

DATE: October 18, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 17, 2011

**AGENDA ITEM NO. 10 - PUBLIC HEARING
ZONING CASE 2011-30
APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.821 (BG - Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance in order to modify the area, yard, and bulk requirements and other standards of the Downtown Business/Government district.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

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

Amend Subsection 2.821 (BG - Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) such portion of subsection to read as follows:

3. Area, Yard and Bulk Requirements

Maximum Height - Four story (except as noted in Other Height/Setback Requirements below).

Four stories of multifamily are permitted on a horizontal structural concrete podium above a single level at grade of structured parking, and/or nonresidential uses and/or flex space units (below grade parking is excluded). Flex space units are defined as a ground floor unit that may be occupied by a residential use, a nonresidential use, or both. Flex space units must have an individual exterior entrance and a minimum floor-to-ceiling separation of nine feet. A flex-space unit must be constructed to accommodate nonresidential uses and may not be modified to prevent nonresidential occupancy.

The maximum height for parking structures shall be five levels at or above grade. Parking structures shall be obscured from view of streets and/or public ways designated as Type E or above on the city's Thoroughfare Plan, plus 15th Street by buildings of

equal or greater height and/or special architectural and/or landscaping treatments approved in conjunction with a preliminary site plan or site plan.

5. Special District Requirements

c. A nonconforming building may be reconstructed to its original setback if it does not exceed the maximum permitted setback.

d. Minimum of two-thirds of the front facade of the building shall fall within the minimum and maximum setback unless restricted by easements. Where easements are present, two-thirds of the front facade of the building shall be built to the easement line.

e. First Floor Use

No building, excluding parking structures, in the area bounded by 14th Street on the south, ~~H Avenue~~ the DART right-of-way on the west, 16th Street on the north, and Municipal/L Avenue on the east, shall have more than 60% of its total linear frontage on major streets devoted to residential use.

g. Special Regulations for Multifamily Residences

i. Minimum Floor Area per Dwelling Unit

1. 400 square feet for efficiency units
2. 475 square feet for one bedroom units
3. 625 square feet for two bedroom units
4. 150 square feet for each additional bedroom

ii. Maximum Density: 100 dwelling units per acre

iii. Minimum Density: 40 dwelling units per acre

iv. No more than ~~230~~ 300 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-way.

v. Usable open space requirements as specified in Subsection ~~3-104.4~~ 3.117 shall not apply.

vi. The above requirements shall also apply to situations where only one or two units are included in a building.

EH/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

October 17, 2011

Agenda Item No. 10

Public Hearing: Zoning Case 2011-30

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 2.821 (BG - Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance in order to modify the area, yard, and bulk requirements and other standards of the Downtown Business/Government district.

REMARKS:

On September 6, 2011, the Planning & Zoning Commission called a public hearing to consider amendments to the area, yard, and bulk requirements and special district requirements of the Downtown Business/Government (BG) zoning district. The BG district is intended to serve as a pedestrian-oriented center for retail, office, governmental, cultural, entertainment, and residential uses. It is designed to ensure that development, redevelopment, and renovation within the district are consistent with the historical character of Plano's original business district and the surrounding area. The standards of this district apply to specific characteristics of Plano's downtown area and are not appropriate for other locations and districts.

As development continues within the BG district, staff has discovered potential zoning impediments to future projects within the district. Topography and other physical design constraints create challenges where strict compliance with the district requirements becomes problematic. This request is an effort to modify the regulations of the BG district to alleviate issues that have been identified.

Maximum Dwelling Units within a Block

Currently, the BG district stipulates that no more than 230 dwelling units may be located within any block bounded by streets, public ways (i.e. areas that are accessible by vehicles), and/or railroad or transit rights-of-way. This maximum cap was established in order to prevent large "super blocks" from occurring within the downtown urban area and to provide for a network of streets and block sizes conducive to a mixed use, pedestrian and transit-oriented development.

As properties continue to redevelop within the BG district, there may be situations where it is not possible to add new streets, given property dimensions, topography, and existing railroad right-of-way. Development on land that cannot be feasibly broken into smaller blocks may need to benefit from an increase in the number of units to maintain the urban form of development in downtown.

When East Side Village II was developed (approximately 3.2± acres located at the northwest corner of 14th Street and Municipal/L Avenue), the developer was able to create an internal street (Vontress Drive) due to the shape of the property and since the property was bounded by streets. The site that encompasses the Eisenberg Skatepark and City of Plano property (approximately 3.0± acres located on the west side of the DART railroad tracks between 15th Street and 14th Street), while comparable in size to East Side Village II in terms of acreage, is long and narrow and adjacent to railroad right-of-way. It is not feasible to implement an internal street that would result in reasonably developable blocks nor would it be possible to obtain an additional railroad crossing between 15th Street and 14th Street.

Given other development controls already in place within the BG district (such as minimum and maximum building setbacks, minimum dwelling unit size, and overall density), from a building mass consideration, the appearance of a 230 unit multifamily building versus a 300 unit multifamily building is likely not to be very noticeable from public view. In an area where the existing zoning promotes building massing and placement in relationship to the public realm (i.e. streets), what happens towards the interior of the site and internal to the building should be less of a concern.

Building Height

The current language within the BG district allows multifamily and commercial buildings to be constructed up to a maximum height of four stories, and parking structures may be constructed up to a maximum height of five levels at or above grade. As downtown Plano continues to develop, it may be appropriate to consider allowing for taller buildings which would allow for greater density on a particular lot and for the possibility of more multiuse buildings. There are also properties where changes in topography may also accommodate taller buildings. As staff has examined this issue, we believe five stories is a reasonable height limit, but it is important to include language which would limit the type of buildings that could be constructed up to five stories.

The proposed language would allow for four stories of multifamily to be built on a concrete “podium” over a single level at grade of parking, nonresidential uses and/or “flex space”. Flex space, as defined in the language below, is intended to accommodate either residential or commercial uses depending on the needs of the market, and this form of construction is allowed by the International Building Code. The proposed modifications to the building height requirements will allow for the possibility of more mixed use buildings and will allow flexible building design on properties with grade changes. Lastly, in order to alleviate the aesthetic concerns of multistory buildings in downtown Plano, the BG district currently imposes additional setbacks on buildings adjacent to residential zoning districts. These setbacks would also apply to buildings constructed on a concrete “podium”.

Building Setbacks

The BG district requires that a minimum of two-thirds of the front facade of a building fall within the minimum and maximum building setbacks. The minimum and maximum setbacks for a lot within the BG district are determined by the type of street which the lot fronts upon. For some lots, required easements adjacent to the right-of-way would force buildings to be constructed further off the right-of-way towards the interior of a lot and outside of the minimum and maximum setbacks. In such situations, the current language for the BG district does not provide flexibility to allow for a conforming structure to be built. In order to address this issue, staff is recommending that language be added to the district such that when easements are present, two-thirds of the building facade may be built to the easement line, instead of within the minimum and maximum setback. This language is consistent with several other recently approved Planned Development (PD) districts within the city.

First Floor Residential Use

Currently, the BG district restricts the first floor use in the area bounded by 14th Street on the south, H Avenue on the west, 16th Street on the north, and Municipal/L Avenue on the east from having more than 60% of its total linear frontage on major streets devoted to residential use. The purpose for this requirement is to encourage some nonresidential uses at street level within the downtown core and to discourage solely residential buildings within that same area.

As downtown Plano has developed, staff believes that the areas that may benefit more from the 60% restriction of residential uses are those street frontages east of the DART right-of-way. It is quite possible that developments west of the DART tracks may provide some first floor nonresidential uses, particularly along 15th Street. However, staff believes that the 60% requirement should be removed from the area outside of the core downtown to allow for the flexibility for structures to develop as 100% residential use on the first floor. The allowance for additional residential uses in this limited area would contribute to the potential future customer base, further bolstering the existing retail and restaurant tenants.

SUMMARY:

The requested zoning amendments will encourage infill and redevelopment opportunities within the downtown core, help further promote opportunities within the remainder of the district, and encourage the continued success of existing nonresidential uses. Allowing for an increase in the number of dwelling units from 230 to 300 within a block assists with the redevelopment of those properties that may have physical constraints that make it impractical to subdivide into smaller blocks. The additional building height will contribute to the possibility for more density in regards to residential buildings, and allow for the construction of additional square footage for nonresidential uses. The proposed modifications to building setbacks helps alleviate concerns in regards to redevelopment of existing sites, while the allowance for additional first floor residential units would benefit existing retail and restaurant tenants by allowing for additional potential customers yet at the same time still preserving the walkable, mixed use nature of downtown Plano.

RECOMMENDATION:

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

Amend Subsection 2.821 (BG - Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) such portion of subsection to read as follows:

3. Area, Yard and Bulk Requirements

Maximum Height - Four story (except as noted in Other Height/Setback Requirements below).

Four stories of multifamily are permitted on a horizontal structural concrete podium above a single level at grade of structured parking, and/or nonresidential uses and/or flex space units (below grade parking is excluded). Flex space units are defined as a ground floor unit that may be occupied by a residential use, a nonresidential use, or both. Flex space units must have an individual exterior entrance and a minimum floor-to-ceiling separation of nine feet. A flex-space unit must be constructed to accommodate nonresidential uses and may not be modified to prevent nonresidential occupancy.

The maximum height for parking structures shall be five levels at or above grade. Parking structures shall be obscured from view of streets and/or public ways designated as Type E or above on the city's Thoroughfare Plan, plus 15th Street by buildings of equal or greater height and/or special architectural and/or landscaping treatments approved in conjunction with a preliminary site plan or site plan.

5. Special District Requirements

- c. A nonconforming building may be reconstructed to its original setback if it does not exceed the maximum permitted setback.
- d. Minimum of two-thirds of the front facade of the building shall fall within the minimum and maximum setback unless restricted by easements. Where easements are present, two-thirds of the front facade of the building shall be built to the easement line.

e. First Floor Use

No building, excluding parking structures, in the area bounded by 14th Street on the south, H Avenue the DART right-of-way on the west, 16th Street on the north, and Municipal/L Avenue on the east, shall have more than 60% of its total linear frontage on major streets devoted to residential use.

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- i. Minimum Floor Area per Dwelling Unit

1. 400 square feet for efficiency units
 2. 475 square feet for one bedroom units
 3. 625 square feet for two bedroom units
 4. 150 square feet for each additional bedroom
- ii. Maximum Density: 100 dwelling units per acre
 - iii. Minimum Density: 40 dwelling units per acre
 - iv. No more than ~~230~~ 300 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-way.
 - v. Usable open space requirements as specified in Subsection ~~3.104.4~~ 3.117 shall not apply.
 - vi. The above requirements shall also apply to situations where only one or two units are included in a building.

Zoning Case 2011-30

An Ordinance of the City of Plano, Texas, amending Subsection 2.821 (BG - Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to modify the area, yard, and bulk requirements and other standards of the Downtown Business/Government district; 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 24th 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 24th 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. Subsection 2.821 (BG - Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to modify the area, yard, and bulk requirements and other standards of the Downtown Business/Government district, such portion of subsection to read as follows:

3. Area, Yard and Bulk Requirements

Maximum Height - Four story (except as noted in Other Height/Setback Requirements below).

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- ii. Maximum Density: 100 dwelling units per acre
 - iii. Minimum Density: 40 dwelling units per acre
 - iv. No more than 300 dwelling units may be located within any block bounded by streets, public ways, and/or railroad or transit rights-of-way.
 - v. Usable open space requirements as specified in Subsection 3.117 shall not apply.
 - vi. The above requirements shall also apply to situations where only one or two units are included in a building.

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 affected 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 24TH DAY OF OCTOBER, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY