

CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – AUGUST 7, 2012

The Richardson City Plan Commission met August 7, 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
Janet DePuy, Commissioner
Marilyn Frederick, Commissioner
Thomas Maxwell, Commissioner
Eron Linn, Commissioner
Don Bouvier, Alternate

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.
Israel Roberts, Development Review Manager
Chris Shacklett – Planner
Mohamed Bireima – Planning Technician
Kathy Welp, Executive Secretary

BRIEFING SESSION

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

MINUTES

1. Approval of the minutes of the regular business meeting of July 17, 2012.

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

VARIANCE

2. Variance 12-06: Consider and take necessary action on a request by John McKee, representing JRK Property Holdings, for approval of a variance to the Subdivision and Development Code, Article III, Subsection 21-58(e), to waive the physical separation requirement between apartment communities of more than 250 units by means of a permanent fence. The subject property is located at the southeast corner of Renner and North Star Roads.

Mr. Bireima advised the applicant was requesting a waiver from Article III, Subsection 21-58(e) of the Subdivision and Development Code to remove a six-foot high wrought iron

fence that divides two apartment communities. He added that removal of the fence would help to improve leasing opportunities within the southern community; provide convenient internal access and circulation for the residents to the office and amenities throughout the property; and improve emergency access throughout the site.

Mr. Bireima noted that if the request was approved, the applicant would work with the staff to install a vehicular connection between the two communities.

Chairman Gantt asked to clarify if the property was currently marketed as a single apartment complex or as two separate complexes.

Mr. Bireima replied it was managed and marketed as a single property.

Commissioner Bright asked if the City Police and Fire Departments were on board with the request.

Mr. Bireima replied the departments indicated removal of the fence and installation of a vehicular connection would improve their emergency response throughout the site.

Vice Chair Hand asked to hear from the applicant regarding their reasons for the request.

Ms. Lauren Morgan, representing Breckdinridge Point Apartments, 3753 William D. Hayes, Irving, Texas, stated the properties were marketed as a single property and the fence inhibits their ability to show it as such. She added that when trying to show apartments in the southern area, the employees and prospective tenants must get in their cars and drive out and around to get to that area.

Vice Chair Hand said he understood and asked if the same thing could be accomplished by putting break points in the fence.

Ms. Morgan replied that she was not sure if that option had been discussed, but pointed out there are curbs on each side of the fence and the fence gives the appearance of closing off the southern half of the community.

Commissioner Bright asked about the plans for providing vehicular access.

Ms. Morgan replied that from the letter she received from her corporate office, a driveway connection would be installed between the two areas.

Commissioner Linn asked if the access would be large enough for fire trucks.

Mr. Bireima replied that it would be large enough to accommodate fire trucks, which require a 24-foot driveway.

Vice Chair Hand asked if the Commission should expect a replat request in the future if the two separately platted properties were now functioning as one.

Mr. Bireima replied that the properties were owned by one entity at this time so he did not necessarily think they would be requesting a replat.

Chairman Gantt confirmed that it would be a simple project to remove the fence and felt the staff would insure the transition would comply with all applicable codes.

Motion: Commissioner DePuy made a motion to recommend approval of Item 2 as presented; second by Commissioner Frederick. Motion passed 7-0.

3. **Zoning File 12-12:** Consider and take necessary action on a request by Sidney B. Thompson for a change in zoning from R-1100-M Residential to O-M Office for 1.06 acres located at the southwest corner of Campbell Road and Custer Road.

Mr. Shacklett stated the properties in question were five (5) separately platted lots with the two eastern lots developed as single family homes; the three remaining lots have never been developed. He added that the request to rezone the properties was consistent with the City's 2009 Future Land Use Plan that approved a change in use from Low Density Residential to Neighborhood Services.

Mr. Shacklett stated the staff had asked the applicant to provide two concept plans to show how the property could possibly be developed as an office complex, but the exhibits would not be tied to the ordinance. He added that some of the development regulations that would accompany an office zoning would include a 30-foot building and landscape setbacks along Campbell and Custer Roads, and a 60-foot building setback from the residential area. In addition, due to the proximity to the neighboring residential properties, the office development would be limited to one-story buildings.

Mr. Shacklett explained that Concept 1 showed how four 2,000 square foot buildings could be developed on the property with possible end-users of doctors and/or general offices. In Concept 2, he noted that the driveway would be moved east of the Kinder Care driveway, which would mean a developer would be required to seek a variance so a building could be located within the 60-foot setback adjacent to a residential area.

In closing his presentation, Mr. Shacklett stated that the applicant, who is the owner of the three vacant lots, as well as the owners of the two adjacent homes, 501 and 503 W. Campbell Road, had signed off on the Development Application. He added that the applicants would not be the ones developing the property.

Commissioner Frederick asked to confirm the residential build-to lines on the lots.

Mr. Shacklett replied that if homes were built on those lots, they would need to have 30-foot setbacks off Campbell Road; 25-foot principle structure setbacks from the alley with accessory structure setbacks of 18 inches; and interior setbacks of 7 to 15 feet.

Commissioner Bright asked if the Commission approved the request, would the two existing homes be torn down. He also wanted to know if the vacant properties would be developed if the homes were left standing.

Mr. Shacklett replied that if the request was approved, the two existing homes would be torn down as part of an office development. However, if the request was approved for only the vacant lots and the two homes were left standing, he thought the vacant lots could be developed for office use, but there would still need to be a 60-foot setback, two 46-foot side setbacks, and two driveway cuts onto Campbell Road would be required.

Chairman Gantt asked if the staff characterized the two concept plans as the potential maximum development on the property.

Mr. Shacklett replied that office regulations allow a much higher floor area ratio, but if the buildings increased in size there may not be enough room for the required parking spaces.

Commissioner Linn asked why the City thought a change to Neighborhood Services from Low Density Residential was appropriate. He also wanted to know if the current request was for office use only.

Mr. Shacklett explained that when the City reviews the Comprehensive Land Plan, they look at everything from parks to transportation to open space to land use, so when this particular property was viewed it was probably noted that the property had been platted for 50 years and only two homes had been developed. Therefore, by suggesting a land use change, the City recognized that residential may not be the best use for the property.

Regarding the intended use, Mr. Shacklett stated the application was for O-M Office District, which allows research lab, studio, general offices uses, churches, and parochial schools associated with churches. The fact that there is only one acre to develop, and the development would be limited to one-story buildings, would help restrict the type of buildings and end-users in the development.

Commissioner Bouvier asked what would become of the homes if the request was approved and a development deal was not completed; could the homes be converted to office space.

Mr. Shacklett replied that if all the lots were rezoned, the homes could remain as homes, but could not be expanded or changed. He added that the homes could be converted to office space after complying with the City's office regulations and getting site plan approval.

Commissioner Bouvier expressed concern that if the three properties were never combined and developed together, and the vacant lots were somehow developed into office space, the homes could never be rebuilt or converted to office use because of the limited size of the lots. He wanted to know if the properties could be turned into a Planned Development (PD) to insure that the vacant lots would not develop as office leaving the two homes on the corner.

Mr. Shacklett stated the property did not meet the 10-acre minimum for a PD, and he did not think an office development would be viable on the remaining vacant lots because the developer would have to get two driveway cuts on Campbell Road. As far as requesting special conditions for the rezoning, he said the request was for a straight rezoning so if the property redevelops it will be under the office regulations.

Chairman Gantt said he thought it would be difficult to develop something on the vacant lots alone and asked to confirm that any plan would have to come back before the Commission.

Mr. Shacklett replied that was correct; any development would have to go through the development process (plat, civil engineering, and site/landscape plans). Also, as long as a developer met the City's 85% masonry requirement, they would not have to provide elevations.

Commissioner Bouvier said it would be reassuring to remove any sort of concern that the vacant lots could be developed without including the lots with the two homes.

Mr. Shacklett pointed out that all three property owners signed off on the zoning application and suggested the applicant could be questioned about his contact with the owners of the two homes.

Mr. Chavez added that at the time of development, the City would have control over how the property was designed because the developer would have to come back before the Commission and City Council for any type of variance.

Commissioner DePuy asked if the vacant property was unusable under the current zoning. She also wanted to know if the applicant had discussed with the City the possibility of tearing down the existing homes, and, if not, would the property become non-conforming.

Mr. Shacklett replied that the vacant lots could be developed as single family homes or a church, and the demolition of the existing homes had not been discussed with the applicant. He added that if the request was approved, the existing homes would become non-conforming and could be maintained, but never expanded or changed.

Vice Chair Hand asked to clarify that the future land use plan was a master plan and did not confer any rights.

Mr. Shacklett confirmed that was correct and explained that the City updates the land use plan every few years and it serves as a guide for future rezoning requests.

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

Mr. Sidney Thompson, 4251 FM 3237, Wimberley, Texas, stated he was the owner of the vacant lots at 505 W. Campbell Road and, in conjunction with the owners of 501 and 503 W. Campbell Road, were asking to rezone the property for office use. He added that they felt the development of offices would be more desirable than additional homes and would limit the impact to traffic along Campbell Road.

Mr. Thompson noted that he had secured signatures from over 50% of the property owners in the subdivision agreeing to the request to rezone and amend the Covenants, Conditions and Restrictions (CCRs).

Commissioner DePuy asked if the property owners from 501 and 503 W. Campbell Road had indicated their intentions if the rezoning was approved.

Mr. Thompson replied the owner of 503 had been trying for a number of years to lease the property, but because of the location he could not get a tenant and was supportive of rezoning the property. In addition, the owner of 501 was an older citizen and for the purpose of his estate wanted the property rezoned.

Commissioner Bouvier asked if there were any plans to develop the property.

Mr. Thompson replied that it was their intention to get the property in the position to sell and felt the rezoning would offer a better chance of doing that.

Commissioner Bright asked if the CCRs required signatures from 50% of the property owners.

Mr. Thompson replied that the CCRs required that any changes would have to be approved by over 50% of the homeowners and they had received signatures from 74 of the 138 homeowners.

Commissioner Maxwell asked if he understood the applicant to say that the City had requested the applicant rezone the whole north side of the block.

Mr. Thompson replied that in the past the staff had indicated they would prefer the deed restrictions to be changed for that entire side of the block; nothing was mentioned about the zoning. This would mean that Kinder Care could come before the Commission and say their situation had changed and they no longer wanted to be a day care and could make application for an office use; however, they were not part of the current rezoning request.

With no further questions or comments in favor, Chairman Gantt called for those opposed.

Ms. Jennifer Jobe, 1919 Provincetown Lane, Richardson, Texas, stated her home was directly behind where any new office buildings would be built and wanted to bring some items to the attention of the Commission. She said that when the petition for signatures was brought to their home, they were under the impression that there would be only one, one-story building and not the 3 or 4 proposed on the concept plans.

In addition to the disparity between what they were told and the concept plans, Ms. Jobe pointed out how busy Campbell Road was and felt the addition of offices spaces would add to the congestion. She also wanted to know if the homes along Provincetown would have to share the alley way with the new office buildings.

Chairman Gantt stated that the plans were only conceptual in nature and were provided to show what could possibly develop on the property.

Mr. Shacklett indicated that if the buildings were built as shown on the concept plans they would not share the alley with the adjacent homes.

Ms. Jobe suggested that the property would be better suited for a green belt area similar to the one on the north side of Campbell Road west of Custer Road.

Mr. Richard Jobe, 1919 Provincetown Lane, Richardson, Texas, stated he too was concerned about the heavy traffic on Campbell Road and felt an office development would add to the problem and increase the number of accidents. He also did not think the property was large enough to sustain the activity shown on the concept plans.

No other comments were made in opposition and Chairman Gantt asked the applicant if he would like to make a rebuttal statement.

Mr. Thompson stated the materials presented were concept plans and did not know if a future purchaser of the property would want to build one building or multiple buildings. He added that he saw it as being used for doctor's offices which would have a minimum impact on the traffic.

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

Chairman Gantt said he thought the Commission was faced with a difficult decision because of the location of the property on a busy road, the small size of the property, and the fact that the surrounding area had already been developed.

Vice Chair Hand stated he agreed with Mr. Gantt and acknowledged it was a transitional property on a road with a great deal of traffic, and it would be difficult to develop the land as residential. He added that he would rather see a low impact office use as opposed to

neighborhood retail, which could add to the current traffic issues. Also, the idea of developing a greenbelt on the property would be nice, but the Commission could only consider the current request from the owners to rezone the property from residential to neighborhood services.

Commissioner DePuy said that although a greenbelt or linear park would be nice, it would be up to the City and the property owners to work out a deal. She added that she would be in favor of moving forward with the office zoning.

Commissioner Bright said he appreciated the concerns of those who spoke in opposition, but he was also in favor of moving forward with the office zoning.

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

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 8:08 p.m.

David Gantt, Chairman
City Plan Commission