

**CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – JULY 3, 2012**

The Richardson City Plan Commission met July 3, 2012, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** David Gantt, Chairman  
Barry Hand, Vice Chair  
Gerald Bright, Commissioner  
Thomas Maxwell, Commissioner  
Eron Linn, Commissioner  
Don Bouvier, Alternate

**MEMBERS ABSENT:** Janet DePuy, Commissioner  
Marilyn Frederick, Commissioner

**CITY STAFF PRESENT:** Michael Spicer, Director- Development Services  
Sam Chavez, Asst. Director of Dev. Svcs – Planning  
Susan Smith, Asst. Director of Dev. Svcs – Dev. & Eng.  
Monica Heid, Community Projects Manager  
Israel Roberts, Development Review Manager  
Chris Shacklett – Planner  
Mohamed Bireima – Planning Technician  
Kathy Welp, Executive Secretary

**BRIEFING SESSION**

Prior to the start of the Briefing Session, Barry Hand and Eron Linn were sworn in as Vice Chair, and Commissioner, respectively. Immediately following the swearing in, the City Plan Commission met with staff to receive a briefing on staff reports, agenda items, and the Main Street/Central Expressway Way redevelopment/enhancement study. No action was taken.

**BUSINESS MEETING**

Chairman Gantt announced that Commissioner Maxwell would be recusing himself from Items 2 and 5.

**MINUTES**

**1. Approval of the minutes of the regular business meeting of June 19, 2012.**

**Motion:** Commissioner Maxwell made a motion to approve the minutes as presented; second by Commissioner Bright. Motion passed 6-0.

### **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. **Site and Landscape Plan – DataCenter Park (companion to Item 5):** A request for approval of site and landscape plans for an 121,368 square foot data center on 6.87-acres located at 950 E. Collins Boulevard; southwest corner of E. Collins Boulevard and International Parkway.
3. **Site and Landscape Plan – Parkside Towns (companion to Item 6):** A request for approval of Site and landscape plans for a 135-unit townhome development on 8.75-acres located at 1200 Lake Park Way; east of Coit Road and north of Lake Park Way.
4. **Amending Plat for Cantera Addition, Lot 1A, Block A:** A request for approval of an amending plat to combine two lots into a single lot (Lot 1A). The 0.97-acre lot is located at 3717 Cantera Lane; northwest corner of Cantera Lane and Renner Road.

Commissioner Maxwell requested to have Item 2 removed for separate consideration and vote.

**Motion:** Commissioner Bouvier made a motion to approve Items 3 and 4 of the Consent Agenda as presented; second by Vice Chair Hand. Motion passed 6-0.

*Note: Commissioner Maxwell recused himself and left the Chamber.*

### **SEPARATE CONSIDERATION**

2. **Site and Landscape Plan – DataCenter Park (companion to Item 5):** A request for approval of site and landscape plans for an 121,368 foot data center on 6.87-acres located at 950 E. Collins Boulevard; southwest corner of E. Collins Boulevard and International Parkway.

Mr. Roberts stated the applicant was requesting approval of site and landscape plans for the development of a 121,368 square foot data center and the plans met all the City's design standards.

Chairman Gantt called for any comments, and with none, called for a motion.

**Motion:** Vice Chair Hand made a motion to approve Item 2 of the Consent Agenda as presented; second by Commissioner Bouvier. Motion passed 5-0.

## **PUBLIC HEARINGS**

5. **Replat Collins Technology Park (companion to Item 2):** Consider and take necessary action on a request for approval of a replat of Lot 4B, Block 1 of the Collins Technology Park Addition into two (2) lots to accommodate the development of a new data center located at the southwest corner of E. Collins Boulevard and International Parkway.

Mr. Roberts stated the applicant was requesting approval of a replat of Lot 4B into two (2) lots to facilitate the development of a data center on proposed Lot 13. He added that the proposed replat conformed to all design standards and dedicated easements to facilitate the construction of the data center.

With no questions or comments from the Commission, Chairman Gantt opened the public hearing.

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

**Motion:** Commissioner Bright made a motion to approve Item 5 as presented; second by Commissioner Linn. Motion passed 5-0.

*Note: Commissioner Maxwell returned to the Chamber.*

6. **Replat of Parkside Towns Addition (companion to Item 3):** Consider and take necessary action on a request for approval of a replat of Parkside Towns Addition, being a replat of Lot 5, Block 4 of the University World Addition; 7.99-acres of unplatted property and 0.46-acres of former Tatum Street right-of-way. The property is located at 1200 Lake Park way; east of Coit Road and north of Lake Park Way.

Mr. Roberts stated the applicant was requesting approval of a replat of Lot 5, Block 4 of the University World Addition, the former Tatum Street right-of-way, and a 7.9-acre tract of land into one lot. The replat would allow the development of 135 single-family townhome lots, 12 common area lots, and necessary easements for the townhome community.

Vice Chair Hand asked about the inclusion of the Tatum Street right-of-way.

Mr. Roberts replied that when Lake Park Way was redesigned in 2008 the west alignment of the former Tatum Street was renamed Lake Park Boulevard and the remaining portion of the former Tatum Street right-of-way was abandoned per Ordinance by the City Council. However, staff had not been able to find the records pertaining to the portion in question, but the property owners have been paying taxes for the last several years. He added that alignment of Lake Park Way and Lake Park Boulevard did go through the zoning process, it was always the intent to have the right-of-way included in the applicant's property and the City was willing to abandon the right-of-way through the current replat request.

Vice Chair Hand asked if the applicant would be building on top of that area in question.

Mr. Roberts replied that they would not build in that area because it contained three very large reinforced concrete pipes under that portion of the property.

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

**Motion:** Commissioner Bouvier made a motion to approve Item 6 as presented; second by Commissioner Bright. Motion passed 6-0.

7. **Zoning File 12-08 Burger King:** Consider and take necessary action on a request by John B. Watson, representing Firebrand Properties, LP, to revoke a Special Permit for a restaurant with drive-thru service and approval of a new Special Permit for a restaurant with drive-thru service with modified development standards on a 0.83-acre lot located at 177 W. Campbell Road, south side of Campbell Road, west of Central Expressway. The property is currently zoned LR-M(2) Local Retail.

Mr. Shacklett stated the applicant was requesting a Special Permit for a restaurant with drive-thru service at 177 W. Campbell Road, as well as requesting to revoke existing Ordinance 2471-A, which was also for a restaurant with drive-thru service. He added that the applicant was proposing to demolish the existing 5,100 square foot Burger King restaurant and construct a smaller, 3,068 square foot Burger King along the east side of the property.

Mr. Shacklett pointed out that the ten parking spaces along Campbell Road were additional spaces and not required by City Code because the site will have sufficient parking. He added that the eighteen inches of landscape buffer between the front of the parking space and the property line did not meet the City's Landscaping Policy of a minimum 10-foot landscape buffer along street frontages, and that the applicant was not proposing to make any changes to the existing landscape buffer.

Mr. Shacklett noted the area at the back of the sidewalk, the right-of-way, will be planted with shrubs, ornamental trees, and canopy trees, which will make it appear larger than it is; however, because the area is a right-of-way it could possibly be removed if any utility or street work was required and for that reason should be not counted towards the applicant's landscaping percentage.

Regarding the building elevations, Mr. Shacklett noted that building would be constructed of 95% masonry utilizing a combination of brick and stone with ceramic tile and metal accents. He added that the new building would have the main entrance facing west and not north towards Campbell Road.

Mr. Shacklett concluded his presentation by asking the Commission to include the special conditions listed in their agenda packet if they recommended approval of the applicant's request.

Commissioner Maxwell asked what the rectangular object was on the west side elevation and did it come under the purview of the Commission.

Mr. Shacklett replied the rectangle would be a sign board that would come under the purview of the City's Community Services Department; however, the acrylic light band that wraps three sides of the building would be within the Commission's purview.

Commissioner Bright asked if the City had required the Starbucks/Potbelly's store at the southwest corner of Campbell Road and Central Expressway to add a 12-foot landscape buffer. He also wanted to know if the Commission approved the current and the landscaping was taken out or the street widened, would the applicant be required to replace it.

Mr. Shacklett stated the 12-foot landscape buffer at Starbucks had been required by the City.

Regarding the current landscaping, Mr. Shacklett stated that if the street was widened and everything on the subject property was moved back 10 feet, there would be a 5-foot parkway strip, a sidewalk, and then eighteen to thirty inches of landscaping, but the applicant would not be required to replant anything that was taken out.

Commissioner Linn asked if the 10-foot landscape buffer would come up to the area of the fire lane.

Mr. Shacklett replied that a 10-foot buffer would put it approximately half-way back towards the fire lane and allow parallel parking in that area.

Commissioner Bouvier asked if the pass through lane on the drive-thru was a City requirement.

Mr. Shacklett said the pass through lane was not a City requirement, but the City had been asking drive-thru restaurants to provide the lane if possible.

Chairman Gantt asked why the lighted acrylic band was not on all four sides of the building and what color light would be used in the band.

Mr. Shacklett replied the band was not on the south side because that would be where the roof ladder and utility boxes would be located. He added the band would be red in color.

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

Mr. John Watson, Director of Real Estate for Sun Holdings, parent company of Firebrand Properties, 3318 Forest Lane, Dallas, Texas, stated the Burger King restaurant has been at 177 W. Campbell Road since 1985 and they wanted to continue to have a presence in the City. He added that the proposed building would be far superior, architecturally, to the existing structure with the elements of brick, stone, tile, and metal accents.

Mr. Watson acknowledged there had been much discussion about the frontage along Campbell Road, but wanted to point out that the percentage of landscaping required on the property was 7% and, as proposed, the percentage was 15%. He felt that the existing landscaping along Campbell Road was very appealing and suggested the Commission should consider a variance regarding that area.

Regarding the number of parking spaces, Mr. Watson pointed out there are currently fourteen spaces along Campbell Road and, at the request of the staff, that number had been reduced to ten spaces. He added that the staff was suggesting a further reduction; however, corporate Burger King was adamant that those ten spaces remain along the frontage with Campbell Road.

Commissioner Maxwell asked how many customers could be seated in the new building.

Mr. Watson replied that he believed the restaurant would seat 80 people.

Commissioner Bright asked staff if a 2 to 3-foot extension to the landscape area reduced the size of the parking spaces along Campbell Road.

Mr. Shacklett replied the existing landscape area was 12 to 18 inches, and another 18 to 24 inches would be agreeable, but that option was never discussed with the applicant as staff focused on the 10-foot buffer. He indicated that once staff realized the applicant did not want to abide by the 10-foot buffer request, it was then that the staff included the 3-foot buffer in the special conditions.

Commissioner Bright asked the applicant if the 3-foot buffer would be something they would consider.

Mr. Watson replied that Burger King corporate was fairly adamant on maintaining the current design regarding the parking spaces and asked the Commission to leave the spaces in their current configuration.

Vice Chair Hand asked the applicant if they would be leaving the paving at the edge "as is."

Mr. Watson replied that they would be required to replace all the asphalt with concrete.

Mr. Matthew Thomas, Thomas Engineering, 4604 Bill Simmons, Colleyville, Texas, representing Sun Holdings and Burger King corporate, explained that Burger King was

attempting to improve their corporate image by making their restaurants more modern and comfortable so they were being very specific on what they wanted on the site. He added that the corporate office was requiring 20-foot long parking spaces, as well as 24-foot wide aisles, which were the reasons for their proposal.

Commissioner Bouvier asked if Mr. Thomas had designed many Burger Kings, and did he know how many of those restaurants were parked at a ratio of 1:75 as opposed to 1:100.

Mr. Thomas replied that they usually try to do at least 20% more than the minimum unless there is not enough space. He explained there is a site in Dallas with a 2,300 square foot restaurant where the corporate office is purchasing a piece of property across an alley easement to accommodate more parking.

Vice Chair Hand asked if there would be an interior play area for the restaurant and if it was a Burger King standard that the parking would be 18 inches off the property line.

Mr. Thomas replied they would not have an interior play area, but would have a WIFI café available to encourage people to stay longer.

Regarding the location of the parking, Mr. Thomas stated it was not the Burger King standard, but the configuration of the site was the problem; most sites are long and narrow and if the escape lane was not required, and the fire easement was not dedicated, the whole site plan could be moved back.

Vice Chair Hand asked the applicant if there was no existing curb would he have chosen to put the curb on the property line.

Mr. Thomas replied they typically add landscaping to make their sites more appealing, but at this particular site they were limited as to what they could do.

Chairman Gantt asked if the 12 parking spaces along the western property line were 16 feet, and, if so, why was the corporate office willing to agree to the shorter spaces in that area and not along Campbell Road.

Mr. Thomas replied Burger King corporate viewed the parking spaces on the western property line as too far away and not as important as the spaces along Campbell Road.

Chairman Gantt pointed out that the landscaping on the northern property line was in the right-of-way and not on the applicant's property so it should not be included in their percentage. He also expressed concern that if Campbell Road had to be widened there would be no landscaping left to screen the vehicles.

Vice Chair Hand asked the applicant if it would be possible to move the site south eighteen inches to achieve three feet on the north side of the site.

Mr. Thomas replied that the problem was the dedicated fire lane that connects to two other properties so it would cause an adjustment to the drives on the other two properties. He added that it was a viable option, but would cause a replatting of the properties involved.

Mr. Shacklett advised that the City no longer plats fire lanes, and if the fire lane was to shift because of the removal of an Onco easement and/or access easement, it would be part of an amending plat during the site and landscape process.

Chairman Gantt asked if that would mean the site would be moved back 3 feet to maintain the 18-foot parking spaces, and would an amending plat be required to adjust the dedication of the fire lane.

Mr. Shacklett explained that the access easement would be dedicated and the fire lane would be removed; it would still be there, just not platted.

Mr. Watson stated that he did not have authority to make any changes, but suggested that instead of having the request turned down by the Commission, he recommended keeping the proposed site plan "as is" for now, and if the street was widened in the future they would give up the spaces at that time.

Commissioner Bouvier felt there was sufficient existing landscaping on the site, and if the street needed to be widened, the applicant could enter into a development agreement with the City to remove the parking spaces for additional landscaping.

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

Mr. Chavez pointed out that with or without the agreement, the applicant would not be able to meet the City's landscape policy regarding plant material for screening the parking lot. He restated that the existing landscape material was in the right-of-way and if it was removed, the applicant would not be required to replace the landscaping.

Chairman Gantt agreed and expressed concern there could be multiple reasons why the landscaping could be disturbed and then not replaced.

Mr. Chavez explained the intent of the City's ordinance was that when a site was redeveloped it should come in to compliance at that time, and the policy allowed for flexibility when a site had some type of physical constraints; however, the staff felt the proposed site did not have a physical constraint.

Chairman Gantt asked what the standard length of a parking space was.

Mr. Chavez replied it was 18 feet per the City's ordinance, but the length could be shortened to 16 feet in some circumstances.

Commissioner Bouvier asked if the Commission agreed to a development agreement that allowed the parking spaces to remain until the landscaping was removed, could the applicant be required to replace the material via the development agreement.

Mr. Chavez replied yes, but asked the Commission at what point should the City implement the existing landscape policy if other properties in that area were to redevelop; would the City be setting precedence.

Commissioner Maxwell asked if staff would comment on the option of realigning the fire lane and access easement.

Mr. Shacklett replied that the option to realign the fire lane had never been discussed with the Fire Department, but felt the Fire Department would prefer the proposed alignment because it did not require multiple maneuvering alignments of the large fire trucks.

Commissioner Bright asked if a 3-foot buffer for the overhang would be of any use.

Mr. Shacklett replied that a 3-foot buffer would prevent the vehicles from encroaching into the right-of-way; however, it would not provide the needed landscape area for parking lot screening.

Mr. Chavez advised that if the Commission approved the request and followed the suggested special conditions listed in their packets (i.e., 3-foot wide landscape buffer along Campbell Road), the applicant would still need to request relief from landscaping the buffer because the area could not support the plantings.

Commissioner Linn asked if the area was extended to 10 feet would the applicant be able to comply with the City's requirements.

Mr. Shacklett replied yes, the applicant could place the shrubs in the buffer area for parking lot screening.

Chairman Gantt stated he felt the building was a vast improvement over the existing structure, and the plan to demolish the site and develop a more modern facility was very positive; however, he thought the Commission should require enough buffer along Campbell Road to alleviate the concerns of the overhang. He acknowledged that the right-of-way was beautifully landscape, but pointed out that it was still a right-of-way and could be changed.

Regarding a variance or development agreement, Chairman Gantt thought it would be hard to go back after that fact and ask the applicant to remove parking spaces after they had been using them.

Vice Chair Hand thanked the applicant for their investment in the City and agreed the proposed design was much improved over the existing structure. He said he understood that

Burger King was anticipating customers staying longer because of the new WIFI café and the increased demand for parking, but ultimately felt staff's request for a 3-foot buffer was not only reasonable, but the responsible thing to do.

Mr. Hand pointed out that the Commission would be making a recommendation to the City Council, and if the applicant wanted to suggest a development agreement at that time they could, but he was in favor of approving the request as presented with the 3-foot buffer.

Commissioner Maxwell stated he felt the City's policy of a 10-foot buffer should be adhered to and would not be in favor of the request as presented. He added that the applicant and staff's willingness to rework the fire lane might be an option and suggested the applicant could go back and revise their request.

Commissioner Bright agreed with the Chairman and Vice Chair's comments about the new design and thought it would be a positive for the area; however, with respect to the parking on the north side along Campbell Road, he agreed with Commissioner Maxwell's suggestion of staying true to the City's policy of a 10-foot buffer. He did not think the 3-foot buffer would allow for landscaping on the applicant's property and felt the Commission should plan for any contingencies in the right-of-way.

Commissioner Linn also thanked the applicant for investing in the City, but stated he would not be in favor of the 3-foot buffer because of possible landscaping issues in the future. He noted that the applicant would still have adequate parking with the removal of the spaces along Campbell Road, and suggested a 10-foot landscape buffer should be required.

Commissioner Bouvier stated he was torn between requiring a 10-foot buffer and allowing the 3-foot buffer, and was concerned about the parking and noted the problem with the parking down the street at Starbucks. He felt a compromise was possible and recommended the applicant go back and rework their presentation to come up with a plan that would serve the long range plans for the corridor.

Chairman Gantt acknowledged that there had been many iterations of the proposed plan and asked the applicant, given the feedback from the Commission, did he think there was room to go through another version of the plan.

Mr. Watson thanked the Commission for their thoughtful deliberation and asked what would happen if the proposal was approved and the street was widened or a utility company made changes in the right-of-way.

Mr. Shacklett replied that site would be left with an 18-inch to 2-foot buffer between the sidewalk and the parking lot because the City could not require a property owner to shift their existing site back 10 feet. However, under the current circumstances, the City could require the change in the site plan prior to the building of the new structure.

Mr. Watson asked the Commission to step back and look at the fact that his company was enhancing the property and if it was left “as is” there would be even a bigger problem down the road.

Chairman Gantt asked if that meant the applicant was not willing to go through another iteration of the plan.

Mr. Watson replied that he could not say that for sure because it would be up to the CEO of his company and corporate Burger King, but he did know that those involved were anxious to get the job completed by the end of the year.

Chairman Gantt stated he felt the applicant was not willing to change their plan.

Commissioner Maxwell asked if the Commission voted to continue the item could the applicant appeal that motion to the City Council.

Mr. Shacklett replied that if the Commission voted to continue the item, the item would not go forward to the City Council. If a motion was made to recommend approval with a specific landscape buffer width, the applicant could go before the City Council and ask to proceed with their original design even though the Commission made a recommendation.

In addition, if the Commission did require a 10-foot landscape buffer, the applicant could go with the parallel parking option; or a 3-foot buffer which would allow 16-foot parking spaces; or have a 3-foot buffer and shift the fire lane to get 18-foot parking spaces.

Chairman Gantt asked if the Commission were to recommend a 3-foot buffer, would the applicant still need to get relief from the screening requirement during the development plan process.

Mr. Shacklett replied that was correct.

Mr. Watson stated that instead of having to revise the plan and come back before the Commission, they would accept 16-foot parking spaces and move forward to City Council.

Vice Chair Hand asked if that meant the applicant was willing to accept the staff’s proposals as presented to the Commission in their packets

Mr. Chavez replied that was correct.

**Motion:** Vice Chair Hand made a motion to recommend approval of Item 7 as presented including the recommended special conditions; second by Commissioner Bouvier.

Commissioners Maxwell and Linn said they were not in favor of the motion as stated and felt the Commission should abide by the City's design standards for 10-foot landscape buffers.

Motion approved 4-2 with Commissioners Maxwell and Linn opposed.

**ADJOURN**

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 8:25 p.m.

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David Gantt, Chairman  
City Plan Commission