City of Richardson
City Plan Commission
Agenda Packet
January 18, 2011

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AGENDA
CITY OF RICHARDSON - CITY PLAN COMMISSION
JANUARY 18, 2011
7:00 P.M.
CIVIC CENTER – COUNCIL CHAMBERS
411 W. ARAPAHO ROAD

BRIEFING SESSION: 6:00 P.M. Prior to the regular business meeting, the City Plan Commission will meet with staff in the East Conference Room, located on the first floor, to receive a briefing on:

A. Agenda items

B. Drainage Presentation

C. Staff Reports

MINUTES

1. **Approval of minutes of the regular business meeting of December 21, 2010.**

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. **Preliminary Plat of Lots 1 and 2, Block 1 of the Creekdale Estates Addition No. 2, Fourth Section, and Lot 9A, Block 7 of the Creekdale Estates Addition No. 2, Third Section:** A request for approval of a preliminary plat for a 0.89-acre tract of unplatted land into two (2) lots and to accurately reflect the ownership boundary of Lot 9A. The site is located at 300 and 2218 Sutton Place. Applicant: Ben Caldwell, representing Shaddock Caldwell Builders and Developers, LLC. *Staff: Israel Roberts.*

PUBLIC HEARINGS

3. **Zoning File 11-01:** A request by City of Richardson for amendments to Article I, Section 2, Definitions, of Appendix A of the Code of Ordinances (the Comprehensive Zoning Ordinance) by adding the definition of rainwater harvesting system and by adding rainwater harvesting system to the Use Regulations of Article IV, R-1500-M Residential, Article IV-A R-2000-M Residential, Article IV-B R-1800-M Residential, Article VI R-1250-M Residential, Article VII R-1100-M Residential, Article VIII R-1000-M Residential, Article IX R-950-M Residential, Article XI R-850-F Residential, Article XII R-850-M Residential, Article XII-B RP-1500-M Patio Home, Article XIII D-1400-M Duplex, Article XIII-1 D-2400-M Duplex and Article XIII-2 D-3000-M Duplex of Appendix A of the Code of Ordinances. *Staff: E.A. Hoppe*

ADJOURN

The City Hall/Civic Center is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours ahead of the meeting. To make arrangements, call (972) 744-4000, or (TDD) 1-800-735-2989.

I hereby certify that the above agenda was posted on the bulletin board at City Hall on or before 5:30p.m., Friday, January 14, 2011.

_____
Kathy Welp, Executive Secretary

Staff Reports

Development Status Report

City of Richardson, Texas • Development Services Department

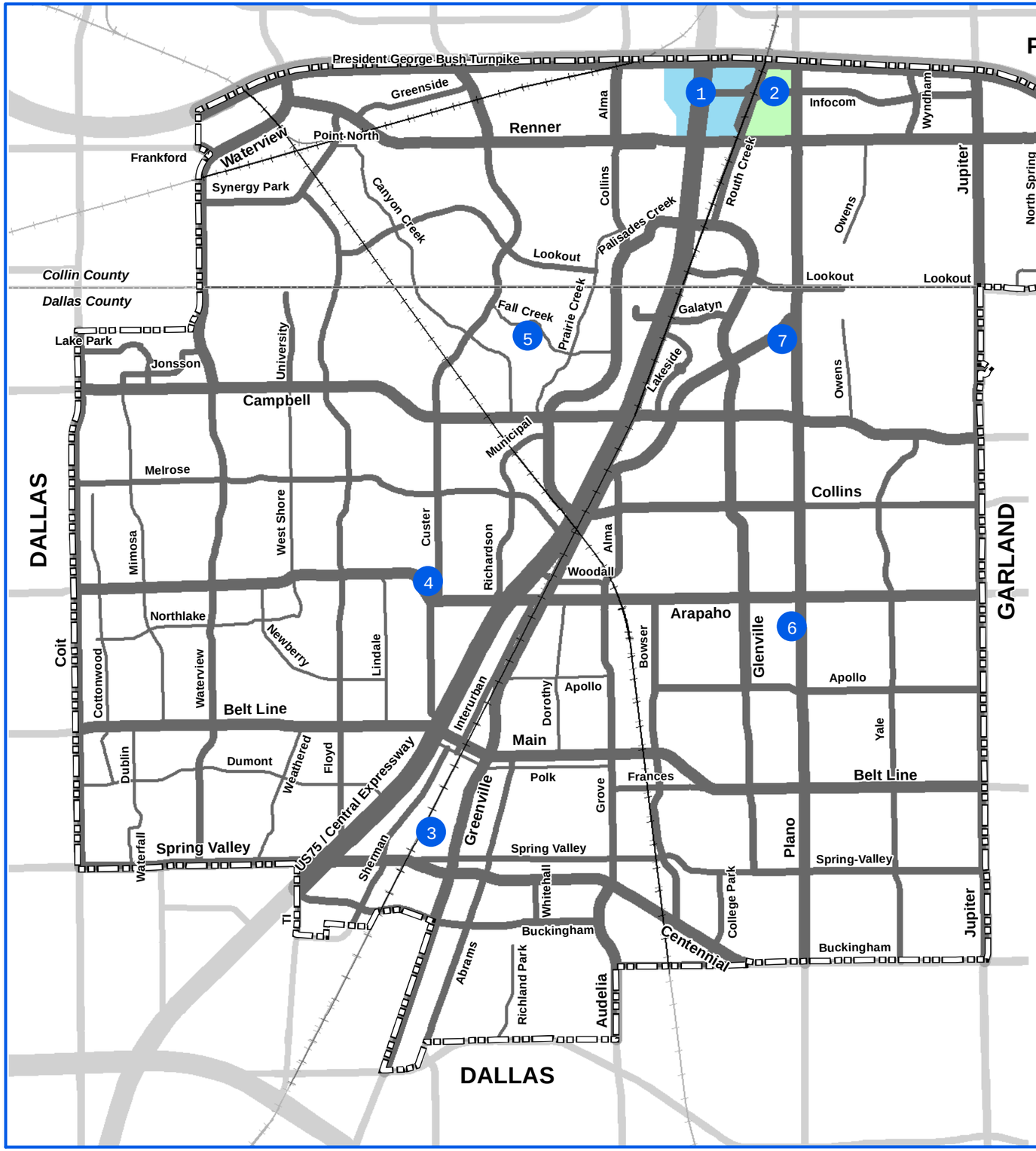
Updated: January 13, 2011

#	*Name/Location*	*Project Information*	*Status*
ZONING/SPECIAL PERMITS			
1	ZF 10-20 Caruth Properties Transit Oriented PD Northwest & northeast corners of Renner Rd. & US 75	A request by Brian E. Moore, Good Fulton & Farrell Planning and the City of Richardson, representing the Estate of W.W. Caruth, Jr., US Trust, Bank of America, and the City of Plano, for a PD Planned Development for approximately 86 acres located at the northwest and northeast corners of US Hwy 75 and Renner Road.	**City Plan Commission** December 21, 2010 *Recommended Approval* **City Council** January 17, 2011
2	ZF 10-21 Bush Central Station PD North of Renner Rd., between DART Light Rail and Plano Rd.	A request by Scott Polikov, Gateway Planning Group, Inc., representing Bush/75 Partners LP, for a PD Planned Development for approximately 57 acres located on the north side of Renner Road between the DART Light Rail and Plano Road.	**City Plan Commission** December 21, 2010 *Recommended Approval* **City Council** January 17, 2011
	ZF 11-01 CZO Amendment: Residential Rainwater Harvesting Regulations	A request by City of Richardson for amendments to the Comprehensive Zoning Ordinance by adding the definition of rainwater harvesting system and by adding rainwater harvesting system to the permitted use regulations of all single-family, patio home, and duplex zoning regulations.	**City Plan Commission** January 18, 2011
	ZF 10-25 CZO Amendment: Masonry Definition	A request by the City of Richardson to amend Article I of the Comprehensive Zoning Ordinance to amend the definition of “masonry construction.”	**City Plan Commission** December 21, 2010 *Recommended Approval* **City Council** January 24, 2011
3	ZF 10-23 Brick Row Northwest of Spring Valley Rd. & Greenville Ave.	A request by David Gleeson, representing Centennial Park Richardson, Ltd., to revise the PD development rights to allow 90 apartment units rather than 90 condominium units for Lots 1A, Blocks O and Q as well as an additional 1.9 acres located north of the PD boundary, which is to be added to the PD as part of the Request. The property is located in the northwest quadrant of Spring Valley Road and Greenville Avenue. The property is currently zoned PD Planned Development.	**City Plan Commission** December 7, 2010 *Recommended Approval* **City Council** January 24, 2011

Development Status Report

City of Richardson, Texas • Development Services Department

#	Name/Location	Project Information	Status
VARIANCES			
		No Variance Applications.	
PLAT/CONCEPT/DEVELOPMENT PLAN APPROVALS			
4	Jack in the Box 510 W. Arapaho Rd.	**Replat of Lots 2B, 4 and 5, Northrich Village Addition:** A request for approval of a replat of Lot 2A and 4 of the Northrich Village Addition to relocate the lot line between Lots 2A and 4, and to subdivide Lot 4 into two (2) lots for the future development of a restaurant with a drive-thru on proposed Lot 5. The property is located at 510, 514-528 W. Arapaho Road. **Site Plan, Landscape Plan and Building Elevations for Jack in the Box:** A request for approval of a site plan, landscape plan and building elevations for a single-story 2,370 square foot drive-thru restaurant with associated parking. The site is located on the north side of Arapaho Road, west of Custer Road.	**City Plan Commission** December 21, 2010 *Approved*
5	Creekdale Estates 300 & 2218 Sutton Pl.	**Preliminary Plat of Lots 1 and 2, Block 1 of the Creekdale Estates Addition No. 2, Fourth Section, and Lot 9A, Block 7 of the Creekdale Estates Addition No. 2, Third Section:** A request for approval of a preliminary plat for a 0.89-acre tract of unplatted land into two (2) lots and to accurately reflect the ownership boundary of Lot 9A. The site is located at 300 and 2218 Sutton Place.	**City Plan Commission** January 18, 2011
ADMINISTRATIVE APPROVALS			
6	Eisenman Subdivision 701 N. Plano Road	Revised the site plan to reflect the installation of one dumpster at the southwest corner of the property; and an additional dumpster on the south side of the building. Each dumpster will be screened by a 6' high CMU wall, which will be finished to match the building.	**Staff** December 17, 2010 *Approved*
7	Campbell Creek Business Park II 2360 Campbell Creek	Revised the site plan to reflect the installation of an emergency generator (max. height 10') within the existing dock area on the rear (south) side of the building. The generator will be screened by a 10' high masonry screening wall which will be finished to match the building.	**Staff** January 6, 2011 *Approved*
RECENTLY ISSUED BUILDING PERMITS			
4	Jack in the Box 510 W. Arapaho Rd.	Development of a 2370 sq. ft. fast food restaurant with drive-through.	**Permit Released** December 29, 2010



Zoning / Special Permit

1. Caruth Properties Transit Oriented PD, NW & NE of Renner Rd. & US 75 (ZF 10-20)
2. Bush Central Station PD, N of Renner Rd., between DART Light Rail and Plano Rd. (ZF 10-21)
3. Brick Row, NW of Spring Valley Rd. & Greenville Ave. (ZF 10-23)

Variance

No Variance Applications

Plat / Concept / Development Plan

4. Jack in the Box, 510 W. Arapaho Rd.
5. Creekdale Estates, 300 & 2218 Sutton Pl.

Administrative Approval

6. Eisenman Subdivision, 701 N. Plano Rd.
7. Campbell Creek Business Park II, 2360 Campbell Creek

Building Permit

4. Jack in the Box, 510 W. Arapaho Rd.

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N W E S

Updated: January 13, 2011

Development Status Map

City of Richardson, Texas

Agenda Item 1

CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – DECEMBER 21, 2010

The Richardson City Plan Commission met December 21, 2010, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: David Gantt, Chairman
Bill Hammond, Vice Chair
Gerald Bright, Commissioner
Janet DePuy, Commissioner
Marilyn Frederick, Commissioner
Barry Hand, Commissioner
Jim Henderson, Commissioner
Thomas Maxwell, Alternate
Don Bouvier, Alternate

CITY STAFF PRESENT: Cliff Miller, Assistant City Manager
Dave Carter, Asst. Director of Dev. Svcs. – Traffic
Sam Chavez, Asst. Director of Dev. Svcs. – Planning
Susan Smith, Asst. Director of Dev. Svcs – Dev. & Engr.
Israel Roberts, Development Review Manager
Keith Krum, Sr. Planner
Chris Shacklett, Planner
Kathy Welp, Executive Secretary

BRIEFING SESSION

Prior to the regular business meeting, the Plan Commission met with staff to receive a briefing on:

A. Agenda Items

Staff briefed the Commission on the agenda items. No action was taken.

B. Staff Reports

Staff briefed the Commission on upcoming development items. No action was taken.

MINUTES

1. **Approval of the minutes of the special called meeting of December 6, 2010, and the minutes of the regular business meeting of December 7, 2010.**

   Commissioner DePuy requested a change to the December 7th minutes, page 6, paragraph 4, third line, to add the word "not" prior to the word "finished."

Commissioner Hand requested a change to the December 6th minutes, page 5, 12th paragraph, last line, to strike the words "homeowners association" and replace with "neighborhood association."

Regarding the December 7th minutes, Mr. Hand requested a change to page 20, paragraph 5, third line, to strike "it was" and replace it with "the plan as use-based as indicated in the illustrative plan." On page 22, 2nd paragraph, second line, he requested to strike "stop and get consensus" and replace with "slow the process and allow the neighbors to catch up and possibly collect some consensus."

Commissioner Bright requested two changes to the December 7th minutes: first, to strike the words "University of Texas" and replace it with "University of Texas at Dallas" on page 13, 1st paragraph, fourth line; and second, to correct the word "ideal" and replace it with "idea" on page 19, 6th paragraph, second line.

Motions: Commissioner Bright made a motion to approve the minutes of the special called meeting of December 6, 2010, as corrected; second by Vice Chair Hammond. Motion passed 7-0.

Commissioner Frederick made a motion to approve the minutes of the regular business meeting of December 7, 2010, as corrected; second by Commissioner Hand. Motion passed 7-0.

DEVELOPMENT PLAN

2. **Site Plan, Landscape Plan and Building Elevations for Jack in the Box (companion to Item 3):** A request for approval of a site plan, landscape plan and building elevations for a single-story 2,370 square foot drive-thru restaurant with associated parking. The site is located on the north side of Arapaho Road, west of Custer Road.

Mr. Roberts advised that the applicant was requesting approval of the site and landscape plans, and the building elevations for a proposed drive-thru restaurant. He added that the plans complied with all development and zoning regulations, as well as Ordinance 3798 that was approved by the City Council.

Chairman Gantt wanted to confirm that item 22 on the north elevation, which was pointing to the wrong location and identified during the briefing session, would be corrected. Mr. Roberts replied that it would be corrected.

Motion: Vice Chair Hammond made a motion to approve Item 2 as corrected; second by Commissioner DePuy. Motion passed 7-0.

PUBLIC HEARINGS

3. **Replat of Lots 2B, 4A and 5, Northrich Village Addition (companion to Item 2):** A request for approval of a replat of Lot 2A and 4 of the Northrich Village Addition to relocate the lot line between Lots 2A and 4, and to subdivide Lot 4 into two (2) lots for the future development of a restaurant with a drive-thru on proposed Lot 5. The property is located at 510, 514-528 W. Arapaho Road. Applicant: David Gregory.

   Mr. Roberts stated the purpose of the replat was to relocate the lot line between existing Lots 2A and 4, and subdivide Lot 4 into two lots to create the proposed Lot 5 for development of a Jack in the Box. He added that the replat complied with all City development and zoning regulations.

