

**CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – DECEMBER 4, 2012**

The Richardson City Plan Commission met December 4, 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  
Eron Linn, Commissioner  
Thomas Maxwell, Commissioner  
Don Bouvier, Alternate  
Randy Roland, Alternate

**CITY STAFF PRESENT:** Michael Spicer, Director – Dev. Svcs.  
Sam Chavez, Assistant Director - Dev. Svcs – Planning  
Susan Smith, Assistant Director – Dev. Svcs – Dev. & Eng.  
Dave Carter, Assistant Director – Dev. Svcs – Traffic & Trans.  
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 November 20, 2012.**

**Motion:** Commissioner Frederick made a motion to approve the minutes as presented; second by Vice Chair Hand. 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 Elevations – TDI Richardson 190 East (companion to Item 7):**

A request by Kevin Gaskey, representing Kimley-Horn, for a 120-unit apartment complex. The 10 acre site is located on the south side of President George Bush Highway, west of Custer Parkway and is zoned PD Planned Development. *Staff: Israel Roberts.*

**3. Site Plan, Landscape Plan and Elevations – TDI Richardson 190 West (companion to Item 7):**

A request by Kevin Gaskey, representing Kimley-Horn, for a 240-unit apartment complex. The 20

acre site is located on the south side of President George Bush Highway, west of Custer Parkway and is zoned PD Planned Development. *Staff: Israel Roberts.*

4. **Amending Plat – II Creeks:** Consider and take necessary action on a request for an amending plat of the II Creeks Addition to combine Lots 14 and 15 into a single lot, Lot 14A. The 0.14-acre lot is located on the west side of Custer Parkway, north of Lookout Drive and is zoned PD Planned Development. Applicant: Richard Dietrichson. *Staff: Mohamed Bireima.*
5. **Site Plan, Landscape Plan and Elevations – Texaco:** A request by S.I. Abed, representing Design Development Consultants, for the development of a 2,985 square foot convenience store with gasoline sales. The site is located at the northeast corner of Belt Line Road and Plano Road and is zoned LR-M(2) Local Retail District with a Special Permit for gasoline sales. Applicant: S.I. Abed. *Staff: Israel Roberts.*
6. **Master Fence Plan – Datacenter Park:** A request by Josh Jezek, representing Pacheco Koch, for approval of a Master Fence plan for Datacenter Park to install an 8-foot security fence around the entirety of the Datacenter Park campus. The site is located between E. Collins Boulevard and Security Row and is zoned I-FP(2) Industrial Fire Proof. Applicant: Josh Jezek. *Staff: Israel Roberts.*

Commissioner Bouvier asked to have Items 2 and 3 removed from the Consent Agenda for separate consideration.

**Motion:** Commissioner Bright made a motion to approve Items 4, 5 and 6 of the Consent Agenda; second by Commissioner DePuy. Motion approved 7-0.

### **SEPARATE CONSIDERATION**

2. **Site Plan, Landscape Plan and Elevations – TDI Richardson 190 East (companion to Item 7):** A request by Kevin Gaskey, representing Kimley-Horn, for a 120-unit apartment complex. The 10 acre site is located on the south side of President George Bush Highway, west of Custer Parkway and is zoned PD Planned Development.

Commissioner Bouvier asked to forego any briefing by staff and requested to bring the applicant forward for some questions.

Ms. Misty Ventura, legal counsel for the applicant, 9406 Biscayne Boulevard, Dallas, Texas, said she was available for questions.

Commissioner Bouvier thanked the applicant for meeting with the Homeowners Associations (HOA) in the area and had some comments and questions: first, had the urban architectural style of the project changed from earlier conversations with the HOAs; and second, was there a possibility of upgrading the fence that bisects the property similar to the upgrade made to the Estates project a few years ago. He also suggested that in the future the applicant might want to come back and ask to

remove the fence between the two properties similar to another case that had been before the Commission.

Ms. Ventura replied that in regards to the elevations, the applicant was trying to accomplish two goals: first, to meet the market; and second, to meet the regulations. She added that the elevations provided accomplished both goals by meeting market demand and satisfying the City's regulatory requirements. With respect to the design of the project, Ms. Ventura stated they might have changed over time, which was a function of the development cycle and respectfully requested that the Commission approved the current elevations.

Regarding the fence, Ms. Ventura stated it was part of the site plan and, again, the goal was to meet the market and satisfied the regulatory requirements of the City. She added that the applicant agreed with the Commission's comments about the possibility of removing the fence in the future and hoped to be back before the Commission with a request.

Commissioner Bouvier stated he understood the comments on the architecture and meeting market demands, and encouraged the applicant to return with a request for removal of the fence and apply the money elsewhere in the project.

Vice Chair Hand asked if there was anything besides the City's masonry requirements that would impact the architecture of the project.

Mr. Roberts replied that the PD where the project is located did not have minimum masonry requirements as part of the development plan process.

**Motion:** Commissioner Bright made a motion to approve Consent Agenda Item 2 as presented; second by Commissioner Linn. Motion approved 7-0.

3. **Site Plan, Landscape Plan and Elevations – TDI Richardson 190 West (companion to Item 7):**  
A request by Kevin Gaskey, representing Kimley-Horn, for a 240-unit apartment complex. The 20 acre site is located on the south side of President George Bush Highway, west of Custer Parkway and is zoned PD Planned Development.

Chairman Gantt asked if comments and questions for Item 2 applied to Item 3 as well, and Commission Bouvier confirmed they did.

**Motion:** Commissioner Linn made a motion to approve Consent Agenda Item 3 as presented; second by Commissioner DePuy. Motion approved 7-0.

## **PUBLIC HEARINGS**

7. **Replat – Turnpike Commons West Addition, Lots 4 and 5, Block A (companion to Items 2 and 3):** Consider and take necessary action on a request for a replat of a portion of the Greenside Drive Addition and a 28.88-acre tract of unplatted property to create two (2) lots. The 30.0-acre sites are located at 905 W. President George Bush Highway (Lot 4) and 955 W. President George Bush Highway (Lot 5), on the south side of President George Bush Turnpike, west of Custer Parkway.

Mr. Roberts stated the applicant was requesting to replat of a portions of the Greenside Drive Addition and a 28.88 tract of unplatted property into two lots for the previously approved TDI East and West projects. He added that the proposed replat met all the City’s design standards and dedicated the necessary easements for the development of the two properties.

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

Ms. Misty Ventura, legal counsel for the applicant, 9406 Biscayne Boulevard, Dallas, Texas, said she was available for questions and asked the Commission to approve the request.

Mr. Chip Pratt, 2700 W. Prairie Creek, Richardson, Texas, stated the Canyon Creek Homeowners Association met with the applicant and thanked them for listening to their concerns and taking action with respect to the utility easement and the retention pond. He did express some concerns with the quality of the fence and the asphalt shingles and encouraged the applicant to upgrade those items and cited the project they developed on Renner Road as an example.

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

**Motion:** Commissioner Maxwell made a motion to approve Item 7 as presented; second by Commissioner Bright. Motion approved 7-0.

*Note: Vice Chair Hand recused himself from Items 8 and 9 and left the chamber for the remainder of the meeting.*

8. **Zoning File 12-19:** Consider and take necessary action on a request by William S. Dahlstrom, Jackson, Walker, LLP, representing Bush/75 Partners LP, to amend the Bush Central Station Planned Development District, Ordinance 3806, relative to approximately 38.5 acres of land located on the south side of President George Bush Turnpike, between Plano Road and the DART Light Rail Red Line right-of-way to establish an alternate Regulating Plan, associated development standards, and street cross-sections.

Mr. Chavez advised that the applicant was requesting to establish an alternate regulating plan for the 38.5 acres bounded by the President George Bush Turnpike (PGBT) on the north, Plano Road on the east, and the DART Light Rail Line on the west. He added that as a point of reference, the travel lanes for the PGBT, adjacent to the rail line, were 38 feet above grade and on the east side by Plano Road the travel lanes were at 25 feet above grade.

Mr. Chavez compared the existing regulating plan (RP-1) to the proposed plan, RP-2, and noted that RP-2, if approved, would not replace the existing RP, but would simply be an option for the developer to implement at a future date and, once either RP-1 or RP-2 was chosen, that RP would become the regulating plan for the site. He added that as with RP-1, RP-2 would have character zones (TOD Core and TOD mixed use) as well as civic and open areas. In addition, there will be special frontage types (main street and pedestrian priority), and six street types with development standards that include right-of-way, number of travel lanes, pedestrian easements, and parking; one of street types will be a plaza area with one-way lanes encircling an oblong roundabout around a pedestrian plaza.

Regarding the type of design standards proposed for RP-2, Mr. Chavez noted the applicant was requesting to add the use of architectural precast concrete panels to the already approved list of materials.

Mr. Chavez compared the Traffic Impact Analysis (TIA) presented during the development of RP-1 to the one prepared for RP-2 and noted a slight increase in traffic of one-half of one percent due to the increase in non-residential and office use of approximately 800,000 square feet. He added that based on the analysis, the traffic mitigation elements presented in RP-1 would remain intact (i.e., deceleration lanes, traffic signals, left turn lanes, etc.).

In closing his presentation, Mr. Chavez stated that staff's review determined the proposed RP was a simple rearrangement of the elements of the existing plan and would better suit the needs of a pending development on the site by concentrating on the relationship of buildings to the street and leaving the form based code intact.

Chairman Gantt asked if the item was approved, could the property be developed under either RP and if the property on the lower portion of the exhibit labeled "Excluded from BCS RP-2" would be developed under the original RP.

Mr. Chavez replied that a developer could build under either RP, but once an RP was selected it would be the regulating plan for the site. He added that the portion of the plan excluded from RP-2 would be developed under the original RP.

Commissioner Roland asked if the road system and character zones were based on input from the staff and the Commission as opposed to a developer requesting a specific plan.

Mr. Chavez replied that the design of RP-1 was based on the applicant's desire to develop a more urban, walkable environment, and RP-2 does not negate that, but created another option.

Commissioner Linn asked if the reference in the staff report that 80 percent of the panels in a building could be made up of precast concrete panels was accurate.

Mr. Chavez replied that was correct.

Chairman Gantt pointed out that the buildings could also be constructed out of any of the other approved materials such as brick, stone, metal or tile.

Commissioner Maxwell asked if a developer could pick and choose different sections of the two RPs, and if RP-2 could be approved pending a particular user.

Mr. Chavez replied that a developer could not choose different sections from each RP and the proposed RP could not be tied to a specific user.

Commissioner DePuy asked if the retail ready standard of 15 feet for ground floor spaces was being eliminated in RP-2.

Mr. Chavez replied that RP-2 proposes to eliminate retail ready standards; however, ground floors of buildings that front on the areas designated as "Main Street Frontage" will maintain a minimum 15-foot floor-to-floor, and there will be 10 feet floor-to-floor everywhere else.

Commissioner Bouvier asked about the land uses in the TOD Core and, if RP-2 was approved, what would prevent a big box retailer from building on the property such as a Wal-Mart. He expressed concern that any type of big box retailer might want to develop in the district.

Mr. Chavez replied that RP-2 allowed retail uses, but any big box retailer would have to meet the development standards of the RP. He added that a condition for the Commission to consider should be to attach the Traffic Impact Analysis to the RP, which limited the amount of retail to 100,000 square feet. Therefore, if a big box retailer wanted to build in the RP and retail square footage had already been allocated, they would be required to submit a new TIA due to the traffic impact associated with a big box retailer.

Commissioner Maxwell asked why the RP was being presented in the current format as opposed to the typical process for requesting a planned development.

Mr. Chavez replied that because of the nature of the existing form based code and how that code sets the major elements of the space, it was determined a rearrangements of the existing code would be more suitable than the typical planned development.

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

Mr. Walt Montfort, Executive V.P. with KDC, 4817 Gulfstream, Dallas, Texas, reviewed some of the other projects they have completed in the City including developing the Nortel Networks and Blue Cross Blue Shield (BCBS) campuses, and moving Fossil, Inc. into the old BCBS campus. He added they are looking at a bigger perspective than the one provided in RP-1, but were excited about the live, work, play environment provided by form based code zoning.

Chairman Gantt stated that it appeared the property was being developed for a specific client and asked if the applicant was at liberty to divulge that information.

Mr. Montfort replied that, at the present time, he could not release that information.

Commissioner Maxwell asked if there was a reason why the original RP street cross sections were not being redeveloped. He also expressed concern that the pedestrian space between the drive lanes, parking and buildings was greatly reduced in RP-2 and felt the loss of this space affected the life and vitality of those street sections.

Mr. Montfort replied that his company had a different vision for the property than the vision that was originally proposed under RP-1 and, if for some reason they were unable to close on the property, the original RP would remain in place. He added that their design parameters necessitated the different street cross sections as a means to segregate pedestrian traffic from vehicular traffic.

Regarding the ancillary space, Mr. Montfort stated the street sections were essentially the same from the standpoint of the number of lanes and the width, but explained that what may be confusing are the dashed lines on the exhibit that were on the original RP and considered as “non-mandatory streets”, which may or may not be built. In addition, when the original plan was culled backed to the solid lines it more accurately reflected what was being proposed – larger blocks as opposed to the smaller blocks in RP-1.

Mr. Chavez explained that the street setbacks or pedestrian easements were between 12 to 16 feet and the 21 feet listed on RP-1 included the “build to zone” meaning a developer could build anywhere within that zone.

Mr. Montfort said they had augmented the street section in question with an open pedestrian plaza giving it a more Main Street feel and environment. He added that there would be no buildings within the green spaces indicated on the plan.

Commissioner Maxwell asked staff if the grove of trees off Infocom Drive that were going to be preserved in RP-1 would be preserved in RP-2.

Mr. Chavez replied that based on RP-2, the grove would not be preserved, but that area would be designated as a “terminated vista point” and would require architectural treatment of the building at that location.

Mr. Montfort added they had reallocated that open space because it was more important for the overall success of the project.

Commissioner Maxwell asked if the plaza next to the light rail line proposed in RP-1 was going to be included in RP-2. He also wanted to know if the special designation area at the north end of the adjacent green belt area would remain.

Mr. Montfort replied that their intent was to have an adjacent hardscape area for the DART Light Rail to pay deference to that rail stop through a strong pedestrian connection and the area will include some green space.

Regarding the special designation area, Mr. Montfort said their vision of the site was to encapsulate an area of retail around the plaza with another one on the other side of Plano Road. He added that they did not envision retail on the west side around the DART Plaza.

Commissioner Bouvier asked about the intent and vision of moving the TOD Mixed Use Zone next to what would have been the special designation area in RP-1. He also asked the applicant to pay special attention to any buildings that would have exposure to PGBT, especially if they were to be parking garages.

Mr. Montfort replied that it was their intent to contain the retail to a certain extent and did not see the area next to the light rail as a destination or restaurant location consequently it could be used for anything listed in the TOD Mixed Use standards. He added that in the proposed regulating plan they were anticipating a high density, wrapped, residential product with retail on the ground floor in the southeast portion of the property and staff had impressed the importance of parking structure frontages throughout the project.

Commissioner Bouvier stated that when RP-1 was before the Commission there was a lot of discussion about synergy between the applicant's property and the property to the west and wanted to know if RP-2 would still have that same synergy.

Mr. Montfort said that if their property was developed as they envisioned, the property to the west would be enhanced through connection of Infocom Drive would not affect it in any way.

Mr. Chavez added that the common link between both properties would be Infocom Drive, which is still intact as well as the pedestrian connection through the DART station.

Commissioner Maxwell asked for clarification on why retail ready was being eliminated.

Mr. Montfort explained that in their vision of the retail areas in both the current property and the property to the east, the intent would be to contain it in certain areas creating a critical mass and protecting it from retail in another area of the development that could diminish the strength. He added that in RP-2, retail would be concentrated along the plaza area.

Commissioner Linn asked why the applicant was requesting to move precast concrete panels from accent materials to major building materials.

Mr. Montfort replied that precast concrete panels are the primary building component for constructing office buildings including the BCBS building that was recently constructed as well as the One Arts building in Dallas.

Mr. Chip Pratt, 2700 W. Prairie Creek, Richardson, Texas, 75080, stated he was not against the application, but was apprehensive about the way the current planned development request came to the Commission versus the process for RP-1. He expressed concern that surrounding neighborhoods might not have been made aware of the project and suggested additional community outreach.

Mr. Pratt also highlighted some other areas of concern:

- Elimination of the mandatory station platform frontage providing for retail;
- Parking increases related to the additional 800,000 square feet of office space and how will that be addressed (office versus mixed use);
- Effect of higher buildings (350 feet) on surrounding neighborhoods;
- Original character zones of RP-1 versus the proposed character zones in RP-2 and the changes between the two;
- Pedestrian plan for transition to the light rail station from additional residential units proposed under the next zoning case, Zoning File 12-20; and
- The finish requirements for the precast concrete panels.

In closing his statements, Mr. Pratt said he thought the original intent of the project was to provide the City with a “Legacy Town Center” environment, but encouraged the Commission to do a thorough analysis of what he perceived to be a substantial change from the requirements of RP-1.

No other comments in favor or opposed were received from the audience.

Commissioner Linn asked staff if it would be appropriate to request that structured parking not exceed a specific height.

Mr. Chavez replied that any development conditions needed to be stated during the zoning process; however, without knowing the height of the parking structure at this time it could create a problem by limiting the amount of developable square footage based on parking requirements.

Chairman Gantt asked if the realignment of Infocom Drive in the current zoning request would be impacted by the next item on the Commission’s agenda, Zoning File 12-20.

Mr. Carter replied there are two existing median openings along Plano Road and the new location of Infocom Drive is at an existing median opening that would connect to the proposed location on the east side of Plano Road. In addition, if RP-2 did not come to fruition, then Infocom Drive could still connect at either of the existing median openings, which would have signals and drives on both sides of Plano Road.

Commissioner Maxwell asked for further clarification on whether retail ready standards were being eliminated because of staff’s comments that ground floor ceiling heights were going to be 15 feet.

Mr. Chavez replied that the existing code for the DART station commercial frontage requirements stated, *“Ground floors of all buildings fronting on Type A streets and Plano Road shall be built to retail ready standards, including first floor-to-floor heights, ingress and egress, handicap access, and first floor elevations flush with the sidewalk.”*

Commissioner Maxwell asked the applicant if he would be willing to include those items read by Mr. Chavez into RP-2. He also wanted to know if the frontage along Plano Road was required to be retail ready in RP-1.

Mr. Montfort replied that was how they defined retail ready and those items would be acceptable.

Mr. Chavez said that a portion of the area along Plano Road south of proposed RP-2 was required to be retail ready due to the required slip road; however, under the current proposal, the slip road and retail ready standards were not required.

Commissioner Maxwell asked the applicant for his vision for the area around the plaza.

Mr. Montfort stated their visions were for restaurants, shops and other types of entertainment; basically a town center concept for both day and night use.

Commissioner Linn asked if the BCBS building was 85 percent precast concrete, and would the applicant be agreeable to a height restriction on parking structures.

Mr. Montfort replied if the glass was not counted, the building was entirely precast concrete. He added that if the Commission requested a height restriction of 100 feet for parking structures he would be agreeable to that restriction.

Commissioner Bright asked if there were any standards in RP-2 to ensure the quality of the precast concrete that could be used, and was there a standard in RP-1 that ensured the quality of the materials to be used.

Mr. Chavez replied that the term “architectural” indicated the precast would be of a higher quality, and RP-1 did not place any standards other than the use of brick, tile or glass.

Commissioner DePuy said she was excited about the proposed project and acknowledged that when the Commission first approved form based code for the property, it was with the intention that the code would be flexible. She stated that the area south of the PGBT was full of vitality and quality constructed buildings and believed that the proposed development would be just as good or even better.

Commissioner Frederick concurred with Ms. DePuy and said the adjustments the applicant was requesting were based on the needs and vision for the proposed property, which was exactly the purpose of form based code. She added that in this particular instance it could be a possible high rise business campus with retail to support the residents and workers in the area which

Chairman Gantt also agreed with Ms. Frederick and Ms. DePuy’s comments that the proposed PD was an adjustment and not a rezoning. He added that the applicant had a long and distinguished track record for developing high quality products and cautioned that the form base code would regulate the height of any parking structures.

Commissioner Bouvier said he appreciated the comments from the audience, but noted that the Commission had spent a great deal of time in hearings and special sessions when the original RP was proposed so it was easier for the Commission to grasp the nuances of the applicant's request. He added that he did not have any problems with precast concrete panels, and the height of the parking structure would be dictated by the number of the square feet developed and the economics of the project.

Commissioner Maxwell stated that he did not have a problem with the precast concrete panels, but was more concerned with allowing RP-2 to be used by any developer as opposed to tying it to the applicant. He also would have preferred to respect the existing grove of trees and the use of green space around the DART station as opposed to the use listed in RP-2.

Mr. Chavez replied that the only avenue to tie the change to a specific user would be through the Special Permit zoning process and that zoning would stay with the property whether it was used by the applicant or some other developer.

Chairman Gantt asked to confirm that if the request was approved, the two RPs; RP-1 and RP-2, would continue to exist even if KDC did not develop the property.

Mr. Chavez replied that was correct.

With no other comments or questions, Chairman Gantt closed the public hearing.

Commissioner Linn stated he was apprehensive about the possibility of parking structures visible from the PGBT and cautioned the Commission that if the opportunity was not taken to impose some type of height restrictions a very tall structure could dominate the architecture of the development.

Chairman Gantt understood what Mr. Linn was saying but pointed out that there are regulations in the form based code that ties the parking to the amount of square feet developed.

Mr. Chavez suggested the example of the BCBS parking structure noting that it was six levels and the height was 58 feet tall. He felt that Mr. Linn was referring more to how the parking structure was treated as opposed to the height because once a height limit was imposed it would limit the intensity of development on the site. In addition, there are elements in the code for how the elevations along Plano Road, DART station, and PGBT are treated – similar to how the buildings are treated; however, the proposed code would allow for precast concrete spandrel structures.

Commissioner Linn felt the comment mentioned earlier of a 100-foot height limit for parking structures could possibly dominate the view in the development.

Chairman Gantt pointed out that the applicant would not build a 100-foot parking structure for a five-story building and noted that he has seen quite a few well done parking structures and gave an

example of the structure in the area of the Rough Riders ballpark in the City of Frisco that looked more like an office building than a parking structure.

Commissioner Maxwell asked if the code addressed how a parking structure would be treated along Plano Road, PGBT, and the DART rail line.

Mr. Chavez replied that Section 8.1.2(i-viii) of the proposed code listed design standards for parking structures that are adjacent to a Type "A" streets: entryways, screening, architectural enhancements, etc.

Commissioner Maxwell pointed out that Section 8 did not address design standards along the PGBT and thought that might be a problem.

Mr. Chavez indicated that on the regulating plan Plano Road, PGBT access road and DART station platform frontage are to be treated as Type "B" streets (commercial, mixed use retail buildings) and the design standards for those type streets are listed on page 25 of RP-2.

Commissioner Maxwell noted that that section covered only percentage of materials to be used and did not address articulation and suggested adding articulation to the Type "B" streets in question, and to Section 8.1.2. He also proposed that Section 8.1.2 (vii) could be changed to include any Type "B" streets because, in theory, the way the RP was written there was the possibility of having a parking structure that spanned the entire northern part of the lot without any articulation.

Commissioner Bouvier said he thought the developer would agree to the Commission's request for additional articulation for the parking structure.

Mr. Montfort replied that they had some conceptual designs and would work with staff on different vistas and approaches of the design that would be integrated into the development. He added that attention had been paid to parking structures interfacing with streets that do not have any retail or ground floor treatments, and the proposed planned development document accurately reflects those conclusions.

Mr. Montfort said there will be retail on the plaza level and above the retail there will be parking, and above the parking there will be office buildings. Therefore, when someone is in the plaza, the office building would appear to be taller and, as a consequence of the proposed construction, a large amount of money will be going into screening the parking to create the urban design they are looking for. He acknowledged that the Commission was correct in that RP-2 did not have spandrel architectural treatment between the corner wraps on the PGBT access road.

Commissioner Maxwell asked the applicant if he was amenable to adding "frontage road of PGBT and the rail frontage" to Section 8.1.2(vii), and expressed concern that the City would have to adhere to the new RP whether or not KDC and their client developed the property.

Mr. Montfort acknowledged that they requested the alternate zoning because it worked for them and the user they have in mind; however, the likelihood of someone else developing the property under the proposed plan was highly unlikely.

In regard to the parking garages, Mr. Montfort added that money would be spent on areas that can be seen and touched as opposed to driving by on the freeway.

Commissioner Maxwell stated the applicant's comments answered his question, but did not erase his concerns and he would be willing to approve the request if it was tied to KDC.

Commissioner Roland asked what someone would see as they were driving by on the PGBT.

Mr. Montfort replied that the parking structure would only be different by the linear frontage and not the height. In addition, the current ordinance allows a cable restraint system to be used in the parking structure.

Commissioner Maxwell asked to confirm that cable restraints were allowed on the exterior façade.

Mr. Chavez replied cable restraints were allowed per the City's Building Code and that staff's priority was more the pedestrian areas along Plano Road and the platform frontage than the PGBT.

Commissioners DePuy and Bright said they were not concerned and felt the amenities at the pedestrian level were more important than what would be seen going by at 70 miles per hour on the PGBT, and Mr. Bright said he would support the motion as presented.

Commissioners Maxwell and Linn stated they were still interested in tying the RP to a specific user and had concerns with the height of the parking garages, the cable restraints and the fact that could be seen from the PGBT.

Mr. Linn said that if the PGBT was added to Section 8.1.2 (viii) he would be in favor of the request.

Commissioner Bouvier stated that based on how projects such as Gramercy in Dallas and Waters Creek in Allen had treated their parking structures, which included horizontal spandrels to screen the cars, that he did not feel it would be an economic hardship to treat the portion of the parking structure above the height of the PGBT travel lanes similar to Plano Road or the platform frontage.

Mr. Chavez replied that the lowest point in height of the travel lanes of the PGBT was approximately 28 feet.

Commissioner Bright asked if the current Code, as written, allowed cable restraints for parking garages.

Mr. Chavez replied that the current Code did not address treatment of parking structures along Type B Streets so it would revert back to the Building Code, which would allow a cable restraint system for a parking garage.

Commissioner Maxwell stated that in RP-1 the blocks were smaller and required articulation at the corners, which was not a requirement in the proposed RP.

Chairman Gantt asked if adding Type B Streets to Section 8.1.2 (vii) would address the concern.

Commissioner Maxwell said he would prefer adding “PGBT frontage” to Section 8.1.2(vii) and eliminate Section 8.1.2(viii) all together.

Commissioner Bouvier stated he appreciated the concern about treatment of the frontages, but would rather have the developer spend their money on other elements in the project.

**Motion:** Commissioner Bouvier made a motion to recommend approval of Zoning File 12-19 as presented with the following additional conditions:

Amend Sections 7.1.3 and 7.2.3 to require commercial standards (minimum first floor-to-floor height, ingress and egress, handicap access, and first floor elevations flush with the sidewalk) for ground floors along Main Street Frontages.

Amend Section 8.1.2(vii) to require garage facades along station platform/Routh Creek Parkway, the President George Bush Turnpike access road and Plano Road to be precast concrete spandrels with vertical elements at intervals of no greater than 80 feet, with the treatment to apply to the parking structure above the travel lanes of the PGBT only, and delete (viii.) of Section 8.1.2.

Second by Commissioner DePuy.

Commissioner Maxwell said the only reason he would not be voting in favor of the motion was due to his concern that the zoning would not be limited to the applicant.

Motion approved 5-2 with Commissioners Bright and Maxwell opposed.

*Note: Chairman Gantt recessed the meeting for a short, five-minute break. Meeting reconvened at 9:24 p.m.*

9. **Zoning File 12-20:** Consider and take necessary action on a request by William S. Dahlstrom, of Jackson, Walker, LLP, representing Bush/75 Partners, LP, to rezone approximately 147.5 acres of land generally bounded by the President George Bush Turnpike to the north, Wyndham Road to the east, Renner Road to the south, and Plano Road to the west to establish a new Planned Development District that includes reallocated land uses, revised development standards, and a concept plan. The property is currently zoned RP Planned Development.  
Mr. Shacklett advised that the applicant was requesting to rezone approximately 147.5 acres from Planned Development and C-M to PD Planned Development (PD), reallocate land uses throughout the development, revise development standards, and provide a concept plan. The property is bounded by Plano Road on the west, Wyndham Lane on the east, President George Bush Turnpike on the north and Renner Road on the south.

Mr. Shacklett reported that the current zoning entitlements were based on the gross acreage per Ordinance 2587-A and the proposed zoning would be based on the net acreage listed on the concept plan (Exhibit "B"). He pointed out that there would be a decrease of approximately 300,000 square feet of non-residential development from what is allowed in the current zoning as opposed to the proposed zoning, and there would be no changes in the residential units other than the residential units allowed in multiple tracts throughout the PD now would be shifted into Parcel E1 in the proposed northwest quadrant of the property.

Mr. Shacklett reviewed some graphics and a table showing a tract by tract comparison of the existing development rights versus the proposed development rights.

Regarding traffic impact from the proposed development, Mr. Shacklett reported the existing roadway structure would be sufficient to handle the proposed traffic with the mitigations required in the Traffic Impact Analysis.

Mr. Shacklett stated that staff had received a letter from the HOA leadership of two of the adjoining neighborhoods asking for the following changes to the proposed RP:

- Increase 40-foot setback to 60 feet for Parcel E-4 along Renner Road (applicant has agreed to this request);
- Businesses operating prior to sunrise and after sunset will be subject to the City's standard one (1) foot candle illumination at the property line;
- Adding traffic count studies at all neighborhood access streets intersecting Renner and Plano Roads;
- Installation of trees along the median of Renner Road consistent with City policies; and,
- The City commits to seeing that all "long term" mitigation measures recommended in the Project TIA are implemented when appropriate thresholds requiring improvement are reached.

Mr. Shacklett concluded his presentation stating that based on staff's review of the applicant's request, the following conclusions regarding the existing zoning versus the proposed are as follows:

- The overall non-residential development rights are reduced by approximately 330,000 square feet. The highest density of development rights will be located in the northern portion of the PD adjacent to PGBT and away from the residential neighborhoods to the south.
- The maximum height allowed in the PD will be the same as what is currently allowed. Buildings up to 300 feet in height will be allowed approximately 400-500 feet closer to Renner Road than currently allowed. Maximum height of development will be limited to 65 feet along Renner Road between Plano Road and Wyndham Lane; however, the current PD limits the maximum height for development, which includes multi-family, to 40 feet (2-stories) with the exception of 4-story development at the intersection of Renner Road and Plano Road.

- Residential uses will only be located in the northwest quadrant (Parcel E-4) of the PD rather than throughout the PD as currently allowed. There is no increase in the total number of residential units allowed within the proposed PD.
- The following uses will no longer be allowed or will require a Special Permit:
  - Motor vehicle service stations now require a Special Permit.
  - Limited service hotels now require a Special Permit.
  - Heliports are no longer allowed by right; Helipads will be allowed by Special Permit only.
  - Childcare centers will only be allowed as an accessory use by right.
- Infocom Drive will be shifted to the south to accommodate more desirable tract layouts. Traffic mitigation measures will also be implemented by the developers to accommodate future traffic conditions. Such measures include right-turn deceleration lanes along Renner Road, auxiliary lanes, left-turn lanes at median openings, traffic signals along Plano Road, and right turn deceleration lanes along the PGBT frontage road. Further study will also be conducted to monitor traffic impacts within the existing neighborhoods to the south.

Chairman Gantt asked if the metal panels listed as part of the proposed building materials would be reflective causing problems for the adjoining neighborhoods.

Mr. Shacklett replied that the definition as it relates to the type of material and how it would be installed were very specific, but he could not speak to whether one was more reflective than the other.

Commissioner Maxwell added that there was nothing inherent in the system itself, but rather in the finish of the material. He also asked for clarification on the wording in Article 2, Item 3 that stated *“a maximum of 20 percent of the façade per elevation shall be constructed of non-combustible materials other than those previously listed.”*

Mr. Shacklett replied the language would allow flexibility in using less masonry on any particular elevation even though the overall percentage would still have to meet the City’s standard 85 percent.

Commissioner Linn had concerns about the use of tilt concrete panels especially along the PGBT frontage.

Mr. Shacklett replied those panels were listed in all four parcels and the panels would meet the requirements for masonry material.

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

Mr. Walt Montford, Executive V.P. with KDC, 4817 Gulfstream, Dallas, Texas, advised he was available for any questions the Commission might have.

Chairman Gantt asked if there was a specific client in mind for the property under consideration and could that information be shared with the Commission.

Mr. Montford replied that he could not share that information at the present time.

Commissioner Roland asked if the applicant had received the letter from the neighborhood associations and was he agreeable to those requests.

Mr. Montford replied he had received the letter and had met with representatives from both associations. He explained they had agreed to the 60 foot setback which would eliminate the phased setback from the Renner Road right-of-way and there would be additional landscape buffers between the property line and back of curb.

Commissioner Linn asked if the tracts along PGBT seemed to have more mixed-use types as opposed to other tracts.

Mr. Montford replied that Parcel E3 in the northeast corner of property would be more of a corporate campus type of use and an extension of the TOD development in Parcel E1 would be more mixed use. He added that there are barriers, man-made and natural, that will separate the areas with high tension wires down the middle of the site and a wetlands creek and flood plain in Parcels E-5 and E-6, all of which will be dedicated open space.

Commissioner Frederick asked for more detail on Parcel E-4 and how far back from Renner Road would the applicant locate a 65-foot building.

Mr. Montford replied that in response to requests from the community, the setback for the buildings would be 60 feet, which includes a 40-foot landscape/parking buffer.

Mr. Shacklett noted that the parkway area would typically add another 10 feet so it would closer to 70 feet from the curb of Renner Road.

Chairman Gantt and Commissioner Maxwell noted that Exhibit "B" listed a 40-foot setback and was marked as included in the ordinance.

Mr. Shacklett said that discussions had occurred after the exhibit was prepared and the applicant agreed to a 60-setback and that Exhibit "B" would be corrected.

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

Mr. George Human, representing the Sherrill Park Homeowners Association (SPHOA), 1510 Amesbury Drive, Richardson, Texas, stated that although he was speaking in favor of the zoning request, he did have some minor concerns regarding the proposal and possible future traffic problems, but he was glad the apartments had been moved to the northwest quadrant of the property.

Mr. Human said that at present there is a problem exiting the Sherrill Park neighborhood to both Renner and Plano Roads and felt the proposed development would only increase the problem. He stated the SPHOA was disappointed with the lack of recommendation in the Traffic Impact Analysis (TIA) for an additional traffic signal and questioned why the TIA did not analyze the impact to the two subdivisions adjacent to the proposed development.

Mr. Human asked the City to commit to adding a signal light at Owens Boulevard and have it tied to the first phase of the development.

Ms. Chanelle Henderson, 12500 Merit Drive, Dallas, Texas, stated she was in favor of the proposed zoning because of the movement of the apartments units to the northern portion of the property and the applicant's proposal was very consistent with the previously proposed development.

Mr. John Lauder, President of the Fairways of Sherrill Park Homeowners Association, 2805 Wyndham Lane, Richardson, Texas, stated their association was in favor of the development and with the movement of the apartments to the north end of the property. He added they were also pleased that the applicant would be keeping the green space along the creek area and the trees to be planted in the median along Renner Road.

Mr. Jacob Bird, 2319 Mollimer Drive, Plano, Texas, stated he was in support of the proposed zoning request.

Mr. Chip Pratt, 2700 W. Prairie Creek, Richardson, Texas, said he was in favor of the zoning request and felt the movement of the multifamily units to the northwest corner of property was very appropriate and suggested that the site plan/pedestrian plan should take into account the attachment of the TOD to the west.

Ms. Linda Seals, 3840 Frankford Road, #8205, Dallas, Texas, had left the chamber but indicated on her appearance card that she was in favor of the zoning request.

Ms. Sarah Riehm, President of the Sherrill Park Homeowners Association, 2904 Ambleside Lane, Richardson, Texas, stated she was delighted with the proposed development and the increased economic activity it would bring to their area of Richardson. She said she agreed with Mr. Human's comments regarding the traffic problems along Renner Road and asked the Commission to also take into consideration the increased traffic the new transfer station would bring to the area and the addition of traffic signals to make access to Plano Road safer.

No other comments were made in favor.

Mr. Bill Hammond, 3001 Wyndham Lane, Richardson, Texas, stated that he did not disagree with those in favor of the development and felt the developer had worked diligently to try and improve the development, but had concerns with the lack of discussions on the proposed zoning request. He added that in all four quadrants there was the possibility of having service stations, especially in Parcel E-4 that border on the residential subdivisions to the south.

Mr. Hammond listed some of his other concerns including:

- Adding a signal light at the frontage road of PGBT and Wyndham Lane because the proposed development would only add to the existing traffic problems at the location.
- Adding a right hand turn lane on southbound Wyndham Lane to westbound Renner Road to handle the existing traffic and the increased traffic that the new development would bring.
- The 100-foot buffer from the south side of Renner Road into the property allows for 75-foot buildings only 60 feet off the right-of-way.

Mr. Hammond closed his comments asking the Commission to table the zoning request and to take time in considering the applicant's request.

No other comments were made in opposition and the applicant chose not to make any rebuttal statements.

In reply to Mr. Hammond's concerns, Mr. Shacklett stated that service stations would only be allowed by Special Permit in Parcels E-1 and E-2, and under the current zoning, residential units are allowed in every parcel except for E-4. In addition, Mr. Hammond was correct that there are deed restrictions in place that would not allow multi-family units within 600 feet of the north right of way line of Renner Road, and the building height and setbacks would be limited to 65 feet, not 75 feet (the applicant had agreed to a 60-foot setback from their property line, which would put the building face approximately 170 feet from the south right-of-way of Renner Road).

Commissioner Bright asked if the TIA took into consideration the impact to the Sherrill Park neighborhood and Owens Boulevard.

Mr. Carter replied that Kimley-Horn, the consulting firm who produced the TIA for the applicant, did traffic counts at the intersection of Foxboro Drive and Renner Road and, although each exhibit did not show the volume of traffic, that information had been taken into consideration when preparing the analysis and that could be the reason Mr. Human was interpreting the information as missing.

Mr. Carter stated the City had committed to do traffic count studies at all five entrances (two on Renner Road and three on Plano Road) to the SPHOA and acknowledged that it may be difficult to enter an arterial roadway during peak traffic hours, but traffic at Foxboro Drive or Owens Boulevard would have to meet traffic warrants for the City to install a signal just as it would in any neighborhood that had similar issues and conditions.

Commissioner Maxwell pointed out that in the PD service stations were allowed only in Parcels E-1 and E-2, but the comparison chart in the staff report indicated that service stations were listed in all four parcels.

Mr. Shacklett replied that was a typographical error and would be corrected.

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

Commissioner Bright asked if the error noted by Mr. Shacklett had to be part of the motion.

Mr. Shacklett replied that if a motion for approval was made stating it was in accordance with Exhibit C, which is the proposed PD regulations, then that would be correct and a motion to that effect would not be necessary.

Chairman Gantt asked if the agreed upon 60-foot setback from Renner Road was included in the area regulations for Parcel E4.

Mr. Shacklett replied that if the Commission desired to change the setback to 60 feet within Parcel E-4, it would have to be part of the motion as well as changing Exhibits "B" and "C" to reflect the change to 60 feet.

Commissioner Linn stated he had the same objection expressed in the earlier zoning case about any parking structure that faced the PGBT, specifically in Parcel E-1, and asked if something needed to be added specifically addressing that concern.

Chairman Gantt said he thought Item 8 on page 1 covered that concern because any structure would have to comply with the PGBT design guidelines. He also thought any concerns could be addressed during the development plan process.

Mr. Shacklett replied there was nothing specific in the plan that addressed parking garages and if the Commission wanted specific language it would have to be included in the motion. He also reminded the Commission that what was approved would have to meet the City's current Building Codes and would dictate what was designed in the future.

Commissioner Linn stated he was concerned and that he would like to see the items from the previous zoning case regarding parking garages included in the current zoning request.

Commissioner Maxwell explained that the difference between the previous RP and the proposed PD was the RP was establishing standards on form and articulation, whereas, the proposed PD did not address those concerns. He cautioned the Commission that if they tried to regulate one specific item it would not be helpful.

Chairman Gantt also pointed out that the previous case was pertained to form based code and the current request was for a regular PD. He added that if the Commission wanted to do something other than what was in the Building Code regarding parking garages, it would need to be addressed prior to the motion being made.

Mr. Chavez noted that tract E-1 would be more mixed use development and fashioned closer to what was on the west side of Plano Road in a form based code.

**Motion:** Commissioner Maxwell made a motion to recommend approval of Zoning File 12-20 with the conditions listed, and revise the building setbacks in Parcel E-4 from 40 feet to 60 feet in both Exhibits “B” and “C”; second by Commissioner Frederick. Motion approved 7-0.

**ADJOURN**

With no further business before the Commission, Chairman Gantt adjourned the regular business meeting at 10:26 p.m.

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David Gantt, Chairman  
City Plan Commission