

## MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

March 12, 2012

City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, March 12, 2012 with a quorum of said Council present, to-wit:

Bob Townsend	Mayor
Laura Maczka	Mayor Pro Tem
Mark Solomon	Council member
Scott Dunn	Council member
Kendal Hartley	Council member
Steve Mitchell	Council member
Amir Omar	Council member

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames (absent)	Assistant City Manager Administrative Services
David Morgan (absent)	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Pamela Schmidt	City Secretary
Don Magner	Director of Community Services
Michael Spicer	Director of Development Services

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1. **INVOCATION – AMIR OMAR**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – AMIR OMAR**

Mayor Townsend changed the Order of the Agenda to hear the Visitors Item prior to considering the Minutes.

4. **VISITORS.** *(The City Council invites citizens to address the Council on any topic not already scheduled for Public Hearing. Prior to the meeting, please complete a "City Council Appearance Card" and present it to the City Secretary. The time limit is five minutes per speaker.)*

Congressman Sam Johnson addressed the Council recognizing Bill Keffler for his 35 years of service to the City of Richardson. He read the words recorded in the Congressional Record and presented a portfolio with the reading and a US Flag flown over the US Capitol.

Mayor Townsend recessed the meeting at 7:35 p.m. and reconvened the meeting at 7:50 p.m.

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3. **MINUTES OF THE FEBRUARY 27, 2012 MEETING**

ACTION TAKEN: Mr. Omar moved approval of the minutes as presented; second by Mr. Hartley and the motion was approved with a unanimous vote.

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**PUBLIC HEARING ITEMS:**

**5. PUBLIC HEARING, ZONING FILE 12-02: A REQUEST BY HOWARD L. LAWSON, REPRESENTING THE LAWSON CO., FOR A CHANGE IN ZONING FROM C-M COMMERCIAL WITH SPECIAL CONDITIONS TO C-M COMMERCIAL WITH SPECIAL CONDITIONS AND I-M(1) INDUSTRIAL WITH A SPECIAL PERMIT FOR AN INDOOR SELF-SERVICE WAREHOUSE WITH SPECIAL CONDITIONS FOR A PORTION OF 528 W. ARAPAHO ROAD (NORTH SIDE OF ARAPAHO ROAD, WEST OF CUSTER ROAD).**

Mr. Keffler advised that the applicant was before the Council in December 2011 with a similar request that was denied without prejudice. He stated the current request has been modified since the first request. He reported that the Plan Commission heard the request at its February 21, 2012 meeting and voted 5-2 to recommend approval with conditions. He asked Michael Spicer, Director of Development Services, to brief the Council.

Mr. Spicer stated the request pertained to a 4.7 acre tract and he used an aerial map to describe the adjoining uses. He explained that industrial zoning is requested for the 3.5 acre portion of the site to provide for indoor self storage. The request limits the industrial zoning to indoor self storage and commercial zoning district uses. He stated that because the existing building is located less than 60 feet from an adjoining residential zoning district, it is a non-conforming structure, which means it cannot be expanded. The request acknowledges the condition and asks for a variance to provide for the future expansion of the building. The building currently accommodates 423 units. No exterior improvements are proposed and there is a surplus of parking spaces. The site includes 8% landscaping, which exceeds the 7% required. The request is for a 20-year permit with two consecutive 5-year renewal options. He described a possible expansion, which would include a slight expansion of the landscaping. He reported that sufficient parking spaces were available on the site. No outdoor storage would be allowed and he explained that because the property does not have street frontage, it cannot be platted as a single lot. He provided photos of the subject property and surrounding area. He advised that the City Plan Commission recommended approval with a 5-2 vote with conditions. He stated staff received written opposition from a property owner within 200 ft of the request and heard one speaker in favor of the request at the Plan Commission hearing.

Mr. Mitchell asked about the use that would be allowed once the special permit expired. Mr. Spicer stated the ordinance would be structured such that the conditions placed on the permit would preclude the use of the property for anything other than the indoor self storage or any other use that would be allowed in the commercial zoning district. He further explained that the use would remain valid regardless of the owner unless the Council chooses to attach it to the business. Mr. Keffler clarified that the applicant has requested I-M zoning because that is the only zoning district that allows for self-storage. In response to Ms. Maczka, Mr. Spicer advised that if the business transfers to another business, the business would still be required to meet the ordinance as written. He also explained that expansion would require review by the City Plan Commission for development approval.

Mayor Townsend opened the public hearing and invited the applicant to present the request.

Bill Dahlstrom, 901 Main Street, Dallas, stated that the applicant understood the concerns voiced by Council in December and is why the current application includes a 20-year time factor and eliminated outside storage. He also felt the restriction to the C-M uses was also important as noted by Staff. He stated the applicant understands that if redevelopment has not occurred prior to the 20 year time frame, the applicant would be required to apply for a renewal of the permit. He noted the request also asks for a variance to allow for an expansion in the future.

