

**CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – MAY 1, 2012**

The Richardson City Plan Commission met May 1, 2012, 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
Barry Hand, Commissioner
Thomas Maxwell, Commissioner
Eron Linn, Alternate

MEMBERS ABSENT: 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 April 17, 2012.

Motion: Vice Chair Hammond made a motion to approve the minutes as presented; second by Commissioner Bright. Motion passed 7-0.

PUBLIC HEARINGS

2. Zoning File 11-24 Bowser Self-Service Warehouse: Consider and take necessary action on a request by Kenneth R. Smith, representing Heath Asset Management, LP, for approval of a Special Permit for a self-service warehouse with modified development standards. The 1.6-acre site is currently zoned I-FP(2) Industrial and is located at the southeast corner of Bowser Road and Alpha Drive.

Mr. Chavez reported that the application, which had been presented and continued on two previous occasions by the Commission, was a request for approval of a climate-controlled self-service warehouse with modified development standards within an existing 40,000 square foot office/warehouse building. He added that the reason for the continuations was to allow the applicant and the staff time to refine the proposed concept plan.

Mr. Chavez presented the applicant's revised Zoning Site Plan (Exhibit E) indicating a two phase conversion of the 40,000 square foot existing building into a self-service warehouse.

Phase I would convert the western 20,000 square feet of the building into storage units, with the eastern 20,000 square feet reserved for the existing tenant, Verizon. The Phase I conversion would include:

- A 500-square foot office store front with awnings at the northwest corner of the building
- 120 storage units
- 4% landscaping or 2,755 square feet (none previously existed)
- Re-established parkways along Alpha Drive (5-foot wide sidewalks and 4.5-foot wide landscape parkway) and Industrial Drive (5-foot wide sidewalks and 2-foot wide landscape parkway) with the landscaping accounting for approximately 1,496 square feet.
- 35 parking spaces provided, 33 spaces required (120 storage units + office and the Verizon facility)
- Two (2) modified driveways on Alpha Drive with modified spacing and throat depth by isolating the loading ramp and creating the driveways on either side.
- A dumpster enclosure centrally located on the north side of the facility and angled to 55 degrees (City maximum angle is 30 degrees) aligning the approach for a sanitation truck to conform with the City's standards.

Mr. Chavez pointed out that Phase II would be implemented when Verizon vacates the eastern half of the building and would include:

- 1,500 square feet of additional office space
- 105 additional storage units
- 4% additional landscaping or an additional 2,633 square feet
- 20 parking spaces provided, 12 spaces required (105 storage units + 1,500 sq. ft. office)
- Elimination of the eastern most driveway on Alpha Drive
- A modified driveway on Industrial Drive (conforming)

In closing his presentation, Mr. Chavez stated that with the proposed changes the applicant had addressed the concerns that staff had with on-site maneuverability, and at build out the site would support a 2,000 square foot office space, 225 storage units, 5,388 square feet of landscaping or 8% of the site area, 28 parking spaces (20 required), and 1,649 square feet of parkway landscape area along Alpha and Industrial Drives.

Chairman Gantt noted that at the last meeting it was mentioned there would be some type of steel fencing around the center ramp to prevent anyone from driving across the ramp, and the ramp on the western side of the building was to be filled in and paved over.

Mr. Chavez replied that there would be bollards on both sides of the center ramp, and the ramp on the western side of the building would be filled in with concrete.

Commissioner Maxwell asked if there was a possibility that Phase II might never take place since it was not activated by Verizon vacating the eastern portion of the building and noted that the applicant could lease the space to another tenant.

Mr. Chavez replied that was correct.

Vice Chair Hammond asked if the applicant's preference to limit the amount of pervious surface directly adjacent to the building because of concern for foundation issues and underground utilities were the only two items to prevent them from putting landscaping up against the building. He also wanted to know about the entrance, egress and security for the building.

Mr. Chavez replied that the two reasons stated were the only items preventing landscaping against the building, and the applicant would discuss the concerns about entrance, egress and security during the public hearing.

Commissioner DePuy asked what the timeframe was between Phase I and II.

Mr. Chavez replied there is an existing lease agreement with Verizon, but he was not sure of the length of the agreement.

Commissioner Hand asked if there were any other possible dumpster locations that did not include backing the sanitation truck into the street.

Mr. Chavez replied there was one other location that was reviewed, but it would not come into play until Phase II was in place. Also, because of the limited amount of space between the building and the property line it was difficult to locate a dumpster without it being in front of the building.

