CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – FEBRUARY 7, 2023

The Richardson City Plan Commission met on February 7, 2023, at 7:00 p.m. in the School Board Meeting Room at the Richardson ISD Administration Building, 400 S. Greenville Avenue, Richardson, Texas 75081.

MEMBERS PRESENT:	Bryan Marsh, Chairman Kenneth Southard, Commissioner Joe Costantino, Commissioner Sibyl LaCour, Commissioner Nate Roberts, Commissioner Gary Beach, Commissioner
MEMBERS ABSENT:	Gwen Walraven, Commissioner Michael Keller, Commissioner
CITY STAFF PRESENT:	Sam Chavez, Director - Development Services Chris Shacklett, Asst. Director of Development Svcs. – Planning Connie Ellwood, Executive Secretary

BRIEFING SESSION

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

REGULAR BUSINESS MEETING

1. **Approval of Minutes of the regular business meeting of January 17, 2023.**

   Motion: Chairman Marsh made a motion to approve the minutes as presented; Seconded by Commissioner Costantino. Motion passed 6-0.

PUBLIC HEARING

2. **Zoning File 22-18 – Planned Development – Greenwood Square:** Consider and act on a request to rezone approximately 4.4 acres located on the north side of Arapaho Road, east of West Shore Drive, from O-M Office to PD Planned Development for the R-1100-M Residential District with amended development standards to accommodate the development of up to 31 single family residential lots. *Property Owner: Ben Caldwell, Shaddock Caldwell Builders & Developers. Staff: Chris Shacklett.*

   Mr. Shacklett began by stating Zoning File 22-18 was a request to rezone 4.4 acres from O-M Office to PD Planned Development District for the R-1100-M Residential District to accommodate the development of a 31-lot single family residential subdivision.

The subject property was located on the north side of Arapaho Road to the east of West Shore Drive. Mr. Shacklett displayed the zoning and land use of the surrounding properties. He stated a similar request was brought before the Commission in 2022 for a 33-lot development, but the request was withdrawn at City Council to allow the applicant time to address issues related to limitations on parking on shared driveways, on-street parking issues, and concerns related to the proximity of proposed homes to the building on the property to the east.

Mr. Shacklett stated that the property was designated as Enhancement/Redevelopment – West Arapaho district on the City's Future Land Use Plan. The plan stated further study in the area was necessary with a focus on better serving the retail and office needs of the surrounding neighborhoods. He continued stating certain residential uses such as townhomes, duplexes or senior housing may be appropriate in the area, and although the proposed housing type was not listed as a use in compliance with that future land use category, it was a similar density to the townhome and duplex housing types listed in the Future Land Use Plan.

Mr. Shacklett presented the proposed concept plan for the 31-lot development. He stated access to the site was from Arapaho Road and that the developer would be constructing a median opening and left turn lanes to accommodate the development and the property across the street. He also stated that a secondary emergency point of access would be provided at the northwest corner of the site and controlled by City emergency personnel. He also stated the alley to the north of the property would be widened by five (5) feet.

He continued stating the applicant had provided a trip generation memo with their previous zoning request, and it was determined that the number of peak hour trips did not warrant any additional roadway modifications other than the addition of the median opening. He stated a new trip generation memo was not required since the proposed development had less lots than the previous request. He stated the density was approximately seven (7) units per acre and that the applicant was requesting to reduce the minimum required lot size and dimensions while allowing an increased lot coverage.

Mr. Shacklett described the proposed public streets stating the minimum right-of-way width was twenty (20) feet and that the minimum paved street section would be 20-feet-wide with no parking allowed. He compared the proposed street section with a typical 27-foot-wide residential street section with parking allowed on both sides. The Richardson Fire Department had been engaged in conversations regarding this to ensure they would be able to maneuver within the area, and they confirmed they would be able to do so.

