Basics of Planning and Development Review

A Historical Perspective on planning and development regulation

2015 Central Texas Elected & Appointed Officials Planning Workshop

Sponsored By
Texas Chapter of American Planning Association

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Why Planning is Important

National Survey (APA, 2000)
Likely voters want:
- Professional planners in their community (81%)
- Adequate schools and educational facilities (76%)
- Availability of public services (74%)
- Create and protect parks and recreation areas (67%)
- Preserve farmland and open space (67%)
- Protect wetlands and other natural areas (65%)
- Create affordable housing options (64%)

Statewide Survey (TXAPA, 2002)
Likely voters want:
- Important to have community planner (85%)
- Protect open spaces, coastal areas and parkland (88%)
- Provide incentives for affordable housing (85%)
- Create transportation options like light rail, bus transit and bicycle trails (81%)
- Support right of local communities to make decisions for private property (81%)

These are all planning issues!

Planning in America:
Perceptions and Priorities, June 2012

1300 respondents nationwide interviewed by Harris for American Planning Association and Collective Strength

Prepared to update 2000 survey, to measure support for planning, and determine strength of attacks on planning, such as Agenda 21

Summary report available at http://www.planning.org/policy/economicrecovery/
**QUESTION**
Some people believe that community planning is a necessary part of improving the U.S. economy and encouraging job growth, while others believe that "market forces" alone will help the economy and bring more jobs. Which of the following statements comes closest to your belief?

**ANSWER**
66% believe that both community planning and market forces are necessary for economic growth and job creation.

<table>
<thead>
<tr>
<th>SEGMENT</th>
<th>SUB-SEGMENT</th>
<th>% MARKET FORCES ALONE ENOUGH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Affiliation</td>
<td>Democrat 6%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Republican</td>
<td>22%</td>
</tr>
<tr>
<td></td>
<td>Independent</td>
<td>14%</td>
</tr>
<tr>
<td>Race/Ethnicity</td>
<td>White</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>African American</td>
<td>8%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>15%</td>
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<tr>
<td>Type of Community</td>
<td>Urban</td>
<td>13%</td>
</tr>
<tr>
<td></td>
<td>Suburban</td>
<td>14%</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>23%</td>
</tr>
<tr>
<td></td>
<td>Small Town</td>
<td>9%</td>
</tr>
</tbody>
</table>

*Source: APA, 2012*

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**QUESTION**
Generally, do you agree or disagree that your community could benefit from a community plan as defined as "Community planning is a process that seeks to engage all members of a community to create more prosperous, convenient, equitable, healthy and attractive places for present and future generations"?

**ANSWER**
79% agree that their community could benefit from planning as defined
9% disagree (12% don’t know)
88% of Democrats agree
77% of Republicans agree
81% of Independents agree

*Source: APA, 2012*
 Some people believe their community needs planning, while others believe it should be left alone. Which comes closest to your belief?

**ANSWER**

- 66% say planning is needed in my community
- 17% say planning is not needed (17% don’t know)
- 77% agree that “Communities that plan for the future are stronger and more resilient than those that don’t”

<table>
<thead>
<tr>
<th>SEGMENT</th>
<th>SUB-SEGMENT</th>
<th>% PLANNING IS NEEDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Affiliation</td>
<td>Democrat</td>
<td>75%</td>
</tr>
<tr>
<td></td>
<td>Republican</td>
<td>65%</td>
</tr>
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<td></td>
<td>Independent</td>
<td>67%</td>
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<tr>
<td>Race/Ethnicity</td>
<td>White</td>
<td>66%</td>
</tr>
<tr>
<td></td>
<td>African American</td>
<td>69%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>67%</td>
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<tr>
<td>Type of Community</td>
<td>Urban</td>
<td>73%</td>
</tr>
<tr>
<td></td>
<td>Suburban</td>
<td>65%</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>59%</td>
</tr>
<tr>
<td></td>
<td>Small Town</td>
<td>67%</td>
</tr>
</tbody>
</table>

Source: APA, 2012

**QUESTION**

Now please think about an "ideal community" for you to live in and tell us whether each of the following would be a high, medium, or low priority for you.

