# CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – SEPTEMBER 20, 2011

The Richardson City Plan Commission met September 20, 2011, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** David Gantt, Chairman

Bill Hammond, Vice Chair Gerald Bright, Commissioner Janet DePuy, Commissioner Marilyn Frederick, Commissioner Thomas Maxwell, Commissioner

Eron Linn, Alternate

**MEMBER ABSENT:** Barry Hand, Commissioner

Don Bouvier, Alternate

**CITY STAFF PRESENT:** Michael Spicer, Director of Development Services

Sam Chavez, Asst. Director of Dev. Svcs. – Planning

Chris Shacklett, Planner

Kathy Welp, Executive Secretary

### **BRIEFING SESSION**

Prior to the regular business meeting, the City Plan Commission met with staff to receive a briefing on agenda items and staff reports. No action was taken.

#### **MINUTES**

1. Approval of the minutes of the regular business meeting of September 6, 2011.

Commissioner Bright requested a change to page 2, paragraph 8, second sentence to read: "He also wanted to know if there was any benefit or prejudice to the item if an indefinite continuation was granted as opposed to continuing it to a specific date."

**Motion:** Commissioner Linn made a motion to approve the minutes as amended; second by

Commissioner DePuy. Motion passed 7-0.

### **PUBLIC HEARINGS**

2. **Zoning File 11-16:** A request by Jim Lampassi, representing PETCO Animal Supply Stores, Inc, to revoke Ordinance 2937-A, a Special Permit for an educational amusement center; and to request a Special Permit for a boarding kennel at 751 S. Central Expressway, east side of Central Expressway, between Belt Line Rd and Spring Valley Road. The property is currently zoned C-M.

Mr. Shacklett advised the Commission that the applicant was requesting a Special Permit for an indoor boarding kennel and the revocation of Ordinance 2937-A which was granted in 1993 for an educational amusement center. He added that the property was located on the east side of Central Expressway, north of Spring Valley, and had many other uses in the past including the educational center, a furniture store, and the Mattel seasonal toy store.

Mr. Shacklett indicated the applicant was proposing to utilize the building for a business called Pooch Hotel that would be operated by PETCO and would provide boarding as well as a grooming facility. He said the inside of the building would be divided in the following manner: three play areas for small, medium and large dogs; boarding suites; grooming area; and break-room, office and kitchen areas. Also, the applicant was anticipating approximately 100 dogs to be in the facility each day with an even split between animals that would be there for multiple day boarding and those there for grooming.

Mr. Shacklett explained the applicant was requesting a parking ratio of 1:500 square feet for the boarding and grooming areas, and 1:250 square feet for the office areas, which is the typical parking ratio for office use. He added that currently there are 59 parking spaces and, based on the requested ratios, 52 spaces would be required.

In concluding his presentation, Shacklett noted that liquid waste would be cleaned with water and sanitary solutions then vacuumed up and disposed of through the sewer system, and solid waste would be bagged and picked up by a commercial provider. He added that if the item was approved, staff was suggesting the following four special conditions should be attached:

- Ordinance 2937-A shall be repealed.
- The Special Permit for a boarding kennel is limited to the area shown on the attached concept plan, attached as Exhibit "B" and made a part thereof and which is hereby approved.
- The Special Permit shall be limited to PETCO Pooch Hotel.
- A parking ratio of 1 space per 500 square feet shall be required for the boarding and play areas. A parking ratio of 1 space per 250 square feet shall be required for the remainder of the building.

Commissioner Maxwell asked if the facility would be monitored by any departments within the City such as the Health Department for compliance regarding disposal of animal waste. He also wanted to know if there was a dumpster on the site.

Mr. Shacklett replied the facility would have to get all the necessary health permits, but he suggested that the applicant might be better able to answer the question about waste disposal. He noted that a dumpster would be shared with the property to the north.

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

Mr. Mark Collins, Cushman & Wakefield, 2102 Cedar Springs, Dallas, Texas, stated his company had been engaged to represent PETCO throughout the nation, of which 4 to 7 facilities would be located in the Dallas/Fort Worth area. He added that PETCO would be investing approximately \$1-1.5 million in improvements in the facility.

Ms. Louisa Cook, representing Aberfeldy Limited Partnership, 9519 Hilldale, Dallas, Texas, said that with the construction of the building (concrete tilt-wall) and sound dampening measures PETCO would be adding, they felt there would not be any problems with noise outside the building. She added that the company they hired to measure the acoustics within the building used information from their databases and that, with the construction of the building, was the basis for their belief that the surrounding businesses would not hear any of the dogs inside the building.

Ms. Cook pointed out that the entrance and exit would be on the east side of the building, and the landscape plan had been approved by the City and complied with the U.S. Hwy 75 Guidelines. Also, the only change to the south side of the building would be the removal of the roll-up door and covering of the opening with EIFS material.

Ms. Margaret Fuldhum 2241 N. Clybourn, Chicago, Illinois, advised that she ran a Pooch Hotel in Chicago and lived across the street from the facility and was not able to hear any of the dogs. She added that the Richardson facility would have 8 x 8 and 16 x 16 suites for the animals with webcams for the owners to view their pets.

Regarding waste removal, Ms. Fuldhum noted that the vacuum system would clean up any liquid material that would then go into the sewer system. For solid waste, the material would be picked up and put in biodegradable bags, stored in a containment room, and a waste company would pick up the bags on a daily basis for disposal.

Commissioner DePuy asked if any pets would be sold or adopted at the facility.

Ms. Fuldhum replied that they did not sell pets, but they had worked with adoption agencies to give them extra space to house their pets until the agency could adopt them out.

Vice Chair Hammond stated that his concern mentioned in the briefing session was that the building was empty at the time the acoustic measurements were taken and would not provide an accurate measurement of the sound emanating from the building when occupied.

Ms. Cook replied that the acoustical engineers had a database of different sounds and that, in addition to the construction of the building, led them to conclude that the dogs would not be heard outside the building, especially with the close proximity of Central Expressway.

Commissioner Linn asked if there was a limit on the size of a dog.

Ms. Fuldhum replied that there was no weight limit, but the animals had to be current on their vaccinations and they would only take dogs that were 8 weeks and older in age. She added that there would be approximately 10-20 employees working throughout the day.

Ms. Cook pointed out that the lease was for 10 years, which would bring stability to the property and that other Pooch Hotels were planed for the metroplex, but the Richardson hotel would be the first.

Mr. Shacklett noted that in previous discussions with the applicant no mention had been made of any exterior changes and he asked that if the item was approved, the motion would include that their plan would represent the change to the roll up door.

Chairman Gantt said he believed that change was outlined in the material received just prior to the meeting regarding interior and exterior construction. He asked if staff was requesting another special condition.

Mr. Shacklett confirmed that the change had been received just prior to the meeting, but wanted to have it mentioned in the motion. He also noted that the suggested material for the exterior change, EFIS, would not be allowed below 8 feet.

Mr. William Stewart, President, WB and G7, Inc, owner of Wizards Sports Café, 5001 Village Circle, Dallas, stated he was in favor of the proposed application and that it would be nice to have the building occupied by a long-term, quality tenant.

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

Ms. Sushma Shah, 4707 Royal Lane, Dallas, Texas, representing 777 S. Central Expressway, Richardson, stated she was opposed to the item because of the following concerns:

- The possibility of noise from the dogs as they would come and go to the building;
- Separate entrance and exits for the dogs that would bring the dogs closer to her building;
- How the waste would be removed and would it be on the side of the building adjacent to her property;
- Suggested that the fence should be changed from wood to a masonry material and increased in height to help with noise control;
- Suggested there might be a problem with rodent control because of food on the premises for the animals and how would that be handled; and
- During renovation will there be additional windows added on the south side of the building to allow for ventilation in case of a power outage, and if those windows had to be opened the sound of the dogs would carry over to the adjacent property.

Mr. Tai Kundawala, 10230 Sunridge Trail, Dallas, Texas, stated he was a tenant at 777 S. Central Expressway and expressed concern about the noise from dogs barking, the odor from their waste, and the fact that the parking spaces closest to his business had been closed off by the installation of a curb on the applicant's property.

Commissioner Maxwell asked to clarify if the parking spaces for his business were currently blocked or will be blocked.

Mr. Kundawala replied that he has been a tenant for 15 years at 777 and had access to the four parking spaces until just recently when they were closed off by the installation of a curb by the owner of 751 S. Central Expressway.

With no further comments in opposition, Chairman Gantt asked the applicant if they would like to reply to any of the comments.

Ms. Cook stated that in the early 1980's the property at 777 S. Central Expressway had their own driveway that ran parallel to the driveway on her property; however, that driveway was removed when Central Expressway was widened and a drainage inlet was put in its place. She added that during the process of marketing the building at 751, three separate entities who were interested in the building all said that traffic from the parking spaces on 777's property would pose a problem for their business and declined to lease the property. After working through a legal process, and getting approval from the City, a curb was installed along 751's property line; however, the tenant at 777 still had access to parking spaces south of his office.

As far as the concerns regarding the collection and disposal of the animal waste, the waste will be bagged and contained inside the building in a separate room that will be accessed through a door on the east side of the building. Cook also noted that the animals would enter and exit through a door on the northeast corner of the building, and there would be no windows added during the renovation of the building.

Ms. Fuldhum added that the animals would only be brought in through the main lobby (northeast corner) and the morning and evening hours would be the times for the highest volume of animals coming in and going out of the building. She added that the food would be brought in by the clients and kept in sealed bins in a food prep room, and if there was any problem with a power outage they would have a generator on site.

Ms. Cook stated that the animal hotel was a unique concept within a controlled environment and everything would be biodegradable and easily cleaned and disinfected. She said it would be a top rate boarding facility for the animals.

Chairman Gantt asked Ms. Fuldhum based on her experience and living across the street from a Pooch Hotel in Chicago, how frequently the dogs would bark on their way to and from the facility, and the peak times for their arrivals and departures.

Ms. Fuldhum replied that the Pooch Hotel she lives across from in Chicago has an outdoor area with 12-foot high brick walls that help contain the sound, and peak hours were usually early morning until 10:00 a.m. and then again in the afternoon from 5:00 p.m. to 7:00 p.m.

Vice Chair Hammond asked about a dumpster on the property, and wanted to confirm that when the animals come to a new setting they are relatively quiet until they become accustomed to the new area.

Ms. Cook replied that since Aberfeldy, L.P. owns both 751 S. Central Expressway and the property to the north, a site plan had been approved to add double dumpsters with masonry walls and landscaping that will be shared by both properties. The dumpster will not be located on 751's property, but at the southeast corner of the property to the north.

Regarding the animal's behavior, Ms. Cook said Mr. Hammond was correct and that when the animal hotel was first brought to her attention, she spoke with the staff at the City's animal shelter and was told when new dogs come to the shelter they are usually very quiet until they had been there for approximately five days, and the dogs that will be boarding at the hotel will only be there for a short time while their owners are away.

Commissioner Maxwell asked about the emergency generator that was mentioned earlier and would it be installed at the Richardson location. He also wanted to know if it should be part of the submittal.

Ms. Fuldhum replied that she assumed there would be a generator installed because there were generators at the other hotels throughout the country.

Mr. Shacklett replied that staff had not been told about an emergency generator, but information would have to be listed on the site plan.

Commissioner Maxwell asked if the applicant should resubmit their application with the updated information.

Mr. Shacklett asked the applicant if there was a proposed space for the generator.

Ms. Fuldhum said she assumed a generator would be installed because the other facilities had them, but Ms. Cook said when she met with the construction manager there was no mention of an emergency generator.

Commissioner Bright asked for clarification on the door that would be covered over on the south side of the building. He also wanted to know from what area the waste would be removed.

Ms. Cook replied that it would be the large roll-top door just east of the emergency exit on the south side of the building, and waste would be removed from a door on the east side of the building.

Mr. Shacklett noted that if the item was approved, the site plan could be revised before going to City Council to show the removal of that door.

Commissioner Bright asked to confirm that the property owner of 777 changed the driveway giving access to the four parking spaces between 751 and 777.

Ms. Cook replied that the change occurred when TxDOT widened Central Expressway and the entry for those spaces was removed and a drainage inlet was installed. She added that the curb Aberfeldy, L.P. installed did block those spaces, but there was adequate access and parking on the south side of 777.

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

Chairman Gantt reminded the commission that if a motion was made to approve, another condition would need to be added stating that Exhibit B would need to be updated.

Mr. Shacklett replied that he felt he could work with the applicant to make the changes before the item went before the Council and another special condition would not be needed.

Commissioner Linn asked if the item was approved, would the staff be able to work with the applicant to get an emergency generator on the site if needed.

Mr. Shacklett replied that staff would work with the applicant through the site plan approval process if and when it was determined an emergency generator was needed.

Chairman Gantt said he thought the application was an interesting concept and felt it would be good for the area to have the space occupied. He added that the materials provided by the applicant seemed to indicate the questions of noise and odor would not be an issue.

Commissioner Bright agreed and said that the support from Wizard's Café spoke volumes and felt the questions of noise and odor had been adequately addressed.

**Motion:** Commissioner DePuy made a motion to recommend approval as presented; second by Vice Chair Hammond. Motion passed 7-0.

3. **Zoning File 11-17:** A request by Mani Bhushan, representing Taco Ocho, for a Special Permit for a private club at 930 E. Campbell Road (southwest corner of Campbell Road and Firman Drive). The property is currently zoned IP-M(1) Industrial Park.

Mr. Shacklett stated the proposed request was for a Special Permit for a private club in an Industrial District and the property was recently rezoned to provide additional retail uses along Campbell Road. He noted that the applicant had applied for a mixed-beverage permit through the Texas Alcohol and Beverage Commission and then the City, but the application was denied because the property was not located in a local retail, commercial or PD zoning district, which left them with the only other option of applying for a Special Permit for a private club.

Mr. Shacklett stated the applicant was reporting a successful lunch time business; however, there was a steep decline for the evening business because of the inability to serve alcoholic beverages.

Commissioner Bright asked if staff knew the name of the restaurant just east of the applicant's business.

Mr. Shacklett replied that the name of the business is the Bop House.

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

Mr. Mani Bhashan, 5104 Clear Creek Drive, Flower Mound, Texas, stated that after looking at several sites in the Dallas/Fort Worth area he choose the City of Richardson for his business. He added that his concept of full flavored food at a reasonable price had been well received by the community and garnered good reviews in local newspapers and magazines. However, even with the great reviews the restaurant was not meeting its monetary goals and, through feedback from their patrons, the problem seems to be the inability to serve alcoholic beverages with the meals.

Mr. Bhashan pointed out that the east side of Richardson was in need of retail establishments that would keep tax dollars in the city and asked the Commission to approve his request for a Special Permit for a private club.

Mr. Graham Irvine, JAH Realty, 1601 Elm Street, Dallas, Texas, representing the company that owns the building, reviewed the history of the building noting that it had been vacant for many years and with the rezoning request to allow additional retail along Campbell Road they have seen a positive change. He noted that although they had been approached by many brand name businesses, they were very selective about the quality of the tenants and felt Mr. Bhashan and his restaurant concept were a good fit for the space and the area.

Mr. Irvine reiterated Mr. Bhashan's request for a Special Permit for a private club so they could sell alcoholic beverages that would compliment the Mexican food on their menu.

Commissioner Frederick asked about the hours of operations for both of the restaurants in the center.

Mr. Bhashan replied that his restaurant was open 363 days a year from 11:00 a.m. to 9:00 p.m., and the Bop House was open from 11:00 a.m. to 8:00 p.m. and closed on Sundays.

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

Chairman Gantt noted that during the briefing session he asked if there was a way to issue a Special Permit for the whole retail area of the center, but seeing as that was not possible, he was in favor of the current application.

Vice Chair Hammond thanked the applicant for establishing his business in the City even though he lives in Flower Mound.

Commissioner DePuy said she felt very strongly that the request should be approved to help ensure the restaurant stays open and viable.

**Motion:** Commissioner Bright made a motion to recommend approval as presented; second by Commissioner Maxwell. Motion passed 7-0.

## **ADJOURN**

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 8:26 p.m.

David Gantt Chairman City Plan Commission