# CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – FEBRUARY 18, 2014

The Richardson City Plan Commission met on February 18, 2014, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** Barry Hand, Chairman

Gerald Bright, Vice Chair

Marilyn Frederick, Commissioner Thomas Maxwell, Commissioner

Eron Linn, Commissioner Randy Roland, Commissioner

Bill Ferrell, Alternate Stephen Springs, Alternate

**MEMBERS ABSENT:** Janet DePuy, Commissioner

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

Israel Roberts, Development Review Manager

Mohamed Bireima, Planning Technician

Chris Shacklett, Senior Planner

Cindy Wilson, Administrative Secretary

# **BRIEFING SESSION**

Prior to the start of the regular business meeting, the City Plan Commission met with staff regarding staff reports, agenda items and a work session. No action was taken.

#### **MINUTES**

1. Approval of the minutes of the regular business meeting of February 4, 2014.

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

### **VARIANCE**

2. Variance 14-02: Consider and take necessary action on a request for a variance from Chapter 21 of the Subdivision and Development Code to allow non-tangent side lot lines for two (2) proposed single family lots. The subject properties are located at 316 Ridgeview Drive and 1 Ridgeview Circle and are zoned R-1500-M and R-1250-M Residential, respectively. Applicant: Doug Stewart, Texas Heritage Surveying, Inc., representing Mabel and Hugh Simpson, and Daniel and Tammie Devoe.

Mr. Bireima stated in 1991 a 0.065-acre of the Simpsons' tract was sold to the owner of Lot 17, Block E of Canyon Park Estates Addition, which abuts the Simpsons' tract to the west and a plat was not filed with the City at that time to reflect this subdivision.

Mr. Bireima stated the applicant is requesting to allow two (2) side lot lines to be created at other than a right angle to the front property line. The first one is the common lot line between the Simpsons' tract and Lot 17 which corresponds to the existing ownership boundary; the second is the common lot line created by the proposed subdivision of the Simpsons' tract to maximize the buildable area of the proposed new lot, while preserving the historic elements of the existing home.

Mr. Bireima stated should the Commission approve the variance, the property owners will file a plat with the City that creates an additional lot on the Simpsons' tract and will legally incorporate the 0.065-acre tract into Lot 17.

Mr. Bireima sited there have been two similar cases approved in the past. The first in August 2008, the City Council granted a variance to allow a non-radial side lot line for two adjoining residential lots with frontage along a cul-de-sac and in April 2013, the City Council granted a variance to allow a side lot line for two adjoining residential lots not to be configured at a right angle with the street, which corresponded to an ownership boundary.

Ms. Mabel Simpson, 316 Ridgeview Drive, Richardson, Texas, stated their goal is to fix a lot of things that have occurred in the past in which they had no participation, such as the illegal subdivision of that small piece of property to enlarge the backyard of our neighbors. Ms. Simpson stated they initially tried to swap some land with the owners of Lot 17 and then with the assistance of the City Staff were able to organize how to bring it all into compliance and subdivide since this tract has never been subdivided. Ms. Simpson stated their goal is to build a one-story single family home on the smaller lot because today they do not need so much space. Ms. Simpson noted they want to preserve as much property as they can for the new owner by putting the fence close to the pavilions by the swimming pool.

No other comments in favor or opposition were received and Chairman Hand closed this portion of the meeting.

Chairman Hand reported one letter was received in this case from Christopher B. Miller, 308 Arborcrest Drive, Richardson, Texas. Chairman Hand added that the Commission has had the opportunity to see that letter and it is on record for the file.

Commissioner Ferrell asked if this request is recommended for approval, could someone purchase the large lot and subdivide it later.

Mr. Bireima responded yes, if all zoning district regulations were met.

Chairman Frederick voiced her approval that with the Simpsons staying on this property, it will be enhanced, the windmill will be preserved and the new home will be outstanding.

Mr. Bireima confirmed that part of the reason for the new lot line on the east side of the property is to give the middle property access to the alley and that the existing Simpson residence does not have alley service and is served from the front drive.

Mr. Bireima continued that the applicant could subdivide the property upon approval of a plat by the Commission if they chose to use a 90° line to the street.

Chairman Hand recognized his sensitivity as well as Mr. Miller's to historical issues and the desire to protect historical properties that Miller addressed in the correspondence received.

With no other comments or questions, Chairman Hand called for a motion.

**Motion:** Commissioner Roland made a motion to recommend approval of Variance 14-02; second by Commissioner Linn. Motion passed 7-0.

### **PUBLIC HEARINGS**

3. **Replat – Central Park Addition, Lots 2 and 3, Block E:** Consider and take necessary action on a request for a replat of Lot 1A, Block E of the Central Park Addition into two (2) lots. The property is located at 1601-1651 Glenville Drive, the west side of Glenville Drive, north of Collins Boulevard and is zoned I-M(1) Industrial. Applicant: Harry Rowell, Harry Rowell and Associates, representing Technology Partners II, L.P.

Mr. Roberts informed the Commissioners that the purpose of this replat is to subdivide Lot 1A into two (2) lots to accommodate the sale of proposed Lot 3. No site improvements are proposed with this replat and that this replat complies with City subdivision regulations.

Chairman Hand explained that this request is routine and meets all the standards required.

With no other comments or questions, Chairman Hand closed the public hearing and called for a motion.

**Motion:** Commissioner Roland made a motion to recommend approval of VAR 14-02 as presented; second by Commissioner Linn. Motion passed 7-0.

4. **Zoning File 14-02:** Consider and take necessary action on a request for a Special Permit for a microbrewery to be located at 640 N. Interurban Street, east side of Interurban Street south of Arapaho Road on property zoned I-M(1) Industrial.

Mr. Shacklett stated the applicant is requesting a Special Permit for a microbrewery which is an unlisted use in the Comprehensive Zoning Ordinance; therefore, a Special Permit is required. Mr. Shacklett stated the applicant desires to start selling to commercial users in the area (restaurants and bars) and that a brewer's permit is required from the Texas Alcoholic Beverage Commission (TABC) to manufacture malt liquor or ale.

Mr. Shacklett stated the brewer's permit also allows on-premise sales to the ultimate consumer as well as samplings. Mr. Shacklett specified that as proposed, the samplings and on-premise sales would be accessory to the primary use of the property as a microbrewery.

Mr. Shacklett stated the applicant's brewing operations would likely be limited to 5-10 barrels per week, up to approximately five-hundred (500) barrels per year during the first year. Mr. Shacklett added the product would only be packaged in kegs since their operation would be too small for bottling or canning. Mr. Shacklett continued saying the applicant states if the brewery is successful, they would anticipate a maximum brewing output of up to 10,000 barrels per year after several years.

Mr. Shacklett also noted that in addition to the primary use of the property as a microbrewery, the applicant plans to conduct samplings/tastings and tours on Saturday afternoons and that they may have other evening events during the week, but they would likely be no more than one (1) extra event per week.

Mr. Shacklett stated since the use is an unlisted use, there is no specified parking ratio for the use. The closest ratio is one (1) parking space per 400 square feet for a manufacturing facility, which would require the site to have seven (7) parking spaces. Mr. Shacklett presented the fact that this site is currently developed with four (4) parking spaces, and the remainder of the lot, excluding the parking spaces, is developed with the existing building, which is typical of lots in the 600 block of Interurban Street. Mr. Shacklett explained the applicant states there are only three (3) employees and that on-street parking, which is available on Interurban Street, will be adequate for the Saturday tours and other events.

Mr. Shacklett commented the applicant has also stated the desire to place some additional landscaping along the western side of the building and to add awnings to the existing frames over the windows as shown on the proposed façade updates. Mr. Shacklett explained the portion of the building located along Interurban Street is located on the property line; therefore, the existing landscape area and awning frames encroach into the right-of-way. Mr. Shacklett also noted that additional façade upgrades that comply with the City's masonry requirements may also be implemented. Mr. Shacklett stated there has been no correspondence in this case.

Commissioner Roland asked if any handicapped parking spaces would be required if the request were approved with the four (4) parking spaces.

Mr. Shacklett responded that as the applicant moves through their Building Inspection processes they would have to work with the state department Texas Department of Licensing & Registration (TDLR) regarding requirements and that there is a possibility that one (1) of the four (4) parking spaces could be required to be designated as handicapped.

Commissioner Ferrell requested that Mr. Shacklett list the four (4) conditions:

- Microbrewery shall be allowed and limited to the area shown on the concept plan which is the survey of the property. It is not proposed to attach the floor plan as there may be changes to location of equipment.
- Requirement of four (4) parking spaces as shown.

- Microbrewery shall be allowed to provide samplings, tastings, tours and other special events but only as an accessory use to the primary use of the property as a microbrewery.
- Any additional building alterations or landscape changes that occur within City right-of-way are subject to City approval.

Mr. Shacklett defined accessary use stating that the primary use of the property is a brewing operation. Mr. Shacklett added that if the applicant wants to come into his business on Saturdays and for three to four hours conduct a tour and provide samples to patrons; that would be fine. Mr. Shacklett continued that if the applicant began to offer those types of events on a more regular basis; then this accessory use would become more of a primary use.

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

Jeff Douglas, 1411 Scottsboro Lane, Richardson and Andrew Smeeton, 1415 Meadow Glen Street, Richardson, Texas came forward to present their case.

Mr. Smeeton stated Four Bullets Brewery has been created to be a local brewery. Mr. Smeeton stated he was born in the UK and brings some of the age old brewing traditions with him and has been a home brewer for the last twenty-five (25) years.

Mr. Douglas added he has been brewing for quite a few years and when he and Mr. Smeeton met they began brewing together many years ago. Mr. Douglas stated the main thing that he came away with after talking with staff is that a microbrewery might be a good start for redevelopment in that area. Mr. Douglas added that the proposed brewery is located at the northern extension of the whole line of businesses and it could be attractive to others once their operation is up and running. Mr. Douglas added that the words edgy and eclectic have been used to describe this area and a microbrewery would be a good beginning.

Mr. Smeeton stated they are excited to be a part of redevelopment and their plan is to purchase the building at 640 N. Interurban, Richardson, Texas. Mr. Smeeton addressed the four (4) parking spaces by saying that plans are for three (3) employees with irregular schedules (not Monday through Friday, 9:00AM to 5:00PM) for the purpose of checking temperatures at the brewery. Mr. Smeeton explained that he and Mr. Douglas have full-time jobs that they intend to continue for the foreseeable future. Mr. Smeeton explained that they see three (3) parking spaces as adequate.

Mr. Smeeton noted that their plans for Saturdays and Sundays are to offer tastings and tours from 12:00PM to 5:00PM; offer a glass entitling the person in attendance to three (3) beers (similar to a raffle ticket system) for the duration of the visit to the facility. Mr. Smeeton added that their hope is to not make an impact on the existing parking situation.

Mr. Douglas voiced their interest in giving back to the community by participating in community events such as Huffhines Art Trails, Wildflower or Cottonwood to name a few.

Commissioner Maxwell expressed his support for the idea of the brewery in this location and added that he sees this as a good fit. Commissioner Maxwell asked the applicants regarding their request for three (3) parking spaces for three (3) employees, if this number will apply when the brewery is fully operational.

Mr. Smeeton responded that this is all they are planning for the scale they are at and would not have more than three (3) employees for several years.

Commissioner Maxwell asked how they plan to handle loading and shipping on site.

Mr. Douglas replied they will be delivering kegs through self-distribution and using a truck to accomplish this task. Mr. Douglas stated that the parking spaces in the front make a good space to back up a truck and load it.

Commissioner Maxwell asked if there would be a need to cross onto DART land in this process.

Mr. Douglas responded at this point, loading will be taking place through the front of the building on the four (4) parking spaces.

Mr. Shacklett provided clarification for Commissioner Roland question regarding handicapped parking stating that at this point is it unknown when the threshold will be activated requiring a handicapped parking space. Mr. Shacklett continued that if the Commission desires, as part of your recommendation if you were to approve the request, you might add that the parking spaces be reduced to three (3) to accommodate a handicapped parking space. Shacklett stated this would be an option, depending on the Commission ruling that might avoid coming back at a later date.

Commissioner Roland stated he wants this project to be successful and was encouraged by what was being proposing, but if the brewery is successful and he feels it will be, that parking will become an issue. Commissioner Roland stated there is a surface lot at the end of Interurban and Arapaho and asked if they have looked into who owns the property and what private spaces might be available through an agreement or lease for Saturdays. Commissioner Roland added some paths to reach the brewery are still a bit of a walk and we definitely do not want people crossing the DART tracks at all with the path being on the other side and noted the importance of getting the public to the brewery location safely.

Mr. Douglas stated he was aware of the property and that he plans to follow up on the ownership.

Commissioner Bright asked Mr. Shacklett if the Commission recommends approval of this request to Council and it is approved, would the landscaping mentioned in the application be required.

Mr. Shacklett responded based on the way the conditions are currently written, there is no requirement to add any landscaping because the only landscaping that could be added would fall within the City right-of-way. Mr. Shacklett explained that when the applicant comes to the City and provides a plan for review, a determination could be made regarding what can be allowed within the right-of-way at that time.

Commissioner Bright added that's why the condition stating that any additional building alterations or landscape changes that occur within City right-of-way are subject to City approval is one of the conditions mentioned.

Commissioner Linn thanked the applicants for bringing in a great concept and expressed his excitement at the potential of the idea.

No further comments were made in favor or in opposition and Chairman Hand closed the public hearing.

Commissioner Roland revisited the handicapped parking point asking if the item is left as is and a handicapped parking space is required would the applicant have to come back at that time.

Mr. Shacklett replied yes, to amend the special permit condition related to the minimum number of parking spaces.

Commissioner Linn had questions related to the aerial about the area parallel to the railroad, stating that it appears to be an unimproved surface that may be an alley access area. Commissioner Linn continued that in looking at the plat it appears to be HNTC railroad property which might belong to DART. Commissioner Linn asked if there is a policy regarding access and parking in this area.

Mr. Shacklett noted there are a number of things going on back there – parking and materials being stored and identified the two potential entry points to this area. Mr. Shacklett added that the City currently does not allow parking on any unimproved surface; however, it appears that it has been happening for a long time. Mr. Shacklett continued that all of the businesses along this area have overhead doors in the back of the buildings and that there probably is no policy on how those doors are treated.

Commission Linn asked Mr. Shacklett if he was aware of any easement agreement with DART.

Mr. Shacklett stated he was not aware of such an agreement

Commissioner Maxwell asked if in the future there are some loading issues and need for a bigger vehicle, could the applicant temporarily park on the street and load there as long as there are no emergencies or complaints.

Mr. Shacklett explained if they were to park a truck on the street and be finished with their process and no issues were caused with emergency access and no complaints were made then it would probably not be an issue. Mr. Shacklett added that nothing would be codified, but if it is a continual issue and it becomes a problem, then it would be addressed.

Commissioner Springs stated that this is a great spot and a great use for it and he is in favor of helping these applicants be successful. Part of that is to identify things such as the handicapped parking that could be a concern because it triggers a lot of issues.

Chairman Hand stated his agreement with all the comments made. Chairman Hand noted that the Commission is addressing this case as a land use issue. Chairman Hand added that many of the best places he had visited could never pass codes, but they have grit and this microbrewery has an urban vibe and could be a catalyst for change.

With no other comments or questions, Chairman Hand called for a motion.

Motion:

Commissioner Maxwell made a motion to recommend approval of Zoning File 14-02 with the four (4) conditions that were part of the presentation and with the ability to provide three (3) parking spaces only if required for accessibility requirements; second by Commissioner Roland. Motion passed 7-0.

## **ADJOURN**

With no further business before the Commission, Chairman Hand adjourned the regular business meeting at 7:54 p.m.

Barry Hand, Chairman City Plan Commission