# CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – DECEMBER 20, 2011

The Richardson City Plan Commission met December 20, 2011, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: David Gantt, Chairman

Janet DePuy, Commissioner Marilyn Frederick, Commissioner Thomas Maxwell, Commissioner

Don Bouvier, Alternate Eron Linn, Alternate

MEMBER ABSENT: Gerald Bright, Commissioner

Bill Hammond, Vice Chair Barry Hand, Commissioner

**CITY STAFF PRESENT:** Michael Spicer, Director of Dev. Svcs.

Sam Chavez, Asst. Director of Dev. Svcs. – Planning Susan Smith, Asst. Director of Dev. Svcs. – Dev. & Engr.

Israel Roberts, Development Review Manager

Chris Shacklett, Planner

Cindy Wilson, Administrative Secretary I

#### **BRIEFING SESSION**

Prior to the regular business meeting, the City Plan Commission met with staff to receive a briefing on agenda items and staff reports. No action was taken.

#### **MINUTES**

1. Approval of the minutes of the regular business meeting of December 6, 2011.

Commissioner Maxwell asked to replace the last word in the first sentence on page three, paragraph eight with the word "room."

**Motion:** Commissioner Maxwell made a motion to approve the minutes as corrected; second by Commissioner Frederick. Motion passed 6-0.

#### **CONSENT AGENDA**

All items listed under the Consent Agenda are considered to be routine by the City Plan Commission and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless desired, in which case any item(s) may be removed from the Consent Agenda for separate consideration.

- 2. Concept Plan for Brick Row Multi-family Buildings D and E: A request for approval of a concept plan reflecting 77 additional apartment units within multi-family buildings D and E at Brick Row. The 3.3-acre site is located at the north side of Brick Row at McKamy Park Circle.
- 3. Concept Plan for Brick Row Cabana and Pool: A request for approval of a concept plan reflecting a cabana and pool. The 0.24-acre site is located on the south side of Brick Row at McKamy Park Circle.
- 4. Revised Site and Landscape Plans and Building Elevations for Brick Row Townhomes: A request for approval of revised site and landscape plans and building elevations for the remaining undeveloped townhome lots within Brick Row. The 9.46-acre site is located on the west side of Greenville Avenue, north of Spring Valley Road.

**Motion:** Commissioner DePuy made a motion to approve the Consent Agenda as presented; second by Commissioner Bouvier. Motion passed 6-0.

## **VARIANCE**

5. Variance 11-12, Blackstone Meadows: A request for approval of an alley waiver where single-family lots back to dedicated public right-of-way. The 1.78-acre site is located at the southwest corner of Buckingham Road and Abrams Road.

Mr. Roberts advised that the applicant was requesting a variance from the Subdivision and Development Code, Section 21-46(g), *Lots and Blocks*, for an alley waiver where lots are permitted to back upon a dedicated street. He noted that the section prohibits residential lots from backing to a right-of-way of less than 100 feet; and where they are permitted to back up to a dedicated street, an alley and screening wall was required.

Mr. Roberts pointed out that the second portion of the language was vague as to whether or not it was meant to be globally applied to any circumstance, or if a proposed project should request a variance, therefore, the staff felt it was appropriate to bring the request before the Commission.

Mr. Roberts said the applicant would be providing a screening wall along Buckingham and Abrams Roads, but had stated if an alley way was required it would make the project unfeasible.

There were no questions for the staff or the applicant and Chairman Gantt called for a motion.

**Motion:** Commissioner Linn made a motion to recommend approval of Item 5 as presented; second by Commissioner DePuy. Motion passed 6-0.

# **PUBLIC HEARINGS**

6. **Zoning File 11-24:** A request by Kenneth R. Smith, representing Heath Asset Management, LP, for approval of a Special Permit for a self-service warehouse with modified development standards. The 1.6-acre site is currently zoned I-FP(2) Industrial and is located at the southeast corner of Bowser Road and Alpha Drive.

Mr. Shacklett reported the applicant was requesting a Special Permit for a self-service warehouse with modified development standards that included maintaining the site "as is" in its legal nonconforming status. He added that the project would be broken into two phases:

1) converting the vacant western half of the building into mini storage units; and, 2) converting the eastern half of the building into mini storage units once the current occupant, Verizon, vacates the building. The total number of units requested would be up to 300 once the building was fully converted.

Mr. Shacklett noted that the proposed site plan indicated minor site modification including removal of stripped parking areas in the right-of-way, adding five box planters, and modifying the parking spaces along Industrial Boulevard to bring them back within the property lines.

Mr. Shacklett presented the four changes recommended by staff that dealt with nonconforming issues and those included:

- Site Access and Circulation currently there are three driveways along Alpha that are nonconforming. Staff is recommending that the center and easternmost driveways be removed, and that the westernmost driveway east along Alpha Drive be relocated to comply with design standards for a driveway from Bowser Road. These changes would require the removal of the dock areas on the property and the applicant has stated they do not want to remove the docks because it would remove the option for the property if it was to revert back to a traditional warehouse.
- Revised Parking Layout staff suggested that the parking along the north side of the building be reconfigured to provide angle parking, which would require creating a one-way driveway. The proposed design eliminates the need for parking screening along Industrial Drive and incorporates landscape islands at either end of the proposed parking areas adjacent to the building. The applicant has chosen not to reconfigure the parking due to the loss of parking spaces that could hamper future occupation of the building by uses other than self-service warehouse.
- Revised Landscaping Design because the site currently contains no landscaped areas, and the five planter boxes proposed by the applicant will not count towards meeting the City's minimum 7% landscaping requirement, the staff proposed an onsite landscape buffer combined with landscaping in the right-of-way to provide 10

feet of landscaping along the street frontages. Staff also suggested removing the dock and trash enclosures located on the west side of the building and adding landscaping to that area. The applicant chose not to make these changes due to the removal of parking and changes to access on the site.

• Revised Dumpster and Enclosure Location/Design – based on the City's Solid Waste Department's recommendation, staff suggested that a double enclosure be constructed at the southwest corner of the property due to the high volume of trash that is generated at similar type facilities. The City's Solid Waste Department services the dumpster at its current location; however, the location is not ideal and could become an issue in the future.

Mr. Shacklett concluded his presentation noting the applicant had been informed the site could maintain its nonconforming status for uses allowed by right in I-FP(2) zoning district without any site modifications; however, the applicant was requesting a Special Permit for a use that is not allowed by right in that district. In addition, the applicant was advised that site modifications should be made to mitigate nonconforming elements to enable the site to function conducive to the proposed use, and without these modifications, the functionality of the site appeared to be inappropriate for the proposed use.

Commissioner DePuy asked how long the western portion of the building had been vacant.

Mr. Shacklett said he was not sure how long it had been vacant and suggested the applicant might be better able to respond.

Commissioner Linn asked if staff knew why the applicant was not willing to make the suggested changes.

Mr. Shacklett replied the two main reasons for not making the changes were the associated costs of making the changes, and by removing the docks and reducing the amount of parking it would hamper any future use of the property.

Commissioner Bouvier asked if the suggested changes were made and sometime in the future the applicant wanted to revert back to the current entitlements regarding setbacks and parking, would that be allowed or would that option be lost.

Mr. Shacklett replied that if the suggested changes were made to the site plan, and in the future they wanted to revert back to the original warehouse use, the applicant would have to redesign the parking to meet the proposed use requirements, or obtain variances for reduced parking and landscaping.

Commissioner Maxwell asked if the applicant had the right to go back and use the building "as is" without making any modifications regardless of how long the space had been vacant,

or would be vacant. He also wanted to know how many parking spaces would be required for the current tenant and the proposed self-storage business if it was approved.

Mr. Shacklett replied that as long the use was allowed by right and they did not make any changes to the site there would be no problems.

Regarding the parking spaces, Mr. Shacklett stated that 41 spaces would be required for both Verizon and the self-storage warehouse.

Chairman Gantt asked if based on recommended changes to the site, how many spaces would be left, and would that leave enough parking spaces

Mr. Shacklett replied there would be 20 spaces left, and some of the spaces could be reconfigured, but this is an example of the difficulty of an applicant requesting something that is not allowed by right and trying to keep the existing tenant; the applicant would not be able to make the staff's recommended changes and keep Verizon as a tenant.

Chairman Gantt asked what would be the percentage of landscaping based on staff's recommended changes. He also wanted to know if there was a sidewalk on the east side of the property along Industrial Boulevard.

Mr. Shacklett replied that the areas along Bowser, Industrial and Alpha would provide approximately 7% landscaping, albeit the majority would be located along Bowser.

Regarding the sidewalk, Mr. Shacklett said there was a small parkway south of the building with a sidewalk on eastern edge, but the sidewalk stops at the ramp to the building, and between the ramp and Alpha Drive there are only parking spaces.

