CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – JANUARY 15, 2013

The Richardson City Plan Commission met January 15, 2013, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: David Gantt, Chairman

Barry Hand, Vice Chair Gerald Bright, Commissioner Janet DePuy, Commissioner Marilyn Frederick, Commissioner

MEMBER ABSENT: Eron Linn, Commissioner

Thomas Maxwell, Commissioner

Don Bouvier, Alternate Randy Roland, Alternate

CITY STAFF PRESENT: Sam Chavez, Assistant Director - Dev. Svcs – Planning

Israel Roberts, Development Review Manager

Chris Shacklett, Sr. Planner Kathy Welp, Executive Secretary

BRIEFING SESSION

Prior to the start of the regular business meeting, the City Plan Commission met with staff to receive a briefing on staff reports, agenda items, and an update on the Main/Central enhancement/redevelopment study. No action was taken.

MINUTES

1. Approval of the minutes of the regular business meeting of December 4, 2012.

Commissioner Bright asked to add ". . . and Mr. Bright said he would support the motion as presented" to the last sentence of paragraph 8, page 13.

Motion: Commissioner DePuy made a motion to approve the minutes as amended; second by Commissioner Bright. Motion passed 5-0.

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. **Final Plat Bush/Central Station Addition:** A request for approval of a final plat for three lots, totaling 18.96-acres, located at 1125 and 1225 E. Renner Road, and 3451 N. Plano Road; northwest corner of E. Renner Road and N. Plano Road. The property is zoned PD Planned Development.
- 3. Revised Site Plan and Landscape Plan 1225 Alma Road (companion to Item 4): A request for approval of revised site and landscape plans for an existing two-story, 153,000 square foot office

building to reflect a revised parking lot layout. The 13.39-acre site is located at 1225 Alma Road, south of E. Collins Boulevard and is zoned I-FP(2) Industrial Fire Proof.

Chairman Gantt advised that the Commission had received a letter from the applicant on Item 2 requesting to remove the item from the agenda.

Motion: Commissioner Frederick made a motion to remove Item 2 from the Consent Agenda for separate consideration; second by Commissioners Bright. Motion passed 5-0.

Motion: Commissioner Bright made a motion to accept the letter from the applicant requesting removal of Item 2 from the agenda; second by Commissioner DePuy. Motion passed 5-0.

Motion: Vice Chair Hand made a motion to approve Consent Agenda Item 3 as presented; second by Commissioner DePuy. Motion passed 5-0.

PUBLIC HEARINGS

4. **Replat – Rockwell Subdivision Lots 3A and 4A, Block 3 (companion to Item 3):** Consider and take necessary action on a request for a replat of Lots 3 and 4, Block 3 of the Rockwell Subdivision, and Lot 2, Block 3 of the Collins Technology Park Addition into two (2) lots. The 25.36-acre site is located at 1225 and 1227 Alma Road, southwest corner of Alma Road and E. Collins Boulevard.

Mr. Roberts advised the replat would dedicate easements for the previously approved, revised development plans for a 153,000 square foot building, including a mutual access easement for future development on Lot 4. He added that the replat would also adjust the lot lines between the three lots in question and that the plat met all the City's Subdivision and Design standards.

With no questions for staff, Chairman Gantt opened the public hearing. No comments were made in favor or opposed and the public hearing was closed.

Motion: Commissioner Frederick made a motion to approve Item 4 as presented; second by Vice Chair Hand. Motion passed 5-0.

5. **Zoning File 13-01**: Consider and take necessary action on a request by Michael Hampton, representing Lend Lease, for a Special Permit for a motor vehicle service station with modified development standards located at 3601 N. Jupiter Road (Southwest corner of President George Bush Turnpike and Jupiter Road). The property is currently zoned LR-M(2) Local Retail.

