

**CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – SEPTEMBER 6, 2011**

The Richardson City Plan Commission met September 6, 2011, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: David Gantt, Chairman
Gerald Bright, Commissioner
Janet DePuy, Commissioner
Marilyn Frederick, Commissioner
Barry Hand, Commissioner
Thomas Maxwell, Commissioner
Eron Linn, Alternate

MEMBER ABSENT: Bill Hammond, Vice Chair
Don Bouvier, Alternate

CITY STAFF PRESENT: Michael Spicer, Director of Development Services
Sam Chavez, Asst. Director of Dev. Svcs. – Planning
Susan Smith, Asst. Director of Dev. Svcs. – Dev. & Engr.
Israel Roberts, Development Review Manager
Monica Heid, Community Projects Manager
Keith Krum, Sr. 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 and work session of August 16, 2011.**

Motion: Commissioner Hand made a motion to approve the minutes as presented; second by Commissioner DePuy. Motion passed 7-0.

CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine by the City Plan Commission and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless desired, in which case any item(s) may be removed from the Consent Agenda for separate consideration.

2. **Revised Site plan and Revised Landscape Plan for Royal Catering:** A request for approval of revised site and landscape plans for a 290 square foot expansion to an existing 3,215 square foot building. The 0.4-acre site is located at the southwest corner of S. Floyd Road and Central Expressway.

Chairman Gantt noted that the applicant was requesting to continue Item 2 indefinitely and suggested that it be removed from the Consent Agenda for discussion and possible motion.

Commissioner Frederick requested to remove Item 2 from the Consent Agenda for separate consideration.

Mr. Scott Roberts, Creative Architects, 1026 Creekwood, Garland, Texas, addressed the Commission stating he would like to request an indefinite continuance to work on some of the issues involved in his submittal.

Commissioner Frederick said that after visiting the site she was encouraged the applicant would be improving the landscaping, but was disappointed that a request for indefinite continuation had been requested.

Commissioner DePuy asked if the item was continued indefinitely, would it be up to the applicant to bring it back before the Commission no matter how long a period of time.

Chairman Gantt replied that was correct, if the Commission did not put a date on the continuance, it would be up to the applicant to determine when to bring it back.

Mr. Chavez concurred with Mr. Gantt and noted that another option would be to continue the item to a specific date and suggested the next Plan Commission meeting on September 20, 2011. He added that if a date was specified, the applicant would have to bring the item back to the Commission on that date.

Commissioner Bright asked why the applicant was asking for a continuation. 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.

Chairman Gantt replied that the applicant was requesting the continuation to work on new information that had just been received.

Regarding the question of benefit or prejudice, staff member Roberts replied that staff needed to obtain legal advice from the City Attorney to clarify the difference between withdrawing the application versus proceeding/approving the plans but not completing the work. He suggested two weeks would be enough time to get the information needed.

Chairman Gantt asked if two weeks would be sufficient and Mr. Scott Roberts replied that he would need at least a month or two before coming back before the Commission. He requested the item be continued to the October 18, 2011, City Plan Commission meeting.

Commission Hand asked what the reasoning was for setting a date if the applicant was requesting an indefinite continuance.

Chairman Gantt replied that if the applicant was not ready, it was his opinion that the Commission should give him enough time to get ready. He added that based on the information received, the applicant could either proceed and bring the item back within a short period of time, or they could possibly withdraw the application.

Motion: Commissioner Bright made a motion to continue Item 2 to October 18, 2011; second by Commissioner Frederick. Motion passed 7-0.

VARIANCES

3. **Variances 11-09, 11-10 and 11-11 for Corporate Square:** A request for approval of three (3) variances from the Subdivision and Development Code located at 1100 Executive Drive, 1200 W. Executive Drive, and 1201 E. Executive Drive:
- a. Article III, Section 21-30(a.1), *Approval standards for non-residential district landscape plans*, to permit a reduced landscape percentage for proposed Lot 1A;
 - b. Article III, Section 2130(a.1), *Approval standards for non-residential district landscape plans*, to permit a reduced landscape percentage for proposed Lot 3; and
 - c. Article III, Section 21-52(i), *Off-street Parking*, to allow a reduction in required parking for an existing office/warehouse building on proposed Lot 1A.

Mr. Roberts advised that in order to subdivide and replat Lot 1, Block A, variances were being requested to maintain the existing levels of landscaping on the two proposed lots, and to reduce the number of required parking spaces on Lot 1A. He noted that the current ordinance requires 7% landscaping and the existing lot had a total of 8.9%, but once the property was subdivided into two lots – Lot 1A and Lot 3, the landscape percentage would be 4.3% and 4.6% respectively.