Commissioner Frederick asked if a landscape buffer could be required along Alpha Drive, keeping the parking at "straight in," and leave the ramp in the middle of the property. She also wanted to know if the staff's proposed landscape would take the place of the parallel parking spaces along Alpha Drive.

Mr. Shacklett replied that the suggestion would have to be looked at, but it could create a dead-end parking area so another curb cut would have to be added. He added that the landscaping proposed by the staff would take the place of the parallel parking spaces, but would still allow a drive wide enough for a one-way driving aisle.

With no further questions, Chairman Gantt opened the public hearing.

Mr. Ken Smith, 4925 Greenville Avenue, Suite 915, Dallas, Texas, stated he has owned the property at 906 N. Bowser for the last 15 years and was submitting the request for a secondary use because of the downturn in the market for industrial properties. He added that

the downturn was evidenced by the 355,000 square feet of vacant industrial space in the City that competes directly with his property.

Mr. Smith said he would prefer to have a single tenant as opposed to the multiple tenants that would be in a self-storage warehouse; however, there have been no prospects in the last two years. He added that the terms of the lease with the existing tenant in the eastern portion of the building prevented him from making some of the changes recommended by the staff, and even with those changes the site would not be in compliance.

Mr. Smith noted that the building was built prior to the current City regulations and as such is considered legally nonconforming. He stated that there has never been any type of complaint or violations associated with his building including any problems with vehicles pulling into the loading docks causing a traffic problem on the surrounding streets.

Mr. Smith concluded his presentation asking the Commission to approve his request.

Commissioner DePuy asked why the applicant thought the current tenant, Verizon, would be moving out and when would that occur. She also noted wanted to know if Verizon left, who would be the ideal tenant for the building.

Mr. Smith replied that Verizon renewed their lease in September of 2010 for the entire building, but as of a year ago they determined they no longer needed all of the space and moved their operations into the eastern portion of the building. Since that time they have been trying to find someone to sublease the other section of the building. He added that the current Verizon lease is for three years with a three year option to renew, but he felt they would be slowly migrating out of the building into other buildings in the area.

Regarding the ideal tenant for the building, Smith said someone similar to Verizon would be ideal, but he felt the secondary use as self-storage would be compatible with the building and the area. In addition, he noted that the self-storage company directly behind his building did not have climate control units and he had spoken with the owners of that business about combining the management of the two facilities.

Commissioner Maxwell asked if the center loading dock was being used, and could they use the loading dock on the east side. He also wanted to know if a dumpster would be required for a self-storage warehouse.

Mr. Smith replied that Verizon takes their deliveries through the middle loading dock, and the dock on the east side does not provide service to the whole building.

Mr. Shacklett replied that the City requires most businesses to have a dumpster, or to have a site where a dumpster could be placed if needed.

Commissioner Frederick asked what the function was of the loading dock located next to the dumpster on the west side of the building. She also wanted to know if it would be possible to remove that dock, move the dumpster to the rear of the building and making the loading area a green space.

Mr. Smith replied that side of the building was empty so the loading dock is not currently being used, but thought it would be useful for anyone wanting to bring items in to self-storage units. He added that he was not opposed to moving the dumpster to the rear of the building.

Ms. Smith noted that if the loading dock was left in place and green space was added where the dumpster is currently located, it would cause problems with maneuverability.

Commissioner Linn asked if Verizon decided to stay and asked for use of the whole building, would the applicant change the building back to its original state. He also wanted to know if the applicant had taken the suggestions from the City staff to a contactor to find out the cost for implementation.

Mr. Smith replied that he would bend over backwards to keep Verizon as a tenant and would be hard pressed to turn them down. However, he reminded the Commission that he currently has a building with half the space that is vacant. Also, he had not priced out the cost of making the changes recommended by the staff, but estimated it could cost approximately \$250,000.

Commissioner DePuy asked if the proposed self-storage business would have an on-site manager.

Mr. Smith replied that he has contacted the management of the storage facility to the south to manage both properties; however, if the management from the other facility does not want to handle both properties, he said he would get an on-site manager.

Commissioner DePuy pointed out that the property was located in a redevelopment/reinvestment area, and understood the need for the owner to make the business viable, but felt there was a need to landscape the property to draw business to the area and to make it compatible with some of the surrounding industrial properties.

No further comments were made in favor or opposed and Chairman Gantt closed the public hearing.

Chairman Gantt stated he would love to see the building occupied, but he understood the difficulties associated with the building (i.e., age, current state of the economy, etc.), and either making the changes or finding a tenant would be challenging.

Commissioner DePuy noted that other self-storage uses have been allowed as secondary uses, but wanted to know if any had been approved in an industrial district. She pointed out that if the self-storage business was allowed, there would be an increase in traffic in an already tight area and how would that be handled.

Mr. Shacklett replied that the last self-storage case to come before the Commission was a request to change the zoning on a property to Industrial and build self-storage units inside an existing building, but the Council denied the request.

Chairman Gantt noted that loading docks were an asset in a warehouse or Industrial District, but the way they are configured in the current building could cause problems.

Commissioner DePuy asked if the parallel parking spaces along Alpha Drive were replaced with landscaping, and a curb cut was added, would that leave enough room to maneuver.

Mr. Shacklett replied that the applicant would have to meet spacing requirements and where the new curb cuts would be placed, the parking spaces against the building would have to be eliminated, which in turn narrows the driving aisle.

Chairman Gantt asked if the western portion of the building was converted to climate controlled self-storage units, could the entrance be through the existing self-storage business south of the building.

Mr. Shacklett replied the building sits on the property line adjacent to the other property's driveway and you can not have an entrance at that location. Also, the other business would have to be included in the rezoning application.

Commissioner Linn said he felt the property was a perfect candidate for redevelopment, but felt the applicant lacked commitment to the change based on his statement that if the current tenant wanted to take over the whole property he would drop his plans for the improvements and the self-storage business.

Commissioner Maxwell stated he was not comfortable granting a Special Permit without implementing the staff's recommendations for improvements and changes, even though he did not have a problem with a self-storage business in the building. He asked if the existing curb cut on Alpha Drive could be widened to the west to allow an exit from that side of the property.

Mr. Chavez replied that any changes made to the site would most likely require some type of variance, but the changes could be accomplished. However, the issues the staff ran into was that the applicant wanted to validate the site "as is" without making any modifications or improvements. He added that the Commission could recommend continuing the item and

have staff work with the applicant, but from discussions with the applicant it is apparent he wants to leave the site in its current form to leave his options open.

Commissioner Maxwell commented that he understood the need for the middle ramp off Alpha Drive, but if the current tenant moves out and the whole building converts to self-storage, the ramp will ultimately have to be removed. He asked if a curb cut could be added to the west side in addition to a dumpster enclosure.

Mr. Shacklett replied that sanitation trucks require a minimum of 42 feet of back up space and to get a location that would allow enough pull in and back up space without backing onto Bowser Road would not be feasible and could pose a liability.

Commissioner Maxwell suggested that the dumpster could take the place of the trash compactor that was being removed because it would prevent the trucks from backing onto Bowser Road.

Mr. Shacklett replied staff had not looked at this as an option and pointed out that the dumpster would have to be at a 30 degree angle to any entrance, which would have the truck backing towards the loading dock. He said staff would take a look at this option.

Commissioner Bouvier said he liked the idea, and the concept was compatible with the business to the south, but felt the presentation was lacking in details and wondered if the building was safe for the public if it was converted to self-storage units. He suggested that a hybrid plan might be possible; however, the current plan was not appropriate.

Commissioner Frederick concurred with Mr. Bouvier and thanked the applicant for his efforts, but felt the applicant should go back and work with staff to resolve some of the issues brought forth by the Commission.

Commissioner DePuy said she felt landscaping could be added along Alpha Road and the dumpster on Bowser Road would be unsightly, but felt the addition of landscaping and proper placement of the dumpster along Bowser Road would only benefit the property. She suggested the applicant work with staff and listen to their recommendations.

Chairman Gantt stated that he would vote against recommending a Special Permit for the property under the current proposal, and questioned the commitment of the applicant given his request to keep the loading docks and everything "as is." He added that asking the applicant to conform to staff's plan might be an undo burden, but felt some of the aspects regarding landscaping would help the marketability of the property.

**Motion:** Commissioner Linn made a motion to recommend denial Item 6 without prejudice; second by Commissioner Bouvier.

Commissioner Maxwell said he could not vote in favor of the motion as presented, but felt the applicant should be given another chance to work with staff then reapply.

Commissioner Bouvier asked if the motion for denial was passed, would the applicant be allowed to return at a later time with a different presentation.