<table>
<thead>
<tr>
<th>FACTORS IN AN IDEAL COMMUNITY</th>
<th>% HIGH PRIORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locally owned businesses nearby</td>
<td>55%</td>
</tr>
<tr>
<td>Being able to stay in the same neighborhood while aging</td>
<td>54%</td>
</tr>
<tr>
<td>Availability of sidewalks</td>
<td>53%</td>
</tr>
<tr>
<td>Energy-efficient homes</td>
<td>52%</td>
</tr>
<tr>
<td>Availability of transit</td>
<td>50%</td>
</tr>
<tr>
<td>Neighborhood parks</td>
<td>49%</td>
</tr>
<tr>
<td>Mix of housing price ranges</td>
<td>43%</td>
</tr>
<tr>
<td>A place that attracts young professionals to live</td>
<td>42%</td>
</tr>
<tr>
<td>A place with lots of things for kids to do</td>
<td>41%</td>
</tr>
<tr>
<td>Mix of housing choices</td>
<td>41%</td>
</tr>
<tr>
<td>Schools within walking distance</td>
<td>37%</td>
</tr>
<tr>
<td>Jobs within walking distance</td>
<td>33%</td>
</tr>
<tr>
<td>Unique character and/or culture</td>
<td>32%</td>
</tr>
<tr>
<td>Restaurants within walking distance</td>
<td>31%</td>
</tr>
<tr>
<td>Availability of bike lanes</td>
<td>23%</td>
</tr>
<tr>
<td>A place with lots of young children</td>
<td>17%</td>
</tr>
<tr>
<td>Houses being generally the same size</td>
<td>6%</td>
</tr>
</tbody>
</table>

Source: APA, 2012
Recent Attacks on Planning

Private Property Rights
Fifth and 14th amendments to US Constitution
Texas Private Real Property Protection Act
Agenda 21

- All planning is not related to Agenda 21. Comprehensive planning, sustainable development, smart growth, growth management, and pedestrian-oriented development are not code words for Agenda 21.
- Planning as a result of Agenda 21 does not prohibit single family homes, car ownership, family farms, or private property rights

Table 10: Support for United Nations Agenda 21 (by sub-segment)

<table>
<thead>
<tr>
<th>SEGMENT</th>
<th>SUB-SEGMENT</th>
<th>% SUPPORT</th>
<th>% OPPOSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Affiliation</td>
<td>Democrat</td>
<td>8%</td>
<td>2%</td>
</tr>
<tr>
<td></td>
<td>Republican</td>
<td>3%</td>
<td>14%</td>
</tr>
<tr>
<td></td>
<td>Independent</td>
<td>3%</td>
<td>11%</td>
</tr>
<tr>
<td>Race/Ethnicity</td>
<td>White</td>
<td>3%</td>
<td>11%</td>
</tr>
<tr>
<td></td>
<td>African American</td>
<td>9%</td>
<td>7%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>14%</td>
<td>7%</td>
</tr>
<tr>
<td>Type of Community</td>
<td>Urban</td>
<td>11%</td>
<td>9%</td>
</tr>
<tr>
<td></td>
<td>Suburban</td>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>3%</td>
<td>11%</td>
</tr>
<tr>
<td></td>
<td>Small Town</td>
<td>3%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Source: APA, 2012
"If you don’t have a plan for where you are going, you might end up somewhere else"
---attributed to Casey Stengel

"If you want to predict the future, create it."
---Peter Drucker

"The will to win is nothing without the will to prepare."
---Runners World, April, 1991

"A vision without a plan, is a hallucination."
---Dallas Mayor Ron Kirk, November, 2000

What is Planning?

Planning as a design activity (maps etc.)

Planning as a decision-making process (selection from alternatives)
Development of City Planning as a Profession

- Pre-1900s
- Modern Physical Planning Period (1893-1945)
- Rational Comprehensive Planning Period (1945-1960s)
- Post-Modern Planning Period (1960s to present)

Brief History of Planning in America

1573 – First Law of the Indies for Spanish settlements
1785 – Northwest Ordinance of 1787 (establishes one-mile grid and sections)
19th Century – Railroad town sites
Pre-20th Century American Planning

San Antonio 1777

Washington DC, 1791

Brief History of Planning

1857 – Frederick Law Olmstead and Calvert Vaux plan for Central Park, NY

1868 – Olmstead and Vaux plan for Riverside, Illinois
Brief History of Planning

1893 – World’s Columbian Exposition promotes Modern Physical Planning and City Beautiful Movement (Daniel Burnham)

