

**CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – JULY 19, 2011**

The Richardson City Plan Commission met July 19, 2011, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: David Gantt, Chairman
Gerald Bright, Commissioner
Janet DePuy, Commissioner
Marilyn Frederick, Commissioner
Barry Hand, Commissioner
Jim Henderson, Commissioner
Thomas Maxwell, Alternate

MEMBERS ABSENT: Bill Hammond, Vice Chair
Don Bouvier, Alternate

CITY STAFF PRESENT: Sam Chavez, Asst. Director of Dev. Svcs. – Planning
Susan Smith, Asst. Director of Dev. Svcs. – Dev. & Engr.
Israel Roberts, Development Review Manager
Chris Shacklett, Planner
Mohamed Bireima – Planning Technician
Kathy Welp, Executive Secretary

BRIEFING SESSION

Prior to the regular business meeting, the Plan Commission met with staff to receive a briefing on:

A. Agenda Items

The Commission was briefed on the agenda items. No action was taken.

B. Staff Reports

The Commission was briefed on upcoming development items. No action was taken.

MINUTES

1. Approval of the minutes of the regular business meeting of July 5, 2011.

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

CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine by the City Plan Commission and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless desired, in which case any item(s) may be removed from the Consent Agenda for separate consideration.

2. **Revised Site & Landscape Plans for Society of Petroleum Engineers:** A request for approval of a revised site and landscape plans for an additional 5,880 sq. ft. within the existing 51,666 sq. ft. office building. The 5.00-acre site is located at the northeast corner of North Collins Boulevard and Palisades Creek Drive.
3. **Final plat, site plan, landscape plan and building elevations for QuikTrip:** A request for approval of a final plat for Lots 1, 2, and 3, Block A of the Belt Line/Inge Addition and development plans for a convenience store with gasoline sales on proposed Lot 1. The site is located at the northeast corner of Belt Line Road and Inge Drive.
4. **Amending plat and revised site and landscape plans for the Tran Dental Office.** A request for approval of an amending plat for Lot 3C, Block A of the Spring Valley business Park Addition and revised development plans for a 3,044 square foot addition to an existing building for the Tran Dental Office. The site is located on the south side of Spring Valley Road, between Central Expressway and Sherman Street.

Commissioner Bright noted that in the briefing session Commissioner Hand had requested an item for placement on a future agenda that pertained to Item 4.

Chairman Gantt replied that in the briefing session the Commission discussed the possibility of changing some ordinances for future cases, which would not affect Item 4; however, some of the items that were brought up in the discussion could be addressed at a future meeting.

Motion: Commissioner Bright made a motion to approve the Consent Agenda as presented; second by Commissioner DePuy.

Commissioner Hand asked if it would be possible to take the statements made in the briefing session regarding Item 4 and move those forward to the City Council.

Mr. Chavez replied that if the Commission wanted to address their concerns about a specific item, the item should be removed from the Consent Agenda and voted on separately. He said that comments made in the briefing session could not be made part of the record for the business meeting.

Commissioner Bright asked to withdraw his motion and Chairman Gantt replied that he thought a vote should first be taken on the current motion. He added that if the Commission wanted to remove an item for separate consideration they should vote against the current motion then

another motion could be made to approve Items 2 and 3 and remove Item 4 for separate consideration.

The vote was taken and the motion failed 0-7.

Motion: Commissioner Bright made a motion to approve Items 2 and 3 of the Consent Agenda and remove Item 4 for separate consideration; second by Commissioner Hand. Motion passed 7-0.

SEPARATE CONSIDERATION

Mr. Roberts stated that Consent Agenda Item 4 was a request for approval of an amending plat for Lot 3C, Block A of the Spring Valley Business Park Addition, and the development plans reflected a 3,044 square foot addition to an existing 6,000 square foot building. In addition, the site plan reflected 50 parking spaces, but only 35 were required based on current parking regulations, and the applicant was requesting that in lieu of canopy trees planted at 40 feet on center along Spring Valley the existing Cedar Elms (3) and Crepe Myrtles (4) be permitted.

Chairman Gantt asked to clarify the number of parking spaces currently at the site, and the proposed number of parking spaces with the expansion.

