



DATE: December 19, 2023

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission 
Christina D. Day, AICP, Director of Planning 

SUBJECT: Results of Planning & Zoning Commission Meeting of December 18, 2023

AGENDA ITEM NO. 4 - ZONING CASE 2023-027
PETITIONER: CITY OF PLANO

Request to amend Article 16 (Parking and Loading) and related sections of the Zoning Ordinance to modify off-street parking requirements. Tabled December 4, 2023. Project #ZC2023-027.

APPROVED: 7-1

Speaker Card(s) Received:	Support: <u>1</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>

Commissioner Lisle voted in opposition.

RESULTS:

The Commission recommends the item for approval as follows (additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text; moved to is indicated in double underlined text; moved from is indicated in ~~double striketrough~~ text):

Amend Section 16.100 (General) of Article 16 (Parking and Loading) such section to read in its entirety as follows:

16.100 General

- .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, 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.

B. Changes of Use In All Districts Except BG ~~In all districts except BG, there shall be provided, at the time any use is changed, off-street parking spaces in accordance with the requirements set forth in Sec. 16.700.~~

- i. When there is a change of use on a site developed prior to [DATE OF ORDINANCE], where there is no expansion of the building or operational space, no new parking is required when the owner provides a signed letter to the city agreeing:
 - a. To manage parking in accordance with all requirements of the city with the exception of Section 16.700,
 - b. To ensure that no adverse effects will occur to the site or any public or private property in the vicinity, and
 - c. To record the letter with the county land record and covenant that the agreement runs with the land.
- ii. It is an offense for the owner to fail to adhere to the letter agreement.

C. Provisions for Infill, Redevelopment, and Expansions of Building Space

i. Applicability

This provision is available under the following conditions:

- a. The reduction is not anticipated to create parking issues for any public or private property in the vicinity,
 - b. The reduction is not anticipated to result in parking spillover into any neighborhoods in the vicinity,
 - c. Available parking has not been impacted by vehicle storage or other site modifications, and
 - d. The site is not under condominium ownership, unless all owner participation is verified.
- ii. The amount of required parking for infill, redevelopment, or expansions of building space of a nonresidential property may be decreased as follows:
 - a. by up to 10% with approval of the Director of Planning or designee, or
 - b. by up to 20% with approval of the Planning & Zoning Commission.
 - iii. The same reductions in Sections 16.100.C.ii may be granted to multifamily properties when the area that would be used by the reduced parking spaces is exchanged for an equivalent area of additional usable open space in excess of the minimum requirements applicable to the development.
 - iv. Any reduction must be granted through the site plan approval process.
 - v. The parking reduction is not extended to any future development or redevelopment of the property.

.2 Off-Street loading shall be provided in accordance with Sec. 16.1400.

Remove Subsection 16.1200.7 (Redevelopment or Expansion of Building Space) of Section 16.1200 (Parking Reduction Program) of Article 16 (Parking and Loading) in its entirety:

~~**.7 Redevelopment or Expansion of Building Space**~~

~~The Planning & Zoning Commission may decrease the amount of required parking for the redevelopment or expansion of building space of a nonresidential property by 10% where the parking shortage is caused by the dedication of right of way or easements required by public improvements. Any reduction must be granted through the site plan approval process. The parking reduction is not extended to any future development or redevelopment of the property.~~

To view the hearing, please click on the provided link:

<https://planotx.new.swagit.com/videos/291663?ts=4452>

CC/kob

cc: Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Jordan Rockerbie, Interim Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 4

PUBLIC HEARING: Zoning Case 2023-027

PETITIONER: City of Plano

CASE PLANNER: Conor Campbell

DESCRIPTION: Request to amend Article 16 (Parking and Loading) and related sections of the Zoning Ordinance to modify off-street parking requirements. Project #ZC2023-027.

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to provide methods for requesting a reduction in the number of off-street parking spaces required for sites where a change of use, redevelopment, expansions, or infill development is occurring. The amendments allow property owners to take responsibility for parking issues on site but gives the city tools to address parking issues should they occur over time. The amendments also allow certain reductions to be approved administratively and more substantial requests to be considered by the Planning & Zoning Commission. The program would help to alleviate challenges in meeting the parking regulations as sites are repurposed for land uses not anticipated as part of the initial development but allowed under the zoning regulations, as well as challenges for infill development. The amendments provide additional flexibility for businesses seeking to operate in Plano and are in conformance with the recommendations of the Comprehensive Plan. Staff recommends approval as noted in the recommendation section below.

STAFF PRELIMINARY REPORT – INTRODUCTORY REMARKS

Background

The Planning & Zoning Commission called a public hearing on October 16, 2023 ([staff report](#) | [video](#)), to consider amending the Zoning Ordinance to modify off-street parking requirements.

During Plano's high growth years, development regulatory ordinances and actions primarily focused on new construction. There were maintenance elements of the code, but these were not the focus. Prior to 2014, enforcement of regulations was primarily complaint-driven and focused in limited areas. This approach led to a substantial number of code violations, and in 2014, city management noticed these and requested a review. A presentation detailing this process was made to Plano City Council to confirm direction in [Preliminary Open Meeting on April 23, 2018](#), starting at minute 10:30 and ending around minute 22:50.

Since this directive was initiated, through the implementation of enforcement, issues have increasingly been encountered with new businesses or developments being unable to meet the off-street parking requirements within the Zoning Ordinance. This may well be expected, as noted by former City Manager Glasscock in the video. Adequate parking is critical to ensure the privacy and protection of other properties in the area. Still, many of the standards in the Zoning Ordinance today may be out of alignment with market needs, as the majority of the off-street parking schedule in Section 16.700 has been in place since at least 1986, with some unchanged since the 1960s, and others changed in the decades since 1986. While a full rewrite of the Zoning and Subdivision Ordinance (Rewrite) is slated to begin soon, the project will take some time, and staff is proposing an immediate fix for the issue to resolve concerns with projects and permitting for property owners. This amendment will provide a research-based solution to the immediate needs until a complete update of parking regulations can be completed as part of the Rewrite project.

The existing parking regulations are generally designed for new development and do not account for recent transportation innovations such as ride-sharing apps. The options to address changes over time are so onerous as to be impractical for most day-to-day situations, which involve a small tenant trying to lease an in-line commercial space. As sites are being redeveloped or repurposed for different land uses, the existing parking regulations are not meeting the needs of today's commercial real estate environment. This is further demonstrated in zoning cases which frequently include a request to reduce parking requirements by utilizing a planned development district. There are locations where parking is a practical concern, but there are likely more locations where there are practical excesses of parking. Many properties appear to have sufficient parking to meet actual demand and, therefore, may not need to provide more parking, with limited exceptions.

Parking issues often occur in two instances:

1. As sites change from the uses originally approved on their site plan to others, uses are still allowed within the zoning district. These issues cause substantial delays in permitting as staff works with property owners and lessees to find solutions that work within existing regulations.
2. For smaller infill sites or for redevelopment or expansions, a development may not be able to provide all the parking required per the ordinance and meet all other site design requirements, or the parking requirements are not in alignment with the needs of the uses today.

Properties with these issues have had to either add additional parking on site, negotiate with adjacent property owners to file easements for the use of excess parking spaces on adjacent lots or request a variance from the Board of Adjustment. These options often severely delay a business from operating, as permits cannot be issued until parking is met, which can be costly to the business or property owner. Balancing these needs has created an undue burden on all parties, a burden this amendment is intended to relieve.

Peer Communities

Balancing parking demands with redevelopment needs, walkability, and transportation alternatives is an ongoing discussion nationwide. While several creative solutions are in place in municipalities across the nation, a full analysis of these ideas and their appropriateness for Plano will take place as part of the Rewrite project.

Some cities with policies targeted at redevelopment, revitalization, and change of uses allow for administrative parking reductions or exemptions to parking requirements when use changes occur. These types of policies are seen in a diverse group of cities, including cities well-suited for revitalization, such as El Paso, Texas, and New Orleans, Louisiana, as well as larger, suburban cities similar in nature to Plano, such as Fairfax, Virginia, and Henderson, Nevada. A summary of policies currently implemented by these and other communities follows:

Community	Parking Flexibility Summary
Arlington, TX	Changes of use do not require more parking when a structure is not removed, and the available parking is at least 80% of the parking required for the new uses.
Cocoa, FL	Administrative waiver for up to 20% if certain conditions are met.
Covington, KY	Changes of use that don't result in more than three spaces or 10% additional parking do not require more parking.
Dallas	Administrative waiver for certain uses, between 20% and 50% reduction in required parking allowed if certain conditions are met.
El Paso, TX	Administrative reduction up to 10% for change of uses in existing buildings if certain conditions are met.
Fairfax County, VA	Changes of use do not require more parking unless the new uses would result in the greater of 10 parking spaces or 10% of the existing parking.
Gwinnett County, GA	Administrative reduction of up to 30% if certain conditions are met.
Henderson, NV	If certain conditions are met, administrative reductions up to 20% in downtown and 10% in all other districts.
Loudon County, VA	Changes of use requiring an increase of the greater of 10 spaces or 10%, may request an administrative waiver if certain conditions are met.

Community	Parking Flexibility Summary
New Orleans, LA	Changes of use increasing by less than 10% are not required to change parking.
White Plains, NY	Changes of use do not require more parking, with the exception of bars.

Based on this review, modification to Plano’s ordinance may be warranted to allow greater flexibility in administering parking regulations.

PROPOSED CHANGES

Flexibility for Changes of Use

Currently, when a use on a site (in a stand-alone building or suite) changes from one use to another, parking must be provided per the off-street parking schedule in Section 16.700. This requirement is proposed to provide additional flexibility for these changes t so that when there is no expansion of the building or operational space (examples of operation space outside a building: adding an outdoor patio dining area; expanding outdoor amusement such as miniature golf or go-cart track), no new parking will be required when the owner of the property submits a letter to the city agreeing to manage parking on the site and ensure that no adverse effects occur at the site or any other property in the vicinity. This letter would be required to be filed with county land records so future owners can sustain it. The amendment also includes the ability for the Director of Planning to require a parking utilization study at any time to determine the property's needs.

This amendment is anticipated to allow more site flexibility as buildings or suites change uses over time. It allows the property owner to take responsibility for parking issues on site but gives the city tools to address parking issues should they occur over time.

Note that this amendment would not be available in the Downtown Business/Government district (BG), as the district currently has a number of unique parking allowances. Simplified examples include:

- conforms all parking prior to December 9, 2002, regardless of the number on site (i.e., may have no parking),
- allows expansions up to 4,500 square feet for Heritage Resource properties with no additional parking requirements,
- allows compact parking for up to 50% of private parking spaces, and
- credit may be granted for public parking spaces by the Planning & Zoning Commission.

For details, please refer to the [Zoning Ordinance](#).

Reductions for Infill, Redevelopment, and Expansions

The Zoning Ordinance currently allows the Planning & Zoning Commission (Commission) to reduce parking by up to 10% for nonresidential properties affected by right-of-way or easement dedications. This allowance is at the end of Section 16.1200 but does not seem to directly relate to the remainder of this section and appears to have been part of a different zoning case (ZC 93-033, Ord. No. 93-9-4

rather than ZC 94-26, Ord. No. 94-8-30, which applies to the rest of Sec. 16.1200). It is proposed that this stipulation be amended and moved to Section 16.100 so it is more visible to all Ordinance users.

The proposed amendment allows for a reduction of parking for infill, redevelopment, and expansions of building space in instances where the reduction is not anticipated to create parking issues for any property in the vicinity nor result in parking spillover into any nearby neighborhoods. If these standards can be met, the required parking amount could be reduced by 10% with approval of the Director of Planning or by 20% with approval by the Commission. These reductions would continue to be granted through a site plan and would not be extended to any future development or redevelopment on site.

The reduction would not be available for sites with condominium ownership unless all owners participate or for vehicle storage and other site modifications that have impacted available parking or space on site that could be utilized to meet parking requirements.

Additionally, the same reductions may be available for multifamily properties, but only when exchanged for an equivalent area of useable open space on top of the standard minimum open space required for the development.

The reduction allowances of 10% or 20% are based on the analysis of comparable cities with targeted redevelopment and change-of-use parking reduction policies and the analysis of properties within Plano that have faced parking challenges during the review of development plans.

STAFF PRELIMINARY REPORT – CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below.

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 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 provide additional flexibility for businesses, allowing parking to align with market needs. The standards also include protections for institutions, businesses, and nearby neighborhoods. 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.*

The proposed amendments allow for greater flexibility in parking requirements when appropriate for changes of use, redevelopment, infill, and building expansions while reducing administrative and financial burdens on these properties. This request is in conformance with this action.

Land Use Action 4 (LU4) – *Create regulations that incentivize the redevelopment and revitalization of underperforming retail and multifamily development.*

The proposed amendments help to encourage the redevelopment and revitalization of existing retail properties by reducing the administrative and financial burdens on these properties regarding parking. The amendments also encourage redevelopment and revitalization of multifamily properties by requiring additional usable open space for properties that seek a parking reduction. This request is in conformance with this action.

Community Design Action 5 (CD5) – *Evaluate parking regulations and revise to meet parking demand and ensure good community form.*

The proposed amendments are a response to market needs regarding parking, alleviating requirements for parking beyond what may be needed. The amendments ensure good community form through protections for neighboring property and neighborhoods. This request is in conformance with this action.

Revitalization of Retail Shopping Centers Policy – *Plano will encourage reinvestment, revitalization, and redevelopment of underperforming neighborhood retail corners to accommodate a viable combination of local commercial, retail, and entertainment uses. Where appropriate transitions can be maintained, redevelopment may present opportunities to introduce residential uses and improve access.*

The proposed amendments encourage reinvestment of neighborhood retail corners by providing flexibility in parking requirements and reducing administrative and financial burdens. The proposed amendments allow for greater flexibility in parking requirements when appropriate and reduce administrative and financial burdens on these properties. This request is in conformance with this policy.

Revitalization of Retail Shopping Centers Action 2 (RRSC2) – *Develop a reinvestment toolkit for neighborhood retail corners which could include rezoning, fee waivers, or other incentives and planning assistance. When evaluating use of the toolkit for specific redevelopments, additional weight should be given to proposals that enhance surrounding neighborhoods, improve community aesthetics, and maximize the return to taxpayers.*

The proposed amendments can be one component of a reinvestment toolkit to help incentive redevelopment and reuse of existing shopping centers by providing greater flexibility in parking requirements, when appropriate, for changes of use, redevelopment, infill, and building expansions while reducing administrative and financial burdens on these properties. This request is in conformance with this action.

Revitalization of Retail Shopping Centers Action 3 (RRSC3) – *Modify regulations to promote retail center redevelopment inclusive of creative design solutions, active open space, adequate green space, sustainable retail, and walkable streetscapes to create desirable destinations.*

The proposed amendments can help to promote retail center redevelopment by providing additional flexibility for businesses and helping to create desirable destinations by allowing reductions in parking that can help prevent over-parking of the centers. This request is in conformance with this action.

STAFF PRELIMINARY REPORT – RECOMMENDATION

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to provide methods for requesting a reduction in the number of off-street parking spaces required for sites where a change of use, redevelopment, expansions, or infill development is occurring. The amendments allow property owners to take responsibility for parking issues on site but gives the city tools to address parking issues should they occur over time. The amendments also allow certain reductions to be approved administratively and more substantial requests to be considered by the Planning & Zoning Commission. The program would help to alleviate challenges in meeting the parking regulations as sites are repurposed for land uses not anticipated as part of the initial development but allowed under the zoning regulations, as well as challenges for infill development. The amendments provide additional flexibility for businesses seeking to operate in Plano and are in conformance with the recommendations of the Comprehensive Plan. Staff recommends approval as noted in the recommendation section below.

RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in ~~striketrough~~ text; moved to is indicated in double underlined text; moved from is indicated in ~~double striketrough~~ text).

Amend Section 16.100 (General) of Article 16 (Parking and Loading) such section to read in its entirety as follows:

16.100 General

- .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, 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.
 - B. **Changes of Use In All Districts Except BG** ~~In all districts except BG, there shall be provided, at the time any use is changed, off-street parking spaces in accordance with the requirements set forth in Sec. 16.700.~~
 - i. When there is a change of use on an existing site, where there is no expansion of the building or operational space, no new parking is required when the owner provides a signed letter to the city agreeing:
 - a. To manage parking in accordance with all requirements of the city with the exception of Section 16.700,
 - b. To ensure that no adverse effects will occur to the site or any public or private property in the vicinity, and

- c. To record the letter with the county land record and covenant that the agreement runs with the land.
- ii. It is an offense for the owner to fail to adhere to the letter agreement.
- iii. A parking utilization study may be obtained or required to determine the needs of the property at any time, at the discretion of the Director of Planning or designee.

C. Provisions for Infill, Redevelopment, and Expansions of Building Space

i. Applicability

This provision is available under the following conditions:

- a. The reduction is not anticipated to create parking issues for any public or private property in the vicinity.
- b. The reduction is not anticipated to result in parking spillover into any neighborhoods in the vicinity.
- c. Available parking has not been impacted by vehicle storage or other site modifications, and
- d. The site is not under condominium ownership, unless all owner participation is verified.
- ii. The amount of required parking for infill, redevelopment, or expansions of building space of a nonresidential property may be decreased as follows:
 - a. by up to 10% with approval of the Director of Planning or designee, or
 - b. by up to 20% with approval of the Planning & Zoning Commission.
- iii. The same reductions in Sections 16.100.C.ii may be granted to multifamily properties when the area that would be used by the reduced parking spaces is exchanged for an equivalent area of additional usable open space in excess of the minimum requirements applicable to the development.
- iv. Any reduction must be granted through the site plan approval process.
- v. The parking reduction is not extended to any future development or redevelopment of the property.

.2 Off-Street loading shall be provided in accordance with Sec. 16.1400.

Remove Subsection 16.1200.7 (Redevelopment or Expansion of Building Space) of Section 16.1200 (Parking Reduction Program) of Article 16 (Parking and Loading) in its entirety:

~~**.7 Redevelopment or Expansion of Building Space**~~

~~The Planning & Zoning Commission may decrease the amount of required parking for the redevelopment or expansion of building space of a nonresidential property by 10% where the parking shortage is caused by the dedication of right of way or easements required by public improvements. Any reduction must be granted through the site plan approval process. The parking reduction is not extended to any future development or redevelopment of the property.~~