Mr. Shacklett stated the applicant was requesting a Special Permit for a motor vehicle service station at the southwest corner of Jupiter Road and President George Bush Turnpike (PGBT) in an existing multi-tenant retail shopping center. He added that the applicant was also requesting various changes to the site including:

- 7-Eleven taking over existing convenience store;
- Replace existing canopy and reduce size by approximately 50 percent;

- Change elevation of canopy to match store by using masonry and CMU products;
- Removal of the vestibule and concrete island at the front of the convenience store and adding additional parking; and
- Relocate the underground fuel storage tanks.

Mr. Shacklett stated the applicant would also like to remove the parking from the corner of the lot facing the intersection of Jupiter Road and PGBT to allow for the relocation of the underground tanks, and re-orient the gas pumps changing the stacking of vehicles from perpendicular to the building to parallel to the building, which, according to the City's Subdivision and Development Ordinance (Chapters 21-59), triggered the need for a Special Permit.

Mr. Shacklett noted that the existing driveway did not meet the City's requirement for distance from a signalized intersection, or distance from another driveway along an arterial and staff requested that driveway be closed.

Mr. Shacklett pointed out some of the deficiencies of the site including: a 17-19 foot landscape buffer along PGBT, which is contrary to the PGBT Design Guidelines; however, the site was built prior to the approval of the Guidelines and, two variances would be required to the City's Subdivision and Development Ordinance (Chapter 21-59) relating to the amount of internal stacking required at gas pumps - an 11-foot variance to the 24 feet would be required along the west side of the gas pumps, and a 9.5 feet variance to the required 24 feet along the east side of the gas pumps.

Commissioner Bright asked to clarify that the raised portion in front of the vestibule would also be removed.

Mr. Shacklett replied that it would and the area would become additional parking.

Commissioner DePuy asked if the building and the pumps would be the same color.

Mr. Shacklett replied that construction on the columns would utilize the same CMU and brick that is currently on the building.

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

Mr. Michael Hampton, Lend Lease, representing 7-Eleven, 1828 Tumbleweed Circle, Rockwall, Texas, said he felt the changes they were requesting would increase the operational security and parking for customers, as well as reducing the visual impact by removing the larger canopy and replacing it with a smaller one and would be updating and adding more lights at the site.

Vice Chair Hand asked where the gasoline delivery trucks would be parked during off-loading and was that location within the standard City policies for distances and clearances.

Mr. Shacklett replied that the applicant is proposing to move their underground tanks a few feet to the southwest and closer in to the site. He added that deliveries would most likely be made late at night during the lowest traffic times.

Mr. Hampton added that the delivery of fuel and other products was demand driven and could vary from store to store, but typically deliveries are made during off hours unless there is an extreme demand.

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

Commissioner Bright asked how the QT station on Belt Line Road and the current proposal compared in regard to the stacking of vehicles.

Mr. Shacklett replied that typically from the center of the pump there should be 57 feet, and the applicant's proposed site plan is 47.5 feet on one side and 46 feet on the other side, whereas, QT is approximately 43 feet. He added that most other 7-Elevens are usually in the 40-foot (+/-) range, and the current proposal is similar to what was submitted for the Texaco at Belt Line and Plano Road.

Motion: Vice Chair Hand made a motion to recommend approval of Zoning File 13-01 as presented; second by Commissioner DePuy. Motion passed 5-0.

6. **Zoning File 13-02:** Consider and take necessary action on a request by Brian Wilson, representing Toll Brothers, for amendments to the existing special conditions to allow the use of stucco on the south elevations of homes for three (3) lots adjacent to The Reserve subdivision for the development located at the southeast corner of Renner Road and Sharp Lane. The property is currently zoned RP-1500-M Patio Home.

Mr. Shacklett advised that in 2008 the developer requested zoning for a 62 lot patio home subdivision, of which 12 could be constructed of stucco. In addition, any homes built on Lots 41, 42 and 50 would have to be constructed of 100% brick on their south facing elevations in deference to a request from the adjacent subdivision's homeowners association for The Reserve (RHOA).

