DATE: September 20, 2011, 2011

TO: Honorable Mayor & City Council

FROM: Chris Caso, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of September 19, 2011

AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2011-28
APPLICANT: CITY OF PLANO

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to private recreation facility and recreation center uses.

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

STIPULATIONS:

Recommended for approval as follows: (Additions are in underlined text; deletions are shown as strikethrough text)

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), such definitions to read as follows:

> Private Recreation Facility or Area - A ~~recreation~~ facility or area which is owned and/or operated by a nonprofit organization, that provides for sports, leisure, and recreation activities operated for the exclusive use of ~~private residents or neighborhood groups,~~ its members and their guests and not the general public.
>
> Recreation Center - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, owned and/or operated by a governmental agency.

KP/dw

CITY OF PLANO

PLANNING & ZONING COMMISSION

September 19, 2011

Agenda Item No. 9

Public Hearing: Zoning Case 2011-28

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to private recreation facility and recreation center uses.

REMARKS:

Earlier this year an appeal of the Director of Planning's interpretation was made regarding the appropriate use classification for outdoor athletic fields operated by a nonprofit organization as a Community Center. The Planning & Zoning Commission determined that an amendment to the Community Center definition to include outdoor athletic fields should be considered. Zoning Case 2011-16 was called for this purpose. After hearing this case, the Commission forwarded a revised definition for Community Center to the City Council. The Commission was agreeable to evaluating the zoning districts in which this use was allowed; however, they sought direction from Council first regarding the proposed definition revision.

On July 25, 2011, the Council considered Zoning Case 2011-16 including the Commission's recommendation. At this meeting, the Council denied the proposed amendment to the Community Center definition. The Council referred the item back to the Commission with direction to review the definitions of private recreation facility and recreation center, as well as to evaluate the zoning districts in which these two land uses are permitted. Below is information regarding each use for the Commission's consideration.

Private Recreation Facility

A private recreation facility is currently defined as "A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests and not the general public." Examples of private recreation facilities are amenities, such as a clubhouse or pool, provided within a single-family residential neighborhood or within a

multifamily complex for the enjoyment of residents and their guests. Private recreation facility uses are presently allowed by right in the following zoning districts:

- SF-A - Single-Family Attached;
- PH - Patio Home;
- MH - Mobile Home;
- MF-1 - Multifamily-1;
- MF-2 - Multifamily-2;
- MF-3 - Multifamily-3;
- GR - General Residential; and
- All nonresidential districts except Downtown Business/Government.

Private recreation facility uses are allowed subject to approval of a specific use permit (SUP) in all other residential districts.

If the Commission deems it appropriate, the definition for private recreation facility could be expanded to offer additional clarification of the intent and range of activities covered by the definition (additions are underlined; deletions are shown as strike-through):

> Private Recreation Facility <u>or Area</u> - A ~~recreation~~ facility <u>or area that provides for sports, leisure, and recreation activities</u> operated for the exclusive use of ~~private residents or neighborhood groups~~ <u>its members</u> and their guests and not the general public, <u>which is owned and/or operated by a nonprofit organization.</u>

The proposed amendment to this definition would allow for athletic fields and other activities where structures or facilities may not be needed, to occur on sites in use as a private recreation facility or area. The following issues are for the Commission's consideration related to the proposed definition change:

> <u>Permitted Districts</u>:
>
> With regard to the residential districts where this use is currently allowed by right (i.e. SF-A, PH, GR, and MF districts), the activities referenced within the proposed definition for private recreation facility or area are consistent with the intensity of uses typically found within these moderate to higher density residential districts:
>
>> *Single-Family Attached and Patio Home Districts* - These districts are intended to provide for single-family housing in a medium density range. The required open space provided in these districts is an integral part of the development. Private recreation facilities that include amenities such as swimming pools, clubhouses, and tennis courts are allowed to satisfy open space requirements and are commonly provided.
>>
>> *General Residential District* - This zoning district provides for infill residential development that is consistent with the unique character of the Douglass Community near downtown Plano. Integral to this district is the existing Douglass Community Center which serves the immediate neighborhood and surrounding areas.

Multifamily Districts - Multifamily districts generally have access to major arterial roadways and commonly contain amenities such as swimming pools, clubhouses, tennis courts, sand volleyball, and basketball courts. When comparing the scale of permissible developments within the multifamily districts, multifamily developments may be constructed to allow for two to three story buildings with a maximum height ranging from 35 feet to 45 feet. The traffic generation associated with a multifamily development has the potential to be significantly higher when compared to a private recreation facility or area. Screening is also required between multifamily zoned properties and single-family zoned properties.

Existing Private Recreation Facilities:

Since the proposed definition is still consistent with the existing definition of private recreation center, the changes to the definition do not cause any existing private recreation center uses to become nonconforming uses. The proposed definition provides for leisure activities in addition to recreational activities, which is consistent with the operation of private recreation facilities that have clubhouses as amenities.

Structural Improvements:

The proposed definition removes the implication that structures or other man-made facilities are being provided, and allows for land area to be used without structural improvements.

Operational Requirements:

Regardless of where private recreation facilities or areas are located within the city, in addition to development standards provided for in the Zoning Ordinance, these facilities/areas shall comply with performance standards established in the Zoning Ordinance and Municipal Code of Ordinances.

Based on the above analysis, staff recommends amending the definition as proposed and maintaining the existing regulations relating to permitted and prohibited districts for this use.

Recreation Center

Recreation center is currently defined as: "A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities." This definition appears to have been historically applied to city-owned facilities although, not in all instances because some city facilities have been classified as other uses (i.e. park/playground, community center, and senior center). Regardless, municipally-owned facilities are allowed by right in all districts. The recreation center definition overlaps to some extent other definitions within the Zoning Ordinance including private recreation facility, health/fitness center, community center, and park/playground.

The recreation center use is prohibited in all residential districts. Recreation centers are permitted in all nonresidential districts with the exception of Neighborhood Office (O-1), Light Indistrial-1 (LI-1) and Light Industrial-2 (LI-2) districts.

No modifications to the definition of recreation center would be required to accommodate athletic fields. Modifications to the use charts would be necessary to allow recreation centers in some or all residential districts due to the use currently being prohibited in the residential districts. If the Commission determines that the recreation center use is intended to only apply to municipally-owned facilities, the definition could be amended as follows:

> "Recreation Center - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, owned and/or operated by a governmental agency."

As noted above, the Zoning Ordinance currently prohibits recreation centers in all residential districts. Since, municipally-owned facilities can be built in any zoning district, it is not necessary to amend the districts in which this use is allowed.

Staff recommends no action be taken at this time regarding the recreation center definition. Instead, staff recommends that the private recreation facility definition be amended as presented below.

RECOMMENDATION:

Recommended that the definition for "private recreation facility" be changed to read as follows: (Additions are in underlined text; deletions are shown as strikethrough text)

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), such definition to read as follows:

Private Recreation Facility or Area - A ~~recreation~~ facility or area that provides for sports, leisure, and recreation activities operated for the exclusive use of ~~private residents or neighborhood groups,~~ its members, and their guests and not the general public, which is owned and/or operated by a nonprofit organization.

Zoning Case 2011-28

An Ordinance of the City of Plano, Texas, amending Section 1.600 (Definitions) of Article 1 (General Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to private recreation facility and recreation center uses; 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 10th day of October, 2011, 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 10th day of October, 2011; 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. Section 1.600 (Definitions) of Article 1 (General Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended pertaining to private recreation facility and recreation center uses, such portion of section to read as follows:

Section 1.600 (Definitions)

Private Recreation Facility or Area - A facility or area which is owned and/or operated by a nonprofit organization, that provides for sports, leisure, and recreation activities operated for the exclusive use of its members and their guests and not the general public.

Recreation Center - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, owned and/or operated by a governmental agency.

Section II. 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 III. 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 IV. Any person, firm or corporation found to be violating any term or provision of this Ordinance, 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 V. 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 VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 10TH DAY OF OCTOBER, 2011.

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY