

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 21, 2021

Agenda Item No. 9

Discussion & Consideration: Comprehensive Plan Update

Applicant: City of Plano

DESCRIPTION:

Discussion and consideration of the Draft Plano Comprehensive Plan 2021 as recommended by the Comprehensive Plan Review Committee.

BACKGROUND:

On November 11, 2019, the City Council appointed the Comprehensive Plan Review Committee (CPRC) to review the city's Comprehensive Plan and work with the Planning & Zoning Commission (P&Z) on recommended updates. Per City Council's direction in Resolution 2019-11-2, these updates should focus on addressing community concerns related to four key topics: Land Use, Transportation, Density, and Growth Management.

The resolution also included an iterative process for review of the Comprehensive Plan whereby:

- The Comprehensive Plan Review Committee “will act as a community sounding board for the Plan and provide input and feedback on policy recommendations from the Planning & Zoning Commission. The Committee will also act as advisors and ambassadors of the planning process.”
- It is the intent that “all policies are reached by broad acceptance, such that a supportive three-quarters vote of the members present for the Committee and a supportive simple majority vote of the members present for the Planning & Zoning Commission is required on each policy before it moves forward as a recommendation to City Council.” The term “policy” is used generally to represent the content of the Plan.

On April 27, 2021, the CPRC recommended approval (15-0) of the consolidated [Draft Plan](#) for P&Z consideration. Since that time, P&Z has held discussions regarding the Draft Plan on [May 3](#) and [June 7](#), 2021. Additionally, staff has developed a Draft Plan website, available at www.PlanoCompPlan.org, as the Comprehensive Plan is intended to remain a web-based plan.

QUESTIONS FROM COMMISSIONERS:

1. Two questions were presented to Sally Bane, Director of Plano's Economic Development Department. Her answers are provided below:

a. What are major employers looking for in regard to development forms?

Each employer's desired campus environment varies based on the culture of the company and its business needs. Development form is also strongly influenced by capital markets since lenders must underwrite deals and support the investment. Through the recent pandemic, companies are reacting in various ways, some wanting more space while others prefer compact work environments. Providing a wide variety of development styles offers the city the greatest opportunity to appeal to employers in the market for relocation.

b. How do we fit in competitively with regard to other Collin County cities from an economic development perspective?

Plano is clearly competitive with other cities due to our strong business environment, exceptional workforce, and reputation. While we do not have the same incentive funds (Type A/Type B sales tax proceeds) as some of our neighbors, we continue to attract, retain, and expand business successfully. In 2020, the city's economy was enhanced by projects that occupied over 928,000 square feet and represented employment of 3,100. More information on Plano's success through the years is available at [2020-Timeline \(planotexas.org\)](https://www.planotexas.org/timeline).

Type A/Type B cities insert themselves into the real estate development market by financially changing deals with multimillion-dollar capacity. Type A corporations often operate in a quasi-developer mode, whereby they are able to own and sell sites, often at below market value, to create an attractive lower basis for projects. The relocation of Dr. Pepper is an example. Frisco EDC owned a parcel that they originally intended to offer to an earlier prospect. However, the prospect took a deal with an adjacent city, so the Frisco parcel sat vacant. Frisco EDC then sold the parcel at a very substantial discount to The Star (Jerry Jones) to help close the deal for Dr. Pepper to move to Frisco. Cities with Type A corporations can financially underwrite development projects in a way cities that are part of a Metropolitan Transit Authority cannot, thus giving Type A/Type B Economic Development Corporations substantial leverage on development projects.

2. Can we provide more information on how the Draft Plan will be used?

The following information about how the Draft Plan will be used is currently available on the "[About the Draft Plan](#)" page of the draft plan website:

“The Comprehensive Plan will be used every day by a variety of stakeholders to make important decisions about how to invest in the community and enhance the quality of life in Plano. For example, residents can use the Plan to see how the city intends to guide growth and redevelopment in ways that meet their needs and aspirations; landowners can use the Plan when considering improvements to their property; businesses can use the Plan when deciding to reinvest or relocate to Plano; and the Plano City Council, Planning & Zoning Commission, and city staff can use the Plan to make decisions about development proposals and where to best invest city resources to achieve the community’s vision for the future. More specifically, the Plan is used by local officials in three primary ways:

- **Delivery of City Services:** New city services, programs, and projects, such as the Great Update Rebate program, are often started in order to implement specific action statements of the Comprehensive Plan.
- **Budget and Community Investment Program:** Projects in the Community Investment Program (CIP), such as new city facilities and infrastructure improvements, are reviewed annually for consistency with the Comprehensive Plan.
- **Zoning and Development Review Conformance:** All zoning change requests, along with updates to the Zoning Ordinance and other development regulations, are reviewed for conformance with the Comprehensive Plan.”

