

**DATE:** December 6, 2011  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of December 5, 2011

**AGENDA ITEM NO. 8 - PUBLIC HEARING  
ZONING CASE 2011-36  
APPLICANT: CITY OF PLANO**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance regarding transit centers and transit stations/turnarounds.

**APPROVED:** 6-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Recommended for approval subject to the following: (Additions are indicated in underlined text and deletions as struck through.)

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

**Transit Center/Station:** Any premises for the loading and unloading of passengers by a public or private transit company including ~~and~~ the temporary parking of transit vehicles between routes or during stop overs and excluding overnight parking, ~~and~~ storage and maintenance of transit vehicles. This definition shall not include bus stops along rights-of-way.

~~**Transit Station/Turnaround:** Passenger terminal or loading facilities for a privately or publicly owned transit system.~~

**Transportation and Utility Structures/Facilities:** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, ~~transit station turnarounds~~, water reservoirs, and water pumping stations

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) such portion of subsection to read as follows:

## 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
Transit Center/ <u>Station</u>	Trans. Utility & Comm.	T I S	T I S	I S	T I S	T I S	T I S	T I S	T I S	T I S	S	S	T I S	T I S

## Residential Zoning Districts

Permitted Uses	Category															
		A - Agriculture	ED – Estate Development	SF-20 – Single-Family-20	SF-9 – Single-Family-9	SF-7 – Single-Family-7	SF-6 – Single-Family-6	PH - Patio Home	2F - Two-Family (Duplex)	SF- A – Single-Family-Attached	MH - Mobile	MF - 1 – Multifamily-1	MF - 2 – Multifamily-2	MF - 1 – Multifamily-1	GR - General Residential	UR – Urban Residential
Transit Center/ <u>Station</u>	Trans. Utility & Comm.														T	

**FOR CITY COUNCIL MEETING OF:** this meeting, see [www.planotx.org](http://www.planotx.org))

December 20, 2011 (To view the agenda for

### **PUBLIC HEARING - ORDINANCE**

BM/dc

CITY OF PLANO  
PLANNING & ZONING COMMISSION

December 5, 2011

**Agenda Item No. 8**

**Public Hearing:** Zoning Case 2011-36

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance regarding transit centers and transit stations/turnarounds.

**REMARKS:**

On October 17, 2011, the Planning & Zoning Commission called a public hearing to consider amendments to the Zoning Ordinance regarding transit centers and transit stations/turnarounds, including amending the definitions and schedule of permitted uses (use charts) to determine appropriate districts in which to allow these uses.

There has been increased interest from public and private transportation companies wanting to operate within the city limits to provide for various transportation options to the public. The Zoning Ordinance allows for transit centers by right or with specific use permit in many of the nonresidential districts, and by right in the General Residential district. However, given the need for large parking areas and superior access to major roadways, not all properties within these zoning districts are appropriate for transit center uses. Additionally, there are some districts, such as the Retail district, where it may be appropriate to allow for this use to occur. Staff believes it is appropriate to evaluate uses, their definitions, and permitted districts periodically to ensure their appropriateness within the community. As such, staff recommends that the Commission consider amending and/or deleting the following definitions that are currently in the Zoning Ordinance.

Proposed Definitions

**Transit Center/Station:** Any premises for the loading and unloading of passengers by a public or private transit company including and the temporary parking of transit vehicles between routes or during stop overs and excluding overnight parking, and storage and maintenance of transit vehicles. This definition shall not include bus stops along rights-of-way.

The transit center/station definition should be amended to apply to both public and private companies providing transit service, as well as clearly exclude maintenance of transit vehicles. There are other uses within the Zoning Ordinance that address overnight storage and maintenance of transit vehicles such as Truck/Bus Repair and Service Yards of Governmental Agencies. Additionally, bus stops along right-of-way should be exempt from this definition so that it is clear that this definition is not intended to regulate the bus stops that are commonly found on public streets.

**~~Transit Station/Turnaround:~~** ~~Passenger terminal or loading facilities for a privately or publicly owned transit system.~~

Staff proposes to delete the term transit station/turnaround and its definition because this activity is being addressed in the transit center/station definition as noted above. In addition, transit station/turnaround is only a defined term and is not a “use” within the Schedule of Permitted Uses (use charts).

**Transportation and Utility Structures/Facilities:** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, ~~transit station turnarounds~~, water reservoirs, and water pumping stations.

The reference to transit station/turnarounds in the definition above needs to be eliminated due to this term being recommended for deletion.

### Zoning Districts

Based on land use compatibility, the need for large parking areas, and superior access to major roadways, staff recommends that the proposed transit center/station use defined above be allowed with specific use permit (SUP) in all nonresidential zoning districts. The SUP requirement will provide the city an opportunity to evaluate each property being proposed as a transit center/station and determine its’ appropriateness. Additionally, staff recommends that transit center/station be prohibited within the General Residential district for consistency with the city’s other residential districts.

The transportation and utility structure/facilities use is presently allowed by right in all residential and nonresidential districts. Staff recommends no changes be made to these districts due to the need for being able to provide these infrastructure needs throughout the city.

### **RECOMMENDATION:**

Recommended for approval subject to the following: (Additions are indicated in underlined text and deletions as struck through.)

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



## Residential Zoning Districts

Permitted Uses	Category													
<u>Transit Center/Station</u>	Trans. Utility & Comm.													
		A - Agriculture	ED – Estate Development	SF-20 – Single-Family-20	SF-9 – Single-Family-9	SF-7 – Single-Family-7	SF-6 – Single-Family-6	PH - Patio Home	2F - Two-Family (Duplex)	SF- A – Single-Family-Attached	MH - Mobile	MF - 1 – Multifamily-1	MF - 2 – Multifamily-2	MF - 1 – Multifamily-1
														GR - General Residential
														UR – Urban Residential

## Zoning Case 2011-36

**An Ordinance of the City of Plano, Texas, amending Section 1.600 (Definitions) of Article 1 (General Regulations) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) 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, regarding transit centers and transit stations/turnarounds and other related facilities; 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 12th day of December, 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 12th day of December, 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, such portion of section to read as follows:



## Residential Zoning Districts

Permitted Uses	Category															
		A - Agriculture	ED – Estate Development	SF-20 – Single-Family-20	SF-9 – Single-Family-9	SF-7 – Single-Family-7	SF-6 – Single-Family-6	PH - Patio Home	2F - Two-Family (Duplex)	SF- A – Single-Family-Attached	MH - Mobile	MF -1 – Multifamily-1	MF - 2 – Multifamily-2	MF - 1 – Multifamily-1	GR - General Residential	UR – Urban Residential
Transit Center/ Station	Trans. Utility & Comm.															

**Section IV.** 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 V.** 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 VI.** 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 VII.** 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 VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 12TH DAY OF DECEMBER, 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