In 2012, the developer received approval for an increase in the number of stucco homes from 12 to 25 along with requests to allow attached or detached cedar arbors within three (3) feet of the rear and side lot lines, and to revoke a previously approved Special Permit for a senior housing facility. Later in 2012, a permit was issued in error for a stucco home on Lot 50 and the error was not discovered until after construction had begun on the home. Since the home was built on the zero side of the lot (southern elevation) there was no room to add a brick ledge and the developer is asking that the construction be allowed to continue. The same set of circumstances has occurred on Lot 41 with only the foundation poured.

Mr. Shacklett stated that if the applicant's request was denied, they would use some type of masonry product to satisfy the City's requirements. He pointed out that the applicant contacted the RHOA to inform of them of the requested amendments and to solicit feedback. The RHOA replied they were pleased with the development, but requested the following changes as it related to the stucco homes:

 Wanted all stucco homes to be built with tile roofs similar to other homes in the development;

- Did not want the development to take on a "cookie-cutter" appearance and preferred that not all three (3) lots be constructed with stucco homes; and
- Expressed concerns that the color of the stucco could be very light and stand out more than brick, and the possible repainting of the stucco to a color that was less desirable (RHOA would have control over the color as opposed to the developer).

In closing, Mr. Shacklett noted the applicant was requesting to proceed with the amendment to allow stucco homes on all three lots with no restrictions regarding roof material; however, the applicant was willing to agree to the following conditions if their original request was not approved:

- Use of a tile roof on Lot 50, but still allow for a shingle roof on Lot 41; and
- Restrict the future home on Lot 42 to a brick elevation with no restriction on roof material.

Vice Chair Hand asked why Lots 41, 42, and 50 were in question and not Lot 51 at the end of Brookside Drive. He also wanted to know why undeveloped Lot 42 was included in the request.

Mr. Shacklett replied that Lot 51 was adjacent to Sharp Estates and that Homeowners Association may not have brought up any issues in part because of the location of the adjacent street. Regarding Lot 42, Mr. Shacklett said the applicant and staff thought the RHOA never had a problem with stucco but did not want to see siding material so the applicant was seeking flexibility with the lot.

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

Mr. Ryan Bashaw, 2557 S.W. Grapevine Parkway, Grapevine, Texas, said he remembered the discussion the last time he was before the Commission as to whether stucco was considered masonry and understood that the City did not consider it a masonry product.

Vice Chair Hand asked if the product to be used would be stucco or EFIS.

Mr. Bashaw replied that cementitious stucco would be used and they would prefer to have the middle lot, Lot 42, have the flexibility to have either stucco or brick. He added that they had sent a letter to RHOA outlining what they would like to do and never received a reply from the association.

Commissioner Frederick asked why a permit was requested when the previous special conditions excluded stucco from the lots in questions. She also wanted to know if the request was approved to allow stucco on all three lots would it be their intention not to make all three the same color stucco.

Mr. Bashaw replied that there had been a management change since the original 2008 zoning request and with the changeover in personnel they missed that those particular lots were not allowed stucco.

Regarding the color of the homes, Mr. Bashaw replied they tried to limit similar colors in close proximity to other homes and their job was to market the community and keep it from being a "cookie-cutter" community.

With no further comments in favor or opposed from the audience, Chairman Gantt called for any further comments from the Commission.

Commissioner DePuy stated she thought the neighborhood association was in favor of the proposed changes and felt there was simply a case of miscommunication and misunderstanding regarding stucco versus siding. She added that she was in favor of the item.

Commissioner Frederick said she understood the developer would try to make sure the neighborhood had continuity and appeal, but asked for the Commission to acknowledge the letter received from the RHOA expressing concern that all three lots would be constructed with stucco.

Vice Chair Hand said he concurred, somewhat, with Ms. DePuy that the neighborhood to the south had agreed, albeit a qualified agreement, and in fairness to that association, he felt the middle lot, Lot 42 should remain under the existing agreement, which would leave two stucco homes and one brick home on those lots. Also, regarding the request for tile roofs, he suggested having tile roofs on the two homes that will be built with stucco and to use shingle on the brick home.

Chairman Gantt stated he understood the buyers of the home on Lot 41 had requested a shingle roof and not a tile roof.

Commissioner DePuy did not totally disagree with Mr. Hand's statements and noted that there are neighborhoods throughout the City with nothing but brick homes and others with nothing but stucco, so the argument against having three stucco homes together did not seem to be valid. She added that she was not completely tied to having all three as stucco, but cautioned the Commission about being too specific because it could limit the viability of the lot.

Vice Chair Hand again stated that it seemed to be the best compromise to stay the course on the original agreement regarding Lot 42.

Chairman Gantt said he thought Mr. Hand's proposal was a good attempt at an equitable solution, but also reminded the Commission that the developer had the rights to build a total of 25 stucco homes and there were no other restrictions on where those homes could be built. In addition, Lots 41 and 42 would not be seen together because the properties backed up to each other and were on different streets. He added that he was in favor of the application as presented.

Commissioner Bright concurred with Mr. Gantt and said he was in support of the application as requested.

Mr. Bashaw reminded that Commission that homes need to be specially engineered to support the weight of a tile roof and therefore it would be difficult to go back and reengineer the home on Lot 50 to support a tile roof because it was already under construction.

With no other comments or questions, Chairman Gantt closed the public hearing.

Motion: Commissioner Bright made a motion to recommend approval of Zoning File 13-02 as presented; second by Commissioner DePuy. Motion passed 3-2 with Vice Chair Hand and Commissioner Frederick opposed.

7. **Zoning File 13-03:** Consider and take necessary action on a request by Maxwell J. Fisher, representing Masterplan, to revoke Ordinance 2635-A, a Special Permit for a drive-through restaurant, and approval of a Special Permit for a motor vehicle repair shop – major to be located at 1380 W. Belt Line Road (northeast corner of Belt Line Road and Coit Road). The property is currently zoned C-M Commercial.

Mr. Shacklett stated the applicant was requesting to revoke an existing Special Permit for a drivethru restaurant that was never constructed and to allow a motor vehicle repair shop (major) at 1380 W. Belt Line Road the site of the former Hollywood Video store. He added that the applicant was proposing the following changes to convert the building to a motor vehicle service repair shop:

- Move the front entrance of the building to the southern end of the property to accommodate six to eight service bays on the east elevation;
- Addition of a raised patio area, repaint the building and add awnings;
- Reconfigure the driveways to create a one-way ingress on the southern end of the facility and a one-way egress on the northern end;
- Reorientation of dumpster and reconfiguration of the landscape island to meet the City's requirement for back up space for the trash trucks; and
- Plant the required three canopy trees in the landscape buffer along Belt Line Road, but remove the requirement for three ornamental trees in the landscape buffer because the trees would obstruct visibility of their sign.

Mr. Shacklett reported that the driveways did not meet the City's 200-foot spacing along Belt Line Road; however, they are placed as far away as possible and both serve as access easements to other properties within the retail development, which would make it difficult to modify the driveways.

In closing his presentation, Mr. Shacklett noted that, if the request was approved, the staff was suggesting a waiver of the required masonry screening wall along the eastern property line even though the property is zoned residential because the adjoining property is a City water storage facility which is fenced and screened with large shrubs.

Commissioner Bright asked to confirm the type of fence separating the site from the City's water storage facility, and did the fence extend the length of the property under consideration.

Mr. Shacklett replied there was a chain link fence along the length of the property under consideration but did not know if the fence was chain link along the area closer to the Kroger store.

Commissioner DePuy asked if the ramp at the southern end of the building would remain.

Mr. Shacklett replied the entrance to the business will move around the corner of the building to the western elevation where the raised patio will also be located, and the ramp will remain and most likely used as handicap access.

Commissioner Frederick asked if there were too many parking spots considering 17 are required, but 39 are being proposed.

Mr. Shacklett replied that the site was originally a retail site parked at 3 spaces per 1,000 square feet and was over parked from the beginning; however, in a vehicle repair shop the ratio is different and requires 5 spaces plus 2 spaces per service bay, therefore, based on the applicant's zoning exhibit listing six service bays, 17 parking spaces would be required. If the applicant increased their service bays to eight, each additional bay would require two additional parking spaces.

Vice Chair Hand stated that retailers generally park 4 to 4-1/2 per thousand and because the building was previously used as a Hollywood Video store (retail) that was the reason the applicant has ended up with the extra parking.

Commissioner Bright asked about the quality of construction for the raised patio and if that was something the Commission should address.

Mr. Shacklett replied that the applicant was present and any questions regarding the patio construction could be answered during the public hearing.

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

Mr. Dallas Cothrum, representing Honest-1 Auto Care, 900 Jackson Street, Dallas, Texas, stated that the application represented a new franchise concept and it was important to locate the repair facility in a retail center to reach their target market – individuals keeping and driving their vehicles longer and giving those individuals the ability to do their other shopping as their cars were being repaired.

Mr. Cothrum highlighted some of the service elements offered by Honest-1Auto Care including pick-up and delivery of vehicles, family friendly waiting areas, free drinks, free Wi-Fi, and that Honest-1 is eco-friendly and committed to recycling. In addition, the applicant was suggesting improvements to the site that would soften the appearance through repainting of the building, the addition of awnings, and the planting of canopy trees along Belt Line Road.

Regarding the construction of the patio, Mr. Cothrum said the applicant wanted an outdoor area where customers could relax and wait for their vehicles and, although a general contractor has not been secured as yet, any construction would comply with the City's building codes.

Mr. John Malone, 1408 Big Falls Drive, Flower Mound, Texas, the owner of the Honest-1 Auto Care North Texas franchise, stated the corporate office of Honest-1 was interested in adaptive reuse of buildings and he had been in site selection mode for two years. He added that in addition to providing automotive care, Honest-1's corporate concept was to get involved in the needs of the community as well as the local schools.

Mr. Malone noted that their concept was of an upscale facility and would offer customers the surety of getting the same product they would have received at a dealership, but at a lower price point.

Commissioner Bright indicated that there was mention of additional colors being added to the list of off-white and beige and wanted to know the need for the addition. He also wanted to know if the Commission would have an opportunity to review the color schemes.

Mr. Malone replied the franchisor had recommended that discussions on the type of colors used would be determined after the item had been approved; however, there is a green and blue corporate color theme and they were not opposed to replacing the existing red color around the windows.

Chairman Gantt concurred and encouraged the applicant to replace the red frames around the windows and the red awnings.

Mr. Shacklett added that since there is no additional square footage being added to the building, the approval of the colors would be done administratively by staff. He suggested that if the Commission was concerned about color choices, they could tie the elevations to the approval and at the same time craft the conditions so they offered some flexibility to the applicant.

Mr. Cothrum asked for a little flexibility, especially since a general contractor had not been secured as yet. He added that beige and off-white would be the main colors for the building.

Mr. Malone noted that this would be the first of five stores in the metroplex and the training center for all the other stores. He confirmed that the color palette would be neutral with elements of blue, green and tan.

With no other questions or comments in favor, Chairman Gantt called for anyone wishing to speak in opposition.

Mr. Joe Lee, representing Cencor Realty the management company for the retail center, 728 Sherwood Drive, Richardson, Texas, opposed the use based on bad experiences in the past. He felt that the major tenant of the retail center across the street, Whole Foods, or their replacement, would also not approve of the use.

Vice Chair Hand asked why Mr. Lee felt that proposed use would not benefit the retail centers.

Mr. Lee replied that in another city a similar business that left after only a year and one-half, left behind tires, old oil and other trash, which he felt would be the reason Whole Foods or a similar business would not approve of the use.

No other comments were made in opposition and Chairman Gantt asked the applicant for any rebuttal comments.

Mr. Cothrum stated that Honest-1 has over 30 locations where there are grocery anchors in the retail center that have been successful and pointed out that all the work on the vehicles is done inside the building as opposed to outside. He added that any business could fall on hard times and go out of business, but the applicant was an experienced business man who would be investing a lot of time and capital in making a commitment to do business in the City.

Vice Chair Hand asked staff if the request for a Special Permit was because automotive uses were not allow in a C-M Commercial District.

Mr. Shacklett replied that in 2008 there was a request to look at all automotive related uses in the City and where they were allowed; should they continued to be allowed; and if allowed, should it be

by right or by Special Permit. Automotive related uses are allowed in C-M Commercial districts, but only allowed by a Special Permit as approved by the Commission and the City Council.

Commissioner DePuy admitted at first she was not in favor because of pre-conceived notions of what it might look like; however, after seeing the presentation by the applicant and the discussion among the Commissioners she was much more comfortable with the application. She added that the business did not adjoin any residential areas, and with the fact that the location was difficult for any other type of retail, she was in favor of the request.

Vice Chair Hand asked if all automotive uses in the City are required to have Special Permits.

Mr. Shacklett replied no, that there are auto uses allowed by right (light load vehicle rental and new car dealerships) in the C-M Commercial Districts.

Commissioner Frederick concurred with Ms. DePuy that the location is not optimal location for retail uses and was impressed with the applicant's commitment to the City and was in favor of the application.

Commissioner Bright said he understood and appreciated the comments in opposition, but noted that the proposal would not be the typical type of automotive repair facility. He also wanted to know what type of controls the staff would have over the construction of the patio and the colors on the building if the application was approved.

Mr. Shacklett replied that if the application was approved as presented, the language in the application was fairly vague so they would be allowed to have a raised patio subject to the City's building codes.

Commissioner Bright stated he was in support of the request as presented.

Chairman Gantt compared the concept to an automotive repair center in the City of Plano where the cars are driven around the back of the facility so the open bays are not visible to the customers. He agreed that the location for retail was odd and with the number of years the property has been vacant, it would be a difficult location for a retailer so he was in favor of the request as presented.

Vice Chair Hand said that although the business plan and concept seemed to be a customer-oriented business, he felt the application did not respond to the Comprehensive Land Use Plan and was located in a study corridor, which indicated further study should be done before a decision was made. He added that he thought the proposal was not the right plan at the right place so he would not be voting in favor of the request.

Chairman Gantt closed the public hearing.

Mr. Shacklett asked to clarify two items prior to a motion being made. The first item was that the special conditions as written by staff did not give relief to the requirement for ornamental trees in the landscape buffer along Belt Line Road, and second, the special conditions stated the elevations would be attached to the request.

Richardson City Plan Commission Minutes January 15, 2013

Chairman Gantt replied that as he interpreted the Special Conditions, the attachment of Exhibit "B" listed the three new trees but did not indicate the ornamental trees and that by that omission it would be acceptable.

Mr. Shacklett stated there was a noted on the exhibit that indicated that the screening and landscaping listed on Exhibit "B" were for illustrative purposes only and was in compliance with the original landscape plan.

Chairman Gantt added that with regard to the issue of the paint color, Exhibit "C" only indicated "off-white" which should allow the flexibility between the color ranges requested by the applicant.

Motion:

Commissioner Bright made a motion to recommend approval of Zoning File 13-03 as presented including the not requiring the ornamental trees in the landscape buffer and the screening wall along the east property line; second by Commissioner Frederick. Motion passed 4-1 with Vice Chair Hand opposed.

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 8:35 p.m.

David Gantt, Chairman City Plan Commission