Mr. Shacklett replied that if the motion to deny was passed, the applicant has to option to appeal to the City Council within 10 days; however, if they do not appeal within the 10 days the item dies, but they would be able to reapply. However, a motion to continue would allow the applicant to go back and work on the proposal and come back before the Commission whenever they are ready.

Motion failed 1-5 with Chairman Gantt and Commissioners Bouvier, DePuy, Frederick and Maxwell opposed.

Commissioner Maxwell made a motion to continue Item 6 indefinitely; second by Commissioner Bouvier. Motion passed 5-1 with Commissioner Linn opposed.

7. **Zoning File 11-25:** A request by Justin Milander, representing Toll Brothers Inc., for approval of amendments to the existing PD Planned Development District regulations to allow an increased number of stucco homes, to allow attached or detached cedar arbors with modified setbacks, and to revoke the Special Permit for a senior housing facility granted in Ordinance 3705. The 17-acre site is currently zoned PD Planned Development for the RP-1500 Patio Home District and is located at the southeast corner of Renner Road and Sharp Lane.

Mr. Shacklett advised the applicant was requesting to make three amendments to Ordinance No. 3705 that was approved in 2008 for a 62-lot patio home subdivision on the southeast corner of Renner Road and Sharp Lane. He explained that the first amendment was to increase the number of stucco homes allowed in the development from 12 to 25; second, to allow attached and detached stained cedar arbors located on the residential lots and within three feet of the rear lot line and side property line; and third, to remove the Special Permit that is currently on the property that would allow an independent living senior housing facility.

Mr. Shacklett stated the current regulations allow 12 of the 62 homes to be constructed of stucco, but the developer has noticed a trend for more stucco homes and is asking to increase the allowed number of stucco homes from 12 to 25 to allow the trend to continue within the development if that was where the market was heading. He added that many of the homeowners requesting stucco exteriors have also used tile roofs, which has increased the cost of the homes by \$20,000.

Mr. Shacklett pointed out the current ordinance did not allow detached structures, but the applicant was requesting that both attached and detached stained cedar arbors be allowed. He added that most of the lots had the homes built at the 10-foot rear yard setback with a small patio and the applicant was requesting that homeowners be allowed to build an attached or detached cedar arbor within three feet of the rear and side lot lines to provide covering for the patios.

In concluding his presentation, Mr. Shacklett noted the third and final request was to remove the existing Special Permit for the senior housing village that had been carried forward from previous zoning classifications and was no longer applicable.

Commissioner Maxwell asked if the City Code contained a definition of an arbor.

Mr. Shacklett replied defining language would be added to the proposed ordinance limiting the structures to attached or detached stained cedar arbors because the applicant's intent was to prohibit any sort of accessory buildings or other types of arbors that could be constructed of other material.

Commissioner DePuy said she thought arbors were defined as being detached from a home and if they were attached they were called pergolas.

Mr. Shacklett replied that typically arbors were detached, and they could also be referred to as patio covers.

Commissioner Frederick asked if the outdoor living space that is separate from the house would be allowed in the subdivision.

Mr. Shacklett replied that it would probably be covered under the building code.

Commissioner Bouvier asked if stucco houses were required to have clay tile roofs and, if not, what was the roof material be made of.

Mr. Shacklett replied that clay tiles were not required, but had been chosen by the 5 of the 6 stucco homes in the subdivision. He was not sure what roofing material was used on the sixth home.

With no further questions for staff, Chairman Gantt opened the public hearing.

Mr. Ryan Bashaw, representing Toll Brothers, 2557 S.W. Grapevine Parkway, Grapevine, Texas, 76051, answered Mr. Bouvier's question by saying that roofing material on the sixth home was a composite shingle.

Commissioner DePuy asked the applicant why he thought requests for stucco homes was increasing.

Mr. Bashaw replied that he thought it was a different look and lends itself to patio homes and is a more familiar product to buyers relocating from the west coast. He added that the floor plans were exactly the same as brick homes.

No other comments were made in favor or opposed and Chairman Gantt closed the public hearing.

Commissioner Frederick said if the arbors built were of the same quality as those depicted in the photos it would enhance to the properties.

**Motion:** Commissioner DePuy made a motion to recommend approval of Item 7 as presented; second by Commissioner Frederick. Motion passed 6-0.

Mr. Chavez informed the Commission that there were no agenda items scheduled for the January 3, 2012, meeting so the meeting was canceled.

Chairman Gantt thanked the staff and Commission for all their hard work during the past year.

## **ADJOURN**

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 8:34 p.m.

David Gantl Chairman City Plan Commission