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

Mr. Ken Smith, 4925 Greenville Avenue, Dallas, Texas, thanked the staff for their assistance in making all the changes and said he was available for any questions.

Chairman Gantt reminded the applicant about the questions regarding security and the timing of Phase I and II.

Mr. Smith replied that the business would be open from 7:00 a.m. to 7:00 p.m. and outside of those hours the business would be secured by roll up doors covering the entrance. In addition, anyone accessing the business during the hours of operation will have to enter a key code to open the interior glass doors and there will be security cameras that are monitored 24 hours a day.

Regarding the timing issue, Mr. Smith stated that it was his intent to start Phase I as soon as possible after approval from the City, but the start of Phase II would have to wait until the current lease with Verizon expires.

Vice Chair Hammond asked if there would be tenant access outside the stated 7:00 a.m. to 7:00 p.m. business hours.

Mr. Smith replied those were the most common hours for self-service warehouses and it was not his intention to have a 24 hour facility.

There were no other comments in favor or opposed and Chairman Gantt closed the public hearing.

Chairman Gantt and Commissioner DePuy stated the proposal was much improved over the original submittal and thanked the staff and the applicant for making the changes.

Commissioner Bright asked if there was any way the driveway throat depth standards could be met on the property.

Mr. Chavez replied they had tried multiple landscape and site variations and the current version was the only one that allowed the maximum amount of space and still allowed the site to function as intended.

Commissioner Hand asked if the landscape buffer was removed would that increase the possibility that concerns over the driveway openings and dumpster location could be satisfied.

Mr. Chavez stated the answer was no.

Motion: Commissioner DePuy made a motion to approve Zoning File 11-24 as presented; second by Commissioner Frederick. Motion passed 6-1 with Commissioner Hand opposed.

- Zoning File 12-05:** Consider and take necessary action on a request by Darryl M. Burman, representing Group 1 Realty, Inc., for a Special Permit with special conditions for a motor vehicle repair shop-major to be located at 1700 Gateway Boulevard, which is to be used in conjunction with the existing Courtesy Nissan dealership located at 1777 N. Central Expressway. The property is currently zoned C-M Commercial.

Mr. Shacklett reported that the request was for a Special Permit with special conditions for a repair shop associated with the Courtesy Nissan dealership on Central Expressway. He explained that a Special Permit was required because even though the City ordinance does allow a repair facility as part of a dealership by right in a C-M Commercial District, the proposed facility would be located on a separate lot.

Mr. Shacklett noted that the proposed 25,000 square foot facility will include 21,000 square feet of area on the first floor with service bays, inspections areas and a car wash. The second floor will be a mezzanine style floor on the south end of the building for parts storage, and the third floor will be a rooftop parking deck.

Mr. Shacklett reviewed some of the proposed changes to the site including the following:

- Building constructed of tilt wall panels inlaid with brick veneer.
- 20-foot landscape buffer along Gateway Boulevard including canopy and ornamental trees.
- Tubular steel fence with masonry columns around the site.
- Two 34-foot stair towers at either end of the building.
- 6-foot parapet to screen vehicles parked on the rooftop.

In closing his presentation, Mr. Shacklett stated that no correspondence had been received and the permitted use could only be used in conjunction with the lot to the east.

Commissioner Frederick asked if the rendering was attached to the ordinance, did it lock the applicant to the building color as well as the doors that would be used.

Mr. Shacklett replied that the color rendering would not be part of the ordinance; only the black and white elevations. He added that the proposed color is listed on the elevations and the applicant would have to be in substantial conformance with the ordinance, but if they wanted to change anything they would have to come back before the Commission to amend the elevations.

Commissioner Maxwell asked if the dealership no longer existed, could the facility act as a stand alone repair shop.

Mr. Shacklett replied that because of the way the special conditions were written, that would not be possible. He added that in 2008 the Comprehensive Zoning Ordinance was amended to require repair shops to acquire a Special Permit; however, new car dealerships were allowed by right, as part of their business, to have repair shop facilities on their site.

Vice Chair Hammond asked if there were other designs proposed or considered regarding the façade, and wanted to know what the black openings were on the east side of the building.

Mr. Shacklett replied the openings were windows along the east side of the building, and there had been discussions about the elevations, but the proposed elevation fit the applicant's requirements for the building. He added that the building will have some articulation around the stair towers, and the tilt wall construction will be inlaid with three-quarter inch brick so it will appear to be a brick building instead of the typical tilt wall construction.