He continued stating the concept plan showed twenty-one (21) on-street parking spaces with (16) parallel parking spaces located along the fronts of those lots in Blocks B and C with an additional five (5) head-in parking spaces located at the northwest corner of the property. These parking spaces were located within open space lots and not within the right-of-way. He explained that if the parking spaces were located within the open space, it would be subject to maintenance and regulation by the HOA who could control who may to park in the parking spaces. They could designate the spaces as visitor only parking spaces. In the previous request, they were located within the public right-of-way. The HOA would not have been allowed to designate those spaces as visitor parking or control who parked in the spaces. Additionally, the

City did have restrictions stating you could not park in front of a lot unless you are the legal occupant between the hours of 2:00 a.m. – 8:00 a.m. This restriction would not apply to parking spaces located in open space lots.

Mr. Shacklett discussed the proposed 5-foot buffer and easement along the east property line. The previous request had lots backing up to the east property line with homes within three (3) feet of the rear property line. There was concern regarding difficulty in maintaining the building to the east, which was located on the property line, because the owner of the development would have to work with those individual residential owners to access their backyards should the owner to the east need to get to the outside wall of the building to maintain it. With the proposed request, there was a 5-foot buffer along the east property line which would be landscaped, and no homes were located along the east property line. The buffer would also have a platted landscape, access and maintenance easement to grant the ability to the business owner to access and maintain that side of the building if necessary.

Mr. Shacklett spoke regarding Exhibit "C" or the fencing exhibit, which would also be part of the PD. The exhibit showed where specific HOA fencing would be required and where private residential lot fencing would be allowed. Along the north property line, an 8-foot-tall wooden fence would be maintained by the HOA. As presented on the exhibit, the fence goes from the northeastern residential lot, running south to the northwest corner of the existing office building and then stops at the office building. The applicant would be speaking to some possible changes related to this fence. Along Arapaho Road a 6-foot-high masonry wall which would be in conformance with City development standards was proposed. Previously, the applicant had requested to utilize a wooden fence along Arapaho Road; however, there was concern regarding maintenance issues and durability at the previous Commission and City Council meetings. A 4-foot-tall metal fence would be located along the west property line that would be maintained by the HOA. Maximum 6-foot-tall wood fences would be allowed on residential lots as shown on the exhibit.

Mr. Shacklett then presented a comparison between the current R-1100-M Residential zoning requirements and the proposed standards. He discussed changes related to lot size and dimensions, setbacks and subdivision regulation modifications.

Mr. Shacklett then discussed items that may be considered, including the Future Land Use Plan, the addition of allowable parking on residential lots and on-street and modifications to the design along the east property line.

Mr. Shacklett concluded his presentation by summarizing the proposed conditions. He also stated staff had received one (1) letter stating a neutral position and one (1) online speaker card stating opposition to the request. He then made himself available for questions.

Chairman Marsh asked if the maximum height restriction would be two (2) stories.

Mr. Shacklett confirmed that was correct.

Chairman Marsh asked staff to address concerns regarding the left turn lane out of the development onto Arapaho Road. He asked about existing conditions and that staff comment regarding their recommendation.

Mr. Shacklett responded there was a continuous median from West Shore Drive continuing to a median opening at the Heights Recreation Center property. The City's request was that a left turn lane be constructed to prevent drivers from making U-turns to access or leave the subject property. Since there was adequate separation between the existing median openings, staff requested a median opening be installed with proper left turn lanes. A left turn lane would also be constructed to allow access to the church across Arapaho Road from the subject property.

Chairman Marsh commented it made access easier for the church.

Mr. Shacklett concurred.

Chairman Marsh further commented the biggest challenge for individuals exiting the subject property going eastbound was the amount of traffic and the fact that there was no signal.

Mr. Shacklett concurred. He stated examples of other similar situations along Arapaho Road to the west of the subject property.

Chairman Marsh asked if there was a sidewalk on the north side of Arapaho Road.

Mr. Shacklett responded yes. He continued by stating it may be rebuilt with this project.

Commissioner Roberts asked if the property was in the floodplain.

Mr. Shacklett stated there were portions of the property that were within the floodplain. The applicant did understand what the current floodplain restrictions were for the property and would make modifications to ensure lots were out of the floodplain. The applicant had completed some of this work up front to understand the actual buildable area of the site. Should the zoning be approved, the City engineers would still review development plans to verify that what was being done was allowed.

