

**RICHARDSON CITY COUNCIL
MONDAY, AUGUST 26, 2013
WORK SESSION AT 6:00 PM; COUNCIL MEETING AT 7:30 PM
CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX**

The Richardson City Council will conduct a Work Session at 6:00 p.m. on Monday, August 26, 2013, in the Richardson Room of the Civic Center, 411, W. Arapaho Road, Richardson, Texas. The Work Session will be followed by a Council Meeting at 7:30 p.m. in the Council Chambers. Council will reconvene the Work Session following the Council Meeting if necessary.

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.

WORK SESSION – 6:00 PM, RICHARDSON ROOM

• **CALL TO ORDER**

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

The City Council will have an opportunity to preview items listed on the Council Meeting agenda for action and discuss with City Staff.

B. REVIEW AND DISCUSS THE NEW FIRE TRAINING CENTER, EMERGENCY OPERATIONS CENTER AND BACKUP EMERGENCY DISPATCH CENTER

C. REVIEW AND DISCUSS THE ADMINISTRATIVE CODE RENEWAL

D. REVIEW AND DISCUSS A REVISED PROPOSAL FOR AN EISEMANN CENTER FACILITY MAINTENANCE FEE FOR NON-TICKETED EVENTS

E. REVIEW AND DISCUSS THE NEIGHBORHOOD VITALITY PROGRAM PROJECT IMPLEMENTATION

F. REPORT ON ITEMS OF COMMUNITY INTEREST

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 Council 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 posting the agenda.

COUNCIL MEETING – 7:30 PM, COUNCIL CHAMBERS

1. INVOCATION – PAUL VOELKER

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – PAUL VOELKER

3. MINUTES OF THE AUGUST 12, 2013 AND AUGUST 19, 2013 MEETINGS

4. VISITORS

The City Council invites citizens to address the Council on any topic not already scheduled for Public Hearing. Citizens wishing to speak should complete a "City Council Appearance Card" and present it to the City Secretary prior to the meeting. Speakers are limited to 5 minutes and should conduct themselves in a civil manner. 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 response.

PUBLIC HEARING ITEMS:

5. PUBLIC HEARING, ZONING FILE 13-14: A REQUEST BY MICHAEL B. RICE, RICE INDEPENDENCE GROUP, LLC, REPRESENTING A&S ELLINGTON PROPERTIES, LLC, TO AMEND THE ZONING FOR APPROVAL OF REVISED BUILDING ELEVATIONS FOR A DRIVE-THRU RESTAURANT AT 1240 W. CAMPBELL ROAD (NORTHWEST CORNER OF CAMPBELL ROAD AND LAKE PARK WAY). THE PROPERTY IS CURRENTLY ZONED LR-M(1) LOCAL RETAIL.
6. SECOND PUBLIC HEARING FOR PROPOSED TAX RATE OF \$0.63516 PER \$100 VALUATION FOR FISCAL YEAR 2013 – 2014.

7. CONSENT AGENDA:

All items listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be removed from the Consent Agenda and discussed separately.

- A. ADOPTION OF ORDINANCE NO. 4017, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING FROM TO-M TECHNICAL OFFICE TO PD PLANNED DEVELOPMENT FOR RP-1500-M PATIO HOME DISTRICT USES FOR 8.56 ACRES LOCATED ON LOT 1, BLOCK B, OF THE FIRST INSTALLMENT OF TECHNOLOGY PARK ADDITION AND CULLUM STREET RIGHT-OF-WAY.
- B. AUTHORIZE THE ADVERTISEMENT OF BID #64-13 – 2010 NEIGHBORHOOD VITALITY ENTRY FEATURES (EAST: COLLEGE PARK, TOWN NORTH, WOODHAVEN AND WEST: PINERY, CANYON CREEK CONDO, EAST PRAIRIE CREEK). BIDS TO BE RECEIVED BY THURSDAY, SEPTEMBER 12, 2013 AT 2:00 P.M.
- C. CONSIDER AWARD OF BID #62-13 – WE RECOMMEND THE AWARD TO PORTABLE COMPUTER SYSTEMS, INC., FOR AUTOMATED CITATIONS HANDHELD COMPUTERS & PRINTERS FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$21,713.44 (HANDHELD COMPUTERS) AND TO ADVANCE PUBLIC SAFETY (ZEBRA PRINTERS) IN THE AMOUNT OF \$53,783.50 FOR A TOTAL AWARD OF \$75,496.94.
- D. CONSIDER CANCELLATION OF THE MONDAY, SEPTEMBER 2, 2013 CITY COUNCIL MEETING FOR THE LABOR DAY HOLIDAY.

• **ADJOURN**

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL ON FRIDAY, AUGUST 23, 2013, BY 5:00 P.M.

AIMEE NEMER, CITY SECRETARY

THIS BUILDING IS WHEELCHAIR ACCESSIBLE. ANY REQUESTS FOR SIGN INTERPRETIVE SERVICES MUST BE MADE 48 HOURS IN ADVANCE OF THE MEETING BY CALLING 972-744-4100 OR 972-744-4001.



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date: Monday, August 26, 2013

Agenda Item: Review and Discuss the New Fire Training Center, Emergency Operations Center and Backup Emergency Dispatch Center

Staff Resource: Cliff Miller, Assistant City Manager
Steve Spanos, Director of Engineering
Jim Dulac, Assistant City Engineer

Summary: Construction is nearing completion on the new Fire Training Center, EOC and Backup Emergency Communications Project. The project is on schedule, within budget and staff will provide Council a construction status update and preview of the planned ribbon cutting.

Board/Commission Action: N/A

Action Proposed: N/A.



City of Richardson
City Council Worksession
Agenda Item Summary



City Council Meeting Date: Monday, August 22, 2013

Agenda Item: Review and Discuss the Administrative Code Renewal

Staff Resource: David Morgan, Deputy City Manager

Summary: The administrative code is established in Chapter 2 of the City Code of Ordinances and describes the responsibilities of the city manager and department directors for the City of Richardson. The City Council is required to conduct a biannual review of the administrative code and make any amendments.

Board/Commission Action: N/A

Action Proposed: Adoption of the administrative code on September 9, 2013.



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date: Monday, August 26, 2013

Agenda Item: Review and Discuss a Revised Proposal for an Eisemann Facility Maintenance Fee for Non-Ticketed Events

Staff Resource: Bruce MacPherson, Managing Director

Summary: City staff would like to present a revised proposal for implementing an Eisemann Center Facility Maintenance Fee for non-ticketed events. A facility maintenance fee for the Eisemann Center was originally presented to the City Council on July 15, 2013 as a consideration for the Fiscal Year 2013-2014 budget.

Board/Commission Action: N/A

Action Proposed: N/A



City of Richardson
City Council Worksession
Agenda Item Summary



City Council Meeting Date: August 26, 2013

Agenda Item: Review and Discuss Neighborhood Vitality Program Project Implementation

Staff Resource: Don Magner, Assistant City Manager

Summary: City staff will provide a status report on the 2010 Neighborhood Vitality Program. The Neighborhood Vitality Program is a neighborhood improvement program funded through bond programs to address enhancements to bridges, screening walls, landscaping and entry features.

Board/Commission Action: N/A

Action Proposed: N/A

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND REGULAR MEETING
AUGUST 12, 2013

WORK SESSION – 6:00 P.M.:

- **Call to Order**

Mayor Maczka called the meeting to order at 6:00 p.m. with the following Council members present:

Laura Maczka	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Paul Voelker	Councilmember
Steve Mitchell	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magner	Assistant City Manager Community Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Samantha Woodmancy	Management Analyst
Aimee Nemer	City Secretary
Mick Massey	Director of Parks and Recreation
Robbie Hazelbaker	Assistant Director of Parks and Recreation
Michael Spicer	Director of Development Services

A. PRESENTATION OF PROCLAMATION FOR TECH TITANS FINALISTS

Mayor Maczka and Chamber of Commerce President Bill Sproull, presented proclamations to several Tech Titans Finalist.

B. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

Staff reviewed Zoning Cases 13-09, 13-10 and Variance No. 13-09.

C. REVIEW AND DISCUSS THE 2013 CORPORATE CHALLENGE PROGRAM

Robbie Hazelbaker, Assistant Director of Parks and Recreation, reviewed the 2013 Corporate Challenge opening events, sponsors, activities, and goals for fundraising for the Special Olympics.

D. REVIEW AND DISCUSS THE NEIGHBORHOOD VITALITY PROGRAM PROJECT IMPLEMENTATION

This item was not discussed and Mayor Maczka reported that it would be scheduled for a future agenda.

E. REPORT ON ITEMS OF COMMUNITY INTEREST

There were no items of community interest reported.

COUNCIL MEETING – 7:30 PM, COUNCIL CHAMBERS

1. **INVOCATION – SCOTT DUNN**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – SCOTT DUNN**
3. **MINUTES OF THE JULY 22, 2013, JULY 29, 2013, AND AUGUST 5, 2013 MEETINGS**

Council Action

Councilmember Solomon moved to approve the Minutes as presented. Mayor Pro Tem Townsend seconded the motion. A vote was taken and passed, 7-0.

4. VISITORS

There were no visitors comments submitted.

PUBLIC HEARING ITEMS:

5. **PUBLIC HEARING, ZONING FILE 13-09: A REQUEST BY EYAL AVNON, REPRESENTING WEEKLEY HOMES, LLC, FOR A CHANGE IN ZONING FROM TO-M TECHNICAL OFFICE TO PD PLANNED DEVELOPMENT FOR THE DEVELOPMENT OF A PATIO HOME COMMUNITY TO BE LOCATED ON APPROXIMATELY 8.6 ACRES AT THE NORTHWEST CORNER OF WATERVIEW PARKWAY AND TATUM STREET. THE PROPERTY IS CURRENTLY ZONED TO-M TECHNICAL OFFICE.**

Council Action

Mayor Maczka opened the public hearing at 7:49 p.m. Eyal Avnon with David Weekley Homes, representing the applicant, addressed Council. With no additional speakers, Councilmember Mitchell moved to close the public hearing at 7:59 p.m., seconded by Councilmember Hartley. The motion passed unanimously.

Councilmember Dunn moved to approve the zoning request as presented, including the following conditions for the abandonment of the Cullum Street right-of-way and removal of all existing street pavement by the developer consistent with Ordinance No. 4015. The developer shall also be responsible for providing necessary improvements or modifications to remaining Cullum Street pavement at its new terminus and restoration of the abandoned right-of-way, minimally to include appropriate grading, establishment of appropriate ground cover and provision of on-going maintenance subject to approval of the City Plan Commission at time of Development Plan approval. Mayor Pro Tem Townsend seconded the motion. A vote was taken and passed, 7-0.

6. **PUBLIC HEARING, ZONING FILE 13-10 AND CONSIDER ADOPTION OF ORDINANCE NO. 4014, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING FROM I-M(1) INDUSTRIAL, LR-M(1) LOCAL RETAIL AND O-M OFFICE TO PD PLANNED DEVELOPMENT FOR C-M COMMERCIAL DISTRICT USES FOR 7.06 ACRES LOCATED ON LOT 1B, BLOCK 1, AND LOT 1C, BLOCK 6, OF THE NORTH RICHARDSON ADDITION.**

Council Action

Mayor Maczka opened the public hearing at 8:15 p.m. Jonathan Vinson, Auto Nation/Boardwalk VW, representing the applicant addressed Council. With no further speakers, Councilmember Solomon moved to close the public hearing at 8:27 p.m., seconded by Councilmember Dunn. The motion passed unanimously.

Mayor Pro Tem Townsend moved to approve the item as presented. Councilmember Mitchell seconded the motion. Mayor Pro Tem Townsend moved to amend the motion to include the approval of Ordinance No. 4014. Councilmember Mitchell seconded the amendment. The amended motion was voted on and approved, 7-0.

ACTION ITEMS:

- 7. VARIANCE 13-09: A REQUEST BY REID WARD, REPRESENTING ADVOCARE, INC. FOR APPROVAL OF A VARIANCE FROM CHAPTER 21, THE SUBDIVISION AND DEVELOPMENT CODE, TO ALLOW A 197-SPACE REDUCTION TO THE REQUIRED PARKING FOR A PROPOSED 258,000-SQUARE FOOT OFFICE/DISTRIBUTION BUILDING. THE SITE IS LOCATED AT 2800 TELECOM PARKWAY AND IS ZONED I-M(1) INDUSTRIAL.**

Council Action

Councilmember Solomon moved to approve Variance 13-09 as approved by the City Plan Commission. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

- 8. CONSENT AGENDA:**

A. ADOPTION OF THE FOLLOWING ORDINANCES:

- 1. ORDINANCE NO. 4015, ABANDONING A PORTION OF STREET RIGHT-OF-WAY KNOW AS CULLUM STREET, TOTALING 0.4073 ACRES, AS DESCRIBED IN EXHIBITS "A" AND "B"; RESERVING ALL EXISTING EASEMENT RIGHTS OF OTHERS, IF ANY WHETHER APPARENT OR NON-APPARENT, AERIAL, SURFACE, UNDERGROUND OR OTHERWISE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED.**
- 2. ORDINANCE NO. 4016, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS" ARTICLE XI, "RENTAL REGISTRATION", BY AMENDING THE REGULATIONS FOR RENTAL REGISTRATION.**

B. CONSIDER THE FOLLOWING RESOLUTIONS:

- 1. RESOLUTION NO. 13-16, APPROVING THE TERMS AND CONDITIONS OF THE 2013 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS SHARING AND FISCAL AGENCY**

AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

- 2. RESOLUTION NO. 13-17, ADOPTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S FEDERALLY-APPROVED BUSINESS ENTERPRISE PROGRAM FOR THE SAFE ROUTES TO SCHOOL SIDEWALK PROJECTS, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE PROGRAM AND TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RICHARDSON AND THE TEXAS DEPARTMENT OF TRANSPORTATION.**

C. CONSIDER AWARD OF THE FOLLOWING BIDS:

- 1. BID #57-13 – WE RECOMMEND THE AWARD TO SOUND PRODUCTIONS, INC., FOR THE DIGITAL AUDIO CONSOLE FOR THE CHARLES W. EISEMANN CENTER IN THE AMOUNT OF \$60,154.50.**
- 2. BID #63-13 – WE REQUEST AUTHORIZATION TO ISSUE CO-OP PURCHASE ORDERS TO SAM PACK'S FIVE STAR FORD THROUGH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE BUYBOARD CONTRACT #358-10 AND HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS CONTRACT #VE11-11 FOR VARIOUS TRUCKS FOR THE PARKS DEPARTMENT (75,215.60) AND THE WATER UTILITIES DEPARTMENT (\$29,091.74) FOR A TOTAL EXPENDITURE OF \$104,307.34.**

Council Action

Councilmember Mitchell moved to approve the Consent Agenda as presented. Councilmember Hartley seconded the motion. Mayor Maczka noted that Item A2, Ordinance No. 4016 was a revised ordinance from the packet version with the elimination of owner/tenant driver's license information. A vote was taken and passed, 7-0.

- 9. RECEIVE THE AUGUST 7, 2013 SIGN CONTROL BOARD MINUTES AND CONSIDER FINAL APPROVAL OF SCB CASE 13-08, HEIGHTS BAPTIST CHURCH.**

Council Action

Councilmember Solomon moved to receive the August 7, 2013 Sign Control Board Minutes and approve SCB Case No. 13-08.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:38 p.m.

MAYOR

ATTEST:

CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL
SPECIAL CALLED MEETING
MONDAY, AUGUST 19, 2013

SPECIAL CALLED MEETING – 6:00 P.M.:

• **Call to Order**

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

Laura Maczka	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Paul Voelker	Councilmember
Steve Mitchell	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magner	Assistant City Manager Community Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Ken Pfeil	Director of Finance
Gary Beane	Budget Officer
Taylor Paton	Management Intern
Vickie Schmid	Deputy City Secretary

A. Visitors

Sandy Lauder thanked Assistant City Manager Don Magner for providing relevant Federal and State regulations regarding group homes, noted that the information had been provided to the Fairways of Sherrill Park Association members, and asked that the City perform the necessary due diligence relative to this group home.

B. Public Hearing on Proposed Budget for Fiscal Year 2013 - 2014.

C. Public Hearing for Proposed Tax Rate of \$0.63516 per \$100 Valuation for Fiscal Year 2013 - 2014.

Council Action:

Mayor Maczka asked City Manager Dan Johnson to brief the Council on items B and C.

Staff Comments:

City Manager Dan Johnson briefed the Council on the proposed budget and proposed tax rate.

Budget Development Objectives:

- Develop a 2013-2014 Budget with no property tax rate change.
- Continue the strong alignment of municipal resources around the Council's goals.
- Sustain initiatives begun with the 2012-2013 work plan, including key studies and capital project initiations.
- Continue the active implementation of the 2010 G.O. Bond Program.
- Support the implementation of our reinvestment studies.
- Support transit-oriented development initiatives around existing and proposed DART Light Rail stations – and seek continued support of DART transit enhancements for Richardson.
- Enhance maintenance to existing city infrastructure and assets.
- Continue strengthening enhanced communications outreach.
- Continue the strong work plan of neighborhood outreach – including our partnerships with HOA's and other groups.
- Sustain leadership posture with DART, NTTA and TxDOT.
- Continue our strong alliance commitments with our community partnerships: RISD, PISD, MRMC & UTDallas
- Sustain our focus on the quality-of-life components.
- Continue to support a competitive employment environment.

Key Property Tax Elements:

- Our tracking efforts with the DCAD and CCAD appraisal districts have now reported that 2013-2014 is a year of increasing property values. The Certified Tax Rolls increase 6.2%* over the prior year.
- * Includes increased property tax values for the TIF areas. The effective increase for the General Fund is 4.6%, after excluding TIF areas.
- No tax rate change is proposed. The current \$0.63516 rate will be used in budget development.
- The Senior Exemption's current \$55,000 value amount will maintain the 30% protection objective for 2013-2014.
- Property taxes provide about 37% of the entire General Fund resources.
- 1% of the Tax Roll equals \$667,000. 1 penny of the tax rate equals \$1,000,000 of revenue.

Council Action:

Mayor Maczka opened the public hearing on the proposed 2013-2014 Budget at 6:35 p.m.

Public Comments:

There were no public comments submitted.

Council Action:

With no further comments, Councilmember Dunn moved to close the public hearing. Mayor Pro Tem Townsend seconded the motion; the motion passed with a 7-0 vote. The public hearing was closed at 6:36 p.m.

Council Action:

Mayor Maczka opened the public hearing on the proposed Tax Rate of \$0.63516 per \$100 valuation for Fiscal Year 2013-2014 at 6:36 p.m.

Public Comments:

There were no public comments submitted.

Council Action:

With no further comments, Councilmember Solomon moved to close the public hearing. Councilmember Hartley seconded the motion; the motion passed with a 7-0 vote. The public hearing was closed at 6:37 p.m.

D. Report on Items of Community Interest

Councilman Hartley reported that last Friday was the Corporate Challenge Kickoff to benefit Texas Special Olympics and recognized the Parks Department for their outstanding work.

Councilman Dunn reported that Animal Luv's canine Splash Day was very well attended and a successful fund raiser event.

Councilman Mitchell reported that the Arts Commission had met with many groups seeking funding from the City and the Commission would meet Thursday to finalize grant allocations; he said a report would be presented to Council at a future meeting.

Mayor Maczka reported that school would be starting soon and urged everyone to slow down and be aware of school zones.

ADJOURNMENT

With no further business, the meeting was adjourned at 6:40 p.m.

MAYOR

ATTEST:

CITY SECRETARY



MEMO

DATE: August 22, 2013
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services *MS*
SUBJECT: Zoning File 13-14 – Chicken Express – Revised Elevations

REQUEST

Michael B. Rice, representing Rice Independence Group, LLC, is requesting to amend Ordinance Number 3850 for approval of revised building elevations for a 3,200-square foot drive-thru restaurant. The subject property is located at the northwest corner of Campbell Road and Lake Park Way.

BACKGROUND

The subject property was rezoned from O-M Office to LR-M(1) Local Retail in 2008. In 2011, the zoning was amended to allow the development of a stand-alone 3,200-square foot drive-thru restaurant with a revised concept plan and elevations for a Chicken Express in lieu of a multi-tenant building with one (1) tenant being a drive-thru restaurant. In early 2012, development plans for Chicken Express were approved; however, the project was never constructed.

The applicant is proposing no changes to the approved concept plan. The applicant desires only to change the color of the standing seam metal roof, metal trim, downspouts, and light fixtures from the approved charcoal gray color to “colonial red”, which is closer to the prototypical Chicken Express roof and trim color (“regal red”). The applicant has stated there have been negative impacts on revenue for area stores that have compromised on their trademark “regal red” color.

The exterior design, materials, color and building elevations of the proposed Chicken Express drive-thru restaurant are compatible with the architecture of the Lake Park, Phase 1 townhome development. The building utilizes similar design elements, materials, and color as Braum’s which was deemed compatible with Lake Park, Phase 1. The proposed building will be constructed with the similar brick and stone as Braum’s, with the stone used as a wainscot as well as on the tower elements. However, the proposed change to “colonial red” for the trim, roof, canopies, and light fixtures does deviate from the charcoal gray used for similar features on the Braum’s building.

No written correspondence in favor or opposition has been received.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a vote of 7-0, recommended approval of the request as presented.

ATTACHMENTS

Special Condition
CC Public Hearing Notice
City Plan Commission Minutes 08-06-2013
Staff Report
Zoning Map
Aerial Map
Oblique Aerial Looking North
Approved Site Plan (Exhibit “B”)
Proposed Revised Elevations (Exhibit “C”)

Proposed Revised Color Elevations (Exhibit “D”)
Approved Color Elevations (Exhibit “E”)
Site Photos
Applicant’s Statement
Notice of Public Hearing
Notification List
Ordinance Nos. 3708, 3801, and 3850

ZF 13-14 Special Conditions

1. Ordinance Number 3850 shall be revised to allow the construction of a drive-thru restaurant in substantial conformance with the attached building elevations (Exhibit "C").

Subsequent to the City Plan Commission recommendation on August 6, 2013, staff suggests the following language be added to the condition since the building elevations have already been approved as part of the original development plans in 2012, and the proposed changes are limited to a color change for the roof, trim, canopies, and light fixtures:

Revised elevations reflecting the changes granted in this ordinance shall approved administratively.



Attn. Lynda Black
Publication for Dallas Morning News – Legals
Submitted on: August 7, 2013
Submitted by: City Secretary, City of Richardson

Please publish as listed below or in attachment and provide a publication affidavit to:

City Secretary's Office
P.O. Box 830309
Richardson, TX 75083-0309

FOR PUBLICATION ON: AUGUST 9, 2013

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, August 26, 2013, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

ZF 13-14

A request by Michael B. Rice, Rice Independence Group, LLC, representing A&S Ellington Properties, LLC, to amend the zoning for approval of revised building elevations for a drive-thru restaurant at 1240 W. Campbell Road (northwest corner of Campbell Road and Lake Park Way). The property is currently zoned LR-M(1) Local Retail.

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

The City of Richardson
/s/ Aimee Nemer, City Secretary

CITY PLAN COMMISSION MINUTES – AUGUST 6, 2013

1. **Zoning File 13-14:** Consider and take necessary action on a request by Michael B. Rice, Rice Independence Group, LLC, representing A & S Ellington Properties, LLC, to amend the zoning for approval of revised building elevations for a 3,200 square foot drive-through restaurant located at 1240 W. Campbell Road, northwest corner of Campbell Road and Lake Park Way. The property is currently zoned LR-M(1) Local Retail.

Mr. Shacklett advised the applicant was requesting to revise the previously approved building elevations for the proposed drive-through restaurant at Campbell Road and Lake Park Way. He stated that in 2011 the site came before both the Commission and City Council for rezoning, and then in 2012 the item was back before the Commission for approval of development plans including building elevations.

Mr. Shacklett indicated there were no changes proposed for the site plan; however, the applicant was requesting to amend the approved building elevations, specifically as it pertained to the color of the roof and trim by changing them from charcoal gray to a dark red. He added that the brick and stone approved in 2012 would remain the same.

Mr. Shacklett concluded his presentation noting that the original approved zoning from 2008 required any development to be compatible with the Lake Park townhomes to the north by utilizing similar brick and stone, which the adjacent business, Braum's, has done and the proposed development will follow suit.

Commissioner DePuy asked if the color portrayed on the rendering was an accurate portrayal of the proposed color change. She also wanted to know if the trim on the top and the awnings would be part of the requested change.

Mr. Shacklett replied that the color will be dark red, similar to a burgundy color and pointed out a product board with a sample of the proposed material. He added that Chicken Express would not be utilizing the exact same features as the Braum's, such as awnings, and most of the color impact on the Chicken Express would come from the roof.

Commissioner Linn asked what the roof and other fixtures would be made of, and if the rendering accurately reflected the color of the brick to be used.

Mr. Shacklett replied that the roof would be a standing seam metal roof and the graphic did not accurately depict the color of the brick, which, under the proposal, would be Old St. Louis or the closest similar color. He again referred to the product board with the brick and metal samples.

With no further comments or questions for staff, Chairman Hand opened the public hearing.

Mr. Michael B. Rice, 8109 Montpelier Way, Colleyville, Texas, stated the reason for the requested change was based on past experiences that when the branded colors of a Chicken Express were altered, it had an adverse effect on revenue; one location experienced an almost 15 percent drop in revenue. He added that the Old St. Louis brick had been discontinued, but they have been in touch with the manufacturer and a similar color was available.

Commissioner DePuy said she was familiar with brick products and thought the choice of Old St. Louis or something very similar would work with the darker red roof.

Commissioner Linn thanked the applicant for sharing information regarding the effect of branding colors on the bottom line. He also wanted to know the reuse plans for the building if the Chicken Express did not succeed as a business.

Mr. Rice replied that he has a 20 year franchise agreement with Chicken Express, and even though there is an exit clause in the agreement, he does not have any plans other than to make the business a success.

Commissioner Maxwell asked if some of the red along the coping along the top of the towers on the building could be left in the gray color to coordinate more with the adjacent Braum's.

Mr. Rice replied that although it might be aesthetically pleasing to mix the two colors, he felt it would take away from brand recognition.

Commissioners DePuy and Frederick felt the original proposal of dark red replacing all the gray would be a better choice.

Vice Chair Bright thanked the applicant for his agreement to work with an arborist regarding the trees and concurred that the darker red color was a good choice.

Commissioner Springs said he liked the red color, but felt it was more important that the applicant was meeting the intent of the ordinance, which was to be compatible with the surrounding buildings.

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

Commissioner Linn stated that he was in support of the applicant's request and understood more of the background behind the request as it pertained to the effect of the branding colors on the bottom line.

Chairman Hand concurred with Mr. Linn and Mr. Springs' comments and that the applicant was well within what had been requested; compatibility.

Motion: Commissioner DePuy made a motion to recommend approval of Zoning File 13-14 as presented; second by Commissioner Frederick. Motion approved 7-0.



Staff Report

TO: City Council

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

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

DATE: August 22, 2013

RE: **Zoning File 13-14:** Chicken Express – Revised Elevations

REQUEST:

Amend Ordinance Number 3850 for approval of revised building elevations for a 3,200-square foot drive-thru restaurant for a 1.29-acre site located at the northwest corner of Campbell Road and Lake Park Way.

APPLICANT / PROPERTY OWNER:

Michael B. Rice, Rice Independence Group, LLC / Aubrey Ellington, A&S Ellington Properties, LLC.

EXISTING DEVELOPMENT:

The site is currently undeveloped.

ADJACENT ROADWAYS:

Campbell Road: Six-lane, divided arterial; 32,500 vehicles per day on all lanes, eastbound and westbound between Coit Road & Mimosa Drive (May 2011).

Lake Park Way: Four-lane, divided minor collector; no traffic counts available.

Jonsson Boulevard: Four-lane, divided minor collector; no traffic counts available.

SURROUNDING LAND USE AND ZONING:

North: Single Family; RP-1500-M Patio Home
South: Retail/Commercial; LR-M(1) Local Retail
East: Office; O-M Office
West: Retail/Commercial; LR-M(1) Local Retail

FUTURE LAND USE PLAN:

Community Commercial

Retail centers with multiple anchors, mid-rise office, entertainment and hospitality uses.

Future Land Uses of Surrounding Area:

North: Neighborhood Residential

South: Community Commercial

East: Community Commercial

West: Community Commercial

EXISTING ZONING:

LR-M(1) Local Retail (Ordinance Numbers 3708, 3801 & 3850).

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 site located in the area known as the Lennox Center area. The subject 1.29-acre site is a portion of a 2.45-acre tract of land rezoned in 2008 from O-M Office to LR-M(1) Local Retail per Ordinance Number 3708. The approval of the 2.45-acre tract was part of a larger request for a PD Planned Development District that also included townhomes and condominium development along with the retail portion along Campbell Road. Ultimately, only the 2.45-acre tract along Campbell Road was rezoned to LR-M(1) Local Retail with special conditions.

Ordinance Number 3708 contains a concept plan that depicts the allowable development for the 2.45 acres (See attached Ordinance Number 3708) which allowed a maximum of two (2) retail buildings and included special conditions related to maximum floor area ratios, minimum landscape buffers/setbacks, building height, building elevations, curb cuts, a median diverter and a deceleration lane. One (1) of the buildings depicted a single drive-thru window for a grocery store/restaurant on the western half of the 2.45-acre site which is now the Braum's.

In 2010, Ordinance Number 3801 adopted a revised concept plan and building elevations for the subject site that allowed a 4,550-square foot retail building, which included a 3,000-square foot drive-thru restaurant.

In 2011, the zoning was again amended to allow a stand-alone 3,200-square foot drive-thru restaurant with a revised concept plan and elevations for a Chicken Express restaurant.

Development plans were approved in early 2012; however, the project was never constructed. The current property/franchise owner no longer desires to develop the project, and the current applicant intends to acquire the site and develop the proposed Chicken Express restaurant.

Request:

There are no changes proposed to the approved concept plan as approved in Ordinance Number 3850; however, the applicant desires to only change the color of the standing seam metal roof, metal trim, downspouts, and light fixtures from the approved charcoal gray color to “colonial red”, which is closer to prototypical Chicken Express roof and trim colors. The applicant has stated that there have been negative impacts on revenue for area stores that have compromised on their trademark “regal red” color.

As part of the previous zoning request, the applicant’s desire was to utilize the prototypical red trim color, but staff suggested that the applicant utilize charcoal gray on their trim, roof, canopies, and light fixtures to match the existing Braum’s. The previous applicant agreed to do so, presented elevations with charcoal gray trim, roof, canopies, and light fixtures, which was approved as part of Ordinance Number 3850. As proposed by the current applicant, the remainder of the building’s exterior materials, including the primary materials of brick and stone, remain unchanged from the previously approved building elevations.

Proposed Development:

- Building Size: 3,200 square feet
- Building Materials: The building will be constructed with brick and stone and is 100% masonry construction. The exterior design, materials, color and building elevations are also required to be compatible with the architecture of the Lake Park development, Phase 1 (i.e., the townhome development located north of the intersection of Mimosa Drive and Jonsson Boulevard) per Ordinance No. 3708.
- Setbacks and Landscape Buffer:
 - Front: 50 feet along Campbell Road.
 - Side: 30 feet along Lake Park Way.
 - Rear: 30 feet along Jonsson Boulevard.
- Height: 24’0” (top of tower).
- Floor Area Ratio: 0.06:1 / Maximum 0.50:1 Allowed.
- Landscaping Percentage: 45% proposed, 7% required.
- Building Orientation: The building faces south toward Campbell Road. Access to the site is provided from Campbell Road, Jonsson Boulevard, and Lake Park Way. The drive-thru is located on the east, north and west sides of the building.
- Number of Parking Spaces: 35 proposed; 32 required.

The exterior design, materials, color and building elevations of the proposed Chicken Express drive-thru restaurant are compatible with the architecture of the Lake Park, Phase 1 townhome development. The building utilizes similar design elements, materials, and color as Braum’s

which was deemed compatible with Lake Park, Phase 1. The proposed building will be constructed with the similar brick and stone as Braum's, with the stone used as a wainscot as well as on the tower elements. However, the proposed change to "colonial red" for the trim, roof, canopies, and light fixtures does deviate from the charcoal gray used for similar features on the Braum's building.

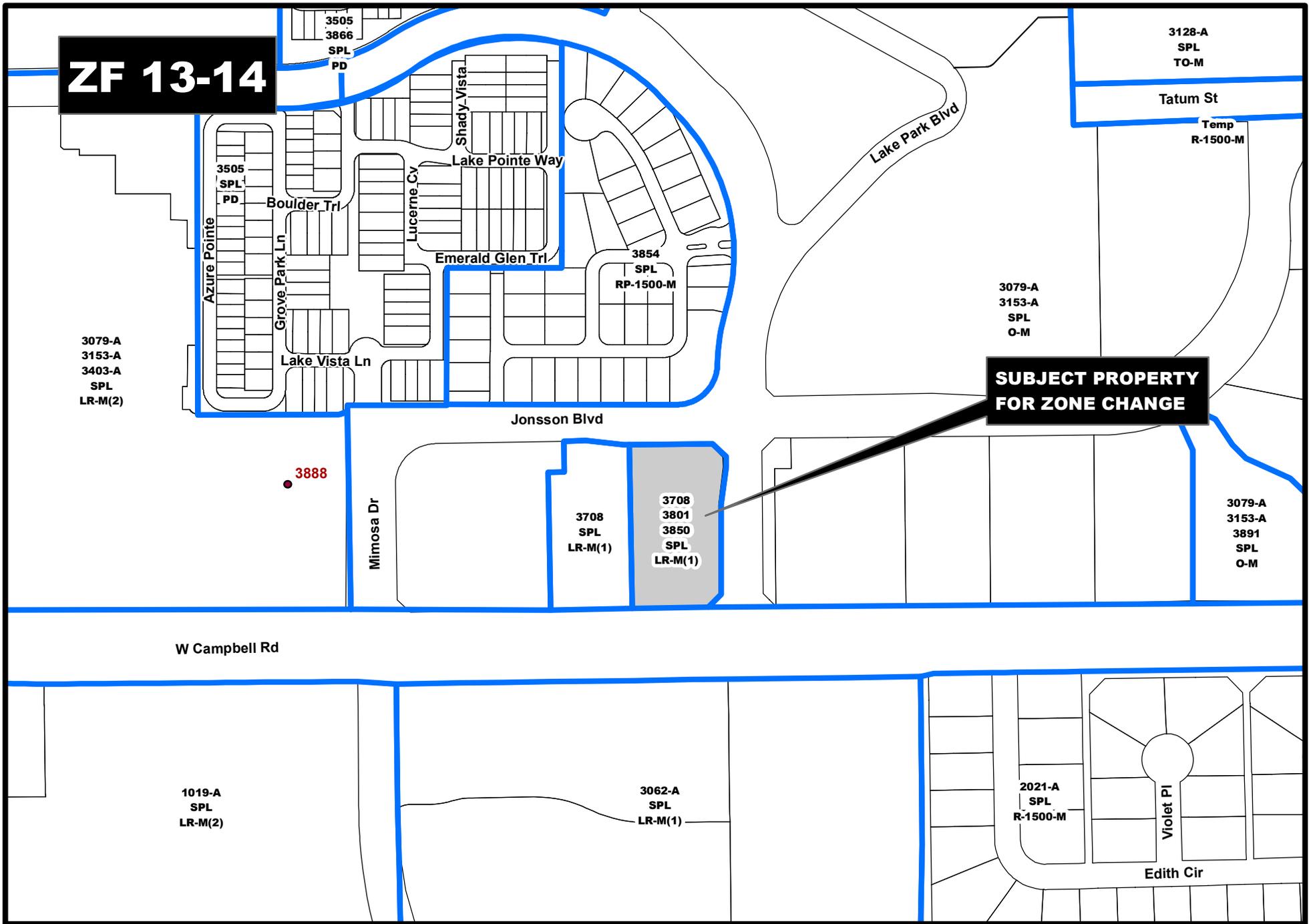
Correspondence: As of this date, no correspondence has been received.

Motion: On August 6, 2013, the City Plan Commission recommended approval of the request as presented on a vote of 7-0 subject to the following special condition:

1. Ordinance Number 3850 shall be revised to allow the construction of a drive-thru restaurant in substantial conformance with the attached building elevations (Exhibit "C").

Subsequent to the City Plan Commission recommendation on August 6, 2013, staff suggests the following language be added to the condition since the building elevations have already been approved as part of the original development plans in 2012, and the proposed changes are limited to a color change for the roof, trim, canopies, and light fixtures:

Revised elevations reflecting the changes granted in this ordinance shall approved administratively.



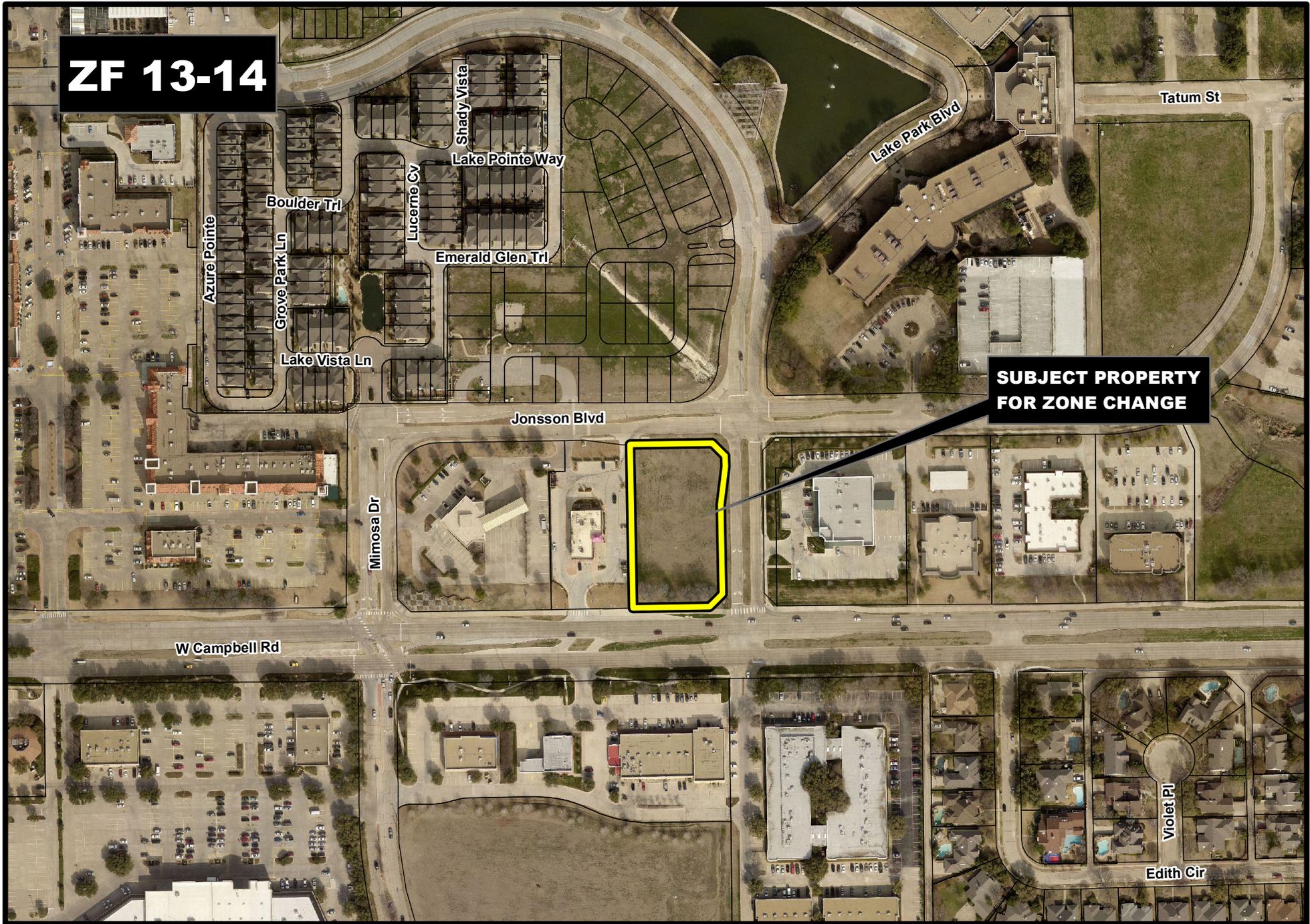
ZF 13-14 Zoning Map

Updated By: shacklett, Update Date: July 24, 2013
 File: D:\SM\mapping\Cases\Z\2013\ZF1314\ZF1314 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 13-14



**SUBJECT PROPERTY
FOR ZONE CHANGE**

ZF 13-14 Aerial Map

Updated By: shacklett, Update Date: July 24, 2013
File: DSI\Mapping\Cases\Z\2013\ZF1314\ZF1314 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.





Jonsson Blvd

Lake Park Way

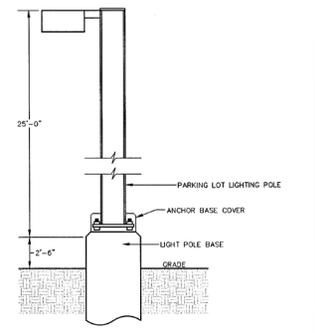
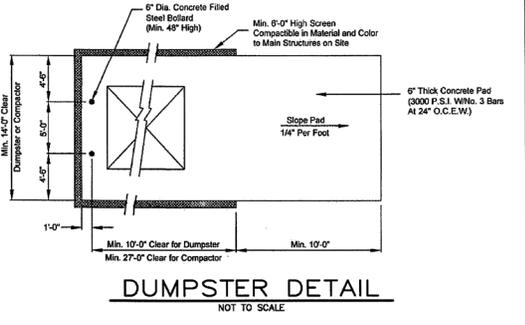
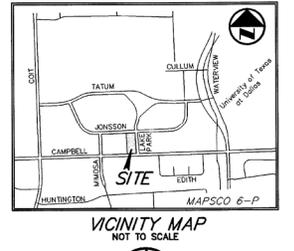
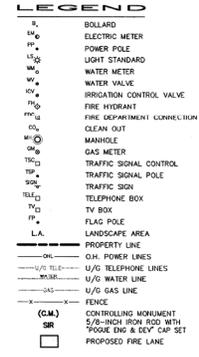
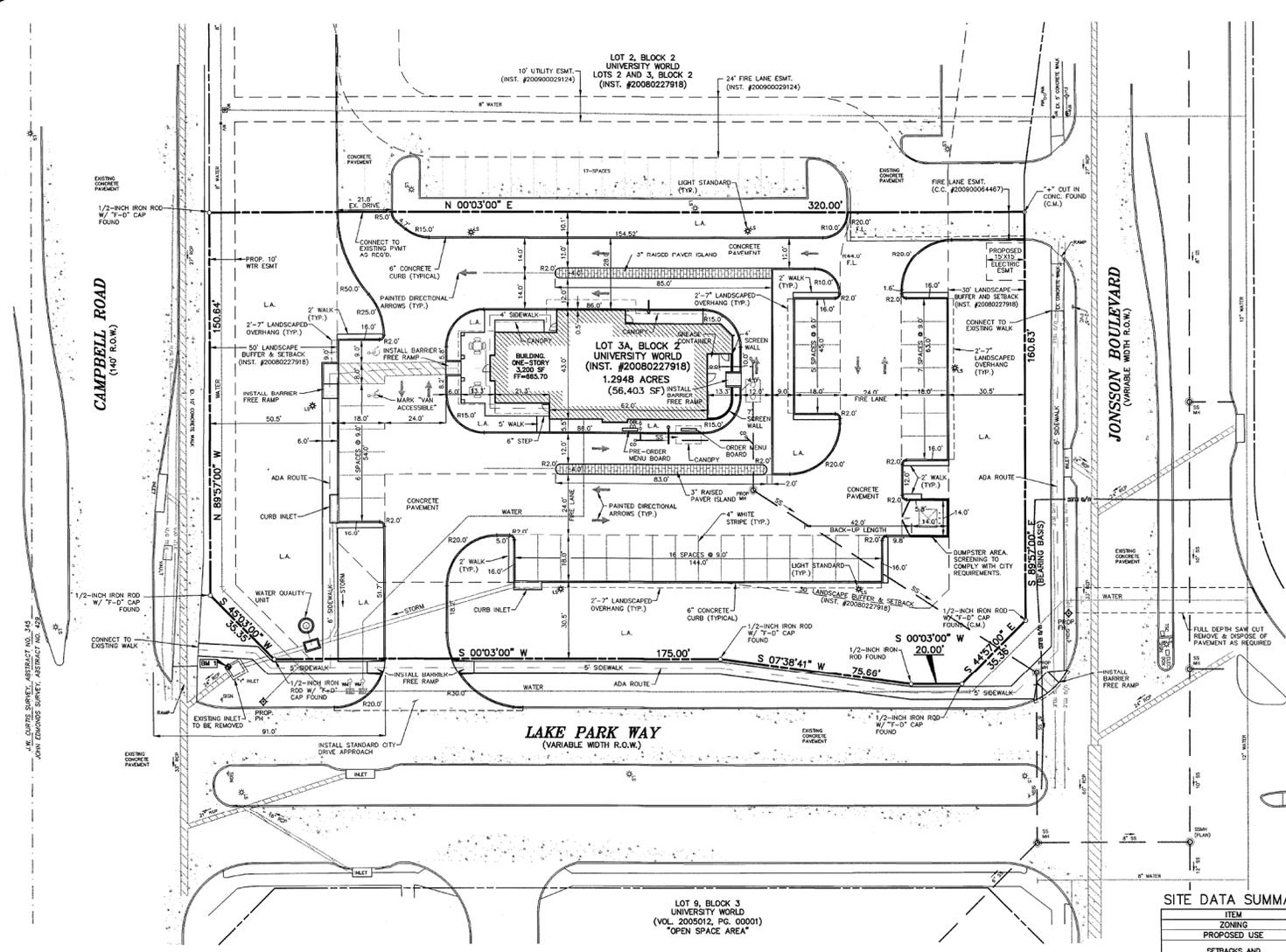
Subject Property

Campbell Rd



Oblique Aerial
Looking North

CHICKEN EXPRESS (D/W) 1488-11-045-DIMENSIONAL CONTROL.DWG
 DATE: 02/15/2012 10:59 AM
 USER: JHUMPHREYS
 PLOT: 1488-11-045-DIMENSIONAL CONTROL.DWG
 PROJECT: CHICKEN EXPRESS (D/W) 1488-11-045-DIMENSIONAL CONTROL.DWG
 SHEET: 1488-11-045-DIMENSIONAL CONTROL.DWG



SITE DATA SUMMARY TABLE

ITEM	LOT 3A
ZONING	LR-(M) GRD. 3560
PROPOSED USE	DRIVE-THRU
SETBACKS AND LANDSCAPE BUFFERS	50' CAMPBELL RD. & LAKE PARK WAY
LOT AREA (SF/ACRES)	1,2948/56.403
BUILDING (SF)	3,200
PARKING RATIO	1 SP:100 SF
PARKING REQUIRED	32
PARKING PROVIDED	35
LANDSCAPE AREA REQUIRED (7%)	3,948
LANDSCAPE AREA PROVIDED (5/3%)	45,255.468
FLOOR AREA RATIO	0.09:1
BUILDING HEIGHT (FT)	24

CAUTION!
 UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG.
 TEXAS EDUCATION SAFETY SYSTEM (TESS)
 1-800-344-8377
 TEXAS ONE CALL SYSTEMS
 1-800-245-4545
 LONG STAR NOTIFICATION CENTER
 1-800-668-5344 EXT. 5

BENCH MARK LIST:
 BENCHMARK #1
 7" CUT SET AT THE SOUTH CORNER OF 7" INLET LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF CAMPBELL ROAD AND THE WEST RIGHT-OF-WAY LINE OF LAKE PARK BOULEVARD.
 ELEVATION = 660.98
 BENCHMARK #2
 7" CUT FOUND ON AN INLET ON THE NORTH SIDE OF JONSSON BOULEVARD 140'S WEST OF THE CENTERLINE OF LAKE PARK BOULEVARD.
 ELEVATION = 663.22

FRANCHISE UTILITY NOTES:
 1. TDU ENERGY CONSTRUCTION SERVICES - (800) 711-9112
 2. ONCOR UTILITY COMPANY - BULK LOFTS @ (972) 569-6304
 3. AT&S GAS - ROBERT BOGERS @ (972) 664-9109
 4. SOUTHWESTERN BELL TELEPHONE
 NOTE:
 ALL DIMENSIONS ARE FROM FACE OF CURB TO FACE OF CURB, UNLESS OTHERWISE NOTED.

ADA ROUTE
 NOTE:
 MAXIMUM SLOPE FOR ALL ADA PATHS IS 5% MAX GROSS FALL IS .5% FOR THE FIRST FIVE FEET FROM THE DOOR AT A 2% SLOPE (MAX.) MUST BE MAINTAINED

PRELIMINARY FOR INTERIM REVIEW ONLY
 NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES.
 ENGINEER: ERIC M. SHERY, PE
 P.E. NO. 10778
 DATE: 02-15-2012
POGUE

POGUE
 ENGINEERING & DEVELOPMENT COMPANY, INC.
 1512 BRAY CENTRAL DRIVE
 SUITE 100
 MCKINNEY, TEXAS 75069
 TEL: 972-382-2200
 FAX: 972-382-2200
 WWW.POGUEENGINEERING.COM

SITE PLAN
 CHICKEN EXPRESS-CAMPBELL ROAD
 BLOCK 2, LOT 3A, UNIVERSITY WORLD
 J.W. CURTIS SURVEY, ABSTRACT NO. 345
 CITY OF RICHARDSON, TEXAS

Approved Site Plan Exhibit B

DATE: 02-21-12
 NAME: Robert Bogers

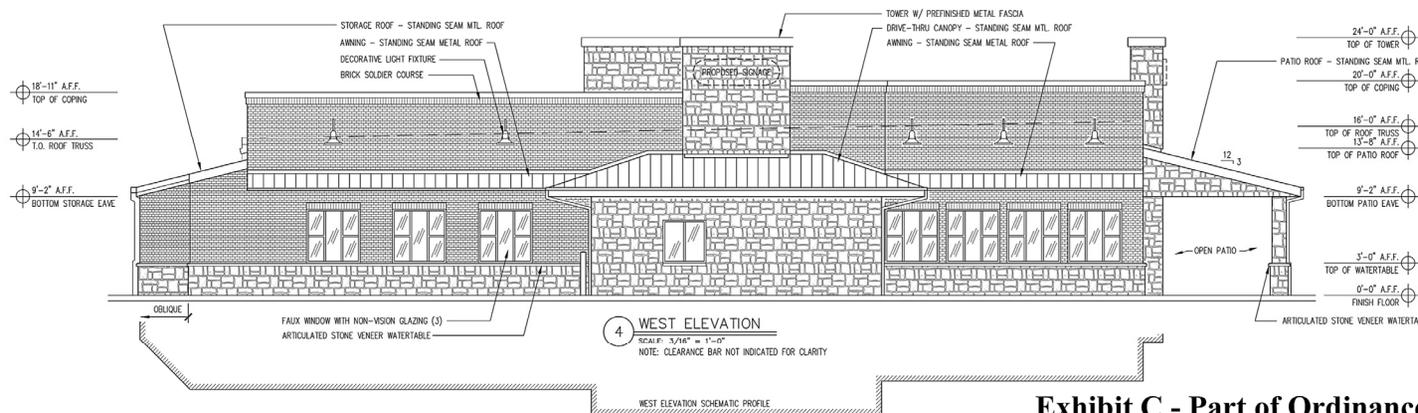
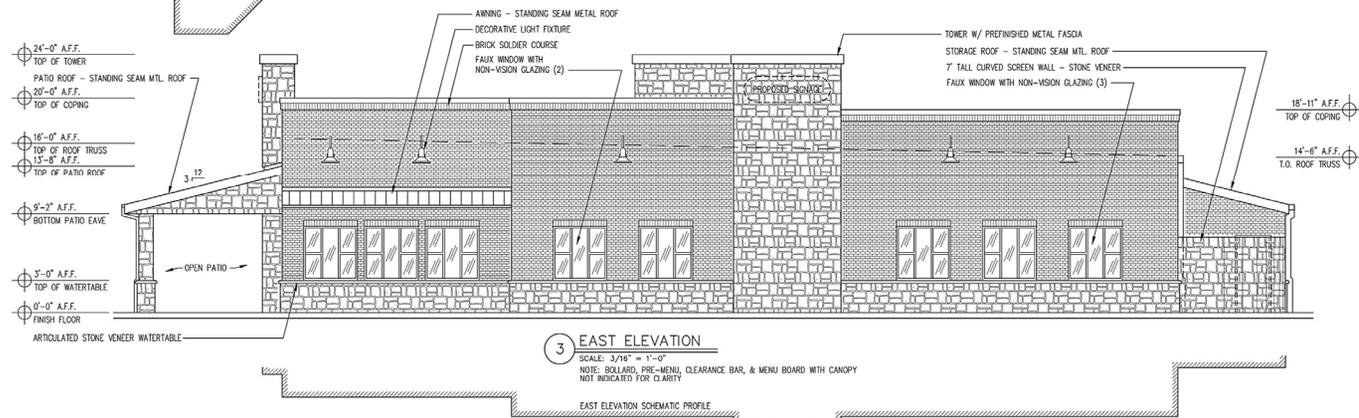
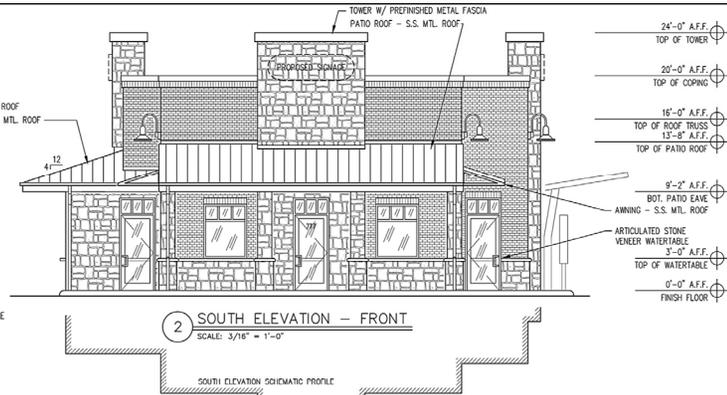
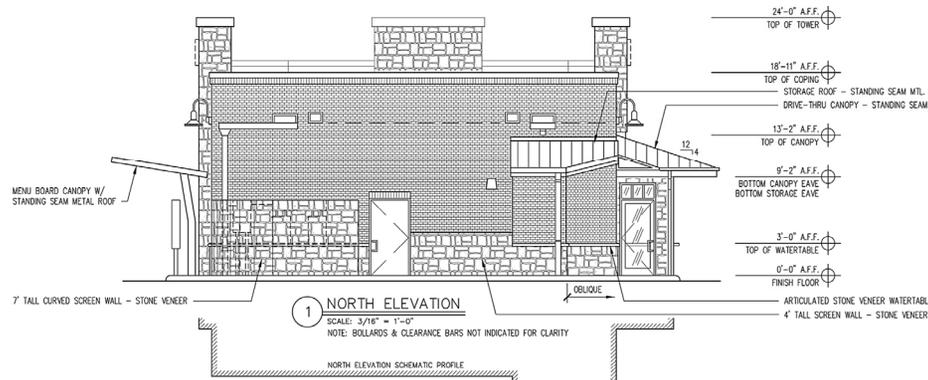
ALL INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

SHEET NO. C1.01

NO.	DATE	REVISION / DESCRIPTION	
DESIGN	DRAWN	DATE	PI NUMBER
EMS	WTW	02-15-2012	1488-11-045

OWNER
 H-H RETAIL, LLC
 5339 ALPHA ROAD, SUITE 350
 DALLAS, TX 75240
 MR. MARK HUMPHREYS
 (972) 701-9636 PHONE
 (972) 701-9639 FAX

DEVELOPER
 A&S ELLINGTON PROPERTY, LLC
 P.O. BOX 940147
 PLANO, TEXAS 75094
 MR. AUBREY ELLINGTON
 (214) 952-9759 PHONE
 (214) 237-6166 FAX



MATERIAL LEGEND

- STANDING SEAM ROOFING
 ALL MISCELLANEOUS METALS INCLUDING
 DECORATIVE LIGHTS, DOWNSPOUTS,
 FASIA, BOLLARDS, ETC. TO MATCH
 SHEFFIELD METALS INTERNATIONAL
 COLONIAL RED
- GLAZING - WINDOWS & DOORS
 DOUBLE PANE LOW-E TINTED
 9% REFLECTANCE
 OLDCASTLE GLASS
- FACE BRICK
 ACME BRICK
 OLD ST. LOUIS OR CLOSEST EQUAL
- APPLIED STONE VENEER
 EAGLE STONE
 GRANBURY OR CLOSEST EQUAL

JAMES W.P. HOWARD
 ARCHITECT
 1100 CALLETT STREET
 FORT WORTH, TEXAS 76113
 (817) 377-3477

Chickem
 1240 WEST CAMPBELL ROAD
 RICHARDSON, TX 75080

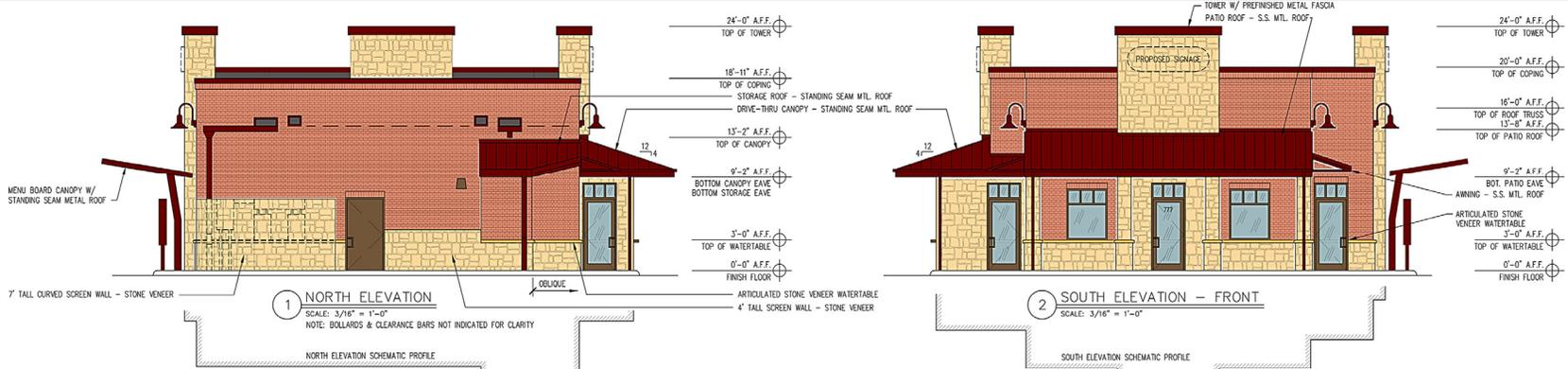
PROJECT: CE201122
 DATE: 07/25/13
 DRAWN BY: SS
 CHECKED BY: JH
 FILE: CE1122-ELEVS-II
 REVISIONS

SHEET TITLE
 EXTERIOR ELEVATIONS
 IV
 SHEET

Exhibit C - Part of Ordinance

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

ELEVS



MATERIAL LEGEND

- STANDING SEAM ROOFING
 ALL MISCELLANEOUS METALS INCLUDING
 DECORATIVE LIGHTS, DOWNSPOUTS,
 FASCIA, BOLLARDS, ETC. TO MATCH
 SHEFFIELD METALS INTERNATIONAL
 COLONIAL RED
- GLAZING - WINDOWS & DOORS
 DOUBLE PANE LOW-E TINTED
 9% REFLECTANCE
 OLDCASTLE GLASS
- FACE BRICK
 ACME BRICK
 OLD ST. LOUIS OR CLOSEST EQUAL
- APPLIED STONE VENEER
 EAGLE STONE
 GRANBURRY OR CLOSEST EQUAL

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



MATERIAL LEGEND

- STANDING SEAM ROOFING
- MISC. METALS TO MATCH SHEFFIELD METALS INTERNATIONAL CHARCOAL GREY
- GLAZING - WINDOWS & DOORS
- DOUBLE PANE LOW-E TINTED 9% REFLECTANCE
- OLDCASTLE GLASS
- FACE BRICK
- ACME BRICK
- OLD ST. LOUIS OR CLOSEST EQUAL
- APPLIED STONE VENEER
- EAGLE STONE
- GRANBURY OR CLOSEST EQUAL

Approved Color Elevations Exhibit E

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

JAMES W.P. HOWARD
 ARCHITECT N.C.A.R.B. REG. A.I.A.
 FORT WORTH, TEXAS 76113
 (817) 377-3477

Chetron
 LOT 3, BLOCK 2, UNIVERSITY WORLD
 CAMPBELL ROAD & LAKE PARK WAY
 RICHARDSON, TEXAS

PROJECT: CE201122
 DATE: 10/31/11
 DRAWN BY: SS
 CHECKED BY: JH
 FILE: CE1122-ELEVS-II
 REVISIONS

SHEET TITLE
 EXTERIOR ELEVATIONS
 SHEET
 ELEVS



**Looking Northwest at
Subject Property**



52003

**Looking Northeast at
Subject Property**

(2)



(3)

Existing Braum's



**Lake Park Townhomes
Phase 1**

(4)

Explanation and Description of Request

I am a Chicken Express franchise owner with several existing locations throughout the DFW area. I am considering the acquisition (from the current franchise owner) and development of the subject site. I am concerned about the previously approved color for the standing seam roof. It has been our experience that when we deviate too far from the prototypical colors, there is a definite negative impact on revenue and profit. Over the past decade we have had to compromise with various north Texas cities regarding the utilization of the Regal Red trademark. Unfortunately, based upon our experience, the more extreme changes to our prototypical color scheme have resulted in stores that generate significantly lower revenues that don't justify the required capital investment. With that in mind, we respectfully request that the color for the standing seam metal roof be revised from the previously approved charcoal grey to Colonial Red (as shown on the included material board). The Colonial Red is more of a brownish, burgundy hue, much more subdued than the prototypical Regal Red.

The original ordinance (No. 3708) that governs the development of the subject site, as well as the adjacent Braum's site, states that "The exterior design, materials, color, building elevations and architectural style of the retail buildings shall be consistent and compatible with the architecture of the Lake Park development, Phase 1". The brick and stone for the Chicken Express have been matched to the previously approved Braum's. I believe that the use of the Colonial Red for the roof on the Chicken Express will still meet the intent of the original ordinance.



Notice of Public Hearing

City Plan Commission • Richardson, Texas

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

ZONING CHANGE

File No./Name: ZF 13-14 / Chicken Express Revised Elevations
Property Owner: Aubrey Ellington / A&S Ellington Properties, LLC
Applicant: Michael B. Rice / Rice Independence Group, LLC
Location: 1240 W. Campbell Road (Northwest corner of Campbell Road and Lake Park Way)
(See map on reverse side)
Current Zoning: LR-M(1) Local Retail
Request: A request by Michael B. Rice, Rice Independence Group, LLC, to amend the zoning for approval of revised building elevations for a drive-thru restaurant.

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

TUESDAY, AUGUST 6, 2013
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.

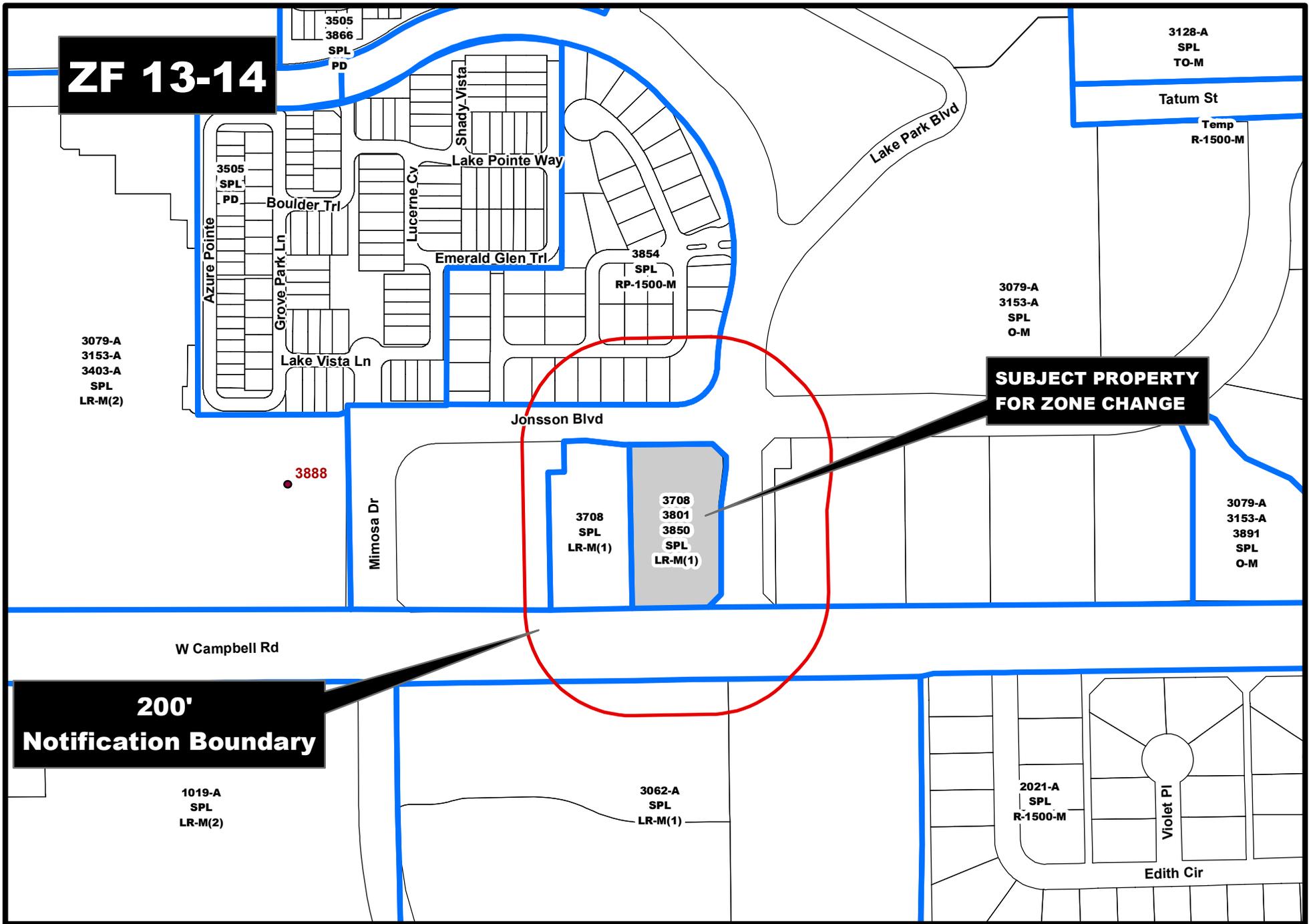
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

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/index.aspx?page=1331>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 13-14.

Date Posted and Mailed: 07/26/2013



ZF 13-14 Notification Map

Updated By: shacklett, Update Date: July 24, 2013
 File: DSI\Mapping\Cases\Z\2013\ZF1314\ZF1314 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.



PAVILLION OFFICE PARK
7517 CAMPBELL RD STE 601
DALLAS, TX 75248-1762

PAVILLION PARK CENTER
7517 CAMPBELL RD STE 601
DALLAS, TX 75248-1762

PAVILLION BANK
1200 W CAMPBELL RD
RICHARDSON, TX 75080-2945

VIEWPOINT BANK
5400 INDEPENDENCE PKWY
PLANO, TX 75023-5430

A & S ELLINGTON PROPERTY LLC
1026 CARDINAL CT
PLANO, TX 75094-3913

RETAIL BUILDINGS INC
3000 NE 63RD ST
OKLAHOMA CITY, OK 73121-1202

A O C LAND INVESTMENT LLC
% SOUTHERN WEALTH MGMT
5005 L B J FWY # 920
DALLAS, TX 75244-6142

WEEKLEY HOMES FC HOLDINGS
1111 N POST OAK RD
HOUSTON, TX 77055-7310

SAVOY TRACE HOA
% NEIGHBORHOOD MGMT INC
PO BOX 1567
ALLEN, TX 75013-0026

LENNOX COMMERCIAL REALTY INC
2100 LAKE PARK BLVD
RICHARDSON, TX 75080-2254

MICHAEL B. RICE
RICE INDEPENDENCE GROUP, LLC
8109 MONTPELIER WAY
COLLEYVILLE, TX 76034

AUBREY ELLINGTON
A & S ELLINGTON PROPERTY LLC
PO BOX 940147
PLANO, TX 75094

ZF 13-14
Notification List

ORDINANCE NO. 3708

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, TO GRANT A CHANGE IN ZONING FROM O-M (OFFICE) TO LR-M(1) LOCAL RETAIL DISTRICT WITH SPECIAL CONDITIONS FOR APPROXIMATELY 2.451 ACRES OF PROPERTY LOCATED ON CAMPBELL ROAD IN THE CITY OF RICHARDSON, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING SPECIAL CONDITIONS; 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 0801)

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 its 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 and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended so as to grant a change of zoning from O-M (Office) to LR-M(1) Local Retail District, with special conditions; on approximately 2.451 acres located on Campbell Road in the City of Richardson, Dallas County, Texas, and being more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof for all purposes.

SECTION 2. That the LR-M (1) Local Retail District Zoning classification is granted subject to the following Special Conditions:

Base Zoning: The property shall be developed and used only in accordance with the LR-M(1) Local Retail District regulations and the concept plan, except as otherwise provided herein.

Development: A maximum of two retail buildings shall be allowed. A maximum of one of the two buildings may have a single drive-through window in accordance with the concept plan for a grocery store/restaurant with a minimum of 40% of the square footage of the building devoted to the sale of grocery-related items.

Concept Plan: The property shall be developed and used in accordance with the concept plan attached hereto as Exhibit B, and which is hereby approved.

Land Area of Parcels: The property may not be subdivided into more than two lots. Each lot shall not be less than 0.80 gross acres in size.

Maximum Floor Area Ratio (FAR): 0.5:1

Minimum Landscape Buffer and Setbacks adjacent to Public Streets (measured from ROW):

Campbell Road: 50 feet

Lake Park Boulevard: 30 feet

Jonsson Boulevard: 30 feet

Maximum Building Height: Single story not to exceed 30 feet in height. Architectural elements and projections such as roofs, towers, and/or cupolas may extend above 30 feet in proportion to the building design and subject to elevation review by the city plan commission.

Building Elevation Requirements: The exterior design, materials, color, building elevations and architectural style of the retail buildings shall be consistent and compatible with the architecture of the Lake Park development, Phase 1.

Perimeter Landscaping: The landscaping along Campbell Road, Lake Park Boulevard and Jonsson Boulevard shall incorporate trees, shrubs, and ground cover with an automated irrigation system, with a minimum of one canopy tree and one ornamental tree for every 50 linear feet of street frontage.

Curb Cut, Median Diverter and Deceleration Lane Requirements on Campbell Road:

Curb Cut: A curb cut on Campbell Road to serve the western-most retail shall be permitted as shown on the concept plan.

Median Diverter and Turn Bays: A diverter shall be constructed in the median opening serving the driveway of the western-most retail tract. The design and location of the diverter shall prohibit vehicles from making left turns onto eastbound Campbell Road when exiting the site. Turning bays with adequate storage shall be constructed to serve the median opening.

Deceleration Lane: A deceleration lane shall be constructed to serve westbound traffic on Campbell Road entering the driveway of the western-most retail tract.

The developer shall be responsible for construction of the curb cut, median diverter, turning bays and deceleration lane, and installation shall be in accordance with City standards, to be constructed prior to the issuance of a certificate of occupancy for any buildings on the property.

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

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

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

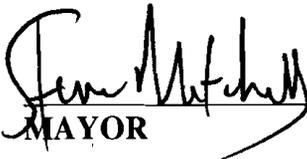
SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00)

Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

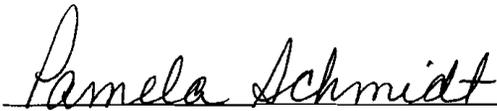
SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 12th day of May, 2008.

APPROVED:


MAYOR

CORRECTLY ENROLLED:


CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

(PGS:tc)(27453)

Exhibit "A"
BOUNDARY DESCRIPTION
Retail Tract – ZF 0801

Being part of a tract or parcel of land out of the J.W. Curtis survey Abstract No. 345 in the City of Richardson, Dallas County, Texas and being a portion of that 4.366 acre tract described as Tract 5 in a deed to A.O.C. Land Investment, L.L.C. as recorded in Volume 95147, Page 3387 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a red FD cap found for corner in the intersection of the south line of Jonsson Blvd. (a variable width right-of-way at this point) and the southwest line of Lake Park Blvd. (a variable width right-of-way at this point);

THENCE S44°57'00"E, along the southwest line of said Lake Park Blvd., a distance of 35.36 feet to a 1/2" iron rod with a red FD cap found for corner;

THENCE S00°03'00"W, continuing along the west line of said Lake Park Blvd., a distance of 20.00 feet to a 1/2" iron rod found for corner;

THENCE S07°38'41"W, continuing along the west line of said Lake Park Blvd., a distance of 75.66 feet to a 1/2" iron rod with red FD cap found for corner;

THENCE S00°03'00"W, continuing along the west line of said Lake Park Blvd., a distance of 175.00 feet to a 1/2" iron rod with a red FD cap set for corner;

THENCE S45°03'00"W, continuing along the west line of Lake Park Blvd., a distance of 35.35 feet to a 1/2" iron rod with a red FD cap found for corner in the north line of Campbell Road (a 140.00 foot width right-of-way);

THENCE N89°57'00"W, along the north line of said Campbell Road, a distance of 310.64 feet to a 1/2" iron rod with a red FD cap set for corner, said point also being the southeast corner of Lot 1, Block 2 of University World as recorded in Volume 94034, Page 40, Deed Records of Dallas County, Texas;

THENCE N00°03'00"E, departing the north line of said Campbell Road and along the east line of said Lot 1, Block 2, a distance of 270.00 feet to a 1/2" iron rod with a red FD cap set for corner, said point also being an east corner of said Lot 1, Block 2;

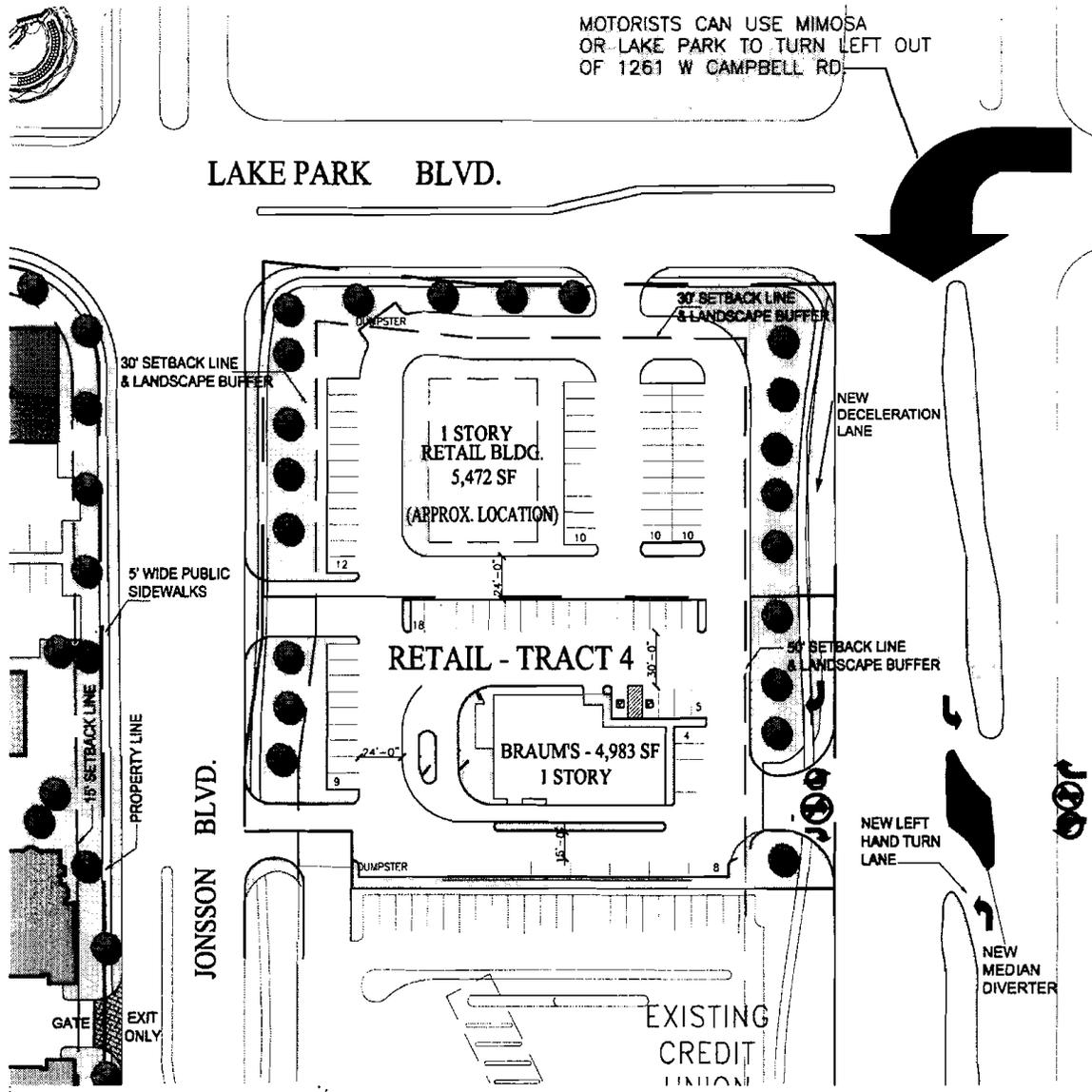
THENCE S89°57'00"E, along a south line of said Lot 1, Block 2, a distance of 32.00 feet to a 1/2" iron rod with a red FD cap set for corner, said point also being an east corner of said Lot 1, Block 2;

THENCE N00°03'00"E, along an east line of said Lot 1, Block 2, a distance of 60.00 feet to an "X" cut in concrete set for corner in the south line of Jonsson Blvd., said point also being the northeast corner of said Lot 1, Block 2;

THENCE S89°57'00"E, along the south line of Jonsson Blvd., a distance of 38.64 feet to a 1/2" iron rod with a red FD cap found for corner;

THENCE S82°21'19"E, continuing along said south line of Jonsson Blvd., a distance of 75.66 feet to a 1/2" iron rod with a red FD cap found for corner;

THENCE S89°57'00"E, continuing along said south line of Jonsson Blvd., a distance of 175.00 feet to the Point of Beginning and containing 106,765 square feet or 2.4510 acres of land. B1100 of land, more or less.

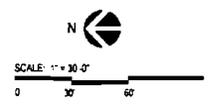


**TABULATION:
2.451 ACRES**

**BRAUM'S
1 STORY- 4,983 S.F. TOTAL**

**RETAIL BLDG.
APPROX. 5,472 S.F.**

**PARKING:
BRAUM'S - 44 SURFACE SPACES
RETAIL BLDG. - 42 SURFACE SPACES**



Part of Ordinance EXHIBIT B

**LAKE PARK - TRACT 4
ATTICUS REAL ESTATE**

HUMPHREYS PARTNERS

04/23/08

DALLAS, TEXAS

HPA #0111



HUMPHREYS PARTNERS

ZONING FILE 08-01 - NOTICE OF PUBLIC HEARING CITY OF RICHARDSON, TEXAS

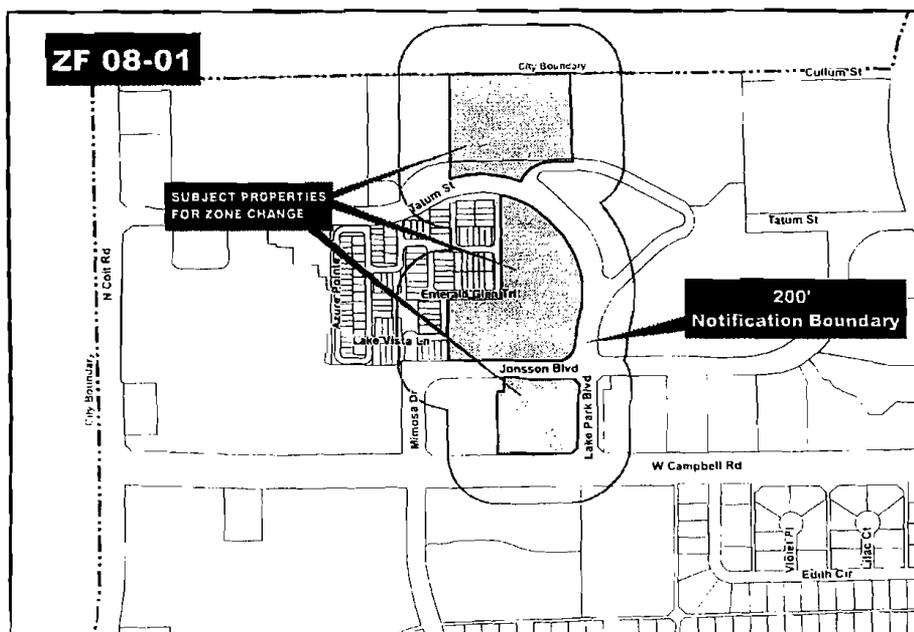
PUBLIC HEARING DATE & TIME: Monday, January 28, 2008, 7:30 p.m.

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 Mark Humphreys for a zoning change from PD Planned Development and O-M Office to Planned Development for a townhome, residential condominium and retail development on property located north of Campbell Road, west of Lake Park Boulevard, currently zoned PD Planned Development and O-M Office.

OWNER: Mark Humphreys, Atticus Real Estate

APPLICANT: Mark Humphreys, Atticus Real Estate



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

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

I hereby certify that this notice was posted on the Civic Center/City Hall Bulletin Board no later than 5:30 p.m., Friday, January 18, 2008.

The City of Richardson

Pamela Schmidt
Pamela Schmidt, City Secretary

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

ORDINANCE NO. 3801

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO AMEND ORDINANCE NO. 3708 BY AMENDING THE SPECIAL CONDITIONS FOR “DEVELOPMENT” TO ALLOW A RESTAURANT WITH A DRIVE THROUGH WINDOW; BY APPROVING A CONCEPT PLAN FOR A RESTAURANT WITH A DRIVE THROUGH WINDOW FOR A 1.29-ACRE TRACT ZONED LR-M(1) LOCAL RETAIL WITH SPECIAL CONDITIONS, SAID TRACT BEING DESCRIBED AS LOT 3, BLOCK 2, UNIVERSITY WORLD ADDITION IN DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT “A”; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO-THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 10-18).

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956 as heretofore amended, be, and the same is hereby amended by amending Ordinance No. 3708 by amending the special conditions for development as set for the herein, and to approve a concept plan for a restaurant with drive through window service a 1.29-acre tract of land zoned LR-M(1) Local Retail located at 1240 W. Campbell Road, and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 2. That Section 2 of Ordinance No. 3708 is hereby amended by amending the special conditions for “development” to read as follows:

“Development: A maximum of two retail buildings shall be allowed. Each of the two buildings may have a single drive through window in accordance with an approved concept plan for a grocery store/restaurant with a minimum of 40% of the square footage of the building devoted to the sale of grocery-related items.”

SECTION 3. That Ordinance No. 3708 is hereby amended to allow a restaurant with a drive through window on the 1.29-acre tract of land located at 1240 W. Campbell Road being more particularly described in Exhibit “A” subject to the following special conditions:

1. The drive through restaurant as defined in the Comprehensive Zoning Ordinance is limited to the area shown on the concept plan attached as Exhibit “B” and made a part thereof.
2. The building shall be constructed in substantial conformance with the Exhibit “B” and the building elevations attached as Exhibit “C” and made a part hereof.
3. The drive through restaurant shall be subject to all of the special conditions in Ordinance 3708.

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

SECTION 4. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect, provided however Ordinance No. 3708 shall continue in full force and effect, except as amended herein.

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

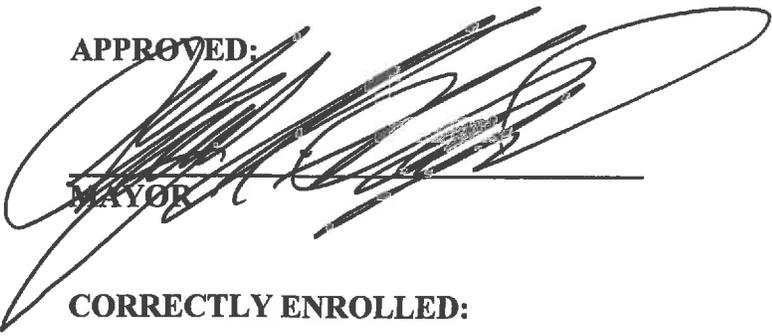
SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. 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 24th day of January, 2011.

APPROVED:


MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY

(PGS:01-06-11:47193)

CORRECTLY ENROLLED:



CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 10-18

BEING a tract or parcel of land out of the J.W. Curtis Survey, Abstract No. 345 in the City of Richardson, Dallas County, Texas and being all Lot 3, Block 2 of University World, Lots 2 & 3, Block 2, an addition to the City of Richardson as recorded in Instrument No. 20080227918 Official Public Records of Dallas County, Texas as conveyed to H-H Retail, LLC by deed recorded in Instrument No. 20080265006 Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a red F-D cap found for corner in the intersection of the south line of Jonsson Boulevard (a variable width right-of-way at this point) and the southwest line of Lake Park Boulevard (a variable width right-of-way at this point);

THENCE S 44°57'00" E along the southwest line of said Lake Park a distance of 35.36 feet to a 1/2 inch iron rod with a red F-D cap found for corner;

THENCE S 00°03'00" W continuing along the west line of said Lake Park a distance of 20.00 feet to a 1/2 inch iron rod found for corner;

THENCE S 07°38'41" W continuing along the west line of said Lake Park a distance of 75.66 feet to a 1/2 inch iron rod with red F-D cap found for corner;

THENCE S 00°03'00" W continuing along the west line of said Lake Park a distance of 175.00 feet to a 1/2 inch iron rod with a red F-D cap found for corner;

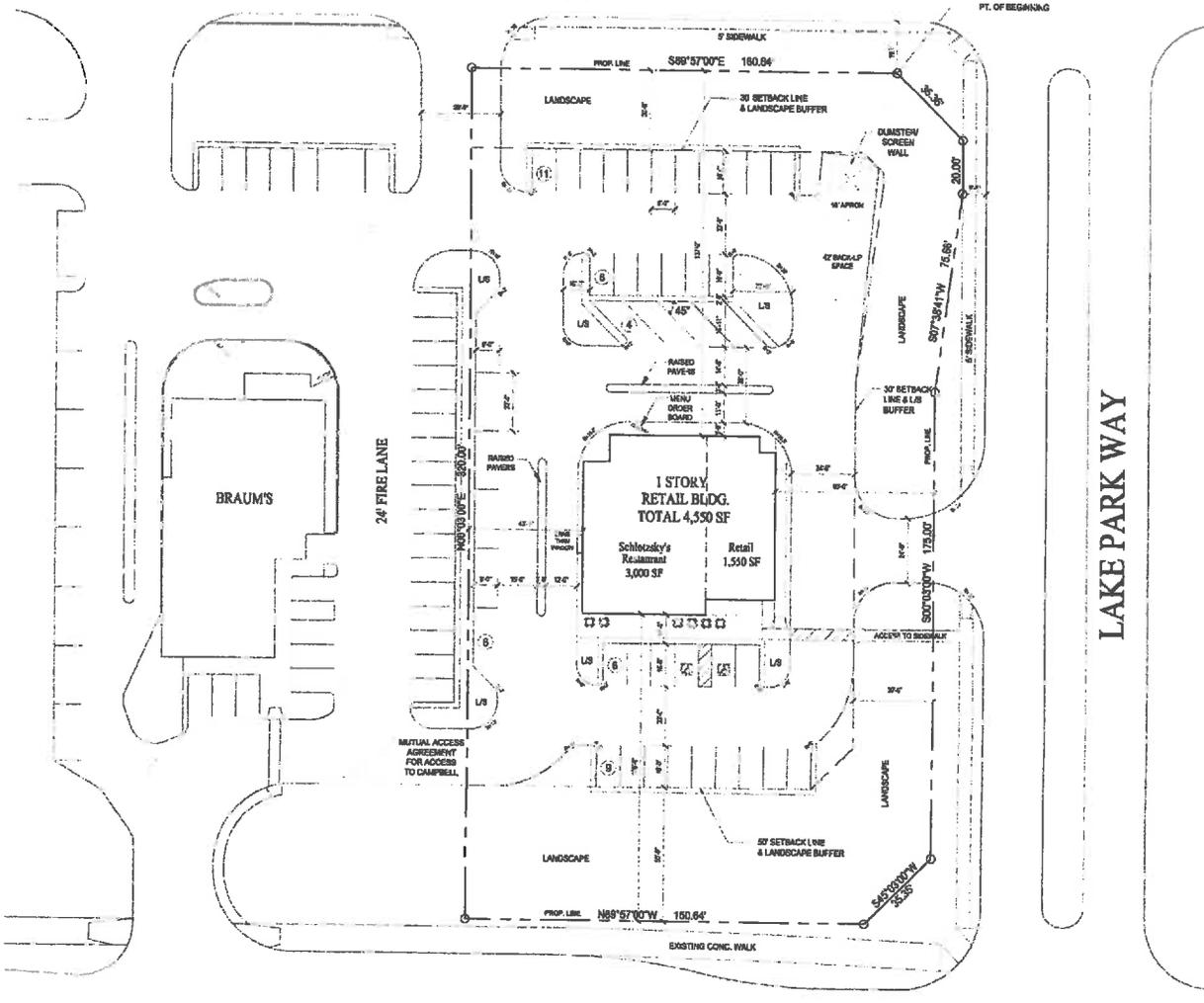
THENCE S 45°03'00" W continuing along the west line of Lake Park a distance of 35.35 feet to a 1/2 inch iron rod with a red F-D cap found for corner in the north line of Campbell Road (a 140.00 foot right-of-way);

THENCE N 89°57'00" W along the north line of said Campbell a distance of 150.64 feet to a 1/2 inch iron rod with a red F-D cap set for corner, said point also being the southeast corner of Lot 2A, Block 2 of University World as recorded in Instrument No. 200900029124 Official Public Records of Dallas County, Texas;

THENCE N 00°03'00" E departing the north line of said Campbell and along the east line of said Lot 2A a distance of 320.00 feet to an "X" set for corner in the south line of said Jonsson and also being the northeast corner of said Lot 2A;

THENCE S 89°57'00" E along the south line of said Jonsson a distance of 160.64 feet to the **POINT OF BEGINNING** and containing 56,404 square feet or 1.29486 acres of land.

JONSSON BLVD.



PROJECT SUMMARY

LOT AREA: 1.29 ACRES/56,404 SF

ZONING: LR-M(1) LOCAL RETAIL

SETBACKS & LANDSCAPE BUFFER:
 50' ALONG CAMPBELL ROAD
 30' ALONG JONSSON BLVD & LAKE PARK WAY

BUILDING SF: 4,550 SF

PARKING REQUIRED: 35 SPACES
 RESTAURANT: 1 SPACE PER 100 SF
 RETAIL: 1 SPACE PER 333 SF

PARKING PROVIDED: 42 SPACES

LANDSCAPE: 40.2%

F.A.R.: 0.061 (MAX. 0.5:1 ALLOWED)

BUILDING HEIGHT: 1 STORY/24'-8"

APPLICANT:
 STEVE RUMSEY
 CROSS DEVELOPMENT
 420 SOUTH FORK DRIVE
 LEWISVILLE, TX 75057
 TEL: 214-614-8252
 FAX: 214-658-1110
 EMAIL: srumsey@crossdevelopment.net

OWNER:
 H-H RETAIL, LLC
 5339 ALPHA ROAD, #350
 DALLAS, TX 75240
 TEL: 972-701-9836
 FAX: 972-701-9839
 EMAIL: mark@humphreya.com



SCALE: 1" = 20' (24"x36" SHEET)

0 20' 40' 80'

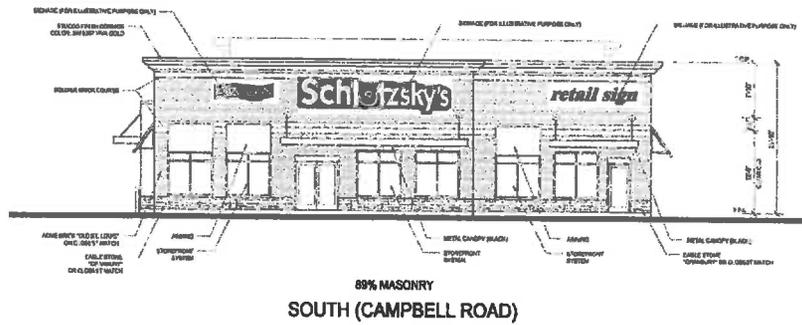
Exhibit B - Part of Ordinance

ZONING EXHIBIT

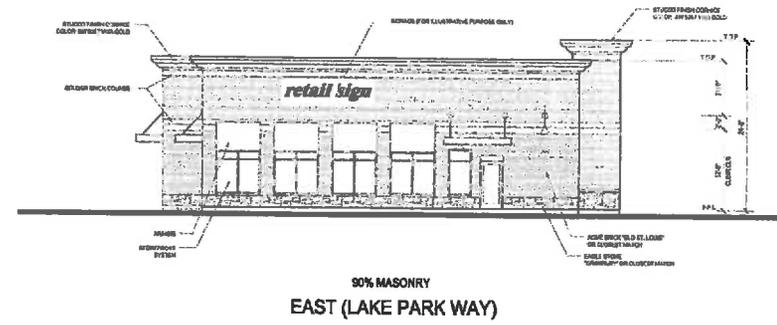
(PROPOSED RETAIL BLDG/SCHLOTZSKY'S DRIVE-THRU)
 LOT 3, BLK 2, UNIVERSITY WORLD ADDITION

OCTOBER 26, 2010 RICHARDSON, TX HPA# 2010283

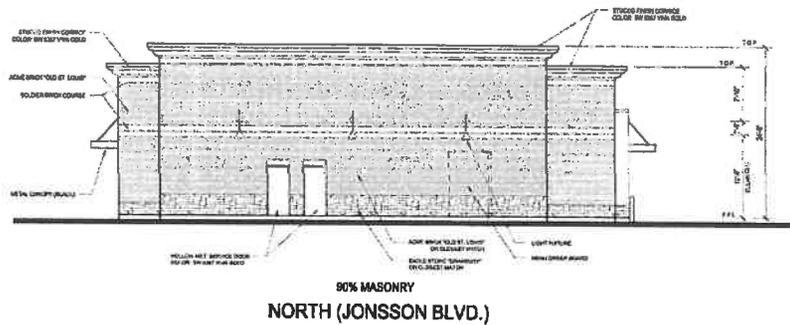




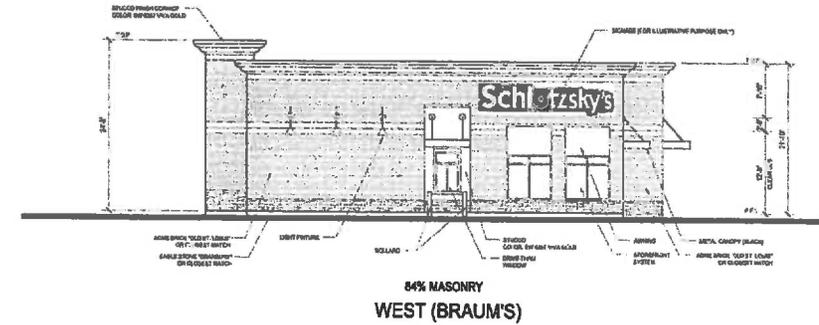
88% MASONRY
SOUTH (CAMPBELL ROAD)



90% MASONRY
EAST (LAKE PARK WAY)



90% MASONRY
NORTH (JONSSON BLVD.)



84% MASONRY
WEST (BRAUM'S)

RETAIL ELEVATION

NOTE: Signage for Illustrative Purposes Only.
Subject to Building Inspection Approval

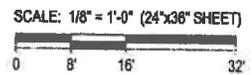


Exhibit C - Part of Ordinance

ZONING EXHIBIT

(PROPOSED RETAIL BLDG SCHLOTZSKY'S DRIVE-THRU)
LOT 3, BLK 2, UNIVERSITY WORLD ADDITION

OCTOBER 26 2010 RICHARDSON, TX HPA# 2010283



HUMPHREYS & PARTNERS ARCHITECTS, L.P.

HUMPHREYS & PARTNERS

10000 Katy Freeway, Suite 1000, Houston, TX 77054
713.865.1000
www.humphreysandpartners.com

ORDINANCE NO. 3850

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO AMEND ORDINANCE NO. 3801 BY DELETING THE REQUIREMENT FOR A RETAIL BUILDING ON A 1.29-ACRE SITE TO ALLOW A DRIVE-THRU RESTAURANT; BY APPROVING A REVISED CONCEPT PLAN AND BUILDING ELEVATIONS FOR A DRIVE-THRU RESTAURANT FOR A 1.29-ACRE TRACT ZONED LR-M(1) LOCAL RETAIL WITH SPECIAL CONDITIONS, SAID TRACT BEING DESCRIBED AS LOT 3, BLOCK 2, UNIVERSITY WORLD ADDITION IN DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A"; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO-THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 11-20).

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Ordinance No. 3801 by deleting the requirement for a retail building on a 1.29-acre site to allow a drive-thru restaurant, and to approve a revised concept plan and building elevations for a drive-thru restaurant for a 1.29-acre tract of land zoned LR-M(1) Local Retail located at 1240 W. Campbell Road, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. That Ordinance No. 3801 is hereby amended to allow a drive-thru restaurant on a 1.29-acre tract of land located at 1240 W. Campbell Road being more particularly described in Exhibit “A”, subject to the following special conditions:

1. The drive through restaurant as defined in the Comprehensive Zoning Ordinance is limited to the area shown on the concept plan attached as Exhibit “B” and made a part thereof.
2. The building shall be constructed in substantial conformance with the Exhibit “B” and the building elevations attached as Exhibit “C” and made a part hereof.
3. The drive through restaurant shall be subject to all of the special conditions in Ordinance 3708.

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

SECTION 4. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect; provided, however, Ordinance No. 3708 shall continue in full force and effect, except as amended herein.

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

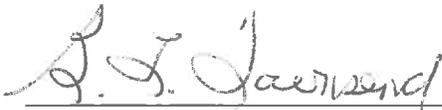
SECTION 6. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 9th day of January, 2012.

APPROVED:



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY
(PGS:12-29-11:TM 53163)

CORRECTLY ENROLLED:



CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 11-20

DESCRIPTION, of a 1.2948 acre tract of land situated in the J. W. Curtis Survey, Abstract No. 345, Dallas County, Texas; said tract being all of Lot 3, Block 2, University World Lots 2 and 3, Block 2, an addition to the City of Richardson, Texas according to the plat recorded in Instrument No. 20080227918 of the Deed Records of Dallas County, Texas; said 1.2948 acre tract, being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "F-D" cap found for corner; said point also being at the north end of a right-of-way corner clip at the intersection of the south right-of-way line of Jonsson Boulevard (a variable width right-of-way) and the west right-of-way line of Lake Park Boulevard (a variable width right-of-way);

THENCE, South 44 degrees, 57 minutes, 00 seconds East, along the said right-of-way corner clip, a distance of 35.36 feet to a 1/2-inch iron rod with "F-D" cap found for corner; said point also being at the south end of said right-of-way corner clip;

THENCE, along the said west line of Lake Park Boulevard and the east line of said Lot 3, Block 2, the following three (3) calls:

South 00 degrees, 03 minutes, 00 seconds West, a distance of 20.00 feet to a 1/2-inch iron rod found at an angle point;

South 07 degrees, 38 minutes, 41 seconds West, a distance of 75.66 feet to a 1/2-inch iron rod with "F-D" cap found at an angle point;

South 00 degrees, 03 minutes, 00 seconds West, a distance of 175.00 feet to a point for corner; said point also being at the north end of a right-of-way corner clip at the intersection of the said west line of Lake Park Boulevard and the north right-of-way line of Campbell Road (a 140-foot wide right-of-way);

THENCE, South 45 degrees, 03 minutes, 00 seconds West, departing the said west line of Lake Park Boulevard and said east line of Lot 3, Block 2 and along the second referenced right-of-way corner clip, a distance of 35.35 feet to a point for corner; said point also being at the south end of second referenced right-of-way corner clip;

THENCE, North 89 degrees, 57 minutes, 00 seconds West, along the said north line of Campbell Road and south line of said Lot 3, Block 2, a distance of 150.64 feet to a 1/2-inch iron rod with "F-D" cap found for corner; said point also being the southeast corner of Lot 2, Block 2 of said University World Lots 2 and 3, Block 2;

THENCE, North 00 degrees, 03 minutes, 00 seconds East, departing the said north line of Campbell Road and said south line of Lot 3, Block 2 and along the west line of Lot 3, Block 2 and the east line of Lot 2, Block 2, a distance of 320.00 feet to a "+" cut in concrete found for corner in the said south line of Jonsson Boulevard; said point also being the northeast corner of said Lot 2, Block 2;

THENCE, South 89 degrees, 57 minutes, 00 seconds East, departing the said west line of Lot 3, Block 2 and said east line of Lot 2, Block 2 and along the said south line of Jonsson Boulevard and north line of said Lot 3, Block 2, a distance of 160.63 feet to the POINT OF BEGINNING;

CONTAINING, 56,403 square feet or 1.2948 acres of land, more or less.



VICINITY MAP
NOT TO SCALE



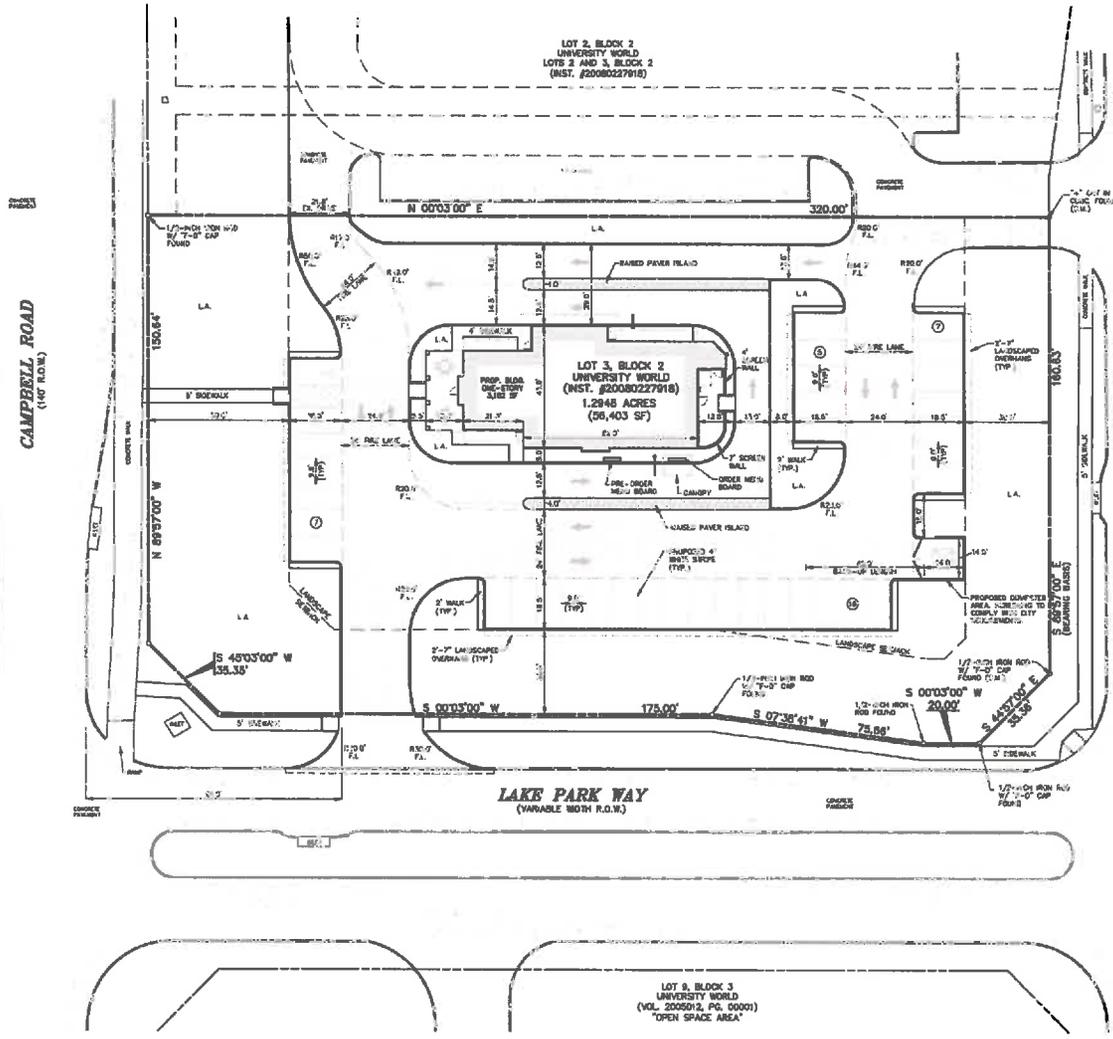
LEGEND

- BOLLARD
- BENCH/METAL
- POWER POLE
- LIGHT STANDARD
- MISC. METER
- WATER TANK
- IRRIGATION CONTROL VALVE
- FUEL METER
- FIVE DECK/STOVE CONNECTION
- CLEAN EXIT
- MIRROR
- GAS METER
- STAIRS/STAIR CONTROL
- TRAFFIC SIGNAL LIGHT
- TRAFFIC SIGN
- TELEPHONE BOX
- TV ANTENNA
- FLAG POLE
- LANDSCAPE AREA
- PROPERTY LINE
- GAS POWER LINES
- GAS TELEPHONE LINES
- GAS WATER LINE
- GAS GAS LINE
- FENCE
- CONSTRUCTION MEASUREMENT
- 8/20" HIGH IRON ROD WITH 7/8" DIA. & 6" CAP SET

SITE DATA SUMMARY TABLE

ITEM	LOT 3
ZONING	URM(1) ORD. 3708/3801
PROPOSED USE	RESTAURANT
SETBACKS AND LANDSCAPE BUFFERS	50' CAMPBELL RD, 30' JONSSON BLVD, & LAKE PARK WAY
LOT AREA (SQ/ACRES)	1.2948/28,403
BUILDING (SF)	3,182
PARKING RATIO	1 SP/100 SF
PARKING REQUIRED	32
PARKING PROVIDED	32
LANDSCAPE (SQ/SP)	48/25,830
FLOOR AREA RATIO	0.08:1
BUILDING HEIGHT (FT)	26

NOTE:
ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB, UNLESS OTHERWISE NOTED.



LAKE PARK WAY
(VARIABLE WIDTH R.O.W.)

JONSSON BOULEVARD
(VARIABLE WIDTH R.O.W.)

CAMPBELL ROAD
(140' R.O.W.)

LOT 2, BLOCK 2
UNIVERSITY WORLD
LOTS 2 AND 3, BLOCK 2
(INST. #20080227918)

LOT 3, BLOCK 2
UNIVERSITY WORLD
(INST. #20080227918)
1.2948 ACRES
(58,403 SF)

LOT 4, BLOCK 3
UNIVERSITY WORLD
(VOL. 2005012, P.L. 00001)
"OPEN SPACE AREA"

Exhibit B - Part of Ordinance
CASE# ZF11-20

ZONING EXHIBIT

CHICKEN EXPRESS-CAMPBELL ROAD
BLOCK 2, LOT 3, UNIVERSITY WORLD
J.W. CURTIS SURVEY, ABSTRACT NO. 345
CITY OF RICHARDSON, TEXAS

SHEET
2E

NO.	DATE	REVISION / DESCRIPTION
DESIGN	DRAWN	DATE
EM:	WTV	11-07-2011 1488-11-045

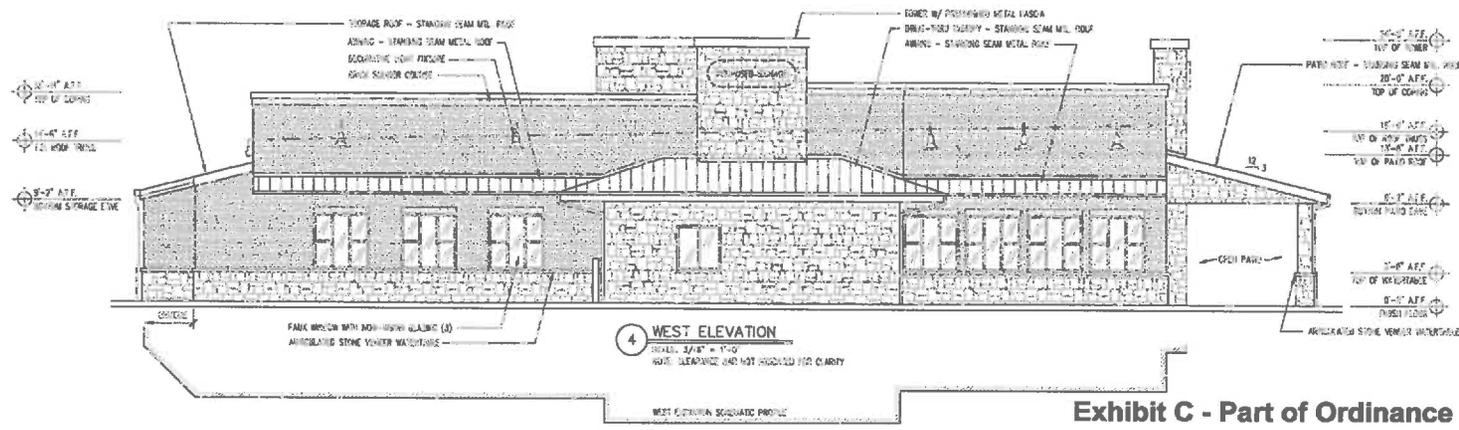
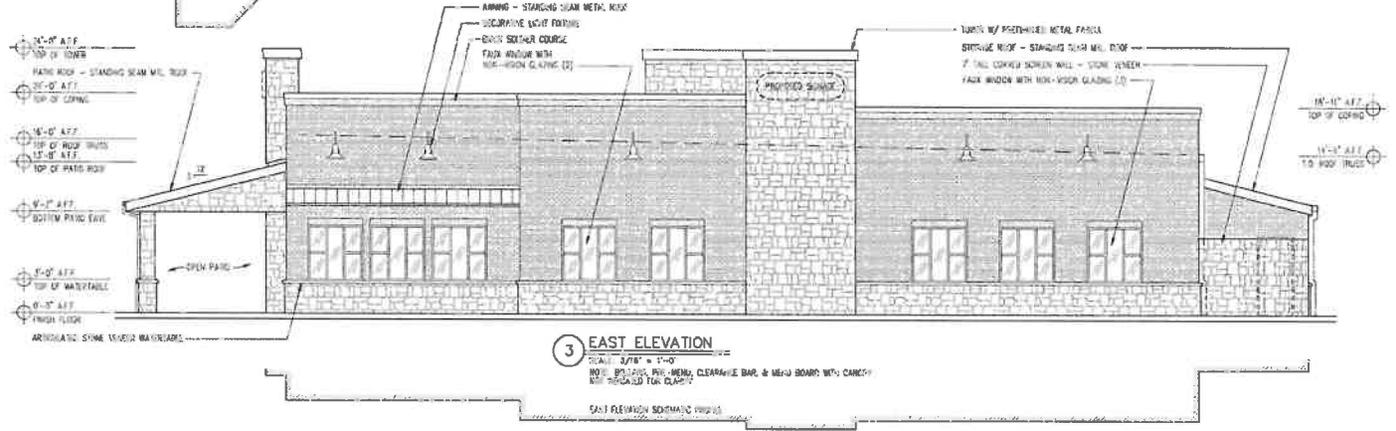
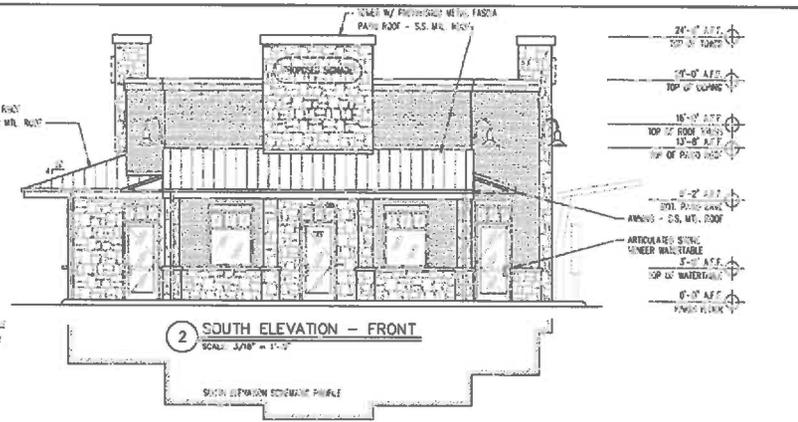
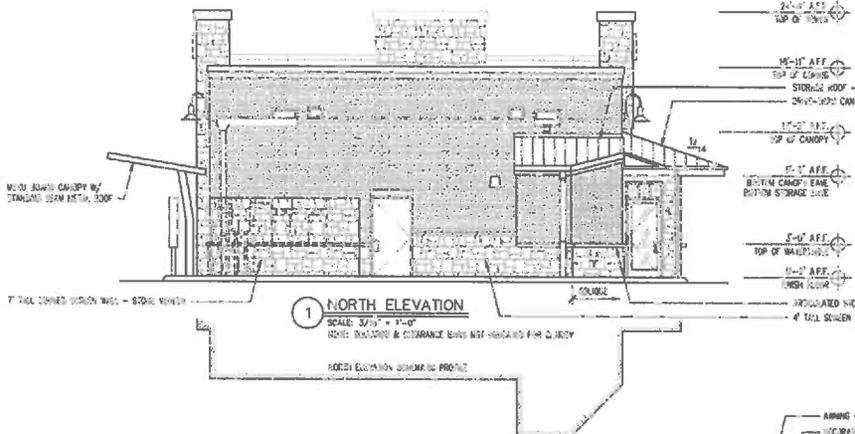
OWNER
H-H RETAIL, LLC
5523 ALPHA ROAD, SUITE 353
DALLAS, TX 75243
MR. MARK H. WILFREYS
(772) 701-2653 PHONE
(972) 731-9539 FAX

DEVELOPER
A&S FLUNTSCH PROPERTIES, LLC
P.O. BOX 940147
PLANO, TEXAS 75094
MR. AUBREY ELLINGTON
(214) 952-0759 PHONE
(214) 237-6166 FAX

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PUBLIC RECORD UNDER THE AUTHORITY OF PUBLIC ACTIVITY, PER 507.008 ON 8/1/12. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY PURPOSES OTHER THAN AS SET FORTH HEREIN.

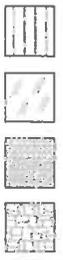


POGUE
ENGINEERING & DEVELOPMENT COMPANY, INC.
3103 BRAY CENTRAL DRIVE
SUITE 172, RICHARDSON, TEXAS 75080
(972) 844-8880 PHONE
(972) 244-3880 FAX
www.PogueEngineering.com



MATERIAL LEGEND

- STANDING SEAM RAINING
MISC. METALS TO MATCH
SHEPPARD METALS INTERNATIONAL
CHARMOND CRONY
- CLAYRIC - BRIDGING & COLORS
LIABLE PANEL LOW-C. 18000
50% REFLECTANCE
GLAZESTLE GLASS
- FACE BRICK
ADAMA BRICK
OLD ST. LOUIS OR CLOSEST EQUIV.
- ARTICULATED STONE VENEER
EABLE STONE
DANFORTH OR CLOSEST EQUIV.



JAMES W.P. HOWARD
ARCHITECT
1000 S. UNIVERSITY STREET
FLOOR 200
RICHARDSON, TEXAS 75081
(972) 377-3477

LOT 3, BLOCK 2, UNIVERSITY WORLD
CAMPBELL ROAD & LAKE PARK WAY
RICHARDSON, TEXAS

PROJECT: 0221110
DATE: 11/22/11
DRAWN BY: SS
CHECKED BY: JM
FILE: 0221110-1

SHEET TITLE:
EXTERIOR ELEVATIONS
NO.

EXELEV

Exhibit C - Part of Ordinance
NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date: Monday, August 26, 2013

Agenda Item: Second Public Hearing for Proposed Tax Rate of \$0.63516 per \$100 Valuation for Fiscal Year 2013-2014.

Staff Resource: Dan Johnson, City Manager

Summary: State law requires that the City Council hold two public hearings on the Proposed Tax Rate for Fiscal Year 2013-2014. This is the second scheduled public hearing. The first public hearing took place on Monday, August 19, 2013.

Board/Commission Action: N/A

Action Proposed: Conduct a Public Hearing on the Proposed Tax Rate of \$0.63516 per \$100 Valuation for Fiscal Year 2013-2014.



ORDINANCE NO. 4017

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 TO-M TECHNICAL OFFICE TO PD PLANNED DEVELOPMENT FOR RP-1500-M PATIO HOME DISTRICT USES FOR 8.56 ACRES LOCATED ON LOT 1, BLOCK B, OF THE FIRST INSTALLMENT OF TECHNOLOGY PARK ADDITION AND CULLUM STREET RIGHT-OF-WAY, AND BEING FURTHER DESCRIBED IN EXHIBIT "A"; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 13-09).

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended so as to grant a change in zoning from TO-M Technical Office to PD Planned Development for RP-1500-M Patio Home District uses for 8.56 acres located on Lot 1, Block B, of the First Installment of Technology Park Addition and Cullum Street right-of-way, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. That the Property shall be used and developed in accordance with the RP-1500-M Patio Home District regulations as set forth in the Comprehensive Zoning Ordinance, as amended, except as follows for a patio home development:

1. Base Zoning District: The property shall be developed used in accordance with the concept plan (“Concept Plan”) attached as Exhibit “B”, which is hereby approved, and RP-1500-M Patio Home Zoning District except as otherwise provided below:

A. Building Regulations

1. Minimum dwelling unit size: 1,600 square feet (exclusive of garage floor area).

B. Height Regulations

1. Maximum building height: Forty (40) feet.

C. Density

1. Maximum density per gross acre: 7.5 dwelling units, not to include the Cullum Street right-of-way acreage.

D. Area Regulations

1. Minimum lot area: 3,600 square feet.
2. Minimum lot width: Forty-five (45) feet at the garage build line, except for irregularly shaped lots, which may have a minimum width of thirty-five (35) feet.
3. Minimum lot depth: Eighty (80) feet.
4. Maximum lot coverage: Sixty-five (65%) percent.
5. Minimum front setback: Twenty (20) feet for garages (measured to the face of garage door) and ten (10) feet for the remainder of the structure, including porches. The face of the garage shall be required to be recessed a minimum of five (5) feet from the remainder of the structure (18-inch overhang encroachment allowed for all of the above).
6. Minimum interior side setback: To be determined at the time of development plan approval with a minimum required ten (10) foot building separation (18-inch overhang encroachment allowed).
7. Minimum corner lot side setback: Ten (10) feet (18-inch overhang encroachment allowed).
8. Minimum rear setback: Five (5) feet (18-inch overhang encroachment allowed).

E. Alleys

1. No alleys shall be required.

F. Sidewalks

1. Within the development, no interior sidewalks shall be required.

G. Lot Orientation

1. Lots shall be allowed to back upon Cullum Street, Waterview Parkway, and Tatum Street and shall provide screening and landscaping in accordance with the conditions listed herein and the Concept Plan.

H. Lot Lines

1. Non-radial lots shall be allowed as indicated on the Concept Plan.

I. Accessory Structures

1. No accessory structures shall be allowed within public view except for arbors. Arbors may be attached or detached and shall be constructed of stained cedar materials or other approved similar material.

J. Garage Doors

1. Garage doors shall be metal carriage-style (wooden look) doors or wooden doors.

K. Driveways

1. Non-perpendicular maneuverability shall be allowed for irregularly shaped lots, with a required minimum pavement area of eighteen (18) feet in width and twenty-four (24) feet in length and may include adjacent private street paving.

L. Fencing and Screening Walls

1. Fences shall be stained, board on board or standard vertical tubular steel.
2. Fences constructed generally perpendicular to a perimeter masonry screening wall:
 - (a) No fence shall exceed six (6) feet in height within the required rear yard or side yard setback or the height of the masonry screening wall, whichever is greater.
3. No fence shall be permitted parallel to the perimeter screening wall.
4. A minimum six (6) foot tall masonry screening wall shall be constructed along the perimeter of the site.

M. Buffering and Landscaping

1. A minimum 15-foot deep landscape buffer shall be provided along the exterior side of the masonry screening wall along Waterview Parkway in a

common area lot, which shall include but not be limited to, canopy trees, ornamental trees, shrubs and groundcover.

2. Along Tatum Street, trees and shrubs shall be allowed within the right-of-way to be maintained by the homeowner's association
3. An equivalent of one tree per forty (40) linear feet of public street frontage shall be installed along Waterview Parkway and Tatum Street.
4. The centrally located open space lot shall be landscaped and maintained by the HOA. A minimum 8 canopy trees and 8 ornamental trees shall be provided. A walking trail and benches shall also be provided concurrent with the development of the property.

N. Future Development

At the time that the portion of Cullum Street shown on the Concept Plan is abandoned, a revised concept plan shall be submitted with a preliminary plat application (which shall incorporate the right-of-way abandoned by the City), which if approved shall serve as the approved concept plan for this Planned Development and which shall require the following:

1. The eastern most portion of Cullum Street right-of-way that is abandoned by the City shall be maintained by the HOA to provide access to the office development located at the northwest corner of Cullum Street and Waterview Parkway and the proposed emergency access point for the proposed development as shown on the Concept Plan.
 2. All of the existing paving for Cullum Street with the exception of the portion described in item N.1., above, shall be removed and the site shall be graded appropriately which shall be maintained by the HOA and shall be the responsibility of the property owner.
 3. The entire width of the abandoned right-of-way for Cullum Street shall be designated as a common area lot which shall include a utility easement sufficient to accommodate all existing utilities, except for portions of the abandoned right-of-way that may be incorporated into the adjacent patio home lots. The common area lot shall be maintained by the HOA).
 4. The property owner shall be responsible for providing necessary improvements or modifications to remaining Cullum Street pavement at its new terminus and restoration of the abandoned right-of-way, minimally to include appropriate grading, establishment of appropriate ground cover and provision of on-going maintenance subject to approval of the City Plan Commission at time of Development Plan approval.
2. The property owner shall create and establish a homeowners association to provide for the maintenance of common areas.

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

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

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

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

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 26th day of August, 2013.

APPROVED:

MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

CITY ATTORNEY
(PGS:8-19-13:TM 61882)

CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 13-09

BEING all of Lot 1, Block B of FIRST INSTALLMENT OF TECHNOLOGY PARK, an addition to the City of Richardson, Dallas County, Texas, recorded in Volume 67123, Page 1285 of the Map Records of Dallas County, Texas, and Cullum Street, as created in the above mentioned document, and said composite tract being more particularly described as follows:

BEGINNING at a 3/4" iron rod set at the present intersection of the west R.O.W. line of Waterview Parkway (a variable width R.O.W.) with the north R.O.W. line of Tatum Street (an 80' R.O.W.);

THENCE N 89°57'00" W, 660.25' along the north line of Tatum Street to a cross cut for corner in the northernmost east line of Lot 1B, Block 1 of University World, an addition to the City of Richardson, Texas, recorded in Volume 98122, Page 64 of the Map Records of Dallas County, Texas;

THENCE N 00°03'00" E along said east line of Lot 1B, at 132.99' passing the southeast corner of Lot 1A, Block 4 of University World, an addition to the City of Richardson, Dallas County, Texas, recorded in Volume 98122, Page 60 of the Map Records of Dallas County, Texas, and continuing along the east line of said Lot 1A a total distance of 607.28' to a 1/2" iron rod found at the northwest corner of Cullum Street (a 40' R.O.W.);

THENCE S 89°57'00" E, 619.79' along the north line of Cullum Street to 3/4" iron rod set for corner in the west line of Waterview Parkway and the beginning of a curve to the left having a central angle of 28°43'12" and a radius of 1227.00', bearing S 79°24'09" E (Chord Bearing S 03°45'45" E, 608.63');

THENCE around said curve and along the west line of Waterview Parkway, a distance of 615.05' to the Point of Beginning and containing 373,067.38 square feet or 8.5644 acres of land.

CITY OF RICHARDSON

TO: Dan Johnson - City Manager
THRU: Kent Pfeil - Director of Finance
FROM: Pam Kirkland - Purchasing Manager
SUBJECT: Bid Initiation Request # 64-13
DATE: August 19, 2013

Request Council approval to initiate bids for the following:

2010 Neighborhood Vitality Entry Features
East: College Park, Town North, Woodhaven
West: Pinery, Canyon Creek Condo, East Prairie Creek

Proposed Council approval date: August 26, 2013
Proposed advertising dates: August 28, 2013 & September 4, 2013
Proposed bid due date: September 12, 2013 – 2:00 p.m.
Proposed bid opening date: September 12, 2013 – 2:30 p.m.
Engineer's estimated total cost: \$219,330
Account: 378-8703-585-7524, Project NV1104 & NV1105



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 NEIGHBORHOOD VITALITY ENTRY FEATURES
EAST: College Park, Town North, Woodhaven
WEST: Pinery, Canyon Creek Condo, East Prairie Creek**

BID No. 64-13

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 **2:00 p.m. on Thursday, September 12, 2013**, and will be opened and read aloud in the **Capital Projects Conference 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 this project.

This project includes construction of entry features at pre-selected locations for six different Homeowners Associations. Proposed improvements include landscaping, freestanding masonry signs, screening wall sign enhancements and irrigation.

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 and Twenty (120) 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 204, of the Richardson Civic Center/City Hall, 411 West Arapaho Road, Richardson, Texas, beginning at 12:00 p.m. on **Tuesday, August 27, 2013** 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.

A voluntary Pre-Bid conference will be held **Thursday, September 5, 2013** at 10:00 a.m., in the **Capital Projects Conference Room 206**, Richardson Civic Center/City Hall.

By:/s/Laura Maczka, 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 Bid #64-13
2010 Neighborhood Vitality Entry Features
DATE: August 16, 2013

BACKGROUND INFORMATION:

This project includes construction of entry features at pre-selected locations for six different Homeowners Associations. Proposed improvements include landscaping, freestanding masonry signs, screening wall sign enhancements and irrigation.

FUNDING:

Funding is provided from Neighborhood Vitality G.O Bonds.

SCHEDULE:

Construction is expected to begin October 2013 and be completed by February 2014.

Cc: Brad Bernhard, P.E., Project Engineer *bb*

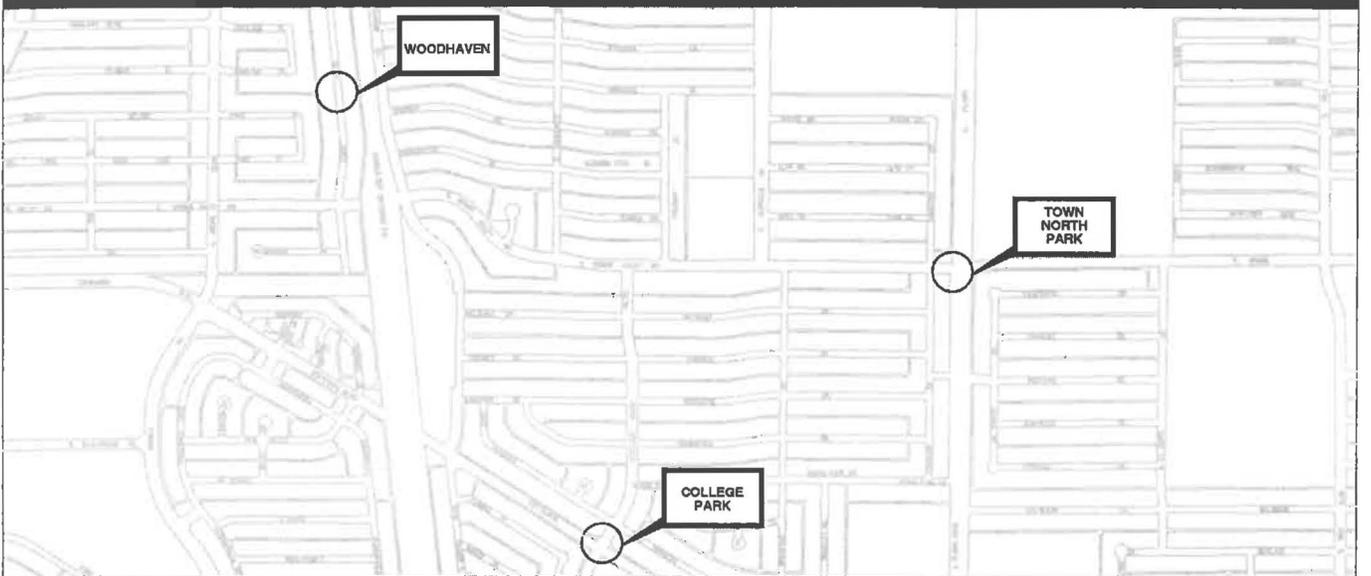
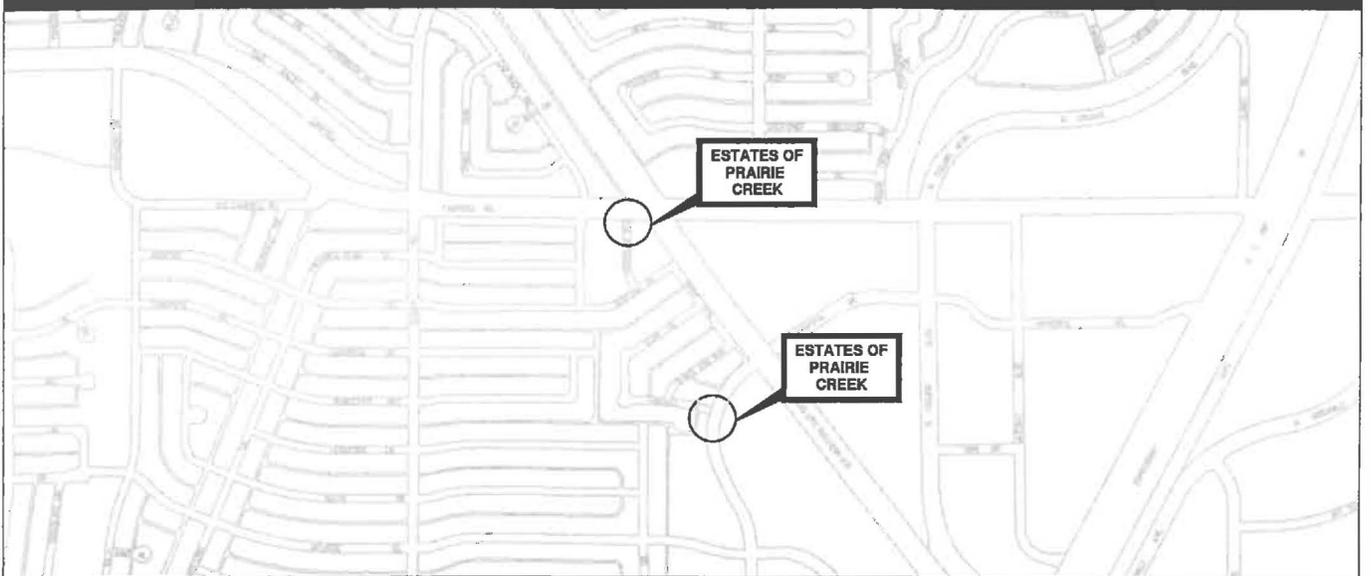
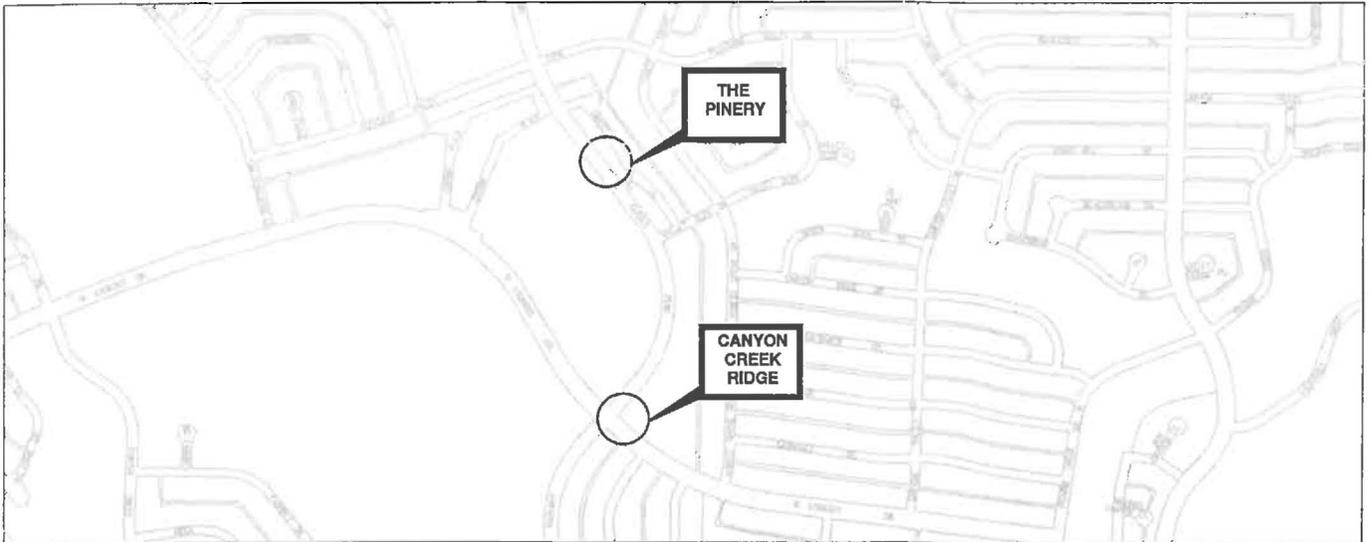
PROJECT SCHEDULE

2010 NEIGHBORHOOD VITALITY ENTRY FEATURES EAST: College Park, Town North, Woodhaven WEST: Pinery, Canyon Creek Condo, East Prairie Creek

BID No. 64-13

Agenda Paperwork to Advertise	Friday, August 16, 2013
Council Authorization to Advertise	Monday, August 26, 2013
Plans/Specs Available for Contractors	Tuesday, August 27, 2013
Advertise in Dallas Morning News	Wednesday, August 28, 2013
Advertise in Dallas Morning News	Wednesday, September 4, 2013
Pre Bid Meeting (10:00 am Room 206)	Thursday, September 5, 2013
Bids Received & Opened (by 2:00 open 2:30 pm Room 206)	Thursday, September 12, 2013
Agenda Paperwork to Award Contract	Friday, September 13, 2013
Council to Award Contract	Monday, September 23, 2013
Pre-Construction Meeting	~ October 2013
Project Start	~ October 2013
Project Completed 120 Calendar Days	~ February 2014

*Project Manager: Brad Bernhard, P.E.
Engineers Estimate: \$219,330.00
Funding #378-8703-585-7524
Project #NV1104 & NV1105*



2010 NEIGHBORHOOD VITALITY ENTRY FEATURES
EAST: COLLEGE PARK, TOWN NORTH, WOODHAVEN
WEST: PINERY, CANYON CREEK CONDO, EAST PRAIRIE CREEK
FALL 2013



**CITY OF
RICHARDSON
TEXAS**





MEMO

DATE: August 19, 2013

TO: Kent Pfeil – Director of Finance

FROM: Pam Kirkland – Purchasing Manager *Pam*

SUBJECT: Award of Bid #62-13 for Automated Citations Handheld Computers & Printers for the Police Department to Portable Computer Systems, Inc. in the amount of \$21,713.44 (handheld computers) and to Advance Public Safety (Zebra printers) in the amount of \$53,783.50 for a total award of \$75,496.94

Proposed Date of Award: August 26, 2013

I concur with the recommendation of Steve Graves – Chief Information Officer, and request permission to issue purchase orders to the following vendors for the handheld computers and printers:

<u>ITEM</u>	<u>VENDOR</u>	<u>AMOUNT</u>
Intermec Handheld Computers & Accessories	Portable Computer Systems, Inc.	\$21,713.44
Zebra Printers & Accessories	Advanced Public Safety	\$53,783.50
Total Award		\$75,496.94

The Zebra brand printers used with the automated citations program have been approved, tested and modified by APS for use with their software. The printers are customized to accept the APS software updates, include size specific fonts, and meet the warranty requirements of the system. These proprietary features qualifies the printers as a sole source procurement exempt from competitive bidding as allowed by Texas Local Government Code Chapter 252.022 (a)(7)(D).

Since the total cost of the handheld computers was under the competitive bidding threshold of \$50,000, we obtained three informal quotes and recommend purchasing them from the low bidder, Portable Computer Systems, Inc., as outlined above.

Funding is available in account 030-0590-514-6194 for these expenditures.

Concur:

Kent Pfeil

 Kent Pfeil

ATTACHMENTS

- XC: Dan Johnson
- David Morgan
- Cliff Miller
- Don Magner
- Shanna Sims-Bradish



MEMO

DATE: August 15, 2013

TO: Pam Kirkland – Purchasing Manager
Kent Pfeil – Director of Finance

FROM: Steve Graves - CIO

SUBJECT: Automated Citations Handheld Computers & Printers

The Police Department is requesting the purchase of new Intermec handheld computers and Zebra printers for use with issuing automated citations. This will be a total system purchase using two different vendors.

I recommend purchasing the new Zebra printers through Advanced Public Safety (APS). Due to software updates, fonts loaded into the printers, and testing done by APS for their sole source software; these units are considered sole source. The total cost for the Zebra printers is \$53,783.50.

I recommend purchasing the new Intermec handheld computers through Portable Computer Systems (PCS). PCS was the low bidder for the Intermec systems. The total cost for the Intermec systems is \$21,713.44.

The current printers and handheld devices are over 5 years old, at end-of-life, and in need of a technology refresh.

The total expense related to these purchases is \$75,496.94. This purchase is to be made from the Court Technology Fund.



Proposal: PROPOSAL-10149/1
For: City of Richardson

Corporate Headquarters 1200 W Mississippi Ave Denver, CO 80223 Phone: 888.836.7841 Email: sales@pcsmobile.com	Print Date: 07/18/2013 04:10 PM Proposal Valid Date: 08/17/2013 04:10 PM Inside Sales Rep: Amy Hale Email: amyh@pcsmobile.com Phone: 888-219-8699 Fax: 940-683-4314
Customer: City of Richardson PO Box 830309 Accounts Payable Richardson, TX 75083-0309	Salesperson: Saul Delgado Email: sauld@pcsmobile.com Proposal Created By: Amy Hale

Proposal

Customer	Requested By	F.O.B.	Terms	Contract
	Chris Newell	Origination		None

Line	Item Number	Description	Price	Quantity	Subtotal
1	INT-CN70EQ11	Qw,EA30,Cam,WLAN,WEH-P,LP,SS	\$1,819.28	8.00	\$14,554.24
2	INT-850570001	Snap-on Adapter: Mag Stripe CN	\$242.27	8.00	\$1,938.16
3	INT-318043012	Battery Pack, CN70/70E	\$88.10	8.00	\$704.80
4	INT-DX1A01A10	Desktop Dock, CN70/70e, NA Power	\$242.27	8.00	\$1,938.16
5	INT-236209001	Cable Assy,USB-A to USB-micro 1M (Use w/CK3 Series Single	\$26.43	8.00	\$211.44
6	INT-MEDC1BRZ3C	CPTR T1,5DAY-DEPO,3YR,COM,BRZ CN70E,CK70,CK71,CK3,CK61,CK31	\$295.83	8.00	\$2,366.64
				Total	\$21,713.44

Notes
Intermec

Terms and Conditions

Portable Computer Systems, Inc., dba: PCS Mobile Standard Reseller: *Terms and Conditions*

1. **Contract Terms.** These Terms and Conditions are attached to and made a part of a "Quote" for resale of products ("Products") provided by Portable Computer Systems, Inc., dba: PCS Mobile ("PCS") to the buyer named therein ("Buyer"); and all further references herein to "this Agreement" mean the Quote, including these Terms and Conditions. Upon acceptance of this Agreement by Buyer, the provisions of this Agreement constitute a binding contract between PCS and Buyer. This Agreement shall be accepted by Buyer upon either receipt from Buyer of any written communication confirming this Agreement or acceptance by Buyer of Products shipped by PCS pursuant to this Agreement. This Agreement supersedes all prior communications relating to the Products covered by this Agreement, and any contrary or supplemental provisions in any Buyer purchase order or other communication from Buyer are specifically rejected.

2. **Payment.** Payment for the Products shall be in US dollars as stated in this Agreement. Unless stated otherwise, prices stated in this Agreement do not include any state or local sale, use or other taxes or assessments or freight charges (beyond delivery by PCS to common carrier), all of which shall be paid by Buyer. A service charge of 1.5% per month will be charged on all past due balances and will be due on demand. All PCS costs of collection, including reasonable attorney's fees, shall be paid by Buyer. Buyer grants PCS a security interest (and the right to file UCC financing statements) in the Products to secure payment of all amounts due. If Buyer fails to make any payment when due, PCS shall have the right to revoke any credit extended, regarding the Products or otherwise, to delay or cancel any or all future deliveries without liability to Buyer. The obligation of PCS to deliver Products shall terminate without notice upon filing of any bankruptcy proceeding by or against Buyer or appointment of any trustee for Buyer or any of its assets. Under no circumstances may Buyer set off against amounts due PCS pursuant to this Agreement any claim Buyer may have against PCS for any reason.

3. **Shipment.** Delivery of all Products shall be F.O.B. place of shipment by or for PCS, unless otherwise agreed in writing. PCS reserves the right to select the means of shipment, point of shipment and routing. Delivery will be deemed complete upon transfer of possession of Products to common carrier as described above, whereupon all risk of loss, damage or destruction to the Products shall pass to Buyer.

4. **Acceptance of Products; Returns.** All Products shall be deemed accepted by Buyer unless Buyer notifies PCS in writing within seven (7) calendar days of receipt of Products of any short shipment, wrong-product shipment, damaged Products or similar discrepancies. Once accepted by Buyer, Products may be returned only with authorization from PCS, in the sole discretion of PCS; and in no case will returns be considered more than thirty (30) days after delivery to Buyer. If accepted for return Products will be subject to a 20% restocking fee.

5. **Warranties.** PCS makes no representation with regard to Products of any kind or nature, express or implied, including any warranty of merchantability or fitness for a particular purposes, or usage of trade. Products are covered by manufacturer's warranty only. Copies of manufacturer's warranty will be provided to Buyer upon written request. PCS assigns to Buyer all warranties on the Products accepted by Buyer; and PCS shall have no obligation relating to processing claims there under, though PCS may assist Buyer therewith at the sole option of PCS.

6. **Limitation on Liability.** In no event shall PCS be liable for any claims for loss of use, revenue, profit or customer, or any direct, indirect, special, incidental or consequential damages of any kind or nature arising out of, or connected with the Products, the use thereof, or the sale thereof by PCS to Buyer. Further, Buyer agrees to indemnify and defend PCS from any such claims.

7. **Force Majeure.** PCS shall not be liable for any delay or failure to perform any obligation of PCS under this Agreement that is caused by events of force majeure, including without limitation strikes, riots, casualties, acts of God, war, governmental action or other cause beyond the reasonable control of PCS.

8. **Miscellaneous.** This Agreement constitutes the entire agreement between PCS and Buyer regarding the Products, and may not be modified except by written agreement signed by the party to be charged with the modification. Buyer's rights under this Agreement may not be assigned without the written consent of PCS. If any provision of this Agreement shall become invalid or illegal under any provision of applicable law, the remainder of this Agreement shall not be affected. This Agreement shall be binding upon both PCS and Buyer, and their respective successors and assigns. This Agreement shall be interpreted in accordance with the internal laws of the State of Colorado.

Requisition No.20872



ADVANCED PUBLIC SAFETY
A Trimble Company

400 Fairway Drive, Suite 101
Deerfield Beach, Florida 33441
954-354-3000 (Main)
954-354-3001 (Fax)
www.aps.us

ORDER

Date: 7/29/2013

Agency	
Contact:	Mrs. Mary Ann Leslie
Agency Name:	Richardson Police Department
Address:	140 North Greenville Ave.
City, State & Zip:	Richardson, TX 75081

Details	
Order No:	0067000000VQebg
Contact Name:	Jim Van Cleave (281) 610-1930 jvanceleave@aps.us

QTY	PRODUCT NAME	PRODUCT DESCRIPTION	MISCELLANEOUS	UNIT PRICE	TOTAL PRICE
58	Zebra RW420 Printer w/ Bluetooth (110-volt Power Supply)	Zebra RW420 thermal printer w/ bluetooth. (Requires APS SmartConnect application to operate properly with APS software.)	R4D-0UBA000N-10	\$693.00	\$40,194.00
58	Zebra RW420 Extended Warranty - 3 Year Care Advantage w/ Comprehensive	No Hassle Warranty covering all the labor and parts required to keep printer operating at high performance levels. All Zebra equipment returned for service under this agreement will receive a complete preventative maintenance procedure and will be returned at no additional cost.	ZAC-RW41-2C0	\$210.00	\$12,180.00
1	Zebra RW420 Cable (Serial, 6-Ft.)	Zebra RW220/420 Cable (Serial, 6-Ft.)	BL17205-1	\$29.00	\$29.00
5	Zebra RW420 110-volt Power Supply	QL/RW 110-volt Power Supply	AT18737-1	\$76.50	\$382.50
1	_Shipping & Handling	Shipping & Handling	_____	\$998.00	\$998.00

NET TOTAL (USD) \$53,783.50

You have received a discount of (USD) \$5867.8
Pricing is guaranteed 90 days from date of proposal

Notes

Terms and Conditions

All Customer purchase orders for APS products and services are subject to APS' End User License Agreement and Terms and Conditions of Sale, which can be viewed at <http://www.aps.us/downloads/agreement.pdf>. Such terms, along with any additional terms and conditions agreed to and accepted by APS in Customer's purchase order or otherwise stipulated in writing, shall prevail over any differing or conflicting terms in this Order.

Payment terms: 100% invoice on shipment

Order Approval and Authorization to Ship

Completion of this section indicates you are authorizing the purchase of the items listed on the ORDER for the amount of \$53,783.50. Please submit a purchase order or complete the below information to indicate this shall serve as an official purchase order and fax the completed form and signed proposal to: (954) 354-3001 or email to jvancleave@aps.us. All pages must be received for this order to be considered valid and accepted.

Purchase Order Number Account/Funds Number

Name (Please Print) Title Date

Telephone

Signature

Confirm shipping address:

Attn: _____