   Commissioner Hand asked why the property line was being relocated to the middle of a building.

   Mr. Roberts replied that the building in question had already been torn down.

   Chairman Gantt asked about the two areas on the replat highlighted in yellow and what was their purpose.

   Mr. Roberts replied that with the creation of Lot 5, the existing Lot 4A was losing a number of parking spaces so the developer would be adjusting the lot line between the existing lots so the remaining lots would be in conformance with parking requirements.

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

   Mr. Juan Reyna, representing Jack in the Box, 6200 Chase Oaks, Plano, Texas, stated he was available for any questions.

   No questions were asked, and no further comments were made in favor or opposition, therefore, Chairman Gantt closed the public hearing and called for a motion.

   Motion: Commissioner Bright made a motion to approve Item 3 as presented; second by Commissioner Frederick. Motion passed 7-0.

4. **Zoning File 10-25:** A request by the City of Richardson to amend Article I of the Comprehensive Zoning Ordinance to amend the definition of "masonry construction."

   Mr. Shacklett advised the proposed amendment would add language to the masonry construction definition to ensure materials used in the re-cladding of houses were complementary and architecturally compatible with the existing structure and consistent with the design of the home.

Chairman Gantt called for any questions for staff and with none, opened the public hearing. No comments were made in favor or opposition; therefore, the public hearing was closed.

Commissioner Hand commented that the amendment was a wise decision for the City, especially with the aging housing stock, and would give the building officials the tools they needed.

Chairman Gantt noted that building officials had shared some photos during the briefing session showing the re-cladding of a house with materials that were not appropriate to the style and design of the home.

Motion: Commissioner Hand made a motion to recommend approval of Item 4 as presented; second by Commissioner Frederick. Motion passed 7-0.

5. **Zoning File 10-21: (continued from December 7, 2010 meeting):** A request by Scott Polikov, Gateway Planning, Inc., representing Bush/75 Partners LP, for a PD Planned Development for approximately 57 acres located on the north side of Renner Road between the DART Light Rail and Plano Road.

Mr. Chavez stated that because the item was continued from the December 7th meeting, he would briefly review the description of the property including location and current zoning, and the City's Comprehensive Plan designation as a Transit Oriented Development (TOD) or village, which was described as a node of mixed land uses with small scale pedestrian friendly blocks in a vertical development format. In addition, the Comprehensive Plan also designated the area for regional employment and could accommodate higher density with high rise office and possible retail and entertainment venues as secondary uses.

Mr. Chavez described the two key components for a Form Based Code (FBC) highlighting some of the features:

Regulating Plan - represents the zoning map for the subject property and defines the allowable uses within the character zones.

- TOD Core (High pedestrian activity, highest density, greatest variety of uses)
- TOD Mixed Use (High intensity commercial and residential with supporting retail uses)
- Arterial Mixed Use (Transition to regional streets for auto-oriented sites, gateway to development)
- Highway Mixed Use (Transition from President George Bush Turnpike (PGBT) and U.S. Hwy 75 (Hwy 75), high intensity development)

- Street Designations (Mandatory and non-mandatory streets) illustrates the design, configuration and development context of all streets – Type "A" and "B" streets.

- Special Frontages (Mandatory and non-mandatory) are applied to certain blocks to address specific requirement and transitions.

- Civic/Open Space (Mandatory and non-mandatory) creates a network of open spaces that provide passive and active recreational opportunities.

- Other Destinations (Mandatory and non-mandatory) indicates an area for a specific use with applicable standards.

Development Standards- is the actual code itself with a schedule of permitted uses that would be established in text and graphic form for each Character Zone and will be reviewed for compliance including the following elements:

- Building Placement

- Block Standards

- Building Height

- Commercial Frontage Requirement

- Special Frontage Requirements

- Parking & Service Access

- Encroachments

- Applicability

Mr. Chavez added that Design Standards would be used to establish a coherent urban character, which would be reviewed for compliance and included the following elements - building orientation, design of parking structures, design of automobile related building site elements, roof form, façade composition, windows and doors, commercial and mixed use building materials, and standards specific to the urban neighborhood.

Mr. Chavez noted that the code had specific standards describing the materials that would be allowed on certain types of streets (i.e., A or B streets). He added that the code would also cover street and landscape standards (right of way, pedestrian easements, parking), as well as urban design and lighting.

The final portion of the code that Chavez addressed was the Administrative portion stating it was the section that would cover how the process would be handled. Currently, the development review process begins with the submittal of development plans that include site plan, landscape plan, building elevations and civil engineering plans (water, sewer and storm drain). If those plans comply with City regulations, they go before the Commission for action or recommendation and, if approved, would be ready for building permits.

When using a FBC, the process would be slightly different when a development plan was submitted. The staff would review the plan based on the code to ensure that all elements were met and, if not, there would be thresholds in the code that would allow administrative approval of minor modifications; the exception would be that plats would require Commission approval before proceeding to building permits. Chavez listed a few of the items that would be considered minor modifications:

- Does not materially change the circulation or building location
- Does not increase the permitted building area
- Does not change the relationship between the building and streets
- Does not allow a prohibited use
- Does not increase building height or reduce required parking
- Limited changes to street cross-section and street/landscape design standards

Mr. Chavez noted that the applicant would have the ability to appeal to City Council for a use that was not listed in the code, or if a determination could not be made by staff if the use would be compatible with other uses in the land use chart.

Chavez explained that in the case of a development submittal that did not comply with the code or the City's ordinances, or the thresholds of the code, it would be considered a special development plan and would go through a zoning process similar to the current development process.

Mr. Chavez pointed out that some areas of the code needed further refinement such as establishing minimum building heights, development rights as they relate to the Traffic Impact Analysis (TIA), and building design standards as they related to percentage of building materials (the applicant was requesting a minimum of 80 percent masonry).

Mr. Chavez stated that information was available in the Commissioner's packet showing the land use assumptions used for the TIA and introduced Mr. Carter, Assistant Director, in charge of Traffic and Transportation, who would review those assumptions.

Mr. Carter explained the purpose of the TIA was to assess the traffic related impact of a development and was intended to evaluate both the existing and planned thoroughfare system. He added that a TIA was used to cultivate a partnership with developments in respect to land use, as well as transportation policy and facility development. The TIA

would note problem areas and recommend strategies for improvements. The four primary areas the analysis should highlight are:

- Provide the safest and most efficient transportation system in conjunction with the development review process;
- Compare the traffic generated to the thoroughfare system capacity, to the extent possible;
- Inform the applicant of the City's requirements and expectation; and
- Establish equitable mitigation measures for the accommodation of identified impacts.

Mr. Carter explained that the City has standard TIA guidelines that applicants had to follow, and as part of those guidelines the applicant's consultant, Kimley-Horn (KH), conducted new traffic counts at all signalized intersections and roadway segments around the development. He added that an outside consultant had been hired by the City to review the TIA submitted by the applicant.

Carter stated that KH took the existing 2010 traffic counts and grew those numbers to the year 2020 and presented a chart showing the assumed traffic impact on the area both with build out and without in the horizon years. This evaluation would show if there would be any impact from the build out of the development during those years.

Regarding the level of impact the development would have on the area, Mr. Carter noted the consultant was required to determine the projected level of service during a horizon year and that level would be graded similar to the grading method used in schools; A = excellent, F = failing. If a site generated more than five percent of the traffic that would drop a grade to an "F" and the developer would be required to look at types of mitigation that would bring it back to an acceptable level of service. However, if an intersection was already failing, the developer would not be required to get it back to an acceptable level of service because the site's traffic did not cause the failing situation, but would only be required to establish mitigation measures that would be proportional to the amount of traffic impact the site actually placed on the roadway system. He added that acceptable mitigation measures would be:

- Reduction in the development's intensity (square footage).
- Phasing the development over a specific amount time so the roadway infrastructure could catch up to the development.
- Off site improvements including dedication of right-of-way and/or the participation in funding for needed thoroughfare and intersection improvements.
- On site improvements (i.e., turn bays, signalization, etc.)

Actions that would occur based on the results of a TIA after review by the City staff would be:

- Development request could be approved by the Commission and City Council based on the fact that the project had no impact, or mitigation steps were being taken.

- Approve the development request subject to a phasing plan.
- If long term issues at a corridor or intersection were not necessarily instigated by the development (background traffic), the Commission and/or Council could ask staff to review the thoroughfare plan to address what type of improvements would be necessary to increase the capacity of the roadway.
- Require an amendment to the capital improvement plan relative to any type of construction improvements.
- Deny development request if it was deemed that the impact generated by a site could not be adequately mitigated.

Mr. Carter noted that at the last meeting a number of questions were raised concerning traffic with respect to how much the site would generate, and requests were made for the developer to meet with the public and inform them not only on the traffic issues, but also the FBC. He acknowledged that the developer had held meetings with concerned residents, as well as a meeting at City Hall with representatives from homeowner's groups to review the TIA. Following the meetings, staff requested that KH perform additional analyses that were not typically required in a TIA and included:

- 2010 existing traffic analysis (completed)
- 2010 existing traffic plus full site build out traffic
- 2020 traffic plus full site build out traffic without any of the applicant's proposed mitigation
- 2020 traffic plus full site build out traffic with additional improvements at Renner Road and Hwy 75

Additional information requested by the Commission and citizens:

- Existing traffic conditions
- Historical traffic volumes on the roadway system
- Anticipated background traffic growth
- Traffic generated by the proposed development
- Impacts of the development
- Proposed mitigation around development by applicants

- What intersection improvements would be best suited for the intersections at Renner Road and Hwy 75, and Renner/Plano Roads.
- Could traffic be improved if dual right turn lanes and triple left turn lanes were added?
- Could the road be widened to an 8-lane road?

Once the results from the additional analyses have been received, the staff will be able to determine if the mitigation that is already proposed will provide significant improvements, if additional capital improvement would be required, will it be feasible, and in what time frame would they be constructed.

Mr. Carter noted the improvements that may be necessary for an increase in level of service from an "F" in the year 2035 to a "D" or an "E," may not be a requirement the developer would have to participate in because the TIA had determined the site traffic was not what would have caused the intersection traffic to fail in the future, but it could be background growth from other developments in the area and not solely the proposed site. It would have to be determined by the City how those improvements would be funded in the future.

Mr. Carter presented graphs and maps to the Commission regarding the current traffic patterns in the immediate area and at other six-lane arterials noting that traffic was counted every other year at 120 locations throughout the City:

- Plano Road - 15,600 vehicles per day south of President George Bush Turnpike (PGBT).
- Plano Road – 24,000 vehicles per day south of Renner Road (9,000 count difference usually splits at Renner Road and goes west to Hwy 75 or east to the Breckinridge area).
- Renner Road – 23,000 vehicles per day in and around the DART Light rail overpass east of Hwy 75, but on the west side of the highway it is 21,000 vehicles per day.
- Hwy 75 – 278,000 vehicle per day, main lanes and HOV lane.
- Frontage Roads – significant amount of traffic on north/south frontage roads at peak hours causing capacity constraints.

Carter explained that in recent years there had been a reduction in traffic on some of the arterials due in part to the slow down in the economy and improvements on Hwy 75. On some of the other arterials in the City there had been an increase in traffic because of street and signal improvements, therefore lessening the load on some of the smaller streets.

Another function of the TIA was to take the proposed zoning and determine what would be the most likely mix of land use and develop a traffic trip generation report based on land use assumptions. In this case, KH compared what the existing zoning would allow for each use to what was the anticipated intensity of entitlement built out in the horizon years. In addition, the report identified the amount of traffic that would go in and out of the site on a daily basis, as well as on a peak hour basis. Carter pointed out some interesting information that came from the analysis was that the peak hour traffic decreased when compared to the existing zoning and spread the traffic out throughout the day.

Mr. Carter noted that the TIA came up with a number of suggested improvements on Renner, Plano and frontages roads, and the applicant was proposing the following:

- Renner Road – auxiliary lane from Plano Road to Routh Creek Parkway, as well as deceleration lanes (right turn bays) at every drive way.
- Renner Road – median openings and additional traffic signals at the driveways to accommodate cross street traffic.
- Plano Road - auxiliary lane, which would make it look like an 8-line divided roadway and allow for better merging of traffic.

- Plano Road – signals where necessary.
- Frontage Road – providing turn bays at every drive way (will have to meet all of TxDOT requirements).
- Routh Creek Parkway – possible auxiliary lane on the west side of the bridge structure close to Hwy 75.

Another item that was evaluated and would have to be modified in the Master Transportation Plan (MTP) was the intersection of Plano and Renner Roads. Currently, there is a six-lane divided roadway with two left turn lanes in each direction and exclusive right turn lanes in each direction, which means that the intersection was built out from an "at grade" stand point. The MTP did show a possible future grade separation at this intersection; however, the applicant's analysis shows that even with the traffic from the proposed development, the intersection would operate better "at grade."

In closing, Mr. Carter summarized the conclusions derived from the TIA by the staff and City consultant:

- The proposed TOD mixed use zoning would result in more daily traffic than the existing zoning, but would be spread out over the day. Peak hour traffic volumes will be lower with a better distribution of inbound and outbound traffic.
- Adequate provisions for access and circulation drives will evenly distribute the traffic to the arterial and freeway systems minimizing the impact to the roadway network.
- The Cotton Belt transit line connection to the PGBT station will greatly benefit the development and reduce the impact on traffic.
- Significant levels of roadway capacity enhancements including additional turn bays and auxiliary lanes are proposed as part of the regulating plan to maximize the efficiency of the roadway network.
- The intersection at Plano and Renner Roads should remain an "at grade" intersection.

Vice Chair Hammond asked to clarify if the masonry material requirement mentioned in the presentation for anything other than a type "A" streets was at zero percent. He also wanted to know wanted to know if EIFS would be allowed at 100 percent.

Mr. Chavez replied that if the front of a building was not on a type "A" street, it would not be required to have any sort of masonry, but would require accent material. He added that the "B" type streets would be minor service roads.

Regarding the accent material, Chavez stated that accent material, which could be wood, stucco, tile, or EIFS, could be at 100 percent if not along a type "A" street, but EIFS would not be permitted along any street or alley so it would only be internal to the site.

Commissioner Henderson asked if the zoning change was approved, would it stay with the land or with the applicant. Also, if the developer did not go through with the plans, could the

Commission set in place some type or mechanism that would allow the land to return to the original zoning.

Mr. Chavez replied that the change would stay with the land, and to return the property to its original zoning would take a revocation of the ordinance by City Council.

Commissioner Bright asked to clarify if the Commission voted to recommend the zoning change, would the recommendations for mitigation be included. He also wanted to know if the proposed number of multifamily units was the maximum number or the anticipated number.

Mr. Chavez replied that it was included in the TIA and when a motion was made it should contain verbiage that the TIA was attached.

Regarding the number of multifamily units, Mr. Carter replied the proposed land use assumptions were not a mandated maximum density or intensity of any one land use. He suggested the applicant could better answer how they arrived at their land use assumptions.

Commissioner Bouvier stated the TIA had prescribed amounts of density for each use and wanted to know if additional language would need to be added to connect it with the zoning ordinance.

Mr. Chavez replied that the Commission's recommendation for approval could contain language such as "the maximum development intensity for the site shall be as shown on the attached TIA," therefore, tying both the TIA and the land use assumptions together.

Chairman Gantt asked Mr. Bright if his question was related to the roadway improvements recommended in the TIA and that those would be included in the proposed development.

Mr. Bright confirmed that was what he was asking.

Mr. Carter replied that all the improvements recommended in the TIA are in the Regulating Plan's roadway network.

Chairman Gantt asked if those improvements would be paid for by the developer as they develop the site, and Bright asked if any additional motion that would need to be made to include that item.

