion carried.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 9:04 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary

PROPERTY 1

(GCBC)

PARCEL 1

(SSU)



0.019 ACRE 5' X 168.08'
STREET & SIDEWALK EASEMENT

0.019 ACRE 5' x 168.08'
STREET & SIDEWALK EASEMENT

Being a 0.019 Acre tract of land situated in the JOHN BEVERLY SURVEY, ABSTRACT NO. 78, in the City of Plano, Collin County, Texas. Said 0.019 Acre tract of land being a portion of that certain Lot 4, Block A, of Parkview Plaza as recorded in Volume 12, Page 143 Deed Records of Collin County, Texas, SAID 0.019 Acre tract of land, being more particularly described by metes and bounds as follows:

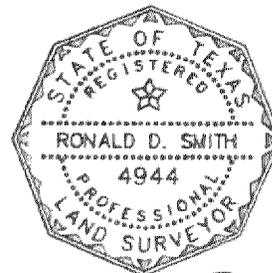
BEGINNING at a 1/2 inch iron rod set, being at the most Northeast corner of the aforesaid Lot 4, Block A Parkview Plaza, and being in the intersection of the South right-of-way line of W. Parker Road, a called 100' public right-of-way, and the West line of Alma Road, a called 100' public right-of-way,

THENCE South 00 degrees 21 minutes 17 seconds East, along the West line of the aforementioned Alma Road, a distance of 5.00 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE South 89 degrees 38 minutes 43 seconds West, leaving the aforementioned West line of Alma Road, a distance of 168.08 feet to a 1/2 inch iron rod set capped "ESMT", being in the East line of Block A, Lot 3 of Parkview Plaza, said Deed Records;

THENCE North 00 degrees 21 minutes 17 seconds West, along the East line of the aforementioned Block A, Lot 3 tract, a distance of 5.00 feet to a 1/2 inch iron rod set capped "ESMT", being in the South line of the aforementioned W. Parker Road;

THENCE North 89 degrees 38 minutes 43 seconds East, along the South line of W. Parker Road, a distance of 168.08 feet to the POINT OF BEGINNING, and containing 0.019 acres of land more or less.



Ronald D. Smith

FIRM REGISTRATION # 101023-00

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-9840

FAX 972-564-9857

MAY 22, 2014

SCALE: 1" = 30'

SHEET 1 OF 2

5' X 168.08" STREET & SIDEWALK EASEMENT
JOHN BEVERLY SURVEY, ABSTRACT NO. 78
CITY OF PLANO, COLLIN COUNTY, TEXAS

ALMA_RDS_ESMT_04-23-2014-5X.DWG

(SEE SHEET 2 OF 2 FOR MAP EXHIBIT)

RD
SD

0.019 ACRE 5' X 168.08'
STREET & SIDEWALK EASEMENT

1101 W. PARKER RD. BLK A, LOT 1
GULF OIL #7

JOHN BEVERLY SURVEY
ABSTRACT NO. 78

840.4 Sq. Feet
0.019 Acres

W. PARKER ROAD
(CALLED 100' PUBLIC R.O.W.)

POINT OF BEGINNING

1104 W. PARKER RD.
BLK A, LOT 3
PARKVIEW PLAZA

20' JOINT ACCESS EASEMENT
VOL 4471, PG. 4308

1100 W. PARKER RD.
BLK A, LOT 4
PARKVIEW PLAZA

ALMA ROAD
(CALLED 100' PUBLIC R.O.W.)

LINE	BEARING	DISTANCE
L1	S 00°21'17" E	5.00
L2	N 00°21'17" W	5.00



RDS
FIRM REGISTRATION # 101023-00

5' X 168.08" STREET & SIDEWALK EASEMENT
JOHN BEVERLY SURVEY, ABSTRACT NO. 78
CITY OF PLANO, COLLIN COUNTY, TEXAS.

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9840 FAX 972-564-9857
MAY 22, 2014 SCALE: 1" = 30'

BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES. BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH

SHEET 2 OF 2

ALMA RDS ESM7 04-23-2014-BX.DWG

(SEE SHEET 1 OF 2 FOR FIELD NOTES)

PROPERTY 2

(Quickway)

PARCEL 1

(SSU)

0.010 ACRE 30' X 30'
STREET EASEMENT

30' X 30' 0.010 ACRE STREET EASEMENT

Being a 0.010 acre tract of land situated in the Ben M. Craig Survey, Abstract No. 176, City of Plano, Collin County, Texas. Said 0.010 acre tract of land being a portion of that certain Lot 3, Block 1, of the Parker Coit Addition, as recorded in Volume G, Page 716, Map Records, Collin County, Texas, said 0.010 acre tract of land, being more particularly described by metes and bounds as follows:

BEGINNING at a found "X" Cut, being located at the intersection of the West line of Coit Road, a called 130 foot public Right-of-Way, and the North line of W. Parker Road, a called 100 foot public Right-of-Way, said point being the beginning of a non-tangent curve to the right whose radius is 535.00 feet , and whose long chord bears North 87 degrees 56 minutes 32 seconds West, 30.00 feet;

THENCE along said curve to the right, and along the North line of said W. Parker Road, through a central angle of 03 degrees 12 minutes 46 seconds, an arc length of 30.00 feet to a set 1/ 2 inch iron rod with cap stamped "ESMT RDS", being the end of said curve;

THENCE North 44 degrees 53 minutes 48 seconds East, departing the North line of said W. Parker Road, a distance of 40.80 feet to a set "X" , being in the West line of said Coit Road, being the beginning of a non-tangent curve to the right whose radius is 1198.00 feet, and whose long chord bears South 02 degrees 15 minutes 30 seconds East, 30.00 feet;

THENCE along said curve to the right, and along said West line of Coit Road, through a central angle of 01 degree 26 minutes 05 seconds, an arc length of 30.00 feet to the POINT OF BEGINNING, and containing 454.74 square feet or 0.010 acres of land, more or less.



0.010 ACRE 25' X 25' STREET EASEMENT
BEN M. CRAIG SURVEY, ABSTRACT 176
CITY OF PLANO, COLLIN COUNTY, TEXAS.

09-16-2014, REVISED TO SHOW SQUARE FOOTAGE & REVISED LEGAL
RONALD D. SMITH, SURVEYOR, INC.
P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857

JANUARY 17, 2013 SCALE: 1" = 20'

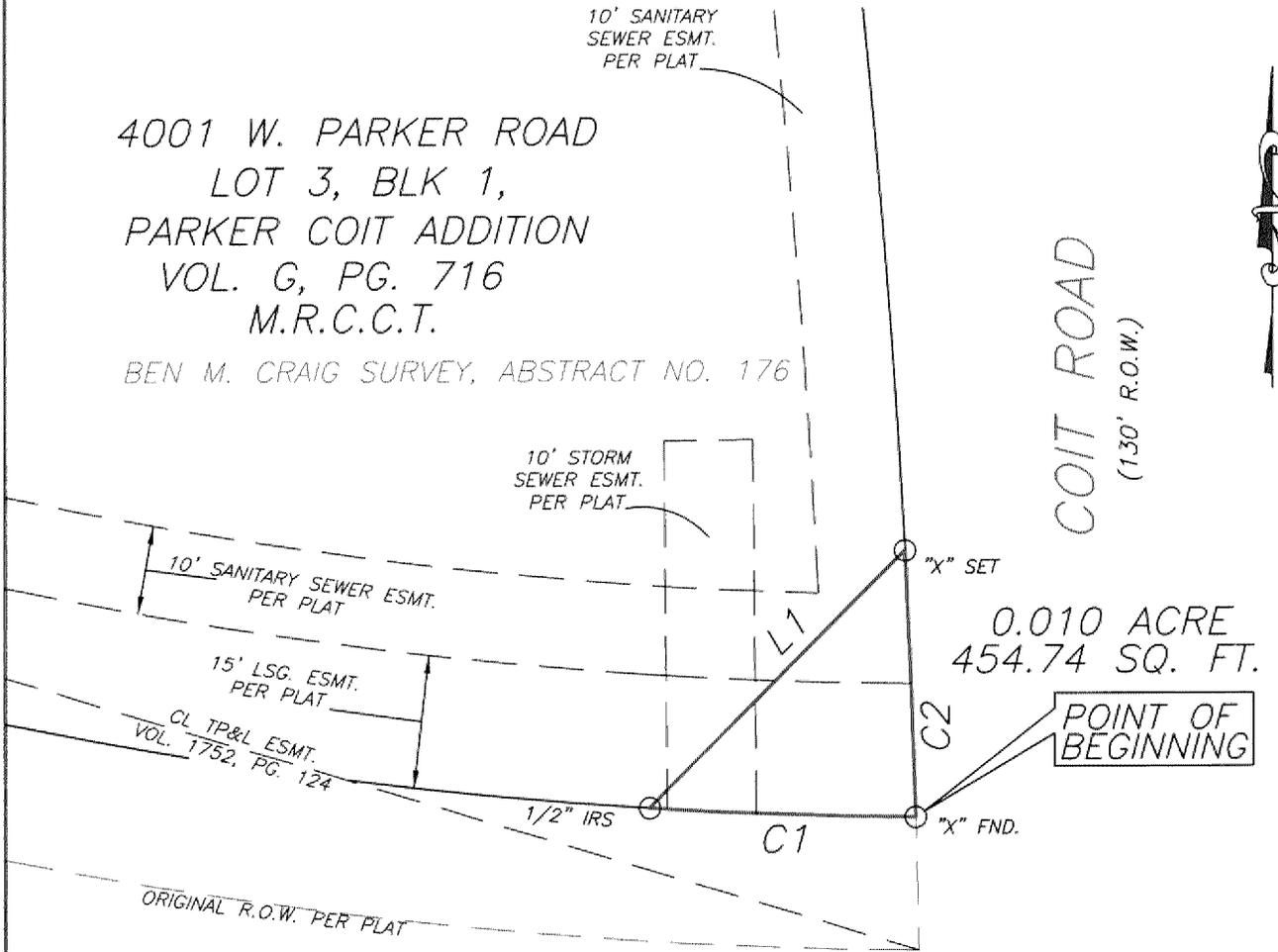
RDS COIT-30X30STREETESMT 003-01-17-13

(SEE SHEET 2 OF 2 FOR EXHIBIT)

0.010 ACRE 30' X 30'
STREET EASEMENT

4001 W. PARKER ROAD
LOT 3, BLK 1,
PARKER COIT ADDITION
VOL. G, PG. 716
M.R.C.C.T.

BEN M. CRAIG SURVEY, ABSTRACT NO. 176



0.010 ACRE
454.74 SQ. FT.

POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	N 44°53'48" E	40.80'

W. PARKER ROAD
(100' R.O.W.)

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	30.00'	535.00'	3°12'46"	N 87°56'32" W	30.00'
C2	30.00'	1198.00'	1°26'05"	S 02°15'30" E	30.00'

SEE THE RECORDED PLAT FOR ALL THE DISTANCES TO THE EXISTING EASEMENTS.

NOTE:
BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON, NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES. BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH PRECISION GEOID MODEL.

09-16-2014, REVISED TO SHOW SQUARE FOOTAGE & REVISED LEGAL

RONALD D. SMITH, SURVEYOR, INC.
P.O. BOX 1679
FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857

JANUARY 17, 2013 SCALE: 1" = 20'

RDS COIT-30X30STREETESMT 003-01-17-13



Ronald D. Smith

0.010 ACRE 30' X 30' STREET EASEMENT
BEN M. CRAIG SURVEY, ABSTRACT 176
CITY OF PLANO, COLLIN COUNTY, TEXAS.

(SEE SHEET 1 OF 2 FOR FIELD NOTES)

PROPERTY 2

(Quickway)

PARCEL 2

(TCE)

0.010 ACRE TEMPORARY CONSTRUCTION EASEMENT

0.010 ACRE TEMPORARY CONSTRUCTION EASEMENT

Being a 0.010 acre tract of land situated in the Ben M. Craig Survey, Abstract No. 176, City of Plano, Collin County, Texas. Said 0.010 acre tract of land being a portion of that certain Lot 3, Block 1, of the Parker Colt Addition, as recorded in Volume G, Page 216, Map Records, Collin County, Texas, said 0.010 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a point for a corner from which a found 3 inch Aluminum Disk bears South 76 degrees 40 minutes 29 seconds West, a distance of 0.33 feet, being located in the North line of W. Parker Road, a called 100 foot public Right-of-Way. Said point also being the most Southeast corner of Lot 5, Block 1, of the Parker Colt Addition, as recorded in Volume J, Page 357, said Map records;

THENCE South 69 degrees 39 minutes 32 seconds East, along said North line of W. Parker Road, a distance of 14.25 feet to a point for a corner being the POINT OF BEGINNING of the tract hereon described as follows;

THENCE North 20 degrees 20 minutes 28 seconds East, a distance of 10.00 feet to a point for a corner;

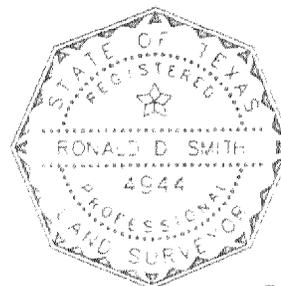
THENCE South 69 degrees 39 minutes 32 seconds East, a distance of 13.86 feet to a point for a corner, being the beginning of a curve to the left whose radius is 525.00 feet, whose long chord bears South 70 degrees 49 minutes 00 seconds East, 49.49 feet;

THENCE along said curve to the left, through a central angle of 05 degrees 24 minutes 10 seconds, an arc length of 49.51 feet to a point for a corner, being the end of said curve;

THENCE South 16 degrees 28 minutes 55 seconds West, a distance of 10.00 feet to a point for a corner, being in the aforesaid North line of W. Parker Road, said point being the beginning of a non-tangent curve to the right whose radius is 535.00 feet, whose long chord bears North 70 degrees 49 minutes 26 seconds West, 50.29;

THENCE along said curve to the right, through a central angle of 05 degrees 23 minutes 18 seconds, an arc length of 50.31 feet to a point for a corner, being the end of said curve;

THENCE North 69 degrees 39 minutes 32 seconds West, a distance of 13.72 feet to the POINT OF BEGINNING, and containing 0.010 acres of land, more or less



RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75726

922-554-5840

FAX 922-554-9857

JANUARY 17, 2013

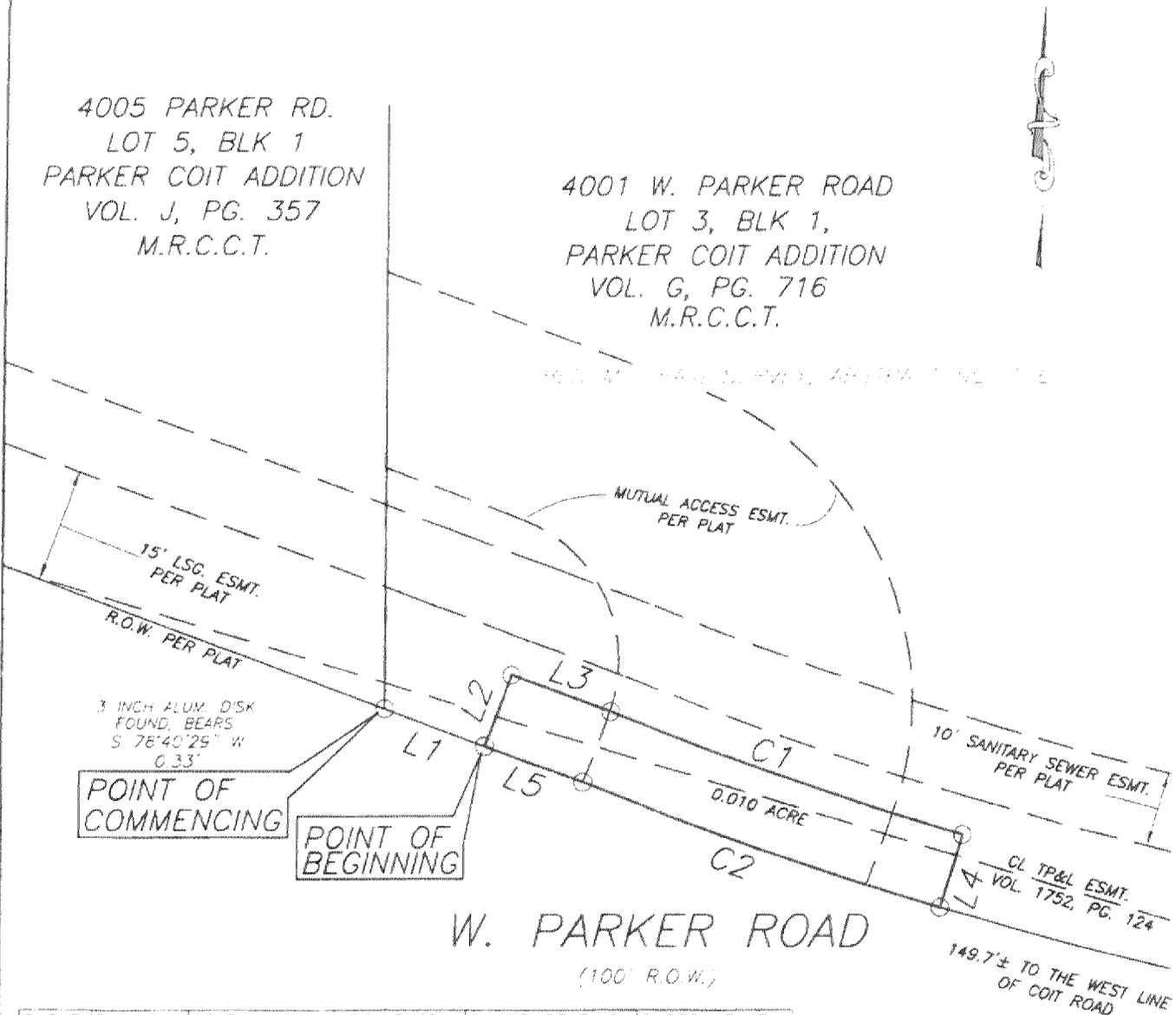
SCALE 1" = 20'

0.010 ACRE TEMPORARY CONSTRUCTION EASEMENT
BEN M. CRAIG SURVEY, ABSTRACT 176
CITY OF PLANO, COLLIN COUNTY, TEXAS

0.010 ACRE TEMPORARY CONSTRUCTION EASEMENT

4005 PARKER RD.
LOT 5, BLK 1
PARKER COIT ADDITION
VOL. J, PG. 357
M.R.C.C.T.

4001 W. PARKER ROAD
LOT 3, BLK 1,
PARKER COIT ADDITION
VOL. G, PG. 716
M.R.C.C.T.



CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	525.00'	5°24'10"	49.51'	S 70°49'30" E	49.49'
C2	535.00'	5°23'18"	50.31'	N 70°49'26" W	50.29'

LINE	BEARING	DISTANCE
L1	S 69°39'32" E	14.25'
L2	N 20°20'28" E	10.00'
L3	S 69°39'32" E	13.86'
L4	S 16°28'55" W	10.00'
L5	N 69°39'32" W	13.72'

SEE THE RECORDED PLAT FOR ALL THE DISTANCES TO THE EXISTING EASEMENTS

NOTE:
BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELUS COLLIN, DENTON, HUNT & KAUFMAN COUNTIES, BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH PRECISION GEOIC MODEL.

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

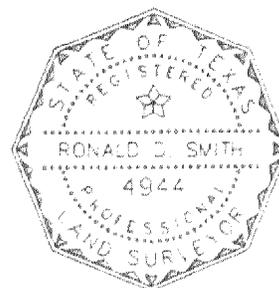
FORTNEY, TEXAS 75126

972-564-9840

FAX 972-564-9857

JANUARY 17, 2013

SCALE: 1" = 20'



[Signature]

0.010 ACRE TEMPORARY CONSTRUCTION EASEMENT
BEN M. CRAIG SURVEY ABSTRACT 174
CITY OF PLANO, COLLIN COUNTY, TEXAS

PROPERTY 3

(Greenwise)

PARCEL 1

(SSU)



0.046 ACRE VARIABLE WIDTH STREET EASEMENT

0.046 ACRE STREET EASEMENT

Being a 0.046 acre tract of land situated in the R. H. Brown Survey, Abstract No. 96, City of Plano, Collin County, Texas. Said 0.046 acre tract of land being a portion of that certain Lot 1, Block A of the Parker Place Colonial Addition, as recorded in Cabinet B, Page 307, Plat Records, Collin County, Texas, said 0.046 acre tract of land, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron set with cap stamped "ESMT RDS", being in the West Right-of-Way of Alma Road, a called 100 foot public Right-of-Way, said point also being the most Northeasterly corner of Lot 1, Block A, Gulf Oil #7, in the Park Forest Addition No. 1, as recorded in Volume 8, Page 10, Plat Records, Collin County, Texas, said Plat Records;

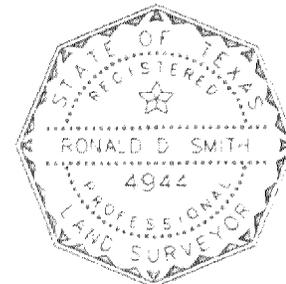
THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the said Gulf Oil #7 tract, a distance of 15.00 feet to a set 1/2 inch iron rod with cap stamped "ESMT RDS";

THENCE North 00 degrees 28 minutes 38 seconds West, departing the North line of the said Gulf Oil #7 tract, a distance of 59.51 feet to a set PK Nail;

THENCE North 03 degrees 06 minutes 30 seconds East, a distance of 90.66 feet to a set PK Nail, said point being in the South line of Lot 1, Block A, of the Briarstone Addition, as recorded in Cabinet G, Page 232, said Plat Records;

THENCE South 89 degrees 31 minutes 22 seconds East, along said South line of Briarstone Addition, a distance of 9.33 feet to a set 1/2 inch iron rod with cap stamped "ESMT RDS", said point also being in the aforesaid West Right-of-Way line of Alma Road;

THENCE South 00 degrees 28 minutes 38 seconds East, along the West Right-of-Way of said Alma Road, a distance of 150.00 feet to the POINT OF BEGINNING and containing 0.046 acres of land, more or less.



Ronald D. Smith

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9840 (FAX) 972-564-9857
JANUARY 10, 2013 SCALE 1" = 30'

0.046 ACRE VARIABLE WIDTH STREET EASEMENT
R.H. BROWN SURVEY ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS



0.046 ACRE VARIABLE WIDTH STREET EASEMENT

LINE	BEARING	DISTANCE
L1	S 89°31'22" W	15.00'
L2	N 89°31'22" E	9.33'

3309 ALMA DR.
LOT 1, BLK. A
THE BRIARSTONE ADDN.
CAB. G, PG. 232
P.R.C.C.T.

3305 ALMA DR.
LOT 1, BLK. 1
PARKER PLACE CODIANNE
CAB. B, PG. 307
P.R.C.C.T.

1101 W. PARKER RD.
LOT 1, BLK. A
GULF OIL #7
PARK FOREST ADDITION NO. 1
VOL. 8, PG. 10
P.R.C.C.T.

NOTE:
BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE 4202, BY USING THE TOPCON NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH PRECISION BESS MODEL.

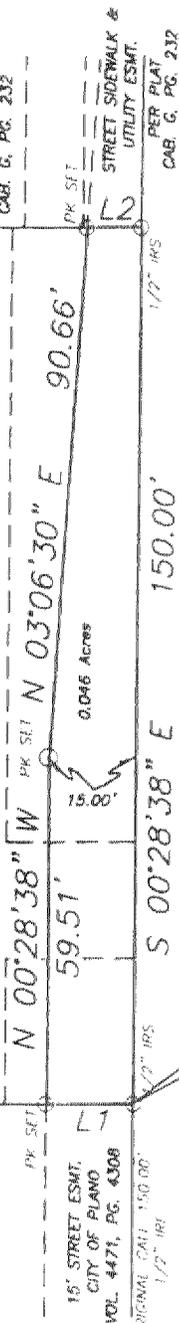
RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1676
FOPNEY, TEXAS 75126
972-554-9840 FAX 972-564-9857
JANUARY 10, 2013 SCALE: 1" = 30'

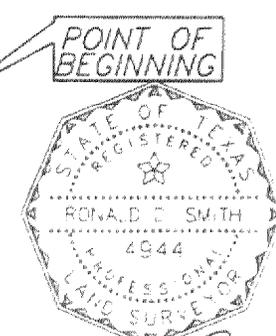
FIRE LANE ESMT.
PER PLAT
CAB. G, PG. 232

STREET SIDEWALK &
UTILITY ESMT.
PER PLAT
CAB. G, PG. 232

20' INGRESS, EGRESS & UTILITY
FIRE LANE ESMT.
PER PLAT
CAB. B, PG. 307



ALMA ROAD
(100' R.O.W.)



Ronald D. Smith

0.046 ACRE VARIABLE WIDTH STREET EASEMENT
P.H. BROWN SURVEY, ABSTRACT NO. 55
CITY OF PLANO, COLLIN COUNTY, TEXAS

(SEE SHEET 1 OF 2 FOR FIELD NOTES)

PROPERTY 3

(Greenwise)

PARCEL 2

(TCE)



0.015 ACRE TEMPORARY CONSTRUCTION EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

Being a 0.015 acre tract of land situated in the R. H. Brown Survey, Abstract No. 96, city of Plano, Collin County, Texas. Said 0.015 acre tract of land being a portion of that certain Lot 1, Block 1 of the Parker Place Codianne Addition, as recorded in Cabinet B, Page 307, Plat records, Collin County, Texas, said 0.015 acre tract of land, being more particularly described by metes and bounds as follows:

COMMENCING at a 1/ 2 inch iron set for corner, being in the West Right-of-Way of Alma Road, a called 100 foot public Right-of-Way, said point also being the most Northeasterly corner of Lot 1, Block A, Gulf Oil #7, in the Park Forest Addition No. 1, as recorded in Volume 8, Page 10, Plat Records, Collin County, Texas.(P.R.C.C.T.)

THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the said Gulf Oil #7 tract, a distance of 15.00 feet to a set PK Nail;

THENCE North 00 degrees 28 minutes 38 seconds West, departing the North line of the said Gulf Oil #7 tract, a distance of 59.51 feet to a set PK Nail;

THENCE North 03 degrees 06 minutes 30 seconds East, a distance of 22.08 feet to a set PK Nail, being the POINT OF BEGINNING of the tract hereon described as follows;

THENCE North 86 degrees 53 minutes 30 seconds West, a distance of 15.00 feet to a set PK Nail;

THENCE North 03 degrees 06 minutes 30 seconds East, a distance of 45.00 feet to a set PK Nail;

THENCE South 86 degrees 53 minutes 30 seconds East, a distance of 15.00 feet to a set PK Nail;

THENCE South 03 degrees 06 minutes 30 seconds East, a distance of 45.00 feet to the POINT OF BEGINNING and containing 675.00 square feet or 0.015 acres of land, more or less.



09-16-2014, ADDED SQUARE FOOTAGE.

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857

JANUARY 10, 2013 SCALE: 1" = 30'

TEMPORARY CONSTRUCTION EASEMENT - EASEMENT EXHIBIT

R.H. BROWN SURVEY, ABSTRACT NO. 96

CITY OF PLANO, COLLIN COUNTY, TEXAS.



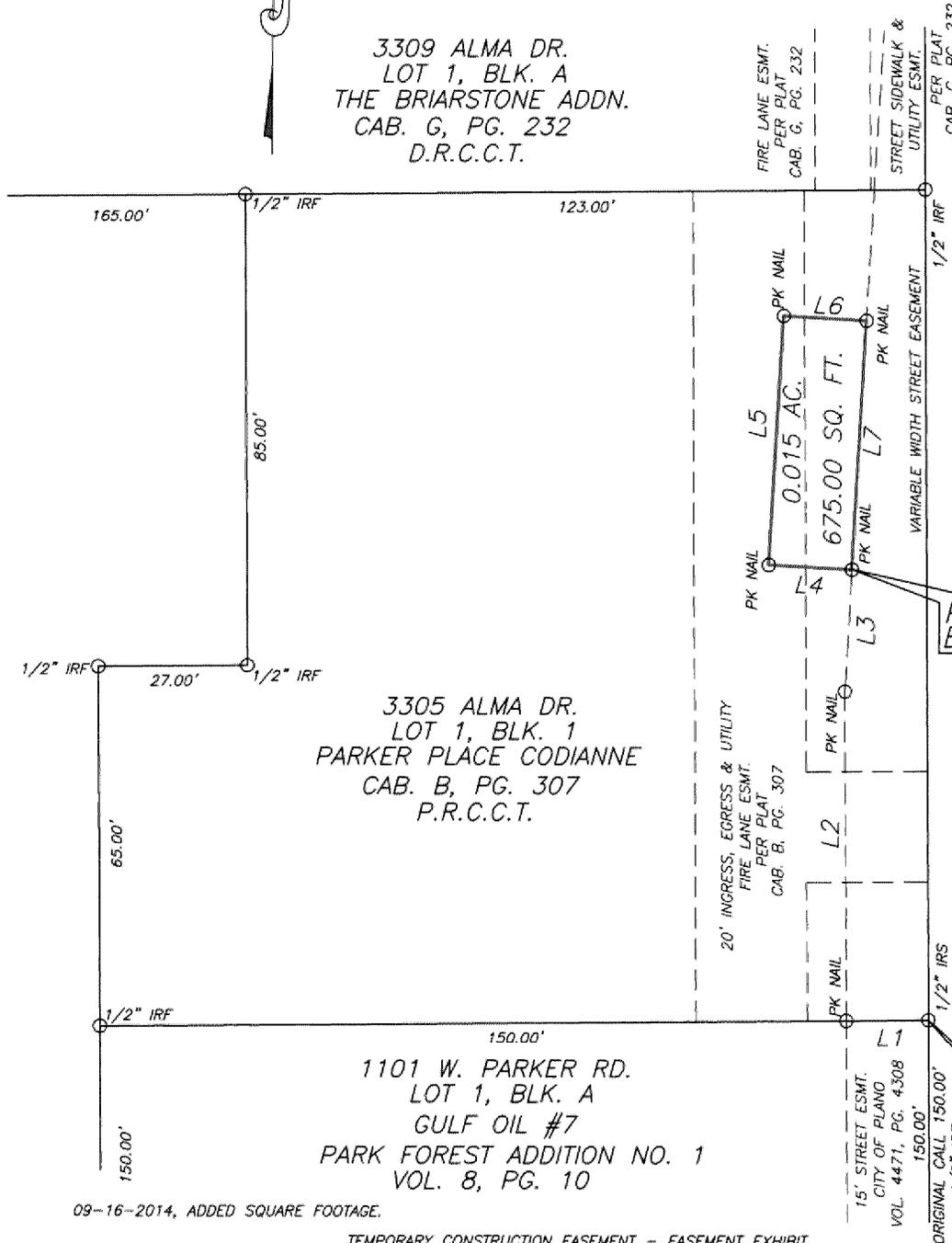
0.015 ACRE TEMPORARY CONSTRUCTION EASEMENT

LINE	BEARING	DISTANCE
L1	S 89°31'22" W	15.00'
L2	N 00°28'38" W	59.51'
L3	N 03°06'30" E	22.08'
L4	N 86°53'30" W	15.00'
L5	N 03°06'30" E	45.00'
L6	S 86°53'30" E	15.00'
L7	S 03°06'30" W	45.00'

3309 ALMA DR.
LOT 1, BLK. A
THE BRIARSTONE ADDN.
CAB. G, PG. 232
D.R.C.C.T.

3305 ALMA DR.
LOT 1, BLK. 1
PARKER PLACE CODIANNE
CAB. B, PG. 307
P.R.C.C.T.

1101 W. PARKER RD.
LOT 1, BLK. A
GULF OIL #7
PARK FOREST ADDITION NO. 1
VOL. 8, PG. 10



POINT OF BEGINNING



POINT OF COMMENCING

09-16-2014, ADDED SQUARE FOOTAGE.

TEMPORARY CONSTRUCTION EASEMENT - EASEMENT EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS.

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9840 FAX 972-564-9857
JANUARY 10, 2013 SCALE: 1" = 30'

NOTE:
BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON, NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES. BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH PRECISION GEOID MODEL.

PROPERTY 4

(Mylan)

PARCEL 1

(SSU)

0.071 ACRE STREET EASEMENT

0.071 ACRE STREET EASEMENT

Being a 0.071 acre tract of land situated in the F. E. Foster Survey, Abstract No. 314, City of Plano, Collin County, Texas. Said 0.071 acre tract of land being a portion of that certain Lot 21R, Block F, of the Colt Parker Addition, as recorded in Volume 6, Page 202, Map Records, Collin County, Texas, said 0.071 acre tract of land, being more particularly described by metes and bounds as follows:

BEGINNING at a set 1/2 inch iron rod with cap stamped "RDS ESM", being located in the North line of W. Parker Road, a paved 100 foot public Right-of-Way, and the most Southwest corner of Lot 1, Block F, of the Kimberled Addition No. 2, as recorded in Volume 12, Page 124, said Map Records,

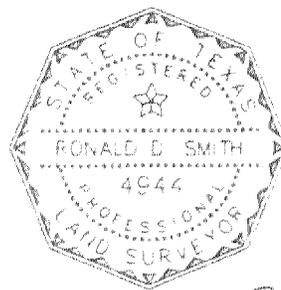
THENCE South 89 degrees 21 minutes 00 seconds West, along the North line of the said W. Parker Road, a distance of 35.62 feet to a found 5/8 inch iron rod, said iron being the beginning of a curve to the right whose radius is 568.77 feet, and whose long chord bears North 81 degrees 10 minutes 58 seconds West, 187.11 feet;

THENCE along said curve to the right, and along the North line of said W. Parker Road, through a central angle of 18 degrees 56 minutes 04 seconds, an arc length of 187.11 feet to a found 5/8 inch iron rod, being the end of said curve, also being the Southeast corner of that certain Lot 20R, Block F, of said Colt Parker Addition;

THENCE North 60 degrees 38 minutes 00 seconds West, departing the North line of said W. Parker Road, a distance of 15.88 feet to a set "PK Nail", being the beginning of a non-tangent curve to the left whose radius is 553.77 feet, and whose long chord bears South 80 degrees 54 minutes 58 seconds East, 187.25 feet;

THENCE along said curve to the left, through a central angle of 19 degrees 28 minutes 04 seconds, with an arc length of 187.25 to a set "PK Nail", being the end of said curve;

THENCE South 67 degrees 48 minutes 49 seconds East, a distance of 38.65 feet to the POINT OF BEGINNING, and containing 0.071 acres of land, more or less.



RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1879

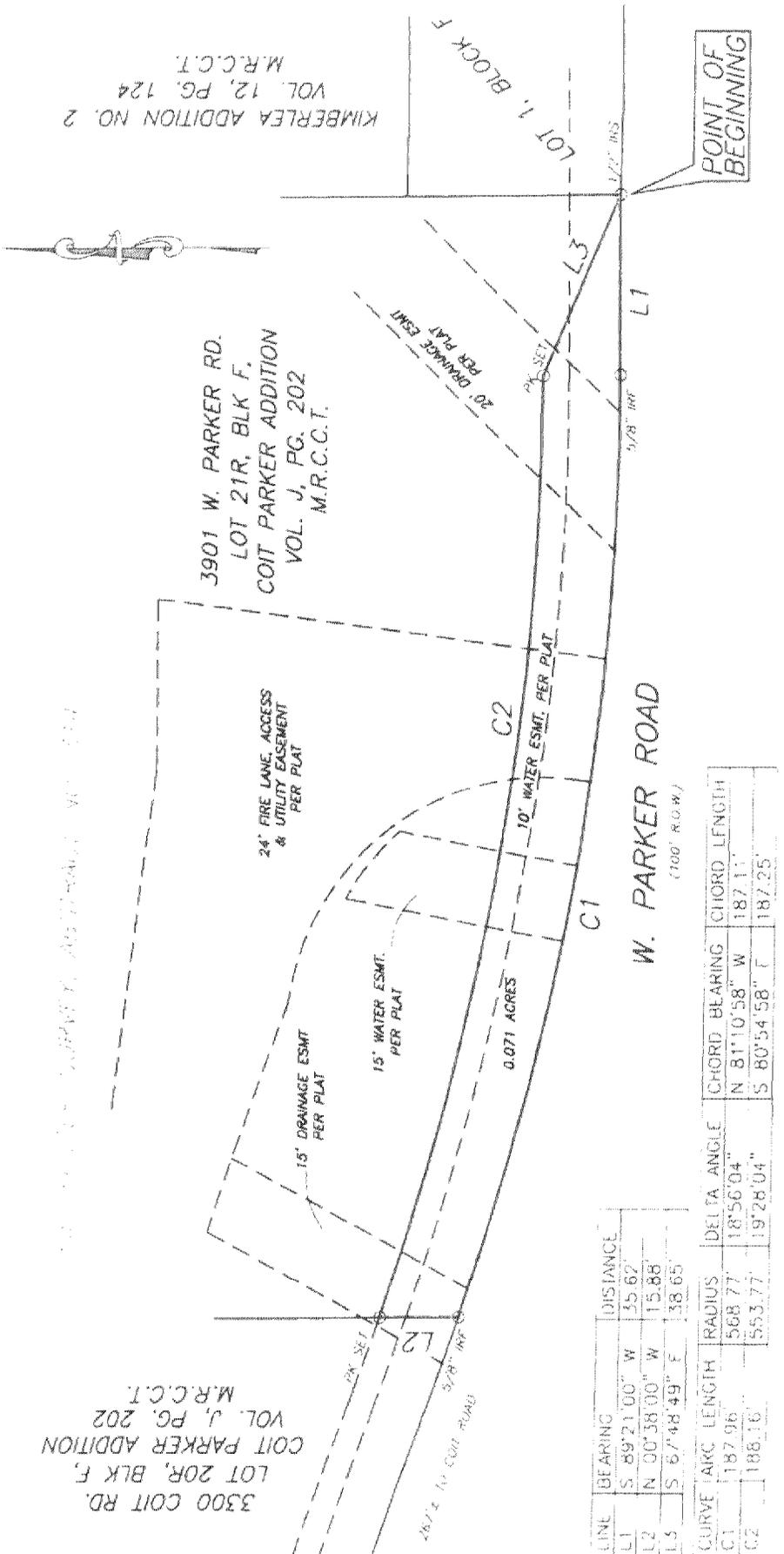
FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857

JANUARY 12, 2013 SCALE 1" = 30'

0.071 ACRE STREET EASEMENT
F.E. FOSTER SURVEY, ABSTRACT 314
CITY OF PLANO, COLLIN COUNTY, TEXAS

0.071 ACRE STREET EASEMENT



3300 COIT RD.
LOT 20R, BLK F,
COIT PARKER ADDITION
VOL. J, PG. 202
M.R.C.C.T.

3901 W. PARKER RD.
LOT 21R, BLK F,
COIT PARKER ADDITION
VOL. J, PG. 202
M.R.C.C.T.

KIMBERLEA ADDITION NO. 2
VOL. 12, PG. 124
M.R.C.C.T.

LINE	BEARING	DISTANCE
L1	S 89°21'00" W	35.67'
L2	N 00°38'00" W	15.88'
L3	S 67°48'49" E	38.65'

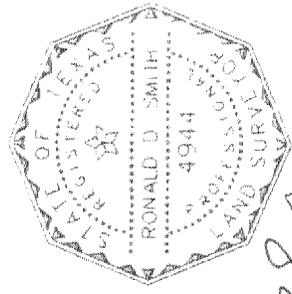
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	187.96'	568.77'	18°56'04"	N 81°10'58" W	187.11'
C2	186.16'	553.77'	19°28'04"	S 80°54'58" E	187.25'

NOTE: BEARINGS ARE DERIVED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 42002, BY USING THE FOREIGN NETWORK SURROUNDING THE DALLAS-FORT WORTH METROPOLITAN AREA. STATIONING LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & ROCKWALL COUNTIES, BY CONTIGUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH PRECISION GEDD MODEL.

RONALD D. SMITH, SURVEYOR, INC.
P.O. BOX 1679
FURNACE, TEXAS 75126

912-564-9540 FAX 912-568-9857
JANUARY 16, 2013 SCALE 1" = 30'

0.071 ACRE STREET EASEMENT
I.E. FOSTER SURVEY, ABSTRACT 314
CITY OF PLANO, COLLIN COUNTY, TEXAS.



Ronald D. Smith

PROPERTY 4

(Mylan)

PARCEL 2

(TCE)

0.012 ACRE TEMPORARY
CONSTRUCTION EASEMENT

0.012 ACRE TEMPORARY CONSTRUCTION EASEMENT

Being a 0.012 acre tract of land situated in the F. E. Foster Survey, Abstract No. 314, City of Plano, Collin County, Texas. Said 0.012 acre tract of land being a portion of that certain Lot 21R, Block F, of the Coit Parker Addition, as recorded in Volume J, Page 202, Map Records, Collin County, Texas, said 0.012 acre tract of land, being more particularly described by metes and bounds as follows:

COMMENCING at a 1/ 2 inch iron rod set with cap stamped "RDS ESMT", being the Southeast corner of the said Lot 21R, Block F, Coit Parker Addition, also being the Southwest corner of that certain Lot 1, Block F, of the Kimberlea Addition No. 2, as recorded in Volume 12, Page 124, said Map Records;

THENCE North 67 degrees 48 minutes 49 seconds West, a distance of 38.65 feet to a PK Nail set, being the beginning of a non-tangent curve to the right whose radius is 553.77 feet and whose long chord bears North 88 degrees 42 minutes 39 seconds West, 37.48 feet;

THENCE along said curve to the right through a central angle of 03 degrees 52 minutes 43 seconds, an arc length of 37.49 feet to a point for corner, being the POINT OF BEGINNING of the tract hereon described as follows. Said point being the beginning of a non-tangent curve to the right whose radius is 553.77 feet, and whose long chord bears North 84 degrees 05 minutes 55 seconds West, 51.65 feet;

THENCE along said curve to the right through a central angle of 05 degrees 20 minutes 46 seconds, an arc length of 51.67 feet to a point for corner, being the end of said curve;

THENCE North 08 degrees 34 minutes 29 seconds East, a distance of 10.00 feet to a point for corner, being the beginning of a non-tangent curve to the left whose radius is 543.77 feet, and whose long chord bears South 84 degrees 05 minutes 55 seconds East, 50.72 feet;

THENCE along said curve to the left through a central angle of 05 degrees 20 minutes 46 seconds, an arc length of 50.74 feet to a point for corner, being the end of said curve;

THENCE South 03 degrees 13 minutes 42 seconds West, a distance of 10.00 feet to the POINT OF BEGINNING, and containing 512.05 square feet or 0.012 acres of land, more or less.



Ronald D. Smith

09-16-2014, ADDED SQUARE FOOTAGE & REVISED LEGAL.

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75126

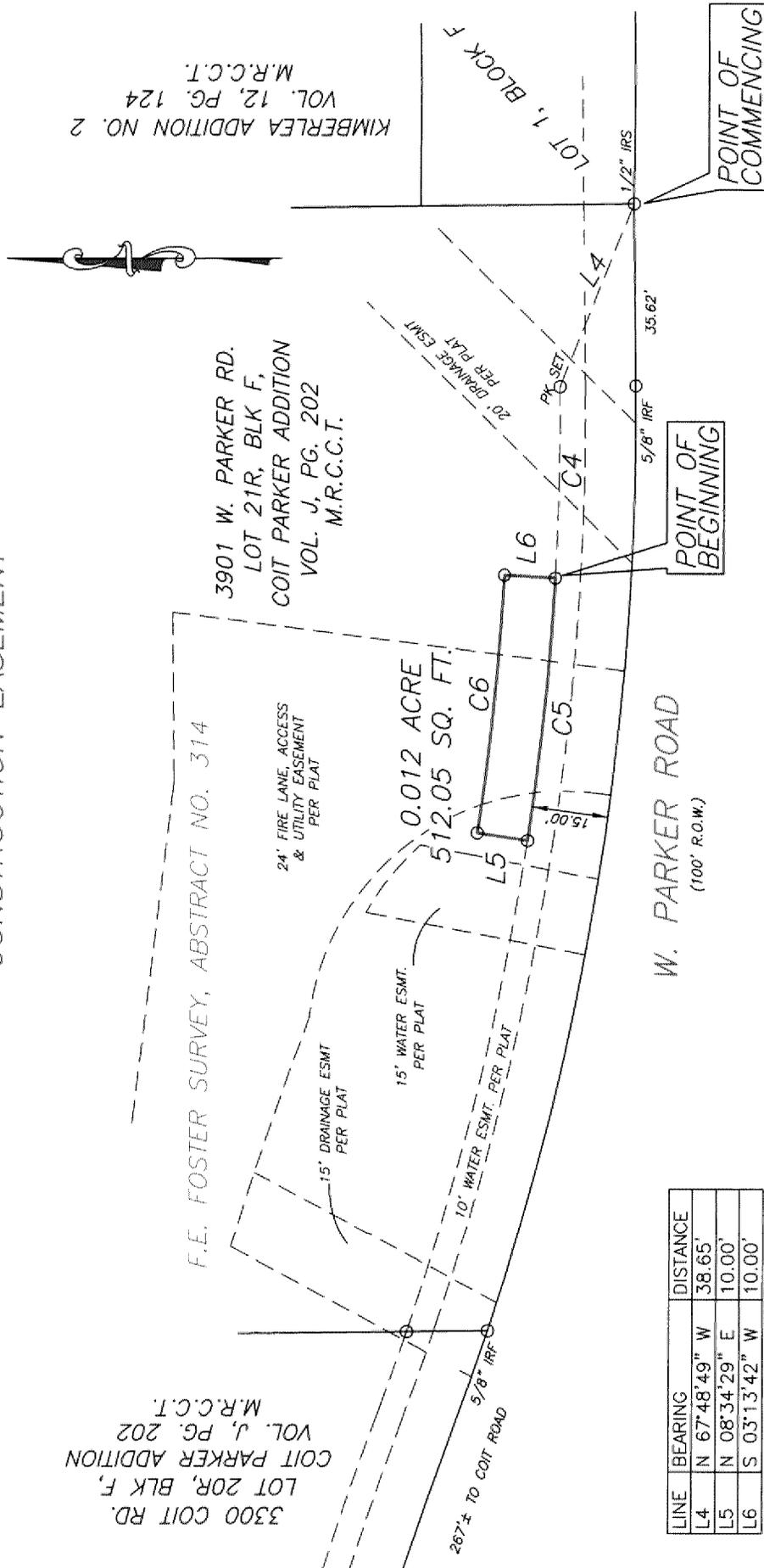
972-564-9840 FAX 972-564-9857

JANUARY 16, 2013 SCALE: 1" = 30'

0.021 ACRE TEMPORARY CONSTRUCTION EASEMENT
F.E. FOSTER SURVEY, ABSTRACT 314
CITY OF PLANO, COLLIN COUNTY, TEXAS.

(SEE SHEET 2 OF 2 FOR EXHIBIT)

0.012 ACRE TEMPORARY
CONSTRUCTION EASEMENT



3300 COIT RD.
LOT 20R, BLK F,
COIT PARKER ADDITION
VOL. J, PG. 202
M.R.C.C.T.

F.E. FOSTER SURVEY, ABSTRACT NO. 314

3901 W. PARKER RD.
LOT 21R, BLK F,
COIT PARKER ADDITION
VOL. J, PG. 202
M.R.C.C.T.

LINE	BEARING	DISTANCE
L4	N 67°48'49" W	38.65'
L5	N 08°34'29" E	10.00'
L6	S 03°13'42" W	10.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C4	37.49'	553.77'	3°52'43"	N 88°42'39" W	37.48'
C5	51.67'	553.77'	5°20'46"	N 84°05'55" W	51.65'
C6	50.74'	543.77'	5°20'46"	S 84°05'55" E	50.72'

NOTE:
BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES. BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH PRECISION GEOD MODEL.

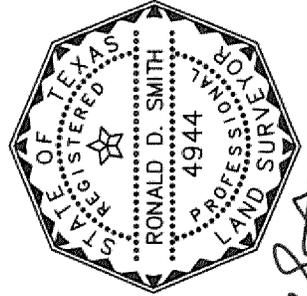
09-16-2014, ADDED SQUARE FOOTAGE & REVISED LEGAL.

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679
FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857

JANUARY 16, 2013 SCALE: 1" = 30'



[Signature]

0.021 ACRE TEMPORARY CONSTRUCTION EASEMENT
F.E. FOSTER SURVEY, ABSTRACT 314
CITY OF PLANO, COLLIN COUNTY, TEXAS.

PROPERTY 5

(Jorgensen)

PARCEL 1

(TCE)



0.012 ACRE
TEMPORARY CONSTRUCTION EASEMENT

SHEET 1 OF 2

0.012 Acre
Temporary Construction Easement

Being a 0.012 Acre tract of land situated in the R.H. BROWN SURVEY, ABSTRACT NO. 96, in the City of Plano, Collin County, Texas. Said 0.012 Acre tract of land being a portion of that certain Gulf Oil # 7 tract, as recorded in Volume B, Page 113, Plat Records of Collin County, Texas (P.R.C.C.T.), said 0.012 Acre tract of land, being more particularly described by metes and bounds as follows:

COMMENCING at an "X" found for corner being the most Southeast corner of said Gulf Oil tract 7, and being the intersecting point of the West line of Alma Road, a called 100 foot public right-of-way, and the North line of W. Parker Road, a called 100 foot public right-of-way;

THENCE South 89 degrees 31 minutes 22 seconds West, along the said North right-of-way line of W. Parker Road, a distance of 40.00 feet to a 1/2 inch iron rod set capped "ESMT", being the POINT OF BEGINNING, of the tract hereon described as follows:

THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the aforementioned W. Parker Road, a distance of 48.59 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE North 00 degrees 28 minutes 38 seconds West, leaving the aforementioned North line of W. Parker Road, a distance of 10.00 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE North 89 degrees 31 minutes 22 seconds East a distance of 58.59 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE South 44 degrees 31 minutes 22 seconds West a distance of 14.14 feet to the POINT OF BEGINNING, and containing 0.012 acres of land more or less.



FIRM REGISTRATION # 101023-00

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1676
FORNEY, TEXAS 75126
972-564-9845 FAX 972-564-9557
AUGUST 11, 2014 SCALE 1" = 30'

0.012 ACRE TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS

(SEE SHEET 2 OF 2 FOR EXHIBIT)



0.012 ACRE
TEMPORARY CONSTRUCTION EASEMENT

3305 ALMA DR.
LOT 1, BLK. 1
PARKER PLACE CODIANNE
CAB. B, PG. 307
P.R.C.C.T.

1129-1151 W. PARKER RD.
LOT 2, BLK. 1
PARKER PLACE SHOPPING CENTER #2
VOL. B, PG. 308
P.R.C.C.T.

P.R.C.C.T.

1101 W. PARKER RD.
GULF OIL #7
VOL. B, PG. 113
P.R.C.C.T.

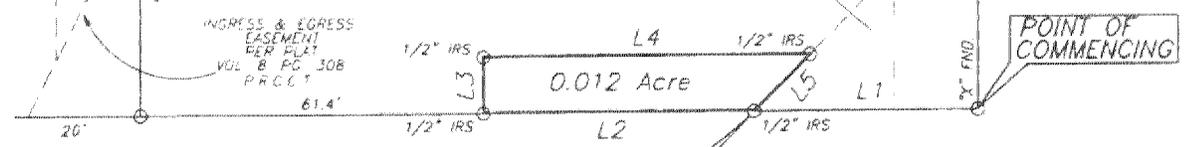
15' STREET EASEMENT
CITY OF PLANO
VOL. 4471, PG. 4308
P.R.C.C.T.

ALMA ROAD
(CALLED 100' PUBLIC R.O.W.)

20' FIRE LANE & INGRESS & EGRESS EASEMENT PER PLAT VOL. B, PG. 308 P.R.C.C.T.

INGRESS & EGRESS EASEMENT PER PLAT VOL. B, PG. 308 P.R.C.C.T.

STREET EASEMENT NO RECORDING INFO FOUND



W. PARKER ROAD
(CALLED 100' PUBLIC R.O.W.)

LINE	BEARING	DISTANCE
L1	S 89°31'22" W	40.00'
L2	S 89°31'22" W	48.59'
L3	N 00°28'38" W	10.00'
L4	N 89°31'22" E	58.59'
L5	S 44°31'22" W	14.14'



Ronald D. Smith
FIRM REGISTRATION # 101023-00

0.012 ACRE TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS

RONALD D. SMITH, SURVEYOR, INC.
P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9840 FAX 972-564-5857
AUGUST 11, 2014 SCALE 1" = 30'

BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, MUNT & HAUFMAN COUNTIES BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH

(SEE SHEET 1 OF 2 FOR FIELD NOTES)

PROPERTY 5

(Jorgensen)

PARCEL 2

(TCE)



0.003 ACRE 10' X 15'
TEMPORARY CONSTRUCTION EASEMENT

3305 ALMA DR.
LOT 1, BLK. 1
PARKER PLACE CODIANNE
CAB. B, PG. 307
P.R.C.C.T.

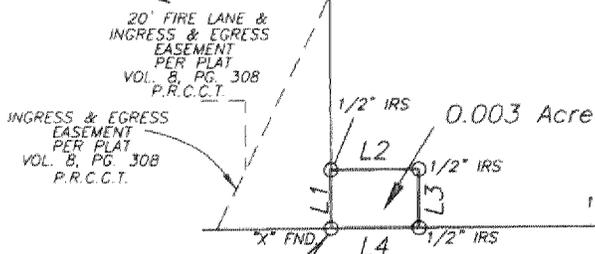
20' INGRESS, EGRESS &
UTILITY, FIRE LANE ESMT.
PER PLAT
CAB. G, PG. 232
P.R.C.C.T.

1129-1151 W. PARKER RD.
LOT 2, BLK. 1
PARKER PLACE SHOPPING CENTER #2
VOL. B, PG. 308
P.R.C.C.T.

1101 W. PARKER RD.
LOT 1, BLK. A
GULF OIL #7
PARK FOREST ADDITION NO. 1
VOL. 8, PG. 10
P.R.C.C.T.

15' STREET ESMT.
CITY OF PLANO
VOL. 4471, PG. 4308

ALMA ROAD
(CALLED 100' PUBLIC R.O.W.)



POINT OF BEGINNING

W. PARKER ROAD
(CALLED 100' PUBLIC R.O.W.)

LINE	BEARING	DISTANCE
L1	N 00°28'38" W	10.00'
L2	N 89°31'22" E	15.00'
L3	S 00°28'38" E	10.00'
L4	S 89°31'22" W	15.00'



Ronald D. Smith
FIRM REGISTRATION # 101023-00

10' X 15' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS.

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9840 FAX 972-564-9857
JULY 01, 2014 SCALE: 1" = 30'

BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON, NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES. BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH

(SEE SHEET 1 OF 2 FOR FIELD NOTES)



0.003 ACRE 10' X 15'
TEMPORARY CONSTRUCTION EASEMENT

0.003 Acre 10' x 15'
Street Easement

Being a 0.003 Acre tract of land situated in the R.H. BROWN SURVEY, ABSTRACT NO. 96, in the City of Plano, Collin County, Texas. Said 0.003 Acre tract of land being a portion of that certain Lot 1, Block A, of Gulf Oil #7 Park Forest Addition No. 1, as recorded in Volume 8, Page 10, Plat Records of Collin County, Texas (P.R.C.C.T.), said 0.003 Acre tract of land, being more particularly described by metes and bounds as follows:

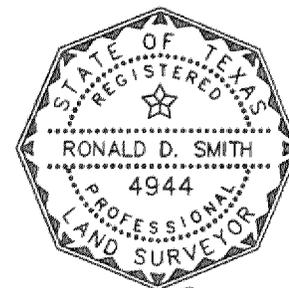
BEGINNING at an "X" found being the most Southeast corner of Lot 2, Block 1, of the Parker Place Shopping Center #2, as recorded in Volume B, Page 308, said Plat Records, and the most Southwest corner of the aforementioned Gulf Oil #7 tract, and being in the most North line of W. Parker Road a called 100 foot public right-of-way;

THENCE North 00 degrees 28 minutes 38 seconds West, along the West line of the aforementioned Parker Place Shopping center tract, a distance of 10.00 feet to a 1/ 2 inch iron rod set capped "ESMT";

THENCE North 89 degrees 31 minutes 22 seconds East, departing the West line of the said Gulf Oil # 7 tract, a distance of 15.00 feet to a 1/ 2 inch iron rod set capped "ESMT";

THENCE South 00 degrees 28 minutes 38 seconds East a distance of 10.00 feet to a 1/ 2 inch iron rod set capped "ESMT", being in the North line of the aforementioned of W. Parker Road;

THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the aforementioned W. Parker Road, a distance of 15.00 feet to the POINT OF BEGINNING, and containing 0.003 acres of land more or less.



FIRM REGISTRATION # 101023-00

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857

JULY 01, 2014 SCALE: 1" = 30'

10' X 15' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS.

(SEE SHEET 2 OF 2 FOR EXHIBIT)

PROPERTY 6

(D TX Associates)

PARCEL 1

(TCE)



0.009 ACRE 10' X 40'
TEMPORARY CONSTRUCTION EASEMENT

0.009 Acre 10' x 40'
Street Easement

Being a 0.009 Acre tract of land situated in the R.H. BROWN SURVEY, ABSTRACT NO. 96, in the City of Plano, Collin County, Texas. Said 0.009 Acre tract of land being a portion of that certain Lot 1, Block 1, of Parker Place Shopping Center No. 1, as recorded in Volume B, Page 102, Plat Records of Collin County, Texas (P.R.C.C.T.), said 0.009 Acre tract of land, being more particularly described by metes and bounds as follows:

COMMENCING at a point for corner being the most Southwest corner of Lot 1, Block 1, of the Red Carpet Car Wash tract, as recorded in Volume G, Page 609, said Plat Records, and being the Southeast corner of the said Parker Place Shopping Center tract, and being in the North right-of-way Line of W. Parker Road, a called 100 foot public right-of-way;

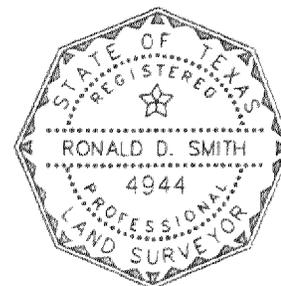
THENCE South 89 degrees 31 minutes 22 seconds West, along the said North right-of-way line of W. Parker Road, a distance of 16.52 feet to a 1/2 inch iron rod set capped "ESMT", being in the most South line of the aforesaid Lot 1, Block 1 Parker Place tract, and being in the said North right-of-way line of W. Parker Road, said point being the POINT OF BEGINNING, of the tract hereon described as follows:

THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the aforementioned W. Parker Road, a distance of 40.00 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE North 00 degrees 28 minutes 38 seconds West, leaving the aforementioned North line of W. Parker Road, a distance of 10.00 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE North 89 degrees 31 minutes 22 seconds East a distance of 40.00 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE South 00 degrees 28 minutes 38 seconds East a distance of 10.00 feet to the POINT OF BEGINNING, and containing 0.009 acres of land more or less.



FIRM REGISTRATION # 101023-00

RONALD D. SMITH, SURVEYOR, INC

P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-9640

FAX 972-564-9857

JULY 01, 2014

SCALE 1" = 30'

10' X 40' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT

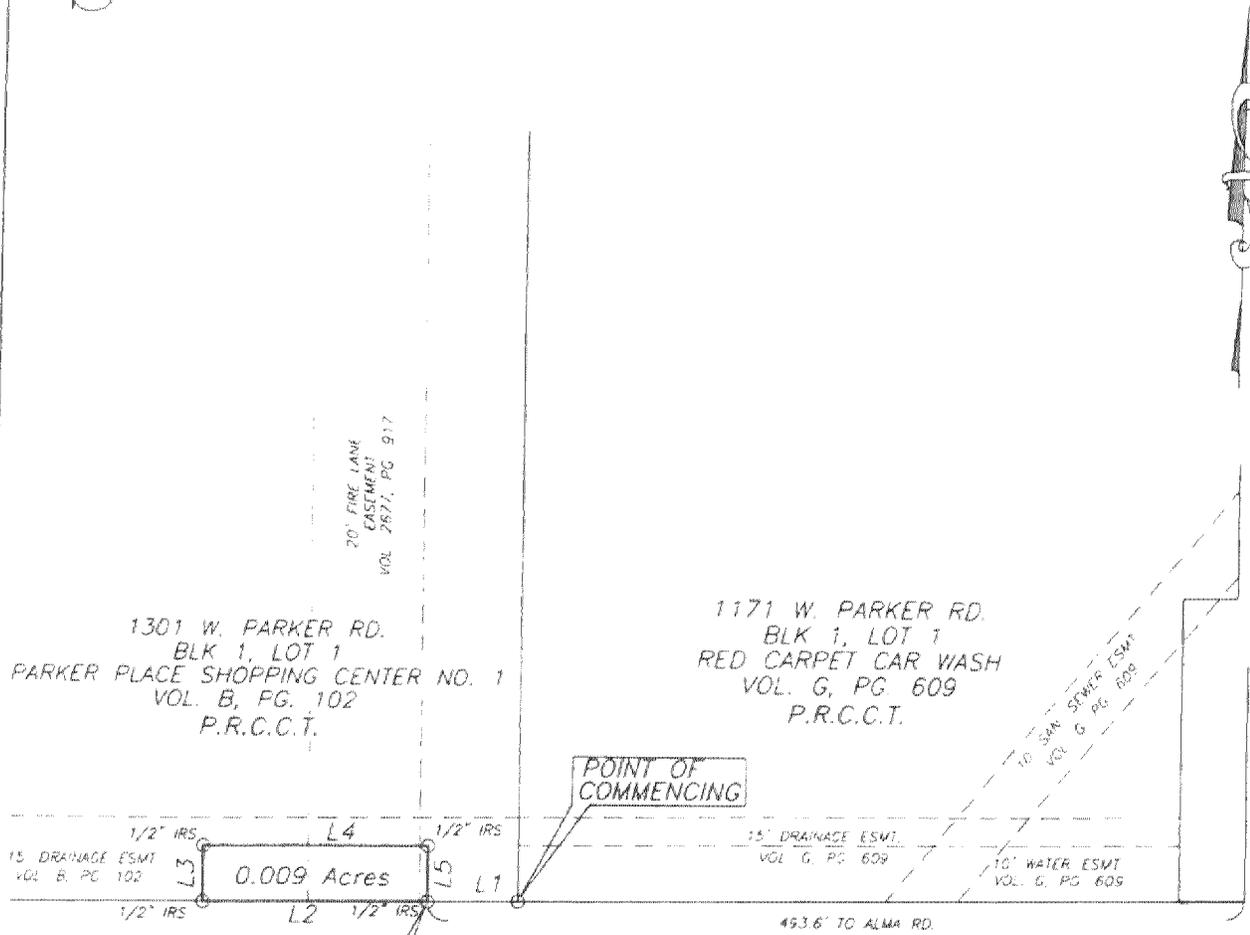
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS.

(SEE SHEET 2 OF 2 FOR EXHIBIT)



0.009 ACRE 10' X 40'
TEMPORARY CONSTRUCTION EASEMENT

SHEET 2 OF 2

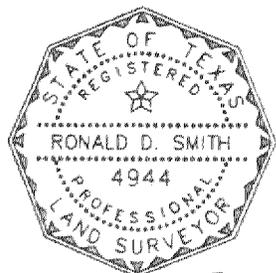


POINT OF BEGINNING

POINT OF COMMENCING

W. PARKER ROAD
(CALLED 100' PUBLIC R.O.W.)

LINE	BEARING	DISTANCE
L1	S 89°31'22" W	16.52'
L2	S 89°31'22" W	40.00'
L3	N 00°28'38" W	10.00'
L4	N 89°31'22" E	40.00'
L5	S 00°28'38" E	10.00'



R.D.S.
FIRM REGISTRATION # 101623-00

10' X 40' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS

RONALD D. SMITH, SURVEYOR, INC.
P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9940 FAX 972-564-9857
JULY 01, 2014 SCALE: 1" = 30'

BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. BY USING THE TOPCON NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH

(SEE SHEET 1 OF 2 FOR FIELD NOTES)

PROPERTY 7

(Pro Quick Lube #10)

PARCEL 1

(TCE)



0.003 ACRE 10' X 15'
TEMPORARY CONSTRUCTION EASEMENT

0.003 Acre 10' x 15'
Temporary Construction Easement

Being a 0.003 Acre tract of land situated in the R.H. BROWN SURVEY, ABSTRACT NO. 96, in the City of Plano, Collin County, Texas. Said 0.003 Acre tract of land being a portion of that certain of Gulf Oil #7 tract, as recorded in Volume B, Page 113, Plat Records of Collin County, Texas (P.R.C.C.T.), said 0.003 Acre tract of land, being more particularly described by metes and bounds as follows:

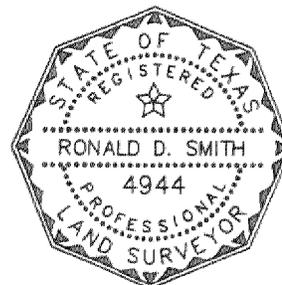
BEGINNING at an "X" found being the most Southeast corner of Lot 2, Block 1, of the Parker Place Shopping Center #2, as recorded in Volume B, Page 308, said Plat Records, and the most Southwest corner of the aforementioned Gulf Oil #7 tract, and being in the most North line of W. Parker Road a called 100 foot public right-of-way;

THENCE North 00 degrees 28 minutes 38 seconds West, along the West line of the aforementioned Parker Place Shopping center tract, a distance of 10.00 feet to a 1/ 2 inch iron rod set capped "ESMT";

THENCE North 89 degrees 31 minutes 22 seconds East, departing the West line of the said Gulf Oil # 7 tract, a distance of 15.00 feet to a 1/ 2 inch iron rod set capped "ESMT";

THENCE South 00 degrees 28 minutes 38 seconds East a distance of 10.00 feet to a 1/ 2 inch iron rod set capped "ESMT", being in the North line of the aforementioned of W. Parker Road;

THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the aforementioned W. Parker Road, a distance of 15.00 feet to the POINT OF BEGINNING, and containing 0.003 acres of land more or less.



FIRM REGISTRATION # 101023-00

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-9840

FAX 972-564-9857

AUGUST 11, 2014

SCALE: 1" = 30'

10' X 15' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS.

(SEE SHEET 2 OF 2 FOR EXHIBIT)



0.003 ACRE 10' X 15'
TEMPORARY CONSTRUCTION EASEMENT

3305 ALMA DR.
LOT 1, BLK. 1
PARKER PLACE CODIANNE
CAB. B, PG. 307
P.R.C.C.T.

20' INGRESS, EGRESS &
UTILITY, FIRE LANE ESMT.
PER PLAT
CAB. G, PG. 232
P.R.C.C.T.

1129-1151 W. PARKER RD.
LOT 2, BLK. 1
PARKER PLACE SHOPPING CENTER #2
VOL. B, PG. 308
P.R.C.C.T.

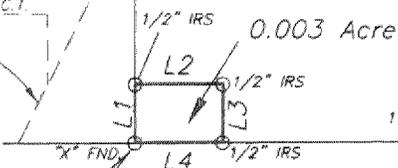
1101 W. PARKER RD.
GULF OIL #7
VOL. B, PG. 113
P.R.C.C.T.

15' STREET ESMT.
CITY OF PLANO
VOL. 4471, PG. 4308

ALMA ROAD
(CALLED 100' PUBLIC R.O.W.)

20' FIRE LANE &
INGRESS & EGRESS
EASEMENT
PER PLAT
VOL. B, PG. 308
P.R.C.C.T.

INGRESS & EGRESS
EASEMENT
PER PLAT
VOL. B, PG. 308
P.R.C.C.T.



POINT OF BEGINNING

W. PARKER ROAD

(CALLED 100' PUBLIC R.O.W.)

LINE	BEARING	DISTANCE
L1	N 00°28'38" W	10.00'
L2	N 89°31'22" E	15.00'
L3	S 00°28'38" E	10.00'
L4	S 89°31'22" W	15.00'



Ronald D. Smith

FIRM REGISTRATION # 101023-00

10' X 15' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT

R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9840 FAX 972-564-9557
AUGUST 11, 2014 SCALE: 1" = 30'

BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON, NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES. BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH

(SEE SHEET 1 OF 2 FOR FIELD NOTES)

PROPERTY 8

(Plaza Plano Parker)

PARCEL 1

(TCE)



0.011 ACRE 12' X 40'
TEMPORARY CONSTRUCTION EASEMENT

0.011 Acre 12' x 40'
Street Easement

Being a 0.011 Acre tract of land situated in the R.H. BROWN SURVEY, ABSTRACT NO. 96, in the City of Plano, Collin County, Texas. Said 0.011 Acre tract of land being a portion of that certain Lot 2, Block 1, of Parker Place Shopping Center #2, as recorded in Volume B, Page 308, Plat Records of Collin County, Texas (P.R.C.C.T.), said 0.011 Acre tract of land, being more particularly described by metes and bounds as follows:

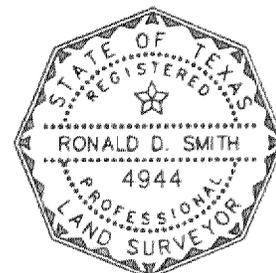
BEGINNING at a 1/2 inch iron rod set stamped "ESMT", said point being the most Southwest corner of the said Parker Place Shopping Center tract, and being the most Southeast corner of Lot 2, Block 1, of the Red Carpet Car Wash, as recorded in Volume G, Page 609, said Plat Records, and being in the North right-of-way line of W. Parker Road, a called 100 foot public right-of-way;

THENCE North 00 degrees 28 minutes 38 seconds West, along the East line of the aforementioned Lot 2, Block 1, of the Red Carpet Car Wash tract, a distance of 12.00 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE North 89 degrees 31 minutes 22 seconds East, departing the West line of the aforementioned Lot 2, Block 1, of the Red Carpet Car Wash tract, a distance of 40.00 feet to a 1/2 inch iron rod set capped "ESMT";

THENCE South 00 degrees 28 minutes 38 seconds East a distance of 12.00 feet to a 1/2 inch iron rod set capped "ESMT", being in the North line of the aforementioned W. Parker Road line;

THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the aforementioned W. Parker Road line, a distance of 40.00 feet to the POINT OF BEGINNING, and containing 0.011 acres of land more or less.



Ronald D. Smith
FIRM REGISTRATION # 101023-00

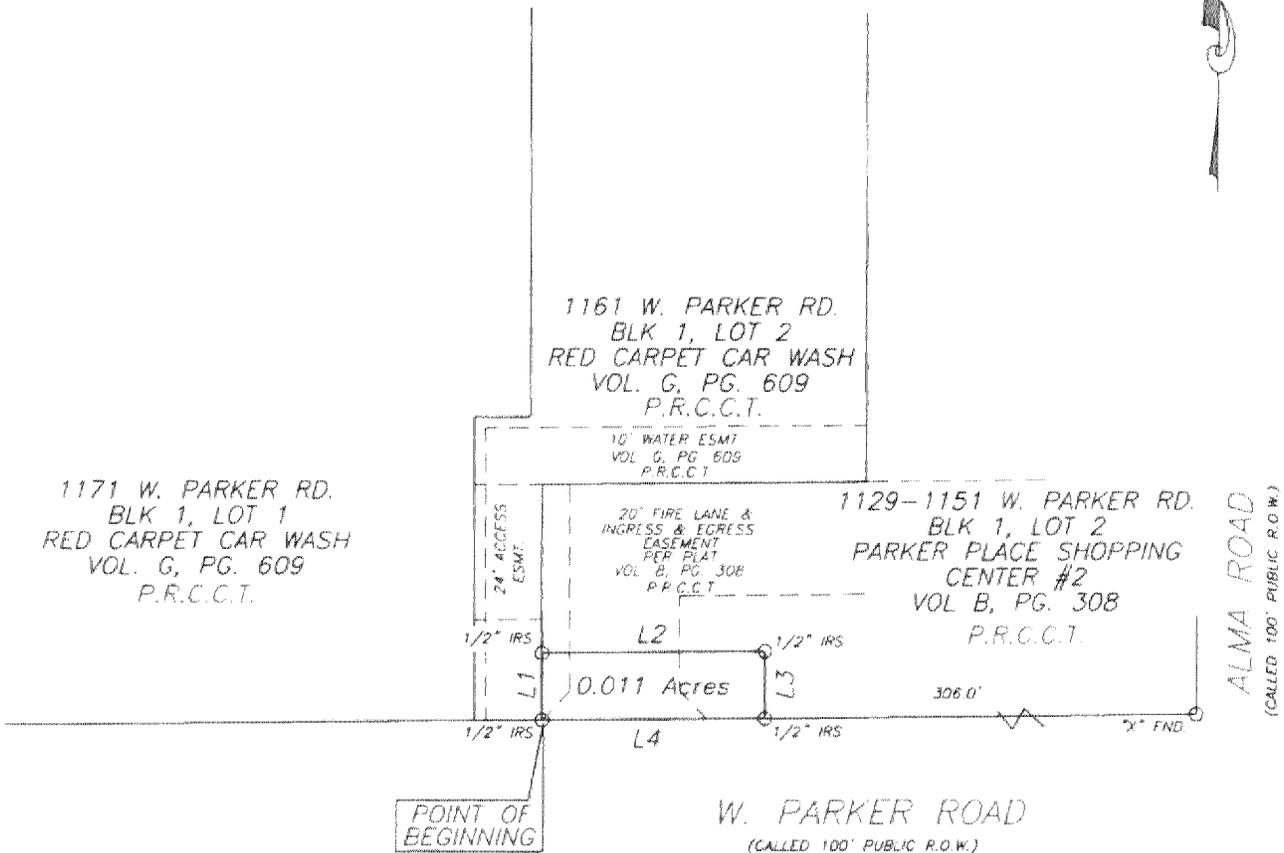
RONALD D. SMITH, SURVEYOR, INC.
P.O. BOX 1679
FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857
JULY 01, 2014 SCALE: 1" = 30'

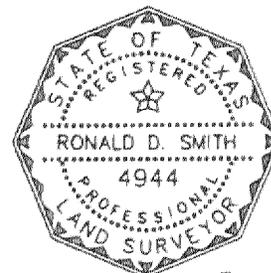
12' X 40' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS
(SEE SHEET 2 OF 2 FOR EXHIBIT)



0.011 ACRE 12' X 40'
TEMPORARY CONSTRUCTION EASEMENT



LINE	BEARING	DISTANCE
L1	N 00°28'38" W	12.00'
L2	N 89°31'22" E	40.00'
L3	S 00°28'38" E	12.00'
L4	S 89°31'22" W	40.00'



Ronald D. Smith
FIRM REGISTRATION # 101023-00

12' X 40' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS

RONALD D. SMITH, SURVEYOR, INC.
P.O. BOX 1679
FORNEY, TEXAS 75126
972-564-9840 FAX 972-564-9857
JULY 01, 2014 SCALE 1" = 30'

BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, BY USING THE TOPCON, NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH

(SEE SHEET 1 OF 2 FOR FIELD NOTES)

PROPERTY 8

(Plaza Plano Parker)

PARCEL 2

(TCE)



0.007 ACRE 10' x 30'
TEMPORARY CONSTRUCTION EASEMENT

0.007 Acre 10' x 30'
Street Easement

Being a 0.007 Acre tract of land situated in the R.H. BROWN SURVEY, ABSTRACT NO. 96, in the City of Plano, Collin County, Texas. Said 0.007 Acre tract of land being a portion of that certain Lot 2, Block 1, of the Parker Place Shopping Center #2, as recorded in Volume B, Page 308, Plat Records of Collin County, Texas (P.R.C.C.T.), said 0.007 Acre tract of land, being more particularly described by metes and bounds as follows:

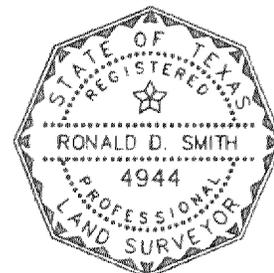
BEGINNING at an "X" found being the most Southwest corner of Lot 1, Block A, of Gulf Oil #7 Park Forest Addition No. 1, as recorded in Volume 8, Page 10, said Plat Records, and the most Southeast corner of the aforementioned Parker Place tract, and being in the North line of W. Parker Road a called 100 foot public right-of-way;

THENCE South 89 degrees 31 minutes 22 seconds West, along the North line of the aforementioned W. Parker Road, a distance of 30.00 feet to a 1/ 2 inch iron rod set capped "ESMT";

THENCE North 00 degrees 28 minutes 38 seconds West a distance of 10.00 feet to a 1/ 2 inch iron rod set capped "ESMT";

THENCE North 89 degrees 31 minutes 22 seconds East a distance of 30.00 feet to a 1/ 2 inch iron rod set capped "ESMT", being in the East line of the aforementioned Parker Place Shopping Center #2 tract, and the West line of the said Gulf Oil tract;

THENCE South 00 degrees 28 minutes 38 seconds East along East line of the aforementioned Parker Place Shopping Center #2 tract, a distance of 10.00 feet to the POINT OF BEGINNING, and containing 0.007 acres of land more or less.



FIRM REGISTRATION # 101023-00

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-8840 FAX 972-564-9857

JULY 01, 2014 SCALE 1" = 30'

10' x 30' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO. 96
CITY OF PLANO, COLLIN COUNTY, TEXAS
(SEE SHEET 2 OF 2 FOR EXHIBIT)

RD
S

0.007 ACRE 10' X 30'
TEMPORARY CONSTRUCTION EASEMENT

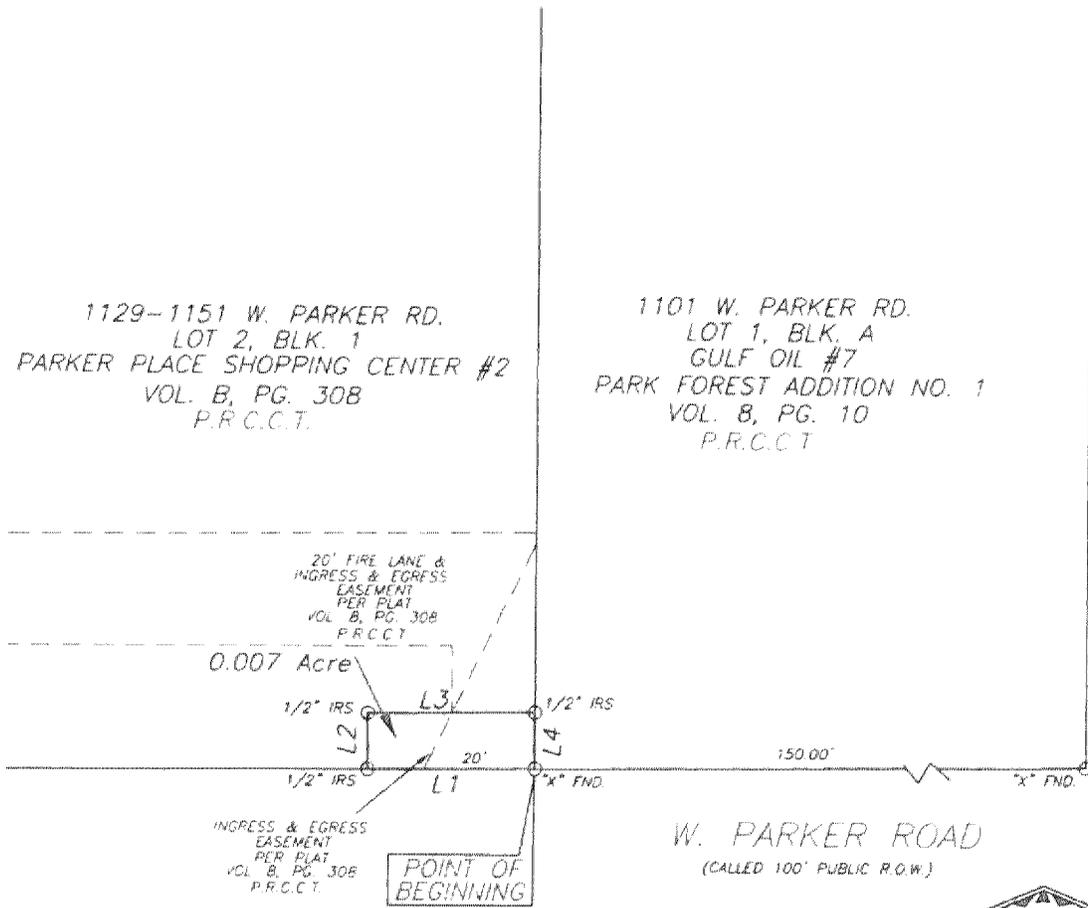
SHEET 2 OF 2



1129-1151 W. PARKER RD.
LOT 2, BLK. 1
PARKER PLACE SHOPPING CENTER #2
VOL. B, PG. 30B
P.R.C.C.T.

1101 W. PARKER RD.
LOT 1, BLK. A
GULF OIL #7
PARK FOREST ADDITION NO. 1
VOL. 8, PG. 10
P.R.C.C.T.

ALMA ROAD
(CALLED 100' PUBLIC R.O.W.)



20' FIRE LANE &
INGRESS & EGRESS
EASEMENT
PER PLAT
VOL. B, PG. 30B
P.R.C.C.T.

0.007 Acre

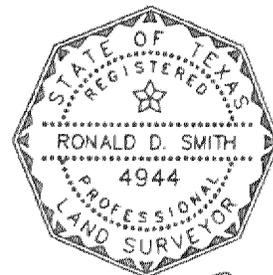
1/2" IRS
L2
L3
L4
1/2" IRS
L1
20'
150.00'
"x" FND.

INGRESS & EGRESS
EASEMENT
PER PLAT
VOL. B, PG. 30B
P.R.C.C.T.

POINT OF
BEGINNING

W. PARKER ROAD
(CALLED 100' PUBLIC R.O.W.)

LINE	BEARING	DISTANCE
L1	S 89°31'22" W	30.00'
L2	N 00°28'38" W	10.00'
L3	N 89°31'22" E	30.00'
L4	S 00°28'38" E	10.00'



Ronald D. Smith

FIRM REGISTRATION # 101023-00

10' X 30' TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT
R.H. BROWN SURVEY, ABSTRACT NO 96
CITY OF PLANO, COLLIN COUNTY, TEXAS

RONALD D. SMITH, SURVEYOR, INC.

P.O. BOX 1679

FORNEY, TEXAS 75126

972-564-9840 FAX 972-564-9857

JULY 01, 2014 SCALE: 1" = 30'

BEARINGS ARE BASED FROM TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE #202, BY USING THE TOPCON NETWORK SURROUNDING THE DALLAS FORT WORTH METROPLEX WITH BASE STATIONS LOCATED IN DALLAS, FORT WORTH, ELLIS, COLLIN, DENTON, HUNT & KAUFMAN COUNTIES BY CONTINUOUS READINGS AND CORRECTIONS ALONG WITH A HIGH

(SEE SHEET 1 OF 2 FOR FIELD NOTES)



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:		10/27/14			
Department:		Human Resources			
Department Head		Shante Akafia			
Agenda Coordinator (include phone #): Sharron Mason - Ext. 7247					
CAPTION					
RFP No. 2014-169-C for a one (1) year contract with three (3) City optional one (1) year renewals for life insurance, to be utilized by Human Resources to Cigna Corporation, in an estimated total amount of \$3,229,348, 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:	2014-15, 2015-16, 2016-17, 2017-18, 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	605,503	2,623,845	3,229,348	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	-605,503	-2,623,845	-3,229,348	
BALANCE	0	0	0	0	
FUND(S): VARIOUS FUNDS					
<p>COMMENTS: This item, in the total amount \$3,229,348, approves a contract for life and accidental death and disability (AD&D) insurance through the 2018 calendar year at an annual cost of \$807,337 for each calendar. Funding for this contract is spread across all city funds that pay for employee salary and benefits and will be captured in the annual budget appropriation of each future fiscal year.</p> <p>STRATEGIC PLAN GOAL: Contracting for employee Life and AD&D insurance as a component of Plano's benefit package for employees relates to the City's goal of Financially Strong City with Service Excellence.</p>					
SUMMARY OF ITEM					
Staff recommends awarding a one (1) year contract with three (3) City optional one (1) year renewals for RFP 2014-169-C for life insurance to Cigna Corporation, in an estimated total amount of \$3,229,348 to be utilized by Human Resources and conditioned upon timely execution of any necessary contract documents. (City of Plano Internal Contract No. 2014-396-C).					
List of Supporting Documents: Recommendation of Award Memo and RFP Recap			Other Departments, Boards, Commissions or Agencies		



Memorandum

To: Diane Palmer-Boeck, Purchasing Manager

From: Andrea Cockrell, Administrative Services Manager

Date: October 7, 2014

Re: Award of RFP No. 2014-169-C for Life Insurance
City of Plano Internal Contract No. 2014-396-C

The City offers life and accidental death and disability (AD&D) insurance as a benefit to its employees and retirees. The City recently requested proposals for the life and AD&D insurance contract. The Evaluation Committee reviewed and evaluated nine (9) proposals in response to the Request for Proposal (RFP) for Life Insurance: Cigna Corporation, Aetna Life Insurance Company, Standard Insurance Company, The Guardian Life Insurance Company of America, AIG Benefit Solutions, ING North America Insurance Corporation, Minnesota Life and Accident Insurance Company, Hartford Life and Accident Insurance Company, and Unimerica, a subsidiary of United Healthcare Services, Inc. (the incumbent).

Members of the Evaluation Committee rated each proposal independently, without reviewing cost of service. The City's benefits consultant also prepared a comparison spreadsheet so all similarities and differences would be easily visible. The final scores were discussed amongst the Evaluation Committee. Lastly, the pricing was factored into the overall final score.

The evaluation criteria were based on:

- Contract provisions – 30%
- Reporting/network – 15%
- Reputation and references – 15%
- Pricing – 40%

Final results showed Unimerica, a subsidiary of United Healthcare Services, Inc. with the overall highest scores including pricing. The City submitted best and final offers to the top three vendors. After reviewing the three best and final offers, the City recommends awarding the contract to Cigna Corporation, in the estimated annual cost of \$807,337 with the contract totaling \$3,229,348 for years 2015 – 2018, which is over \$100,000 lower than the other two vendors who submitted best and final offers. This represents a \$304,262 savings from the current contract. Cigna Corporation guaranteed the rates for 3 years with a contingent rate guarantee in year 4 based upon the loss ratio.

Failure to renew this contract will result in a loss of life and accidental death and disability benefits to employees and retirees.

CITY OF PLANO

RFP No.: 2014-169-C
RFP for LIFE INSURANCE
City of Plano Internal Contract No. 2014-396-C

RFP RECAP

RFP Opening Date/Time: **Monday, April 21, 2014 @ 3:00 p.m. (CDT)**

Number of Vendors Notified: 1646

Vendors Submitting "No Bids": None

Number of Proposals Considered: 9

Estimated Overall Cost:

Cigna Corporation	\$826,564
Unimerica, a subsidiary of United Healthcare Services, Inc.	\$925,751
Aetna Life Insurance Company	\$942,283
Standard Insurance Company	\$958,814
The Guardian Life Insurance Company of America	\$964,324
Minnesota Life Insurance Company	\$1,041,470
AIG Benefit Solutions	\$1,046,981
ING North America Insurance Corporation	\$1,046,981
Hartford Life and Accident Insurance Company	\$1,377,606

Recommended Vendor(s):

Cigna Corporation in their best and final estimated amount of \$807,337.

I certify that the above includes all firms contacted to bid and that replies are exactly as stated.

Sharron Mason

October 8, 2014

Sharron Mason
Sr. 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:		10/27/14		
Department:		Engineering		
Department Head		Jack Carr		
Agenda Coordinator (include phone #): Michael Parrish x7554				
CAPTION				
Bid No. 2014-348-B for the purchase and installation of a Grounding Transformer for the Municipal Center to Kennedy Electric, Inc., in the amount of \$50,283, 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:	2014-15	Prior Year (CIP Only)	Current Year	Future Years
				TOTALS
Budget		304,692	2,261,308	470,000
Encumbered/Expended Amount		-304,692	-792,175	0
This Item		0	-50,283	0
BALANCE		0	1,418,850	470,000
FUND(S): CAPITAL RESERVE CIP				
<p>COMMENTS: Funds are available in the 2014-15 CIP. This item, in the amount of \$50,283, will leave a current year balance of \$1,418,850 available for other expenditures related to the renovation and repair of Municipal Center.</p> <p>STRATEGIC PLAN GOAL: Installing building equipment to bring City facilities up to new Electrical Code requirements relates to the City's goals of Financially Strong City with Service Excellence and Safe Large City.</p>				
SUMMARY OF ITEM				
Staff recommends the bid of Kennedy Electric, Inc., in the amount of \$50,283, be accepted as the lowest, responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Municipal Center (2014-348-B).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo, Bid Recap				



Memorandum

Date: October 9, 2014
To: Michael Parrish, Sr. Buyer
From: Richard Medlen, Facilities Maintenance Superintendent
Subject: Municipal Center – Grounding Transformer – Bid #2014-348-B

I have reviewed the bids received for the Municipal Center Grounding Transformer. I am recommending award to the lowest, responsive, responsible bid, provided by Kennedy Electric, Inc., for the amount of \$50,283.00. Additional bids were received from Groves Electrical Service Inc., for \$58,141.00, and Prater Electric LLC dba Jeffries Electric, for \$65,000.00.

The addition of the grounding transformer is required to bring the electrical service to the Municipal Center up to new electrical code requirements.

The funding for the project is in the Capital Reserve Account #54424.

Please contact me if you have any questions.

Thanks

/liw

Xc: Jim Razinha
Richard Sievert
Matt Yager
Selso Mata

CITY OF PLANO

BID NO. 2014-348-B MUNICIPAL CENTER GROUNDING TRANSFORMER BID RECAP

Bid Opening Date/Time: October 6, 2014 @ 3:00 PM

Number of Vendors Notified: 2769

Vendors Submitting "No Bids": 0

Number of Non-Responsive Bids: 0

Number of Responsive Bids Submitted: 3

Kennedy Electric, Inc. \$50,283

Groves Electrical Service, Inc. \$58,141

Prater Electric LLC dba Jeffries Electric \$65,000

Recommended Vendor:

Kennedy Electric, Inc. \$50,283

Michael Parrish

October 7, 2014

Michael Parrish, Senior 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:		10/27/14		
Department:		Engineering		
Department Head		Jack Carr		
Agenda Coordinator (include phone #): Michael Parrish x7554				
CAPTION				
Bid No. 2014-353-B for the purchase and installation of Backstand Power Upgrades for the Parkway Operations Building to Groves Electrical Service, Inc., in the amount of \$61,152, 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:	2014-15	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		209,996	550,004	40,000
Encumbered/Expended Amount		-209,996	-331,611	0
This Item		0	-61,152	0
BALANCE		0	157,241	40,000
FUND(S): CAPITAL RESERVE CIP				
<p>COMMENTS: Funds are available in the 2014-15 CIP. This item, in the amount of \$61,152, will leave a current year balance of \$157,241 available for further expenditures related to repairs and renovations at the Parkway Operations Building.</p> <p>STRATEGIC PLAN GOAL: Replacing emergency generators that have reached the end of their expected useful life relates to the City's goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
Staff recommends the bid of Groves Electrical Service, Inc., in the amount of \$61,152, be accepted as the lowest, responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Parkway Operations Building (2014-353-B).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo, Bid Recap				



Memorandum

Date: October 9, 2014
To: Michael Parrish, Sr. Buyer
From: Richard Medlen, Facilities Maintenance Superintendent
Subject: Parkway Operations – Backstand Power Upgrades – Bid #2014-353-B

I have reviewed the bids submitted for the Parkway Operations Backstand Power Upgrades. I am recommending award to the lowest, responsive, responsible bid, submitted by Groves Electrical Service, Inc., for \$61,152.00. Additional bids were received by Kennedy Electric, Inc., for \$62,310.00, and Prater Electric LLC dba Jeffries Electric, for \$70,000.00.

The existing backstand/emergency generator is 20 years old and at the end of its life expectancy, and replacement is required in order to provide reliable emergency backup power for the facility.

The funding for the project is in the Capital Reserve Account #54484.

Please contact me if you have any questions.

Thanks

/liw

Xc: Jim Razinha
Richard Sievert
Matt Yager
Reid Choate
Gerald Cosgrove

CITY OF PLANO

BID NO. 2014-353-B PARKWAY OPERATIONS BACKSTAND POWER UPGRADES BID RECAP

Bid Opening Date/Time: October 7, 2014 @ 2:30 PM

Number of Vendors Notified: 3379

Vendors Submitting "No Bids": 2

Number of Non-Responsive Bids: 0

Number of Responsive Bids Submitted: 3

Groves Electrical Service, Inc. \$61,152

Kennedy Electric, Inc. \$62,310

Prater Electric LLC dba Jeffries Electric \$70,000

Recommended Vendor:

Groves Electrical Service, Inc. \$61,152

Michael Parrish

October 13, 2014

Michael Parrish, Senior 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:		10/27/14		
Department:		Engineering		
Department Head		Jack Carr		
Agenda Coordinator (include phone #): Michael Parrish x7554				
CAPTION				
Bid No. 2014-355-B for Canopy Roof Replacement at the Harrington Library to Roof Management Services, Inc., in the amount of \$98,820, 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:	2014-15	Prior Year (CIP Only)	Current Year	Future Years
				TOTALS
Budget		9,417	415,283	0
Encumbered/Expended Amount		-9,417	-25,154	0
This Item		0	-98,820	0
BALANCE		0	291,309	0
FUND(S): CAPITAL RESERVE CIP				
<p>COMMENTS: Funds are available in the 2014-15 CIP. This item, in the amount of \$98,820, will leave a current year balance of \$291,309 available for other expenditures related to the renovations and repairs at Harrington Library.</p> <p>STRATEGIC PLAN GOAL: Replacing structural elements of City facilities that have deteriorated and need replacement relates to the City's goals of Financially Strong City with Service Excellence and Safe Large City.</p>				
SUMMARY OF ITEM				
<p>Staff recommends the bid of Roof Management Services, Inc., in the amount of \$98,820, be accepted as the lowest, responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Harrington Library (2014-355-B).</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo, Bid Recap				



Memorandum

Date: October 3, 2014
To: Michael Parrish, Sr. Buyer
From: Richard Medlen, Facilities Maintenance Superintendent
Subject: Harrington Library – Canopy Roof Replacement – Bid #2014-355-B

I have reviewed the bids submitted for the Harrington Library Canopy Roof Replacement. I am recommending award to the apparent overall lowest, responsive, responsible bidder, which is Roof Management Services, Inc., in the amount of \$98,820. A bid was also received from Reconstruction Experts for \$114,986. Additional bids were received from AA Applicators, for \$219,250, however, their bid was deemed non-responsive because they did not provide the required Bid Bond; and The Apur Group, Inc., for \$296,700, however, their bid was deemed non-responsive because they did not attend a required site visit.

The canopy roof has deteriorated such that replacement is necessary due to structural problems with the existing roof.

The funding for the project is in the Capital Reserve Account #54440.

Please contact me if you have any questions.

Thanks

/liw

Xc: Jim Razinha
Todd Luxem
Paul Kunze
Matt Yager
Jack Carr

CITY OF PLANO

BID NO. 2014-355-B HARRINGTON LIBRARY CANOPY ROOF REPLACEMENT BID RECAP

Bid Opening Date/Time: October 2, 2014 @ 2:00 PM

Number of Vendors Notified: 1699

Vendors Submitting "No Bids": 0

Number of Non-Responsive Bids: 2

Number of Responsive Bids Submitted: 2

Roof Management Services, Inc. \$98,820
Reconstruction Experts \$114,986

Recommended Vendor:

Roof Management Services, Inc. \$98,820

Michael Parrish

October 2, 2014

Michael Parrish, Senior 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:		10/27/14		
Department:		Engineering		
Department Head		Jack Carr		
Agenda Coordinator (include phone #): Michael Parrish x7554				
CAPTION				
Bid No. 2014-349-B for the purchase and installation of HVAC and Electrical Modifications for 911 Operations in the Municipal Center to Infinity Contractors International, Ltd., in the amount of \$135,427, 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:	2014-15	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		304,692	2,919,018	470,000
Encumbered/Expended Amount		-304,692	-792,175	0
This Item		0	-135,427	0
BALANCE		0	1,991,416	470,000
FUND(S): CAPITAL RESERVE CIP, 911 WIRE LINE FEE FUND				
<p>COMMENTS: Funds are available in the 2014-15 Capital Reserve CIP. This item, in the amount of \$135,427, will leave a current year balance of \$1,991,416 available for further expenditures on renovations and repairs at Plano Municipal Center and other expenditures as permitted from 911 Wire-Line fees.</p> <p>STRATEGIC PLAN GOAL: Replacement of building equipment at the end of its useful life and modification of facilities to accommodate additional Public Safety Communication personnel relates to the City's Goals of Safe Large City and Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
Staff recommends the bid of Infinity Contractors International, Ltd., in the amount of \$135,427, be accepted as the lowest, responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Municipal Center (2014-349-B).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo, Bid Recap				



Memorandum

Date: October 9, 2014
To: Michael Parrish, Sr. Buyer
From: Richard Medlen, Facilities Maintenance Superintendent
Subject: Municipal Center – 911 HVAC and Electrical Modifications – Bid #2014-349-B

I have reviewed the bids submitted for the Municipal Center 911 HVAC and Electrical Modifications. I am recommending award to the apparent overall lowest, responsive, responsible bidder, which is Infinity Contractors International, Ltd., for the amount of \$135,427.00. A bid was also received from Berger Engineering Company for \$137,715.00. An additional bid was received from Mascot Construction for \$44,022.97 but was withdrawn due to a typo; they meant to bid \$144,022.97.

The existing backup HVAC for 911 is 20 years old and at the end of its life expectancy and replacement is required in order to provide reliable HVAC backup. The electrical modifications are to accommodate additional personnel in 911.

The funding for the project is in the Capital Reserve Account #54424 for \$100,000 and Account #14131 for \$35,427.00.

Please contact me if you have any questions.

Thanks

/liw

Xc: Jim Razinha
Richard Sievert
Paul Kunze
Matt Yager
Susan Carr

CITY OF PLANO

BID NO. 2014-349-B 911 HVAC AND ELECTRICAL MODIFICATIONS BID RECAP

<u>Bid Opening Date/Time:</u>	October 6, 2014 @ 1:30 PM
<u>Number of Vendors Notified:</u>	3817
<u>Vendors Submitting "No Bids":</u>	0
<u>Number of Non-Responsive Bids:</u>	0
<u>Number of Responsive Bids Submitted:</u>	2
Infinity Contractors International, Ltd.	\$135,427
Berger Engineering Company	\$137,715
<u>Recommended Vendor:</u>	
Infinity Contractors International, Ltd.	\$135,427

Michael Parrish

October 7, 2014

Michael Parrish, Senior 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:		10/27/14		
Department:		Engineering		
Department Head:		Jack Carr		
Agenda Coordinator (include phone #):			Kathleen Schonne (7198)	
			Project No. 6305.1	
CAPTION				
CSP No. 2014-248-B for the construction of the Police Gun Range Modifications to Turner Construction Company, in the amount of \$1,189,000; and authorizing the City Manager or his authorized designee 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: 2014-15	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,308,000	0	1,308,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-1,189,000	0	-1,189,000
BALANCE	0	119,000	0	119,000
FUND(S): CRIMINAL INVESTIGATION FUND				
COMMENTS: Funds are available in the Criminal Investigation Fund for this project. Remaining funds may be used for other authorized uses as appropriate.				
STRATEGIC PLAN GOAL: Constructing modifications to the Police Gun Range relates to the City's Goals of Safe Large City and Great Neighborhoods – 1 st Choice to Live.				
SUMMARY OF ITEM				
Staff recommends the Competitive Sealed Proposal of Turner Construction Company, in the amount of \$1,189,000, be accepted as the best value conditioned on the timely execution of necessary contract documents for the construction of the Police Gun Range Modifications.				
4840 East Plano Parkway, Plano, Texas, 75093				
https://www.google.com/maps/place/4840+E+Plano+Pkwy,+Plano,+TX+75093/@33.008157,-96.642206,17z/data=!3m1!4b1!4m5!1m2!2m1!1splano+police+gun+range!3m1!1s0x864c1b934b894df9:0x2ad0f17574985889				
List of Supporting Documents: Recommendation memo dated 9/29/14 CSP Recap Location Map			Other Departments, Boards, Commissions or Agencies N/A	

TO: Michael Parrish

FROM: Jim Razinha, Facilities Manager

DATE: 29 September 2014

SUBJECT: **POLICE GUN RANGE MODIFICATIONS, Project No. 6305.1
CSP Number 2014-248-B**

Recommendation: Per the weighted scoring of the proposals received and evaluated for the subject Competitive Sealed Proposal as summarized below, I recommend award to Turner Construction Company in the amount of \$ 1,189,000 and 115 days construction time from Notice to Proceed as being the best value to the City of Plano.

Explanation:

Four proposals were submitted. As only two proposals were within the budget of \$1,200,000, the Technical Evaluation Team ranked only the technical aspects of those two proposals. Pricing was scored through a Purchasing formula with the lowest price scoring highest.

Award recommendation is based on the following evaluation criteria:

Price:	60%
General construction experience	12%
Similar experience as a general contractor	8%
Staff experience	10%
Quality Control and Warranty Program	4%
<u>Time to construct the project</u>	<u>6%</u>
	100%

Turner Construction Company ranked the highest overall of the two proposers evaluated, even though its proposed price was the second lowest. The Technical Evaluation Team scored Turner as well above meeting all of the needs identified in the solicitation. The time of construction proposed by Turner Construction was the shortest.

Tillage Construction ranked second overall (second in technical and first in price with the lowest proposed price). The Technical Evaluation Team scored their proposal as only meeting some of the needs specified in all areas evaluated. Their proposed time of construction was 43 days (37%) longer than that proposed by Turner Construction.

CITY OF PLANO
BID TABULATION
CSP 2014-248-B
CSP for Police Gun Range Modifications

BIDDER:	ADDENDUMS	BID BOND	TOTAL BASE BID
Tillage Construction, LLC	Y	Y	\$1,067,762.00
Turner Construction Company	Y	Y	\$1,189,000.00
SDB, Inc.	Y	Y	\$1,317,321.00
Mart, Inc.	Y	Y	\$1,445,000.00

I certify that the above includes all firms contacted to bid and that replies are exactly as stated.

Michael Parrish

7/16/2014

Michael Parrish, Senior Buyer

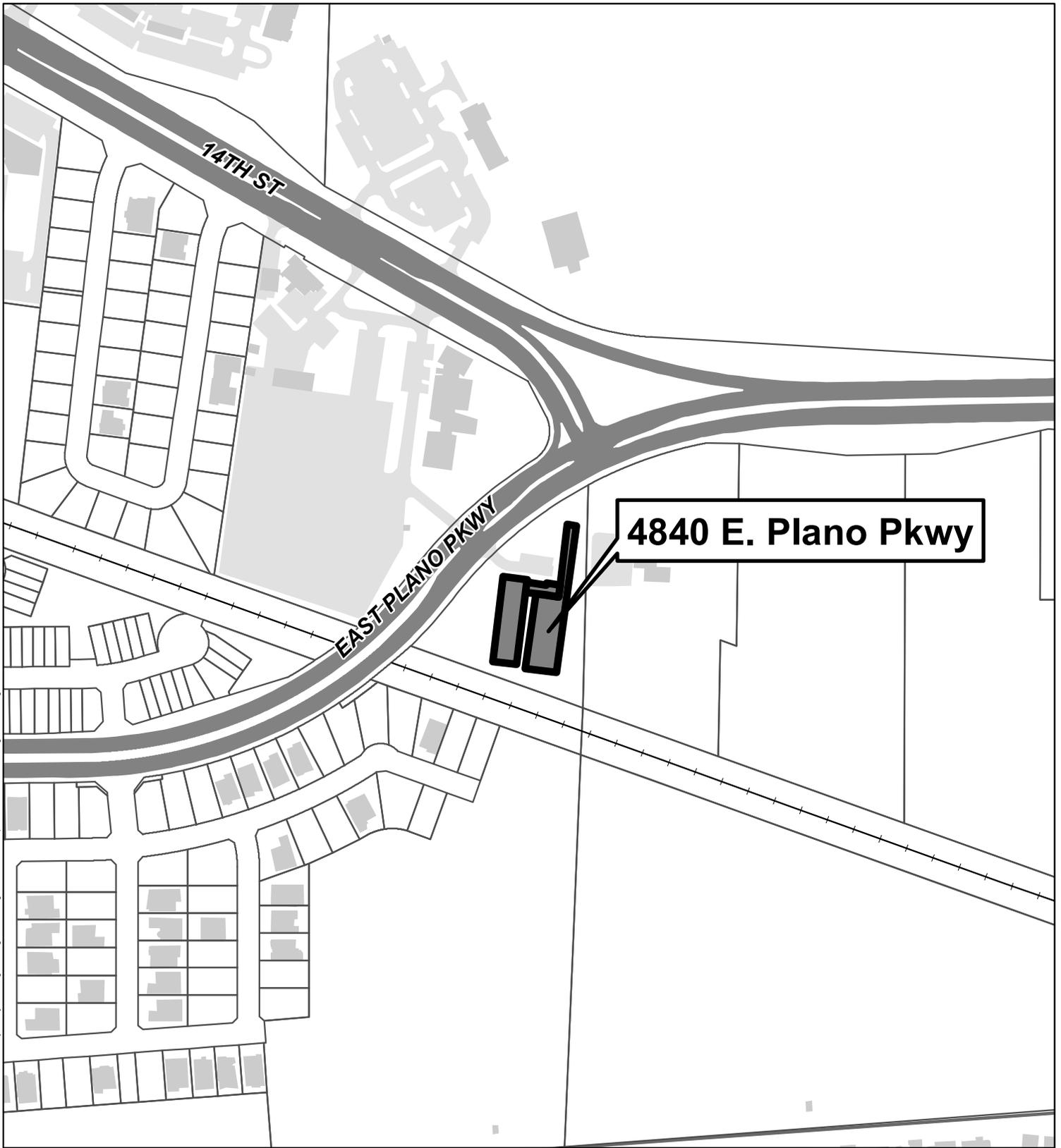
Date

“BID TABULATION STATEMENT”

ALL BIDS SUBMITTED FOR THE DESIGNATED PROJECT ARE REFLECTED ON THIS BID TAB SHEET. **HOWEVER, THE LISTING OF A BID ON THIS SHEET SHOULD NOT BE CONSTRUED AS A COMMENT ON THE RESPONSIVENESS OF SUCH BID OR AS ANY INDICATION THAT THE CITY ACCEPTS SUCH BID AS RESPONSIVE.** THE CITY WILL MAKE A DETERMINATION AS TO THE RESPONSIVENESS OF BIDS SUBMITTED BASED UPON COMPLIANCE WITH ALL APPLICABLE LAWS, CITY OF PLANO PURCHASING GUIDELINES, AND PROJECT DOCUMENTS, INCLUDING BUT NOT LIMITED TO THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS. THE CITY WILL NOTIFY THE SUCCESSFUL BIDDER UPON AWARD OF THE CONTRACT AND, ACCORDING TO LAW, ALL BIDS RECEIVED WILL BE AVAILABLE FOR INSPECTION AT THAT TIME.

PURCHASING DIVISION
CITY OF PLANO TEXAS

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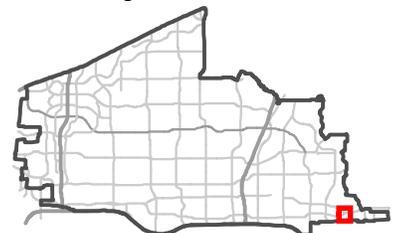
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**Police Gun Range Modification
4840 E. Plano Pkwy
Project No. 6305.1**

October, 2014
Source: City of Plano GIS Division

Project Location





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:		10/27/2014			
Department:		Public Safety Communications			
Department Head		Susan Carr			
Agenda Coordinator (include phone #): Sharron Mason - Ext. 7247					
CAPTION					
CSP No. 2014-73-B for an IP Based Fire Station Alerting System, for Public Safety Communications and Plano Fire Rescue to PURVIS Systems Incorporated in the total amount of \$1,306,334, 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 checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	1,117,245	378,924	1,496,169
Encumbered/Expended Amount		0	0	0	0
This Item		0	-927,410	-378,924	-1,306,334
BALANCE		0	189,835	0	189,835
FUND(S): TECHNOLOGY IMPROVEMENTS CIP FUND, TECHNOLOGY SERVICES FUND					
<p>COMMENTS: Funding is available in the Technology Improvements CIP Fund and planned for future years Technology Services Fund Budget. This item, in the amount of \$1,306,334, approves the purchase of a Fire Station Alerting System as well as the annual maintenance for the system through FY 2019-20. The remaining balance of \$189,835 will be available for further project expenditures as needed. Future year maintenance will be made within future year appropriations.</p> <p>STRATEGIC PLAN GOAL: Installing and maintaining fire station alerting to better connect Public Safety Communications and Plano Fire Rescue relates to the City's goal of Safe Large City.</p>					
SUMMARY OF ITEM					
<p>Staff recommends the award of CSP No. 2014-73-B for an IP Based Fire Station Alerting System to PURVIS Systems Incorporated in the total amount of \$1,306,334. This purchase includes services, software license, dispatch center hardware, fire station hardware (along with optional apparatus presence detection and automatic garage door opening options) and annual follow on maintenance, to be utilized by Public Safety Communications and Plano Fire Rescue and conditioned upon timely execution of any necessary contract documents.</p>					
List of Supporting Documents: Recommendation of Award Memo and Bid Recap			Other Departments, Boards, Commissions or Agencies		



Memorandum

Date: October 10, 2014
To: Diane Palmer-Boeck, Chief Purchasing Officer
From: Susan Carr, PSC Director
Subject: Recommendation, CSP No. 2014-73-B

The evaluation committee for CSP 2014-73-B, IP Based Fire Station Alerting System, has reviewed the Best and Final Offer received from PURVIS Systems Incorporated, and recommends purchase of the IP Based Fire Station Alerting System from PURVIS Systems Incorporated.

PURVIS Systems Incorporated was the only respondent to CSP 2014-73-B. After evaluation of their proposal was complete, PURVIS Systems Incorporated was requested to come to the City of Plano to provide a demonstration and answer technical questions on April 2, 2014. Upon review of the demonstration, PURVIS Systems Incorporated was requested to provide the City with a Best and Final Offer. (On June 18, 2014, PURVIS Systems Incorporated offered final clarifications in a conference call; at which time, it was determined the City would supply the server hardware). The Best and Final Offer was then updated to reflect this determination to include optional items and annual follow on maintenance. PURVIS Systems Incorporated provided four (4) metropolitan references. Three (3) were able to be contacted and provided solid references, specifically regarding project management and implementation services.

The cost of the PURVIS system, including services, software license, dispatch center hardware, and fire station hardware (along with optional apparatus presence detection and automatic garage door opening options) totaled \$927,410.12. The cost for annual follow on maintenance, years two (2) through six (6), is as follows:

Year 2	\$71,372.04
Year 3	\$73,513.20
Year 4	\$75,718.59
Year 5	\$77,990.15
Year 6	\$80,329.86
Total Maintenance Cost	\$378,923.84

Per discussions with the City and the respondent (6/18/14 call), the City decided to purchase and provide the hardware for the Central Server.

The City will also need to purchase an Interface (Plano Raptor API) from TriTech Software Systems in the amount of \$8,600 to interface the CAD system to the IP based fire station alerting system.

Inform CAD Software License	\$5,000
CAD API Training	\$2,500
Annual Maintenance (1 year)	\$1,100

The purchase of the IP based fire station alerting system meets the requirement for secondary stationary alerting to assist the City in maintaining their Insurance Services Office (ISO) Class 1 rating (which reduces homeowners and commercial insurance rates). If the city did not purchase the secondary alerting system, there is a risk that we will not maintain our Class 1 rating, and insurance premiums within the City of Plano could increase.

CITY OF PLANO

RFP No.: 2014-73-B
CSP for IP BASED FIRE STATION ALERTING SYSTEM
RFP RECAP

RFP Opening Date/Time: **Tuesday, January 21, 2014 at 3:00 pm (CST)**

Number of Vendors Notified: 8190

Vendors Submitting "No Bids": 2

Number of Proposals Considered: 1

Estimated Overall Cost: PURVIS Systems Incorporated \$892,122.87

Recommended Vendor:

PURVIS Systems Incorporated, in their best and final total amount of \$1,306,334 (includes optional items and annual follow on maintenance).

I certify that the above includes all firms contacted to bid and that replies are exactly as stated.

Sharron Mason

October 10, 2014

Sharron Mason
Sr. 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:		10/27/2014			
Department:		Public Works			
Department Head		Gerald Cosgrove			
Agenda Coordinator (include phone #): Nancy Corwin x7137					
CAPTION					
Bid No. 2014-340-C for a one (1) year contract with three (3) City optional one year renewals, for the purchase of de-chlorinator tablets for Public Works to HD Supply Waterworks, LTD, in the estimated annual amount of \$73,879 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:	2014-15, 2015-16, 2016-17, 2017-18	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	220,488	221,638	442,126
Encumbered/Expended Amount		0	-4,675	0	-4,675
This Item		0	-73,879	-221,638	-295,517
BALANCE		0	141,934	0	141,934
FUND(S): WATER & SEWER FUND					
<p>COMMENTS: This item approves price quotes for de-chlorinator tablets for Public Works Utility Operations. The estimated amount to be spent in FY 2014-15 for this item is \$73,879. Future expenditures will be made by Utility Operations within the annually approved budget appropriations, at an estimated annual expenditure of \$73,879.20 for fiscal years 2015-16, 2016-17 and 2017-18.</p> <p>STRATEGIC PLAN GOAL: Contracts for water treatment chemicals relate to the City's Goal of Financially Strong City with Service Excellence.</p>					
SUMMARY OF ITEM					
Staff recommends the bid of HD Supply Waterworks, LTD, in the estimated annual amount of \$73,879.20 be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for Public Works.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Recommendation of Award, Bid Recap					



Memorandum

Date: September 16, 2014
To: Nancy Corwin
From: Gentry Strickland, Utility Operations Superintendent
Subject: 2014-340-C

As low consumption continues to cause quality issues within our water system, we continue to flush from fire hydrants in order to keep the water as fresh and safe as possible. We use de-chlorination tablets to remove sterilization residuals making the flushed water safe for receiving creeks and streams as required by Federal Law. These efforts have created the need to have a contract in place for the purchase of de-chlorination tablets. I have completed the review and evaluation of proposals submitted in the above mentioned bid. It is my recommendation the bid be awarded to the apparent low bidder, HD Supply Waterworks, LTD. in the estimated amount of \$73,879.20

CITY OF PLANO

BID NO. 2014-340-C De-Chlorinator Tablets Bid Recap

Bid opening Date/Time: October 6, 2014 @ 2:30PM

Number of Vendors Notified: 649

Vendors Submitting "No Bids": 1

Bids Evaluated Non-Responsive to Specification: 2

Number of Bids Submitted: 2

<u>Vendor Name</u>	<u>Total Bid</u>
HD Supply Waterworks, LTD.	\$73,879.20
Promag Enviro Systems Ltd	\$78,848.40

Recommended Vendor(s):
HD Supply Waterworks, LTD. \$73,879.20

Nancy Corwin

October 6, 2014

Nancy Corwin, 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:		10/27/2014			
Department:		Engineering			
Department Head		Jack Carr			
Agenda Coordinator (include phone #): Michael Parrish x7554					
CAPTION					
To approve a five (5) year term contract for the purchase of Energy Management System Maintenance for Facilities Maintenance, in the estimated total amount of \$495,015 from Johnson Controls, Inc., through an existing contract/agreement with TXMAS, and authorizing the City Manager to execute all necessary documents. (TXMAS-5-03FAC020)					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2014-15, 2015-16, 2016-17, 2017-18, 2018-19	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	195,566	396,012	591,578
Encumbered/Expended Amount		0	0	0	0
This Item		0	-99,003	-396,012	-495,015
BALANCE		0	96,563	0	96,563
FUND(S): GENERAL FUND					
<p>COMMENTS: Funding is available in the 2014-15 Facilities Maintenance budget for this item. This item, in the amount of \$99,003 annually, will leave a current year balance of \$96,563 available for other facility related maintenance agreements. Future year expenditures will be made within council approved budget appropriations.</p> <p>STRATEGIC PLAN GOAL: Purchasing a maintenance agreement for the City's energy management system relates to the City's Goal of Financially Strong City with Service Excellence.</p>					
SUMMARY OF ITEM					
<p>Staff recommends approval of a five (5) year term contract for the purchase of Energy Management System Maintenance from Johnson Controls, Inc., in the estimated total amount of \$495,015, conditioned upon timely execution of any necessary contract documents. This is being purchased through an existing TXMAS contract that has been renewed for one (1) five (5) year term. Johnson Controls, Inc. is the manufacturer of the Energy Management System. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TXMAS-5-03FAC020)</p>					



CITY OF PLANO COUNCIL AGENDA ITEM

List of Supporting Documents: Memorandum	Other Departments, Boards, Commissions or Agencies



Memorandum

Date: October 15, 2014
To: Michael Parrish, Sr. Buyer
From: Richard Medlen, Facilities Maintenance Superintendent
Subject: Johnson Controls, Inc., Energy Management System Maintenance Contract

Michael,

I am recommending approval of the proposal from Johnson Controls, Inc., utilizing their TXMAS contract, for maintenance of the Johnson Controls' Energy Management Systems at 30 City facilities. This is being purchased through an existing TXMAS contract that has been renewed for one (1), five (5) year term.

Johnson Controls, Inc. is the manufacturer of the Energy Management Systems at these facilities, and preventative maintenance is required to ensure the energy efficient temperature control of the HVAC systems at 30 City facilities. This is also to maintain the computer software, including future modifications that are required. The quote is for \$99,002.70 annually, funding is provided in 01-352-6313. The total five (5) year cost is estimated to be \$495,015.

Please contact me if you have any questions.

Thanks,

Richard Medlen
Facilities Maintenance Superintendent

/liw

Cc: Jim Razinha



**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:		10/27/14			
Department:		Engineering			
Department Head:		Jack Carr			
Agenda Coordinator (include phone #):			Kathy Schonne (7198)		
			Project No. 6352		
CAPTION					
To approve and authorize Contract Modification No. 2 for additional design services for Oak Point Recreation Center Expansion & Renovation, in the amount of \$191,540, with Brinkley Sargent Architects; and authorizing the City Manager or his authorized designee 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:	2014-15	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		649,785	4,812,215	1,139,000	6,601,000
Encumbered/Expended Amount		-649,785	-309,277	0	-959,062
This Item		0	-191,540	0	-191,540
BALANCE		0	4,311,398	1,139,000	5,450,398
FUND(S): PARK IMPROVEMENTS CIP					
<p>COMMENTS: Funding is available in the 2014-15 Recreation Center Facilities CIP. This item, in the amount of \$191,540, will leave a project balance of \$4,311,398 available in FY 2014-15 for expenditures related to the Oak Point Rec Center Expansion Project.</p> <p>STRATEGIC PLAN GOAL: Obtaining additional professional design services for building improvements beyond the original contract relates to the City's goals of Financially Strong City with Service Excellence and Great Neighborhoods – 1st Choice to Live.</p>					
SUMMARY OF ITEM					
Add architectural and engineering services not in original contract associated with increases in building renovation scope to address improvements in more areas of the center and changes in aquatic elements.					
<ul style="list-style-type: none"> • Add engineering design to replace HVAC systems. • Design renovations of entrance vestibule and main lobby, administration areas, multi-purpose area, program rooms, child areas, gymnasium, gymnastics room, group exercise areas, lobby restrooms. • Address indoor air quality of gymnastics area. • Replace selected aquatic elements including indoor slide and water features. 					
The original contract amount was \$621,640. The Engineering Department is seeking City Council approval because this second modification exceeds \$50,000. The revised contract amount is \$827,480.					
https://www.google.com/maps/place/Oak+Point+Recreation+Center/@33.0547993,-96.6805627,16z/data=!4m2!3m1!1s0x0:0x237e749489063104					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Contract Modification, Location Map			N/A		

CONTRACT MODIFICATION

OAK POINT RECREATION CENTER EXPANSION & RENOVATION PROJECT NO. 6352

PURCHASE ORDER NO. 104449 CIP NO. 23407

This shall serve as a Second Modification to the Contract between the City of Plano, Texas (hereinafter "City"), and Brinkley Sargent Architects, Inc., (hereinafter "Consultant"), dated July 29, 2013, for Professional Architectural Services for the referenced project (hereinafter "Project").

Services:

This Modification amends the scope of services as originally set forth in the contract as follows:

Add architectural and engineering services not in original contract associated with increases in building renovation scope to address improvements in more areas of the center and changes in aquatic elements.

- Add engineering design to replace HVAC systems.
- Design renovations of entrance vestibule and main lobby, administration areas, multi-purpose area, program rooms, child areas, gymnasium, gymnastics room, group exercise areas, lobby restrooms.
- Address indoor air quality of gymnastics area.
- Replace selected aquatic elements including indoor slide and water features.

Compensation:

For additional services provided pursuant to this Modification, City shall pay Consultant an amount not to exceed \$191,540. Such payment shall be made in accordance with the payment terms specified in the Contract.

In the event of any conflict or inconsistency between the provisions set forth in this Modification and the Contract, this Modification shall govern and control. For and in consideration of the covenants, duties and obligations herein contained, the parties do mutually agree that except as provided above, all other terms and conditions of the Contract shall remain unchanged and in full force and effect.

Original Contract Amount	<u>\$ 621,640.00</u>
Contract Amount (Including Previous Modifications)	<u>\$ 635,940.00</u>
Amount, Modification No. 2	<u>\$ 191,540.00</u>
Revised Contract Amount	<u><u>\$ 827,480.00</u></u>
Total Percent Increase Including Previous Modifications	<u>33.11%</u>

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.

CITY OF PLANO	BRINKLEY SARGENT ARCHITECTS, INC.
_____ <i>OWNER</i>	_____ <i>CONSULTANT</i>
By: _____ (signature)	By: _____ (signature)
Print Name: Bruce D. Glasscock	Print Name: Dwayne Brinkley
Print Title: City Manager	Print Title: Chairman of the Board
Date: _____	Date: _____

ACKNOWLEDGMENTS

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the _____ day of October, 2014, by **DWAYNE BRINKLEY, CHAIRMAN OF THE BOARD** of **BRINKLEY SARGENT ARCHITECTS, INC.**, a Texas corporation, on behalf of said corporation.

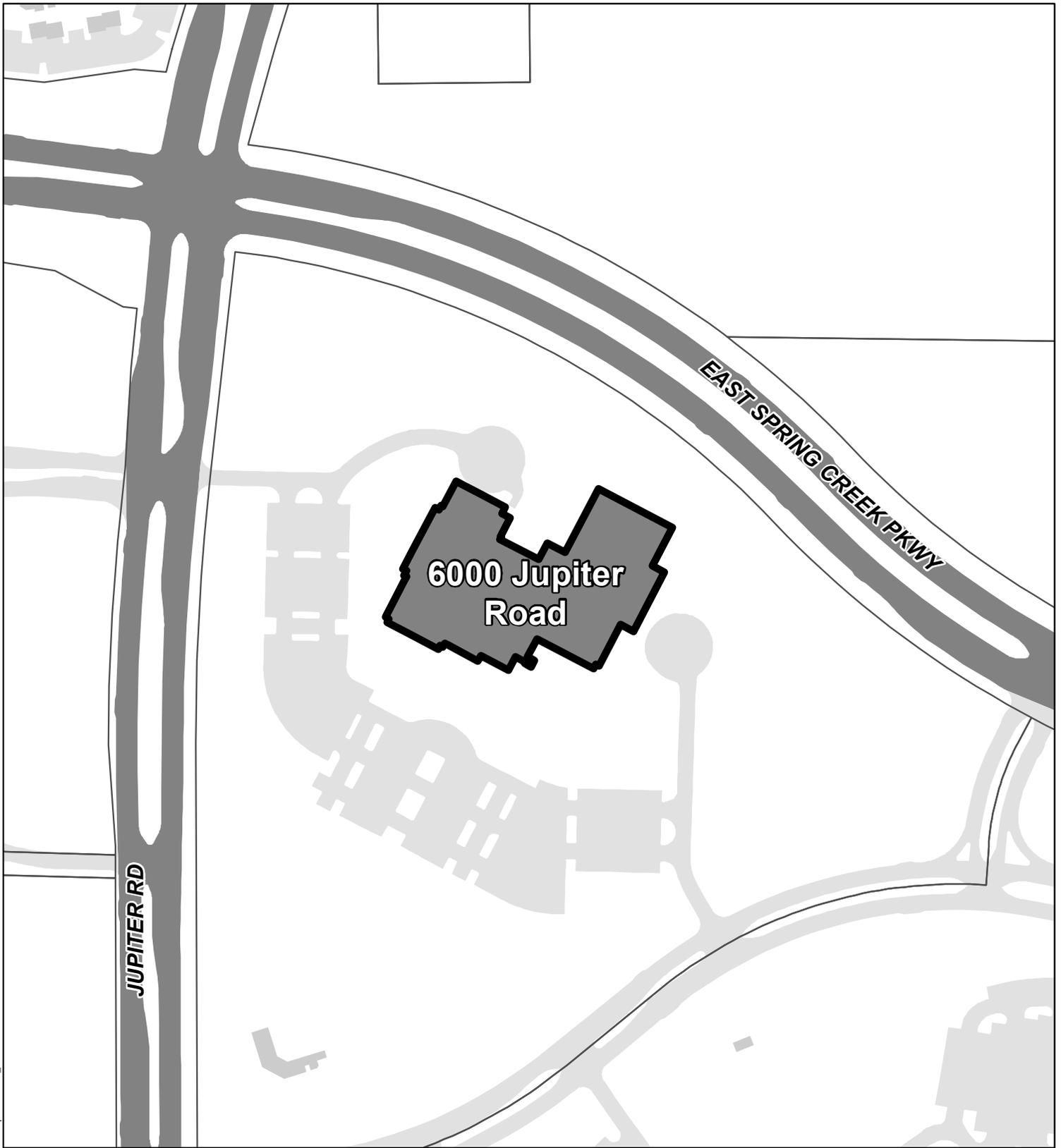
Notary Public, State of Texas

STATE OF TEXAS

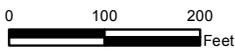
COUNTY OF COLLIN

This instrument was acknowledged before me on the _____ day of October, 2014, by **BRUCE D. GLASSCOCK, CITY MANAGER** of the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

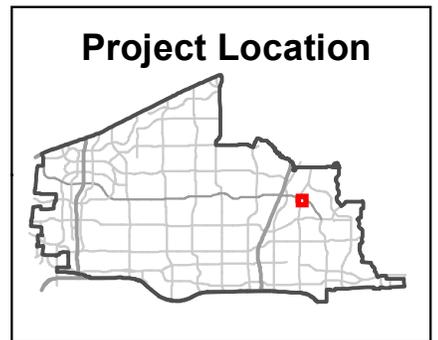


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**Oak Point Recreation Center
Expansion & Renovation
6000 Jupiter Road
Project No. 6352**

October, 2014
Source: City of Plano GIS Division



Project Location



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:		October 27, 2014		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): Raini M. Layne x5154				
CAPTION				
Approval of expenditures for Major Arts Grant funds in the total amount of \$789,404 for various arts organizations; and authorizing the City Manager or his designee 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:	2014-2015	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	800,000	800,000
Encumbered/Expended Amount		0	0	0
This Item		0	-789,404	-789,404
BALANCE		0	10,596	10,596
FUND(S): CONVENTION & TOURISM				
COMMENTS: Funding for this item is included in the approved 2014-15 Budget. The total amount of \$789,404 is funded from the Hotel/Motel Tax revenue within the Convention & Tourism Fund. STRATEGIC PLAN GOAL: Providing funding for arts organizations relates to the City's goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
The 2014 funding amounts and recipients were considered by City Council at the August 6, 2014 Budget Work Session. Organizations will begin using Major Arts Grant Funds effective November 1, 2014.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memo			Cultural Affairs Commission	



Memorandum

Date: October 16, 2014
To: Bruce D. Glasscock, City Manager
From: Karen Rhodes-Whitley, Director of Budget & Research
Subject: Recommendation for Major Arts Grant Awards for FY2014-15

At the FY2014-15 Budget Work Session on August 6, 2014, City Council reviewed Cultural Affairs Commission recommendations for the allocation of the 2014-15 Major Arts Grants. On September 8, 2014, City Council adopted the FY2014-15 budget, which included a line item for Major Arts Grants totaling \$789,404. The following organizations are recommended for funding as detailed below:

ArtCentre of Plano	\$	65,129
Art & Drama Centre Theatre	\$	40,319
Chamberlain Performing Arts	\$	93,268
Children's Chorus of Collin Co.	\$	13,482
Dallas Asian Amer. Youth Orch.	\$	11,427
Men of Note	\$	7,528
Plano Art Association	\$	6,903
Plano Children's Theatre	\$	167,176
Plano Civic Chorus	\$	14,294
Plano Community Band	\$	14,335
Plano Metropolitan Ballet	\$	13,693
Plano Symphony Orchestra	\$	279,415
Rover Dramawerks	\$	50,062
Theatre Britain	\$	12,373
TOTAL:	\$	789,404

Please let me know if you have any questions or need further clarification regarding the Major Arts Grants.



**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:		10/27/14		
Department:		Engineering		
Department Head:		Jack Carr, P.E.		
Agenda Coordinator (include phone #): Kathleen Schonke (7198)				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of Local Project Advance Funding Agreement (LPAFA) between City of Plano and the Texas Department of Transportation (TXDOT) for improvements on Preston Road at President George Bush Turnpike (SH 190); authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the agreement herein; 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: 2014-15	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): STREET IMPROVEMENTS CIP				
<p>COMMENTS: This item establishes an agreement with the TxDOT related to sharing costs associated with improvements at Preston Road and the President George Bush Turnpike. Since no immediate expenditures are being authorized, this item has no immediate financial impact.</p> <p>STRATEGIC PLAN GOAL: Partnering with TxDOT to make improvements at intersections within Plano relates to the City's Goals of Partnering for Community Benefit and Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>This LPAFA is an agreement with TxDOT that addresses the sharing of the cost associated with the improvements along Preston Road at PBGT (SH 190). The project includes adding a second southbound left turn lane onto eastbound PGBT, adding a southbound right turn onto westbound PGBT and removing a KCS railroad culvert under the Preston Road bridge.</p> <p>Per this agreement, the City of Plano is responsible for engineering, right-of-way acquisition, environmental clearance, utility relocation, and the cost to remove the culvert. The estimated cost of these elements is \$2,250,000.</p> <p>https://maps.google.com/maps?q=preston+road+%26+pGBT+plano+tx&hl=en&ll=33.061262,-96.736625&sspn=0.198537,0.363579&t=h&hnear=Dallas,+Texas+75252&z=16</p>				
List of Supporting Documents: Resolution; Exhibit A		Other Departments, Boards, Commissions or Agencies N/A		

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of Local Project Advance Funding Agreement (LPAFA) between the City of Plano and the Texas Department of Transportation (TxDOT) for improvements on Preston Road at President George Bush Turnpike (SH 190); authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date.

WHEREAS, the City Council has been presented a proposed Local Project Advance Funding Agreement for Project CSJ: 0091-05-059, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement") to (1) widen the SH 289 (Preston Road) bridge over SH 190 (President George Bush Turnpike) to provide 2-left turn lanes (southbound) for the SH 190 (President George Bush Turnpike) entrance ramps on SH 289 (Preston Road) at SH 190 (President George Bush Turnpike); (2) add a southbound right-turn on SH 289 (Preston Road) at SH 190 (President George Bush Turnpike); and, (3) remove the KCS Culvert under SH 289 (Preston Road) on SH 289 (Preston Road) at SH 190 (President George Bush Turnpike), in the City of Plano.

WHEREAS, upon full review and consideration of the 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 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 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, are hereby in all things approved.

Section II. The City Manager, or his designee, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano.

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

DULY PASSED AND APPROVED this the 27th day of October, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

CSJ #: 0091-05-059
ROW CSJ: 0091-05-068; Utility #: 14288
District #: 18-Dallas
Code Chart 64 #: 33100
Project: SH 289 (Preston Road
Limits: at SH 190 (President George Bush Turnpike)
Federal Highway Administration - CFDA #: 20.205
Not Research and Development
Funding: Cat 5 (CMAQ)

STATE OF TEXAS §

COUNTY OF TRAVIS §

**LOCAL TRANSPORTATION PROJECT
ADVANCE FUNDING AGREEMENT
For A
Congestion Mitigation and Air Quality (CMAQ) Improvement Program Project
On-System**

THIS Local Project Advance Funding Agreement (LPAFA) is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the City of Plano, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, a Master Agreement between the Local Government and the State has been adopted and states the general terms and conditions for transportation projects developed through this LPAFA; and,

WHEREAS, the Texas Transportation Commission passed Minute Order Number 113967 that provides for the development of, and funding for, the Project described herein; and,

WHEREAS, the Governing Body of the Local Government has approved entering into this LPAFA by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment A for the development of the Project. A map showing the Project location appears in Attachment B, which is attached to and made a part of this agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

AGREEMENT

1. Period of the Agreement

The period of this LPAFA is as stated in the Master Agreement, without exception.

2. Termination of this LPAFA

Termination of this LPAFA shall be under the conditions as stated in the Master Agreement. This LPAFA may be terminated by the State if the Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds.

CSJ #: 0091-05-059
ROW CSJ: 0091-05-068; Utility #: 14288
District #: 18-Dallas
Code Chart 64 #: 33100
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Federal Highway Administration - CFDA #: 20.205
Not Research and Development
Funding: Cat 5 (CMAQ)

3. Amendments

Amendments to this LPAFA shall be made as described in the Master Agreement, without exception.

4. Scope of Work

The scope of work for this LPAFA is described as (1) widening the SH 289 (Preston Road) bridge over SH 190 (President George Bush Turnpike) to provide 2-left turn lanes (southbound) for the SH 190 (President George Bush Turnpike) entrance ramps on SH 289 (Preston Road) at SH 190 (President George Bush Turnpike); (2) adding a southbound right-turn on SH 289 (Preston Road) at SH 190 (President George Bush Turnpike); and, (3) removing the KCS Culvert under SH 289 (Preston Road) on SH 289 (Preston Road) at SH 190 (President George Bush Turnpike) in the City of Plano.

5. Right of Way and Real Property

Right of way and real property shall be the responsibility of the Local Government as stated in the Master Agreement, without exception.

6. Utilities

Adjustment of utilities will be provided by the Local Government as required and as stated in the Master Agreement, without exception.

7. Environmental Assessment and Mitigation

Environmental assessment and mitigation will be carried out as stated in the Master Agreement. Additionally, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

8. Compliance with Texas Accessibility Standards and ADA

Compliance with Texas Accessibility Standards and the Americans with Disabilities Act (ADA) will be as stated in the Master Agreement, without exception.

9. Architectural and Engineering Services

Architectural and engineering services will be provided by the Local Government as stated in the Master Agreement. The Local Government is responsible for performance of any required architectural or preliminary engineering work. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. The State may review and comment on the work as required to accomplish the public purposes of the State. The Local Government will cooperate fully with the State in accomplishing these local public purposes to the degree permitted by State and Federal law.

10. Construction Responsibilities

Construction responsibilities will be carried out by the State as stated in the Master Agreement.

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ROW CSJ: 0091-05-068; Utility #: 14288
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Federal Highway Administration - CFDA #: 20.205
Not Research and Development
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11. Project Maintenance

Project maintenance will be undertaken as provided for in the Master Agreement, without exception.

12. Local Project Sources and Uses of Funds

- A. A Project Budget Estimate is provided in Attachment C. The State and the Federal Government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for one hundred percent (100%) of the cost of any work performed under its direction or control before the Federal spending authority is formally obligated.
- B. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C. A Source of Funds estimate based on the Transportation Improvement Program (TIP) is also provided in Attachment C. Attachment C shows the percentage and estimated dollar amount to be contributed to the project by federal, state, and local sources. The parties agree that the LPAFA may be amended from time to time as required to meet the funding commitments based on revisions to the TIP, Federal Project Authorization and Agreement (FPAA), or other federal document.
- D. The Local Government is responsible for all non-federal and non-state funding, including any project cost overruns, unless otherwise provided for in this agreement or through amendment of this agreement.
- E. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering for the project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- F. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.

CSJ #: 0091-05-059
ROW CSJ: 0091-05-068; Utility #: 14288
District #: 18-Dallas
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- G.** Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- H.** If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.
- I.** The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Any entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- J.** Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.
- K.** The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.

13. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

CSJ #: 0091-05-059
 ROW CSJ: 0091-05-068; Utility #: 14288
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 Not Research and Development
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14. Incorporation of Master Agreement Provisions

This LPAFA incorporates all of the governing provisions of the Master Agreement in effect on the date of final execution of this LPAFA, unless an exception has been made in this agreement.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Debarment Certification

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

17. Cost Principles and Office of Management and Budget (OMB) Audit Requirements

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

18. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
Director of Engineering City of Plano 1520 K Avenue, Suite 250 Plano, Texas 75086-0358	Director of Contract Services Office Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

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All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

19. Civil Rights Compliance

The Local Government shall comply with the regulations of the U.S. Department of Transportation as they relate to non-discrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

20. Disadvantaged Business Enterprise (DBE) Program Requirements

- A.** The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B.** The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C.** The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D.** The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E.** The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F.** Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this*

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agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

21. Federal Funding Accountability and Transparency Act Requirements

- A.** Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>
- B.** The Local Government agrees that it shall:
1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
 3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

22. Single Audit Report

- A.** The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B.** If threshold expenditures are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://www.txdot.gov/inside-txdot/office/audit/contact.html>. The expenditure threshold for fiscal years beginning prior to December 31, 2014 is \$500,000; the expenditure threshold for fiscal years beginning on or after December 31, 2014 is \$750,000.
- C.** If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D.** For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise

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amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

23. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT – CITY OF PLANO

By: _____
Bruce D. Glasscock
City Manager

Date: _____

Approved as to Form:

By: _____
Paige Mims
City Attorney

THE STATE OF TEXAS

By: _____
Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

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:		10/27/14		
Department:		Engineering		
Department Head:		Jack Carr, P.E.		
Agenda Coordinator (include phone #): Kathleen Schonne (7198)				Project No. 5387
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of the amended Interlocal Agreement (ILA) between City of Plano and Collin County for improvements on McDermott Road from Coit Road to Ohio Drive. This amended Interlocal Agreement will supersede and will repeal the Interlocal Agreement approved on January 25, 2010 by Resolution 2010-1-12(R); authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2014-15	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	400,000	0	400,000
Encumbered/Expended Amount	400,000	0	0	400,000
This Item	0	304,798	0	304,798
BALANCE	400,000	704,798	0	1,104,798
FUND(S): STREET IMPROVEMENTS CIP				
<p>COMMENTS: Revenue from this amended interlocal agreement has been anticipated in the 2014-15 Street Improvements CIP and is anticipated to offset City of Plano expenditures which have already occurred for this project.</p> <p>STRATEGIC PLAN GOAL: Partnering with Collin County to construct improvements along Plano thoroughfares relates to the City's Goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.</p>				
SUMMARY OF ITEM				
<p>The 2007 Collin County Bond Program included funds available for the construction of McDermott Road from Coit Road to Ohio Drive. This is an amended ILA with Collin County that increases the share of the cost associated with the improvements. This amended ILA will supersede and will repeal the Interlocal Agreement approved on January 25, 2010 by Resolution 2010-1-12(R), increasing the County share from \$800,000 to a revised amount of \$1,104,798.</p>				
https://maps.google.com/maps?q=mcdermott+road+%26preston+meadow&hl=en&sl=33.061262,-96.736625&sspn=0.198537,0.363579&t=h&hnear=McDermott+Rd,+Plano,+Texas&z=14				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution; Exhibit A Interlocal Agreement			N/A	

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of the amended Interlocal Agreement (ILA) between City of Plano and Collin County for improvements on McDermott Road from Coit Road to Ohio Drive. This amended Interlocal Agreement will supersede and will repeal the Interlocal Agreement approved on January 25, 2010 by Resolution 2010-1-12(R); authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes governmental entities to contract with each other to perform government functions and services under the terms thereof; and

WHEREAS, the City Council has been presented a proposed amended Interlocal Cooperation Agreement for improvements McDermott Road from Coit Road to Ohio Drive by and between County of Collin, Texas and the City of Plano, Texas, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, upon full review and consideration of the amended 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 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 amended Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest 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 amended 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 amended Agreement.

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

DULY PASSED AND APPROVED this the 27th day of October, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT A

**AMENDED INTERLOCAL AGREEMENT
BETWEEN COLLIN COUNTY AND THE CITY OF PLANO
CONCERNING THE**

WIDENING OF MCDERMOTT ROAD FROM COIT ROAD TO OHIO DRIVE

03-055 and 07-074 BOND PROJECTS

WHEREAS, the County of Collin, Texas ("County"), and the City of Plano, Texas ("City"), entered into an Interlocal Agreement for construction of McDermott Road from Coit Road to Ohio Drive (the "Project"), in Plano, Collin County, Texas, dated February 22, 2010, court order 2010-161-02-22 ("Agreement") with the County's fifty percent (50%) participation limited to \$800,000. This Amended Interlocal Agreement will supersede and will repeal the Interlocal Agreement approved on February 22, 2010; and

WHEREAS, the project is now complete, and the actual cost of the project is \$2,967,836.49; and

WHEREAS, the County has agreed to their share of the project cost in the amount of \$1,104,798; and

WHEREAS, the 2003 County Bond Program included project 03-055 in the amount of \$400,000 and the 2007 County Bond Program included project 07-074 in the amount of \$400,000, both amounts allocated to the McDermott Road Project ; and

WHEREAS, the Chaparral Road from K Avenue to East City Limits Project, 2003 Bond Project 03-056, is completed and has \$61,624 of funding remaining, which the City proposes to reallocate to the McDermott Project; and

WHEREAS, the Razor Road from Ohio to SH 121 Project, 2003 Bond Project 03-063, is completed and has \$9,700 of funding remaining, which the City proposes to reallocate to the McDermott Project; and

WHEREAS, the 14th Street from K Avenue to Ridgewood, 2007 Bond Project 07-061, is completed and has \$902,333 of funding remaining, of which the City proposes to reallocate \$233,474 to the McDermott Project, leaving an unallocated balance of \$668,859 in the 14th Street Project available to be reallocated to another mutually acceptable project; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act.

NOW, THEREFORE, this Amended Interlocal Agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The City arranged to construct the widening of McDermott Road from Coit Road to Ohio Drive. The project widened McDermott Road to a six-lane divided thoroughfare from Coit Road to Razor Road, a distance of approximately 7500 feet, and widened a four-lane divided thoroughfare from Razor Road to Ohio Drive, a distance of 1500 feet. The total distance is approximately 9,000 feet. The improvements also included construction of underground storm sewers and a bridge over White Rock Creek as part of the road improvements. All improvements have been designed to meet or exceed the current Collin County design standards and have been constructed in accordance with the plans and specifications approved by the City.

ARTICLE II.

The City prepared plans and specifications for the improvements, accepted bids and awarded a contract to construct the improvements and administered the construction contract. In all such activities, the City has complied with all state statutory requirements. The City has provided the County with a copy of the executed construction contract(s) for the Project.

ARTICLE III.

The City acquired no real property for use as right-of-way.

ARTICLE IV.

The actual cost of the project totaled \$2,967,836.49. The Texas Department of Transportation funded \$1,818,640.31 toward the project. The project included an ineligible expense, in the amount of \$25,305.06, paid to the City by a developer. The County hereby agrees to fund the eligible expenses that were not funded by TxDOT, for an amount not to exceed \$1,104,798. The County has already remitted \$400,000 to the City, leaving a remaining amount of \$704,798 due. The County will remit the remaining amount within thirty (30) days after receipt of notice from the City. The City shall provide a final accounting of expenditures for the Project. The "total cost of the Project" shall include land acquisition, engineering, construction, inspection, testing, street lighting, and construction administration costs including contingencies.

ARTICLE V.

The County's participation in the Project shall not exceed \$1,104,798. The County funding includes \$400,000 from 03-055, \$400,000 from 07-074, \$61,624 from 03-56, \$9,700 from 03-63, and \$233,474 from 07-061. The City and County agree that any remaining funds in the project will be reallocated to a mutually agreed upon project.

ARTICLE VI.

The City shall prepare for the County an itemized statement specifying Project costs that have been incurred to date and submit a final accounting of the expenditures for the Project. The total cost of the Project shall include land acquisition, engineering,

construction, inspection, testing, street lighting, and construction administration costs including contingencies.

ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

ARTICLE VIII.

INDEMNIFICATION. TO THE EXTENT ALLOWED BY LAW, EACH PARTY AGREES TO RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE OTHER (AND ITS OFFICERS, AGENTS, AND EMPLOYEES) FROM AND AGAINST ALL CLAIMS OR CAUSES OF ACTION FOR INJURIES (INCLUDING DEATH), PROPERTY DAMAGES (INCLUDING LOSS OF USE), AND ANY OTHER LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, RELATED TO, OR RESULTING FROM ITS PERFORMANCE UNDER THIS AGREEMENT, OR CAUSED BY ITS NEGLIGENT ACTS OR OMISSIONS (OR THOSE OF ITS RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, OR ANY OTHER THIRD PARTIES FOR WHOM IT IS LEGALLY RESPONSIBLE) IN CONNECTION WITH PERFORMING THIS AGREEMENT.

ARTICLE IX.

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

ARTICLE X.

SEVERABILITY. The provisions of this agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the agreement shall be enforced as if the invalid provision had never been included.

ARTICLE XI.

ENTIRE AGREEMENT. This agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this agreement shall not create any rights in parties not signatories hereto.

ARTICLE XIV.

TERM. This agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project. This agreement shall automatically renew annually during this period.

APPROVED AS TO FORM:

COUNTY OF COLLIN, TEXAS

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

By: _____
Name: Keith Self
Title: County Judge
Date: _____

Executed on this _____ date of _____, 2014, by the County of Collin, pursuant to Commissioners' Court Order No. _____

ATTEST:

CITY OF PLANO, TEXAS

By: _____
Name: Lisa C. Henderson
Title: City Secretary
Date: _____

By: _____
Name: Bruce D. Glasscock
Title: City Manager
Date: _____

Executed on behalf of the City of Plano pursuant to City Council Resolution No. _____

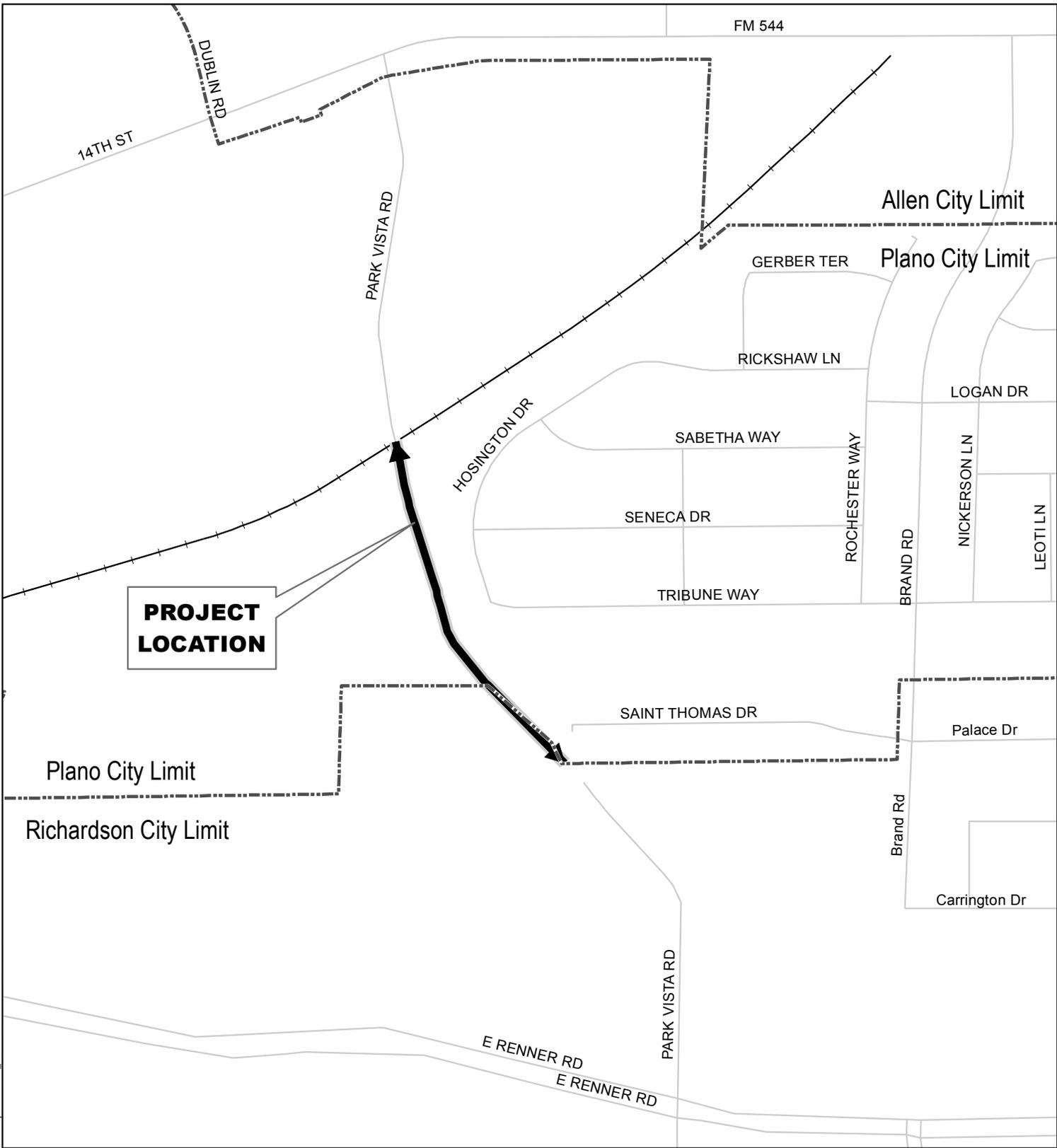
APPROVED AS TO FORM:

By: _____
Name: Paige Mims
Title: City Attorney
Date: _____

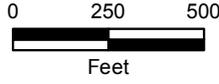


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	10/27/14			
Department:	Engineering			
Department Head:	Jack Carr			
Project:	Swaminarayan Gurukul #6332			
Agenda Coordinator::	Kathleen Schonne X-7198			
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, abandoning a fee simple interest of a portion of road right-of-way known as Park Vista Road, dedicated by the Woodlands of Plano Final Plat Number 109891, Volume M, Page 260 Plat Records, as shown on Exhibit "A" which is located in the City of Plano, Texas, retaining a Fire Lane, Access, Utility, Drainage, Public Way, and Sidewalk easement; quitclaiming the fee simple interest to the abutting property owner, to the extent of their interests; authorizing the City Manager, or his designee, to execute all documents necessary to convey the interest; and declaring 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: 2014-15	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 financial impact.</p> <p>STRATEGIC PLAN GOAL: Abandoning a portion of road right-of-way on Park Vista Road at the request of the property owner relates to the City's goals of Financially Strong City with Service Excellence and Strong Local Economy.</p>				
SUMMARY OF ITEM				
<p>The Park Vista Drive right-of-way to be abandoned was dedicated and recorded by the Woodlands of Plano plat in October of 2000. The dedication was made to provide the right-of-way for Park Vista Drive to extend from the City of Plano to the City of Richardson and connect to Renner Road. In 2006, Park Vista Drive was modified when the property in Richardson was developed. The development created a cul-de-sac at the end of Park Vista Drive in Richardson, eliminating any opportunity for Park Vista Drive in the City of Plano to be extended to the City of Richardson. The right-of-way will be abandoned retaining a Fire Lane, Access, Utility, Drainage, Public Way, and Sidewalk easement. Staff supports the resolution to abandon the right-of-way.</p> <p>https://maps.google.com/maps?q=Park+Vista+Road,+Plano,+TX&hl=en&ll=33.006842,-96.627556&spn=0.00417,0.006496&sll=33.061262,-96.736625&sspn=0.266729,0.415764&oq=park+vista+road,+plano&t=m&hnear=Park+Vista+Rd,+Texas&z=18</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Resolution Petition for Abandonment			N/A	

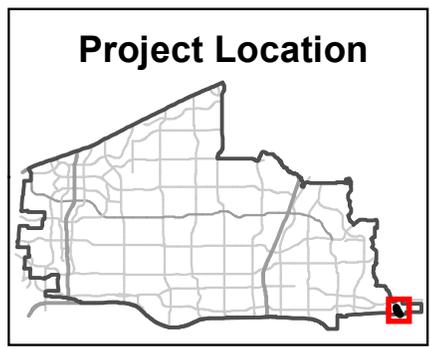


starfr 10/15/2014 C:\Analysis\Projects\Engineering\Council\Agenda\Locator\Maps\10-15-14_ParkVistaRd\IParkVistaRd.mxd



Swaminarayan Gurukul Project No. 6332

October, 2014
City of Plano GIS Division



A Resolution of the City Council of the City of Plano, Texas, abandoning a fee simple interest of a portion of road right-of-way known as Park Vista Road, dedicated by the Woodlands of Plano Final Plat Number 109891, Volume M, Page 260 Plat Records, as shown on Exhibit "A" which is located in the City of Plano, Texas, retaining a Fire Lane, Access, Utility, Drainage, Public Way, and Sidewalk easement; quitclaiming the fee simple interest to the abutting property owner, to the extent of their interests; authorizing the City Manager, or his designee, to execute all documents necessary to convey the interest; and declaring an effective date.

WHEREAS, the City Council of the City of Plano has been requested to abandon a fee simple interest of the City in a portion of Park Vista Road right-of-way dedicated by plat, subject to retaining a Fire Lane, Access, Utility, Drainage, Public Way, and Sidewalk Easement (hereinafter called "right-of-way") as dedicated and recorded in Plat Number 109891, Volume M, Page 260 of the Collin County Plat Records, which is more particularly described in Exhibit "A" 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 which Petition provides that the right-of-way is no longer needed; and

WHEREAS, the Engineering Department has advised that there will be no detrimental effect on the City if the right-of-way is abandoned and quitclaimed to the abutting Property Owner, so long as a Fire Lane, Access, Utility, Drainage, Public Way, and Sidewalk easement is retained; and has advised that the right-of-way should be abandoned;

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

SECTION I. All the right, title and interest of the City of Plano, Texas, in and to the right-of-way is hereby abandoned, and all right, title and interest of the City in and to the right-of-way, subject to retaining a Fire Lane, Access, Utility, Drainage, Public Way, and Sidewalk Easement, is hereby quitclaimed to the abutting Property Owner. A certified copy of this Resolution may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim of the right-of-way, by the City of Plano.

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

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

SECTION IV. The City Manager, or his designee, is authorized to execute all documents as necessary on behalf of the City of Plano, substantially according to the terms and conditions set forth in this Resolution.

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

DULY PASSED AND APPROVED this the 27th day of October, 2014.

Harry LaRosiliere, Mayor

ATTEST:

Lisa C. Henderson, City Secretary

APPROVED AS TO LEGAL FORM:

Paige Mims, City Attorney

M. SCOTT SURV
ABST. NO. 859

Exhibit "A"

D=10'10"13"
R=795.00
Tan=70.75
L=141.12
CB=S32°26'52"W
C=140.93



FILED FOR RECORD IN
COLLIN COUNTY, TEXAS
HONORABLE HELEN STARNES
ON 20/10/10
AT 2:39 PM
NUMBER 109891
VOL. 17 PAGE 360
PLAT RECORDS

FANOUS & FANOUS CREATIONS
VOL. 2525, PG. 326
VOL. 2464, PG. 416
D.R.C.C.T.

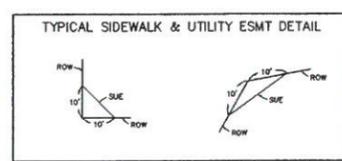
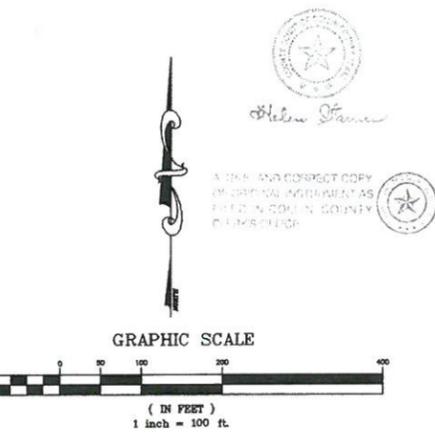
M. SCOTT SURVEY, ABST. NO. 859
M. R. FOSTER SURVEY, ABST. NO. 332

D=1'20'15"
R=5779.65
Tan=67.46
L=134.92
CB=N57°30'15"E
C=134.92

F. SCHIZELPFENIG
VOL. 65, PG. 635
D.R.C.C.T.

CURVE	DELTA	RADIUS	TANGENT	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	32°30'32"	1055.00	307.59	598.59	S18°48'03"W	560.60
C2	25°04'23"	450.00	100.08	196.92	N77°10'55"W	195.35
C3	25°50'31"	250.00	57.35	112.78	S17°30'09"W	111.80
C4	10°25'48"	250.00	22.82	45.51	S84°30'12"E	45.45
C5	42°32'18"	250.00	97.32	185.61	S79°28'32"W	181.38
C6	72°28'37"	450.00	329.81	569.23	S21°56'05"W	532.03
C7	25°55'50"	250.00	57.58	113.14	N78°45'11"W	112.18
C8	57°33'29"	250.00	138.27	252.80	N60°46'22"W	241.99

LINE	BEARING	DISTANCE
L1	S54°56'41"E	22.20
L2	S32°21'23"E	17.81
L3	S02°32'47"W	32.38
L4	N50°32'40"E	18.57
L5	N00°49'20"E	5.00



NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

FINAL PLAT
THE WOODLANDS OF PLANO
BEING 57.709 ACRES IN THE
J. MAXWELL SURVEY, ABSTRACT NO. 580 AND THE
M.R. FOSTER SURVEY, ABSTRACT NO. 332
CITY OF PLANO, COLLIN COUNTY, TEXAS
189 LOTS AT SF-7 STANDARDS

OWNER:
544 - WOODLANDS, LTD.
17817 DAVENPORT
SUITE 210
DALLAS, TEXAS 75252
(214) 634-3300

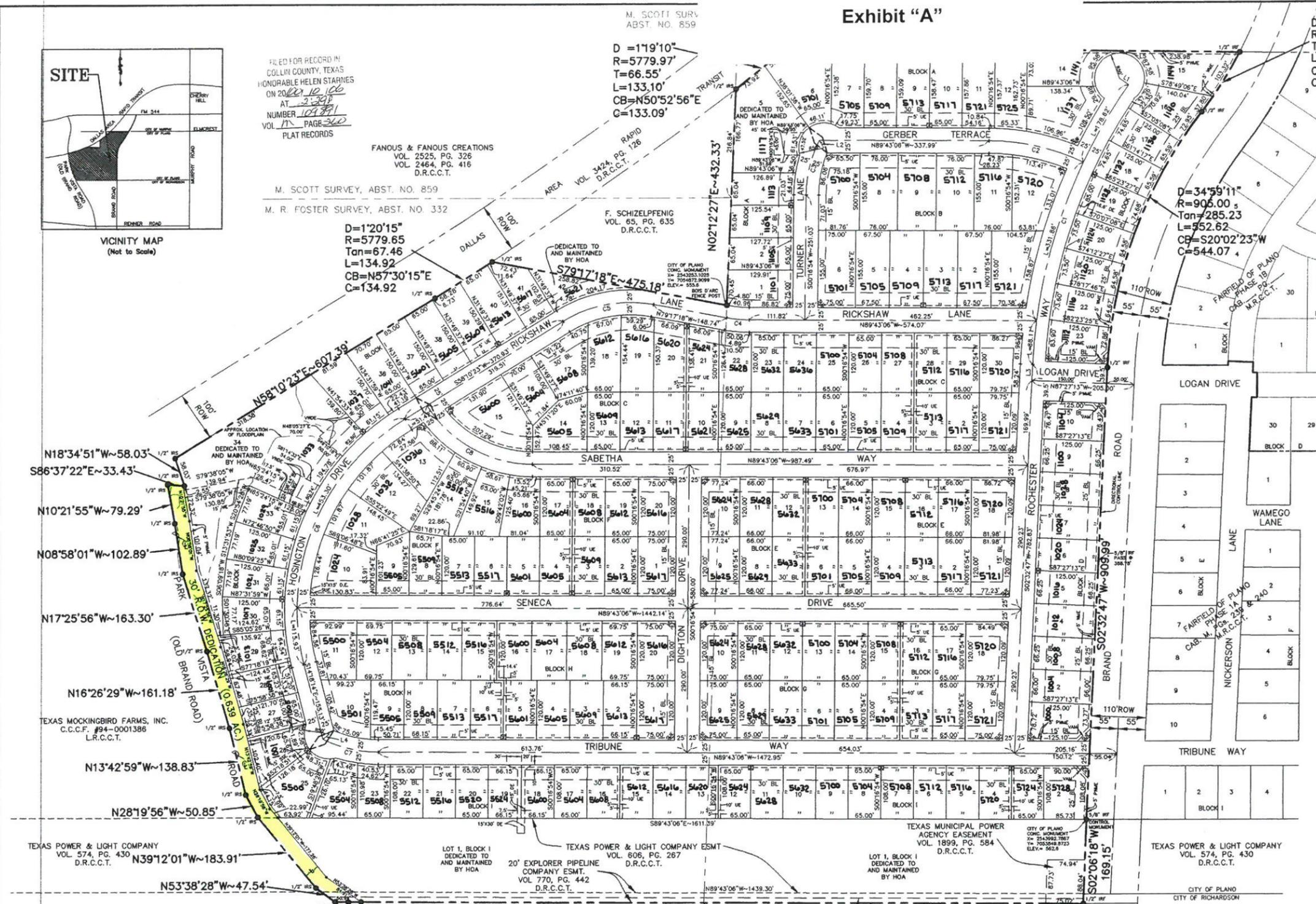
PREPARED BY:
USA PROFESSIONAL
SERVICES GROUP, INC.
CIVIL ENGINEERS - SURVEYORS - PLANNERS
LANDSCAPE ARCHITECTS
8700 STEMMONS FRWY., SUITE 400
DALLAS, TEXAS 75247
(214) 634-3300

SEPT, 2000

SHEET 1 OF 2

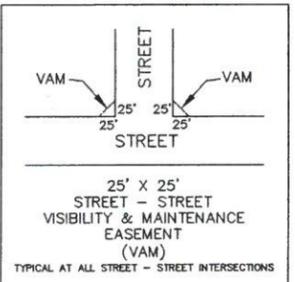
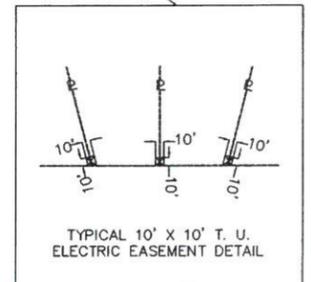
USAI 98069.0

THE WOODLANDS OF PLANO, FINAL PLAT, SH 1 OF 2, 10/6/00



LEGEND

UE	UTILITY EASEMENT
HOA	HOME OWNERS ASSOCIATION
WE	WATER EASEMENT
SSE	SANITARY SEWER EASEMENT
VWDE	VARIABLE WIDTH DRAINAGE EASEMENT
VAM	VISIBILITY & MAINTENANCE EASEMENT (25'x25')
SUE	SIDEWALK & UTILITY EASEMENT (10'x10')
DE	DRAINAGE EASEMENT
BL	BUILDING LINE
PWME	PRIVATE WALL MAINTENANCE EASEMENT (DEDICATED TO FAIRFIELD-WOODLANDS HOMEOWNERS ASSOCIATION)
WME	WALL MAINTENANCE EASEMENT (PUBLIC)
IRF	IRON ROD FOUND
IRS	IRON ROD SET WITH CAP STAMPED "USA INC PROP COR"
DRCCCT	DEED RECORDS, COLLIN COUNTY, TEXAS
MRCCT	MAP RECORDS, COLLIN COUNTY, TEXAS
LRCCCT	LAND RECORDS, COLLIN COUNTY, TEXAS
	STREET NAME CHANGE
	10'x10' TX UTILITIES PADMOUNT TRANSFORMER EASEMENT



- NOTES:
- ALL LOT CORNERS ARE 1/2" IRON RODS WITH PLASTIC CAPS STAMPED "USA INC PROP. COR.", EXCEPT WHERE NOTED.
 - ALL BLOCK CORNERS, P.C.'S & P.T.'S ARE ONE INCH IRON RODS SET.
 - BEARINGS BASED ON PLAT OF FAIRFIELD OF PLANO, PHASE 1A, RECORDED IN CABINET M, PAGES 239 & 240 MAP RECORDS OF COLLIN COUNTY, TEXAS.

M.R. FOSTER SURVEY,
ABST. NO. 332

J. MAXWELL SURVEY,
ABST. NO. 580

POINT OF BEGINNING

EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Right-of-Way Abandonment]

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

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

Originally the right-of-way was dedicated to connect the City of Plano and the City of Richardson, but in 2006 the City of Richardson closed Park Vista Road south of our property so Park Vista Road become a dead-end street at the end of our property, and there is no more access south of us.

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

By abandonment of the right-of-way the City of Plano will not have to maintain the right-of-way and there will still be a public utility easement.

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Right-of-Way as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Right-of-Way, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. ~~If the Owners are providing a replacement right-of-way for the Right-of-Way requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement right-of-way and attach same to this Petition as **Exhibit "B-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 Right-of-Way to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all**

claims, losses, demands, suits, judgments and costs, including reasonable and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment and closing of the Right-of-Way by City.

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Right-of-Way will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Right-of-Way owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions: **Please see Exhibit "D-1"**
8. ~~Owners shall also prepare a map or drawing showing the Right-of-Way to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as **Exhibit "C-1"**.~~
9. Abutting property owners have signed letters indicating their support of the right-of-way abandonment. These are attached hereto and incorporated herein as **Exhibit "D-1"**.

[Reminder of page blank]

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

Swaminarayan Gurukul USA
Typed Name of Owner

621 Park Vista Rd.
Address

Plano, TX 75094
City, State and Zip

Dated: 10/14/2014


Signature of Owner

Contact Person for Property Owners:

Name: Dinesh V. Gajera

Phone No: 972-467-5036
DGAJERA@YAHOO.COM

**PARK VISTA ROAD ABANDONMENT
MAIZE R. FOSTER SURVEY, ABSTRACT No. 332
CITY OF PLANO, COLLIN COUNTY, TEXAS**

BEING a 0.780 acre parcel of land situated in the Maize R. Foster, Survey, Abstract No. 332, City of Plano, Collin County, Texas, said tract being the 30-foot right-of-way of Park Vista Road as dedicated on the plat of The Woodlands of Plano, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Volume M, Page 260 of the Plat Records of Collin County, Texas, and conveyed in Special Warranty Deed dated September 13, 2013, by The Woodlands of Plano HOA to Swaminaryan Gurukul-U.S.A. recorded in Document No. 20130926001347660 of the Official Public Records of Collin County, Texas, said parcel being more particularly described as follows:

BEGINNING at 5/8-inch steel rod found at the Southwest corner of of said The Woodlands of Plano addition, and being the Southwest corner of said 30-foot right-of-way Park Vista Drive and being in the North line of a tract of land conveyed in Deed dated June 6, 1961, by Burton R. and Rose Yandry to Texas Power & Light Company, recorded in Volume 584, Page 32 of the Deed Records of Collin County, Texas;

THENCE Northwesterly with the West line of said 30-foot right-of-way the following six calls;

1. North 29°18'08" West, for a distance of 50.87 feet to a 5/8 inch steel rod found;
2. North 14°39'56" West, for a distance of 138.73 feet to a 1/2 inch steel rod with "GEER" cap found;
3. North 17°22'39" West, for a distance of 161.43 feet to a 1/2 inch steel rod with "GEER" cap found;;
4. North 18°27'15" West, for a distance of 163.31 feet to a 1/2 inch steel rod with "GEER" cap found;;
5. North 10°03'24" West, for a distance of 102.83 feet to a point;
6. North 11°17'26" West, for a distance of 79.39 feet to a point;

THENCE, South 87°35'11" East, departing said West line and with the North line of said 30-foot right-of-way for a distance of 31.06 feet to a 5/8 inch steel rod with "TERRACORP" cap set in the East line of said 30-foot right-of-way and the West line of Block I of said The Woodlands of Plano;

THENCE Southeasterly with the East line of said 30-foot right-of-way and the West line of said Block I the following seven calls;

1. South 11°19'44" East for a distance of 72.32 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
2. South 09°55'50" East for a distance of 101.04 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
3. South 18°23'45" East for a distance of 161.34 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
4. South 17°24'18" East for a distance of 162.15 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
5. South 14°40'48" East for a distance of 135.70 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
6. South 29°17'45" East for a distance of 44.15 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
7. South 40°09'50" East for a distance of 22.24 feet to a 5/8-inch steel rod with "TERRACORP" cap set in the South line of said The Woodlands of Plano and North line of said Texas Power & Light Company tract;

THENCE, South 89°32'22" West, with said North line of the Texas Power & Light tract and across Park Vista Road, for a distance of 39.00 feet to the POINT OF BEGINNING and containing 20,912 square feet or 0.480 acres of land, more or less;

TERRACORP ASSOC. LLC
3960 BROADWAY BLVD
STE 236
GARLAND, TX 75043



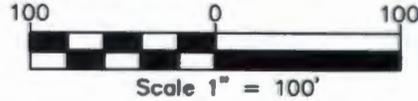
Neil D Culver
Neil D. Culver,
Registered Professional Land Surveyor
Registration No. 5211

DATE: 10/15/2014 SCALE: N/A

PARK VISTA ROAD ABANDONMENT
 MAIZE R. FOSTER SURVEY, ABSTRACT No. 332
 CITY OF PLANO, COLLIN COUNTY, TEXAS

LEGEND

- (CM).....CONTROLLING MONUMENT
- SRF.....STEEL ROD FOUND
- TCS.....5/8-INCH STEEL ROD
W/"TERRACORP" CAP SET
- ().....PLAT/DEED CALLS

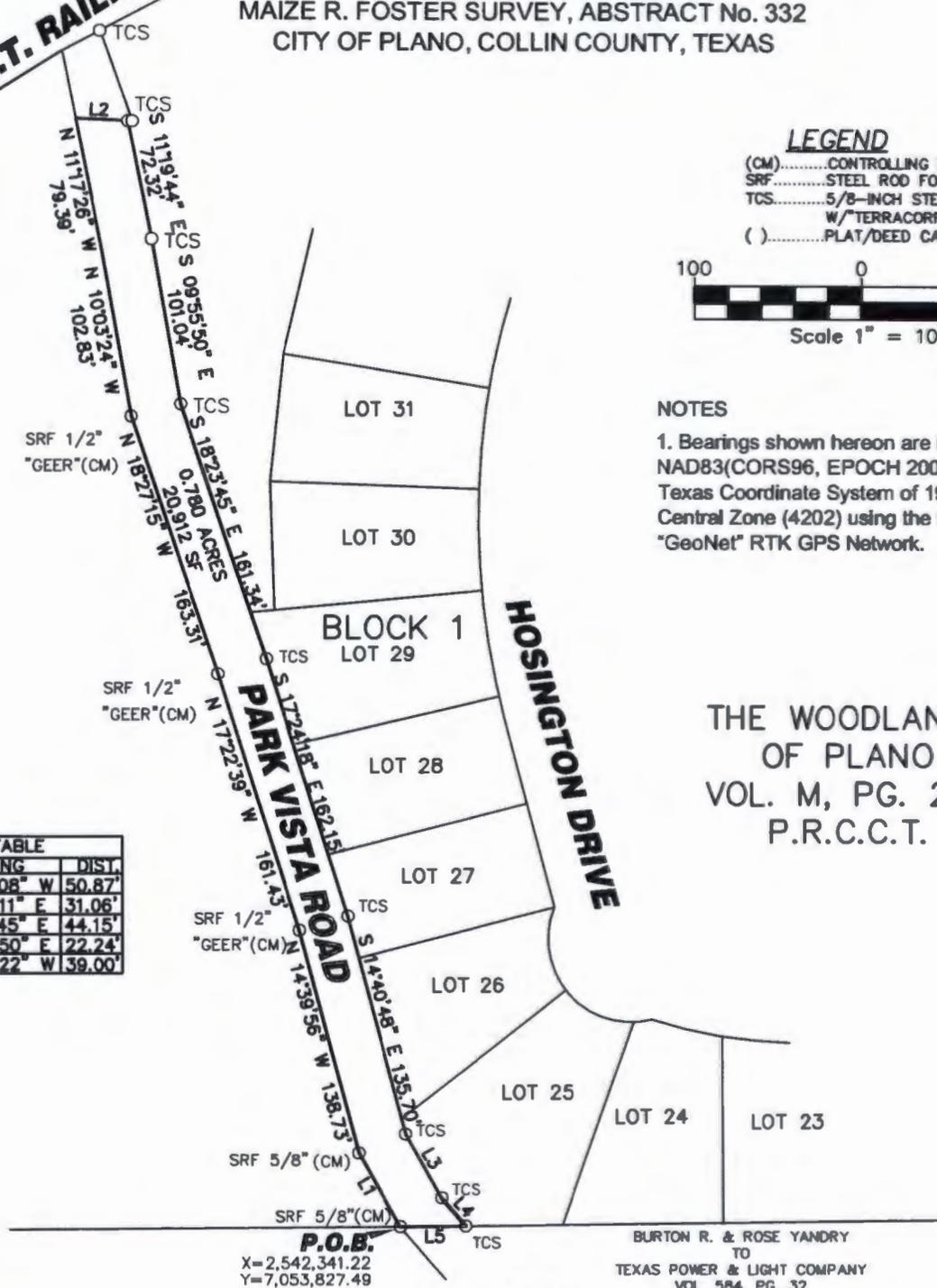


NOTES

1. Bearings shown hereon are based on NAD83(CORS96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202) using the Geoshack "GeoNet" RTK GPS Network.

THE WOODLANDS
 OF PLANO
 VOL. M, PG. 260
 P.R.C.C.T.

LN	BEARING	DIST.
L1	N 29°18'08" W	50.87'
L2	S 87°35'11" E	31.06'
L3	S 29°17'45" E	44.15'
L4	S 40°09'50" E	22.24'
L5	S 89°32'22" W	39.00'



TERRACORP ASSOC. LLC
 3960 BROADWAY BLVD
 STE 236
 GARLAND, TX 75043

DATE: 10/15/2014 SCALE: 1"=100'



Neil D Culver
 Neil D. Culver,
 Registered Professional Land Surveyor
 Registration No. 5211

Exhibit "D-1"

March 14, 2014

The City of Plano
1520 K Avenue, Suite 250
Plano, Texas 75074
Attn: Mr. Eric Hill, Senior Planner

Re: Woodlands of Plano Homeowners Association
Abandonment of Right of Way for Park Vista Road

Dear Mr. Hill:

On October 7, 2013 the Woodlands of Plano Homeowners Association Board President wrote you regarding the Association being in favor of supporting the abandonment of the easement right of way for the portion of Park Vista that runs along the western border of our property.

I am also in favor. Please note my consent statement below.

Sincerely,

Sudheer & Lakshmi Saride
1013 Hosington Drive B-1, L-29
Plano, Texas 75094

Consent Statement

I, Sudheer am in favor of supporting the abandonment of the easement right of way for the portion of Park Vista Road that runs directly along the western border of my property.

Printed Name: Sudheer Saride

Signature: S. Saride

Date: 06/17/2014

Printed Name: _____

Signature: _____

Date: _____

Exhibit "D-1"

March 14, 2014

The City of Plano
1520 K Avenue, Suite 250
Plano, Texas 75074
Attn: Mr. Eric Hill, Senior Planner

Re: Woodlands of Plano Homeowners Association
Abandonment of Right of Way for Park Vista Road

Dear Mr. Hill:

On October 7, 2013 the Woodlands of Plano Homeowners Association Board President wrote you regarding the Association being in favor of supporting the abandonment of the easement right of way for the portion of Park Vista that runs along the western border of our property.

I am also in favor. Please note my consent statement below.

Sincerely,

John & Chelsea Michell
5500 Tribune Way B-1, L-25
Plano, Texas 75094

Consent Statement

I, John Michell am in favor of supporting the abandonment of the easement right of way for the portion of Park Vista Road that runs directly along the western border of my property.

Printed Name: John Michell

Signature: 

Date: 6/17/14

Printed Name: _____

Signature: _____

Date: _____

Exhibit "D-1"

March 14, 2014

The City of Plano
1520 K Avenue, Suite 250
Plano, Texas 75074
Attn: Mr. Eric Hill, Senior Planner

Re: Woodlands of Plano Homeowners Association
Abandonment of Right of Way for Park Vista Road

Dear Mr. Hill:

On October 7, 2013 the Woodlands of Plano Homeowners Association Board President wrote you regarding the Association being in favor of supporting the abandonment of the easement right of way for the portion of Park Vista that runs along the western border of our property.

I am also in favor. Please note my consent statement below.

Sincerely,

Daysi Houellemont
1001 Hosington Drive B-1, L-26
Plano, Texas 75094

Consent Statement

I, Daysi Houellemont am in favor of supporting the abandonment of the easement right of way for the portion of Park Vista Road that runs directly along the western border of my property.

Printed Name: DAYSI HOUELLEMONT

Signature: *Daysi Houellemont*

Date: 7-16-14

Exhibit "D-1"

March 14, 2014

The City of Plano
1520 K Avenue, Suite 250
Plano, Texas 75074
Attn: Mr. Eric Hill, Senior Planner

Re: Woodlands of Plano Homeowners Association
Abandonment of Right of Way for Park Vista Road

Dear Mr. Hill:

On October 7, 2013 the Woodlands of Plano Homeowners Association Board President wrote you regarding the Association being in favor of supporting the abandonment of the easement right of way for the portion of Park Vista that runs along the western border of our property.

I am also in favor. Please note my consent statement below.

Sincerely,

Nguyen Dat & Christine Hang
1005 Hosington Drive
Plano, Texas 75094 B-1, L-27

Consent Statement

I, Dat Nguyen am in favor of supporting the abandonment of the easement right of way for the portion of Park Vista Road that runs directly along the western border of my property.

Printed Name: Dat Nguyen

Signature: Dat Nguyen

Date: 7/20/14

Printed Name: Christine Hang

Signature: Christine Hang

Date: 07/20/14

Exhibit "D-1"

March 14, 2014

The City of Plano
1520 K Avenue, Suite 250
Plano, Texas 75074
Attn: Mr. Eric Hill, Senior Planner

Re: Woodlands of Plano Homeowners Association
Abandonment of Right of Way for Park Vista Road

Dear Mr. Hill:

On October 7, 2013 the Woodlands of Plano Homeowners Association Board President wrote you regarding the Association being in favor of supporting the abandonment of the easement right of way for the portion of Park Vista that runs along the western border of our property.

I am also in favor. Please note my consent statement below.

Sincerely,

Daniel & Laura Long
1009 Hosington Drive B-1, L-28
Plano, Texas 75094

Consent Statement

I, LAURA LONG am in favor of supporting the abandonment of the easement right of way for the portion of Park Vista Road that runs directly along the western border of my property.

Printed Name: LAURA LONG

Signature: *Laura Long*

Date: 6/17/14

Printed Name: _____

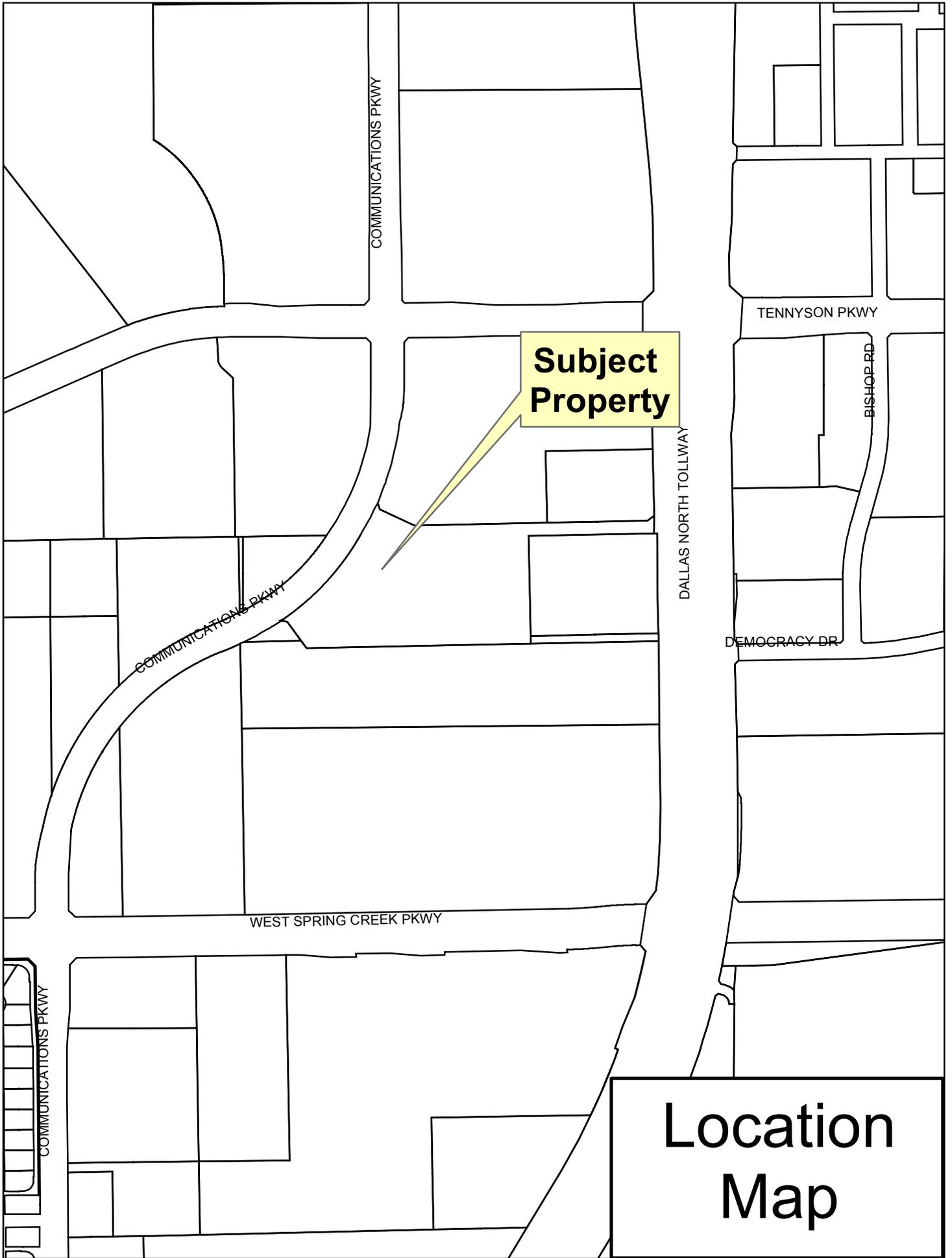
Signature: _____

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:		10/27/2014			
Department:		Public Works			
Department Head		Gerald Cosgrove			
Agenda Coordinator (include phone #):		Tiffany Stephens x 4264			
CAPTION					
<p>A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a license agreement by and between the City of Plano and Dallas Area Rapid Transit (DART) for the use of approximately 43,000 square feet of land at the DART Northwest Plano Park and Ride for the use of sand and salt storage; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.</p>					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2014-15	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	400	0	400
Encumbered/Expended Amount		0	0	0	0
This Item		0	-10	0	-10
BALANCE		0	390	0	390
FUND(S): GENERAL FUND					
<p>COMMENTS: Funds are available in the 2014-15 Public Works budget for this expenditure. The remaining balance will be used for other professional services expenditures as needed by Public Works Administration.</p> <p>STRATEGIC PLAN GOAL: Partnering with DART to store sand and salt for West Plano during winter months relates to the City's goals of a Safe Large City and Partnering for Community Benefit.</p>					
SUMMARY OF ITEM					
<p>Staff recommends approval of the Agreement between the City of Plano and Dallas Area Rapid Transit (DART) for the use of the Northwest Plano Park and Ride facility for sand and salt storage until September 2017. This location will replace the sand and salt storage location under the Dallas North Tollway between Windhaven Parkway and Spring Creek Parkway. The City of Plano will construct a permanent facility at a location to be determined.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
License Agreement					
Location Map					



**Subject
Property**

**Location
Map**

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a license agreement by and between the City of Plano and Dallas Area Rapid Transit (DART) for the use of approximately 43,000 square feet of land at the DART Northwest Plano Park and Ride for the use of sand and salt storage; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City of Plano has a need to sand and salt its streets during the winter; and

WHEREAS, the existing sand and salt storage location for this part of town under the Dallas North Tollway (DNT) between Windhaven Parkway and Spring Creek Parkway is no longer available due to development in the area; and

WHEREAS, the City of Plano has not found a permanent facility to replace the DNT location; and

WHEREAS, DART is willing to enter into a license agreement attached hereto as Exhibit "A" allowing the City of Plano to use a portion of their Northwest Plano Park and Ride to store sand and salt; and

WHEREAS, upon full review and consideration of the license agreement and all matters attendant and related thereto, the City Council is of the opinion that the license agreement should be approved, and that the City Manager or his designee shall be authorized to execute the agreement on behalf of the City of Plano.

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

Section I. The terms and conditions of the proposal 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 authorized designee is hereby authorized to execute the agreement or any 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 III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED the 27th day of October, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

LICENSE AGREEMENT

THIS License Agreement ("License") is made by and between DALLAS AREA RAPID TRANSIT ("DART"), a regional transportation authority, created, organized and existing pursuant to Chapter 452, Texas Transportation Code, and CITY OF PLANO a Texas Municipal Corporation ("Licensee"), acting herein by and through its duly authorized representative, whose mailing address is 1520 K Avenue, Plano Texas 75074.

1. Purpose. DART hereby grants a license to Licensee solely for the purposes of constructing, installing, operating and maintaining an area comprising of approximately 43,000 square feet more or less for the storage of de-icing material (sand & salt mixture) (the "Permitted Improvements") located on the southwest corner of DART's Northwest Plano Park and Ride at 6830 Communications Parkway, Plano Texas 75024, as shown on **Exhibit "A"** attached hereto (the "Property").

Constructing, installing, operating and maintaining the Permitted Improvements shall be referred to herein as the "Permitted Use." Licensee's right of access, ingress and egress to the Property shall be limited solely to the Permitted Use.

The term "License Property" shall be that section of DART's Northwest Plano Park and Ride described in this agreement as shown on the attached Exhibit "A"

The term "DART Property" shall include all DART-owned property.

2. Term. The term of this License shall begin on the **1st day of November, 2014** and continue thereafter until the **1st day of September, 2017**.

3. Consideration.

3.01. The consideration for the granting of this License shall be the payment by Licensee to DART the sum of **TEN AND NO/100 (\$10.00) DOLLARS** payable in advance (the "License Fee") and other considerations as listed on **Exhibit "B"**, attached hereto and made a part hereof.

4. Non-Exclusive License. This license is non-exclusive and is subject to (a) any existing utility, drainage or communication facility located in, on, under, or upon the Property; (b) all vested rights presently owned by any railroad, utility or communication company, within the boundaries of the Property; and (c) any existing lease, license or other interest in the Property.

5. Design, Construction, Operation and Maintenance.

5.01. All design, construction, reconstruction, replacement, removal, operation and maintenance of the Permitted Improvements on the Property shall be done in such a manner so as not to interfere in any way with the operations of DART.

5.02. By acceptance of this License, Licensee agrees to design, construct and/or maintain the Permitted Improvements in such a manner so as not to create a hazard to the use of the Property, and further agrees to pay any damages which may arise by reason of Licensee's use of the Property under this License.

5.03. **Absence of markers does not constitute a warranty by DART that there are no subsurface installations on the Property.**

6. Governmental Approvals. Licensee, at its sole cost and expense, shall be responsible for and shall obtain any and all licenses, permits, or other approvals from any and all governmental agencies, federal, state or local, required to carry on any activity permitted herein.

7. DART's Construction Agreement and Insurance. No work on the Property shall be commenced by Licensee or any contractor for Licensee until such Licensee or contractor shall have executed DART's Construction Agreement and Contractor's Right of Entry covering such work, and has furnished insurance coverage in such amounts and types as shall be satisfactory to DART.

8. Photo Identification. A company-issued photo identification of Licensee's employees, contractors or agents shall be required to work on the Property.

9. Duty of Care in Construction. Licensee or its contractor shall use reasonable care during the construction period and thereafter, to avoid damaging any existing improvements, fixtures, equipment or other personal property or vegetation located on the Property or on any adjacent property owned by or under the control of DART. If Licensee or its contractor causes damage to the Property or such adjacent property, Licensee and/or its contractor shall immediately repair any damage at no cost to DART. If Licensee and/or its contractor fail to make such repairs, DART shall have the right, but not the obligation, to make such repairs at the sole cost of Licensee, which cost Licensee agrees to pay DART upon demand.

10. Environmental Protection.

10.01. Licensee shall comply with all laws, regulations, and ordinances related to environmental protection.

10.02. Licensee shall not use or permit the use of the Property for any purpose that may be in violation of any laws pertaining to health or the environment, including without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), the Resource Conservation and Recovery Act of 1976 ("RCRA"), the Texas Water Code and the Texas Solid Waste Disposal Act.

10.03. Licensee warrants that the Permitted Use of the Property will not result in the disposal or other release of any hazardous substance or solid waste on or to the Property, and that it will take all steps necessary to insure that no such hazardous substance or solid waste will ever be discharged onto the Property by Licensee or its Contractors.

10.04. The terms "hazardous substance" and "release" shall have the meanings specified in CERCLA and the terms "solid waste" and "disposal" (or "disposed") shall have the meanings specified in the RCRA; PROVIDED, HOWEVER, that in the event either CERCLA or RCRA is amended so as to broaden the meaning of any term defined thereby, such broader meaning shall apply subsequent to the effective date of such amendment; and PROVIDED FURTHER, that to the extent that the laws of the State of Texas establish a meaning for "hazardous substance", "release", "solid waste", or "disposal", which is broader than that specified in either CERCLA or RCRA, such broader meaning shall apply.

10.05. Without waiving the doctrines of sovereign immunity and immunity from suit, and to the extent permitted by the laws and Constitution of the State of Texas, Licensee shall indemnify and hold DART harmless against all cost of environmental clean up to the Property resulting from Licensee's use of the Property under this License.

10.06. WITHOUT WAIVING THE DOCTRINES OF SOVEREIGN IMMUNITY AND IMMUNITY FROM SUIT, AND TO THE EXTENT PERMITTED BY THE LAWS AND CONSTITUTION OF THE STATE OF TEXAS, LICENSEE AGREES TO FULLY INDEMNIFY, DEFEND, AND HOLD HARMLESS DART FROM AND AGAINST ANY AND ALL CONTRACTUAL OR NEGLIGENCE CLAIMS, DEMANDS, CAUSES OF ACTION, PENALTIES, FINES, SUITS, ACTIONS, ADMINISTRATIVE PROCEEDINGS (INCLUDING INFORMAL PROCEEDINGS), SETTLEMENTS, CONSENT ORDERS, GOVERNMENT ORDERS, JUDGMENTS, LOSS, DAMAGE, LIABILITIES, COSTS AND EXPENSES (INCLUDING, BUT NOT LIMITED TO ATTORNEYS' FEES (INCLUDING ON APPEAL), CONSULTANTS' FEES, LITIGATION COSTS, EXPERT WITNESS FEES, AND EXPENSES OF INVESTIGATION, REMOVAL, REMEDIATION, OR OTHER REQUIRED PLAN OR RESPONSE ACTION) OF WHATSOEVER NATURE, CHARACTER, OR DESCRIPTION THAT ANY PERSON OR ENTITY HAS OR MAY HAVE OR ARE INCURRED BY OR ASSERTED AGAINST DART AT ANY TIME, BY REASON OF, IN CONNECTION WITH, RELATED TO OR ARISING IN WHOLE OR IN PART OUT OF THE BREACH OF ANY REPRESENTATION, WARRANTY OR OBLIGATION IN THIS SECTION BY LICENSEE, ITS EMPLOYEES, AGENTS, CONTRACTORS, SUBCONTRACTORS OR ANY OTHER PARTY UNDER THE LICENSEE'S DIRECTION AND CONTROL, OR THE FAILURE OF THE LICENSEE TO MEET ITS OBLIGATIONS UNDER

THIS SECTION IN A FULL AND TIMELY MANNER.

10.07. WITHOUT WAIVING THE DOCTRINES OF SOVEREIGN IMMUNITY AND IMMUNITY FROM SUIT, AND TO THE EXTENT PERMITTED BY THE LAWS AND CONSTITUTION OF THE STATE OF TEXAS, THE INDEMNITY CONTAINED HEREIN SHALL SURVIVE THE TERM OF THIS LICENSE.

10.08. WITHOUT WAIVING THE DOCTRINES OF SOVEREIGN IMMUNITY AND IMMUNITY FROM SUIT, AND TO THE EXTENT PERMITTED BY THE LAWS AND CONSTITUTION OF THE STATE OF TEXAS, LICENSEE'S OBLIGATION HEREIN TO INDEMNIFY, DEFEND AND HOLD HARMLESS SHALL NOT APPLY TO CLAIMS ARISING OUT OF (1) CONTAMINATION, RELEASES, HAZARDOUS AND REGULATED MATERIALS, SOLID WASTE, PROCESS WATER OR THE ENVIRONMENTAL CONDITION OF THE LICENSE PROPERTY PRIOR TO THE LICENSE DATE; (2) CONTAMINATION, RELEASES, HAZARDOUS AND REGULATED MATERIALS, SOLID WASTE, PROCESS WATER, OR OTHER ENVIRONMENTAL CONDITION MIGRATING ONTO/ABOVE/BELOW, OR FROM LICENSE PROPERTY, NOT CAUSED BY LICENSEE OR THIRD PARTIES UNDER LICENSEE'S DIRECTION AND CONTROL; (3) CONTAMINATION, RELEASES, HAZARDOUS MATERIALS, SOLID WASTE, PROCESS WATER OR OTHER ENVIRONMENTAL CONDITION ON, AT, OR FROM THE LICENSE PROPERTY NOT CAUSED IN WHOLE OR IN PART BY THE LICENSEE, ITS EMPLOYEES, AGENTS, CONTRACTORS, SUBCONTRACTORS OR ANY OTHER THIRD PARTY UNDER CONTRACTOR'S DIRECTION OR CONTROL.

11. Mechanic's Liens Not Permitted. Licensee shall fully pay for all labor and materials used on the Property and will not permit any mechanic's or materialmen's liens to be affixed against the Property by reason of any work done or materials furnished at Licensee's request.

12. Maintenance of Completed Improvements.

12.01. The Permitted Improvements shall be maintained by the Licensee in such a manner as to keep the Property in a good and safe condition. In the event Licensee fails to maintain the Property as required, upon discovery DART shall notify Licensee of such occurrence in writing. In the event Licensee does not remedy the failure within ten (10) days from the date of such notice, DART shall have the right, but not the obligation to remedy such failure at the sole cost of Licensee. In the event DART exercises its right to remedy Licensee's failure, Licensee shall immediately pay all costs incurred by DART.

13. Future Use by DART.

13.01. This license is made expressly subject and subordinate to the right of DART to use the Property for any purpose whatsoever.

13.02. In the event that DART shall, at any time determine that the adjustment or removal of the Permitted Improvements is necessary or convenient for DART's use of the Property, Licensee shall, at its sole cost and expense adjust or remove said Permitted Improvements so as not to interfere with DART's or DART's assigns' use of the Property. A minimum of thirty (90) days written notice shall be given by DART for the required adjustment or removal of the Permitted Improvements, unless extended by mutual agreement.

14. Relocation Benefits. Licensee acknowledges that it is not entitled to relocation benefits from DART and that Licensee shall be responsible for all costs for removal or relocation of the Permitted Improvements.

15. Compliance with Laws and Regulations. Licensee agrees to abide by and be governed by all laws, ordinances and regulations of any and all governmental entities having jurisdiction over the Licensee.

16. Indemnification.

16.01. Without waiving the doctrines of sovereign immunity and immunity from suit, and to the extent permitted by the laws and Constitution of the State of Texas, Licensee shall at all times defend, protect, indemnify and hold DART harmless against and from any penalty or damage or charge imposed for any violation of any law, ordinance, rule or regulation arising out of the use of the Property by Licensee, its officers, employees, agents, contractors, or assigns, or those holding under Licensee;

16.02. Without waiving the doctrines of sovereign immunity and immunity from suit, and to the extent permitted by the laws and Constitution of the State of Texas, Licensee shall at all times defend, protect, indemnify and hold DART harmless against and from any and all loss, cost, damage or expense, including attorney's fees, arising out of or from any accident or other occurrence on or about said Property resulting from use of the Property by Licensee, its officers, employees, agents, customers and invitees;

16.03. Without waiving the doctrines of sovereign immunity and immunity from suit, and to the extent permitted by the laws and Constitution of the State of Texas, Licensee shall at all times defend, protect, indemnify and hold DART harmless against and from any and all loss, cost, damage or expense, including attorney's fees arising out of any failure of Licensee or its officers, employees, agents, contractors or assigns in any respect to comply with and perform all the requirements and provisions of this License; except that indemnity provided for in this Paragraph shall not apply to any liability resulting from the sole negligence of Licensor, its officers, agents, or contractors, and in the event of joint and concurrent negligence of Licensee and Licensor, responsibility, if any, shall be apportioned comparatively in accordance with Texas Law.

17. Insurance. Licensee or its Third Party Administration shall handle the administration, monitoring and resolution of pollution, property damage, and bodily injury claims arising out of their use of the DART facility. All third party settlements and releases shall include a release in favor of DART.

17.01. Licensee shall, at all times during the term of this Agreement and extended terms thereof, provide and maintain, or cause to be provided and maintained, the following types of insurance protecting the interest of Licensee against any loss, cost or expense, of any kind arising out of the Service to be provided hereunder. DART shall be named as an additional insured on (2-3) below and provided a waiver of subrogation on (1-3). DART shall be provided with a certificate of insurance from an insurance company or companies acceptable to DART, at least twenty (20) days prior to the commencement of performance hereunder. Licensee agrees to give DART written notice immediately upon becoming aware that its insurance policies will be cancelled or not renewed. In the event Licensee allows any coverage to lapse during the terms hereof, DART shall have the right to terminate this Agreement. In addition, notwithstanding anything to the contrary contained in this Agreement, Licensee shall have the right to provide the insurance required of Licensee under this Agreement on a self-insured or retained basis. If Licensee elects to do so, the rights and remedies of DART against Licensee shall be not less than the rights and remedies DART would have in the event licensee had maintained the insurance required under this Agreement with Third-party carriers.

1). Workers' Compensation Insurance.

- Licensee shall provide statutory benefits under the Worker's Compensation Act of the State of Texas and/or any other State or Federal Law or Laws applicable to the Contractor's employees performing the work under this Agreement.
- **Employers' Liability Insurance** with limits of liability of not less than \$500,000.00 each accident, \$500,000.00 each employee for disease and \$500,000.00 policy limit for disease.
- Endorse with a Waiver of Subrogation Endorsement, waiving the carrier's right of recovery under subrogation or otherwise from Licensor.

2). Commercial General Liability Insurance with limits of not less than \$1,000,000.00 for bodily injury and property damage per occurrence with a general aggregate of \$1,000,000.00 and a products and completed operations aggregate of \$1,000,000.00. There shall not be any policy exclusions or limitations for Contractual Liability covering Contractor's obligations herein, Personal Injury, Advertising Liability, Medical Payments, Fire Damage, Legal Liability, Broad Form Property Damage and Liability of Independent Contractors.

3). Commercial Automobile Liability Insurance covering all owned, hire and no owned vehicles used in connection with this Agreement with a combined single limit for bodily injury and property damage liability of not less than \$1,000,000.00 per claim.

17.02. **No Recourse.** Companies issuing the insurance policies herein described shall have no recourse against DART for payment of any premiums or assessment for deductibles, such premiums and deductibles being the sole responsibility and risk of Licensee.

18. Assignment. Licensee shall not assign or transfer its rights under this License in whole or in part, or permit any other person or entity to use the License hereby granted without the prior written consent of DART which DART is under no obligation to grant.

19. Termination of License. This license shall continue until terminated prior to September 1, 2017 in one of the following ways:

- 19.01 By written agreement of both parties;
- 19.02 By either party giving the other party ninety (90) days written notice;
- 19.03 By either party, upon failure of the other party to perform its obligations as set forth in this License, after having been given ninety (90) days notice and opportunity to cure;

PROVIDED, HOWEVER, that any indemnifications provided for herein shall survive such termination.

20. Action Upon Termination of License. At such time as this license may be terminated or canceled for any reason whatsoever, Licensee, upon request by DART, shall remove all improvements and appurtenances owned by it, situated in, on, under or attached to the Property, regardless of whether or not such improvements were placed thereon by Licensee or others, and shall restore the Property to a condition satisfactory to DART, at Licensee's sole expense.

21. Miscellaneous.

21.01. Notice. When notice is permitted or required by this License, it shall be in writing and shall be deemed delivered when delivered in person or when placed, postage prepaid, in the U.S. Mail, Certified, Return Receipt Requested, and addressed to the parties at the following addresses:

DART: Dallas Area Rapid Transit
1401 Pacific
P. O. Box 660163
Dallas, Texas 75266-7230
ATTN: Right of Way Management

LICENSEE: City of Plano
1520 K Avenue
Plano, Texas 75074
Attn: City Manager / Assistant City Manager

Either party may from time to time designate another and different address for receipt of notice by giving notice of such change of address.

21.02. Attorney Fees. In the event that either party is required to initiate legal proceedings to enforce any provisions of this License, the prevailing party shall be entitled to recover court costs and reasonable attorney fees as allowed by law.

21.03. Governing Law and Venue. This License shall be construed under and in accordance with the laws of the State of Texas and venue shall lie in Collin County.

21.04. Entirety and Amendments. This License embodies the entire agreement between the parties and supersedes all prior agreements and understandings, if any, relating to the Property and the matters addressed herein, and may be amended or supplemented only by a written instrument executed by both parties.

21.05. Parties Bound. This License shall be binding upon and inure to the benefit of the executing parties and their respective heirs, personal representatives, successors and assigns.

21.06. Authority to Execute. The signatories to this License certify that each has the authority to enter into this agreement on behalf of the party represented.

21.07. Effective Date. This License shall be effective on the date signed by the last signing party.

LICENSOR:

DALLAS AREA RAPID TRANSIT

By: _____

Timothy H. McKay, P.E.
Executive Vice President
Growth/Regional Development

Date Signed: _____

LICENSEE:

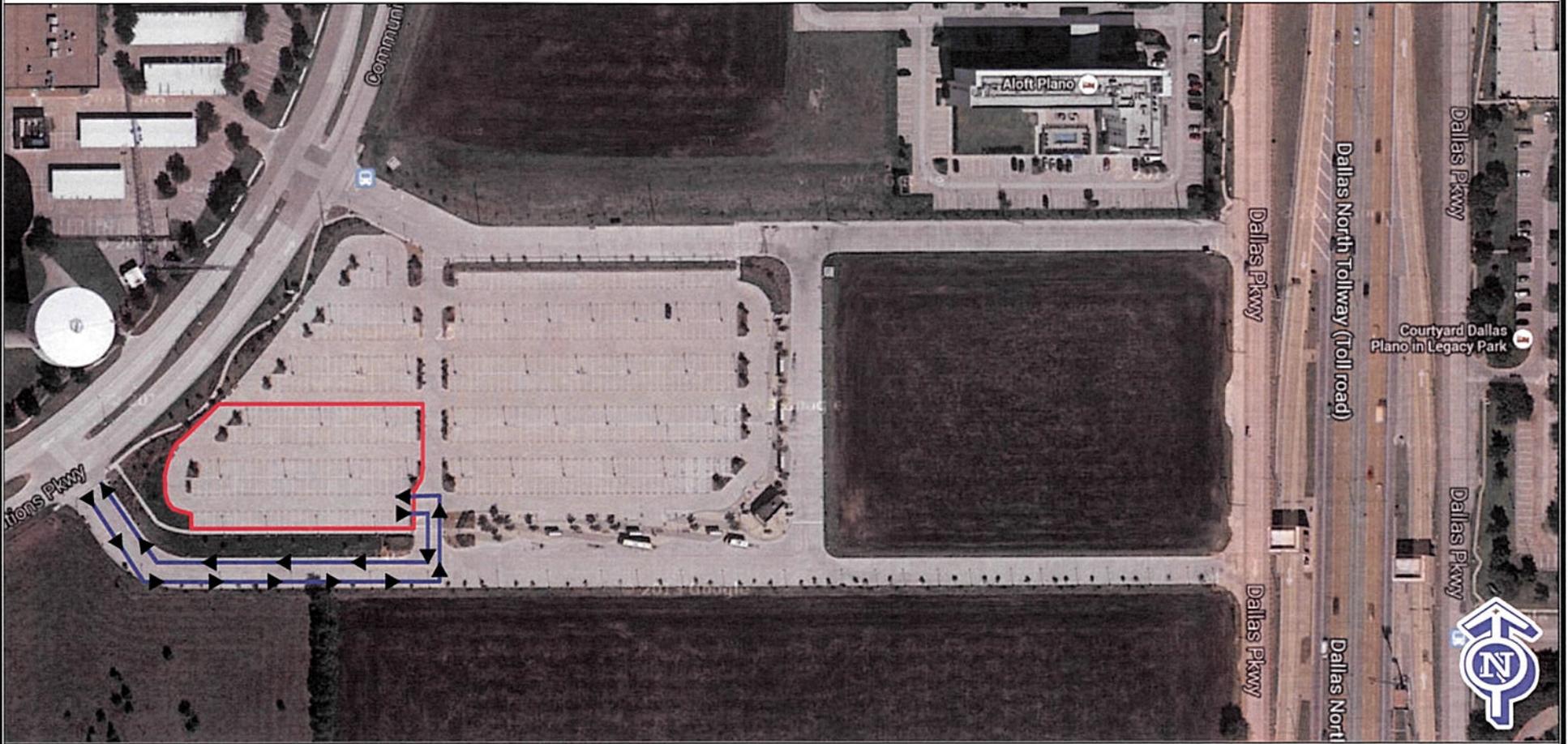
CITY OF PLANO

By: _____

Printed Name: _____

Title: _____

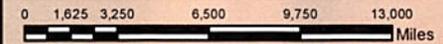
Date Signed: _____



Legend

-  Licensed Area
-  Truck / Vehicle Route

**DALLAS AREA RAPID TRANSIT
LICENSE AGREEMENT
CITY OF PLANO
Storage of De-icing Material
EXHIBIT "A"**



STREET ADDRESS
 NW Plano Park & Ride
 6830 Communications Pkwy
 Plano, TX 75093



EXHIBIT "B"

OTHER CONSIDERATIONS

1. Licensed area is limited to the area shown on Exhibit "A".
2. Licensee shall install a security fence around the perimeter of the licensed area and shall install signage on the fence indicating City of Plano's contact information to call for issues and/or concerns. Licensee is responsible for resolving any and all complaints from the neighbors or the Community.
3. Licensee shall provide de-icing services to DART at the Northwest Plano Park & Ride in the event of inclement weather. Licensee shall apply de-icing material to the facility entrances and DART bays at no cost to DART and shall coordinate the application of this material with DART's Maintenance Department.
4. Licensee shall hire a professional videographer mutually approved by both parties. Licensee shall provide video and photographs of the licensed area to DART before Licensee occupies the space, and on the following dates.
 - a. February 28, 2015
 - b. September 1, 2015
 - c. February 28, 2016
 - d. September 1, 2016
 - e. February 28, 2017
 - f. September 30, 2017
5. Licensee shall at the end of the License term, remove the fence, any materials and restore the property to the previous condition and to the satisfaction of DART.
6. Vehicle and/or equipment fueling, repair, and maintenance activities shall be prohibited on DART Property.
7. Leaking, damaged, or broken equipment shall be removed from DART property immediately upon discovery.
8. Licensee shall maintain on the License Property sufficient clean up materials to address any spill or leak from its equipment. Spilled and/or leaked products and materials shall be promptly cleaned up by Licensee in a manner that satisfies the requirements of applicable regulatory authorities. Licensee shall notify DART after discovering a spill and/or leak. Notification shall be made as soon as possible but shall not exceed 24 hours after discovery. Notification details shall include all clean up and reporting actions that have been or are anticipated to be taken.
9. Licensee shall be fully responsible for fulfilling all spill reporting requirements imposed by the US Environmental Protection Agency, Texas Commission on Environmental Quality (TCEQ), and any other regulatory authority having jurisdiction over the License Property.
10. Used spill cleanup materials as well as any other wastes generated by Licensee shall be promptly removed from DART property. Licensee shall be defined as the "Generator" of these waste materials, sign all disposal documents, and be solely responsible for proper disposal.
11. Licensee shall be fully responsible for compliance with all requirements of the TCEQ, Texas Pollution Discharge Eliminations System (TPDES) requirements for the License Property.
12. All structures built or placed on DART property shall have water-tight roofs and be fully enclosed or otherwise constructed in a manner as to prevent intrusion by blowing rain and/or storm water sheet flow.
13. Sand, salt and any other tracked or accumulated materials and/or debris shall be promptly removed from the pavement, curb gutters, and/or storm drains.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		10/27/2014		
Department:		City Secretary		
Department Head		Lisa C. Henderson		
Agenda Coordinator (include phone #): Sharon Kotwitz X7120				
CAPTION				
An Ordinance of the City of Plano, Texas, adopting and enacting Supplement Number 108 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; 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: 2014-2015	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): NA				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Adoption of the Quarterly Code Supplement relates to the City's goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Adoption of this ordinance enables this supplement to be admissible in court.				
List of Supporting Documents: Ordinance			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas adopting and enacting Supplement Number 108 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date.

WHEREAS, the City Council of the City of Plano, Texas adopted a new Code of Ordinances upon adoption of Ordinance No. 87-3-14, on March 9, 1987; and

WHEREAS, Sections V and VI of Ordinance No. 87-3-14 provide for amendment to said Code of Ordinances; and

WHEREAS, the Code of Ordinances of the City of Plano, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected on Supplement Number 108; and

WHEREAS, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 108 of the Plano Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

Section I. The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 108 as prepared by the codifier.

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

DULY PASSED AND APPROVED this the 27th day of October, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, 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:		10/27/14		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): Ben Petty (7146)				
CAPTION				
An Ordinance of the City of Plano, Texas, approving the carrying-forward of certain fiscal year 2013-14 funds to fiscal year 2014-15; 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:	2014-15	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	3,537,223	0	3,537,223
BALANCE	0	3,537,223	0	3,537,223
FUND(S): GENERAL FUND, PLANO TELEVISION NETWORK FUND, SUSTAINABILITY & ENVIRONMENTAL SERVICES FUND, CONVENTION & TOURISM FUND AND MUNICIPAL DRAINAGE FUND.				
COMMENTS: Funds are available from the FY 2013-14 approved budget in the listed funds as carry-forwards into FY 2014-15 for the completion of various projects and other purchases. STRATEGIC PLAN GOAL: Carrying-forward of available funds for the completion of projects relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The Ordinance approves the FY 2013-14 Carry-Forward List to FY 2014-15 and sets the level of transfers for the various funds, as reviewed by City Council.				
List of Supporting Documents: 2013-14 Carry-Forward Request Log			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas, approving the carrying-forward of certain fiscal year 2013-14 funds to fiscal year 2014-15; and providing an effective date.

WHEREAS, on September 8, 2014, the City Council approved the Budget for fiscal year 2014-15 by passing Ordinance 2014-9-5; and

WHEREAS, State law provides that cities have the authority to carry-forward funds from previous fiscal year to the current fiscal year; and

WHEREAS, the City Council, upon full consideration of the matter, is of the opinion that it is in the best interest of the City and its citizens to carry-forward remaining funds from fiscal year 2013-14 to fiscal year 2014-15.

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

Section I. Subject to the applicable provisions of State law and the City Charter, the City Council hereby approves carrying-forward the funds listed below from the fiscal year 2013-14 Budget to the fiscal year 2014-15 Budget:

A.	General Fund	\$2,624,224
B.	Plano Television Network	\$538,500
C.	Sustainability & Environmental Services Fund	\$348,995
D.	Convention and Tourism Fund	\$20,000
E.	Municipal Drainage Fund	\$5,504

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

DULY PASSED AND APPROVED this the 27th day of October, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

APPROVED AS TO FORM:

Paige Mims, City Attorney

CARRY FORWARD REQUESTS 2013-14 FUNDS TO 2014-15							
Cost Center	Department Name	Description	Total Amount Requested	Reason	Object Codes:		Approval Amount
					From	To	
BUDGETED PROJECTS/ITEMS							
111	City Council	Food	\$ 15,000	Due to Toyota and other economic development activities anticipated this upcoming year.	111.6204	111.6204	\$ 15,000
215	Non-Departmental	Retiree - Personnel Services	\$ 500,000	This is requested to be carried forward for projected retiree payout in FY 2014-15	215.6199	215.6199	\$ 500,000
215	Non-Departmental	Contracts-Professional Services	\$ 500,000	For various projects that were not completed during FY 2013-14.	215.6312	215.6312	\$ 500,000
352	Facilities	Utilities - Gas	\$ 50,000	It is anticipated that gas prices will increase to meet demand for an expected cooler and wetter winter, predicted by meteorologists from the effects of El Nino.	352.6332	352.6332	\$ 50,000
352	Facilities	Utilities - Electric	\$ 100,000	Due to milder than expected temperatures during the summer months, Facilities did not utilize the fully approved budget. However, this was outside the norm, and expect temperatures to be in the normal range for the upcoming year.	352.6331	352.6331	\$ 100,000
534	Public Safety Communications	Uniforms & Apparal	\$ 3,500	Uniforms for PSC staff which includes shirts/jackets.	534.6205	534.6205	\$ 3,500
552	Fire	Uniforms & Apparal	\$ 140,000	New uniforms for all Fire rank personnel. Due to thorough testing and requirements that must be met by vendor, this large uniform order was not able to take place in FY 2013-14 as originally intended. This purchase is anticipated to take place within the next 60 days.	552.6205	552.6205	\$ 138,000
619	Property Standards	Rolling Stock	\$ 44,200	For the purchase of two (2) city fleet vehicles for use during property maintenance inspections. These will be used by Speciliasit position that was approved in the FY 2013-14 budget, but has yet to be filled.	619.8421	619.8421	\$ 44,200
621	Neighborhood Reinvestment	Contracts-Professional Services	\$ 596,767	A neighborhood study and related services, as well as contractor's fees and implementation of the Great Update Rebate program.	621.6499	621.6499	\$ 511,625
622	Planning	Contracts-Professional Services	\$ 3,800	To fulfill Bob Gibbs contract for consulting work on the retail development pilot project.	622.6312	622.6312	\$ 3,800
622	Planning	Contracts-Professional Services	\$ 11,932	To complete the upgrade of the Planning Conference Room 2E with any remaining funds to be used on the upgrades to suite 250.	622.6312	622.6312	\$ 11,932
622	Planning	Donations	\$ 10,000	Donations from Lennar Homes for disbursement for Love Where You Live events.	622.4931	622.4931	\$ 10,000
622	Planning	Contracts-Professional Services	\$ 5,000	To complete the purchase of a Block Party Trailer which is still currently under construction.	622.6312	622.8416	\$ 5,000
624	Building Inspections	Wearing Apparel	\$ 1,700	To complete the purchase of a bulk clothing purchase for Inspectors.	624.6205	624.6205	\$ 1,700
632	Creative Arts	Contracts-Professional Services	\$ 14,000	For the procurement and installation of Wi-Fi capabilities at the Amphitheater at Oak Point Park.	632.6229	632.6229	\$ 14,000
632	Creative Arts	Contracts-Professional Services	\$ 13,000	For the procurement and installation of Wi-Fi capabilities at the Amphitheater at Oak Point Park.	632.6312	632.6312	\$ 13,000
634	Park Field Services	Maintenance Parts & Supplies	\$ 10,000	Additional funding is needed for the purchase of parts for off-season median and rights-of-way irrigation reparis due to 2013-14 drought damage to aid with system recovery and restoration. Funds will be required for repair materials due to damage caused by surface undulation and also shifting and contracting soils.	634.6229	634.6229	\$ 10,000
634	Park Field Services	Training	\$ 10,000	Budgeted funds for required backflow and irrigation personnel CEU's were not used, because training at a reasonable cost and distance was not available throughout the year. Additional funds will help staff with the necessary training in FY 2014-15	634.6309	634.6309	\$ 10,000
634	Park Field Services	Contracts-Professional Services	\$ 55,000	Reductions in regular rights-of-way and median contract mowing and landscape maintenance due to the ongoing drought. Additional funds would be needed for drought recovery in FY 2014-15 in these areas.	634.6312	634.6312	\$ 55,000
638	Park Technical Services	Advertising	\$ 16,945	There is offsetting revenue associated with advertising received from our brochure each session. We would like to "re-invest" this into marketing/display items as well as use this funding to advertise a major award that Park Technical Services may receive.	638.6306	638.6306	\$ 16,945
638	Park Technical Services	Travel/Professional Development	\$ 3,284	These funds will help staff attend training for Active Network training which is our software we use, as well as attend both sessions that our national congress is holding in October of 2014 and September of 2015.	638.6307	638.6307	\$ 3,284
638	Park Technical Services	Contracts-Professional Services	\$ 1,550	We are tranisitioning to a new software system for registrations as our current system is no longer supported after 2016.	638.6312	638.6312	\$ 1,550
643	Park Support Services	Overtime	\$ 7,500	Due to not being fully staffed during parts of FY 2013-14, overtime was not utilized, however, additional funding will be needed due to trail damage as a result of the ongoing drought.	643.6111	643.6111	\$ 7,500
643	Park Support Services	Contracts-Professional Services	\$ 125,000	Additional work will be needed in FY 2014-15 for tree trimming, maintenance and removals with qualified contractors. Due to drought conditions, a backlog of tree work has taken place within Parks maintained sites.	643.6312	643.6312	\$ 125,000

CARRY FORWARD REQUESTS 2013-14 FUNDS TO 2014-15							
Cost Center	Department Name	Description	Total Amount Requested	Reason	Object Codes:		Approval Amount
					From	To	
644	Grounds Maintenance Services #1	Contracts-Professional Services	\$ 5,000	Due to drought conditions, regularly scheduled mowing and landscaping has not taken place. Additional funds will be needed in FY 2014-15 for landscaping rehabilitation due to drought related damage.	644.6312	644.6312	\$ 5,000
647	Sports Turf Maintenance	Contracts-Professional Services	\$ 250,000	Due to the drought impact, these funds are requested to be used contractually to recover athletic fields damaged by the drought if water restrictions are lifted in FY 2014-15. Funds will be used to make sod repairs and to mitigate undulating surfaces at various sports fields with targets being Russell Creek Fields S, T, U, V as a priority.	647.6312	647.6312	\$ 250,000
647	Sports Turf Maintenance	Chemical	\$ 22,500	An extra round of fertilizer for athletic fields and facilities will be funded with this request. With the additional fertilization, this will promote healthy grass on sports fields, practice and warm-up areas that is better able to recover from the intensive uses by leagues, tournaments and the general public.	647.6212	647.6212	\$ 22,500
647	Sports Turf Maintenance	Educational & Recreational	\$ 10,000	Equipping four (4) ball fields at Russell Creek, eleven 11 ball fields at High Point Park and five (5) ball fields at Archgate Park at 50% of cost with the other 50% coming from the cooperation of local sports leagues.	647.6215	647.6215	\$ 10,000
648	Grounds Maintenance Services #2	Utilities - Water	\$ 78,000	Annual fee payable per agreement with Hewlett Packard has not been completed and will be submitted on the date required by Hewlett Packard (Legacy Association).	648.6333	648.6333	\$ 78,000
658	Grounds Maintenance Services #3	Contracts-Professional Services	\$ 32,000	Due to drought conditions, regularly scheduled mowing and landscaping has not taken place. Additional funds will be needed in FY 2014-15 for landscaping rehabilitation due to drought related damage.	658.6312	658.6312	\$ 32,000
682	Technical Services	Publications	\$ 75,000	For building up the digital collection of ebooks and eAudiobooks. This is important to the continuous building process we are in with our digital collections. With digital copies costing between 2 to 3 times more than paper copy, we would like to retain these funds to extend our goal of expansion.	682.6203	682.6203	\$ 75,000
684	Schimelpfenig Library	Office Supplies	\$ 688	Expecting additional need for office supplies in FY 2014-15.	684.6201	684.6201	\$ 688
01	Subtotal General Fund		\$ 2,751,366				\$ 2,624,224
181	Plano Television Network	Contracts-Professional Services	\$ 2,500	Requested for the creation of a new Team Plano site for employee information	181.6312	181.6312	\$ 2,500
202	CATV Equipment Replacement	Implements & Apparatus	\$ 500,000	For the purchase and installation of cameras and camera control units.	202.8416	202.8416	\$ 500,000
202	CATV Equipment Replacement	Implements & Apparatus	\$ 31,000	For the purchase and installation of new broadcast lights and lighting control system in the council chambers. Not budgeted for, however, it is highly recommended due to several power surges that have effected our control of the current broadcast light in the chamber.	202.8416	202.8416	\$ 31,000
281	Website Services	Contractual Repair	\$ 5,000	Requested for the creation of a new Team Plano site for employee information	281.6314	281.6314	\$ 5,000
18	Plano Television Network		\$ 538,500				\$ 538,500
712	Environmental Ed.& Community Outreach	Minor Apparatus	\$ 5,495	Cargo trailer designed to carry cleanup supplies and educational materials for community wide litter cleanup events.	712.6208	712.6208	\$ 5,495
714	Compost Marketing & Operations	Landscape Bags	\$ 20,000	Due to delays in contracted bidder's (Diversified Plastics) manufacturing of two cubic foot mulch bags, there is a high probability that we will utilize these additional funds in re-bid or re-order needs.	714.6281	714.6281	\$ 14,000
714	Compost Marketing & Operations	Contracts-Professional Services	\$ 40,000	These items were delayed until the 2nd Regional Compost Agreement is executed between NTMWD and Plano's Environmental Waste Service Division which is anticipated in the second quarter of FY 2014-15. Contracted hauling of Texas Pure products between Custer and Compost sites.	714.6312	714.6312	\$ 40,000
714	Compost Marketing & Operations	Contractual Repair	\$ 40,000	These items were delayed until the 2nd Regional Compost Agreement is executed between NTMWD and Plano's Environmental Waste Service Division which is anticipated in the second quarter of FY 2014-15. Various contractual repairs to the two (2) Texas Pure operational facilities.	714.6314	714.6314	\$ 40,000
714	Compost Marketing & Operations	Implements & Apparatus	\$ 65,000	These items were delayed until the 2nd Regional Compost Agreement is executed between NTMWD and Plano's Environmental Waste Service Division which is anticipated in the second quarter of FY 2014-15. Various equipment modifications to enhance operational efficiencies and improve Texas Pure product quality.	714.8416	714.8416	\$ 65,000
714	Compost Marketing & Operations	Rolling Stock	\$ 55,000	These items were delayed until the 2nd Regional Compost Agreement is executed between NTMWD and Plano's Environmental Waste Service Division which is anticipated in the second quarter of FY 2014-15. Various equipment upgrades to enhance operational efficiencies and improve Texas Pure product quality.	714.8421	714.8421	\$ 55,000
748	Solid Waste Collections	Outside Printing	\$ 19,000	Finalizing and printing the revised Environmental Waste new homeowner informational packet which is provided throughout the year to all new homeowners moving into Plano. In addition, these funds will be used to complete the roll-out of the Recycle Right Plano educational campaign and Recycle Right All Star Program.	748.6301	748.6301	\$ 19,000
752	Commercial Recycling	Contracts-Professional Services	\$ 60,000	Funded supplement for FY 2013-14, however, projects were delayed. Finalizing and completing the 20-year Solid Waste Plan.	752.6312	752.6312	\$ 60,000
752	Commercial Recycling	Contracts-Other	\$ 50,500	Funded supplement for FY 2013-14, however, projects were delayed. Finalizing and completing Plano's Construction & Demolition Recycling Enhancement program.	752.6319	752.6319	\$ 50,500
45	Subtotal Sustainability & Environmental Services		\$ 354,995				\$ 348,995

CARRY FORWARD REQUESTS 2013-14 FUNDS TO 2014-15							
Cost Center	Department Name	Description	Total Amount Requested	Reason	Object Codes:		Approval Amount
					From	To	
125	Convention & Tourism Bureau	Furniture & Fixtures	\$ 20,000	Due to trying to plan purchasing the new furniture at the same time as the renovations of the Plano Centre, delays were incurred. CVB is moving forward with purchasing the new furniture with these approved funds. This was an approved funded supplement for FY 2013-14.	125.8411	125.8411	\$ 20,000
46	Convention & Tourism		\$ 20,000				\$ 20,000
472	Municipal Drainage Administration	Contracts-Professional Services	\$ 5,504	Requested to be carried forward in order to offset an unanticipated increase in the cost of Aerial Photography provided by the North Texas Council of Governments for use in evaluating and developing improvements to Plano's municipal drainage system.	472.6312	472.6312	\$ 5,504
47	Municipal Drainage		\$ 5,504				\$ 5,504
GRAND TOTAL CARRY FORWARDS REQUESTED			\$ 3,670,365	GRAND TOTAL CARRY FORWARDS APPROVED			\$ 3,537,223



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:		10/27/14		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): Ben Petty (7146)				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2014-10-7; amending Ordinance No. 2009-2-15 and 2013-10-32 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to reflect new rates and increase the fee schedules for water and sewer services effective November 1, 2014, and providing a repealer clause, a severability clause, a savings clause, and an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2014-15	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): WATER & SEWER FUND				
<p>COMMENTS: Approval of this item will increase Water and Sewer revenues by an estimated \$8,153,110 for FY 2014-15 compared to FY 2013-14 Re-Estimate. The water and sewer rate increase and a change to the consumption rate schedule is included in the FY 2014-15 Water & Sewer Budget.</p> <p>STRATEGIC PLAN GOAL: Changes to the Water and Sewer service rates relates to the City's Goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>It is the recommendation of staff that water rates, sewer rates, as well as separately metered irrigation for both residential and non-residential customers should be increased for all services rendered on or after November 1, 2014.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Ordinance				

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2014-10-7; amending Ordinance No. 2009-2-15 and 2013-10-32 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to reflect new rates and increase the fee schedules for water and sewer services effective November 1, 2014, and providing a repealer clause, a severability clause, a savings clause, and an effective date.

WHEREAS, on February 17, 2009 the City Council of the City of Plano enacted Ordinance No. 2009-2-15 amending the fee schedules for water and sewer service provided in the City; and

WHEREAS, on October 28, 2013 the City Council of the City of Plano enacted Ordinance No. 2013-10-32 amending the fee schedules for water and sewer service provided in the City; and

WHEREAS, on October 13, 2014 the City Council of the City of Plano enacted Ordinance No. 2014-10-7 to further amend the fee schedules for water and sewer service provided in the City; and

WHEREAS, it is necessary to repeal Ordinance No. 2014-10-7 as it incorrectly states certain rates; and

WHEREAS, staff recommends adopting this ordinance to reflect the correct rates; and

WHEREAS, upon consideration of the presentation and the recommendations contained therein, the City Council is of the opinion that the water rates for both residential and non-residential customers should be increased by ten percent (10%) for the minimum charge and for all usage above 1,000 gallons up to 30,000 gallons. For residential water customers, all usage above 30,000 gallons will be charged \$7.50 per 1,000 gallons. Sewer rates for both residential and non-residential customers should be increased by two and a half percent (2.5%) for the minimum charge and for all usage above 1,000 gallons; and

WHEREAS, the City Council further finds and determines that the fee increases are necessary and in the best interest of the City and its citizens.

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

Section I. Ordinance No. 2014-10-7 is hereby repealed in its entirety.

Section II. *Section 21-135, Sewer Charges-Residential, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:*

“Sec. 21-135. Sewer charges - Residential.

Monthly sewer charges for the residential connections to the sanitary sewer collection system shall be based upon the minimum charge and the metered water amounts and shall be as follows:

Rates effective November 1, 2014

- (1) Monthly sewer charges for residential connections to the sanitary sewer collection system shall be based upon the minimum charge and the **winter quarter average calculations**.
 - a. Winter quarter averaging is a method for determining residential sewer use based on winter quarter averages from up to three (3) consecutive winter periods. The winter average for each year is calculated based on the water consumption during a minimum of three (3) billed winter months or the three (3) lowest of the four (4) billed winter months (December, January, February, and March).
 - b. To determine the three year average, the calculated averages for each year will be combined and divided by three (3).
 - c. Residential customers whose water account has been established for less than three winter periods will be assessed based on the period of average for one or two years.
 - d. Residential customers, whose water account has not been established for at least three (3) billed months of the current winter period, will be charged based upon the average three-year residential winter quarter average citywide until an accurate winter average is available.
- (2) **All residential.** (Includes but is not limited to single family homes, individually metered multi-family units, patio homes, town homes and all other separately metered residential dwellings).
 - a. Minimum charge.
 1. All meter sizes..... \$12.55
 - b. Consumption charges.
 1. First 1,000 gallons included in meter charge (minimum bill).
 2. All over 1,000 gallons (per 1,000 gallons) \$4.37
 - c. There will be no sewer charges for water consumed through separately metered landscape irrigation systems.”

Section III. *Section 21-136, Sewer Charges-Non-Residential, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:*

“Sec. 21-136. Sewer charges-Non-residential.

Monthly sewer charges for non-residential connections to the sewer collection system shall be based upon the size of the water meter and the metered water amounts and shall be as follows:

Rates effective November 1, 2014

(1) **All non-residential.** (Includes but is not limited to commercial, schools, churches, homeowners associations, mobile home park, industrial, apartment complexes, cooling towers and any other non-residential use).

a. Minimum charge

1. 5/8 and 3/4 inch	\$12.55
2. 1 inch	24.48
3. 1 1/2 inch	44.27
4. 2 inch	68.08
5. 3 inch	131.49
6. 4 inch	202.79
7. 6 inch	400.97
8. 8 inch	596.66
9. 10 inch	916.21

b. Consumption charges

1. First 1,000 gallons included in meter charge (minimum bill).	
2. All over 1,000 gallons (per 1,000 gallons)	\$4.37

c. Maximum charge (cap) effective for cooling towers and commercial swimming pools is 12,000 gallons.

d. There will be no sewer charges for water consumed through separately metered landscape irrigation systems.”

Section IV. *Section 21-147, Water Charges, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:*

“For Services Rendered on or after November 1, 2014:

Sec. 21-147. Water charges.

(1) **All residential.** (Includes but is not limited to single family homes, and separately metered multi-family units, patio homes, town homes, condominiums and all other residential dwellings.)

- a. Minimum charge.
 - 1. Up to 3/4 inch..... \$20.48
 - 2. 1 inch..... 20.48
 - 3. 1 1/2 inch..... 90.65
 - 4. 2 inch..... 143.07

- b. Consumption charges.
 - 1. First 1,000 gallons included in meter charge (minimum bill).
 - 2. 1,001 – 5,000 gallons (per 1,000 gallons)..... \$0.54
 - 3. 5,001 – 20,000 gallons (per 1,000 gallons)..... 2.77
 - 4. 20,001 – 30,000 gallons (per 1,000 gallons)..... 5.53
 - 5. All over 30,000 gallons (per 1,000 gallons)..... 7.50

(2) All **non-residential**. (Includes, but is not limited to commercial, schools, churches, homeowners associations, mobile home parks, industrial, apartment complexes, cooling towers and any other non-residential use.)

- a. Minimum charge.
 - 1. Up to 3/4 inch..... \$20.48
 - 2. 1 inch..... 46.27
 - 3. 1 1/2 inch..... 90.65
 - 4. 2 inch..... 143.07
 - 5. 3 inch..... 282.81
 - 6. 4 inch..... 440.18
 - 7. 6 inch..... 877.09
 - 8. 8 inch.....1,401.38
 - 9. 10 inch.....2,013.21

- b. Consumption charges.
 - 1. First 1,000 gallons included in meter charge (minimum bill).
 - 2. 1,001- 5,000 gallons (per 1,000 gallons)..... \$0.54
 - 3. All over 5,000 gallons (per 1,000 gallons)..... 2.77

(3) **Separately metered irrigation use.**

- a. Minimum charge.
 - 1. Up to 3/4 inch..... \$20.48
 - 2a. 1 inch (Residential)..... 20.48
 - 2b. 1 inch (Commercial)..... 46.27
 - 3. 1 1/2 inch..... 90.65
 - 4. 2 inch..... 143.07
 - 5. 3 inch..... 282.81
 - 6. 4 inch..... 440.18

7.	6 inch.....	877.09
8.	8 inch.....	1,401.38
9.	10 inch.....	2,013.21

b. Consumption charges.

1.	First 1,000 gallons included in meter charge (minimum bill).	
2.	1,001- 5,000 gallons (per 1,000 gallons).....	\$0.54
3.	5,001 – 20,000 gallons (per 1,000 gallons).....	2.77
4.	All over 20,000 gallons (per 1,000 gallons).....	5.53”

Section V. Any provision of any Ordinance of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance is 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 VI. 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 VII. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

Section VIII. This Ordinance shall become effective November 1, 2014.

DULY PASSED AND APPROVED this the 27th day of October, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

APPROVED AS TO FORM:

Paige Mims, 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:		10.27.14		
Department:		Library Administration		
Department Head		Cathy Ziegler		
Agenda Coordinator (include phone #): Jeanne Argomaniz x4208				
CAPTION				
An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2013-6-4 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for lost cards, room rentals, and administrative fees; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication 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: 2014-2015	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
COMMENTS: The purpose of this Ordinance is to codify the current practice of library fine and fee collection and therefore, has no fiscal impact. STRATEGIC PLAN GOAL: Amending certain sections of Ordinance No. 2013-6-4 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano relates to the City's Goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Amend certain sections of Ordinance 2013-6-4 and the standards to borrow and return library material to include fines and fees for overdue specialty books, lost cards, administration fees, program room rental, and fax and notary services.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Cathy Ziegler- Memo 10/9/14 Ordinance 2013-6-4				



Memorandum

Date: October 9, 2014

To: LaShon Ross, Deputy City Manager

From: Cathy Ziegler, Director of Libraries

Subject: City Council Approval to Amend City Ordinance No. 2013-6-4

The purpose of the ordinance amendment is to codify the current practice of library fine and fee collection. There is no change in overdue fines, as the current fine amounts are adequate to induce prompt return of library materials by the end of the loan period.

The list of fines now includes kits and non-renewable specialty books which are new circulating materials since the last update of this ordinance. In addition, fees for room rental, FAX service and notary fees have been added to the ordinance.

Library fines and fees collected in FY 2013-14 amounted to approximately \$480,000 in revenue for the General Fund.

An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2013-6-4 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for lost cards, room rentals, and administrative fees; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on June 10, 2013, the City Council of the City of Plano enacted Ordinance No. 2013-6-4 revising the fee schedule for unreturned and overdue materials and establishing charges for interlibrary loan materials and non-resident library cards; and

WHEREAS, staff recommends revising the fee schedule for unreturned and overdue materials, and establishing charges for lost cards, room rentals, and administrative fees to reflect the Libraries' current practices; and

WHEREAS, the City Council, after all things considered, deems it is in the best interest of the citizens of the City of Plano that the fee schedule be amended and charges for lost cards, room rentals, and administrative fees be assessed.

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

Section I. Section 10-3, Identification of borrowers; overdue materials, of Article I, Chapter 10, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:

“Sec. 10-3. Identification of borrowers; overdue materials; fees and fines.

- (a) Any person making application to borrow materials from the library will be required to present proof of address and adequate identification of the applicant.

A fee of \$1.00 shall be assessed to replace a lost library card.

- (b) Any person who has outstanding fees for overdue materials may be disallowed from further borrowing until the fees have been paid.

- (c) The fees for failing to return library materials to the Plano Public Library System by the due date shall be as follows:

(1) DVDs, kits, and non-renewable specialty books, per day	\$1.00
(2) All other materials, per day	\$0.25
(3) Items for in-house check-out, per hour	\$1.00
(4) Maximum accrual for one item	\$10.00
(5) Non-refundable processing fee per lost item	\$5.00

- (d) Fines will be assessed daily against the patron who returns incomplete set materials until the complete set is returned. If the complete set is not returned within thirty (30) days, the patron will be charged the cost of the entire replacement set. Materials returned without proper packaging will be assessed a fee up to \$10.00 per item.

- (e) Materials may be available by interlibrary loan from libraries outside the Plano Public Library System. The patron requesting the materials shall be responsible for applicable postage/courier charges.
- (f) An annual fee of fifty dollars (\$50.00) shall be assessed for each non-resident library card.
- (g) It shall be unlawful for any person who has borrowed library materials to fail or refuse to return the same to the public library system within thirty (30) days after written notice has been mailed. Any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-4(b) of the City of Plano Code of Ordinances for each offense. Each overdue library materials shall constitute a separate offense for each day it is not returned to the library.

The City shall be entitled to pursue collection of fees and/or costs for overdue or lost materials through its employees and agents. A collection fee of \$10.00 will be assessed in addition to the fees and/or costs for overdue or lost materials.

- (h) The fees for library room rentals are as follows:

Program Room:	
(1) Residents, per hour	\$25.00
(2) Non-residents, per hour	\$75.00
Conference Room:	
(1) Residents, per hour	\$15.00
(2) Non-residents, per hour	\$60.00

- (i) Fees for network printing and copy services are up to \$0.60 per page, and fees for fax services are up to \$3.95 per page.
- (j) Fees for notary services are up to \$5.00 per signature.”

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

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

DULY PASSED AND APPROVED this the 27th day of October, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

DATE: October 7, 2014, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 6, 2014

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2014-26
APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 5.600 (Amendments) of Article 5 (Site Plan Review), and related sections of the Zoning Ordinance pertaining to various modifications of the Urban Mixed-Use zoning district. Tabled September 2, 2014.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

2.829 UMU - Urban Mixed-Use

1. Purpose

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

2. Permitted Uses

See Subsection 2.502 Schedule of Permitted Uses for a complete listing.

3. Area, Yard, and Bulk Requirements

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, <u>or public open space, patio dining, plaza or other public amenity is provided</u> , 75% of the building face shall be built to the easement line, <u>open space or public amenity</u> . The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed between the building face and a public street of Type D or above.	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story
Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
- b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.
- ~~c. Gross Leasable Area - The total floor area intended for tenant occupancy and exclusive use, but excluding garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.~~
- c. Gross Linear Footage - The total length of a building as measured in a straight line along the street.
- d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
- e. Effective Residential Density - A measure applied to a mixed-use building which ~~includes~~ calculates the total number of possible residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the gross ~~leasable~~ floor area of nonresidential and/or live/work/flex space divided by the average residential unit size.
- f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- g. Block - An area enclosed by streets, utility easements and/or transit rights-of-way on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- h. Block Length - The distance along a street face uninterrupted by an intersecting street, utility easement, and/or transit right-of-way, excluding intersections with alleys and service drives.

- i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.
- j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unairconditioned space. Tuck under parking and parking garages are included in the calculation of lot coverage.

5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

- a. Requirement for an adopted development plan
- b. Requirement for a governance association
- c. Minimum residential densities for multifamily development
- d. Requirement to maintain three or more uses
- e. Requirement for nonresidential uses to be constructed within the first phase of development

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, including the ~~minimum and maximum~~ amount of gross floor area designated for each category of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district. Major modifications to the development plan, including but not limited to specifications of land use categories and functional roles, significant lot, block and street design changes, and increasing the number of residential units, shall only be amended by the same process by which ~~it~~ the development plan was created. (See Section 5.500 Adopted Development Plan.)

7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. ~~Only residential, retail, and office/institutional may be a primary use category.~~ A primary use category must include not less than ~~540%~~ or more than 70% of the gross floor area. Secondary use categories must include not less than 20% or more than 40% ~~or less than 20%~~ of the gross ~~leasable floor~~ area. Tertiary uses ~~shall must include~~ not ~~represent~~ more than 20% of the gross floor area. The percentages of primary, secondary, and tertiary uses ~~is to be defined in the adopting ordinance. Percentages of gross floor area may vary as long as their functional role does not change.~~ ~~The primary use must always be the largest amount of actual building area constructed and under construction.~~ Use categories are designated below:

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

- a. If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments of ~~5-12 stories in height~~.
- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual ~~and effective~~ residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building,

10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.
- b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:
 - i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.

- ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)
 - iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)
 - iv. Mews Street (for Single-Family Residence Attached development only) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.
 - v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane
- c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.
- d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.
- e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.
- f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street (~~two 11 foot travel lanes with parallel or diagonal parking~~). ~~B~~ with buildings of a minimum of two stories shall fronting onto the main street. No parking garages or surface parking lots shall directly abut the main street. A minimum 600 foot to 1,200 foot section of the street shall be the activity center of the district core. A minimum of 75% of This the gross linear footage area of the first floor shall have the highest concentration along the activity center shall consist of retail, restaurant, and entertainment, and other active uses. square footage in the UMU district. The maximum width of store fronts in this area shall be limited to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street. ~~It shall also designate the location of at least 60% of the gross floor area along the main street for primary and secondary uses.~~
- g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.

- h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of seven feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than five percent or more than ten percent of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located ~~within adjacent to~~ the main street ~~area required in 10.f above~~. Smaller usable open space areas may also be provided. ~~Individual public open space areas and shall be no larger than three acres or smaller than one-quarter acre. The plan for the arrangement of common open space must e adopted when the district is established. It may be amended only through the same process as the district was created. The common open space is to be maintained by the association.~~ Usable open space must be adopted by the development plan and must be maintained by the governance association.
- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.
- c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross ~~leasable floor~~ area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking spaces ~~the capped parking requirement~~ for the entire development, ~~as shown on the development plan,~~ may be located in a surface parking lots. Parking in excess of 10% ~~over the above~~ the maximum caps may be provided only is allowed only if provided in parking garages.
- b. Parking for multifamily residential uses shall be required as follows:
 - i. One bedroom or less: One parking space per unit
 - ii. Two bedrooms: 1.5 parking spaces per unit
 - iii. Three bedrooms or more: Two parking spaces per unit
- c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots with ~~50-100~~ 50-100 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.
- f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.
- h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

13. Building Placement and Design

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
- b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
- c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.
- d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of ten feet.

14. Single-Family Attached (Townhouse) Residence Regulations

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Density: ~~25~~18 dwelling units per acre
- d. Minimum Floor Area per Dwelling Unit: 800 square feet
- e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- f. Maximum Building Length: 200 feet
- g. Buildings must be separated by a minimum distance of ten feet.
- h. No usable open space areas are required.
- i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

15. Additional Requirements and Restrictions

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in ~~Subsection 3.1605 (Downtown Sign District) Area A~~ the Downtown Business/Government (BG) zoning district shall apply unless otherwise specified in this ordinance or in the adopted development plan.

Amend Section 5.600 (Amendments) of Article 5 (Site Plan Review), to read as follows:

At any time following the approval of a concept plan, preliminary site plan, adopted development plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan. Minor phasing amendments for adopted development plans are permitted only for the purpose of adding an adjacent nonresidential or vertically mixed-use building into the current phase. Amendments to previously approved storm water conservation areas, increases in building height and/or building proximity to an adjacent offsite residential use, and all other amendments shall be considered major amendments and may be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan. Major amendments to an adopted development plan for the Urban Mixed-Use District may only be approved through the same process by which it was initially adopted. The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

FOR CITY COUNCIL MEETING OF: October 27, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

RA/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

October 6, 2014

Agenda Item No. 7

Public Hearing: Zoning Case 2014-26

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 5.600 (Amendments) of Article 5 (Site Plan Review), and related sections of the Zoning Ordinance pertaining to various modifications of the Urban Mixed-Use zoning district. Tabled September 2, 2014 and September 15, 2014.

REMARKS:

This item was tabled at the September 15, 2014 Planning & Zoning Commission meeting. It must be removed from the table.

This is a request to amend the Urban Mixed-Use (UMU) zoning district regulations in order to propose various changes. The Urban Mixed-Use district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The UMU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. UMU is primarily applicable to large undeveloped properties where higher density residential and commercial uses are appropriate.

The UMU district was created in 2012. The district is gaining interest from the development community, but staff believes that the current regulations need to be modified in order to better accommodate zoning and development requests. To this end, staff is proposing various modifications to the UMU district which are intended to simplify the language, allow for some flexibility in site design, and clarify existing regulations.

At the September 15, 2014 meeting, the Commission expressed concern over two requirements related to the mix of uses:

Maximum 70% for Primary Uses

The Commission was concerned that the current allowance for primary uses to occupy 70% of the gross floor area of a UMU district may be too permissive. Many mixed-use developments include a large percentage of one use, typically office or residential based upon market conditions. After researching this topic, staff found that there is a wide variation in regulations for mixing uses. Some cities have specific requirements for the mix, such as Fort Worth which allows 70% maximum for any use, but only requires two land uses. Other cities do not specify percentages or a minimum number of uses, but only have general regulations requiring multiple land uses.

Staff believes that 70% is an appropriate maximum allowance, and that the specific mix as proposed by a UMU district should be context sensitive. As an example, prior to the development of Legacy Town Center, the surrounding area contained a large amount off office uses, but there was no residential and little retail in the area. The intent of this development was to create a large residential presence with some retail and restaurants to compliment the large office market. Staff believes that the 70% allowance provides a level of flexibility for developers to achieve a successful mix to serve the needs of the market in a specific location. Therefore, staff recommends the 70% allowance be retained.

Minimum Amount of Tertiary Uses

The Commission also directed staff to consider increasing the minimum amount of tertiary uses from 20,000 square feet to five percent of the gross floor area. In many urban centers, retail and restaurant uses are a small component which serve and support residents and businesses. In Downtown Plano as well as Legacy Town Center, developers have had difficulties keeping urban-oriented retail spaces leased. If a minimum five percent threshold was instituted, it would require UMU districts to construct a significant amount of retail and restaurant space which most likely would be underutilized.

As an example, the city currently has two requests for UMU districts. If the five percent requirement was applied to these cases, the requested district at Mapleshade and Coit would be required to construct enough retail to fill an average superstore such as Target or Walmart. Staff examined the commercial uses on the ground in this area and determined that there are approximately 550,000 square feet of retail and restaurant uses among all corners of the Mapleshade and Coit intersection. The request at Alma and Plano Parkway would have to construct a similar amount of retail which would compete with Collin Creek Mall and the retail uses surrounding the mall and along U.S. Highway 75. For these reasons, staff believes requiring a minimum percentage of tertiary uses would not promote quality development.

ISSUES:

Below is a brief summary of the proposed modifications.

Setbacks

Currently, the UMU district requires 75% of the building to be placed within 25 feet of the street curb. This standard is consistent with urban building setbacks throughout the city. However, many developers have requested to allow patio dining, fountains, and other public amenities to be placed along the street frontage in these locations. Staff is proposing to allow public open space, patio dining, plazas, and other public amenities to meet the 75% setback requirement in addition to building facades. This will allow for additional flexibility in building placement and allow patio dining, plazas and other public spaces to define the streetscape.

Additionally, staff is proposing language which would allow buildings to have an increased setback, up to 100 feet, if double-loaded parking is provided between the building and a public street of Type D and above. This additional setback will be beneficial for properties adjacent to larger thoroughfares where urban-style building setbacks may not be appropriate.

Definitions

There are several definitions which need significant modifications:

1. Block: The proposed change would allow utility easements and transit rights-of-way to serve as block boundaries. Currently, blocks are required to be bounded by streets on all sides. In some instances, utility easements, and transit rights-of-way (such as the DART rail line) also serve as effective block boundaries.
2. Gross Leasable Area: Staff is proposing to delete this definition and replace the references with "Gross Floor Area." These two terms are similar and used somewhat interchangeably in the current regulations. Gross floor area is an effective measure of building area and for this reason staff believes that including gross leasable area within the UMU district regulations is not necessary.
3. Gross Linear Footage: Staff is proposing this definition to clarify the measurement requirements for the activity center along the required main street.
4. Lot Coverage: The proposed modification would allow tuck under parking and parking garages to be included as lot coverage. The UMU district places an emphasis on minimizing surface parking and maximizing building lot coverage. Updating this definition to allow for parking structures to be considered in the calculation of lot coverage is consistent with the standards of the UMU zoning district.

Mixed-Use Requirement

Establishing the right mix of uses is challenging to regulate. The UMU district currently requires developers to provide a mix of three uses and give the specific gross square footage of their uses within the adopted development plan. Establishing a mix of uses is important to ensure viability of a true urban center; however, it can be difficult to plan for the right mix with the initial zoning of a property. As the market evolves, the mix may

need to change and staff has received concerns from developers that the current requirements of the UMU district may too strongly limit their plan to adapt to future market conditions.

In order to address these concerns, staff is proposing changes to allow for greater flexibility in the allowance of the use categories. Primary uses which were previously required to include not less than 50% of the gross floor area, may now include not less than 40% of the gross floor area. Additionally, staff is proposing to allow the percentages of the uses to fluctuate as long as the use remains a primary, secondary or tertiary use. If the applicant determines a use needs to change from a primary to a secondary use, they would need to adjust this through a zoning process.

Streets and Sidewalks

Currently, the activity center of the main street is required to have the “highest concentration” of retail, restaurant, and entertainment uses within the district. This language is not specific, and staff has had difficulties enforcing this standard. For clarification, staff is proposing that 75% of the gross linear footage of the first floor along the activity center must consist of retail, restaurant, entertainment, and/or other active uses.

The current requirement for street trees is to place them one tree every 40 linear feet along all major and minor streets. Although this standard is effective for providing tree cover and a pedestrian friendly atmosphere, it can also create a barrier for retail uses which have greater success with visible storefronts and signage. For this reason, staff is proposing to reduce the street tree requirement adjacent to retail uses only to one tree per 100 feet.

Other Various Amendments

In addition to the amendments discussed previously, staff is proposing the following changes:

1. **Parking:** The current language allows for surface parking “caps” which can be exceeded with structured parking. The existing language can be confusing for developers and staff to interpret. The proposed changes are intended to clarify the requirements and place more of an emphasis on the use of parking garages for excess parking.
2. **Townhome Density:** The UMU district requires a minimum density of 25 units per acre, which staff believes may be too restrictive. The requested change is to reduce the minimum density to 18 units per acre. This requirement is consistent with existing townhomes within Legacy Town Center which are developed at approximately 19 units per acre.
3. **Surface Parking Lots:** Surface parking lots of 50 spaces or more are required to be designated as future development sites. The intent of this requirement is for the developer to examine areas which may serve as surface parking short-term, but in the long-term could act as developable areas. Staff has received feedback

from developers that the 50 spaces minimum is too restrictive, and after practical consideration of various sites, we are proposing this requirement be increased to a minimum of 100 spaces.

4. Phasing: Currently, the phasing for a UMU district is only allowed to be amended through a zoning process. Staff believes developers should be able to amend the phasing for their sites through the site plan process, as long as the phasing modifications are “minor”. The proposed language would allow adjacent nonresidential or vertically mixed-use buildings to be added into the current phase. The proposed change would not allow the ability to remove buildings from the current phase.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

2.829 UMU - Urban Mixed-Use

1. Purpose

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

2. Permitted Uses

See Subsection 2.502 Schedule of Permitted Uses for a complete listing.

3. Area, Yard, and Bulk Requirements

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, <u>or public open space, patio dining, plaza or other public amenity is provided</u> , 75% of the building face shall be built to the easement line, <u>open space or public amenity</u> . <u>The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed between the building face and a public street of Type D or above.</u>	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story
Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
- b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.
- ~~c. Gross Leasable Area - The total floor area intended for tenant occupancy and exclusive use, but excluding garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.~~
- c. Gross Linear Footage - The total length of a building as measured in a straight line along the street.
- d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
- e. Effective Residential Density - A measure applied to a mixed-use building which ~~includes~~ calculates the total number of possible residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the gross ~~leasable~~ floor area of nonresidential and/or live/work/flex space divided by the average residential unit size.
- f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- g. Block - An area enclosed by streets, utility easements and/or transit rights-of-way on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- h. Block Length - The distance along a street face uninterrupted by an intersecting street, utility easement, and/or transit right-of-way, excluding intersections with alleys and service drives.
- i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.

- j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unairconditioned space. Tuck under parking and parking garages are included in the calculation of lot coverage.

5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

- a. Requirement for an adopted development plan
- b. Requirement for a governance association
- c. Minimum residential densities for multifamily development
- d. Requirement to maintain three or more uses
- e. Requirement for nonresidential uses to be constructed within the first phase of development

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, including the ~~minimum and maximum~~ amount of gross floor area designated for each category of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district. Major modifications to the development plan, including but not limited to specifications of land use categories and functional roles, significant lot, block and street design changes, and increasing the number of residential units, shall only be amended by the same process by which ~~it~~ the development plan was created. (See Section 5.500 Adopted Development Plan.)

7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to

assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. ~~Only residential, retail, and office/institutional may be a primary use category.~~ A primary use category must include not less than ~~54~~40% or more than 70% of the gross floor area. Secondary use categories must include not ~~less than 20% or more than 40% or less than 20%~~ less than 20% of the gross ~~leasable floor~~ leasable floor area. Tertiary uses ~~shall must include~~ must include not ~~represent~~ more than 20% of the gross floor area. The percentages of primary, secondary, and tertiary uses ~~is to be defined in the adopting ordinance. Percentages of gross floor area may vary as long as their functional role does not change.~~ is to be defined in the adopting ordinance. Percentages of gross floor area may vary as long as their functional role does not change. ~~The primary use must always be the largest amount of actual building area constructed and under construction.~~ Use categories are designated below:

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

- a. If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments ~~of 5-12 stories in height.~~

- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual ~~and effective~~ residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building,

10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.
- b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:
 - i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.
 - ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)
 - iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)
 - iv. Mews Street (for Single-Family Residence Attached development only) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.

- v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane
- c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.
- d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.
- e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.
- f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street ~~(two 11 foot travel lanes with parallel or diagonal parking)~~. ~~B~~ with buildings of a minimum of two stories shall fronting onto the main street. No parking garages or surface parking lots shall directly abut the main street. A minimum 600 foot to 1,200 foot section of the street shall be the activity center of the district core. A minimum of 75% of This the gross linear footage area of the first floor shall have the highest concentration along the activity center shall consist of retail, restaurant, and entertainment, and other active uses. ~~square footage in the UMU district.~~ The maximum width of store fronts in this area shall be limited to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street. ~~It shall also designate the location of at least 60% of the gross floor area along the main street for primary and secondary uses.~~
- g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.
- h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of seven feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than five percent or more than ten percent of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located ~~within adjacent to~~ the main street ~~area required in 10.f above~~. Smaller usable open space areas may also be provided. ~~Individual public open space areas and~~ shall be no larger than three acres or smaller than one-quarter acre. ~~The plan for the arrangement of common open space must e adopted when the district is established. It may be amended only through the same process as the district was created. The common open space is to be maintained by the association.~~ Usable open space must be adopted by the development plan and must be maintained by the governance association.
- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.
- c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross ~~leasable floor~~ area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking spaces ~~the capped parking requirement~~ for the entire development, ~~as shown on the development plan,~~ may be located in a surface parking lots. Parking in excess of 40% ~~over the above~~ the maximum caps may be provided only is allowed only if provided in parking garages.

- b. Parking for multifamily residential uses shall be required as follows:
 - i. One bedroom or less: One parking space per unit
 - ii. Two bedrooms: 1.5 parking spaces per unit
 - iii. Three bedrooms or more: Two parking spaces per unit
- c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots with ~~50~~100 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.
- f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.
- h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

13. Building Placement and Design

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
- b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
- c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.

- d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of ten feet.

14. Single-Family Attached (Townhouse) Residence Regulations

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Density: ~~25~~18 dwelling units per acre
- d. Minimum Floor Area per Dwelling Unit: 800 square feet
- e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- f. Maximum Building Length: 200 feet
- g. Buildings must be separated by a minimum distance of ten feet.
- h. No usable open space areas are required.
- i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

15. Additional Requirements and Restrictions

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in ~~Subsection 3.1605 (Downtown Sign District) Area A~~ the Downtown Business/Government (BG) zoning district shall apply unless otherwise specified in this ordinance or in the adopted development plan.

Amend Section 5.600 (Amendments) of Article 5 (Site Plan Review), to read as follows:

At any time following the approval of a concept plan, preliminary site plan, adopted development plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan. Minor phasing amendments for adopted development plans are permitted only for the purpose of adding an adjacent nonresidential or vertically mixed-use building into the current phase. Amendments to previously approved storm water conservation areas, increases in building height and/or building proximity to an adjacent offsite residential use, and all other amendments shall be considered major amendments and may be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan. Major amendments to an adopted development plan for the Urban Mixed-Use District may only be approved through the same process by which it was initially adopted. The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

Zoning Case 2014-26

An Ordinance of the City of Plano, Texas, amending Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 5.600 (Amendments) of Article 5 (Site Plan Review), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended to modify the Urban Mixed-Use zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 27th day of October, 2014, for the purpose of considering a change in the Zoning Ordinance; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 27th day of October, 2014; and

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

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

Section I. Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to modify the Urban Mixed-Use zoning district, such subsection to read in its entirety as follows:

Section 2.800 (District Charts)

Subsection 2.829 (UMU - Urban Mixed-Use)

1. Purpose

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

2. Permitted Uses

See Subsection 2.502 Schedule of Permitted Uses for a complete listing.

3. Area, Yard, and Bulk Requirements

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, or public open space, patio dining, plaza or other public amenity is provided, 75% of the building face shall be built to the easement line, open space or public amenity. The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed between the building face and a public street of Type D or above.	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story

Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
- b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.
- c. Gross Linear Footage - The total length of a building as measured in a straight line along the street.
- d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
- e. Effective Residential Density - A measure applied to a mixed-use building which calculates the total number of possible residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the

gross floor area of nonresidential and/or live/work/flex space divided by the average residential unit size.

- f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- g. Block - An area enclosed by streets, utility easements and/or transit rights-of-way on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- h. Block Length - The distance along a street face uninterrupted by an intersecting street, utility easement, and/or transit right-of-way, excluding intersections with alleys and service drives.
- i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.
- j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unairconditioned space. Tuck under parking and parking garages are included in the calculation of lot coverage.

5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

- a. Requirement for an adopted development plan
- b. Requirement for a governance association
- c. Minimum residential densities for multifamily development
- d. Requirement to maintain three or more uses
- e. Requirement for nonresidential uses to be constructed within the first phase of development

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, including the amount of gross floor area designated for each category of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district. Major modifications to the development plan, including but not limited to specifications of land use categories and functional roles, significant lot, block and street design changes, and increasing the number of residential units, shall only be amended by the same process by which the development plan was created. (See Section 5.500 Adopted Development Plan.)

7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. A primary use category must include not less than 40% or more than 70% of the gross floor area. Secondary use categories must include not less than 20% or more than 40% of the gross floor area. Tertiary uses must include not more than 20% of the gross floor area. The percentages of primary, secondary, and tertiary uses may vary as long as their functional role does not change. Use categories are designated below:

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

- a. If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments.
- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building.

10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private

street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.

- b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:
 - i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.
 - ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)
 - iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)
 - iv. Mews Street (for Single-Family Residence Attached development only) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.
 - v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane
- c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.
- d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.
- e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.
- f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street with buildings of a minimum of two stories fronting onto the main street. No parking garages or surface parking lots shall directly abut the main street. A minimum 600 foot to 1,200 foot section of the street shall be the activity center of the district core. A minimum of 75% of the gross linear footage of the first floor along the activity center shall consist of retail, restaurant, entertainment, and other active uses. The maximum width of store fronts in this area shall be limited

to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street.

- g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.
- h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of seven feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than five percent or more than ten percent of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located adjacent to the main street. Smaller usable open space areas may also be provided and shall be no larger than three acres or smaller than one-quarter acre. Usable open space must be adopted by the development plan and must be maintained by the governance association.
- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.

- c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross floor area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking spaces for the entire development may be located in surface parking lots. Parking in excess of the maximum caps is allowed only if provided in parking garages.
- b. Parking for multifamily residential uses shall be required as follows:
 - i. One bedroom or less: One parking space per unit
 - ii. Two bedrooms: 1.5 parking spaces per unit
 - iii. Three bedrooms or more: Two parking spaces per unit
- c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots with 100 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.
- f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.

- h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

13. Building Placement and Design

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
- b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
- c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.
- d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of ten feet.

14. Single-Family Attached (Townhouse) Residence Regulations

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Density: 18 dwelling units per acre
- d. Minimum Floor Area per Dwelling Unit: 800 square feet
- e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- f. Maximum Building Length: 200 feet
- g. Buildings must be separated by a minimum distance of ten feet.
- h. No usable open space areas are required.

- i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

15. Additional Requirements and Restrictions

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in the Downtown Business/Government (BG) zoning district shall apply unless otherwise specified in this ordinance or in the adopted development plan.

Section II. Section 5.600 (Amendments) of Article 5 (Site Plan Review) of the Comprehensive Zoning Ordinance No. 2006-4-24, such section to read in its entirety as follows:

At any time following the approval of a concept plan, preliminary site plan, adopted development plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan. Minor phasing amendments for adopted development plans are permitted only for the purpose of adding an adjacent nonresidential or vertically mixed-use building into the current phase. Amendments to previously approved storm water conservation areas, increases in building height and/or building proximity to an adjacent offsite residential use, and all other amendments shall be considered major amendments and may be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan. Major amendments to an adopted development plan for the Urban Mixed-Use District may only be approved through the same process by which it was initially adopted. The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

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

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

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

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

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

PASSED AND APPROVED THIS THE 27TH DAY OF OCTOBER, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



Memorandum

Date: October 20, 2014

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

From: Christina D. Day, Director of Planning

Subject: Update on ZC 2014-31

At its October 6, 2014 meeting, the Planning & Zoning Commission (P&Z) approved Zoning Case 2014-31 subject to conformance with Subsection 5.503 (Application Procedure and Requirements) of Section 5.500 (Adopted Development Plan) of Article 5 (Site Plan Review) of the Zoning Ordinance and noted exceptions to the UMU zoning district.

The applicant was able to meet the requirements of the P&Z's approval. The development plan included in the City Council's packet includes the modifications required to gain the P&Z's approval.

Additionally, the applicant and staff were able to mutually agree to changes to the language in exception #9 which make it more consistent with the Urban Mixed-Use district and alleviate the concerns staff noted in the P&Z staff report.

Based on these changes, staff is able to recommend approval of the zoning case.

DATE: October 7, 2014, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 6, 2014

AGENDA ITEM NO. 8
PUBLIC HEARING: ZONING CASE 2014-31 AND DEVELOPMENT PLAN
FOR HERITAGE 190
APPLICANT: RPC HERITAGE 190, LLC

Request to rezone 156.3± acres located at the southwest corner of Plano Parkway and Alma Drive from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet sitting to Urban Mixed-Use. Zoned Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet Sitting.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 4 **OPPOSE:** 1

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 45 **OPPOSE:** 18

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval subject to:

- 1) Conformance with Subsection 5.503 (Application Procedure and Requirements) of Section 5.500 (Adopted Development Plan) of Article 5 (Site Plan Review) of the Zoning Ordinance; and
- 2) The following exceptions:

1. Block A
 - a. Height:
 - i. Maximum Building Height: One 25-story (360 feet) building to be located adjacent to S.H. 190 and a minimum of 1,500 feet east of Custer Road; remainder 20 stories (290 feet).
 - ii. Within 250 feet of the south right-of-way line of Plano Parkway a maximum eight-story height (120 feet) is allowed. No more than 50% of the structures within this setback shall exceed six-stories (90 feet). One building at the southeast corner of Custer Road and Plano Parkway may be ten-stories (150 feet). All heights shall include mechanical/penthouse.
 - iii. Maximum Parking Structure Height: Six levels above grade (60 feet)
 - b. Exempt from maximum block length of 600 feet.
 - c. Exempt from maximum block size of three acres.
 - d. Exempt from single-tenant maximum first floor of 30,000 square feet.
 - e. Exempt from maximum building distance separation of 150 feet.
 - f. Gates are permitted for the purpose of restricting internal access.
2. Minimum single-family residence attached density: 8 dwelling units per acre.
3. Single-family residence detached is an additional permitted use and shall be developed in accordance with the Patio Home (PH) zoning district standards, except as noted below:
 - a. Minimum lot width: 35 feet
 - b. Maximum height: Three story, 35 feet
 - c. Patio Homes are not required to have a zero side yard.
4. Minimum building height shall be one story, 24 feet for nonresidential uses within Blocks H, L, M, T and U.

5. Increase maximum block size to four acres for Blocks D, F, H, I, S, and U. Increase maximum block size to five acres for Block N.
6. The landscape edge may be reduced to 15 feet along Plano Parkway, Alma Drive, S.H. 190, and Custer Road.
7. Reduce minimum free standing building square footage to 3,000 square feet for Block T.
8. All blocks are exempt from the maximum building setbacks for structures adjacent to Alma Drive, Plano Parkway, Custer Road, and State Highway 190.
9. A minimum of 40% of the gross linear footage of the first floor along the activity center shall consist of retail, restaurant, entertainment, and other active uses.

