

**DATE:** June 7, 2022

**TO:** Honorable Mayor & City Council

**FROM:** Planning & Zoning Commission

**VIA:** Eric Hill, AICP, Senior Planning Manager acting as Secretary of the Planning & Zoning Commission  
Christina D. Day, AICP, Director of Planning

**SUBJECT:** Results of Planning & Zoning Commission Meeting of June 6, 2022

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**AGENDA ITEM NO. 1 – ZONING CASE 2022-005**  
**APPLICANT: CITY OF PLANO**

Request to amend Article 4 (Amendments) and related sections of the Zoning Ordinance pertaining to the noticing requirements for city-initiated zoning cases on private property. Tabled May 16, 2022. Project #ZC2022-005.

**APPROVED:** 8-0

Speaker Card(s) Received	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>

**RESULTS:**

The Commission recommends approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

**Amend Section 4.300 (Planning & Zoning Commission Public Hearing) of Article 4 (Amendments), such portion of section to read as follows:**

- .3** Prior to the issuance of the notice of the public hearing ~~the petitioner for zoning change requests~~ on real property:
- A.** Any petitioner having a possessory interest in the property must post zoning sign(s) in compliance with the requirements specified on the city's zoning petition form, and submit a signed and notarized affidavit certifying that the required sign(s) is(are) posted on the subject property ~~must be submitted to the Planning Department staff, or~~
- B.** Where the Planning & Zoning Commission or City Council initiates proceedings to consider a change in zoning on any property not owned and controlled by the City, the City may post notice of the request on a media or communications platform as recommended by the City Manager or their designee.

To view the hearing, please click on the provided link: <https://planotx.swagit.com/play/06072022-786/4/>

RK/kob

cc: Eric Hill, Senior Planning Manager  
Christina Sebastian, Lands Records Planning Manager  
Melissa Spriegel, Lead Planner  
Glenn Greer, Planner  
Cassidy Exum, GIS Technician  
Jeanna Scott, Building Inspections Manager  
Dorothy Alatorre, Property Standards

CITY OF PLANO  
PLANNING & ZONING COMMISSION

June 6, 2022

**Agenda Item No. 1**

**Public Hearing:** Zoning Case 2022-005

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Article 4 (Amendments) and related sections of the Zoning Ordinance pertaining to the noticing requirements for city-initiated zoning cases on private property. Tabled May 16, 2022. Project #ZC2022-005.

**SUMMARY:**

The purpose of this request is to allow the city to continue to initiate zoning cases on private property without the legal hindrance of obtaining easements to access a property for sign posting. This complication was not anticipated or considered when the ordinance was changed to mandate signs in 2015. This request would amend the Zoning Ordinance pertaining to sign-posting requirements for city-initiated zoning petitions on private property. The proposed changes remove the sign-posting requirement for this case type and replace it with an alternative noticing requirement. This amendment is in conformance with the Comprehensive Plan and removes barriers unique to this type of city-initiated zoning action while requiring the same number of notification actions. It also permits additional innovation in notification that could potentially improve citizen outreach. For these reasons, staff recommends approval.

**REMARKS:**

The Planning & Zoning Commission discussed current sign-posting regulations for city-initiated zoning actions on private property at the [March 1, 2022](#), meeting. After additional discussion, the Commission called a public hearing on [March 21, 2022](#), to consider amending the Zoning Ordinance.

Current Sign-Posting Regulations

The Zoning Ordinance currently requires the posting of zoning signs for all zoning cases affecting real property. The signs must be posted by the applicant, who must also submit

affidavits of posting and sign maintenance. The requirements are found in Section 4.300.3 (Planning & Zoning Commission Public Hearing) of Article 4 (Amendments):

Prior to the issuance of the notice of the public hearing, the petitioner must post zoning signs(s) in compliance with the requirements specified on the city's zoning petition form, and a signed and notarized affidavit certifying that the required signs(s) is(are) posted on the subject property must be submitted to the Planning Department staff.

## ISSUES:

### Obtaining Legal Access to Post Zoning Signs

Most city-initiated zoning cases are Zoning Ordinance text amendments that do not require signs to be posted. Some are land-based cases affecting only city-owned property, where the city has the right to post the required signs. However, the city may have the need to initiate zoning cases on real property, including rezoning of private property; examples include area or corridor rezonings for consistency with the Comprehensive Plan (such as establishing a new zoning district) and the rescission of unneeded Specific Use Permits on private property (such as Private Clubs). The table below lists examples of previous city-initiated zoning cases on private property by year since 2010, based on available Planning Department records, excluding those Planned Developments initiated by a property owner where other owner's cooperation cannot be achieved.