Mr. Carter replied that the developer would be required to pay for the improvements and stated that the staff had been working with the developer and their consultant for over a year and it was understood that the improvements would be at the developer's expense.

Commissioner Maxwell asked how the improvements would be handled if the "build out" assumptions in the TIA increased since it was not currently tied to the proposed zoning change.

Mr. Carter replied that the applicant had provided auxiliary lanes on both Plano and Renner Roads, and exclusive right turn bays into all their driveways, so it would be incumbent upon the City to review any particular development requests, in addition to the current request, as well as any modifications to what the applicant was proposing in intensity to see if something else would be necessary.

Mr. Chavez added that if the request was approved at the City Council level, the Regulating Plan would cover all those elements.

Commissioner Maxwell asked for clarification of the definition of "pre-cast concrete panels," and did that mean "tilt-up" panels would be allowed.

Mr. Chavez replied that they were one in the same.

Chairman Gantt asked to confirm that a third party hired by the City had reviewed the applicant's TIA proposal. He also wanted to know when the consultant first began their review of the TIA.

Mr. Carter replied that Lee Engineering was under contract to the City and used for on-call services for a number of different projects including TIAs. He added they had been reviewing the document for a number of months.

Chairman Gantt asked for staff's opinion if the proposed development would have a significant impact on traffic in the area and, if so, could it be adequately mitigated.

Mr. Carter replied the existing level of service was low at 20-25,000 vehicles per day on Plano and Renner Roads and could be adequately mitigated. He added that the developer would be providing as much mitigation as possible to minimize any impact, but because the site distributed the traffic evenly in all four directions (multiple driveways in all four directions; and the traffic distributed both in and out), the level of impact at any one location was not as severe as some of the large commercial sites on Campbell Road.

Chairman Gantt asked if the trip generation numbers included the background traffic, or were they the trips generated by the proposed site.

Mr. Carter replied that the trip numbers listed were those generated by the proposed site, but the numbers included all three sites combined.

Commissioner DePuy asked staff's opinion on what the actual rail usage would be - the "10 percent rail usage" number listed in the presentation, or a greater number.

Mr. Carter replied that although the City allowed only a 10 percent rail usage number for the applicant's calculations, he would expect to have 20 to 30 percent rail usage because of the urban development nature of the project along with the access to the Dallas/Fort Worth airport the rail line would provide.

Commissioner Hand asked if the TIA could generate more mitigation requirements.

Mr. Carter replied that both KH and the City's consultant would evaluate the potential for intersection enhancements in the future similar to other MTP and CIP programs.

Commissioner Hand asked why the enhancements would not be a requirement of the developer.

Mr. Carter replied that an example would be the heavy demand for Hwy 75 at Renner Road is not Renner Road traffic, but northbound frontage road traffic, especially traffic turning left. He added that to improve the overall intersection, the worst movements at the intersection would have to be addressed, but they are not necessarily the same movements that benefit the proposed site.

Commissioner Hand asked for clarification for some of the symbols on the Regulating Plan graphics regarding percentage of masonry required or not required on certain streets. He also wanted to know about the civic open space requirements/park standards referenced in the Staff Report.

Mr. Chavez replied that what was referenced in the Staff Report had to do with the quality of open space as opposed to the quantity. He added that the way the plan and code were laid out, open space was not necessarily defined an "active" recreational area and staff had suggested that there needed to be an area that would allow for limited active recreation. Also, the .38 and .75 acres mentioned in the Development Standards would provide sufficient space for these activities.

Chairman Gantt pointed out that the green space would be in addition to the mandatory parks and public squares that would be built.

Commissioner Henderson asked staff if the information in the Commissioners packet would be part of the ordinance (i.e., staff report, exhibits, etc.). He added that he would like to know exactly what would be approved if the Commission voted in favor.

Mr. Chavez replied that the information in the Commissioner's packet was the most up-to-date information available. He noted that if the Commission voted in favor, they would be approving the FBC, which contained the text document, the Regulating Plan and all the exhibits attached to the plan.

Chairman Gantt added that each of the images in the FBC had a caption indicating that they were illustrative of the type of building materials to be used in the zone, or the massing and scale. He said he did not think the Commission anticipated the buildings would look exactly like the pictures, but it was a guide for the developer.

Commissioner Frederick asked when the design of the frontage road would be discussed; specifically the area north of Renner Road where Hwy 75 exits to Plano Parkway, which will be impacted by the proposed development. She also wanted to know who would pay for improvements if they were required.

Mr. Carter replied that when the proposed development goes through the development and engineering review process, the City and TxDOT will review where the driveways will be located, length of turn bays, length of taper, curb radii, and signage/striping prior to the start of any construction. He added that the developer would have to pay for any improvements.

Commissioner Bouvier asked if TxDOT had reviewed any preliminary plans. Bouvier stated since that the roadway system was such an integral part, he wanted to know how that would impact the development.

Mr. Carter replied that his understanding was the applicant may have had discussions with TxDOT as to what they would allow, but he had not spoken with TxDOT regarding driveways with the exception of Infocom Drive, which had been previously approved. He added that if TxDOT did not approve of the current plan, revisions would have to be made to driveways and turn bays to accommodate traffic.

Commissioner Henderson wanted to know if a statement was needed in the FBC to ensure that sexually oriented businesses (SOB) would not be allowed as part of the development since there would be commercial areas within the development.

Chairman Gantt replied that it was his understanding there were state laws that made it difficult to define areas where SOB could be excluded and the City's ordinance was crafted using the state laws as a guideline.

Mr. Chavez added that a SOB was not allowed by right in any zoning district and required a Special Permit. He added that the zoning district that would apply to the property would be a Planned Development (PD) district.

Chairman Gantt commented that if the proposed development was approved by the Commission, the zoning applied to the land would be a PD and SOB were not allowed in a PD even with a Special Permit.

Vice Chair Hammond stated that the ingress and egress designs seemed to require long "U" turns and wanted to know if there had been any thought to the re-design of the existing streets to accommodate the flow of traffic. He also wanted to know if the Cotton Belt did cut

across Hwy 75 into the area, would there be a possibility of extending Infocom or some other parallel street that would service the area and who would be responsible for the cost.

Mr. Carter replied there were no long-range plans for a parallel road and it was not included in the Regulating Plan, but the Commission could ask the developer to consider that possibility during the public hearing on the next zoning file.

Chairman Gantt asked if Mr. Hammond was referencing the entrances to the PGBT and Hwy 75, and wondered if that would be something TxDOT would have to review.

Mr. Carter replied that it would be best to ask the developer if they thought the issue of "U" turns would be a problem for the development of their site.

Commissioner Bouvier asked what would trigger the building of the park and what would be the make up of the park.

Mr. Chavez replied that the mandatory park, with the green belt along the light rail, would be required as soon as the first development went in; basically it would be a preservation area and used as a multi-use trail way. He added that as blocks within the character zones were developed, the applicant would present plans for the green ways and plazas.

Commissioner Hand asked to confirm that SOB were limited to particular zones outside the range of certain corridors so the small amount of land that would allow SOB would not be changed by this request. Mr. Chavez confirmed that he was correct.

Prior to the start of the public hearing, Chairman Gantt recessed the meeting for a 5 minute comfort break. The meeting reconvened at 9:20 p.m. at which time Mr. Gantt opened the public hearing.

Mr. Scott Polikov, Gateway Planning Group, 101 Summit Avenue, Fort Worth, Texas, representing Bush/75 Partners, addressed the Commission stating that he wanted to speak to some of the questions posed earlier by the Commission.

Mr. Polikov said the mandatory public spaces included approximately 4 acres of developable land along Routh Creek and was not part of the flood plain. He added there were mandatory plazas, squares and green space that could be enlarged, as well as streets that would have significant public areas and those should be taken into consideration.

Regarding contact with TxDOT, Polikov advised that KH and his company had worked with and planned approximately 20 projects with TxDOT and knew their requirements. He added that if TxDOT did have any problems with their design, it would most likely be a minor adjustment to a driveway.

Mr. Polikov pointed out that the PD was not open to any and all types of uses, but there was a table of permitted uses in the Regulating Plan and a list of similar uses that were not explicitly called out, but dissimilar uses would not be allowed. He added that in staff's opinion anything proposed by the developer that was not a similar use would require an appeal to the City Council for a decision.

As part of the requests from the Commission at the December 7th meeting, Polikov noted they had met with the neighborhood groups to answer any questions they might have on FBC, and he had further information on the three other items requested - examples of FBC that were relevant to the proposed project; likely character of the development; and further analysis and information regarding the TIA.

Mr. Polikov said that because of the unique nature of this project with the intersection of two major highways, a light rail station, and a future commuter rail line that would connect to a major airport, there had not been a lot of form based codes that have implemented in the United States similar to this kind of project. He added that his firm has worked on 12 – 13 FBC that had been adopted with about half under construction; however, those projects were not similar in character to the proposed project.

Mr. Polikov presented images and the code for the Craig Ranch in the City of McKinney, Texas, noting that this was the one that was most similar to the proposed development that his firm had worked on. He added that the code was originally developed for the City, but they were later hired by the developer to develop approximately 2,000 acres of the original land. Polikov emphasized that the proposed FBC for the City of Richardson was much more restrictive than what was proposed in McKinney.

Mr. Polikov stated there was an element of the administrative section of the code that had been mistakenly left out regarding the appeal process for minor modifications. He said the following would be included in the administrative code:

"Any appeal to the decisions of the City Manager on any minor amendments shall be heard by the City Council. Any City Council denials of minor amendments . . ."

Regarding the TIA, Mr. Polikov acknowledged that they would continue to work with City staff and were committed to the mitigations noted in Mr. Carter's presentation. He answered the question of what would happen if the development exceeded the projections that were established for preparing the TIA by stating that the assumed 10 percent transit capture rate was lower than Mr. Carter's estimate of 20 to 25 percent.

Polikov said that the project was more like an urban condition because it was networked and there would be even more distribution of traffic throughout area because of the many access points directly and indirectly around the site.

In closing, Mr. Polikov stated his group had met with the neighborhood associations with the meeting lasting approximately three and one-half hours, and although there were some in attendance who still had concerns, more than half felt the developer had been responsive to their questions. Polikov added that one comment from an attendee emphasized what many young urban professionals were demanding and it was that there should be more urban, walkable neighborhoods, and this project was directly responsive to the economic development strategy for the City of Richardson.

Commissioner Bright asked to clarify if a minor modification was denied by the City Manager or his designee, and denied by City Council, would it come back as a special development plan before the Commission again.

Mr. Polikov replied yes, that was correct.

Commissioner Frederick asked how many square feet of office space was proposed in the Craig Ranch project. She also wanted to clarify the statement made about apartments in the Craig Ranch development and asked how many multifamily units were built.

Mr. Polikov thought the square footage was similar to what was being proposed in the current project, and clarified his statement regarding apartments stating there were no apartments in the Craig Ranch development as defined in City of Richardson code. He added that he was not sure how many multifamily units were in the development, but thought it would eventually be in the thousands. In addition, the code was written that residential units would be allowed on the second floor as a development right and the market would drive the demand, which meat that no one would be building prematurely, or building less quality, because the code would not allow traditional apartments.

Commissioner Hand stated he thought a consensus was beginning to form about limiting the development and intensities to the numbers listed in the TIA, and felt it was something the Commission should seriously consider. He added for the benefit of those in the audience that the Commission was limited as to the negotiations that could be made and had to stay with the documents and information presented, but the City Council and the City Manager's office was not limited. Hand said he heard others speak of limiting the development to what was identified as multifamily in the TIA, which he was personally in favor of, and asked the applicant to provide feedback.

Mr. Polikov replied that the assumptions in the TIA were the developers best guess as to what would occur, but asked what would happen if there was a demand for another 500+ high-end residential housing units, or someone wanted to develop a 14-story residential unit with retail ground floor, it would not be something to cause concern because of all of the restrictions that are embedded in the code. He added that it will be a well designed network of streets functioning as an urban center with the best intersection of public transportation in the metroplex.

Polikov pointed out that if the developed was tied to the TIA it would be a political challenge as opposed to a reality and the City would have stunted the growth potential and missed out on millions of dollars in tax revenue.

Mr. Polikov explained there were theoretical limits based on building height maximums, parking requirements, and public space requirements, and the intent was that the buildings would evolve over multiple life cycles, but would maintain their integrity and the market would change the use mix. He added that they had built in a mechanism that would take advantage of the quality of the neighborhood as the use mix changed, but what was being requested was to have the developer put in place mechanisms to take care of the dangers of single-use entitlements based on a site-by-site design, which was not what was being proposed. He concluded by saying that the entitlement currently on the property should cause more apprehension in terms of the kinds of concerns expressed.

Commissioner Hand stated he was excited about the potential, but what concerned many people the most was the "open-ended" nature of the proposal.

Mr. Polikov replied that it was not accurate to say it was "open-ended" because the code was very prescriptive and restrictive. He added that everything was extensively diagrammed in the Regulating Plan and had more detail in regards to urban design requirements and development capacity.

Commissioner Hand said it appeared that based on the TOD Core character zone, there were no minimum building heights and was concerned that someone could build two-story apartments in a world class transit oriented development. He asked why a minimum height was not listed in the TOD Core and why it was not written into the document.

Mr. Polikov replied that the TOD Core required 15 foot floor-to-floor first floors and that would not be a requirement if there was only a one story residential above it. However, a one-story building might make sense when something like a grocery store was involved, similar to those in intensive urban areas where the store is on the first floor and the parking is on the second floor. Also, because of the yield off the building - the cost of putting footings, foundations and the quality required under the development agreement, he felt it would be rare to see one-story buildings, but to determine the location where a one-story would make sense this early in the process could destroy the capacity for a wonderful development. He added that all the factors had been built into the code to allow 3, 4, 5, or higher story buildings, and urban residential could only occur in the types of buildings proposed.

Commissioner Hand stated that one of the concerns was that the development should be high-end and one way to ensure that was to ensure higher-end construction.

Mr. Polikov agreed and said the code was one of the most restrictive regarding higher-end construction that he had ever seen, including the fact that every street was coded and was 30 - 50 percent higher per linear foot to construct, which would translate to a per door increase

in the cost. He said the capacity to charge those types of rents in multifamily urban residential units was not currently available, but the entitlement was for 50 to 60 years and the ordinance would be responsive to a threshold of quality.

Commissioner Hand stated if the market were to heat up and there was a demand for 500 more units, the Commission could revisit the request and, based on past experience, the Commission would probably review the project from time to time.

Mr. Polikov replied that was a mechanism in place that would ensure if there were any deviations from the application, other than minor modifications, it would come back before the Commission.

Commissioner Hand said if that was the case, there should no reason not to cap the project if in fact in the future there would be demand for high-end residential.

Mr. Polikov replied that he felt they had adequately responded to why the code was set up the way it was.

Chairman Gantt asked if Mr. Hand would hold the remainder of his questions to the end to allow time for input from the public.

Mr. Dave Brady, Co-Director of The Garland Bus Users Society, P.O. Box 472291, Garland, Texas, stated a well designed transit oriented development would be a financial boom for the City of Richardson and the surrounding cities. He asked the Commission to consider the pedestrian friendly and environmental features of the proposed development and the gains that would be realized by the City. Mr. Brady requested that the Commission set the guidelines in place, understand that market conditions could create some variations, but to move forward with the project.

Ms. Laura Maczka, 301 Overcreek, Richardson, Texas, Vice President of the Canyon Creek Homeowners Association (CCHOA) said she was speaking on behalf of the association and read the following statement:

"The CCHOA board has been involved in reviewing the proposal since the project began last June with board members presence at every public meeting, as well as additional review and study of documents provided regarding the project. We are very mindful of the magnitude and importance of this project as it relates to the City, but more importantly to our neighborhood because of the proximity to the planned development. The CCHOA board is generally in favor of the proposed rezoning ordinance. We feel a transit oriented development would create a unique opportunity and experience, and would be ideal given the proximity of the DART turnpike station.

