CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – NOVEMBER 19, 2013

The Richardson City Plan Commission met on November 19, 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

Mark Titus, Transportation Engineering Manager – Dev. Svcs

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 November 5, 2013.

Commissioner DePuy asked to change the last word in the third paragraph on page 16 from opportunity to "option".

Motion: Commissioner Roland made a motion to approve the minutes as corrected; second by Commissioner Linn. 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. Galatyn Park North, Lots 1A and 2A, Block B; Lots 1A and 2A, Block C; and Open Space Lots 1A and 2A, Block X: A request for approval of an amending plat for six (6) lots within 147.52 acres, located at the northeast corner of Renner Road and Plano Road.
- 3. Canyon Park Estates Addition, Second Section, Lot 19A, Block A: A request for approval of an amending plat for one lot totaling 0.57 acres, located at 301 Meadowcrest Drive; at the southwest corner of Meadowcrest Drive and W. Prairie Creek Drive.

Commissioner Frederick asked to have Item 3 removed for separate consideration.

Motion: Commissioner Roland made a motion to approve the Consent Agenda Item 2 as presented; second by Commissioner Maxwell. Motion approved 7-0.

SEPARATE CONSIDERATION – Item 3

Mr. Roberts stated the applicant was requesting to combine two (2) lots to create a single lot at the corner of Meadowcrest Drive and W. Prairie Creek Drive to add more room to his property.

Mr. Greg Smith, 301 Meadowcrest Drive, Richardson, Texas, said the adjacent property was at a higher elevation and if the property ever came up for sale he wanted to purchase it to ensure privacy for his home.

Commissioner Frederick stated she lived in the area and was an admirer of the applicant's home and the reason for removing the item for separate consideration was to confirm that as one lot, all the setbacks would be in compliance with City regulations.

Mr. Smith replied the side yard would have a 15-foot setback from the adjacent property.

Motion: Commissioner Frederick made a motion to approve the Consent Agenda Item 3 as presented; second by Commissioner DePuy. Motion approved 7-0.

VARIANCE

4. Variance 13-12 TDI Richardson: Consider and take necessary action on a request for approval of a variance from Chapter 21, the Subdivision and Development Code, Article III, Section 21-58€ for a waiver from the physical separation requirement between apartment communities of more than 250 units. The property is located at 905 and 955 W. President George Bush Highway; on the south side of President George Bush Highway west of Custer Parkway and zoned PD Planned Development.

Mr. Roberts noted that in 2012, the CPC approved the plans for TDI East (120 units) and TDI West (240 units); however, as required by the subdivision regulations, the properties would have to be separated by a wrought iron fence and could not share amenities or vehicular/pedestrian traffic even though they were owned and operated by the same company. He added that if the variance was approved, the two apartment complexes would be combined into one community with two vehicular connections on the north and south, and a centrally located pedestrian connection.

Mr. Kevin Gaskey, Kimley-Horn and Associates, representing TDI, 12750 Merit Drive, Dallas, Texas, said that if the variance was granted, the grass-crete at the east and west connection points would be replaced with concrete and a portion of another fence would be pushed further west to allow access for residents. He added that there will also be pedestrian access between the two communities and one of the trash compactors will be removed.

Chairman Hand asked if the vehicular connections would have automated gates.

Mr. Gaskey replied the gate would be automated by a card reader and there would be a knox-box for use by the City Fire Department.

Mr. Chip Pratt, 2700 W. Prairie Creek, Richardson, Texas, speaking on behalf of the Canyon Creek Homeowners Association (CCHOA), stated CCHOA had met with the developer prior to the initial application and they were disappointed the land was going to be developed at 12 units per acre. He added that another item included in the prior discussions with the developer were comments about supporting higher density in exchange for deed restricting the remaining land for office or higher use, but that suggestion was rejected.

Mr. Pratt said that CCHOA supported the removal of the fence, but they were disappointed with the building standards presented by the developer as compared to another project they developed with higher standards. He stated that as presented, it had the simplest of wrought iron fences, the possibility of 3-tab roofing, minimum landscaping and CCHOA had hoped the applicant would raise their standards to increase the quality of the product they were developing.

Chairman Hand asked if CCHOA was in favor of the variance.

Mr. Pratt said CCHOA was in favor of the variance, but wanted them to raise their standards.

No other comments were received from the audience.

Motion: Vice Chair Bright made a motion to recommend approval of Variance 13-12 as presented; second by Commissioner DePuy. Motion approved 7-0.

PUBLIC HEARINGS

5. **Zoning File 13-21:** Consider and take the necessary action on a request for a change in zoning from LR-M(2) Local Retail to PD Planned Development to accommodate a self-service warehouse to be located on approximately 5.3 acres of land at the northeast quadrant of Campbell Road and Plano Road.

Mr. Shacklett advised the applicant was requesting to rezone the subject property to accommodate the development of a self-service warehouse. He added that when the property was developed, a similar shaped property was developed between the hard corner of Campbell and Plano Roads and the subject property limiting the visibility of the site.

Mr. Shacklett explained the applicant was faced with two choices when looking to rezone the subject property: 1) rezone from retail to an industrial district that would allow various industrial uses by right; or 2) rezone to a PD with a base zoning of LR-M(2) Local Retail with an additional allowed use of self-service warehouse. The latter would allow the property to develop either as self-service warehouse or remain as local retail.

Mr. Shacklett stated the proposed warehouse would house approximately 768 individual units between Buildings 1 and 2, with two-thirds of the units in Building 1 and the remainder in Building 2. He added that the applicant was asking to add several special conditions to the rezoning request to lessen the impact on the adjacent properties:

- Any new exterior lighting would be limited to shielded sconces no higher than eight (8) feet in height;
- All storage units would be required to be accessed from internal corridors;
- Prohibit outdoor storage and display related to a self-service warehouse;
- Placement of additional screening trees every thirty-five (35) feet to provide added buffering to the adjacent neighborhood in addition the existing 6-foot wall;
- Limit attached signage to no more than 50 square feet on both frontages; and
- Limit detached signage to one monument sign on each frontage (no pole or pylon signs allowed).