Mr. Roberts replied that 35 spaces would be required so the business would be over-parked based on a 9,000 square foot building.

Commissioner Hand asked if the parking on the west side of the building was the existing parking, and Chairman Gantt wanted to know if parking spaces would be located off the slip road.

Mr. Roberts replied that currently there is parking on the west side of the building, but that parking would be replaced with the proposed expansion. He added that the slip road would be moved slightly to the east to allow for additional parking along the western property line.

Commissioner Hand asked what would be the required parking for a 6,000 square foot restaurant.

Mr. Roberts replied that the required parking would be 60 spaces, and after the expansion the property would have 50 spaces.

Commissioner Hand said there seemed to be a proliferation of alternative uses throughout the City that had the possibility of downgrading areas and locking the City into certain situations. He pointed out that once the proposed expansion was completed, the property would not be eligible as a restaurant without some type of further variance and suggested that allowing this

type of change could add to problems of urban blight similar to the area along West Spring Valley.

Commissioner Hand said if he was given the choice he would rezone the property to match the City's vision so if an area was meant to have restaurants, it should be zoned as such. He acknowledged that when Blue Cross Blue Shield had their campus close by, the area was better used for restaurants. However, if there was a separate or new vision for the land, then it should be rezoned.

Commissioner Hand concluded his comments by stating he appreciated and welcomed new businesses to the City, but wanted to go on record that the proposed use might not be the highest and best use of the land and that was what the Commission was charged to review. He also requested to have his comments forwarded to the City Council.

Commissioners DePuy, Frederick, Henderson and Maxwell stated they were all in agreement with Mr. Hand's comments.

Commissioner Bright said he was also in agreement and explained that the impending use of the former Blue Cross Blue Shield building was the reason the Commission thought the item should be discussed in the future.

Chairman Gantt explained that the proposed item complied with applicable zoning, but the Commission had asked staff to put together an item for the next agenda to discuss properties going through similar transitions so the Commission might address them in a different way.

Motion: Commissioner Bright made a motion to approve Consent Agenda Item 4 as presented; second by Commissioner DePuy. Motion passed 6-1 with Commissioner Hand opposed.

5. **Variance 11-08:** A request for approval of a variance from the Subdivision and Development Code, Article III, Section 21-47(g), *Screening and Open Space*, to permit additional ground level equipment, storage tanks, and utilities with the installation of additional landscaping along Alma Road. The 92.44-acre site is located at 300 W. Renner Road, northwest corner of Renner Road and Alma Road.

Mr. Roberts stated the request was on behalf of the Texas Instruments (TI) Fabrication facility to allow a variance to the Subdivision and Development Code section requiring screening on all non-residential ground level equipment (vents, storage tanks, generators, etc.) from the public right-of-ways by a masonry screening wall or living screen as tall as the tallest piece of equipment. He added that to facilitate their manufacturing process, TI would be installing storage tanks that were 85 to 100 feet tall and they would not be able to screen the tanks to that height.

Mr. Roberts reviewed some of the history of the fabrication plant noting that in 2004 one of the provisions of the zoning approval was that outdoor storage and service areas were screened from the view of the DART rail line along the north property line. In 2007, the Subdivision and Development Code was amended to add Section 21-47(g) – screening of ground level equipment, so the development plans and zoning for the site were established prior to the amendment.

Mr. Roberts presented graphics indicating the location for the storage tanks, the future location of a gas yard, and graphics showing viewing angles of the proposed equipment from different vantage points around the facility. In addition, the applicant provided photographs of existing views, including the 8-foot landscape berm, and then photo-shopped those views with the addition of the proposed equipment and supplemental vegetation.

Commissioner Maxwell asked if there was anything in the existing site plan that limited the location of equipment or utilities.

Mr. Roberts replied there were no limitations on the existing site plan and the intent was that all the equipment would be located on the northeast side of the fabrication building. He added that there were a few generators in front of that building, but those were screened by the administration building and the landscape berm.

Commissioner Maxwell wanted to know what defined the boundaries of the equipment yard, and Chairman Gantt asked if the requested variance was for the entire property or just the equipment yard.

Mr. Roberts replied the variance was just for the equipment yard.

Ms. Smith added that if the Commission wanted to limit the area for the equipment yard, they could state in their motion that the variance was for the equipment and utility yard as shown on the exhibit.

Chairman Gantt stated that based on the exhibit, there did not seem to be one equipment yard and asked if there was a way to clearly define the area.

Ms. Smith replied the exhibit identified future and proposed development areas for equipment and they would be the only areas where the equipment would be allowed if the exhibit was added to the variance.

Commissioner Bright asked about another data center that was approved earlier in 2011 and the height of the equipment at that facility.

Mr. Roberts replied that he thought they had a 25-foot storage tower.

Ms. Smith said she did not remember the height of the tower on the earlier request, but that variance was not adding additional equipment just square footage to their building, which exceeded the rate of approval process and they had to bring their entire site up to code.

Commissioner Hand asked if the tanks in the "Future Bulk Chemical Gas Yard" would be 100 feet tall.

Mr. Roberts replied that based on the exhibit it was a possibility, but Ms. Smith suggested that the applicant might be better prepared to answer that question.

Mr. Mike McCoy, Page Southerland Page, 1800 Main Street, Dallas, Texas, representing TI, said the equipment listed as "bulk chemical gas" were tanks on tractor trailers that were brought in and out as needed. He explained the 100 foot tower would be required to let the gas expand before it was fed into the processing system.

Mr. McCoy said that TI was a good corporate citizen and had worked closely with the City on all aspects of the site including the berms and extra landscaping. He added that they had no intention of putting a 100-foot tower in front of the building and the equipment yard was located behind the administration and fabrication buildings on the northeast corner of the property.

Chairman Gantt explained that the Commission was trying to understand what was planned for the future and where it would be located on the property. He asked if tractor trailers off-loaded their products into storage tanks in the chemical gas yard.

Mr. McCoy replied the gas arrived in tractor trailers that were left on site and the gas was extracted from the trailers as needed. When a trailer was emptied it was switched out for a full trailer and the empty trailer was removed.

Chairman Gantt asked the Commission if they would be willing to grant the variance if it was limited to the equipment yard as shown on the graphics.

Commissioner Henderson asked if the Commission approved the variance would it be for just the storage tanks mentioned, or any future tanks. He also wanted to know if the Commission would be approving storage tanks up to 100 feet tall.

Ms. Smith replied that if the Commission approved the item as requested it would be for the equipment yard as presented, which would give TI the flexibility to add storage as needed but would limit the height. She added that the areas in question were depicted on the graphic as the "future bulk chemical gas yard" and the "future liquid hydrogen tank."

Regarding the height of the tanks, Ms. Smith said it would again depend on how the motion was worded, but if the item was approved as requested, the height could go up to 100 feet.

Commissioner Hand said he could live with the location and tanks as requested as long as it was made part of the motion. He also wanted to know if any correspondence had been received from the adjacent neighborhoods.

Mr. Roberts replied that no correspondence had been received.

Commissioner Bright asked to confirm if the applicant would have to come back before the Commission if they wanted to build a storage tank that was taller than 100 feet.

Ms. Smith replied that was correct as long as the motion stated the height was limited to 100 feet.

Chairman Gantt asked if the Commission granted the variance for the screening of the towers, would the applicant have to come back before the Commission to request additional screening if the towers were taller in height.

Commissioner Maxwell noted that if a height limit was not made part of the variance, and the applicant wanted to build a taller storage tank, there would be no mechanism in place to enforce the screening without a stated height limit.

Ms. Smith replied that the Commission could approve the requested as presented, but if the height is an issue it should be made part of the motion so the applicant will understand what the Commission wants.

Chairman Gantt said he interpreted the request as the applicant wanting to waive the requirement for replacement or installation of additional screening for future ground level equipment and utilities. He also expressed concern that the tower could be 100 feet tall, but placed closer to the street.

Ms. Smith replied that was correct, but the request was based on the height shown on the graphics so if the height was to be higher there was the possibility that the screening would not be sufficient. She suggested the Commission had the ability to tie the height to the concept plan and specifically list the height of any equipment.

Chairman Gantt asked if the Commission approved the request in the area to the west, would the applicant still have to meet the screening requirement for the future bulk gas yard, or was the applicant requesting a screening waiver for the entire equipment area, but limiting it to 100 feet.

Ms. Smith replied that was correct; the Commission would be attaching heights to each of the areas.

Commissioner Hand pointed out that when the Commission viewed drawings, those drawings were usually made part of the exhibit to be approved; however, he said he would be comfortable if the site plan was attached to the ordinance.

Mr. Hand asked if the applicant would need more than two 85 to 100-foot tanks, and suggested that if additional tanks were needed in the future, they should come back before the Commission with the request.

Mr. McCoy replied that the current request was for a nitrogen tank and a liquid hydrogen tank and, because of the nature of the chemical, the tank needs to be at least 100 feet tall to allow for the gas to expand before coming back down and going through the system. In addition, he noted that the liquid hydrogen tank's height was actually 104 feet and asked the Commission to take that into consideration when making their motion.

Chairman Gantt said he could approve 110 feet and asked if the motion should state the site plan would be attached. He added that he felt the Commissioners should give the applicant the flexibility to add tanks without coming back before the Commission.

Ms. Smith replied that was correct and suggested that a limit of 110 feet would be for the liquid hydrogen tank only.

Commissioner Hand noted that the discussion was in regard to only two tanks and the applicant was not requesting a bank of 110 foot tanks, and Commissioner Frederick pointed out that by attaching the site plan to the ordinance, the number of tanks would be determined based on that plan.

Commissioner Maxwell expressed concern that by attaching the site plan to the ordinance it would inhibit the applicant's business and suggested the Commission define the two areas surrounded by the loop roads as the equipment yards, which would allow the applicant to add as many tanks as needed for their business without having to come back before the Commission.

Ms. Smith asked to clarify that the Commission would allow the applicant to add equipment in the areas surrounded by the loop roads; label those two areas – Area 1 and Area 2; allow equipment up to 110 feet in Area 2; allow equipment of a lesser height in Area 1; and the proposed screening along Alma and Renner Roads would be sufficient.

Chairman Gantt asked if the Commission could approve Ms. Smith's recommendation at the current meeting or would it be necessary to bring the item back at another meeting.

Ms. Smith replied the Commission could get clarification from the applicant and staff could modify the exhibit before it went to the City Council for approval.

Commissioner DePuy asked if the applicant would be able to put a 100-foot tank close to the border of Alma Road with just the addition of minimal screening. She wanted to know if Mr. Maxwell was asking to specify a specific location.

Commissioner Maxwell replied that was correct, he wanted to limit the areas where the tanks could go, which would be the areas within the loop roads.

Chairman Gantt asked if any equipment outside those areas would need to be considered at possibly a lower level.

Ms. Smith replied that if the recommendation defined areas where they could put equipment then anything that fell outside those areas would have to comply with current City regulations. She suggested asking the applicant if the areas in question were the locations they were envisioning for their equipment.

Mr. McCoy replied that with the exception of the areas highlighted on the site plan, the remaining areas immediately north and northwest of the building were existing utility yards.

Chairman Gantt asked if there was any equipment within the proposed areas that would not be in compliance if the Commission assigned designated heights.

Ms. Smith replied that Area 2 would have a maximum height of 110 feet, and Area 1 would have a maximum height of 40 feet.

Commissioner Hand asked Mr. McCoy to point out exactly where the proposed nitrogen and liquid hydrogen tanks would be placed, and said he did not feel the printed document matched the graphics.

Mr. McCoy stated the discrepancy would be corrected before going to City Council.

Mr. Tom Hardzinski, Construction Manager for TI, 2433 Teluride, Flower Mound, Texas, replied that the nitrogen plant listed on the site plan was an 85 feet tall tower and next to that would be the 100-foot tall nitrogen storage tank, both of which would be located in Area 2. He added that the liquid hydrogen tank would be horizontal in profile and was only 15 feet tall.

Commissioner Maxwell asked how many of the storage tanks currently on the site were taller than 50 feet, and how many more tanks, other than what is proposed, would be needed within the next five to ten years.

Mr. Hardzinski replied that the two tallest tanks currently on the site were 100 feet and 60 feet tall, and overall there would be only three tanks over 50 feet tall. He said that any future tanks would only be 35 to 40 feet tall.

Commissioner Hand asked if the photo shopped image portrayed what the site would look like after the addition of the requested storage tanks.

Mr. McCoy replied they had photo shopped in the equipment to show the height plus how it would look with additional landscape. He added that they were requesting a variance from the ordinance that stated all ground equipment had to be screened for its full height, which would not be realistic for a 100-foot tall structure.

Commissioner Maxwell stated he would be in favor of allowing ground equipment up to 50 feet in Area 1, and up to 110 feet in Area 2 with an overall limit on the number of storage tanks. He suggested a total of 7 tanks in Area 2 that would be between 50 and 100 feet tall.

Chairman Gantt asked if there was any equipment currently in Area 2 that was in excess of 50 feet.

Mr. Hardzinski replied there was only 1 tank that exceeded 50 feet.

Chairman Gantt asked if the Commission would be comfortable with stating that 5 to 7 tanks, 50 to 110 feet tall would be allowed on the site.

Commissioner Hand proposed a total of 5 additional tanks and the Commission concurred.

Chairman Gantt stated the next item for discussion would be the screening along Alma Road and expressed concern that the number of trees should not be limited to a specific number because there still may be gaps in the landscaping.

Ms. Smith replied that the Commission could stipulate that the intent was to soften and/or screen and leave it up to staff's discretion.

Chairman Gantt said he would be comfortable with staff's decision and noted that the motion could contain verbiage to such an effect.

Commissioner Bright said he did not think the Commission should limit the number of tanks; just insure they were properly screened. He thought that by limiting the number of tanks the Commission might be interfering with the applicant's business.

Commissioner Hand said he had some concerns about having too many towers and the impact that would have on the surrounding neighborhoods.

Mr. Roberts pointed out that if the Commission's motion included a set number for Area 2, he wanted to make sure the motion also included anything less than 50 feet would be allowed.

Chairman Gantt proposed that in Areas 1 and 2, the variance from the screening requirement should be approved, and in Area 1 there would be no ground equipment in excess of 50 feet.

Ms. Smith suggested that in Areas 1 and 2 the tanks could go up to 50 feet, and in Area 2 they would have the right to install tanks up to 110 feet.

Motion: Commissioner Maxwell made a motion to recommend approval of Variance 11-08 with the additional requirements that Areas 1 and 2 would be allowed unlimited ground equipment up to 50 feet; Area 2 would be allowed a maximum of 5 pieces of equipment between 50 and 110 feet; and additional screening would be provided with a minimum of 25 canopy and ornamental trees to be coordinated with staff approval; second by Commissioner Frederick.

Commissioner Hand asked if the motion needed to tie the site plan to the motion, and Chairman Gantt suggested that the site plan should define Area 1 and 2.

Ms. Smith replied that the applicant would further define the site plan and it could be attached as Exhibit A.

Commissioner Maxwell modified his motion to include the attachment of the site plan as Exhibit A, and the exhibit would define Areas 1 and 2; second by Commissioner Frederick.

Motion passed 6-1 with Commissioner Bright opposed.

PUBLIC HEARING

6. **Zoning File 11-13:** A request by Michael Buckingham, representing National American University, for a Special Permit for a private university at 300 N. Coit Road (east side of Coit Road, approximately 1,500 feet north of Belt Line Road). The property is currently zoned LR-M(2) Local Retail.

Mr. Shacklett advised that the applicant was requesting a Special Permit for a private university at 300 N. Coit Road in the Promenade Shopping Center. He added that the proposed 4,500 square foot lease space would be located on the south side of the office tower on the second level.

Mr. Shacklett noted that National American University (NAU) operates several campuses throughout the United States and proposes to use the space as an office and classroom facility that could accommodate up to 40 students. He stated that the instruction offered at the university would include courses for Associate and Bachelor's degrees in accounting, business administration, information technology, and a variety of health care fields.

Mr. Shacklett concluded his presentation stating that staff was suggesting two conditions be attached to the Special Permit if approved:

1. The Special Permit for a private university is limited to the area shown on the attached concept plans attached as Exhibit "B-1" and Exhibit "B-2" and made a part thereof, which is hereby approved.
2. The Special Permit shall be limited to National American University.

Chairman Gantt asked if staff knew how much of the center was currently leased excluding the office tower.

Mr. Shacklett replied that he did not have the exact number, but the owner's representative was available for questions; however, after making a site visit there appeared to be more spaces leased on the bottom level as opposed to the upper level.

Commissioner DePuy asked if staff knew what the future plans were for the shopping center since it was located within one of the City's redevelopment areas. She also wanted to know if any correspondence had been sent to the surrounding neighborhoods.

Mr. Shacklett replied there were six redevelopment and enhancement areas noted in the 2009 Comprehensive Land Use Plan, the first of which was West Spring Valley that underwent an 18 month study and a 6 month moratorium and zoning case. He thought that each of the future redevelopment and enhancement areas would go through a similar process, but that process may not take place for another 5 to 10 years and it could be years before those plans were implemented.

Regarding the correspondence sent from the City, Shacklett said 36 notifications were sent to Richardson property owners within 200 feet of the property with only 5 of those listed as commercial properties. He noted that no telephonic, written or electronic correspondence had been received in response to the notification.

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

Mr. Mike Buckingham, President of Real Estate Operations, National American University, 3800 Fairway Hills Drive, Rapid City, South Dakota, introduced his associates and asked to reserve his time for questions or rebuttals, if necessary.

Commissioner Frederick asked how long the lease was for the property.

Mr. Buckingham replied that they had executed a 10 year lease on the property subject to approval from the Commission and City Council.

Commissioner Bright asked about a merger between NAU and another university.

Mr. Buckingham replied that NAU did merge with a company that was set up to specifically take a university public and this merger allowed NAU to become a publicly traded company on the NASDAQ.

Commissioner DePuy asked where the closest NAU facility was located.

Mr. Buckingham replied they have an existing facility in the City of Allen, and two facilities under construction in the Cities of Mesquite and Lewisville.

No other comments were made in favor and Chairman Gantt called for any comments in opposition.

Mrs. Dorothy Wernsman, 7948 Hillfawn Circle, Dallas, Texas, stated she lived on the Dallas side of Coit, directly across from the Promenade Shopping Center and was concerned with the university being located so close to her home. She said she had done some research on the internet and was not able to find information regarding the rate of graduation, but did find negative statements regarding the possible misuse of federal funds and scholarship money.

Mr. Chris Stone, 7955 Briaridge, Dallas, Texas, said he also lived across from the Promenade Shopping Center and as the parent of two small children was concerned about the degradation of the shopping center and that it was becoming something other than what it was originally intended to be. His concerns were also for the type of people that would be attending the evening classes; if the business would set precedence for non-retail businesses coming into the area; and what were the intentions of the university in regard to making the community a better place.

Mr. Stone stated that the notifications for the zoning item went out to the residents who live behind the facility, but no correspondence had been sent to the 500+ homeowners who live in the Spring Creek community. He asked that at the very least, the homeowners of Spring Creek should be allowed the opportunity to review the proposed request as a group before any action was taken.

Ms. Sandra Breedlove, 7707 Briaridge, Dallas, Texas, stated she was also a resident of the Spring Creek community, a long time realtor in the area, and would love to see the Promenade Shopping center become more viable with increased retail. She said she understood the thinking that it might be better to have occupied space rather than a vacancy, but felt if the zoning had to be changed to accommodate the tenant it might not be the best use of the space. She said the surrounding neighborhoods would like to see quality, higher-end retail in the shopping center and asked the Commission to deny the applicant's request.

With no further comments in favor or opposed, Chairman Gantt asked Mr. Buckingham if he wanted to make any comments in rebuttal.

Mr. Buckingham gave a short history of NAU noting that it was started in 1941 and his grandfather purchased the university in 1964. He noted that his family was concerned about the future of the university so that was why they decided to become a publicly traded company, and they were the majority stock holders.

Mr. Buckingham said typical students at NAU worked full time jobs and realized they needed additional education to provide a better life for their families. He noted that the university would be spending approximately \$500,000 to update the facility, and introduced the Southwest Regional President to discuss the type of students who would be attending NAU.

Ms. Lisa Knigge, Southwest Regional President, National American University, 8420 Via Del Sol, Albuquerque, New Mexico, stated the students attending classes at the Richardson location would most likely be an average age of 32 years, working full time, and taking one or two classes per week to complete their Associates, Bachelors or Masters degrees.

Ms. Knigge reported that NAU was accredited by the Higher Learning Commission and had received a 10 year accreditation, which was considered the gold standard. She added that the center would provide educational classes, an assistance center for students with questions about financial aid, and a computer lab.

Commissioner DePuy asked if online classes would be available as well as instruction in a classroom.

Ms. Knigge replied that NAU has 30 campuses across the United States with one of the campuses dedicated to online classes, but both would be offered to the students in Richardson.

Commissioner Henderson asked for a description of the other NAU locations. He also wanted to know if any of the other locations were within close proximity to residential neighborhoods.

Ms. Knigge replied that the campus in Albuquerque had a little over 20,000 square feet with a dozen classrooms, a full library, and located among business offices; in Austin the campus was located among retail businesses; and Colorado Springs was also in a retail center.

Regarding the proximity to residential neighborhoods, the Albuquerque and Rio Rancho locations were across the street from subdivisions.

Commissioner Frederick asked what the average cost was per credit hour, and were there any free standing campuses.

Ms. Knigge replied that the cost was \$300 per credit hour and of the other three campuses in the metroplex, Lewisville was in a retail center, Mesquite was free standing, and the Allen campus was in a business complex.

Commissioner Hand said he was not familiar with NAU and wanted to know who their competition was and why they wanted to set up their campus in the Promenade Shopping Center as opposed to office park that was not as close to a single family neighborhood.

Ms. Knigge replied the majority of their competitors were private universities in the area and the University of Phoenix.

Regarding why they wanted to come to the City of Richardson, Mr. Buckingham replied that when looking for new locations, they looked for sites that were located on major thoroughfares with a lot of traffic, building signage, close proximity to residential neighborhoods, and 10 parking spaces per 1,000 square feet after 5:00 p.m. He added they were the innovators of hybrid learning centers that are typically 7,000 to 10,000 square feet in size and they spread those centers out within a metropolitan area to make it convenient for students.

Commissioner Frederick asked if the applicant was surprised at the comments made in opposition and questioning the validity of NAU.

Mr. Buckingham replied he had been in real estate for 25 years and was not surprised at the comments, but suggested that those who spoke in opposition were not aware of NAU because the university was new in the Dallas/Fort Worth area. He said he would like to educate those individuals and turn them into advocates.

Commissioner Frederick asked if the applicant thought NAU should have reached out to the surrounding neighborhoods before approaching the City Plan Commission.

Mr. Buckingham replied that the process of notification in the City of Richardson was similar to other areas and felt it was adequate.

Commissioner Frederick also wanted to point out that those who spoke in opposition were residents of the City of Dallas so they would not receive a notice from the City of Richardson.

Mr. Buckingham said he was not aware that those who spoke were from Dallas, but was aware that Coit Road was the dividing line between the two cities.

Commissioner Bright asked about the earlier comments regarding the need to have a doctorate degree when discussing regulatory requirements.

Mr. Buckingham replied that there are three major accreditation institutions in the United States: North Central, which is the largest; Southeast that covers Florida and the eastern seaboard; and Western that covers Idaho, Nevada and the west coast. He reported that if a university was not accredited by one of these institutions, the university would not be eligible to receive federal student loans or Pell grants for their students, therefore, as part of the accreditation process the institutions require the head of the university to have a PhD degree in education and the President of NAU is Dr. Ron Shape.

Chairman Gantt asked about the hours of operation and comments from those in opposition about students being at the site late in the evening.

Mr. Buckingham replied that most of the classes would start around 5:30 p.m. and last until 9:30 p.m. with some students possibly staying until 10:00 p.m. to get assistance from the teachers.

Commissioner DePuy asked about the graduation rate, and wanted to know what the plan was for the physical site taking into consideration that the site was within one of the City's redevelopment and enhancement areas.

Ms. Knigge replied there are two ways of measuring the progress of students: graduation rate or completion rate, and completion rate for individual programs was how NAU measured retention rate from program to program. She added that the retention rate from quarter to quarter was 73%, but since some of the transfer credits students bring with them do not apply to their programs so the graduation rate was 63%.

Regarding the physical site, Mr. Buckingham said the interior was the only construction they would be responsible for so it might be better if the property owner's representative answered any questions about the exterior of the site.

Ms. Kim Hill, 202 Saddle Drive, Rockwall, Texas, representing the property owner, stated there was quite a bit of exterior renovations taking place including new stone facing on the building, planter boxes and large decorative pots, and adding canopies for drive up appeal. She said the exterior for NAU had been painted and there would be some signage.

Ms. Hill reported that in response to some of the comments regarding the type of students who would be attending the university and security, she had hired security and felt it was preferable to have a university instead of some other type of business.

With no further comments or questions, Chairman Gantt closed the public hearing.

Chairman Gantt commented for those in the audience who were residents of the City of Dallas that the City Plan Commission reviewed items and either made a final decision or a recommendation to the City Council and, if the current item was approved, there would be another opportunity to speak at the public hearing before the Council.

Mr. Gantt asked to confirm that the request for a Special Permit was due to the fact that the use was not a “listed” use under the current zoning.

Mr. Shacklett replied that it was not a listed use in ordinance, but if it was categorized as a private school, then it would be a listed Special Permit use and it would still need to come before the Commission for approval. He added that private schools were not allowed in any zoning districts in the City without a Special Permit.

Chairman Gantt asked about the other private university the Commission had approved.

Mr. Shacklett replied that it was DeVry University and was located in a technical office zoning district, which also required a Special Permit.

Mr. Chavez added that the base zoning, local retail, would stay in place and the Special Permit was an overlay that would allow the additional use.

Commissioner DePuy asked if the 10 year lease was longer then the usual business lease.

Mr. Shacklett said staff did not get involved in lease terms, but thought that if it was a retail or restaurant the lease it would be for 5 years or less, but in terms of office leases it probably was standard.

Commissioner Henderson commented that he felt the residents from Dallas might feel closer to the City of Richardson because their children go to the Richardson schools, but by state law the City was only required to notify residents within 200 feet of the property that are on the City’s tax rolls.

Commissioner Hand stated that while the applicant appeared to have good intentions, and not everyone was cut out for the traditional four year college program, he felt the request was an exacerbation of underutilized retail and thought the Commission might want to slow the process down and take a closer look at the request, especially based on some of the comments from those opposed that the location was too close to single-family residences.

Commissioner Frederick concurred with Mr. Hand’s comments and stated that she felt there needed to be better communication between the applicant and the surrounding homeowners. She added that she did not think she could approve the item.

Commissioner DePuy reminded the Commission of previous conversations about “thinking outside the box” and re-purposing older shopping centers, but did have a concern with the proposed 10 year lease. She added that she was totally on board with stopping blight in shopping centers and suggested that a shorter lease might be more acceptable, which would allow the Commission to act aggressively if and when redevelopment and enhancement took place.

Commissioner Bright said he shared Mr. Hand’s concerns, but asked the staff if the point of this request was whether or not it was an appropriate use for the property.

Mr. Chavez replied that was correct, it was up to the Commission to decide if a request was an appropriate use for the location, but he mentioned that local retail districts allowed office uses and the site had both office and retail use.

Commissioner Bright said he did not think the Commission could restrict the lease, but could restrict the length of the Special Permit, which would open up a way to redevelop the property if something else came along.

Chairman Gantt said he did not think the proposed request was an inappropriate use for the shopping center and pointed out that even though the Commission would like to see the area redevelop, the time had not come for that to happen. He added that the Commission could urge the City Council to move forward with the study process for the redevelopment and enhancement areas and could limit the time for the Special Permit on this particular request.

Commissioner DePuy stated she agreed with Mr. Gantt’s statements and said she would want a time limit placed on the Special Permit.

Commissioner Hand said he liked the idea of a 5-year Special Permit and felt it would be an incentive for the applicant and the land owner to ensure that the space was adding value to the City.

Motion: Commissioner Hand made a motion to recommend approval of Zoning File 11-13 as presented with the qualification that the Special Permit was limited to five years, and is issued only to North American University; second by Commissioner DePuy.

Commissioner Bright noted the Special Permit should be tied to National American University as opposed to North American University. Mr. Hand corrected his motion; second by Ms. DePuy.

Motion passed 6-1 with Commissioner Frederick opposed.

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 9:33 p.m.



David Gantt, Chairman
City Plan Commission