

DATE: September 17, 2013

TO: Honorable Mayor & City Council

FROM: Chris Caso, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of September 16, 2013

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2013-13
APPLICANT: CITY OF PLANO**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) and Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance to establish regulations for mid-rise multifamily residential development. Tabled August 19, 2013.

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

STIPULATIONS:

Recommended for approval of the following (additions are shown as underlined text; deletions are shown as strike-through text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to add the following term and definition for mid-rise residential, such portion of section to read as follows:

1.600 (Definitions)

Mid-Rise Residential - Buildings containing not less than five floors designed for residential occupancy, and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow mid-rise residential in the following zoning districts:

Mid-rise residential development is allowed in the Corridor Commercial (CC), Regional Commercial (RC), Regional Employment (RE) and Commercial Employment (CE) zoning districts by specific use permit, and in the Urban Mixed-Use (UMU) and Downtown Business/Government (BG) zoning districts by right.

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category														
		O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU – Urban Mixed-Use
<u>Mid-Rise Residential</u>	Primary Residential				1 ^P		1 ^S				1 ^S	1 ^S		1 ^S	1 ^P

Amend Subsection 2.821 (BG - Downtown Business/Government) 5. (Special District Requirements) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

2.821.5 (Special District Requirements)

g. Special Regulations for Multifamily Residences

- iii. Minimum Density: 40 dwelling units per acre, except mid-rise residential (See Subsection 3.118)

Amend Subsection 2.829 (UMU - Urban Mixed-Use) 9. (Additional Use Regulations) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

2.829.9 (Additional Use Regulations)

- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual and effective residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for

the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses. This requirement does not apply to mid-rise residential developments (see Subsection 3.118).

Amend Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to establish regulations pertaining to mid-rise residential uses, such portion of section to read as follows:

3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses)

3.118 - Mid-Rise Residential Development

Purpose - Mid-rise residential development is intended as a complementary use to large-scale commercial districts and corridors. It should be used to diversify land use, increase pedestrian activity, and reduce auto dependency. Mid-rise residential development should be integrated with other land uses and amenities conducive to a residential environment.

1. Lot Coverage - Maximum 100% lot coverage
2. Minimum Density - Mid-rise residential development is exempt from the minimum densities for multifamily development in the Urban Mixed-Use and Downtown Business/Government districts.

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish parking requirements for mid-rise residential uses, such portion of subsection to read as follows:

3.1107 (Schedule of Off-Street Parking)

<u>Mid-Rise Residential</u>	<u>One bedroom or less - One parking space per unit</u>
	<u>Two bedrooms - 1.5 parking spaces per unit</u>
	<u>Three bedrooms or more - Two parking spaces per unit</u>

FOR CITY COUNCIL MEETING OF: October 14, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

PJ/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 16, 2013

Agenda Item No. 6

Public Hearing: Zoning Case 2013-13

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) and Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance to establish regulations for mid-rise multifamily residential development. Tabled August 19, 2013.

REMARKS:

This item was tabled at the August 19, 2013 Planning & Zoning Commission meeting at staff's request and must be removed from the table.

In considering appropriate uses for the city's remaining undeveloped land, the City Council and Planning & Zoning Commission have discussed mid-rise housing (typically 5-12 stories in height) as an option for properties located along major expressway corridors where land should primarily be reserved for economic development purposes. This would give developers flexibility in land use yet still maintain the primary goal of commercial development in these areas. This taller form of housing reduces the land area dedicated to the building footprint, allowing additional land to accommodate other uses.

Mid-rise multifamily residential development is typically defined as 5-12 stories. This distinction is made primarily on the type of construction required for residential buildings of five stories or taller. Building codes generally limit wood frame construction for multifamily buildings to four stories, or four levels above a concrete podium base; for a taller structure the International Building Code requires non-combustible construction of steel and concrete. Mid-rise residential units typically cost more per square foot to rent or purchase based on the increased costs for construction. Structured parking is likely to be provided instead of surface parking, further increasing costs. Mid-rise residential developments may have fewer units overall due to larger unit sizes and may not

achieve the desired density of 40 units per acre. Additionally, mid-rise residential development is likely to consist of one to three buildings within a single-development compared to more buildings within a low-rise multifamily development.