The CCHOA board urges the City Plan Commission and the City Council to institute a maximum on the amount of density permitted for each type of use on the property so as to ensure an adequate mix of uses.

Second, we recommend that building density be controlled by an engineering traffic study so as to maintain acceptable levels of new traffic generation.

Finally, we would like to see the Form Base Code include proper checks and balances when it comes to reviewing and approving development plans.

We are looking forward to being involved as appropriate as this project continues to materialize into a plan."

Commissioner Henderson asked if the board of the CCHOA had canvassed the members of the association, and if so, what the response was.

Ms. Maczka replied that the members had not been canvassed, but the statement was a unanimous decision by all seven members of the board and a copy had been sent to the members, but there were no responses.

With no other comments in favor, Chairman Gantt called for those opposed.

Ms. Evelyn Roberson, 2217 Victoria Lane, Richardson, Texas, said she attended the meeting with the developer and there seemed to be some confusion until the developer clarified that his function was only to develop the site (construct street, sewage) then basically sell the lots to others who would build the buildings. She understood that the only restriction was a 300-foot height on a commercial building and 100-foot height on urban residential.

Ms. Roberson stated there was an over supply of apartments, urban residential, and almost a trillion dollars of commercial real estate going bankrupt across the country. She thought care should be taken so as not to repeat some of the problems other cities were experiencing, and felt people did not move to Richardson to live in urban area and urged the Commission to vote against the proposed development.

Mr. John Lauder, President of the Fairways of Sherrill Park Homeowners Association, 2805 Wyndham Lane, Richardson, Texas, stated he was speaking on behalf of the 280 members of the association and requested the item be postponed until next year. He said he was not personally opposed to the development, but felt the neighborhood needed more time to have a better understanding of what was involved.

Mr. Bob Fusinato, 408 Northview Drive, Richardson, Texas, stated that as an environmentally concerned citizen he would normally be in favor of transit oriented development; however, he was not certain enough details had been presented to make a decision. He perceived the project as an opportunity to foster development that was in

keeping with green building guidelines, but as a homeowner he wanted to make sure the development would enhance property values as opposed to detracting from them.

Mr. Fusinato requested the Commission address the following questions: are there plans to pursue LEED certification for the buildings and neighborhoods; if certification was not being sought, what measures were being taken to address goals outlined in LEED certification; did the plans address water flow reclamation, especially as it pertained to the creek; and, was there a time line for development of the project.

Mr. Theodore Foster, 2606 Foxcreek Drive, Richardson, Texas, thanked the Commission for continuing the meeting from December 7th to allow the neighborhoods time to better understand the development. He also thanked the developer for meeting with the homeowners and noted that he was one of the individuals referred to by Mr. Polikov who, as he learned more, thought it could be a very good development.

Mr. Foster expressed concerns with the review and approval process of the development plans and the lack of further community involvement. Another concern was the Regulating Plan and the fact that most of the streets were not mandatory and buildings that front them did not have masonry construction. He added that if the streets were not built, there would be traffic flow problems and requested that more of the streets be made mandatory so Routh Creek would not be the only required entrance.

Mr. Rich Wilder, 1614 Villanova Drive, Richardson, Texas, stated he was the Vice Chair of the Neighborhood Protection Alliance of Richardson (NPAR) and they were in support of a transit oriented development concept at Renner Road and felt it was something that was needed in the community. However, they were neither for nor against the current proposal, but firmly believed that it would be approved by the Commission and it would be incumbent upon the City Council to provide further checks and balances.

Mr. Wilder explained that the developer was presenting the broadest brush stroke of a FBC and urged that further study be made on traffic congestion, density, green space, and green building practices. He noted that the Alliance would be asking the City Council to customize the code to the needs of community while taking the time necessary to include the citizens in the process.

Mr. Carlton Brown, 1508 Margate Lane, Richardson, Texas, said he admired the vision and optimism of the developer's plans and that they showed a commitment to Richardson's future. He agreed that FBC did apply general boundaries that would limit the density of development on the property; however, the boundaries did not prohibit a build out that could be largely dominated by a high concentration of urban residential, or high a concentration of office development.

In closing, Mr. Brown stated he was convinced that surrounding property owners did not want to see either of the previously mentioned outcomes and felt specific density limits;

especially for office space and urban residential development were imperative. He urged the Commission to protect not only the surrounding the community, but the property owners and the developers.

Mr. George Human, 1510 Amesbury, Richardson, Texas, advised that he was generally in favor of transit oriented developments, but had been recruited by the NPAR to deal with some of the concerns of the proposed project. He stated he was pleased with the progress and the amount of in-depth information presented by staff, especially the information on traffic mitigation efforts.

Mr. Human suggested that the biggest concern was the previous over-zoning of the property in the 1980's that, in addition to the proposed project, could add 4,000 to 7,000 additional apartments to the area. He suggested that the 2,000 apartments allowed by right east of Plano Road be transferred to the TOD tracts and to restrict the total number of apartment for the area.

In closing, Mr. Human asked the Commission to carefully consider the amount of park land and retention ponds that should be included in the development. He urged the Commission to cap the number of units because the developer could always come back before the Commission to request more units if the project was successful.

With no further comments in opposition, Chairman Gantt asked Mr. Polikov if he would like to respond to any of the comments made.

Mr. Polikov replied that it was important to underscore that there was absolute certainty in terms of the administrative process with extensive detail in each character zone, and if the application for development was not consistent with the character zone requirements, then it would have to come back as a special development plan to the Commission.

Secondly, regarding mandatory streets, Polikov said the code required trees on all the streets which were of high quality and pedestrian friendly. He added that three-quarters of the streets were "A" type streets, and the reason some were not mandatory was because two blocks could be configured together for a larger block and some streets may not be needed, but expected there would be little deviation from the Regulating Plan.

Mr. Polikov addressed the concerns about impact on property values stating that the high-end development would impact the values in a positive manner.

Commissioner Hand stated he agreed that what the Commission was striving for was something that would enhance property values, but had concerns with the number of non-mandatory streets. He added that the applicant may not be the one to develop some of the parcels and, based upon the code, some of the development could be developed by someone who could make bad financial decisions.

Mr. Polikov replied that he did not think that opinion was accurate because the Regulating Plan in the TOD Core section reflected an urban block dimension with a 1,400 foot maximum perimeter requirement. Also, in the Arterial Mixed Use section, the block face was 250 to 400 feet with a block perimeter of 1,100 feet with a combination of a super block, but it must have at a minimum a pedestrian passage. He added that regardless of the permutations on the south end it would be an urban, walkable environment because the block perimeter minimums and maximums did not allow for anything else. Regarding the north end, Polikov said the plan was absolutely set.

Commissioner Hand asked about previous comments made about allowing only two super blocks and where that was located in the code.

Chairman Gantt replied that it was in the Special Frontage Requirements section and it stated that "no more than two adjacent blocks may be combined based on the Regulating Plan."

Regarding the previous discussion on minimum building heights, Mr. Hand said he was not going to propose that all of the TOD Core should be a minimum height, but that possibly 50 percent of the buildings should have a minimum height. He added that he liked the idea of an urban grocery store, and maybe the urban fabric required a one-story building, but if a minimum could be developed, as recommended by staff, around a certain percentage of the buildings it would help maintain a high end construction.

Mr. Polikov replied that an urban grocery store could be developed in a multi-story building, but he was concerned that if a project was proposed that made more sense in a one story building, such as a restaurant or grocery store, there would be no way to successfully enforce a multi-ownership minimum story requirement. Polikov pointed out that eclecticism in the project was desired, and if the property was sold off in blocks to different owners who built one story and 5 story buildings around the plaza, how could the staff enforce the minimum block size requirement. He added that he would rather have high development standards that require high quality buildings with multiple stories.

Mr. Polikov stated that his team shared the concerns of the Commission that the development had some gravity and was urban in design, but said the proposal was the best they could come up with in terms of a mechanism where there would likely be multiple developers and owners over time.

Commissioner Hand agreed that was his concern as well because Mr. Polikov and his group would not be the master architect for the entirety of the development and someone could come in and make bad decisions.

Mr. Polikov replied that any new developer would have to make decisions within the context of the detail of the code and it was not a blank check.

Commissioner Hand asked about the green standards and the lack of minimums listed on pictorial similar to those on the square standards. He added that the minimums were listed on the Regulating Plan, but thought there might be a coordination or formatting issue.

Mr. Polikov replied that they were required, according to the Regulating Plan, to do the mandatory plaza, square, park and green space.

Mr. Chavez suggested that what Mr. Hand was asking was the square standards, which were located within the code, should be applied to the mandatory green space. He added that there may be a typo and asked the applicant to make the correction.

Commissioner Hand asked about the request for EIFS and was concerned about the lack of masonry. He added that many of the backs of the buildings would face the perimeter roads and the EIFS would not stand the test of time.

Chairman Gantt replied that his understanding was that the standards for the front and back of the buildings were different and all the character zones required "A" type street frontage so it would basically be service drives where the EIFS would be used. He added that he was not in favor of the request for 100 % accent material because of durability and aesthetics.

Commissioner Maxwell asked if there were masonry requirements for the frontages along Plano and Renner Roads. He also wanted to know if the frontages were required to be retail ready and what material would be used.

Mr. Polikov replied there were no minimum masonry requirements on those frontages, but the standards did state that EIFS was not allowed on ground floors. He added that Plano and Renner Roads were more of a transition environment as opposed to urban with the possibility of retail and other hybrid environments.

Regarding the frontages and whether they would be retail ready, Polikov said they were required to be retail ready and the materials were designated in the code.

Vice Chair Hammond commented that EIFS was not permitted in any street or alley, but he asked about long range planning for additional streets in the area and his concern about the "U" turns prevalent in the area.

Mr. Polikov replied the concerns were valid, but there were limits on what his group could do to influence TxDOT and the North Texas Tollway Authority, but the diagram that was presented during the traffic presentation showed multiple avenues of access to the development.

Polikov explained that early in the planning stage, the staff had requested his team work with the developer of the Caruth property regarding an overall transportation strategy and to plan

the applications as if they would function as one, which resulted in the unified Regulating Plan and the properties functioning as a single network in terms of access.

Commissioner Bouvier asked Mr. Polikov to expand on his earlier opinion regarding the current zoning.

Mr. Polikov replied that his clients were not interested in developing under the current zoning, and if they were to sell the property, the new owners would have the right to develop the type of apartments everyone was concerned about. He added that their proposal would replace the current entitlement with a development standard that would not allow that type of apartments.

Commissioner Bouvier asked about the piece of property to the east of Plano Road and the comment made in the earlier meeting regarding a 600-foot deed restricted buffer; where it was located and what limitations would the buffer apply to that property as it related to the current proposal.

Chairman Gantt replied that the property east of Plano Road was not before the Commission for review and had been at the end of Mr. Polikov's statement involving a set back on the property. He added that it would probably impact the number of apartments, but again said it was not an item that was presently before the Commission and it would not be appropriate for discussion.

Mr. Polikov replied that they had offered a deed restriction running 600 feet deep from the property line at Plano Road to Wyndham Lane that would not allow any "for rent" multifamily as defined under the current entitlement, which would have an impact on the amount of apartments allowed.

Commissioner Bouvier explained he felt the buffer was relevant in making the decision about the proposed case as to whether or not to rezone that property to allow more multifamily units and the appropriateness of the use as it related to the surrounding area. He wanted to know if the buffer would limit the total number of apartments allowed on the property, and had staff analyzed the impact.

Mr. Polikov said there would be a significant reduction, but they had not calculated the number. He added that the 600-foot deed restriction was not to reduce the number of apartments, but to buffer and limit the type of use along that corridor.

Mr. Chavez replied that staff had not done an analysis as part of the current zoning case.

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

Chairman Gantt stated that a number of questions raised by the speakers, both for and against, had been answered, but in regard to transferring zoning from the east side of Plano

Road to the proposed development, he advised that zoning could not be mandated on a case that was not before the Commission.

Mr. Gantt suggested that the questions on density, traffic, administrative process, mandatory/non-mandatory streets and green spaces had been addressed, as well as questions about green building codes that had been covered in previous study sessions. He asked if a drainage study had been completed on the property.

Mr. Chavez replied that with a typical PD application a preliminary drainage study was submitted; however, these cases would be handled on a site-by-site basis as they come in for development.

Vice Chair Hammond asked about tying the TIA to the development and if relating the two together would put a specific cap on residential or office, or would it put a cap on the density of the entire development.

Mr. Chavez replied that by relating them together it would put a cap on the number of units and the square footage. He said that a stipulation could be added to a motion stating that the land use assumptions in the TIA would be used to establish intensity on the site and anything beyond those assumptions would require a new TIA

Mr. Carter added that if the Commission wanted to limit the intensity or density of a specific land use it should be tied to the assumptions or traffic volumes used to generate the TIA. If the intention of the motion was to limit the total amount of traffic, then it should be worded "to the maximum amount of traffic assumed in the TIA" so as the property is developed staff would re-evaluate the traffic impact to confirm the transit portion, which could show that the site was generating less traffic even though they were exceeding all the densities and intensities. This would have to be tracked by staff throughout the process of development.

Chairman Gantt said he thought that would be a challenge because traffic volumes could be generated by traffic from any locations.

Mr. Carter replied that it would be limited to the site-generated traffic as assumed in the TIA, and all land uses have a trip generation rate that was used in the development of a TIA. He added that it might be a little cumbersome for staff depending on the size of blocks developed, but it could be tracked.

Commissioner Bright asked if the comments in the staff report regarding "density and/or intensity" in the Regulating Plan and the Code, were a recommendation from the staff to tie the assumptions to the TIA.

Mr. Chavez replied that that staff was not making a recommendation, but simply suggesting further discussion on those items, which the Commission has had. He added that it was up to

the Commission to take the information provided on those items and decide if it would be appropriate to apply different development standards than those typically found in FBC.

Commissioner Bright asked if a limit on density and/or intensity was standard for FBC. He also wanted to know if staff would elaborate on establishing minimum building heights.

Mr. Chavez replied that limits on density and/or intensity were not standard for FBC.

Regarding minimum building heights, Chavez said the comments found in the staff report were similar to those made in the both joint work sessions with the Commission and City Council. He added that in order to ensure a variety of building heights throughout the development, it would be up to the Commission to decide what heights would be appropriate.

Commissioner Bright asked if staff agreed with the applicant that it would be somewhat of a moving target if minimum building heights were established.

Mr. Chavez replied that it would be the same type of moving target that was sometimes used with minimum square footage in residential structures where you have "x" number of structures at a certain height and you have to keep count of the number of those structures; it would involve a lot of administrative work.

Chairman Gantt asked what other number, besides one story or number of feet, would be a possible answer. He pointed out that all the zones had a minimum first floor height, with most being 15 feet, and asked if that would that be considered as minimum building heights.

Mr. Chavez replied his intent was to get the Commission to consider items brought up in past work sessions and felt they had addressed many of those questions and issues.

Commissioner Hand said he was speaking from the perspective of a massing issue, and it may not be necessary to specify a particular dimension as much as to say that possibly half the number of buildings should contain a specific number of stories.

Chairman Gantt stated there was no way of knowing how many buildings would be built on a particular tract of land, and saying half the buildings in the development should be a certain height may cause the development to end up with buildings of one size.

Commissioner Hand replied that it could be the first buildings constructed, but it demonstrated the risk involved, especially if the property was carved up and sold off; the developers who built first would be able to do what they want and those who came later would have to fulfill the requirements.

Commissioner Gantt asked if that would limit the development and Mr. Hand replied that it might protect the development.

Mr. Chavez commented that it would limit the potential of the property to develop to its fullest when the market conditions were right, but asked the Commission if they were creating an artificial market by setting those restrictions.

Commissioner Hand replied that everything the Commission did were recommendations that would go to the City Council and did not see any risk in laying down protections that would cause the applicant to come back before the Commission if the market picked up.

Commissioner DePuy commented that because of the long time frame involved in the development of the property, she felt the Commission may be looking at the development in short terms when it should really be looked at in the longer term. She added that care should be taken regarding putting restrictions on the development that would stifle the market because it would be the market that would drive the development. DePuy said she had trust in the market and felt the project would develop into something the City would want.

Ms. DePuy pointed out that the development standards were very detailed and restrictive and felt the Commission should take advantage of that fact. She added that the set of design standards could be used to give to other developers to show the type of developments the City wants – viable, sustainable developments.

Regarding the comment about who would like to live next to development with apartments, DePuy stated that she did not look at the proposed units the same way as the apartment complexes along West Spring Valley. She felt the proposed units were not family apartments, but designed to be high rise, high quality urban residential units for young professionals and was excited about the development and the future possibility of new restaurants and entertainment venues in the City.

Commissioner DePuy closed her comments by stating she did not want to add any caps to the development and wanted the market to drive the development.

Commissioner Frederick concurred with Ms. DePuy statements, but requested a change in the masonry percentage from 80 to 85 percent as suggested by staff.

Commissioner Bright said although he did not want to see an overflow of apartments in the area, he supported allowing the market to determine what should be developed. He felt there were sufficient details and limitations in the standards, but also felt the masonry percentage should be raised to 85 percent.

Commissioner Henderson complimented the applicant on an excellent presentation, and highlighted some of the positive aspects of the plan:

- Heights from 40 to 300 feet
- Routh Creek, a plus to the area
- Streets, walkways and open spaces were well planned

- Possible Cotton Belt rail line connection
- Bush Turnpike and DART station
- Trails through the property when completed

Mr. Henderson then expressed his concerns that the applicant should use the existing City zoning, which he felt was sufficiently restrictive and contained the mechanism to ask for exceptions. He added that the possibility of multifamily units was a concern mentioned by the speakers and some of the Commissioners, and acknowledged they would not be the typical apartment complex, but he did not see the development as a work, live and play location.

In closing, Mr. Henderson said he would like to know what would be the first thing the developer would build, and if the reply was "whatever the market determines," that would be too much uncertainty for him and felt the proposed development would not be the best use of the land using FBC.

Vice Chair Hammond complimented the applicant on taking the time to answer all the questions from the Commission and neighbors and for providing all the information. He added that he was comfortable with the controls that were in place, and pointed out that the concerns about details that had been raised over looked the fact that the project would take 20 to 30 years to develop.

Mr. Hammond stated that other communities had adopted FBC and were very successful, but he would like to see the proposal tied to the TIA so in the event the atmosphere changed in the future the applicant could come back before the Commission. Overall, he was in favor of the application as presented.

Commissioner Maxwell also thanked the applicant for their efforts, and the audience for their interest and concerns. He did not feel the TIA should be tied to the FBC and felt it was appropriate for the land, but did have some concerns about the height of the buildings and asked if any one story buildings could be brought back before the Commission under the Special Development process to determine if it was an appropriate use.

Chairman Gantt asked for clarification on bringing a one story building back before the Commission. He added that the concern was that the development could end up with the same building heights.

Commissioner Maxwell replied that if a single story building was brought back, the Commission would have the ability to determine if it was appropriate to the development.

Regarding same height buildings, Commissioner Hand responded that he did not share the optimism that the market would produce the best product, and the image in the TOD Core showed an urban, multi-level massing, which was great, but there was nothing in the code to

require that. Hand added that the staff had made good recommendations and he wanted the development to be as appropriate and effective for the site as possible.

Commissioner Bouvier stated he liked the plan and the opportunity for the property and had spent a great deal of time analyzing the information. Bouvier said he understood the difference between apartments and urban residential units, but the proposed zoning could increase the number of residential units by 50 percent. He said that to make it perfect there would need to be limitations on the different uses to ensure that it was truly a mixed-use development.

In closing, Mr. Bouvier said he was in favor of the proposal, but with the stipulation that appropriate maximum densities of different uses were developed on the property.

Chairman Gantt commented that it had been his experience that a true urban environment would have to have a mix of uses to be sustainable citing the possibility that someone living in the development might not have a car and would need access to all the services people used on a daily basis (i.e., cleaners, grocery, pharmacy, etc.). He said it would be extremely unlikely that it would develop as all one use because it would not be economical for developers, plus no one would want to live there and have to commute for the basic necessities. Gantt said he was in favor, but suggested that the motion might include an increase in the masonry material from 80 to 85 percent, which would improve the sustainability and quality of the buildings.

Commissioner Hand stated he was hung up on the TIA issue and did not understand how the Commission could go forward without tying or limiting the density to the TIA. He added that with the increase in the masonry, and tying the plan to the TIA, he would support the proposal.

Chairman Gantt asked for clarified on what would happen if the plan was tied to the TIA.

Mr. Chavez replied that it would depend on how the motion was worded. If it stated that the land use assumptions were tied to the TIA, it would limit the number of units and square footage. If the TIA was used by itself, then the number of trips generated would become important and in theory could limit the density. In addition, if the trip generation numbers were used, there would be no maximum on the number of units and square footage.

Chairman Gantt asked how often a traffic count would be needed and who would pay for it.

Mr. Chavez replied that as development plans came in, the staff would look at the information and determine if the development was exceeding the trips and initiate a traffic study.

Mr. Carter added that if the trips and the traffic were the concern, and the plan was tied to the total trips, the staff could work with the applicant prior to going before the City Council to

determine how that mechanism would be triggered. He added that staff would have to keep track of trips or units/square footage if the plan was tied to the TIA.

Chairman Gantt said he would hate to add an administrative burden and potentially more tax dollars on the City.

Commissioner Frederick said that if the goal was to limit the number of units, it would seem fruitless to limit it to the numbers in the trip count. If the goal was to limit the development by the number of units, the Commission was missing the point.

Chairman Gantt stated that he thought the Commission had agreed that FBC was the way to go, but limits by use were being requested, which was similar to the current zoning.

Commissioner Hand stated that he did not think what was offensive to the surrounding neighborhoods were the apartments, it was the traffic that would coming out of the units in the morning and afternoon. He asked if the cars from 3,700 apartments would be added to the roads.

Chairman Gantt replied that would be assuming there were 3,700 apartments built based on the market, and that each one had one car, which they may not.

Mr. Hand said he was not personally burdened by the number of apartments, but the Commission had been brought a traffic study based on 3,700 apartments and that was what was being approved.

Chairman Gantt replied that the Commission was not approving a traffic study unless the code and the TIA were tied together.

Motion: Commissioner Bright made a motion to recommend approval of Item 5 with the recommendations listed in the staff report, page 8, and bullet number 3 with respect to an increase in masonry product of 85 percent; second by Commissioner DePuy.

Chairman Gantt asked if the motion would include the suggested special condition listed in the staff report – *"The subject site shall be zoned PD Planned Development and shall be developed in accordance with the Bush Central Station Planned Development Code attached hereto as Exhibit "D"."*

Mr. Bright amended his motion to include the special condition and Ms. DePuy concurred with the amended motion.

Vice Chair Hammond asked if the motion could be amended to tie the TIA to the plan.

Mr. Bright declined to amend the motion.

Motion passed 5-2 with Hand and Henderson opposed.

6. **Zoning File 10-20 (continued from December 7, 2010 meeting):** A request by Brian E. Moore, Good Fulton & Farrell Planning, and the City of Richardson, representing the Estate of W.W. Caruth, Jr., U.S. Trust, Bank of America and the City of Plano, for a PD Planned Development for approximately 86 acres located at the northwest and northeast corner of U.S. Hwy 75 and Renner Road.

   Mr. Chavez advised the request was to rezone approximately 85 acres located south of the President George Bush Turnpike (PGBT), and east and west of U.S. Hwy 75 (Hwy 75). He added that the current zoning include technical office, hotel, research, and a maximum entitlement of 2.5 million square feet and building heights ranging from 4 to 12 stories. In addition, the property was designated on the land use map for a transit village and regional employment.

   Mr. Chavez stated the applicant was asking to rezone the property to a Planned Development (PD) district through the use of Form Based Codes (FBC), and under the FBC there would be a Regulating Plan and Development Standards. He added that there would one frontage requirement at the station platform for the existing light rail, a mandatory park requirement, non-mandatory plazas, and a multi-use trail.

   Mr. Chavez indicated that the Development Standards were typical to FBC in detail and uses within the character zone included building placement, building design standards, design of parking structures, roof forms, and façade composition.

   Regarding the property on the west side of Hwy 75, Chavez noted that urban neighborhood materials were required and included 85 percent masonry and 15 percent accent material. He added that street and streetscape standards would be required and would indicate the amount of right-of-way, number of vehicles lanes, and bicycle and sidewalk lane widths.

   Mr. Chavez noted that the administrative process would go through the same review process as discussed in the earlier zoning case with checks and balances through use of special development plans for those submittals that did not meet the FBC or the City's ordinances.

   Chavez pointed out that minimum building heights and development rights, as they related to the Traffic Impact Analysis (TIA), were addressed in the previous zoning case.

   Chairman Gantt asked if there was anything about the current application that needed to be discussed.

   Mr. Carter replied that he had covered this zoning application during the previous TIA presentation.

Mr. Chavez stressed one of the key elements of the Regulating Plan that needed to be pointed out on the PD was the proposed location of the Cotton Belt Line that goes under Hwy 75 into the Bush station and then north.

Chairman Gantt said he noticed there was a letter in the Commission's packet from the City of Plano indicating they neither supported nor opposed the proposed zoning, but the letter mentioned that they owned an 80' by 80' tract of land surrounded by the Caruth property.

Mr. Chavez replied the City of Plano owned what use to be a lift station and that as a matter of legally addressing ownership for zoning authority the City of Richardson took ownership on that particular piece of property to act as the applicant.

Commissioner Bright asked if this application had the same issue with the administrative plan and the proposed development review process mentioned in the earlier zoning case (denial of minor modifications).

Mr. Chavez suggested that the applicant might be better able to address that question.

Vice Chair Hammond asked about the building materials and the fact that it appeared to be significantly different than the guidelines for the previous application and why they were not similar. He noted in the earlier presentation that EIFS was not permitted in any street or alley, but in this submittal it was permitted 8 feet above the ground floor.

Mr. Chavez replied they appeared to be similar other than three different areas of application – the base, middle, and a cap. However, regarding the EIFS, Chavez said it was the developer's preference for what they considered to be appropriate for that type of street and was only allowed at a certain height above the ground floor.

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

Mr. Brian Moore, Good Fulton & Farrell Planning, 2808 Fairmount Street, Dallas, Texas, stated that three weeks ago he rode the entire length of the DART green line to look at the stations and to learn more about the development opportunities at each site. What he found out was the location for the proposed development was very special.

Mr. Moore pointed out that the conceptual master plan discussed at the December 7th meeting was not a new plan, but had been drawn up 10 years earlier. He added that many parts of the earlier design were included in the current proposal including the greenbelt system, which was under construction; the points of ingress and egress; the DART line station, which was already built and in use; and, the density was indicated on the individual sub areas in the tracts of land, but not building heights.

Going forward to the current proposal, Moore said the 1,365 units listed on the plan was an accurate assumption and they did not agree with capping the number of units because he felt it would be in violation of the existing code. He noted that the areas adjacent to the transit station were the sites that would most likely be developed for multifamily, and the properties along Hwy 75 would be office towers in the range of 8 to 16 stories.

Mr. Moore explained that the reason for locating the multifamily closest to the transit station was because the alternative would be to place those buildings next to the highways, which would be unacceptable. Moore commented that at the earlier meeting an incorrect answer was given regarding where multifamily was not allowed and corrected that saying multifamily use was permitted on all tracts; however, the portion for single family or townhome development was on the western portion of the tract west of Hwy 75 with the areas closest to the PGBT and Hwy 75 interchange reserved for corporate campuses and high rise buildings.

In concluding his comments, Moore stated that the building materials were different, as noted earlier by Mr. Hammond, because the streets were not categorized as type "A" and "B" streets, but seen as public street. He added he was in agreement that 85 percent masonry was appropriate for the development, and the minor modifications change discussed during the earlier zoning case would be applicable to this case.

Commissioner Hand asked to clarify if the illustrative plan was part of the submission, and would there be anything in the plan to keep the multifamily from being a two-level stick construction.

Mr. Moore replied that the illustrative plan was not part of the submission, and the multifamily could be two-level stick construction.

Commissioner Bouvier asked if the entire parcel could be apartments, and what was the meaning of the earlier comment about violation of the existing code.

Mr. Moore replied that apartments could conceivably be built on all tracts, but based on their predictions and what had occurred in the past, it was not very likely.

Regarding the earlier comment, Moore said that keeping in the spirit of FBC, caps were not placed on the number of units and building square footage.

Chairman Gantt called for any other comments in favor.

Laura Maczka, 301 Overcreek, Richardson, Texas, representing and speaking on behalf of the Canyon Creek Homeowners Association (CCHOA) stated that the proposed area was closer to their neighborhood and the CCHOA was in support of the rezoning with the following stipulations: adequate mix of use, mitigation of the traffic increases that will result as part of the development, and checks and balances as the plan was developed.

Commissioner Henderson asked again if the board members of the CCHOA had canvassed the membership regarding the proposed project.

Ms. Maczka replied that they had not been able to canvas all 2,000 members of the association.

Commissioner Hand asked if the board of the CCHOA was comfortable with the applicant's statement that they did not anticipate the corridor could become a two-level wood framed apartment complex.

Ms. Maczka replied that her board would not be comfortable with that and definitely wanted to see mixed-use developed at the site.

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

Mr. Carlton Brown, 1508 Margate Lane, Richardson, Texas, indicated his comments about this development were similar to the previous zoning case with one additional issue regarding the Cotton Belt line. He said it was his understanding that the train used on the Cotton Belt line would not be the light rail type, but a larger diesel engine train, which would mean a much higher noise level. With the possible location of the Cotton Belt line so close to residential development, Mr. Brown suggested there would be a problem with getting people to buy the townhomes in that area.

Mr. Scott Polikov, Gateway Planning Group, 101 Summit Avenue, Fort Worth, Texas, clarified that the DART board passed a resolution three years ago stating they would not allow heavy diesel engines on the Cotton Belt and were requiring a new quieter diesel engine that operates similar to an electric engine.

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

Chairman Gantt pointed out that there were similar concerns regarding the density and intensity values for this project, as there were with the previous zoning case, and asked if the Commission had any items to discuss particular to this case.

Commissioner Bright asked about the standards within the code that would limit garden style apartments.

Mr. Moore replied that the standards are the same as the previous case with regard to FBC and there would be no garden style apartments. He added that most garden style apartments are surface parked and in this development there will be no surface parking.

Vice Chair Hammond stated he was uncomfortable with the comment that the entire property could be developed as apartments and asked the applicant to expound on his statement. He

also wanted to know if there were any plans to improve access to the property, specifically from one side of Hwy 75 to the other.

Mr. Moore replied that apartments were a permitted use, but they did not anticipate that ever occurring. He added that they wanted to add as much flexibility as possible for individual developers over the long term.

Regarding additional access or connection to the property, Moore said the Caruth properties on both sides of Hwy 75 were connected by a trail under the highway, but there were no other plans for any vehicular access between the two tracts.

Chairman Gantt noted that most of the planned open space was property adjacent to the creek and asked how much of the space was useable for general outdoor activity, and noted that it did not appear there was any open space close to the townhomes, TOD Core, or mixed use areas. He added that it might be possible for a developer to create some type of green space, but the green space depicted on the graphics was mandatory.