Mr. Roberts gave a brief history of the property noting that when the site was originally developed the landscaping was well above the 2% required; however, in 1984 when the City code was amended there was an increase in the landscape requirement to 7% so the original percentage was grandfathered in.

In closing his comments, Mr. Roberts said staff had proposed the options of realigning the proposed lot line to facilitate the transfer of some of the parking spaces and a shared parking agreement, but the applicant was requesting the variance to make the properties as independent as possible and therefore more marketable.

Commissioner Linn asked if some of the existing buildings were vacant, and why the applicant was subdividing the property. He also wanted to know if the applicant had considered increasing the landscaping to improve the marketability.

Mr. Roberts replied that the building on proposed Lot 1A was completely vacant, and they were subdividing the property in hopes of possibly selling Lot 1A in the future.

Regarding increasing the landscaping, Roberts replied staff had presented options to increase the amount of landscaping; however, the cost associated with cutting concrete, hauling it away, rebuilding new curb lines, and installing irrigation was prohibitive.

Commissioner Maxwell asked what the square footage was of the buildings on Lot 1A, how would the reduction in parking affect another type of business that would have to be parked at a different rate, and did the City require loading docks for warehouses.

Mr. Roberts replied there were 28,300 square feet of finished office space and approximately 7,000 square feet of finished warehouse space. He added that once the buildings on Lot 1A started to fill with tenants, a parking analysis would be performed and if the amount of warehouse space increased that would reduce the parking ratio, but as long as the parking requirement was below 102 spaces there would be no problem.

Regarding loading docks, Mr. Roberts replied there was no City requirement for loading docks for warehouses.

Commissioner Hand asked if any correspondence had been received from the public.

Mr. Roberts replied the staff had not received any correspondence on the item.

With no further questions or comments, Chairman Gantt called for the motion.

Motion: Commissioner DePuy made a motion to recommend approval of Item 3 as presented; second by Commissioner Bright. Motion passed 7-0.

Note: Prior to the start of the Public Hearings, Chairman Gantt stated Item 5 would be heard before Item 4.

PUBLIC HEARINGS

- Zoning File 11-14:** A request by the City of Richardson for refinements to the PD Ordinance for the West Spring Valley Corridor, which encompasses approximately 197 acres north of West Spring Valley Road, between Coit Road and Central Expressway, and is bounded on the north by single-family neighborhoods. The proposed amendments include clarification and standardization of language, reorganization of certain sections, edits to tables and graphics and other minor changes.

Ms. Heid reviewed the history of the project and accomplishments to date, noting the original purpose of the West Spring Valley Corridor Reinvestment Strategy was to encourage reinvestment/redevelopment in the Spring Valley Corridor and in order to do that certain steps needed to take place, including creating a vision and putting the regulations in place to help that vision come to fruition.

Ms. Heid advised that the current request would standardize and clarify language, reorganize certain sections of the ordinance, revise tables, and improve/add graphics. She characterized all of the changes as non-substantive.

The proposed changes included:

- Labeling changes to graphics reflecting the scale.
- Formatting changes.
- Revised/New definitions, including separate descriptions for awning and canopy (with accompanying updated images in Appendix 5.), and definitions for balcony, City Manager, maintenance, repair, porches, building blade sign and district identity sign.
- Clarifications regarding balcony requirements for above-grade residential units.
- Defined process of adding non-permitted uses (Appendix 1 would allow the use anywhere within the district where it was allowed or through the major modification process).
- Updated and clarified the table for amenity zones, sidewalk zones, set-backs, and build-to zone requirements.
- Inserted language adding the ability to deviate slightly from the required setback and build-to zone, largely to allow flexibility for tables or outside dining space (alleviating the need to go through the major modification process).
- Inserted language consistent with other City codes regarding outdoor storage and display of goods and merchandise.
- Standardized language specific to patio homes, townhomes and duplexes regarding EIFS.
- Standardized encroachments allowances at two feet for patio homes, townhomes and duplexes for architectural features and added language regarding porches for patio homes and duplexes.
- Inserted language consistent with other City codes regarding openings on the side of buildings in patio home district.
- Provided standards for private amenity centers in patio home, townhomes and duplex areas.
- Inserted prohibition on accessory structures in townhomes areas, and standardized parameters for same in patio home and duplex areas.
- Clarified language regarding elevated entryways on at-grade units so that they would be required for townhomes and mixed residential buildings, but optional for patio homes or duplexes.
- Inserted language allowing handicap parking installed in accordance with State of Texas requirements.
- Inserted language that allows utility meters to be installed in side yards and between buildings if appropriately screened.
- Added language to allow the use of non-approved landscape materials if used in combination with approved materials.
- Inserted language and graphics illustrating placement of trees adjacent to buildings.

- Inserted language allowing 25% reduction to the landscape strip used to separate parking lot adjacent to street, if justified.
- Separated the former Administration section into two sections: Review and Approval of Development Plans, and Nonconforming Properties.
- Clarified language that certain types of permits could be secured without going through the full development plan review process.
- Clarified language regarding obtaining a demolition permit for nonconforming structures that would not be rebuilt.
- Clarified language regarding substituting plant material already listed on the approved list without having to go through full review process.
- Clarified denial and resubmission process.
- Created table of minor modifications and expanded the list of eligible items (i.e., increase window area for buildings with loft space, swing entry garages, theatre marquee signs, etc.)
- Created new section in the ordinance (Section X.) that would be a compilation of all nonconforming property issues.
- Added nonconforming site element as a nonconforming property issue.
- Created separate subsections for nonconforming use, nonconforming structure, nonconforming site element, and nonconforming sign.
- Created new provisions that would allow demolition of all or a portion of a building or site element subject to administrative review and prohibit the reconstruction once demolished.
- Revised Appendix. 1, Permitted Uses to allow sales of optical goods and cellular phones and accessory uses in retail areas and to eliminate day spas and allow skin and nail care only as an incidental use in a barber or beauty shop.
- Created a tree planting and soil mix detail sheet in Appendix 2.
- Made minor revisions throughout the Design Guidelines, primarily related to awnings and canopies.

Ms. Heid concluded her presentation by stating that if the changes to the PD Ordinance were approved by the Commission, the next step in the process would be a public hearing at the September 19, 2011, City Council meeting.

Chairman Gantt asked if the landscape revisions would be reviewed by staff as minor modifications and Ms. Heid replied that was correct.

Commissioner Hand asked if there would be a limitation on the number of balconies on a mixed residential building and noted that some of the graphics in the ordinance showed Juliet balconies with simple rails in front of French doors. He added that from a neighborhood integrity standpoint, the Juliet balconies tend to prevent the collection of personal item but expressed some concern that the 50% requirement and the 4-foot depth notation were not necessary.

Ms. Heid replied that in the current standards, the balcony has to be at least 4 feet deep and referred Mr. Hand to page 38 of the Ordinance. She added that the percentage could be adjusted to whatever the Commission thought would be appropriate. It was also noted that while the requirement for 4-foot deep balconies applied to 50% of the units above grade, the remaining units could utilize Juliet balconies.

With no further questions, Chairman Gantt opened the public hearing. No comments were made in favor or opposed and the public hearing was closed.

Commissioner Maxwell asked to have glass added to the list of materials allowed on balcony railings because it was already allowed in the City's building codes as long as it was used in the right setting. Mr. Maxwell also expressed concern with the term "other material approved by the Building Official" and felt it might lead to materials being approved that did not meet with the overall architectural vision.

Ms. Heid replied that the Building Inspection Department had specifically requested that the language regarding glass, which had been included in the original draft, be removed from the list of materials because of possible safety hazards; however, the ability of the Building Official to approve other materials would allow glass in the right setting. She said it was completely up to the Plan Commission, but that language had been modified specifically to address the concern of the Building Inspectors with the issue of permitting glass railings in every situation.

Commissioner Maxwell asked if the fourth bullet point on page 54 in the Architectural Guidelines could be revised to allow awnings above the first floor if they were acting as a sunscreen, and requested that the fifth bullet item on the same page, which referenced awnings as "triangular in section" be removed completely.

Chairman Gantt commented that leaving the statement regarding the Building Official "as is" gave the official the opportunity to approve items without having to come back for a major modification. He also reminded the Commission of past discussions that had resulted in allowing the use of new materials in the Corridor that would give it an identity of its own.

Commissioner Maxwell acknowledged the previous discussions, but still expressed concern that the language was worded in a way that would allow the Building Official to make architectural decisions as opposed to designated staff members. He noted that in other parts of the ordinance it was listed as "City Manager or assigned designee" and it should be the same in this portion of the ordinance.

Ms. Heid agreed that there were some items that listed the Building Official as opposed to the City Manager or assigned designee, but those were items pertained mostly to building code oriented issues.

Commissioner Hand asked for clarification on Table 2 and areas B, D, and F and if a major modification would be required within 150 feet, and if language in Appendix 4 Height Zones regarding the 200 foot zone allowing up to two stories were the same.

Ms. Heid replied that Commissioner Hand was correct and that although those two sections seemed similar, they were not the same.

Commissioner Frederick asked if the question of 50% balconies had been settled and expressed concern that the percentage was too high. She suggested that larger balconies could have the potential to gather too many personal items.

Chairman Gantt commented that 50% of building units above grade with a 4-foot balcony would be expensive and most likely lead to a higher quality product. He also wanted to know if there were any ordinances against satellite dishes on balconies.

Ms. Heid replied that the dimension was intentionally set to make the balconies functional and patio furniture and bicycles would be allowed, but there were City codes that would cover any other items not meant to be stored outdoors (such as laundry). She added that satellite dishes would probably not be as likely in new buildings because they will be wired, but she did not think there was anything to prohibit those in older buildings.

Regarding the 50% balcony issue, Ms. Heid pointed out that there could be a reduction in the percentage by a minor modification.

Commissioner Hand noted that if a developer wanted to change the ratio they could go for a major modification, but asked if the realtors on the Commissioner had any input as to what option was more preferable.

Commissioner DePuy said she was in favor of having a mix of both types of balconies and pointed out that not only would City codes prohibit personal items on the balconies, but most developments would have "in-house" rules to prevent the problem.

Chairman Gantt asked Commissioner DePuy if she would want a lower percentage minimum by minor modification and she said that would be acceptable. Mr. Gantt suggested that whoever made the motion should include that percentage reduction in the wording.

Commissioner Bright asked to clarify if the percentage of balconies mentioned in the ordinance pertained to the percentage required for the building, or the percentage that would have to be 4 feet in depth. He also wanted to know if the current ordinance allowed for Juliet balconies.

Ms. Heid replied that as the ordinance was currently worded, at least 50% of the units should have balconies and those balconies would have to be 4 feet deep. She added that Juliet balconies were not listed in the ordinance, but any portion of the remaining 50% could be Juliet balconies because they were not excluded.

Chairman Gantt asked if there were any further comments, specifically was there a request to change the language about the Building Official.

Commissioner Maxwell recommended changing it to City Manager or assigned designee throughout the document to stay consistent with other portions of the ordinance. He also wanted to change acceptable materials regarding balconies to read “wrought iron, metal, glass or other material.”

Chairman Gantt summarized that the percentage of balconies was acceptable; add glass as a material for balconies; and change “Building Official” throughout the document to “City Manager or designee.”

Motion: Commissioner Maxwell made a motion to recommend approval of Item 4 with the following changes:

- a. Add glass as a permitted material for balcony railings;
- b. Substitute the term "City Manager or assigned designee" for "Building Official" throughout the document;
- c. Delete bullet item five on page 54 in the Design Guidelines, Awnings & Canopies, under Configurations - “*Awnings should be triangular in section and may have side panels, but should be open on the underside;*” and
- d. Allow the use of awnings that function as sunscreens to be installed above the first floor level.

A second to the motion was made by Commissioner Hand.

Commissioner Bright asked Mr. Maxwell to change his motion regarding item “b” to “City Manager” only because the term was listed in the definitions as including his or her designee.

Commissioners Maxwell and Hand concurred with the request to change the motion, therefore, item “b” would read: *Substitute the term “City Manager” for “Building Official” throughout the document;*

Motion passed 7-0.

5. **Zoning File 11-15:** A request by Fred Phillips, representing RH of Texas LP, for a change in zoning from O-M Office zoning with special conditions to RP-1500-M Patio Home zoning with modified development standards on a property located at the northwest corner of Lake Park Way and Jonsson Boulevard.

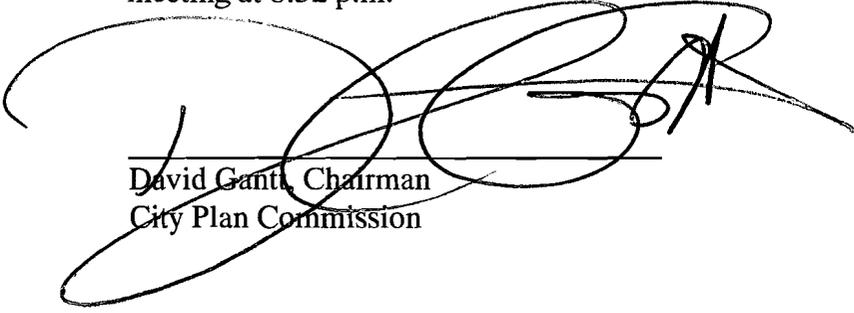
Chairman Gantt stated the Commission had received a request from the applicant requesting an indefinite continuation of the item.

Motion: Commissioner Hand made a motion to approve the request for an indefinite continuation of Item 5; second by Commissioner Maxwell. Motion passed 7-0.

Prior to adjournment, Chairman Gantt asked all in attendance to remember those suffering through the wildfires in Bastrop, Texas in their thoughts and prayers.

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 8:32 p.m.



David Gantt, Chairman
City Plan Commission