Commissioner Beach asked if the HOA would have anything in the covenants, conditions and restrictions (CC&Rs) that would preclude short-term rentals.

Mr. Shacklett deferred the question to the applicant. He stated the City had recently adopted regulations related to short-term rentals, but the HOA could add additional restrictions.

Mr. Ben Caldwell, 1436 Cheyenne Drive, Richardson came forward and thanked the Commission for their assistance with this project. He stated changes were incorporated because of feedback from the Commission, City Council and residents. This plan was better than before because of that feedback. He specifically addressed the concern regarding shared parking, stating that all shared driveways were removed, and all units at the perimeter of the development would have private driveways which increased available parking. Next, he spoke

regarding the property owner to the east who previously expressed opposition to this request because of the concern for having usable access to maintain his property. Those concerns were addressed, and the changes put forth dramatically changed the accessibility for his property. He also commented the project was two (2) units less in density which was a result of incorporating the private driveways. He also stated they were not requesting an exception to the masonry wall requirement along Arapaho Road.

Mr. Caldwell provided renderings of the project. The units were approximately 2,200 square feet to 3,200 square feet. He stated the homes met a real need for new quality single-family residential options in the area. He spoke regarding the retaining wall at the entrance to the property to show grade separation between Arapaho Road and the subject property. It would be lifted, particularly on the western portion of the site to obey the requirements of having two (2) feet of free-board over the 100-year Federal Emergency Management Agency (FEMA) flood elevation. All the units were 95% designed due to the compact nature of the development and taking into consideration the feel and function of the development as well as utilities and other site constraints. The renderings were based on actual architectural plans and 3-D models of what the community would look like.

He concluded his comments and stated they had considered adhering to the standard street section of a 27-foot-wide street section; however, they elected to propose a dedicated 20-foot-wide clear section with associated parallel parking outside the 20-foot section to ensure it would be clear for emergency personnel. He then made himself available for questions.

Commissioner Roberts asked if the front entry masonry wall would be brick. He also asked if the structures would have a stucco finish.

Mr. Caldwell responded it was currently designed as a brick wall. Thoughtful consideration was being given as to how to build the front entry, so it was welcoming. The finer details as to what masonry type, coarseness, type of brick, mortar, color, thickness, treatment and column type had not yet been defined. The buildings would be comprised of cementitious siding, many of which were a combination of Hardi-board materials. A portion of it would be horizontal cementitious lap siding combined with the masonry fireplaces.

Chairman Marsh asked what the timing or phasing of build-out was expected.

Mr. Caldwell responded if the request is approved by the Commission and Council, it would move forward to developing civil construction documents by the developer as well as receiving FEMA approval regarding flood plain concerns which could take up through the fourth quarter of 2023 before breaking ground. At this juncture, there would be approximately twelve (12) months of the civil development process, at which point structures could be built.

The development of the structures could be impacted by how the thirty-one (31) units would be phased. Factors would be pre-sales, as well as how much speculative product would need to be brought forth. His opinion was the development would build out within about three (3) years.

Chairman Marsh asked if design standards would be put in place to keep the units consistent in terms of their design.

Mr. Caldwell confirmed yes. To achieve the price point, a level of standardization was necessary. By creating a level of standardization, or allowing less options, negotiations are better for pricing for the buyer. There could be options for selecting a 3-bedroom versus a 4-bedroom plan or some smaller choices; however, the look and feel of the development would be dictated by the developer to create the continuity of design style.

Chairman Marsh asked the applicant to expand on the open space and dog park areas.

Mr. Caldwell commented the largest open space area would be located at the southwest corner which would act as a dog park area but also as an area for water storage during a flood event. This area would also be open access for pets. He referenced areas at the northwest corner of the property where residents could also take their pets. He stated the units in the center of the property will have private, fenced yard areas.

Chairman Marsh asked the applicant to speak to the potential changes on the eastern property line regarding fencing.

