

**RICHARDSON CITY COUNCIL**  
**JULY 25, 2011**  
**7:30 P.M.**  
**CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX**

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1. **INVOCATION – KENDAL HARTLEY**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – KENDAL HARTLEY**
  3. **MINUTES OF THE JULY 11, 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. CONSIDER APPOINTMENTS TO THE ANIMAL SERVICES ADVISORY COMMISSION, ARTS COMMISSION, CITY PLAN COMMISSION, AND ZONING BOARD OF ADJUSTMENT/ BUILDING AND STANDARDS COMMISSION.

ACTION TAKEN:

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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.

ACTION TAKEN:

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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.

ACTION TAKEN:

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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.

ACTION TAKEN:

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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.

ACTION TAKEN:

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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:

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 – WE REQUEST 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 – WE REQUEST 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 – WE RECOMMEND THE AWARD TO IDEA CONSTRUCTION FOR THE PUBLIC SAFETY JAIL RENOVATION IN THE AMOUNT OF \$231,243.00.

2. CSP #905-11 – WE RECOMMEND THE AWARD TO FACILITY SOLUTIONS GROUP FOR THE EISEMANN CENTER GARAGE LED LIGHTING RETROFIT IN THE AMOUNT OF \$189,576.77.
  
- E. CONSIDER AWARD OF REQUEST FOR PROPOSAL #703-11 – WE REQUEST 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.

THE RICHARDSON CITY COUNCIL WILL MEET AT 5:30 P.M. ON MONDAY, JULY 25, 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 FEMA Flood Insurance Rate Map Modernization Program for Dallas County
  
- C. Review and Discuss the Statement No. 54 of the Governmental Accounting Standards Board (GASB), and Related City of Richardson Financial Policy Update
  
- D. Report on Items of Community Interest

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL ON FRIDAY, JULY 22, 2011, BY 5:00 P.M.

\_\_\_\_\_  
CITY SECRETARY

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**July 11, 2011**  
**City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p. m., Monday, July 11, 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
EA Hoppe	Assistant to the City Manager
Pamela Schmidt	City Secretary

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1. **INVOCATION – LAURA MACZKA**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – LAURA MACZKA**
3. **MINUTES OF THE JUNE 13, 2011 AND JUNE 27, 2011 MEETINGS**

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

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4. **VISITORS.** (THE CITY COUNCIL INVITES CITIZENS TO ADDRESS THE COUNCIL ON ANY TOPIC NOT ALREADY SCHEDULED FOR PUBLIC HEARING. PRIOR TO THE MEETING, PLEASE COMPLETE A “CITY COUNCIL APPEARANCE CARD” AND PRESENT IT TO THE CITY SECRETARY. THE TIME LIMIT IS FIVE MINUTES PER SPEAKER.) **None**
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ALL ITEMS LISTED UNDER ITEM 5 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:

**5. CONSENT AGENDA:**

Mr. Solomon requested that Item 5C be removed for separate action.

**ACTION TAKEN:** Mr. Omar moved approval of the balance of the Consent Agenda; second by Mr. Solomon and the motion was approved with a unanimous vote.

A. Approve the following Ordinances:

1. Ordinance No. 3827 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning for a 6.6-acre tract of land from IP-M(1) Industrial Park to IP-M(1) Industrial Park with Special Conditions, said tract being described as Lot 1, Block C, J.L. Williams Addition in Dallas County, Texas.
2. Ordinance No. 3828 granting a variance to the Subdivision regulations; by amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning for two (2) lots totaling 5.0 acres of land from I-FP(2) Industrial and I-M(1) Industrial with special conditions to I-FP(2) Industrial with special conditions, said tract being described as Lots 2 & 3, Justice Addition in Dallas County, Texas, providing a savings clause; by repealing Ordinance No. 2241-A.

B. Consider award of Competitive Sealed Proposal (CSP) # 903-11 – award to Core Construction for Fire Station No. 4 for a total amount of \$3,815,206.

C. Authorize the city manager to execute Change Order #2 to Purchase Order #091542 in the amount of \$130,000 to Tiseo Paving regarding the CMAQ 8 Jupiter Road Intersection Improvements.

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**ITEMS REMOVED FROM CONSENT AGENDA:**

5C. Authorize the city manager to execute Change Order #2 to Purchase Order #091542 in the amount of \$130,000 to Tiseo Paving regarding the CMAQ 8 Jupiter Road Intersection Improvements

Mr. Solomon noted the complexity of the project that included four intersections that were vital to the area and stated he was very pleased that all major intersections have been enhanced with left and right turn lanes. He commended the staff for the work conducted and stated he was pleased it had come to a successful conclusion. Mr. Mitchell also voiced his appreciation.

**ACTION TAKEN:** Mr. Solomon moved approval of Item 5C; second by Ms. Maczka and the motion was approved with a unanimous vote.

There being no further business, Mayor Townsend adjourned the meeting at 7:39 p.m. and announced that Council would return to the Richardson Room to continue the Work Session discussion and to convene into Executive Session as posted.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY



City of Richardson  
City Council Meeting  
Agenda Item Summary



**Meeting Date:** Thursday, July 25, 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



**Meeting Date:** Monday, July 25, 2011

**Agenda Item:** Consider appointments to various City boards and commissions

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

**Summary:** Make appointments to the Animal Services Advisory Commission, the Arts Commission, the City Plan Commission, and the Zoning Board of Adjustments/Building & Standards Commission.

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

**Action Proposed:** Consider motion making appointments to the above noted boards and commissions.



# MEMO

**DATE:** July 21, 2011  
**TO:** Honorable Mayor and City Council  
**FROM:** Sam Chavez, Assistant Director of Development Services SC  
**SUBJECT:** Zoning File 11-10 – Renner/North Star PD Amendment

## REQUEST

Richard Ferrara, representing Moroney Renner 37, LP, Evergreen Richardson Senior Community, LP, and SSAA Ventures Corporation, to amend the existing PD Planned Development to remove a special condition limiting the 12.8-acre site to a maximum number of two (2) pad sites and/or freestanding buildings for the property located at the southwest corner of Renner Road and North Star Road.

## BACKGROUND

The site was originally zoned PD Planned Development in 1988 when the expected development was a grocery-anchored shopping center. Due to current and past development patterns, the site has evolved with alternative development possibilities which make the restriction on pad sites and/or freestanding buildings inappropriate. The current development on the 12.8-acre site includes a Kids R Kids childcare center and the Evergreen senior living community is under construction. This has left a 4.8-acre vacant lot along Renner Road that will remain undevelopable unless the restriction is removed.

To date, no letters in favor or opposition have been received.

## PLAN COMMISSION RECOMMENDATION

On July 5, 2011, the Commission voted 7-0 to recommend approval of the request as presented.

## ATTACHMENTS

Special Conditions	Zoning Exhibit (Exhibit “B”)
CC Public Hearing Notice	Site Photos (Exhibit “C”)
City Plan Commission Minutes 07-05-2011	Applicant’s Statement
Staff Report	Notice of Public Hearing
Zoning Map	Notification List
Aerial Map	Ordinance 3752
Oblique Aerial Looking North	

## **SPECIAL CONDITIONS ZF 11-10**

1. Ordinance 3752 shall be amended by removing special condition #8 regarding the maximum number of pad sites and/or freestanding buildings.
2. The Special Permits granted in Ordinance 3752 and 3781 shall remain full force and effect.

**City of Richardson  
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, July 25, 2011, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

**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 SW corner of Renner Road and North Star Road; currently zoned PD Planned Development.

**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 (SE corner of Central Expressway and Phillips Street); currently zoned C-M Commercial.

**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.

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  
Pamela

OF RICHARDSON  
Schmidt, City Secretary

**DRAFT EXCERPT  
CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – JULY 5, 2011**

**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 12.80 acres located at the southwest corner of Renner Road and North Star Road.

Mr. Shacklett advised that the applicant was requesting to amend the existing PD Planned Development to remove Special Condition #8 regarding the maximum number of pad sites and/or freestanding buildings on the 12.8-acre property located at the southwest corner of Renner and North Star Roads. He said the current ordinance allowed only two free standing pads, and with the Kids R Kids and Evergreen Senior Living Center developments those two pads were taken leaving 4.8 acres of undeveloped property along Renner Road.

In addition, Mr. Shacklett noted that the PD would maintain the Special Permits granted in Ordinances 3752 and 3781 ensuring any future development on the south side of Renner Road would be in the same design style as Breckinridge Corners on the north side of the road.

With no comments or questions from the Commission, Chairman Gantt opened the public hearing.

Mr. Ron Walden, 405 N. Waterview, Richardson, Texas, representing the three property owners, complimented the staff on their thorough job and said the request was meant to clean up old language dating back to 1988, and to make the property more developable.

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

**Motion:** Commissioner Hand made a motion to recommend approval of Zoning File 11-10 as presented; second by Commissioner DePuy. Motion passed 7-0.



## Staff Report

**TO:** City Council

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

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

**DATE:** July 21, 2011

**RE:** **Zoning File 11-10:** Renner & North Star PD Amendment

### **REQUEST:**

Amend existing PD Planned Development to remove Special Condition #8 regarding the maximum number of pad sites and/or freestanding buildings for the properties totaling 12.8 acres located at the southwest corner of Renner Road and North Star Road.

### **APPLICANT:**

Richard Ferrara

### **PROPERTY OWNERS:**

Moroney Renner 37, LP, Evergreen Richardson Senior Community, LP, and SSAA Ventures Corporation

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

12.8-acre site, south of Renner Road, west of North Star Road.

### **EXISTING DEVELOPMENT:**

The site currently consists of a 17,000-square foot childcare center located at the southeast corner of the property. A 170-unit senior living community is under construction in the central portion of the property. The frontage along Renner Road, which is approximately 250 feet deep, is undeveloped.

**ADJACENT ROADWAYS:**

**North Star Road:** Four-lane, divided arterial; 10,300 vehicles per day on all lanes, northbound and southbound, south of Renner Rd (March 2009).

**Renner Road:** Six-lane, divided arterial; 23,400 vehicles per day on all lanes, eastbound and westbound, east of North Star Rd (March 2009).

**SURROUNDING LAND USE AND ZONING:**

**North:** Retail/Commercial; PD Planned Development/LR-M(1) Local Retail

**South:** Multi-Family/Group Quarters; PD Planned Development

**East:** Multi-Family/Group Quarters; PD Planned Development

**West:** Multi-Family/Group Quarters; PD Planned Development

**FUTURE LAND USE PLAN:**

**Neighborhood Service**

*Service-related uses such as retail sales; personal services; entertainment; recreation; and office uses oriented to the immediate area.*

**Future Land Uses of Surrounding Area:**

North: Neighborhood Service

South: Multi-Family Residential

East: Multi-Family Residential

West: Multi-Family Residential

**EXISTING ZONING:**

PD Planned Development for LR-M(2) uses with special conditions (Ordinance No. 3752).

**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:**

In 1988, over 500 acres in the Renner/North Star area (formerly the Moroney Farm) were rezoned for residential, retail and industrial park uses per Ordinance 2636-A. The 12.8-acre tract

of land located at the southwest corner of Renner Road and North Star Road was zoned for LR-M(2) Local Retail uses which included retail, restaurant, office and other service-oriented uses. At that time, it appeared the future development of the tract would be for a grocery-anchored shopping center. As part of the special conditions, a maximum of two (2) pad sites and/or freestanding buildings were allowed on the 12.8-acre tract.

In 2009, the PD Planned Development zoning for the 12.8-acre tract was amended to include conditions regarding landscaping, screening, access and the requirement for a master land use plan and conceptual architectural images along with the approval of a Special Permit for a childcare center (Ordinance 3752), which is now located at the southeast corner of the 12.8-acre property. Prior to the development of the childcare center, a master land use plan was submitted that depicted the development of multiple freestanding buildings on the remaining portion of the 12.8-acre property.

In 2010, a Special Permit was granted for a senior independent living facility (Ordinance 3781) on a 5.91-acre tract located between the childcare center and the undeveloped portion of the property along Renner Road (See Exhibit "B"). As part of this zoning request, the City Council approved a revised master land use plan which removed the multiple freestanding buildings. The current plan now depicts three (3) separate lots: the childcare center property, the senior independent living facility property and the undeveloped 4.8-acre property along Renner Road, which is attached as Exhibit "B".

**Zoning Change Request:**

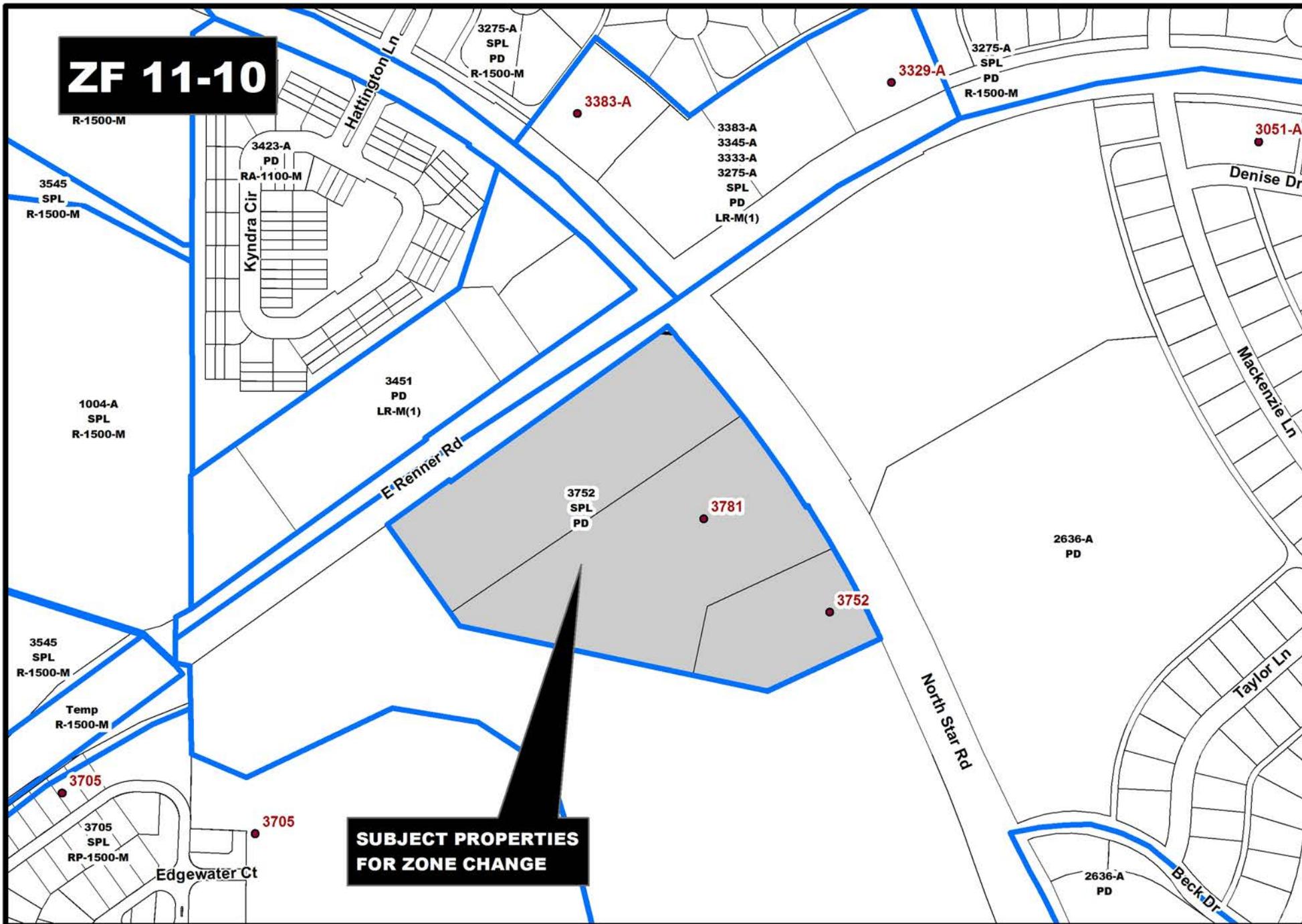
Recently, staff has had discussions with developers interested in developing portions of the 4.8 acres along Renner Road. Staff identified that the future development along Renner Road would violate the maximum pad site/freestanding building regulation stated in Ordinance 3752. Staff requested that the PD be amended by the owners in anticipation of future development of the property.

With the current development of the childcare center and the senior independent living facility, the maximum of two (2) pad sites and/or freestanding buildings is no longer an appropriate restriction for this site. Due to development patterns of grocery-anchored shopping centers in surrounding cities over that past twenty (20) years left, the site has evolved with alternative development possibilities such as professional offices, childcare centers, and senior living facilities. Under the site's current zoning regulations, the 12.8-acre site is currently at its maximum number of pad sites and/or freestanding buildings allowed per Ordinance 3752, and no further development would be permitted without the proposed amendment. In summary, the large anchor lot envisioned for the 12.8-acre site no longer exists.

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

**Motion:** On July 5, 2011 the City Plan Commission recommended approval of the request subject to the following conditions:

1. Ordinance 3752 shall be amended by removing special condition #8 regarding the maximum number of pad sites and/or freestanding buildings.
2. The Special Permits granted in Ordinance 3752 and 3781 shall remain in full force and effect.



## ZF 11-10 Zoning Map

Updated By: shacklett, Update Date: June 16, 2010  
File: DSI\mapping\Cases\Z\2011\ZF 1110\ZF 1110 zoning.mxd





**ZF 11-10**

**SUBJECT PROPERTIES  
FOR ZONE CHANGE**

**ZF 11-10 Aerial Map**

Updated By: shacklett, Update Date: June 16, 2010  
File: DSI\Mapping\Cases\Z\2011\ZF 1110\ZF 1110 ortho.mxd





Renner Rd

Undeveloped  
4.8 Acres

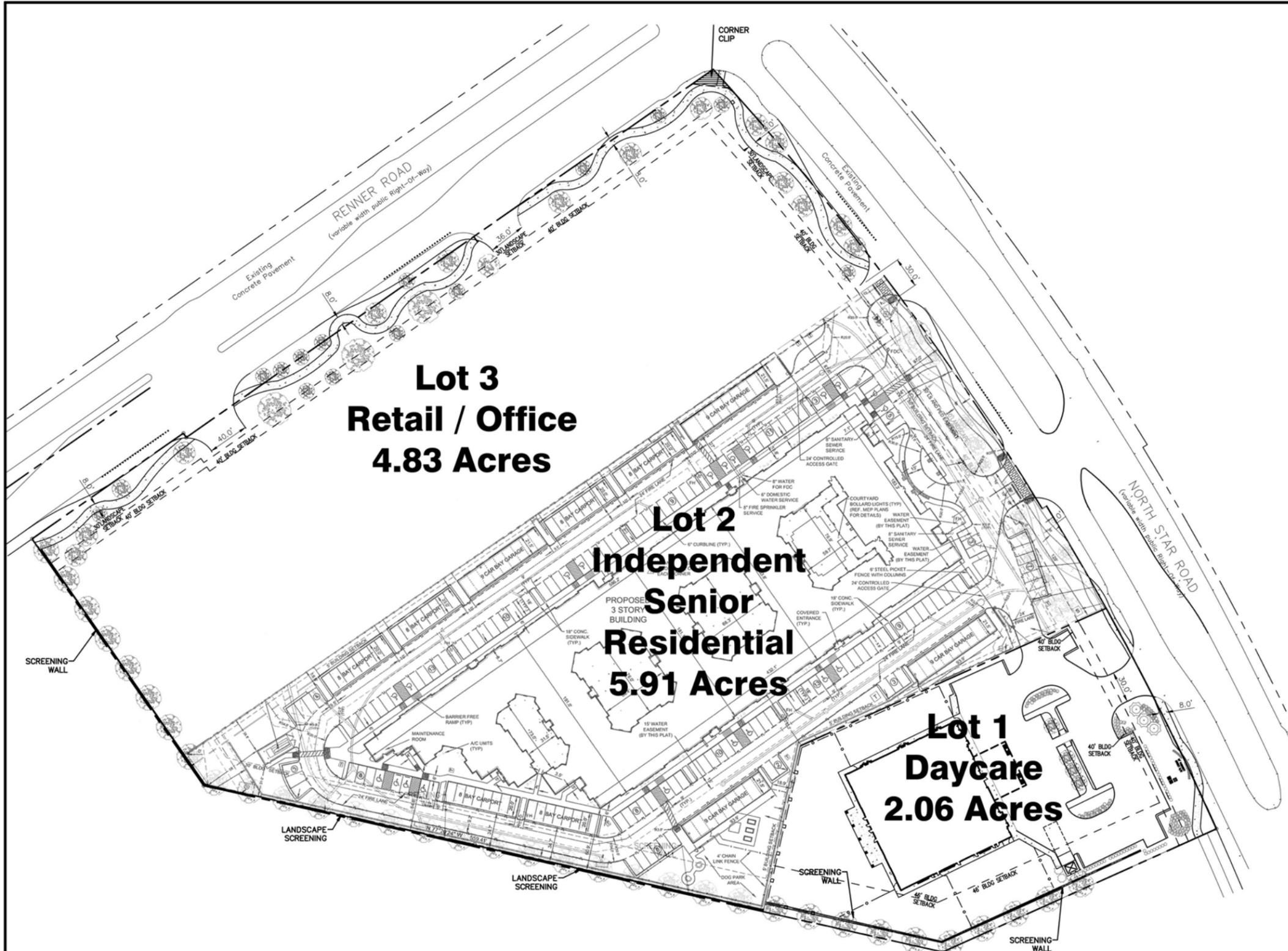
North Star Rd

 Evergreen at Richardson  
*Building Healthy Communities*  
Senior Living

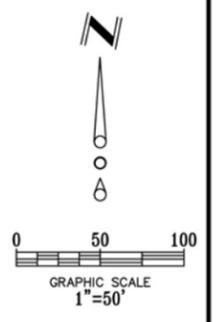
 Kids R Kids  
Schools of Quality Learning



Oblique Aerial  
Looking North



SITE DEVELOPMENT STANDARDS	
GROSS DEVELOPMENT AREA	12.8 ACRES
EXTERIOR SETBACKS:	
NORTH STAR FRONTAGE	
LANDSCAPE	30 FEET
BUILDING	40 FEET
RENNER ROAD FRONTAGE	
LANDSCAPE	30 FEET
BUILDING	40 FEET
ADJOINING PROPERTY FRONTAGE	
BACKYARD	46 FEET FOR DAYCARE LOT
BUILDING	60 FEET FOR ALL OTHER LOTS
SIDEYARD	46 FEET
INTERIOR SETBACKS	NO INTERIOR SETBACKS



**Lot 3**  
**Retail / Office**  
**4.83 Acres**

**Lot 2**  
**Independent Senior Residential**  
**5.91 Acres**

**Lot 1**  
**Daycare**  
**2.06 Acres**

**Exhibit B**

MASTER LAND USE PLAN	
BRECKINRIDGE COMMONS IMPROVEMENTS	
CITY OF RICHARDSON	
COLLIN COUNTY, TEXAS	
 <b>O'DONALD ENGINEERING LLC</b> F-8885	DATE
	7/8/2010
1601 E. Lamar Blvd, Suite 210 Arlington, Texas 76011 Phone 817.794.0202 Fax 817.548.8430	SCALE
	1"=50'
SHEET <b>C1</b> REVISED	JOB NO.
	0009016

**DISCLAIMER:**  
THE MASTER CONCEPT PLAN REFLECTS A GENERAL PROJECTION OF LAND USE. THE EXACT LOT, BUILDING, PARKING, LANDSCAPING, AND DRIVE CONFIGURATIONS ARE SUBJECT TO CHANGE.

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(1)

**Looking Northwest  
at Subject Property**

**SW Corner Renner & North Star - June 2011**



(2)

**Looking Southwest  
at Subject Property**

**Exhibit C**

1 June 2011

ZF 11-10

## **Statement of Purpose**

A problem of semantics was discovered by the City Staff that none of us ever considered to be a problem after almost thirty years of dealing with the 500 plus acres of what was originally known as the Moroney Farm. That being the use of the term “pad site” in the Special Provisions of the original 1988 zoning ordinance 2636-A.

As background information the use of the term “pad site” was initiated for the proposed super market anchored shopping center that was planned on the 12.8 acre southwest corner of Renner & North Star Roads. There was limit placed on that parcel for two pad sites. As development of supermarkets moved to other parcels in neighboring cities and as this parcel changed in character, the terminology in question become confusing and archaic, never anticipating free standing buildings of alternate uses such as professional offices, a day care, etc.

Therefore as the applicant representing the owner we respectfully request that the language relating to “pad sites”, which has been part of each subsequent ordinance revision for this property, be removed.

Richard Ferrara & Ron Walden



# Notice of Public Hearing

## City Plan Commission • Richardson, Texas

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

### **AMEND PD SPECIAL CONDITIONS**

**File No./Name:** ZF 11-10 / Renner/North Star PD Amendment  
**Property Owner:** Moroney Renner 37, LP / Evergreen Richardson Senior Community, LP / SSAA Ventures Corporation  
**Applicant:** Richard Ferrara  
**Location:** Southwest corner of Renner Road and North Star Road / (See map on reverse side)  
**Current Zoning:** PD Planned Development  
**Request:** Amend the PD Planned Development to remove the special condition regarding the maximum number of pad sites and/or freestanding buildings.

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

**TUESDAY, JULY 5, 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 11-10.

Date Posted and Mailed: 06/24/11

SOUTHWEST CLEARWATER CREEK PAR  
2100 LAKESIDE BLVD STE 425  
RICHARDSON, TX 75082-4350

PAPACHRISTOS FAMILY TRUST  
PAPACHRISTOS ELIAS & VASSO-TR  
4316 MARINA CITY DR UNIT 1019  
MARINA DEL REY, CA 90292-5820

GERARD STEPHEN K &  
TRUDY LIONEL  
664 NOE ST  
SAN FRANCISCO, CA 94114-2530

AMLI/BPMT BRECKINRIDGE PARTNER  
200 W MONROE ST STE 2200  
CHICAGO, IL 60606-5070

MORONEY RENNER 37 LP  
3102 OAK LAWN AVE STE 202  
DALLAS, TX 75219-6400

GERARD LIONEL FAMILY TRUST THE  
GERARD STEPHEN K & TRUDY LIONE  
664 NOE ST  
SAN FRANCISCO, CA 94114-2530

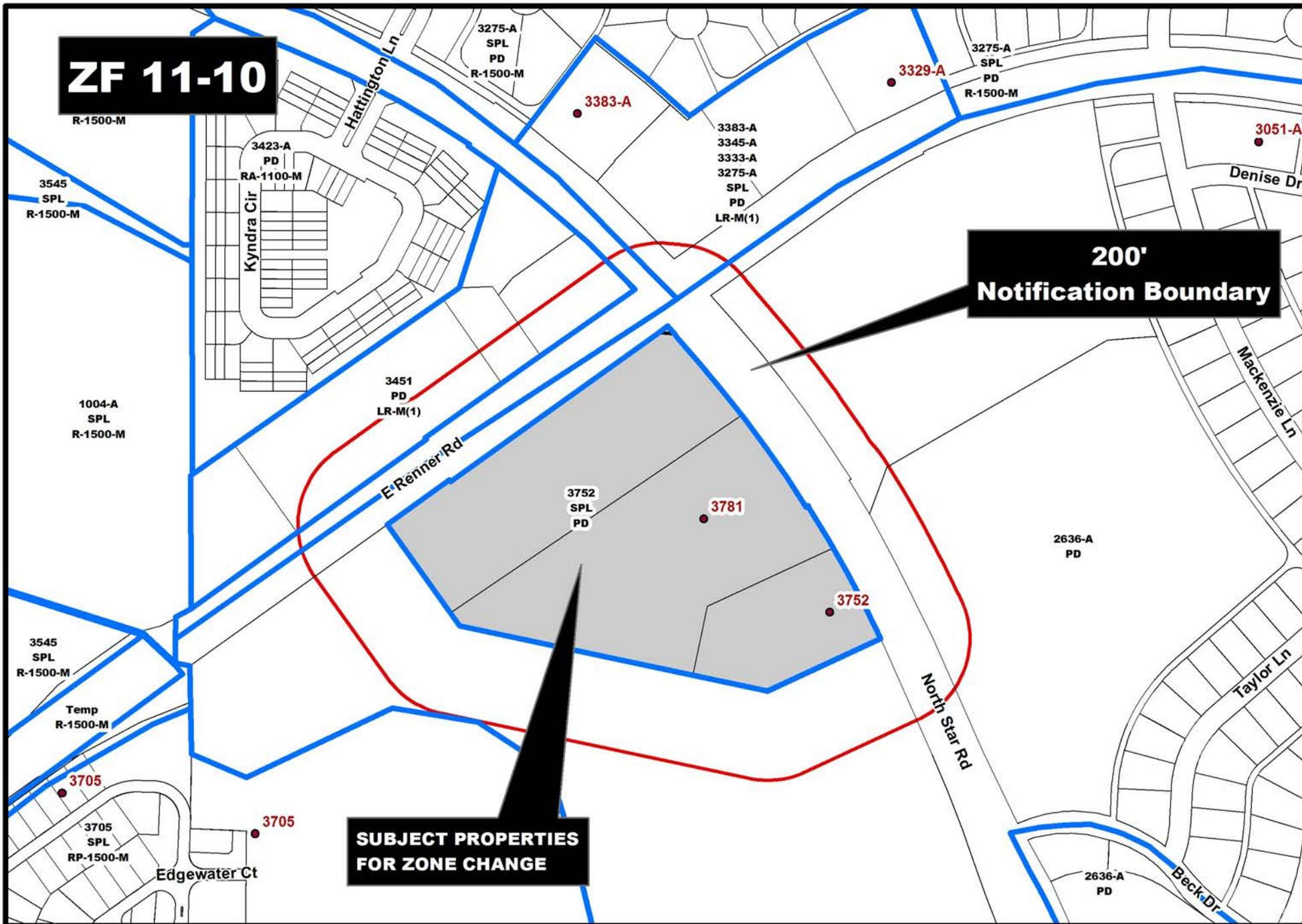
JPMORGAN CHASE BANK  
C/O SAXON MORTGAGE SERVICES IN  
4708 MERCANTILE DR  
FORT WORTH, TX 76137-3605

EVERGREEN RICHARDSON SENIOR  
COMMUNITY LP  
5605 N MACARTHUR BLVD #580  
IRVING, TX 75038-2694

SSAA VENTURES CORPORATION  
PO BOX 940044  
PLANO, TX 75094-0044

**RICHARD FERRARA, CONSULTANT  
CONSULTANT  
405 N. WATERVIEW DRIVE  
RICHARDSON, TX 75080**

**ZF 11-10  
Notification List**



## ZF 11-10 Notification Map

Updated By: shacklett, Update Date: June 16, 2010  
 File: DSI\Mapping\Cases\Z\2011\ZF 1110\ZF 1110 notification.mxd



**ORDINANCE NO. 3752**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING FOR A 12.80-ACRE TRACT OF LAND DESCRIBED IN EXHIBIT "A-1" FROM PD PLANNED DEVELOPMENT FOR LR-M(2) USES WITH SPECIAL CONDITIONS TO PD PLANNED DEVELOPMENT FOR LR-M(2) USES WITH AMENDED SPECIAL CONDITIONS; AND TO GRANT A SPECIAL PERMIT FOR A CHILDCARE CENTER ON A 2.06-ACRE TRACT OF LAND DESCRIBED IN EXHIBIT "A-2", BEING A PART OF SAID 12.80-ACRE TRACT OF LAND DESCRIBED IN EXHIBIT "A-1"; BY REPEALING ORDINANCE NO. 2636-A WITH RESPECT TO THE 12.80-ACRE TRACT DESCRIBED IN EXHIBIT "A-1"; 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 0901).**

**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 for a 12.80-acre tract of land located at the southwest corner of Renner Road and North Star Road and being further described in Exhibit "A-1" from Planned Development District for LR M(2) uses to PD Planned Development District for LR-M(2) uses, with amended special conditions and to grant a Special Permit for a childcare center on a 2.06-acre tract of land located south of Renner Road, on the west side of North Star Road, and being more particularly

described in Exhibit “A-2” and as depicted in the Concept Plan as Exhibit “B” attached hereto and made a part hereof for all purposes, and which is hereby approved.

**SECTION 2.** That the 12.80-acre tract of land described in Exhibit “A-1” shall be developed and used only in accordance with the Concept Plan and following special conditions:

**Special Conditions**

1. Base Zoning District. The property shall be developed and used only in accordance with the zoning regulations for LR-M (2) Local Retail District except as otherwise provided herein.
2. Permitted Uses. All LR-M (2) Local Retail District uses shall be allowed.
3. Exterior Construction. All main buildings or other buildings facing a street shall be of masonry construction. Facades not facing streets or main parking areas shall be of finished quality, of the same materials and/or architectural finishes as the building front and shall be of a color and material which will blend with the remainder of the structure.
4. Landscaping. Along Renner Road and North Star Road, a 30-foot landscape and pedestrian strip shall be required within the property lines of the tract in addition to the standard 10-foot parkway required as street right-of-way. This landscape strip shall include ornamental trees and shrubs, a five (5) foot meandering sidewalk and berms at a maximum 3:1 slope. The berms and sidewalk shall be designed to meander throughout the landscape strip and parkway so that no visual separation is apparent between the landscape zone and parkway.

Underground irrigation shall be required and installation of this system, the landscaping and sidewalk shall be the responsibility of the owner. Maintenance of the landscaping shall be the responsibility of the abutting property owner.

5. Lighting. Exterior lighting features, whether attached to buildings or freestanding, shall be of harmonious design on each site for single or multiple buildings of common ownership. All lighting fixtures shall be of a downlight or indirect reflector type so as to minimize glare. If rear yard security lights are mounted over 10 feet above grade, they shall be placed along the rear property line and directed away from any adjacent residential use. A lighting plan, showing fixtures and lighting levels, shall be submitted to the City Plan Commission for its approval at the time of site plan review.
6. Architectural Design. All buildings within this tract shall be of harmonious design, utilizing similar styles, materials, colors and lighting, excluding the childcare center located on the 2.06-acre tract described in Exhibit “A-2”.

7. Intersection Improvements. Intersections of all collector streets and major thoroughfares shall contain decorative crosswalks constructed of enhanced paving materials, such as brick pavers or specialty concrete with distinct color, finish, and/or texture to provide an aesthetic identity feature throughout the Planned Development District.
8. Pad Sites. A maximum of two (2) pad sites and/or freestanding buildings shall be allowed within this tract; one site shall be a minimum of 25,000 square feet, and the other shall be a minimum of 40,000 square feet.
9. Trees. Trees shall be planted 35 feet on center along the required six (6) foot masonry screening wall adjacent to the southern property lines adjacent to the residential district.
10. Screening Wall. Along the southern property line, the required masonry screening wall shall be located as close to the existing retaining wall as practical. The exact location of the wall, and the type of materials used between the screening wall and existing retaining wall, shall be identified at the time of development plan approval.
11. Mutual Access Easement. The mutual access easement driveway may be realigned or modified to accommodate future development, but access to the site shall be maintained.
12. A master land use plan and conceptual architectural images shall be submitted to the City Plan Commission for review and recommendation to the City Council and approved by the City Council prior to the consideration and approval of any further zoning change, Special Permit, issuance of a building permit(s) or development plan applications for the remainder of the 12.80-acre tract.

**SECTION 3.** That a Special Permit for a childcare center is hereby granted for the 2.06-acre tract of land described in Exhibit "A-2" and being a part of the 12.80-acre tract of land and shall be developed and used in accordance with the provisions of section 2 above except as otherwise provided by the following special conditions:

1. Concept Plan. The childcare center shall be constructed in substantial conformance with the attached concept plan (Exhibit "B") and elevations (Exhibit "C-1" and Exhibit "C-2"), and incorporated herein and which are hereby approved.
2. Rear Yard Set Back. A forty-six (46) foot rear yard setback from the residential property to the south shall be allowed in lieu of the required sixty (60) foot rear yard setback.
3. Parking. A reduction in required parking from 57 spaces to 48 spaces shall be allowed.
4. Exterior Construction. A maximum of 25% non-masonry materials as designated on Exhibit "C-1" and Exhibit "C-2" shall be allowed.

5. Equipment. Air conditioning equipment shall be roof-mounted only.
6. Architectural Design. The architectural style of the childcare center shall be complimentary to the retail development across Renner Road to the north, but shall not restrict the design of future buildings within the tract.
7. Development Plan Approval. Prior to the issuance of a building permit, the City Plan Commission shall approve the Development Plans, including façade elevations, for the childcare center site.

**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 Ordinance No. 2636-A with respect to the 12.80-acre tract described in Exhibit “A-1” (Tract 5 of Ordinance No. 2636- A) is hereby repealed, but only in respect to such property, and 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.** 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.** 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 June, 2009.

**APPROVED:**

  
\_\_\_\_\_  
MAYOR *PR 250 TEX 1*

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
CITY ATTORNEY  
(37265)

**CORRECTLY ENROLLED:**

  
\_\_\_\_\_  
CITY SECRETARY

**EXHIBIT A-1**  
**LEGAL DESCRIPTION**  
**ZF 09-01**  
**12.8 Acres**

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.

**EXHIBIT A-2**  
**LEGAL DESCRIPTION**  
**Metes & Bounds**  
**2.06 Acres**

BEING all that certain lot, tract or parcel 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 the 12.800 acre property described in deed to Moroney Renner 37, LP., called Tract 3, as recorded in Volume 4832 at Page 1769 (Instrument No. 2001-0004128) of the Deed Records of Collin County, Less and Except 10.74 acres and being more particularly described as follow:

**POINT OF BEGINNING** at an "x" found for the Northeast corner of said 12.800 acre tract at the intersection of the South right of way line of Renner Road (a 120 foot right-of-way at this point) with the West right of way line of North Star Road (a 120 foot right-of-way at this point) as granted to the City of Richardson as described in Volume 2788, Page 902 of the Deed Records of Collin County, Texas;

Thence South 41° 52' 36" East for a distance of 23.88 feet along said West line of North Star Road to a ½" iron pin with red F-D cap found for corner, said point being the beginning of a curve to the right having a radius of 2804.79 with and arc distance of 512.09 feet and a chord bearing South 36° 38' 46" East at a chord distance of 511.38 feet;

Thence in a Southeasterly direction along said curve to the right and continuing along the West right of way line of said North Star Road for an arc distance of 512.08 feet to a ½" iron pin found for corner;

Thence North 58° 35' 03" East and continuing along said West line of North Star Road (a 110 foot right-of-way at this point) for a distance of 5.00 feet to a ½" iron pin found for corner, said point being the beginning of a curve to the right having a radius of 2809.79 feet with an arc distance of 355.41 feet and a chord bearing South 27° 47' 32" East at a chord distance of 355.17 feet;

THENCE in a Southeasterly direction along said curve to the right and continuing along the West right of way line of North Star Road for an arc distance of 115.09 feet to a point, and said point being the **TRUE POINT OF BEGINNING**.

THENCE in a Southeasterly direction along said curve to the right and continuing along the West right of way line of North Star Road for an arc distance of 240.32 feet to a ½" iron pin with red F-D cap found for the Southeast corner of the aforesaid 12.800 acre tract, said point also being the Northeast corner of Lot 1 in Block 1 of Moroney West Addition, an addition to the City of Richardson, Collin County, Texas, as recorded in Cabinet "L", Page 989, of the Plat Records of Collin County, Texas

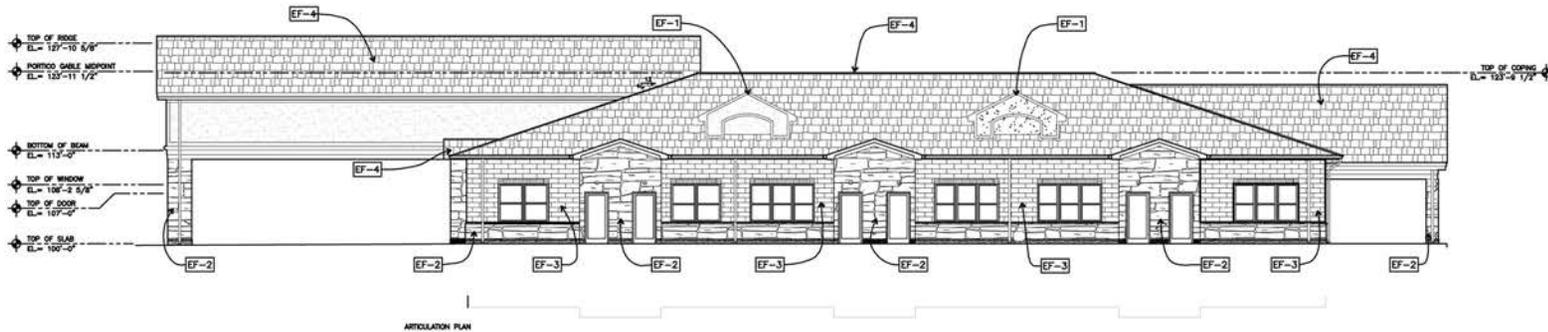
THENCE South 65° 49' 53" West and departing the West right-of-way line of North Star Road and along the common line of said Lot 1 in Block 1 of Moroney West Addition and said 12.800 acre tract for a distance of 292.86 feet to a ½" iron pin found for a corner;

THENCE North 77° 20' 24" West and continuing along the common line of said Lot 1 in Block 1 of Moroney West Addition and said 12.800 acre tract for a distance of 179.79 feet to a point for corner;

THENCE North 12° 39' 46" East and departing the South line of said 12.80 acre tract for a distance of 165.18 feet to a point for corner;

THENCE North 65° 49' 28" East for a distance of 327.48 feet to a point being the **TRUE POINT OF BEGINNING** and CONTAINING 2.06 ACRES OF LAND, more or less.





**CONCEPTUAL DESIGN NORTH SIDE ELEVATION**

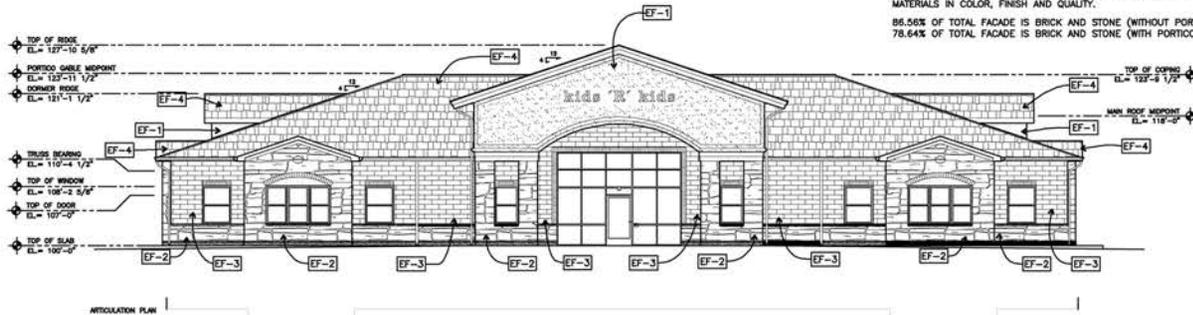
SCALE: 1/8" = 1'-0"

TOTAL FAÇADE AREA =	1436.44 SQUARE FEET	(WITHOUT PORTICO)
DOOR AND WINDOW AREA =	409.84 SQUARE FEET	(28.53% OF FAÇADE)
NET FAÇADE AREA =	1026.50 SQUARE FEET	
BRICK AND STONE AREA =	1026.50 SQUARE FEET	(100.00% OF NET FAÇADE)
ELEVATION FAÇADE MASONRY =		100.00% OF NET FAÇADE
TOTAL FAÇADE AREA =	1740.20 SQUARE FEET	(WITH PORTICO)
NET FAÇADE AREA =	1330.26 SQUARE FEET	
EIFS AREA (PORTICO) =	303.76 SQUARE FEET	(22.83% OF NET FAÇADE)
BRICK AND STONE AREA =	1026.50 SQUARE FEET	(77.17% OF NET FAÇADE)
ELEVATION FAÇADE MASONRY =		77.17% OF NET FAÇADE

EXTERIOR MATERIAL & FINISH SCHEDULE		
EF-1	EIFS	DRYMT SANDPEBBLE FINISH - 383 HONEY TWIST
EF-2	STONE	CULTURED STONE - CHALK, COLOR: HILL COUNTRY
EF-3	BRICK	ACME BRICK - COLOR: COUNTRY FRENCH
EF-4	ROOF SHINGLES	DIMENSIONAL SHINGLES- 30 YR. LTD. WARRANTY - OWENS CORNING OAKRIDGE SHINGLE, COLOR: DRIFTWOOD
EF-5	PAINT	PAINT FOR ROOF CAPS AND VENT PIPES TO MATCH SHINGLE COLOR TRIM AND SIDING COLOR: SHERWIN WILLIAMS 7124 CRESENT MOON
TRIM		DIMENSIONAL LUMBER AND FIBERGLASS FORMED MOULDINGS PAINT - SHERWIN WILLIAMS 7124 CRESENT MOON
MORTAR		BROXMENT MORTAR - CUSTOM MORY COLOR TO COMPLIMENT STONE

NOTE: PRODUCTS PROPOSED ARE FOR APPROVAL PURPOSES ONLY. FINAL PRODUCTS ARE TO BE SELECTED BASED UPON AVAILABILITY AND ARE TO MATCH APPROVED MATERIALS IN COLOR, FINISH AND QUALITY.

86.56% OF TOTAL FAÇADE IS BRICK AND STONE (WITHOUT PORTICO SIDE EIFS)  
78.64% OF TOTAL FAÇADE IS BRICK AND STONE (WITH PORTICO SIDE EIFS)



**CONCEPTUAL DESIGN EAST ELEVATION**

SCALE: 1/8" = 1'-0"

TOTAL FAÇADE AREA =	1967.71 SQUARE FEET	
DOOR AND WINDOW AREA =	441.74 SQUARE FEET	(22.45% OF FAÇADE)
NET FAÇADE AREA =	1525.97 SQUARE FEET	
BRICK AND STONE AREA =	1134.05 SQUARE FEET	(74.34% OF NET FAÇADE)
EIFS AREA (GABLE & WINDOW) =	391.49 SQUARE FEET	(25.66% OF NET FAÇADE)
ELEVATION FAÇADE MASONRY =		74.34% OF NET FAÇADE

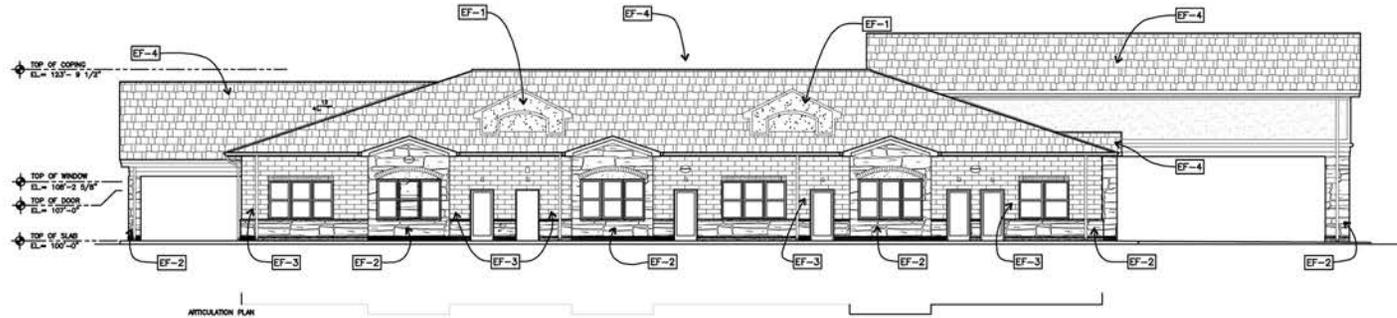
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CONTRACTOR: [Redacted]  
 ARCHITECT: [Redacted]  
 ENGINEER: [Redacted]  
 ADDRESS: [Redacted]  
 CITY, STATE: [Redacted]

KIDS R KIDS  
 North Star Road  
 Pflugerville, Texas

EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"



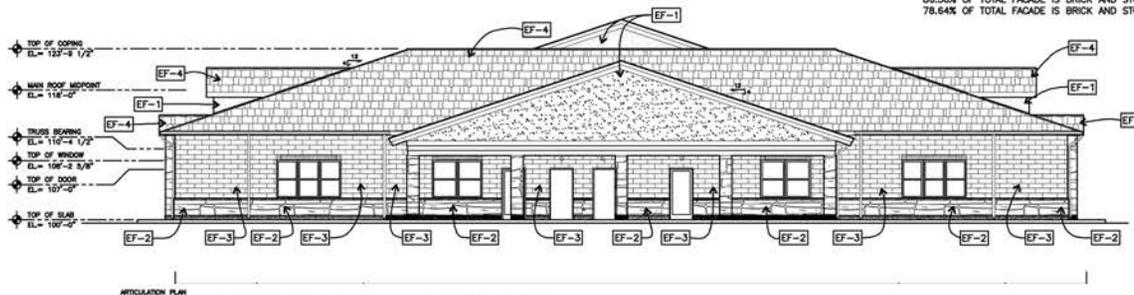
**CONCEPTUAL DESIGN SOUTH SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"

TOTAL FAÇADE AREA =	1436.44 SQUARE FEET	(WITHOUT PORTICO)
DOOR AND WINDOW AREA =	383.28 SQUARE FEET	(26.68% OF FAÇADE)
NET FAÇADE AREA =	1053.16 SQUARE FEET	
BRICK AND STONE AREA =	1053.16 SQUARE FEET	(100.00% OF NET FAÇADE)
ELEVATION FAÇADE MASONRY =		
TOTAL FAÇADE AREA =	1740.20 SQUARE FEET	(WITH PORTICO)
NET FAÇADE AREA =	1356.92 SQUARE FEET	
EIFS AREA (PORTICO) =	303.76 SQUARE FEET	(22.36% OF NET FAÇADE)
BRICK AND STONE AREA =	1053.16 SQUARE FEET	(77.62% OF NET FAÇADE)
ELEVATION FAÇADE MASONRY =		77.62% OF NET FAÇADE

EXTERIOR MATERIAL & FINISH SCHEDULE		
EF-1	EIFS	DRYVT SANDPEBBLE FINISH - 383 HONEY TWIST
EF-2	STONE	CULTURED STONE - CHALK, COLOR: HILL COUNTRY
EF-3	BRICK	ACME BRICK - COLOR: COUNTRY FRENCH
EF-4	ROOF SHINGLES	DIMENSIONAL SHINGLES- 30 YR. LTD. WARRANTY - OWENS CORNING OAKRIDGE SHINGLE, COLOR: DRIFTWOOD
EF-5	PAINT	PAINT FOR ROOF CAPS AND VENT PIPES TO MATCH SHINGLE COLOR TRIM AND SIDING COLOR: SHERWIN WILLIAMS 7124 CRESENT MOON
	TRIM	DIMENSIONAL LUMBER AND FIBERGLASS FORMED MOULDINGS PAINT - SHERWIN WILLIAMS 7124 CRESENT MOON
	MORTAR	BROXMENT MORTAR - CUSTOM IVORY COLOR TO COMPLIMENT STONE

NOTE: PRODUCTS PROPOSED ARE FOR APPROVAL PURPOSES ONLY. FINAL PRODUCTS ARE TO BE SELECTED BASED UPON AVAILABILITY AND ARE TO MATCH APPROVED MATERIALS IN COLOR, FINISH AND QUALITY.

86.56% OF TOTAL FAÇADE IS BRICK AND STONE (WITHOUT PORTICO SIDE EIFS)  
78.64% OF TOTAL FAÇADE IS BRICK AND STONE (WITH PORTICO SIDE EIFS)



TOTAL FAÇADE AREA =	1788.00 SQUARE FEET	
DOOR AND WINDOW AREA =	266.18 SQUARE FEET	(14.88% OF FAÇADE)
NET FAÇADE AREA =	1521.82 SQUARE FEET	
BRICK AND STONE AREA =	1224.78 SQUARE FEET	(80.48% OF NET FAÇADE)
EIFS AREA (GABLE) =	297.04 SQUARE FEET	(19.52% OF NET FAÇADE)
ELEVATION FAÇADE MASONRY =		80.48% OF NET FAÇADE

**CONCEPTUAL DESIGN WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

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PLANNING  
 11-04-04  
 PREPARED FOR  
 ADDRESS  
 CITY, STATE

**KIDS R KIDS**  
 North Star Road  
 Richardson, Texas  
 SCALE: 1/8" = 1'-0"  
**EXTERIOR ELEVATIONS**

# ZONING FILE 09-01 - NOTICE OF PUBLIC HEARING CITY OF RICHARDSON, TEXAS

**PUBLIC HEARING DATE & TIME:** Monday, May 11, 2009, 7:30 p.m.

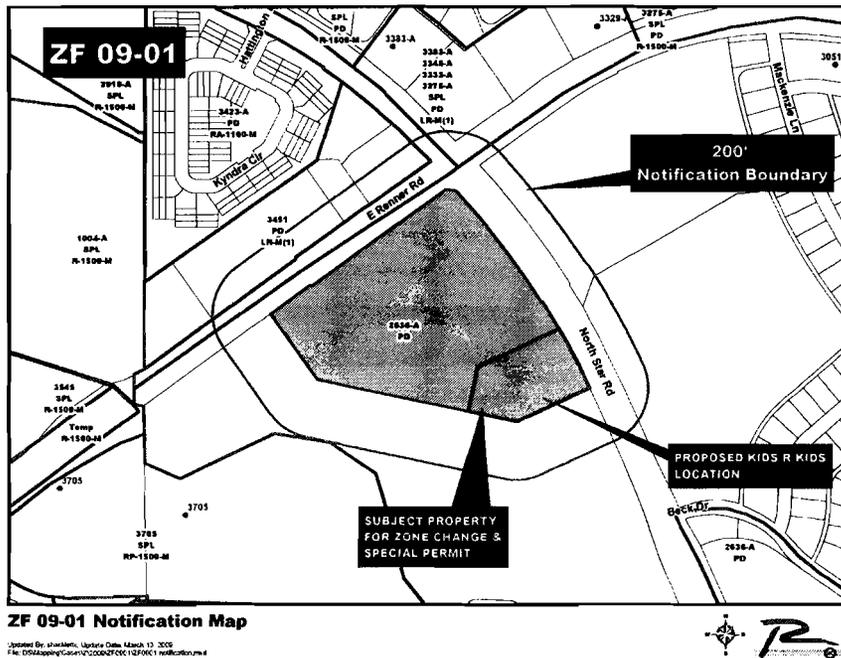
**PLACE:** Richardson Civic Center/City Hall, 411 W. Arapaho Rd., City Council Chamber.

**PURPOSE OF THE HEARING:** The City Council will consider a request by James P. Westbrook, representing Kids R Kids, for a Special Permit and to amend the PD to allow a childcare center at 3521 North Star Road, south of Renner Road, currently zoned PD Planned Development.

**OWNER:** Douglas E. Huey, Huey Investments

**APPLICANT:** James P. Westbrook, James Westbrook & Associates

FOR INFORMATIONAL PURPOSES ONLY - NOT PART OF ORDINANCE



**PROCEDURE:** Testimony will be limited to 20 minutes for proponents and 20 minutes for opponents. The applicant may reserve any portion of the allotted time for rebuttal following the opposition. Time required to respond to questions by the City Council is excluded from the 20-minute limitation. The City Council may approve or disapprove the request or approve more restrictive classifications.

All interested property owners are encouraged to attend this hearing. Persons wishing their opinion to be part of the record who are unable to attend may send a written reply prior to the date of the hearing to Pamela Schmidt, City Secretary, P. O. Box 830309, Richardson, Texas, 75083.

***I hereby certify that this notice was posted on the Civic Center/City Hall Bulletin Board no later than 5:00 p.m., Friday, May 1, 2009.***

The City of Richardson  
*Pamela Schmidt*  
Pamela Schmidt, City Secretary

*This building is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours ahead of meeting. To make arrangements, call 972-744-4000 via TDD or call 1-800-735-2989 to reach 972-744-4000.*



# MEMO

**DATE:** July 21, 2011  
**TO:** Honorable Mayor and City Council  
**FROM:** Sam Chavez, Assistant Director of Development Services SC  
**SUBJECT:** Zoning File 11-11 – KJ Auto

## REQUEST

Kent Junkert, representing KJ Auto is requesting approval of a Special Permit for a “motor vehicle repair shop – major” in a C-M Commercial District located at the southeast corner of Central Expressway and Phillips Street.

## BACKGROUND

The proposed repair shop would be located in a lease space in a multi-tenant automotive center. The lease space has been vacant since 1998. In July 2008, the Comprehensive Zoning Ordinance was revised to require Special Permits for several automobile-related uses in the C-M Commercial District. Since the lease space has been vacant for more than six (6) months, and since this use now requires a Special Permit, the non-conforming rights have been lost, and a Special Permit is now required for major motor vehicle repair shops.

The Commission discussed whether an auto use would be an appropriate land use at the proposed location, especially since the property is located in one of the City’s Redevelopment/Enhancement areas.

To date, no letters in favor or opposition have been received.

## PLAN COMMISSION RECOMMENDATION

On July 5, 2011, the Commission voted 7-0 to recommend approval of the request as presented with a special condition limiting the Special Permit to the applicant, Kent Junkert.

## ATTACHMENTS

Special Conditions	Zoning Exhibit (Exhibit “B”)
CC Public Hearing Notice	Site Photos (Exhibit “C”)
City Plan Commission Minutes 07-05-2011	Applicant’s Statement
Staff Report	Notice of Public Hearing
Zoning Map	Notification List
Aerial Map	
Oblique Aerial Looking Northwest	

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

1. The Special Permit for a motor vehicle repair shop – major located in a multi-tenant building is limited to the area shown on the attached concept plan, attached as Exhibit “B” and made a part thereof, and which is hereby approved.
2. The Special Permit shall be limited to Kent Junkert.

**City of Richardson  
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, July 25, 2011, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

**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 SW corner of Renner Road and North Star Road; currently zoned PD Planned Development.

**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 (SE corner of Central Expressway and Phillips Street); currently zoned C-M Commercial.

**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.

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  
Pamela

OF RICHARDSON  
Schmidt, City Secretary

**EXCERPT  
CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – JULY 5, 2011**

**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.

Mr. Shacklett noted that a Special Permit was requested for a major motor vehicle repair shop located at 405 S. Central Expressway, and the lease space in question would be among six or seven other vehicle repair businesses in the Texas Automotive Center (TAC).

Mr. Shacklett stated he had spoken with the owner about the changes to the Comprehensive Zoning Ordinance that required almost every auto use to obtain a Special Permit. He added that they had discussed the fact that the request would require an exception to Article 22E of the Ordinance which states “major auto repair facilities would not be allowed in multi-tenant buildings;” however, that language was intended to discourage the placement of major vehicle repair shops within typical retail shopping centers. Although the TAC is zoned for retail, it did not develop as such, but as a completely automotive repair center.

Commissioner Bright asked about the surrounding retail areas and Mr. Shacklett indicated those on the displayed map.

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

Ms. Regina Ferree, 205 Betty, Richardson, Texas, stated she was in favor of the request, but had a concern about the state of area along Sherman Drive.

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

Chairman Gantt stated he was in favor of the request and suggested that the Special Permit be issued to the lessee so he could operate his business until either the City recalls the permit or the business ceases to exist.

Commissioner Frederick stated she was in favor of encouraging businesses to come into the City, but would like to have it on record that the overall appearance of the building could be enhanced, and the owner of the building should understand that when a business was located in the City, it should be maintained to the City’s standards.

Commissioner Henderson asked if enhancement and redevelopment requirements were discussed with the applicant.

Mr. Shacklett replied that the subject had been discussed with the applicant noting the future land use plan designated the area as an enhancement redevelopment district. He explained

that the plan listed this area among six within the City where reinvestment/redevelopment would be encouraged; however, the plan did not specifically determine what would be appropriate for the areas, but stated there was a need for further study similar to the one for the West Spring Valley Corridor.

Commissioner Henderson asked if there had been a date set for the area to be studied for redevelopment/enhancement, and what was the applicant's response when he was told about the future plans.

Mr. Shacklett replied there was no date set for further studies, and the applicant stated he understood what the City's future plans were, but asked that in the meantime to have his request approved.

Commissioner DePuy asked if the property was located within the Tax Increment Financing District (TIF) and did that mean that once the area was redeveloped it would participate in the TIF, or was there a time limit on the TIF.

Mr. Shacklett replied that any improvements on the property increased the value and the taxes obtained from the added value would go into the TIF fund to be used for the reimbursement of any project within district for improvements to public infrastructure.

Commissioner Hand thanked the applicant for bringing their business to the City and concurred with Mr. Gantt's suggestion that the Special Permit should be tied to the lessee. He also wanted to emphasize that the principal behind the redevelopment/enhancement areas was based on the City's decision that auto uses was not the highest and best use of the property along Central Expressway.

With no further comments, Chairman Gantt called for a motion.

**Motion:** Commissioner Bright made a motion to recommend approval of Zoning File 11-11 with the condition that the Special Permit was limited to Mr. Kent Junkert; second by Commissioner DePuy. Motion passed 7-0.



## Staff Report

**TO:** City Council

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

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

**DATE:** July 21, 2011

**RE:** **Zoning File 11-11:** KJ Auto

### **REQUEST:**

Approval of a Special Permit for a major motor vehicle repair shop for at 405 S. Central Expressway (southeast corner of Central Expy and Phillips Street)

### **APPLICANT:**

Kent Junkert – KJ Auto

### **PROPERTY OWNER:**

John Lanza

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

3.3-acre site, east of Central Expressway, south of Phillips Street.

### **EXISTING DEVELOPMENT:**

The site currently consists of a multi-tenant automotive complex, including multiple repair shops and a motor vehicle sales facility, totaling 34,350 square feet of leasable area.

### **ADJACENT ROADWAYS:**

**US Hwy 75:** Freeway/Turnpike; 278,000 vehicles per day on all lanes, northbound and southbound, south of Campbell Road (December 2009).

**Phillips Street:** Two-lane, local street; no traffic counts available.

**Sherman Street:** Four-lane, undivided minor collector; 2,800 vehicles per day on all lanes, northbound and southbound, north of Phillips Street (November 2009).

**SURROUNDING LAND USE AND ZONING:**

**North:** Retail/Commercial; C-M Commercial  
**South:** Retail/Commercial; C-M Commercial  
**East:** Industrial; I-M(1) Industrial  
**West:** Retail/Commercial; C-M Commercial

**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 Central enhancement/redevelopment area and is part of the City's Tax Increment Finance (TIF) district. Enhancement/redevelopment should include new and renovated office space, upgraded retail centers, and additional hospitality uses such as restaurant, hotel, and entertainment.*

**Future Land Uses of Surrounding Area:**

North: Enhancement/Redevelopment  
South: Enhancement/Redevelopment  
East: Enhancement/Redevelopment  
West: Enhancement/Redevelopment

**EXISTING ZONING:**

The subject property is zoned C-M Commercial per Ordinance 2083-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 major motor vehicle repair shop. This space was previously occupied by Bray Automotive from 1995 until 1998. The space has

been vacant since that time. The current owner purchased the property in 2007. Staff has had discussions with the owner and informed him a Special Permit would be required for an automotive use to occupy the lease space because the space has been vacant for more than six (6) months.

The requirement for Special Permits for motor vehicle repair shops as well as other motor vehicle uses began in 2008 when the Comprehensive Zoning Ordinance was modified and motor vehicle uses were changed from permitted uses in various zoning districts to Special Permit uses. Existing motor vehicle uses became non-conforming and were allowed to remain but could not expand without acquiring a Special Permit. Since the lease space has been vacant for more than six (6) months, the space lost its non-conforming rights for a major motor vehicle repair shop, and a Special Permit is now required for the use.

The applicant's request is to utilize the space the same way the previous repair shop used the space. There are no changes to the building or site being requested. The proposed business provides general automotive repair and maintenance services and will utilize the existing service bays located on the east side of the building facing Sherman Street.

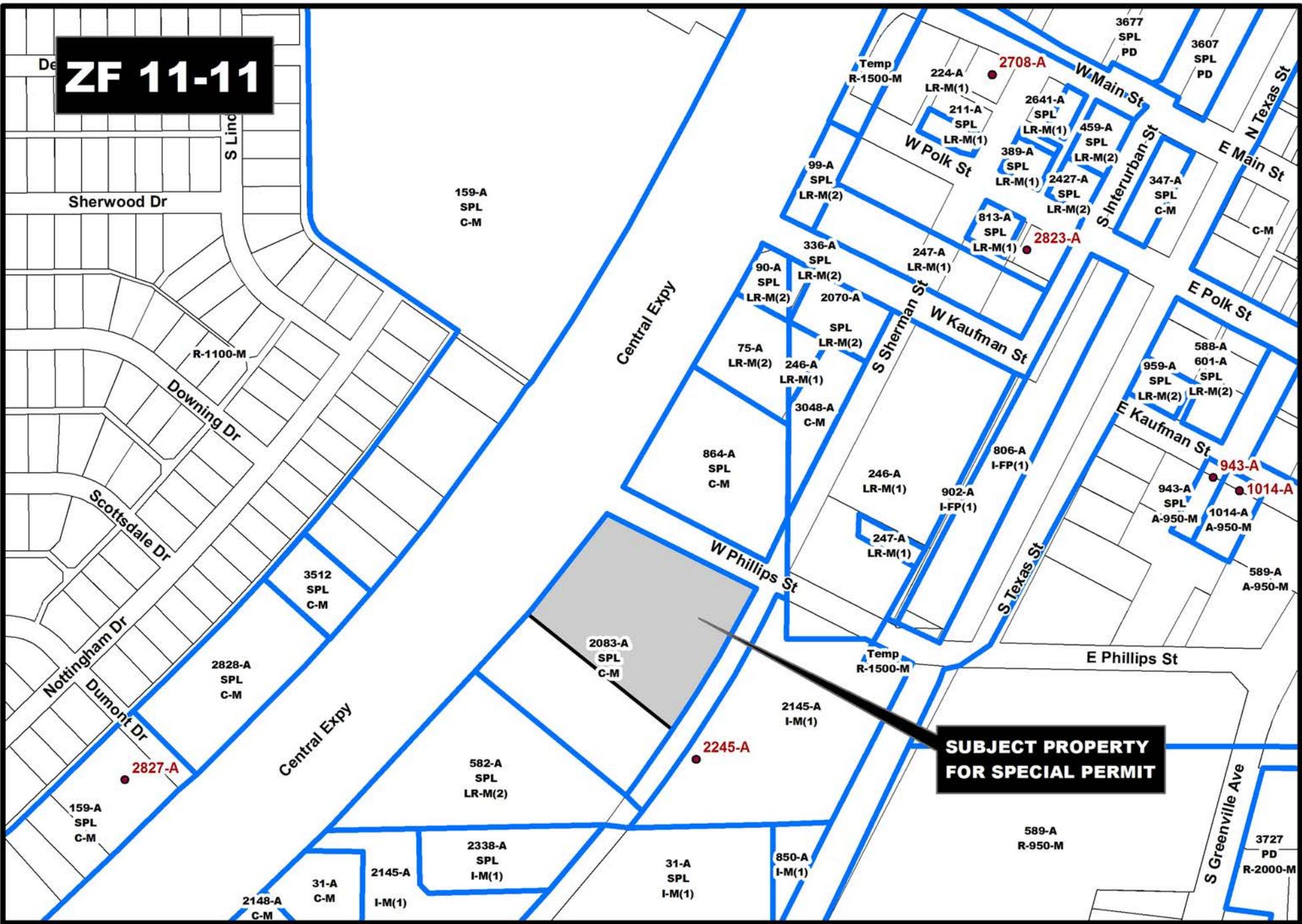
Along with the Special Permit request, the applicant is also requesting an exception to Article XXII-E (Supplemental Regulations) of the Comprehensive Zoning Ordinance to allow a "motor vehicle repair shop – major" use to be located in a multi-tenant building. The regulation, which prohibits the location of "motor vehicle repair shop – major" uses in multi-tenant buildings, was adopted in 2002 to prevent to the location of major motor vehicle repair shops in retail shopping centers. The regulation applies in this case since the proposed use would be located in a multi-tenant building; however, the building is used exclusively for auto-related uses, rather than a typical retail shopping center, which could be occupied with office and retail uses.

**The Commission discussed whether the use was appropriate since the property was located with the City's Central enhancement/redevelopment area. After discussion, a motion was made to recommend approval with a condition limiting the Special Permit to the applicant.**

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

**Motion:** On July 5, 2011, the City Plan Commission recommended approval of the request subject to the following conditions:

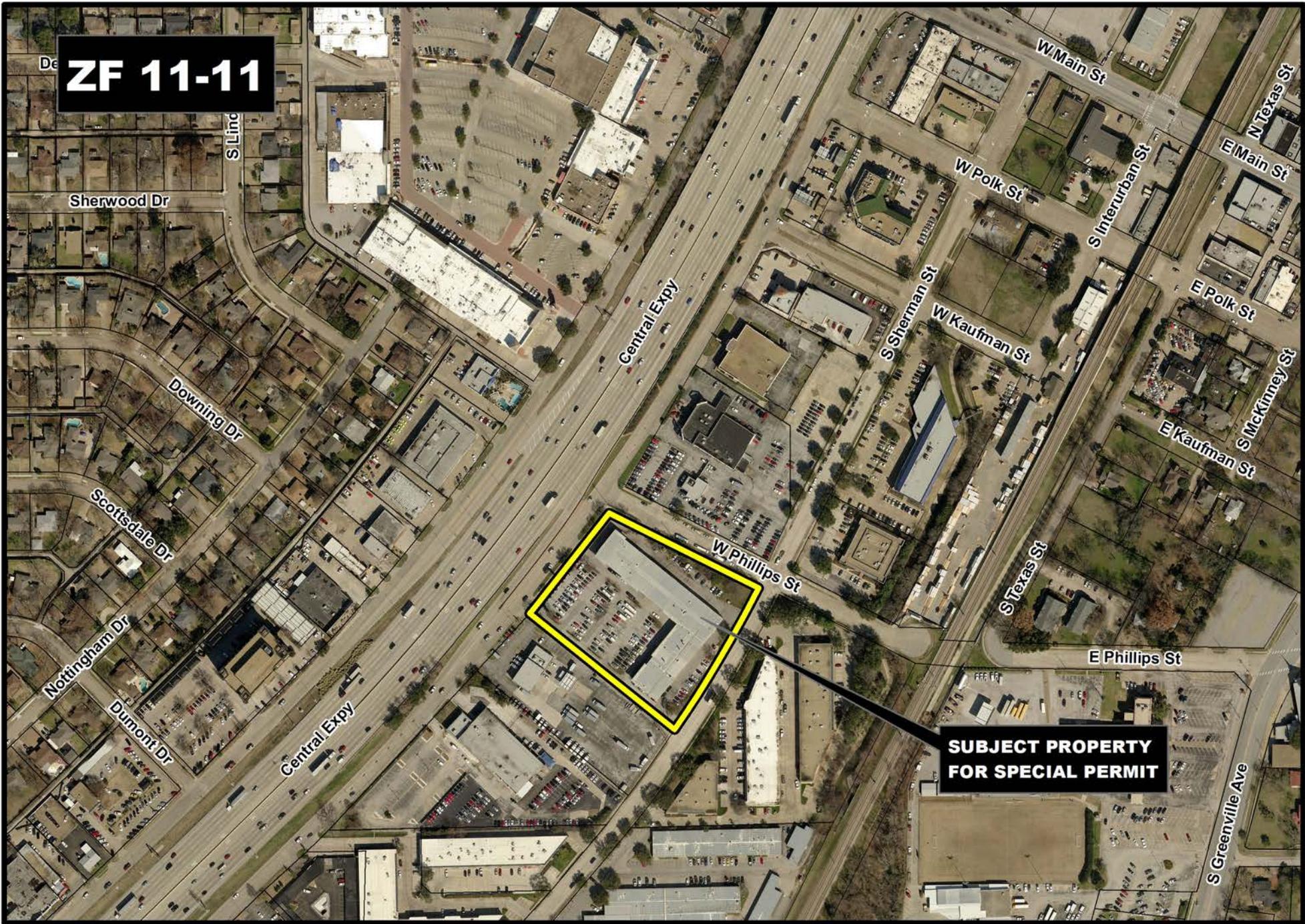
1. The Special Permit for a motor vehicle repair shop – major located in a multi-tenant building is limited to the area shown on the attached concept plan, attached as Exhibit "B" and made a part thereof, and which is hereby approved.
2. The Special Permit shall be limited to Kent Junkert.



# ZF 11-11 Zoning Map

Updated By: shacklett, Update Date: June 16, 2010  
 File: DSIMapping\Cases\Z\2011\ZF1111\ZF1111 zoning.mxd





**SUBJECT PROPERTY  
FOR SPECIAL PERMIT**

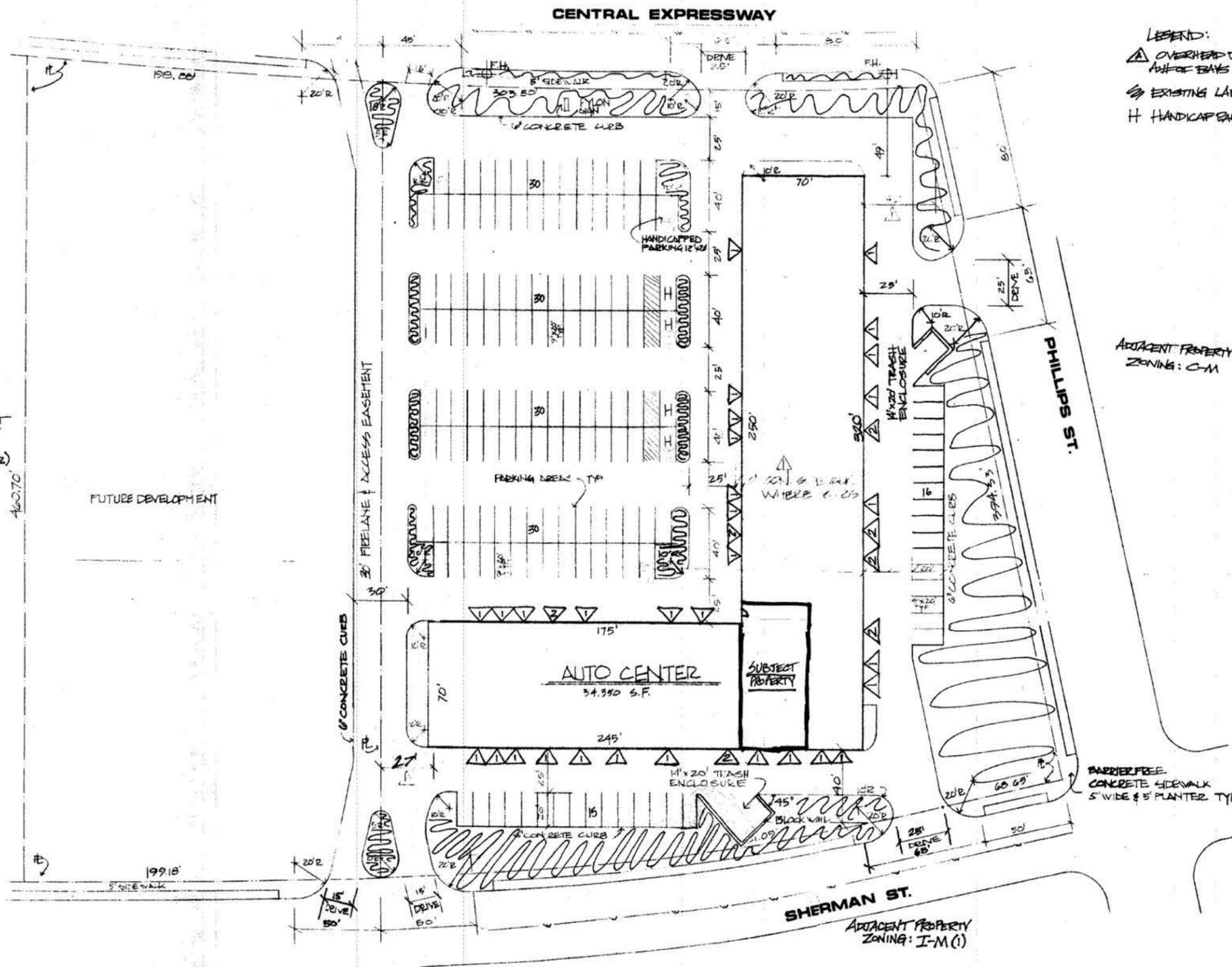
## ZF 11-11 Aerial Map

Updated By: shacklett, Update Date: June 16, 2010  
File: DSI\Mapping\Cases\Z\2011\ZF 1111\ZF 1111 ortho.mxd





**Oblique Aerial  
Looking Northwest**



**SITE PLAN**  
SCALE 1" = 30'

- LEGEND:**
- ▲ OVERHEAD DOOR
  - ▲# OF BAYS
  - ◊ EXISTING LANDSCAPING
  - H HANDICAP PARKING SPACE

- GENERAL NOTES**
- FOR INFORMATION ON: SEWERS, MANHOLES, WATERLINES, SIZES & TIE-ON, AND OTHER UTILITIES SEE ENGINEERING DRWG.
  - EXISTING ZONING: C-M
  - SETBACKS ARE 40' ALONG CENTRAL, SHERMAN AND PHILLIPS
  - TEXAS AUTOMOTIVE CENTER LOT 1

- BUILDING / PARKING SUMMARY**
- i. LOT AREA: 145,196 SF  
3.3 ACRES
  - ii. BUILDING SF: 34,350 SF
  - iii. PARKING RATIO:
    - A. AUTO REPAIR - MIN. OF 5 TOTAL SPACES PLUS TWO (2) PER BAY
    - B. AUTO SERVICE - MIN. OF 5 TOTAL SPACES PLUS TWO (2) PER BAY
    - C. AUTO SALES - 1 PER 500 SF
  - iv. REQUIRED PARKING
    - A. SEVEN (7) SERVICE FACILITIES WITH FORTY FIVE (45) BAYS = 125 SPACES
    - B. ONE (1) SALES/SHOWROOM/OFFICE TOTALING 5,421 SF = 16 SPACES
    - C. TOTAL REQUIRED PARKING = 141
  - v. PARKING PROVIDED = 151 SPACES
  - vi. LANDSCAPE SF EQUALS 19,000 SF WHICH EQUALS 13% OF SITE
  - vii. FLOOR AREA RATIO EQUALS 0.24
  - viii. BUILDING HEIGHT: APPROX. 20 FEET ONE STORY BUILDING

ADJACENT PROPERTY ZONING: LR-M(2)

ADJACENT PROPERTY ZONING: C-M

ADJACENT PROPERTY ZONING: I-M(1)

Approved:  
Subject to requirements of Building Code and other City codes and Ordinances . . . .  
City Plan Commission  
Date: 5-23-99  
By: *[Signature]*  
Chairman  
All utilities are required unless noted. Prior to construction of new public facilities an executed three-way contract between owner, contractor, and City must be filed with Dept. of Public Works. A detailed landscape plan is required prior to occupancy.  
Design, details and location of signs are not subject to approval by City Plan Commission.

Exhibit B - Part of Ordinance

**TEXAS AUTOMOTIVE CENTER**  
KAISER, SAXTON & STILES, INC. MILL VALLEY, CALIF./OWNER



**RICHARDSON, TEXAS ZONING EXHIBIT**  
 APPLICANT NAME: KENT JUNKERT ADDRESS: 1615 VERSAILLES RICHARDSON, TX 75081 PHONE: 214/914-9617  
 OWNER: JOHN LANZA PHONE: 858-452-7861 EMISSIONS ADDRESS: 10751 SERRANO VALLEY RD. STEA 526-2011 SAN DIEGO, CA 92121

SHEET  
**1**



(1)

Looking Northeast at  
Proposed Site

405 S Central Expy - June 2011



(2)

Proposed Site Entrance

Exhibit C

## Explanation and Description of Request

The applicant intends to use Suite 124 at the subject property for major automotive repair. The applicant is an A.S.E. Certified Master Mechanic, with over 35 year of experience in vehicle repair and maintenance. He takes continuing education classes as needed to stay current on the latest technology. The applicant has been in the business at his current location in Dallas for over 15 years. He is honest and well-respected in the community and has a loyal customer base. His customers often comment on how clean an organized he keeps his shop. The applicant moved to the Dallas area in 1985 and has been a resident and homeowner in Richardson since 1997. He plans to remain in Richardson for many years and would like to become a part of the Richardson business community.

- As part of the special permit request, the applicant is requesting a variance to the City of Richardson CZO to allow a "Major Vehicle Repair Shop - Major" to locate in a multi-tenant building.
- The subject property (Texas Automotive Center) is occupied fully by automotive uses (window tinting, transmission repair, paint/body, full service automotive repair, auto sales, etc.)
- Directly to the north is Town North Mazda and directly to the south is Budget Rent-a-car and Lamborghini Dallas.



# 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 11-11 / KJ Auto  
**Property Owner:** John Lanza  
**Applicant:** Kent Junkert / KJ Auto  
**Location:** 405 S. Central Expy / (See map on reverse side)  
**Current Zoning:** C-M Commercial  
**Request:** Special Permit for a motor vehicle repair shop – major.

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

**TUESDAY, JULY 5, 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.

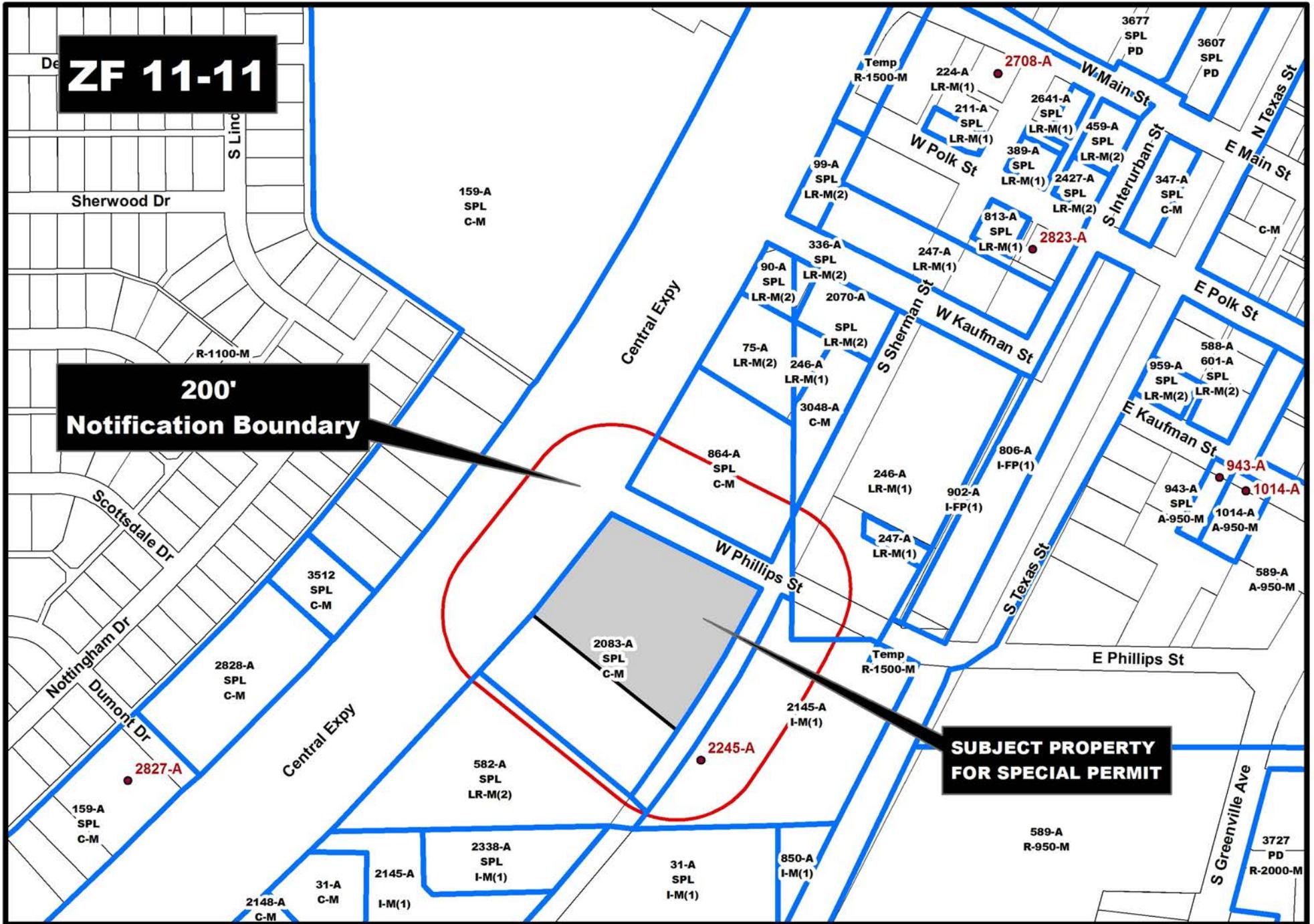
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

*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 11-11 .

Date Posted and Mailed: 06/24/11



# ZF 11-11 Notification Map



TOWN NORTH AUTOMOTIVE INC  
DBA TOWN NORTH MAZDA  
307 S CENTRAL EXPY  
RICHARDSON, TX 75080-6307

TOWN NORTH AUTOMOTIVE INC  
307 S CENTRAL EXPY  
RICHARDSON, TX 75080-6307

VALQUEST INC  
351 S SHERMAN ST  
RICHARDSON, TX 75081-4192

LANZA JOHN ROBERT&  
405 S CENTRAL EXPY STE 130  
RICHARDSON, TX 75080-6130

WEINGARTEN REALTY  
BILLBOX #01-10909-605  
PO BOX 3467  
HOUSTON, TX 77253-3467

CHEROKEE ACQUISITION CORP  
6 SYLVAN WAY  
PARSIPPANY, NJ 07054-3826

601 SOUTH CNTRL EXPY LTD  
601 S CENTRAL EXPY  
RICHARDSON, TX 75080-7409

**KENT JUNKERT**  
**KJ AUTO**  
**1615 VERSAILLES DRIVE**  
**RICHARDSON, TX 75081**

**JOHN LANZA**  
**CAR TEX CENTRE**  
**10951 SORRENTO VALLEY RD., #2A**  
**SAN DIEGO, CA 92121**

**ZF 11-11**  
**Notification List**



# MEMO

**DATE:** July 21, 2011  
**TO:** Honorable Mayor and City Council  
**FROM:** Sam Chavez, Assistant Director of Development Services SC  
**SUBJECT:** Zoning File 11-12 – Brick Row – Amend PD Development Rights

## REQUEST

Chris Ray, representing Centennial Park Richardson, Ltd, is requesting an amendment to the Spring Valley Station District PD to include an additional 1.9-acre tract of land located north of the PD boundary and to amend the development rights to allow ninety-five (95) apartments (rental) and/or ninety-five (95) condominiums (ownership) on an existing 1.4-acre lot (Lot 1B, Block O) and the additional 1.9 acres. The request also includes a request to allow surface parking for the proposed units as well as prohibiting residential development on a 0.24-acre lot (Lot 1B, Block Q) adjacent to the park.

## BACKGROUND

The subject sites are located on the west side of the improved drainage channel that bisects the subject PD. The total number of residential dwelling units would remain at 950 units. The applicant discussed the need for the flexibility due to the increased market demand for apartments and decreased demand and financing available for condominiums. The applicant also discussed how they had addressed issues discussed by City Council when a similar case came before Council and was denied in January 2011. He stated the site had been cleaned up since the completion of construction on Building A, the City's Parks Department has stated the park is substantially complete, and they have made significant progress on the retail leasing at Brick Row.

No letters in favor or opposition have been received. Three (3) residents spoke in opposition stating their concern with the addition of more apartment units to the existing 500 rental units already allowed within the PD. They also stated they feel the type of retail and apartments that were promised are not being delivered.

## PLAN COMMISSION RECOMMENDATION

On July 5, 2011, the Commission voted 7-0 to recommend approval of the request as presented.

## ATTACHMENTS

Special Conditions	Zoning Exhibit (Exhibit "B")
CC Public Hearing Notice	Site Photos (Exhibits "C-1" & "C-2")
City Plan Commission Minutes 07-05-2011	Applicant's Statement & Market Study Information
Staff Report	Notice of Public Hearing
Zoning Map	Notification List
Aerial Map	Excerpt from Ordinance No. 3588
Oblique Aerial Looking North	

## **SPECIAL CONDITIONS ZF 11-12**

1. The Spring Valley Station District Planned Development boundary, as described in Ordinance 3588, shall be revised to include the 1.9 acres as described in Exhibit "A-1" (legal description of 1.9-acre tract).
2. The Development Rights stated in Ordinance 3588 shall be revised to allow up to ninety-five (95) apartments or condominiums on Lot 1B, Block O and the additional 1.9-acre tract as depicted in Exhibit "B".
3. Development of any apartment units built after the date of passage of this ordinance shall be limited to the lots as described in Exhibit "A-1" (legal description of 1.9-acre tract) and Exhibit "A-2" (legal description of Lot 1B, Block O, McKamy Park Addition).
4. Any residential construction after the date of passage of this ordinance shall be prohibited on the lot described in Exhibit "A-3" (legal description of Lot 1B, Block Q, McKamy Park Addition).
5. Surface parking shall be allowed for the ninety-five (95) apartment and/or condominium units to be located on the lots described in Exhibit "A-1" and Exhibit "A-2".

**City of Richardson  
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, July 25, 2011, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

**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 SW corner of Renner Road and North Star Road; currently zoned PD Planned Development.

**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 (SE corner of Central Expressway and Phillips Street); currently zoned C-M Commercial.

**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.

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  
Pamela

OF RICHARDSON  
Schmidt, City Secretary

**DRAFT EXCERPT  
CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – JULY 5, 2011**

**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 within 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

Mr. Shacklett advised that the applicant was requesting four amendments to the existing PD Planned Development rights:

- Add an additional 1.9-acres into the PD;
- Allow either 95 apartments or condominium units to be located in Lot 1B, Block O and the additional 1.09-acres;
- Allow surface parking to serve the proposed 95 apartment or condominium units;
- Remove the residential development rights from Lot 1B, Block Q.

Shacklett explained that the entire development had entitlement rights for 500 apartments, 300 condominiums and 150 townhomes, and between Buildings A, B and C the 500 apartment limit had been reached. He added that there were several townhomes built, with another group under construction, but no condominiums as yet, therefore, the request was to increase the number of apartments allowed by 95 while decreasing the number of condominiums by the same amount and keeping the total number of units at 800.

Mr. Shacklett reviewed the history of the project noting that in September 2010 a similar request had come before the Commission asking to change the development rights of the 300 condominium units to allow up to 300 apartments on Blocks O and Q and also on two tracts on the east side of the creek. After listening to comments in opposition from townhome owners and individuals from the surrounding neighborhood, the Commission stated they did not want to see apartments east of the creek and made that recommendation to the City Council. In October of 2010, the request was denied by the City Council.

In December of 2010 another request was presented regarding Lot 1B, Blocks O and Q and the 1.9-acres of additional land asking for an additional 90 apartments and/or condominium units in lieu of 90 condominium units along with surface parking. The Commission recommended approval of the request subject to removing the residential rights from Lot Q. The request went forward to the City Council in January 2011 and was again denied with the Council listing three areas of concern:

- Condition of the site - At the time of the request Building A was still under construction and the Council was concerned about construction debris and equipment being removed before moving forward.

- McKamy Park – The park was still under construction with substantial work to be done before it could be turned over to the City.
- Leasing of Ground Floor Spaces – The Council expressed frustration with the lack of progress made in leasing the ground floor spaces in Buildings A and B and did not want to grant additional development rights for more apartments until they saw an increase in the mixed-use part of the development.

Mr. Shacklett indicated the applicant was now back before the Commission after addressing the issues mentioned by the City Council:

- Condition of the site - The site had been significant cleaned up, especially with the completion of the construction on Building A and residents have started moving in.
- McKamy Park – The City Parks Department conducted walkthroughs in June and July and stated the Park was substantially completed and was expected to receive final City acceptance in the near future.
- Leasing of Ground Floor Spaces – Letters of Intent (LOIs) had been received and negotiations were ongoing with three tenants for retail space along Spring Valley totaling 7,000 square feet.

Prior to any questions or comments from the Commission, Commissioner Bright recused himself from the Chamber and Chairman Gantt asked Commissioner Bouvier to take his place during deliberation and voting.

Commissioner Hand noted that in previous submissions there had been a plan presented of what would be constructed on the additional 1.9-acre tract and wanted to know if there was more detail available for the current submission.

Mr. Shacklett replied that at the time of the earlier submission the applicant had a rendering of what they might do, but it was not something that was required by the City. He said the applicant was simply using the rendering to depict the fact that only the western portion of the 1.9-acres could be developed because of the creek running through the tract.

Chairman Gantt asked to confirm that development plans were not required during the zoning process.

Mr. Shacklett replied that was correct and any applicant would have to go through a concept plan and development plan stages prior to coming back before the Commission. He added that the earlier rendering was very generic and would not have been attached as an exhibit.

Commissioner Hand asked about a composite overlay on the aerial picture of a future bank building.

Mr. Shacklett replied that the overlay was simply a concept the applicant was looking at and had not been submitted for review and/or approval and was not an exhibit. In addition, the only exhibit that would be attached to the ordinance was Exhibit B.

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

Mr. Chris Ray, Winston Capital, 744 Brick Row, Richardson, Texas, acknowledged the conditions the City Council requested at their last meeting and stated he felt they had complied with all the requests including cleaning up the site, finishing McKamy Park, and moving closer to leasing some of the ground floor space.

Mr. Ray noted that the leasing of apartments was exceeding expectations with the market rate at \$1.48 per square foot as opposed to their original projection of \$1.30 per square foot. He said their plan for the proposed 95 units was to take the most successful floor plans from the 500 apartments already constructed and to use those plans to develop the new building.

Regarding the proposed building, Mr. Ray advised that under the current zoning they would be allowed to go 6 stories; however, the construction costs for a 6-story building would be prohibitive. Another option would be to scale the plan down to 3 or 4 stories, but a 4-story building would require additional work along the creek so they were leaning more towards a 3-story building with 77 units.

Mr. Ray stated that the area located next to the park was originally zoned for condominiums, but they are proposing to build an additional amenity center consisting of a pool and cabana that would be open to the apartment building to be built Lot 1B, Block O and the 1.9-acre addition, as well as the townhome owners. He added that the townhome absorption had been lower than expected because of economic conditions, but with the addition of the proposed amenity, the builder was hoping to increase the sales velocity.

Commissioner DePuy asked if there was information available about the townhome sales.

Mr. Ray replied that the builder had hoped for 3 sales per month at the beginning of the project; however, in 2010 they were only able to sell 8 townhomes for the whole year. In 2011, the sales have picked up and they are selling approximately 1 per month, and have purchased additional lots to prepare for future sales. He noted that the addition of the amenity center would most likely help the builder increase their per month sales figures.

Commissioner Frederick asked to clarify who would have access to the amenity center.

Mr. Ray replied the amenity center would have secured entry and be available to the townhome owners and the tenants from the proposed building. He added that 1 sale per month was keeping the townhome builder active and alive, but with 140 lots to be sold an amenity center would probably help.

Commissioner Hand asked why the applicant was requesting the change especially now that the leasing was going so well.

Mr. Ray replied that since he was before the Commission last year two things have changed: first, the apartment market has improved; and second, the condominium market has declined even farther. He added that the market in Dallas has begun to turn around for multi-family developments and felt their project was in a good position to take advantage of this fact because their infrastructure was already in place. Also, by increasing the number of residents at Brick Row it will help develop the retail.

Commissioner Hand asked about the possibility of doing a 4-story building and the whether the property would allow parking for 92 units as opposed to 77 units.

Mr. Ray stated that the area marked on Exhibit B as “Additional Acreage to be Re-zoned” covered both buildable land and the creek so the footprint of a 4-story building would require retaining walls because of the proximity to the creek.

Commissioner Henderson asked he would recognize the names of the tenants who had submitted LOIs. He also wanted to know how many builders were building in the townhome area.

Mr. Ray said two of the LOIs were from a higher-end Chinese restaurant and an Italian restaurant, which matched their vision of local boutique retail. The third LOI was from a local cell phone provider and he was not as excited about having them as a tenant.

Regarding the townhomes, Mr. Ray replied that only David Weekley was building in the townhome area and explained that area was designed to have only one builder because more than one could have an adverse impact on the aesthetics of the development.

Commissioner DePuy complimented the Mr. Ray on his attempts to bring in higher-end retail tenants.

Mr. Ray thanked Ms. DePuy and added that they were eager to complete the vision for the project because the common areas were maintained through homeowner association (HOA) funds and the more people who are actively paying into that fund, the more sustainable the development would be, which in turn protects their overall investment and increases the tax base.

Commissioner DePuy asked if the townhomes owners had expressed any concerns about the development.

Mr. Ray replied the townhome owners were more concerned with some of the construction equipment that had been on site, and the change over from the builder’s landscape maintenance to the HOA maintenance. He said the construction issues had been addressed with the completion of Building A, and they had taken steps to increase their maintenance of the townhome lots and adding temporary irrigation and hydro mulch to the vacant lots.

Commissioner Henderson asked if Mr. Ray had had any discussions with the Highland Terrace HOA.

Mr. Ray replied they had not had a chance as yet because of his schedule, but had exchanged many emails and wanted to meet with them prior to the City Council meeting.

Commissioner Bouvier asked if removing the residential rights from Lot 1B, Block Q was intended to increase the developable area in the additional acreage, which increased their net by approximately ½ acre.

Mr. Ray said he had not looked at it that way, but honestly felt the common area amenity zone was a better use of that land because of its proximity to the townhomes and apartments. He also pointed out that the additional acreage to be re-zoned was a land-locked piece of property purchased from the Richardson Independent School District and was zoned for office, but stated offices did not have a place in the development.

Vice Chair Hammond said he was pleased that the developer had agreed to add the amenity zone, and that the development was unique among the other transit oriented developments in the metroplex by having both “for sale” and for rent” units, which he felt would be a successful strategy.

Mr. Ray closed his presentation by stating that the rents for apartment in the DFW area have gone up 6% in the last year and Brick Row has gone up 13%, which indicated they were doing something right. Also, at the same time construction on “for sale” multi-family housing (condos) plunged 28% and many local condo developers are facing default. He added that they had no plans for the remaining pad sites that had been designated for condominiums, but it would be an issue that would eventually have to be addressed by both the developer and the City.

Vice Chair Hammond asked if Mr. Ray if there was a true comparison between Brick Row and some of the other condominium developments in Dallas, specifically the Palomar development, which was a redevelopment as opposed to the new development at Brick Row

Mr. Ray replied that the Palomar would sell faster and have a higher price and that the condominiums were a new development, whereas the hotel was a redevelopment. Also, at the time the Palomar received their financing, the hotel/condominium development was the most highly sought after product to finance, but now if a developer is trying to build a hotel with a condominium section, lenders will not even speak to the developer.

Vice Chair Hammond asked about the demographic on the Victory development.

Mr. Ray replied that the Victory had trouble all around with retail and the amount of investors in the project. He said he was happy his company owned Brick Row and not the Victory development.

Chairman Gantt asked about the occupancy rates were in Buildings A, B and C.

Mr. Ray replied that Buildings B and C were at 94% in June. He added that their original estimate was an average of 30 units leased per month; however, in July and August of 2010 the rate jumped to 55 units per month. In Building A, which opened early in 2011 and has higher rents, 60 leases were leased within the first two months. Overall, the whole project is leased at 70% and the retention rate is higher than the market average.

Chairman Gantt asked if Mr. Ray had any other comments to address the three recommendations from City Council.

Mr. Ray replied that he had addressed most of the recommendations in the applicant statement, but reiterated the construction clean up after completion of Building A, the increase in retail leasing, and the status of McKamy Park.

No further comments were made in favor of the item.

Ms. Regina Ferree, 205 Betty, Richardson, Texas, stated much discussion had been made about the three recommendations from the City Council, but noted that a fourth recommendation had been made to work with the neighborhood association. She said no meetings had taken place and felt there had been a lack of communication on the part of the developer.

Ms. Ferree said she felt the developer had taken up too much of the City Council and Plan Commission time and could not understand why they could not get retail to come into their development citing the retail growth at the Eastside development. She suggested that if the Commission was leaning towards approving the item, the approval should be for three stories and 77 units, which would be a nice compromise.

Ms. Shelly McCall, 538 Highland Boulevard, Richardson, Texas, asked how many of the Commissioners had driving through the development and stopped and looked at the apartments and suggested that should be a requirement for every project that comes before the Commission.

Ms. McCall said she felt that the residents of the apartments would be short-term based on the size of the apartments, and felt the City was simply moving the undesirable situation from the apartments on West Spring Valley to East Spring Valley. She added that the small of amount of available retail space would not bring in the higher-end retail promised by the developer.

Ms. McCall concluded her comments by stating she felt the developer had been deceitful in their dealings with the City and asked the Commission to hold them to their promises.

Commissioner Hand asked if Ms. McCall was asking the Commission if they had driven through the development, or actually gone inside the buildings. He also wanted to know if she was referring to retail or residential when stating the tenants would be short-term.

Ms. McCall replied that the Commission should take the time to go inside the buildings and felt the development had not come through with their promise of an aesthetically pleasing development.

Regarding the short-term tenants, McCall said she was referring to residential because the apartments were only 875 square feet, but also felt the overall retail space was too small.

Commissioner Hand said Ms. McCall had stated what she did not want to see in the development, but would she verbalize what she did want to see.

Ms. McCall said she wanted high-end apartments and really good retail. She added that if the market was not right for condominiums, then the developer should build larger apartments or more townhomes.

Mr. Rahim Shaikah, 711 S. Grove Road, Richardson, Texas, Vice President of the Highland Terrace Neighborhood Association, pointed out that developers were involved with the City for only a short time and their main objective was to maximize their investment, but those who live in the neighborhood would be there for the long haul. He asked the Commission to consider the impact of the development on the surrounding neighborhoods.

Chairman Gantt asked Mr. Ray if he had any comments in rebuttal.

Mr. Ray said that the average length of a rent for the last 15 units has been 13 months, which indicates a higher retention rate. He acknowledged that apartments were definitely a shorter term living arrangement than single-family homes, but pointed out that the demographics for their residents were varied with the majority being young professionals.

Mr. Ray pointed out that Fossil would be moving into the old Blue Cross Blue Shield campus that was close by, plus there are tenants from the telecom corridor and students that go to the Art Institute in Dallas.

Regarding the creek, Ray noted it was a City and State issue and some of the flooding problems in the area were partially fixed by the work they did on the creek. He added that when they were building the retaining walls for the creek they scraped the creek bed, but those plants will grow back in time, and it will be up to the City and the HOA to make sure the funds are available to maintain the creek.

Mr. Ray reiterated that their effective rental rate was \$1,124, which would be almost equal to a \$200,000 house at 5-1/4% interest with good credit, which spoke to the quality of their tenants.

Mr. Ray said he had been asked by Ms. McCall if he was proud of the development and he stated he was, and the development was open to anyone taking a tour. He said the individual units had some of the same materials used in the uptown Dallas units, but the difference in price was the cost they had to pay for the land versus what the uptown developers had to pay.

Vice Chair Hammond asked if Mr. Ray was willing to commit to three stories and 77 units.

Mr. Ray said he would rather not be limited and because of economics would like the ability to choose. He said that having the option for the larger amount of units would insure that the project would work, and assured the Commission the building would architecturally be compatible with the existing buildings.

Commissioner Hand asked if the new units would be 875 square feet.

Mr. Ray replied that the smallest units, 560 square feet located over the retail spaces, have not been the most successful and they would not be part of the make up for the new building. He said he expected that the average unit size would be greater than the units in Building B.

Commissioner Bouvier asked if the units in excess of 77 would be precluded from being built anywhere else in the development because the limit was a total of 900 units. He added that such a plan would actually be pushing density away from the neighborhoods.

Mr. Ray replied that they would not be able to add those additional units anywhere else in the development, and Mr. Bouvier's assumption about the density was correct.

Commissioner Henderson asked how many 875 square foot units were already built in the development, and how many of each unit would be built in the new building noting that the difference between 77 units versus 95 units left a lot of room.

Mr. Ray replied that the average size was 875 square feet, but they have units ranging from 560 square feet to just over 1,400 square feet, with the majority of the units having one bedroom.

Regarding the mix of units in the new building, Ray replied there would be less of the smaller units in the new building, but pointed out that the zoning process was not as precise as when they would come through for the concept and development plan processes.

Commissioner Henderson asked about the hike/bike trail that comes down next to their development.

Mr. Ray replied that he was excited about the trail and noted that there would be a trail head coming into the development between existing building C and the new building that was being proposed. He added that the trail would then cross Brick Row and meander through McKamy Park at which point there would be two options: reconnect through cul-de-sac, or follow the creek to Spring Valley and cross in front of the development's retail spaces.

Commissioner Henderson asked about the drainage and parking for the proposed building and how it might impact the trail. He also wanted to know when the current item would come before the City Council and asked Mr. Ray if he would meet with the homeowners before the Council meeting.

Mr. Shacklett replied that the trail would come down the east side of the DART rail, and the item was scheduled for the July 25<sup>th</sup> City Council meeting.

Mr. Ray said he would meet with the homeowners before the City Council meeting.

Mr. Shacklett pointed out that there was statement in the multi-family development regulations that the average residential floor unit area per building shall be a minimum 800 square feet, so the ordinance calls out what the minimum floor area should be.

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

Chairman Gant stated he perceived this submittal as almost identical to the application received in January and the only changes was the removal of residential rights from Block Q. He noted that the completion of Building A, the cleanup of the site and status of the park were all positives.

Commissioner DePuy stated she had driven through the site and was happy to see the improvements, but noted there were still some items to be finished. She added that it was unrealistic to expect the amenities to be finished before the residential units were completed because once the roof tops were in the retail should follow.

Commissioner Frederick reiterated that the issue before the Commission was a zoning issue as opposed to a design issue and wanted to make four points based on statements made during the public hearing:

- 800 square foot apartments are not in just this development, but many apartment complexes the City. Also, many tenants think their stay in an apartment will only be short-term, but they end up staying longer.
- Communication should be a two-way street between the homeowners and the developer.
- Regarding larger versus smaller apartments, this might not be a good idea and probably was not what the townhomes and neighborhoods would like to see.
- Expectations for higher amenities were unrealistic.

Ms. Frederick stated that it will take time to finish the development and suggested to the Commission and audience that they should be in support of the development instead of opposed.

Commissioner Hand noted that many of the comments made regarding the development were repetitive having been made at previous meeting and added that the comments did not match with the reality or the economics of a development. He reiterated Ms. DePuy's statement that retail would follow the creation of roof tops and was bewildered at the comments of "let's not build this, but where is the great retail that was promised" because those two statements did not go hand-in-hand.

Mr. Hand stated that limiting the developer to 77 units would be counterproductive and he would like to see more units and structured parking even though that might not fit the developer's business plan. He added that mid-level residential and retail was where the market was currently and to not finish the development would not be appropriate.

Commissioner Hand asked the staff if the Commission could limit the size and number of units once the project went through the zoning process.

Mr. Shacklett replied the size was regulated by the Planned Development (PD) and the item before the Commission was a request for an amendment to the PD regulations and stated that the development rights were changed from 500 apartments and 300 condominiums to 595 apartments and 205 condominiums. He added that the project would still have to come back through the concept and development review processes at which time the developer would submit their site plans and building elevations for approval. Also, the site plan will lay out the locations of their amenity zones, the sidewalk areas, build-to zones.

Chairman Gantt noted that the Commission had already covered many of the initial requirements for the development and the proposal was simply a modification. He added that one of the key aspects of the current proposal was the addition of the 1.9-acres that makes the development larger, lowers the density per acre, and if the land was not included in the PD the land would be virtually undevelopable.

Mr. Shacklett replied there were so many regulations written in the original PD that the developer had no choice but to follow those exactly.

Commissioner Hand stated that details had been built into the PD and those details would be reviewed again later on in the development process.

Mr. Shacklett pointed out that in the Commissioner's packet there was a 12 page document that was the non-residential multi-family and mixed use building development regulations covering everything from unit size and type, materials, service areas, roof-mounted equipment, residential adjacencies, amenity zones, yards, etc. He said that what the Commission would not be able to do was direct that the building had to be built at a certain height with a certain number of units.

Commissioner Hand concluded by saying he concurred with Mr. Frederick's comments about increasing the communication between the neighborhood and the developer.

**Motion:** Vice Chair Hammond made a motion to recommend approval of Zoning File 11-12; second by Commissioner Bouvier. Motion passed 7-0.



## Staff Report

**TO:** City Council

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

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

**DATE:** July 21, 2011

**RE:** **Zoning File 11-12:** Brick Row – Amend PD Development Rights

### **REQUEST:**

Amend the existing Spring Valley Station District PD to include an additional 1.9-acre tract of land located north of the PD boundary and to amend the development rights to:

- Allow either ninety-five (95) apartment or condominium units rather than just ninety-five (95) condominium units for Lot 1B, Block O, McKamy Park Addition and the additional 1.9 acres
- Allow surface parking for the proposed ninety-five (95) units
- Remove the residential development rights on Lot 1B, Block Q, McKamy Park Addition

### **APPLICANT:**

Chris Ray, representing Centennial Park Richardson, Ltd.

### **PROPERTY OWNER:**

Centennial Park Richardson, Ltd.

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

Approximately 3.5 acres located north of Spring Valley Road on the East side of the DART Light Rail

### **EXISTING DEVELOPMENT:**

The subject tracts are undeveloped, but located within the mixed-use Brick Row development consisting of townhomes, apartments and retail.

**ADJACENT ROADWAYS:**

**Spring Valley Road:** Two-lane, undivided collector with on-street parking; No current traffic counts available.

**Greenville Avenue:** Four-lane, divided arterial; 11,900 vehicles per day on all lanes, northbound and southbound between Belt Line Rd and Spring Valley Rd (March 2009).

**Brick Row:** Two-lane, undivided local street; No traffic counts available.

**SURROUNDING LAND USE AND ZONING:**

- North:** Public/Institutional/School; R-950-M Residential
- South:** Office and Industrial; O-M Office and I-M(1) Industrial
- East:** Single Family Residential; R-950-M, R-1250-M Residential, and PD Planned Development
- West:** Industrial and Public/Institutional/School: PD Planned Development

**FUTURE LAND USE PLAN:**

**Transit Village**

*Mixed or multiple land uses built around small-scale pedestrian blocks located at the City’s rail stations. Uses include medium- to high-density residential, retail, entertainment, hospitality and offices.*

**Future Land Uses of Surrounding Area:**

- North: Enhancement/Redevelopment
- South: Transit Village
- East: Neighborhood Residential & Transit Village
- West: Transit Village

**EXISTING ZONING:**

The subject property is zoned PD Planned Development (Ord. 3588) and the additional 1.9 acres being added to the PD boundary is zoned R-950-M Residential (Ord. 589-A).

**TRAFFIC/ INFRASTRUCTURE IMPACTS:**

The requested amendments 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 subject tracts are part of the overall 60-acre Spring Valley Station District Planned Development, which was adopted in 2004 and amended in 2006 and 2007 (Ordinance 3588). The PD is bisected by the DART Light Rail, and the eastern thirty (30) acres is being developed as a transit-oriented development known as Brick Row. The current PD allows a total of 950 residential units (150 townhomes along Greenville Avenue, 500 apartments along the DART Light Rail and Spring Valley Road, and 300 condominiums). The apartment buildings along the DART Light Rail Line include ground floor retail space, and additional apartments with ground floor retail/commercial and office uses are also allowed along Spring Valley.

In September 2010, the City Plan Commission considered a request to allow 300 apartments or condominium units rather than just 300 condominium units on the subject 3.5 acres along with an additional 3.8 acres located on the east side of the creek, adjacent to the townhomes. Several residents spoke in opposition to the request. Some of the residents who recently purchased townhomes were opposed to apartments located directly to the west of their lots since they were told the proposed development in that location would be for condominiums. Most of those who spoke in opposition mainly expressed concern regarding apartments on the east side of the creek. On a vote of 5-2, the Commission recommended approval of the request subject to the condition that the apartment/condominium unit option only be allowed on the west side of the creek (Lots 1A, Blocks O & Q as well as the 1.9 acres located north of the PD boundary).

In October 2010, the request was considered by the City Council. At that meeting, the applicant stated they were still requesting to allow the 300 apartments or condominiums rather than just 300 condominiums to be allowed on the lots on west side of the creek as well as the east side of the creek. The Council voted unanimously to deny the request without prejudice.

In December 2010, the City Plan Commission considered a revised request for ninety (90) apartment units in lieu of condominium units on the same three (3) tracts that are part of this zoning request. At that meeting, staff suggested that if a motion to recommend approval were made, it should include a condition that would allow surface parking for the subject properties. If the surface parking is not approved at zoning, the applicant would have to request that surface parking be allowed during the development process.

The Commission expressed concerns regarding residential development on Lot 1A, Block Q (now Lot 1B, Block Q), which is the 0.24-acre tract adjacent to the park located within Brick Row. The applicant stated the plans did not call for placing any residential units (condos or apartments) on this tract. However, future plans for the tract may include an amenity center for the apartment residents and possibly the townhome owners. The Commission recommended

approval of the request as presented with conditions allowing surface parking and that residential construction is prohibited on Lot 1A, Block Q.

In January 2011, the request was considered by the City Council. At that meeting, the Council again denied the request without prejudice. The Council stated they wanted to see several issues addressed before considering granting additional apartment units. The issues included construction delays on Mixed-Use Building A, approval of the park by the City's Parks Department, and leasing of the retail space along Spring Valley in Buildings A and B.

**Proposed Development:**

The applicant's request is to amend the boundary of the PD to include an additional 1.9-acre tract and revise the development rights to:

- Allow either ninety-five (95) apartment or condominium units rather than just ninety-five (95) condominium units for Lot 1B, Block O, McKamy Park Addition and the additional 1.9 acres
- Allow surface parking for the proposed ninety-five (95) units
- Remove the residential development rights on Lot 1B, Block Q, McKamy Park Addition

The 1.9-acre tract of land, which was purchased from R.I.S.D., abuts the northern boundary of the PD (Exhibit "B" - cross hatch pattern at the northwest corner of the site). The additional tract of land will increase the PD to approximately 62 acres.

The applicant's request to amend the development rights applies to Lot 1B, Block O and the proposed 1.9-acre tract as shown on Exhibit B. The applicant's request to revise the development rights to allow up to ninety-five (95) apartments or condominiums in lieu of only ninety-five (95) condominium units does not increase the total number of 950 dwelling units within the PD. As proposed and as required in the PD, the condominium and/or apartment units will be developed in accordance with the development regulations for the condominium units established in the PD.

The applicant's desire to revise the development rights to allow condominium and/or apartments is due to the increased market demand for apartments and the decreased demand and financing for condominium projects in the Dallas area market. The main difference between condominium and apartment units is that condominium units are ownership products. Although, condominiums are often times converted to rentals as evidenced in other condominium communities. The design of the buildings and the amenities offered for either product are very similar and are both considered to be multi-family from a zoning standpoint.

The applicant has stated that Phase I of Brick Row has leased at a quick pace, and the additional apartments being requested would be of the same quality as Phase I. The attached applicant's statement describes in detail the market for apartments versus condominium units in the Dallas area.

As a result of the applicant's request, which does not increase the number of allowable residential units, the density of the PD will be slightly decreased due to the additional acreage.

### **Updates Since January 2011:**

Since the Council's denial of the previous request, the applicant has worked to address the issues that were discussed by Council. The following list discusses three (3) main issues that were discussed by Council followed by how the applicant has addressed these issues:

1. Site clean-up and completion of Building A – The Council stated the site needed to be cleaned up since there were construction materials and debris located throughout the development. Construction on Building A has been substantially completed and residents have begun to move in.

**The construction activity has finished and most of the construction equipment and debris has been removed. The tracts located on the east side of the creek have also been graded, seeded, and irrigated.**

2. Actively pursue retail opportunities – The Council stated they were disappointed that no retail had been located in Mixed Use Building B despite the fact that Buildings B and C had been constructed and many of the apartment units had been occupied. The Council felt that the retail leasing had not been pursued as aggressively as it could have been, and the “mixed-use” development of Brick Row was not “mixed-use” but rather a large apartment complex.

**Currently, the applicant states there are on-going negotiations with three (3) tenants to occupy the retail space along Spring Valley. The tenants include two (2) restaurants and a retail store. Based on letters of intent provided by the applicant, these three (3) tenants would occupy almost 7,000 square feet of the available 16,764 square feet of combined retail space located in Buildings A and B. The applicant has also stated they have had discussions with additional service and restaurant tenants that are still in earlier stages of negotiation.**

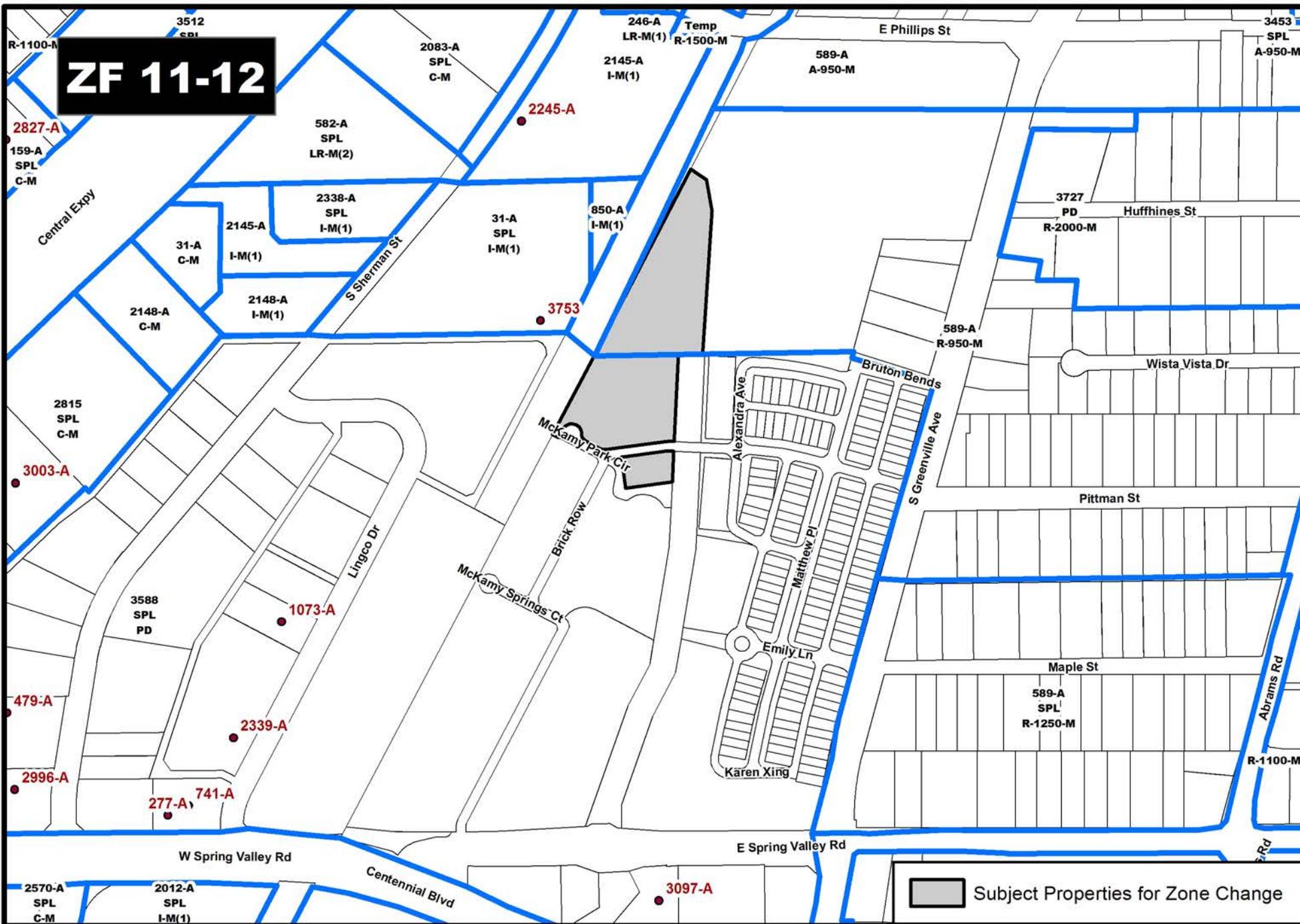
3. Finish McKamy Park construction and receive City acceptance – Questions were raised as to when McKamy Park would be finished and accepted by the City.

**The City's Parks Department conducted a walk-through of the park on June 24, 2011 and has stated that the park is substantially complete, and there are just a few issues to be finalized regarding playground equipment, surfacing, and proximity of accessibility ramps to equipment.**

**Correspondence:** No correspondence in favor or opposition has been received. At the CPC meeting, three (3) residents spoke in opposition stating their concern with the addition of more apartments to the existing 500 rental units already allowed within the PD. They also stated they feel the type of retail and apartments that were promised are not being delivered.

**Motion:** On July 5, 2011, the City Plan Commission recommended approval of the request subject to the following special conditions:

1. The Spring Valley Station District Planned Development boundary, as described in Ordinance 3588, shall be revised to include the 1.9 acres as described in Exhibit "A-1" (legal description of 1.9-acre tract).
2. The Development Rights stated in Ordinance 3588 shall be revised to allow up to ninety-five (95) apartments or condominiums on Lot 1B, Block O (legal description of Lot 1B, Block O, McKamy Park Addition) and the additional 1.9-acre tract as depicted in Exhibit "B".
3. Development of any apartment units built after the date of passage of this ordinance shall be limited to the lots as described in Exhibit "A-1" (legal description of 1.9-acre tract) and Exhibit "A-2".
4. Any residential construction after the date of passage of this ordinance shall be prohibited on to the lot described in Exhibit "A-3" (Lot 1B, Block Q, McKamy Park Addition).
5. Surface parking shall be allowed for the ninety-five (95) apartment and/or condominium units to be located on the lots described in Exhibit "A-1" and Exhibit "A-2".

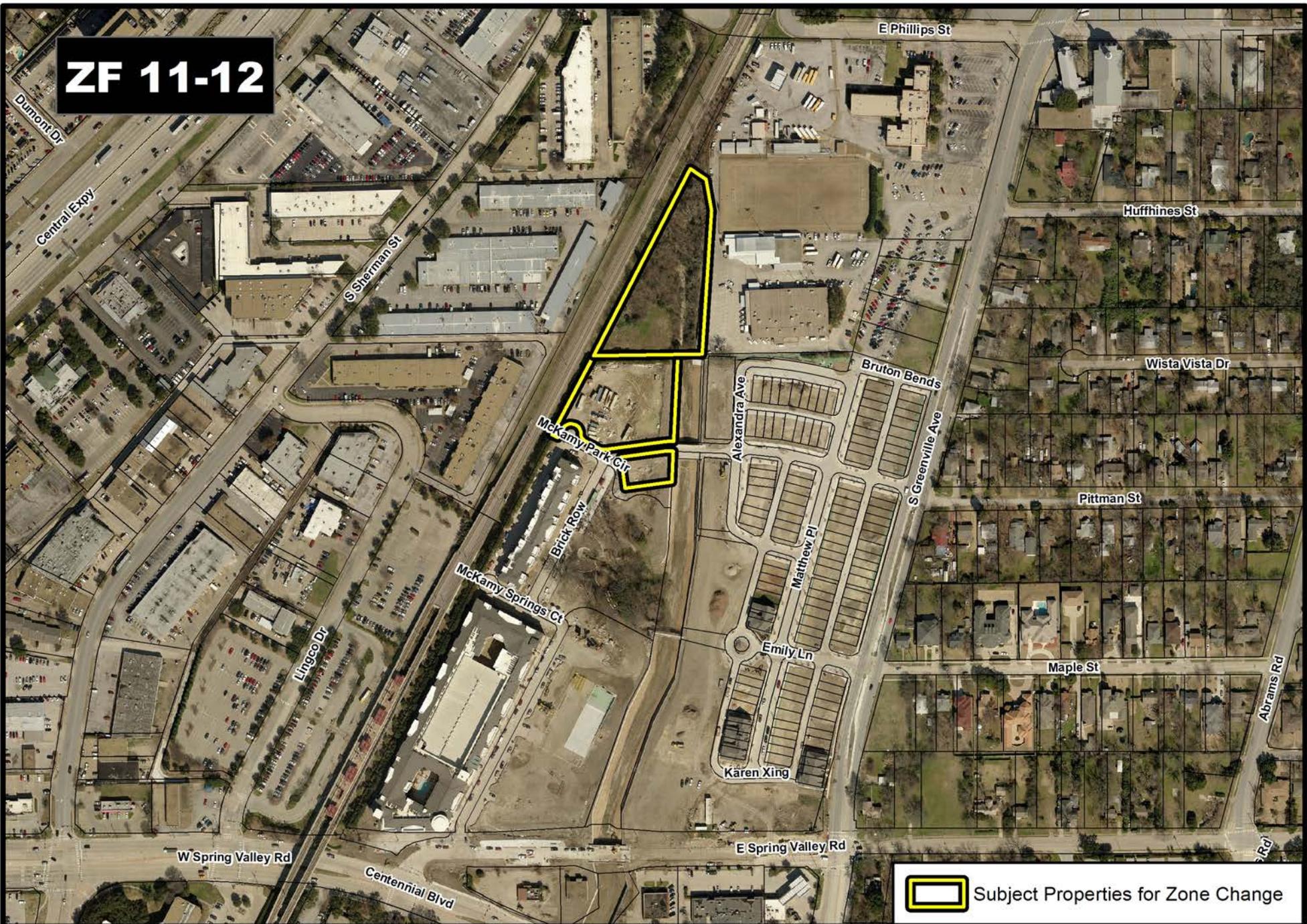


## ZF 11-12 Zoning Map

Updated By: shacklett, Update Date: June 16, 2011  
 File: DSI\mapping\Cases\Z\2011\ZF 1112\ZF 1112 zoning.mxd



**ZF 11-12**



 Subject Properties for Zone Change

**ZF 11-12 Aerial Map**

Updated By: shacklett, Update Date: June 16, 2011  
File: DSI\Mapping\Cases\Z\2011\ZF 1112\ZF 1112 ortho.mxd





DART Light Rail

Brick Row

Spring Valley Rd

Centennial Blvd

Subject Properties

Oblique Aerial - Looking North

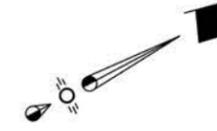
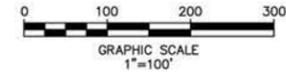
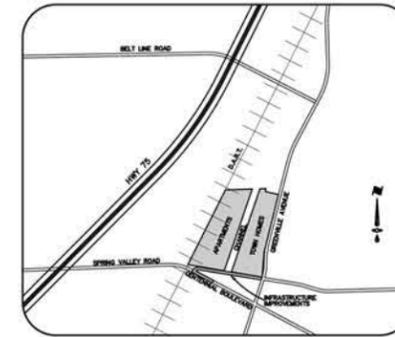


Brick Row

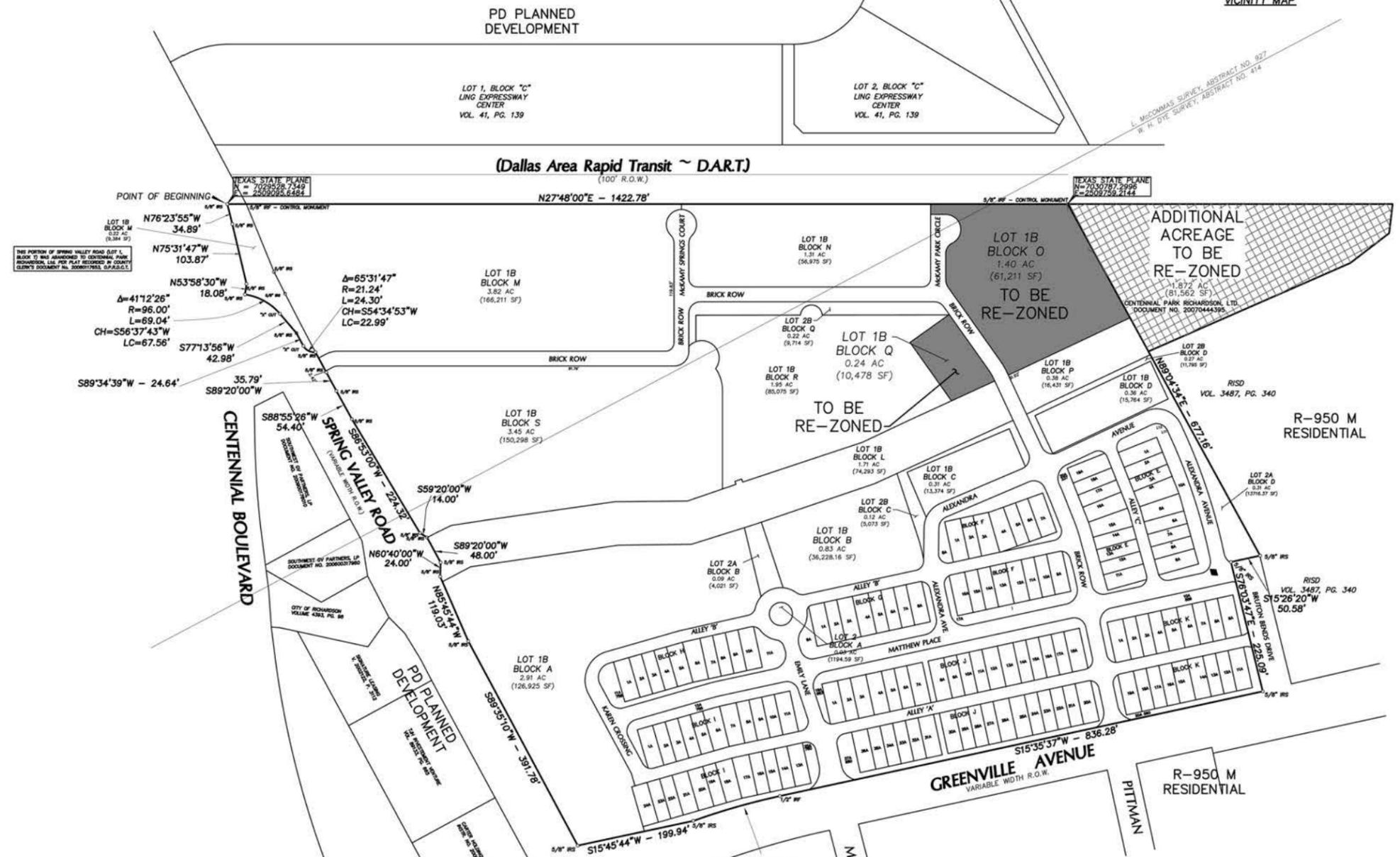
Print #110615755  
Date: 06/15/11  
Lat/Lon: 32.94111 -96.736009



PROJECT SUMMARY TABLE	
BASE ZONING:	PD PER ORDINANCE 3588
PROPOSED ZONING:	ALLOW 95 APARTMENTS OR CONDO UNITS RATHER THAN CONDO UNITS ONLY ON SUBJECT TRACT LOT 1B, BLOCK Q, AS WELL AS ADDITIONAL 1.9 ACRES TO BE ADDED TO PD BOUNDARY. DESIGNATE LOT 1B, BLOCK Q AS NON-RESIDENTIAL



N = 7039528.7349  
E = 2509095.6484



**APPLICANT / OWNER**  
Centennial Park Richardson, Ltd.  
2828 Routh Street,  
Dallas, Texas 75201  
(214) 360-7690  
Contact: Chris Ray

**Exhibit B - Part of Ordinance**

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



**BROCKETTE/DAVIS/DRAKE, INC.**  
consulting engineers  
Civil & Structural Engineering Surveying  
Texas Registered Engineering Firm F-941  
4144 North Central Expressway, Suite 1100  
Dallas, Texas 75204  
(214) 764-3647 fax (214) 824-7064



DATE  
**06/21/11**

PROJECT  
**C07181**

SHEET TITLE  
**ZONING EXHIBIT**

SHEET NUMBER  
**1 OF 1**

M:\Data\Civil\2007\C07181 - Centennial Park - Richardson\Public\CONDO LOT EXHIBIT 2010-07-20\CONDO EXHIBIT 2010-07-20.DWG, 07/20/11 1:55:38 PM, E.L. APPELGATE



(1)

**Looking North  
at Subject Properties**

**Brick Row - June 2011**



(2)

**Looking Northwest  
at Subject Properties  
from Townhomes**



(3)

Looking South at  
Lot 1B, Block Q

Brick Row - June 2011

**ZF 11-12**  
**Brick Row**  
**Applicant's Statement for Zoning Approval**

This request is for approval of an amendment to the current development rights under the *Spring Valley Station District: Development Regulations*. Brick Row is bounded by the DART station on the west, Greenville Avenue on the east, Spring Valley Road/Centennial Boulevard on the south and the Richardson ISD property on the north. The objective of Brick Row is to develop an internally cohesive community and also allow for synergy with the surrounding area, thus realizing the intent of establishing a transit-oriented development.

In regards to Lot 1A, Block O of the McKamy Park Addition, and an additional 1.9 acres located north of Lot 1A, Block O, which lies west of the Floyd Branch Creek, it is respectfully requested that the current land use, set aside for multi-family condominiums (for-sale), be revised to include multi-family apartment (for-rent) use for up to 95 units. This will provide the flexibility in development, and the ability to match consumer demand, needed to ensure the success of this development. The request is not for 95 additional units, but rather up to 95 multi-family (for-rent) units in lieu of up to 95 multi-family (for-sale) units.

Together, these tracts will form the next phase of the Brick Row community and will be similar in construction to the luxury 40-unit building located just to the south at 644 Brick Row. To accomplish this, it is also requested as a part of this submittal that surface parking on these tracts be permitted. This parking will be constructed similar to other conditions already present onsite. It will be behind the structure and toward the DART rail.

In regards to Lot 1A, Block Q, which lies contiguous to the Park Tract to the south, it is respectfully requested that the tract be re-zoned to a non-residential use to allow for a community amenity area including a pool and cabana/restroom area.

When a similar request was last heard before the City, several requests were made by the Council:

- 1) Finish construction of Building A (743 Brick Row). – Construction is now substantially complete and residents are moving in.
- 2) Aggressively pursue retail leasing. – We are in negotiation with 3 restaurant anchor tenants at this time, and will have a Letter of Intent (LOI) for portions of this space at the time of our hearing.
- 3) Finish the park. – The park received its “final” walk-through the morning of June 1, 2011, and conveyance documents are now being drafted. Final City acceptance will occur before our hearing.
- 4) Site Clean-up. – As construction activity has closed out much of the site has been cleaned and stabilized. Additionally, the vacant pads to the east have been graded and stabilized with seed and irrigation.
- 5) Sell additional Townhomes. – David Weekley has begun construction on an additional 5 unit pad.

**Brick Row Proposed Multi-Family Development**

With this proposed amendment, overall density remains unchanged and traffic models, already reviewed/approved in previous hearings, are not affected. Quality of construction will adhere to the current ordinance and will be on par with the luxury product already delivered in phase I. The proposed units are envisioned to supplement the most successful market segments of the current apartments and expand into markets not yet addressed. Simply, as the developer/owner of the

surrounding development, it is in our best interest to develop the most suitable, sustainable product possible, and deliver these units at the most appropriate time in the market. This request will not cannibalize existing development.

### **Market Demand**

The first two apartment buildings, comprised of 287 units are now occupied at 94%, and 60 units have been leased in the third building in less than 2 months of occupancy. To keep up with the demand for a luxury, urban product in the Richardson market, there is an immediate need for this zoning in order to begin the development process.

Many of the articles referenced below were included in the September 2010 submittal. Additional articles have been included to show the direction of the market since this time. Dates referenced in the new articles have been **bolded** for emphasis.

On July 1, 2010, in a Dallas Morning News article entitled *Dallas-Fort Worth Apartments Seeing Boom in Leasing*, Steve Brown discusses the upshot in demand for apartments thus far in 2010. Brown notes that, “there is even talk of an apartment shortage in some markets in a couple of years,” and that because financing is still hard to come by, “the inventory of new apartments is going to be held down for two or three years.” This gives the City of Richardson an opportunity to be the leading edge of new upscale multi-family living. With the infrastructure already in place and financing secured, additional units can be delivered at Brick Row well before developers in other markets can mobilize. This is an opportunity for Richardson to entice new, quality residents that might otherwise flock to Uptown, or drive home to northern suburbs even while working in the Telecom Corridor.

On **May 27, 2011**, Steve Brown continues his reporting on the surge in apartment pricing by noting that local apartment rents have increased by about 6 percent in the last year, and effective rents and occupancy rates continue to grow. While this shows well for the market as a whole, the Brick Row development has seen an increase in rents of roughly 20% since April 2010.

Brown also notes that some of the leasing boom comes from individuals who have been living in condominiums, but are coming back to apartments, presumably as these developments fail.

### **Dallas Condominium Market**

Due to several factors, the currently zoned condominium units are not feasible at Brick Row, or in the greater DFW market, for the foreseeable future. The loose underwriting standards and investors that inflated the market during the housing bubble are now gone and show no signs of a resurgence. Due to weak demand and a glut of unfinished projects nationwide, lenders aren't interested in financing condo properties. Also hurting condo projects is the decision by national mortgage backers Fannie Mae and Freddie Mac not to guarantee mortgages for condo projects without pre-sale numbers approaching 70%. For condominiums, as a product type in Texas, financing is unavailable for any developer who would like to build them, any individual who would like to buy them, and are more and more often being converted to rentals in desperate attempts to prevent foreclosure.

In December of 2009, the Texas A&M University Real Estate Center performed a study that found condominium-townhouse sales were down 32% from the previous year, which was already down a quarter from the year before, pending sales were down 31%, and yet active listings were only down 3%, meaning that a huge unsold inventory was carried into 2010 before even considering those units currently under development.

On **May 18, 2011** the Wall Street Journal reevaluated the new home construction market and found that the “slowly growing economy has yet to revive the moribund housing market.” Additionally, construction of for-sale multifamily housing plunged 28.3% in April. At the same time, the folks who operate the S&P/Case-Shiller Home Price Index found that “the U.S. housing market is in a ‘double-dip’ – the second wave of falling prices since the Great Recession gained steam in 2008.” David Blitzer, chairman of the S&P’s index committed confirmed that “the rebound in prices seen in 2009 and 2010 was largely due to the first-time home buyers tax credit.” These government incentives have since expired.

As condominiums have been the hardest hit sector of the local real estate market, many high profile developments in urban areas have run into trouble, and those located on transit lines have been no exception. Over the last 18 months Dallas Morning News real estate editor Steve Brown has cataloged the condo crisis across several articles. Brown notes that in the huge, transit-oriented Park Lane development, developer Harvest Partners has killed all plans for two condo towers in a market “faced with oversupply.” Victory developer Hillwood has indefinitely delayed work on its tallest building, which contained condominium units, and many existing units in Victory stand empty. For those developments that reached completion, such as the 4-year old Metropolitan in downtown Dallas, many are finding a new destiny as rentals. As of the end of 2009, the TOD Residences at Palomar on Mockingbird Lane had rented out 37 of the 44 remaining units and fewer than 10 of the condos were in the hands of individual owners. As of **May 18, 2011** the *Dallas Business Journal* reports that the developer of the Hotel Palomar condominium project has missed a principal payment on its note and is facing default.

Located even further outside of the urban corridor of those projects listed above, the condominium sites at Brick Row must find a higher and better use.

### **Market Studies**

Beyond the market’s incredible reception to phase I of the Brick Row Apartments, market studies are consistent in their recommendation for additional rental units. In an Urban Land Institute (ULI) report prepared for the City of Richardson it is stated that:

“The limited residential land available in the city means that only a small portion of the existing housing demand can be satisfied in Richardson. New single-family housing is impractical near most of the DART stations, many of whose close proximity to Central Expressway further limits single-family housing opportunities. Well-designed and –constructed medium- to high-density residential development would improve the environments of the Spring Valley and Main Street stations significantly, without encroaching on surrounding low-density residential areas. **Considerable demand appears to exist for such high-quality, higher-density rental units**, to meet the needs of high-tech and telecommunications industry employees. Medium- to high-density development near DART stations would address a growing market demand and contribute to DART ridership.”

In an additional study performed for the city by Calthorpe, it is estimated that there will be demand for 5,000 additional apartment units by 2020. Calthorpe goes on to state that, in regards to DART proximity development, “the type of development most likely to succeed in the short term and to induce upgrading of this area in the longer term is multi-family housing... The apartment development should primarily target younger professionals, and their presence would add vitality to the district and enhance Richardson’s ability to attract high technology companies over time.”

There is simply not a better place in the city for Richardson to satisfy its demand for quality rental units, than in its existing transit-oriented developments.

### **Continuity/Completion**

The ULI report warns that “the city should allow the area surrounding each station to develop/redevelop at its own pace” and “In any case, good planning will allow the city to recognize and capitalize upon opportunities as they appear. **They city’s overall goal should be to reposition the corridor so that the station areas can develop and redevelop to their fullest potential.**”

Vacant and undeveloped sites are not an option for Brick Row if it is to succeed. The Brick Row development relies on an interdependent mix of uses, and both residents and retailers rely not on what the area is today, but on what it *will be*. Retailers will look for “rooftops” and density in order to feed demand. Retailers have been hard to come by thus far and will rely upon the full utilization of the site. Additionally, residential demand for this type of development relies on a sense of “a community within a community,” and a sense of completion. For example, potential purchasers for the David Weekley townhomes often ask to speak with the master developer directly to confirm the status and timeline of the overall development. As fears of instability are exacerbated by the current marketplace, the first and foremost question of any buyer is the overall success of the community into which they are investing.

In summary, an “incomplete” development will affect values within the project, in the surrounding neighborhoods, and the ability to attract viable residents and retailers.

Thank you for your consideration in this zoning request, and for your assistance in our continuing effort to fully realize the potential of every aspect of this master-planned development.



# Notice of Public Hearing

## City Plan Commission • Richardson, Texas

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

### REVISE PD BOUNDARY AND DEVELOPMENT RIGHTS

**File No./Name:** ZF 11-12 / Brick Row Development Rights  
**Property Owner:** Centennial Park Richardson, Ltd  
**Applicant:** Chris Ray / Centennial Park Richardson, Ltd  
**Location:** North side of Spring Valley Road between the DART Light Rail and Greenville Avenue (See map on reverse side)  
**Current Zoning:** PD Planned Development District  
**Request:** Incorporate a 1.9-acre tract of land located adjacent to the north Spring Valley Station District PD boundary line into the existing PD and revise the PD development rights to 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 the incorporated 1.9-acre tract of land, 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 City Plan Commission will consider this request at a public hearing on:

**TUESDAY, JULY 5, 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.

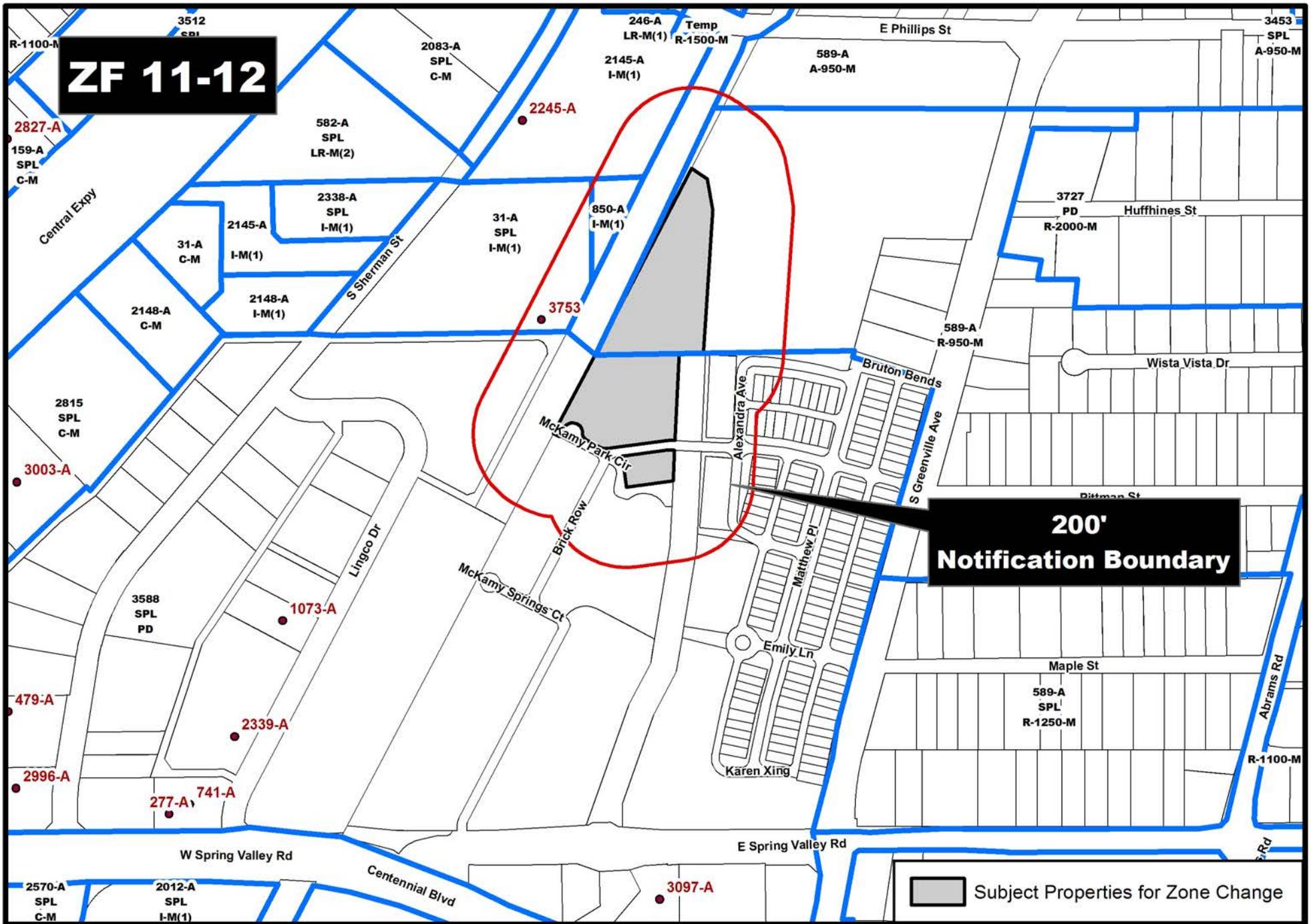
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

*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 11-12.

Date Posted and Mailed: 06/24/11



## ZF 11-12 Notification Map

Updated By: shacklett, Update Date: June 16, 2011  
 File: DSI\mapping\Cases\Z\2011\ZF 1112\ZF 1112 notification.mxd



WEINGARTEN REALTY  
BILLBOX #01-10909-605  
PO BOX 3467  
HOUSTON, TX 77253-3467

DART  
PO BOX 660163  
DALLAS, TX 75266-0163

RICHARDSON I S D  
400 S GREENVILLE AVE  
RICHARDSON, TX 75081-4107

MRI SHERMAN PLAZA INV F  
11693 SAN VICENTE BLVD # 712  
LOS ANGELES, CA 90049-5105

RT COMMERCE PARK LTD  
PO BOX 803289  
DALLAS, TX 75380-3289

CENTENNIAL PK RICHARDSON LTD  
5956 SHERRY LN STE 1200  
DALLAS, TX 75225-8023

CENTENNIAL PK RICHARDSON  
5956 SHERRY LN STE 1200  
DALLAS, TX 75225-8023

**CHRIS RAY**  
**CENTENNIAL PARK RICHARDSON, LTD**  
**2828 ROUTH STREET, SUITE 500**  
**DALLAS, TX 75201**

**ZF 11-12**  
**NOTIFICATION LIST**

## 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 units	500 units
(h) Condominiums	0 units	300 units	300 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*

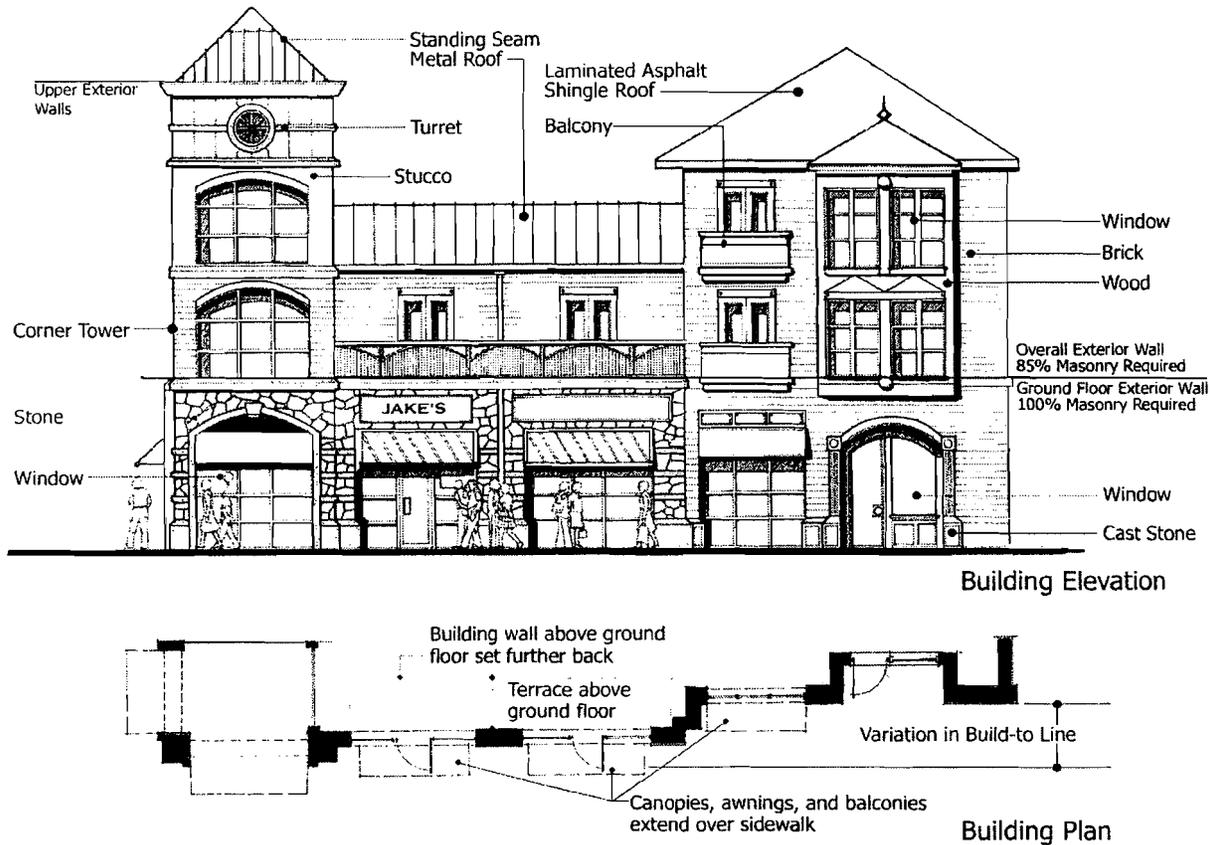
- (a) Structures shall have clear or slightly tinted windows. Mirrored or heavily tinted glass is prohibited.
- (b) The primary entry for all buildings and ground floor tenant spaces shall be oriented towards the street. Secondary entrances are encouraged for access to parking facilities and pedestrian 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.

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## Spring Valley Station District: Development Regulations

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- (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.

- (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.

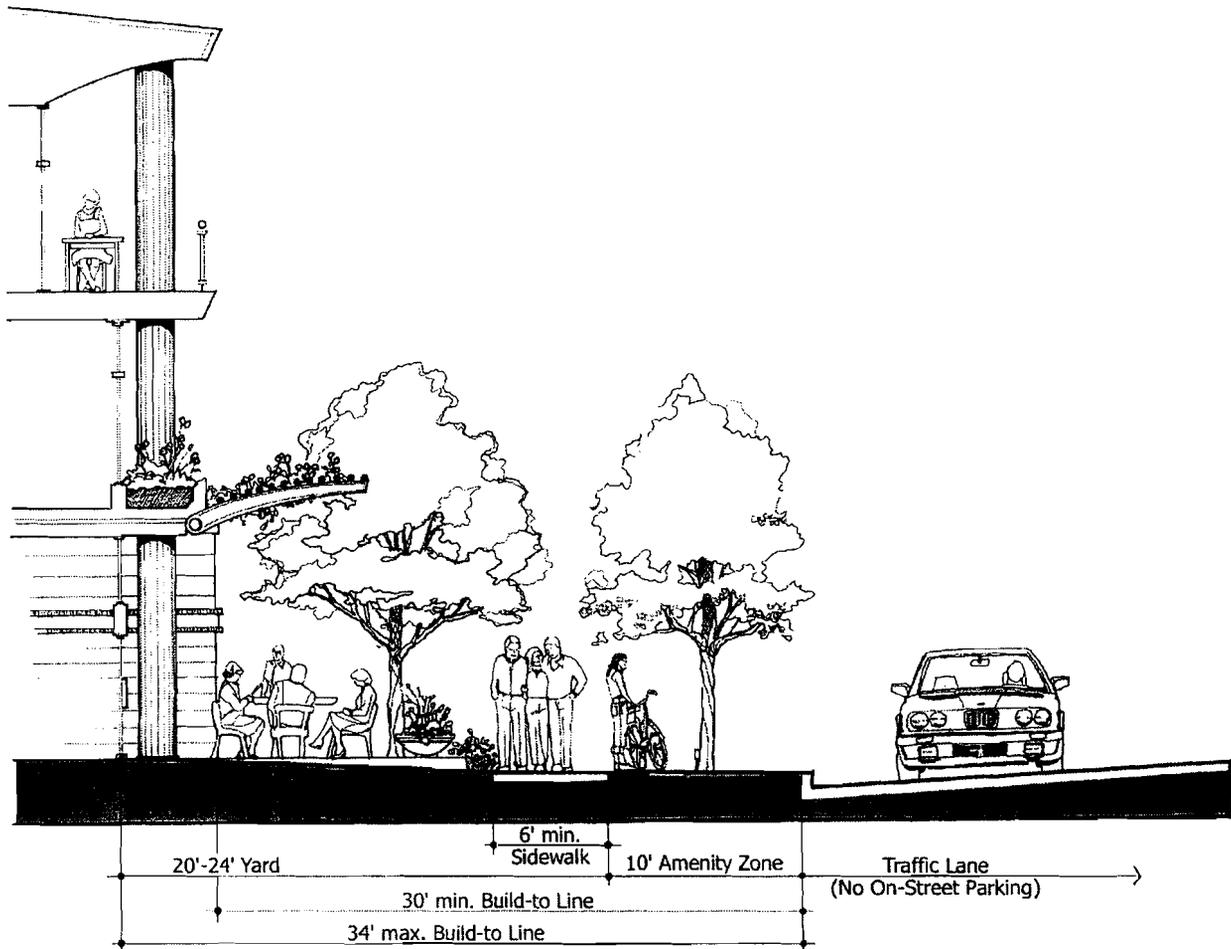


Illustration 5.2: Street section, arterial streets and Greenville Avenue

- (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.

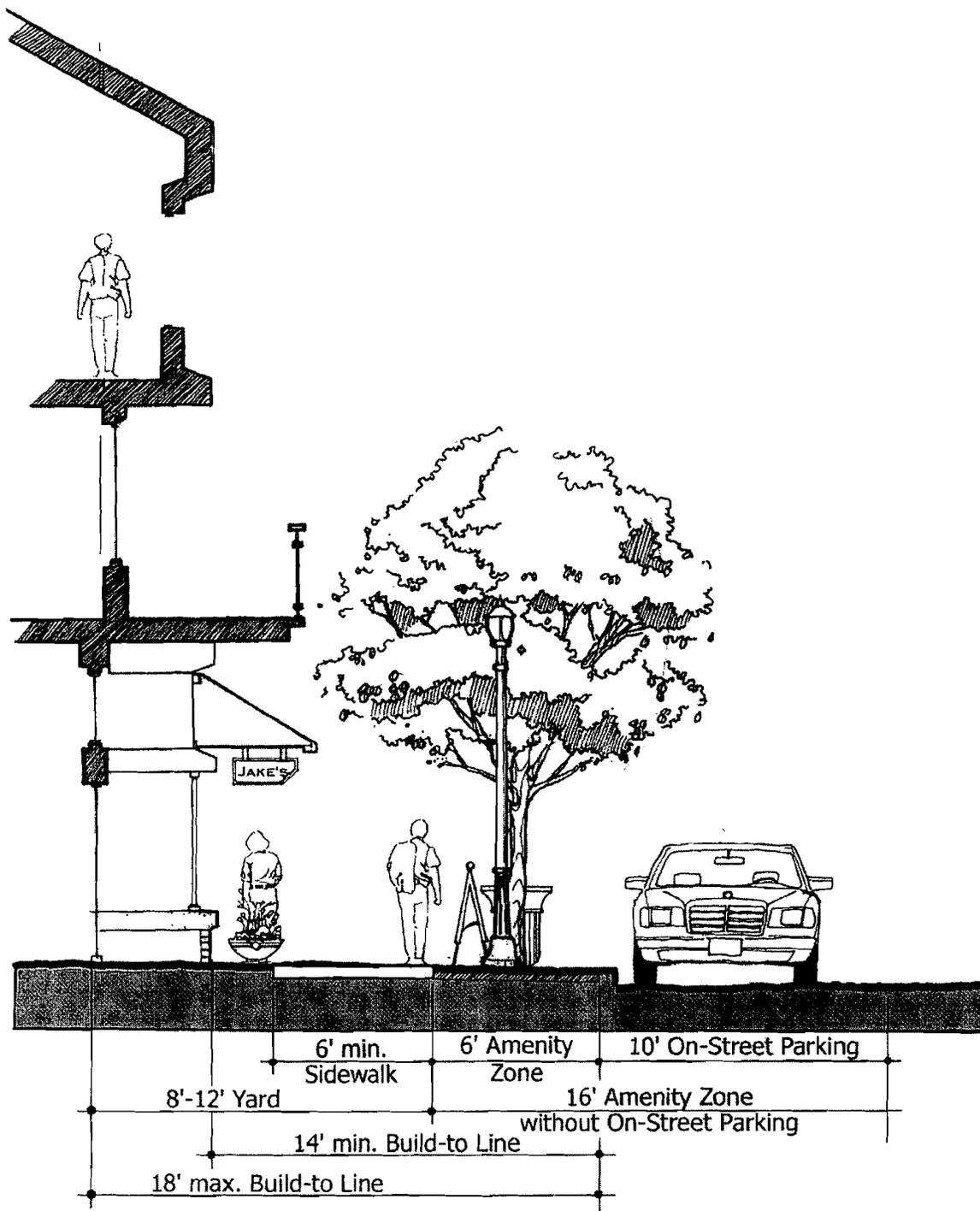


Illustration 5.3: Street section, non-arterial streets

- (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.

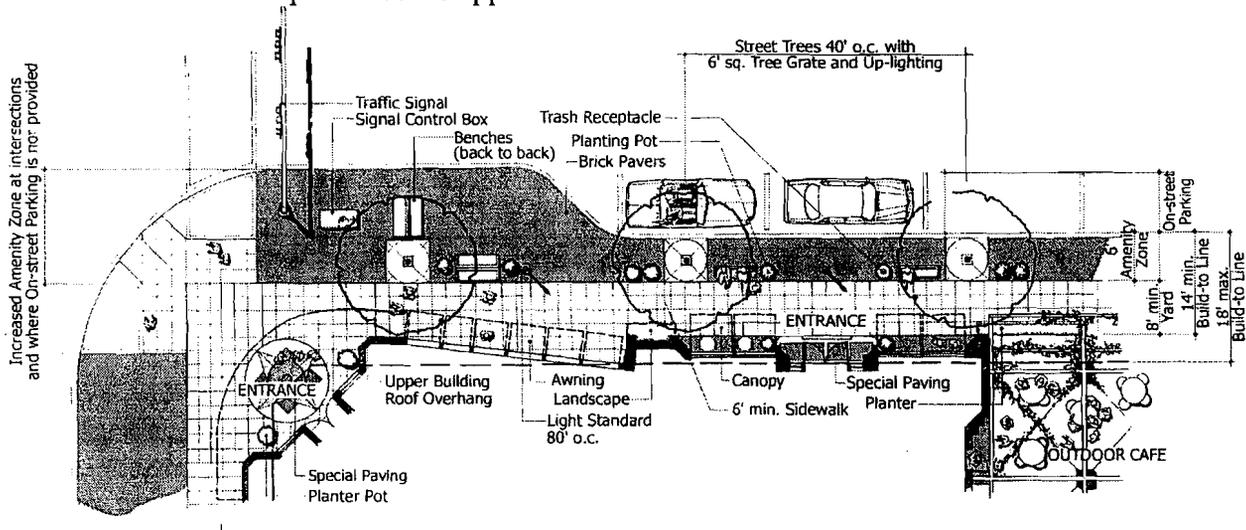


Illustration 5.4: Building frontage features and articulation

(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.

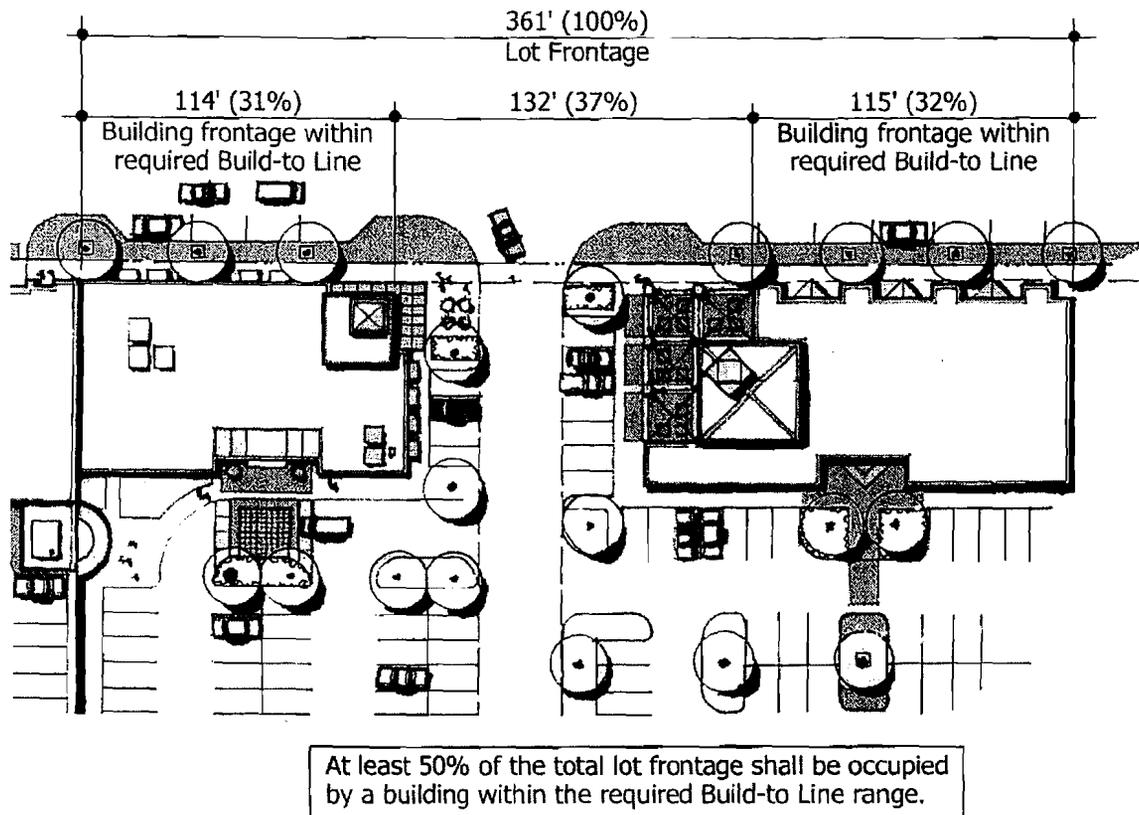


Illustration 5.5: Building frontage requirements

- (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.

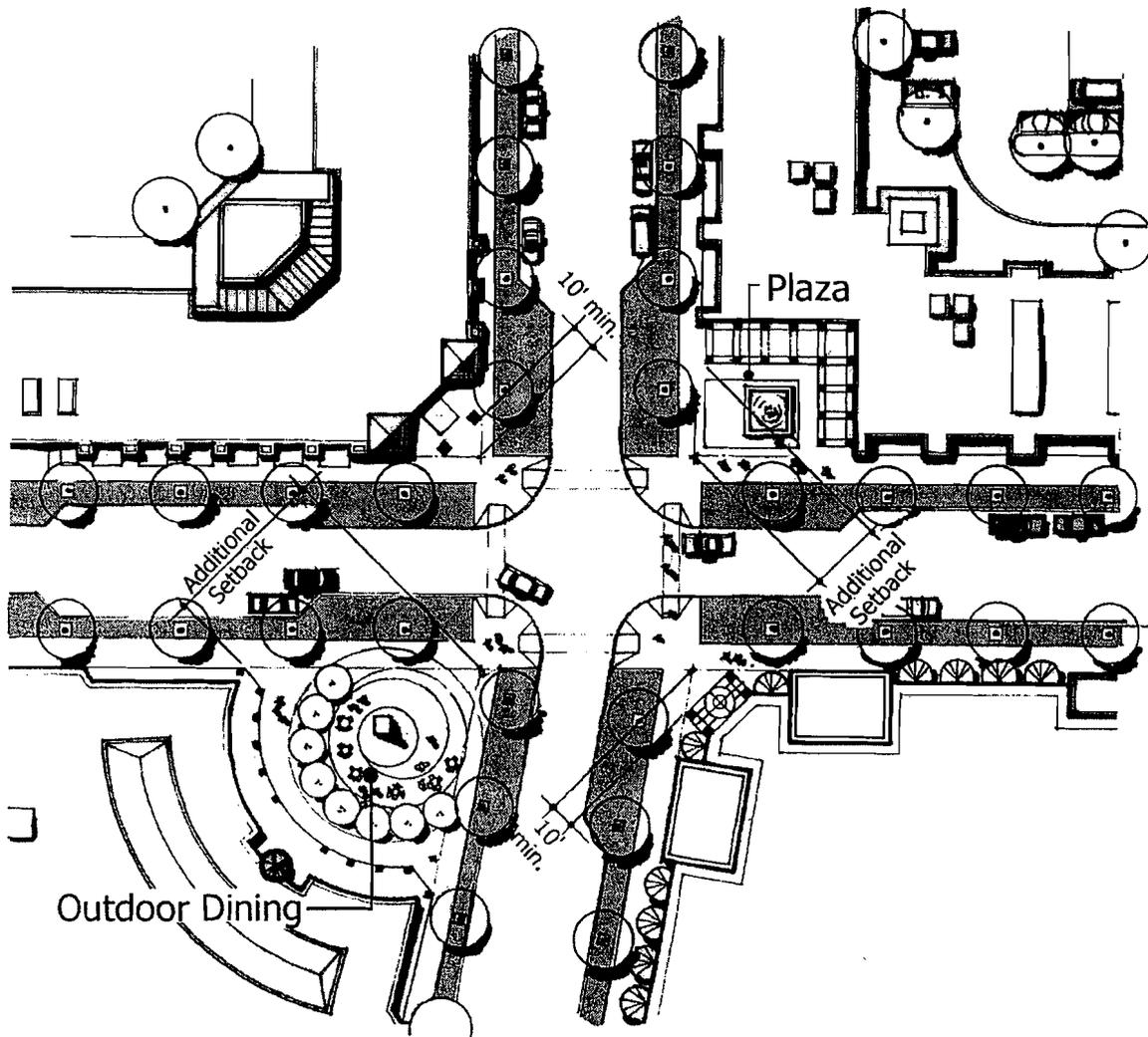


Illustration 5.6: Examples of additional setback requirements at street intersections.

*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 combustibile 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.)

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

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- (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 curblineline 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.



City of Richardson  
City Council Meeting  
Agenda Item Summary



City Council Meeting Date: Monday, July 25, 2011

Agenda Item: Consider variance request for 115 E. Main Street (formerly Main Street Liquid Company) to allow the sale of alcoholic beverages within 300 feet of a church.

Staff Resource: Sam Chavez, Assistant Director of Development Services **SC**

Summary: Jerry Harkins and Brent McConnell, representing 115 E. Main Street, located on the north side of Main Street between Texas Street and McKinney Street, are requesting a variance to allow the sale of alcoholic beverages within 300 feet of a church. The applicants were seeking to obtain a private club permit to allow the sale of alcoholic beverages on their property; however, their certificate of occupancy could not be issued since the facility is located within 300 feet of the Cornerstone Chinese Bible Church located at 204 E. Main Street (southeast corner of Main Street and McKinney Street). Chapter 4 of the Code of Ordinances is the City's Alcoholic Beverage Code, which prohibits the sale of alcoholic beverages for on-premise consumption for a business located within 300 feet of a church, school, or public hospital.

The variance request is necessary as this is not considered a renewal of the previously held private club permit but rather a new permit application. Main Street Liquid Company was the previous private club located at 115 E. Main Street, which operated from 1975 until May 2011.

In 2010, the City Council approved two (2) variances from Chapter 4 of the Code of Ordinances to allow the sale of alcoholic beverages within 300 feet of a public school. The first variance was for the Holiday Inn located at 1655 N. Central Expressway. The second variance was for the Practice Tee located at 3570 Waterview Parkway.

Board/Commission Action: N/A

Action Proposed: Approve variance request.

**Jerry Harkins**  
**Brent McConnell**  
115 East Main St.  
Richardson, Texas 75081

**RECEIVED**  
**JUL 12 2011**  
**DEVELOPMENT SERVICES**

Via: Hand Delivery

Ms. Pam Schmidt  
City Secretary  
411 East Arapaho Rd.  
Richardson, Texas 75080

RE: Request for Variance-115 East Main Street

Dear Ms. Schmidt:

The undersigned recently sought a Certificate of Occupancy from the City of Richardson for the operation of a private club at 115 East Main Street in Richardson, Texas. We have been informed by the Community Services Department that a Certificate of Occupancy will not be issued due to the fact that the property is within 300 feet of Cornerstone Bible Church, located at 204 East Main Street in Richardson, Texas. Additionally, various City of Richardson personnel informed us that a variance from the City Council will be required before a Certificate of Occupancy will be issued.

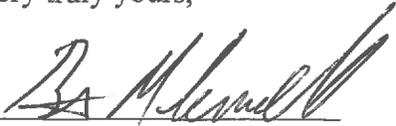
We do not believe that a variance is necessary given the fact that the proposed business will operate as a private club. This property has been occupied by a private club from 6/26/75 until 5/18/11. While the Texas Alcoholic Beverage Code authorizes a city to prohibit the sale of alcoholic beverages by a dealer who is within 300 feet of a church, a private club is not a dealer and cannot sell alcoholic beverages. They can, only, serve alcoholic beverages belonging to members of the club. Please refer to the attached provisions of the Texas Alcoholic Beverage Code that, clearly, support this finding. However, should the City of Richardson believe a variance is required, the undersigned hereby request a variance so a Certificate of Occupancy may be obtained. Please provide us notification of any hearing or discussion of this matter and/or the requested variance to us at the addresses below:

Brent McConnell, Owner/Lessor  
4676 Highland Dr.  
Denison, Texas 75020

Jerry Harkins, Lessee  
16923 Old Pond Dr.  
Dallas, Texas 75248

Should you have any questions or need further information, please contact Jerry Harkins at 214-797-8031. Thank you for your attention to this matter.

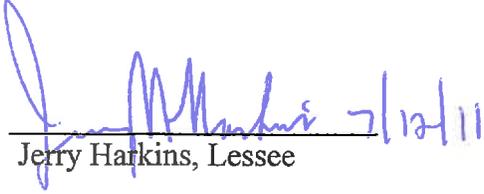
Very truly yours,



Brent McConnell, Owner/Lessor

7-12-11

**RECEIVED**  
**JUL 12 2011**  
**DEVELOPMENT SERVICES**



Jerry Harkins, Lessee

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling beer for on-premises consumption and retailers, manufacturers, or distributors who do not sell beer for on-premises consumption.

**Sec. 109.33. SALES NEAR SCHOOL, CHURCH, OR HOSPITAL.** (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

- (1) 300 feet of a church, public or private school, or public hospital;
- (2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code; or

*NOTE: Section 38.007, Education Code. Alcohol-free School Zones reads as follows:*

*(a) The board of trustees of a school district shall prohibit the use of alcoholic beverages at a school-related or school-sanctioned activity on or off school property.*

*(b) The board of trustees of a school district shall attempt to provide a safe alcohol-free environment to students coming to or going from school. The board of trustees may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide this environment and in enforcing Sections 101.75, 109.33, and 109.59, Alcoholic Beverage Code. Additionally, the board, if a majority of the area of a district is located in a municipality of a population of 900,000 or more, may petition the commissioners court of the county in which the district is located or the governing board of an incorporated city or town in which the district is located to adopt a 1,000-foot zone under Section 109.33, Alcoholic Beverage Code.*

(3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(c) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53.

(d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of Subsection (a), but not Subsection (c), of this section, the measurement of the distance between the place of

those occasions when a caterer's permit is used to provide service for a private party where specific beverages are ordered and the total charges for those beverages are paid by only one person or entity.

(e) The consideration to be paid by the caterer's permit holder to the owner or operator of the marine park for the right to sell alcoholic beverages therein may not be made dependent to any degree on the sales volume of any specific brand or brands or on the number of containers of beverages identified with any particular producer.

(f) The willful sharing of employees, business machines, or services between the holder of the caterer's permit and the owner of the marine park or any affiliate of the owner is grounds for immediate revocation of the authority of the caterer's permit holder to provide service in the marine park.

(g) The commission or administrator may suspend for not more than 60 days or cancel the primary mixed beverage permit of any holder of a caterer's permit who violates this section.

(h) In the event that a marine park owner having, either directly or by affiliation, an ownership interest in the holder of a manufacturer's license or a brewer's permit or both is found to have violated or to have conspired with any other permittee or licensee to violate this section, the commission or administrator may suspend for not more than 60 days the permit or license or both or may revoke the authority of any holder of a caterer's permit to provide service in the marine park.

(i) Any permittee or licensee whose business or property is injured by a violation of this section may bring suit in any district court in the county in which the violation is alleged to have occurred to require enforcement by injunctive relief or to recover three times the actual damages incurred or for both injunctive relief and treble damages. The court in its discretion may allow the prevailing party its costs and reasonable and necessary attorney's fees incurred in the defense or prosecution of such an action.

Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies only to the holder of a caterer's permit operating under the permit in an area in a municipality that:

- (1) has a population of less than 15,000;
- (2) is located in a county with a population of less than 65,000; and
- (3) contains a historic preservation district that borders a lake.

(b) Notwithstanding any other law, the holder of a caterer's permit operating under the permit in an area located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the area, even though the patron possesses an alcoholic beverage, if:

- (1) the beverage is in an open container and appears to be possessed for present consumption; and
- (2) the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the area is located.

(c) This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

## **CHAPTER 32. PRIVATE CLUB REGISTRATION PERMIT**

**Sec. 32.01. AUTHORIZED ACTIVITIES.** (a) A private club registration permit authorizes alcoholic beverages belonging to members of the club to be:

- (1) stored, possessed, and mixed on the club premises; and
- (2) served for on-premises consumption only to members of the club and their families and guests, by the drink or in sealed, unsealed, or broken containers of any legal size.

(b) An applicant for or the holder of a private club registration permit may apply to the commission to have the activities authorized under the permit restricted to the storage and service of wine, beer, and malt liquor for members of the club. Except as otherwise provided by this chapter, an applicant for or the holder of a permit that is restricted under this subsection is subject to all the requirements of this chapter. The commission may adopt rules as necessary to implement this subsection.

**Sec. 32.02. FEES.** (a) Each private club registration permittee shall pay an annual state fee for each separate place of business.

(b) The annual state fee shall be computed at the election of the permittee by using one of the following methods:

(1) A fee based on the highest number of members in good standing during the year for which the permit fee is paid according to the following rates:

0 to 250 members	-	\$ 750
251 to 450 members	-	\$1,350
451 to 650 members	-	\$1,950
651 to 850 members	-	\$2,550
851 to 1,000 members	-	\$3,000
Over 1,000 members	-	\$3 per member, or

(2) Except as provided by Subsection (d) of this section, a fee for an original private club registration permit of \$3,500, with a fee for the first renewal of a private club registration permit of \$2,750, and a fee for the second and each subsequent renewal of a private club registration permit of \$2,000.

(c) A permittee who elects to compute the permit fee based on Subsection (b)(1) of this section may not alter the method by which the fee is calculated until the second renewal or a renewal subsequent to the second renewal.

(d) A permit holder who has elected to restrict the holder's authorized activities under the permit as provided by Section 32.01(b) of this code shall pay an original permit fee of \$1,500 and an annual renewal fee of \$1,500.

(e) No later than 90 days before the expiration of the year for which the permit fee is paid, the permit holder may submit an amended application with as much additional fee as is required under the amended return.

(f) For a permittee who holds a valid permit on the effective date of this subsection and who elects to pay a permit fee as provided by Subsection (b)(2) of this section, the fee for renewal of that permit is:

(1) \$2,750 for the first annual renewal since the original permit was issued;  
and

(2) \$2,000 for a renewal subsequent to the first annual renewal.

(g) Fees collected under this section shall be deposited in the general revenue fund.

**Sec. 32.03. QUALIFICATIONS FOR PERMIT.** (a) A private club registration permit may only be issued to a club which meets the requirements of this section.

(b) The club must be an association of persons, whether unincorporated or incorporated under the laws of this state, for the promotion of some common object.

(c) Members of the club must be passed on and elected by a committee or board made up of members of the club, and no employee of the club shall be eligible to serve on the membership committee or board.

(d) No application for membership may be approved until the application has been filed with the chairman of the membership committee or board and approved by the chairman. The committee or board may authorize the chairman or a designated agent to issue preliminary memberships without the approval of the committee or board for a period not exceeding seven days on the request of an applicant for membership. A preliminary member has all of the privileges of membership in the club. If the committee or board does not approve the application

before the expiration of the preliminary membership, the club shall pay to the state a fee of \$3. The club shall remit the fees and record and report preliminary memberships as the commission or the administrator prescribes.

(e) At least 50 members of the club must reside in the county in which the premises of the club are located, or at least 100 members must reside in an area comprised of the county in which the premises of the club is located and an adjacent county or counties.

(f) The club must own, lease, or rent a building, or space in a building of such extent and character as in the judgment of the commission is suitable and adequate for the club's members and their guests.

(g) The club must provide regular food service adequate for its members and their guests.

(h) The club's total annual membership fees, dues, or other income, excluding proceeds from the disposition of alcoholic beverages but including service charges, must be sufficient to defray the annual rental of its leased or rented premises or, if the premises are owned by the club, sufficient to meet the taxes, insurance, and repairs and the interest on any mortgage on the premises.

(i) The club's affairs and management must be conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting.

(j) No member or any officer, agent, or employee of the club may be paid or receive any money as salary or other compensation, directly or indirectly, from the disposition of alcoholic beverages to members of the club and their guests, other than charges for the service of the beverages.

(k) A private club registration permit may not be issued to or maintained by a club for a premises located in a dry area if the club operates a sexually oriented business, as defined by Section 243.002, Local Government Code, on the premises.

**Sec. 32.04. APPLICATIONS FOR PERMITS; RENEWALS.** (a) A private club which meets the requirements set forth in Section 32.03 of this code may apply for a private club registration permit on forms furnished by the commission and containing all information necessary to insure compliance with the provisions of this code.

(b) Each applicant shall furnish a true copy of his application to the commission's district office in the district in which the premises sought to be covered by the permit are located prior to the filing of the original application with the commission at Austin.

(c) Applications for a renewal permit shall be filed with the commission within 30 days prior to the expiration of the current permit.

**Sec. 32.05. LOCKER SYSTEM.** The locker system of storage is a system whereby the club rents a locker to a member in which he may store alcoholic beverages for consumption by himself and his guests. All alcoholic beverages stored at a club under the locker system must be purchased and owned by the member individually.

**Sec. 32.06. POOL SYSTEM.** (a) The pool system of storage may be used in any area. Under this system all members of a pool participate equally in the original purchase of all alcoholic beverages. The original purchase may be funded by a cash contribution from each member or from a loan to the club by a third person guaranteed by all the members. A person who provides a loan to the club under this subsection may be related or unrelated to the club. A loan for the original purchase may be repaid from the alcoholic beverages replacement account. The replacement of all alcoholic beverages shall be paid for either by money assessed equally from each member and collected in advance or by the establishment of an alcoholic beverages replacement account in which a designated percentage of each charge for the service of alcoholic beverages, as determined by the club's governing body, is deposited.

(b) If an alcoholic beverages replacement account is used:

(1) each service check may have printed on it the percentage of the service charge that is to be deposited in the alcoholic beverages replacement account;

(2) no money other than the designated percentage of service charges may be deposited in the replacement account;

(3) the replacement of alcoholic beverages may be paid for only from money in the replacement account;

(4) the club's governing body may transfer from the replacement account to the club's general operating account any portion of the replacement account that the governing body determines is in excess of the amount that will be needed to purchase replacement alcoholic beverages or repay a loan for the original purchase of alcoholic beverages, but it may make only one transfer in a calendar month; and

(5) the club shall maintain a monthly record of the total amount of alcoholic beverage service charges collected, the amount deposited in the replacement account, the amount used to purchase alcoholic beverages or repay a loan for the original purchase of alcoholic beverages, and the amount transferred to the club's general operating account.

(c) A private club may combine the club's alcoholic beverages replacement account, general operating account, and any other account into a single master account if the master account is maintained in accordance with generally accepted accounting principles and the club is able to generate statements reflecting the funds allocated to each component account. If the club contracts with a third party to provide management or other services for the club, the club may permit the club's master account to be combined with the master accounts of other clubs to which the third party provides similar services if the combined account is maintained in accordance with generally accepted accounting principles and the third party is able to generate, for the commissioner's review on request, statements reflecting the funds allocated to each component account of the combined account and the club's master account.

**Sec. 32.07. DISPLAY OF PERMIT.** A private club registration permit shall be displayed in a conspicuous place at all times on the licensed premises.

**Sec. 32.08. PURCHASE AND TRANSPORTATION OF ALCOHOLIC BEVERAGES.** (a) All distilled spirits sold by a club holding a private club registration permit must be purchased in this state from a holder of a local distributor's permit.

(b) If the club holding the permit is in an area where there are no local distributors, alcoholic beverages may be purchased in any area where local distributors are located and may be transported to the club premises if the club also holds a beverage cartage permit. The transporter may acquire the alcoholic beverages only on the written order of an officer or manager of the club holding the permit. The alcoholic beverages must be accompanied by a written statement furnished and signed by the local distributor showing the name and address of the consignee and consignor, the origin and destination of the shipment, and any other information required by the commission or administrator. The person in charge of the alcoholic beverages while they are being transported shall exhibit the written statement to any representative of the commission or any peace officer on demand, and the statement shall be accepted by the representative or officer as prima facie evidence of the lawful right to transport the alcoholic beverages.

(c) If a private club registration permittee holds a beverage cartage permit and his premises are located in a regional airport governed by a board, commission, or authority composed of members from two or more counties, and there is no local distributor at the airport, the private club registration permittee may purchase alcoholic beverages from any local distributor in a trade area served by the airport and transport them to his licensed premises. The transportation of the beverages must be in accordance with Subsection (b) of this section.

**Sec. 32.09. TEMPORARY MEMBERS.** (a) The manager or other person in charge of the club premises may allow a person to enter the club if he possesses a valid temporary membership card which has no erasures or changes and which has the temporary dates in a prominent position on the card. A temporary member may enjoy the club's services and privileges for a period of not more than three days per invitation. A temporary member may bring not more than three guests to the club and must remain in their presence while they are at the club.

(b) At the time of his admission the temporary member shall pay the club a fee of \$3, which shall represent the fee payable by the permittee to the state. All fees and payments from temporary members shall be collected in cash or through credit cards approved by the commission or administrator.

(c) Temporary memberships shall be governed by rules promulgated by the commission consistent with the provisions of this section.

**Sec. 32.10. GUESTS.** (a) Guests shall be limited to those who accompany a member or temporary member onto the premises or for whom a member, other than a temporary member, has made prior arrangements with the management of the club.

(b) Except as provided in Subsection (c) of this section no guest shall be permitted to pay, by cash or otherwise, for any service of alcoholic beverages. Any charge for a service rendered to a guest by the club must be billed by the club to the member or temporary member sponsoring the guest. A club shall bill a member other than a temporary member for the service of guests in the club's regular billing cycle.

(c) The manager of a hotel who is a member of a private club located within the hotel building may issue a guest card to a patron of the hotel who is staying in the hotel overnight or longer. The holder of the guest card may be served alcoholic beverages in the club or the holder's hotel room. The guest may not be allowed to pay, by cash or otherwise, at the time of service in the private club. The charge for service shall be billed to the hotel manager's account in the hotel and shall be collected by the hotel manager along with other hotel charges, including the charge for using the hotel room, when the patron leaves the hotel. The hotel records shall be available for inspection at the request of the commission. If the club operates under the locker system a guest shall be served from the locker rented to the manager of the hotel.

(d) The commission shall promulgate rules necessary to implement the provisions of this section.

**Sec. 32.11. FRATERNAL AND VETERANS ORGANIZATIONS.** (a) In this section:

(1) "Fraternal organization" means:

(A) any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization or Texas state fraternal organization that, as the owner, lessee, or occupant, has operated an establishment for fraternal purposes for at least one year. If an American national fraternal organization, it must actively operate in not fewer than 31 states and have at least 300 local units in those 31 states, and must have been in active, continuous existence for at least 20 years. If a Texas state fraternal organization, it must actively operate in at least two counties of the state and have at least 10 local units in those two counties, and must have been in active, continuous existence for at least five years;

(B) a hail association or building association of a local unit described in Paragraph (A), all the capital stock of which is owned by the local unit or the members of the local unit, and which operates the clubroom facilities of the local unit;

(C) a building association not owned by a local unit described in Paragraph (A) but one that is composed wholly of members appointed by a county commissioners court to administer, manage, and control an exposition center containing an exhibition area of not less than 100,000 square feet and an arena with not less than 6,000 fixed seats, situated on property with an area of not less than 50 acres that is owned, together with all buildings, appurtenances, and parking areas, by a county;

(D) a chapter or other local unit of an American national fraternal organization that promotes physical fitness and provides classes in athletics to children and that, as owner, lessee, or occupant, has operated an establishment for fraternal purposes for at least one year. The fraternal organization must:

- (i) actively operate in not fewer than 12 states;
- (ii) have at least six local units in this state; and

(iii) have at least one unit in this state that has been in active, continuous existence for at least 75 years; or

(E) a chapter or other local unit of an American national fraternal organization that promotes the moral, educational, social, and recreational welfare of merchant seafarers and that, as owner, lessee, or occupant, has operated an establishment for fraternal purposes for at least one year. The fraternal organization must:

(i) actively operate in not fewer than 12 states;

(ii) have at least four local units in this state; and

(iii) have at least one unit in this state that has been in active, continuous existence for at least 15 years.

(2) "Veterans organization" means an organization composed of members or former members of the armed forces of the United States which is organized for patriotic and public service purposes, including the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Jewish War Veterans, American GI Forum, Catholic War Veterans, or any veterans organization chartered by the United States Congress.

(b) The permit fee imposed by Section 32.02 and the provisions of Sections 32.03 and 32.10 requiring regular food service and prohibiting guests from paying in cash do not apply to a private club established by a fraternal or veterans organization. The private club is also exempt from Sections 32.05 and 32.06, and the members of the club may use any club funds owned by them jointly, including revenue from the service of alcoholic beverages, to replenish their joint stock of alcoholic beverages.

(c) The requirement that the fraternal or veterans organization hold a private club registration permit is satisfied by the issuance of a certificate by the commission that states that the organization meets the requirements of this section.

(d) All other provisions of this code apply to fraternal and veterans organizations.

(e) A fraternal or veterans organization that holds a permit under this chapter and the private club established under that permit are considered separate entities for the purposes of determining compliance with and enforcing this code. The fraternal or veterans organization shall establish a membership committee for the permitted entity for the purposes of Sections 32.03(c) and (d). Membership in the private club is governed by this code. Membership in the fraternal or veterans organization is not subject to the requirements of this code.

**Sec. 32.12. INSPECTION OF PREMISES.** The acceptance of a private club registration permit constitutes an express agreement and consent on the part of the private club that any authorized representative of the commission or any peace officer has the right and privilege to freely enter the club premises at any time to conduct an investigation or to inspect the premises for the purpose of performing a duty imposed by this code.

**Sec. 32.13. INSPECTION OF BOOKS AND RECORDS.** All books and records pertaining to the operation of any permittee club, including a current listing, correct to the last day of the preceding month, of all members of the club who have liquor stored on the club premises under either the locker or pool system shall be made available to the commission or its authorized representatives on request.

**Sec. 32.14. UNREGISTERED CLUBS; PROHIBITED ACTIVITIES.** (a) No permittee, licensee, or any other person shall deliver, transport, or carry an alcoholic beverage to, into, or on the premises of any establishment, location, room, or place purporting to be a club, or holding itself out to the public or any person as a club or private club, unless the club holds a private club registration permit.

(b) No person may store, possess, mix, or serve by the drink or in broken or unsealed containers an alcoholic beverage on the premises of any establishment, location, room, or place purporting to be a club or private club unless the club holds a private club registration permit.

(c) An alcoholic beverage stored or possessed on the premises of any establishment, location, room, or place purporting to be a club, or holding itself out to the public or any person

as a club or private club, is declared to be an illicit beverage and subject to seizure without a warrant unless a private club registration permit has been issued for the premises, location, room, or place.

**Sec. 32.15. REMOVAL OF BEVERAGES FROM PREMISES.** A private club, irrespective of location or system of storage of alcoholic beverages, may not permit any person to remove any alcoholic beverages from the club premises, except as authorized by Subsection (b) of Section 28.10 of this code.

**Sec. 32.16. UNAUTHORIZED MEMBERSHIP.** No private club registration permittee may allow its average membership to exceed that authorized by its permit.

**Sec. 32.17. CANCELLATION OR SUSPENSION OF PERMIT; GROUNDS.** (a) The commission or administrator may cancel or suspend for a period of time not exceeding 60 days, after notice and hearing, an original or renewal private club registration permit on finding that the permittee club has:

(1) sold, offered for sale, purchased, or held title to any alcoholic beverage so as to constitute an open saloon;

(2) refused to allow an authorized agent or representative of the commission or a peace officer to come on the club premises for the purposes of inspecting alcoholic beverages stored on the premises or investigating compliance with the provisions of this code;

(3) refused to furnish the commission or its agent or representative when requested any information pertaining to the storage, possession, serving, or consumption of alcoholic beverages on club premises;

(4) permitted or allowed any alcoholic beverages stored on club premises to be served or consumed at any place other than on the club premises;

(5) failed to maintain an adequate building at the address for which the private club registration permit was issued;

(6) caused, permitted, or allowed any member of a club in a dry area to store any liquor on the club premises except under the locker system;

(7) caused, permitted, or allowed any person to consume or be served any alcoholic beverages on the club premises:

(A) at any time on Sunday between the hours of 1:15 a.m. and 10 a.m. or on any other day at any time between the hours of 12:15 a.m. and 7 a.m., if the club does not have a private club late hours permit, except that an alcoholic beverage served to a customer between 10 a.m. and 12 noon on Sunday must be provided during the service of food to the customer; or

(B) at any time on Sunday between the hours of 2 a.m. and 10 a.m. or on any other day at any time between the hours of 2 a.m. and 7 a.m., if the club has a private club late hours permit, except that an alcoholic beverage served to a customer between 10 a.m. and 12 noon on Sunday must be provided during the service of food to the customer; or

(8) violated or assisted, aided or abetted the violation of any provision of this code.

(b) As used in Subsection (a)(1) of this section, the term "open saloon" means any place where an alcoholic beverage is sold or offered for sale for beverage purposes by the drink or in broken or unsealed containers, or a place where any alcoholic beverage is sold or offered for sale for on-premises consumption.

(c) After notice and an opportunity for a hearing, the commission or administrator may cancel or suspend the private club registration permit of a permit holder who has restricted the holder's authorized activities under the permit as provided by Section 32.01(b) of this code on a determination that the permit holder is storing or serving alcoholic beverages to club members other than, or in addition to, wine, beer, and malt liquor.

**Sec. 32.18. APPEALS FROM ORDERS OF COMMISSION OR ADMINISTRATOR.** An appeal from an order of the commission or administrator refusing,

cancelling, or suspending a private club registration permit shall be taken to the district court of the county in which the private club is located. The proceeding on appeal shall be under the substantial evidence rule. The rules applicable to ordinary civil suits apply, with the following exceptions, which shall be construed literally:

(1) all appeals shall be perfected and filed within 30 days after the order, decision, or ruling of the commission or administrator becomes final and appealable;

(2) all causes shall be tried before the judge within 10 days from the filing, and neither party shall be entitled to a jury; and

(3) the order, decision, or ruling of the commission or administrator may be suspended or modified by the district court pending a trial on the merits, but the final judgment of the district court shall not be modified or suspended pending appeal.

**Sec. 32.19. AIDING OR ABETTING VIOLATION.** A person who commits, assists, aids, or abets a violation of this chapter commits an offense.

**Sec. 32.20. STAMPS.** (a) A private club registration permittee may not possess or permit a person to possess on the premises distilled spirits in any container that does not bear a serially numbered identification stamp issued by the commission or other identification approved by the commission.

(b) A holder of a local distributor's permit may not knowingly sell, ship, or deliver distilled spirits in any container that does not bear a serially numbered identification stamp issued by the commission or other identification approved by the commission.

(c) Identification stamps may be issued only to a holder of a local distributor's permit who shall affix the stamps as prescribed by the commission or administrator.

**Sec. 32.21. PERMIT INELIGIBILITY.** A private club registration permit may not be issued to:

(1) a person whose permit was canceled for a violation of Section 28.06(e) of this code;

(2) a person who held an interest in a permit that was canceled for a violation of Section 28.06(c) of this code;

(3) a person who held 50 percent or more of the stock, directly or indirectly, of a corporation whose permit was canceled for a violation of Section 28.06(c) of this code;

(4) a corporation, if a person holding 50 percent or more of the corporation's stock, directly or indirectly, is disqualified from obtaining a permit under Subdivision (3) of this section; or

(5) a person who resides with a person who is barred from obtaining a permit because of a violation of Section 28.06(c) of this code.

**Sec. 32.22. SUMMARY SUSPENSION.** (a) The commission may summarily suspend, without a hearing, the permit of a permittee who fails to file a return or make a tax payment. Chapter 2001, Government Code does not apply to the commission in the enforcement and administration of this section.

(b) A suspension under this section takes effect on the third day after the date the notice of suspension is given. The notice of suspension shall be sent by registered or certified mail to the permittee, the permittee's agent, servant, or employee if not given in person.

(c) The commission shall terminate a suspension made under this section when the permittee files all required returns and makes all required tax payments, including payment of penalties that are due.

**Sec. 32.23. FOOD AND BEVERAGE CERTIFICATE.** (a) A holder of a private club registration permit may be issued a food and beverage certificate by the commission if the gross receipts of mixed beverages served by the holder are 50 percent or less of the total gross receipts from the premises.

(b) An applicant or holder of a food and beverage certificate shall have food service facilities for the preparation and service of multiple entrees. The commission shall adopt rules as



# MEMO

**Date:** July 1, 2011

**To:** **Sam Chavez, Asst. Dir./Dev. Svcs-Planning**  
**From:** Steve Boone, Asst. Dir./Community Services-Building Inspection  
**Subject:** C/O issuance for 115 E. Main St., Main St. Liquid Company

A Certificate of Occupancy would not be issued for the above mentioned property because of failure to comply with the minimum 300 foot distance between a church and an establishment selling alcohol. This requirement is based on Chapter Four section 4-11(a)(1) of the Richardson Code of Ordinances.



July 15, 2011

Cornerstone Chinese Bible Church  
204 E. Main St  
Richardson, TX 75081

Re: 115 E. Main Street  
Richardson, Texas  
TABC Application

To Whom it may Concern:

The business located at 115 E. Main Street (former Main Street Liquid Company) will be requesting an application for a private club permit to allow the sales of alcohol at their facility. The Cornerstone Chinese Bible Church is located within 300 feet of 115 E. Main Street. Due to the close proximity of the church, the City of Richardson Building Inspection Department will be required to deny the certificate of occupancy unless a variance is approved by the Richardson City Council.

This letter will act as formal notice to you that the business located at 115 E. Main Street has requested that the Richardson City Council consider approving a variance to the distance requirement for on-premise consumption of alcoholic beverages in a private club as it pertains to the business located at 115 E. Main Street and The Cornerstone Chinese Bible Church.

The City Council will hear the request on Monday, July 25, 2011 at 7:30 p.m. in the City Council Chamber located in the City Hall/Civic Center, 411. W. Arapaho Road, Richardson, Texas. If you wish your opinion to be part of the record but are unable to attend, please send a written reply prior to the hearing date to my attention addressed to Development Services, City of Richardson, P.O. Box 830309, Richardson, Texas 75083.

Please feel free to contact me at 972-744-4249 or at [chris.shacklett@cor.gov](mailto:chris.shacklett@cor.gov) if you have any questions.

Sincerely,

Chris Shacklett  
Planner – Development Services

Cc: Jerry Harkins, Lessee  
16923 Old Pond Dr.  
Dallas, TX 75248

Brent McConnell, Owner/Lessor  
4676 Highland Dr.  
Denison, TX 75020

**FILE COPY**



P.O. Box 830309  
Richardson, TX  
75083-0309  
972-744-4100



# 115 E Main Street - Chapter 4 Variance

July 8, 2011  
DS\Mapping\Administration\Alcohol\Variances\115 E Main St\Variance Distance Aerial.mxd

1 inch = 100 feet



**RESOLUTION NO. 11-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE 2011 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS SHARING AND FISCAL AGENCY AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Part E of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Edward Byrne Memorial Justice Assistance Grant Program (the “JAG Program”) authorize the Department of Justice’s Bureau of Justice Assistance (the “BJA”) to make funds (the “JAG Funds”) available to units of local government in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system; and

**WHEREAS**, Dallas County, the City of Richardson, and other cities located in Dallas County are eligible for 2011 JAG Program Funds and have been certified by the BJA as a disparate jurisdiction; and

**WHEREAS**, for the purposes of simplifying the application process, the JAG Program permits the chief executive officer of one of the eligible units of local government in the disparate jurisdiction to submit a joint application for JAG Funds on behalf of the other eligible units of local governments within that jurisdiction and to act as the fiscal agent for those local governments in administering the JAG Funds; and

**WHEREAS**, certified disparate jurisdictions must reach an agreement regarding the sharing of JAG Funds prior to submission of the JAG Program application; and

**WHEREAS**, the City Council of the City of Richardson agrees and acknowledges that as a certified disparate jurisdiction, the City of Richardson must reach an agreement with Dallas County and the other cities joining in the JAG application regarding the sharing of JAG Funds prior to submitting a JAG application to the BJA; and

**WHEREAS**, the City Council wishes to join with Dallas County and the other participating cities in naming the City of Dallas as fiscal agent to administer and distribute the JAG Funds and to designate a share of its JAG Funds for administrative costs to be paid to the City of Dallas, prior to submission of the joint application for JAG Funds to the BJA; and

**WHEREAS**, the City Council agrees to transfer seven percent (7%) of its allocation of JAG funds for costs associated with administering the JAG Funds to the City of Dallas pursuant to the Fiscal Agency Agreement (“the Agreement”) attached hereto as Exhibit “A” and incorporated herein by reference; and

**WHEREAS**, the City Council of the City of Richardson finds that the execution and performance of this Agreement is in the best interests of the City of Richardson, that the undertaking will benefit the public, and that the shares of the JAG Funds to the City of Richardson

and the other parties will fairly compensate the parties to the Agreement for their respective functions under the Agreement;

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

**SECTION 1.** That the terms, provisions, and conditions of the 2011 Byrne Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement (GMS Application #2011-H3607-TX-DJ), a copy of which is attached hereto as Exhibit "A", be, and the same are, hereby approved.

**SECTION 2.** That the City Manager is hereby authorized to execute the appropriate documents for entering into said agreement for the purposes recited therein.

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

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Richardson, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF RICHARDSON, TEXAS**

\_\_\_\_\_  
BOB TOWNSEND, MAYOR

**ATTEST:**

\_\_\_\_\_  
PAMELA SCHMIDT, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
PETER G. SMITH, CITY ATTORNEY  
(PGS:06-09-11:49740)

**RESOLUTION NO. 11-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, 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; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, regional transportation planning and improved mobility are goals of the City of Richardson; and

**WHEREAS**, the City of Richardson desires to have a representative on the Regional Transportation Council; and

**WHEREAS**, the Deputy Mayor Pro Tem for the Town of Addison, Kimberly Lay, is presently representing the City of Richardson on the Regional Transportation Council.

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

**SECTION 1.** That Laura Maczka, Mayor Pro Tem for the City of Richardson, is hereby appointed as Alternate to the Regional Transportation Council of the North Central Texas Council of Governments.

**SECTION 2.** 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 25th day of July 2011.

CITY OF RICHARDSON, TEXAS

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
CITY ATTORNEY  
(PGS:07-20-11:50334)

\_\_\_\_\_  
CITY SECRETARY



City of Richardson  
City Council Meeting  
Agenda Item Summary



**City Council Meeting Date:** Monday, July 25, 2011

**Agenda Item:** Final Plat for Lots 1, 2, and 3, Block A of the Belt Line / Inge Addition.

**Staff Resource:** Sam Chavez, Asst. Director of Development Services **SC**

**Summary:** The purpose of the plat is to combine several tracts of land into three (3) legal lots of record to develop a convenience store with gasoline sales on proposed Lot 1.

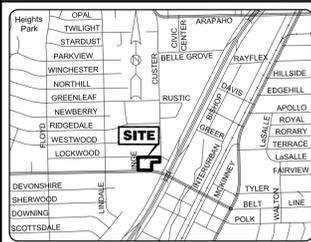
**Board/Commission Action:** Approved by the City Plan Commission on July 19, 2011

**Action Proposed:** For information only.



**Lots 1, 2, and 3, Block A  
Belt Line/Inge Addition**



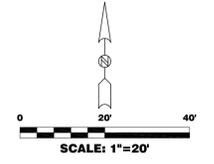


23,905 SQUARE FEET (called)  
JN DEO PARTNERS, LTD.  
VOL. 2002224, PG. 1460  
D.R.D.C.T.

0.656 ACRES (called)  
DVORKIN INVESTMENTS, INC.  
C.C.F. No. 20060009283  
D.R.D.C.T.

24,567 SQUARE FEET (called)  
CPC SING TRUST  
VOL. 2002089, PG. 14583  
D.R.D.C.T.

1.0562 ACRES (called)  
JAMES A. BEAURLINE &  
SUSAN L. BEAURLINE  
C.C.F. No. 2010-0074319  
D.R.D.C.T.



BASIS OF BEARINGS  
WEST R.O.W. LINE OF INGE DRIVE  
EAST LINE OF 0.2869 ACRE TRACT  
N 00°13'30" W  
N 00°13'30" W  
(C.C.F. No. 201100027626, D.R.D.C.T.)

**LOCKWOOD DRIVE**  
(50' R.O.W.)

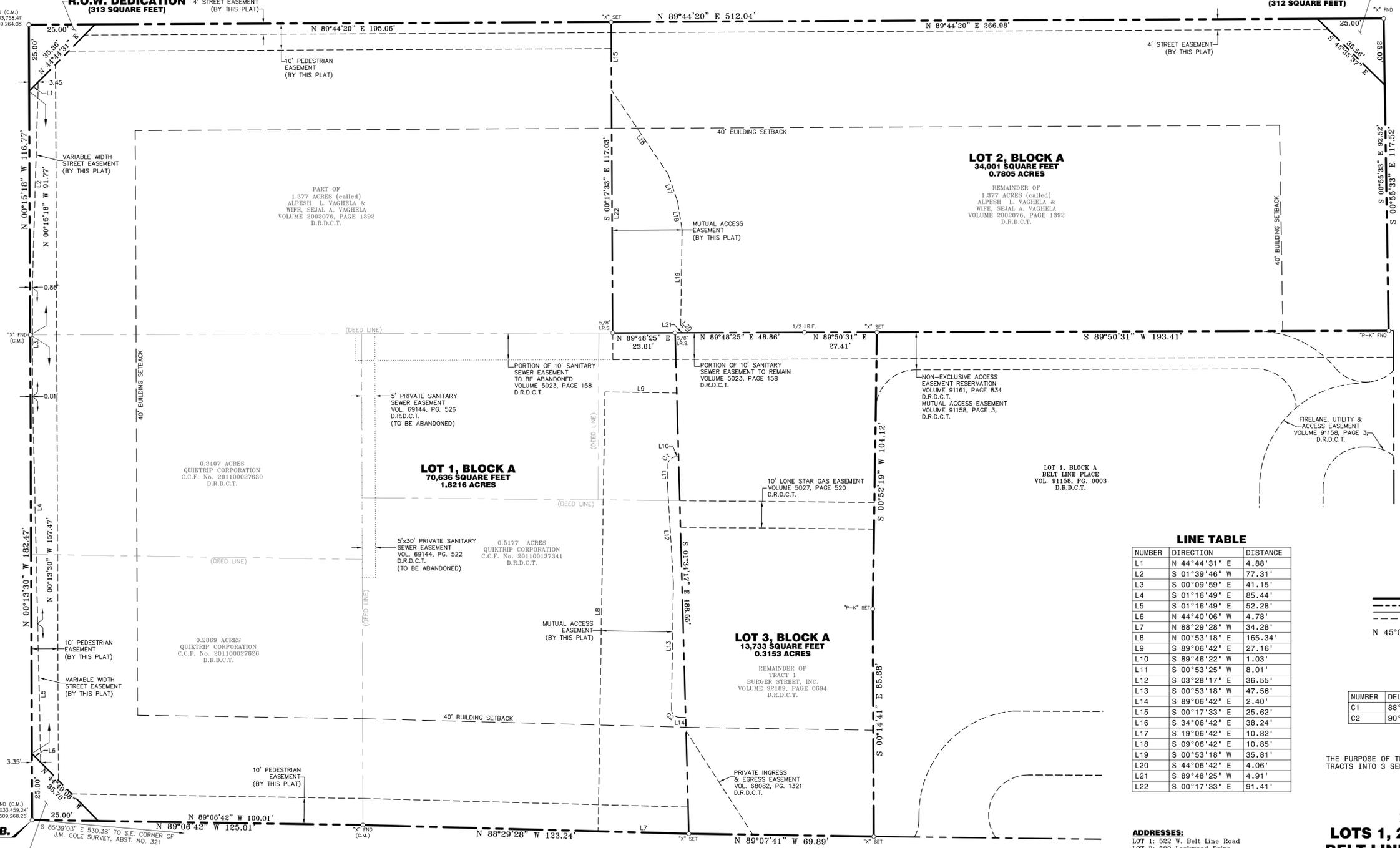
**R.O.W. DEDICATION**  
(313 SQUARE FEET)

**R.O.W. DEDICATION**  
(312 SQUARE FEET)

**CUSTER ROAD**  
(VARIABLE WIDTH R.O.W.)

**INGE DRIVE**  
(50' R.O.W.)

**BELT LINE ROAD**  
(VARIABLE-WIDTH R.O.W.)



**LINE TABLE**

NUMBER	DIRECTION	DISTANCE
L1	N 44°44'31" E	4.88'
L2	S 01°39'46" W	77.31'
L3	S 00°09'59" E	41.15'
L4	S 01°16'49" E	85.44'
L5	S 01°16'49" E	52.28'
L6	N 44°40'06" W	4.78'
L7	N 88°29'28" W	34.28'
L8	N 00°53'18" E	165.34'
L9	S 89°06'42" E	27.16'
L10	S 89°46'22" W	1.03'
L11	S 00°53'25" W	8.01'
L12	S 03°28'17" E	36.55'
L13	S 00°53'18" W	47.56'
L14	S 89°06'42" E	2.40'
L15	S 00°17'33" E	25.62'
L16	S 34°06'42" E	38.24'
L17	S 19°06'42" E	10.82'
L18	S 09°06'42" E	10.85'
L19	S 00°53'18" W	35.81'
L20	S 44°06'42" E	4.06'
L21	S 89°48'25" W	4.91'
L22	S 00°17'33" E	91.41'

**LEGEND**

5/8" I.R.S.	5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "R.P.L.S. 5199"
CL (CM)	CENTERLINE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
I.R.F.	IRON ROD FOUND
PG.	PAGE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME
---	BOUNDARY LINE (SUBJECT PROPERTY)
---	LOT LINE
---	BOUNDARY LINE (OFF SITE)
---	EASEMENT LINE
N 45°00'00" E 1000.00'	BOUNDARY DIMENSIONS
100.00'	LOT DIMENSIONS
100.00'	EASEMENT DIMENSIONS

**CURVE TABLE**

NUMBER	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	88°13'42"	3.00'	4.62'	S 45°39'31" W	4.18'
C2	90°00'00"	3.00'	4.71'	S 44°06'42" E	4.24'

THE PURPOSE OF THIS PLAT IS TO COMBINE SEVERAL UNPLATTED TRACTS INTO 3 SEPARATE LOTS.

**ADDRESSES:**  
LOT 1: 522 W. Belt Line Road  
LOT 2: 509 Lockwood Drive  
LOT 3: 514 W. Belt Line Road

**FINAL PLAT**  
**LOTS 1, 2 AND 3, BLOCK A**  
**BELT LINE / INGE ADDITION**

2.7389 ACRES OUT OF THE  
JAMES M. COLE SURVEY, ABSTRACT No. 321  
CITY OF RICHARDSON, DALLAS COUNTY, TEXAS

**OWNER:**  
QUIKTRIP CORPORATION  
1120 North Industrial Boulevard  
Eules, Texas 76039  
(817) 358-7680

**OWNER:**  
ALPESH L. VAGHELA &  
WIFE, SEJAL A. VAGHELA  
2810 Grand Oak Drive  
Garland, Texas 75044  
(972) 496-0675

**OWNER:**  
BURGER STREET, INC.  
c/o William R. Waugh  
10903 Alder Circle, Suite 200  
Dallas, Texas 75238  
(214) 349-9600

**PROJECT INFORMATION**  
Date of Survey: 04/11/2011  
Job Number: 1014975  
Drawn By: W.J.J.  
Date of Drawing: 07/07/2011  
File: Final Plat.Dwg  
**SHEET 1 OF 2**

**SCI**  
Survey Consultants, Inc.  
811 E. Plano Parkway  
Suite 117  
Plano, Texas 75074  
(972) 424-7002 Voice  
(972) 633-1702 Fax  
WWW.SurveyConsultantsInc.com

JAMES M. COLE SURVEY, ABSTRACT NO. 321  
LAVINIA McCOMMAS SURVEY, ABSTRACT NO. 927

**OWNERS CERTIFICATE**

STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF RICHARDSON §

WHEREAS QuikTrip Corporation, Alpesh L. Vaghela and wife Sejal A. Vaghela, and Burger Street, Inc. are the owners of a tract or tracts of land located in the City of Richardson, Dallas County, Texas, part of the James M. Cole Survey, Abstract No. 321, being all of that certain 0.2869 acre tract of land described in Deed to QuikTrip Corporation as recorded in County Clerk's File No. 201100027626, Deed Records, Dallas County, Texas, all of a 0.2407 acre tract of land described in Deed to QuikTrip Corporation as recorded in County Clerk's File No. 201100027630, Deed Records, Dallas County, Texas, all of a 0.5177 acre tract described in Deed to QuikTrip Corporation as recorded in County Clerk's File No. 201100137341, Deed Records, Dallas County, Texas and all of a 1.377 acre tract of land described in deed to Alpesh L. Vaghela and wife Sejal A. Vaghela as recorded in Volume 2002076, Page 1392 Deed Records, Dallas County, Texas, being part of that tract described as "Tract I" in deed to Burger Street, Inc. as recorded in Volume 92189, Page 694, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "X" in concrete found for the southwest corner of said 0.2869 acre tract, being the intersection of the north right-of-way line of Belt Line Road (variable width R.O.W.) and the east right-of-way line of Inge Drive (50 foot R.O.W.), from which the southeast corner of said James M. Cole Survey bears South 89 degrees 39 minutes 03 seconds East, a distance of 530.38 feet;

THENCE, along the east line of Inge Drive and the west line of said 0.2869 acre tract, North 00 degrees 13 minutes 30 seconds West, passing at a distance of 99.91 feet the northwest corner of said 0.2869 acre tract and the southwest corner of said 0.2407 acre tract, continuing along the east line of Inge Drive and the west line of said 0.2407 acre tract, a total distance of 182.47 feet to an "X" in concrete found for corner, being the northwest corner of said 0.2407 acre tract and the southwest corner of said 1.377 acre tract;

THENCE, continuing along the east line of Inge Drive and the west line of said 1.377 acre tract, North 00 degrees 15 minutes 18 seconds West, a distance of 116.77 feet to an "X" in concrete found for corner, being the northwest corner of said 1.377 acre tract, and lying in the south right-of-way line of Lockwood Drive (50' R.O.W.);

THENCE, departing the east line of Inge Drive and along the south line of Lockwood Drive and the north line of said 1.377 acre tract, North 89 degrees 44 minutes 20 seconds East, a distance of 512.04 feet to an "X" in concrete found for corner, being the northeast corner of said 1.377 acre tract, being in the west right-of-way line of Custer Road (variable width R.O.W.);

THENCE, departing said south right-of-way line, along the east line of said 1.377 acre tract and the west line of Custer Road, South 00 degrees 55 minutes 33 seconds East, a distance of 117.52 feet to a "P-K" nail found for the southeast corner of said 1.377 acre tract, being in the north line of Lot 1, Block A, Belt Line Place, and addition to the City of Richardson as recorded in Volume 91158, Page 0003, Deed Records, Dallas County, Texas;

THENCE, departing the west line of Custer Road, along the south line of said 1.377 acre tract and the north line of said Lot 1, South 89 degrees 50 minutes 31 seconds West, a distance of 193.41 feet to an "X" in concrete set for corner, being the northwest corner of said Lot 1 and the northeast corner of said Burger Street tract;

THENCE, along the west line of said Lot 1 and the east line of said Burger Street tract as follows:

South 00 degrees 52 minutes 19 seconds West, a distance of 104.12 feet to a "P-K" nail set for corner;

South 00 degrees 14 minutes 41 seconds East, a distance of 85.68 feet to an "X" in concrete set for the southeast corner of said Burger Street tract, the southwest corner of said Lot 1, and being in the north right-of-way line of Belt Line Road;

THENCE, along the south line of said Burger Street tract and the north line of Belt Line Road, North 89 degrees 07 minutes 41 seconds West, a distance of 69.89 feet to an "X" in concrete set for the southwest corner of said Burger Street tract, being the southeast corner of said 0.5177 acre tract;

THENCE, along the south line of said 0.5177 acre tract and the north line of Belt Line Road, North 88 degrees 29 minutes 28 seconds West, a distance of 123.24 feet to an "X" in concrete found for the southwest corner of said 0.5177 acre tract and the southeast corner of said 0.2869 acre tract;

THENCE, continuing along the north line of Belt Line Road and the south line of said 0.2869 acre tract, North 89 degrees 06 minutes 42 seconds West, a distance of 125.01 feet to the POINT OF BEGINNING and containing 119,308 square feet or 2.7389 acres of land more or less.

**OWNERS DEDICATION**

STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF RICHARDSON §

That we, QuikTrip Corporation, Alpesh L. Vaghela and wife Sejal A. Vaghela, and Burger Street, Inc., being the owners of the hereinafter described property, do hereby adopt this plat designating the herein described property as the BELT LINE / INGE ADDITION, an addition to the City of Richardson, Dallas County, Texas. We do hereby dedicate to the public use forever the streets and alleys shown thereon. The easements shown thereon are hereby reserved for purposes as indicated. The utility and access easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and access easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements as shown; said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. All and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.

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

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

EXECUTED THIS \_\_\_\_ day of \_\_\_\_\_, 2011.

By: QuikTrip Corporation
Joseph S. Faust
Director of Real Estate

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared JOSEPH S. FAUST, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

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

Notary Public, State of Texas

EXECUTED THIS \_\_\_\_ day of \_\_\_\_\_, 2011.

By: Alpesh L. Vaghela

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Alpesh L. Vaghela, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

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

Notary Public, State of Texas

EXECUTED THIS \_\_\_\_ day of \_\_\_\_\_, 2011.

By: Sejal A. Vaghela

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Sejal A. Vaghela, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

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

Notary Public, State of Texas

EXECUTED THIS \_\_\_\_ day of \_\_\_\_\_, 2011.

By: Burger Street, Inc.
William R. Waugh, President

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared William R. Waugh, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

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

Notary Public, State of Texas

**SURVEYOR'S CERTIFICATE**

STATE OF TEXAS §
COUNTY OF COLLIN §

That I, Douglas S. Loomis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual survey of the land and that the corner monuments shown thereon were found and/or properly placed under my supervision in accordance with the platting rules and regulations of the City of Richardson, Dallas County, Texas.

WITNESS MY HAND AT PLANO, TEXAS this the \_\_\_\_ day of \_\_\_\_\_, 2011.

RELEASED 7/6/2011 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

Douglas S. Loomis
Registered Professional Land Surveyor No. 5199

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, in this day personally appeared Douglas S. Loomis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

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

Notary Public, State of Texas

**COORDINATE NOTE**

Coordinates shown hereon are State Plane Coordinates, Texas North Central Zone, North American Datum of 1983 (NAD83).

**FINAL PLAT
LOTS 1, 2 AND 3, BLOCK A
BELT LINE / INGE ADDITION**

2.7389 ACRES OUT OF THE
JAMES M. COLE SURVEY, ABSTRACT No. 321
CITY OF RICHARDSON, DALLAS COUNTY, TEXAS

OWNER:
QUIKTRIP CORPORATION
1120 North Industrial Boulevard
Euless, Texas 76039
(817) 358-7680

OWNER:
ALPESH L. VAGHELA &
WIFE SEJAL A. VAGHELA
2810 Grand Oak Drive
Garland, Texas 75044
(972) 496-0675

OWNER:
BURGER STREET, INC.
c/o William R. Waugh
10903 Alder Circle, Suite 200
Dallas, Texas 75238
(214) 349-9600

PROJECT INFORMATION
Date of Survey: 04/11/2011
Job Number: 1014975
Drawn By: W.J.J.
Date of Drawing: 07/07/2011
File: Final Plat.Dwg
SHEET 2 OF 2



811 E. Plano Parkway
Suite 117
Plano, Texas 75074
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com



City of Richardson  
City Council Meeting  
Agenda Item Summary



**City Council Meeting Date:** Monday, July 25, 2011

**Agenda Item:** 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.

**Staff Resource:** Sam Chavez, Asst. Director of Development Services **SC**

**Summary:** The purpose of the amending plat is to relocate easements to accommodate a 3,044 square foot expansion to an existing building.

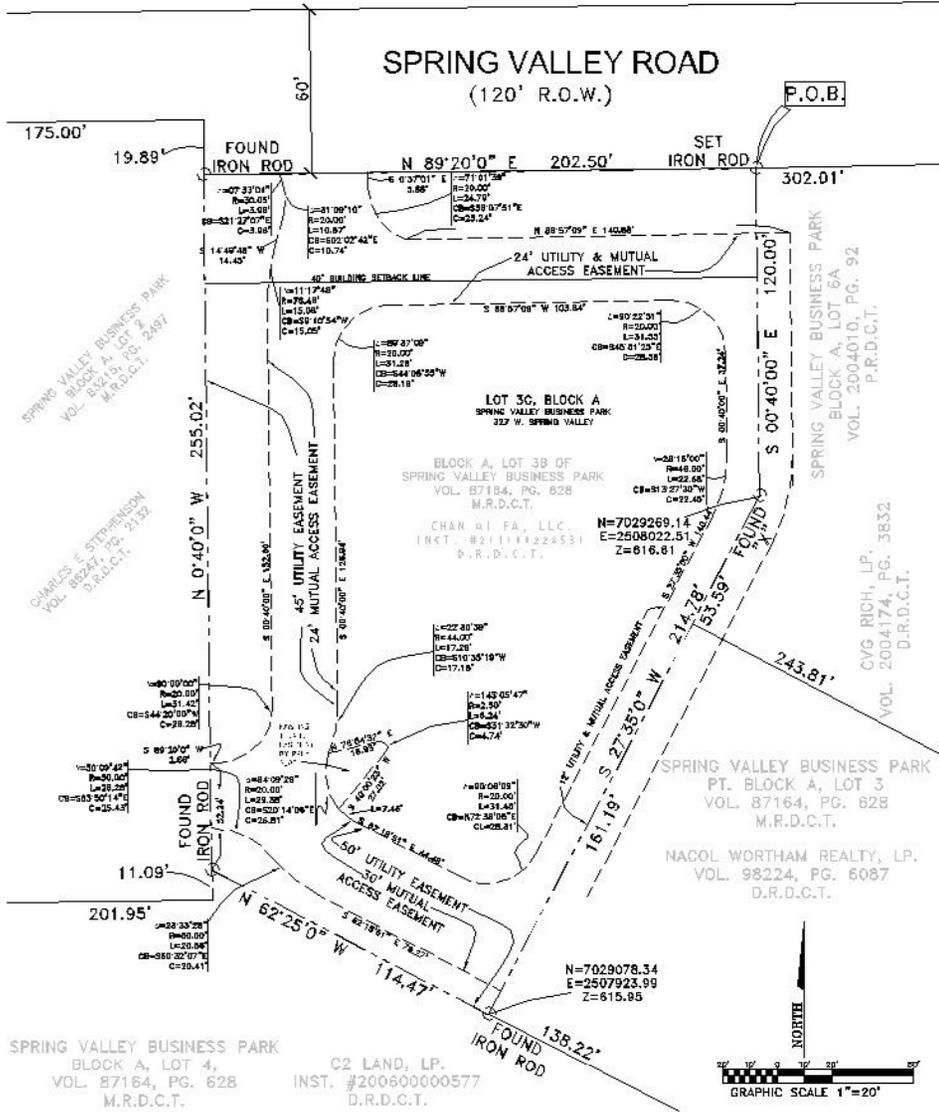
**Board/Commission Action:** Approved by the City Plan Commission on July 19, 2011

**Action Proposed:** For information only.



**Lot 3C, Block A**  
**Spring Valley Business Park Addition**





STATE OF TEXAS  
 COUNTY OF DALLAS  
 CITY OF RICHARDSON

PLAT DEDICATION  
 LEGAL DESCRIPTION

That WE, CHAN QI FA, LLC, being the owners of the heretofore described property, do hereby adopt this plat designating the herein described property as the LOT 3C, BLOCK A OF THE SPRING VALLEY BUSINESS PARK, Subdivided, an addition to the City of Richardson, Dallas County, Texas. We do hereby dedicate to the public use forever the streets and alleys shown thereon. The easements shown thereon are hereby reserved for purposes as indicated. The utility and easement easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for such particular use. The maintenance of points on the utility and easement easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements or shown utility easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. All and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utility shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and caring to or removing all or parts of its respective systems without the necessity of any form of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility. We do hereby dedicate the mutual access easements shown thereon for use by the public as a means of pedestrian and vehicle access to the property shown thereon and to the adjacent property thereon. This plat approved subject to all plating ordinances, rules, regulations, and resolutions of the City of Richardson, Texas.

STATE OF TEXAS:  
 COUNTY OF DALLAS:  
 CITY OF RICHARDSON:

WHEREAS, CHAN QI FA, LLC, as recorded in INST. #20100228330 D.R.D.C.T., is the owner of a 1.1326-acre tract of land situated in the City of Richardson, Dallas County, Texas, located in the Isaac Wiley Survey, Abstract Number 1679 and being all of Block A, Part of Lot 2-B of the Spring Valley Business Park as recorded in Volume 87184, Pg. 628-629 of the Plat Records of Dallas County, Texas and being more particularly described as follows:

CONSIDERING that a 1/2 inch iron rod set at the most northerly northeast corner slip of an intersection of Spring Valley Road and Sherman Street as depicted on Block A Lot 2-B of said Spring Valley Business Park, said iron rod being located North 88 degrees 20 minutes 00 seconds East, a distance of 3,206.18 feet and South 00 degrees 40 minutes 00 seconds East, a distance of 700.00 feet from the northwest corner of said Isaac Wiley Survey;

Thence along the north line of said Lot 2-B of Spring Valley Business Park, South 88 degrees 20 minutes 00 seconds West, a distance of 302.00 feet to a 1/2 inch iron rod set for corner in the South right-of-way line of Spring Valley Road (120' R.O.W.), to the POINT OF BEGINNING, said point being the common corner of said Lot 2-B and Lot 2-A of said Spring Valley Business Park;

EXECUTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2011.

OWNERS:

DR. GUDIC ANH D. TRAN  
 DR. YEN T. N. TRAN

Notary Acknowledgments

State of Texas  
 DALLAS COUNTY

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this \_\_\_\_\_ day personally appeared DR. GUDIC ANH D. TRAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed.

MYER, UNDER MY HAND SEAL OF OFFICE this \_\_\_\_\_ of \_\_\_\_\_, 2011.

My commission expires: \_\_\_\_\_

Notary Public in and for Dallas County, Texas

State of Texas  
 DALLAS COUNTY

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this \_\_\_\_\_ day personally appeared DR. YEN T. N. TRAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed.

GIVEN, UNDER MY HAND SEAL OF OFFICE this \_\_\_\_\_ of \_\_\_\_\_, 2011.

My commission expires: \_\_\_\_\_

Notary Public in and for Dallas County, Texas

STATE OF TEXAS COUNTY OF DALLAS I, Michael N. Pfeebles, do hereby certify that I have prepared this document from an actual survey of the land and that the same instruments shown were found or properly placed under my supervision and substantially comply with a Category 1A Certified Land Survey per the Manual of Practice of Land Surveying in the State of Texas.

NICHOLAS N. PEEBLES, R.P.L.S.  
 Registered Professional Land Surveyor  
 Surveyor No. 2839  
 SURVEY FIRM LICENSE #100374-00



State of Texas  
 DALLAS COUNTY

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

GIVEN, UNDER MY HAND SEAL OF OFFICE this \_\_\_\_\_ of \_\_\_\_\_, 2011.

My commission expires: \_\_\_\_\_

Notary Public in and for Dallas County, Texas

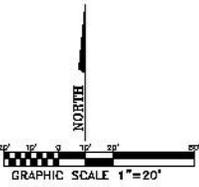


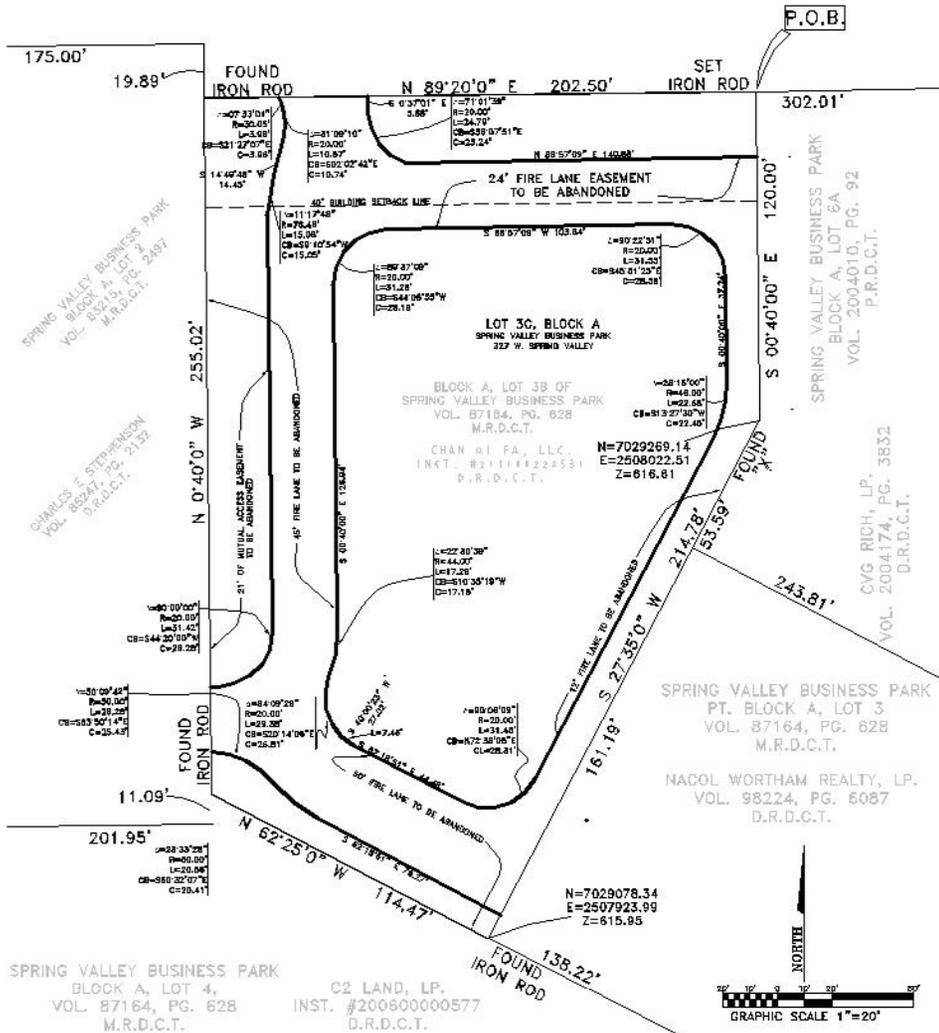
**Amending Plat  
 Lot 3C, Block A  
 Spring Valley Business Park Addition**  
 Being an Amending Plat of Lot 3B, Block A of the Spring Valley Business Park in the Isaac Wiley Survey, Abstract No. 1575 City of Richardson, Dallas County, Texas

THE PURPOSE OF THIS PLAT IS TO SHOW THE LOCATION OF THE MUTUAL ACCESS EASEMENTS.

OWNER:  
 CHAN QI FA, LLC  
 2007 SCARLET OAK DRIVE  
 RICHARDSON, TX 75081

**MP** MICHAEL PEEBLES  
 Engineers and Planners  
 1140 E. 300th Street, Suite 100, Richardson, TX 75081  
 (972) 241-4444 FAX (972) 241-4444  
 SURVEYING LICENSE #100374-00





**PLAT SHOWING  
EASEMENTS TO BE  
ABANDONED**

**MP** MICHAEL PEOPLES  
Engineers and Planners  
1504 E. NORTH AVENUE, SUITE 1000, DALLAS, TEXAS 75206  
214.731.4441 FAX 214.731.4444  
WWW.MPEP.COM

**Amending Plat  
Lot 3C, Block A  
Spring Valley Business Park Addition**  
Being an Amending Plat of Lot 3B, Block A of the  
Spring Valley Business Park in the  
Isaac Willey Survey, Abstract No. 1575  
City of Richardson, Dallas County, Texas

**PAGE 2**

327 W. SPRING VALLEY ROAD



# MEMO

**DATE:** July 18, 2011

**TO:** Kent Pfeil – Director of Finance

**FROM:** Pam Kirkland – Purchasing Manager *Pam*

**SUBJECT:** Award of Bid #55-11 for the cooperative purchase of Radio Dispatch Furniture to Command & Control Environments, Inc. in the amount of \$181,066.12 through the Texas Building & Procurement Commission's Texas Multiple Award Schedule (TXMAS) Program Contract #5-7110180

**Proposed Date of Award: July 25, 2011**

I concur with the recommendation of Steve Graves – Chief Information Officer, and request permission to issue a purchasing order to Command & Control Environments, Inc. for the above referenced radio dispatch furniture, in the amount of \$181,066.12, as outlined in Mr. Graves attached memo.

The Texas Building & Procurement Commission's Texas Multiple Award Schedule (TXMAS) cooperative purchasing program awarded a contract for Evans brand consoles to Evans Consoles, Incorporated on Contract #5-7110180. All orders for the Evans consoles are placed through their dealer, Command & Control Environments, Inc. The City of Richardson participates in this program through our existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code, Chapter 791.025 and Texas Local Government Code, Subchapter F, Section 271.102. This agreement automatically renews annually unless either party gives prior notice of termination.

Funding is provided from accounts 230-0540-581-7401, 546-5710-583-7401 and 592-0000-581-7401, Project #IS1002.

Concur:

Kent Pfeil

## ATTACHMENTS

Xc: Bill Keffler  
Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



**DATE:** July 18, 2011  
**TO:** Pam Kirkland, Purchasing Manager  
**FROM:** Steve Graves, Chief Information Officer *SGraves*  
**SUBJECT:** 2010-11 Radio Dispatch Furniture Purchase for Radio Project

In 2010, Council funded the replacement of the City's aging public safety and general government trunked radio system. This replacement will convert the City's system to a modern P25 digital radio format, allowing emergency personnel to interoperate with a wide variety of agencies, improve the systems coverage, and provide updated equipment to all radio users within the city operation.

As a part of our Radio Communications System replacement project, it will be necessary to purchase new furniture for the 911 Emergency Communications Center. This is where the dispatchers are stationed while they direct and coordinate various personnel from Police, Fire, General Government, Water & Sewer operations and Solid Waste operations in response to emergencies and calls for service. The radio equipment is integral to this operation, and the current furniture was customized to accept a speaker deck which was part of the old radio system. This deck, and various other radio equipment, will all be removed at the end of the construction phase of the radio project. This will essentially render much of the furniture unusable for the purpose intended. Likewise, the old system consoles that utilized a built-in backup radio and the fire-alerting console equipment will be replaced, further impacting the workstations.

The new system uses a completely different layout of equipment, and this will necessitate a different arrangement of workstations, equipment supports, wire trays, and CPU shelves, as well as some customizing to ensure a clean and ergonomic fit for our operators. The required new workstations are larger, necessitating a new floor layout, and changes to the sound-dampening structures inside the radio room. The presentation of the radio controls and equipment to operators is a fundamental and necessary part of the overall engineering and provision of the radio system itself, and cannot be overlooked or separated from the project itself.

I recommend using Command and Control Environments to purchase workstations, wire management, sound treatments, engineering and design and project management for Public Safety 911 Communications. Total cost for the equipment and installation services is \$181,066.12. Funding is provided using account numbers 230-0540-581-74.01, 546-5710-583-74.01 and 592-0000-581-74.01 project number IS1002. This purchase is being made using the TXMAS-5-7110180 cooperative purchasing agreement.



Proposal Summary Rev. 2 (with integrated headset jacks)

City of Richardson Police

TXMAS Contractual Modules and Open Market Items

July 11, 2011

<b>1. Evans Consoles TXMAS Contract: TXMAS-5-7110180</b>	<b>\$125,400.12</b>
<p>Ten “cockpit” Dispatch consoles with 12”H enhanced slat wall support structure, integrated hardware and cable management, adjustable input platform, one (1) slat wall mounted task light per console, Integrated millwork storage islands per attached drawings.</p>	
<b>1a. Open Market Items:</b>	<b>\$ 19,152.00</b>
<ul style="list-style-type: none"> <li>• 35 slat wall mounted single high monitor arms</li> <li>• 8 slat wall mounted double high monitor arms</li> <li>• FabricMate ceiling acoustic tiles for center “dome”</li> <li>• 2 LED slat wall mounted dimmable task light</li> </ul>	<p>\$ 9,240.00</p> <p>\$ 2,616.00</p> <p>\$ 6,732.00</p> <p>\$ 564.00</p>
<b>2. Shipping and Logistics Services</b>	<b>\$ 12,427.00</b>
<p>Includes: Product crating for worksurfaces, end panels, and other miscellaneous items, blanket wrapped console modules, product loading onto carrier – air ride equipped, Customs clearances as product is shipping from Calgary, Canada, logistical support throughout the shipping cycle (4 – 8 days).</p>	
<b>3. Project Management, Project Design and Inside Delivery</b>	<b>\$ 10,240.00</b>
<p>Once the order is issued to CCE, our project management services include the following: Project design submittal to our internal project design team, project design review and completion, project sign-off drawings are submitted to client for approval, product materials are procured and staged for delivery, product arrives on-site and inventory is checked for accuracy, project installation team arrives to begin work. Inside delivery includes a local moving company to remove product from the truck, deliver all console modules inside, remove remaining product from the crates, unwrap all product, remove debris and crates.</p>	
<b>4. Installation Services</b>	<b>\$ 13,847.00</b>
<p>Installation Services includes: installation of the new Evans sit/stand consoles by a CCE Certified installation team – this certification is required in order to maintain and honor the Evans Lifetime Warranty.</p>	

**Command and Control Environments, Inc.**

305 E. Wall Street Grapevine, TX 76051 t 817.329.2009 f 817.329.6004 www.cceinteriors.com



<b>Project Total:</b>	<b>\$181,066.12*</b>
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**Project Notes:**

- TXMAS pricing represents an approximate 23% savings to typical commercial pricing and is the same pricing as Evans' GSA Schedule for the federal government.
- \*Proposal values are accurate but may change due to scope changes and customer requirements.

**Optional Item NOT Included in Project Total:**

- Iron Horse 24/7 mission critical seating: Range \$1,320.00 - \$1,582.00 each
- Shipping is \$100.00 per seat unless seven (7) or more are ordered, then all shipping fees are waived.

**Lead time: 8 – 12 weeks A.R.O.**

**Terms:**

**100% due net 30 upon product shipping**

Prepared by: John Reeves  
214.435.7551 cell

**Command and Control Environments, Inc.**

305 E. Wall Street Grapevine, TX 76051 t 817.329.2009 f 817.329.6004 [www.cceinteriors.com](http://www.cceinteriors.com)



## PRICE QUOTATION

<b>Quotation Number:</b>	U11-5111-301	<b>Date:</b>	July 10, 2011
<b>Project Name:</b>	City of Richardson Dispatch	<b>Proposal By:</b>	Mike de Sa
<b>Project Location:</b>	Richardson, TX, United States	<b>Revision:</b>	7

### DISPATCH™

ITEM PART NUMBER	DESCRIPTION	QTY	UNIT PRICE	T	VALUE (USD)	
<b>Call Taker Consoles - Back Room</b>						
<b>OUTER MODULES</b>						
<b>Dispatch Desktop Outer Modules</b>						
1	DSP-DT-FD-18	18" (457mm) wide Desktop Module w/Front and Rear Hinged Panels with integrated 2 tier cable mgmt	2	532.30	T	1,064.60
<b>INNER MODULES</b>						
<b>Dispatch Desktop Inner Modules</b>						
2	DSP-DT-RD-30	30" (762mm) wide Desktop Module w/Front and Rear Hinged Panels.	1	584.08	T	584.08
<b>CORNER MODULES</b>						
<b>Dispatch Desktop Corners</b>						
3	DSP-DT-FD-CM-45	45° Desktop Short Corner Full Depth Module	2	521.26	T	1,042.52
<b>SLATWALL / PANELING SYSTEM</b>						
4	DSP-ELEC-SW	Electrical Data Slatwall Option with 2 power outlets, 4 network outlets and 2 phone outlets on each side of worksurface (wiring not included).	1	346.38	T	346.38
5	DSP-SPS-ST-12	12" High Slatwall on a 3.5" base with brushed grommet front access (1 per module) & internal cable mgmt - Includes Sheetmetal Rear Cover (per linear ft.)	10	209.56	T	2,095.60
<b>END TREATMENTS</b>						
6	DSP-2P-EPAN-LH	End Panel Two Piece - Left Hand	1	391.37	T	391.37
7	DSP-2P-EPAN-RH	End Panel Two Piece - Right Hand	1	391.37	T	391.37
<b>WORKSURFACES</b>						
<b>Worksurface Options</b>						
8	DSP-CUWSE	Premium Injection Molded Soft Urethane work surface front nosing (lin.ft)	6	49.64	T	297.84
9	DSP-WS-F-ADJUSTKBP-C	Cockpit style, Monitor Platform Full Lift (One Rear Work surface with a full length front manual adjustable keyboard platform). Comes standard with 1.5" rubber ergonomic nosing.	1	1,133.80	T	1,133.80
<b>LIFT COLUMNS</b>						
<b>Lift Options</b>						
10	DSP-IP	Lift Columns (pair) Upgrade - Input Platform - with integrated pressure safety switch	1	456.74	T	456.74
11	DSP-MP	Lift Columns (pair) - Main Platform	1	1,558.69	T	1,558.69
<b>STANDARD FINISHES</b>						
12	STANDARD FINISH	High Pressure Laminate Finish		Included		Included
<b>ACCESSORIES</b>						
13	DSP-LP-PBAR	Undercounter low profile powerbar with 6 outlets.	1	44.16	T	44.16
13	RE-RM	Upgrade to sheet metal mount recessed in nosing (for headsets jacks or lift controls)	1	203.60	T	203.60
14	DSP-PBAR	Internal Mounted 120 V, 15 amp., 6 Outlet , Power Bar with 6' Grounded Powercord (CSA/UL Rated).	1	43.88	T	43.88
<b>Pre-Sub Total:</b>					<b>9,654.63</b>	
<b>Number of Units:</b>					<b>2</b>	
<b>Sub Total:</b>					<b>19,309.26</b>	

### Front Row - Main Room

#### OUTER MODULES

Dispatch Desktop Outer Modules

17	DSP-DT-FD-24	24" (610mm) wide Desktop Module w/Front and Rear Hinged Panels with integrated 2 tier cable mgmt	4	710.58	T	2,842.32
<b>INNER MODULES</b>						
<b>Dispatch Desktop Inner Modules</b>						
18	DSP-DT-RD-36	36" (914mm) wide Desktop Module w/Front and Rear Hinged Panels.	2	708.03	T	1,416.06
<b>CORNER MODULES</b>						
<b>Dispatch Desktop Corners</b>						
19	DSP-DT-FD-CM-45	45° Desktop Short Corner Full Depth Module	4	521.26	T	2,085.04
<b>STRAIGHT BRIDGING UNITS</b>						
20	DSP-STB-48	48" Straight bridging unit (with integrated cable mgmt). Cavities can support stand fixed shelves or rack mount - selected separately)	1	1,357.49	T	1,357.49
<b>SLATWALL / PANELING SYSTEM</b>						
21	DSP-ELEC-SW	Electrical Data Slatwall Option with 2 power outlets, 4 network outlets and 2 phone outlets on each side of worksurface (wiring not included).	2	346.38	T	692.76
22	DSP-SPS-ST-12	12" High Slatwall on a 3.5" base with brushed grommet front access (1 per module) & internal cable mgmt - Includes Sheetmetal Rear Cover (per linear ft.)	22	209.56	T	4,610.32
<b>END TREATMENTS</b>						
23	DSP-2P-EPAN-LH	End Panel Two Piece - Left Hand	1	391.37	T	391.37
24	DSP-2P-EPAN-RH	End Panel Two Piece - Right Hand	1	391.37	T	391.37
<b>WORKSURFACES</b>						
<b>Worksurface Options</b>						
25	DSP-CUWSE	Premium Injection Molded Soft Urethane work surface front nosing (lin.ft)	26	49.64	T	1,290.64
26	DSP-WS-F-ADJUSTKBP-C	Cockpit style, Monitor Platform Full Lift (One Rear Work surface with a full length front manual adjustable keyboard platform). Comes standard with 1.5" rubber ergonomic nosing.	2	1,133.80	T	2,267.60
<b>LIFT COLUMNS</b>						
<b>Lift Options</b>						
27	DSP-IP	Lift Columns (pair) Upgrade - Input Platform - with integrated pressure safety switch	2	456.74	T	913.48
28	DSP-MP	Lift Columns (pair) - Main Platform	2	1,558.69	T	3,117.38
<b>ACCESSORIES</b>						
29	DSP-LP-PBAR	Undercounter low profile powerbar with 6 outlets.	2	44.16	T	88.32
13	RE-RM	Upgrade to sheet metal mount recessed in nosing (for headsets jacks or lift controls)	2	203.60	T	407.20
30	DSP-PBAR	Internal Mounted 120 V, 15 amp., 6 Outlet , Power Bar with 6' Grounded Powercord (CSA/UL Rated).	4	43.88	T	175.52
31	DSP-SW-TSKL-LED	Tasklight by Konzept, Z-Bar Model with extended arm length, Black Finish, High Power Daylight LED Lamps (40,000 lamp life), 4 Step Dimmer, adapter cord and plug. Includes slatwall mounting bracket.	1	262.09	T	262.09
<b>STANDARD FINISHES</b>						
34	STANDARD FINISH	High Pressure Laminate Finish		Included		Included
<b>Pre-Sub Total:</b>						<b>22,308.96</b>
<b>Number of Units:</b>						<b>1</b>
<b>Sub Total:</b>						<b>22,308.96</b>

## Middle Row - Main Room

### OUTER MODULES

#### Dispatch Desktop Outer Modules

35	DSP-DT-FD-24	24" (610mm) wide Desktop Module w/Front and Rear Hinged Panels with integrated 2 tier cable mgmt	2	710.58	T	1,421.16
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### INNER MODULES

#### Dispatch Desktop Inner Modules

36	DSP-DT-RD-36	36" (914mm) wide Desktop Module w/Front and Rear Hinged Panels.	1	708.03	T	708.03
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### CORNER MODULES

#### Dispatch Desktop Corners

37	DSP-DT-FD-CM-45	45° Desktop Short Corner Full Depth Module	2	521.26	T	1,042.52
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### SLATWALL / PANELING SYSTEM

38	DSP-ELEC-SW	Electrical Data Slatwall Option with 2 power outlets, 4 network outlets and 2 phone outlets on each side of worksurface (wiring not included).	1	346.38	T	346.38
39	DSP-SPS-ST-12	12" High Slatwall on a 3.5" base with brushed grommet front access (1 per module) & internal cable mgmt - Includes Sheetmetal Rear Cover (per linear ft.)	11	209.56	T	2,305.16

**END TREATMENTS**

40	DSP-2P-EPAN-LH	End Panel Two Piece - Left Hand	1	391.37	T	391.37
41	DSP-2P-EPAN-RH	End Panel Two Piece - Right Hand	1	391.37	T	391.37

**WORKSURFACES**

**Worksurface Options**

42	DSP-CUWSE	Premium Injection Molded Soft Urethane work surface front nosing (lin.ft)	7	49.64	T	347.48
43	DSP-WS-F-ADJUSTKBP-C	Cockpit style, Monitor Platform Full Lift (One Rear Work surface with a full length front manual adjustable keyboard platform). Comes standard with 1.5" rubber ergonomic nosing.	1	1,133.80	T	1,133.80

**LIFT COLUMNS**

**Lift Options**

44	DSP-IP	Lift Columns (pair) Upgrade - Input Platform - with integrated pressure safety switch	1	456.74	T	456.74
45	DSP-MP	Lift Columns (pair) - Main Platform	1	1,558.69	T	1,558.69

**STANDARD FINISHES**

46	STANDARD FINISH	High Pressure Laminate Finish		Included		Included
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**ACCESSORIES**

47	DSP-LP-PBAR	Undercounter low profile powerbar with 6 outlets.	1	44.16	T	44.16
13	RE-RM	Upgrade to sheet metal mount recessed in nosing (for headsets jacks or lift controls)	1	203.60	T	203.60
48	DSP-PBAR	Internal Mounted 120 V, 15 amp., 6 Outlet , Power Bar with 6' Grounded Powercord (CSA/UL Rated).	3	43.88	T	131.64
49	DSP-SW-TSKL-LED	Tasklight by Koncept, Z-Bar Model with extended arm length, Black Finish, High Power Daylight LED Lamps (40,000 lamp life), 4 Step Dimmer, adapter cord and plug. Includes slatwall mounting bracket.	1	262.09	T	262.09

<b>Pre-Sub Total:</b>	<b>10,744.19</b>
<b>Number of Units:</b>	<b>4</b>
<b>Sub Total:</b>	<b>42,976.76</b>

**Back Row - Main Room - Acoustic Rear Panels**

**OUTER MODULES**

**Dispatch Desktop Outer Modules**

52	DSP-DT-FD-18	18" (457mm) wide Desktop Module w/Front and Rear Hinged Panels with integrated 2 tier cable mgmt	2	532.30	T	1,064.60
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**INNER MODULES**

**Dispatch Desktop Inner Modules**

53	DSP-DT-RD-30	30" (762mm) wide Desktop Module w/Front and Rear Hinged Panels.	1	584.08	T	584.08
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**CORNER MODULES**

**Dispatch Desktop Corners**

54	DSP-DT-FD-CM-45	45° Desktop Short Corner Full Depth Module	2	521.26	T	1,042.52
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**FABRIC PARTITION SYSTEM**

55	DSP-FWPS-18	Partition System - with clip-on fabrics; positioned at rear of console, 18" module. Overall height 48" from floor	2	107.38	T	214.76
56	DSP-FWPS-30	Partition System - Steel structure with clip-on fabric ; positioned at rear of console, 30" module. Overall height 48" from floor	1	177.80	T	177.80
57	DSP-FWPS-CNR	Partition System - Steel structure with clip-on fabric; positioned at rear of console, Corner module. Overall height 48" from floor	2	91.21	T	182.42

**SLATWALL / PANELING SYSTEM**

58	DSP-ELEC-SW	Electrical Data Slatwall Option with 2 power outlets, 4 network outlets and 2 phone outlets on each side of worksurface (wiring not included).	1	346.38	T	346.38
59	DSP-SPS-ST-12	12" High Slatwall on a 3.5" base with brushed grommet front access (1 per module) & internal cable mgmt - Includes Sheetmetal Rear Cover (per linear ft.)	10	209.56	T	2,095.60

**END TREATMENTS**

60	DSP-2P-EPAN-LH	End Panel Two Piece - Left Hand	1	391.37	T	391.37
61	DSP-2P-EPAN-RH	End Panel Two Piece - Right Hand	1	391.37	T	391.37

**WORKSURFACES**

**Worksurface Options**

62	DSP-CUWSE	Premium Injection Molded Soft Urethane work surface front nosing (lin.ft)	6	49.64	T	297.84
63	DSP-WS-F-ADJUSTKBP-C	Cockpit style, Monitor Platform Full Lift (One Rear Work surface with a full length front manual adjustable keyboard platform). Comes standard with 1.5" rubber ergonomic nosing.	1	1,133.80	T	1,133.80

**LIFT COLUMNS**

**Lift Options**

64	DSP-IP	Lift Columns (pair) Upgrade - Input Platform - with integrated pressure safety switch	1	456.74	T	456.74
65	DSP-MP	Lift Columns (pair) - Main Platform	1	1,558.69	T	1,558.69

**EQUIPMENT SUPPORT SOLUTIONS**

**Equipment Support Shelves**

66	DSP-SHELF-SLIDE	Slide-out processor shelf	2	167.41	T	334.82
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**STANDARD FINISHES**

67	STANDARD FINISH	High Pressure Laminate Finish		Included		Included
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**ACCESSORIES**

68	DSP-LP-PBAR	Undercounter low profile powerbar with 6 outlets.	1	44.16	T	44.16
13	RE-RM	Upgrade to sheet metal mount recessed in nosing (for headsets jacks or lift controls)	1	203.60	T	203.60
69	DSP-PBAR	Internal Mounted 120 V, 15 amp., 6 Outlet , Power Bar with 6' Grounded Powercord (CSA/UL Rated).	3	43.88	T	131.64
70	DSP-SW-TSKL-LED	Tasklight by Koncept, Z-Bar Model with extended arm length, Black Finish, High Power Daylight LED Lamps (40,000 lamp life), 4 Step Dimmer, adapter cord and plug. Includes slatwall mounting bracket.	1	262.09	T	262.09

<b>Pre-Sub Total:</b>	<b>10,914.28</b>
<b>Number of Units:</b>	<b>2</b>
<b>Sub Total:</b>	<b>21,828.56</b>

<b>Dispatch™ Sub Total</b>	<b>(A)</b>	<b>106,423.54</b>
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## MILLWORK

ITEM PART NUMBER	DESCRIPTION	QTY	UNIT PRICE	VALUE (USD)	
<b>High Pressure Laminate Finishes</b>					
<b>MATCHING FURNITURE &amp; MILLWORK</b>					
<b>Storage Credenzas</b>					
73	CSTM-PENINSULAS	44" DIA (nominal) Peninsula Bridge w/Open Adjustable Bookshelves	4	3,200.00	12,800.00
74	MW-CR-WALL-OA-OA-48	48" Credenza w/Open Adjustable Bookshelf, Open Adjustable Bookshelf	2	1,743.79	3,487.58
75	CSTM-PENINSULAS	34" DIA (nominal) Peninsula Bridge w/Open Adjustable Bookshelves	1	2,689.00	2,689.00
<b>STANDARD FINISHES</b>					
76	STANDARD FINISH	High Pressure Laminate Finish	Included		Included
<b>Pre-Sub Total:</b>					<b>18,976.58</b>
<b>Number of Units:</b>					<b>1</b>
<b>Sub Total:</b>					<b>18,976.58</b>
<b>Millwork Sub Total</b>			<b>(B)</b>		<b>18,976.58</b>



## PRICE QUOTATION SUMMARY

### PRODUCT SUMMARY

		<b>VALUE (USD)</b>
<b>Dispatch™ Sub Total</b>	(A)	106,423.54
<b>Millwork Sub Total</b>	(B)	18,976.58
<b>Console Installation and Maintenance Tool Kit</b>	(C)	Included
<b>SUB TOTAL ITEMS (A) to (C) inclusive</b>	(AA)	<b>125,400.12</b>

Note: Products on TXMAS Schedule are marked as 'T'.  
 TXMAS Contract No: TXMAS-5-7110180; Effective until June 13, 2012

**Total, in USD, FOB Origin, Prepaid to Richardson, TX, United States, All Sales Taxes Excluded** **125,400.12**  
 INCO Terms 2000

- The following items are required by Evans Consoles to constitute a complete order:
- PURCHASE ORDER
  - SIGNED DRAWINGS
  - ACCEPTED TERMS & CONDITIONS
  - APPROVED FINISHES
  - DOWNPAYMENT
  - LOGISTICS INFORMATION SHEET

Evans Consoles Standard Payment Terms for Invoicing (Taxes Excluded Unless Otherwise Noted):

- 0% Downpayment due with Purchase Order
- 100% Net 30 Upon Console Shipment
- 0% Net 30 Upon Installation

Quote is NOT valid without the Evans Consoles Terms & Conditions document.

Quote validity period is 90 days for product (only). See Evans Consoles Terms & Conditions document for more details.

**Total Price:**

**\$125,400.12**

# EVANS CONSOLES

## STANDARD TERMS & CONDITIONS

The following standard terms and conditions apply to the attached quotation (Quotation) provided by Evans Consoles Corporation or Evans Consoles Incorporated (Evans) to the Buyer of the products and/or services.

### 1.0 Quotation

- 1.1 Unless otherwise stated, the Quotation product prices are valid for 90 days and freight and installation prices are valid for 30 days from the date of the quotation.
- 1.2 Prices are valid for product shipped within 12 months from the date of the confirmed order. Evans reserves the right to revise pricing on orders not shipped within the twelve month period. Requests to defer the installation service beyond six months from product shipment are subject to a revised installation quotation.

### 2.0 Price and Payment

- 2.1 Except as agreed by the two parties otherwise, the prices of the product and/or service shall be paid as per the following terms:
  - 50% Downpayment Due with Purchase Order
  - 40% Net 30 Upon Shipment
  - 10% Net 30 After Installation
- 2.2 Where a Downpayment has not been followed, the price for the products will be increased 5% and the payment terms become:
  - 90% Net 30 upon shipment (100% if there is no Installation)
  - 10% Net 30 Upon Installation (if applicable)
  - \* Subject to Evans Credit Approval
- 2.3 For International purchases, unless credit approval from a Third Part Agency has been obtained from Evans, payment must be provided through an Irrevocable Letter of Credit (ILC). The terms of the ILC shall be:
  - The ILC shall be in English and require English language documents to execute.
  - The ILC shall be drawn on the Bank of Montreal or affiliated bank in the currency stated in the quotation.
  - The expiry of the ILC must extend 6 months past shipping date.
  - All documents required to execute the ILC must be within the control of Evans or produced by Evans, such as the Bill of Lading, Commercial Invoice, Certificate of Origin, Statement of Compliance to product specification.
- 2.4 The Quotation price includes all transportation, carriage and insurance from Evans' manufacturing facility to the designated place for delivery specified in the Quotation.
- 2.5 Unless stated otherwise, sales taxes are not included in the Quotation price. For shipments to the United States or Canada, Evans is required by law to collect the appropriate State and Municipal Sales and Use Taxes at the time of invoice, for the products supplied. Evans will require a Certificate of Tax Exemption prior to the time of invoicing if applicable to this procurement. For shipments outside of the United States or Canada, payment of importation fees and customs clearance, duties, sales taxes or any other taxes at the shipping destination are the responsibility of the Buyer.

### 3.0 Scheduling

- 3.1 Evans will not fully begin the procurement of project specific materials, or console fabrication until the Client is satisfied with the designs illustrated on Evans' drawing submittals, and has indicated such in writing, authorizing Evans to proceed with fabrication of the products. This milestone is referred to as "Sign Off and Authorization to Fabricate".
- 3.2 Evans will establish a formal project schedule to ensure a timely delivery of products after receipt of an order and "Authorization to Fabricate". The project size and scope and shipping destination will affect the project schedule. Evans allows 10 days for transportation and one week for installation for shipments to the United States or Canada.

### 4.0 Packing

- 4.1 For shipments to the United States or Canada, the Quotation includes packaging suitable for dedicated air-ride moving van shipment. Components such as panels, worksurfaces and baseboards may be packaged separately. The console framework will be segmented into convenient lengths for handling.
- 4.2 At the Buyer's request, Evans can supply rugged crating for general freight, ocean freight, airfreight or LTL shipment at an additional charge. All projects requiring crating will be quoted and furnished with Evans Standard Frame Crates (plywood on bottom only) unless noted otherwise. If alternate crating requirements are requested after the order has been accepted, Evans will provide a revised quotation or change order for any additional services.

### 5.0 Shipment and Storage

- 5.1 The shipping price is valid only for the shipment of the products described in the quotation, by the method described in the quotation, based upon single shipping activity unless noted otherwise. If the Buyer requests additional shipments, expedited shipments or off-site storage of the products, Evans will provide a revised quotation or change order for the additional services.
- 5.2 Evans follows the trade terms under INCOTERMS 2000.
- 5.3 When Evans is responsible for shipping the products, unless otherwise stated, the shipping terms shall be CIP (Carriage, Insurance Paid to) named destination point. Title and risk pass to the Buyer when delivered to the carrier by Evans who pays for transportation and insurance to the named destination.

- 5.4 When damage occurs during shipment, these damages must be identified and Evans notified within 48 hours of delivery. In the case of an ocean shipment, the damaged goods must be set aside for a formal marine survey and it must be noted whether or not the container's seal was intact upon arrival at the destination. The surveyor is able to determine where the damages occurred and hence assign liability to the appropriate party. The carrier has the right to take physical possession of product against which damages are being claimed. If the carrier is assessed a financial sum for the damaged product, they have the right to sell the damaged product for salvage.
- 5.5 If the Buyer is responsible for shipping the products, the shipping term will be Ex-Works. Title and risk pass to the Buyer when the products are made available at Evans' loading dock, suitably packaged for shipment. The Buyer shall communicate to Evans the method of transport to ensure the packaging is appropriate. The Buyer is responsible for damages during transport or off-loading.
- 5.6 For deliveries within the United States or Canada a single offloading activity option is included in the Quotation. The Quotation is based upon clean and clear access from the point of unloading to the room of rest. For International deliveries, container unloading is not included.
- 5.7 Evans consoles are designed for indoor control room environments with temperature and humidity control. Evans recommends storing the products or crates containing products, in indoor warehouse conditions maintaining a constant temperature range between 15 to 25 degrees Celsius (60-75 degrees F) and humidity range between 45 to 55%. Adequate temperature control and ventilation must be provided during storage and handling to protect the products from extreme climate fluctuations. Evans will not replace under warranty, products damaged by improper or negligent storage conditions.

## 6.0 Site Preparation and Installation

- 6.1 The Buyer shall make the site clean, clear, and prepared for the installation of the products upon their arrival. All flooring, walls, and electrical construction must be complete. All painting, electrical and carpeting should be complete prior to the arrival of the consoles.
- 6.2 The Buyer shall appoint a representative who will be available to direct Evans installation team regarding security, site safety and console placement.
- 6.3 The installation quotation is firm and fixed for the installation of the materials described in the Quotation by non-union affiliated furniture systems installers. If the Buyer requests union labor for off-loading or installation after an order has been accepted, all additional costs will be the responsibility of the Buyer. Unless otherwise agreed, the installation quote is based upon a single installation of the products during weekday, daytime hours. Evening or weekend installation activities may be subject to additional charges.
- 6.4 The products will be shipped complete to permit a continuous installation activity. The site must be prepared to receive the products and allow the installation to be fully completed as a single activity (not multiple site visits). Multiple installation activities, additional time required for unscheduled safety training sessions or drug testing, existing materials requiring relocation by Evans or delays caused by site conditions will be charged extra.
- 6.5 All installations must be performed by an authorized Evans Representative and /or Certified Dealer. For purchases made excluding installation services, it is understood that Evans products are customized and do not come with installation or assembly manuals. If, as a user, you are purchasing the products contained herein without installation services, an installation waiver is required, if, as uncertified Dealer, you are purchasing the products contained herein, you are required to purchase Evans installation services.

## 7.0 Buyer Acceptance

- 7.1 Upon completion of the installation, the Buyer shall supply two representatives to receive a product demonstration and training on the operation and maintenance of the installed product. This session will occur prior to final acceptance with the following topics covered:
  - System Overview and Capabilities
  - System Functionality and Fine Adjustments
  - Tasklighting and Electrical Components (if applicable)
  - System Cleaning and Maintenance Instructions
  - System Troubleshooting
- 7.2 Upon completion of the installation, a report will be signed by the acting Evans Installer and the Buyer's representative signifying acceptance of the installed product subject to resolution of any damaged or deficient items. If the installation is not substantially completed, the final acceptance will be delayed until the resolution of all identified items. Signed acceptance including a punch list of any noted deficiencies and/or damages must be reported back to Evans corporate office with 48 hours of installation completion. All Certified Dealer Owned installations must provide (PCR) signed acceptance back to Evans Consoles.

## 8.0 Evans Warranty

- 8.1 Unless otherwise stated in the Quotation, Evans warrants that all consoles and technical furniture manufactured by it will be free from defects in materials and workmanship from the date of transfer of title as follows:
  - a. LIFETIME WARRANTY on all fixed structural frame components;
  - b. LIFETIME WARRANTY (parts) on all static exterior panels and work surface components parts; (5 years on labor);
  - c. LIFETIME WARRANTY (parts) on all adjustable, sliding or hinged mechanisms or parts; ; (5 years on labor);
  - d. OEM warranty on all buyouts, including (5) years on all E-Line Products (unless specifically defined by product line); and,
  - e. Five years on electrical actuated lift columns
- 8.2 Written notice of any claim under this limited warranty shall be delivered to Evans not later than the expiration of the applicable warranty period. In the event that a written notice of a claim is not delivered to Evans prior to the expiration of the relevant warranty period, Evans shall not undertake the obligation of warranty.
- 8.3 During the warranty period Evans will replace or repair (at Evans' option) products covered by this limited warranty. All defective products must be returned to Evans and the Buyer is responsible for shipping and handling charges and for insuring the shipment. Evans will ship the repaired or replacement products to the Buyer via prepaid freight. Evans is not liable for any charges or expenses related to the dismantling of any defective product or the installation of any repaired or replacement product.
- 8.4 The warranty term for any product or component that is replaced or repaired shall be the balance of the remaining warranty term applicable.

- 8.5 This warranty does not cover damage due to external causes, including accident, abuse, misuse, problems with electrical power, improper application or installation by parties other than Evans, alteration, storage, servicing not authorized by Evans, usage not in accordance with product instructions, negligent use, neglect, problems caused by the use of parts and components not supplied by Evans or the effects of normal wear and tear. This warranty does not cover damage caused during shipping and handling not within the responsibility of Evans' contract or damage caused by improper room or storage conditions as defined in section 5.7. Use of ammonia based cleaners on Evans Consoles' Urethane Ergonomic Waterfall Nosing voids the warranty on the nosing.
- 8.6 This warranty does not cover any consumable items such as, but not limited to, light bulbs and filters or 3rd party software.
- 8.7 Rights and benefits of this warranty are given by Evans to the original purchaser of products and may not be transferred or assigned without the written consent of Evans.
- 8.8 This limited lifetime warranty statement is the entire warranty provided by Evans. Evans accepts no liability beyond the remedies set forth in this warranty statement. Evans shall not be liable for any incidental or consequential damages. In no event shall Evans' liability exceed the contract value of the products purchased.
- 8.9 Evans Limited Warranty shall be governed by and construed in accordance with the laws of the State of New York (for US customers) or for the Province of Alberta (for Canadian and all other customers).

## 9.0 Confidentiality

- 9.1 Any drawings, plans, data, know-how, etc. furnished by Evans to the Buyer and all related technical and commercial information that the Buyer could know during the performance of this project, shall be confidential and shall not be used for any purpose other than performing this contract. Such confidential information shall not be reproduced or copied by the Buyer without Evans written consent

## 10.0 Other

- 10.1 An agreement to purchase the materials in this Quotation shall be governed by and construed under the State of New York (for US customers) or for the Province of Alberta (for Canadian and all other customers).
- 10.2 Evans does not provide professional architectural, electrical engineering, mechanical engineering or structural engineering services. Evans shall be held harmless for such work based on design recommendations provided by the Buyer or Buyer's representatives during the course of the project.
- 10.3 Unless specifically indicated, no provision for permits is included.

## 11.0 Force Majeure

- 11.1 Evans Consoles(Supplier) is excused from performing its obligations under this Agreement or any Order if, to the extent that, and for so long as:
- Such Party's performance is prevented or delayed by an act or event (other than economic hardship, changes in market conditions, insufficiency of funds, or unavailability of equipment and supplies) that is beyond its reasonable control and could not have been prevented or avoided by its exercise of due diligence;
  - Such Party gives written notice to the other Party, as soon as practicable under the circumstances, of the act or event that so prevents such Party from performing its obligations.
- 11.2 By way of illustration, and not by limitation, acts or events that may prevent or delay performance (as contemplated by this Section) include: acts of God or the public enemy, acts of civil or military authority, terrorists acts, embargoes, epidemics, war, riots, insurrections, fires, explosions, earthquakes, floods, and labor disputes.
- 11.3 If Evans is the Party whose performance is prevented or delayed:
- Evans will notify Client of delay by letter.
  - Suspend this Agreement and the affected Order or any part thereof for the duration of the delay; and resume performance under this Agreement or such Order when Supplier resumes its performance; and extend any affected Delivery Date or performance date up to the length of time Supplier's performance was delayed or prevented. If Client does not give any written notice, within thirty (30) days after receiving notice under this Section that Supplier's performance has been delayed or prevented, this option (2) will be deemed to have been selected.
  - Client is only obligated to pay for services up to point of delay or take title to product(if product has been 75% completed).

## 12.0 Taxes and Duties - Specific for U.S. Orders Only

- 12.1 Evans is required by US Federal Law to provide a Federal Tax Identification number on all shipments delivered within the United States of America. Please provide this number on your purchase order.
- 12.2 Evans is required by Law to collect the appropriate State and Municipal Sales and Use Taxes at the time of invoice, for the materials supplied. The above Quotation does not include the value of the Taxes unless otherwise stated. Evans will require a Certificate of Tax Exemption prior to the time of invoicing if applicable to this procurement.
- 12.3 Notwithstanding anything to the contrary contained in the Quotation, the Client and Evans acknowledge and agree that as of the date of the Quotation that no duties, levies, import charges or assessments are levied or assessed by the Government of the United States of America on the importation of the goods and services described in the Quotation into the United States of America and accordingly, the price does not include any duties, levies, import charges or assessments levied or imposed by the Government of the United States of America upon the importation of the goods or services described in the Quotation. Any such duties, levies, import charges or assessments (if any) as are levied or imposed at any time hereafter by the Government of the United States of America upon the importation into the United States of America of such goods or services shall be paid by the Client or if paid by Evans, in the first instance, reimbursed by the Client to Evans upon invoice thereof. The price set forth in the Quotation for the materials includes all transportation, carriage and insurance from Evans' manufacturing facility in Calgary, Alberta, Canada to the designated place or places for delivery specified in the Quotation.



# MEMO

**DATE:** July 18 2011

**TO:** Kent Pfeil – Director of Finance

**FROM:** Pam Kirkland – Purchasing Manager *Pam*

**SUBJECT:** Award of Bid #56-11 for the cooperative purchase of the Fire Station Alerting System to DFW Communications, Inc. in the amount of \$117,377.48 through the State of Texas Department of Information Services Contract #DIR-SDD-1334

**Proposed Date of Award: July 25, 2011**

I concur with the recommendation of Steve Graves – Chief Information Officer, and request permission to issue a purchase order to DFW Communications, Inc. for the Fire Station Alerting System for a total award of \$117,377.48, as outlined in Mr. Graves attached memo.

DFW Communications, Inc. is a contract vendor through the State of Texas Department of Information Resources cooperative purchasing program, Contract #DIR-SDD-1334. The City of Richardson participates in this program through our existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code, Chapter 791.025 and Texas Local Government Code, Subchapter F, Section 271.102. This agreement automatically renews annually unless either party gives prior notice of termination.

Funding is provided from account 230-0540-581-7401, Project #IS1002.

Concur:

Kent Pfeil

## ATTACHMENTS

Xc: Bill Keffler  
Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



**DATE:** July 18, 2011  
**TO:** Pam Kirkland, Purchasing Manager  
**FROM:** Steve Graves, Chief Information Officer *SGraves*  
**SUBJECT:** 2010-11 New Radio System Fire Alerting Purchase

In 2010, Council funded the replacement of the City's aging public safety and general government trunked radio system. This replacement will convert the City's system to a modern P25 digital radio format, allowing emergency personnel to interoperate with a wide variety of agencies, improve the systems coverage, and provide updated equipment to all radio users within the city operation.

As a part of our Radio Communications System replacement project, it will be necessary to replace our current 911 Fire Alerting System. The new system will use the P25 Digital IP Fire Alerting System and will operate over our existing fiber optic network.

I recommend using DFW Communications, Inc. to purchase our new Zetron Fire Alerting System. Total cost for the equipment and installation services is \$117,377.48. Funding is provided using account number 230-0540-581-74.01 project number IS1002. This purchase is being made using the State of Texas DIR Contract Number DIR-SDD 1334.



# **Richardson Fire Department Zetron Fire Station Alerting System**

**6/21/2011**

## **Data Restrictions**

This proposal is considered DFW Communications confidential and restricted. The proposal is submitted with the restriction that it is to be used for evaluation purposes only, and is not to be disclosed publicly or in any manner to anyone other than those employed by the City of Richardson who are required to evaluate this proposal without the express permission of DFW Communications.

6/21/2011

Brian Davis  
Deputy CIO – Technology & Franchising  
City of Richardson  
411 W. Arapaho Rd  
Richardson, TX 75080

Mr. Davis,

DFW Communications, Inc. is pleased to have the opportunity to provide the City of Richardson with quality communications equipment and services. The DFW Communications project team has taken great care to propose a solution that will meet your needs and provide unsurpassed value. This proposal has been developed from information gathered from our site walk.

To best meet the functional and operational requirements of the City of Richardson, our proposal includes a combination of hardware, software, and services. Our proposal will remain valid for a period of 90 days from the date of this letter. Any questions can be directed to Bobby Thompson at 469-236-3743.

As a leader in providing integrated communications solutions and embedded electronic solutions, DFW Communications, Inc appreciates your interest in our company, products, and services. We look forward to implementing this project and maintaining a long-term relationship with the City of Richardson.

Sincerely,

Bobby Thompson  
Account Manager  
DFW Communications, Inc.

## System Description



### FEATURES

- Supports up to 255 stations per system.
- Supports up to 24 dispatch positions.
- Station unit includes flexible alerting, control and status capabilities.
- Near instantaneous alert times achieved with independent voice and data channels.
- Dispatcher announcement via Voice over Internet Protocol (VoIP) or radio.
- Includes dedicated dispatcher client application to initiate commands from each dispatch position.
- Dispatcher application is fully field configurable.
- Integrates easily with radio dispatch consoles.
- Provides computer aided dispatch (CAD) integration with existing M26 CAD protocol or XML.
- NFPA 1221-compliant for dispatch systems.

### INTRODUCTION

Zetron's IP Fire Station Alerting (IP FSA) system is ideal for any municipality that has IP links between its central communications center and its fire stations. IP FSA moves fire dispatch into the IP world without sacrificing features that have worked so well for countless fire departments.

Converting to IP between the central site and the fire station increases the alerting speed and broadens connectivity options.

The graphical user interface on the workstation at the console position gives dispatchers an intuitive, space-saving way to view status and control the PA, tones, and relays at the station. The server architecture allows dispatchers at remote locations to interact with the system over an IP connection.

With the IP FSA system, data commands and voice announcements are sent independently. Any IP link can be used to deliver the alert commands. Voice can be configured to go over either IP or radio.



Because voice can be sent over either IP or radio, the IP FSA system can be used in a wide variety of circumstances. The voice over IP mode is suitable for applications with broadband IP networks. The radio mode is useful when a dispatcher's announcement must be sent simultaneously to mobile units and stations.

Server-based control allows fire station alerting client applications to operate with a full awareness of the actions of the other positions.

The client application runs on a workstation and includes an intuitive user interface with a "quick-look" status layout. It also provides tools for filtering, selecting, and controlling stations or individual apparatus. In addition, the system can be controlled entirely through a CAD interface.

The station unit can be configured to activate the PA automatically, play unique tones, display apparatus status, open bay doors, or control station lights. The IP station unit includes a response button that can be used for manual acknowledgements or to reach the communications center.

Backward compatibility to certain versions of Model 6 is possible. To upgrade an existing Model 6, simply add the Zetron Model 6 Ethernet Module to the Model 6, upgrade the firmware, and replace the Model 26 with IP FSA Server and the optional IP FSA Console.

### SYSTEM OPERATION

The IP FSA system uses a client-server architecture to receive commands and then directs them to the appropriate fire stations.

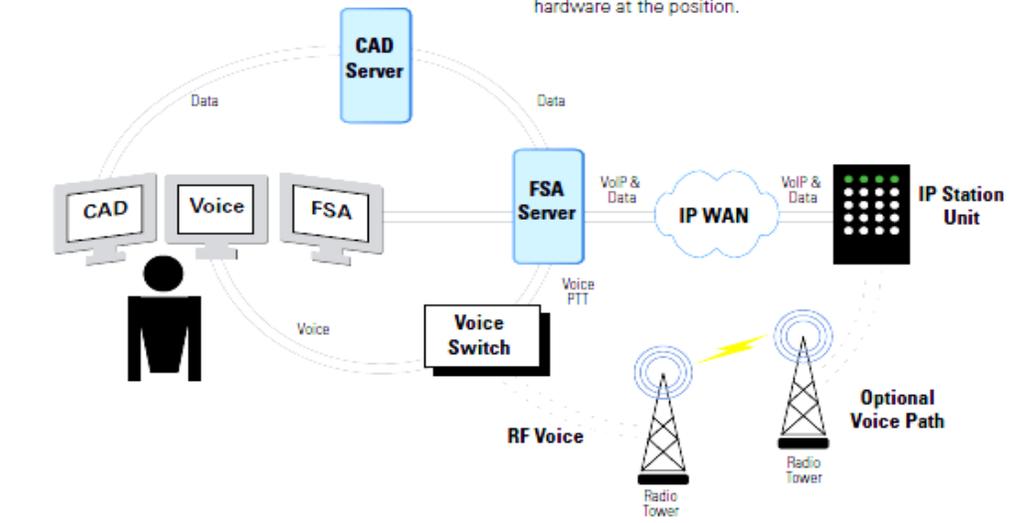
The system consists of the IP FSA Server application, the IP FSA Console client application, the Model 6203 IP Station Unit, and, optionally, one or more instances of the Model 6204 Station Unit.

This architecture allows for easy integration to CAD and radio dispatch consoles. If CAD is present, it can serve as the primary user interface by communicating to the IP FSA Server. To do so, it uses either the existing Model 26 CAD interface protocol or XML protocol.

Once the user inputs are received, the IP FSA Server then manages the communications between the individual fire stations to ensure that messages are successfully sent and received.

The IP FSA Server includes circuit monitoring for integrity with indications of failure. This makes it NFPA 1221 compliant. The IP FSA Server can notify and be acknowledged by up to 255 IP station units almost simultaneously. The IP FSA Server then waits for the "OK to Talk" message from the IP Station Unit. This message is presented to the dispatcher when the alert tones at the station are complete.

Depending on the system setup, the dispatcher is then able to announce the incident by using either VoIP or the radio channel. Because the dispatch interface is either CAD or the IP FSA Console, there is no need for additional hardware at the position.



The dispatcher can control the IP Station Unit for station alerting or individual apparatus alerts. The IP Station Unit activates the station PA and initiates an incident tone that can be programmed with seven different tones and various ramp-up rates. It can also control relays that turn on lights, open doors, turn galley ranges off, or perform other actions for zoned alerting. IP FSA then displays the status of the apparatus on the dispatcher screen or the CAD screen, and on the IP Station Unit. The station unit can also receive inputs for acknowledgements or emergency conditions for indication on the CAD or console screen.

### IP FSA CONSOLE

The IP FSA Console is a client application that resides at each dispatch position. It can be used either as a CAD backup or as the primary dispatch interface.

The IP FSA Console is designed to be highly functional and easy to use. The stations (or stations plus apparatus) are displayed prominently in the center of the screen.



Each button provides the current status of the item it represents, including communications link failure.

To initiate an action, the dispatcher simply selects the appropriate buttons, then selects the appropriate action, such as: ALERT ON/OFF, PA ON/OFF, STATUS CHANGE, RELAY CONTROL, or SEND TEXT.

In larger systems, the entire list of stations might not fit on a screen. For these systems, filter buttons can be used to reduce the number of stations or stations plus apparatus that appear.

The Select All Stations and Unselect All buttons can also be useful for larger systems. The Select All Stations button allows a one-click selection for an all-station PA announcement. The Unselect All button allows the dispatcher to clear all button selections with a single action. This eliminates the need to scroll through the entire list to confirm that each button has been unselected.

Dispatchers can use a textbox to send incident information to individual or groups of stations. They can also use the textbox to input unique text that is to be printed out at designated stations.

The IP FSA Console includes a window that gives dispatchers control over station relays. This allows dispatchers to inspect and activate relays independent of the normally programmed functions.

### IP STATION UNIT

There are two station units: the Model 6203 IP Station Unit, and an optional Model 6204 IP Station Unit.

The Model 6203 is installed at each station and supports one station and three apparatus.

The Model 6204 is an expansion that can be used to support four apparatus in addition to the three supported by the Model 6203. Multiple Model 6204 IP Station Units can be added to the system. With each addition of a Model 6204, four more apparatus can be added to a fire station.



Model 6203  
IP Station Unit

Both the Model 6203 and the Model 6204 continuously communicate with the IP FSA Server when not alerting. They do this by sending polling messages or administrative controls.

During the alert sequence, the IP Station Unit automatically responds to the IP FSA Server by acknowledging its receipt of the alert command. It then initiates the actions for which it has been programmed.

Typically, the IP Station Unit connects to the station PA and plays the tone associated with the apparatus or station that is under alert. The IP Station Unit can also activate any of the relays for zoned alerting or other functions within the station. Each station unit includes four relays and four opto-isolated inputs for status monitoring.

The IP Station Unit keeps the PA open for dispatcher announcements and shuts the PA down after a configurable period of no audio. Visual indicators on the IP Station Unit display the status of the station or apparatus. Buttons allow station personnel to change the status manually. The station unit includes a printer port for "rip and run" incident information.

An optional handset is available for conducting station communications back to dispatchers at the communications center. This half-duplex, talk-back feature is useful for administrative conversations.

### COMMUNICATIONS

Zetron's IP Fire Station Alerting system sends all data messages over TCP/IP. The data can easily be supported by a simple IP network. Dispatcher voice announcements can be sent via UDP/IP if a suitably configured network is used, or over the radio channel the dispatcher uses for mobile communications. The voice communication path is a configuration choice that is specified during system set-up.

## SPECIFICATIONS

### CONTROLS

Eight push buttons to change and acknowledge status—two for each apparatus.

### INDICATORS

30 LEDs, including:  
Seven LEDs per apparatus for status.  
Two LEDs to indicate transmit and PA activity.

### EXTERNAL INPUTS

Four opto-isolated inputs for monitoring status.  
Inputs may be configured to detect contact closure or voltage level.

### CONTROL RELAYS

Four undedicated, independently controlled DPDT relays.  
Contacts rated at:  
30 VDC 2A (resistive)  
110 VDC .6A (resistive)  
120 VAC .5A (resistive)

### DATA

10/100BaseT  
TCP/IP  
Bandwidth 1 Kbps  
Real Time Delay < 2000mS  
Jitter < 2000mS  
Packet Loss N/A

### VOICE OVER IP

10/100BaseT  
UDP/IP & TCP/IP  
Bandwidth 8 Kbps per subnet  
Real Time Delay < 250mS  
Jitter < 225mS  
Packet Loss < 2%

### VOICE OVER RADIO

10K ohm or 600 ohm balanced, DC blocking audio input, -40dBm sensitivity

### PA INTERFACE

600 ohm balanced audio output at -45 to 0 dBm.  
DPDT audio switching relay, DPDT PTT relay

### PRINTER INTERFACE

DB-9 female wired as DCE, RS-232 9600 baud, abbreviated ASCII text.

### COMPUTER OS

Windows XP Professional

### POWER REQUIREMENTS

120 VAC (+/- 10%), 50/60 Hz power supply included.  
Unit may also be powered by external 12 to 15 VDC (unregulated) power supply, 1.5A maximum current.

### OPERATING TEMPERATURE

0- to +65 degrees Celsius

### FCC COMPLIANCE

Complies with Part 15 of FCC rules

### HANDSET/HOOK SWITCH

Half duplex

### IP FSA SYSTEM ARCHITECTURE

The IP Fire Station Alerting system consists of a single, central server with one or more client dispatcher consoles and one or more VoIP gateways. The VoIP gateways can run on either the server or a remote computer.

**One Model 6203 will be installed at each of the Richardson Fire Stations listed below:**

**Richardson Fire Stations**

Station 1	136 N. Greenville Ave	Richardson, TX 75081
Station 2	1009 N. Waterview Parkway	Richardson, TX 75080
Station 3	2519 Custer Road	Richardson, TX 75080
Station 4	1530 N. Plano Road	Richardson, TX 75081
Station 5	2001 E. Renner Road	Richardson, TX 75082
Station 6	3591 Park Vista Road	Richardson, TX 75082

**One Model 6203 will be installed at each of the Garland Fire Stations listed below:**

**Garland Fire Stations**

Station 3	1301 N. Jupiter	Garland, TX 75042
Station 6	2009 Holford	Garland, TX 75044

The Model 6203 will have the Audio output port connected to the existing station speaker system. Provision will be made for one relay to control an external light relay. This relay system is not yet in place and will not be interfaced under this scope of work.

**The Model 6200 FSA Server and Dispatch Console applications will be installed at:**

Richardson Dispatch	160 N. Greenville	Richardson, TX 75083
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The Model 6200 FSA Server will come with the XML Cad License. The CAD interface however is not in the scope of this project.

A total of four FSA Console Position Licenses are included. Three of these licenses will be installed at the Primary Dispatch Center. The fourth license will be for the Backup Dispatch Center when it is constructed. Implementation of the fourth Console is not included in the scope of this project.

The Sound Card with Game Port is between the audio source (dispatch console) and the FSA server to provide audio and PTT.

## **DFW Communications Inc. Statement of Work Zetron Fire Station Alerting System**

### **DFW Communications Responsibilities**

1. Perform the installation of the Model 6200 IP FSA System and removal of the Model 6/ 26 Fire Station Alerting System covered under this Statement of Work.
2. One Model 6203 will be installed at each of the eight Fire Stations
3. The Model 6200 FSA Server and dispatch console applications will be installed at the City of Richardson Dispatch center.
4. Perform testing of equipment
5. Administer safe work procedures for installation
6. Perform all work and tasks required to install the products according to manufacturers' recommendations during installation
7. Ensure the proper disposal of all debris generated from installation
8. Schedule the implementation in agreement with Richardson Fire Dept.
9. Coordinate the activities of all DFW Communications subcontractors under this contract.
10. Administer safe work procedures for installation.
11. All work will be performed during normal working hours (Monday through Friday, 8AM to 4:30PM).
12. DFW Communications will use the Motorola R56 Manual, Standards and Guidelines for Communication Sites as its installation guide in all situations where the customer specifications and local codes do not apply. These guidelines will be adhered to as closely as possible as allowed by the existing sites and equipment. This quotation does not included bringing existing equipment and sites up to R56 standards unless specifically outlined.
13. All ground wire, stainless steel bolts, lugs, and other small grounding hardware will be supplied by DFW Communications.

14. Any work that is required to complete this project not specifically described in this statement of work will be considered above the scope of this proposal and subject to re-quotation
15. DFW Communication will make a “best effort” to patch any holes in the wall surface that are exposed after the removal of the Model 6 FSA system.

## **Richardson Fire Dept. Responsibilities**

1. Provide all authorizations to perform the installation services.
2. Obtain and provide all approvals, permits, and agreements as required at all sites and locations.
3. Provide site access and escort as required, in a timely manner during normal work hours.
4. Provide adequate space for equipment to be installed.
5. Provide primary electrical power at the site.
6. Provide all roof penetrations required by the project.
7. Provide connectivity and connections at the equipment locations.
8. Provide Point of Contact to monitor and answer questions related to project.
9. Sign “Installation Completion Form” upon satisfactory completion of project.
10. Provide all buildings, equipment shelters, and towers required for system installation
11. Insure communications sites meet space, grounding, power, and connectivity requirements for the installation of all equipment.
12. Obtain all licensing, site access, or permitting required for project implementation.
13. Customer will provide a dedicated delivery point, such as a warehouse, for receipt, inventory and storage of equipment prior to delivery to the site(s).
14. Coordinate the activities of all Richardson Fire Dept. vendors or other contractors.
15. Provide Network connectivity to all of the required locations on the same subnet. The Network specifications are outlined below.
  - Note: If the locations are not on the same subnet the UBAM software will be required as explained below. This is not included in the scope of this project.
16. Provide all Computer Workstations for the FSA Console application to be installed. The FSA Client should be run on a PC meeting the following minimum requirements:
  - XP Professional Service Pack 2
  - Intel Pentium 2-GHz processor or equivalent x86 class processor
  - 512 MB memory
  - 1GB of free hard drive space
  - 12 x CD-ROM (for installation only)
17. Provide third party support for the interface of the audio digital interface to the C3 Maestro console.

18. Provide all Computer Workstations for the FSA Server application to be installed. The FSA Server should be run on a PC meeting the following minimum requirements:

- **Microsoft Windows Server 2003, Microsoft Windows Server 2008, & Windows XP Professional Service Pack 2**
- Intel Pentium 2-GHz processor or equivalent x86 class processor
- 1 GB memory
- 5 GB free hard drive space for FSA Server alone, 10 GB free hard drive space for FSA and VoIP Server
- together
- 24 x CD-ROM (for installation only)
- Video card, capable of 1024x768 minimum screen resolution and 16-bit color depth
- Standard keyboard and mouse
- Network Interface Card
- 1 RS-232 serial port
- Sound card with line in and line out connections\* (one per VoIP Server)
- Audio and Digital Input Interface
- Playback speakers
  - *Note: A sound card is required when using VoIP. Use of an inferior modular or onboard sound card will adversely affect sound quality.*

## UBAM™

One of the characteristics of the IP FSA is that when using VoIP in a network where the central communications center is in different IP subnets than any of the IP Station Units, a unique application is required to allow the information to cross the subnet boundaries— UBAM. UBAM is an acronym for UDP Broadcast Agent Manager. This application allows the VoIP Server to use the UDP mode for sending out “all-call” voice information even though the routers connecting various subnets in the system cannot pass UDP broadcasts.

UBAM consists of two utilities: UBAM Listener and UBAM Repeater. The UBAM Listener is installed in the same subnet as the VoIP Gateway Server. If the total number of subnets used does not exceed 10, the UBAM Listener may be installed on the same machine as the VoIP Gateway Server. If it is installed on another machine, that machine must be connected to the same subnet as the server machine. The UBAM Repeater is installed on a PC in each of the subnets used by the Fire Station Alerting system. It is essential that the PC hosting the UBAM Repeater be available 100% of the time. If the PC is turned off or busy with other processes, voice communication may be lost. Only one UBAM Repeater is required per subnet. A single UBAM Repeater serves multiple stations within the same subnet. The UBAM Listener and Repeaters can be deployed in either a star configuration or in a daisy chain configuration. Figure 5 displays UBAM utilities on a typical hub and spoke system network. It is possible to daisy chain as well.

The UBAM software is included with the IP/FSA CD Suite. It would be necessary to have UBAM Repeater installed on a PC on the same network at each of the eight fire stations. This is not included as part of this proposal. It would be our recommendation that a VPN Tunneling solution for the Garland fire station be put into place by the respective IT departments.

## **IP NETWORKS**

In order to insure that a network performs at an acceptable level of service for FSA equipment, the network must meet or exceed a minimum set of network performance requirements. The key areas are network delay, packet jitter and loss or duplication of network packets. In addition, sub-network architecture design plays an important roll in providing an efficient and reliable FSA system. The system should be interconnected through a Local Area Network, using either single or multiple sub network architecture. FSA Consoles communicate with the FSA Server over the IP network using TCP packets. The FSA Server communicates with the IP Station Units through a network that may be the same LAN or a smaller bandwidth WAN link. The VoIP Gateway Server receives streaming TCP audio during incoming Station to Dispatcher calls (Talk Back option) and streaming UDP audio for Dispatch to multiple Station calls. Because this application of UDP is a broadcast protocol with no acknowledgement, it is necessary to be cautious when using networks with multiple subnets. These UDP packets will normally not cross subnet boundaries. However, in the case of the Zetron IP FSA system, we require the optional UBAM “tunneling” program that will allow UDP packets to cross subnet boundaries. See Section 3.1.3.1 IP networks by their nature are subject to a number of limitations, such as security, reliability, and performance. Anyone using non-dedicated IP networks, such as shared WANs or the Internet, to connect to any Zetron Products or systems should consider and is responsible for these limitations.

NETWORK SPECIFICATIONS	
Packet types used for Data Alerting	TCP packets only
Packet types used for VoIP Audio	TCP incoming calls, UDP outgoing broadcast calls
Bandwidth for Data Alerting	Peaks of 1024 bytes times the number of stations
Bandwidth for FSA VoIP Server	8-Kbytes per second per sub-network
Bandwidth for FSA VoIP at the Sub-net	8-Kbytes per second at the sub-network endpoint
Quality of Service (QOS) Data Alerting	Not required
Quality of Service (QOS) for VoIP	Required (set for high relative QOS)
Fixed Network round-trip Delay for Alerting	2000 mS default round-trip (adjustable 2 to 20 seconds)
Dispatcher to Station Broadcast Call:	
Fixed Network Point-to-Point Delay VoIP	N/A, as long as the packet jitter is less than 225 mS
Station to Dispatcher Individual Call:	
Fixed Network point-to-point Delay VoIP	250 mS of fixed delay (due to TCP buffer space)
Network Jitter round-trip for Data Alerting	2000 mS default round-trip (adjustable 2 to 20 seconds)
Network Jitter point-to-point Delay for VoIP	Less than 225 mS point-to-point (absolute maximum)
Network Packet loss for FSA Data Alerting	N/A
Network Packet loss for VoIP Audio	Less than 2 percent (absolute maximum)
Network Packet duplication FSA Alerting	N/A
Network Packet duplication VoIP Audio	Less than 2 percent (absolute maximum)

Note: The IP FSA system is designed to conduct all data commands over IP, so the entire system must have IP connectivity for data as a single IP network. The system does not operate with some stations communicating data over IP and others over radio or leased lines.

## Assumptions

DFW Communications has developed a comprehensive engineered solution contained within this proposal with the best intentions of satisfying the needs of Richardson Fire Dept. Certain assumptions were made in order for DFW Communications to design this system. The following is a list of site requirements and design assumptions for the system.

1. All existing sites or equipment locations will have sufficient space available for the system described as required/specified by R56.
2. All existing sites or equipment locations will have adequate electrical power in the proper phase and voltage and site grounding to support the requirements of the system described.
3. Any site/location upgrades or modifications are the responsibility of the customer.
4. Approved local, State, Federal third party permits as may be required for the installation and operation of the proposed equipment are the responsibility of Richardson Fire Dept.
5. Any required system interconnections not specifically outlined here will be provided by Richardson Fire Dept. These may include dedicated phone circuits, microwave links, Ethernet or other types of connectivity.
6. No coverage guarantee is included in this proposal.

## Proposed Equipment List

<b>Richardson Fire Dept FSA</b>	
<b>Qty</b>	<b>Description</b>
8	IP Station Unit Model 6203 (1 Station Column, 3 Apparatus Columns)
8	IP Station Unit PTT Handset with Hookswitch
8	VoIP Intercom (enables VoIP dispatcher announcements)
1	IP FSA Server Bundle (Includes 930-0111, 950-0881, 950-0690, 025-9581, 025-9582)
1	IP FSA VoIP Gateway Server License
4	IP FSA Console Position License (1 required per position)
1	XML CAD Interface License
1	Sound Card with Game Port (VoIP Systems)
1	IP Fire Station Alerting Onsite Training, First Day
1	IP Fire Station Alerting Onsite Training, per day after first day
2	Instructor Travel, one day - IP FSA
1	Extended Limited Warranty for coverage through year 5
1	IP Station Unit Model 6203 (1 Station Column, 3 Apparatus Columns)
1	IP Station Unit PTT Handset with Hookswitch
1	VoIP Intercom (enables VoIP dispatcher announcements)
1	Audio and Digital Interface Kit (1 required per server)
1	Sound Card with Game Port (VoIP Systems)

## Proposed Zetron Fire Station Alerting System Pricing

<b>Description</b>	<b>Cost</b>
Equipment including Spares & Extended Warranty	\$ 96,907.33
Engineering, Installation, Optimization & Shipping	\$ 20,470.15
<b>Total System Proposal</b>	<b>\$ 117,377.48</b>

## System Acceptance Document

Richardson Fire Dept. approves and accepts the Zetron Fire Station Alerting System as implemented in the Richardson Fire Dept. in its present form. The System Acceptance Test Plan has been successfully completed and Richardson Fire Dept. has commenced beneficial use of the system.

### Richardson Fire Dept. Representative

Signature

\_\_\_\_\_

Name (Print)

\_\_\_\_\_

Position

\_\_\_\_\_

Date

\_\_\_\_\_

### DFW Communications Representative

Signature

\_\_\_\_\_

Name (Print)

\_\_\_\_\_

Position

\_\_\_\_\_

Date

\_\_\_\_\_

## System Warranty

All manufacturer warranties apply. New equipment provided by DFW features a full one-year parts and labor warranty from the factory. DFW's on-site warranty service is offered for 90 days after system acceptance. Copies of the manufacture's warranty are available upon request.

Service agreement on equipment can be written to cover all infrastructures on a 24 x 7 basis. If Richardson Fire Dept. so chooses after the warranty period has expired, a maintenance agreement could be developed to cover malfunctions, electronic components, and failure. Negligence, abuse and Acts of God are not covered under a service agreement.

DFW Communications will provide Service on the equipment with parts support from the factory. DFW's maintenance during the warranty period is performed between the hours of 8AM and 4:30PM Monday through Friday

## What the Warranty Does Not Cover

- Defects or damage resulting from use of the Product in other than its normal and customary manner.
- Defects or damage from misuse, accidents, water, or neglect.
- Defects or damage from improper testing, operation, maintenance, installation, alteration, modification, or adjustment.
- Breakage or damage to antennas unless caused directly by defects in material workmanship.
- Products, which have had the serial number, removed or made illegible.
- Freight cost to and from the repair depot.
- Scratches or other cosmetic damage to Product surfaces that does not affect the operation of the Product.
- A Product subjected to unauthorized Product modifications, disassemblies or repairs.
- Normal and customary wear and tear.





# MEMO

**DATE:** July 18, 2011

**TO:** Kent Pfeil – Director of Finance

**FROM:** Pam Kirkland – Purchasing Manager *Pam*

**SUBJECT:** Award of Competitive Sealed Proposal #904-11 for the Public Safety Complex Jail Renovations to Idea Construction in the amount of \$231,243, which includes Alternate 1

**Proposed Date of Award: July 25, 2011**

I concur with the recommendations of Jerry Ortega – Director of Public Services and Joe Travers – Assistant Director of Public Services, and request permission to issue a contract to Idea Construction for the above referenced construction of the Public Safety Complex Jail Renovations, for a total award of \$231,243, which includes Alternate 1 to grind and fill floor cracks.

Four competitive sealed proposals were received. The proposals were evaluated by a committee of City staff from various departments on criteria related to cost, project references, project schedule, experience of company officers and work experience in controlled environments. As per the attached evaluation form, it is our recommendation to award to the highest ranking firm, Idea Construction with 88.7 out of 100 points.

Funding is provided from accounts 227-1011-581-7201 and 229-1011-581-7201. Nine proposals were solicited and four proposals were received. A pre-proposal conference was held on June 23, 2011.

Concur:

Kent Pfeil

## ATTACHMENTS

Xc: Bill Keffler  
Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



# MEMO

TO: Bill Keffler, City Manager  
THROUGH: Cliff Miller, Assistant City Manager   
FROM: Jerry Ortega, Director of Public Services   
Joe Travers, Assistant Director of Public Services  
SUBJECT: Award CSP #904-11 to IDEA Construction  
Public Safety Complex Jail Renovations  
DATE: July 15, 2011

## ACTION REQUESTED:

Council to consider award of CSP #904-11 to IDEA Construction, for the Public Safety Complex Jail Renovation, in the amount of \$231,243.00.

## BACKGROUND INFORMATION:

On July 7, 2011, Public Services opened proposals for the subject project. The base proposal includes all labor and materials associated with this project, as described in the construction documents and specifications issued on June 14, 2011. Alternate #1 consists of grinding and filling floor cracks. The attached tabulation certifies that IDEA Construction was the top ranked proposer with a Base Proposal of \$223,768.00.

The Competitive Sealed Proposal (CSP) Committee met and, after compiling independent scoring of all contractors' CSP submittals for the Public Safety Complex Jail Renovation, determined that IDEA Construction was top ranking. On the basis of the established selection criteria and Base Proposal of \$223,768.00, IDEA Construction was selected.

\$228,768.00	Base Proposal & Owner's Construction Contingency
<u>2,475.00</u>	<u>Alternate #1 (Grind and Fill Floor Cracks)</u>
<b>\$231,243.00</b>	<b>Total Amount</b>

Staff as well as the Finance Department have reviewed IDEA Construction's financials and references and believe this company is in a financial position to perform the work. We recommend awarding this project to IDEA Construction, in the amount of \$231,243.00.

The Municipal Jail Improvements consist of re-coating floors, walls, doors and frames, as well as, disassembly and reassembly of furnishings. Also included will be fabrication of a new book-in desk to replace existing and other miscellaneous items.

**FUNDING:**

Funding is provided from Facility's Construction accounts #227-1011-581-7201 and #229-1011-581-7201.

**SCHEDULE:**

Public Services anticipate this project to begin construction early August 2011 and be completed by October 2011.

Cc: Jeff Savage, Supv. Building Facilities  
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JAIL REMODEL 2011  
CONTRACTOR EVALUATIONS

	Cooper	MART	IDEA	R & S
FACILITY SUPV	92	80	92	52
JAIL SUPV	83	75	87	38
PROJ MGR	83	75	89	25
LT.	80	80	90	35
ASSIST CHIEF	90	73	87	37
CAPTAIN	88	87	87	37
<b>AVERAGE</b>	<b>86</b>	<b>78.3</b>	<b>88.7</b>	<b>37.3</b>

**PUBLIC SAFETY COMPLEX JAIL RENOVATIONS  
CSP NO. 904-11  
CSP TABULATION**

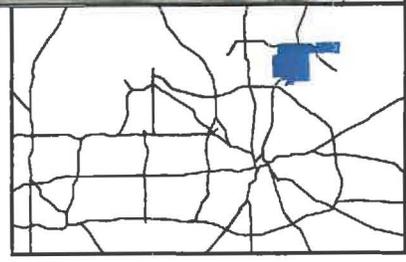
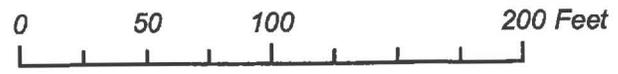
CONTRACTOR	Base CSP Including Contingency	Alternate #1 Grind and Fill Floor Cracks	Alternate #2 Demolish Countertop and Replace	Alternate #3 TAS Compliant Signage	TOTAL INCLUDING ALL ALTERNATES
1. <u>R &amp; S Commercial Services, LP</u>	\$ 264,466.00	\$ 4,200.00	\$ 17,902.00	\$ 2,800.00	<u>\$289,368.00</u>
2. <u>IDEA Construction</u>	\$ 228,768.00	\$ 2,475.00	\$ 11,561.00	\$ 4,025.00	<u>\$246,829.00</u>
3. <u>Mart, Inc.</u>	\$ 238,800.00	\$ 3,100.00	\$ 9,000.00	\$ 4,000.00	<u>\$254,900.00</u>
4. <u>Cooper General Contractors</u>	\$ 223,900.00	\$ 2,587.00	\$ 8,400.00	\$ 4,023.00	<u>\$238,910.00</u>

Consulting Engineer's Estimate: \$235,000

Certified By:   
Joe Travers, Assistant Director of Public Services



**Municipal Jail**  
**140 N Greenville Ave**  
**Richardson, Texas**





# MEMO

**DATE:** July 18, 2011  
**TO:** Kent Pfeil – Director of Finance  
**FROM:** Pam Kirkland – Purchasing Manager *Pam*  
**SUBJECT:** Award of Competitive Sealed Proposal #905-11 for the Eisemann Center Garage LED Lighting Retrofit to Facility Solutions Group in the amount of \$189,576.77

**Proposed Date of Award: July 25, 2011**

I concur with the recommendations of Jerry Ortega – Director of Public Services and Joe Travers – Assistant Director of Public Services, and request permission to issue a contract to Facility Solutions Group for the Eisemann Center Garage LED Lighting Retrofit, for a total award of \$189,576.77.

Nine competitive sealed proposals were received. The proposals were evaluated by a committee of City staff from various departments on criteria related to cost, proposed annual savings, experience and qualifications, experience of officers with similar projects, and project schedule. As per the attached evaluation form, it is our recommendation to award to the highest ranking firm, Facility Solutions Group, with 83.08 out of 100 points.

Funding is provided from a U.S. Department of Energy Grant authorized by the Energy Independence and Security Act (EISA) of 2007 in account 313-9739-583-7524, Project 313-101. Seventeen proposals were solicited and nine proposals were received. A pre-proposal conference was held on June 23, 2011.

Concur:

Kent Pfeil

## ATTACHMENTS

Xc: Bill Keffler  
Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



## MEMO

TO: Bill Keffler, City Manager

THROUGH: Cliff Miller, Assistant City Manager 

FROM: Jerry Ortega, Director of Public Services   
Joe Travers, Assistant Director of Public Services

SUBJECT: Award CSP #905-11 to Facility Solutions Group  
Eisemann Center Garage LED Lighting Retrofit

DATE: July 15, 2011

### **ACTION REQUESTED:**

Council to consider award of CSP #905-11 to Facility Solutions Group, for the Eisemann Center Garage LED Lighting Retrofit, in the amount of \$189,576.77.

On July 6, 2011, Public Services opened proposals for the subject project. The base proposal includes all labor and materials associated with this project, as described in the construction documents and specifications issued June 2011. The attached tabulation certifies that Facility Solutions Group was the top ranked proposer with a Base Proposal of \$189,576.77 and a score of 83.08 out of 100.

The Competitive Sealed Proposal (CSP) Committee met and, after compiling independent scoring of all contractors' CSP submittals for the Eisemann Center Garage LED Lighting Retrofit, determined that Facility Solutions Group was top ranking. On the basis of the established selection criteria and Base Proposal of \$189,576.77, Facility Solutions Group was selected.

Staff as well as the Finance Department have reviewed Facility Solutions Group's financials and references and believe this company is in a financial position to perform the work. We recommend awarding this project to Facility Solutions Group, in the amount of \$189,576.77.

### **BACKGROUND INFORMATION:**

The Eisemann Center Garage LED Lighting Retrofit Project will include replacing the existing metal halide, mercury vapor and fluorescent parking garage fixtures with LED fixtures. Estimated quantities include 272 metal halide fixtures, 32 pole mounted mercury vapor fixtures and 47 fluorescent fixtures.

The project was released as a Competitive Sealed Proposal and as such, the ultimate award recommendation is based on the ranking as determined by the evaluation committee. Ranking criteria included the cost of the project (40%); projected annual savings (30%); similar project experience (15%); personnel credentials (10%) and project schedule (5%). A summary of the committee ranking is attached.

**FUNDING:**

Funding is provided through a U.S. Department of Energy Grant authorized by the Energy Independence and Security Act (EISA) of 2007 in Account #313-9739-583-7524 Project 313-101.

**SCHEDULE:**

Public Services plan for this project to begin August 2011 and be completed by September 2011.

Cc: Jeff Savage, Supv. Building Facilities  
Office\Agenda Reports\Exec\EisemannCSP905-11.doc

**EISEMANN CENTER GARAGE LED LIGHTING RETROFIT**

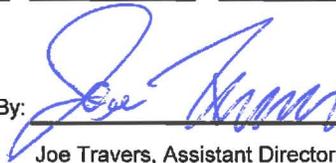
**CSP NO. 905-11**

**OPENING: WEDNESDAY, JULY 6, 2011 @ 2:30**

<b>CONTRACTOR</b>	<b>Base Proposal</b>	<b>Contingency</b>	<b>Ceiling Fixtures</b>	<b>Pole Fixtures</b>	<b>Other Fixtures</b>	<b>Total (Items 1 &amp; 2)</b>	<b>Total Days Required to Complete Project</b>
1. <u>Facility Solutions Group</u>	<u>\$187,076.77</u>	<u>\$2,500.00</u>	<u>\$ 136,550.90</u>	<u>\$ 29,592.63</u>	<u>\$ 20,933.24</u>	<u>\$189,576.77</u>	<u>24</u>
2. <u>Harrison Walker &amp; Harper</u>	<u>\$250,009.00</u>	<u>\$2,500.00</u>	<u>\$ 190,281.00</u>	<u>\$ 25,092.00</u>	<u>\$ 14,136.00</u>	<u>\$252,509.00</u>	<u>30</u>
3. <u>Sylvania Lighting SVCS</u>	<u>\$236,713.00</u>	<u>\$2,500.00</u>	<u>\$ 192,268.00</u>	<u>\$ 40,800.00</u>	<u>\$ 3,645.00</u>	<u>\$239,213.00</u>	<u>30</u>
4. <u>Criterion Contractors Inc.</u>	<u>\$216,000.00</u>	<u>\$2,500.00</u>	<u>\$ 154,573.05</u>	<u>\$ 37,821.96</u>	<u>\$ 17,080.25</u>	<u>\$218,500.00</u>	<u>70</u>
5. <u>JMEG, LP</u>	<u>\$158,708.00</u>	<u>\$2,500.00</u>	<u>\$ 136,216.00</u>	<u>\$ 24,992.00</u>	<u>N/A</u>	<u>\$161,208.00</u>	<u>30</u>
6. <u>CEC Electrical, Inc.</u>	<u>\$234,236.00</u>	<u>\$2,500.00</u>	<u>\$ 154,893.12</u>	<u>\$ 22,840.64</u>	<u>\$ 70,564.70</u>	<u>\$236,736.00</u>	<u>30</u>
7. <u>Exel Energy Group</u>	<u>\$440,391.00</u>	<u>\$25,000.00</u>	<u>\$ 319,439.93</u>	<u>\$ 90,131.23</u>	<u>\$ 30,819.13</u>	<u>\$465,391.00</u>	<u>15</u>
8. <u>All-Fair Electric</u>	<u>\$246,569.00</u>	<u>\$2,500.00</u>	<u>\$ 184,144.00</u>	<u>\$ 34,272.00</u>	<u>\$ 28,153.00</u>	<u>\$249,069.00</u>	<u>28</u>
9. <u>ProTec Electric</u>	<u>\$215,512.00</u>	<u>\$2,500.00</u>	<u>\$ 153,440.00</u>	<u>\$ 20,736.00</u>	<u>\$ 11,136.00</u>	<u>\$218,012.00</u>	<u>60</u>

Consulting Engineer's Estimate: \$110,000

Certified By: \_\_\_\_\_

  
 Joe Travers, Assistant Director of Public Services





# MEMO

**DATE:** July 18, 2011

**TO:** Kent Pfeil – Director of Finance

**FROM:** Pam Kirkland – Purchasing Manager *Pam*

**SUBJECT:** Award of Request for Proposal #703-11 for an annual requirements contract for Fleet Fuel Card & Management Services through the City of Plano to Mansfield Oil Company 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

**Proposed Date of Award: July 25, 2011**

The City of Plano Purchasing Department took the lead role in bidding the annual requirements contract for Fleet Fuel Card & Management Services on RFP 2011-157-C, which was awarded by the Plano City Council on June 13, 2011. This bid included fuel estimates for the City of Plano and the cities of Arlington, Carrollton, Fort Worth, Glenn Heights, Hutchins, Richardson, Weatherford, and North Texas Municipal Water District, and the North Central Texas Council of Governments, Richardson.

I concur with the recommendation of Ernest Ramos, Fleet and Materials Manager, to award the City of Richardson's fuel card and management services pursuant to this contract to Mansfield Oil Company.

The City of Richardson utilizes the fuel card system as a secondary backup for fueling city vehicles during periods when fuel is in short demand. This system enables us to use other fuel sources before utilizing fuel in our underground tanks. Employees purchase fuel for city vehicles at various Richardson service stations, which honor the Wright Express management card. Mansfield Oil has partnered with Wright Express, which offers approximately 60 fueling sites in Richardson alone. Mansfield Oil's pricing is tied to the Oil Price Information Service (OPIS) average price on the day the fuel is purchased plus \$0.145/gallon for unleaded and plus \$0.18/gallon for diesel fuel. This contract was awarded for a twelve (12) month period with options to renew for five (5) additional twelve-month periods, if acceptable to both parties.

Funding is available in account 011-7020-505-6531 for this service; however, in the case of an emergency or unforeseen circumstances, expenditures could exceed \$50,000.

Concur:

Kent Pfeil

## ATTACHMENTS

Xc: Bill Keffler  
Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



## MEMO

DATE: July 20, 2011

TO: Pam Kirkland, Purchasing Manager

FROM: Ernie Ramos, Fleet & Materials Manager

RE: Fleet Fuel Card and Management Services, City of Plano Contract Award, #2011-157-C, Secondary and Emergency Fueling Resource

I have reviewed the bid documents from the City of Plano's bid submitted by Mansfield Oil Company, and I concur with Earl Whitaker, Buyer II of City of Plano that Mansfield Oil Company be awarded the contract to be our preferred Fleet Fuel Card provider. Mansfield Oil Company has partnered with Wright Express and will be providing over 60 fueling sites in Richardson.

Our annual usage is estimated at 23,962 gallons for both Diesel and Unleaded fuels. We are currently using Mansfield Oil Company/Wright Express via the Tarrant County Contract 2010-056 and the existing contract has expired. We have agreed to utilize the City of Plano contract once it was approved. The transition is very simple, and should not impact services to Departments using the service.

All charges will be encumbered in account # 011-7020-505-6531. Under the current contract, we have spent \$54,293.97 utilizing the Mansfield/Wright Express service. This account is currently funded in the City's fuel account, which has a total budget of \$1,098,551.

: ER

Best & Final 5-19-11  
ULSD Diesel  
Mansfield Oil

**PRICING WORKSHEET ATTACHMENT B**

**Submit this worksheet under separate sealed cover**

Pricing submitted as response to this RFP must be expressed as a mark-up (addition to) or mark-down (subtraction from) the **OPIS DFW Metro Daily Net Contract Average 10:00am EST** for each fuel type purchased. The plus or minus (+ or -) factor bid (mark-up or mark-down) shall remain firm and fixed for the entire contract period. Note that the **OPIS DFW Metro Daily Net Contract Average 10:00am EST** is the only pricing source that will be accepted.

+ \$ .1800 Mark-Up to **OPIS DFW Metro Daily Net Contract Average 10:00am EST**

OR

- \$ \_\_\_\_\_ Mark-Down to **OPIS DFW Metro Daily Net Contract Average 10:00am EST**

\* Price exclusive of applicable taxes and regulatory fees.

*John [unclear]*  
6-24-11

Best & Final 5-19-11  
Unleaded  
Wans Field Oil

**PRICING WORKSHEET ATTACHMENT B**

**Submit this worksheet under separate sealed cover**

Pricing submitted as response to this RFP must be expressed as a mark-up (addition to) or mark-down (subtraction from) the OPIS DFW Metro Daily Net Contract Average 10:00am EST for each fuel type purchased. The plus or minus (+ or -) factor bid (mark-up or mark-down) shall remain firm and fixed for the entire contract period. Note that the OPIS DFW Metro Daily Net Contract Average 10:00am EST is the only pricing source that will be accepted.

+ \$ .1450 Mark-Up to OPIS DFW Metro Daily Net Contract Average 10:00am EST

OR

- \$ \_\_\_\_\_ Mark-Down to OPIS DFW Metro Daily Net Contract Average 10:00am EST

\* Price exclusive of applicable taxes and regulatory fees.

EXHIBIT B  
PAGE 49b OF 49

*John Munn*  
*6-20-11*

**CONTRACT BY AND BETWEEN  
CITY OF PLANO, TEXAS AND  
MANSFIELD OIL COMPANY OF GAINESVILLE, INC.  
BID NO. 2011-157-C**

THIS CONTRACT is made and entered into by and between **MANSFIELD OIL COMPANY OF GAINESVILLE, INC.**, a Georgia corporation, whose address is 1025 Airport Parkway SW, Gainesville, GA 30501, hereinafter referred to as "Contractor," and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation, hereinafter referred to as "City," to be effective upon execution of this Contract by the Plano City Manager or his duly authorized designee.

For and in consideration of the covenants and agreements contained herein, and for the mutual benefits to be obtained hereby, the parties agree as follows:

**I.  
SCOPE OF SERVICES**

Contractor shall provide all labor, supervision, materials and equipment necessary for fleet fuel cards and related services. These services shall be provided in accordance with the Specifications for fleet fuel cards and related services, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**, and the Contractor's Bid in response thereto, a copy of which is attached hereto and incorporated herein for all purposes as **Exhibit "B"**. The Contract consists of this written agreement and the following items which are attached hereto and incorporated herein by reference:

- (a) The Specifications for fleet fuel cards and related services (**Exhibit "A"**);
- (b) The Contractor's Bid (**Exhibit "B"**);
- (c) Affidavit of No Prohibited Interest (**Exhibit "C"**)

These documents make up the Contract Documents and what is called for by one shall be as binding as if called for by all. In the event of an inconsistency or conflict in any of the provisions of the Contract Documents, the inconsistency or conflict shall be resolved by giving precedence first to this written agreement then to the Contract Documents in the order in which they are listed above. These documents shall be referred to collectively as the "Contract Documents."

**II.  
TERM OF CONTRACT**

The initial term of this Contract shall be a period of twelve (12) months; Contractor agrees that the start date to begin work is July 1, 2011; provided however, that the City shall have the right and option to extend the term hereof by five (5) additional twelve (12) month periods by giving written notice to Contractor of City's election to extend the term hereof, such notice to be given not more than ninety (90) days prior to the expiration of the initial term.

**III.  
WARRANTY**

Contractor warrants and covenants to City that all goods and services delivered to City by Contractor, Contractor's subcontractors, and agents under the Agreement shall be free of defects and produced and performed in a skillful and workmanlike manner and shall comply with the specifications for said goods and services set forth in this Agreement and the Bid Specifications attached hereto and incorporated herein as **Exhibit "A"**. Contractor warrants that the goods and services provided to City under this Agreement shall be free from defects in material and workmanship, for a period of one (1) year commencing on the date that City issues final written acceptance of the project.

**IV.  
PAYMENT**

Contractor shall invoice City for products and services delivered, on a unit cost basis, in accordance with Contractor's bid attached hereto and incorporated herein as **Exhibit "B"**. Contractor further agrees that the unit prices stated in **Exhibit "B"** shall not be increased during the initial term of this Contract or any renewals thereof. Payments hereunder shall be made to Contractor within thirty (30) days of receiving Contractor's invoice for the services performed.

Contractor recognizes that this Contract shall commence upon the effective date herein and continue in full force and effect until termination in accordance with its provisions. Contractor and City herein recognize that the continuation of any contract after the close of any given fiscal year of the City of Plano, which fiscal year ends on September 30<sup>th</sup> of each year, shall be subject to Plano City Council approval. In the event that the Plano City Council does not approve the appropriation of funds for this contract, the Contract shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder.

**V.  
PROTECTION AGAINST ACCIDENT TO EMPLOYEES AND THE PUBLIC**

Contractor shall at all times exercise reasonable precautions for the safety of employees and others on or near the work and shall comply with all applicable provisions of Federal, State, and Municipal safety laws. The safety precautions actually taken and the adequacy thereof shall be the sole responsibility of the Contractor. Contractor shall indemnify City for any and all losses arising out of or related to a breach of this duty by Contractor pursuant to paragraph **VII. INDEMNIFICATION** and paragraph **VIII. COMPLIANCE WITH APPLICABLE LAWS** set forth herein.

**VI.  
LOSSES FROM NATURAL CAUSES**

Unless otherwise specified, all loss or damage to Contractor arising out of the nature of the work to be done, or from the action of the elements, or from any unforeseen circumstances

in the prosecution of the same, or from unusual obstructions or difficulties which may be encountered in the prosecution of the work, shall be sustained and borne by the Contractor at Contractor's own cost and expense.

## VII. INDEMNIFICATION

THE CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY AND ITS RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, FINES, PENALTIES, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM OR VIOLATIONS FOR WHICH RECOVERY OF DAMAGES, FINES, OR PENALTIES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY CONTRACTOR'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS CONTRACT, VIOLATIONS OF LAW, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, INTENTIONAL, OR STRICTLY LIABLE ACT OR OMISSION OF THE CONTRACTOR, ITS OFFICERS, AGENTS, EMPLOYEES, INVITEES, SUBCONTRACTORS, OR SUB-SUBCONTRACTORS AND THEIR RESPECTIVE OFFICERS, AGENTS, OR REPRESENTATIVES, OR ANY OTHER PERSONS OR ENTITIES FOR WHICH THE CONTRACTOR IS LEGALLY RESPONSIBLE IN THE PERFORMANCE OF THIS CONTRACT. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OF THE CITY, AND ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS. THE CITY DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY OR OTHER DEFENSES AVAILABLE TO IT UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

CONTRACTOR AT ITS OWN EXPENSE IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF CONTRACTOR'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF CONTRACTOR'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. CONTRACTOR SHALL RETAIN DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO INDEMNIFICATION UNDER THIS AGREEMENT. IF CONTRACTOR FAILS TO RETAIN COUNSEL WITHIN THE REQUIRED TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF AND CONTRACTOR SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CITY.

**VIII.  
COMPLIANCE WITH APPLICABLE LAWS**

Contractor shall at all times observe and comply with all Federal, State and local laws, ordinances and regulations including all amendments and revisions thereto, which in any manner affect Contractor or the work, and **shall indemnify and save harmless City against any claim related to or arising from the violation of any such laws, ordinances and regulations whether by Contractor, its employees, officers, agents, subcontractors, or representatives.** If Contractor observes that the work is at variance therewith, Contractor shall promptly notify City in writing.

**IX.  
VENUE**

The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Contract. The parties agree that this Contract is performable in Collin County, Texas, and that exclusive venue shall lie in Collin County, Texas.

**X.  
ASSIGNMENT AND SUBLETTING**

Contractor agrees to retain control and to give full attention to the fulfillment of this Contract, that this Contract shall not be assigned or sublet without the prior written consent of City, and that no part or feature of the work will be sublet to anyone objectionable to City. Contractor further agrees that the subletting of any portion or feature of the work, or materials required in the performance of this Contract, shall not relieve Contractor from its full obligations to City as provided by this Contract.

**XI.  
INDEPENDENT CONTRACTOR**

Contractor covenants and agrees that Contractor is an independent contractor and not an officer, agent, servant or employee of City; that Contractor shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and Contractor, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Contractor.

**XII.  
HINDRANCES AND DELAYS**

No claims shall be made by Contractor for damages resulting from hindrances or delays from any cause during the progress of any portion of the work embraced in this Contract.

**XIII.  
AFFIDAVIT OF NO PROHIBITED INTEREST**

Contractor acknowledges and represents Contractor is aware of all applicable laws, City Charter, and City Code of Conduct regarding prohibited interests and that the existence of a prohibited interest at any time will render the Contract voidable. Contractor has executed the Affidavit of No Prohibited Interest, attached and incorporated herein as **Exhibit "C"**.

**XIV.  
SEVERABILITY**

The provisions of this Contract are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Contract is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Contract. However, upon the occurrence of such event, either party may terminate this Contract by giving the other party thirty (30) days written notice.

**XV.  
TERMINATION**

City may, at its option, with or without cause, and without penalty or prejudice to any other remedy it may be entitled to at law, or in equity or otherwise under this Contract, terminate further work under this contract, in whole or in part by giving at least thirty (30) days prior written notice thereof to Contractor with the understanding that all services being terminated shall cease upon the date such notice is received.

**XVI.  
ENTIRE AGREEMENT**

This Contract and its attachments embody the entire agreement between the parties and may only be modified in writing if executed by both parties.

**XVII.  
AUTHORITY TO SIGN**

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

**XVIII.  
CONTRACT INTERPRETATION**

Although this Contract is drafted by City, should any part be in dispute, the parties agree that the Contract shall not be construed more favorably for either party.

**XIX.**  
**SUCCESSORS AND ASSIGNS**

This Contract shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns.

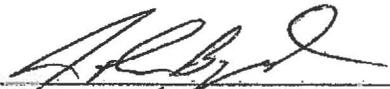
**XX.**  
**HEADINGS**

The headings of this Contract are for the convenience of reference only and shall not affect in any manner any of the terms and conditions hereof.

IN WITNESS WHEREOF, the parties have executed this Contract by signing below.

**MANSFIELD OIL COMPANY OF GAINESVILLE,  
INC.**

Date: 6/24/11

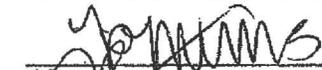
By:   
Name: C. JOHN BYRD  
Title: CHIEF FINANCIAL OFFICER

**CITY OF PLANO, TEXAS**

Date: 6/29/11

By:   
Bruce D. Glasscock  
CITY MANAGER. *fa*

APPROVED AS TO FORM

  
Diane C. Wetherbee, CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF GEORGIA §  
§  
COUNTY OF HALL §

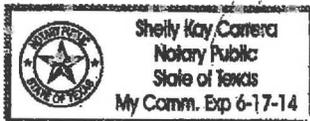
This instrument was acknowledged before me on the 24 day of JUNE, 2011 by JOHN BYRD (Authorized representative) (Title) of MANSFIELD OIL COMPANY OF GAINESVILLE, INC., a Georgia corporation, on behalf of said corporation.

Margatha Dorsey  
Notary Public, State of Georgia  
EXPIRES  
GEORGIA  
APRIL 7, 2013  
PUBLIC  
WHITE COUNTY

STATE OF TEXAS §  
§  
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 29 day of June, 2011 by BRUCE D. GLASSCOCK, City Manager of the CITY OF PLANO, TEXAS, a home-rule municipal corporation, on behalf of said corporation.

Shelly Kay Camera  
Notary Public, State of Texas





# MEMO

**DATE:** July 19, 2011

**TO:** Kent Pfeil – Director of Finance

**FROM:** Pam Kirkland – Purchasing Manager

**SUBJECT:** Change Order to increase purchase order 111332 to CPS Civil for the relocation of trees and utility changes for the Fire Station No. 4 Paving Improvements in the amount of \$57,626.35

**Proposed Date of Award: July 11, 2011**

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to increase the above referenced purchase order in the amount of \$57,626.35, as outlined in Mr. Spanos attached memo.

Texas Local Government Code Chapter 252.048 allows for change orders to contracts if plans or specifications are necessary after or during the performance of the contract to decrease or increase the quantity of work to be performed or of materials, equipment or supplies to be furnished. The contract may not be increased by more than 25% of the original contract amount or decreased more than 25% without the consent of the contractor. The passage of H.B. 679, during the 82<sup>nd</sup> Legislative Session, increased the change order amount from \$25,000 to \$50,000 for which a change order must be approved by the governing body of the municipality. The total contract price may not be increased unless additional funds are appropriated for that purpose from available funds.

Funding for the additional services will be provided in account 378-8701-585-7524, Project PB1002.

Concur:

  
\_\_\_\_\_  
Kent Pfeil

Approved:

  
\_\_\_\_\_  
Bill Keffler

## ATTACHMENTS

Xc: Bill Keffler  
Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



## MEMO

TO: Pam Kirkland, Purchasing Manager  
FROM: Steve Spanos, P.E., Director of Engineering *CSM*  
SUBJECT: Change Order #1 to Increase Purchase Order #111332  
CPS Civil – Fire Station #4 Paving Improvements  
DATE: July 15, 2011

### **ACTION REQUESTED**

Process Change Order #1 to Increase Purchase Order #111332.

### **ACCOUNT SUMMARY**

Original Purchase Order	\$920,237.00
<u>Change Order #</u>	<u>57,626.35</u>
<b>Total Authorized Contract Amount</b>	<b><u>\$977,863.35</u></b>

### **BACKGROUND INFORMATION**

The Fire Station No. 4 Paving Improvements was awarded to CPS Civil in May for a total contract amount of \$920,237. Staff has requested the following additional work be added to the contract:

1. Relocate 10 trees - \$44,745.86
2. Utility Changes including installation of two 6" valves, two water service replacements and associated paving and bonding and insurance expenses - \$12,880.49

The total requested increase is \$57,626.35 which brings the contract total to \$977,863.35.

### **FUNDING AND LINE ITEM INFORMATION:**

Funding will be provided from Account #378-8701-585-7524 PB1002.

If there are any further questions, comments, or if you need additional information, please let me know.

Cc: Carolyn Kaplan, Capital Projects Accountant  
Jim Dulac, P.E., Senior Project Engineer  
CH/Office/Agenda Reports/CO Council/Executive Memo/FS #4 Paving



City of Richardson  
City Council Work Session  
Agenda Item Summary



**Work Session Meeting Date:** Monday, July 25, 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 Meeting  
Agenda Item Summary



Meeting Date:

Monday, July 25, 2011

Agenda Item:

FEMA Flood Insurance Rate Map Modernization  
Program for Dallas County

Staff Resource:

Cliff Miller, Assistant City Manager  
Jim Lockart, Assistant Director of Engineering

Summary:

As part of the National Flood Insurance Program, FEMA has undertaken a multi-year program that will update Flood Insurance Rate Maps to more accurately map flood risk. City Staff will provide an overview of FEMA's process to update Flood Insurance Rate Maps and the status of the current effort for Dallas County.

Board/Commission Action:

N/A

Action Proposed:

N/A



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



**Worksession Meeting Date:** Monday, July 25, 2011

**Agenda Item:** Update the City Council on the Governmental Accounting Standards Board (GASB) Statement No. 54 and related changes to the City's financial policies.

**Staff Resource:** Kent Pfeil, Director of Finance  
Keith Dagen, Assistant Director of Finance

**Summary:** The Governmental Accounting Standards Board (GASB) adopted Statement No. 54, which updates accounting and financial reporting standards for all governments that report governmental funds. More specifically, statement no. 54 establishes criteria for classifying fund balances into specifically defined classifications and clarifies definitions for governmental fund types. This new statement is effective for the current fiscal year and must be reported in the Comprehensive Annual Financial Report (CAFR) that is prepared as of September 30, 2011. Additionally, the City Council adopted financial policies must be updated to reflect this accounting rule change.

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

**Action Proposed:** A resolution will be placed on the August 8 City Council agenda that adopts updated Financial Policies which reflect accounting rules required by GASB Statement No. 54.



City of Richardson  
City Council Work Session  
Agenda Item Summary



**Meeting Date:** Monday, July 25, 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.

