

**RICHARDSON CITY COUNCIL**  
**AUGUST 8, 2011**  
**7:30 P.M.**  
**CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX**

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1. **INVOCATION – STEVE MITCHELL**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – STEVE MITCHELL**
  3. **MINUTES OF THE JULY 25, 2011 MEETING**
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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. ADMINISTER OATH OF OFFICE TO BOARDS AND COMMISSIONS MEMBERS.
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**PUBLIC HEARING ITEMS:**

6. PUBLIC HEARING, ZONING FILE 11-13: A REQUEST BY MICHAEL BUCKINGHAM, REPRESENTING NATIONAL AMERICAN UNIVERSITY, FOR A SPECIAL PERMIT FOR A PRIVATE UNIVERSITY AT 300 N. COIT ROAD (EAST SIDE OF COIT ROAD, APPROXIMATELY 1,500 FEET NORTH OF BELT LINE ROAD). THE PROPERTY IS CURRENTLY ZONED LR-M(2) LOCAL RETAIL.

*ACTION TAKEN:*

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7. PUBLIC HEARING AND CONSIDER ORDINANCE NO. 3832, AUTHORIZING THE CITY OF RICHARDSON TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (“ACT”), PROVIDING TAX INCENTIVES; DESIGNATING A LIAISON FOR COMMUNICATION WITH THE INTERESTED PARTIES; AND NOMINATING FOSSIL PARTNERS LP, A TEXAS LIMITED PARTNERSHIP TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM (“OOGEDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) AS AN ENTERPRISE PROJECT (“PROJECT”).

*ACTION TAKEN:*

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**ACTION ITEMS:**

8. VARIANCE 11-08: A REQUEST FOR APPROVAL OF A VARIANCE FROM THE SUBDIVISION AND DEVELOPMENT CODE; ARTICLE III, SECTION 21-47(G), SCREENING AND OPEN SPACE, TO PERMIT ADDITIONAL GROUND LEVEL EQUIPMENT, STORAGE TANKS AND UTILITIES WITH THE INSTALLATION OF ADDITIONAL LANDSCAPING ALONG ALMA ROAD. THE 92.44-ACRE SITE IS LOCATED AT 300 W. RENNER ROAD, NORTHWEST CORNER OF RENNER ROAD AND ALMA ROAD.

*ACTION TAKEN:*

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

9. CONSENT AGENDA:

A. CONSIDER THE FOLLOWING ORDINANCES:

1. ORDINANCE NO. 3829, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO AMEND ORDINANCE NO. 3752, SECTION 2, BY REMOVING SPECIAL CONDITION NO.8 REGARDING THE MAXIMUM NUMBER OF PAD SITES AND/OR FREESTANDING BUILDINGS FOR A TRACT OF LAND ZONED PD PLANNED DEVELOPMENT FOR LR-M(2) USES WITH SPECIAL CONDITIONS.
2. ORDINANCE NO. 3830, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A MOTOR VEHICLE REPAIR SHOP - MAJOR LOCATED AT 405 SOUTH CENTRAL EXPRESSWAY, ON A 3.3-ACRE TRACT OF LAND ZONED C-M COMMERCIAL, SAID TRACT BEING DESCRIBED AS LOT 1, TEXAS AUTOMOTIVE CENTER IN DALLAS COUNTY, TEXAS
3. ORDINANCE NO. 3831, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING THE SPRING VALLEY STATION DISTRICT, ORDINANCE 3588, AS HERETOFORE AMENDED AND RESTATING THE PLANNED DEVELOPMENT FOR TRANSIT-ORIENTED DEVELOPMENT BY GRANTING A CHANGE IN ZONING FROM R-950 M ZONING DISTRICT FOR A 1.9-ACRE TRACT OF LAND DESCRIBED IN EXHIBIT "A-1" TO THE SPRING VALLEY STATION DISTRICT; BY AMENDING THE SPRING VALLEY STATION DISTRICT DEVELOPMENT REGULATIONS BY AMENDING THE DEVELOPMENT RIGHTS TO ALLOW A MAXIMUM OF 77 OF THE 300 CONDOMINIUM UNITS TO BE CONSTRUCTED AS APARTMENTS ON LOT 1B, BLOCK O AS DESCRIBED IN EXHIBIT "A-2" AND THE TRACT DESCRIBED IN EXHIBIT "A-1" AND AS DEPICTED ON EXHIBIT "B"; BY ALLOWING SURFACE PARKING FOR THE 77 UNITS LOCATED ON THE PROPERTIES DESCRIBED IN EXHIBIT "A-1" AND EXHIBIT "A-2"; AND BY PROHIBITING RESIDENTIAL CONSTRUCTION ON LOT 1B, BLOCK Q AS DESCRIBED IN EXHIBIT "A-3" AND AS DEPICTED ON EXHIBIT "B"; PROVIDING AS A SPECIAL CONDITION THAT AMENITIES INCLUDING, BUT NOT LIMITED TO, A POOL AND CABANA SHALL BE CONSTRUCTED AND COMPLETED ON LOT 1B, BLOCK Q, MCKAMY PARK ADDITION NO LATER THAN MARCH 1, 2012, FOR THE BENEFIT OF TRACTS OF LAND ZONED PD PLANNED DEVELOPMENT, SAID TRACTS BEING FURTHER DESCRIBED IN EXHIBITS "A-1", "A-2", AND "A-3" PRIOR TO ISSUANCE OF CERTAIN CERTIFICATES OF OCCUPANCY.
4. ORDINANCE NO. 3833, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, SECTIONS 23-271, 23-272, 23-273, AND 23-274 REGARDING THE EMERGENCY WATER MANAGEMENT PLAN, INCLUDING DESIGNATED WATER RESTRICTION STAGES, AND RELATED POLICIES FOR TRIGGERING CRITERIA, MANDATORY LANDSCAPE/OUTDOOR WATERING RESTRICTIONS WITHIN EACH STAGE, ENFORCEMENT AND VARIANCES, AND TAKE APPROPRIATE ACTION.

B. CONSIDER RESOLUTION NO. 11-22, ADOPTING AMENDED FINANCIAL POLICIES.

THE RICHARDSON CITY COUNCIL WILL MEET AT 5:30 P.M. ON MONDAY, AUGUST 8, 2011, 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 2011 – 2013 City Council Statement of Goals and Near Term Action Items
- C. Review and Discuss the Artist Selection Process for Heights Recreation Center Update
- D. Review and Discuss the North Texas Municipal Water District Stage 2 Water Conservation Plan Implementation
- E. Review and Discuss the City Council Committee and Board Liaison Appointments
- F. Report on Items of Community Interest

EXECUTIVE SESSION

- In compliance with Section 551.087 of the Texas Government Code, Council will convene into a closed session to discuss the following:
  - Deliberation Regarding Economic Development Negotiations
    - Commercial Development – Glenville Dr./Lookout Dr. Area
- 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, AUGUST 5, 2011, BY 5:00 P.M.

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CITY SECRETARY

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**July 25, 2011**  
**City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, July 25, 2011 with a quorum of said Council present, to-wit:

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

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Pamela Schmidt	City Secretary
Sam Chavez	Asst. Director of Development Services - Planning

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1. **INVOCATION – KENDAL HARTLEY**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – TROOP 728 FROM THE ST. PAUL APOSTLE CHURCH**
3. **MINUTES OF THE JULY 11, 2011 MEETING**

*ACTION TAKEN:* Mr. Omar moved approval of the minutes as presented; second by Mr. Solomon 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.)

Jerry Nichols, 2005 Portsmouth Drive, Chairman of Representative Angie Button's Seniors Round Table Committee, invited the Council to the 3<sup>rd</sup> Annual Senior Awareness Day being held on August 6, 2011 from 9:30 – 12:30 p.m. at the Richardson Civic Center. He stated it is a learning and entertainment experience rather than a health fair and described the various planned activities noting that there would be representatives of the Richardson and Garland Senior Citizen Centers.

Andrew Laska, 502 Hyde Park, addressed the Council about the goals and initiatives discussion held recently and the format of the document. He provided points he felt should be considered and included, particularly acknowledge that Richardson is a first tier suburb. He felt that now is not the time to be timid.

Chip Pratt, 2700 W. Prairie Creek, Canyon Creek HOA, addressed the Council regarding the DART meeting he attended regarding the Cotton Belt Rail Station. He advised that they presented three options for terminating the Cotton Belt east of US 75 and asked the Council to encourage citizen attendance to the next meeting scheduled for Monday, August 8. He noted that the UTD Station would not be a park and ride station. He felt there needed to be more people at the meeting to support the rail stopping at the 190 Station.

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**5. CONSIDER APPOINTMENTS TO THE ANIMAL SERVICES ADVISORY COMMISSION, ARTS COMMISSION, CITY PLAN COMMISSION, AND ZONING BOARD OF ADJUSTMENT/ BUILDING AND 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.

**Animal Shelter Advisory Commission**

Reappoint Jean Felsted, Animal Welfare Org (Dist 3) – Chair – term expiring March 31, 2013;  
Reappoint Erica Erikson, Licensed Vet (Dist 2) – Vice Chair – term expiring March 31, 2013;  
Reappoint Bill Alsop, Municipal Official – term expiring March 31, 2013

**Arts Commission**

Appoint Barbara McNutt (Dist 4) – term expiring January 31, 2013;

**City Plan Commission**

Reappoint David Gantt, Chair (Dist 4) – term expiring July 31, 2013  
Reappoint Marilyn Frederick (Dist 4)– term expiring July 31, 2013;  
Reappoint Don Bouvier, Odd Year Alternate (Dist 4) – term expiring July 31, 2013;  
Appoint Tom Maxwell, Jr. (Dist 1) – term expiring 2013  
Appoint Eron Linn, Even Year Alternate (Dist 2) – term expiring July 31, 2012.

**Zoning Board of Adjustments/Building & Standards Commission**

Reappoint Mike Walker (Dist 3) – Vice Chair – term expiring April 1, 2013;  
Reappoint Will Kidd (Dist 4) – term expiring April 1, 2013;  
Appoint Shamsul Arefin, Odd Year Alternate (Dist 1) – term expiring April 1, 2013.

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**PUBLIC HEARING ITEMS:**

**6. PUBLIC HEARING, ZONING FILE 11-10: A REQUEST BY RICHARD FERRARA, REPRESENTING MORONEY RENNER 37, LP, EVERGREEN RICHARDSON SENIOR COMMUNITY, LP AND SSAA VENTURES CORPORATION FOR AN AMENDMENT TO THE PD PLANNED DEVELOPMENT ZONING TO REMOVE THE CONDITION REGARDING THE MAXIMUM NUMBER OF PAD SITES AND/OR FREESTANDING BUILDINGS FOR APPROXIMATELY 12.8 ACRES LOCATED AT THE SOUTHWEST CORNER OF RENNER**

**ROAD AND NORTH STAR ROAD. THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.**

Mr. Keffler stated the request deals with special conditions that limit the development of the property located at the northwest corner of North Star and Renner Road to two pad sites and/or free standing buildings. He provided the history of the property since it was zoned Planned Development in 1988, including the development of a child care center and a senior living center leaving a 4.8 acre tract along Renner Road, which is the point of discussion. He advised that the plan Commission voted 7-0 to recommend approval and he asked Sam Chavez to brief the Council.

Mr. Chavez stated the case was a request to amend the existing PD with regard to removing the language in the current ordinance that limits the number of pad sites to two or two free standing buildings. He stated that the language renders the remaining 4.8 acres undevelopable. He advised that staff have received no correspondence regarding the request, and the City Plan Commission reviewed the request and recommended approval as submitted by the applicant.

Mayor Townsend opened the public hearing and asked the applicant to come forward.

Richard Ferrara, 405 N. Waterview, representing the applicant, stated the site has evolved since the language was initially placed in the ordinance. He noted that there are currently two free standing buildings on the property already leaving 4.8 acres available for development if the clause is removed as requested. In response to Mr. Mitchell about the property just to the north of the site in question, Mr. Ferrara advised that there is interest for a veterinarian clinic for the western most part of the property. He felt it would develop with a multi tenant building and he reminded the Council that the architectural controls within the PD would still be applicable.

Mr. Omar asked about the development of a sidewalk that would connect to the corner of Renner and North Star. Mr. Chavez stated that the construction of a sidewalk occurs as the property is developed so there could be a gap without sidewalk. Mr. Ferrara stated that should the center of property be last to develop, he would work with the owner of the property to address the gap.

There were no other speakers.

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

**ACTION TAKEN:** Mr. Omar moved approval of ZF 11-10 as requested; second by Mr. Solomon and the motion was approved with a unanimous vote.

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**7. PUBLIC HEARING, ZONING FILE 11-11: A REQUEST BY KENT JUNKERT, REPRESENTING KJ AUTO, FOR A SPECIAL PERMIT FOR A MOTOR VEHICLE REPAIR SHOP – MAJOR AT 405 S CENTRAL EXPRESSWAY (SOUTHEAST CORNER OF CENTRAL EXPRESSWAY AND PHILLIPS STREET). THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.**

Mr. Keffler stated the request pertains to a non-conforming right that lost because the retail location that was previously used as an automobile related use ceased to operate in 1998 and has been vacant for the last 10 years. He stated that the non-conforming use must now apply

for a Special Permit as a result of changes made by Council with regard to automobile uses in commercial zoning. He reported that the Plan Commission recommended approval of the request with a 7-0 vote. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the case was a request for approval of a special use permit for a 2,800 sq. ft. major motor vehicle repair shop within the existing 34,000 sq. ft. Texas Automotive Center and it also includes a request for an exception to Art. 22e of the Comprehensive Zoning Ordinance to allow the use to be located in a multi tenant building. He stated the language was included to prohibit an auto related use to be located in the same building adjacent to typical retail or office use and in this case, the entire site is an automotive repair center. The site is zoned C-M Commercial and he noted the other automobile related uses on the site. He stated that no site improvements are planned for the site. He explained that the space has been vacant for 10 years and lost its non-conforming rights and not must obtain a special use permit to operate. He reported that no correspondence has been received and that the Plan Commission reviewed the application at its July 5th meeting and recommended approval with an added condition that the permit be tied to the applicant.

Mr. Omar stated he was concerned about the parking situation because it seemed full already. Mr. Chavez stated staff reviewed the site and it conforms to the required parking.

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

Kenneth Junkert, applicant, stated he would like to locate his business in Richardson and his current location is in Dallas.

There were no other speakers.

Mr. Maczka moved to close the public hearing; second by Mr. Dunn and the motion was approved with a unanimous approval.

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

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**8. PUBLIC HEARING, ZONING FILE 11-12: A REQUEST BY CHRIS RAY, REPRESENTING CENTENNIAL PARK RICHARDSON, LTD., TO REVISE THE PD DEVELOPMENT RIGHTS FOR THE SPRING VALLEY STATION DISTRICT TO INCLUDE 1.9 ACRES WITH THE PD, ALLOW A MAXIMUM OF EITHER 95 APARTMENT OR CONDOMINIUM UNITS RATHER THAN JUST 95 CONDOMINIUM UNITS FOR LOT 1B, BLOCK O, MCKAMY PARK ADDITION AND AN ADDITIONAL 1.9 ACRES, TO ALLOW SURFACE PARKING FOR THE PROPOSED 95 UNITS, AND THE REMOVAL OF RESIDENTIAL DEVELOPMENT RIGHTS ON LOT 1B, BLOCK Q, MCKAMY PARK ADDITION. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF SPRING VALLEY ROAD BETWEEN THE DART LIGHT RAIL AND GREENVILLE AVENUE. THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.**

Mr. Keffler stated there has been a great deal of interest in the project since the original zoning was put in place in 2004 and stated tonight's request pertains to the northwest corner to provide for a use change from condominium to condominium or apartments with the same number of units. It would also prohibit residential development on a ¼ acre tract beside the Park. He

stated that the Plan Commission recommended approval of the request at its July 5<sup>th</sup> meeting with a 7-0 vote. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request is to amend the PD standards for the Spring Valley Station District. The request includes four items; incorporate a 1.9 acre tract of land located at the northern boundary of the site into the PD; amend the development rights to allow 95 condominium or apartment units on Lot 1B, Block Q; allow surface parking for the development; and prohibits residential development on the ¼ acre tract north of the Park with the intent to construct a pool and cabana. He underscored that the request does not increase the total number of units, results in a slight decrease in density and reduces the amount of condominium units from 300 to 205. He used aerial taken on June 15, 2011 to highlight various discussion topics and describe the current status of the project. He stated there are currently three letters of interest from two restaurants and one retail business for the available retail spaces. Mr. Chavez reported that the Plan Commission recommended approval of the request with a vote of 7-0 and noted that in essence, the recommendation restricts rental units to the west side of the creek and ownership property to the east of the creek.

Mr. Omar noted that rental property would not be allowed on the east side of the channel anyway without approval by Council. He asked about the nature of the issues with regard the park and the medians that have prevented the items from being accepted by the City. He felt it was an indication about the developer's ability to complete a job. Mr. Morgan stated the elements of the park have been approved by staff and staff was waiting on the Deed of Transfer. Once the deed is received, the City will take over maintenance of the Park. The final checklist was completed in the last month. Mr. Chavez stated that some of the medians have uneven grades and a lack of turf, and once those items are addressed, the City would accept the medians.

Mr. Mitchell asked about the point of access to the DART station and asked for a timeframe when some connectivity could occur. Mr. Morgan pointed out the trail connection plan in the DART r-o-w and stated staff could look for some short term solutions. Mr. Mitchell felt accessibility to the DART rail was a key element to transit oriented development. Mr. Keffler stated the plan is to have access points that the neighborhood could use as well as the Brick Row residents.

Mr. Dunn noted areas where concrete debris needs to be cleaned up and he also noted that the creek appears to need attention.

Mr. Mitchell asked about a timeframe for the beginning of the trail construction. Mr. Morgan stated that the trail design would be completed in the fall, followed by a 3 month bidding process and construction in the spring of 2012. Mr. Solomon stated he would prefer the trail construction begin at the southern end and move north.

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

Chris Ray, 744 Brick Row, Richardson, informed the Council about his conversation with members of the Highland Terrace Neighborhood Association. He stated that the Association has been opposed to the project from the beginning, but after a recent meeting, agreed that they would not oppose the request for 77 units. He stated that the onus has been on them to show what responsible rental property could be. He stated that their interest in protecting the complex does not conflict with the interest of the neighborhood and he agreed that in general people take better care of something they own rather than rent. He stated the reason rental

units will work at the site is because there is ownership in the master level and it keeps the developers interest in the asset. He stated the more people that are members of the HOA, the more sustainable the project would be. With regard to the new building, Mr. Ray stated the current building materials would be continued to the proposed building. The unit mix will be heavier with two bedrooms, will have a larger average unit size and no unit will be less than 700 sq. ft. He reported that rental rates are at \$1.48 per sq. ft. and are effective at \$1.30 and noted that the price point is actually more than a \$200,000 house mortgage payment would be. He stated he resides in the complex along with other young professionals and it was his feeling that many people live there that would otherwise live in Plano. He felt that employees of Fossil would also find Brick Row a location point. He provided various statistics and noted the condominium market has continued to decrease while apartment interest has increased. With regard to the Park, the office is completing the title work and conveyance document. He stated that David Weekly has purchased five more townhome lots. With regard to the medians, he explained that it was part of a larger \$4.4 million infrastructure package. He noted that the medians received damage from contractors but rather than waiting, he stated they would be laying sod by the end of the week. He noted that there is no irrigation to the medians so establishing the sod would be a challenge in the current weather conditions. He provided explanation about some of the delay with regard to completion of some of the final punch lists. With regard to retail, he stated they have signed a Chinese restaurant for the anchor point of the A Building and have signed MetroPCS for another retail spot. He stated they are also trying to get an Italian restaurant and a dry cleaner business. He felt that neighborhood businesses would be coming and would be in the B building. He described the trail connection and noted the idea is to connect the neighborhood in three different locations to the trail, retail and the DART rail. He stated that they want the residents to have direct access to the Rail.

Mr. Omar stated his appreciation for Mr. Ray's candor and presentation as well as the occupancy levels and price points. He stated he would like to approve the request, but he sees signs of an inability by the owner to see things that need to be corrected and completed or marketed. He voiced a concern that approving the request would take away their incentive to complete the project. Mr. Ray stated there are areas where curbs are cracking and falling forward, which he felt was due to the deep freezes and now extreme heat, but they are identifying and fixing problems as quickly as possible. With regard to maintenance of the townhome lots, he stated they have now engaged the same contractor being used by the townhome HOA for continuity purposes.

Mr. Mitchell voiced his appreciation for Mr. Ray's outreach to the neighborhood. He stated that the angst he is hearing from property owners is an understanding of the final product and direction of the development. He asked for clarification about the plan for the triangle property between Centennial Blvd and Spring Valley Road. Mr. Ray stated they have a responsible plan for the retail development, but don't have a plan to build it until the market calls for it. He stated they have every intention of building the condominiums, but there currently is no market for it so it will not be constructed until there is demand for the units. He clarified Mr. Gleeson's previous remarks that his investors had no intention of funding the construction of condos, but did support the pad site for condos. He stated if the market came back for condominiums, he would build it, but he did not expect the market to return for about 30 years. He stressed that the ULI Study stated the most important factor for success is to be able to adapt. The vision has always been retail on both sides, but the market is not there at this point. With regard to the triangle, he stated he wants to request allowance for a monument to advertise the development. Mr. Mitchell asked about the proposed parking for the 1.9 acre tract and Mr. Ray stated the surface parking would be similar to Building C and stated the width would not allow for garage parking.

He described the exact layout of the building and felt the surface parking would not be visible. Lastly, Mr. Mitchell voiced his appreciation for the added pool and cabana.

Mr. Dunn asked if the apartments could be converted to condos and Mr. Ray replied affirmatively and felt that Building C and the proposed building would probably be converted prior to constructing new buildings.

Mr. Solomon asked about the amount of developable property and Mr. Ray replied approximately 1.8 acres because of the floodplain. Mr. Omar asked about the environmental impact with the increase of concrete and Mr. Ray stated the creek has more than enough capacity and was in fact over-engineered for the area. He explained that they could not go into the creek without triggering Federal regulations and he felt that trees would continue to grow in the creek.

Mayor Townsend asked Ms. Schmidt to begin calling speakers regarding the request.

Rick Hart, President of Rosehill HOA, requested the Council stick to the original plan. He requested the request be rejected by the Council. He was opposed to the decrease of owner occupied units and the increase of rental units. He asked the Council to deny the request with prejudice.

Barbara Edmondson, 301 Prince Albert Court, spoke in opposition to the request and stated she was really bothered with the request. She felt the developer has not built condos because apartments are cheaper to build. She noted that a Planned Development takes a long time to develop. She asked the Council to deny the request and to protect the neighborhood.

Bill Edmondson, 301 Prince Albert Court, stated developers have to plan for problems. He felt the applicant wants to create enough cash flow to make it attractive for sale. He asked the Council to think about the neighborhood. He questioned the support of the request by the other neighborhood because there were no representatives present.

Wyatt Rousseau, 879 Cotswolds Court, spoke in support of comments made by Rick Hart and members of the Rosehill Estates HOA. He asked the Council to ask the developer to continue with the plan previously approved, and deny the request.

Dave Peters, 744 Brick Row #2307, spoke in favor of the request. He stated he has been very pleased with the quality of the project and the tenants in the complex. He felt concessions were needed because of the economy. He reminded the Council that the finishes will be such that the units could be converted to condos. He felt that completing development of the west side of the project would help with the development of the east side of the project. He encouraged approval of the request.

Ms. Schmidt advised the Council that there were three cards submitted in opposition to the request by individuals who did not wish to speak as follows: Mrs. Ellen Byrd, 304 Prince Albert Court; and Sherry Cal and Richard E. Buford, 264 Queen Victoria Court. Mr. Mitchell asked if there were any visitors from the Highland Terrace HOA and no hands were raised.

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

Mr. Omar stated he wants to show some flexibility, but still had concerns with the effort shown to complete the ongoing projects. He felt the request was a couple months too early and was concerned that if the request is approved now, the remaining items would not get completed. Mr. Mitchell also felt the request was premature. He voiced some real hesitancy in approving the request and although flexibility is needed, felt there needs to be a plan. He felt the product in Buildings A, B & C was impressive, but he was having difficulty supporting the request. Mr. Hartley voiced a concern that he has not heard from the townhome owners. Ms. Maczka stated she appreciates the candor and responsibility accepted by the applicant, but was concerned that the projects are not totally completed prior to tackling another one. She stated she is willing to be flexible, but is concerned with the lack of the final vision. Mr. Dunn voiced a concern with the fluidity of the project. He stated he disagrees with condos on the east side of the creek and was leaning in favor of the current request with a limit of 77 units and with heavy oversight by the City for a clean worksite. Mr. Solomon stated he would like to see the project completed, get a commitment for the 77 units and a reasonable commitment for completion of the pool so that people are swimming in the spring. Mr. Omar asked if code enforcement has been involved and Mr. Morgan replied affirmatively. Mayor Townsend noted that the appearance has been lacking and reminded Council that it would be two weeks before the final ordinance would be on the agenda for action and felt there might be improvements prior to that time. He stated there is a plan for the project, he felt the additional 77 apartments may help; and that staff needs to enforce the codes in place. Mr. Omar remarked again that the townhome property does not appear to be available for sale and asked what the plan is to market the property or enhance the esthetics of the area.

Mr. Ray stated that one of the curb appeal challenges for the townhome property is that the public space and right of way is tree wells, 40 ft on center, two species of trees; and the landscape is in the front yard of the townhomes making it very difficult to showcase the property. He explained that they have recently planted seasonal color through the main entrance. He stated they do have two monument signs under development to put there but there is a 30 ft setback for the sign that will not be visible once the townhomes are built. He stated they plan to ask for an exception to allow the monument sign within 20 ft of the curb. He explained that stated their incentive is to obtain the certificate of occupancy for the building already constructed, which won't happen until completion of the infrastructure. Mr. Omar asked about the plan to insure that the complex doesn't entirely become a construction zone and Mr. Ray explained the issues associated with the beginning of the project that would not be an issue with the proposed project. Mayor Townsend noted the need to move the utility poles and lines along Greenville. In response to Mr. Mitchell, Mr. Ray stated that they are always thinking about how to make the project better and more successful, which might mean a change to the plan or may sound like they don't have a plan. Mr. Mitchell stated if change is needed, he would like to see a proposed plan rather than frequent requests for amendments. In response to Mr. Omar, Mr. Ray stated that it would be at least a month for the conveyance documents to be completed and a less amount of time to be able to turn over the medians. He stated it could be four months before retail could move into the site. Mr. Dunn and Ms. Maczka underscored that it is all the little unfinished or unkempt things that are causing concern. Mr. Ray stated he hears the Council concerns loud and clear. He also stated that if the zoning is approved this evening, it would be six months before they could break ground. Mr. Mitchell agreed with Mr. Omar that the request was still too early until the other items were completed and that he would like to see a more concrete plan. He felt it would make the Council and residents feel more confident. Mr. Keffler stated he has no doubt that the City can leverage all of the points made by Council. He also noted that the ordinance would be on the Council agenda in two weeks, which could be delayed if needed. He stated that Council could also stipulate timeframes for completion of the pool and cabana.

ACTION TAKEN: Mr. Solomon moved to approve ZF 11-12 with the stipulations that the number of units will be 77, and that the discussed amenities including but not limited to a pool with a cabana on Lot 1 Block Q to be completed by March 1, 2012 and furthermore that the City Office of Community Services is to be diligent in code enforcement; that it be further emphasized that the will of this Council is to prohibit rental units on the east side of the creek and that the project manager proceed with an immediate proposal to the Sign Control Board for the monument signs as discussed; second by Mr. Dunn. Discussion. Mr. Solomon, Mr. Dunn, Ms. Maczka, Mr. Hartley and Mayor Townsend in favor; Mr. Mitchell and Mr. Omar opposed. Motion approved.

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**ACTION ITEMS:**

**9. CONSIDER VARIANCE REQUEST FOR 115 E. MAIN STREET, LOCATED ON THE NORTH SIDE OF MAIN STREET, BETWEEN TEXAS STREET AND MCKINNEY STREET TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A CHURCH.**

Mr. Keffler stated the variance request would allow the sale of alcoholic beverages at a location that has been in operation for 30 years that lost its permit based on a change of ownership. The variance is needed because of the location of the Cornerstone Chinese Bible Church within 300 feet of the site. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request was for a variance for 115 E. Main Street to allow the sale of alcoholic beverages for onsite consumption within 300 feet of a church. He stated that Chapter 4 of the City's Code of Ordinances prohibits the sale of alcoholic beverages for on premise consumption for businesses located within 300 feet of a church, school or public hospital. The Cornerstone Chinese Bible Church is located with 300 feet of the site and submitted a letter in opposition to the request. He advised that the Main Street Liquid Company occupied the site from 1975 until May 2011.

Mr. Dunn asked about the rights of the permit and Mr. Chavez stated if TABC treats the permit as a renewal, then there would be grandfathered rights.

ACTION TAKEN: Mr. Mitchell moved approval of Item 9; second by Mr. Omar and the motion was approved with a unanimous vote.

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ALL ITEMS LISTED UNDER ITEM 10 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:

**10. CONSENT AGENDA:**

Mr. Keffler requested that Item 10.D.2, which is the CSP for the Eisemann Center LED lighting, be removed from the Consent Agenda.

**ACTION TAKEN:** Mr. Solomon moved to approval of the Consent Agenda with the exception of Item 10.D.2; and moved that due to procedural omissions, that we do not award CSP 905-11, reject all proposals received and authorize staff to initiate the process to release a new Competitive Sealed Proposal for the Eisemann Center Garage LED Lighting Retrofit. Second by Mr. Omar and the motion was approved with a unanimous vote.

A. Consider the following Resolutions:

1. Resolution No. 11-20 approving the terms and conditions of the 2011 Byrne Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement, and authorizing the City Manager to execute said agreement.
2. Resolution No. 11-21 appointing Laura Maczka as Alternate to the Aggregated position of 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.

B. Receive from the City Plan Commission:

1. Final plat for Lots 1, 2 and 3, Block A of the Belt Line/Inge Addition.
2. Amending plat for Lot 3C, Block A of the Spring Valley Business Park Addition being an amending plat of Lot 3B, Block a of the Spring Valley Business Park Addition.

C. Consider award of the following bids:

1. Bid #55-11 – authorization to issue a Cooperative Purchase Order to Command & Control Environments, Inc., for radio dispatch furniture through the Texas Building & Procurement Commission's Texas multiple award schedule (TXMAS) program Contract #5-7110180 in the amount of \$181,066.12.
2. Bid #56-11 – authorization to issue a Cooperative Purchase Order to DFW Communications, Inc., for the Fire Station Alerting System through the State of Texas Department of Information Services Contract #DIR-SDD-1334 in the amount of \$117,377.48.

D. Consider award of the following competitive sealed proposals:

1. CSP #904-11 – award to Idea Construction for the public safety jail renovation in the amount of \$231,243.00.
2. CSP #905-11 – award to Facility Solutions Group for the Eisemann Center Garage LED Lighting Retrofit in the amount of \$189,576.77.

Removed from the Consent agenda by the City Manager.

E. Consider award of Request for Proposal #703-11 – authorization to issue an annual requirements contract to Mansfield Oil Company for fleet fuel card & management services through the city of Plano pursuant to unit prices of the oil price information

service average price plus \$0.145/gallon for unleaded gasoline and plus \$0.18/gallon for diesel fuel.

- F. Authorize the City Manager to execute Change Order #1 to Purchase Order #111332 in the amount of \$57,626.35 to CPS Civil regarding the Fire Station #4 Paving Improvements.

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Meeting adjourned at 10:50 p.m.

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MAYOR

ATTEST:

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CITY SECRETARY



City of Richardson  
City Council Meeting  
Agenda Item Summary



**Meeting Date:** Monday, August 8, 2011

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

**Staff Resource:** Pamela Schmidt, 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 Meeting  
Agenda Item Summary



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**Meeting Date:** Monday, August 8, 2011

**Agenda Item:** Administer Oath of Office to Board and Commission Members

**Staff Resource:** Bill Keffler, City Manager

**Summary:** City Secretary Pamela Schmidt will administer the Oath of Office to newly appointed board and commission members.

**Board/Commission Action:** N/A

**Action Proposed:** N/A

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# MEMO

**DATE:** August 4, 2011  
**TO:** Honorable Mayor and City Council  
**FROM:** Sam Chavez, Assistant Director of Development Services SC  
**SUBJECT:** Zoning File 11-13 – National American University

## REQUEST

Michael Buckingham, representing National American University (NAU), is requesting approval of a Special Permit for a private university in an LR-M(2) Local Retail District located at 300 N. Coit Road (east side of Coit Road between Belt Line Road and Arapaho Road).

## BACKGROUND

The proposed private university intends to occupy a 4,500-square foot lease space on the upper level of a 2-story retail shopping center that includes the 14-story office tower. The proposed university includes administration offices, interview rooms and two (2) classrooms to accommodate forty (40) students for on-site classes, and offers associate and bachelor's degrees in accounting, information technology, and a variety of health care fields.

Three (3) residents of the City of Dallas spoke in opposition to the request. They expressed concerns with the credibility of NAU and issues with the viability of the Promenade Shopping Center. The Commission discussed that the property is located in the Coit Road redevelopment/enhancement district, and whether a private university would be an appropriate use of the retail center. Several Commissioners felt retail would be a better use of the property.

To date, no letters in favor or in opposition of the subject request have been received from residents of Richardson.

## PLAN COMMISSION RECOMMENDATION

On July 19, 2011, the Commission voted 6-1 (Commissioner Frederick opposed) to recommend approval of the request as presented with a special condition limiting the time limit of the Special Permit to five (5) years. The applicant has submitted a request for the City Council to remove the 5-year limit to the Special Permit if it is approved.

## ATTACHMENTS

Special Conditions	Zoning Exhibits (Exhibit "B-1" & Exhibit "B-2")
CC Public Hearing Notice	Floor Plan (Exhibit "C")
City Plan Commission Minutes 07-19-2011	Site Photos (Exhibit "D")
Staff Report	Applicant's Statement
Zoning Map	Applicant's & Leasing Company's Request to Remove 5-year Limit
Aerial Map	Notice of Public Hearing
Oblique Aerial Looking East	Notification List

### **SPECIAL CONDITIONS ZF 11-13**

1. The Special Permit for a private university is limited to the area shown on the attached concept plans, attached as Exhibit "B-1" and Exhibit "B-2" and made a part thereof, and which is hereby approved.
2. The Special Permit shall be limited to National American University.
3. The Special Permit shall have a 5-year time limit.

**City of Richardson  
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, August 8, 2011, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following request.

**Zoning File 11-13**

A request by Michael Buckingham, representing National American University, for a Special Permit for a private university at 300 N. Coit Road; currently zoned LR-M(2) Local Retail.

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  
Pamela Schmidt, City Secretary

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

**PUBLIC HEARING**

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

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

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

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

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

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

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

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

Mr. Shacklett replied there were six redevelopment and enhancement areas noted in the 2009 Comprehensive Land Use Plan, the first of which was West Spring Valley that underwent an 18 month study and a 6 month moratorium and zoning case. He thought that each of the future redevelopment and enhancement areas would go through a similar process, but that

process may not take place for another 5 to 10 years and it could be years before those plans were implemented.

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

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

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

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

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

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

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

Commissioner DePuy asked where the closest NAU facility was located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner DePuy reminded the Commission of previous conversations about “thinking outside the box” and re-purposing older shopping centers, but did have a concern with the

proposed 10 year lease. She added that she was totally on board with stopping blight in shopping centers and suggested that a shorter lease might be more acceptable, which would allow the Commission to act aggressively if and when redevelopment and enhancement took place.

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

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

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

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

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

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

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

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

Motion passed 6-1 with Commissioner Frederick opposed.



## Staff Report

**TO:** City Council

**THROUGH:** Sam Chavez, AICP, Assistant Director – Development Services

**FROM:** Chris Shacklett, Planner **CS**

**DATE:** August 4, 2011

**RE:** **Zoning File 11-13:** National American University

### **REQUEST:**

Approval of a Special Permit for a private university at 300 N. Coit Road (east side of Coit Road between Belt Line Road and Arapaho Road)

### **APPLICANT:**

Michael Buckingham – National American University

### **PROPERTY OWNER:**

ROC TX Promenade, LLC

### **TRACT SIZE AND LOCATION:**

6.8-acre site, east of Coit Road, between Belt Line Road and Arapaho Road.

### **EXISTING DEVELOPMENT:**

The site consists of a 2-story retail shopping center with a 14-story office building totaling 222,181 square feet. A 2-story parking structure is located on the property as well.

### **ADJACENT ROADWAYS:**

**Coit Road:** Six-lane divided arterial; 41,900 vehicles per day on all lanes, northbound and southbound, north of Belt Line Road (May 2011).

**SURROUNDING LAND USE AND ZONING:**

**North:** Retail/Commercial; LR-M(1) Local Retail  
**South:** Retail/Commercial; LR-M(2) Local Retail & C-M Commercial  
**East:** Single Family; R-1100-M Residential  
**West:** Single Family; City of Dallas

**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 Coit enhancement/redevelopment area. Enhancement/redevelopment should include development of a similar type as the existing development with more modern building formats and site design that respects adjacent neighborhoods.*

**Future Land Uses of Surrounding Area:**

North: Enhancement/Redevelopment  
South: Enhancement/Redevelopment  
East: Neighborhood Residential  
West: Neighborhood Residential; City of Dallas

**EXISTING ZONING:**

The subject property is zoned LR-M(2) Local Retail per Ordinance 685-A.

**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.

**APPLICANT’S STATEMENT**

(Please refer to the complete Applicant’s Statement)

**STAFF COMMENTS:**

**Background:**

The applicant’s request is for approval of a Special Permit for a private university in an approximately 4,500-square foot lease space located on the upper level of the shopping center on the south side of the office tower. The City’s Comprehensive Zoning Ordinance (CZO) requires private schools to acquire a Special Permit before they can operate. A private school is defined as a school under the sponsorship of a private agency or corporation other than a public or

religious agency, having curriculum generally equivalent to public elementary or secondary schools. Although it is very similar use, the proposed private university does not specifically fall under this definition; therefore a Special Permit for a private university (an unlisted use in the CZO) is being requested. In 2007, a similar Special Permit for a private university was approved for DeVry University at 2201 N Central Expy.

National American University currently has thirty-one (31) campuses operating or under development in nine (9) states. They are accredited by the Higher Learning Commission (HLC) of the North Central Association of Colleges. The proposed university would enroll students in online classes as well as provide on-site classrooms to accommodate up to forty (40) students. The proposed course offerings for this location would include associate and bachelor degrees in accounting, information technology, business administration, and a variety of health care fields.