Mr. Moore replied that because the property was not a very large development, getting from the transit station to the area designated for office towers would take about five minutes to walk. Moore confirmed that a developer could add green space and the mandatory space was not passive, but was more for hike and bike.

Chairman Gantt asked if the Cotton Belt line was built, how would the intersection of the hike and bike with the rail line on the east side of Hwy 75 be handled.

Mr. Moore replied the trail would go under the Cotton Belt line.

Citing a question from the December 7th meeting, Chairman Gantt wanted to know if a building was created where the first floor was retail ready, and the use evolved over time to another use, could that conversion take place without tearing the building down and starting over again. He asked if the Commission should require that a multi-story building could be easily converted to another use.

Commissioner Hand replied that a different type of construction would be required other than the standard wood frame apartments, which were a lower grade construction and limited to the type of occupancy. He added the structure would most likely have to be taken down and rebuilt, but felt that violated the premise of the market dictating what the building should be.

Mr. Hand said that the U.S. had hung its hat on old urban spaces, but the reality was that older buildings were not always residential or retail space, but previous industrial space. Those buildings have a different type of building typology with heavy masonry timbers, which could stand the test of time where as wood frame apartment probably would not.

Commissioner Hand commented that his reservations on this project were greater than those on the previous zoning case because the plan needed more work. He felt the plan would be appropriate for the land as the area continues to change, but it was a huge leap of faith to get from what was actually required to what was shown in the illustrative plan. Hand pointed out that the graphics were considerably less compared to the previous proposal; and where the proposal was great in leaving flexibility for the developer, it was short on delivering a code that could produce it.

In closing his comments, Mr. Hand stated there was a tremendous amount of work to be done on the plan to get it up to the level of the vision and suggested it should come back in a better form. In addition, he said he could not support the proposal in the current form and was surprised that the Commission, which was usually very detailed oriented, would take the proposal at face value.

Chairman Gantt stated the layout, verbiage and diagrams were similar to the previous zoning case, and asked Mr. Hand to clarify if it was the illustrative plan he had questions about,

Commissioner Hand replied that he liked the illustrative plan, but was apprehensive about the wood frame apartments that would be built. He added that the regulations were less on this proposal.

Mr. Chavez said he thought what Mr. Hand was alluding to was the architecture in the previous zoning case that was actually spelled out and defined as opposed to the current application that states it would meet a certain character.

Commissioner Hand replied that the flexibility from the illustrative plan was very stark with buildings proposed at the corner of Bush/75, a relatively iconic intersection that could have apartments, which would be a disappointment, not to mention there was a 90 to 100 foot flyover at that location. He added that the potential was great, but the risk was also great.

Commissioner Bouvier stated he shared Mr. Hand’s concern and was curious why the construction standards were not the same.

Mr. Moore replied that retail ready ground floor conditions were required along all public streets, but if the reference was specifically to the hard corner of Hwy 75 and PGBT, it was not required at that location. He added that the area was fairly substantial in size and not bounded by public streets; however, along the public streets there would be retail ready ground floor conditions. So inbound of the site, those construction standards were not required.

Mr. Bouvier asked why that was relevant. He added that one of the reasons why it was being designed for commercial use to insure there was a higher standard of quality, which had been discussed many times over the past several months.

Mr. Moore replied that they anticipated retail development along public streets and not internal to the site. He added that they did not anticipate the kind of development that would be stick-frame construction at the hard corner location.

Commissioner Bright concurred with Mr. Hand and was concerned there were fewer restrictions contained in the code and asked what Mr. Hand would require of the applicant to satisfy some of their joint concerns.

Mr. Hand suggested using the previous submission as a model, but did not want to speak for the applicant because they might have a reason for the flexibility from office buildings to wood frame apartments. He added that once the property was carved up and sold off there was a concern over what would happen. If the standards in the FBC could get a little closer to the illustrative plan, he felt that would make them closer in design to the previous submission.

Mr. Chavez pointed out that on page 27 of the FBC, under Commercial Frontage Requirements, the ground floors of all buildings fronting on PGBT and Hwy 75 service roads shall be built to retail ready standards, including floor-to-floor heights, ingress, egress, and handicap, so standards were provided within the code that were similar to the Bush/75 development.

Commissioner Hand replied that there was no minimum number of floors so it could still be a two story wood frame building, although it would not be feasible to build, but what was seen in the illustrative plan was a commercial tower type development.

Mr. Moore indicated that a substantial portion of the multifamily units at Craig Ranch were stick frame construction on a concrete podium. Also, from a type three construction there would typically be a concrete podium with four levels of stick above as an allowable use.

Chairman Gantt stated that the difference in the TOD high rise at the corners on either side of Hwy 75 was the maximum height and did not see any other difference from the Highway Mixed Use in the previous case. He added that in terms of principal building standards, except for a step-back height and step-back distance, they appeared to be identical.

Mr. Chavez said the standards were identical and asked if the concern was that those corners could be built as two stories as opposed to a high rise building.

Mr. Hand replied that was correct, that more permanent construction should be at those locations.

Mr. Moore stated that on the hard corners of highway intersections there were examples of mixed use developments that had a combination of office development and multifamily units – a classic example being the W Hotel at Victory Development.

Commissioner Hand said he felt the current proposal was more open ended then the previous zoning case, and while he could hoped it would turn out to look as nice as the illustrative plan, he felt there was nothing to hold the developer to the plan.

Chairman Gantt asked what Mr. Hand would like to see that was not presented and wanted to know if a minimum height was what he was looking for.

Mr. Hand replied that as a Planning Commissioner in charge of reviewing land use in the City, he wanted to see something significant at the corner of Hwy 75 and PGBT. He added the TOD High Rise called for height maximums of 180 feet, which was what he was thinking about when it came to that specific location.

Mr. Gantt agreed that would be the maximum height, but in the other case the heights were even higher and asked if a possible solution would be to state there should be minimum height on the tracts of land closest to the highway overpasses. He also wanted to know if there were other concerns.

Commissioner Hand agreed that minimum height requirements should be required. He added that the TIA should apply to this proposal as well as the previous proposal.

Commissioner Bright asked if requiring a minimum building height would impact the FBC.

Mr. Chavez replied it did not follow a true FBC. He suggested another option might be to establish a minimum building height for those character zones north of Infocom Drive with the minimum height being 100 feet and increasing the maximum height.

Commissioner Hand indicated that the essence of FBC was laying down the form wanted in the development and filling it with occupants. He added that establishing a building massing was not violating FBC as a theory and thought it was the essence of the code. Although the Commission was not the designer of the project, they were citizens of the City and should register an opinion that the buildings should be taller and then it would be up to the designer to come back with another option. Hand said the developer may not want a taller building, and they could have that flexibility, but he did not want to see two level stick apartments on that parcel.

Chairman Gantt said he agreed and would not want to see two level apartments at that location, but would want to see a high rise type of development.

Mr. Chavez offered another thought suggesting the propose land use matrix under section six could change to prohibit two level apartments in a Freeway High Rise district, which would take care of multifamily because it sounded as if the concern was about building height.

Commissioner Hand said there could possibly be a two level doctor’s office and did not think that was a good solution. He added as far as who the occupants were was not of interest, but

felt that particular code was not a good solution for the tracts of land on the east and west sides of Hwy 75. Hand stated that his suggestion to the developer would be to go back and adjust the plan and come back with something else.

Mr. Chavez said it would be difficult to change the design unless the applicant knew which areas were causing the greatest concerns.

Mr. Hand and Mr. Gantt both replied that it was not the use, but the building height. Gantt noted that the heights proposed at the major intersection were significantly lower than those proposed in the other development.

Mr. Moore replied that the reason for the request at the southwest corner of Hwy 75 and PGBT was the limitations on vehicular access because there was only one way to get to site off the southbound frontage road of Hwy 75. He added that an extremely tall building would be problematic from a development standpoint and the maximum height should be in the range of 5 to 10 stories.

Chairman Gantt asked about the tract on the southeast and why a 180-foot limit was suggested.

Mr. Moore replied that the southeast corner could have a minimum height limit of 80 feet, which would put the range at 80 to 180 feet.

Mr. Gantt asked if there had been any discussion of a minimum height for the tract of land at the southwest corner of Hwy 75 and PGBT. Also, would that height be acceptable for the remaining two parcels – everything north of Infocom, east of Hwy 75 within the TOD High Rise zone.

Mr. Moore replied that he was waiting to get clarification from the Commission. He added that they would prefer a minimum of 80 feet only on the southeast corner.

Commissioner Bouvier said the purpose and intent was to avoid having an island of apartments on the southwest tract, and down the road if the property was sold to another developer they might want to build apartments. He questioned why the Commission would make that decision and agreed with Mr. Hand that the code could have that limitation and still be form based.

Vice Chair Hammond asked staff if there was a way to give direction to the applicant to see a product that was similar to the one presented during the earlier zoning case.

Mr. Chavez stated a motion for continuance could be made; however, he did not see the difference in the codes. He understood the concerns with the lack of building height at a major highway interchange, but there really was no difference between the two codes other than the height issue. Chavez said he was not sure what the applicant could propose other

than what they had already agreed to, which was to establish a minimum building height of 80 feet.

Commissioner Hand asked to clarify if that was for the southeast corner.

Mr. Bouvier agreed with the 80-foot minimum height on the southeast corner, but when it came to the southwest corner, he suggested putting it into a traditional zoning code so the Commission and public could have further input. He added that having experience with that type of property, it could prove to be a problem.

Mr. Chavez replied that from an access standpoint the property would have a problem supporting vertical development to the extent the Commission would like to see.

Commissioner DePuy asked if the Commission could specify that the southwest corner was to be 5 to 10 stories as suggested by the applicant.

Mr. Chavez replied that the Commission could do that.

Commissioner Hand noted that the benefit of have 5 to 10 stories was it would eliminate the building typology of wood frame apartments, which were not specifically excluded as in the previous case.

Ms. DePuy said that would put the southeast at 80 to 180 feet and was okay with that proposal.

Mr. Chavez suggested those specifications be included in the motion.

Chairman Gantt noted that would leave open the opportunity for the two parcels just east of the southeast corner of Hwy 75 to develop at two stories and was not sure if the motion should include the suggested restrictions and wondered if it would be acceptable to the developer.

Commissioner Hand asked about the two items recommended and they seemed different from those in the staff report.

Mr. Chavez replied that one had to do with establishing a minimum building height in the TOD Core, and the other with open space.

Commissioner Henderson stated that the Commission was working with a true version of FBC when a discussion could change a building situation and how the code would change based on the businesses coming to the location. He added that standard City zoning, and working with exceptions, was a better choice as opposed to trying to work with FBC.

Mr. Chavez said there were a multitude of options – one would be to add a condition that the southeast corner would have a minimum building height of 80 feet (six to 7 stories), with a maximum of 280 feet; and the other would be to stipulate that the minimum building height in all the TOD High Rise tracts was 80 feet, with a maximum of what was shown on the plan.

Commissioner Bright asked if that limitation was applied to all TOD High Rise, would that cover the area Mr. Gantt was concerned about.

Mr. Chavez replied that it would apply to the whole character zone and it could range any where from 7 to 16 stories in height.

Mr. Gantt added that it would establish a minimum for the whole zone, but the maximums would remain as depicted in the code. He said he would be in support of the stipulation.

Commissioner DePuy asked if the height of the building on the southwest corner was limited to 5 to 10 stories would that cause an access problem for traffic.

Mr. Moore replied that 5 would work, but not the maximum for the southwest corner; 120 feet could accommodate 9 to 10 stories.

Chairman Gantt stated it would be between 6 and 9 stories on the southwest corner, and 7 to 16 stories north of Infocom Drive within the character zone, and 5 stories for the area south of Infocom Drive.

Motion: Commissioner Frederick made a motion to recommend approval of Item 6 with the stipulation that a minimum height of 80 feet and the maximum as listed on the exhibit; second by Vice Chair Hammond.

Commissioner Bright asked if the motion included the minimum height requirement in all TOD High Rise.

Commissioner Frederick amended her motion to state a minimum of 80 feet in the TOD High Rise areas and the maximum as stated on the exhibit.

Chairman Gantt asked if the motion would include the special condition recommended by staff – *"The subject site shall be zoned PD Planned Development and shall be developed in accordance with the Caruth Properties Transit Oriented Planned Development Code attached hereto as Exhibit "D"."*

Mr. Chavez suggested an adding the stipulation regarding the administrative approval about minor modifications.

Commissioner Frederick so amended her motion, second by Vice Chair Hammond. Motion passed 6-1 with Henderson opposed.

ADJOURN

With no further business before the Commission, Chairman Gantt adjourned the meeting at 1:13 a.m.

_____
David Gantt, Chairman
City Plan Commission

Agenda
Item 2

Creekdale Estates Addition

Attachments:

1. Preliminary Plat Staff Report
2. Locator
3. Preliminary Plat

CITY PLAN COMMISSION
BACKGROUND INFORMATION
January 18, 2011

Preliminary Plat

PROJECT SUMMARY

Subdivision:	**Creekdale Estates No. 2, Fourth Section and Creekdale Estates No. 2, Third Section.**
Staff Comments:	The purpose of the preliminary plat is to indicate the proposed development of two (2) lots on a 0.89-acre tract of unplatted land, and to accurately reflect the ownership boundaries of Lot 9A, Block 7 of the Creekdale Estates Addition No. 2, Third Section. The proposed preliminary plat reflects the development of two new homes on the unplatted tract of land. No changes are propped for the existing home on Lot 9A. The preliminary plat is in conformance with the zoning regulations and subdivision ordinance.
CPC Action:	**Final decision**

BACKGROUND

Tract Size:	1.71 acres (74,564 square feet)
Number of Lots:	3 Lots
Zoning:	RP-1500-M with special conditions Ordinance: 346-A
Special Conditions:	***Summary*** Minimum lot area: 10,000 square feet Minimum lot width: 80 feet measured at the front setback line Minimum living area: 1,800 square feet
Right-of-way Dedication:	None.

Easements/Setbacks:

Existing to Remain On proposed Lot 9A:

Variable width floodway easement;
10’ Utility easement on the east corner;
10’ Utility easement along the western property line**.**

Dedicated by this Plat

Easements:

A variable width Floodway and Drainage easement on proposed Lots 1 and 2.

A variable width street easement along the frontage of Lot 2 and Lot 9A to accommodate the existing public street and sidewalk.

A 10-foot sanitary sewer easement along the eastern property line along proposed lot 9A.

Setbacks:

Minimum front setback: 35’ for proposed Lots 1 and 2, Block 1 of the Creekdale Estates No. 2, Fourth Section, and a 40’ (existing) for proposed Lot 9A.

Abandoned by this Plat None

***Tree Preservation/Removal*:** No changes are proposed on Lot 9A with this preliminary plat. Due to grading for the proposed homes on Lots 1 and Lot 2, five (5) trees will be removed. All remaining tress on site are to remain.

Creekdale Estates No. 2, Third Section (Lot 9A)
Creekdale Estates No. 2, Fouth Section (Lots 1 and 2)

Floodway and Drainage Easement

This plat is approved by the City Plan Commission of the City of Richardson, Texas and accepted by the Owner, subject to the following conditions, which shall be binding upon the Owner, his heirs, grantees, successors and assigns:

The creek(s) or drainage channel(s) within the limits of this plat will remain as an open channel at all times and will be maintained by the abutting Property Owner(s). The City of Richardson will not be responsible for the maintenance and operation of said creek(s) or channel(s) or for any damage to private property or persons that results from the flow of water along said creek(s) or channel(s), or for the control of erosion.

The limits of the creek(s) and/or drainage channel(s) are defined by the Floodway and Drainage easement line, as shown on this plat.

No obstruction to the natural flow of storm water run-off shall be permitted by filling or by construction of any type of dam, building, bridge, fence, walkway, or any other structure within the creek(s) or drainage channel(s) as defined by the Floodway and Drainage Easement. Provided, however, it is understood that in the event it becomes necessary for the City of Richardson to erect any type of drainage structure in order to improve the storm drainage that may be occasioned by the streets and alleys in or adjacent to the subdivision, then in such event, the City of Richardson shall have the right to enter upon the Floodway and Drainage easement at any point, or points, to erect, construct, and maintain any drainage facility deemed necessary for drainage purposes. The abutting property owner(s) shall keep the creek(s) and/or drainage channel(s) traversing or adjacent to his property clean and free of debris, silt and any substance which would result in unsanitary conditions, and the City of Richardson shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur.

The creek(s) or drainage channel(s), as in the case of all open channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City of Richardson shall not be liable for any damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within or adjacent to the creek(s) or drainage channel(s).

THE STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, _____ is now the owner of a Lot _____, Block _____ in _____ subdivision and desires to amend the original or preceding plats thereof.

NOW, THEREFORE, _____ does hereby declare that said proposed replat or re-subdivision does not attempt to alter, amend or remove any covenants or restrictions currently or previously existing within the confines of the preceding plat.

EXECUTED this _____ day of _____, 2011.

By: _____

_____

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me __he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this _____ day of _____, 2011.

_____
Notary Public in and for _____
County, Texas

The foregoing affidavit has been received and has been approved as to content and application requirements.

CITY PLAN COMMISSION RICHARDSON, TEXAS

By: _____
Chairman

ATTEST:

_____
Secretary, City Plan Commission
Richardson, Texas

FIELD NOTE DESCRIPTION

BEING a 1.712 acre tract of land situated in the William Hughes Survey, Abstract Number 573 in the City of Richardson, Dallas County, Texas and being all of 0.890 acre tract of land conveyed to Shaddock Caldwell Builders & Developers, LLC as recorded in Clerk File #201000315997 of the Deed Records of Dallas County Texas and being all of Lot 9, Block 7 of Creekdale Estates No. 2, Third Section according to the plat recorded in Volume 515, Page 1831 of said Deed Records of Dallas County Texas and being all of a 9' wide strip of land containing 2,090 square feet of land and a 10' wide strip of land containing 2,227 square feet of land and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southwest corner of said 0.940 acre tract of land and being the southeast corner of Lot 8A of Creekdale Estates No. 2 according to the plat recorded in Volume 70080, Page 2054 of the Deed Records of Dallas County, Texas and being located in the north line of Sutton Place (50' wide);

THENCE along the east line of said Lot 8A, NORTH 20°17'00" WEST a distance of 123.09 feet to a 5/8 inch iron rod set for corner;

THENCE continuing along the east line of said Lot 8A, NORTH 04°43'00" EAST a distance of 70.03 feet to a point for corner located in the center of Prairie Creek and being the northeast corner of said Lot 8A and the northwest corner of said 0.940 acre tract of land;

THENCE along the center of said Prairie Creek and the north line of said 0.940 acre tract of land, NORTH 62°39'00" EAST a distance of 195.34 feet to a point for corner;

THENCE continuing with said center of Prairie Creek, NORTH 76°04'00" EAST a passing distance of 14.68 feet to the northwest corner of said Lot 9, in all a total distance of 113.42 feet to a point for corner;

THENCE continuing with said center of Prairie Creek, SOUTH 49°57'00" EAST a distance of 142.87 feet to the northeast corner of said Lot 9;

THENCE departing the center of said Prairie Creek, SOUTH 35°22'43" WEST a distance of 243.02 feet to a 1/2 inch iron rod found in the northeast line of said Sutton Place and being the beginning of a non-tangent curve to the left having a radius of 50.00 feet and chord bearing of North 56°10'23" West;

THENCE along the north line of said Sutton Place with said non-tangent curve to the left through central angle of 110°45'14" for an arc length of 96.65 feet to a 1/2 inch iron rod found for corner;

THENCE continuing along the north line of Sutton Place, SOUTH 68°27'00" WEST a distance of 158.02 feet to the POINT OF BEGINNING;

CONTAINING 1.712 acre or 74,564 squre feet of land more or less.

STATE OF TEXAS §
DALLAS COUNTY §
CITY OF RICHARDSON §

That I (we), Shaddock Caldwell Builders & Developers, LLC and Roy & Joan Smith, being the owner(s) of the hereinafter described property, do hereby adopt this plat designating the herein described property as the LOT 1 & 2 BLOCK 1 of CREEKDALE ESTATES, FOURTH SECTION & LOT 9A, BLOCK 7 of CREEKDALE ESTATES NO 2, THIRD SECTION, an addition to the City of Richardson, Dallas County, Texas. I (we) do hereby dedicate to the public use forever the streets alleys shown thereon. The easements shown thereon are hereby reserved for purposes indicated. The utility and access easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and access easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements as shown; said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. All and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.

I (we) do hereby dedicate the mutual access easements shown thereon for use by the public as a means of pedestrian and vehicle access to the property shown thereon and to the adjacent property thereon.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Richardson, Texas.

EXECUTED THIS ____ day of _____, 2011.

Shaddock Caldwell Builders & Developers, LLC
a Texas limited liability company

_____
Ben Caldwell, Manager

EXECUTED THIS _____ day of _____, 2011

_____ _____
Roy Smith Joan Smith

STATE OF TEXAS §
DALLAS COUNTY §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Ben Caldwell, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expresses.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ of _____, 2011.

STATE OF TEXAS §
DALLAS COUNTY §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Roy & Joan Smith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expresses.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ of _____, 2011.

SURVEYOR CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, AUSTIN J. BEDFORD, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Richardson, Dallas County, Texas.

_____
Austin J. Bedford
Registered Professional Land Surveyor No. 4132
AJ Bedford Group, Inc.
301 North Alamo Road
Rockwall, Texas 75087

STATE OF TEXAS §
DALLAS COUNTY §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Austin J. Bedford, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expresses.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ of _____, 2011.

PROJECT SUMMARY

ZONING: R-1500-M PER ORD. 346-A
SPL COND: MIN LOT WIDTH 80'/ MIN AREA OF RESIDENCE: 1,800 SF/ MIN LOT AREA: 10,000 SF/ AVG LOT AREA: 14,000 SF
TOTAL LAND AREA: 74,564 SF/ 1.712 AC
CFS CAL:
OF LOTS: 3
MIN AREA REGS:
SETBACKS:
FRONT: 35' / 40' FOR LOT 9A
SIDE: 7' FOR LOT <80' WIDE/ 10' FOR LOT 80-120' WIDE/ 15' FOR LOT >120' WIDE
REAR: 25'
LOT DEPTH: MIN 125'
LOT WIDTH: MIN 80'
LOT SIZE: MIN 10,000SF/ AVG 14,000SF
DWELLING UNIT:
SIZE: MIN 1,800 SF

PLAT PURPOSE:

The purpose of this plat is to plat two (2) lots on an un-platted 0.89 acre tract of land and to accurately reflect the ownership boundaries of Lot 9A. Both 10' utility easements and the floodway easement as shown on lot 9A is shown as it was originally dedicated by the plat of Creekdale Estates No. 2 Third Section, as recorded in Volume 515, Page 1831.

PRELIMINARY PLAT
LOTS 1 & 2, BLOCK 1
CREEKDALE ESTATES FOURTH SECTION
LOT 9A, BLOCK 7
CREEKDALE ESTATES NO. 2, THIRD SECTION

WILLIAM HUGHES SURVEY, ABSTRACT NO. 573
CITY OF RICHARDSON
DALLAS COUNTY, TEXAS

Owners: Shaddock Caldwell Builders & Developers, LLC
1224 Ashland Drive
Richardson, Texas 75080
972.454.9610

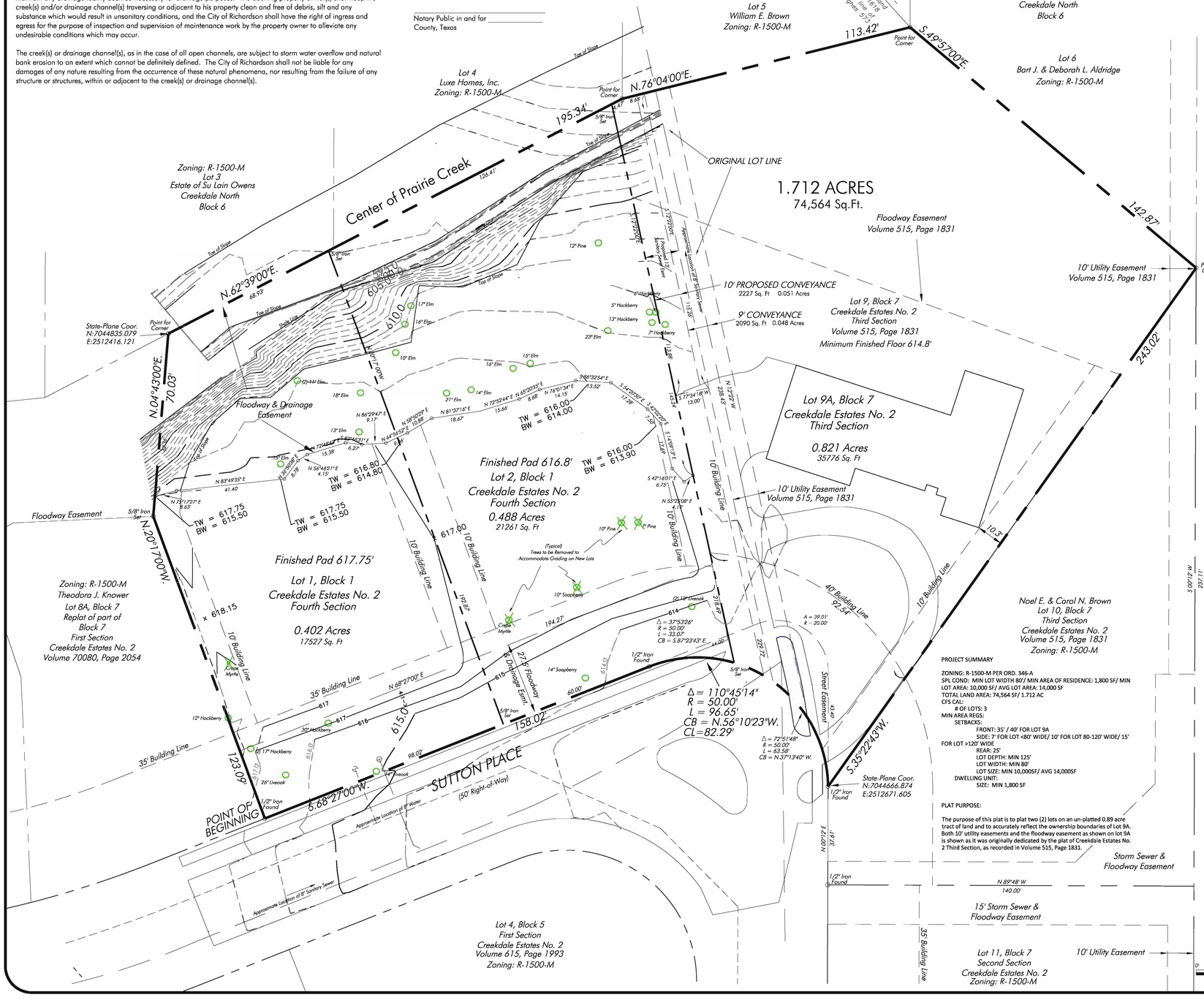
Roy & Joan Smith
2218 Sutton Place
Richardson, Texas
972.783.4836

Scale:	1" = 20'
Date:	December 08, 2010
Technician:	L. Spradling
Drawn By:	L. Spradling
Checked By:	A.J. Bedford
P.C.:	D. Cryer
File:	Sutton Replat
Job. No.	524-001
GF No.	N/A

301 N. Alamo St. * Rockwall, Texas 75087
(972) 722-0225 , www.ajbedfordgroup.com

Sheet: 1 Of: 1

AJ Bedford Group, Inc.
Registered Professional Land Surveyors
Federal Tax I.D. 20-0584533



Agenda Item 3

ZONING FILE 11-01

Attachments:

1. Staff Report
2. Draft Ordinance (CZO Amendments)
3. Draft Ordinance (Chapter 6 Amendments)
4. Location Exhibit

Staff Report

TO: City Plan Commission

FROM: E.A. Hoppe, Assistant to the City Manager

DATE: January 14, 2011

RE: **Zoning File 11-01**: Comprehensive Zoning Ordinance (CZO) Text Amendment (Article I – Definitions; Use Regulations in various residential zoning districts)

BACKGROUND:

The proposed amendment is in response to the City's environmental initiative and a recent request to allow a rainwater harvesting system in a residential district (request approved in 2010). The goal is to provide certain standards for the installation of a rainwater harvesting system for purposes of supplying rainwater for irrigation purposes. The ordinances will regulate location, size/capacity, screening, requirements for the equipment and other specifications, to allow the installation of such a system without the need for zoning review and to provide for a review process for systems that do not meet the new standards.

Both the City Council and the Environmental Advisory Committee have been briefed on this item and have recommended that the review/code amendment process proceed.

PROPOSED AMENDMENTS:

The zoning ordinance amendment will simply add a definition for rainwater harvesting systems and include the new activity in the Use Regulations section of the single-family detached, patio home and duplex districts (draft ordinance attached). The dimensions of a townhome lot and the fact that a number of units are typically attached did not appear to be conducive for such a system. In the apartment district and all non-residential districts, Development Services Staff feels that the use can be adequately reviewed through the site planning process. Site plans are not required in the single-family, patio home and duplex districts.

The majority of the regulations for the systems—additional definitions, license requirements for installers, permit requirements, inspections and fees, construction and maintenance requirements, restrictions and limitations (including limitations as to the use of the system, locational criteria, system components and materials for those components, screening, maintenance, exceptions and Special Permit requirements—will be contained in Chapter 6 of the Code of Ordinances. Requests for exceptions to the height, setback and screening requirements are subject to review by the Zoning Board of Adjustment. A Special Permit will be required for any system that is supplied or supplemented by a water source not allowed by the ordinance or for a system used

for any purpose other than irrigation. A copy of the draft amendments to Chapter 6 is also included for reference.

STAFF COMMENTS:

Future Actions: This is the first of several code amendments that are expected relative to the Council's environmental initiative. Others over the coming months are likely to address geothermal systems, wind energy systems and solar energy issues.

Correspondence: To date, no correspondence has been received relative to this request.

Motion: If the Commission chooses to recommend approval, the motion should include the following:

(1) Add the definition of "rainwater harvesting systems" to Article I, Section 2, Definitions of Appendix A of the Code of Ordinances (Comprehensive Zoning Ordinance) by adding the following language to the existing definition:

"*Rainwater harvesting system* means any system used for the capture, storage, and distribution of untreated rainwater from a rooftop catchment surface or from precipitation captured directly from the sky to be used for outdoor landscape irrigation."

(2) Add rainwater harvesting system as a permitted use in the following zoning districts, subject to the requirements of Chapter 6 of the Code of Ordinances:
a) R-2000-M, R-1800-M, R-1500-M, R-1250-M, R-1100-M, R-1000-M, R-950-M, R-850-F and R-850-M Residential Districts ;
b) RP-1500-M Patio Home District;
c) D-3000-M, D-2400-M and D-1400-M Duplex Districts

Council Hearing Date: The earliest possible City Council hearing date appears to be February 14, 2011.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING ARTICLE I, SECTION 2, DEFINITIONS, BY ADDING THE DEFINITION OF RAINWATER HARVESTING SYSTEM AND BY ADDING RAINWATER HARVESTING SYSTEM TO THE USE REGULATIONS IN ARTICLE IV R-1500-M RESIDENTIAL, ARTICLE IV-A R-2000-M RESIDENTIAL, ARTICLE IV-B R-1800-M RESIDENTIAL, ARTICLE VI R-1250-M RESIDENTIAL, ARTICLE VII R-1100-M RESIDENTIAL, ARTICLE VIII R-1000-M RESIDENTIAL, ARTICLE IX R-950-M RESIDENTIAL, ARTICLE XI R-850-F RESIDENTIAL, ARTICLE XII R-850-M RESIDENTIAL, ARTICLE XII-B RP-1500-M PATIO HOME, ARTICLE XIII D-1400-M DUPLEX, ARTICLE XIII-1 D-2400-M DUPLEX AND ARTICLE XIII-2 D-3000-M DUPLEX; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Plan Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article I, Section 2, in part by adding a new definition for rainwater harvesting system in Article I, Section 2, to read as follows:

"ARTICLE I. TITLE, DEFINITIONS, GENERAL PROVISIONS, AUTO WRECKING YARDS AND SWIMMING POOLS

…

Sec. 2. Definitions.

…

ADD

"*Rainwater harvesting system* means any system used for the capture, storage, and distribution of untreated rainwater from a rooftop catchment surface or from precipitation captured directly from the sky to be used for outdoor landscape irrigation."

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article IV, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE IV. R-1500-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 3. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article IV-A, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE IV-A. R-2000-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 4. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956,

as heretofore amended, be, and the same is hereby amended by amending Article IV-B, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE IV-B. R-1800-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 5. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article VI, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE VI. R-1250-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 6. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article VII, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE VII. R-1100-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 7. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article VIII, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE VIII. R-1000-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 8. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article IX, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE IX. R-950-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 9. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article XI, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE XI. R-850-F RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 10. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article XII, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE XII. R-850-M RESIDENTIAL DISTRICT REGULATIONS

…

Sec. 1. Use Regulations.

…

(o) Rainwater harvesting system, subject the regulations in Chapter 6 of the Code of Ordinances."

SECTION 11. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article XII-B, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE XII-B RP-1500-M PATIO HOME REGULATIONS"

Sec. 1. Use Regulations.

…

(c) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances."

SECTION 12. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956,

as heretofore amended, be, and the same is hereby amended by amending Article XIII, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE XIII D-1400-M DUPLEX"

Sec. 1. Use Regulations.

…

(d) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances."

SECTION 13. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article XIII-1, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE XIII-1 D-2400-M DUPLEX"

Sec. 1. Use Regulations.

…

(d) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances."

SECTION 14. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article XIII-2, Section 1 in part, by adding rainwater harvesting system to the Use Regulations to read as follows:

"ARTICLE XIII-2 D-3000-M DUPLEX"

Sec. 1. Use Regulations.

…

(d) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances."

SECTION 15. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other

provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 16. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 17. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 18. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 19. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the _____ day of _____, 2011.

APPROVED:

_____
MAYOR

APPROVED AS TO FORM:

_____
CITY ATTORNEY
(PGS:01-04-11:46824)

CORRECTLY ENROLLED:

_____
CITY SECRETARY

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY ADDING ARTICLE XII REGULATING THE USE OF RAINWATER HARVESTING SYSTEMS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS ($500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Richardson, Texas wishes to amend Chapter 6 of the Code of Ordinances of the City of Richardson, Texas, to add Article XII regulating the use of rainwater harvesting systems; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That Chapter 6 of the Code of Ordinances of the City of Richardson, Texas, is hereby amended to add Article XII, Rainwater Harvesting Systems, to read as follows:

"**ARTICLE XII. RAINWATER HARVESTING SYSTEMS**

Sec. 6-500. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gap means a complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel.

Backflow prevention means the mechanical prevention of reverse flow, or back siphonage, of nonpotable water from an irrigation system into the potable water source.

Backflow prevention assembly means any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.

Catchment surface means the collection surface from which rainfall runs off.

Debris means any visible contaminant including leaves and twigs, dust and dirt, bird and animal droppings, insects, and other visible material.

Debris excluder means any screening component such as a first-flush diverter, leaf screen, roof washer, or other similar device that is designed to prevent debris and sediment from entering the storage tank of a rainwater harvesting system.

Nonpotable water means untreated water that is unsafe for human consumption.

Potable water means water that is suitable for human consumption.

Rainwater harvesting system means any system used for the capture, storage, and distribution of untreated rainwater from a rooftop catchment surface or from precipitation captured directly from the sky to be used for outdoor landscape irrigation.

Reduced pressure principle backflow prevention assembly means an assembly containing two independently acting, approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

Storage tank means any tank, cistern, rain barrel, or container used to collect harvested rainwater.

Sec. 6-501. Valid License Required.

(1) Any person who connects a rainwater harvesting system to the water supply within the city must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30, and required by V.T.C.A., Occupations Code Ch. 1903, or as defined by Chapter 365, Title 22 of the Texas Administrative Code, and required by V.T.C.A., Occupations Code Ch. 1301.

(2) A property owner is not required to be licensed in accordance with V.T.C.A., Occupations Code, Title 12, § 1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. The city may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See V.T.C.A., Occupations Code § 1903.002 for other exemptions to the licensing requirement.

Sec. 6-502. Permits Required.

(1) Regardless of size, all rainwater harvesting systems are subject to the requirements for storage tank compliance and screening described herein; however, no permit shall be required for a rainwater harvesting system that conveys water to an above ground storage tank, such as a rain barrel, for gravity flow (hose flow) irrigation distribution only, if the

system consists of one or more storage tanks that cumulatively hold 250 gallons or less in volume.

(2) It shall be unlawful for any person to construct or install a rainwater harvesting system without having first obtained a permit from the Building Inspection Department if:

(a) The system consists of one or more storage tanks that cumulatively hold 250 gallons or more in volume.

(b) The system includes the installation of any devices which would require erecting, installing, repairing, converting or replacing any electrical and/or plumbing system/device.

(3) Adequate plans and specifications, as determined by the Chief Building Official, must accompany each application for a permit.

Sec. 6-503. Inspection and fee.

It shall be the duty of the City Building Inspection Department to inspect all rainwater harvesting systems which require a permit to determine that they are in compliance with this ordinance. For such inspection and the issuance of the permit, a fee in the amount as established by resolution by the City Council shall be paid to the Building Inspection Department prior to the issuance of such permit.

Sec. 6-504. Construction and Maintenance Requirements.

All rainwater harvesting systems shall be constructed and maintained in accordance with the following requirements:

(1) Compliance with State and Federal Law is the responsibility of the producer, provider, and user of such installations.

(2) In addition to the requirements of this division, all rainwater harvesting systems must be in compliance with the Richardson Building Code.

(3) All approved rainwater harvesting systems must be constructed and installed as per the specifications of the manufacturer of that particular system. A copy of these specifications must be submitted to the Building Inspection Department along with the permit application.

Sec. 6-505. Restrictions and limitations.

All rainwater harvesting systems constructed and maintained under the provisions of this ordinance shall be subject to the following restrictions and limitations:

(1) *Allowable uses.* Allowable uses of rainwater harvesting systems shall be restricted to nonpotable, outdoor irrigation and foundation watering only.

(2) *Limited service area.* The rainwater harvesting system shall serve only the lot upon which it is located.

(3) *Connection to the potable water supply.* Connection of more than one water source to an irrigation system presents the potential for contamination of the potable water supply if backflow occurs. Therefore, connection of any additional water source to an irrigation system that is connected to the potable water supply shall be permitted only if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly or an air gap.

(4) *Setbacks.* Rainwater harvesting systems shall meet the following setback requirements:

(a) *Front.* No rainwater harvesting system or any component thereof shall be located between any front building wall and the front property line.

(b) *Side.* There shall be a setback of seven feet from any side property line for any rainwater harvesting system or any component thereof, except the side setback on a corner lot adjacent to a street shall not be less than 20 feet.

(c) *Rear.* There shall be a setback of three feet from any rear property line or any side property line in the rear setback area for any rainwater harvesting system or any component thereof.

(5) *Components.* Regardless of its complexity, a rainwater harvesting system shall be comprised of the following components:

(a) *Catchment surface* from which rainwater is collected. Rooftops are the only allowable catchment surface.

(b) *Gutters and downspouts* that channel water from the roof catchment surface to the tank.

(c) The rainwater catchment conveyance system shall be equipped with a *debris excluder* or other approved means to prevent the accumulation of leaves, needles, other debris and sediment from entering the storage tank. Devices and methods used to remove debris or sediment shall be

accessible and sized and installed in accordance with manufacturer's installation instructions.

(d) One or more approved *storage tanks*.

(e) A *delivery system*, either gravity fed or pumped to the end use.

(6) *Storage tanks.* Regardless of the size or complexity of storage tanks, the following provisions are required to prevent public health hazards and nuisances:

(a) Storage tanks must be opaque.

(b) Storage tanks must never have been used to store toxic materials.

(c) Storage tanks must be covered and vents screened to prevent mosquito breeding.

(d) Storage tanks must be accessible for cleaning and repair

(e) Storage tank access openings exceeding 12 inches (305 mm) in diameter shall be secured to prevent tampering and unintended entry by either a lockable device or other approved method.

(f) Storage tanks are required to have an overflow port.

(g) Storage tanks should be placed on a stable, level surface and it must be capable of holding the maximum possible weight when full.

(h) Underground storage tanks must observe a 1:1 setback ratio from the bottom of the house foundation.

(i) Above ground storage tanks shall be no more than 8 feet in height.

(7) *Rainwater identification.* Storage tanks must be labeled "RAINWATER – DO NOT DRINK", "NONPOTABLE WATER – DO NOT DRINK", or with a similar phrase that clearly indicates that the water contained within is not suitable for human consumption.

(8) *Screening.* A rainwater harvesting system may be installed in the side or rear yard of any property zoned R-2000-M, R-1800-M, R-1500-M, R-1250-M, R-1100-M, R-1000-M, R-950-M, R-850-F, R-850-M, RP-1500-M, D-3000-M, D-2400-M or D-1400-M if the storage tank(s) are screened from view of the adjacent public or private street by a wood fence at least six feet in height or the height of the storage tank(s), whichever is greater, or by a landscaping screen wall consisting of shrubs a minimum of three feet in height when measured immediately after planting and five gallons in size selected from the city-approved plant list that will

provide a continuous unbroken solid visual screen which at maturity will reach a height of six feet or the height of the storage tank(s), whichever is greater.

(9) *Maintenance.* Any rainwater harvesting system, permitted or unpermitted shall:

(a) Not remain in a condition so as to create a public health hazard or a nuisance to the general public;

(b) Be maintained as required to keep the system functioning as designed;

(c) Be maintained so as to prevent the accumulation of unwholesome, stagnant, or offensive water;

(d) Be maintained so as to prevent the attraction or breeding of mosquitoes or other undesirable pests;

(e) Not be used for the storage of anything other than water or for anything other than its intended purpose as a rainwater harvesting system;

(f) Remain in compliance with the provisions listed within this ordinance or be appropriately abandoned in an approved manner.

(10) *Abandonment.* When a rainwater system is to be abandoned, all re-piping necessary to supply the irrigation with another water source will require applicable permits along with a set of plans to be approved by the Building Department.

(11) *Exceptions.* No deviation from the height, setback or screening requirements specified herein shall be permitted unless allowed by Special Exception of the Zoning Board of Adjustment.

(12) *Special Permit Required.* No system that is supplied or supplemented by a water source not specified herein or used for any purpose other than irrigation shall be allowed except by the approval of a Special Permit through the zoning process."

SECTION 2. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same

shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars ($500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the _____ day of _____, 201___.

APPROVED:

_____
MAYOR

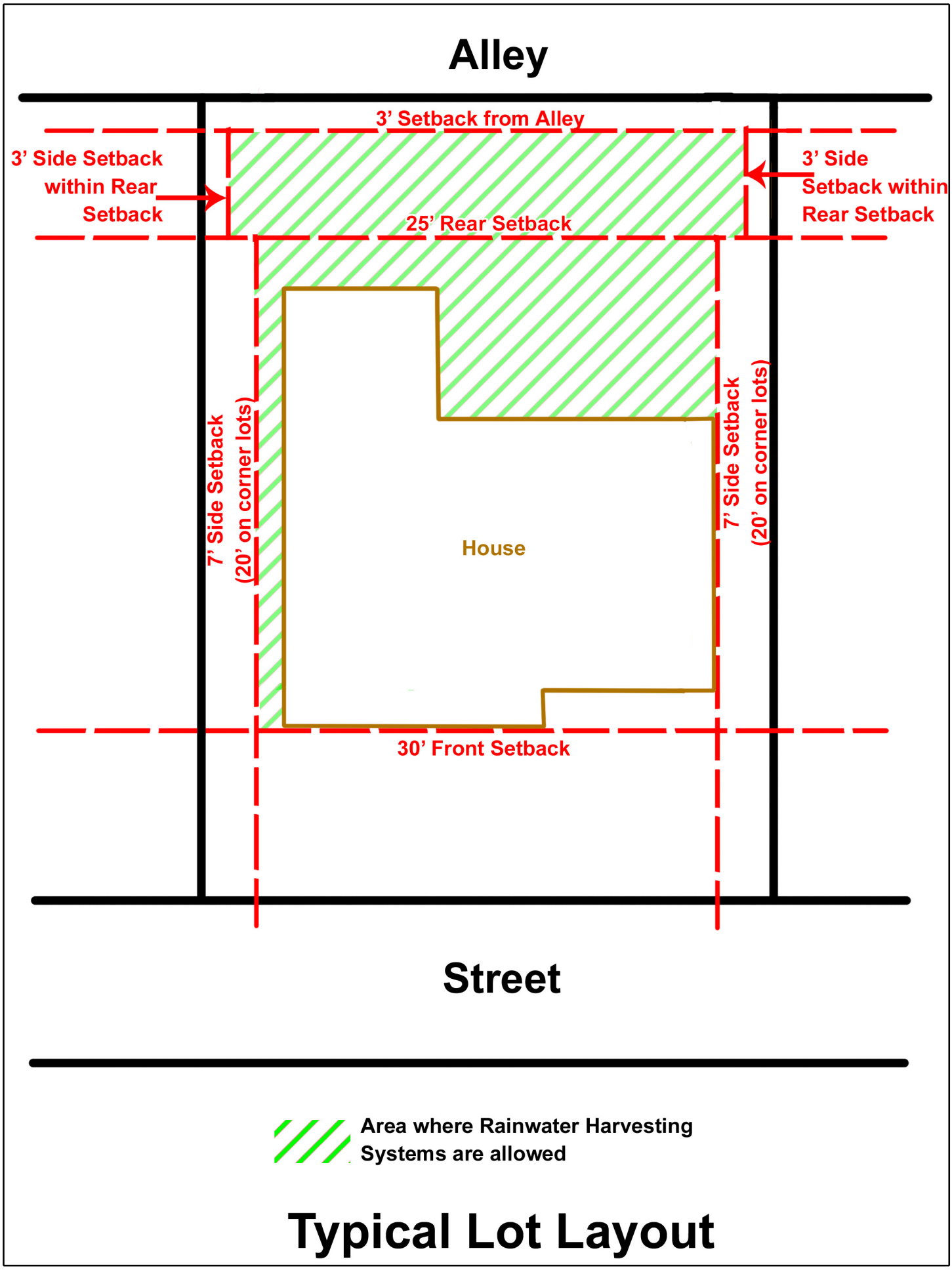
APPROVED AS TO FORM:

_____
CITY ATTORNEY

CORRECTLY ENROLLED:

_____
CITY SECRETARY

(PGS:01-04-11:46823)



Typical Lot Layout