Mid-rise residential development is most frequently found in urban areas where land prices are higher than in suburban settings. However, suburban town centers, mixed-use developments, and other developments with walkable streets and access to amenities may also support this type of housing. This type of development may be appropriate in some, but not all, locations within major corridors and mixed-use developments. A specific use permit should be required unless the project is located within a zoning district which already allows taller residential structures, such as the zoning district that governs Legacy Town Center and Granite Park.

ISSUES:

In June 2013 the Planning & Zoning Commission discussed this topic and requested more information as noted below:

Other Cities' Regulations - Staff contacted several suburban cities in the area to see how they regulate mid-rise housing. Only Addison has a zoning district which directly addresses mid-rise residential development. The town's Urban Center zoning district allows multifamily development up to 92 feet in height. Frisco and Irving regulate mid-rise housing through the creation of individual planned development districts.

Emergency Response - The Fire Marshall indicated that the fire code contains specific regulations for high-rise construction, regardless of whether or not the building is used for residential or commercial uses. The code requirements are different from those that apply to wood frame construction for standpipes, fire pumps, protected stairwells, and the type of sprinkler system. The response to a fire or other emergency also differs for high-rise buildings and the department is prepared for these incidents.

RECOMMENDED REGULATIONS:

Definition

Since the Zoning Ordinance does not presently define mid-rise residential uses, staff recommends amending Section 1.600 (Definitions) of Article 1 (General Regulations) to include the following term and definition:

Mid-Rise Residential - A building or group of buildings containing not less than five floors designed for residential or mixed-use occupancy, and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure.

Zoning Districts

Staff recommends amending Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow mid-rise residential development in the Corridor Commercial (CC), Regional Commercial (RC), Regional Employment (RE), and Commercial Employment (CE) zoning districts by specific use permit and in the Urban Mixed-Use (UMU) and Downtown Business/Government (BG) zoning districts by right.

Allowing mid-rise residential in the above mentioned zoning districts with a specific use permit (SUP) is consistent with the interim amendments to the Land Use Element of the Comprehensive Plan adopted in 2012. Furthermore, the SUP requirement allows for a site specific, case-by-case review since not all properties within these zoning districts may be appropriate for this land use.

Minimum Density

Mid-rise residential units may be larger than typical apartment units, thus a development's density may not achieve the minimum 40 units per acre required in Planned Development-65-Central Business-1 (PD-65-CB-1) (Legacy Town Center), BG, and the UMU zoning districts. This type of housing should be exempt from the minimum density requirements. Staff recommends amending Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to establish regulations to address this issue, as well as amend the appropriate subsections of the BG and UMU districts. PD-65-CB-1 will need to be amended separately to allow for mid-rise residential uses.

Lot Coverage

Since mid-rise residential buildings are most likely to develop on small lots in major corridors or in urban mixed-use settings, it is likely that they will cover more of the lot than the typical apartment building. A maximum lot coverage of 100% is recommended to accommodate the residential structure and associated parking garage. This lot coverage recommendation is consistent with the CB-1 zoning district which has no maximum lot coverage requirements since this district anticipates an urban, dense form of development.

Parking

For mid-rise residential uses, staff recommends amending Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish minimum parking requirements at the same ratio required for multifamily units in the BG and UMU districts, as follows:

- One Bedroom or less - One parking space per unit
- Two Bedrooms -1.5 parking spaces per unit
- Three Bedrooms and more - Two parking spaces per unit

These recommended parking ratios are consistent with urban development instead of suburban multifamily (i.e. garden apartments) development regulations which require a higher parking ratio.

RECOMMENDATION:

Staff recommends approval of the following (additions are shown as underlined text; deletions are shown as strike-through text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to add the following term and definition for mid-rise residential, such portion of section to read as follows:

1.600 (Definitions)

Mid-Rise Residential - A building or group of buildings containing not less than five floors designed for residential occupancy, and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow mid-rise residential in the following zoning districts:

Mid-rise residential development is allowed in the Corridor Commercial (CC), Regional Commercial (RC), Regional Employment (RE) and Commercial Employment (CE) zoning districts by specific use permit, and in the Urban Mixed-Use (UMU) and Downtown Business/Government (BG) zoning districts by right.

