

**CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – AUGUST 6, 2013**

The Richardson City Plan Commission met on August 6, 2013, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Barry Hand, Chairman
Gerald Bright, Vice Chair
Janet DePuy, Commissioner
Marilyn Frederick, Commissioner
Eron Linn, Commissioner
Thomas Maxwell, Commissioner
Bill Ferrell, Alternate
Stephen Springs, Alternate

MEMBER ABSENT: Randy Roland, Commissioner

CITY STAFF PRESENT: Sam Chavez, Assistant Director – Dev. Svcs – Planning
Chris Shacklett, Senior 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.

OPENING COMMENTS

Chairman Hand expressed the Commission's gratitude and appreciation to past Chairman David Gantt and Commissioner Don Bouvier for their service to the City, and introduced two new Commission members, Mr. Ferrell and Mr. Springs.

MINUTES

1. Approval of the minutes of the regular business meeting of July 16, 2013.

Vice Chair Bright requested a revision to page 8, last paragraph, and last sentence to read, "In addition, the close proximity to the commercial area may make a gated community more desirable."

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

2. Approval of the minutes of the special called meeting of July 22, 2013.

Motion: Commissioner Frederick made a motion to approve the minutes as presented; second by Commissioner DePuy. 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.

- 3. Chicken Express:** A request for approval of a revised landscape plan for a 3,200 square foot drive-through restaurant located at 1240 W. Campbell Road, northwest corner of Campbell Road and Lake Park Way. The property is zoned LR-M(1) Local Retail.

Motion: Commissioner Linn made a motion to remove Item 3 from the Consent Agenda for separate consideration; second by Commissioner Frederick. Motion approved 7-0.

SEPARATE CONSIDERATION

Mr. Bireima gave a brief history of the proposed drive-through restaurant pointing out that another applicant had submitted development plans in February 2012, which had been approved but never built, and that the landscape plan indicated sixteen Elm trees had been selected for preservation. He stated that another applicant had taken over the site and was planning to follow through with the development of the restaurant, but was requesting to remove 7 of the sixteen trees to increase visibility.

Mr. Bireima stated the City's landscape policy recommends one canopy tree and one ornamental tree every 50 feet along street frontage; however, the staff had previously permitted one canopy tree to count for two ornamental trees to allow for flexibility in landscape design. Using this substitution, 6 canopy trees would be recommended along Campbell Road and the proposed landscape not only complied with the City's policy but exceeded the policy by 3 trees.

In closing his comments, Mr. Bireima presented pictures of the site showing placement of the trees and noted that staff had suggested the applicant raise the canopy of the trees to improve visibility.

Commissioner Linn asked about the circumstances that preceded the applicant's request.

Mr. Bireima replied that the original development plans were approved in February 2012 and the landscape plan indicated the sixteen trees in question were to be preserved, but the site

was never developed. At this time, a new franchisee has taken over the site and would like to develop the property, but had a concern about the number of trees along the frontage road and a possible problem with visibility for the new restaurant.

Vice Chair Bright asked if the Commission had a choice in whether to approve the request or not if the submittal met all the City's requirements.

Mr. Bireima replied that the Commission has full purview to either approve or deny the request.

Chairman Hand asked if the applicant would come forward to answer some questions.

Mr. Michael B. Rice, 8109 Montpelier Way, Colleyville, Texas, said that when the previous franchisee applied for the approval of the landscape plan, he did not take into consideration the impact the trees would have on the visibility. He added that some of the sixteen trees in question were crowded together and, because of the overcrowding, the health of the trees was being affected. Thinning out of some of the tree and lifting the canopy will be beneficial not only to the remaining trees, but will also improve the visibility.

Commissioner Linn asked if the applicant had employed a landscape professional or an arborist.

Mr. Rice replied that Pogue Engineering did the landscape design, but they had not hired an arborist.

Commissioner Frederick said she had mixed emotions about removing some of the mature trees, but understood how important it might be to thin them out to allow the others to prosper. However, she did compliment the applicant on his proposal for a "park like" setting for the remainder of the landscape.

Vice Chair Bright agreed that more visibility was needed, but asked if there could be a reduction in the number of trees to be removed.

Mr. Rice replied that their initial proposal was to remove more trees leaving only 6, but the staff encouraged them to revise their proposal and still try and preserve the natural beauty of the tree line, which is how they came up with the current proposal of 9 trees. He added that visibility to a retail establishment is very important, especially to a quick service restaurant and, if the tree line cannot be thinned out to increase visibility, he did not think he was prepared to make the financial investment on the site.

Commissioner DePuy said she had recently visited the area and did notice there were some distressed trees and asked if the applicant was agreeable to an arborist looking at the site to

decide which trees needed to be thinned and which trees could simply have their canopy trimmed.

Mr. Rice replied that he thought that was a reasonable request and was completely open to the suggestion.

Commissioner Linn asked the applicant about his qualifications and if he was with Chicken Express Corporate. He also stated he would be more in favor of thinning the number of trees if a certified arborist was consulted.

Commissioner Frederick was concerned about thinning too many trees because of the impact it could have on the value of the property, and concurred that the services of an arborist would be beneficial in determining which trees should stay and which should go.

Mr. Rice replied that he has been a franchisee with Chicken Express for almost a decade, but he was a financial analyst by trade working with large healthcare and telecom firms, and again affirmed that working with an arborist would be helpful.

Chairman Hand concurred with the recommendation to work with an arborist and said he thought removing the two trees closest to the intersection of Campbell Road and Lake Park Way would be helpful for traffic visibility. He also asked staff if it was possible to table the proposal for two weeks.

Mr. Chavez said the Commission could table the item until the August 20th meeting and that sufficient direction had been provided to both the applicant and the staff.

Mr. Rice again stated that he was willing to work with an arborist to determine which trees should be removed.

Chairman Hand asked if a monument sign would be placed in among the trees.

Mr. Rice said he had thought about putting a monument sign or pole sign in among the trees to provide more visibility for the restaurant to the passing traffic.

Commissioner DePuy commented that if the trees were trimmed up and an arborist was consulted, the site would be much improved and be a “park-like” setting.

Mr. Rice asked if there was an approved list of arborists available.

Staff suggested that the City’s arborist could be consulted.

Motion: Vice Chair Bright made a motion to continue Item 3 to the August 20, 2013, City Plan Commission meeting; second by Commissioner Linn. Motion approved 7-0.

PUBLIC HEARING

4. **Zoning File 13-14:** Consider and take necessary action on a request by Michael B. Rice, Rice Independence Group, LLC, representing A & S Ellington Properties, LLC, to amend the zoning for approval of revised building elevations for a 3,200 square foot drive-through restaurant located at 1240 W. Campbell Road, northwest corner of Campbell Road and Lake Park Way. The property is currently zoned LR-M(1) Local Retail.

Mr. Shacklett advised the applicant was requesting to revise the previously approved building elevations for the proposed drive-through restaurant at Campbell Road and Lake Park Way. He stated that in 2011 the site came before both the Commission and City Council for rezoning, and then in 2012 the item was back before the Commission for approval of development plans including building elevations.

Mr. Shacklett indicated there were no changes proposed for the site plan; however, the applicant was requesting to amend the approved building elevations, specifically as it pertained to the color of the roof and trim by changing them from charcoal gray to a dark red. He added that the brick and stone approved in 2012 would remain the same.

Mr. Shacklett concluded his presentation noting that the original approved zoning from 2008 required any development to be compatible with the Lake Park townhomes to the north by utilizing similar brick and stone, which the adjacent business, Braum's, has done and the proposed development will follow suit.

Commissioner DePuy asked if the color portrayed on the rendering was an accurate portrayal of the proposed color change. She also wanted to know if the trim on the top and the awnings would be part of the requested change.

Mr. Shacklett replied that the color will be dark red, similar to a burgundy color and pointed out a product board with a sample of the proposed material. He added that Chicken Express would not be utilizing the exact same features as the Braum's, such as awnings, and most of the color impact on the Chicken Express would come from the roof.

Commissioner Linn asked what the roof and other fixtures would be made of, and if the rendering accurately reflected the color of the brick to be used.

Mr. Shacklett replied that the roof would be a standing seam metal roof and the graphic did not accurately depict the color of the brick, which, under the proposal, would be Old St. Louis or the closest similar color. He again referred to the product board with the brick and metal samples.

With no further comments or questions for staff, Chairman Hand opened the public hearing.

Mr. Michael B. Rice, 8109 Montpelier Way, Colleyville, Texas, stated the reason for the requested change was based on past experiences that when the branded colors of a Chicken Express were altered, it had an adverse effect on revenue; one location experienced an almost 15 percent drop in revenue. He added that the Old St. Louis brick had been discontinued, but they have been in touch with the manufacturer and a similar color was available.

Commissioner DePuy said she was familiar with brick products and thought the choice of Old St. Louis or something very similar would work with the darker red roof.

Commissioner Linn thanked the applicant for sharing information regarding the effect of branding colors on the bottom line. He also wanted to know the reuse plans for the building if the Chicken Express did not succeed as a business.

Mr. Rice replied that he has a 20 year franchise agreement with Chicken Express, and even though there is an exit clause in the agreement, he does not have any plans other than to make the business a success.

Commissioner Maxwell asked if some of the red along the coping along the top of the towers on the building could be left in the gray color to coordinate more with the adjacent Braum's.

Mr. Rice replied that although it might be aesthetically pleasing to mix the two colors, he felt it would take away from brand recognition.

Commissioners DePuy and Frederick felt the original proposal of dark red replacing all the gray would be a better choice.

Vice Chair Bright thanked the applicant for his agreement to work with an arborist regarding the trees and concurred that the darker red color was a good choice.

Commissioner Springs said he liked the red color, but felt it was more important that the applicant was meeting the intent of the ordinance, which was to be compatible with the surrounding buildings.

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

Commissioner Linn stated that he was in support of the applicant's request and understood more of the background behind the request as it pertained to the effect of the branding colors on the bottom line.

Chairman Hand concurred with Mr. Linn and Mr. Springs' comments and that the applicant was well within what had been requested; compatibility.

Motion: Commissioner DePuy made a motion to recommend approval of Zoning File 13-14 as presented; second by Commissioner Frederick. Motion approved 7-0.

ADJOURN

With no further business before the Commission, Chairman Hand adjourned the regular business meeting at 8:16 p.m.

Barry Hand, Chairman
City Plan Commission