

**CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – AUGUST 21, 2012**

The Richardson City Plan Commission met August 21, 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  
Thomas Maxwell, Commissioner  
Eron Linn, Commissioner  
Don Bouvier, Alternate

**MEMBER ABSENT:** 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.  
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.

**BUSINESS MEETING**

Chairman Gantt stated the order of items would be changed with Item 10 going before Items 8 and 9. (Items will be shown in their original order in the minutes.)

**MINUTES**

**1. Approval of the minutes of the regular business meeting of August 7, 2012.**

**Motion:** Commissioner DePuy made a motion to approve the minutes as presented; second by Commissioner Maxwell. 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. Site Plan, Landscape Plan, and Elevation Plans – Methodist Richardson Medical Center (companion to Item 6):** A request for approval of site, landscape and building elevations for a 267,250 square foot hospital at the existing Richardson Regional Medical Center campus located at 2801 E. President George Bush Turnpike.

- 3. Revised Site Plan and Revised Landscape Plan – North Dallas Adventist Academy:** A request for approval of revised site and landscape plans for the development of a 7,309 square foot classroom building and a relocated basketball court. The site is located at 302 Centennial Boulevard, southeast corner of Greenville Avenue and Centennial Boulevard.

**Motion:** Commissioner Bright made a motion to approve the Consent Agenda as presented; second by Vice Chair Hand. Motion passed 7-0.

### **VARIANCE**

- 4. Variance 12-08:** Consider and take necessary action on a request by Tag Gilkson for a variance to the Subdivision and Development Code, Article III, Subsection 21-51(i) to allow a reduction in parking for the North Rich Plaza shopping center located west of Custer Road, on the south side of Arapaho Road.

Mr. Roberts stated the applicant was requesting a variance from the Subdivision and Development Code to allow a reduction in off-street parking for the North Rich Plaza shopping center. He added that the shopping center currently has 314 parking spaces, but a deficiency of 35 parking spaces based on the current tenants and assuming retail for the almost 11,000 square feet of vacant space.

Mr. Roberts explained that in the past, the City allowed religious institutions to occupy multi-tenant retail centers regardless of parking ratio because the typical parking demand was off-peak from retail, office, and restaurant uses. Although that policy is no longer supported, there are a number of religious institutions located in North Rich Plaza that take up a majority of the total parking spaces. He added that for potential tenants to occupy any of the vacant retail space, the owner is requesting a 13% reduction (40 parking spaces) in the total number of required parking spaces, which would allow the center to support two offices, an additional restaurant, and retail.

Mr. Roberts closed his presentation by noting the applicant had conducted a parking analysis that showed on average only 97 parking spaces occupied and staff had confirmed the information.

Commissioner Maxwell asked if there was a reason for the change in policy of allowing churches in multi-tenant retail centers and whether it caused a problem with not enough parking spaces.

Mr. Roberts replied that staff had encountered similar situations elsewhere in the city where religious institutions had taken up a majority of the parking spaces, similar to the problem at the North Rich Plaza, but so far the policy had not caused a problem with the lack of parking spaces for the Plaza.

Commissioner DePuy asked how many churches were currently in the shopping center.

Mr. Roberts replied that five spaces were currently occupied by religious institutions.

Chairman Gantt stated he was trying to look for a long term solution and asked why a variance was necessary as opposed to a shared parking agreement. He pointed out that if the uses changed, such as one of the churches going away, a similar situation might present itself and another variance would be needed.

Mr. Roberts replied the current request is focusing on the vacant 11,000 square feet and there would only be a problem if the applicant received multiple requests for restaurant space in the center. However, if a future tenant needed to occupy more than the parking spaces available in the 13% reduction, the applicant would not be able to lease the space, or they would come back before the Commission for another variance.

Chairman Gantt stated that was the type of scenario he was trying to prevent and wanted to know what staff would recommend as the best solution.

Mr. Roberts replied that staff had discussed both options and the applicant felt that based on their tenant occupancy the variance was the better option. He added that in the long run, a shared parking agreement would definitely solve many problems if a large number of restaurants or office tenants requested space in the center.

Commissioner Bright asked how many spaces would equal an 8% variance because that was the typical parking variance approved by the Commission in the past.

Mr. Robert replied it would be 25 parking spaces, which would not help the current deficit of 35 spaces.

Commissioner DePuy asked if staff knew what types of potential tenants were interested in leasing space in the center and expressed concern that the standards of the center be maintained. She also wanted to know if the churches were going to stay in the center.

Mr. Roberts replied that the only information he had was the potential tenants were an office use and a restaurant use.

Chairman Gantt asked the applicant to approach the dais to answer some of the Commission's questions.

Mr. Parker Eng, 4127 Kyndra Circle, Richardson, Texas, owner of the property, stated that he did not know if the churches were intending to stay, and regarding the quality of the center, Mr. Eng said he had thought of doing upgrades to the center, including work on the parking lot, but with the current vacancies the funds were not available.

Vice Chair Hand stated that in looking through the information in the Commission's packet, he was concerned about the abundance of churches in retail centers and the impact those

assembly type uses had on the viability of centers originally designed for retail businesses. He added that he was sympathetic to the applicant wanting to lease the space to increase his revenue stream, but suggested the applicant look at the more successful retail centers in town and the type of tenant mix they have.

Mr. Eng replied that the churches were not the problem, but the parking required by the City for that use, which applies to all seven days of the week even though the church is only used on Saturday or Sunday. He added that the parking requirement suppressed his ability to fill the other tenant spaces because every time he applied for a Certificate of Occupancy for a new tenant, the center was already over the required parking.

Mr. Tag Gilkson, 1601 Mr. Blackstone Drive, Carrollton, Texas, representing the owner, stated that when potential tenants request leasing information, they are being turned away because technically they do not have enough parking. He added that in the last few months they have been telling the potential tenants they are working with the City to resolve the problem, but in the mean time those tenants have moved on to other centers.

Vice Chair Hand asked if the long term goal was to return the center back to full retail use.

Mr. Eng replied that their desire to have churches in the center was strictly business based because at the time they were the only ones requesting space. He added that many of leases with the churches are short term so at the end of the lease they can put retail into the space if a potential tenant is available.

Chairman Gantt asked if the requested variance would allow the applicant to fill the center with retail.

Mr. Gilkson replied that in his discussions with staff, the vacant spaces had been looked upon as potential retail space, which provided the ratios in the staff's report. He added that the variance would provide them with the flexibility for growth.

Commissioner DePuy asked what type of tenants would the applicant like in the center, and stated she would like to see the center filled and active with quality tenants.

Mr. Eng replied he could name any number of tenets he would like to have in the center such as clothing stores or sandwich shops, and he agreed with Ms. DePuy that a good mix of tenants was optimum.

Commissioner Bouvier asked staff if they could provide an example of where a variance of the type requested had been successful elsewhere in the City.

Mr. Roberts replied that Camelot Shopping Center and the Ridgewood Shopping Center received parking variances, which improved their ability to lease the properties.

Vice Chair Hand asked if it was possible to put a time limit on the variance request and explained that he was concerned the applicant may not take the initiative to push the center back toward retail businesses and could possibly just bring in more religious institutions.

Mr. Roberts replied that he did not think a time limit would be beneficial.

Commissioner DePuy stated she was not in favor of a time limit and her concerns were more about the type of tenants coming into the center and whether those tenants would generate the needed traffic and activity.

Commissioner Bright asked what the response was to staff's suggestion of a shared parking agreement.

Mr. Roberts replied that in his discussions with the applicant, they felt it was better to seek a variance as opposed to a shared parking agreement. He added there is language in the Subdivision and Development code that a shared parking agreement needed to be within a Planned Development district, which is not the case for the property in question.

Commissioner Linn stated that because of the age of the center, he did not think approving the variance would increase the viability of the center.

Mr. Roberts replied he thought the variance would increase the viability by increasing the opportunity to get tenants in the vacant spaces; the more tenants, the more traffic they would generate.

Commissioner Maxwell asked if the churches left the center, and the 13% reduction was still in force, would there be a problem with the center being under parked.

Mr. Roberts replied that there would have to be a scenario where multiple restaurants were in the center to have a problem with under parking and he did not see that as a concern.

Chairman Gantt stated he thought the center was older and under performing, and the variance was just putting a band aid on it, but he would rather have some tenants than no tenants in the center.

Commissioner Bouvier stated there were pluses and minuses to the request, but by doing nothing the Commission would never know what could have been. He added that he was sympathetic to the problems of getting tenants into centers, and felt if the free market forces prevailed, and the Commission allowed this to go through, the center could be turned around and he was in favor of the request.

**Motion:** Commissioner Bouvier made a motion to recommend approval of Variance 12-08 as presented; second by Commissioner DePuy. Motion passed 4-3 with Vice Chair Hand and Commissioners Bright and Linn opposed.

## **PUBLIC HEARINGS**

5. **Variance 12:07:** Consider and take necessary action on a request by Doug Jorgensen, representing Sign Manufacturing, for approval of a variance to the sign regulations of the Spring Valley Station District ordinance to allow a 20' pole sign and a digital display. The site is located at 208 W. Spring Valley Road and is zoned PD Planned Development.

Mr. Bireima explained the Commission sits as the Board of Appeals on sign variances under the Spring Valley Station District (District) regulations and the applicant was requesting a variance to those regulations to allow a 20-foot high pole sign with electronic messaging to be located 20 feet from the west property line.

Mr. Bireima reported that the applicant had received an earlier variance to locate the sign one-foot from the east property line, but the sign was never installed.

Commissioner DePuy asked to clarify that signs with electronic messaging were not allowed in the District because that would be contrary to information relayed to the Homeowners Association Presidents that electronic signs were allowed.

Mr. Bireima confirmed that electronic messaging signs were not allowed in the District.

Chairman Gantt stated that the information given to the HOA Presidents pertained to an amendment to Chapter 18 and was applicable to signs outside the District.

Commissioner Bright asked why Chapter 18 was amended to allow electronic signs elsewhere in the City and not in the District.

Mr. Bireima replied that it was timing issue since the District regulations were established in 2004.

Chairman Gantt stated that when the District regulations were established, the idea was the area would become a Transit Oriented Development and businesses that would use tall pole signs were not anticipated in the area.

Commissioner Bouvier asked to clarify that the sign in question had already been approved for installation on the eastern property line. He also stated that cladding of sign poles was required under the amended Chapter 18 and wanted to know if cladding would be added to the pole sign in question

Chairman Gantt stated that the changes to Chapter 18 did not apply to the District, but Mr. Bouvier noted that in the briefing session staff said the applicant would be agreeable to following the requirements of Chapter 18 should the variance be approved.

Mr. Bireima replied that the applicant had received a permit from the City to install the sign on the eastern property line. He added that the cladding would be made out of aluminum or metal that would surround the pole.

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

Mr. Charles Russell, Signs Manufacturing, 5301 Sandy Trail Court, Plano, Texas, stated that he had been working with the City for a number of months, but realized after they received their permit that the Wendy's restaurant had planted a row of trees that would be in the line of sight for the new sign.

Regarding the message center, Mr. Russell stated the electronic portion of the sign had been approved by the City in November of 2011.

Chairman Gantt asked if the applicant was willing to clad the sign based on the amendments to Chapter 18.

Mr. Russell said his customer had agreed to that request.

Commissioner Linn asked why the sign had not been installed when the original variance was approved in 2004. He also wanted to know if the landscaping for Wendy's was there when the original variance was approved.

Dr. Mark Margolies, representing Accuhealth, 6531 Dykes Way, Dallas, Texas, admitted the project was not a priority and he had procrastinated. He added that when the original variance was requested the trees at the Wendy's restaurant were not a problem.

Mr. Russell stated that when the original variance was granted the trees were not an obstacle; however, when they recently went out to the site the trees blocked the line of sight for the sign.

Commissioner Linn asked if a monument sign might be a better idea instead of using a pole sign and putting it in the place previously approved by the Sign Board in 2004.

Mr. Russell replied there was no space on the property to place a monument sign.

Dr. Margolies added that the pole sign had already been constructed and cost \$30,000.

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

Mr. Andrew Laska, 502 Hyde Park, Richardson, Texas, stated he felt the request came down to the basic issue of form versus use and pointed out that the sign did not conform to the guidelines for the District. He also asked the Commission to look at nonconforming issues with the building and parking lot and take all of that into consideration when making their decision.

With no further comments in opposition, Chairman Gantt asked if the applicant wanted to rebut any of the comments.

Mr. Russell noted that at the time the sign was permitted it was legal under the City's requirements and he did not understand what could happen to change that approval. He added that he would not have gone through the process if he had not been encouraged by City staff to proceed.

Dr. Margoiles stated that in reference to the nonconforming parking, he reminded the Commission that when Spring Valley Road was widened, the property had been granted a variance for the parking lot.

Ms. Smith clarified that staff did not encourage the applicant to move forward with the request, but simply explained that if they wanted to relocate the pole sign there would be a specific process to go through.

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

Commissioner Bright asked if the Commission was able to consider the nonconforming aspects of the property when making their decision. He said he would be in favor of the request if the applicant did comply with the current Chapter 18 regulations.

Chairman Gantt stated that there were a number of buildings in the Spring Valley Station District that have nonconforming issues, but the Commission should only consider information that pertained to the sign request. He added that even if the Commission denied the variance, the sign could still be erected along the eastern property line as approved in the earlier variance.

Commissioner Linn asked what steps would be taken if the property redeveloped, and would the proposed sign have to be removed to comply with the development regulations.

Ms. Smith replied that under the District's regulations, a concept plan would need to be submitted to show how the development was in compliance with the regulations and a request would be needed for any exceptions that were necessary. Once the Concept Plan was approved, the applicant would then have to go through the Development Plan process.

In regard to redevelopment and the proposed sign, Ms. Smith stated that if the property was redeveloped, the current sign would have to be removed or have an exception to comply with the regulations.

Chairman Gantt stated he was concerned that the District regulations stated no pole or electronic messaging signs were allowed in the District and, if the current request was approved, would the Commission be setting a precedent; however, since a variance had already been approved he did not feel that a precedent would be set.

Vice Chair Hand concurred with Mr. Gantt and Mr. Laska's comments and pointed out how many of the items on the agenda were good uses but bad form. He agreed that it was a reality that this applicant already had rights to put the sign up, but suggested that the Commission will likely see a steady increase in projects in the future requiring higher scrutiny of the appropriate form.

**Motion:** Commissioner Bouvier made a motion to recommend approval of Item 5 with the additional requirement that the base be clad and in compliance the new Chapter 18 requirements; second by Commissioner Bright. Motion passed 7-0.

6. **Replat – Telecom/190 Addition (companion to Item 2):** Consider and take necessary action on a request for approval of a replat of Lot 3F, Block 1 of the Telecom/190 Addition to accommodate the development of a 267,250 square foot hospital building at the existing RRMC campus located at 2801 E. President George Bush Highway.

Mr. Roberts explained that the requested replat would dedicate easements and abandon easements in regards to the development of the medical center on Renner Road and President George Bush Highway. He added that the proposed replat met all subdivision and design standards.

No questions were asked of the staff and Chairman Gantt opened the public hearing.

Mr. Glenn Hitt, representing Goodson Engineers, 5445 La Sierra, Dallas, Texas, requested the replat be approved so the development of the hospital could move forward.

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

**Motion:** Commissioner Bright made a motion to recommend approval of Item 6 as presented; second by Vice Chair Hand. Motion passed 7-0.

7. **Zoning File 12-11:** Consider and take necessary action on a request by John S. Kirk, representing Embrey Partners, Ltd., for a change in zoning from I-FP(2) Industrial with special conditions to PD Planned Development for the development of a multi-family community. The 12.75 acres site is located at the southeast corner of Greenville Avenue and Collins Boulevard and is zoned I-FP(2) Industrial.

Mr. Shacklett stated that the applicant had submitted a written request for continuation of the item to the September 4, 2012, City Plan Commission meeting.

With no questions for staff, Chairman Gantt opened the public hearing and asked if there was anyone in the audience who would like to comment on the item, but who would not be able to attend the September 4<sup>th</sup> meeting. No Comments were made and the Chairman called for a motion to continue the public hearing to the September 4<sup>th</sup> meeting.

**Motion:** Vice Chair Hand made a motion to continue the Public Hearing to the September 4, 2012 meeting; second by Commissioner DePuy. Motion passed 7-0.

*Note: As previously mentioned, Item 10 was heard before Items 8 and 9 and Chairman Gantt recessed the meeting for 10 minutes (9:45p.m to 9:55 p.m.) prior to starting the presentation and deliberation on Items 8 and 9.*

8. **Zoning File 12-13:** Consider and take necessary action on a request by Michael F. Twichell, representing Shire Development, LLC, for an amendment to the PD Planned Development standards to accommodate the development of an independent living facility. The property is located at the northwest corner of Infocom Drive and Shire Boulevard and zoned PD Planned Development.

Mr. Shacklett stated that the applicant was requesting amendments to the PD Planned Development for the properties at the southeast corner of President George Bush Turnpike (PGBT) and Wyndham Lane to accommodate the development of an independent living facility on the southern property along Infocom Drive.

Mr. Shacklett stated the current site plan called for 64 condominiums in a three story building, a 120 room hotel, and 41,000 square feet of retail/office along the frontage road, of which, 33,000 has been built. He added that the applicant was requesting to amend the PD to allow a 56-unit independent living facility in place of the condominiums, and the Comprehensive Zoning Ordinance (CZO) defined an “independent living facility” as a “*a facility with dwelling units, accessory uses, and support services designed for occupancy for person 55 years of age or older*”.

Mr. Shacklett noted that four material changes to the PD would have to be made to accommodate the proposed use:

- An amendment to allow an independent living facility as an additional use.
- Reduced parking setback along Infocom Drive.
- Installation of a 6-foot wrought iron fence along Infocom Drive in lieu of a 4-foot wrought iron fence as allowed in the PD.
- Specific parking ratio –1.5 spaces per unit as opposed to the typical 2 spaces per unit in apartment buildings, but in line with recently approved independent living facilities at Renner and North Star Roads, and Twin Rivers at Belt Line and Glenville Roads.

Mr. Shacklett concluded his presentation noting that if the request was approved, conditions listed in the staff report should be included in the motion.

Commissioner Linn asked if there would be gates on the requested 6-foot wrought iron fence and, if there were no gates, he did not see the point of having the fence for security and asked if the residents would have direct access from their apartments from the outside.

Mr. Shacklett replied that the original submittal had gates to provide additional security, but in order to provide adequate turn around areas the gates were removed. The elevations showed doors under the windows and those were to allow some access to the exterior, but the main entrances to the units would be through an internal hallway.

Commissioner Linn asked how the facility would confirm that those living there were actually “55 and older” as it states in the CZO.

Mr. Shacklett replied that if the owners did not comply with the “55 and older” it would put them in violation of the zoning ordinance.

Vice Chair Hand asked if the property could some day become assisted living.

Mr. Shacklett replied that a change to assisted living would require another PD amendment.

No further questions were asked of staff and Chairman Gantt opened the public hearing.

Mr. Dale Wamstad, 14307 Hughes Lane, Dallas, Texas, stated his request to change from condominiums to independent living was based on a business decision, and he still hoped to build a hotel on the remaining property.

Commissioner DePuy asked about the type of amenities that were planned for the independent facility and if there would be any type of cafeteria on the premises.

Mr. Wamstad replied that there would be a second floor community room off the elevator lobby, but the pool and workout facilities would be built with the development of the hotel. Also, because there are restaurants within walking distance there would not be a need for a cafeteria.

Commissioner Maxwell asked if the applicant was open to taking another look at the elevations because he felt the current images were not of the same quality of design as those proposed for the condominiums. He suggested that the tripartite design of the condominiums helped to break up the mass of the building which was missing from the proposed elevations.

Mr. Wamstad replied that the elevations did not accurately depict the articulation of the different sections of the building and noted that after every two units there would be a change in the elevation.

Chairman Gantt asked if the first floor residents would have access to a yard outside their apartments.

Mr. Wamstad replied that the north side of the building would have one continuous space for residents on the first floor to access from their apartments, and those on the south side would have individual patios.

No other comments were made in favor and Chairman Gantt called for comments in opposition.

Mr. Andrew Laska, 502 Hyde Park, Richardson, Texas, pointed out that the request before the Commission was again a question of form versus use and noted that many of the other independent living facilities in the City and surrounding areas had more amenities than the proposed facility.

Mr. Laska noted that most of the other independent living facilities were located in family/suburban areas and not close to a highway, and offered more green space with trees, grass and pathways. He concluded his comments by stating that he felt this was the wrong use in the wrong area.

No other comments were made in opposition and Chairman Gantt asked Mr. Wamstad if he had any rebuttal comments.

Mr. Wamstad stated he believed in the City and felt his past investments in the site helped increase development in the surrounding area.

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

Commissioner Linn stated that if the request was approved, built, and then sold, all someone would have to do to change the dwellings from independent living to condominiums was to request a change the zoning. He acknowledged that there was a need for independent living facilities, but the proposed facility lacked amenities.

Chairman Gantt stated that there was a need for independent living in the City and, although there are some fantastic restaurants nearby, residents of an independent living facility would want more amenities and waiting for the hotel to be built to have those amenities would not be appropriate. He added that he did not care for the surface parking or the wrought iron fence surrounding the property, and felt the scale and the previously approved design of the condominiums was more in line with other buildings in the area.

Vice Chair Hand reminded the Commission about the compromises made in the previous submission regarding the height of the restaurant along the frontage road and how the elevation was allowed to be lower so the three story condominiums at the rear of the property would be visible. He also felt the quality of design was lacking and would not be an asset to the future development at the Shire.

Commissioner Maxwell agreed about the lack in quality of the design and also thought the facility was lacking in amenities.

Commissioner Bright stated he was generally in support of the request and saw the development as senior apartments, but felt the design could be improved and amenities added. He suggested that if the item was not approved, but the Commission was satisfied with the use, then the applicant should be given direction on what the Commission would like to see in the design.

Commissioner DePuy stated she thought an independent living facility was not a good use of the property and noted that other independent facilities in the City have many more amenities and the proposed facility did not meet the standards most seniors would want. She suggested the applicant might look at developing the property as an apartment complex similar to the one at the Eastside on Campbell Road.

Commissioner Bouvier stated that direction should be given to the applicant and indicated the use, design and lack of amenities were three areas for the applicant to focus on if the request was not approved.

Vice Chair Hand suggested that the applicant return to a tripartite design with at least three stories along the back of the development. He added that the Commission was looking for the highest and best use for the property.

Commissioner DePuy asked if the independent living facility was not successful could it be converted back to an apartment complex.

Chairman Gantt replied that if an apartment complex was not an allowed use in the PD, the applicant would have to come back to the Commission and City Council for a change in zoning. He added that his concern was more about removing the description and use of the word "condominium" and suggested the term "independent living facility" be added instead.

**Motion:** Vice Chair Hand made a motion to recommend denial of Zoning File 12-13, without prejudice; second by Commissioner Maxwell.

Commissioner Bouvier asked if the Commission recommended denial could the applicant appeal to the City Council.

Mr. Shacklett replied that if a recommendation of denial was made, the applicant had the right to appeal directly to the City Council. Chairman Gantt added that if the applicant chose not to appeal, and because the motion was made without prejudice, the applicant could come back to the Commission with a new plan.

Motion passed 7-0.

- 9. Zoning File 12-14:** Consider and take necessary action on a request by Grey Stogner, representing Crestview Real Estate, LLC, for a Special Permit for a motor vehicle service station with modified development standards. The 0.96 acre site is located east of the DART

Light Rail, between Spring Valley Road and Centennial Boulevard and is zoned PD Planned Development.

Mr. Chavez stated the applicant was requesting a Special Permit for a motor vehicle service station with modified development standards and the property is located on the southeast corner of Spring Valley Road and Centennial Boulevard. He added that the site was 0.96-acres in size, zoned PD, and located in the Spring Valley Station District (District).

Mr. Chavez noted that in December of 2011, a similar application was presented and received a recommendation of denial based on the proposed use being a single use and the development not meeting the intent of the vision for the District. He added that the current submittal was similar to the original request and depicted a single use for motor vehicle service station, although some of the site elements had been reoriented.

Mr. Chavez reported that the applicant was requesting exceptions as allowed for in the District's regulations including:

- Primary entrance location
- Exterior building façade materials
- Build-to lines
- Amenity zones along Spring Valley Road and Centennial Boulevard
- Yard requirements
- Building to lot frontage requirement
- Allowed reduction or relief for internal stacking at the gas pumps

Mr. Chavez closed his presentation by noting the proposed conditions listed in the Commission's packet and asked if there were any questions for staff.

Vice Chair Hand asked if it was possible to look at the previous submittal from last year.

Mr. Chavez replied he did not have a copy of the submittal, but explained that in the December 2011 submittal, the building and gas pumps were located in different areas.

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

Mr. Richard Ferrara, 405 N. Waterview Drive, Richardson, Texas, stated he was representing the applicant, Mr. Gray Stogner, and highlighted the efforts by the owners of Brick Row in working with the applicant and the 7-Eleven Corporation.

Mr. Ferrara presented a review of the planning process for the area in question pointing out the many challenges of planning for a property that was small in size and bordered by two streets; one of which is a major thoroughfare. He added that three different architectural

firms had been involved in reviewing design options, and during the design process one, two and three story buildings were reviewed, but all felt they would not work well on the site.

Mr. Ferrara stated that after reviewing all the options, the group returned to the original submittal, but made many refinements to the design. He added the current design put the hard edge of the design along Centennial Boulevard and the soft edge to Spring Valley Road facing Brick Row with additional berms and landscaping to make it more of a “park like” setting and act as a screen against vehicle headlights coming in and out of the facility.

Mr. Ferrara concluded his presentation by pointing out other elements in the design not typical to 7-Elevens including the outdoor shade structure with seating, and the thin, 18 inch depth of the canopy over the gas pumps with wood elements tying the two areas together.

Commissioner Linn asked if the same materials used on the Brick Row buildings would be used on the proposed building. He also wanted to know if some type of architectural element could be added to the western most edge of the property and thought the area was an ideal location to create a space for pedestrian traffic or a common area.

Mr. Ferrara replied the same materials, color selection and manufacturer would be used on the proposed building. In addition, the area at the western edge of the property was not their property and had already been approved as a location for a sign for Brick Row.

Chairman Gantt asked if the driveway on the western edge of the property was there to support the gas delivery trucks.

Mr. Ferrara replied it was his understanding that during the previous submittal the applicant was told to make sure a driveway was designed to line up with the main entrance to Brick Row. Also, the delivery system engineers for 7-Eleven had designed the layout for ease of access for the gasoline tankers.

Vice Chair Hand stated he thought the current proposal was better than the original submittal, and acknowledged the site lines were important to Brick Row, but felt there was still an opportunity to build a taller structure on the site, although it did not need to be a building and could be some type of public art; something that signified a “place” on a very important corner.

Mr. Ferrara stated he disagreed about the property’s importance and felt the proposed design was subtle and complimented the designs at Brick Row by putting the hard, urban edge along the Centennial Boulevard side of the property and the softer edge along Spring Valley Road. He added that what the applicant was proposing would not only be beneficial to him personally, but would also help further the growth at Brick Row.

Vice Chair Hand stated that Mr. Ferrara might be right from a commercial perspective, but he did not want to stop exploring other options and suggested it could be potentially powerful, from a retail perspective, to be able to populate both sides of the street to generate an urban solution.

Mr. Ferrara replied that if the property to the east could be redeveloped all the way over to Greenville Avenue that might be possible, but pointed out that Spring Valley Road turns into a residential street to the east of Greenville Avenue, which did not leave much area for an urban district.

Commissioner DePuy stated that a multi-level, flat iron style of building would completely block the view of Brick Row and thought having a 7-Eleven there would be convenient for the residents of Brick Row because it would be easy to walk across a street that has very little traffic.

Mr. Ferrara agreed and added that a 7-Eleven would also provide the convenience of allowing the residents to walk to the store to pick up a few quick items (bread, milk, etc.) as opposed to getting in their car and driving to the nearest grocery store.

Commissioner Linn stated he thought Brick Row and other transit oriented developments (TOD) were trying to capitalize on walk-ability and he did not think a design or concept that encouraged a gas station was compatible with that vision and not the best use of the site.

Mr. Ferrara replied that he was originally retained to review and analyze potential uses for the property and teamed up with another architect to do some visualizations. In the end, the team determined there were serious benefits for the scale of the proposed project as opposed to a full-blown, fill-up-the-site type of development. He added that those involved felt the proposed project was a valid solution to a very hard to develop piece of property.

Commissioner Bright stated he liked the current submission as compared to the original, but felt that the 7-Eleven did not seem to be very urban in design.

Mr. Ferrara replied that architecturally Brick Row was not an urban design, but rather an urban concept with traditional architecture, as is the proposed 7-Eleven. If an urban design was used on the proposed 7-Eleven, similar to the design of the DART Light Rail station, it would not work against the traditional architecture of Brick Row.

Vice Chair Hand stated that the architecture at Brick Row had an urban massing, and while there were some historic references, it was basically a contemporized historic reference. He added that he could agree to a smaller scale, but the proposed building and/or landscape design did not strike him as something special and referred to the type of “place making” he was looking for as something similar to I. M. Pei’s glass triangle at the Louvre or the Apple Store in Manhattan.

Mr. Ferrara replied that he had received comments that the proposed design reminded someone of the small quaint gas stations in Europe, which seemed to indicate a “place making” for the area.

Commissioner Maxwell stated he felt conflicted because at first he thought the proposed use was not right for the site, but then felt a convenience store and gas station could be complimentary to Brick Row; however, the uniqueness of the site itself, being triangular in shape, was not the appropriate location for the proposed use. He added that what the proposal lacked was the quality of design or the iconic look of gas stations of Europe, and felt 7-Eleven might not be willing to break their mold and go for a design that was totally unique.

Mr. Ferrara replied the proposed store was similar in nature to one that was approved at Renner and North Star Roads, which he felt was a better fit to the area around Brick Row than any of the other options that had been reviewed. He stated if it was a matter of the architecture of the building it would be an easy thing to fix; however, what was more important was an acknowledgement from the Commission that the applicant was on the right path with the concept and site plan.

Vice Chair Hand asked if it would be possible to pull the building into the site and have circulation around the building.

Mr. Ferrara replied that there will be 10 feet between the building and the wall supporting the creek.

Commissioner DePuy stated she thought the Commission needed to give some guidance to the applicant on what exactly they wanted to see. She asked if it would be a design that harkened back to an older more homey style; a design that was more contemporary; or something that was compatible with Brick Row.

Mr. Andrew Laska, 502 Hyde Park, Richardson, Texas, reminded the Commission he was not in favor of the previous proposal, but now felt the design addressed many of the concerns he had regarding form versus use and was in favor of the proposal.

Mr. David Gleeson, L & B Realty Advisors, 8750 N. Central Expressway, Dallas, Texas, stated he was the managing general partner for Centennial Park Richardson, which is the owner of the Brick Row development with the exception of the townhome development. He acknowledged that the site was very challenging to develop, but pointed out some of the design concessions 7-Eleven had made due to the City's requests.

Mr. Gleeson concluded his comments noting that the highest and best use of a property was determined by the economic viability of what was built on the property and not how much could be squeezed into the space. He added that his company was in support of the applicant's design.

Chairman Gantt asked if there was any concern with the landscaping design to have trees along both sides of the property and problems that might cause with line of sight.

Mr. Gleeson replied that assuming the trees would be similar to those on Brick Row with a 42' canopy, he thought the site lines would be sufficient.

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

Mr. Kevin Williams, 748 Matthew Place, Richardson, Texas, said he was a townhome owner in Brick Row and was not very happy about having a convenience store with a gas station on the perimeter of Brick Row, but thought the design could be improved.

Mr. Gary Flatt, 752 S. Greenville Avenue, Richardson, Texas, stated that when he was looking at purchasing one of the townhomes in Brick Row he was shown a site plan and a gas station was not on that plan, but a flat iron style building was. He felt a gas station was not the answer.

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

Mr. Ferrara stated that if he recalled correctly, the original concept plan showed two buildings on the property with a retail building on the eastern edge of the lot and a non-descript building towards the western side. He pointed out that from a massing standpoint, the proposed concept plan was very similar in nature and would be an asset to the area.

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

Commissioner Bouvier stated the property was a challenge to develop from both a use and design standpoint, and understood what the project could bring to Brick Row, but cautioned the Commission on letting too much time pass between development events in the area. He pointed out that the gas station would funnel east bound traffic wishing to enter the site onto Spring Valley Road, which would bring traffic in front of the retail shops at Brick Row and help to make those shops successful.

Mr. Bouvier acknowledged that a flat iron building may look good on paper, but it would not work on the site. He added that if the Commission denied the request, he was not sure how the development could be made any better.

Commissioner Maxwell stated he was not in favor of the proposal prior to the meeting, although he could now accept the use and felt it complimented the Brick Row development. As far as the design, he agreed it was better than other gas stations that had been approved, but pointed out that the design should not be relative to the use, but rather the design should be relative to the unique site and needed an iconic shape.

Commissioner Bouvier asked the architects on the Commission what they would change in the design.

Commissioner Maxwell replied that the canopy was a good design, but the building was more of a “cookie-cutter” design and needed the same type of attention that was given to the canopy.

Vice Chair Hand stated earlier comments that the design was similar to the 7-Eleven approved at Renner and North Star Roads in a more suburban location did not make it an asset to the urban, TOD area of Brick Row; the proposed building should be special and truly unique. He added that he was in favor of the site plan and scale of design, but wanted further work on the design.

Commissioner Bright stated he did not have a problem with the design, but felt that because of the uniqueness of the location it was not an appropriate use.

Commissioner Linn concurred with Mr. Bright’s assessment and felt there was an opportunity to create new urbanism and did not think the proposed use was appropriate.

Commissioner DePuy stated that Mr. Bouvier’s comments were important about not letting too much time pass between development events and asked the Commission to be specific about what they wanted to see developed on the site. She added that she was in favor of moving forward with the proposal.

Commissioner Bouvier asked if the Commission was suggesting keeping the same layout and only making changes to the building design as opposed to changing everything.

Vice Chair Hand replied that it was not up to the Commission to design buildings and thought an architect would know what was meant by “design an iconic building”, but felt blending in with Brick Row would be counterproductive. He added he was open to the site plan, but would like to have something vertical designed for the site (building or canopy) that would be unique, as well as pulling the building further away from the creek.

Chairman Gantt thanked the applicant for their hard work and acknowledged the site was very difficult to develop, the canopy was beautiful, and he did not have any issues with the design. As far as use, Mr. Gantt said it was not the use he would want to develop there, but it was satisfactory.

Chairman Gantt wanted to know if the Commission could approve the use and site plan, but come back with elevations for approval during the development process. He expressed concern that a section in the staff’s report seemed to indicate if the item was approved then the Commission would have no further input on the design.

Mr. Chavez replied the PD required approval of the concept plan and the reason for the wording of the language in the suggested motion pertained to condition 5 in the motion that basically redesigns the concept plan. He said he was not sure how the applicant would feel about going forward with the concept and site plans knowing that they would have to return with another yet unknown elevation.

Mr. Chavez noted that the motion could delete any reference to elevations and stay with Exhibit B, which is a site plan with a building footprint. He suggested deleting condition 5, remove condition 3b, and amend condition 2 to delete any reference Exhibits “D”, “E-1” and E-2”.

Commissioner Maxwell wanted to know if the applicant could be brought back and asked if they were willing to go back and take another look at the design.

Chairman Gantt asked the applicant if he would be amenable to the Commission passing a motion that the use or concept was acceptable, but the architecture needed to be redesigned.

Mr. Grey Stogner, Crest View Real Estate, 15050 Preston Road, Suite 210, Dallas, Texas, asked to clarify that the Commission was stating the site plan and Special Permit would be approved, but the building design would need to be revised.

Chairman Gantt replied the Commission was debating whether they could look at the applicant’s request as separate items and approve some of those items now and wait to approve other items at a later date.

Vice Chair Hand stated he wanted to make sure the Commission was in agreement before sending the item forward to the City Council, whether approved or denied, and suggested tapping the brakes and asking the owner to revisit certain items with an understanding of what the Commission was looking for in a redesign.

Chairman Gantt stated he was proposing that if the Commission could arrive at a consensus that the use was okay, and that Exhibit B would be the concept plan, then the applicant could return with updated site and elevation plans at another time.

Commissioner Maxwell stated he agreed with Mr. Hand and thought that approving part of the request and asking the applicant to come back for a second part was convoluted. In addition, he was not sure the Commission was in agreement and thought continuing the item was a better option.

Commissioner DePuy asked if any of the Commissioners had other ideas as to what would be an appropriate use.

Chairman Gantt replied that a convenience store and gas station was one possibility, but the concept plan also identified a restaurant, small office space, or multi-story buildings as possibilities based on the current PD zoning.

Commissioner DePuy stated that office space would not bring the needed traffic into the area to help the adjacent retail. She added that a gas station in a TOD does not necessarily make sense, but in reality there are still hundreds of cars going through that area.

Commissioner Linn disagreed and said that many people in downtown Dallas area leave their office buildings and walk around the adjacent businesses, which he felt could happen at the proposed development. He said he did not think the proposed development was the proper use of the land and felt if the property was developed as a gas station now, it would remain a gas station for many years to come.

Mr. Chavez reminded the Commission that the task before them was not to determine what the appropriate use was, but whether the request was appropriate. He suggested that if the Commission wanted to approve Exhibit B as the concept plan only, the motion would be to recommend approval in accordance with the attached Exhibit B with the listed exceptions, and at the time of development plans, the building elevations would be approved by the Commission and City Council

Chairman Gantt stated that he felt the Commission needed to focus on whether or not the submission was an appropriate use of the land and not so much on the design. He thought that putting a multi-story building on the property with retail on the ground floor would be very difficult to develop on the site

**Motion:** Commissioner Maxwell made a motion to recommend approval of Zoning File 12-14 with the special conditions noted except for any reference to any approval of building elevations, and that building elevations be approved at the time of development plan review.

Motion failed for lack of a second.

Vice Chair Hand asked if Mr. Maxwell's motion was approved, did that approve Exhibit B, the site plan, and could the applicant refine the site plan and bring it back. He thought the Commission should give the applicant a chance to make refinements on the site plan.

Chairman Gantt replied that Exhibit B would be the concept plan, not the site plan, and if approved the applicant would bring back a new site plan during the development process. He added that if a motion similar to Mr. Maxwell's were to pass, the zoning would move forward to City Council.

**Motion:** Commissioner Bouvier made a motion to recommend approval of Zoning File 12-14 as presented; second by Commissioner DePuy. Motion failed 2-5 with Chairman Gantt, Vice Chair Hand, and Commissioners Bright, Linn and Maxwell opposed.

**Motion:** Commissioner Maxwell made a motion to recommend approval of Zoning File 12-14 as presented including the special conditions with the exception of deleting any reference for the approval of building elevations, and the building elevations will be approved during development plan process; second by Vice Chair Hand.

Commissioner Linn asked to confirm that the motion would be to move forward with approval of the "use" and review the architecture and site plan at a later date.

Vice Chair Hand confirmed that was correct.

Commissioner Bouvier asked to confirm that the concept plan would be approved as part of the motion.

Chairman Gantt replied the concept plan would move forward to City Council, if approved, and all references to any elevations or site plan would be held for the standard development cycle.

Motion approved 5–2 with Commissioners Bright and Linn opposed.

**10. Zoning File 12-15:** Consider and take necessary action on a request by Eldon Haacke, representing Terraform Companies, for a Special Permit for a special events and entertainment facility with modified development standards. The 1.79 acre site is located north of Greenville Avenue, east of Glenville Drive and is zoned I-M(1) Industrial.

Mr. Chavez stated the applicant was requesting approval of a Special Permit for a 9,200 square foot special event and entertainment facility with modified development standards. He added that the 1.7-acre site is located north of Greenville Avenue and east of Glenville Drive and zoned I-M(1) Industrial.

Mr. Chavez noted that the applicant was requesting three deviations from the development standards:

- Reduction in the 80% masonry requirement – the north, south and west elevations of the proposed building did not meet the masonry requirements; however, the applicant was proposing to use a 12” x 24” porcelain tile as an accent material.
- Reduction in parking ratio – the City’s parking ratio requires 1:100 for the type of use, but the applicant was requesting a reduction to 7.8:1,000 based on a parking analysis from the applicant’s other facilities. In addition, if there was an event that required more parking, the applicant was proposing an access easement that would lead to the parking lot for the adjacent Verizon facility.
- Exempt property from Chapter 21 requirements that all lots must have street frontages for platting purposes; however, because of the interior nature of the lot, the property will have access from a driveway as opposed to a street, and there was a proposed median cut to access the driveway.

Commissioner DePuy asked if the applicant had provided any material samples for the porcelain tile.

Mr. Chavez replied that samples were not available, but it would be the same type that was used on facilities in the cities of Irving and Fairview.

Commissioner Bouvier stated it was unusual for the Commission to be making a decision on the type of material and reduction in required masonry materials if samples were not provided. He also wanted to know if the rendering would be attached to the ordinance.

Mr. Chavez confirmed the rendering would be attached to the ordinance.

Commissioner Bright wanted to know the percent of reduction in parking being requested by the applicant.

Mr. Chavez replied that it was an approximately a 20% reduction in parking and the requested reduction pertained only to the parking spaces on the property. He added that he was not sure if the parking and access agreements between the applicant and Verizon had been executed.

Commissioner Maxwell asked if it was the normal process to first approve the zoning request then have the shared access agreement executed. Also, he wanted to know if there was some type of mechanism in place to insure the agreements were signed.

Mr. Chavez replied that based on the conditions in the staff report, there was no mechanism to insure that occurred, but suggested the Commission could add a condition that prior to a Certificate of Occupancy (CO) being issued, a parking agreement would have to be executed.

Vice Chair Hand asked if a wood frame building, as proposed by the applicant, was allowed in an Industrial District.

Mr. Shacklett replied there are two Industrial Zones – I-M, which is industrial masonry that allows wood frame; and, I-FP, which is industrial fire proof that would not allow a building with wood frame construction. However, the proposed building would be located in an I-M district and have a wood frame, but would have to meet the masonry structure condition.

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

Mr. Scott Jensen, representing Noah's, 4139 W. Northgate Drive, Irving, Texas; Mr. Michael Denton, Senior Director of NAI Robert Linn Real Estate, 4851 LBJ Freeway, Suite 1,000, Dallas, Texas, representing Noah's; and Mr. Sam Hanna, DeOtte Engineering, 6707 Brentwood Stair, Fort Worth, Texas.

Mr. Denton stated that he represented Noah Corporation around the country in their real estate transactions and could answer any questions.

Chairman Gantt asked if a parking agreement with Verizon would be included in the access agreement and cautioned that the agreement would have to be in place prior to a CO being issued.

Mr. Denton replied that the access easements had been drafted by Verizon and were awaiting approval of the zoning before being signed. He said he was not sure if the parking agreement was part of the access agreement, but stressed that the last thing Noah's wanted to do was have a parking situation that would cause problems for their customers.

Commissioner Bright asked if the shared parking agreement was limited to weekends.

Mr. Denton replied that the facility would support corporate events during the week and family events (weddings, etc.) on the weekends, and what they have found is that most people car pool to both type of events. He added that the parking agreement would not be limited to weekends.

Commissioner Linn asked if it would be possible to take a vacant or underused property in the City and redevelop it as opposed to building from the ground up.

Mr. Denton replied that as traditional as the building appears, there are many electronic and automated features that require ground-up construction of the facility. He added that converting existing buildings would be cost prohibitive.

Vice Chair Hand asked if any of the other Noah facilities were larger than the proposed building in the City. He also wanted to know why they were placing the building at the back of the of the 8-acre tract of land.

Mr. Jensen replied that the two facilities in Utah were three stories in height, but all the others in the country were only one-story.

Regarding placement of the building on the lot, Mr. Denton replied that Verizon, the owner of the property, asked them to locate at the back of lot because they had received an offer from a group that develops Hampton Inns. He added that he was not sure how far the negotiations on that property had progressed.

Vice Chair Hand asked if the applicant thought he would be competing with the local hotels regarding meeting space and he also wanted to know if they would ever think of expanding the building.

Mr. Jensen replied that most hotels only supply meeting space in order to rent their hotel rooms, plus customers must pay additional charges for renting any equipment, whereas, at a Noah building all of that was included.

Regarding expanding the building, Mr. Denton replied if it got to the point they were turning away business they would look at building another facility.

Commissioner DePuy pointed out there were many hotels around that area and wondered what would be the main source for Noah's business. She also wanted to know if the Fairview, Texas property had been built.

Mr. Jensen replied that Monday through Thursday the facility is usually filled with corporate meetings during the day with some family events in the evening, and Fridays and Saturdays were typically booked for weddings. He added the most of the competition would be from hotels, meeting spaces, and wedding venues.

Mr. Denton replied that the economic development director for the City of Fairview stated Noah's could break ground next week and the property was located off Stacy Road adjacent to the Fairview City Hall.

Commissioner DePuy asked about the accent tile referenced in the Commission's packet.

Mr. Denton replied the tile would be a very high-end quality material that would provide curb appeal. He added that interior would have hardwood floors with other high quality materials and the buildings were built to get better with age.

Chairman Gantt asked if the picture on page 5 of the handout from the applicant was a representation of the tile to be used.

Mr. Jensen replied that it was not the same tile, but the overall look was similar.

Mr. Shacklett noted that on Exhibit C1 there were lists of materials and colors.

Commissioner Bright asked why the applicant could not meet the City's 80% masonry requirement, and was the porcelain tile better than the masonry.

Mr. Denton replied the types of materials used would be very high quality and Noah was trying to standardize all their buildings because it created an identity as well as efficiencies.

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

Chairman Gantt stated he thought the proposal was a very interesting concept and felt many people would like to use the facility.

Commissioner DePuy stated the Commission had discussions in the past about using different construction materials and felt the porcelain tile would work well.

Vice Chair Hand agreed and noted that the Commission had spent a lot of time talking about new generation materials and felt that porcelain tile as a finish product would not cause a problem as long as the installation was done correctly.

Commissioner Maxwell concurred and thought the tile could be used to meet the 80% masonry requirement, but did express concern about the unsure nature of the shared parking agreement.

Commissioner Bouvier initially thought the request was not a compatible use for the area; however, after learning more about the product was in support of the request. He suggested that if the item was approved and moved forward to the City Council, the applicant should bring samples of the materials to be used.

**Motion:** Commissioner Maxwell made a motion to recommend approval of Zoning File 12-15 as presented with an additional condition that signed parking and access easements are in place prior to the issuance of a Certificate of Occupancy; second by Commissioner Linn. Motion passed 7-0.

### **ADJOURN**

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 12:01 a.m.

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David Gantt, Chairman  
City Plan Commission