He felt the use is a benign use that does not require a lot of traffic and is a good use for the property. He requested approval of the application.

Mayor Townsend opened the floor for questions to the applicant. Mr. Mitchell asked if there would be any changes to the façade of the building and asked about signage. Mr. Dahlstrom stated there would be no changes and there would be minimal signage.

Mayor Townsend opened the floor for speakers.

Richards Ramey, 707 E. Arapaho, representing Legacy Texas Bank, stated the bank is providing a 25 year structure on the financing and understands that the SUP could be revoked in 20 years. He stated there are six owners of the property and three have purchased property within the last year and are very aware of the redevelopment hopes for the property. He stated that other uses have been brought to the bank for consideration and he felt this is the best use that has been presented.

David Baty, 201 Mistletoe, on behalf of Northrich Baptist Church, stated the church was in favor of the application even with the outdoor storage and felt it would be a good use of property since it has been vacant 3 years. He felt it would be beneficial to have the property utilized.

Leslie W. Blum, 440 Marilu Street, Richardson, stated that she lives a few streets north of Arapaho and Custer. She felt self-storage was not appropriate next to residential zoning. She stated that Northrich homeowners expect the Council to protect the neighborhood and felt other industrial areas would be more appropriate. She asked the Council to consider people oriented, long term use and felt self-storage does not consider the long term ramifications for redevelopment of the area. She voiced concern about increased traffic and crime, and asked the Council to deny the request. In response to Mr. Mitchell about the building remaining vacant, Ms. Blum stated she would rather have a vacant building with a potential for a better long term option.

Mr. Dahlstrom stated the use is characterized in the staff report as a benign use. From a visual or aesthetic perspective, there would be no change to the site. He stated the facility would generate far less traffic than a 65,000 sq. ft. commercial or retail use. He did not think that crime would be an issue noting there would be 16 security cameras on the building monitoring the site.

Mr. Solomon moved to close the public hearing; second by Ms. Maczka and the motion was approved with a unanimous vote.

Mayor Townsend opened the floor for discussion by the Council. Mr. Omar stated that one of the things that allows for redevelopment is viable businesses. He stated that one of the things that must be considered is the amount of vacant retail space. He stated his biggest concern was weather or not there would be opportunity to do something in the future with the property and felt the 20-year restriction on the permit allows the Council the opportunity to do something different when it is appropriate. He suggested adding continual 5-year terms because future Councils many not know the history of the zoning.

Mr. Mitchell felt self-storage would not be part of the vision for the area. He was concerned that the business was a short term fix for a long term issue. He hoped it would not take 20 years to redevelop the area. He voiced concern about the message sent to the development community about Richardson if approved and voiced concern that self-storage would go into other vacant

properties. He felt it is not an acceptable use for the site and felt it was too close to a residential neighborhood as well as retail, and he would not support the request.

Ms. Maczka agreed with the points made on both sides of the request. She stated, in general, she does not support the use adjacent to a neighborhood. She stated that she is concerned that something less desirable would open and did garner some comfort with the time restriction. She felt that the study would not be completed in the near future. She stated she would feel more comfortable with a condition that this be tied to the applicant rather than the property.

Mr. Dunn also agreed with opinions voiced and underscored that redevelopment would occur many, many years after the study is completed. He felt that the storage facility would provide for some activity and liked that it would include security cameras. He would prefer that approval be tied to the applicant.

Mr. Solomon asked the applicant if there was a concern with the additional stipulation. Howard Lawson, 7411 Hines Place, Dallas, asked for clarification and Ms. Maczka stated a new owner would have to come back to Council for a new special permit. Mr. Dahlstrom felt there are safeguards within the application and spoke opposed to the added condition. He felt in this particular case, the stipulation could cause problems with refinancing or bringing in different partners. He also stated that they look forward to participating in the future study.

Mr. Dunn stated he did not understand that tying the zoning to the applicant meant it could not be sold and would prefer that it be tied to the current applicant until the business is established.

Mr. Mitchell stated he was opposed to a stipulation that ties the zoning to the applicant.

Ms. Maczka stated she did not disagree with Mr. Mitchell.

Mr. Omar noted that the next two study areas have been identified and it would be some time before the following study area is identified. He believed that the concern of the business changing hands is moot because of the time restriction on the property and felt the application was the best that could be requested.

Mayor Townsend stated there is a self storage business across the street from his home and it has been a good neighbor. He asked the applicant to add more landscaping to improve the property.