The proposed use would require reconfiguring the lease space to provide offices, meeting space, and classrooms (See Exhibit "C"). No changes are proposed to the outside of the building. The applicant expects their maximum occupancy to occur during the evening hours since this would be when classes generally take place. The site provides adequate parking for the proposed university.

**The Commission discussed that the property is located in the Coit Road redevelopment/enhancement district, and whether a private university would be an appropriate use of the retail center.**

**Correspondence:** No correspondence in favor or opposition has been received.

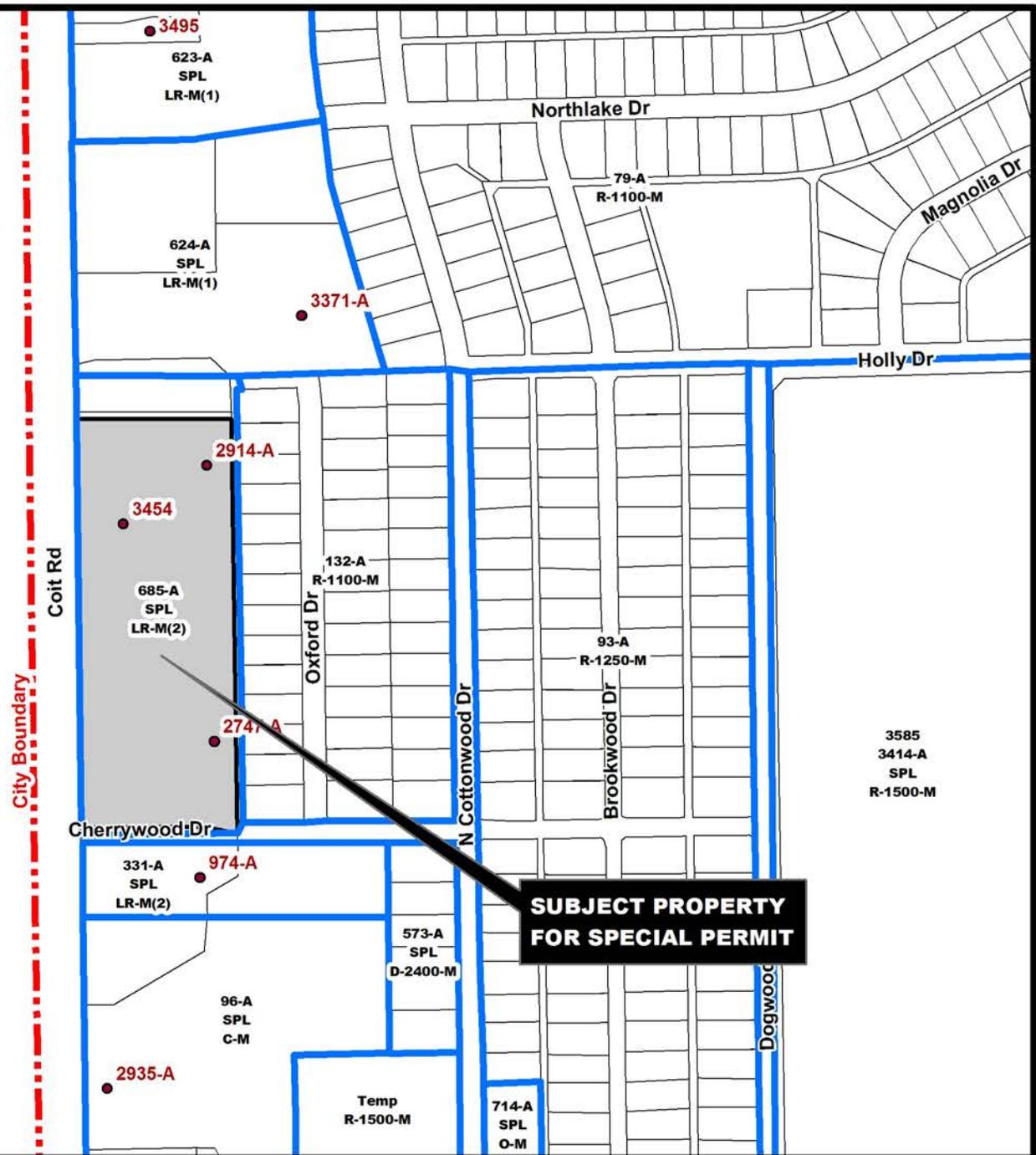
**Three (3) residents from the City of Dallas spoke in opposition to the request. They expressed concerns with the credibility of National American University and issues with the viability of the Promenade Shopping Center.**

**Motion:** On July 19, 2011, the City Plan Commission recommended approval of the request subject to the following conditions along with the added time limit stated in special condition #3:

1. The Special Permit for a private university is limited to the area shown on the attached concept plans, attached as Exhibit "B-1" and Exhibit "B-2" and made a part thereof, and which is hereby approved.
2. The Special Permit shall be limited to National American University.
3. The Special Permit shall have a 5-year time limit.

**The applicant has submitted a letter requesting the City Council to remove the 5-year time limit to the Special Permit if it is approved.**

# ZF 11-13

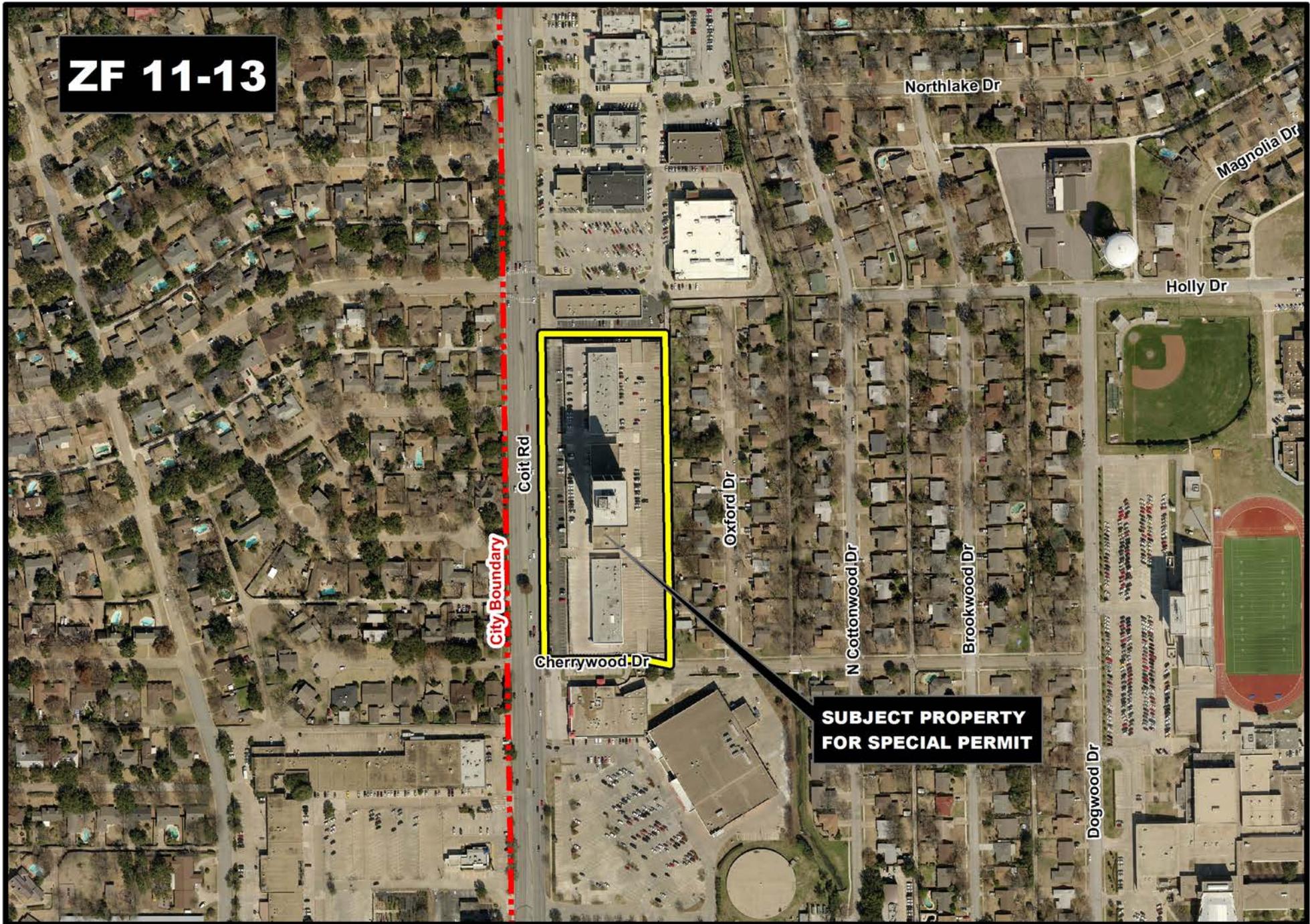


## ZF 11-13 Zoning Map

Updated By: shacklett, Update Date: July 7, 2011  
File: DS\Mapping\Cases\Z\2011\ZF 1113\ZF 1113 zoning.mxd



**ZF 11-13**



**SUBJECT PROPERTY  
FOR SPECIAL PERMIT**

**ZF 11-13 Aerial Map**

Updated By: shacklett, Update Date: July 7, 2011  
File: DSI\Mapping\Cases\Z\2011\ZF 1113\ZF 1113 ortho.mxd





Oxford Drive

Cherrywood Drive

Subject  
Lease Space

N. Coit Road

Oblique Aerial  
Looking East

ARCHITECTURE  
INTERIOR DESIGN



INSIDE OUTSIDE  
ARCHITECTURE, INC.

Lea E. Kangas  
18601 152nd AVE N  
DAYTON, MN 55327  
763-428-5870

CONSULTANTS

PROJECT

NAU  
EDUCATION CENTER

Richardson, Texas

CONTENTS

LOWER LEVEL SITE  
PLAN

CERTIFICATION

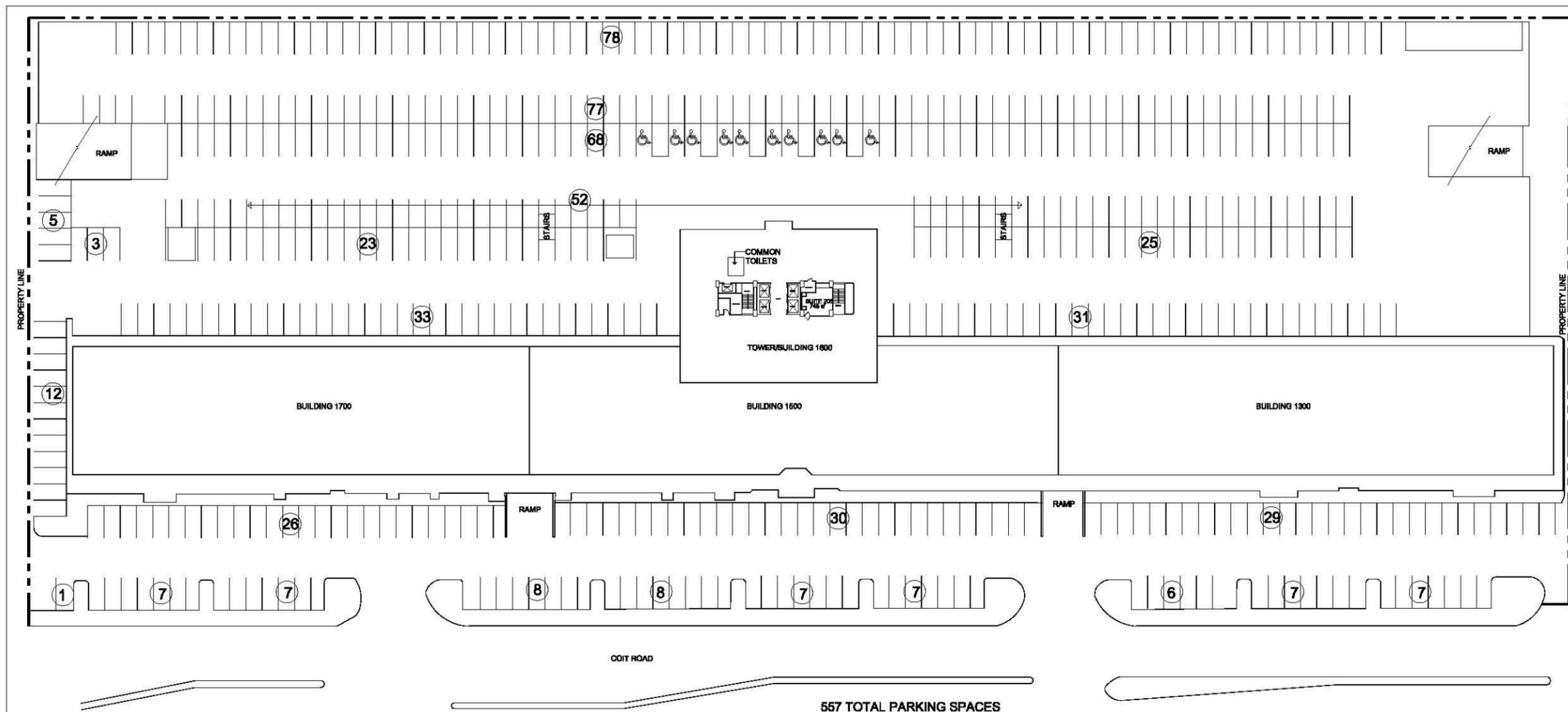
PRELIMINARY  
NOT FOR  
CONSTRUCTION

State Registration #21709

Date 07-05-2011

T1.1

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1 LOWER LEVEL SITE PLAN  
T1.1 1/32" = 1'-0"



BUILDING 1300 (LOWER LEVEL):

RESTAURANT SPACE: 3,425 GSF  
RETAIL SPACE: 22,388 GSF  
TOTAL 25,813 GSF

BUILDING 1400 (UPPER LEVEL):

RETAIL SPACE 14,324 GSF

BUILDING 1500 (LOWER LEVEL):

RESTAURANT SPACE: 788 GSF  
RETAIL SPACE: 15,800 GSF  
TOTAL 16,588 GSF

BUILDING 1600 (FLOORS 2-15)

2ND FLOOR	18,352 GSF
3RD FLOOR	8,961 GSF
4TH FLOOR	8,918 GSF
5TH FLOOR	8,918 GSF
6TH FLOOR	8,918 GSF
7TH FLOOR	8,918 GSF
8TH FLOOR	8,918 GSF
9TH FLOOR	8,918 GSF
10TH FLOOR	8,918 GSF
11TH FLOOR	8,918 GSF
12TH FLOOR	8,918 GSF
13TH FLOOR	8,918 GSF
14TH FLOOR	8,907 GSF
15TH FLOOR	8,907 GSF
TOTAL	131,720 GSF

BUILDING 1700 (LOWER LEVEL):

RESTAURANT SPACE: 5,493 GSF  
RETAIL SPACE: 14,615 GSF  
TOTAL 20,108 GSF

BUILDING 1800 (UPPER LEVEL):

RESTAURANT SPACE: 3,740 GSF  
RETAIL SPACE: 9,368 GSF  
TOTAL 13,108 GSF

ZONING: LRM- LOCAL RETAIL DISTRICT  
(ORDINANCE 085-A)

SITE ACREAGE: 6.7833 ACRES  
SITE AREA: 295,481 SF

EXISTING BUILDING: 221,661 GSF  
NEW LEASE SPACE: 520 GSF  
TOTAL 222,181 GSF

FLOOR AREA RATIO ALLOWED: 0.5:1  
FLOOR AREA RATIO EXISTING: 0.75:1  
FLOOR AREA RATIO PROPOSED: 0.75:1

LANDSCAPING REQUIRED: 1.6% (4,718 SF) - PER  
VARIANCE  
LANDSCAPING EXISTING: 1% (2,954 SF)  
LANDSCAPING PROPOSED: 2% (5,900 SF)

PARKING REQUIRED

OFFICE AREA: 140,462 SF - 1/300 - 468  
PARKING SPACES

RESTAURANT AREA: 12,214 SF - 1/100  
SF - 122 PARKING SPACES

CHURCH: 5,493 SF - 1/3 SEATS - 52  
PARKING SPACES (156 SEATS)

RETAIL: 83,185 SF - 10,000 SF - 30  
PARKING SPACES  
53,185 SF - 1/200 SF - 266 PARKING  
SPACES

CLASSROOM SPACE: 1,158 SF - 1/100  
SF - 12 PARKING SPACES

TOTAL : 950 PARKING SPACES,  
BUILDING SF 222,512  
TOTAL PARKING SPACES PROVIDED:  
986

SITE PLAN PROVIDED BY THE CITY  
OF RICHARDSON AND LANDLORD,  
NOT DESIGNED or VERIFIED BY IOA,  
INC. FOR REFERENCES PURPOSES  
ONLY

ARCHITECTURE  
INTERIOR DESIGN



INSIDE OUTSIDE  
ARCHITECTURE, INC.

Lea E. Kangas  
18601 152nd AVE N  
DAYTON, MN 55327  
763-428-5870

CONSULTANTS

PROJECT

NAU  
EDUCATION CENTER

Richardson, Texas

CONTENTS

UPPER LEVEL SITE  
PLAN

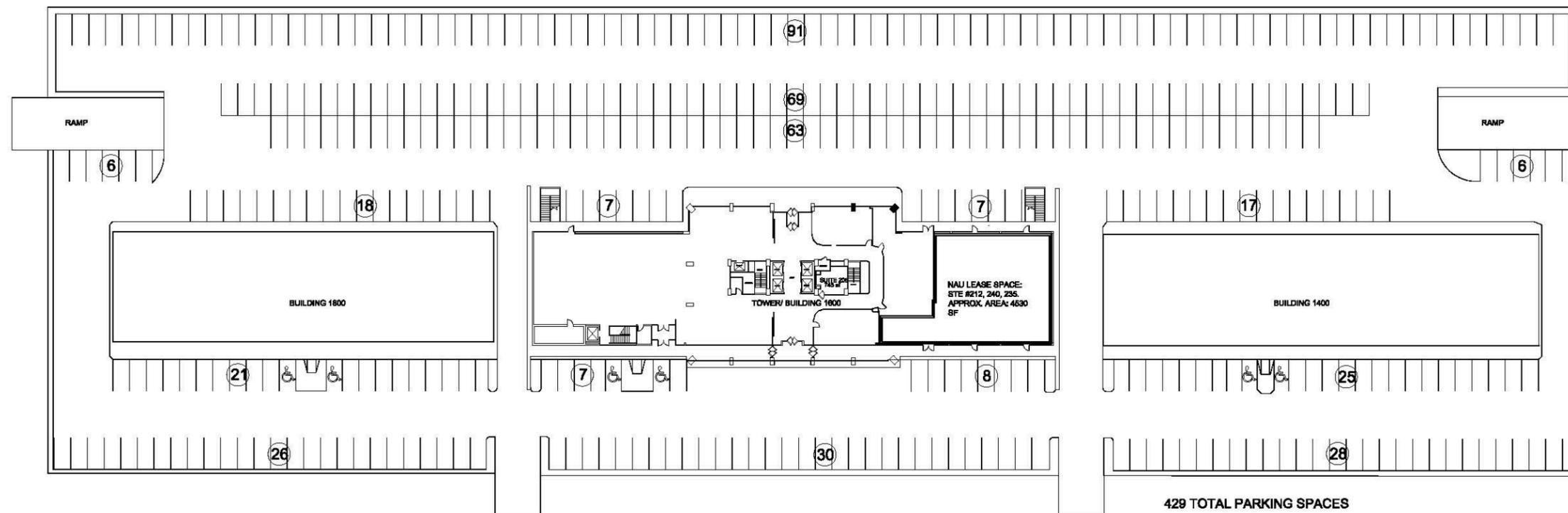
CERTIFICATION

PRELIMINARY  
NOT FOR  
CONSTRUCTION

State Registration #21709  
Date 07-05-2011

T1.2

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1 UPPER LEVEL SITE PLAN  
T1.2 1/32" = 1'-0" ← TRUE

Exhibit B-2 - Part of Ordinance



ARCHITECTURE  
INTERIOR DESIGN



INSIDE OUTSIDE  
ARCHITECTURE, INC.

Lea E. Kangas  
18601 152nd AVE N  
DAYTON, MN 55327  
763-428-5870

CONSULTANTS

PROJECT

NAU  
EDUCATION CENTER

Richardson, Texas

CONTENTS

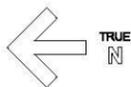
SPACE PLAN G

CERTIFICATION

PRELIMINARY  
NOT FOR  
CONSTRUCTION

State Registration #21709

Date 07-05-2011



FIT PLAN ONLY - PRELIMINARY NOT FOR CONSTRUCTION  
NAU - Richardson, TX - Education Center - G

March 31, 2011  
4530 SF - APPROX. AREA

Exhibit C

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(1)

Front of Lease Space  
Looking Northeast

300 N Coit Road - July 2011



(2)

Rear of Lease Space  
Looking Northwest

Exhibit D



# NATIONAL AMERICAN UNIVERSITY

## CENTRAL ADMINISTRATION

NAU is requesting a special permit to establish a University Education Center at 300 North Coit Road. The center will primarily recruit and enroll students in online classes pending regulatory approval from the State of Texas and from the Higher Learning Commission. The center will have two classrooms for on ground programs each equipped to seat 20 students and 1 instructor. Total daytime occupancy is anticipated at 35 or less. Evening occupancy is estimated at 60 or less.

### CAMPUSES

*Albuquerque, New Mexico*  
(505) 348-3700

*Austin, Texas*  
(512) 651-4700

*Bloomington, Minnesota*  
(952) 356-3600

*Brooklyn Center, Minnesota*  
(763) 852-7500

*Colorado Springs, Colorado*  
(719) 590-8300

*Denver, Colorado*  
(303) 876-7100

*Distance Learning*  
*Rapid City, South Dakota*  
(800) 770-2959

*Ellsworth AFB, South Dakota*  
(605) 718-6550

*Independence, Missouri*  
(816) 412-7700

*Overland Park, Kansas*  
(913) 981-8700

*Rapid City, South Dakota*  
(605) 394-4800

*Rio Rancho, New Mexico*  
(505) 348-3750

*Roseville, Minnesota*  
(651) 855-6300

*Sioux Falls, South Dakota*  
(605) 336-4600

*Watertown, South Dakota*  
*Education Center*  
(605) 884-7200

*Wichita, Kansas*  
(316) 448-5400

*Zona Rosa*  
*Kansas City, Missouri*  
(816) 412-5500

The curricular offerings in Richardson Texas will include associate and bachelor degrees in accounting, information technology, applied management, business administration, organizational leadership, health care information technology, health care coding, health care management, medical administrative assistant, medical staff service management assistant, and criminal justice among other as community demands and accreditation allows.

In 1941, the university, then known as National School of Business, opened its doors in South Dakota to students who desired specialized business training. Located on a Rapid City main street, the school offered primarily secretarial and accounting classes and programs.

Anticipating a post-war demand for business curriculum with new classes in accounting, marketing and management, when the demand came, the university was ready with programs geared toward the educational needs of returning veterans who wanted business training, and men and women who sought an expanded role in the business world.

Faculty and staff increased in number and, with National American University's growing stature in the educational community, new and transfer students from across the United States and foreign countries came to study. The university soon expanded its base of programs.

In 1996 National American University began to develop online courses to be offered through the emerging resource of the World Wide Web. Since that time the NAU Distance Learning program has created a virtual campus offering degree programs in several academic areas. With the addition of online course offerings and degrees, students have access to learning 24-hours a day from anywhere that the Internet can be accessed.

National American University is a publicly traded corporation on NASDAQ (trading symbol: NAUH), and continues to base its corporate offices in Rapid City South Dakota. NAU currently has campuses in 9 states with 31 locations operating or in development; NAU also has international partnerships offering degree programs across the globe. National American University is accredited by the Higher Learning Commission of the North Central Association of Colleges.

More information about NAU and its programs is available on our website <http://www.national.edu> or at the Security Exchange Commission website <http://www.sec.gov>

5301 S. Highway 16, Ste. 200 • Rapid City, SD 57701

(605) 721-5200 • (800) 843-8892 • (605) 721-5241 FAX • [www.national.edu](http://www.national.edu)

Accredited - The Higher Learning Commission; Member - North Central Association - [www.ncaablc.org](http://www.ncaablc.org) (312) 263-0456



# NATIONAL AMERICAN UNIVERSITY

CENTRAL ADMINISTRATION

## CAMPUSES

*Albuquerque, New Mexico*  
(505) 348-3700

*Austin, Texas*  
(512) 651-4700

*Bloomington, Minnesota*  
(952) 356-3600

*Brooklyn Center, Minnesota*  
(763) 852-7500

*Colorado Springs, Colorado*  
(719) 590-8300

*Denver, Colorado*  
(303) 876-7100

*Distance Learning*  
*Rapid City, South Dakota*  
(800) 770-2959

*Ellsworth AFB, South Dakota*  
(605) 718-6550

*Independence, Missouri*  
(816) 412-7700

*Lee's Summit, Missouri*  
(816) 600-3900

*Minnetonka, Minnesota*  
(736) 852-7500

*Overland Park, Kansas*  
(913) 981-8700

*Rapid City, South Dakota*  
(605) 394-4800

*Rio Rancho, New Mexico*  
(505) 348-3750

*Roseville, Minnesota*  
(651) 855-6300

*Sioux Falls, South Dakota*  
(605) 336-4600

*Watertown, South Dakota*  
*Education Center*  
(605) 884-7200

*Wichita, Kansas*  
(316) 448-5400

*Zona Rosa*  
*Kansas City, Missouri*  
(816) 412-5500

July 25, 2011

Mr. Chris Shacklett, Planner  
Development Services  
PO Box 830309  
Richardson, TX 75083-0309

Dear Mr. Shacklett

It is my understanding that the City Planning Commission at its July 19<sup>th</sup> meeting recommended a Special Use Permit for National American University with the following conditions.

1. The Special Permit for a private university is limited to the area shown on the concept plans.
2. The Special Permit shall be limited to National American University
3. The Special Permit shall be limited to 5 years.

National American University would like to request that the city council reject the last condition during its consideration of the permit. NAU will admit students into on ground degree programs that will require 1 – 4 years of attendance for a full-time student and perhaps much longer for a part-time student. NAU is greatly concerned that the imposed time limitation could interrupt or even prevent a student from completing a degree program.

National American University will attend the City Council Meeting on August 8<sup>th</sup> to further explain our concerns and address any questions the Council may ask.

Thank you in advance for your consideration of our request.

Sincerely,

Dr. Ronald Shape, CEO  
National American University



August 3, 2011

Mr. Chris Shacklett  
Planner  
Development Services  
PO Box 830309  
Richardson, TX 75083

Dear Mr. Shacklett,

It is our understanding that National American University received approval for a Special Use Permit by the City Planning Commission on its July 19<sup>th</sup> meeting. Unfortunately one of the conditions of this approval was limiting the Special Use Permit to five years, which will keep NAU from moving forward with its plans.

As a representative of the property ownership, I would like to express the importance of having NAU as a tenant at the Shops at Promenade. Their presence in the center will be vital in attracting other qualified tenants and will be a major catalyst for the revitalization of the entire project.

Students will depend on the continuous operation of the school in order to successfully complete their degree programs. We ask the City Council to remove the condition of a five-year limitation to the SUP request.

We would like to meet this week to discuss this matter with you or your staff in further detail. Thank you for your time and consideration.

Sincerely,

Taylor Le Master  
Vice President  
John Bowles Company



# 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 11-13 / National American University  
**Property Owners:** ROC TX Promenade, LLC / Kim Hill, Agent  
**Applicant:** Michael Buckingham / National American University  
**Location:** 300 N. Coit Road (See map on reverse side)  
**Current Zoning:** LR-M(2) Local Retail District  
**Request:** Special Permit for private university.

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

**TUESDAY, JULY 19, 2011**  
**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.*

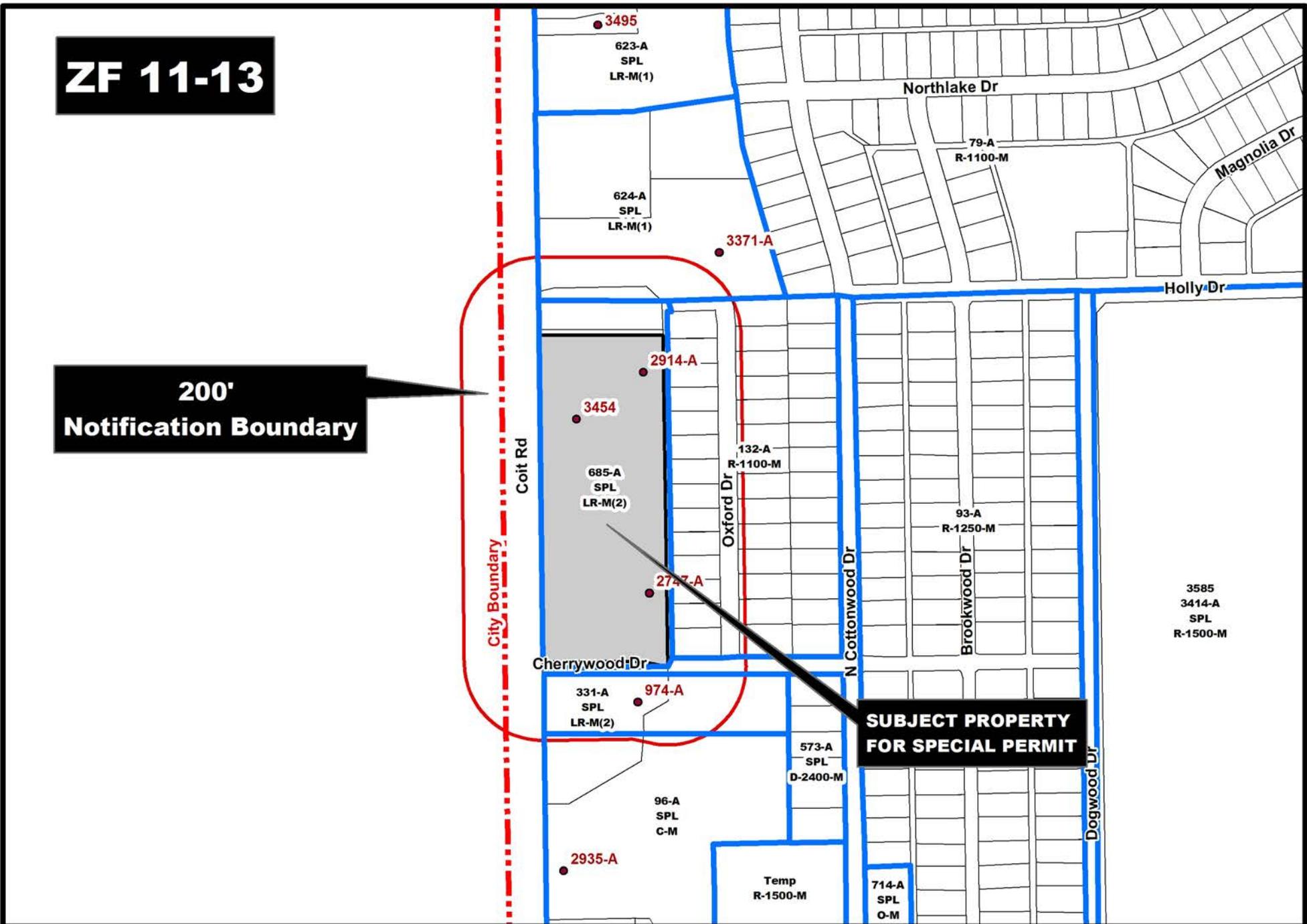
**Agenda:** The City Plan Commission agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/DevelopmentServices.aspx?id=13682>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 11-13.

Date Posted and Mailed: 07/08/11

# ZF 11-13

**200'  
Notification Boundary**



## ZF 11-13 Notification Map

Updated By: shacklett, Update Date: July 7, 2011  
File: DSI\Mapping\Cases\Z\2011\ZF1113\ZF1113 notification.mxd



WAL MART REAL ESTATE  
% WAL-MART PPTY TAX DEPT  
PO BOX 8050  
BENTONVILLE, AR 72712-8055

AGF PROMENADE II LTD  
%SKYRISE PPTIES LLC  
18111 PRESTON RD STE 1000  
DALLAS, TX 75252-6099

GIOVANAZZI ADELAIDA A  
326 OXFORD DR  
RICHARDSON, TX 75080-5411

SO SHIU SHAN  
324 OXFORD DR  
RICHARDSON, TX 75080-5411

MEDINA MARIO  
327 OXFORD DR  
RICHARDSON, TX 75080-5412

PENYEN PARTNERS LTD &  
PALOMAR PARTNERS LTD  
1601 ELM ST STE 3400  
DALLAS, TX 75201-7201

ROC TX PROMENADE LLC  
SSTE 1300  
620 NEWPORT CENTER DR  
NEWPORT BEACH, CA 92660-6420

JACKSON SHERRIE  
325 OXFORD DR  
RICHARDSON, TX 75080-5412

MALDONADO RAFAEL S  
322 OXFORD DR  
RICHARDSON, TX 75080-5411

PALACIOS MAYBELL  
323 OXFORD DR  
RICHARDSON, TX 75080-5412

AVILA TEODORO  
320 OXFORD DR  
RICHARDSON, TX 75080-5411

MERCADO JACQUELINE  
321 OXFORD DR  
RICHARDSON, TX 75080-5412

SU XIA & XUE QUN SHAO  
318 OXFORD DR  
RICHARDSON, TX 75080-5411

BAHENA JOSE & MARGARITA  
319 OXFORD DR  
RICHARDSON, TX 75080-5412

AVILA ROLANDO & MARIA  
316 OXFORD DR  
RICHARDSON, TX 75080-5411

ZRUBEK HENRY  
7140 HUNTERS RIDGE DR  
DALLAS, TX 75248-5206

SANTOYO RUBEN & ERIKA  
305 OXFORD DR  
RICHARDSON, TX 75080-5412

BAHENA JOSE ISABEL  
315 OXFORD DR  
RICHARDSON, TX 75080-5412

CISNEROS SANTOS F &  
DELMA E GOMEZ  
312 OXFORD DR  
RICHARDSON, TX 75080-5411

LUNDEEN HOWARD K  
9907 GREAT BASIN  
SAN ANTONIO, TX 78251-4352

MALDOONADO EDWIN A  
310 OXFORD DR  
RICHARDSON, TX 75080-5411

BROUCHOUS ARLEN  
240 WINDMEADOWS ST  
ALTAMONTE SPRINGS, FL 32701-3577

GARDNER PATRICIA M  
308 OXFORD DR  
RICHARDSON, TX 75080-5411

WHITE CLARK GILLIAM JR  
309 OXFORD DR  
RICHARDSON, TX 75080-5412

RUIZ JULIO C &  
NISLE G PALACIOS  
306 OXFORD DR  
RICHARDSON, TX 75080-5411

CASTILLO MANUEL ET AL  
307 OXFORD DR  
RICHARDSON, TX 75080-5412

CHAVELAS JUAN C  
304 OXFORD DR  
RICHARDSON, TX 75080-5411

CARDOSO REYNALDO &  
CLAUDIA E  
305 OXFORD DR  
RICHARDSON, TX 75080-5412

PANIAGUA EVODIO  
302 OXFORD DR  
RICHARDSON, TX 75080-5411

VASQUEZ MARTINEZ ALBERTO  
& VAZQUEZ MARTINA  
303 OXFORD DR  
RICHARDSON, TX 75080-5412

GREEN CHARLES VERNON  
300 OXFORD DR  
RICHARDSON, TX 75080-5411

WESTWOOD ASSETS LLC  
PO BOX 823190  
DALLAS, TX 75382-3190

ALBORZ, LLC  
%HADY AGHILI  
13200 HIGHWAY 287  
HASLET, TX 76052-2601

MICHAEL BUCKINGHAM  
NATIONAL AMERICAN UNIVERSITY  
5301 HIGHWAY 16 SUITE 200  
RAPID CITY, SD 57701

KIM HILL, AGENT FOR  
BRIDGE PROPERTY MANAGEMENT  
REP ROC TX PROMENADE LLC  
300 N. COIT ROAD STE 215  
RICHARDSON, TX 75080

## ZF 11-13 Notification List



City of Richardson  
City Council Meeting  
Agenda Item Summary



**Meeting Date:**

Monday, August 8, 2011

**Agenda Item:**

Public Hearing and Consider Ordinance No. 3832 authorizing the City of Richardson to participate in the Texas Enterprise Zone Program

**Staff Resource:**

Dan Johnson, Deputy City Manager

**Summary:**

The City Council was briefed at the August 1, 2011 Work Session on a request by Fossil to be nominated for the Texas Enterprise Zone Program. The City of Richardson has previously made two nominations : Blue Cross Blue Shield and TriQuint. This program has no new financial impact or obligation to the City of Richardson as our only role in this program is this nomination participation.

Fossil's acceptance into this State program will allow them to receive a rebate of State sales and use taxes in a structured schedule based on job formations and retentions.

**Board/Commission Action:**

N/A

**Action Proposed:**

Conduct a public hearing and consider approval of Ordinance No. 3832.

**ORDINANCE NO. 3832**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, AUTHORIZING THE CITY OF RICHARDSON TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (“ACT”), PROVIDING TAX INCENTIVES; DESIGNATING A LIAISON FOR COMMUNICATION WITH THE INTERESTED PARTIES; AND NOMINATING FOSSIL PARTNERS LP, A TEXAS LIMITED PARTNERSHIP TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM (“OOGEDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) AS AN ENTERPRISE PROJECT (“PROJECT”); AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Richardson, Texas (the “City”) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the City and to provide employment to residents of such areas; and

**WHEREAS**, the Project is not located in an area designated as an enterprise zone; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Act, Fossil Partners LP, a Texas Limited Partnership (“Fossil Partners”), has applied to the City for designation as an Enterprise Project; and

**WHEREAS**, the City finds that Fossil Partners meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

**WHEREAS**, a public hearing to consider this ordinance was held by the City Council of the City of Richardson, Texas, on August 8, 2011 with prior notice by publication in a newspaper of general circulation containing in accordance with the law; **NOW THEREFORE**,

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

**SECTION 1.** That the City nominates Fossil Partners for Enterprise Project status.

**SECTION 2.** That the local incentives identified and summarized briefly in the attached Exhibit A, at the election of the governing body, are or will be made available to the nominated Project or activity of the qualified business site; and at least one of the local incentives is unique to enterprise zone areas.

**SECTION 3.** That the enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

**SECTION 4.** That the City of Richardson City Council directs and designates the City Manager or his designee as the City's liaison to communicate and negotiate with the OOGEDT through the Bank and Enterprise Project(s) and to oversee enterprise zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an Enterprise Project.

**SECTION 5.** That the City finds that Fossil Partners meet the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a.) Fossil Partners is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone for economically disadvantaged individuals; and
- (b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c.) The designation of Fossil Partners as an Enterprise Project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**SECTION 6.** That the Enterprise Project shall take effect on September 1, 2011 and terminate on September 1, 2016.

**SECTION 7.** That this ordinance shall take effect immediately upon its passage as the law and charter provide in such cases.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 8th day of August, 2011.

**APPROVED:**

---

**MAYOR**

**CORRECTLY ENROLLED:**

---

**CITY SECRETARY**

**APPROVED AS TO FORM:**

*Peter H Smith*

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**CITY ATTORNEY**

(PGS:07-26-11:50420)

## Exhibit A

	Name of Incentive	Description of Incentive	Availability
1	Tax Abatement	Property tax abatement.	Citywide
2	Tax Increment Financing	Finance specific infrastructure and/or development improvements.	Citywide
3	Zoning Changes/Variances	The City may make zoning changes to expedite the development process.	Citywide
4	Development/ Inspection Fees	The City may waive development/inspection fees for businesses.	Citywide
5	Streamlined Permitting	The City may allow permit applications and supporting materials to be tendered to one department for distribution to the appropriate City departments.	Citywide
6	Improved Fire and Police Protection	Safety and protection of City residents.	Citywide
7	Community Crime Prevention Programs	Neighborhood Watch Program.	Citywide
8	Capital Improvements In Water and Sewer Facilities	The City can provide resources for capital improvements related to road, water, and sewer service.	Citywide
9	Road Repair	The City can provide resources for capital improvements related to road, water, and sewer service.	Citywide
10	Creation or Improvement of Parks	Maintain healthy lifestyle for City residents through the Parks and Recreation Department.	Citywide
11	Special Public Transportation Routes or Reduced Fares	Dallas Area Rapid Transit (DART).	Citywide
12	Promotion and Marketing Service	Richardson Chamber of Commerce and Richardson Economic Development Partnership.	Citywide
13	Job Training and Employment Services	Offered through Dallas County Community College and Collin College.	Citywide
14	Retraining Program	Offered through Dallas County Community College and Collin College.	Citywide
15	Literacy and Employment Skills Services	Offered through Dallas County Community College and Collin College.	Citywide
16	Vocational Education	Offered through Dallas County Community College and Collin College.	Citywide
17	Customized Job Training	Offered through Dallas County Community College and Collin College.	Citywide

## **VARIANCE 11-08**

### **Attachments:**

1. Staff Report
2. Applicant's Statement
3. Locator
4. Photos of existing conditions
5. Variance Exhibits
6. Except from July 19, 2011 CPC minutes
7. Notice of Variance Request
8. Notification List
9. Notification Map

**CITY PLAN COMMISSION  
BACKGROUND INFORMATION  
August 8, 2011**

**Variance 11-08**

**SUMMARY**

**Owner:** Texas Instruments

**Applicant:** Mike McCoy, Page Southerland Page

**Project Name:** TI Fabrication Facility  
300 W. Renner Rd.  
Northeast corner of Renner Road and Alma Road

**Request:** The applicant is requesting a variance from the Subdivision and Development Code, Chapter 21 of the City of Richardson Code of Ordinances, Article III, Section 21-47(g) [*Screening and Open Space*] to permit unlimited utilities in Utility Area No. 1, as shown on the Variance Exhibit, up to 50' in height, permit unlimited utilities in Utility Area No. 2 up to 50' in height and five (5) utilities between 50' and 110' in height, with the installation of a combination of 25 shade and ornamental trees along Alma Road.

In 2004, Texas Instruments received zoning approval to develop the subject wafer fabrication facility. Ordinance No. 3447 requires that the outdoor service and storage areas shall be buffered from the view of the DART rail line located directly north of the site. In 2007, the Subdivision and Development Code was amended to require screening as high as that tallest piece of equipment for all ground mounted equipment and utilities. As part of the full operations of the fabrication facility, Texas Instruments needs to expand the service and storage area and install additional equipment including storage tanks up to 104' tall.

The additional equipment will be located on the northeast side of the existing building within a storage and utility area. The proposed 104' nitrogen tank is approximately 1,400 feet north of Renner Road and 700' from Alma Road. The tank and the subject storage and utility area are visually screened by the existing administration and fabrication buildings from

Renner Road and a living screen consisting of Eastern Red Cedars was approved as the required buffer (Ord. 3447) along the DART Rail corridor. Additionally, a five (5)' to eight (8)' landscape berm with canopy and ornamental trees, and an seven (7)' iron fence provide additional visual screening along both Renner and Alma Roads.

To accommodate the operations of the facility, the applicant is requesting that the existing and future storage tanks, utilities and equipment located within the service area be exempt from the screening requirements required by the Subdivision and Development Code. To mitigate the increased utility area and equipment height, the applicant has proposed to install a combination of 25 additional canopy and ornamental trees along Alma Road. The trees will be placed in strategic areas along Alma Road to close the gaps between existing trees.

**CPC Action:**

On July 19, the City Plan Commission recommend approval of the request with the additional conditions that Utility Area No. 1, as shown on the Variance Exhibit, shall be permitted unlimited utilities up to 50' in height, Utility Area No. 2 shall be permitted to have unlimited utilities up to 50' in height and five (5) utilities between 50' and 110' in height, with the installation of a combination of 25 shade and ornamental trees along Alma Road.

**Notification:**

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

**Correspondence:**

No correspondence has been received to date.

**DEVELOPMENT SUMMARY**

<b>Land Area:</b>	92.44-acres (4,026,686 square feet)
<b>Zoning:</b>	I-M(1) Industrial District
<b>Existing Development:</b>	Fabrication Facility

**Adjacent Land Use, Zoning:**

North ( <i>across Cotton Belt rail line</i> )	Office/Retail: (PD) Planned Development District
East ( <i>across Alma Road</i> )	Apartments: (PD) Planned Development District
South ( <i>across Renner Road</i> )	Single Family Residential: R-1100-M
West	High-tech Manufacturing: I-M(1) Industrial District

**BACKGROUND INFORMATION**

**Staff Background:**

To accommodate the operations of the facility, the applicant is requesting that the existing and future storage tanks, utilities and equipment located within the service areas as designated on the Variance Exhibit, be limited to 50’ in height within Utility Area No. 1, 50’ in height for Utility Area No. 2 with five (5) utility items permitted between 50’ and 110’ in height.

*VAR 11-08  
Article III, Section 21-47(g)  
[Screening and Open  
Space]:*

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

Since 2007, only one (1) variance has been requested and approved for this section of the Subdivision and Development Code. In 2011, the Viawest data center located at 3000 Waterview Parkway received approval of a variance to waive the requirement for the installation of additional screening for existing ground level equipment to accommodate an 1,200 square foot building expansion.



Texas Instruments Incorporated  
300 W. Renner Road  
Richardson, TX 75080

8-JUNE-2011

**Mr. Israel B. Roberts, AICP**  
Development Review Manager  
Development Services  
City of Richardson  
411 W. Arapaho Road  
Richardson, TX 75080

**Re: Request for variance from section 21-47 (g) of City of Richardson Code of Ordinances Chapter 21 (Subdivision and Development Regulations)**

**Dear Mr. Roberts,**

Texas Instruments formally requests of the City of Richardson, TX, to be granted a variance from Section 21-47 of the City of Richardson Code of Ordinances, Chapter 21, Subdivision and Development Regulations, which states:

*(g) For nonresidential uses, all ground level equipment, including fans, vents, air conditioning units, cooling towers, fuel tanks and generators, should be screened from the view of streets and adjoining properties by means of a masonry wall or living screen not less than the height of the tallest element of the equipment.*

Texas Instruments (TI) endeavors to be a responsible and respected member of the communities where we build and operate our facilities. When TI began the planning efforts for the new Richardson Fabrication plant, we entered into discussions with the stakeholders of the neighboring housing community. The City of Richardson worked assiduously in concert with TI to establish the parameters that would guide the site development. We greatly appreciate the knowledge and professionalism that Development Services brought to these discussions and the assistance the City provided in interfacing with the adjacent homeowners.

The facility is designed with the front door facing Renner Road which allows the support areas to be screened almost entirely by the building. TI designed a large landscape buffer and earthen berms along both Renner and Alma Roads featuring wide pedestrian walkways with live screening to provide a visually stimulating view of the complex. This plan received acceptance from the community and from the City of Richardson Development Services.

Subsequent to the acceptance of this master plan in 2004, the City of Richardson has adopted additional screening requirements in 2007; specifically section 21-47(g) stated above. The height, layout and complexity of the mechanical delivery systems necessary to support a Semiconductor Fabrication facility prohibit TI from complying with this screening requirement. Further, TI believes the landscape buffer is more interesting with partially obstructed sightlines into the property, rather than providing a solid screen. Therefore, TI proposes to add supplemental canopy trees and ornamental trees to further aid in screening the support areas from public view where the existing screening is considered to be insufficient.

TI requests the City review the accompanying graphic representations of our enhanced plans; which depict view angles, sight lines, generous distances from the public roadways and supplemental landscaping that TI agrees to add to the site should this variance request be approved.

Please do not hesitate to contact me with any questions or concerns regarding this request.,

Sincerely,

  
Tom Hardzinski  
Texas Instruments, Inc.

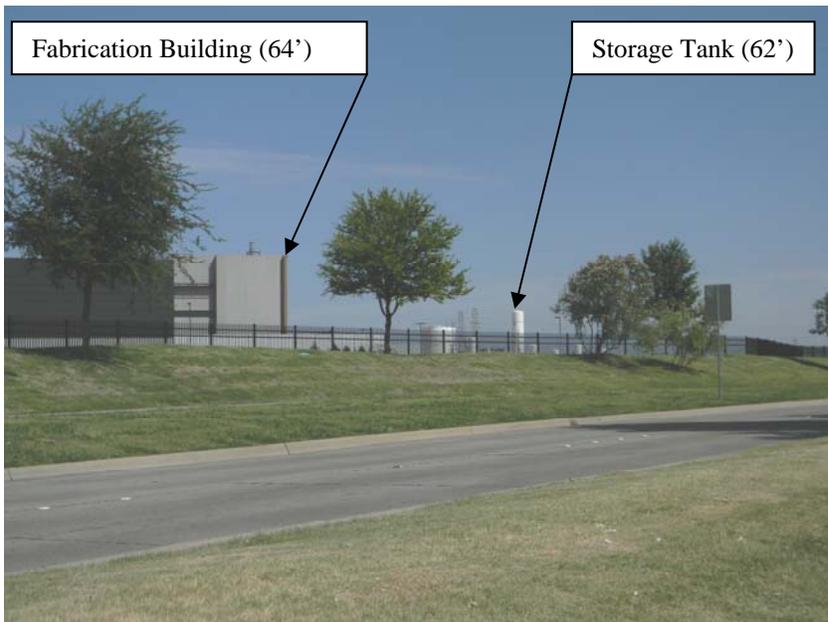


VAR 11-08  
TI Fabrication Facility  
Photo locator map

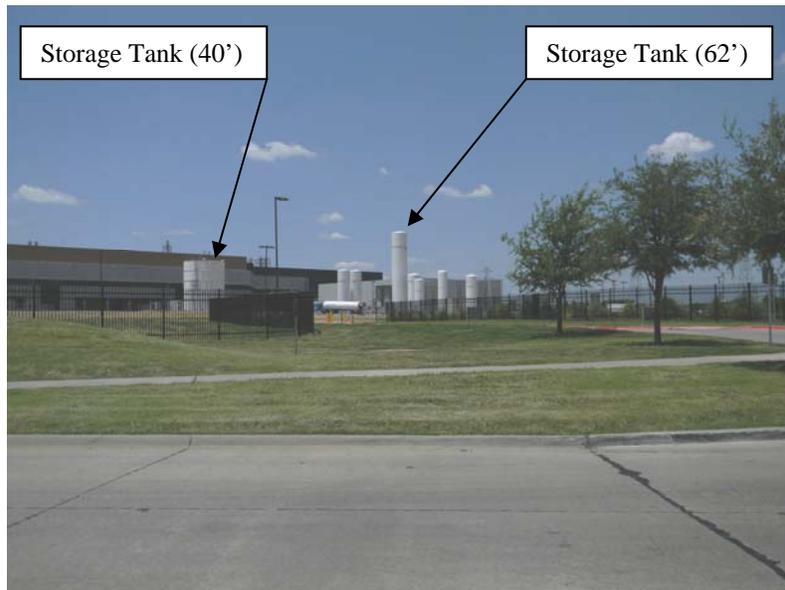




1. View of storage and utility area from Renner Road.



2. View of storage and utility area from just north of the intersection of Renner Road and Alma Road.



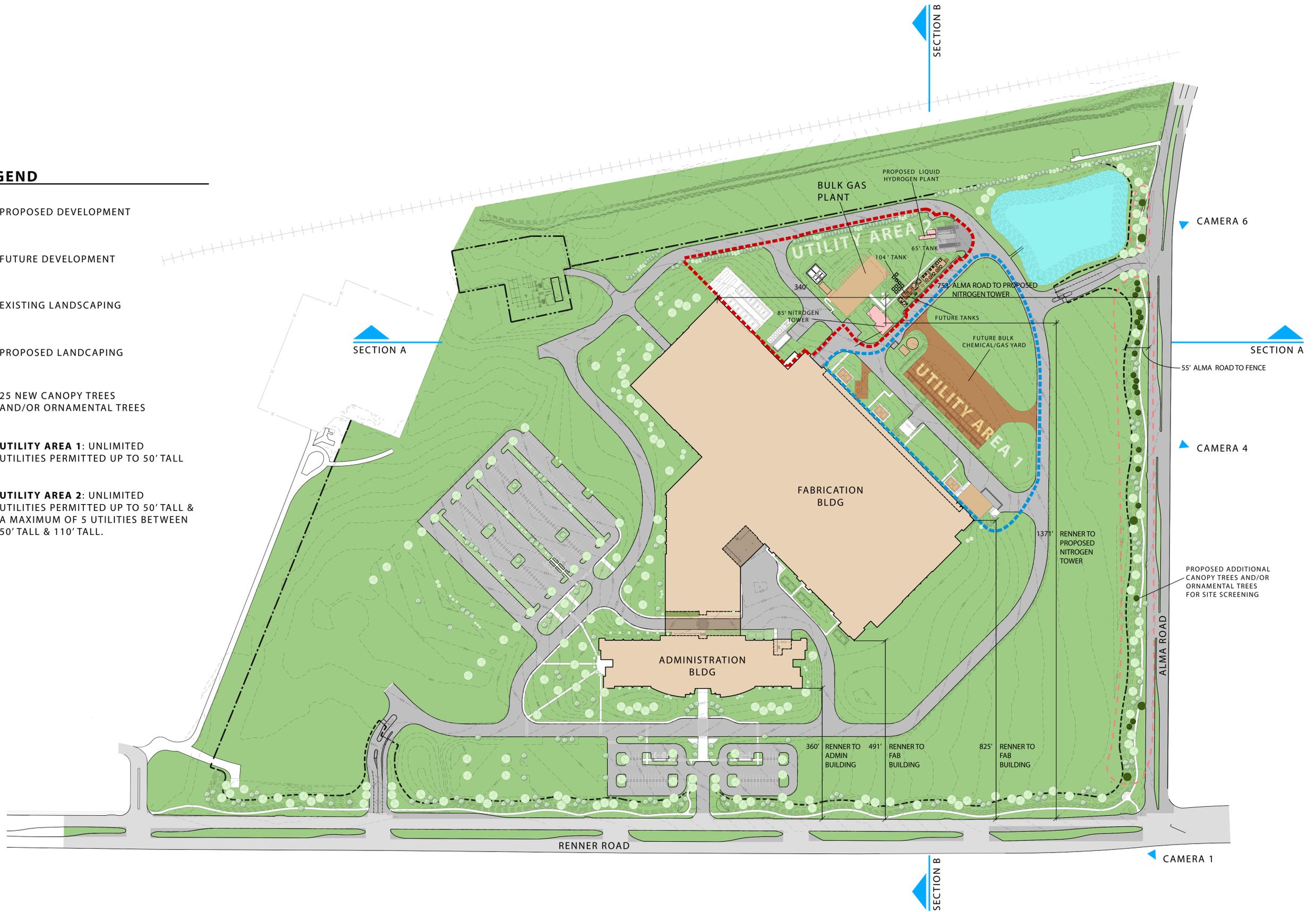
3. View of utility and storage area from Alma Road.



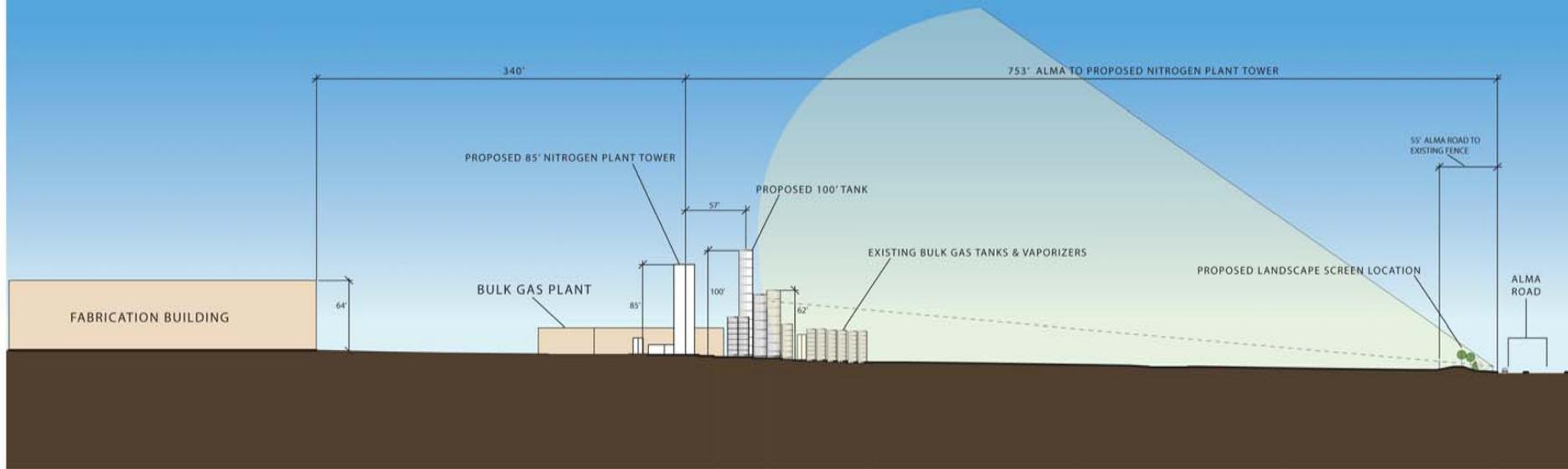
4. View of utility and storage area from north.

**LEGEND**

- PROPOSED DEVELOPMENT
- FUTURE DEVELOPMENT
- EXISTING LANDSCAPING
- PROPOSED LANDSCAPING
- 25 NEW CANOPY TREES AND/OR ORNAMENTAL TREES
- UTILITY AREA 1: UNLIMITED UTILITIES PERMITTED UP TO 50' TALL
- UTILITY AREA 2: UNLIMITED UTILITIES PERMITTED UP TO 50' TALL & A MAXIMUM OF 5 UTILITIES BETWEEN 50' TALL & 110' TALL.

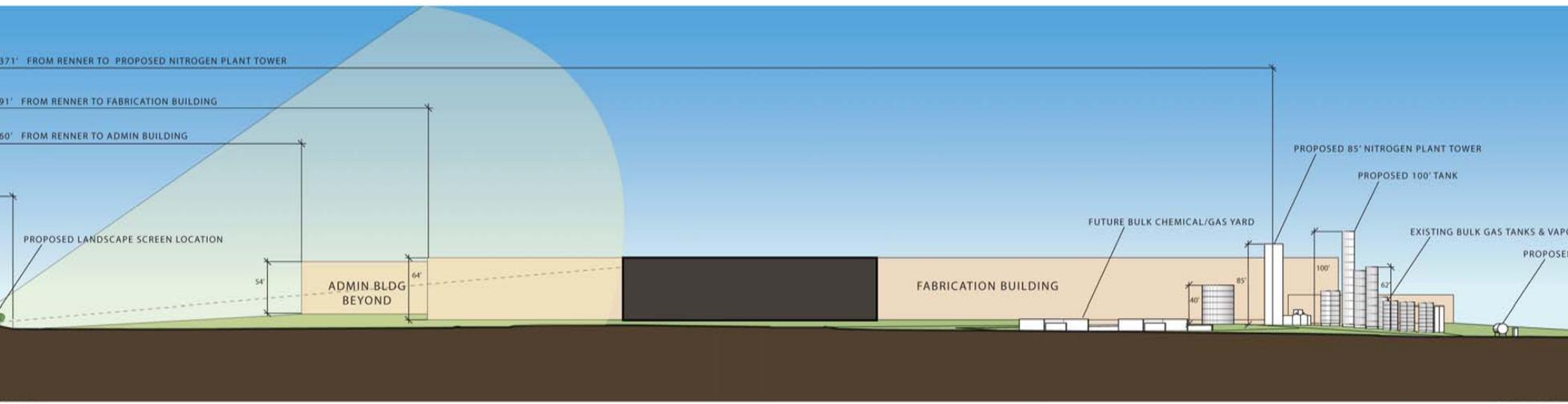


AUGUST 2, 2011



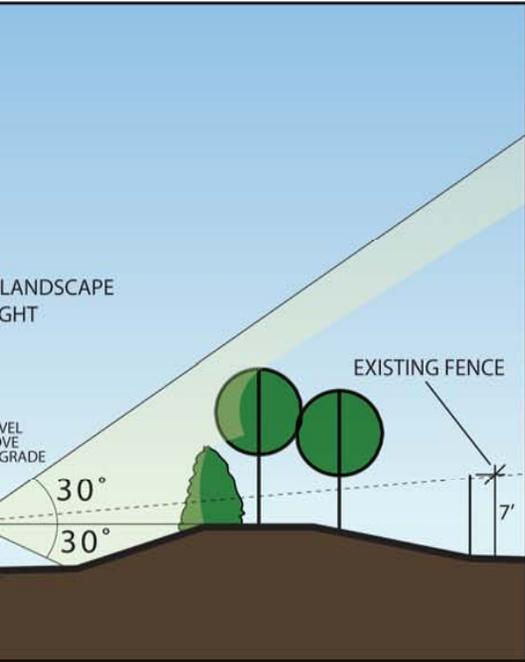
OVERALL SITE SECTION B

SITE SECTION EAST WEST

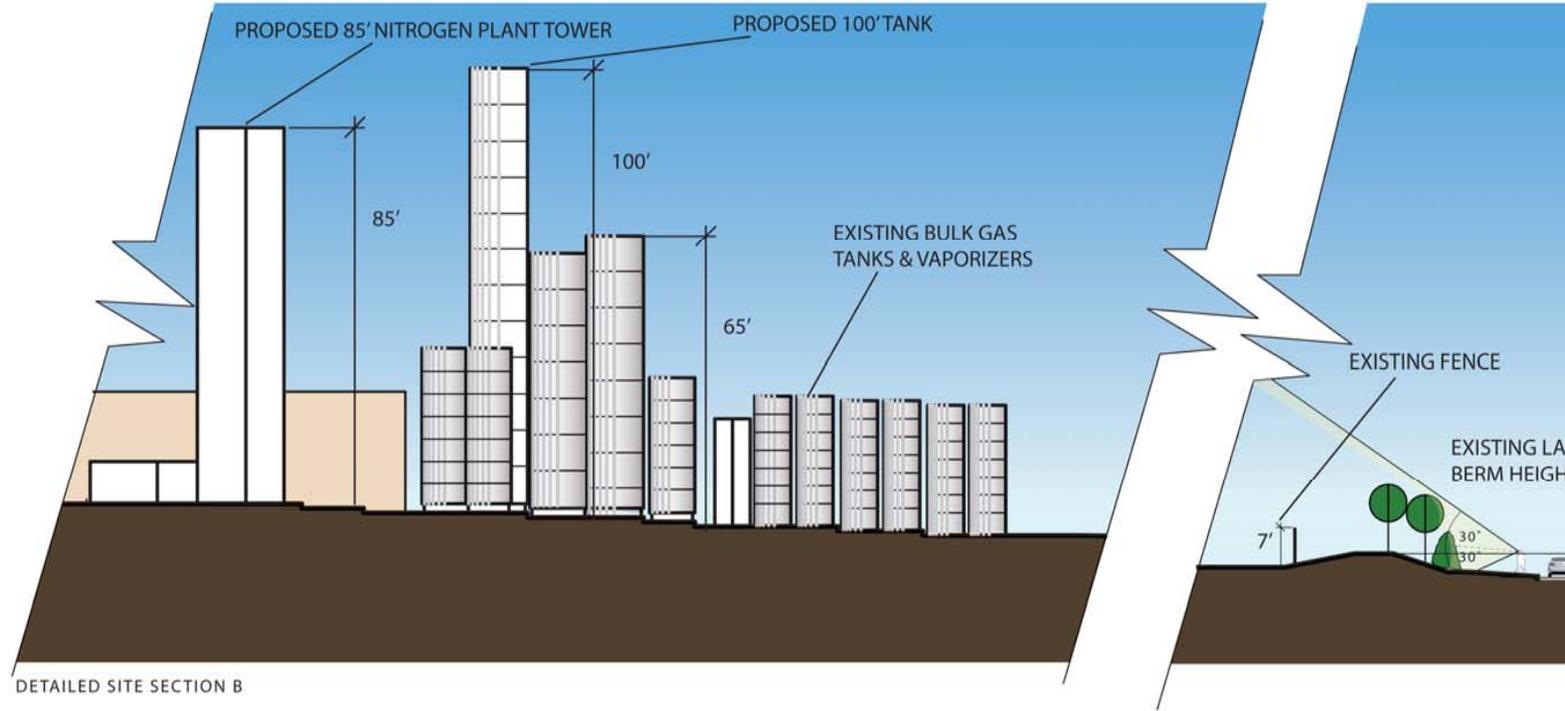


ON A

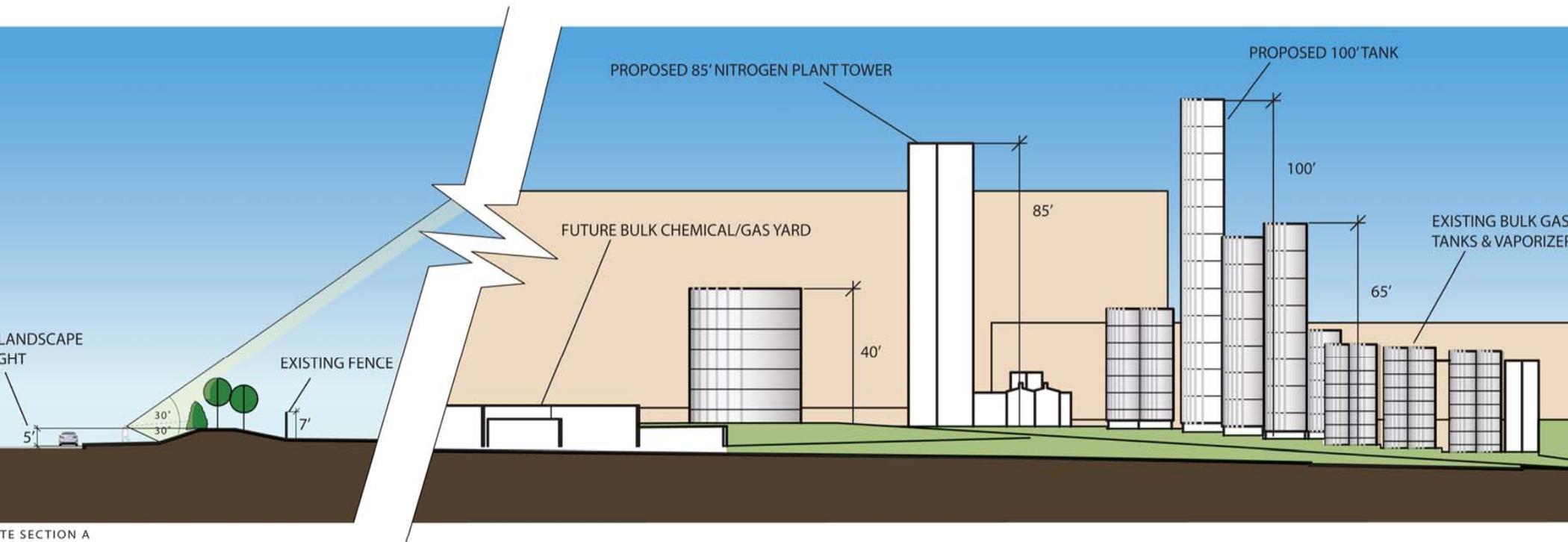
SITE SECT



ION INFOGRAPHIC



DETAILED SITE SECTION B



TE SECTION A



EXISTING SITE PHOTO - ALMA ROAD CAMERA 1

FUTURE TANKS



FUTURE SITE PHOTO - ALMA ROAD CAMERA 1

LANDSCAPE SCREENING



EXISTING SITE PHOTO - ALMA ROAD CAMERA 4

FUTURE TANKS



FUTURE SITE PHOTO - ALMA ROAD CAMERA 4

LANDSCAPE SCREENING



EXISTING SITE PHOTO - ALMA ROAD CAMERA 6

FUTURE TANKS



FUTURE SITE PHOTO - ALMA ROAD CAMERA 6

LANDSCAPE SCREENING

## **Minutes from the July 19, 2011 City Plan Commission:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regarding the height of the tanks, Ms. Smith said it would again depend on how the motion was worded, but if the item was approved as requested, the height could go up to 100 feet. Commissioner Hand said he could live with the location and tanks as requested as long as it was made part of the motion. He also wanted to know if any correspondence had been received from the adjacent neighborhoods.

Mr. Roberts replied that no correspondence had been received.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Motion passed 6-1 with Commissioner Bright opposed.**



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

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

**VAR No./Name:** VAR 11-08  
**Property Owner:** Texas Instruments  
**Applicant:** Mike McCoy, AIA  
**Location:** 300 W. Renner Road  
**Request:** Request for approval of a variance from the Subdivision and Development Code:

1. Article III, Section 21-47(g) [*Screening and Open Space*] to permit additional ground level equipment, storage tanks and utilities with the installation of additional landscaping along Alma Road.

The City Plan Commission will consider this application on:

**TUESDAY, JULY 19, 2011  
7:00 p.m.  
City Council Chambers  
Richardson City Hall, 411 W. Arapaho Road  
Richardson, Texas**

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

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

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

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

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

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

Date Posted and Mailed: July 8, 2011

M&A TEXAS PRAIRIE LP  
17328 VENTURA BLVD STE 188  
ENCINO, CA 91316-3904

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

OTR  
275 E BROAD ST  
COLUMBUS, OH 43215-3703

SUASTE GABRIELA  
300 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

JNRC INVESTMENTS LLC  
3229 BULLOCK DR  
PLANO, TX 75023-5617

PRYOR CHARLENE V  
304 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

BUTLER JEFFREY L & BUTLER NANCY S  
418 HIGH BROOK DR  
RICHARDSON, TX 75080-1836

NORMAN STEPHEN T & CLARA ANN  
308 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

CLINKENBEARD HAROLD & BOBBIE  
310 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

WORSHAM BRANDON  
312 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

REIS LINDA S  
314 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

PATTERSON RONALD E &  
PATERSON BRENDA J  
316 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

HURTADO ERNEST A ET UX  
318 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

LISS MARGO J  
7626 WINDMILL LN  
GARLAND, TX 75044-2060

UNWALA EBRAHIM  
4519 AVEBURY DR  
PLANO, TX 75024-7358

ROSEWITZ CARLA J  
324 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

POPOVICI MICHAEL K J ETUX  
326 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

POOLE JAMES L  
328 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

SHOWS DAVID ROGER & CHRISTY A  
330 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

BEANE TODD R & VALERIE R  
332 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

VALASEK JON E  
334 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

HANVEY JAMES E & EMOGENE H  
336 FOREST GROVE DR  
RICHARDSON, TX 75080-1936

BASURTO MARIA ELENA  
400 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

WELCH TERRY B  
402 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

LEVENTON ISAAC D & RACHEL P  
404 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

OBERST STANLEY & ELEZABETH FAM  
406 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

LAINÉ JOHN W JR  
408 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

BRICKNER SAVANNAH  
410 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

STEFFEN LAWRENCE A  
412 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

BARBER SYNTHIA &  
SHIRLEY PATRICK  
414 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

PIERONI MARC  
416 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

MOZZER-COFFEY DALVA  
418 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

MORSE GLEN A ETUX CINDY G  
420 FOREST GROVE DR  
RICHARDSON, TX 75080-1834

LEVY JAY MARTIN &  
LEVY ANNETTE STOLLER  
2827 FOREST GROVE DR  
RICHARDSON, TX 75080-1857

RUBEDE JEAN & CLAIRE  
2825 FOREST GROVE DR  
RICHARDSON, TX 75080-1857

HOSSAIN MOHAMMAD M  
2823 FOREST GROVE DR  
RICHARDSON, TX 75080-1857

HALLIBURTON II JOHN ROBERT &  
HALLIBURTON LEIGH ANNE  
2821 FOREST GROVE DR  
RICHARDSON, TX 75080-1857

TRIQUINT SEMICONDUCTOR TX LP  
2300 NE BROOKWOOD PKWY  
HILLSBORO, OR 97124-5300

TEXAS INSTRUMENTS INC  
%WILLIAM B BLAYLOCK MS 3998  
PO BOX 650311  
DALLAS, TX 75265-0311

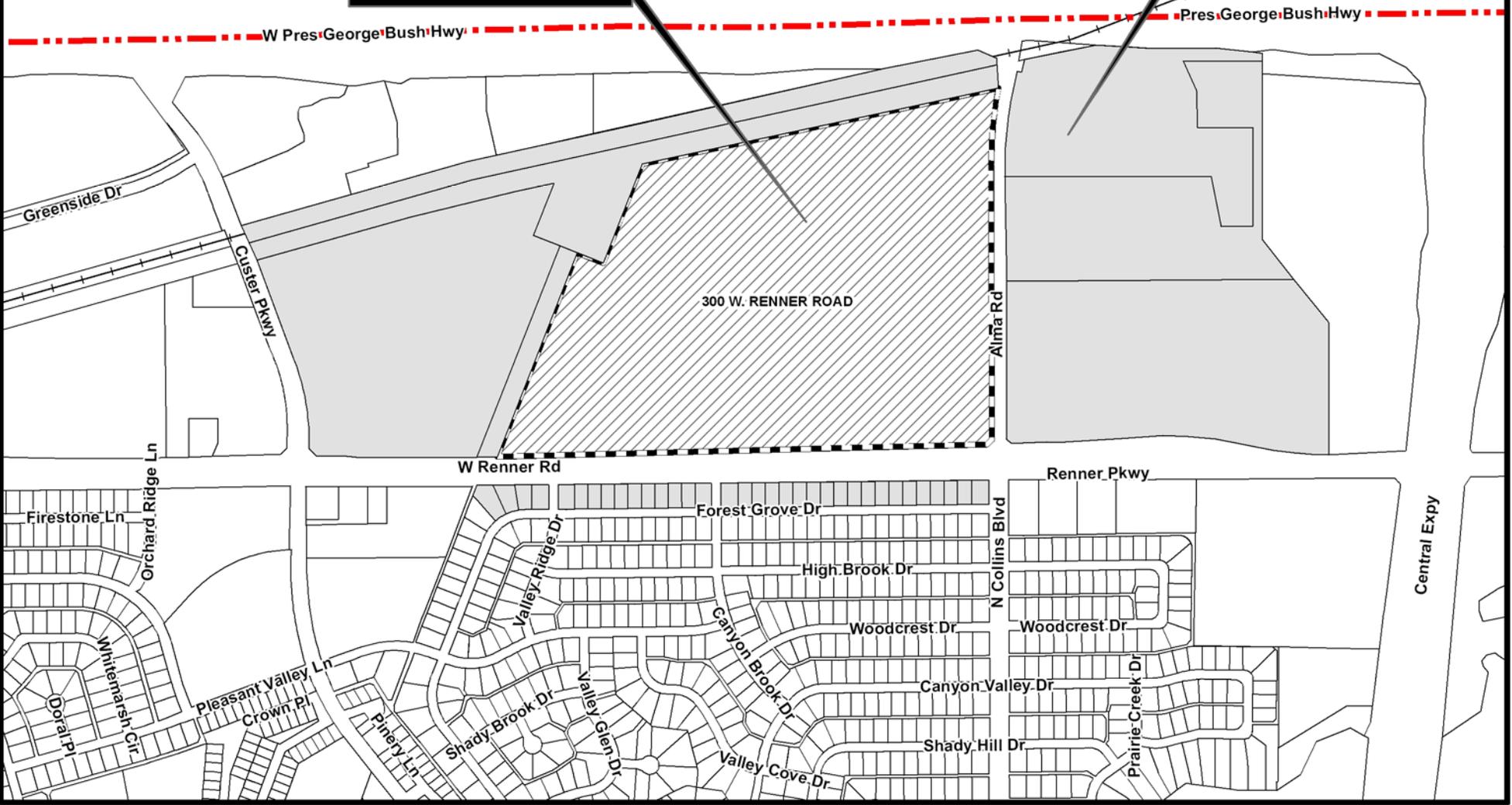
ONCOR ELECTRIC DELIVERY CO  
PO BOX 219071  
DALLAS, TX 75221-9071

**VAR 11-008**

# VAR 11-08

**Subject Property**

**Notified Properties**



## VAR 11-08 Notification Map Texas Instruments - 300 W. Renner Road

Updated By: mbireima, Update Date: July 7, 2011  
File: DSI\Mapping\Cases\Var\2011\VAR11-08\VAR11-08.mxd



**ORDINANCE NO. 3829**

**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 AMEND ORDINANCE NO. 3752, SECTION 2, BY REMOVING SPECIAL CONDITION NO.8 REGARDING THE MAXIMUM NUMBER OF PAD SITES AND/OR FREESTANDING BUILDINGS FOR A TRACT OF LAND ZONED PD PLANNED DEVELOPMENT FOR LR-M(2) USES WITH SPECIAL CONDITIONS, 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 11-10).**

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

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5<sup>th</sup> day of June, 1956, as heretofore amended, be, and the same is hereby amended so as to amend Ordinance No. 3752, Section 2 thereof, by repealing special condition #8 regarding the maximum number of pad sites and/or freestanding buildings for a tract of land zoned PD Planned Development for LR-M(2) uses with special conditions, said tract being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the above-described tract of land shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and subject to the aforementioned special conditions.

**SECTION 3.** 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, provided however the Special Permit granted by Ordinance No. 3752, adopted on June 8, 2009 and the Special Permit granted by Ordinance 3781, adopted on August 9, 2010, shall remain in full force and effect.

**SECTION 4.** 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 5.** That 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 6.** 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) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** That 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 8th day of August, 2011.

**APPROVED:**

---

**MAYOR**

**APPROVED AS TO FORM:**

**CORRECTLY ENROLLED:**

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**CITY ATTORNEY**  
(PGS:08-03-11:50553)

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**CITY SECRETARY**

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**ZF 11-10**

BEING a tract of land situated in the G.H. Pegues Survey, Abstract No. 700 and the M.R. Foster Survey, Abstract No. 332, Collin County, Texas and being a part of the tract described as the 60.254 acre Moroney Tract, as recorded in Volume 633, Page 636 of the Deed Records of Collin County, Texas and also being a part of the tract described as the 217.52 acre Moroney Tract, as recorded in Volume 624, Page 135 of the Deed Records of Collin County, Texas and being more particularly described as follows:

**BEGINNING** at the intersection of the south line of Renner Road (a 120 foot right-of-way at this point) with the west line of North Star Road (a 120 foot right-of-way at this point) as granted to the City of Richardson as described in Deed Records in Volume 2788, Page 902 of the Deed Records of Collin County, Texas;

THENCE S 41° 52' 36" E, 23.88 feet along said west line of North Star Road to a ½" iron pin with Red F-D cap set for corner;

THENCE in a southeasterly direction curve to the right, said curve having a chord bearing of S 36° 38' 46" E, a central angle of 10° 27' 39" and a radius of 2804.79 feet for an arc distance of 512.09 feet along said west line to a ½" iron pin found for corner;

THENCE N 58° 35' 03" E, 5.00 feet along said west line of North Star Road (a 110 foot right-of-way at this point) to a ½" iron pin found for corner;

THENCE in a southeasterly direction with a curve to the right, said curve having a chord bearing of S 27° 47' 32" E, a central angle of 07° 14' 50" and a radius of 2809.79 feet for an arc distance of 355.41 feet along said west line to a ½" iron pin with Red F-D cap set for corner;

THENCE S 65° 49' 53" W, 292.86 feet to an iron pin found for corner;

THENCE N 77° 20' 24" W, 739.20 feet to an iron pin found for corner;

THENCE N 34° 52' 36" W, 292.86 feet to a point in the south line of Renner Road (a 110 foot right-of-way at this point) to a ½" iron pin with Red F-D cap set for corner;

THENCE N 55° 07' 24" E, 180.00 feet along said south line to a ½" iron pin with Red F-D cap set for corner;

THENCE S 34° 52' 36" E, 5.00 feet along said south line of Renner Road (a 120 foot right-of-way at this point) to a ½" iron pin with Red F-D cap set for corner;

THENCE N 55° 07' 24" E, 626.92 along said south line to a "X" cut found for corner and a **Place of Beginning** and containing 12.800 acres (557,567 square feet) of land, more or less.

**ORDINANCE NO. 3830**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A MOTOR VEHICLE REPAIR SHOP - MAJOR LOCATED AT 405 SOUTH CENTRAL EXPRESSWAY, ON A 3.3-ACRE TRACT OF LAND ZONED C-M COMMERCIAL, SAID TRACT BEING DESCRIBED AS LOT 1, TEXAS AUTOMOTIVE CENTER IN DALLAS COUNTY, TEXAS, AND 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 11-11).**

**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 5<sup>th</sup> day of June, 1956, as heretofore amended, be, and the same is hereby amended so as to grant a change in zoning to grant a Special Permit for a motor vehicle repair shop - major located at 405 South Central Expressway, Richardson, Texas, on a 3.3-acre tract of land zoned C-M Commercial, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the Special Permit for the motor vehicle repair shop - major is hereby granted subject to the following special conditions:

1. The Special Permit for a motor vehicle repair shop – major in a multi-tenant building is limited to the area shown on the concept plan, attached as Exhibit "B"

and made a part hereof, and which is hereby approved. The property may be developed and used for motor vehicle repair shop – major only in accordance with the Concept Plan.

2. The special permit for use of the property for motor vehicle repair shop- major shall be conditionally granted and restricted to the operation of a motor vehicle repair shop owned and operated by Kent Junkert. The special permit shall automatically terminate in the event the motor vehicle repair shop is no longer owned and operated by a business owned by Kent Junkert.

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

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

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

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

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

conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 8.** That 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 8th day of August, 2011.

**APPROVED:**

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**MAYOR**

**APPROVED AS TO FORM:**

**CORRECTLY ENROLLED:**

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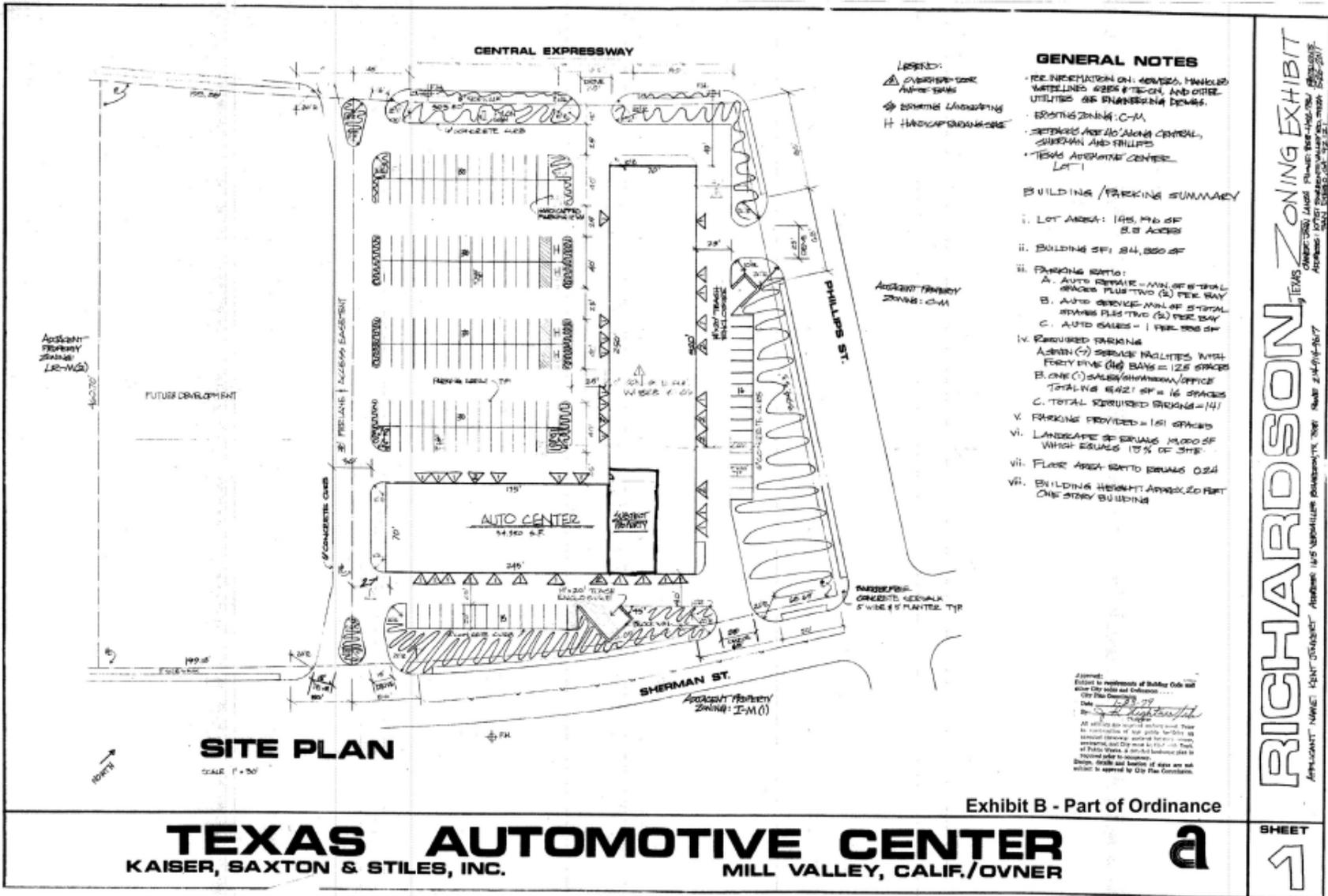
**CITY ATTORNEY**  
(PGS:08-03-11:50552)

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**CITY SECRETARY**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ZF 11-11**

Being a 3.3-acre lot platted as Lot 1, Texas Automotive Center, an addition to the City of Richardson, Dallas County, Texas, as recorded in Volume 79020, Page 13, Map Records of Dallas County, Texas.



**ORDINANCE NO. 3831**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, BY AMENDING THE SPRING VALLEY STATION DISTRICT, ORDINANCE 3588, AS HERETOFORE AMENDED AND RESTATING THE PLANNED DEVELOPMENT FOR TRANSIT-ORIENTED DEVELOPMENT BY GRANTING A CHANGE IN ZONING FROM R-950 M ZONING DISTRICT FOR A 1.9-ACRE TRACT OF LAND DESCRIBED IN EXHIBIT "A-1" TO THE SPRING VALLEY STATION DISTRICT; BY AMENDING THE SPRING VALLEY STATION DISTRICT DEVELOPMENT REGULATIONS BY AMENDING THE DEVELOPMENT RIGHTS TO ALLOW A MAXIMUM OF 77 OF THE 300 CONDOMINIUM UNITS TO BE CONSTRUCTED AS APARTMENTS ON LOT 1B, BLOCK O AS DESCRIBED IN EXHIBIT "A-2" AND THE TRACT DESCRIBED IN EXHIBIT "A-1" AND AS DEPICTED ON EXHIBIT "B"; BY ALLOWING SURFACE PARKING FOR THE 77 UNITS LOCATED ON THE PROPERTIES DESCRIBED IN EXHIBIT "A-1" AND EXHIBIT "A-2"; AND BY PROHIBITING RESIDENTIAL CONSTRUCTION ON LOT 1B, BLOCK Q AS DESCRIBED IN EXHIBIT "A-3" AND AS DEPICTED ON EXHIBIT "B"; PROVIDING AS A SPECIAL CONDITION THAT AMENITIES INCLUDING, BUT NOT LIMITED TO, A POOL AND CABANA SHALL BE CONSTRUCTED AND COMPLETED ON LOT 1B, BLOCK Q, MCKAMY PARK ADDITION NO LATER THAN MARCH 1, 2012, FOR THE BENEFIT OF TRACTS OF LAND ZONED PD PLANNED DEVELOPMENT, SAID TRACTS BEING FURTHER DESCRIBED IN EXHIBITS "A-1", "A-2", AND "A-3" PRIOR TO ISSUANCE OF CERTAIN CERTIFICATES OF OCCUPANCY; 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 11-12).**

**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 5<sup>th</sup> day of June, 1956, as heretofore amended, be, and the same is hereby amended so as to amend the

Spring Valley Station District, Ordinance 3588, as heretofore amended and restating the Planned Development and the Spring Valley Station District Development Regulations by granting a change in zoning from R-950 M Zoning District for a 1.9-acre tract of land described in Exhibit “A-1” to the Spring Valley Station District, by amending the Spring Valley Station District Development Regulations by amending the development rights to allow a maximum of 77 of the 300 condominium units to be constructed as apartments on Lot 1B, Block O as described in Exhibit “A-2” and the tract described in Exhibit “A-1” and as depicted on Exhibit “B”, by allowing surface parking for the 77 units located on the properties described in Exhibit “A-1” and Exhibit “A-2”, and by prohibiting residential construction on Lot 1B, Block Q as described in Exhibit “A-3” and as depicted on Exhibit “B” attached hereto and made a part hereof for all purposes.

1. **SECTION 2.** That the Spring Valley Station District shall be used and developed in accordance with the revised Spring Valley Station District Development Regulations attached hereto as Exhibit “C” and incorporated herein for all purposes.

**SECTION 3.** That the use and development of the property described in Exhibits “A-1” and “A-2” hereto shall be subject to the following special condition: Notwithstanding anything to the contrary set forth in this Ordinance, no certificate of occupancy shall be issued for any of the 77 apartment units to be developed on the property described in Exhibits “A-1” and “A-2” and depicted on Exhibit “B” hereto until certain amenities including, but not limited to, a pool and cabana have been constructed and completed on Lot 1B, Block Q, McKamy Park Addition, as described in Exhibit “A-3” and depicted on Exhibit “B”, hereto, which amenities shall be completed no later than March 1, 2012 and ready for use for the benefit of the tracts of land zoned PD Planned Development described in Exhibits “A-1”, “A-2”, and “A-3” attached hereto and made a part hereof for all purposes.

**SECTION 4.** That the above-described tract of land shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and subject to the aforementioned special conditions.

**SECTION 5.** 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 6.** 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 7.** That 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 8.** 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) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 9.** That 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 8th day of August, 2011.

**APPROVED:**

---

**MAYOR**

**APPROVED AS TO FORM:**

**CORRECTLY ENROLLED:**

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**CITY ATTORNEY**  
(PGS:08-04-11: TM 50573)

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**CITY SECRETARY**

**EXHIBIT A-1**  
**LEGAL DESCRIPTION**  
**ZF 11-12**

BEING a tract of land situated in the Lavina McCommas Survey, Abstract No. 927 and the W.H. Dye Survey Abstract No. 414, City of Richardson, Dallas County, Texas and being that certain tract of land conveyed to Centennial Park Richardson, Ltd. as recorded by Document No. 20070444395, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at 5/8" iron rod found for corner being the northwest corner of Lot 1A, Block O of McKamy Park Addition, an addition to the City of Richardson, Dallas, County, Texas as recorded by Document No. 20080288069, Deed Records, Dallas County, Texas, and being in the easterly line of a 100 foot Dallas Area Rapid Transit right-of-way as recorded in Volume 88083, Page 4905, Deed Records, Dallas County, Texas;

THENCE North 27°48'00" East, along the easterly line of said Dallas Area Rapid Transit right-of-way, a distance of 549.77 feet to a point situated in a drainage area at the northwest corner of said Centennial Park Richardson, Ltd. tract;

THENCE South 55°19'47" East, departing the easterly line of said Dallas Area Rapid Transit right-of-way and along the west line of Richardson Independent School District tract as recorded in Volume 2009, Page 67, Volume 1879, Page 219 and Volume 3487, Page 340, Deed Records, Dallas County, Texas, a distance of 49.58 feet to a point situated in a drainage area;

THENCE South 09°38'29" East, along the west line of said Richardson Independent School District tract, a distance of 82.96 feet to a 5/8" iron rod set for corner;

THENCE S04°11'26" West, along the west line of said Richardson Independent School District tract, a distance of 372.75 feet to a 5/8" iron rod set for corner situated in the north line of said McKamy Park Addition;

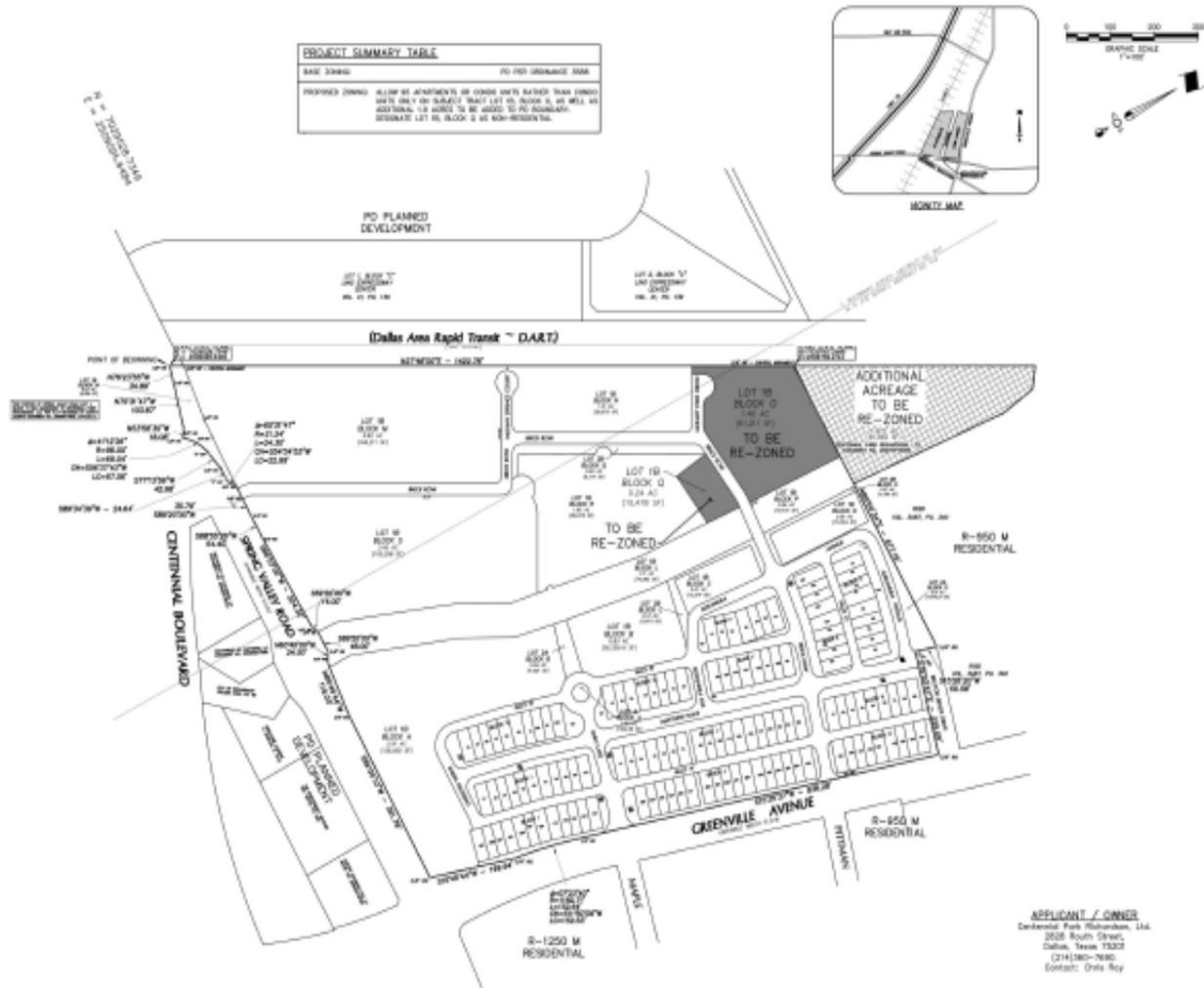
THENCE South 89°04'34" West, along the north line of said McKamy Park Addition, a distance of 283.87 feet to the POINT OF BEGINNING and containing 81,562 square feet or 1.8724 acres of land.

**EXHIBIT A-2**  
**LEGAL DESCRIPTION**  
**ZF 11-12**

Being a 1.40-acre lot platted as Lot 1B, Block O, McKamy Park Addition, an addition to the City of Richardson, Dallas County, Texas, as recorded in Document No. 201100175003, Official Public Records of Dallas County, Texas.

**EXHIBIT A-3  
LEGAL DESCRIPTION  
ZF 11-12**

Being a 0.24-acre lot platted as Lot 1B, Block Q, McKamy Park Addition, an addition to the City of Richardson, Dallas County, Texas, as recorded in Document No. 201100175003, Official Public Records of Dallas County, Texas.



**Exhibit B - Part of Ordinance**

ZF 11-12

**BRICK ROW ADDITION**  
 SUBJECT TRACTS AREA = 7.27 ACRES  
 CITY OF RICHARDSON  
 DALLAS COUNTY, TEXAS

**BROOKS & DUNBAR, INC.**  
 consulting engineers  
 1000 Ross Avenue, Suite 1000  
 Dallas, Texas 75202  
 (214) 760-1000

DATE: 06/21/11

PROJECT: C07181

SHEET TITLE: ZONING EXHIBIT

SHEET NUMBER: 1 OF 1

# Spring Valley Station District Development Regulations

(Exhibit C)



## **Adopted:**

**August 18, 2004 (Ordinance No. 3478)**

## **Amended:**

**November 13, 2006 (Ordinance No. 3575)**

**January 8, 2007 (Ordinance No. 3588)**

**August, 8, 2011 (Ordinance No. 3831)**

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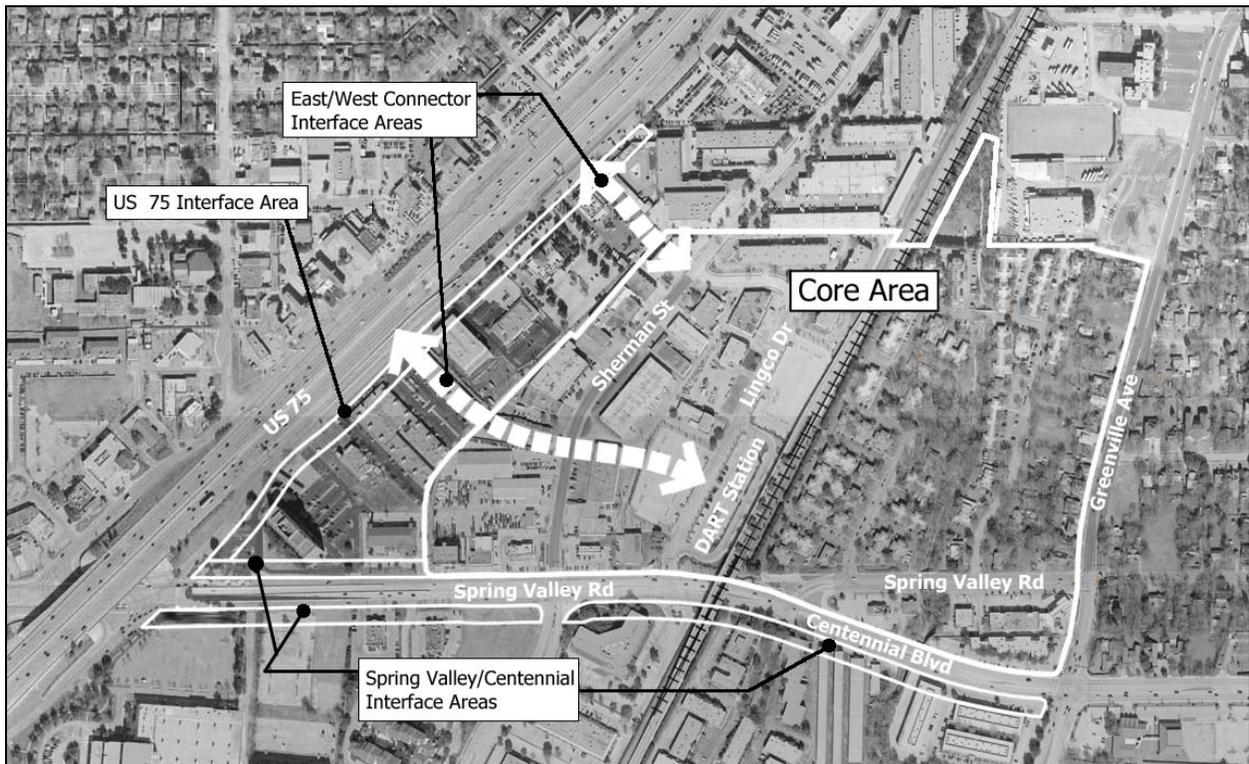
# 1. General Provisions

## Purpose and Intent

### *The Spring Valley Station District*

Light rail transit has brought a new dimension to city planning, transit-oriented development, where all elements of development—uses, development rights, building regulations, area regulations, open space, parking, and signs—are regulated with the goal of supporting light rail ridership and creating a cohesive mixed-use district. The Spring Valley Station District (the District) surrounds the City of Richardson’s Spring Valley DART Light Rail Station and is comprised of the Core Area and the Interface Areas. The Core Area includes the parcels closest to the Spring Valley Station whose development potential is affected by their proximity to the station. The Interface Areas are transition areas between the Core Area and the surrounding City.

New development within the Core Area is governed by this Planned Development (PD) ordinance and the Spring Valley Station District Core Area Design Guidelines. Interface Area standards are detailed in the Spring Valley Station District Interface Area Design Guidelines.



*Illustration 1.1: Spring Valley Station District Application Plan*

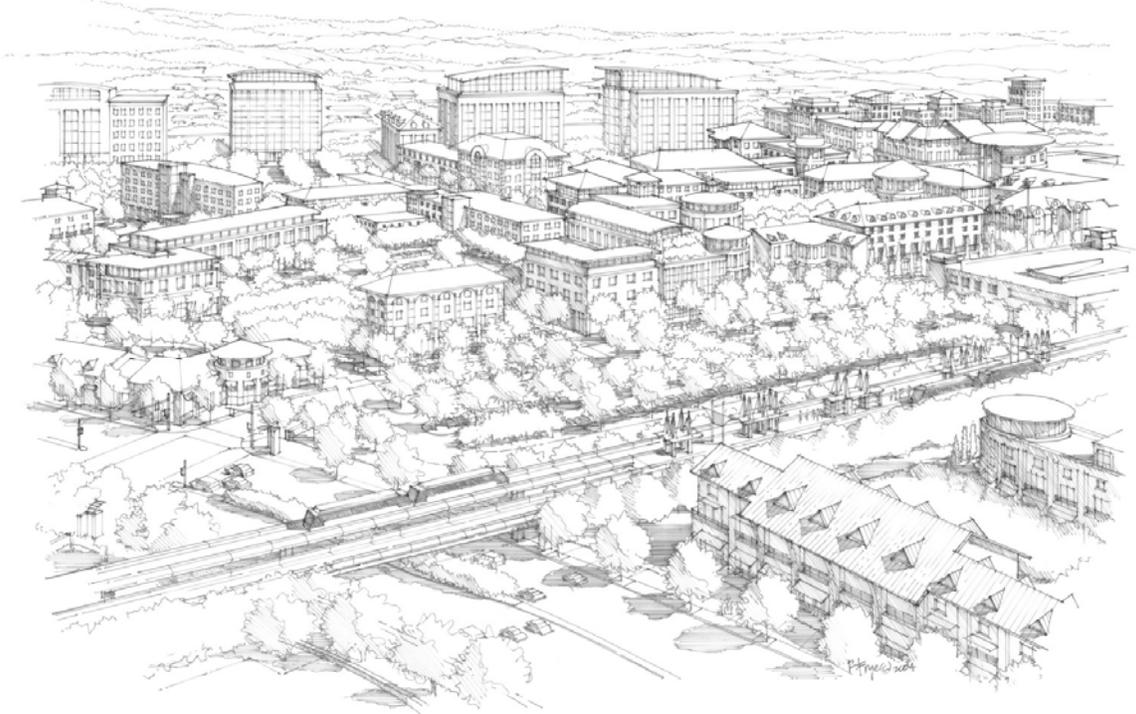
### *The Core Area PD Ordinance*

The purpose of these regulations is to encourage an appropriate mixture and density of uses in the Core Area of the District. Development within the Core Area should promote pedestrian-, bicycle-, and transit-supportive modes of transportation, thereby decreasing automobile dependency and mitigating the effects of traffic congestion and air pollution. The specific objectives of this ordinance are to:

## **Spring Valley Station District: Development Regulations**

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- Allow for a mix of uses within the Core Area of the District;
- Achieve a compact pattern of development more conducive to walking and bicycling;
- Encourage uses that promote round-the-clock activity near the station;
- Encourage people to walk, bicycle, or use transit to reach and/or travel within the Spring Valley Station District;
- Provide amenities and design standards that create a comfortable environment for pedestrians; and
- Maintain an adequate level of parking and access for automobiles.



*Illustration 1.2: Aerial sketch of the Spring Valley Station District*

### **Boundaries and Application**

This ordinance applies to all properties within the Core Area of the Spring Valley Station District. The Core Area boundaries, shown in the Core Area Master Plan, are generally defined by Greenville Avenue on the east; Centennial Boulevard and Spring Valley Road on the south; the alley between US75 and Sherman Street on the west; and the alley located north of the intersection of Sherman Street and Lingco Drive extending to the southern edge of the Richardson Independent School District Administration parcel on the north.

The regulations contained herein apply to property that develops or redevelops through the construction of new buildings or additions to existing buildings. Uses and development lawfully in existence prior to the adoption of this ordinance will be considered legally non-conforming, subject to the provisions of Article XXII of the Comprehensive Zoning Ordinance.

### **Design Guidelines**

Development and redevelopment within the Core Area shall be in general conformance with the *Spring Valley Station District Core Area Design Guidelines*, adopted by City Council Resolution.

In addition, development and redevelopment within the Core Area is encouraged to follow US Green Building Council principles and to seek LEED (Leadership in Energy and Environmental Design) certification.

**Core Area Master Plan**

The Core Area Master Plan as prepared by the Development Services Department and approved by the City Council upon the recommendation of the City Plan Commission is incorporated herein. The Core Area Master Plan shall include the following elements:

- (a) Existing Development Map
  - (1) Map of the Core Area, including parcel lines, building footprints, parking areas, landscape and open space areas, and notation of approvals and expiration dates for Concept Plans and Development Plans for each parcel within the Core Area.
- (b) Table of Allowable Development Rights as defined herein.
- (c) Land Use Map
  - (1) Map of the Core Area noting where permitted uses are allowed.
- (d) Existing Infrastructure Map
  - (1) Map of existing infrastructure, including but not limited to the location of streets, on-street and off-street parking, open space, water, sewer, and drainage.

The Core Area Master Plan shall be continuously updated by the Development Services Department to show Concept Plan and Development Plan approvals.

**Centennial Park**

A draft concept plan for the Centennial Park development in the eastern portion of the District is included in this ordinance as Appendix A. Final concept plan approval for the development will follow the procedures outlined in Section 13 herein.

Demolition of existing buildings to clear the Centennial Park site for new development should be done as soon as feasible. All existing buildings shall be demolished at one time, regardless of the construction phasing schedule.

**Conformity required**

No Concept Plan or Development Plans shall be approved nor building permits issued for development or redevelopment within the Core Area that does not conform to this ordinance, and the City Subdivision Regulations.

In the event of a conflict between any provision of this ordinance and any other ordinance of the City, the provisions of this ordinance shall govern.

**Penalty for Violation**

- (a) Any person violating any provision 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 (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue to exist shall be deemed to constitute a separate offense.
- (b) Any owner, occupant, tenant, or property manager who fails to maintain property in compliance with this ordinance and the Comprehensive Zoning Ordinance, as amended, 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 (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue to exist shall be deemed to constitute a separate offense.

## 2. Definitions

For purposes of this ordinance, the definitions listed below shall apply unless the context clearly indicates otherwise. Terms not defined herein may be defined in the Comprehensive Zoning Ordinance.

*Aesthetic*—elements in the natural or built environment that are pleasing to the eye.

*Amendment*—a revision, change, addition, or deletion in the text of this ordinance.

*Amenity*—a natural or man-made feature that enhances the aesthetic quality or visual appearance, or makes more attractive or satisfying, a particular property, place, or area.

*Amenity zone*—the area between the back of the curblines and the sidewalk where street trees and street furnishings are located.

*Apartment*—a multi-family structure containing three or more dwelling units located on a single lot designed to be occupied by three or more families living independently of one another, excluding hotels or motels, with units being rented or leased by the occupants.

*Architectural appendages*—eaves, cornices, platforms, porches, or any types of structure attached to and extending from the main building.

*Architectural feature*—a prominent or significant part or element of a building, structure, or site.

*Architectural images*—a set of drawings, renderings, and/or photographs that indicate general architectural concepts, treatments, intentions, and character of a project.

*Articulation*—features that provide architectural detail, differentiation, openings, and characteristics which give variety to a building façade.

*Awning*—a rooflike cover that is not a permanent, integral element of the building to which it is attached, projecting from the façade of a building for the purpose of shielding a doorway or window from the elements.

*Blank façade*—a façade devoid of architectural detail, features, differentiation, openings, and lacking characteristics which give variety.

*Branching height*—the height of the lowest branch of a tree where it overhangs the sidewalk, curb, on-street parking, or street.

*Build-to line*—the required distance between the back of the predominant curblines and the building façade.

*Building code*—the building code adopted by the City of Richardson, Texas including any amendments thereto.

*Building elevations*—scaled two-dimensional drawings of the front, rear, and side of a building showing features, including architectural details, building materials, and relationship of surrounding grade to floor level.

*Building height*—The overall height of a building as measured from mean level of the ground surrounding the building to (1) the highest point of the roof surface for flat roofs, (2) the deck lines for mansard roofs, and (3) the mean level between eaves and ridge for gable, hip, shed, and gambrel roofs.

## **Spring Valley Station District: Development Regulations**

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*Bulb-out*—a design that increases width of the amenity zone or sidewalk, reducing the street pavement width at street or driveway intersections, or in other areas where on-street parking cannot be or is not provided on a street where on-street parking is generally required.

*Canopy*—a roof-like structure that is an integral element of a building and extends horizontally more than one foot from the face of a building façade.

*Canopy tree*—a tree that normally achieves an overall height at maturity of 30 feet or more.

*City*—the City of Richardson, Texas

*Copy*—text, logos, characters, symbols or any other portion of a sign that conveys a message or other information.

*Combustible material*—any material that does not meet the definition of noncombustible materials as set forth in the City building code.

*Concept plan*—a set of plans, further described herein, showing the general layout of a development, building area, circulation, parking, open space, landscape areas, relationship to adjacent properties, and supporting images, submitted for approval by the City.

*Condominium*—a building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are held in common ownership by all the owners on a proportional basis.

*Core Area*—the defined area of transit-oriented development adjacent to the light rail station delineated as such on the Core Area Master Plan and further described herein.

*Core Area Master Plan*—a series of maps, including but not limited to the delineation of the current conditions, regulations, and development approvals within the Core Area as further defined herein.

*Curb cut*—an opening along the curb line at which point vehicles may enter or leave the roadway.

*Curbline*—the predominant back edge of a roadway or paved area, excluding driveways, curb cuts, bulb-outs, and indentations.

*Day spa*—a facility which provides an integrated combination of fitness, beauty, rejuvenation, and relaxation programs.

*Design guidelines*—recommendations intended to guide the design of buildings, streets, landscaping, and other elements of the built environment in the city.

*Development*—the construction, reconstruction, expansion, structural alteration, or relocation of any structure. Minor modifications to an existing property or structure, including routine maintenance, aesthetic enhancements, parking and/or circulation changes, and landscaping enhancements shall be excluded from this definition.

*Development plans*—a set of detailed plans (plat, site plan, landscape plan, civil engineering plans, etc.), further described herein, that are submitted for approval by the City following approval of the Concept Plan.

*Development Rights, Allowable*—the sum total of the Available Development Rights and the Existing Development Rights as defined herein.

*Development Rights, Available*—the sum total of the additional square footage for office and retail/commercial uses, number of screens for movie theaters, number of rooms for hotels, and number of units for multi-family or condominium development allowed to be built within the

Core Area based on a market analysis prepared for the city plus any square footage categorized as Existing Development Rights as defined herein that is demolished and not rebuilt. Available Development Rights shall be accounted for in the table of Allowable Development Rights in the Core Area Master Plan and the total may be amended as prescribed under this ordinance.

*Development Rights, Existing*—the total square footage for retail/commercial, office and institutional uses, number of screens for movie theaters, number of rooms for hotels, and number of units for multi-family or condominium development approved and/or constructed within the Core Area as of the effective date of this ordinance or as may be amended based on future building demolition, construction, reconstruction, etc.

*Drive-through*—facilities allowing transactions for goods or services without leaving a motor vehicle.

*Easement*—a grant of one or more of the property rights by the property to and/or for use by the public, a corporation, or another person or entity.

*Effective area*—the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines around the graphic elements of a sign.

*Erect, building*—to construct, place, relocate, enlarge, substantially alter, attach, or suspend, but excluding normal maintenance and refinishing.

*Erect, sign*—to build, construct, hang, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display signs on the exterior surface of a building or structure, or interior surface of a window, including signs located interior to a building but readily visible from the exterior but excluding normal maintenance and refinishing.

*Exception*—an adjustment in the application of specific regulations to an individual parcel, noted on a Concept Plan or Development Plans.

*Façade*—that portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation but excluding the roof. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single façade. Multiple buildings on the same lot will each be deemed to have separate façades.

*Face*—the surface or surfaces of a sign upon, against, or through which the message is displayed or illustrated on the sign.

*Flags*—emblems and insignia of the United States, federal agencies and any state or local governmental body as well as corporate and logo flags, and decorative seasonal displays for holidays which do not contain advertising and are not used as such.

*Frontage*—the linear edge of a property adjacent to a street.

*Home occupation*—an occupation that is incidental and secondary to the primary use of the premises as a residence and customarily conducted in a residential dwelling unit by a member of the occupant's family and entirely within the main structure, provided such use is not detrimental or injurious to adjoining property and meets the additional requirements herein.

*Indentation*—a design that reduces sidewalk width or curb line, extending street pavement width.

*Live/work*—a building or unit within a building that incorporates both residential and non-residential uses with a stronger emphasis on work activities other than a Home Occupation and meets the additional requirements herein.

## **Spring Valley Station District: Development Regulations**

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*Masonry construction*—exterior walls constructed of brick, concrete, or concrete block in accordance with the Richardson building code, but in no case shall brick be less than three inches in thickness when applied as a veneer, nor shall it be less than the thickness required by the Richardson building code when serving as a structural masonry wall; and in no case shall concrete or concrete block be less than 3-5/8 inches in thickness when serving as a structural masonry wall. As an alternative to the masonry materials described herein, other materials which do not meet the thickness requirements when applied as a veneer, including natural and cast stone, may be utilized so long as the thickness satisfies the structural requirements of the Richardson building code.

*Mixed-use*—the development of a tract of land, building, or structure that includes multiple uses, including, but not limited to, residential, office, retail, public, or entertainment.

*Multi-family residential*—a multi-family structure containing three or more dwelling units located on a single lot designed to be occupied by three or more families living independently of one another, excluding hotels or motels. See also *Apartment* and *Condominium*.

*Noncombustible material*—any material that meets the definition of noncombustible materials as set forth in the City building code.

*Nonmasonry construction*—exterior walls constructed of materials other than masonry construction that meet the requirements for exterior walls as defined by the Richardson building code.

*Open space*—an area of land set aside, dedicated, designated, or reserved for public or private use for recreational or amenity activities, including parks, plazas, patios, etc.

*Owner*—a person claiming, or in whom is vested, the ownership, dominion, or title of real property, including, but not limited to: the holder of fee simple title; the holder of a life estate; the holder of a leasehold estate for an initial term of five years or more; the buyer in a contract for deed; a mortgagee, receiver, executor, or trustee in control of real property; but not including the holder of a leasehold estate or tenancy for an initial term of less than five years.

*Parapet*—that portion of a building wall or façade that extends above the roof line of the building.

*Parking Design Manual*—the guidelines for parking lot design adopted by the City.

*Parking, off-street*—parking located within a development parcel and outside a public right-of-way or street easement.

*Parking, on-street*—parking located completely or partially within a public right-of-way or street easement.

*Parking structure*—a parking garage located above ground and/or underground consisting of one or more levels but excluding a parking lot with all spaces at grade level.

*Patio home*—a single-family detached dwelling on a separate lot with open space on only three sides, with one side wall of the dwelling placed coincident with the side property line.

*Person*—any individual, corporation, organization, partnership, association, or any other legal entity.

*Private open space*—an area of land set aside, dedicated, designated, or reserved for private use for recreational activities or other amenities, including parks, plazas, patios, etc. and maintained by the property owner.

*Private drive*—a means of access and/or routes from a dedicated street to parking spaces, building locations, and other dedicated streets; such means of access and/or routes may include driveways, aisles of parking lots and non-dedicated streets.

*Projecting structures*—covered structures of a permanent nature which are constructed of approved building material, specifically excluding canvas or fabric material, and where such structures are an integral part of the main building or permanently attached to a main building and do not extend into the amenity zone, such as signs and canopies.

*Property manager* means a person who, for compensation, has managing control of real property including improvements.

*Public open space*—an area of land set aside, dedicated, designated, or reserved for public use for recreational activities or other amenities, including parks, plazas, patios, etc. and maintained by the City.

*Redevelopment*—see *Development*.

*Right-of-way*—the boundary of public ownership of a street or alley.

*Shared parking*—parking that is utilized by buildings or tenants on two or more parcels.

*Sidewalk*—a paved surface intended for pedestrians.

*Sign*—an outdoor structure, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended or used to advertise or inform.

*Sign, A-frame/sandwich board*—a self-supporting “A”-shaped sign with two visible sides.

*Sign, address*—a sign that lists the number or other location designation assigned to a building or tenant suite.

*Sign, awning*—any awning containing signage used to identify a business, profession, service, product, or activity conducted, sold or offered on the premises where such sign is located.

*Sign, bulletin board*—a sign containing information where a portion of such information may be periodically changed, providing that such change shall be effected by the replacement or interchange of letters, numbers, or other graphic symbols by insertion, attachment or similar means. The use of slate, chalkboard, cardboard or similar material with pencil, chalk, crayon or similar types of marking is prohibited on a bulletin board sign.

*Sign, construction*—a temporary sign providing information about future development or current construction on a site and the parties involved in the project.

*Sign, directional*—any on-site sign to direct the public to entrances, exits and services relating to the property within the Core Area.

*Sign, directory*—a sign located at a building entrance listing the names, uses, or locations of the various business or activities conducted within a building, but containing no advertising.

*Sign, illuminated*—any sign which has characters, letters, figures, designs or outlines illuminated directly or indirectly by electric lights, luminous tubes, or other means.

*Sign, memorial*—a sign, tablet, or plaque typically mounted on a building memorializing a person, event, structure, or site.

*Sign, monument*—any sign mounted to a solid base support at ground level.

*Sign, nameplate*—a sign, located on the premises, giving the name and/or address of the owner or occupant of a building or premises, usually a single-family dwelling.

## Spring Valley Station District: Development Regulations

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*Sign, political*—a sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

*Sign, projecting*—any sign, except an awning, that projects perpendicularly from a building and which has one end attached to a building, awning, or permanent structure.

*Sign, promotional*—an advertising display that is temporary in nature, not permanently attached to the ground or sign surface, and is used for special events, such as, but not limited to, grand openings, seasonal sales, and promotions.

*Sign, real estate*—a temporary sign that relates to the sale, lease, or rental of property or buildings.

*Sign, sandwich board*—see *Sign, A-frame*.

*Sign, wall*—any sign erected flush against an exterior wall, supported by the wall, and having the sign face parallel to the wall or painted directly onto a wall, including neon tubing or other material attached directly to a wall surface when forming a border for the subject matter, or when directing attention to the subject matter or when forming letters, logos, or pictorial designs.

*Sign, wayfinding*—any sign for a development which provides onsite directions, denotes locations for ingress and egress or prohibits ingress and egress, providing such directional signs do not contain advertising and are not used as such.

*Sign, window*—any sign, banner, poster, or display located on the internal surface of the window of any establishment for the purpose of advertising services, products or sales available within such establishment or which announces the opening of such establishment.

*Single-family residential*—see *Patio home*, *Single-family home*, and *Townhome*.

*Single-family detached home*—a structure containing one dwelling unit, not attached to any other dwelling, entirely surrounded by open space on the same lot and designed exclusively for the use and occupancy of one family.

*Slow-burning materials*—fire-resistant materials that reduce destruction in the event of a fire.

*Street furnishings*—elements useful for pedestrian convenience and comfort. Examples are pedestrian lights, benches, newspaper racks, trash receptacles, bollards, planters, tree grates, fences, railings, bicycle racks, mailboxes, fountains, kiosks, and phones.

*Street trees*—trees that line the street within the required Amenity Zone, typically planted in a linear fashion.

*Townhome*—a single-family dwelling in a row of at least two attached units, each on its own platted lot and having its own front and rear access to the outside. No unit shall be located over another unit and there shall be no visible separation between walls or roofs of adjoining units. Each unit shall be separated from other units by one or more vertical common firewalls.

*Transit-oriented development*—development or redevelopment within close proximity to a transit facility (such as a light rail station) and characterized by higher densities than traditional suburban development, a pedestrian orientation, and a mix of uses, which may include retail, office, residential, and/or entertainment.

*Unobstructed sidewalk*—a paved area parallel to and usually separated from the street, used as a pedestrian walkway and clear of objects, such as signs, furniture, outdoor seating, etc.

*Yard*—the area located between the required Amenity Zone and any adjacent building, structure, or surface parking lot.

### 3. Use Regulations

#### Permitted uses

In the Spring Valley Station District Core Area, no land shall be used and no buildings shall be erected for or converted to any use other than the uses set forth below. The Core Area Master Plan shall designate where each use type is allowed within the Core Area.

(a) Retail/commercial uses.

The following retail/commercial uses shall be permitted in mixed-use buildings or free-standing buildings subject to the limitations noted herein. No drive-through facilities shall be permitted, except by Special Permit within the portion of the Centennial Triangle Area west of the creek. No outside storage of goods shall be allowed.

- (1) Antique shop
- (2) Art gallery
- (3) Bakery, retail sales only
- (4) Barber, beauty salon, or day spa
- (5) Book, card, music, or stationery store
- (6) Camera and photographic supply shop
- (7) Clothing or apparel store
- (8) Convenience store
- (9) Department store
- (10) Drugstore or pharmacy
- (11) Fabric store
- (12) Fine arts studio
- (13) Florist
- (14) Furniture, home furnishings, and appliance store
- (15) Grocery store
- (16) Hardware store
- (17) Health club or studio
- (18) Hotel—full service
- (19) Jewelry store
- (20) Laundry/dry cleaning pick-up station, no on-site cleaning permitted
- (21) Mailing service
- (22) Martial arts school
- (24) Musical instrument sales and repair
- (25) Office furniture, equipment, and supply store
- (26) Pet sales and grooming subject to the supplemental regulations contained in Article XXII-E of the Comprehensive Zoning Ordinance

## Spring Valley Station District: Development Regulations

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- (27) Photography or art studio
- (28) Print shop—minor
- (29) Repair shop—household items
- (30) Repair shop—personal items
- (31) Restaurant
- (32) Sporting goods store
- (33) Tailor shop
- (23) Theater, movie
- (34) Theater, performing arts
- (35) Toy or hobby shop
- (36) Video rental store
- (b) Office uses:
  - (1) Bank or financial institution
  - (2) Office
  - (3) Veterinary office subject to the supplemental regulations contained in Article XXII-E of the Comprehensive Zoning Ordinance, except boarding shall be permitted for recovery purposes only
- (c) Live/work uses:
  - (1) Home occupation within any residential structure or unit, subject to the regulations herein
  - (2) Live/work entirely or partially located on the ground floor of mixed-use buildings in non-residential areas, subject to the regulations herein
- (d) Public uses:
  - (1) Public buildings
  - (2) Transit facilities, including light rail stations, bus stops, and transfer facilities
- (e) Other uses:
  - (1) Antenna—mounted, subject to the supplemental regulations of Article XXII-E of the Comprehensive Zoning Ordinance
  - (2) Construction field office
  - (3) Parking lot—accessory
  - (4) Parking lot or garage—commercial off-street
  - (5) Community pool and cabana on Lot 1B, Block Q, McKamy Park Addition only (to be constructed and completed by March 1, 2012).
- (f) Multi-family residential uses:
  - (1) Apartments
  - (2) Condominiums
- (g) Single-family residential uses:

- (1) Townhomes
- (2) Patio homes
- (3) Single-family detached homes

**Land Use Plan**

The Core Area shall be further divided for the purpose of designating the type and location of the land uses in the Core Area under the categories more fully described above. The Core Area Master Plan, attached hereto and made a part hereof, shall designate the boundaries of each portion of the district as generally described below.



*Illustration 3.1: Core Area Land Use Plan*

- (a) Single-Family Area
  - (1) In the easternmost portion of the Core Area adjacent to Greenville Avenue, only single-family residential uses as defined herein shall be allowed.
  - (2) The boundaries of the Single-Family Area are generally defined by Greenville Avenue on the east; a line generally parallel to and 200 feet north of the north curblines of Spring Valley Road on the south; a line generally parallel to and 125 feet west of the west curblines of Greenville Avenue on the west; and the southern boundary of the Richardson Independent School District property on the north.

## **Spring Valley Station District: Development Regulations**

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- (b) Mixed Residential Area
  - (1) In the portion of the Core Area west of the Single-Family Area, a mix of residential uses shall be allowed, including multi-family and single-family residential uses.
  - (2) The boundaries of the Mixed Residential Area are generally defined by a line parallel to and 125 feet west of the west curbline of Greenville Avenue on the east; a line generally parallel to and approximately 200 feet north of the north curbline of Spring Valley Road on the south; Floyd Branch Creek on the west; and the southern boundary of the Richardson Independent School District property on the north.
- (c) Multi-Family Area
  - (1) Between the Mixed Residential Area and the DART right-of-way, multi-family residential uses and a community pool and cabana use (Lot 1B, Block Q, McKamy Park Addition shall be allowed.
  - (2) The boundaries of the Multi-Family Area are generally defined by a line generally parallel to and 200 feet north of the north curbline of Spring Valley Road on the south; the DART light rail right-of-way on the west, except within 150 feet of the DART station platform; the southern boundary of the Richardson Independent School District property on the north; and Floyd Branch Creek on the east.
- (d) Centennial Triangle Area
  - (1) In the area south of the Single-Family Area, Mixed Residential Area, and the Multi-Family Area, a mix of uses shall be allowed, including retail/commercial uses, office uses, multi-family residential uses, live/work uses, public uses, and other uses as listed herein. Single-family uses shall not be permitted.
  - (2) The boundaries of the Centennial Triangle Area are Greenville Avenue on the east; Spring Valley Road on the north; and Centennial Boulevard on the south.
- (e) Mixed-Use Area
  - (1) West of the DART right-of-way, a mix of uses shall be allowed, including retail/commercial uses, office uses, multi-family residential uses, live/work uses, public uses and other uses as listed herein. Single-family uses shall not be permitted.
  - (2) East of the DART right-of-way, multi-family residential uses shall be allowed with ground floor retail/commercial and office allowed along the frontage of Spring Valley Road and adjacent to the DART station platform.
  - (3) The boundaries of the Mixed-Use Area west of the DART right-of-way are generally defined by the DART light rail right-of-way on the east; Spring Valley Road on the south; the alley between US75 and Sherman Street on the west; and the alley just north of the intersection of Lingco Drive/Sherman Street intersection on the north. East of the DART right-of-way, the boundaries of the Mixed-Use Area are generally defined as a line parallel to and 125 feet west of the west curbline of Greenville Avenue on the east; Spring Valley Road on the south; the DART light rail right-of-way on the west, and the edge of the DART station platform on the north. In addition, the Mixed-Use Area east of the DART right-of-way shall have a depth of 150 feet from the DART station platform and 200 feet from the north curbline of Spring Valley Road.
- (f) Abandonment of Spring Valley Road

- (1) The City will consider the abandonment of the right-of-way for Spring Valley Road between Centennial Boulevard and Greenville Avenue if a development proposal is submitted which consolidates the properties north and south of the roadway.
- (2) If the City indicates a willingness to proceed, the abandonment process shall not be initiated until a Concept Plan detailing how the properties will be consolidated, and indicating the proposed land uses for the abandoned right-of-way, has been approved by the City Plan Commission and City Council.
- (3) If the Spring Valley Road right-of-way is not abandoned, the segment of Spring Valley Road between Centennial Boulevard and Greenville Avenue shall be downgraded to one lane in each direction with on-street parking on both sides of the street.

(g) **Special permits**

Notwithstanding the above, special permit uses allowed in the PD Planned Development district may be requested and approved in accordance with the provisions of Article XXII-A of the Comprehensive Zoning Ordinance.

**Home occupation regulations/restrictions**

Home occupations shall be permitted subject to the regulations within the CZO.

**Live/work regulations/restrictions**

Live/work units shall be permitted subject to the following regulations:

- (a) The business portion of the unit shall be located on the ground floor of mixed-use buildings. The living portion of the unit may be located on and/or above the ground floor.
- (b) Shall be conducted entirely within a completely enclosed structure.
- (c) Shall have no outside storage, including on a temporary or overnight basis.
- (d) Not more than one motor vehicle, which indicates, by signage or other means, that it is used in a business may be parked on an adjacent public street, parking lot, or alley.
- (e) Shall not create any condition which is offensive by reason of odor, noise, or manner of operation.
- (f) Shall not create a fire or explosion hazard, or accumulation of pests, rodents, flies or vermin.
- (g) Shall not be detrimental or injurious to adjoining property.
- (h) May have exterior advertisement, sign or display, subject to the sign regulations contained herein.
- (i) May have modification of the structure or activity which indicates from the exterior of the structure that the premises are being used for purposes other than a dwelling unit.
- (j) May employ persons other than members of the immediate family or lawful occupants residing on the premises.
- (k) May exhibit or display goods, wares, or merchandise.
- (l) Must include at least one full kitchen, one full bath, and one sleeping area.

**Non-conforming structures and uses**

Structures and uses that do not conform to the regulations within this ordinance shall be subject to the standard regulations within the CZO.

## 4. Development Rights

### Development Rights

Additional development of various uses within the Core Area shall be limited based on the findings of a market analysis prepared for the City of Richardson. Additional development beyond the existing development within the Core Area upon the effective date of this ordinance shall be limited to the following:

*Table 4.1 District Total Development Rights*

<i>Land Use</i>	<i>Existing Development</i>	<i>Additional Development</i>	<i>Total Development</i>
(a) Retail/Commercial uses	36,493 SF	120,000 SF	156,493 SF*
(b) Office uses	29,546	350,000 SF	379,546 SF*
(c) Industrial uses ( <i>non-conforming</i> )	289,566 SF	0 SF	289,566 SF*
(d) Movie theaters	0 screens	6 screens	6 screens
(e) Institutional	0 SF	No limit	No limit
(f) Hotels	0 rooms	200 rooms	200 rooms
(g) Apartments	337 units	163/240 units	500/577 units
(h) Condominiums	0 units	300/223 units	300/223 units
(i) Single-family residences (includes townhomes, patio homes, and single-family homes)	18 units	132 units	150 units

*\* Non-conforming Industrial square footage can be redeveloped as Retail/Commercial or Office uses without affecting additional development rights for those uses.*

### Table of Development Rights

- (a) The Development Services Department shall prepare a Table of Development Rights.
  - (1) Total Development within the District shall be equal to the sum of Existing Development plus Additional Development Rights, initially based on Table 4.1.
  - (2) The table shall be an element of the Core Area Master Plan as required in Section 1, General Provisions, of this ordinance, and shall be updated as new development projects are approved and/or as existing buildings are demolished.
  - (3) No Concept Plan or Development Plans shall be approved for any development or redevelopment that exceeds the Available Development Rights for the proposed use categories at the time of submittal.
  - (4) The Table shall also track vehicle trips generated by each development, as detailed in the Traffic Impact Analysis required during Concept Plan review.
- (b) As new developments are approved, the total building square footage for retail/commercial, office and institutional uses, and/or the number of movie theater screens, hotel rooms, or

apartment or condominium units shall be added to the Existing Development total and subtracted from the Additional Development total so that there is no net change to the Total Development in the table.

- (c) Because the limits established under the market study govern additional development only, the square footage of retail/commercial, office or institutional buildings and/or the number of movie screens, hotel rooms or apartment or condominium units eliminated through the demolition of existing structures within the Core Area shall be added to the Available Development Rights total as follows.
  - (1) The square footage of retail/commercial uses demolished shall be added to the additional retail/commercial development rights.
  - (2) The square footage of office uses demolished shall be added to the additional office development rights.
  - (3) The square footage of institutional uses demolished shall be added to the additional office development rights or retail/commercial development rights or divided between the two.
  - (4) The number of screens in existing movie theaters demolished shall be added to the additional movie theater development rights.
  - (5) The number of rooms in existing hotel/motel buildings demolished shall be added to the additional hotel development rights.
  - (6) The number of units of existing multi-family (apartment or condominium) buildings demolished shall be added to the appropriate additional multi-family (apartment or condominium) development rights.
  - (7) The square footage of industrial uses demolished shall be tracked in a separate category, and the square footage shall be available for any retail/commercial or office use permitted by this ordinance.
- (d) In the event all or any portion of the square footage, movie screens, hotel rooms, or multi-family units of existing buildings or uses demolished are not “recaptured” by a proposed redevelopment, the square footage, movie screens, hotel rooms, or multi-family units shall be added to the Additional Development Rights total in the appropriate category, and shall be available for allocation to development projects within the Core Area.

**Amendments to Development Limits**

Any increase in the Total Development Rights established herein shall require the amendment of this ordinance, following the procedure outlined in Sec. 13 herein. An application to amend this ordinance to increase the development limits shall include a market analysis prepared by the applicant supporting the proposed increase. Said analysis shall be subject to review by the Development Services Department and/or, at the applicant’s expense, a third-party consultant selected by the City, prior to presentation of the application to the City Plan Commission. The zoning amendment increasing the development limits must be approved by the City Council prior to approval of a Concept Plan for any proposed development that would exceed the limits established herein.

## 5. Non-residential, multi-family, and mixed-use buildings

### Building regulations

#### *Exterior design*

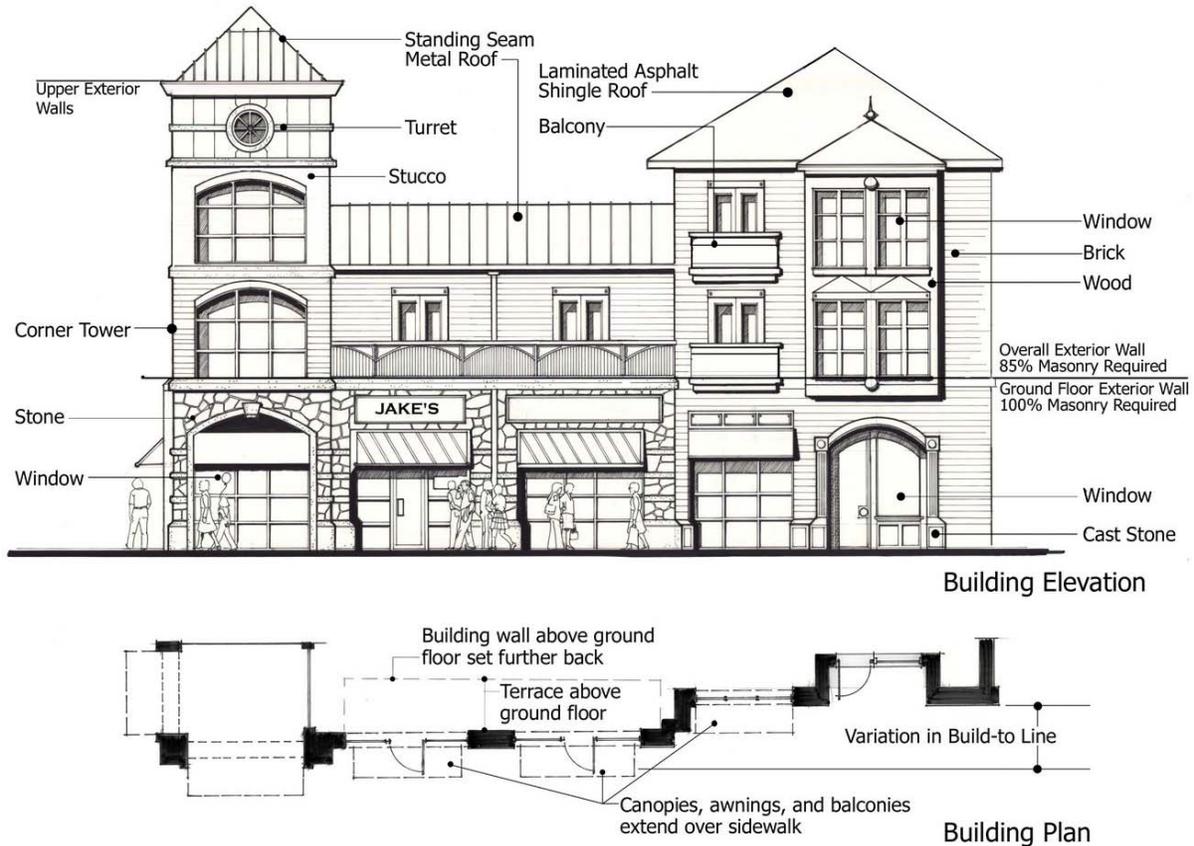
- (a) Structures shall have clear or slightly tinted windows. Mirrored or heavily tinted glass is prohibited.
- (b) The primary entry for all buildings and ground floor tenant spaces shall be oriented towards the street. Secondary entrances are encouraged for access to parking facilities and pedestrian walkways.
- (c) When ground floor commercial space is provided in a multi-story mixed-use building, a clear delineation between the ground floor and upper floors shall be made through change of plane, changes in materials, and/or architectural detail.
- (d) Blank façades are prohibited. All exterior walls shall be articulated through the use of architectural design features including but not limited to windows, changes in plane, and in materials.

#### *Exterior building materials*

- (a) Exterior walls of buildings and parking structures.
  - (1) The ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of one hundred percent (100%) masonry construction.
  - (2) Overall, a minimum of eighty-five percent (85%) of said exterior walls, excluding windows, doors, and other openings, shall be of masonry construction.
  - (3) The remainder may be constructed of noncombustible materials including exterior stucco, Class PB Exterior Insulating and Finishing Systems (EIFS), cementitious fiberboard, or other materials approved by the Building Official. EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact.
  - (4) Windows and glazing shall be limited to a maximum of sixty percent (60%) of each building elevation.
- (b) Exterior walls of courtyards not visible from the street or adjacent properties.
  - (1) The ground floor exterior walls of courtyards, excluding windows, doors, and other openings, shall be constructed of one hundred percent (100%) masonry construction.
  - (2) Exterior walls of courtyards above the ground floor, excluding windows, doors, and other openings, shall be constructed of a minimum of thirty-five percent (35%) masonry construction.
  - (3) The remainder of these courtyard walls may be constructed of noncombustible materials including exterior stucco, Class PB Exterior Insulating and Finishing Systems (EIFS), cementitious fiberboard, or other materials approved by the Building Official. EIFS shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact.

## Spring Valley Station District: Development Regulations

- (c) For “chateau,” “mansard,” or other design where the roof serves as an exterior wall, the portion of the roof below the deck line shall be included in the calculation of building materials.
- (d) Unpainted metal, galvanized metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper or weathering steel, may be used subject to Concept Plan and Development Plans approvals.



*Illustration 5.1: Examples of building materials and architectural articulation*

### *Roof materials*

All buildings shall have roof coverings applied in accordance with City building code and the manufacturer’s specifications. The following materials shall be permitted for pitched roofs: slate, concrete or clay roofing tile, copper, factory finished standing-seam metal, laminated asphalt shingles of at least 300 pounds per 100 square feet, or other material approved by the Building Official. Wood shingles are prohibited.

### *Building height*

- (a) Buildings shall be limited to a maximum height of 100 feet and may not exceed six stories in height, with the following exceptions:
  - (1) Buildings located within 250 feet of the west curblines of Greenville Avenue shall be limited to a maximum height of 50 feet and not to exceed three stories in height.

- (2) Buildings located more than 250 feet from the west curblineline of Greenville Avenue and east of Floyd Branch Creek shall be limited to a maximum height of 70 feet and not to exceed five stories in height.
- (b) A parapet wall, turret, spire, dome, chimney, elevator, bulkhead or penthouse, mechanical equipment room, cooling tower, ornamental cupola, standpipe, or similar feature may exceed the maximum height of the building provided that any such feature respects the scale of the building, subject to Concept Plan and Development Plans approvals.

*Service areas*

- (a) All service areas (loading, ground-mounted mechanical equipment, etc.) shall be screened from the view of adjacent streets or properties by a screening wall equal to the tallest equipment or utility structure being screened, with a minimum height of six (6) feet. The screening wall shall be compatible in material and design to the primary building associated with the service area.
- (b) Wall-mounted equipment, including utility meters, shall be screened from public view with screening walls, cabinets, partitions, or other means, designed to be architecturally compatible with the structure, and painted, finished, or constructed of materials to complement the wall surface.

*Roof-mounted equipment*

- (a) All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, shall be screened on all sides by use of parapet walls or architecturally compatible rooftop screening elements constructed of materials approved by the building official.
- (b) Roof-mounted equipment shall also be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings, elevated thoroughfare sections, and elevated DART rail sections, and meet the following requirements:
  - (1) The overall screening height shall be at least the height of the tallest element of roof-mounted equipment.
  - (2) The outside of the screening device shall be painted or finished in a similar color to the building façade, trim or roof surface.
  - (3) Roof-mounted equipment and the inside of the screening device shall be painted a color similar to the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

*Residential adjacency*

- (a) In the event a building in a non-residential, multi-family, or mixed-use development backs or sides upon a lot designated for single-family detached or patio home residential use, a screening wall not less than six feet in height of clay-fired brick, architectural concrete masonry unit block, stone, or any combination thereof, shall be constructed upon the non-residential, multi-family, or mixed-use property, at a location to be determined upon the approved Concept Plan and Development Plans, to screen the view from the adjacent single-family detached or patio home residential use and to impede vehicular traffic.
- (b) Pedestrian access may be provided at appropriate locations in said screening wall subject to Concept Plan approval.

## **Spring Valley Station District: Development Regulations**

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- (c) The screening wall shall be designed and constructed in accordance with plans and specifications approved by the Development Engineer.
- (d) The aesthetic characteristics of the wall, to include color, pattern and texture, shall be reviewed as an element of Development Plans approval.
- (e) Required screening walls shall be completed prior to the issuance of a building permit for the principal structure on the non-residential, multi-family, or mixed-use property.
- (f) No screening wall shall be erected so as to obstruct the vision of motorists at alley, street or drive intersections.

### *Trash receptacles*

In non-residential, multi-family, or mixed-use developments, all trash receptacles shall meet the following criteria:

- (a) A concrete pad of six-inch thick concrete, 3,000 p.s.i. with Number 3 rebar, 24 inches on center, shall be provided for each trash receptacle.
  - (1) Dumpster pads shall be 14 feet in width by 20 feet in length.
  - (2) Compactors shall be 14 feet in width and 37 feet in length.
- (b) All trash receptacles shall be screened from view on three sides by an enclosure not less than six feet in height compatible in material and color to the main structure on the property.
- (c) All trash receptacles oriented perpendicular to the principal means of access to such receptacle shall be located in such a manner as to provide a minimum outside turning radius of 40 feet for the collection vehicle.
- (d) Any trash receptacle not perpendicular to the principal means of access to such receptacle shall be oriented at a 30-degree angle from the fire lane, alley or other means of access.
- (e) Trash receptacles shall conform to City details. Alternative design standards shall be subject to Development Plans approval.

### **Area regulations**

#### *Front build-to line*

Non-residential, multi-family, and mixed-use buildings and the elements required between the street and any building, structure, or surface parking lot shall be located within the build-to line in accordance with Table 5-1. Build-to lines shall be measured from the back of the curblineline of the lot. On lots with frontage on more than one street, the build-to lines below shall be provided on all street frontages, except for buildings located in the Centennial Triangle Area west of the creek. Said buildings shall be constructed so that the build-to requirements apply along the Spring Valley frontage of the tract.

Street furnishings, where installed, shall be approved by the City prior to installation and shall be maintained by the adjacent property owner.

## Spring Valley Station District: Development Regulations

*Table 5-1: Front build-to requirements for non-residential, multi-family, and mixed-use buildings.*

	On-Street Parking Lane	Amenity Zone	Yard	Min. Build-to Line	Max. Build-to Line
Arterial streets and Greenville Avenue	n/a	10'	20'-24'	30'	34'
All other streets					
with on-street parking	10'	6'	8'-12'	14'	18'
without on-street parking	n/a	16'	8'-12'	24'	28'

(a) On-street parking

- (1) Where feasible, on-street parallel parking shall be provided on all streets except along the arterial sections of Spring Valley and Centennial, and along Greenville Avenue. Angle parking may be requested along Spring Valley Road east of the DART line during Concept Plan and Development Plan review, subject to the approval of the city traffic engineer. Franchised utilities (electric, gas, cable, telephone, etc.) may be located in the area under the on-street parking.

(b) Amenity zone

- (1) An Amenity Zone shall be provided along all street frontages for placement of required street trees and optional street furnishings. Except for street tree wells, the Amenity Zone shall be paved with specialty paving per City details. Nothing shall be placed within the Amenity Zone that obstructs visibility for motorists.
- (2) On sections of non-arterial streets where on-street parking cannot be provided (i.e. at bulb-outs), the Amenity Zone shall increase in depth by 10 feet, and franchised utilities may be located in the area under the expanded Amenity Zone.
- (3) Street trees shall constitute the primary landscaping for the Core Area and shall be planted within the Amenity Zone in accordance with City details and meet the following requirements:
  - (i) Trees shall be selected from the approved Street Tree list contained in the Spring Valley Station Core Area Design Guidelines. Where appropriate, trees other than those in the approved Street Tree list may be used, subject to approval of the Concept Plan and Development Plans;
  - (ii) Trees shall be planted 40 feet on center, except that the spacing may be adjusted as necessary to accommodate access drives, lights, property lines, or other conditions which make it impractical to maintain the required spacing;
  - (iii) Trees shall be placed a minimum of 20 feet from the back of intersecting curbs at street intersections;
  - (iv) Where on-street parking is provided on non-arterial streets and along the arterial sections of Spring Valley Road and Centennial Boulevard, trees shall be planted in the center of the Amenity Zone;
  - (v) In bulb-out areas, trees shall be planted to align with those trees in the Amenity Zone where on-street parking is provided.

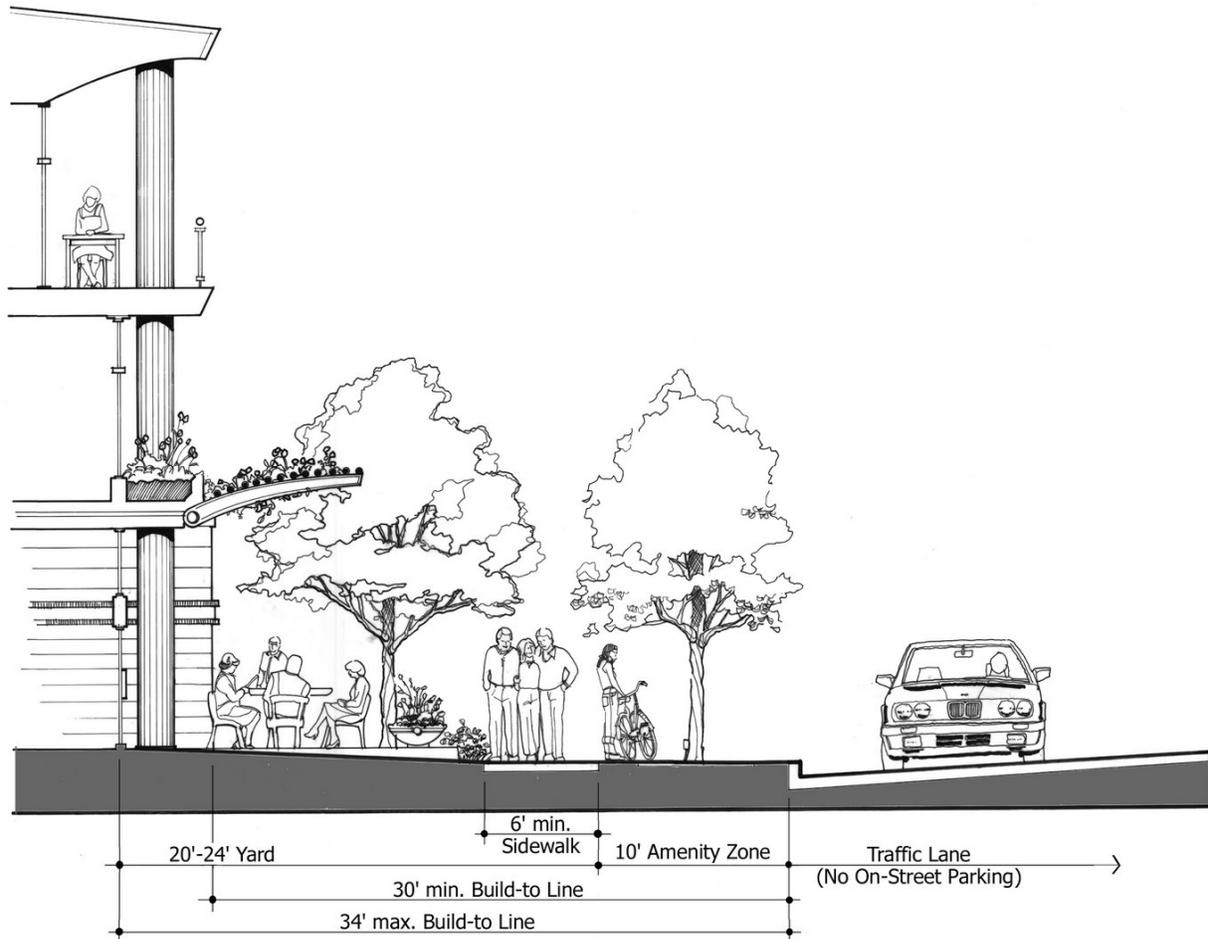


Illustration 5.2: Street section, arterial streets and Greenville Avenue

- (vi) Trees shall be planted within 8-foot x 8-foot tree wells, constructed in accordance with City details. The tree well opening shall be covered with a 6-foot x 6-foot tree grate, also in accordance with City details;
- (vii) Underground bubbler irrigation is required and shall be installed on a zone separate from other landscape areas. Irrigation must be designed to deliver the appropriate amount of water to each tree with minimum waste;
- (viii) Drainage for the tree well must be provided in accordance with City details;
- (ix) Up-lighting and electrical outlets shall be incorporated within the tree well in accordance with City details; and
- (x) Tree branches shall be maintained at no less than 8 feet above the sidewalk and Amenity Zone, and no less than 14 feet above on-street parking spaces or traffic lanes.

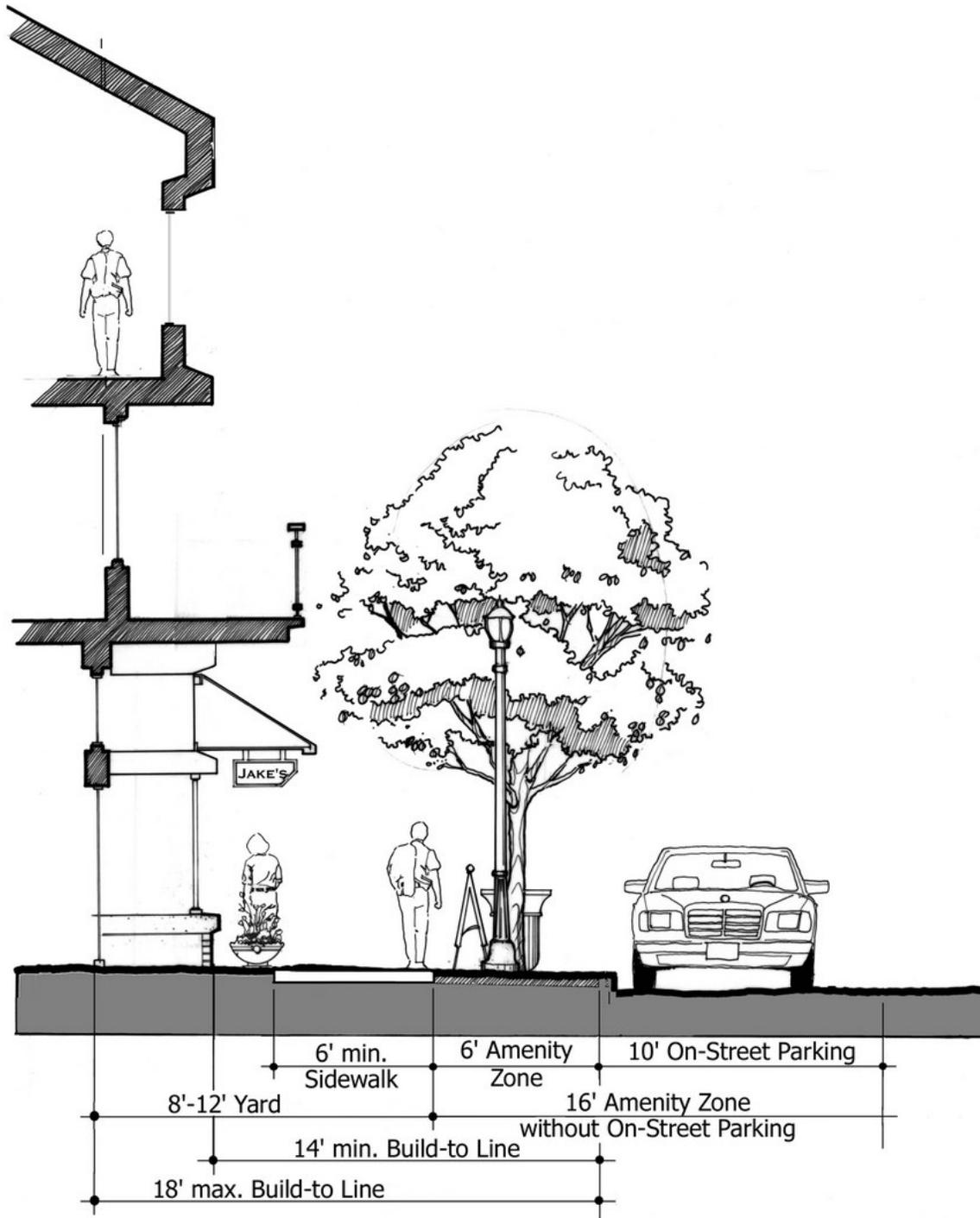


Illustration 5.3: Street section, non-arterial streets

- (4) The City shall maintain the required improvements within the Amenity Zone west of the DART right-of-way and along the arterial portions Spring Valley Road and Centennial Boulevard once the improvements have been accepted by the City.

(c) Yard and sidewalk

A yard shall be provided between the Amenity Zone and the nearest face of any building, structure, or surface parking lot.

- (1) The property owner shall be responsible for the construction and maintenance of the yard.
- (2) A minimum 6-foot wide unobstructed continuous sidewalk constructed of scored concrete shall be provided within the yard.
- (3) Along arterial streets, the sidewalk must be continuous but may have offsets within the yard area. On all other streets, the sidewalk shall be placed adjacent to the Amenity Zone.
- (4) Additional area within the yard may be used for additional sidewalk width, landscaping, outdoor dining areas, plazas, or other features, subject to Concept Plan and Development Plans approval.

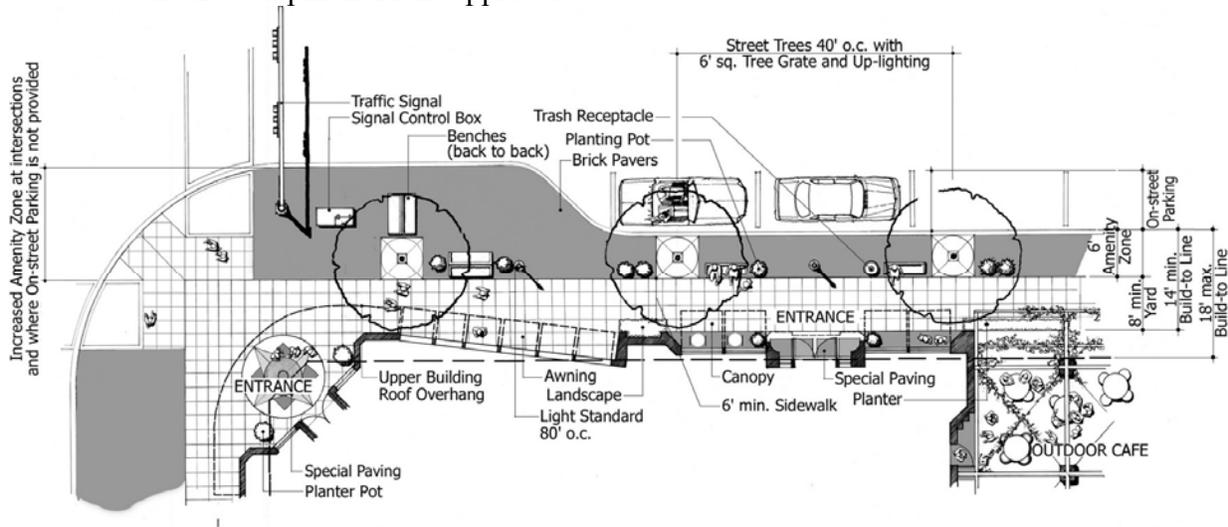


Illustration 5.4: Building frontage features and articulation

(d) Building

- (1) For lots containing a building or buildings, a minimum of fifty percent (50%) of the total frontage of the lot shall be occupied by buildings constructed within the required build-to line range.

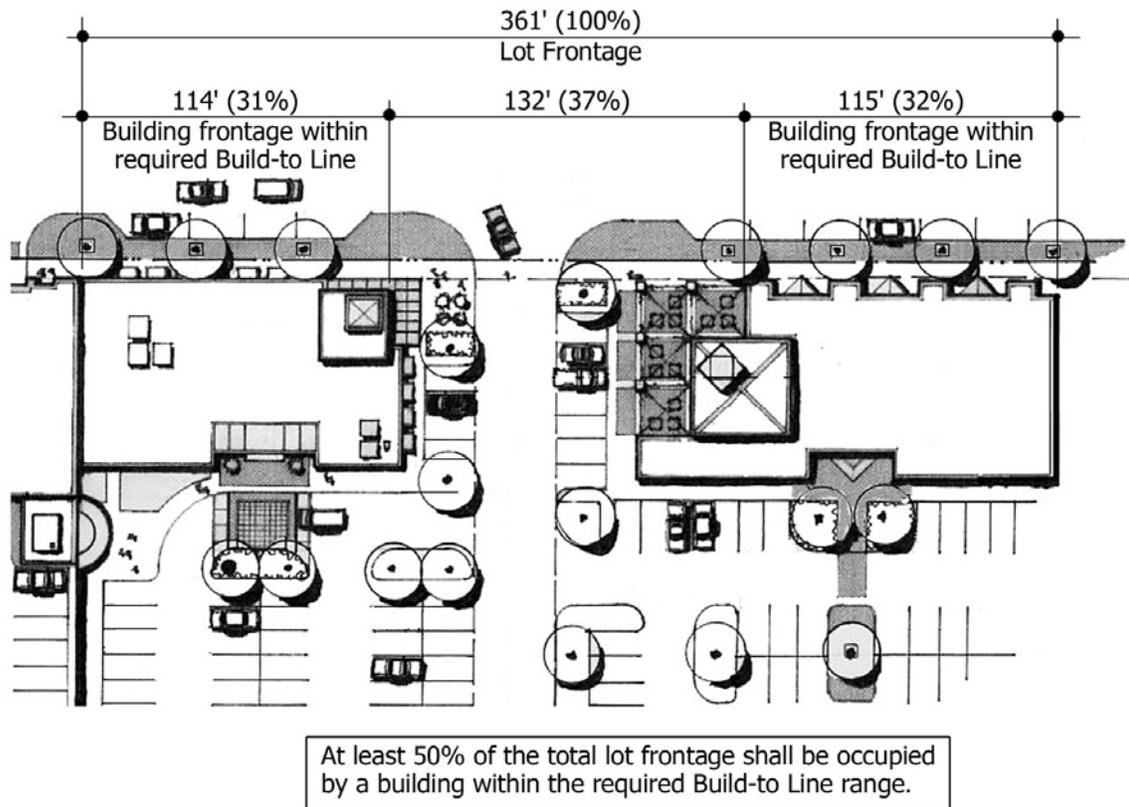


Illustration 5.5: Building frontage requirements

- (2) Canopies, awnings, balconies, and/or upper story architectural appendages may extend beyond the minimum front build-to line, but shall not encroach into the required Amenity Zone. Such features shall provide a minimum clearance above the sidewalk of eight feet, and must comply with the City building code.
- (3) At street intersections, the corner of the building closest to the intersection shall be set back a minimum of 10 additional feet from the corner, subject to the following:
  - (i) Setbacks for the building corner may be increased to accommodate the placement of elements such as plazas, outdoor dining areas, or other open space.
  - (ii) The proposed build-to line must be clearly dimensioned and any of the elements described above shall be clearly identified in the approved Concept Plan and Development Plans.

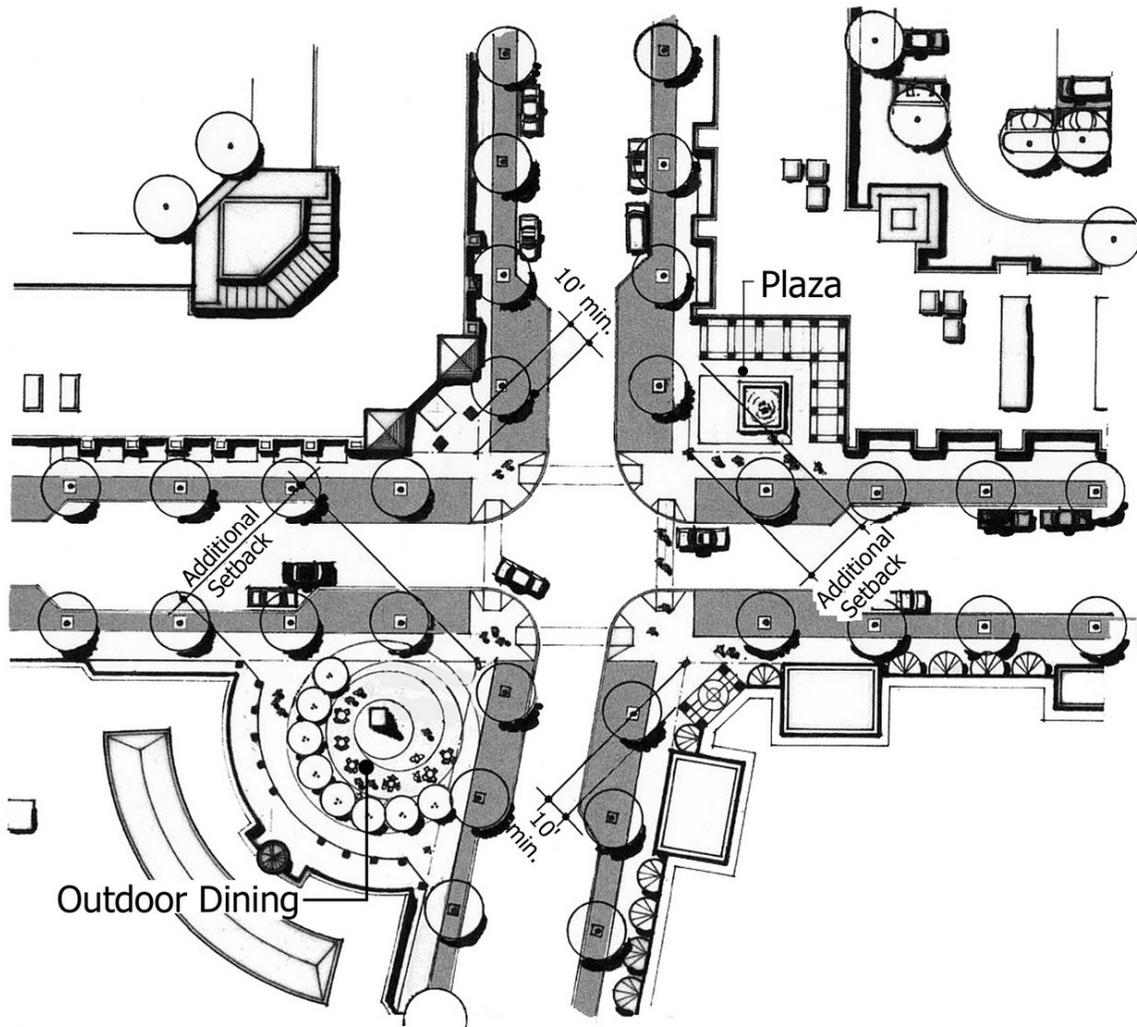


Illustration 5.6: Examples of additional setback requirements at street intersections.

*Additional setbacks*

- (a) *Side setback.* A side setback shall not be required, except:
  - (1) A minimum 10-foot setback shall be provided where a building is adjacent to a single-family detached, patio home, or townhome lot;
  - (2) As necessary to comply with the City building code; and
  - (3) Fireplaces and eaves may extend a maximum of 3 feet into any required side setback
- (b) *Rear setback.* A rear setback shall not be required, except:
  - (1) A minimum 25-foot setback shall be provided where a building is adjacent to a single-family detached, patio home, or townhome lot;
  - (2) As necessary to comply with the City building code; and
  - (3) Fireplaces, eaves, bay windows, balconies, and fireproof outside stairways may extend a maximum of 3 feet into any required rear setback

**Additional requirements for multi-family buildings or mixed-use buildings with multi-family units**

*Residential unit size*

The minimum multi-family residential dwelling unit size, exclusive of garages and breezeways, shall be:

<i>Unit Type</i>	<i>Minimum Area per Dwelling Unit (square feet)</i>
(a) 1 bedroom	750
(b) 2 bedroom	900
(c) 3 bedroom	1,000

The average residential unit floor area per building shall be at least 800 square feet.

To provide design flexibility, the minimum floor area per dwelling unit may be reduced up to 25 percent for five percent of each dwelling unit type per building, provided that the overall average floor area per dwelling units per multi-family building is 800 square feet.

*Exterior doors*

Exterior front doors on all multi-family units shall be constructed of metal a minimum of 20 gauge in thickness with an insulated core or fiberglass with an insulated core. Glass inserts to allow light shall be permitted. Patio doors may be of a French or sliding glass type with metal or solid wood frames. Garage doors shall be constructed of metal a minimum of 24 gauge thickness.

*Balconies and stairways*

All balcony and stairway surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the City building code. All handrails and guardrails shall be constructed of noncombustible materials. Trim on balconies and stairways may be constructed of noncombustible or combustible materials.

*Screening*

All service and recreational areas shall be screened from the view of adjacent streets and properties by a screening wall not less than six feet in height of clay-fired brick, architectural concrete masonry unit block, stone or other material approved by the Development Services Department to be constructed on the multi-family property at a location to be determined at Concept Plan review. The screening wall shall be designed and constructed in accordance with plans and specifications approved by the city engineer. The City shall approve the aesthetic characteristics of the screening wall, to include color, pattern and texture, at the time of Development Plans approval. A required screening wall shall be completed prior to the issuance of a building permit for the principal structure on the multi-family property. The screening wall shall impede vehicular traffic, but may not be erected so as to obstruct the vision of motorists at alley, street, or drive intersections. Pedestrian access may be provided, where appropriate, and shall be noted on the approved Concept Plan and Development Plans.

### *Recreational amenities*

Each multi-family or mixed-use development that includes multi-family shall provide recreational amenities for the residents of the property as required herein. The recreational amenities shall be noted on the approved Concept Plan with detailed descriptions of all recreational amenities, both indoor and outdoor, required as part of the approval of the Development Plans. An assessment report on the adequacy of the proposed recreational amenities shall be submitted to the City Plan Commission from the Director of Development Services or designee.

- (a) Each development that includes multi-family units shall provide indoor or outdoor recreational amenities or play areas to meet the requirements of the residents in such development, including facilities for children and adults.
- (b) Each development that includes multi-family units shall provide at least one indoor or outdoor play area for the first 350 residential units, or portion thereof, designed for use by children under twelve years of age. The play area equipment and apparatus shall be safe, weather-resistant, suitable for children of such age, and shall meet the guidelines of the Consumer Product Safety Commission for play equipment and safety surface. Playground access and equipment shall be in compliance with the Americans with Disabilities Act.

Playgrounds may be provided in public open space and parks, and may be combined to provide larger community facilities. At least one playground shall be provided on-site of each apartment development.

One additional play area meeting the above requirements shall be provided for each 350 additional multi-family units or portion thereof within the development or portion thereof.

- (c) Within each development that includes multi-family units, additional recreational amenities shall be provided. These amenities shall accrue points based on values assigned below. A minimum of 70 recreational amenity points must be accumulated for each 350 residential units or portion thereof. A minimum of 40 points shall be provided on-site. The remainder may be achieved with improvements to the public open space.
  - (1) Additional playgrounds designed for children ten years of age or younger meeting the requirements above. (Ten points per 500 square feet.)
  - (2) Clubhouse/gameroom/multi-purpose room of at least a minimum of 400 square feet in area. (Ten points per 400 square feet.)
  - (3) Equipment, such as pool tables, ping-pong tables, foosball tables, and similar equipment, in the clubhouse/gameroom/multi-purpose room are eligible for amenity points, except that electronic videogames and pinball games are not eligible for points. The appropriateness of the equipment shall be determined by the Director of Parks and Recreation. (One point for each piece of approved equipment.)
  - (4) Outdoor multi-use sport court, tennis court, racquetball court or similar facility. (Five points per court.)
  - (5) Indoor multi-use sport court, tennis court, racquetball court or similar facility. (Ten points per court.)
  - (6) Indoor fitness center at least 400 square feet in area. (Ten points per 400 square feet.)

- (7) Swimming pool, including wading area, fenced and secured according to the requirements of the City building code. (Ten points.)
- (8) Reinforced concrete jogging trail, bike path or combination thereof, a minimum of eight feet in width, or connection to an existing trail system. (Ten points.)
- (9) Usable open space at least 1,000 square feet in area that includes at least three of the following: cluster of trees, water feature, seating area, picnic tables, barbecue grills, gazebos, or other elements as approved by the Director of Parks and Recreation. (Ten points per 1,000 square feet.)
- (10) Other recreational amenities as approved by the Director of Parks and Recreation. (Up to ten points, as determined by the Director of Parks and Recreation.)

Creeks and drainageways required to remain in an open state are not eligible for the accumulation of points toward the total recreational amenity requirement, except that the placement of reinforced concrete jogging trails, bike paths, or combination thereof, shall be eligible to accrue points above.

Improvements in the area between the curbline and the building façade shall not be eligible for the accumulation of points towards the total recreational amenity requirement.

- (d) The Director of Parks and Recreation shall review proposed recreational amenities and provide a written assessment of adequacy to the City Plan Commission prior to consideration and approval of the Development Plans.
- (e) Open space shall be located and designed in such a manner as to ensure the safety and welfare of residents.

## 6. Townhome residential

### Building regulations

#### *Exterior building materials*

- (a) All building façades of townhome structures, excluding doors, windows, breezeways, and courtyards, regardless of height or number of stories, shall have at least seventy-five percent (75%) of the total exterior wall constructed of masonry construction. Chimneys for newly constructed structures or additions to existing structures shall be of one hundred percent (100%) masonry construction or stucco. Where non-masonry construction is permitted, hardboard siding material is prohibited.
- (b) Where a second- or third-story exterior wall is offset a minimum of three feet from the plane of the first-floor exterior wall below, or a dormer window is offset a minimum of one foot from the plane of the first-floor exterior wall below, the wall of the offset portion or dormer shall be excluded from the exterior area calculation.
- (c) For “chateau,” “mansard,” or any other design where the roof serves as an exterior wall, the above percentages shall apply.
- (d) Unpainted metal, galvanized metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an “attractive” oxidized finish, such as copper or weathering steel, may be used subject to Concept Plan and Development Plans approval.
- (e) *Nonresidential structures.* Structures other than dwelling units shall comply with the building regulations in Section 5 (Non-residential, multi-family, and mixed use buildings) of this ordinance.

#### *Building height*

- (a) Principal buildings shall be limited to a maximum height of 55 feet not to exceed three stories, except:
  - (1) Buildings that front on Greenville Avenue are limited to a front façade of two stories and a rear façade of three stories, not to exceed 40 feet in height.
  - (2) Buildings located west of buildings adjacent to Greenville Avenue and within 250 feet of the west curblineline of Greenville Avenue, shall be limited to a maximum height of three stories, not to exceed 40 feet in height.

#### *Dwelling unit size*

- (a) *Minimum size.* The minimum townhome dwelling unit size is 1,500 square feet, exclusive of garages and breezeways.
- (b) *Maximum size.* The maximum size of the principal structure shall be as specified in the Richardson building code.

#### *Number of units per building*

The maximum number of contiguous townhome dwelling units is six, except that:

- (a) Along Greenville Avenue the maximum number of dwelling units in a building is five.

**Area regulations**

*Area of the lot*

The minimum area of an individual townhome lot is 1,540 square feet.

*Width of the lot*

The minimum width of the lot is 22 feet.

*Depth of the lot*

The minimum depth of the lot is 65 feet.

*Density*

- (a) In no event shall the number of dwelling units exceed ten units per acre exclusive of all streets, alleys, and sidewalks but inclusive of open space, recreational, and service areas.

*Common areas*

- (a) For each lot platted for a townhome, a minimum area of 800 square feet outside the limits of the platted lot shall be provided for public or common private open space, recreational, and service areas, exclusive of dedications for streets and alleys, and which shall be designated on the Concept Plan and Development Plans.
- (b) Evidence of satisfactory provisions for the improvement and ongoing maintenance of all common areas, such as a property owner association, shall be submitted to the City Attorney and to the City Plan Commission for approval as part of the review of Development Plans.

*Front build-to line*

All townhome buildings shall be built so that they are oriented towards the adjacent street, except:

- (a) A developer may request an exception for buildings to front on common area or public open space during Concept Plan review.

Townhome buildings and the elements required between the street curb and any building, structure, or surface parking lot shall be located within the front build-to line in accordance with Table 6-1. On lots with more than one street frontage, the build-to lines shall be provided on each street frontage.

The property owner shall be responsible for maintenance of the area between the back of curb and the building façade.

*Table 6-1: Front build-to requirements for townhomes.*

	On-Street Parking Lane	Amenity Zone	Yard	Min. Build-to Line	Max. Build-to Line
Arterial streets and Greenville Avenue	n/a	10'	11'-21'	21'	31'
Minor streets					
with on-street parking	10'	6'	11'-21'	17'	27'
without on-street parking	n/a	16'	11'-21'	27'	37'

## **Spring Valley Station District: Development Regulations**

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- (a) On-street parking
  - (1) Where feasible, on-street parallel parking shall be provided on all streets, except for the arterial sections of Spring Valley Road and Centennial Boulevard and Greenville Avenue. Franchised utilities (electric, gas, cable, telephone, etc.) may be located in the area under the on-street parking.
- (b) Amenity zone
  - (1) An Amenity Zone shall be provided along all street frontages for placement of street trees, utilities, landscaping, and street furnishings. The Amenity Zone shall be improved with landscaping, specialty paving, or a combination thereof.
  - (2) At intersections, curb cuts, and where on-street parking is not provided, the Amenity Zone shall increase in depth by 10 feet, and franchised utilities may be located in the area under the expanded Amenity Zone.
  - (3) Street trees shall constitute the primary landscaping for the Core Area and shall be planted within the Amenity Zone in accordance with the following requirements.
    - (i) Trees shall be selected from the Approved Street Tree list contained within the Spring Valley Station Core Area Design Guidelines.
    - (ii) Trees shall be planted 40 feet on center, except that the spacing may be adjusted as necessary to accommodate access, lights, property lines, or other conditions which make it impractical to maintain the required spacing.
    - (iii) Trees shall be placed a minimum of 20 feet from the back of intersecting curbs at street corners.
    - (iv) Where on-street parking is provided and along Greenville Avenue, trees shall be planted in the center of the Amenity Zone.
    - (v) In bulb-out areas, trees shall be planted to align with those trees in the Amenity Zone where on-street parking is provided.
    - (vi) Trees shall be planted within 8-foot x 8-foot tree wells, constructed in accordance with City details. The tree well opening shall be covered with a 6-foot x 6-foot tree grate, in accordance with City details, or planted with landscaping.
    - (vii) Tree branches shall be maintained at no less than 8 feet above the sidewalk and Amenity Zone, and no less than 14 feet above on-street parking spaces or traffic lanes.
- (c) Yard and sidewalk

A yard shall be provided between the Amenity Zone and the nearest face of any building, structure, or surface parking lot.

  - (1) The property owner shall be responsible for the construction and maintenance of the yard.
  - (2) A minimum 6-foot wide unobstructed continuous sidewalk constructed of scored concrete per City detail shall be provided within the yard.

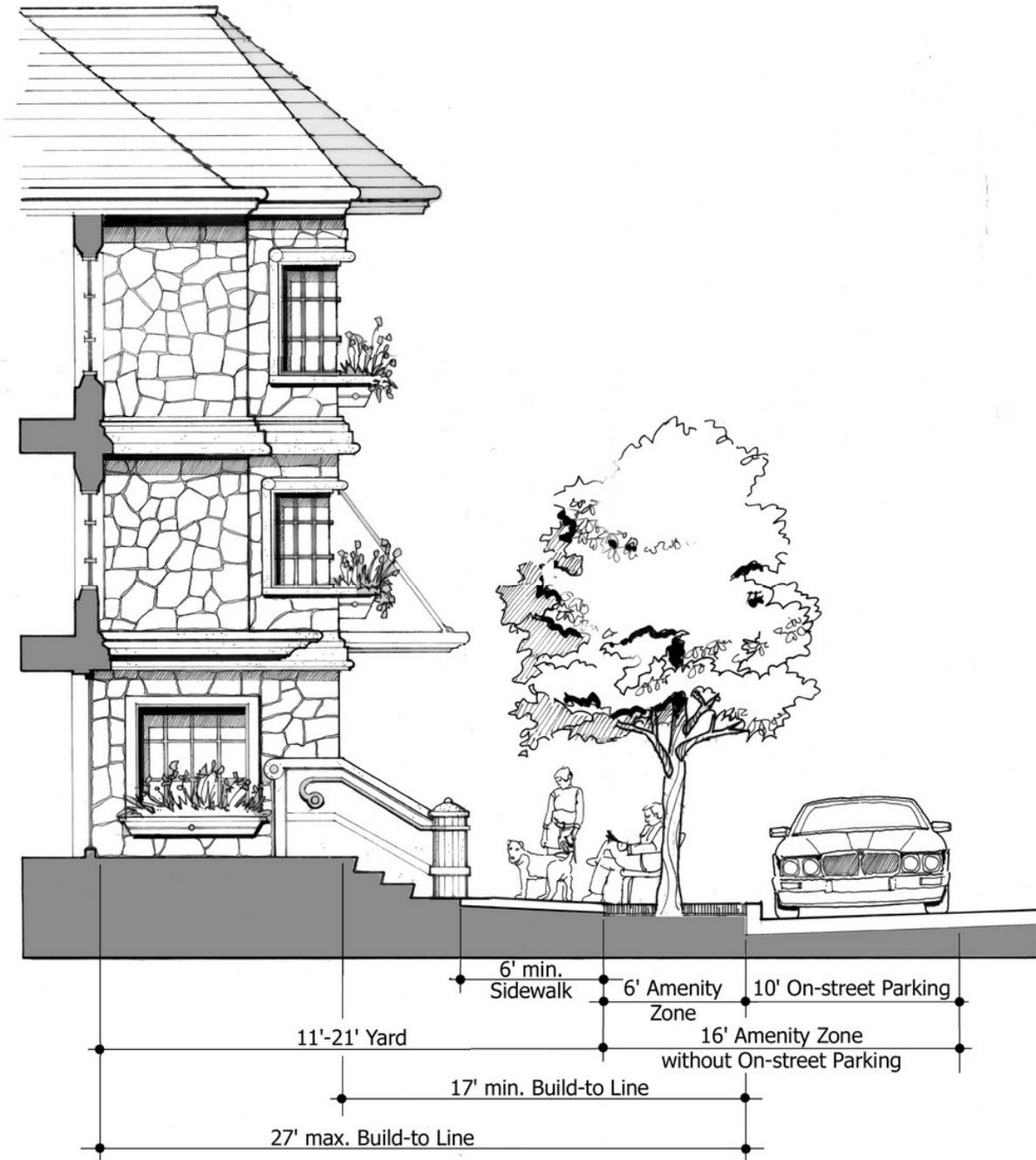


Illustration 6.1: Street section, non-arterial streets (except Greenville Avenue)

- (3) Additional area within the yard may be used for additional sidewalk width, landscaping, lawn, patio, steps, stoops or other features, subject to City approval at the time of Concept Plan review.
- (d) Building
  - (1) Canopies, awnings, balconies, and/or upper story architectural appendages may extend beyond the minimum front build-to line, but shall not encroach into the

## **Spring Valley Station District: Development Regulations**

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Amenity Zone. Such features shall provide a minimum clearance above the sidewalk of eight feet, and shall comply with the City building code.

### *Additional setbacks*

- (a) *Side setback.* A side setback is not required, except:
  - (1) The minimum separation between buildings shall be 10 feet, unless one of the exposed walls is constructed as a firewall in accordance with the Richardson building code;
  - (2) A 10-foot setback shall be provided where a building is adjacent to a single-family detached or patio home lot;
  - (3) As necessary to comply with City building code;
  - (4) Fireplaces and eaves may extend to a maximum of 3 feet into any required side yard.
- (b) *Rear yard setback.* A rear yard setback is not required, except:
  - (1) A minimum 5-foot setback shall be provided between garage doors and the adjacent alley;
  - (2) A minimum 20-foot setback shall be required where a building is adjacent to a single-family detached or patio home lot;
  - (3) As necessary to comply with City building code;
  - (4) Fireplaces, eaves, bay windows, balconies, and fireproof outside stairways may extend to a maximum of 3 feet into any required rear yard.

### *Swimming pools, spas and related buildings and equipment*

- (a) Swimming pools, spas, and related equipment may be located anywhere behind the front building line and a minimum distance of three feet from any other property line, except in a rear setback adjacent to an alley, the swimming pool equipment may be located a minimum distance of 18 inches from the rear property line.
- (b) Swimming pools or spas shall not be located in any area which cannot be fenced in accordance with the city fence regulations.
- (c) Any accessory building to the pool or spa shall be regulated as prescribed herein for non-residential structures.

### **Special requirements**

- (a) All areas for locating dwelling units shall be platted into individual lots and located on dedicated streets or access easements; and each of said lots shall be served individually by water, sewer, electric, and gas utility service.
- (b) The areas for recreational, open space, and service use may be platted into one or more lots.
- (c) Accessory buildings for common use of residents in a townhome development shall be permitted, subject to Concept Plan and Development Plans approval. Accessory buildings on individual residential lots shall be prohibited, unless specifically approved during Concept Plan and Development Plans review.

## 7. Patio home residential

### Building regulations

#### *Exterior building materials*

(a) *Principal building.*

- (1) All building façades for single-family residential structures, excluding doors, windows, breezeways, and courtyards, regardless of height or number of stories, shall have at least seventy-five percent (75%) of the total exterior wall constructed of masonry construction. Chimneys for newly constructed single-family structures or additions to existing dwellings shall be of one hundred percent (100%) masonry construction. Where non-masonry construction is permitted, hardboard siding material is prohibited, except as provided below.
- (2) Where a second-story exterior wall of a single-family residential structure is offset a minimum of three feet from the plane of the first-floor exterior wall below, or a dormer window is offset a minimum of one foot from the plane of the first-floor exterior wall below, the exterior wall of the offset portion or dormer shall be excluded from the wall area calculation for purposes of these regulations.
- (3) An existing single-family residential structure with exterior construction of hardboard siding materials destroyed by fire, the elements, or other cause may not be rebuilt except to conform to these provisions. In the case of partial destruction not to exceed sixty percent (60%) of its total appraised value, reconstruction will be permitted, provided, however, the previously existing percentage or area of the structure covered by such material may not be expanded or increased.
- (4) An existing single-family residential structure with exterior construction of hardboard siding materials may be repaired with hardboard siding materials when required by law to preserve such structure in a sound condition provided the repairs do not exceed sixty percent (60%) of the previous existing total exterior wall area of the structure covered by such material.
- (5) An existing single-family residential structure with exterior construction of hardboard siding may be enlarged, increased or extended with hardboard siding materials when necessary for a continuation of such materials, provided the extension or addition does not exceed twenty-five percent (25%) of the previous existing total wall area of the structure covered by such materials.

- (b) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface. Detached garages built to replace garages which are enclosed or converted to living space shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on a principal building and the detached garage shall be architecturally compatible with the principal building as determined by the Chief Building Official or designee.

## **Spring Valley Station District: Development Regulations**

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- (c) *Greenhouses.* A detached greenhouse may be constructed of material approved by the Building Official provided the structure is used exclusively as a greenhouse and maintained as such. A greenhouse converted to another use must be made to comply with the requirements for accessory buildings.
- (d) *Nonresidential structures.* Structures other than dwelling units and associated accessory structures shall comply with the building regulations in Section 5 (Non-residential, multi-family, and mixed use buildings) of this ordinance.

### *Building height*

- (a) *Principal building.* No principal building shall exceed 40 feet in height and may not exceed two stories in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story and may not exceed 15 feet in height.

### *Building size*

- (a) *Principal building.* The minimum area of the principal building shall be 1,500 square feet, exclusive of garages and breezeways.
- (b) *Accessory buildings.* The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent (8%) of the lot area and aggregate ground floor area may not exceed 600 square feet.

## **Area regulations**

### *Area of the lot*

The minimum area of the lot is 5,000 square feet.

### *Width of the lot*

The minimum width of the lot is 50 feet.

### *Depth of the lot*

The minimum depth of the lot is 100 feet. Lots located on cul-de-sac circles may be less than 100 feet in depth, provided one side of the lot is at least 100 feet in depth and provided the lot meets width and area requirements.

### *Lot coverage*

The lot coverage of all buildings shall not exceed fifty percent (50%) of the area of the lot, estate, or other land on which the same is situated.

### *Front build-to line*

Patio home buildings and the elements required between the street curb and any building, structure, or surface parking lot shall be located within the front build-to line in accordance with Table 7-1. On lots with more than one street frontage, the build-to lines below shall be provided on each street frontage.

The property owner shall be responsible for maintenance of the area between the back of curb and the building façade.

## Spring Valley Station District: Development Regulations

*Table 7-1: Front build-to requirements for patio homes.*

	On-Street Parking Lane	Amenity Zone	Yard	Min. Build-to Line	Max. Build-to Line
Arterial streets and Greenville Avenue	n/a	10'	11'-21'	21'	31'
Minor streets					
with on-street parking	10'	6'	11'-21'	17'	27'
without on-street parking	n/a	16'	11'-21'	27'	37'

(a) On-street parking

- (1) Where feasible, on-street parallel parking shall be provided on all streets, except for arterial streets and Greenville Avenue. Franchised utilities (electric, gas, cable, telephone, etc.) may be located in the area under the on-street parking.

(b) Amenity zone

- (1) An Amenity Zone shall be provided along all street frontages for placement of street trees, utilities, landscaping, and furnishings. The Amenity Zone shall be improved with landscaping, specialty paving, or a combination thereof.
- (2) At intersections, curb cuts, and where on-street parking is not provided, the Amenity Zone shall increase in depth by 10 feet, and franchised utilities may be located in the area under the expanded Amenity Zone.
- (3) Street trees shall constitute the primary landscaping for the Core Area and shall be planted within the Amenity Zone in accordance with the following requirements:
  - (i) Trees shall be selected from the Approved Street Tree list contained within the Spring Valley Station Core Area Design Guidelines.
  - (ii) Trees shall be planted 40 feet on center, except that the spacing may be adjusted as necessary to accommodate access, lights, property lines, or other conditions which make it impractical to maintain the required spacing.
  - (iii) Trees shall be placed a minimum of 20 feet from the back of intersecting curbs at street corners.
  - (iv) Where on-street parking is provided and along Greenville Avenue, trees shall be planted in the center of the Amenity Zone.
  - (v) In bulb-out areas, trees shall be planted to align with those trees in the Amenity Zone where on-street parking is provided.
  - (vi) Tree branches shall be maintained at no less than 8 feet above the sidewalk and Amenity Zone, and no less than 14 feet above on-street parking spaces or traffic lanes.

(c) Yard and sidewalk

A yard shall be provided between the Amenity Zone and the nearest face of any building, structure, or surface parking lot.

- (1) The property owner shall be responsible for the construction and maintenance of the yard.

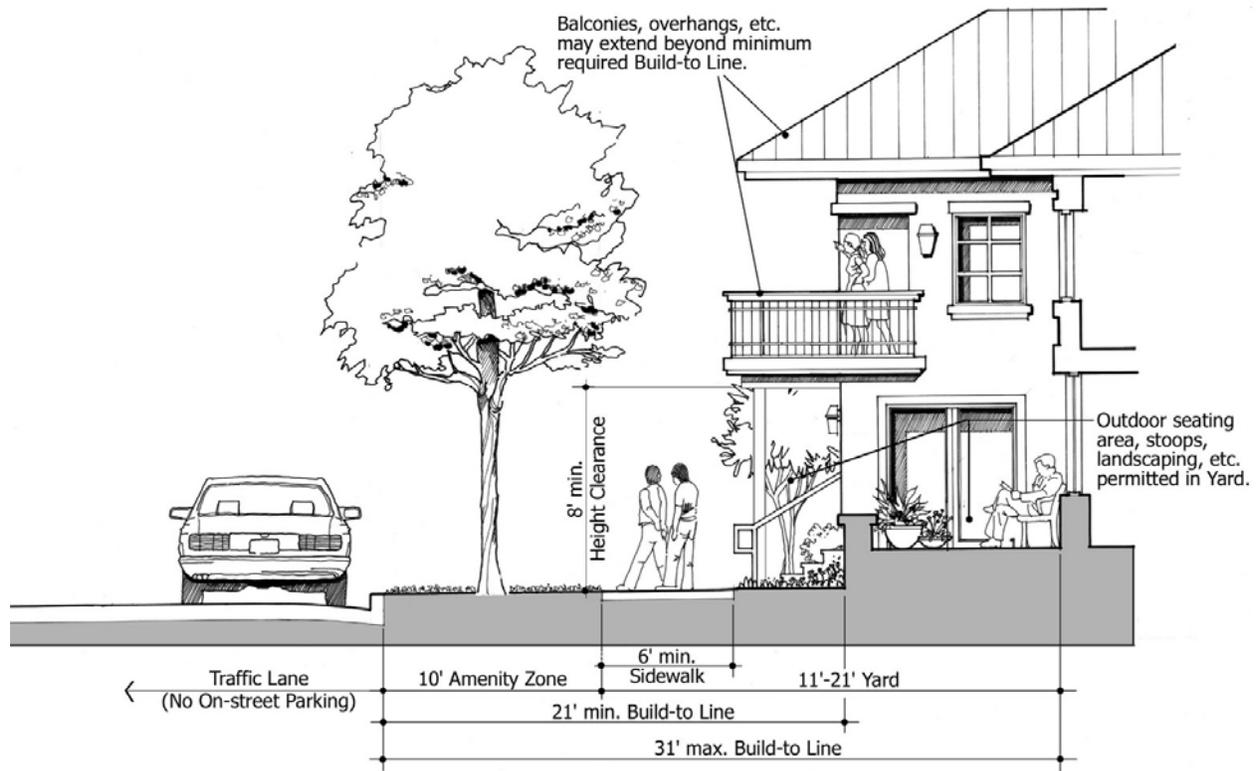


Illustration 7.1: Street section, Greenville Avenue

- (2) A 6-foot continuous unobstructed sidewalk constructed of scored concrete per City detail shall be provided within the yard.
  - (3) Additional area within the yard may be used for additional sidewalk width, landscaping, lawn, patio, steps, stoops or other features, subject to City approval at Concept Plan review.
- (d) Building
- (1) Canopies, awnings, balconies, and/or upper story architectural appendages may extend beyond the minimum build-to line, but shall not encroach into the Amenity Zone. Such features shall provide a minimum clearance above the sidewalk of eight feet, and shall comply with City building code.

*Side setback*

- (a) A side setback shall be provided on one side of the lot of at least ten feet, except the side setback on a corner lot adjacent to a side street shall conform to the required front build-to line. Adjacent to an alley, a seven-foot setback shall be required from said alley. The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend a maximum of two feet into the required side setback.

- (b) A building shall be built on the property line on one side of the lot (the zero side). The side of the structure located on the zero side shall contain no openings, appendages or overhangs. A minimum separation of ten feet shall be provided between all buildings.
- (c) Each adjacent lot shall provide a roof eave and access easement, a minimum of three feet in width, adjacent to the zero setback side to allow the property owner access for maintenance of the dwelling. The roof eave may encroach 16 inches into the easement. A gutter and down spout shall be required along the zero setback side to ensure drainage is handled on the dwelling owner's property. The gutter system is not included in the calculation of the eave encroachment.
- (d) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.

*Rear setback*

A rear setback with a depth of not less than 20 feet is required, except:

- (a) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet;
- (b) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley;
- (c) A rear setback is not required for air conditioning equipment or an uncovered porch or patio.

*Swimming pools, spas and related buildings and equipment*

- (a) Swimming pools, spas, and related equipment may be located anywhere behind the front building line and a minimum distance of three feet from any other property line, except in a rear setback adjacent to an alley, the swimming pool equipment may be located a minimum distance of 18 inches from the rear property line.
- (b) Swimming pools or spas shall not be located in any area which cannot be fenced in accordance with the city fence regulations.
- (c) Any accessory building to the pool or spa shall be regulated as prescribed herein for accessory buildings.

## 8. Single-family detached residential

### Building regulations

#### *Exterior building materials*

(a) *Principal building.*

- (1) All building façades for single-family detached residential structures, excluding doors, windows, breezeways, and courtyards, regardless of height or number of stories, shall have at least seventy-five percent (75%) of the total exterior wall constructed of masonry construction. Chimneys for newly constructed single-family detached structures or additions to existing dwellings shall be of one hundred percent (100%) masonry construction. Where non-masonry construction is permitted, hardboard siding material is prohibited, except as provided below.
- (2) Where a second-story exterior wall of a single-family detached residential structure is offset a minimum of three feet from the plane of the first-floor exterior wall below, or a dormer window is offset a minimum of one foot from the plane of the first-floor exterior wall below, the exterior wall of the offset portion or dormer shall be excluded from the wall area calculation for purposes of these regulations.
- (3) An existing single-family detached residential structure with exterior construction of hardboard siding materials destroyed by fire, the elements, or other cause may not be rebuilt except to conform to these provisions. In the case of partial destruction not to exceed sixty percent (60%) of its total appraised value, reconstruction will be permitted, provided, however, the previously existing percentage or area of the structure covered by such material may not be expanded or increased.
- (4) An existing single-family detached residential structure with exterior construction of hardboard siding materials may be repaired with hardboard siding materials when required by law to preserve such structure in a sound condition provided the repairs do not exceed sixty percent (60%) of the previous existing total exterior wall area of the structure covered by such material.
- (5) An existing single-family detached residential structure with exterior construction of hardboard siding may be enlarged, increased or extended with hardboard siding materials when necessary for a continuation of such materials, provided the extension or addition does not exceed twenty-five percent (25%) of the previous existing total wall area of the structure covered by such materials.

- (b) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface. Detached garages built to replace garages which are enclosed or converted to living space shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on a principal building and the detached garage shall be architecturally compatible with the principal building as determined by the Chief Building Official or designee.

- (c) *Greenhouses.* A detached greenhouse may be constructed of material approved by the Building Official provided the structure is used exclusively as a greenhouse and maintained as such. A greenhouse converted to another use must be made to comply with the requirements for accessory buildings.
- (d) *Nonresidential structures.* Structures other than dwelling units and associated accessory structures shall comply with the building regulations in Section 5 (Non-residential, multi-family, and mixed use buildings) of this ordinance.

*Building height*

- (a) *Principal building.* No principal building shall exceed 40 feet in height and may not exceed two stories in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story and may not exceed 15 feet in height.

*Building size*

- (a) *Principal building.* The minimum area of the principal building is 1,250 square feet, excluding garages and breezeways.
- (b) *Accessory buildings.* The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent (8%) of the lot area and aggregate ground floor area may not exceed 600 square feet.

**Area regulations**

*Area of the lot*

The minimum area of the lot is 8,500 square feet.

*Width of the lot*

The minimum width of the lot is 68 feet.

*Depth of the lot*

The minimum dept of the lot is 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and further provided the lot meets width and area requirements.

*Lot coverage*

The lot coverage of all buildings shall not exceed thirty-two percent (32%) of the area of the lot, estate, or other land on which the same is situated.

*Front build-to line*

Single-family detached buildings and the elements required between the street curb and any building, structure, or surface parking lot shall be located within the front build-to line in accordance with Table 8-1. On lots with more than one street frontage, the build-to lines below shall be provided on each street frontage.

The property owner shall be responsible for maintenance of the area between the back of curb and the building façade.

## Spring Valley Station District: Development Regulations

Table 8-1: Front build-to requirements for single-family detached homes.

	On-Street Parking Lane	Amenity Zone	Yard	Min. Build-to Line	Max. Build-to Line
Arterial streets and Greenville Avenue	n/a	10'	11'-21'	21'	31'
Minor streets					
with on-street parking	10'	6'	11'-21'	17'	27'
without on-street parking	n/a	16'	11'-21'	27'	37'

(a) On-street parking

- (1) Where feasible, on-street parallel parking shall be provided on all streets, except for arterial streets and Greenville Avenue. Franchised utilities (electric, gas, cable, telephone, etc.) may be located in the area under the on-street parking.

(b) Amenity zone

- (1) An Amenity Zone shall be provided along all street frontages for placement of street trees, utilities, landscaping, and furnishings. The Amenity Zone may be landscaped or paved with specialty paving.
- (2) At intersections, curb cuts, and where on-street parking is not provided, the Amenity Zone shall increase in depth by 10 feet, and franchised utilities may be located in the area under the expanded Amenity Zone.
- (3) Street trees shall be the primary landscaping for the Core Area and shall be planted within the Amenity Zone in accordance with the following requirements.
  - (i) Trees shall be selected from the Approved Street Tree list contained within the Spring Valley Station Core Area Design Guidelines.
  - (ii) Trees shall be planted 40 feet on center, except that the spacing may be adjusted as necessary to accommodate access, lights, property lines, or other conditions which make it impractical to maintain the required spacing.
  - (iii) Trees shall be placed a minimum of 20 feet from the back of intersecting curbs at street corners.
  - (iv) Where on-street parking is provided and along Greenville Avenue, trees shall be planted in the center of the Amenity Zone.
  - (v) In bulb-out areas, trees shall be planted to align with those trees in the Amenity Zone where on-street parking is provided.
  - (vi) Tree branches shall be maintained at no less than 8 feet above the sidewalk and Amenity Zone, and no less than 14 feet above on-street parking spaces or traffic lanes.

(c) Yard and sidewalk

A yard shall be provided between the Amenity Zone and the nearest face of any building, structure, or surface parking lot.

- (1) The property owner shall be responsible for the construction and maintenance of the yard.

- (2) A minimum 6-foot wide unobstructed continuous sidewalk constructed of scored concrete per City detail shall be provided within the yard adjacent to the Amenity Zone.
  - (3) Additional area within the yard may be used for additional sidewalk width, landscaping, lawn, patio, steps, stoops or other features, subject to City approval at Concept Plan review.
- (d) Building
- (1) Canopies, awnings, balconies, and/or upper story architectural appendages may extend beyond the minimum front build-to line, but shall not encroach into the Amenity Zone. Such features shall provide a minimum clearance above the sidewalk of eight feet, and shall comply with the City building code.

*Side setback*

- (a) A side setback shall be provided on each side of the lot having a minimum width of seven feet without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall equal the required front build-to line.
- (b) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
- (c) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three foot setback shall be provided. No portion of the garage, carport or other accessory structure shall extend into the required side setback when located within the required rear setback area.
- (d) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.

*Rear setback.*

A rear setback having a depth of not less than 25 feet shall be provided, except:

- (a) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
- (b) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line, and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
- (c) A rear setback is not required for air conditioning equipment or an uncovered porch or patio.

*Swimming pools, spas and related buildings and equipment*

- (a) Swimming pools, spas, and related equipment may be located anywhere behind the front building line and a minimum distance of three feet from any other property line, except in a

## **Spring Valley Station District: Development Regulations**

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rear setback adjacent to an alley, the swimming pool equipment may be located a minimum distance of 18 inches from the rear property line.

- (b) Swimming pools or spas shall not be located in any area which cannot be fenced in accordance with the city fence regulations.
- (c) Any accessory building to the pool or spa shall be regulated as prescribed herein for accessory buildings.

## 9. Open space

In addition to the Amenity Zone, sidewalk, and yard requirements, the following open space provisions shall apply.

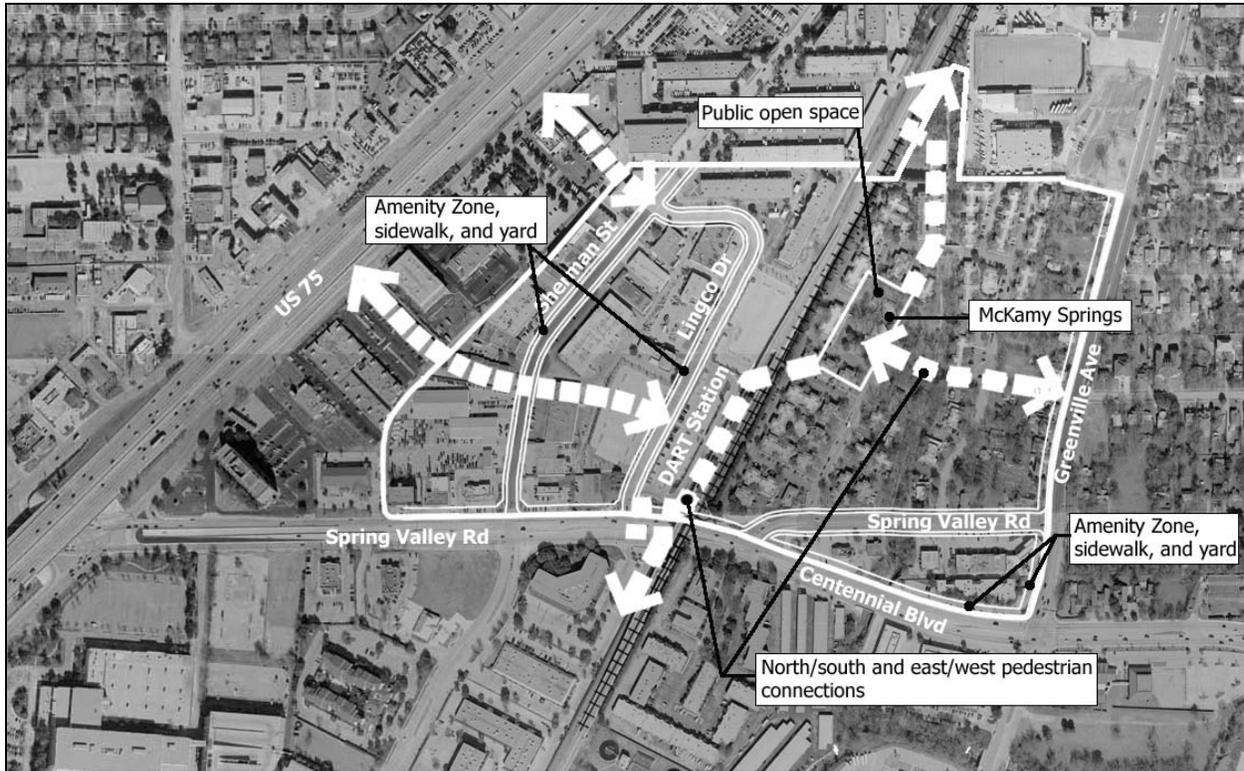


Illustration 9.1: Open Space Plan

### Area west of the DART right-of-way

- (a) The provision of additional public or private open space is encouraged in the area west of the Spring Valley station, to include plazas, pocket parks, fountains, water features, or other features.

### Area east of the DART right-of-way

Within the area east of the DART right-of-way:

- (a) A minimum of 2 acres of public open space shall be dedicated, including an area at least 200 feet x 200 feet outside the floodplain.
- (b) Public open space should accommodate active and passive uses for a variety of age groups, complement the scale of the surrounding neighborhood, and incorporate McKamy Springs.
- (c) Public open space shall be linked to the surrounding neighborhoods, light rail station, and City trails by pedestrian connections.
- (d) Any dedication of open space to the City shall be reviewed for suitability and desirability. The Director of Development Services or designee shall provide a written assessment of

## Spring Valley Station District: Development Regulations

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any proposed open space dedication to the City Plan Commission and City Council prior to Concept Plan review.

- (e) The City shall be responsible for maintenance of the public open space east of the DART right-of-way.



*Illustration 9.2: Sketch of potential open space*

### **Undevelopable areas**

Ponds, creeks, floodways, and other undevelopable areas shall be planned as open space to the maximum extent possible.

## 10. Access and Parking

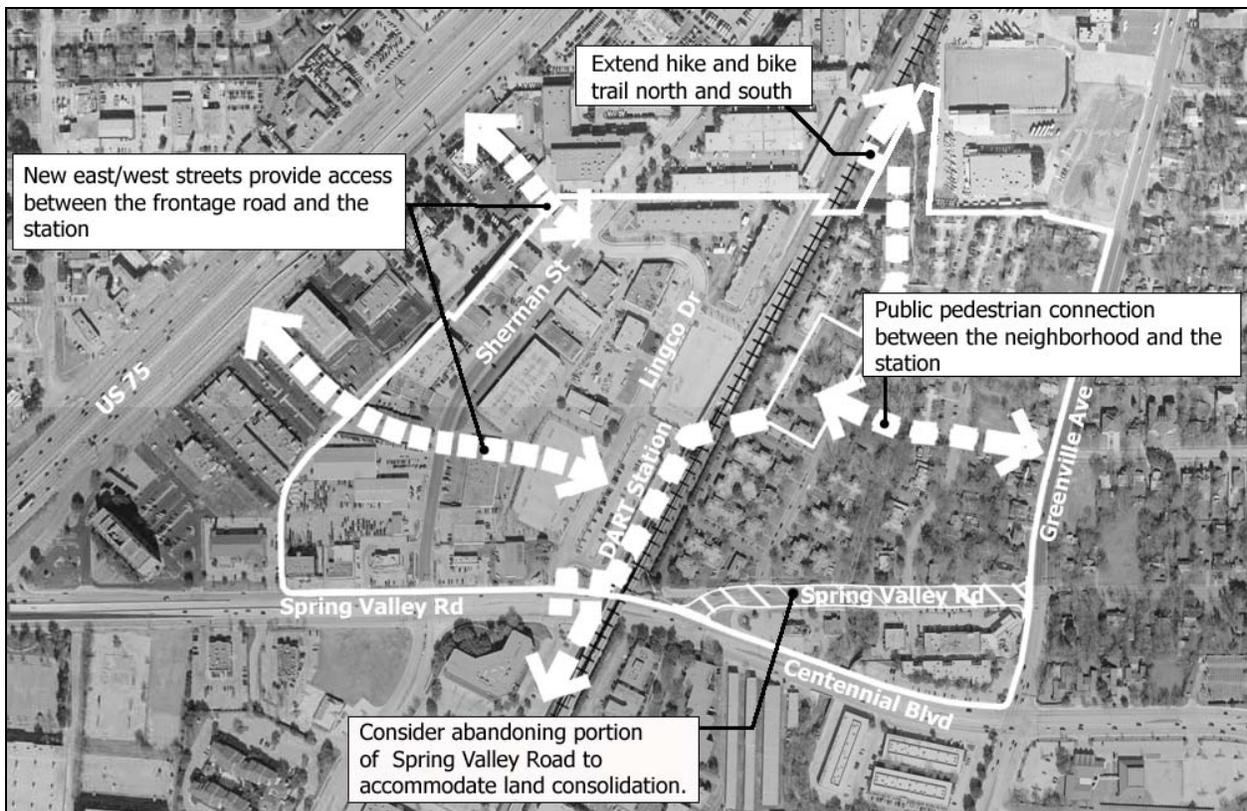
### Access

#### *Internal streets*

As properties with frontage along streets within the Core Area (excluding Greenville Avenue and the arterial sections of Spring Valley Road and Centennial Boulevard) redevelop, the street section adjacent to the property shall be reconstructed to conform to the regulations in this ordinance, as well as the appropriate City details and construction standards. In general, the street section for internal streets shall consist of two travel lanes and required on-street parking.

#### *East/west connectors*

To create connectivity between US75 and the Core Area, new east/west connector street(s) shall be added to the Master Transportation Plan. The locations for these connector streets shall be generally noted within the Core Area Master Plan and the Master Transportation Plan as amended. The specific alignment(s) of the east/west connector(s) shall be determined as redevelopment efforts progress.



*Illustration 10.1: Spring Valley Station District Circulation Plan*

## **Spring Valley Station District: Development Regulations**

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### *Spring Valley Road Abandonment*

- (a) The City will consider the abandonment of the right-of-way for Spring Valley Road between Centennial Boulevard and Greenville Avenue if a development proposal is submitted which consolidates the properties north and south of the roadway.
- (b) If the City indicates a willingness to proceed, the abandonment process shall not be initiated until a Concept Plan detailing how the properties will be consolidated, and indicating the proposed land uses for the abandoned right-of-way, has been approved by the City Plan Commission and City Council.
- (c) If the Spring Valley Road right-of-way is not abandoned, the segment of Spring Valley Road between Centennial Boulevard and Greenville Avenue shall be downgraded to one lane in each direction with on-street parking on both sides of the street.

### *Greenville Avenue*

Direct vehicular access from new developments within the District to the neighborhood on the east side of Greenville Avenue shall be prohibited.

- (a) Access points from the development to Greenville Avenue shall be constructed so as not to align with any existing local street on the east side of Greenville Avenue; or
- (b) Traffic diverters or similar devices shall be installed so as to prohibit access from the District to the neighborhood.

### *Easements*

Specifications for easements under this ordinance shall be as follows:

- (a) Access easements shall be provided to serve parking areas, service entrances to buildings (usually the rear of buildings), and any other areas deemed necessary for accessibility of public and private emergency and service agencies in non-residential, multi-family, or mixed-use developments.
- (b) Pedestrian easements shall be provided for all sidewalks parallel to streets intended for public use but located on private property.

## **Parking**

### *Standards*

- (a) The standards in the City's Parking Design Manual shall govern the design and layout of off-street and on-street parking facilities.

### *Off-street parking*

- (a) General requirements
  - (1) For lots containing a building, off-street parking may not occupy more than fifty percent (50%) of the total lot frontage.
  - (2) In no case shall off-street parking be located closer to the street than the maximum required build-to line.

(b) Surface parking

- (1) Surface parking areas on adjacent lots must be physically separated by a building, wall, plaza, landscaping, or other feature; and include provisions for mutual access between adjacent parking lots for pedestrians and motor vehicles.
- (2) A six-foot wide raised unobstructed sidewalk shall be required from the parking area to any adjacent public sidewalk or building entrance. If head-in parking is present along the sidewalk, an additional three feet of sidewalk width is required to accommodate motor vehicle overhang.

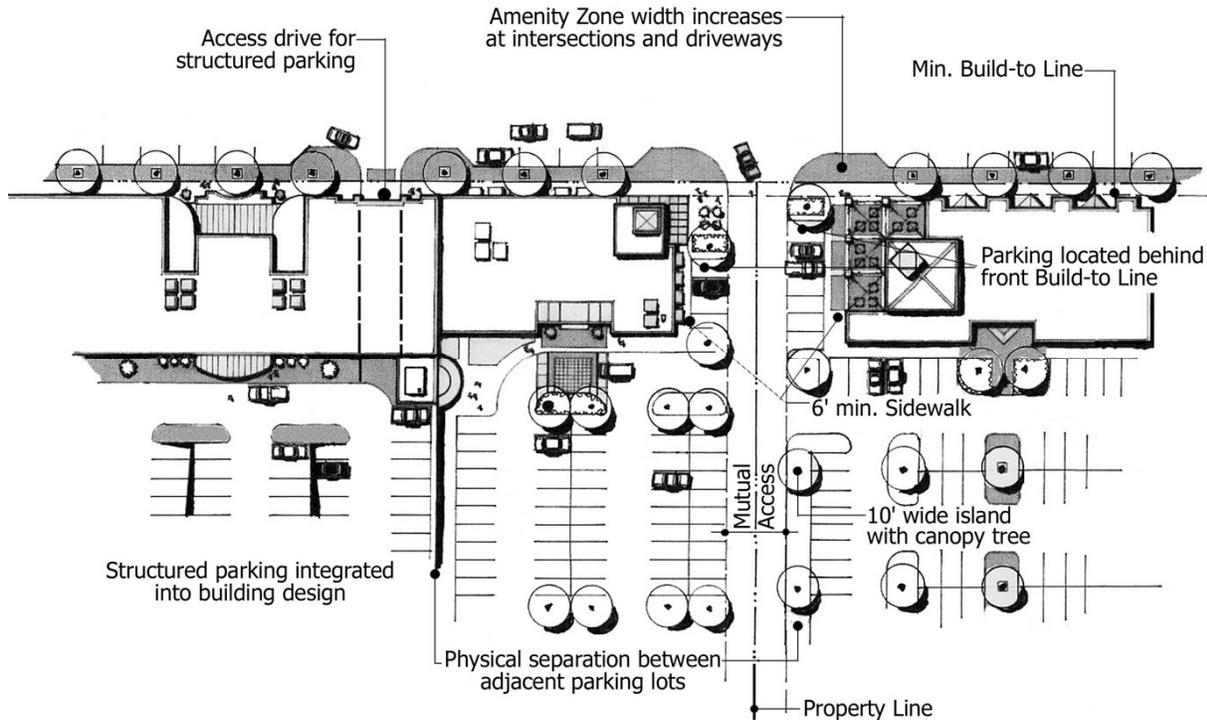


Illustration 10.2: Parking layout examples

- (3) A 10-foot wide island shall be placed at the end of each row of parking within a parking lot. A canopy tree shall be provided in the island with ground cover, shrubs, or enhanced pavers filling in the remainder of the island.

(c) Structured parking

- (1) Ramp articulation in parking structures shall be concealed from view by architectural treatment.
- (2) Pedestrian access to any adjacent public sidewalk shall be provided from the parking structure.

*On-street parking*

- (a) Where feasible, on-street parallel parking shall be provided on all streets, excluding Greenville Avenue, the arterial sections of Spring Valley Road, and Centennial Boulevard. Angle parking may be requested along Spring Valley Road east of the DART line during Concept Plan and Development Plan review, subject to approval by the city traffic engineer. On-street parking spaces immediately adjacent to a property may be counted

## **Spring Valley Station District: Development Regulations**

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toward meeting the parking requirement of said property. Each on-street parking space shall be counted towards the parking requirements for only one building. Use of on-street parking spaces to satisfy the parking requirement of a building must be approved in conjunction with the Concept Plan and Development Plans approval.

- (b) On-street parking spaces are intended for short-term use by patrons or visitors to any building or business within the Core Area. Regulations governing on-street parking (i.e. hours, time limits, etc.) may be adopted and enforced by the City. On-street spaces may not be signed or in any way physically designated for use by only one business without prior written consent of the Director of Development Services or designee.
- (c) Dimensional Requirements  
On-street parking space dimensions shall be 10'x22'. Spaces at the end of a row of parallel spaces shall provide additional length for maneuvering and transition.

### *Off-site parking*

- (a) Parking spaces serving a non-residential building are not required to be provided on the same platted lot as the building being served; however, all parking spaces serving a given building must be located within 600 feet of the nearest outer façade of said building. Parking spaces serving more than one building may be located in the same surface parking lot or parking structure with spaces serving other buildings, subject to the requirements herein. The provision of off-site parking shall be noted on the Concept Plan.
- (b) Off-site parking shall require a formal, executed parking agreement, in a format acceptable to the City, submitted in conjunction with any plans for initial development and construction, or subsequent building expansion. The parking agreement must provide for an adequate number of spaces to meet the requirements contained herein for all buildings being served, and must contain provisions adequate to ensure its enforceability. The parking agreement must be reviewed by the City Attorney and approved by the City Plan Commission in conjunction with Development Plans approval and prior to plat approval. Upon approval, an executed copy of the agreement shall be filed in the Dallas County deed records by the City. Amendments or modifications to the agreement shall require approval by the City and be recorded in the Dallas County deed records.

### *Tracking of Parking Space Allocations*

- (a) Notations shall be made on individual Development Plans and on the Core Area Master Plan to clearly indicate which off-site and/or on-street parking spaces are allocated to each building.

### *Existing development*

Parking requirements for buildings existing at the time of adoption of this ordinance shall be those specified in the City of Richardson *Code of Ordinances*, as amended. All parking required for an existing building must be provided on the same platted lot as the structure. Requests for variances to the parking requirements established in the *Code of Ordinances* shall follow the procedures outlined therein.

### *Minimum parking requirements for new development*

Property developed under the provisions of this ordinance shall provide parking based on the following ratios:

## **Spring Valley Station District: Development Regulations**

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- (a) Retail/commercial uses (except hotel and movie or performing arts theaters), office uses, and childcare centers
  - (1) For buildings of 75,000 square feet or less: 1 space per 250 gross square feet
  - (2) For buildings of more than 75,000 square feet: 1 space per 300 gross square feet
- (b) Theater (movie or performing art)
  - (1) 1 space per 4 seats
- (c) Hotel (full service)
  - (2) 1 space per guestroom plus 1 space per 300 square feet of conference and/or meeting space
- (d) Multi-family residential uses (apartments and condominiums)
  - (1) One-bedroom units: 1.5 spaces per unit
  - (2) Two-bedroom units: 1.75 spaces per unit
  - (3) Three- or more bedroom units: 2 spaces per unit
  - (4) Every multi-family project shall provide structured parking for the development, except that parking spaces for the leasing office, deliveries, and other associated activities may be provided on-street or through surface lots. Structured parking shall be constructed as an integral part of the multi-family building, except for development of multi-family on Lot 1B, Block O, McKamy Park Addition and a 1.89724 acre tract of land located adjacent to and north of Lot 1B, Block O, McKamy Park Addition, which shall be allowed surface parking..
  - (5) The parking of boats, trailers, and recreational vehicles shall be prohibited, except where storage area is provided and specifically designated for this purpose. Where such a storage area is provided, it shall accommodate the boats, trailers, and other recreational vehicles owned by residents of the development only. The storage area shall not be located between the building and the street, and shall be screened from any abutting properties by a wall as described in Section 5 of this ordinance. Parking provided in this storage area shall not count toward the minimum required parking for the multi-family development.
  - (6) No parking area or vehicle storage space shall be used for the storage or parking of any truck, truck trailer or van, house trailer, except one panel or pickup truck, not exceeding one-ton capacity, may be kept on premises if used in connection with maintenance and management of the multi-family project.
- (e) Institutional and other uses
  - (1) Independent living senior facility: 1 space per unit
  - (2) Assisted living senior center: 0.5 spaces per unit
  - (3) Public buildings, transit facilities, and other institutional uses: To be determined as outlined in the Special Exceptions section herein
- (f) Townhomes
  - (1) Two spaces per unit on the same lot as the dwelling being served, located behind the required building lines and in an enclosed garage structure.

## **Spring Valley Station District: Development Regulations**

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- (2) 0.5 additional spaces per unit located outside the platted residential lots. On-street parking and/or parking in common areas owned and maintained by a Homeowner's Association may be used to satisfy the 0.5 space per unit requirement, as described herein. Spaces shall be located conveniently and dispersed throughout the development so as to best serve residents and their guests.
  - (3) Garages and driveways shall be accessed from the rear of the townhome building. No front entry garages shall be permitted.
  - (4) All townhome lots shall be accessible by means of an alley or private access drive with a minimum of twenty feet paved width from a street to the parking or service area.
- (g) Patio homes
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surfaces, shall be provided on the lot in an enclosed garage structure behind the required build-to lines to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
  - (2) No more than two contiguous front-facing garages (opening parallel to the street) shall be permitted. Swing-entry garages (opening perpendicular to the street) shall be permitted and shall not be considered front-facing.
- (h) Single family homes
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the required build-to lines to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
  - (2) No more than two contiguous front-facing garages (opening parallel to the street) shall be permitted. Swing-entry garages (opening perpendicular to the street) shall be permitted and shall not be considered front-facing.

## 11. Signs

### Administration and Enforcement

Administration and enforcement of these sign regulations shall be in conformance with the procedures outlined in Chapter 18 of the Code of Ordinances, as amended, except as otherwise provided herein. All signs must be located on the same platted lot as the business or building being advertised or identified.

### Sign Classifications

The following regulations shall apply to development and redevelopment authorized by this ordinance.

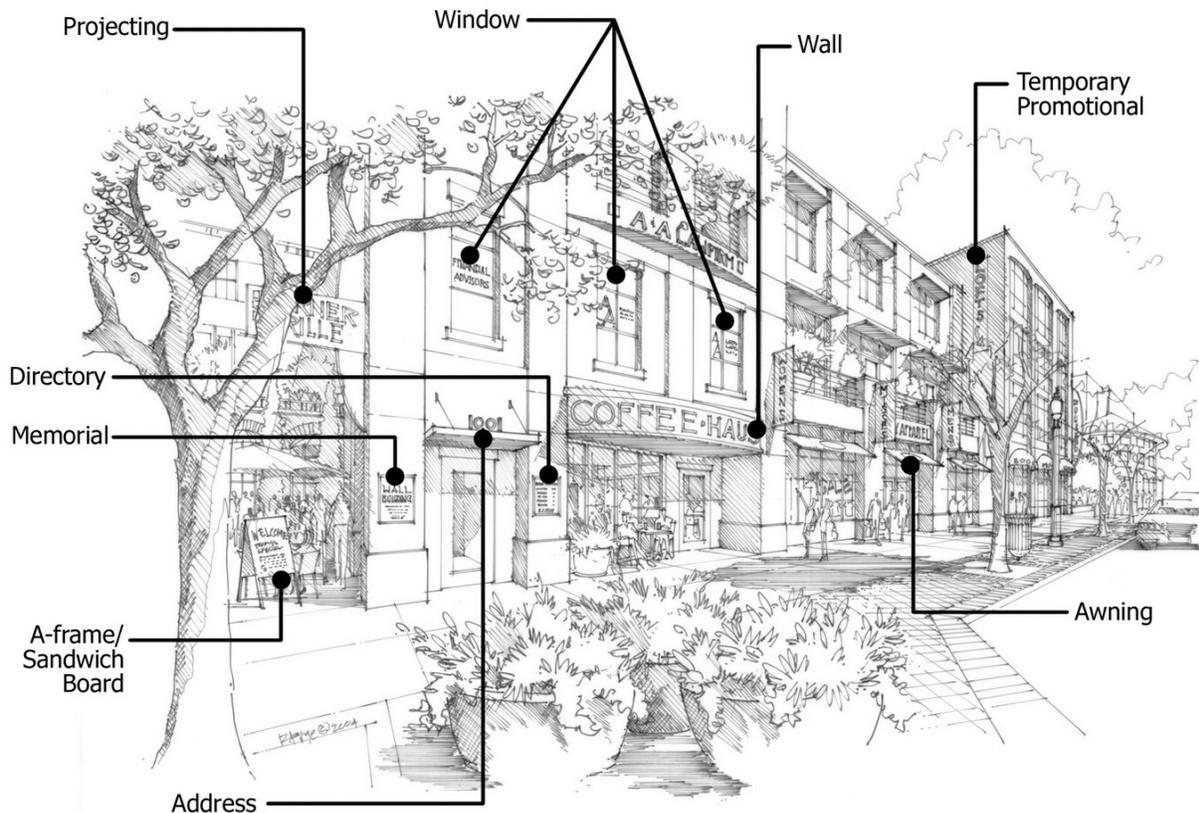


Illustration 12.1: Sketch of sign examples

#### A-frame/sandwich board signs

- (a) A-frame or sandwich board signs meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Signs shall be limited to one per business and may only advertise retail/commercial activities and shall not be used to advertise real estate sales or leasing opportunities.
- (c) Signs shall not interfere with the required unobstructed sidewalk path; and shall not be located within the Amenity Zone.

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- (d) Signs shall be within 20 feet of the primary entrance to the business.
- (e) Signs shall not exceed eight square feet in area per face and four feet in height. The entire sign structure shall be included in the calculation of the sign area.
- (f) Signs shall be professionally manufactured with the frame of the sign made from wood or finished metal. PVC and Coroplast shall not be allowed as sign materials.
- (g) Attachments to the sign shall not be permitted.
- (h) Signs may include a chalkboard or bulletin board.
- (i) Signs shall be weighed down with weights integrated into the sign but shall not be chained or bolted to the building, sidewalk, street signs, light poles, or other street furnishings.
- (j) A-frame signs shall not be left outside the building overnight.

### *Address signs*

- (a) Address signs meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Address sign text shall be no larger than 12 inches in height.
- (c) Address signs, including suite numbers, shall be limited to one per entrance.
- (d) Address signs shall be in conformance with the regulations of Chapter 20, Article IV of the Code of Ordinances.

### *Awning signs*

- (a) Awning signs shall require a sign permit prior to erection.
- (b) Awning signs shall be permitted for ground floor uses only.
- (c) Signs on awnings shall be printed, painted, or applied directly on the surface of the awning.
- (d) Backlighting of awning signs shall be prohibited.
- (e) Awnings shall be made of metal or heavyweight canvas or laminated material (minimum 14 oz. woven acrylic, 16 oz. opaque or translucent vinyl, or 20 oz. eradicable vinyl).
- (f) Awnings may only be placed over windows and doors.

### *Bulletin board signs*

- (a) Bulletin board signs shall require a sign permit prior to erection.
- (b) Bulletin board signs shall be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces, except as noted herein.
  - (1) Combustible materials may be used, providing the sign is attached to a wall with a minimum two-hour fire resistive rating.
  - (2) Bulletin board signs placed on heavy wood construction may be of combustible materials, but in no case shall they be internally illuminated.
- (c) Bulletin board signs shall not extend above the façade of the structure or building to which it is attached; and shall be designed, constructed and attached so as to withstand a wind pressure of not less than 30 pounds per square foot.

*Construction signs (temporary)*

- (a) Construction signs meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Temporary construction signs denoting the architect, engineer, contractor, subcontractor, and/or financier and temporary signs denoting the future location of a particular business, retail center or institution shall be limited to one construction sign and one future location sign per street adjacent to the construction site or future location site. Each sign shall:
  - (1) Be limited to 32 square feet in area;
  - (2) Shall not extend above 15 feet in height measured from ground level; and
  - (3) Must be located on the premises where the construction or the location being advertised is or will be occurring.

Such signs shall be removed upon issuance of the certificate of occupancy.

*Directory signs*

- (a) Exterior directory signs meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Exterior directory signs shall be allowed on multi-tenant buildings where there are two or more tenants without direct outside access to a public street. One exterior directory sign per entrance shall be permitted.
- (c) The exterior directory sign shall include only building information (name, address and logo) and building tenant information (name and suite). The sign shall not contain advertising.
- (d) Text size is limited to three inches for building name and logo, and one inch for all other information. All tenant information should utilize a single text font.
- (e) Internal directory signs shall not be limited.

*Flags*

- (a) Flags meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Corporate and logo flags shall be limited to one per site when accompanied by a U.S. and/or state flag of equal size or larger.
- (c) Corporate and logo flags shall be limited in non-residential, multi-family, and mixed-use sites to 40 square feet for sites of less than one acre, 60 square feet for sites of more than one acre but less than five acres, and 96 square feet for sites of five or more acres.

*Memorial signs or tablets*

- (a) Memorial signs or tablets meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Memorial signs may be constructed of bronze or other noncombustible materials attached to the building or may be cut into any masonry surface.
- (c) Memorial signs shall not exceed four square feet in area, with one sign permitted for each building wall facing a street.

## **Spring Valley Station District: Development Regulations**

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### *Monument signs*

- (a) Monument signs shall require a sign permit prior to erection.
- (b) Monument signs shall be limited to an area of 35 square feet per face.
- (c) Monument signs must be located a minimum of 30 feet from adjoining platted property lines.
- (d) No monument sign shall obstruct the vision of traffic on public streets or be constructed so as to interfere with sight lines at elevations between 2 1/2 feet and eight feet above the top of the adjacent roadway curb within a triangular area formed by the intersection of adjacent curb lines from a point on each curb line 20 feet from the intersection.
- (e) Monument signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead load as required in City building code.
- (f) All monument signs shall be placed on concrete bases or footings. Monument signs shall be constructed of materials that are noncombustible or slow-burning in the case of plastic inserts and faces, and must be supported by noncombustible material. All portions of any sign must be finished in a presentable manner; wood or non-painted steel supports are specifically prohibited. Heavy timber and other materials may be used only if approved by the Building Official.

### *Nameplate*

- (a) Nameplate signs meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Nameplate signs shall not exceed one square foot in area, with one sign permitted for each residential unit.

### *Political signs (temporary)*

- (a) Temporary political signs meeting the requirements outlined below shall not require a sign permit prior to erection.
- (b) Temporary political signs shall be limited to a maximum of thirty-six (36) square feet and eight (8) feet in height and shall only be located on private property with the consent of the property owner. No political sign may be illuminated or have moving parts.
- (c) No political sign may be placed in any location that obstructs vision for traffic. Any sign in violation of the provisions of this section may be removed by the Building Official ten days after written notice to the property owner. Any expense incurred by removal shall be paid by the owner of the property on which the sign is located.

### *Projecting signs*

- (a) Projecting signs shall require a sign permit prior to erection.
- (b) Projecting signs shall be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces, except:
  - (1) Combustible materials may be used, providing the sign is attached to a wall with a minimum two-hour fire resistive rating.

- (2) Projecting signs placed on heavy wood construction may be of combustible materials, but in no case shall they be internally illuminated.
- (c) Projecting signs shall specifically include any sign affixed to a projecting structure of a building, providing that such sign shall not extend above the façade of the structure or building to which it is attached. Such sign shall be designed, constructed, and attached so as to withstand a wind pressure of not less than 30 pounds per square foot.
- (d) Projecting signs shall maintain a minimum clearance above the sidewalk of eight feet, unless a landscape area or other feature is located below the sign, and shall not encroach into the Amenity Zone.
- (e) A projecting sign shall not extend above the façade of the use to which it is attached.

*Promotional signs (temporary)*

- (a) Temporary promotional signs shall require a sign permit prior to erection.
- (b) Submission to the Building Official shall include, but not be limited to, a drawing or sketch showing the type, size, height and location of the temporary promotional sign (including banners, flags and pennants), along with a description of the means of attachment or support, and the stated purposes of the promotion.
- (c) A promotion for a site, center, development, or subdivision shall be considered separately from promotional signs for individual establishments within such site, center, development, or subdivision.
- (d) Specifically, temporary promotional signs shall include:
  - (1) Signs, banners, flags, balloons or pennants promoting a merchandise program, opening of a retail or commercial establishment or center, special program of a public institution, or the opening of a single-family subdivision or multifamily development, providing that such sign shall have a maximum single use period of 30 days for the initial permit for a new business and a 21-day permit thereafter. Such sign shall have a minimum period between permits of seven days and a maximum number of four permits per year. The use of balloons shall be restricted to the initial 30-day permit. The size of a banner shall be limited to one square foot per lineal foot of lease space frontage up to a maximum of 200 square feet.

*Real estate signs*

- (a) Real estate signs meeting the criteria contained below shall not require a sign permit prior to erection.
  - (1) Signs not exceeding eight square feet in area and not exceeding four feet in height for single-family uses which advertise the sale, rental or lease of the premises upon which such signs are located only. The number of such signs shall be limited to one per lot or development, except, where such lot or development abuts more than one dedicated public street, one additional sign shall be allowed for each public street.
  - (2) Signs not exceeding 24 square feet in area and not exceeding eight feet in height for all uses, except single-family (attached and detached), which advertise the sale, rental or lease of the premises upon which such signs are located only. The number of such allowable signs shall be limited to one for lots having less than 200 feet of street frontage. For lots having at least 200 feet of street frontage, two such signs shall be

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allowed plus one additional sign for each additional 100 feet of street frontage. In no event may the number of such signs exceed four for a given lot. Such signs shall be removed upon issuance of any occupancy permit.

### *Wall signs*

- (a) Wall signs shall require a sign permit prior to erection.
- (b) Wall signs shall be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces, except:
  - (1) Combustible materials may be used, providing the sign is attached to a wall with a minimum two-hour fire resistive rating.
  - (2) Wall signs placed on heavy wood construction may be of combustible materials, but in no case shall they be internally illuminated.
- (c) A wall sign shall not extend above the façade of the structure or building to which it is attached. Such sign shall be designed, constructed and attached so as to withstand a wind pressure of not less than 30 pounds per square foot.

### *Wayfinding signs*

- (a) Wayfinding signs shall not require a sign permit but must be submitted to the building official for review.
- (b) Submission to the building official shall include, but not be limited to, a site drawing showing the location of the proposed sign(s), a dimensional drawing showing size and content, a designation of the material or materials to be used, and the proposed method of erection.
- (c) No wayfinding sign shall be erected until the Building Official has approved the sign submission.

### *Window signs*

- (a) Window signs shall require a sign permit prior to erection.
- (b) In no event may signs be located on the window surface internally or externally in any manner to obscure more than 25 percent of the visible window area available in the absence of any signs. Where multiple windows exist fronting on a single street or sidewalk, the 25 percent visibility shall be maintained for each window on such street or sidewalk. Window signs shall include:
  - (1) Signs painted on the internal surface of the window of a retail/commercial or office establishment.
  - (2) Signs (except posters), banners or displays located on the internal surface of the window of a commercial or retail establishment.
  - (3) Posters, providing such posters are not located on the external surface of the window.
  - (4) Decorations intended to direct attention to and stimulate citizens' interest in public events, providing such signs are painted on the internal surface of the window no more than 25 percent of the window is obscured by said decorations.
  - (5) Signs attached to the internal surface of a window that define the name, proprietor, telephone number or address of such retail or commercial establishment.

*Table 10-1: Signs requiring permits*

<i>Sign Type</i>	<i>Permit required?</i>
A-frame/sandwich board	No
Address	No
Awning	Yes
Bulletin board	Yes
Construction (temporary)	No
Directory	No
Flags	No
Memorial	No
Monument	Yes
Nameplate	No
Political (temporary)	No
Projecting	Yes
Promotional	Yes
Real estate	No
Wall	Yes
Wayfinding	No
Window	Yes

**Regulation by Use**

The sign types and area allowances for each use shall be as defined in this section, subject to the conditions specified.

*All buildings/uses*

- (a) Address signs are required for all buildings and shall be in conformance with the regulations in Chapter 20, Article IV of the Code of Ordinances, as amended.
- (b) Signs classified as construction (temporary), flags, memorial, political (temporary), and real estate are allowed for all uses subject to the conditions herein.

*Non-residential and mixed-use buildings*

Non-residential and mixed-use buildings allow the following signs:

- (a) Ground floor uses:
  - (1) The ground floor of the building (maximum 25 feet in height) may have a maximum combined effective area for all signs requiring a permit not exceeding twenty percent (20%) of the total area of the ground floor façade. For multi-tenant buildings, the effective area for all signs for each tenant shall not exceed twenty percent (20%) of the total area for the tenant’s portion of the façade.

## Spring Valley Station District: Development Regulations

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- (2) Signs may be placed on each exterior façade, subject to the twenty percent (20%) limit per façade.
- (3) The total sign area may be divided into any combination of individual signs, including awning, hanging, projecting, window, or wall signs.
- (b) Uses above the ground floor:
  - (1) The area above the ground floor may have a maximum combined effective area for all signs requiring a permit not exceeding five percent (5%) of the total area of each façade above the ground floor.
  - (2) Signs may be placed on each exterior façade, subject to the five percent (5%) limit per façade.
  - (3) The total sign area may be divided into any combination of individual signs, including projecting or wall signs.
  - (4) If a ground floor use occupies one or more floors above the ground floor, that section of the façade above the ground floor is eligible for signage not to exceed five percent (5%) of the total area of the tenant's portion of the façade above the ground floor.
- (c) One monument sign per street frontage, subject to the limits and restrictions herein.
- (d) Directory signs, subject to the limits and restrictions herein.
- (e) Promotional signs, subject to the limits and restrictions herein.

### *Multi-family (freestanding) buildings*

Freestanding multi-family buildings are allowed the following signs:

- (a) The maximum combined effective area of all signs requiring a permit may not exceed five percent (5%) of the total area of each façade, in the form of wall, projecting, awning, and/or window signs.
  - (1) The total sign area may be divided into any combination of individual signs, including awning, projecting, window, or wall signs.
  - (2) Signs may be placed on each exterior façade, subject to the five percent (5%) limit per façade.
- (b) One monument sign per street frontage, subject to the limits and restrictions herein.
- (c) Directory signs, subject to the limits and restrictions herein.
- (d) Promotional signs, subject to the limits and restrictions herein.

### *Single-family (attached and detached)*

Single-family, attached and detached, uses are allowed the following signs:

- (a) Nameplate
- (b) Memorial

## **Variances**

- (a) The City Council authorizes the City Plan Commission to sit as a board of appeals in public hearings for purposes of these sign regulations.

- (b) In considering requests for variations to the requirements of these regulations, the City Plan Commission shall consider, but not be limited to, the degree of variance, the reasons for the variance being requested, the location of the variance request, the duration of the requested variance, the effect on public safety, protection of neighborhood property, the degree of hardship or injustice involved, and the effect of the variance on the overall character of the Spring Valley Station Core Area. The City Plan Commission may grant the variance requested, grant a variance of a lesser nature than requested, or deny a variance request.
- (c) All actions on sign variance requests shall be submitted to the City Council for review and become final unless reversed or modified by the City Council no later than the second City Council meeting following the date of City Plan Commission action on the requested variance . In reviewing the action of the commission on variance requests, the City Council shall consider the records made at the hearing before the City Plan Commission.

## **12. Exceptions, Special Permits, and Amendments**

### **Exceptions**

#### *General*

Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the City Council may, in specific cases, at a regular meeting of the City Council, and subject to appropriate conditions, safeguards, and after the recommendation of the City Plan Commission, may authorize exceptions (as defined herein) to the regulations in this ordinance as listed below in order to permit reasonable development and improvement of property. No public notice or public hearing shall be required prior to the grant of an exception.

An applicant may request an exception to the regulations of this ordinance as part of a Concept Plan or Development Plans application. The proposed exception shall be clearly noted on the Concept Plan or Development Plans. Information supporting the need for the exception shall be submitted for review by the Development Services Department prior to submission of the Concept Plan or Development Plans. Approval of the Concept Plan or Development Plans shall constitute approval of the exception noted therein for that development.

Exceptions to the regulations of this ordinance that may be authorized include the following:

- (a) Definitions
- (b) Building regulations
- (c) Area regulations
- (d) Additional requirements for multi-family
- (e) Open space
- (f) Access and parking
- (g) Signs

### **Special permits**

Any use not listed as a permitted use in this ordinance may be allowed by special permit through the process detailed in Article XXII-A of the Comprehensive Zoning Ordinance.

### **Amendments**

Amendments to this ordinance, including changes to the list of permitted uses and the Additional Development Rights table should follow the process outlined in Article XXIX of the Comprehensive Zoning Ordinance.

## 13. Development Review

The following review process shall be required for all proposed developments, except for single-family homes and patio homes.

### Concept Plan

The submission of a Concept Plan shall constitute the first step in development approvals for a specific site. The Concept Plan shall delineate the site plan elements, showing how the development complies with this ordinance, the Core Area Design Guidelines, and the Core Area Master Plan. The Concept Plan shall include and show the following:

- (a) Scaled drawing, clearly showing vehicular and pedestrian circulation, parking (required and provided), open space, landscape areas, the type and location of buildings, building area (square footage, height, number of stories, and/or number of units), square footage being redeveloped (where applicable), land area and building coverage, uses within the buildings, fire lanes, parking areas, landscaped areas, street and lot configuration, building sites, access, density, and relation to adjacent facilities.
- (b) Location and size of amenities, when required.
- (c) Architectural images indicating general architectural concepts, treatments, character, and other similar features.
- (d) Description of building exterior, roof, architectural, and paving materials.
- (e) A traffic impact analysis. Development proposals that generate more than 10,000 vehicle trips per day or are located on sites of five acres or more shall submit a traffic impact analysis with modeling. Development proposals that generate fewer than 10,000 vehicle trips per day or located on sites of less than five acres may be submitted without modeling.

The Concept Plan shall be reviewed by the City Plan Commission for recommendation to the City Council for final approval. Concept Plan approval shall expire one year after the date of City Council approval, unless extended by the City Plan Commission for a single period not to exceed one year. An application for an extension of Concept Plan approval shall be submitted 45 days prior to the expiration date of the approved Concept Plan. The City Plan Commission may extend the approval if sufficient progress towards creating a Development Plans is demonstrated.

### Development Plans

After approval of the Concept Plan, the following Development Plans shall be submitted for final approval by the City Plan Commission, however both the City Plan Commission and the City Council shall approve the required building elevations. Development Plans shall be submitted within one year after approval of the Concept Plan.

Development Plans shall be in substantial conformance with the updated Core Area Master Plan and the Concept Plan approved by the City Council. The Development Plans shall consist of the following:

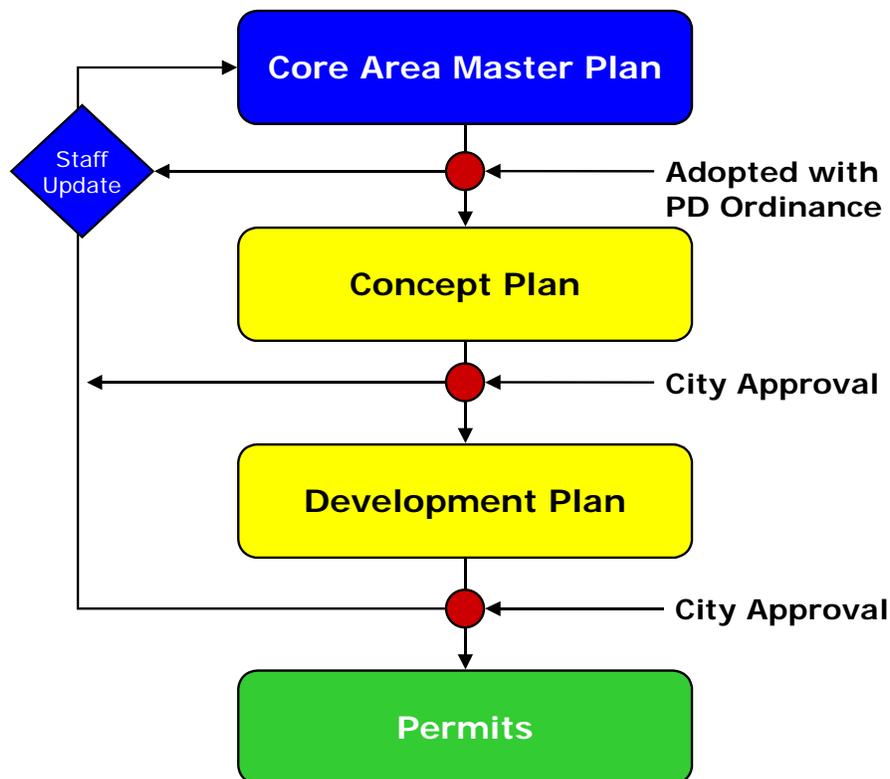
- (a) Site plan—approval of a site plan in accordance with the provisions of the Comprehensive Zoning Ordinance.
- (b) Landscape plan—approval of a landscape plan in accordance the provisions the Comprehensive Zoning Ordinance.

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- (c) Civil engineering plans—approval of civil engineering plans in accordance with the Code of Ordinances.
- (d) Building elevations.
- (e) Description and samples of building exterior, roof, architectural, and paving materials, indicating proposed colors.
- (f) Other documents necessary to support the proposed development including, but not limited to, maintenance agreements, shared parking agreements, property owner association agreements.

Development Plans shall be submitted for review and approval by the City Plan Commission; however, building elevations shall also approved by the City Council. If building permits have not been issued within one year of the approval date of the Development Plans, the approval shall expire. The City Plan Commission may issue an extension of the Development Plan approval for a single period of up to six months if sufficient progress towards implementing the Development Plan is demonstrated. The application for an extension of a Development Plan approval shall be submitted by the applicant no less than 30 days and no more than 45 days prior to the Development Plan expiration date.



**ORDINANCE NO. 3833**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING SECTION 23-271(a) (1) BY AMENDING THE HOURS FOR LAWN WATERING FOR WATER CONSERVATION; BY AMENDING SECTION 23-272 (b) (2) (c) BY AMENDING THE FREQUENCY OF WATERING DURING STAGE 2 UNDER THE EMERGENCY WATER MANAGEMENT PLAN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A CRIMINAL PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** That Chapter 23 of the Code of Ordinances of the City of Richardson, Texas, be amended by amending Sec. 23-271(a) (1), in part, to read as follows:

**“Sec. 23-271. Water conservation.**

(a) *Conservation Requirements.* In adherence to the city’s water provider, the Texas Commission on Environmental Quality mandates and keeping with responsible and wise use of available water resources, the following watering conservation practices are perennially mandatory within the Richardson City limits:

1. Lawn irrigation within the hours of 10:00 am through 6:00 pm from May 1<sup>st</sup> through September 30<sup>th</sup> is prohibited on any day of the week. If a more restrictive Stage from the City’s Emergency Water Management Plan is declared, the stricter parameter(s) will take precedent.

....”

**SECTION 2.** That Chapter 23 of the Code of Ordinances of the City of Richardson, Texas, be amended by amending Section 23-272 (b) (2) (c), in part, to read as follows:

**“Sec. 23-272. Emergency water management plan.**

...

- (b) Stage 2. Water warning (mandatory, moderate to serious water shortage).

...

- (2) Actions available.

...

- c. Begin mandatory water use restrictions limiting all landscape and other outdoor water usage at each service address based on the last digit of the metered service physical street address as follows:

Last digit of address	Allowed landscape water days
1, 3, 5, 7, 9 (odd)	last digit of date is an odd number
0, 2, 4, 6, 8 (even)	last digit of date is an even number
Hourly time water use restrictions may be imposed if warranted by current peak usage and/or pumping conditions. The lowest physical street address number will identify apartments, office building complexes or other property containing multiple addresses. If there is no street address number, a number will be assigned by the director of public services.	

...”

**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 the 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 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 Code of Ordinances as a whole.

**SECTION 5.** That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** 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 Code of Ordinances 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 and constitute a separate offense.

**SECTION 7.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
MAYOR

CORRECTLY ENROLLED:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY  
(PGS:08-04-11:TM 50547)

**RESOLUTION NO. 11-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, ADOPTING AMENDED FINANCIAL POLICIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council previously adopted Financial Policies which set out criteria for desired fund balances for various funds (“Financial Policies”); and

**WHEREAS**, the establishment of “Financial Policies” is considered prudent financial management and the City of Richardson desires to maintain a stable, financial position as well as position itself for the future; and

**WHEREAS**, financial policies can communicate and document the City’s stewardship of public funds, give assurance to investors and other interested parties, and acknowledge the City’s operating practices and contingent responses to emergencies; and

**WHEREAS**, the rating agencies and the City’s auditors have recommended that the City adopt the “Financial Policies” to protect the financial position of the City; and

**WHEREAS**, the “Financial Policies” maintain the criteria for desired fund balances and maintain a Rate Stabilization Fund in the Water and Sewer Fund; and

**WHEREAS**, the City Council desires to amend the “Financial Policies” as heretofore amended, by the adoption of the amended Financial Policies, attached hereto as Exhibit “A”.

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

**SECTION 1.** That the “Financial Policies” is hereby amended by the adoption of the amended Financial Policies, as set forth in Exhibit “A” attached hereto and made a part hereof for all purposes.

**SECTION 2.** 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 3.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution which shall remain in full force and effect.

**SECTION 4.** 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 \_\_\_\_\_, 2011.

CITY OF RICHARDSON, TEXAS

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY  
(PGS:07-26-11:50405)

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# City of Richardson

## Financial Policies

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### **I. Introduction**

The City of Richardson financial policies set forth the basic framework for the fiscal management of the City. These policies were developed within the parameters established by applicable provisions of the Texas Local Government Code and the City of Richardson City Charter. The policies are intended to assist the City Council and City staff in evaluating current activities and proposals for future programs. The policies are to be reviewed on an annual basis and modified to accommodate changing circumstances or conditions.

### **II. Annual Budget (Charter Requirements)**

- A. The fiscal year of the City of Richardson shall begin on October 1 of each calendar year and will end on September 30 of the following calendar year. The fiscal year will also be established as the accounting and budget year.
- B. The City Manager, prior to August 15<sup>th</sup> of each year, shall prepare and submit to the City Secretary, the annual budget covering the next fiscal year which shall contain the following information:
  - 1. Outline the proposed financial policies for the next fiscal year with explanations of any changes from previous years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the City.
  - 2. An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluations for the ensuing year.
  - 3. A carefully itemized list of proposed expenditures by fund, service type and object of expenditures for the budget year, as compared to actual expenses of the last ended fiscal year, and estimated expenses for the current year compared to adopted budget.
  - 4. A description of all outstanding bonded indebtedness of the City.
  - 5. A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year and recommended provision for financing.
  - 6. A projection of revenues and expenditures together with a list of capital projects which should be considered within the next five succeeding years.
- C. A public hearing shall be conducted by the Council, allowing interested citizens to express their opinions concerning items of expenditures or revenues. The notice of hearing shall be published in the official newspaper of the City of Richardson not less than 10 days or more than 30 days before the hearing.
- D. Following the public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, by ordinance, adopt the budget by a majority vote.

## **Exhibit "A"**

- E. On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriations for the current year and shall constitute the basis of the official levy of the property tax. Under conditions which may arise the Council may amend or change the budget to provide for any additional expense.

### **III. Basis of Accounting and Budgeting**

- A. The City of Richardson finances shall be accounted for in accordance with generally accepted accounting principles as established by industry practice and applicable governing Accounting Standards Boards.
  - 1. The financial transactions of the City of Richardson are accounted for and recorded in individual funds. These funds account for revenues and expenditures according to their intended purpose and are used to aid management in demonstrating compliance with finance-related legal and contractual provisions. The minimum number of funds are maintained consistent with legal and managerial requirements. Governmental funds are used to account for the government's general government activities and include the General, Special Revenue, Debt Service and Capital Project funds.
  - 2. Governmental fund types use the flow of current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e., when they are "measurable and available"). "Measurable" means the amount of the transaction can be determined and "available" means collectable within the current period or soon enough thereafter to pay liabilities of the current period. Substantially all material revenues are considered to be susceptible to accrual. A thirty-day availability period is used for revenue recognition for all governmental fund type revenues, except fines and forfeitures which are accrued using a forty-five day availability period. Expenditures are recognized when the related fund liability is incurred, if measurable, except for unmatured principal and interest on general long-term debt, which are recorded when due. Compensated absences, claims, and judgments are recorded when the obligations are expected to be paid with current available financial resources.
  - 3. The City of Richardson utilizes encumbrance accounting for its fund types, under which purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation.
  - 4. The Proprietary fund types are accounted for on a flow of economic resources measurement focus and use the accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.
- B. The budgets shall be prepared and adopted on a cash basis for all governmental funds and modified accrual basis for proprietary funds. The capital projects funds adopt project-length budgets at the time of their presentation. Annual appropriations lapse at fiscal year end for operating and debt service funds. Under the City's budgetary process, outstanding encumbrances are classified as restricted, committed, or assigned fund balance, depending on the government's resources.

## **Exhibit "A"**

### **IV. Budget Administration**

- A. All expenditures of the City of Richardson shall be made in accordance with the annual budget. Budgetary control is maintained at the individual expenditure account level by the review of all requisitions of estimated purchase amounts prior to the release of purchase orders to vendors.
- B. The following represents the City of Richardson budget amendment policy delineating responsibility and authority for the amendment process. Transfers between expenditure accounts in one department may occur with the approval of the Budget Officer. Transfers between operating departments may occur with the approval of the City Manager's Office. Transfers between funds must be accomplished by budget amendment approved by the City Council. Budget amendments calling for new fund appropriations must also be approved by the City Council. As a matter of course, continuous budget monitoring requires that deviations from expected amounts of revenue and/or expenditures be noted and estimates revised, if necessary, to avoid financial distress. Budget amendments are thus considered prudent financial management techniques and are deemed to fulfill the requirements of City Charter, Article 11, Section 11.09 for budget amendment justification.

### **V. Financial Reporting**

- A. Following the conclusion of the fiscal year, the City of Richardson Director of Finance shall cause to be prepared a Comprehensive Annual Financial Report (CAFR) in accordance with generally accepted accounting and financial reporting principles established by industry practice and statements issued by the Governmental Accounting Standards Board. The document shall also satisfy all criteria of the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Program.
- B. The CAFR shall show the status of the city's finances on the basis of generally accepted accounting principles (GAAP). The CAFR shall show fund revenues and expenditures on both a GAAP basis and budget basis for comparison purposes. In most cases this reporting conforms to the way the city prepares its budget. Differences in format are acknowledged through reconciliations. Liabilities for post-employment benefits and compensated absences (accrued but unused sick and vacation leave) are not reflected in the budget but are accounted for in the CAFR's government-wide financial statements. The government-wide financial statements modify the presentation of the governmental funds by presenting their results in the same manner as proprietary funds.
- C. Included as part of the Comprehensive Annual Financial Report shall be the results of the annual audit prepared by independent certified public accountants designated by the City Council.
- D. Each fiscal year, the Director of Finance will analyze accounts receivable balances and, if necessary, write off uncollectible accounts in accordance with applicable statutes after review by the City Manager or his designee.
- E. The City Manager's Office shall, within sixty days following the conclusion of each calendar quarter, issue a report to the Council reflecting the City's financial condition for that quarter. The quarterly report format shall be consistent with the format of the annual budget document. The preliminary budget may serve as the report for the third quarter of the year, as it reflects the City's current financial status and expected year end posture.

## Exhibit "A"

### VI. Revenues

- A. To protect the City of Richardson's financial integrity, the City will maintain a diversified and stable revenue system to shelter it from fluctuations in any particular revenue source.
- B. For every annual budget, the City of Richardson shall levy two property tax rates: operation/maintenance and debt service. The debt service levy shall be sufficient for meeting all principal and interest payments associated with the City's outstanding debt for that budget year. The debt service levy and related debt service expenditures shall be accounted for in the Debt Service fund. The operation and maintenance levy shall be accounted for in the General Fund. A portion may be assigned for special purposes (i.e. Street Maintenance Fund).
- C. The City of Richardson will maintain a policy of levying the lowest tax rate on the broadest tax base. Mandated exemptions will be provided to home owners, senior citizens, and disabled citizens. On an annual basis during the budget process, City Council will review the exemption for senior citizens and disabled persons with a goal to maintain a tax benefit of approximately 30% of the average home value.
- D. The City of Richardson will establish user charges and fees at a level that attempts to recover the full cost of providing the service.
  - 1. User fees, particularly utility rates, should identify the relative costs of serving different classes of customers.
  - 2. The City of Richardson will make every reasonable attempt to ensure accurate measurement of variables impacting taxes and fees (e.g. verification of business sales tax payments, verification of appraisal district property values, accuracy of water meters, etc.)
- E. The City of Richardson will attempt to maximize the application of its financial resources by obtaining supplementary funding through agreements with other public and private agencies for the provision of public services or the construction of capital improvements. The City of Richardson will consider market rates and charges levied by other public and private organizations for similar services in establishing tax rates, fees and charges.
- F. When developing the annual budget, the City Manager shall project revenues from every source based on actual collections from the preceding year and estimated collections of the current fiscal year, while considering known circumstances which will impact revenues for the new fiscal year. The revenue projections for each fund should be made conservatively so that total actual fund revenues exceed budgeted projections.

### VII. Operating Expenditures

- A. Operating expenditures shall be accounted, reported, and budgeted for in the following major categories:
  - 1. Personal Services
  - 2. Professional Services
  - 3. Maintenance
  - 4. Contracts
  - 5. Supplies
  - 6. Capital

## **Exhibit “A”**

- B. The annual budget shall appropriate sufficient funds for operating, recurring expenditures necessary to maintain established quality and scope of city services.
- C. The City of Richardson will constantly examine the methods for providing public services in order to reduce operating, recurring expenditures and/or enhance quality and scope of public services with no increase to cost.
- D. Personal service expenditures will reflect the minimum staffing needed to provide established quality and scope of city services. To attract and retain employees necessary for providing high-quality service, the City shall maintain a compensation and benefit package competitive with the public and, when quantifiable, private service industries.
- E. Professional services include fees for attorneys, auditors, consultants and other services that require specialized expertise.
- F. Maintenance expenditures shall be sufficient for addressing the deterioration of the City’s capital assets to ensure the optimal productivity of the capital assets. Maintenance should be conducted to ensure a relatively stable level of maintenance expenditures for every budget year.
- G. The City of Richardson will utilize contracted labor for the provision of city services whenever private contractors can perform the established level of service at less expense to the City. The City will regularly evaluate its agreements with private contractors to ensure the established levels of service are performed at the lowest possible cost.
- H. Supply expenditures shall be sufficient for ensuring the optimal productivity of City employees.
- I. Existing capital equipment shall be replaced when needed to ensure the optimal productivity of City of Richardson employees.
- J. Expenditures for capital equipment shall be made only to enhance employee productivity, improve quality of service, or expand scope of service.
- K. To assist in controlling the growth of operating expenditures, operating departments will submit their annual budgets to the City Manager within fiscal parameters provided by the City Manager’s Office.

### **VIII. Fund Balance**

- A. The annual budget shall be presented to Council, with each fund reflecting minimum ending fund balances as follows:

General Fund	60 days of expenditures
General Debt Service Fund	30 days of expenditures
Water and Sewer Fund	90 days of expenditures
Utility Debt Service	Compliance with bond covenants
Golf Fund	30 days of expenditures, building towards 60 days
Solid Waste Fund	60 days of expenditures, building towards 90 days
- B. Fund balances, which exceed the minimum level established for each fund may be appropriated for non-recurring capital projects or programs.
- C. The City of Richardson will exercise diligence in avoiding the appropriation of fund balance for recurring operating expenditures. In the event fund balance is appropriated for recurring operating expenditures to meet the needs of the community, the budget document shall include an explanation of the circumstances requiring the appropriation and the methods to be used to arrest the future use of fund balance for operating expenditures.

## **Exhibit “A”**

D. For financial statement purposes, all governmental fund balances will be classified as follows:

Nonspendable – amounts that cannot be spent; legally or contractually required to be maintained.

Restricted – amounts that have external enforceable legal restrictions.

Committed – amounts that can only be used for specific purposes as directed through formal action of the City Council. Amounts can only be changed or revoked through similar formal action of the Council.

Assigned – amounts intended to be used for specific purposes as designated by management.

Unassigned – remaining amounts that have not met the criteria for restricted, committed, or assigned.

When both restricted and unrestricted resources are available for use, it is the City’s policy to use restricted resources first, and then unrestricted resources as they are needed.

E. The Rate Stabilization Fund (RSF) was established in Fiscal Year 1996-97 for the Water and Sewer Utility Fund. The fund provides a source of funds which can be used to address serious and unexpected conditions that may arise, such as adverse weather conditions which seriously alter expected revenue amounts. In addition, the fund alleviates the need for sudden and unexpected rate increases, allowing the City to implement needed rate increases in a phased and orderly manner. The RSF is a sub-fund of the Water and Sewer Utility Fund and shall be maintained at a targeted level of \$1,700,000. If monies from the RSF are transferred to operating working capital fund balances, RSF funds will be restored to the targeted level as soon as practical. Decisions involving the use of the RSF shall be at the discretion of the City Manager and reported in normal budgeting and financial reporting formats throughout the fiscal year.

### **IX. Fund Transfers**

- A. Fund transfers may occur when surplus fund balances are used to support non-recurring capital expenses or when needed to satisfy debt service obligations.
- B. Fund transfers are used to pay for general and administrative costs in the General Fund and to charge franchise fees to Proprietary Funds.

### **X. Debt Expenditures**

- A. The City of Richardson will issue debt only to fund capital projects, which cannot be supported by current, annual revenues.
- B. To minimize interest payments on issued debt, the City will maintain a rapid debt retirement policy by issuing debt with maximum maturities not exceeding 20 years. Retirement of debt principal will be structured to ensure constant annual debt payments.
- C. The City of Richardson will attempt to maintain base bond ratings (prior to insurance) of Aa2 (Moody’s Investors Service) and AA+ (Standard & Poor’s) on its general obligation debt. The City shall continue to seek to enhance its credit quality by frequent contact and visits with the rating agencies, and monitoring the current trends and guidance from the agencies.
- D. When needed to minimize annual debt payments, the City of Richardson will obtain insurance for new debt issues.

## **Exhibit "A"**

- E. In order to minimize the impact of debt issuance on the property tax rate and to assist the City in meeting its arbitrage requirements, the City will consider the sequential sale of bonds for the purpose of financing capital projects.

### **XI. Capital Project Expenditures**

- A. The City of Richardson will develop a multi-year plan for capital projects which identifies all projects likely to be constructed within a five year horizon. The multi-year plan will reflect for each project the likely source of funding and attempt to quantify the project's impact to future operating expenditures.
- B. Capital projects will be constructed to:
  - 1) Protect or improve the community's quality of life.
  - 2) Protect or enhance the community's economic vitality.
  - 3) Support new development.
  - 4) Provide significant rehabilitation of City infrastructure for sustained service.
- C. Capital project expenditures will not be authorized by the City Council without identification and commitment of revenue sources sufficient to fund the improvement. Potential funding sources include, but are not limited to, reserve funds, debt issuances, matching fund revenues, user fees, grants, or reallocation of existing capital funds with the recognition that construction of previously authorized capital projects may be delayed or postponed.
- D. Capital Improvement Planning and Programming shall include the following categories for the determination of funding for individual projects: design costs, right-of-way costs, utility construction/adjustment costs, construction costs, appropriate contingency funds, furnishings and equipment, and direct project administration services provided by City employees or outside forces.
- E. Cost incurred for advanced planning of capital projects may be funded from reimbursement of appropriate debt or operating funds.
- F. The City will intend to maintain adequate funding levels in the developer participation fund to ensure that no City obligation for participation goes unfunded for a period of more than one (1) year.
- G. To minimize the issuance of debt, the City of Richardson will attempt to support capital projects with appropriations from operating revenues or excess fund balances (i.e. "pay-as-you-go").

### **XII. Utility Capital Expenditures**

- A. The City of Richardson uses three funding sources for Utility Capital expenditures. Utility rates are designed to provide for a depreciation reserve which accumulates resources to replace or rehabilitate aging infrastructure. In addition, the multi-year financial plan provides debt strategies to finance needed capital items. Thirdly, annual transfers are made to capital rehabilitation and renewal projects from utility operations to maintain adequate funding for capital items.
- B. Inasmuch as roads and other infrastructure components are essential to extending utility service, revenues in excess of anticipated current year needs will be reserved for future road improvements and related infrastructure projects at year-end. This will assure that infrastructure costs are funded along with utility projects.

## **Exhibit “A”**

### **XIII. Long-term Financial Plan**

- A. The City of Richardson will adopt the annual budget in the context of a long-term financial plan, or other multi-year budget analysis.
- B. The long-term financial plans will establish assumptions for revenues, expenditures and changes to fund balances over a five year horizon. The assumptions will be evaluated periodically as part of the budget development process.

### **XIV. Cash Management and Internal Controls**

- A. Written guidelines on cash handling, accounting, segregation of duties, and other financial matters shall be maintained.
- B. Each department director shall ensure that departmental procedures are adequate to safeguard City funds.
- C. Staffing and training shall be reviewed periodically to ensure adequacy.
- D. Daily deposits of City cash shall be performed unless amounts collected warrant less frequent deposits, as determined by the Finance Department.
- E. The timing and amount of cash needs and availability shall be systematically projected in order to maximize interest earnings from investments.
- F. The City’s investment portfolio shall be managed in accordance with the Public Funds Investment Act and the City’s Investment Policy.
- G. The City shall conduct periodic reviews of Internal Controls and Cash Handling Procedures.

### **XV. Internal Audit**

- A. The function of internal audit shall be an assignment of the City Manager’s Office. The administrative support may occur through directly assigned personnel or contractual professional services.
- B. The City will annually identify appropriate operations and practices to be reviewed in developing an annual Internal Audit Workplan. Other projects may be added or amended as needs arise.
- C. Reviews of operation on the identified topics will be conducted, examining for all fiduciary and financial controls, compliance, risk minimization, and general operational integrity.
- D. Recommendations and findings will be submitted for each workplan element, with the City Manager’s Office responsible for implementation of proposed improvements.

### **XVI. Revisions**

- Resolution No. 96-03 dated February 5, 1996
- Resolution No. 97-23 dated November 24, 1997
- Resolution No. 98-24 dated December 14, 1998
- Resolution No. 03-05 dated January 27, 2003
- Resolution No. 03-19 dated September 8, 2003
- Resolution No. 05-28 dated December 19, 2005



City of Richardson  
City Council Work Session  
Agenda Item Summary



**Work Session Meeting Date:** Monday, August 8, 2011

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

**Staff Resource:** Bill Keffler, 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**



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**Worksession Meeting Date:** Monday, August 8, 2011

**Agenda Item:** Review and Discuss 2011 – 2013 City Council Statement of Goals and Near Term Action Items

**Staff Resource:** Bill Keffler, City Manager

**Summary:** The City Council will continue their discussion regarding the 2011 – 2013 City Council Statement of Goals and Near Term Action Items.

**Board/Commission Action:** N/A

**Action Proposed:** Review and Discuss 2011 – 2013 City Council Statement of Goals and Near Term Action Items

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City of Richardson  
City Council Worksession  
Agenda Item Summary



**City Council Meeting Date:** Monday, August 8, 2011

**Agenda Item:** Review and Discuss the Artist Selection Process for Heights Recreation Center Update

**Staff Resource:** David Morgan, Assistant City Manager  
Michael Massey, Director of Parks and Recreation

**Summary** A briefing on the Artist Selection Process for Heights Recreation Center and Arapaho Pool project will be made by consultants and staff.

The Heights Park Bond improvements carry a 2% art budget specific to that project as part of the 2010 Bond Program. Via Partners along with Brinkley Seargent Architects have been retained to help guide the Artist selection process for the Heights Recreation Center and Arapaho Pool and will be present for review and discussion on progress to date.

The July 18th City Council Work Session outlined a work plan including the meeting of external and internal committees to draft art project goals, process, and role of committees. A presentation will be made on the progress on the art goals and the process of selecting artists.

**Board/Commission Action:** N/A

**Action Proposed** Receive Presentation; Council Review and Discussion

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City of Richardson  
City Council Worksession  
Agenda Item Summary



**Worksession Meeting Date:** Monday, August 8, 2011

**Agenda Item:** North Texas Municipal Water District Stage 2 Water Conservation Plan Implementation

**Staff Resource:** Cliff Miller, Assistant City Manager  
Jerry Ortega, Director of Public Works

**Summary:** Water supplies from the NTMWD continue to be limited due to Zebra Mussels in Lake Texoma, record heats, new record usage peak, no measurable rainfall and preparation work to implement Ozonation treatment equipment. These criteria have in turn caused the District to ask its member and customer cities to implement their Water Conservation and Emergency Water Management Plans to conserve water. Stage 1 was implemented by Richardson on April 19 and all customer and member cities have been asked to implement their respective Stage 2 by August 19, 2011.

CMO and Public Services Department staffs will be briefing City Council on current status.

During this briefing, staff will be prepared to further address specific amendments to the Emergency Water Management Plan. Additional amendments will address the triggering criteria, mandatory landscape/outdoor watering restrictions, enforcement and variance procedures.

**Board/Commission Action:** N/A

**Action Proposed:** Informational Item only. No action required.



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



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**Worksession Meeting Date:** Monday, August 8, 2011

**Agenda Item:** Review and Discuss 2011 – 2013 City Council Committee and Board Liaison Appointments

**Staff Resource:** Bill Keffler, City Manager

**Summary:** The City Council will discuss their assignments to various liaison positions for Boards and Commissions as well as City Council Committees

**Board/Commission Action:** N/A

**Action Proposed:** Review and Discuss 2011 – 2013 City Council Committee and Board Liaison Appointments



City of Richardson  
City Council Work Session  
Agenda Item Summary



**Meeting Date:** Monday, August 8, 2011

**Agenda Item:** Items of Community Interest

**Staff Resource:** Bill Keffler, 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



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**Meeting Date:** Monday, August 8, 2011

**Agenda Item:** Executive Session

**Staff Resource:** Bill Keffler, City Manager

**Summary:** The Council will convene into a closed session in compliance with Texas Government Code Section 551.087 – Deliberation regarding Economic Development Negotiations pertaining to commercial development in the Glenville Drive/Lookout Drive area.

**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.

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