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category													
		O-1 - Neighborhood Office				BG - Downtown Business/Government								
		O-2 - General Office				LC - Light Commercial								
		R - Retail				CE - Commercial Employment								
						CB-1 - Central Business-1								
						LI-1 - Light Industrial-1								
						LI-2 - Light Industrial-2								
						RE - Regional Employment								
						RC - Regional Commercial								
						RT - Research/Technology Center								
						CC - Corridor Commercial								
						UMU - Urban Mixed-Use								
<u>Mid-Rise Residential</u>	Primary Residential				P									

Amend Subsection 2.821 (BG - Downtown Business/Government) 5. (Special District Requirements) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

2.821.5 (Special District Requirements)

g. Special Regulations for Multifamily Residences

- iii. Minimum Density: 40 dwelling units per acre, except mid-rise residential (See Subsection 3.118)

Amend Subsection 2.829 (UMU - Urban Mixed-Use) 9. (Additional Use Regulations) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

2.829.9 (Additional Use Regulations)

- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual and effective residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential

density less than 30 units per acre, with the exception of single-family attached uses. This requirement does not apply to mid-rise residential developments (see Subsection 3.118).

Amend Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to establish regulations pertaining to mid-rise residential uses, such portion of section to read as follows:

3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses)

3.118 - Mid-Rise Residential Development

Purpose - Mid-rise residential development is intended as a complementary use to large-scale commercial districts and corridors. It should be used to diversify land use, increase pedestrian activity, and reduce auto dependency. Mid-rise residential development should be integrated with other land uses and amenities conducive to a residential environment.

1. Lot Coverage - Maximum 100% lot coverage
2. Minimum Density - Mid-rise residential development is exempt from the minimum densities for multifamily development in the Urban Mixed-Use and Downtown Business/Government districts.

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish parking requirements for mid-rise residential uses, such portion of subsection to read as follows:

3.1107 (Schedule of Off-Street Parking)

<u>Mid-Rise Residential</u>	<u>One bedroom or less - One parking space per unit</u>
	<u>Two bedrooms - 1.5 parking spaces per unit</u>
	<u>Three bedrooms or more - Two parking spaces per unit</u>

Zoning Case 2013-13

An Ordinance of the City of Plano, Texas, amending Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), Subsection 2.821 (BG - Downtown Business/Government) and Subsection 2.829 (UMU - Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to establish regulations for mid-rise multifamily residential development; 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 28th day of October, 2013, 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 28th day of October, 2013; 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 to establish regulations for mid-rise multifamily residential development, such portion of the section to read as follows:

Section 1.600 Definitions

Mid-Rise Residential - Buildings containing not less than five floors designed for residential occupancy, and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure.

Section II. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) 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 allow mid-rise residential in the following zoning districts; such portion of the section to read as follows:

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category														
		O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU – Urban Mixed-Use
Mid-Rise Residential	Primary Residential				P		S				S	S		S	P

Section III. Subsection 2.821 (BG-Downtown Business/Government) 5. (Special District Requirements) 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 establish regulations for mid-rise multifamily residential development, such portion of the section to read as follows:

2.821.5 (Special District Requirements)

g. Special Regulations for Multifamily Residences

- iii. Minimum Density: 40 dwelling units per acre, except mid-rise residential (See Subsection 3.118)

Section IV. Section 2.829 (UMU – Urban Mixed-Use) 9. (Additional Use Regulations) 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, such portion of the subsection to read as follows:

2.829.9 (Additional Use Regulations)

- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual and effective residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses. This requirement does not apply to mid-rise residential developments (see Subsection 3.188)

Section V. Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations), of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, to establish regulations pertaining to mid-rise residential uses, such portion of the section to read as follows:

3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses)

3.118 - Mid-Rise Residential Development

Purpose - Mid-rise residential development is intended as a complementary use to large-scale commercial districts and corridors. It should be used to diversify land use, increase pedestrian activity, and reduce auto dependency. Mid-rise residential development should be integrated with other land uses and amenities conducive to a residential environment.

1. Lot Coverage - Maximum 100% lot coverage
2. Minimum Density - Mid-rise residential development is exempt from the minimum densities for multifamily development in the Urban Mixed-Use and Downtown Business/Government districts.

Section VI. Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, to establish parking requirements for mid-rise residential uses, such portion of the subsection to read as follows:

Mid-Rise Residential	One bedroom or less - One parking space per unit
	Two bedrooms - 1.5 parking spaces per unit
	Three bedrooms or more - Two parking spaces per unit

Section VII. 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 VIII. 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 IX. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 X. 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 XI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 28TH DAY OF OCTOBER, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY