# CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – OCTOBER 15, 2013

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

**MEMBERS PRESENT:** Gerald Bright, Vice Chair

Marilyn Frederick, Commissioner Thomas Maxwell, Commissioner

Eron Linn, Commissioner Randy Roland, Commissioner

Bill Ferrell, Alternate Stephen Springs, Alternate

**MEMBERS ABSENT:** Barry Hand, Chairman

Janet DePuy, Commissioner

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

Israel Roberts, Development Review Manager

Chris Shacklett, Senior 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 and agenda items. No action was taken.

## **MINUTES**

1. Approval of the minutes of the regular business meeting of October 1, 2013.

**Motion:** Commissioner Frederick made a motion to approve the minutes as presented; second by Commissioner Maxwell. Motion passed 7-0.

### **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. **Savoy Landing Addition:** A request for approval of a preliminary plat of a 56-lot single family subdivision on 8.40 acres, located at 2201 Waterview Parkway, at the northwest corner of Tatum Street and Waterview Parkway.

**Motion:** Commissioner Roland made a motion to approve the Consent Agenda as presented; second by Commissioner Linn. Motion approved 7-0.

#### **PUBLIC HEARINGS**

3. **Zoning File 13-17:** Consider and take necessary action on a City-initiated amendment to the Comprehensive Zoning Ordinance (Appendix A), Article XXII-F (Residential Exterior Construction Standards), Section 1 of the *Code of Ordinances* relative to orientation of garages on single family residential lots.

Mr. Chavez stated that City staff was requesting an indefinite continuation of Zoning File 13-17 while work with homeowner associations and the building community was continued. He added that once the meetings between the interested parties were concluded, staff would renotify the zoning request in the newspaper and bring the item back before the Commission.

Commissioner Linn asked which department in the City initiated the proposal.

Mr. Chavez replied the proposal came from the Community Services Department.

With no further questions for staff, Vice Chair Bright opened the public hearing. No comments or questions were received in favor or opposed and Vice Chair Bright closed the public hearing.

**Motion:** Commissioner Linn made a motion to indefinitely continue Zoning File 13-17; second by Commissioner Maxwell. Motion approved 7-0.

4. **Zoning File 13-18:** Consider and take the necessary action on a request to amend the Bush Central Station Planned Development District, Ordinance 3892, relative to approximately 38.5 acres of land located on the south side of President George Bush Turnpike between Plano Road and the DART Light Rail line right-of-way to amend the Regulating Plan, associated development standards, and street cross-sections. The property is currently zoned PD Planned Development.

Mr. Chavez gave a brief history of the site noting that in 2011, 57 acres were rezoned from industrial/commercial to a Planned Development District (PD) under a Form Based Code (the Code) with the Code containing a schedule of permitted uses by character zone, standards for building form, development, street and streetscape design standards, signage, and a Regulating Plan to act as the zoning map for the site.

In December 2012, a revised Regulating Plan and Code were approved by City Council for 38.5 acres of the original 57 acres and that acreage was the subject of the current request. Mr. Chavez pointed out that the current land use entitlements for the site includes 1.5 million square feet of office, 100,000 square feet of retail, 180 hotel rooms, 2,000 multi-family units, and 100 townhome units.

Mr. Chavez advised that two Planned Development Codes, the original PD and PD #2, were currently in place and whichever Code the developer decided to implement the development would abide by that Code and its Regulating Plan. He added that PD #2 was selected by the developer and is the one the site is being developed under.

Mr. Chavez indicated the proposed amendments fell into three categories: 1) alterations to the Regulating Plan; 2) amendments to standards within the code; and 3) those that clarify existing language within the Code. He noted there would be no changes to the character zones, the building heights, or number of allowed multi-family units; however, alterations to the Regulating Plan through the reconfiguration of the plaza and the elimination of the elliptibout into a mandatory open space would require approval from the Commission and City Council.

Another item that would require approval was the reclassification of the north/south segment from a street Type A to a Type B street, which would determine how the buildings that front the street would be treated (architectural, masonry, types of uses allowed, etc.).

Mr. Chavez stated the applicant was proposing a new street cross-section and a small elliptibout cross-section at the western terminus of Type 1, also known as State Street. He added that although utility equipment was usually only allowed on Type B streets, the proposed amendment would allow the equipment on Type A streets as long as the equipment was recessed into the building and adequately screened.

Mr. Chavez highlighted some additional changes in setbacks along Plano Road; an increase in the minimum percentage of masonry from 80 to 85 percent as a result of changing street types from A to B; and a decrease in accent material allowed from 20 to 15 percent. He added that although the cross-section for the street known as CityLine would remain the same, there would be small bump outs in the parking lanes to allow for the placement of trees.

In closing his presentation, Mr. Chavez explained the proposed changes included alterations to the Code and a requested change in the review and approval policy for signs from the Sign Control Board to the City Manager or his designee and the City Plan Commission.

Commissioner Maxwell asked to confirm that utilities would now be allowed on Type A streets and would all trees be in bump outs as opposed to some being set back. He also asked which streets were Type A streets.

Mr. Chavez replied the trees on Type A streets would be in bump outs and the utilities would have to be recessed into the buildings and screened. He added that Type A streets were indicated on the graphic with solid lines (CityLine, State Street, etc.)

Commissioner Ferrell asked if there was information in the Commission's packet to show which streets were a Type A or Type B streets.

Mr. Chavez stated the way buildings are treated was based on the type of street they front and that information was available in Section 7 of the Code: *Building Form and Development Standards*, and the *Building Design Standards* section.

Commissioner Springs asked staff to give a history of the open space originally proposed in PD #2 and the requested replacement.

Mr. Chavez stated the original elliptibout was part of the open space proposed by the applicant and, although the design had changed, the total acreage for open space remained the same. He explained the reason for requesting to replace the elliptibout with the plaza was based on retail and market studies that indicated an elliptibout would impede pedestrian activity because of the separation created by the two streets as opposed to a plaza that would not have the same problem.

Commissioner Maxwell asked about the comment on page 18 of the Code regarding "off street loading" as it pertained to docks.

Mr. Chavez replied that the intent of the Code was to prohibit typical loading docks from fronting onto Type A Streets and not to prevent smaller delivery trucks, similar to those that supply a 7-Eleven, from delivering merchandise. He added that the wording was included to ensure everyone understood the prohibition against loading docks along Type A Streets.

With no further questions for staff, Vice Chair Bright opened the public hearing.

Mr. Walt Mountford, representing KDC, 4817 Gulf Stream Drive, Dallas, Texas, thanked the staff for their excellent work in summarizing the current proposal and explained that when he was before the Commission in December 2012, his main purpose was to get the Code in place and begin the construction of the development. Now that the construction was underway, it was time to refine the plan as it pertained to how the streets and buildings were laid out and built.

Mr. Mountford explained the design team felt it was important to align the two major buildings, A and B, so the view of the DART Light Rail would be visible from Plano Road, and in doing so it caused some of the streets to terminate at odd locations and the elliptibout was created as a devise to solve the confluence of streets that did not seemingly intersect. However, after getting further into the design process it was determined that the elliptibout interjected too much vehicular and pedestrian conflict into the overall plan, segregated some of the open space within the looping vehicular movement, and was not as pedestrian friendly as originally thought.

Mr. Mountford said that the new Regulating Plan would bring the road parallel with the buildings and as a result would allow an increase in pedestrian traffic and prevent a loss in retail energy for the area. Additionally, the redesign that created the plaza would allow an engagement between the State Farm building, the hotel, and the plaza in addition to moving the vehicular traffic to one side of the open space as opposed to looping around the space.

In closing his comments, Mr. Mountford stated there would be a smaller elliptibout on the street to the east of the DART Light Rail that would allow a driver to make a U-turn to go back and try and find surface parking or to enter either of the two garages being developed.

Commissioner Frederick asked the applicant to describe in further detail his vision for the plaza and the surrounding retail.

Mr. Mountford replied that the streetscape along both streets to the east and west would be fairly regimented, but the plaza will have different environments including an informal assemblage of trees and vegetation while in other areas there would be sidewalks and water features. He added that the same landscape firm that designed the Klyde Warren Park in Dallas was working on the design for the plaza.

Commissioner Linn said he was disappointed that renderings or graphics were not available and asked if the proposed plaza would be similar to some other retail/open spaces in the metroplex (i.e., Firewheel Town Center, Dallas City Hall's pedestrian plaza, or Belo Park).

Mr. Mountford said that one of the interesting points of the development was that by the time the project was completed and State Farm had their last occupancy, somewhere around May 2015, the plaza will be framed by residential units, a hotel with entertainment venues, and three office buildings. He added that the plaza will be an active, open space enjoyed by many of the State Farm employees during the day and in the evening by those frequenting the many restaurants and shops.

Mr. Mountford explained that many of the qualities of the elliptibout would be present in the plaza with additional refinement to separate the vehicular and pedestrian activity to ultimately make it a safe and more usable area.

Commissioner Maxwell said he thought the plaza area was much better than the elliptibout; however, he expressed concern about utilities on Type A Streets and asked the applicant to explain the reason for the requested change.

Mr. Mountford replied their intentions have always been to maintain the integrity of the Type A Street frontages, but by necessity there needed to be transformers to power the buildings and instead of reclassifying the streets it was a better idea to recess the utilities into the buildings, which would add articulation to the elevations, plus the utilities would be screened from view.

Commissioner Springs stated that based on the current language, the size of kiosks could be substantial and asked the applicant to explain their intentions for the kiosks in terms of scale and function.

Mr. Mountford replied the kiosks were added to the request because it was felt they could be important components to the plaza and make it a vibrant activity area. He added that he was not opposed to putting a maximum square footage on an individual kiosk and suggested 2,500 square feet.

Commissioner Roland pointed out that on page 55 of the Commission's packet were pictures of kiosks (10'x10' and 20'x20'), which were the size he had envisioned as opposed to the suggested 2,500 square feet and asked the applicant if he intended the kiosks to be more of a sit-down type establishment.

Mr. Mountford said he had not envisioned kiosks with sit-down restaurants, but felt a kiosk of the size he suggested would have multiple tenants – two or three small tenants with possibly some limited outdoor seating. He said he did not want a free-standing kiosk for every potential tenant.

Commissioner Linn asked if the applicant was thinking about allowing food trucks and Mr. Mountford replied they were not.

With no other comments in favor or opposed, Vice Chair Bright closed the public hearing.

Commissioner Springs said most of his concerns had been addressed with the exception of the kiosks and, based on what was written in the request and what was shown in the graphics, the two were quite different.

Commissioner Maxwell concurred with Mr. Springs and felt a maximum square footage should be placed on individual kiosks. He suggested the applicant might want to go back and re-think the maximum size of the individual kiosks.

Mr. Chavez stated that based on the Commissioner's concerns, he would suggest placing a maximum square footage for the kiosks in the plaza area and letting the other smaller open spaces remain at the 10 percent level.

Commissioner Linn said he had concerns that the whole idea of the plaza was not well defined; was it a pedestrian friendly park or something else. He recommended the item be continued, or at the least separate the kiosks from the remainder of the request and continue the kiosks to another date.

Commissioner Springs reminded the Commission of the applicant's statement regarding multiple tenants in a kiosk, but still expressed concern that the information presented by the applicant was not enough to fully understand the scale of the plaza and the kiosks. He added that he did not want to limit the applicant's ability to tenant the kiosks, but thought it was more an issue of appropriately scaled buildings for the plaza.

Commissioner Frederick said she was not opposed to the applicant's suggestion of 2,500 square feet, but thought 2,000 square feet would be adequate. She stated she preferred the new design of the plaza over the elliptibout because it would provide a natural speed deterrent and be safer for pedestrians crossing the streets.

Commissioner Ferrell agreed with the concerns of the Commission, but said he liked what he saw and could live with it as presented. He also thought the applicant wanted flexibility and had the best interest of the tenant retailers in mind so that was probably why it was written the way it was.

Vice Chair Bright admitted he did not envision as large a structure as proposed and asked staff about the size of the kiosks for the smaller open space areas.

Mr. Chavez replied the open space near the DART plaza could allow a 1,200 to 1,400 square foot kiosk. In the newly proposed plaza area, once the right-of-way was removed from the calculations, there could be 3,900 square feet of kiosk based on the 10 percent rule. He added that in his opinion it would not be unreasonable to limit a kiosk to 1,200 square feet per kiosk for a maximum of 2,400 square feet. However, the applicant did have a different concept for the main plaza and would be activating it by placing smaller kiosks to serve the pedestrians in that area.

Commissioner Roland asked for confirmation on the verbiage in the proposal and offered a compromise of defining the word "small" as 750 square feet to 1,200 square feet per unit with a "not to exceed" of 10 percent of any one open space. He also wanted to know if staff would be able to administer the code if that change was made.

Mr. Chavez replied staff would be able to administer the code under those circumstances.

Commissioner Springs pointed out that the word "small" was defined in the material presented as the 10 percent rule; however, the number and the pictures of the kiosks in the material were different. In addition, he thought that if an agreement could be reached on a maximum size per single unit in the plaza that would satisfy the applicant's goal for multiple tenants as well as the Commission's concerns about building size.

Mr. Chavez recommended the Commission recall the applicant and ask if he would entertain cumulative square feet and maximum square feet per kiosk.

Mr. Mountford stated he would like to maintain some flexibility because the bigger a structure is the more economically viable it would be versus a smaller structure (cost of electricity, water, etc.); however, he thought a 2,000 square foot maximum per kiosk in the plaza would be viable.

No other questions were posed to the applicant.

Vice Chair Bright called for any further discussions and asked for clarification that it was just the plaza area in question, or were all the open spaces part of the discussion. He also wanted to confirm what was included in the maximum area and if the right-of-ways were included.

Commissioner Linn said he was referring to Area B on the map that replaced the elliptibout.

Regarding the maximum area, Mr. Chavez stated he looked at the open public space both with and without the right-of-ways and his figures showed the area to be 0.6 of an acre without the streets. In addition, part of the applicant's vision included incorporating the street into the plaza through paving and details as defined in the ordinance.

Mr. Chavez suggested that if the Commission designated the central public open space as Public Open Space "A", and allowed the maximum square footage in that space of 2,000 square feet per kiosk, it could be written into Section 11.8 of the Code with everything else limited to the 10 percent rule.

Commissioner Springs asked if 2,000 square foot figure was used, would that have an effect on the other open spaces. He also wanted to know if the motion could state the allowable area could be 10 percent or a maximum of 2,000 square feet per kiosk, whichever was smaller.

Mr. Chavez replied that it would only be covered if the Commission restricted it to 10 percent because the other spaces were less than one-quarter of an acre in size, which would allow kiosks of 1,200 to 1,300 square feet.

Regarding the question of 10 percent or a maximum of 2,000 square feet per kiosk, Mr. Chavez said that would apply to limiting the size of the kiosks in the central location and the developer could build multiple building to reach the 10 percent mark.

Commissioner Frederick asked if the graphic presented to the Commission was to become part of the ordinance.

Mr. Chavez said that it was not and suggested the Commission could set a maximum of 2,000 square feet per kiosk and a maximum of 4,000 square feet over the entire Public Open Space "A". This would allow the developer the flexibility of having either two kiosks at 2,000 square feet each or more than two in varying sizes as long as the maximum square footage did not go over 4,000 square feet.

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Commissioner Maxwell asked how big the open space was and did the calculations include the right-of-ways.

Mr. Chavez replied the area was 1.51 acres including the right-of-ways which, at the 10 percent level, would allow a 3,947 square feet kiosk or multiple kiosks at around 1,800 to 1,900 square feet per kiosk. However, as the Code is written, it does not exclude the right-of-ways because those are incorporated in the definition of a plaza (paving, details, etc.).

Vice Chair Bright summarized that it appeared the Commission was focused on a 2,000 square foot limit versus some other smaller numbers and called for any further comments or a motion.

**Motion:** 

Commissioner Springs made a motion to recommend approval of Zoning File 13-18 with the exception of further defining the allowable area of a kiosk as 10% of the open space with a 2,000 square foot cap per structure.

Commissioner Linn asked for clarification on the motion if the 2,000 square foot cap meant "not to exceed".

Commissioner Springs replied that was correct – any individual structure could not exceed 2,000 square feet; Commissioner Linn seconded the motion.

Motion approved 7-0.

## **ADJOURN**

With no further business before the Commission, Vice Chair Bright adjourned the regular business meeting at 8:24 p.m.

Gerald Bright, Vice Chair
City Plan Commission