

City of Richardson City Plan Commission Agenda Packet March 1, 2011

To advance to the background material for each item in the agenda, click on the item title in the agenda or click on Bookmarks in the tool bar on the left side of your screen.

AGENDA
CITY OF RICHARDSON - CITY PLAN COMMISSION
MARCH 1, 2011
7:00 P.M.
CIVIC CENTER – COUNCIL CHAMBERS
411 W. ARAPAHO ROAD

BRIEFING SESSION: 6:00 P.M. Prior to the regular business meeting, the City Plan Commission will meet with staff in the East Conference Room, located on the first floor, to receive a briefing on:

- A. Agenda items
 - B. Staff Reports**
-

MINUTES

1. **Approval of minutes of the regular business meeting of February 15, 2011.**

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. **Preliminary Plat of Crystal Creek Addition:** A request for approval of a preliminary plat for an 11.28-acre tract into 35 single-family lots. The site is located south of Chainhurst Drive, west of Holford Road. Applicant: Syed Hussain, representing First Crescent Enterprises, LLC. *Staff: Israel Roberts.*
3. **Concept Plan:** A request for approval of a revised concept plan for Tract R-13B located on the north side of Renner Road, between Plano Road and Fire Station No.5. Applicant: Hugo Morales, representing Kimley-Horn and Associates. *Staff: Israel Roberts.*

PUBLIC HEARING

4. **Replat of Lots 1 and 2, Block 1 of the Creekdale Estates Addition No. 2, Fourth Section, and Lot 9A, Block 7 of the Creekdale Estates Addition No. 2, Third Section:** A request for approval of a replat for a 0.89-acre tract of unplatted land into two (2) lots and to accurately reflect the ownership boundary of Lot 9A. The site is located at 312, 314 and 2218 Sutton Place. Applicant: Ben Caldwell, representing Shaddock Caldwell Builders and Developers, LLC. *Staff: Israel Roberts.*

VARIANCE

5. **Variance 11-03 and 11-04:** A request for approval of two (2) variances from Subdivision and Development Code. The first variance (VAR 11-03) is a request from Article III, Section 21-47(g) [Screening and Open Space] to eliminate the requirement for replacement or installation of additional screening for the existing ground level equipment and utilities. The second variance (VAR 11-04) is a request from Article III, Section 21-47(i) [Screening and Open Space] to eliminate the requirement of a 6 foot high masonry screening wall for the two (2) existing dumpster locations and one (1) compactor location. The 16.01-acre site is located at 3000 Waterview, northeast corner of Waterview Parkway and Stewart Drive. Applicant: Stephen Aquino, representing GKKWorks. *Staff: Israel Roberts.*

BRIEFING

6. **Briefing on West Spring Valley Corridor Reinvestment study.** *Staff: Monica Heid*

ADJOURN

The City Hall/Civic Center is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours ahead of the meeting. To make arrangements, call (972) 744-4000, or (TDD) 1-800-735-2989.

I hereby certify that the above agenda was posted on the bulletin board at City Hall on or before 5:30p.m., Friday, February 25, 2011.

Cindy Wilson, Administrative Secretary I

Staff Reports



Development Status Report

City of Richardson, Texas • Development Services Department

Updated: February 24, 2011

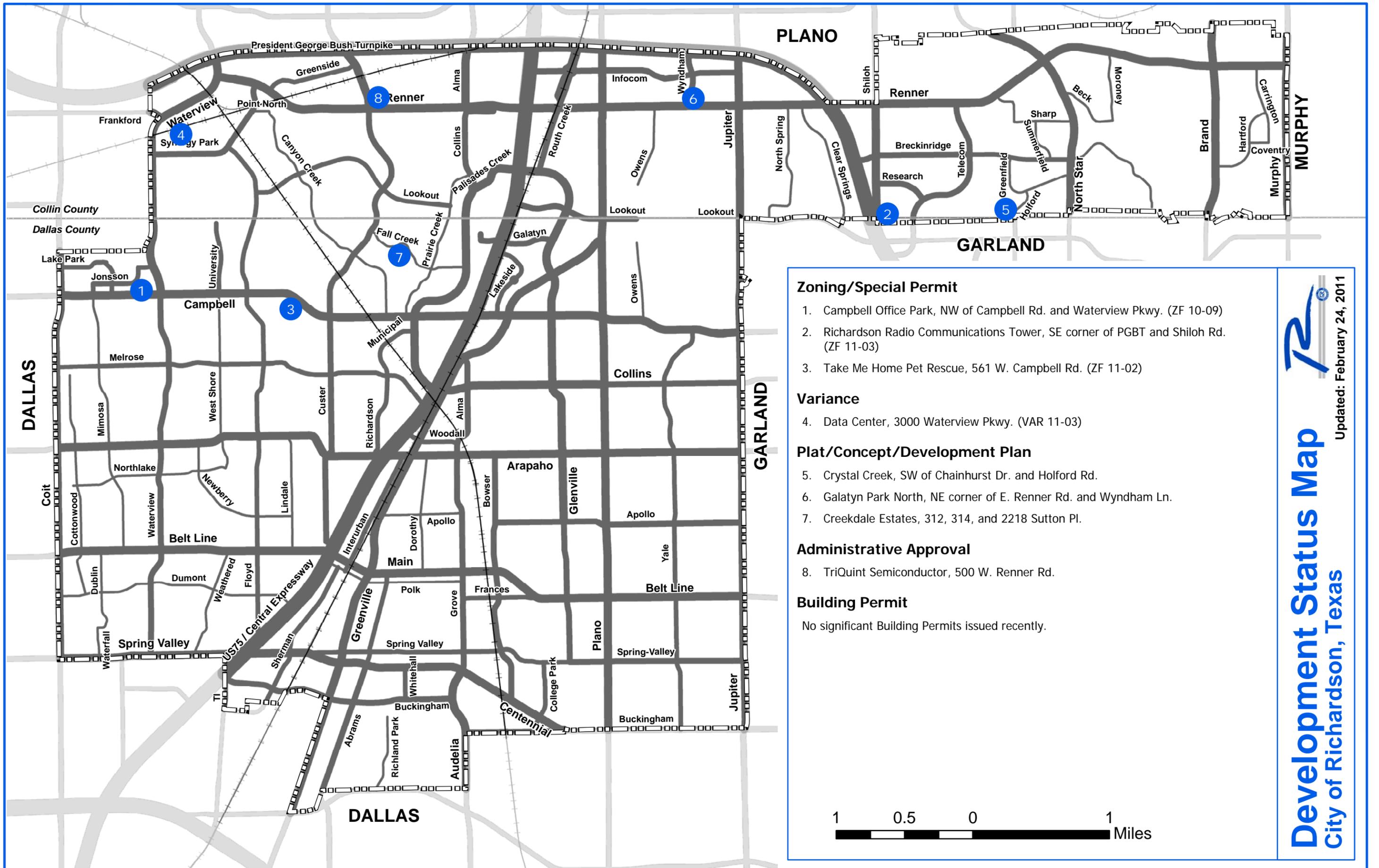
| # | Name/Location | Project Information | Status |
|-------------------------------|---|---|---|
| ZONING/SPECIAL PERMITS | | | |
| 1 | ZF 10-09 Campbell Office Park Northwest of Campbell Rd. and Waterview Pkwy. | A request by Bill Peavy, representing Cloudloft Investments, to amend the O-M Office zoning on a property located on the north side of Campbell Road, west of Waterview Parkway. The property is currently zoned O-M Office. | City Plan Commission June 1, 2010 <i>Recommended Denial</i> City Council February 14, 2011 <i>Continued Indefinitely</i> |
| | ZF 11-01 CZO Amendment: Residential Rainwater Harvesting Regulations | A request by City of Richardson for amendments to the Comprehensive Zoning Ordinance by adding the definition of rainwater harvesting system and by adding rainwater harvesting system to the permitted use regulations of all single-family, patio home, and duplex zoning districts. | City Plan Commission January 18, 2011 <i>Recommended Approval</i> City Council February 14, 2011 <i>Approved</i> |
| 2 | ZF 11-03 Richardson Radio Communications Tower SE corner of PGBT and Shiloh Rd. | A request by the City of Richardson to rezone a tract of land south of Research Drive, on the east side of Shiloh Road from R-1500-M Temp to R-1500-M Residential and to request a Special Permit to allow a 199-foot monopole antenna tower for a City of Richardson radio communications tower. | City Plan Commission February 15, 2011 <i>Recommended Approval</i> City Council February 28, 2011 |
| 3 | ZF 11-02 Take Me Home Pet Rescue 561 W. Campbell Rd. | A request by Elise Bissell, representing Take Me Home Pet Rescue, for a Special Permit for a pet rescue center and adoption organization at 561 W. Campbell Road (South of Campbell Road, east of Nantucket Drive). The property is currently zoned LR-M(2) Local Retail. | City Plan Commission February 15, 2011 <i>Recommended Approval</i> City Council March 14, 2011 <i>Tentative</i> |
| VARIANCES | | | |
| 4 | VAR 11-03 & 11-04 Data Center 3000 Waterview Pkwy. | A request for approval of two (2) variances from Subdivision and Development Code. The first variance (VAR 11-03) is a request from Article III, Section 21-47(g) [Screening and Open Space] to eliminate the requirement for replacement or installation of additional screening for the existing ground level equipment and utilities. The second variance (VAR 11-04) is a request from Article III, Section 21-47(i) [Screening and Open Space] to eliminate the requirement of a 6 foot high masonry screening wall for the two (2) existing dumpster locations and one (1) compactor location. The 16.01-acre site is located at 3000 Waterview, northeast corner of Waterview Parkway and Stewart Drive. | City Plan Commission March 1, 2011 |



Development Status Report

City of Richardson, Texas • Development Services Department

| # | Name/Location | Project Information | Status |
|--|---|--|--|
| PLAT/CONCEPT/DEVELOPMENT PLAN APPROVALS | | | |
| 5 | Crystal Creek SW of Chainhurst Dr. and Holford Rd. | A request for approval of a preliminary plat for an 11.28-acre tract into 35 single-family lots. The site is located south of Chainhurst Drive, west of Holford Road. | City Plan Commission March 1, 2011 |
| 6 | Galatyn Park North NE of E. Renner Rd. and N. Plano Rd. | A request for approval of a revised concept plan for Tract R-13B located on the north side of Renner Road, between Plano Road and Fire Station No.5. | City Plan Commission March 1, 2011 |
| 7 | Creekdale Estates 312, 314, and 2218 Sutton Pl. | Replat of Lots 1 and 2, Block 1 of the Creekdale Estates Addition No. 2, Fourth Section, and Lot 9A, Block 7 of the Creekdale Estates Addition No. 2, Third Section: A request for approval of a replat for a 0.89-acre tract of unplatted land into two (2) lots and to accurately reflect the ownership boundary of Lot 9A. The site is located at 312, 314 and 2218 Sutton Place. | City Plan Commission March 1, 2011 |
| ADMINISTRATIVE APPROVALS | | | |
| 8 | TriQuint Semiconductor 500 W. Renner Rd. | Revised the site and landscape plans to reflect the installation of an additional solvent tank within the equipment yard on the east side of the building. The tank (7'- 5" high) will be screened by a proposed living screen consisting of Eastern Red Cedars located at 15' O.C. and minimum 10' height at maturity along the east side, an existing living screen consisting of Eastern Red Cedars along the south side, the main building and the existing equipment along the west and north sides respectively. | Staff February 14, 2011 <i>Approved</i> |
| RECENTLY ISSUED BUILDING PERMITS | | | |
| | | No recent Building Permits | |



Zoning/Special Permit

- 1. Campbell Office Park, NW of Campbell Rd. and Waterview Pkwy. (ZF 10-09)
- 2. Richardson Radio Communications Tower, SE corner of PGBT and Shiloh Rd. (ZF 11-03)
- 3. Take Me Home Pet Rescue, 561 W. Campbell Rd. (ZF 11-02)

Variance

- 4. Data Center, 3000 Waterview Pkwy. (VAR 11-03)

Plat/Concept/Development Plan

- 5. Crystal Creek, SW of Chainhurst Dr. and Holford Rd.
- 6. Galatyn Park North, NE corner of E. Renner Rd. and Wyndham Ln.
- 7. Creekdale Estates, 312, 314, and 2218 Sutton Pl.

Administrative Approval

- 8. TriQuint Semiconductor, 500 W. Renner Rd.

Building Permit

No significant Building Permits issued recently.



Agenda

Item 1

**CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – FEBRUARY 15, 2011**

The Richardson City Plan Commission met February 15, 2011, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: David Gantt, Chairman
Bill Hammond, Vice Chair
Gerald Bright, Commissioner
Janet DePuy, Commissioner
Barry Hand, Commissioner
Jim Henderson, Commissioner
Don Bouvier, Alternate

MEMBERS ABSENT: Marilyn Frederick, Commissioner
Thomas Maxwell, Alternate

CITY STAFF PRESENT: Sam Chavez, Asst. Director of Dev. Svcs. – Planning
Steve Graves, Chief Information Officer
Chris Shacklett, Planner
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

Mr. Shacklett briefed the Commission on the agenda items. No action was taken.

B. Staff Reports

Mr. Chavez briefed the Commission on upcoming development items. No action was taken.

MINUTES

1. Approval of the minutes of the regular meeting of February 1, 2011.

Commissioner Hand asked to add an “r” to the existing word on page 2, eighth paragraph, first line, fifth word.

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

PUBLIC HEARINGS

2. **Zoning File 11-02:** A request by Elise Bissell, representing Take Me Home Pet Rescue, for a Special Permit for a pet rescue and adoption organization at 561 W. Campbell Road (south of Campbell Road, east of Nantucket Drive). The property is currently zoned LR-M(2) Local Retail.

Mr. Shacklett advised that the proposed site was located in a retail center at 561 W. Campbell Road and had been previously used as a veterinarian's office. He added that the applicant was proposing to use the space for a pet adoption center that would include general office use, storage, sale of pet related items, and a pet photography studio.

Shacklett indicated that the applicant represented a non-profit organization that used their resources to help reduce the population of unwanted pets by rescuing them and placing them for adoption. In addition, he noted that 57 letters of support and one letter in opposition had been received.

Commissioner Hand asked why the proposal was before the Commission if the location had previously been a vet's office. He also wanted to know about the letter in opposition and the calls from those opposed.

Mr. Shacklett replied that even though the zoning allowed vet offices and pet supplies, the adoption center portion of the application was an unlisted use and required a Special Permit.

Regarding those opposed to the Special Permit request, Shacklett noted the letter was from the management company for the building immediately to the west of the site in question, and the two calls in opposition were concerned with the noise and smell from animals, waste disposal, and what would happen if a pet from an abusive background became violent; some of the same issues that would be associated with a vet's office.

Commissioner Bright asked if staff had any concerns regarding waste disposal.

Mr. Shacklett replied when the application went through development review process, the City Health Department stated that waste would need to be properly bagged and disposed of, as well as removing it from any impervious surfaces, and those concerns had been passed along to the applicant. He added that those items would not be addressed during the zoning process, but handled through code enforcement.

Commissioner Hand asked if the applicant currently had an office located elsewhere.

Mr. Shacklett replied that they have a home office and P.O. Box, but did not have an adoption site in the City.

Chairman Gantt asked if there were any code violations with the vet's office when it was located at the site.

Mr. Shacklett replied he had no knowledge of any violations, and the vet had since moved and built a new office on the north side of Campbell Road.

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

Elise Bissell, 3417 Custer Cove, Richardson, Texas, stated she was the co-founder and director of Take Me Home Pet Rescue, a non-profit organization that had been in existence since 2008. She added that the group was started by local women and children going to area shelters rescuing animals, but they had quickly outgrown their office space and were looking for a space that would allow for growth.

Ms. Bissell reported that the site was chosen because of the prior use as a vet's office and offered the needed space where all their volunteers could meet and where community service groups could come and help.

Bissell noted that the majority of the rescued animals were dogs, with a few cats, and the animals would only be at the site during weekend adoption events and while they were being evaluated for contagious diseases and temperament tested before being sent to foster homes.

Commissioner Hand asked how many animals were currently being fostered, how much foot traffic would be generated, and what would be the hours of operations.

Ms. Bissell replied that about 10-15 cats would be at the site on a rotating basis, and approximately 10 dogs. The goal of the adoption events was to have an enjoyable atmosphere for the adopting families to come and view the animals that need homes. She added that the hours of operation should be normal retail hours.

Regarding how much foot traffic would be generated, Ms. Pam Nachajski, 241 Meadowlark, Richardson, Texas, President of Take Me Home Pet Rescue, said that during a weekend adoption event where there could be six dogs up for adoption, one to two families would be scheduled to visit with the dogs at any one time so as not to overwhelm the animals and that would work out to approximately 30-50 people throughout the day. The only other time there might be additional people present would be if a fund raiser was being held.

Commissioner Henderson asked about how many staff members would be present on an average day, and how would the inside be laid out.

Ms. Nachajski replied that 1 to 2 people would be there during the week to feed the animals and clean the cages, and up to 5 on the weekend. She added that they did not have any paid staff, only volunteers.

Ms. Bissell replied that Halff and Associates would help plan the space, which would be the next step in the process, but the front would most likely have an open retail area and reception desk; down a hallway to the right would be the future location of the spay/neuter clinic; off to the right from the front would be an open area for the cats, and behind that a possible training area with the photo studio at the back that would be used as a tool to increase exposure for the animals that are ready for adoption. Ms. Nachajski added there were 4 dog runs already available at the site.

Commissioner Bright asked how the organization currently deals with animals that have health issues.

Ms. Bissell replied that sick animals board at their vet's office, but with the opening of the proposed facility the organization would be able to save money by not having to board any animals.

Commissioner DePuy asked if a vet was on call for the organization, and what would be the number of pets that would be at the facility.

Ms. Bissell replied that they have a vet who volunteers his services and may do some surgeries. She added that most vets' offices house 40-60 animals per day, whereas the adoption center would most likely have 15-20.

Ms. Nachajski added that the cats would be at the adoption center for viewing for a week at a time before going back to a foster family, and the dogs would stay with their foster families and only come up for events unless they had to be in isolation.

Commissioner Bright asked staff if the site was equipped to do surgical procedures and, if so, was there something else the Commission had to do other than approve the item.

Mr. Shacklett replied that surgical procedures would be allowed as part of a vet facility, which was allowed by right.

Vice Chair Hammond asked why the number of dogs listed in the reference material was 0-3 and what had been mentioned was 10-20. He also wanted to know how the organization supported itself and where did the animals come from.

Ms. Bissell replied that 0-3 dogs would be the animals that were held overnight in isolation and the higher number referred to dogs that would be at the center for the day with either their foster family or a prospective family. She added that their support came from donations.

Regarding the acquisition of the animals, Bissell replied that most of their animals came from area shelters, animal surrenders, and animals that had been dumped on the street.

Chairman Gantt asked if there were any plans to take the dogs for walks outside the facilities, and would the animals be on display outside of the center on the sidewalk during adoption events.

Ms. Bissell replied that the plan was to utilize the space behind the building in the grassy area and they were working on securing approval from the owner of that property.

Mr. Chavez replied that the City would treat the adoption center the same as any other retail business, but would prefer that the adoption activity would happen inside the facility; Ms. Bissell concurred.

Chuck Westenhiser, 4308 Aliso Road, Plano, Texas, the manager of the retail center stated the walls in the former vet's office were made of 8" hadit block and felt the concerns about odor and/or noise from the adoption center were unfounded.

No other comments were made in favor or opposed; therefore, Chairman Gantt closed the public hearing.

Commissioner Hand complimented the applicant on their work and their proposal. He added there could always be the possibility that an adoption center would be disruptive to some forms of retail; however, with the leadership involved and the proposed use he stated he was in favor of the item.

Commissioner DePuy concurred with Mr. Hand and wished the applicant well.

Motion: Commissioner Bright made a motion to recommend approval of Zoning File 11-02 as presented; second by Commissioner Hand. Motion passed 7-0.

- Zoning File 11-03:** A request by the City of Richardson to rezone a tract of land at the southeast corner of President George Bush Turnpike and Shiloh Road from R-1500-M Temp to R-1500-M Residential with a Special Permit to allow a 199-foot monopole antenna tower for a City of Richardson radio communications tower. The site is currently occupied by a North Texas Municipal Water District (NTMWD) facility.

Mr. Shacklett advised that the site was currently zoned R-1500 Temp after annexation into the City and the applicant was proposing to rezone the property to R-1500-M Residential to construct a communications tower for the City of Richardson. He added that an antenna tower was allowed by right, but the applicant was requesting additional height for both the tower and the antennas, and to waive the screening requirements.

Mr. Shacklett stated the purpose of the new tower and antennas was to enhance police and fire radio coverage especially in the panhandle region of the City, and was part of an overall upgrade of City's radio system to adequately cover the entire City. He added the applicant

was requesting a waiver to the required screening because the tower would be located within the screened NTMWD property.

Chairman Gantt acknowledged the stone and concrete screening wall along frontage road and Shiloh Road, but asked about the screening on the remaining three sides.

Mr. Shacklett replied that other three sides were fenced by chain link and quite a bit of vegetation.

Mr. Steve Graves, Chief Information Officer for the City of Richardson addressed the Commission stating that the tower would be part of the replacement for a 15 year old public safety radio system. Graves presented graphics highlighting the current single-site radio system versus the coverage that would be provided by an enhanced system. He added that the new system would give between 95 to 99 percent coverage and would be a simulcast system that would allow more than one site to send a signal at one time.

In closing, Mr. Graves noted that the higher the tower the better the signal, and they had looked at using City facilities, but the proposed tower provided the best option and would help the system last for the next 15 years.

Commissioner Hand asked if there was a signal spillover into Dallas and Garland, and could Richardson possibly use the spillover from their systems in our area.

Mr. Graves replied that the City's signal spills over into Dallas, Garland and Plano, which was actually good for the City because there are Memos of Understanding (MOUs) for public safety units to support those cities and allows the units to communication within those areas.

Regarding the other cities' spillover, Graves explained that each city has its own frequencies; however, the public safety units have an inter-operability where they can switch over and talk to those cities, but the public safety dispatchers can not hear what is going on.

Chairman Gantt opened the public hearing and no comments were made in favor or opposed, therefore, he closed the public hearing.

Vice Chair Hammond commented that the City was positioned in the center of the telecomm industry for North Texas and hoped it was making the highest and best use of technology and not overlooking anything that would give the City a more robust communication system.

Mr. Graves replied that because of the City's unique position in the telecom corridor, many companies brought their technologies to the City for testing including a new product from Alcatel called LTE. He added that the proposed system was a digital state of the art system called P25, but in the future most systems will be converting to a LTE type of system and the City will be ahead of the curve because of the work with Alcatel.

Chairman Gantt asked if would be the need for additional communication towers as the technology evolves.

Graves replied that the sites would be reused and LTE technology could make use of any existing towers. In addition, as LTE and some of the other technologies increase (i.e., streaming video from the patrol cars), light poles throughout the city would be used to transmit the increased data streams back to the 911 center for safety purposes.

Motion: Commissioner Henderson made a motion to recommend approval of Zoning File 11-03 as presented; second by Commissioner Bouvier.

Mr. Chavez asked if the request from the NTMWD for a future single co-location site on the pole would be included in the motion.

Mr. Henderson declined to amend his motion based on discussions regarding the uncertainty of what would be located on the monopole and how that would change the appearance of the pole.

Motion passed 7-0.

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 7:57 p.m.

David Gantt, Chairman
City Plan Commission

Agenda

Item 2

Crystal Creek Addition

Attachments:

1. Replat Staff Report
2. Locator
3. Replat
4. Tree Survey
5. Ordinance No. 3796

**CITY PLAN COMMISSION
BACKGROUND INFORMATION
March 1, 2011**

Preliminary Plat

PROJECT SUMMARY

Subdivision: Crystal Creek Addition

Staff Comments: The purpose of the preliminary plat is to indicate the development of a 35 lot, single-family detached subdivision. The proposed preliminary plat reflects the development of 34 single-family lots, one (1) lot for the existing cellular antenna, and seven (7) common area lots.

The preliminary plat is in conformance with the zoning regulations and subdivision ordinance and Ordinance No. 3796.

CPC Action: Final decision

BACKGROUND

Tract Size: 11.28 acres (491,648 square feet)

Number of Lots: 35 Lots with five (7) Common Area lots

Zoning: (PD) Planned Development for the R-1100-M Residential District with special conditions
Ordinance: 3796

Special Conditions: **Summary**
Minimum lot size: 8,175 square feet
Average lot size: 9,350 square feet
Minimum lot depth: 125 feet unless otherwise shown on the Concept Plan per Ordinance No. 3796

Right-of-way Dedication: Variable width for the expansion of Holford Road (to insure 60' of right-of-way), and;
All interior streets (50' right-of-way).

Easements/Setbacks:

Existing to Remain 15' Sanitary Sewer easement along the southern property line

Dedicated by this Plat Easements:
A variable width tree maintenance easement within Lots 20, 21, 23 – 25, 28, and 29.
3' wall maintenance easement along the northern property line.
A 10-foot storm water easement along the western property line.
5' x 15' visibility easements where the alley intersects to Street E.

Setbacks:

Minimum front setback: 20 feet

Lots 12-15: 25 feet

Minimum side setback (interior): 7 feet

Minimum rear setback: 25 feet

Lot 12-15: 20 feet

Abandoned by this Plat None

Tree Survey The attached tree survey reflects all trees within the subject site that are 6-inches and larger. According to the survey approximately 120 trees will be removed to accommodate street right-of-way.

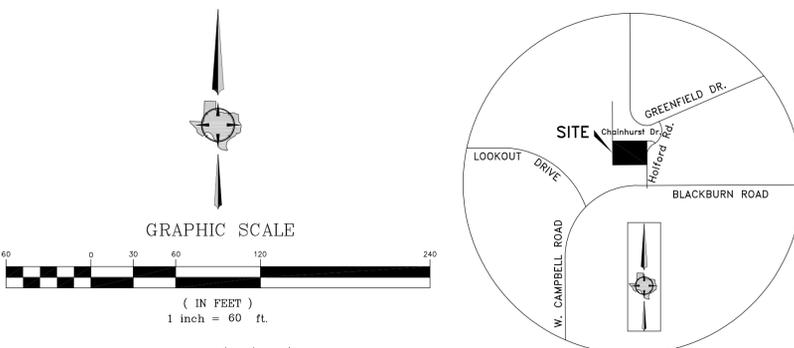


SUBJECT PROPERTY

City of Richardson
City of Garland

Crystal Creek Addition





PD-R-1100-M
 USES ORD. 3796
 MIN. LOT 8,176 SQ.FT. / 0.18 ACRES
 AVG. LOT 9,907 SQ.FT. / 0.23 ACRES

CRYSTAL CREEK ADDITION
 GROSS AREA 491,648 sq.ft. / 11.28 acres
 ROW DEDICATION -144,903 sq.ft. / 3.34 acres
 NET AREA 346,745 sq.ft. / 7.94 acres

35 LOT & 7 COMMON AREAS
 SETBACKS
 LOTS 1-11 & 16-35
 FRONT YARD = 20 FOOT
 REAR YARD = 25 FOOT
 SIDE YARD = 7 FOOT
 LOTS 12-15
 FRONT YARD = 25 FOOT
 REAR YARD = 20 FOOT
 SIDE YARD = 7 FOOT

STATE OF TEXAS
 COLLIN & DALLAS COUNTY
 City of Richardson

WHEREAS, Abdul R. Khan and First Crescent Enterprises, LLC, a Texas limited liability company is the owner of a tract of land situated in the Henry McCullough Survey, Abstract No. 901, Dallas County and Abstract No. 587, Collin County, Texas, and being a portion of Lot 1, Block 1, Swornglisten Addition, an Addition to the City of Richardson, Dallas and Collin Counties, Texas, according to the amended plats thereof recorded in Volume N, Page 775, Map Records, Collin County and Volume 2002029, Page 30, Map Records, Dallas County, Texas, same being conveyed to Abdul R. Khan by special warranty deed with vendor's lien recorded in Document No. 20100401000308030, Official Public Records, Collin County, Texas, and conveyed to First Crescent Enterprises, LLC, a Texas limited liability company by special warranty deed with vendor's lien recorded in Document No. 20101210001354910, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found for corner, and being the Southeast corner of Lot 10, Block N, CREEK HOLLOW ESTATES, PHASE III, an addition to the City of Richardson, Collin County, Texas according to the plat thereof recorded in Volume J, Page 715, Plat Records, Collin County, Texas, and being in the West line of Lot 1, Block G, CREEK HOLLOW ESTATES, PHASE IV, an addition to the City of Richardson, Collin County, Texas according to the plat thereof recorded in Volume J, Page 987, Plat Records, Collin County, Texas;

Thence South 00 degrees 57 minutes 21 seconds East, along the West line of said Lot 1, and along the current West line of Holford Road (a variable width right-of-way), a distance of 405.04 feet to a 1/2 inch iron rod found for corner, and being an angle point in the current West line of said Holford Road;

Thence South 00 degrees 05 minutes 01 seconds West, continuing along the current West line of said Holford Road, a distance of 132.45 feet to a 1/2 inch iron rod found for corner;

Thence South 89 degrees 13 minutes 35 seconds West, a distance of 42.50 feet to a 1/2 inch iron rod found for corner;

Thence South 00 degrees 08 minutes 55 seconds East, a distance of 55.00 feet to a 1/2 inch iron rod found for corner, and being in the North line of a tract of land conveyed to Pops Property V, Ltd., L.L.P. by deed recorded in Document No. 200600198230, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 11 minutes 25 seconds West, along the North line of said Pops Property V, Ltd., L.L.P. tract, a distance of 785.12 feet to a point for corner in the East line of a tract of land conveyed to Fujitsu Network Communications, Inc., a California Corporation by deed recorded in Volume 2000172, Page 06451, Deed Records, Dallas County, Texas;

Thence North 00 degrees 27 minutes 40 seconds West, along the East line of said Fujitsu Network Communications, Inc. tract, and along the East line of a tract of land conveyed to Shiloh Road Partners, Ltd. by deed recorded in Volume 2962, Page 800, Deed Records, Dallas County, Texas, a distance of 601.20 feet to a 1/2 inch iron rod found for corner, and being the Southwest corner of said Lot 10;

Thence North 89 degrees 47 minutes 49 seconds East, along the South line of said Lot 10, a distance of 825.68 feet to the POINT OF BEGINNING and containing 491,648.66 square feet or 11.28 acres of land.

That I, Abdul R. Khan and First Crescent Enterprises, LLC, a Texas limited liability company, being the owners of the hereinafter described property, do hereby adopt this plat designating the herein described property as the CRYSTAL CREEK ADDITION, an addition to the City of Richardson, Collin & Dallas Counties, Texas. I do hereby dedicate to the public use forever the streets and alleys shown thereon. The easements shown thereon are hereby reserved for purposes as indicated. The utility and access easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and access easements is the responsibility of the property owner. No building, fence, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements as shown; said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. All and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity of any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.

I do hereby dedicate the mutual access easements shown thereon for use by the public as a means of pedestrian and vehicle access to the property shown thereon and to the adjacent property thereon.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Richardson, Texas.

WITNESS, my hand at Dallas, Texas, this the _____ day of _____, 2011.

By: Abdul R. Khan, CO-Owner

STATE OF TEXAS
 COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Abdul R. Khan known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2011.

Notary Public in and for Dallas County, Texas.

WITNESS, my hand at Dallas, Texas, this the _____ day of _____, 2011.

By: Syed Hussain, President
 First Crescent Enterprises, LLC, a Texas limited liability company CO-Owner

STATE OF TEXAS
 COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Syed Hussain known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2011.

Notary Public in and for Dallas County, Texas.

SURVEYOR'S STATEMENT:

I, Bryan Connally, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and from other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, and the City of Richardson Development Code.

Dated this _____ day of _____, 2011.

RELEASED 02/24/11 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

Bryan Connally
 Texas Registered Professional Land Surveyor No. 5513

STATE OF TEXAS
 COUNTY OF COLLIN & DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Bryan Connally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2011.

Notary Public in and for the State of Texas

PRELIMINARY PLAT
CRYSTAL CREEK ADDITION
 LOTS 1-35, BLOCKS A &
 COMMON AREA 1X-7X, BLOCK B
 491,648 SQ.FT. / 11.28 ACRES
 HENRY McCULLOUGH SURVEY, ABSTRACT NO. 587 & 901
 CITY OF RICHARDSON,
 COLLIN & DALLAS COUNTIES, TEXAS
CBG Surveying, Inc.

PLANNING • SURVEYING
 12025 Shiloh Road • Suite 230 • Dallas, Texas 75228
 P 214.349.9485 • F 214.349.2216
 www.cbgsurveying.com

OWNER: FIRST CRESCENT ENTERPRISES, LLC.
 3009 Gunnison Dr.
 Richardson, TX
 P. 480-330-7864



SCALE: 1"=60' / DATE: FEBRUARY 20, 2011 / JOB NO. 09010795-3 / DRAWN BY: RR

GENERAL NOTES
 1) BASIS OF BEARINGS IS THE NORTH LINE OF DEED RECORDED IN DOCUMENT NO. 20100401000308030, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. (N89°47'49"E)
 2) THE REASON FOR THIS PLAT IS TO CREATE 35 LOTS FOR FUTURE DEVELOPMENT.
 3) NO LOT TO LOT DRAINAGE WILL BE ALLOWED

| CURVE TABLE | | | | |
|-------------|------------|---------|---------|---------|
| CURVE | DELTA | RADIUS | LENGTH | CHORD |
| C1 | 10°58'09" | 261.70' | 50.10' | 50.03' |
| C2 | 14°57'31" | 723.07' | 188.78' | 188.24' |
| C3 | 47°39'26" | 61.50' | 51.15' | 49.69' |
| C4 | 89°14'51" | 40.00' | 62.31' | 56.20' |
| C5 | 90°39'30" | 40.00' | 63.29' | 56.89' |
| C6 | 35°28'37" | 61.50' | 38.08' | 37.47' |
| C7 | 69°54'53" | 18.50' | 22.57' | 21.20' |
| C8 | 25°23'09" | 50.00' | 22.15' | 21.97' |
| C9 | 103°55'49" | 50.00' | 90.70' | 78.76' |
| C10 | 87°30'04" | 61.50' | 93.92' | 85.06' |
| C11 | 118°48'43" | 50.00' | 103.68' | 86.08' |
| C12 | 78°55'36" | 61.50' | 84.72' | 78.18' |
| C13 | 89°50'11" | 33.50' | 52.53' | 47.31' |
| C14 | 90°00'00" | 37.50' | 58.90' | 53.03' |
| C15 | 90°00'00" | 37.50' | 58.90' | 53.03' |
| C16 | 46°50'57" | 61.50' | 50.29' | 48.90' |
| C17 | 09°12'10" | 50.00' | 8.03' | 8.02' |

LINE TABLE

| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L1 | S43°33'27"W | 20.54' |
| L2 | N29°18'46"E | 20.71' |
| L3 | N46°57'38"W | 11.65' |
| L4 | N56°02'24"E | 24.62' |
| L5 | N56°02'24"E | 30.36' |
| L6 | N00°48'54"W | 26.22' |
| L7 | N31°13'00"E | 28.00' |
| L8 | S54°38'56"W | 13.94' |
| L9 | N58°47'00"W | 28.77' |
| L10 | N29°32'26"W | 17.45' |
| L11 | N44°47'49"E | 14.14' |
| L12 | S45°12'11"E | 14.14' |
| L13 | S44°42'09"W | 14.14' |
| L14 | S45°22'46"E | 14.16' |
| L15 | N19°49'01"E | 28.12' |
| L16 | N00°12'11"W | 2.81' |
| L17 | S11°21'28"E | 3.56' |
| L18 | N44°32'20"E | 28.25' |

EASEMENT LINE TABLE

| LINE | BEARING | LENGTH |
|------|-------------|---------|
| E1 | S52°58'57"E | 114.32' |
| E2 | S41°26'13"E | 66.29' |
| E3 | S34°55'31"E | 34.51' |
| E4 | S73°00'40"E | 79.91' |
| E5 | N55°22'40"W | 30.51' |
| E6 | N73°21'05"W | 89.10' |
| E7 | N34°04'35"W | 82.22' |
| E8 | N50°56'01"W | 116.63' |

ORDINANCE NO. 3796

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING FOR AN 11.3-ACRE TRACT OF LAND FROM I-M(1) INDUSTRIAL DISTRICT WITH SPECIAL CONDITIONS TO PD PLANNED DEVELOPMENT DISTRICT FOR THE R-1100-M RESIDENTIAL DISTRICT USES, SAID TRACT BEING FURTHER DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE APPROVAL OF A CONCEPT PLAN AND DETAILED CONCEPT PLAN ATTACHED AS EXHIBITS "B-1" AND "B-2" RESPECTIVELY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO-THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 10-10).

WHEREAS, the City Plan Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956 as heretofore amended, be, and the same is hereby amended so as to grant a change in zoning for an 11.3-acre tract of land from I-M(1) Industrial District with special conditions to PD Planned Development District for the R-1100-M Residential District uses, said tract being further described in described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. The change in zoning from I-M(1) Industrial District to PD Planned Development District for the R-1100-M Residential District uses is hereby granted subject to the following development regulations:

Base Zoning District. The property shall be developed and used in accordance with the R-1100-M Residential District zoning regulations except as otherwise provided herein. The single-family development for the property shall be developed and used in substantial conformance with the Concept Plan, attached as Exhibit “B-1” and the Detailed Concept Plan, attached as Exhibit “B-2”, and which are hereby approved.

1. **Antennae Tower.** The existing 120-foot monopole antenna tower with a maximum of four (4) antennas shall be allowed to remain in the location as shown on the Concept Plan.

2. **Building Regulations.**
 - a. The minimum area of the principal building for Lots 1, 12-15 and 22-23 as shown on the Concept Plan shall be a minimum 3,250 square feet, exclusive of breezeways, garages and servants’ quarters.
 - b. The minimum area of the principal building for the lots as shown on the Concept Plan other than Lots 1, 12-15 and 22-23, shall be 2,250 square feet, exclusive of breezeways, garages and servants’ quarters.

3. **Lot Area Regulations.**
 - a. The minimum lot area shall be 8,175 square feet and the average lot size shall be at least 9,350 square feet.

4. **Lot Dimensions.**
 - a. The minimum depth of a lot shall be 125 feet.
 - b. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.
 - c. The minimum depth for lots 7, 18-19 and 31-34 shall be allowed to be less than 125 feet as shown on the Concept Plan.

5. Setbacks.

- a. The front setback shall be a minimum of twenty-five (25) feet for Lots 12-15 as shown on the Concept Plan.
- b. The front setback for the lots shown on the Concept Plan other than Lots 12-15 shall be a minimum of twenty (20) feet
- c. The interior side setback for all lots shown on the Concept Plan shall be seven (7) feet.
- d. The rear setback shall be a minimum of twenty (20) feet for lots 12-15 as shown on the Concept Plan.

6. Garage Access.

- a. All garages shall be swing entry garages, and all garage door openings shall face an interior or rear lot line.
- b. Lots 1-4 as shown on the Concept Plan shall have rear entry garages with alley access. No other lots may have alley access.
- c. All garage door exterior façade finishes shall be constructed of a treated wood product.

7. Screening Wall.

- a. A 6-foot decorative iron fence shall be located along a portion of the northern property line as shown on the Concept Plan. The placement of the decorative iron fence shall be coordinated with the location of the existing trees along the boundary so as to minimize the removal of any tree over three (3) inches in diameter. The fence shall be permitted to start and stop where such tree is within the fence line. In the event that existing canopy trees located in the parkway adjacent to the northern boundary line are greater than seventy (70) feet apart, new canopy trees shall be added so that canopy trees are at a maximum spacing of thirty-five (35) feet. Said decorative iron fence shall be located within a three (3) foot maintenance easement dedicated to the Home Owners' Association.
- b. An eight (8) foot masonry wall shall be located along a portion of the northern property line as depicted on the Concept Plan. Said masonry screening wall shall

be located within a three (3) foot maintenance easement dedicated to the Home Owners' Association.

- c. An 8-foot masonry wall shall be located along the eastern boundary of the property in a common area lot as depicted on the Concept Plan. The wall shall be constructed of brick with stone columns similar to the existing wall located on the east side of Holford Road that forms the western border of the Oaks at Stoney Creek (City of Garland). There shall be a landscaped area that varies in width adjacent to this wall. A detailed plan shall be submitted as part of the development plan process. Canopy trees along this wall shall be planted at a maximum spacing of thirty-five (35) feet along the east side of the wall.
- d. The required screening walls and decorative iron fence referenced above shall be maintained by the Home Owners' Association.

8. Tree Survey.

A detailed tree survey of the entire property shall be submitted at the time of the submittal of the preliminary plat.

9. Tree Maintenance Easement.

A tree maintenance easement shall be provided as shown on the Concept Plan. All attempts shall be made to preserve and maintain any healthy tree located within the easement. **The tree maintenance easement shall be required to reference the previously designated flood plain.**

- 10. Lot 35.** Lot 35 as shown on the Concept Plan shall be maintained by the owner of the lot as long as the lot is occupied by the existing freestanding antenna tower.

11. Accessory Buildings.

All stand alone accessory buildings; excluding greenhouses and playground equipment, shall be constructed of the same palette of materials as the primary exterior materials of the dwelling.

12. Home Owners' Association.

A mandatory Home Owners' Association (HOA) shall be established in accordance with Chapter 21, Subdivision of Development Code, Section 21-57 of the City of Richardson Code of Ordinances. Said Association documents shall be submitted to the City for review and approval prior to approval of the preliminary plat for the property. Attached as Exhibit "C" are development guidelines for the Association.

SECTION 3. That the above-described tract of land shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and subject to the aforementioned special conditions.

SECTION 4. That all other provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

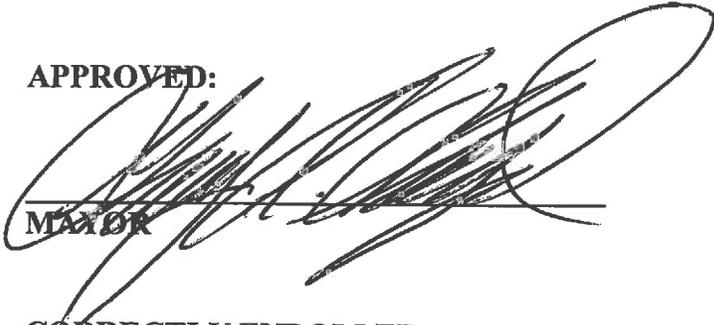
SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon

conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 22nd day of November, 2010.

APPROVED:


MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:


CITY ATTORNEY
(PGS:11-16-10:46494)


CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 10-10

BEING all that certain parcel, tract or lot of land situated in the Henry McCullough Survey, Abstract No. 901, Dallas County and Abstract No. 587, Collin County, Texas, and being a portion of Lot 1, Block 1, Swordglisten Addition, an Addition to the City of Richardson, Dallas and Collin Counties, Texas, according to the amended plats thereof recorded in Volume N, Page 775, Map Records, Collin County and Volume 2002029, Page 30, Map Records, Dallas County, Texas, and being a portion of a tract of land conveyed to Swordglisten Ltd. Partnership by warranty deed recorded in Volume 95088, Page 00296, Deed Records, Dallas, County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod set with yellow cap for corner, and being the Southeast corner of Lot 10, Block N, CREEK HOLLOW ESTATES, PHASE III, an addition to the City of Richardson, Collin County, Texas according to the plat thereof recorded in Volume J, Page 715, Plat Records, Collin County, Texas, and being in the West line of Lot 1, Block G, CREEK HOLLOW ESTATES, PHASE IV, an addition to the City of Richardson, Collin County, Texas according to the plat thereof recorded in Volume J, Page 987, Plat Records, Collin County, Texas

Thence South 00 degrees 57 minutes 21 seconds East, along the West line of said Lot 1, and along the current West line of Holford Road (a variable width right-of-way), a distance of 405.04 feet to a 1/2 inch iron rod set with yellow cap for corner, and being an angle point in the current West line of said Holford Road;

Thence South 00 degrees 05 minutes 01 seconds West, continuing along the current West line of said Holford Road, a distance of 132.45 feet to a 1/2 inch iron rod found for corner;

Thence South 89 degrees 13 minutes 35 seconds West, a distance of 42.50 feet to a 1/2 inch iron rod set with yellow cap for corner;

Thence South 00 degrees 08 minutes 55 seconds East, a distance of 55.00 feet to a 1/2 inch iron rod set with yellow cap for corner, and being in the North line of a tract of land conveyed to Pops Property V, Ltd., L.L.P. by deed recorded in Document No. 200600198230, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 11 minutes 25 seconds West, along the North line of said Pops Property V, Ltd., L.L.P. tract, a distance of 785.12 feet to a point for corner in the East line of a tract of land conveyed to Fujitsu Network Communications, Inc., a California Corporation by deed recorded in Volume 2000172, Page 06451, Deed Records, Dallas County, Texas;

Thence North 00 degrees 27 minutes 40 seconds West, along the East line of said Fujitsu Network Communications, Inc. tract, and along the East line of a tract of land conveyed to Shiloh Road Partners, Ltd. by deed recorded in Volume 2962, Page 800, Deed Records, Dallas County, Texas, a distance of 601.20 feet to a 1/2 inch iron rod set with yellow cap for corner, and being the Southwest corner of said Lot 10;

Thence North 89 degrees 47 minutes 49 seconds East, along the South line of said Lot 10, a distance of 825.68 feet to the POINT OF BEGINNING and containing 491,648.66 square feet or 11.28 acres of land.

Development Guidelines Exhibit C

Note: The following elements are not to be included in the PD regulations, but are intended to be a guide in the review of the Association's documents:

- Accessory structures of any type or use, except for greenhouses & children's playground equipment, fabricated of any material such as metal or various wood products and that are not constructed with materials of the same quality & design of the dwelling are prohibited.
- Garage doors shall remain closed at all times that activities of the home owner & family members do not require said doors to be open. Unattended open garage doors are prohibited.
- All garage doors for dwellings on lots that do not have alley access shall face a side yard lot line whether interior to another lot or on a corner. Driveways on corner lots should access the garage from the side street. Garage doors for dwellings on Lots 22 & 23 shall face southward or to their respective rear lot line.
- Garages of dwellings with access to an alley shall utilize that alley for driveway access.
- All home owners within this subdivision shall retain active, dues paid membership in the Home Owners Association. This HOA is primarily established to maintain the various open spaces, landscaped common areas, trees and shrubs in those areas, as well as irrigation systems, screening walls, decorative fencing and similar components that contribute to the common good of all residents.
- The storage, on site, of any type of recreational vehicle or watercraft must comply with the City of Richardson Code of Ordinances & Regulations, and in no case shall a motor home or trailer be utilized for occupancy of any sort.
- Home office uses are allowed.
- Outdoor "clothes lines" shall be allowed only in a side or rear yard that is screened with a solid fence that is a minimum of six feet (6') tall.
- Each homeowner shall be responsible for the proper maintenance of all surfaces of all structures as well as all landscape materials and paving on the lot. An automatic

sprinkler system must also be installed when the landscaping is installed to properly water the front, side and rear yards.

- Mailboxes shall be constructed of the same brick or masonry materials as the main dwelling.
- All lots within Crystal Creek shall contain a minimum of three (3) trees that are a minimum of three (3”) inches in diameter, either existing or new.
- A detailed tree survey shall be submitted to the city staff for review in this regard. It should be noted that in no way shall a homeowner be denied the right to remove any tree that is a distance greater than seventy-five feet from the northern boundary of Crystal Creek, that he or she desires upon the purchase of said lot.
- With the exception of trees that fall within street rights-of-way, building areas of each lot, driveways, alleys, sidewalks and utility easements, every step shall be taken to preserve all existing, healthy trees over three inches (3”) in diameter that fall within the original, but now eliminated, floodplain and within seventy-five feet of the northern boundary of Crystal Creek.
- So that the architectural character of the dwellings in this development are equal to or better than the quality of design and materials of those existing in Creek Hollow Estates, an exhibit of photographs that set these minimum standards are included herein. At the time any building permit is applied for on any lot within this development, an “architectural” front elevation shall be submitted to the Chief Building Official for conformance to this endeavor.
- The photos referenced in the deed restrictions are attached below:









Agenda

Item 3

Galatyn Park North

Attachments:

1. Staff Report
2. Locator
3. Concept Plan

**CITY PLAN COMMISSION
BACKGROUND INFORMATION
March 1, 2011**

Revised Concept Plan

PROJECT SUMMARY

| | |
|------------------------|---|
| Project: | Galatyn Park North (Tract R-13B) |
| Location: | Tract R-13B is located on the north side of Renner Road, on both the east and west sides of Wyndham Lane. |
| Staff Comments: | <p>The applicant is proposing the development of a 72,503 square foot data center with utility yard at the northeast corner of Renner Road and Wyndham Lane.</p> <p>Should the Commission approve the revised concept plan, a plat, detailed site, landscape and civil plans, with façade elevations must be approved prior to the development of the data center.</p> <p>The revised concept plan complies with all applicable zoning and development regulations.</p> |
| CPC Action: | Final decision |

BACKGROUND

| | |
|-------------------------------|--|
| Zoning: | PD Planned Development District |
| Ordinance: | 2587-A (Tracts R-13B) |
| Tract Size: | |
| Tract R-13B | Approximately 50.7 acres |
| Concept Plan: | A concept plan for each tract must be approved by the City Plan Commission prior to the approval of any development plans within the zoning tract. |
| Concept Plan elements: | |
| Major Circulation | The property is bordered on the west by Wyndham Lane and Renner Road to the south. |

Major Landscape,
open space, drainage
and wetland features

The concept plan reflects the minimum required landscape and building setbacks established for the zoning.

On February 14, the City Council granted a variance for a wrought-iron fence in lieu of a 6-foot high masonry screening wall along the eastern property line. The Concept Plan reflects the granted variance.

Parking, building and
area regulations

The revised Concept Plan reflects the development of a 72,503 square foot data center with utility yard. Two secure drives, one along each street, provide access to the site.

Per Ordinance No. 2587-A, since the subject site is located within 200 feet of residentially zoned property, the building is limited to a building height of one-story or 25 feet.

On February 14, the City Council granted a variance for a reduction in parking for the subject data center. The variance permits a reduced parking ratio of 1:300 for office areas and 1:3,000 for unmanned areas. The proposed concept plan reflects the approved variance.

For the remainder of Tract R-13B, the concept plan indicates “building envelopes” rather than detailed building footprints to provide flexibility, yet sets parameters for future development by indicating the area regulations established by zoning.

Traffic and circulation

The Concept Plan shows all circulation for the proposed data center to be within a secure site. Both driveways will be gated and provide adequate space to allow turn-around movements outside the secure areas.



Galatyn Park North
Tract 13B

Agenda

Item 4

**Creekdale Estates No 2, Third Section
Creekdale Estates No 2, Fourth Section**

Attachments:

1. Replat Staff Report
2. Locator
3. Replat

**CITY PLAN COMMISSION
BACKGROUND INFORMATION
March 1, 2011**

Public Hearing on a Replat

PROJECT SUMMARY

| | |
|------------------------|---|
| Subdivision: | Lots 1 and 2, Block 1 of the Creekdale Estates No. 2, Fourth Section and Lot 9A, Block 7 of the Creekdale Estates No. 2, Third Section, <i>being a replat of Lot 9, Block 7 of the Creekdale Estates No. 2, Third Section and 0.85-acres of unplatted property.</i> |
| Location: | 312, 314 and 2215 Sutton Place |
| Staff Comments: | <p>The purpose of the replat is to indicate the proposed development of two (2) lots on a 0.89-acre tract of unplatted land, and to accurately reflect the ownership boundaries of Lot 9A, Block 7 of the Creekdale Estates Addition No. 2, Third Section.</p> <p>Two new homes will be constructed once the existing home on the unplatted 0.89-acre tract of land is demolished. No changes are proposed for the existing home on Lot 9A.</p> <p>The replat complies with City subdivision regulations.</p> |
| CPC Action: | Final decision |

BACKGROUND

| | |
|------------------------|---|
| Tract Size: | 1.71 acres (74,564 square feet) |
| Number of Lots: | 3 Lots |
| Lot 1 | 0.42-acres (17,527 square feet) |
| Lot 2 | 0.48-acres (21,261 square feet) |
| Lot 9A | 0.821-acres (35,776 square feet) |
| Zoning: | RP-1500-M with special conditions Ordinance: 346-A |

Special Conditions:

Summary

Minimum lot area: 10,000 square feet

Minimum lot width: 80 feet measured at the front setback line

Minimum living area: 1,800 square feet

Right-of-way Dedication:

None.

Easements/Setbacks:

Existing to Remain

On proposed Lot 9A:

Variable width floodway easement;

10' Utility easement on the east corner;

10' Utility easement along the western property line.

Dedicated by this Plat

Easements:

A variable width Floodway and Drainage easement on proposed Lots 1 and 2.

A variable width street easement along the frontage of Lot 2 and Lot 9A to accommodate the existing public street and sidewalk.

A 10-foot sanitary sewer easement along the eastern property line along proposed lot 9A.

Setbacks:

Minimum front setback: 35' for proposed Lots 1 and 2, Block 1 of the Creekdale Estates No. 2, Fourth Section, and a 40' (existing) for proposed Lot 9A.

Abandoned by this Plat

None



Creekdale Estates No. 2, Third Section (Lot 9A)
Creekdale Estates No. 2, Fourth Section (Lots 1 and 2)



THE STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, Shaddock Caldwell Builders & Developers, LLC and Roy & Joan Smith, are now the owners of a LOT 1 & 2 BLOCK 1 of CREEKDALE ESTATES NO. 2, FOURTH SECTION & LOT 9A, BLOCK 7 of CREEKDALE ESTATES NO. 2, THIRD SECTION and desires to amend the original or preceding plots thereof.

NOW, THEREFORE, Shaddock Caldwell Builders & Developers, LLC and Roy & Joan Smith, does hereby declare that said proposed replat or re-subdivision does not attempt to alter, amend or remove any covenants or restrictions currently or previously existing within the confines of the preceding plot.

EXECUTED THIS ____ day of _____, 2011. EXECUTED THIS ____ day of _____, 2011

Shaddock Caldwell Builders & Developers, LLC
a Texas limited liability company

Ben Caldwell, Manager Roy Smith Joan Smith

BEFORE ME, the undersigned authority, on this day personally appeared, Ben Caldwell, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this ____ day of _____, 2011.

Notary Public in and for County of Dallas, State of Texas

BEFORE ME, the undersigned authority, on this day personally appeared, Roy & Joan Smith, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this ____ day of _____, 2011.

Notary Public in and for County of Dallas, State of Texas

Floodway and Drainage Easement

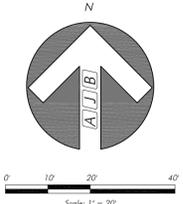
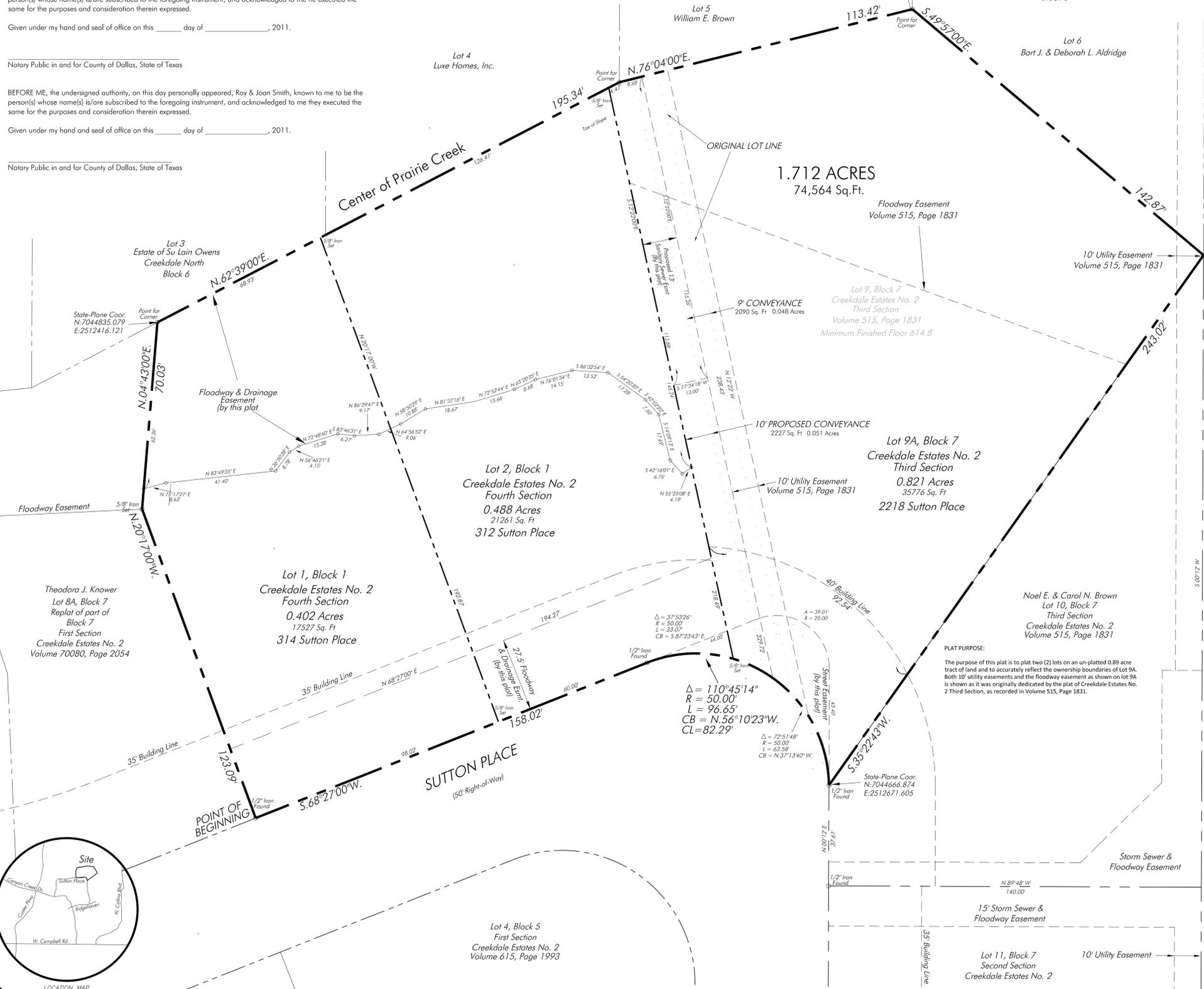
This plat is approved by the City Plan Commission of the City of Richardson, Texas and accepted by the Owner, subject to the following conditions, which shall be binding upon the Owner, his heirs, grantees, successors and assigns:

The creek(s) or drainage channel(s) within the limits of this plat will remain as an open channel at all times and will be maintained by the abutting Property Owner(s). The City of Richardson will not be responsible for the maintenance and operation of said creek(s) or channel(s) or for any damage to private property or persons that results from the flow of water along said creek(s) or channel(s), or for the control of erosion.

The limits of the creek(s) and/or drainage channel(s) are defined by the Floodway and Drainage easement line, as shown on this plat.

No obstruction to the natural flow of storm water run-off shall be permitted by filling or by construction of any type of dam, building, bridge, fence, walkway, or any other structure within the creek(s) or drainage channel(s) as defined by the Floodway and Drainage Easement. Provided, however, it is understood that in the event it becomes necessary for the City of Richardson to erect any type of drainage structure in order to improve the storm drainage that may be occasioned by the streets and alleys in or adjacent to the subdivision, then in such event, the City of Richardson shall have the right to enter upon the Floodway and Drainage easement at any point, or points, to erect, construct, and maintain any drainage facility deemed necessary for drainage purposes. The abutting property owner(s) shall keep the creek(s) and/or drainage channel(s) traversing or adjacent to his property clean and free of debris, silt and any substance which would result in unsanitary conditions, and the City of Richardson shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur.

The creek(s) or drainage channel(s), as in the case of all open channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City of Richardson shall not be liable for any damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within or adjacent to the creek(s) or drainage channel(s).



FIELD NOTE DESCRIPTION

BEING a 1.712 acre tract of land situated in the William Hughes Survey, Abstract Number 573 in the City of Richardson, Dallas County, Texas and being all of 0.890 acre tract of land conveyed to Shaddock Caldwell Builders & Developers, LLC as recorded in Clerk File #201000315997 of the Deed Records of Dallas County Texas and being all of Lot 9, Block 7 of Creekdale Estates No. 2, Third Section according to the plat recorded in Volume 515, Page 1831 of said Deed Records of Dallas County Texas and being all of a 9' wide strip of land containing 2,090 square feet of land and a 10' wide strip of land containing 2,227 square feet of land and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southwest corner of said 0.940 acre tract of land and being the southeast corner of Lot 8A of Creekdale Estates No. 2 according to the plat recorded in Volume 70080, Page 2054 of the Deed Records of Dallas County, Texas and being located in the north line of Sutton Place (50' wide);

THENCE along the east line of said Lot 8A, NORTH 20°17'00" WEST a distance of 123.09 feet to a 5/8 inch iron rod set for corner;

THENCE continuing along the east line of said Lot 8A, NORTH 04°43'00" EAST a distance of 70.03 feet to a point for corner located in the center of Prairie Creek and being the northeast corner of said Lot 8A and the northwest corner of said 0.940 acre tract of land;

THENCE along the center of said Prairie Creek and the north line of said 0.940 acre tract of land, NORTH 62°39'00" EAST a distance of 195.34 feet to a point for corner;

THENCE continuing with said center of Prairie Creek, NORTH 76°04'00" EAST a passing distance of 14.68 feet to the northwest corner of said Lot 9, in all a total distance of 113.42 feet to a point for corner;

THENCE continuing with said center of Prairie Creek, SOUTH 49°57'00" EAST a distance of 142.87 feet to the northeast corner of said Lot 9;

THENCE departing the center of said Prairie Creek, SOUTH 35°22'43" WEST a distance of 243.02 feet to a 1/2 inch iron rod found in the northeast line of said Sutton Place and being the beginning of a non-tangent curve to the left having a radius of 50.00 feet and chord bearing of North 56°10'23" West;

THENCE along the north line of said Sutton Place with said non-tangent curve to the left through central angle of 110°45'14" for an arc length of 96.65 feet to a 1/2 inch iron rod found for corner;

THENCE continuing along the north line of Sutton Place, SOUTH 68°27'00" WEST a distance of 158.02 feet to the POINT OF BEGINNING;

CONTAINING 1.712 acre or 74,564 square feet of land more or less.

STATE OF TEXAS §
DALLAS COUNTY §
CITY OF RICHARDSON §

That I (we), Shaddock Caldwell Builders & Developers, LLC and Roy & Joan Smith, being the owner(s) of the hereinafter described property, do hereby adopt this plat designating the herein described property as the LOT 1 & 2 BLOCK 1 of CREEKDALE ESTATES NO. 2, FOURTH SECTION & LOT 9A, BLOCK 7 of CREEKDALE ESTATES NO. 2, THIRD SECTION, an addition to the City of Richardson, Dallas County, Texas. I (we) do hereby dedicate to the public use forever the streets alleys shown thereon. The easements shown thereon are hereby reserved for purposes indicated. The utility and access easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and access easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements as shown; said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. All and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of any system on the easements, and all public utilities shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.

I (we) do hereby dedicate the mutual access easements shown thereon for use by the public as a means of pedestrian and vehicle access to the property shown thereon and to the adjacent property thereon.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Richardson, Texas.

EXECUTED THIS ____ day of _____, 2011.

EXECUTED THIS ____ day of _____, 2011

Shaddock Caldwell Builders & Developers, LLC
a Texas limited liability company

Ben Caldwell, Manager Roy Smith Joan Smith

STATE OF TEXAS §
DALLAS COUNTY §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Ben Caldwell, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ of _____, 2011.

Notary Public in and for County of Dallas, State of Texas

STATE OF TEXAS §
DALLAS COUNTY §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Roy & Joan Smith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ of _____, 2011.

Notary Public in and for County of Dallas, State of Texas

STATE OF TEXAS §
DALLAS COUNTY §

KNOW ALL MEN BY THESE PRESENTS:

THAT I, AUSTIN J. BEDFORD, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Richardson, Dallas County, Texas.

Austin J. Bedford
Registered Professional Land Surveyor No. 4132
AJ Bedford Group, Inc.
301 North Alamo Road
Rockwall, Texas 75087

STATE OF TEXAS §
DALLAS COUNTY §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Austin J. Bedford, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ of _____, 2011.

Notary Public in and for County of Dallas, State of Texas

REPLAT
LOTS 1 & 2, BLOCK 1
CREEKDALE ESTATES NO. 2, FOURTH SECTION
LOT 9A, BLOCK 7
CREEKDALE ESTATES NO. 2, THIRD SECTION

WILLIAM HUGHES SURVEY, ABSTRACT NO. 573
CITY OF RICHARDSON
DALLAS COUNTY, TEXAS

Owners: Shaddock Caldwell Builders & Developers, LLC Roy & Joan Smith
1224 Ashland Drive Richardson, Texas 75080 972.454.9610 2218 Sutton Place Richardson, Texas 75087 972.783.4836

Scale: 1" = 20'
Date: December 08, 2010
Technician: L. Spradling
Drawn By: L. Spradling
Checked By: A.J. Bedford
P.C.: D. Cryer
File: Sutton Replat
Job No. 524-001
GF No. N/A

301 N. Alamo St., Rockwall, Texas 75087
(972) 722-0225, www.ajbedfordgroup.com

Sheet: 1
Of: 1
AJ Bedford Group, Inc.
Registered Professional Land Surveyors
Federal Tax I.D. 20-0584533

N:\ALL FILES\524-SHADDOCK & CALDWELL\PLAT\SUTTON FINAL PLAT.dwg, 2/16/2011 3:42:55 PM, Adibbe PDF

Agenda

Item 5

VARIANCE 11-03 and 11-04

Attachments:

1. Staff Report
2. Locator
3. Photos of existing conditions
4. Applicant's Statement
5. Variance Exhibit
6. Notice of Variance Request
7. Notification List
8. Notification Map

**CITY PLAN COMMISSION
BACKGROUND INFORMATION
March 1, 2011**

Variance 11-03 and 11-04

SUMMARY

Owner: iStar Financial

Applicant: Stephen Aquino, ggkWorks

Project Name: Viawest Data Center
3000 Waterview Parkway
Northeast corner of Waterview Parkway and Stewart Drive

Request: The applicant is requesting two variances from the Subdivision and Development Code, Chapter 21 of the City of Richardson Code of Ordinances. The first variance is a request from Article III, Section 21-47(g) [*Screening and Open Space*] to eliminate the requirement for replacement or installation of additional screening for the existing ground level equipment and utilities. The second variance is a request from Article III, Section 21-47(i) [*Screening and Open Space*] to eliminate the requirement of a 6 foot high masonry screening wall for the two (2) existing dumpster locations and one (1) compactor location.

In both cases the applicant is requesting that the site remain in its as-built condition, since the existing ground level equipment, utility boxes and the dumpster and compactor locations were approved prior to the language requiring screening was adopted into ordinance form.

The existing 233,540 square foot technical office building was developed for a single user in 1990 which permitted internal circulation throughout the building. Currently the entire building is vacant. The new owner of the building plans to lease the building to four (4) separate tenants, thus eliminating internal circulation between lease spaces. To comply with ADA regulations for the proposed data center lease space, the applicant is proposing to add an additional

1,200 square feet to accommodate an elevator and stairwell.

Article II, Section 21-19(f) of the Subdivision and Development Code states, "Development plans reflecting a condition **not** in accordance with city requirements shall **not** be approved until all necessary variances have been secured." In this case, although the ground mounted equipment and dumpster locations were approved prior to the adoption of the screening language; variances for these two items must be secured before development plans can be approved for the proposed 1,200 square foot expansion to the existing building.

CPC Action:

Recommendation to the City Council

The City Plan Commission may recommend approval of the request as presented, recommend approval with conditions or deny.

City Council Agenda:

March 14, 2011

Notification:

This request is not a public hearing and specific notification is not required by State law. As a courtesy, adjacent property owners that may be affected by the variance request received written notification.

Correspondence:

No correspondence has been received to date.

DEVELOPMENT SUMMARY

Land Area:

16.01-acres (697,822 square feet)

Zoning:

(TO-M) Technical Office District

Existing Development:

Technical Office Building

Adjacent Land Use, Zoning:

| | |
|---|---|
| North (<i>across Cotton Belt rail line</i>) | Office: (TO-M) Technical Office District |
| East | Undeveloped (UTD): (TO-M) Technical Office District |
| South (<i>across Synergy Pkwy</i>) | Undeveloped (UTD): Temp (R-1500-M) Residential District |
| West (<i>across Waterview Pkwy</i>) | Undeveloped: City of Dallas |

BACKGROUND INFORMATION

Staff Background:

The applicant is requesting two variances from the Subdivision and Development Code. Both variances request to eliminate the requirement for replacement or installation of additional screening for existing ground level equipment, utility boxes, and approved dumpster and compactor locations.

*VAR 11-03
Article III, Section 21-47(g)
[Screening and Open
Space]:*

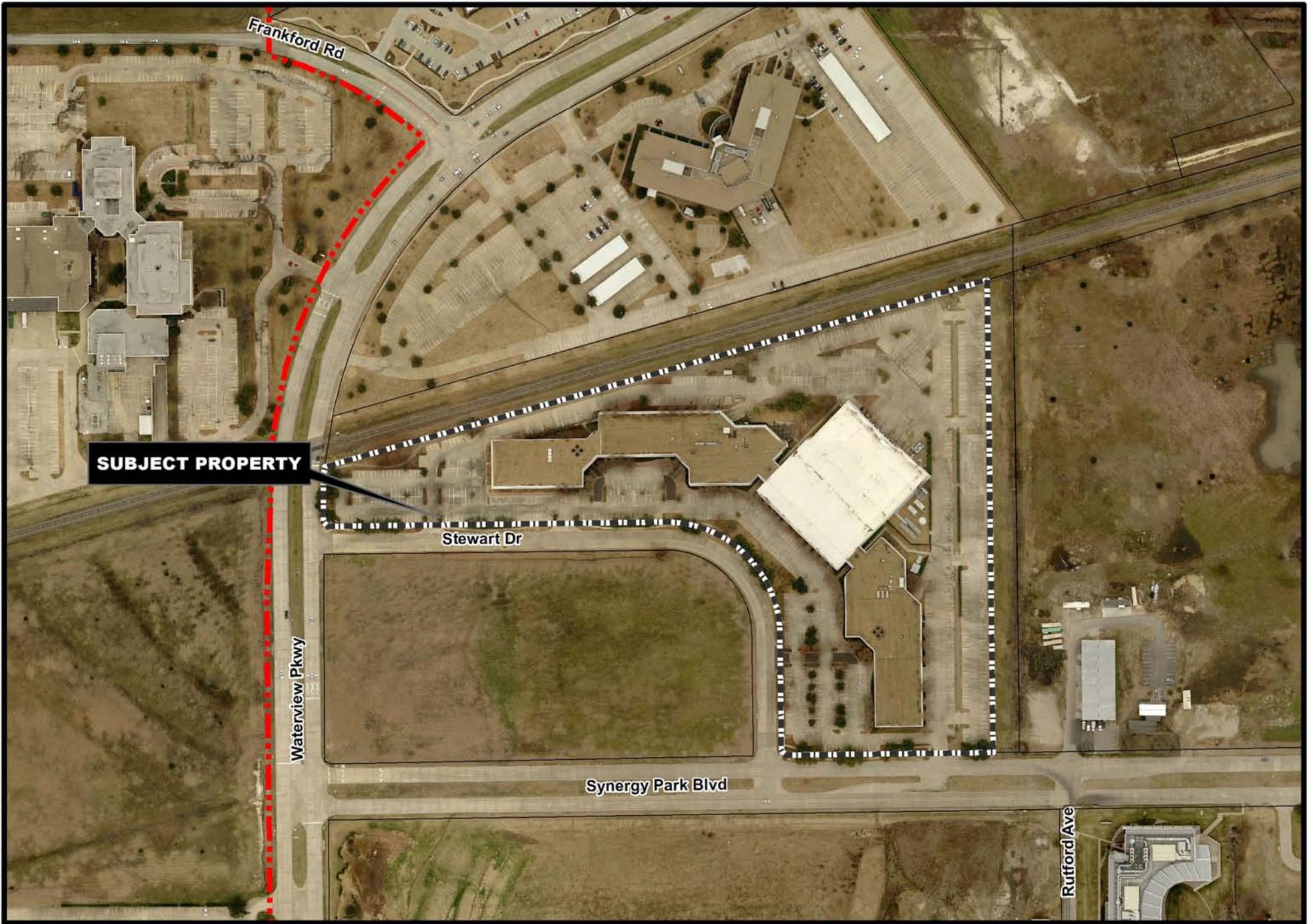
This section of the Subdivision and Development Code states, “For nonresidential uses, all ground level equipment, including fans, vents, air conditioning units, cooling towers, fuel tanks and generators, should be screened from the view of streets and adjoining properties by means of a masonry wall or living screen not less than the height of the tallest element of the equipment.” This language was added to the Subdivision and Development code in 2007.

Since 2007, there have been no requests for a variance from this section of the Subdivision and Development Code.

*VAR 11-04
Article III, Section 21-47(i)
[Screening and Open
Space]:*

This section of the Subdivision and Development Code states, “All trash receptacles shall be screened by a minimum six-foot-high masonry enclosure compatible in color with the main structure.” This language was added to the Subdivision and Development Code in 2001.

Since 2001, two (2) variances have been approved for an alternate screening material other than a masonry wall for a dumpster enclosure. In 2007, Collins Technology Park (1201 N. Bowser Road) was granted a variance to permit the existing site conditions to remain in lieu of the installation of a masonry screening wall for a compactor. The compactor location was adjacent to the existing technical office building and screened from adjacent properties by existing mature trees and shrubs. Last, in 2008, Two Creeks was granted a variance to permit a 6-foot high wooden screening fence in lieu of a masonry screening wall.

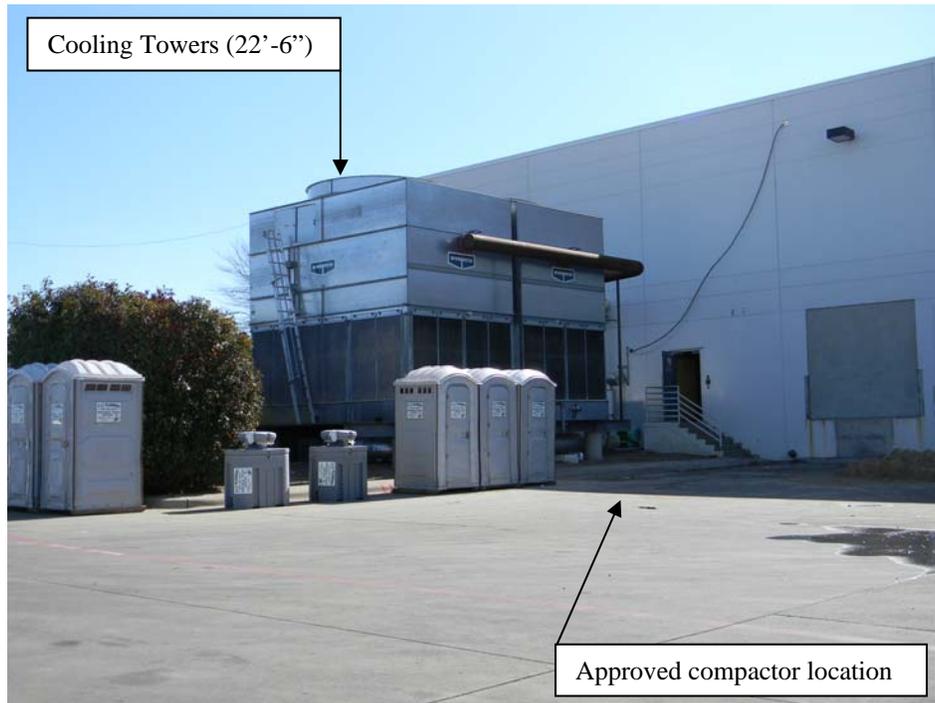


VAR 11-03 and 11-04
3000 Waterview Parkway





View of partially screened utility yard behind Building B



View of cooling towers and approved compactor location



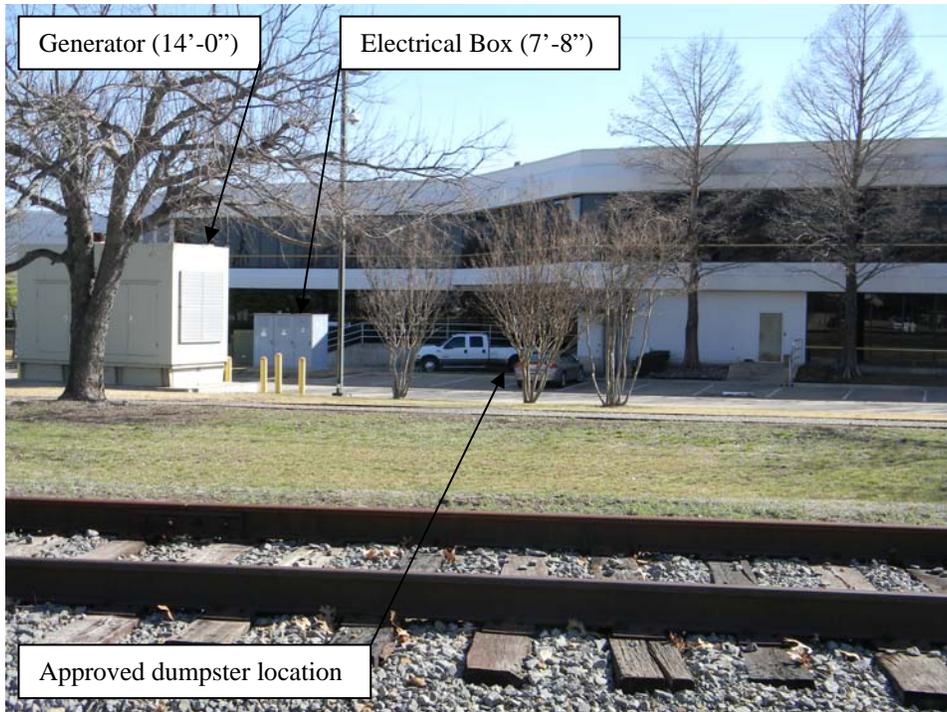
Approved dumpster location

View of approved dumpster location behind Building A



Approved dumpster location

View of approved dumpster location behind Building C



View of Building C from property to the north



View of utility boxes in parking lot behind Building A



**Variance Request VAR-1103 & 11-04
2/24/2011**

Prepared by: Jones Lang LaSalle
On Behalf of Applicant -Viawest, Inc.

Executive Summary:

The applicant is seeking two variance approvals to eliminate the requirement for wholesale replacement or installation of additional visual screening above and beyond that which exists today for previously approved trash receptacle locations and ground mounted equipment, specifically; cooling towers, emergency generators, switchgear, chillers, chilled water storage tank, feeder distribution trays, and Oncor transformers.

The subject property (3000 Waterview Parkway, Richardson, TX, 75080), was originally developed in 1990 and has been modified over the years requiring as many as (5) subsequent site plan approvals by the City, with the latest review and City Administrative approval being requested and granted in 2005.

The City adopted new subdivision and development ordinance in 2007, which put more stringent requirements around visual screening.

Conversion of single occupant building to a multi-tenant building is requiring a separation of the (3) existing office buildings from the existing Data Center Building, which is to be occupied by the Applicant. Code compliant access points were originally shared between buildings and as such, the necessary demising and separation of buildings is driving the need for a 1,200 SF expansion to facilitate installation of a code compliant elevator and entrance.

The 1,200 SF building addition is driving a CPC site plan review & approval. The recently adopted City ordinance taken literally will require significant improvements to the site to facilitate replacement of visual screening.

The requirements suggested by the strict adherence to the ordinances will result in minimal benefits to the visual buffers which presently exist today, yet; will cause a significant cost burden and schedule impact to the applicant.

The applicant; i) intends to use the premises in the same manner as previous occupant, (data center), ii) is not adding or relocating new equipment or trash receptacles, and iii) seeks only for a variance that applies to existing and previously acceptable conditions.

The affected areas requiring new or additional screening per the 2007 ordinance are not visible from public streets and are only visible from the north looking south, (railroad) and from the east looking west, (Oncor easement or vacant land beyond).

Variance Exhibit-A and the following documentation and additional detail below is provided to support this Executive Summary



Existing Site & Buildings Improvements:

The subject 16.019 acre property is located in an Industrial zone and borders active railroad to the north and an Oncor overhead high-voltage distribution easement immediately to the east. Existing structures on the site include (3) 2-story office buildings totaling approximately 220,199 SF, (bldgs A, C & D) and a Data Center Building of 67,825 SF on the ground level and a mezzanine of 19,200 SF, (Bldg B).

A portion of the Data Center Building's mechanical and electrical infrastructure is located outside of the building foot-print in a secured and screened equipment yard tucked in tightly to the west corner of Building B with a larger portion of equipment between Buildings A&B on the southwest side of the property.

Applicable Property Ownership, Use and Occupancy History:

The subject property was originally developed for and operated by Convex Computer Corporation, (a single occupant), for purposes of conducting its administrative functions in the (3) Office buildings and as its data center and technology R&D functions within the Data Center building. Convex was later acquired by Compaq Computer who was later acquired by Hewlett Packard, who occupied and utilized the property for the same purposes through February of 2010. In 1999 the property was sold to iStar Financial Services a real estate investment company who now is offering the property as a multi-tenant leased facility. In November 2010, Viawest, Inc. leased the portion of the property originally developed as and previously operated as Convex Computer Corp's data center. At this time the (3) office buildings are vacant, not under lease and the timing of potential occupancy by a future tenant(s) is unknown.

Planning & Zoning History:

The property was originally developed in 1989/1990. Since the original improvements approximately (5) additional phases requiring P&Z reviews were granted either Administrative or City Planning Commission Approval by the City, the last being approved in 2005.

In 2007, the City of Richardson adopted new Subdivision and Development Code of Ordinances. The property as it exists to date does not meet all of the requirements within the ordinance for screening; Section 21-47(g) ground level equipment and Section 21-47(i) trash receptacles. Note that the subject screening requirements for trash receptacles was first established in a revision of the ordinance in 2001 and re-adopted in 2007.

Purpose and Scope of Work for New Improvements Related to this Application for Variance:

To facilitate conversion of a single occupant facility to a multi-tenant facility, it is necessary to demise and separate the data center space within Building B from Buildings A and C. Existing entrances and elevators within the office Buildings A & C support ADA/TAS accessibility for Building B in their present configuration. Separation of the



buildings will require installation of a new code compliant entrance and elevator for Building B, which requires a 1,200 SF addition and therefore City Planning Commission review and approval.

Viawest Inc's Planned Future Improvements:

Viawest, Inc's long range plan for 3000 Waterview includes supporting significantly more power and related cooling demand than the existing Building B systems are capable of today. Expansion of its offering to 5 Mega Watts of data center power will require increasing electrical capacity and mechanical cooling capacities for the Data Center Building B. This expansion will require adding a new chilled water plant and improved exterior equipment yard on the site. These improvements will not doubt require a second review by the City's Planning Commission for revised site plan. Timing of this planned expansion is not known exactly, however; it is estimated that it could be needed within the next 6 to 24 months depending on customer demand.

On future expansions, Viawest understands if it desires to add ground mounted equipment it will be necessary to meet applicable City ordinances for visual screening in effect at such time, as they apply to ground mounted equipment.

Variance Requests:

VAR 11-03 A & B – Ground Level Equipment Screening –

- A) Miscellaneous scattered ground level equipment – The applicant is seeking a variance approval to eliminate the requirement for a wholesale replacement or installation of additional visual screening above and beyond that which exists today for miscellaneous ground level mechanical equipment.

As illustrated in the attached Variance Exhibit - A, there are (6) pieces of ground level equipment that is not compliant with the literal definition of the 2007 ordinance under Section 21-47(g) for screening because the existing planted materials do not presently extend above the highest point of the equipment. The subject equipment consists of (5) Oncor commercial power transformers of various sizes and one 100kw emergency power generator serving Building A & C.

- In each location, there is existing landscaping intended to provide screening and a visual buffer of the equipment. The existing landscaping does not completely screen the equipment.
- No equipment is being relocated and no additional or new equipment is being installed on the site.
- The equipment is not visible from public streets and is only visible from the north looking south, (railroad) and from the east looking west, (Oncor easement or vacant land beyond).

- B) Data Center Building B Equipment Yard – The applicant is seeking a variance approval to eliminate the requirement for a wholesale replacement or installation of additional visual screening above and beyond that which exists today for



ground level mechanical equipment located within the existing Data Center Equipment Yard.

As illustrated in the attached Variance Exhibit - A, the data center Building B Equipment Yard is located on the west corner of the building with the majority of equipment tucked tightly between Building A and B. The equipment yard does not meet the literal definition of the 2007 ordinance under Section 21-47(g) for screening because the existing planted materials do not presently extend above the highest point of the equipment.

- The portion of the existing equipment yard that is not presently screened by Buildings A & B is mostly surrounded by an existing 12 to 16 ft tall photina hedge, which provides significant screening of equipment. The existing landscaping does not completely screen the equipment.
- The equipment is not visible from public streets and is only visible from the north looking south, (railroad) and from the east looking west, (Oncor easement or vacant land beyond).
- Construction of a 20 ft plus masonry or pre-cast screen wall will provide minimally improved screening and will be very expensive and difficult to achieve without significant site re-work due to proximity of equipment yard and adjoining parking and fire lanes.
- No equipment is being relocated and no additional or new equipment is being installed in the equipment yard or anywhere else on the site.

VAR 11-04 – Trash Receptacle Screening –

The applicant is seeking a variance approval to eliminate the requirement for a wholesale replacement or installation of additional visual screening above and beyond that which exists today for previously approved trash receptacle locations.

As illustrated in the attached Variance Exhibit – A, there are (3) existing and previously approved trash receptacle locations on the site, which are not compliant with the literal interpretation of the 2007 ordinance under Section 21-47(i) screening for trash receptacles. The primary substandard condition is that the existing trash receptacles are not screened by a 6ft or taller masonry screen wall.

- While the existing trash receptacles are not screened by masonry walls, they are however screened by a variety of landscape materials placed for the purpose of screening, which does accomplish providing a reasonable visual buffer.
- The existing approved trash compactor location illustrated on Exhibit A on the west side of Building B, will be located in this location for a short and temporary period due to future expansion of Building B to accommodate a new chilled water plant. When this compactor is relocated as result of the future phase, the new location will comply completely with the then current ordinances in effect
- The existing approved trash receptacles supporting the Office Buildings A, C & D, may need to be relocated when and after to be determined tenants are secured for these now vacant spaces.



viawest



**JONES LANG
LASALLE**

- The existing approved trash receptacle locations are not visible from public streets and are only visible from the north looking south, (railroad) and from the east looking west, (Oncor easement or vacant land beyond).

End...



**NOTICE OF VARIANCE REQUEST
RICHARDSON CITY PLAN COMMISSION**

An application has been received by the City of Richardson for variances to Chapter 21, Subdivision and Development Ordinance.

- VAR No./Name:** VAR 11-03 and 11-04/Data center
- Property Owner:** iStar Financial
- Applicant:** Stephen Aquino, gkkWorks
- Location:** 3000 Waterview Parkway, northeast corner of Waterview Parkway and Stewart Drive
- Request:** Request for approval of two (2) variances from the Subdivision and Development Code:
1. Article III, Section 21-47(g) [*Screening and Open Space*] to allow the screening for existing ground level equipment and utilities to remain in its current condition.
 2. Article III, Section 21-47(i) [*Screening and Open Space*] to allow landscaping in lieu of a 6-foot high masonry screening wall for existing dumpster locations.

The City Plan Commission will consider this application on:

**TUESDAY, MARCH 1, 2011
7:00 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas**

As courtesy, adjacent property owners who may be affected by this request are receiving written notification of this meeting; as such ownership appears on the last approved city tax roll.

PROCESS FOR PUBLIC INPUT: This item is not a public hearing and specific notification is not required by State law.

While all interested persons are invited to attend the meeting, those wanting their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Development Services Department, P.O. Box 830309, Richardson, TX 75083.

The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions or recommend denial. Final approval of this application requires action by the City Council.

AGENDA: The City Plan Commission agenda for this meeting will be posted on the City of Richardson website the Saturday prior to the meeting. For a copy of the agenda, please go to:
<http://www.cor.net/DevelopmentServices.aspx?id=11512>

For additional information, please contact the Department of Development Services at 972-744-4240 and reference this variance number.

Date Posted and Mailed: February 22, 2010

COUSINS PROPERTIES WATERVIEW L
PO BOX 56526
ATLANTA, GA 30343-0526

DALLAS AREA RAPID TRANSIT
1401 PACIFIC AVE
DALLAS, TX 75202-2732

UTD
2601 N FLOYD
RICHARDSON, TX 75080-1407

UNIVERSITY OF TEXAS
PO BOX 830688
RICHARDSON, TX 75083-0688

**VAR 11-03
and 11-04**

VAR 11-03

Subject Property

Notified Properties

City Limits

3000 WATERVIEW PKWY

Stewart Dr

Synergy Park Blvd

Waterview Pkwy

Frankford Rd

Synergy Park Blvd

N Floyd Rd

Rutford Ave

Drive E

**VAR 11-03 Notification Map
3000 Waterview Parkway**

Updated By: mbireima, Update Date: Feb. 21, 2011
File: DSI\mapping\Cases\ZVar\2011\VAR11-03\VAR11-03.mxd



Agenda

Item 6



Staff Report

TO: City Plan Commission

FROM: Monica Heid, Community Projects Manager *MH*

DATE: February 24, 2011

RE: Project Update: West Spring Valley Corridor Reinvestment Study

Phase 1 of the West Spring Valley Corridor Reinvestment Study—Market Analysis and Visioning—was completed in November 2010; Phase 2—Design Guidelines/Ordinance Development—is currently underway. On March 1, staff will present a project update and a very general overview of the new regulations, which will be the subject of public hearings before the City Plan Commission and City Council in April and May of this year.

The property under consideration consists of over 140 tracts of land totaling approximately 188 acres along the southern boundary of Richardson, west of Central Expressway, known as the West Spring Valley Corridor. The property is zoned A-950-M, D-1400-M, R-1500-M, LR-M(1), LR-M(2), C-M, O-M and MU. Existing land uses include apartments, condominiums, duplexes, retail/commercial activities, offices, a motel, institutional activities, utilities and vacant land. The 2009 Comprehensive Plan designates the Corridor as an Enhancement/Redevelopment area worthy of "further study...to understand the full potential for (its) redevelopment..."

In mid-2009, the City of Richardson embarked upon a market study and visioning process which culminated in a final report—the West Spring Valley Corridor Reinvestment Strategy. The report includes an introduction and overview of the Corridor, a summary of the market findings, an analysis of the barriers to investment in the Corridor, a framework plan and an implementation strategy. The vision statement developed by the stakeholders is: "The West Spring Valley Corridor of the future is a place that draws people of all backgrounds and ages with its many quality housing choices, desirable shops and restaurants, attractive natural areas, easy transportation connections and a distinctive people-oriented urban character that connects Richardson's past with its vibrant and sustainable future."

One of the implementation tools in the overall strategy is regulatory reform (revising zoning, subdivision and development codes). Phase 2 of the study is the first, and potentially most important, of the regulatory reform steps. The plan is to create a Planned Development (PD) ordinance that will reflect the goals of the stakeholders articulated in the vision statement and public input sessions. In general, the plan would create mixed use areas on either end of the Corridor and a residential area in the middle. The Corridor would be divided into several sub-districts, each with a specific set of permitted building types and uses. Streetscape standards

would vary based on the adjacent roadway, but all streets would be designed and constructed with an emphasis on pedestrian amenities, such as sidewalks, street trees and street furniture.

In December 2010, a moratorium was imposed on commercial land development in the corridor to allow for the study of existing ordinances and the drafting of any new ordinances necessary to implement the vision. While a great deal has already been accomplished, that work is not complete, and a public hearing to consider extending the moratorium for an additional 90 days is set for February 28. The extension requires a public hearing before the Council only.

The briefing scheduled for March 1 will be a recap of the work to date and a preview of the work yet to come.