CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – MAY 17, 2011

The Richardson City Plan Commission met May 17, 2011, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: David Gantt, Chairman

Gerald Bright, Commissioner Janet DePuy, Commissioner Marilyn Frederick, Commissioner

Barry Hand, Commissioner Jim Henderson, Commissioner Thomas Maxwell, Alternate Don Bouvier, Alternate

MEMBER ABSENT: Bill Hammond, Vice Chair

CITY STAFF PRESENT: 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

Kathy Welp, Executive Secretary

BRIEFING SESSION

Prior to the regular business meeting, the Plan Commission met with staff to receive a briefing on:

A. Agenda Items

The Commission was briefed on the agenda items. No action was taken.

B. Staff Reports

The Commission was briefed on upcoming development items. No action was taken.

MINUTES

1. Approval of the minutes of the regular meeting of May 3, 2011.

Motion: Commissioner Henderson made a motion to approve the minutes as presented;

second by Commissioner Hand. Motion passed 7-0.

PUBLIC HEARINGS

2. Replat of Crystal Creek Addition (continued from May 3, 2011 meeting): A request for approval of a replat of Lot 1, Block 1, of the Swordglisten Addition and 11.03-acres of unplatted property for the development of a 35-lot single-family detached subdivision. The site is located on the west side of Holford Road, south of Chainhurst Drive.

Mr. Roberts advised that the requested replat would cover Lot 1, Block 1 of the Swordglisten Addition and 11.03-acres of unplatted property for the development of a single-family subdivision, which would include 34 single-family lots, 1 cellular antenna lot, and 7 common area lots. He added that the proposed replat was in conformance with the zoning regulations from Ordinance 3796 and the previously approved preliminary plat.

With no questions from the Commission, Chairman Gantt opened the public hearing. There were no comments in favor or opposition and Mr. Gantt closed the public hearing.

Commissioner Henderson asked the staff to describe the drainage plan in the replat and wanted to know if the drainage would be open or above ground, or did it go into a storm sewer.

Mr. Roberts replied that there would be above ground drainage on the western portion of the property between Lots 20 through 25, which included a tree maintenance area, and then it would flow below ground into a storm sewer and empty into a retention pond on the southern portion of the property. He added that the retention pond was there to meet water quality requirements to treat the first inch and one-half of rain fall to allow for the settling of particulate matter and the remainder would discharge into the storm water system.

Commissioner Henderson said when the Commission first looked at the proposed project they were assured that the drainage problem would be corrected; however, he felt there might be a problem on Annoor Drive but would wait to see what happens.

Motion: Commissioner Bright made a motion to approve Item 2 as presented; second by Commissioner DePuy. Motion passed 7-0.

3. **Zoning File 11-07:** A request by Thomas Yakoob, representing Majesty Auto Glass, for a Special Permit for a "motor vehicle repair shop – minor" for an auto glass repair shop at 819 W. Arapaho Road, south side of Arapaho Road between West Shore Drive and Newberry Drive.

Mr. Shacklett noted that the request was for a minor vehicle repair shop that would be limited to auto glass repair/replacement. He added that the proposed location had previously been occupied by SafeLite Auto Glass until March 2010; however, since the building had been

vacant longer than the 6-month grandfather period allowed in the Zoning Ordinance, the applicant was required to obtain a Special Permit.

Mr. Shacklett stated the staff had received a few calls regarding the zoning change request and the main concern was there would be some other type of auto repairs taking place, but the applicant confirmed there would be no other minor vehicle repairs conducted in the business (i.e., oil change, state sticker inspections, etc), and the one special condition recommended by the staff report would prohibit the same. He added that the applicant was proposing no changes for the site or the building, other than a new sign, and would be utilizing the space as did the previous business.

Commissioner DePuy asked if there had been any opposition from the other tenants in the shopping center, and had there been any discussion on outside storage or displays.

Mr. Shacklett replied that staff had not received any letters in opposition from the other tenants or surrounding neighborhood, and the owner of the shopping center had signed off on the application. He added that outside storage or displays for auto related uses were not allowed in a commercial district.

Commissioner Maxwell asked to confirm that the zoning case was for a minor motor vehicle repair shop and was specific to the applicant. He also wanted to know if the item was approved and the applicant's business was discontinued would another auto glass repair shop be required to come back for a Special Permit if the 6-month grandfather period had expired.

Mr. Shacklett replied that the case was for a minor motor vehicle repair shop, but was not specific to the applicant. He said that once a Special Permit was granted it would be permanent and the lease space would allow any auto glass repair/replacement business from this time forward whether or not 6 months had passed between the time vacated and the new tenant. The only time the Special Permit could change would be if it was called up by the Commission and City Council and revoked.

With no further questions for staff, Chairman Gantt opened the public hearing. There were no comments made in favor or opposition and Mr. Gantt closed the public hearing.

Commissioner Hand complimented the shopping center owner on keeping the center full and well maintained.

Motion: Commissioner Hand made a motion to recommend approval of Zoning File 11-07 as presented; second by Commissioner Frederick. Motion passed 7-0.

DEVELOPMENT PLANS

4. Common Area Landscape Plan for Crystal Creek: Request for approval of a Common Area Landscape plan for the Crystal Creek Addition. The site is located on the west side of Holford Road, south of Chainhurst Drive and is zoned (PD) Planned Development for the R-1100-M Residential District.

Mr. Roberts advised that the common area landscape plan was consistent with the requirements of Ordinance 3796 and the perimeter walls, common area, and open spaces would be maintained by the Homeowners Association. He added that at the southwest corner of the site the developers were proposing to add a walkable path that would extend to a proposed development south of the subject property.

Mr. Roberts noted that the tree maintenance easement would be located east of Yaseen Drive and then go south across the lots to Annoor Drive. In addition, there would be benches in front of the retention pond for use by the residents.

Commissioner Bouvier asked if the benches shown on the site were permanent or were they moveable.

Mr. Mohamed Salam, 5901 Indian Hills Drive, Garland, Texas, the landscape architect representing the developer, said the benches were designed to be permanent to prevent issues with vandalism.

Motion: Commissioner Bright made a motion to approve Item 4 as presented; second by Commissioner DePuy. Motion passed 7-0.

5. Variance 11-07, 1381 Lake Park Way: A request for approval of a variance from Article III, Section 21-52(i), Off-street Parking, for a reduction in parking for a 9,970 square foot multi-tenant center. The site is located at 1381 Lake Park Way, on the south side of Lake Park Way, east of Coit Road.

Mr. Roberts reported that the request was for a variance to the City's Subdivision and Development Code for a six-space reduction in parking for a proposed retail tobacco store (hookah lounge) in a one-story, 9,970 square foot multi-use center located on the south side of Lake Park Way, east of Coit Road. He added that with the proposed use, 48 spaces would be required assuming retail use for the remaining vacant space in addition to the existing office; however, there were only 42 spaces provided on the site.

Mr. Roberts concluded his presentation by noting that the applicant had stated the proposed use would not be in conflict with the existing doctor's office, and staff had received a letter of opposition from an adjacent property owner.

Chairman Gantt commented that if the lounge was to operate between 5:00 p.m. to 2:00 a.m. there would not be a conflict with the doctor's office, but he had concerns that the remaining vacant office/tenant spaces would be adversely impacted by the lack of parking.

Commissioner Hand agreed with Mr. Gantt and said the Commission had a good track record in trying to work with the business owners, but felt the owner of the building in question should try to find another tenant that would be a better fit. He added that making the proposed move and limiting the future prospects for the building was not a good choice.

Commissioner DePuy concurred with Mr. Hand and said that it was too much of an unknown for the future use of the remaining space and was not in favor of the item.

Commissioner Henderson asked where the existing doctor's office and the proposed business were located, and wanted to know if a restaurant was to come in after the lounge had been established, would their floor space be limited to 1,100 square feet because of the amount of parking.

Mr. Roberts replied the doctor's office was located on the west end of the building and the lounge would probably be in the middle space. He added that under the existing conditions (9,970 total square feet, an existing 4,200 square foot doctor's office) the building owner could only lease up to 1,100 square feet to a hookah lounge or a restaurant.

Ms. Smith explained that by granting the requested parking variance for the lounge, the site would receive a six-space parking variance and no other use such as an additional hookah lounge or restaurant would be permitted for the remainder of the site.

Commissioner Henderson said he felt the proposed variance would impede the development of the property and was not in favor of the item.

Commissioner Bright said he sympathized with the property owner, but he agreed with Mr. Gantt and the other comments regarding the proposed use of the space.

Chairman Gantt suggested there might be a better location in a nearby building for the proposed use, or the building owner could work with adjacent property owners for a shared parking agreement, but a simple parking variance was not the best solution.

Commissioner DePuy commented that the shopping center was very nice and well kept and she would not like to see anything happen that might hamper future development.

Motion: Commissioner Bright made a motion to recommend denial of Item 5 as presented without prejudice; second by Commissioner Henderson.

Commissioner Bouvier asked why the motion was made "without prejudice" and what did Mr. Bright think would be a workable solution.

Commissioner Bright said he was not sure what a workable solution would be, but did not want to deny the request without seeing any other alternatives.

Ms. Smith suggested that the applicant might work with the adjacent property owner to see if they had excess parking and enter into a shared parking agreement. She added that the applicant would still need to go through the variance process, but it might give the Commission and City Council some assurances there would be adequate parking.

Commissioner Bouvier replied that when looking at the letter in opposition it did not appear that was an option, but thought they might be able to try one more time to see if a shared parking agreement could be reached.

Motion passed 7-0.

Commissioner Henderson asked to go on record that the Commission was in support of the Dallas Mavericks in the Western Conference Basketball Finals, and Commissioner Hand thanked the staff, City Council and fellow Commissioners for their support regarding the recent traffic accident suffered by his wife.

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 7:35 p.m.

David Cantt Chairman City Plan Commission