3. Do we need an action to address safety and revitalization of the areas around transit stations?

As discussed at the June 7, 2021, P&Z meeting, [Action TOD2](#) calls for area plans within ½ mile of identified rail stations. These area plans would be an appropriate tool to discuss and address any specific safety and revitalization needs for Plano’s transit stations. If this is inadequate to address the Commission’s concerns, staff proposes the following additions to the Transit-Oriented Development and Public Transit Policies of the Draft Plan:

Revised TOD2: Prioritize and prepare area plans within ½ mile of identified light rail stations and future commuter rail corridors to guide development patterns, address redevelopment of retail and residential sites, ~~and~~ encourage new development, and maintain the long-term safety and vitality of the area. Plans should include an evaluation of market potential resulting from existing and projected transit ridership.

New PT7: Coordinate with DART to maintain safety and security around transit stations.

4. Under [Guiding Principle 2.4](#), is it appropriate to say that we don’t “anticipate significant changes in population or development in the future?” Would this principle fit better under “Plano Today?”

Guiding Principle 2.4 was added to the Draft Plan based on the findings of the subcommittee of the CPRC. The following is an excerpt from the subcommittee's final report.

“On January 5, 2021, the Comprehensive Plan Review Committee (CPRC) agreed to the formation of a subcommittee to work through outstanding differences in the draft Comprehensive Plan and prepare recommended changes to the full Committee. The subcommittee included Members Jim Dillavou, Hilton Kong, Salvator La Mastra, and Yoram Solomon, and was facilitated by Vice Chair Mike Bronsky. Each subcommittee member was asked to provide up to four statements for modifications to the Plan. After five meetings, the subcommittee reached agreement on 11 criteria to incorporate in the draft Plan and reviewed the associated revisions prepared by staff and the consultants. The following was included as Criteria of Agreement for the subcommittee:

2. Praise the suburban environment of Plano; state that Plano is almost completely developed, and significant changes to population and development are not anticipated. Emphasis should be on preserving and enhancing the built environment.

Results: This criterion was addressed through the following additions to the Guiding Principles and Redevelopment & Growth Management (RGM) Policy:

- Added Guiding Principle 1.4: “The Plan respects the suburban character of Plano and seeks to preserve and enhance the built environment.”
- Added Guiding Principle 2.4: “The Plan acknowledges that Plano is mostly developed and does not anticipate significant changes in population or development in the future.”
- Revised RGM Website Context: “Due to the limited amount of undeveloped land and high demand for development in Plano, there is significant pressure for new growth and redevelopment in many parts of the city. As Plano is now mostly developed with a well-established built environment, significant changes to population and development patterns, as in previous decades, are no longer anticipated. However, the city’s reputation as a highly desirable suburban community and world-class business center means significant pressure for new growth and redevelopment will continue in many parts of the city. Although this is positive for sustaining reinvestment and continuing vitality of the community, zoning requests also often include some component of high density residential and/or high-intensity commercial uses in close proximity to established, lower density neighborhoods. This creates tension between two major priorities for the city: creating a business-friendly environment that promotes a healthy economy and conserving the existing suburban character of established neighborhoods within the city. [...]”
- Revised RGM Policy: “Plano will protect and preserve the well-established built environment of Plano and prevent overcrowding by requiring require

new growth and redevelopment to respect the unique development patterns, suburban character, housing needs, infrastructure capacity considerations, and fiscal constraints of our community.”

Based on the Planning & Zoning Commission’s discussion on June 7, three alternatives are proposed, including the proposal discussed at the last meeting:

- 1) Move Guiding Principle 2.4 to be under “Plano Today” as a new Guiding Principle;
- 2) Provide a definition for the term “significant” as used in the Guiding Principles to the Glossary of Terms; or
- 3) Change Guiding Principle 2.4. The below changes may address the Commission’s concerns:

“The Plan acknowledges that Plano is mostly developed and does not anticipate ~~significant~~ the magnitude of changes in population or development which occurred in the late twentieth century to continue in the future.”