Mr. Shacklett pointed out the visibility of the subject property was hindered due to the fact the property sits below grade along Plano Road, the existing landscaping, and the location of the existing retail building in front of the subject property.

Mr. Shacklett noted that in the original application, a second story had been proposed on the west side of Building 1 that would have served as space for an office and an on-premises caretaker, but that had been removed because, by definition, self-service warehouses in the City are not allowed to have on-premise caretakers.

Commissioner Frederick asked if an office would be allowed as a second story.

Mr. Shacklett replied that it would only be allowed through a PD or by asking for a variance because the site was within 150 feet of a residential district, which limits the height of a building to one story.

Commissioner Linn asked to confirm the number of units being requested and whether those units would incorporate all the existing structure so no other uses would be allowed. He also wanted to know if any pole signs would be allowed.

Mr. Shacklett replied that 768 units were being requested and the intent was for all of the building to be used as self-storage.

Regarding signage, Mr. Shacklett reiterated that only monument signs would be allowed on the frontages along Campbell and Plano Roads. Also, the proposed PD regulations would prohibit pole signs whereas the existing zoning would allow those types of signs.

Commissioner Linn asked if there would be any updates to the exterior of the building.

Mr. Shacklett replied that no specific cosmetic updates had been discussed with the applicant, but any updates made would have to be in conformance with the base retail zoning of the PD.

Commissioner Maxwell asked how the 50 square feet of signage proposed in the PD compared to signage in the base zoning.

Mr. Shacklett replied that the current retail zoning would allow up to 80 square feet along Campbell Road and 190 square feet along Plano Road.

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

Mr. Bill Dahlstrom, Jackson Walker LLP, 901 Main Street, Dallas, Texas, representing the property owner, stated that because of the items mentioned by staff (elevation, location, etc.) the property had been difficult to lease so the owner thought the conversion to self-service warehouse would be a good adaptive reuse of the property.

Mr. Dahlstrom said that prior to coming before the Commission the owner met with the adjacent homeowners association and, as a result of that meeting, decisions were made on improvements to the site including having only one story and planting 18 canopy trees along the eastern boundary. He added that the trees in conjunction with the height of the wall would provide additional screening for the neighborhood.

Mr. Dahlstrom reported the president of the homeowners association sent an email to notify the owner they would not be taking a formal position on the proposed rezoning because their membership were either in favor or not against it; no comments were made in opposition. Mr. Robert Cerrone, Vice President of Great Value Storage, 3050 Tamarron Boulevard, Austin, Texas, said their company owns and operates 39 facilities in six states with 25 of those facilities located in Texas.

Commissioner Linn asked if the facility would be climate controlled. He also wanted to know which building housed the current tenants and what would happen to those tenants.

Mr. Cerrone replied the building will be temperature controlled with a variance in temperature from 80 degrees to 60 degrees, and the existing tenants were in Building 2. He stated the current leases would be honored or some other sort of arrangements would be made.

Commissioner DePuy stated the proposal was a great use for the property and wanted to know if the storage units would be made of metal or concrete.

Mr. Cerrone replied the units would be an engineered metal system that would be incorporated with the interior walls. He noted that energy efficient LED lighting would be used to illuminate the interior.

Commissioner Frederick asked about the hours of operation and the security for the site.

Mr. Cerrone said the office hours will be 9:00 a.m. to 6:00 p.m. Monday through Friday, with shorter hours on Saturday and closed on Sunday. The access hours would be 6:00 a.m. to 9:00 p.m. 365 days per year and entrance to the site will be through a key-pad gate. In addition, each building will have a key-pad with a code that will only allow access to a specific building and the area will be monitored by 36 cameras.

Commissioner Linn asked if there were any plans to update the outside of the structure.

Mr. Cerrone replied the outside would have minor updates that would be made to reflect the branding through cosmetic changes.

Chairman Hand asked for the name of the president of the homeowners association adjacent to the site and what would happen to the existing glass on the building.

Mr. Dahlstrom replied he spoke with Mr. Brady from the Owens Park Neighborhood Association, and Mr. Cerrone said the existing smoked glass would remain and the wall of the metal storage units would go up against the glass.

Mr. Dahlstrom also wanted to let the Commission know they were amenable to the suggestion made by Mr. Roland in the briefing session to limit the 55-foot setback to only the existing portion of the building that was not setback at the required 60 foot setback.

Commissioner Roland pointed out that the 55-foot setback was located next to the nursery and asked for the setbacks for that business.

Mr. Shacklett replied the setback would be 60 feet because the nursery was zoned residential and the type of use was allowed with a Special Permit.

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

Commissioner Linn stated he had concerns that self-service storage warehouses tend to linger and become old and dated and asked if there was a way to recall the case in the future if necessary.

Mr. Shacklett replied the Commission reviewed a zoning case last year where a 20 year term with two five year renewal periods had been added to the Special Permit, but pointed out the previous case was located within one of the City's enhancement/redevelopment areas and that was the reason for the time limit.

Mr. Chavez added the proposed case could have a time limit placed on the PD, but again the case on Arapaho Road was in a future enhancement/redevelopment area. He added that from a land use or impact standpoint, a self-storage warehouse had a low impact with very little traffic, noise and light.

Commissioner DePuy thought the proposed use was good for the particular property and was not in favor of the time constraint because the current property was not in a redevelopment area.

Vice Chair Bright asked if the zoning case was approved, would it be necessary to add a condition to the motion regarding the 55-foot limitation or would it be self-limiting by its definition.

Mr. Shacklett replied that the way special condition 3 was written it could lead someone to believe that 55 feet would be allowed anywhere on the property. He suggested the motion contain information specifying the location of the 55-foot setback.

Chairman Hand stated that in general he was not in favor of converting the city's building stock into self-storage warehouses; however, he thought the property under consideration was an exception because of some of the problems previously mentioned. He said he could get behind Mr. Linn's suggestion of a time limit, but if the limit was not part of the motion he would still be in favor of approving the item.

Commissioner Frederick said she had concerns with putting time restraints on an applicant without hearing comments from the applicant.

Mr. Dahlstrom replied that this was the first time a time limitation had been mentioned and it would be difficult to accept given the investment the owner was making. He also took exception to putting a time limit on a zoning classification as opposed to a Special Permit.

Chairman Hand asked staff to clarify the type of case being proposed – either a zoning case or Special Permit case.

Mr. Shacklett replied the proposal was a zoning case, and a Special Permit would still be a zoning case, but there are different circumstances with Special Permits where you can set limitations as it relates to time limits or the type of uses. In addition, if the item was approved, self-service warehouse would become an allowed use within the base zoning district.

Vice Chair Bright asked for additional information on the time limitation placed on the previous zoning case.

Mr. Shacklett recalled that a 20 year limitation had been placed on the Special Permit and after that time the business owner would have to come back before the Commission for approval with two additional five year review periods.

Motion: Commissioner Linn made a motion to recommend approval of Zoning File 13-21 with an amendment to condition 3 to limit the 55-foot open space requirement to the portion of the existing building that is currently closer than 60 feet, and to add a 20 year time limit on the PD with two (2) five year extensions.

The motion failed for lack of a second.

Vice Chair Bright made a motion to recommend approval of Zoning File 13-21 as presented with an amendment to condition 3 to limit the 55-foot open space requirement to the portion of the existing building that is currently closer than 60 feet; second by Commissioner DePuy. Motion approved 6-1 with Commissioner Linn opposed.

6. **Zoning File 13-22:** Consider and take necessary action on a request for a Special Permit for a smoking establishment to be located at 1601 N. Central Expressway, west of Central Expressway between Campbell Road and Collins Boulevard. The property is zoned C-M Commercial.

Mr. Shacklett stated the applicant was requesting a Special Permit for a smoking establishment located at the former Humperdinck's restaurant, north of Collins Boulevard and south of Campbell Road. He added the site would become the fourth location in the Dallas/Fort Worth metroplex for Fadi's Mediterranean restaurants.

Mr. Shacklett reported the applicant had received approval for an additional outdoor deck on the northeast corner of the building that would be used for hookah smoking, which is allowed by City ordinance outside a building as long as smoking occurs at least 25 feet away from a door or operable window/vent. He added that both decks met the distance requirement; however, the item became a Special Permit request based on revisions to the Comprehensive Zoning Ordinances (CZO) that deems a business a smoking establishment when it provides on-site delivery of tobacco/accessories for payment, and on-site smoking was allowed.

Mr. Shacklett summarized that the applicant was requesting a Special Permit that would allow a smoking establishment limited to outdoor use only (one or both decks), and limiting the hours of operation from 11:00 a.m. to 11:00 p.m.

Commissioner Frederick asked if the establishment would provide the smoking materials or would the customer have to bring their own. In addition, she wanted to confirm that if a customer had their own smoking accessories that it could be smoked at any restaurant where there was outdoor smoking.

Mr. Shacklett confirmed that a hookah could be smoked in the areas the health code allows for a cigarette or cigar. He stated that if the applicant had decided not to provide any tobacco or hookahs and allowed the customers to bring their own, they would not have to come before the Commission for a Special Permit.

Commissioner DePuy asked if a door leading from the decks into the restaurants would be allowed and if previous hookah bars and lounges were all covered under Special Permits.

Mr. Shacklett replied the request would not prohibit the placement of a door from the decks into the restaurant, but if a door was added on a deck, smoking would not be allowed within 25 feet of the door, which would eliminate the decks as smoking areas.

Regarding other hookah establishments, Mr. Shacklett stated that smoking establishments that existed prior to the 2011 CZO amendment would be considered as legal nonconforming.

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

Mr. Chadi Muched, 5434 Longview, Dallas, Texas, stated Fadi's was a family owned business that started in Houston in 1996 and now had a total of eight locations with three of those in the metroplex. He added that the former Humperdinck's location was being remodeled to fit the new Fadi's signature design concept with a Mediterranean styled building and, as part of that concept, they would like to add smoking to their outdoor decks.

Mr. Muched said they made the decision to sell tobacco products and provide the hookahs for safety reason and so they could maintain control over what was being used and served on the deck.

Commissioner DePuy asked if there would be a prohibition on customers bringing their own smoking accessories and if there were hookahs available at the other Fadi restaurants.

Mr. Muched replied customers would not be allowed to bring their own smoking accessories and stated it was a way of controlling how many hookahs would be allowed on the decks, and with regard to having hookahs at other restaurants, it depended on local ordinances and whether there was an area 25 feet away from a door or window.

Vice Chair Bright asked if alcohol would be sold.

Mr. Muched replied they were not planning to sell alcohol, but they would occasionally have customers who would bring their own wine.

Mr. Ayman Alkurdi, Moose Construction, 1601 N. Central Expressway, Richardson, Texas, said the proposed restaurant would be seen as a landmark in the City and the owners were spending over \$2,000,000 to remodel the existing building.

Commissioner Ferrell asked if the existing deck was being rebuilt and what would the proposed deck look like.

Mr. Alkurdi replied the existing desk was approximately 500 square feet and was surrounded by a wood fence that would be removed and replaced by a stone wall with wrought iron on top. The other deck would be similar in size and design.

Commissioner Linn asked if the restaurant would have table service or be buffet style and wanted to know if the restaurant would be similar to the DiMassi's restaurant in Richardson.

Mr. Muched replied the service would be upper class cafeteria style with customers choosing what they want and employees platting the food for them. He added their family use to own DiMassi's restaurant and sold it in 1993, but it was a very close concept to the food and operation of Fadi's.

Commissioner Linn noted that DiMassi's did not have hookahs and asked if the hookahs at Fadi's were being offered to increase patronage.

Mr. Muched said DiMassi's restaurants usually did not have patios, as does some of the other Fadi's locations, but if an outdoor area is available they would like to offer that option to their customers.

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

Vice Chair Bright asked if the Special Permit, as written, prohibited customers from bringing their own hookahs to the site.

Mr. Shacklett replied customers would not be prohibited from bringing their own hookahs but that would be something the owner would have to police.

Commissioner Frederick asked to clarify if the Commission would have any control over the planning for either deck.

Mr. Shacklett replied one deck already existed and the other deck had already been approved.

Chairman Hand stated it was his personal opinion that the application was an example of why the smoking ordinance was established; to allow the Commission and City Council to review each application on a case-by-case basis.

Commissioner Linn asked if the E-cigarette ordinance would apply to the present zoning request.

Mr. Chavez replied that it would not apply at the current time because the item had not been considered by City Council as yet.

Commissioners DePuy and Frederick concurred with Mr. Hand's comments with Ms. Frederick adding that she was not comfortable with the fact that both decks would be available for smoking.

Mr. Muched said their plans called for one deck to remain non-smoking; however, they did not want to limit their options.

Motion: Commissioner Linn made a motion to recommend approval of Zoning File 13-22 as presented; second by Commissioner Maxwell. Motion approved 7-0.

ZONING

7. **Zoning File 13-13** (continued from November 5, 2013): 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, but before leaving the Chamber wished all a blessed Thanksgiving and Happy Chanukah. Commissioner Ferrell voted in her place.

Mr. Shacklett reminded the Commission the case was a continuation from the November 5, 2013, meeting and was a request to rezone 58.5 acres 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. He added the current zoning, approved in 2006, was for a similar mixed-use type of PD (39.7 acres) with the remaining 18.8 acres containing the two existing Palisades office buildings as well as 81,000 square feet of undeveloped land zoned for office and/or retail.

Mr. Shacklett reviewed a graphic (table) showing the net increases and decreases and the revisions made by the applicant after the previous meeting on November 5th. He pointed out the items shown in red were from the last meeting with the numbers in black represented the revised request, and noted that the "Multi-family units" could be a mix of apartments and/or condominiums.

Development Rights Comparison

Development Rights Comparison			
	Existing Zoning	Proposed Zoning	Net Increase/ Decrease
Residential Uses			
Single-family	121 townhomes	65/80 units (attached or detached)	-41 units
Condominiums	300	250 /0 units	-300 units
Apartments/ Multi-family units	0	750 /600 units	+600
Total	421 units	1,065 /680 units	+259 units
Non-Residential Uses			
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 existing 457,000 s.f. of development	698,457 s.f.	1,957,000	+1,258,543 s.f.

In addition to the changes made to the requested development rights, Mr. Shacklett reviewed changes to the Code based on comments made at the November 5th meeting:

- 1. Reduce maximum number of multi-family units from 750 to 600 (the 600 units could be apartments and/or condominiums)
- 2. Remove development rights for 250 condominiums
- 3. Prohibit multi-family units within Dallas County (feeds into RISD)
- 4. Increase maximum number of single-family units from 65 to 80
- 5. Allow single-family units in Dallas County portion of Outer Ring Mixed-Use sub-district (as a result of item 4)
- 6. Provide minimum unit sizes for all dwelling units in the Code (codified in the PD)
- 7. Restrict wood-frame construction for multi-family in the Freeway High Rise district
- 8. Dedicate specific land area near US 75 frontage and US 75 entry for pedestrian bridge (40' by 80')
- 9. Change design standards for wall between Urban Neighborhood and Outer Ring Mixed-Use sub-districts (3' masonry wall with 4' wrought iron on top)
- 10. Remove 3-tab shingles as allowable roof material in Urban Neighborhood subdistrict (would allow for architectural shingles)

Mr. Shacklett concluded his presentation noting that 133 letters and correspondence in opposition for both the November 5th and November 19th meetings had been received.

Chairman Hand asked if the Urban Neighborhood district would have alley-loaded homes.

Mr. Shacklett replied that the illustrative plan was showing an option for the fronts of the homes to face upon a greenbelt instead of a street; however, entry would be from the alley. This was mentioned to make sure there was language in the Code that would allow something similar because of the presentation on November 5th.

Commissioner Linn asked where wood frame constructed, multi-family units would be allowed and what type of construction would wood frame fall under.

Mr. Shacklett stated wood frame construction would be considered Types 3 and 5 and the multi-family would only be prohibited in the Freeway High Rise sub-district.

Commissioner Linn asked if any plans had been developed to incorporate a pedestrian walkway into the Galatyn Overpass since the November 5th meeting.

Mr. Shacklett replied that he was not aware of any plans.

Vice Chair Bright asked if staff had any data regarding pedestrian bridges over highways in conjunction with Transit Oriented Developments.

Mr. Titus replied that pedestrian bridges were not a very common occurrence and the most local example would have been the bridge over Highway 635 in the Rosser area, but that was built for school children and is now gone.

Chairman Hand noted that the Public Hearing had been closed at the November 5th meeting, but since there was new information to present, he invited the applicant to address the Commission.

Mr. Mark Jordan, JP Partners, 6609 Shady Creek Circle, Plano, Texas, stated he had spent the last two weeks working on the zoning request and meeting with area residents. He added that since the purchase of the property two years ago, approximately \$2,000,000 had been spent renovating the existing Palisades office buildings, which had resulted in leasing a little over 150,000 square feet.

Mr. Jordan acknowledged that many of the concerns expressed at the earlier meeting were over the quality of construction and he wanted to assure the Commission that what would be built would be first class. He added they would present information on Type 1 construction and the pricing and said everyone in the City would be proud of the final results.

Mr. Larry Good, GFF Architects, 2808 Fairmount Street, Dallas, Texas, stated the changes they were proposing were in response to the comments made at the November 5th meeting and, although they may not be 100% of what was suggested at the last meeting, the changes were their attempt to find a common ground. He complimented the staff on their presentation of the proposed changes and said he was available for any questions.

Chairman Hand asked the applicant to review the bullet points on the Development Rights Comparison table.

Mr. Good gave the following summary of the proposed changes:

- Multi-family units would be reduced from 1,000 to 600 and that use would not be a permitted use in the Dallas County area of the project so as not to impact Richardson Independent School District (RISD);
- Land would be dedicated for a pedestrian bridge over the highway with the understanding that JP Partners could not force Texas Department of Transportation (TxDOT) to construct the structure;
- Increase the number of single-family units from 65 to 80 on the land that was originally designated for multi-family units;
- Change the wall design between the Urban Neighborhood area and the Inner Ring.
- Removal of the 3-tab roofing in the Urban Neighborhood area;
- No wood frame permitted in Freeway High Rise sub-district because that area was anticipated to be office, hotel or similar use;
- Residential minimum unit sizes

Commissioner Linn asked why Types 1 and 2 construction was not included. He also wanted to know how the remodel of the existing Palisades towers had impacted the occupancy rates.

Mr. Good pointed out that nothing prohibited Type 1 and 2 construction, and those types of construction were not being ruled out, but he was suggesting that the added construction costs of those types of construction would not be supported by the rents that could be charged now or in the near future.

Regarding the impact of remodeling the existing office buildings, Mr. Jordan said the remodeling of the buildings was a contributing factor, but the market was driven by supply and demand and currently in the City the market had tightened so the need for office space had increased. He added they had leased a little over 200,000 square feet between the existing office buildings and the other three properties owned by his company on the east side of the highway (originally 40 percent occupied, now 80 percent occupied).

Commissioner Linn asked if the applicant thought, given the current market, the proposed 20 story office building could be leased out. He also asked about the other companies involved in the proposed project.

Mr. Jordan replied that he had conversations with a company that was very interested in a build-to-suit, high-end building. He added that the planned entertainment and housing components of the proposed project were an important factor for the prospective client.

Mr. Jordan said in addition to the 28 office buildings he personally owns, his partners include KBS - a publicly traded real estate investment trust (REIT), Strategic Opportunity Fund II, and GE Capital.

Chairman Hand noted that at a Urban Land Institute event, Texas was touted as the single greatest investment, housing and employment market in the nation and he wanted to know how that would translate into a timeline for upscale rents in the proposed property.

Mr. Jordan replied that if the proposed office units were to come on line now, the cost would most likely be \$1.60 per square foot, but in a year the cost could increase to approximately \$1.65 per square foot. He added that a development with rents similar to the rates Uptown in Dallas was probably not the highest and best use for this property, and although they were not ruling anything out, he felt the rental rates for the proposed project would be less.

Chairman Hand asked if the applicant thought the bulk of the planned retail would be restaurants.

Mr. Jordan said there would be specialty shopping, but the bulk would be entertainment dining.

Chairman Hand called for a short recess and reconvened the meeting five minutes later. Before allowing any further comments, Chairman Hand asked those who wanted to speak to restrict their comments to the changes proposed by the applicant.

Mr. Jeremy Thomason, 3301 Canyon Creek Drive, Richardson, Texas, speaking on behalf of the Canyon Creek Homeowners Association, stated they had hosted a focus group meeting and, although a complete consensus on such a complex issue was not possible, they offered the following as the position of the CCHOA board as a whole, and not any individual view:

Our desire is for a project of high quality design and materials commensurate with the residential redevelopment Canyon Creek is currently experiencing that will stand the test of time to maintain high quality tenants as a commercial success.

JP Partners has incorporated many features that contribute to this:

- Pedestrian access from Collins and Palisades Creek
- A green belt and trail along Collins,
- A single family residential buffer between the existing neighborhood and the new development
- Street alignments that focus the traffic towards 75, the access road, and Galatyn Overpass
- A building height proximity slope limiting the height of new construction along Collins and Palisades Creek, and focusing height along Collins
- Quality improvements like the removal of 3 tab shingles
- A central park with water/green space surrounded by pedestrian friendly retail.

The Multi-Family component of the proposal is a key area of concern. We applaud the reduction in the request from 1000 to 600 units. Our desire is for the minimum number of units necessary for the long term success of this site. Our neighborhood has serious reservations for any multi-family request that exceeds the current entitlement in place today. It is our view that it is in the best interest of Canyon Creek to distribute the multi-family across Dallas and Collin Counties.

As proposed this is a mixed use development, with densities suggesting a TOD development. We strongly support requirements which will guarantee a mix of uses and that do not allow the full entitlement of housing, retail or office to be built without a balance. We also support and applaud efforts to provide the pedestrian bridge, which is fundamental for this site to be considered TOD, without it, the densities requested is hard to justify. A reduction in office entitlements should be considered until such a time or contingent on the bridge being built.

The traffic study illustrates some key areas of concern that hit E and F Service levels at projected build out. These are primarily on Renner and Campbell at and near 75, and on the 75 access road of Galatyn. There are 2 ways to address this, limit the entitlements to only load the infrastructure to acceptable levels, or develop a plan to modify the infrastructure to support the additional load. The traffic is dominated by the office, so if entitlement limits are part of the solution, office capacity is the place to look.

Our driving motivation is to guarantee a quality development that is an asset to the city and neighborhood, while minimizing any negative impact on our schools, and avoiding gridlock on our streets. We would ask that CPC consider these seriously as they make suggestions and deliberate on their recommendation to council.

There are a handful of details we would like to address specifically:

- 1. Expansion of acceptable uses in the outer ring should not be limited to Dallas County.
- 2. Just as there is a height restricting proximity slopes along Collins to respect the adjacent neighborhood, the same slope should be applied to Palisades Creek.
- 3. Minimum sizes for multi-family units are codified; there are no mixes of sizes codified. With efficiencies set at 525 sq.ft. we would certainly not want this size to be the majority of units
- 4. For the single family product, there is a recommendation in the code that these would back up to Collins. What does this mean and what would it look like? Directly related, for the office, retail and multi-family products, there is a good visual vocabulary in the code for building material, façade composition, windows and doors, massing and scale etc. this is not present for single family and should be included to provide a view of what this product will be.
- 5. It is our understanding that the inner streets will remain private. What provisions are included to provide for maintenance and upkeep such as escrow?
- 6. There are 3 permitted uses still in the code that do not seem appropriate for this space; Cinema, Funeral home, and church.

Mr. Chris Harrington, 14 Forest Park Drive, Richardson, Texas, speaking on behalf of the CCHOA board, said after the November 5th meeting he contacted Principle Stuard of Prairie Creek Elementary and was told the third grade at the school was full, but the other grades had room for 4 more students each. In addition, he spoke with Tim Clark, Director of Communications and Public Affairs for RISD who said if at some point Prairie Creek Elementary became full, RISD had a system in place to evaluate whether expansion of the school made sense, and, in fact, that had been a consideration for the current school year, but the enrollment fell short of what had been projected so the subject had been tabled pending consistent increases to the student body.

Mr. Chris Phillips, 217 Long Canyon Ct., Richardson, Texas, stated he was a real estate professional with experience in commercial and multi-family and was happy to see the concessions made by the applicant; however, he was not in favor of having all the multi-family in Collin County. He asked the Commission to take into consideration that enrollment was cyclical and planning should be based on the future, and to consider the fact that the project would bring many jobs into the City.

Commissioner DePuy asked if the speaker wanted to have the multi-family spread across both counties.

Mr. Phillips said he thought it was not fair to load all the multi-family into one school.

Mr. Hand Mulvihill, 8 Lundy's Lane, Richardson, Texas, said he concurred with the previous speakers and pointed out there is a pedestrian bridge in the City of Denver on highway I-25 South that is used by pedestrians throughout the year to get to the Denver Light Rail system.

Mr. Jeff Gustafson, 5665 Arapaho Road, Richardson, Texas, stated he too was a real estate professional and concurred with the previous speakers. He pointed out the developer had said he was meeting with a client who wanted a class "AA" building which could set a higher mark for rental rates in the City. Mr. Gustafson encouraged the Commission to approve the development and do it in a timely fashion because delays could kill the deal.

Mr. Scott Jessen, 4428 Creek Bend Circle, Richardson, Texas, stated he had real estate clients in the Palisades who wanted a first class quality product and felt the updates already made to the Palisades office buildings by Mr. Jordan were testimony of what he was planning to do with the new project. He also asked the Commission to take into consideration the fact that Mr. Jordan had already invested over \$3,000,000 into the properties in the area which indicated that he was not going to build a sub-standard project.

Commissioner Linn asked if the speaker thought the costs per square foot and the occupancy rates quoted by the applicant were accurate.

Mr. Jessen replied that he was not a multi-family real estate professional, but the \$1.40 to \$1.60 for the multi-family was what he heard was the going rate. He added that when Mr. Jordan took over the a project on the east side of the highway, he not only lowered the rent he raised the quality and modernize the building to fit the needs of the corporate user and, because of that vision and investment the project has thrived.

Mr. Chris Frantz, 2308 E. Prairie Creek Drive, Richardson, Texas, said he had concerns after the last meeting regarding over-crowding at the schools, property values, etc., but he spoke with Mr. Jordan about his vision and came away from that discussion convinced the proposed project was a good use of the property.

No other comments were received in favor and Chairman Hand called for those with comments in opposition.

Mr. Bill Gabel, 412 Brook Glen Place, Richardson, Texas, said he thought there were a lot of redeeming qualities about the project, but felt all the multi-family being moved to Collin County was not a good idea.

Mr. Randy Montgomery, 203 High Canyon Ct, Richardson, Texas, stated he wanted to remind everyone the meeting was about the Commission being the care takers of the remaining open property in the City, the fact the current zoning did not allow apartments, and that the purpose of meeting was to reach a resolution that would make everyone happy. He pointed out that the developer had not confirmed they would build Type 1 or Type 2 apartments and were combining them into one category with condominiums, which would allow the developer to decide what would be built and it was likely that would be apartments.

Mr. Montgomery asked the Commission to restrict the developer to Type 1 or Type 2 multifamily.

Mr. David Schaefers, 28 Creekwood Circle, Richardson, Texas, said he was opposed to wood framed apartments, did not want to live next to apartments, and felt apartment would not add value to the neighborhood. He asked the Commission that whatever was developed in the Palisades that it would be of the highest/best use that would engage the community.

Ms. Katherine Fell, 423 Ridgecrest Drive, Richardson, Texas, stated she was at the focus group hosted by CCHOA and on behalf of the families in the Prairie Creek area they were not in support of the multi-family portion of the proposal. She added that she had been involved in a homeowners association at her former home in Lake Highlands and the apartments that were built were well constructed of brick and wood frame, but after 10-15 years those same apartments were condemned because they had become run down and crime ridden.

Mr. Tom Benson 205 High Canyon Ct., Richardson, Texas, confirmed that the other developments used as models for the current project were nice, but pointed out that none of those developments were adjacent to residential communities. In addition, he thought the number of apartments was excessive and felt a pedestrian bridge would not be used.

Mr. Bob Reid, 2605 Stoneleigh Circle, Richardson, Texas, asked where, under the Form Based Code (FBC), would the apartments be built.

Chairman Hand replied that the illustrative plan presented a possible location, or idea, of where they could be built.

Mr. Reid indicated that there was a great deal of uncertainty under the FBC as to where the apartments would be built, or even if they would be built because the Code would also allow office buildings in the same area.

Mr. Shacklett replied the FBC sets sub-districts and it was very specific about how the streets within the districts would be designed, how the buildings were to address the streets, and within that design guideline was a list of allowable uses in the district. He added that the illustrative would not be part of the ordinance and the FBC would allow the market to drive exactly where the uses would be placed.

Mr. Shacklett noted that the property in the outer ring would allow both multi-family and office, but the ground floor would have to be activated for retail uses.

Mr. Reid asked what could go in the 18.5 acres not part of the current proposal and how that would affect the traffic, neighborhood and schools.

Mr. Shacklett replied the northern portion of the land was zoned technical office and the southern portion was zoned local retail so no multi-family would be allowed at all. In addition, the traffic analysis took into account the traffic impact that property would have under the current zoning conditions at full build out.

Mr. Reid concluded his comments by stating there were too many "unknowns" and he was not in favor of the item.

Mr. Brian Bolton, 200 High Canyon Court, Richardson, Texas, concurred with most of the concerns expressed by the speakers in opposition, but asked the Commission to understand that the position statement from CCHOA was not representative of the majority of the association members because a poll had not been taken. He added that residents had made significant investments in their homes based on the existing zoning and nothing had been done to mitigate the concerns of wood framed apartments next to a single family subdivision.

Mr. Mike Kilgard, 205 Crooked Creek, Richardson, Texas, stated that based on the economy, the project did not seem to be time critical and felt the proposal should not be rushed.

Ms. Wilma Navarrette, 210 Crooked Creek, Richardson, Texas, said she did not feel the CCHOA represented the opinion of many area homeowners, moving all of the multi-family into Collin County was not appropriate, and the number of multi-family units was too high.

Commissioner DePuy asked the speaker to clarify if she was in favor of only office in the development.

Ms. Navarrette replied that she thought the townhomes were nice, but she was not in favor of the multi-family.

Ms. Ashley Dye, 305 Fall Creek Drive, Richardson, Texas, said the statement from CCHOA did not represent the opinions of all of the homeowners in the association and that she was not opposed to the project as a whole, but was opposed to the number of multi-family units.

Mr. John Charlesworth, 2202 Ridgecrest Drive, Richardson, Texas, stated that when he came to the Canyon Creek community it was because of the local schools and the residents in the area. He added that high-end retail shopping and restaurants similar to the Highland Park area would not drive people away, but felt the construction of wood framed, multi-family units would be detrimental to the community.

In addition to those speaking in opposition, 15 speaker cards were received from those who opposed the zoning case.

No other comments were received from the audience.

Chairman Hand addressed the audience noting that some comments had been made that the existing zoning was preferable, but pointed out that times change and the rezoning process was in place to allow the City to adapt to a change in market and/or development conditions. He added that when the process was completed, he hoped everyone in the neighborhood would come together no matter what their position was on the request.

Commissioner Linn asked staff what the construction types were used at the Eastside and Embry developments. He also wanted to know if there were any utility issues along the perimeter of the proposed project.

Mr. Shacklett said he did not have a definitive answer, but thought Eastside and Embry were Type 3 or 5 construction and did not think there was any Type 1 multi-family construction projects in the City. He added that he was not aware of any utility issues with the proposed project.

With no further questions for staff, Chairman Hand asked if the applicant wanted to rebut any comments made in opposition.

Mr. Good said he had two items he wished to address based on comments from the audience:
1) if the Commission wanted to spread the multi-family units between Dallas and Collin Counties the applicant had no objections; and 2) a proximity slope whose point of origin was the residential lot lines is perfectly appropriate and the applicant had no objections.

Commissioner DePuy asked if the decision to move all the multi-family units to Collin County had been based on comments from the November 5th meeting, and did the applicant have any concerns about reducing the number of multi-family and how that would impact/support the retail.

Mr. Good replied the decision to move all the multi-family to Collin County was based on the comments from the November 5th meeting and, regarding the reduction to the number of multi-family units, which came after considerable deliberation with Mr. Jordan, the proposed 600 units would help create the 24/7 atmosphere needed and they felt strongly the number should not go any lower. He added that the proposed number of units, the nearby residential, and the day time office population would all add to the success of the project.

Chairman Hand asked Mr. Good to clarify his comments regarding proximity slope along Palisades Creek Drive. He also asked if there was any rebuttal regarding item 4 in the CCHOA comments about the majority of units and the size.

Mr. Good replied that because Palisades Creek Drive had offices along its length, they were not talking about generating the proximity slope from the street, but rather from the residences located further north.

Regarding comments from CCHOA on the majority of units and size, Mr. Good said the market usually dictates size and number of units and currently they are seeing approximately 10% efficiency units, 60-65% one bedrooms, and 25-30% two bedrooms.

Chairman Hand noted CCHOA had questions about the construction material for the single family units closest to the existing residential neighborhood and asked for comments.

Mr. Good stated that in the current illustrative plan there are two different types of products – detached single family homes with detached garages in the rear accessed by driveways, and attached townhouses organized perpendicular to the street with common green space and alley access garages. He added that if the Commission were to request more substantive designs for the single family area before going to the City Council they would have the flexibility to do so.

Mr. Shacklett also pointed out that item 4 of the CCHOA's comments regarding a lack design standards for the single family units was covered in Sections 8.2 and 8.3 of the Code.

Chairman Hand asked for comments regarding CCHOA's concerns about maintenance and upkeep of private streets within the development and what the applicant's thoughts were on the appropriateness of funeral homes, cinemas, and churches in the project (CCHOA item 6).

Mr. Shacklett replied the City's Subdivision and Development code has requirements for property owner associations to have regulations for maintenance and upkeep of private infrastructure.

Regarding the appropriateness of the uses covered in item 6, Mr. Good thought it would be wise to keep a small scale cinema in the project.

Mr. Shacklett added that if assembly uses were allowed in the Code, the prohibition of churches could not be added.

Vice Chair Bright thanked the applicant and residents for their time and comments over the last two meetings and added that he would like to see more of a balance of the multi-family units between the two counties, but felt the proposed project was a good product and it was time to move it forward to the City Council.

Commissioner DePuy said she liked the layout of the townhomes facing the common green space, was happy with the sizes and types of the multi-family units and felt the units should be spread across both counties. She added that she was in favor of the proposed project.

Commissioner Maxwell concurred with Ms. DePuy and thought a residential component was needed in order to make the retail successful and felt that any impact to schools was an item that should be addressed at the City Council level. As far as the quality of construction, he did not think Type 1 was realistic based on cost and noted that it would be part of a mixed-use, which would help maintain the quality.

Regarding a question of noise, Mr. Maxwell asked staff if the City's existing ordinances would address that concern and Mr. Shacklett said the ordinances would address any noise issues.

Commissioner Ferrell said he was in favor of the land use, but still had concerns about the number of multi-family units. He also agreed that the multi-family should be spread out across both counties.

Chairman Hand stated he was excited about the project and if there was ever a place in the City for premium values it was the Palisades. He asked the Commission to look at the project in the long run regarding the quality of construction and in his opinion the majority of the retail in the project would be dining, but was concerned that limiting the number of multifamily units might have a negative impact on the development and asked everyone to look at Brick Row as an example of retail that was struggling.

Mr. Hand said he was inclined to vote against the project only because there might not be enough units of higher quality construction to support the retail and he did not want to see another mixed use project struggle.

Commissioner Linn said he agreed with Mr. Hand and thought the number of multi-family should be increased, but felt it was the charge of the Commission to insist upon a higher quality of construction to maintain the long term quality of the project. He thought it was important to have Type 2 or better construction standards codified in the Code.

Commissioner DePuy said she did have a concern with the reduction in the number of multifamily and how it would affect the retail, but she supported the proposed 600 units because there would be population from the offices to aid in the support of the retail. She added that Type 1 or 2 would be preferable, but she understood the cost might be prohibitive and felt the developer, based on past developments, could be trusted to build a quality project.

Commissioner Springs said he felt the major points were quality versus scale, and that people want quality but do not want large scale, however, the reality is you cannot have both. He added if he was voting he would err towards quality because he felt that quality would endure.

Chairman Hand asked how quality could be ensured.

Mr. Springs replied that the proposed Code did a good job of legislating quality.

Commissioner Ferrell said he was still leaning toward Type 2 construction for the best long term solution.

Chairman Hand asked the Commission for their idea of scheduling the phasing of the project.

Vice Chair Bright and Commissioner DePuy said they did not think it was the Commission's responsibility to control the phasing of the project and the market should be the major influence. They also agreed that the multi-family should be spread out between the counties

Commissioner Roland noted that at the November 5th meeting there had been mention of having a certain percentage of multi-family in each county.

Mr. Shacklett replied that land area, 62% in Collin County and 38% in Dallas County, had been discussed, but had not been tied to the multi-family units.

Mr. Good suggested one way to deal with the wish to have multi-family in both counties without specifying numbers would be to state that no more than 50% of multi-family could be located in Dallas County.

Vice Chair Bright suggested a 60/40 split based on the land area in each county.

Commissioner DePuy asked if the concern about visual vocabulary had been addressed and Mr. Shacklett replied that on page 32 of the Code there were nine images that could provide an acceptable visual vocabulary.

Commissioner Linn said he would like to see Type 2 or better construction and when asked if he was open to a percentage of Type 2, he said he was, but not sure where in the project it would be placed.

Commissioner Springs thought it was unfair to demand a higher quality of construction coupled with a limit of only 600 apartments. He suggested that it could possibly be tied to apartments that were part of a mixed-use building and wanted to know if the applicant was open to only Type 3 construction and no Type 5.

Mr. Good replied that apartments could only be in a building with a minimum for four stories in height with a mixed-use component. Typically the mixed-use component would force some portion of the building to have a concrete podium; therefore, almost all of the apartment buildings would have a concrete garage and/or podium devoted to retail and restaurant.

Regarding Type 3 and 5 construction, Mr. Good said the only reason to do Type 3 construction would be to allow five stories in wood frame and there would be different rules for the sprinkler system and the wood in the load bearing walls.

Motion:

Vice Chair Bright made a motion to recommend approval of Zoning File 13-13 with no more than 40% of the multi-family units to be located in Dallas County and the proximity slopes would be measured from the lot lines of the residential lots to the north; second by Commissioner Roland.

Mr. Shacklett restated the motion to be "as presented with the additional conditions that a maximum of 40% of the multi-family units would be located in Dallas County, and a 3:1 proximity slope shall be provided from the residential property north of Palisades Creek Drive." Mr. Bright and Mr. Roland concurred.

Motion approved 7-0.

ADJOURN

With no further business before the Commission, Chairman Hand adjourned the regular business meeting at 11:36 p.m.

Barry Hand, Chair City Plan Commission