

**CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – NOVEMBER 5, 2013**

The Richardson City Plan Commission met on November 5, 2013, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Barry Hand, Chair
Gerald Bright, Vice Chair
Janet DePuy, Commissioner
Marilyn Frederick, Commissioner
Thomas Maxwell, Commissioner
Eron Linn, Commissioner
Randy Roland, Commissioner
Bill Ferrell, Alternate
Stephen Springs, Alternate

CITY STAFF PRESENT: Sam Chavez, Assistant Director – Dev. Svcs – Planning
Dave Carter, Assistant Director – Traffic & Transportation
Israel Roberts, Development Review Manager
Chris Shacklett, Senior Planner
Mohamed Bireima, Planning Technician
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 15, 2013.

Motion: Commissioner Roland made a motion to approve the minutes as presented; second by Commissioner Frederick. 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. Richardson International Business Center: A request for approval of a revised site and landscape plan for a 2,000 square foot addition to the existing 35,300 square foot office/warehouse building. The 1.97-acre site is located at 1100-1101 Executive Drive, on the north side of Arapaho Road east of Bowers Road and west of International Parkway.

3. **II Creeks, Lot 34A, Block C:** A request for approval of an amending plat for one (1) lot totaling 0.13 acres located at 2644 Stoneleigh Circle Drive, north of Lookout Drive, west of Custer Parkway and is zoned PD Planned Development.
4. **II Creeks, Lots 16A and 17A, Block C:** A request for approval of an amending plat for two (2) lots totaling 0.17 acres, located at 2626 and 2634 Provencial Lane, north of Lookout Drive, west of Custer Parkway and is zoned PD Planned Development.

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

VARIANCES

5. **VAR 13-10 Mohawk Elementary School:** Consider and take necessary action on a request for approval of a variance from Chapter 21, the Subdivision and Development code, Article II, Section 21-47(d) to waive the required screening wall along the northern property line. The site is located at 1500 Mimosa Drive, northeast corner of Mimosa Drive and Melrose Drive and is zoned R-1500-M Residential.

Mr. Roberts stated Richardson Independent School District (RISD) was requesting to waive the requirement for a screening wall along the northern property line adjacent to single family homes. He pointed out that the requirement for the wall was triggered by the proposed 9,000 square foot expansion to the existing school which also included angled parking and additional drop off lanes.

Commissioner Roland asked if a wall was built where the current chain link fence is located who would be responsible for maintaining the side away from the school.

Mr. Roberts replied that RISD would have to maintain the area along the wall.

Chairman Hand noted that a public hearing was not scheduled for the item, but asked if anyone would like to comment in favor or opposed. No questions or comments were received and he called for a motion.

Motion: Vice Chair Bright made a motion recommend approval of Variance 13-10 as presented; second by Commissioner Linn.

Chairman Hand reported he had heard from residents in the area that the school was the center of their community and they felt it would be counterproductive to erect a wall around the property.

Motion approved 7-0.

6. **VAR 13-11 Richland Elementary School:** Consider and take the necessary action on a request for approval of a variance from Chapter 21, the Subdivision and Development Code, Article II, Section 21-47(d), to waive the required screening wall along the southern and eastern property lines. The site is located at 550 Park Bend Drive on the south side of Park Bend Drive, east of Abrams Road.

Mr. Roberts said this variance was similar to the previous request in that RISD was requesting to waive the requirement to build a screening wall along the southern and eastern property lines that was required by a proposed 8,000 square foot expansion to the existing school, a new fire lane and drop off loop.

Chairman Hand explained that a public hearing was not scheduled for the item, but asked if anyone would like to comment in favor or opposed. No questions or comments were received, but he asked about any correspondence that had been received.

Mr. Roberts noted that two written pieces of correspondence and one phone call had been received with the phone call and one of the written pieces in favor with the remaining written correspondence giving conditional support to the request.

Commissioner Frederick also commented that the City of Richardson Parks Department was in favor of waiving the screening wall.

Motion: Commissioner Roland made a motion recommend approval of Variance 13-11 as presented; second by Commissioner DePuy. Motion approved 7-0.

PUBLIC HEARINGS

7. **Zoning File 13-13:** Consider and take necessary action on a request for a change in zoning from LR-M(2) Local Retail, PD Planned Development, and TO-M Technical Office to PD Planned Development for the development of a pedestrian-oriented, mixed-use development on approximately 58.5 acres located on the west side of Central Expressway, generally bounded by Collins Boulevard to the west, Palisades Boulevard and Galatyn Parkway West Extension to the south, and Palisades Creek Drive to the north.

Note: Commissioner Frederick was recused from Item 7 because she lived within the 200-foot boundary notification for the zoning case. Commissioner Ferrell voted in her place.

Mr. Shacklett advised the applicant was requesting to rezone 58.5 acres from LR-M(2) Local Retail, TO Technical Office, and PD Planned to a new PD Planned Development to accommodate a pedestrian oriented, mixed-use development.

Mr. Shacklett gave a brief history of the property noting that in 2006 a large portion of the area was rezoned to PD for a similar type of development that allowed a mix of uses (i.e., residential, retail, office, etc.); however, it did not include the two existing office buildings. He stated the applicant was proposing to rezone the original PD, the office buildings, and approximately 81,000 square feet of undeveloped land into a new PD with development rights for the undeveloped 81,000 square feet of retail and/or office development.

Mr. Shacklett presented the following graphic comparing the existing zoning versus the proposed zoning and the net increase/decrease in development uses:

	<u>Existing Zoning</u>	<u>Proposed Zoning</u>	<u>Net Increase / Decrease</u>
<u>Residential Uses</u>			
Single-family	121 townhomes	65 units (attached or detached)	-56 units
Condominiums	300	250	-50 units
Apartments	0	750	+750 units
Total	421 units	1,065 units	+644 units
<u>Non-Residential Uses</u>			
Retail/Restaurant / Retail/Service	150,000 s.f.	200,000 s.f.	+50,000 s.f.
Full-Service Hotel	128 rooms	300 rooms	+172 rooms
Office (including 457,000 s.f. of existing development)	698,457 s.f.	1,957,000	+1,258,543 s.f.

Mr. Shacklett stated the proposed Regulating Plan (the Plan) would become the zoning map for the PD, and the Code would control the street designs, sidewalks, on-street parking, build-to zones, building heights, and ground floor requirements among other items. In addition, the Plan would be broken into four sub-districts each with their own specific characteristics.

The first sub-district would be the urban neighborhood located along Collins Boulevard behind a 40 to 80-foot landscape buffer and would include: two-story, thirty-foot single family buildings (attached or detached).

The next three sub-districts would be the outer ring (mixed use); the inner ring (mixed use), and the freeway high rise, all of which would allow retail/restaurant/office development with apartments allowed in outer ring and apartments and/or condominiums in the inner ring and freeway high rise districts. Also within the inner ring will be a 4-acre park surrounded by ground floor activated retail ready spaces in the buildings.

Mr. Shacklett reviewed some of the larger sections of the Code noting in addition to the Plan, the Code would contain the following sections:

- *Administration* - review and approval procedures;
- *Building Form and Development Standards* - build-to zones, setbacks, building heights, frontages, parking, ground floor requirements, etc.;
- *Building Design Standards* - building orientation to the streets, parking structure design, automobile related building site elements, roof form, façade composition, screening and transitions between neighborhoods, etc.;
- *Street and Streetscape Design Standards* – design, configuration and development context for all streets; and
- *Civic/Open Space Standards* – set of standards for open spaces providing a range of passive and recreational opportunities.

Commissioner DePuy asked about the proposed separation between two of the sub-districts and was there additional information regarding a concern mentioned in the staff report about “a more well-designed transition” instead of a screening wall.

Mr. Shacklett replied the applicant was proposing to separate the single family development and mixed-use development with a 7-foot masonry wall with a 2-foot landscape screen; however, the staff expressed concern that the wall was an abrupt change and felt it could cause some issues.

Commissioner Linn asked staff if they considered the property in question to be largely undeveloped; the percentage of undeveloped land in the City; how many condominiums were allowed under the current zoning and would there be reduction in allowed number; the percentage of land in Collin County versus Dallas County; and which school district covered which area.

Mr. Shacklett replied there is approximately 7% undeveloped land remaining in the City including the property in question; 300 condominiums were allowed under the current zoning with the applicant proposing to reduce that to 250; the percentage of land in Collin County was 62% and in Dallas County 38%; and Plano Independent School District (PISD) had jurisdiction in Collin County and Richardson Independent School District (RISD) in Dallas County.

Commissioner Linn pointed out that the applicant in the zoning request for Brick Row (Item 9) had been sitting on their property trying to figure out what the market would bear in terms of the condominiums, but they chose to go a different direction by requesting a change to townhomes. He asked if that same thing happened with the property in question, would the City have any recourse regarding the undeveloped property if the proposed zoning request was approved.

Mr. Shacklett replied that if the proposed zoning request was approved and the property remained undeveloped, the property owners could come before the Commission to request a rezoning of the property.

Commissioner Linn asked if the State Farm development was the template that was used to develop the subject property. He also wanted to know if staff considered the State Farm development a Transit Oriented Development (TOD) and was the proposed zoning request a TOD.

Mr. Shacklett replied the Form Based Code developed for State Farm was a template for the proposed Code, and he did consider both developments to be TOD, but the proposed development not as much as the State Farm development because of the barrier of Central Expressway between the property and the Galatyn Park Station.

Commissioner Roland asked the acreage involved in the State Farm development and how many apartments were planned.

Mr. Shacklett said the State Farm development was 57.1 acres and 2,000 apartments were planned.

Commissioner Maxwell asked where in the Code or Regulating Plan the number of units and maximum square footage was listed. He also wanted to clarify if the multi-family could be in any area other than the urban neighborhood, and what percentage was in Dallas County as opposed to Collin County.

Mr. Shacklett replied the square footage information for office space, retail, hotel, condominiums, multi-family, and single family was listed in the Regulating Plan, and he suggested the applicant might be able to answer the question about percentages of multi-family in the different counties.

Commissioner Maxwell asked if the road proposed in the urban neighborhood was for the exclusive use of the urban neighborhood or could the outer ring mixed use developments access that road.

Mr. Shacklett replied the outer ring mixed use developments would not be able to access the road as bollards would close off the road for exclusive use of the urban neighborhood, which should funnel most of the inner ring traffic to the north and south of out to Highway 75.

With no other questions for Mr. Shacklett, Mr. Carter presented information on the Traffic Impact Analysis (TIA) stating the applicant hired an engineering firm to conduct a TIA resulting in the following trip generation report:

Table 1 – Palisades Trip Generation

Land Uses	Amount	Units	ITE Code	Daily Total	AM Peak Hour			PM Peak Hour		
					IN	OUT	TOTAL	IN	OUT	TOTAL
General Office	1,500,000	SF	710	10,281	1,470	200	1,670	299	1,459	1,758
Shopping Center/Retail	200,000	SF	820	10,656	148	90	238	457	496	953
Single Family Detached Housing	65	DU	210	619	12	37	49	41	24	65
Condominium	250	DU	230	1,427	18	89	107	85	42	127
Apartment/Multifamily	750	DU	220	4,669	74	297	371	280	150	430
Hotel	300	Rooms	310	2,312	94	65	159	92	88	180
Gross Trip Generation				29,964	1,816	778	2,594	1,254	2,259	3,513
Internal Trips				3,084	36	36	72	135	135	270
				<i>10.3%</i>			<i>2.8%</i>			<i>7.7%</i>
External Trips After Internal Capture				26,880	1,780	742	2,522	1,119	2,124	3,243
Transit Reduction 2.5%				672	45	19	64	28	53	81
External Automobile Trips				26,208	1,735	723	2,458	1,091	2,071	3,162

¹ Institute of Transportation Engineers, *Trip Generation: An Informational Report*, Ninth Edition, Washington DC, 2011.

Mr. Carter explained that traffic is generated by each of the land uses at different rates as listed in the Institute of Transportation Engineers Trip Generation Manual. The manual breaks the information down in AM Peak Hour versus PM Peak Hour, and inbound versus outbound. He added that since the proposed project would be a mixed-use development, there would be a balance between inbound and outbound traffic as opposed to an all office development where all the traffic would be inbound in the AM and outbound in the PM.

Mr. Carter stated there are 29,964 expected trips with some of the trips captured internally between the residential and the office, residential and retail, and office tenants walking to lunch at local restaurants, which allows the development to have internal trips that will not expand out on to the roadway network.

Mr. Carter noted that even though the Galatyn Park Light Rail station was very close, and the Galatyn Overpass connected both sides of Highway 75, the overpass did not have a pedestrian walkway; therefore, traversing the overpass would most likely be done through employer shuttles or through the Galatyn shuttle system instituted by DART and the City of Richardson. He added that when preparing a TIA, the capture rate used for public transportation was usually estimated on the low side so any potential issues with intersection congestion, queuing, and driveways could be identified.

Mr. Carter closed his comments by presenting three conclusions derived from the TIA:

- The proposed PD zoning would result in higher traffic volumes than the existing zoning entitlements because of the increased office and retail uses;
- Adequate provision of access and circulation drives will distribute the traffic to the Arterial and Freeway system minimizing the impact to any specific link on the roadway network; and
- Some traffic mitigation on the Highway 75 frontage road and Galatyn Overpass would be required.

Commissioner Linn asked why there was no pedestrian walkway on the Galatyn Overpass.

Mr. Carter replied that the overpass was constructed prior to the light rail system, and there had been discussions about adding a separate pedestrian structure over Highway 75, but that would have to be a future consideration.

Commissioner Linn asked if staff felt the proposed development would be accessible by pedestrians coming from or going to the transit station.

Mr. Carter replied the proposed development would not be accessible to the light rail station by pedestrians unless they participated in Galatyn shuttle system.

Vice Chair Bright asked what were the hours of operation for the Galatyn shuttle.

Mr. Carter replied the shuttle was operated for four hours in the morning (6:00 a.m. to 10:00 a.m.), and four hours in the afternoon (3:30 p.m. to 7:30 p.m.).

Commissioner Maxwell if there was transit data available for the existing two office buildings.

Mr. Carter said that shuttle contractor provides daily ridership numbers, but he did not have those numbers available. He added that staff looks at the numbers quarterly and based on those numbers adjustments are made to the routes.

Chairman Hand asked what would be necessary to build a pedestrian walkway on the existing overpass. He also wanted to know if there was any information available on the possible expansion of Highway 75.

Mr. Carter replied that six years ago a study was done for the City by a consultant to determine if it would be more cost effective to expand the existing overpass or build a separate pedestrian structure and it was determined that a separate structure would be better, but costs would still be in the \$6 to \$7 million range.

Regarding expanding Highway 75, Mr. Carter reported there is currently a study underway by the Texas Department of Transportation (TxDOT) for expanding Highway 75 from Highway 635 north to the State Highway 121 in the City of McKinney. He noted that any widening of Highway 75 would require additional right-of-way on one or both sides of the highway (from 1-foot to 100 feet) and although the proposed project had not taken that into consideration, he felt there was no need to do so because an expansion was at least twenty years in the future.

Commissioner Maxwell asked for zoning information on the properties at the northeast corner of Palisades Creek Drive and the southbound frontage of Highway 75.

Mr. Shacklett replied the two parcels were zoned Local Retail and Technical Office which would allow buildings with up to eight stories and FAR .5 to .75.

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

Mr. Mark Jordan, JP Partners, 6609 Shady Creek Circle, Plano, Texas, stated his company, in partnership with GE Capital and KBS Capital Market Group, purchased the Palisades office buildings and vacant land two years ago and thought the highest best use for the land would be a mixed use development.

Mr. Larry Good, GFF Architects, 2808 Fairmount Street, Dallas, Texas, thanked the staff for a thorough presentation and stated he felt the proposed rezoning request was an important and strategic moment for the City. He stated his client's vision for the property was to create a corporate address that offers amenities of the highest quality including green space, restaurants, retail services, and nearby residences in a vibrant mixed-use environment.

Mr. Good said the current entitlements did not provide enough office space and the awkward placement of condominium buildings detracted from the development. Conversely, the proposed development will be a quality project and was modeled after other local pedestrian oriented developments in the metroplex – Legacy Town Center, Addison Circle, and Las Colinas Urban Center.

Mr. Good pointed out that in an outreach to the surrounding community, charettes were held over a year ago to allow neighborhood input which resulted in the following suggestions:

- Create a civic oriented open space; limit the access to Collins Boulevard;
- Create an appropriate buffer on the west side of the property (single family structures with low heights);
- Establish a height-slope cone - start at 2 stories along Collins Boulevard and use a 3:1 proximity slope to allow buildings to get taller as they move to the east;
- Create a high hurdle regarding the ability to develop multifamily – allowed only in mixed-use buildings of a minimum 4 stories in height;

- Work with the City to promote a connection to DART; and
- Improve the trail system and connectivity to the Spring Creek Trail

Mr. Good answered the earlier question regarding a wall separating two of the sub-districts by suggesting a low wall with wrought iron on top to delineate those areas without having a confining feeling which would be proper in an environment that was pedestrian oriented.

Regarding a question from the briefing session about why 6 stories and 75 feet, Mr. Good replied the maximum height was chosen for the outer ring, mixed-use area based on having the Plan relate to the City's existing Building Code. He added that the proximity slope would not allow 6 stories, 75 feet unless the building was further from the boundary line of the adjacent residential area.

Commissioner Linn asked if during the charettes was connectivity to DART listed a priority and was a representative from DART ever asked to address the community during the charette.

Mr. Good replied that both pedestrian and bicycle connectivity to DART was listed as a priority, but a representative from DART was not invited to speak. He added that he had called the Director of Economic Development from DART to discuss a pedestrian bridge over Highway 75.

Commissioner Linn quoted from a section from the Code regarding access to Light Rail and the objective of the development becoming a major regional employment center, but he asked if the author of the section knew the Galatyn Overpass did not have a pedestrian walkway. He also noted the standards for access to public transportation in Texas was a quarter mile because of the areas inclement weather, but felt the shuttle system would be helpful in that respect.

Mr. Good replied they knew there was no pedestrian access, and maybe that section should have referred to a future walkway. He added they had always drawn the connection to the public transportation on the Plan in hopes that it would be constructed in the future.

Commissioner Linn asked if any of the projects mentioned as models were in close proximity to single family residences. He also wanted to know about the width of the sidewalks planned for the development.

Mr. Good replied that Legacy Town Center, Addison Circle and Las Colinas Urban Center all approximately one mile from single family residences.

Regarding the sidewalks, Mr. Good said the sidewalks would be 10 feet gross which would be six feet unobstructed taking into consideration the portion of the sidewalk used for street trees, light poles and possibly outside dining.

Commissioner Linn asked if food trucks would be allowed in the urban park, and for more information regarding the projections for school aged children in the development

Mr. Good replied that the urban park should have all the characteristics of Klyde Warren Park in Dallas with food trucks, outdoor music and special events.

Regarding school-aged children, Mr. Good said they had engaged the company of Alvarez and Marsal to research what percentage of the two bedroom apartments would have children. The research used not only RISD and PISD, but also Frisco Independent School District and the results noted that approximately 50 percent of the two bedroom units had children; 80 percent of three bedroom units had children; and of the two and three bedroom units, 68 percent would be school aged with approximately 1.4 children per unit. Therefore, using that information and applying it to the 750 multi-family units and 250 condo units, the number of school-aged children would 164.

Commissioner Linn read into the record a statement from RISD stating the district's estimate would be between 160 and 213 children.

Mr. Good continued his presentation noting that much of the land in Dallas County is already developed in the two existing office buildings, or it is along the freeway, which would not be a likely location for multi-family development. That being the case, the majority of the units with children will be in Collin County or PISD.

Chairman Hand asked if the statistics being mentioned were based on the opening day of the development or further down the road. He also wanted to know if the illustrative site plan was part of the ordinance.

Mr. Good replied that the consultant used developments that ranged in age from six months to 15 years that were in a similar environment and did not used older, less expensive garden style apartments because that would not be equal to what was being proposed.

Regarding whether the illustrative plan would be part of the ordinance, Mr. Shacklett replied that it would not be part of the ordinance. Mr. Good added that an illustrative plan was done as a demonstration to show that the proposed multi-family, single family and office buildings were feasible on the property.

Commissioner Linn asked if the applicant would consider removing the requested 750 apartment units from their proposal and only build the currently approved 300 condominium units.

Mr. Good replied that he would not consider removing the apartments from his proposal.

Commissioner Roland asked for confirm that 38% of the students would be going to RISD and 62% would be going to PISD. He added that almost all of the correspondence received by the Commission was concerned about the impact on schools in RISD.

Mr. Good replied that much of the land in Dallas County that would impact RISD, was already encumbered by the existing two office towers and located along freeway, which would be an unlikely location for multi-family.

Chairman Hand noted that some of correspondence received was also concerned with the impact on PISD as well.

Commissioner DePuy pointed out the information presented to the Commission did not mention three bedroom units and asked if there would be any available in the multi-family buildings.

Mr. Good replied that the material presented was the minimal residential unit sizes and the information was not part of the ordinance, but was prepared as a point of discussion. He added that they expected approximately 5% of the units in the multi-family to be three bedrooms and 25% in the condominiums.

Vice Chair Bright said he understood the illustrative plan was not part of the ordinance, but asked where on the plan the county line would fall as it related to the proposed multi-family and single family housing units.

Mr. Good pointed out the county line would bisect the development in the urban neighborhood and mixed use areas which would affect approximately 150 multi-family units as well as some of the single family units. He added that the condominium tower would be located in Collin County.

Chairman Hand noted that although the illustrative plan did not show residential units in freeway/high rise area, he thought the ordinance would allow that.

Mr. Good replied that was correct, if approved, the ordinance would allow residential units in the freeway/high rise area.

Commissioner Ferrell asked if there was a timeline or phasing for the proposed project.

Mr. Good that Phase I would be all the single family along Collins Boulevard, the urban park, repositioning of the southern half of the ring road, the two tracts west of the ring road, and any ancillary development on the Palisades II side; a possible second office building.

For Phase II, the development would be split between the inner and out ring mixed use saving the freeway frontage for last. In terms of length of time, it should take 5 to 10 years.

Commissioner DePuy wanted to know the applicant's thoughts on the sale of the proposed condominiums based on the existing market.

Mr. Good replied the way the ordinance was written, the 250 units have to be in a 12 story tower because it is very difficult to market three or four story mid-rise condos and they have never been very popular.

Commissioner Maxwell asked if staff has forwarded information to the applicant the lessons learned from the planning and ongoing development of Bush/Central. He also wanted to clarify the floor to floor heights.

Mr. Shacklett replied yes and it was reflected in the Code.

Regarding the floor to floor heights, Mr. Good said the ground floor retail-ready uses would be at 15 feet as a logical floor-to-floor height because they tend to be smaller spaces (office or small retailer), but emphasized those heights were a minimum and could be changed. He added the majority of the residential projects they were developing had 10-foot ceilings which translated to 11 feet, 8 inches floor-to-floor, therefore, it provided flexibility when developing the project.

Chairman Hand asked if the time line was part of the ordinance and staff responded that it was not.

Mr. Ross Lyle, 2311 Custer Plaza, Richardson, Texas, said he was a long-time resident of the City and although he was sensitive to issues regarding the schools in the area, felt the development would enhance the home values in the neighborhood.

Mr. Chris Phillips, 217 Long Canyon Court, Richardson, Texas, read into the record a statement from Marilyn Frederick, an area homeowner, asking for a reduction in the number of condominiums and apartments, a distribution of single family residential into Collin and Dallas counties, and an increase in the minimum square footage for condominiums and apartments.

Mr. Phillips then stated that although the proposed plan was not perfect, he felt it was a strong plan and would create a vibrant mixed-use environment. He did think the developer should help fund a pedestrian bridge over the highway and suggested fewer apartments or a 55 and older community.

Mr. Hank Mulvihill, 8 Lundy's Lane, Richardson, Texas, stated he was in support of the proposal and thanked the developer for not parceling and selling off the property.

Mr. Chip Pratt, 2700 W. Prairie Creek, Richardson, Texas, said in principle he was in support of what the developer was trying to do and their efforts in reaching out to the community, but had concerns with the height slope and struggled with the need for so much multi-family. He pointed out that limits on the size of retail were not included in the Code because he did not want to see any big box retail.

Commissioner Linn asked if Mr. Pratt was for or against the development as a whole but wanted to see better development standards for the multi-family.

Mr. Pratt replied that he felt enhanced development standards for the multi-family should be part of the Code and suggested continued diligence was needed to understand what would be the right quantity of multi-family units.

Mr. Scott Jessen, 4428 Creek Bend Circle, Richardson, Texas, explained he was a long time resident of the City with his children attending PISD, and that two of his clients had offices in the City, both of which were in close proximity to the proposed development and both were in favor. He pointed out that live, work and play developments were very attractive to younger generations, empty nesters, as well as employees from the adjacent office buildings.

Mr. Jessen noted that one of his clients has previous business dealings with Mr. Jordan and they were confident that any development he was proposing would be of the highest quality. In addition, he acknowledged that traffic would be a concern, but stated the completion of the extension of the Galatyn Overpass would provide good access in all directions. He did offer a warning that cutting back on the residential component, in his opinion, could put the development at risk.

Chairman Hand recessed the public hearing for a five minute break.

Chairman Hand called the public hearing back into session and Mr. Pratt returned to the podium to speak on behalf of the Canyon Creek Homeowners Association (CCHOA).

Mr. Pratt stated the board of CCHOA agreed in concept with the vision of the project and was hoping for a development of the highest quality in design, materials and amenities. He added that the concerns communicated to developer over the past fifteen months were three fold: 1) how to guarantee a high quality project; 2) how to ensure a balanced development time line so it will be built out as a mixed-use development as opposed to just a stand-alone apartment complex with a wait and see approach for the retail and the office; and 3) how to limit the impact the impact of multi-family.

Commissioner Linn asked how many homes were represented by the CCHOA and Mr. Pratt replied that approximately 2,800 homes in both Canyon Creek and Prairie Creek.

With no further comments in favor, Chairman Hand called for comments in opposition.

The following individuals spoke in opposition to the proposed development expressing concerns regarding: the impact on already “at capacity” schools, increased traffic and impact on existing bicycle lanes, adverse effect on home values, degradation of the neighborhood, increase in crime, water supply, over-abundance of multi-family already built or coming on line, and problems with selling patio homes surrounded by apartments.

Mr. Todd Franks, 207 High Canyon Court, Richardson, Texas, 75080
Mr. Kevin Chumney, 447 Crestover Circle, Richardson, Texas 75080
Mr. Brian Bolton, 200 High Canyon Court, Richardson, Texas 75080
Mr. Tim Manders, 416 Highbrook Drive, Richardson, Texas 75080
Mr. David Schafers, 28 Creekwood Circle, Richardson, Texas 75080
Mr. Scott Sedberry, 2215 Eastwood Drive, Richardson, Texas 75080
Mr. Charles Fell, 423 Ridgecrest Drive, Richardson, Texas 75080
Ms. Liz Damiello, 316 Crestover Drive, Richardson, Texas 75080
Ms. Patricia Simmons, 2 Roundrock Circle, Richardson, Texas 75080
Mr. Bob Navarrete, 210 Crooked Creek Drive, Richardson, Texas 75080
Ms. Michele Hamaker, 2309 Lawnmeadow Drive, Richardson, Texas 75080
Mr. Bob Reid, 2605 Stoney Circle, Richardson, Texas 75080
Mr. Mike Kilgard, 205 Crooked Creek, Richardson, Texas 75080
Mr. Bob Kaiser, 208 Long Canyon Court, Richardson, Texas 75080

In addition to those who spoke, the Commission received 4 appearance cards in support of the proposed development and 48 opposed.

With no further comments in opposition, Chairman Hand called for any questions from the Commission.

Commissioner Linn asked the applicant if there was any number of multi-family units he would be willing to reduce that would be acceptable to the community and the developer.

Mr. Good replied that he might be willing to reduce the number, but he was not ready to propose a number during the meeting. He added that he thought future discussions could focus on the number and location but did not want to negotiate during the meeting from the podium.

Chairman Hand asked to view an earlier slide from the presentation regarding the CCHOA.

Mr. Good replied the slide in question about construction/design standards and minimum residential unit size was generated by suggestions from the CCHOA and staff. He added that the suggestion of prohibiting “no wood frame Type III or Type V construction permitted in the freeway high rise sub-district” would ensure a higher quality of construction.

Commissioner DePuy stated she understood the draw of RISD and the values of the neighborhoods, but reminded everyone the Commission was charged with considering what was best for the City in order to help Richardson grow and thrive. She said she wanted the homeowners and developers to be happy with the final project and suggested further negotiations.

Ms. DePuy also spoke to the influx of corporate residents coming into the City and the need for places for those residents to live and said apartments would be a viable option.

Chairman Hand asked the applicant to compare his earlier statement of “corporate office address of highest quality” and his later comment that some things had not been codified in the development. He also asked the applicant to address some of the concerns expressed by the neighborhood about how to ensure the development would be of the highest quality.

Mr. Good replied that when he said something was not codified pertained to matters of interior finishes, but there was a lot of quality written into the ordinance by such items as public realm streetscapes (sidewalks, trees, etc.), and concealment and/or elevations of parking garages.

Chairman Hand stated Commission realized the proposed guidelines were similar to those that had been passed for Bush/Central, but he had concerns about some aspects of the proposal, specifically the wall between the urban neighborhood and outer ring and how it seemed contradictory to a development that was supposed to be pedestrian friendly and walkable.

Mr. Good replied that it was an expectation for the building typology for the urban neighborhood to have some degree of separation from the next tier of uses. He asked the Commission to remember that the next tier would not necessarily be multi-family because it was listed as office or multi-family, in which case, from an office development perspective, you would want more separation than from a slightly higher density residential development.

Chairman Hand asked for further explanation on the bollards proposed at the boundary of the outer ring mixed use and urban neighborhood areas.

Mr. Good replied that during the charette the community made it clear they did not want direct access from Collins Boulevard into the core of the development. He added that the original proposal to permanently block the access was changed with a suggestion from the community to install a temporary barrier that could be easily removed in the future if the community decided they wanted direct access.

Commissioner Maxwell said that blocking the access made some sense but wanted to know how drivers would be made aware they could not access the retail or office components.

Mr. Good said signage would be installed stating there was no through access; however, he reminded the Commission that Palisades Creek Drive on the north and Palisades Boulevard on the south would still allow access to the inner ring.

Chairman Hand asked if 500 apartments were part of the discussion in the charettes.

Mr. Good replied he did not think a definitive number was ever proposed.

Commissioner Springs asked if a 55+ community was every considered.

Mr. Good said he did not think age restricted housing was viable as part of the solution and felt active empty nesters would be more attracted to the townhomes and condominiums.

Commissioner Linn asked for further explanation of the phasing and time line of the development.

Mr. Good replied the townhomes, zero lot line single family homes, the park, the two northern tracts of the inner ring mixed-use (could be office or multi-family), and the completed development of the Palisades II (office building and garage) would be in Phase I. In Phase II, the northern half of the central core and the southern outer ring mixed would be completed with the freeway high-rise saved for Phase III.

Regarding a time line, Mr. Good said the urban neighborhood would start as soon as the request was approved with Phase II Part A starting in 18 months to two years and Phase II B following a year after Part A is started. Phase III would be in development within 5 to 8 years after the start of the project. He added that the phases were conditional on market forces because if a client wanted to have the freeway high-rise office buildings first, then they would begin the development with that project.

Commissioner Maxwell asked if additional meetings with CCHOA could be fruitful.

Mr. Good said he thought negotiations were at a standstill since a comment was made from one of the speakers in opposition that Mr. Pratt's comments on behalf of the CCHOA did not speak for all the homeowners. He thought the solution would be provided by the Commission and City Council.

Commissioner DePuy asked what the applicant perceived as the amount of residential needed to balance the retail.

Mr. Good replied that a nationwide statistic shows that 14 square feet is required per person, therefore, if 2,000 residents are living on the property that would only support 28,000 square feet of retail. The truth is, it is a neighborhood thing and takes into consideration all the residents north of Campbell, south of Highway 190, and west to Coit Road to support the proposed 200,000 square feet of retail.

Commissioner Roland asked if the applicant knew how many apartments were in the Watters Creek development in Allen. He noted that when he frequents the area parking is at a premium, which seems to indicate people other than residents are supporting the retail shops.

Mr. Jordan replied there are 550 apartments.

Chairman Hand explained that even though they had sympathy for neighborhoods and their concerns about schools, the Commission has been charged with looking at zoning or rezoning requests in a technical, long-range, land use perspective. He added that there are more Fortune 500 companies headquartered in the State of Texas than any other state in America so what the City does with that growth is important.

Mr. Hand said he could not think of a better address than the Palisades to put high-end, high rise residential units (condos and/or rental) and felt the adjacent neighborhood would add to the attractiveness of the project. He added that he would encourage the applicant to move into Type 1 construction throughout and pursue a pedestrian link across the highway to make the development the high profile, iconic development it should be.

Commissioner DePuy stated higher end condos sell very well and are very viable and suggested maybe increasing the number to make the project more viable.

Commissioner Maxwell thanked everyone in the audience for their attendance and said he agreed with Mr. Hand's comments about the quality of construction and the Commission's sympathy for the neighborhood and their concerns, but also agreed that the project would be a very good fit for the City. He suggested that issues other than land use might be something for the City Council to address.

Vice Chair Bright said he liked the comments from one of the speakers regarding balance between support for the schools, support for property values, as well as giving the City a high quality product. He felt the suggestion for Type I construction was a way of achieving quality construction, and supported the project as a whole, but felt there was more work needed to address some of the issues before he could support the overall proposal.

Commissioner Ferrell stated using Watters Creek as an example of high end, Type I construction, and a mixed-use type of development, he did not think the proposed project needed higher density residential to support the retail. He suggested 400 to 450 residential units would be more appropriate.

Commissioner DePuy commented that she supported one of the speakers concerns about selling single family dwellings adjacent to multi-family units and thought that should be taken into consideration. She asked if the applicant compromised on the number of multi-family units, would that change the transition between that area and the single family area.

Regarding concerns expressed about overcrowding and enrollment at the local schools, Ms. DePuy thought it might be something that needs to be addressed separate from the current project and suggested the neighborhood address those concerns with RISD.

Chairman Hand asked how the bullet point from the CCHOA comments about no wood frame construction from the freeway high rise to the inner/outer rings would affect the applicant's business plan.

Mr. Good said that maybe a change in the percentage of wood frame versus Type 1 might be acceptable, and the direction being provided by the Commission was excellent, but further discussion with his client was needed.

Chairman Hand warned that limiting the number of residential units could have an adverse effect on the retail and used the Brick Row development as an example, but suggested that putting the density on the proposed site and raising the quality might limit the impact on the area schools.

Mr. Chavez reminded the Commission during the zoning for the Bush/Central development the form based code required a minimum of 50% of concrete and steel construction and that could be an item to discuss with the applicant on the proposal project.

Commissioner Linn stated he was not a fan of the multi-family as proposed or the lack of connectivity to the DART station and thought continuing the item might be a good idea.

Commissioner Roland said his first opinion was to vote against the proposal because of the number of multi-family units, and thought it was incumbent on the Commission to provide the applicant with the number of multi-family units that would be acceptable. He also reminded the audience that although their concerns are important to them at this time, the Commission needs to look long term at what is highest and best use for the land in the City.

Chairman Hand stated that if the Commission decided to continue the meeting, the item would most likely come back at the November 19, 2013 meeting.

Mr. Chavez pointed out that looking at the amount of information and discussion from the meeting he did not think two weeks would be enough time and suggested either December 3rd or December 17th.

Mr. Good objected to waiting until the December meetings and asked that if the item was continued that it be continued to the November 19th meeting.

Chairman Hand closed the public hearing and called for a motion.

Motion: Vice Chair Bright made a motion to continue Zoning File 13-13 to November 19, 2013; second by Commissioner DePuy.

Commissioner Maxwell pointed out that the public hearing had not been closed and asked if it should be closed.

Chairman Hand asked staff if the public hearing was closed could additional testimony be taken at another meeting.

Mr. Chavez replied that taking additional testimony would be up to the discretion of the Chairman.

Motion approved 7-0.

8. **Zoning File 13-20:** Consider and take necessary action on a request to revise the Spring Valley Station District Planned Development (PD), Ordinance 3831, to allow up to 30 single family residences and remove the rights for multi-family units on approximately 3.8-acres of land located at the on the north side of Spring Valley Road, between Greenville Avenue and Floyd Branch Creek. The property is currently zoned PD Planned Development.

Mr. Shacklett advised the applicant was requesting to allow up to thirty (30) townhomes to be constructed on approximately 3.8 acres located on the north side of Spring Valley Road between Greenville Avenue and the Floyd Branch Creek. He added that the two tracts are currently undeveloped and within the existing Brick Row townhome development.

Mr. Shacklett stated the applicant was also requesting to remove any existing multi-family rights from the subject lots, which would mean that the property on the east side of the creek would be developed a single family townhomes, excluding the portion along Spring Valley which would retain its rights for retail, office, and commercial buildings.

Mr. Shacklett closed his presentation listing the different land use categories allowed within the PD. He added that currently within the PD there are 140 platted townhome lots, 10 shy of the allowed 150 single family residences; however, if the item was approved, there would be a net increase of 20 bringing the total to 170 townhome lots.

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

Mr. David Gleeson, L & B Realty Advisors, 8750 N. Central Expressway, Dallas, Texas, representing Centennial Park Richardson Ltd, stated that at the beginning of the year and just recently, L & B met with the townhome owners and learned they were against any multifamily or condominium units on the east side of the creek, which was why the current application was structured to remove those rights and allow the additional townhome lots. He added that the future of the area zoned for retail along the frontage of Spring Valley Road was in question because of the slow pace of leasing for the retail on the west side of the creek.

Commissioner DePuy stated she liked the proposed plan and asked about the sale activity of the townhomes.

Mr. Gleeson replied that of the current 127 platted lots, there are only nine (9) lots that have not been taken down, but of those that have been taken down, the townhomes are selling at a very quick pace.

Mr. David Conte, 631 Alexandra Avenue, Richardson, Texas, stated he is an owner of one of the existing townhomes in Brick Row and was very much in favor of the proposal and felt the request was much more preferable than apartments or condominiums.

Mr. Kevin Williams, 748 Matthew Place, Richardson, Texas, said he too was a townhome owner and was very happy with the proposed request.

No other comments in favor or opposed were received and Chairman Hand closed the public hearing.

Motion: Commissioner Roland made a motion to recommend approval of Zoning File 13-20 as presented; second by Commissioner Linn.

Chairman Hand commented that over the term of the Brick Row project, there were lessons learned about mixed-use developments and he felt that experience would prove helpful in reviewing future mixed-use zoning cases.

Motion approved 7-0.

9. **Zoning File 13-23:** Consider and take necessary action on a City-initiated amendment to the Comprehensive Zoning Ordinance (Appendix A) of the Code of Ordinances, Article I, Section 2 (Definitions), by adding the definition of E-cigarette establishments and by amending Article XXII-A, Section 2 (Special Permits – Use Regulations) to allow E-cigarette establishments upon approval of a Special Permit in the LR-M(1) and LR-M(2) Local Retail Districts and the C-M Commercial District.

Mr. Chavez reported the reason behind the requested amendments was based on a similar situation in 2011 when there was an increase in smoking establishments and the City responded by initiating a definition for smoking establishments and requiring a Special Permit for those establishments in local retail and commercial districts. He added that the City was seeing the same type of trend regarding E-cigarette businesses with nine (9) new establishments (retail and/or vapor bars) opened in the City in the last eight weeks.

Mr. Chavez explained the definition of an E-cigarette as a battery powered product that uses an atomizer or similar device to heat a solution so the user could inhale a vapor without any smoke, ash or carbon monoxide being produced. He added that the proposed City-initiated amendments apply to new establishments and involved adding definitions for E-cigarettes and E-cigarette establishments to Article I, Section 2, *Definitions*; and including E-cigarette establishments under Article XXII-A, Section 2, *Use Regulations* to require a Special Permit in LR-M(1), LR-M(2) and C-M districts exclusively.

Commissioner Maxwell asked to clarify if the ordinance would prohibit the use of E-cigarettes by an individual in any other establishments. He also wanted to know if other cities in the area were trying to prohibit the use of the E-cigarettes in any type of establishments.

Mr. Chavez replied the ordinance was not trying to prohibit the use of E-cigarettes in other establishments. Cities were using a variety of ways to handle the new product either by designating where they could be used, grouping them under the definition of smoking, while others were regulating the sale of the product to minors.

Commissioner Maxwell asked if the City considered banning E-cigarettes in establishments other than those covered by the proposed amendments.

Mr. Chavez replied it was not considered because it was not smoking as currently defined in our current Smoking Ordinance, in addition, there were no conclusive studies or reports classifying E-cigarettes as harmful.

Commissioner Frederick asked if the ownership of an existing E-cigarette business changed, would the new owner be required to request a new Special Permit.

Mr. Chavez replied no, unless the use was abandoned for more than six months or the use was expanded, then a Special Permit would be required.

Commissioner DePuy asked if the existing nine locations were in retail centers, and were there any restrictions on the hours of operation.

Mr. Chavez stated the locations were typically in retail zoned property and in the material presented to the Commission was a map showing the locations. He added that there were no restrictions on the hours of operation because the sites were treated as retail.

Commissioner Roland asked if E-cigarettes were being regulated, and were there any second-hand harmful effects.

Mr. Chavez replied that the Federal Drug Administration (FDA) does not regulate E-cigarette because they do not contain a tobacco product, therefore, they can be sold in retail locations. He added that the proposed ordinance was initiated to provide oversight for the establishments where the primary inventory is E-cigarettes or an establishment where the primary purpose is the use of E-cigarettes (vapor bar).

Regarding possible second-hand harmful effects, Mr. Chavez said he could not find a study that showed any harmful effects.

Commissioner Roland asked if there was any reason to limit the age of purchase to 18 in the City. He also said he understood that smoke shops could possibly have problems with negative impacts on the patrons or wait staff, as well as problems with the neighborhoods, but he was struggling with determining who the amendments would be protecting.

Mr. Chavez replied the E-cigarettes he has seen in retail stores are age restricted so they cannot be sold to anyone under the age of 17; however, since the product is not regulated by the Food and Drug Administration it can be bought on line without proof of age.

Regarding the reason behind the requested amendment, Mr. Chavez said that when trends emerge, just like any other land use trend, staff will look to see if it is something that needs to be addressed in some manner, similar to the amendments passed for smoking establishments. In addition, the proposed amendments allow the Commission and City Council an opportunity to look at specific establishments on a case-by-case basis to assess the true land use impact associated with that use.

Chairman Hand asked to clarify if the issue was more about smoking establishments or the sale of the E-cigarettes. He also wanted to know if regulations were going to be proposed to regulate convenience store sales of the product.

Mr. Chavez replied that what the City was concerned about was the trend of these types of businesses coming into the City because in the last eight weeks there have been nine Certificates of Occupancies (CO) approved for vapor bars and vapor stores in the City.

Mr. Chavez said the sale of the product in convenience stores would not be regulated because it would not be their primary use.

Commissioner DePuy stated she was originally not in favor of the proposed amendments because she felt if someone wanted to smoke it was their business, but since the staff explained that the amendments would limit the land use impact (late hours, proliferation of same type businesses) she was in favor of the proposal.

Commissioner Linn asked if any of the proposed vapor establishments would also be selling alcohol.

Mr. Chavez replied that since the product itself did not contain tobacco, food could be served at the same time someone was using the product. He added that an establishment could also be a private club or bar as long as their percentage of alcohol sales met the threshold.

Commissioner Maxwell said he understood the City was trying to regulate the sale of the E-cigarettes when it was the primary function of the business, but he asked if the amendment would regulate the use of the product as a primary function. He also expressed concern about the amendment because the use of E-cigarettes was allowed in any public establishment.

Mr. Chavez stated the amendments would allow oversight of the land use itself as to whether a property would be a retail establishment or primary use establishment.

Commissioner Maxwell asked what defined the primary use.

Mr. Shacklett replied that the primary product for sale in an establishment would help to define the primary use as well as if a business was created for the sole purpose of using certain products.

Mr. Chavez added that when prospective business owners approach the City, the staff will have in depth discussions with them regarding the intended use for their business. In addition, after a business has been given a certificate of occupancy (CO) the City's community services department will assess whether or not the business complies with the CO.

Commissioner Maxwell noted that the proposed amendment was similar to the one proposed for the smoking establishments and asked how many smoking establishments have approached the City after the passage of that ordinance.

Mr. Chavez replied that several people approach the City each week looking to open smoking establishments and staff is starting to see that trend again with the E-cigarette stores and/or vapor bars. To date, no requests for smoking establishments have been submitted for consideration by the Commission.

Commissioner DePuy added that the establishments she has noticed have the word “vape” in the name so it is easy to define what their use was.

Commissioner Springs said he thought the amendment was regulating the E-cigarette business for regulating sake and he was not in favor of that. He felt the market would correct itself after the trendy nature of the business subsides.

Commissioner Linn asked if the purpose of the amendment was to regulate the sale and use of E-cigarettes. He also wanted to confirm the information in the Commission’s packet about the number of E-cigarette businesses and the timeframe for those businesses opening.

Mr. Chavez replied that the City wanted to have the ability to assess the location of any proposed establishments primarily devoted to the sale or on-site use of E-cigarettes. He added that the Special Permit process would allow the staff, the Commission, and the City Council the opportunity to review the business to make sure it is a compatible land use.

Regarding the timeframe, Mr. Chavez replied all nine of those businesses had opened in the last eight weeks.

Commissioner Springs asked what the criteria would be for judging the appropriateness of this use with surrounding adjacencies.

Mr. Chavez replied that the Commission and City Council would have the opportunity to look at the surrounding land uses and whether or not it was adjacent to compatible or non-compatible uses (i.e., schools, residential areas, etc.).

Vice Chair Bright pointed out that when any Special Permit comes before the Commission, the items mentioned by staff were always areas that were reviewed for compatibility before making a decision. He also wanted to know what criteria the staff would use to determine a primary use.

Mr. Chavez replied that staff relies on the applicant’s initial description of their business plan; however, if they deviate from what they say will be their primary use, the Building Inspection department would review the CO and if the business was determined to be in violation of their CO they would be required to apply for a different CO or in this case a Special Permit.

Commissioner Linn asked what was the cost of a Special Permit.

Mr. Chavez replied it was \$1,500.

With no further questions from the Commission, Chairman Hand opened the public hearing.

Mr. Kevin Williams, 740 Matthew Place, Richardson, Texas, said he did not see any compelling reason to regulate this business other than an image issue and suggested the market would regulate the trend.

Mr. Nassif Khraish, Mojo Vapes, 580 W. Arapaho Road, Richardson, Texas, stated he was the owner of an existing E-cigarettes business and explained that E-cigarettes did not involve tobacco and the liquid was soaked up through a wick that was ignited by a battery as opposed to fire. He said his type of establishment was different from the recently regulated smoking establishments because the patrons did not stay for hours on end but would stay for shorter periods of time trying the different liquids to use and then leave.

Mr. Khraish thought regulating the product did not make a difference because the product could be purchased at any gas station or convenience store. He felt that if a businessman wanted to open an E-cigarette establishment and was required to pay \$1,500 for a Special Permit, anyone who sold the product should be held to the same standard.

No further comments were received in favor or opposed and Chairman Hand closed the public hearing.

Commissioners Frederick said she thought it was imperative for the City to regulate these types of businesses for exactly the reasons put forth by the staff and felt if the businesses were not regulated, the proliferation of these types of establishments might be detrimental to the image of the City.

Commissioner DePuy concurred with Ms. Frederick and pointed out that the amendment was not regulating the purchase of the product, but rather the location of the businesses.

Commissioner Roland said he had spoken with three individuals who used E-cigarettes and one said he had been told by a medical professional E-cigarettes had the same effect as coffee and pointed out the City did not regulate the number of coffee businesses in the City. He added that he did not see the need for the amendment.

Vice Chair Bright and Commissioner DePuy stated they felt it was more of a land use and image issue and the proliferation of the establishments was the problem.

Chairman Hand said he had heard comments that the businesses posed more of an image issue, but noted that the amendment was not prohibiting the product and felt the Commission should err on the side of caution and support the amendments.

Commissioner Linn agreed with Mr. Roland and thought there was not enough evidence to show that there was a public health issue or an image issue and felt it was a knee-jerk reaction to something that may or may not come to fruition. He added that more information was needed over time to understand the new, emerging product and market.

Commissioner Springs said in his mind the request was a matter of perception masquerading as a land use problem.

Commissioner Ferrell stated he felt the E-cigarette issue appeared to fit in with many of the other seventy-eight businesses regulated by Special Permits.

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

Motion: Commissioner Frederick made a motion to recommend approval of Zoning File 13-23 as presented; second by Vice Chair Bright. Motion approved 4-3 with Commissioners Linn, Maxwell and Roland opposed.

ADJOURN

With no further business before the Commission, Chairman Hand adjourned the regular business meeting at 12:36 a.m., November 6, 2013.

Barry Hand, Chair
City Plan Commission