

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 16, 2019

Agenda Item No. 2B

Public Hearing: Zoning Case 2019-009

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 8.200 (Terms Defined) of Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance pertaining to the Expressway Corridor Environmental Health Policy. Tabled July 15, 2019, August 5, 2019, and September 3, 2019. Project #ZC2019-009.

BACKGROUND:

At its March 18, June 3, and June 17, 2019, Planning & Zoning Commission meetings, the Commission received presentations related to the draft Expressway Corridor Environmental Health Study. Since these meetings, staff has refined the study and prepared recommendations for associated Zoning Ordinance amendments. This request is a companion item to Agenda Item 2A, Comprehensive Plan Amendment CPA2019-001. In the companion staff report for CPA2019-001, detailed information is provided related to the study and background for this topic.

REMARKS:

Conformance to the Comprehensive Plan

Redevelopment of Regional Transportation Corridors Action Statement RTC4 -
Develop design guidelines for residential development adjacent to expressways that reduce noise and provide for proper filtering, ventilation, and exhaust of vehicle air emissions.

The proposed Zoning Ordinance amendments incorporate necessary standards to fulfill this action statement for residential development as well as other sensitive land uses identified through research. This request is in conformance with this action statement.

Land Use Action Statement LU1 - Review and evaluate the Zoning Ordinance and make appropriate amendments based on the policies of the Comprehensive Plan.

Updating the Zoning Ordinance to reflect the associated amendments to the Comprehensive Plan is in conformance this action statement.

Sensitive Land Uses

Implementation of the results of the Expressway Corridor Environmental Health Study varies by land use type and are categorized as shown in the table below:

Sensitive Land Use
Multifamily and Large Institutional Dwellings <ul style="list-style-type: none">• <i>Assisted Living Facility</i>• <i>Continuing Care Facility</i>• <i>Household Care Institution</i>• <i>Independent Living Facility</i>• <i>Long-term Care Facility</i>• <i>Mid-Rise Residential</i>• <i>Multifamily Residence</i>• <i>Rehabilitation Care Institution</i>
Day Cares and Schools <ul style="list-style-type: none">• <i>Day Care Center</i>• <i>Day Care Center (Accessory)</i>• <i>Day Care Center (Adult)</i>• <i>School, (Private)</i>
Parks <ul style="list-style-type: none">• <i>Park</i>• <i>Playground</i>

Requirements for Multifamily and Large Institutional Dwellings

Multifamily and large institutional dwellings are currently allowed in various locations within EHA-1 and EHA-2. In order to mitigate the air and noise pollution impacts in these areas, staff is proposing the following protective site design standards for future development:

- Placing a building or parking structure of similar height and length between the sensitive land use and the expressway to function as a barrier.
- Locating air intake vents on the opposite side of the building from the expressway.
- Locating usable open space and outdoor living spaces such as patios and balconies in protected areas on the opposite side of the building from the expressway.
- Providing an enhanced landscape buffer on an approved landscape plan.

Requirements for Day Cares and Private Schools

Day care uses and private schools are also allowed in various locations within EHA-1 and EHA-2. In order to mitigate the effects of noise and air pollution from expressways, as described in pages 5-8 of the Expressway Corridor Environmental Health Study, staff is proposing the following protective site design standards for future development:

- Locating air intake vents on the opposite side of the building from the expressway.
- Locating any playgrounds or open space on the opposite side of the building from the expressway.
- Providing an enhanced landscape buffer on an approved landscape plan.

Requirements for Parks

Parks and playgrounds are allowed in all zoning districts, including within EHA-1 and EHA-2. The following standard would apply to parks and playgrounds:

- Providing an enhanced landscape buffer on an approved landscape plan.

SUMMARY:

The proposed regulations are intended to protect residents from the effects of expressway corridor air and noise pollution. The proposed changes are in conformance with the recommendations of the Comprehensive Plan, and are aligned with the updates to the Comprehensive Plan proposed by CPA2019-001. Staff recommends approval as submitted.

RECOMMENDATION:

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

Amend Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Zoning Ordinance, such portion of section to read as follows:

Use Type	Use Category	RESIDENTIAL DISTRICTS																
		A -Agricultural	ED-Estate Development	SF-20-Single-Family-20	SF-9-Single-Family-9	SF-7-Single-Family-7	SF-6-Single-Family-6	UR-Urban Residential	PH-Patio Home	SFA-Single-Family Attached	2F-Two-Family (Duplex)	GR-General Residential	MF-1-Multifamily-1	MF-2-Multifamily-2	MF-3-Multifamily-3	MH-Mobile Home		
Assisted Living Facility (ZC 03-21, ZC 00-83)	EIPS														P <u>52</u>	P <u>52</u>	P <u>52</u>	
Continuing Care Facility (ZC 03-21, ZC 00-83)	EIPS														P <u>52</u>	P <u>52</u>	P <u>52</u>	
Day Care Center (ZC 01-51, ZC 96-32, ZC 93-45) (13)	Service	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	
Day Care Center (Accessory) (ZC-08-74)	Service													P <u>52</u>	P <u>52</u>	P <u>52</u>		
Household Care Institution (ZC 04-15)	EIPS													S <u>52</u>	S <u>52</u>	S <u>52</u>		
Independent Living Facility (ZC 03-21, ZC 00-03)	EIPS													P <u>52</u>	P <u>52</u>	P <u>52</u>		
Long-term Care Facility (ZC 03-21, ZC 00-83)	EIPS													P <u>52</u>	P <u>52</u>	P <u>52</u>		
Multifamily Residence (1)	Primary Res.													P <u>52</u>	P <u>52</u>	P <u>52</u>		
Park/Playground	EIPS	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	
Playground/Park	EIPS	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	P <u>52</u>	
School, (Private) (5)	EIPS	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>	S <u>52</u>		

Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Zoning Ordinance, such portion of section to read as follows:

Use Type	Use Category	NONRESIDENTIAL DISTRICTS													
		O-1-Neighborhood Office	O-2-General Office	R-Retail	LC-Light Commercial	CC-Corridor Commercial	UMU-Urban Mixed-Use (ZC 12-29)	BG-Downtown Bus./Govt	CB-1-Central Business-1	CE-Commercial Employment	RC-Regional Commercial	RE-Regional Employment	RT-Research/Technology	LI-1-Light Industrial-1	LI-2-Light Industrial-2
Assisted Living Facility (ZC 09-18, ZC 03-21, ZC 00-83)	EIPS	P	P	P		S	P	P	P	P	S	S			
Continuing Care Facility (ZC 09-18, ZC 03-21, ZC 00-83)	EIPS	<u>52</u>	<u>52</u>	<u>52</u>		<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>			
Day Care Center (ZC 08-74; ZC 01-51; ZC 96-32; ZC 94-45) (13)	Service	P	P	P	S	S	P	P	P	P	P	P	P	S	S
Day Care Center (Accessory) (ZC 08-74)	Service	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>
Day Care Center (Adult)	Service	P	P	P	P	P	P	P	P	P			S	P	P
Household Care Institution (ZC 04-15)	EIPS	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>		<u>52</u>					<u>52</u>	<u>52</u>	<u>52</u>
Independent Living Facility (ZC 09-18, ZC 03-21, ZC 00-83)	EIPS	P	P	P		S	P	P	P	P	S	S			
Long-term Care Facility (ZC 09-18, ZC 03-21, ZC 00-83)	EIPS	<u>52</u>	<u>52</u>	<u>52</u>		<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>			
Mid-Rise Residential (ZC 14-36, 13-33)	Primary Residential						P			S	S	S			
Multifamily Residence (1)	Primary Res.						P	2	3	3					
Park/Playground	EIPS	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>
Playground/Park	EIPS	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>
Rehabilitation Care Institution	EIPS	<u>52</u>	<u>52</u>							P					
School, (Private) (5)	EIPS	P	P	S	P	P	P	P	P	P	P	P	P	P	P
		<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>

Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications) of the Zoning Ordinance, such additional note to read as follows:

Number	End Note
<u>52</u>	See Sec. 15.1900.

Amend Article 15 (Use-specific Regulations) of the Zoning Ordinance, such additional section to read as follows:

15.1900 Sensitive Land Uses in Expressway Corridor Environmental Health Areas

As of [adoption date], sensitive land uses, as listed in Section 15.1900.2, proposed within Expressway Corridor Environmental Health Area One (EHA-1) or Expressway Corridor Environmental Health Area Two (EHA-2) on the Expressway Corridor Environmental Health Map in the Comprehensive Plan must comply with this section.

- .1 The following requirements are applicable to the interpretation of the table in Section 15.1900.2.
 - A. A building or parking structure of similar height and length must be located between the sensitive land use and the expressway.
 - B. Intake openings for outdoor air, as defined in the adopted International Mechanical Code, as amended, must be located on the opposite side of the building from the expressway.
 - C. All open space areas, outdoor living spaces, and playgrounds must be located on the opposite side of the building from the expressway.
 - D. The landscaping requirements in Section 17.300.1 must be met with the following additional requirements:
 - i. Except where more restrictive regulations exist, a minimum 15-foot landscape edge is required along the property line(s) closest to and most parallel to any Type A thoroughfare, regardless of adjacency to said thoroughfare.
 - ii. This regulation applies to all sensitive land uses regardless of base zoning district.
 - iii. Park and playground uses must provide double the required number of trees.
- .2 The following sensitive land uses must meet the requirements listed in Section 15.1900.1. The letters listed in the table indicate subsection headers. For example, "A" indicates that a building or parking structure of similar height and length must be located between the sensitive land use and the expressway.

Sensitive Land Use	Requirements
Multifamily and Large Institutional Dwellings	
Assisted Living Facility	A, B, C, D
Continuing Care Facility	A, B, C, D
Household Care Institution	A, B, C, D
Independent Living Facility	A, B, C, D
Long-term Care Facility	A, B, C, D
Mid-Rise Residential	A, B, C, D
Multifamily Residence	A, B, C, D
Rehabilitation Care Institution	A, B, C, D
Day Cares and Schools	
Day Care Center	B, C, D
Day Care Center (Accessory)	B, C, D
Day Care Center (Adult)	B, C, D
School (Private)	B, C, D
Parks	
Park/Playground	D
Playground/Park	D

- .3** During the site plan review process, the Planning & Zoning Commission may allow a waiver to these standards either:
- A.** Upon a finding that a property may develop in a reasonably safe manner despite a waiver of a requirement(s) of this section. A waiver must not be granted based solely on economic gain or loss, nor should a waiver grant an unreasonable privilege to the developer of the property, or
 - B.** When projects are subject to environmental reviews required and approved by state or federal regulatory agencies, and where the findings of such regulatory agency demonstrates the project is able to meet the maximum outdoor noise level of 65 dBA L_{dn} .