

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
December 19, 2011
City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, December 19, 2011 with a quorum of said Council present, to-wit:

Bob Townsend	Mayor
Laura Maczka	Mayor Pro Tem
Mark Solomon	Council member
Scott Dunn	Council member
Kendal Hartley	Council member
Steve Mitchell	Council member
Amir Omar	Council member

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Pamela Schmidt	City Secretary
Michael Spicer	Director of Development Services

-
1. **INVOCATION – MARK SOLOMON**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – MARK SOLOMON**
-

3. **VISITORS.** *(THE CITY COUNCIL INVITES CITIZENS TO ADDRESS THE COUNCIL ON ANY TOPIC NOT ALREADY SCHEDULED FOR PUBLIC HEARING. PRIOR TO THE MEETING, PLEASE COMPLETE A "CITY COUNCIL APPEARANCE CARD" AND PRESENT IT TO THE CITY SECRETARY. THE TIME LIMIT IS FIVE MINUTES PER SPEAKER.)*

No speakers

PUBLIC HEARING ITEMS:

4. **PUBLIC HEARING, ZONING FILE 11-22: A REQUEST BY RICHARD FERRARA, REPRESENTING 7-ELEVEN, FOR A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH MODIFIED DEVELOPMENT STANDARDS AT THE SOUTHWEST CORNER OF RENNER ROAD AND NORTH STAR ROAD. THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT FOR LR-M(2) LOCAL RETAIL USES.**

Mr. Keffler referred to multiple years of review of development of the subject area. Tonight's request focuses on a 1.68 acre tract of land at the southwest corner of Renner and North Star for a proposed motor vehicle service station. He noted that nine letters were received in support

and four in opposition, none of which were within 200 ft of the site. He asked Mr. Spicer to brief the Council.

Mr. Spicer reiterated that the request was for a special permit for a motor vehicle gasoline service station and began the presentation using aerial maps to depict the area as well as a proposed site plan. He noted that Renner Road is a six-lane divided thoroughfare and North Star Road is a four-lane divided thoroughfare. He explained that the subject property is part of a larger 13-acre Planned Development District that includes approximately six acres dedicated to senior housing immediately to the south of the property and a childcare facility. He referred to the land use around the property. He described the various features such as an outdoor seating area, meandering sidewalks and landscaping using a color enhanced site plan. He advised that approximately 39% of the site would be landscaped and noted that only 7% is the minimum requirement. He noted that the facility would be 100% masonry consistent with the retail area on the north side of Renner Road and described the columns and canopy area. He used photographs to illustrate the adjacent properties.

Mr. Solomon asked for clarification about the need for the special permit and Mr. Spicer replied that a convenience store is allowed by right but the addition of fuel pumps triggers the requirement for a special permit. Mr. Hartley asked about the maximum size of a building that could be located on the site and Mr. Spicer stated it could be about ten times the size of the proposed business.

Mayor Townsend opened the public hearing and invited the applicant to present the request.

Richard Ferrara, 405 N. Waterview, began with a brief history of the subject site and larger tract originally known as Maroney Farms. He stated the owners want to do a small development on a large site leaving a lot of open space. Using the proposed site plan, he described the various components of the landscape plan. The request includes a variance request to language that is obsolete due to the new configuration of fuel pumps pertaining to stacking and assured Council that there was stacking available that meets the intent of the current language. He stated there are mutual access easements all along the frontage of North Star and would eventually have it along Renner Road as well. He agreed to add a sidewalk next to the outdoor seating area for people from the Senior Living Facility to have access to the store. He also agreed to include a bicycle rack in the same area. He described the LED lighting system for the site as well as the proposed materials and architectural images. He underscored that the logo on the canopy would be the only thing illuminated rather than the logo and stripes. He stated that boutique businesses have seen the site and have rejected it.

Ron Walden, 777 E. 15th Street, Plano, stated he and Mr. Ferrara have worked together to develop the site and have tried for a very long time to attract a grocery store, large and small, but have not been able to get any to show interest, including Aldi and Trader Joe's.

Mr. Mitchell noted there was only one fueling station along Renner from US 75 east to Murphy Road and recognized there is a need for the product. He stated the feedback he has received is a desire of the residents for a grocery store where they could purchase fresh produce or something such as a Braum's. Mr. Walden stated that they spoke with Braum's and there was no interest. Mr. Ferrara assured the Council that they would have preferred a grocery store, but the market is simply not viable, and the original plan included a convenience store with gas pumps at the corner. He also stated they would not give up on the possibility of a grocery store.

Mr. Omar felt the proposal is very palatable because of the attention to landscaping and softening of the site.

Mr. Solomon asked if the driveway would be connected to the senior apartment complex and Mr. Ferrara responded affirmatively and confirmed their agreement to add a sidewalk.

Mr. Dunn asked if the store would be corporate owned or franchise and Mr. Ferrara responded it would be a franchise, but there was no franchisee at the moment.

Mr. Mitchell asked the applicant to address outreach to the neighborhoods. Mr. Walden advised that they sent information to the presidents of seven adjacent Homeowner Associations inviting them to a meeting, presented the attendees with the proposal, answered questions and welcomed feedback. He felt there was some relief that it would not be a large station and the attendees expressed appreciation for the architectural detail. In response to Mayor Townsend, Mr. Walden stated the four in attendance were from Knights Bridge, Mckinsey Meadows, Sharps Farm and Maroney Farms, and he sent information to Randy Roland of Wyndson Court. Mr. Mitchell felt it would be a good connection with the neighboring apartment complex and stated his appreciation for the Association outreach.

Steve Wisdom, 3221 Tearose Drive, Richardson, stated he lives in Saddlebrook and enjoys living in Richardson. He complimented developers for the proposed façade and décor. He felt it was not necessary to have a 24 hour service station in the area and noted other stations in the area. He felt it would be better to do something with the closed Shell Station at Renner and PGBT rather than building a station at this site.

Teresa Byrne, 3116 Summerfield Drive, Richardson, stated she was able to obtain 26 signatures opposed to the 7-Eleven facility due to concerns of litter, loitering and the lack of benefit to the neighborhood. She explained that the residents did not feel there was a need for a convenience store but would prefer something like a Braum's store.

Mr. Mitchell stated that the Council values resident feedback and asked about the wording of the question posed to the residents. Without giving the exact wording, Ms. Byrne stated that she asked if they were aware of the request and what they felt should be at the site. She explained that the residents voiced their surprise about the proposal and feeling that it was being slipped through during the holidays. Mr. Mitchell explained the hope and expectation that HOA Presidents provide information to the residents regarding zoning cases and other proposals that affect or could impact the residents. He noted that there was no intent to get something to happen quickly. Ms. Maczka asked if there were any in favor and Ms. Byrne responded there were none. Mayor Townsend asked Ms. Byrne to read the statement on the signature pages and she responded, "Many folks of our community have already voiced their disapproval based on several concerns including traffic and pedestrian issues, lack of value to the local residents, and the impact by aesthetically degrading the area. Please consider what just happened to the Shell Store and gas station at the corner of E. Renner Road and 190 which is now boarded up." She stated that the senior residents stated they would like something they could walk to for groceries because it is difficult to get across to Walgreens, but she did not feel that a 7-Eleven was what they need. Ms. Maczka underscored that the request was due to the gas pumps and not the convenience store and Ms. Byrne responded affirmatively. In response to Mr. Hartley, she advised that two signatures were from Bridgewater and the other 24 were from Saddlebrook.

Mr. Omar moved to close the public hearing; second by Ms. Maczka and the motion was approved with a unanimous vote.

Mr. Omar noted that questions can lead to a specific response. He felt the question was if the site was more or less useful with the gas pumps since the convenience store was allowed by right. He felt the pumps and additional landscaping proposed makes it as desirable a service station as possible. He felt the residents don't know and hadn't seen the proposed facility and its likeness to the adjacent retail area in light of all of the information presented, he would support the proposal.

Mr. Mitchell stated he was very sensitive to the residents, but felt that Mr. Walden and Mr. Ferrara have gone the extra mile to make the application work and was very impressed with the elevations. He noted that he was aware of people who feel the application was needed.

ACTION TAKEN: Mr. Mitchell moved approval of agenda item No. 4; second by Mr. Omar. Mr. Hartley asked about the need to include the addition of the sidewalk and bike rack stipulated by Mr. Ferrara and Mr. Mitchell accepted the stipulation as an amendment to the motion as did Mr. Omar; and the motion was approved with a unanimous vote.

5. PUBLIC HEARING, ZONING FILE 11-23, A REQUEST BY BRIAN NEBEL, REPRESENTING 7-ELEVEN, FOR A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH MODIFIED DEVELOPMENT STANDARDS AT 170 E. SPRING VALLEY ROAD (BETWEEN SPRING VALLEY ROAD AND CENTENNIAL BOULEVARD, EAST OF DART LIGHT RAIL). THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT. (THE APPLICANT HAS WITHDRAWN HIS APPLICATION.)

Mr. Keffler stated the Council could accept the withdrawal and no action was necessary.

ACTION TAKEN: None.

ALL ITEMS LISTED UNDER ITEM 6 OF THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSIONS OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY:

6. CONSENT AGENDA:

Mr. Mitchell asked for clarification regarding Ordinance 3849 asking if Council would have an opportunity to review the elevations because he was concerned about quality controls, particularly masonry chimneys. Mr. Keffler stated the City Plan Commission would review the elevations and assured the Council masonry chimneys are a requirement and would be a requirement of the development.

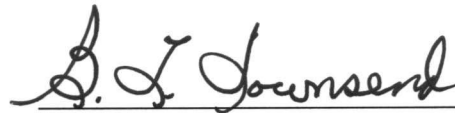
ACTION TAKEN: Mr. Mitchell moved approval of the Consent Agenda; second by Mr. Hartley and the motion was approved with a unanimous vote.

A. Approve the following Ordinances:

1. Ordinance No. 3848, amending the Comprehensive Zoning Ordinance by amending Article I, Section 2, Definitions, by adding the Definition of Smoking Establishment; by amending Article XXII-A, Section 2, to allow smoking establishments by special permit.
2. Ordinance No. 3849, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning for a 5.87-acre tract of land from O-M Office with Special Conditions to RP-1500-M Patio Home with Special Conditions.

B. Authorize the city manager to execute an Interlocal Agreement by and between the city of Richardson and the city of Murphy for a feasibility study for Breckinridge Park Recreation Center.

Mayor Townsend advised that the Council would reconvene in the Richardson Room to complete the Work Session and adjourned the meeting at 8:40 p.m.


MAYOR

ATTEST:


CITY SECRETARY

