

**RICHARDSON CITY COUNCIL
MONDAY, OCTOBER 28, 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, October 28, 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 A STATUS REPORT ON PARKS AND RECREATION CAPITAL PROJECTS

C. REVIEW AND DISCUSS AN UPDATE ON THE IMPLEMENTATION OF RFID AND SELF-CHECK TECHNOLOGY AT THE RICHARDSON PUBLIC LIBRARY

D. 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 – SCOTT DUNN

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – SCOTT DUNN

3. MINUTES OF THE OCTOBER 14, 2013 AND OCTOBER 21, 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 13-05: A REQUEST BY TRAVIS BOUSQUET, REPRESENTING THE BOUSQUET GROUP, INC., TO REZONE A 2.1-ACRE LOT FROM LR-M(1) LOCAL RETAIL WITH SPECIAL CONDITIONS TO LR-M(1) LOCAL RETAIL WITH AMENDED SPECIAL CONDITIONS TO ACCOMMODATE REDEVELOPMENT OF AN EXISTING RESTAURANT BUILDING AND FOR APPROVAL OF A SPECIAL PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH SERVICE LOCATED AT 350 S. PLANO ROAD. THE PROPERTY IS CURRENTLY ZONED LR-M(1) LOCAL RETAIL.
6. PUBLIC HEARING, ZONING FILE 13-16: A REQUEST BY ROBERT SOMMERFELT, REPRESENTING GYM RATZ BASKETBALL SKILLS CLUB, LLC, FOR APPROVAL OF A SPECIAL PERMIT FOR A BASKETBALL SKILLS GYM WITH MODIFIED DEVELOPMENT STANDARDS TO BE LOCATED AT 850 N. DOROTHY DRIVE (EAST SIDE OF DOROTHY DRIVE, SOUTH OF ARAPAHO ROAD). THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL AND I-FP(2) INDUSTRIAL.
7. PUBLIC HEARING, ZONING FILE 13-18 AND CONSIDER ADOPTION OF ORDINANCE NO. 4028, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY ADOPTING A REVISED REGULATING PLAN, AND AMENDED DEVELOPMENT STANDARDS AND STREET CROSS SECTIONS FOR A 38.5 ACRE PORTION OF THE 57.1 ACRE TRACT OF LAND DESCRIBED IN ORDINANCE NO. 3806, SAID 38.5 ACRE TRACT BEING DESCRIBED IN EXHIBIT "A".

8. 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. 4029, AMENDING SECTION PROHIBITING THE PARKING OF MOTOR VEHICLES IN CITY PARKS.
- B. AUTHORIZE THE ADVERTISEMENT OF THE FOLLOWING BIDS:
 1. BID #04-14 – RTR INTERSECTION IMPROVEMENTS (RENNER ROAD AT ALMA ROAD AND JUPITER ROAD). BIDS TO BE RECEIVED BY THURSDAY, NOVEMBER 14, 2013 AT 2:00 P.M.
 2. BID #06-14 – 2010 SIDEWALK REPLACEMENT PROJECT REGION 10. BIDS TO BE RECEIVED BY WEDNESDAY, NOVEMBER 20, 2013 AT 2:00 P.M.
- C. CONSIDER AWARD OF THE FOLLOWING BIDS:
 1. BID #59-13 – WE RECOMMEND THE AWARD TO AXIS CONTRACTING, INC., FOR THE SAFE ROUTES TO SCHOOL PROJECT IN THE AMOUNT OF \$896,210.
 2. BID #67-13 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT TO SCOTT RENSHAW COMPANY FOR REFUSE CONTAINER MAINTENANCE PURSUANT TO HOURLY RATES BID.
- D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO DECREASE AND CLOSE OUT PURCHASE ORDER #120928 TO JIM BOWMAN CONSTRUCTION FOR THE 2010 ALLEY RECONSTRUCTION PHASE I (PINECREST/MEADOWVIEW/WATEKA/ODESSA) FOR THE 2010 ALLEY RECONSTRUCTION PHASE I IN THE AMOUNT OF (\$72,172.85).

- E. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO DECREASE AND CLOSE OUT PURCHASE ORDER #121076 TO JIM BOWMAN CONSTRUCTION FOR THE DUMONT STREET & WATERLINE REHABILITATION (HYDE PARK TO US 75) IN THE AMOUNT OF (\$225,915.97).
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EXECUTIVE SESSION

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

- Deliberation Regarding Real Property
 - Property Considerations in the U.S. 75/Floyd Rd. Area
- Personnel
 - Evaluation of the City Manager

RECONVENE INTO REGULAR SESSION

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

- **ADJOURN**

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL ON FRIDAY, OCTOBER 25, 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, October 28, 2013

Agenda Item: Review and Discuss a Status Report on Parks and Recreation Capital Projects.

Staff Resource: Michael Massey, Director of Parks and Recreation

Summary: City staff will provide an update on Parks and Recreation 2010 Bond projects as well as other key capital initiatives.

Board/Commission Action: N/A

Action Proposed: N/A



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date: Monday, October 28, 2013

Agenda Item: Review and Discuss an Update on the Implementation of RFID and Self-Check Technology at the Richardson Public Library.

Staff Resource: Steve Benson, Library Director

Summary: Staff will provide an update on the implementation of RFID (radio-frequency identification) and self-check technology at the Richardson Public Library. This project is funded through the 2010 Bond Program.

Board/Commission Action: N/A

Action Proposed: None

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND REGULAR MEETING
OCTOBER 14, 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 (arrived at 6:15)

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
Aimee Nemer	City Secretary
Michael Spicer	Director of Development Services
Mick Massey	Director of Parks and Recreation
Robbie Hazelbaker	Assistant Director, Recreation and Events
Suzanne Etman	Community Events Manager

Guests Attending:

Dan K. McCoy, MD, Vice President and Chief Medical Officer of Blue Cross and Blue Shield of Texas, was in attendance regarding the Corporate Challenge program.

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

Staff reviewed the Brick Row townhome elevations, Sign Control Case # 13-09, and Sign Control Case # 13-11.

B. REVIEW AND DISCUSS AN UPDATE ON THE 2013 CORPORATE CHALLENGE PROGRAM

Staff reviewed the 2013 Corporate Challenge Program, presented a video regarding Corporate Challenge produced by Blue Cross and Blue Shield of Texas (BCBSTX), and an announcement was made by Dan McCoy, MD, Vice President and Chief Medical Officer of BCBSTX, stating that BCBSTX would sponsor Corporate Challenge for another three year period.

C. REVIEW AND DISCUSS E-CIGARETTE REGULATIONS

Staff reviewed proposed changes to e-cigarette regulations:

- Article I. Section 2. Definitions - Add the following:
 - “Electronic-Cigarette”
 - A battery power product that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without fire, smoke, ash, or carbon monoxide.
 - “Electronic-Cigarette Establishment”
 - A business establishment that is dedicated, in whole or primarily, to the sale and/or on premise use of E-Cigarettes.
 - Article 22-A. Special Permits – Add the following:
 - “E-Cigarette Establishments”
 - Will require a Special Permit to locate in Local Retail and Commercial Districts: LR-M (1), LR-M (2) and C-M

D. REVIEW AND DISCUSS THE GLENVILLE LAND PLANNING STUDY

Staff reviewed the Glenville Twin Rivers Land Study and next steps:

January 2013

- Hire consulting engineering and landscape architecture firm.
- Brief Park and Recreation Commission.

February through April 2013

- Data gathering, land survey, and site analysis.
- Public meeting(s).

April through July 2013

- Design development.

September 2013

- Meeting of the Park and Recreation Commission to review concept plan and estimate.

October 2013

- City Council input on design.

Fall 2013 and Beyond

- Include resolved plan in the CIP program for future consideration.

Next Steps

- Refine concept
 - Based on City Council input, complete concept master plan on park elements and incorporate in final plan
 - Estimate project budget based on final concept master plan
- Communicate the concept plan through the leadership of the neighborhood associations and public at-large via City of Richardson web page
- Include project in the Capital Improvements Projects program.
- Seek alternate funding sources such as grants, benevolent donations, sponsorships, etc.
- Be flexible and patient, as time and budgets progress, be ready to adjust plans and engineering to accommodate phasing or alternate funding.

E. REVIEW AND DISCUSS THE HUFFHINES ART TRAILS

Staff reviewed the 2013 Huffhines Art Trails schedule and activities.

F. REPORT ON ITEMS OF COMMUNITY INTEREST

There were no items of community interest reported.

COUNCIL MEETING – 7:30 PM, COUNCIL CHAMBERS

1. **INVOCATION – MARK SOLOMON**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – MARK SOLOMON**
3. **MINUTES OF THE SEPTEMBER 23, 2013, SEPTEMBER 30, 2013, AND OCTOBER 7, 2013 MEETINGS**

Council Action

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

4. VISITORS

Mr. Kevin Williams addressed Council in opposition to Item 5 and requested the developer, CB Jeni, to remove the river rocks in the utility easements and replace them with brick pavers. Mr. Williams provided a handout to Council with pictures of the river rock.

The following residents also submitted a speaker card recording their opposition to Item 5:

Elliot Einbinder
Maria Farabaugh
Chris Farabaugh
Rhonda Robertson
Susan Ferreri
Patrick Higgins
Lisa Nelson
Shawn Nelson
Smriti Bhuyan
Laura Nelson

Mr. Bruno Pasquinelli, representing CB Jeni Homes, addressed Council explaining the issues with the river rock and his commitment to rectify the issues when construction of the development is complete.

ACTION ITEMS:

5. **CONSIDER A REQUEST BY SCOT WHITWER, REPRESENTING CB JENI HOMES, FOR BUILDING ELEVATION APPROVAL FOR THIRTEEN (13) FRONT-ENTRY TOWNHOMES. THE PROPERTY IS LOCATED ON THE WEST SIDE OF ALEXANDRA AVENUE AT BRICK ROW DRIVE AND IS ZONED PD PLANNED DEVELOPMENT.**

Council Action

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

6. **SCB CASE #13-09: TO CONSIDER THE REQUEST OF ALLSTATE INSURANCE COMPANY FOR A VARIANCE TO THE CITY OF RICHARDSON**

CODE OF ORDINANCES, CHAPTER 18, ARTICLE III, SECTION 18-96(23)(c)(iii)(1), CHAPTER 18, ARTICLE I, SECTION 18-96(23)(d)(2) AND CHAPTER 18, ARTICLE I, SECTION 18-96(23)(d)(3) TO ALLOW FOR A 69 SQUARE FOOT MULTI-TENANT POLE SIGN 15 FEET FROM THE ADJACENT PROPERTY LINE AND 27 FEET FROM THE ATTACHED BUILDING SIGN IN A COMMERCIAL ZONED DISTRICT ON THE PROPERTY LOCATED AT 129 N. PLANO ROAD; AND TAKE APPROPRIATE ACTION.

Council Action

Mayor Pro Tem Townsend moved to deny the request. Councilmember Mitchell seconded the motion to deny. A vote was taken and passed, 5-2 with Councilmember Voelker and Hartley voting in opposition of the denial.

7. CONSENT AGENDA:

A. ADOPTION OF THE FOLLOWING ORDINANCES:

- 1. ORDINANCE NO. 4026, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.**
- 2. ORDINANCE NO. 4027, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE VI, SEXUALLY ORIENTED BUSINESSES, BY AMENDING THE DEFINITION OF NUDITY OR A STATE OF NUDITY IN SECTION 12-161, DEFINITIONS.**

B. AUTHORIZE THE ADVERTISEMENT OF BID #01-14 – 2014 NEIGHBORHOOD PAVEMENT REPAIR PROJECT – AREAS 1, 2, & 3. BIDS TO BE RECEIVED BY THURSDAY, OCTOBER 31, 2013 AT 2:00 P.M.

C. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. **BID #55-13 – WE RECOMMEND THE AWARD TO ESTRADA CONCRETE CO., LLC, FOR THE 2010 ALLEY RECONSTRUCTION PHASE V (CARDINAL/COIT/ COMANCHE/CHIPPEWA) IN THE AMOUNT OF \$438,110.00.**
2. **BID #56-13 – WE RECOMMEND THE AWARD TO RKM UTILITY SERVICES FOR THE 2010 STREETS AND ALLEYS PHASE I (GENTLE/LOCKWOOD/WEATHERRED) IN THE AMOUNT OF \$1,296,088.00.**
3. **BID #58-13 – WE RECOMMEND THE AWARD TO JESKE CONSTRUCTION CO. FOR THE CANYON CREEK BRIDGE ENHANCEMENT PROJECT IN THE AMOUNT OF \$654,985.00.**
4. **BID #02-14 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO FITCO FITNESS CENTER OUTFITTERS FOR THE FITNESS EQUIPMENT FOR HUFFHINES RECREATION CENTER AND THE SENIOR CENTER PURSUANT TO THE TEXAS LOCAL GOVERNMENT STATEWIDE PURCHASING COOPERATIVE (BUYBOARD) CONTRACT #413-12 IN THE AMOUNT OF \$69,206.46.**
5. **BID #03-14 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO SUNGARD PUBLIC SECTOR FOR THE ANNUAL MAINTENANCE OF THE EXISTING HTE OPERATING FINANCIAL SOFTWARE IN THE AMOUNT OF \$133,466.88.**

D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO DECREASE AWARD AMOUNT TO JESKE CONSTRUCTION CO. FOR THE CANYON CREEK BRIDGE ENHANCEMENT PROJECT IN THE AMOUNT OF (\$182,017.00).

Council Action

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

8. **RECEIVE THE OCTOBER 9, 2013 SIGN CONTROL BOARD MINUTES AND CONSIDER FINAL APPROVAL OF SCB CASE 13-11, MCDONALD'S RESTAURANT.**

Council Action

Councilmember Mitchell moved to accept Sign Control Board Case 13-11 as presented. Councilmember Dunn seconded the motion. A vote was taken and passed, 7-0.

EXECUTIVE SESSION

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

- Deliberation Regarding Real Property
 - Property Considerations in the U.S. 75/Floyd Rd. Area

- Personnel
 - Evaluation of the City Manager

Council Action

Council convened into Executive Session at 8:45 p.m.

RECONVENE INTO REGULAR SESSION

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

Council Action

Council reconvened into Regular Session at 10:43 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 10:45 p.m.

MAYOR

ATTEST:

CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION MEETING
OCTOBER 21, 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
Aimee Nemer	City Secretary
Mick Massey	Director of Parks and Recreation
Jerry Ortega	Director of Public Services
John Murphy	Board Member, North Texas Municipal Water District

A. VISITORS

There were no visitors comments submitted.

**B. REVIEW AND DISCUSS THE NORTH TEXAS MUNICIPAL WATER DISTRICT
STAGE 3 MODIFIED WATER CONSERVATION PLAN**

Assistant City Manager Don Magner reviewed this item for Council reporting:

On October 17th, the North Texas Municipal Water District Board of Directors unanimously voted to remain in Stage 3, but transition to Winter Regulations.

Adoption of Stage 3 Winter Water Restrictions was deemed necessary due to:

- Below average rainfall
- Declining water levels of NTMWD reservoirs
- Ongoing prohibition of pumping water from Lake Texoma due to the zebra mussel infestation
- Uncertain outlook

On November 1, 2013, the City Manager will execute Administrative Order 13-02, thereby adopting Stage 3 Winter Water Restrictions locally.

Given the season, these restrictions are anticipated to have a minimal impact on the community

- Most grass and many types of vegetation are dormant throughout this time and do not require regular watering
- Evaporation is significantly less during this time which results in higher ground moisture levels

Last Digit of Address	Permitted to Water Landscape
Even (0, 2, 4, 6, 8)	1st and 3rd Saturday of each month
Odd (1, 3, 5, 7, 9)	1st and 3rd Sunday of each month

Watering will be permitted between 10 am – 6pm and reduce the possibility of watering during freezing temperatures – early morning / late night.

Council Discussion

There was a consensus of Council to move forward with allowing the City Manager to sign an Administrative Order implementing the Stage Three Winter Water Restrictions. Council requested a strong focus on communicating the winter restrictions to the residents. The Council also requested to meet with the Environmental Advisory Commission to discuss conservation strategies and incentive programs.

C. REVIEW AND DISCUSS THE PROPOSED AMENDMENT TO THE PARKS RULES REGARDING OVERNIGHT PARKING

Mick Massey, Director of Parks and Recreation, reviewed this item for Council reporting on the following proposed amendment to the Richardson Code of Ordinances Chapter 15 Parks and Recreation:

Article II. Parks and Recreation Commission, Section 15-31. Powers and Duties

Item (11) Recommend Rules and Regulations. It (the Park and Recreation Commission) shall recommend to the city council rules and regulations governing the use of parks and recreation facilities.

The Park and Recreation Commission met on October 15 and considered the no overnight parking in the park item. The Commission recommended (6 to 1) the City Council adopt an ordinance or change and existing ordinance prohibiting overnight parking within Richardson Parks.

Proposed Richardson Code of Ordinances Chapter 15 Parks and Recreation

On the recommendation of the Park and Recreation the following section of Chapter 15 is up for consideration for amendment: Sec. 15-63. Parking vehicles. (b) “It shall be unlawful for any person to park, stand or store a motor vehicle in any City park between the hours of 10:30 p.m. and 5:00 a.m. of the following day, or to park or stand a motor vehicle in any City park, except during the posted hours of operation, if posted as open other than 5:00 a.m. to 10:30 p.m. of the same day.”

Next Steps

If the City Council wishes to include no overnight parking within Richardson parks, staff will bring the ordinance change to the City Council on October 28, 2013 for adoption. If so adopted,

signs will be posted within municipal parks where overnight parking issues warrant them. The City will notify the Police Department and the Homeowners Association's about the ordinance change. Staff will work on outreach to educate the public on the ordinance change and allow for flexibility during the transition to the new way of operation.

Council Discussion

There was a consensus of Council to move forward with amending the ordinance regarding overnight parking regulations in City parks.

D. REPORT ON ITEMS OF COMMUNITY INTEREST

Councilmember Hartley reported that the JJ Pearce High School Band would be marching through neighborhoods beginning at 9:30 a.m. on Saturday, October 26.

Councilmember Dunn reported on the Canyon Creek Country Club celebrating 50 years.

Councilmember Solomon reported that the Richland Park Homeowners Association had a great turnout for their carnival.

Mayor Maczka reported on the State Farm event regarding teen driving and Safe Driving Week. She also mentioned the Pete Burk's Day of Service stating that 20 projects were completed.

EXECUTIVE SESSION

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

- Personnel
 - Evaluation of the City Manager

Council Action

Council convened into Executive Session at 7:23 p.m.

RECONVENE INTO REGULAR SESSION

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

Council Action

Council reconvened into Regular Session at 9:17 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 9:17 p.m.

MAYOR

ATTEST:

CITY SECRETARY



MEMO

DATE: October 24, 2013
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services *MS*
SUBJECT: Zoning File 13-05 – Amend LR-M(1) Special Conditions and Special Permit

REQUEST

Travis Bousquet, representing The Bousquet Group, Inc., is requesting to rezone a 2.1-acre lot from LR-M(1) Local Retail with special conditions to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of an existing restaurant building and for approval of a Special Permit for a restaurant with drive-through service. The subject property is located at 350 S. Plano Road, west side of Plano Road, south of Belt Line Road.

BACKGROUND

The subject property is the current Furr's location, which is located in front of a Burlington Coat Factory. The two (2) sites total approximately nine (9) acres. The current ordinance contains special conditions limiting the development on the two (2) sites to these two (2) buildings. It also contains exhibits dictating the design of the buildings. The amendments are required to allow the Furr's building to be remodeled as well as allow a third building to be placed within the 9-acre area referenced in Ordinance 2297-A. Amendments include removing restrictions that do not apply to the 2.1-acre site but keeping screening and landscape requirements that are already in place and exceed the City's minimum requirements. The applicant has also requested a Special Permit to allow a restaurant with drive-through service. A concept plan and elevations are included with this request and would be a part of the ordinance if approved.

At the October 1, 2013 City Plan Commission meeting, a representative for the owner of the Burlington Coat Factory site spoke in opposition, stating that the addition of another building would negatively impact sight lines to the Burlington Coat Factory building from Plano Road. In addition, the representative stated that a reciprocal easement agreement (private agreement between the two (2) property owners) was signed in the 1980's, and he claimed that the agreement did not allow any additional buildings to be constructed. The applicant stated he was aware of the agreement, but that he had two (2) real estate attorneys review the agreement and they found it did not prohibit additional buildings but limited obstructions/barriers to ingress/egress and parking.

The Commission discussed the issue of decreased visibility from Plano Road and stated their discussion should be limited to appropriateness of land use and not the specifics of a private agreement. Many Commissioners felt the addition of the drive-through restaurant would not negatively impact the sight lines and felt the additional traffic generated by the restaurant may be positive.

One (1) letter in opposition has been received from the representative of the property owner to the west (Burlington Coat Factory site) and is attached. The applicant has also provided a response to the opposition which is also attached.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a vote of 5-2 (Chairman Hand and Commissioner Linn opposed), recommended approval of the request as presented.

Since the City has received written opposition from more than 20% of the land area represented within the notification area, an affirmative vote of six (6) of the seven (7) Council members is required to approve the request.

ATTACHMENTS

Special Conditions	Raising Cane's Color Elevations (Exhibits "D-1" – "D-2")
CC Public Hearing Notice	Site Photos
City Plan Commission Minutes 10-01-2013	Applicant's Statement
Staff Report	Applicant's Response to Opposition
Zoning Map	Notice of Public Hearing
Aerial Map	Notification List
Oblique Aerial Looking West	Correspondence in Opposition
Zoning Exhibit (Exhibit "B")	Opposition Map
Raising Cane's Black & White Elevations (Exhibits "C-1" – "C-2")	Ordinance 2297-A

ZF 13-05 Special Conditions

1. An eight-foot masonry screening wall shall be constructed along the south property line.
2. Three-inch caliper live oak trees shall be planted along said screening wall no less than seventy-five (75) feet on center.
3. No building shall be located within fifty-five (55) feet of the south property line.
4. A Special Permit shall be granted to allow a drive-through restaurant as defined in the Comprehensive Zoning Ordinance and limited to the area shown on the attached concept plan, marked as Exhibit "B" and made a part hereof.
5. The drive-through restaurant shall be constructed in substantial conformance with the attached concept plan (Exhibit "B") and the building elevations (Exhibits "C-1" and "C-2").



Attn. Lynda Black (lblack@dmnmedia.com)
Publication for Dallas Morning News – Legals
Submitted on: Wednesday, October 9, 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: Saturday, October 12, 2013

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, October 28, 2013, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

ZF 13-05

A request by Travis Bousquet, representing The Bousquet Group, Inc., to rezone a 2.1-acre lot from LR-M(1) Local Retail with special conditions to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of an existing restaurant building and for approval of a Special Permit for a restaurant with drive-through service located at 350 S. Plano Road. The property is currently zoned LR-M(1) Local Retail.

ZF 13-16

A request by Robert Sommerfelt, representing Gym Ratz Basketball Skills Club, LLC, for approval of a Special Permit for a basketball skills gym with modified development standards to be located at 850 N. Dorothy Drive (east side of Dorothy Drive, south of Arapaho Road). The property is currently zoned I-M(1) Industrial and I-FP(2) Industrial.

ZF 13-18

A request by Scott Ozymy, representing KDC Real Estate Development and Investments, to amend the Bush Central Station Planned Development District, Ordinance No. 3892, relative to approximately 38.5 acres of land located on the south side of the President George Bush Turnpike, between Plano Road and the DART Light Rail Red Line right-of-way to amend the Regulating Plan, associated development standards and street cross-sections. The property is currently zoned PD Planned Development.

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

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

**EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – OCTOBER 1, 2013**

PUBLIC HEARING

Zoning File 13-05: Consider and take the necessary action on a request by Travis Bousquet, representing The Bousquet Group, Inc., to rezone a 2.1-acre lot from LR-M(1) Local Retail with special conditions to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of an existing restaurant building and for approval of a Special Permit for a restaurant with drive-through service located at 350 S. Plano Road, on the west side of Plano Road, south of Belt Line Road.

Mr. Shacklett advised that the applicant was requesting to amend the special conditions and obtain a Special Permit for a 3,600 square foot drive-through restaurant located on the northern portion of 2.1-acre site located at 350 S. Plano Road.

Mr. Shacklett presented a brief history of the site development noting the previous zoning had conditions limiting the property to two buildings with concept plan and elevation approval, as well as screening and landscaping along the southern property line and providing access from Plano Road westward to Glenville. He added the proposed restaurant would have a drive-through wrapping around the north corner of the building and would require 36 parking spaces, all of which are available on site.

Mr. Shacklett noted that as part of the proposal, the existing Furr's building would be converted into a multi-tenant retail building with approximately one-third retail and two-thirds restaurant uses. In addition, the applicant would add a 10-foot landscape buffer along Plano Road to meet the City's landscaping policies, as well as leaving the conditions in place from the current zoning (i.e., screening wall, access, etc.). He added that the existing Burlington Coat Factory would not be part of the request.

Regarding the construction of the proposed restaurant, Mr. Shacklett said the stand alone restaurant building would be of 90 percent masonry material using brick, stone, and stucco, with accents of metal canopies and awnings. The remodel of the existing Furr's would also be in compliance with the City's masonry requirements.

Mr. Shacklett stated staff was recommending that the existing special conditions that apply only to the Burlington property be removed with the exception of the conditions related to the 8-foot masonry wall and the Live Oak trees along the southern property line as well as the restriction of no building being located closer than 55 feet to the south property line.

Commissioner Linn asked to clarify if the original zoning was for two buildings – the Burlington Coat Factory and the Furr's Cafeteria, and was the current request to change the zoning and allow a third building.

Mr. Shacklett replied that was correct.

Commissioner Maxwell asked if the applicant was only going to remodel the existing Furr's would they still have to come before the Commission for approval.

Mr. Shacklett replied that was correct, there are existing elevations are part of the zoning and approval from the Commission would be required.

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

Mr. Travis Bousquet, The Bousquet Group, 501 S. Carol Boulevard, Denton, Texas, stated his group, Raising Cain's, and the developer, Street Level Investments, were all present and ready to answer any questions or concerns. He advised that the investors and developers had sent the proposed plan to the Homeowners Association (HOA) president of the adjoining neighborhood and the main concern had to do with maintaining the existing wall. Also, in addition to maintaining the wall and the Live Oaks along the wall, the development group was planning to construct a 10-foot landscape buffer along Plano Road.

Regarding a question raised in the briefing session about timing and proposed uses in the Furr's building, Mr. Bousquet stated the development group was in negotiations with national retailers and national sit-down restaurants for tenancy, and the redevelopment of the building would coincide with the development of the Raising Cain's to meet some of the requirements from the investors.

Another question from the briefing session dealt with line-of-sight and Mr. Bouquet felt the 3,500 square foot Raising Crain's would have a minimal impact on the 70,000 square foot building located behind the proposed restaurant.

Commissioner DePuy asked if the HOA had any concerns other than the screening wall and trees, such as traffic impact in the area.

Mr. Bousquet replied the only questions from HOA were in regard to the wall and the trees.

Commissioner Linn stated he was concerned about the line-of-sight issue and asked if the applicant had had any conversations with representatives from the Burlington Coat Factory. He also wanted to know if the redevelopment of the Furr's building was optional.

Mr. Bousquet stated a Burlington representative had called asking questions regarding the proposal and an email was sent with a copy of the site plan, but no direct response was made by Burlington after the email.

Regarding redeveloping the Furr's building, Mr. Bousquet deferred to one of his associates.

Mr. Brian Sullivan, 3405 Howell, Unit 18, Dallas, Texas, replied the investors had looked at re-tenanting the Furr's building, but there was very little interest for a 10,000 square foot building, which is why they came up with the idea of changing it to a combination of retail and restaurant uses.

Commissioner Linn asked if it was possible to take half of the Furr's building and use it for the Raising Caine's restaurant.

Mr. Bousquet replied that under the City's parking code, retail use was parked at a lesser rate than restaurant, which would lead to a very large parking lot and that would not make the numbers work for Street Level Investments.

Vice Chair Bright asked if delaying a decision on the proposed request would cause any problems for the applicant.

Mr. Bousquet said they would prefer to move forward, but if a decision was made to postpone, he would like the Commission to specify their concerns so they could be addressed at the next meeting.

Chairman Hand called for any other comments in favor or opposed.

Mr. Dick Ferrell, 5948 Meletio Lane, Dallas, Texas, stated he owned the shopping center to the north of the Furr's building and was in favor of the proposal and felt the new development and investment in the area would be desirable.

Mr. Boyd Mouse, 1601 Elm Street, Thanksgiving Tower, 37th Floor, Dallas, Texas, stated he was legal counsel for the owner of the site where the Burlington Coat Factory is located. The owners, MDS Texas Realty One LP, are opposed to the proposal based on a Reciprocal Easement Agreement (REA) from the early 1980's.

Mr. Mouse explained the REA granted a non-exclusive perpetual easement over the Furr's parking areas and driveways for the benefit of the Burlington parcel, and the Burlington parcel did the same. He read an excerpt from the REA stating "*It is further agreed that Furr's shall not construct any barriers or obstructions on the Furr's parcel except as shown on the site plan.*" Therefore, he felt there was a contractually restricted agreement, of public record, that prevents what the applicant was proposing.

Mr. Mouse concluded his statement pointing out that the agreement was in place to protect the site lines and additional development would exacerbate the site line issues. In addition, he felt the proposed use would have an adverse effect on the parking and both of these issues could cause a problem for Burlington and could possibly result in an empty store on the site.

Commissioner Linn concurred with Mr. Mouse and said he understood why there was a REA in place and felt this was the core of the issue.

No other comments were received in opposition.

In rebuttal, Mr. Bousquet replied that as far as the site line issue, they had not completed detailed studies, but it would be something they will discuss along with any impact to the adjacent businesses.

Regarding access across the property and parking, Mr. Bousquet felt the proposed site plan maintained all the existing access easements and added additional easements. In addition, the existing parking would accommodate the proposed uses for the Furr's building as well as the proposed Raising Caine's restaurant.

Mr. Dan Watson, Street Level Investments, 5950 Berkshire Lane, Suite 200, Dallas, Texas, said the investors were aware of the REA and, because they took the agreement very seriously, sought legal advice from two different counsels to determine their rights and obligations under the agreement. As a result of the consultations, the legal counsel advised that the agreement states that whatever site plan configuration, now or in the future, allows

access and parking protections for adjacent property owners and does not put restrictions upon building area.

Mr. Watson felt the amount of traffic and revenue Raising Cain's and the other retailers would bring to the area outweighed any line of site issues. He added that an example of similar businesses bringing additional traffic to the area could be seen across the street at the former Richardson Square Mall.

In concluding his comments, Mr. Watson stated that an earlier suggestion of only redeveloping Furr's building would not be a viable option because of the price the owner is asking for the property, the only way a private investor could achieve that price would be to upgrade the development and include the out-parcel opportunity that Raising Cain's provides.

Chairman Hand noted that correspondence had been received from the adjoining neighborhood association asking to continue the case for two weeks due to the inability of residents to attend the meeting because of National Night Block Parties being held on same night as the Commission's meeting.

Commissioner Linn asked a procedural question if the public hearing could be closed at the current meeting and then re-opened at a later date.

Chairman Hand replied that some action needed to be taken at the current meeting, whether that was to keep the public hearing open, or close it and make a deciding motion.

Commissioner Maxwell asked staff if the REA presented by Mr. Mouse was something that should be considered as part of the zoning request.

Mr. Chavez replied the REA was a private agreement between two property owners and not part of the zoning request. He also pointed out that if the Commission decided to close the public hearing and continue the item to another date, the item would have to be re-notified and suggested the Commission leave the public hearing open if the matter was going to be continued.

Vice Chair Bright asked in light of the REA presented by Mr. Mouse, would the City's attorney need to be consulted.

Mr. Chavez replied that would not be necessary.

Commissioner Springs asked if the email received from the neighborhood association gave any indication if they were in favor or opposed to the zoning request.

Chairman Hand read the email into the record:

"Thank you for the information. It is ashamed that the meeting is scheduled for tomorrow night when all the HOAs in the Neighborhood and City are involved with NNO. I know you have a 2nd meeting (Final) at the end of the month but by that time you may have only heard one side of the discussion which may not be fair to the citizens that live in the neighborhood. By changing to next Tuesday the three-four HOAs can participate in NNO and still have the opportunity to speak at the initial

meeting on the rezoning. I am sure the Mayor and City Councilmen would agree. Thank you for your consideration of the change in the date for the rezoning hope to hear from you soon. Thank you, again. Take care. Francisco "Paco" Otal, GPHA President [sic].

Chairman Hand also noted that correspondence between Mr. Otal and Mr. Bousquet was available for the Commission to review.

Commission Linn asked if a motion was required to delay or continue the item for two weeks and, if so he was ready to make a motion to continue the public hearing.

Chairman Hand suggested a motion to delay should be made prior to any further deliberation, but offered the applicant an opportunity to comment on a delay.

Mr. Watson stated they would like to move forward, but if not, could all questions and concerns from the Commission be verbalized so they could make any changes or be better prepared for the next meeting.

Commissioner DePuy asked if the REA had previously been discussed with the applicant. She also wanted to know if the terminology in the REA referencing another retailer that is no longer in business and not Burlington Coat Factory should be considered.

Mr. Shacklett replied that the REA had been discussed with the applicant as it related to the fact that there was access between the two properties.

Regarding the terminology in the REA, Mr. Shacklett said he had not seen the copy presented by Mr. Mouse and could not comment on it.

Commissioner Frederick asked if the Burlington store had the same amount of building entrances as the former retailer, who had three entrances, because that might be of concern for line of site issue, however, if Burlington had only one major entrance she was not as concerned there would be a problem.

Commissioner Linn said the original retailer did have three building entrances and the Burlington store only has one, the main entrance on Plano Road.

Commissioner DePuy stated that the additional traffic that would be generated by Raising Cain's would be beneficial to Burlington, similar to what has been developed at the retail center across the street. In addition, she noted that information from the applicant mentioned the adjoining neighborhood association had expressed concern only with the screening wall and trees and not with the traffic, plus that item would go before the City Council and anyone could voice their opinion at that time.

Chairman Hand noted that there were three distinct issues involved in the zoning request: 1) the REA presented by Mr. Mouse; 2) the issue line of site and parking; and, 3) continuing the item to the next meeting.

Regarding the REA, Mr. Hand said the Commission was not a court and the burden was not on the Commission to make a judgment between private parties.

The second issue regarding the use of land and line of site was a concern based on prior experience where a restaurant was built in front of a grocery store and that action caused the store to go out of business and made the property less attractive to other tenants. He added that he concurred with Mr. Linn's concerns about the impact on line of site a restaurant would bring to the existing business, but was not particularly concerned that there would be parking issues.

Regarding the third issue, continuing the public hearing, Chairman Hand said he felt it would be undue burden on the applicant to have them come back because of scheduling problems. He added that he was not in favor of a continuation because anyone who would like to speak on the item could be heard at the City Council meeting.

Commissioner Linn was concerned that if the Commission and City Council approved the item and the Raising Cain's was not built because of possible legal concerns regarding the REA and questioned if the Commission should proceed with the item at the current meeting.

Commissioner DePuy said she did not think that the concerns raised by Mr. Linn were within the purview of the Commission.

Chairman Hand asked to clarify his position and said he would continue the item only because of the number of issues he enumerated earlier and not because the neighborhood has requested a delay.

Commissioner Springs agreed with Mr. Hand, but said the Commission should be equally fair to the applicant as they would be to someone who would like to appear and comment on an issue.

Chairman Hand replied that in the past when an application was delayed the end product would be better. He added that he felt the biggest problem was the line of site and the impact it would have the Burlington store.

Commissioner DePuy said she felt the current location of the Burlington building already put it at a disadvantage because it is so far back on the site and still thought that traffic generated by Raising Cain's would be beneficial to all.

Commissioner Ferrell concurred with Ms. DePuy and did not feel the REA was an issue because the intent was to have access to the site and the access was not being obstructed.

Vice Chair Bright stated he supported the request as presented and, although he was sympathetic to the neighborhood association, he did not feel the association had given enough information to justify a delay.

Commissioners Frederick and Maxwell concurred with Mr. Bright's statement and said that if the neighborhood association had other concerns outside the issue of the screening wall or the trees, they would have made a representative available for the public hearing. Ms. Frederick suggested the applicant reach out to the neighborhood association with a promise to maintain the wall and the trees.

Commissioner Linn said he was opposed to the item and closing the public hearing because he felt the Commission's charge was to decide what was best in terms of land use, and the fact that the adjoining property owner, Burlington, was opposed to the request.

Motion: Commissioner Linn made a motion to continue the Public Hearing for two weeks to the October 15, 2013 meeting. The motion failed for lack of a second.

Motion: Commissioner DePuy made a motion to close the Public Hearing and recommend approval of Zoning File 13-05 as presented; second by Commissioner Frederick. Motion approved 5-2 with Chairman Hand and Commissioner Linn opposed.



Staff Report

TO: City Council

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

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

DATE: October 24, 2013

RE: **Zoning File 13-05:** Amend LR-M(1) Local Retail special conditions and Special Permit for Raising Cane's Drive-thru Restaurant

REQUEST:

Rezone a 2.1-acre lot from LR-M(1) Local Retail with special conditions to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of an existing restaurant building and for approval of a Special Permit for a restaurant with drive-through service located at 350 S. Plano Road, on the west side of Plano Road, south of Belt Line Road. If approved, the 2.1-acre lot would be platted into two (2) lots at a future date.

APPLICANT / PROPERTY OWNER:

Travis Bousquet – The Bousquet Group, Inc. / Lawrence Kadish – Richardson Lynx, LLC

EXISTING DEVELOPMENT:

The site currently supports a 10,945-square foot Furr's Cafeteria, located on the southern half of the 2.1-acre lot. The northern half of the lot contains associated parking for Furr's.

ADJACENT ROADWAYS:

Plano Road: Six-lane divided arterial; 32,100 vehicles per day on all lanes, northbound and southbound, north of Belt Line Road (May 2011).

Belt Line Road: Six-lane, divided arterial; 30,100 vehicles per day on all lanes, eastbound and westbound, east of Plano Road (May 2011).

SURROUNDING LAND USE AND ZONING:

North: Retail Commercial; C-M Commercial

South: Single Family; R-1500-M Residential

East: Retail/Commercial; LR-M(2) Local Retail
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: Community Commercial
South: Neighborhood Residential
East: Community Commercial
West: Community Commercial

EXISTING ZONING:

LR-M(1) Local Retail with special conditions per Ordinance Number 2297-A. The special conditions are related to screening and landscaping along the southern property line, maximum development area standards, building setbacks, and access. The zoning relates to the subject property as well as the Burlington Coat Factory site.

TRAFFIC/ INFRASTRUCTURE IMPACTS:

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

APPLICANT'S STATEMENT

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

STAFF COMMENTS:

Background:

In 1982, the subject property and property to the west were rezoned from O-M Office and R-1250-M Residential to LR-M(1) Local Retail. The zoning change was subject to special conditions which allowed the development of two (2) buildings; Furr's Cafeteria and a department store (formerly Mervyn's and currently Burlington Coat Factory). The ordinance also contained exhibits dictating the design of each of the two buildings.

Staff initially met with the applicant to discuss the process to acquire a Special Permit for a restaurant with drive-thru service to be located in the northern half of the Furr's property. After review of the existing zoning, it was determined that the special conditions did not allow for the development of an additional building, even if a Special Permit were approved. The zoning is further complicated by the fact that the two (2) lots are under separate ownership. The applicant did not feel it would be possible to involve the owner of the Burlington Coat Factory property (to be known as "other property" herein); therefore, they have proposed a change in zoning for the subject 2.1-acre property along with a request for a Special Permit.

Request:

The applicant is proposing to modify the existing zoning special conditions along with requesting a Special Permit for a restaurant with drive-thru service. The amendments to the underlying zoning include removing regulations that no longer apply to the subject; however, the underlying zoning will remain unchanged for the “other property”.

The existing special conditions of the LR-M(1) Local Retail zoning for the subject property and “other property” are listed below, followed by an explanation of why the condition is proposed to be removed for the subject property or will remain for the subject property:

1. An eight-foot masonry wall shall be constructed along the south property line from the Plano Road setback on the east to the Glenville Drive setback on the west, construction to occur prior to the time construction begins on the remainder of the site.

*The 8-foot wall is currently in place and will not be removed. **This condition remains.***

2. Three-inch caliper live oak trees shall be planted along said screening wall no less than 75 feet on center.

*The trees are currently in place along the southern property line and will not be removed. **This condition remains.***

3. Landscaping to provide a physical barrier shall be planted along the south side of the alley along the northern boundary of the tract, subject to approval by the City Plan Commission.

*The subject property does not abut the alley referenced in the above condition. **This condition will be removed.***

4. A lighting plan shall be submitted to the City Plan Commission for approval at the same time that site plan approval is requested.

*Lighting is now regulated by the Performance Standards located in the Comprehensive Zoning Ordinance and limited to one (1) foot candle at the property line. It is not a necessary requirement. **This condition will be removed.***

5. No direct traffic shall be permitted from Plano Road to Glenville Drive.

*The subject property does not extend west to Glenville Drive. **This condition will be removed.***

6. Development shall be done essentially in conformance with the two architectural renderings and a conceptual plan, labeled Exhibits A, B, and C, the building area to include no more than 90,000 square feet located in two structures.

*The condition does not allow a third building to be constructed on the subject property and “other property” since two (2) buildings already exist. The Furr’s building, the proposed drive-thru restaurant and Burlington Coat Factory would total approximately 88,000 square feet so the total square footage allowed currently would not be exceeded. **This condition will be removed.***

7. Development shall be limited to the Mervyn's Department Store building, to be located a minimum of 165 feet from the south property line, and Furr's Cafeteria building, to be located a minimum of 55 feet from the south property line.

*The condition does not allow a third building to be constructed on the subject property and "other property" since two (2) buildings already exist. The Burlington Coat Factory building will still be required to be 165 feet from the southern property line. The redeveloped Furr's building will remain approximately sixty (60) feet from the southern property line. **This condition will be modified to require buildings on the subject property to be located a minimum of fifty-five (55) feet from the southern property line.***

The revisions to the conditions would allow for the proposed remodel of the existing Furr's Cafeteria building into a multi-tenant retail building and construction of the proposed Raising Cane's drive-thru restaurant. As part of the proposed redevelopment, the applicant will construct a 10-foot landscape buffer along Plano Road as required by the City's Landscaping Policy. Currently, there is approximately a 2-foot landscape strip between the parking spaces and sidewalk. The proposed 10-foot buffer will accommodate required canopy and ornamental trees as well as required parking lot screening shrubs.

Proposed Development:

- **Building Size:**
 - Furr's Building: 10,180-square foot multi-tenant building.
 - Raising Cane's: 3,575-square foot drive-thru restaurant.
- **Building Materials:**
 - Furr's Building: The remodeled building will be required to meet the City's minimum 85% masonry requirement.
 - Raising Cane's: The proposed building is approximately 90% masonry construction utilizing a combination of brick, stone, and stucco. Stucco is utilized on the vertical element located at the entrance of the restaurant.
- **Setbacks and Landscape Buffer:**
 - Front: 40 feet along Plano Road.
 - South property line: 55 feet.
- **Height:**
 - Furr's Building: Maximum 1-story, not to exceed 25 feet.
 - Raising Cane's: 1-story, 23'7" to top of tallest element
- **Floor Area Ratio:**
 - Furr's Site: 0.19:1 / Maximum 0.50:1 allowed.
 - Raising Cane's Site: 0.10:1 / Maximum 0.50:1 allowed.
- **Landscaping Percentage:**
 - Furr's Site: 8.8% provided/ Minimum 7% required.
 - Raising Cane's Site: 13.7% provided/ Minimum 7% required.

- Parking Spaces:
 - Furr's Site: 83 provided / 78 required based on proposed retail to restaurant breakdown.
 - Raising Cane's Site: 36 provided / 36 required.

Site Related Elements:

Raising Cane's Drive-thru Lane – Staff had discussions with the applicant regarding the use of a 3-foot wide raised paver area between the drive-thru lane and the pass-thru lane. This has been implemented at other recently constructed drive-thru restaurants as a means to provide visual and physical separation between the two (2) lanes. Specifically, staff suggested the separation on the north and west sides of the drive-thru lane adjacent to the angled parking to help avoid vehicles backing into vehicles in the drive-thru lane. The applicant has stated that due to concerns over trip hazards, they prefer not to place anything raised within their parking/drive-thru area. However, the applicant has provided a 2-foot wide stamped concrete band that will be stained to match the color of the building elevation. Although the stamped concrete will not be raised, it will provide a visual separation between the drive-thru lane and pass-thru lane.

Furr's Building Elevations – The applicant is proposing to remodel the existing Furr's building into a multi-tenant retail building with the lease spaces facing east to Plano Road. The building entrance is currently on the north side of the building. As part of the subject request, the applicant is requesting to remove the condition in Ordinance Number 2297-A requiring the Furr's Building to conform to the architectural rendering attached within the ordinance. The remodeled building would comply with the building regulations of the LR-M(1) Local Retail District which requires 85% masonry construction.

Correspondence: As of this date, one (1) letter in opposition has been received from the property owner to the west (Burlington Coat Factory site).

Since this property represents more than 20% of the land area within the notification area, an affirmative vote of six (6) of the seven (7) Council members is required to approve the request.

Motion: On October 1, 2013, the City Plan Commission recommended approval of the request as presented on a vote of 5-2 (Chairman Hand & Commissioner Linn opposed) subject to the following special conditions:

1. An eight-foot masonry screening wall shall be constructed along the south property line.
2. Three-inch caliper live oak trees shall be planted along said screening wall no less than seventy-five (75) feet on center.
3. No building shall be located within fifty-five (55) feet of the south property line.

4. A Special Permit shall be granted to allow a drive-through restaurant as defined in the Comprehensive Zoning Ordinance and limited to the area shown on the attached concept plan, marked as Exhibit “B” and made a part hereof.
5. The drive-through restaurant shall be constructed in substantial conformance with the attached concept plan (Exhibit “B”) and the building elevations (Exhibits “C-1” and “C-2”).

ZF 13-05

1060-A
LR-M(2)

202-A
SPL
C-M

**SUBJECT PROPERTY
FOR SPECIAL PERMIT**

716-A
O-M

2297-A
SPL
LR-M(1)

S Plano Rd

3774

628-A
SPL
LR-M(2)

3793

**SUBJECT PROPERTY
FOR ZONING CHANGE**

457-A
R-1500-M

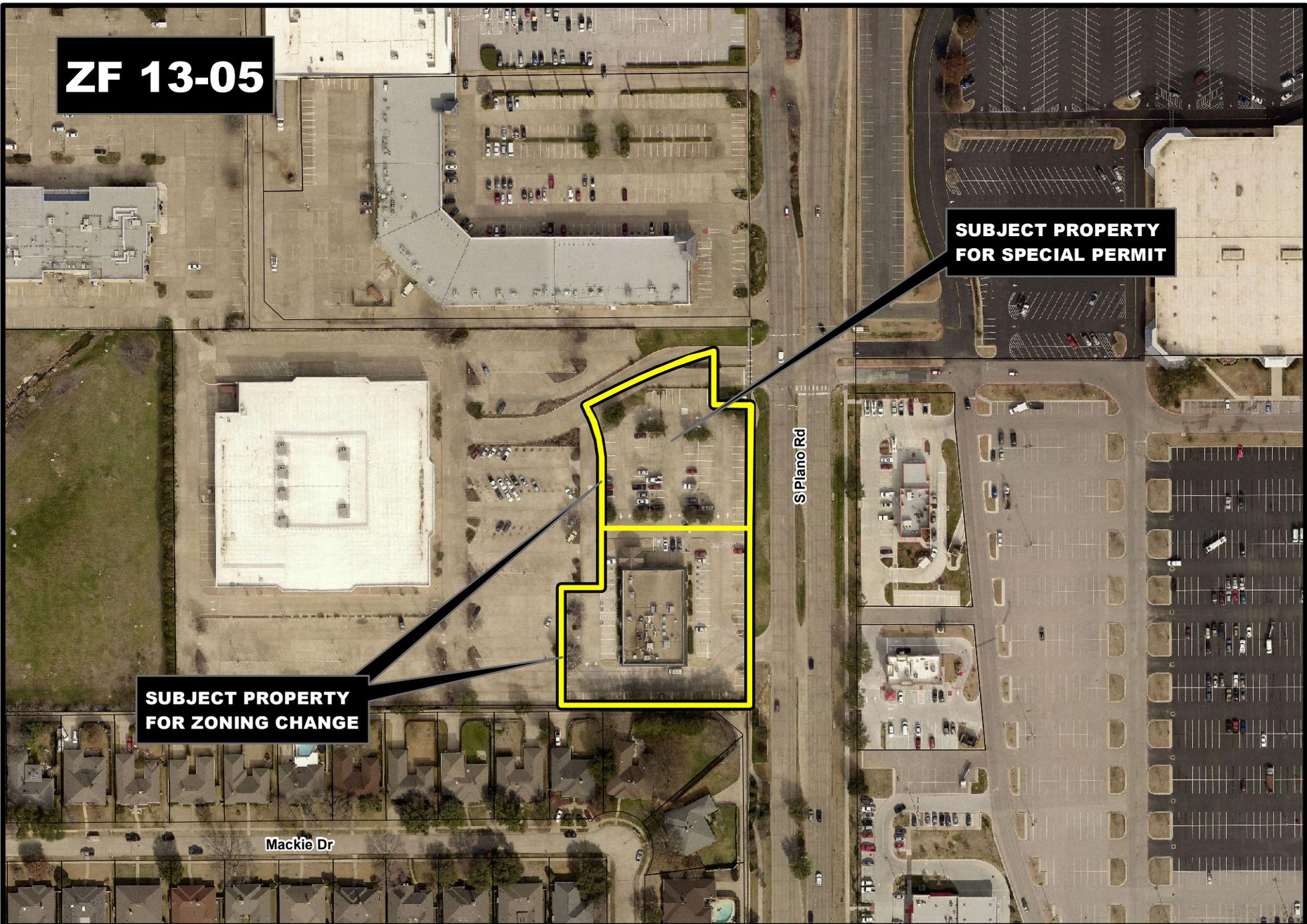
Mackie Dr

ZF 13-05 Zoning Map

Updated By: shacklett, Update Date: March 12, 2013
File: D:\Mapping\Cases\Z\2013\ZF1305\ZF1305 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 13-05

**SUBJECT PROPERTY
FOR SPECIAL PERMIT**

**SUBJECT PROPERTY
FOR ZONING CHANGE**

ZF 13-05 Aerial Map

Updated By: shacklett, Update Date: March 12, 2013
File: D:\Mapping\Cases\Z\2013\ZF1305\ZF1305 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.



**Existing Mervyn's/Burlington
Coat Factory Building**

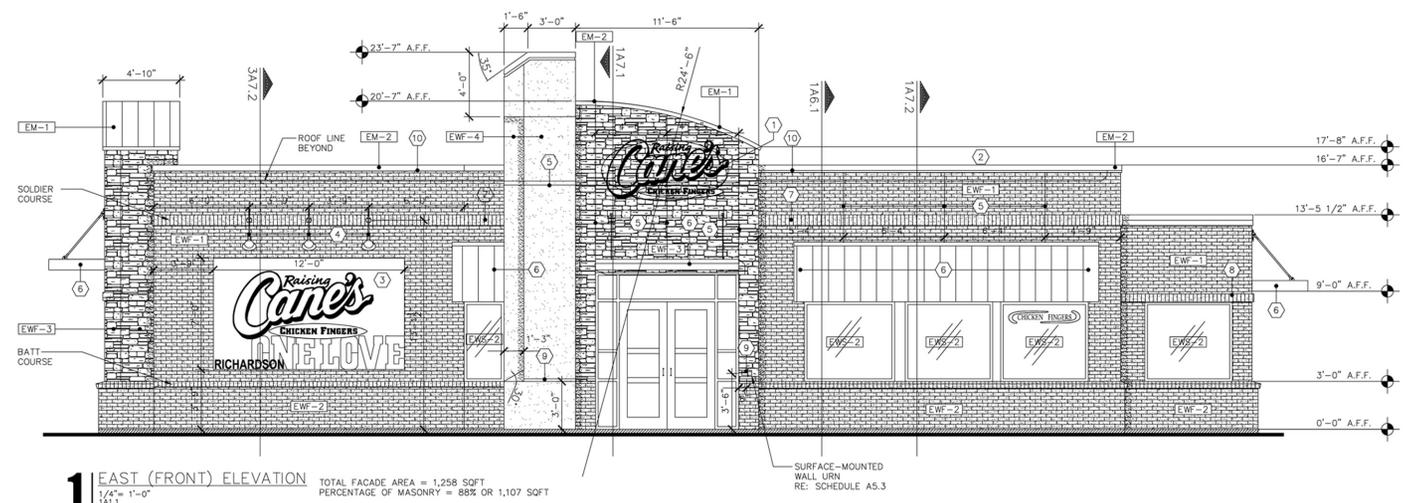
**Existing Furr's
Building**

**Proposed Drive-thru
Restaurant Site**

Plano Road

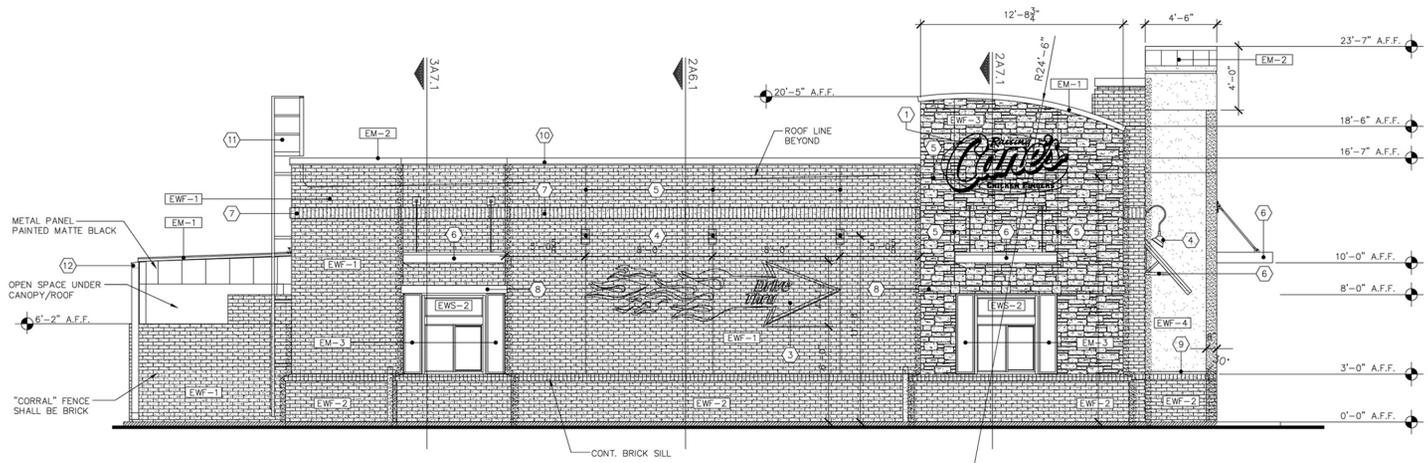
**Oblique Aerial
Looking West**





1 EAST (FRONT) ELEVATION TOTAL FACADE AREA = 1,258 SQFT
 1/4" = 1'-0" PERCENTAGE OF MASONRY = 88% OR 1,107 SQFT
 1A.1

BUILDING MATERIAL	FRONT	REAR	SIDE 1	SIDE 2	OVERALL BUILDING					
STUCCO	103.0 sf	8%	79.8 sf	6%	87.1 sf	7%	38.5 sf	4%	308.4 sf	6%
BRICK	719.2 sf	57%	1088.1 sf	82%	903.7 sf	71%	731.7 sf	69%	3,442.7 sf	70%
STONE	174.2 sf	14%	77.1 sf	6%	181 sf	14%	117.6 sf	11%	549.9 sf	11%
GLASS	217.5 sf	17%	25.1 sf	2%	65 sf	5%	116.8 sf	11%	424.4 sf	9%
DARK GRAY FLASHING	43.6 sf	4%	59.5 sf	4%	29.6 sf	3%	48.4 sf	5%	181.1 sf	4%
TOTAL AREA	1,258 sf	88%	1,330 sf	90%	1266 sf	90%	1053 sf	91%	4,907 sf	90%



2 SOUTH (SIDE 1) ELEVATION TOTAL FACADE AREA = 1,266 SQFT
 1/4" = 1'-0" PERCENTAGE OF MASONRY = 90% OR 1,140 SQFT
 1A.1

KEY NOTES

- | MARK | DESCRIPTION |
|------|---|
| 1 | SIGN, BY OWNER, PROVIDE BLOCKING AS REQ'D. (4'-0"x8'-0" OVAL) |
| 2 | NOT USE |
| 3 | PAINTED MURAL, BY OWNER |
| 4 | EXTERIOR LIGHTING, RE: ELEC. |
| 5 | CONTROL JOINT |
| 6 | PREFABRICATED METAL CANOPY |
| 7 | 8" BRICK SOLDIER COURSE |
| 8 | 6" BRICK SOLDIER COURSE |
| 9 | 2" WIDE STUCCO REVEAL (1/4" DEEP) |
| 10 | NEON CHANNEL & NEON BY OWNER |
| 11 | ROOF ACCESS LADDER RE: SP.3. PROVIDE ALL REQ'D. BLOCKING FOR INSTALLATION. |
| 12 | METAL ROOF, GUTTER & DOWNSPOUT (RE: DETAIL 1A10.2) |
| 13 | ROOF SCUPPER AND DOWNSPOUTS COLOR: MATTE BLACK |
| 14 | OVERFLOW ROOF SCUPPERS COLOR: MATTE BLACK |
| 15 | ELECTRICAL CABINETS, PAINTED MATTE BLACK. COORDINATE EXACT REQUIREMENTS WITH ELEC. SUB-CONTR. |
| 16 | GAS METER AND PIPING PAINTED MATTE BLACK |
| 17 | COMBUSTION AIR LOUVERS, PROVIDE INSECT SCREENS. PAINTED MATTE BLACK |

EXTERIOR TRIM MATERIALS

MARK	DESCRIPTION
EM-1	STANDING SEAM METAL ROOF GALVANIZED STEEL SHEET W/ KYMAR FINISH (24 GA.) STANDARD COLOR.
EM-2	METAL CAP FLASHING GALVANIZED STEEL SHEET W/ KYMAR FINISH (24 GA.) STANDARD COLOR.
EM-3	STAINLESS STEEL COVER PANEL FASTENED TO WALL W/ STAINLESS STEEL SEAT AND SCREWS PROVIDED BY OWNER INSTALLED BY G.C.

EXTERIOR WINDOW SYSTEMS

MARK	DESCRIPTION
EWS-1	DRIVE THROUGH WINDOW
EWS-2	4 1/2" ALUM. STOREFRONT KAWNEER TRIFAB 431 II ANODIZED, TYP. U.N.O.