**ACTION TAKEN:** Mr. Omar moved approval of ZF 12-02 with the addition of 5 year terms to extend into perpetuity; second by Mr. Hartley. Discussion was held regarding the additional 5 year terms. Mr. Omar withdrew the motion and moved approval of ZF 12-02 as presented; second by Mr. Hartley and the motion was approved with a 5-2 vote with Mr. Mitchell and Ms. Maczka voting in opposition.

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#### **ACTION ITEMS:**

#### **6. WILLOWS APARTMENT COMPLEX AND DANGEROUS BUILDING CONSIDERATIONS AND TAKE ACTION DECLARING THAT THE WILLOWS APARTMENTS COMPLEX IS A DANGEROUS STRUCTURE.**

Mr. Keffler that Staff began taking action on the item before the Council in July 2009 at which time the complex failed its inspection. He noted the item continued forward with Building &

Standards Commission action in April 2010. Action by Council would make the determination that the complex is a dangerous structure.

Mr. Magner referred to the briefing provided to Council during the earlier Work Session detailing the structural, property standards, utility, health, nuisance and environmental violations currently outstanding at 116 S. Bowser Road or the apartment complex formerly known as The Willows. He submitted a copy of the briefing, which includes the enforcement history, the inventory of violations and photos of violations.

**ACTION TAKEN:** Mr. Solomon moved that the City Council find that the property located at 116 S. Bowser Road, including all buildings and structures is a dangerous structure as defined by Section 271.0461 of the Texas Local Gov't Code; second by Mr. Mitchell and the motion was approved with a unanimous vote.

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ALL ITEMS LISTED UNDER ITEM 7 OF THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSIONS OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY:

**7. CONSENT AGENDA:**

**ACTION TAKEN:** Mr. Solomon moved approval of the Consent Agenda as printed; second by Mr. Hartley and the motion was approved with a unanimous vote.

**A. Approve the following Ordinances:**

1. Ordinance No. 3856, amending the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, as heretofore amended, so as to grant a change in zoning from I-M(1) Industrial and I-FP(2) Industrial to PD Planned Development for I-M(1) Industrial and I-FP(2) Industrial with special conditions.
2. Ordinance No. 3857, amending the Code of Ordinances by amending Chapter 6, by amending Section 6-345(a) regarding the appeal of a decision of the Building and Standards Commission; by amending Section 6-367 to add Subsection (53) regarding structural standards for food preparation areas; by amending Chapter 13, by amending Section; 13-157 regarding garage/occasional sales, by amending the definition of Open Storage in Section 13-161, by amending Section 13-162(a) regarding Open Storage requirements; by amending Chapter 14, by amending Section 14-2 Enumeration of Nuisances to add Subsection (13) regarding the parking of certain vehicles, and by amending the definition of Junked Vehicle in Section 14-61.

**B. Approve Resolution No. 12-03, establishing an administrative fee for the expenses related to the City causing the work to be done to keep property free from weeds, rubbish, brush and any other objectionable, unsightly or unsanitary matter of whatever nature as authorized by the Code of Ordinances.**

**C. Approve Advertisement of Bid #35-12 – HVAC Improvements at the Richardson Communications Building. Bids to be received by Thursday, March 29, 2012 at 2:00 P.M.**

D. Award of the following bids:

1. Bid #25-12 – award to Camino Construction, LP, for the Street Rehabilitation Phase III project (Melrose/Meadow View Court) in the amount of \$1,618,477.
2. Bid #27-12 – award to Ark Contracting for the Hunt Branch Sanitary Sewer & 200 West Shore Drive erosion control in the amount of \$231,885.
3. Bid #34-12 – authorization to issue Co-op Purchase Orders to Sam Pack’s Five Star Ford for the Co-op Purchase of various trucks for Parks & Recreation (\$134,480.04), Animal Services (\$18,515.74), Water & Sewer Operations (\$20,577.71), and Emergency Management (\$26,036.82) through the State of Texas Procurement and Support Services Contracts #071-A1 and #072-A1.
4. Bid #36-12 – authorization to issue a Cooperative Annual Requirements contract to APAC Texas, Inc. for Hot Mix Asphaltic Concrete through the City of Garland Bid 2733-12 pursuant to unit price of \$60/ton.

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**8. RECEIVE THE SIGN CONTROL BOARD MINUTES OF THE MARCH 7, 2012, MEETING.**

ACTION TAKEN: Mr. Solomon moved acceptance of the Sign Board minutes as presented; second by Mr. Dunn and the motion was approved with a unanimous vote.

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Mayor Townsend advised that Council would reconvene in Work Session in the Richardson Room and it would be followed by an Executive Session as posted. He adjourned the meeting at 8:50 p.m.

  
MAYOR

ATTEST:

  
CITY SECRETARY