Year	No. of Cases	Summary of Zoning Action
2022	1	Amend PD-65-CB-1 to modify open space guidelines (signs posted by private development applicant on associated PD-64 case)
2021	1	Rescind SUP for Country Club (signs posted by city, with cooperation of property owner)
2015	1	Rezone lot from LI-1 to SF-6 (to match long-term single-family use on lot) <i>This is the year that signs were required by ordinance. Prior to this, the city did not post on private property, but private property requests did post signs as a courtesy (with very rare exception).</i>
2014	7	Five cases to rescind SUP for Private Club Amend boundaries of Haggard Park Heritage Resource District Rezone 14 acres from LI-1 to CC (to match other uses in proximity, including assisted living)
2013	11	11 cases to rescind SUP for Private Club
2012	28	23 cases to rescind SUP for Private Club Four cases to request SUP for Transit Center (following a Zoning Ordinance text amendment affecting the existing transit centers)

City placement of required signs on private property presents a number of legal and logistical challenges, including obtaining legal access to the property, sign costs, and staff time. These challenges are not encountered by other applicants who hold legal control over their property. The proposed amendment will address unique issues that hinder the efficiency of accomplishing city-initiated actions that benefit the community.

### Public Notification

The current sign-posting requirements for zoning requests were added to the ordinance in 2015 to provide additional visibility and transparency. The complication of posting signs on private property for city-initiated cases was not anticipated or considered at the time the ordinance was changed; discussions were focused on greater transparency for private development. Keeping the sign requirements from 2015 intact could, in effect, prohibit the city's ability to zone. If an easement cannot be achieved—so the city has no right to post a sign—but a sign is required, does the city forfeit its right to engage a property in the zoning process? Was and is that the intent of the sign posting standard adopted in 2015?

Since that time, the city has incorporated or updated multiple additional zoning notification tools, including the [Active Zoning Petitions webpage](#), [Zoning Case Response Map](#), the [weekly city newsletter email](#), and user-customized [zoning case email alerts](#). Simply put, zoning information is much more accessible today than it was in 2015. These additional notification and outreach efforts are regularly updated and modernized and are expected to continue evolving to remain user-friendly and innovative.

The proposed amendment would remove sign-posting requirements only for cases that meet all three of the following criteria:

1. Zoning action is initiated by the City of Plano,
2. Zoning action directly changes the zoning classification of real property, and
3. The total real property affected is not owned by the City of Plano or is a large-scale rezoning where the city is a minority property owner, and posting only on city property would be misleading.

For the purpose of this request, the city-owned property will be considered the equivalent of developable land by a private land owner, as disclosed on the applicants' exhibits. Similarly, zoning signs are not allowed in public rights-of-way for safety reasons. Rights-of-way, easements, and unidentified remainder parcels are excluded from city-owned property for the purpose of this document and do not require sign posting.

City-initiated zoning petitions that change the zoning classification of city-owned property and zoning change requests initiated by private property owners will still require sign-posting as specified in the current ordinance.

The sign-posting requirement is proposed to be removed for zoning cases meeting the three criteria previously listed but replaced with an additional notification method selected by the City Manager or designee to maintain transparency and keep the total number of notification opportunities available to citizens the same. This language will allow flexibility for a notification system to be established and updated over time as media outlets or

technology change and innovate. This standard is also designed to allow for organizational shifts, as the City Manager can appoint the designee to be the appropriate individual who is responsible for communications for the city, regardless of title.

### Conformance to the Comprehensive Plan

**Guiding Principles** – The set of [Guiding Principles to the Comprehensive Plan](#) establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone, but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all of the other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

**Land Use Policy** – *Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.*

The proposed amendments increase the efficiency of city-initiated zoning actions that support the city's land-use plans and are intended to benefit the community. This request is in conformance with this policy.

**Land Use Action 1 (LU1)** – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.*

This proposed amendment will remove barriers to city-initiated zoning actions intended to support the development goals in the Comprehensive Plan. This request is in conformance with this action statement.

**Community Involvement & Participation Policy** – *Plano will proactively seek civic participation from all ages, ethnicities, and cultures and provide residents with information, education, and opportunities to increase citizen involvement.*

The proposed amendment maintains the number of communication actions required for zoning case notification, while reducing expenses and inefficiency for the city and maintaining property rights for private owners. This request is in conformance with this policy.

**Community Involvement & Participation Action 3 (CIP3)** – *Provide the public with regular communication and sufficient information regarding policies, programs, and decision-making using traditional outreach methods and social media marketing.*

The proposed amendment maintains the number of communication actions required for zoning case notification. It allows the City Manager to improve communication by recommending the most effective channel for additional notification of city-initiated zoning actions. This request is in conformance with this action statement.

**Community Involvement & Participation Action 5 (CIP5) – *Evaluate new innovative technology to increase public participation and emphasize interactive participation methods.***

The proposed amendment permits the City Manager to use innovative technology to increase public participation by recommending a media or communications platform for notification in lieu of sign-posting. This recommendation is flexible in response to improvements in communications technology. This request is in conformance with this action statement.

**SUMMARY:**

The purpose of this request is to allow the city to continue to initiate zoning cases on private property without the legal hindrance of obtaining easements to access a property for sign posting. This complication was not anticipated or considered when the ordinance was changed to mandate signs in 2015. This request would amend the Zoning Ordinance pertaining to sign-posting requirements for city-initiated zoning petitions on private property. The proposed changes remove the sign-posting requirement for this case type and replace it with an alternative noticing requirement. This amendment is in conformance with the Comprehensive Plan and removes barriers unique to this type of city-initiated zoning action while requiring the same number of notification actions. It also permits additional innovation in notification that could potentially improve citizen outreach. For these reasons, staff recommends approval.

**RECOMMENDATION:**

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

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