EXTERIOR WALL MATERIALS

MARK	DESCRIPTION
EWF-1	LIGHT TAN "ALAMO" FACE BRICK
EWF-2	DARK TAN "SHADOWSTONE" FACE BRICK
EWF-3	LEUDER'S LIMESTONE
EWF-4	7/8" STUCCO FINISH ON SELF FURRING GALV. METAL LATH W/ FRY RELET CORNERS, MOLDING & TRIM AS REQUIRED (RE: SPECIFICATIONS) COLOR: HONEY TWIST

SEALANT

- PROVIDE SEALANT & BACKER RODS AT ALL DISSIMILAR MATERIALS.
 - TWO-PART NONSAG POLYURETHANE SEALANT BY SONNEBORN BUILDING PRODUCTS. CUSTOM COLOR TO MATCH STUCCO AT ALL DOOR FRAMES, STOREFRONT & WINDOWS, WALL PENETRATIONS AND STUCCO TO MASONRY CONNECTIONS.
- NOTE: SIGNAGE IS FOR GRAPHIC REPRESENTATION ONLY. ALL SIGNAGE IS TO BE SUBMITTED AND APPROVED UNDER SEPARATE PERMIT.



Restaurant Support Office
 5800 Temington Parkway, Plano, TX 75024
 Tel: 972.766.3557 Fax: 972.769.3101

Professional of Record:

Architect Information:



CSRS, Inc.
 6767 Perkins Road Suite 200 Baton Rouge, LA 70808
 Tel: 225.789.0546 Fax: 225.787.0000
 www.csronline.com

Prototype Issue Date: January 22, 2007

Design Bulletin Updates:

Date Issued: Bulletin Number:

FOR CONSTRUCTION

Revisions:

#	Date	Description
1	5/9/13	ADD STONE

Sheet Title:

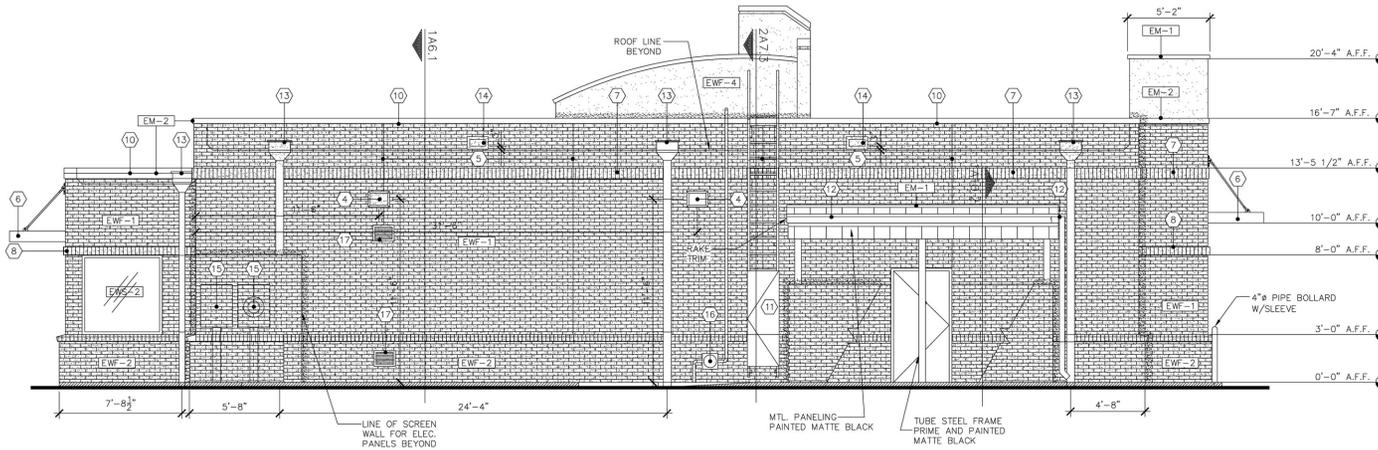
BUILDING MATERIALS EXHIBIT

Date: June 6, 2013

Project Number: 212037

Drawn By: MMG

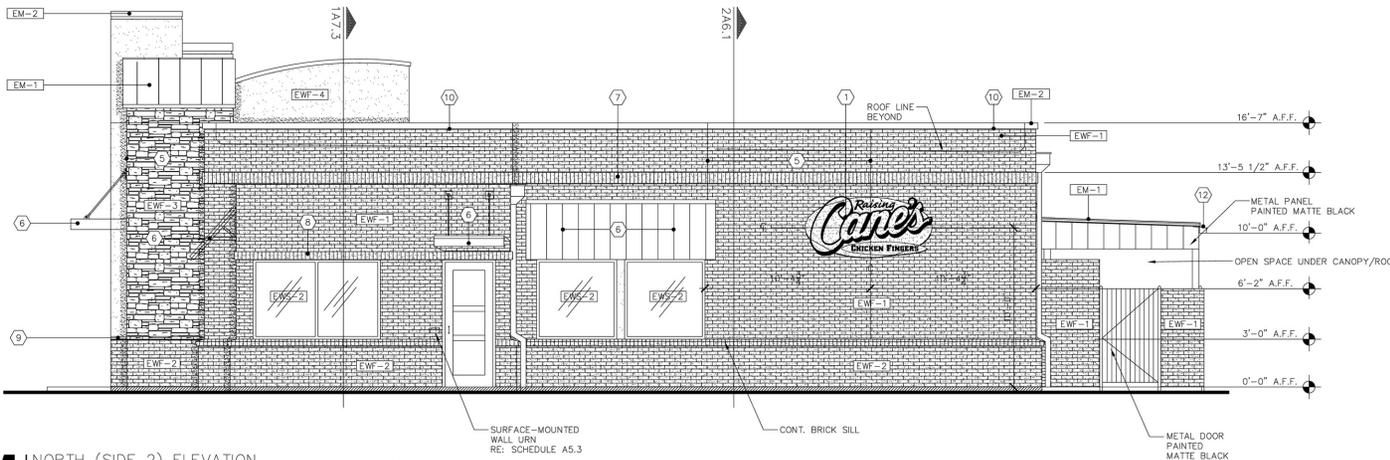
Sheet Number:



3 WEST (REAR) ELEVATION
NOT TO SCALE

TOTAL FACADE AREA = 1,330 SQFT
PERCENTAGE OF MASONRY = 90% OR 1,197 SQFT

BUILDING MATERIAL	FRONT		REAR		SIDE 1		SIDE 2		OVERALL BUILDING	
STUCCO	103.0 sf	8%	79.8 sf	6%	87.1 sf	7%	38.5 sf	4%	308.4 sf	6%
BRICK	719.2 sf	57%	1088.1 sf	82%	903.7 sf	71%	731.7 sf	69%	3,442.7 sf	70%
STONE	174.2 sf	14%	77.1 sf	6%	181 sf	14%	117.6 sf	11%	549.9 sf	11%
GLASS	217.5 sf	17%	25.1 sf	2%	65 sf	5%	116.8 sf	11%	424.4 sf	9%
DARK GRAY FLASHING	43.6 sf	4%	59.5 sf	4%	29.6 sf	3%	48.4 sf	5%	181.1 sf	4%
TOTAL AREA	1,258 sf	88%	1,330 sf	90%	1266 sf	90%	1053 sf	91%	4,907 sf	90%



4 NORTH (SIDE 2) ELEVATION
NOT TO SCALE

TOTAL FACADE AREA = 1,053 SQFT
PERCENTAGE OF MASONRY = 91% OR 958 SQFT

KEY NOTES	
MARK	DESCRIPTION
1	SIGN, BY OWNER, PROVIDE BLOCKING AS REQ'D. (4'-0"X8'-0" OVAL)
2	NOT USED
3	PAINTED MURAL, BY OWNER
4	EXTERIOR LIGHTING, RE. ELEC.
5	CONTROL JOINT
6	PREFABRICATED METAL CANOPY
7	8" BRICK SOLDIER COURSE
8	6" BRICK SOLDIER COURSE
9	2" WIDE STUCCO REVEAL (1/4" DEEP)
10	NEON CHANNEL & NEON BY OWNER
11	ROOF ACCESS LADDER RE: SP3, PROVIDE ALL REQ'D. BLOCKING FOR INSTALLATION.
12	METAL ROOF, GUTTER & DOWNSPOUT (RE: DETAIL 1A10.2)
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16	GAS METER AND PIPING PAINTED MATTE BLACK
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EXTERIOR TRIM MATERIALS	
MARK	DESCRIPTION
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EM-2	METAL CAP FLASHING GALVANIZED STEEL SHEET W/ KYMAR FINISH (24 GA.) STANDARD COLOR.
EM-3	STAINLESS STEEL COVER PANEL FASTENED TO WALL W/ STAINLESS STEEL SEAT AND SCREWS PROVIDED BY OWNER INSTALLED BY G.C.

EXTERIOR WINDOW SYSTEMS	
MARK	DESCRIPTION
EWS-1	DRIVE THROUGH WINDOW
EWS-2	4 1/2" ALUM. STOREFRONT KAWNEER TRAFAB #31 II ANODIZED, TYP. U.N.O.

EXTERIOR WALL MATERIALS	
MARK	DESCRIPTION
EW-1	LIGHT TAN "ALAMO" FACE BRICK
EW-2	DARK TAN "SHADOWSTONE" FACE BRICK
EW-3	LEUDER'S LIMESTONE
EW-4	7/8" STUCCO FINISH ON SELF FURRING GALV. METAL LATH W/ FRY RELET CORNERS, MOLDING & TRIM AS REQUIRED (RE: SPECIFICATIONS) COLOR: HONEY TWIST

SEALANT	
MARK	DESCRIPTION
1.	PROVIDE SEALANT & BACKER RODS AT ALL DISSIMILAR MATERIALS.
2.	TWO-PART NONSAG POLYURETHANE SEALANT BY SONNBERG BUILDING PRODUCTS. CUSTOM COLOR TO MATCH STUCCO AT ALL DOOR FRAMES, STOREFRONT & WINDOWS, WALL PENETRATIONS AND STUCCO TO MASONRY CONNECTIONS.

NOTE: SIGNAGE IS FOR GRAPHIC REPRESENTATION ONLY. ALL SIGNAGE IS TO BE SUBMITTED AND APPROVED UNDER SEPARATE PERMIT.



Restaurant Support Office
5800 Tempon Parkway, Plano, TX 75024
Tel: 972 769-3557 Fax: 972 769-3011

Store:
Raising Cane's
Richardson, TX
Prototype 1

Professional of Record

Architect Information:

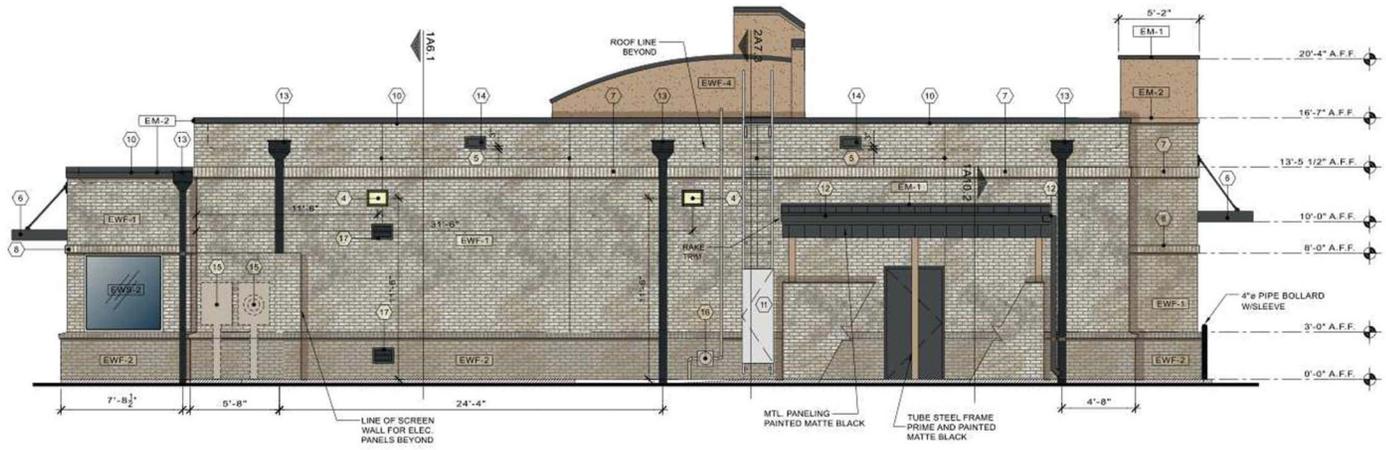


CSRS, Inc.
6767 Perkins Road Suite 200 Dallas Ridge, LA 75068
Tel: 225 769-0546 Fax: 225 767-0060
www.carsonline.com

Prototype Issue Date: January 22, 2007

Design Bulletin Updates:

Date Issued: Bulletin Number:



3 WEST (REAR) ELEVATION
NOT TO SCALE



4 NORTH (SIDE 2) ELEVATION
NOT TO SCALE



State: **Raising Cane's**
Richardson, TX
Prototype 1

Professional of Record:

Architect Information:

CSRS
architects engineers
CSRS, Inc.
6757 Parkline Road Suite 200 Baton Rouge, LA 70806
Tele: 225 769 0546 Fax: 225 767 0060
www.csrsinc.com

Prototype Issue Date: January 22, 2007

Design Bulletin Updates:

Date Issued: Bulletin Number:

FOR CONSTRUCTION

Revisions:

#	Date	Description
1	5/9/13	ADD STONE

Sheet Title:

BUILDING MATERIALS EXHIBIT

Date: June 8, 2013

Project Number: 212037

Drawn By: MMG

Sheet Number:



(1)

Looking Northwest at
Existing Building



(2)

Looking West along
South Property Line



(3)

Looking Southwest
at Subject Site



(4)

Looking East at
Rear of Existing Building



(5)

Looking West at Burlington Coat Factory

Explanation and Description of Request

We are pleased to submit the enclosed application and associated plans for our Special Permit request associated with the above referenced project. In general, we are proposing to redevelop the existing Furr's cafeteria, which will include subdivision of the property. The proposed northern lot will be a fast food restaurant with a drive thru, thus requiring the SUP. The total project is further defined below.

The existing Furr's development lies on 2.1 acres and is platted as Lot 2, Block 2 of the Richland Village Shopping Center Addition. The property is currently zoned PD no. 2297-A with LR-M(1) as the base zoning. The surrounding zoning districts are as follows:

North: LR-M(1) and C-M

East: LR-M(2)

South: R-1500-M - Glenville Park Subdivision

West: LR-M(1)

One of the most important parts of our development is remaining a good neighbor, especially the adjacent residential to the South. We will propose to leave the existing 8' high masonry wall and large live oaks in place along this shared property line. This 8' masonry wall exceeds the City requirement of a 6' height. Also, the existing live oaks provide a mature screening of the development for anything above 8' in height.

In addition, the majority of the perimeter landscaping will remain in place. Efforts will be made to preserve as much of the internal landscaping as possible. We would also like to pursue the possibility of "cleaning-up" of the existing landscaping at the entrance drive. This portion of the site is not part of our property and will thus require agreement from the property owner (same as our site) on the Burlington Coat site.

As part of our Special Permit and subsequent Site Development Plan, we will provide the required 10' landscape buffer along Plano Road. The current property has concrete parking lot that extends to the existing r.o.w. along Plano Road.

October 21, 2013

John R. Hardin
john.hardin@klgates.comT 214-939-5612
F 214-939-5849**Via Hand Delivery**Mayor Laura Maczka
City of Richardson
411 W. Arapaho Road
Richardson, Texas 75080Mayor Pro Tem Bob Townsend
City of Richardson
411 W. Arapaho Road
Richardson, Texas 75080Mark Solomon, Councilman
City of Richardson
411 W. Arapaho Road
Richardson, Texas 75080Scott Dunn, Councilman
City of Richardson
411 W. Arapaho Road
Richardson, Texas 75080Kendall Hartley, Councilman
City of Richardson
411 W. Arapaho Road
Richardson, Texas 75080Paul Voelker, Councilman
City of Richardson
411 W. Arapaho Road
Richardson, Texas 75080Steve Mitchell, Councilman
City of Richardson
411 W. Arapaho Road
Richardson, Texas 75080Re: Lot 2, Block 2, Richland Village Shopping Center (the "Parcel")
Redevelopment and Special Permit Application
Project Name: Richland Village Retail
Richardson Zoning File 13-05

Ladies & Gentlemen:

This firm represents Lynx Associates, L.P. ("Lynx Associates"), the current ground lessee of the Parcel pursuant to an agreement with Richardson Lynx, LLC, the fee simple owner of the Parcel (the "Fee Owner"). Lynx Associates is in contract with 3MEBS Property Company ("3MEBS") to assign and convey its leasehold interest in the Parcel to 3MEBS. 3MEBS is represented by Andrews & Barth, P.C., and by copy of this letter to Stan Barth, Esq., we confirm that 3MEBS has consented to and joins in this letter.

This letter provides a broad outline of the benefits of the Redevelopment Application and a more detailed legal explanation of the purpose and scope of the Grant of Reciprocal Easements and Declaration of Rights Covenants Running with the Land (“REA”) misinterpreted by the adjacent property owner.

On or about August 30, 2013, 3MEBS, through its consultant The Bousquet Group, and with the written consent of the Fee Owner, submitted a Redevelopment Application to the City of Richardson seeking a re-zoning and special use permit for the Parcel in order to, among other things, build a Raising Cane’s restaurant on a part of the Parcel (the “Redevelopment Proposal”). On October 1, 2013, the City of Richardson Plan Commission approved all facets of the Redevelopment Proposal. Lynx Associates and 3MEBS now petition the Richardson City Council for final approval of the Redevelopment Proposal.

Granting the Redevelopment Proposal is in the best interest of the owners of the Parcel, the adjoining land owners, the neighborhood and the City of Richardson. Approval will result in a high quality and high volume Raising Cane’s restaurant being constructed, the existing Furr’s being redeveloped into first class shop space and a formerly low traffic, low business sales location on Plano Road will experience revitalization and achieve its highest and best use. Investment in quality redevelopment and new development on the Parcel will spur growth, patronage, sales and property taxes, and employment in the area.

Denial of the Redevelopment Proposal will result in 3MEBS not being able to close on the acquisition of the leasehold rights in the Parcel. Effective December 31, 2013, when the Furr’s Cafeteria lease expires, the operator will close for business and the building and the Parcel will become boarded-up and vacant.

In response to the Redevelopment Proposal, the adjoining property owner has objected to the proposal. MDS Texas Realty I, LP (“MDS”), on behalf of its tenant Burlington Coat Factory, objects that the Redevelopment Proposal might impede a “view and visibility corridor” that MDS wrongly asserts was granted to its predecessor in the Grant of Reciprocal Easements and Declaration of Covenants Running with the Land entered into on January 31, 1983 (the “REA”).¹ A copy of the REA is enclosed for ease of reference.

The REA does not impact the City of Richardson’s ability to grant the special use permit or otherwise approve the Redevelopment Proposal, and Lynx Associates is confident that any potential legal action by MDS that relies on the REA would be without merit as their characterization of the REA is wrong and contrary to Texas law.

¹ The REA was initially entered into by Mervyn’s and Furr’s. MDS now owns the Mervyn’s Parcel and Lynx Associates is the current leaseholder for the Furr’s Parcel.

The REA itself is a limited document that creates an easement in three specific categories, none of which apply here: 1) to allow the reasonable flow of foot traffic and parking; 2) to permit a 5-foot encroachment of Lynx Associates' trash compactor onto MDS' lot, and 3) landscaping. Nothing in the REA limits the subdivision of the Parcel or otherwise prohibits the construction proposed by the Redevelopment Proposal, and, because express easements are strictly construed, MDS cannot expand the REA beyond its terms to create some new easement. *See Greenwood v. Lee*, 2012 WL 4475441, at *4 (Tex. App.—Amarillo Sept. 28, 2012, no pet.).

MDS claims that the REA requires a “view and visibility corridor” that precludes the construction proposed in the Redevelopment Proposal. Nothing in the REA remotely references a “view and visibility corridor,” which is detrimental to MDS' position as a negative easement must be written and expressly granted. *See Ramsey v. Lewis*, 874 S.W.2d 320, 324 (Tex. App.—El Paso 1994, no writ.).

Apparently recognizing this, MDS has cited one sentence from the REA to claim that “obstructions or barriers” are not permitted, and that the construction of a Raising Cane's restaurant will be such an obstruction or barrier. MDS, however, takes the sentence out of context. Reading it in context with the two paragraphs that accompany it, shows that it relates to the reasonable flow of foot traffic, ingress/egress, or parking:

2. *Furr's hereby grants and conveys to Mervyn's, its successors and assigns, a non-exclusive perpetual easement and right of use appurtenant to and for the benefit of the Mervyn's Parcel in and over the driveways and parking areas as such may exist from time to time on the Furr's Parcel for the purposes of ingress and egress to and from the adjacent public streets and for parking and for the purpose of pedestrian traffic between the Furr's Parcel and the Mervyn's Parcel subject to the terms and conditions set forth herein.*

It is agreed that the easement granted hereby shall be for the benefit of, but not restricted solely to, Mervyn's, and Mervyn's may grant the benefit of such easement to its tenants or other occupants of the Mervyn's Parcel and to the agents, licensees, concessionaires, customers, employees, business guests and business invitees of Mervyn's, its tenants or other occupants; but the same is not intended nor shall it be construed as creating any right in or for the benefit of the general public. It is further agreed that Furr's shall not construct any barriers or obstructions on the Furr's Parcel except as shown in the Site Plan.

Neither this provision nor any other language in the REA morphs this last sentence into a stand-alone easement expressly precluding Lynx Associates or 3MEBS from redeveloping the Parcel. Indeed, the original parties to the REA expressly stated that the REA does not allow one party to control the development of the other parcel when they specifically agreed that **“there will be no connection or relationship between the development of the Mervyn's Parcel and the Furr's Parcel.”**

Lynx Associates and 3MEBS appreciate your time and consideration of these issues and will have multiple people present to answer any additional questions you may have when the City Council considers this issue.

Thank you,



John Hardin

Attorney for Lynx Associates, LP

cc: Stan Barth, Esq. (counsel to 3MEBS)
Ben Weinstock, Esq. (counsel to Fee Owner)

Enclosures

**GRANT OF RECIPROCAL EASEMENTS AND
DECLARATION OF COVENANTS RUNNING WITH THE LAND**

9817

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15.00 DEED
1 03/07/83

This GRANT OF RECIPROCAL EASEMENTS AND DECLARATION OF COVENANTS RUNNING WITH THE LAND (the "Agreement") is made and entered into and effective as of the 31st day of January, 1983, by and between MERVYN'S, a California corporation, having an office at 25001 Industrial Boulevard, Hayward, California 94545, ("Mervyn's") and FURR'S CAFETERIAS, INC., a Texas corporation, having offices at 6901 Quaker Avenue, Lubbock, Texas 79413 ("FURR'S").

RECITALS:

This Agreement is entered into on the basis of the following facts, understandings and intentions of the parties hereto:

A. Mervyn's is the fee owner of approximately 6.708 acres of land located in the City of Richardson, County of Dallas, Texas, more particularly described as Lot 1 in Block 2 of the Richland Village Shopping Center Addition to the City of Richardson, Texas (the "Mervyn's Parcel").

B. Furr's is the fee owner of approximately 2.18 acres of land located in the City of Richardson, County of Dallas, Texas, more particularly described as Lot 2 in Block 2 of the Richland Village Shopping Center Addition to the City of Richardson, Texas ("Furr's Parcel").

C. The Mervyn's Parcel and the Furr's Parcel are contiguous to each other.

D. Mervyn's intends in the future to build a Mervyn's retail department store on its parcel, and Furr's intends in the future to build a cafeteria on its parcel.

E. Though there will be no connection or relationship between the development of the Mervyn's Parcel and the Furr's Parcel, the parties hereto recognize that it is to their mutual interest and benefit to cooperate in the development of their respective parcels in order to effect the most advantageous and favorable uses of their respective parcels. The intended development of the Mervyn's Parcel and the Furr's Parcel is shown on the Site Plan annexed hereto as Exhibit "A", which is made a part hereof by reference (the "Site Plan").

F. The parties hereto in order to accomplish the purposes set forth in the preceding paragraph recognize that it is necessary to create and grant certain easements and covenants which will run with the land.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for the consideration of One Dollar (\$1.00) and other valuable consideration, each paid to the other, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

**EASEMENTS FOR INGRESS AND EGRESS FOR PEDESTRIAN TRAFFIC AND PARKING
AND FOR SPECIFIC ENCROACHMENT**

1. Mervyn's hereby grants and conveys to Furr's, its successors and assigns, a non-exclusive perpetual easement and right of use appurtenant to and for the benefit of the Furr's Parcel in and over the driveways and parking areas as such may exist from time to time on the Mervyn's Parcel for the purpose of ingress and egress to and from the adjacent public streets and for parking and for the

83046 4030

purposes of pedestrian traffic between the Mervyn's Parcel and the Furr's Parcel, subject to the terms and conditions set forth herein. In addition, Mervyn's hereby grants and conveys to Furr's, its successors and assigns, the right for the trash compactor of Furr's and its enclosure to encroach from the Furr's Parcel a distance of up to five (5) feet onto the Mervyn's Parcel provided that the most northerly point of such encroachment does not extend beyond a distance of one hundred fifty four (154) feet north of the southerly boundary line of the Mervyn's Parcel.

It is agreed that the easement granted hereby shall be for the benefit of, but not restricted solely to, Furr's, and Furr's may grant the benefit of such easement to its tenants or other occupants of the Furr's Parcel and to the agents, licensees, concessionaires, customers, employees, business guests and business invitees of Furr's, its tenants or other occupants; but at the same time it is not intended nor shall it be construed as creating any rights in or for the benefit of the general public. It is further agreed that Mervyn's shall not construct any barriers or obstructions on the Mervyn's Parcel except as shown in the Site Plan.

2. Furr's hereby grants and conveys to Mervyn's, its successors and assigns, a non-exclusive perpetual easement and right of use appurtenant to and for the benefit of the Mervyn's Parcel in and over the driveways and parking areas as such may exist from time to time on the Furr's Parcel for the purposes of ingress and egress to and from the adjacent public streets and for parking and for the purpose of pedestrian traffic between the Furr's Parcel and the Mervyn's Parcel subject to the terms and conditions set forth herein.

It is agreed that the easement granted hereby shall be for the benefit of, but not restricted solely to, Mervyn's, and Mervyn's may grant the benefit of such easement to its tenants or other occupants of the Mervyn's Parcel and to the agents, licensees, concessionaires, customers, employees, business guests and business invitees of Mervyn's, its tenants or other occupants; but the same is not intended nor shall it be construed as creating any right in or for the benefit of the general public. It is further agreed that Furr's shall not construct any barriers or obstructions on the Furr's Parcel except as shown in the Site Plan.

EASEMENTS FOR LANDSCAPING

3. Mervyn's hereby grants and conveys to Furr's, its successors and assigns, a perpetual non-exclusive easement for the purpose of installing and maintaining landscaping over and across that portion of the Mervyn's Parcel included within the tract described on the attached Exhibit "B", which is made a part hereof by reference, with Mervyn's reserving the right to place and maintain a sign on the portion of the Mervyn's Parcel adjacent to Plano Road in compliance with applicable standards and requirements of the City of Richardson, Texas.

4. Furr's hereby grants and conveys to Mervyn's, its successors and assigns, a perpetual non-exclusive easement for the purpose of installing and maintaining landscaping over and across that portion of the Furr's Parcel included within the tract described on the attached Exhibit "C", which is made a part hereof by reference, such landscaping to be consistent with that of the parking islands in the adjacent parking area on the Mervyn's Parcel.

SUCCESSORS AND ASSIGNS

Each party covenants and agrees that this Agreement shall run with the land, both as respects benefits and burdens created herein, and shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto. This Agreement shall be filed of record in the office of Deed Records of Dallas County, Texas.

INDEMNITY AGREEMENT

The owners of the Mervyn's Parcel and the Furr's Parcel shall indemnify and save the other party harmless from any and all liability, damage, expense, cause of action, suits, claims or judgments arising from injury to persons or property occurring on such owner's parcel, except if such injury or damage is caused by the act or neglect of the other party, his agents or employees. Any person owning an interest in either the Mervyn's Parcel or the Furr's Parcel shall be obligated under this paragraph only for events occurring during his period of ownership.

TERM

This Agreement shall be effective for a period of fifty (50) years from the date hereof.

NOTICES

Any notices required to be given as a result of this Agreement shall be in writing and sent by registered or certified mail, return receipt requested, with postage prepaid to the party's mailing address. The respective addresses of the parties hereto are:

If to Furr's, at: 6901 Quaker Avenue
Lubbock, Texas 79413

If to Mervyn's, at: Mervyn's
25001 Industrial Boulevard
Hayward, California 94545
Attn: Chairman

with copy to: Mervyn's
25001 Industrial Boulevard
Hayward, California 94545
Attn: Real Property Administrator

Either party may change its mailing address at any time by giving written notice of such change to the other party in the manner provided herein at least ten (10) days prior to the date such change is effected. All notices under this Agreement shall be deemed given, received, made or communicated on the delivery date or attempted delivery date shown on the return receipt.

RIGHT TO CLOSE OFF PARCELS

Notwithstanding the granting of any easement or right of use herein, each party, its successors and assigns, hereby specifically reserves the right to close off its parcel, or any part thereof, (provided that such closing does not restrict or interfere with any access to either parcel from Plano Road) for such reasonable period or periods of time only as may be legally necessary to prevent the acquisition of prescriptive rights by anyone; provided, however, that such closing shall not take place in October, November or December of any year; that prior to closing off its parcel, or any part thereof, such party shall give written notice to the other party of its intentions so to do, and shall coordinate such closing so that there is no unreasonable interference with the operation of the other parcel.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first hereinabove written.

FURR'S CAFETERIAS, INC.

By: Don W. Furr

MERVYN'S

83046 4032

John F. Kilmartin *md*
John F. Kilmartin, Chairman

-3-

THE STATE OF TEXAS I
COUNTY OF DALLAS I

Before me, the undersigned authority, on this day personally appeared Don W. Fritz, of FURR'S CAFETERIAS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 14th day of February, 1983

My Commission Expires:
4-13-84

Donna S. Thomasson
Notary Public, State of Texas
Notary's printed name:
DONNA S. THOMASSON

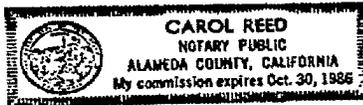
THE STATE OF CALIFORNIA I
COUNTY OF ALAMEDA I

Before me, the undersigned authority, on this day personally appeared JOHN F. KILMARTIN of MERVYN'S, a California corporation, *personally* known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 31st day of January, 1983.

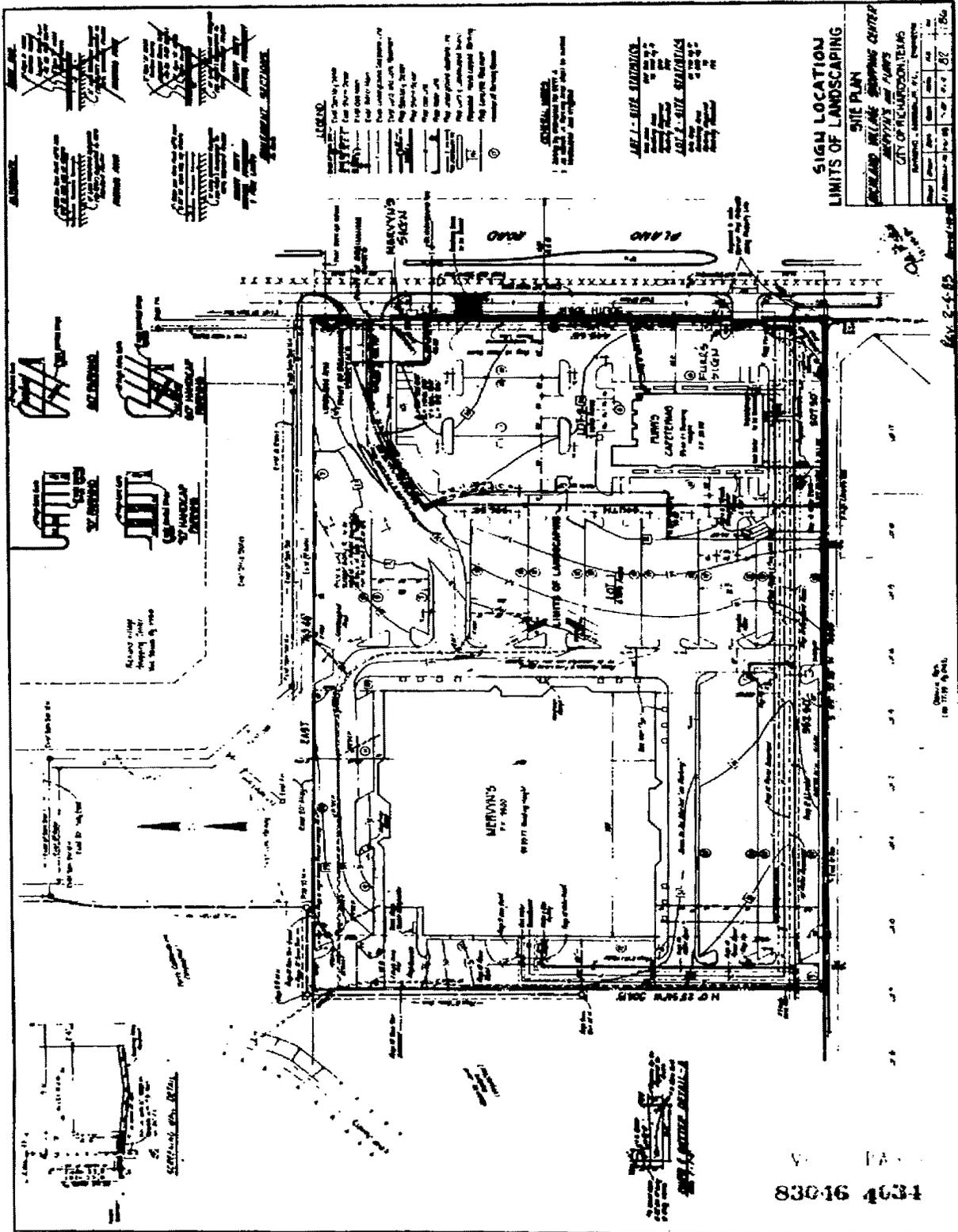
My Commission Expires:
October 30, 1986

Carol Reed
Notary Public, State of California
Notary's printed name:
Carol Reed



83046 4033

JOHN W. GLENN'S MEMORIAL
 DALLAS EAST 1907
 REPRODUCIBLE
 WHEN RECORDED



SIGN LOCATION LIMITS OF LANDSCAPING

SITE PLAN

GLENN MEMORIAL SHOPPING CENTER

PLANTING CAPTION

CITY OF DALLAS

Project No.	830-16-4631
Scale	1" = 100'
Date	11/28/82
Drawn by	J. W. GLENN
Checked by	J. W. GLENN
Approved by	J. W. GLENN

LEGEND

- 1. The limits of the site.
- 2. The limits of the building.
- 3. The limits of the parking lot.
- 4. The limits of the landscaping.
- 5. The limits of the sign location.
- 6. The limits of the sign location.
- 7. The limits of the sign location.
- 8. The limits of the sign location.
- 9. The limits of the sign location.
- 10. The limits of the sign location.

- GENERAL NOTES**
1. All signs shall be in accordance with the City of Dallas Sign Ordinance.
 2. All signs shall be in accordance with the City of Dallas Sign Ordinance.
 3. All signs shall be in accordance with the City of Dallas Sign Ordinance.

830-16-4631

EXHIBIT A

3409 OAK GROVE AVE. • DALLAS, TEXAS 75204 A/C 214/528-1200

January 6, 1983

FIELD NOTES FOR
LIMITS OF LANDSCAPING
FURR'S CAFETERIA'S INC.
BLOCK 2
RICHLAND VILLAGE SHOPPING CENTER
RICHARDSON, TEXAS

Being a tract or parcel of land situated in the City of Richardson, Dallas County, Texas; and being part of the J.J. Alexander Survey, Abstract 41; and also being part of Block 2 of the Richland Village Shopping Center Addition, an addition to the City of Richardson as recorded in Volume , Page of the Map and Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner, said point being due South a distance of 57.49 feet from the intersection of the westerly line of Plano Road (140 feet wide) and the southerly line of Block 1 of the Richland Village Shopping Center Addition, an addition to the City of Richardson as recorded in Volume 78103, Page 1739 of the Map and Deed Records of Dallas County, Texas;

THENCE South along said westerly line of Plano Road a distance of 445.65 feet to a point for corner, said point being the northeast corner of the Glenville Park Addition, an addition to the City of Richardson as recorded in Volume 77133, Page 143 of the Map and Deed Records of Dallas County, Texas;

THENCE South 89°55'28" West along the north line of said Glenville Park Addition a distance of 207.50 feet to a point for corner;

THENCE North a distance of 396.52 feet to a point for corner;

THENCE North 60°00'00" East a distance of 72.00 feet to the beginning of a curve to the right;

THENCE in a northeasterly and easterly direction along said curve to the right, having a radius of 100.00 feet, a central angle of 30°00'00" and an arc length of 52.36 feet to the end of said curve to the right;

THENCE East a distance of 95.15 feet to the POINT OF BEGINNING and containing 90,325 square feet, more or less, or 2.0736 acres.

83046 4035

ARTHUR F. BECK, P.E.

RAYMOND L. GOODSON, JR., P.E.

NORMAN D. HARPER, P.E.

JOHN F. STULL, P.E.

DAVID M. GOODSON, P.E.

AYUB R. SANDHU, P.E.

ROBERT G. WOOD, R.P.S.

EXHIBIT B

3409 OAK GROVE AVE. • DALLAS, TEXAS 75204 A/C 214/528-2200

January 6, 1983

FIELD NOTES FOR
LIMITS OF LANDSCAPING
FURR'S CAFETERIA'S INC.
BLOCK 2
RICHLAND VILLAGE SHOPPING CENTER
RICHARDSON, TEXAS

Being a tract or parcel of land situated in the City of Richardson, Dallas County, Texas; and being part of the J.J. Alexander Survey, Abstract 41; and also being part of Block 2 of the Richland Village Shopping Center Addition, an addition to the City of Richardson as recorded in Volume , Page of the Map and Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner, said point being due South a distance of 57.49 feet from the intersection of the westerly line of Plano Road (140 feet wide) and the southerly line of Block 1 of the Richland Village Shopping Center Addition, an addition to the City of Richardson as recorded in Volume 78103, Page 1739 of the Map and Deed Records of Dallas County, Texas;

THENCE South along said westerly line of Plano Road a distance of 445.65 feet to a point for corner, said point being the northeast corner of the Glenville Park Addition, an addition to the City of Richardson as recorded in Volume 77133, Page 143 of the Map and Deed Records of Dallas County, Texas;

THENCE South $89^{\circ}55'28''$ West along the north line of said Glenville Park Addition a distance of 207.50 feet to a point for corner;

THENCE North a distance of 396.52 feet to a point for corner;

THENCE North $60^{\circ}00'00''$ East a distance of 72.00 feet to the beginning of a curve to the right;

THENCE in a northeasterly and easterly direction along said curve to the right, having a radius of 100.00 feet, a central angle of $30^{\circ}00'00''$ and an arc length of 52.36 feet to the end of said curve to the right;

THENCE East a distance of 95.15 feet to the POINT OF BEGINNING and containing 90,325 square feet, more or less, or 2.0736 acres.

VOL. PAGE

83046 4036

ARTHUR F. BECK, P.E.

RAYMOND L. GOODSON, JR., P.E.

NORMAN D. HARPER, P.E.

JOHN F. STULL, P.E.

DAVID M. GOODSON, P.E.

AYUB R. SANDHU, P.E.

ROBERT G. WOOD, R.P.S.

EXHIBIT C

Return to:
Newsom Bank Building
David Newsom
1700 Republic 75201
Dallas, Texas

STATE OF TEXAS COUNTY OF DALLAS
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly re-
corded in the volume and page of the named records
of Dallas County, Texas as stamped hereon by me.

MAR 7 1983



Carl Busch
COUNTY CLERK, Dallas County, Texas

83 MAR 3 AM 8:43

FILED
Carl Busch
COUNTY CLERK
DALLAS COUNTY

83046 4037



Notice of Public Hearing

City Plan Commission • Richardson, Texas

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

ZONING CHANGE & SPECIAL PERMIT

File No./Name: ZF 13-05 Raising Cane's Drive-thru / Furr's Building
Property Owner: Lawrence Kadish / Richardson Lynx, LLC
Applicant: Travis Bousquet / The Bousquet Group, Inc.
Location: 350 S. Plano Road (See map on reverse side)
Current Zoning: LR-M(1) Local Retail
Request: A request by Travis Bousquet, representing The Bousquet Group, Inc., to rezone a 2.1-acre lot from LR-M(1) Local Retail with special conditions to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of an existing restaurant building and for approval of a Special Permit for a restaurant with drive-through service.

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

TUESDAY, OCTOBER 1, 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.

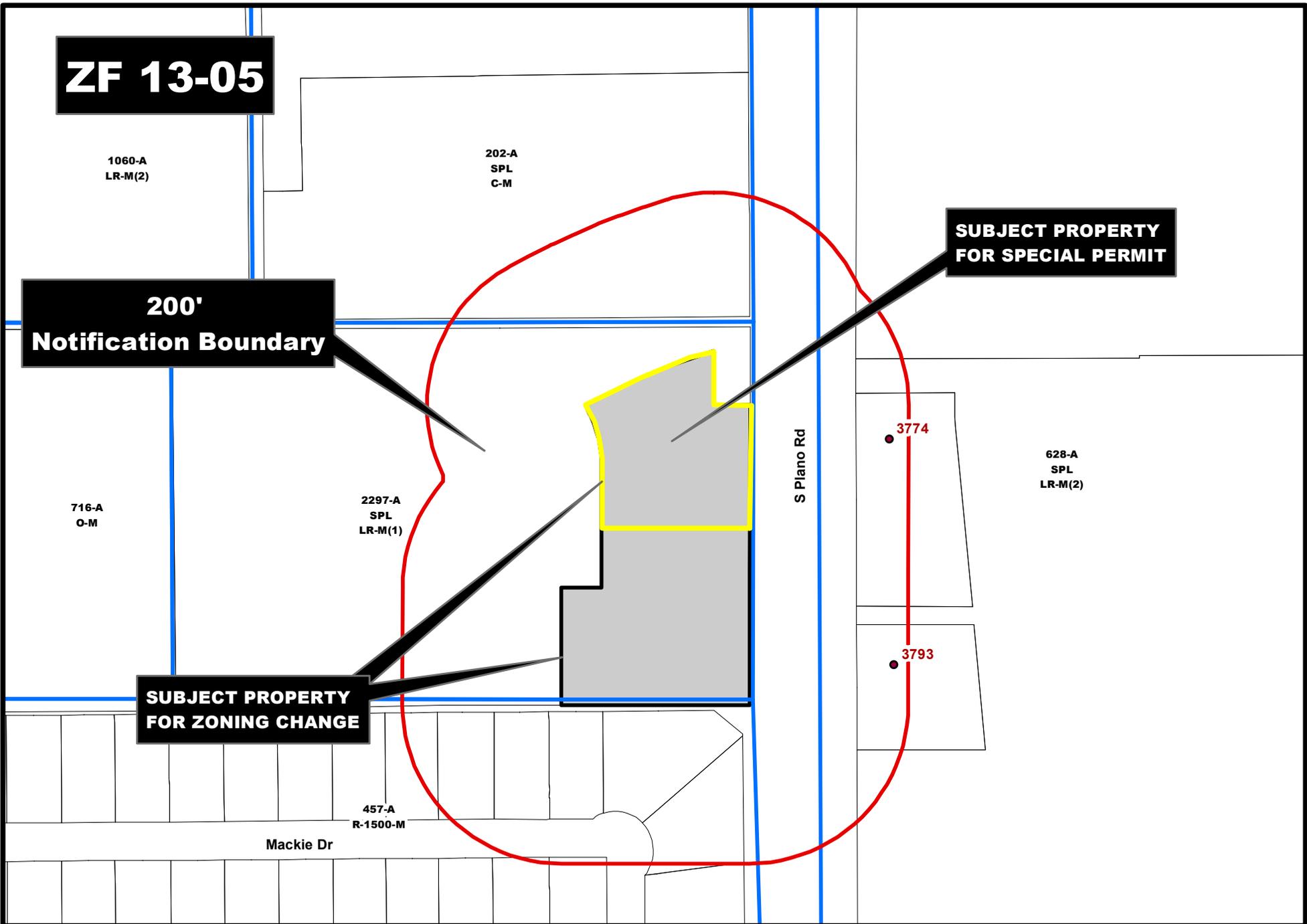
The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions or recommend denial. Final approval of this application requires action by the City Council.

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 13-05.

Date Posted and Mailed: 09/20/2013

ZF 13-05



200'
Notification Boundary

**SUBJECT PROPERTY
FOR SPECIAL PERMIT**

**SUBJECT PROPERTY
FOR ZONING CHANGE**

ZF 13-05 Notification Map

Updated By: shacklett, Update Date: March 12, 2013
File: D:\Mapping\Cases\Z\2013\ZF1305\ZF1305 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.



RICHLAND FERRELL LP
7557 RAMBLER RD STE 1407
DALLAS, TX 75231-2336

MDS TEXAS REALTY I LP
%BURLINGTON COAT FACTORY
1830 ROUTE 130 N
BURLINGTON, NJ 08016-3017

RM 14 FK CORPORATION
SUITE 200 TAX DEPT
2701 E PLANO PKWY#200
PLANO, TX 75074-3716

COFFEY R STEPHEN & BETH H
1331 MACKIE DR
RICHARDSON, TX 75081-4532

SERIS PHILIP & ELIZABETH
1329 MACKIE DR
RICHARDSON, TX 75081-4532

LOCKRIDGE WALLACE A
1327 MACKIE DR
RICHARDSON, TX 75081-4532

CHOW SIU LEUNG &
LINA YUEN WAH FUNG
1325 MACKIE DR
RICHARDSON, TX 75081-4532

SLOAN MICHAEL & LINDSAY
1333 MACKIE DR
RICHARDSON, TX 750814532

JOHNSON DAVID H &
JULIE R JOHNSON
501 CARLETON DR
RICHARDSON, TX 75081-4516

CHEN CHAW YUAN
1328 MACKIE DR
RICHARDSON, TX 75081-4531

PARKERS HAROLD L &
STEPHANIE D
503 CARLETON DR
RICHARDSON, TX 75081-4516

HURLEY MICHAEL P &
TERI L HURLEY
1330 MACKIE DR
RICHARDSON, TX 75081-4531

SIMON PROPERTY GROUP LP
%SIMON TAX SERVICE
PO BOX 6120
INDIANAPOLIS, IN 46206-6120

SEARS ROEBUCK & CO
D 768 TAX B 2 107A
3333 BEVERLY RD
HOFFMAN EST, IL 60179-0001

RICHARDSON WB LLC
300 CONCORD PLAZA DR
SAN ANTONIO, TX 78216-6903

CFT DEVELOPMENTS LLC
1683 WALNUT GROVE AVE
ROSEMEAD, CA 91770-3711

**TRAVIS BOSQUEST, P.E.
THE BOUSQUET GROUP, INC.
501 S. CARROLL BLVD, STE 201
DENTON, TEXAS 76201**

**DAN WATSON
3 MEBS PROPERTY CO AND/OR ASSIGNS
5950 BERKSHIRE LANE, STE 200
DALLAS, TEXAS 75225**

**ZF 13-05
Notification List
2013-09-16**

October 24, 2013

Via E-Mail: Chris.shacklett@cor.gov
and CM/RRR: 70121010000171800315Chris Shacklett
Senior Planner
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080**Via CM/RRR: 70121010000171800322**Mayor Laura Maczka
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080**Via CM/RRR: 70121010000171800339**Mayor Pro Tem Bob Townsend
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080**Via CM/RRR: 70121010000171800346**Mark Solomon, Councilman
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080**Via CM/RRR: 70121010000171800353**Scott Dunn, Councilman
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080**Via CM/RRR: 70121010000171800360**Kendall Hartley, Councilman
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080**Via CM/RRR: 70121010000171800377**Paul Voelker, Councilman
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080**Via CM/RRR: 70121010000171800384**Steve Mitchell, Councilman
City of Richardson
411 W. Arapaho
Room 204
Richardson, Texas 75080

Re: 300 and 350 South Plano Road, Richardson, Dallas County, Texas 75081; Lots 1 and 2, Block 2, Richland Village Shopping Center, City of Richardson, Texas

Application for Rezoning and for Special Use Permit filed by The Bousquet Group, Inc. on behalf of Richardson Lynx, LLC and/or 3MEBS Property Company, LLC; City of Richardson Zoning File 13-05 (the "Application")

2601382 v3 (79068.00002.000.000)

Grant of Reciprocal Easements and Declaration of Covenants Running with the Land entered into between Mervyn's and Furr's Cafeterias, Inc. dated January 31, 1983, Filed at Volume 83046, Page 4030 of the Deed Records of Dallas County Texas (the "**REA**")

Ladies & Gentlemen:

This firm represents MDS Texas Realty I, LP ("**MDS**"). MDS opposes the Application.

Attached is a copy of MDS's Original Petition and Verified Application for Injunctive Relief filed in state District Court in Dallas County earlier today (the "**Petition**").

MDS is the successor in interest to Mervyn's under the REA and is the owner of the "Mervyn's Parcel" as defined in the REA.¹ Burlington Coat Factory ("**BCF**") is the tenant of MDS and is occupying the building improvements located on the property (the "**BCF Building**").

Richardson Lynx, LLC ("**Richardson Lynx**") is the successor in interest to Furr's Cafeterias, Inc. under the REA and is the record owner of the "Furr's Parcel" as defined in the REA. Lynx Associates, L.P. ("**Lynx Associates**") is the current ground lessee of the Furr's Parcel pursuant to an agreement with Richardson Lynx, and Lynx Associates currently has an agreement to convey its leasehold interest in the Furr's Parcel to 3MEBS Realty Company, LLC ("**3MEBS**").

The Furr's Parcel adjoins the east side of the Mervyn's Parcel. The Mervyn's Parcel and the Furr's Parcel are encumbered by mutual restrictive covenants in the REA.²

Pursuant to the Application, Richardson Lynx, Lynx Associates, 3MEBS and/or their affiliates or representatives request the City of Richardson to rezone the Furr's Parcel from LR-M(1) Local Retail with special conditions, to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of the existing Furr's building, and for approval of a Special Permit for a an additional restaurant (a Raising Canes Restaurant) with drive-through service. The Application is intended to result in the Furr's Parcel being platted into two lots.

¹ A copy of the REA is attached as **Exhibit "A"** to the Petition.

² Further, on or about January 31, 1983, the same date as the REA, Mervyn's and Furr's Cafeterias, Inc. also entered into an Agreement for Development Improvements regarding the Mervyn's Parcel and the Furr's Parcel. A copy of the Agreement for Development Improvements is attached as **Exhibit "B"** to the Petition.

The proposed construction of a second building to the Furr's Parcel would violate the restrictive covenants in the REA. Section 2 of the REA provides, among other things, as follows:

It is further agreed that Furr's shall not construct any barriers or obstructions on the Furr's Parcel except as shown in the Site Plan.³

(emphasis added).

The Site Plan is attached as Exhibit "A" to the REA. The REA provides that "the parties hereto recognize that it is to their mutual interest and benefit to cooperate in the development of their respective parcels in order to effect the most advantageous and favorable uses of their respective parcels." The REA provides that the agreements and covenants therein "shall run with the land, both as respects benefits and burdens created herein, and shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto." The REA provides that it shall be effective for a period of fifty (50) years from the date thereof (from January 31, 1983).

The existing City of Richardson Ordinance No. 2297-A (the "**Ordinance**") governing the Mervyn's and Furr's Parcels, and which the applicants seek to amend via the Application, provides, among other things, as follows:

Development shall be done essentially in conformance with two architectural renderings and a conceptual plan, labeled Exhibits A, B, and C

Development shall be limited to Mervyn's Department Store building, . . . and Furr's Cafeteria Building⁴

The Site Plan attached as Exhibit "A" to the REA is in substance the very same document as the conceptual plan that is attached as Exhibit "C" to the Ordinance. As the applicant(s) admit in the Application, the Ordinance does not allow more than a total of two buildings on the Mervyn's and Furr's Parcels due to the foregoing provisions of the Ordinance, which includes and incorporates the same building configuration as shown on the Site Plan.

The proposed construction of a second building on the Furr's Parcel would constitute a "barrier" or "obstruction" and would violate the REA.

³ Section 1 of the REA contains an identical restrictive covenant regarding the Mervyn's Parcel.

⁴ A copy of the Ordinance is included in Exhibit "C" to the Petition.

MDS specifically relied upon the content of the REA in its determination to acquire the Mervyn's Parcel. Likewise, BCF specifically relied upon the content of the REA in connection with its lease of the BCF Building.

MDS made written demand on Richardson Lynx and a representative of 3MEBS to withdraw the Application and has had telephone calls with representatives of Lynx Associates and 3MEBS to discuss these issues. Despite these efforts, Richardson Lynx, Lynx Associates and/or 3MEBS have refused to withdraw the Application.

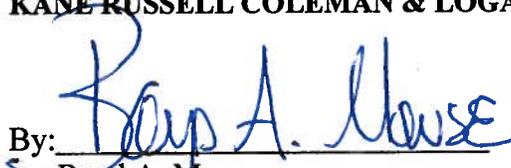
Thus, MDS has been left with no choice but to file the Petition. If Richardson Lynx, Lynx Associates, 3MEBS, and/or their successors, lessees, or affiliates continue to move forward with their plan to blatantly violate the REA, then MDS will pursue all of its rights and remedies under the REA and/or applicable law, including but not limited to obtaining immediate injunctive relief to enjoin these violations of the REA.

I am copying Gary Friedland, who is in-house real estate counsel for BCF. By copy of this letter to Mr. Friedland, MDS confirms that BCF joins in MDS's opposition to the Application.

MDS appreciates your consideration of this very important matter that threatens MDS's property rights. MDS looks forward to further addressing this matter when the City Council considers the Application.

Sincerely,

KANE RUSSELL COLEMAN & LOGAN PC

By: 
Boyd A. Mouse

BAM/mdb

cc: Gary Friedland, Esq.

ORDINANCE NO. 2297-A

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE FOLLOWING DESCRIBED TRACT OF LAND FROM O-M AND R-1250-M TO LR-M(1) LOCAL RETAIL DISTRICT, SUBJECT TO SPECIAL CONDITIONS, TO-WIT: TRACT "A" BEING A TRACT OF LAND SITUATED IN J. J. ALEXANDER SURVEY, ABSTRACT NO. 41 IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT FOR CORNER ON THE WEST LINE OF PLANO ROAD (A 140 FOOT RIGHT-OF-WAY), SAID POINT ALSO BEING THE NORTHEAST CORNER OF GLENVILLE PARK, AN ADDITION TO THE CITY OF RICHARDSON AS RECORDED IN VOLUME 77021, PAGE 1022 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE S. 89° 45' 00" W., 627.15 FEET ALONG THE SAID NORTH LINE OF GLENVILLE PARK TO THE POINT OF BEGINNING; THENCE S. 89° 45' 00" W., 172.86 FEET CONTINUING ALONG THE SAID NORTH LINE OF GLENVILLE PARK TO A POINT FOR CORNER; THENCE N. 0° 01' 37", E., 513.26 FEET TO A POINT FOR CORNER; THENCE NORTH 89° 10' 00" E., 120.51 FEET TO A POINT FOR CORNER; THENCE N. 44° 24' 30" E., 21.30 FEET TO A POINT FOR CORNER; THENCE S. 0° 21' 00" E., 24.66 FEET TO A POINT FOR CORNER; THENCE S. 89° 58' 23" E., 664.44 FEET TO A POINT FOR CORNER ON THE SAID WEST LINE OF PLANO ROAD; THENCE S. 0° 01' 37" W., 87.53 FEET ALONG THE SAID WEST LINE OF PLANO ROAD TO A POINT FOR CORNER; THENCE N. 89° 58' 23" W., 627.10 FEET TO A POINT FOR CORNER; THENCE S. 0° 02' 00" W., 417.27 FEET TO A POINT OF BEGINNING AND CONTAINING 143,516 SQUARE FEET OR 3.295 ACRES OF LAND. TRACT "B" BEING A TRACT OF LAND SITUATED IN THE J. J. ALEXANDER SURVEY, ABSTRACT NO. 41 DALLAS COUNTY, TEXAS, AND ALSO BEING ABRAMS ROAD CHURCH OF CHRIST AN ADDITION TO THE CITY OF RICHARDSON AS RECORDED IN VOLUME 841, PAGE 1925 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FOR CORNER ON THE WEST LINE OF PLANO ROAD (A 140 FOOT RIGHT-OF-WAY), SAID POINT ALSO BEING THE NORTHEAST CORNER OF GLENVILLE PARK, AN ADDITION TO THE CITY OF RICHARDSON AS RECORDED IN VOLUME 77021, PAGE 1022 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THENCE S. 89° 45' 00" W., 627.15 FEET ALONG THE SAID NORTH LINE OF GLENVILLE PARK; THENCE N. 0° 02' 00" E., 417.27 FEET TO A POINT FOR CORNER; THENCE S. 89° 58' 23" E., 627.10 FEET TO A POINT FOR CORNER ON THE SAID WEST LINE OF PLANO ROAD; THENCE S. 0° 01' 37" W., 414.24 FEET ALONG THE SAID WEST LINE OF PLANO ROAD TO THE POINT OF BEGINNING AND CONTAINING 260,729 SQUARE FEET OR 5.986 ACRES OF LAND: PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Richardson, and the governing body of the City of Richardson, in compliance with the laws of the City of Richardson, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the Comprehensive Zoning Ordinance should be amended; now, therefore,

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

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Richardson, so as to give the following tract of land an LR-M(1) Local Retail District zoning classification with Special Conditions, to-wit:

TRACT "A"

BEING a tract of land situated in J. J. Alexander Survey, Abstract No. 41 in the City of Dallas, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a point for corner on the west line of Plano Road (a 140 foot right-of-way), said point also being the northeast corner of Glenville Park, an addition to the City of Richardson as recorded in Volume 77021, Page 1022 of the Deed Records of Dallas County, Texas; Thence S. 89° 45' 00" W., 627.15 feet along the said north line of Glenville Park to the POINT OF BEGINNING;

THENCE S. 89° 45' 00" W., 172.86 feet continuing along the said north line of Glenville Park to a point for corner;

THENCE N. 0° 01' 37", E., 513.26 feet to a point for corner;

THENCE N. 89° 10' 00" E., 120.51 feet to a point for corner;

THENCE N. 44° 24' 30" E., 21.30 feet to a point for corner;

THENCE S. 0° 21' 00" E., 24.66 feet to a point for corner;

THENCE S. 89° 58' 23" E., 664.44 feet to a point for corner on the said west line of Plano Road;

THENCE S. 0° 01' 37" W., 87.53 feet along the said west line of Plano Road to a point for corner;

THENCE N. 89° 58' 23" W., 627.10 feet to a point for corner;

THENCE S. 0° 02' 00" W., 417.27 feet to a point of Beginning and containing 143,516 square feet or 3.295 acres of land.