Mr. Chavez stated that another feature that cannot be seen on the rendering are the different types of bonds in the construction including a running bond, a stack bond, and a roll lock, which will add character and texture to the building and be more decorative.

Commissioner Hand asked if the property was being acquired based on the Commission's approval of the request.

Mr. Shacklett replied that Group 1 operates as Courtesy Nissan and owns the lot to the west along Gateway Boulevard; however, the lot to the east that fronts on Central Expressway is owned by another entity, but Courtesy Nissan will have the use of that property and no sale of the property is planned.

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

Mr. Mark Whittaker, Dynamic Engineering, 1904 Main Street, Lake Como, New Jersey, representing Courtesy Nissan, stated that Group 1 Automotive, in addition to operating Courtesy Nissan, is one of the top three publicly held auto dealers in the country operating 125 dealerships in the United States.

Mr. Whittaker noted that Group 1 Realty owns the property where the proposed repair shop would be located and made significant capital investments in the property and building including:

- Construction of the pre-cast panels with the brick veneer
- Addition of landscape buffer
- Maintaining the existing trees along Gateway Boulevard
- Adding tubular steel and masonry fence and additional landscaping
- Increasing the service capabilities by adding 18 service bays in the new building.

Chairman Gantt asked how many service bays are currently operating in the existing facility.

Mr. Whittaker replied there are 26 repair/service bays.

Vice Chair Hammond stated that he liked some of the aspects of the design, but expressed concern that the rendering looked more like a jail than a building and wondered if it would fit into an area of office buildings.

Mr. Whittaker replied that the architect was not able to make the meeting so he could not answer the architectural questions, but did mention that the point of the design was not to display the building, but to buffer it from the adjacent office buildings by keeping the existing 30-foot tall canopy trees and adding the fence, landscaping and berm.

Commissioner Hand stated that he liked the stacking aspect of the design and having the ability to park vehicles on top of the building, but agreed with Mr. Hammond's suggestion that the heavy, gray, institutional masonry look was not appealing. He expressed disappointment that the design did not replicate the metal panels and glass walls of the showroom building facing Central Expressway.

Commissioner Maxwell stated that he agreed with Mr. Hand's assessment and felt that by simply changing the color it would help blend the building into the surrounding area. Also, Mr. Maxwell strongly encouraged the applicant to go back and review the elevations and possibly introduce some of the materials used on the showroom, which, he felt, would greatly improve the look of the building.

Commissioner DePuy stated that she disagreed and said she did not think building materials of steel and glass would blend in well with the adjacent office buildings and preferred more of a "brick look" on the building. She added that new and different materials are important, in the right setting, but the proposed facility would match the adjacent buildings better if a brick design was used.

With no other comments in favor or opposition, Chairman Gantt closed the public hearing.

Chairman Gantt said he was in agreement with Ms. DePuy and trusted the staff's comments that the façade would be more like a brick building as opposed to the typical tilt wall construction. He added that the existing large trees, new landscaping, and new fence would screen the building along Gateway Boulevard.

Commissioner Bright stated he was happy with the way the project was presented and thought the applicant had presented a design that emphasized increasing the landscaping and buffering instead of sprucing up the building.

Commissioner Frederick commended the applicant on putting the clean looking façade facing Gateway Boulevard and the congestion of the parking and automotive movement towards the interior of the lot.

Motion: Commissioner Bright made a motion to approve Item 3 as presented; second by Commissioner Hand. Motion passed 6-1 with Commissioner Maxwell opposed.

4. **Zoning File 12-06:** Consider and take necessary action on a request by Tyler Isbell, representing Hartman Richardson Heights Properties, LLC, for a change in zoning from C-M Commercial with special conditions to PD Planned Development to accommodate the construction of a movie theater on property located at 100 S. Central Expressway. The property is currently zoned C-M Commercial.

Mr. Shacklett stated the request was to rezone the property to accommodate a movie theater, which under the current zoning is an allowable use; however, the PD request is to accommodate some additional development standards. He added that the proposed theater would be a movie grill type facility with a bar and seven movie screens with 744 seats.

Mr. Shacklett noted that the applicant was requesting specific standards for the site that included the following:

- Allow 25-foot encroachment into the 60-foot required open area, which would keep the building within its existing location.
- Require a minimum 988 parking spaces (based on parking study) for the entire 16.85-acre site, a 167 space deficit from what would normally be required by City parking standards.
- Proposed building height at tallest point of 47'6", which exceeds the City's building heights standards for one-story buildings and buildings within 150 feet of a residential district. (Majority of building will have a minimum roof height of 35 feet, but taller architectural elements will exceed that height and will be placed on the far side of the building away from residential areas.)
- Proposed pylon sign located along the east side of the property with visibility from Central Expressway.
 - Allow a 131-square foot digital display board on pylon sign with regulations governing the movement, flashing, animation, color change, etc.
 - Allow maximum of 296 square feet of signage area on pylon sign.
 - Allow pylon sign to exceed the 20-foot height regulation by being 50 feet in height.
- Allow maximum of 487 square feet of building signage; 451 square feet on east elevation and 36 square feet on north elevation.
- Proposing a combination of glass wall store front, tilt wall stone, stucco with 72% masonry (exceeds required 50% masonry).

Commissioner DePuy asked where the pylon sign would be located and felt it might be blocked by the existing trees if it was along the eastern edge of the property.

Mr. Shacklett replied there had not been a specific site designated, but it would probably be located adjacent to the former Palomina's restaurant just off the southbound frontage road for Central Expressway. In addition, the request for the additional height of the sign took into consideration the trees along that edge of the property.

Commissioner DePuy asked if lighting would be added to the rear of the business for security during the evening hours without affecting the adjacent homeowners.

Mr. Shacklett replied that wallpaks and wall sconces pointed down towards the ground could be used to provide the 1-foot candle or less requirement at the property line so as not to affect the area homeowners.

Commissioner Frederick asked if the applicant was planning any changes for the utility poles to the rear of the building.

Mr. Shacklett replied that the applicant was planning to retrofit the building, but that could turn into a complete rebuild depending on the cost and how the utilities are regulated, which could affect what changes are made.

Commissioner Maxwell asked if the change in zoning from C-M Commercial to PD imposed any additional submittals or requirements for the remainder of the site. He also wanted to know if the facility would have other events such as concerts or rent out for churches, and could it become something else if the applicant moved his business.

Mr. Shacklett replied that the site would be rezoned to a Planned Development District, but would be governed by the base regulations of C-M Commercial except as otherwise stated.

Regarding other events, Mr. Shacklett said the primary use would be for showing movies, but as long as anyone was using the building for the purpose it was intended for there should be no problems. He added that if the applicant decided to move his business, another tenant could use the building for anything that was allowed in the base C-M Commercial regulations.

Commissioner Linn expressed concern over the pylon sign and asked how difficult it would be to alter the sign if a redevelopment/enhancement study, similar to the standards set for West Spring Valley, were put in place.

Mr. Shacklett replied that if the sign was approved by the Commission and City Council it would be allowed to remain; however, the conditions mentioned in the staff report limited the sign to be used only for a movie theater.

Chairman Gantt asked who would have control over approving the location of the pylon sign on the property – the Commission, the City Council, or the Sign Control Board.

Mr. Shacklett replied that as far as the location was concerned, there is a distance requirement on how close the sign can be to another property and how close it can be to another pylon

sign. He added that the 60 feet mentioned in the conditions of the PD did not specifically say where the sign would be located, but the location would have to meet the regulations.

Vice Chair Hammond asked if the sign would or would not go before the Sign Control Board and pointed out that the conditions in the PD regarding the sign were violations of the City's Sign Ordinance.

Mr. Shacklett replied that most signs do not go before the Sign Control Board, only those that do not meet the criteria.

Regarding the conditions for the pylon sign, Mr. Shacklett stated that through the PD process the construction and design of the sign would be similar to the standards set in the West Spring Valley area.

Chairman Gantt summarized that the five conditions listed in the staff report would be the only variances from the standards listed in Chapter 18 of the City of Richardson *Code of Ordinances* Sign Ordinance.

Mr. Chavez added that the five conditions would become the design standards for the property.

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

Mr. Frank Bullock, SRS Real Estate, 8343 Douglas Avenue, Dallas, Texas, representing the owner, Hartman Real Estate Investment Trust, stated that his company was hired by the owner of the property to reposition the shopping center by bringing in new tenants. He added that they had spoken with many major retailers over the past year including Alamo Drafthouse, who, they felt would help revitalize the shopping center.

Mr. Bill DeGaetano, Alamo Drafthouse Cinemas, 3913 Woodstock Drive, Colleyville, Texas, stated that Alamo was excited about the opportunity to come to Richardson and noted that this theater would be their first in the DFW Metroplex.

Commissioner Hand asked if there were plans for valet parking for the theater because it was not mentioned in the parking analysis.

Mr. DeGaetano stated that they typically did not do valet parking; however, if the center did get busy they would institute it because one of their main concerns is customer satisfaction. In addition, they like to see a one to three parking ratio and since their peak time is when many of the other local retailers would be closed, he felt the parking would be sufficient.

Mr. DeGaetano also pointed out that since the business served dinner from their 3,000-square foot kitchen, they would not seat all seven theaters at once so they will not have 744 people in the facility at any one time.

Commissioner Maxwell asked about the other types of events that would be held at the facility.

Mr. DeGaetano replied that during the fall and the spring Alamo would have most of their special events, which are based around movies, and include audience sing-a-longs or specially theme dinners to go with a movie. He added that they will not have concerts or events that would disturb the other theaters or surrounding neighborhood.

In addition, Mr. DeGaetano stated he would address the concerns regarding lighting at the rear of the facility, both for the safety for their employees and customers, as well as making sure the lighting does not disturb the adjacent neighborhood.

Commissioner DePuy asked what the busiest times would be.

Mr. DeGaetano replied that it would typically be Friday and Saturday nights from 7:00 p.m. to 10:00 p.m.

Commissioner Hand asked if the applicant was tied to the design for the façade because most of the property in the area tended to be mid-century modern and he felt the applicant was missing out on a marketing opportunity to solidify their brand in the area. He added that the Commission may want to consider not including the elevation if the item was approved in case the tenant might want to improve on the design.

Commissioner DePuy stated that she liked mid-century design, and was not a big fan of the façade presented, but cautioned the Commission that the elevation should stay true to the company's branding. In addition, the remainder of the stores in the shopping center did not have mid-century facades.

Mr. DeGaetano replied any modifications would depend on what changes were being requested. He added that they were a franchise and there were constraints from the corporate office, but their buildings were not a cookie-cutter design and they like to blend into the neighborhood, which is what prompted the proposed stone accents and building signage, but they also wanted to make it clear they were a movie theater.

Commissioner Linn concurred with previous comments about the elevation and felt there was an opportunity to stand out, and asked about the length of the lease.

Mr. DeGaetano replied they will have a 15-year lease with three 5-year renewals.

Vice Chair Hammond asked if the theater would be used for business meetings, and he encouraged the applicant to have a design that will blend in and compliment the already existing architecture in the shopping center.

Mr. DeGaetano replied that with so many corporate headquarters located in the City, they anticipated quite a few private corporate events and they would have a full time special events coordinator on staff.

Commissioner Bright asked about the bar located in the front of the building and if it would operate only in conjunction with the movie theater.

Mr. DeGaetano replied that the primary use of the bar was for customers before and after a movie, but customers did not have to attend a movie to come to the bar.

Vice Chair Hammond stated that he was previously on the Sign Control Board and expressed concern over the proposed signage and felt it violated most of the ordinances in the City. He agreed there needed to be visibility, but he was going to be tough on what would be allowed.

Mr. Bullock thanked the Commission for hearing the item and the City staff for all their work.

Chairman Gantt announced he had five speaker cards for those wanting to speak in favor of the item; 19 cards from those in favor who did not want to speak; and two speaker cards in opposition.

Mr. David Knepper, 101 Shadywood Lane, Richardson, Texas, stated the he was a little apprehensive about the pole sign, but was in favor of the item because he felt it would help an underperforming shopping center and could be a catalyst for other investments in the area.

Mr. Andrew Laska, 502 Hyde Park, Richardson, Texas, President of Richardson Heights Neighborhood Association (RHNA), stated that the RHNA was in support of the item and believed it would be very important to all of the Heights neighborhoods and the shopping center. He presented copies of Facebook postings with one thread alone showing 27 postings in favor of the zoning request.

Mr. Laska asked the Commission to seriously consider the adjacency of parking to the surrounding neighborhood noting that Devonshire Drive was open to the shopping center, but felt any potential problems were completely solvable. He asked the Commission to move forward and approve the request and suggested the RHNA could work together with the City and the applicant to address any problems.

In closing his presentation, Mr. Laska stated he concurred with Mr. Hand's comments regarding the façade, and noted that the sign request was not out of scale with the other large

sign in the area that was formerly a clock. He added that given the gravity of the Alamo Drafthouse on revitalization in the area, he asked the Commission to approve the zoning request and note their concerns when passing the item on to the City Council for their review and possible approval.

Ms. Christina Stock, 819 Sherwood Drive, Richardson, Texas, stated that she was very excited about the possibility of the Alamo Drafthouse coming to Richardson and felt it would bring a great deal of business to the City.

Mr. Richard Dodson, 733 Nottingham, Richardson, Texas, commented that he had been saddened by the decline of the shopping center and felt Alamo Drafthouse would bring additional business to the area. He also asked the Commission to take into consideration the other signs in the area and felt the item should be approved and the details of the sign could be addressed at a later time.

Mr. Kent Whitefield, 801 James Drive, Richardson, Texas, stated that he was in support of the item and felt that any issues with Devonshire Drive and/or the sign could be addressed later and urged the Commission to approve the item.

Ms. Terri Duhon, 2202 Blackberry Drive, Richardson, Texas, said she was in support of the item, but had concerns about noise and traffic for the surrounding neighborhoods.

Ms. Sandy Hanne, 637 W. Belt Line, Richardson, Texas, stated that she in favor of the item and asked the Commission to keep an open mind regarding the signage.

Mr. Robin Roberts, 722 Dumont, Richardson, Texas, stated that he supported the request and thought it was a fantastic concept. In addition, he was hoping the façade on the theater would reflect more of the older architecture of the neighborhood.

Ms. Angela Epley, 627 Scottsdale, Richardson, Texas, was in favor of the item and felt the theater would be similar in nature to the Angelika Theater. She asked the Commission to keep an open mind on the proposed signage.

Chairman Gantt called for any comments in opposition.

Ms. Beverly Whittington, 304. S. Lindale Lane, Richardson, Texas, stated that she had been a resident for 47 years and was opposed to the theater because of the close proximity to the neighborhood and felt there would be an increase in traffic, trash, noise and possibly an increase in crime because alcohol would be served. She added that three or four of her neighbors were also in opposition, but were unable to attend the meeting.

Mr. Ramona Powers, 303 S. Lindale Lane, Richardson, stated that her home backed up to the shopping center and was concerned about safety in the area, trash, noise pollution, and glare from the proposed sign.

Chairman Gantt asked if the applicant had any comments in reply to the statements made.

Mr. DeGaetano replied that unaccompanied minors cannot get in to the theater without a parent and their clientele was typically young professionals. He added that all their beverages and food are served in real glasses and plates that cannot be removed from the theater.

Mr. DeGaetano stated that he understood the concerns about noise pollution and felt that the employees would be the ones parking at the rear of theater and he would work with his staff to ensure the area is quiet. He added that in regard to the concerns about alcohol being served, the theater usually does a last call 45 minutes prior to a movie ending and they are adamant about making sure their customers do not over indulge.

Mr. DeGaetano closed his comments stating that he had spent 18 months courting the Alamo Drafthouse company before obtaining his franchise and then another 12 months in training. He noted that the brand was of the highest quality and he hoped to bring it to Richardson very soon.

Commissioner Linn stated that he did not think visibility of a sign would make or break the business because of their reputation noting the number of people in favor in attendance.

Commissioner Frederick stated that the façade on the Winchester, Virginia, store seemed to be more in keeping with mid-century modern theme mentioned earlier.

Commissioner Bright asked if any other Drafthouse locations backed up to residential areas and did they have problems with noise or complaints.

Mr. DeGaetano replied their busiest location in Austin, Texas, backed up to a neighborhood and the only buffer was the fences of the homes. He added that since he had been with the company they have not had a problem with complaints.

Vice Chair Hammond stated that he wanted to set the stage for his opinions and noted the signs standards in Richardson were much different than those in other cities. He added that any reader boards in the City had to be approved by the Sign Control Board and the Board had even turned down a request from the City itself for a reader board.

Mr. Hammond asked if the applicant was willing to move ahead if the pylon sign, the digital reader, and the pylon sign height increase were removed from the application.

Mr. DeGaetano replied that the proposed location for the movie theater would be their first in a very competitive market and to take advantage of the 300,000 cars that pass by on Central Expressway they needed signage on the road. He added that speaking from his, his investors, and the corporate office point of view, the approval of the site could hinge on the signage.

Mr. DeGaetano added that he was not opposed to moving the sign or making it smaller as long as it was visible from Central Expressway.

Vice Chair Hammond asked if the applicant had spoken with the owner of the property about co-locating on the tall grandfathered sign already on the property and felt it was a great opportunity for Alamo Drafthouse to be the anchor tenant listed on the sign.

Mr. DeGaetano replied that they had not discussed that possibility with the property owner.

Mr. Bullock asked the Commission to remember that their goal was to lease the entire center and there was still a couple of large spaces to lease so they were saving the large pole sign for the future retailer because they would not have the cult following that Alamo Drafthouse has.

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

Commissioner Hand asked staff if alcohol could be served at any of the current locations in the shopping center. He also wanted to know if the sign was on the frontage road would it reflect or cause glare to the homes on Lindale Lane.

Mr. Shacklett replied that there are approved alcohol permits in the shopping center, and regarding the sign, he felt the sign was the appropriate size for the building and was located 700 feet from the homes. He added that the sign would be required to meet glare standards at the property line.

Commissioner DePuy stated that she did not have a concern about the signs and noted that the theater location would be at the back of the shopping center and, with the trees along the frontage road, the theater would not be visible from Central Expressway. She added that she was excited about the revitalization of the shopping center and would not like to see anything happen to the proposal because of signage.

Commissioner Hand stated that he thought this project could be the catalyst for the shopping center and something that had been needed for decades. In addition, knowing how the shopping center had struggled in the past, he felt it would be hard to limit them on the sign when the applicant needed to establish their brand in the area.

Commissioner Maxwell stated that his only concerns were the elevation and the disturbance additional traffic might bring to the neighborhood. He asked if the back access along Devonshire could be closed off.

Mr. Shacklett replied that there have been no discussions about closing that access and pointed out that there were a few homes that had rear entry garages off that alley.

Commissioner Bright said he supported the item, but did have a concern about the residents backing up to the alley and a possible problem with parking along residential streets.

Mr. Chavez stated that staff would like to have the opportunity to monitor the situation and the City was committed to having the site functioning properly. He added that within 300 feet of the front door of the theater there are approximately 320 parking spaces.

Commissioner Bright asked if it would be possible to pass the item without limiting the applicant to the current elevations and suggested giving the applicant the freedom to come up with another design.

Vice Chair Hammond stated that he wanted to make sure the record reflected that he was in favor of the application, but just wanted to caution the applicant that others had requested variances to the sign ordinance and only a very few of those requests had been granted.

Commissioner Linn stated that he was in favor of the item and felt the Commission could still be responsible and have oversight while allowing the item to proceed without compromising long held standards for the sake of economic development. He suggested that the demographic being targeted by the applicant would get their information from alternative sources (i.e., Facebook, Fandango.com, Movies.com, etc) as opposed to signage.

Mr. Linn commended the 15-year commitment and asked if the Commission could move the item forward without the pylon sign changes because he did not support the sign changes.

Chairman Gantt stated that he agreed with Mr. Bright and felt the theater needed a sign, but he also agreed with Mr. Linn that there are plenty of other ways to find out what movies were playing at what theater; however, it would not hurt to have a sign. He said he was in favor of moving it forward as presented and let the City Council decide if they want to enforce the sign ordinance.

Chairman Gantt also noted that Exhibit C, the elevations, were listed as part of the ordinance and asked if it was possible to move the item forward while at the same time giving the applicant the flexibility to modify the elevations.

Mr. Chavez replied that if the Commission chose to recommend approval, subject to the conditions found in the staff report, and included that the applicant would submit a site plan showing the location of the pylon sign in addition to new elevations, it would give them the flexibility to bring the final elevations back before the Commission at Site Plan approval.

Regarding the proposed standards, Mr. Chavez stated that staff considered future proposed standards for digital signage and reviewed other municipality's sign standards to address glare, brightness, distraction from road, and default features that cause the sign to go blank if there is a problem.

Commissioner Maxwell asked if the Commission followed Mr. Chavez' suggestion and the elevation was still not what the Commission wanted, what would be the options. He also wanted to know if the site plan and elevation meeting would be a public hearing.

Mr. Chavez replied that the option could be rejected at a future meeting, but suggested the Commission give some direction to the applicant as to what they would like to see.

Regarding a future hearing, Mr. Chavez pointed out that those items would be on the Consent Agenda and reminded the Commission the applicant would only be submitting the building elevations and a site plan showing the location of the pylon sign.

Commissioner Bright asked if the proposed sign standards in the PD were forward thinking in the types of lighting being requested and if they could be something the existing sign ordinance did not address because the proposed standards were more modern.

Mr. Chavez replied yes, the standards were such that the City may or may not adopt them in the future.

Commissioner Hand asked if Exhibit B (site plan) and C (elevations) were removed from the zoning request did it jeopardize the approval process and/or progress. He also wanted to know if the actual location of the pylon sign was known and, if not, did that cause any concerns for the staff.

Mr. Shacklett replied that if Exhibit C was removed it would slow down the progress if it had to come back for approval. He noted that the sign location would most likely be on the east side of the buildings along Central Expressway for visibility purposes.

Mr. Chavez added that the sign would most likely not be along the parkway because of the lack of space, but would probably be along the Central Expressway side of the property and not in the actual parkway. He added that staff was not concerned about placement of the sign because the placement would have to conform to the provisions of the PD and with Chapter 18, the Sign Code.

Mr. Chavez suggested the Commission could provide staff with the ability to administratively approve any buildings elevations as long as the Commission provides some type of guidelines similar to those listed in the West Spring Valley guidelines.

Motion: Commissioner Hand made a motion to recommend approval Zoning File 12-06 with the exception that Exhibit C is removed from the submission; second by Vice Chair Hammond.

Commissioner DePuy asked if any of the exhibits were removed would it cause a delay in the process.

Mr. Chavez replied that it would allow the applicant to refine the product.

Commissioner Hand asked if the applicant came back in two weeks with the same elevation and said that elevation was what they really want what would happen.

Mr. Shacklett stated that once the Commission "recommends approval" the full package goes forward to the City Council and they have final approval authority as to agreeing with the Commission recommendation or not.

Commissioner Maxwell asked if the motion could be amended to have the applicant come back with elevations for approval by the Commission.

Mr. Shacklett replied that it would slow down the process as previously mentioned.

Chairman Gantt stated that it was Mr. Hand's intent when he made the motion to have the applicant return before the Commission with new elevations.

Mr. Chavez stated that it would add additional time to their process.

Commissioner Maxwell asked if there was any advantage or disadvantage to the applicant by proceeding with the process as proposed under the current motion, or continuing the item to the next Commission meeting.

Mr. Chavez replied that a continuation would add an additional three to four weeks to the process as opposed to requiring that the applicant come back through the site plan process, which would add only two weeks.

Commissioner Maxwell asked if there were any comments regarding the urgency of the process.

Chairman Gantt stated that he did not perceive any, but suggested calling the applicant back to answer the question.

Commissioner Hand stated that his intent was not to tell the applicant to do it again, but he was suggesting there was an opportunity to improve the design and

cautioned the Commission about approving the request and locking in the current elevation when the applicant was open to making changes.

Mr. Chavez replied that if even if the Commission recommended approval and removed Exhibit C (elevations), the whole packet would go forward to the City Council and it would be up to the Council to either accept the recommendation and approve the request as stated by the Commission, or they could approve it as is, or approve it with different elevation.

Mr. DeGaetano stated that he was very open to changing the design of the elevations.

Regarding the urgency of the request, Mr. DeGaetano explained that the request was very urgent because if another theater group came into the old theater on the south side of Spring Valley before Alamo announced their intentions, it would make it impossible for another theater to open within three miles of it and show first-run movies. In addition, the lease signed by Alamo contained contingencies that state if something of that nature would happen then the lease could be voided.

Vice Chair Hammond asked for an option that would give flexibility to the motion to allow the applicant the time to address Exhibit C (elevations) and not have to come back before the Commission.

Commissioner Linn asked when the item would be considered by City Council.

Mr. Chavez replied the request was scheduled to be viewed by the Council on May 14, 2012.

Commissioner Maxwell expressed concern and asked for clarification that if the elevations were attached to the request when it was forwarded to the City Council, and the Council accepted the Commission's recommendation to strike Exhibit C, there was no other requirement for the applicant to present an elevation as the motion was currently worded.

Mr. Chavez replied that the Commission was recommending that Exhibit C be struck from the request, but the same package the Commission viewed would be the exact same package presented to the Council with the Commission's recommendation to remove Exhibit C. Also, the applicant would be required to submit a building elevation that would have to conform to the base zoning in the C-M Commercial District.

Mr. Chavez stated that the motion could include language to removed Exhibit C and that final elevations be approved by City Council.

Mr. DeGaetano stated and agreed that they would work to bring new elevations to the City Council in two weeks.

Commissioner Hand amended his motion to include the verbiage suggested by Mr. Chavez and Mr. Hammond concurred.

Motion passed 7-0.

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 10:19 p.m.



David Gantt, Chairman
City Plan Commission