Mr. Caldwell responded currently an 8-foot fence extending from the northeast corner of the property and tying into the northwest corner of Mr. Friman's building was proposed. It was approximately two (2) feet from his property line. This would allow space on the adjoining property for more overhang room for parking. Mr. Friman requested the fence be built all the way to the south, so the fence ran along the entirety of the west side of his building. Mr. Caldwell stated he agreed to do that and stated he had discussed with Mr. Shacklett that the zoning exhibits would need to be modified.

Chairman Marsh asked staff if this update would require modifications to the exhibit.

Mr. Shacklett confirmed if a motion was made to recommend approval and the Commission wanted to allow this change, it would be to recommend approval as presented with the extension of the 8-foot fence along the east property line going south to the residential lot. Then, prior to going to Council, staff would modify the exhibits showing that fence along the east property line.

Commissioner Southard asked if the fence on the eastern property line would have gates or points of access.

Mr. Caldwell responded no. It would be created to show clarity of separation between the commercial use to the east and the residential use.

Commissioner Roberts asked if there would be any dog park amenities provided such as signage or bag dispensers that would invite pet owners to utilize those areas.

Mr. Caldwell responded although locations had not been finalized, those amenities would be provided to include signage and bag dispenser stations.

Commissioner LaCour asked how emergency personnel would access the gate at the northwestern portion of the property and was this the only area for them to enter the site.

Mr. Shacklett responded the emergency personnel would use something like a Knox-Lock or something similar to secure the gate.

Mr. Caldwell stated emergency personnel would typically enter the property through the front from Arapaho Road. The only reason for the access point at the northwestern gate was to provide a secondary point of access should the other be blocked.

Mr. Shacklett responded the first preference for emergency personnel access would be from Arapaho Road and not from the northwestern part of the property.

With no further questions for the applicant, Chairman Marsh opened the public hearing and asked if there was anyone wishing to speak in favor or opposition of the request.

The following individual came forward to speak in favor of the request:
- Shlomo Friman, 1810 Cheyenne Drive, Richardson, Texas (owner of 720 W. Arapaho Road)

The following individuals came forward to speak in opposition of the request:
- Kay Pavlic, 3904 Rive Lane, Addison, Texas (owner of 1110 West Shore Drive)

The following individuals submitted a card stating opposition but did not speak:
- Candee Fields, 709 Terryland Drive, Richardson, Texas
- Daniel Maynard, 709 Terryland Drive, Richardson, Texas

The following individual came forward with a neutral position to the request:
- Mark Stratton, 104 N. Gentle Drive, Richardson, Texas

Mr. Brian Weisgerber, 1720 W. Virginia Street, McKinney, Texas came forward as the civil engineer for the project. He spoke about the floodplain and floodway located on the west side of the property. He stated that during a 100-year storm event, water would back up and over top Arapaho Road due to the undersized box culverts under Arapaho Road. He stated they were not creating an adverse impact, but they were just raising the site to get it out of the floodplain.

Chairman Marsh asked where the storm drain would be located.

Mr. Weisgerber responded it would most likely be located at (referring to rendering) Block E, Lots 2 & 4. Additionally, there would be another located at the northwest corner of the property or Lot 7. He stated the detailed storm drain plans have not been finalized. He further discussed the locations where the discharge points would be located.

Commissioner Costantino asked Mr. Weisgerber to confirm if he was stating the flooding concerns were less for the adjacent properties because the low point was at the intersection of the creek and Arapaho Road, and that would be the first location to flood.

Mr. Weisgerber responded yes. The first thing to occur during flooding would be it overtopping Arapaho Road which what was currently taking place. As the property sits at the present time, the box culverts could not handle the amount of flow currently going to it resulting in water slowly backing up, increasing water surface elevations, causing flow towards the east, then overtopping Arapaho Road. In the proposed model, there was no rise so there was no adverse impact because of the project. He reiterated there would be grading work done in the southwest portion of the property to provide additional volume to help the current conditions. The only improvement in that area would be a ramp for residents to access the open space.

Chairman Marsh asked about the current topography of the site.

Mr. