

**RICHARDSON CITY COUNCIL**  
**SEPTEMBER 10, 2012**  
**7:30 P.M.**  
**CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX**

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1. **INVOCATION – STEVE MITCHELL**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – STEVE MITCHELL**
  3. **MINUTES OF THE AUGUST 13, 2012, AUGUST 27, 2012, AND SEPTEMBER 4, 2012 MEETINGS**
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4. VISITORS. (THE CITY COUNCIL INVITES CITIZENS TO ADDRESS THE COUNCIL ON ANY TOPIC NOT ALREADY SCHEDULED FOR PUBLIC HEARING. PRIOR TO THE MEETING, PLEASE COMPLETE A “CITY COUNCIL APPEARANCE CARD” AND PRESENT IT TO THE CITY SECRETARY. THE TIME LIMIT IS FIVE MINUTES PER SPEAKER.)
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5. CONSIDER APPOINTMENTS TO THE CITY PLAN COMMISSION AND CIVIL SERVICE BOARD.

ACTION TAKEN:

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**PUBLIC HEARING ITEMS:**

6. PUBLIC HEARING, ZONING FILE 12-13: A REQUEST BY MICHAEL F. TWICHELL, REPRESENTING SHIRE DEVELOPMENT, LLC, FOR AMENDMENTS TO THE PD PLANNED DEVELOPMENT STANDARDS TO ACCOMMODATE THE DEVELOPMENT OF AN INDEPENDENT LIVING FACILITY FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF INFOCOM DRIVE AND SHIRE BOULEVARD. THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.

ACTION TAKEN:

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7. PUBLIC HEARING, ZONING FILE 12-14: A REQUEST BY GREY STOGNER, REPRESENTING CRESTVIEW REAL ESTATE, LLC, FOR A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH MODIFIED DEVELOPMENT STANDARDS AT 170 E. SPRING VALLEY ROAD (BETWEEN SPRING VALLEY ROAD AND CENTENNIAL BOULEVARD, EAST OF DART LIGHT RAIL). THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.

ACTION TAKEN:

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8. PUBLIC HEARING, ZONING FILE 12-15: A REQUEST BY ELDON HAACKE, REPRESENTING TERRAFORM COMPANIES, FOR A SPECIAL PERMIT FOR A SPECIAL EVENTS AND ENTERTAINMENT FACILITY WITH MODIFIED DEVELOPMENT STANDARDS, FOR A PROPERTY LOCATED AT THE NORTHEAST CORNER OF GREENVILLE AVENUE AND GLENVILLE DRIVE. THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL.

ACTION TAKEN:

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**ACTION ITEMS:**

9. VARIANCE 12-07: A REQUEST BY DOUG JORGENSEN, REPRESENTING SIGNS MANUFACTURING, FOR APPROVAL OF A VARIANCE TO THE SIGN REGULATIONS OF THE SPRING VALLEY STATION DISTRICT ORDINANCE TO ALLOW A 20' POLE SIGN AND A DIGITAL DISPLAY. THE SITE IS LOCATED AT 208 W. SPRING VALLEY ROAD.

ACTION TAKEN:

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10. VARIANCE 12-08: A REQUEST BY TAG GILKSON, FOR APPROVAL OF A VARIANCE TO THE SUBDIVISION AND DEVELOPMENT CODE, ARTICLE III, SECTION 21-51(I) TO ALLOW A REDUCTION IN PARKING FOR THE NORTH RICH PLAZA SHOPPING CENTER. THE PROPERTY IS LOCATED AT 525 W. ARAPAHO ROAD.

ACTION TAKEN:

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11. CONSIDER ORDINANCE NO. 3877, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

ACTION TAKEN:

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12. CONSIDER ORDINANCE NO. 3878, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2012 (FISCAL YEAR 2012-2013) AT A RATE OF \$0.63516 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF RICHARDSON AS OF JANUARY 1, 2012.

ACTION TAKEN:

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13. CONSIDER INCREASING THE PROPERTY TAX REVENUE THROUGH THE ADOPTION OF THE PROPOSED PROPERTY TAX RATE OF \$0.63516 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION.

ACTION TAKEN:

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14. CONSIDER ORDINANCE NO. 3879, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 23-98 TO ESTABLISH RATES TO BE CHARGED FOR WATER SERVICES FURNISHED BY THE CITY.

ACTION TAKEN:

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15. CONSIDER ORDINANCE NO. 3880, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 23-168 TO ESTABLISH RATES TO BE CHARGED FOR SEWER SERVICES FURNISHED BY THE CITY.

ACTION TAKEN:

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16. CONSIDER RESOLUTION NO. 12-16, ESTABLISHING ANIMAL SHELTER FEES.

ACTION TAKEN:

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ALL ITEMS LISTED UNDER ITEM 17 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:

17. CONSENT AGENDA:

A. ADOPTION OF THE FOLLOWING ORDINANCES:

1. ORDINANCE NO. 3876, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING FROM R-1100-M RESIDENTIAL TO O-M OFFICE.
2. ORDINANCE NO. 3881, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12, TO ADD ARTICLE VII COMMUNITY HOMES FOR DISABLED PERSONS, TO ESTABLISH LOCATION REGULATIONS FOR QUALIFYING COMMUNITY HOMES FOR DISABLED PERSONS.

B. AUTHORIZE THE ADVERTISEMENT OF BID #53-12 – 2010 STREET PHASE VII PAVEMENT REHABILITATION PROJECT, NORTH BOWSER (BELTLINE ROAD TO APOLLO ROAD) AND SOUTH GROVE ROAD (BELTLINE ROAD TO HIGHLAND BLVD). BIDS TO BE RECEIVED BY THURSDAY, SEPTEMBER 27, 2012 AT 2:00 P.M.

C. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. BID #55-12 – WE RECOMMEND THE AWARD TO JIM BOWMAN CONSTRUCTION COMPANY FOR THE 2010 SIDEWALK REPAIR PROGRAM PHASE IV (REGIONS 7 & 8) IN THE AMOUNT OF \$875,875.00.
2. BID #56-12 – WE RECOMMEND THE AWARD TO RATLIFF HARDSCAPE LTD., FOR THE 2010 NEIGHBORHOOD VITALITY BOND PROJECT BRIDGE ENHANCEMENTS AT DUCK CREEK, MARK TWAIN AND N. COLLEGE PARK NEIGHBORHOODS IN THE AMOUNT OF \$328,782.20.
3. BID #01-13 – WE REQUEST AUTHORIZATION TO INITIATE A 48-MONTH LEASE PURCHASE AGREEMENT WITH DELL FINANCIAL SERVICES FOR 2012-13 PERSONAL COMPUTER LEASE PURCHASE IN THE AMOUNT OF \$1,049,930.97 AT ZERO PERCENT FINANCING FOR FOUR YEARS.

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THE RICHARDSON CITY COUNCIL WILL MEET AT 5:30 P.M. ON MONDAY, SEPTEMBER 10, 2012, IN THE RICHARDSON ROOM OF THE CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TEXAS. AS AUTHORIZED BY SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE, THIS MEETING MAY BE CONVENED INTO CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF SEEKING CONFIDENTIAL LEGAL ADVICE FROM THE CITY ATTORNEY ON ANY AGENDA ITEM LISTED HEREIN. THIS BUILDING IS WHEELCHAIR ACCESSIBLE. ANY REQUESTS FOR SIGN INTERPRETIVE SERVICES MUST BE MADE 48 HOURS AHEAD OF THE MEETING. TO MAKE ARRANGEMENTS, CALL 972-744-4000 VIA TDD OR CALL 1-800-735-2989 TO REACH 972-744-4000.

WORK SESSION – 6:00 P.M.:

- Call to Order
- A. Review and Discuss Items Listed on the City Council Meeting Agenda
  - B. Review and Discuss the Midyear Crime Statistics and Police Department Update

- C. Review and Discuss the Richardson Arts Commission's 2012 – 2013 Arts Grant Funding Recommendations
- D. Review and Discuss a Proposal for a Regional Trail Connection at Breckinridge Park
- E. 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, SEPTEMBER 7, 2012, BY 5:00 P.M.

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CITY SECRETARY

**MINUTES**  
**RICHARDSON CITY COUNCIL**  
**WORK SESSION AND MEETING**  
**MONDAY, AUGUST 13, 2012**

**WORK SESSION – 6:00 P.M.**

- **Call to Order**

Mayor Townsend called the meeting to order at 6:02 p.m. with the following Council members present:

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

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Aimee Nemer	City Secretary
Michael Spicer	Development Services Director
Don Magner	Community Services Director

**A. Review and Discuss Items Listed on the City Council Meeting Agenda**

**Item 5**

**Staff Comments**

Michael Spicer, Development Services Director, reviewed Item 5, ZF 12-10, explaining that the applicant is requesting approval of a Special Permit for a motor vehicle service station with modified development standards at the northwest corner of President George Bush Turnpike and Renner Road. He stated the property is currently zoned C-M Commercial and was previously a motor vehicle service station when it was developed in 2001. He stated that the applicant is proposing to construct a hooded left turn lane that would provide access to the site from eastbound Renner Road. Mr. Spicer explained that the applicant is also requesting two variances; (1) to allow reduced internal stacking at the gas pumps and (2) to allow a maximum building height to 31'7" to the top of the parapet rather than the maximum 29 feet. He explained that both variances are being requested in order to allow the building and site to remain as presently configured.

### **Council Comments**

Councilmember Omar inquired if the median construction would be a cost to the developer. He also asked if the trees in the median could be relocated to the property. Mr. Spicer stated that the developer would incur the cost. He also said that the developer was amenable to relocating trees.

### **Item 7**

#### **Staff Comments**

Don Magner, Director of Community Services, reviewed Item 7, Sign Control Board Minutes, reviewing Case #12-10 (Renner Professional Plaza) and 12-11 (Boys and Girls Club). He explained that Case #12-10 was a request for a variance to erect a 7'4" monument sign on property zoned industrial in order to have a sign visible on Renner Road. Mr. Magner stated that Case 12-11 was a request to allow a second free standing sign on the church property where they have signed a two year lease to provide permanent signage advertising the Boys and Girls Club. Mr. Magner stated that both cases were approved by the Sign Control Board by a 5-0 vote with a stipulation on Case #12-10 for a maximum height of six feet.

#### **Council Comments**

Regarding Case #12-10, Councilmember Omar expressed concern with the monument sign being too cluttered with multiple tenants copy and content. Councilmember Mitchell asked the reason for the variance. Mr. Magner replied that monument signs are not currently allowed in Industrial Zoning. Councilmember Mitchell asked how the applicant will handle the six foot maximum. Mr. Magner stated they would probably eliminate the topper of the sign.

### **B. Review and Discuss the West Spring Valley Road Rehab Project**

#### **Staff Comments**

Community Services Director Don Magner provided an overview of the W. Spring Valley Road rehab project, including reviewing planned bridge enhancements and infrastructure improvements such as light pole and traffic signal replacement. Mark Bowers from HOK also presented information and various concepts on the Dumont Bridge, Dumont Culvert, Dublin Culvert, Weathered Culvert, and West Spring Valley Bridge.

#### **Council Comments**

Council discussed various aspects of the features of each project. There was a consensus of Council for Option 3 for the W. Spring Valley Bridge.

### **C. Review and Discuss the Neighborhood Vitality Program Project Implementation**

#### **Staff Comments**

Community Services Director Don Magner provided a status report on the 2010 Neighborhood Vitality Program, focusing in particular on bridge enhancement projects in Mark Twain, Duck Creek and North College Park. Staff explained that the Neighborhood Vitality Program is a neighborhood improvement program funded through bond programs to address enhancements to bridges, screening walls, landscaping and entry features.

### **Council Comments**

Council commented on the crooked utility poles and asked if the City could address this with Oncor.

### **D. Review and Discuss Screening Wall Maintenance**

#### **Staff Comments**

Community Services Director Don Magner provided a presentation regarding current and future maintenance practices for screening walls primarily located along arterial roadways. He reviewed the screening wall inventory that is currently underway.

Mr. Magner provided the following information:

#### Wall Inventory

- Approximately 90,000 linear feet of painted Eddie Mann walls
- Approximately 38,000 linear feet of unpainted Eddie Mann walls
- Approximately 76,000 linear feet of masonry walls

Cost: Power wash, prime and paint screening wall - \$.95 square foot with Ecopaint Option

- Anticipated FY 11/12 – 3,500 linear feet (6' high wall)
- Increase of 2,000 linear feet
- Anticipated FY 12/13 – 7,000 linear feet (6' high wall)
- FY 12/13 Budget has been increased to \$40,000

Capital Projects is conducting an expanded survey of Eddie Mann walls by evaluating the aesthetic condition in addition to the structural integrity.

- Once said inventory is completed, staff will present a maintenance plan for FY 12/13, focusing on the following:
- Wash and paint walls the currently have peeling or chipping paint
- Wash and paint walls that have been painted different colors
- Establish a regular rotation to wash all walls within the City

### **Council Comments**

Council asked when the inventory would be complete. Mr. Magner stated mid-October. Mayor Townsend and Councilmember Dunn expressed concerns with erosion issues and asked that these issues be included in the inventory. Mr. Johnson stated that staff would include this information in the inventory. Mr. Johnson also stated that a strategy to deal with structural issues would be forthcoming.

Mayor Townsend inquired if the \$70,000 only covered one side of the wall. Mr. Magner stated that only one side of the wall would be painted with the exception of a small section on Glenville that will be done on both sides.

## **E. Report on Items of Community Interest**

### **Council Comments**

Mayor Pro Tem Maczka reported that the Regional Transportation Council (RTC) has received a private sector proposal regarding the Cottonbelt Project. She stated the RTC would be reviewing and she would provide additional information after the review.

Councilmember Solomon gave his condolences for the passing of Randy Smith.

Councilmember Omar gave his condolences for the passing of Peggy Ritchey.

### **ADJOURN WORK SESSION AND CONVENE REGULAR MEETING**

Mayor Townsend adjourned the Work Session at 7:30 and convened the Council Meeting at 7:38 p.m.

1. **INVOCATION – LAURA MACZKA**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – LAURA MACZKA**
3. **MINUTES OF THE JULY 16, 2012 WORK SESSION, JULY 23, 2012 REGULAR MEETING, AND JULY 30, 2012 WORK SESSION**
4. **VISITORS**  
Ms. Patti stone addressed Council expressing concerns about the Oxford House.

### **PUBLIC HEARING ITEMS:**

5. **PUBLIC HEARING, ZONING FILE 12-10: A REQUEST BY KENNETH D. BACA, REPRESENTING VICTRON STORES, LP, FOR A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH MODIFIED DEVELOPMENT STANDARDS TO BE LOCATED AT 2750 E. PRESIDENT GEORGE BUSH TURNPIKE (NORTHWEST CORNER OF PRESIDENT GEORGE BUSH TURNPIKE AND RENNER ROAD). THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.**

### **Staff Comments**

Development Services Director Michael Spicer reviewed ZF 12-10.

### **Public Hearing**

The public hearing was opened at 7:53 p.m. with the applicant, Ken Baca, addressing Council and responding to questions.

### **Council Comments**

Councilmember Omar inquired if there would be any issue with relocating the trees from the median to the property. The applicant stated he was willing to do that.

## **Council Action**

Councilmember Omar moved to close the public hearing, seconded by Mayor Pro Tem Maczka. The motion passed unanimously. Councilmember Solomon moved to approve as presented with the following additional stipulation; that the applicant work with the traffic department for the preservation of the existing trees and that they be relocated to the best position possible for proper traffic flow. Councilmember Omar seconded the motion. A vote was taken and passed, 7-0.

### **6. CONSENT AGENDA:**

ALL ITEMS LISTED UNDER ITEM 6 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:

#### **A. ADOPTION OF THE FOLLOWING ORDINANCES:**

##### **1. ORDINANCE NO. 3873, AMENDING THE COMPREHENSIVE ZONING ORDINANCE**

**AND ZONING MAP TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH SERVICE WITH MODIFIED DEVELOPMENT STANDARDS ON A 0.83-ACRE TRACT OF LAND ZONED LR-M(2) LOCAL RETAIL LOCATED AT 177 WEST CAMPBELL ROAD, AND BY REPEALING ORDINANCE NO. 2471-A.**

##### **2. ORDINANCE NO. 3874, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 18, SIGN REGULATIONS, BY AMENDING DEFINITIONS, AREA REGULATIONS, SIGN CLASSIFICATIONS AND OTHER STANDARDS.**

#### **B. AUTHORIZE THE ADVERTISEMENT OF THE FOLLOWING BIDS:**

##### **1. BID #55-12 – 2010 SIDEWALK REPAIR PROGRAM PHASE IV (REGIONS 7 & 8). BIDS TO BE RECEIVED BY THURSDAY, AUGUST 30, 2012 AT 2:00 P.M.**

##### **2. BID #56-12 – 2010 NEIGHBORHOOD VITALITY BOND PROJECT BRIDGE ENHANCEMENTS AT DUCK CREEK, MARK TWAIN AND N. COLLEGE PARK NEIGHBORHOODS. BIDS TO BE RECEIVED BY THURSDAY, AUGUST 30, 2012 AT 3:00 P.M.**

#### **C. CONSIDER AWARD OF COMPETITIVE SEALED PROPOSAL CSP #903-12 – WE RECOMMEND THE AWARD TO CORE CONSTRUCTION FOR THE FIRE TRAINING CENTER, EMERGENCY OPERATIONS CENTER AND BACKUP DISPATCH FACILITY IN THE AMOUNT OF \$7,073,190.**

#### **D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER TO DECREASE AND CLOSE OUT PURCHASE ORDER 111033 TO JRJ**

**PAVING, LP FOR HILLSIDE AVENUE STREET PAVEMENT  
REHABILITATION IN THE AMOUNT OF \$56,988.42.**

**Council Action**

Councilmember Mitchell moved to approve the Consent Agenda as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

**7. RECEIVE THE SIGN CONTROL BOARD MINUTES OF THE AUGUST 8, 2012 MEETING.**

**Council Action**

Councilmember Mitchell moved to approve Item 7 as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 6-1, with Councilmember Omar opposed.

**EXECUTIVE SESSION**

- **In compliance with Section 551.071(2) and Section 551.074 of the Texas Government Code, Council will convene into a closed session to discuss the following:**
  - **Consultation with City Attorney**
    - **Briefing Regarding the Regulation of Community and Group Homes**
  - **Deliberation of Personnel**
    - **Boards and Commissions**
      - **Consideration of Appointment of City Plan Commission Alternate**

**RECONVENE EXECUTIVE SESSION**

- **Council will reconvene into open session, and take action, if any, on matters discussed in executive session.**

Council convened into Executive Session at 8:12 p.m. and reconvened into Regular Session at 10:30 p.m. No action was taken.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 10:30 p.m.

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MAYOR

ATTEST:

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CITY SECRETARY

**MINUTES**  
**RICHARDSON CITY COUNCIL**  
**WORK SESSION AND MEETING**  
**MONDAY, AUGUST 27, 2012**

**WORK SESSION – 6:00 P.M.:**

**• Call to Order**

Mayor Townsend called the Work Session meeting to order at 6:03 p.m. with the following Council members present:

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

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Aimee Nemer	City Secretary
Kent Pfeil	Finance Director
Gary Beane	Budget Officer
Michael Spicer	Development Services Director
Don Magner	Community Services Director

**A. Review and Discuss Items Listed on the City Council Meeting Agenda**

**Item 5**

**Staff Comments**

Development Services Director Michael Spicer reviewed Item 5, Zoning File 12-12, informing Council that the zoning request was submitted by Sydney B. Thompson who is requesting to change the zoning from R-1100 Residential to O-M Office for property located at the Southwest corner of Campbell and Custer. Mr. Spicer explained that the lots were developed in 1960 with the two easternmost lots being single-family homes and the three remaining lots undeveloped. Mr. Spicer stated that the applicant does not intend to develop the property, but only secure the appropriate zoning for future development. He explained that the zoning request is consistent with the 2009 Comprehensive Plan which recommends Neighborhood Services as appropriate zoning for the properties. Mr. Spicer reviewed two conceptual plans for developing the property but explained that the concepts were strictly to demonstrate how the property could potentially be developed for office use. Mr. Spicer stated the City Plan Commission voted 7-0 to approve.

City Manager Johnson reiterated that the two concept plans are only a demonstration of how the property could be developed and stated that the concept plans would not be tied to the ordinance.

### **Council Discussion**

Councilmember Mitchell asked if the applicant owns the two homes currently on the property. Mr. Spicer clarified that the requestor does not own the two homes but the property owners support the zoning change request.

Councilmember Hartley asked if the thirty foot setback would take out the sidewalks. Mr. Spicer stated it would not. Mr. Hartley also inquired about the screening of the back of the property. Mr. Spicer explained that a six foot masonry wall would be required for the back of the property.

### **Item 6**

#### **Staff Comments**

Development Services Director Michael Spicer reviewed Item 6, Variance 12-06, informing Council that the applicant is requesting a variance to allow for the removal of a six-foot wrought iron fence that bisects the apartment property. He explained that the Subdivision and Development Code requires apartment communities to be limited to 250 units that share common access, circulation, common areas, and parking. Mr. Spicer explained that both properties are owned and managed by the same property owner with office and recreational facilities being shared by both properties. Mr. Spicer stated that the City Plan Commission voted 7-0 to approve.

#### **Council Discussion**

Mayor Pro Tem Maczka asked why the fence was a requirement. Mr. Spicer explained that he understood the apartment regulations were developed in 1995 to address crime prevention and safety issues which were a concern of the Police Chief at the time.

Councilmember Omar asked if the applicant wanted an opening in the fence or the entire fence removed. Mr. Spicer stated that currently, the fence has a gate with a sign that marked "No thru Access." He explained that the applicant has requested a variance to remove the fence and has indicated they would work with staff to provide a vehicular connection.

There was continued discussion on the reason for the development requirement of the fence. Mayor Townsend suggested that the fence requirement be reviewed in the future.

### **Item 7**

#### **Staff Comments**

City Manager Johnson informed Council that the second of two public hearings on the tax rate is scheduled on the agenda as required by state law.

## **B. Review and Discuss the Regulation of Community and Group Homes**

### **Staff Comments**

City Manager Johnson introduced this item stating that staff has been diligent in addressing concerns of residents, understanding regulations that can be enforced, and informing Council of issues related to the regulation of Community and Group Homes. Mr. Johnson stated that Pete Smith, City Attorney, would review the regulations; and Don Magner, Director of Community Services, would review staff's recommendation.

City Attorney Pete Smith reviewed the definitions and regulations for a Community Home, The Texas Community Home Act, Group Home, and the Federal Fair Housing Act as defined by state and federal law. Mr. Smith also reviewed the definition of "handicapped" as defined by the Federal Fair Housing Act and Fair Housing Act amendments of 1988. Mr. Smith reviewed the legislative history of the regulations as well as case law.

In summary, Mr. Smith explained that cities must be flexible when applying zoning restrictions to handicapped persons living in group homes; cities are required to tailor zoning to the needs of the handicapped and the establishment of group homes; a group home owner or a handicapped individual may request a "reasonable accommodation"; and a refusal by the city to make a reasonable accommodation may lead to a finding of illegal discrimination.

Community Services Director Don Magner reviewed staff's recommendation as listed below:

1. Adopt the Texas Community Homes for Disabled Persons Location Act
2. Require all group homes to obtain a certificate of occupancy prior to operating / occupying a residence
  - a. Conduct an administrative reasonable accommodations hearing prior to approving any certificate of occupancy
  - b. Conduct an interior and exterior inspection of the property prior to approving any certificate of occupancy
  - c. Require an annual inspection as a condition of the certificate of occupancy

Mr. Magner reviewed what the City is currently doing to address issues as well as surrounding city regulations regarding group homes.

Mr. Magner explained that the next steps would be to place an ordinance adopting the Texas Community Homes for Disabled Persons Location Act on a future agenda for Council consideration. Upon approval, Mr. Magner explained that the City would begin requiring all group and community homes to obtain a certificate of occupancy (CO) immediately. He said that a notice would be sent to all existing group and community homes directing them to apply for a CO and schedule an inspection which would be conducted annually.

### **Council Discussion**

Council clarified that the staff recommendation would address both Community and Group Homes. Mr. Magner confirmed that the recommendation addresses both types of homes within state and federal regulations.

There was some Council discussion regarding occupancy standards and what defines a bedroom and if the measurements of a closet are included in the bedroom measurements. Mr. Magner clarified that the closet would not be included in the measurement.

Council inquired how quickly the ordinance would be on the agenda and the time frame for CO's to be issued. Mr. Magner responded that the ordinance could be ready for the next agenda and it would take approximately 60 days to issue the notices and CO's.

Council also inquired about the amount of staff time and if additional staff would be needed. Mr. Magner reported that the process would be labor intensive initially, but once procedures are in place, the current rental regulation staff can handle.

Council asked about the cost of a CO, what happens if it is denied, and litigation costs. Mr. Magner stated that a CO is \$100. Mr. Smith explained that if a CO is denied, the applicant could potentially file a discrimination lawsuit which could be very costly in litigation.

### **C. Review and Discuss the Feasibility Study for a Multi-Agency Recreation Center in Breckinridge Park**

#### **Staff Comments**

Michael Massey, Director of Parks and Recreation, addressed Council on this item. Mr. Massey explained that the City of Murphy decided not to move forward with the partnership at this time due to such a large investment being outside of their city limits. Mr. Massey also explained that Phase 1 of the study is a good preliminary study and achieved its purpose. He stated that the City would continue to examine plans for developing a full service recreation center in the Breckinridge area and continue to seek any private or public partners for a Multi-Agency Recreation Center.

#### **Council Discussion**

Council commended staff on the efforts and stated that the process was successful by validating what the citizens want. Council was appreciative of the City of Murphy's participation and consideration.

### **D. Report on Items of Community Interest**

#### **Council Comments**

Mayor Pro Tem Maczka invited everyone to the J.J. Pearce High School Kick-off Cookout.

### **ADJOURN WORK SESSION AND CONVENE REGULAR MEETING**

Mayor Townsend adjourned the Work Session at 7:26 and convened the Council Meeting at 7:32 p.m.

### **CITY COUNCIL MEETING – 7:30 P.M.:**

#### **1. INVOCATION – KENDAL HARTLEY**

## **2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – KENDAL HARTLEY**

## **3. MINUTES OF THE AUGUST 6, 2012 AND AUGUST 20, 2012 MEETINGS**

### **4. VISITORS**

No visitors submitted comments.

### **PUBLIC HEARING ITEMS:**

**5. PUBLIC HEARING, ZONING FILE 12-12: A REQUEST BY SIDNEY B. THOMPSON FOR A CHANGE IN ZONING FROM R-1100-M RESIDENTIAL TO O-M OFFICE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CAMPBELL ROAD AND CUSTER ROAD. THE PROPERTY IS CURRENTLY ZONED R-1100-M RESIDENTIAL.**

### **Staff Comments**

Development Services Director Michael Spicer reviewed Item 5, Zoning File 12-12.

### **Public Hearing**

The public hearing was opened with the applicant, Mr. Sydney Thompson, addressing Council and responding to questions.

### **Council Discussion**

Council discussed the proposed curb cut on Campbell Road for the proposed property and asked if the property could be developed without that curb cut. The applicant stated it would be difficult.

Council also discussed the back of the property and asked if there would be shared access with the property owners behind the property. Mr. Spicer stated that a masonry wall would be required.

Council inquired about the size of the buildings and what type of businesses could go on the property. Mr. Spicer stated that the buildings were one-story, 2000 sq. ft. He said the proposed zoning is the most restrictive for the property configuration and listed office, medical, real estate, and insurance.

### **Council Action**

Councilmember Mitchell moved to close the public hearing, seconded by Councilmember Dunn. The motion passed unanimously. Councilmember Maczka moved to approve as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

### **ACTION ITEMS:**

**6. VARIANCE 12-06: A REQUEST BY JOHN MCKEE, REPRESENTING JRK PROPERTY HOLDINGS, FOR APPROVAL OF A VARIANCE TO THE SUBDIVISION AND DEVELOPMENT CODE, ARTICLE III, SUBSECTION 21-58(E) TO GRANT A WAIVER TO THE REQUIREMENT FOR A FENCE TO SEPARATE APARTMENT**

## **DEVELOPMENTS OF MORE THAN 250 UNITS INTO SEPARATE COMMUNITIES AT THE SOUTHEAST CORNER OF RENNER ROAD AND NORTH STAR ROAD.**

### **Staff Comments**

Development Services Director Michael Spicer reviewed Item 6, Variance 12-06.

### **Council Discussion**

Councilmember Omar asked the opinion of the Police Department regarding the removal of the fence. Mr. Spicer stated that both the Police and Fire Department had no reservations regarding the removal of the fence. Mr. Omar asked if the applicant is proposing driveway access. Mr. Spicer stated that the applicant indicated they would propose a driveway.

### **Council Action**

Councilmember Solomon moved to approve as presented. Councilmember Dunn seconded the motion. A vote was taken and passed, 6-1, with Councilmember Omar opposed.

Mayor Pro Tem Maczka and Councilmember Mitchell both stated that they would like to see this requirement reviewed to determine if it should be amended. Councilmember Omar stated that he was opposed because he needed more information to determine if there are other ways this issue could be solved and if there are valid reasons for the requirement of the fence.

### **PUBLIC HEARING ITEMS:**

#### **7. SECOND PUBLIC HEARING FOR PROPOSED TAX RATE OF \$0.63516 PER \$100 VALUATION FOR FISCAL YEAR 2012 – 2013.**

### **Staff Comments**

City Manager Dan Johnson addressed Council on this item and reviewed the tax rate stating that the proposed FY 2012-2013 budget proposes no new property tax. Mr. Johnson stated that the adoption of the budget is scheduled for September 10, 2012. Mayor Townsend asked Mr. Johnson to clarify the rollback rate versus effective rate. Mr. Johnson explained that the effective tax rate is a rate that the City calculates in order to achieve the very same revenue as the previous year. He explained that the rate is determined by a formulated calculation mandated by the state which yields the effective rate. Mr. Johnson further explained that if the rate is higher than the effective rate; that would trigger specific additional public notices and hearings. Mr. Johnson explained that the rollback rate is a buffered amount above the current rate, which if achieved, would allow the public a method to roll back the rate to the lower rate. Mr. Johnson explained that the City is not above the rollback rate.

### **Public Hearing**

The public hearing was opened at 7:28 p.m. No public comments were submitted. Councilmember Mitchell moved to close the public hearing, seconded by Councilmember Hartley. The motion carried unanimously.

### **Council Discussion**

Councilmember Mitchell commended Mr. Johnson and staff on the budget specifically noting that Richardson is 1 of 5 cities to hold the AAA Bond Rating, that the Maintenance and

Operation (M&O) rate has not increased in ten years, and that the City is very pro-business and fortunate to have a 54% commercial and 46% residential tax base.

**Council Action**

The only action required on this item was to hold the public hearing.

**8. CONSENT AGENDA:**

ALL ITEMS LISTED UNDER ITEM 8 OF THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSIONS OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY:

**A. ADOPTION OF ORDINANCE NO. 3875, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH SPECIAL CONDITIONS ON A 1.25-ACRE TRACT OF LAND ZONED C-M COMMERCIAL LOCATED AT 2750 E. PRESIDENT GEORGE BUSH TURNPIKE.**

**B. AUTHORIZE THE ADVERTISEMENT OF BID #57-12 – WOOD CREEK AND FOX CREEK EROSION CONTROL PROJECTS (TIMBERWAY/BRAEBURN). BIDS TO BE RECEIVED BY THURSDAY, SEPTEMBER 13, 2012 AT 3:00 P.M.**

**C. CONSIDER AWARD OF THE FOLLOWING BIDS:**

**1. BID #50-12 – WE RECOMMEND THE AWARD TO JIM BOWMAN CONSTRUCTION COMPANY FOR THE PEDESTRIAN BRIDGE AT BRECKINRIDGE PARK (BECK BRANCH) IN THE AMOUNT OF \$263,800.50.**

**2. BID #52-12 – WE RECOMMEND THE AWARD TO ESTRADA CONCRETE COMPANY FOR THE 2010 ALLEY RECONSTRUCTION PHASE IV (MERRIE/SHANNON/ARVADA) IN THE AMOUNT OF \$229,579.**

**3. BID #58-12 – WE REQUEST AUTHORIZATION TO ISSUE A COOPERATIVE CONTRACT TO NORTEX CONCRETE LIFT & STABILIZATION, INC. FOR PAVEMENT LEVELING SERVICES THROUGH THE CITY OF GRAND PRAIRIE BID #12001 IN THE AMOUNT OF \$266,935.**

**4. BID #59-12 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT TO CEN-TEX UNIFORM SALES FOR WORK UNIFORMS FOR VARIOUS DEPARTMENTS PURSUANT TO UNIT PRICES AND FIXED DISCOUNTS FROM LIST PRICE THROUGH TARRANT COUNTY.**

**D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER TO DECREASE AND CLOSE OUT PURCHASE ORDER 110798 TO TMI COATINGS, INC. FOR THE EASTSIDE GROUND STORAGE TANK IN THE AMOUNT OF \$142,200.**

**E. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER TO DECREASE AND CLOSE OUT PURCHASE ORDER 111206 TO JIM BOWMAN CONSTRUCTION COMPANY FOR THE 2010 SIDEWALK REPAIR PROJECT PHASE II (REGIONS 3 & 4) IN THE AMOUNT OF \$73,911.34.**

**F. CONSIDER CANCELLATION OF THE MONDAY, SEPTEMBER 3, 2012 CITY COUNCIL MEETING FOR THE LABOR DAY HOLIDAY.**

**Council Action**

Councilmember Solomon moved to approve the Consent Agenda as presented and noted that Items D and E were a cost-savings to the City. Councilmember Dunn seconded the motion. A vote was taken and passed, 7-0.

**EXECUTIVE SESSION**

**• In compliance with Section 551.072 and Section 551.074 of the Texas Government Code, Council will convene into a closed session to discuss the following:**

**• Deliberation Regarding Real Property**

- Property Considerations in the N. Glenville Dr./E. Lookout Dr. Area**

**• Deliberation of Personnel**

**• Boards and Commissions**

- City Plan Commission**
- Civil Service Board/Appeals Board**
- Zoning Board of Adjustment/Building & Standards Commission**

**RECONVENE EXECUTIVE SESSION**

**• Council will reconvene into open session, and take action, if any, on matters discussed in executive session.**

**Council Action**

Councilmember Solomon moved to authorize the City Manager to negotiate and execute an agreement on behalf of the City of Richardson, Texas with Galatyn Park Corporation to purchase approximately 4.7 acres of land, and to sign such other agreements, documents, and any amendments thereto, as the City Manager, in consultation with the City Attorney, deems reasonable and necessary with respect to the closing of said transaction. Councilmember Dunn seconded the motion. A vote was taken and passed, 7-0.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 10:10 p.m.

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MAYOR

ATTEST:

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CITY SECRETARY

**MINUTES**  
**RICHARDSON CITY COUNCIL**  
**SPECIAL MEETING**  
**TUESDAY, SEPTEMBER 4, 2012**

**1. CALL TO ORDER**

Mayor Townsend called the meeting to order at with the following Council members present:

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

**Absent**

Steve Mitchell                      Council member

**EXECUTIVE SESSION**

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

- Deliberation of Personnel
  - Boards and Commissions
    - City Plan Commission
    - Civil Service Board/Appeals Board
    - Zoning Board of Adjustment/Building & Standards Commission

**Council Action**

Council convened into Executive Session at 7:37 a.m.

**RECONVENE INTO REGULAR SESSION**

Council reconvened into open session at 8:18 a.m. No action was taken.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 8:32 p.m.

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MAYOR

ATTEST:

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CITY SECRETARY



City of Richardson  
City Council Meeting  
Agenda Item Summary



**Meeting Date:** Monday, September 10, 2012

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

**Staff Resource:** Aimee Nemer, City Secretary

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

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

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

**Action Proposed:** Receive comments by visitors.



City of Richardson  
City Council Meeting  
Agenda Item Summary



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**Meeting Date:** Monday, September 10, 2012

**Agenda Item:** Consider appointments to the City Plan Commission and Civil Service Board.

**Staff Resource:** Dan Johnson, City Manager

**Summary:** The City Council met on September 4 to discuss appointments to various boards and commissions. This item is set to provide Council the opportunity to take action regarding the various appointments.

**Board/Commission Action:** NA

**Action Proposed:** Take action making appointments to the various boards and commissions.

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# MEMO

**DATE:** September 6, 2012  
**TO:** Honorable Mayor and City Council  
**FROM:** Michael Spicer, Director of Development Services *MS*  
**SUBJECT:** Zoning File 12-13 – Independent Living Facility – The Shire Phase 2

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## REQUEST

Michael F. Twichell, representing Shire Development L.L.C. and Jefflyn Properties V Ltd, is requesting amendments to the PD for the Shire Phase 2 development to accommodate the development of an independent living facility. The 9.71-acre development is bounded by President George Bush Turnpike to the north, Infocom Drive to the south, Wyndham Lane to the west, and Shire Boulevard to the east.

## BACKGROUND

The subject property was zoned PD Planned Development in 2006 to accommodate a mixed-use development including retail, restaurant, office uses along with a hotel and condominiums. To date, approximately 33,000 square feet of retail, restaurant and office space has been constructed along PGBT. The approved concept plan allows approximately 41,000 square feet of development along PGBT. The central parking lot area that serves the development has also been constructed.

The applicant's request is to revise the PD Planned Development standards to allow an independent living facility along the south side of the property, where condominiums are currently approved. The proposed facility is two (2) stories with fifty-six (56) dwelling units. The proposed amendments to the PD would include allowing a parking ratio of 1.5 spaces per unit for the facility, allowing a reduced parking setback along Infocom Drive, and allowing a 6-foot wrought iron fence along Infocom Drive.

At the August 21, 2012 City Plan Commission meeting, the Commission stated their concern regarding the lack of amenities being provided, building design and massing, the addition of surface parking, and whether the use was appropriate for the area. The applicant stated certain amenities, such as a pool and exercise facility would be added when the future hotel was constructed, and that this development was more urban in character so the Shire development serves as an amenity that is not typically part of an independent living facility development.

One (1) resident spoke in opposition to the request.

## PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a vote of 7-0, recommended denial of requested amendments. On August, 22, 2012, the owner submitted a letter requesting an appeal of the Commission's recommendation to City Council.

Since that time, the applicant has revised the concept plan, which has been revised by adding gates at the Shire Boulevard and Infocom Drive entrances. The Shire Boulevard driveway has also been modified to provide an area for a vehicle to turn around if they cannot gain entrance into the secured parking area. The elevations have also been revised to reflect changes to the balconies and entrances. The changes include are listed below:

1. The elevations presented to the CPC utilized stone railings on the three (3) balconies located above the northern building entrance. The railings have now been changed to wrought iron to match the other balcony railings on the building.
2. On the previous elevation, there was an awning over the north and south entrances. These features have been removed.
3. On the previous elevation, the walls on either side of the south entrance were recessed approximately three (3) feet. The south entry wall has now been moved outward to be flush with the main wall of the building. Stone jambs and a header were also added to the south entry door.
4. Lastly, the applicant has also provided perspective renderings of the proposed building that more accurately displays the building's architectural features and articulation as compared to the two-dimensional color elevations presented to the City Plan Commission.

**Since the City Plan Commission recommended denial of Zoning File 12-13, an affirmative vote of six (6) of the seven (7) Council members is required to approve the zoning case.**

#### **ATTACHMENTS**

Special Conditions	Building Elevations presented at 8-21-12 CPC (Exhibit "C")
CC Public Hearing Notice	Revised Building Elevations (Exhibit "C-1")
City Plan Commission Minutes 08-21-2012	Perspective Renderings (Exhibits "D-1" through "D-4")
Staff Report	Site Photos (Exhibits "E-1" through "E-3")
Zoning Map	Applicant's Statement
Aerial Map	Notice of Public Hearing
Oblique Aerial Looking South	Notification List
Zoning Exhibit presented at 8-21-12 CPC (Exhibit "B")	Ordinance 3586
Revised Zoning Exhibit (Exhibit "B-1")	

## **ZF 12-13 Special Conditions**

1. All conditions stated in Ordinance 3586 shall remain in full force and effect except as otherwise stated.
2. The development of the property shall be constructed in substantial conformance with the attached concept plan (Exhibit “B-1”) and building elevations for the independent living facility (Exhibit “C-1”).
3. “Section 1. Intent” of Ordinance 3586 shall be revised by replacing “luxury condominiums” with “an independent living facility”.
4. “Section 3. Architectural Images and Building Elevation Review” of Ordinance 3586 shall be revised by waiving the requirement for approval of building elevations at the time of site plan review for the independent living facility.
5. “Section 4. Use Regulations” of Ordinance 3586 shall be revised to add independent living facility as an allowed use and removing residential condominiums as an allowed use.
6. “Section 6. Use Regulations” of Ordinance 3586 shall be revised to remove the height regulations for residential condominiums and by adding height regulations for an independent living facility which shall be limited to two (2) stories, not to exceed forty (40) feet.
7. “Section 7. Area Regulations” of Ordinance 3586 shall be revised to reduce the parking setback along Infocom Drive from thirty (30) feet to ten (10) feet.
8. “Section 7. Area Regulations” of Ordinance 3586 shall be revised to allow a 6-foot decorative metal fence to be constructed along Infocom Drive.
9. “Section 7. Area Regulations” of Ordinance 3586 shall be revised to remove the residential density requirement for residential condominiums and adding a requirement limiting the number of independent living facility units to fifty-six (56) units.
10. “Section 8. Parking” of Ordinance 3586 shall be revised to add a parking ratio for independent living facility of 1.5 parking spaces per unit.
11. “Section 9. Special Regulations for Residential Condominiums” shall be revised to change the minimum floor area for an independent living facility unit to 840 square feet and remove all other conditions within Section 9.
12. “Section 10. General Miscellaneous Regulations” shall be revised to require no screening between non-residential uses adjacent to the independent living facility.

**City of Richardson  
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, September 10, 2012, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

**Zoning File 12-13**

A request by Michael F. Twichell, representing Shire Development, LLC, for amendments to the PD Planned Development standards to accommodate the development of an independent living facility for property located at the northwest corner of Infocom Drive and Shire Boulevard. The property is currently zoned PD Planned Development.

**Zoning File 12-14**

A request by Grey Stogner, representing Crestview Real Estate, LLC, for a Special Permit for a motor vehicle service station with modified development standards at 170 E. Spring Valley Road (between Spring Valley Road and Centennial Boulevard, east of DART Light Rail). The property is currently zoned PD Planned Development.

**Zoning File 12-15**

A request by Eldon Haacke, representing Terraform Companies, for a Special Permit for a special events and entertainment facility with modified development standards, for a property located at the northeast corner of Greenville Avenue and Glenville Drive. The property is currently zoned I-M(1) Industrial.

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

CITY OF RICHARDSON  
Aimee Nemer, City Secretary

**EXCERPT  
CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – 08/21/2012**

**Zoning File 12-13:** Consider and take necessary action on a request by Michael F. Twichell, representing Shire Development, LLC, for an amendment to the PD Planned Development standards to accommodate the development of an independent living facility. The property is located at the northwest corner of Infocom Drive and Shire Boulevard and zoned PD Planned Development.

Mr. Shacklett stated that the applicant was requesting amendments to the PD Planned Development for the properties at the southeast corner of President George Bush Turnpike (PGBT) and Wyndham Lane to accommodate the development of an independent living facility on the southern property along Infocom Drive.

Mr. Shacklett stated the current site plan called for 64 condominiums in a three story building, a 120 room hotel, and 41,000 square feet of retail/office along the frontage road, of which, 33,000 has been built. He added that the applicant was requesting to amend the PD to allow a 56-unit independent living facility in place of the condominiums, and the Comprehensive Zoning Ordinance (CZO) defined an “independent living facility” as a “*a facility with dwelling units, accessory uses, and support services designed for occupancy for person 55 years of age or older*”.

Mr. Shacklett noted that four material changes to the PD would have to be made to accommodate the proposed use:

- An amendment to allow an independent living facility as an additional use.
- Reduced parking setback along Infocom Drive.
- Installation of a 6-foot wrought iron fence along Infocom Drive in lieu of a 4-foot wrought iron fence as allowed in the PD.
- Specific parking ratio –1.5 spaces per unit as opposed to the typical 2 spaces per unit in apartment buildings, but in line with recently approved independent living facilities at Renner and North Star Roads, and Twin Rivers at Belt Line and Glenville Roads.

Mr. Shacklett concluded his presentation noting that if the request was approved, conditions listed in the staff report should be included in the motion.

Commissioner Linn asked if there would be gates on the requested 6-foot wrought iron fence and, if there were no gates, he did not see the point of having the fence for security and asked if the residents would have direct access from their apartments from the outside.

Mr. Shacklett replied that the original submittal had gates to provide additional security, but in order to provide adequate turn around areas the gates were removed. The elevations showed doors under the windows and those were to allow some access to the exterior, but the main entrances to the units would be through an internal hallway.

Commissioner Linn asked how the facility would confirm that those living there were actually “55 and older” as it states in the CZO.

Mr. Shacklett replied that if the owners did not comply with the “55 and older” it would put them in violation of the zoning ordinance.

Vice Chair Hand asked if the property could some day become assisted living.

Mr. Shacklett replied that a change to assisted living would require another PD amendment.

No further questions were asked of staff and Chairman Gantt opened the public hearing.

Mr. Dale Wamstad, 14307 Hughes Lane, Dallas, Texas, stated his request to change from condominiums to independent living was based on a business decision, and he still hoped to build a hotel on the remaining property.

Commissioner DePuy asked about the type of amenities that were planned for the independent facility and if there would be any type of cafeteria on the premises.

Mr. Wamstad replied that there would be a second floor community room off the elevator lobby, but the pool and workout facilities would be built with the development of the hotel. Also, because there are restaurants within walking distance there would not be a need for a cafeteria.

Commissioner Maxwell asked if the applicant was open to taking another look at the elevations because he felt the current images were not of the same quality of design as those proposed for the condominiums. He suggested that the tripartite design of the condominiums helped to break up the mass of the building which was missing from the proposed elevations.

Mr. Wamstad replied that the elevations did not accurately depict the articulation of the different sections of the building and noted that after every two units there would be a change in the elevation.

Chairman Gantt asked if the first floor residents would have access to a yard outside their apartments.

Mr. Wamstad replied that the north side of the building would have one continuous space for residents on the first floor to access from their apartments, and those on the south side would have individual patios.

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

Mr. Andrew Laska, 502 Hyde Park, Richardson, Texas, pointed out that the request before the Commission was again a question of form versus use and noted that many of the other independent living facilities in the City and surrounding areas had more amenities than the proposed facility.

Mr. Laska noted that most of the other independent living facilities were located in family/suburban areas and not close to a highway, and offered more green space with trees, grass and pathways. He concluded his comments by stating that he felt this was the wrong use in the wrong area.

No other comments were made in opposition and Chairman Gantt asked Mr. Wamstad if he had any rebuttal comments.

Mr. Wamstad stated he believed in the City and felt his past investments in the site helped increase development in the surrounding area.

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

Commissioner Linn stated that if the request was approved, built, and then sold, all someone would have to do to change the dwellings from independent living to condominiums was to request a change the zoning. He acknowledged that there was a need for independent living facilities, but the proposed facility lacked amenities.

Chairman Gantt stated that there was a need for independent living in the City and, although there are some fantastic restaurants nearby, residents of an independent living facility would want more amenities and waiting for the hotel to be built to have those amenities would not be appropriate. He added that he did not care for the surface parking or the wrought iron fence surrounding the property, and felt the scale and the previously approved design of the condominiums was more in line with other buildings in the area.

Vice Chair Hand reminded the Commission about the compromises made in the previous submission regarding the height of the restaurant along the frontage road and how the elevation was allowed to be lower so the three story condominiums at the rear of the property would be visible. He also felt the quality of design was lacking and would not be an asset to the future development at the Shire.

Commissioner Maxwell agreed about the lack in quality of the design and also thought the facility was lacking in amenities.

Commissioner Bright stated he was generally in support of the request and saw the development as senior apartments, but felt the design could be improved and amenities added. He suggested that if the item was not approved, but the Commission was satisfied with the use, then the applicant should be given direction on what the Commission would like to see in the design.

Commissioner DePuy stated she thought an independent living facility was not a good use of the property and noted that other independent facilities in the City have many more amenities

and the proposed facility did not meet the standards most seniors would want. She suggested the applicant might look at developing the property as an apartment complex similar to the one at the Eastside on Campbell Road.

Commissioner Bouvier stated that direction should be given to the applicant and indicated the use, design and lack of amenities were three areas for the applicant to focus on if the request was not approved.

Vice Chair Hand suggested that the applicant return to a tripartite design with at least three stories along the back of the development. He added that the Commission was looking for the highest and best use for the property.

Commissioner DePuy asked if the independent living facility was not successful could it be converted back to an apartment complex.

Chairman Gantt replied that if an apartment complex was not an allowed use in the PD, the applicant would have to come back to the Commission and City Council for a change in zoning. He added that his concern was more about removing the description and use of the word "condominium" and suggested the term "independent living facility" be added instead.

**Motion:** Vice Chair Hand made a motion to recommend denial of Zoning File 12-13, without prejudice; second by Commissioner Maxwell.

Commissioner Bouvier asked if the Commission recommended denial could the applicant appeal to the City Council.

Mr. Shacklett replied that if a recommendation of denial was made, the applicant had the right to appeal directly to the City Council. Chairman Gantt added that if the applicant chose not to appeal, and because the motion was made without prejudice, the applicant could come back to the Commission with a new plan.

Motion passed 7-0.



## Staff Report

**TO:** City Council

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

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

**DATE:** September 6, 2012

**RE:** **Zoning File 12-13:** Shire Phase 2 – Independent Living Facility

### REQUEST:

Amend PD (Ordinance No. 3586) for 9.71 acres to accommodate the development of an independent living facility located within the Shire Phase 2 development bounded by President George Bush Turnpike to the north, Infocom Drive to the south, Wyndham Lane to the west, and Shire Boulevard to the east.

### APPLICANT / PROPERTY OWNER:

Michael F. Twichell – Michael F. Twichell, L.P. / Dale F. Wamstad – Shire Development, L.L.C. & Jefflyn Properties V Ltd.

### EXISTING DEVELOPMENT:

The Shire Phase 2 development is currently developed with approximately 33,000 square feet of office, retail, and restaurant space located along President George Bush Turnpike. The southern portion of the property is undeveloped.

### ADJACENT ROADWAYS:

**President George Bush Turnpike:** Freeway/Turnpike; 49,600 vehicles per day on all lanes, eastbound and westbound, east of Central Expy (May 2011).

**Shire Boulevard:** Two-lane, undivided local street with on-street parking; no traffic counts available.

**Wyndham Lane:** Four-lane, divided major collector; no traffic counts available.

**Infocom Drive:** Four-lane, divided major collector; no traffic counts available.

**SURROUNDING LAND USE AND ZONING:**

**North:** Vacant & Industrial; City of Plano  
**South:** Industrial; PD Planned Development  
**East:** Retail/Commercial; LR-M(1) Local Retail  
**West:** Vacant; PD Planned Development

**FUTURE LAND USE PLAN:**

**Neighborhood Mixed-use**

*These are areas characterized by mixed of multiple land uses occurring within a single development and/or single building typically built around small, pedestrian-friendly blocks and common open space. Uses include various types of residential, retail, personal service, and neighborhood scale offices. The overall intensity of the development is generally low to medium depending upon surrounding land uses and the transportation infrastructure serving the area.*

**Future Land Uses of Surrounding Area:**

North: City of Plano; Research/Technology Center  
South: Regional Employment  
East: Neighborhood Mixed-Use  
West: Regional Employment

**EXISTING ZONING:**

PD Planned Development (Ordinance Number 3586).

**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 four (4) lots totaling 9.71 acres were zoned PD Planned Development in 2006 to accommodate a mixed-use development that included retail, restaurant and office uses along PGBT with a hotel and condominiums along the west and south sides of the property. To date, approximately 33,000 square feet of retail, restaurant and office space has been constructed along PGBT. The approved concept plan allows approximately 41,000 square feet of development along PGBT. The central parking lot area that serves the development has also been constructed.

The proposed 4-story hotel located along Wyndham Lane and 3-story condominium building located along Infocom Drive have not been developed. Since the approval of the original PD in 2006, the market for condominiums has decreased. The owner’s intent is to amend the PD to allow an independent living facility in lieu of condominiums to provide a residential use along Infocom Drive. The proposed use meets the intent of the original PD regarding land use and architectural standards set out in the original PD, but also provide a residential use for which there is an increasing market.

**Applicant’s Request:**

The applicant’s request is to revise the PD Planned Development standards to allow an independent living facility, which is defined as

*“a facility containing dwelling units, accessory uses and support services specially designated for occupancy by person 55 years of age or older who are fully ambulatory or who require no medical or personal assistance or supervision”.*

The difference between the two (2) uses is that the condominium units would be individually owned while the units in the independent living facility would be rental units in a facility owned and operated by one (1) entity. However, the layout and quality of the design of the two (2) building types are very similar. In fact, in many condominium developments, the individual units become rental units as they are rented out by the individual owners. The proposed facility would be a 2-story, 56-unit building located in generally the same location as the approved 3-story, 64-unit condominium building, which provided secured structured parking on a portion of the first floor.

The footprint of the proposed independent living facility occupies approximately 2/3 the size of the approved condominium project; the total square footage is approximately half the square footage. The location of the building would be moved north by approximately sixty (60) feet to accommodate space for the surface parking lot on the south side of the building. Information comparing the proposed independent living facility and approved condominium building is listed below:

	<b>Condominium Building</b>	<b>Independent Living Facility</b>
<b>Total # of Units</b>	64	56
<b>Building Area</b>	Footprint: 46,576 square feet Total Area: 129,168 square feet	Footprint: 32,492 square feet Total Area: 64,845 square feet
<b>Setbacks (along Infocom)</b>	Building: 31’ Parking: 31’	Building: approx. 80’ Parking: 10’
<b>Building Height</b>	3-story/Max. 55’	2-story/36’2” proposed max. height of building
<b>Parking spaces</b>	2 spaces/unit; 128 required	1.5 spaces/unit; 84 required

As part of the request, and if approved, the concept plan would be revised, and elevations for the independent living facility would be attached. The following table compares the currently allowed development rights within the PD and the proposed changes (changes shown in bold and strike throughs):

	<b><u>Current PD Regulations</u></b>	<b><u>Proposed Changes</u></b>
<b>Allowed uses</b>	All uses permitted in LR-M(1) Local Retail plus limited service/full service hotel, condominiums, vet office, pet supply sales and pet grooming, and day spas	All uses permitted in LR-M(1) Local Retail plus limited service/full service hotel, <del>condominiums,</del> <b>independent living facility,</b> vet office, pet supply sales and pet grooming, and day spas
<b>Building Regulations</b>	Shall conform to LR-M(1) Local Retail regulations (min. 85% masonry)	No change proposed.
<b>Max. Building Heights</b>	Non-residential uses: 2-story/50'  Hotel: 4-story/75'  Condominiums: 3-story/55'	Non-residential uses: 2-story/50'  Hotel: 4-story/75' <del>Condominiums: 3-story/55'</del>  <b>Ind. Living Facility: 2-story/40'</b>
<b>Area Regulations</b>	Setbacks along Infocom Drive <ul style="list-style-type: none"> <li>• Buildings: 30'</li> <li>• Parking: 30'</li> </ul> Residential Density: Max. 64 condos  Fencing: Max. 4-foot high decorative iron fences allowed in setbacks	Setbacks along Infocom Drive <ul style="list-style-type: none"> <li>• Buildings: 30'</li> <li>• <b>Parking: 10'</b></li> </ul> <b>Residential Density: Max. 56 independent living facility units</b>  <b>Fencing: Max. 6-foot high decorative iron fences shall be allowed in setback along Infocom</b>
<b>Parking</b>	2 spaces/unit (majority of spaces provided in secure, 1 <sup>st</sup> floor parking area)	<b>1.5 spaces/unit (all parking spaces will be surface parking spaces)</b>

**Proposed PD Standard Revisions:**

Allow independent living facility use – Based on current market demand and the desire to provide a compatible mix of uses, the owner’s intent is to add “independent living facility” as an allowed use within the PD per the attached concept plan and elevations. The proposed units would provide a high-quality, low maintenance living option for residents 55 years of age or older. The owner feels this use would be compatible with the restaurant and retail located on the north side of the development as well as the proposed hotel. The proposed use would provide a multi-family style living unit just as the approved condominium project would have provided. Although the applicant has discussed the possibility of providing a joint amenity center/swimming pool area at the southwest corner of the PD that would be for the use of the hotel guests and residents of the proposed facility, there are no amenity point requirements for an independent living facility as would be required for a typical apartment development.

Reduced Parking Setback along Infocom – The PD currently requires a 30-foot parking setback along Infocom Drive. Under the current approved plans, the condo building was located approximately thirty-one (31) feet from the southern property line, but there was no surface parking provided between the building and the street. The proposed independent living facility no longer provides secure parking on the first floor of the building; rather, the surface parking spaces will be provided in the area between the street and the building. The owner does not feel that the covered, first-floor parking is feasible with the proposal of only a 2-story building. A 10-foot landscape buffer will be provided along Infocom along with a decorative wrought iron fence

that will screen the parking spaces from the street. The 10-foot landscape buffer along Infocom will be consistent with the 10-foot landscape buffer provided along Infocom in The Shire Phase 1 to the east.

Wrought Iron Fence along Infocom – The PD currently allows a maximum 4-foot high decorative metal fence in the required setbacks along Infocom. Previously, no fence was proposed as part of the condominium development. Since the proposed independent living facility is being moved north to provide space for the surface parking spaces on the south side of the building, the owner intends to erect a 6-foot decorative wrought iron fence to provide security for the building and the residents' vehicles. Although a 4-foot wrought iron fence is allowed per the PD, it would not provide the same level of security as a 6-foot fence.

Independent Living Facility Parking Ratio – The PD calculates parking for the entire 9.7-acre site as a whole. Since the PD and the Comprehensive Zoning Ordinance do not provide a standard parking ratio for an independent living facility, the owner has proposed a parking ratio of 1.5 spaces per unit. The condominium use required parking at 2 spaces per unit; however, the owner believes that the decrease in parking is justified since the independent living facility is limited to residents 55 years of age or older and there is a higher tendency for these households to be 1-vehicle households compared to a condominium unit with no age restrictions. The proposed ratio is similar to ratios granted for other facilities in Richardson. The recently constructed Evergreen facility at Renner and North Star was granted a ratio of 1.3 spaces per unit and the Twin Rivers facility and Belt Line and Glenville was granted a ratio of 1.35 spaces per unit. Based on the proposed ratio and the rest of the uses within the PD, the entire site will provide thirty-five (35) spaces more than what are required.

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

**Motion:** On August 21, 2012, the City Plan Commission recommended denial of the request as presented on a vote of 7-0.

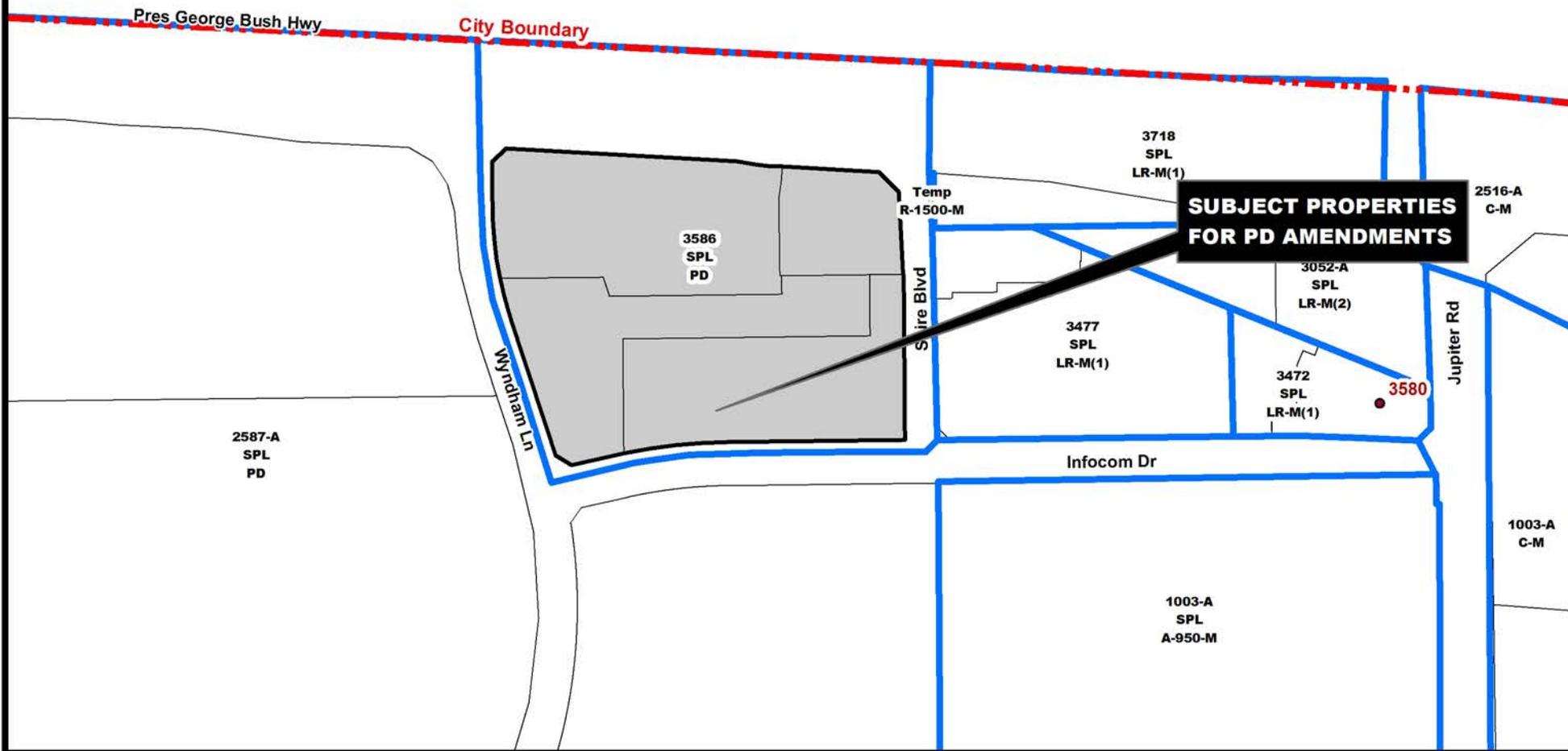
**Since the City Plan Commission recommended denial of Zoning File 12-13, an affirmative vote of six (6) of the seven (7) Council members is required to approve the zoning case.**

The following special conditions are suggested as part of the proposed PD amendment:

1. All conditions stated in Ordinance 3586 shall remain in full force and effect except as otherwise stated.
2. The development of the property shall be constructed in substantial conformance with the attached concept plan (Exhibit "B-1") and building elevations for the independent living facility (Exhibit "C-1").
3. "Section 1. Intent" of Ordinance 3586 shall be revised by replacing "luxury condominiums" with "an independent living facility".
4. "Section 3. Architectural Images and Building Elevation Review" of Ordinance 3586 shall be revised by waiving the requirement for approval of building elevations at the time of site plan review for the independent living facility.

5. "Section 4. Use Regulations" of Ordinance 3586 shall be revised to add independent living facility as an allowed use and removing residential condominiums as an allowed use.
6. "Section 6. Use Regulations" of Ordinance 3586 shall be revised to remove the height regulations for residential condominiums and by adding height regulations for an independent living facility which shall be limited to two (2) stories, not to exceed forty (40) feet.
7. "Section 7. Area Regulations" of Ordinance 3586 shall be revised to reduce the parking setback along Infocom Drive from thirty (30) feet to ten (10) feet.
8. "Section 7. Area Regulations" of Ordinance 3586 shall be revised to allow a 6-foot decorative metal fence to be constructed along Infocom Drive
9. "Section 7. Area Regulations" of Ordinance 3586 shall be revised to remove the residential density requirement for residential condominiums and adding a requirement limiting the number of independent living facility units to fifty-six (56) units.
10. "Section 8. Parking" of Ordinance 3586 shall be revised to add a parking ratio for independent living facility of 1.5 parking spaces per unit.
11. "Section 9. Special Regulations for Residential Condominiums" shall be revised to change the minimum floor area for an independent living facility unit to 840 square feet and remove all other conditions within Section 9.
12. "Section 10. General Miscellaneous Regulations" shall be revised to require no screening between non-residential uses adjacent to the independent living facility.

# ZF 12-13



## ZF 12-13 Zoning Map

Updated By: shacklett, Update Date: August 7, 2012  
File: DSI\Mapping\Cases\Z\2012\ZF1213\ZF1213 zoning.mxd

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



**ZF 12-13**



**ZF 12-13 Aerial Map**

Updated By: shacklett, Update Date: August 7, 2012  
File: DSI\Mapping\Cases\Z\2012\ZF1213\ZF1213 ortho.mxd

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





*Shire Blvd*

**Proposed Ind.  
Living Facility**

*Infocom Dr*

*Wyndham Ln*

*PGBT*



**Oblique Aerial  
Looking South**



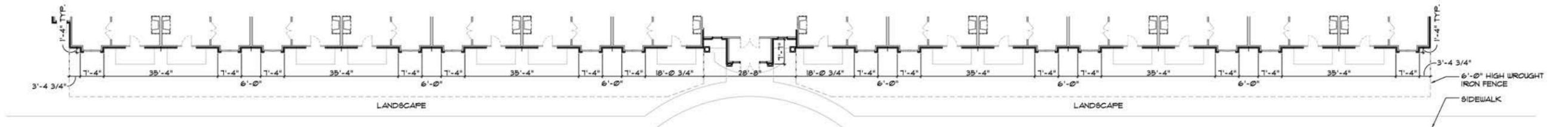




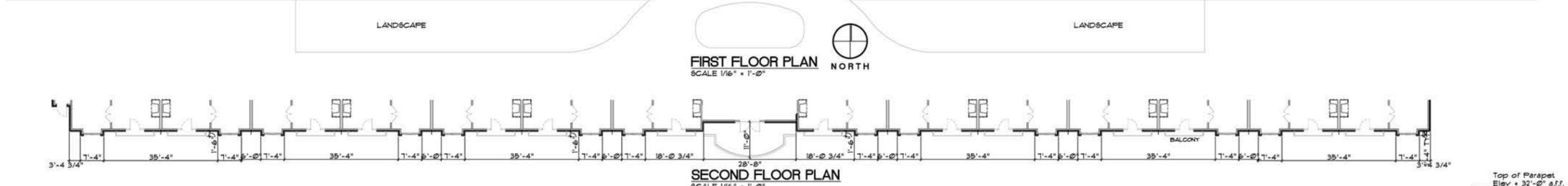


**NORTH ELEVATION MASONRY PERCENTAGE**  
 9428 TOTAL MASONRY - 87% MASONRY  
 1244 TOTAL EIFS - 13%

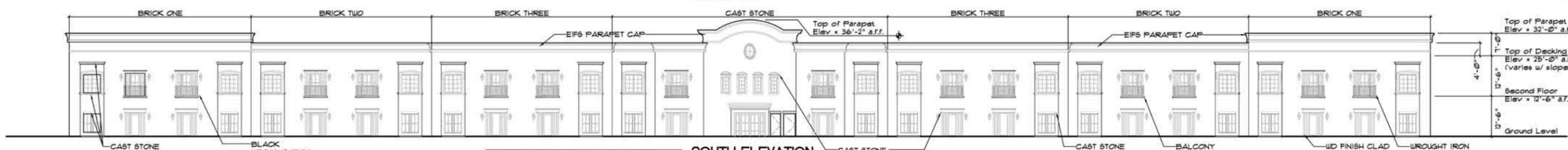
**NORTH ELEVATION**  
 SCALE 1/16" = 1'-0"



**FIRST FLOOR PLAN**  
 SCALE 1/16" = 1'-0"

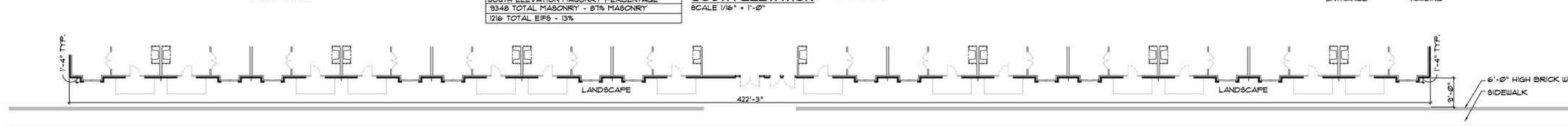


**SECOND FLOOR PLAN**  
 SCALE 1/16" = 1'-0"

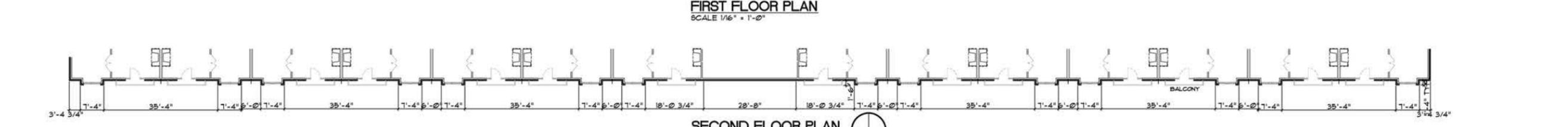


**SOUTH ELEVATION MASONRY PERCENTAGE**  
 9348 TOTAL MASONRY - 87% MASONRY  
 1216 TOTAL EIFS - 13%

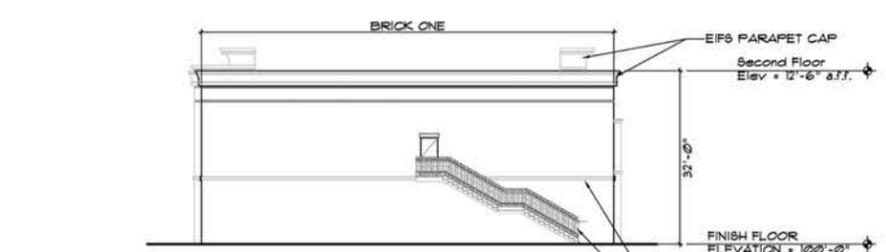
**SOUTH ELEVATION**  
 SCALE 1/16" = 1'-0"



**FIRST FLOOR PLAN**  
 SCALE 1/16" = 1'-0"

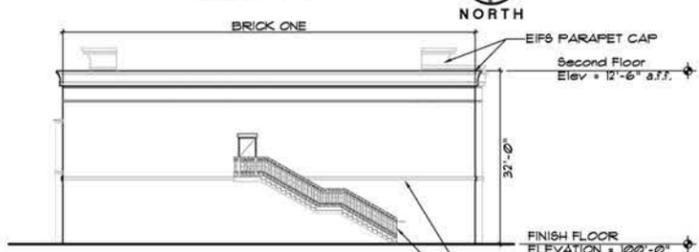


**SECOND FLOOR PLAN**  
 SCALE 1/16" = 1'-0"



**WEST ELEVATION MASONRY PERCENTAGE**  
 7280 TOTAL MASONRY - 90.5% MASONRY  
 717 TOTAL EIFS - 9.5%

**WEST ELEVATION**  
 SCALE 1/16" = 1'-0"



**EAST ELEVATION MASONRY PERCENTAGE**  
 7280 TOTAL MASONRY - 90.5% MASONRY  
 717 TOTAL EIFS - 9.5%

**EAST ELEVATION**  
 SCALE 1/16" = 1'-0"

**TOTAL BLD. MASONRY PERCENTAGE**  
 23313 TOTAL MASONRY - 88% MASONRY  
 2894 TOTAL EIFS - 12%

**Revised Building Elevations  
 Exhibit C-1 - Part of Ordinance**

**MATERIALS**

- BRICK ONE: OLD VIRGINIA - COLONIAL FULL RANGE - MODULAR - (COLOR - RED MIX)
- BRICK TWO: OLD VIRGINIA - OLD GEORGETOWN (COLOR - RED)
- BRICK THREE: OLD VIRGINIA - LYNNHAVEN HANDBET (COLOR - SOFT RED)
- CAST STONE: COLOR - BUFF
- PARAPET CAP EIFS: COLOR - BUFF TO MATCH CAST STONE
- WROUGHT IRON: BLACK
- WINDOWS: PEACH-TREE - VINYL - CLAD (CHERRY FINISH TO MATCH DOORS)
- DOORS: THURY-TRU - FIBERGLASS - WOOD FINISH (CHERRY FINISH)
- LIGHT FIXTURES: ANTIQUE FINISH - (DARK BRONZE)



ARCHITECTURE  
 PLANNING  
 CONSTRUCTION  
 INTERIORS



**MICHAEL F. TWICHELL, L.P.**  
 3824 OAK LAWN AVENUE, SUITE 320  
 DALLAS, TEXAS 75219  
 OFFICE: 214-521-3066  
 FAX: 214-599-0583

A PROJECT FOR:

**SHIRE DEVELOPMENT, L.L.C.**  
 3600 SHIRE BOULEVARD  
 SUITE 206  
 RICHARDSON, TX 75082  
 PHN: 972-424-0898  
 FAX: 972-424-7890

**THE SHIRE RESIDENCE  
 INDEPENDENT LIVING FACILITY**  
 RICHARDSON, TEXAS

EXTERIOR ELEVATIONS  
 ZONING EXHIBIT  
 SCALE: 1/16" = 1'-0"

REV.	DATE	DESCRIPTION
-	07.23.12	Preliminary
-	08.08.12	
-	09.05.12	

PROJECT: 12060  
 SHEET

**SP1-1**



Exhibit D-1 - North Entrance



**Exhibit D-2 - Looking West along North Elevation**



**Exhibit D-3 - Looking East along North Elevation**



**Exhibit D-4 - Looking along North Elevation**



**(1)**

**Looking Northwest  
at Proposed Location**

**The Shire Phase 2 - August 2012**



**(2)**

**Looking North  
along Shire Blvd**



**(3)**

**Looking West along  
Infocom Drive**

**The Shire Phase 2 - August 2012**



**(4)**

**Looking South across  
Infocom Drive**

**Exhibit E-2**



(5)

Looking East along  
Infocom Drive

The Shire Phase 2 - August 2012



(6)

Looking at Rear  
of Shire Phase 1

Exhibit E-3

## Explanation and Description of Request

Owner is requesting a revision to Lot 4 of the original PD 3586 for The Shire, Phase II, proposing a two-story, fifty-six (56) unit independent living facility in lieu of the previously planned three-story, sixty-four (64) condominiums and structural parking garage. The proposed independent living facility shall be constructed approximately ninety-one feet (91') North of the Infocom Drive curblineline, or fifty-one (51') farther north than the planned condominium project, which was planned to be constructed along the 30' building set back line.

The independent living facility shall be thirty-six feet (36') above grade level to the top of the most typical parapet, approximately eighteen feet (18') shorter than the originally planned condominium structure. Construction materials for the independent living facility shall be similar to that being used for the condominium project. Landscape along Infocom Drive shall be designed to follow that existing at the Shire, Phase I to be East of this proposed site with a minimum landscape buffer of ten feet (10') being provided.

Exceptions requested for this Zoning Revision:

1. Parking set back and landscape buffer shall be 10' from property line along Infocom Drive instead of 30'-0".
2. Ornamental iron fence running parallel to Infocom Drive shall be a maximum height of 6'-0" and shall meet or exceed the design standard set by the existing fence on the South side of Infocom Drive.
3. Parking requirement to allow 1.5 car spaces for each unit - 84 spaces total required.
4. Amendment PD to allow Independent Living Facility as allowable use.

In response to the exceptions being requested above, applicant respectfully requests the landscaping be maintained the same that exists along Infocom Drive for the Shire - Phase I to the East of this Project site, which has the 10' landscape buffer.

Parking for previous independent living facilities have parking requirements less than two (2) spaces per unit.



# Notice of Public Hearing

## City Plan Commission • Richardson, Texas

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

### PD AMENDMENT

**File No./Name:** ZF 12-13 / The Shire, Phase II  
**Property Owners:** Dale F. Wamstad / Shire Development, L.L.C. and Jefflyn Properties V Ltd.  
**Applicant:** Michael F. Twichell / Michael F. Twichell, L.P.  
**Location:** Northwest corner of Infocom Drive and Shire Boulevard.  
(See map on reverse side)  
**Current Zoning:** PD Planned Development  
**Request:** A request by Michael F. Twichell, representing Shire Development, L.L.C., for amendments to the PD Planned Development standards to permit the development of an independent living facility.

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

**TUESDAY, AUGUST 21, 2012**  
**7:00 p.m.**  
**City Council Chambers**  
**Richardson City Hall, 411 W. Arapaho Road**  
**Richardson, Texas**

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

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

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

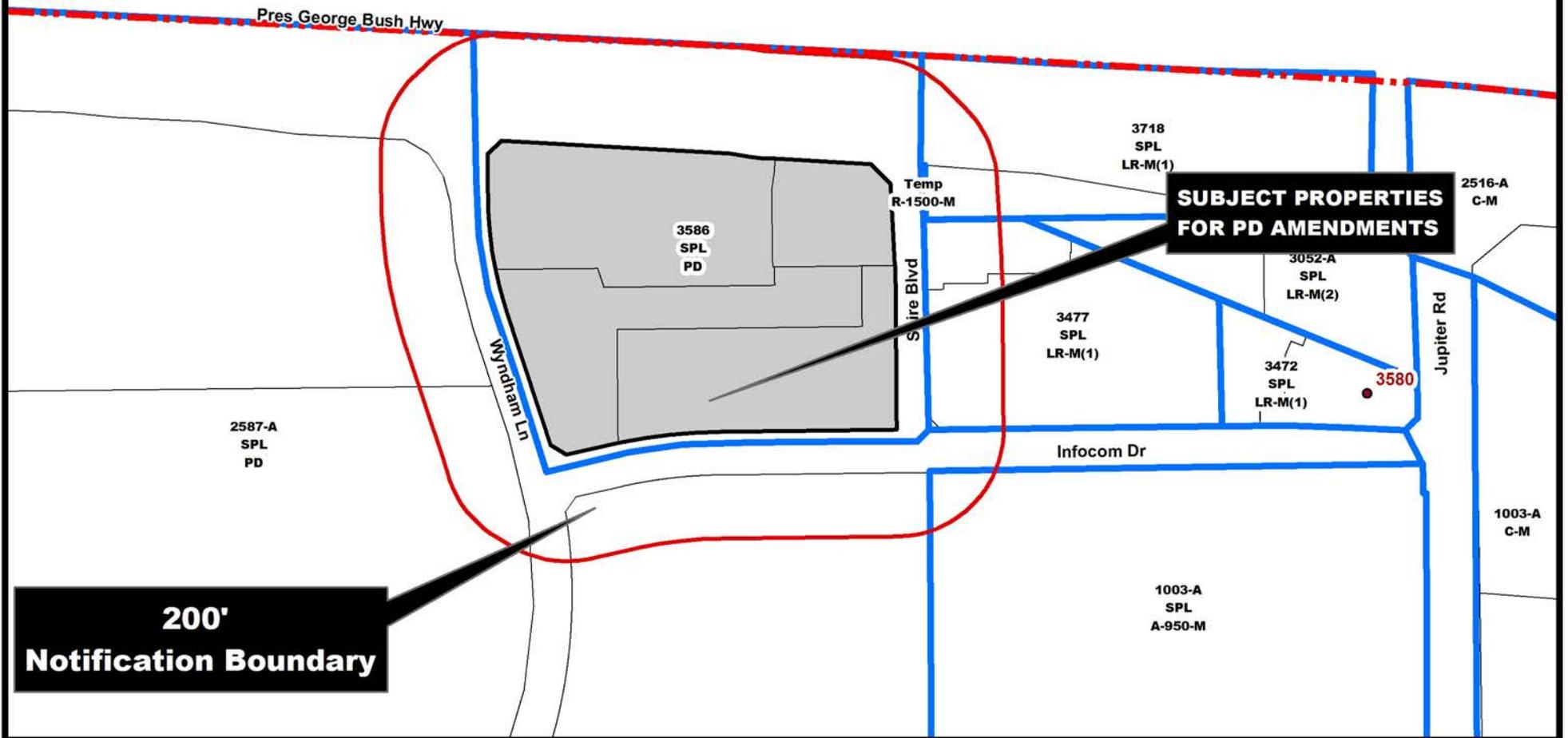
*The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions or recommend denial. Final approval of this application requires action by the City Council.*

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

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 12-13.

Date Posted and Mailed: 08/10/12

# ZF 12-13



## ZF 12-13 Notification Map

Updated By: shacklett, Update Date: August 7, 2012  
File: DSI\Mapping\Cases\Z\2012\ZF1213\ZF1213 notification.mxd

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



BUSH/75 PARTNERS LP  
4801 W LOVERS LN  
DALLAS, TX 75209-3137

SPRING POINTE TIC LLC & ETAL  
548 STATE HIGHWAY 155  
SAINT GERMAIN, WI 54558-9754

SHIRE DEVELOPMENT LLC  
14307 HUGHES LN  
DALLAS, TX 75254-8501

JEFFLYN PROPERTIES V LTD  
3552 GRANADA AVE  
DALLAS, TX 75205-2236

3650 SHIRE LLC  
3600 SHIRE BLVD STE 206  
RICHARDSON, TX 75082-2238

FLORIDA COMPANY  
3322 SHORECREST DR # 235  
DALLAS, TX 75235-2045

BRACEBRIDGE CORPORATION  
C/O BOA NC1-001-03-81  
101 N TYRON ST  
CHARLOTTE, NC 28255-8255

**MICHAEL F. TWICHELL**  
**MICHAEL F. TWICHELL, L.P.**  
**36024 OAK LAWN AVENUE, SUITE 320**  
**DALLAS, TX 75219**

**DALE F. WAMSTAD**  
**SHIRE DEVELOPMENT, L.L.C.**  
**3600 SHIRE BLVD., SUITE 206**  
**RICHARDSON, TX 75082**

ZF 12-13  
Notification List

**ORDINANCE NO. 3586**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, TO GRANT A CHANGE OF ZONING FROM PD PLANNED DEVELOPMENT DISTRICT WITH CONDITIONS TO PD PLANNED DEVELOPMENT DISTRICT, WITH NEW CONDITIONS, ON A 9.713 ACRES TRACT OF LAND LOCATED AT THE N. E. CORNER OF WYNDHAM LANE AND INFOCOM DRIVE IN THE CITY OF RICHARDSON AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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. (0621)**

WHEREAS, the City Planning Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the 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 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 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 to grant a change in zoning from PD Planned Development District with conditions to PD Planned Development District with different special conditions, on a 9.713 acres tract of land located at the N.E. corner of Wyndham Lane and Infocom Drive in the City of Richardson and being more particularly described in Exhibit "A" attached hereto and made a part hereof. That the Planned Development District zoned herein shall be identified as The Shire Phase II development.

**SECTION 2.** That the Planned Development District is zoned subject to the following special conditions:

**THE SHIRE, PHASE II  
PLANNED DEVELOPMENT DISTRICT  
SPECIAL CONDITIONS ZF 06-21**

**Section 1. Intent**

*The concept for The Shire Phase II development is to continue the quality turn-of-the-century development on the 9.7-acre property to the west of the existing Shire development. This development will contain the same quality design, planning and construction of the existing development and bring new uses into the area. The Shire II development will contain additional retail shops, restaurants, banking, a boutique hotel and luxury condominiums, all designed around the open areas in the center of the development.*

**Section 2. Concept Plan**

Development of the Property shall generally conform to the Concept Plan attached hereto, marked Exhibit "B" and made a part hereof.

**Section 3. Architectural Images and Building Elevation Review.**

For illustrative purposes only, the attached hereto, provides architectural images indicating the general architectural character of the Shire Phase II. The City Plan Commission shall be responsible for approval of all building elevations at the time of site plan review.

**Section 4. Use Regulations.**

In the Shire Phase II Planned Development District, no land shall be used and no building shall be erected for or converted to any use other than:

- a) All uses permitted within the LR-M(1) Local Retail District, except as follows:
  - 1) Limited service hotel and full service hotel shall be permitted uses.
  - 2) Residential condominiums shall be a permitted use.
  - 3) Veterinary office shall be a permitted use, subject to the supplemental regulations of Article XXII-E of the Comprehensive Zoning Ordinance.
  - 4) Sales of pet supplies and pet grooming shall be permitted uses, subject to the supplemental regulations of Article XXII-E of the Comprehensive Zoning Ordinance.
  - 5) Day spas shall be considered a permitted use.
  - 6) Churches, associated schools, and public buildings shall be prohibited.

**Section 5. Building Regulations.**

All buildings shall conform to the Building Regulations section of the LR-M(1) Local Retail District regulations.

## **Section 6. Height Regulations.**

- a) The maximum building heights permitted on the subject property are as follows:
  - 1) Non-residential uses, excluding hotels: Two stories, not to exceed 50 feet.
  - 2) Hotels: Four stories, not to exceed 75 feet.
  - 3) Residential condominiums: Three stories, not to exceed 55 feet.
- b) Architectural features: Features that may exceed the maximum height include turrets, towers, skylights and lighting features in addition to other features set forth in the definition of "height" in the Comprehensive Zoning Ordinance, provided that such features respect the scale of the building, subject to building elevation approval.
- c) No building height limitations other than those prescribed in this section shall be imposed on the subject property due to the adjacency of existing or future residentially zoned tracts.
- d) No building height limitation shall be imposed on adjacent tracts due to the presence of the condominium residential use permitted on the subject property.

## **Section 7. Area Regulations.**

- a) For the purpose of determining area regulations within the Shire Phase II Planned Development District, the entire Property shall be considered one (1) lot, regardless of how the property may be subdivided.
- b) Perimeter Setbacks:
  - 1) The minimum setbacks required adjacent to the perimeter streets shall be as follows:
    - President George Bush Highway:
      - (a) Buildings: 60 feet.
      - (b) Parking: 10 feet (this shall be a permitted exception to the PGBH Design Guidelines).
    - ii) Shire Boulevard:
      - (a) Buildings: 25 feet.
      - (b) Parking: 10 feet.
    - iii) Infocom Drive:
      - (a) Buildings: 30 feet.
      - (b) Parking: 30 feet.
    - iv) Wyndham Lane:
      - (a) Buildings: 25 feet.
      - (b) Parking: 22 feet.
      - (c) A screened service court: 15 feet
  - 2) Balconies, unenclosed porches, stoops, fireplaces and other architectural features may encroach up to five (5) feet into the required perimeter building setback.

- 3) Decorative metal fences, maximum four (4) feet in height shall be allowed in the required setback in accordance with standard City visibility requirements.
- 4) Trash enclosures may be located in setbacks and must be adequately screened.
- c) Interior Setbacks: Except as otherwise provided herein, no building setback shall be required from interior lot lines, except as may be required by the City of Richardson Building Code. No additional building setbacks shall be required for non-residential buildings located adjacent to the residential condominium building(s).
- d) Lot coverage: Total building coverage, inclusive of parking structures, shall not exceed 30% of the total area of the lot.
- e) Residential Density: A maximum of 64 residential condominium units shall be permitted.
- f) Landscaping:
  - 1) A minimum of 15% of the platted land area of the subject property (excluding public rights-of-way) shall be landscaped.
  - 2) In addition to landscape islands and open space areas depicted on the Concept Plan, enhanced paving areas may also be included in the calculation of landscaped area provided, subject to site and landscape plan approval.
  - 3) Except as otherwise provided herein, landscaping shall comply with the President George Bush Highway Design Guidelines.

**Section 8. Parking.**

- a) The minimum number of parking spaces required for each use within the subject property shall be that required by the Comprehensive Zoning Ordinance, Planning and Development Ordinance, or Subdivision Ordinance, as applicable.
- b) For the purpose of determining parking regulations within the Shire Phase II Planned Development District, the entire Property shall be considered one (1) lot, regardless of how the property may be subdivided.

**Section 9. Special Regulations for Residential Condominiums.**

- a) Floor area of dwelling units:
  - 1) The floor area of each dwelling unit shall be a minimum of 800 square feet.
  - 2) The average floor area of the dwelling units shall be a minimum of 1,365 square feet.
- b) Property Owners' Association: A mandatory property owners' association shall be established for any condominium units developed on the subject property, in accordance with the Subdivision Ordinance.

**Section 10. General Miscellaneous Regulations.**

- a) Enhanced paving: Enhanced paving shall be provided at appropriate locations throughout the development to emphasize pedestrian crossings, key intersections, and driveway entrances.
- b) Screening:
  - 1) No screening shall be required for non-residential uses adjacent to the residential condominium building(s) except as described herein.
  - 2) Loading docks, refuse storage containers, and above-ground utility appurtenances shall be screened to reduce their visual impact on adjacent buildings or properties and from public rights-of-way.

**SECTION 3.** That the above described tracts shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and as amended herein.

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

**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

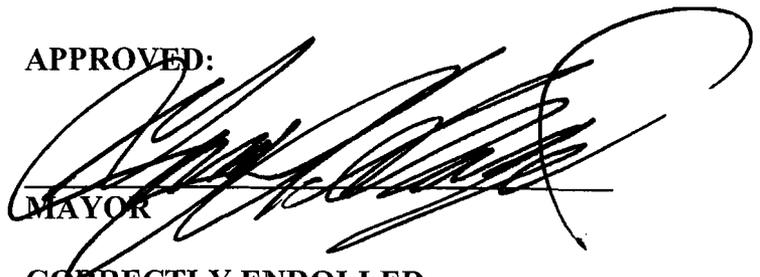
**SECTION 7.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon

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

**SECTION 8.** 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 January, 2007.

**APPROVED:**

A large, stylized handwritten signature in black ink, written over a horizontal line.

**MAYOR**

**CORRECTLY ENROLLED:**

A handwritten signature in black ink, written over a horizontal line.

**CITY SECRETARY**

**APPROVED AS TO FORM:**

A handwritten signature in black ink, written over a horizontal line.

**CITY ATTORNEY**

(HLN/mew122906)(12532ORD)

## Exhibit A

GF-Number 05R07917

BEING a tract of land situated in the F.J. Vance Survey, Abstract No. 939, in the City of Richardson, Collin County, Texas, and being a part of 99.559 acre tract of land described in deed to Haroldson L. Hunt, Jr. Trust Estate, recorded in Volume 2342, Page 214 of the Land Records of Collin County, Texas and to Hassie Hunt Exploration Company, recorded in Volume 2342, Page 210 of the Land Records of Collin County, Texas, and part of that tract of land described in deed to Hassie Hunt Trust, recorded in Volume 965, Page 369 of the Land Records of Collin County, Texas, and being more particularly described as follows (bearings system based on the monument found along east boundary line of the plat recorded in Cabinet L, Page 618, of the Map Records of Collin County, Texas);

BEGINNING at a 5/8-inch iron rod set with a plastic cap stamped "KHA" for the northerly end of a corner clip at the intersection of the easterly right-of-way line of Wyndham Lane (a 85-foot wide public right-of-way) and the northerly right-of-way line of Infocom Drive (a 85-foot wide public right-of-way), recorded in Cabinet L, Page 618 of the Map Records of Collin County, Texas;

THENCE with the easterly right-of-way line of Wyndham Lane, the following courses and distance to wit:

Northerly, with the curve to the left, through a central angle of 00 degrees 45 minutes 27 seconds, having a radius of 2957.75 feet, a chord bearing and distance of North 17degrees 22 minutes 39 seconds West, 39.10 feet, an arc distance of 39.10 feet to a 5/8-inch iron rod set with a plastic cap stamped "KHA" for corner;

North 18 degrees 27 minutes 07 seconds West, a distance of 229.45 feet to a 5/8-inch iron rod set with a plastic cap stamped "KHA" for the beginning of a tangent curve to the right;

Northerly, with the curve to the right, through a central angle of 18 degrees 05 minutes 23 seconds, having a radius of 757.50 feet, a chord bearing and distance of North 09 degrees 24 minutes 26 seconds West, 238.17 feet, an arc distance of 239.16 feet to a 5/8-inch iron rod set with a plastic cap stamped "KHA" for corner;

North 00 degrees 21 minutes 44 seconds West, a distance of 82.44 feet to a 5/8-inch iron rod set with a plastic cap stamped "KHA" for the southerly end of a corner clip at the intersection of Wyndham Lane and State Highway No. 190 (President George Bush Turnpike, variable width right-of-way);

THENCE with the corner clip, North 46 degrees 22 minutes 46 seconds East, a distance of 37.75 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" in the southerly right-of-way line of State Highway No. 190 for the northerly end of a corner clip;

THENCE with the southerly right-of-way line of State Highway No. 190, the following courses and distances to wit:

DATE: 06/0



Exhibit A (Continued)

GF-Number 05R07917

South 86 degrees 44 minutes 12 seconds East, a distance of 449.99 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for corner;

South 80 degrees 42 minutes 27 seconds East, a distance of 36.41 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for the beginning of a tangent curve to the left;

Easterly, with the curve to the left, through a central angle of 03 degrees 53 minutes 43 seconds, having a radius of 329.47 feet, a chord bearing and distance of South 83 degrees 43 minutes 37 seconds East, 22.39 feet, an arc distance of 22.40 feet to a 5/8-inch iron rod found with plastic cap stamped "KHA" for corner;

South 86 degrees 44 minutes 12 seconds East, a distance of 218.95 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for the northerly end of a corner clip at the intersection of State Highway No. 190 and Shire Boulevard (a 63-foot wide public right-of-way, recorded in Cabinet Q, Page 207 of the Map Records of Collin County, Texas);

THENCE with the corner clip, South 44 degrees 58 minutes 35 seconds East, a distance of 55.18 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for the southerly end of the corner clip in the westerly right-of-way line of Shire Boulevard;

THENCE with the westerly right-of-way line of Shire Boulevard, the following courses and distances to wit:

South 03 degrees 12 minutes 00 seconds East, a distance of 154.10 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for the beginning of a curve to the right;

Southerly, with the curve to the right, through a central angle of 02 degrees 38 minutes 33 seconds, having a radius of 968.50 feet, a chord bearing and distance of South 01 degrees 52 minutes 43 seconds East, 44.66 feet, an arc distance of 44.67 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for corner;

South 00 degrees 33 minutes 27 seconds East, a distance of 284.36 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" in the northerly right-of-way line of Infocom Drive;

THENCE with the northerly right-of-way line of Infocom Drive, the following courses and distances to wit:

South 89 degrees 22 minutes 02 seconds West, a distance of 345.36 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for the beginning of a tangent curve to the left,

## Exhibit A (Continued)

GF-Number 05R07917

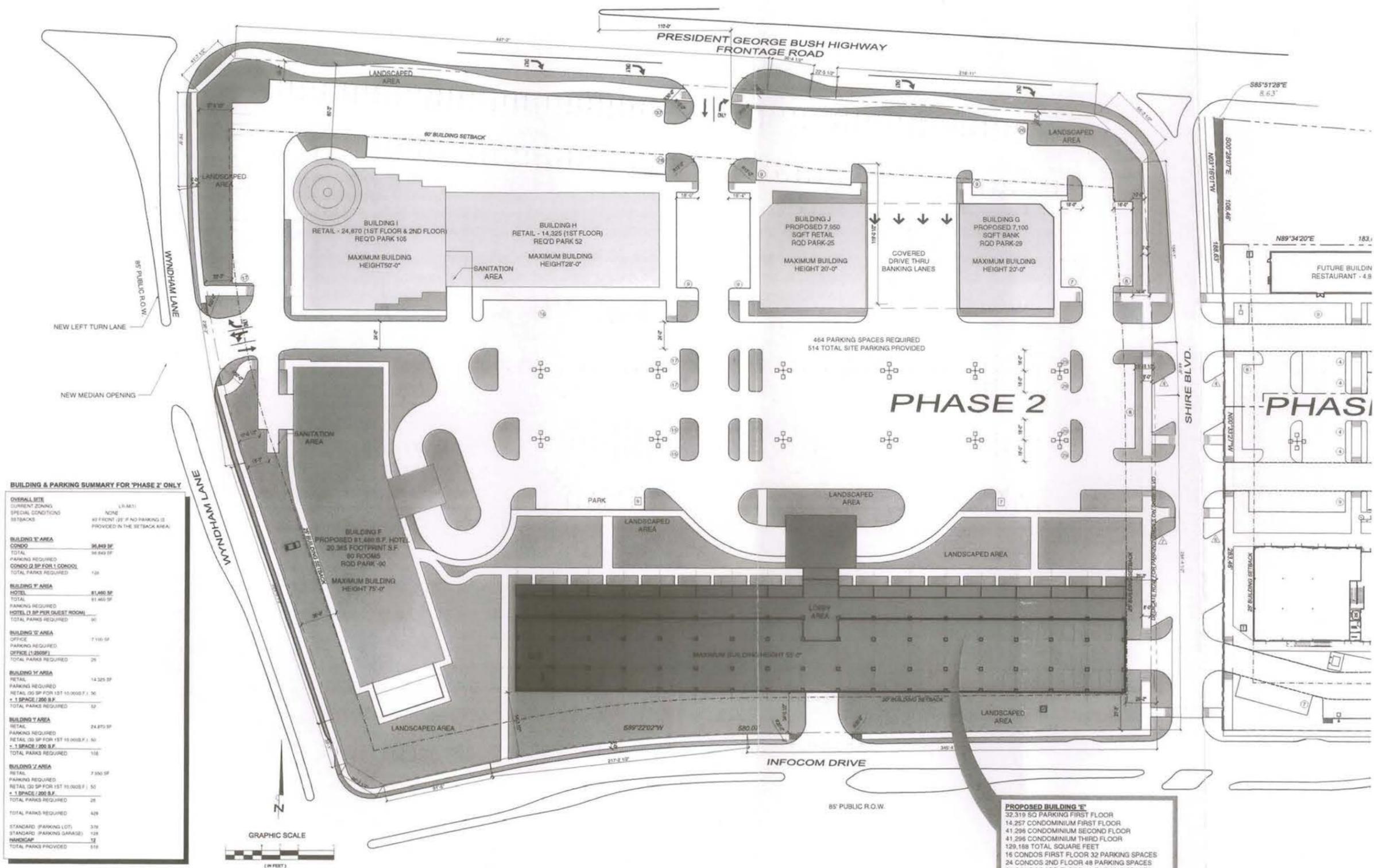
Westerly, with the curve to the left, through a central angle of 11 degrees 57 minutes 34 seconds, having a radius of 1042.50 feet, a chord bearing and distance of South 83 degrees 23 minutes 15 seconds West, 217.21 feet, an arc distance of 217.60 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for corner;

South 77 degrees 24 minutes 28 seconds West, a distance of 91.43 feet to a 5/8-inch iron rod set with plastic cap stamped "KHA" for easterly end of a corner clip at the intersection of the easterly right-of-way line of Wyndham Lane (a 85-foot wide public right-of-way) and the northerly right-of-way line of Infocom Drive (a 85-foot wide public right-of-way);

THENCE with the said corner clip, North 59 degrees 06 minutes 14 seconds West, a distance of 36.28 feet to the POINT OF BEGINNING and containing 9.713 acres of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

E. PRESIDENT GEORGE BUSH HIGHWAY  
(STATE HIGHWAY NO. 190)  
R.O.W. VARIES



**BUILDING & PARKING SUMMARY FOR 'PHASE 2' ONLY**

BUILDING AREA	CONDO	TOTAL	PARKING REQUIRED	CONDO D.S.P. FOR 1 CONDO	TOTAL PARKS REQUIRED
BUILDING A AREA	36,449 SF	36,449 SF	138		138
BUILDING B AREA	31,463 SF	31,463 SF	101		101
BUILDING C AREA	7,100 SF	7,100 SF	28		28
BUILDING D AREA	14,325 SF	14,325 SF	53		53
BUILDING E AREA	24,870 SF	24,870 SF	158		158
BUILDING F AREA	7,950 SF	7,950 SF	28		28
BUILDING G AREA	7,100 SF	7,100 SF	28		28
BUILDING H AREA	14,325 SF	14,325 SF	53		53
BUILDING I AREA	24,870 SF	24,870 SF	158		158
BUILDING J AREA	7,950 SF	7,950 SF	28		28
TOTAL PARKS PROVIDED			514		514

**PROPOSED BUILDING 'E'**  
32,319 SQ. PARKING FIRST FLOOR  
14,257 CONDOMINIUM FIRST FLOOR  
41,295 CONDOMINIUM SECOND FLOOR  
41,295 CONDOMINIUM THIRD FLOOR  
129,168 TOTAL SQUARE FEET  
16 CONDOS FIRST FLOOR 32 PARKING SPACES  
24 CONDOS 2ND FLOOR 48 PARKING SPACES  
24 CONDOS 3RD FLOOR 48 PARKING SPACES  
84 PARKING SPACES PROVIDED INSIDE BUILDING  
84 TOTAL CONDOS 128 TOTAL PARKING SPACES

**1 10 ACRE SITE**  
1" = 40'

Conceptual Design 08 NOV 2006

Concept Plan Attached to Ordinance

ARCHITECT :  
**RDH & Associates**  
Architect  
5080 Spectrum Dr  
Suite 107w  
Address: Texas 75001  
(972) 267-5300  
(972) 267-5322 FAX

SEAL:

CONSULTANT:

Project Manager:  
**Poverty Hill Mgmt L.P.**

*The Shire*  
Retail / Office Development  
RICHARDSON, TEXAS  
PROJECT THE SHIRE

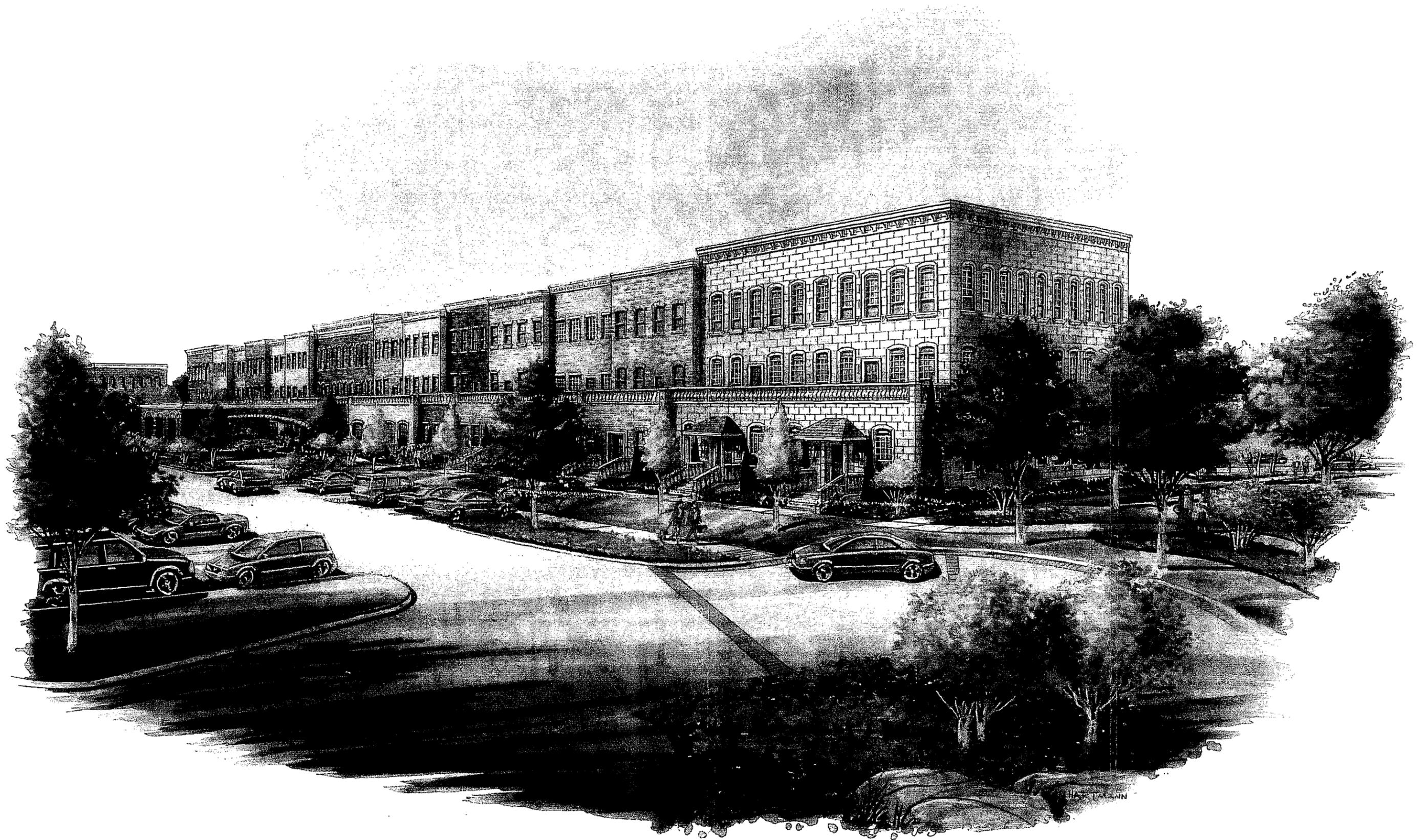
REVISIONS:

DRAWING TITLE:  
**PLANNING & ZONING  
SITE PLAN 11/07/06**

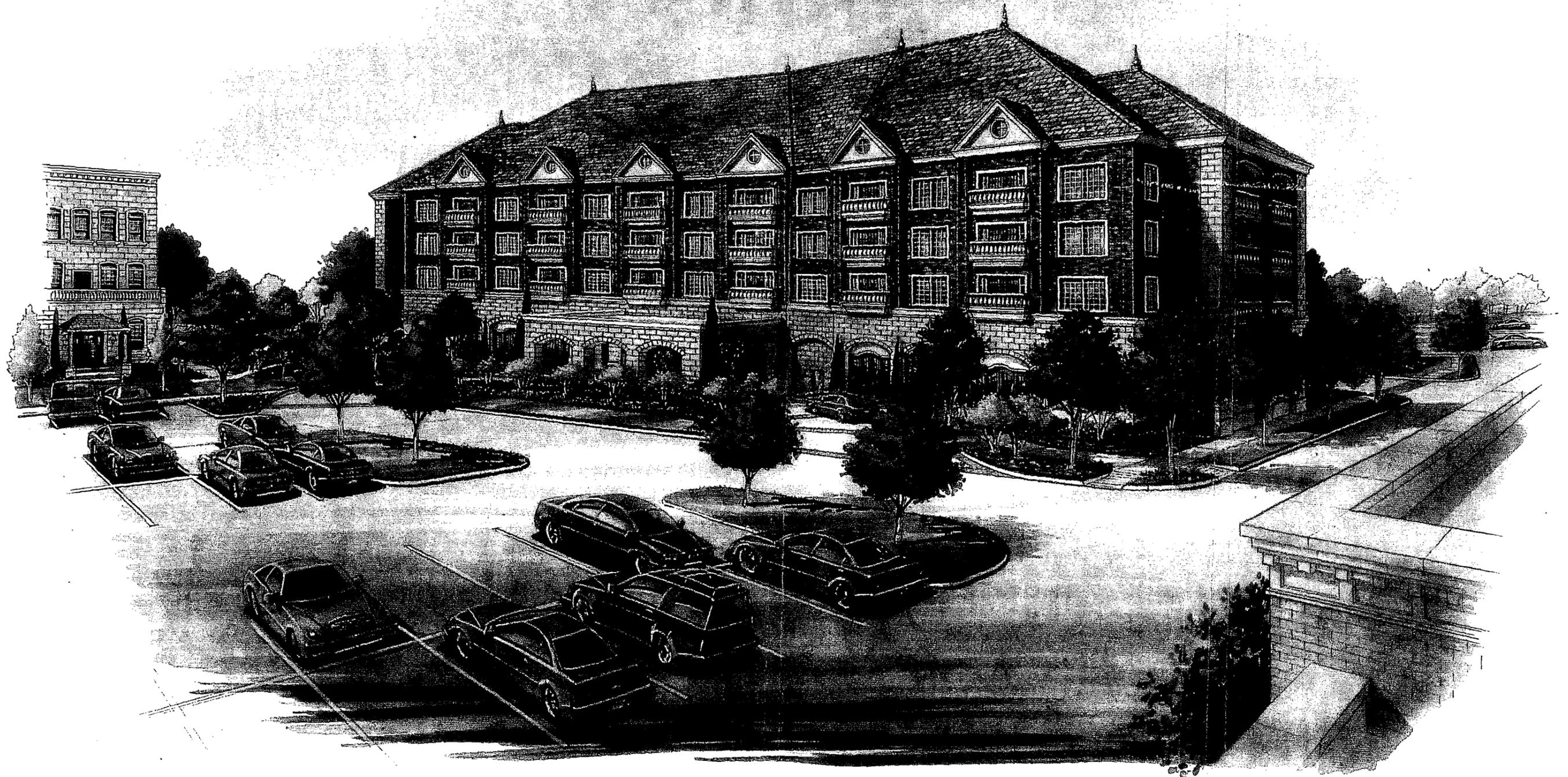
Date: 7 NOV 2006 1152  
Drawn By: Checked By: Approved By:

File Name:  
**A-101**

Exhibit B



Architectural Image Attached to Ordinance



Architectural Image Attached to Ordinance



Architectural Image Attached to Ordinance

**ZONING FILE 0621 - NOTICE OF PUBLIC HEARING  
CITY OF RICHARDSON, TEXAS**

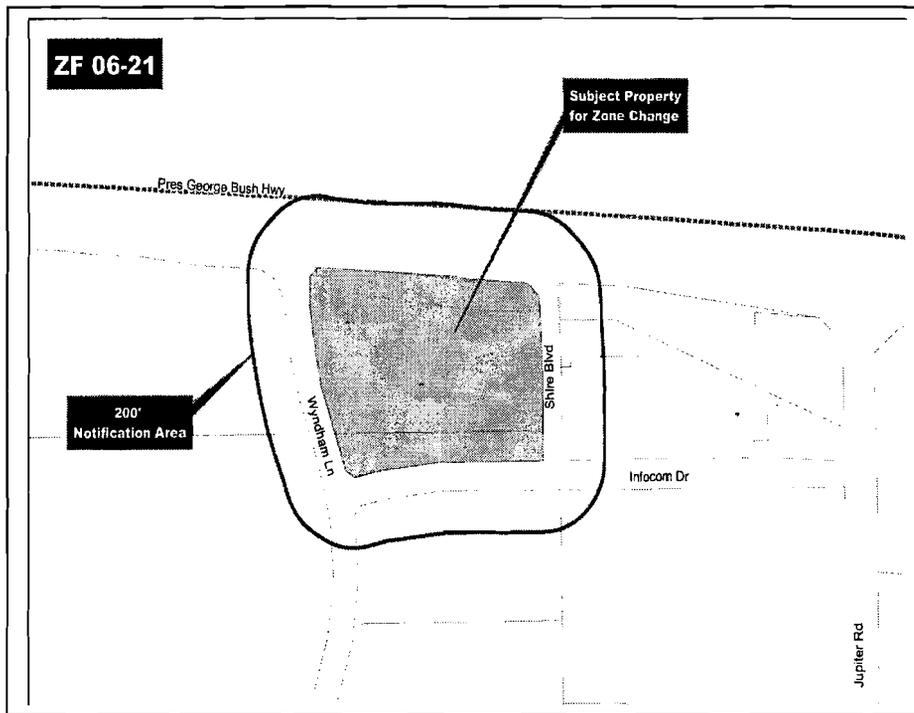
**PUBLIC HEARING DATE & TIME:** Monday, December 18, 2006, 7:30 p.m.

**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 Randall D. Huggins, RDH & Associates, Inc., representing Five Sparks Ventures, Ltd., for modification of the PD Planned Development zoning on 9.73 acres for a mixed use development to include a hotel, residential condo's, retail, restaurant and office uses at the southeast corner of President George Bush Highway and Wyndham Drive, currently zoned PD Planned Development.

**OWNER:** Dale F. Wamstad, Five Sparks Ventures, Ltd.

**APPLICANT:** Randall D. Huggins, RDH & Associates, Inc.



**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 6:00 p.m., Friday, December 8, 2006.***

**The City of Richardson**

**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.*

For Informational Purposes Only - Not Part of Ordinance



# MEMO

**DATE:** September 6, 2012  
**TO:** Honorable Mayor and City Council  
**FROM:** Michael Spicer, Director of Development Services *MS*  
**SUBJECT:** Zoning File 12-14 – 7-Eleven Motor Vehicle Service Station – Brick Row Triangle

## REQUEST

Grey Stogner, Crestview Real Estate, LLC, is requesting approval of a Special Permit for a motor vehicle service station with modified development standards/exceptions on a 0.96 acre tract of land located at the southeast corner of Spring Valley Road and Centennial.

The site is located in the Spring Valley Station Planned Development District which allows retail/commercial, office, multi-family, and public uses; however, a motor vehicle service station is not listed as an allowed use; therefore, the applicant is requesting a Special Permit to allow the use.

## BACKGROUND

The proposed 3,024 square foot convenience store, with access from Spring Valley Road and Centennial Boulevard will have two (2) entrances; one facing Spring Valley Road from an outdoor seating area and another facing west towards the canopy and four (4) double-sided gasoline pumps. Parking is located along the west and south sides of the building with on-street parking on Spring Valley Road. The proposed building is to be constructed with brick and stone with a standing seam metal roof over the west entrance. High impact EIFS is proposed for the building's cornice and to provide architectural detailing.

The PD allows exceptions to be requested with regard to the area and building regulations. The proposed exceptions include modifications to the required location of the primary entrance, use of EIFS as an exterior building materials on the single-story building, elimination of build-to-lines, reduction and/or elimination of the amenity zones along Spring Valley Road and Centennial Boulevard, use of specialty paving in the yard area for sidewalks, eliminating the percent of the lot frontage to be occupied with a building at the required build-to-range and a reduction in vehicle stacking at the gasoline pumps.

To date, staff has received written correspondence in support of the request from the property owner located to the north of the site.

## PLAN COMMISSION RECOMMENDATION

On August 21, 2012, the City Plan Commission, by a vote of 5-2 (Commissioners Bright and Linn opposed), recommended approval of the request, subject to amended conditions. The amended conditions remove references to the proposed buildings elevations (Exhibits C-1, C-2, D, E-1 and E-2). As required in the Spring Valley Station PD, building elevations will be submitted and reviewed by the Commission and City Council at the time of development plan approval.

## ATTACHMENTS

Special Conditions	Color Building Elevations (Exhibit "D")
CC Public Hearing Notice	Site Renderings (Exhibit "E-1" & "E-2")
City Plan Commission Minutes 08-21-2012	Site Photos (Exhibits "F-1" & "F-2")
Staff Report	Applicant's Statement
Zoning Map	Notice of Public Hearing
Aerial Map	Notification List
Oblique Aerial Looking North	Correspondence in Support
Zoning Exhibit (Exhibit "B")	Excerpt of Ordinance 3831
Building Elevations (Exhibit "C-1" and "C-2")	

## **ZF 12-14 Special Conditions**

1. A motor vehicle service station shall be allowed as defined in the Comprehensive Zoning Ordinance and limited to the area shown on the attached concept plan, marked as Exhibit “B” and made a part thereof.
2. The motor vehicle service station shall be constructed in substantial conformance with the attached concept plan (Exhibit “B”).
3. The following exceptions to the Spring Valley District PD shall be granted:
  - a. The primary entrance to the building shall not be required to face a street.
  - b. The build-to-line shall not be required along Spring Valley Road.
  - c. The amenity zone along Spring Valley Road shall be a minimum of six (6) feet wide, as depicted on Exhibit “B”.
  - d. The amenity zone shall not be required along Centennial Boulevard.
  - e. The yard area shall not be required and specialty paving shall be allowed for the required sidewalk in lieu of a scored concrete sidewalk.
  - f. The building to lot frontage requirement shall not be required along Spring Valley Road.
4. The amount of internal stacking at the gas pumps shall be reduced as shown on the attached concept plan (Exhibit “B”) shall be allowed.
5. The approval of this Special Permit in accordance with its attached concept plan shall replace the requirement for Concept Plan approval of this project as described in Ordinance 3831 (Spring Valley Station District Development Regulations).

**City of Richardson  
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, September 10, 2012, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

**Zoning File 12-13**

A request by Michael F. Twichell, representing Shire Development, LLC, for amendments to the PD Planned Development standards to accommodate the development of an independent living facility for property located at the northwest corner of Infocom Drive and Shire Boulevard. The property is currently zoned PD Planned Development.

**Zoning File 12-14**

A request by Grey Stogner, representing Crestview Real Estate, LLC, for a Special Permit for a motor vehicle service station with modified development standards at 170 E. Spring Valley Road (between Spring Valley Road and Centennial Boulevard, east of DART Light Rail). The property is currently zoned PD Planned Development.

**Zoning File 12-15**

A request by Eldon Haacke, representing Terraform Companies, for a Special Permit for a special events and entertainment facility with modified development standards, for a property located at the northeast corner of Greenville Avenue and Glenville Drive. The property is currently zoned I-M(1) Industrial.

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

CITY OF RICHARDSON  
Aimee Nemer, City Secretary

**EXCERPT  
CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – August 21, 2012**

**PUBLIC HEARING**

**Zoning File 12-14:** Consider and take necessary action on a request by Grey Stogner, representing Crestview Real Estate, LLC, for a Special Permit for a motor vehicle service station with modified development standards. The 0.96 acre site is located east of the DART Light Rail, between Spring Valley Road and Centennial Boulevard and is zoned PD Planned Development.

Mr. Chavez stated the applicant was requesting a Special Permit for a motor vehicle service station with modified development standards and the property is located on the southeast corner of Spring Valley Road and Centennial Boulevard. He added that the site was 0.96-acres in size, zoned PD, and located in the Spring Valley Station District (District).

Mr. Chavez noted that in December of 2011, a similar application was presented and received a recommendation of denial based on the proposed use being a single use and the development not meeting the intent of the vision for the District. He added that the current submittal was similar to the original request and depicted a single use for motor vehicle service station, although some of the site elements had been reoriented.

Mr. Chavez reported that the applicant was requesting exceptions as allowed for in the District's regulations including:

- Primary entrance location
- Exterior building façade materials
- Build-to lines
- Amenity zones along Spring Valley Road and Centennial Boulevard
- Yard requirements
- Building to lot frontage requirement
- Allowed reduction or relief for internal stacking at the gas pumps

Mr. Chavez closed his presentation by noting the proposed conditions listed in the Commission's packet and asked if there were any questions for staff.

Vice Chair Hand asked if it was possible to look at the previous submittal from last year.

Mr. Chavez replied he did not have a copy of the submittal, but explained that in the December 2011 submittal, the building and gas pumps were located in different areas.

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

Mr. Richard Ferrara, 405 N. Waterview Drive, Richardson, Texas, stated he was representing the applicant, Mr. Gray Stogner, and highlighted the efforts by the owners of Brick Row in working with the applicant and the 7-Eleven Corporation.

Mr. Ferrara presented a review of the planning process for the area in question pointing out the many challenges of planning for a property that was small in size and bordered by two streets; one of which is a major thoroughfare. He added that three different architectural firms had been involved in reviewing design options, and during the design process one, two and three story buildings were reviewed, but all felt they would not work well on the site.

Mr. Ferrara stated that after reviewing all the options, the group returned to the original submittal, but made many refinements to the design. He added the current design put the hard edge of the design along Centennial Boulevard and the soft edge to Spring Valley Road facing Brick Row with additional berms and landscaping to make it more of a “park like” setting and act as a screen against vehicle headlights coming in and out of the facility.

Mr. Ferrara concluded his presentation by pointing out other elements in the design not typical to 7-Elevens including the outdoor shade structure with seating, and the thin, 18 inch depth of the canopy over the gas pumps with wood elements tying the two areas together.

Commissioner Linn asked if the same materials used on the Brick Row buildings would be used on the proposed building. He also wanted to know if some type of architectural element could be added to the western most edge of the property and thought the area was an ideal location to create a space for pedestrian traffic or a common area.

Mr. Ferrara replied the same materials, color selection and manufacturer would be used on the proposed building. In addition, the area at the western edge of the property was not their property and had already been approved as a location for a sign for Brick Row.

Chairman Gantt asked if the driveway on the western edge of the property was there to support the gas delivery trucks.

Mr. Ferrara replied it was his understanding that during the previous submittal the applicant was told to make sure a driveway was designed to line up with the main entrance to Brick Row. Also, the delivery system engineers for 7-Eleven had designed the layout for ease of access for the gasoline tankers.

Vice Chair Hand stated he thought the current proposal was better than the original submittal, and acknowledged the site lines were important to Brick Row, but felt there was still an opportunity to build a taller structure on the site, although it did not need to be a building and could be some type of public art; something that signified a “place” on a very important corner.

Mr. Ferrara stated he disagreed about the property’s importance and felt the proposed design was subtle and complimented the designs at Brick Row by putting the hard, urban edge along the Centennial Boulevard side of the property and the softer edge along Spring Valley Road. He added that what the applicant was proposing would not only be beneficial to him personally, but would also help further the growth at Brick Row.

Vice Chair Hand stated that Mr. Ferrara might be right from a commercial perspective, but he did not want to stop exploring other options and suggested it could be potentially powerful, from a retail perspective, to be able to populate both sides of the street to generate an urban solution.

Mr. Ferrara replied that if the property to the east could be redeveloped all the way over to Greenville Avenue that might be possible, but pointed out that Spring Valley Road turns into a residential street to the east of Greenville Avenue, which did not leave much area for an urban district.

Commissioner DePuy stated that a multi-level, flat iron style of building would completely block the view of Brick Row and thought having a 7-Eleven there would be convenient for the residents of Brick Row because it would be easy to walk across a street that has very little traffic.

Mr. Ferrara agreed and added that a 7-Eleven would also provide the convenience of allowing the residents to walk to the store to pick up a few quick items (bread, milk, etc.) as opposed to getting in their car and driving to the nearest grocery store.

Commissioner Linn stated he thought Brick Row and other transit oriented developments (TOD) were trying to capitalize on walk-ability and he did not think a design or concept that encouraged a gas station was compatible with that vision and not the best use of the site.

Mr. Ferrara replied that he was originally retained to review and analyze potential uses for the property and teamed up with another architect to do some visualizations. In the end, the team determined there were serious benefits for the scale of the proposed project as opposed to a full-blown, fill-up-the-site type of development. He added that those involved felt the proposed project was a valid solution to a very hard to develop piece of property.

Commissioner Bright stated he liked the current submission as compared to the original, but felt that the 7-Eleven did not seem to be very urban in design.

Mr. Ferrara replied that architecturally Brick Row was not an urban design, but rather an urban concept with traditional architecture, as is the proposed 7-Eleven. If an urban design was used on the proposed 7-Eleven, similar to the design of the DART Light Rail station, it would not work against the traditional architecture of Brick Row.

Vice Chair Hand stated that the architecture at Brick Row had an urban massing, and while there were some historic references, it was basically a contemporized historic reference. He added that he could agree to a smaller scale, but the proposed building and/or landscape design did not strike him as something special and referred to the type of “place making” he was looking for as something similar to I. M. Pei’s glass triangle at the Louvre or the Apple Store in Manhattan.

Mr. Ferrara replied that he had received comments that the proposed design reminded someone of the small quaint gas stations in Europe, which seemed to indicate a “place making” for the area.

Commissioner Maxwell stated he felt conflicted because at first he thought the proposed use was not right for the site, but then felt a convenience store and gas station could be complimentary to Brick Row; however, the uniqueness of the site itself, being triangular in shape, was not the appropriate location for the proposed use. He added that what the proposal lacked was the quality of design or the iconic look of gas stations of Europe, and felt 7-Eleven might not be willing to break their mold and go for a design that was totally unique.

Mr. Ferrara replied the proposed store was similar in nature to one that was approved at Renner and North Star Roads, which he felt was a better fit to the area around Brick Row than any of the other options that had been reviewed. He stated if it was a matter of the architecture of the building it would be an easy thing to fix; however, what was more important was an acknowledgement from the Commission that the applicant was on the right path with the concept and site plan.

Vice Chair Hand asked if it would be possible to pull the building into the site and have circulation around the building.

Mr. Ferrara replied that there will be 10 feet between the building and the wall supporting the creek.

Commissioner DePuy stated she thought the Commission needed to give some guidance to the applicant on what exactly they wanted to see. She asked if it would be a design that harkened back to an older more homey style; a design that was more contemporary; or something that was compatible with Brick Row.

Mr. Andrew Laska, 502 Hyde Park, Richardson, Texas, reminded the Commission he was not in favor of the previous proposal, but now felt the design addressed many of the concerns he had regarding form versus use and was in favor of the proposal.

Mr. David Gleeson, L & B Realty Advisors, 8750 N. Central Expressway, Dallas, Texas, stated he was the managing general partner for Centennial Park Richardson, which is the owner of the Brick Row development with the exception of the townhome development. He acknowledged that the site was very challenging to develop, but pointed out some of the design concessions 7-Eleven had made due to the City's requests.

Mr. Gleeson concluded his comments noting that the highest and best use of a property was determined by the economic viability of what was built on the property and not how much could be squeezed into the space. He added that his company was in support of the applicant's design.

Chairman Gantt asked if there was any concern with the landscaping design to have trees along both sides of the property and problems that might cause with line of sight.

Mr. Gleeson replied that assuming the trees would be similar to those on Brick Row with a 42' canopy, he thought the site lines would be sufficient.

With no further comments in favor, Chairman Gantt called for comments in opposition.

Mr. Kevin Williams, 748 Matthew Place, Richardson, Texas, said he was a townhome owner in Brick Row and was not very happy about having a convenience store with a gas station on the perimeter of Brick Row, but thought the design could be improved.

Mr. Gary Flatt, 752 S. Greenville Avenue, Richardson, Texas, stated that when he was looking at purchasing one of the townhomes in Brick Row he was shown a site plan and a gas station was not on that plan, but a flat iron style building was. He felt a gas station was not the answer.

No other comments were made in opposition and Chairman Gantt asked if the applicant would like to make any comments in rebuttal.

Mr. Ferrara stated that if he recalled correctly, the original concept plan showed two buildings on the property with a retail building on the eastern edge of the lot and a non-descript building towards the western side. He pointed out that from a massing standpoint, the proposed concept plan was very similar in nature and would be an asset to the area.

With no other comments in favor or opposed, Chairman Gantt closed the public hearing and called for any comments.

Commissioner Bouvier stated the property was a challenge to develop from both a use and design standpoint, and understood what the project could bring to Brick Row, but cautioned the Commission on letting too much time pass between development events in the area. He pointed out that the gas station would funnel east bound traffic wishing to enter the site onto Spring Valley Road, which would bring traffic in front of the retail shops at Brick Row and help to make those shops successful.

Mr. Bouvier acknowledged that a flat iron building may look good on paper, but it would not work on the site. He added that if the Commission denied the request, he was not sure how the development could be made any better.

Commissioner Maxwell stated he was not in favor of the proposal prior to the meeting, although he could now accept the use and felt it complimented the Brick Row development. As far as the design, he agreed it was better than other gas stations that had been approved, but pointed out that the design should not be relative to the use, but rather the design should be relative to the unique site and needed an iconic shape.

Commissioner Bouvier asked the architects on the Commission what they would change in the design.

Commissioner Maxwell replied that the canopy was a good design, but the building was more of a “cookie-cutter” design and needed the same type of attention that was given to the canopy.

Vice Chair Hand stated earlier comments that the design was similar to the 7-Eleven approved at Renner and North Star Roads in a more suburban location did not make it an asset to the urban, TOD area of Brick Row; the proposed building should be special and truly unique. He added that he was in favor of the site plan and scale of design, but wanted further work on the design.

Commissioner Bright stated he did not have a problem with the design, but felt that because of the uniqueness of the location it was not an appropriate use.

Commissioner Linn concurred with Mr. Bright's assessment and felt there was an opportunity to create new urbanism and did not think the proposed use was appropriate.

Commissioner DePuy stated that Mr. Bouvier's comments were important about not letting too much time pass between development events and asked the Commission to be specific about what they wanted to see developed on the site. She added that she was in favor of moving forward with the proposal.

Commissioner Bouvier asked if the Commission was suggesting keeping the same layout and only making changes to the building design as opposed to changing everything.

Vice Chair Hand replied that it was not up to the Commission to design buildings and thought an architect would know what was meant by "design an iconic building", but felt blending in with Brick Row would be counterproductive. He added he was open to the site plan, but would like to have something vertical designed for the site (building or canopy) that would be unique, as well as pulling the building further away from the creek.

Chairman Gantt thanked the applicant for their hard work and acknowledged the site was very difficult to develop, the canopy was beautiful, and he did not have any issues with the design. As far as use, Mr. Gantt said it was not the use he would want to develop there, but it was satisfactory.

Chairman Gantt wanted to know if the Commission could approve the use and site plan, but come back with elevations for approval during the development process. He expressed concern that a section in the staff's report seemed to indicate if the item was approved then the Commission would have no further input on the design.

Mr. Chavez replied the PD required approval of the concept plan and the reason for the wording of the language in the suggested motion pertained to condition 5 in the motion that basically redesigns the concept plan. He said he was not sure how the applicant would feel about going forward with the concept and site plans knowing that they would have to return with another yet unknown elevation.

Mr. Chavez noted that the motion could delete any reference to elevations and stay with Exhibit B, which is a site plan with a building footprint. He suggested deleting condition 5, remove condition 3b, and amend condition 2 to delete any reference Exhibits "D", "E-1" and E-2".

Commissioner Maxwell wanted to know if the applicant could be brought back and asked if they were willing to go back and take another look at the design.

Chairman Gantt asked the applicant if he would be amenable to the Commission passing a motion that the use or concept was acceptable, but the architecture needed to be redesigned.

Mr. Grey Stogner, Crest View Real Estate, 15050 Preston Road, Suite 210, Dallas, Texas, asked to clarify that the Commission was stating the site plan and Special Permit would be approved, but the building design would need to be revised.

Chairman Gantt replied the Commission was debating whether they could look at the applicant's request as separate items and approve some of those items now and wait to approve other items at a later date.

Vice Chair Hand stated he wanted to make sure the Commission was in agreement before sending the item forward to the City Council, whether approved or denied, and suggested tapping the brakes and asking the owner to revisit certain items with an understanding of what the Commission was looking for in a redesign.

Chairman Gantt stated he was proposing that if the Commission could arrive at a consensus that the use was okay, and that Exhibit B would be the concept plan, then the applicant could return with updated site and elevation plans at another time.

Commissioner Maxwell stated he agreed with Mr. Hand and thought that approving part of the request and asking the applicant to come back for a second part was convoluted. In addition, he was not sure the Commission was in agreement and thought continuing the item was a better option.

Commissioner DePuy asked if any of the Commissioners had other ideas as to what would be an appropriate use.

Chairman Gantt replied that a convenience store and gas station was one possibility, but the concept plan also identified a restaurant, small office space, or multi-story buildings as possibilities based on the current PD zoning.

Commissioner DePuy stated that office space would not bring the needed traffic into the area to help the adjacent retail. She added that a gas station in a TOD does not necessarily make sense, but in reality there are still hundreds of cars going through that area.

Commissioner Linn disagreed and said that many people in downtown Dallas area leave their office buildings and walk around the adjacent businesses, which he felt could happen at the proposed development. He said he did not think the proposed development was the proper use of the land and felt if the property was developed as a gas station now, it would remain a gas station for many years to come.

Mr. Chavez reminded the Commission that the task before them was not to determine what the appropriate use was, but whether the request was appropriate. He suggested that if the Commission wanted to approve Exhibit B as the concept plan only, the motion would be to recommend approval in accordance with the attached Exhibit B with the listed exceptions, and at the time of development plans, the building elevations would be approved by the Commission and City Council

Chairman Gantt stated that he felt the Commission needed to focus on whether or not the submission was an appropriate use of the land and not so much on the design. He thought that putting a multi-story building on the property with retail on the ground floor would be very difficult to develop on the site

**Motion:** Commissioner Maxwell made a motion to recommend approval of Zoning File 12-14 with the special conditions noted except for any reference to any approval of building elevations, and that building elevations be approved at the time of development plan review.

Motion failed for lack of a second.

Vice Chair Hand asked if Mr. Maxwell's motion was approved, did that approve Exhibit B, the site plan, and could the applicant refine the site plan and bring it back. He thought the Commission should give the applicant a chance to make refinements on the site plan.

Chairman Gantt replied that Exhibit B would be the concept plan, not the site plan, and if approved the applicant would bring back a new site plan during the development process. He added that if a motion similar to Mr. Maxwell's were to pass, the zoning would move forward to City Council.

**Motion:** Commissioner Bouvier made a motion to recommend approval of Zoning File 12-14 as presented; second by Commissioner DePuy. Motion failed 2-5 with Chairman Gantt, Vice Chair Hand, and Commissioners Bright, Linn and Maxwell opposed.

**Motion:** Commissioner Maxwell made a motion to recommend approval of Zoning File 12-14 as presented including the special conditions with the exception of deleting any reference for the approval of building elevations, and the building elevations will be approved during development plan process; second by Vice Chair Hand.

Commission Linn asked to confirm that the motion would be to move forward with approval of the "use" and review the architecture and site plan at a later date.

Vice Chair Hand confirmed that was correct.

Commissioner Bouvier asked to confirm that the concept plan would be approved as part of the motion.

Chairman Gantt replied the concept plan would move forward to City Council, if approved, and all references to any elevations or site plan would be held for the standard development cycle.

Motion approved 5-2 with Commissioners Bright and Linn opposed.



## Staff Report

**TO:** City Council

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

**FROM:** Sam Chavez, AICP, Asst. Dir. of Development Services (Planning) **SC**

**DATE:** September 6, 2012

**RE:** **Zoning File 12-14:** 7-Eleven – Brick Row

### REQUEST:

Special Permit for a motor vehicle service station with modified development standards at 170 E. Spring Valley Road (southeast corner of Spring Valley Road and Centennial Boulevard).

### APPLICANT and PROPERTY OWNER:

Grey Stogner-Crestview Real Estate, LLC and TCG Brick Row Triangle, LP

### TRACT SIZE AND LOCATION:

0.96-acre site, southeast corner of Spring Valley Road and Centennial Boulevard.

### EXISTING DEVELOPMENT:

The site is undeveloped.

### ADJACENT ROADWAYS:

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

**Centennial Boulevard:** Six-lane, divided arterial; 33,900 vehicles per day on all lanes, eastbound and westbound, east of Greenville Avenue (May 2011).

### SURROUNDING LAND USE AND ZONING:

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

**South:** Office & Industrial; I-M(1) Industrial & O-M Office

**East:** Retail/Commercial; PD Planned Development

**West:** Office; I-M(1) Industrial

## **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: Transit Village

South: Transit Village

East: Transit Village

West: Transit Village

## **EXISTING ZONING:**

PD Planned Development (Ordinance No. 3831).

## **TRAFFIC/ INFRASTRUCTURE IMPACTS:**

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

## **STAFF COMMENTS:**

### **Background:**

The subject property is zoned PD Planned Development and is part of the overall Spring Valley Station District Planned Development, which was adopted in 2004 and most recently amended in August 2011 (Ordinance Number 3831). The majority of the PD is located on the north side of Spring Valley Road and is bisected by the DART Light Rail. The thirty-two (32) acres located on the east side of the DART Light Rail, north of Spring Valley Road is developed with five-hundred (500) apartments, approximately 16,000 square feet of retail space and townhomes along Greenville Avenue.

The subject 0.96-acre tract is located within the area known as the Centennial Triangle Area, which is bounded by Centennial Boulevard to the south, Greenville Avenue to the east, and Spring Valley Road to the north. The Centennial Triangle Area allows a mix of uses, including retail/commercial uses, office uses, multi-family uses, and public uses.

In December of 2011, a similar application was submitted for the site, which received a recommendation of denial from the Commission. The Commission determined the proposed use and design are inappropriate and inconsistent with the intent of the TOD development district.

Other than a different site design and a number of requested exceptions, the current proposed concept plan is similar to the original request in that it depicts a single use for a motor vehicle service station on the subject site.

**Applicant’s Request**

A motor vehicle service station is not listed as an allowed use within the PD; therefore, the applicant is requesting a Special Permit to allow the use. The proposed facility will have access from Spring Valley Road and Centennial Boulevard. The building will have two (2) entrances; one facing Spring Valley Road with an outdoor seating area and another facing west towards the canopy and four (4) double-sided gasoline pumps.

Parking will be located along the west and south side of the building and on-street parking will be provided along Spring Valley Road within the proposed six (6) foot wide amenity zones. The following key definitions for an amenity zone, build-to-line, and yard in the Spring Valley Station District PD Ordinance are listed below:

- Amenity Zone – The area between the back of the curblines and the sidewalk where street trees and street furnishings are located.
- Build-to-Line – The required distance between the back of the predominant curblines and the building façade.
- Yard – The area located between the required amenity zone and any adjacent building, structure, or surface parking lot. (Sidewalks are located within the required yard areas)

**Proposed Development:**

- Building Size: 3,024-square foot convenience store with a canopy covering four (4) double-sided gasoline pumps.
- Height: 23’-10” (midpoint of tower).
- Landscaping: 39% proposed, 7% required.
- Number of Parking Spaces: 13 off-street / 11 on-street proposed; 13 required.
- Building Orientation: The building faces west toward the Spring Valley Road and Centennial Boulevard intersection.
- Building Materials: The building will be constructed with brick and stone, and have a standing seam metal roof over the west entrance. High impact EIFS will also be used from architectural detailing and cornice (See table below for requested exception).
- Build-to-Lines: (See table below for requested exception).
- Amenity Zone: (See table below for requested exception).
- Yard: (See table below for requested exception).
- Building Frontage: (See table below for requested exception).

The PD allows exceptions to be requested with regard to the area and building regulations. The exceptions to the area and building regulations being requested are listed below:

	<b>Spring Valley Station District PD Regulations</b>	<b>Proposed Exceptions</b>
<b>Primary Entrance Location</b>	The primary entry for all buildings shall be oriented towards the street.	Entry orientation internal to lot.
	<i>The primary entrance is located on the west side of building and does not face a street.</i>	

<b>Exterior Building Materials</b>	The ground floor exterior walls, excluding windows, doors, and other openings, shall be constructed of 100% masonry construction.	Use of high impact EIFS on the ground floor of the building for architectural detailing and cornice.
	<i>The non-masonry material (EIFS) will be used on a small portion above a minimum height of 8 feet of the building facades and used only for architectural detailing and cornices.</i>	
<b>Build-to-Lines (adjacent to on-street parking)</b>	Minimum fourteen (14) feet / Maximum eighteen (18) feet	Allow proposed concept site plan to supersede build-to-line requirement.
<b>Amenity Zone (along Spring Valley Road)</b>	Minimum six (6) feet adjacent to parking, sixteen (16) feet elsewhere	Six (6) feet along Spring Valley Road
<b>Amenity Zone (along Centennial Boulevard)</b>	Ten (10) feet	None.
<b>Yard (adjacent to on-street parking)</b>	Minimum eight (8) feet / Maximum twelve (12) feet with scored concrete sidewalk	Allow proposed concept site plan to supersede yard requirement and allow specialty paving in lieu of a scored concrete sidewalk.
<b>Building to Lot Frontage</b>	Minimum 50% of the total frontage of the lot shall be occupied within the required build-to-range	0% of the total frontage of the lot to be occupied within the required build-to-range
	<i>The requested exceptions are a result of the applicant's proposed site design which accommodates site constraints and the proposed use of the site for a single user.</i>	

**Other Related Request:**

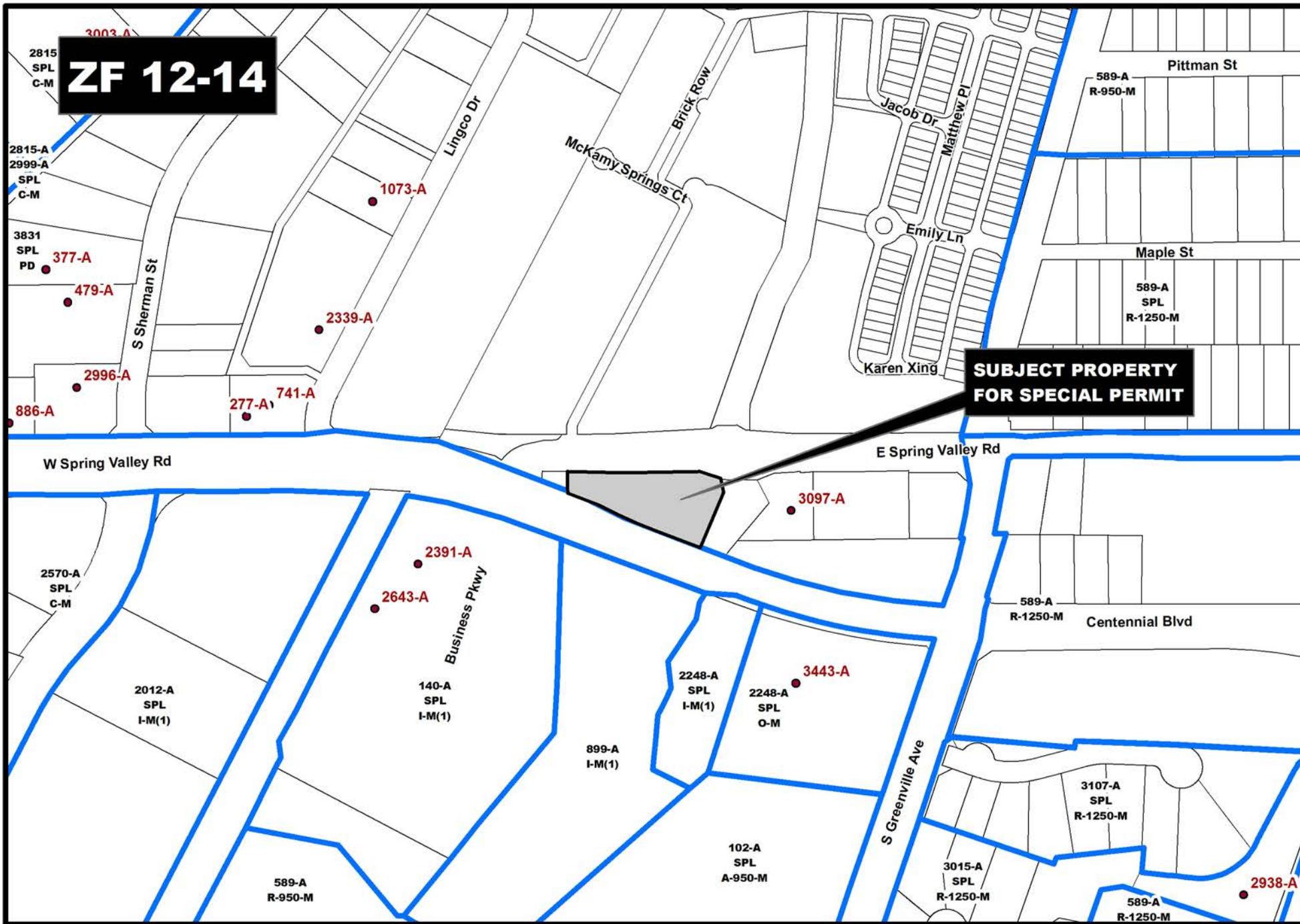
Allow reduced internal stacking at the gas pumps as shown on the attached concept plan (Exhibit “B”) (Chapter 21-59) - A variance to allow reduced internal stacking at the gas pumps will be required for the site. The City of Richardson Subdivision and Development Ordinance requires that gas pumps be located so as to provide adequate parking spaces for one (1) vehicle at each pump and one (1) vehicle waiting behind those using the pumps (waiting space), with a minimum of three (3) feet between such spaces. This requirement, however, was most likely intended for gas stations that would provide a single row of gas pumps rather than the double-stacked configuration proposed. Similar requests have recently been approved for QuikTrip at Belt Line Road and Inge Drive, 7-11 at Renner and North Star and most recently for Shell at Renner and PGBT.

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

**Motion:** On August 21, 2012, the City Plan Commission recommended approval of the request on a vote of 5-2 subject to the following special conditions as amended below:

1. A motor vehicle service station shall be allowed as defined in the Comprehensive Zoning Ordinance and limited to the area shown on the attached concept plan, marked as Exhibit “B” and made a part thereof.

2. The motor vehicle service station shall be constructed in substantial conformance with the attached concept plan (Exhibit “B”) ~~and building and canopy elevations (Exhibits “C-1” & “C-2”) and as architecturally depicted on Exhibit “D”, “E-1 and “E-2”.~~
3. The following exceptions to the Spring Valley District PD shall be granted:
  - a. The primary entrance to the building shall not be required to face a street.
  - b. ~~The use of non-masonry materials on the building for architectural detailing and cornice as depicted on the attached building elevations (Exhibit “C-1”).~~
  - c. The build-to-line shall not be required along Spring Valley Road.
  - d. The amenity zone along Spring Valley Road shall be a minimum of six (6) feet wide, as depicted on Exhibit “B”.
  - e. The amenity zone shall not be required along Centennial Boulevard.
  - f. The yard area shall not be required and specialty paving shall be allowed for the required sidewalk in lieu of a scored concrete sidewalk.
  - g. The building to lot frontage requirement shall not be required along Spring Valley Road.
4. The amount of internal stacking at the gas pumps shall be reduced as shown on the attached concept plan (Exhibit “B”) shall be allowed.
5. The approval of this Special Permit in accordance with its attached concept plan shall replace the requirement for Concept Plan approval of this project as described in Ordinance 3831 (Spring Valley Station District Development Regulations).



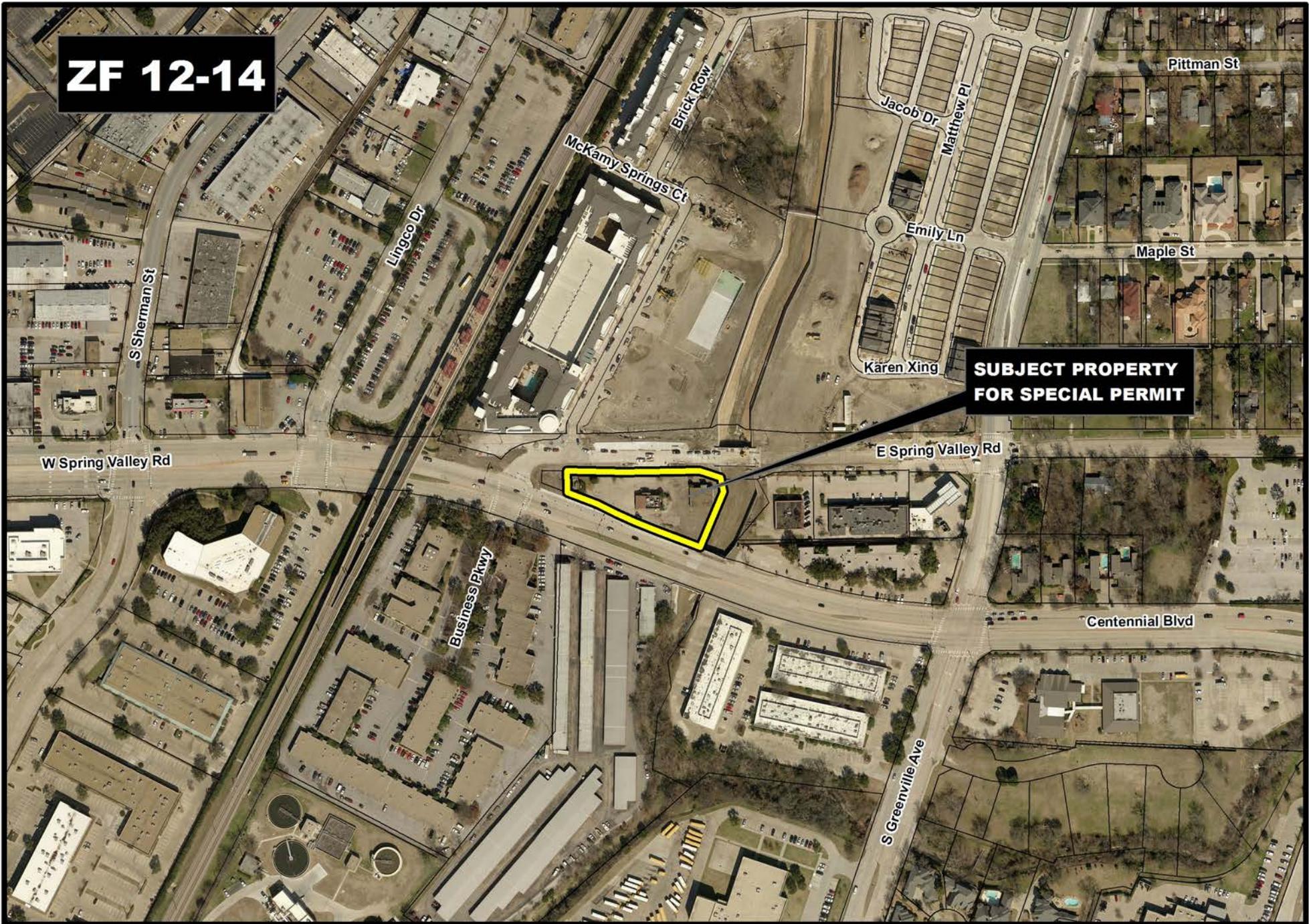
## ZF 12-14 Zoning Map

Updated By: shacklett, Update Date: August 7, 2012  
 File: DSI\mapping\Cases\Z\2011\ZF1214\ZF1214 zoning.mxd

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**ZF 12-14**



**ZF 12-14 Aerial Map**

Updated By: shacklett, Update Date: August 7, 2012  
File: DSI\mapping\Cases\Z\2011\ZF 1214\ZF1214 ortho.mxd

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Oblique Aerial - Looking North







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7-ELEVEN  
SPRING VALLEY &  
CENTENNIAL  
RICHARDSON, TX  
PROJECT: 7043 - 070111  
JOB NUMBER: 12-10-00416

ISSUE BLOCK

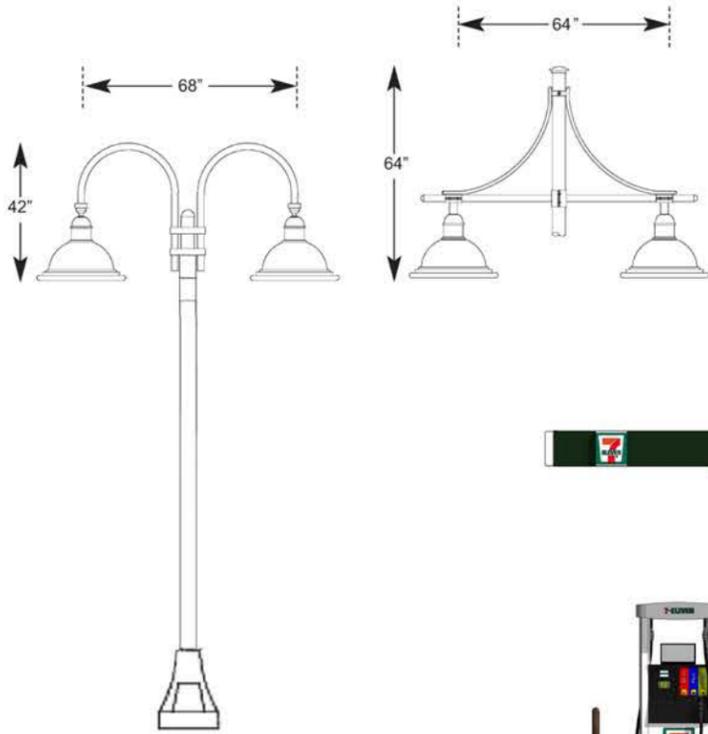
NO.	DATE	DESCRIPTION

STORE NO.: 35475  
DOCUMENT DATE: 12/1/11  
CHECKED BY: JH  
DRAWN BY: SLJ

FOR REVIEW/REFERENCE ONLY  
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RICHARDSON, TX -  
ELEVATIONS

SHEET:  
RB-E



EXAMPLE SITE LIGHTING FIXTURE



8 TRASH ENCLOSURE - SIDE  
1/4" = 1'-0"

7 TRASH ENCLOSURE - FRONT  
1/4" = 1'-0"



6 CANOPY ELEVATION - SOUTH  
1/4" = 1'-0"

5 CANOPY ELEVATION - WEST  
1/4" = 1'-0"



4 SOUTH ELEVATION  
3/16" = 1'-0"



3 EAST ELEVATION  
3/16" = 1'-0"



2 NORTH ELEVATION  
3/16" = 1'-0"



1 WEST ELEVATION  
3/16" = 1'-0"

7/20/2012 2:40:30 PM  
C:\Users\valley\parker\OneDrive\My Projects\12-10-00416 - Richardson, TX - 35475 - Centennial - 7-Eleven\12-10-00416-11



7-ELEVEN  
8/15/2012 4:14:15 PM  
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**RICHARDSON, TX**



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**Exhibit E-1**



7-ELEVEN  
8/15/2012 4:14:07 PM  
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**RICHARDSON, TX**

**HFA**  
ARCHITECTS  
ENGINEERS  
INTERIORS  
**HARRISON FRENCH  
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**Exhibit E-2**



(1)

**Looking West along  
Centennial Boulevard**

**Brick Row Area - November 2011**



(2)

**Looking West along  
Spring Valley Road**

**Exhibit F-1**



**Brick Row Area - November 2011**



**The owners of this property, TCG Brick Row Triangle, LP (“TCG”), and 7-11 Corporation feel that their request as presented will be an asset to Brick Row by creating viable activity on a very difficult site.**

**In order to better understand its constraints and its potential impact on its surroundings “TCG” undertook a more in depth analysis with a new team of consultants. The results indicate that this proposal is not singular in nature but rather can have significant positive impact on its surroundings; also indicating that strict adherence to current development regulations places an unreasonable burden on such a small, irregularly shaped parcel.**

**Consequently they are applying for relief from several of the Spring Valley T.O.D. regulations in order to bring economically viable activity to the immediate area by preserving the visibility of that portion of Brick Row that now has exposure to Centennial Blvd. while creating a site that contains more open space and landscaping than required by the TOD regulations.**



# Notice of Public Hearing

## City Plan Commission • Richardson, Texas

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

### SPECIAL PERMIT

**File No./Name:** ZF 12-14 / 7-Eleven Motor Vehicle Service Station  
**Property Owner:** Grey Stogner / TCG Brick Row Triangle, LP  
**Applicant:** Grey Stogner / Crestview Real Estate, LLC  
**Location:** SE Corner of Spring Valley Road & Centennial Boulevard  
(See map on reverse side)  
**Current Zoning:** PD Planned Development  
**Request:** A request by Grey Stogner, representing Crestview Real Estate, LLC for a Special Permit for a motor vehicle service station with modified development standards.

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

**TUESDAY, AUGUST 21, 2012**  
**7:00 p.m.**  
**City Council Chambers**  
**Richardson City Hall, 411 W. Arapaho Road**  
**Richardson, Texas**

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

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

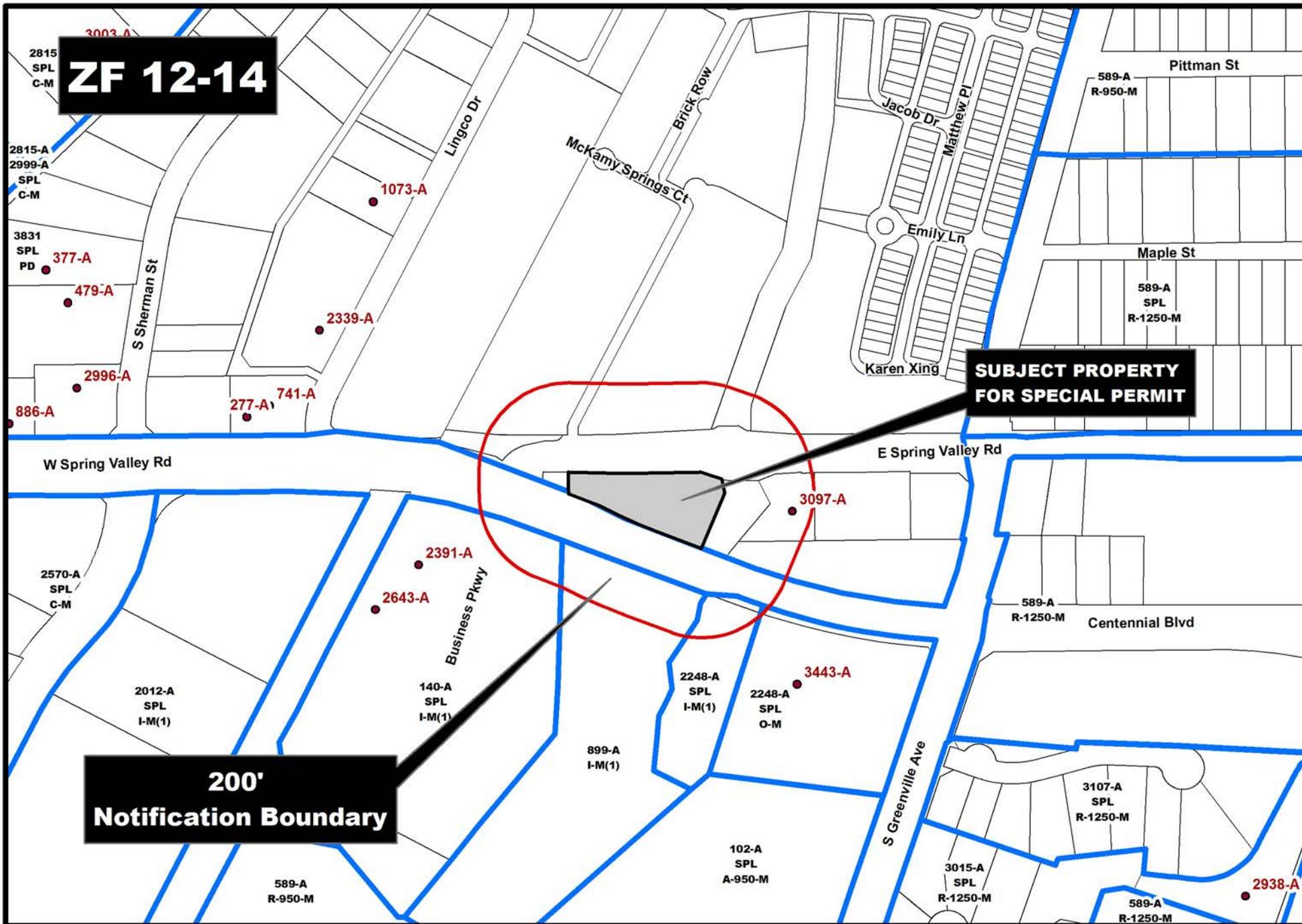
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

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

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

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 12-14.

Date Posted and Mailed: 08/10/12



## ZF 12-14 Notification Map

Updated By: shacklett, Update Date: August 7, 2012  
 File: DSI\mapping\Cases\Z\2011\ZF1214\ZF1214 notification.mxd

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PLANO, TX 75074-8802

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

**GREY STOGNER, PRESIDENT**  
**CRESTVIEW REAL ESTATE, LLC**  
**15150 PRESTON RD, SUITE 210**  
**DALLAS, TX 75148**

**ZF 12-14**  
**Notification List**

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August 7, 2012

Mr. Michael Spicer, Director  
Development Services Department  
City of Richardson  
411 W. Arapaho Road, #204  
Richardson, TX 75080

**RE: 7-11 Site Plan Request for Spring Valley and Centennial—across from the Brick Row Apartments**

Dear Mr. Spicer,

We have recently met with the owner of the subject site and their consultants, Richard Ferrara and Ron Walden, to discuss the most recent site plan being presented for approval (see attached)—wherein the 7-11 building backs up to the creek (facing west) and the pump islands are in the middle of the site.



Centennial Park Richardson, Ltd., the owners of the Brick Row Apartments and development, favor and support this proposed site plan for a number of reasons:

- A 7-11 store will be an attractive benefit to the Brick Row apartment and townhouse residents as it will offer a full line of food, beverages, beer, wine and gasoline;
- A site plan with the 7-11 building facing Spring Valley with gas pumps along the creek is not practical (and totally unacceptable to 7-11);
- The size and shape of the subject site pretty much dictates a limitation to the use for a small retail building;
- The proposed site plan allows practical traffic flow and access to the store and gas pumps;
- The architectural features and the landscaping are complimentary to the Brick Row Apartments;
- The 7-11 store will hopefully create more of a retail node that we all want to see along Spring Valley—and the 7-11 building does not need to face Spring Valley to accomplish this;
- 7-11 has agreed to dramatically narrow the height of their canopy border (which was one of our requests);
- The proposed landscaping and berms will substantially dress up the site; and

Mr. Michael Spicer letter  
Page Two  
August 7, 2012

- We very seriously doubt ANY developer would build (or banker would make a loan) for a spec retail building facing north to Spring Valley since it would be extremely difficult to lease.

In conclusion, as the owners of the Brick Row development we believe we are the most at risk if the subject property is not developed with a practical and rational use. We believe the 7-11 store and proposed site plan is one of the best potential uses of this site and encourage the CPC to approve the owner's request.

Sincerely,

CENTENNIAL PARK RICHARDSON, LTD.

A handwritten signature in black ink, appearing to read "David W. Gleeson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David W. Gleeson, CRE  
Executive Vice President

DWG:jm

Attachment

cc: Mr. Joe Longbotham (without enclosures)

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

### Building regulations

#### *Exterior design*

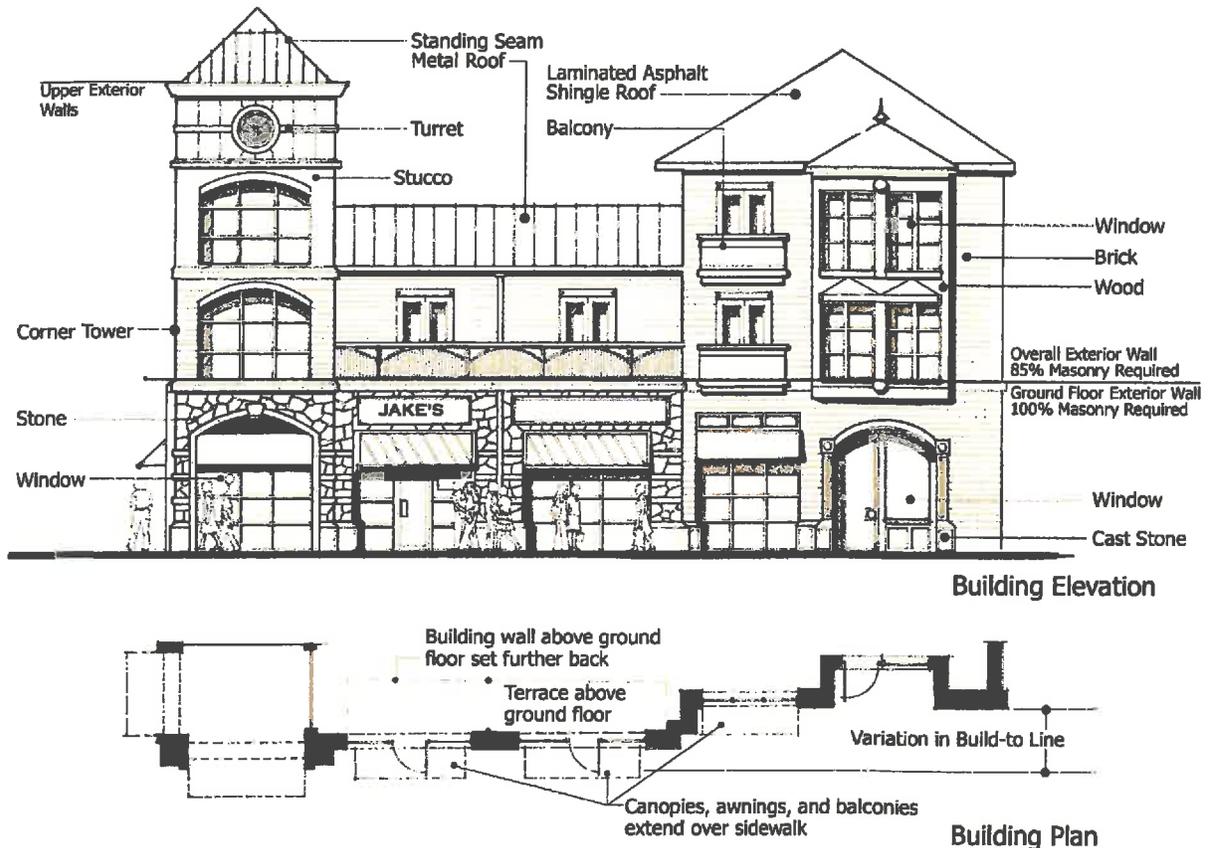
- (a) Structures shall have clear or slightly tinted windows. Mirrored or heavily tinted glass is prohibited.
- (b) The primary entry for all buildings and ground floor tenant spaces shall be oriented towards the street. Secondary entrances are encouraged for access to parking facilities and pedestrian 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 curblin of Greenville Avenue shall be limited to a maximum height of 50 feet and not to exceed three stories in height.

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

*Service areas*

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

*Roof-mounted equipment*

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

*Residential adjacency*

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

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

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

### *Trash receptacles*

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

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

### **Area regulations**

#### *Front build-to line*

Non-residential, multi-family, and mixed-use buildings and the elements required between the street and any building, structure, or surface parking lot shall be located within the build-to line in accordance with Table 5-1. Build-to lines shall be measured from the back of the curblines 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.

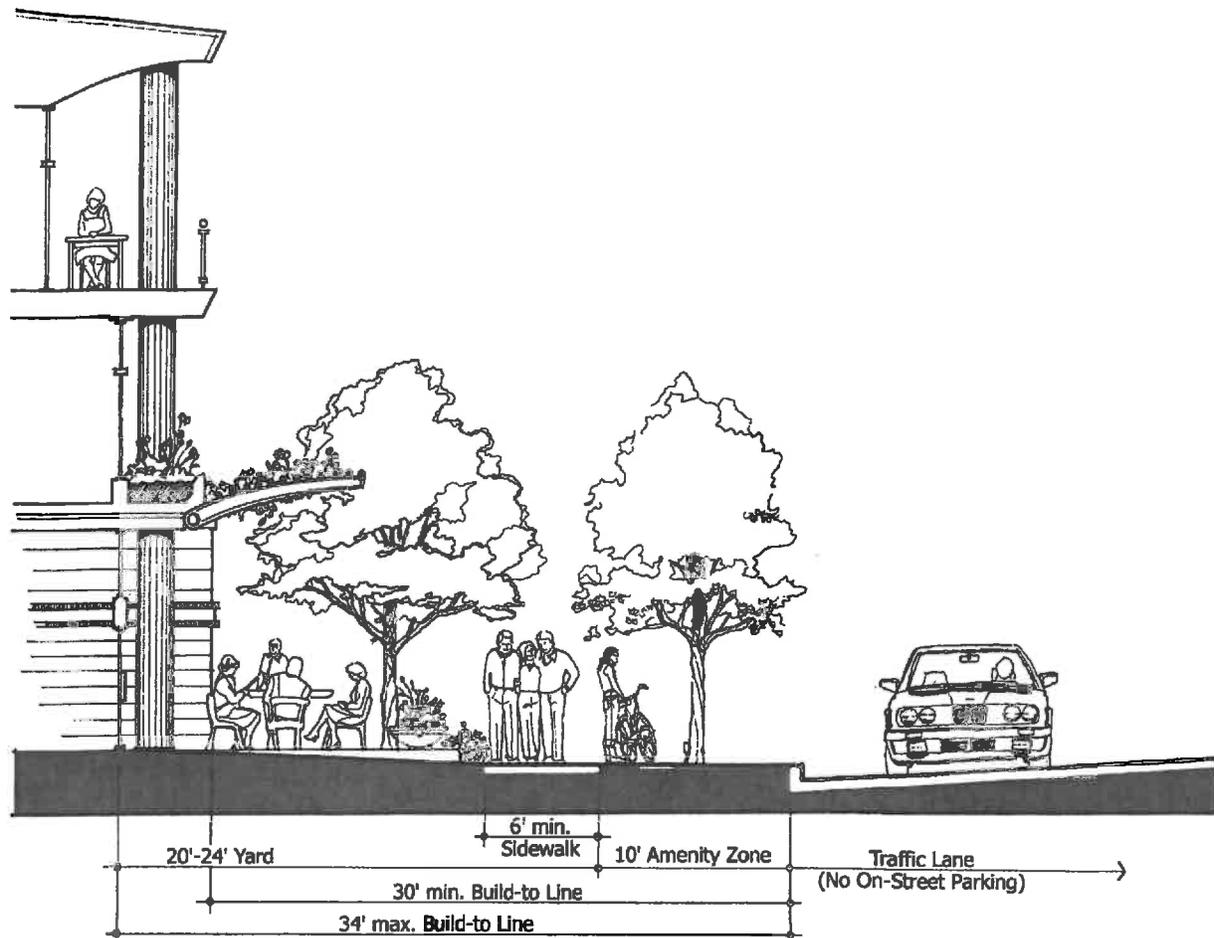


Illustration 5.2: Street section, arterial streets and Greenville Avenue

- (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.

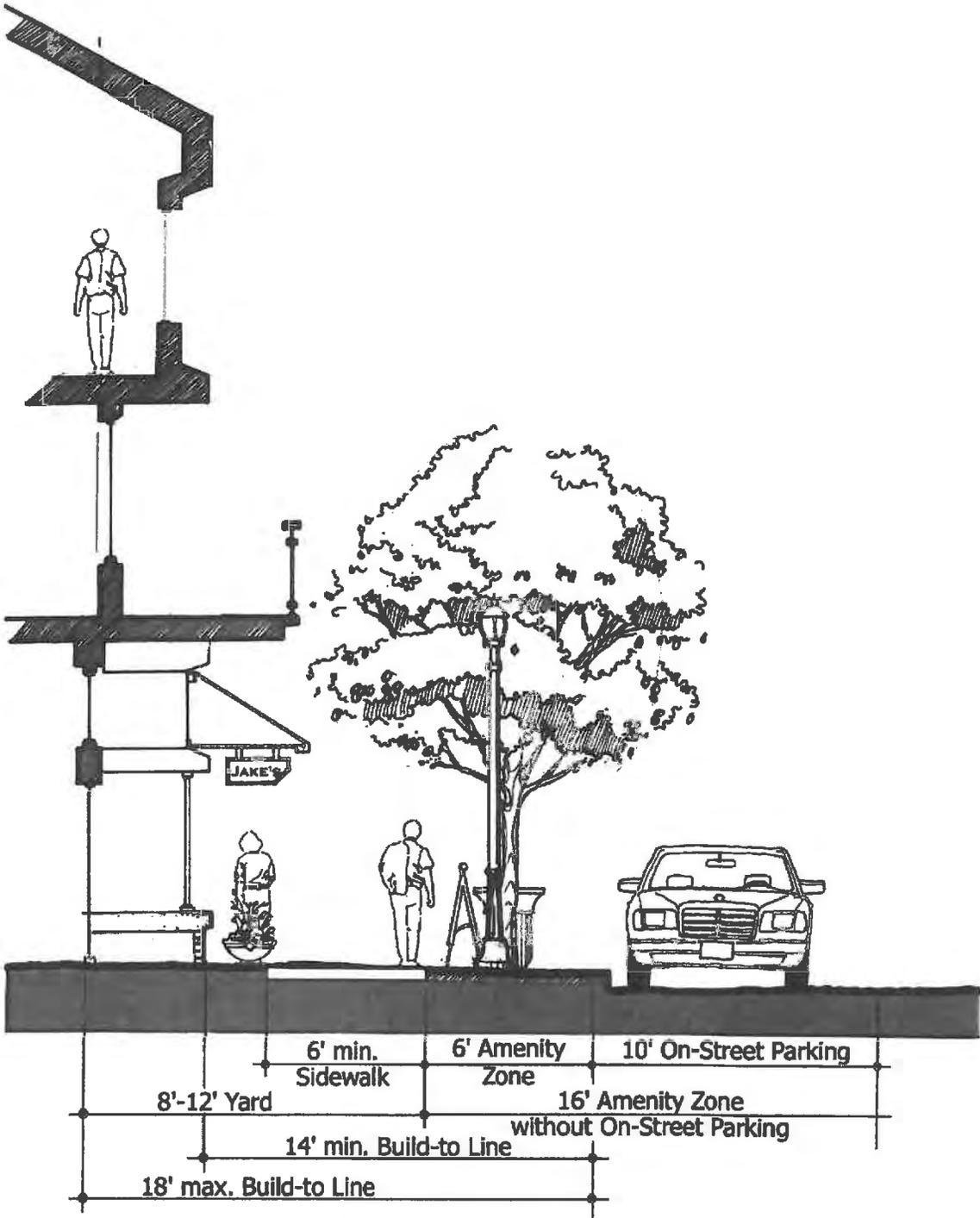


Illustration 5.3: Street section, non-arterial streets

- (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.

## Spring Valley Station District: Development Regulations

### (c) Yard and sidewalk

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

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

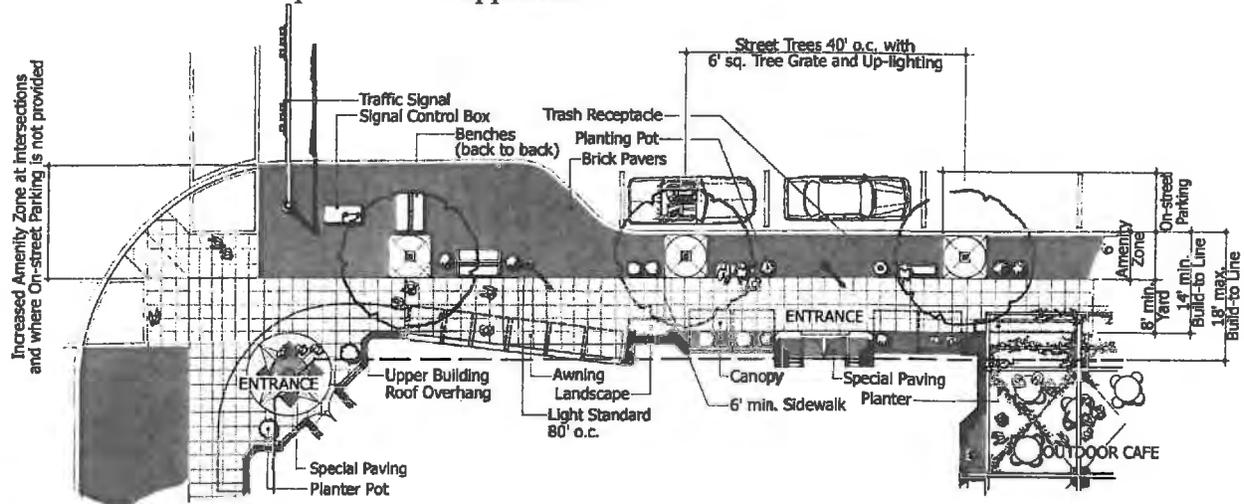
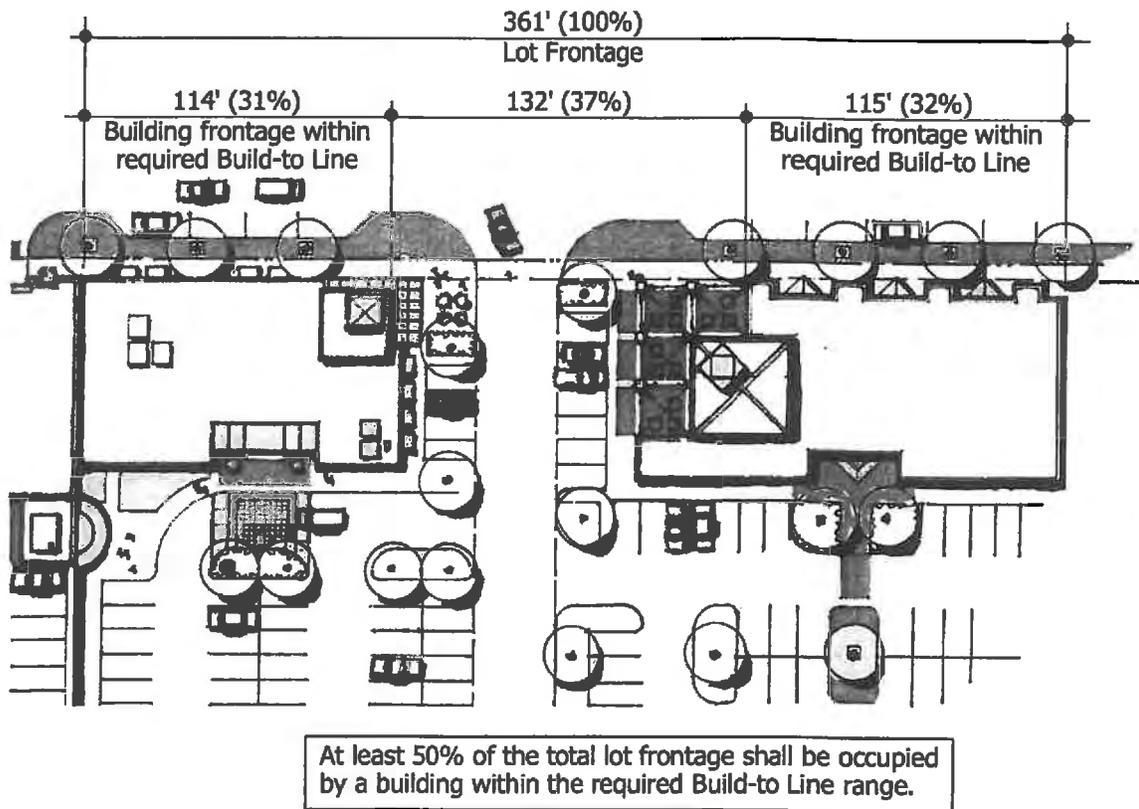


Illustration 5.4: Building frontage features and articulation

### (d) Building

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



*Illustration 5.5: Building frontage requirements*

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

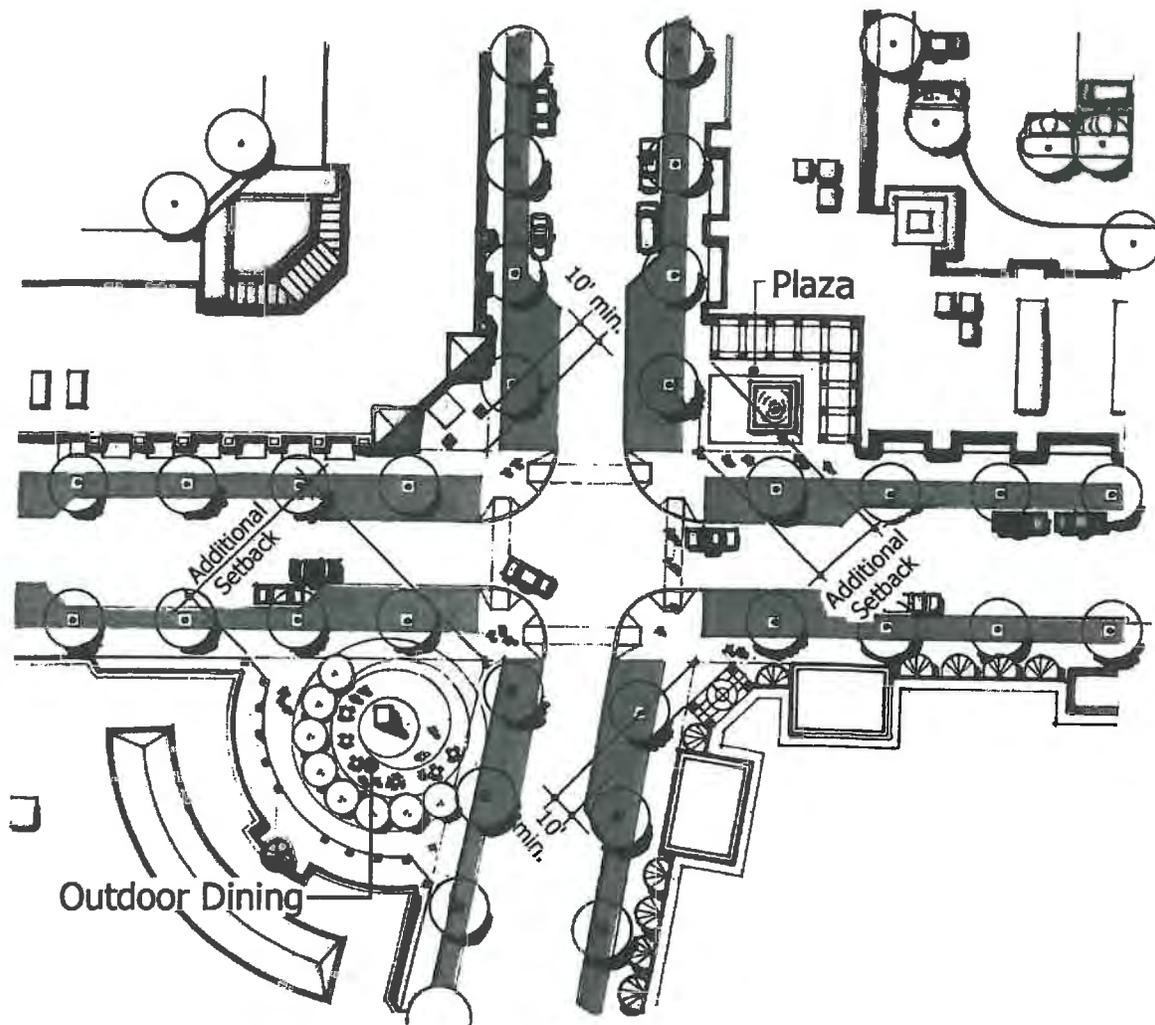


Illustration 5.6: Examples of additional setback requirements at street intersections.

*Additional setbacks*

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

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

*Residential unit size*

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

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

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

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

*Exterior doors*

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

*Balconies and stairways*

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

*Screening*

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

### *Recreational amenities*

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

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

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

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

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

## Spring Valley Station District: Development Regulations

- (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 curblin 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.



# MEMO

**DATE:** September 6, 2012  
**TO:** Honorable Mayor and City Council  
**FROM:** Michael Spicer, Director of Development Services MS  
**SUBJECT:** Zoning File 12-15 – Special Permit – Noah Event Center

## REQUEST

Eldon Haacke presenting Terraform Companies is requesting approval of a Special Permit for a 9,257 square foot special event facility with modified development standards. The subject 1.79 acre site is located north of N. Greenville Avenue, east of N. Glenville Drive and is zoned I-M(1) Industrial.

The proposed use is an unlisted use in the city's Comprehensive Zoning Ordinance; therefore, requiring the need for a special permit as allowed for in the Comprehensive Zoning Ordinance for unlisted uses.

## BACKGROUND

Noah Corporation develops and operates event center space for business, corporate & community events, weddings, anniversaries, birthday parties and social gatherings. The nearest Noah's event center is located in Irving with a facility to be built in the City of Fairview in the near future.

The City Plan Commission considered the applicant's request at their August 21, 2012 meeting which included requests for a reduction in the percentage of exterior masonry for the north, south and west building elevations in lieu of 80%, a reduced parking ratio of 7.8 spaces per 1,000 square feet of building area in lieu of 1 space per 100 square feet of building area and allowance of a lot without street frontage. The Commission recommended approval of the applicant's request subject to the acquisition of a mutual access and parking agreement with the adjoining property owner to the north (Verizon).

Subsequent to the Commission's hearing, the applicant was unable to acquire the required parking agreement from Verizon; therefore, the applicant's request is that the parking portion of the Agreement not be required as a condition of approval. The applicant expanded the subject site to the west and revised the zoning exhibit (Exhibit "B-1") to provide the required number of parking spaces for the proposed facility at a parking ratio of 1 space per 100 square feet of building area. The access easement will be acquired as depicted on the zoning exhibit.

As of this date, no correspondence has been received.

## PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a vote of 7-0, recommended approval of the requested zoning change as presented with the additional requirement that a Mutual Access and Parking Agreement be acquired from the adjacent property to the north.

## ATTACHMENTS

Special Conditions	Revised Zoning Exhibit "B-1"
CC Public Hearing Notice	Building Elevations (Exhibits "C-1" & "C-2")
City Plan Commission Minutes 08-21-2012	Color Building Elevations (Exhibit "D")
Staff Report	Site Photos (Exhibits "E-1" & "E-2")
Zoning Map	Applicant's Statement and Masonry Reduction Request
Aerial Map	Notice of Public Hearing
Zoning Exhibit (Exhibit "B" presented to CPC)	Notification List

### **ZF 12-15 Special Conditions**

1. The Special Permit for a special event entertainment facility shall be allowed and shall be limited to the area shown on attached concept plan, marked as Exhibit "B".
2. Section 21-46(b); street frontage requirement for platted lots, of Chapter 21, Subdivision and Development Ordinance shall not apply.
3. The special event entertainment facility shall be constructed, developed and used in substantial conformance with the attached concept plan Exhibit "B" and elevation plan Exhibits "C"-1" and "C-2".
4. The minimum percentages for exterior masonry materials and maximum percentages for porcelain tile as designated on Exhibits "C-1" and "C-2" for each elevation shall be allowed.
5. Parking shall be provided at a ratio of 7.8 parking spaces per 1,000 square feet of building area.

### **CPC Additional Condition**

6. A Mutual Access and Parking Agreement shall be acquired from the adjacent property owner to the north and shall be submitted to the City prior to the issuance of a Certificate of Occupancy for the site.

**City of Richardson  
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, September 10, 2012, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

**Zoning File 12-13**

A request by Michael F. Twichell, representing Shire Development, LLC, for amendments to the PD Planned Development standards to accommodate the development of an independent living facility for property located at the northwest corner of Infocom Drive and Shire Boulevard. The property is currently zoned PD Planned Development.

**Zoning File 12-14**

A request by Grey Stogner, representing Crestview Real Estate, LLC, for a Special Permit for a motor vehicle service station with modified development standards at 170 E. Spring Valley Road (between Spring Valley Road and Centennial Boulevard, east of DART Light Rail). The property is currently zoned PD Planned Development.

**Zoning File 12-15**

A request by Eldon Haacke, representing Terraform Companies, for a Special Permit for a special events and entertainment facility with modified development standards, for a property located at the northeast corner of Greenville Avenue and Glenville Drive. The property is currently zoned I-M(1) Industrial.

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

CITY OF RICHARDSON  
Aimee Nemer, City Secretary

**EXCERPT  
CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – August 21, 2012**

**PUBLIC HEARING**

**Zoning File 12-15:** Consider and take necessary action on a request by Eldon Haacke, representing Terraform Companies, for a Special Permit for a special events and entertainment facility with modified development standards. The 1.79 acre site is located north of Greenville Avenue, east of Glenville Drive and is zoned I-M(1) Industrial.

Mr. Chavez stated the applicant was requesting approval of a Special Permit for a 9,200 square foot special event and entertainment facility with modified development standards. He added that the 1.7-acre site is located north of Greenville Avenue and east of Glenville Drive and zoned I-M(1) Industrial.

Mr. Chavez noted that the applicant was requesting three deviations from the development standards:

- Reduction in the 80% masonry requirement – the north, south and west elevations of the proposed building did not meet the masonry requirements; however, the applicant was proposing to use a 12” x 24” porcelain tile as an accent material.
- Reduction in parking ratio – the City’s parking ratio requires 1:100 for the type of use, but the applicant was requesting a reduction to 7.8:1,000 based on a parking analysis from the applicant’s other facilities. In addition, if there was an event that required more parking, the applicant was proposing an access easement that would lead to the parking lot for the adjacent Verizon facility.
- Exempt property from Chapter 21 requirements that all lots must have street frontages for platting purposes; however, because of the interior nature of the lot, the property will have access from a driveway as opposed to a street, and there was a proposed median cut to access the driveway.

Commissioner DePuy asked if the applicant had provided any material samples for the porcelain tile.

Mr. Chavez replied that samples were not available, but it would be the same type that was used on facilities in the cities of Irving and Fairview.

Commissioner Bouvier stated it was unusual for the Commission to be making a decision on the type of material and reduction in required masonry materials if samples were not provided. He also wanted to know if the rendering would be attached to the ordinance.

Mr. Chavez confirmed the rendering would be attached to the ordinance.

Commissioner Bright wanted to know the percent of reduction in parking being requested by the applicant.

Mr. Chavez replied that it was an approximately a 20% reduction in parking and the requested reduction pertained only to the parking spaces on the property. He added that he was not sure if the parking and access agreements between the applicant and Verizon had been executed.

Commissioner Maxwell asked if it was the normal process to first approve the zoning request then have the shared access agreement executed. Also, he wanted to know if there was some type of mechanism in place to insure the agreements were signed.

Mr. Chavez replied that based on the conditions in the staff report, there was no mechanism to insure that occurred, but suggested the Commission could add a condition that prior to a Certificate of Occupancy (CO) being issued, a parking agreement would have to be executed.

Vice Chair Hand asked if a wood frame building, as proposed by the applicant, was allowed in an Industrial District.

Mr. Shacklett replied there are two Industrial Zones – I-M, which is industrial masonry that allows wood frame; and, I-FP, which is industrial fire proof that would not allow a building with wood frame construction. However, the proposed building would be located in an I-M district and have a wood frame, but would have to meet the masonry structure condition.

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

Mr. Scott Jensen, representing Noah's, 4139 W. Northgate Drive, Irving, Texas; Mr. Michael Denton, Senior Director of NAI Robert Linn Real Estate, 4851 LBJ Freeway, Suite 1,000, Dallas, Texas, representing Noah's; and Mr. Sam Hanna, DeOtte Engineering, 6707 Brentwood Stair, Fort Worth, Texas.

Mr. Denton stated that he represented Noah Corporation around the country in their real estate transactions and could answer any questions.

Chairman Gantt asked if a parking agreement with Verizon would be included in the access agreement and cautioned that the agreement would have to be in place prior to a CO being issued.

Mr. Denton replied that the access easements had been drafted by Verizon and were awaiting approval of the zoning before being signed. He said he was not sure if the parking agreement was part of the access agreement, but stressed that the last thing Noah's wanted to do was have a parking situation that would cause problems for their customers.

Commissioner Bright asked if the shared parking agreement was limited to weekends.

Mr. Denton replied that the facility would support corporate events during the week and family events (weddings, etc.) on the weekends, and what they have found is that most people car pool to both type of events. He added that the parking agreement would not be limited to weekends.

Commissioner Linn asked if it would be possible to take a vacant or underused property in the City and redevelop it as opposed to building from the ground up.

Mr. Denton replied that as traditional as the building appears, there are many electronic and automated features that require ground-up construction of the facility. He added that converting existing buildings would be cost prohibitive.

Vice Chair Hand asked if any of the other Noah facilities were larger than the proposed building in the City. He also wanted to know why they were placing the building at the back of the of the 8-acre tract of land.

Mr. Jensen replied that the two facilities in Utah were three stories in height, but all the others in the country were only one-story.

Regarding placement of the building on the lot, Mr. Denton replied that Verizon, the owner of the property, asked them to locate at the back of lot because they had received an offer from a group that develops Hampton Inns. He added that he was not sure how far the negotiations on that property had progressed.

Vice Chair Hand asked if the applicant thought he would be competing with the local hotels regarding meeting space and he also wanted to know if they would ever think of expanding the building.

Mr. Jensen replied that most hotels only supply meeting space in order to rent their hotel rooms, plus customers must pay additional charges for renting any equipment, whereas, at a Noah building all of that was included.

Regarding expanding the building, Mr. Denton replied if it got to the point they were turning away business they would look at building another facility.

Commissioner DePuy pointed out there were many hotels around that area and wondered what would be the main source for Noah's business. She also wanted to know if the Fairview, Texas property had been built.

Mr. Jensen replied that Monday through Thursday the facility is usually filled with corporate meetings during the day with some family events in the evening, and Fridays and Saturdays were typically booked for weddings. He added the most of the competition would be from hotels, meeting spaces, and wedding venues.

Mr. Denton replied that the economic development director for the City of Fairview stated Noah's could break ground next week and the property was located off Stacy Road adjacent to the Fairview City Hall.

Commissioner DePuy asked about the accent tile referenced in the Commission's packet.

Mr. Denton replied the tile would be a very high-end quality material that would provide curb appeal. He added that interior would have hardwood floors with other high quality materials and the buildings were built to get better with age.

Chairman Gantt asked if the picture on page 5 of the handout from the applicant was a representation of the tile to be used.

Mr. Jensen replied that it was not the same tile, but the overall look was similar.

Mr. Shacklett noted that on Exhibit C1 there were lists of materials and colors.

Commissioner Bright asked why the applicant could not meet the City's 80% masonry requirement, and was the porcelain tile better than the masonry.

Mr. Denton replied the types of materials used would be very high quality and Noah was trying to standardize all their buildings because it created an identity as well as efficiencies.

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

Chairman Gantt stated he thought the proposal was a very interesting concept and felt many people would like to use the facility.

Commissioner DePuy stated the Commission had discussions in the past about using different construction materials and felt the porcelain tile would work well.

Vice Chair Hand agreed and noted that the Commission had spent a lot of time talking about new generation materials and felt that porcelain tile as a finish product would not cause a problem as long as the installation was done correctly.

Commissioner Maxwell concurred and thought the tile could be used to meet the 80% masonry requirement, but did express concern about the unsure nature of the shared parking agreement.

Commissioner Bouvier initially thought the request was not a compatible use for the area; however, after learning more about the product was in support of the request. He suggested that if the item was approved and moved forward to the City Council, the applicant should bring samples of the materials to be used.

**Motion:** Commissioner Maxwell made a motion to recommend approval of Zoning File 12-15 as presented with an additional condition that signed parking and access easements are in place prior to the issuance of a Certificate of Occupancy; second by Commissioner Linn. Motion passed 7-0.



## Staff Report

**TO:** City Council

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

**FROM:** Sam Chavez, AICP, Asst. Dir. Development Services (Planning) **SC**

**DATE:** September 6, 2012

**RE:** **Zoning File 12-15:** Special Permit – Noah Event Center

### REQUEST:

Approval of a Special Permit for a 9,257 square foot special event entertainment facility with modified development standards. The subject 1.79 acre site is located north of N. Greenville Avenue, east of N. Glenville Drive and is zoned I-M(1) Industrial.

### APPLICANT / PROPERTY OWNER:

Eldon Haacke – Terraform Companies/D.J. Decker – Verizon Business Network Services, Inc.

### EXISTING DEVELOPMENT:

The site is undeveloped.

### ADJACENT ROADWAYS:

**Greenville Avenue:** Six-lane, divided arterial; 8,900 vehicles per day on all lanes, northbound and southbound, south of Campbell Road (May 2011).

**Glenville Drive:** Four-lane, divided arterial; no traffic counts available.

### SURROUNDING LAND USE AND ZONING:

**North:** Parking and Office; I-M(1) Industrial

**South:** Undeveloped; I-M(1) Industrial

**East:** Undeveloped; I-M(1) Industrial

**West:** Undeveloped; I-M(1) Industrial

### FUTURE LAND USE PLAN:

#### Regional Employment

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

#### Future Land Uses of Surrounding Area:

North: Regional Employment  
South: Regional Employment  
East: Regional Employment  
West: Regional Employment

**EXISTING ZONING:**

I-M(1) Industrial (Ordinance Number 2735).

**TRAFFIC/ INFRASTRUCTURE IMPACTS:**

The requested changes will not significantly impact the surrounding infrastructure.

**APPLICANT'S STATEMENT**

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

**STAFF COMMENTS:**

**Background:**

Noah Corporation develops and operates event center space for business, corporate & community events, weddings, anniversaries, birthday parties and social gatherings. Noah's has constructed facilities in multiple States to meet the demands of the market, with locations ranging in size from 9,200 to 24,000 square feet. The nearest event center is located in Irving and in the near future in the City of Fairview.

A variety of rooms are provided which are designed to be used individually or in combination with each other. Rooms have automated features and functionality making the space flexible and easily customized. Technology is plug\_and\_play, and is included with the rental. Additionally, customers can engage whatever catering services and support vendors they choose to fit their own budget, style and tastes

**Applicant's Request:**

The applicant is requesting approval of a special permit for a 9,257 square foot special event entertainment facility on a 1.79 acre site. The proposed use is an unlisted use in the city's Comprehensive Zoning Ordinance; therefore, requiring the need for a special permit as allowed for in the Comprehensive Zoning Ordinance for unlisted uses. The development includes the following:

- Setbacks: None required/ 70 feet to building from internal drive aisle proposed.
- Number of Parking Spaces: 93 required, 93 provided
- Building Height: One (1) story/23 feet
- Masonry Materials: 80% required/ 65 – 85% proposed (subject of modified development request)
- Landscaping: 7% required/ 42.40% provided

The following modified development standards are being requested:

**Reduction in masonry percentage**

The proposed facility's façade will be constructed of brick, cast stone and 12'x24" porcelain tile veneers with the following percentage of each type of material:

- North and south elevations - 65% masonry/cast stone, 35% porcelain tile
- East building elevation - 85% masonry/cast stone, 15% porcelain tile
- West building elevations – 76% masonry/cast stone, 24% porcelain tile

The I-M(1) Industrial district requires a minimum of 80% masonry on each building elevation, with a maximum of 20% of noncombustible material other than masonry; however, the overall percentage is required to be 85%. The north, south and west building elevations do not meet the requirement. The applicant intends to utilize porcelain tile to give the building variation in color and texture. The tile is utilized at the main entries of the building to draw attention to the entry and act as a back drop for the building signage (reference Exhibit "E").

**Reduced parking ratio:**

*Update: The reduced parking ratio request no longer applies as the applicant was unable to acquire a parking agreement with the adjacent property owner to the north. Revised zoning exhibit (Exhibit "B-1") reflects the number of required parking spaces on site.*

The required parking ratio for the proposed facility is 1 parking space per 100 square feet of floor area. The 9,257 square foot facility would require a total of 93 parking spaces. As proposed by the applicant, the parking ratio would be reduced to 7.8 spaces per 1,000 square feet and thus require 72 parking spaces. To support the request, the applicant provided the following parking study from their other existing facilities.

Analysis Period: 12/12/11 – 04/14/12

	Parking Spaces	Bldg. Sq. Footage	Parking Ratio Spaces: 1000 Sq. Feet	Events During Study Period	Number Of Weeks	High Number	Avg. Number *	Number Of Events Exceeding Lot Capacity	Number of Events Exceeding 10/1000 Sq. Feet	Number Of Events Exceeding 8/1000 Sq. Feet	% of Events Exceeding Lot Capacity	% of Events Exceeding 10/1000 Sq. Feet	% of Events Exceeding 8/1000 Sq. Feet
London, Utah	144	24,600	5.85	408	17	186	45	6	0	0	1.5%	0.0%	0.0%
South Jordan, Utah	168	33,200	5.06	612	17	279	99	17	0	0	2.8%	0.0%	0.0%
Chandler, Arizona	132	12,500	10.56	316	17	156	52	1	4	7	0.3%	1.3%	2.2%
Westminster Colorado	126	12,500	10.08	212	17	141	42	2	2	4	0.9%	0.9%	1.9%
Irving, Texas	121	11,700	10.34	19	6	109	42	0	0	1	0.0%	0.0%	5.3%

\* Average number is based on total cars parked for the day.  
Average number is often times separated by daytime parking and evening parking.  
Heaviest weighted average in the evening

Chandler, Westminster and Irving have a higher ratio of large conference space to overall square footage resulting in higher parking counts per 1,000 Sq. Feet.

**Noah's Opinion:**

- I. The proper ratio for our type of use is 7.5 to 8.5 parking stalls per 1000 Sq. Feet. As demonstrated by study the, 94 to 98% of the use falls within this parameter.
- II. In practical terms, 1 to perhaps 2 events per month exceed the capacity.
- III. The study includes seasonal time periods for some of the heaviest parking demands; Christmas, Spring Conferences and the Beginning of Wedding Season.

Based on the applicant's parking study, the proposed 7.8 per 1,000 square feet parking ratio appears to be reasonable. In addition, the applicant is proposing a secondary access point located on the north side of the site to provide access to Verizon's remote parking for those occasions when the on-site parking demand is exceeded. A formal agreement will need to be executed with Verizon for those instances.

**Lot without Street Frontage:**

The proposed site will be located on 1.79 acres of an 8.3 acre undeveloped lot adjacent to Verizon's remote parking lot. The subject site is located on the north end of the lot and does not have street frontage on either Greenville Avenue or Glenville Drive. Access to the site will be provided from the existing sixty-one (61) foot wide drive isle which provides access to the Verizon campus from Greenville Avenue. A median opening will be provided in the existing median to allow access to the site from the drive isle. As proposed, a variance to allow the lot to be platted without street frontage will be needed.

As proposed, the placement of the subject 1.79 acre site will allow for development along the perimeter of the lot in the future.

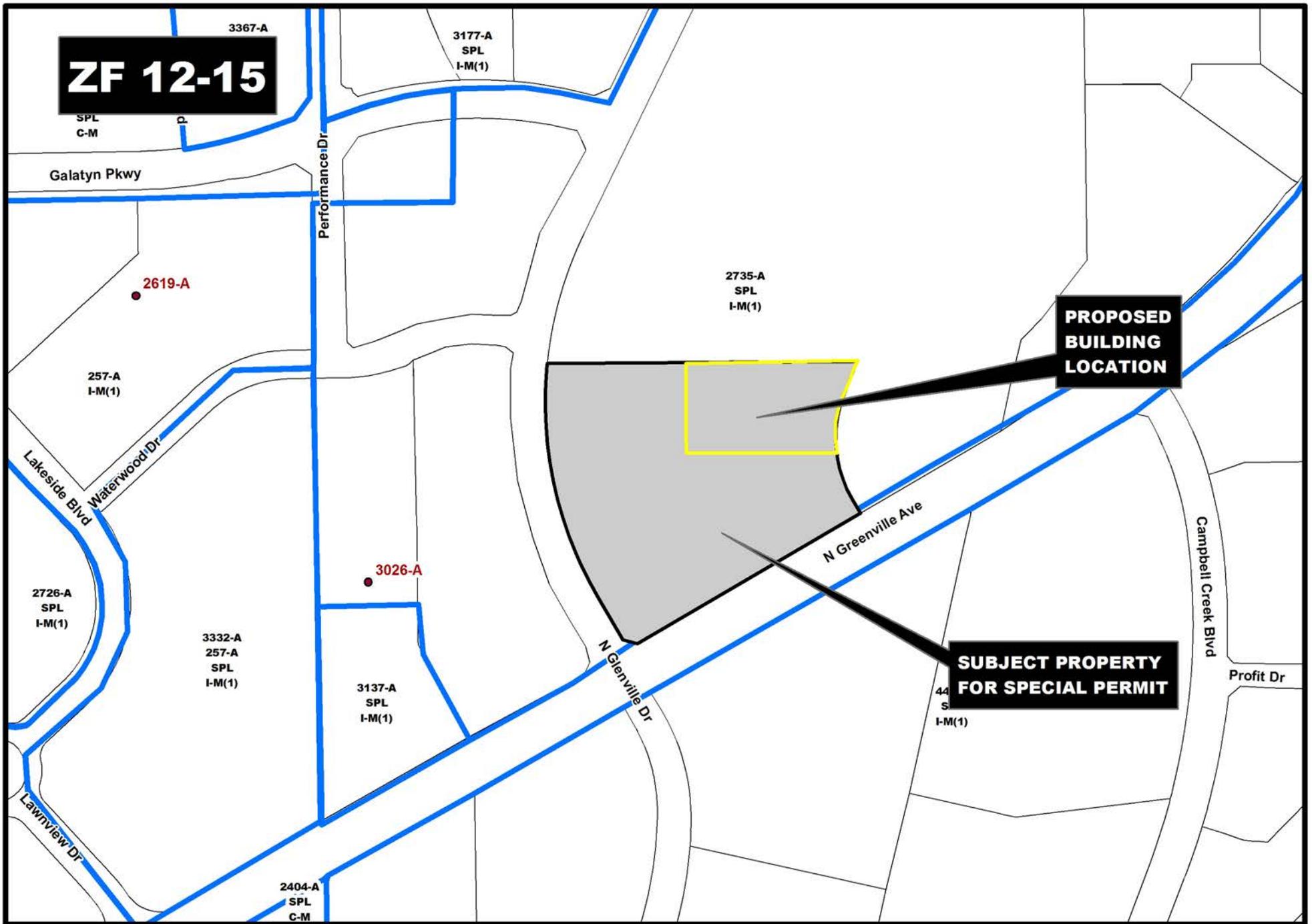
**Correspondence:** As of this date, no correspondence has been received.

**Motion:** On August 21, 2012, the City Plan Commission recommended approval of the request as presented on a vote of 7-0 subject to the following conditions as amended:

1. The Special Permit for a special event entertainment facility shall be allowed and shall be limited to the area shown on attached concept plan, marked as Exhibit "B".
2. Section 21-46(b); street frontage requirement for platted lots, of Chapter 21, Subdivision and Development Ordinance shall not apply.
3. The special event entertainment facility shall be constructed, developed and used in substantial conformance with the attached concept plan Exhibit "B" and elevation plan Exhibits "C"-1" and "C-2".
4. The minimum percentages for exterior masonry materials and maximum percentages for porcelain tile as designated on Exhibits "C-1" and "C-2" for each elevation shall be allowed.
5. Parking shall be provided at a ratio of 7.8 parking spaces per 1,000 square feet of building area.

**CPC Additional Condition**

6. A Mutual Access and Parking Agreement shall be acquired from the adjacent property owner to the north and shall be submitted to the City prior to the issuance of a Certificate of Occupancy for the site.



## ZF 12-15 Zoning Map

Updated By: shacklett, Update Date: August 7, 2012  
 File: DSI\Mapping\Cases\Z\2012\ZF1215\ZF1215 zoning.mxd

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





**ZF 12-15**

**PROPOSED  
BUILDING  
LOCATION**

**SUBJECT PROPERTY  
FOR SPECIAL PERMIT**

## ZF 12-15 Aerial Map

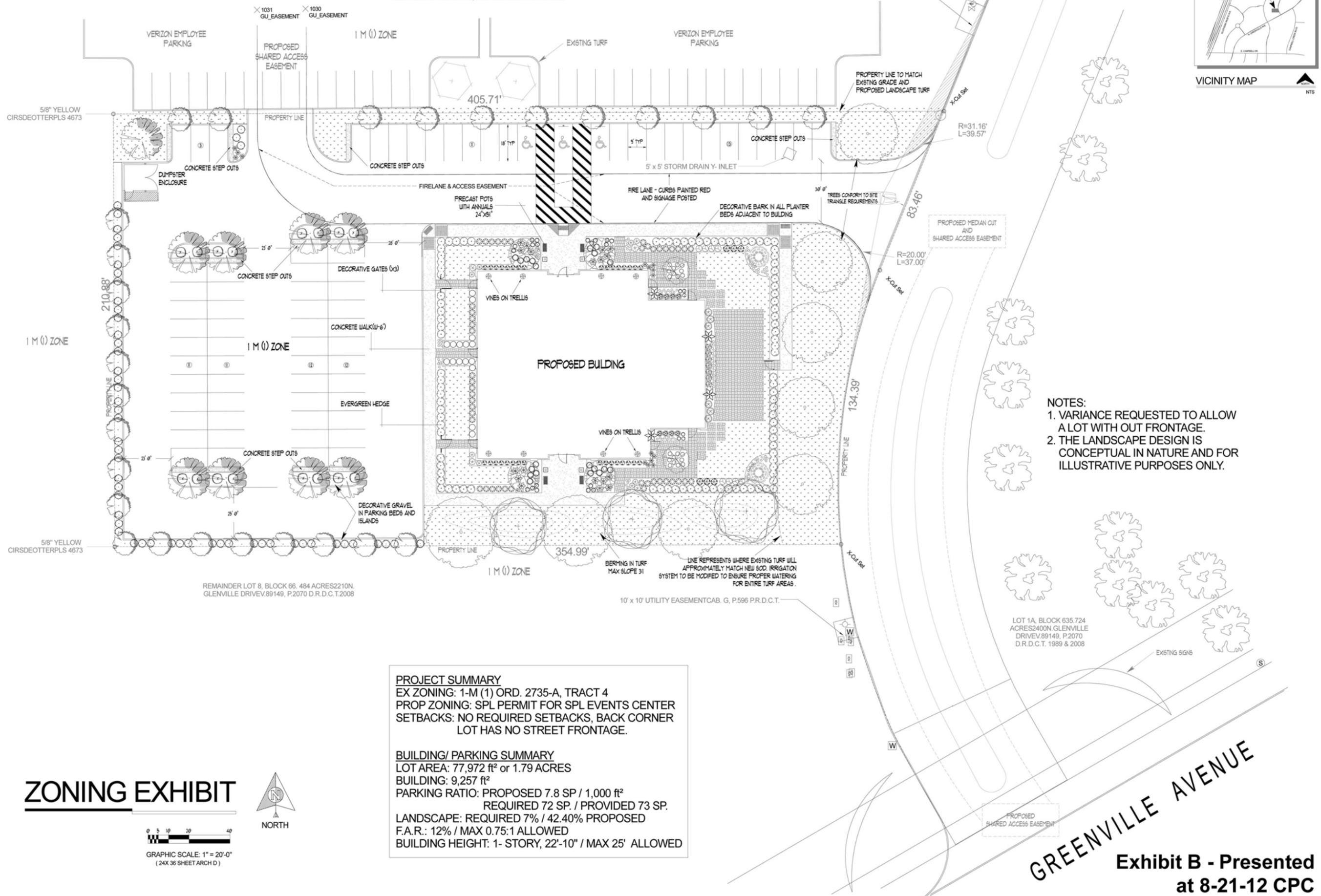
Updated By: shacklett, Update Date: August 7, 2012  
File: DSI\Mapping\Cases\Z\2012\ZF1215\ZF1215 ortho.mxd

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LOT 1A, BLOCK 635, 724 ACRES2400N.  
GLENVILLE DRIVE V.89149, P.2070 D.R.D.C.T.1989 & 2008

10' x 15' UTILITY EASEMENT CAB. G, P.596 P.R.D.C.T.



LANDSCAPE ARCHITECT CONSULTANT:  
**NATURE'S ART, LLC**  
KENTON WATSON  
118 NORTH 1540 EAST  
LEHI, UTAH 84095  
(801) 487-2854

SITE SUBMITTAL: 7/23/12  
PDF SUBMITTAL: 00/00/00  
LANDSCAPE PRELIMINARY SUBMITTAL: 7/23/12  
REVISIONS: 8-3-2012

PROJECT ARCHITECT:  
NICHOLS - NAVLOR ARCHITECT  
1105 E. WILMINGTON AVE., STE. 250  
SALT LAKE CITY, UTAH 84106  
(801) 487-3391  
CONTACT: RYAN NAVLOR

**ZONING EXHIBIT**  
RICHARDSON, TEXAS

PROJECT ENGINEER:  
James DeOtte Engineering, Inc.  
6707 Brentwood Slair Road, Suite 620  
Fort Worth, Texas 76112  
(817) 446-6877  
jim.deotte@ceette-eng.com

DEVELOPER:  
ELDON V. HAACKE  
2231 E. MURRAY HOLLADAY RD., SUITE 200  
SALT LAKE CITY, UTAH 84117  
M: 801-558-8601 e:haacke@terraformco.com  
C: 801-278-4688 F: 801-278-5632  
WWW.TERRAFORMCO.COM

ZONING EXHIBIT  
Date: 07.23.12  
Rev: 08.03.12  
Project No.: 04582  
Drawn By: KP  
Checked By: KP  
Scale: 1" = 20'  
1 OF 1

NOTES:  
1. VARIANCE REQUESTED TO ALLOW A LOT WITH OUT FRONTAGE.  
2. THE LANDSCAPE DESIGN IS CONCEPTUAL IN NATURE AND FOR ILLUSTRATIVE PURPOSES ONLY.

**PROJECT SUMMARY**  
EX ZONING: 1-M (1) ORD. 2735-A, TRACT 4  
PROP ZONING: SPL PERMIT FOR SPL EVENTS CENTER  
SETBACKS: NO REQUIRED SETBACKS, BACK CORNER LOT HAS NO STREET FRONTAGE.

**BUILDING/ PARKING SUMMARY**  
LOT AREA: 77,972 ft<sup>2</sup> or 1.79 ACRES  
BUILDING: 9,257 ft<sup>2</sup>  
PARKING RATIO: PROPOSED 7.8 SP / 1,000 ft<sup>2</sup>  
REQUIRED 72 SP. / PROVIDED 73 SP.  
LANDSCAPE: REQUIRED 7% / 42.40% PROPOSED  
F.A.R.: 12% / MAX 0.75:1 ALLOWED  
BUILDING HEIGHT: 1- STORY, 22'-10" / MAX 25' ALLOWED

**ZONING EXHIBIT**



**GREENVILLE AVENUE**

**Exhibit B - Presented at 8-21-12 CPC**

LOT 1A, BLOCK 635, 724 ACRES2400N  
 GLENVILLE DRIVE V.89149, P.2070 D.R.D.C.T.1989 & 2008

10' x 15' UTILITY EASEMENT CAB. G, P.596 P.R.D.C.T.



VICINITY MAP  
 NTS

LANDSCAPE ARCHITECT CONSULTANT  
**NATURE'S ART, LLC**  
 BUILDING NATURE WITH ART  
 CONTACT:  
 KEITH PENNINGTON  
 1616 NORTH 1500 EAST  
 LEHI, UTAH 84043  
 (801) 487-1984

SITE SUBMITTAL  
 7/23/12  
 POP SUBMITTAL  
 00/00/00  
 LANDSCAPE PRELIMINARY  
 SUBMITTAL  
 7/23/12  
 REVISIONS:  
 8-3-2012  
 8-31-2012

PROJECT ARCHITECT  
 NICHOLS - NAVLOR ARCHITECT  
 1155 E. WILMINGTON AVE., STE. 250  
 SALT LAKE CITY, UTAH 84106  
 (801) 487-3330  
 FAX (801) 487-3391  
 CONTACT: RYAN NAVLOR

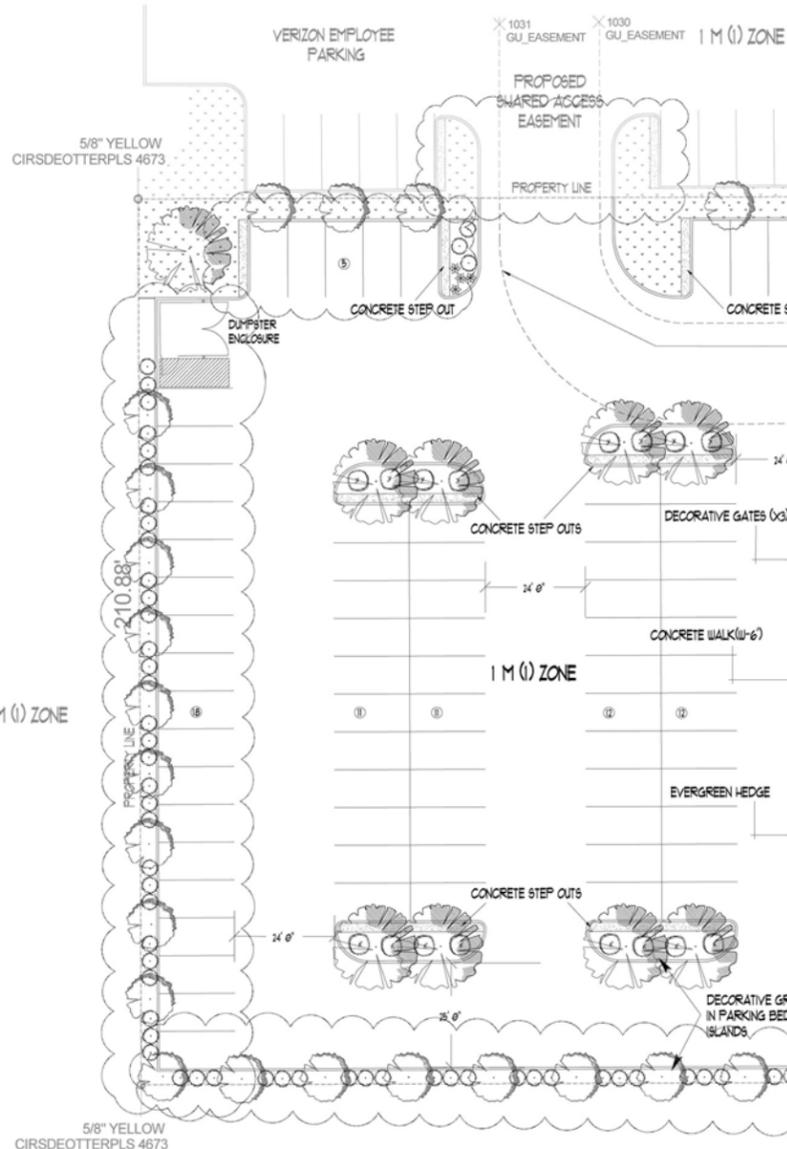
**ZONING EXHIBIT**  
**RICHARDSON, TEXAS**

PROJECT ENGINEER:  
 James DeCotte Engineering, Inc.  
 6707 Brentwood Stair Road Suite 520  
 Fort Worth, Texas 76112  
 (817) 446.6877  
 jimdecotte@decotte-eng.com

DEVELOPER:  
 ELDON V. HAACKE  
 2231 E. MURRAY HOLLADAY RD., SUITE 200  
 SALT LAKE CITY, UTAH 84117  
 M: 801.558.8601 ehaacke@terriformco.com  
 C: 801.278.4688 F: 801.278.5632  
 WWW.TERRIFORMCO.COM

ZONING EXHIBIT

Date: 07/23/12  
 Rev: 08/31/12  
 Project No: 04582  
 Drawn By: KP  
 Checked By: KP  
 Scale: 1" = 20'  
 1 OF 1



**PROJECT SUMMARY**  
 EX ZONING: 1-M (1) ORD. 2735-A, TRACT 4  
 PROP ZONING: SPL PERMIT FOR SPL EVENTS CENTER  
 SETBACKS: NO REQUIRED SETBACKS, BACK CORNER LOT HAS NO STREET FRONTAGE.

**BUILDING/ PARKING SUMMARY**  
 LOT AREA: 81,465 ft<sup>2</sup> or 1.87 ACRES  
 BUILDING: 9,257 ft<sup>2</sup>  
 PARKING RATIO: PROPOSED 1.0 SP / 100 ft<sup>2</sup>  
 REQUIRED 93 SP. / PROVIDED 93 SP.

**LANDSCAPE: REQUIRED 7% / 42.40% PROPOSED**  
 F.A.R.: 12% / MAX 0.75:1 ALLOWED  
 BUILDING HEIGHT: 1- STORY, 22'-10" / MAX 25' ALLOWED

**NOTES:**  
 1. VARIANCE REQUESTED TO ALLOW A LOT WITH OUT FRONTAGE.  
 2. THE LANDSCAPE DESIGN IS CONCEPTUAL IN NATURE AND FOR ILLUSTRATIVE PURPOSES ONLY.

**Revised ZONING EXHIBIT**



**GREENVILLE AVENUE**

**Exhibit B-1**



REVISIONS

1	CITY REVIEW	1-18-12
2	CITY REVIEW	8-1-12

SHEET TITLE  
**EXTERIOR ELEVATIONS**

PROJECT/OWNER  
**NOAH'S RICHARDSON**  
APPX. 2300 NORTH GLENNVILLE DR.  
RICHARDSON, TEXAS 75082

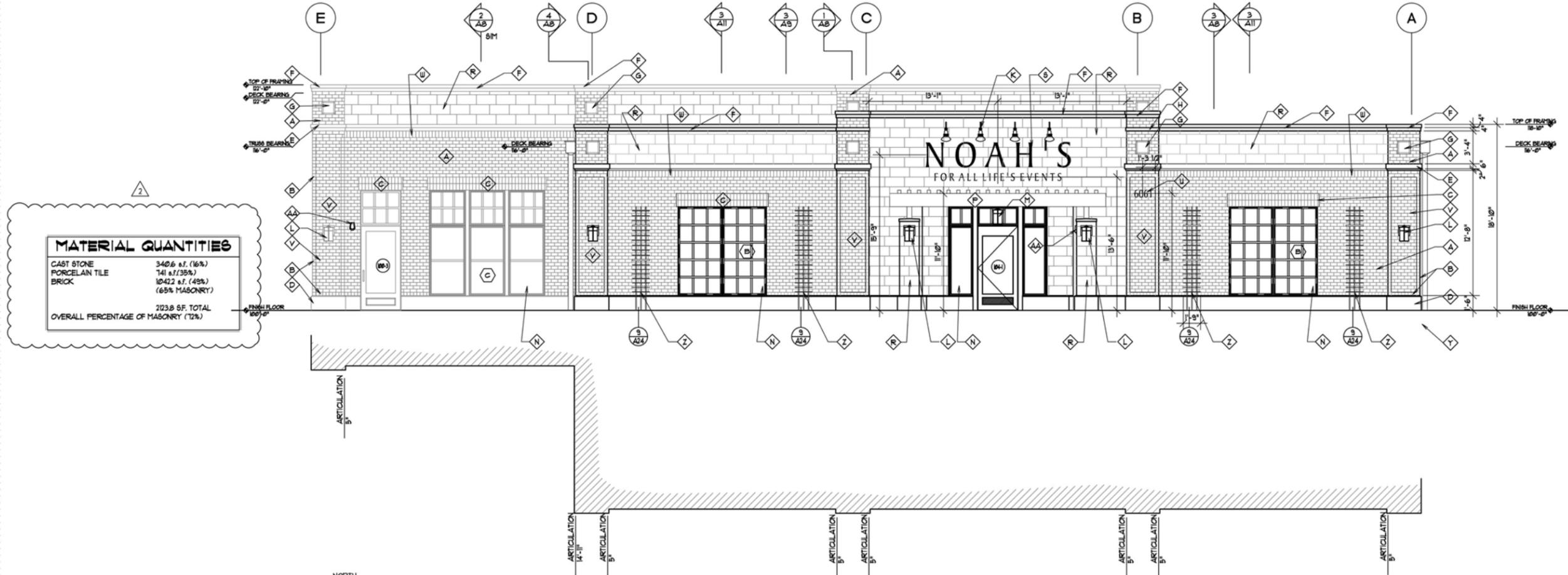
ARCHITECT

**NICHOLS • NAYLOR**  
ARCHITECTS  
1155 EAST WILMINGTON AVENUE SUITE 250  
SALT LAKE CITY, UTAH 84106 (801) 487-3330



DATE  
**16 JULY 2012**

SHEET NUMBER  
**A2**



NORTH  
**1 EXTERIOR ELEVATION**  
SCALE: 3/16" = 1'-0"  
FEET

**MATERIAL QUANTITIES**

CAST STONE	340.6 s.f. (16%)
PORCELAIN TILE	741 s.f. (35%)
BRICK	10422 s.f. (49%)
(65% MASONRY)	
2123.8 SF. TOTAL	
OVERALL PERCENTAGE OF MASONRY (12%)	

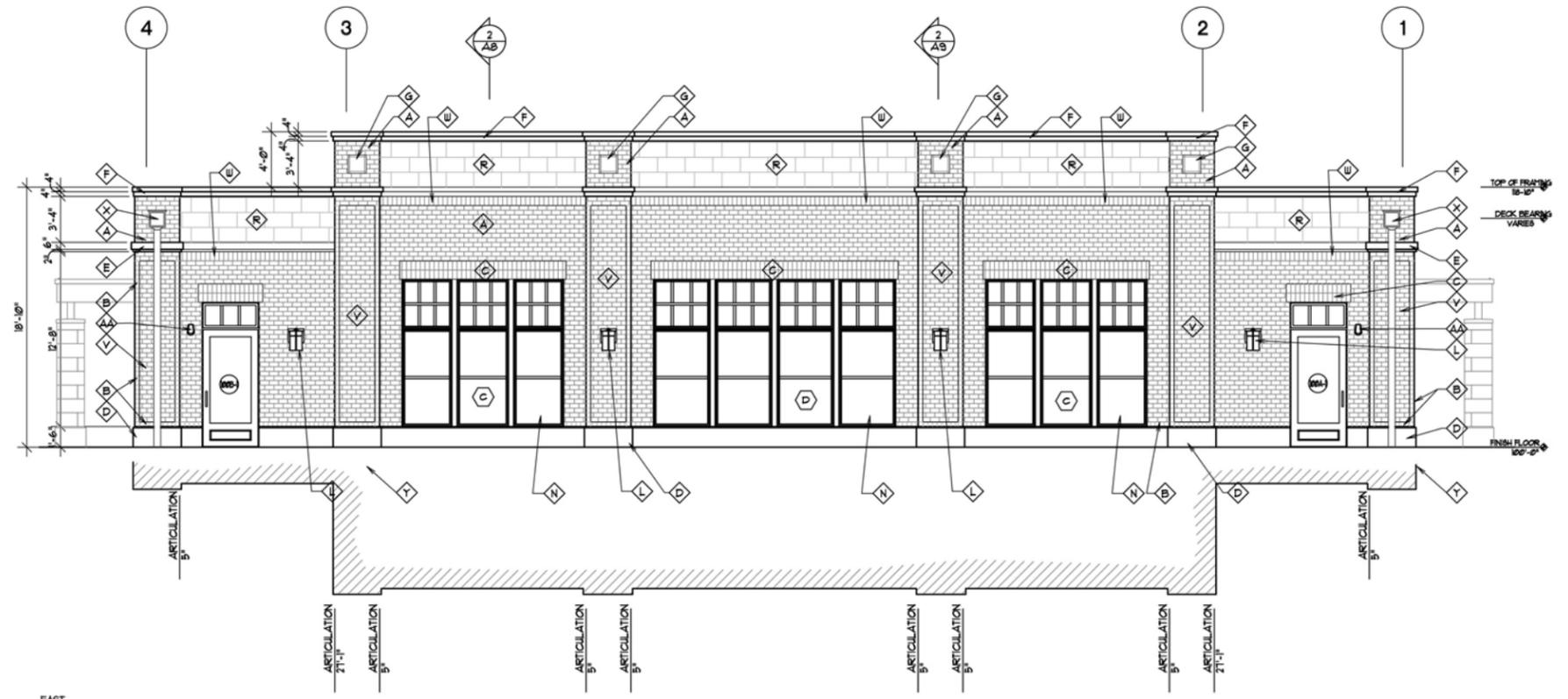
**FINISH NOTES / SCHEDULE**

GALLERY	NOTE	COLOR
A	BRICK VENEER- RUNNING BOND	ACHE BRICK 'TEXAS HIGHLANDER' RED/ ORANGE/ BROWN
B	BRICK VENEER- HEADER COURSE	ACHE BRICK 'TEXAS HIGHLANDER' RED/ ORANGE/ BROWN
C	BRICK VENEER- DOUBLE SOLDIER LINTEL	ACHE BRICK 'TEXAS HIGHLANDER' RED/ ORANGE/ BROWN
D	CAST STONE BASE	CONTINENTAL CAST STONE #103 (CREAM)
E	CAST STONE TRIM BAND	CONTINENTAL CAST STONE #103 (CREAM)
F	CAST STONE CORNICE	CONTINENTAL CAST STONE #103 (CREAM)
G	CAST STONE MEDALLION	CONTINENTAL CAST STONE #103 (CREAM)
H	CAST STONE TRIM BAND	CONTINENTAL CAST STONE #103 (CREAM)
J	NOT USED	
K	DECORATIVE WALL MOUNTED EXTERIOR GRADE LIGHT FIXTURE #1	ANP; GOOSENECK BUILDING SIGNAGE LIGHTING- BRONZE
L	DECORATIVE WALL MOUNTED EXTERIOR GRADE LIGHT FIXTURE #2	QLOIZEL HARMONY EXTERIOR SCONCE IMPERIAL BRONZE
M	DECORATIVE PENDANT HUNG EXTERIOR GRADE LIGHT FIXTURE #3	QLOIZEL HARMONY EXTERIOR PENDANT IMPERIAL BRONZE
N	1" INSULATED GLASS LOW E GLASS IN METAL CLAD WOOD WINDOW	SIERRA PACIFIC; ICI BROWN #256
P	DECORATIVE STEEL CANOPY WITH POWDER COAT PAINT FINISH	TO MATCH SIERRA PACIFIC; ICI BROWN #256
R	12"x24" COLOR BODY PORCELAIN TILE	MARAZZI TIMELESS COLLECTION 'MARFIL CREAM' (CREAM WITH BROWN VENEING)
S	BUILDING SIGNAGE- NOAH'S	
T	BUILDING SIGNAGE- FOR ALL LIFE'S EVENTS	
U	BUILDING ADDRESS SIGNAGE- TBD	
V	BRICK VENEER- RECESSED MIN. 1" BY REDUCING AIR GAP BEHIND	ACHE BRICK 'TEXAS HIGHLANDER' RED/ ORANGE/ BROWN
W	BRICK VENEER-SOLDIER COURSE	ACHE BRICK 'TEXAS HIGHLANDER' RED/ ORANGE/ BROWN
X	FIRE FINISHED ALUMINUM CONDUCTOR HEAD W/ FIRE FINISHED 6" DIAMETER DOWNSPOUT	
Y	POURED IN PLACE CONCRETE FOOTING AND FOUNDATION	
Z	STEEL TRELLIS WITH POWDER COAT FINISH	TO MATCH SIERRA PACIFIC; ICI BROWN #256
AA	EMERGENCY EGRESS LIGHT FIXTURE- SEE ELECTRICAL DLGS.	

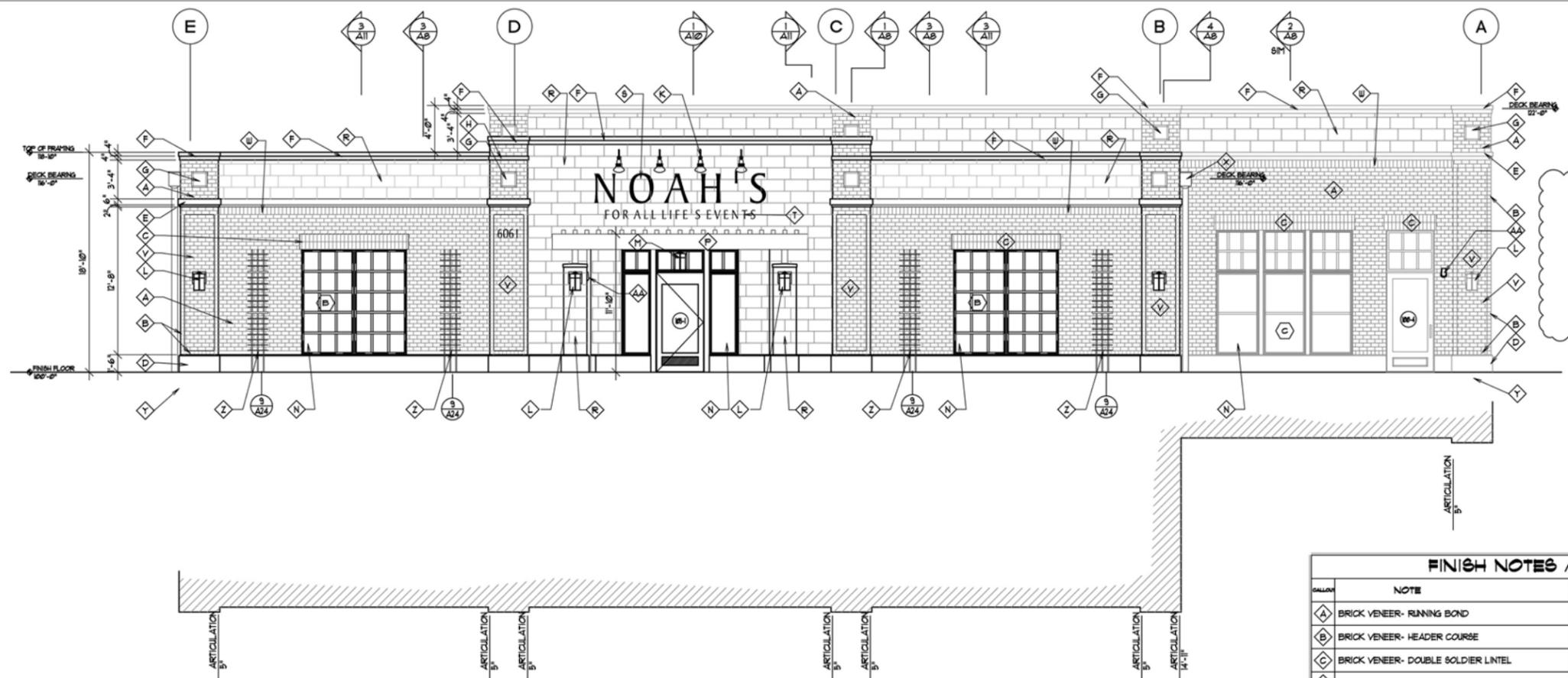
NOTE: BUILDING SIGNAGE SUBJECT TO SEPARATE APPROVAL - SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

**MATERIAL QUANTITIES**

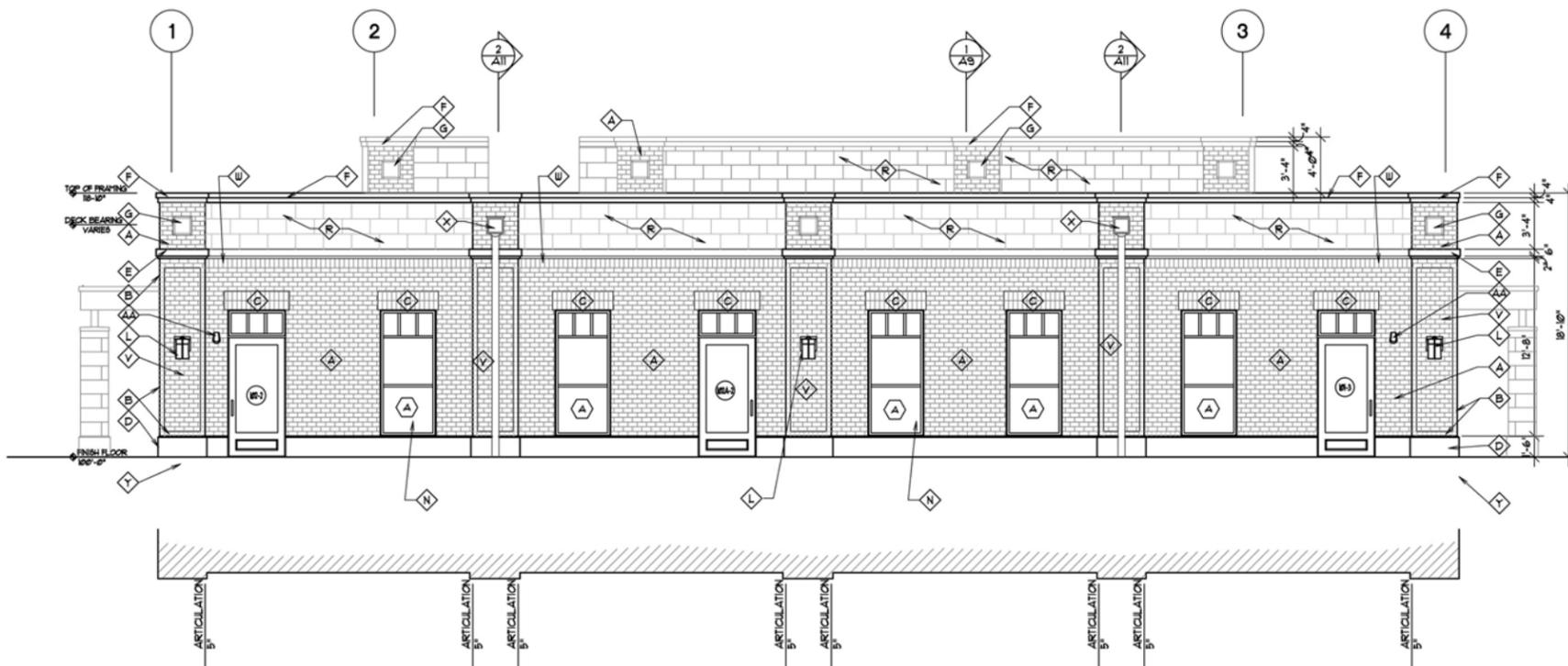
CAST STONE	256.8 s.f. (11%)
PORCELAIN TILE	243 s.f. (15%)
BRICK	10422 s.f. (68%)
(85% MASONRY)	
1542 SF. TOTAL	
OVERALL PERCENTAGE OF MASONRY (12%)	



EAST  
**2 EXTERIOR ELEVATION**  
SCALE: 3/16" = 1'-0"  
FEET



SOUTH  
**1**  
**EXTERIOR ELEVATION**  
 SCALE: 3/16" = 1'-0"  
 FEET



WEST  
**2**  
**EXTERIOR ELEVATION**  
 SCALE: 3/16" = 1'-0"  
 FEET

**MATERIAL QUANTITIES**

CAST STONE	340.6 sf. (16%)
PORCELAIN TILE	741 sf. (35%)
BRICK	1042.2 sf. (49%)
(65% MASONRY)	
OVERALL PERCENTAGE OF MASONRY	203.8 sf. total (12%)

**FINISH NOTES / SCHEDULE**

CALLOUT	NOTE	COLOR
A	BRICK VENEER- RUNNING BOND	ACHE BRICK 'TEXAS HIGHLANDER'
B	BRICK VENEER- HEADER COURSE	ACHE BRICK 'TEXAS HIGHLANDER'
C	BRICK VENEER- DOUBLE SOLDIER LINTEL	ACHE BRICK 'TEXAS HIGHLANDER'
D	CAST STONE BASE	CONTINENTAL CAST STONE #103
E	CAST STONE TRIM BAND	CONTINENTAL CAST STONE #103
F	CAST STONE CORNICE	CONTINENTAL CAST STONE #103
G	CAST STONE MEDALLION	CONTINENTAL CAST STONE #103
H	CAST STONE TRIM BAND	CONTINENTAL CAST STONE #103
I	NOT USED	
K	DECORATIVE WALL MOUNTED EXTERIOR GRADE LIGHT FIXTURE #1	ANP; GOOSENECK BUILDING SIGNAGE LIGHTING- BRONZE
L	DECORATIVE WALL MOUNTED EXTERIOR GRADE LIGHT FIXTURE #2	QUOIZEL HARMONY EXTERIOR SCONCE IMPERIAL BRONZE
M	DECORATIVE PENDANT HUNG EXTERIOR GRADE LIGHT FIXTURE #3	QUOIZEL HARMONY EXTERIOR PENDANT IMPERIAL BRONZE
N	INSULATED GLASS LOW E GLASS IN METAL CLAD WOOD WINDOW	SIERRA PACIFIC; ICI BROWN 1056
P	DECORATIVE STEEL CANOPY WITH POWDER COAT PAINT FINISH	TO MATCH SIERRA PACIFIC; ICI BROWN 1056
R	12"x24" COLOR BODY PORCELAIN TILE	MARAZZI TIMELESS COLLECTION 'MARFIL CREAM'
S	BUILDING SIGNAGE- NOAH'S	
T	BUILDING SIGNAGE- FOR ALL LIFE'S EVENTS	
V	BUILDING ADDRESS SIGNAGE- 6061	
W	BRICK VENEER- RECESSED MIN. 1/2" BY REDUCING AIR GAP BEHIND	ACHE BRICK 'TEXAS HIGHLANDER'
X	BRICK VENEER- SOLDIER COURSE	ACHE BRICK 'TEXAS HIGHLANDER'
Y	PRE FINISHED ALUMINUM CONDUCTOR HEAD W/ PRE FINISHED 6" DIAMETER DOWNSPOUT	
Z	POURED IN PLACE CONCRETE FOOTING AND FOUNDATION	
AA	STEEL TRELLIS WITH POWDER COAT FINISH	TO MATCH SIERRA PACIFIC; ICI BROWN 1056
AB	EMERGENCY EGRESS LIGHT FIXTURE- SEE ELECTRICAL DUGS.	

NOTE: BUILDING SIGNAGE SUBJECT TO SEPARATE APPROVAL - SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

**MATERIAL QUANTITIES**

CAST STONE	293.9 sf. (19%)
PORCELAIN TILE	999 sf. (24%)
BRICK	975.1 sf. (58%)
(16% MASONRY)	
OVERALL PERCENTAGE OF MASONRY	166.8 SF. TOTAL (12%)

PROJECT NUMBER  
**12-26**

REVISIONS  
 1 CITY REVIEW 1-18-12  
 2 CITY REVIEW 8-1-12

SHEET TITLE  
**SCHEMATIC ELEVATIONS**

PROJECT/OWNER  
**NOAH'S RICHARDSON**  
 APPX. 2300 NORTH GLENNVILLE DR.  
 RICHARDSON, TEXAS 75082

ARCHITECT

**NICHOLS • NAYLOR**  
 ARCHITECTS  
 1155 EAST WILMINGTON AVENUE SUITE 250  
 SALT LAKE CITY, UTAH 84106 (801) 487-3330



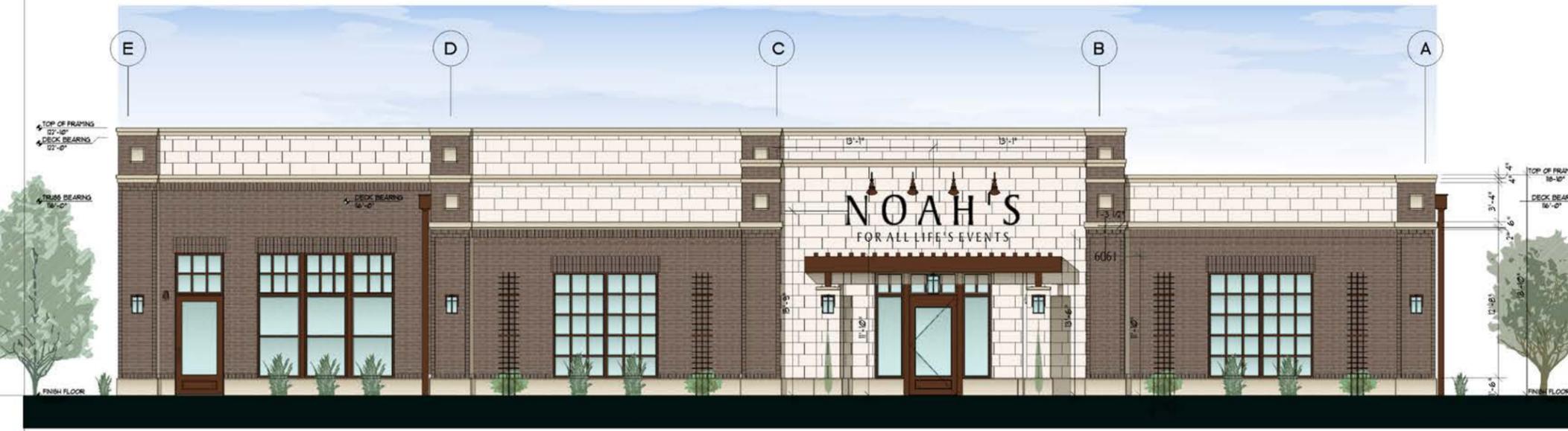
DATE  
 16 JULY 2012

SHEET NUMBER  
**A3**



MATERIAL QUANTITIES	
CAST STONE	340.6 sf. (16%)
PORCELAIN TILE	741 sf. (35%)
BRICK (85% MASONRY)	1042.2 sf. (49%)
203.8 SF. TOTAL	
OVERALL PERCENTAGE OF MASONRY (72%)	

NORTH  
**1**  
 A2  
**EXTERIOR ELEVATION**  
 SCALE: 3/16" = 1'-0"  
 FEET



MATERIAL QUANTITIES	
CAST STONE	256.8 sf. (17%)
PORCELAIN TILE	243 sf. (15%)
BRICK (85% MASONRY)	1042.2 sf. (68%)
1542 SF. TOTAL	
OVERALL PERCENTAGE OF MASONRY (72%)	

EAST  
**2**  
 A2  
**EXTERIOR ELEVATION**  
 SCALE: 3/16" = 1'-0"  
 FEET

FINISH NOTES / SCHEDULE		
CALLOUT	NOTE	COLOR
A	BRICK VENEER- RUNNING BOND	ACME BRICK "TEXAS HIGHLANDER" RED/ ORANGE/ BROWN
B	BRICK VENEER- HEADER COURSE	ACME BRICK "TEXAS HIGHLANDER" RED/ ORANGE/ BROWN
C	BRICK VENEER- DOUBLE SOLDIER LINTEL	ACME BRICK "TEXAS HIGHLANDER" RED/ ORANGE/ BROWN
D	CAST STONE BASE	CONTINENTAL CAST STONE #103 (CREAM)
E	CAST STONE TRIM BAND	CONTINENTAL CAST STONE #103 (CREAM)
F	CAST STONE CORNICE	CONTINENTAL CAST STONE #103 (CREAM)
G	CAST STONE MEDALLION	CONTINENTAL CAST STONE #103 (CREAM)
H	CAST STONE TRIM BAND	CONTINENTAL CAST STONE #103 (CREAM)
J	NOT USED	
K	DECORATIVE WALL MOUNTED EXTERIOR GRADE LIGHT FIXTURE #1	ANP, GOOSENECK BUILDING SIGNAGE LIGHTING- BRONZE
L	DECORATIVE WALL MOUNTED EXTERIOR GRADE LIGHT FIXTURE #2	QUOTZEL HARMONY EXTERIOR SCENCE IMPERIAL BRONZE
M	DECORATIVE PENDANT HUNG EXTERIOR GRADE LIGHT FIXTURE #3	QUOTZEL HARMONY EXTERIOR PENDANT IMPERIAL BRONZE
N	1" INSULATED GLASS LOW E GLASS IN METAL CLAD WOOD WINDOW	SIERRA PACIFIC, ICI BROWN #056
P	DECORATIVE STEEL CANOPY WITH POWDER COAT PAINT FINISH	TO MATCH SIERRA PACIFIC, ICI BROWN #056
R	12"x24" COLOR BODY PORCELAIN TILE	MARAZZI TIMELESS COLLECTION "MARFIL CREAM" (CREAM WITH BROWN VEINING)
S	BUILDING SIGNAGE- NOAH'S	
T	BUILDING SIGNAGE- FOR ALL LIFE'S EVENTS	
U	BUILDING ADDRESS SIGNAGE- TBD	
V	BRICK VENEER- RECESSED MIN. 1" BY REDUCING AIR GAP BEHIND	ACME BRICK "TEXAS HIGHLANDER" RED/ ORANGE/ BROWN
W	BRICK VENEER-SOLDIER COURSE	ACME BRICK "TEXAS HIGHLANDER" RED/ ORANGE/ BROWN
X	PRE FINISHED ALUMINUM CONDUCTOR HEAD W/ PRE FINISHED 6" DIAMETER DOWNPOUT	
Y	POURED IN PLACE CONCRETE FOOTING AND FOUNDATION	
Z	STEEL TRELIS WITH POWDER COAT FINISH	TO MATCH SIERRA PACIFIC, ICI BROWN #056
AA	EMERGENCY EGRESS LIGHT FIXTURE- SEE ELECTRICAL DIAGS.	

NOTE: BUILDING SIGNAGE SUBJECT TO SEPARATE APPROVAL - SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PROJECT NUMBER

REVISIONS  
 CITY REVIEW 7-18-12  
 CITY REVIEW 8-1-12

SHEET TITLE  
**EXTERIOR ELEVATIONS**

PROJECT/OWNER  
**NOAH'S OF RICHARDSON**  
 APPX. 2300 NORTH GLENNVILLE DR.  
 CITY OF RICHARDSON, TEXAS

ARCHITECT  
**NICHOLS • NAYLOR**  
 ARCHITECTS  
 1155 EAST WILMINGTON AVENUE SUITE 250  
 SALT LAKE CITY, UTAH 84106 (801) 487-3530

DATE

SHEET NUMBER  
**A2**



**(1)**

**Looking Southwest at  
Subject Property**

**NEC Greenville & Glenville - August 2012**



**(2)**

**Looking West along  
North Property Line**

**Exhibit E-1**



(3)

**Looking North  
from Subject Property**

**NEC Greenville & Glenville - August 2012**



(4)

**Looking South  
along Main Driveway**

**Exhibit E-2**

## Explanation and Description of Request

Noah Corporation develops and operates Innovative Event Center space for:

- Business, Corporate & Community Events.
- Weddings, Anniversary's, Birthday Parties & Social Gatherings.

Noah's mission is to be The Recognized Brand and Leading National Provider of flexible service, four-star quality event space in North America. Noah's is Standardizing Nationally the quality of space, the experience and the simplicity for customers to hold events.

- Noah's has constructed facilities in multiple States to meet the demands of the market, with locations ranging in size from 9,200 to 24,000 Square Feet.
- There are a variety of rooms provided which are designed to be used individually or in combination with each other.
- By utilizing adjoining rooms customers can expand their event to include additional activities or functions for their event.
- Rooms have automated features and functionality making the space flexible and easily customized. Technology is plug & play and included with the rental.
- Our flexibility is an amenity to customers; allowing for creativity and control of their own environment.
- Additionally customers can engage whatever catering services and support vendors they choose to fit their own budget, style and tastes.

Noah's business model represents a solution to the market that provides real value to end users. Both corporate and community patrons will experience a high end facility at a reasonable cost. Noah's elevates the customer's experience, while also providing ease of use with their facilities and an ease of doing business with Noah's.

Noah's will build and operate a 9,200 Square Foot Event Center in Richardson Texas.



# Memo

**To : Chris Shacklett, Planner, City of Richardson, Texas**

**From: Russ Naylor- Nichols Naylor Architects**

**Date: 7 August 2012**

**Re: Noah's of Richardson- Exterior Elevations Masonry Percentage**

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Chris,

This letter is a formal request for approval of the exterior elevations for the Noah's event center to be located at approximately 2300 North and Glennville Drive. The request is necessary because the buildings overall percentage of masonry does not meet the letter of the ordinance. The building is wood framed construction clad with brick veneer, cast stone, and porcelain tile. The brick veneer and cast stone that comprise more than 70% of the exterior finish materials meet the requirements of the zoning ordinance. The other material being used that does not qualify as masonry per the City of Richardson's ordinance is 12" X 24" color body porcelain tile. In our opinion as the architects for the Noah's building the third material is necessary to give the building variation in color and texture. The tile is further utilized at the main entries of the building to draw attention to the entry and act as a back drop for the building signage. The porcelain tile is not a substandard material and was chosen for its excellent durability. The tile is laid in a running bond pattern which carries on the rhythms of the brick veneer which clads the majority of the building. The color palette and materials have been carefully chosen to make a statement about the quality and character of the Noah's brand. We feel this level of quality meets the spirit of the zoning ordinance as it was intended.

We greatly appreciate your consideration in this matter,

Sincerely,

A handwritten signature in black ink that reads "Russell Naylor". The signature is fluid and cursive, with the first name "Russell" and last name "Naylor" clearly legible.

Russell L. Naylor, President  
**NICHOLS, NAYLOR ARCHITECTS, INC.**



# Notice of Public Hearing

## City Plan Commission • Richardson, Texas

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

### SPECIAL PERMIT

**File No./Name:** ZF 12-15 / Noah's Event Center  
**Property Owner:** D. J. Decker / Verizon Business Network Services, Inc.  
**Applicant:** Eldon Haacke / Terraform Companies  
**Location:** NE Corner of Greenville Avenue & Glenville Avenue  
(See map on reverse side)  
**Current Zoning:** I-M(1) Industrial  
**Request:** A request by Eldon Haacke, representing Terraform Companies for a Special Permit for a special events entertainment facility with modified development standards.

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

**TUESDAY, AUGUST 21, 2012**  
**7:00 p.m.**  
**City Council Chambers**  
**Richardson City Hall, 411 W. Arapaho Road**  
**Richardson, Texas**

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

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

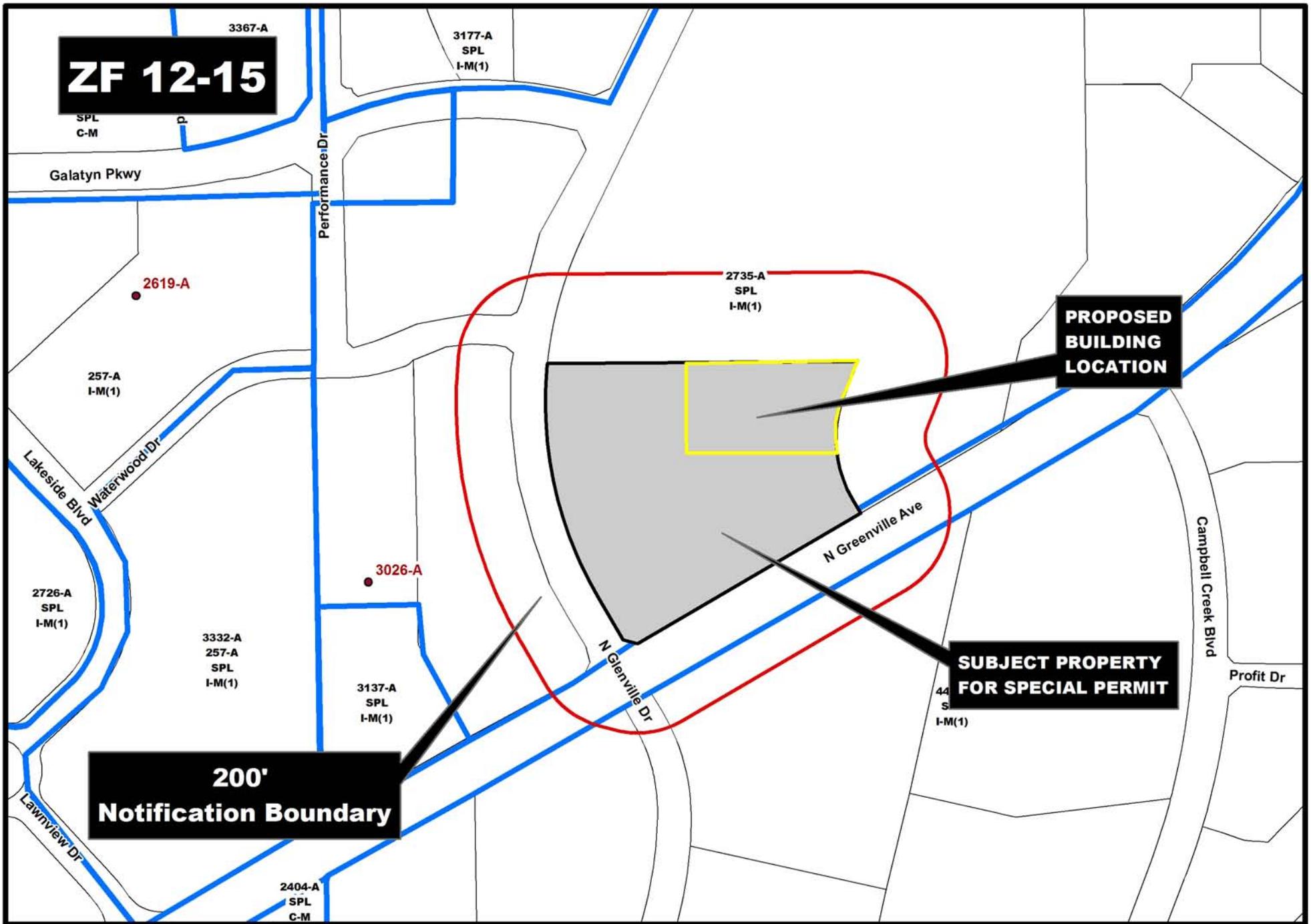
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

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

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

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 12-15.

Date Posted and Mailed: 08/10/12



## ZF 12-15 Notification Map

Updated By: shacklett, Update Date: August 7, 2012  
 File: DSI\mapping\Cases\Z\2012\ZF1215\ZF1215 notification.mxd

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



GALATYN PROPERTIES LTD STE 208  
47 HIGHLAND PARK VLG STE 20  
DALLAS, TX 75205-2727

ATTRICH PROPERTIES INC  
%RM REALTY GROUP INC  
5310 HARVEST HILL RD STE 22  
DALLAS, TX 75230-5806

SOUTHWESTERN BELL  
SBC COMM INC PPTY TAX DEPT  
ONE SBC CENTER RM 36-M-01  
SAINT LOUIS, MO 63101

MCI WORLDCOM NETWK SVCS  
% PPTY TAX DEPT-C2-3-548  
22001 LOUDOUN COUNTY PKWY  
ASHBURN, VA 20147-6105

**ELDON HAACKE**  
**TERRAFORM COMPANIES**  
**2231 EAST MURRAY-HOLLADAY ROAD**  
**SALT LAKE CITY, UTAH 84117**

**ZF 12-15**  
**Notification List**



City of Richardson  
City Council Meeting  
Agenda Item Summary



**City Council Meeting Date:** Monday, September 10, 2012

**Agenda Item:** VAR 12-07 Accuhealth Sign

**Staff Resource:** Michael Spicer  
Director of Development Services

**Summary** The applicant is requesting approval of a variance to the sign regulations of the Spring Valley Station District to allow a 20' high pole sign with electronic messaging to be located 20' from the west property line.

**Board/Commission Action:** On August 21, 2012 the City Plan Commission voted unanimously to approve the request with the additional condition that the support pole be clad in accordance with the Sign Code.

**Action** All actions on sign variance requests from the Spring Valley Station District Development Regulations shall become final unless reversed or modified by the City Council.

**Excerpt CPC Minutes from August 21, 2012:**

**Variance 12:07:** Consider and take necessary action on a request by Doug Jorgensen, representing Sign Manufacturing, for approval of a variance to the sign regulations of the Spring Valley Station District ordinance to allow a 20' pole sign and a digital display. The site is located at 208 W. Spring Valley Road and is zoned PD Planned Development.

Mr. Bireima explained the Commission sits as the Board of Appeals on sign variances under the Spring Valley Station District (District) regulations and the applicant was requesting a variance to those regulations to allow a 20-foot high pole sign with electronic messaging to be located 20 feet from the west property line.

Mr. Bireima reported that the applicant had received an earlier variance to locate the sign one-foot from the east property line, but the sign was never installed.

Commissioner DePuy asked to clarify that signs with electronic messaging were not allowed in the District because that would be contrary to information relayed to the Homeowners Association Presidents that electronic signs were allowed.

Mr. Bireima confirmed that electronic messaging signs were not allowed in the District.

Chairman Gantt stated that the information given to the HOA Presidents pertained to an amendment to Chapter 18 and was applicable to signs outside the District.

Commissioner Bright asked why Chapter 18 was amended to allow electronic signs elsewhere in the City and not in the District.

Mr. Bireima replied that it was timing issue since the District regulations were established in 2004.

Chairman Gantt stated that when the District regulations were established, the idea was the area would become a Transit Oriented Development and businesses that would use tall pole signs were not anticipated in the area.

Commissioner Bouvier asked to clarify that the sign in question had already been approved for installation on the eastern property line. He also stated that cladding of sign poles was required under the amended Chapter 18 and wanted to know if cladding would be added to the pole sign in question

Chairman Gantt stated that the changes to Chapter 18 did not apply to the District, but Mr. Bouvier noted that in the briefing session staff said the applicant would be agreeable to following the requirements of Chapter 18 should the variance be approved.

Mr. Bireima replied that the applicant had received a permit from the City to install the sign on the eastern property line. He added that the cladding would be made out of aluminum or metal that would surround the pole.

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

Mr. Charles Russell, Signs Manufacturing, 5301 Sandy Trail Court, Plano, Texas, stated that he had been working with the City for a number of months, but realized after they received their permit that the Wendy's restaurant had planted a row of trees that would be in the line of sight for the new sign.

Regarding the message center, Mr. Russell stated the electronic portion of the sign had been approved by the City in November of 2011.

Chairman Gantt asked if the applicant was willing to clad the sign based on the amendments to Chapter 18.

Mr. Russell said his customer had agreed to that request.

Commissioner Linn asked why the sign had not been installed when the original variance was approved in 2004. He also wanted to know if the landscaping for Wendy's was there when the original variance was approved.

Dr. Mark Margolies, representing Accuhealth, 6531 Dykes Way, Dallas, Texas, admitted the project was not a priority and he had procrastinated. He added that when the original variance was requested the trees at the Wendy's restaurant were not a problem.

Mr. Russell stated that when the original variance was granted the trees were not an obstacle; however, when they recently went out to the site the trees blocked the line of sight for the sign.

Commissioner Linn asked if a monument sign might be a better idea instead of using a pole sign and putting it in the place previously approved by the Sign Board in 2004.

Mr. Russell replied there was no space on the property to place a monument sign.

Dr. Margolies added that the pole sign had already been constructed and cost \$30,000.

With no further comments in favor, Chairman Gantt called for comments in opposition.

Mr. Andrew Laska, 502 Hyde Park, Richardson, Texas, stated he felt the request came down to the basic issue of form versus use and pointed out that the sign did not conform to the guidelines for the District. He also asked the Commission to look at nonconforming issues with the building and parking lot and take all of that into consideration when making their decision.

With no further comments in opposition, Chairman Gantt asked if the applicant wanted to rebut any of the comments.

Mr. Russell noted that at the time the sign was permitted it was legal under the City's requirements and he did not understand what could happen to change that approval. He added that he would not have gone through the process if he had not been encouraged by City staff to proceed.

Dr. Margoiles stated that in reference to the nonconforming parking, he reminded the Commission that when Spring Valley Road was widened, the property had been granted a variance for the parking lot.

Ms. Smith clarified that staff did not encourage the applicant to move forward with the request, but simply explained that if they wanted to relocate the pole sign there would be a specific process to go through.

With no further comments in favor or opposed, Chairman Gantt closed the public hearing.

Commissioner Bright asked if the Commission was able to consider the nonconforming aspects of the property when making their decision. He said he would be in favor of the request if the applicant did comply with the current Chapter 18 regulations.

Chairman Gantt stated that there were a number of buildings in the Spring Valley Station District that have nonconforming issues, but the Commission should only consider information that pertained to the sign request. He added that even if the Commission denied the variance, the sign could still be erected along the eastern property line as approved in the earlier variance.

Commissioner Linn asked what steps would be taken if the property redeveloped, and would the proposed sign have to be removed to comply with the development regulations.

Ms. Smith replied that under the District's regulations, a concept plan would need to be submitted to show how the development was in compliance with the regulations and a request would be needed for any exceptions that were necessary. Once the Concept Plan was approved, the applicant would then have to go through the Development Plan process.

In regard to redevelopment and the proposed sign, Ms. Smith stated that if the property was redeveloped, the current sign would have to be removed or have an exception to comply with the regulations.

Chairman Gantt stated he was concerned that the District regulations stated no pole or electronic messaging signs were allowed in the District and, if the current request was approved, would the Commission be setting a precedent; however, since a variance had already been approved he did not feel that a precedent would be set.

Vice Chair Hand concurred with Mr. Gantt and Mr. Laska's comments and pointed out how many of the items on the agenda were good uses but bad form. He agreed that it was a reality that this applicant already had rights to put the sign up, but suggested that the Commission will likely see a steady increase in projects in the future requiring higher scrutiny of the appropriate form.

**Motion:** Commissioner Bouvier made a motion to recommend approval of Item 5 with the additional requirement that the base be cladded and in compliance the new Chapter 18 requirements; second by Commissioner Bright. Motion passed 7-0.



City of Richardson  
City Council Meeting  
Agenda Item Summary



**City Council Meeting Date:** Monday, September 10, 2012

**Agenda Item:** VAR 12-08 North Rich Plaza Shopping Center

**Staff Resource:** Michael Spicer  
Director of Development Services

**Summary** This is a request for approval of a variance to the City of Richardson Subdivision and Development Code, Chapter 21, Article III, section 21-52(i) [*Off-street Parking*] for reduction in required off-street parking for the North Rich Plaza Shopping Center.

**Board/Commission Action:** On August 21, 2012 the City Plan Commission recommended approval of the request 4-3 with Vice Chairman Hand, Commissioners Bright, and Linn in opposition.

**Action Proposed** The City Council may approve the requests as presented, approve with conditions, or deny.

## **VARIANCE 12-08**

### **Attachments:**

1. Locator
2. Staff Report
3. Approved multi-tenant retail center/mixed-use parking variance summary
4. Applicant's Statement
5. Variance Exhibit
6. Parking Study
7. CPC Minutes from August 21, 2012
8. Notice of Variance Request
9. Notification List
10. Notification Map



**VAR 12-08**  
**North Rich Plaza Shopping Center**



**CITY COUNCIL  
BACKGROUND INFORMATION  
September 10, 2012**

**Variance 12-08**

**SUMMARY**

**Owner:** North Rich Plaza, LTD.

**Applicant:** Tag Gilkson

**Project Name:** VAR 12-08  
North Rich Plaza Parking Variance  
525 W. Arapaho

**Request:** This is a request for approval of a variance to the City of Richardson Subdivision and Development Code, Chapter 21, Article III, section 21-52(i) [*Off-street Parking*] for reduction in parking for the North Rich Plaza Shopping Center located on the south side of Arapaho Road, west of Custer Road. The applicant is requesting a 40 space (13%) parking reduction to accommodate the existing uses and potential future tenants within the retail shopping center. There are 314 existing parking spaces on site.

**CPC Action:** On August 21, 2012, the City Plan Commission recommended approval (4-3) with Vice Chairman Hand and Commissioners Bright and Linn opposed.

**Notification:** This request is not a public hearing item; therefore, written notification is not required by State Law. As a courtesy, adjacent property owners affected by the variance request received written notification.

**Correspondence:** To date no written correspondence has been received.

**DEVELOPMENT SUMMARY**

**Land Area:** 5.22 acres (227,432 sq. ft)

**Zoning:** C-M Commercial District

**Existing Development:** 52,437 sq. ft. multi-tenant retail center;  
2,672 sq. ft. drive-through restaurant;  
805 sq. ft. retail building

**Adjacent Land Use, Zoning:**

<i>North (across Arapaho Rd)</i>	<i>Office, retail and restaurant/(C-M) Commercial District</i>
<i>East</i>	<i>Auto Repair Facility/(C-M) Commercial District</i>
<i>South</i>	<i>Office/(O-M) Office District</i>
<i>West</i>	<i>Office and retail/(C-M) Commercial District</i>

**BACKGROUND INFORMATION**

**Background:**

Under the Subdivision and Development Ordinance, required off-street parking spaces for all uses must be provided in accordance with the gross floor area of the buildings on the subject property. With the current uses in the center, and assuming retail for all vacant lease spaces, the retail building (Metro PCS) and the drive-through restaurant (Taco Bell), 349 parking spaces are required; however only 314 spaces are provided (35 deficient). The center is currently deficient due to the number of churches that were permitted to locate within the center. Since the parking demand for religious facilities is at a different time than the peak parking demand for typical retail uses, previous City policy permitted churches to locate within retail centers regardless of parking requirements. This policy is no longer valid.

Since the center is already deficient in the number of required parking spaces, no additional tenants can occupy the vacant spaces without securing a parking variance. There are six vacant lease spaces, totaling 11,066 square feet.

To accommodate an additional restaurant and two potential office users within the vacant spaces, the applicant is requesting a 40 space parking variance for the shopping center. The proposed 40 space variance will permit the proposed restaurant, two offices, retail for the remaining vacant spaces and all current uses within the center, including the existing retail building (Metro PCS) and the drive-through restaurant (Taco Bell).

The Urban Land Institute (ULI) recommendations for shared parking indicate that the peak parking demand for multi-tenant retail centers is at 1:00PM during the weekdays and at 2:00PM during the weekends. The peak demand time for parking for religious facilities is between the hours of 10:00AM-12:00PM on Sundays. In correspondence with the ULI recommendations, the applicant has conducted a parking study of the center and the results have been included with this packet. The study shows that at most, only 97 spaces were occupied (217 unoccupied spaces) at the peak demand during the weekdays and a maximum of 88 spaces were occupied (226 unoccupied spaces) at 12:30PM on a Sunday. Staff has visited the site multiple times to review the parking demand and concurs with the results of the submitted parking study.

Staff has attached a list of similar parking variances to provide the Commission with a historical perspective of previously approved cases. The list indicates variances granted from 1% to a maximum of 20% with the majority of the variances approved at 8%.

<i>MULTI-TENANT RETAIL CENTERS/MIXED USE PROJECTS (sorted by variance percentage)</i>			
<b>PROJECT</b>	<b>LOCATION</b>	<b>REDUCTION GRANTED</b>	<b>DATE</b>
Kebab 'n Curry (restaurant in strip center)	401 N. Central Expressway	8-space ( <b>20%</b> ) variance (41 required by code, 33 required per variance).	03-1991
Campbell Plaza Shopping Center – Fox & Hound (parking reduction granted by zoning special condition)	104 - 180 W. Campbell Road	Modified ratio of 1 space/172 g.s.f. for 20,000 s.f. restaurant/ indoor amusement facility (in lieu of 1/100 required by code). As applied, resulted in 84-space (10%) reduction. This center also utilized the standard 10% reduction permitted for retail centers of 100,000 g.s.f. and larger, reducing required parking by an additional 74 spaces, for a total reduction of 158 spaces ( <b>19% total reduction</b> ). 827 spaces required by code before applying reductions, 669 required after reductions applied.	12-2001 (Ord. 3372-A)
Promenade Shopping Center (Central Section) and Wal-Mart Neighborhood Market	410 – 630 N. Coit Road (excludes 500 N. Coit)	86-space ( <b>15%</b> ) overall reduction permitted on two lots (subject to shared parking agreement).	01-2002
Citipointe Church in Campbell Road Village Shopping Center	605 & 635 W. Campbell Road	57-space variance for 200-seat church. Including the church, 413 spaces are required for the entire center by code, 356 required per variance. As applied, results in a <b>14%</b> reduction for the entire center. Limited to Citipointe Church occupying suites 201 & 210.	2005
Camelot Shopping Center	580 W. Arapaho Road	60-space variance (499 required, 439 provided), equals <b>12.02%</b> .	12-2006 (Ord. 3584)
Karate Studio in strip center	581 W. Campbell Road	12-space reduction for karate studio. As applied, resulted in a <b>12%</b> overall reduction for the entire center (104 required by code, 92 required per variance).	12-1994
Restaurant in multi-tenant building	318 S. Central Expressway	8-space ( <b>11%</b> ) variance (71 required by code, 63 required per variance).	03-1995
Westwood Shopping Center (adjacent to Kroger)	200 N. Coit Road (formerly 100 N. Coit Rd.)	Modified ratio of 1 space/200 g.s.f. for all uses (27,450 s.f. total building area; maximum 4%[1,098 s.f.] for restaurants). As applied, equal to a 13 space ( <b>11%</b> ) variance (123 spaces required by code, 110 spaces required by modified ratio).	01-1990
University Village Shopping Center (L.A. Fitness)	1407 & 1501 E. Belt Line Road	<b>10%</b> (63-space) variance (631 required by code, 568 required per variance). Also permitted use of shared parking agreement if property is subdivided into more than one lot.	02-2006
DFW Chinatown Shopping Center (formerly Richardson Terrace S.C.)	400 N. Greenville Avenue	59-space ( <b>10%</b> ) variance (591 required by code, 532 required per variance).  The 10% reduction was extended for additional building square footage, resulting in a 63-space variance (632 spaces required by code, 569 required per variance).	08-2004  07-2005
Promenade Shopping Center (Southern Section)	300 N. Coit Road	96-space ( <b>9%</b> ) variance (1,010 required by code, 914 required per variance).	06-1996

Terrace Supreme Shopping Center	SEC Greenville Ave. at Terrace Dr.	16-space <b>(9%)</b> variance (178 spaces required by code, 162 required per variance).	01-1995
Restaurant in multi-tenant retail strip	115 Spring Valley Village	4-space <b>(9%)</b> variance (43 required by code, 39 required per variance).	09-1993
Prosper Center	201 S. Greenville Avenue	8-space <b>(8%)</b> variance in the number of required off-street parking for a multi-tenant retail center.	02-2007
Richland Village Shopping Center	1310 E. Belt Line Road	<b>(8%)</b> variance in number of required off-street parking for a multi-tenant retail center.	07-2007
Prosper Center (parking reduction granted by zoning special condition)	201 S. Greenville Avenue	7-space <b>(8%)</b> reduction in parking spaces required on-site (total 89 spaces provided for retail center – 82 on-site and 7 off-site on adjacent apartment tract via shared parking agreement).	03-2004 (Ord. 3453-A)
Camelot Shopping Center	580 W. Arapaho Road	38-space variance (477 required, 439 provided), equals <b>7.97%</b> .	6-2006 (Ord. 3558)
Spring Valley Square Shopping Center	1400, 1430, & 1466-1490 W. Spring Valley Rd.	20-space <b>(7.4%)</b> variance (268 required by code, 248 required per variance). Must maintain a tenant mix requiring no more than 268 spaces per code.	09-2003
Govindji Plaza (jewelry store in strip center)	235 N. Central Expressway	2-space <b>(6%)</b> variance (33 required by code, 31 required per variance).	10-2000
Restaurant in Kondos & Kondos Law Office Building	1595 N. Central Expressway	5-space <b>(6%)</b> variance (79 required for office/restaurant combo, 74 required per variance).	05-1987
Dickey's BBQ in Arapaho Station retail center	1140-1190 N. Plano Road	20-space <b>(5%)</b> variance; (427 required by code, 407 required per variance).	02-1995
Texas Commerce Bank (in multi-tenant strip center)	1600 N. Plano Road	12-space <b>(5%)</b> variance (248 required by code, 236 required per variance).	12-1991
China Plaza (multi-tenant center)	105-115 S. Greenville Ave.	3-space <b>(4%)</b> variance (69 required by code, 66 required per variance).	1993
Northpark Savings Center (restaurant in strip center)	279-299 W. Campbell Road	2-space <b>(4%)</b> variance (46 required, 44 required per variance).	09-1993
Canyon Creek Square Shopping Center (formerly Fleetwood Square)	320-350 W. Campbell Road	4-space <b>(3%)</b> variance (115 required by code, 111 required per variance).	07-1988
Sandwich shop (located inside office building)	801 E. Campbell Road	5-space <b>(1%)</b> variance (530 required by code, 525 required per variance). Current policy does not generally require additional parking for "accessory" restaurants in office/industrial buildings.	06-1986
The Shire	3600, 3610, 3650 Shire Blvd. and 2121 E. Infocom	Permitted sharing of parking spaces on three separately platted, contiguous lots with a shared parking agreement approved by City Attorney ( <b>no parking reduction granted</b> ).	04-2006
Canyon Creek Square Shopping Center and Luby's Restaurant	202-238, 300, and 320-350 W. Campbell Road	Permitted sharing of parking spaces on three separately platted, contiguous lots with a shared parking agreement approved by City Attorney ( <b>no parking reduction granted</b> ).	08-2006

Richwood Square Shopping Center	2111-2159, 2165, and 2169-2187 E. Buckingham Road	Permitted sharing of parking spaces on three separately platted, contiguous lots with a shared parking agreement approved by City Attorney ( <b>no parking reduction granted</b> ).	01-2007
Arapaho Village Shopping Center	SWC Arapaho Road at West Shore Drive	Modified ratio of 1 space/250 g.s.f. for retail; all other uses per code ( <b>no percentage established</b> ).	12-1989
Galatyn Urban Center	East of Central Expwy. between Lookout Drive and Galatyn Parkway	Zoning permits use of ULI shared-parking methodology to reduce total number of spaces provided for multiple uses with non-overlapping peak hours ( <b>not a variance per se – no percentage established</b> ).	03-1999 (Ord. 3216-A)
Karate Studio in multi-tenant office/industrial building	1350 E. Arapaho	10-space variance w/parking agreement between 3 sites ( <b>no percentage established</b> ).	04-1994

# Development Application

City of Richardson, TX

**Property Identification:**

525 West Arapaho Road, Richardson, TX 75080  
NORTHRICH VILLAGE REP, BLOCK A LT 1A ACS 5.22  
VOL2003243/0180 DD12052003 CO-DC

**Property Type:**

Retail Property

**Sub-type:**

Strip Center

**Additional Sub-types:**

Office Showroom, Street Retail, Neighborhood Center

**Gross Leasable Area:**

55,742 SF

**Onsite Parking Provided:**

314

**Current Situation:**

This property suffers from a parking problem. It currently has several churches and a community center that lease space from the commercial buildings. These churches and community center are judged on spots based on seating rather than occupancy. The churches and community center only meet on normal religious days of the week, typically on Sunday. The other businesses in the shopping center do not open on Sunday, or do so on a limited time basis. The parking requirements for the churches and community center absorb the needed parking 7 days a week. These parking requirements have a tendency to stunt the growth in the shopping center and for the city of Richardson.

**Proposed Solution:**

Recommendations are to change the needed parking requirements to allow for better growth in the community. We would like to ask for a parking reduction in the amount of 40 parking spots. This reduction is roughly 12.73% of the total parking required for this property. We have conducted a week long parking study which counts the cars during peak times of the day. The parking study takes into consideration lunch times and peak times for religious gatherings. We feel that the variance will not cause any traffic or safety problems for this area based on our current traffic pattern and operating hours of existing businesses.

**Solution In Action:**

The reduction in parking will allow for new and old tenants the freedom to grow and develop their business without the fear of not being able to alter their current lease. With this variance, it will help us to recover the cost of the building and the new tenants will provide some employment and tax opportunities for the city of Richardson.



# North Rich Plaza

Parking Survey Count

Week of 5.14.20.12 - 5.20.2012

	9:00am	10:30am	11:00am	11:30am	12:30pm	1:00pm	1:30pm	2:00pm	4:00pm
Monday	22		40			94			48
Tuesday	31		43			96			40
Wednesday	19		46			87			41
Thursday	24		39			91			54
Friday	20		57			97			69
Saturday	18		34			85			36
Sunday		65		84	88		69	46	

**Excerpt CPC Minutes from August 21, 2012:**

**Variance 12-08:** Consider and take necessary action on a request by Tag Gilkson for a variance to the Subdivision and Development Code, Article III, Subsection 21-51(i) to allow a reduction in parking for the North Rich Plaza shopping center located west of Custer Road, on the south side of Arapaho Road.

Mr. Roberts stated the applicant was requesting a variance from the Subdivision and Development Code to allow a reduction in off-street parking for the North Rich Plaza shopping center. He added that the shopping center currently has 314 parking spaces, but a deficiency of 35 parking spaces based on the current tenants and assuming retail for the almost 11,000 square feet of vacant space.

Mr. Roberts explained that in the past, the City allowed religious institutions to occupy multi-tenant retail centers regardless of parking ratio because the typical parking demand was off-peak from retail, office, and restaurant uses. Although that policy is no longer supported, there are a number of religious institutions located in North Rich Plaza that take up a majority of the total parking spaces. He added that for potential tenants to occupy any of the vacant retail space, the owner is requesting a 13% reduction (40 parking spaces) in the total number of required parking spaces, which would allow the center to support two offices, an additional restaurant, and retail.

Mr. Roberts closed his presentation by noting the applicant had conducted a parking analysis that showed on average only 97 parking spaces occupied and staff had confirmed the information.

Commissioner Maxwell asked if there was a reason for the change in policy of allowing churches in multi-tenant retail centers and whether it caused a problem with not enough parking spaces.

Mr. Roberts replied that staff had encountered similar situations elsewhere in the city where religious institutions had taken up a majority of the parking spaces, similar to the problem at the North Rich Plaza, but so far the policy had not caused a problem with the lack of parking spaces for the Plaza.

Commissioner DePuy asked how many churches were currently in the shopping center.

Mr. Roberts replied that five spaces were currently occupied by religious institutions.

Chairman Gantt stated he was trying to look for a long term solution and asked why a variance was necessary as opposed to a shared parking agreement. He pointed out that if the uses changed, such as one of the churches going away, a similar situation might present itself and another variance would be needed.

Mr. Roberts replied the current request is focusing on the vacant 11,000 square feet and there would only be a problem if the applicant received multiple requests for restaurant space in

the center. However, if a future tenant needed to occupy more than the parking spaces available in the 13% reduction, the applicant would not be able to lease the space, or they would come back before the Commission for another variance.

Chairman Gantt stated that was the type of scenario he was trying to prevent and wanted to know what staff would recommend as the best solution.

Mr. Roberts replied that staff had discussed both options and the applicant felt that based on their tenant occupancy the variance was the better option. He added that in the long run, a shared parking agreement would definitely solve many problems if a large number of restaurants or office tenants requested space in the center.

Commissioner Bright asked how many spaces would equal an 8% variance because that was the typical parking variance approved by the Commission in the past.

Mr. Robert replied it would be 25 parking spaces, which would not help the current deficit of 35 spaces.

Commissioner DePuy asked if staff knew what types of potential tenants were interested in leasing space in the center and expressed concern that the standards of the center be maintained. She also wanted to know if the churches were going to stay in the center.

Mr. Roberts replied that the only information he had was the potential tenants were an office use and a restaurant use.

Chairman Gantt asked the applicant to approach the dais to answer some of the Commission's questions.

Mr. Parker Eng, 4127 Kyndra Circle, Richardson, Texas, owner of the property, stated that he did not know if the churches were intending to stay, and regarding the quality of the center, Mr. Eng said he had thought of doing upgrades to the center, including work on the parking lot, but with the current vacancies the funds were not available.

Vice Chair Hand stated that in looking through the information in the Commission's packet, he was concerned about the abundance of churches in retail centers and the impact those assembly type uses had on the viability of centers originally designed for retail businesses. He added that he was sympathetic to the applicant wanting to lease the space to increase his revenue stream, but suggested the applicant look at the more successful retail centers in town and the type of tenant mix they have.

Mr. Eng replied that the churches were not the problem, but the parking required by the City for that use, which applies to all seven days of the week even though the church is only used on Saturday or Sunday. He added that the parking requirement suppressed his ability to fill the other tenant spaces because every time he applied for a Certificate of Occupancy for a new tenant, the center was already over the required parking.

Mr. Tag Gilkson, 1601 Mr. Blackstone Drive, Carrollton, Texas, representing the owner, stated that when potential tenants request leasing information, they are being turned away because technically they do not have enough parking. He added that in the last few months they have been telling the potential tenants they are working with the City to resolve the problem, but in the mean time those tenants have moved on to other centers.

Vice Chair Hand asked if the long term goal was to return the center back to full retail use.

Mr. Eng replied that their desire to have churches in the center was strictly business based because at the time they were the only ones requesting space. He added that many of leases with the churches are short term so at the end of the lease they can put retail into the space if a potential tenant is available.

Chairman Gantt asked if the requested variance would allow the applicant to fill the center with retail.

Mr. Gilkson replied that in his discussions with staff, the vacant spaces had been looked upon as potential retail space, which provided the ratios in the staff's report. He added that the variance would provide them with the flexibility for growth.

Commissioner DePuy asked what type of tenants would the applicant like in the center, and stated she would like to see the center filled and active with quality tenants.

Mr. Eng replied he could name any number of tenants he would like to have in the center such as clothing stores or sandwich shops, and he agreed with Ms. DePuy that a good mix of tenants was optimum.

Commissioner Bouvier asked staff if they could provide an example of where a variance of the type requested had been successful elsewhere in the City.

Mr. Roberts replied that Camelot Shopping Center and the Ridgewood Shopping Center received parking variances, which improved their ability to lease the properties.

Vice Chair Hand asked if it was possible to put a time limit on the variance request and explained that he was concerned the applicant may not take the initiative to push the center back toward retail businesses and could possibly just bring in more religious institutions.

Mr. Roberts replied that he did not think a time limit would be beneficial.

Commissioner DePuy stated she was not in favor of a time limit and her concerns were more about the type of tenants coming into the center and whether those tenants would generate the needed traffic and activity.

Commissioner Bright asked what the response was to staff's suggestion of a shared parking agreement.

Mr. Roberts replied that in his discussions with the applicant, they felt it was better to seek a variance as opposed to a shared parking agreement. He added there is language in the Subdivision and Development code that a shared parking agreement needed to be within a Planned Development district, which is not the case for the property in question.

Commissioner Linn stated that because of the age of the center, he did not think approving the variance would increase the viability of the center.

Mr. Roberts replied he thought the variance would increase the viability by increasing the opportunity to get tenants in the vacant spaces; the more tenants, the more traffic they would generate.

Commissioner Maxwell asked if the churches left the center, and the 13% reduction was still in force, would there be a problem with the center being under parked.

Mr. Roberts replied that there would have to be a scenario where multiple restaurants were in the center to have a problem with under parking and he did not see that as a concern.

Chairman Gantt stated he thought the center was older and under performing, and the variance was just putting a band aid on it, but he would rather have some tenants than no tenants in the center.

Commissioner Bouvier stated there were pluses and minuses to the request, but by doing nothing the Commission would never know what could have been. He added that he was sympathetic to the problems of getting tenants into centers, and felt if the free market forces prevailed, and the Commission allowed this to go through, the center could be turned around and he was in favor of the request.

**Motion:** Commissioner Bouvier made a motion to recommend approval of Variance 12-08 as presented; second by Commissioner DePuy. Motion passed 4-3 with Vice Chair Hand and Commissioners Bright and Linn opposed.



# Notice of Variance Request

## City Plan Commission • Richardson, Texas

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

**File No./Name:** VAR 12-08  
**Property Owners:** Daniel Eng: North Rich Plaza, LTD.  
**Applicant:** Tag Gilkson: TNT Drafting and Design  
**Address:** 525 W. Arapaho Road

**Request:** Request for approval of a variance from the Subdivision and Development Code, Article III, Section 21-52(i) [*Off-Street Parking*] to allow a reduction in required parking for a multi-tenant shopping center.

The City Plan Commission will consider this request on:

**TUESDAY, AUGUST 21, 2012**  
**7:00 p.m.**  
**City Council Chambers**  
**Richardson City Hall, 411 W. Arapaho Road**  
**Richardson, Texas**

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

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

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

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

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

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

Date Posted and Mailed: August 10, 2012

CPC Sing Trust  
ATTN: Gloria Eng  
7005 Chase Oaks Blvd #200  
Plano, TX 75025

Wyll, Stanley  
11911 Forest Lakes LN  
Dallas, TX 75230

Century Arapaho, LLC  
PO Box 863975  
Plano, TX 75086

Richardson Memorial Post 8627  
Veterans of Foreign Wars  
1040 Hampshire LN  
Richardson, TX 75080

DCM Properties, LP  
1006 Hampshire LN  
Richardson, TX 75080

Dallas Soccer Center, LLC  
7514 Oakhurst DR  
Garland, TX 75044

Abdulkhaliq, Newzad  
2529 Ridgemeade Dr.  
Garland, TX 75040

Twilight Plaza, LLC  
508 Twilight TRL. # 100  
Richardson, TX 75080

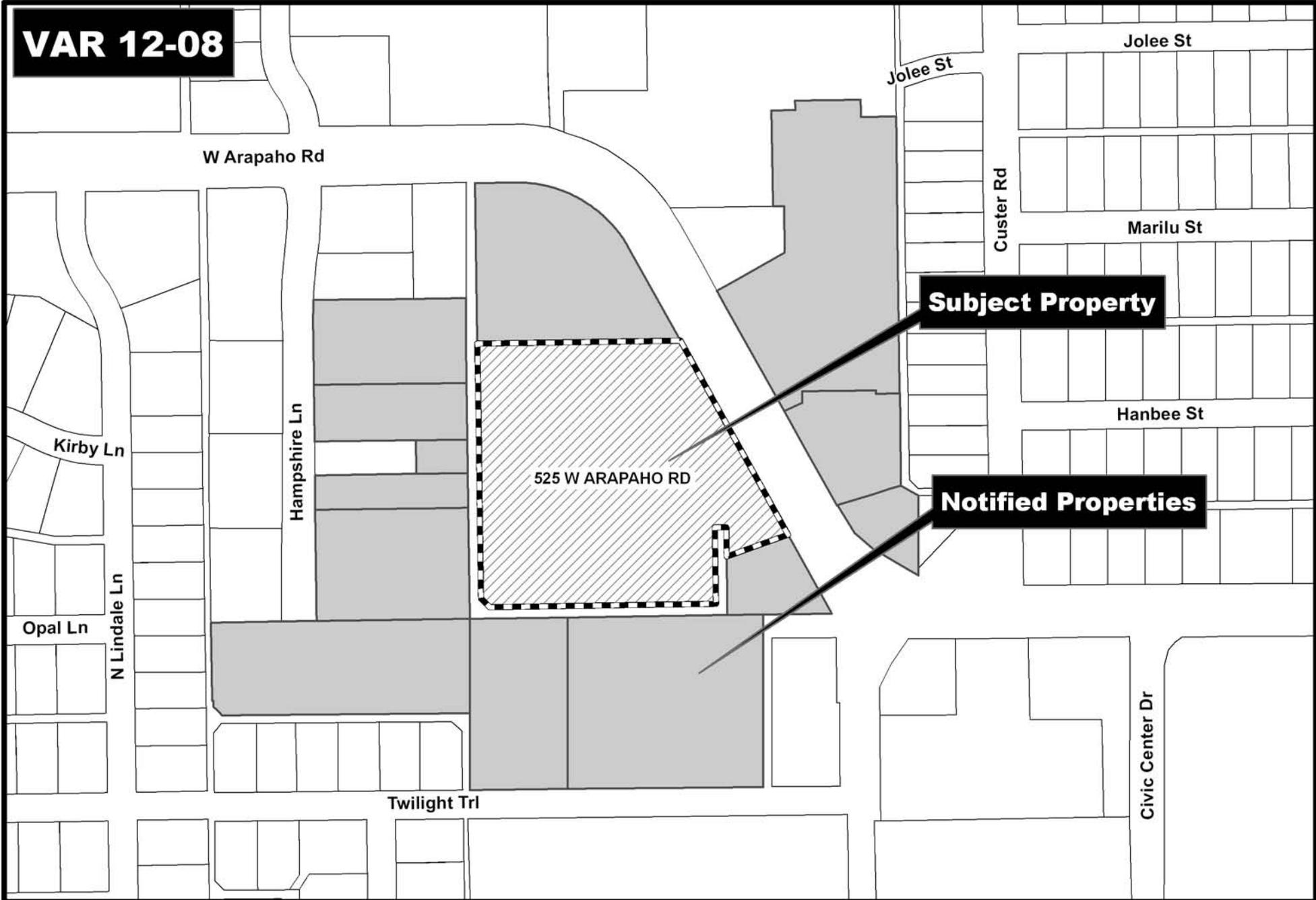
County of Dallas  
516 Twilight TRL.  
Richardson, TX 75080

ATMP Holdings, LLC  
997 Hampshire LN  
Richardson, TX 75080

Just Jack LLC  
5015 88<sup>th</sup> St  
Mercer Island, WA 98040

**VAR 12-08**

**VAR 12-08**



**VAR 12-08 Notification Map  
Northrich Village Shopping Center  
525 W. Arapaho Rd.**





City of Richardson  
City Council Worksession  
Agenda Item Summary



**Worksession Meeting Date:** Monday, September 10, 2012

**Agenda Item:** Consider Ordinance No. 3877, approving and adopting a budget for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013.

**Staff Resource:** Dan Johnson, City Manager

**Summary:** On July 17 and 18, 2012, the Richardson City Council held a Budget Retreat at which City Staff provided the City Council with a status report on the current 2011-2012 revenues and expenditures and reviewed with the City Council preliminary revenue and expenditure projections for the 2012-2013 Fiscal Year.

The City Manager filed a Proposed Budget for the Fiscal Year 2012-2013 on Friday, August, 3, 2012 in accordance with the City Charter and State Law. The Proposed Budget was presented in detail by the City Manager during an August 6, 2012 Worksession. A copy of the Proposed Budget and the Worksession presentation is available online.

The City Council received public input on the proposed budget at a Public Hearing on Monday, August 20, 2012. A copy of the Public Hearing presentation is also available online.

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

**Action Proposed:** Consider Ordinance No. 3877, approving and adopting for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013.

**ORDINANCE NO. 3877**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, as required by Section 11.02 of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget reflecting financial policies for the year and forecasting revenues and expenditures for conducting the affairs of the City and providing a complete financial plan for the fiscal year beginning October 1, 2012, and ending September 30, 2013; and

**WHEREAS**, the City Council has received the City Manager's proposed budget, a copy of which and all supporting schedules have been filed with the City Secretary of the City of Richardson, Texas; and

**WHEREAS**, the City Council has conducted the necessary public hearings as required by law; and

**WHEREAS**, The City Council desires to authorize funding of such benefits, as herein provided;

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

**SECTION 1.** That the proposed budget of the revenue and expenditures necessary for conducting the affairs of the City of Richardson, Texas, said budget being in the amount of \$198,235,950, providing a complete financial plan for the fiscal year beginning October 1, 2012, and ending September 30, 2013, as submitted to the City Council by the City Manager, a copy of which is on file in the City Secretary's Office and incorporated herein by reference, be and the same is hereby adopted and approved as the budget of the City of Richardson, Texas for the fiscal year beginning October 1, 2012, and ending September 30, 2013.

**SECTION 2.** That the sum of \$198,235,950 is hereby appropriated for the payment of the expenditures established in the approved budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013.

**SECTION 3.** That the expenditures during the fiscal year beginning October 1, 2012, and ending September 30, 2013 shall be made in accordance with the budget approved by this ordinance unless otherwise authorized by a duly enacted ordinance of the City of Richardson, Texas.

**SECTION 4.** That all budget amendments and transfers of appropriations budgeted from one account or activity to another within any individual activity for the fiscal year 2011-2012 are hereby ratified, and the budget Ordinance for fiscal year 2011-2012, heretofore enacted by the City Council, be and the same is hereby, amended to the extent of such transfers and amendments for all purposes.

**SECTION 5.** That specific authority is given to the City Manager to make the following adjustments:

1. Transfer of appropriations budgeted from one account classification to another account classification within the same department.
2. Transfer of appropriations from designated appropriation from one department or activity to another department or activity within the same fund.

**SECTION 6.** That all notices and public hearings required by law have been duly completed.

**SECTION 7.** That all provisions of the Ordinances of the City of Richardson, Texas, 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, Texas not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 8.** That should any word, 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.

**SECTION 9** This Ordinance shall take effect from and after its passage as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 10th day of September 2012.

APPROVED:

\_\_\_\_\_  
MAYOR

CORRECTLY ENROLLED:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY  
(PGS/09-08-11/51149)



City of Richardson  
City Council Meeting  
Agenda Item Summary



**Council Meeting Date:** Monday, September 10, 2012

**Agenda Item:** Consider Ordinance No. 3878, levying the ad valorem taxes for the year 2012 (Fiscal Year 2012-2013) at a rate of \$0.63516 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Richardson as of January 1, 2012.

**Staff Resource:** Dan Johnson, City Manager

**Summary:** On July 17 and 18, 2012, the Richardson City Council held a Budget Retreat at which City Staff provided the City Council with a status report on the current 2011-2012 Revenues and Expenditures and reviewed with the City Council Preliminary Revenue and Expenditure Projections for the 2012-2013 Fiscal Year.

The City Manager filed a Proposed Budget for Fiscal Year 2012-2013 on Friday, August 3, 2012 in accordance with the City Charter and State Law. The Proposed Budget was presented in detail by the City Manager during an August 6, 2012 Worksession. A copy of the Proposed Budget and the Worksession presentation is available online. On August 20 and 27, the Richardson City Council held public hearings on the Proposed Tax Rate for Fiscal Year 2012-2013.

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

**Action Proposed:** Consider Ordinance No. 3878, levying the ad valorem taxes for the year 2012 (Fiscal Year 2012-2013) at a rate of \$0.63516 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City Richardson as of January 1, 2012.

**ORDINANCE NO. 3878**

**AN ORDINANCE OF THE CITY OF RICHARDSON LEVYING THE AD VALOREM TAXES FOR THE YEAR 2012 (Fiscal Year 2012-2013) AT A RATE OF \$0.63516 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF RICHARDSON AS OF JANUARY 1, 2012, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF RICHARDSON; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** That there be and is hereby levied for the year 2012 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Richardson, and not exempt by the Constitution of the State and valid State laws, a tax of \$0.63516 on each one hundred dollars (\$100) assessed valuation of taxable property, and shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenditures of the municipal government of the City of Richardson, a tax of \$0.36281 on each one hundred dollars (\$100) assessed value on all taxable property.
- (b) For the purpose of creating a sinking fund to pay the interest and principal maturities of all outstanding debt of the City of Richardson, not otherwise provided for, a tax of \$0.27235 on each one hundred dollars (\$100) assessed value of taxable property within the City of Richardson, and shall be applied to the payment of interest and maturities of all such outstanding debt.

**SECTION 2.** THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 0.35 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00.

**SECTION 3.** That all ad valorem taxes shall become due and payable on October 1, 2012, and all ad valorem taxes for the year shall become delinquent if not paid prior to February 1, 2013. There shall be no discount for payment of taxes prior to February 1, 2013. A delinquent tax shall incur all penalty and interest authorized by law, to wit:

- (a) A penalty of six per cent on the amount of the tax for the first calendar month it is delinquent, plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent.
- (b) Provided, however, a tax delinquent on July 1, 2013 incurs a total penalty of twelve per cent of the amount of delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax shall also accrue interest at the rate of one percent for each month or portion of a month the tax remains unpaid. Taxes for the year 2012 and taxes for all future years that become delinquent on or after February 1 but not later than May 1, that remain delinquent on July 1 of the year in which they become delinquent, incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and 33.07, as amended. Taxes assessed against tangible personal property for the year 2012 and for all future years that become delinquent on or after February 1 of a year incur an additional penalty on the later of the date the personal property taxes become subject to the delinquent tax attorney's contract, or 60 days after the date the taxes become delinquent, such penalty to be in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 33.11. Taxes for the year 2012 and taxes for all future years that remain delinquent on or after June 1 under Texas Property Tax Code Sections 26.07(f), 26.15(e), 31.03, 31.031, 31.032 or 31.04 incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and Section 33.08, as amended.

**SECTION 4.** That taxes are payable at the Dallas County Tax Office if property is located in Dallas County, or at the Collin County Tax Office if property is located in Collin County. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

**SECTION 5.** That the tax roll as presented to the City Council, together with any supplements thereto, be and the same are hereby approved.

**SECTION 6.** That all 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 7.** 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 thereof decided to be unconstitutional, illegal or invalid.

**SECTION 8.** This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 10th day of September 2012.

APPROVED:

\_\_\_\_\_

MAYOR

DULY ENROLLED:

\_\_\_\_\_

CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_

CITY ATTORNEY



City of Richardson  
City Council Meeting  
Agenda Item Summary



- Council Meeting Date:** Monday, September 10, 2012
- Agenda Item:** Consider increasing Property Tax Revenue through the adoption of the proposed Property Tax Rate of \$0.63516 per one hundred dollars (\$100) assessed valuation.
- Staff Resource:** Dan Johnson, City Manager
- Summary:** On July 17 and 18, 2012, the Richardson City Council held a Budget Retreat at which City Staff provided the City Council with a status report on the current 2011-2012 Revenues and Expenditures and reviewed with the City Council Preliminary Revenue and Expenditure Projections for the 2012-2013 Fiscal Year.
- The City Manager filed a Proposed Budget for Fiscal Year 2012-2013 on Friday, August 3, 2012 in accordance with the City Charter and State Law. The Proposed Budget was presented in detail by the City Manager during an August 6, 2012 Worksession. A copy of the Proposed Budget and the Worksession presentation is available online. On August 20 and 27, the Richardson City Council held public hearings on the Proposed Tax Rate for Fiscal Year 2012-2013.
- This particular action item is in response to requirements included in Section 102.007(c) of the Texas Local Government Code.
- Board/Commission Action:** N/A
- Action Proposed:** Consider increasing Property Tax Revenue through the adoption of the proposed Property Tax Rate of \$0.63516 per one hundred dollars (\$100) assessed valuation.

**ORDINANCE NO. 3879**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY AMENDING SECTION 23-98 TO ESTABLISH RATES TO BE CHARGED FOR WATER SERVICES FURNISHED BY THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** That Section 23-98 of the Code of Ordinances, City of Richardson, Texas, be and the same is hereby amended in part to read as follows:

**“Sec. 23-98 Water rates.**

The following monthly rates are hereby established and shall be collected for water services furnished by the city, based upon cost of service and water usage:

- (1) Monthly minimum charge.....\$8.00
- (2) Water Usage:
  - (a) 0 – 11,000 gallons, per 1,000 gallons .....\$3.63
  - (b) 11,001 – 20,000 gallons, per 1,000 gallons. ....\$3.93
  - (c) 20,001 – 40,000 gallons, per 1,000 gallons. ....\$4.10
  - (d) 40,001 – 60,000 gallons, per 1,000 gallons. ....\$4.77
  - (e) All over 60,000 gallons, per 1,000 gallons. ....\$4.99
- (3) Apartments will be treated and billed as a commercial water account.
- (4) Municipal water rate (city usage), per 1,000 gallons.....\$1.71
- (5) Homeowner associations responsible for maintaining common areas in a residential subdivision may make application to the water customer service office for a discount of 40 percent of the water usage charges for water used through an irrigation meter for irrigation purposes. Such discount shall be applied to the

monthly billing for such water service after the homeowner association has provided satisfactory proof of such water usage.”

**SECTION 2.** That all provisions of the ordinances of the City of Richardson, Texas 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, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** This Ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide, however the water rates established herein shall take effect the first billing after November 1, 2012.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 10th day of September 2012.

**APPROVED:**

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**MAYOR**

**CORRECTLY ENROLLED:**

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**CITY SECRETARY**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**  
**(PGS:08-30-12:TM 55261)**

**ORDINANCE NO. 3880**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY AMENDING SECTION 23-168 TO ESTABLISH RATES TO BE CHARGED FOR SEWER SERVICES FURNISHED BY THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** That Section 23-168 of the Code of Ordinances, City of Richardson, Texas, be and the same is hereby amended in part to read as follows:

**“Sec. 23-168. Sewerage rates.**

The following monthly rates are hereby established and shall be collected for sewer services furnished by the city, based upon cost of service and water usage.

- (1) Any residential customer that uses water that is not discharged into the wastewater system at a rate of 98 percent may do one of the following:
  - a. any customer using water that is not discharged into the wastewater system may, at the customer’s expense, install a separate water meter for such use, and the volume of water as determined by such meter shall be excluded in calculating monthly sewer rates;
  - b. any customer using water that is discharged into the wastewater system and who also has a meter for water not discharged into the wastewater system, will be charged at the rate for 98 percent consumption for each month for the meter that discharges into the wastewater system but shall not be charged for the meter that does not discharge into the system.
  
- (2) Summary of charges:
  - a. Minimum charge.....\$8.00
  - b. Rates per 1,000 gallons and portion of metered water:
    - 0 – 11,000 gallons.....\$2.59
    - All over 11,000 gallons.....\$5.12
  - c. Apartments will be treated as commercial accounts for sewer billing purposes.

- d. A sewer cap for each residential customer will be determined annually by the use of a three-year winter average and will be in effect for a 12-month time period.
  - e. The winter average will be based upon the total consumption for November, December, January, and February for the three previous years. The consumption total will be divided by 12 and then multiplied by 0.98 to determine the average.
- (3) Any commercial customer that uses water that is not discharged into the wastewater system at a rate of 100 percent may do one of the following:
- a. any commercial customer using water that is not discharged into the wastewater system may, at the customer's expense, install a separate water meter for such use, and the volume of water as determined by such meter shall be excluded in calculating monthly sewer rates;
  - b. any commercial customer using water that is discharged in the wastewater system at a rate less than 100 percent may, at the customer's expense, install a separate metering device for wastewater that is approved by the Director of Public Services for such use, and the volume of wastewater as determined by such metering device shall be used as a basis of charge for service.
  - c. any customer using water that is discharged into the wastewater system and who also has a meter for water not discharged into the wastewater system, will be charged at the rate of 100 percent consumption for each month for the meter that discharges into the wastewater system but shall not be charged for the meter that does not discharge into the system.
- (4) Municipal sewer rate (city usage) per 1,000 gallons .....\$2.42

**SECTION 2.** That all provisions of the ordinances of the City of Richardson, Texas in conflict with the provisions of this ordinance are, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other

than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** This Ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide, however the sewerage rates established herein shall take effect the first billing after November 1, 2012.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 10th day of September 2012.

**APPROVED:**

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**MAYOR**

**CORRECTLY ENROLLED:**

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**CITY SECRETARY**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**  
(PGS:08-30-12:TM 55262)

**RESOLUTION NO. 12-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, ESTABLISHING ANIMAL SHELTER FEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Richardson, Texas, desires to establish fees and charges for Animal Shelters as authorized in Chapter 5 of the Code of Ordinances of the City of Richardson, Texas;

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

**SECTION 1.** That the following animal shelter fees are hereby established:

(a) Impoundment fees:

Sterile pets:

First offense - \$25.00.

Second offense - \$35.00.

Third offense - \$50.00.

Intact pets:

First offense - \$35.00.

Second offense - \$45.00.

Third offense - \$60.00.

\* First Impound is No Charge if pet is wearing current registration.

Unwanted adult animals (6 months and over):

\$20.00 per animal.

\$10.00 waived if pet is currently vaccinated.

\$10.00 waived if the pet is spayed/neutered.

Unwanted puppies and kittens:

\$5.00 per animal.

\* Fee waived if proof Female is spayed or scheduled to be spayed.

Stray impounds – No Charge.

(b) Boarding fee for each animal:

\$10.00 per day.

10-day quarantine - \$100.00.

- (c) Animal registration fee:  
\$5.00 per year for spayed/neutered animals.  
\$10.00 per year for intact animals.
- (d) Fee to be paid by veterinarian hospital or clinics for pick-up of dead animals:  
\$3.00 per animal.
- (e) Adoption fee:  
\$35.00 for puppies.  
\$25.00 for adult dogs.  
\$20.00 for kittens.  
\$15.00 for adult cats.
- (f) Euthanasia and disposal fee:  
\$25.00 per pet.  
Senior residents – No Charge.

**SECTION 2.** That all provisions of the resolutions of the City of Richardson, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

**SECTION 3.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution which shall remain in full force and effect.

**SECTION 4.** That this Resolution shall become effective immediately from and after its passage; provided, however, the fees established herein shall take effect beginning October 1, 2012.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Richardson, Texas, on this the 10th day of September 2012.

CITY OF RICHARDSON, TEXAS

\_\_\_\_\_  
MAYOR

ATTEST:

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CITY SECRETARY

APPROVED AS TO FORM:

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PETER G. SMITH, CITY ATTORNEY  
(PGS:tlo:08-29-12:57093)

**ORDINANCE NO. 3876**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING FROM R-1100-M RESIDENTIAL TO O-M OFFICE, SAID TRACT BEING FURTHER DESCRIBED IN EXHIBIT “A”; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 12-12).**

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

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5<sup>th</sup> day of June, 1956, as heretofore amended, so as to grant a change in zoning from R-1100-M Residential to O-M Office, said tract of land being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes (“the Property”).

**SECTION 2.** That the Property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and as amended herein.

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

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** 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 10<sup>th</sup> day of September 2012.

**APPROVED:**

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**MAYOR**

**APPROVED AS TO FORM:**

**CORRECTLY ENROLLED:**

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**CITY ATTORNEY**

(PGS:08-31-12:57136)

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**CITY SECRETARY**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ZF 12-12**

Being a tract of land situated in the John Edmonds Survey, Abstract No. 429, City of Richardson, Dallas County, Texas, according to the Plat thereof recorded in Volume 42, Page 187 of the Map Records of Dallas County, Texas. In the subdivision NORTHRICH WEST 4 – BLOCK 12, of RICHARDSON, DALLAS COUNTY, TEXAS at the intersection of WEST CAMPBELL ROAD and CUSTER ROAD.

BEGINNING at the north east corner of Lot 15, Block 12, of NORTHRICH WEST 4 Addition, near the intersection of Campbell Road and Custer Road at ½" iron stake.

THENCE South 00 degrees 24 minutes 00 seconds West, with the east line of said lot 15 a distance of 125.00 feet to a ½" iron stake at the southeast corner of lot 15, same point being in the north line of a 15 foot wide alley;

THENCE South 90 degrees 00 minutes 00 seconds West, with the south line of said grouping of lots 11, 12, 13, 14, and 15, a distance of 348.98 feet along the north line of said alley to ½" iron stake found at the common south corner of said Lot 11 and Northrich West Addition, 4<sup>th</sup> Section, Lot 7A, a Replat of Lots 7 thru 10, Block 12 of Northrich West Addition, Fourth Section, an addition to the City of Richardson, according to the Plat thereof recorded in Volume 86235, Page 3116, Map Records, Dallas County, Texas;

THENCE North 00 degrees 24 minutes 00 seconds East and passing at 127.43 feet the northwest corner of Lot 11 and continuing for a total distance of 159.48 feet to a ½ inch iron stake from which the northeast corner of said Lot 7A bears Northwesterly, 1.16 feet, same point being the south line of W Campbell Road as established by said City of Richardson Ordinance No. 2457-A, and being in a curve to the left having a central angle of 07 degrees 55 minutes 56 seconds and a radius of 1162.77 feet;

THENCE Southeasterly along said curve to the left having a chord which bears South 78 degrees 06 minutes 08 seconds East, an arc length of 160.98 feet to a ½ iron stake set at the east corner of said abandonment of Old Campbell road and being in the north line of Lot 13;

THENCE South 89 degrees 36 minutes 00 seconds East along the south line of W. Campbell Road and said north line, a distance of 190.59 feet to the PLACE OF BEGINNING and containing 46,264 square feet or 1.0621 acre of land, more or less.

**ORDINANCE NO. 3881**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12, TO ADD ARTICLE VII COMMUNITY HOMES FOR DISABLED PERSONS, TO ESTABLISH LOCATION REGULATIONS FOR QUALIFYING COMMUNITY HOMES FOR DISABLED PERSONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A CRIMINAL PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Richardson, Texas, has investigated and determined that it would be advantageous and beneficial to the health, safety, and welfare of the citizens of the City to adopt all the provisions of the Community Homes for Disabled Persons Location Act, as set forth in Chapter 123, Texas Human Resources Code, as amended (“Act”); and

**WHEREAS**, the City Council hereby adopts the Act and incorporates it herein in its entirety for all purposes.

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

**SECTION 1.** That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**SECTION 2.** That Chapter 12 of the Code of Ordinances of the City of Richardson, Texas, is amended by adding Article VII, Community Homes for Disabled Persons, to read as follows:

**“ARTICLE VII. Community Homes for Disabled Persons**

**Sec. 12-190. Regulations in Community Homes for Disabled Persons Location Act Adopted.**

The Community Homes for Disabled Persons Location Act, Chapter 123, Texas Human Resources Code, as amended (the "Act"), is hereby adopted and incorporated herein in its entirety for all purposes. The provisions of the Act shall be fully implemented and enforced as provided by the Act and by the City.

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

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That any person, firm or corporation that intentionally, knowingly, or recklessly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

**SECTION 7.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 10th day of September 2012.

APPROVED:

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MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

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CITY ATTORNEY  
(PGS/JVP:4-30-12 TM 55213)

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CITY SECRETARY

CITY OF RICHARDSON

TO: Dan Johnson - City Manager  
THRU: Kent Pfeil - Director of Finance  
FROM: Pam Kirkland - Purchasing Manager  
SUBJECT: Bid Initiation Request #53-12  
DATE: September 4, 2012

Request Council approval to initiate bids for the following:

2010 Streets Phase VII  
North Bowser (from Beltline Road to approximately 200 feet north of Apollo Road) &  
South Grove Road (from Belt Line Road to Highland Blvd)

Proposed Council approval date: September 10, 2012  
Proposed advertising dates: September 12, 2012 & September 19, 2012  
Proposed bid due date: September 27, 2012 – 2:00 p.m.  
Proposed bid opening date: September 27, 2012 – 2:30 p.m.  
Engineer's estimated total cost: \$960,000  
Account: 378-8702-585-7524, Project #SD1017

  
\_\_\_\_\_  
Pam Kirkland, CPPO, CPPB  
Purchasing Manager

  
\_\_\_\_\_  
Kent Pfeil  
Director of Finance

  
\_\_\_\_\_  
Date

Approved: \_\_\_\_\_  
Dan Johnson  
City Manager

\_\_\_\_\_  
Date

**NOTICE TO CONTRACTORS  
CITY OF RICHARDSON**

**2010 STREETS PHASE VII**

**North Bowser (from Beltline Road to approximately 200 feet north of Apollo Road) &  
South Grove Road (from Beltline Road to Highland Blvd)  
BID No. 53-12**

Sealed bids addressed to the Purchasing Manager, of the City of Richardson, Texas, will be received at the Office of the City Purchasing Department, Suite 101, City Hall, 411 West Arapaho Road, Richardson, Texas, until **Thursday, September 27, 2012 at 2:00 pm** and will be opened and read aloud in the **Capital Projects Department, Room 206**, 30 minutes later that same day, for furnishing all labor, materials, tools and equipment, and performing all work required including all appurtenances for:

The Street Rehabilitation Phase VII Project includes the removal and replacement of southbound Grove Road including minor storm sewer improvements and the northbound lanes will be repaired with full depth concrete patches. Bowser Road is a concrete street with an asphalt overlay. The existing asphalt overlay will be removed, all failed concrete pavement will be repaired and a new asphalt overlay installed. Both streets also include sidewalk repair and barrier free ramps.

Proposals shall be accompanied by a certified or cashier's check on a state or national bank in an amount not less than five percent (5%) of the possible total of the bid submitted, payable without recourse to the City of Richardson, Texas, or an acceptable bid bond for the same amount from a reliable surety company as a guarantee that the bidder will enter into a contract and execute required Performance and Payment Bonds within ten (10) days after notice of award of contract. The notice of award of contract shall be given to the successful bidder within ninety (90) days following the opening of bids.

The successful bidder must furnish a Performance Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, a material and labor Payment Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, and a Maintenance Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, from a surety authorized under the laws of the State of Texas to act as a surety on bonds for principals.

The right is reserved, as the interest of the Owner may require, to reject any and all bids, to waive any informality in the bids received, and to select bid best suited to the Owner's best interest. The Contractor, to be successful in bidding this project, must have completed a minimum of three similar projects within the last five years.

**A maximum of One Hundred Forty (140) calendar days will be allowed for construction.**

One set of plans, specifications and bid documents may be secured from the Office of the City Engineer, Capital Projects Department in Room 206, of the Richardson Civic Center/City Hall, 411 West Arapaho Road, Richardson, Texas, **beginning at 12:00 p.m. on Tuesday, September 11, 2012** upon a **NON-REFUNDABLE FEE OF Fifty Dollars** (\$50.00) per set, payable to the City of Richardson, accompanied by the contractor's name, address, phone number, email address and FAX number. Maximum of two sets of plans per contractor.

A voluntary pre-bid conference will be held at **10:00 am on Thursday, September 20, 2012** in the **Capital Projects Conference Room 206**, Richardson Civic Center/City Hall.

By: /s/ Bob Townsend, Mayor  
City of Richardson  
P. O. Box 830309  
Richardson, Texas 75083



# MEMO

TO: Dan Johnson, City Manager

THROUGH: Cliff Miller, Assistant City Manager *CM*

FROM: Steve Spanos, P.E., Director of Engineering *SS*

SUBJECT: Permission to Advertise 2010 Street Phase VII Pavement Rehabilitation  
North Bowser (from Beltline Road to approximately 200 feet north of Apollo  
Road) & South Grove Road (from Beltline Road to Highland Blvd)  
Bid No. 53-12

DATE: August 31, 2012

## BACKGROUND INFORMATION:

The Street Rehabilitation Phase VII Project includes the removal and replacement of southbound Grove Road including minor storm sewer improvements and the northbound lanes will be repaired with full depth concrete patches. Bowser Road is a concrete street with an asphalt overlay. The existing asphalt overlay will be removed, all failed concrete pavement will be repaired and a new asphalt overlay installed. Both streets also include sidewalk repair and barrier free ramps.

## FUNDING:

Funding is provided from 2010 Streets and Drainage G.O. Bonds 378-8702-585-7524 SD1017.

## SCHEDULE:

Capital Projects plans for this project to begin construction November 2012 and be completed by March 2013.

Cc: David McFadden, P.E., Project Engineer

CP/Office/Agenda Reports/Agenda Items - September/StreetRehab4-Executive.doc

## PROPOSED PROJECT SCHEDULE

### 2010 STREETS VII – PAVEMENT REHABILITATION

North Bowser (from Beltline Road to approximately 200 feet north of Apollo Road)  
& South Grove Road (from Beltline Road to Highland Blvd)  
BID #53-12

Agenda Paperwork to Advertise	Friday, August 31, 2012
Council Authorization to Advertise	Monday, September 10, 2012
Plans/Specs Available for Contractors	Tuesday, September 11, 2012
Advertise in Dallas Morning News	Wednesday, September 12, 2012
Advertise in Dallas Morning News	Wednesday, September 19, 2012
Pre Bid Meeting (10:00 am Room 206)	Thursday, September 20, 2012
Bids Received & Opened (by 2:00 open 2:30 pm Room 206)	Thursday, September 27, 2012
Agenda Paperwork to Award Contract	Friday, September 28, 2012
Council to Award Contract	Monday, October 8, 2012
Pre-Construction Meeting	~ October 23, 2012
Project Start	~ November 1, 2012
Project Completed 140 Calendar Days	~ March 2013

*Project Engineer: David McFadden, P.E.  
Consulting Engineers Estimate: \$960,000  
Fund: 2010 Streets and Drainage G.O. Bonds  
Account #378-8702-585-7524 Project #SD1017*



**2010 STREETS REHABILITATION PHASE VII  
CONSTRUCTION FALL 2012**



CITY OF  
RICHARDSON  
TEXAS





# MEMO

**DATE:** September 4, 2012  
**TO:** Kent Pfeil – Director of Finance  
**FROM:** Pam Kirkland – Purchasing Manager *Pam*  
**SUBJECT:** Award of Bid #55-12 for the 2010 Sidewalk Repair Program Phase IV (Regions 7 & 8) to Jim Bowman Construction Company in the amount of \$875,875

**Proposed Date of Award: September 10, 2012**

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to award a contract to the low bidder, Jim Bowman Construction Company, for the above referenced construction in the amount of \$875,875, as outlined in the attached memo.

Funding is provided from Neighborhood Vitality G.O. Bonds.

The bid was advertised in *The Dallas Morning News* on August 15, 2012 and August 22, 2012 and was posted on Bidsync.com. A prebid conference was held on August 23, 2012 and seven bids were solicited and seven bids were received.

Concur:

  
Kent Pfeil

Attachments

Xc: Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



## MEMO

TO: Dan Johnson, City Manager  
THROUGH: Cliff Miller, Assistant City Manager *CM*  
FROM: Steve Spanos, P.E., Director of Engineering  
SUBJECT: Award of Bid No. 55-12 to Jim Bowman Construction Company  
2010 Sidewalk Repair Program Phase IV (Regions 7 & 8)  
DATE: August 31, 2012

### ACTION REQUESTED:

Council to consider award of Bid #55-12 for the 2010 Sidewalk Repair Program Phase IV Project to Jim Bowman Construction Company in the amount of \$875,875.00.

### BACKGROUND INFORMATION:

On August 30, 2012, the Capital Projects Department opened bids for the subject project. The attached bid tabulation certifies the lowest bid was submitted by Jim Bowman Construction Company in the amount of \$875,875.00.

References and financials are not required at this time since Jim Bowman Construction Co. is currently under contract with the city.

The 2010 Sidewalk Repair Program Phase IV Project in Region -7 bound by Belt Line, Waterview, Arapaho and Floyd and Region - 8 bound by Custer, Campbell, US/75 and Arapaho that includes removal and replacement of existing residential 4' sidewalk and driveway approach pavement. Sidewalk repairs will vary in size at any particular location. The work will also include the construction of barrier free ramps and other appurtenances related to sidewalk and driveway approach repairs including 6" concrete curb, sod, water meter adjustments and sidewalk grinding and or cutting.

### FUNDING:

Funding is provided from Neighborhood Vitality G.O Bonds.

### SCHEDULE:

Capital Projects plans for this project to begin construction September 2012 and be completed by March 2013.

Cc: Henry Drexel, P.E., Senior Project Engineer *HSD*  
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**2010 SIDEWALK REPLACEMENT PROJECT PHASE IV REGIONS 7 & 8**

**BID # 55-12**

**Bid Opening: August 30, 2012**

ITEM NO.	DESCRIPTION	EST QTY	UNIT	JIM BOWMAN CONSTRUCTION CO., LP.		AXIS CONTRACTING, INC.		JERUSALEM CORP.		RATLIFF HARDSCAPE, LTD.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove & Replace 4" Sidewalk	150,000	SF	\$3.75	\$562,500.00	\$3.85	\$577,500.00	\$3.85	\$577,500.00	\$4.32	\$648,000.00
2	Remove & Replace 5" Driveway Pvmnt	23,000	SF	\$3.90	\$89,700.00	\$4.25	\$97,750.00	\$4.10	\$94,300.00	\$4.38	\$100,740.00
3	6" Class "C" Concrete Pavement	1,000	SF	\$4.25	\$4,250.00	\$4.75	\$4,750.00	\$5.00	\$5,000.00	\$5.00	\$5,000.00
4	6" Class "C" Curb & Gutter	400	SF	\$14.50	\$5,800.00	\$20.00	\$8,000.00	\$17.00	\$6,800.00	\$23.75	\$9,500.00
5	Barrier Free ramp - rehab (Types A-D)	150	EA	\$450.00	\$67,500.00	\$650.00	\$97,500.00	\$625.00	\$93,750.00	\$875.00	\$131,250.00
6	Barrier Free ramp - rehab (Types E-F)	20	EA	\$300.00	\$6,000.00	\$600.00	\$12,000.00	\$400.00	\$8,000.00	\$687.50	\$13,750.00
7	Barrier Free ramp - new (Types A-D)	20	EA	\$450.00	\$9,000.00	\$600.00	\$12,000.00	\$600.00	\$12,000.00	\$625.00	\$12,500.00
8	Barrier Free ramp - new (Types E-F)	4	EA	\$275.00	\$1,100.00	\$650.00	\$2,600.00	\$500.00	\$2,000.00	\$531.25	\$2,125.00
9	Compacted Clean Fill	100	CY	\$2.00	\$200.00	\$15.00	\$1,500.00	\$30.00	\$3,000.00	\$12.50	\$1,250.00
10	4" Topsoil with Block Sod	10,000	SF	\$0.25	\$2,500.00	\$0.50	\$5,000.00	\$0.50	\$5,000.00	\$0.50	\$5,000.00
11	Utility/Meter Box Adjustment	30	EA	\$30.00	\$900.00	\$100.00	\$3,000.00	\$100.00	\$3,000.00	\$31.25	\$937.50
12	Water Meter Relocation	20	EA	\$500.00	\$10,000.00	\$620.00	\$12,400.00	\$300.00	\$6,000.00	\$500.00	\$10,000.00
13	Traffic Control	20	EA	\$150.00	\$3,000.00	\$500.00	\$10,000.00	\$1,200.00	\$24,000.00	\$312.50	\$6,250.00
14	Asphalt Repair	500	SF	\$2.50	\$1,250.00	\$5.00	\$2,500.00	\$4.00	\$2,000.00	\$3.75	\$1,875.00
15	4" Exposed Aggregate Concrete Sidewalk	200	SF	\$6.00	\$1,200.00	\$5.00	\$1,000.00	\$7.00	\$1,400.00	\$5.00	\$1,000.00
16	Sidewalk Grinding	150	EA	\$13.50	\$2,025.00	\$25.00	\$3,750.00	\$50.00	\$7,500.00	\$25.00	\$3,750.00
17	Irrigation Relocation	20	EA	\$75.00	\$1,500.00	\$100.00	\$2,000.00	\$100.00	\$2,000.00	\$156.25	\$3,125.00
18	House Number Replacement	80	EA	\$20.00	\$1,600.00	\$25.00	\$2,000.00	\$100.00	\$8,000.00	\$25.00	\$2,000.00
19	4" Class "A" Sidewalk	3,600	SF	\$3.50	\$12,600.00	\$3.75	\$13,500.00	\$3.90	\$14,040.00	\$3.44	\$12,384.00
20	4" Class "A" Sidewalk outside Region	3,000	SF	\$5.50	\$16,500.00	\$4.50	\$13,500.00	\$4.60	\$13,800.00	\$4.19	\$12,570.00
21	Project Signs	6	EA	\$250.00	\$1,500.00	\$400.00	\$2,400.00	\$450.00	\$2,700.00	\$375.00	\$2,250.00
22	Barrier Free Ramp Outside of Contract	10	LF	\$600.00	\$6,000.00	\$800.00	\$8,000.00	\$500.00	\$5,000.00	\$687.50	\$6,875.00
23	Adjust Manhole Lids to Grade	20	EA	\$75.00	\$1,500.00	\$250.00	\$5,000.00	\$300.00	\$6,000.00	\$375.00	\$7,500.00
24	Sidewalk Curb as Directed by the City	300	LF	\$2.50	\$750.00	\$6.75	\$2,025.00	\$5.00	\$1,500.00	\$3.75	\$1,125.00
25	Remove and Replace Alley Pavement	4,000	SF	\$4.25	\$17,000.00	\$4.75	\$19,000.00	\$6.00	\$24,000.00	\$5.00	\$20,000.00
26	Construction Contingency	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
<b>TOTAL BASE BID</b>				<b>\$875,875.00</b>		<b>\$968,675.00</b>		<b>\$978,290.00</b>		<b>\$1,070,756.50</b>	
<b>CONTRACTOR'S BID</b>				<b>SAME</b>		<b>SAME</b>		<b>SAME</b>		<b>SAME</b>	

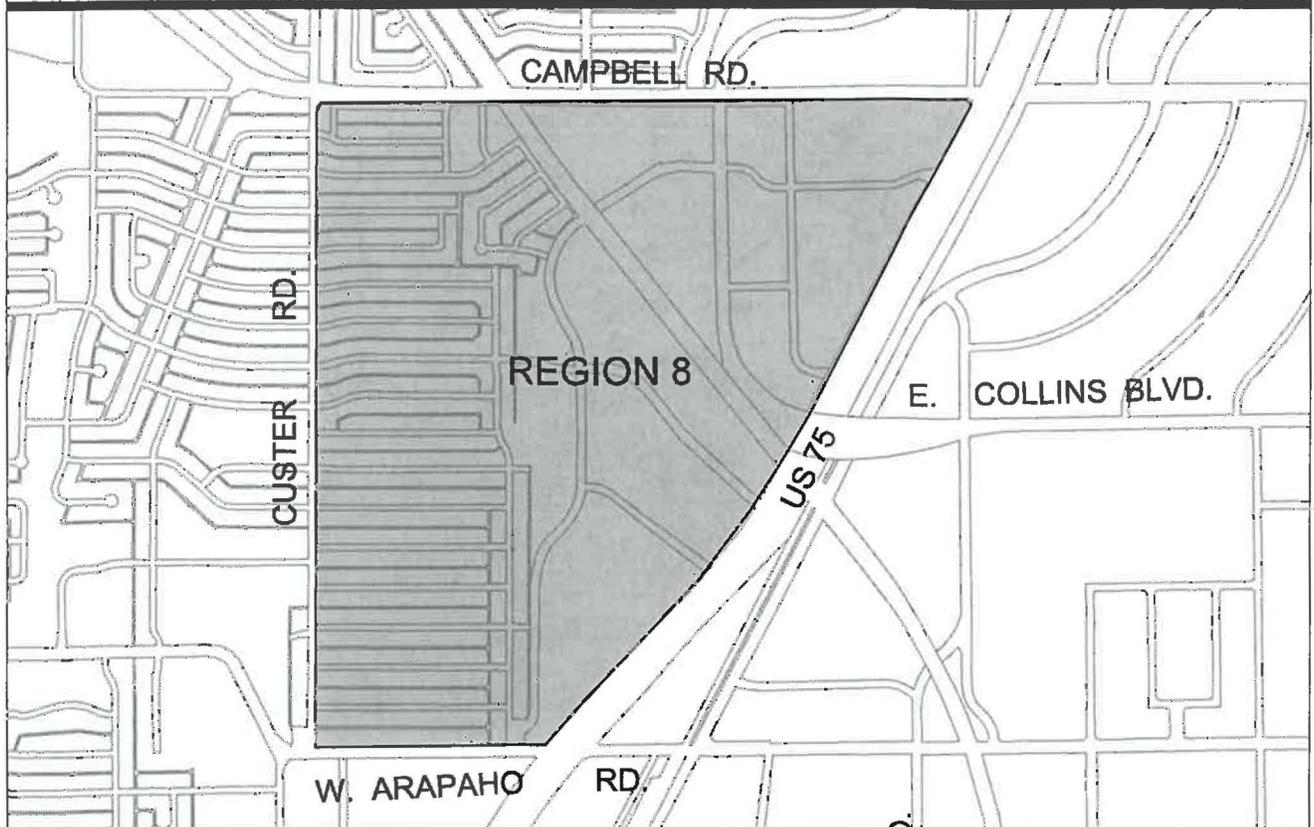
ITEM NO.	DESCRIPTION	EST QTY	UNIT	ZAGROS CONSTRUCTION CO.		KEN DO CONTRACTING LP.		ESTRADA CONCRETE COMPANY, LLC.		AVERAGE	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove & Replace 4" Sidewalk	150,000	SF	\$3.80	\$570,000.00	\$4.50	\$675,000.00	\$4.80	\$720,000.00	\$4.12	\$618,642.86
2	Remove & Replace 5" Driveway Pvmnt	23,000	SF	\$4.20	\$96,600.00	\$4.90	\$112,700.00	\$4.50	\$103,500.00	\$4.32	\$99,327.14
3	6" Class "C" Concrete Pavement	1,000	SF	\$5.00	\$5,000.00	\$5.15	\$5,150.00	\$5.00	\$5,000.00	\$4.88	\$4,878.57
4	6" Class "C" Curb & Gutter	400	SF	\$10.00	\$4,000.00	\$18.00	\$7,200.00	\$20.00	\$8,000.00	\$17.61	\$7,042.86
5	Barrier Free ramp - rehab (Types A-D)	150	EA	\$1,000.00	\$150,000.00	\$800.00	\$120,000.00	\$800.00	\$120,000.00	\$742.86	\$111,428.57
6	Barrier Free ramp - rehab (Types E-F)	20	EA	\$1,200.00	\$24,000.00	\$950.00	\$19,000.00	\$800.00	\$16,000.00	\$705.36	\$14,107.14
7	Barrier Free ramp - new (Types A-D)	20	EA	\$950.00	\$19,000.00	\$1,000.00	\$20,000.00	\$800.00	\$16,000.00	\$717.86	\$14,357.14
8	Barrier Free ramp - new (Types E-F)	4	EA	\$1,200.00	\$4,800.00	\$1,400.00	\$5,600.00	\$800.00	\$3,200.00	\$765.18	\$3,060.71
9	Compacted Clean Fill	100	CY	\$36.00	\$3,600.00	\$12.00	\$1,200.00	\$12.00	\$1,200.00	\$17.07	\$1,707.14
10	4" Topsoil with Block Sod	10,000	SF	\$1.00	\$10,000.00	\$0.95	\$9,500.00	\$3.75	\$37,500.00	\$1.06	\$10,642.86
11	Utility/Meter Box Adjustment	30	EA	\$150.00	\$4,500.00	\$225.00	\$6,750.00	\$75.00	\$2,250.00	\$101.61	\$3,048.21
12	Water Meter Relocation	20	EA	\$450.00	\$9,000.00	\$425.00	\$8,500.00	\$350.00	\$7,000.00	\$449.29	\$8,985.71
13	Traffic Control	20	EA	\$1,100.00	\$22,000.00	\$1,500.00	\$30,000.00	\$250.00	\$5,000.00	\$716.07	\$14,321.43
14	Asphalt Repair	500	SF	\$15.00	\$7,500.00	\$3.00	\$1,500.00	\$4.00	\$2,000.00	\$5.32	\$2,660.71
15	4" Exposed Aggregate Concrete Sidewalk	200	SF	\$6.00	\$1,200.00	\$10.00	\$2,000.00	\$10.00	\$2,000.00	\$7.00	\$1,400.00
16	Sidewalk Grinding	150	EA	\$100.00	\$15,000.00	\$45.00	\$6,750.00	\$30.00	\$4,500.00	\$41.21	\$6,182.14
17	Irrigation Relocation	20	EA	\$100.00	\$2,000.00	\$300.00	\$6,000.00	\$300.00	\$6,000.00	\$161.61	\$3,232.14
18	House Number Replacement	80	EA	\$50.00	\$4,000.00	\$15.00	\$1,200.00	\$30.00	\$2,400.00	\$37.86	\$3,028.57
19	4" Class "A" Sidewalk	3,600	SF	\$6.00	\$21,600.00	\$5.00	\$18,000.00	\$4.00	\$14,400.00	\$4.23	\$15,217.71
20	4" Class "A" Sidewalk outside Region	3,000	SF	\$6.50	\$19,500.00	\$6.00	\$18,000.00	\$5.00	\$15,000.00	\$5.18	\$15,552.86
21	Project Signs	6	EA	\$800.00	\$4,800.00	\$265.00	\$1,590.00	\$350.00	\$2,100.00	\$412.86	\$2,477.14
22	Barrier Free Ramp Outside of Contract	10	LF	\$200.00	\$2,000.00	\$120.00	\$1,200.00	\$800.00	\$8,000.00	\$529.64	\$5,296.43
23	Adjust Manhole Lids to Grade	20	EA	\$450.00	\$9,000.00	\$300.00	\$6,000.00	\$100.00	\$2,000.00	\$264.29	\$5,285.71
24	Sidewalk Curb as Directed by the City	300	LF	\$8.00	\$2,400.00	\$25.00	\$7,500.00	\$10.00	\$3,000.00	\$8.71	\$2,614.29
25	Remove and Replace Alley Pavement	4,000	SF	\$5.00	\$20,000.00	\$5.25	\$21,000.00	\$5.00	\$20,000.00	\$5.04	\$20,142.86
26	Construction Contingency	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
<b>TOTAL BASE BID</b>				<b>\$1,081,500.00</b>		<b>\$1,161,340.00</b>		<b>\$1,176,050.00</b>		<b>\$1,044,640.93</b>	
<b>CONTRACTOR'S BID</b>				<b>SAME</b>		<b>SAME</b>		<b>SAME</b>		<b>SAME</b>	

**ENGINEERS ESTIMATE FOR BASE BID:**

**\$1,100,000**

CERTIFIED BY:

*Steve Spanos*  
Steve Spanos, P.E., Director of Engineering



**SIDEWALK REPAIR PROGRAM**  
**PHASE IV - REGIONS 7 & 8**  
**AUGUST 2012**



CITY OF  
RICHARDSON  
TEXAS





## MEMO

**DATE:** September 4, 2012

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

**FROM:** Pam Kirkland – Purchasing Manager 

**SUBJECT:** Award of Bid #56-12 for the 2010 Neighborhood Vitality Bond Project Bridge Enhancements at Duck Creek, Mark Twain and N. College Park Neighborhoods to Ratliff Hardscape, Ltd. in the amount of \$328,782.20

**Proposed Date of Award: September 10, 2012**

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to award a contract to the low bidder, Ratliff Hardscape, Ltd., for the above referenced construction in the amount of \$328,782.20, as outlined in the attached memo.

Funding is provided from Neighborhood Vitality G.O. Bonds.

The bid was advertised in *The Dallas Morning News* on August 15, 2012 and August 22, 2012 and was posted on Bidsync.com. A prebid conference was held on August 21, 2012 and eleven bids were solicited and eight bids were received.

Concur:

  
Kent Pfeil

Attachments

Xc: Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



## MEMO

TO: Dan Johnson, City Manager  
THROUGH: Cliff Miller, Assistant City Manager *cm*  
FROM: Steve Spanos, P.E., Director of Engineering *JHS*  
SUBJECT: Award of Bid No. 56-12 to Ratliff Hardscape, Ltd.  
2010 Neighborhood Vitality Bond Project Bridge Enhancements at  
Duck Creek, Mark Twain and N. College Park Neighborhoods  
DATE: August 31, 2012

### ACTION REQUESTED:

Council to consider award of Bid #56-12 to Ratliff Hardscape, Ltd., for the 2010 Neighborhood Vitality Bond Project Bridge Enhancements at Duck Creek, Mark Twain and N. College Park Neighborhoods Project in the amount of \$328,782.20.

### BACKGROUND INFORMATION:

On August 30, 2012, the Capital Projects Department opened bids for the subject project. The attached bid tabulation certifies the lowest bid was submitted by Ratliff Hardscape, Ltd., in the amount of \$328,782.20.

The Finance Department has reviewed the financial information received for Ratliff Hardscape, Ltd. and has reported them as acceptable for the 2010 Neighborhood Vitality Bond Project Bridge Enhancements at Duck Creek, Mark Twain and N. College Park Neighborhoods. Ratliff Hardscape, Ltd. completed the 2010 Neighborhood Vitality Entry Features & Screening Wall Improvements with the city in early 2011.

The 2010 Neighborhood Vitality Bond Project Bridge Enhancements Project consists of bridge enhancements at three locations in Duck Creek and Mark Twain Neighborhoods. The scope includes railing, installing stone facia and constructing end columns at these bridge locations along Plano Road at Huffhines Creek and on Glenville Road between Arapaho Road and Belt Line Road. The scope for the bridge in N. College Park includes installing two end columns and two intermediate columns to the existing railing located on Glenville Road near Windsong Trail.

### FUNDING:

Funding is provided from Neighborhood Vitality G.O Bonds.

### SCHEDULE:

Capital Projects plans for this project to begin construction October 2012 and be completed by early 2013.

Cc: Padma Patla, P.E., Project Engineer *PP*  
CP/Office/Agenda Reports/Agenda Items –September/Bridge Enhancements-Executive Award

**2010 Neighborhood Vitality Bond Project  
 Bridge Enhancements at Duck Creek, Mark Twain and N. College Park Neighborhoods  
 BID NO. 56-12**

**THURSDAY, August 30, 2012 @ 3:30 PM**

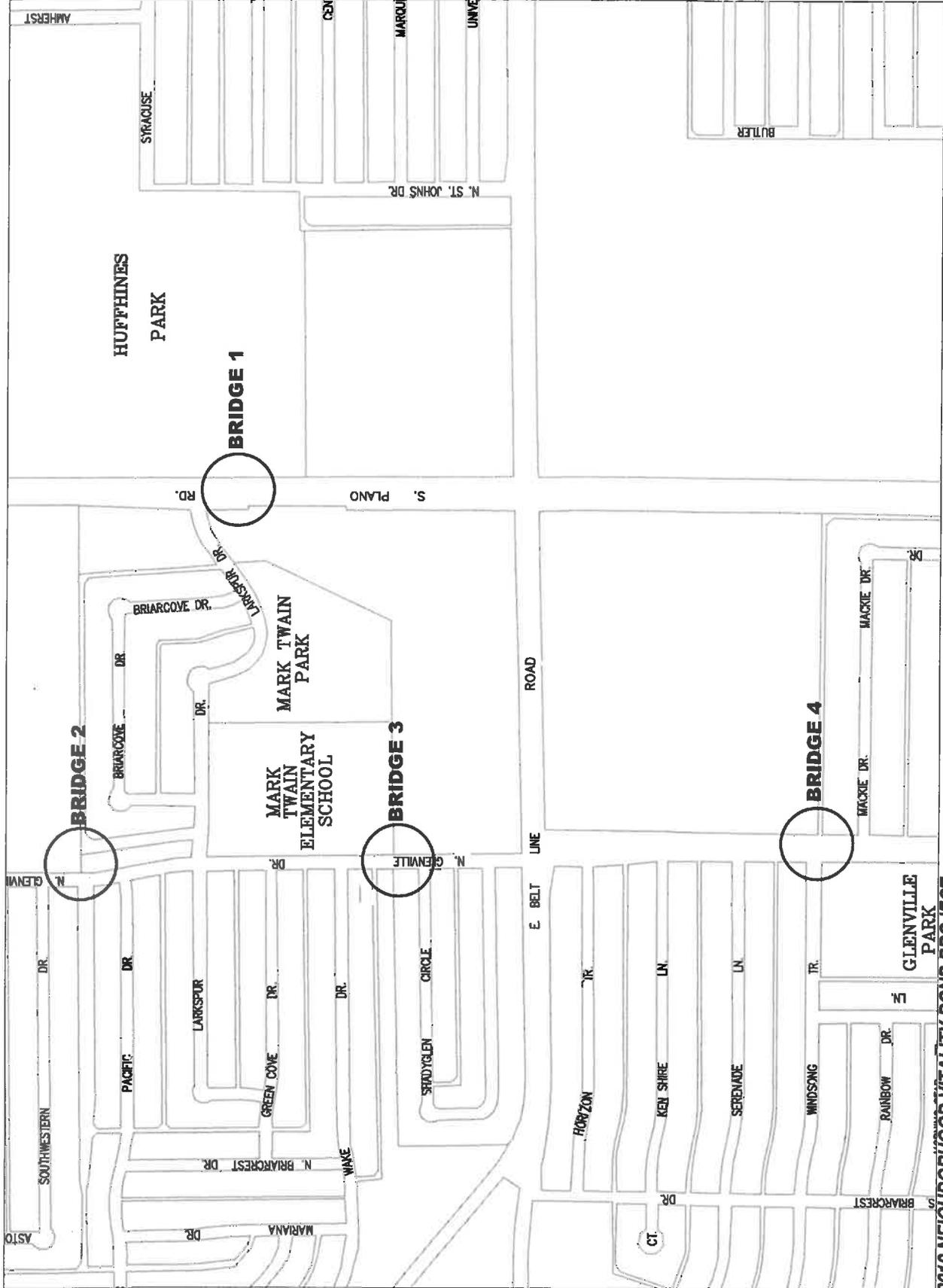
ITEM NO.	DESCRIPTION	EST QTY	RATLIFF HARDCAPE, LTD.		TRACON VENTURES, LTD.		JESKE CONSTRUCTION CO.		GIBSON & ASSOCIATES, INC.		
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	MOBILIZATION	1	LS	\$ 28,000.00	\$ 28,000.00	\$ 22,000.00	\$ 22,000.00	\$ 12,900.00	\$ 12,900.00	\$ 65,000.00	\$ 65,000.00
2	REMOVE CONCRETE SIDEWALK	385	SF	\$ 2.10	\$ 808.50	\$ 5.00	\$ 1,925.00	\$ 2.00	\$ 770.00	\$ 5.75	\$ 2,213.75
3	REMOVE BRIDGE WALL	40	CY	\$ 231.00	\$ 9,240.00	\$ 190.00	\$ 7,600.00	\$ 72.00	\$ 2,880.00	\$ 425.00	\$ 17,000.00
4	SAWCUT WALL	268	LF	\$ 4.20	\$ 1,125.60	\$ 30.00	\$ 8,040.00	\$ 43.00	\$ 11,524.00	\$ 30.00	\$ 8,040.00
5	REMOVE CONCRETE RIP-RAP	551	SF	\$ 10.50	\$ 5,785.50	\$ 15.00	\$ 8,265.00	\$ 3.00	\$ 1,653.00	\$ 7.25	\$ 3,994.75
6	REMOVE METAL RAILING	236	LF	\$ 7.00	\$ 1,652.00	\$ 20.00	\$ 4,720.00	\$ 10.00	\$ 2,360.00	\$ 10.00	\$ 2,360.00
7	FULL DEPTH SAWCUT CONCRETE	119	LF	\$ 2.10	\$ 249.90	\$ 10.00	\$ 1,190.00	\$ 6.00	\$ 714.00	\$ 2.20	\$ 261.80
8	EXCAVATION	10	CY	\$ 210.00	\$ 2,100.00	\$ 60.00	\$ 600.00	\$ 5.00	\$ 50.00	\$ 215.00	\$ 2,150.00
9	FILL WITH ALL GRAVEL UNDER EXISTING CONC. DECKING, 18" DIA. (LEDGE)	35	CY	\$ 28.00	\$ 980.00	\$ 60.00	\$ 2,100.00	\$ 26.00	\$ 910.00	\$ 135.00	\$ 4,725.00
10		100	CY	\$ 817.60	\$ 81,760.00	\$ 891.00	\$ 89,100.00	\$ 1,100.00	\$ 110,000.00	\$ 975.00	\$ 97,500.00
11	PIERS 18 INCH IN DIA	350	VLF	\$ 35.00	\$ 12,250.00	\$ 40.00	\$ 14,000.00	\$ 96.00	\$ 33,600.00	\$ 85.00	\$ 29,750.00
12	BELLED PIER PER SHEET S1	20	EA	\$ 210.00	\$ 4,200.00	\$ 100.00	\$ 2,000.00	\$ 150.00	\$ 3,000.00	\$ 250.00	\$ 5,000.00
13	BRICK CLADDING COLUMNS	180	SF	\$ 6.65	\$ 1,197.00	\$ 20.00	\$ 3,600.00	\$ 40.00	\$ 7,200.00	\$ 12.00	\$ 2,160.00
14	STONE CLADDING	2,005	SF	\$ 31.85	\$ 63,859.25	\$ 45.00	\$ 90,225.00	\$ 40.00	\$ 80,200.00	\$ 32.00	\$ 64,160.00
15	INSTALL AND PAINT METAL RAILING # 2" HEIGHT	353	LF	\$ 39.55	\$ 13,961.15	\$ 50.00	\$ 17,650.00	\$ 110.00	\$ 38,830.00	\$ 106.00	\$ 37,418.00
16	INSTALL AND PAINT METAL RAILING # 2" HEIGHT	5	LF	\$ 105.00	\$ 525.00	\$ 100.00	\$ 500.00	\$ 130.00	\$ 650.00	\$ 275.00	\$ 1,375.00
17	INSTALL 6" THICK CONCRETE PAVEMENT	400	SY	\$ 63.00	\$ 25,200.00	\$ 80.00	\$ 32,000.00	\$ 35.00	\$ 14,000.00	\$ 33.00	\$ 13,200.00
18	INSTALL 4" THICK SIDEWALK PAVEMENT	506	SF	\$ 4.90	\$ 2,479.40	\$ 4.00	\$ 2,024.00	\$ 7.00	\$ 3,542.00	\$ 11.00	\$ 5,566.00
19	INSTALL CONCRETE RIPRAP	371	SF	\$ 4.90	\$ 1,817.90	\$ 20.00	\$ 7,420.00	\$ 9.00	\$ 3,339.00	\$ 10.50	\$ 3,895.50
20	INSTALL STONE RIP RAP	88	SF	\$ 35.00	\$ 3,080.00	\$ 30.00	\$ 2,640.00	\$ 16.00	\$ 1,408.00	\$ 20.00	\$ 1,760.00
21	INSTALL BARRIER FREE RAMPS	3	EA	\$ 1,190.00	\$ 3,570.00	\$ 1,200.00	\$ 3,600.00	\$ 900.00	\$ 2,700.00	\$ 1,800.00	\$ 5,400.00
22	SOD	220	SF	\$ 0.70	\$ 154.00	\$ 8.50	\$ 1,870.00	\$ 1.50	\$ 330.00	\$ 5.00	\$ 1,100.00
23	EROSION CONTROL INSTALLATION AND MAINTENANCE	1	LS	\$ 1,400.00	\$ 1,400.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 5,200.00	\$ 5,200.00
24	INLET PROTECTION	1	EA	\$ 210.00	\$ 210.00	\$ 800.00	\$ 800.00	\$ 40.00	\$ 40.00	\$ 150.00	\$ 150.00
25	BARRICADES, SIGNS AND TRAFFIC CONTROL	1	LS	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 4,800.00	\$ 4,800.00	\$ 26,000.00	\$ 26,000.00
26	PROJECT CLEANUP	4	EA	\$ 1,400.00	\$ 5,600.00	\$ 2,000.00	\$ 8,000.00	\$ 300.00	\$ 1,200.00	\$ 1,850.00	\$ 7,400.00
27	CURB AND GUTTER	160	LF	\$ 21.70	\$ 3,472.00	\$ 30.00	\$ 4,800.00	\$ 9.00	\$ 1,440.00	\$ 15.00	\$ 2,400.00
28	CAST STONE LOGOS	9	EA	\$ 420.00	\$ 3,780.00	\$ 250.00	\$ 2,250.00	\$ 1,100.00	\$ 9,900.00	\$ 500.00	\$ 4,500.00
29	PROJECT SIGNS	2	EA	\$ 630.00	\$ 1,260.00	\$ 1,500.00	\$ 3,000.00	\$ 600.00	\$ 1,200.00	\$ 500.00	\$ 1,000.00
30	CONTINGENCY	1	LS	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
	<b>BASE BID TOTAL</b>			\$ 323,217.20	\$ 388,419.00	\$ 388,419.00	\$ 394,140.00	\$ 394,140.00	\$ 460,679.80	\$ 460,679.80	\$ 460,679.80
AI	ALTERNATE 1 - PAVERS AT N. COLLEGE PARK	1	LS	\$ 5,565.00	\$ 5,565.00	\$ 12,000.00	\$ 12,000.00	\$ 18,380.00	\$ 18,380.00	\$ 11,000.00	\$ 11,000.00
	<b>TOTAL BASE BID PLUS ALTERNATES</b>			\$ 328,782.20	\$ 400,419.00	\$ 400,419.00	\$ 412,520.00	\$ 412,520.00	\$ 471,679.80	\$ 471,679.80	\$ 471,679.80
	<b>CONTRACTORS BID</b>			SAME	SAME	SAME	SAME	SAME	SAME	SAME	SAME

**ENGINEER'S ESTIMATE: \$ 886,000**

HQS CONSTRUCTION, L.L.D.			GHB EQUIPMENT CO., L.L.C.			REBCON, INC.			IOWA BRIDGE & CULVERT, LC.			AVERAGE		
UNIT PRICE	AMOUNT		UNIT PRICE	AMOUNT		UNIT PRICE	AMOUNT		UNIT PRICE	AMOUNT		UNIT PRICE	AMOUNT	
\$ 40,000.00	\$ 40,000.00		\$ 48,000.00	\$ 48,000.00		\$ 50,000.00	\$ 50,000.00		\$ 15,000.00	\$ 15,000.00		\$ 35,112.50	\$ 35,112.50	
\$ 8.00	\$ 3,080.00		\$ 20.00	\$ 7,700.00		\$ 6.00	\$ 2,310.00		\$ 5.00	\$ 1,925.00		\$ 6.73	\$ 2,591.53	
\$ 125.00	\$ 5,000.00		\$ 100.00	\$ 4,000.00		\$ 50.00	\$ 2,000.00		\$ 100.00	\$ 4,000.00		\$ 161.63	\$ 6,465.00	
\$ 90.00	\$ 24,120.00		\$ 12.00	\$ 3,216.00		\$ 50.00	\$ 13,400.00		\$ 30.00	\$ 8,040.00		\$ 36.15	\$ 9,688.20	
\$ 8.50	\$ 4,683.50		\$ 20.00	\$ 11,020.00		\$ 4.00	\$ 2,204.00		\$ 8.00	\$ 4,408.00		\$ 9.53	\$ 5,251.72	
\$ 10.00	\$ 2,360.00		\$ 5.00	\$ 1,180.00		\$ 12.00	\$ 2,832.00		\$ 25.00	\$ 5,900.00		\$ 12.38	\$ 2,920.50	
\$ 12.00	\$ 1,428.00		\$ 5.00	\$ 595.00		\$ 9.00	\$ 1,071.00		\$ 100.00	\$ 11,900.00		\$ 18.29	\$ 2,176.21	
\$ 50.00	\$ 500.00		\$ 180.00	\$ 1,800.00		\$ 100.00	\$ 1,000.00		\$ 250.00	\$ 2,500.00		\$ 133.75	\$ 1,337.50	
\$ 75.00	\$ 2,625.00		\$ 90.00	\$ 3,150.00		\$ 150.00	\$ 5,250.00		\$ 250.00	\$ 8,750.00		\$ 101.75	\$ 3,561.25	
\$ 875.00	\$ 87,500.00		\$ 700.00	\$ 70,000.00		\$ 1,000.00	\$ 100,000.00		\$ 1,500.00	\$ 150,000.00		\$ 982.33	\$ 98,232.50	
\$ 115.00	\$ 40,250.00		\$ 400.00	\$ 1,600.00		\$ 100.00	\$ 35,000.00		\$ 500.00	\$ 175,000.00		\$ 171.38	\$ 59,981.25	
\$ 800.00	\$ 16,000.00		\$ 100.00	\$ 2,000.00		\$ 650.00	\$ 13,000.00		\$ 500.00	\$ 10,000.00		\$ 345.00	\$ 6,900.00	
\$ 35.00	\$ 6,300.00		\$ 50.00	\$ 9,000.00		\$ 22.00	\$ 3,960.00		\$ 50.00	\$ 9,000.00		\$ 29.46	\$ 5,302.13	
\$ 24.50	\$ 49,122.50		\$ 30.00	\$ 60,150.00		\$ 45.00	\$ 90,225.00		\$ 35.00	\$ 70,175.00		\$ 35.42	\$ 71,014.59	
\$ 115.00	\$ 40,595.00		\$ 120.00	\$ 42,360.00		\$ 120.00	\$ 42,360.00		\$ 12.00	\$ 4,236.00		\$ 672.55	\$ 237,410.15	
\$ 255.00	\$ 1,275.00		\$ 140.00	\$ 700.00		\$ 97.00	\$ 485.00		\$ 150.00	\$ 750.00		\$ 156.50	\$ 782.50	
\$ 63.00	\$ 25,200.00		\$ 75.00	\$ 30,000.00		\$ 60.00	\$ 24,000.00		\$ 150.00	\$ 60,000.00		\$ 69.88	\$ 27,950.00	
\$ 7.00	\$ 3,542.00		\$ 5.00	\$ 2,530.00		\$ 7.00	\$ 3,542.00		\$ 8.00	\$ 4,048.00		\$ 6.74	\$ 3,409.18	
\$ 30.00	\$ 11,130.00		\$ 6.00	\$ 2,226.00		\$ 10.00	\$ 3,710.00		\$ 50.00	\$ 18,550.00		\$ 17.55	\$ 6,511.05	
\$ 83.00	\$ 7,304.00		\$ 20.00	\$ 1,760.00		\$ 30.00	\$ 2,640.00		\$ 150.00	\$ 13,200.00		\$ 48.00	\$ 4,224.00	
\$ 1,300.00	\$ 3,900.00		\$ 2,000.00	\$ 6,000.00		\$ 1,250.00	\$ 3,750.00		\$ 2,500.00	\$ 7,500.00		\$ 1,517.50	\$ 4,552.50	
\$ 7.00	\$ 1,540.00		\$ 7.00	\$ 1,540.00		\$ 1.20	\$ 264.00		\$ 10.00	\$ 2,200.00		\$ 5.11	\$ 1,124.75	
\$ 3,000.00	\$ 3,000.00		\$ 10,000.00	\$ 10,000.00		\$ 2,200.00	\$ 2,200.00		\$ 40,000.00	\$ 40,000.00		\$ 8,475.00	\$ 8,475.00	
\$ 200.00	\$ 200.00		\$ 500.00	\$ 500.00		\$ 150.00	\$ 150.00		\$ 1,500.00	\$ 1,500.00		\$ 443.75	\$ 443.75	
\$ 7,500.00	\$ 7,500.00		\$ 7,000.00	\$ 7,000.00		\$ 20,000.00	\$ 20,000.00		\$ 40,000.00	\$ 40,000.00		\$ 14,037.50	\$ 14,037.50	
\$ 1,500.00	\$ 6,000.00		\$ 2,000.00	\$ 8,000.00		\$ 5,000.00	\$ 20,000.00		\$ 6,000.00	\$ 24,000.00		\$ 2,506.25	\$ 10,025.00	
\$ 37.00	\$ 5,920.00		\$ 15.00	\$ 2,400.00		\$ 15.00	\$ 2,400.00		\$ 25.00	\$ 4,000.00		\$ 20.96	\$ 3,354.00	
\$ 700.00	\$ 6,300.00		\$ 1,000.00	\$ 9,000.00		\$ 1,600.00	\$ 14,400.00		\$ 5,000.00	\$ 45,000.00		\$ 1,321.25	\$ 11,891.25	
\$ 900.00	\$ 1,800.00		\$ 1,000.00	\$ 2,000.00		\$ 2,000.00	\$ 4,000.00		\$ 500.00	\$ 1,000.00		\$ 953.75	\$ 1,907.50	
\$ 40,000.00	\$ 40,000.00		\$ 40,000.00	\$ 40,000.00		\$ 40,000.00	\$ 40,000.00		\$ 40,000.00	\$ 40,000.00		\$ 40,000.00	\$ 40,000.00	
\$ 448,175.00	\$ 448,175.00		\$ 527,827.00	\$ 527,827.00		\$ 506,153.00	\$ 506,153.00		\$ 782,582.00	\$ 782,582.00		\$ 686,633.01	\$ 686,633.01	
\$ 32,000.00	\$ 32,000.00		\$ 10,000.00	\$ 10,000.00		\$ 11,984.00	\$ 11,984.00		\$ 30,000.00	\$ 30,000.00		\$	\$	
\$ 480,175.00	\$ 480,175.00		\$ 537,827.00	\$ 537,827.00		\$ 11,964.00	\$ 11,964.00		\$ 812,582.00	\$ 812,582.00		\$	\$ 686,633.01	
SAME	SAME		SAME	SAME		SAME	SAME		SAME	SAME		SAME	SAME	

CERTIFIED BY:

*Steve Spanos*  
 STEVE SPANOS, P.E., DIRECTOR OF ENGINEERING



**2010 NEIGHBORHOOD VITALITY BOND PROJECT  
 BRIDGE ENHANCEMENTS FOR DUCK CREEK, MARK TWAIN,  
 AND N. COLLEGE PARK NEIGHBORHOODS  
 AUGUST 2012**





# MEMO

**DATE:** September 4, 2012

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

**FROM:** Pam Kirkland – Purchasing Manager 

**SUBJECT:** Award of Bid #01-13 for the lease purchase of the 2012-13 Personal Computer Lease Purchase in the amount of \$1,049,930.97 from Dell Financial Services at zero percent financing for four years

**Proposed Date of Award: September 10, 2012**

I concur with the recommendation of Steve Graves, Chief Information Officer and formally request authorization to initiate a 48-month lease purchase agreement for the 2012-13 personal computer lease with Dell Financial Services for a total purchase price of \$1,049,930.97.

Dell Financial Services is offering zero percent interest for four years, with a one dollar buyout, and requires two payments per budget year starting in January 2013. Funding for the first year payments has been budgeted in the FY2012-13 General Debt Service Fund and future annual payments will be budgeted for years two through four.

Dell Marketing, L.P. is a contract vendor through the State of Texas Department of Information Resources cooperative purchasing program, Contract #DIR-SDD-890-TX. 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.

Concur:

  
Kent Pfeil

## ATTACHMENTS

Xc: Dan Johnson  
Michelle Thames  
David Morgan  
Cliff Miller



**DATE:** September 5, 2012  
**TO:** Pam Kirkland, Purchasing Manager  
**FROM:** Steve Graves, Chief Information Officer *SG*  
**SUBJECT:** 2012-13 Personal Computer Lease Purchase

I recommend using Dell Financial Services to lease finance the 2012/13 Computer Equipment Lease at zero percent for four years with a one dollar buyout. The City will be financing \$1,049,930.97 for new Network File Servers(4), Network Disk Storage, a new backup solution, Zero Clients(75), Laptops(67), Desktops(285) and additional software licensing purchased from Dell. We will be making two payments per budget year starting January 2013. Payments for the lease have been budgeted in the General Debt Service Fund (\$262,482.74). Dell is a DIR State of Texas vendor (DIR-SDD-890-TX).

Information Technology will continue its deployment of green initiative projects this year by replacing 5-year-old patron PC's at the Library with Wyse zero clients. These units do not have hard drives or fans, have a small footprint and use very little electricity. As we build our infrastructure to support these types of clients, we will start deploying them throughout the city.





City of Richardson  
City Council Work Session  
Agenda Item Summary



**Work Session Meeting Date:** Monday, September 10, 2012

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

**Staff Resource:** Dan Johnson, City Manager

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

**Board/Commission Action:** Various, if applicable.

**Action Proposed:** No action will be taken.



City of Richardson  
City Council Worksession  
Agenda Item Summary



**Worksession Meeting Date:** Monday, September 10, 2012

**Agenda Item:** Midyear Crime Statistics and Police Department Update

**Staff Resource:** Jim Spivey, Chief of Police

**Summary:** Chief Spivey will review and discuss midyear crime statistics, and provide updates on programs and activities within the Police Department.

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

**Action Proposed:** N/A





City of Richardson  
City Council Worksession  
Agenda Item Summary



**Worksession Meeting Date:** Monday, September 10, 2012

**Agenda Item:** Review and Discuss the Richardson Arts Commission's 2012-2013 Arts Grants Funding Recommendations

**Staff Resource:** Michelle Thames, Assistant City Manager – Administrative Services

**Summary:** City Staff will present the recommendations from the Richardson Arts Commission on the allocation of \$300,000 of arts grants funding provided through the Hotel Motel Tax Fund in the 2012-2013 Budget.

**Board/Commission Action:** The Richardson Arts Commission reviewed twenty six applications for arts grants funding and have developed a set of recommended allocations for City Council final action.

**Action Proposed:** Review and Discuss the Richardson Arts Commission's 2012-2013 Arts Grants Funding Recommendations





City of Richardson  
City Council Worksession  
Agenda Item Summary



**Worksession Meeting Date:** Monday, September 10, 2012

**Agenda Item:** Review and Discuss a Proposal for a Regional Trail Connection at Breckinridge Park.

**Staff Resource:** Michael Massey, Director of Parks and Recreation

**Summary:** The City of Plano proposes to develop a regional trail benefiting the cities of Plano, Richardson, and Murphy.

Michael Massey will provide a presentation overviewing the regional trail route, which extends existing trail from Murphy into Plano while passing through Breckinridge Park in Richardson. The presentation will include a description of the cost of the trail development which will be paid for by the City of Plano, the role of support by the City of Richardson as the host to the trail, and the regional significance as part of the Six Cities Trail Plan.

**Board/Commission Action:** NA

**Action Proposed:** Authorization for the City Manager to enter an Inter-local Agreement with Plano for the trail project.



City of Richardson  
City Council Work Session  
Agenda Item Summary



**Work Session Meeting Date:** Monday, September 10, 2012

**Agenda Item:** Items of Community Interest

**Staff Resource:** Dan Johnson, City Manager

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

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

**Board/Commission Action:** NA

**Action Proposed:** No action will be taken.