

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

July 26, 2010

City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, July 26, 2010 with a quorum of said Council present, to-wit:

Gary Slagel (absent)	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Council member
John Murphy	Council member
Bob Macy	Council member
Steve Mitchell	Council member
Amir Omar	Council member

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller (absent)	Assistant City Manager Development Services
EA Hoppe	Assistant to the City Manager
Pamela Schmidt	City Secretary

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1. **INVOCATION**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
 3. **MINUTES OF THE JULY 12, 2010 MEETING**

ACTION TAKEN: Mr. Mitchell moved approval; second by Mr. Macy and the motion was approved with a 6-0 vote.

4. VISITORS.

Mr. Solomon stated that members of the National Jr. Beta Club from Mark Twain Elementary volunteered many hours to the Richardson Animal Services and conducted a carnival benefiting the Richardson Animal Shelter. Principal Carmen Casamayor-Ryan, Beta Club Co-Sponsors Jamie Lyons and Jen Henderson, Beta Club President Rebecca Watson and Beta Club member Graciela Jimenez presented a check in the amount of \$750 to Mayor Pro Tem Townsend, Mr. Solomon and Jean Felsted, Chair of the Animal Services Commission.

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5. **PUBLIC HEARING, ZONING FILE 10-05: A REQUEST BY RICHARD FERRARA, REPRESENTING CHURCHILL RESIDENTIAL, INC., TO AMEND THE PD PLANNED DEVELOPMENT ZONING AND REQUEST A SPECIAL PERMIT FOR A SENIOR INDEPENDENT LIVING FACILITY WITH SPECIAL CONDITIONS AT THE SOUTHWEST**

CORNER OF RENNER ROAD AND NORTH STAR ROAD. THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.

Mr. Keffler introduced the item noting the request was for a special permit for a senior independent living facility to be located at the southwest corner of North Star Road and Renner Road. It would be a 3-story facility on 5.9 acres consisting of approximately 170 dwelling units with a club house, swimming pool and multiple courtyards. He stated that the Plan Commission recommended approval on July 20, 2010 with a 5-2 vote, with amended conditions. He asked Sam Chavez, Asst. Director of Development Services, to brief the Council.

Mr. Chavez began the presentation stating the property would include deed restrictions that the facility would be for individuals 55 years of age and older and reviewed the Site Plan. He noted there would be a wrought iron fence with a controlled access point for the development. The site includes 221 parking spaces and noted that the special conditions relate to setbacks, building heights, floor area ratio, exterior masonry content, screening wall and the parking ratio. He provided the elevations of the proposed development and the area in question. He stated that the Plan Commission reviewed the case on July 20, 2010 and recommended approval on a vote of 5-2 with a stipulation that a minimum 80% of exterior masonry be required for all structures within the proposed development. The exposed façade would be composed of brick, stone and hardi plank; the hardi plank being the 20% of the exterior material and 80% being brick and stone. He noted that the architecture would be in keeping with the architectural character in the area and concluded the presentation with photos of the site.

Mr. Mitchell asked about the enforcement of deed restrictions. Mr. Chavez advised that because of the funding being received, the property must be deed restricted regarding the age of the residents for a minimum of 30 years. He stated the restrictions would be policed by the Texas Department of Housing and Community Affairs.

Mr. Murphy asked about the wording in the deed restrictions with regard to age and Mr. Chavez stated he would defer to the applicant.

Mayor Pro Tem Townsend opened the public hearing and invited the applicant to address the Council.

Richard Ferrara, 405 N. Waterview, representing the applicant, stated that Ron Walden and Tony Sisk, one of the principals of Churchill Residential, would also be available to answer questions. He asked Mr. Walden to begin the presentation with the history of the property.

Ron Walden, 777 E. 15th Street, Plano, representing the applicant, talked about the various unsuccessful attempts to attract a grocery store to the site noting that initially it was not attractive to a grocer because they would not be allowed to sell beer and wine. He noted the grocery stores that were built in nearby Garland and Murphy make the area unattractive to grocers now, even though they would now be allowed to offer beer and wine. He stated his opinion that the proposed facility would enhance the area and maintain the quality that has been established in the neighborhood.

Mr. Ferrara continued with the presentation stating that the complex is making the commitment to use the same stone and brick material as has been used in the area. He stated the main portion of the building is three stories in height. He noted that the site plan includes two different types of covered detached parking; one would be garages and the other would be carports. He noted that they have agreed to increase the masonry on the garages from 20% to

80% to match the main building. The property will be completely surrounded by wrought-iron fencing, with two limited accesses. The drive that runs parallel to North Star is a mutual access easement that connects all of the different drives from Renner and North Star to all of the other sites within the property. He felt the courtyards seem to create a neighborhood within the complex. He also noted it includes a community garden and a dog park. He stated there were little or no wood products in the complex. He stated that much of the complex will not be visible once retail is developed and noted the trees and living screen that would be incorporated. Mr. Walden talked about Churchill Residential, Inc., stating that they now own and operate 10 senior living complexes like the one being proposed in the DFW area and they have never sold one of their complexes. He addressed the amenities, lifestyle and interior features. Mr. Walden stated that it would not be an assisted living facility. He stated the operator would not provide food, medical care or a rehab facility or halfway house. He stated it would be for active seniors who lead an active lifestyle. He stated that some residents will have vehicles and some would not. He advised that the language in the deed restrictions is directly from the Federal Fair Housing Act. The intent is for 55 years of age and older and the complex does not allow any full time resident children. It would include gated controlled access, multiple courtyards, covered parking, fitness center, as well as swimming pool and spa. A full time resident services coordinator would provide lifestyle choices such as brain fitness, exercise, game schedules, monthly travel and events calendar, a library and access to scheduled group transportation. He felt it would offer a unique opportunity for residents of Richardson as noted in the Council's goals.

Mr. Murphy asked if the management company would rent to those younger than 55 years of age if it can't meet the 80% requirement in the deed restrictions. Mr. Ferrara stated that Churchill's occupancy rates across the board are at 98% for people who qualify per the deed restrictions. Mr. Murphy asked about the roof material and Mr. Ferrara replied that the standing seam metal roof is proposed to be used on the porte-cochere as well as the awnings. He stated that the day cares in the area have composition shingle roofs and felt such roofs were comparable enough to make the proposal compatible.

Mr. Mitchell asked about the amount of outreach made to the neighborhoods in the area. Mr. Ferrara stated he was very disappointed because invitations were mailed to three HOA's in the immediate area and only one person attended. Mr. Walden stated he has had email conversations with the presidents of Sharp Farms and a few other people, but has not received any feedback. In response to Mr. Mitchell's question about notice, Mr. Chavez stated that notice of the CPC meeting was mailed to property owners within 200 feet as provided by State law 10 days prior to the meeting and the City Secretary mailed notice as well 10 days before the City Council meeting.

Mr. Murphy stated that philosophically he has a real problem with increasing apartment dwellings in neighborhood areas. He stated that he does not favor apartments away from transportation oriented development or away from major transportation hubs. He asked about the results of market studies to address why this particular site was appropriate and also voiced concern that things that seniors need are not real close in proximity and asked why the site was selected. Mr. Ferrara felt that the vast majority of the occupants will be widowed women and may not be able to afford apartments in TOD areas. He felt the seniors would generate a low trip count and impact on the current traffic volume. He also noted that it would have zero impact on the school district with the exception of paying taxes. Mr. Walden stated that the market study, which was completed by Integra and included E. Park Boulevard east of Central down to Belt Line Road, showed there were 3,609 seniors in the market place that would qualify.

Tony Sisk, 5605 N. MacArthur #580, Las Colinas, Churchill Residential Project Developer, stated they look for residential settings for their communities and do not look at TOD areas because of costs and felt TOD areas were not appropriate for seniors. With regard to proximity, he felt they could be located anywhere in the city of Richardson because the facility is independent living for seniors.

Mr. Solomon asked Mr. Sisk to address the deed restrictions with regard to the age requirements as well as time requirements. Mr. Sisk stated the Fair Housing laws allow discrimination in favor of seniors in either category and stated he preferred option for age 55. He stated the lease includes statements that no children can live on the property on a permanent basis. He stated that they have substantial financial guarantees tied to the deed restrictions associated with the age requirements and assured the Council that they have every intention of adhering to the restrictions. Mr. Sisk stated they would be willing to maintain the age restriction indefinitely if necessary and have not experienced a problem with keeping the facility full with seniors.

Mr. Mitchell asked about rents, particularly for the one bedroom/one bath unit and Mr. Sisk stated it would average about \$630 and the 2 bed/2bath would average \$760. He stated there are limits on what can be charged and it is adjusted annually.

Mr. Omar asked if the other properties were similarly priced and Mr. Sisk replied affirmatively, and stated that the rent and the administration were the driving forces for the occupancy. Mr. Sisk felt the facility would have very little impact on the other senior housing in the city. He noted that the comparable for Churchill Residential that was reflected in the market study was The Bristol at Buckingham with their rent being a little over \$900 per month average. Mr. Murphy noted that the El Dorado was approaching \$1,200 per month and Mr. Sisk noted the El Dorado was a full service facility and was a different product from Churchill. Mr. Omar asked if the study reflected the amount of senior housing that could be tolerated and Mr. Sisk stated the market study reflects 3,609 people east of Central and north of Belt Line that would qualify for the property. The primary market area was the city of Richardson and the primary factor is existing seniors although another factor is the possibility of people moving to Richardson.

Mr. Murphy asked about the choice of a composition roof rather than a standing seam metal roof and Mr. Sisk stated the composition roof is primarily what is put on residential housing and they would prefer to stay with the composition roof. With regard to the market boundary, Mr. Sisk stated it included 100,000 people in the base but did include small portions of the cities of Garland and Plano. Mr. Townsend asked about the rents in other Churchill properties and Mr. Sisk stated it was similar to the amount proposed for Richardson. He also underscored that it is very important to seniors that the complex be for seniors and not include children.

Mr. Sisk stated the average age is 75 and would agree to a 62 years of age requirement if necessary but would prefer to have the option. Mr. Keffler asked Mr. Chavez to clarify the requirements of the PD with regard to further Council review. Mr. Chavez stated it would be reviewed by the City Plan Commission only and Council would only see it as an informational item. With regard to the style of roof, Mr. Chavez explained that the composition roof was appropriate because they were trying to maintain the residential character of the area.

Dennis Stewart, 5616 McKinley Lane, Richardson, spoke against the proposal due to the amount of density in the area and felt there was a better use for the area such as a shopping village with boutique shops. He urged the Council to deny the request with prejudice.

Randy Roland, 3303 Grantham Drive, representing WyndSOR Estates, voiced a concern about building more apartments in the area. He felt it was not in the best interest of Richardson. He reminded Council that the Building & Standards Commission reviews cases where apartment complexes have outlived their usefulness in the City. He asked the item be denied because he felt it was a wrong mix for the area.

Mayor Pro Tem Townsend offered the applicant time for rebuttal. Mr. Ferrara stated the site has been a problem for a number of reasons and felt the project was right for the area. He underscored that it would only be 170 units.

Mr. Murphy moved to close the public hearing; second by Mr. Mitchell. The motion was approved with a 6-0 vote.

Mr. Murphy stated he has struggled with the request because he does not feel it is appropriate for the area. He stated it would do no harm but also would do no good. He felt retail is viable for the site. He felt that the proposed facility would not advance the area. Mr. Omar felt there was more demand than supply for the product in Richardson and would be in favor of the development. Mr. Solomon stated he has reviewed the proposal from various angles, felt the impact to the area would be minimal, felt there is need, and therefore he was leaning in favor. Mr. Mitchell felt it was a great product at the wrong location. He felt the long term sustainability was not good, felt the density was a concern, was concerned about the lack of adjacent retail, and would not be in favor. Mr. Macy felt the applicant would not have made the proposal if it could not succeed; felt the codes and standards had been improved sufficiently to not allow apartments to deteriorate as they have in and around the Spring Valley area, and stated he was in favor of the proposal. Mr. Townsend stated he had some concerns because it was not adjacent to grocery stores and retail, was concerned about the rent structure, felt the product was needed, but was not sure this was the right location.

ACTION TAKEN: Mr. Murphy moved for denial of ZF 10-05 with prejudice; second by Mr. Mitchell; the vote was cast 2-4, Mr. Murphy and Mr. Mitchell in favor and Mr. Macy, Mr. Omar, Mr. Solomon and Mr. Townsend opposed. Motion failed.

Mr. Macy moved to approve; second by Mr. Solomon and the vote was cast 4-2 in favor of the motion with Mr. Solomon, Mr. Omar, Mr. Macy and Mr. Townsend in favor and Mr. Murphy and Mr. Mitchell opposed. Motion approved.

6. PUBLIC HEARING, ZONING FILE 10-08: A REQUEST BY CLEO GROUNDS, REPRESENTING DART, FOR A SPECIAL PERMIT TO ALLOW A 195-FOOT MONOPOLE AND ANTENNAS FOR A DART RADIO COMMUNICATIONS TOWER ON THE EAST SIDE OF INTERURBAN STREET, WEST OF THE DART LIGHT RAIL AND NORTH OF DAVIS STREET. THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL.

Mr. Keffler introduced the item noting it was a request for a 195 ft. freestanding radio antenna by DART to enhance their radio communications throughout the DART service area. He noted that DART evaluated a number of different alternatives but felt the location proposed was the best site. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request was for a special permit for a 195 ft. freestanding monopole communications tower. He stated that the tower was a monopole 180 ft. in height with 15 ft. antennas on top of the tower. He noted that the City Plan Commission recommended that the

entire site be screened by a living screen and the site plan reflects the recommendation. The chain link fence would be extended around the facility for security purposes. The City Plan Commission recommended approval of the application.

Mr. Omar asked about the condition of the living screen and Mr. Chavez advised that he believed there had been some overspray of herbicide causing the problem, but that it would be corrected by DART. Shrubs would be planted within the enclosed area and he noted that the site is irrigated.

Mayor Pro Tem Townsend opened the public hearing and invited the applicant to the podium.

Mike Hubbell, 1401 Pacific Avenue, Dallas, Vice President of Maintenance for DART, advised that DART was in the midst of replacing its two aging radio communication systems, which are in excess of 25 years old. He stated the \$45M project would replace the radios on nearly 1800 vehicles and provide portables to nearly 1000 DART team members while substantially improving the ability to effectively communicate with operators, police and other field personnel. Improvements in areas of coverage and system redundancy were two major elements of the development of the system replacement and through an analysis of the service area, three additional transmission towers were determined to be needed. One was identified in the city of Carrollton, one in the Pleasant Grove area of the city of Dallas and one in the city of Richardson. He advised that they have reviewed other sites that would be suitable, but none were more technically suited or allow for economical construction. He advised that approval of the special permit would allow DART to construct the tower designed to sustain wind speeds of a minimum of 90 miles per hour. He stated that DART is prepared to add additional landscape as recommended by the Commission but had concerns about crime prevention along the eastern fence line and requested permission to work with staff to mitigate the concerns. He further stated that the existing screen was inadvertently killed but they would be replacing the living screen within the next two weeks and respectfully requested approval.

Discussion was held regarding the living screen, the concern with the image of the city of Richardson, and security concerns.

Mr. Mitchell moved to close the public hearing; second by Mr. Solomon and the motion was approved with a 6-0 vote.

ACTION TAKEN: Mr. Macy moved approval; second by Mr. Solomon and the motion was approved with a 6-0 vote.

7. VARIANCE 10-03 CHASE BANK: A REQUEST FOR APPROVAL OF A VARIANCE FROM ARTICLE III, SECTION 21-52(i)(2)(a), OFF-STREET PARKING, OF CHAPTER 21 OF THE CITY OF RICHARDSON CODE OF ORDINANCES TO ALLOW A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FOR AN EXISTING CHASE BANK OFFICE BUILDING LOCATED AT THE NORTHEAST CORNER OF BELT LINE ROAD AND COIT ROAD.

Mr. Keffler explained that the proposal was to construct a new drive-thru ATM facility on the south side of the building and requires removal of seven parking spaces. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the variance request was to reduce the required number of parking spaces by seven. The applicant provided a parking study of the site, which staff verified through an on-site analysis at specific periods of time on a specific day. He advised that the maximum number of parking spaces utilized during the study was 28. The Plan Commission recommended approval of the request with a unanimous vote.

ACTION TAKEN: Mr. Murphy moved approval of the variance request 10-03; second by Mr. Macy and the motion was approved with a 6-0 vote.

8. PUBLIC HEARING AND CONSIDER APPROVING ORDINANCE NO. 3779, TO CONTINUE THE JUVENILE CURFEW ORDINANCE, SECTION 13-122 OF THE CODE OF ORDINANCES.

Mr. Keffler noted that State law requires a review and renewal of the curfew ordinance every three years. He noted that the ordinance has been in place since July 1994 with the multiple required renewals.

Mayor Pro Tem Townsend opened the public hearing and there were no speakers in favor or in opposition to the request.

Mr. Mitchell moved to close the public hearing; second by Mr. Solomon and the motion was approved with a unanimous vote.

ACTION TAKEN: Mr. Murphy moved to approve Ordinance No. 3779; second by Mr. Macy and the motion was approved with a unanimous vote.

ALL ITEMS LISTED UNDER ITEM 9 OF THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSIONS OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY:

9. CONSENT AGENDA:

ACTION TAKEN: Mr. Mr. Solomon; second by Mr. Omar and the motion was approved with a 6-0 vote.

A. Receive from the City Plan Commission:

1. Amending Plat for Lot 2B, Block 1, S.C.I. Addition.
2. Replat of Lot 2D, Block 2, University Village No. 2 Addition.

B. Approve advertisement of the following bids:

1. Bid #50-10 – Richardson Woman’s Club parking lot repaving. Bids to be received by Tuesday, August 24, 2010 at 2:00 p.m.

2. Bid #52-10 – 2010 Sidewalk Repair Program Phase I. Bids to be received by Wednesday, August 11, 2010 at 2:00 p.m.

C. Award of the following bids:

1. Bid #53-10 – authorization to issue a Co-op Purchase Order to Sam Pack's Five Star Ford for two (2) dump trucks for the street department and one (1) platform body truck for the Parks Department in the amount of \$223,389.98 through the State of Texas procurement and support services.
2. Bid #54-10 – authorization to issue a Co-op Purchase Order to Sam Pack's Five Star Ford for three (3) 2010 Ford Hybrid escape vehicles for Solid Waste and Water Utilities Departments in the amount of \$82,953 through the Tarrant County Cooperative Purchasing Program.

Mayor Pro Tem Townsend adjourned the meeting at 9:37 p.m.



MAYOR

ATTEST:


CITY SECRETARY