Because the Guiding Principles were designed as a matrix with a balanced and interconnected structure of sub-items for each principle, staff recommends Option 3, if acceptable to the Commission.

5. **Questions regarding Redevelopment and Growth Management Policy Action 1 (RGM 1), which states: “Review zoning change requests for consistency with the Future Land Use Map and Dashboards. Requests that do not conform to the mix of uses, density, and building heights as described in the Dashboards are disfavored. Develop zoning regulations that allow occasional proposals that do not strictly conform to these criteria, yet are found consistent with the Guiding Principles of the Comprehensive Plan and substantially beneficial to the immediate neighbors, surrounding community, and general public interest, to be approved with a supermajority vote by City Council.”**

This action statement was included in the Draft Plan in response to the following Criteria of Agreement for the subcommittee:

“3. The bar for exceptions to the principles of the plan will be very high.

Result: Added Action RGM1: (See above)”

Legal questions received regarding RGM 1 will be addressed in the Special Called Joint Meeting with the Comprehensive Plan Review Committee.

6. How can the Commissioners utilize the Comprehensive Plan to consider planning issues brought up in meetings and/or utilize knowledge of the community when evaluating zoning cases?

It would be best to make a direct connection to the Plan. The Commission could consider adding an action to the Plan as follows to provide a Comprehensive Plan connection to information of this type:

- LU8 – Consider the Comprehensive Plan, purposes and authority of the Zoning Ordinance, land use compatability, impacts on adjacent uses, suitability for the variety of uses allowed, and other relevant planning concerns when making zoning determinations.

7. Does the city need an ordinance regulating how long the duration may be before a zoning change must be re-applied for in the case of a property that is rezoned, but not developed and would state law allow for a development standard requiring re-application after a reasonable period of time if no development has begun? Can we set a "shot-clock" on development under the law?

This question does not have ties to the Comprehensive plan, but is regulated under the Zoning Ordinance, which includes provisions for rezoning petition timelines as follows:

- Zoning Case Denials: When the Planning & Zoning Commission or City Council denies a zoning petition, it may deny the petition with or without prejudice. If a petition is denied with prejudice, no petition may be filed for all or a part of the subject tract of land for a period of 2 years from the date of denial by the Planning & Zoning Commission. If it is determined by the Planning & Zoning Commission there has been a sufficient change in circumstances regarding the property or in the zoning petition itself, it may waive the 2-year waiting period and grant a new hearing. An appeal may also be heard by City Council for such a waiver.
- Zoning Case Approvals: Upon approval, no further petition may be considered for all or a part of the subject tract of land for a period of 2 years from the date of the City Council's action, unless it is determined that there are substantive reasons to permit the waiving of the 2-year waiting period. The determination shall be made by the Planning & Zoning Commission, or on appeal, the City Council. This waiting period does not apply to general text changes in the Zoning Ordinance.
- Development: The city's development process includes two-year timeframes for plans to expire, and involves a three step process for development. Given this process, it is reasonable to assume that many development projects may "vest" rights under state law for development for at least six years after zoning is approved, while proceeding through the

normal development process. There are numerous properties in Plano that do not have development or are only partially developed. Determining exactly when properties vest (and therefore determining when they can expire) is also complicated because the processes for development differ for Planned Development districts, Straight zoning requests, and UMU development. The analysis of vesting is fact-based and complicated, making it difficult for administration. This issue impacts many properties. Staff is working on an analysis of current zoning, and hopes to have it complete to present results to the Commission on Monday.

- Expiration of zoning: The City Council recently explored the issue of adding expiration to zoning. It was found that adding expiration to base zoning was not a standard or recommended zoning practice. This is likely because one of the primary benefits of zoning is providing stable property rights expectations for the community. Some jurisdictions manage expirations for specific use permits or their equivalent. That practice could be employed, but should include consideration of operational impacts.

P&Z REVIEW:

The Commission may wish to approve, in whole or in part, or with edits based on Commission discussion, the Draft Plan.

RECOMMENDATION:

Recommended to approve and prepare the Draft Plan for public feedback, or approve with changes and return the Draft Plan to the CPRC for further consideration.

1. If revisions are necessary, a concise statement of explanation to the CPRC from the P&Z Commission would be very helpful in their further deliberation of the issue.
2. If there is a split vote on P&Z regarding changes, a similarly concise dissenting opinion would be appropriate to enter into the record.