Modern Physical Planning

Process of graphically designing the future development of the City. Modernism espoused that social ills could be mitigated through proper design.
Modern Physical Planning Period

1901 New York Tenement House Law
1902 – Garden Cities of Tomorrow
  ▪ Ebenezer Howard, Letchworth, England
1907 - Hartford Commission
1909 - Burnham Plan of Chicago
1909 – 1st National Conference on City Planning

Modern Physical Planning Period

1911 – Kessler Plan for Dallas
1911 – Frederick Taylor’s Principles of Scientific Management, City Efficient Movement
Modern Physical Planning
1919 – Transcontinental convoy
1956 – Interstate Highway System

Modern Physical Planning Period
1916 - New York City Zoning Code
1917 – American City Planning Institute
1922 – Standard Zoning Enabling Act
1924 – Sunnyside Gardens
  ▪ Clarence Stein and Henry Wright
1926 – Ambler Realty v. Euclid
What is Zoning?

Zoning regulations govern the use of land, and the location, size and height of buildings. Zoning divides a jurisdiction into multiple districts, with each district containing a distinct set of regulations that are uniformly applied to all property within the district. Zoning ordinances consist of a text specifying the regulations and a map defining the location of the districts.

Zoning

History of Zoning Authority in U.S

- New York City zoning ordinance (1916)
- Standard Zoning Enabling Act (1922)
- City of Euclid v. Amber Realty (1926)
  - Police power under Constitution

Limitations on Zoning

- Federal (5th and 14th Amendments)
  - Procedural due process
  - Substantive due process (regulatory takings)
- State
  - Taking statute (applies to State and County, not City)
  - Vesting Stature (LGC 245)
  - Zoning Compensation bills
Modern Physical Planning Period

1925 – Concentric Zone Theory - Burgess
1925 – Cincinnati Comprehensive Plan
1928 – Standard Planning Enabling Act

Comprehensive Planning

1925 – Cincinnati Comprehensive Plan
1928 – Standard City Planning Enabling Act
1954 – General Plans funded under Sec. 701 of Housing Act
1999 – George W. Bush signs Texas comprehensive planning statute
Comprehensive Planning

Comprehensive Planning looks at more than just the physical design of the community, but also looks the inter-relationship of land use, infrastructure, community facilities, and other community programs.

Reviewing Comprehensive Plan Amendments

Administrative review
- Have they given you everything that you require to make decision?

Planning Review
- Look at the big picture
- Does the proposed change meet your planning goals?
Land Use Plan Amendments

Is this the best ultimate land use for this area, rather than the existing Land Use Plan designation?
- Be careful not to react to cyclical market demands. Change when change is the right thing to do in the long term.

Are there any environmental constraints? (e.g. floodplains, noise, landfill issues)

Does the proposed land use make sense for that location? (land use conflicts, relationship to other uses, access, utility service, etc.)

Thoroughfare Plan Amendments

Most requests will be to delete, relocate, or reduce size of streets

Is circulation maintained?
- Street connectivity

Will a change in Thoroughfare Plan and/or Land Use Plan affect traffic volumes?
Be careful to avoid choosing short-term gains over long-term benefits.
Zoning

Relationship to Comprehensive Plan:
- Which comes first, planning or zoning?

Relationship to Subdivision Regulation
- Zoning regulates use, lot size, setbacks and heights
- Plats regulate street and lot layout, infrastructure, etc.

Subdivision Regulations

Subdivision regulations govern the division of land into two or more parts. The regulations specify the standards for drawing and recording a plat, and requirements for public improvements necessary to make the property suitable for development.
Modern Physical Planning Period
1928-30 - Radburn, New Jersey
1929 - Regional Plan for New York, John Nolen
1929 – Neighborhood Unit Concept, Clarence Perry

Modern Physical Planning Period
1934 - Housing Act of 1934
  - Federal Housing Administration
1935 - Resettlement Administration
  - Greenbelt cities
1939 – Sector Theory – Homer Hoyt
1941 – Local Planning Administration, by Ladislas Segoe, 1st Green Book
The Rational Planning Process
1940s

The Rational Planning Process is a decision-making process of evaluating alternatives.

Rational Comprehensive Planning Period
1947 – Levittown
1949 - Housing Act of 1949
  - Urban renewal
1954 - Housing Act of 1954
  - Section 701 planning funds
1956 – Federal Aid Highway Act
Rational Comprehensive Planning Period
1957 – Gruen Plan for Fort Worth
1961 – Statewide Zoning, Hawaii
1964 – Columbia, Maryland
1965 - Reston, Virginia

Strategic Planning – 1960s
More focused short-term planning effort that identifies:
Mission of organization
Internal strengths and weaknesses
External opportunities and threats
Future possible scenarios over next three to five years
Specific goals and objectives to achieve mission.
Objectives should be “SMART”
Specific
Measurable
Attainable
Results-based
Time bound
## Comprehensive Planning versus Strategic Planning

<table>
<thead>
<tr>
<th>Comprehensive Planning</th>
<th>Strategic Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long range, 10-20 years</td>
<td>Mission directed</td>
</tr>
<tr>
<td>Comprehensive</td>
<td>Short range, 1-5 years</td>
</tr>
<tr>
<td>(geographical)</td>
<td>Realistically targeted</td>
</tr>
<tr>
<td>Comprehensive (physical, economic, social)</td>
<td>Market oriented</td>
</tr>
<tr>
<td>Value oriented</td>
<td>Action oriented</td>
</tr>
<tr>
<td>A policy guide</td>
<td>Identifies strengths, weaknesses, opportunities, and threats</td>
</tr>
<tr>
<td>Designates future land use</td>
<td></td>
</tr>
<tr>
<td>Implementation tools</td>
<td></td>
</tr>
<tr>
<td>(regulations, funding)</td>
<td></td>
</tr>
<tr>
<td>Continuous</td>
<td></td>
</tr>
</tbody>
</table>

## Post-Modernism Period

- **1960s – social and environmental movements**
- **1960 – *Image of the City*, Kevin Lynch**
- **1961 – *Death and Life of Great American Cities*, Jane Jacobs**
- **1962 – Advocacy Planning, Paul Davidoff**
- **1969 – *Design with Nature*, Ian McHarg**
Post-Modernism Period

1969 – National Environmental Policy Act
1972 – Oscar Newman’s *Defensible Space*
1974 Housing and Community Development Act, CDBG
1984 – Seaside, Florida, New Urbanism, Andres Duany and Elizabeth Plater-Zyberk

Crime Prevention Through Environmental Design (CPTED)

Design can affect behavior

Jane Jacobs, "The Death and Life of Great American Cities"
1961

Crime Prevention Through Environmental Design (CPTED)

Natural surveillance
- Eyes on the street
- Avoid blind spots

Natural access control
- Delineate public and private space
- Clearly defined entrances

Territorial behavior
- Sense of ownership

Crime Triangle

An Offender

Crime

An Opportunity

A Victim

All three variables must be present. Eliminate at least one and the crime can be prevented.

New Urbanism

Congress for the New Urbanism
- Ahwahnee Principles (1991)

Charter for the New Urbanism
- Design based on scale
  - Metropolitan, City and Town goals
  - Block, street and Building goals

AKA Traditional Neighborhood Design
- New urbanism at neighborhood scale

Reject Euclidean Zoning in favor of Form-based Design Codes
- Mixed uses
- Regulate form rather than use
- Human-scale design

Respect street grid, connectivity

Source: DPZ and Associates
Form-based Codes - The Transect

Form-Based Regulating Plans

Human-Scale Streets
Technology

Geographic Information Systems – 1990s
- Intelligent maps (location and tabular)
- ArcGIS (ESRI), MapInfo, others

Recent Trends in Planning

1980s - Growth Management
Hawaii, Oregon, Florida, Georgia

1990s - Smart Growth, Sustainable Development

2000 - Disaster Mitigation Act

2000s – Traffic Calming, Context-sensitive Solutions
Smart Growth

Term attributed to Maryland Governor Parris Glendening
Scale: Regional vs. Local
Features of Smart Growth:
- Compact development
- Mixed uses
- Mobility choice (pedestrian orientation)
- Open space preservation
- Infill development

Regional vs. Local Scale
Smart Growth

Regional Programs include growth management that directs the timing and location of development
- Urban growth boundaries
- Adequate public facilities ordinances
- Cluster or conservation developments
- Transfer of development rights
Regional vs. Local Scale

Smart Growth

Local Programs are projects that incorporate principles of smart growth
- Mixed uses
- Pedestrian orientation
- Transportation alternatives
- Preservation of public open space
- Compact development

Maximum density vs. minimum density

Set-back lines vs. build-to lines

Smart Growth Programs in Texas

Austin
- Smart Growth Matrix
- Envision Central Texas

Flower Mound
- Adequate Public Facilities Ordinance

North Central Texas Council of Governments
- Center for Development Excellence
- Vision North Texas

Smart Growth Projects Examples

Addison Circle
Southlake Town Center
Plano Transit Village
The Domain - Austin
Sustainable Development

Intergenerational and intragenerational equity
Protecting and living within the natural carrying capacity of the natural environment
Minimization of natural resource use
Satisfaction of basic human needs

Sustainable Development versus Consumptive Development

Three “E”s of sustainability
- Economy
- Environment
- Equity

Sustainability Indicators

Sustainability Indicators Project of Central Texas
Indicators of
- Public Safety
- Education and Children
- Opportunity
- Civic Engagement
- Economy
- Health
- Natural Environment
**Sustainable Development – Better Site Planning**

Cluster Development

**Figure 4-3, Option:** Contingent Density and Bonus Contributions
- Maximum density: 18 lots
- Conservation land: 10 percent
- Minimum lot size: 80,000 square feet (1.8 acres)
- Maximum lot size: 200,000 square feet (4.6 acres)

**Figure 4-4, Option:** Maximum Density and Bonus Contributions
- Maximum density: 18 lots (residential)
- Conservation land: 10 percent
- Minimum lot size: 80,000 square feet (1.8 acres)
- Maximum lot size: 200,000 square feet (4.6 acres)
Sustainable Development – Green Building
LEED-Leadership in Energy & Environmental Design
U.S. Green Building Council
Rating System based on
- Sustainable sites
- Water Efficiency
- Energy and Atmosphere
- Materials & Resources
- Indoor Environmental Quality
- Innovation & Design Process

LEED-ND

Disaster Mitigation Planning
Traffic Calming

Context-Sensitive Design

Limits on Authority to regulate Development

Legislative (zoning) versus Ministerial (platting) acts
Arbitrary and capricious decisions
Ultra vires – regulating beyond your authority
Takings – results from overregulation that denies all use of property
Procedural due process (error in notice, denial of hearing, Open Meetings Act violations, conflict of interest)
Vested Rights – Chapter 245 LGC – rules are vested at time of initial application for project
Manufactured Housing
Religious Institutions (RLUIPA of 2000)
Capital Improvements Planning

CIP is a plan for the investment of public funds in public infrastructure. It identifies construction projects (typically streets, drainage, water, sewer, parks, and public buildings) that will be built over the next one year, five years, 10 years and beyond. It also guides the budgeting of funds for capital expenses, debt service, and bonding capacity.

Questions?
**Important Acronyms**

AICP – Any Idiot Can Plan  
B4 – Big Bland Beige Box  
BANANA – Build Absolutely Nothing Anywhere Near Anything  
CAVE People – Citizens Against Virtually Anything  
DBTD – Death By a Thousand Days  
DUDE – Developer Under Delusions of Entitlement  
LULU – Locally Unwanted Land Use  
NIMBY – Not In My Back Yard  
NIMFYE – Not In My Front Yard Either  
NOTE – Not Over There Either  
NIMTOO – Not In My Term Of Office  
NITL – Not In This Lifetime  
NOT – None Of That  
TOAD – Temporary Obsolete Abandoned or Derelict  
WIIFM – What’s In It For Me?

**Important Terms**

Bungalow Bill – tract house architect  
Comprehensive Flan – bland, custard-like filling in many comprehensive plans  
Custard Development – bland clustered development  
Dejavenue – impression of having seen the same street before  
Disneyfication – architectural fad on a community scale  
Generica- stores and strip malls you can see in any town in America  
Landscraper – landscape architect (also Blandscape Architect – a minimalist landscape architect)  
Litter on a Stick - billboard  
McPlace – standardized sense of place  
Pacebo – a place that has the appearance, but none of the value of a real place  
Privatopia – gated community run by homeowners association  
Ranchburger – one-story, generic southwestern tract house
Important Terms cont.

Scents of place – odors, smells, aromas and fragrances associated with a place

Sense of Immunity – mistaken belief that a regulation doesn’t apply

Snout House – home dominated by garage door

Starter Castle – also knows as a McMansion, Big Hair House and Tract Mansion

Powerpoint Poisoning – nauseous state of mind and body induced by presentations