

**AGENDA ITEM NO. 7 - PUBLIC HEARING  
 ZONING CASE 2014-26  
 APPLICANT: CITY OF PLANO**

Eric Hill, Development Review Manager, stated this is a request to amend Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance pertaining to various modifications of the Urban Mixed-Use zoning district. This item was tabled at the September 2, 2014. Item was removed from the table by consensus. Staff recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

**2.829 UMU - Urban Mixed-Use**

**1. Purpose**

The UMU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The UMU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate.

**2. Permitted Uses**

See Subsection 2.502 Schedule of Permitted Uses for a complete listing.

**3. Area, Yard, and Bulk Requirements**

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, <u>or public open space, patio dining, plaza or other public amenity is provided,</u> 75% of the building face shall be built to the easement line, <u>open space or public amenity.</u> The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed between the building face and a public	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.

	<u>street of Type D or above.</u>	
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story
Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

#### 4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
- b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.
- ~~c. Gross Leasable Area - The total floor area intended for tenant occupancy and exclusive use, but excluding garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.~~
- c. Gross Linear Footage - The total length of a building as measured in a straight line along the street.

- d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
- e. Effective Residential Density - A measure applied to a mixed-use building which ~~includes~~ calculates the total number of possible residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the gross ~~leasable~~ floor area of nonresidential and/or live/work/flex space divided by the average residential unit size.
- f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- g. Block - An area enclosed by streets, utility easements and/or transit rights-of-way on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- h. Block Length - The distance along a street face uninterrupted by an intersecting street, utility easement, and/or transit right-of-way, excluding intersections with alleys and service drives.
- i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.
- j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unairconditioned space. Tuck under parking and parking garages are included in the calculation of lot coverage.

## 5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

- a. Requirement for an adopted development plan
- b. Requirement for a governance association
- c. Minimum residential densities for multifamily development

- d. Requirement to maintain three or more uses
- e. Requirement for nonresidential uses to be constructed within the first phase of development

## 6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, ~~including the minimum and maximum amount of gross floor area designated for each category of use.~~ The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district. Major modifications to the development plan, including but not limited to specifications of land use categories and functional roles, significant lot, block and street design changes, and increasing the number of residential units, shall only be amended by the same process by which ~~it~~ the development plan was created. (See Section 5.500 Adopted Development Plan.)

## 7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

## 8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. ~~Only residential, retail, and office/institutional may be a primary use category.~~ A primary use category must include not less than 50% or more than 70% of the gross floor area. Secondary use categories must include not less than 20% or more than 40% ~~or less than 20%~~ of the gross ~~leasable~~ floor area. Tertiary uses shall must include not represent more than 20% of the gross floor area. The percentages of primary, secondary, and tertiary uses ~~is to be defined in the adopting ordinance.~~

~~Percentages of gross floor area may vary as long as their functional role does not change. The primary use must always be the largest amount of actual building area constructed and under construction. Use categories are designated below:~~

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

## 9. Additional Use Regulations

- a. ~~If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments of 5-12 stories in height.~~
- 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.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building,

## 10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.
- b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:
  - i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.
  - ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)
  - iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)
  - iv. Mews Street (for Single-Family Residence Attached development only) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.
  - v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane
- c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.
- d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.
- e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.

- f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street ~~(two 11-foot travel lanes with parallel or diagonal parking)~~. ~~B~~ with buildings of a minimum of two stories shall fronting onto the main street. No parking garages or surface parking lots shall directly abut the main street. A minimum 600 foot to 1,200 foot section of the street shall be the activity center of the district core. 75% of This the gross linear footage area of the first floor shall have the highest concentration along the activity center shall consist of retail, restaurant, and entertainment, and other active uses. ~~square footage in the UMU district.~~ The maximum width of store fronts in this area shall be limited to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street. ~~It shall also designate the location of at least 60% of the gross floor area along the main street for primary and secondary uses.~~
- g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.
- h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of seven feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

## 11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than five percent or more than ten percent of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located within adjacent to the main street ~~area required in 10.f above.~~ Smaller usable open space areas may also be provided. ~~Individual public open space areas and~~ shall be no larger than three acres or smaller than

~~one-quarter acre. The plan for the arrangement of common open space must be adopted when the district is established. It may be amended only through the same process as the district was created. The common open space is to be maintained by the association.~~ Usable open space must be adopted by the development plan and must be maintained by the governance association.

- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.
- c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

## 12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross ~~leasable floor~~ area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking spaces ~~the capped parking requirement~~ for the entire development, ~~as shown on the development plan,~~ may be located in a surface parking lots. Parking in excess of 10% over the above the maximum caps may be provided only is allowed only if provided in parking garages.
- b. Parking for multifamily residential uses shall be required as follows:
  - i. One bedroom or less: One parking space per unit
  - ii. Two bedrooms: 1.5 parking spaces per unit
  - iii. Three bedrooms or more: Two parking spaces per unit
- c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots with ~~50-100~~ 50-100 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge

along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.

- f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.
- h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

### **13. Building Placement and Design**

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
- b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
- c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.
- d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of ten feet.

### **14. Single-Family Attached (Townhouse) Residence Regulations**

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Density: ~~25~~18 dwelling units per acre
- d. Minimum Floor Area per Dwelling Unit: 800 square feet

- e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- f. Maximum Building Length: 200 feet
- g. Buildings must be separated by a minimum distance of ten feet.
- h. No usable open space areas are required.
- i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

#### **15. Additional Requirements and Restrictions**

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in Subsection 3.1605 (Downtown Sign District) Area A shall apply unless otherwise specified in this ordinance or in the adopted development plan.

The public hearing was opened. Scott Polokov, Gateway Planning Group, spoke in favor. No one spoke in opposition to the item. The public hearing was closed.

After some discussion, Chairman Grady made a motion to table the item to the October 6, 2014 meeting. First Vice Chair Barbera seconded the motion, which passed 7-0.

#### **AGENDA ITEM NO. 8A - PUBLIC HEARING**

##### **ZONING CASE 2014-27**

**APPLICANT: J.C. PENNEY CO., INC. AND SWC TOLLWAY &  
STATE HIGHWAY 121, LLC**

Ms. Marohnic stated this is a request to amend and expand Planned Development-65-Central Business-1 on 168.1± acres located at the northeast corner of the Dallas North Tollway and Tennyson Parkway in order to modify the development standards and to include 69.8± acres located at the southwest corner of the Dallas North Tollway and Headquarters Drive currently zoned Central Business-1. Zoned Planned Development-65-Central Business-1 and Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #265 for Day Care Center. This item was tabled September 2,