FOR CITY COUNCIL MEETING OF: October 27, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

EM/dc

xc: William Flaherty, RPC Heritage 190, LLC
William Dahlstrom, Jackson Walker, L.L.P.
Wayne Snell, Permit Services Manager

<http://goo.gl/maps/AvazY>

CITY OF PLANO

PLANNING & ZONING COMMISSION

October 6, 2014

Agenda Item No. 8

Public Hearing: Zoning Case 2014-31 and Development Plan for Heritage 190

Applicant: RPC Heritage 190, LLC

DESCRIPTION:

Request to rezone 156.3± acres located at the southwest corner of Plano Parkway and Alma Drive from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet sitting to Urban Mixed-Use. Zoned Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet Sitting.

REMARKS:

The purpose of this request is to rezone 156.3± acres located at the southwest corner of Plano Parkway and Alma Drive from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet sitting to Urban Mixed-Use.

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

Surrounding Land Use and Zoning

The subject property is currently undeveloped. To the east, across Alma Drive, is an existing multifamily development zoned Multifamily Residence-2 (MF-2). To the south, across State Highway 190, the properties are within the City of Richardson and are developed with multifamily, hotel, and retail uses. The property to the west, across Custer Road, is zoned Planned Development-383-Retail/General Office (PD-383-R/O-2) and is partially developed as general office. The property to the north, across Plano Parkway, is partially developed as general office and a religious facility zoned Planned Development-377-Retail/General Office (PD-377-R/O-2), Planned Development-378-Retail/General Office (PD-378-R/O-2), Light Industrial-1 (LI-1) and Planned Development-379-Retail-General Office (PD-379-R/O-2).

Proposed UMU District

The requested zoning is Urban Mixed-Use (UMU). There are two primary parts to this request: Land use and design standards as adopted by the development plan with several proposed exceptions. The applicant's requested exceptions are examined within the "Issues" portion of this report.

Land Use

Each UMU district must contain three or more uses. The Heritage 190 UMU district is requesting two primary and two tertiary uses. The first primary use is office at 2,305,793 square feet (48.13%), the second primary use is residential at 2,008,746 square feet (41.93%), and the tertiary uses are retail/restaurant at 239,857 square feet (5.01%) and hotel at 236,600 square feet (4.94%).

Design Standards

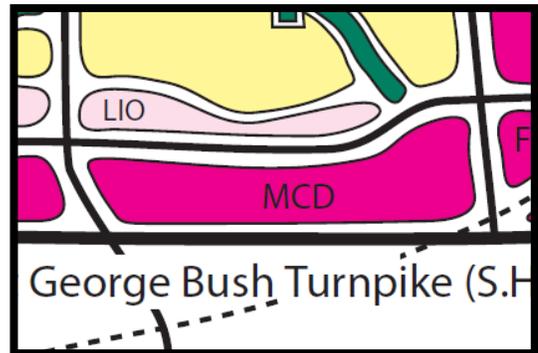
The UMU district requires a development plan to be adopted with the zoning request. The applicant's development plan shows private streets with a mix of uses including office, a mix of residential, retail, restaurant, and hotel. The main street, which is a requirement of the UMU district, runs north and south from Plano Parkway to State Highway 190 on the western side of the development. A large office site is proposed within Block A to the west of the main street.

The plan proposes two large public open spaces as well as small open spaces scattered throughout the subject property. Open spaces meet the minimum and maximum percentages as specified in the UMU district. Internal streets will be privately maintained by a property owner's association, but accessible to the public and will have parking, street trees, and sidewalks on both sides of the streets. Except for Tract A, the buildings meet the required setbacks as specified in the UMU district for all internal streets. The applicant is requesting an exception to setbacks from Alma Drive, Plano Parkway, Custer Road, and State Highway 190 for all blocks.

Conformance to the Comprehensive Plan

Future Land Use Plan - 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. However, residential development may be appropriate along expressway corridors in accordance with the interim amendment policy recommendations of the Comprehensive Plan that were adopted in April, 2012. The policies that apply to this request include:

1. Residential should be set back a minimum of 1,200 feet from the centerline of State Highway 190.
2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete neighborhood or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (5 to 12 stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land uses are compatible.



The applicant is proposing a maximum of 1,491 residential units located within the 1,200 feet recommended setback. Residential uses may be appropriate in proximity to State Highway 190 because these uses are proposed within an urban center. Although the subject property does not expand into any existing residential neighborhoods, the large number of units requested within this UMU district would establish a new neighborhood of residential development. This request is in conformance with the Future Land Use Plan and interim amendments to the comprehensive planning land use policies.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property. The available sanitary sewer capacity is sufficient to handle additional commercial development in the area; however, the applicant may be responsible for making improvements to the sanitary sewer system to increase the system capacity if the property were rezoned for residential uses.

Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request. However, prior to approval of the preliminary site plan for the first phase of development, the applicant will be required to submit a TIA for review and approval due to the requested development generating traffic that exceeds the maximum threshold of 8,000 trips per day.

School Capacity - This is provided for informational purposes only. The subject property is within the Plano Independent School District and is served by the following schools:

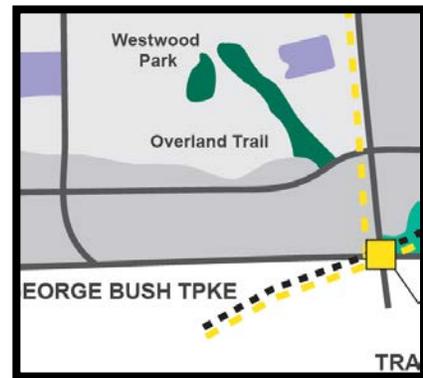
Elementary School	Aldridge and Sigler
Middle School	Wilson
High School	Vines
Senior High School	Plano Senior

All four campuses are within capacity at this time. However, there are currently 9,646 multifamily units allowed in the Aldridge Elementary attendance zone which have not been completed. Some of these are currently under construction. The additional units in this request would increase that figure to 11,137. Per the district's representative, there may be capacity issues at these schools if all the proposed residential units were built today. The District's policy indicates they follow the teacher-student ratio consistent with the Texas Education Code 25.111.

Public Safety Response Time - Based upon existing personnel, equipment and facilities, fire emergency response times will be sufficient to serve the site. Additional residential units in this area will increase EMS and fire calls for service, and may impact future staffing levels and the type of equipment assigned to area fire stations.

Access to and Availability of Amenities and Services

- The subject property is not within a Park Fee service area. Overland Trail Park, a small neighborhood greenbelt, is directly on the north side of Plano Parkway, east of Pitman Creek. Overland Trail Park does not have enough space to accommodate any significant neighborhood park improvements and is also separated from the proposed development by Plano Parkway. The Park Master Plan identifies the continuation of Chisholm Trail through Collin Creek Mall and through the existing apartments located at the southeast corner of Alma Drive and Plano Parkway. A future greenbelt on Pitman Creek might be added to connect to the future extension of Chisholm Trail, which would benefit the proposed development.



The subject property is located within the Schimelpfenig Library's service area, and service to the residents of this new area would be possible with the current library resources.

ISSUES:

Development Plan

Staff has several significant concerns regarding the applicant's proposed development plan:

Phasing

The development plan shows two phases. The first phase includes a large amount of residential development with some restaurant and office uses. The second phase includes the main street, the employment center within Block A, and the majority of the non-residential uses. The UMU district requires that the main street be the activity center of the development with the largest concentration of retail, restaurant, and entertainment uses in the district. The main street should be thoughtfully designed, well integrated, and developed with the initial phase in order to generate interest and activity within the district. As currently proposed, the first phase will include a large amount of residential development, some office development, and small, freestanding retail and restaurants without an active urban main street. Staff believes that the phasing should be adjusted to include the current main street, and adjacent complimentary uses, or the applicant should provide an additional main street that is integrated within the first phase of development.

Integration and Connectivity

The development plan contains a distinct office development on the west side, a multifamily development with some commercial uses in the central portion and single-family, retail, and restaurants on the east side of the district. Although the applicant is providing a mix of uses consistent with UMU standards, staff believes there is opportunity for further integration of uses. Commercial and residential buildings should be thoughtfully laid out and distributed so that pedestrians can comfortably walk to a variety of uses.

The UMU district limits block sizes to a maximum of three acres. This block size was established to be large enough to allow for sufficient development mass to occur, but also small enough to encourage pedestrians to walk throughout the site. Proposed Blocks D, F, H, I, and U are between three and four acres and Block N is between four and five acres. Staff believes these blocks should be further subdivided with the introduction of additional streets to create better pedestrian connectivity.

Miscellaneous

Generally, the plan does not have correct and complete information as required in Subsection 5.503 (Application Procedure and Requirements) of Section 5.500 (Adopted Development Plan) of Article 5 (Site Plan Review) of the Zoning Ordinance. This is illustrated by missing property boundaries, insufficient street design, and incorrect information on the plan. Staff believes the applicant needs additional time to present a more complete and accurate plan that fully meets the Development Plan requirements as stated in the Zoning Ordinance.

Requested Exceptions to the UMU District

The UMU district allows certain exceptions to be requested to provide flexibility for the individual development. Due to insufficient information and recent updates of the associated development plan, staff has not been able to verify that the list below is an accurate and complete list of the exceptions that need to be requested at this time. With a more complete plan, some of these exceptions may not be necessary, and others may need to be adjusted or further refined.

Below is the list of the exceptions as requested by the applicant:

1. Block A.
 - a. Height:
 - i. Maximum Building Height: One 25-story (360 feet) building to be located adjacent to S.H. 190 and a minimum of 1,500 feet east of Custer Road; remainder 20 stories (290 feet).
 - ii. Within 250 feet of the south right-of-way line of Plano Parkway a maximum eight-story height (120 feet) is allowed. No more than 50% of the structures within this setback shall exceed six-stories (90 feet). One building at the southeast corner of Custer Road and Plano Parkway may be ten-stories (150 feet). All heights shall include mechanical/penthouse.
 - iii. Maximum Parking Structure Height: Six levels above grade (60 feet)
 - b. Exempt from maximum block length of 600 feet.
 - c. Exempt from maximum block size of three acres.
 - d. Exempt from single-tenant maximum first floor of 30,000 square feet.
 - e. Exempt from maximum building distance separation of 150 feet.
 - f. Gates are permitted for the purpose of restricting internal access.

Proposed Block A is adjacent to Custer Road and is currently within PD-384-R/O-2, which allows a maximum height of 25-stories adjacent to S.H. 190. The applicant is seeking flexibility within Block A in the form of various exceptions which would allow this area to develop as office buildings with the existing height setbacks. The intent of this area is to allow for a large office presence within the UMU district without requiring a strict urban design.

Block A is an office “super block” and is similar to the employment center adjacent to Legacy Town Center. Staff has encouraged the applicant to provide a more urban form of development in this area, but the applicant believes the proposed exceptions will limit the marketability of this portion of the development. Although staff believes an urban form is more suitable and consistent with the UMU district, the proposed exceptions are appropriate in order to provide flexibility for a large employment center complimenting to a residential and retail urban core.

2. Minimum single-family residence attached density: 8 dwelling units per acre.

The UMU district requires a minimum of 25 dwelling units per acre for single-family attached residences. Staff is concerned that the proposed density is not consistent with an urban form of development. Although staff supports a mix of housing types, and believes the current regulation may be too restrictive, the proposed minimum density may not promote for urban townhome development.

3. Single-family residence detached is an additional permitted use and shall be developed in accordance with the Patio Home (PH) zoning district standards, except as noted below:
 - a. Minimum lot width: 35 feet
 - b. Maximum height: Three story, 35 feet
 - c. Patio Homes are not required to have a zero side yard.

The applicant is proposing to utilize Patio Home standards with the above modifications. Although single-family detached uses are not currently permitted within the UMU zoning district, staff believes the proposed exception will allow more diversity of housing types within the district by enabling the developer to create a detached urban housing product. Staff is in favor of the requested exception.

4. Minimum building height shall be one story, 24 feet for nonresidential uses within Blocks H, L, M, T and U.

The applicant is requesting to reduce the required minimum height for the blocks noted above. The UMU district requires two-story building heights to create massing and enforce an urban form of development. Staff is generally in support of this request; however, staff believes if possible, this exception should be reduced to one or two blocks only.

5. Increase maximum block size to four acres for Blocks D, F, H, I, S, and U.
Increase maximum block size to five acres for Block N.

The UMU district limits block sizes to a maximum of three acres. This block size was established to be large enough to allow for sufficient development mass to occur, but also small enough to encourage pedestrians to walk throughout the site. Staff has encouraged the applicant to provide additional streets throughout the development to further encourage connectivity and to break up block size and length. Although these

blocks may serve a specific development form as requested by the applicant, staff believes the blocks should be further subdivided with the introduction of additional streets to create better connectivity for future residents.

6. The landscape edge may be reduced to 15 feet along Plano Parkway, Alma Drive, S.H. 190, and Custer Road.

The proposed development plan shows a reduction in landscape edge in order to capture more developable area. Staff believes this exception is appropriate as wide landscape buffers are generally not consistent with an urban form of development. Staff is in support of this exception.

7. Reduce minimum free standing building square footage to 3,000 square feet for Block T.

UMU requires free standing buildings to be a minimum of 10,000 square feet in size. The purpose of this is to create massing and to eliminate small, pad sites which are inconsistent with urban centers. The applicant desires to develop free standing restaurants smaller than the 10,000 sq. ft. minimum. The free standing square foot minimum is in place to deter development of multiple standalone buildings that do not integrate into the overall development and have limited pedestrian-scale design. Staff believes this exception is appropriate because the proposed restaurants are located on the periphery of the district and are consistent with the existing nonresidential development pattern along Plano Parkway.

8. All blocks are exempt from the maximum building setbacks for structures adjacent to Alma Drive, Plano Parkway, Custer Road, and State Highway 190.

UMU zoning requires building facades to be within 25-feet of the curb line adjacent to all streets. The applicant is proposing to meet the setbacks adjacent to interior major and minor streets, but to allow for flexibility with building setbacks on the exterior of the development. Due to the size and high traffic volumes of the exterior streets, staff is in support of this exception.

9. The proposed main street may contain a minimum of 30,000 square feet of ground level retail required at build out. All ground level units facing the main street must be built to commercial ready standards.

The applicant is requesting this exception to ensure that the minimum amount of nonresidential square footage is provided within the district. The reference to "commercial ready standards" is to allow residential uses on the first floor of vertically integrated mixed-use buildings while requiring that the units be constructed to a building standard that would be suitable for nonresidential uses at a later date. This proposed exception would allow residential uses to occupy space along the main street for an indefinite period of time. Staff believes that the main street is an integral part of the development and that retail, restaurant and entertainment uses should be developed in conformance with the existing UMU regulations. Therefore, staff is not in support of this exception.

Economic Development Element and Land Use Element

The Economic Development Element and the Land Use Element policies of the Comprehensive Plan discourage rezoning properties for residential uses in prime economic development areas of the city and accommodating immediate development opportunities. The intent of both policies is to ensure land that is located along the expressway corridors and in the major employment centers is developed in accordance with the Future Land Use Plan recommendations and supporting zoning districts, and to take advantage of future nonresidential development opportunities which would increase the tax base and provide employment opportunities for Plano residents.

Staff believes it is important for the city to retain an adequate supply of undeveloped nonresidential land for future economic development opportunities. Therefore, rezoning properties within the prime economic development areas is generally not recommended and should not be rezoned to accommodate immediate development opportunities. Having undeveloped land within the city is an asset for Plano as it allows the city to attract businesses and provide for base employment opportunities, as well as increased property values and revenues for the city. This property is large, and given the property's size coupled with its existing PD-R/O-2 zoning, the property has the potential to provide flexibility in the design and orientation of development that can adequately incorporate and create a variety of economic development and employment opportunities. Rezoning the property to allow for residential uses reduces the amount of land available for economic development opportunities within the city. However, creating a mixed-use center can encourage economic development within the corridor.

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. If the same uses were to be considered along, as individual developments, would each use be appropriate in this location? The proposed multifamily would not be appropriate if it were to be considered on its own due to the adjacent nonresidential zoning districts. However, multifamily residential development already exists to the east of the subject property and single-family residential is present north of the existing nonresidential uses adjacent to Plano Parkway.
- **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. The relationship of the nonresidential buildings with the residential uses has the opportunity to provide for integrated uses.

The proposed UMU district requires reduced building setbacks along interior private streets promoting an urban form. Retail buildings are proposed adjacent to Alma Drive with additional nonresidential uses proposed on the first floor of multistory buildings along the main street of the between Blocks B, C, D, E, and F. The majority of parking is proposed within parking structures with some surface lots on the exterior of the development.

Due to the size of the district, a second or more integrated main street would provide additional connectivity tying the overall site together. As designed from west to east, the uses are generally not well integrated. The development plan shows distinct areas dedicated to individual office, residential, retail, and restaurant uses.

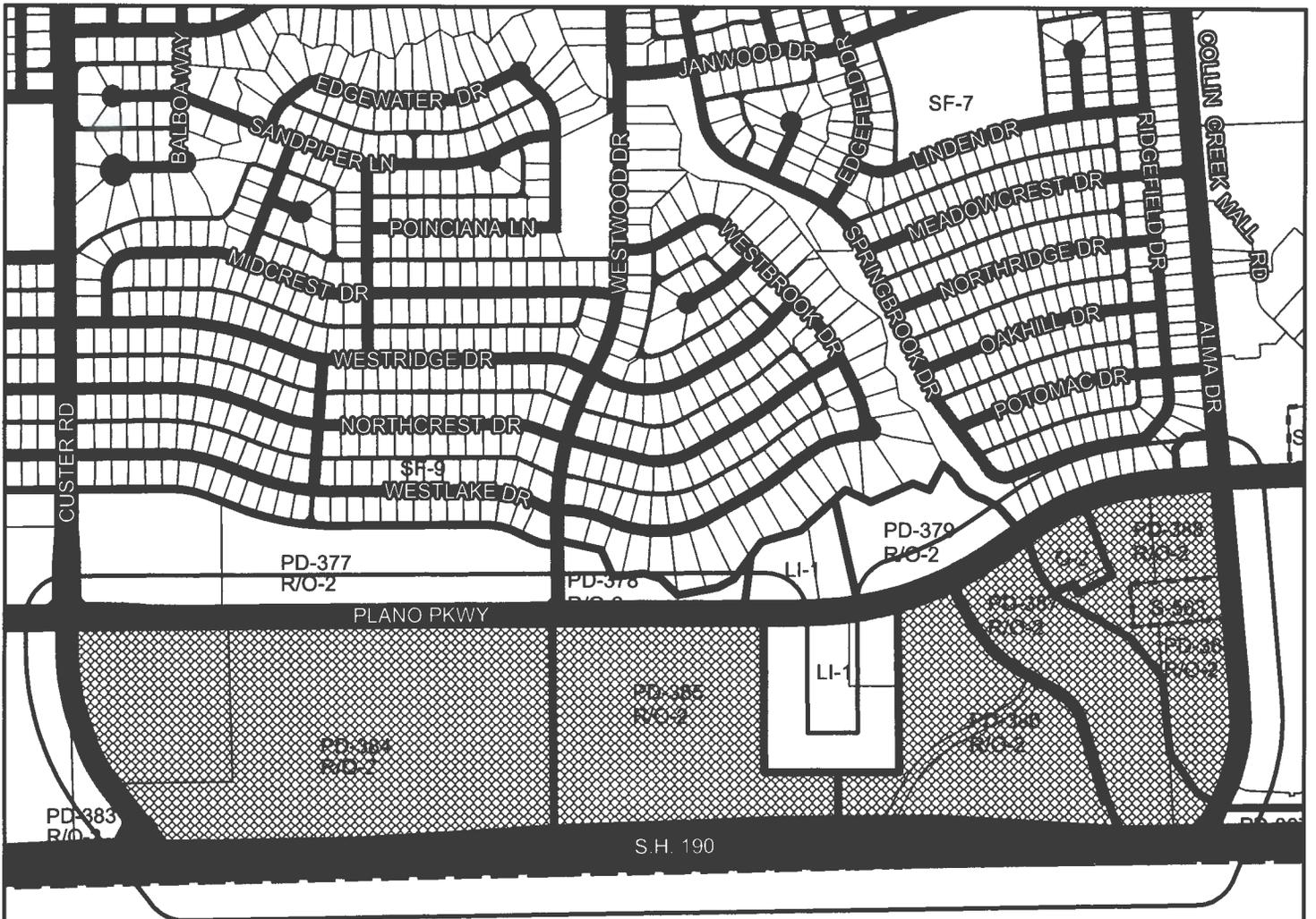
- **Pedestrian Orientation and Public Spaces** - The development plan proposes a convenient, attractive, and safe pedestrian system with sidewalks and pedestrian connections. Open space is distributed throughout the subject property and meets the requirements of the UMU district.
- **Parking** - The policy statement limits surface parking to 25% of the entire development thus promoting structured parking, and provides criteria for evaluating the amount and location of surface parking. The development plan, as proposed, will meet this requirement as the majority of parking is within structured parking garages.

SUMMARY:

The applicant is requesting to rezone 156.3± acres located at the southwest corner of Plano Parkway and Alma Drive from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet sitting to Urban Mixed-Use. The request is in conformance with the Future Land Use Plan and adopted interim amendments to the Land Use Element of the Comprehensive Plan. Staff believes this area is an appropriate location for Urban Mixed-Use zoning. However, due to concerns regarding insufficient information on the development plan as well as some of the requested exceptions, staff is recommending that this item be tabled to allow the applicant to further refine their plan.

RECOMMENDATION:

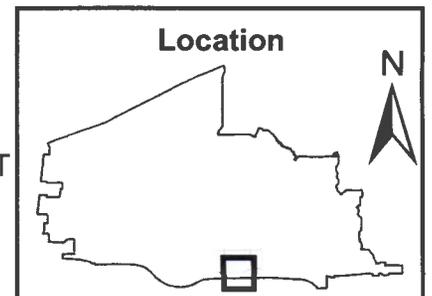
Recommended that the Planning & Zoning Commission table the applicant's request to the October 20, 2014 Planning & Zoning Commission meeting and provide feedback to the applicant regarding the information and exceptions requested with the associated development plan.



CITY OF RICHARDSON

Zoning Case #: 2014-31

Existing Zoning: PLANNED DEVELOPMENT-384, 385, 386, 387, & 388
 RETAIL/GENERAL OFFICE, &
 GENERAL OFFICE w/SPECIFIC USE PERMIT #563/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT



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

Source: City of Plano Planning Department

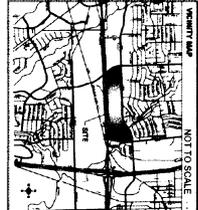
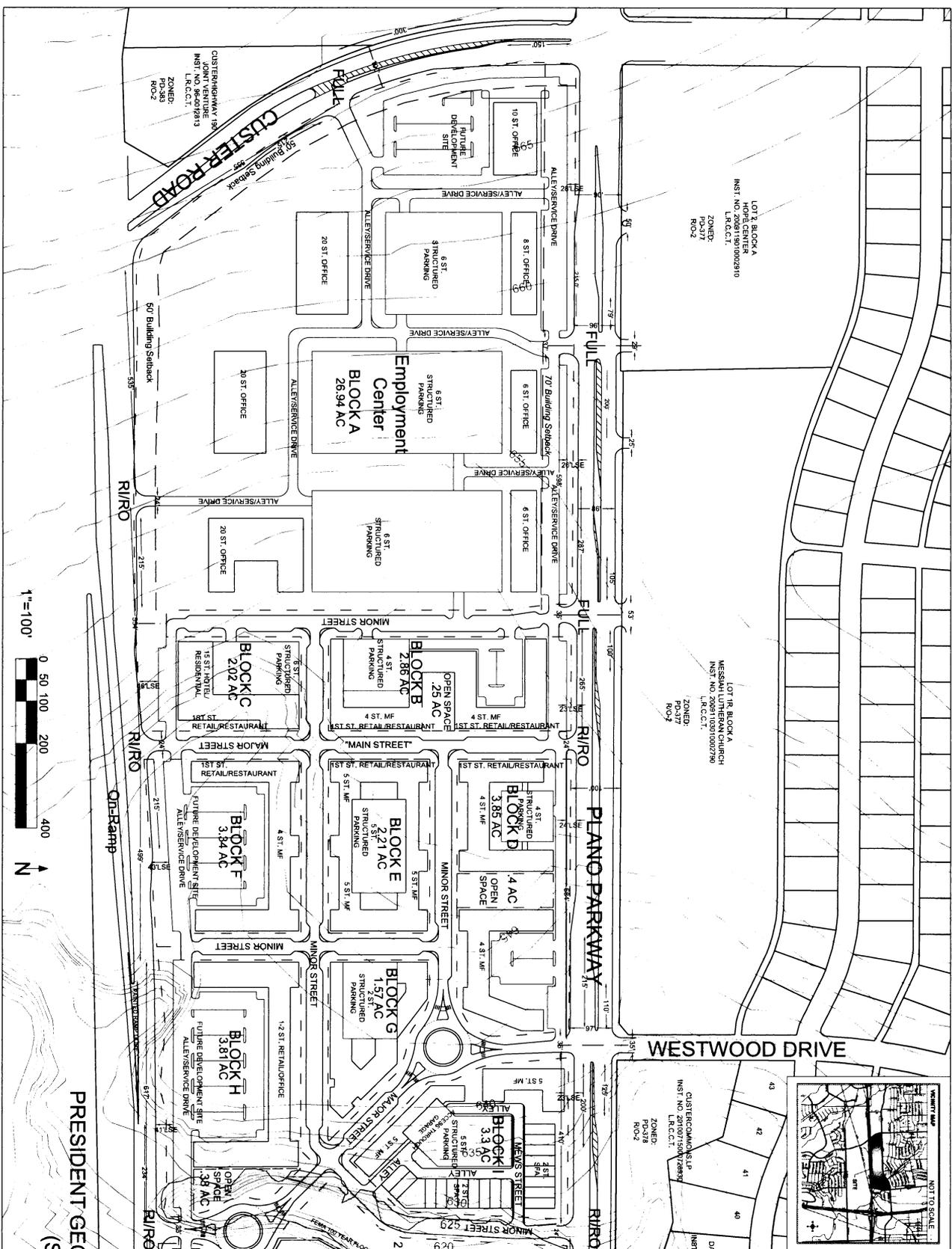


Area of Request



Source: City of Plano, Planning Dept.
Date: October, 2014

Zoning Case 2014-31



UMU ZONING DISTRICT SUMMARY

NET DEVELOPMENT AREA	196,371 AC
GROSS ZONING EXEMPT AREA	74,871 AC
NET DEVELOPMENT AREA	121,500 AC
NET DEVELOPMENT DENSITY	1.00 UNITS/AC
NET TOTAL DENSITY	68.33 UNITS/AC
LAND AREA TOTAL	66,171,300 SF
OFFICE USE TOTAL	2,887,782 SF
RETAIL RESTAURANT USE TOTAL	2,038,858 SF
LAND AREA TOTAL	24,188 AC
SPACED UNITS	173 UNITS/146,000 SF
AVG SF RESIDENTIAL	837 UNITS/AC
AVG SF OFFICE	485
AVG SF RESTAURANT	73,000 SF
NET AREA RESTAURANT MIN.	30,000 SF
NET AREA OFFICE MIN.	7,272
SURFACE PARKING TOTAL	1,828 SPACES
STRUCTURED PARKING TOTAL	877 SPACES
UNSTRUCTURED PARKING TOTAL	14,027 SPACES
TOTAL SPACES	16,732

UMU USE SUMMARY

RETAIL USE	OFFICE 40.1%
RESIDENTIAL USE	RETAIL 14.1%
TERMINAL USE	RETAIL 4.9%
TERMINAL USE	HOTEL 4.9%

LEGEND

- BLOCK BOUNDARY
- MULT-PHASE TRAIL

All project data, including acreages, unit counts, and densities, were prepared in accordance with the City of Plano's Urban Planning Department's standards. Please use zoning district information as a guide only. For more information, please contact the City of Plano's Urban Planning Department at 11000 Independence Blvd., Dallas, TX 75240.

HERITAGE 190 DEVELOPMENT PLAN

PREPARED BY:
 HERITAGE 190 DEVELOPMENT, L.P.
 2150 W. CHANDLER ST., 7TH FLOOR
 DALLAS, TX 75201
 TOWN PLANNER
 817.246.8500

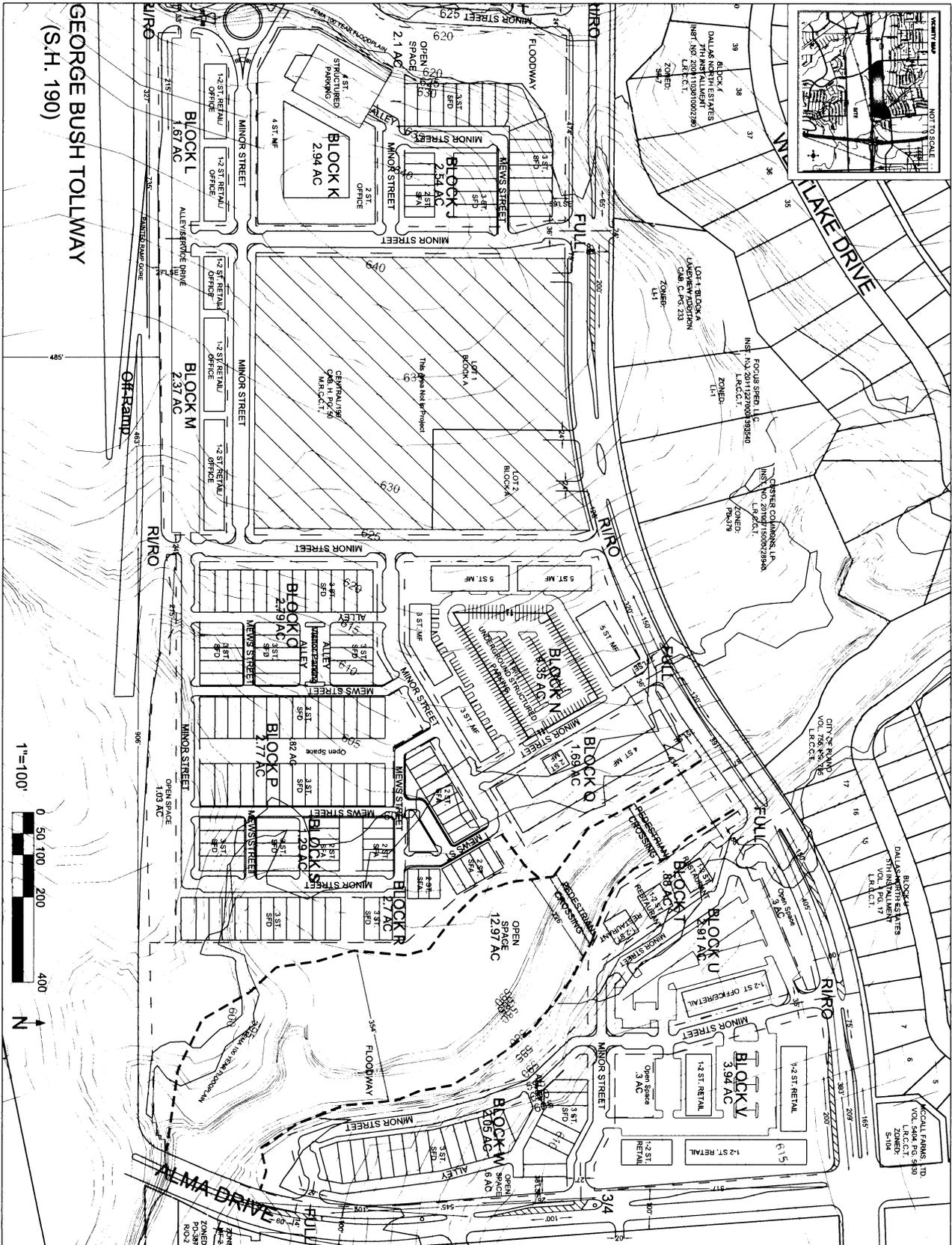
DESIGNED BY:
 HERITAGE 190 DEVELOPMENT, L.P.
 2150 W. CHANDLER ST., 7TH FLOOR
 DALLAS, TX 75201
 ARCHITECT
 817.246.8500

WILLIAM BERRY, SURVEYOR
 121.451 PLANO TX 75044 S.E.
 WILLIAM BERRY, SURVEYOR/ABSTRACT NO. 208

DATE: 10-15-2014

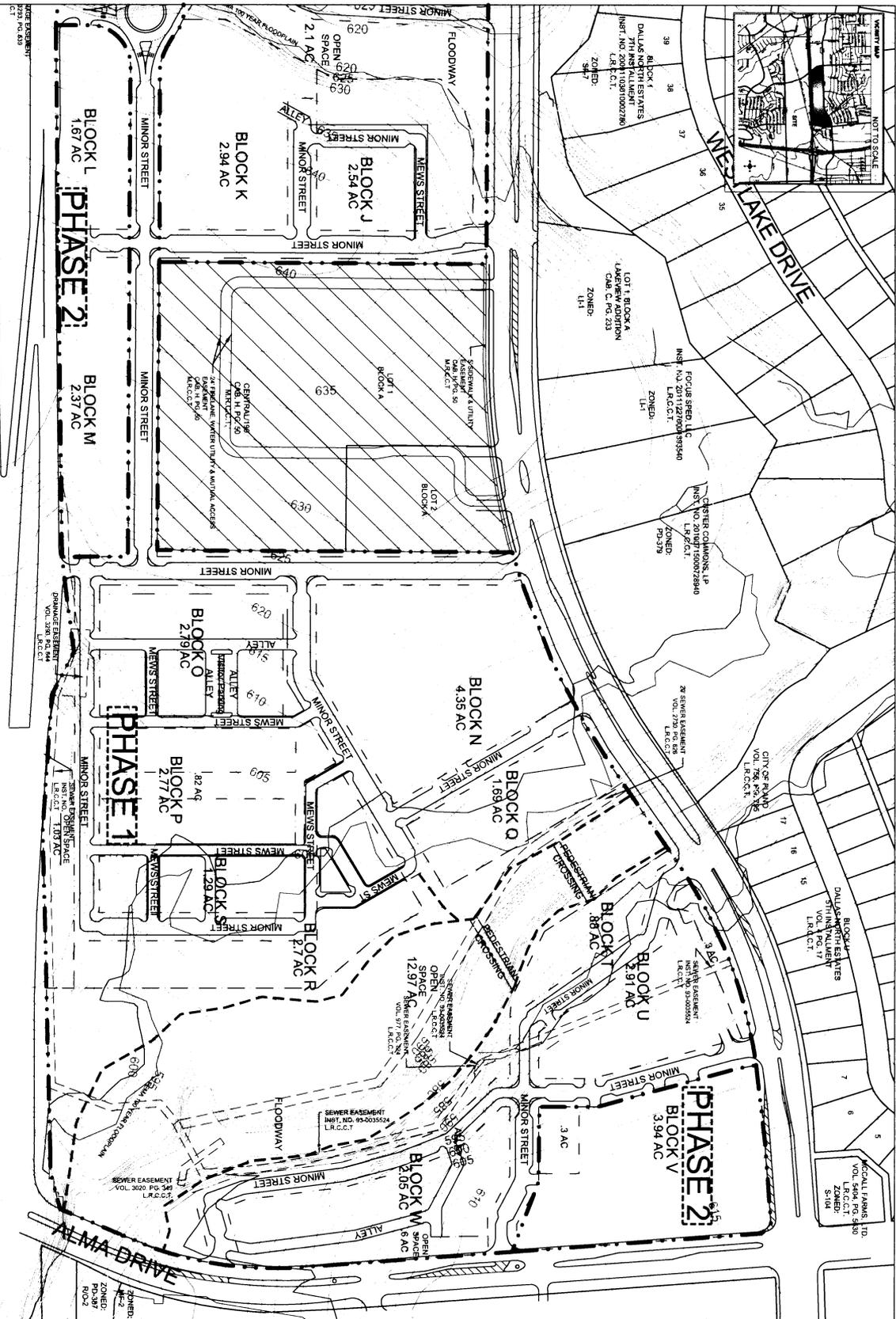
SHEET NO.: 1 of 6

**GEORGE BUSH TOLLWAY
(S.H. 190)**



<p>UMU ZONING DISTRICT SUMMARY</p> <p>SPRESS ZONING DISTRICT AREA: 18,37 AC RESIDENTIAL AREA: 18,37 AC COMMERCIAL AREA: 18,37 AC INDUSTRIAL AREA: 18,37 AC OFFICE AREA: 18,37 AC RETAIL AREA: 18,37 AC TOTAL AREA: 18,37 AC</p>	
<p>UMU USE SUMMARY</p> <p>RETAIL USE: 18,37 AC OFFICE USE: 18,37 AC COMMERCIAL USE: 18,37 AC INDUSTRIAL USE: 18,37 AC</p>	
<p>LEGEND</p> <p>--- BLOCK BOUNDARY - - - - - MULTI-USE TRAIL</p>	
<p>HERITAGE 190 DEVELOPMENT PLAN</p> <p>OWNER: [Name] ADDRESS: [Address] CONTACT: [Phone/Email]</p>	
<p>APPLICANT: [Name] ADDRESS: [Address] CONTACT: [Phone/Email]</p>	
<p>REPRESENTATIVE: [Name] ADDRESS: [Address] CONTACT: [Phone/Email]</p>	
<p>DATE: 10-15-2014</p>	
<p>PAGE: 2 of 6</p>	

**GEORGE BUSH TOLLWAY
(S.H. 190)**



Block	Area (AC)	Notes
A	1.29	RESIDENTIAL
B	1.29	RESIDENTIAL
C	1.29	RESIDENTIAL
D	1.29	RESIDENTIAL
E	1.29	RESIDENTIAL
F	1.29	RESIDENTIAL
G	1.29	RESIDENTIAL
H	1.29	RESIDENTIAL
I	1.29	RESIDENTIAL
J	1.29	RESIDENTIAL
K	1.29	RESIDENTIAL
L	1.29	RESIDENTIAL
M	1.29	RESIDENTIAL
N	1.29	RESIDENTIAL
O	1.29	RESIDENTIAL
P	1.29	RESIDENTIAL
Q	1.29	RESIDENTIAL
R	1.29	RESIDENTIAL
S	1.29	RESIDENTIAL
T	1.29	RESIDENTIAL
U	1.29	RESIDENTIAL
V	1.29	RESIDENTIAL
W	1.29	RESIDENTIAL

HERITAGE 190 BLOCK PLAN

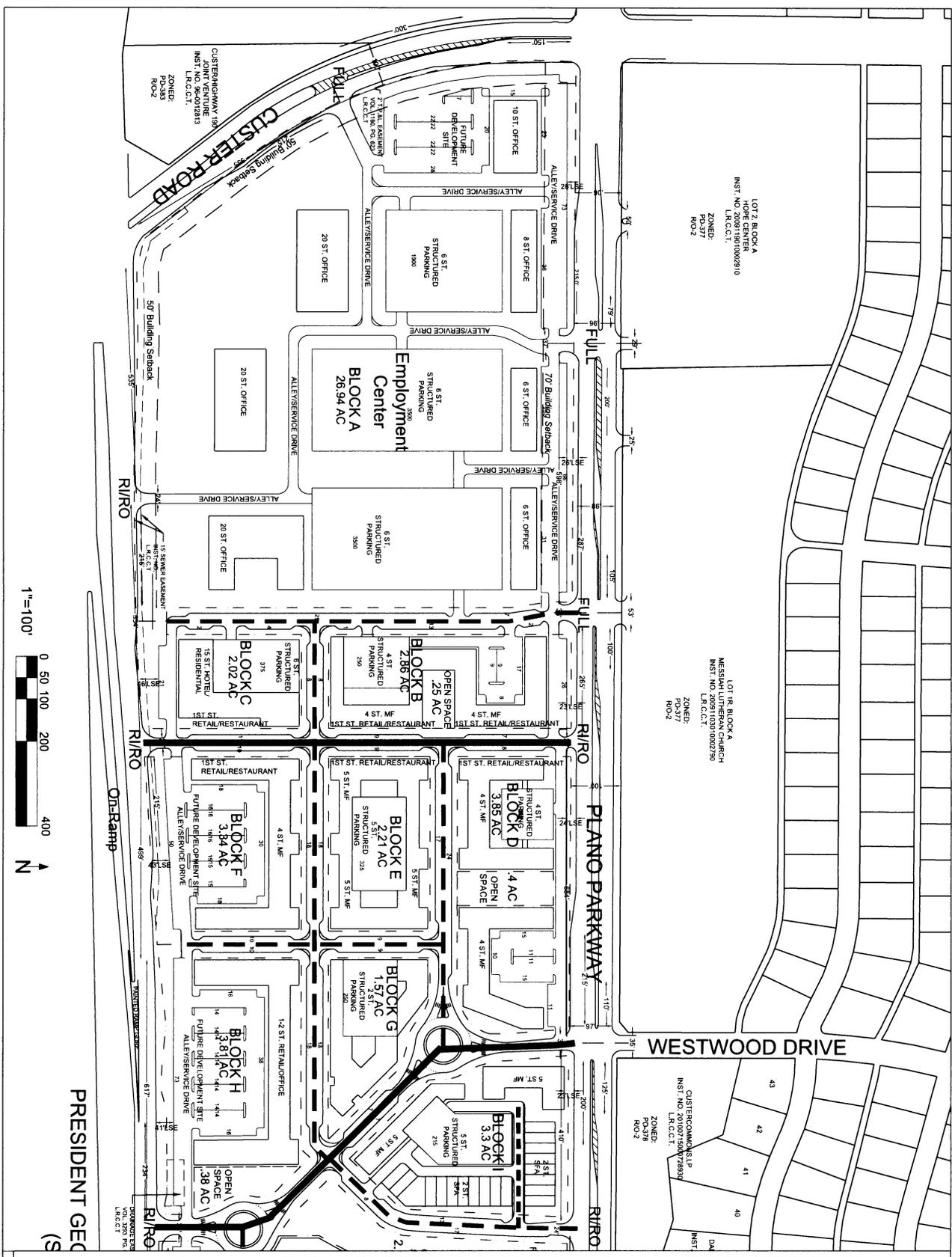
REC: HERITAGE 190 LLC
 121451 PLANO TX 75044-5197
 WILLIAM BEVERLY SURETY ASSURANCE CO 200

LEGEND

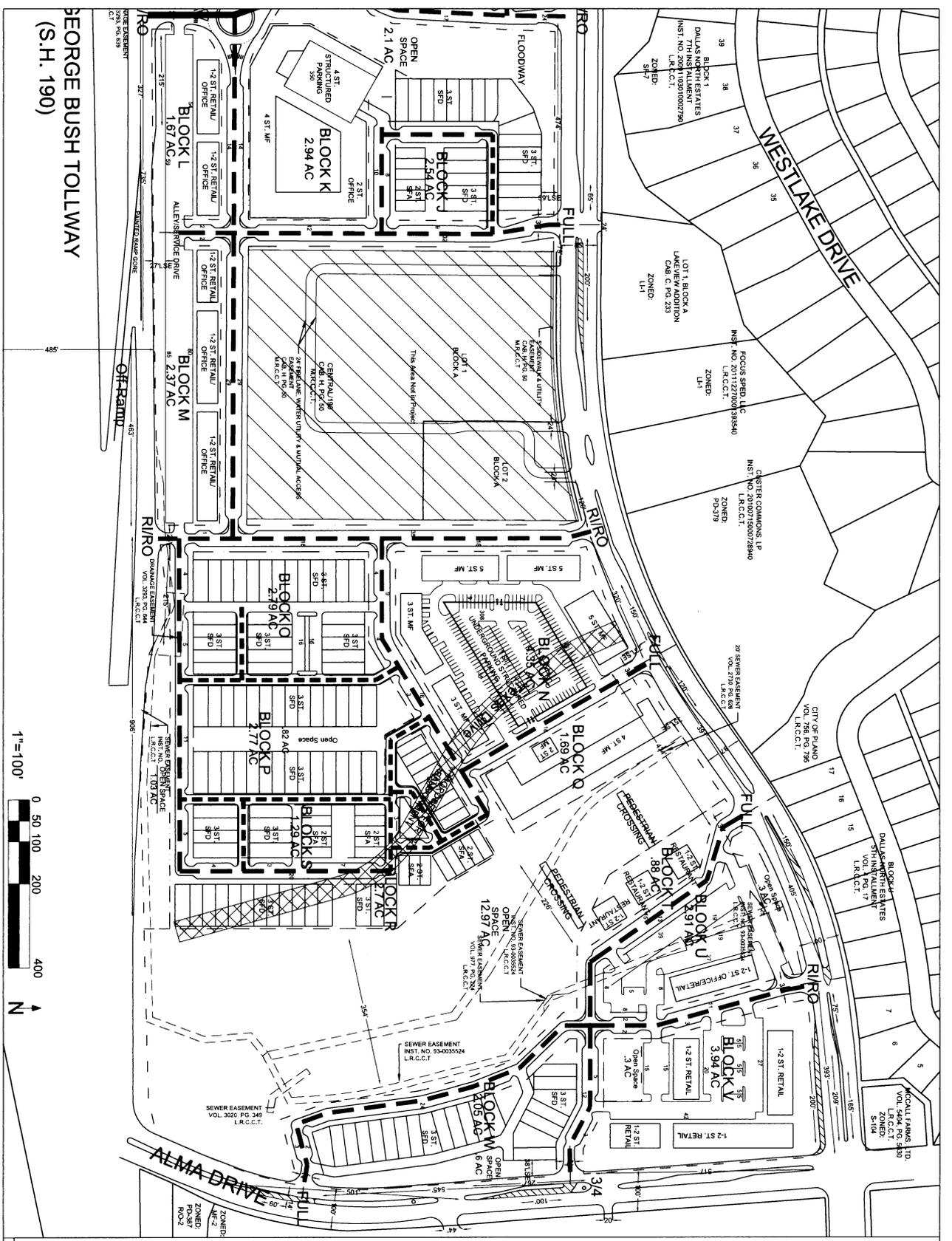
- BLOCK BOUNDARY
- - - PHASE LINE
- MULTIPHASE TRAIL

DATE: 10-15-2014

4 of 6



<p>LEGEND</p> <ul style="list-style-type: none"> MAJOR STREET MINOR STREET NEWS STREET R/O - Right-of-Way FULL - Right-of-Way turns 3/4 - Right-of-Way turns 1/4 - Right-of-Way turns X - Dimensions - F.T.E. - Landscape Edge Dimension 		<p>STREET TYPE PLAN</p> <p>121 451 AGNES, 5204 445 SF WILLIAM BEVERLY SURVEY VASRTRACT 00238</p>	
<p>PREPARED BY: GATEWAY PLANNING 2101 GENDAS BARRIOS RD. STE. 100 DALLAS, TX 75251</p>		<p>DATE: 10-15-2014</p> <p>PROJECT: HERITAGE 190</p>	
<p>APPLICANT: WILLIAM BEVERLY SURVEY VASRTRACT 00238 DALLAS, TX 75202</p>		<p>REPRESENTATIVE: WILLIAM BEVERLY SURVEY VASRTRACT 00238 121 451 AGNES, 5204 445 SF WILLIAM BEVERLY SURVEY VASRTRACT 00238</p>	



GEORGE BUSH TOLLWAY
(S.H. 190)



<p>LEGEND</p> <ul style="list-style-type: none"> MAJOR STREET MINOR STREET RIZO - Right-of-Way FUL - Right-of-Way 3/4" - Right-of-Way X - # of Parking Spaces - - - - - Landscape Edge Dimension 	
<p>All street, drive, median openings, turn lanes, and associated improvements shall be constructed in accordance with the standards set forth in the Metropolitan zoning district. Throughway Standards Rules and Regulations and TxDOT Requirements.</p>	
<p>STREET TYPE PLAN</p> <p>PROJECT: HERITAGE 190, LLC 2010 GEORGE BUSH RD, STE. 1000 DALLAS, TX 75201</p> <p>TOWN PLANNERS: DALLAS, TX 75201</p> <p>DATE: 10/15/2014</p> <p>PROJECT NO: 190</p> <p>DATE: 10/15/2014</p> <p>PROJECT NO: 190</p> <p>DATE: 10/15/2014</p>	
<p>PROJECT: HERITAGE 190, LLC 151451 ADDRESS 3294445 SF 901 MAIN ST SUITE 8000 DALLAS, TX 75202</p>	
<p>DATE: 10-15-2014</p> <p>6 of 6</p>	

Zoning Case 2014-31

An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 156.3± acres of land out of the William Beverly Survey, Abstract No. 75 and the Samuel Klepper Survey, Abstract No. 216, located at the southwest corner of Plano Parkway and Alma Drive in the City of Plano, Collin County, Texas, from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet Sitting to Urban Mixed-Use; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 27th day of October, 2014, for the purpose of considering rezoning 156.3± acres of land out of the William Beverly Survey, Abstract No. 75 and the Samuel Klepper Survey, Abstract No. 216, located at the southwest corner of Plano Parkway and Alma Drive in the City of Plano, Collin County, Texas, from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet Sitting to Urban Mixed-Use; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 27th day of October, 2014; and

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

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

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to rezone 156.3± acres of land out of the William Beverly Survey, Abstract No. 75 and the Samuel Klepper Survey, Abstract No. 216, located at the southwest corner of Plano Parkway and Alma Drive in the City of Plano, Collin County, Texas, from Planned Development-384-Retail/General Office, Planned Development-385-Retail/General Office, Planned Development-386-Retail/General Office, Planned Development-387-Retail/General Office, Planned Development-388-Retail/General Office, and General Office with Specific Use Permit #563 for Kennel/Commercial Pet Sitting to Urban Mixed-Use, said property being described in the legal description on Exhibit "A" attached hereto.

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

The permitted uses and standards shall be in accordance with the Urban Mixed-Use (UMU) zoning district standards unless otherwise specified herein.

The development plan shall be adopted as part of the ordinance.

Exceptions of the UMU District

1. Block A:
 - a. Height:
 - i. Maximum Building Height: One 25-story (360 feet) building to be located adjacent to S.H. 190 and a minimum of 1,500 feet east of Custer Road; remainder 20 stories (290 feet).
 - ii. Within 250 feet of the south right-of-way line of Plano Parkway a maximum eight-story height (120 feet) is allowed. No more than 50% of the structures within this setback shall exceed six-stories (90 feet). One building at the southeast corner of Custer Road and Plano Parkway may be ten-stories (150 feet). All heights shall include mechanical/penthouse.
 - iii. Maximum Parking Structure Height: Six levels above grade (60 feet)
 - b. Exempt from maximum block length of 600 feet.
 - c. Exempt from maximum block size of three acres.

- d. Exempt from single-tenant maximum first floor of 30,000 square feet.
 - e. Exempt from maximum building distance separation of 150 feet.
 - f. Gates are permitted for the purpose of restricting internal access.
2. Minimum single-family residence attached density: 8 dwelling units per acre.
 3. Single-family residence detached is an additional permitted use and shall be developed in accordance with the Patio Home (PH) zoning district standards, except as noted below:
 - a. Minimum lot width: 35 feet
 - b. Maximum height: Three story, 35 feet
 - c. Patio Homes are not required to have a zero side yard.
 4. Minimum building height shall be one story, 24 feet for nonresidential uses within Blocks H, L, M, T and U.
 5. Increase maximum block size to four acres for Blocks D, F, H, I, S, and U. Increase maximum block size to five acres for Block N.
 6. The landscape edge may be reduced to 15 feet along Plano Parkway, Alma Drive, S.H. 190, and Custer Road.
 7. Reduce minimum free standing building square footage to 3,000 square feet for Block T.
 8. All blocks are exempt from the maximum building setbacks for structures adjacent to Alma Drive, Plano Parkway, Custer Road, and State Highway 190.
 9. A minimum of 40% of the gross linear footage of the first floor along the activity center shall consist of retail, restaurant, entertainment, and other active uses.

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

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

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

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

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

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

PASSED AND APPROVED THIS THE 27TH DAY OF OCTOBER, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2014-31

BEING a tract of land situated in the William Beverly Survey, Abstract No. 75 and the Samuel Klepper Survey, Abstract No. 216, City of Plano, Collin County, Texas; and being all of Lot 1, Block A, Dallas North Square #1, an addition to the City of Plano according to the plat recorded in Volume 7, Page 33 of the Land Records of Collin County, Texas; and being all of the tracts of land described in Special Warranty Deeds to Rosewood Property Company recorded in Instrument No. 92-0083559, Volume 4328, Page 1736 and Volume 5452, Page 1691 of said Land Records; and being all of a tract of land described as "Tract XII" in Special Warranty Deed to Rosewood Properties, Inc., recorded in Volume 1805, Page 50 of said Land Records; and being all of the tracts of land described as "Parcel 1 of Tract 4", "Parcel 2 of Tract 4", and "Parcel 3 of Tract 4" in Special Warranty Deed With Vendor's Lien to Rosewood Real Estate Investments, Inc. recorded in Volume 3547, Page 411 of said Land Records; and being all of the tract of land described as "Tract 4" in Special Warranty Deed With Vendor's Lien to Rosewood Real Estate Investments, Inc. recorded in Volume 3547, Page 424 of said Land Records; and being more particularly described as follows:

BEGINNING at the intersection of the centerline of Alma Drive (a 100-foot wide right-of-way) and the centerline of Plano Parkway (a 100-foot wide right-of-way);

Thence with said centerline of Alma Drive, the following courses and distances:

South, $04^{\circ} 17' 20''$ East, a distance of 1,080.54 feet to a point at the beginning of a tangent curve to the right having a central angle of $28^{\circ} 00' 00''$, a radius of 850.00 feet, a chord bearing and distance of South, $09^{\circ} 42' 40''$ West, 411.27 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 415.39 feet to a point at the end of said curve;

South, $23^{\circ} 42' 40''$ West, a distance of 391.50 feet to the intersection of said centerline of Alma Drive and the centerline of President George Bush Turnpike (State Highway 190, a variable width right-of-way);

THENCE with said centerline of President George Bush Turnpike, South, $89^{\circ} 46' 41''$ West, a distance of 4,855.14 feet to the intersection of said centerline of President George Bush Turnpike and the centerline of Custer Road (a 100-foot wide right-of-way);

THENCE with said centerline of Custer Road, the following courses and distances:

North, $37^{\circ} 59' 15''$ West, a distance of 528.68 feet to a point at the beginning of a tangent curve to the right having a central angle of $38^{\circ} 30' 00''$, a radius of 1,100.00 feet, a chord bearing and distance of North, $18^{\circ} 44' 13''$ West, 725.32 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 739.15 feet to a point at the end of said curve;

North, $00^{\circ} 30' 47''$ East, a distance of 150.01 feet to the intersection of said centerline of Custer Road and said centerline of Plano Parkway;

THENCE with said centerline of Plano Parkway, South, $89^{\circ} 37' 50''$ East, a distance of 3,354.54 feet to a point for corner;

THENCE departing said centerline of Plano Parkway, South, $00^{\circ} 22' 10''$ West, passing at a distance of 50.00 feet the northwest corner of Lot 1, Block A, Central/190, an addition to the City of Plano according to the plat recorded in Cabinet H, Page 50 of said Land Records, continuing with the west line of said Lot 1, in all a total distance of 765.62 feet to the southwest corner of said Lot 1;

THENCE with the south line of said Lot 1, South, $89^{\circ} 37' 50''$ East, a distance of 640.00 feet to the southeast corner of said Lot 1;

THENCE with the east line of said Lot 1, North, $00^{\circ} 22' 10''$ East, passing at a distance of 413.52 feet the easternmost northeast corner of said Lot 1 and the southeast corner of Lot 2, Block A of said Central/190 Addition, continuing with the east line of said Lot 2, passing at a combined distance of 777.72 feet to the northeast corner of said Lot 2, continuing in all a total distance of 829.72 feet to a point for corner in said centerline of Plano Parkway and being the beginning of a non-tangent curve to the left having a central angle of $18^{\circ} 05' 18''$, a radius of 1,611.50 feet, a chord bearing and distance of North, $65^{\circ} 06' 37''$ East, 506.64 feet;

THENCE with said centerline of Plano Parkway, the following courses and distances:

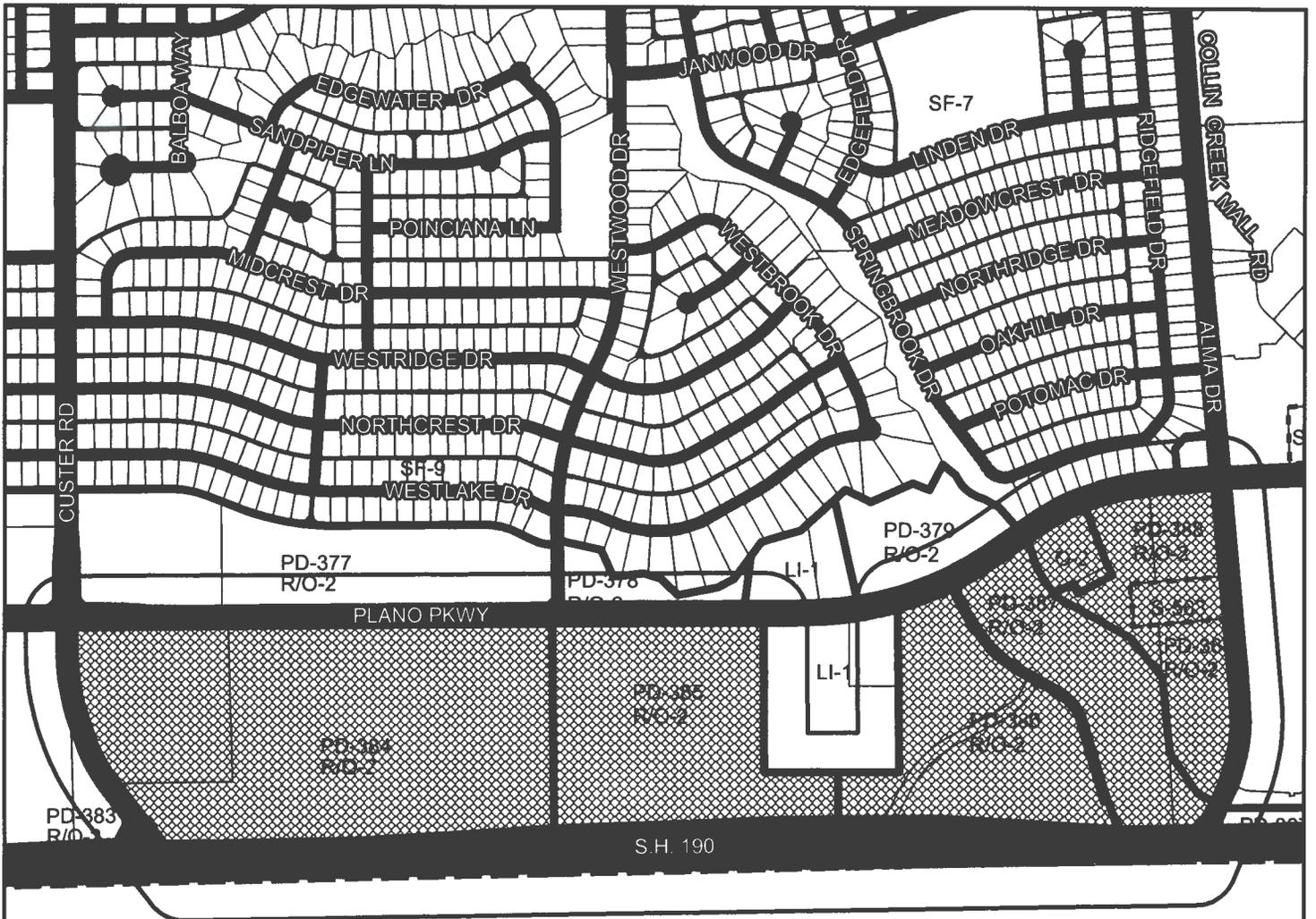
In a northeasterly direction, with said curve to the left, an arc distance of 508.75 feet to a point at the end of said curve;

North, $55^{\circ} 53' 40''$ East, a distance of 251.28 feet to a point at the beginning of a tangent curve to the right having a central angle of $23^{\circ} 20' 00''$, a radius of 1,077.34 feet, a chord bearing and distance of North, $67^{\circ} 33' 39''$ East, 435.71 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 438.74 feet to a point at the beginning of a compound curve to the right having a central angle of $06^{\circ} 29' 00''$, a radius of 2,080.00 feet, a chord bearing and distance of North, $82^{\circ} 28' 10''$ East, 235.23 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 235.36 feet to a point at the end of said curve;

North, $85^{\circ} 42' 40''$ East, a distance of 258.57 feet to the POINT OF BEGINNING and CONTAINING 156.31 acres of land.



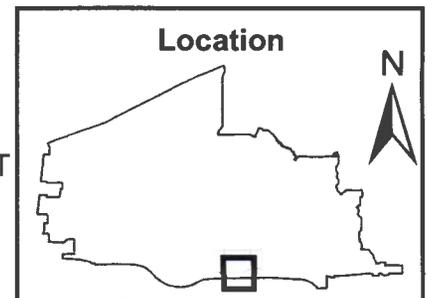
CITY OF RICHARDSON

Zoning Case #: 2014-31

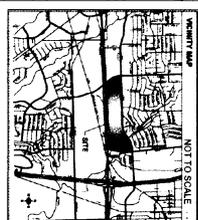
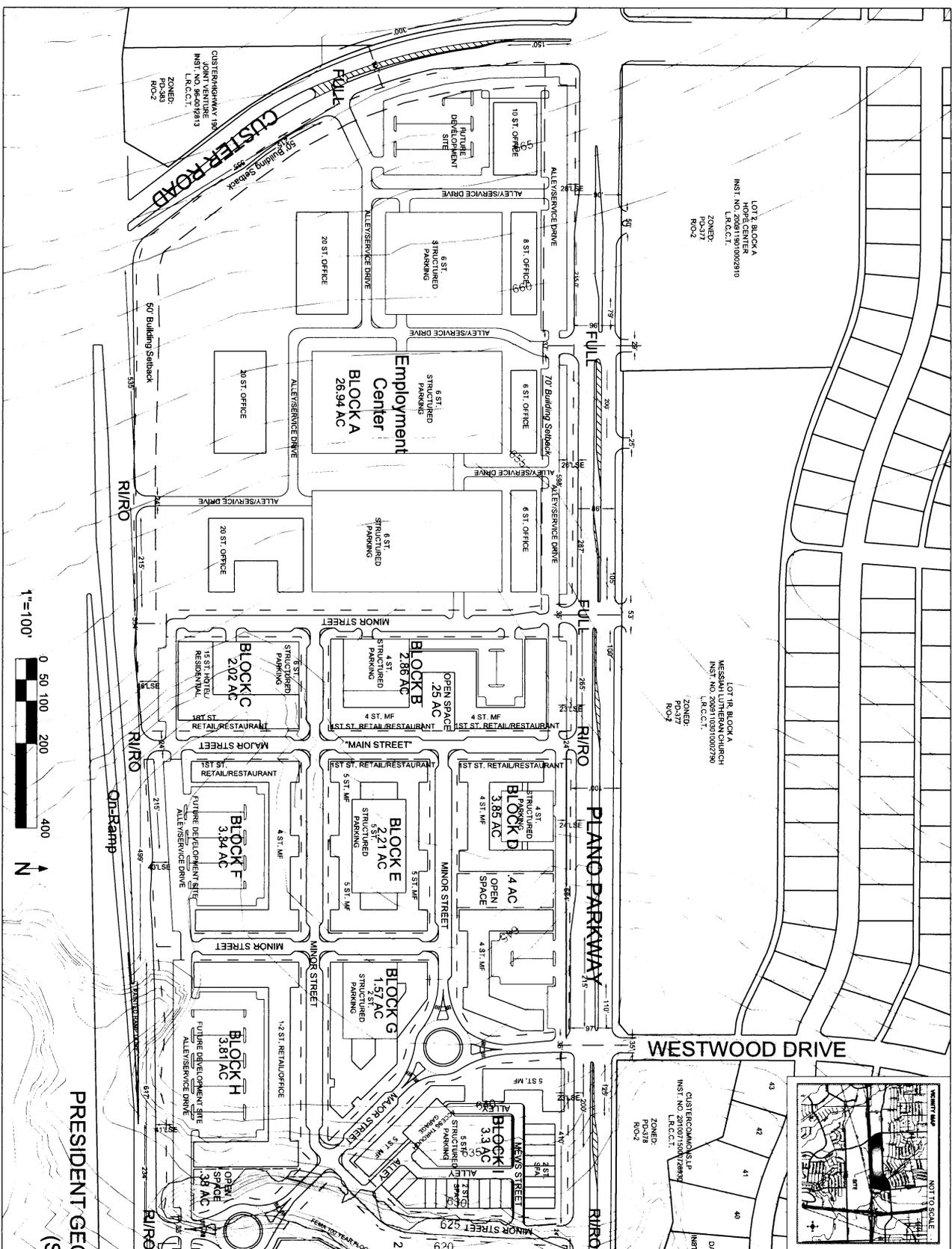
Existing Zoning: PLANNED DEVELOPMENT-384, 385, 386, 387, & 388
 RETAIL/GENERAL OFFICE, &
 GENERAL OFFICE w/SPECIFIC USE PERMIT #563/
 190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT



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



Source: City of Plano Planning Department



UMU ZONING DISTRICT SUMMARY

NET DEVELOPMENT AREA	196,371 AC
GROSS ZONING EXEMPT AREA	74,871 AC
NET DEVELOPMENT AREA	121,500 AC
NET DEVELOPMENT DENSITY	1.00 UNITS/AC
NET TOTAL DENSITY	68.33 UNITS/AC
LAND AREA TOTAL	66,171,300 SF
OFFICE USE TOTAL	2,887,782 SF
RETAIL RESTAURANT USE TOTAL	2,888,858 SF
LAND AREA TOTAL	24,188 AC
SPACED UNITS	173 UNITS/146,000 SF
AVG SF RESIDENTIAL	837 UNITS/AC
AVG SF OFFICE	485
AVG SF RESTAURANT	73,000 SF
NET AREA RESTAURANT MIN.	30,000 SF
NET AREA OFFICE MIN.	7,500
SURFACE PARKING TOTAL	1,828 SPACES
STRUCTURED PARKING TOTAL	877 SPACES
PARKING TOTAL	2,705 SPACES
PER SPACED UNIT	1.57 SPACES

UMU USE SUMMARY

RETAIL USE	OFFICE 40.1%
RESIDENTIAL USE	RETAIL 14.1%
TERMINAL USE	RETAIL 4.9%
TERMINAL USE	HOTEL 4.9%

LEGEND

- BLOCK BOUNDARY
- MULT-PURPOSE TRAIL

All project data, including setbacks, lot lines, and area calculations, were prepared in accordance with the City of Plano's Urban Planning Department. The information is provided for informational purposes only and does not constitute a warranty of any kind. The information is provided as is, without any representation or warranty of any kind.

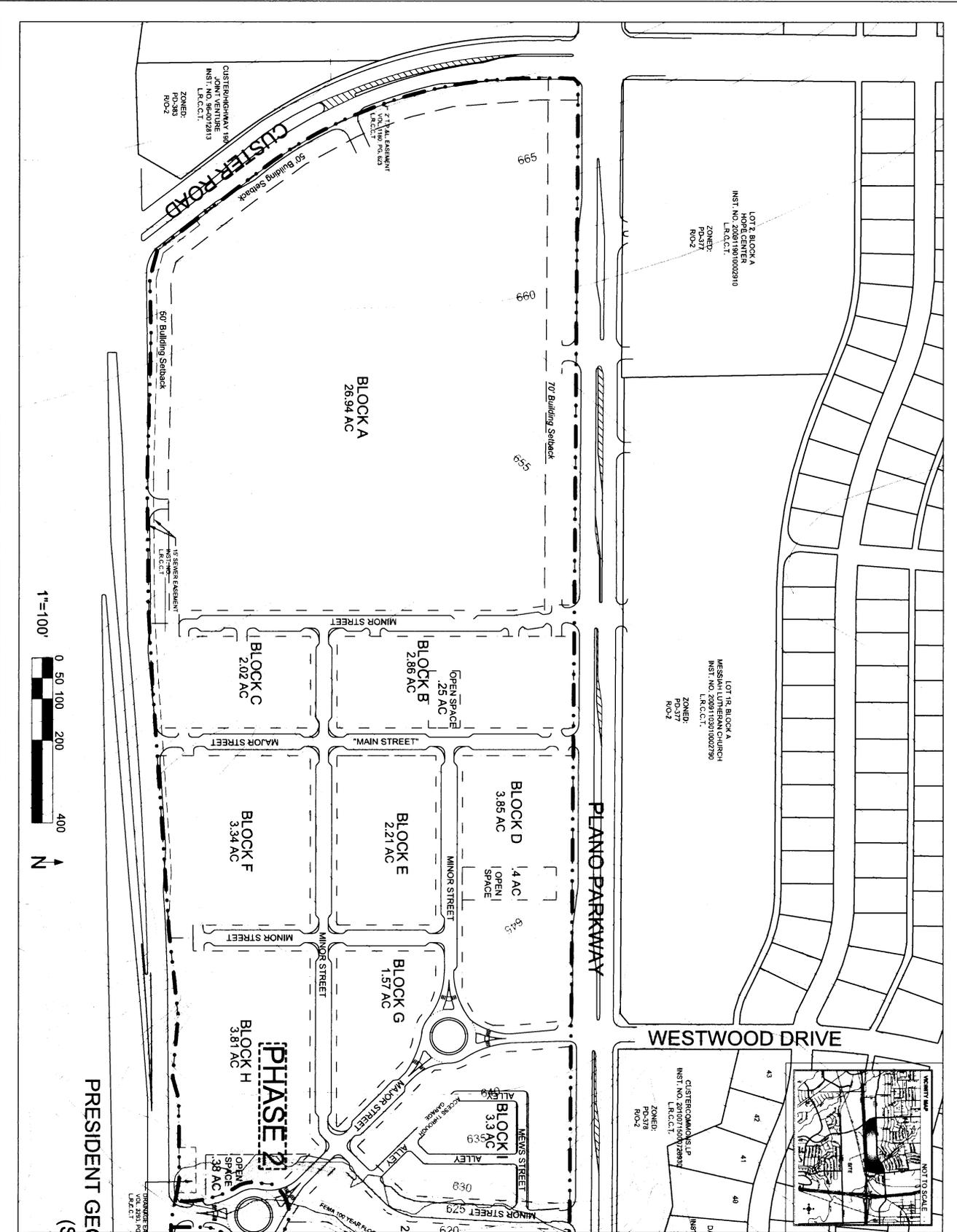
HERITAGE 190 DEVELOPMENT PLAN

PREPARED BY:
 HERITAGE 190 DEVELOPMENT, L.P.
 2100 CHANDLER ST., 7TH FLOOR
 DALLAS, TX 75201
 TOWN PLANNER
 817.246.8500

DESIGNED BY:
 WILLIAM BERRY, SURVEYOR/ARCHITECT NO. 208
 121.451 PLANO TX 75044-58
 972.701.3800

DATE: 10-15-2014

1 of 6



PRESIDENT GEORGE HW BUSH FREEWAY

DATE: 10-15-2014

3 of 6

LEGEND

- BLOCK BOUNDARY
- PHASE LINE
- MULTIFLUSE TRAIL

HERITAGE 190 BLOCK PLAN

RPC: HERITAGE 190 LLC

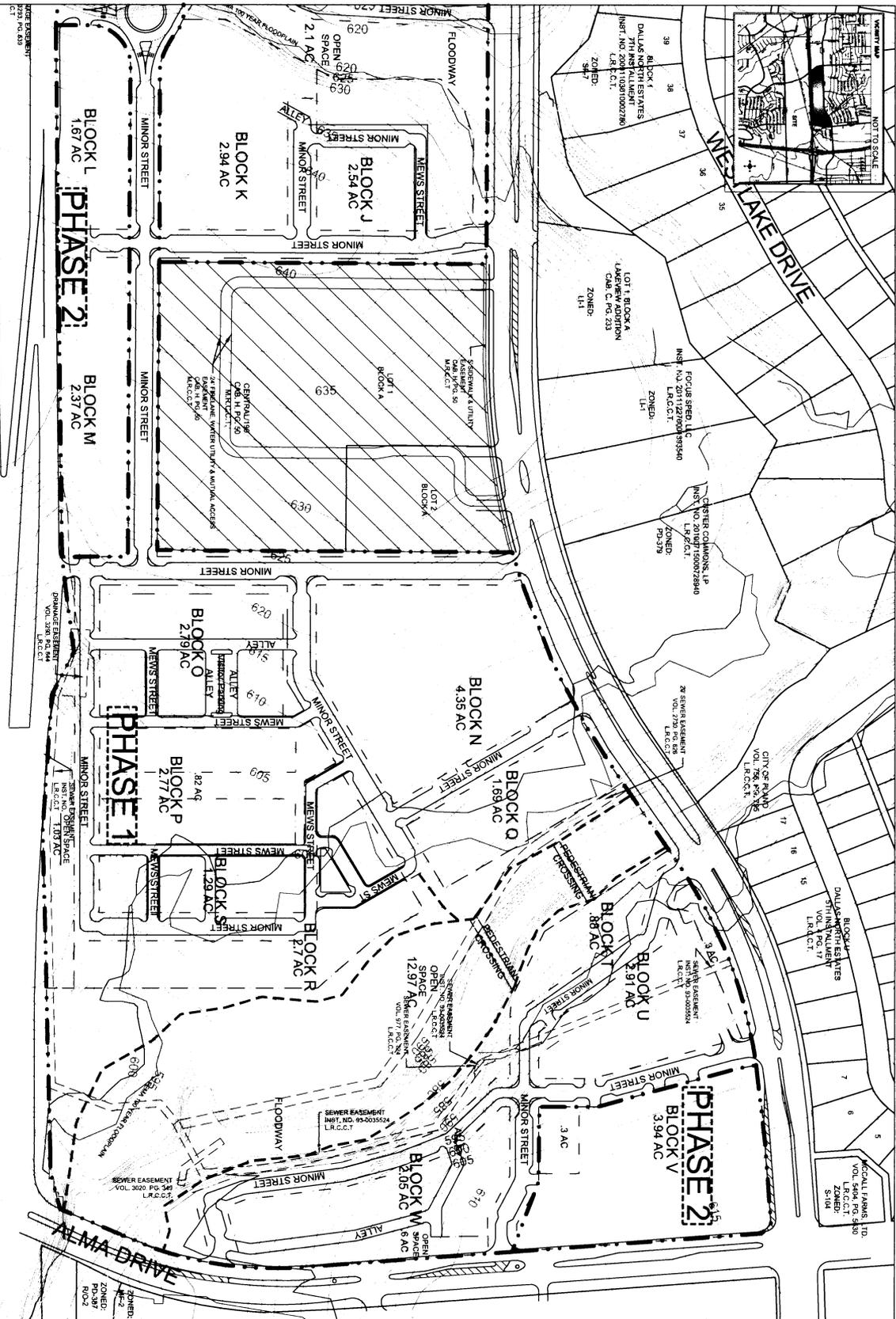
PLANO TX 75044

1314411441 MAIL ST

WILLIAM BEVERLY SNEYER ARCHITECT NO 938

Block	Area (AC)	Notes
A	26.94	HOPE CENTER
B	2.86	OPEN SPACE
C	2.02	OPEN SPACE
D	3.85	OPEN SPACE
E	2.21	OPEN SPACE
F	3.34	OPEN SPACE
G	1.57	OPEN SPACE
H	3.81	OPEN SPACE
I	3.3	OPEN SPACE
J	3.3	OPEN SPACE
K	3.3	OPEN SPACE
L	3.3	OPEN SPACE
M	3.3	OPEN SPACE
N	3.3	OPEN SPACE
O	3.3	OPEN SPACE
P	3.3	OPEN SPACE
Q	3.3	OPEN SPACE
R	3.3	OPEN SPACE
S	3.3	OPEN SPACE
T	3.3	OPEN SPACE
U	3.3	OPEN SPACE
V	3.3	OPEN SPACE
W	3.3	OPEN SPACE

**GEORGE BUSH TOLLWAY
(S.H. 190)**



Block	Area	Notes
A	1.87 AC	PHASE 2
B	2.37 AC	PHASE 2
C	2.79 AC	PHASE 2
D	2.77 AC	PHASE 1
E	1.29 AC	PHASE 1
F	1.82 AC	PHASE 1
G	2.79 AC	PHASE 1
H	2.77 AC	PHASE 1
I	1.29 AC	PHASE 1
J	2.77 AC	PHASE 1
K	1.29 AC	PHASE 1
L	2.77 AC	PHASE 1
M	2.77 AC	PHASE 1
N	2.77 AC	PHASE 1
O	2.77 AC	PHASE 1
P	2.77 AC	PHASE 1
Q	2.77 AC	PHASE 1
R	2.77 AC	PHASE 1
S	2.77 AC	PHASE 1
T	2.77 AC	PHASE 1
U	2.77 AC	PHASE 1
V	2.77 AC	PHASE 1
W	2.77 AC	PHASE 1

HERITAGE 190 BLOCK PLAN

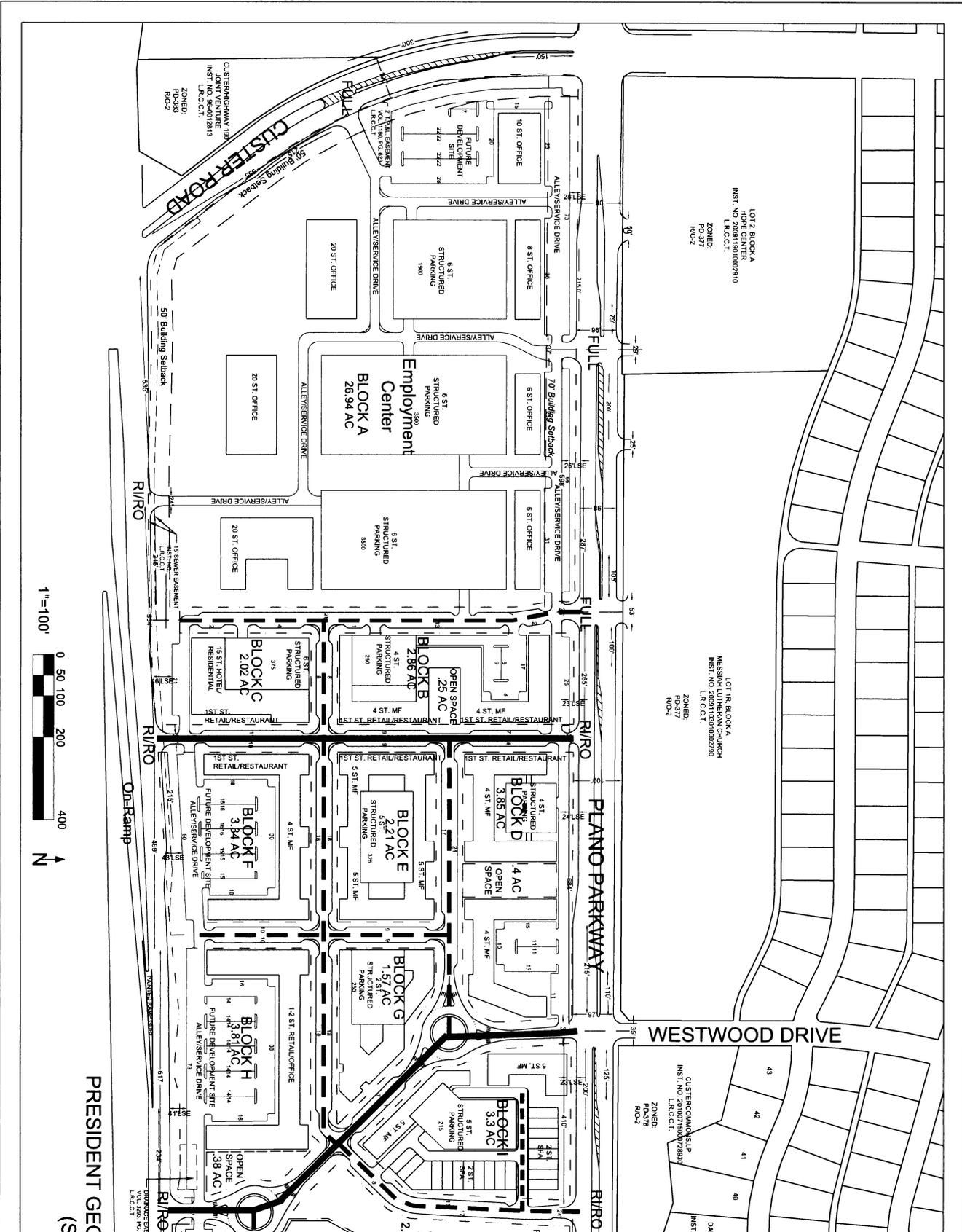
RRG HERITAGE IM LLC
121451 PLANO TX 75044 SF
WILLIAM BEVERLY SURETY ASSURANT NO. 808

LEGEND

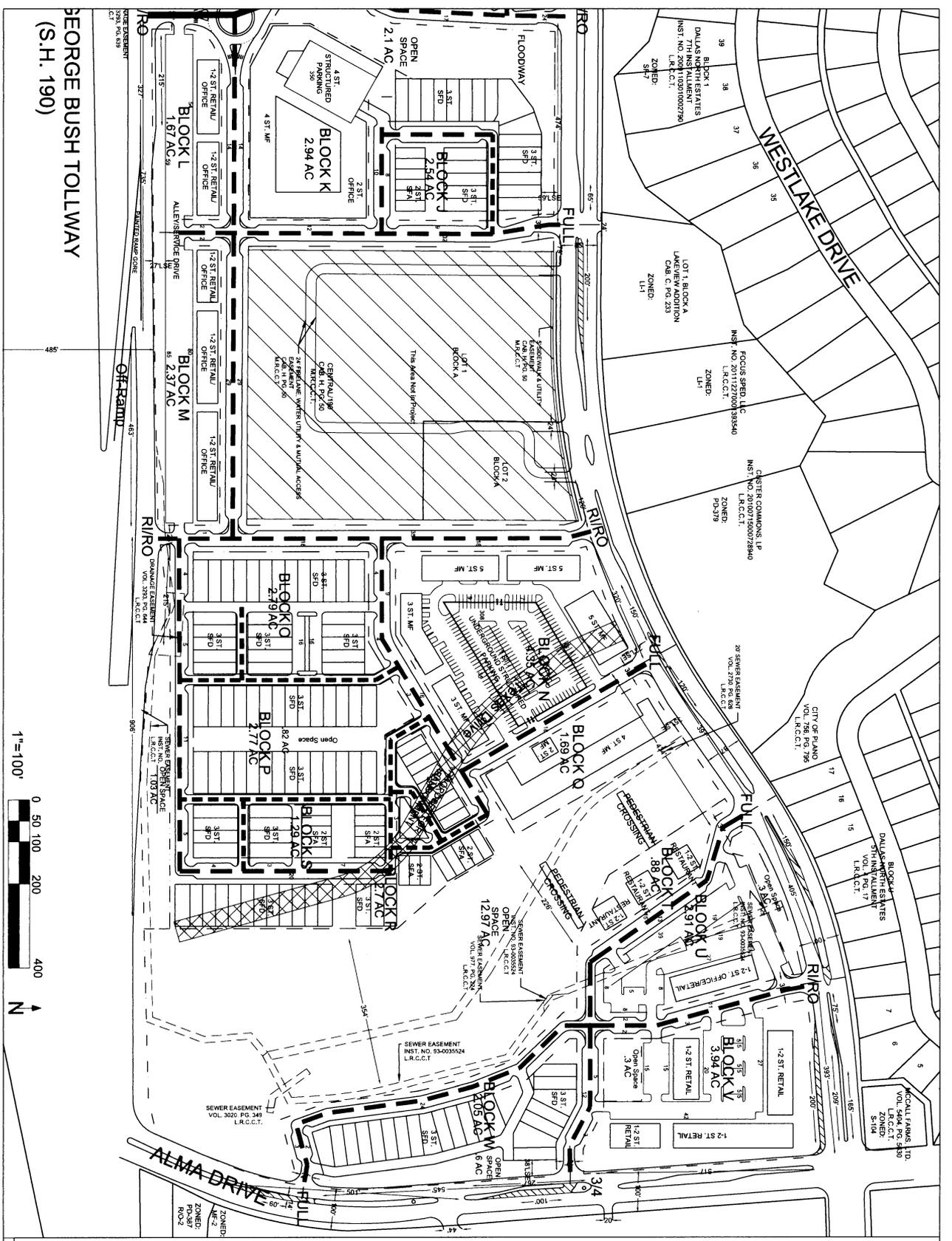
- BLOCK BOUNDARY
- PHASE LINE
- - - MULTIPHASE TRAIL

DATE: 10-15-2014

4 of 6



<p>LEGEND</p> <ul style="list-style-type: none"> MAJOR STREET MINOR STREET NEWS STREET R/O-2 - Right-of-Way Turns FULL - Right-of-Way Turns 3/4 - Right-of-Way Turns 1/4 - Right-of-Way Turns X - Dimensions - - - - - Landscape Edge Dimension 		<p>STREET TYPE PLAN</p> <p>PROJECT: HERITAGE 190 2101 GENDAS BLENDED RD. STE. 100, DALLAS, TX 75251 TOWN PLANNER: TOWN PLANNING 2101 GENDAS BLENDED RD. STE. 100, DALLAS, TX 75251 DATE: 10-15-2014</p>	
<p>PREPARED BY: WILIAM BERRY SURVEY & INSTRUMENTATION, INC. 121451 AGNES, SUITE 405 SF, DALLAS, TX 75243 PROJECT NO. 2014-001</p>		<p>APPLICANT: WILIAM BERRY SURVEY & INSTRUMENTATION, INC. 121451 AGNES, SUITE 405 SF, DALLAS, TX 75243 PROJECT NO. 2014-001</p>	



<p>LEGEND</p> <ul style="list-style-type: none"> MAJOR STREET MINOR STREET RIZO - RIGHT-OF-WAY FLU - RIGHT-OF-WAY 3/4 - RIZO, 3/4 1' DIMENSION LEFT X - # of Parking Spaces - - - - - Dimensions - - - - - Landscaping Edge Dimension 	
<p>All street, drive, median openings, turn lanes, and associated improvements shall be constructed in accordance with the standards set forth in the Metropolitan Zoning Ordinance. The standards shall be subject to the standards set forth in the Metropolitan Zoning Ordinance and TxDOT requirements.</p>	
<p>STREET TYPE PLAN</p> <p>PROJECT: HERITAGE 190, LLC 2010 GEORGE BUSH RD. STE. 1000 DALLAS, TX 75201</p> <p>TOWN PLANNERS WILLIAM BEVERLY SURVEY/ARCHITECT/NO.238 151.451 ADDRESS 3.294.445 SF 901 MAIN ST. SUITE 8000 DALLAS, TX 75202</p>	
<p>DATE: 10-15-2014</p> <p>6 of 6</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:		October 27, 2014		
Department:		Planning		
Department Head		Christina Day		
Agenda Coordinator (include phone #): Doris Carter ext. 5350				
CAPTION				
Consideration of a request to call a public hearing to amend Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance in order to modify residential density requirements. Applicant: City of Plano.				
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				
See attached memo				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo				



Memorandum

Date: October 15, 2014

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

From: Christina D. Day, Director of Planning

Subject: Call for Public Hearing

This memo is a request to call a public hearing to amend Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance in order to modify residential density requirements.

As the City has experienced an increase in urban residential development within certain areas of the City over recent years, staff has noticed that some existing regulations may not be necessary or useful. Specifically, in urban center developments, having a cap on the number of units per acre may discourage the most efficient use of land and even hinder financially challenging redevelopment and infill projects. Several factors may lead to buildings exceeding density caps, including the following:

- Urban mixed-use projects may occupy more than one platted lot, yet density is calculated for each lot. A residential lot without parking is more likely to exceed density limits than a residential lot containing parking.
- Small residential infill projects may be highly efficient buildings containing less space devoted to light, air, circulation, and storage. Small residential infill buildings may exceed density, especially if parking is supplied off-site.
- Higher supportable rents allow for subterranean parking allowing for more density.

Generally speaking, maximum density is not a concern in urban centers provided that regulations are in place to control unit size and building bulk, placement, and parking. In discussion with several well-known urban planners, architects, and developers, all felt maximum density caps potentially arbitrarily constrained building design and economic return.

For these reasons, we are requesting the City Council call a public hearing to review the Downtown Business/Government, Central Business-1, Commercial Employment, and Urban Mixed-Use districts for density limits and related regulations.

If approved, the call for public hearing will result in a zoning case moving forward to the Planning & Zoning Commission. Please let me know if you have questions.