

DATE: June 22, 2021

TO: Honorable Mayor & City Council

FROM: M. Nathan Barbera, Chair, Planning & Zoning Commission 

SUBJECT: Results of Planning & Zoning Commission Meeting of June 21, 2021

AGENDA ITEM NO (4) - ZONING CASE 2021-011 (SUBMITTED UNDER THE INTERIM COMPREHENSIVE PLAN)

APPLICANT: CITY OF PLANO

Request to amend Article 8 (Definitions), Article 13 (Lot and Building Standards), Article 14 (Allowed Uses and Use Classifications), Article 16 (Parking and Loading), Article 22 (Signs), and related sections of the Zoning Ordinance pertaining to community center, public building, library, and related uses. Project #ZC2021-011.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

Speaker Card(s) Received Support: 0 Oppose: 0 Neutral: 0

Petition Signatures Received: Support: 0 Oppose: 0 Neutral: 0

Other Responses: Support: 0 Oppose: 0 Neutral: 0

STIPULATIONS:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

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

Community Center

A building, or complex of buildings, that houses cultural, recreational, athletic, library, and/or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

Government Facility

Any building or land area that is owned, primarily used, and/or primarily occupied by a public school, city, state, or federal government, or such building or land area that is specifically exempt from land-use regulation by state or federal law.

Amend Section 13.600 (Height Regulations) of Article 13 (Lot and Building Standards), such portion of section to read as follows:

- .1 In all zoning districts and planned developments, water standpipes and tanks; religious facility architectural features; bell towers; domes and spires on

government facilities, school buildings, and institutional buildings; the roofs of auditoriums and sanctuaries of one story construction; and public safety structures may be erected to exceed the district's maximum height. Side and rear yards shall be increased by 2 additional feet, and the front yard shall be increased by one additional foot, for each foot that such structures exceed the district's maximum height where adjacent to residential districts. The increase in the required yard shall apply only to the portion of the structure that causes the increased yard requirements. See Sec. 13.500.3 and 13.500.4 for additional side and rear yard setbacks in non-residential zoning districts.

Amend Article 14 (Allowed Uses and Use Classifications), such additional section to read as follows:

14.600 Government Facilities

- .1 These regulations are adopted for the purpose of complying with Texas Local Government Code, the Federal and Texas Constitution and state and federal laws.
- .2 Government facilities are allowed by right in all zoning districts but are otherwise bound by the development regulations of the City of Plano except where specifically exempted by law.

Amend Section 16.100 (General) of Article 16 (Parking and Loading), such portion of section to read as follows:

- .1 Except as otherwise provided for in this article, off-street parking shall be provided as follows:
 - A. In all districts except BG, in connection with every business, institution, recreational, residential, manufacturing, research laboratory, government facility ~~public building~~, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces, in accordance with the requirements set forth in Sec. 16.700.

Amend portions of Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portions of section to read as follows:

Parking Space Schedule for Nonresidential Uses

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Nonresidential Uses
<u>Community Center</u>	
<u>Library or Museum</u>	<u>10 spaces plus one space for each 300 square feet of floor area</u>

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Nonresidential Uses
<u>Recreational</u> or <u>Athletic</u>	<u>Same as Health/Fitness Center</u>
<u>Entertainment, Assembly, or Cultural</u>	<u>Same as Theater, Meeting Room, and Assembly Hall</u>
Library or Museum	10 spaces plus one space for each 300 square feet of floor area
Theater, Meeting Room, <u>and</u> Assembly Hall, <u>and</u> Community Center	One space for every 3 seats or for every 3 persons accommodated

Amend Part L of Subsection 22.400.3 (Prohibited Signs) of Section 22.400 (General) of Article 22 (Signs), such portion of subsection to read as follows:

- L. No person shall attach any sign, paper, or other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, government facility, ~~public building~~, or structure, except as otherwise allowed by this ordinance.

FOR CITY COUNCIL MEETING OF: July 26, 2021 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

MH/kob

cc: Jeanna Scott, Building Inspections Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 21, 2021

Agenda Item No. 4

Public Hearing: Zoning Case 2021-011

Applicant: City of Plano

(Submitted under the Interim Comprehensive Plan)

DESCRIPTION:

Request to amend Article 8 (Definitions), Article 13 (Lot and Building Standards), Article 14 (Allowed Uses and Use Classifications), Article 16 (Parking and Loading), Article 22 (Signs), and related sections of the Zoning Ordinance pertaining to community center, public building, library, and related uses. Project #ZC2021-011.

SUMMARY:

The purpose for this request is to amend various sections of the Zoning Ordinance pertaining to community center, public building, library, and related uses. These amendments are in conformance with the Comprehensive Plan and allow government agencies to serve their constituents while complying with federal, state, and city regulations.

REMARKS:

At the May 17, 2021, Planning & Zoning Commission meeting, the Commission called a public hearing to consider amendments to various Zoning Ordinance sections pertaining to community center, public building, and library uses. Subsequently, at the June 7, 2021, Planning & Zoning Commission meeting, the Commission discussed issues pertaining to these uses and directed staff to move forward with proposing amendments to the Zoning Ordinance that would remove the community center use and add a government facility use.

With this direction, staff further researched the implications of these amendments and, in doing so, identified some concerns. To address these concerns, staff is proposing amendments that keep the community center use and change government facility so that it will not cause confusion with existing uses.

The proposed amendments:

- Allow existing uses and associated development regulations to remain;
- Acknowledge state and federal law that exempts some governmental land use;
- Do not allow a broad interpretation and quasi-public entities or entities of the State to gain development rights; and
- Do not affect funding available for public libraries.

Overall, the amendments recommended by staff will allow government agencies to serve their constituents while complying with federal, state, and City regulations.

Conformance to the Comprehensive Plan

This zoning request was reviewed for conformance with the *Interim Comprehensive Plan (1986 based)* adopted in August 2020.

The *Interim Comprehensive Plan* has an entire element devoted to Public Facilities and Services; however, no direct reference is made to zoning or zoning amendments. It does support the appropriate development of city buildings.

“The Public Services and Facilities Element of the Comprehensive Plan addresses the wide range of services and facilities provided by the City of Plano. These services include police and fire protection, emergency medical services, library services, solid waste collection, convention and visitors’ bureau, animal services, cultural services, and municipal buildings. The purpose of the element is to guide the development of public facilities and the provision of municipal services.”

Land Use Element

The Land Use Element has numerous references to zoning, mostly for residential and commercial uses. Applicable texts that support the proposed amendments to the Zoning Ordinance are as follows:

Strategies for Theme I – Livable City

Strategy A.1 – Regularly monitor, review, and update the Comprehensive Plan, Zoning Ordinance, and related documents to ensure their effectiveness in meeting the needs of the community.

Coordination with Public Infrastructure, Facilities and Services

Plano’s development pattern is carefully intertwined with its system of public infrastructure, facilities and services.

Strategies for Theme II – City of Organized Development

Strategy B.6 – Make amendments to the Zoning Ordinance (text and atlas) based on the strategies of the Comprehensive Plan. This consideration should include evaluation of the following:

- Intent of the plan in its entirety;
- Physical character of the property affected;
- Adequacy of public facilities (existing and proposed); and
- Relationship to adjacent land uses (existing and proposed).

Objectives for Theme III – City in Transition

Objective C.2 – Ensure that zoning and development regulations are consistent with changing land use needs.”

The *Interim Comprehensive Plan* does not provide specific procedures for updates. It does support them; therefore, the proposed amendments are in conformance with the Interim Comprehensive Plan.

Community Center Uses

The previously recommended amendments, which were discussed with the Commission, proposed to remove the community center use, as defined below:

A building or complex of buildings that house cultural, recreational, athletic, library, or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

However, as staff reviewed this further, it was determined that removing the community center use could create confusion and cause unintended consequences for existing community center uses. The community center is referenced in various regulations, such as the Neighborhood Business Design-1 (NBD-1) stipulations, some planned development stipulations, specific use permits, and certain Zoning Ordinance sections. Removing the community center would be problematic for these situations.

The community center use has been used on several site plans in the past. If community center was removed, uses that are currently identified as community centers might not fit as neatly into a different use with different regulations. Similarly, the current definition includes community centers owned and/or operated by private non-profit agencies, such as community centers sponsored by religious groups or museums, so removing the community center use could leave these uses without a Zoning Ordinance use. Thus, staff is proposing to keep the community center use to allow existing uses and their associated development regulations to remain.

Government Facilities

In addition to removing the community center definition, the previously recommended amendments proposed adding a government facility use with the following definition:

Any building or land area that is owned, leased, primarily used and/or primarily occupied by a public school, city, state, or federal government, or such building or land area that is specifically exempt from land-use regulation by state or federal law.

However, there are uses in the Zoning Ordinance that would overlap with government facility, such as:

- fire station/public safety building
- public service yard
- park/playground
- college/university
- government post office
- public school

Additionally, the actual operations that occur within government facilities are covered by other uses within the Zoning Ordinance, such as professional/general administrative office, day care center, kennel (indoor pens), and warehouse. Thus, adding “government facility” to the Zoning Ordinance as if it were a separate use would cause confusion about how to apply these overlapping uses on documents such as site plans and certificates of occupancy.

Although staff is still proposing to add a definition for government facility to Article 8, it will not be a use listed in the use tables. Instead, staff is proposing to add a section to Article 14, which would read as follows:

14.600 Government Facilities

- .1 These regulations are adopted for the purpose of complying with Texas Local Government Code, the Federal and Texas Constitution and state and federal laws.
- .2 Government facilities are allowed by right in all zoning districts, but are otherwise bound by the development regulations of the City of Plano except where specifically exempted by law.

With this change, facilities that meet the government facility definition would be exempt from location restrictions, but would still be required to comply with development regulations of the City of Plano, such as parking, setback, height, lot size requirements, and others.

Further, while the amendments acknowledge state and federal law that exempts some governmental land use, we did not want to expand any rights to other types of government entities. This would mean that the North Texas Municipal Water District (NTMWD), Dallas Area Rapid Transit (DART), and similar entities would not be granted location exemptions unless the law specifically requires it.

Library Funding

The Commission also inquired about the effect of the amendments on funding for public libraries. Staff reached out to the Director of Libraries, Libby Holtmann, who did not see anything that would preclude city libraries from applying for grants, provided the libraries maintain accreditation and public library status, which is not affected by how the use is classified in the Zoning Ordinance. Thus, the Zoning Ordinance amendments will not affect the public library accreditation nor funding. Additionally, because the amendments do not remove or reclassify existing uses—aside from revising definitions to better align with how the uses have previously been applied—staff does not anticipate impacts to funding for other public facilities.

SUMMARY:

The purpose for this request is to amend various sections of the Zoning Ordinance pertaining to community center, public building, library, and related uses. These amendments are in conformance with the Comprehensive Plan and will allow government agencies to serve their constituents while complying with federal, state, and city regulations.

RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

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