TRACT "B"

BEING a tract of land situated in the J. J. Alexander Survey, Abstract No. 41 in Dallas County, Texas, and also being Abrams Road Church of Christ an addition to the City of Richardson as recorded in Volume 841, Page 1925 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner on the west line of Plano Road (a 140 foot right-of-way), said point also being the northeast corner of Glenville Park, an addition to the City of Richardson as recorded in Volume 77021, Page 1022 of the Deed Records of Dallas County, Texas;

THENCE S. 89° 45' 00" W., 627.15 feet along the said north line of Glenville Park;

THENCE N. 0° 02' 00" E., 417.27 feet to a point for corner;

THENCE S. 89° 58' 23" E., 627.10 feet to a point for corner on the said west line of Plano Road;

THENCE S. 0° 01' 37" W., 414.24 feet along the said west line of Plano Road to the Point of Beginning and containing 260.729 square feet or 5.986 acres of land.

SECTION 2. That the above zoning classification is hereby granted subject to the following special conditions:

- (1) An eight foot masonry screening wall shall be constructed along the south property line from the Plano Road setback on the east to the Glenville Drive setback on the west, construction to occur prior to the time construction begins on the remainder of the site.
- (2) Three-inch caliper live oak trees shall be planted along said screening wall no less than 75 feet on center.
- (3) Landscaping to provide a physical barrier shall be planted along the south side of the alley along the northern boundary of the tract, subject to approval by the City Plan Commission.
- (4) A lighting plan shall be submitted to the City Plan Commission for approval at the same time that site plan approval is requested.
- (5) No direct traffic shall be permitted from Plano Road to Glenville Drive.
- (6) Development shall be done essentially in conformance with two architectural renderings and a conceptual plan, labeled Exhibits A, B, and C, the building area to include no more than 90,000 square feet located in two structures.
- (7) Development shall be limited to Mervyn's Department Store building, to be located a minimum of 165 feet from the south property line, and Furr's Cafeteria Building, to be located a minimum of 55 feet from the south property line.

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

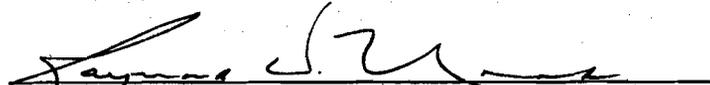
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be

subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

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

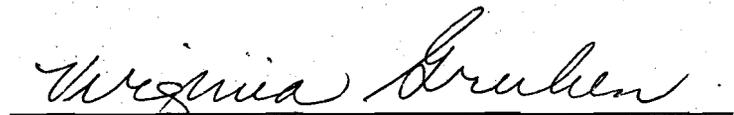
DULY PASSED by the City Council of the City of Richardson, Texas, on the 10th day of May, 1982.

APPROVED:



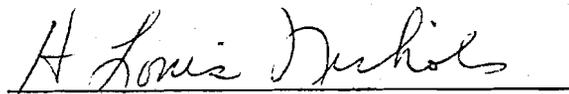
MAYOR

DULY RECORDED:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

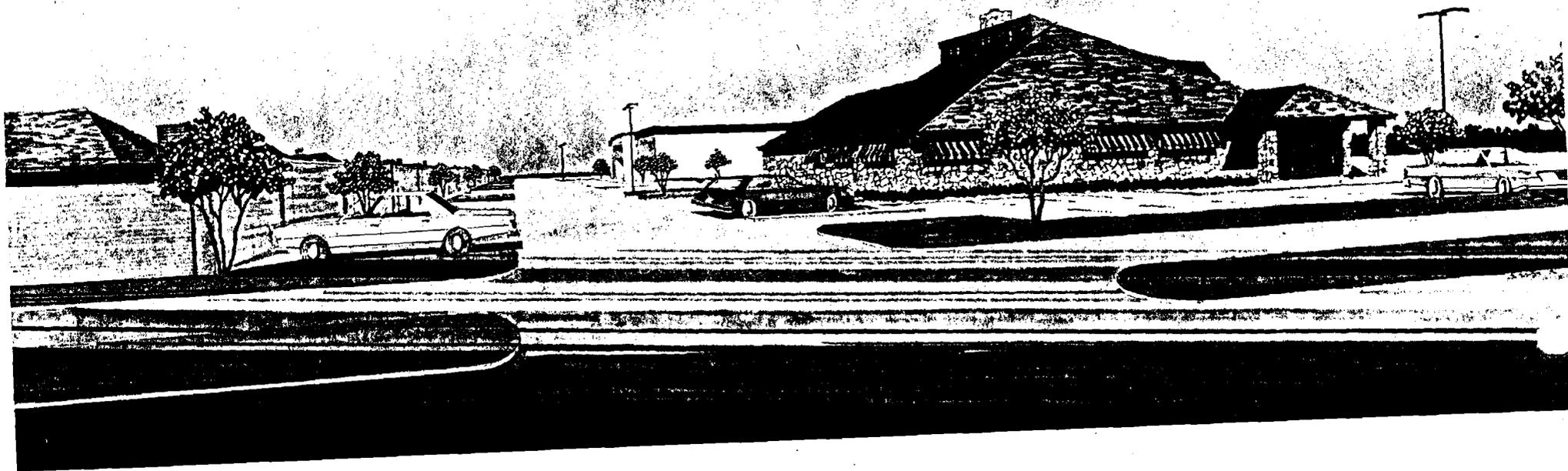


EXHIBIT A
ORDINANCE NO. 2297-A
FURR'S CAFETERIA

6600

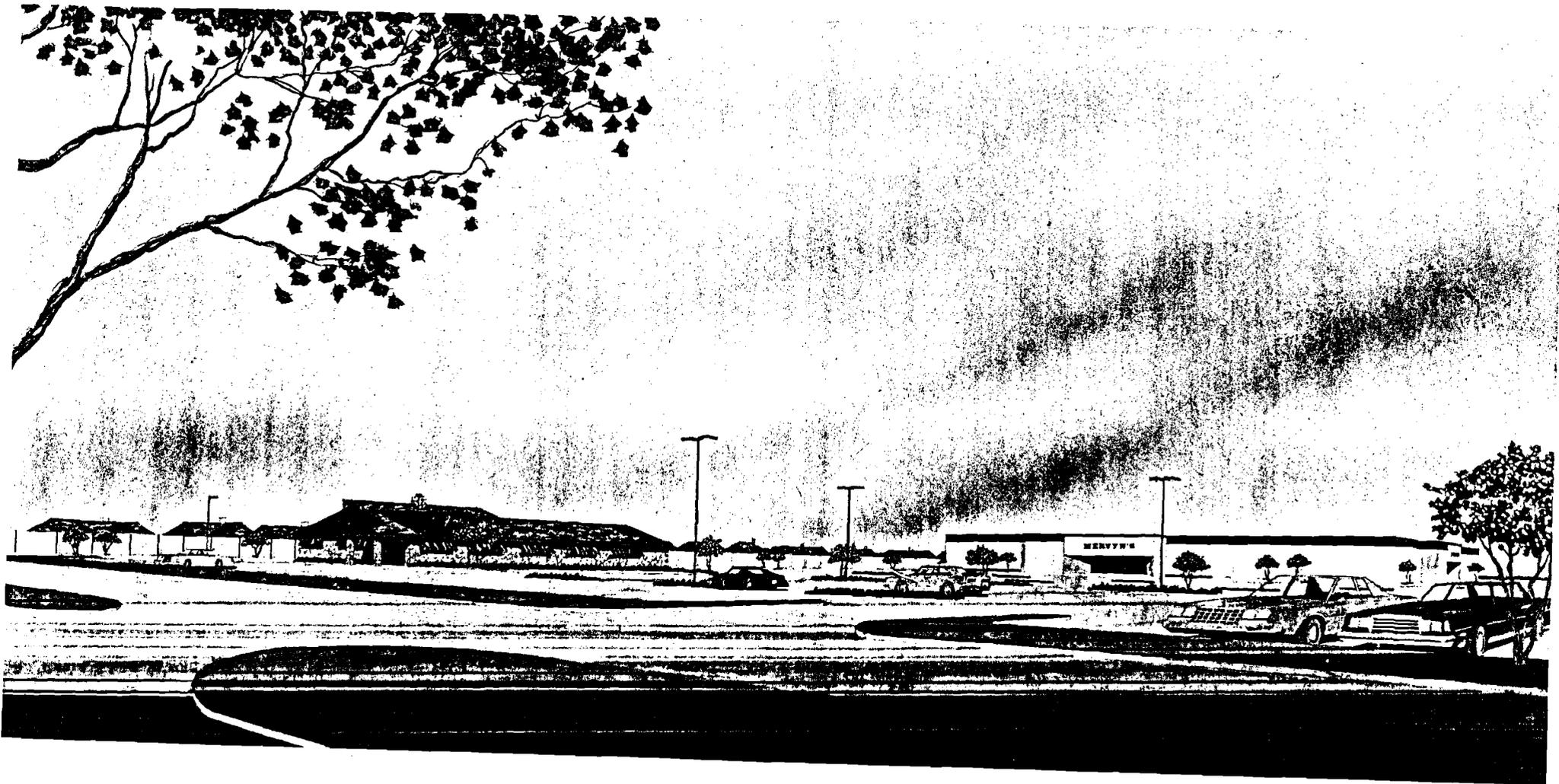


EXHIBIT B
ORDINANCE NO. 2297-A
MERVYN'S DEPT. STORE

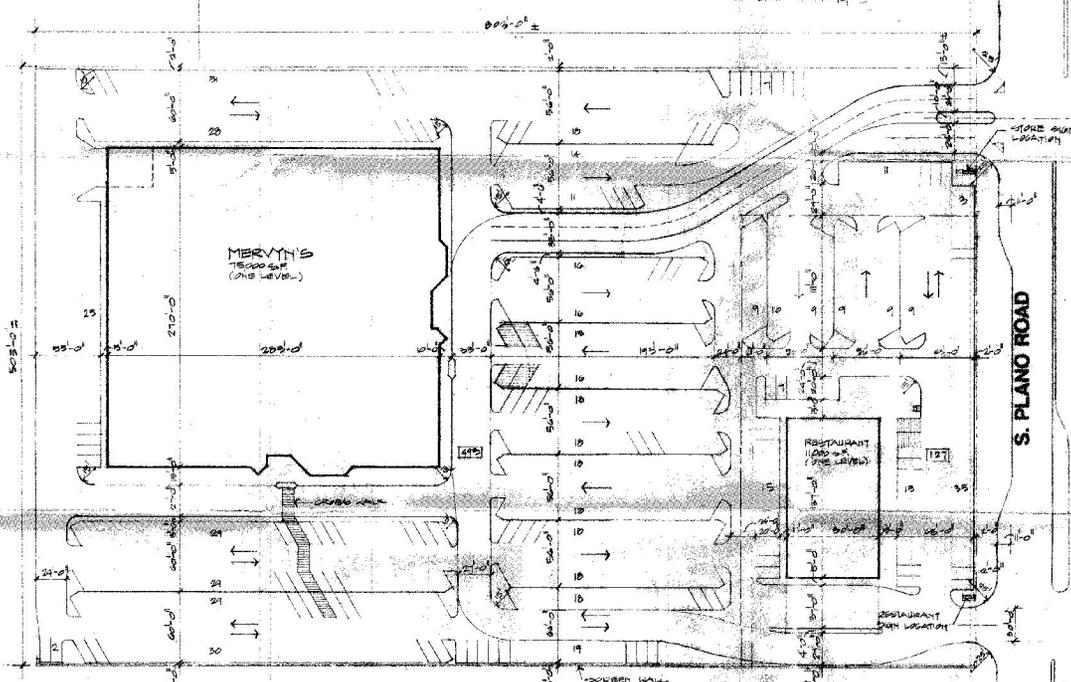
6600

S. GLENVILLE DRIVE



SITE PLAN

10 50 100 ft.



SITE STATISTICS

TOTAL LOT AREA 25 ACRES
TOTAL DEVELOPABLE AREA 450,000 sq ft
OFFICE REQUIRED 450,000 sq ft (100,000 sq ft)
RETAIL REQUIRED 602,000 sq ft (12,000 sq ft)

PROJECT C
ORDINANCE NO. 2277-A

APPROXIMATE LOCATION OF STORE SHOPPING

S. PLANO ROAD



PRELIMINARIES
NOT FOR CONSTRUCTION

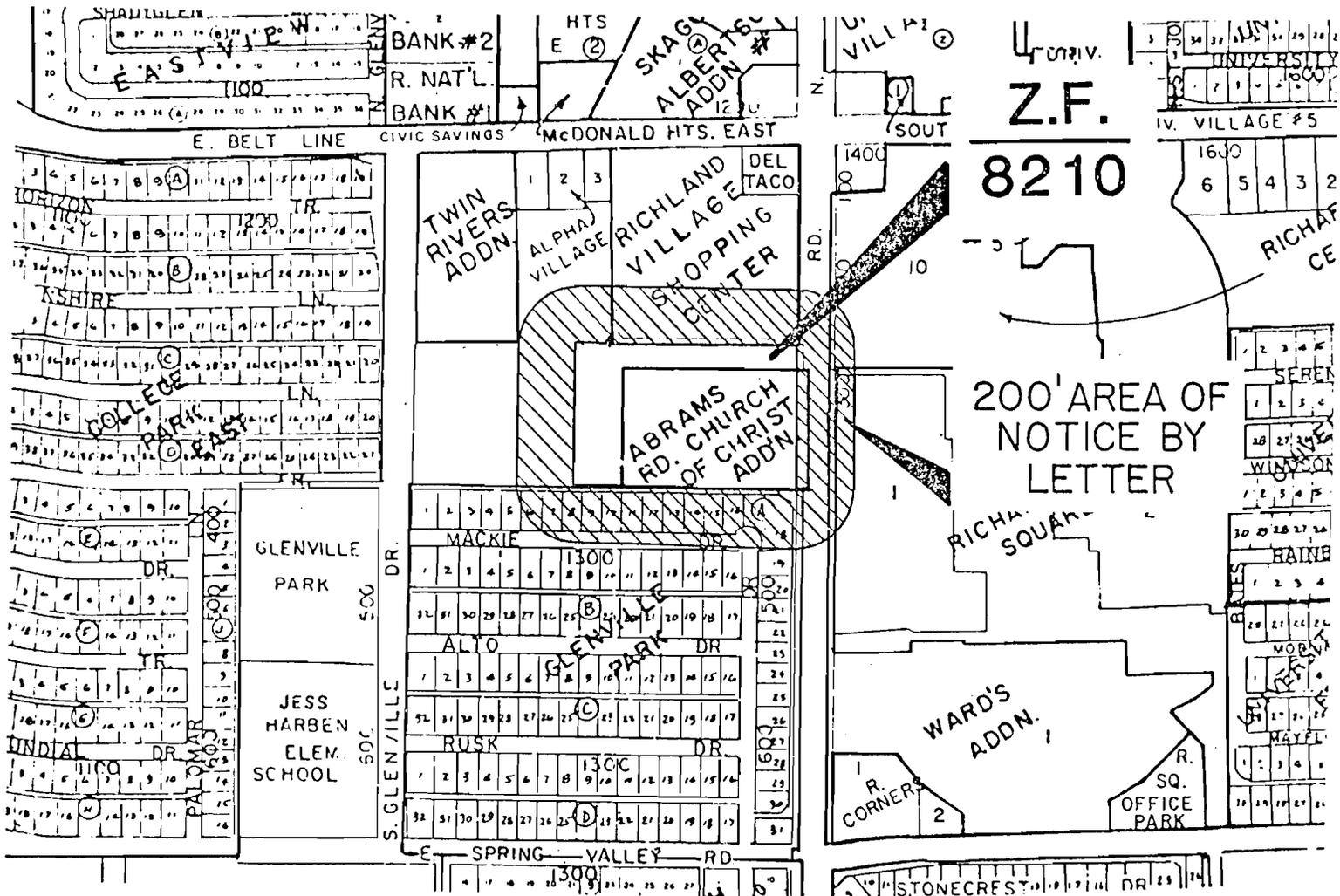
MERYN'S
INTERNATIONAL, INC.
10000 W. 10TH AVENUE, SUITE 100
DENVER, CO 80202

March 24, 1982

Zoning File 8210

NOTICE OF PUBLIC HEARING

The City Council will hold a public hearing at 7:30 p. m., April 12, 1982, at the City Hall, 411 West Arapaho Road, Richardson, Texas, on a request by Moore and Company to rezone approximately 6.01 acres of land at 330 South Plano Road, and approximately 3.26 acres of land fronting the 300 block of South Plano Road. The current zoning on the property under consideration is R-1250-M Single Family Residential and O-M Office. The applicant requests that both pieces of property be rezoned LR-M(2) Local Retail. The property is shown on the map below.



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

2297

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



MEMO

DATE: October 24, 2013
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services MS
SUBJECT: Zoning File 13-16 – Special Permit – Gym Ratz Basketball Skills Gym

REQUEST

Robert Sommerfelt, representing Gym Ratz Basketball Skills Club, LLC, is requesting a Special Permit for a basketball skills gym with modified development standards in an 8,036-square foot lease space in a 5-building office/warehouse development on an 8.3-acre tract of land. The subject property is located on the east side of Dorothy Drive, south of Arapaho Road.

BACKGROUND

The applicant is proposing to create a basketball skills gym which would provide a facility catering primarily to junior high and high school aged basketball players seeking to improve their skills. The proposed use would be located in Building 860 as noted on Exhibit “B”, located in the suite marked “subject lease space”. Since the use is unlisted in the Comprehensive Zoning Ordinance (CZO), a Special Permit is required. Two (2) courts would be provided, each with electronic systems that provide feedback on the mechanics of a player’s shot and a system to improve ball handling skills. The facility would generally operate between the hours of 6:30am and 8:00am as well as 3:30pm and 10pm during the week and between the hours of 9:00am and 4:00pm on weekends.

The applicant expects that there would be no more than twenty (20) employees and players at the facility at any given time. Since the use is unlisted and the applicant feels that the maximum occupancy would be less than twenty (20), he is requesting that a parking ratio of one (1) space per five-hundred (500) square feet be approved as part of the request. Although the number of required and provided parking spaces is the same (293 spaces), various parking counts taken by the applicant showed that the maximum number of occupied spaces at a given time were eighty-two (82) spaces. Therefore, the applicant feels the proposed ratio is justified.

No written correspondence 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 Conditions | Zoning Exhibit (Exhibit “B”) |
| CC Public Hearing Notice | Floor Plan |
| City Plan Commission Minutes 10-01-2013 | Site Photos |
| Staff Report | Applicant’s Statement |
| Zoning Map | Notice of Public Hearing |
| Aerial Map | Notification List |
| Oblique Aerial Looking East | |

ZF 13-16 Special Conditions

1. A basketball skills gym shall be allowed and limited to the area shown on the attached concept plan, marked as Exhibit “B” and made a part thereof.
2. The basketball skills gym shall require a parking ratio of one (1) parking space per five-hundred (500) square feet.
3. The facility shall be used for basketball training and practice purposes only. Tournament games or league games shall be prohibited.
4. The facility’s hours of operation shall be limited to 6:00am to 10:00pm.



Attn. Lynda Black (lblack@dmnmedia.com)
Publication for Dallas Morning News – Legals
Submitted on: Wednesday, October 9, 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: Saturday, October 12, 2013

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, October 28, 2013, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

ZF 13-05

A request by Travis Bousquet, representing The Bousquet Group, Inc., to rezone a 2.1-acre lot from LR-M(1) Local Retail with special conditions to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of an existing restaurant building and for approval of a Special Permit for a restaurant with drive-through service located at 350 S. Plano Road. The property is currently zoned LR-M(1) Local Retail.

ZF 13-16

A request by Robert Sommerfelt, representing Gym Ratz Basketball Skills Club, LLC, for approval of a Special Permit for a basketball skills gym with modified development standards to be located at 850 N. Dorothy Drive (east side of Dorothy Drive, south of Arapaho Road). The property is currently zoned I-M(1) Industrial and I-FP(2) Industrial.

ZF 13-18

A request by Scott Ozymy, representing KDC Real Estate Development and Investments, to amend the Bush Central Station Planned Development District, Ordinance No. 3892, relative to approximately 38.5 acres of land located on the south side of the President George Bush Turnpike, between Plano Road and the DART Light Rail Red Line right-of-way to amend the Regulating Plan, associated development standards and street cross-sections. The property is currently zoned PD Planned Development.

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

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

**EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – OCTOBER 1, 2013**

PUBLIC HEARING

Zoning File 13-16: Consider and take the necessary action on a request by Robert Sommerfelt, representing Gym Ratz Basketball Skills Club, LLC, for approval of a Special Permit for a basketball skills gym with modified development standards to be located at 750 N. Dorothy Drive, on the east side of Dorothy Drive, south of Arapaho Road. The property is currently zoned I-M(1) and I-FP(2) Industrial.

Mr. Shacklett stated the applicant was requesting approval of a Special Permit for a basketball skills gym and to modify development standards for 8,036 square foot lease space in a multi-tenant building at 850 Dorothy Drive. He added that the request would provide a basketball skills and trailing facility, but prohibit leagues and tournaments.

As part of the requested, Mr. Shacklett said a parking ratio of 1:500 was proposed for the use and with this ratio the property would provide 293 parking spaces, which is the required parking for the site, however, the applicant provided several parking counts at varied times during the weeks and there were never more than 82 of the 293 spaces being used.

Mr. Shacklett concluded his presentation by noting no correspondence had been received and highlighted the staff recommendations for special conditions.

Vice Chair Bright asked if the padded post posed a safety issue.

Mr. Shacklett replied that based on the description from the applicant there would be no full-court games, but half-court games and the padding was there as a precaution.

With no other questions for staff, Chairman Hand opened the public hearing.

Mr. Rob Summerfelt, 7615 Carter Valley Drive, Dallas, Texas said his vision was to open a basketball skills gym in the vacant warehouse to satisfy the need for more basketball space as well as provide an opportunity for basketball players to improve their skills.

Mr. Summerfelt said the location was chosen because it was in the middle of the four high schools in the Richardson Independent School District (RISD). He added that the facility would help basketball players work on their shooting skills using technology evaluating the players on their shooting arc, dribbling skills and ball handling.

Mr. Summerfelt said the workout sessions will be 30 minutes long and the facility would track the player's progress or areas to work on. In addition, there will be coaches on hand to do personal instruction to individuals or groups of up to 10 players.

Commissioner DePuy asked if the applicant had started a business like this before and how many players did they anticipate would be using the facility.

Mr. Summerfelt said this was his first business, and had coached and played basketball almost his whole life and his partner was currently a basketball coach in the area. He added that the only similar business was located in Portland, Oregon and when he visited that facility on a Sunday afternoon there were 30 to 40 players present.

Vice Chair Bright asked if there would be trainers present and did the applicant know of any other facility that used the same technology.

Mr. Summerfelt replied that looking on the internet for basketball skills facilities, there are a few that have some of the technology, but nothing similar to what their facility would offer.

Regarding the trainers, Mr. Summerfelt said they currently have one trainer to start with, but he did envision letting outside trainers bring in their clients to use their facilities.

Chairman Hand asked if the facility would be used for private parties, such as birthday parties.

Mr. Summerfelt replied that it would be possible if the person wanted to rent the space, but the size of the facility would limit the number of people who could attend.

No further comments or questions were made either in favor or opposed and Chairman Hand closed the public hearing.

Commissioner Linn complimented the applicant on his creative idea and said there was a need for additional space and instruction.

Commissioner DePuy stated she would hope the facility would also be helpful for female basketball players.

Motion: Vice Chair Bright made a motion to recommend approval of Zoning File 13-16 as presented; second by Commissioner Linn. 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: October 24, 2013

RE: **Zoning File 13-16:** Special Permit – Gym Ratz Basketball Skills Gym

REQUEST:

Special Permit for a basketball skills gym with modified development standards in an 8,036-square foot lease space in a 5-building office/warehouse development on an 8.3-acre tract of land located on the east side of Dorothy Drive, south of Arapaho Road.

APPLICANT / PROPERTY OWNER:

Robert Sommerfelt – Gym Ratz Basketball Skills Club, LLC / Joshua Barnes, an agent for MP Acquiport Industrial, LLC

EXISTING DEVELOPMENT:

The site is currently developed with five (5) multi-tenant buildings, totaling approximately 137,000 square feet.

ADJACENT ROADWAYS:

Dorothy Drive: Two-lane undivided neighborhood collector; no traffic counts available.

Arapaho Road: Six-lane, divided arterial; 35,700 vehicles per day on all lanes, eastbound and westbound, between Dorothy Drive and Grove Road (May 2011).

SURROUNDING LAND USE AND ZONING:

North: Office and Industrial; I-M(1) Industrial and I-FP(2) Industrial
South: Industrial; I-M(1) Industrial and I-FP(2) Industrial
East: Industrial; I-M(1) Industrial and I-FP(2) Industrial
West: Single Family; R-850-F Residential

FUTURE LAND USE PLAN:

Enhancement/Redevelopment

These are areas where reinvestment and redevelopment is encouraged. Further study may be necessary to understand the full potential for redevelopment. This property is located in the East Arapaho/Collins enhancement/redevelopment area. Mid-rise office uses are appropriate throughout the area and mixed-use buildings with ground-floor retail could be appropriate at key locations.

Future Land Uses of Surrounding Area:

North: Enhancement/Redevelopment

South: Enhancement/Redevelopment

East: Enhancement/Redevelopment

West: Enhancement/Redevelopment

EXISTING ZONING:

I-M(1) Industrial and I-FP(2) Industrial.

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:

Request:

The site was initially developed in 1983 with five (5) office/warehouse buildings totaling approximately 137,000 square feet. The applicant is proposing to create a basketball skills gym which would provide a facility catering primarily to junior high and high school aged basketball players seeking to improve their skills. The proposed use would be located in Building 860 as noted on Exhibit "B", located in the suite marked "subject lease space". Since the use is unlisted in the Comprehensive Zoning Ordinance (CZO), a Special Permit is required.

The applicant's desire is to provide a gym where, for an hourly fee, a player can be provided gym space for specific training sessions that cannot be offered at health clubs or school gymnasiums. Two (2) courts would be provided, each with electronic systems that provide feedback on the mechanics of a player's shot and a system to improve ball handling skills. The facility would generally operate between the hours of 6:30am and 8:00am as well as 3:30pm and 10pm during the week and between the hours of 9:00am and 4:00pm on weekends. The facility is intended only for practice and training. Hosting of tournaments or league games would be prohibited. It is expected that it will be primarily used by individuals and that some teams may use it for practice only.

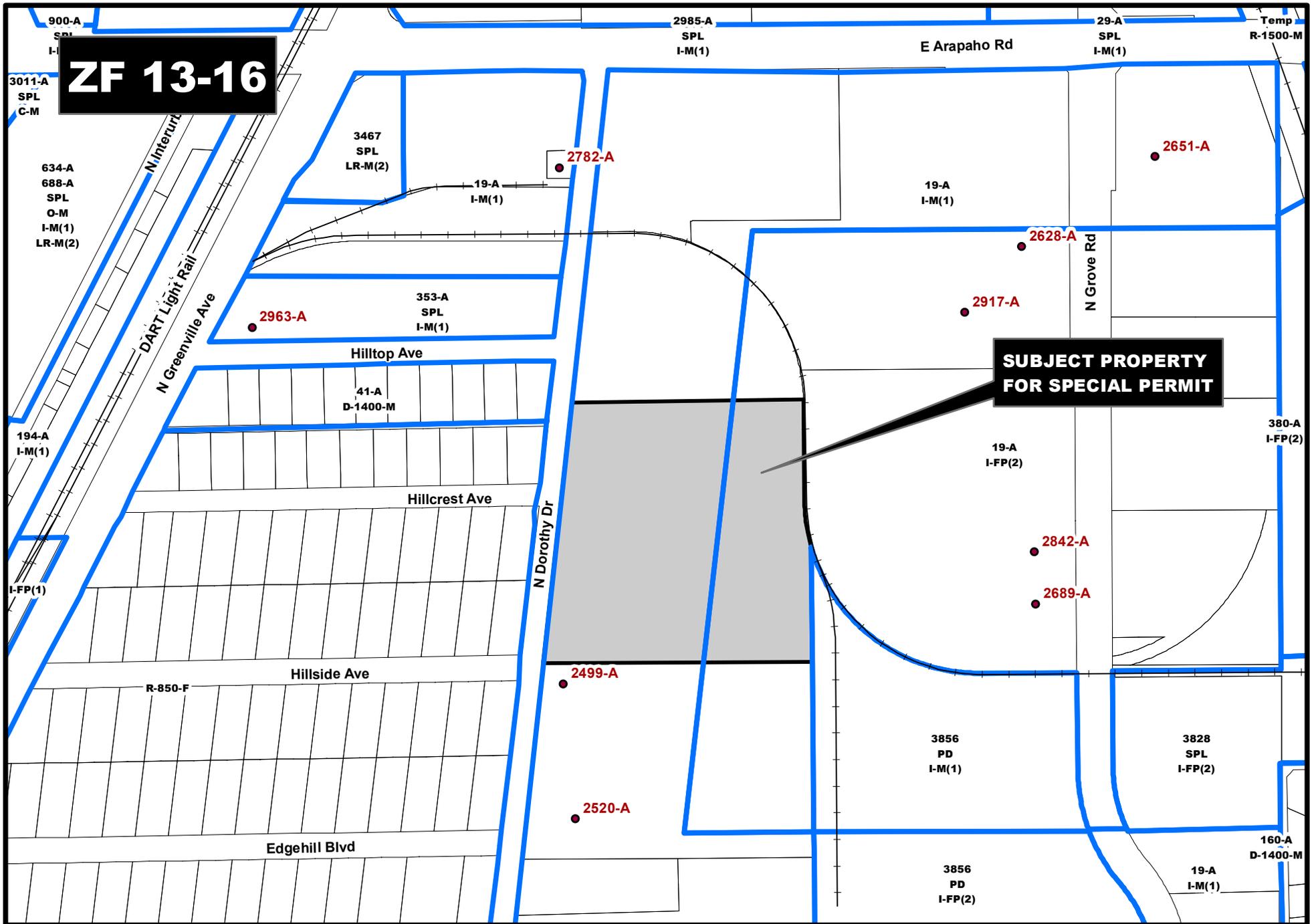
The applicant expects that there would be no more than twenty (20) employees and players at the facility at any given time. Since the use is unlisted and the applicant feels that the maximum occupancy would be less than twenty (20), he is requesting that a parking ratio of one (1) space per five-hundred (500) square feet be approved as part of the request.

The site currently provides 293 parking spaces and based on the mix of office and warehouse space, the required parking is also 293 parking spaces based on the applicant's proposed parking ratio. Although there is no excess parking, the applicant has provided several parking counts (listed in the Applicant's Statement). Eight (8) counts were taken at various times during both weekdays and on the weekend. The maximum number of spaces being used at any time was eighty-two (82), which occurred at 3:30pm on a weekday. Based on the counts, the applicant feels the proposed parking ratio is justified.

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

Motion: On October 1, 2013, the City Plan Commission recommended approval of the request as presented on a vote of 7-0 subject to the following special conditions:

1. A basketball skills gym shall be allowed and limited to the area shown on the attached concept plan, marked as Exhibit "B" and made a part thereof.
2. The basketball skills gym shall require parking at a ratio of one (1) parking space per five-hundred (500) square feet.
3. The facility shall be used for basketball training and practice purposes only. Tournament games or league games shall be prohibited.
4. The facility's hours of operation shall be limited to 6:00am to 10:00pm.



ZF 13-16 Zoning Map

Updated By: shacklett, Update Date: September 16, 2013
 File: D:\Mapping\Cases\Z\2013\ZF1316\ZF1316 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 13-16



**SUBJECT PROPERTY
FOR SPECIAL PERMIT**

ZF 13-16 Aerial Map

Updated By: shacklett, Update Date: September 16, 2013
File: D:\Mapping\Cases\Z\2013\ZF1316\ZF1316 ortho.mxd

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





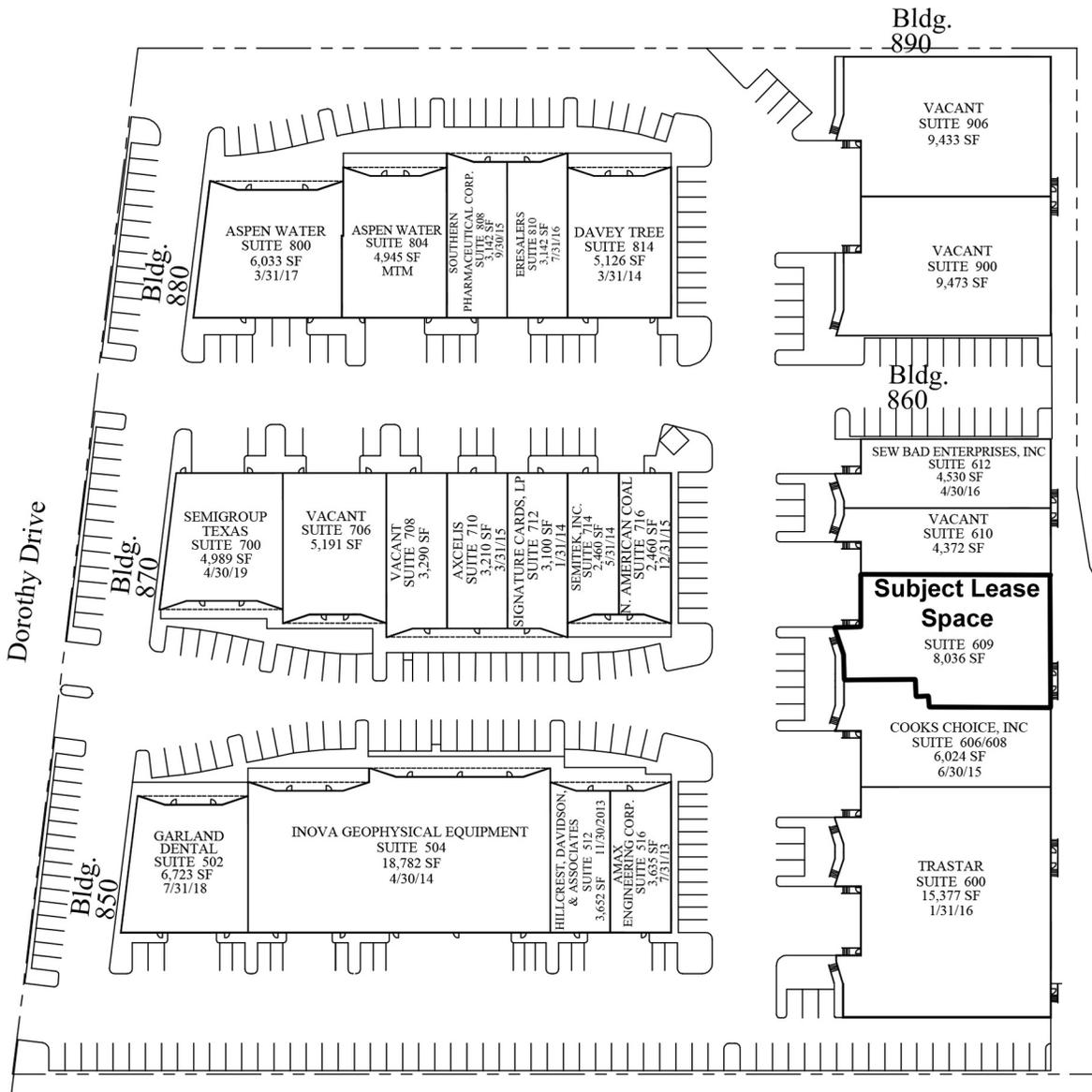
**Subject
Lease Space**

Dorothy Drive

Hilltop Avenue



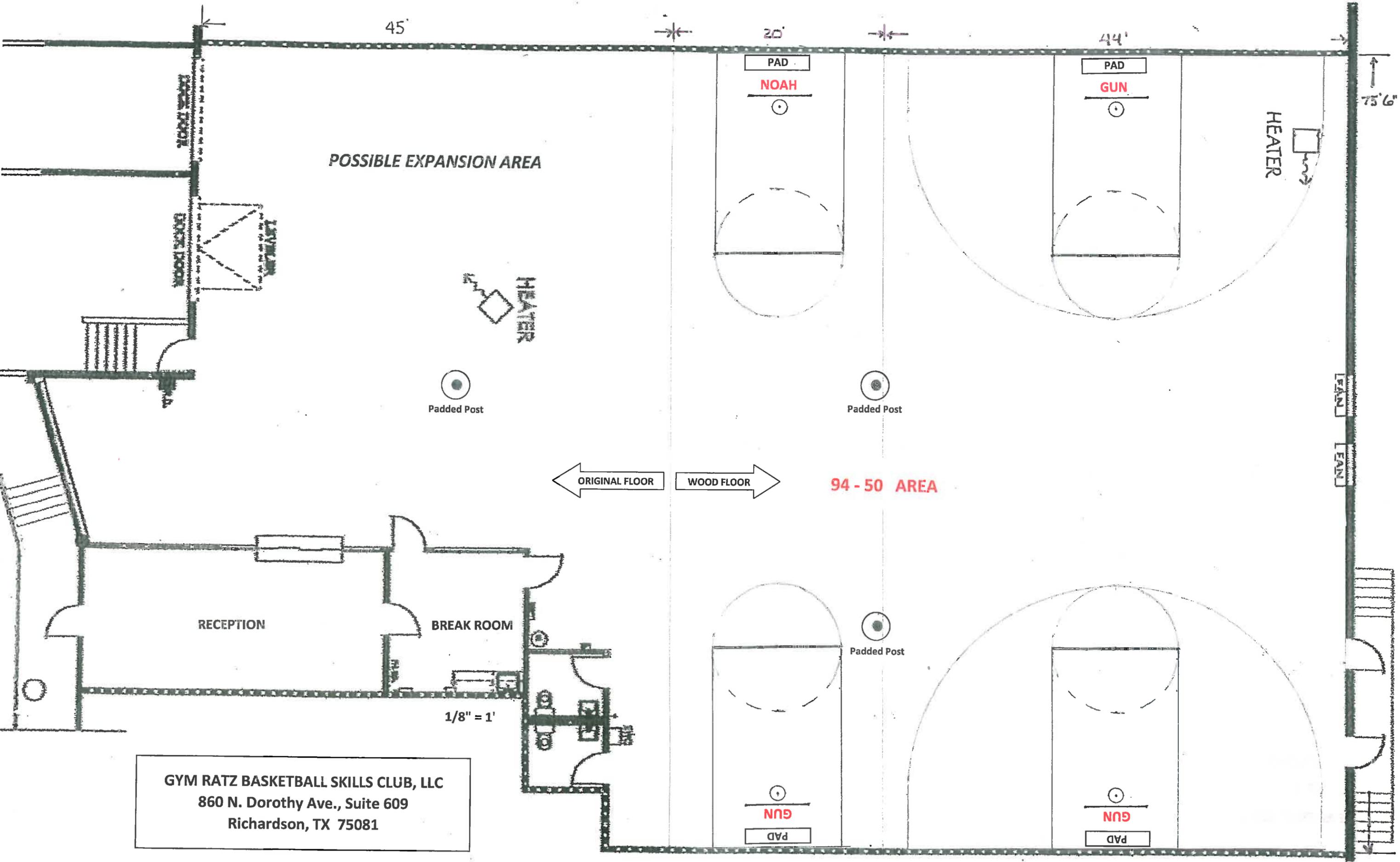
**Oblique Aerial
Looking East**



Project Summary	
Existing Zoning	I-M (1) amd I-FP(2)
Proposed Zoning	SUP Permit for Basketball Skills Gym
Setbacks	40' along Dorothy
Lot Area	8.3 Acres (361,548 SF)
Bldg SF	850 Dorothy: 32,792
	860 Dorothy: 38,339
	870 Dorothy: 24,700
	880 Dorothy: 22,388
	890 Dorothy: 18,906
	137,125
Parking Ratios	1/250 Office ; 1/1000 Warehouse; 1/500 Basketball Skills Gym
Required Parking	293
Provided Parking	293
FAR	37.93%
Landscape	In Accordance with Approved Site Plan

850 DOROTHY: 32,792 SF
 860 DOROTHY: 38,339 SF
 870 DOROTHY: 24,700 SF
 880 DOROTHY: 22,388 SF
 890 DOROTHY: 18,906 SF

TOTAL SQUARE FOOTAGE: 137,125 SF
 PARKING SPACES: 293



GYM RATZ BASKETBALL SKILLS CLUB, LLC
 860 N. Dorothy Ave., Suite 609
 Richardson, TX 75081



(1)

Looking Southeast at
Subject Lease Space



(2)

**Looking West from
Subject Lease Space**

Gym Ratz Basketball Skills Club, LLC – 8,036 Square Feet

Gym Ratz Basketball Skills Club, LLC would be a facility that would cater to boys and girls ages 10-18 years old and any adult that is interested in improving his or her basketball ability. The space at 860 N. Dorothy Drive, Suite 609, is centrally located between the four Richardson High Schools, eight Junior High Schools and three Private High Schools. We are proposing building out the space into a Junior High size basketball court (75'x44') with two baskets alongside a 20'x75' area that will have two baskets and a ball handling area. Gym Ratz will utilize current cutting edge technology, the Shoot-a-Way ball return system, Noah Arc shooting system and the 9450 basketball training aide to allow our members to improve their shooting and ball handling skills. In concert with the technology we will offer individual and group training.

For any player willing to spend extra time in the gym to do the same workouts we will provide, they would need to rent gym space (currently priced between \$50-\$100/hour) or somehow get into a school gym after hours. The current security issue at our schools makes the latter option no longer available. Gym Ratz will provide the players a safe environment where they can use the above mentioned cutting edge equipment to hone their skills. The Shoot-a-Way ball return system will allow them to get in over 300 shots in a 30 minute time frame, the Noah Arc shooting system will measure the arc that they shoot the ball at so they can correct it and make a greater percentage of their shots and the 9450 ball handling system will fine tune their ball handling skills with both hands and provides drills for them to improve. Members will schedule their workouts online and will come to the facility and complete them in 30-60 minutes.

From August 24 through August 30, 2013 Gym Ratz has done a thorough survey of the parking situation at selected times of the day as shown below:

DATE	TIME	SPACES USED
Saturday, August 24, 2013	2:00 PM	15
Monday, August 26, 2013	8:30 AM	63
Monday, August 26, 2013	2:30 PM	79
Monday, August 26, 2013	7:30 PM	15
Wednesday, August 28, 2013	9:00 AM	57
Wednesday, August 28, 2013	3:30 PM	82
Wednesday, August 28, 2013	8:00 PM	7
Friday, August 30, 2013	8:30 AM	51

The space is not intended to be used for hosting tournaments or leagues. It will be used by individuals and some teams for practice only. At any given time we expect less than 20 players and employees at the facility. Therefore we are asking for a 1 space per 500 square feet parking ratio. Our hours of operation will be Monday through Friday 6:30-8:00 AM and 3:30-10 PM, Saturday from 9:00 AM to 4:00 PM and Sunday from 1:00 PM – 4:00 PM. We believe this will be a positive investment in our community and benefiting the kids of Richardson, specifically.



Notice of Public Hearing

City Plan Commission • Richardson, Texas

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

SPECIAL PERMIT

File No./Name: ZF 13-16 / Gym Ratz Basketball Skills Gym
Property Owner: Joshua Barnes, an agent for MP Acquiport Industrial, LLC
Applicant: Robert Sommerfelt / Gym Ratz Basketball Skills Club, LLC
Location: 850 N. Dorothy Drive (See map on reverse side)
Current Zoning: I-M(1) Industrial and I-FP(2) Industrial
Request: A request by Robert Sommerfelt, representing Gym Ratz Basketball Skills Club, LLC, for approval of a Special Permit for a basketball skills gym with modified development standards.

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

TUESDAY, OCTOBER 1, 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.

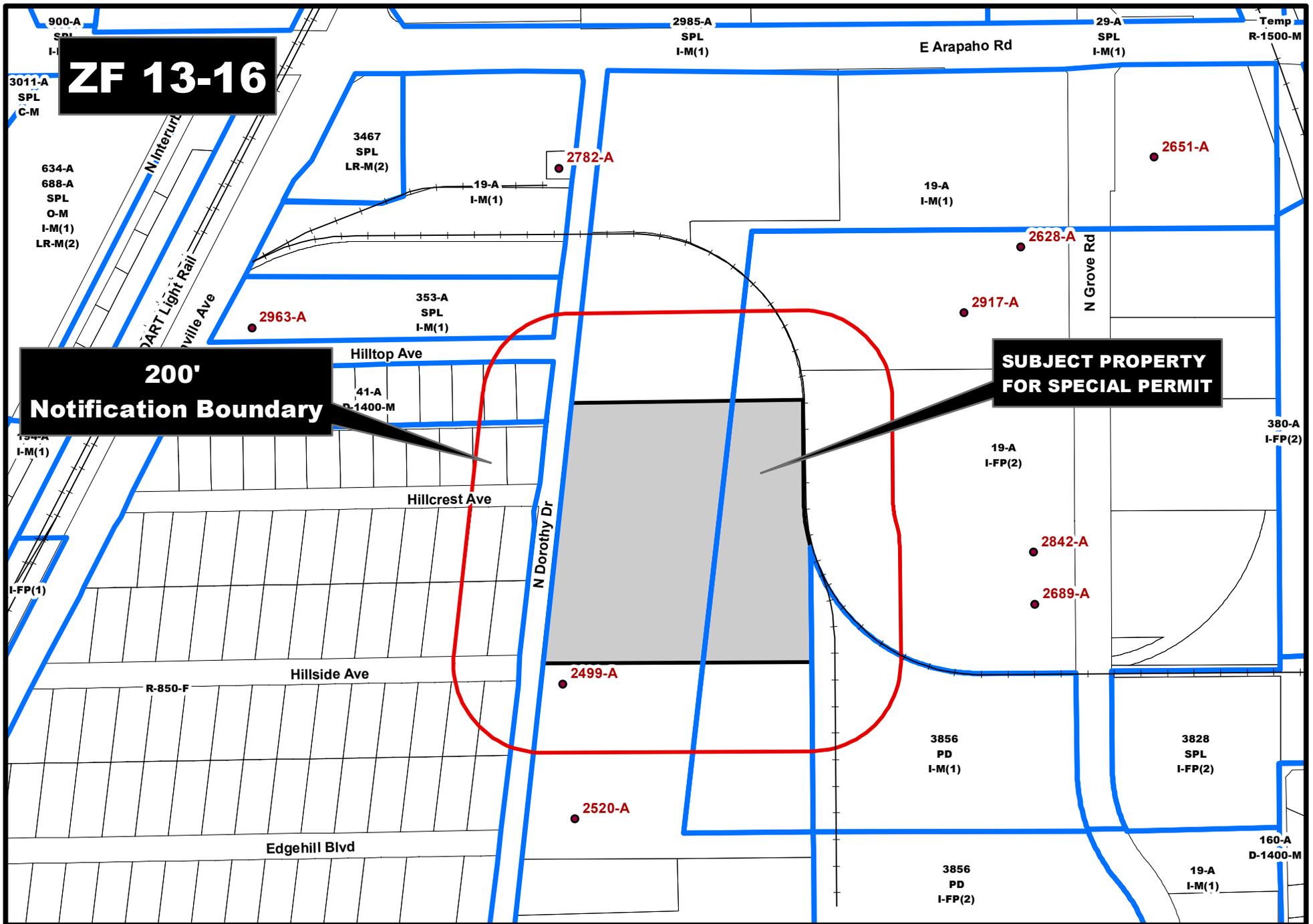
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

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 13-16.

Date Posted and Mailed: 09/20/2013



ZF 13-16 Notification Map

Updated By: shacklett, Update Date: September 16, 2013
 File: D:\Mapping\Cases\ZF1316\ZF1316 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.



PPBC#2 LP
8333 DOUGLAS AVE STE 1600
DALLAS, TX 75225-5882

DIGITAL 900 DOROTHY LLC
% DIGITAL REALTY TRUST LP,
560 MISSION ST # 2900
SAN FRANCISCO, CA 94105-2992

COBALT INDUSTRIAL REIT II
5605 N MCARTHUR BLVD # 350
IRVING, TX 75038-2620

318 HILLTOP LLC
PO BOX 250931
PLANO, TX 75025-0931

316 HILLTOP LLC
PO BOX 250931
PLANO, TX 75025-0931

GROVE BUSINESS PARK J V
903 N BOWSER RD STE 170
RICHARDSON, TX 75081-2877

MP ACQUIPORT INDUSTRIAL LLC
%AEW CAPITAL MGMT LP
2 SEAPORT LN
BOSTON, MA 02210-2001

DRENTLAW ERIK M
320 HILLTOP AVE UNIT A
RICHARDSON, TX 75081-2752

FINNEY DEBORAH REV LIV TR
321 HILLCREST AVE
RICHARDSON, TX 75081-2714

SCHEPPS CYNTHIA
319 HILLCREST AVE
RICHARDSON, TX 75081-2714

BUTLER GARY L
323 HILLCREST AVE
RICHARDSON, TX 75081-2714

BORGKVIST GARY
324 HILLCREST AVE
RICHARDSON, TX 75081-2713

LINN DAVID RANDALL
1131 EDITH CIR
RICHARDSON, TX 75080-2926

MALCOLM DOUGLAS S
327 HILLSIDE AVE
RICHARDSON, TX 75081-2716

MALCOLM DOUGLAS STUART
327 HILLSIDE AVE
RICHARDSON, TX 75081-2716

KELLY THOMAS J & EILEEN
6713 COLUMBINE WAY
PLANO, TX 75093-6347

STRATTON KEVIN
323 HILLSIDE AVE
RICHARDSON, TX 75081-2716

401 NORTH GROVE LP
11415 HILLCREST RD
DALLAS, TX 75230-3103

RT TEXAS INDUSTRIAL LP
PO BOX 638
ADDISON, TX 75001-0638

NICHOLSON JOHN E
328 HILLSIDE AVE
RICHARDSON, TX 75081-2715

ROBERT SOMMERFELT
GYM RATZ BASKETBALL SKILLS CLUB, LLC
7615 CARTA VALLEY DRIVE
DALLAS, TX 75248

JOSHUA BARNES, AGENT
for MP ACQUIPORT INDUSTRIAL, LLC
c/o HOLT LUNDSFORD COMMERCIAL
5055 KELLER SPRINGS RD., #300
ADDISON, TX 75001

ZF 13-16

Notification List



MEMO

DATE: October 24, 2013
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services *MS*
SUBJECT: Zoning File 13-18 – Bush Central Station PD Code #3

REQUEST

Walt Mountford, representing KDC Real Estate Development, is requesting to amend the Bush Central Station Planned Development District Code #2 relative to approximately 38.5 acres of land, located on the south side of President George Bush Turnpike, between Plano Road and DART Light Rail Red Line right-of-way by amending the Regulating Plan, associated development standards and street cross-sections.

The proposed changes have been requested to address site specific issues related to individual building placement within the District and to better refine public open space/street space to address future retail and hotel development within the District. *Changes to the location of the character zone boundaries, building height restrictions, or number of allowed multi-family unit are not proposed.*

Ordinance No. 4028, which includes all proposed components comprising the request and an additional condition recommended by the City Plan Commission, is also included for City Council consideration at this time.

BACKGROUND

In January 2011 City Council adopted Ordinance No. 3806, which enacted a form-based code and established the Bush Central Station Planned Development District for 57.1 acres of land bounded by the PGBT, Plano Road, Renner Road and the DART Red Line light rail right-of-way line. The form based code ensures development of a dense, mixed-use, transit-oriented neighborhood.

In December of 2012, City Council adopted a revised alternate Regulating Plan, associated development standards and street cross sections for 38.5 acres of the 57.1 acre site (BCS PD Code #2, Ordinance Number 3892). The alternate Regulating Plan and the Code did not replace the original Regulating Plan and the Code (Ordinance No. 3806), but served as another option to be applied at the discretion of the developer. The developer is developing the site under the BCS PD Code #2; therefore, the original Regulating Plan and Code are no longer applicable to the subject 38.5-acre tract of land.

Relative to the current request, the City Plan Commission supports the proposed amendments to the Regulating Plan and Code, but added requirements that limit the size of permanent kiosks within Civic/Open Space.

No one spoke in favor or in opposition to the request and no written correspondence has been received.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a vote of 7-0, recommended approval of the request subject to the attached PD conditions which includes limiting kiosks to a maximum of 2,000 square feet each and not to occupy more than 10% of the area of any Civic/Open Space.

ATTACHMENTS

PD Conditions	Proposed PD Regulation #3 (Exhibit "B" with proposed amendments)
CC Public Hearing Notice	Proposed Regulating Plan #3 (Appendix A-1)
CPC Draft Minutes (10-15-2013)	Current Regulating Plan #2 (Exhibit "C")
Staff Report	Notice of Public Hearing
Zoning Map	Notification List
Aerial Map	Site Photos
Oblique Aerial Look North	Proposed Ordinance 4028

ZF 13-18 PD Conditions

1. Bush Central Station Planned Development Code PD #3, attached hereto as Exhibit "B", shall be the governing development code for implementation for 38.5 acres of land described on attached Exhibit "A" and depicted on Appendix A-1 of Exhibit "B". Said tract of land shall be zoned PD Planned Development and shall be developed and used in conformance with Exhibit "B" for all purposes.
2. In accordance with Section 2. 2. of Ordinance Number 3806, adopted on February 14, 2011, the maximum number of multi-family units shall be 2,000 for 57.114 acres of land described on Exhibit "A" of Ordinance Number 3806, which includes the subject 38.5 acres of land.
3. A revised Traffic Impact Analysis (TIA) shall be submitted with any future proposed PD amendment which increases land use intensity or modifies the proposed mix of land uses identified in the TIA dated November 20, 2012.

City Plan Commission Additional Condition:

4. Kiosks shall be limited to a maximum of 2,000 square feet each and shall not occupy more than 10% of the area of any Civic/Open Space.



Attn. Lynda Black (lblack@dmnmedia.com)
Publication for Dallas Morning News – Legals
Submitted on: Wednesday, October 9, 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: Saturday, October 12, 2013

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, October 28, 2013, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

ZF 13-05

A request by Travis Bousquet, representing The Bousquet Group, Inc., to rezone a 2.1-acre lot from LR-M(1) Local Retail with special conditions to LR-M(1) Local Retail with amended special conditions to accommodate redevelopment of an existing restaurant building and for approval of a Special Permit for a restaurant with drive-through service located at 350 S. Plano Road. The property is currently zoned LR-M(1) Local Retail.

ZF 13-16

A request by Robert Sommerfelt, representing Gym Ratz Basketball Skills Club, LLC, for approval of a Special Permit for a basketball skills gym with modified development standards to be located at 850 N. Dorothy Drive (east side of Dorothy Drive, south of Arapaho Road). The property is currently zoned I-M(1) Industrial and I-FP(2) Industrial.

ZF 13-18

A request by Scott Ozymy, representing KDC Real Estate Development and Investments, to amend the Bush Central Station Planned Development District, Ordinance No. 3892, relative to approximately 38.5 acres of land located on the south side of the President George Bush Turnpike, between Plano Road and the DART Light Rail Red Line right-of-way to amend the Regulating Plan, associated development standards and street cross-sections. The property is currently zoned PD Planned Development.

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

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

**DRAFT EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – OCTOBER 15, 2013**

Zoning File 13-18: Consider and take the necessary action on a request to amend the Bush Central Station Planned Development District, Ordinance 3892, relative to approximately 38.5 acres of land located on the south side of President George Bush Turnpike between Plano Road and the DART Light Rail line right-of-way to amend the Regulating Plan, associated development standards, and street cross-sections. The property is currently zoned PD Planned Development.

Mr. Chavez gave a brief history of the site noting that in 2011, 57 acres were rezoned from industrial/commercial to a Planned Development District (PD) under a Form Based Code. The Code contains a schedule of permitted uses by character zone, standards for building form, development, street and streetscape design standards, signage, and a Regulating Plan that acts as the zoning map for the site.

In December 2012, a revised Regulating Plan and Code was approved by City Council for 38.5 acres of the original 57 acres, and those 38.5 acres are the subject of the current request. Mr. Chavez pointed out that the current land use entitlement for the site includes 1.5 million square feet of office, 100,000 square feet of retail, 180 hotel rooms, 2,000 multi-family units, and 100 townhome units.

Mr. Chavez advised that two Planned Development Codes, the original PD and PD #2, were currently in place and whichever Code the developer decided to implement the development would abide by that Code and its Regulating Plan. He added that PD #2 was selected by the developer and is the one the site is being developed under.

Mr. Chavez stated the proposed amendments fell into three categories: 1) alterations to the regulating plan; 2) amendments to standards within the code; and 3) those that clarify existing language within the code. There would be no changes to the character zones, the building heights, or number of allowed multi-family; however, alterations to the Regulating Plan through the reconfiguration of the plaza and the elimination of the elliptabout into a mandatory open space requires Commission and City Council approval.

Another item that would require approval was the reclassification of the north/south segment from a street Type A to a Type B street, which would determine how the buildings that front the street would be treated (architectural, masonry, types of uses allowed).

Mr. Chavez pointed out the applicant was proposing a new street cross-section and a small elliptabout cross-section at the western terminus of Type 1, also known as State Line. He added although utility equipment is usually only allowed on Type B streets, the proposed amendment would allow the equipment on Type A streets as long as the equipment is recessed into the building and adequately screened.

Mr. Chavez highlighted some additional changes in setbacks along Plano Road; an increase in the minimum percentage of masonry from 80 to 85 percent as a result of changing street types from A to B; and a decrease in accent material allowed from 20 to 15 percent. He added that although the cross-section for the street known as City Line would remain the same, there would be small bump outs in the parking lanes to allow for placement of trees.

In closing his presentation, Mr. Chavez explained that included in the proposed changes was a requested change in the review and approval policy for signs from the Sign Control Board to the City Manager or his designee and the City Plan Commission.

Commissioner Maxwell asked to confirm that utilities would now be allowed on Type A streets and would all trees be in bump outs as opposed to some being set back. He also asked which streets were Type A streets.

Mr. Chavez replied that all the trees would be in bump outs and on Type A streets utilities would be allowed and required to be screened, but the utilities would also have to be recessed into the buildings.

Regarding Type A streets, Mr. Chavez said City Line, State Street, or any solid line listed on the Regulating Plan.

Commissioner Ferrell asked if there was information in the Commission's packet to show which streets are Type A or Type B.

Mr. Chavez said the information was available in Section 7 of the Code, Building Form and Development Standards, and the Building Design Standards, to determine how the buildings are treated based on the type of street they front.

Commissioner Springs asked staff to give a history on the plaza proposed in PD #2 and the requested replacement.

Mr. Chavez stated the original plaza was part of the open space proposed by the applicant and, although the design had changed, the total acreage for open space remained the same. He further explained that the reason for requesting to replace the elliptabout with the plaza was based on retail and market studies that pointed out that the pedestrian activity that would happen in a plaza would be separated by two streets with the elliptabout.

Commissioner Maxwell asked about the comment on page 18 of the Code regarding "off street loading" as it pertained to docks.

Mr. Chavez explained that the intent of the Code was to prohibit typical loading docks from fronting onto Type A Streets and not to prevent smaller delivery trucks, similar to those that supply a 7-Eleven, from delivering merchandise. He added that the wording was included to ensure everyone understood the prohibitions against loading docks along Type A Streets.

With no further questions for staff, Vice Chair Bright opened the public hearing.

Mr. Walt Mountford, representing KDC, 4817 Gulf Stream Drive, Dallas, Texas, thanked the staff for their excellent work in summarizing the current proposal and explained that when he was before the Commission in December 2012, his main purpose was to get the code in place and begin the construction of the development. Now that the construction was underway, it was time to refine the plan as it pertained to how the streets and buildings are laid out and built.

Mr. Mountford explained the design team felt it was important to align the two major buildings, A and B, so the view of the DART Light Rail would be visible from Plano Road, and in doing so it caused some of the streets to terminate at odd locations, therefore, the elliptabout was created as a devise to solve the confluence of streets that did not seemingly intersect. However, after getting further into the design process it was determined that the elliptabout interjected too much vehicular and pedestrian conflict into the overall plan, segregated some of the open space within the looping vehicular movement, and was not as pedestrian friendly as originally thought.

Mr. Mountford said that the new regulating plan would bring the road parallel with the buildings and as a result it closes the residential to the south which will allow an increase in pedestrian traffic and prevent a loss in retail energy for the area. Additionally, the redesign that created the plaza will allow an engagement between the State Farm building, the hotel, and the plaza in addition to moving the vehicular traffic to one side of the open space as opposed to looping around it.

In closing his comments, Mr. Mountford stated there will be a smaller elliptabout on the street to the east of the DART Light Rail that would allow a driver to make a U-turn to go back and try and find surface parking or to enter either of the two other garages being developed.

Commissioner Frederick asked the applicant to describe in further detail his vision for the plaza and the surrounding retail.

Mr. Mountford replied that the streetscape along both streets to the east and west will be fairly regimented, however, the plaza will have different environments including an informal assemblage of trees and vegetation while in other areas there will be sidewalks and water features. He added that the same landscape firm that designed the Klyde Warren Park in Dallas was working on the design for the plaza.

Commissioner Linn said he was disappointed that renderings or graphics were not available and asked if the proposed plaza would be similar to some other retail/open spaces in the metroplex (i.e., Firewheel Town Center, Dallas City Hall pedestrian plaza, or Belo Park).

Mr. Mountford said that one of the interesting points of the development is that by the time the project is complete and State Farm has their last occupancy in May 2015, the plaza will be framed by residential units, a hotel with entertainment venues, and three office buildings. He added that the plaza will be an active, open space that can be enjoyed by many of the State Farm employees during the day and in the evening by those patronizing the many restaurants and shops.

Mr. Mountford explained that many of the qualities of the elliptabout would be present in the plaza with additional refinement to separate the vehicular and pedestrian activity to ultimately make it a safe and more usable area.

Commissioner Maxwell stated he thought the plaza area was much better than the elliptabout; however, he expressed concern about utilities on Type A Streets and asked the applicant to explain the reason for the requested change.

Mr. Mountford stated that their intention has always been to maintain the integrity of the Type A Street frontage, but by necessity there needed to be transformers to power the buildings and instead of reclassifying the streets it was a better idea to recess them into the buildings, which adds architectural interest, and they would be screened from view.

Commissioner Springs stated that based on the current language, the size of kiosks could be substantial and asked the applicant to explain their intentions for the kiosks in terms of scale and function.

Mr. Mountford replied the kiosks were added to the request because it was felt they could be important components to activate the plaza and make it a vibrant activity area. He added that he was not opposed to putting a maximum square footage on an individual kiosk and suggested 2,500 square feet.

Commissioner Roland pointed out that on page 55 of the Commission's packet were pictures of kiosks (10'x10' and 20'x20'), which were the size he had envisioned as opposed to the suggested 2,500 square feet and asked the applicant if he intended the kiosks to be more of a sit-down type establishment.

Mr. Mountford said he had not envisioned kiosks with sit-down restaurant, but felt a kiosk of the size he suggested would have multiple tenants – two or three small tenants with possibly some limited outdoor seating. He said he did not want a free-standing kiosk for every potential tenant.

Commissioner Linn asked if the applicant was talking about allowing food trucks and Mr. Mountford replied they were not.

With no other comments in favor or opposed, Vice Chair Bright closed the public hearing.

Commissioner Springs said most of his concerns had been addressed with the exception of the kiosks and, based on what was written in the request and what was shown in the graphics, the two were quite different.

Commissioner Maxwell concurred with Mr. Springs and felt maximum square footage should be placed on individual kiosks. He added that he thought the applicant might want to go back and re-think the maximum size of the individual kiosks.

Mr. Chavez stated that based on the Commissioner's concerns, he would suggest placing a maximum square footage for the kiosks in the plaza area and letting the other smaller civic open spaces remain at the 10 percent level.

Commissioner Linn agreed with Mr. Maxwell, but also expressed concerns that the whole idea of the plaza was not well defined; was it a pedestrian friendly park or something else. He recommended the item be continued, or at the least separate out the kiosks and continue that portion.

Commissioner Springs reminded the Commission of the applicant's statement regarding multiple tenants in a kiosk, but still expressed concern that the information presented by the applicant was not enough to fully understand the scale of the plaza and the kiosks. He added that he did not want to limit the applicant's ability to tenant the kiosks, but thought it was more an issue of an appropriately scaled building for the plaza.

Commissioner Frederick said she was not opposed to the applicant's suggestion of 2,500 square feet, but thought 2,000 square feet would be adequate. She stated she preferred the new design of the plaza over the elliptabout because it would provide a natural speed deterrent and be safer for pedestrians crossing the streets.

Commissioner Ferrell agreed with the concerns of the Commission, but he said he liked what he saw and could live with it as presented. He also thought the applicant had the best interest of the tenant retailers in mind and did not want to be limited so that was probably why it was written the way it was.

Vice Chair Bright admitted he did not envision as large a structure as proposed and asked staff about the size of the kiosks for the smaller open space areas.

Mr. Chavez replied the open space near the DART plaza could allow a 1,200 to 1,400 square foot kiosk. In the newly proposed plaza area, once the right-of-way is removed from the calculations, there could be 3,900 square feet of kiosk based on the 10 percent allowance. He added that in his opinion it would not be unreasonable to limit a kiosk to 1,200 square feet per kiosk for a maximum of 2,400 square feet. However, the applicant does have a different concept for the main plaza and will be activating it by placing small kiosks to serve the pedestrians in the area.

Commissioner Roland asked to confirm the verbiage that the applicant was requesting approval for and offered a compromise of defining the word "small" in the statement as 750 square feet to 1,200 square feet per unit and not to exceed the 10 percent of any one open space. He also wanted to know if staff would be able to administer the code with that verbiage included.

Mr. Chavez replied staff would be able to administer the code under those circumstances.

Commissioner Springs pointed out that the word “small” was defined in the material presented as the 10 percent rule; however, the number and the pictures of the kiosks in the material are different. He stated that if the plaza was separated from the other open spaces, the other areas would take care of themselves with respect to any concerns. In addition, Mr. Springs suggested that if an agreement could be reached on a maximum size per single unit in the plaza that could satisfy the applicant’s goal for multiple tenants as well as the Commission’s concerns about building size.

Mr. Chavez suggested the Commission recall the applicant and ask if he would entertain cumulative square feet and maximum square feet per kiosk.

Mr. Mountford said he would like to maintain some flexibility because the bigger a structure is the more economically viable it will be versus a smaller structure (cost of electricity, water, etc.); however, he thought a 2,000 square foot maximum per kiosk in the plaza would be viable.

No other questions were posed to the applicant.

Vice Chair Bright called for any further discussions and asked for clarification that it was just the plaza area in question or were all the open spaces part of the discussion. He also wanted to confirm what was included in the maximum area and if the right-of-ways were included.

Commissioner Linn replied that he had referred to Area B on the map that replaced the elliptabout.

Regarding the maximum area, Mr. Chavez stated he looked at the open public space both with and without the right-of-ways and his figures shows that area to be 0.6 of an acre without the street. In addition, part of the applicant’s vision includes incorporating the street into the plaza through paving as defined in the ordinance.

Mr. Chavez suggested that if a motion was made, designating the central public open space as Public Open Space “A” and allowing the maximum square footage in that space of 2,000 square feet per kiosk it could be written into Section 11.8 of the Code. Therefore, everything else besides Public Open Space “A” would be limited to 10 percent.

Commissioner Springs asked if 2,000 square foot figure was used would that have an effect on the other open spaces. He also wanted to know if the motion could state the allowable area could be 10 percent or a maximum of 2,000 square feet per kiosk, whichever is smaller.

Mr. Chavez replied that it would only be covered if the Commission restricted it to 10 percent because the other spaces are less than one-quarter of an acre in size, which would allow kiosks of 1,200 to 1,300 square feet.

Commissioner Maxwell asked how big the open space was and Mr. Chavez replied 1.51 acres. He also thought the matter was being complicated and felt the Commission should go back to the 10 percent allowance.

Motion: Commissioner Springs made a motion to recommend approval of Zoning File 13-18 with the exception of further defining the allowable area of a kiosk as 10% of the open space with a 2,000 square foot cap per structure.

Commissioner Linn asked for clarification on the motion if the 2,000 square foot cap meant “not to exceed”.

Commissioner Springs replied that was correct – any individual structure could not exceed 2,000 square feet; therefore, Commissioner Linn seconded the motion.

Motion approved 7-0.



Staff Report

TO: City Council
THROUGH: Michael Spicer, Director of Development Services **MS**
FROM: Sam Chavez, Assistant Director of Development Services **SC**
DATE: October 24, 2013
RE: **Zoning File 13-18:** Bush Central Station PD Code #3

REQUEST:

Amend the Bush Central Station PD Planned Development District relative to approximately 38.5 acres of land by amending the Regulating Plan, associated development standards and street cross-sections.

APPLICANT / PROPERTY OWNER:

Scott Ozymy, KDC Real Estate Development and Investments / BCS West Land Investments, LP, BCS Office Investments One, LP, and City of Richardson

TRACT SIZE AND LOCATION:

Approximately 38.5 acres, located on the south side of President George Bush Turnpike, between Plano Road and DART Light Rail Red Line right-of-way.

EXISTING DEVELOPMENT:

The northern portion of the subject tract is currently under development.

ADJACENT ROADWAYS:

PGBT: Freeway/Turnpike; 49,600 vehicles per day on all lanes, eastbound and westbound, east of Central Expressway (May 2011).

Renner Road: Six-lane, divided arterial; 22,870 vehicles on all lanes, eastbound and westbound between Plano Road and DART Light Rail (May 2013).

Plano Road: Six-lane, divided arterial; 28,810 vehicles per day on all lanes, northbound and southbound, south of Renner Road (May 2013).

SURROUNDING LAND USE AND ZONING:

North: City of Plano
South: Undeveloped; PD Planned Development

East: Undeveloped; PD Planned Development and C-M Commercial
West: Undeveloped and existing Bush Turnpike Station; PD Planned Development

FUTURE LAND USE PLAN:

Transit Village and Regional Employment

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

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

Future Land Uses of Surrounding Area:

North: City of Plano
South: Regional Employment
East: Regional Employment
West: Transit Village and Regional Employment

EXISTING ZONING:

PD Planned Development

TRAFFIC IMPACTS:

The following traffic impact information is being provided as background information only. The applicant's current request does not warrant a revised Traffic Impact Analysis (TIA) as it does not increase land use intensity or modify the proposed mix of land uses.

A revised (TIA) was submitted by Kimley-Horn & Associates, Inc., a traffic engineering and planning consulting firm as a result of the 2012 adopted Planned Development amendment.

Traffic counts were conducted at signalized intersections and on all surrounding arterial roadways and frontage roads to evaluate the combined impact of the developments on the roadway system.

The following scenarios were analyzed per the City TIA guidelines:

- 2020 Background Traffic (existing 2010 plus typical growth)
- 2020 Background Traffic plus Full Site build-out Traffic
- 2035 Background Traffic (existing 2010 plus typical growth)
- 2035 Background Traffic plus Full Site build-out Traffic

To assess traffic impacts associated with the proposed development modification, basic land use assumptions were established by the applicant. The table below depicts land use intensity assumptions utilized in the TIA and new automobile trip generations associated with the proposed 2012 revised development.

Trip Generation Table

West Corporate Office Tract

Land Uses	Amount	Units	ITE Code	Daily Total	AM Peak Hour			PM Peak Hour		
					IN	OUT	TOTAL	IN	OUT	TOTAL

West Corporate Office

General Office	1,500,000	SF	710	10,281	1,470	200	1,670	299	1,459	1,758
<i>Internal Trips</i>				384	3	10	13	11	22	33
				3.7%			0.8%			1.9%
<i>External Trips After Internal Capture</i>				9,897	1,467	190	1,657	288	1,437	1,725
<i>Transit Reduction 10%</i>				990	147	19	166	29	144	173
<i>External Automobile Trips</i>				8,907	1,320	171	1,491	259	1,293	1,552

West Side Mixed-Use

Shopping Center/Retail/Service	100,000	SF	820	6,791	97	59	156	288	311	599
Hotel	180	Rooms	310	1,238	55	39	94	55	53	108
<i>Gross Trip Generation</i>				8,029	152	98	250	343	364	707
<i>Internal Trips</i>				1,084	20	14	34	38	55	93
				13.5%			13.6%			13.2%
<i>External Trips After Internal Capture</i>				6,945	132	84	216	305	309	614
<i>Transit Reduction 10%</i>				695	13	8	21	31	31	62
<i>External Automobile Trips</i>				6,250	119	76	195	274	278	552

West Side Residential

Apartment/Multifamily	2,000	DU	220	12,244	197	787	984	727	391	1,118
<i>Internal Trips</i>				906	15	14	29	59	31	90
				7.4%			2.9%			8.1%
<i>External Trips After Internal Capture</i>				11,338	182	773	955	668	360	1,028
<i>Transit Reduction 10%</i>				1,134	18	77	95	67	36	103
<i>External Automobile Trips</i>				10,204	164	696	860	601	324	925
<i>Combined West Side External Automobile Trips</i>				25,361	1,603	943	2,546	1,134	1,895	3,029

In comparing the original TIA for the Bush Central Station with the proposed 2012 TIA, the amount of square footage anticipated for non-residential uses increased by 900,000 square feet. Multi-family units were decreased by 400 units, hotel rooms were decreased by 220 rooms and retail uses were decreased by 100,000 square feet.

As a result of the revised land use mixture, the number of daily automobile trips were lower than previously proposed. However, the peak hour traffic volumes were slightly higher than previously proposed due to the increase of general office use, and the distribution of inbound versus outbound trips were higher as well.

Based on the findings of the 2012 TIA, the currently required roadway improvements attached to the original 2011 zoning were still recommended as mitigation measures to be implemented by the developer and would adequately accommodate future traffic conditions, and included the following:

- **Renner Road:**
 1. Westbound Auxiliary Lane – Plano Road to Routh Creek Parkway (designated as “Parkway” on the current Bush Central Station (BCS) Regulating Plan)
 2. Median Opening with Turn Lanes at Drive P2 (designated as “Park Avenue” on the current BCS Regulating Plan, located between Plano Road and proposed Routh Creek Parkway)
 3. Eastbound Left Turn to Routh Creek Parkway

- Plano Road:
 1. Southbound Right Turn bays / Auxiliary Lane – Bush Turnpike to Renner Road
 2. Northbound Left Turn Lanes at future Cityline (designated as ‘B’ Street-Type 4 on the proposed BCS Regulating Plan), Retail Street (‘A’ Street-Type 1 on the proposed BCS Regulating Plan) and Drive P8 (a future drive between ‘A’ Street-Type 1 and Bush Turnpike)
 3. Traffic Signals at future Cityline and Retail Street Drive (‘A’ Street-Type 1 on the proposed BCS Regulating Plan)
 4. Improved Right Turn Lane to Renner Road with free-flow into auxiliary lane on Renner Road

After a thorough review of the TIA and its recommendations, staff concluded the following:

- The proposed TOD Mixed Use Zoning results in more daily traffic than the existing zoning entitlements, but it is adequately spread out over the entire day due to the proposed mix of uses.
- Adequate provision of access and circulation drives will evenly distribute the traffic to the Arterial and Freeway frontage road system minimizing the impact to any specific link on the roadway network.
- The Cotton Belt Transit Line Connection to Bush Turnpike Station will greatly benefit the development and reduce the impact on traffic even more than depicted in the results of the TIA as staff limited the study’s assumption of Transit usage to only a 10% reduction of trip capture rate.
- Significant levels of roadway capacity enhancements including additional turn bays and auxiliary lanes on Plano Road and Renner Road are proposed by the applicant as part of the regulating plan to maximize the efficiency of the roadway network.

The intensity of land uses were capped based on the TIA; however, if a significant increase in land use intensity or a major modification to the proposed mix of land use are proposed in the future, a revised TIA will be required prior to any future PD amendment.

STAFF COMMENTS:

Background:

In January of 2011, City Council adopted the Bush Central Station PD Planned Development (Ordinance Number 3806) rezoning approximately 57.1 acres of land located between PGBT and Renner Road, and the DART Light Rail Red Line right-of-way line and Plano Road to a Planned Development District under a Form Based Code. The PD Planned Development District created a form based code that allowed for a dense, mixed-use, transit-oriented development.

In December of 2012, City Council adopted a revised alternate Regulating Plan, associated development standards and street cross sections for 38.5 acres of the 57.1 acre site (BCS PD Code #2, Ordinance Number 3892). The alternate Regulating Plan and the Code did not replace the original Regulating Plan and the Code (Ordinance No. 3806), but served as an option that would be applied if the developer chose the option.

The developer is currently developing the site under the BCS PD Code #2; therefore, the original Regulating Plan and Code are no longer applicable to the subject 38.5-acre tract of land.

Applicant's Request

The applicant's request is to amend the Bush Central Station Planned Development District Code #2 relative to approximately 38.5 acres of land, located on the south side of President George Bush Turnpike, between Plano Road and DART Light Rail Red Line right-of-way by amending the Regulating Plan, associated development standards and street cross-sections.

The proposed changes have been requested to address site specific issues related to individual building placement within the District and to better refine public open space/street space to address future retail and hotel development within the District. ***Changes to the location of the character zone boundaries, building height restrictions, or number of allowed multi-family unit are not proposed.***

The proposed significant changes include:

- Reconfiguration of the street cross section/plaza area (Street Type 1) located on the south side of two towers adjacent to PGBT,
- Re-classification of a north-south segment of Street Type 3, Type 'A' Street located south and adjacent to the large Mandatory Public Open Space to a Type 'B' Street, and
- Modification of Street Type 4 located at the south end of the subject site to accommodate bulb-outs for street trees.

Other changes include:

- Modifications to various standards in Sections of the Code for the purpose of clarification include the following:
 - Section 3 - Administration
 - Section 4 - Definitions
 - Section 6 - Schedule of Permitted Uses – Use Criteria
 - Section 7 - Building Form and Development Standards
 - Section 8 - Building Design Standards
 - Section 9 - Street and Streetscape Design Standards
 - Section 10 - Signs, and
 - Section 11 - Civic/open space.

The land use assumptions, based on the 2012 Traffic Impact Analysis (TIA) for the proposed Regulating Plan and Code remain unchanged and include:

- General Office (1.5 million square feet)
- Shopping Center/Retail (100,000 square feet)
- Hotel (180 rooms)
- Apartment/Multi-Family (2,000 units)
- Townhomes (100 dwelling units)

A copy of the revised Regulating Plan and Code highlights the proposed amendments and is attached for your reference.

For simple comparison of existing Code #2 and proposed Code #3, the table below outlines only the elements of the Regulating Plan and Code that are being amended with the current request.

	EXISTING	PROPOSED
REGULATING PLAN Appendix A-1 of Exhibit B		
Character Zones	Regulating Plan indicates a centrally located large elliptabout flanked by a Mandatory Plaza and Mandatory Green or Square.	Centrally located Mandatory Plaza and Mandatory Green or Square combined and reconfigured into a Mandatory Public Open Space with the elimination of the elliptabout. Net acreage remains unchanged for Civic/Open Space Types.
Street Designations	Street Type 1 with a large elliptabout.	Street Type 1 realigned to account for the eliminated elliptabout and reconfiguration of the Mandatory Public Open Space. Smaller elliptabout designated at the western end of the street (New street section Elliptabout Cross Section 9.4.7).
	Street Type 3, Type 'A' Street	Amended to a Type 'B' Street.
<p>Realignment of Street Type 1, elimination of the elliptabout and reconfiguration of the Mandatory Plaza and Green into a Mandatory Public Open Space was proposed as a result of a refinement of the public space through the applicant's retail and market study. The public space/plaza will be adjacent to a future hotel site to allow for better programming without the plaza being completely surrounded by a street and deactivation of surrounding pedestrian realm.</p> <p>In conjunction with the amendment of Street Type 3 from a Type 'A' Street to a Type 'B' Street, the percentage of masonry was increased from 80% to 85% and the percentage of accent materials was decreased from 20% to 15% for all street facades.</p>		
Section 3. Administration		
Table 3.1 Minor Modification Allowed	Street Cross Sections	Amended to clarify criteria for modification and to allow for encroachments of porte cocheres into street right-of-way, but not over travel lanes.
Table 3.1 Minor Modifications Allowed	Street Cross Section	New provision to Minor Modification Table to allow on-street parking to be eliminated or reconfigured to account for valet drop-off/pick up.
<p>Proposed amendments are to accommodate hotels, restaurants etc. with drop-off valet service within parking lanes, but without encroaching into the travel lanes. The current Code does not allow encroachments into the street right-of-way.</p>		

	EXISTING	PROPOSED
Section 4. Definitions		
	Civic/Open Space - general description of the area.	Amended to allow kiosks within any civic/open space, limits the area of a permanent kiosk to 10% of any civic/open space and includes a general qualitative design description.
	Plaza - general description of the area.	Amended to include qualitative description of plaza with required design elements
	Kiosk - general description of the area.	Amended to include qualitative description and allowable use.
	Street Screen - general description of the area.	Amended to clarify additional placement of a street screen at the back of the sidewalk where appropriate.
Proposed amendments serve to clarify intent and form of civic/open spaces and to include an additional location where a street screen would be appropriate.		
Section 6. Schedule of Permitted Uses		
Table 6.2 Use Criteria	Utility equipment (includes electrical transformers, gas meters, etc.) prohibits utility equipment along Type 'A' Streets.	Location & Design Criteria amended allow utility equipment to be located on all frontages with a street screen and also requires the utility equipment along a Type 'A' Street to be recessed into the building.
Due to utility location constraints and need for efficient distribution of systems, the proposed amendments meet the intent for screening of utility equipment either through a street screen or with a street screen and the requirement for the utility equipment to be recessed into the building when located along a Type 'A' Street.		

	EXISTING	PROPOSED
Section 7. Building Form and Development Standards		
7.1.1 Building Placement	<ul style="list-style-type: none"> Building Frontage Required along Type B – 0% 	Amended to none, unless along a corner lot. Corresponds with amendment to Note #3 below.
7.1.5 Encroachments	Allows canopies, signs, awnings and balconies to encroach over the sidewalk.	Includes encroachment of canopies, signs, awnings and balconies over Build-To-Zone areas.
Notes	#3 Placement of corner building street facades at the Build-To-Zone	Clarifies that corner street facades are to be built to the Build-to-Zone for a minimum of 30 feet from the corner regardless of whether the intersecting streets are Type ‘A’ or Type ‘B’ Streets.
	#6 Requires a street screen at the Build-To-Zone when not defined by a building.	Amended to require a street screen at the Build-To-Zone or immediately behind the pedestrian easement along streets defined by surface parking
	#12 Description of where Build-To-Zones and setbacks are measured from.	Amended to allow the Build-To-Zone to be measured from outdoor café seating, patios, forecourts or other amenities when located between the building face and sidewalk.
<p>Proposed amendment to Building Placement for building frontage along Type ‘B’ Street clarifies that none is required, but addresses the requirement that corner street facades are to be built to the Build-to-Zone for a minimum of 30 feet from the corner regardless of whether the intersecting streets are Type ‘A’ or Type ‘B’ Streets.</p> <p>Proposed amendment to encroachment clarifies that an encroachment will occur over the Build-To-Zone if a building is located in the back portion of the Build-To-Zone and a canopy, awning or balcony is desired.</p> <p>Proposed amendments to the Notes clarify their intent, with the exception of Note #12 which corresponds with the proposed 25 feet front and side yard setbacks along Plano Road and application of the Build-To-Zone as it relates to outdoor café seating, patios etc., if provided.</p>		

	EXISTING	PROPOSED
Section 7 from above continued below		
7.2-Building Placement	<ul style="list-style-type: none"> • Build-To-Zone Front (Type B Street Frontage) – 0% • Setback Side (from property line) - 0 feet • Building Frontage Required along Type B – 0% 	<p>Establishes a minimum 25-foot front setback along Plano Road.</p> <p>Establishes a minimum 25-foot side setback along Plano Road.</p> <p>Amended to None, unless along a corner lot. Corresponds with amendment to Note #3 below.</p>
Encroachments	Allows canopies, signs, awnings and balconies to encroach over the sidewalk.	Amended to include encroachment of canopies, signs, awnings and balconies over Build-To-Zone areas.
Notes	#3 Placement of corner building street facades at the Build-To-Zone	Clarifies that corner street facades are to be built to the Build-to-Zone for a minimum of 30 feet from the corner regardless of whether the intersecting streets are Type ‘A’ or Type ‘B’ Streets.
	#6 Requires a street screen at the Build-To-Zone when not defined by a building.	Amended to require a street screen at the Build-To-Zone or immediately behind the pedestrian easement along streets defined by surface parking.
	#12 Description of where Build-To-Zones and setbacks are measured from.	Amended to allow the Build-To-Zone to be measured from outdoor café seating, patios, forecourts or other amenities when located between the building face and sidewalk.
<p>Proposed amendment to Building Placement creates a front and side yard setback along Plano Road due to the location of an existing 25 foot wide utility easement along the west side of Plano Road which prohibits establishing the Build-To-Zone as coded which would be 12 feet from the property line.</p> <p>Proposed amendment to Building Placement for building frontage along Type ‘B’ Street clarifies that none is required, but addresses the requirement that corner street facades are to be built to the Build-to-Zone for a minimum of 30 feet from the corner regardless of whether the intersecting streets are Type ‘A’ or Type ‘B’ Streets.</p> <p>Proposed amendment to encroachment clarifies that an encroachment will occur over the Build-To-Zone if a building is located at the back of the Build-To-Zone and a canopy, awning or balcony is desired.</p> <p>Proposed amendments to the Notes clarify their intent, with the exception of Note #12 which corresponds with the proposed 25 feet front and side yard setbacks along Plano Road and application of the Build-To-Zone as it relates to outdoor café seating, patios etc., if provided.</p>		

	EXISTING	PROPOSED
Section 8. Building Design Standards		
8.1.7 Commercial and Mixed Use Building Materials	i. Requires a minimum of 85% masonry on building facades facing Type 'A' Streets and Plano Road.	Amended to include Type 'B' Streets.
	ii. Limits accent material such as wood, architectural metal panels etc. to a maximum of 15% of each building façade for building facades facing Type 'A' Streets and Plano Road.	Amended to include Type 'B' Streets.
	iii. Requires a minimum of 80% masonry on building facades facing Type 'B' Streets.	Deleted. Corresponds with amendment to item i. above.
	iv. Limits accent material such as wood, architectural metal panels etc. to a maximum of 20% of each building façade for building facades facing Type 'B' Streets.	Deleted. Corresponds with amendment to item ii. above.
<p>The above proposed amendments increase the percentage of masonry for building facades from 80% to 85% and decrease the percentage of accent material from 20% to 15% along Type 'B' Streets. This amendment achieves the identical percentage of building façade materials as required for building facades along Type 'A' Streets and Plano Road.</p>		
Section 9. Street & Streetscape Design Standards		
9.3 Street Classification Established	General description of ability to adjust street cross sections to fit existing contexts and to meet the Fire Code.	Amended to clarify elements that can be modified based on contexts and vision of the Planned Development.
9.4.1 Street Cross Sections, Street Type 1	Current locator map shows proposed alignment and large elliptabout.	Locator map shows new proposed alignment without elliptabout. All other road geometrics remain the same.

	EXISTING	PROPOSED
Section 9 from above continued below		
9.4.4 Street Type 4	Data table indicates street trees placed at 40 feet on center within pedestrian easements. Street section drawing shows tree placement within pedestrian easement.	Data table revised to indicate trees to be placed in curb extensions (bump-outs into the parking lane) an average of 60 feet on center. All other road geometrics remain the same. New Street Section drawing to show bump-outs and tree placement. All other road geometrics remain the same.
9.4.7 Plaza Cross Section	Large elliptabout with a variable right-of-way width located centrally on the site and flanked by a Mandatory Plaza and Mandatory Green or Square	Plaza Cross Section deleted and replaced with a new “Elliptabout Cross Section”, with minimum 60 foot radius, and center median.
9.6 Street Trees and Landscaping, 9.6.2	Requires trees to be planted approximately 3 feet behind the curb line.	Amended to allow trees to be planted within curb extensions (bump-outs into the parking lane) to correspond with 9.4.4 Street Type 4.
9.6 Street Trees and Landscaping, 9.6.3	Requires a 40-foot average spacing of trees along all streets.	Amended to allow tree spacing as shown on street section, which only deviates on 9.4.4 Street Type 4.
9.7 Street Furniture, Lighting and Materials, 9.7.2	Requires street lights to be placed 50 feet on center, approximately 3 feet behind curb line.	Amended to require uniform placement of street light and other street furniture for safety purposes.
<p>Proposed amendments to the Street & Streetscape Design standards do not alter the previous roadway geometrics, but correspond to the realignment of Street Type 1 upon deletion of the large elliptabout cross section, establishment of the new street cross section for a smaller elliptabout at the western end of Street Type 1 and placement of trees within Street Type 4.</p> <p>The proposed amendment to the placement of street lights 50 feet on center is not achievable as a result of varying design scenarios, but clarifies that the intent of their placement is to provide for the safety of both pedestrian and vehicles.</p>		
Section 10. Signs		
10.1 and 10.2	Requires approval of new signs by the Building Official and review of “Master Sign Plans” by the Building Official and approval by the Sign Control Board.	Changes the approval of new signs to the City Manager or designee and review of “Master Sign Plans” to the City Manager or designee and its approval by the City Plan Commission.
<p>Although the Building Official and the Sign Control Board review all aspects of sign permitting in the city, the proposed amendment provides for continuity in review by Development Services staff and approval of Master Sign Plans by the Commission.</p>		

	EXISTING	PROPOSED
Section 11. Civic/Opens Space		
11.8 Ancillary Structure Standards	Generally describes the types of subordinate structures.	Amended to allow kiosks and its use within any civic/open space and limits the area of a permanent kiosk to 10% of any civic/open.
The proposed amendment is in response to the desire to create small retail and food service opportunities within high pedestrian oriented areas (plaza, greens/squares and parks).		

Conclusion

Based on staff's review of the applicant's request, the amended alternate Regulating Plan and its associated Code is appropriate. The proposed amendments represent refinements of the standards based on the actual application of the Code specific to the site. The proposed amended Regulating Plan and the Code, if approved, will replace the existing Regulating Plan and the Code (Ordinance No. 3892), and will serve as the Regulating Plan and Code for the subject site.

The proposed Code maintains the previously proposed community vision through its regulatory nature and its predictable physical result by its concentration on the visual aspect of the development through building heights, façade treatment and the relationship of the building to the street through compact, walkable urbanism.

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

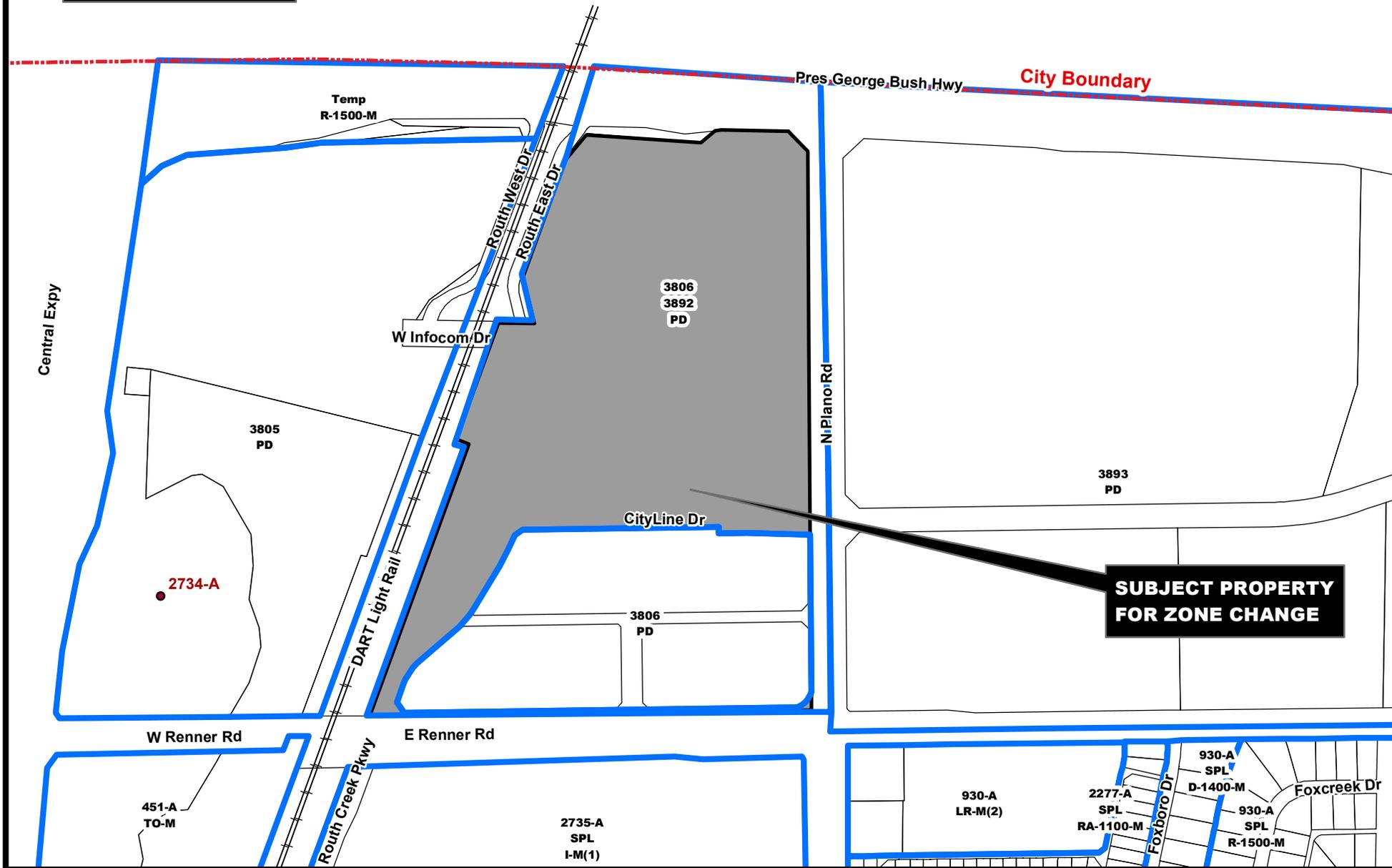
Motion: On October 15, 2013, the City Plan Commission recommended approval of the request on a vote of 7-0 subject to the following conditions:

1. Bush Central Station Planned Development Code PD #3, attached hereto as Exhibit "B", shall be the governing development code for implementation for 38.5 acres of land described on attached Exhibit "A" and depicted on Appendix A-1 of Exhibit "B". Said tract of land shall be zoned PD Planned Development and shall be developed and used in conformance with Exhibit "B" for all purposes.
2. In accordance with Section 2. 2. of Ordinance Number 3806, adopted on February 14, 2011, the maximum number of multi-family units shall be 2,000 for 57.114 acres of land described on Exhibit "A" of Ordinance Number 3806, which includes the subject 38.5 acres of land.
3. A revised Traffic Impact Analysis (TIA) shall be submitted with any future proposed PD amendment which increases land use intensity or modifies the proposed mix of land uses identified in the TIA dated November 20, 2012.

CPC Additional Condition:

4. Kiosks shall be limited to a maximum of 2,000 square feet each and shall not occupy more than 10% of the area of any Civic/Open Space.

ZF 13-18



**SUBJECT PROPERTY
FOR ZONE CHANGE**

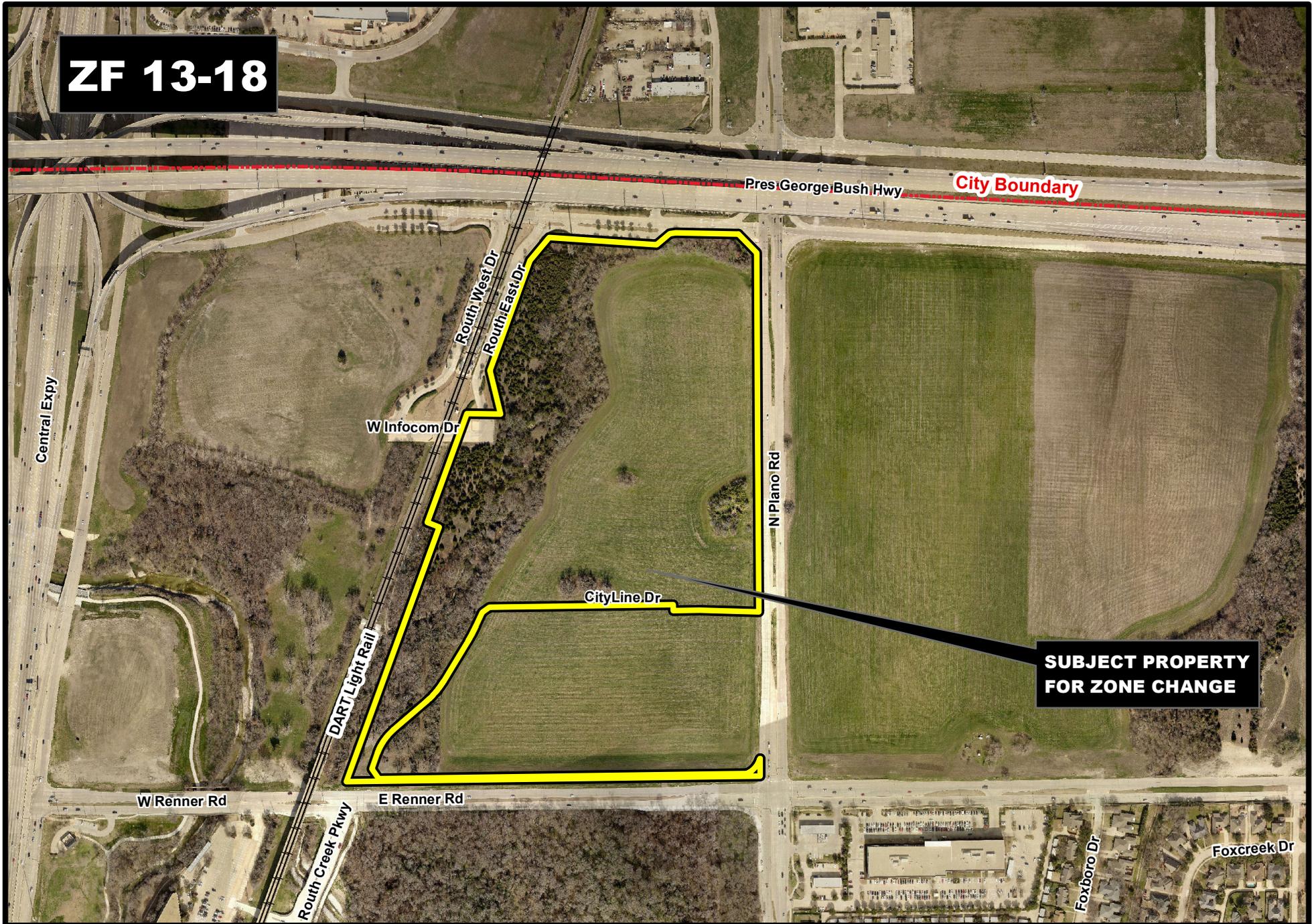
ZF 13-18 Zoning Map

Updated By: shacklett, Update Date: October 2, 2013
File: DSI\Mapping\Cases\Z\2013\ZF1213\ZF1318 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 13-18



**SUBJECT PROPERTY
FOR ZONE CHANGE**

ZF 13-18 Aerial Map

Updated By: shacklett, Update Date: October 2, 2013
File: DSI\Mapping\Cases\Z\2013\ZF1213\ZF1318 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.



City of Plano

PGBT

DART Light Rail Red Line

Subject Property

Plano Rd

Renner Rd

**Oblique Aerial
Looking North**

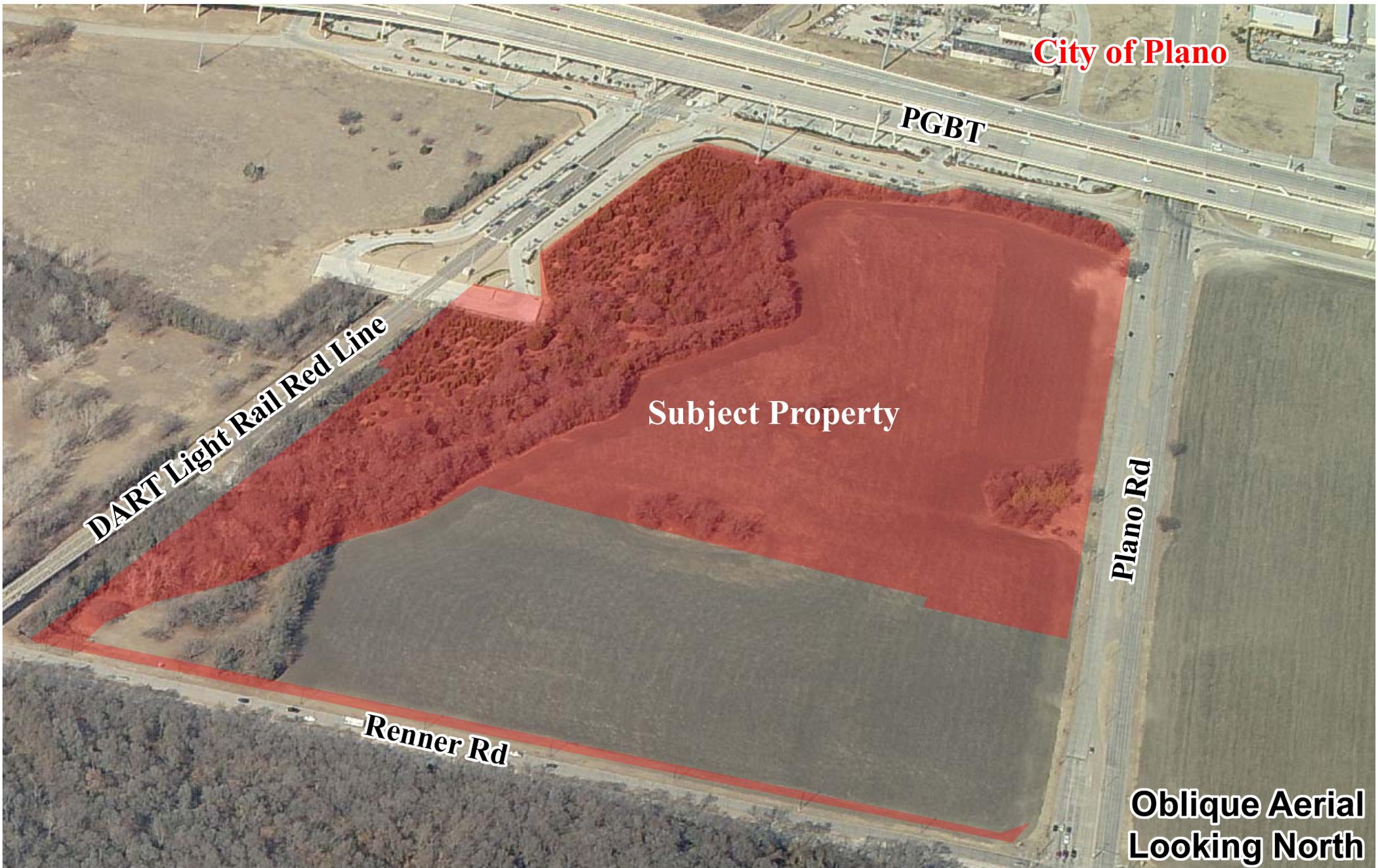


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Section 1. Purpose and Intent:

The purpose of the Bush Central Station Planned Development Code #23, hereafter known as the BCS-PD #2-3 Code, is to support development of the Bush Central Station into a pedestrian-oriented, mixed-use urban development environment, with convenient access to rail transit, shopping, employment, housing, and regional retail services. The goal of the Bush Central Station is to promote an efficient, compact land use pattern; encourage pedestrian activity; reduce the reliance on private automobiles; and provide a more functional and attractive community through the use of recognized principles of urban design.

- 1.1 Economic Development – The Bush Central Station and corresponding standards are created to support economic development, sustainable tax base, and job creation by establishing adjacency predictability of private development that supports and leverages investment in and around the Bush Central Station.
- 1.2 Implement the Design Goals of the Bush Central Station – The objective of the Bush Central Station is to foster a major regional employment center with significant regional retail and residential uses within convenient walking distance from the existing transit station and potential transfer station to the Cotton Belt rail line. The existing transit station provides a connection to 12 member cities of Dallas Area Rapid Transit (DART) including Dallas. Development within this area would be of high intensity, accommodating large scale office and retail users while providing for moderate scale mixed use and residential within portions of the Bush Central Station.
- 1.3 Establish Specific Development Standards – The BCS-PD #2-3 Code implements the vision for the Bush Central Station as established in the City’s Comprehensive Plan and the Bush Central Station Regulating Plan, hereafter known as the Regulating Plan (Appendix A-1). The Regulating Plan shall provide guidance to property owners, developers, and the City on the form, character, and intensity of future development in the Bush Central Station. Creation of different Character Zones within Bush Central Station enables specific site and locational standards to be enumerated and applied. Clear graphic standards are provided for location, height, and building elements. Such standards promote sustainability, public welfare, walkable mixed use development, housing variety and transportation choice.

Section 2. Components of the Code:

- 2.1 This BCS-PD #2-3 Code shall apply to the Bush Central Station unless otherwise specified in this Code. Development of property within the Bush Central Station shall comply with all applicable development standards set forth in this Code. The components of this BCS-PD #2-3 Code consist of:
 - 2.1.1 Bush Central Station Regulating Plan: The Bush Central Station PD #2-3 Regulating Plan, hereafter known as the “Regulating Plan”, is its official zoning map (Appendix A-1). It identifies the applicable character zones within the Bush Central Station including:
 - i. Character Zones – The Bush Central Station is divided into different “Character Zones”. A Character Zone creates a distinct urban form within that Zone which is different from urban forms in other Character Zones. Each Character Zone shall establish use and development standards including height, bulk, building and parking location, and functional design. The Regulating Plan classifies all lots within the Bush Central Station into one of two Character Zones.
 - ii. Special Frontage Standards – The Special Frontage Standards establish exceptions and special conditions for all buildings along designated frontages Special Frontage Standards shall apply in addition to the underlying Character Zone standards.

- iii. Street Designations by Street Type– The Street Designations illustrate the design, configurations, and development context for all streets within the Bush Central Station PD #23. The street classification addresses vehicular lane widths, number of lanes, pedestrian accommodation, street tree requirements, on-street parking, and parkway and median standards (streetscape standards). In addition, streets are distinguished by the appropriate development context by denoting them on the Regulating Plan as Type ‘A’ or Type ‘B’ Streets.
- iv. Street Network – The Street Network specifies the future streets needed to implement the Regulating Plan. These streets shall be required and shall generally meet the locational and connectivity goals of the Regulating Plan. Their design shall be guided by the Street Type Specifications.
- v. Mandatory Civic/Open Space – The Mandatory Civic/Open Space areas shown on the Regulating Plan designate the locations of proposed civic/open spaces (including parks, plazas, greens, and squares).
- vi. Non-Mandatory Civic/Open Space – The Non-Mandatory Civic/Open Space designation indicates the locations of desired, but not required civic/open spaces (including greens and squares) to implement the Regulating Plan. Non-Mandatory Civic/Open Spaces are not required, but at the election of the developer.

2.1.2 Development Standards: The BCS-PD #2-3 Code (the text portion of this Code) enumerates the development standards with text and graphics for Character Zones, Special Frontage, building form, civic open space, landscape, building design, signage, lighting, and all related standards for all streets, public and private development.

Section 3. Administration

This section sets forth the provisions for reviewing and approving development applications within the Bush Central Station. The intent is to ensure that all development is consistent with the provisions of this Code. All sections of this Code shall be applied during the review process.

3.1 The development standards under Articles XIII-A thru XVI and Article XXI-C of the City of Richardson Comprehensive Zoning Ordinance, as amended, shall not apply to the Bush Central Station except as specifically referenced herein. Development standards not addressed in this ordinance shall be governed by the City of Richardson Comprehensive Zoning Ordinance to the extent they are not in conflict with the intent or text of the BCS-PD #2-3 Code.

3.2 Sign Standards under Chapter 18, as amended, of the City of Richardson Code of Ordinances, shall not apply to the Bush Central Station except as specifically referenced herein.

3.3 Using this Code:

The following basic steps should be followed to determine the uses and development standards applicable on property within the Bush Central Station:

3.3.1 Locate the subject property on the Regulating Plan.

3.3.2 Identify:

- i. the Character Zone in which the property is located;
- ii. the Street Type designation along all its street frontages; and,
- iii. any Special Frontage Requirements that may be applicable to the subject property.

3.3.3 Review the Schedule of Uses by Character Zone as listed in Table 6.1 to determine allowed uses.

- 3.3.4 Examine the corresponding zone standards in the Building Form and Development Standards in Section 7 to determine the applicable development standards.
- 3.3.5 Refer to Section 5.5 for Special Frontage Standards and Section 5.6 for Civic/Open Space Standards.
- 3.3.6 Refer to Section 8 for Building Design Standards.
- 3.3.7 Refer to Section 9 for Street Type and Streetscape Standards.

The information from the above listed steps explains where the building will sit on the lot, the limits on its three dimensional form, the range of uses, and the palette of materials that will cover it.

3.4 Development within the Bush Central Station that complies with the provisions of this Code shall follow the City's development process as outlined in Chapter 21, Article II of the City of Richardson's Code of Ordinances and shall be approved by the City Manager or designee (see Appendix C-1 for flow chart of the review process). In addition to complying with applicable City regulations that are not in conflict with this Code, the applicant shall provide the information required to adequately show compliance with this Code.

3.5 Standard for Approval of development plans: If a development plan conforms to the standards set forth in this Code and applicable City regulations not in conflict with this Code, the development plan shall be approved. Upon request by an applicant, the authority charged with approving the development plan shall certify the reason(s) for an action taken on a development plan.

3.6 The City Manager or designee shall be responsible for the following:

- 3.6.1 Reviewing development plan applications for compliance with the requirements of BCS-PD #23 Code.
- 3.6.2 Approving development plan applications that are in compliance with the requirements of the BCS-PD #23 Code.
- 3.6.3 Making determinations on the applications and interpretations of standards in this Code.
- 3.6.4 Approving revisions to previously approved development plans that comply with this Code and all applicable city ordinances.
- 3.6.5 Approving any minor modifications to the approved Regulating Plan per Section 3.8.
- 3.6.6 Recommendations on any SDP applications to the City Plan Commission (CPC) and City Council.

3.7 Special Development Plans: A request for a modification to any of the standards of this Code other than minor modifications permitted under Sections 3.8 shall be reviewed and processed as Special Development Plans.

3.7.1 Special Development Plans (SDP) are intended to allow applicants development flexibility to address specific market opportunities and/or contexts. An application for a Special Development Plan shall be processed as an amendment to the zoning ordinance under Article XXIX of the City of Richardson Zoning Ordinance and may only be considered by the City Council (CC) after the CPC has made a recommendation. The City Manager or designee shall review, make recommendations on any SDPs, and shall forward all SDP applications to the CPC. In evaluating an SDP, CC may consider the extent to which the application meets any of the following:

- i. provides an alternative "Master Plan" approach by consolidating multiple properties to create a predictable, market responsive development for the area; or
- ii. fits the adjoining context by providing appropriate transitions.

3.8 Minor Modifications to the BCS-PD #23 Code:

The City Manager or designee shall have the authority to approve a request for minor modifications to BCS-PD #23 Code that:

- 3.8.1 Does not materially change the circulation and building location on the site;
- 3.8.2 Does not increase the building area permitted under this Code;
- 3.8.3 Does not change the relationship between the buildings and the street;
- 3.8.4 Does not allow a use not otherwise authorized in this Code;
- 3.8.5 Does not allow greater height of any building or reduction of any parking requirement established in this Code; or
- 3.8.6 Changes to established street cross sections per Table 3.1 below and Section 9 of this Code.

The City Manager or designee shall also have the authority to approve minor modifications outlined in Table 3.1. Any appeals to the decisions of the City Manager on minor modifications shall be heard by the City Council. Any City Council denials of minor modifications or any changes beyond those that meet the criteria above, the thresholds established in Table 3.1, shall be processed as an amendment to this Code under Article XXIX of the City of Richardson Comprehensive Zoning Ordinance.

Table 3.1 Minor Modifications Allowed

<i>Standard</i>	<i>Minor Modification Allowed</i>	<i>Comments</i>
Area/boundary of Character Zones (including any Mandatory Civic/Open Spaces)	No more than a 25% change (increase or decrease) in the area of any Character Zone (aggregate or per block)	<ul style="list-style-type: none"> • Shall not eliminate any Character Zone • 25% measurement shall be based on the total area of that specific Character Zone within the entire Bush Central Station
Location of new Street	Location shall not move more than 150' in any direction	<ul style="list-style-type: none"> • Shall maintain the connectivity intended by the Regulating Plan
Building Form and Development Standards		
<ul style="list-style-type: none"> • Build to zones/setbacks 	No more than a 20% change in the maximum or minimum setback.	<ul style="list-style-type: none"> • Changes to the build-to-zones or setbacks may only be due to any changes to the street cross sections or change in the width of a sidewalk • In no case shall the sidewalk be less than 6 feet in width.
<ul style="list-style-type: none"> • Building Frontage 	No more than a 15% reduction in the required building frontage along each block of a Type 'A' Street	<ul style="list-style-type: none"> • Any reduction in the required building frontage shall be to accommodate Porte-cocheres for drop-off and pick-up.
<ul style="list-style-type: none"> • Street screen 	Waiver of Street screen requirement along a Type 'B' Street	<ul style="list-style-type: none"> • Requirement for a street screen may only be waived along a Type 'B' Street along the frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure. • In no case shall any portion of the surface parking have frontage along a Type 'A' Street without a required street screen • In no case shall the (off-street) surface parking lot be located at a street intersection <u>with a Type 'A' Street</u> for a minimum depth of 30' along each street (regardless of the Street Type).
Street Cross Sections	Cross sections of new streets may be adjusted with respect to number of lanes, lane widths, on-street parking configuration, pedestrian accommodation, and street tree planting	<ul style="list-style-type: none"> • Any changes in the street cross sections shall be based on <u>creating a specific and unique</u> development context <u>and to address any existing such as</u> vegetation, natural features, drainage, and fire access and is subject to approval by the City. • <u>Street cross sections may allow encroachment of porte cocheres into the street right-of-way and parking lanes, but not within any travel lanes, subject to approval by the City.</u>
<u>Street Cross Sections</u>	<u>On-street parking configuration adjustments</u>	<ul style="list-style-type: none"> • <u>On-street parking may be eliminated or adjusted from angled to parallel or angled to drop-off lanes to accommodate valet drop-off and pick up and similar functions subject to a Development Plan or parking plan submitted by the applicant and subject to approval by the City.</u>

3.9 Periodic Review Requirement: The City Manager or his/her designee shall convene an annual City Council work session with the property owners and/or the Property Owners Association (POA) of all the property within the planned development for the purpose of receiving project status updates on the development of the property. The project updates shall include, but are not limited to, total square footage of developed property, square footage of non-residential development, number of residential units, mix of land uses and traffic/transportation related items.

Section 4. Definitions

In addition to Definitions in Article I of the City of Richardson Comprehensive Zoning Ordinance, the following terms shall have the corresponding interpretations.

Arcade means a portion of the building façade line is at or near the sidewalk and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

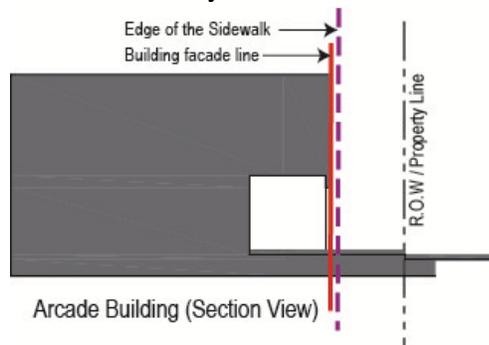


Image of an arcade

Attics/Mezzanines means the interior part of a building contained within a pitched roof structure or a partial story between two main stories of a building.

Auto-Related Sales and Service Uses means establishments that provide retail sales and services related to automobiles including, but not limited to, cars, tires, batteries, gasoline, etc.

Block Face Dimensions means the linear dimension of a block along one of its street frontages.

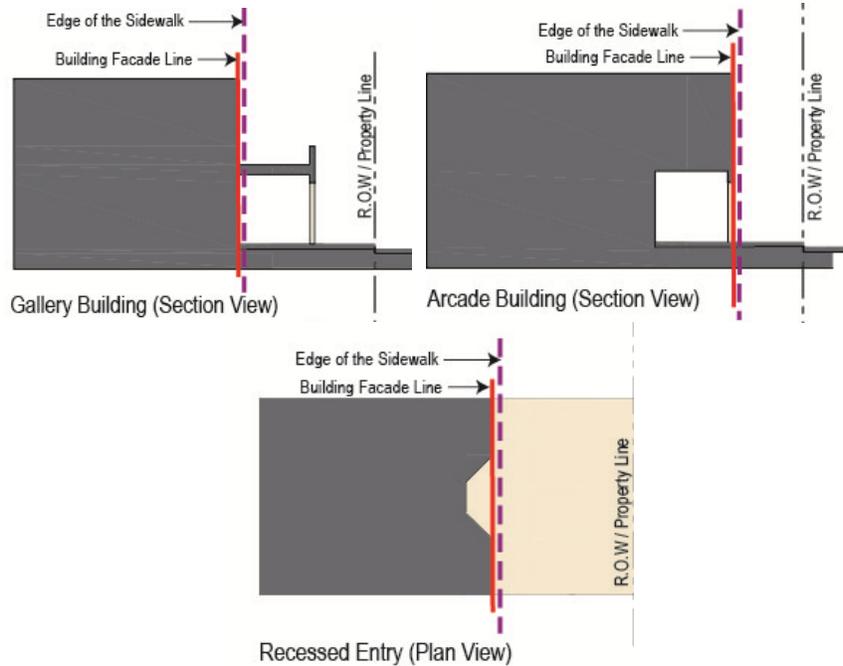
Block Perimeter means the aggregate dimension of a block along all of its -street frontages.

Block means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

Build-to Line means the line at which the principal building's front façade shall be built.

Build-to Zone (BTZ) means the area within which the principal building's front façade is to be built.

Building Façade Line means the vertical plane along a lot where the building's front façade is actually located.



Building Façade Line Illustrations

Building Form Standards means the standards established for each Character Zone that specify the height, bulk, orientation, and elements for all new construction and redevelopment.

Building Frontage means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of that lot's frontage along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

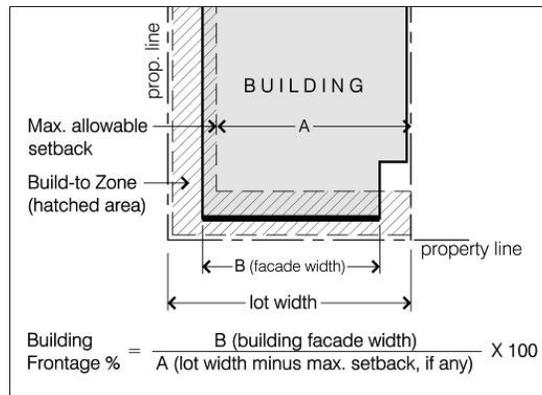


Image showing how a lot's building frontage is calculated.

Character Zone means an area within the Bush Central Station that creates a distinct urban form different from other areas within the Bush Central Station. Character Zones are identified in the Regulating Plan.

City Manager means the City Manager of the City of Richardson or his/her designee.

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Civic/Open Space means publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as Civic/Open Space for the purposes of this ordinance. Building façades facing a Civic/Open Space shall be treated as a Type ‘A’ Street frontage. Kiosks are permitted within any of the Civic/Open Spaces below. Permanent Kiosks are limited to a maximum of 2,000 square feet each and may not occupy no more than 10% of the area of any Civic/Open Space. The design and quality of permanent kiosks shall be consistent with the overall development character of Bush Central Station (refer to the images under the definition of Kiosks for appropriate character and design).

Green means a civic/open space intended for unstructured recreation, spatially defined by landscaping rather than building frontages.

Park means a civic/open space that is a preserve largely available for unstructured recreation.

Plaza means a primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings. A plaza may include streets for circulation (including on-street parking). The design of such circulation should include pavement treatments, landscaping, cross walks, etc with bollards or similar elements differentiating the pedestrian realm from any travel lane.

Playground is a civic/open space designed and equipped for children’s recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block. They may be included in other civic/open spaces.

Comprehensive Plan means the City of Richardson Comprehensive Plan that establishes the blueprint for the long-term growth and development of the City as adopted on the effective date of this Code.

Development Plan means any submittal as defined by Chapter 21, Article II of the City of Richardson’s Code of Ordinances.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W, or above a height limit.

Gallery means an extension of the main façade of the building that is at or near the front property line and the gallery may overlap the public sidewalk.

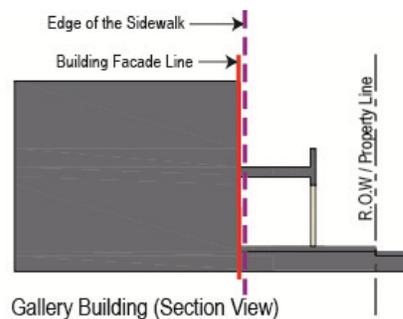


Image of a Gallery

Kiosk means a small temporary or permanent structure often open on one or more sides used for [retail sales](#) [or food service](#) in civic/open spaces.



[Images of appropriate permanent kiosk structures for food or retail sales and service](#)

Live-Work Unit means a dwelling unit that is also used for work purposes, provided that the ‘work’ component is restricted to the uses of professional office, artist’s workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The ‘live’ component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Living Screen means a Street Screen composed of landscaping in the form of vegetation.

Main Street Frontage means a special frontage requirement along identified Type ‘A’ Street frontages as indicated in the Regulating Plan.

Master Sign Plan means a unique sign plan to implement a specific vision for a portion or all of the development that meets Section 10.2 of this Code.

Minor Modification means any changes to the BCS-PD [#2-3](#) Code that meet the threshold criteria established in Section 3.8 and Table 3.1.

Non-Mandatory Civic/Open Space means plaza, green, square, or park area designated on the Regulating Plan which is shown as a suggested feature within the Bush Central Station PD [#32](#). The Non-Mandatory Plaza is not required and is at the election of the developer.

Pedestrian Easement means a grant of use of private property for pedestrian access and use.

Pedestrian Priority Frontage means a special frontage requirement that applies on specific Type ‘B’ Street frontages as identified in the Regulating Plan to establish special design standards for parking garage facades along these frontages.

Regulating Plan means the Zoning Map attached hereto as Appendix A-1 that shows the Character Zones, Civic Spaces, location of Special Frontages, Streets, and other Special Requirements

applicable to the Bush Central Station PD #23 subject to the standards in this Code. For the purposes of this Code, the Regulating Plan shall also be the Concept Plan for the Bush Central Station PD #23.

Residential Loft means a residential unit that is built to commercial standards and adapted for residential uses.

Retail Sales Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc, and health and personal services.

Service Uses means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

Sign, Building Blade means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the ground floor to provide identification for the whole building.

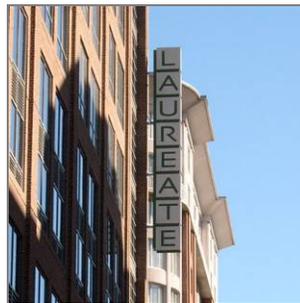


Image of a Building Blade Sign

Sign, Marquee means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or as chasing lights. Marquee signs may often be combined with Building Blade signs.

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Image of a Marquee sign with a Building Blade Sign

Sign, Monument means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.



Image of a Monument Sign

Sign, Sandwich Board means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.



Images of sandwich board signs.

Sign, Tenant Blade means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.



Image of a Tenant Blade Signs

Special Development Plan means a development application that meets Section 3.7 of this Code.

Special Frontage Requirements means standards applied to certain blocks as indicated in the Regulating Plan in order to address specific requirements and transitions based on street frontage and adjacency in addition to the underlying Character Zone standards.

Street Screen means a freestanding wall or living screen built along the BTZ or in line with the building façade line [or immediately behind the pedestrian easement](#) along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



Image of a combination masonry and living street screen

Street Type means a specific designation for streets in the Bush Central Station that establishes a certain character and cross-sections to improve walkability within the Bush Central Station.

Street Network means the network for new and existing streets within the Bush Central Station PD [#32](#) as established in the Regulating Plan.

Tree Well means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.



Example of a tree well with a tree grate



Example of a tree well with landscaping

Type ‘A’ Street means the streets identified as such on the Regulating Plan. Type ‘A’ Streets are the primary pedestrian streets and buildings along Type ‘A’ Streets shall be held to the highest standard of pedestrian-oriented design.

Type ‘B’ Street means the streets identified as such on the Regulating Plan. Type ‘B’ Streets are intended to primarily accommodate access to parking, service, and other auto-related functions.

Section 5. The Regulating Plan

5.1 The Regulating Plan (Appendix A-1) is hereby adopted as the official zoning map for the Bush Central Station PD #23.

5.2 Character Zones Established – the following Character Zones are established. The boundaries of the specific Character Zones shall be established in the Regulating Plan.

5.2.1 TOD Core: The TOD Core provides the most opportunity for the highest intensity development. It is the area that has significant development impact and the highest pedestrian activity due to its adjacency to the transit station. The TOD Core consists of the highest density and height, with the greatest variety of uses. Development within the TOD Core Zone shall meet the Building Form and Development Standards in Section 7.1 of this Code.

5.2.2 TOD Mixed Use: The TOD Mixed Use is the area adjacent to the TOD Core that is intended for high intensity commercial and residential uses in addition to supporting retail and restaurant uses. Development within the TOD Mixed Use Zone shall meet the Building Form and Development Standards in Section 7.2 of this Code.

5.3 Street Designations By Street Type Established – The Regulating Plan shall establish the following Street Designations.

5.3.1 Type ‘A’ Streets Established – Type ‘A’ Streets are intended to be the primary pedestrian streets and buildings along Type ‘A’ Streets shall be held to the highest standard of pedestrian-oriented design. The Type ‘A’ Streets are as identified in the Regulating Plan.

5.3.2 Type ‘B’ Streets Established – Type ‘B’ Streets are intended to balance pedestrian orientation with automobile orientation. Buildings along Type ‘B’ Streets may be permitted to accommodate some service and auto-related functions. The Type ‘B’ Streets are as identified in the Regulating Plan.

5.4 Streets by Street Type – The Street Network indicates new streets needed to implement the Bush Central Station PD # 2-3 Regulating Plan. The Regulating Plan designates the type, classification, and location of streets. All new streets in the Bush Central Station shall meet the street design standards established in Section 9 herein.

5.5 Special Frontage Requirements – In order to address specific requirements and transitions based on street frontage and adjacency, the following Special Frontage Requirements as established in the Regulating Plan shall apply:

5.5.1 Main Street Frontage: Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and/or lodging rooms in hotels to a minimum depth of 30 feet as measured from the front building line.

5.5.2 Pedestrian Priority Frontage: Facades of parking structures with designated Pedestrian Priority Frontage shall meet the design standards in Section 8, Building Design Standards of this Code.

5.6 Civic/Open Space – The Regulating Plan indicates Mandatory and Non-Mandatory Civic/Open Spaces. The specific standards for Civic/Open Space are established in Section 11.

5.7 Terminated Vistas – Buildings which are located on axis with a terminating street (as indicated on the Regulating Plan) or at the intersection of streets shall be considered as feature buildings. Buildings with features that take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line. Buildings at a terminated vista shall not include a blank wall, service areas, or parking uses on the ground floor to a minimum depth of 30 feet from the building façade line.

Section 6. Schedule of Permitted Uses

6.1 Generally: Due to the emphasis on urban form over land uses in the Station Areas, general use categories have been identified by character zones. Uses not listed in the following schedule, but are substantially similar, may be permitted upon the approval of the City Manager or designee, subject to appeal directly to the City Council.

6.2 Schedule of Uses:

Table 6.1

Character Zone	TOD Core	TOD Mixed Use
Land Use		
Commercial Uses (Office, Retail, Sales & Service Uses)		
Retail Sales or Service with <u>no drive through facility</u> (includes alcohol sales which shall meet Chapter 4, Alcoholic Beverages of the City of Richardson Code of Ordinances). Excluded from this category are Auto-Retail Sales and Service Uses (see Section 4 of the Code for Definition of Retail, Service uses, and Auto-related Sales and Service)	P	P
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, <u>with no drive through facility</u>	P	P
Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.	P	P
Research laboratory headquarters, laboratories and associated facilities	P	P
Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with <u>no drive through facilities</u> Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages which shall meet Chapter 4, Alcoholic Beverages of the City of Richardson Code of Ordinances.	P	P
Any use with a drive through facility	P/C	P/C
Auto-related Sales and Service	NP	NP
Arts, Entertainment, and Recreation Uses		
Art galleries	P	P
Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	P
Games arcade establishments	P	P

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Character Zone	TOD Core	TOD Mixed Use
Theater, cinema, dance, music or other entertainment establishment	P	P
Museums and other special purpose recreational institutions	P	P
Fitness, recreational sports, gym, or athletic club	P	P
Parks, greens, plazas, squares, and playgrounds	P	P
Educational, Public Administration, Health Care and Other Institutional Uses		
Business associations and professional membership organizations	P	P
Child day care and preschools	P	P
Schools, libraries, and community halls	P	P
Universities and Colleges	P/C	P/C
Hospital	P	P
Civic uses	P	P
Social and fraternal organizations	P	P
Social services and philanthropic organizations	P	P
Religious Institutions	P	P
Funeral homes	P	P
Residential Uses		
Home Occupations	P/A	P/A
Multi-family residential		
Ground Floor	P/C	P
Upper Floors	P	P
Residential Lofts	P	P
Live-work unit	P	P
One- and two-story multi-family residential	NP	NP
Other Uses		
Model homes for sales and promotion**	P	P
Hotels	P	P
Parking, surface (primary use of property)	NP	NP
Parking, surface (accessory use of property)	P	P
Parking, structured	P	P
Sales from kiosks	P	P
Veterinary clinic	NP	P
Community garden	P	P
Incidental Outdoor Display (subject to standards in Section 7 of the Code)	P/A	P/A
Antennas including cell, accessory, and mounted on top of buildings.	P/A/C	P/A/C
Wind energy equipment	P/A	P/A
Solar energy equipment	P/A	P/A
Special Event	P	P
Rain harvesting equipment	P/A/C	P/A/C
Utility equipment (includes electrical transformers, gas meters, etc)	P/A/C	P/A/C

** Model homes are limited to a time period until all the homes are sold in the neighborhood.

P= Permitted by right NP= Not Permitted P/C= Permitted with design criteria per Table 6.2 P/A = Permitted Accessory Use NA= Not applicable
A = Accessory use to not exceed 25% of the primary use building square footage

6.3 Use Criteria: All uses listed as P/C in Table 6.1 shall also meet the following standards in Table 6.2

Use	Zone	Location & Design Criteria
Non-Residential Uses		
Any permitted use with a drive through facility	TOD Core, TOD Mixed Use	<ul style="list-style-type: none"> All drive through access (driveways) shall be from Type 'B' Streets. Drive through lanes and/or canopies shall not have frontage along on or be located along any Type 'A' Streets. Drive through areas screened by a 4' high Street Screen.

Table 6.2 – Use Criteria

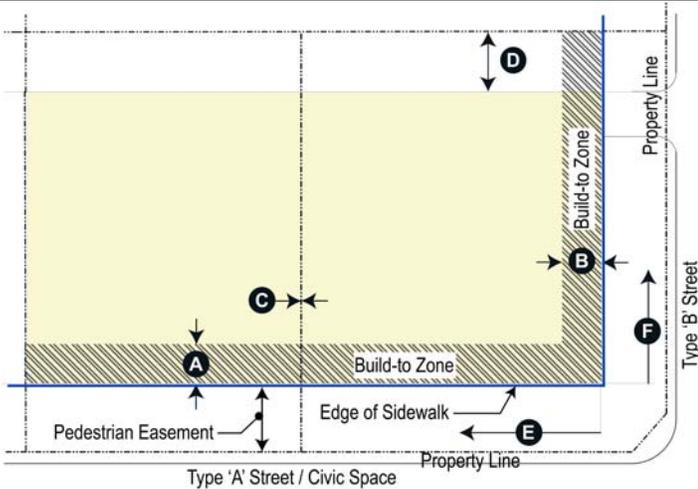
<i>Use</i>	<i>Zone</i>	<i>Location & Design Criteria</i>
Universities and Colleges	TOD Core & TOD Mixed Use	<ul style="list-style-type: none"> Shall be required to provide structured parking as part of the build-out for the university/college campus
Residential Uses		
Multi-family residential Ground Floor	TOD Core	<ul style="list-style-type: none"> Ground floors may be occupied by residential uses unless designated as Main Street Frontage. Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan <u>shall not</u> be occupied by residential units and lodging rooms to a minimum depth of 30 feet as measured from the front building line.
Other Uses		
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	All Zones	<ul style="list-style-type: none"> Antennas shall be permitted on rooftops. Antennas shall be screened entirely with a screen of same color as the principal building. Antennas shall not be visible from adjacent Type 'A' Street.
Rain water harvesting equipment	All Zones	<ul style="list-style-type: none"> Rain water harvesting equipment may not be installed along Type 'A' Streets. On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.
Utility equipment (includes electrical transformers, gas meters, etc)	All Zones	<ul style="list-style-type: none"> Utility equipment shall not be installed with frontage on Type 'A' Streets. On all other frontages, <u>utility equipment</u>they shall be screened with a Street Screen at least as high as the equipment being screened. <u>On Type 'A' Street frontages, utility equipment shall also be recessed into the building.</u>

Section 7. Building Form and Development Standards

The following section establishes the Building Form and Development Standards for all Character Zones within the Bush Central Station PD #23. Diagrams and reference letters are used for illustrations purposes only. Reference letters may not be in continuous sequence.

7.1 TOD Core Zone

7.1.1 Building Placement



Legend

- Property Line
- Edge of Sidewalk
- Building Area
- ▨ Build-to Zone

Build-To Zone (BTZ)

(Distance from edge of pedestrian esmt. to edge of the BTZ) (see #12)

Front (Type 'A' Street and Civic Space Frontage)	0 – 10 feet	A
Front (Type 'B' Street Frontage)	0 – 10 feet (see #1)	B

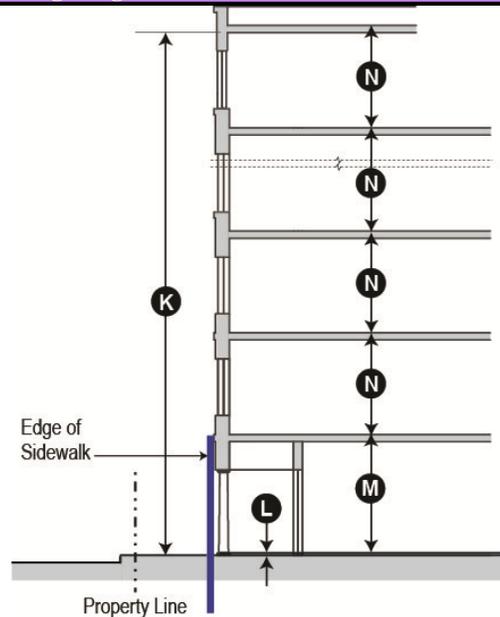
Setback

Side (from property line)	0 feet (see #2)	C
Rear (from property line)	5 feet	D

Building Frontage

Building Frontage required along Type 'A' Street/civic space BTZ	90% (min.) (see #3 and #6)	E
Building Frontage required along Type 'B' Street BTZ	0% (min.) None required unless along a corner lot with Type 'A' Street frontage also (see #3 and #6)	F

7.1.2 Building Height



Principal Building Standards

Building maximum	350 feet (see #7)	K
First floor to floor height	15 feet (min.) (with Main Street Frontage designation) 10' min (for all other frontages) (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of Main Street Frontage buildings)	L
Upper floor(s) height (floor-to-ceiling)	10 feet min.	N

7.1.3 Special Frontage Requirements

Requirements Specific to Main Street Frontage

Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and lodging rooms to a minimum depth of 30 feet as measured from the front building line. Ground floors shall be built to commercial standards which include minimum first floor-to-floor height, ingress and egress and handicap access.

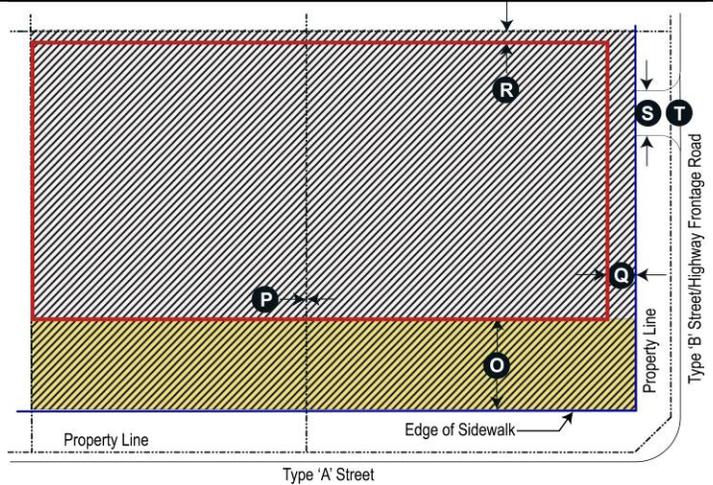
Requirements Specific to Pedestrian Priority Frontage:

Ground floors of all buildings designated as Pedestrian Priority Frontage with ground floor parking uses shall meet the design standards in Section 8.1.2 (vi.) of this Code.

Notes

- #1 – The area between the building and the edge of the BTZ at the public sidewalk shall be paved flush with the sidewalk.
- #2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- #3 – Corner building street facades shall be built to the BTZ for a minimum of 30' from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone standards. This standard shall apply to any intersection with a Type 'A' Street (even if the cross street is a Type 'B' Street) or to any frontage designated as Pedestrian Priority Frontage.

7.1.4 Parking & Service Access



Legend



(i) Parking Location

Surface/At Grade Parking

Type 'A' Street and Civic Space setback	Shall be located behind the principal building	O
Type 'B' Street setback	Min. of 3 feet behind the building facade line along that street or 6' behind the edge of the sidewalk along that frontage	Q
Side setback (distance from property line)	0 feet min.	P
Rear setback (distance from property line)	0 feet min.	R

Above Grade Parking

Setback along Type 'A' Street, Type 'B' Street and Civic Space (distance from edge of the sidewalk)	0 feet min.	O
Side and rear setbacks (distance from property line)	0 feet min.	
Upper Floors	May be built up to the building line	

(ii) Required Off-Street Parking Spaces (see #10 and #11)

Non-residential uses	1 space/300 square feet (gross)
Residential uses	1.5 space/unit

(iii) Driveways and Service Access

Parking driveway width	30 feet max. (except when drives may need to be wider to address service access or fire lane standards)	S
No more than one driveway per 400 feet of block frontage shall be permitted on a Type 'A' Street		
Off-street loading and unloading docks shall not be located on a Type 'A' Streets.		
Porte cocheres may be permitted on Type 'A' Streets to provide drop-off and valet service.		

Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

7.1.5 Encroachments

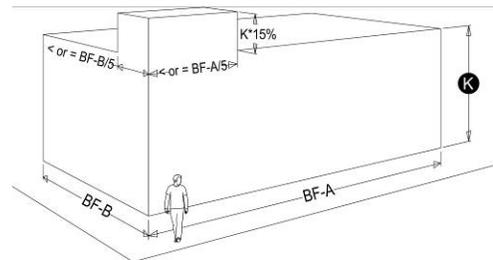
Canopies, signs, awnings and balconies may encroach over the sidewalk or build-to-zone area as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.

7.1.6 Applicability

Building Form and Development Standards in this Section shall apply to all development within this Character Zone.

Notes

- #4 - First floor heights shall not apply to parking structures.
- #5 - All buildings in the TOD Core Zone shall meet the Building Design Standards in Section 8.
- #6 - Any frontage along all streets (except alleys) not defined by a surface parking building at the BTZ shall be defined by a 4-foot high Street Screen, furthermore service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. The Street Screen shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Bush Central Station Planting List in Appendix B-1 of this ordinance. The required Street Screen shall be located within the BTZ along the corresponding frontage or immediately behind the pedestrian easement.
- #7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



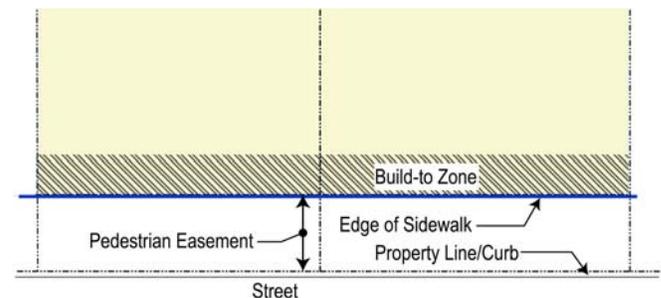
#8 - Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#9 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building façade line.

#10 - Required parking may be provided anywhere within the Bush Central Station PD #23.

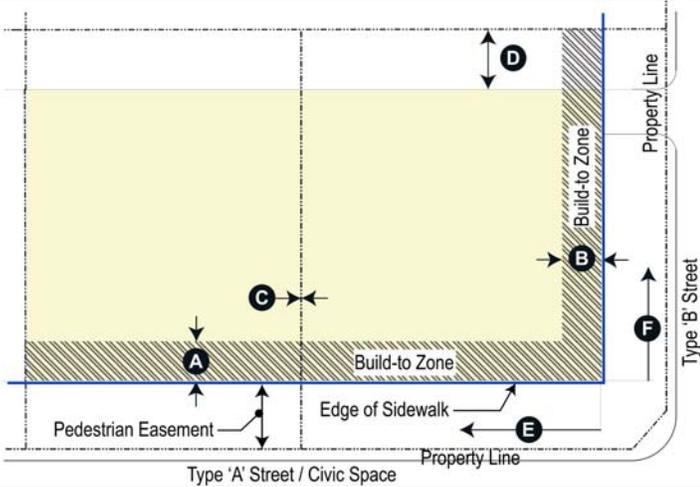
#11 - Article III, Section 21-52 of the City of Richardson Subdivision and Development Ordinance shall apply for design of off-street parking areas.

#12 - Note about measuring build-to-zones and setbacks: Build-to-zones and setbacks shall be measured from the edge of the pedestrian easement closest to the building. This standard shall not apply if outdoor café seating, patios, forecourts, or other amenities that activate the sidewalk are incorporated between the building façade and sidewalk. Existing utility easements may also require measuring of build-to-zones and setbacks from such easements.



7.2 TOD Mixed Use Zone

7.2.1 Building Placement



Build-To Zone (BTZ)
(Distance from edge of **pedestrian esmt.** to edge of the BTZ) (see #12)

Front (Pedestrian Priority 'A' Street, Pedestrian Priority 'B' and Civic Space)

Front (Type 'A' Street and Civic Space Frontage)	0 – 10 feet	A
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Front (Type 'B' Street Frontage) <i>Except for Plano Road</i>	0 – 10 feet (see #1)	B
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Front (Plano Road only)	<u>25 feet min. setback</u>	
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Setback

Side (distance from property line)	0 feet (see #2)	C
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<u>Side (Plano Road - distance from property line)</u>	<u>25 feet min.</u>	
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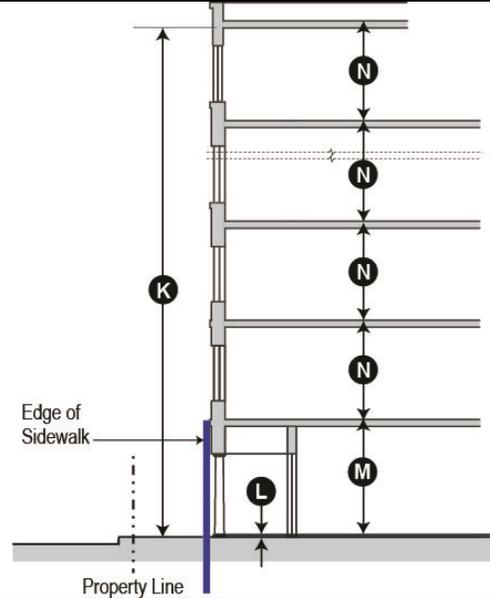
Rear (distance from property line)	0 feet (see #2)	
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Building Frontage

Building Frontage required along Type 'A' Street/civic space BTZ	80% (min.) (see #3 and #6)	E
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Building Frontage required along Type 'B' Street BTZ	<u>None required unless along a corner lot with Type 'A' Street frontage also 0% (min.)</u> (see #3 and #6)	F
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7.2.2 Building Height



Principal Building Standards

Building maximum	225 feet (see #7)	K
First floor to floor height	15 feet min. (buildings with Main Street Frontage designation) 10' min. (for all other frontages) (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of Main Street Frontage buildings)	L
Upper floor(s) height (floor-to-ceiling)	10 feet min.	N

7.2.3 Special Frontage Requirements

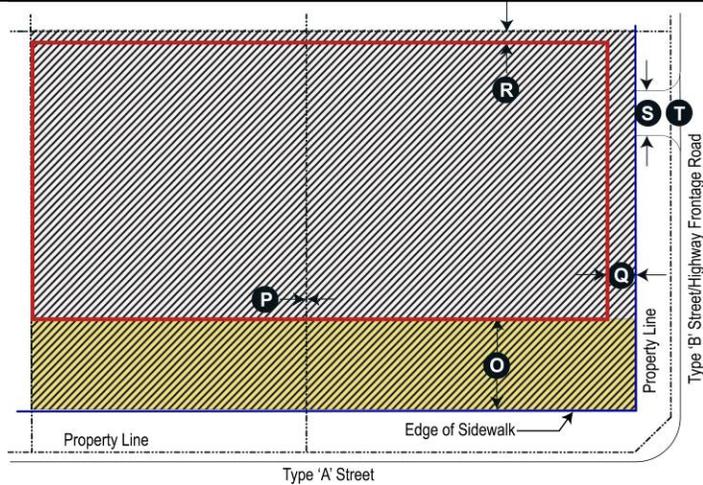
Requirements Specific to Main Street Frontage
Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and lodging rooms to a minimum depth of 30 feet as measured from the front building line. Ground floors shall be built to commercial standards which include minimum first floor-to-floor height, ingress and egress and handicap access.

Requirements Specific to Pedestrian Priority Frontage:
Ground floors of all buildings designated as Pedestrian Priority Frontage with ground floor parking uses shall meet the design standards in Section 8.1.2 (vi.) of this Code.

Notes

- #1 – The area between the building and the edge of the BTZ at the public sidewalk shall be paved flush with the sidewalk.
- #2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- #3 – Corner building street facades shall be built to the BTZ for a minimum of **30** feet from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to-zone standards. This standard shall apply to any intersection with a Type 'A' Street (even if the cross street is a Type 'B' Street) or to any frontage designated as Pedestrian Priority Frontage.

7.2.4 Parking & Service Access



Legend



(i) Parking Location

Surface/At Grade Parking		
Type 'A' Street and Civic Space setback	Shall be located behind the principal building	O
Type 'B' Street setback	Min. of 3 feet behind the building facade line along that street or 6' behind the edge of the sidewalk along that street (if no building along that street frontage)	Q
Side setback (distance from property line)	0 feet min.	P
Rear setback (distance from property line)	0 feet min.	R
Above Grade Parking		
Setback along Type 'A' Street, Type 'B' Street and Civic Space (distance from edge of the sidewalk)	0 feet min.	O
Side and rear setbacks (distance from property line)	0 feet min.	
Upper Floors	May be built up to the building line	

(ii) Required Off-Street Parking Spaces (see #10 and #11)

Non-residential uses	1 space/300 square feet (gross)
Residential uses	1.5 space/unit

(iii) Driveways and Service Access

Parking driveway	24 feet max. (except when drives may need to be wider to address service access or fire lane standards)	S
No more than one driveway per 400 feet of block frontage shall be permitted on a Type 'A' Street		
Off-street loading and unloading docks shall not be located on a Type 'A' Streets.		
Porte cocheres may be permitted on Type 'A' Streets to provide drop-off and valet service.		
Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.		

7.2.5 Encroachments

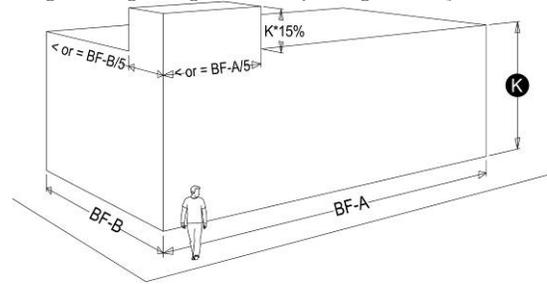
Canopies, signs, awnings and balconies may encroach over the sidewalk or build-to-zone area as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.

7.2.6 Applicability

Building Form and Development Standards in this Section shall apply to all development within this Character Zone.

Notes

- #4 – First floor heights shall not apply to parking structures.
- #5 – All buildings in the TOD Mixed Use Zone shall meet the Building Design Standards in Section 8.
- #6 – Any frontage along all streets (except alleys) not defined by surface parking a building at the BTZ shall be defined by a 4-foot high Street Screen, furthermore service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. The Street Screen shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Bush Central Station Planting List in Appendix B-1 of this ordinance. The required Street Screen shall be located within the BTZ along the corresponding frontage or immediately behind the pedestrian easement.
- #7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



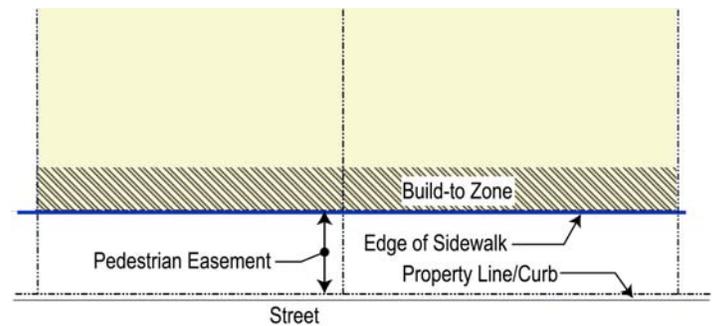
#8 - Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#9 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building façade line.

#10 – Required parking may be provided anywhere within the Bush Central Station PD #3.

#11 – Article III, Section 21-52 of the City of Richardson Subdivision and Development Ordinance shall apply for design of off-street parking areas.

#12 – Note about measuring build-to-zones and setbacks: Build-to-zones and setbacks shall be measured from the edge of the pedestrian easement closest to the building. This standard shall not apply if outdoor café seating, patios, forecourts, or other amenities that activate the sidewalk are incorporated between the building façade and sidewalk. Existing utility easements may also require measuring of build-to-zones and setbacks from such easements.



Section 8. Building Design Standards

The Building Design Standards and Guidelines for the Bush Central Station PD #2-3 shall establish a coherent urban character and encourage enduring and attractive development. Development plans shall be reviewed by the City Manager or designee for compliance with the standards below.

The key design principles establish essential goals for development in the Bush Central Station PD #2-3 to ensure the preservation, sustainability, and visual quality of this unique environment. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

- a. New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
- b. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
- c. Building facades shall include appropriate architectural details and ornament to create variety and interest.
- d. Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

8.1 General to all Character Zones

8.1.1 Building Orientation

- i. Buildings shall be oriented towards Type 'A' Streets, where the lot has frontage along Type 'A' Streets. All other buildings shall be oriented towards Type 'B' Streets or Civic Spaces.
- ii. Primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.
- iii. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.

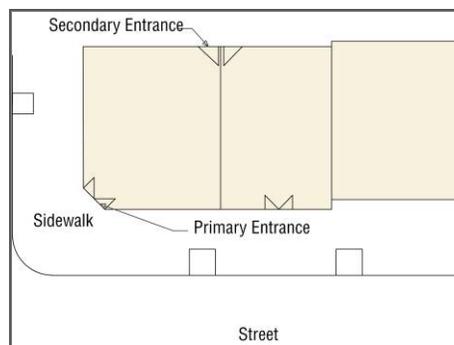


Figure showing required building orientation and location of primary entrances

8.1.2 Design of Parking Structures

- i. All frontages of parking structures located on Type 'A' Streets shall not have parking uses on the ground floor to a minimum depth of 30 feet along the Type 'A' Street frontage. If the frontage is along a designated Main Street Frontage, then the Main Street Frontage requirement shall supersede.

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- ii. Parking structure facades on all Type 'A' Streets shall be designed with both vertical (façade rhythm of 20 feet to 30 feet or multiples thereof) and horizontal (aligning with horizontal elements along the block) articulation.
- iii. Where above ground structured parking is located at the perimeter of a building with frontage along a Type 'A' Street; it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public streets. Parking garage ramps shall not be visible from any public street. Ideally, ramps should not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.
- iv. When parking structures are located at corners, corner architectural elements shall be incorporated such as corner entrance, signage and glazing.
- v. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.



Images showing appropriate design of Parking Structures along Type 'A' Streets

- vi. Pedestrian Priority Frontage Standards: This section of the code shall apply to façade design of all parking garages which are designated as Pedestrian Priority Frontage on the Regulating Plan:
 - The Street Screen along this frontage shall be made up of (i) precast spandrel panels with either form liner or deep reveals or (ii) integrated green screens along the face of the garage or (iii) a living screen or (iv) any combination of the above three.
 - Architecturally enhanced entryway to provide a clear identification for automobiles that includes:
 - Integrated pilasters or column cladding along sides of entry and/or an architecturally enhanced header beam
 - Wayfinding graphics
 - The following entryway enhancements are optional:
 - electronic signage indicating lane usage is optional
- vii. Design of Garage Facades along Plano Road: Garage facades along the Plano Road frontage shall be precast concrete spandrels with vertical elements at intervals of no greater than 80 feet.
- viii. Design of Garage Facades along station platform/Routh Creek Parkway and George Bush Turnpike access road: Garage facades along station platform/Routh Creek Parkway and the George Bush Turnpike access road shall be precast concrete spandrels.

8.1.3 Design of Automobile Related Building Site Elements

- i. Drive-through lanes for commercial uses shall not be located along any Type 'A' Street. Drive-through lanes shall be hidden behind a Street Screen along the Type 'B' Street frontage.

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- ii. All off-street loading, unloading, and trash pick-up areas shall be located along alleys or Type 'B' Streets only unless permitted in the specific building form and development standards in Section 7. Any off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening at the BTZ. The Street Screen shall be made up of (i) the same material as the principal building or (ii) a living screen or (iii) a combination of the two.

8.1.4 Roof Form

- i. Buildings shall have simple, flat fronts with minimal articulations with flat or low pitched roofs (pitches 2.5:12 or lower) with parapets. Corner hip roof elements and gable accents at the parapet may be permitted. Projecting mansard roofs shall not be permitted.



8.1.5 Façade Composition

- i. Buildings shall maintain a façade rhythm of 20 feet to 30 feet along all Type 'A' Streets.
- ii. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the façade.
- iii. Buildings shall be designed and built in tri-partite architecture so that they have a distinct Base, Middle and Cap.



Image of Tri-Partite Architecture

- iv. An expression line or equivalent architectural element shall delineate the Base and Cap of all buildings. A Cornice shall delineate the caps of facades that do not utilize a pitched roof.
- v. For retail storefront buildings, a transom, display window area, and bulkhead at the base shall be utilized.

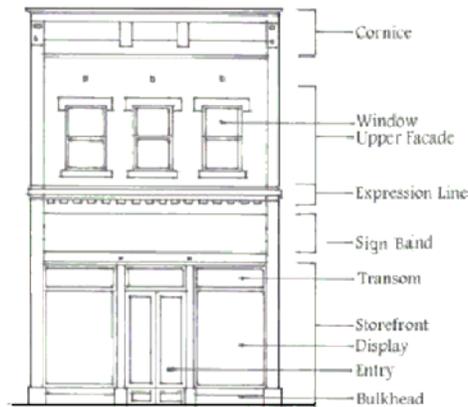


Image of a typical storefront

- vi. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.
- vii. Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and others as appropriate. All building elements should be compatible with the architectural style, materials, colors, and details of the building as a whole. Entrances to upper level uses may be defined and integrated into the design of the overall building facade.
- viii. Buildings shall generally maintain the alignment of horizontal elements along the block.
- ix. Corner emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies may be used along commercial storefronts to add pedestrian interest.



Buildings with architectural features and storefront elements that add interest along the street.

8.1.6 Windows and Doors

- i. Windows and doors on street (except alleys) fronting facades shall be designed to be proportional and appropriate to the specific architectural style of the building. First floor windows shall NOT be opaque, tinted or mirrored glass.
- ii. All ground floor front facades of buildings along Type ‘A’ Streets or Civic/Open Space shall have transparent storefront windows covering no less than 50% of the façade area. Each upper floor of the same building facades facing a Type ‘A’ Street or Civic/Open Space shall contain transparent windows covering at least 30% of the façade area. All other street facing facades (except alleys) shall have transparent windows covering at least 15% of the façade area for all floors.



Images showing appropriate storefront display and transparency

8.1.7 Commercial and Mixed Use Building Materials

- i. At least 85% of each building's façade (excluding doors and windows) along all Type 'A' Streets, Type 'B' Streets, and Plano Road shall be finished in one of the following materials:
 - Masonry (brick, stone, stucco utilizing a three-step process, vertically and/or horizontally articulated architectural pre-cast concrete panels, cast stone, rock, marble, granite, curtain glass, or glass block)
- ii. No more than 15% of each façade along all Type 'A' Streets, Type 'B' Streets, and Plano Road shall use accent materials such as wood, architect metal panel, split-face concrete block, or tile.



Images showing appropriate building materials within TOD Core and TOD Mixed Use zones,.



Images showing appropriate use of architectural precast concrete panels as primary building materials

- ~~iii. A minimum of 80% of all other building facades with the exception of Type 'A' Street facades shall be finished in one of the following materials:~~
 - ~~• Masonry (brick, stone, stucco utilizing a three step process, vertically and/or horizontally articulated architectural pre cast concrete panels, cast stone, rock, marble, granite, curtain glass, or glass block)~~

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- ~~iv. No more than 20% of all other building facades with the exception of Type 'A' Street facades shall use accent materials such as wood, architect metal panel, split face concrete block, or tile.~~
- v-iii. Use of EIFS along all building façades shall be eight (8) feet or higher and shall be limited to exterior trim and molding only.
- vi-iv. Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty may only be used on the upper floors only of any commercial frontage on any street or alley façade and shall be limited to no more than 15% along all streets~~Type 'A' Streets and 20% along Type 'B' Streets.~~
- vii-v. Roofing materials visible from any public right-of-way shall be copper, factory finished standing seam metal, slate, synthetic slate, or similar materials.

8.2 Standards Specific to Development in the TOD Core Zone

8.2.1 Buildings within a minimum of 50% of the net developable land area (i.e., areas not including public street rights-of-way, sidewalks, required setbacks, open space, easements, and civic spaces) within the TOD Core Zone as identified in the Regulating Plan shall be concrete and steel construction.

Section 9. Street & Streetscape Design Standards

9.1 Generally: Streets in the Bush Central Station PD #~~2-3~~ need to support the overall goal of a mixed use, compact, pedestrian oriented district. They should balance all forms of mobility while maximizing convenience for residents and visitors.

The Regulating Plan designates the required street network within the Bush Central Station PD #~~32~~. This section specifies the typical configuration of streets within the Bush Central Station PD #~~23~~. The specifications address vehicular lane width, parkway widths, R.O.W widths, number of travel lanes, on-street parking, and pedestrian accommodation. The character of streets in the Bush Central Station PD #~~2-3~~ will vary based on the location. The service road of President George Bush Turnpike (State Highway 190) is under the purview of TxDOT while the remaining streets are city streets.

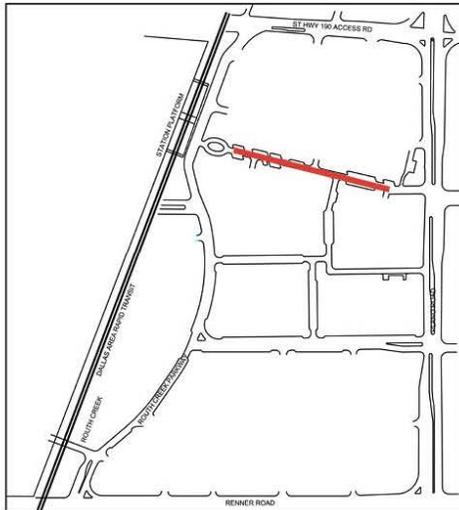
9.2 New Streets: This section specifies standards for all new streets in the Bush Central Station PD #~~23~~. New streets shall be based on the location and type indicated on the Regulating Plan.

9.3 Street Classification Established: The associated cross sections shall establish the cross sections for each street type. The cross sections (including vehicular lane and on-street parking configurations, street tree placement, etc.) may be adjusted to fit existing contexts or other development contexts consistent with the vision for Bush Central Station with the approval of the City Engineer. In addition, the proposed cross sections may be adjusted to meet the needs of the Uniform Fire Code as adopted by the City.

9.4 Street Cross Sections

9.4.1 Street Type 1

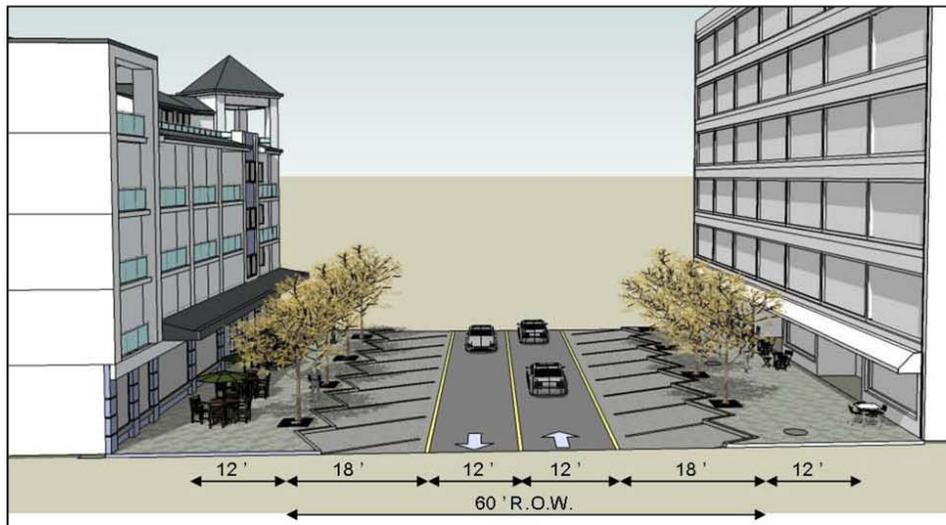
Locator Map



Street Type 1

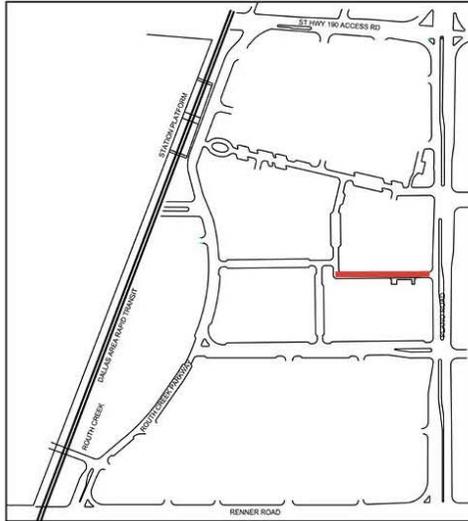
Right-of-Way: 60 feet
Design Speed: 25 mph
On-Street Parking: Yes, angled on both sides
Number of Vehicular Lanes: 2 (@ 12 feet each)
Number of Bike Lanes: None
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 40' on-center (avg.)

Street Section



9.4.2 Street Type 2

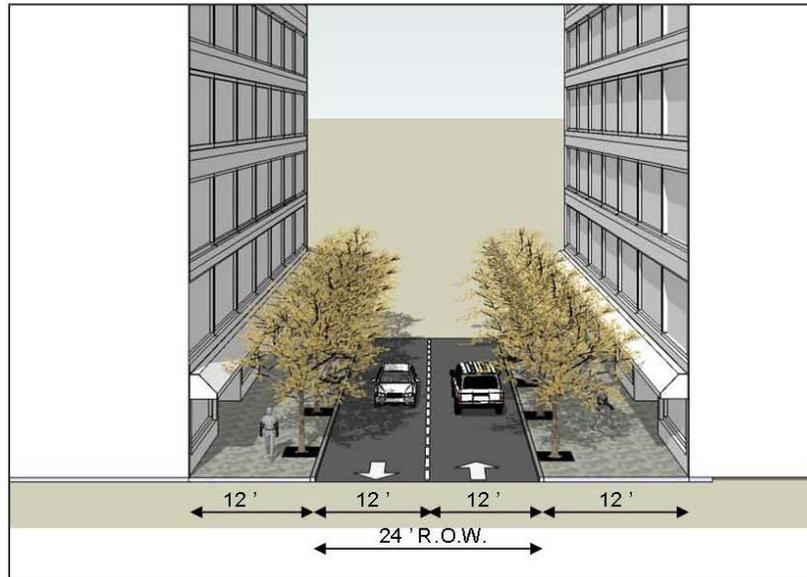
Locator Map



Street Type 2

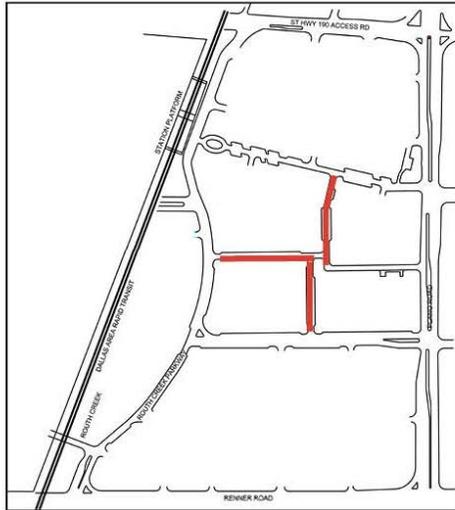
Right-of-Way: 24 feet
Design Speed: 25 mph
On-Street Parking: None
Number of Vehicular Lanes: 2 (@12 feet each)
Number of Bike Lanes: None
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 40' on-center (avg)

Street Section



9.4.3 Street Type 3

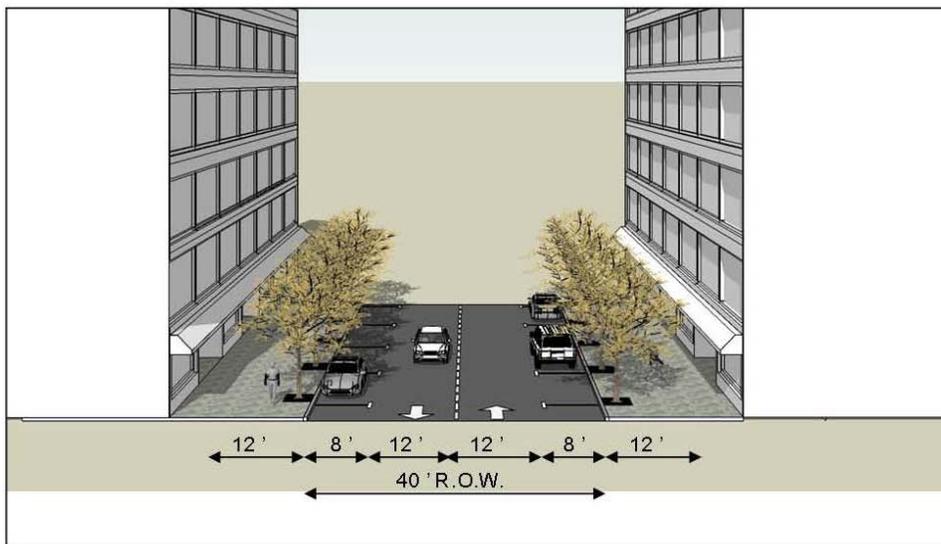
Locator Map



Street Type 3

Right-of-Way: 40 feet
Design Speed: 25 mph
On-Street Parking: Yes, parallel on both sides
Number of Vehicular Lanes: 2 (@12 feet each)
Number of Bike Lanes: None
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 40' on-center (avg)

Street Section



9.4.4 Street Type 4

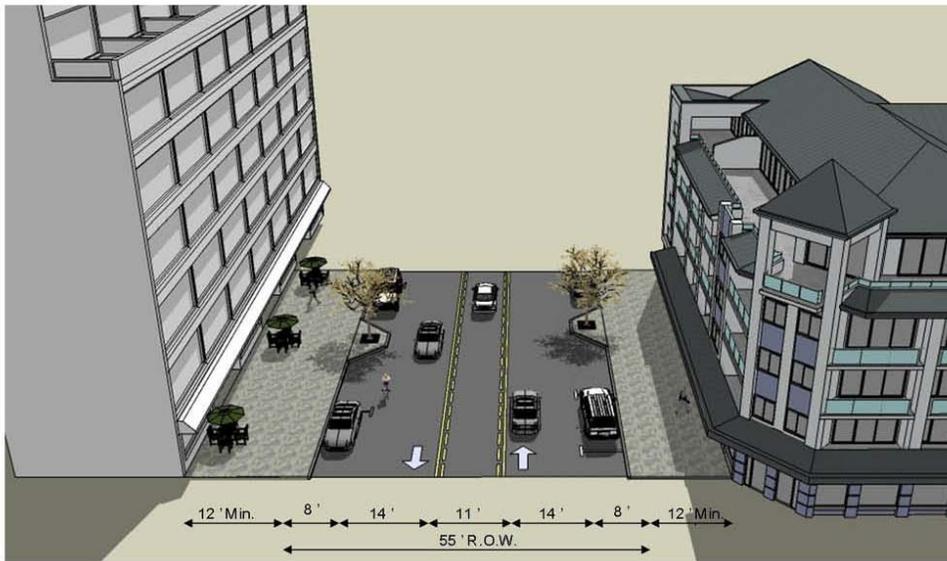
Locator Map



Street Type 4

Right-of-Way: 55 feet
Design Speed: 25 mph
On-Street Parking: Yes, parallel on both sides
Number of Vehicular Lanes: 3 (2 @ 14' width and one center lane @ 11')
Number of Bike Lanes: Shared bike lanes
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 60' on-center (avg.)

Street Section



**The same Pedestrian Easement dimension and details shall be used on both sides of the street.*

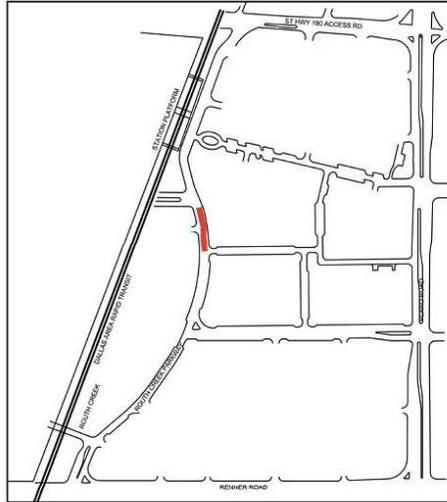
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9.4.5 Street Type 5

Locator Map



Street Type 5

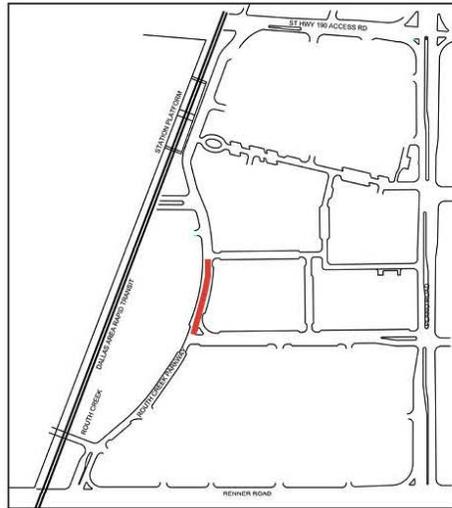
Right-of-Way: 39 feet
Design Speed: 25 mph
On-Street Parking: None
Number of Vehicular Lanes: 3 (2 @ 14' width and one center turn lane @ 11')
Number of Bike Lanes: 2 shared bike lanes
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 40' on-center (avg.)

Street Section



9.4.6 Street Type 6

Locator Map



Street Type 6

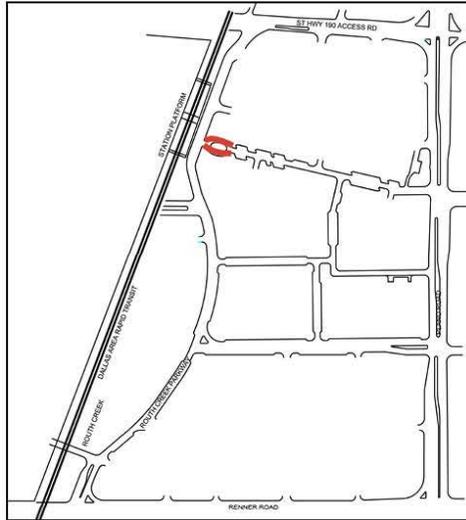
Right-of-Way: 47 feet
Design Speed: 25 mph
On-Street Parking: Yes, parallel on one side
Number of Vehicular Lanes: 3 (2 @ 14' width and 1 center turn lane @ 11')
Number of Bike Lanes: 2 shared bike lanes
Curb Radius: 20'
Pedestrian Easement: 12' min. (one side)
Landscape Type: Street trees @ 40' on-center (avg)

Street Section



9.4.7 Plaza-Elliptabout Cross Section

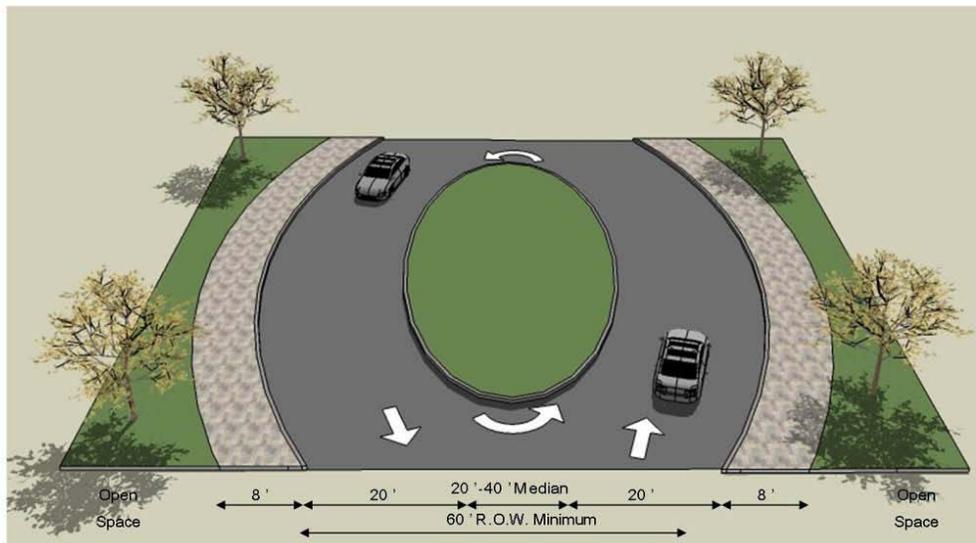
Locator Map



Elliptabout Section

Right-of-Way: 60' min.
Design Speed: 10 mph
On-Street Parking: None
Number of Vehicular Lanes: 2
Number of Bike Lanes: NA
Curb Radius: 20'
Pedestrian Easement: 8' min.
Landscape Type: Street trees @ 40' on-center (avg.)

Street Section



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- 9.5 Streetscape & Landscape Standards: Streetscape standards shall apply to all streets within the Bush Central Station PD #23. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. Maintenance of all streetscape and landscape shall be by the property owners association established for the Bush Central Station PD #23. All dedicated public rights-of way and landscaping within them shall be maintained by the City of Richardson.
- 9.6 Street Trees and Landscaping (within the pedestrian easement):
- 9.6.1 Street trees shall be required on all Bush Central Station Streets (except along PGBT access road.)
- 9.6.2 Street trees shall be planted approximately 3 feet behind the curb line or placed in curb extensions (bump-outs into the parking lane) as long as the spacing meets the standard below.
- 9.6.3 Spacing shall be an average of 40 feet on center (measured per block face) along all streets unless otherwise specified in the cross sections.
- 9.6.4 The minimum caliper size for each tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 36 sq. feet. However, the tree well area may be no smaller than 5'X5'25-sq.ft.
- 9.6.5 Turf and groundcover: When clearly visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.
- 9.6.6 Species shall be selected from the Bush Central Station Planting List in Appendix B-1 of this ordinance.
- 9.6.7 Maintenance of all landscape materials shall meet the requirements of the City of Richardson Landscape Ordinance Requirements.
- 9.6.8 Along arterials and highway access roads, street trees shall be planted within the required landscape parkway as per the City of Richardson Landscape Ordinance/Policies.
- 9.7 Street Furniture, Lighting, and Materials:
- 9.7.1 Pedestrian scale lighting shall be required along all Bush Central Station streets (except on PGBT access road). They shall be no taller than 20 feet.
- 9.7.2 Pedestrian-scale and regular Sstreet lights shall be placed at uniform locations based on the placement of street trees and other street furniture to provide safety for both pedestrians and automobiles while limiting spill-over and light pollution effects of such street lights. The placement and illumination intensity shall be subject to City approval at the time of Development Plan. -50 feet on center, approximately 3 feet behind the curb line.
- 9.7.3 The light standard selected shall be compatible with the design of the street and buildings.
- 9.7.4 Trash receptacles and bike racks shall be required along all Type 'A' Streets. A minimum of one each per block face shall be required.
- 9.7.5 Street furniture and pedestrian amenities such as benches are recommended along all Type 'A' Streets.
- 9.7.6 All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of 6 feet.
- 9.7.7 Materials selected for paving and street furniture shall be of durable quality and require minimal maintenance.

Section 10. Signage

Except as specifically listed below, all other signage and sign standards must comply with Chapter 18 of the City of Richardson Code of Ordinances, as amended.

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Character Zone	TOD Core	TOD MU	Standard
Sign Type			
Marquee Signs	P	P	<ul style="list-style-type: none"> ■ Permitted for theatres, auditoriums, and other public gathering venues of 100 persons or more. ■ Marquee signs shall be attached to the building or located above or below a canopy only. ■ Area = 100 sq. feet maximum. ■ Message board may be changeable copy (electronic and non-electronic). Electronic message boards shall be non-flashing.
For sale/for lease signs	P	P	<ul style="list-style-type: none"> ■ Size is limited to 32 sq. feet per sign face. ■ All other standards are the same as City or Richardson Sign Regulations.
Address signs	P	P	Same as City of Richardson Sign Regulations.
Temporary construction signs	P	P	1 free standing sign per lot during construction only; limited to 32 sq. feet.
Banners	P	P	Same as City of Richardson Sign Regulations.
Sandwich board signs	P	P	<ul style="list-style-type: none"> ■ Permitted only for retail, service, or restaurant uses. ■ Limited to 12 sq. feet per sign face per storefront. ■ Sign may not exceed 4 feet in height. ■ A minimum of 6 feet of sidewalk shall remain clear. ■ Chalkboards may be used for daily changing of messages. ■ Readerboards (electronic and non-electronic) shall be prohibited. ■ Sign shall be removed every day after the business is closed.
Light Pole Banners	P	P	<ul style="list-style-type: none"> ■ Permitted only with approval of the City. ■ Max. 10 sq. feet per sign face. ■ Limited to one per light pole. ■ All light pole banners shall be approved by the appropriate utility company prior to consideration by the City. ■ Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.
Directory signs	P	P	<ul style="list-style-type: none"> ■ Shall be allowed for all multi-tenant commercial and mixed use buildings only. ■ One directory sign per multi-tenant building limited to 12 sq. feet in area. ■ Design of the sign shall be integral to the façade on which the sign is to be affixed.
Pole signs	NP	NP	■ May only be permitted as part of a Master Sign Plan.
LED Signs	NP	NP	<ul style="list-style-type: none"> ■ Shall be covered by a lens or diffuser. ■ May only be permitted where electronic message boards are permitted within Bush Central Station. ■ Or, may only be permitted as part of a Master Sign Plan.
Off-premise signs	NP	NP	

10.2 An applicant has the option to establish unique sign standards including size, color, type, design, and location. Such applications shall be reviewed as “Master Sign Plans” by the City Manager or designee of Richardson Building Official and are subject to approval of the Sign Control Board City Plan Commission. In evaluating a Master Sign Plan, the Sign Control Board City Plan Commission shall consider the extent to which the application meets the proposed Sign Plan:

10.2.1 Promotes consistency among signs within a development thus creating visual harmony between signs, buildings, and other components of the property;

10.2.2 Enhances the compatibility of signs with the architectural and site design features within a development;

10.2.3 Encourages signage that is in character with planned and existing uses thus creating a unique sense of place; and

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10.2.4 Encourages multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.

Section 11. Civic/Open Space Standards

11.1 The design of Civic/Open Space shall be regulated by the Civic/Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities may be accommodated in a variety of spaces ranging from large regional parks to neighborhood-scaled greens to urban squares and plazas. Public art is permitted and even encouraged in all civic/open space types. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike. Standards in Article XIII-A, Section 5 of the City of Richardson Zoning Ordinance shall not apply to any development in the Bush Central Station PD #23. Any of the following open space types may be implemented on any Mandatory or Non Mandatory Open Space as designated on the Regulating Plan (Appendix A-1).

11.2 Park Standards



The required park, as designated on the Regulating Plan, will create an important public space that connects the community within the Bush Central Station PD #2-3 and allows for passive recreation. Parks shall primarily be naturally landscaped with many places to sit on benches or low walls. Passive recreation activities in parks may include grassy lawns for unstructured and informal active recreational activities. Appropriate civic elements, fountains or open shelters may be included.

Typical Characteristics

General Character

- Large, open space
- Spatially defined by landscaping and building frontages
- Paths, trails, open shelters, lawns, trees and shrubs naturally disposed
- May be lineal, following the trajectories of natural corridors

Location and Size

Location and size shall be as shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Unstructured and passive recreation
- Casual seating/picnicking

11.3 Green Standards



The required green, as designated on the Regulating Plan, will serve as an important public space for the Bush Central Station. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. Greens shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green.

Typical Characteristics

General Character

- Open space
- Spatially defined by landscaping and building frontages
- Lawns, trees and shrubs naturally disposed
- Open shelters and paths formally disposed

Location and Size

Location and size shall be as shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Unstructured and passive recreation
- Casual seating
- Commercial and civic uses
- Residential address

11.4 Square Standards



Squares can serve as open spaces available for civic purposes, commercial activity, unstructured recreation and other passive uses. A square should have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

Typical Characteristics

General Character

- Formal open space
- Spatially defined by buildings and tree-lined streets.
- Open shelters, paths, lawns, and trees formally arranged
- Walkways and plantings at all edges
- Located at important intersection

Location and Size

Location and size shall be as shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Unstructured and passive recreation
- Casual seating
- Commercial and civic uses

11.5 Plaza Standards



Plazas add to the vibrancy of streets within the more urban zones and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape should consist primarily of hardscape. If trees are included, they should be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, should be provided. Plazas typically should be located at the intersection of important streets.

Typical Characteristics

General Character

- Formal open space
- Primarily hardscape surfaces
- Trees and shrubs optional
- Spatially defined by building frontages

Location and Size

- Location and size shall be as shown on the Regulating Plan (Appendix A-1).
- Shall front on at least one (1) street.

Typical Uses

- Commercial and civic uses
- Casual seating
- Tables and chairs for outdoor dining
- Retail and food kiosks

11.6 Multi-Use Trail Standards



The multi-use trail provides an important place for active recreation and creates a connection to regional paths and biking trails. The multi-use trail will run continuously from the station platform, through the required park, and along Renner Road. The multi-use trail will help activate connections between the open spaces and the uses throughout the Bush Central Station PD #32. The multi-use trail may have a different character as it passes through the park. Within the required park, the trail shall be naturally disposed with low impact paving materials so there is minimal impact to the existing creek bed and landscape.

Typical Characteristics

General Character

- Park Multi-Use Trail:
- Naturally disposed landscape
- Low impact paving
- Trees lining trail for shade
- Appropriately lit for safety

§

Standards

Min. Width 12 feet

Location shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Active and passive recreation
- Casual seating

11.7 Playground Standards



Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children. These playgrounds should serve as quiet, safe places -- protected from the street and typically located where children do not have to cross major to access. Playgrounds may be fenced. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided. Playground equipment and design must be reviewed and approved by the City prior to installation.

A larger playground may be incorporated into the park, whereas a more intimate playground may be incorporated into the green.

Typical Characteristics

General Character

- Focused toward children of all ages
- Fenced with minimal exits (non mandatory)
- Open shelter
- Shade and seating provided
- Play structure, interactive art or fountains

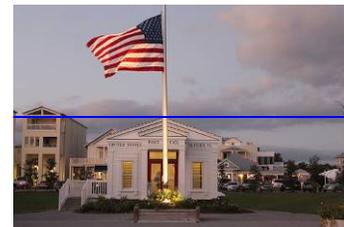
Standards

- Min. Size N/A
- Max. Size N/A
- As described by civic space type in which playground is located
- Protected from traffic
- No service or mechanical equipment

Typical Uses

- Active and passive recreation
- Unstructured recreation
- Casual seating

11.8 Ancillary Structure Standards



Ancillary structures should be formal in character and generally related to but clearly subordinate to surrounding buildings. Each individual structure should keep in character with the style of nearby buildings. Typically, these structures are located at prominent locations within an appropriate civic space. Ancillary structures such as kiosks located in Civic/Open Spaces in more urban zones both the zones may have minor commercial uses, such as small food, retail or news vendors, but may also serve as civic elements for general public use with more passive activities. Permanent kiosk structures shall be limited to a maximum of 2,000 square feet each and shall not occupy no more than 10% of the area of any Civic/Open Space.

Typical Characteristics

General Character

- Formal character
- Relating to style of surrounding buildings
- One or more open sides
- Covered or providing shade
- Small, stand alone structure
- Located within Park, Green, Square or Plaza

Standards

Min. Size	N/A
Max. Size	N/A

Typical Uses

- Civic purposes
- Minor commercial uses
- Casual seating/picnicking

BUSH CENTRAL STATION
PLANNED DEVELOPMENT CODE PD #23
DRAFT

DRAFT**Appendix B-1
Planting List**

The following lists contain all species approved for use in the Bush Central Station PD #23. It contains native and acceptable adapted species. Other species that are drought tolerant and adaptive may be used for planting within the Bush Central Station PD #23. The use of alternative species may be permitted with the approval of the City.

CANOPY/STREET TREE LIST

<u>Common Name</u>	<u>Botanical Name</u>
Live Oak	<i>Quercus virginiana</i>
Red Oak	<i>Quercus shumardi</i>
Bald Cypress	<i>Taxodium distichum</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Caddo Maple	<i>Acer saccharum 'Caddo'</i>
Texas Ash	<i>Fraxinus velutina 'Rio Grande'</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Escarpment Live Oak	<i>Quercus fusiformis</i>
Ginkgo	<i>Ginkgo biloba</i>

ORNAMENTAL TREE LIST

<u>Common Name</u>	<u>Botanical Name</u>
Yaupon Holly	<i>Ilex vomatoria</i>
Crape Myrtle	<i>Lagerstromia indica</i>
Deciduous Yaupon	<i>Ilex decidua</i>
Southern Crabapple	<i>Malus app.</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Mexican Plum	<i>Prunus Mexicana</i>
Wax Myrtle	<i>Myrica carifera</i>
Chitalpa	<i>Chitalpa tashkentensis</i>
Deciduous Holly	<i>Ilex decidua</i>
Desert Willow	<i>Chilopsis linearis</i>
Eve's Necklace	<i>Sophora affinis</i>

SHRUBS LIST

<u>Common Name</u>	<u>Botanical Name</u>
Dwarf Nandina	<i>Nandina domestica 'nana'</i>
Dwarf Burford Holly	<i>Ilex cornuta 'burfordi nana'</i>
Abelia Grandiflora	<i>Abelia grandiflora</i>
Barberry	<i>Barberry spp.</i>
Yucca (Red, Yellow or Soft Tip)	<i>Hesperaloe parviflora</i>
Texas Sage	<i>Leucophyllum frutescans</i>
Indian Hawthorn	<i>Raphiolepis indica</i>

DRAFT

Dwarf Crape Myrtle
Dwarf Yaupon Holly
Pampas Grass
Black-Eyed Susan
Dwarf Wax Myrtle
Needlepoint Holly
Knockout Rose
Rosemary

Lagerstromia indica 'nana'
Ilex vomitorria 'nana'
Cortaderia selloana
Rudbeckia hirta
Myrica pusilla
Ilex cornuta 'Needle Point'
Rosa 'Knock Out'
Rosmarinus officinalis

GROUND COVER/VINES LIST

Common Name

Asian Jasmine
Big Blue Liriope
Mondgrass
Purple Winter Creeper
Santolina
Trumpet Vine
Virginia Creeper
Lady Banks Rose
Confederate Jasmine
Crossvine
Evergreen Wisteria
Lantana 'New Gold'
Liriope 'Silver Dragon'
Prostrate Rosemary
Sweet Autumn Clematis

Botanical Name

Trachelosperum Asiaticum
Liriope muscari
Ophiopogon japonicus
Euonymum coloratus
Santolina virens
Campsis radicans
Parthenocissus quinifolia
Rosa banksiaw lutea
Trachelospermum jasminoides
Bignonia capreolata
Millettia reticulata
Lantana camara 'New Gold'
Liriope muscari 'Silver Dragon'
Rosmarinus officinalis prostrata
Clematis terniflora

ORNAMENTAL GRASSES LIST

Common Name

Dwarf Fountain Grass 'Little Bunny'
Dwarf Maiden Grass
Fountain Grass
Inland Sea oats
Maiden Grass
Mexican Feather Grass
Muhly Grass
Weeping Lovegrass

Botanical Name

Pennisetum alopecuroides 'Little Bunny'
Miscanthus sinensis 'Adagio'
Pennisetum alopecuroides
Chasmanthium latifolium
Miscanthus sinensis 'Gracillimus'
Stipa tenuissima
Muhlenbergia capillaris
Eragrostis curvula

TURF

Common Name

Bermuda
St. Augustine
Zoysia

Botanical Name

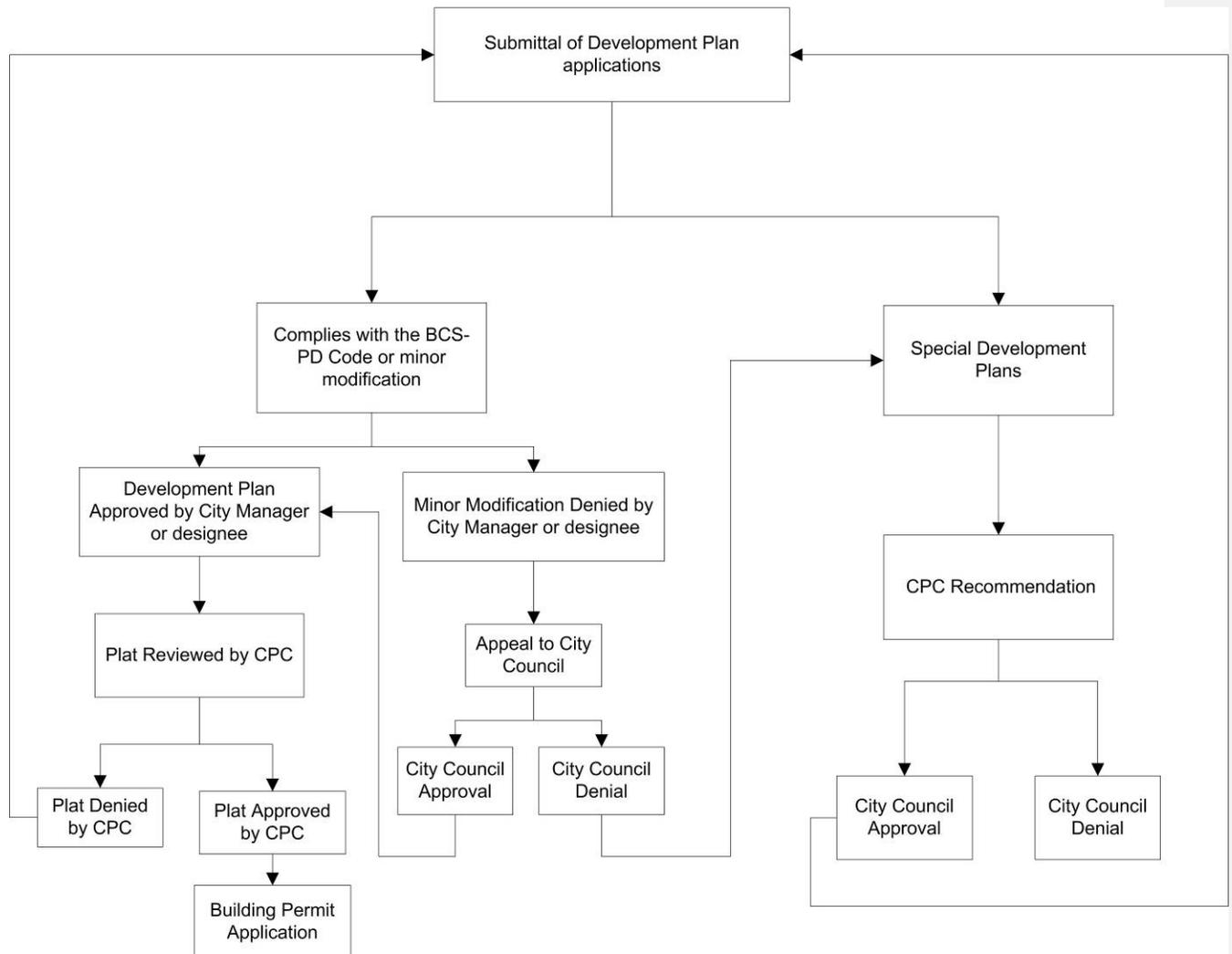
Cynodon dactylon
Stenotaphrum secundatum
Zoysia tenuifolia

These plantings may be placed in Civic/Open Spaces or used to meet the private landscaping requirements of the Code. The applicant shall select drought tolerant, low maintenance, and adaptable shrubs and ground cover based on the placement on the site subject to approval by the City.

DRAFT

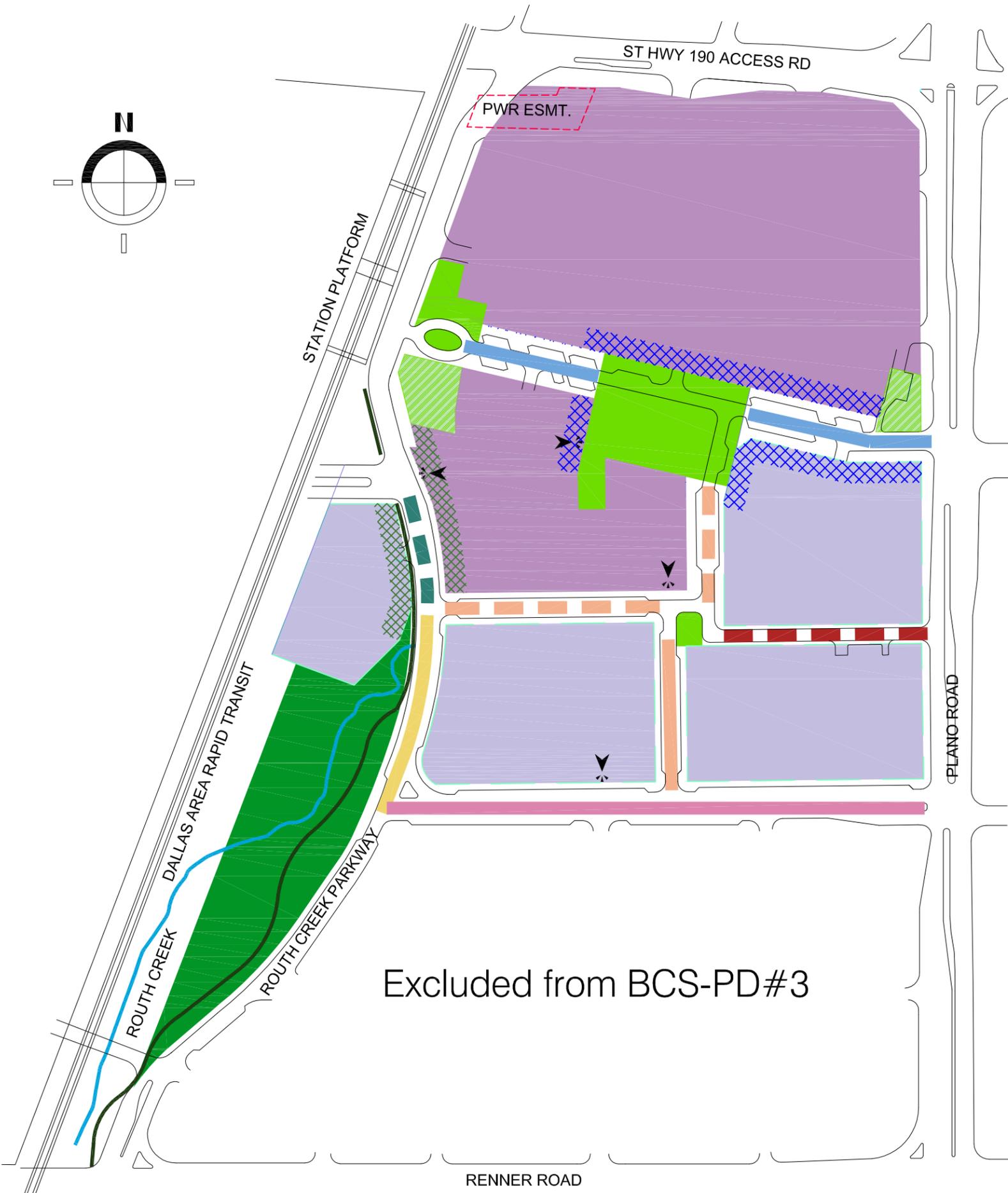
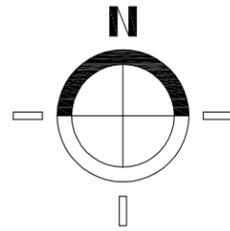
Appendix C-1

**Bush Central Station PD #23
Development Review Process**



BCS-PD: Bush Central Station Planned Development
CPC: City Plan Commission
CC: City Council
SDP: Special Development Plan

Note: Development Plans include site plans, building elevations, landscape plans, civil engineering plans, and all plats



LEGEND	
CHARACTER ZONES	
 TOD Core	14.83 Acres
 TOD Mixed Use	9.66 Acres
CIVIC / OPEN SPACE TYPES	
 Mandatory Public Open Space	1.80 Acres
 Mandatory Park	3.57 Acres
 Non-Mandatory Green or Square	0.54 Acres
SPECIAL FRONTAGE TYPES	
 Main Street Frontage	
 Pedestrian Priority Frontage	
STREET DESIGNATIONS	
 Street Type 1	 Street Type 2
 Street Type 3	 Street Type 4
 Street Type 5	 Street Type 6
 Solid line denotes Type 'A' Street	
 Dashed line denotes Type 'B' Street	
Note: Plano Road, SH 190 Access Road and the Station Platform frontage shall be considered as Type 'B' Street frontages for the purposes of the Bush Central PD #2	
OTHER	
 Approximate District Boundary	
 Property Line (Property line at back-of-curb)	
 Multi-Use Trail	
 Existing Creek	
 Terminated Vista	

DRAFT

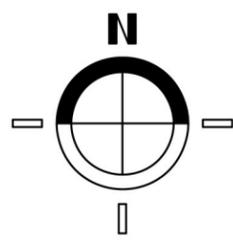
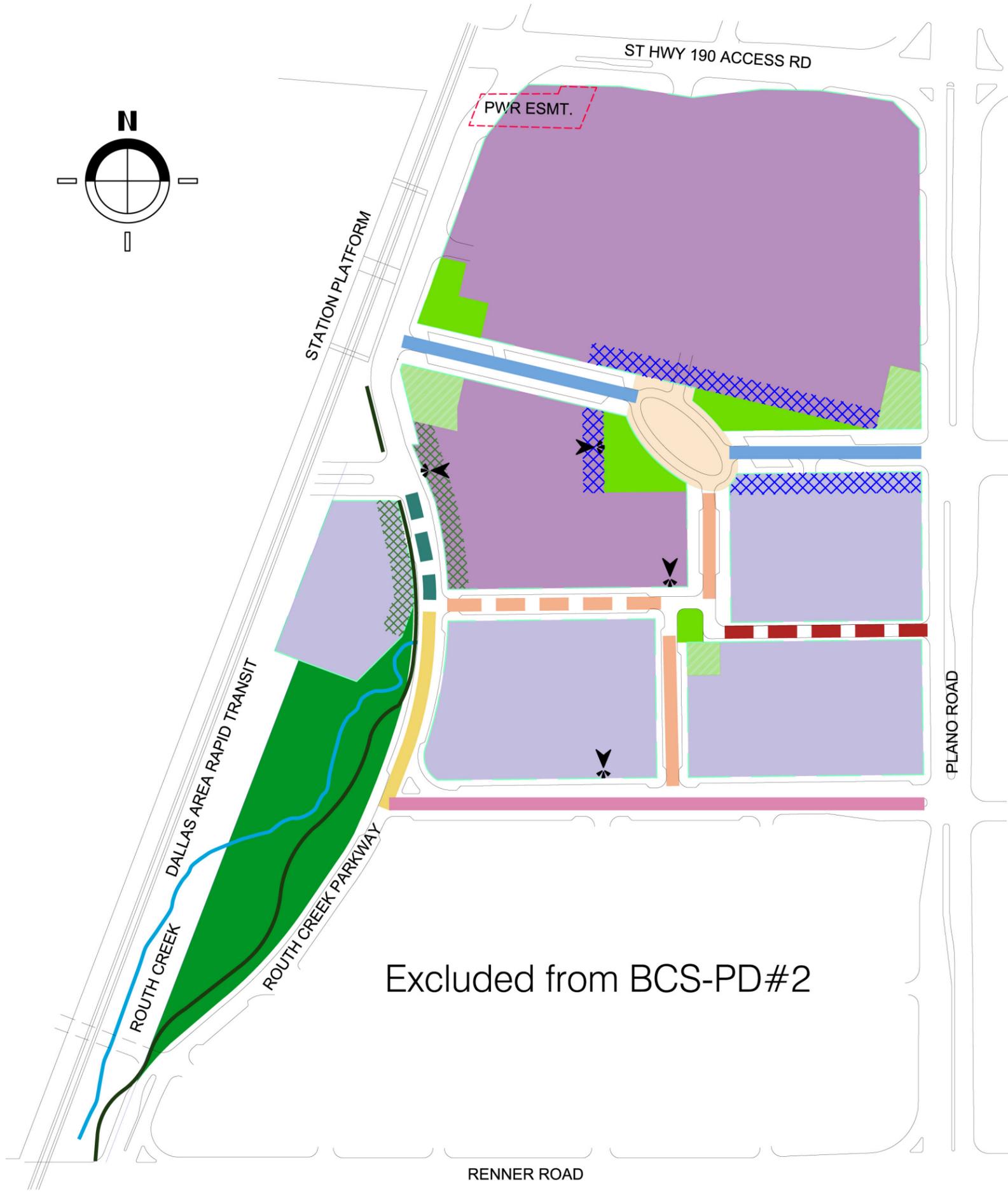
REGULATING PLAN - APPENDIX A-1

Bush Central Station

Planned Development Code #3

October 8, 2013

Not to scale



LEGEND			
CHARACTER ZONES			
	TOD Core 14.83 Acres		
	TOD Mixed Use 9.66 Acres		
CIVIC / OPEN SPACE TYPES			
	Mandatory Plaza 0.7 Acres		
	Mandatory Green or Square 1.10 Acres		
	Mandatory Park 3.57 Acres		
	Non-Mandatory Green or Square 0.54 Acres		
SPECIAL FRONTAGE TYPES			
	Main Street Frontage		
	Pedestrian Priority Frontage		
STREET DESIGNATIONS			
	Street Type 1		Street Type 2
	Street Type 3		Street Type 4
	Street Type 5		Street Type 6
Solid line denotes Type 'A' Street			
Dashed line denotes Type 'B' Street			
Note: Plano Road, SH 190 Access Road and the Station Platform frontage shall be considered as Type 'B' Street frontages for the purposes of the Bush Central PD #2			
OTHER			
Approximate District Boundary			
Property Line			
Multi-Use Trail			
Existing Creek			
Terminated Vista			

REGULATING PLAN - APPENDIX A-1

Bush Central Station
Planned Development Code #2

Exhibit C

Not to scale



Notice of Public Hearing

City Plan Commission • Richardson, Texas

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

PD AMENDMENT

File No./Name: ZF 13-18 Bush Central Station – PD Code #3
Property Owners: BCS West Land Investments, LP, BCS Office Investments One, LP, and City of Richardson
Applicant: Scott Ozymy, KDC Real Estate Development and Investments
Location: South side of President George Bush Turnpike, between Plano Road and DART Light Rail Red Line right-of-way. (See map on reverse side)
Current Zoning: PD Planned Development District
Request: A request to amend the Bush Central Station Planned Development District, Ordinance No. 3892, relative to approximately 38.5 acres of land to amend the Regulating Plan, associated development standards and street cross-sections.

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

TUESDAY, OCTOBER 15, 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.

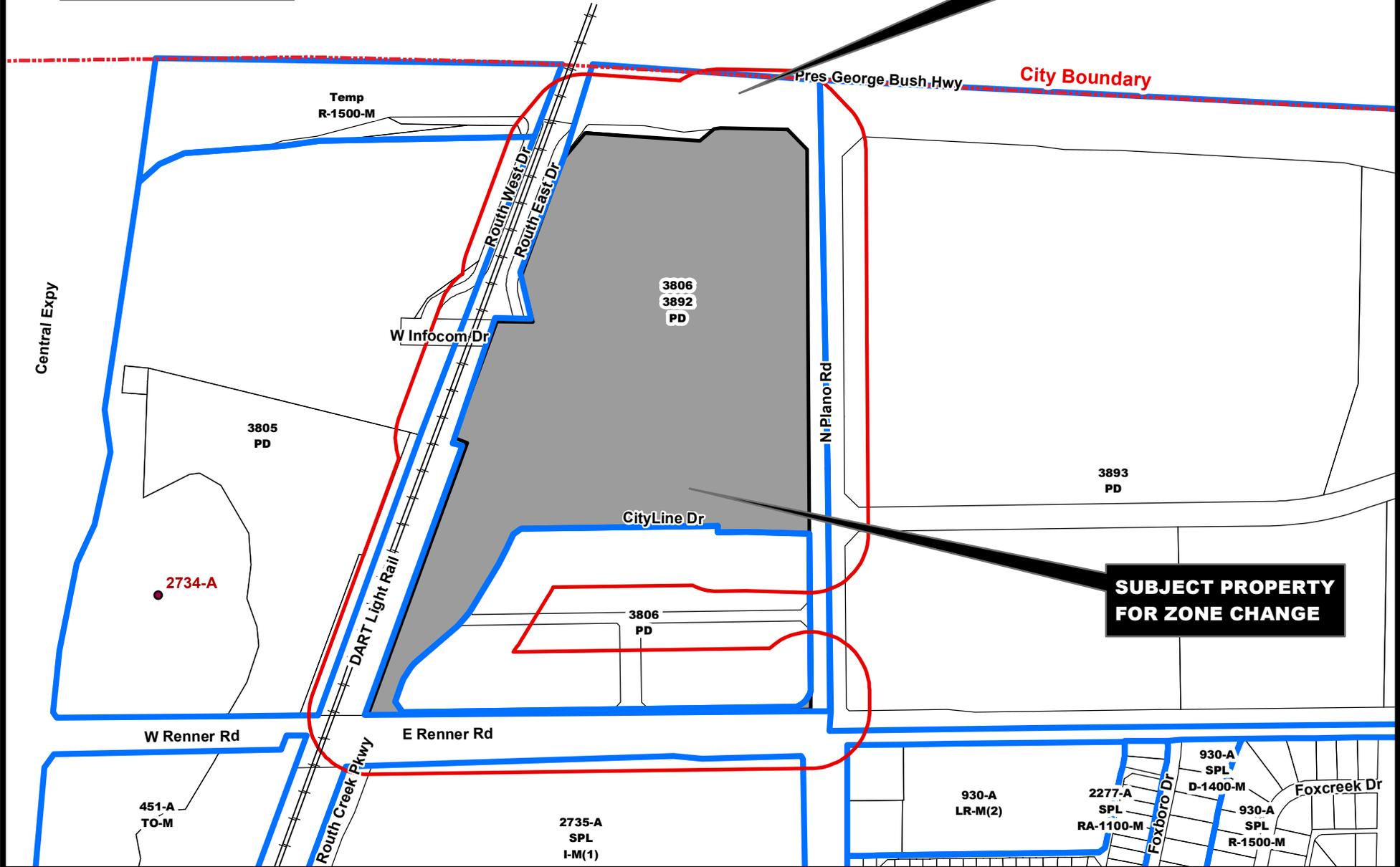
Agenda: The City Plan Commission agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/index.aspx?page=1331>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 13-18.

Date Posted and Mailed: 10/04/13

ZF 13-18

200'
Notification Boundary



**SUBJECT PROPERTY
FOR ZONE CHANGE**

ZF 13-18 Notification Map

Updated By: shacklett, Update Date: October 3, 2013
File: DSI\Mapping\Cases\Z\2013\ZF1213\ZF1318 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.



CARUTH W W JR FOUNDATION
PO BOX 831500
DALLAS, TX 75283-1500

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

7-ELEVEN INC
ONE ARTS PLAZA
1722 ROUTH ST STE 1000
DALLAS, TX 75201-2504

GALATYN PROPERTIES LTD
ATTN: AD VALOREM TAX - JASON
47 HIGHLAND PARK VLG # 208
DALLAS, TX 75205-2741

DALLAS AREA RAPID TRANSIT
PO BOX 660163
DALLAS, TX 75266-0163

CARUTH W W FOUNDATION
NATIONSBANK OF TX-TRUST R/E
PO BOX 831500
DALLAS, TX 75283-1500

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

**BCS WEST LAND INVESTMENTS LP
C/O KDC DEVELOPMENT LLC
8115 PRESTON RD STE 700
DALLAS, TX 75225-6344**

BCS RICHARDSON LAND INVESTMENT LLC
ATTN: MANAGER
8333 DOUGLAS AVE STE 1500
DALLAS, TX 75225-5822

BCS EAST LAND INVESTMENTS LP
C/O KDC DEVELOPMENT LLC
8115 PRESTON RD STE 700
DALLAS, TX 75225-6344

**BCS OFFICE INVESTMENTS ONE LP
C/O KDC DEVELOPMENT LLC
8115 PRESTON RD STE 700
DALLAS, TX 75225-6344**

SUPERINTENDENT OF SCHOOLS
PLANO ISD
2700 W 15TH ST
PLANO , TX 75075-7524

CITY OF PLANO
PLANNING DEPARTMENT
P. O. Box 680358
PLANO , TX 75086-0358

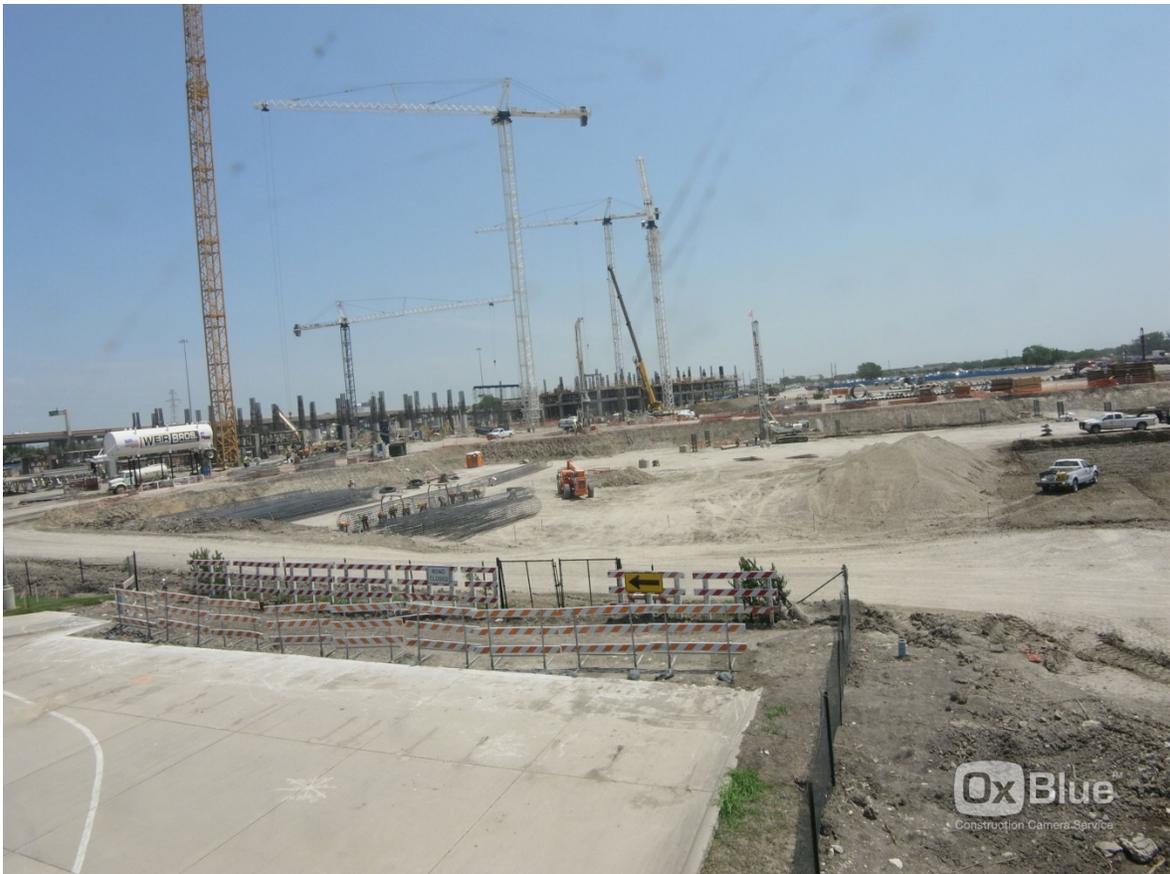
**SCOTT OZMY, EVP/CHIEF INVEST OFCER
KDC R/E DEV & INVESTMENTS
8115 PRESTON RD STE 700
DALLAS, TX 75225**

**ZF 13-18
NOTIFICATION LIST**

FACILITY PLANNING & CONSTRUCTION
ATTN: TONY PEARSON
PLANO ISD
6600 ALMA DR STE E
PLANO , TX 75023



Time Lapse Site Photos Looking East From DART Rail Line





Site Photos Looking East From DART Rail Line



ORDINANCE NO. 4028

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING FOR A 38.5 ACRE PORTION OF THE 57.1 ACRE TRACT OF LAND DESCRIBED IN ORDINANCE NO. 3806 FROM PD PLANNED DEVELOPMENT TO PD PLANNED DEVELOPMENT, SAID 38.5 ACRE TRACT BEING DESCRIBED IN EXHIBIT “A” HERETO; 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 13-18).

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 further amended to grant a change in zoning for a 38.5 acre portion of the 57.1 acre tract of land described in Ordinance No. 3806 from PD Planned Development to PD Planned Development, said 38.5 acre tract being described in Exhibit “A”, attached hereto and incorporated herein by reference (“the Property”) as follows:

- A. Section 1, Paragraph A of Ordinance No. 3892, adopted on December 10, 2012, is hereby repealed.
- B. The Property shall be developed and used in conformance with the Bush Central Station Planned Development Code #3, attached hereto as Exhibit “B” and made a part hereof for all purposes.

- C. The limitation set forth in Section 2, Paragraph 2, of Ordinance No. 3806 on the number of multi-family units that may be developed on the 57.114 acre tract of land described in Exhibit "A" of Ordinance No. 3806, inclusive of the Property, is not amended or repealed by this Ordinance, and shall continue to apply to the Property.
- D. A revised Traffic Impact Analysis (TIA) shall be submitted and approved by the Director of Development Services and City Engineer prior to approval of any future amendment to the use and development regulations governing use and development of the property described in Ordinance No. 3806 (inclusive of the Property) which increases land use intensity or modifies the proposed mix of land uses identified in the TIA dated November 20, 2012, a copy of which is on file in the Office of the City Secretary and incorporated herein by reference.

SECTION 2. That the Property 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 3. That all other provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 28th day of October, 2013.

APPROVED:

MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

CITY ATTORNEY
(PGS:10-24-13:TM 63195)

CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 13-18

BEING a tract of land situated in the James G. Vance Survey, Abstract No. 938, City of Richardson, Collin County, Texas and being part of a tract of land described in Special Warranty Deed to Bush/75 Partners L.P. described in Instrument No. 20090828001082150 of the Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "KHA" set at the easternmost end of a right-of-way corner clip at the intersection of the south right-of-way line of State Highway No. 190 (a variable width right-of-way) and the west right-of-way line of Plano Road (State Highway No. 5, a 140-foot wide right-of-way);

THENCE with said west right-of-way line, the following courses and distances:

South 0°18'59" East, a distance of 669.30 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

South 0°26'05" East, a distance of 701.33 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the northeast corner of a tract of land described in Special Warranty Deed to BCS MF I, LLC recorded in Instrument No. 20121017001322630, Land Records of Collin County, Texas;

THENCE departing said west right-of-way line and with the north line of said BCS MF 1, LLC tract, the following courses and distances:

North 88°17'07" West, a distance of 225.81 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 89°12'53" West, a distance of 100.78 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 0°47'07" West, a distance of 22.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 89°12'53" West, a distance of 701.62 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 56°42'53" West, a distance of 33.74 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the northernmost northwest corner of said BCS MF 1, LLC tract;

THENCE with the west line of said BCS MF1, LLC tract, the following courses and distances:

South 24°12'53" West, a distance of 57.79 feet to a 5/8" iron rod with plastic cap stamped "KHA" at the beginning of a tangent curve to the right having a central angle of 7°00'00", a radius of 520.50 feet, a chord bearing and distance of South 27°42'53" West, 63.55 feet; In a southwesterly direction, with said curve to the right, an arc distance of 63.59 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the end of said curve;

South 31°12'53" West, a distance of 179.70 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the right having a central angle of 18°00'00", a radius of 320.50 feet, a chord bearing and distance of South 40°12'53" West, 100.27 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 100.69 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the end of said curve;

South 49°12'53" West, a distance of 167.14 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the left having a central angle of 29°05'03", a radius of 216.50 feet, a chord bearing and distance of South 34°40'21" West, 108.72 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 109.90 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the end of said curve;

South 20°07'49" West, a distance of 64.46 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 35°19'39" East, a distance of 45.36 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the southernmost southwest corner of said BCS MF 1, LLC tract;

THENCE with the south line of said BCS MF 1, LLC tract, the following courses and distances:

North 89°12'53" East, a distance of 1406.59 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the left having a central angle of 49°46'56", a radius of 90.00 feet, a chord bearing and distance of North 41°07'00" East, 75.76 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 78.20 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the end of said curve and in said west right-of-way line of Plano Road;

THENCE with said west right-of-way line, South 0°26'05" East, a distance of 66.39 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the intersection of said west right-of-way line and the north right-of-way line of Renner Road (a variable width right-of-way);

THENCE with said north right-of-way line, South 89°12'53" West, a distance of 1580.68 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the intersection of said north right-of-way line and the east line of a Dallas Area Rapid Transit right-of-way (150 feet wide at this point);

THENCE with said east right-of-way line, the following courses and distances:

North 20°06'53" East, a distance of 1035.05 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 69°53'07" West, a distance of 50.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 20°06'53" East, a distance of 441.94 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the southwest corner of a tract of land described in Dedication Deed to Dallas Area Rapid Transit, recorded in Volume 5017, Page 3250, Land Records of Collin County, Texas;

South 89°31'24" East, a distance of 129.20 feet to a 5/8" iron rod with plastic cap stamped "GEOGRAM" found at the southeast corner of said Dallas Area Rapid Transit tract;

THENCE with the east and south lines of said Dallas Area Rapid Transit tract, the following courses and distances:

North 14°11'03" West, a distance of 171.58 feet to a 5/8" iron rod with plastic cap found for corner;

North 20°06'53" East, a distance of 446.96 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 39°54'27" East, a distance of 114.85 feet to a 5/8" iron rod with plastic cap stamped "GEOGRAM" found for corner;

South 86°06'47" East, a distance of 410.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 49°29'55" East, a distance of 65.76 feet to a 5/8" iron rod with plastic cap stamped "GEOGRAM" found for corner;

North 83°06'32" East, a distance of 23.27 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said south right-of-way line of U.S. Highway No. 190;

THENCE with said south right-of-way line, South 88°49'49" East, a distance of 239.20 feet to a 5/8" iron rod with illegible plastic cap found at the westernmost end of said right-of-way corner clip;

THENCE with said right-of-way corner clip, South 44°07'56" East, a distance of 99.70 feet to the **POINT OF BEGINNING** and containing 38.486 acres or 1,676,437 square feet of land.

All bearings shown are relative to grid north of the Texas Coordinate System of 1983 based on the City of Richardson control monument system. All dimensions shown are ground distances.

EXHIBIT “B”
Bush Central Station Planned Development Code #3
(to be attached)

Table of Contents

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Section 1. Purpose and Intent:

The purpose of the Bush Central Station Planned Development Code #3, hereafter known as the BCS-PD #3 Code, is to support development of the Bush Central Station into a pedestrian-oriented, mixed-use urban development environment, with convenient access to rail transit, shopping, employment, housing, and regional retail services. The goal of the Bush Central Station is to promote an efficient, compact land use pattern; encourage pedestrian activity; reduce the reliance on private automobiles; and provide a more functional and attractive community through the use of recognized principles of urban design.

- 1.1 Economic Development – The Bush Central Station and corresponding standards are created to support economic development, sustainable tax base, and job creation by establishing adjacency predictability of private development that supports and leverages investment in and around the Bush Central Station.
- 1.2 Implement the Design Goals of the Bush Central Station – The objective of the Bush Central Station is to foster a major regional employment center with significant regional retail and residential uses within convenient walking distance from the existing transit station and potential transfer station to the Cotton Belt rail line. The existing transit station provides a connection to 12 member cities of Dallas Area Rapid Transit (DART) including Dallas. Development within this area would be of high intensity, accommodating large scale office and retail users while providing for moderate scale mixed use and residential within portions of the Bush Central Station.
- 1.3 Establish Specific Development Standards – The BCS-PD #3 Code implements the vision for the Bush Central Station as established in the City’s Comprehensive Plan and the Bush Central Station Regulating Plan, hereafter known as the Regulating Plan (Appendix A-1). The Regulating Plan shall provide guidance to property owners, developers, and the City on the form, character, and intensity of future development in the Bush Central Station. Creation of different Character Zones within Bush Central Station enables specific site and locational standards to be enumerated and applied. Clear graphic standards are provided for location, height, and building elements. Such standards promote sustainability, public welfare, walkable mixed use development, housing variety and transportation choice.

Section 2. Components of the Code:

- 2.1 This BCS-PD #3 Code shall apply to the Bush Central Station unless otherwise specified in this Code. Development of property within the Bush Central Station shall comply with all applicable development standards set forth in this Code. The components of this BCS-PD #3 Code consist of:
 - 2.1.1 Bush Central Station Regulating Plan: The Bush Central Station PD #3 Regulating Plan, hereafter known as the “Regulating Plan”, is its official zoning map (Appendix A-1). It identifies the applicable character zones within the Bush Central Station including:
 - i. Character Zones – The Bush Central Station is divided into different “Character Zones”. A Character Zone creates a distinct urban form within that Zone which is different from urban forms in other Character Zones. Each Character Zone shall establish use and development standards including height, bulk, building and parking location, and functional design. The Regulating Plan classifies all lots within the Bush Central Station into one of two Character Zones.
 - ii. Special Frontage Standards – The Special Frontage Standards establish exceptions and special conditions for all buildings along designated frontages Special Frontage Standards shall apply in addition to the underlying Character Zone standards.

- iii. Street Designations by Street Type– The Street Designations illustrate the design, configurations, and development context for all streets within the Bush Central Station PD #3. The street classification addresses vehicular lane widths, number of lanes, pedestrian accommodation, street tree requirements, on-street parking, and parkway and median standards (streetscape standards). In addition, streets are distinguished by the appropriate development context by denoting them on the Regulating Plan as Type ‘A’ or Type ‘B’ Streets.
- iv. Street Network – The Street Network specifies the future streets needed to implement the Regulating Plan. These streets shall be required and shall generally meet the locational and connectivity goals of the Regulating Plan. Their design shall be guided by the Street Type Specifications.
- v. Mandatory Civic/Open Space – The Mandatory Civic/Open Space areas shown on the Regulating Plan designate the locations of proposed civic/open spaces (including parks, plazas, greens, and squares).
- vi. Non-Mandatory Civic/Open Space – The Non-Mandatory Civic/Open Space designation indicates the locations of desired, but not required civic/open spaces (including greens and squares) to implement the Regulating Plan. Non-Mandatory Civic/Open Spaces are not required, but at the election of the developer.

2.1.2 Development Standards: The BCS-PD #3 Code (the text portion of this Code) enumerates the development standards with text and graphics for Character Zones, Special Frontage, building form, civic open space, landscape, building design, signage, lighting, and all related standards for all streets, public and private development.

Section 3. Administration

This section sets forth the provisions for reviewing and approving development applications within the Bush Central Station. The intent is to ensure that all development is consistent with the provisions of this Code. All sections of this Code shall be applied during the review process.

3.1 The development standards under Articles XIII-A thru XVI and Article XXI-C of the City of Richardson Comprehensive Zoning Ordinance, as amended, shall not apply to the Bush Central Station except as specifically referenced herein. Development standards not addressed in this ordinance shall be governed by the City of Richardson Comprehensive Zoning Ordinance to the extent they are not in conflict with the intent or text of the BCS-PD #3 Code.

3.2 Sign Standards under Chapter 18, as amended, of the City of Richardson Code of Ordinances, shall not apply to the Bush Central Station except as specifically referenced herein.

3.3 Using this Code:

The following basic steps should be followed to determine the uses and development standards applicable on property within the Bush Central Station:

3.3.1 Locate the subject property on the Regulating Plan.

3.3.2 Identify:

- i. the Character Zone in which the property is located;
- ii. the Street Type designation along all its street frontages; and,
- iii. any Special Frontage Requirements that may be applicable to the subject property.

3.3.3 Review the Schedule of Uses by Character Zone as listed in Table 6.1 to determine allowed uses.

3.3.4 Examine the corresponding zone standards in the Building Form and Development Standards in Section 7 to determine the applicable development standards.

3.3.5 Refer to Section 5.5 for Special Frontage Standards and Section 5.6 for Civic/Open Space Standards.

3.3.6 Refer to Section 8 for Building Design Standards.

3.3.7 Refer to Section 9 for Street Type and Streetscape Standards.

The information from the above listed steps explains where the building will sit on the lot, the limits on its three dimensional form, the range of uses, and the palette of materials that will cover it.

3.4 Development within the Bush Central Station that complies with the provisions of this Code shall follow the City's development process as outlined in Chapter 21, Article II of the City of Richardson's Code of Ordinances and shall be approved by the City Manager or designee (see Appendix C-1 for flow chart of the review process). In addition to complying with applicable City regulations that are not in conflict with this Code, the applicant shall provide the information required to adequately show compliance with this Code.

3.5 Standard for Approval of development plans: If a development plan conforms to the standards set forth in this Code and applicable City regulations not in conflict with this Code, the development plan shall be approved. Upon request by an applicant, the authority charged with approving the development plan shall certify the reason(s) for an action taken on a development plan.

3.6 The City Manager or designee shall be responsible for the following:

3.6.1 Reviewing development plan applications for compliance with the requirements of BCS-PD #3 Code.

3.6.2 Approving development plan applications that are in compliance with the requirements of the BCS-PD #3 Code.

3.6.3 Making determinations on the applications and interpretations of standards in this Code.

3.6.4 Approving revisions to previously approved development plans that comply with this Code and all applicable city ordinances.

3.6.5 Approving any minor modifications to the approved Regulating Plan per Section 3.8.

3.6.6 Recommendations on any SDP applications to the City Plan Commission (CPC) and City Council.

3.7 Special Development Plans: A request for a modification to any of the standards of this Code other than minor modifications permitted under Sections 3.8 shall be reviewed and processed as Special Development Plans.

3.7.1 Special Development Plans (SDP) are intended to allow applicants development flexibility to address specific market opportunities and/or contexts. An application for a Special Development Plan shall be processed as an amendment to the zoning ordinance under Article XXIX of the City of Richardson Zoning Ordinance and may only be considered by the City Council (CC) after the CPC has made a recommendation. The City Manager or designee shall review, make recommendations on any SDPs, and shall forward all SDP applications to the CPC. In evaluating an SDP, CC may consider the extent to which the application meets any of the following:

- i. provides an alternative "Master Plan" approach by consolidating multiple properties to create a predictable, market responsive development for the area; or
- ii. fits the adjoining context by providing appropriate transitions.

3.8 Minor Modifications to the BCS-PD #3 Code:

The City Manager or designee shall have the authority to approve a request for minor modifications to BCS-PD #3 Code that:

3.8.1 Does not materially change the circulation and building location on the site;

- 3.8.2 Does not increase the building area permitted under this Code;
- 3.8.3 Does not change the relationship between the buildings and the street;
- 3.8.4 Does not allow a use not otherwise authorized in this Code;
- 3.8.5 Does not allow greater height of any building or reduction of any parking requirement established in this Code; or

3.8.6 Changes to established street cross sections per Table 3.1 below and Section 9 of this Code. The City Manager or designee shall also have the authority to approve minor modifications outlined in Table 3.1. Any appeals to the decisions of the City Manager on minor modifications shall be heard by the City Council. Any City Council denials of minor modifications or any changes beyond those that meet the criteria above, the thresholds established in Table 3.1, shall be processed as an amendment to this Code under Article XXIX of the City of Richardson Comprehensive Zoning Ordinance.

Table 3.1 Minor Modifications Allowed

<i>Standard</i>	<i>Minor Modification Allowed</i>	<i>Comments</i>
Area/boundary of Character Zones (including any Mandatory Civic/Open Spaces)	No more than a 25% change (increase or decrease) in the area of any Character Zone (aggregate or per block)	<ul style="list-style-type: none"> • Shall not eliminate any Character Zone • 25% measurement shall be based on the total area of that specific Character Zone within the entire Bush Central Station
Location of new Street	Location shall not move more than 150' in any direction	<ul style="list-style-type: none"> • Shall maintain the connectivity intended by the Regulating Plan
Building Form and Development Standards		
<ul style="list-style-type: none"> • Build to zones/setbacks 	No more than a 20% change in the maximum or minimum setback.	<ul style="list-style-type: none"> • Changes to the build-to-zones or setbacks may only be due to any changes to the street cross sections or change in the width of a sidewalk • In no case shall the sidewalk be less than 6 feet in width.
<ul style="list-style-type: none"> • Building Frontage 	No more than a 15% reduction in the required building frontage along each block of a Type 'A' Street	<ul style="list-style-type: none"> • Any reduction in the required building frontage shall be to accommodate Porte-cocheres for drop-off and pick-up.
<ul style="list-style-type: none"> • Street screen 	Waiver of Street screen requirement along a Type 'B' Street	<ul style="list-style-type: none"> • Requirement for a street screen may only be waived along a Type 'B' Street along the frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure. • In no case shall any portion of the surface parking have frontage along a Type 'A' Street without a required street screen • In no case shall the (off-street) surface parking lot be located at a street intersection with a Type 'A' Street for a minimum depth of 30' along each street.
Street Cross Sections	Cross sections of new streets may be adjusted with respect to number of lanes, lane widths, on-street parking configuration, pedestrian accommodation, and street tree planting	<ul style="list-style-type: none"> • Any changes in the street cross sections shall be based on creating a specific and unique development context and to address any existing vegetation, natural features, drainage, and fire access and is subject to approval by the City. • Street cross sections may allow encroachment of porte cocheres into the street right-of-way and parking lanes, but not within any travel lanes, subject to approval by the City.
Street Cross Sections	On-street parking configuration adjustments	<ul style="list-style-type: none"> • On-street parking may be eliminated or adjusted from angled to parallel or angled to drop-off lanes to accommodate valet drop-off and pick up and similar functions subject to a Development Plan or parking plan submitted by the applicant and subject to approval by the City.

3.9 Periodic Review Requirement: The City Manager or his/her designee shall convene an annual City Council work session with the property owners and/or the Property Owners Association (POA) of all the property within the planned development for the purpose of receiving project status updates on the development of the property. The project updates shall include, but are not limited to, total square

footage of developed property, square footage of non-residential development, number of residential units, mix of land uses and traffic/transportation related items.

Section 4. Definitions

In addition to Definitions in Article I of the City of Richardson Comprehensive Zoning Ordinance, the following terms shall have the corresponding interpretations.

Arcade means a portion of the building façade line is at or near the sidewalk and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

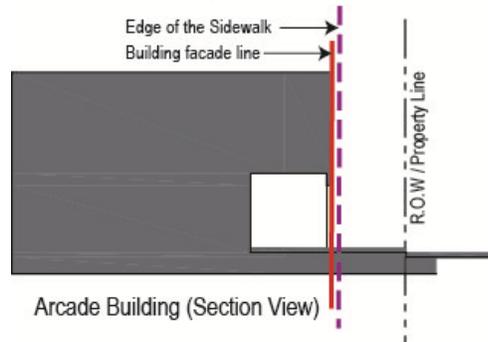


Image of an arcade

Attics/Mezzanines means the interior part of a building contained within a pitched roof structure or a partial story between two main stories of a building.

Auto-Related Sales and Service Uses means establishments that provide retail sales and services related to automobiles including, but not limited to, cars, tires, batteries, gasoline, etc.

Block Face Dimensions means the linear dimension of a block along one of its street frontages.

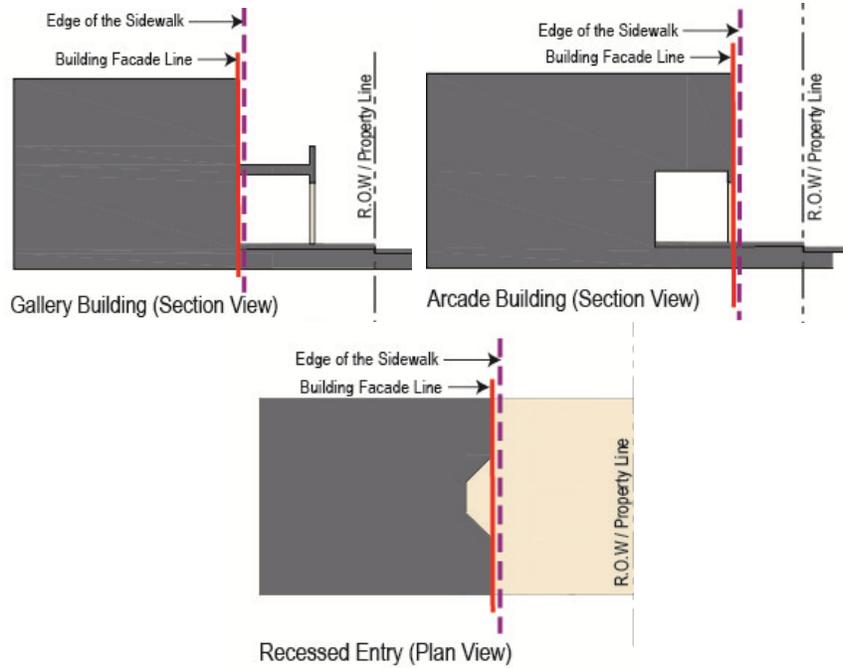
Block Perimeter means the aggregate dimension of a block along all of its street frontages.

Block means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

Build-to Line means the line at which the principal building's front façade shall be built.

Build-to Zone (BTZ) means the area within which the principal building's front façade is to be built.

Building Façade Line means the vertical plane along a lot where the building's front façade is actually located.



Building Façade Line Illustrations

Building Form Standards means the standards established for each Character Zone that specify the height, bulk, orientation, and elements for all new construction and redevelopment.

Building Frontage means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of that lot's frontage along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

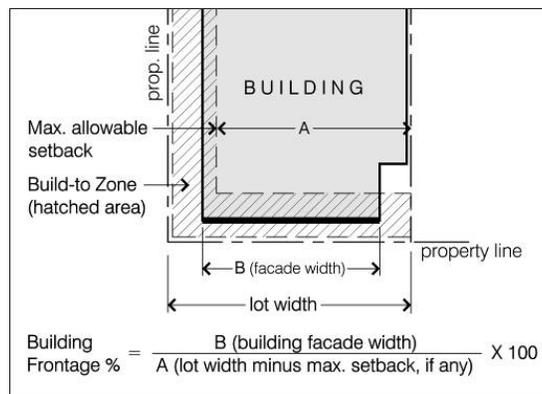


Image showing how a lot's building frontage is calculated.

Character Zone means an area within the Bush Central Station that creates a distinct urban form different from other areas within the Bush Central Station. Character Zones are identified in the Regulating Plan.

City Manager means the City Manager of the City of Richardson or his/her designee.

Civic/Open Space means publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as Civic/Open Space for the purposes of this ordinance. Building façades facing a Civic/Open Space shall be treated as a Type ‘A’ Street frontage. Kiosks are permitted within any of the Civic/Open Spaces below. Permanent Kiosks are limited to a maximum of 2,000 square feet each and may not occupy no more than 10% of the area of any Civic/Open Space. The design and quality of permanent kiosks shall be consistent with the overall development character of Bush Central Station (refer to the images under the definition of Kiosks for appropriate character and design).

Green means a civic/open space intended for unstructured recreation, spatially defined by landscaping rather than building frontages.

Park means a civic/open space that is a preserve largely available for unstructured recreation.

Plaza means a primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings. A plaza may include streets for circulation (including on-street parking). The design of such circulation should include pavement treatments, landscaping, cross walks, etc with bollards or similar elements differentiating the pedestrian realm from any travel lane.

Playground is a civic/open space designed and equipped for children’s recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block. They may be included in other civic/open spaces.

Comprehensive Plan means the City of Richardson Comprehensive Plan that establishes the blueprint for the long-term growth and development of the City as adopted on the effective date of this Code.

Development Plan means any submittal as defined by Chapter 21, Article II of the City of Richardson’s Code of Ordinances.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W, or above a height limit.

Gallery means an extension of the main façade of the building that is at or near the front property line and the gallery may overlap the public sidewalk.

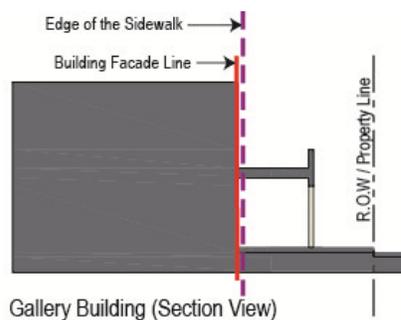


Image of a Gallery

Kiosk means a small temporary or permanent structure often open on one or more sides used for retail sales or food service in civic/open spaces.



Images of appropriate permanent kiosk structures for food or retail sales and service

Live-Work Unit means a dwelling unit that is also used for work purposes, provided that the ‘work’ component is restricted to the uses of professional office, artist’s workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The ‘live’ component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Living Screen means a Street Screen composed of landscaping in the form of vegetation.

Main Street Frontage means a special frontage requirement along identified Type ‘A’ Street frontages as indicated in the Regulating Plan.

Master Sign Plan means a unique sign plan to implement a specific vision for a portion or all of the development that meets Section 10.2 of this Code.

Minor Modification means any changes to the BCS-PD #3 Code that meet the threshold criteria established in Section 3.8 and Table 3.1.

Non-Mandatory Civic/Open Space means plaza, green, square, or park area designated on the Regulating Plan which is shown as a suggested feature within the Bush Central Station PD #3. The Non-Mandatory Plaza is not required and is at the election of the developer.

Pedestrian Easement means a grant of use of private property for pedestrian access and use.

Pedestrian Priority Frontage means a special frontage requirement that applies on specific Type ‘B’ Street frontages as identified in the Regulating Plan to establish special design standards for parking garage facades along these frontages.

Regulating Plan means the Zoning Map attached hereto as Appendix A-1 that shows the Character Zones, Civic Spaces, location of Special Frontages, Streets, and other Special Requirements

applicable to the Bush Central Station PD #3 subject to the standards in this Code. For the purposes of this Code, the Regulating Plan shall also be the Concept Plan for the Bush Central Station PD #3.

Residential Loft means a residential unit that is built to commercial standards and adapted for residential uses.

Retail Sales Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc, and health and personal services.

Service Uses means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

Sign, Building Blade means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the ground floor to provide identification for the whole building.



Image of a Building Blade Sign

Sign, Marquee means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or as chasing lights. Marquee signs may often be combined with Building Blade signs.



Image of a Marquee sign with a Building Blade Sign

Sign, Monument means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.



Image of a Monument Sign

Sign, Sandwich Board means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.



Images of sandwich board signs.

Sign, Tenant Blade means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.



Image of a Tenant Blade Signs

Special Development Plan means a development application that meets Section 3.7 of this Code.

Special Frontage Requirements means standards applied to certain blocks as indicated in the Regulating Plan in order to address specific requirements and transitions based on street frontage and adjacency in addition to the underlying Character Zone standards.

Street Screen means a freestanding wall or living screen built along the BTZ or in line with the building façade line or immediately behind the pedestrian easement along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



Image of a combination masonry and living street screen

Street Type means a specific designation for streets in the Bush Central Station that establishes a certain character and cross-sections to improve walkability within the Bush Central Station.

Street Network means the network for new and existing streets within the Bush Central Station PD #3 as established in the Regulating Plan.

Tree Well means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.



Example of a tree well with a tree grate



Example of a tree well with landscaping

Type ‘A’ Street means the streets identified as such on the Regulating Plan. Type ‘A’ Streets are the primary pedestrian streets and buildings along Type ‘A’ Streets shall be held to the highest standard of pedestrian-oriented design.

Type ‘B’ Street means the streets identified as such on the Regulating Plan. Type ‘B’ Streets are intended to primarily accommodate access to parking, service, and other auto-related functions.

Section 5. The Regulating Plan

5.1 The Regulating Plan (Appendix A-1) is hereby adopted as the official zoning map for the Bush Central Station PD #3.

5.2 Character Zones Established – the following Character Zones are established. The boundaries of the specific Character Zones shall be established in the Regulating Plan.

- 5.2.1 TOD Core: The TOD Core provides the most opportunity for the highest intensity development. It is the area that has significant development impact and the highest pedestrian activity due to its adjacency to the transit station. The TOD Core consists of the highest density and height, with the greatest variety of uses. Development within the TOD Core Zone shall meet the Building Form and Development Standards in Section 7.1 of this Code.
- 5.2.2 TOD Mixed Use: The TOD Mixed Use is the area adjacent to the TOD Core that is intended for high intensity commercial and residential uses in addition to supporting retail and restaurant uses. Development within the TOD Mixed Use Zone shall meet the Building Form and Development Standards in Section 7.2 of this Code.
- 5.3 Street Designations By Street Type Established – The Regulating Plan shall establish the following Street Designations.
- 5.3.1 Type ‘A’ Streets Established – Type ‘A’ Streets are intended to be the primary pedestrian streets and buildings along Type ‘A’ Streets shall be held to the highest standard of pedestrian-oriented design. The Type ‘A’ Streets are as identified in the Regulating Plan.
- 5.3.2 Type ‘B’ Streets Established – Type ‘B’ Streets are intended to balance pedestrian orientation with automobile orientation. Buildings along Type ‘B’ Streets may be permitted to accommodate some service and auto-related functions. The Type ‘B’ Streets are as identified in the Regulating Plan.
- 5.4 Streets by Street Type – The Street Network indicates new streets needed to implement the Bush Central Station PD # 3 Regulating Plan. The Regulating Plan designates the type, classification, and location of streets. All new streets in the Bush Central Station shall meet the street design standards established in Section 9 herein.
- 5.5 Special Frontage Requirements – In order to address specific requirements and transitions based on street frontage and adjacency, the following Special Frontage Requirements as established in the Regulating Plan shall apply:
- 5.5.1 Main Street Frontage: Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and/or lodging rooms in hotels to a minimum depth of 30 feet as measured from the front building line.
- 5.5.2 Pedestrian Priority Frontage: Facades of parking structures with designated Pedestrian Priority Frontage shall meet the design standards in Section 8, Building Design Standards of this Code.
- 5.6 Civic/Open Space – The Regulating Plan indicates Mandatory and Non-Mandatory Civic/Open Spaces. The specific standards for Civic/Open Space are established in Section 11.
- 5.7 Terminated Vistas – Buildings which are located on axis with a terminating street (as indicated on the Regulating Plan) or at the intersection of streets shall be considered as feature buildings. Buildings with features that take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line. Buildings at a terminated vista shall not include a blank wall, service areas, or parking uses on the ground floor to a minimum depth of 30 feet from the building façade line.

Section 6. Schedule of Permitted Uses

- 6.1 Generally: Due to the emphasis on urban form over land uses in the Station Areas, general use categories have been identified by character zones. Uses not listed in the following schedule, but are substantially similar, may be permitted upon the approval of the City Manager or designee, subject to appeal directly to the City Council.

6.2 Schedule of Uses:

Table 6.1

Character Zone	TOD Core	TOD Mixed Use
Land Use		
Commercial Uses (Office, Retail, Sales & Service Uses)		
Retail Sales or Service with <u>no drive through facility</u> (includes alcohol sales which shall meet Chapter 4, Alcoholic Beverages of the City of Richardson Code of Ordinances). Excluded from this category are Auto-Retail Sales and Service Uses (see Section 4 of the Code for Definition of Retail, Service uses, and Auto-related Sales and Service)	P	P
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with <u>no drive through facility</u>	P	P
Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.	P	P
Research laboratory headquarters, laboratories and associated facilities	P	P
Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with <u>no drive through facilities</u> Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages which shall meet Chapter 4, Alcoholic Beverages of the City of Richardson Code of Ordinances.	P	P
Any use with a drive through facility	P/C	P/C
Auto-related Sales and Service	NP	NP
Arts, Entertainment, and Recreation Uses		
Art galleries	P	P
Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	P
Games arcade establishments	P	P
Theater, cinema, dance, music or other entertainment establishment	P	P
Museums and other special purpose recreational institutions	P	P
Fitness, recreational sports, gym, or athletic club	P	P
Parks, greens, plazas, squares, and playgrounds	P	P
Educational, Public Administration, Health Care and Other Institutional Uses		
Business associations and professional membership organizations	P	P
Child day care and preschools	P	P
Schools, libraries, and community halls	P	P
Universities and Colleges	P/C	P/C
Hospital	P	P
Civic uses	P	P
Social and fraternal organizations	P	P
Social services and philanthropic organizations	P	P
Religious Institutions	P	P
Funeral homes	P	P
Residential Uses		
Home Occupations	P/A	P/A
Multi-family residential		
Ground Floor	P/C	P
Upper Floors	P	P
Residential Lofts	P	P
Live-work unit	P	P
One- and two-story multi-family residential	NP	NP
Other Uses		
Model homes for sales and promotion**	P	P
Hotels	P	P
Parking, surface (primary use of property)	NP	NP
Parking, surface (accessory use of property)	P	P
Parking, structured	P	P
Sales from kiosks	P	P
Veterinary clinic	NP	P
Community garden	P	P
Incidental Outdoor Display (subject to standards in Section 7 of the Code)	P/A	P/A

Character Zone	TOD Core	TOD Mixed Use
Antennas including cell, accessory, and mounted on top of buildings.	P/A/C	P/A/C
Wind energy equipment	P/A	P/A
Solar energy equipment	P/A	P/A
Special Event	P	P
Rain harvesting equipment	P/A/C	P/A/C
Utility equipment (includes electrical transformers, gas meters, etc)	P/A/C	P/A/C

** Model homes are limited to a time period until all the homes are sold in the neighborhood.

P= Permitted by right NP= Not Permitted P/C= Permitted with design criteria per Table 6.2 P/A = Permitted Accessory Use NA= Not applicable
A = Accessory use to not exceed 25% of the primary use building square footage

6.3 Use Criteria: All uses listed as P/C in Table 6.1 shall also meet the following standards in Table 6.2

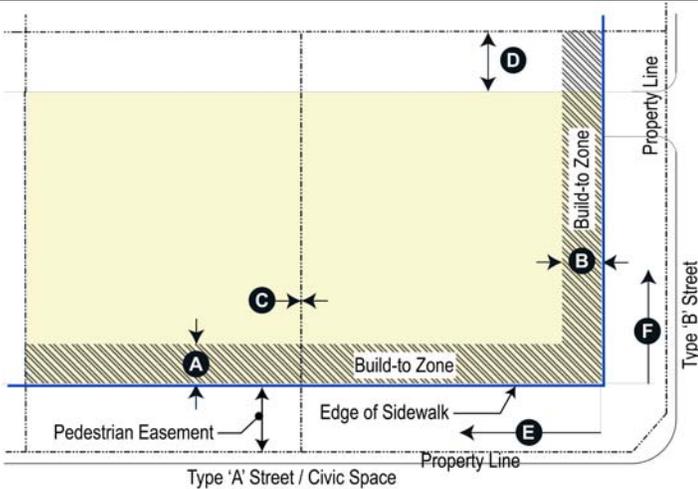
Use	Zone	Location & Design Criteria
Non-Residential Uses		
Any permitted use with a drive through facility	TOD Core, TOD Mixed Use	<ul style="list-style-type: none"> All drive through access (driveways) shall be from Type ‘B’ Streets. Drive through lanes and/or canopies shall not have frontage along on or be located along any Type ‘A’ Streets. Drive through areas screened by a 4’ high Street Screen.
Universities and Colleges	TOD Core & TOD Mixed Use	<ul style="list-style-type: none"> Shall be required to provide structured parking as part of the build-out for the university/college campus
Residential Uses		
Multi-family residential Ground Floor	TOD Core	<ul style="list-style-type: none"> Ground floors may be occupied by residential uses unless designated as Main Street Frontage. Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and lodging rooms to a minimum depth of 30 feet as measured from the front building line.
Other Uses		
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	All Zones	<ul style="list-style-type: none"> Antennas shall be permitted on rooftops. Antennas shall be screened entirely with a screen of same color as the principal building. Antennas shall not be visible from adjacent Type ‘A’ Street.
Rain water harvesting equipment	All Zones	<ul style="list-style-type: none"> Rain water harvesting equipment may not be installed along Type ‘A’ Streets. On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.
Utility equipment (includes electrical transformers, gas meters, etc)	All Zones	<ul style="list-style-type: none"> On all frontages, utility equipment shall be screened with a Street Screen at least as high as the equipment being screened. On Type ‘A’ Street frontages, utility equipment shall also be recessed into the building.

Section 7. Building Form and Development Standards

The following section establishes the Building Form and Development Standards for all Character Zones within the Bush Central Station PD #3. Diagrams and reference letters are used for illustrations purposes only. Reference letters may not be in continuous sequence.

7.1 TOD Core Zone

7.1.1 Building Placement



Legend

- Property Line
- Edge of Sidewalk
- Building Area
- ▨ Build-to Zone

Build-To Zone (BTZ)

(Distance from edge of pedestrian esmt. to edge of the BTZ) (see #12)

Front (Type 'A' Street and Civic Space Frontage)	0 – 10 feet	A
Front (Type 'B' Street Frontage)	0 – 10 feet (see #1)	B

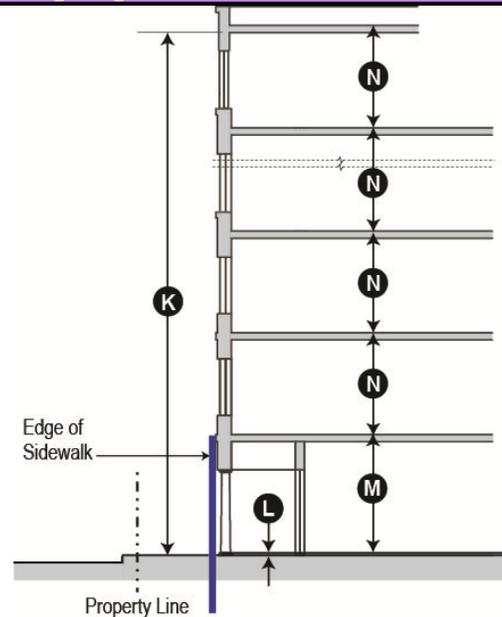
Setback

Side (from property line)	0 feet (see #2)	C
Rear (from property line)	5 feet	D

Building Frontage

Building Frontage required along Type 'A' Street/civic space BTZ	90% (min.) (see #3 and #6)	E
Building Frontage required along Type 'B' Street BTZ	None required unless along a corner lot with Type 'A' Street frontage also (see #3 and #6)	F

7.1.2 Building Height



Principal Building Standards

Building maximum	350 feet (see #7)	K
First floor to floor height	15 feet (min.) (with Main Street Frontage designation) 10' min (for all other frontages) (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of Main Street Frontage buildings)	L
Upper floor(s) height (floor-to-ceiling)	10 feet min.	N

7.1.3 Special Frontage Requirements

Requirements Specific to Main Street Frontage

Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and lodging rooms to a minimum depth of 30 feet as measured from the front building line. Ground floors shall be built to commercial standards which include minimum first floor-to-floor height, ingress and egress and handicap access.

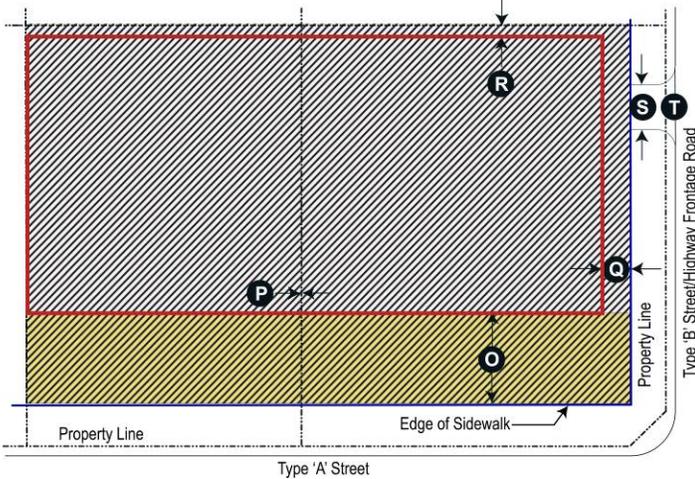
Requirements Specific to Pedestrian Priority Frontage:

Ground floors of all buildings designated as Pedestrian Priority Frontage with ground floor parking uses shall meet the design standards in Section 8.1.2 (vi.) of this Code.

Notes

- #1 – The area between the building and the edge of the BTZ at the public sidewalk shall be paved flush with the sidewalk.
- #2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- #3 – Corner building street facades shall be built to the BTZ for a minimum of 30' from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone standards. This standard shall apply to any intersection with a Type 'A' Street (even if the cross street is a Type 'B' Street) or to any frontage designated as Pedestrian Priority Frontage.

7.1.4 Parking & Service Access



Legend

Property Line	Building Footprint
Surface Parking Area	Above Grade Parking Area

(i) Parking Location

Surface/At Grade Parking

Type 'A' Street and Civic Space setback	Shall be located behind the principal building	O
Type 'B' Street setback	Min. of 3 feet behind the building facade line along that street or 6' behind the edge of the sidewalk along that frontage	Q
Side setback (distance from property line)	0 feet min.	P
Rear setback (distance from property line)	0 feet min.	R

Above Grade Parking

Setback along Type 'A' Street, Type 'B' Street and Civic Space (distance from edge of the sidewalk)	0 feet min.	O
Side and rear setbacks (distance from property line)	0 feet min.	
Upper Floors	May be built up to the building line	

(ii) Required Off-Street Parking Spaces (see #10 and #11)

Non-residential uses	1 space/300 square feet (gross)
Residential uses	1.5 space/unit

(iii) Driveways and Service Access

Parking driveway width	30 feet max. (except when drives may need to be wider to address service access or fire lane standards)	S
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No more than one driveway per 400 feet of block frontage shall be permitted on a Type 'A' Street
Off-street loading and unloading docks shall not be located on a Type 'A' Streets.
Porte cocheres may be permitted on Type 'A' Streets to provide drop-off and valet service.

Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

7.1.5 Encroachments

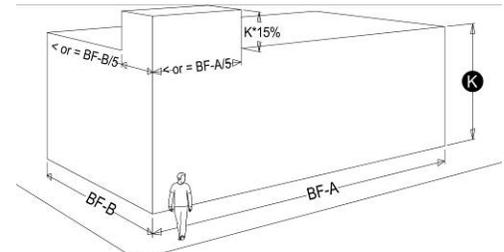
Canopies, signs, awnings and balconies may encroach over the sidewalk or build-to-zone area as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.

7.1.6 Applicability

Building Form and Development Standards in this Section shall apply to all development within this Character Zone.

Notes

- #4 – First floor heights shall not apply to parking structures.
- #5 – All buildings in the TOD Core Zone shall meet the Building Design Standards in Section 8.
- #6 – Any frontage along all streets (except alleys) defined by surface parking shall be defined by a 4-foot high Street Screen, furthermore service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. The Street Screen shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Bush Central Station Planting List in Appendix B-1 of this ordinance. The required Street Screen shall be located within the BTZ along the corresponding frontage or immediately behind the pedestrian easement.
- #7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



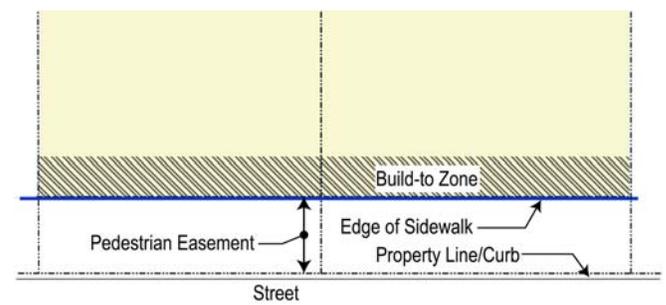
#8 - Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#9 – Setbacks and build-to-lines on recessed entries and arcade buildings shall be measured from the building façade line.

#10 – Required parking may be provided anywhere within the Bush Central Station PD #3.

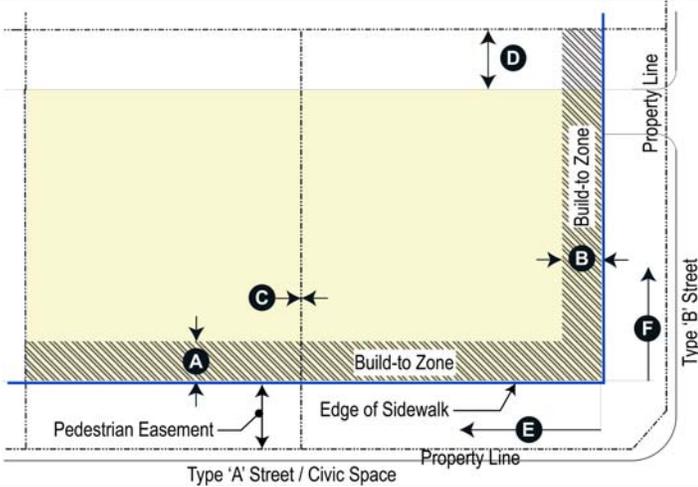
#11 – Article III, Section 21-52 of the City of Richardson Subdivision and Development Ordinance shall apply for design of off-street parking areas.

#12 – Note about measuring build-to-zones and setbacks: Build-to-zones and setbacks shall be measured from the edge of the pedestrian easement closest to the building. This standard shall not apply if outdoor café seating, patios, forecourts, or other amenities that activate the sidewalk are incorporated between the building façade and sidewalk. Existing utility easements may also require measuring of build-to-zones and setbacks from such easements.



7.2 TOD Mixed Use Zone

7.2.1 Building Placement



Legend



Build-To Zone (BTZ)

(Distance from edge of pedestrian esmt. to edge of the BTZ) (see #12)

Front (Pedestrian Priority 'A' Street, Pedestrian Priority 'B' and Civic Space)

Front (Type 'A' Street and Civic Space Frontage)	0 – 10 feet	A
Front (Type 'B' Street Frontage) Except for Plano Road	0 – 10 feet (see #1)	B
Front (Plano Road only)	25 feet min. setback	

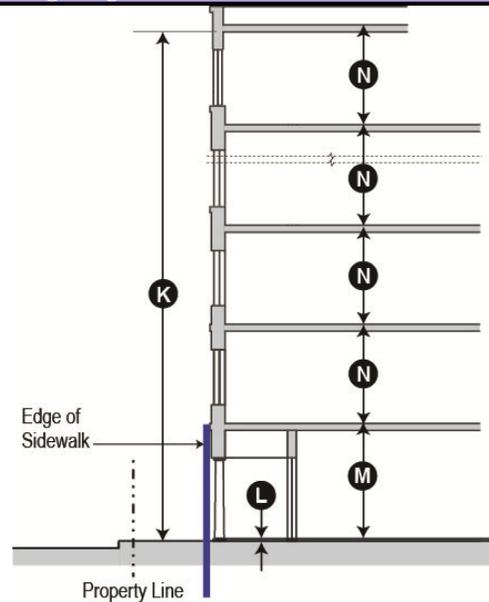
Setback

Side (distance from property line)	0 feet (see #2)	C
Side (Plano Road - distance from property line)	25 feet min.	
Rear (distance from property line)	0 feet (see #2)	

Building Frontage

Building Frontage required along Type 'A' Street/civic space BTZ	80% (min.) (see #3 and #6)	E
Building Frontage required along Type 'B' Street BTZ	None required unless along a corner lot with Type 'A' Street frontage also (see #3 and #6)	F

7.2.2 Building Height



Principal Building Standards

Building maximum	225 feet (see #7)	K
First floor to floor height	15 feet min. (buildings with Main Street Frontage designation) 10' min. (for all other frontages) (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of Main Street Frontage buildings)	L
Upper floor(s) height (floor-to-ceiling)	10 feet min.	N

7.2.3 Special Frontage Requirements

Requirements Specific to Main Street Frontage

Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and lodging rooms to a minimum depth of 30 feet as measured from the front building line. Ground floors shall be built to commercial standards which include minimum first floor-to-floor height, ingress and egress and handicap access.

Requirements Specific to Pedestrian Priority Frontage:

Ground floors of all buildings designated as Pedestrian Priority Frontage with ground floor parking uses shall meet the design standards in Section 8.1.2 (vi.) of this Code.

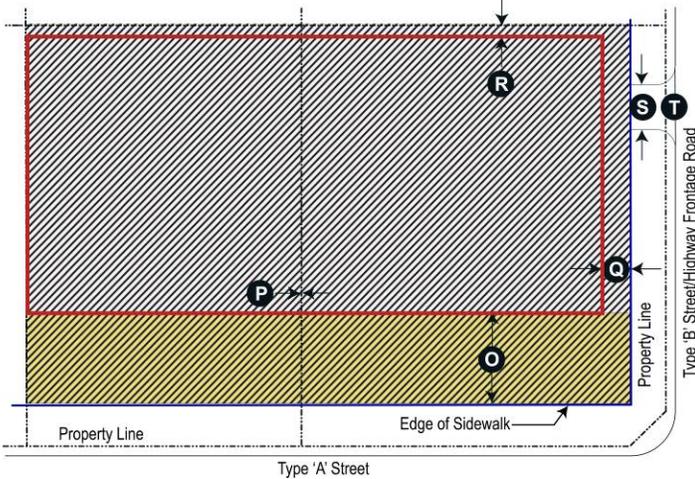
Notes

#1 – The area between the building and the edge of the BTZ at the public sidewalk shall be paved flush with the sidewalk.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

#3 – Corner building street facades shall be built to the BTZ for a minimum of 30 feet from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to-zone standards. This standard shall apply to any intersection with a Type 'A' Street (even if the cross street is a Type 'B' Street) or to any frontage designated as Pedestrian Priority Frontage.

7.2.4 Parking & Service Access



Legend

Property Line	Building Footprint
Surface Parking Area	Above Grade Parking Area

(i) Parking Location

Surface/At Grade Parking		
Type 'A' Street and Civic Space setback	Shall be located behind the principal building	O
Type 'B' Street setback	Min. of 3 feet behind the building facade line along that street or 6' behind the edge of the sidewalk along that street (if no building along that street frontage)	Q
Side setback (distance from property line)	0 feet min.	P
Rear setback (distance from property line)	0 feet min.	R
Above Grade Parking		
Setback along Type 'A' Street, Type 'B' Street and Civic Space (distance from edge of the sidewalk)	0 feet min.	O
Side and rear setbacks (distance from property line)	0 feet min.	
Upper Floors	May be built up to the building line	

(ii) Required Off-Street Parking Spaces (see #10 and #11)

Non-residential uses	1 space/300 square feet (gross)
Residential uses	1.5 space/unit

(iii) Driveways and Service Access

Parking driveway	24 feet max. (except when drives may need to be wider to address service access or fire lane standards)	S
No more than one driveway per 400 feet of block frontage shall be permitted on a Type 'A' Street		
Off-street loading and unloading docks shall not be located on a Type 'A' Streets.		
Porte cocheres may be permitted on Type 'A' Streets to provide drop-off and valet service.		
Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.		

7.2.5 Encroachments

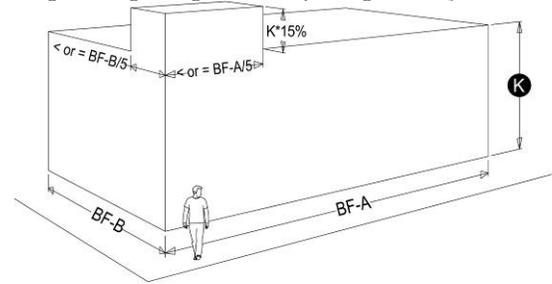
Canopies, signs, awnings and balconies may encroach over the sidewalk or build-to-zone area as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.

7.2.6 Applicability

Building Form and Development Standards in this Section shall apply to all development within this Character Zone.

Notes

- #4 - First floor heights shall not apply to parking structures.
- #5 - All buildings in the TOD Mixed Use Zone shall meet the Building Design Standards in Section 8.
- #6 - Any frontage along all streets (except alleys) defined by surface parking shall be defined by a 4-foot high Street Screen, furthermore service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. The Street Screen shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Bush Central Station Planting List in Appendix B-1 of this ordinance. The required Street Screen shall be located within the BTZ along the corresponding frontage or immediately behind the pedestrian easement.
- #7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



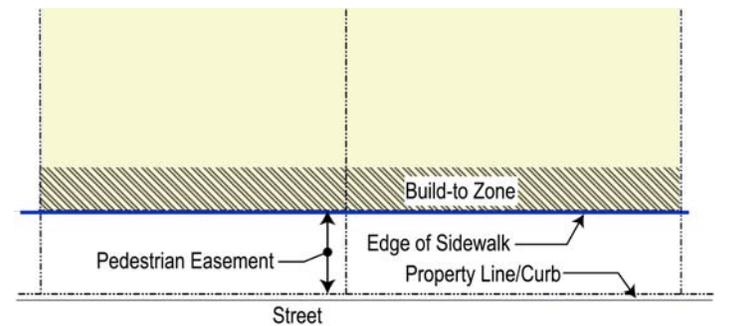
#8 - Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

#9 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building façade line.

#10 - Required parking may be provided anywhere within the Bush Central Station PD #3.

#11 - Article III, Section 21-52 of the City of Richardson Subdivision and Development Ordinance shall apply for design of off-street parking areas.

#12 - Note about measuring build-to-zones and setbacks: Build-to-zones and setbacks shall be measured from the edge of the pedestrian easement closest to the building. This standard shall not apply if outdoor café seating, patios, forecourts, or other amenities that activate the sidewalk are incorporated between the building façade and sidewalk. Existing utility easements may also require measuring of build-to-zones and setbacks from such easements.



Section 8. Building Design Standards

The Building Design Standards and Guidelines for the Bush Central Station PD #3 shall establish a coherent urban character and encourage enduring and attractive development. Development plans shall be reviewed by the City Manager or designee for compliance with the standards below.

The key design principles establish essential goals for development in the Bush Central Station PD #3 to ensure the preservation, sustainability, and visual quality of this unique environment. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

- a. New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
- b. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
- c. Building facades shall include appropriate architectural details and ornament to create variety and interest.
- d. Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

8.1 General to all Character Zones

8.1.1 Building Orientation

- i. Buildings shall be oriented towards Type 'A' Streets, where the lot has frontage along Type 'A' Streets. All other buildings shall be oriented towards Type 'B' Streets or Civic Spaces.
- ii. Primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.
- iii. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.

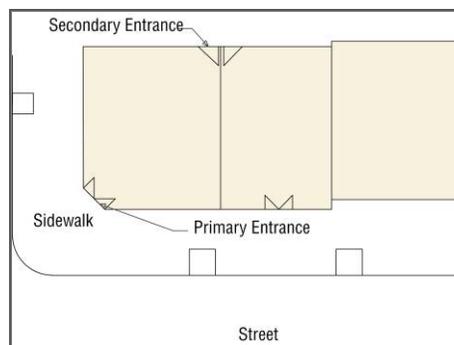


Figure showing required building orientation and location of primary entrances

8.1.2 Design of Parking Structures

- i. All frontages of parking structures located on Type 'A' Streets shall not have parking uses on the ground floor to a minimum depth of 30 feet along the Type 'A' Street frontage. If the frontage is along a designated Main Street Frontage, then the Main Street Frontage requirement shall supersede.

- ii. Parking structure facades on all Type 'A' Streets shall be designed with both vertical (façade rhythm of 20 feet to 30 feet or multiples thereof) and horizontal (aligning with horizontal elements along the block) articulation.
- iii. Where above ground structured parking is located at the perimeter of a building with frontage along a Type 'A' Street; it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public streets. Parking garage ramps shall not be visible from any public street. Ideally, ramps should not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.
- iv. When parking structures are located at corners, corner architectural elements shall be incorporated such as corner entrance, signage and glazing.
- v. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.



Images showing appropriate design of Parking Structures along Type 'A' Streets

- vi. Pedestrian Priority Frontage Standards: This section of the code shall apply to façade design of all parking garages which are designated as Pedestrian Priority Frontage on the Regulating Plan:
 - The Street Screen along this frontage shall be made up of (i) precast spandrel panels with either form liner or deep reveals or (ii) integrated green screens along the face of the garage or (iii) a living screen or (iv) any combination of the above three.
 - Architecturally enhanced entryway to provide a clear identification for automobiles that includes:
 - Integrated pilasters or column cladding along sides of entry and/or an architecturally enhanced header beam
 - Wayfinding graphics
 - The following entryway enhancements are optional:
 - electronic signage indicating lane usage is optional
- vii. Design of Garage Facades along Plano Road: Garage facades along the Plano Road frontage shall be precast concrete spandrels with vertical elements at intervals of no greater than 80 feet.
- viii. Design of Garage Facades along station platform/Routh Creek Parkway and George Bush Turnpike access road: Garage facades along station platform/Routh Creek Parkway and the George Bush Turnpike access road shall be precast concrete spandrels.

8.1.3 Design of Automobile Related Building Site Elements

- i. Drive-through lanes for commercial uses shall not be located along any Type 'A' Street. Drive-through lanes shall be hidden behind a Street Screen along the Type 'B' Street frontage.

- ii. All off-street loading, unloading, and trash pick-up areas shall be located along alleys or Type 'B' Streets only unless permitted in the specific building form and development standards in Section 7. Any off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening at the BTZ. The Street Screen shall be made up of (i) the same material as the principal building or (ii) a living screen or (iii) a combination of the two.

8.1.4 Roof Form

- i. Buildings shall have simple, flat fronts with minimal articulations with flat or low pitched roofs (pitches 2.5:12 or lower) with parapets. Corner hip roof elements and gable accents at the parapet may be permitted. Projecting mansard roofs shall not be permitted.



8.1.5 Façade Composition

- i. Buildings shall maintain a façade rhythm of 20 feet to 30 feet along all Type 'A' Streets.
- ii. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the façade.
- iii. Buildings shall be designed and built in tri-partite architecture so that they have a distinct Base, Middle and Cap.



Image of Tri-Partite Architecture

- iv. An expression line or equivalent architectural element shall delineate the Base and Cap of all buildings. A Cornice shall delineate the caps of facades that do not utilize a pitched roof.
- v. For retail storefront buildings, a transom, display window area, and bulkhead at the base shall be utilized.

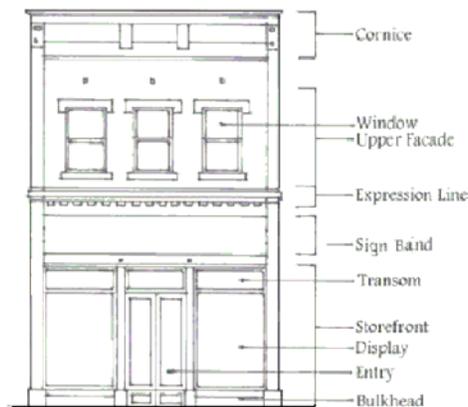


Image of a typical storefront

- vi. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.
- vii. Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and others as appropriate. All building elements should be compatible with the architectural style, materials, colors, and details of the building as a whole. Entrances to upper level uses may be defined and integrated into the design of the overall building facade.
- viii. Buildings shall generally maintain the alignment of horizontal elements along the block.
- ix. Corner emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies may be used along commercial storefronts to add pedestrian interest.



Buildings with architectural features and storefront elements that add interest along the street.

8.1.6 Windows and Doors

- i. Windows and doors on street (except alleys) fronting facades shall be designed to be proportional and appropriate to the specific architectural style of the building. First floor windows shall NOT be opaque, tinted or mirrored glass.
- ii. All ground floor front facades of buildings along Type ‘A’ Streets or Civic/Open Space shall have transparent storefront windows covering no less than 50% of the façade area. Each upper floor of the same building facades facing a Type ‘A’ Street or Civic/Open Space shall contain transparent windows covering at least 30% of the façade area. All other street facing facades (except alleys) shall have transparent windows covering at least 15% of the façade area for all floors.



Images showing appropriate storefront display and transparency

8.1.7 Commercial and Mixed Use Building Materials

- i. At least 85% of each building’s façade (excluding doors and windows) along all Type ‘A’ Streets, Type ‘B’ Streets, and Plano Road shall be finished in one of the following materials:
 - Masonry (brick, stone, stucco utilizing a three-step process, vertically and/or horizontally articulated architectural pre-cast concrete panels, cast stone, rock, marble, granite, curtain glass, or glass block)
- ii. No more than 15% of each façade along all Type ‘A’ Streets, Type ‘B’ Streets, and Plano Road shall use accent materials such as wood, architect metal panel, split-face concrete block, or tile.



Images showing appropriate building materials within TOD Core and TOD Mixed Use zones,.



Images showing appropriate use of architectural precast concrete panels as primary building materials

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- iii. Use of EIFS along all building façades shall be eight (8) feet or higher and shall be limited to exterior trim and molding only.
- iv. Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty may only be used on the upper floors only of any commercial frontage on any street or alley façade and shall be limited to no more than 15% along all streets.

- v. Roofing materials visible from any public right-of-way shall be copper, factory finished standing seam metal, slate, synthetic slate, or similar materials.

8.2 Standards Specific to Development in the TOD Core Zone

- 8.2.1 Buildings within a minimum of 50% of the net developable land area (i.e., areas not including public street rights-of-way, sidewalks, required setbacks, open space, easements, and civic spaces) within the TOD Core Zone as identified in the Regulating Plan shall be concrete and steel construction.

Section 9. Street & Streetscape Design Standards

- 9.1 Generally: Streets in the Bush Central Station PD #3 need to support the overall goal of a mixed use, compact, pedestrian oriented district. They should balance all forms of mobility while maximizing convenience for residents and visitors.

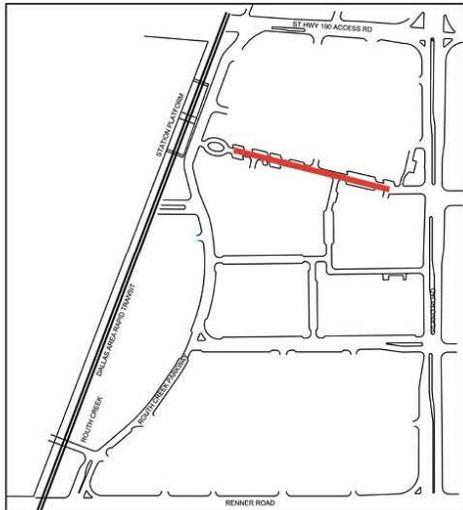
The Regulating Plan designates the required street network within the Bush Central Station PD #3. This section specifies the typical configuration of streets within the Bush Central Station PD #3. The specifications address vehicular lane width, parkway widths, R.O.W widths, number of travel lanes, on-street parking, and pedestrian accommodation. The character of streets in the Bush Central Station PD #3 will vary based on the location. The service road of President George Bush Turnpike (State Highway 190) is under the purview of TxDOT while the remaining streets are city streets.

- 9.2 New Streets: This section specifies standards for all new streets in the Bush Central Station PD #3. New streets shall be based on the location and type indicated on the Regulating Plan.
- 9.3 Street Classification Established: The associated cross sections shall establish the cross sections for each street type. The cross sections (including vehicular lane and on-street parking configurations, street tree placement, etc.) may be adjusted to fit existing contexts or other development contexts consistent with the vision for Bush Central Station with the approval of the City Engineer. In addition, the proposed cross sections may be adjusted to meet the needs of the Uniform Fire Code as adopted by the City.

9.4 Street Cross Sections

9.4.1 Street Type 1

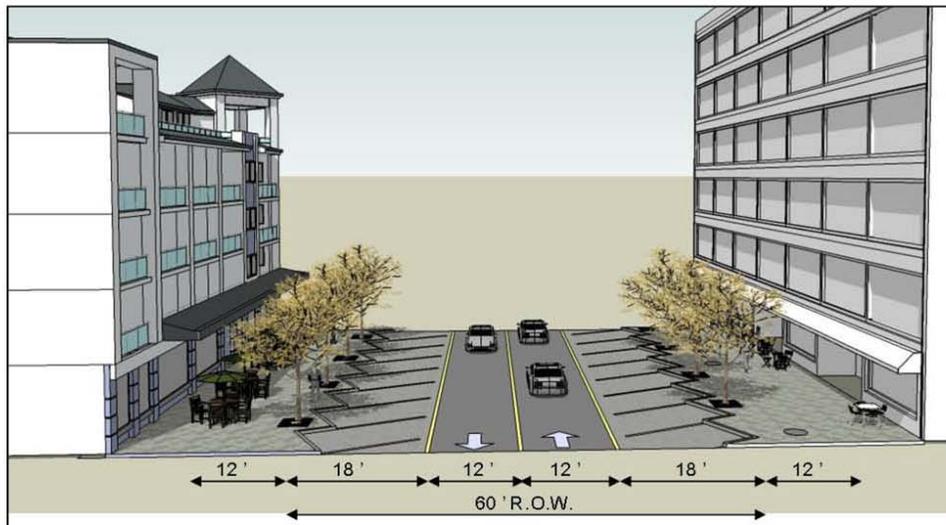
Locator Map



Street Type 1

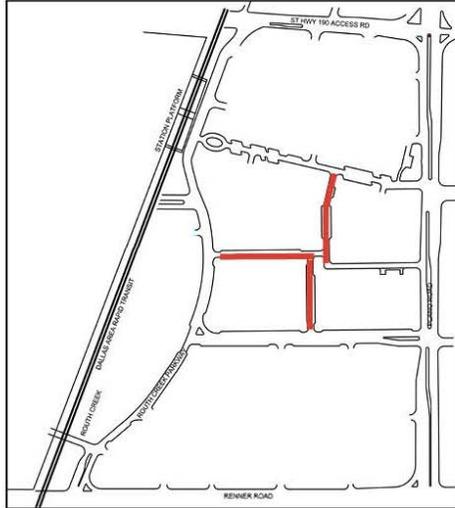
Right-of-Way: 60 feet
Design Speed: 25 mph
On-Street Parking: Yes, angled on both sides
Number of Vehicular Lanes: 2 (@ 12 feet each)
Number of Bike Lanes: None
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 40' on-center (avg.)

Street Section



9.4.3 Street Type 3

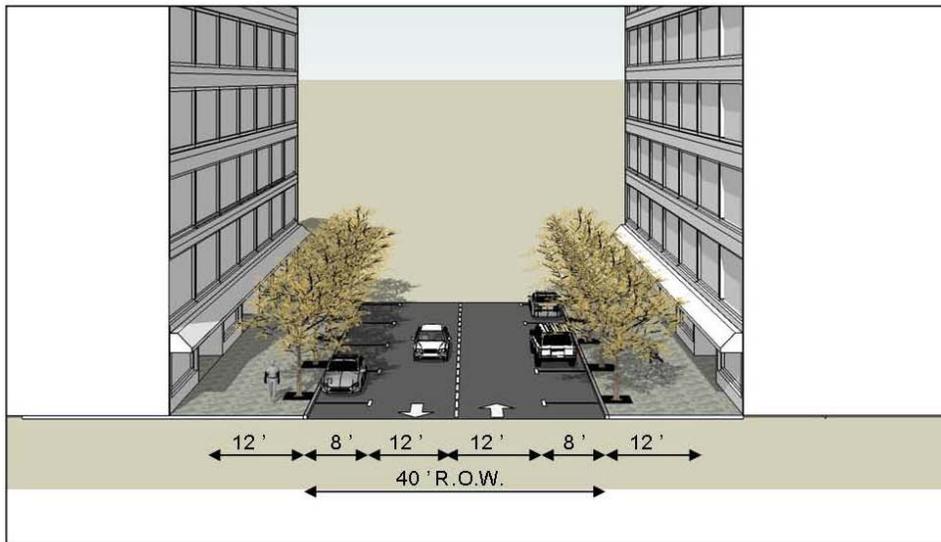
Locator Map



Street Type 3

Right-of-Way: 40 feet
Design Speed: 25 mph
On-Street Parking: Yes, parallel on both sides
Number of Vehicular Lanes: 2 (@12 feet each)
Number of Bike Lanes: None
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 40' on-center (avg)

Street Section



9.4.4 Street Type 4

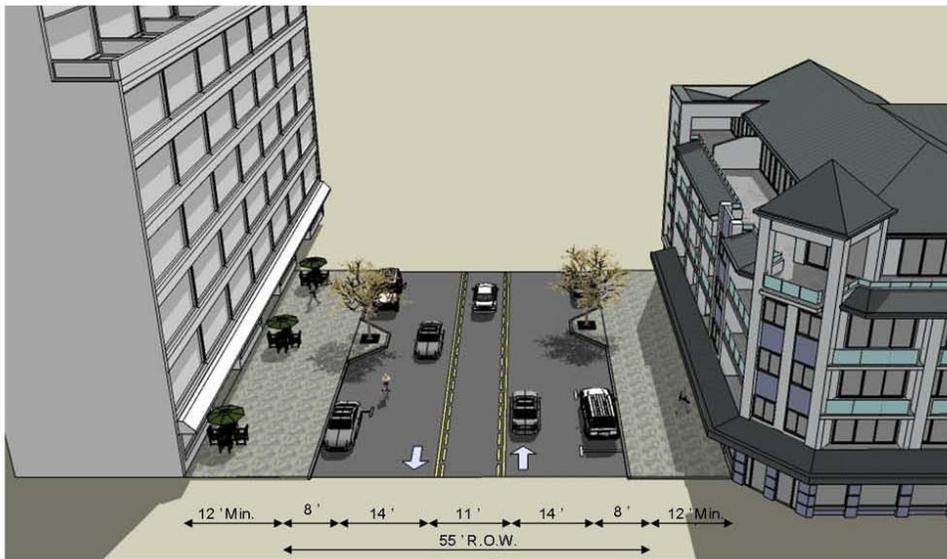
Locator Map



Street Type 4

Right-of-Way: 55 feet
Design Speed: 25 mph
On-Street Parking: Yes, parallel on both sides
Number of Vehicular Lanes: 3 (2 @ 14' width and one center lane @ 11')
Number of Bike Lanes: Shared bike lanes
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 60' on-center (avg.)

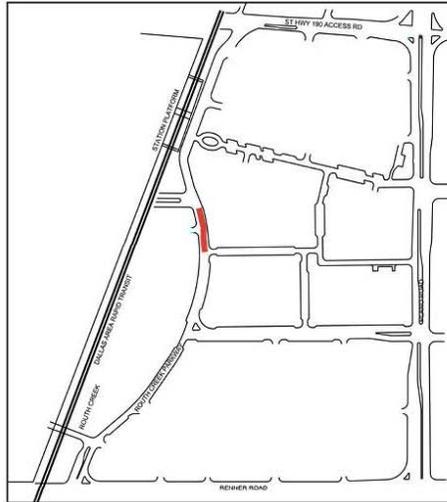
Street Section



**The same Pedestrian Easement dimension and details shall be used on both sides of the street.*

9.4.5 Street Type 5

Locator Map



Street Type 5

Right-of-Way: 39 feet
Design Speed: 25 mph
On-Street Parking: None
Number of Vehicular Lanes: 3 (2 @ 14' width and one center turn lane @ 11')
Number of Bike Lanes: 2 shared bike lanes
Curb Radius: 20'
Pedestrian Easement: 12' min.
Landscape Type: Street trees @ 40' on-center (avg.)

Street Section



- 9.5 Streetscape & Landscape Standards: Streetscape standards shall apply to all streets within the Bush Central Station PD #3. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. Maintenance of all streetscape and landscape shall be by the property owners association established for the Bush Central Station PD #3. All dedicated public rights-of way and landscaping within them shall be maintained by the City of Richardson.
- 9.6 Street Trees and Landscaping (within the pedestrian easement):
- 9.6.1 Street trees shall be required on all Bush Central Station Streets (except along PGBT access road.)
 - 9.6.2 Street trees shall be planted approximately 3 feet behind the curb line or placed in curb extensions (bump-outs into the parking lane) as long as the spacing meets the standard below.
 - 9.6.3 Spacing shall be an average of 40 feet on center (measured per block face) along all streets unless otherwise specified in the cross sections.
 - 9.6.4 The minimum caliper size for each tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 36 sq. feet. However, the tree well area may be no smaller than 5'X5'.
 - 9.6.5 Turf and groundcover: When clearly visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.
 - 9.6.6 Species shall be selected from the Bush Central Station Planting List in Appendix B-1 of this ordinance.
 - 9.6.7 Maintenance of all landscape materials shall meet the requirements of the City of Richardson Landscape Ordinance Requirements.
 - 9.6.8 Along arterials and highway access roads, street trees shall be planted within the required landscape parkway as per the City of Richardson Landscape Ordinance/Policies.
- 9.7 Street Furniture, Lighting, and Materials:
- 9.7.1 Pedestrian scale lighting shall be required along all Bush Central Station streets (except on PGBT access road). They shall be no taller than 20 feet.
 - 9.7.2 Pedestrian-scale and regular street lights shall be placed at uniform locations based on the placement of street trees and other street furniture to provide safety for both pedestrians and automobiles while limiting spill-over and light pollution effects of such street lights. The placement and illumination intensity shall be subject to City approval at the time of Development Plan.
 - 9.7.3 The light standard selected shall be compatible with the design of the street and buildings.
 - 9.7.4 Trash receptacles and bike racks shall be required along all Type 'A' Streets. A minimum of one each per block face shall be required.
 - 9.7.5 Street furniture and pedestrian amenities such as benches are recommended along all Type 'A' Streets.
 - 9.7.6 All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of 6 feet.
 - 9.7.7 Materials selected for paving and street furniture shall be of durable quality and require minimal maintenance.

Section 10. Signage

Except as specifically listed below, all other signage and sign standards must comply with Chapter 18 of the City of Richardson Code of Ordinances, as amended.

10.1 For new signs, the standards in Table 10.1 shall apply and sign permits shall be approved administratively by the City Manager or Designee unless specifically noted in this section.

Table 10.1

Character Zone	TOD Core	TOD MU	Standard
Sign Type			
Wall (Building) Signs	P	P	<ul style="list-style-type: none"> ■ For all ground floor commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft per tenant. ■ Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. feet per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. feet. ■ Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage with a maximum of 100 sq. feet. ■ Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max. ■ Building sign may encroach a maximum of 12” on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk. ■ Building signs may be internally or externally lit. ■ Marquee signs as only permitted as specified below.
Monument Signs	NP	NP	<ul style="list-style-type: none"> ■ One monument sign per lot per lot street frontage (no more than 2 per lot separated by at least 100 feet) limited to a maximum of 50 sq. feet per sign face and 6 feet in height. ■ Permitted only along PGBT access road and Type ‘B’ Streets Frontages.
Window Signs	P	P	<ul style="list-style-type: none"> ■ Limited to 10% of the window area. ■ The following shall be exempt from this limitation: ■ Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs; ■ Mannequins and storefront displays of merchandise sold; and ■ Interior directory signage identifying shopping aisles and merchandise display areas.
Building Blade Signs	P	P	<ul style="list-style-type: none"> ■ One per building (commercial and mixed use buildings only). ■ Area = 30 sq. feet maximum per sign face. ■ May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane. ■ Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor façade.
Tenant Blade Signs	P	P	<ul style="list-style-type: none"> ■ One per commercial tenant space (retail, office, or restaurant use). ■ Area = 16 sq. feet maximum per sign face. ■ May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane. ■ Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the ground floor tenant space while maintaining a vertical clearance of 8 feet from the finished sidewalk.
Marquee Signs	P	P	<ul style="list-style-type: none"> ■ Permitted for theatres, auditoriums, and other public gathering venues of 100 persons or more.

Character Zone	TOD Core	TOD MU	Standard
Sign Type			
			<ul style="list-style-type: none"> ■ Marquee signs shall be attached to the building or located above or below a canopy only. ■ Area = 100 sq. feet maximum. ■ Message board may be changeable copy (electronic and non-electronic). Electronic message boards shall be non-flashing.
For sale/for lease signs	P	P	<ul style="list-style-type: none"> ■ Size is limited to 32 sq. feet per sign face. ■ All other standards are the same as City or Richardson Sign Regulations.
Address signs	P	P	Same as City of Richardson Sign Regulations.
Temporary construction signs	P	P	1 free standing sign per lot during construction only; limited to 32 sq. feet.
Banners	P	P	Same as City of Richardson Sign Regulations.
Sandwich board signs	P	P	<ul style="list-style-type: none"> ■ Permitted only for retail, service, or restaurant uses. ■ Limited to 12 sq. feet per sign face per storefront. ■ Sign may not exceed 4 feet in height. ■ A minimum of 6 feet of sidewalk shall remain clear. ■ Chalkboards may be used for daily changing of messages. ■ Readerboards (electronic and non-electronic) shall be prohibited. ■ Sign shall be removed every day after the business is closed.
Light Pole Banners	P	P	<ul style="list-style-type: none"> ■ Permitted only with approval of the City. ■ Max. 10 sq. feet per sign face. ■ Limited to one per light pole. ■ All light pole banners shall be approved by the appropriate utility company prior to consideration by the City. ■ Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.
Directory signs	P	P	<ul style="list-style-type: none"> ■ Shall be allowed for all multi-tenant commercial and mixed use buildings only. ■ One directory sign per multi-tenant building limited to 12 sq. feet in area. ■ Design of the sign shall be integral to the façade on which the sign is to be affixed.
Pole signs	NP	NP	<ul style="list-style-type: none"> ■ May only be permitted as part of a Master Sign Plan.
LED Signs	NP	NP	<ul style="list-style-type: none"> ■ Shall be covered by a lens or diffuser. ■ May only be permitted where electronic message boards are permitted within Bush Central Station. ■ Or, may only be permitted as part of a Master Sign Plan.
Off-premise signs	NP	NP	

10.2 An applicant has the option to establish unique sign standards including size, color, type, design, and location. Such applications shall be reviewed as “Master Sign Plans” by the City Manager or designee and are subject to approval of the City Plan Commission. In evaluating a Master Sign Plan, the City Plan Commission shall consider the extent to which the application meets the proposed Sign Plan:

10.2.1 Promotes consistency among signs within a development thus creating visual harmony between signs, buildings, and other components of the property;

10.2.2 Enhances the compatibility of signs with the architectural and site design features within a development;

10.2.3 Encourages signage that is in character with planned and existing uses thus creating a unique sense of place; and

10.2.4 Encourages multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.

Section 11. Civic/Open Space Standards

11.1 The design of Civic/Open Space shall be regulated by the Civic/Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities may be accommodated in a variety of spaces ranging from large regional parks to neighborhood-scaled greens to urban squares and plazas. Public art is permitted and even encouraged in all civic/open space types. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike. Standards in Article XIII-A, Section 5 of the City of Richardson Zoning Ordinance shall not apply to any development in the Bush Central Station PD #3. Any of the following open space types may be implemented on any Mandatory or Non Mandatory Open Space as designated on the Regulating Plan (Appendix A-1).

11.2 Park Standards



The required park, as designated on the Regulating Plan, will create an important public space that connects the community within the Bush Central Station PD #3 and allows for passive recreation. Parks shall primarily be naturally landscaped with many places to sit on benches or low walls. Passive recreation activities in parks may include grassy lawns for unstructured and informal active recreational activities. Appropriate civic elements, fountains or open shelters may be included.

Typical Characteristics

General Character

- Large, open space
- Spatially defined by landscaping and building frontages
- Paths, trails, open shelters, lawns, trees and shrubs naturally disposed
- May be lineal, following the trajectories of natural corridors

Location and Size

Location and size shall be as shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Unstructured and passive recreation
- Casual seating/picnicking

11.3 Green Standards



The required green, as designated on the Regulating Plan, will serve as an important public space for the Bush Central Station. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. Greens shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green.

Typical Characteristics

General Character

- Open space
- Spatially defined by landscaping and building frontages
- Lawns, trees and shrubs naturally disposed
- Open shelters and paths formally disposed

Location and Size

Location and size shall be as shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Unstructured and passive recreation
- Casual seating
- Commercial and civic uses
- Residential address

11.4 Square Standards



Squares can serve as open spaces available for civic purposes, commercial activity, unstructured recreation and other passive uses. A square should have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

Typical Characteristics

General Character

- Formal open space
- Spatially defined by buildings and tree-lined streets.
- Open shelters, paths, lawns, and trees formally arranged
- Walkways and plantings at all edges
- Located at important intersection

Location and Size

Location and size shall be as shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Unstructured and passive recreation
- Casual seating
- Commercial and civic uses

11.5 Plaza Standards



Plazas add to the vibrancy of streets within the more urban zones and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape should consist primarily of hardscape. If trees are included, they should be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, should be provided. Plazas typically should be located at the intersection of important streets.

Typical Characteristics

General Character

- Formal open space
- Primarily hardscape surfaces
- Trees and shrubs optional
- Spatially defined by building frontages

Location and Size

- Location and size shall be as shown on the Regulating Plan (Appendix A-1).
- Shall front on at least one (1) street.

Typical Uses

- Commercial and civic uses
- Casual seating
- Tables and chairs for outdoor dining
- Retail and food kiosks

11.6 Multi-Use Trail Standards



The multi-use trail provides an important place for active recreation and creates a connection to regional paths and biking trails. The multi-use trail will run continuously from the station platform, through the required park, and along Renner Road. The multi-use trail will help activate connections between the open spaces and the uses throughout the Bush Central Station PD #3. The multi-use trail may have a different character as it passes through the park. Within the required park, the trail shall be naturally disposed with low impact paving materials so there is minimal impact to the existing creek bed and landscape.

Typical Characteristics

General Character

- Park Multi-Use Trail:
- Naturally disposed landscape
- Low impact paving
- Trees lining trail for shade
- Appropriately lit for safety

Standards

Min. Width 12 feet

Location shown on the Regulating Plan (Appendix A-1).

Typical Uses

- Active and passive recreation
- Casual seating

11.7 Playground Standards



Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children. These playgrounds should serve as quiet, safe places -- protected from the street and typically located where children do not have to cross major to access. Playgrounds may be fenced. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided. Playground equipment and design must be reviewed and approved by the City prior to installation.

A larger playground may be incorporated into the park, whereas a more intimate playground may be incorporated into the green.

Typical Characteristics

General Character

- Focused toward children of all ages
- Fenced with minimal exits (non mandatory)
- Open shelter
- Shade and seating provided
- Play structure, interactive art or fountains

Standards

- Min. Size N/A
- Max. Size N/A
- As described by civic space type in which playground is located
- Protected from traffic
- No service or mechanical equipment

Typical Uses

- Active and passive recreation
- Unstructured recreation
- Casual seating

11.8 Ancillary Structure Standards



Ancillary structures should be formal in character and generally related to but clearly subordinate to surrounding buildings. Each individual structure should keep in character with the style of nearby buildings. Typically, these structures are located at prominent locations within an appropriate civic space. Ancillary structures such as kiosks located in Civic/Open Spaces in both the zones may have minor commercial uses, such as small food, retail or news vendors, but may also serve as civic elements for general public use with more passive activities. Permanent kiosk structures shall be limited to a maximum of 2,000 square feet each and shall not occupy more than 10% of the area of any Civic/Open Space.

Typical Characteristics

General Character

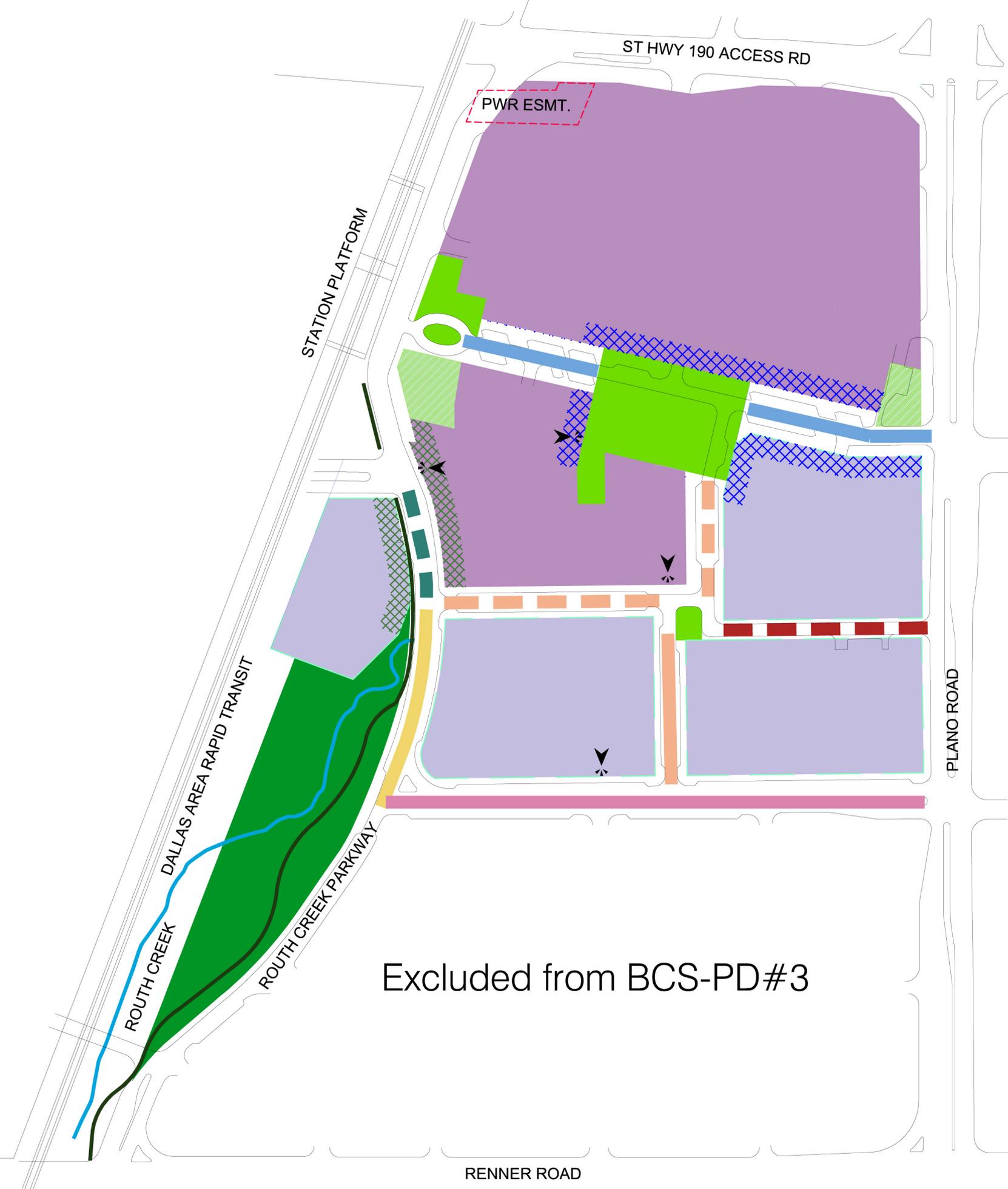
- Formal character
- Relating to style of surrounding buildings
- One or more open sides
- Covered or providing shade
- Small, stand alone structure
- Located within Park, Green, Square or Plaza

Standards

- Min. Size N/A
- Max. Size N/A

Typical Uses

- Civic purposes
- Minor commercial uses
- Casual seating/picnicking



LEGEND		
CHARACTER ZONES		STREET DESIGNATIONS
	TOD Core	14.83 Acres
	TOD Mixed Use	9.66 Acres
CIVIC / OPEN SPACE TYPES		
	Mandatory Public Open Space	1.80 Acres
	Mandatory Park	3.57 Acres
	Non-Mandatory Green or Square	0.54 Acres
SPECIAL FRONTAGE TYPES		
	Main Street Frontage	
	Pedestrian Priority Frontage	
OTHER		
	Approximate District Boundary	
	Property Line (Property line at back-of-curb)	
	Multi-Use Trail	
	Existing Creek	
	Terminated Vista	

Note: Plano Road, SH 190 Access Road and the Station Platform frontage shall be considered as Type 'B' Street frontages for the purposes of the Bush Central PD #2

Excluded from BCS-PD#3

REGULATING PLAN - APPENDIX A-1

Bush Central Station
Planned Development Code #3

October 8, 2013

Not to scale

**Appendix B-1
Planting List**

The following lists contain all species approved for use in the Bush Central Station PD #3. It contains native and acceptable adapted species. Other species that are drought tolerant and adaptive may be used for planting within the Bush Central Station PD #3. The use of alternative species may be permitted with the approval of the City.

CANOPY/STREET TREE LIST

<u>Common Name</u>	<u>Botanical Name</u>
Live Oak	<i>Quercus virginiana</i>
Red Oak	<i>Quercus shumardi</i>
Bald Cypress	<i>Taxodium distichum</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Caddo Maple	<i>Acer saccharum 'Caddo'</i>
Texas Ash	<i>Fraxinus velutina 'Rio Grande'</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Escarpment Live Oak	<i>Quercus fusiformis</i>
Ginkgo	<i>Ginkgo biloba</i>

ORNAMENTAL TREE LIST

<u>Common Name</u>	<u>Botanical Name</u>
Yaupon Holly	<i>Ilex vomatoria</i>
Crape Myrtle	<i>Lagerstromia indica</i>
Deciduous Yaupon	<i>Ilex decidua</i>
Southern Crabapple	<i>Malus app.</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Mexican Plum	<i>Prunus Mexicana</i>
Wax Myrtle	<i>Myrica carifera</i>
Chitalpa	<i>Chitalpa tashkentensis</i>
Deciduous Holly	<i>Ilex decidua</i>
Desert Willow	<i>Chilopsis linearis</i>
Eve's Necklace	<i>Sophora affinis</i>

SHRUBS LIST

<u>Common Name</u>	<u>Botanical Name</u>
Dwarf Nandina	<i>Nandina domestica 'nana'</i>
Dwarf Burford Holly	<i>Ilex cornuta 'burfordi nana'</i>
Abelia Grandiflora	<i>Abelia grandiflora</i>
Barberry	<i>Barberry spp.</i>
Yucca (Red, Yellow or Soft Tip)	<i>Hesperaloe parviflora</i>
Texas Sage	<i>Leucophyllum frutescans</i>
Indian Hawthorn	<i>Raphiolepis indica</i>

Dwarf Crape Myrtle	<i>Lagerstromia indica 'nana'</i>
Dwarf Yaupon Holly	<i>Ilex vomitorria 'nana'</i>
Pampas Grass	<i>Cortaderia selloana</i>
Black-Eyed Susan	<i>Rudbeckia hirta</i>
Dwarf Wax Myrtle	<i>Myrica pusilla</i>
Needlepoint Holly	<i>Ilex cornuta 'Needle Point'</i>
Knockout Rose	<i>Rosa 'Knock Out'</i>
Rosemary	<i>Rosmarinus officinalis</i>

GROUND COVER/VINES LIST

<u>Common Name</u>	<u>Botanical Name</u>
Asian Jasmine	<i>Trachelosperum Asiaticum</i>
Big Blue Liriope	<i>Liriope muscari</i>
Mondgrass	<i>Ophiopogon japonicus</i>
Purple Winter Creeper	<i>Euonymum coloratus</i>
Santolina	<i>Santolina virens</i>
Trumpet Vine	<i>Campsis radicans</i>
Virginia Creeper	<i>Parthenocissus quinifolia</i>
Lady Banks Rose	<i>Rosa banksiaw lutea</i>
Confederate Jasmine	<i>Trachelospermum jasminoides</i>
Crossvine	<i>Bignonia capreolata</i>
Evergreen Wisteria	<i>Millettia reticulata</i>
Lantana 'New Gold'	<i>Lantana camara 'New Gold'</i>
Liriope 'Silver Dragon'	<i>Liriope muscari 'Silver Dragon'</i>
Prostrate Rosemary	<i>Rosmarinus officinalis prostrata</i>
Sweet Autumn Clematis	<i>Clematis terniflora</i>

ORNAMENTAL GRASSES LIST

<u>Common Name</u>	<u>Botanical Name</u>
Dwarf Fountain Grass 'Little Bunny'	<i>Pennisetum alopecuroides 'Little Bunny'</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis 'Adagio'</i>
Fountain Grass	<i>Pennisetum alopecuroides</i>
Inland Seaoats	<i>Chasmanthium latifolium</i>
Maiden Grass	<i>Miscanthus sinensis 'Gracillimus'</i>
Mexican Feather Grass	<i>Stipa tenuissima</i>
Muhly Grass	<i>Muhlenbergia capillaris</i>
Weeping Lovegrass	<i>Eragrostis curvula</i>

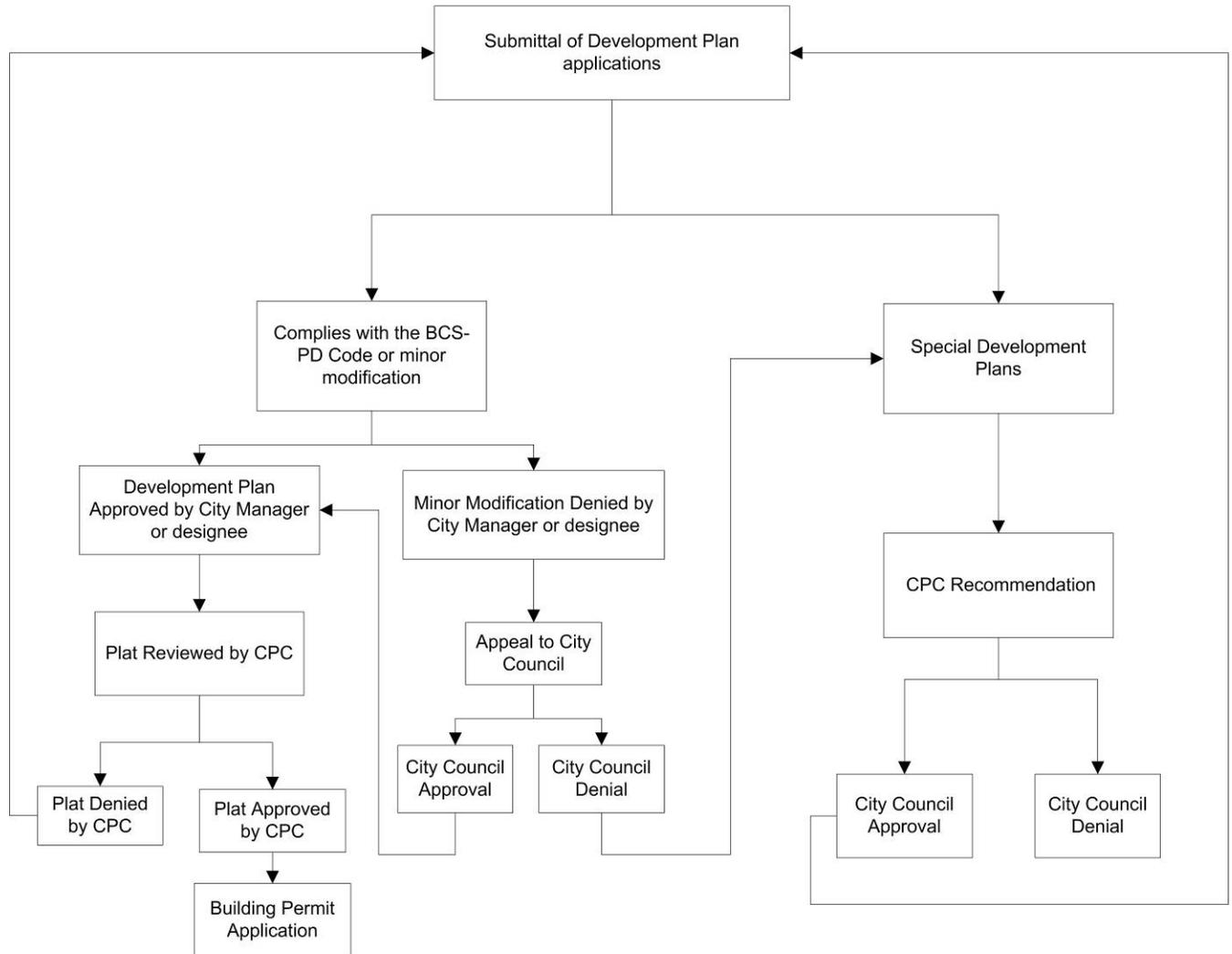
TURF

<u>Common Name</u>	<u>Botanical Name</u>
Bermuda	<i>Cynodon dactylon</i>
St. Augustine	<i>Stenotaphrum secundatum</i>
Zoysia	<i>Zoysia tenuifolia</i>

These plantings may be placed in Civic/Open Spaces or used to meet the private landscaping requirements of the Code. The applicant shall select drought tolerant, low maintenance, and adaptable shrubs and ground cover based on the placement on the site subject to approval by the City.

Appendix C-1

**Bush Central Station PD #3
Development Review Process**



BCS-PD: Bush Central Station Planned Development
 CPC: City Plan Commission
 CC: City Council
 SDP: Special Development Plan

Note: Development Plans include site plans, building elevations, landscape plans, civil engineering plans, and all plats

ORDINANCE NO. 4029

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING SECTION PROHIBITING THE PARKING OF MOTOR VEHICLES IN CITY PARKS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to prohibit the parking of motor vehicles in City parks during periods of time when the parks are closed to the public; **NOW THEREFORE**,

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

SECTION 1. That Section 15-63 of the Code of Ordinances of the City of Richardson, Texas, be and the same is hereby amended in part to add subsection (b) to prohibit the parking of motor vehicles in any City park except during hours of operation to read as follows:

“Sec. _15-63. Parking vehicles.

- (a) No vehicle shall be driven over or across the curbs, sidewalks, grass or lawn within any park area unless signs permit. Parking is to be done in areas set aside for this purpose only. In areas having no parking set aside, all parking will take place outside of the boundary or curblines, where existing. Where parking stalls have been designated, all vehicles shall be parked on such lots within and between the lines designating a single vehicle parking space and not otherwise. Where parking lots or areas within public parks of the city have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line and as near as practicable to the side of the last parked vehicle in line. No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block or hinder ingress or egress from the line. Officers of the police department of the city shall issue to violators of this section traffic tickets or notices to answer to charges in the manner prescribed by the applicable ordinances and the case shall proceed in accordance with such applicable sections. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic, and the owner or operator of the vehicle cannot be found, police officers of the city may move the vehicle so that traffic will not be impeded. No variation to the requirements of this section shall be allowed except by special permit issued by the director.
- (b) It shall be unlawful for any person to park, stand or store a motor vehicle in any City park between the hours of 10:30 p.m. and 5:00 a.m. of the following day, or to park or stand a motor vehicle in any City park, except during the posted hours of operation, if posted as open other than 5:00 a.m. to 10:30 p.m. of the same day.”

SECTION 2. 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 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. 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 ___th day
of _____, 2013.

APPROVED:

MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

CITY ATTORNEY

(PGS:10-21-13:TM 63112)

CITY SECRETARY

CITY OF RICHARDSON

TO: Dan Johnson - City Manager
 THRU: Kent Pfeil - Director of Finance
 FROM: Pam Kirkland - Purchasing Manager
 SUBJECT: Bid Initiation Request # Bid #04-14
 DATE: October 21, 2013

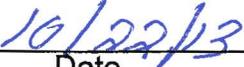
Request Council approval to initiate bids for the following:

RTR Intersection Improvements
 (Renner Road at Alma Road and Jupiter Road)

Proposed Council approval date: October 28, 2013
 Proposed advertising dates: October 30, 2013 & November 6, 2013
 Proposed bid due date: Thursday, November 14, 2013 – 2:00 p.m.
 Proposed bid opening date: Thursday, November 14, 2013 – 2:30 p.m.
 Engineer's estimated total cost: \$312,000
 Account: 20% - 378-8702-585-7524, Project #SD10271
 80% - 313-9755-583-7524, Project #313100


 Pam Kirkland, CPPO, CPPB
 Purchasing Manager


 Kent Pfeil
 Director of Finance


 Date

Approved: _____
 Dan Johnson
 City Manager

 Date



MEMO

TO: Dan Johnson, City Manager

THRU: Cliff Miller, Assistant City Manager *COM*

FROM: Steve Spanos, P.E., Director of Engineering

SUBJECT: Permission to Advertise Bid # 04-14
RTR Intersection Improvement Project (Renner Road at Alma Road,
and Renner Road at Jupiter Road)

DATE: October 28, 2013

BACKGROUND INFORMATION:

This project consists of paving, storm drainage, water line, pavement striping and sidewalk improvement in the City of Richardson. This will generally include removal of existing concrete pavement and curb gutter, removal and replacement of existing concrete sidewalk, removal of existing curb inlets, construction of approximately 1800 S.Y. of concrete pavement and 675 S.Y. of concrete sidewalk, relocation of existing fire hydrants, installation of new curb inlets and storm drain piping, installation of pavement markings and striping and other related appurtenances.

FUNDING:

Funding is provided from the 2010 G.O. Bonds and General Special Projects.

SCHEDULE:

Capital Projects plans to begin construction for this project January 2014 and be completed by March 2014.

Cc: Henry Drexel, P.E., Senior Project Engineer *HSD*

**NOTICE TO CONTRACTORS
CITY OF RICHARDSON**

**RENNER ROAD INTERSECTION IMPROVEMENT PROJECT
(Renner Road at Alma Road)
(Renner Road at Jupiter Road)**

BID NO. 04-14

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, November 14, 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 consists of paving, storm drainage, water line, pavement striping and sidewalk improvements in the City of Richardson. This will generally include removal of existing concrete pavement and curb and gutter, removal and replacement of existing concrete sidewalk, removal of existing curb inlets, construction of approximately 1800 S.Y. of concrete pavement and 675 S.Y. of concrete sidewalk, relocation of existing fire hydrants, installation of new curb inlets and storm drain piping, installation of pavement markings and striping and other related appurtenances.

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 Ninety (90) calendar days will be allowed for construction of the project.

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, October 29, 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, November 7, 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

PROJECT SCHEDULE

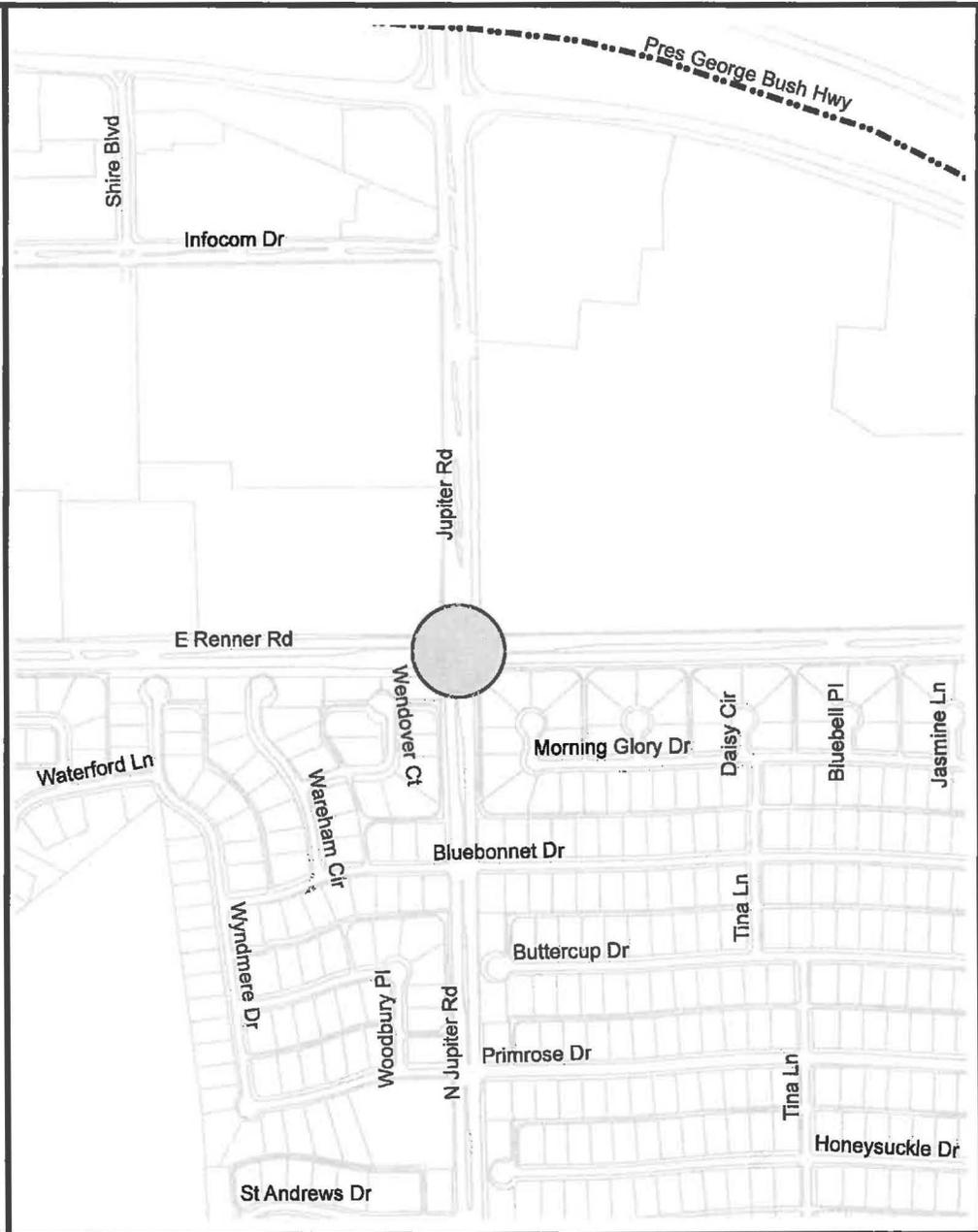
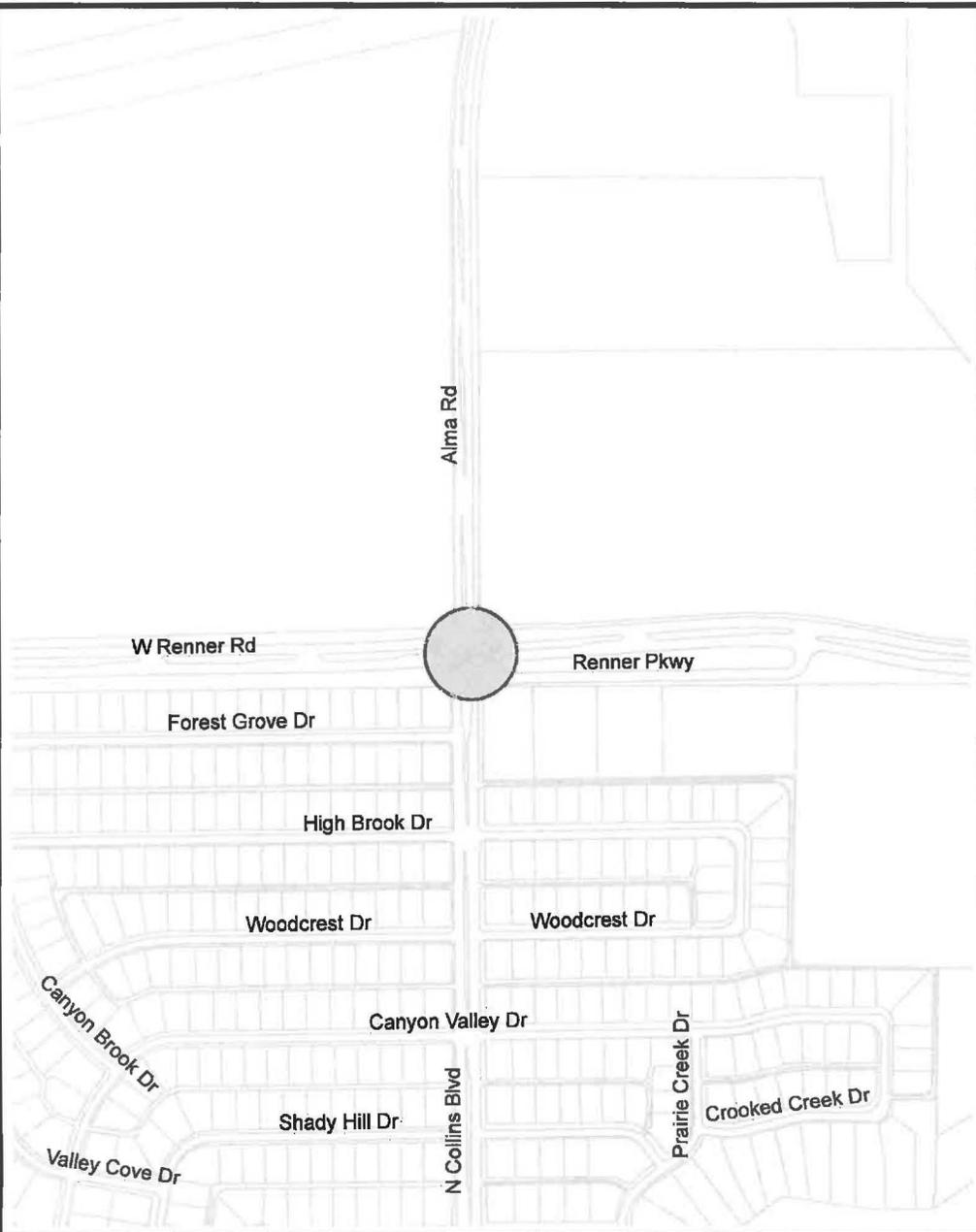
RTR INTERSECTION IMPROVEMENTS (Renner Road at Alma Road and Jupiter Road)

BID No. 04-14

Agenda Paperwork to Advertise	Friday, October 18, 2013
Council Authorization to Advertise	Monday, October 28, 2013
Plans/Specs Available for Contractors	Tuesday, October 29 2013
Advertise in Dallas Morning News	Wednesday, October 30, 2013
Advertise in Dallas Morning News	Wednesday, November 6, 2013
Pre Bid Meeting (10:00 am Room 206)	Thursday, November 7, 2013
Bids Received & Opened (by 2:00 open 2:30 pm Room 206)	Thursday, November 14, 2013
Agenda Paperwork to Award Contract	Friday, November 15, 2013
Council to Award Contract	Monday, November 25, 2013
Pre-Construction Meeting	~December 2013
Project Start	~January 2014
Project Completes in 90 Calendar Days	~April 2014

Project Manager: Henry Drexel, P.E.
Engineers Estimate: \$312,000

20% Account # 378-8702-585-7524 Project #SD10271
80% Account #313-9755-583-7524 Project #313100



**RENNER ROAD INTERSECTION IMPROVEMENT PROJECT
(RENNER ROAD AT ALMA AND JUPITER)**



10-18-2013

CITY OF RICHARDSON

TO: Dan Johnson - City Manager
THRU: Kent Pfeil - Director of Finance
FROM: Pam Kirkland - Purchasing Manager
SUBJECT: Bid Initiation Request #06-14
DATE: October 21, 2013

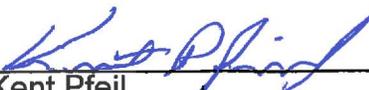
Request Council approval to initiate bids for the following:

2010 Sidewalk Replacement Project
Region 10

Proposed Council approval date: October 28, 2013
Proposed advertising dates: October 30, 2013 & November 6, 2013
Proposed bid due date: Wednesday, November 20, 2013 – 2:00 p.m.
Proposed bid opening date: Wednesday, November 20, 2013 – 2:30 p.m.
Engineer's estimated total cost: \$798,000
Account: 378-8703-585-7524, Project #NV1007



Pam Kirkland, CPPO, CPPB
Purchasing Manager



Kent Pfeil
Director of Finance



Date

Approved: _____
Dan Johnson
City Manager

Date



MEMO

TO: Dan Johnson, City Manager
THROUGH: Cliff Miller, Assistant City Manager *COM*
FROM: Steve Spanos, P.E., Director of Engineering
SUBJECT: Permission to Advertise Bid #06-14
2010 Sidewalk Replacement Project Region 10
DATE: October 18, 2013

BACKGROUND INFORMATION:

The 2010 Sidewalk Replacement Project Region 10 encompasses the area south of Spring Valley Road from Central Expressway east to the DART Rail Line and south of Centennial Boulevard from the DART Line to the city limits in the east and south directions. Construction will include removal and replacement of existing residential 4 foot sidewalk and driveway approach pavement. Sidewalk repairs will vary in size at any particular location. The work will also include the construction of barrier free ramps and other appurtenances related to sidewalk and driveway approach repairs including concrete curb, sod, water meter and manhole lid adjustments and sidewalk grinding and or cutting.

FUNDING:

Funding is provided from Neighborhood Vitality G.O Bonds.

SCHEDULE:

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

Cc: Edward Witkowski Jr., P.E., Project Engineer

EW

**NOTICE TO CONTRACTORS
CITY OF RICHARDSON**

**2010 SIDEWALK REPLACEMENT PROJECT
REGION 10
BID No. 06-14**

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 Wednesday, November 20, 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.

The 2010 Sidewalk Replacement Project Region 10 encompasses the area south of Spring Valley Road from Central Expressway east to the DART Rail Line and south of Centennial Boulevard from the DART Line to the city limits in the east and south directions. Construction will include removal and replacement of existing residential 4 foot sidewalk and driveway approach pavement. Sidewalk repairs will vary in size at any particular location. The work will also include the construction of barrier free ramps and other appurtenances related to sidewalk and driveway approach repairs including concrete curb, sod, water meter and manhole lid adjustments and sidewalk grinding and or cutting.

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 Owner will attempt to provide the notice of award of contract 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 Fifty (150) 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, October 29, 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, November 7, 2013** at 9:00 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

PROJECT SCHEDULE

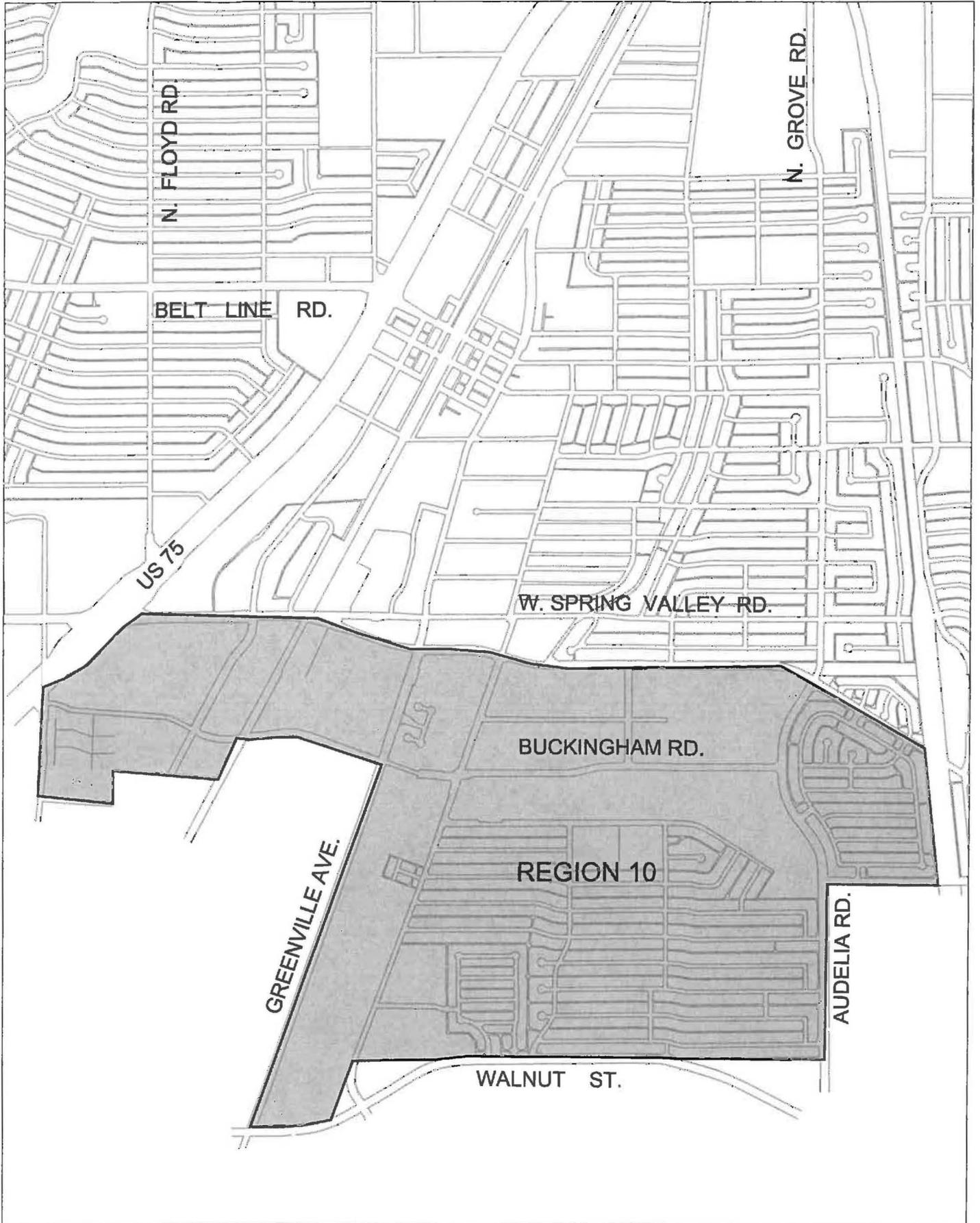
2010 SIDEWALK REPLACEMENT PROJECT REGION 10

BID No. 06-14

Agenda Paperwork to Advertise	Friday, October 18, 2013
Council Authorization to Advertise	Monday, October 28, 2013
Plans/Specs Available for Contractors	Tuesday, October 29, 2013
Advertise in Dallas Morning News	Wednesday, October 30, 2013
Advertise in Dallas Morning News	Wednesday, November 6, 2013
Pre Bid Meeting (9:00 am Room 206)	Thursday, November 7, 2013
Bids Received & Opened (by 2:00 open 2:30 pm Room 206)	Wednesday, November 20, 2013
Agenda Paperwork to Award Contract	Wednesday, November 27, 2013
Council to Award Contract	Monday, December 9, 2013
Pre-Construction Meeting	~January 2014
Project Start	~February 2014
Project Completes in 150 Calendar Days	~May 2014

*Project Manager: Edward Witkowski, Jr., P.E.
Engineers Estimate: \$798,000*

Account #378-8703-585-7524 Project #NV1007



**SIDEWALK REPLACEMENT PROJECT
REGION 10**

BID # 06-14

FEBRUARY 2014

1" = 1500'



**CITY OF
RICHARDSON
TEXAS**





MEMO

DATE: October 21, 2013
TO: Kent Pfeil – Director of Finance
FROM: Pam Kirkland – Purchasing Manager 
SUBJECT: Award of Bid #59-13 for the Safe Routes to School Project to Axis Contracting, Inc. in the amount of \$896,210

Proposed Date of Award: October 28, 2013

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to award a contract to the second lowest base bidder, Axis Contracting, Inc., for the above referenced construction in the amount of \$896,210, as outlined in the attached memo.

Funding is provided from the FHWA Safe Routes to School Program.

The bid was advertised in *The Dallas Morning News* on July 24 and 31, 2013 and was posted on Bidsync.com. A prebid conference was held on August 7, 2013 and two responsive bids were received.

Concur:


Kent Pfeil

Attachments

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



MEMO

TO: Dan Johnson, City Manager
THROUGH: Cliff Miller, Assistant City Manager *CM*
FROM: Dave Carter, P.E., Assistant Director of Traffic and Transportation *MD for*
SUBJECT: Award of Bid No. 59-13 for Safe Routes to School Project – Axis Contracting, Inc.
DATE: October 28, 2013

ACTION REQUESTED:

Council to consider award of Bid No. 59-13 for Safe Routes to School Project to Axis Contracting, Inc., in the amount of \$896,210.00.

BACKGROUND INFORMATION:

On August 15, 2013, bids were opened for the subject project. The attached bid tabulation certifies the lowest base bid was submitted by Estrada Concrete Co. LLC in the amount of \$868,780.00. However, Estrada Concrete Company did not meet the Texas Department of Transportation (TXDOT) prequalification requirements at the time that the bids were received on August 15, 2013; consequently, their bid was not considered. Axis Contracting, Inc., submitted the second lowest total base bid \$896,210.00 as noted below

\$384,015.00 Richland Elementary
\$512,195.00 Yale Elementary
\$896,210.00 Total Base Bid

Staff has reviewed Axis Contracting, Inc., company financials, bonding company, the insurance company and references, and recommends awarding the Safe Routes to School Project to Axis Contracting, Inc., in the amount of \$896,210.00.

The Safe Routes to School Project includes construction of new sidewalks, construction of barrier free ramps to be ADA compliant, sidewalk repair near ramps, bike lane striping, bike lane and route signage for the school boundaries of Richland Elementary and Yale Elementary.

FUNDING:

Funding is provided from the FHWA Safe Routes to School Program.

SCHEDULE:

Construction is expected to begin December 2013 and be completed by April 2014.

Cc: Arturo Serna, P.E., Traffic Engineer *AS*
Mark Titus, P.E., Transportation Engineer Mgr.
David McFadden, P.E., Project Engineer

**SAFE ROUTES TO SCHOOL
 RICHLAND AND YALE ELEMENTARY
 BID NO. 59-13
 BID OPENING: AUGUST 15, 2013 @ 2:30 PM**

RICHLAND ELEMENTARY - CSJ 0918-47-012

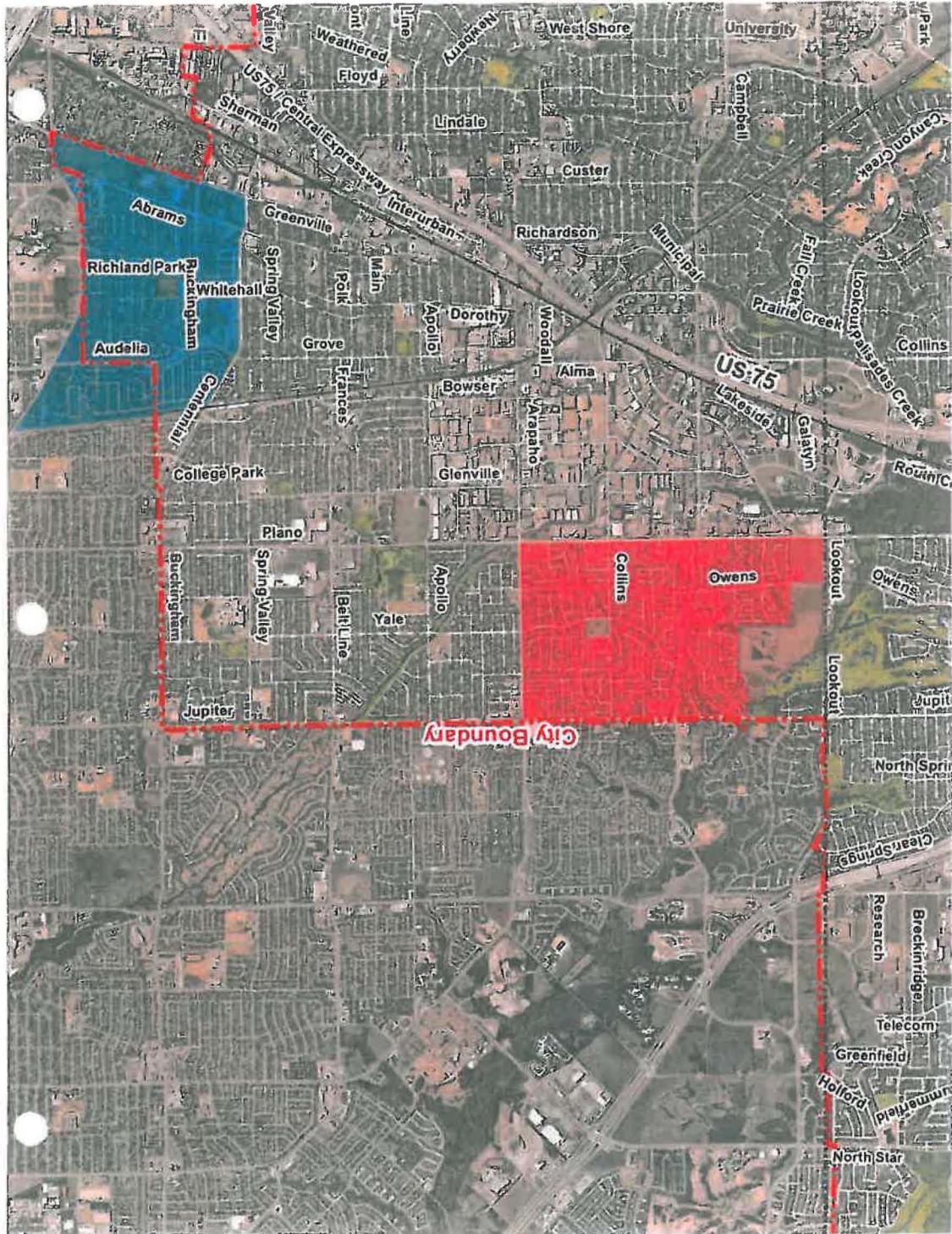
				Estrada Concrete Co.		Axis Contracting, Inc.		AVERAGES	
ITEM	DESCRIPTION	QTY.	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
101	Remove & Replace - 4" Class "A" Reinforced Concrete Sidewalk	SF	1,000	\$7.00	\$7,000.00	\$6.00	\$6,000.00	\$6.50	\$6,500.00
102	Remove & Replace - 5" Class "A" Reinforced Concrete Driveway Pavement	SF	5,000	\$7.00	\$35,000.00	\$6.50	\$32,500.00	\$6.75	\$33,750.00
103	Remove & Replace - 6" Class "C" Reinforced Concrete Street Pavement	SF	500	\$10.00	\$5,000.00	\$8.50	\$4,250.00	\$9.25	\$4,625.00
104	Remove & Replace 6" Class "C" Reinforced Curb with 18" Gutter	LF	500	\$30.00	\$15,000.00	\$30.00	\$15,000.00	\$30.00	\$15,000.00
105	Barrier Free Ramps - (Types A-D)	EA	100	\$900.00	\$90,000.00	\$985.00	\$98,500.00	\$942.50	\$94,250.00
106	Barrier Free Ramps - (Types E & F)	EA	4	\$900.00	\$3,600.00	\$985.00	\$3,940.00	\$942.50	\$3,770.00
107	Compacted Clean Fill	CY	150	\$40.00	\$6,000.00	\$40.00	\$6,000.00	\$40.00	\$6,000.00
108	4" Topsoil with Block Sod To Match Existing	SF	20,000	\$0.70	\$14,000.00	\$1.50	\$30,000.00	\$1.10	\$22,000.00
109	Utility / Meter Box Adjustment	EA	15	\$150.00	\$2,250.00	\$300.00	\$4,500.00	\$225.00	\$3,375.00
110	Water Meter Relocation including Meter Box	EA	10	\$300.00	\$3,000.00	\$1,000.00	\$10,000.00	\$650.00	\$6,500.00
111	Traffic Control	EA	4	\$1,000.00	\$4,000.00	\$1,200.00	\$4,800.00	\$1,100.00	\$4,400.00
112	Remove and Replace Asphalt (To Match Existing)	SF	500	\$5.00	\$2,500.00	\$10.00	\$5,000.00	\$7.50	\$3,750.00
113	Remove & Replace - 4" Exposed Aggregate Class "A" Concrete Sidewalk to Match Existing	SF	500	\$10.00	\$5,000.00	\$10.00	\$5,000.00	\$10.00	\$5,000.00
114	Sidewalk Grinding	EA	100	\$80.00	\$8,000.00	\$75.00	\$7,500.00	\$77.50	\$7,750.00
115	Irrigation Lowering / Relocation	EA	25	\$300.00	\$7,500.00	\$500.00	\$12,500.00	\$400.00	\$10,000.00
116	House Number Replacement	EA	20	\$50.00	\$1,000.00	\$50.00	\$1,000.00	\$50.00	\$1,000.00
117	New 4" Class "A" Concrete Sidewalk - Including clearing, excavation and haul off	SF	21,900	\$7.00	\$153,300.00	\$4.75	\$104,025.00	\$5.88	\$128,662.50
118	4'x3' Project Signs	EA	6	\$600.00	\$3,600.00	\$500.00	\$3,000.00	\$550.00	\$3,300.00
119	Adjust Manhole Lids to grade	EA	5	\$500.00	\$2,500.00	\$200.00	\$1,000.00	\$350.00	\$1,750.00
120	Bike Route Signs, Post, Installation	EA	50	\$250.00	\$12,500.00	\$500.00	\$25,000.00	\$375.00	\$18,750.00
121	Sidewalk Curb as Directed by the City	LF	300	\$15.00	\$4,500.00	\$15.00	\$4,500.00	\$15.00	\$4,500.00
TOTAL BID				\$385,250.00		\$384,015.00		\$384,632.50	
CONTRACTORS BID				SAME		SAME			

YALE ELEMENTARY - CSJ 0918-47-013

				Estrada Concrete Co.		Axis Contracting, Inc.		AVERAGES	
ITEM	DESCRIPTION	QTY.	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
201	Remove & Replace - 4" Class "A" Reinforced Concrete Sidewalk	SF	1,000	\$7.00	\$7,000.00	\$6.00	\$6,000.00	\$6.50	\$6,500.00
202	Remove & Replace - 5" Class "A" Reinforced Concrete Driveway Pavement	SF	1,000	\$7.00	\$7,000.00	\$6.50	\$6,500.00	\$6.75	\$6,750.00
203	Remove & Replace - 6" Class "C" Reinforced Concrete Street Pavement	SF	500	\$10.00	\$5,000.00	\$8.50	\$4,250.00	\$9.25	\$4,625.00
204	Remove & Replace 6" Class "C" Reinforced Curb with 18" Gutter	LF	500	\$30.00	\$15,000.00	\$30.00	\$15,000.00	\$30.00	\$15,000.00
205	Barrier Free Ramps - (Types A-D)	EA	185	\$900.00	\$166,500.00	\$985.00	\$182,225.00	\$942.50	\$174,362.50
206	Barrier Free Ramps - (Types E & F)	EA	6	\$900.00	\$5,400.00	\$985.00	\$5,910.00	\$942.50	\$5,655.00
207	Compacted Clean Fill	CY	150	\$40.00	\$6,000.00	\$40.00	\$6,000.00	\$40.00	\$6,000.00
208	4" Topsoil with Block Sod To Match Existing	SF	10,000	\$0.70	\$7,000.00	\$1.50	\$15,000.00	\$1.10	\$11,000.00
209	Utility / Meter Box Adjustment	EA	30	\$150.00	\$4,500.00	\$300.00	\$9,000.00	\$225.00	\$6,750.00
210	Water Meter Relocation including Meter Box	EA	20	\$300.00	\$6,000.00	\$1,000.00	\$20,000.00	\$650.00	\$13,000.00
211	Traffic Control	EA	6	\$1,000.00	\$6,000.00	\$1,200.00	\$7,200.00	\$1,100.00	\$6,600.00
212	Remove and Replace Asphalt (To Match Existing)	SF	500	\$5.00	\$2,500.00	\$10.00	\$5,000.00	\$7.50	\$3,750.00
213	Remove & Replace - 4" Exposed Aggregate Class "A" Concrete Sidewalk to Match Existing	SF	500	\$10.00	\$5,000.00	\$10.00	\$5,000.00	\$10.00	\$5,000.00
214	Sidewalk Grinding	EA	200	\$80.00	\$16,000.00	\$75.00	\$15,000.00	\$77.50	\$15,500.00
215	Irrigation Lowering / Relocation	EA	40	\$300.00	\$12,000.00	\$500.00	\$20,000.00	\$400.00	\$16,000.00
216	House Number Replacement	EA	20	\$50.00	\$1,000.00	\$50.00	\$1,000.00	\$50.00	\$1,000.00
217	New 4" Class "A" Concrete Sidewalk - Including clearing, excavation and haul off	SF	10,500	\$7.00	\$73,500.00	\$4.75	\$49,875.00	\$5.88	\$61,687.50
218	4'x3' Project Signs	EA	6	\$600.00	\$3,600.00	\$500.00	\$3,000.00	\$550.00	\$3,300.00
219	Adjust Manhole Lids to grade	EA	5	\$500.00	\$2,500.00	\$200.00	\$1,000.00	\$350.00	\$1,750.00
220	Bike Lane Signs, Post, Installation	EA	50	\$450.00	\$22,500.00	\$450.00	\$22,500.00	\$450.00	\$22,500.00
221	Bike Lane Thermo Symbols	EA	40	\$250.00	\$10,000.00	\$400.00	\$16,000.00	\$325.00	\$13,000.00
222	Bike Lane Striping	LF	55,900	\$1.70	\$95,030.00	\$1.65	\$92,235.00	\$1.68	\$93,632.50
223	Sidewalk Curb as Directed by the City	LF	300	\$15.00	\$4,500.00	\$15.00	\$4,500.00	\$15.00	\$4,500.00
TOTAL BID				\$483,530.00		\$512,195.00		\$497,862.50	
CONTRACTORS BID				SAME		SAME			
RICHLAND & YALE TOTAL BID				\$868,780.00		\$896,210.00		\$882,495.00	
RICHLAND & YALE CONTRACTORS BID				SAME		SAME			

Engineer's Estimate: \$804,335.00

Certified By:  for
 Dave Carter, P.E., Asst. Dir. Traffic & Transportation





MEMO

DATE: October 21, 2013
TO: Kent Pfeil – Director of Finance
FROM: Pam Kirkland – Purchasing Manager 
SUBJECT: Award of Bid #67-13 for the Annual Requirements Contract for Refuse Container Maintenance to Scott Renshaw Company pursuant to hourly rates

Proposed Date of Award: October 28, 2013

I concur with the recommendation of Ryan Delzell – Superintendent of Solid Waste, and request permission to issue an annual requirements contract for refuse container maintenance to Scott Renshaw Company, pursuant to hourly rates bid.

The term of the contract is for 24 months with options for four (4) additional one (1) year renewal periods, if agreeable to both parties. The award of this contract allows the city to repair refuse containers as the requirements and needs of the city arise on an annual basis and during any subsequent renewal period(s). Since the city is not obligated to pay for or use a minimum or maximum amount of refuse container maintenance, payment will be rendered pursuant to the hourly rates bid.

Funding is provided from account 591-2050-502-4337. The bid was advertised in *The Dallas Morning News* on September 10 & 17, 2013 and posted on Bidsync.com. A prebid conference was held on September 18, 2013 and 872 electronic notices were distributed; 16 vendors viewed the bid; and 2 bids were received.

Concur:



Kent Pfeil

Attachments

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



MEMO

To: Pam Kirkland – Purchasing Manager

From: Ryan Delzell – Supt. of Solid Waste

Date: October 21, 2013

Re: Bid 67-13 Container Maintenance Contract

I have reviewed the bids received for the container maintenance for the City's frontload and rolloff containers. The contract length is for 24 months with the option for four (4) one year renewals. This contract is also a unit price contract.

Solid Waste recommends the container maintenance contract be awarded to Scott Renshaw Company for meeting all bid specifications. Scott Renshaw Company also came in with the low bid of \$21.50 per hour.

Please advise if you need any additional information or have any questions.

XC: Jerry Ortega – Director of Public Services
Travis Switzer – Assistant Director of Public Services, Environmental Operations
Bill Martin – Assistant Purchasing Manager

BID TABULATION-A/R/C FOR: CONTAINER MAINTENANCE

				Scott Renshaw Company		*DFW Container Service					
ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Repair of 4 CY Container Lids	1000	ea	21.500	\$21,500.00	24.000	\$24,000.00				
2	Repair of 8 CY Container Lids	1000	ea	21.500	\$21,500.00	24.000	\$24,000.00				
3	Repair of Lid Rod and Hinges	835	ea	21.500	\$17,952.50	24.000	\$20,040.00				
4	Repair Cost of Rolloff Container	838	ea	21.500	\$18,017.00	No	Bid				
*	Alternate Bid Painting Containers	1	ea			68.000	\$68.00				
TOTAL GROSS PRICE					\$78,969.50		\$68,108.00				



MEMO

DATE: October 21, 2013
TO: Kent Pfeil – Director of Finance
FROM: Pam Kirkland – Purchasing Manager *Pam*
SUBJECT: Change Order to decrease purchase order 120928 to Jim Bowman Construction Company for the 2010 Alley Reconstruction Phase I (Pinecrest/Meadowview/Wateka/Odessa) in the amount of \$72,172.85

Proposed Date of Award: October 28, 2013

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to decrease the above referenced purchase order in the amount of \$72,172.85, as outlined in Mr. Spanos attached memo.

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

This change order is within the 25% maximum change order limit but requires approval by the governing body because it is over \$50,000.

Concur:

Kent Pfeil

Kent Pfeil

Approved:

Dan Johnson

ATTACHMENTS

Xc: Dan Johnson
David Morgan
Cliff Miller
Don Wagner
Shanna Sims-Bradish



MEMO

TO: Pam Kirkland, Purchasing Manager
FROM: Steve Spanos, P.E., Director of Engineering  *CSM*
SUBJECT: Change Order to Close Out Purchase Order #120928
Jim Bowman Construction – 2010 Alley Reconstruction Phase I
(Pinecrest/Meadowview/Wateka/Odessa)
DATE: October 28, 2013

ACTION REQUESTED

Process Change Order No. 1 to Close Out P.O. #120928 to Jim Bowman Construction, for the 2010 Alley Reconstruction Phase I (Pinecrest/Meadowview/Wateka/Odessa).

ACCOUNT SUMMARY

Award Amount	\$410,707.83
Change Order	(\$72,172.85)
Total Authorized Contract Amount	\$338,535.98

BACKGROUND INFORMATION:

This project originally included reconstruction of the Pinecrest, Meadowview, Wateka and Odessa alleys. The contractor completed reconstruction of these alleys with the exception of the Odessa alley. Franchised utility conflicts delayed the start of reconstruction of the Odessa alley for several months. Because of the extended delay, the contractor requested the Odessa alley be removed from the project. This change order will remove the Odessa alley from the project and close the contract. The Odessa alley reconstruction will be completed under a separate construction contract.

FUNDING INFORMATION:

Funding is provided from the 2010 G.O. Bonds and Water & Sewer C.O.'s.

CC: Brad Bernhard, P.E., Project Engineer 
Carolyn Kaplan Capital Projects Accountant



MEMO

DATE: October 23, 2013
TO: Kent Pfeil – Director of Finance
FROM: Pam Kirkland – Purchasing Manager *Pam*
SUBJECT: Change Order to decrease purchase order 121076 to Jim Bowman Construction Company for the Dumont Street & Waterline Rehabilitation (Hyde Park to US 75) in the amount of \$225,915.97

Proposed Date of Award: October 28, 2013

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to decrease the above referenced purchase order in the amount of \$225,915.97, as outlined in Mr. Spanos attached memo.

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

This change order is within the 25% maximum change order limit but requires approval by the governing body because it is over \$50,000.

Concur:

Kent Pfeil

Kent Pfeil

Approved:

Dan Johnson

ATTACHMENTS

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



MEMO

TO: Pam Kirkland, Purchasing Manager
FROM: Steve Spanos, P.E., Director of Engineering 
SUBJECT: Change Order to Close Out Purchase Order #121076
Jim Bowman Construction – Dumont Drive Rehab Street & Drainage From
Hyde Park to US 75
DATE: October 28, 2013

ACTION REQUESTED

Process Change Order No. 1 to Close Out P.O. #121076 to Jim Bowman Construction, for the Dumont Street & Waterline Rehabilitation (Hyde Park to US 75).

ACCOUNT SUMMARY

Award Amount	\$1,337,061.80
Change Order	(\$225,915.97)
Total Authorized Contract Amount	\$1,111,145.83

BACKGROUND INFORMATION:

Construction of the Dumont Street and Waterline Rehabilitation Project has been completed. The quantity of several of the project items including asphalt milling and overlay, water line adjustment and storm drain pipe as constructed was less than the plan quantity as bid. This change order reduces the purchase order to correspond with the actual quantities and close the contract.

FUNDING INFORMATION:

Funding is provided from the 2010 G.O. Bonds and Water & Sewer C.O.'s.

CC: Padma Patla, P.E., Project Engineer 
Carolyn Kaplan Capital Projects Accountant