

RICHARDSON CITY COUNCIL
JUNE 11, 2012
7:30 P.M.
CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX

1. **INVOCATION – STEVE MITCHELL**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – STEVE MITCHELL**
 3. **MINUTES OF THE MAY 14, 2012 AND MAY 21, 2012 MEETINGS**
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4. VISITORS. (THE CITY COUNCIL INVITES CITIZENS TO ADDRESS THE COUNCIL ON ANY TOPIC NOT ALREADY SCHEDULED FOR PUBLIC HEARING. PRIOR TO THE MEETING, PLEASE COMPLETE A “CITY COUNCIL APPEARANCE CARD” AND PRESENT IT TO THE CITY SECRETARY. THE TIME LIMIT IS FIVE MINUTES PER SPEAKER.)
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5. CONSIDER APPOINTMENT TO THE ENVIRONMENTAL ADVISORY COMMISSION.

ACTION TAKEN:

PUBLIC HEARING ITEMS:

6. PUBLIC HEARING, ZONING FILE 11-24: A REQUEST BY KENNETH R. SMITH, REPRESENTING HEATH ASSET MANAGEMENT, LP, FOR A SPECIAL PERMIT FOR A SELF-SERVICE WAREHOUSE WITH MODIFIED DEVELOPMENT STANDARDS AT 906 N. BOWSER ROAD (SOUTHEAST CORNER OF BOWSER ROAD & ALPHA DRIVE). THE PROPERTY IS CURRENTLY ZONED I-FP(2) INDUSTRIAL.

ACTION TAKEN:

7. PUBLIC HEARING, ZONING FILE 12-05: A REQUEST BY DARRYL M. BURMAN, REPRESENTING GROUP 1 REALTY, INC., FOR A SPECIAL PERMIT WITH SPECIAL CONDITIONS FOR A MOTOR VEHICLE REPAIR SHOP – MAJOR TO BE LOCATED AT 1700 GATEWAY BOULEVARD WHICH IS TO BE USED IN CONJUNCTION WITH THE EXISTING COURTESY NISSAN DEALERSHIP LOCATED AT 1777 N CENTRAL EXPRESSWAY. THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.

ACTION TAKEN:

ALL ITEMS LISTED UNDER ITEM 8 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:

8. CONSENT AGENDA:
 - A. CONSIDER ORDINANCE 3869, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING FROM C-M COMMERCIAL WITH SPECIAL CONDITIONS TO PD PLANNED DEVELOPMENT FOR C-M COMMERCIAL WITH AMENDED DEVELOPMENT STANDARDS FOR A PROPERTY LOCATED AT THE SOUTHWEST CORNER OF U.S. HIGHWAY 75 AND BELT LINE RD.

B. CONSIDER THE FOLLOWING RESOLUTIONS:

1. RESOLUTION NO. 12-09, REAPPOINTING GARY A. SLAGEL TO THE AGGREGATED POSITION OF REPRESENTATIVE TO THE DALLAS AREA RAPID TRANSIT AUTHORITY ("DART") BOARD OF DIRECTORS, WHICH FRACTIONAL ALLOCATION MEMBERSHIP IS SHARED WITH THE CITY OF UNIVERSITY PARK AND THE TOWNS OF ADDISON AND HIGHLAND PARK.
2. RESOLUTION NO. 12-10, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL.
3. RESOLUTION NO. 12-11, NAMING THE BALL FIELD COMPLEX IN BRECKINRIDGE PARK THE "KEFFLER BALLPARK".

C. CONSIDER AWARD OF BID #44-12 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL MAINTENANCE CONTRACT TO SYNETRA, INC., FOR THE COOPERATIVE RENEWAL OF THE CISCO IRONPORT NETWORK SECURITY APPLIANCE MAINTENANCE THROUGH THE DEPARTMENT OF INFORMATION RESOURCES CONTRACT #DIR-SDD-1385 IN THE AMOUNT OF \$51,877.20.

D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO PURCHASE ORDER NO. 120797 TO CAMINO CONSTRUCTION, LP FOR THE STREET REHABILITATION PHASE III PROJECT (MELROSE/MEADOW VIEW COURT) IN THE AMOUNT OF \$57,297.

THE RICHARDSON CITY COUNCIL WILL MEET AT 5:30 P.M. ON MONDAY, JUNE 11, 2012, IN THE RICHARDSON ROOM OF THE CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TEXAS. AS AUTHORIZED BY SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE, THIS MEETING MAY BE CONVENED INTO CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF SEEKING CONFIDENTIAL LEGAL ADVICE FROM THE CITY ATTORNEY ON ANY AGENDA ITEM LISTED HEREIN. THIS BUILDING 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 VIA TDD OR CALL 1-800-735-2989 TO REACH 972-744-4000.

WORK SESSION – 6:00 P.M.:

- Call to Order
- A. Review and Discuss Items Listed on the City Council Meeting Agenda
- B. Review and Discuss the New Park on Weatherred Drive
- C. Review and Discuss the City Council District Boundary Realignment
- D. Report on Items of Community Interest

EXECUTIVE SESSION

- In compliance with Section 551.074 of the Texas Government Code, Council will convene into a closed session to discuss the following:
 - Personnel

- Boards and Commissions
 - City Plan Commission
- Council will reconvene into open session, and take action, if any, on matters discussed in executive session.

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL ON FRIDAY, JUNE 8, 2012, BY 5:00 P.M.

DEPUTY CITY SECRETARY

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
May 14, 2012
City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, May 14, 2012 with a quorum of said Council present, to-wit:

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

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Vickie Schmid	Deputy City Secretary
Greg Sowell	Director of Communications
Michael Spicer	Director of Development Services
Don Magnier	Director of Community Services
Gary Beane	Budget Officer
Michael Massey	Director of Parks & Recreation
Geoff Fairchild	Community Events Manager
Geoff Wright	Director of Convention & Visitors Bureau

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- 1. INVOCATION – KENDAL HARTLEY**
 - 2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – JERRY BARRICK, LAKE HIGHLANDS TROOP 890 OF LAKE HIGHLANDS UNITED METHODIST CHURCH**
 - 3. MINUTES OF THE APRIL 23, 2012 AND MAY 7, 2012 MEETINGS**

ACTION TAKEN: Mr. Omar moved approval of the minutes as presented; second by Mr. Hartley and the motion was approved with a unanimous vote.

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- 4. VISITORS.** (The City Council invites citizens to address the Council on any topic not already scheduled for Public Hearing. Prior to the meeting, please complete a "City Council Appearance Card" and present it to the City Secretary. The time limit is five minutes per speaker.)

None.

5. **CONSIDER APPOINTMENTS TO THE ARTS COMMISSION, ANIMAL SERVICES ADVISORY COMMISSION, CIVIL SERVICE BOARD, LIBRARY BOARD, NORTH TEXAS MUNICIPAL WATER DISTRICT, AND ZONING BOARD OF ADJUSTMENT/BUILDING & STANDARDS COMMISSION.**

ACTION TAKEN: Mr. Solomon moved approval of the following appointments and reappointments; second by Mr. Omar and the motion was approved with a unanimous vote.

Arts Commission

Reappoint Abby Kratz (Dist 4), Chair– term expiring January 31, 2014;
Reappoint Richard Luttrell (Dist 4), Vice Chair– term expiring January 31, 2014;
Reappoint Betty Peck (Dist 2) – term expiring January 31, 2014;
Appoint Curtis Dorian (Dist 1) – term expiring January 31, 2014.

Animal Services Advisory Commission

Reappoint Dana Huffman (Dist 2) (*citizen*) - term expiring March 31, 2014;
Reappoint Paula Carlson (Dist 2) (*citizen*) – term expiring March 31, 2014;
Reappoint Elise Bissell (Dist 4) (*citizen*) – term expiring March 31, 2014.

Civil Service Board/Appeals Board

Appoint Keith Hileman (Dist 1), Vice Chair– term expiring August 31, 2013;
Appoint David Stephan (Dist 2) – term expiring August 31, 2014.

Library Board

Appoint Charles Gillis (Dist 1) – to an unexpired term expiring January 1, 2014.

NTMWD

Reappoint Ken Bell (Dist 4) – term expiring May 31, 2014.

Zoning Board of Adjustments/Building & Standards Commission

Appoint Mike Walker (Dist 3) – Chair – term expiring April 1, 2013;
Appoint Will Kidd (Dist 4) – Vice Chair – term expiring April 1, 2013;
Reappoint Larry Menke (Dist 1) – term expiring April 1, 2014;
Reappoint Chip Pratt III (Dist 4) – term expiring April 1, 2014;
Reappoint John Veatch, (Dist 1) Odd Year Alternate – term expiring April 1, 2014;
Appoint Paul Voelker (Dist 2) – to an unexpired term expiring April 1, 2014.

PUBLIC HEARING ITEMS:

6. **PUBLIC HEARING, ZONING FILE 12-06: A REQUEST BY TYLER ISBELL, REPRESENTING HARTMAN RICHARDSON HEIGHTS PROPERTIES, LLC, FOR A CHANGE IN ZONING FROM C-M COMMERCIAL WITH SPECIAL CONDITIONS TO PD PLANNED DEVELOPMENT TO ACCOMMODATE THE CONSTRUCTION OF A MOVIE THEATER ON A PROPERTY LOCATED AT 100 S. CENTRAL EXPRESSWAY. THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.**

Mr. Keffler noted that the City Plan Commission unanimously approved Zoning File 12-06, exclusive of the building elevations, on May 1 and stated that the applicant had provided new elevations in response to the Plan Commission's comments. He asked Michael Spicer to brief the Council.

Mr. Spicer explained that the subject property was a 17-acre site at the southwest corner of Belt Line and US75 frontage road, in the Richardson Heights Shopping Center, with Commercial uses to the north, Central Expressway to the east, and Residential to the south and west. He noted that the proposed movie theater would occupy approximately 35,350 square feet of the existing building. The applicant's request included a reduced setback of 35' (20' building setback + 15' alley easement); 14% reduction in required parking spaces for the overall site; increased building height to allow for a 35' roof height and up to 63' for signage (the current parapet height is 48'); and a custom sign package unique to the Alamo Drafthouse movie theater that includes a pole sign along the frontage road with an electronic board announcing movies. Mr. Spicer advised that Movie Theater use is allowed under Commercial and Planned Development Districts by right. He advised that the plan indicates seven theaters with seating from 50 to over 200, resulting in a total of 744 seats for the entire complex. Mr. Spicer stated that the applicant provided revised building elevations reflecting a mid-century modern architecture in response to comments received from the Plan Commission. He stated that proposed exterior materials include painted tilt-wall concrete panels, stone veneer, stucco, and metal panels. Mr. Spicer reiterated that the City Plan Commission unanimously approved the request as presented with the exception of the original elevation drawings; he stated that one letter in opposition was received and that nine people spoke at the Plan Commission public hearing in favor of the request, two in opposition.

In response to Mr. Mitchell's question, Mr. Spicer stated that staff was not prepared to require any specific traffic mitigation measures at this time, such as closing Devonshire to shopping center traffic; however, staff would monitor traffic and parking closely and would address any issues that might arise. He also noted that the proposed movie theater use complimented other shopping center uses with regard to peak parking demands. Mr. Mitchell suggested tying the revised elevations and signage to this applicant and this project.

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

Frank Bullock, Managing Partner of SRS Real Estate Partners, 3620 Bryn Mawr, Dallas, stated that Hartman Real Estate Development Trust hired SRS to reposition the Richardson Heights Shopping Center long term for the good of the City, the citizens, and the shopping center. He stated that his associate Tyler Isbell had worked with Alamo Drafthouse for the past eight months on a lease document which is now ready for execution pending the outcome of the public hearing. He thanked staff for being cooperative and for their interest in making the project work.

Bill DiGaetano, Alamo Drafthouse, 3913 Woodstock Drive, Colleyville, expressed his excitement for this project and his thanks to the community for their support. Mr. DiGaetano stated that the things that make Alamo Drafthouse unique include no advertisements before movies, custom pre-shows (i.e. blooper reels, famous movie moments), no unaccompanied minors, strict no talking/no texting rules, and culinary trained chefs. He said the revised elevations are more in keeping with the neighborhood, offering a mid-century modern design, along with matching colored stone to complement the existing center.

In response to Mr. Omar's question, Mr. DiGaetano stated he would like to partner with the community on current festivals and anticipates bringing film festivals, movies in the park, and foreign/international films to this location. Mr. DiGaetano advised that the proposed signage allows for a small marquee sign showing four digitally projected movie stills, changing every 6-8 seconds. In response to Mr. Mitchell, he was unsure at this time if some of the elements would be metal or aluminum, but he would like the architectural elements to have a futuristic edge. In

response to Mr. Solomon's question regarding outdoor seating, Mr. DiGaetano stated that he might consider an outdoor theater later depending on parking demands.

Andrew Laska, 502 Hyde Park, President of the Richardson Heights Neighborhood Association, thanked Mr. DiGaetano for working with the Association and stated they were in favor of the request. Mr. Laska felt Alamo Drafthouse would help to revitalize the area and serve as a catalyst project. He noted that parking was a concern, but felt the issue was solvable with the applicant's willingness to work with staff. Mr. Laska also indicated support of the proposed signage. He asked Council to approve the request.

Farah White, 3902 Elm Street, Dallas, stated she was a professional actor/producer and felt the Alamo Theater would be beneficial and important for Richardson. She noted that the Richardson Heights Shopping Center was in a unique position to draw people from a number of surrounding cities to a cutting edge theater such as Alamo Drafthouse. Ms. White stated that signage was important to any business and that Alamo's signage was quite unique and attractive. She congratulated Richardson on attracting such a great icon as Alamo Drafthouse to the City.

Michael Cain, 5642 Dyer Street, Dallas, co-founder of the Dallas Film Society and sponsor of the annual Dallas Film Festival, said he was happy to support Alamo Drafthouse and felt it would be good for the City. He said there was a strong independent film movement coming from Richardson, which would benefit from Alamo Drafthouse's experience in promoting film festivals and hosting premieres. Mr. Cain urged the Council to give Alamo every tool possible to make it a successful business, including the proposed signage. He felt that film makers, distribution houses, and exhibitors would look to the Alamo Drafthouse in Richardson as a strong venue.

Reid Robinson, 600 Nottingham Drive, stated that as a radio and film professional, he was excited to see Alamo Drafthouse come to Richardson. He felt the applicant had taken a lot of care to blend into the neighborhood. Mr. Robinson also felt Alamo would be great for the community and the City.

Marian Main/Shirley Stroud, 201 S. Lindale Lane, stated that their home was directly behind the center and were concerned about traffic, but were in favor of the request.

Chip Pratt, 2700 W. Prairie Creek, representing the Canyon Creek Homeowners Association, stated that they supported Richardson Heights N.A. and supported the request. He felt that a key project like Alamo Drafthouse would not only benefit Richardson Heights, but would benefit the City as a whole. Mr. Pratt also felt this project would send a strong message to the development community that Richardson is interested in quality development.

Janet DePuy, 633 Parkview Lane, representing Heights Park N.A., stated that the recently opened QT Station was a catalyst project which revitalized the area and felt that Alamo Drafthouse would bring the same high quality development to the shopping center. She felt that neighboring property owners were a mix of original owners and young professionals with disposable income and sophisticated shopping habits who want and deserve a quality shopping/dining/entertainment experience. Ms. DePuy urged Council to approve the request.

Kateryna Gaponenko, 205 S. Lindale, expressed concern regarding trash/garbage disposal and the possibility of intoxicated people driving through their neighborhood after the movie. Ms. Gaponenko provided pictures of problems experienced when Pep Boys occupied the property.

Jessica Oram, 600 Sherwood Drive, said she was in favor of this project. She advised that, while living in Austin, she used Alamo Draffhouse for a business event and had a positive experience. She expressed concern with traffic from the theater traveling through the neighborhood, but stated that she was in favor of Alamo Draffhouse coming to Richardson.

David Knepper, 101 Shadywood Lane, reiterated the concerns regarding traffic along Devonshire and said he was happy to see Alamo come here.

Richard Dotson, 733 Nottingham, stated that Richardson is uniquely situated at the heart of Dallas and Collin County expansion. He said Central Expressway used to be a way to get to the cool things to do in Dallas; once Alamo Draffhouse is built, Central Expressway will become a way to get to the cool things to do in Richardson. He challenged the Council to dare to dream big.

Christina Stock, 819 Sherwood Drive, stated she had lived in Richardson for four years and that she and her husband represented the demographics that the City of Richardson is trying to attract – young computer and creative professionals. She said the Alamo Draffhouse had statewide recognition and a great reputation and Alamo was one of the things she missed most about living near Austin. Ms. Stock felt that Alamo Draffhouse would become a place where UTD students and vibrant young families could feel at home.

James Nelms, 205 S. Weatherred, was in favor of Alamo Draffhouse, but expressed concern about parking for the remaining center once it begins to redevelop.

Homer Alexander, Jeran Alexander, Pam Baustian, Cheryl Blackwell, Becky Chaez, Marlys Damman, Kevin, de Miranda, Michele de Miranda, Randy Deeds, Sonja Deeds, Ricki Elkinton, Larry Epperson, Mary L. Esparza, Ralph Esparza, Russell Fincher, Jan Galloway, John Galloway, David Gipson, Sarah Gipson, Brian Golden, Kitty Goddard, Melissa Gorman, Sandy Hanne, Destiny Herndon-DeLaRosa Laura Hill, Sandra Hoffer, Jeanice Janes, Paul Johnson, Sarah Johnson, Suzanne Kirklin, Maria Loftin, Mike, McCrea, Pam McCrea, Sharon McTaggart, Deborah Neuts, Daniel Reed, Tania Reed, David Reingold, Jo Reingold, Christopher Roberts, Diane Simmons, Mack Simpson, Beatriz Soares, Kelly Sons, Jennifer Steele, Bruce Turner, Candace Wallner, Cary Welch, Kent Whitefield, and Pamela Wren were in favor of the request but did not wish to speak.

Ramona Powers, 303 S. Lindale Lane, said she was a fan of international/foreign films and was in favor of Alamo, but expressed concern about light from the signs bleeding into her residential neighborhood, the possibility of increased litter, and the use of Devonshire to exit the theater property through the neighborhood. In response to Ms. Powers question, Mr. Spicer indicated that the 50' pole sign would be located along US75 and would utilize LED lights. She noted that the proposed Alamo sign was closer to her home than the AutoFlex sign which caused lighting problems in the past. She also noted concern regarding additional noise from the movie theater site.

Beverly Whittington, 304 S. Lindale, stated she had been a Richardson resident since 1965, lived directly behind the proposed movie theater, and was opposed to the request. She stated that she would like to see a brick wall between the residential neighborhood and the proposed theater and Devonshire closed to theater traffic. She also felt that a theater use would bring to many people to this small area. Ms. Whittington agreed that lighting would be problem and that parking may become a problem for the other tenants of the shopping center. She asked Council to think about the people who live along Lindale when they make their decision.

Helen M. Connelly, Norma Madrid and Belle Vestal were in opposition but did not wish to speak.

Mr. DiGaetano responded to comments made stating that the dumpster is anticipated at the south end of the property, between the buildings, and would be locked at all times; he added that the dumpster could be fenced if needed. He stated that down lighting could be utilized along the fence and low lighting under the building eaves to mitigate lighting issues. Mr. DiGaetano stated that most traffic is anticipated to access the site from Belt Line and the US75 frontage road. He also advised that “last call” occurs approximately 45 minutes before the show time ends and two drinks per person was typical for movie-goers. Mr. DiGaetano felt the use of LED lighting and the height of the building would shield the neighborhood from most of the light from the pole sign. He also noted that a traffic study was prepared for the site assuming that all spaces were occupied as currently zoned and the study determined that 910 spaces would adequately serve the site.

Mr. Tyler Isbell, 4219 Somerville Ave., Dallas, stated that it was Sue Walker with the Richardson Chamber of Commerce who first suggested contacting Alamo Drafthouse and the last eight months has been a great team effort resulting in tonight’s proposal. Mr. Isbell stated that the parking study currently indicates 988 spaces available and 910 spaces needed for the shopping center at full occupancy. He said he was happy to partner with Alamo and he was excited to work with the City and existing retailers.

Ms. Maczka made a motion to close the Public Hearing; second by Mr. Dunn and the motion was approved with a unanimous vote.

Mr. Omar felt Alamo Drafthouse would appeal to younger residents and provide an intense focus on the arts; he said he was in favor of the request. Mr. Solomon felt that this was a great arts and entertainment opportunity and that the concerns expressed regarding lighting, traffic, and trash could be addressed by close monitoring by staff. Mr. Mitchell felt this development would be a great catalyst for redevelopment of the area and an exciting project for the City. Mr. Mitchell stated that he favored the signature signage proposed by the applicant. Mr. Dunn requested that staff look into the traffic and sanitation issues on Devonshire; and felt signature signage was appropriate, but questioned the use of LED lights. He stated he would support the request. Mr. Hartley also felt that issues concerning trash could be addressed by staff monitoring the area and by locking the dumpster as suggested by Mr. DiGaetano. Mr. Hartley stated he was in support of the request. Ms. Maczka agreed with the applicant that this project will reposition this asset. She concurred with her peers that staff needs to stay on top of any traffic, trash and lighting issues that arise and noted that once the project develops the undesirable elements may go away. Ms. Maczka quoted a friend, saying: “This project will add a measure of the hip and modern culture that I believe we have been striving to move toward in our City’s image while preserving our historical roots”.

ACTION TAKEN: Ms. Maczka moved approval of ZF 12-06; second by Mr. Dunn. Mr. Solomon requested that the motion be amended to tie the sign specifications and building elevations to this case. Ms. Maczka agreed to amend the motion; Mr. Dunn seconded the motion as amended and the motion was approved with a unanimous vote.

ALL ITEMS LISTED UNDER ITEM 8 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:

7. CONSENT AGENDA:

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

A. Consider the following ordinances:

1. Ordinance No. 3866, amending the Comprehensive Zoning Ordinance and Zoning Map to amend the Planned Development District for Townhome Development, Ordinance No. 3505, by allowing a reduced minimum lot area on eight (8) lots, allowing one (1) 7-unit townhome building and approval of building elevations for the 8.76-acres zoned PD Planned Development located on the north side of Lake Park Way, east of Coit Road.
2. Ordinance No. 3867, amending the Code of Ordinances by amending Section 23-98 to establish rates to be charged for Water Services furnished by the City.
3. Ordinance No. 3868, amending the Code of Ordinances by amending Section 23-168 to establish rates to be charged for Sewer Services furnished by the City.

B. Consider the following resolutions:

1. Resolution No. 12-05, approving the terms and conditions of the 2012 Byrne Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement; and authorizing the City Manager to execute said agreement.
2. Resolution No. 12-06, appointing Mayor Pro Tem Laura Maczka to the aggregated position of Primary Voting Representative to the Regional Transportation Council of the North Central Texas Council of Governments, which fractional allocation membership is shared with the Town of Addison, and the Cities of Murphy, Sachse, and Wylie.
3. Resolution No. 12-07, approving the Guaranteed Maximum Price (GMP) proposal of \$13,575,343.00 submitted by Construction Manager-At-Risk Hill & Wilkinson Construction Group, Ltd for the total estimated cost of construction of the Heights Recreation Center, Heights Aquatics Center, and Gymnastic Center, including submitted conditions and exclusions, conditioned upon execution of the First Amendment to the Construction Manager-At-Risk Agreement; authorizing the City Manager to execute the First Amendment to Construction Manager-At-Risk Agreement between the City and Hill & Wilkinson revising the total cost of estimated construction to \$13,575,343.00.

C. Consider advertisement of Bid #43-12 – 2012 Public Buildings Energy Reduction Initiatives. Bids to be received by Thursday, May 31, 2012 at 2:00 p.m.**D. Consider award of the following bids:**

1. Bid #37-12 – we recommend the award to Intercon Construction Company for the Demolition of the Former 36-Unit Apartment Complex Known as the Willows in the amount of \$193,300.

2. Bid #39-12 – we recommend the award to Jim Bowman Construction Company, LP for the 2010 Bond Project for the Dumont Drive Rehabilitation Paving, Waterline and Drainage Project in the amount of \$1,337,061.80.
3. Bid #42-12 – we request authorization to issue an Annual Contract Purchase Order to Sunbelt Pools, Inc. for swimming pool water management services per a fixed monthly maintenance fee of \$8,950 for Canyon Creek, Cottonwood, Glenville, and Terrace Pools and a fixed monthly maintenance fee of \$11,950 for all five pools plus Arapaho Aquatics Center when completed.

8. RECEIVE THE SIGN CONTROL BOARD MINUTES OF THE MAY 9, 2012, MEETING.

ACTION TAKEN: Mr. Mitchell moved acceptance of the Sign Control Board minutes as presented; second by Mr. Omar and the motion was approved with a unanimous vote.

Mayor Townsend announced that Council would reconvene in Work Session after a short break and adjourned the meeting at 9:32 p.m.

MAYOR

ATTEST:

DEPUTY CITY SECRETARY

MINUTES OF A MEETING OF THE CITY COUNCIL
May 21, 2012
City of Richardson, Texas

A Meeting of the City Council was convened at 6:00 p.m., Monday, May 21, 2012 with a quorum of said Council present, to-wit:

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

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Vickie Schmid	Deputy City Secretary
Don Magner	Director of Community Services

Call to order – Mayor Townsend called the meeting to order at 6:07 p.m.

Visitors – None.

Review and Discuss the Neighborhood Associations Coop Alternatives

Mr. Keffler stated that neighborhood cooperatives were a part of Council's Near Term Action Items and advised that staff had considered three alternatives which Mr. Don Magner would review with the Council. Mr. Keffler noted that all alternatives had been discussed in detail with the City Attorney.

Mr. Magner stated that staff reviewed various issues faced by Homeowners Associations to determine if partnering with the City would be beneficial, including insurance for directors/officers/special events; identifying vendors for maintenance, irrigation and pest control needs; and Request For Proposal/bid processes.

Relative to HOA insurance costs, Mr. Magner stated that premium costs were determined by specific underwriting criteria such as financial considerations, previous loss information, size, bylaws, sponsored events, and property owned. He noted that many HOAs may be over-insured and suggested providing tools such as a vulnerability survey and a 20-question checklist to empower the HOA to make informed decisions regarding their insurance needs.

To address other HOA issues, Mr. Magner presented three partnering alternatives:

- Alt. 1: City Sanctioned Coop: Associations would take part in an official coop that was created and managed by City staff;
- Alt. 2: City “Piggybacking” Coop: Associations would be eligible for the same contract pricing and terms as a City contract;
- Alt. 3: City Facilitated Coop: An unofficial coop that would be facilitated by the City in response to associations interests.

Mr. Magner stated that Alternative 1 is not recommended because the law does not provided for third party bids for goods/services that the City will not be using and that Alternative 2 is not recommended because accepted bids/contracts are not structured for small scale assignments and may result in higher costs to the City to offset vendor losses on smaller jobs. He recommended Alternative 3 which would allow the City to:

1. Coordinate meetings between associations interested in exploring coop opportunities;
2. Coordinate meetings between associations and contractors;
3. Assist associations in drafting contract specifications;
4. Assist associations with questions related to review and selection considerations;
5. Enhance online resources; and
6. Provide training specific to voluntary and mandatory associations at the Fall Neighborhood Leadership Workshop.

Mr. Magner felt that information gathered from HOAs could be easily maintained on the Neighborhood Resources pages with minimal staff time. He asked for Councils comments.

Council was in agreement that “Alternative 3 – City Facilitated Coop” was the best option. In addition, it was the consensus of the Council that staff should provide general guidance and best practices information, but should not make recommendations, review bids, or search for contractors. Council expressed concern regarding the amount of staff time required to provide this level of assistance, the appearance of promoting one vendor over another, and the possible adverse effect on City contracts if vendors felt providing services to HOAs was mandatory. Mr. Magner noted that he envisioned staff helping to form coops among associations, educating the participants, and turning over the day-to-day operations to the HOAs. He noted that the next Council/HOA Presidents meeting could address the idea of coops and identify specific areas where HOAs need assistance or information.

Mr. Magner said the City Attorney had reviewed the alternatives and advised that the City should play an independent role, not advisory role, in the coop and any materials provided should bear a disclaimer that the information is meant to be helpful only and does not constitute legal advice. An on-line bulletin board was suggested as a way to assemble and disseminate information to the associations, with a link to the bulletin board on the City’s Neighborhood Resources pages, as well as providing a link to the Board of Directors Test and the Annual Vulnerability Survey as tools for HOAs.

With regard to the six actions identified in Alternative 3, Council reached a consensus to move forward with item 1 - as written; item 2 – remove; items 3 and 4 – replace “Assist” with “Provide general guidelines and best practices to”; item 5 - provide access to information generated by HOAs, so long as the City is not responsible for maintaining the content; and item 6 - as written. In addition, Council reached the consensus that any disclaimers deemed necessary by the City

Attorney should be included on documents provided to the HOAs. Mayor Townsend and Council agreed that this Near Term Action Item is considered complete.

Consider Resolution No. 12-08, authorizing the City Manager to negotiate and execute an economic development agreement pursuant to Chapter 380, Texas Local Government Code, by and between the City of Richardson and Hartman Richardson Heights Properties, LLC, a Texas limited liability company.

Mr. Keffler stated that with the discussions in Executive Session, the recent public hearing, and signing of the lease agreement complete, the next step in the process for Alamo Drafthouse is consideration of Resolution 12-08 relative to an Economic Development Agreement with Hartman Richardson Heights Properties, LLC. He asked David Morgan to brief the Council.

Mr. Morgan gave a brief history of the shopping center and noted that Hartman purchased the center in 2011 with a vision to reposition the asset, making it attractive to national retail tenants. He noted that Hartman worked diligently with the City and Richardson Chamber of Commerce to bring Alamo Drafthouse to the Richardson Heights Shopping Center. The Alamo Drafthouse offers a unique combination of restaurant and theater, screening first run movies, independent and foreign films, and movie marathons. Mr. Morgan noted that Alamo Drafthouse made a 15 year commitment to occupy over 30,000 sf of the 39,000 sf building (previously occupied by Pep Boys). He stated that substantial tenant improvements were necessary to increase the roof height to 35' to accommodate the theater and that economic incentives were necessary to bring the project to completion. The proposed economic incentive agreement would include 100% sales tax for Alamo only for a 10-year period (cap \$100,000) and a \$300,000 grant for Hartman Richardson Heights over 5 years. Mr. Morgan advised that the theater is anticipated to open Spring 2013 and benefits to be gained from its opening are varied, including regional retail draw, unique marketing opportunities, catalyst for redevelopment, quality night time entertainment, and strong branding to attract the City's younger demographic. Mr. Morgan noted that approval of Resolution 12-08 would allow the City Manager to enter into agreement with Hartman/Alamo Drafthouse.

Mr. Dunn made a motion to approved Resolution 12-08; second by Mr. Omar and the motion was approved with a unanimous vote.

Consider cancellation of the Monday, May 28, 2012 City Council Meeting for the Memorial Day holiday.

Mr. Solomon made a motion to cancel the May 28, 2012 City Council Meeting; second by Mr. Hartley and the motion was approved with a unanimous vote.

Report on Items of Community Interest

Mayor Townsend announced that tonight was Mr. Keffler's last work session/last executive session and thanked him for his service.

Mr. Omar stated he was proud to lead the Wildflower Wild Ride/Wild Run efforts for the past two years and noted that they had record breaking participation this year, raising approximately \$170,000 to benefit the hospital.

Mr. Mitchell provided Councilmembers with a card from the Transportation Advocacy of Texas which stated “Texas is facing a transportation crisis”. He noted that the matrix used to determine transportation needs is outdated and did not reflect current population and traffic volumes. Mr. Mitchell said every effort should be made to encourage legislators to seek more funding resources for transportation improvements.

Ms. Maczka stated that the 2012 Wildflower was an amazing experience, thanked the Parks Department, along with other City departments, for their hard work, and noted that Wildflower is Richardson at its best.

Mr. Hartley expressed his heart-felt thanks to the Seniors of Pearce High School for electing his son Davis as Mr. PHS and Class Favorite.

Mr. Solomon advised that funeral services for Ann Michelle King, daughter of Rev. Rusty King, would be held on Friday, May 25, at 2:00p.m. at First United Methodist Church and asked for prayers for the family.

Mayor Townsend recessed the Work Session at 7:35 p.m. and announced that Council would reconvene in Executive Session.

EXECUTIVE SESSION

- In compliance with Section 551.074 of the Texas Government Code, Council convened into a closed session at 7:40 p.m. to discuss the following:
 - Personnel
 - City Manager
- Council reconvened into open session at 8:30 p.m. to take action, if any, on matters discussed in executive session.

ACTION TAKEN: None.

There being no further business, Mayor Townsend adjourned the meeting at 8:30 p.m.

MAYOR

ATTEST:

DEPUTY CITY SECRETARY



City of Richardson
City Council Meeting
Agenda Item Summary



Meeting Date:

Monday, June 11, 2012

Agenda Item:

Visitors *(The City Council invites citizens to address the Council on any topic not already scheduled for public hearing.)*

Staff Resource:

Vickie Schmid, Deputy City Secretary

Summary:

Members of the public are welcome to address the City Council on any topic not already scheduled for public hearing. Speaker Appearance Cards should be submitted to the City Secretary prior to the meeting. Speakers are limited to 5 minutes and should avoid personal attacks, accusations, and characterizations.

In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. However your concerns will be addressed by City staff, may be placed on a future agenda, or by some other course of resolution.

Board/Commission Action:

N/A

Action Proposed:

Receive comments by visitors.



City of Richardson
City Council Work Session
Agenda Item Summary



Work Session Meeting Date: Monday, June 11, 2012

Agenda Item: Consider appointments to the Environmental Advisory Commission.

Staff Resource: Dan Johnson, City Manager

Summary: The City Council met on May 21 to discuss appointments to various boards and commissions. This item is set to provide Council the opportunity to take action regarding appointments.

Board/Commission Action: NA

Action Proposed: Take action making appointments to the Environmental Advisory Commission.



MEMO

DATE: June 7, 2012
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services *MS*
SUBJECT: Zoning File 11-24 – Bowser Self-Service Warehouse

REQUEST

Kenneth R. Smith, representing Heath Asset Management, LP, is requesting approval of a Special Permit for a climate controlled self-service warehouse for an existing 40,000-square foot office/warehouse building. The 1.6 acre site is located at the southeast corner of Bowser Road and Alpha Drive and is zoned I-FP(2) Industrial.

The 40,000-square foot building was constructed in the late 1960's. As developed, the site is non-conforming with respect to driveway design standards (location, width and throat depth), landscaping and sidewalks. The eastern 20,000 square feet of the building is currently occupied by Verizon.

BACKGROUND

On December 20, 2011 and March 20, 2012, the Commission continued the applicant's request to allow staff and the applicant to refine the proposed concept site plans (Exhibits "B" and "D"). Exhibit "E" represents the applicant's proposed Zoning Site Plan which indicates a two (2) phase conversion of the 40,000 square foot building into a climate controlled self-storage facility.

Phase I converts the western 20,000 square feet of the building into storage units, with the eastern 20,000 square feet reserved for Verizon. Phase I improvements include a 500-square foot office store front, 120 storage units, 4% landscaping (none exists), re-established parkways along Alpha and Industrial Drive (sidewalks and landscape parkways), 35 parking spaces (33 spaces required), two (2) modified driveways on Alpha Drive and a new dumpster enclosure which is centrally located on the north side of the building.

Phase II will be implemented when and if Verizon vacates the eastern 20,000 square feet of the building. Phase II improvements include 1,500 square feet of additional office space, 105 additional storage units, 4% additional landscaping area, 20 parking spaces (12 spaces required), elimination of the eastern most driveway on Alpha Drive and modification of the existing driveway on Industrial Drive.

At build-out, the site will support 2,000-square feet of office space, 225 storage units, 8% of landscape area, 28 parking spaces and 1,649 square feet of parkway landscape area along Alpha Drive and Industrial Drive. The driveway throat depths remain non-conforming, but have been improved to provide eighteen (18) feet of throat depth (28 feet required) where none previously existed.

No public comments have been received concerning this request.

PLAN COMMISSION RECOMMENDATION

On May 1, 2012 the City Plan Commission voted 6-1(Commissioner Hand opposed) to recommend approval of the request as presented.

ATTACHMENTS

Special Conditions	Concept Site Plan 12-20-11(Exhibit "B")
CC Public Hearing Notice	Staff's Concept Site Plan (Exhibit "C")
City Plan Commission Minutes 05-01-2012	Concept Site Plan 03-20-12 (Exhibit "D")
CPC Minute-Condensed 12-20-11 and 03-20-12	Proposed Zoning Site Plan (Exhibit "E")
Staff Report	Site Photos (Exhibits "F-1" through "F-3")
Zoning Map	Applicant's Statement
Aerial Map	CPC Public Hearing Notice
Oblique Aerial Looking South	Notification List

SPECIAL CONDITIONS ZF 11-24

1. The self-service warehouse shall be constructed in substantial conformance with the Zoning Site Plan attached as Exhibit “E”.
2. Prior to occupancy and use of the western 20,000 square feet of the existing 40,000 square building as a self-storage warehouse all site improvements indicated for Phase I shall be constructed in substantial conformance with the Zoning Site Plan attached as Exhibit “E”.
3. Prior to occupancy and use of the eastern 20,000 square feet of the existing 40,000 square building as a self-storage warehouse all site improvements indicated for Phase II shall be constructed in substantial conformance with the Zoning Site Plan attached as Exhibit “E”.
4. All outdoor storage and display is prohibited.

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, June 11, 2012, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

Zoning File 11-24

A request by Kenneth R. Smith, representing Heath Asset Management, LP, for a Special Permit for a self-service warehouse with modified development standards at 906 N. Bowser Road (SEC Bowser Rd/Alpha Dr); currently zoned I-FP(2) Industrial.

Zoning File 12-05

A request by Darryl M. Burman, representing Group 1 Realty, Inc., for a Special Permit with special conditions for a motor vehicle repair shop – major to be located at 1700 Gateway Boulevard, to be used in conjunction with the existing Courtesy Nissan dealership located at 1777 N Central Expressway; currently zoned C-M Commercial.

If you wish your opinion to be part of the record but are unable to attend, send a written reply prior to the hearing date to City Council, City of Richardson, P.O. Box 830309, Richardson, Texas 75083.

CITY OF RICHARDSON
Vickie Schmid, Deputy City Secretary

**EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – MAY 1, 2012**

Zoning File 11-24 Bowser Self-Service Warehouse: Consider and take necessary action on a request by Kenneth R. Smith, representing Heath Asset Management, LP, for approval of a Special Permit for a self-service warehouse with modified development standards. The 1.6-acre site is currently zoned I-FP(2) Industrial and is located at the southeast corner of Bowser Road and Alpha Drive.

Mr. Chavez reported that the application, which had been presented and continued on two previous occasions by the Commission, was a request for approval of a climate-controlled self-service warehouse with modified development standards within an existing 40,000 square foot office/warehouse building. He added that the reason for the continuations was to allow the applicant and the staff time to refine the proposed concept plan.

Mr. Chavez presented the applicant's revised Zoning Site Plan (Exhibit E) indicating a two phase conversion of the 40,000 square foot existing building into a self-service warehouse.

Phase I would convert the western 20,000 square feet of the building into storage units, with the eastern 20,000 square feet reserved for the existing tenant, Verizon. The Phase I conversion would include:

- A 500-square foot office store front with awnings at the northwest corner of the building
- 120 storage units
- 4% landscaping or 2,755 square feet (none previously existed)
- Re-established parkways along Alpha Drive (5-foot wide sidewalks and 4.5-foot wide landscape parkway) and Industrial Drive (5-foot wide sidewalks and 2-foot wide landscape parkway) with the landscaping accounting for approximately 1,496 square feet.
- 35 parking spaces provided, 33 spaces required (120 storage units + office and the Verizon facility)
- Two (2) modified driveways on Alpha Drive with modified spacing and throat depth by isolating the loading ramp and creating the driveways on either side.
- A dumpster enclosure centrally located on the north side of the facility and angled to 55 degrees (City maximum angle is 30 degrees) aligning the approach for a sanitation truck to conform with the City's standards.

Mr. Chavez pointed out that Phase II would be implemented when Verizon vacates the eastern half of the building and would include:

- 1,500 square feet of additional office space
- 105 additional storage units

- 4% additional landscaping or an additional 2,633 square feet
- 20 parking spaces provided, 12 spaces required (105 storage units + 1,500 sq. ft. office)
- Elimination of the eastern most driveway on Alpha Drive
- A modified driveway on Industrial Drive (conforming)

In closing his presentation, Mr. Chavez stated that with the proposed changes the applicant had addressed the concerns that staff had with on-site maneuverability, and at build out the site would support a 2,000 square foot office space, 225 storage units, 5,388 square feet of landscaping or 8% of the site area, 28 parking spaces (20 required), and 1,649 square feet of parkway landscape area along Alpha and Industrial Drives.

Chairman Gantt noted that at the last meeting it was mentioned there would be some type of steel fencing around the center ramp to prevent anyone from driving across the ramp, and the ramp on the western side of the building was to be filled in and paved over.

Mr. Chavez replied that there would be bollards on both sides of the center ramp, and the ramp on the western side of the building would be filled in with concrete.

Commissioner Maxwell asked if there was a possibility that Phase II might never take place since it was not activated by Verizon vacating the eastern portion of the building and noted that the applicant could lease the space to another tenant.

Mr. Chavez replied that was correct.

Vice Chair Hammond asked if the applicant's preference to limit the amount of pervious surface directly adjacent to the building because of concern for foundation issues and underground utilities were the only two items to prevent them from putting landscaping up against the building. He also wanted to know about the entrance, egress and security for the building.

Mr. Chavez replied that the two reasons stated were the only items preventing landscaping against the building, and the applicant would discuss the concerns about entrance, egress and security during the public hearing.

Commissioner DePuy asked what the timeframe was between Phase I and II.

Mr. Chavez replied there is an existing lease agreement with Verizon, but he was not sure of the length of the agreement.

Commissioner Hand asked if there were any other possible dumpster locations that did not include backing the sanitation truck into the street.

Mr. Chavez replied there was one other location that was reviewed, but it would not come into play until Phase II was in place. Also, because of the limited amount of space between the building and the property line it was difficult to locate a dumpster without it being in front of the building.

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

Mr. Ken Smith, 4925 Greenville Avenue, Dallas, Texas, thanked the staff for their assistance in making all the changes and said he was available for any questions.

Chairman Gantt reminded the applicant about the questions regarding security and the timing of Phase I and II.

Mr. Smith replied that the business would be open from 7:00 a.m. to 7:00 p.m. and outside of those hours the business would be secured by roll up doors covering the entrance. In addition, anyone accessing the business during the hours of operation will have to enter a key code to open the interior glass doors and there will be security cameras that are monitored 24 hours a day.

Regarding the timing issue, Mr. Smith stated that it was his intent to start Phase I as soon as possible after approval from the City, but the start of Phase II would have to wait until the current lease with Verizon expires.

Vice Chair Hammond asked if there would be tenant access outside the stated 7:00 a.m. to 7:00 p.m. business hours.

Mr. Smith replied those were the most common hours for self-service warehouses and it was not his intention to have a 24 hour facility.

There were no other comments in favor or opposed and Chairman Gantt closed the public hearing.

Chairman Gantt and Commissioner DePuy stated the proposal was much improved over the original submittal and thanked the staff and the applicant for making the changes.

Commissioner Bright asked if there was any way the driveway throat depth standards could be met on the property.

Mr. Chavez replied they had tried multiple landscape and site variations and the current version was the only one that allowed the maximum amount of space and still allowed the site to function as intended.

Commissioner Hand asked if the landscape buffer was removed would that increase the possibility that concerns over the driveway openings and dumpster location could be satisfied.

Mr. Chavez stated the answer was no.

Motion: Commissioner DePuy made a motion to approve Zoning File 11-24 as presented; second by Commissioner Frederick. Motion passed 6-1 with Commissioner Hand opposed.

CONDENSED MINUES

CITY PLAN COMMISSION - December 20, 2011

Zoning File 11-24: A request by Kenneth R. Smith, representing Heath Asset Management, LP, for approval of a Special Permit for a self-service warehouse with modified development standards. The 1.6-acre site is currently zoned I-FP(2) Industrial and is located at the southeast corner of Bowser Road and Alpha Drive.

Staff's Presentation:

- Two phase project 1) converting the vacant western half of the building into mini storage units; and, 2) converting the eastern half of the building into mini storage units once the current occupant, Verizon, vacates the building.
- Total of 300 units once the building was fully converted.
- Proposed site plan indicated minor site modifications (five box planters) including removal of stripped parking areas in the right-of-way along Alpha and Industrial Drive.
- Request was for a Special Permit for a self-service warehouse with modified development standards that included maintaining the site "as is" in its legal nonconforming status.

Staff presented four recommended site modifications as shown on Exhibit "C" to mitigate nonconforming elements to enable the site to function conducive to the proposed use, and without these modifications, the functionality of the site appeared to be inappropriate for the proposed use:

- Site Access and Circulation
- Revised Parking
- Revised Landscaping
- Revised Dumpster and Enclosure Location/Design

Two main reasons for not making the changes were the associated costs and by removing the docks and reducing the amount of parking it would hamper any future use of the property.

Questions of Staff

- If the suggested changes were made and the applicant wanted to revert back to the current entitlements regarding setbacks and parking, would that be allowed or would that option be lost? *(Not without redesigning the site or without obtaining variances for reduced parking and landscaping.)*
- Did the applicant have the right to go back and use the building "as is" without making any modifications regardless of how long the space had been vacant, or would be vacant? *(As long the use was allowed by right and they did not make any changes to the site there would be no problems.)*
- What was the number of parking spaces required for the current tenant and the proposed self-storage business? *(41 spaces would be required for both Verizon and the self-storage warehouse.)*
- Based on recommended changes to the site, how many spaces would be left, and would that leave enough parking spaces? *(there would be 20 spaces available, but this is an example of the difficulty of an applicant requesting something that is not allowed by right and trying to keep the existing tenant; the applicant would not be able to make the staff's recommended changes and keep Verizon as a tenant.)*

- What was the percentage of landscaping based on staff's recommended changes and if there was a sidewalk on the east side of the property along Industrial Boulevard? (*The areas along Bowser, Industrial and Alpha would provide approximately 7% landscaping, albeit the majority would be located along Bowser and no sidewalks existed.*)
- Would staff's proposed landscape replace the parallel parking spaces along Alpha Drive? (*Yes, and would still allow a drive wide enough for a one-way driving aisle*)

Public Hearing Comments and Discussion

Mr. Ken Smith, applicant presented the following:

- Owned the property for the last 15 years.
- Submitting request for a secondary use because of the downturn in the market for industrial properties.
- Downturn was evidenced by the 355,000 square feet of vacant industrial space in the City that competes directly with his property.
- Would prefer to have a single tenant as opposed to the multiple tenants
- There have been no prospects in the last two years.
- The terms of the lease with the existing tenant in the eastern portion of the building prevented him from making some of the changes recommended by the staff.
- Building was built prior to the current City regulations and is legally nonconforming.
- There has never been any type of complaint or violations associated with his building including any problems with vehicles pulling into the loading docks causing a traffic problem on the surrounding streets.

Questions of Applicant

- Why would the tenant; Verizon, be moving out, when would that occur, and if they left, who would be the ideal tenant for the building? (*Verizon renewed their lease in September of 2010 for the entire building, but they determined they no longer needed all of the space and moved their operations into the eastern portion of the building. The current lease is for 3 years with a 3 year option to renew, but felt they would be slowly migrating out of the building into other buildings in the area. An ideal tenant for the building would be someone similar to Verizon, but he felt the secondary use as self-storage would be compatible with the building and the area.*)
- If the center loading dock was being used, would they use the loading dock on the east side? (*Verizon takes their deliveries through the middle loading dock and the dock on the east side does not provide service to the whole building.*)
- What was the function of the loading dock located next to the dumpster on the west side of the building and would it be possible to remove that dock, move the dumpster to the rear of the building and make the loading area a green space? (*That side of the building was empty so the loading dock is not currently being used, but thought it would be useful for anyone wanting to bring items in to self-storage units and he was not opposed to moving the dumpster to the rear of the building.*)
- If Verizon decided to stay and asked for use of the whole building, would the applicant change the building back to its original state and was there a cost estimate for staff's recommended revisions? (*He would bend over backwards to keep Verizon as a tenant and would be hard pressed to turn them down and he had not priced out the cost of making the changes recommended by the staff, but estimated it could cost approximately \$250,000.*)

- Would the proposed self-storage business have an on-site manager? (*He would get an on-site manager if the management from the other facility does not want to handle both properties.*)

No other comments in favor and not comments were made in opposition to the request.

Commission Discussion/Comments:

- The property was located in a redevelopment/reinvestment area.
- Understood the need for the owner to make the business viable, but felt there was a need to landscape the property to draw business to the area and to make it compatible with some of the surrounding industrial properties.
- Other self-storage uses have been allowed as secondary uses, but wanted to know if any had been approved in an industrial district. (*Last self-storage considered by the Commission was a request to change the zoning on a property to Industrial and build self-storage units inside an existing building, but was denied by City Council.*)
- Loading docks were an asset in a warehouse or Industrial District, but the way they are configured in the current building could cause problems.
- If the parallel parking spaces along Alpha Drive were replaced with landscaping, and a curb cut was added, would that leave enough room to maneuver? (*To meet spacing requirements and where the new curb cuts would be placed, the parking spaces against the building would have to be eliminated, which in turn narrows the driving aisle*)
- The property was a perfect candidate for redevelopment, but felt the applicant lacked commitment to the change based on his statement.
- Uncomfortable granting a Special Permit without implementing staff's recommendations for improvements and changes.
- Concept was compatible with the business to the south, but felt the presentation lacked details and that a hybrid plan might be possible; however, the current plan was not appropriate.
- Applicant should go back and work with staff to resolve some of the issues brought forth by the Commission.
- Questioned commitment of the applicant given his request to keep the loading docks and everything "as is."

Motion: Recommend denial, without prejudice; and seconded.

Discussion was held regarding providing the applicant additional time to work with staff.

Vote taken, motion failed 1-5.

New motion made to continue the item indefinitely; seconded.

Motion passed 5-1.

CONDENSED MINUTES

CITY PLAN COMMISSION – MARCH 20, 2012

PUBLIC HEARINGS

Zoning File 11-24 Bowser Self Service Warehouse: Consider and take necessary action on a request by Kenneth R. Smith, representing Heath Asset Management, LP, for approval of a Special Permit for a self-service warehouse with modified development standards. The 1.6 acre site is currently zoned I-FP(2) Industrial and is located at the southeast corner of Bowser Road and Alpha Drive

Staff's Presentation:

- The request was previously considered by the Commission in December of 2011, but was continued to allow staff and the applicant to revise the site plan to try and bring it closer into compliance.
- Phase 1 involved the western half of the building with the construction of 150 self-storage units, parkway landscaping along Bowser Road and Alpha Road, a 2,000 square foot office store front, filling in the existing loading ramp on the west side of the building, and adding a double wide dumpster screen at the southwest corner of the building.
- Phase 2 would depend on tenant in the eastern portion of the building vacating the premises and includes parkway landscaping along Alpha Road and Industrial Drive, and modifying the existing driveway widths to bring them into conformance with City requirements.
- At build-out there will be a total of 300 storage units, 1.9 percent on-site landscaping, and 43 parking spaces.
- Noted two possible motions for the Commission to consider; first, a motion to recommend approval as presented which would allow utilization of the site for the proposed use, but the site would still remain nonconforming and second; a motion recommending approval of the applicant's request with additional modifications, such a motion should be for a continuance to allow the applicant to revise the site plan accordingly before the Commission's final consideration.

Questions of Staff:

- Would the functionality of the site be appropriate for the intended use with driveway modifications only? *(An improvement to the safety aspect of the location of the driveways would be realized, but maneuvering deficiencies on the site remain due to lack of depth in the parking/driving area.)*
- Would the angled parking spaces recommended in Exhibit D address the specific concern regarding the parking area? *(Yes)*
- Staff was asked to review the three staff proposed driveway modifications with the Commission. *(1. relocation of the driveway on Alpha Road, close to Bowser to conform with the required 50 foot spacing from an intersection, 2. reduction of the width of the center drive along Alpha Road used for the loading dock and creation of two driveways on each side of the loading dock driveway. Lastly, widening the driveway on Industrial Drive to 24 feet. However, the driveways would still be nonconforming with respect to driveway throat depth.)*

- What was the minimum distance requirement between driveways on Bowser, and could a driveway be added along Bowser Road to line up with the overhead door? *(80 feet on Bowser. Due to the grade change from Bowser Road to the building adding a driveway along Bowser Road would be very difficult to overcome.)*
- What were the requirements to revoke a Special Permit? *(City's ordinance allows the Commission, at the direction of the City Council, to initiate reconsideration of an existing Special Permit provided the conditions or circumstances surrounding the Special Permit call to question issues of public health, safety, morals, general welfare and other issues. If the Commission granted a Special Permit with existing issues, then the City would be obligated to keep the Special Permit unless conditions changed.)*

Public Hearing Comments and Discussion

Mr. Ken Smith, the applicant presented the following:

- He met with staff regarding concerns over the landscaping, traffic flow, and location of trash receptacles.
- Felt they had addressed all of the issues by adding a landscape buffer around the property, provided a different location for the dumpster on the west side of the property, added a customer friendly store front, and added bollards and guardrails in the area of the grade change and along the loading dock ramp.
- The loading dock ramp on Alpha Road would be a common area ramp and one of two major points of access to the facility.

Questions of Applicant

- Why was the landscaping going to be installed in two phases and is Verizon going to vacate the east side of the building? *(Not opposed to combing the landscaping into Phase I and did not know if Verizon was leaving at end of their 3 year lease.)*
- Why had he chosen not to implement the three driveway and the dumpster recommendations suggested by staff? *(The proposed landscape buffer was substantially more than what is currently on site. Was not sure if driveways would constrict the traffic flow, cost of adding the driveways and that traffic would not be able to flow from one side of the property to the other. The dumpster location on the east side would cut off access to the loading dock used by Verizon. There were not a lot of other changes that could be made to site because it was developed before many of the City's ordinances were initiated and the property did not have the depth to make the changes.)*
- Would the over-head door located next to the proposed store be opened by an employee or due to safety concerns with no employee in attendance which could possibly trap someone inside the building, would it be an automatic door? *(The door will go up at 7:00 a.m. and down at 7:00 p.m. every day and behind the door there would be glass doors to allow entry via an access code whether or not an employee was present. Would look into the safety concern.)*
- Would the overhead door on the west side of building remain after the modifications? *(Yes it serves as another access point to the facility.)*

No other comments in favor and no comments were made in opposition to the request.

Commission Discussion

- Concerns that the plan was not solidified and hinged on the tenant on the east side of the building remaining and questioned the commitment level to the plan.
- Items were not changing enough to make the request palatable and that it was as if the applicant was applying a band-aid to the situation.
- The property was located in the Arapaho/Collins Redevelopment and Enhancement area listed in the City's 2009 Land Use Plan and the study should be finished before any changes were made in the area.
- Need to consider the value of the property and how it could be diminished if the Special Permit was approved.
- Disagreement that the modifications on the property should wait because many of the challenging sites in the City fell within one of the study areas and putting off modifying properties to a future time was not beneficial.
- Suggested the applicant continue to work with staff to refine the modifications.
- Proposed use was okay, but there were still a lot of problems to address to make the plan work.
- Suggested the applicant follow the recommendations of the staff, and the landscaping be combined and completed in Phase 1.
- Understood how difficult the site was to modify, and as for waiting for a redevelopment/enhancement study to be completed, the Commission could put a time limit on the Special Permit.
- What other changes could be made; other than the existing recommendations, to make the site functional for the intended use? *(they would fall closer in line to the previous exhibit provided as a staff recommendation, but the changes would be major modifications. The applicant wants to maintain the functionality of a self-storage warehouse as well as the Verizon lease, which makes it difficult to do)*
- Continuing the request without giving the applicant direction would leave the item in a stalemate and not sure if continuing the request was a viable option because the applicant and staff had already met regarding the needed changes.
- Could recommend continuation prior to taking final action on the request based on staff's recommended motion regarding revision of the Concept Plan in accordance with the Commission's direction.
- Could the applicant confirm they would complete all the recommendations presented by staff in Exhibit D? *(He had a tenant in half the space and could not remove any of the parking or ramps that are required under their lease)*
- Was the applicant flexible with aligning the driveways along Alpha Road? *(Was concerned about making any changes to the centrally located driveway on Alpha Road because it was a common area that was used by the existing tenant.)*
- Recommendation was to add driveways on either side of the main driveway to the ramp and suggested the applicant work with staff to reconfigure that area.

- Exhibit D was probably not be feasible because of the commitments to the existing tenant, but there may be an opportunity if the driveways were reconfigured and the better location for the dumpster could be determined.
- Commission was looking for a commitment level from the applicant to work on the recommendations and possibly make more changes to the plan. *(The property was an important asset and thought it might be time for it to transition into another use, but again asked what the Commission would approve because he felt the current discussion was similar to that of the December 2011 meeting.)*
- If the applicant was willing to work with staff regarding their concerns, the Commission would most likely take a more favorable view of the request.
- Based on the comments from the Commission, it did not appear the item was going to be approved, nor could they guarantee the applicant that it would be approved if and when the item was brought back before the Commission.

Motion: Recommended continuation, with direction for the applicant to work with staff to incorporate the three driveways, add the additional five feet of landscape buffer, and that all landscaping be incorporated into Phase 1; seconded.

Acknowledgement made that there would be a safety issue with the trash trucks backing up around a blind corner if the dumpster was left at its current location, and that the motion with no change in the dumpster location was a concern.

Motion amended to include dumpster relocation, seconded.

Motion passed 5-2.



Staff Report

TO: City Council

THROUGH: Michael Spicer, Director of Development Services **MS**

FROM: Sam Chavez, AICP, Assistant Director of Development Services **SC**

DATE: June 7, 2012

RE: **Zoning File 11-24:** Bowser Self-Service Warehouse

REQUEST:

Approval of a Special Permit for a climate controlled self-service warehouse with modified development standards within an existing 40,000-square foot office/warehouse building. The subject 1.6 acre site is located at 906 N. Bowser Road, southeast corner of Bowser Road and Alpha Drive and is zoned I-FP(2) Industrial.

APPLICANT / PROPERTY OWNER:

Kenneth R. Smith / Heath Asset Management, LP

ADJACENT ROADWAYS:

Bowser Road: Four-lane, divided major collector; 4,900 vehicles per day on all lanes, northbound and southbound, south of Alpha Drive (May 2009).

Alpha Drive: Two-lane, local street, no traffic counts available.

Industrial Drive: Two-lane, local street, no traffic counts available.

SURROUNDING LAND USE AND ZONING:

North: Industrial

South: Industrial

East: Industrial

West: Industrial

FUTURE LAND USE PLAN:

Enhancement/Redevelopment

These are areas where reinvestment and redevelopment is encouraged. Further study may be necessary to understand the full potential for redevelopment. This property is located in the East Arapaho/Collins enhancement/redevelopment area. This area has been challenged in recent years by evolving markets, technology, and user requirements. Redevelopment, enhancement, and building format changes should be considered. Mid-rise office uses are appropriate throughout the area and mixed-use buildings with ground-floor retail could be appropriate at key locations.

Future Land Uses of Surrounding Area:

North: Enhancement/Redevelopment

South: Enhancement/Redevelopment

East: Enhancement/Redevelopment

West: Enhancement/Redevelopment

TRAFFIC/ INFRASTRUCTURE IMPACTS:

The requested zoning amendment will not have any significant impacts on the surrounding roadway system or the existing utilities in the area.

STAFF COMMENTS:

Background:

The 40,000-square foot building was originally constructed in the late 1960's and has been continuously occupied for approximately forty (40) years by MCI and, most recently Verizon, who occupies the eastern half of the building and may be vacating the building in the next few years. As developed the site is non-conforming with respect to driveway design standards (location, width and throat depth), landscaping and sidewalks.

The applicant completed a market study, which suggested the need for additional climate controlled storage in Richardson. The applicant desires to convert the building to a self-service warehouse to create a secondary use for a 40-year old building in an industrial neighborhood in a very difficult rental market. Lastly, the applicant feels the climate controlled storage option will complement other self-service warehouse facilities in the area that do not offer the climate controlled option.

The following briefly describes the alternatives considered by the Commission:

December 20, 2011 CPC Meeting

The applicant's first Concept Site Plan (Exhibit B), depicted no proposed site improvements or mitigations to the non-conforming site elements. The applicant's desire was to utilize the site in its current non-conforming configuration for the proposed use, while also maximizing flexibility of land uses in the future. Staff proposed a Concept Site Plan (Exhibit C) to the applicant that could be implemented to mitigate these issues; however, the applicant chose not to incorporate the proposed site modifications due to the cost associated with the improvements and because if implemented, the site could not be reverted back to a warehouse facility as it exists today.

March 20, 2012 CPC Meeting

The applicant's second Concept Site Plan (Exhibit D) indicated a two (2) phase conversion of the 40,000 square foot building into a climate controlled self-storage facility. The first phase converted the western 20,000 square feet of the building into storage units, with the eastern 20,000 square feet reserved for Verizon, the existing tenant. The development, at build-out, would support 2,000 square feet of office space, including a 500-square foot office store front with awnings, 300 storage units, 1,351 square feet or 1.9% of landscaping, 43 parking spaces; (41 spaces required), three (3) modified driveways on Alpha Drive (non-conforming) and an existing non-conforming driveway on Industrial Drive, 2,294 square feet of parkway landscape area along Alpha Drive and Industrial Drive and a double dumpster enclosure at the southwest property line.

The concept site plan conformed to the parking requirements for Phase I and Phase II development scenarios; however, the proposed modifications to the existing site elements were minor in nature and did not address the functional aspects related to a self-service warehouse. These elements include safe and efficient site access and on-site vehicular maneuverability and circulation for customers and service providers.

CURRENT REQUEST/ZONING SITE PLAN (Exhibit "E"):

Exhibit E represents the applicant's revised Zoning Site Plan which indicates a two (2) phase conversion of the 40,000 square foot building into a climate controlled self-storage facility.

Phase I converts the western 20,000 square feet of the building into storage units, with the eastern 20,000 square feet reserved for Verizon, the existing tenant, and includes the following:

- A 500-square foot office store front with awnings at the northwest corner of the building
- 120 storage units
- 4% landscaping or 2,755 square feet (none previously existed)
- Re-established parkways along Alpha Drive (5-foot wide sidewalks and 4.5-foot wide landscape parkway) and Industrial Drive (5-foot wide sidewalks and 2-foot wide landscape parkway). The landscape area accounts for approximately 1,496 square feet.
- 35 parking spaces provided, 33 spaces required (120 storage units + office and the Verizon facility)
- Two (2) modified driveways on Alpha Drive
- A dumpster enclosure, centrally located on the north side of the facility

Phase II will be implemented when Verizon vacates the eastern half of the building in the future and converts the remaining eastern 20,000 square feet of the building into self-service warehouse units and includes the following:

- 1,500 square feet of additional office space
- 105 additional storage units
- 4% additional landscaping or an additional 2,633 square feet

- 20 parking spaces provided, 12 spaces required (105 storage units + 1,500 sq. ft. office)
- Elimination of the eastern most driveway on Alpha Drive
- A modified driveway on Industrial Drive (conforming)

At build-out, the site will support:

- A 2,000-square foot office space
- 225 storage units
- 5,388 square feet of landscaping or 8% of the site area
- 28 parking spaces provided; 20 spaces required (2,000 square foot office + 225 storage units)
- 1,649 square feet of parkway landscape area along Alpha Drive and Industrial Drive

With the exception of those items discussed below, the proposed Zoning Site Plan (Exhibit E) conforms to the City's development standards.

Issues Related to the Request

As part of the review process, staff identified several remaining non-conforming issues with the proposed Zoning Site Plan. The issues include driveway throat depths and driveway spacing, landscape buffer widths, landscape islands and dumpster enclosure design standards.

Driveway Throat Depths and Spacing

The site is currently accessed from three (3) driveways on Alpha Drive and one (1) driveway on Industrial Drive which are all non-conforming (location, width and driveway throat depth).

Within the limits of Phase I and with the exception of driveway throat depths and spacing between driveways, the proposed driveways along Alpha Drive conform to the City's Driveway Design Standards. As proposed, the driveway throat depth is eighteen (18) feet, while twenty-eight (28) feet is required.

Within the limits of Phase II, the center most driveway along Alpha Drive which serves as a ramp for an elevated loading dock will be modified to isolate the ramp from the balance of the site through the construction of adjacent driveways. In doing so, the driveways are non-conforming with respect to spacing between driveway openings and driveway throat depths. However, the driveway for the loading dock is designed for a single user and function, and should not create an issue.

The proposed driveway throat depths along Alpha Drive are directly related to the lack of area between the property line and the existing building, and the need to maximize the depth of landscape buffer widths, while maximizing the on-site vehicular maneuvering area which improves the functionality of the site for the intended use.

Landscape Buffer Widths

The site is currently void of landscape areas. The City's landscape policy requires a minimum 10-foot wide landscape buffer adjacent to a public street. As proposed, an 8-foot wide landscape

buffer is provided along a majority of Bowser Road, along the limits of Phase I adjacent to Alpha Drive and a 588-square foot landscape island at the northeast corner of the site.

Phase II or at build-out, creates identical buffer widths as in Phase I for the balance of Alpha Drive and provides a 5-foot landscape buffer along Industrial Drive.

The proposed landscape buffer widths along Bowser Road, Alpha Drive and Industrial Drive are directly related to the lack of area between the property line and the existing building and the need to maximize the on-site vehicular maneuvering area which improves the functionality of the site for the intended use.

Landscape Islands – At end of parking rows

The City's landscape policy requires landscape islands to be provided at the end of each row of parking spaces. The row of parking abutting the building is void of landscape islands.

The applicant's preference is to limit the amount of pervious surface directly adjacent to the building due to foundation issues and the location of underground utilities that are located adjacent to the building.

Dumpster Enclosure Design Standards

As proposed, the angle of the dumpster enclosure exceeds the maximum angle of approach for a sanitation truck as allowed in the City's design standards. The maximum angle permitted is 30° (thirty degrees), while the proposed is 50° (fifty degrees). The previously proposed location on Exhibit "D" created an unsafe situation by requiring the sanitation truck to back up seventy (70) feet after servicing the dumpster into a blind corner created by the building. The proposed location and design eliminates the subject issue.

Although the layout exceeds the maximum angle of approach for a sanitation truck, accessibility to the location of the dumpster enclosure is unobstructed due to the alignment of the driveway and the dumpster enclosure's angle of approach.

Conclusion

With the exception of those items above, the proposed Zoning Site Plan (Exhibit "E") mitigates a majority of the functional site issues identified by staff on previous submittals (Exhibits "B" and "D"). The proposed site improvements enhance the appearance of the site, while still allowing the physically constrained site to function in an appropriate manner.

Correspondence: As of this date, no correspondence has been received.

Motion: On May 1, 2012, the City Plan Commission voted 6-1 (Commissioner Hand opposed) to recommend approval of the applicant's request subject to the following conditions:

1. The self-service warehouse shall be constructed in substantial conformance with the Zoning Site Plan attached as Exhibit "E".
2. Prior to occupancy and use of the western 20,000 square feet of the existing 40,000 square building as a self-storage warehouse all site improvements indicated for Phase I shall be constructed in substantial conformance with the Zoning Site Plan attached as Exhibit "E".

3. Prior to occupancy and use of the eastern 20,000 square feet of the existing 40,000 square building as a self-storage warehouse all site improvements indicated for Phase II shall be constructed in substantial conformance with the Zoning Site Plan attached as Exhibit “E”.
4. All outdoor storage and display is prohibited.



ZF 11-24 Zoning Map

Updated By: shacklett, Update Date: December 6, 2011
 File: D:\Mapping\Cases\Z\2011\ZF1124\ZF1124 zoning.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





ZF 11-24 Aerial Map

Updated By: shacklett, Update Date: December 6, 2011
File: DSI\Mapping\Cases\Z\2011\ZF 1124\ZF 1124 ortho.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





Subject Property

Industrial Drive

Bowser Road

Alpha Drive



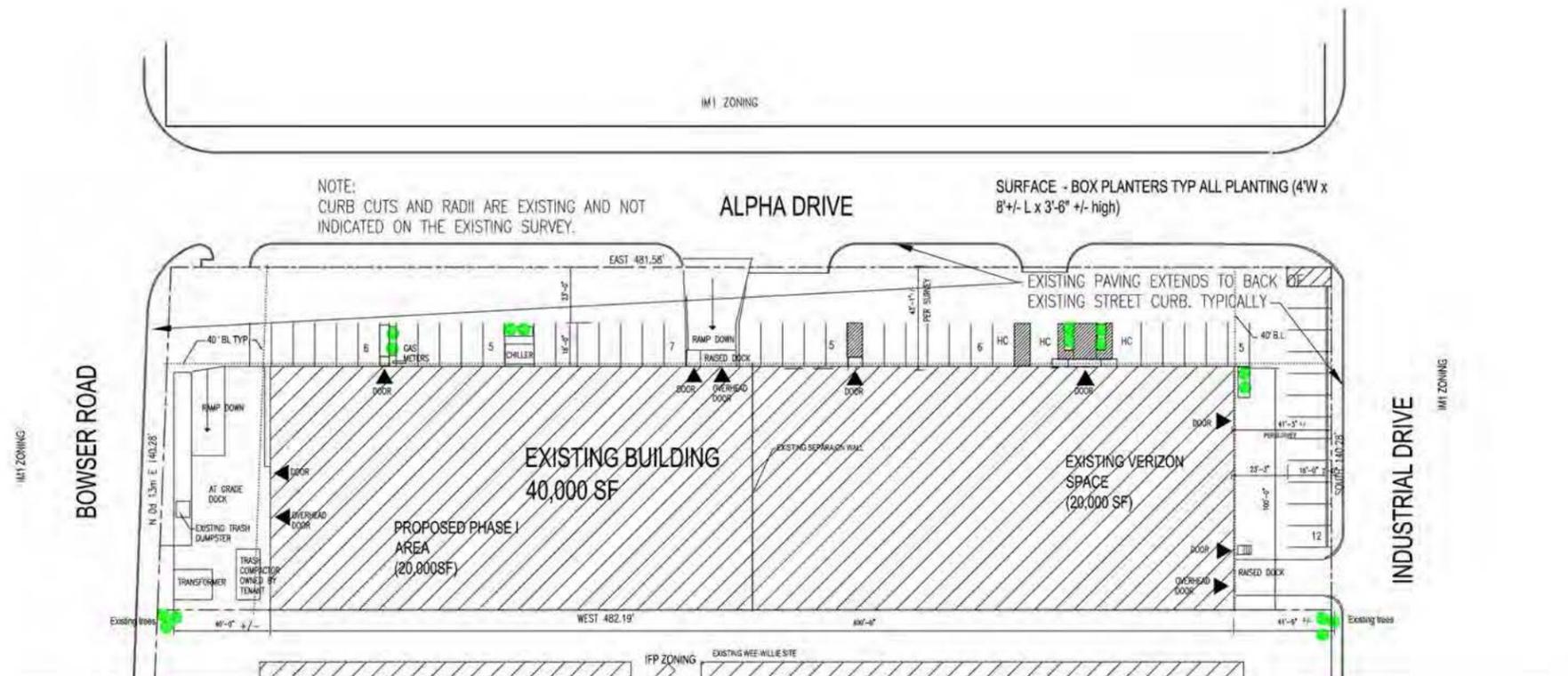
**Oblique Aerial
Looking South**

906 N BOWSER ROAD
RICHARDSON, TX

SPECIAL USE PERMIT DRAWING

Owner / Applicant:
Kenneth R. Smith
Heath Asset Management, LP
4925 Greenville Ave
suite 915
Dallas, TX 75206

T (214) 212-7693



ZONING EXHIBIT - 906 N BOWSER ROAD

Note:

- EXISTING ZONING = IFP(2)
- LOT AREA = 1.588 ACRES
- BUILDING SQUARE FOOTAGE = 40,000 SF
- SETBACKS = 40'-0"
- PARKING RATIO = 1 / 20 UNITS, 1 / 250SF OFFICE, 1 / 1000 SF FOR WAREHOUSE
- PARKING PROVIDED = 49 EXISTING SPACES (46 + 3 HC SPACES)
- PARKING REQUIRED = +/- 15 FOR UNITS BOTH PHASES (PHASE I = +/- 150 UNITS, PHASE II = +/- 150 UNITS), 8 FOR OFFICE SPACE PHASE I (+/- 2,000 SF) [PHASE II WILL UTILIZE THE SPACES USED CURRENTLY FOR VERIZON OFFICE SPACE = 6 SPACES FOR 1500 SF OF OFFICE SPACE AND THE 19 SPACES FOR WAREHOUSE USE]
- TOTAL PARKING FOR PHASE I AND II WOULD BE 14 SPACES FOR OFFICE USE AND 15 SPACES FOR THE UNITS FOR A TOTAL OF 29 SPACES
- 6 SPACES ARE REQUIRED FOR THE EXISTING VERIZON OFFICE SPACE (1,500 SF), 19 SPACES FOR EXISTING VERIZON WAREHOUSE SPACE (18,500 SF) FOR A TOTAL OF 25 SPACES FOR VERIZON
- LANDSCAPING = NONE EXISTING; PROPOSED ADDING SURFACE APPLIED BOX PLANTERS AS SHOWN
- FAR = .578
- BUILDING HEIGHT = 1 STORY EXISTING BUILDING (18'-1" +/-)
- TRASH DUMPSTER LOCATIONS AND ENCLOSURES WILL BE COORDINATED WITH SANITATION. THE EXISTING TRASH COMPACTOR IS OWNED BY VERIZON AND WILL BE REMOVED BY THE TENANT AFTER THE NEW DUMPSTER LOCATIONS HAVE BEEN LOCATED AND APPROVED BY SANITATION.
- ALL STREETS AND ROW ARE EXISTING
- BAURCH CANTRELL SURVEY, ABSTRACT 265, DALLAS COUNTY, TEXAS



AREA MAP

Sheet Title :
SPECIAL PERMIT FOR SELF STORAGE WAREHOUSE

Issue Date:
12/4/2011
Revisions:

Job No. : 2011-002

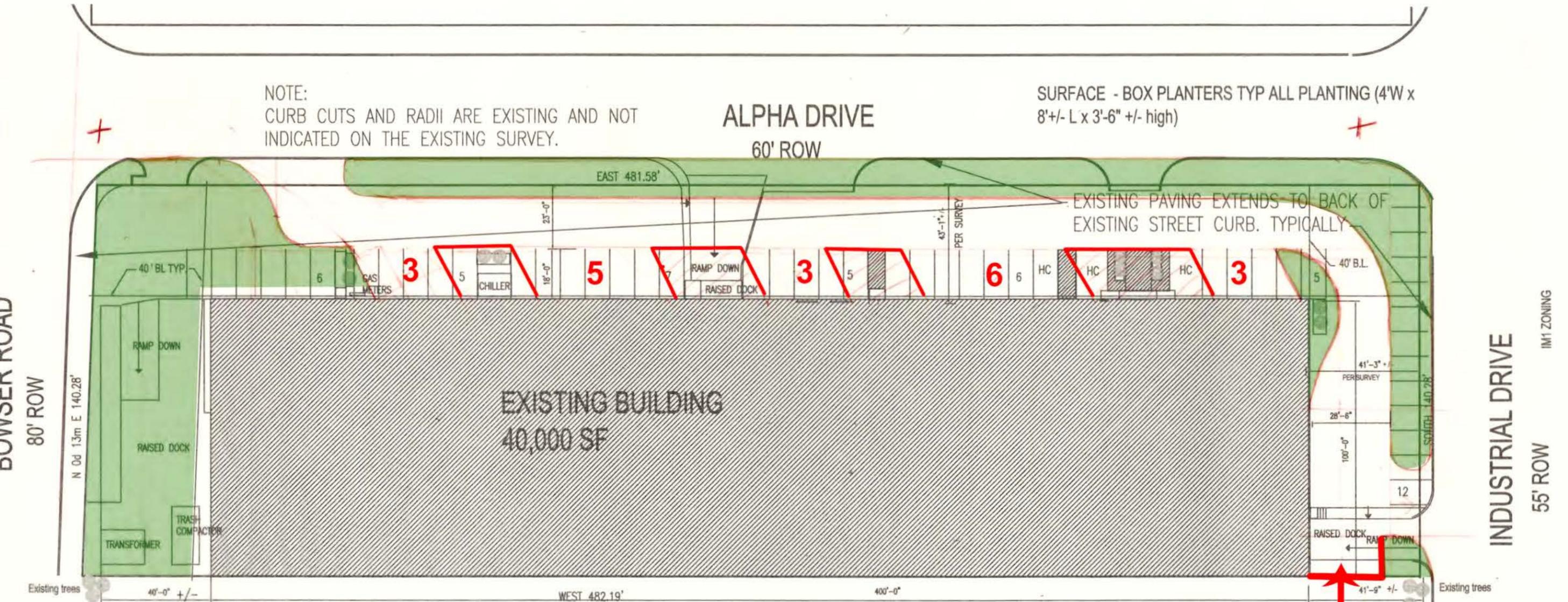
Sheet No.
1

Exhibit B
(Presented at 12-20-2011 CPC Meeting)

NOTE:
CURB CUTS AND RADII ARE EXISTING AND NOT
INDICATED ON THE EXISTING SURVEY.

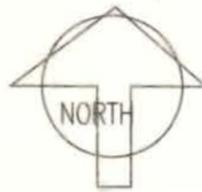
ALPHA DRIVE
60' ROW

SURFACE - BOX PLANTERS TYP ALL PLANTING (4'W x
8'+/- L x 3'-6" +/- high)



IM1 ZONING

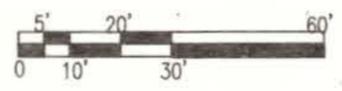
55' ROW



ZONING EXHIBIT
SITE PLAN - 906 BOWSER ROAD

Note:

IFP ZONING



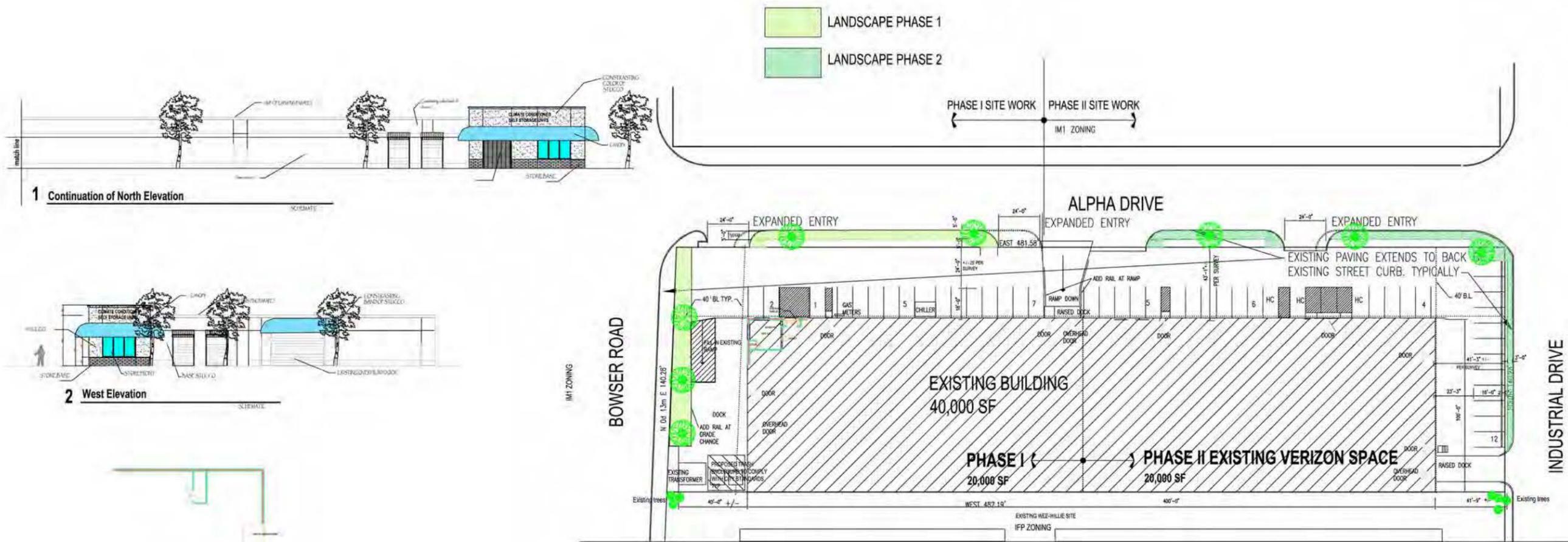
Trash Enclosure

Exhibit C - Staff's Original Conceptual Plan

906 BOWSER ROAD
RICHARDSON, TX

**SPECIAL USE
PERMIT DRAWING**

Owner / Applicant:
Kenneth R. Smith
Heath Asset Management, LP
4925 Greenville Ave
suite 915
Dallas, TX 75206
T (214) 212-7693



NOTES FOR PHASE I :

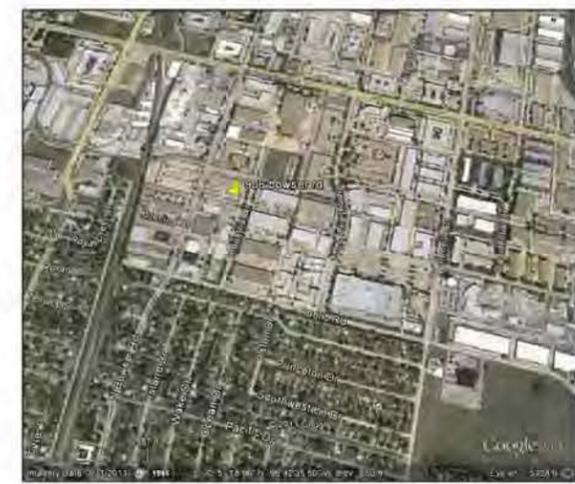
- PHASE I BUILDING AREA = 20,000 SF TOTAL
- PARKING RATIO = 1 / 20 UNITS, 1 / 250SF OFFICE
- SITE PARKING PROVIDED = 45 EXISTING SPACES (42 + 3 HC SPACES)
- PARKING REQUIRED = PHASE I = +/- 150 UNITS = 8 SPACES , AND 8 FOR OFFICE SPACE PHASE I (+/- 2,000 SF) TOTAL PARKING FOR PHASE I WOULD BE 16 SPACES
- 6 SPACES ARE REQUIRED FOR THE EXISTING VERIZON OFFICE SPACE (1,500 SF), 19 SPACES FOR EXISTING VERIZON WAREHOUSE SPACE (18,500 SF) FOR A TOTAL OF 25 SPACES FOR VERIZON
- LANDSCAPING = NONE EXISTING; PHASE I LANDSCAPING PROPOSED = 1203 SF ON SITE AND 930 SF IN ROW

NOTES FOR PHASE II:

- PARKING RATIO = 1 / 20 UNITS, 1 / 250SF OFFICE
- PARKING PROVIDED = 45 EXISTING SPACES TOTAL BOTH PHASES
- PHASE II SPACES PROVIDED = 29 SPACES
- PARKING REQUIRED PHASE II = 8 FOR UNITS (+/- 150), 8 FOR OFFICE SPACE (+/- 2000 SF) FOR A TOTAL OF 16 SPACES
- 6 SPACES WERE REQUIRED FOR THE EXISTING VERIZON OFFICE SPACE (1500 SF), AND 19 SPACES FOR THE EXISTING VERIZON WAREHOUSE SPACE (18,500 SF) FOR A TOTAL OF 25 SPACES FOR VERIZON.
- LANDSCAPING = NONE EXISTING; PROPOSED AREA FOR PHASE II = 148 SF ON SITE AND 1391 SF IN ROW

GENERAL NOTES:

- EXISTING ZONING = IFF(2)
- LOT AREA = 1.552 ACRES
- BUILDING SQUARE FOOTAGE = 40,000 SF
- SETBACKS = 40'-0"
- FAR = .578
- BUILDING HEIGHT = 1 STORY EXISTING BUILDING (18'-1" +/-)
- THE TRASH DUMPSTER ENCLOSURE WILL BE LOCATED AS SHOWN ON THE SITE PLAN AND COMPLY WITH CITY APPROVED ENCLOSURE DESIGN.
- EXISTING LANDSCAPE = NONE
- ALL STREETS AND ROW ARE EXISTING
- BAURCH CANTRELL SURVEY, ABSTRACT 265, DALLAS COUNTY, TEXAS



AREA MAP
Exhibit D
(Presented at 3-20-12 CPC Meeting)

Sheet Title :
**SPECIAL PERMIT FOR
SELF STORAGE
WAREHOUSE PHASE I**

ZF 11-24

Issue Date:
3/9/2012
Revisions:

Job No. : 2011-002

Sheet No.
1

906 BOWSER ROAD
RICHARDSON, TX

**SPECIAL USE
PERMIT DRAWING**

Owner / Applicant:
Kenneth R. Smith
Heath Asset Management, LP
4925 Greenville Ave
suite 915
Dallas, TX 75206
T (214) 212-7693

Sheet Title :
**SPECIAL PERMIT FOR
SELF STORAGE
WAREHOUSE PHASE I**

ZF 11-24

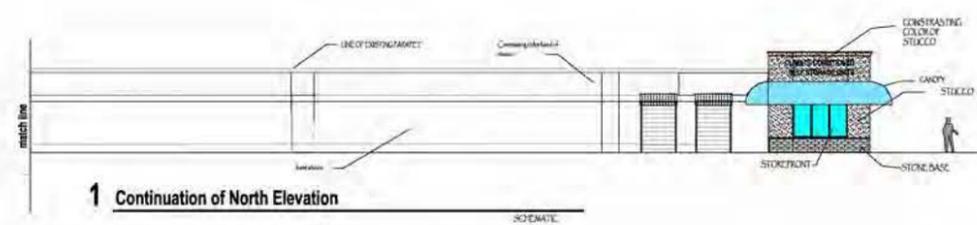
Issue Date:
5 / 25 / 2012

Revisions:

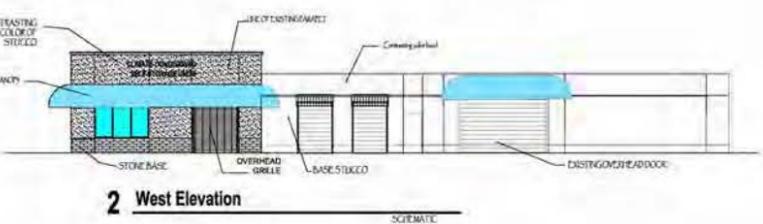
Job No. : 2011-002

Sheet No.

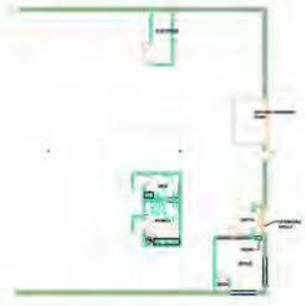
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1 Continuation of North Elevation



2 West Elevation



3 FLOOR PLAN AT OFFICE



AREA MAP

NOTES FOR PHASE I :

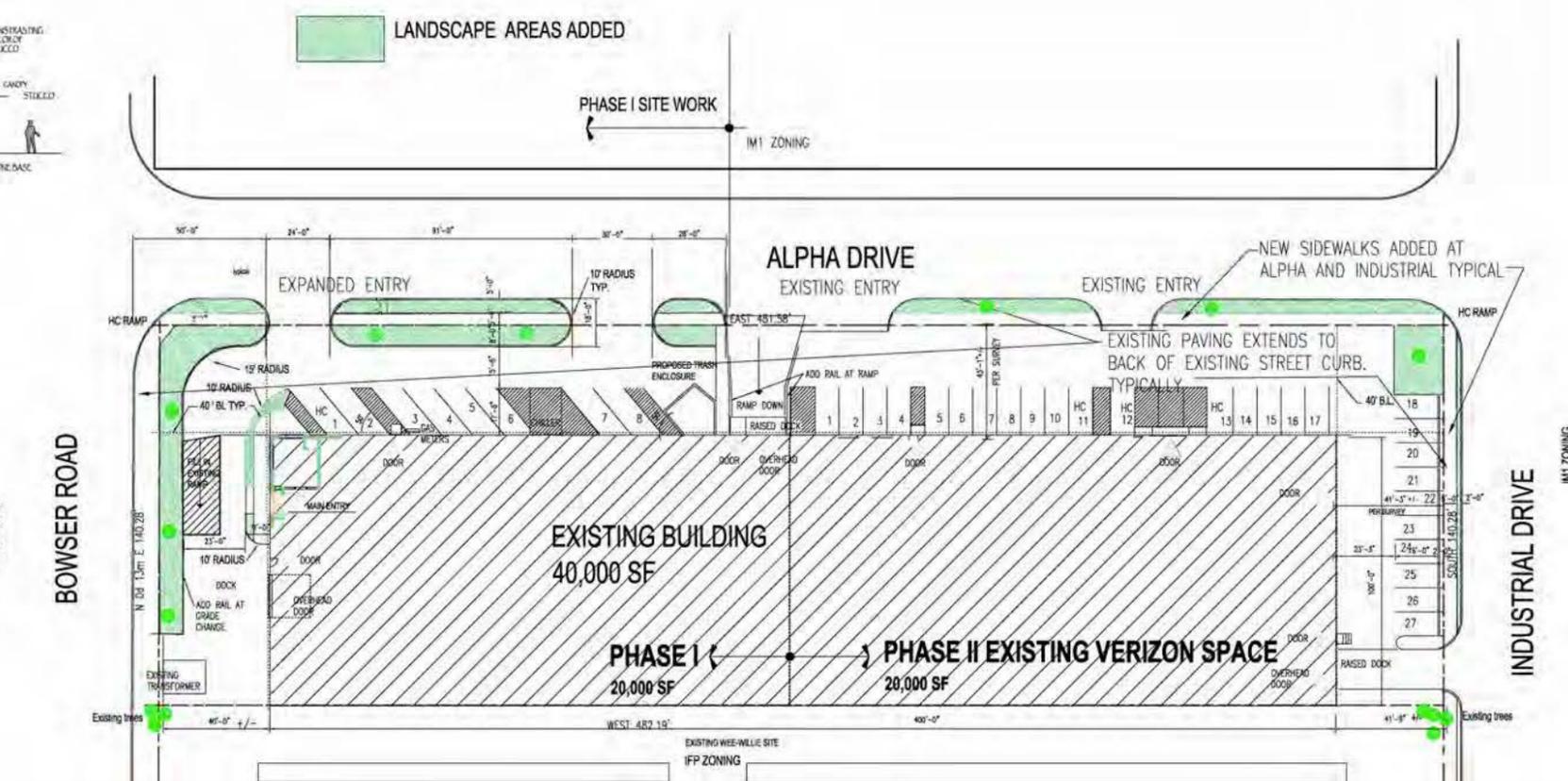
- BUILDING AREA = 20,000 SF OF 40,000 SF
- PARKING RATIO = 1 / 20 UNITS
1 / 2500 SF OFFICE
1 / 1,000 SF WAREHOUSING
- SITE PARKING PROVIDED = 35 SPACES
- PARKING REQUIRED = 33 SPACES
- SELF SERVICE WAREHOUSE (20,000 SF) = 8 SPACES
120 UNITS = 6 SPACES
800 SF OFFICE = 2 SPACES
- VERIZON = 25 SPACES
1,500 SF OFFICE = 6 SPACES
18,500 SF WAREHOUSE = 19 SPACES
- EXISTING LANDSCAPE AREA = 0%
- LANDSCAPE AREA PROVIDED = 2,755 SF (4%)
- LANDSCAPE AREA REQUIRED = 4949 SF (7%)

NOTES FOR PHASE II:

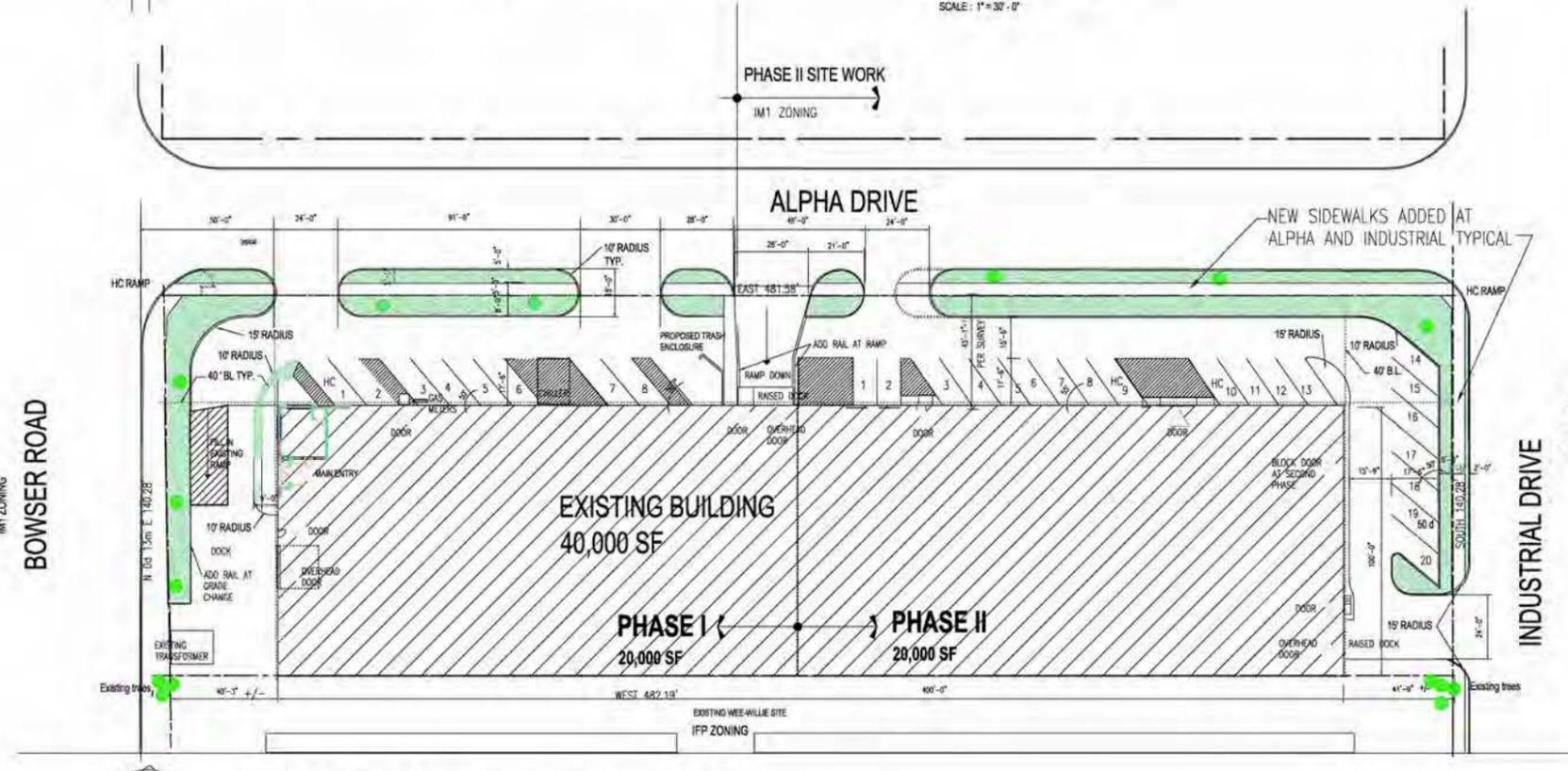
- BUILDING AREA = 40,000 SF
- PARKING RATIO = 1 / 20 UNITS
1 / 2500 SF OFFICE
- PARKING PROVIDED = 28 SPACES
- PARKING REQUIRED = 20 SPACES
- SELF SERVICE WAREHOUSE (40,000 SF) = 20 SPACES
225 UNITS = 12 SPACES
2,000 SF OFFICE = 8 SPACES
- EXISTING LANDSCAPE AREA = 2,755 SF (4%)
- ADDITIONAL LANDSCAPE AREA = 2,633 SF (4%)
- TOTAL LANDSCAPING PROVIDED = 4,930 SF (7%)

GENERAL NOTES:

- EXISTING ZONING = IFFP(2)
- LOT AREA = 1.552 ACRES
- BUILDING SQUARE FOOTAGE = 40,000 SF
- SETBACKS = 40'-0"
- FAR = .578
- BUILDING HEIGHT = 1 STORY EXISTING BUILDING (18'-11" +/-)
- THE TRASH DUMPSTER ENCLOSURE WILL BE LOCATED AS SHOWN ON THE SITE PLAN AND COMPLY WITH CITY APPROVED ENCLOSURE DESIGN.
- EXISTING LANDSCAPE = NONE
- ALL STREETS AND ROW ARE EXISTING
- BAURCH CANTRELL SURVEY, ABSTRACT 265, DALLAS COUNTY, TEXAS



ZONING EXHIBIT Phase 1 - 906 N BOWSER ROAD



ZONING EXHIBIT Phase 2 - 906 N BOWSER ROAD



(1)

**Looking Southeast
at Subject Property**

906 N Bowser Road - December 2011



(2)

**Looking West along
Alpha Drive**

Exhibit F-1



906 N Bowser Road - December 2011



Exhibit F-2



(5)

**Looking South along
West Side of Building**

906 N Bowser Road - December 2011



(6)

**Looking Southwest
across Bowser Road**

Explanation and Description of Request

Heath Asset Management, LP purchased 906 N. Bowser from American Trust Company of Dallas in 1997. Our request is for approval of a Special Permit for the conversion of the 40,000 square foot building currently zoned IFP(2) into climate controlled self storage.

This request arises from the decision of Verizon(predessor of MCI) to reduce space after some 40 years of continuous occupancy in their efforts to consolidate space needs.

Our plan is to convert the space in two phases of 20,000 square feet each beginning with the western half of the building.

Our market study suggests that the need for additional climate control self storage in Richardson is apparent with current occupancy of existing climate control self storage over 90%. We estimate only a little over 1,000 units of climate control exist on the east side of US 75 so that Richardson residents must drive to Garland or Plano for climate control self storage.

We request favorable consideration based on:

1. Need for additional climate control self storage in our market area.
2. Opportunity to create an appropriate secondary use for a 40 year old building in an industrial neighborhood in a very difficult rental market.
3. Our self storage neighbors to the south and to the north on our street do not offer climate control storage.

Kenneth R. Smith

Heath Asset Management, LP



Notice of Public Hearing

City Plan Commission • Richardson, Texas

An application has been received by the City of Richardson for a:

SPECIAL PERMIT

File No./Name: ZF 11-24 / Richardson Climate Control Self Storage
Property Owner: Kenneth R. Smith / Heath Asset Management, LP
Applicant: Kenneth R. Smith / Heath Asset Management, LP
Location: 906 N. Bowser Road (See map on reverse side)
Current Zoning: I-FP(2) Industrial District
Request: Special Permit for self-service warehouse with modified development standards.

The City Plan Commission will consider this request at a public hearing on:

TUESDAY, MAY 1, 2012
7:00 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

Process for Public Input: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the City Plan Commission. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the City Plan Commission is excluded from each 15 minute period.

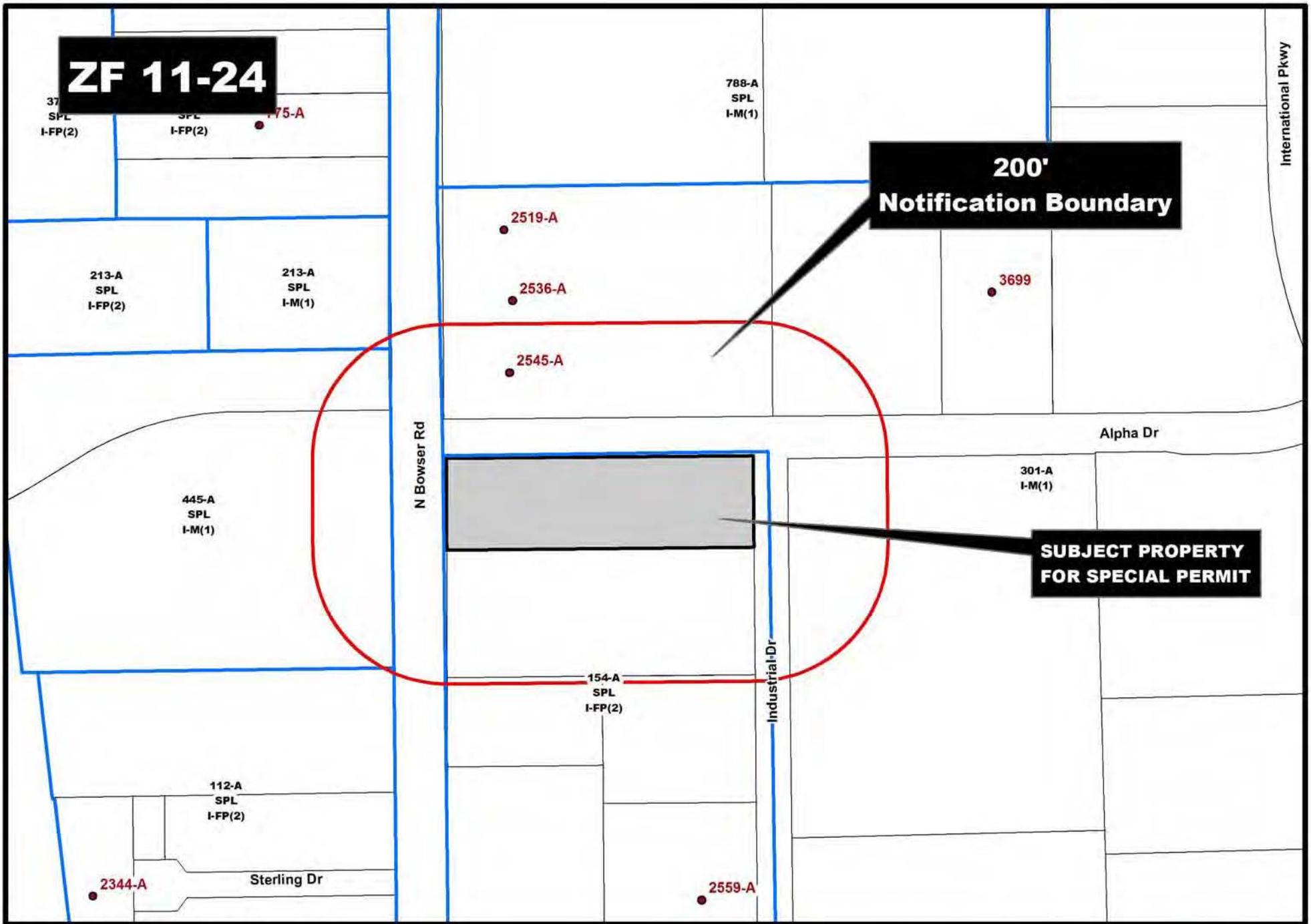
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

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 before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/DevelopmentServices.aspx?id=13682>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 11-24.

Date Posted and Mailed: 04/20/12



ZF 11-24 Notification Map

Updated By: shacklett, Update Date: December 6, 2011
 File: DSI\mapping\Cases\Z\2011\ZF1124\ZF1124 notification.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



HONEYWELL INC
101 COLUMBIA RD
PO BOX 1057
MORRISTOWN, NJ 07962-1057

RIETSCH KURT W
16836 MARINABAY DR
HUNTINGTON BEACH, CA 92649-2914

ATLAS COPCO COMPRESSORS LLC
1800 OVERVIEW DR
ROCK HILL, SC 29730-7463

RW SCOTT LLC
907 N BOWSER RD
RICHARDSON, TX 75081-2823

TECHCONCEPTS LTD
903 N BOWSER RD STE 170
RICHARDSON, TX 75081-2877

HEATH ASSET MGT L P
4925 GREENVILLE AVE STE 915
DALLAS, TX 75206-4021

PCCP DALLAS ACQUISITIONS I
601 UNION ST STE 5300
SEATTLE, WA 98101-1356

MATZDORF JANEIL
PO BOX 830813
RICHARDSON, TX 75083-0813

M REYNOLDS PPTIES LTD
% MERION B REYNOLDS
605 N BOWSER RD
RICHARDSON, TX 75081-2817

CWBC PROPERTY LLC DBA
CHANG & CHEN PROPERTY
501 INDUSTRIAL DR STE 101
RICHARDSON, TX 75081-6631

FRISCO ENTERPRISES INC
ATTN: MR RICHARD SAMADI
508 N BOWSER RD
RICHARDSON, TX 75081-2814

Kenneth Smith
Health Asset Management LP dba
Climate Control Self Storage
4925 Greenville Ave, Suite 915
Dallas, TX 75206

ZF 11-24

Notification List



MEMO

DATE: June 7, 2012
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services MS
SUBJECT: Zoning File 12-05 – Courtesy Nissan Motor Vehicle Repair Shop-Major – 1700 Gateway Blvd

REQUEST

Darryl M. Burman, representing Group 1 Realty, Inc., is requesting a Special Permit for a “motor vehicle repair shop – major” to be located at 1700 Gateway Boulevard and used in conjunction with the adjacent “motor vehicle sales/leasing, new” use (Courtesy Nissan) located at 1777 N. Central Expressway. Both properties are zoned C-M Commercial.

BACKGROUND

In 2008, the Comprehensive Zoning Ordinance was amended to require a Special Permit for motor vehicle repair shops. Prior to the amendment, the use was allowed by right in C-M Commercial Districts. However, vehicle repair shops are allowed by right if they are located on the same lot and operated in conjunction with a new car dealership. Staff advised the applicant to plat the two (2) properties into a single lot so a Special Permit would not be required; however the two (2) lots are owned by separate entities and could not be platted together. Therefore, the use requires a Special Permit since the proposed use is located on a separate lot from Courtesy Nissan.

The proposed 25,029-square foot facility is three (3) stories, with the third story being a rooftop parking deck, and is constructed of 100% masonry utilizing a thin brick set in pre-cast concrete panels with a smooth concrete panel cap. Along Gateway Boulevard, the existing required 20-foot landscape buffer consists of canopy and ornamental trees and berms. The applicant proposes to add additional canopy trees, shrubs, and a tubular steel fence with masonry columns. The additional landscaping and fence will provide screening along the west elevation which will have three (3) overhead doors. The main vehicle entrance to the facility will be located on the north side of the building. As presented, the proposed use would only be allowed in conjunction with the “motor vehicle sales/leasing, new” use located on the lot to the east.

No correspondence has been received.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a vote of 6-1 (Commissioner Maxwell opposed), recommended approval of the request as presented with the attached special conditions.

ATTACHMENTS

Special Conditions	Building Elevations (Exhibit “C”)
CC Public Hearing Notice	Color Rendering (Exhibit “D”)
City Plan Commission Minutes 05-01-2012	Site Photos (Exhibits “E-1” through “E-3”)
Staff Report	Applicant’s Statement
Zoning Map	Notice of Public Hearing
Aerial Map	Notification List
Oblique Aerial Looking North	Ordinance 2237-A
Zoning Exhibit (Exhibit “B”)	

ZF 12-05 Special Conditions

1. The Special Permit for a motor vehicle repair shop – major is limited to the area shown on the attached concept plan, attached as Exhibit “B” and made a part thereof, and which is hereby approved.
2. The motor vehicle repair shop – major shall be constructed in substantial conformance with the concept plan and building elevations attached as Exhibit “C”.
3. The motor vehicle repair shop – major shall only be allowed in conjunction with a motor vehicle sales/leasing, new use located on the lot to the east.
4. The motor vehicle sales/leasing, new use located on the lot to the east shall be allowed to store vehicles on the subject property.
5. No gates across the driveways shall be allowed along Gateway Boulevard or between the subject property and lot to the east.

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, June 11, 2012, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

Zoning File 11-24

A request by Kenneth R. Smith, representing Heath Asset Management, LP, for a Special Permit for a self-service warehouse with modified development standards at 906 N. Bowser Road (SEC Bowser Rd/Alpha Dr); currently zoned I-FP(2) Industrial.

Zoning File 12-05

A request by Darryl M. Burman, representing Group 1 Realty, Inc., for a Special Permit with special conditions for a motor vehicle repair shop – major to be located at 1700 Gateway Boulevard, to be used in conjunction with the existing Courtesy Nissan dealership located at 1777 N Central Expressway; currently zoned C-M Commercial.

If you wish your opinion to be part of the record but are unable to attend, send a written reply prior to the hearing date to City Council, City of Richardson, P.O. Box 830309, Richardson, Texas 75083.

CITY OF RICHARDSON
Vickie Schmid, Deputy City Secretary

**EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – MAY 1, 2012**

Zoning File 12-05: Consider and take necessary action on a request by Darryl M. Burman, representing Group 1 Realty, Inc., for a Special Permit with special conditions for a motor vehicle repair shop-major to be located at 1700 Gateway Boulevard, which is to be used in conjunction with the existing Courtesy Nissan dealership located at 1777 N. Central Expressway. The property is currently zoned C-M Commercial.

Mr. Shacklett reported that the request was for a Special Permit with special conditions for a repair shop associated with the Courtesy Nissan dealership on Central Expressway. He explained that a Special Permit was required because even though the City ordinance does allow a repair facility as part of a dealership by right in a C-M Commercial District, the proposed facility would be located on a separate lot.

Mr. Shacklett noted that the proposed 25,000 square foot facility will include 21,000 square feet of area on the first floor with service bays, inspections areas and a car wash. The second floor will be a mezzanine style floor on the south end of the building for parts storage, and the third floor will be a rooftop parking deck.

Mr. Shacklett reviewed some of the proposed changes to the site including the following:

- Building constructed of tilt wall panels inlaid with brick veneer.
- 20-foot landscape buffer along Gateway Boulevard including canopy and ornamental trees.
- Tubular steel fence with masonry columns around the site.
- Two 34-foot stair towers at either end of the building.
- 6-foot parapet to screen vehicles parked on the rooftop.

In closing his presentation, Mr. Shacklett stated that no correspondence had been received and the permitted use could only be used in conjunction with the lot to the east.

Commissioner Frederick asked if the rendering was attached to the ordinance, did it lock the applicant to the building color as well as the doors that would be used.

Mr. Shacklett replied that the color rendering would not be part of the ordinance; only the black and white elevations. He added that the proposed color is listed on the elevations and the applicant would have to be in substantial conformance with the ordinance, but if they wanted to change anything they would have to come back before the Commission to amend the elevations.

Commissioner Maxwell asked if the dealership no longer existed, could the facility act as a stand alone repair shop.

Mr. Shacklett replied that because of the way the special conditions were written, that would not be possible. He added that in 2008 the Comprehensive Zoning Ordinance was amended to require repair shops to acquire a Special Permit; however, new car dealerships were allowed by right, as part of their business, to have repair shop facilities on their site.

Vice Chair Hammond asked if there were other designs proposed or considered regarding the façade, and wanted to know what the black openings were on the east side of the building.

Mr. Shacklett replied the openings were windows along the east side of the building, and there had been discussions about the elevations, but the proposed elevation fit the applicant's requirements for the building. He added that the building will have some articulation around the stair towers, and the tilt wall construction will be inlaid with three-quarter inch brick so it will appear to be a brick building instead of the typical tilt wall construction.

Mr. Chavez stated that another feature that cannot be seen on the rendering are the different types of bonds in the construction including a running bond, a stack bond, and a roll lock, which will add character and texture to the building and be more decorative.

Commissioner Hand asked if the property was being acquired based on the Commission's approval of the request.

Mr. Shacklett replied that Group 1 operates as Courtesy Nissan and owns the lot to the west along Gateway Boulevard; however, the lot to the east that fronts on Central Expressway is owned by another entity, but Courtesy Nissan will have the use of that property and no sale of the property is planned.

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

Mr. Mark Whittaker, Dynamic Engineering, 1904 Main Street, Lake Como, New Jersey, representing Courtesy Nissan, stated that Group 1 Automotive, in addition to operating Courtesy Nissan, is one of the top three publicly held auto dealers in the country operating 125 dealerships in the United States.

Mr. Whittaker noted that Group 1 Realty owns the property where the proposed repair shop would be located and made significant capital investments in the property and building including:

- Construction of the pre-cast panels with the brick veneer
- Addition of landscape buffer
- Maintaining the existing trees along Gateway Boulevard
- Adding tubular steel and masonry fence and additional landscaping

- Increasing the service capabilities by adding 18 service bays in the new building.

Chairman Gantt asked how many service bays are currently operating in the existing facility.

Mr. Whittaker replied there are 26 repair/service bays.

Vice Chair Hammond stated that he liked some of the aspects of the design, but expressed concern that the rendering looked more like a jail than a building and wondered if it would fit into an area of office buildings.

Mr. Whittaker replied that the architect was not able to make the meeting so he could not answer the architectural questions, but did mention that the point of the design was not to display the building, but to buffer it from the adjacent office buildings by keeping the existing 30-foot tall canopy trees and adding the fence, landscaping and berm.

Commissioner Hand stated that he liked the stacking aspect of the design and having the ability to park vehicles on top of the building, but agreed with Mr. Hammond's suggestion that the heavy, gray, institutional masonry look was not appealing. He expressed disappointment that the design did not replicate the metal panels and glass walls of the showroom building facing Central Expressway.

Commissioner Maxwell stated that he agreed with Mr. Hand's assessment and felt that by simply changing the color it would help blend the building into the surrounding area. Also, Mr. Maxwell strongly encouraged the applicant to go back and review the elevations and possibly introduce some of the materials used on the showroom, which, he felt, would greatly improve the look of the building.

Commissioner DePuy stated that she disagreed and said she did not think building materials of steel and glass would blend in well with the adjacent office buildings and preferred more of a "brick look" on the building. She added that new and different materials are important, in the right setting, but the proposed facility would match the adjacent buildings better if a brick design was used.

With no other comments in favor or opposition, Chairman Gantt closed the public hearing.

Chairman Gantt said he was in agreement with Ms. DePuy and trusted the staff's comments that the façade would be more like a brick building as opposed to the typical tilt wall construction. He added that the existing large trees, new landscaping, and new fence would screen the building along Gateway Boulevard.

Commissioner Bright stated he was happy with the way the project was presented and thought the applicant had presented a design that emphasized increasing the landscaping and buffering instead of sprucing up the building.

Commissioner Frederick commended the applicant on putting the clean looking façade facing Gateway Boulevard and the congestion of the parking and automotive movement towards the interior of the lot.

Motion: Commissioner Bright made a motion to approve Item 3 as presented; second by Commissioner Hand. Motion passed 6-1 with Commissioner Maxwell opposed.



Staff Report

TO: City Council

THROUGH: Michael Spicer, Director of Development Services **MS**

FROM: Sam Chavez, Assistant Director – Development Services **SC**

DATE: June 7, 2012

RE: **Zoning File 12-05:** Courtesy Nissan Motor Vehicle Repair Shop-Major – 1700 Gateway Blvd

REQUEST:

Special Permit for a “motor vehicle repair shop – major” located at 1700 Gateway Boulevard to be used in conjunction with the adjacent “motor vehicle sales/leasing, new” use (Courtesy Nissan).

APPLICANT / PROPERTY OWNER:

Darryl M. Burman – Group 1 Realty, Inc.

EXISTING DEVELOPMENT:

The property is currently vacant. Two office (2) buildings totaling approximately 21,500 square feet were recently demolished.

ADJACENT ROADWAYS:

Central Expressway: Freeway/Turnpike; 250,000 vehicles per day on all lanes, northbound and southbound, south of Campbell Road (2010).

Gateway Boulevard: Four-lane, undivided local street; no traffic counts are available.

SURROUNDING LAND USE AND ZONING:

North: Retail/Commercial; C-M Commercial

South: Retail/Commercial; C-M Commercial

East: Retail/Commercial; C-M Commercial

West: Office; O-M Office

FUTURE LAND USE PLAN:

Regional Employment

Higher density development is appropriate with the primary use being high-rise office. Secondary uses include retail centers and entertainment venues.

Future Land Uses of Surrounding Area:

North: Regional Employment

South: Regional Employment

East: Regional Employment

West: Regional Employment

EXISTING ZONING:

C-M Commercial (Ordinance Number 2237-A).

TRAFFIC/ INFRASTRUCTURE IMPACTS:

The requested will not have any significant impacts on the surrounding infrastructure or transportation system.

APPLICANT'S STATEMENT

(Please refer to the complete Applicant's Statement.)

STAFF COMMENTS:

Background:

In 2008, the Comprehensive Zoning Ordinance (CZO) was amended to require several motor vehicle related uses, including vehicle repair shops to acquire a Special Permit. Prior to the amendment, motor vehicle repair shops were allowed by-right in C-M Commercial Districts. Group 1 Realty acquired the subject property in 2010 and demolished the existing buildings in 2011.

The owner inquired about the construction of a motor vehicle repair shop – major on the subject lot to be used by Courtesy Nissan; however, the existing Courtesy Nissan lot and the subject property are located on separately platted lots. Typically, a motor vehicle repair shop is allowed by-right when located on the same lot as a new car dealership. As defined, “motor vehicle sales/leasing, new” includes service and repair of motor vehicles.

Staff initially advised the applicant that if the lots could be platted into a single lot, a Special Permit would not be required; however, the two (2) lots are owned by separate entities and could not be platted together. Therefore, the proposed use requires a Special Permit since the proposed use is located on a separate lot from the new car dealership (Courtesy Nissan).

Applicant's Request:

The applicant's proposed development is described below:

- Lot Area: 1.74 acres / 75,880 square feet
- Building Area: 25,029 square feet
 - 1st story: 19,865 square feet
 - 2nd story: 5,164 square feet
 - Rooftop parking deck: 21,617 square feet
- Setbacks: 40 feet along Gateway Boulevard
- Number of Parking Spaces: 45 required/180 proposed (113 surface and 67 rooftop)
- Building Height: three (3) stories / thirty-four (34) feet to top of stair tower (3rd story is rooftop parking deck)
- Building Materials: The proposed building will be 100% masonry and constructed of thin brick veneer pre-cast concrete panels. The cap of the building façade will be constructed of smooth concrete panels. The building colors will consist of different shades of grey (See Exhibits C and D).
- Landscaping Percentage: Required - 7% (3,560 square feet) of gross site area less building area (Ordinance 2237-A) / Proposed - 7.1% (5,400 square feet) of total gross site area.
- Other Landscape Requirements: 20-foot landscape buffer required along Gateway Blvd to include canopy trees, ornamental trees, and an existing berm per Ordinance 2237-A. Additional shrubs and a tubular steel fence with masonry columns will also be placed in the buffer to provide additional screening of the west elevation of the building.

Staff Concerns Related to the Request:

West Elevation – Due to the location of the proposed bay doors along the west building elevation which face onto Gateway Boulevard and lack of architectural relief, staff recommended that the applicant:

- Reconfigure the internal layout of the facility and relocate the bay doors so that they do not face Gateway Boulevard. This modification would allow the drive aisle along the west side of the building to be removed and would increase the width of the landscape buffer along Gateway Boulevard.
 - The applicant stated the modification was not possible because the northern most bay door on the west elevation would serve as an additional vehicle access point for emergency purposes if the entrance on the north side of the building ever failed. The smaller bay doors serve the pre-delivery inspection area and do not access the remainder of the building. These doors will be closed unless they are being used for vehicles to enter and exit and will not remain open for extended periods of time.

In response, the applicant will provide additional screening within the landscape buffer along Gateway Boulevard in the form of landscape beds with shrubs and a steel tubular fence with masonry columns.

- Provide architectural relief and/or projections.

In response, the applicant projected the stair towers on the north and south sides of the elevation eight (8) inches from the face of the building elevation to provide architectural relief and will provide varying brick patterns (running, stacked and rowlock bonds) throughout the building.

Conclusion:

The intent of the CZO amendment in 2008 was to allow new car dealerships to continue to operate as they had in the past without acquiring a Special Permit, but to require stand-alone repair shops and other motor vehicle related uses, which were becoming increasingly prevalent, to acquire a Special Permit thus allowing the City to examine the appropriateness of such uses on a case by case basis.

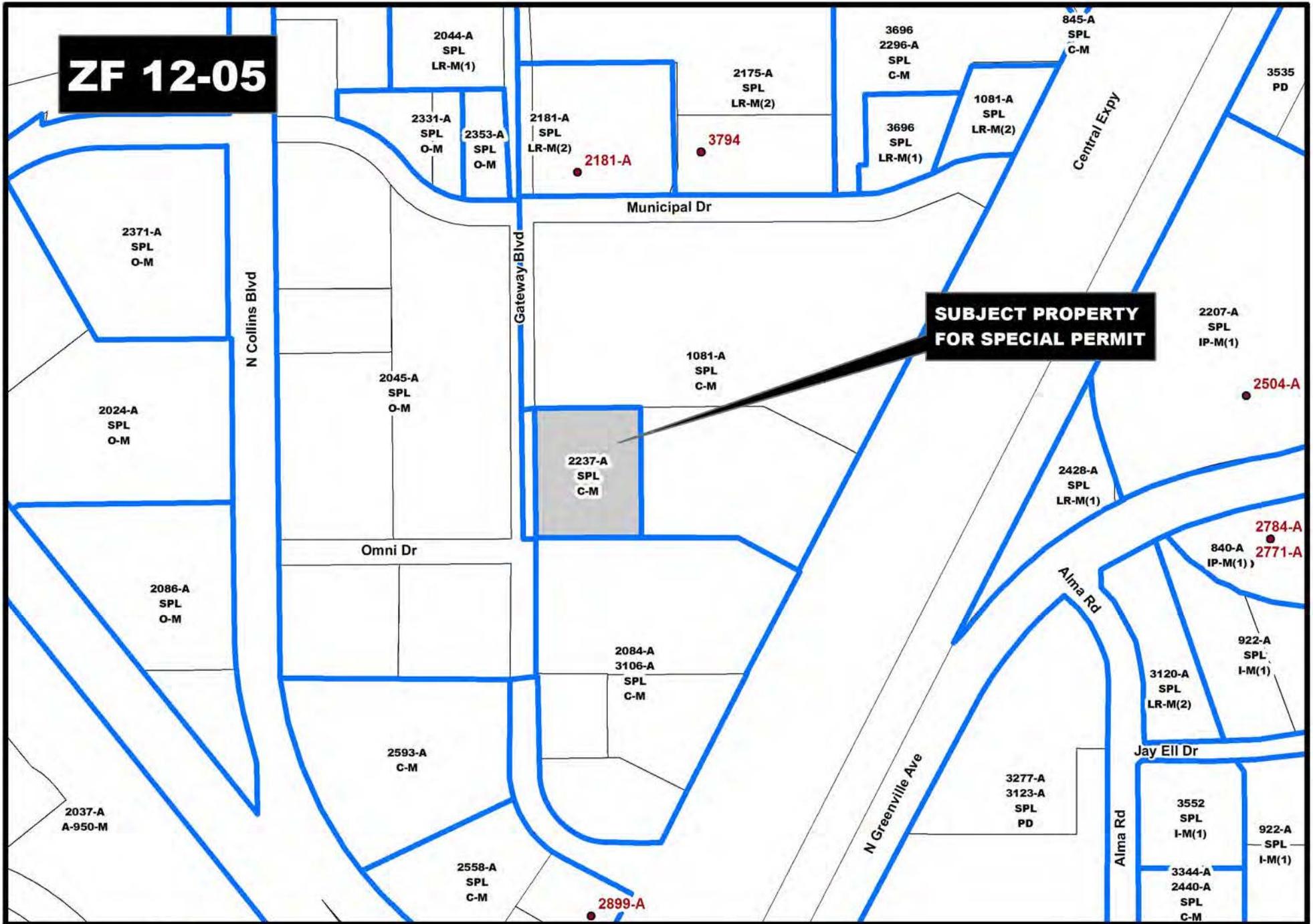
In this case, the proposed motor vehicle repair shop – major will function like a typical dealership related repair shop, but will be located on a separate yet adjacent lot. As part of the proposed conditions, staff recommends that the proposed use be allowed but only in conjunction with a new car dealership located on the existing Courtesy Nissan site.

Correspondence: As of this date, no correspondence has been received.

Motion: On May 1, 2012, the City Plan Commission recommended approval as presented on a vote of 6-1 (Commissioner Maxwell opposed) subject to the following special conditions:

1. The Special Permit for a motor vehicle repair shop – major is limited to the area shown on the attached concept plan, attached as Exhibit “B” and made a part thereof, and which is hereby approved.
2. The motor vehicle repair shop – major shall be constructed in substantial conformance with the concept plan and building elevations attached as Exhibit “C”.
3. The motor vehicle repair shop – major shall only be allowed in conjunction with a motor vehicle sales/leasing, new use located on the lot to the east.
4. The motor vehicle sales/leasing, new use located on the lot to the east shall be allowed to store vehicles on the subject property.
5. No gates across the driveways shall be allowed along Gateway Boulevard or between the subject property and lot to the east.

ZF 12-05



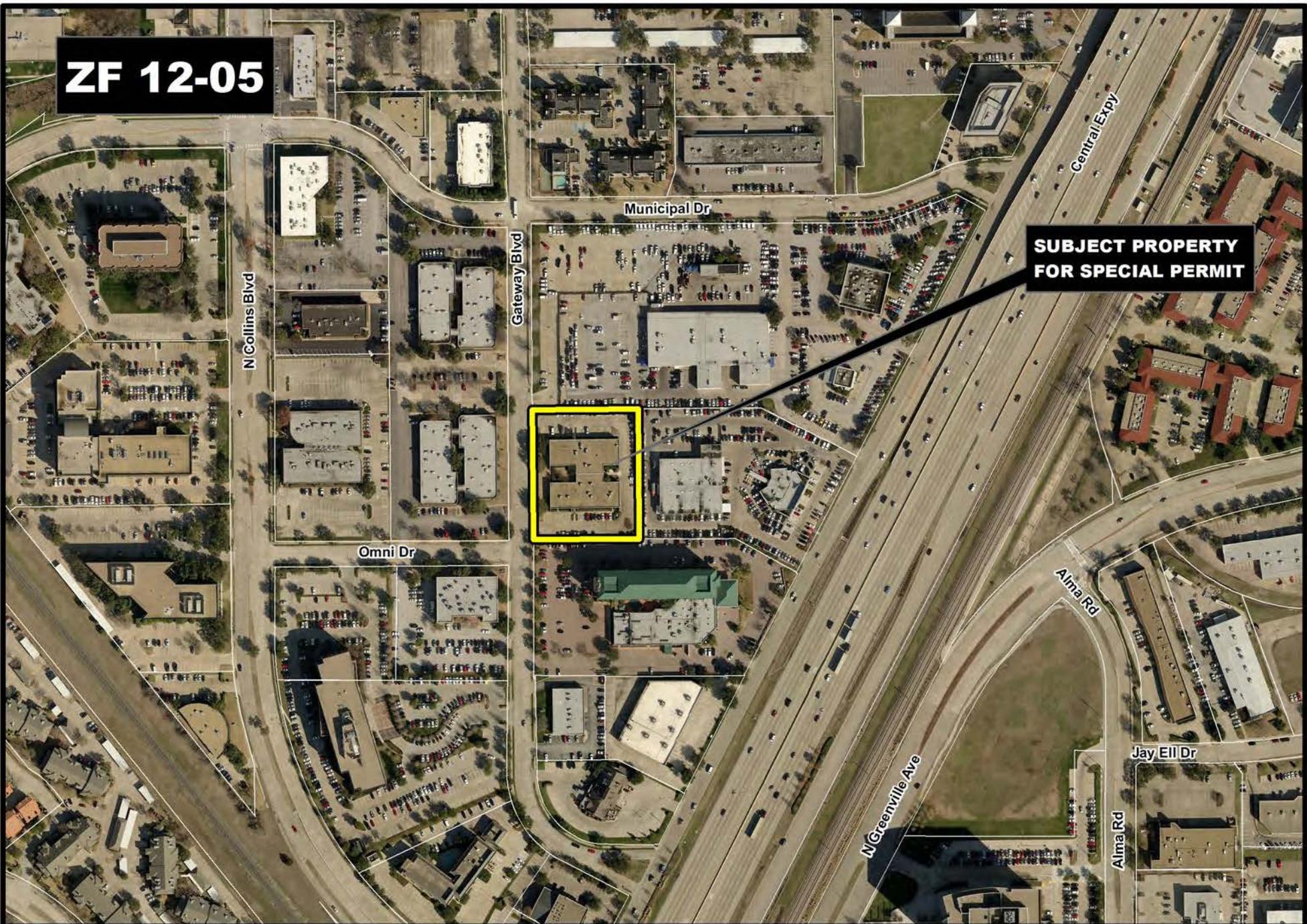
ZF 12-05 Zoning Map

Updated By: shacklett, Update Date: April 2, 2012
File: DS\Mapping\Cases\Z\2012\ZF1205\ZF1205 zoning.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



ZF 12-05



**SUBJECT PROPERTY
FOR SPECIAL PERMIT**

ZF 12-05 Aerial Map

Updated By: shacklett, Update Date: April 2, 2012
File: DSI\Mapping\Cases\Z\2012\ZF1205\ZF1205_ortho.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





Ford Dealership

Subject Property

Existing Courtesy Nissan Site

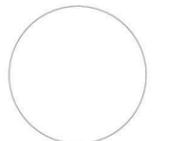
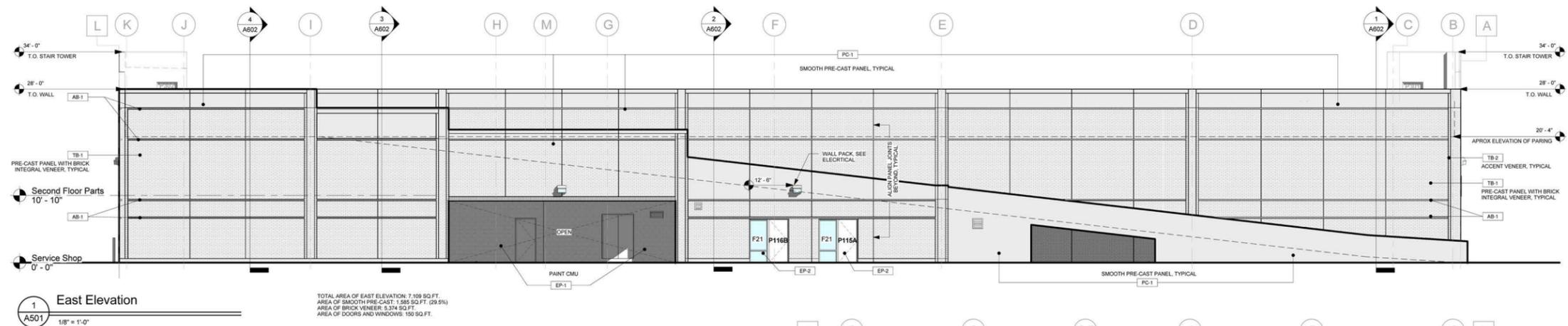
Holiday Inn

Gateway Blvd

N Central Expy



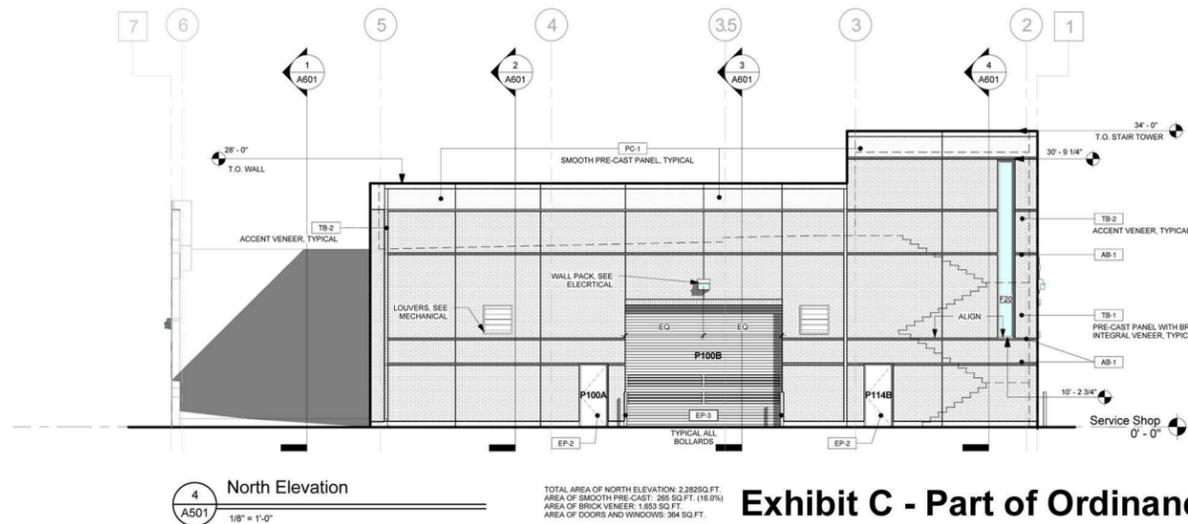
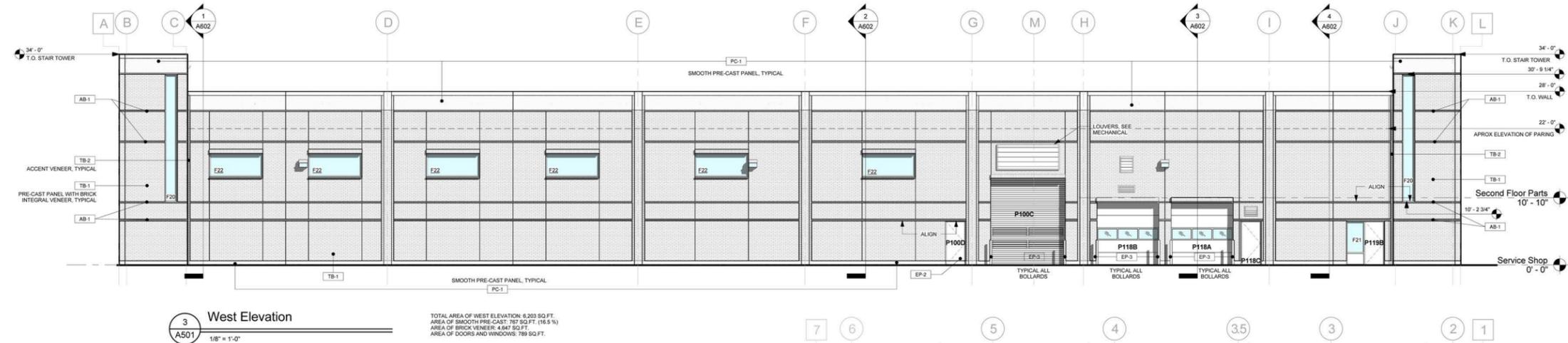
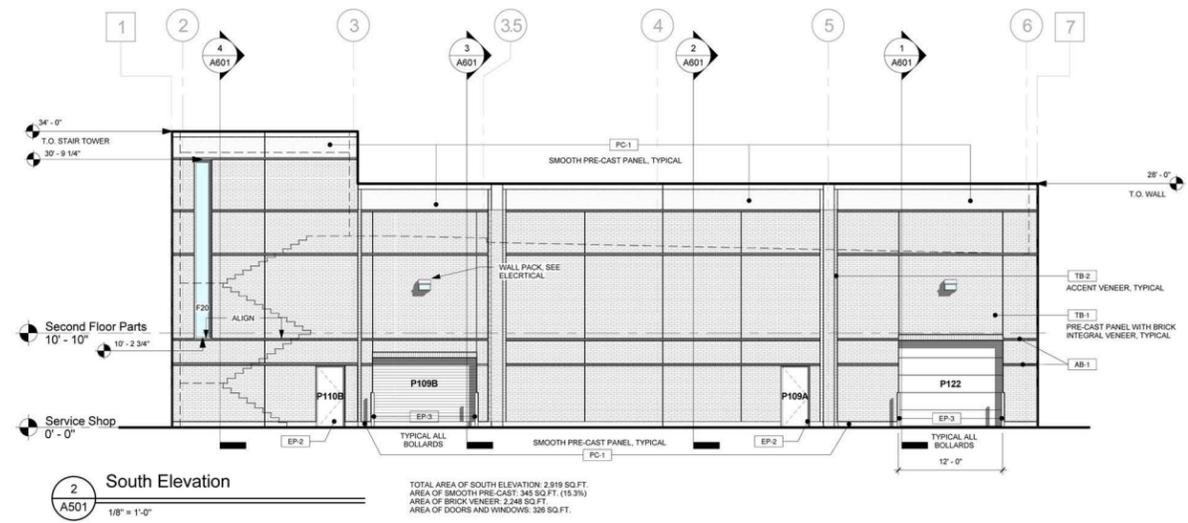
Oblique Aerial Looking North



Signed & Sealed:
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Rev	Date	Comments
1	11/18/11	For Construction

FINISH MATERIAL LEGEND							
	CODE	MATERIAL	MANUFACTURER	PATTERN	COLOR	TYPE	REMARKS
EXTERIOR PAINT	EP-1	PAINT (SATIN LIGHT GRAY)	BENJAMIN MOORE	-	"SILVER HALF DOLLAR" 2121-40	EXTERIOR: ALKYD SATIN INTERIOR	SEE SPECS FOR ELECTROMETRIC COATING LOCATIONS
	EP-2	PAINT (SEMI-GLOSS LIGHT GRAY)	BENJAMIN MOORE	-	"SILVER HALF DOLLAR" 2121-40	EXTERIOR: SEMI-GLOSS FINISH	-
	EP-3	PAINT (SATIN DARK GRAY)	BENJAMIN MOORE	-	"STEEL WOOL" 2121-20	EXTERIOR: ALKYD SATIN INTERIOR	-
PRE-CAST WALLS	TB-1	THIN BRICK VENEER	METRO BRICK	RUNNING BOND	LIGHT GREY	ARCHITECTURAL THIN BRICK	FOR USE WITH SCOTT SYSTEM AND CAST IN PANEL
	TB-2	THIN BRICK VENEER	METRO BRICK	STACKED BOND	MEDIUM GREY	ARCHITECTURAL THIN BRICK	FOR USE WITH SCOTT SYSTEM AND CAST IN PANEL
	AB-1	THIN BRICK VENEER	METRO BRICK	ROWLOCK BOND	MEDIUM GREY	ARCHITECTURAL THIN BRICK	FOR USE WITH SCOTT SYSTEM AND CAST IN PANEL
	PC-1	SMOOTH PRE-CAST PANEL	PRE-CAST COMPANY TO BE DETERMINED	SMOOTH FINISH	LIGHT GREY	INTEGRAL COLOR PIGMENT	PRE-CAST PANELS



Client:
Group 1 Automotive

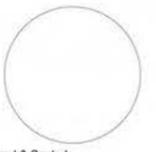
Project:
COURTESY NISSAN

Project Number: 11015
Drawn By: SMF
Checked By: RDVK
Approved By: YSM

Sheet Title:
Elevations

Sheet Number:
A501

Exhibit C - Part of Ordinance



Signed & Sealed:
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Rev	Date	Comments



Client:
Group 1 Automotive

Project:
**COURTESY
NISSAN**

Project Number: 11015
Drawn By: Author
Checked By: Checker
Approved By: Approver

Sheet Title:
Rendering

Sheet Number:
A550



(1)

**Courtesy Nissan
Sales Building
Facing Central**

Courtesy Nissan Site - April 2012



(2)

**Courtesy Nissan
Existing Service
Building**



(3)

**Looking North
along Subject Property**

1700 Gateway Blvd - April 2012



(4)

**Looking Southeast
at Subject Property**

Exhibit E-2



1700 Gateway Blvd - April 2012



Applicant's Statement

**Application for Special Permit
Courtesy Nissan Auto Dealership
City of Richardson, TX**

April 18, 2012

As required by a Special Permit Application, this document states the purpose of the request. The Applicant, Group 1 Automotive, operates an automobile dealership (hereafter, "Courtesy Nissan") on Lot 2, Block A. That property is owned by an entity named Commodore Partners LTD. Courtesy Nissan leases that parcel from Commodore Partners LTD. The Courtesy Nissan dealership is in need of additional automobile service facilities. Accordingly, Group 1 Automotive purchased the property (Lot 2A, Block A) immediately to the west.

The three-story building was designed to add 18 service bays on the ground floor. The remainder of the ground floor will house tire storage, parts storage, technician support areas, administrative areas and pre-delivery inspection areas. A mezzanine floor (second floor) was added to house additional parts to facilitate the service operation. In order to supply additional on-site parking of new vehicles, the rooftop was designed to accommodate 67 parking spaces.

The proposed building will be utilized only by employees of the Courtesy Nissan facility. Customers will drop off their vehicle for service on the existing Courtesy Nissan facility and a service technician will deliver the vehicle to either the existing service building or this proposed service building. When service is completed, a service technician will deliver the vehicle back to Courtesy Nissan for it to be picked up by the customer.

A Special Permit for this proposed development would not be required if the existing Courtesy Nissan property and the subject property were to be re-platted as one parcel. However, this cannot be accomplished as the two parcels are under different ownership. Courtesy Nissan leases the existing Lot 2 from Commodore Partners and Group 1 Automotive owns Lot 2A. As such, the Applicant requests the City grant a Special Permit to operate the existing Courtesy Nissan Automobile Dealership on Lot 2A of Block A.

The remainder of this development will comply with the specific requirements of the existing zoning found in Ordinance 1081-A and 2237-A with the exception of the requirement to provide landscaping and/or a buffer along the northern and southern property lines of Lot 2A. The Applicant requests relief from the zoning ordinance to provide that buffer and to instead leave the existing parking areas along those property lines as is.



Notice of Public Hearing

City Plan Commission • Richardson, Texas

An application has been received by the City of Richardson for a:

SPECIAL PERMIT

File No./Name: ZF 12-05 / Motor Vehicle Repair Shop – Major
Property Owner: Darryl M. Burman, VP / Group 1 Realty, Inc.
Applicant: Darryl M. Burman, VP / Group 1 Realty, Inc.
Location: 1700 Gateway Boulevard (See map on reverse side)
Current Zoning: C-M Commercial
Request: A request by Darryl M. Burman, representing Group 1 Realty, Inc., for a Special Permit for a motor vehicle repair shop – major to be located at 1700 Gateway Boulevard which is to be used in conjunction with the existing Courtesy Nissan dealership located at 1777 N. Central Expressway.

The City Plan Commission will consider this request at a public hearing on:

TUESDAY, MAY 1, 2012
7:00 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

Process for Public Input: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the City Plan Commission. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the City Plan Commission is excluded from each 15 minute period.

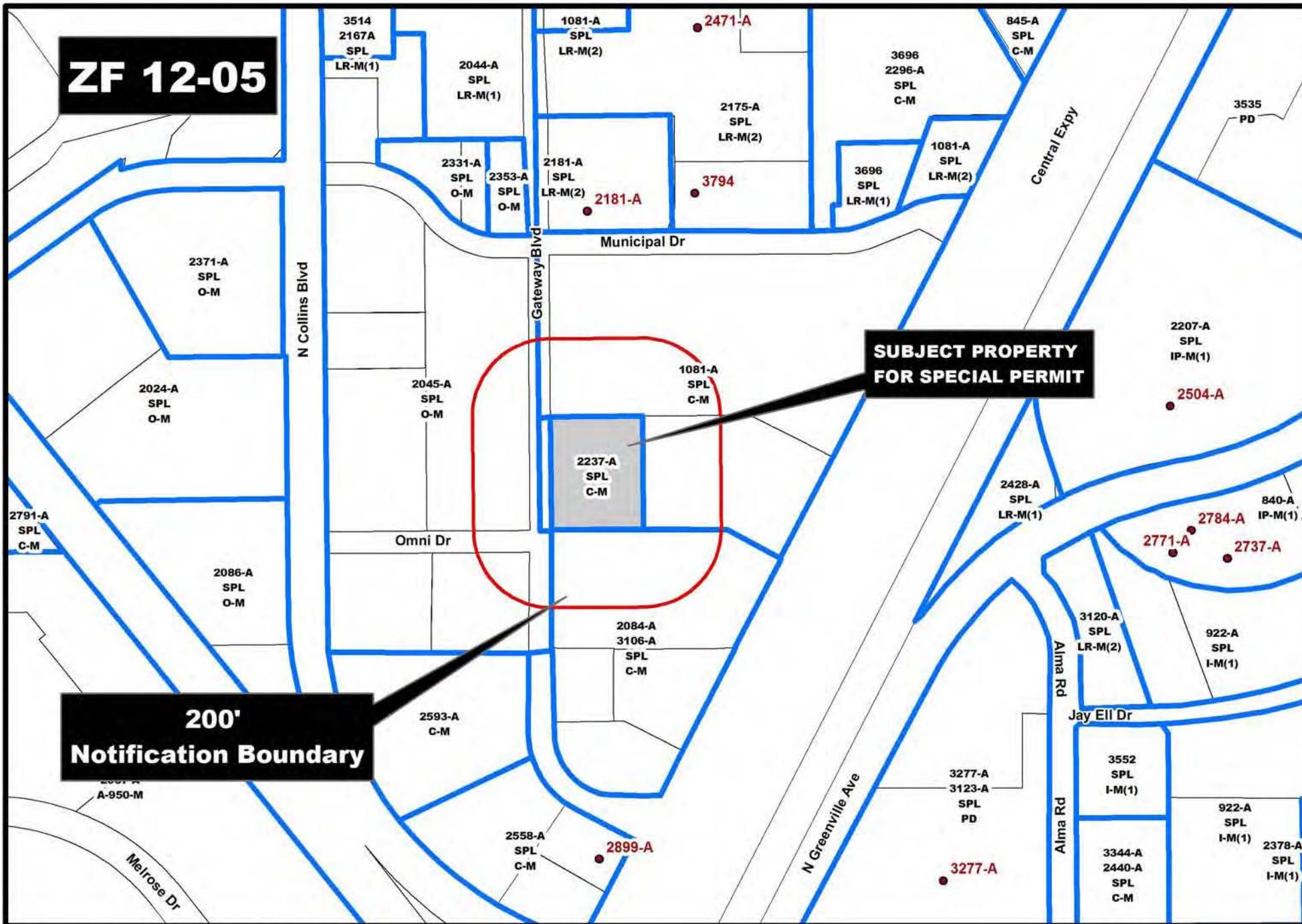
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

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 before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/DevelopmentServices.aspx?id=13682>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 12-05.

Date Posted and Mailed: 04/20/12



ZF 12-05 Notification Map

Updated By: shacklett, Update Date: April 2, 2012
 File: DSI\mapping\Cases\Z\2012\ZF1205\ZF1205 notification.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS UNC LLC
PO BOX 51620
AMARILLO, TX 79159-1620

WINFREE ACADEMY CHARTER SCH
6221 RIVERSIDE DR STE 110
IRVING, TX 75039-3529

HM NM INC
1655 N CENTRAL EXPY
RICHARDSON, TX 75080-3504

COMMODORE PARTNERS LTD
800 GESSNER RD STE 500
HOUSTON, TX 77024-4498

GROUP 1 REALTY INC
800 GESSNER RD STE 500
HOUSTON, TX 77024-4498

BAILLARGEON FAMILY
LIMITED PARTNERSHIP
1819 N CENTRAL EXPY
RICHARDSON, TX 75080-3507

DARRYL M BURMAN
GROUP 1 REALTY, INC.
800 GESSNER, SUITE 500
HOUSTON, TX 77024

CARL WESCOTT
COMMODORE PARTNERS LTD
100 CRESCENT CT., SUITE 1620
DALLAS, TX 75201

ZF 12-05
Notification List

ORDINANCE NO. 2237-A

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON A 1.742 ACRE TRACT FROM C-M COMMERCIAL DISTRICT WITH SPECIAL CONDITIONS TO C-M COMMERCIAL DISTRICT WITH DIFFERENT SPECIAL CONDITIONS, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE MOST NORTHERLY R.O.W. LINE OF THE GULF COLORADO AND SANTA FE RAILROAD AND THE MOST WESTERLY R.O.W. LINE OF U. S. HIGHWAY 75; THENCE, NORTH 27°29'00" EAST, ALONG SAID R.O.W. A DISTANCE OF 1495.39 FEET TO AN ANGLE POINT; THENCE, NORTH 62°31'00" WEST, A DISTANCE OF 168.45 FEET TO AN ANGLE POINT; THENCE, SOUTH 89°35'40" WEST, A DISTANCE OF 225.47 FEET TO THE POINT OF BEGINNING; THENCE, SOUTH 89°35'40" WEST, A DISTANCE OF 249.00 FEET TO AN ANGLE POINT; THENCE, NORTH 00°24'20" WEST, 304.74 FEET TO AN ANGLE POINT; THENCE, NORTH 89°35'40" EAST, A DISTANCE OF 249.00 FEET TO AN ANGLE POINT; THENCE, SOUTH 00°24'20" EAST, A DISTANCE OF 304.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 75,880 SQUARE FEET OR 1.742 ACRES OF LAND, MORE OR LESS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Richardson, and the governing body of the City of Richardson, in compliance with the laws of the City of Richardson, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the Comprehensive Zoning Ordinance 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 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 by amending the Zoning Map of the City of Richardson, so as to give the following tract of land a C-M Commercial District classification with different special conditions, to-wit:

COMMENCING at a point on the most Northerly R.O.W. line of the Gulf Colorado and Santa Fe Railroad and the most Westerly R.O.W. line of U. S. Highway 75;

THENCE, North 27°29'00" East, along said R.O.W. a distance of 1495.39 feet to an angle point;

THENCE, North 62°31'00" West, a distance of 168.45 feet to an angle point;

THENCE, South 89°35'40" West, a distance of 225.47 feet to the POINT OF BEGINNING;

THENCE, South 89°35'40" West, a distance of 249.00 feet to an angle point;

THENCE, North 00°24'20" West, 304.74 feet to an angle point;

THENCE, North 89°35'40" East, a distance of 249.00 feet to an angle point;

THENCE, South 00°24'20" East, a distance of 304.74 feet to the POINT OF BEGINNING and CONTAINING 75,880 Square Feet or 1.742 Acres of Land, more or less.

SECTION 2. That the above tract is zoned subject to the following special conditions:

(a) A minimum of 7% of the gross site, less building area, shall be landscaped.

(b) A 20-foot wide landscaped area shall be required along the west side of this tract, adjacent to Gateway Blvd. The landscaping in this 20-foot wide strip shall consist of live planting and berms.

(c) There shall be no retail gasoline service stations allowed under the provisions of this ordinance.

(d) On-site parking is to be provided in accordance with the following schedule:

(i) 1.5 parking spaces shall be provided per guest room for a hotel or motor hotel.

(ii) All other parking shall be in accordance with the "C-M" Commercial District Regulations in the Comprehensive Zoning Ordinance.

(e) The number of motor vehicle dealerships in the "C-M" tract under Ordinance No. 1081-A shall be limited to two (2) motor vehicle dealerships which shall be engaged only in sale or repair of automobiles, trucks or recreational vehicles, excluding motorcycles and limited to trucks up to a maximum size of two and one-half (2-1/2) tons.

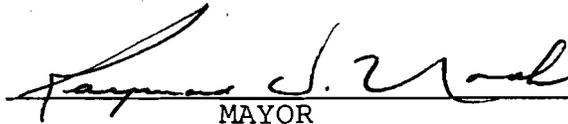
SECTION 3. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other provisions of ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. 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 Hundred Dollars (\$200.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. Whereas, it appears that the above described property requires that it be given the above zoning classification in order to protect the public interest, comfort and general welfare of the City of Richardson, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 30th day of March, 1981.

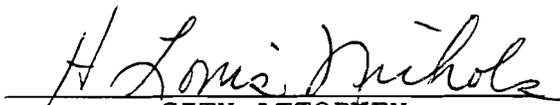
APPROVED:


MAYOR

DULY RECORDED:

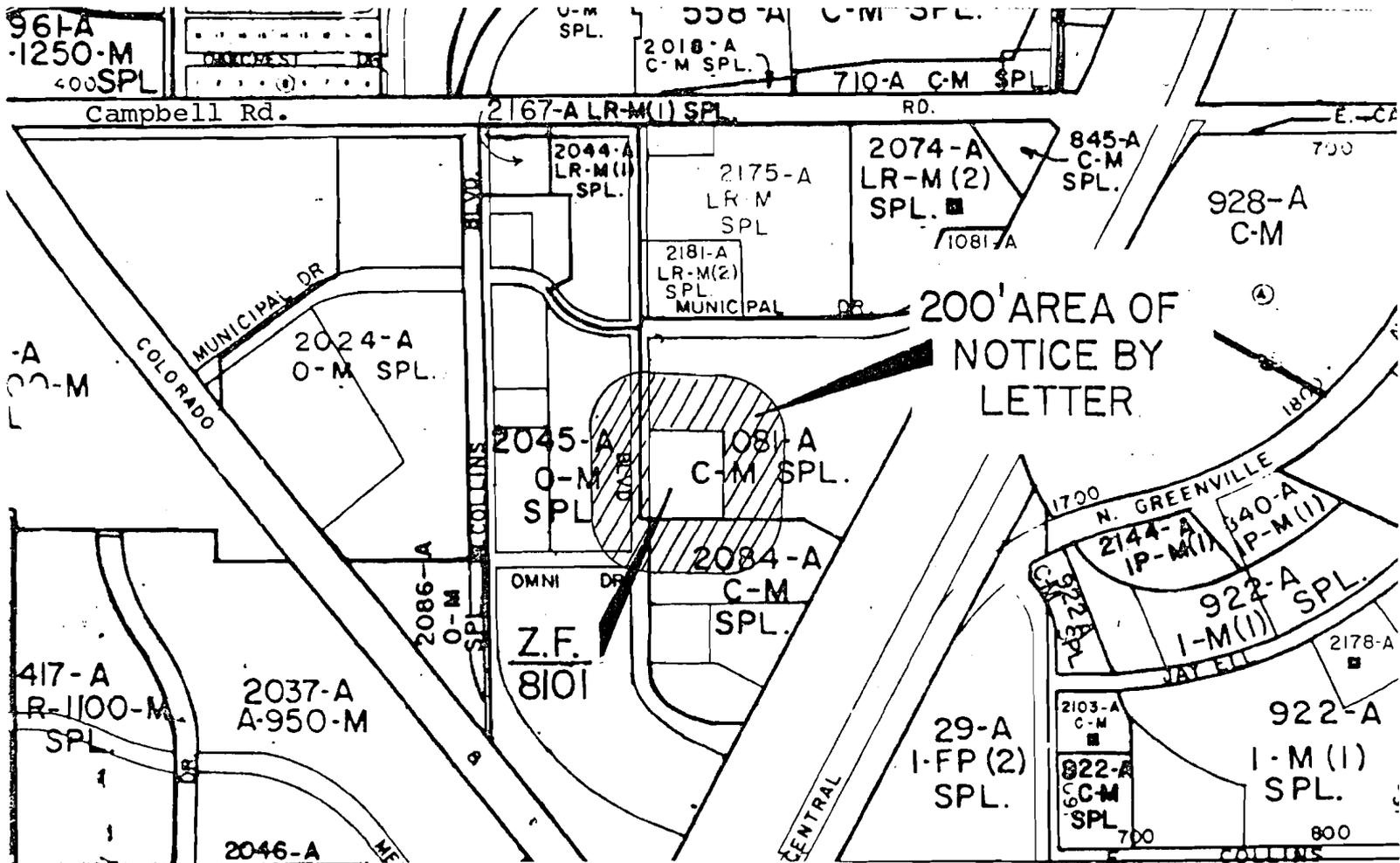

CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

NOTICE OF PUBLIC HEARING

The City Council will hold a public hearing at 7:30 p. m., March 9, 1981, at the City Hall, 411 West Arapaho Road, Richardson, Texas, to consider a request by Midway Development Co., Inc. for C-M zoning with special conditions to develop an office building. The 1.742 acre tract of land is part of Lot 2, Block A, Gateway Plaza Addition, and is located on the east side of Gateway Blvd., south of Municipal Dr., north of Omni Dr. and west of Central Expressway. The property is currently zoned C-M with special conditions by Ordinance 1081-A, and is shown on the map below.



The public hearing will be held on the issue of a change in zoning into the classification as requested or into a more restrictive classification. The City Plan Commission recommends approval of the request.

A maximum time of 20 minutes will be allocated to the applicant and those favoring the issue of the public hearing. The applicant may reserve any portion of the allocated 20 minutes for closing remarks following the opposition. A maximum time limit of 20 minutes will be allocated to those in opposition to the issue of the public hearing. Time required to respond to questions by the City Council is excluded from the 20 minute limitation.

As an interested property owner, it is important that you attend this hearing or notify the Council of your feelings in this matter. If you

ORDINANCE NO. 3869

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 FROM C-M COMMERCIAL WITH SPECIAL CONDITIONS TO PD PLANNED DEVELOPMENT FOR C-M COMMERCIAL WITH AMENDED DEVELOPMENT STANDARDS, SAID TRACT BEING FURTHER DESCRIBED IN EXHIBIT “A”; 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 12-06).

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, so as to grant a change in zoning from C-M Commercial with special conditions to PD Planned Development for C-M Commercial with amended development standards, said tract of land being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes (“the Property”).

SECTION 2. That the Property shall be zoned PD Planned Development for the C-M Commercial District and shall be developed in accordance with the zoning regulations of the C-M Commercial District, Exhibit “B”, Exhibit “C-1” and Exhibit “C-2” except as otherwise provided herein.

SECTION 3. That a minimum of 988 parking spaces shall be developed on the Property.

SECTION 4. That the following standards shall pertain only to Building B as depicted in Exhibit “B”:

- i. Building B shall be allowed a minimum 20-foot rear setback from the property line.
- ii. The maximum height of Building B shall be thirty-five (35) feet to the top of roof.
- iii. The addition of a mezzanine area within Building B shall be subject to administrative approval.

SECTION 5. That the signage and building elevations as depicted in Exhibit “C-1” and Exhibit “C-2” shall exclusively pertain to occupancy of Building B by Alamo Drafthouse Cinema and shall be further subject to the following requirements:

1. The tallest façade element shall not exceed a height of sixty-three (63) feet above-grade as depicted in Exhibit “C-1”.
2. The maximum area of all attached signage shall not exceed 698 square feet for the portion of Building B occupied by the movie theater. All signage shall be located on Building B’s east elevation. The building signage shall be constructed and located in substantial conformance with Exhibit “C-1”.
3. The freestanding pylon sign as depicted in Exhibit “C-2” shall comply with the following standards:
 - i. Maximum height shall not exceed fifty (50) feet.
 - ii. The pylon sign shall be located no closer than sixty (60) feet of any other freestanding sign.
 - iii. The maximum sign area shall not exceed 296 square feet including the digital display. The digital display shall not exceed 50% of the total sign area. An image on the digital display shall be displayed for not less than six (6) seconds before changing to a different image.
 - iv. Moving, flashing, animated, intermittently lighted, changing color, beacons, revolving, scrolling, dissolving, or similarly constructed signs or images are prohibited.
 - v. Intensity of display brightness will automatically adjust to natural light conditions. Brightness cannot interfere with the vision of traffic on an adjacent road.
 - vi. A programmable sign shall be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, non-transitory image or to a black screen if the sign malfunctions.

- vii. The illumination intensity of the display of the digital display shall not exceed one (1) foot candle measured at the property line.
- viii. The digital display shall not be used to display commercial messages relating to products/services that are not offered on the Property.

SECTION 6. That no other person, company, business or legal entity other than Alamo Draffhouse Cinema may make use of the signage and building elevations as depicted in Exhibit “C-1” and Exhibit “C-2”.

SECTION 7. That the Property 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 as amended herein.

SECTION 8. 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 9. 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 10. 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 11. 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 12. 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 11th day of June, 2012.

APPROVED:

MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

CITY ATTORNEY
(kbl:6/7/12:55799)

CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 12-06

BEING a 734,011 square foot or 16.8506 acre tract of land situated in the Lavinia McCommas Survey, Abstract No. 927, Dallas County, Texas and being part of Lot 1 of The Final Plot of Lot 1 of Richardson Heights Village Shopping Center Subdivision, an addition to the City of Richardson, Dallas, County, Texas, according to the map thereof recorded in Volume 87089, Page 3530. Deed instrument No. 200503592805, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a set "x" cut on concrete pavement for a corner in the line of North Central Expressway, U.S. Highway 75 (a variable width right of way at this location), said point being the southeast corner of Lot 2A of Richardson Heights Village Shopping Center, in addition to the City of Richardson, Dallas County, Texas according to the map thereof recorded in Volume 2001153, Page 0001, Deed Records of Dallas County, Texas, said point being S 08°47'00" W, a distance of 188.09 feet and S 27°33'00" W, a distance of 76.40 feet from the intersection of the northwest line of North Central Expressway with the south line of Belt Line Road (a variable width right of way) and a chord distance of 686.22 feet;

THENCE, S 27°33'00" W, continuing with the northwest line of North Central Expressway, a distance of 245.20 feet to a set ½ inch iron rod at the beginning of a non-tangent curve to the right with a central angle of 07°02'03", a radius of 5,593.03 feet, a chord bearing of S 31°05'00" W and a chord distance of 686.22 feet;

THENCE, Southwesterly, continuing with the northwest line of North Central Expressway, and along said curve, an arc distance of 686.65 feet to a set "x" on the concrete pavement for a corner at the intersection of the northwest line of North Central Expressway with the northeast line of a 15 foot Alley right of way, said point being the south east corner of said Lot 1;

THENCE, N00°14'00" W, departing the northwest line of North Central Expressway and with the northeast line of the said Alley right of way, a distance of 597.75 feet to a set "x" cut on concrete pavement at the beginning of a tangent curve to the right with a central angle of 55°00'00", a radius of 81.05 feet, a chord bearing of N 27°44'00" W and a chord distance of 74.58 feet;

THENCE, Northwesterly, continuing with the northeast line of the said Alley right of way and along said curve, and arc distance of 77.80 feet to a set "x" cut on concrete pavement at the point of tangency;

THENCE, N 00°14'00" W with the east line of the said Alley right of way, a distance of 671.75 feet to a set "x" cut on concrete pavement for a corner in the in the south line of Belt Line Road, said point being the northwest corner of said Lot 1;

THENCE, N 89°44'00" E, with the south line of Belt Line Road, a distance of 588.80 feet to a set "x" cut on concrete pavement for a corner, said point being the common north corner of said

Lot 1 and Lot 3 of the Final Plot of Lot 3 of Richardson Heights Village Shopping Center Subdivision, in addition to the City of Richardson, Texas according to the map thereof recorded in Volume 85026, Page 1728, Deed Records of Dallas County, Texas,

THENCE, the following courses and distance with the common line of said Lots 1 and 3:

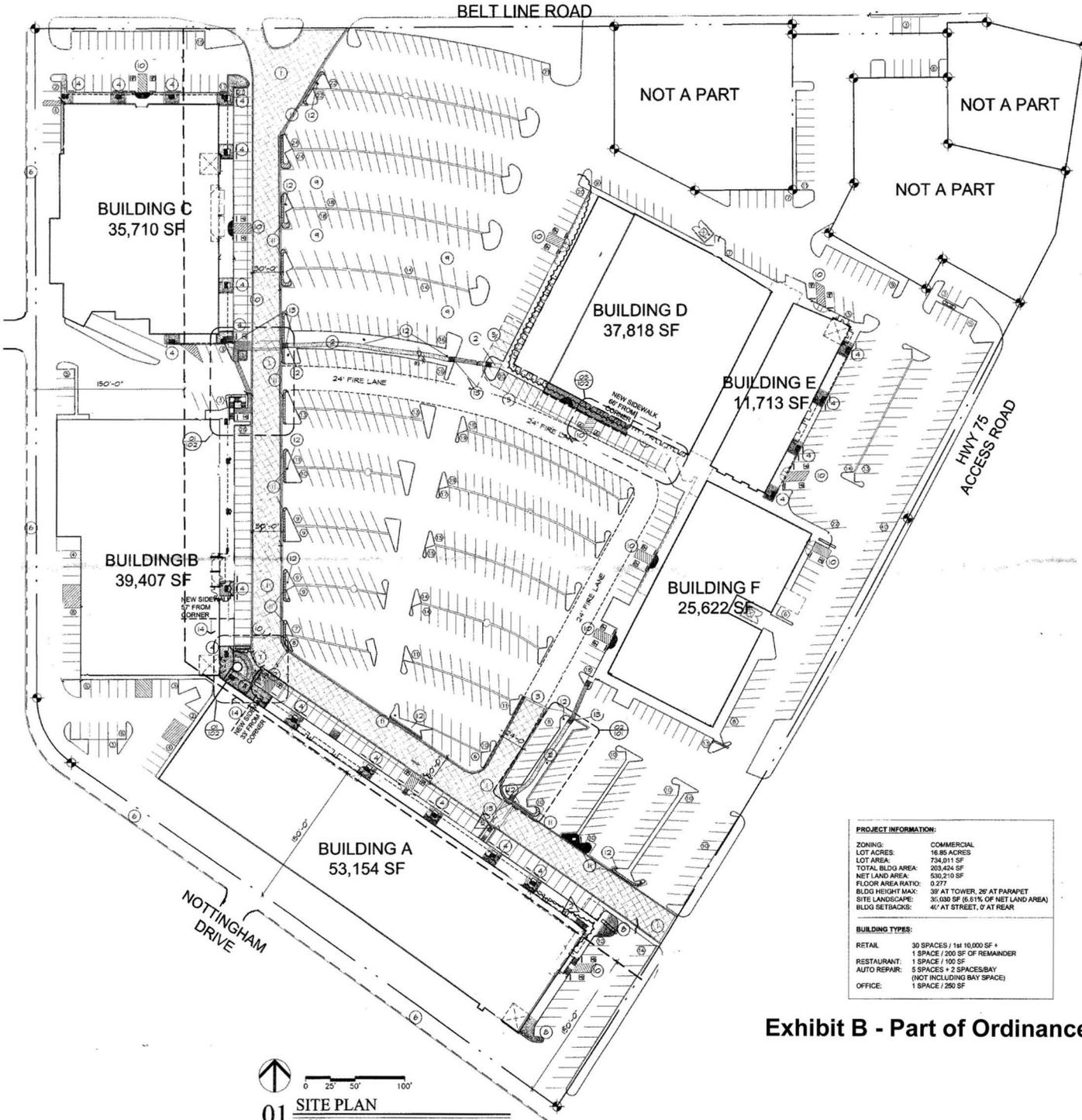
- S 00°16'00" E, departing the south line of Belt Line Road, a distance of 123.03 feet to a point for corner;
- S 62°44'00" E, a distance of 91.48 feet to a point for a corner,
- N 89°44'00" E, a distance of 96.86 feet to a point for a corner,
- N 00°16'00" W, a distance of 155.32 feet to a set "x" cut on concrete pavement for a corner to the south line of Belt Line Road, said point being a north corner in said Lot 1;

THENCE, N 89°44'00" E, with the south line of Belt Line Road, a distance of 157.20 feet to a set "x" cut on concrete pavement for a corner, said point being the most northerly northeast corner of said Lot 1 and in the west line of a called 0.37 acre tract of land conveyed to BM Capital Investment Group, Ltd. By deed recorded in Volume 2004158, Page 10155, Deed Records of Dallas County, Texas;

THENCE, S 00°16'00" E, departing the south line of Belt Line Road and with the east line of said Lot 1 and west line of the said 0.37 acre tract, a distance of 44.08 feet to a set "x" cut on concrete pavement for a corner, said point being the most northeast corner of the above said Lot 2A;

THENCE, the following courses and distance with the north, west and southwest line of said Lot 2A;

- S 89°44'00" W, a distance of 95.20 feet to a set "x" cut on concrete pavement for a corner;
- S 00°16'00" E, a distance of 104.75 feet to a set ½ inch iron rod for a corner;
- S 27°06'22" W, a distance of 55.85 feet to a set ½ inch iron rod for a corner;
- S 60°18'21" E, a distance of 113.03 feet to a set ½ inch iron rod for a corner;
- N 29°41'39" E, a distance of 34.22 feet to a set ½ inch iron rod for a corner;
- S 60°18'21" E, a distance of 86.43 feet to the Point of Beginning.



BELT LINE ROAD

NOT A PART

NOT A PART

NOT A PART

BUILDING C
35,710 SF

BUILDING D
37,818 SF

BUILDING E
11,713 SF

BUILDING B
39,407 SF

BUILDING F
25,622 SF

BUILDING A
53,154 SF

HWY 75
ACCESS ROAD

NOTTINGHAM
DRIVE

PROJECT INFORMATION:

ZONING:	COMMERCIAL
LOT ACRES:	16.85 ACRES
LOT AREA:	734,011 SF
TOTAL BLDG AREA:	203,424 SF
NET LAND AREA:	530,210 SF
FLOOR AREA RATIO:	0.277
BLDG HEIGHT MAX:	39' AT TOWER, 26' AT PARAPET
SITE LANDSCAPE:	31,030 SF (6.61% OF NET LAND AREA)
BLDG SETBACKS:	41' AT STREET, 0' AT REAR

BUILDING TYPES:

RETAIL:	30 SPACES / 141,000 SF + 1 SPACE / 200 SF OF REMAINDER
RESTAURANT:	1 SPACE / 100 SF
AUTO REPAIR:	5 SPACES + 2 SPACES/BAY (NOT INCLUDING BAY SPACE)
OFFICE:	1 SPACE / 250 SF

PAVING NOTES

- BRICK PAVERS ON CONCRETE AS SPEC'D. (45% COMPACTION, 6" THICK, REIN. W/ NO. 3 REBARS @ 24" O.C. BOTH WAYS). EXPANSION JOINTS @ 20' INTERVALS. LATERAL SAW-CUTS @ 20' INTERVALS.
COLOR: RED
COURSE: RUNNING BOND @ INTERIOR W/ DOUBLE STACKED BOND @ PERIMETER. REF 04/101
*EXIST. FIRE LANE TO BE REPLACED AS NOTED EXIST. DRAINAGE PATTERNS TO MAINTAIN.
- BRICK PAVERS @ SIDEWALKS & PLANTERS ON CONCRETE AS SPEC'D. (85% COMPACTION, 6" THICK, REIN. W/ NO. 3 @ 6"X6" W/M OR NO. 3 REBARS @ 24" O.C. BOTH WAYS).
COLOR: RED
COURSE: HERRINGBONE @ INTERIOR W/ SINGLE STACKED BOND @ PERIMETER. REF 03/101
- NEW CONCRETE AT SIDEWALKS. 85% COMPACTION, 4" THICK, REINFORCE W/ NO. 6 @ 6"X6" W/M OR NO. 3 REBARS @ 24" O.C. BOTH WAYS.
EXPANSION JOINTS 20' INTERVALS. TOGGLED JOINTS @ 5' INTERVALS.
COLOR: INCRETE "HARVEST SAND". TO BE INTEGRALLY COLORED. www.designcrete.com FINISH: BROOM FINISH ONLY.
- NEW CONC. PARKING. 45% COMPACTION, 6" THICK, REIN. W/ NO. 3 REBARS @ 24" O.C. BOTH WAYS (NATURAL COLOR).
- NEW SIDEWALK. 85% COMPACTION, 6" THICK, REIN. W/ NO. 6 @ 6"X6" W/M OR NO. 3 REBARS @ 24" O.C. BOTH WAYS. EXPANSION JOINTS @ 20' & TOGGLED JOINTS @ 5' INTERVALS (NATURAL COLOR).

AREA CALCULATIONS:

BUILDING A:	53,154 S.F.	+ 4,000 s.f.
BUILDING B:	39,407 S.F.	mezzanine
BUILDING C:	35,710 S.F.	
BUILDING D:	37,818 S.F.	
BUILDING E:	11,713 S.F.	
BUILDING F:	25,622 S.F.	
TOTAL AREA:	207,424 S.F.	

PARKING TABULATIONS:

TOTAL PARKING:	988 SPACES
HANDICAP REQ'D:	20 SPACES
HANDICAP PROVID:	27 SPACES

- KEY NOTES:**
- BRICK PAVEMENT DRIVE, REF. PAVING NOTES.
 - NEW 4" WIDE SIDEWALK (1" THICK, INTEGRALLY COLORED CONCRETE, BROOM FINISH) TO UNDULATE BETWEEN EXISTING TREES.
 - BRICK PAVEMENT DRIVE TO TERMINATE AT END OF ISLAND.
 - NEW CANOPY COLUMNS W/ ADJACENT PLANTERS AND BRICK PAVERS. REF. TO FLOOR PLANS & PAVING NOTES.
 - REPAIR CONCRETE SIDEWALKS, CURBS AND PARKING STALLS AS REQ'D TO BRING SIDEWALK UP TO FINISH GRADE. F.V. SLOPES TO BE ADA COMPLIANT. REF. TO FLOOR PLANS FOR ADDITIONAL INFORMATION.
 - NEW 6" TALL CEDAR FENCE TO REPLACE EXISTING WOOD FENCE. 6" PICKETS SIDE BY SIDE W/ (3) 2X4 CEDAR RAILS ON METAL POLES W/ CAPS. FENCE CONSTRUCTED BY OWNER OR LANDSCAPE CONTRACTOR. THE CONSTRUCTION OF THIS FENCE MUST BE APPROVED BY RESIDENT ONCE CONSTRUCTED. THE FENCE MUST BE MAINTAINED BY THE RESIDENT.
 - NEW MINI-PLAZA W/ WATER FOUNTAIN FEATURE & BRICK PAVERS.
 - NEW BRICK PAVERS. REF. FLOOR PLANS FOR LOCATIONS.
 - REMOVE EXIST. H.C. PARKING. REMOVE EXIST. ACCESSIBILITY GRAPHICS & STRIPING; RESTRIPE AS TYP. PARKING STALL.
 - NEW HANDICAP PARKING & ACCESSIBLE RAMP / ALTERATION TO EXIST. CURB RAMP (IF EXISTING). CURB RAMP TO BE REMOVED FROM ASE & AND TO EXTEND INTO SIDEWALK. NEW H.C. SIGNAGE. PARKING TO BE RE-STRIPED. REF 03/101
 - REMOVE EXIST. CONC. CURB ALONG MAIN DRIVE @ ISLANDS & CONSTRUCT A NEW CONC. CURB PARALLEL TO EXIST. BUT 24" CLOSER TO THE BLDGS FOR AN INCREASED LANDSCAPE BED SIZE.
 - NEW ORNAMENTAL LIGHT POLE W/ 18" CONC. BASE TO 6" ABOVE GRADE.
 - NEW CURB RAMP. REF. TO 07/101.
 - DAMAGED CONCRETE TO BE REPLACED WHERE SHOWN.

- GENERAL NOTES:**
- REF. TO FLOOR PLANS FOR ADDITIONAL INFORMATION ON NEW CONCRETE @ PEDESTRIAN SIDEWALKS. PROVIDE SOLID STAM ON SIDE FACING RETAIL.
 - REF. TO FLOOR PLANS FOR INDIVIDUAL BLDG RENOVATION NOTES.
 - REF. TO LANDSCAPE PLANS FOR LANDSCAPE DESIGN.
 - PEDESTRIAN HEAD-IN PARKING & HANDICAP PARKING AT ALL BLDGS AT COMPLETION OF CONSTRUCTION.
 - ALL HANDICAP PARKING SHOWN AS CURRENTLY EXISTS. U.N.O. G.C. TO ALLOW FOR REDEVELOPMENT OF NEW & EXIST. H.C. PARKING AREAS. PROVIDE BID FOR 15 NEW CURB RAMP (INTEGRALLY COLORED CONCRETE), 30 HANDICAP SPACES, 15 ACCESS ZONES AND 30 HANDICAP SIGNS. REF 03/101
 - ADD H.C. PARKING SIGNAGE ON POLES AT EVERY H.C. PARKING SPACE. NEW & EXIST.
 - WHEEL STOPS TO BE PLACED IN ALL H.C. PARKING STALLS. PARKING STALLS LOCATED IN FRONT OF NEW COLUMNS ALSO TO RECEIVE WHEEL STOPS.
 - REPAIR / REPLACE ALL BROKEN OR DAMAGED CONCRETE @ CURBS, SIDEWALKS & RAMPS (DISTANCE AND/OR LOCATION OF DAMAGED SEGMENTS TO BE REPLACED AS NOTED ON SITE PLAN).
 - ALL HANDICAP ACCESS CURB RAMPS TO BE BUILT INTO SIDEWALK.

REVISIONS:

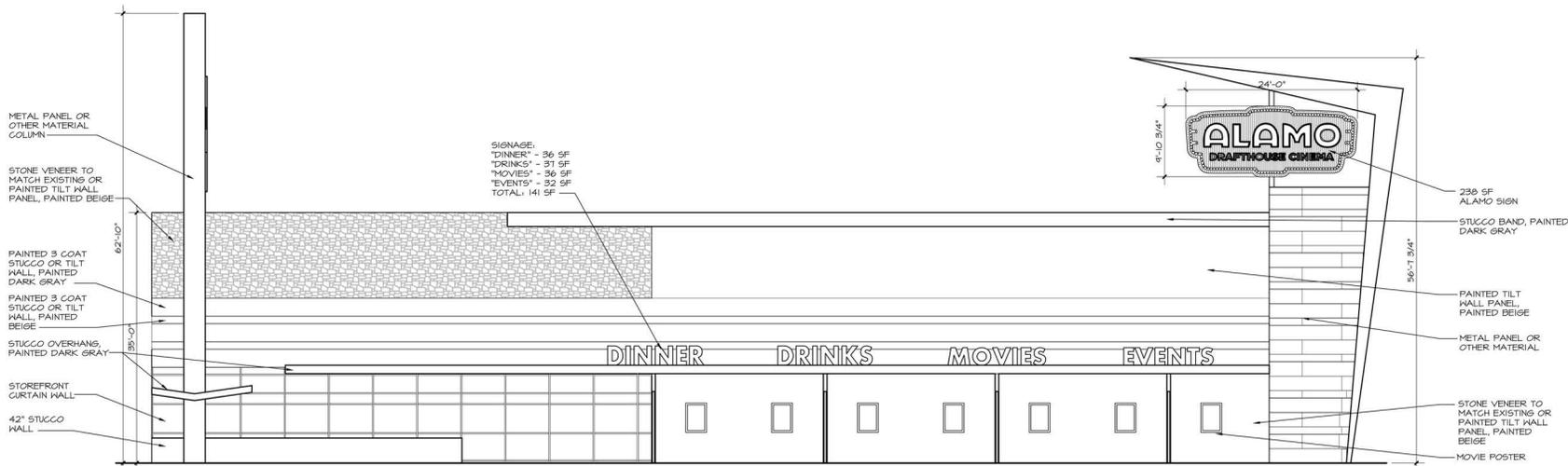
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**RICHARDSON HEIGHTS
SHOPPING CENTER**
 100 SOUTH CENTRAL
 RICHARDSON, TX 75080

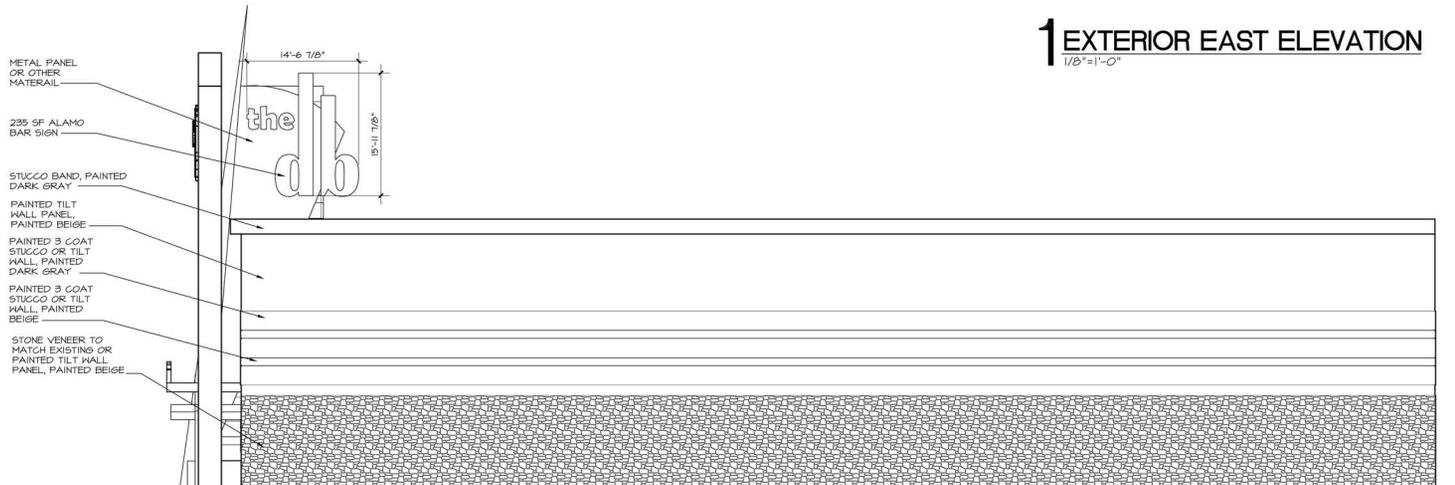


01 SITE PLAN
1"=50'

Exhibit B - Part of Ordinance



1 EXTERIOR EAST ELEVATION
 1/8"=1'-0"



2 EXTERIOR NORTH ELEVATION
 1/8"=1'-0"

**ALAMO DRAFFHOUSE
 CINEMA - RICHARDSON**

RICHARD WESS, AIA
 ZULI TRAVIS FREIGHTS
 1517 W. 17th Street
 (512) 851-2006 PHONE
 (512) 851-2006 FAX
 richard@wessarc.com

NOT FOR
 CONSTRUCTION
 OR PERMITTING.

**WESS
 ARCHITECTURE**

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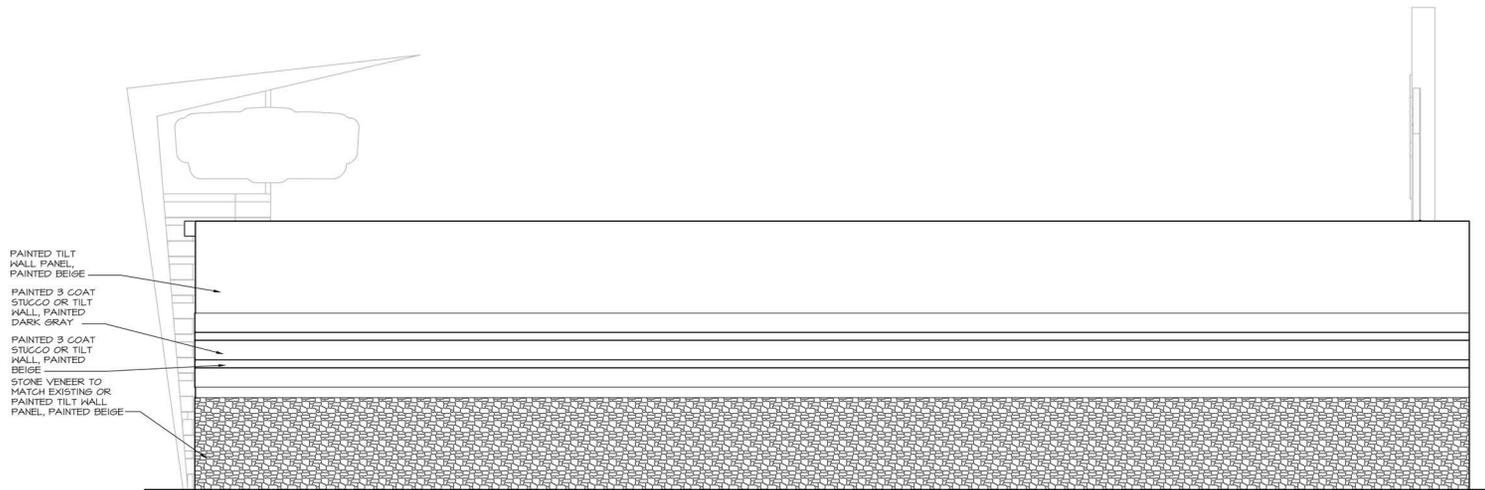
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SHEET CONTENTS:
 EXTERIOR ELEVATIONS

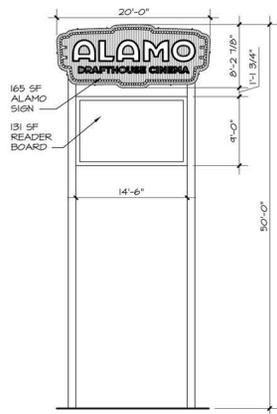
SHEET:
AX1

Revised Exhibit C-1



1 EXTERIOR WEST ELEVATION

1/8"=1'-0"



2 PYLON SIGN

1/8"=1'-0"

SIGNAGE SF:

- EAST FACADE:
 - "DINNER" - 36 SF
 - "DRINKS" - 37 SF
 - "MOVIES" - 36 SF
 - "EVENTS" - 32 SF
 - 235 SF ALAMO BAR SIGN
 - 239 SF ALAMO SIGN
 - 1 - 12 SF MOVIE POSTERS

EAST FACADE SIGNAGE, 640 SF

FACADE AREA:

- EAST FACADE:
 - METAL PANEL OR SIGNAGE, 6,365 SF
 - 945 SF
 - 935 SF

- NORTH FACADE:
 - METAL PANEL OR SIGNAGE, 6,055 SF
 - 607 SF

- WEST FACADE:
 - 5,811 SF

TOTAL SF: 18,231 SF

METAL PANEL OR SIGNAGE, OR STOREFRONT: 2,487 SF

% SF OF MASONRY: 86%

ALAMO DRAFTHOUSE CINEMA - RICHARDSON

RICHARD WESS, AIA
2111 TRAVIS HEIGHTS
DALLAS, TX 75241
(512) 851-2886 PHONE
(512) 851-2006 FAX
richard@wessarc.com

NOT FOR CONSTRUCTION OR PERMITTING.

WESS
ARCHITECTURE

DATE ISSUED:
05/11/12

DRAWN BY:

CHECKED BY:

FILE NAME:

REVISIONS:

NO.	DATE	REVISION
1.		
2.		
3.		

SHEET CONTENTS:
EXTERIOR ELEVATIONS

SHEET:
AX2

RESOLUTION NO. 12-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, REAPPOINTING GARY A. SLAGEL TO THE AGGREGATED POSITION OF REPRESENTATIVE TO THE DALLAS AREA RAPID TRANSIT AUTHORITY (“DART”) BOARD OF DIRECTORS, WHICH FRACTIONAL ALLOCATION MEMBERSHIP IS SHARED WITH THE CITY OF UNIVERSITY PARK AND THE TOWNS OF ADDISON AND HIGHLAND PARK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Transportation Code, Section 452.573, authorizes cities having a fractional allocation for board membership to aggregate their populations in order to appoint a member of the board of the rapid transit authority; and

WHEREAS, the City of Richardson, the City of University Park, and the Towns of Addison and Highland Park have mutually agreed to aggregate population for the selection of a Dallas Area Rapid Transit Authority Board Member; and

WHEREAS, Gary A. Slagel is presently serving in the aggregated position of representative to the DART Board of Directors;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the City of Richardson, Texas, hereby reappoints Gary A. Slagel as a member of the DART Board of Directors to serve a two (2) year term ending July 1, 2014.

SECTION 2. That the City of University Park and the Towns of Addison and Highland Park having concurred, the City of Richardson, Texas, hereby reappoints Gary A. Slagel to serve on the DART Board of Directors in the aggregated position for the term ending July 1, 2014.

SECTION 3. That this resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 11th day of June, 2012.

CITY OF RICHARDSON, TEXAS

MAYOR

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY
(PGS:6-4-12:TM 55729)

CITY SECRETARY

RESOLUTION NO. 12-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION’S (“ATMOS MID-TEX”) REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY’S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC’S LEGAL COUNSEL; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richardson, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §104.001 et seq. of GURA, has exclusive original jurisdiction over Atmos Mid-Tex’s rates, operations, and services within the City; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of over 150 similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex Division; and

WHEREAS, pursuant to the terms of the agreement settling the Company’s 2007 Statement of Intent to increase rates, ACSC and the Company worked collectively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC as a substitute to the current GRIP process instituted by the Legislature; and

WHEREAS, ACSC and the Company agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

WHEREAS, in 2011, ACSC and the Company engaged in good faith negotiations regarding the continuation of the RRM process, but were unable to come to ultimate agreement; and

WHEREAS, on or about January 31, 2012, the Company filed a Statement of Intent with the cities retaining original jurisdiction within its Mid-Tex service division to increase rates by approximately \$49 million; and

WHEREAS, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and

WHEREAS, the City suspended the effective date of Atmos Mid-Tex’s proposed rate increase for the maximum period allowed by law and thus extended the City’s jurisdiction until June 4, 2012; and

WHEREAS, on April 25, 2012, the Company extended the effective date for its proposed rates by one week, which similarly extended the City's jurisdiction until June 11, 2012; and

WHEREAS, the ACSC Executive Committee hired and directed legal counsel and consultants to prepare a common response to the Company's requested rate increase and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, ACSC's consultants conducted a review of the Company's requested rate increase and found justification that the Company's rates should be decreased; and

WHEREAS, ACSC and the Company have engaged in settlement discussions but will be unable according to Company representations to reach settlement in sufficient time for cities to act before June 11, 2012; and

WHEREAS, failure by ACSC members to take action before June 11, 2012 would allow the Company the right to impose its full request on residents of said ACSC members; and

WHEREAS, the ACSC Settlement Committee recommends denial of the Company's proposed rate increase in order to continue settlement discussions pending the Company's appeal of cities' denials to the Railroad Commission of Texas; and

WHEREAS, the GURA § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the rates proposed by Atmos Mid-Tex to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

SECTION 3. That the City's reasonable rate case expenses shall be reimbursed by the Company.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 5. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

SECTION 6. That all provisions of the resolutions of the City of Richardson, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 7. That this Resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 11th day of June, 2012.

CITY OF RICHARDSON, TEXAS

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

PETER G. SMITH, CITY ATTORNEY
(PGS:05-31-12:TM 55689)

RESOLUTION NO. 12-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, NAMING THE BALL FIELD COMPLEX IN BRECKINRIDGE PARK THE “KEFFLER BALLPARK”; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Breckinridge Park is located on 417.13 acres on N. Brand Road, south of Renner Road, in Richardson, Texas, and contains four baseball fields (the “ball field complex”); and

WHEREAS, William A. (“Bill”) Keffler has served the City of Richardson for 35 years in the following positions: beginning on May 16, 1977 as Administrative Assistant; then with a promotion on March 16, 1979 to Assistant to the City Manager; then to Assistant City Manager on October 16, 1981; then to Deputy City Manager on October 1, 1985; and finally named as City Manager on April 1, 1995; and

WHEREAS, Bill has represented the City of Richardson with professionalism and integrity as immediate past president of the Texas City Management Association, past president of the North Texas City Management Association, member of the International City/County Management Association, North Texas Commission Board of Directors and Executive Committee, Rotary Club, Richardson YMCA, Methodist Richardson Medical Center Advisory Board, Leadership Richardson, as well as member of various University of Texas at Dallas boards. His outstanding leadership qualities and innovative management approach was appropriately honored when he was recognized by entry into the Congressional Record and named 2011 Citizen of the Year by the Richardson Chamber of Commerce; and

WHEREAS, from the start of his 35 year career, Bill became passionately involved in matters affecting the City, including the realization of such landmark projects as the President George Bush Highway, DART Light Rail, Fire Station No. 6, new Service Center and Eisemann Center for Performing Arts. Under Bill’s leadership, the City has experienced economic growth with Cisco Systems, Texas Instruments Fab Plant, Blue Cross Blue Shield of Texas, and Fossil Inc., to name a few, choosing Richardson as their corporate home; and

WHEREAS, Bill has a great love for sports, especially baseball. In 2007, he was honored by the Dallas Parochial League with the “Max Wernich Award for Excellence in Positive Coaching” for contributions to athletic coaching; and

WHEREAS, in appreciation for his outstanding service to the City of Richardson, Texas, and his great love of sports, it is recommended that the City Council name the ball field complex in Breckinridge Park the “Keffler Ballpark”;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That to honor William A. (“Bill”) Keffler for his service to the City of Richardson, Texas, the City desires to name and designate the ball field complex located in

Breckinridge Park as the “Keffler Ballpark”. The City Administrator will arrange a suitable ceremony and appropriate signage to give effect to this designation.

SECTION 2. That the City Manager is authorized to take all necessary action in connection with the naming of the “Keffler Ballpark”.

SECTION 3. That this Resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the ____ day of _____, 2012.

CITY OF RICHARDSON, TEXAS

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY
(PGS:6-7-12:TM 55759)



MEMO

DATE: June 5, 2012
TO: Kent Pfeil – Director of Finance
FROM: Pam Kirkland – Purchasing Manager *Pam*
SUBJECT: Award of Bid #44-12 for the cooperative renewal of the Cisco Ironport Network Security Appliance Maintenance through Synetra, Inc. in the amount of \$51,877.20 through the Department of Information Resources Contract #DIR-SDD-1385

Proposed Date of Award: June 11, 2012

I concur with the recommendation of Steve Graves - Chief Information Officer and formally request permission to renew our Cisco Ironport network security maintenance Synetra, Inc., in the amount of \$51,877.20, as outlined in Mr. Graves attached memo.

Synetra, Inc. is an authorized reseller for Cisco Ironport Services, who was awarded Contract #DIR-SDD-1385 through the State of Texas Department of Information Resources cooperative purchasing program. The City of Richardson participates in this program through our existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code, Chapter 791.025 and Texas Local Government Code, Subchapter F, Section 271.102. This agreement automatically renews annually unless either party gives prior notice of termination.

Funding is provided in account 011-0540-514-4323.

Concur:

Kent Pfeil
Kent Pfeil

ATTACHMENTS

Xc: Dan Johnson
Michelle Thames
David Morgan
Cliff Miller



DATE: June 11, 2012
TO: Pam Kirkland, Purchasing Manager
FROM: Steve Graves, Chief Information Officer *SG*
SUBJECT: 2012 Cisco Ironport Maintenance Renewal

I recommend using Synetra to renew our Cisco Ironport network security appliance maintenance contract for an additional three years. The Cisco IronPort is used for network intrusion detection, WEB filtering, anti-virus, anti-spyware and reporting. Synetra is the Texas DIR contract holder for Cisco, DIR SDD 1385. The funding was provided in the 2011/2012 budget using account number 011-0540-514-43.23 for the amount of \$51,877.20.



Pricing in US Dollars

Date: 4/25/2012
 Customer: City of Richardson
 Customer Contact: Steve Graves
 Customer Telephone: 972-74404017
 Customer Email Address: steve.graves@cor.gov
 Customer Fax Number:
 Sales Person: Jeff Ramey
 Quote Number: 4211202

DIR SDD 1385

Model Number	Model Description	Qty	Unit List	Disc %	Extended Price
3yr IronPort Maint	Renewal for Cisco IronPort Web Security Single Appliance GOV Bundle Renewal - 3 Year- Web Usage Controls, and Web Reputation, Webroot, Sophos, Platinum Support: S/N DG3XBK1 & 6YS7PJ1 Term: 7/15/2012- 7/14/2015	1500	\$ 50.86	32	\$51,877.20
Total Extended Net Price:					\$51,877.20

Terms and Conditions

- 1> Quotation Valid For 60 Days.
- 2> All Prices are in US Dollars.
- 3> Prices do not include taxes. Customer shall be responsible for any applicable taxes.
Please forward tax-exempt certificate as appropriate.
- 4> Hardware and software F.O.B.Destination.
- 5> Customer's use of any Cisco Networks software is governed by the applicable software license terms found at www.Cisco.net/terms, which terms are subject to change by Cisco Networks at any time without notice to Customer.
- 6> Information contained in this quote is confidential and proprietary to Cisco Networks and Synetra and shall be held as confidential by Customer with at least the same degree of care with which Customer protects its own confidential and proprietary information.

Synetra	
Jeff Ramey Account Manager jramey@synetra.com 432-561-7229	Keith Vrba Systems Engineer kvrba@synetra.com 972-569-7650



MEMO

DATE: June 5, 2012
TO: Kent Pfeil – Director of Finance
FROM: Pam Kirkland – Purchasing Manager *Pam*
SUBJECT: Change Order to increase purchase order 120797 to Camino Construction, LP for the Street Rehabilitation Phase III Project (Melrose/Meadow View Court) in the amount of \$57,297

Proposed Date of Award: June 11, 2012

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to increase the above referenced purchase order in the amount of \$57,297, as outlined in Mr. Spanos attached memo.

Texas Local Government Code Chapter 252.048 allows for change orders to contracts if plans or specifications are necessary after or during the performance of the contract to decrease or increase the quantity of work to be performed or of materials, equipment or supplies to be furnished. The contract may not be increased by more than 25% of the original contract amount or decreased more than 25% without the consent of the contractor. Per state law, all change orders over \$50,000 must be approved by the governing body of the municipality.

Concur:

Kent Pfeil

Kent Pfeil

Approved:

Dan Johnson

ATTACHMENTS

Xc: Dan Johnson
Michelle Thames
David Morgan
Cliff Miller



MEMO

TO: Dan Johnson, City Manager
THROUGH: Cliff Miller, Assistant City Manager *COM*
FROM: Steve Spanos, P.E., Director of Engineering *ES* *EFW*
SUBJECT: Change Order No. 1 to Camino Construction, LP - PO No. 120797
Street Rehabilitation Phase III Project (Melrose/Meadow View Court)

DATE: June 1, 2012

ACTION REQUESTED:

City Council authorizing the City Manager to execute Change Order No. 1 to Purchase Order No. 120797 in the amount of \$57,297 to Camino Construction, LP.

ACTION SUMMARY:

Original Purchase Order	\$1,618,477.00
<u>Change Order No. 1</u>	<u>\$57,297.00</u>
Total Authorized Contract Amount	\$1,675,774.00

BACKGROUND INFORMATION:

This change order will include the installation of approximately 168 linear feet of 8-inch diameter sanitary sewer pipe, three manholes and related miscellaneous work in Melrose Drive at North Cheyenne Drive, installation of one water service and 31 new water meters, and replacement of 2 existing inlets in Melrose Drive.

The sanitary sewer and inlet installations will eliminate utility conflicts discovered during construction. The water service is for a future irrigated landscaping area, and the existing water meters will be upgraded to current standards. Staff has determined the cost is reasonable based on the scope of work.

FUNDING:

Funding is provided from 2010 Streets and Drainage G.O. Bonds (377-8702-585-7524 SD1205) and Water & Sewer Funds (546-5710-585-7524 WS-1201).

Cc: Edward Witkowski, P.E., Project Engineer
LT:Office\Agenda Reports\Executive\Streets Rehabilitation Phase III.doc



City of Richardson
City Council Work Session
Agenda Item Summary



Work Session Meeting Date: Monday, June 11, 2012

Agenda Item: Review and Discuss Item Listed on the City Council Meeting Agenda

Staff Resource: Dan Johnson, City Manager

Summary: The City Council will have an opportunity to preview and discuss with City Staff the agenda items that will be voted on at the City Council Meeting immediately following the Work Session.

Board/Commission Action: Various, if applicable.

Action Proposed: No action will be taken.



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date: Monday, June 11, 2012

Agenda Item: Review and Discuss New Park on Weatherred Drive

Staff Resource: Michael Massey, Director of Parks and Recreation

Summary: City staff will provide an update regarding current planning efforts for a new park located on at the 400 block of S. Weatherred Drive. A need for the park was identified in the 2010 Parks, Recreation and Open Space Master Plan, and funding for the new park was approved in the 2010 Bond Program. Staff will provide an overview of the park design and provide feedback from public input meetings and the Parks and Recreation Commission.

Board/Commission Action: N/A

Action Proposed: No action will be taken



***City of Richardson
City Council Worksession
Agenda Item Summary**



City Council Meeting Date: Monday, June 11, 2012

Agenda Item: Review and discuss the City Council district boundary realignment.

Staff Resource: Michael Spicer, Director of Development Services

Summary Federal regulations require that the population distribution among City Council districts be approximately equal and that district boundaries be nondiscriminatory. The City Charter requires that council district boundaries be reviewed every ten years to ensure federal compliance. The Council District Boundary Commission was appointed on January 30, 2012 to review City Council district boundaries and recommend necessary adjustments. Over the course of seven meetings, including two public hearings, the Commission reviewed nine different options. Two options have been forwarded for City Council consideration. City Council must adopt new council district boundaries by ordinance prior to July 31, 2012.

Staff will provide an overview of the City Council district realignment process; relevant demographic information; and the two options recommended for City Council consideration. A proposed schedule to complete the process of establishing new City Council district boundaries will also be presented.

Board/Commission Action: N/A.

Action Proposed Set schedule, including a public hearing date, to complete the task of adopting new City Council district boundaries by ordinance prior to July 31, 2012.



City of Richardson
City Council Work Session
Agenda Item Summary



Work Session Meeting Date: Monday, June 11, 2012

Agenda Item: Items of Community Interest

Staff Resource: Dan Johnson, City Manager

Summary: The City Council will have an opportunity to address items of community interest, including:

Expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of Richardson; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of Richardson that was attended or is scheduled to be attended by a member of the City of Richardson or an official or employee of the City of Richardson; and announcements involving an imminent threat to the public health and safety of people in the City of Richardson that has arisen after the posting of the agenda.

Board/Commission Action: NA

Action Proposed: No action will be taken.



City of Richardson
City Council Meeting
Agenda Item Summary



Meeting Date: Monday, June 11, 2012

Agenda Item: Executive Session

Staff Resource: Dan Johnson, City Manager

Summary: The Council will convene into a closed session in compliance with Texas Government Code Section 551.074 – Personnel – Boards and Commissions – City Plan Commission Appointment.

Board/Commission Action: N/A

Action Proposed: Council will reconvene into open session to take any action, if any, on matters discussed in Executive Session.
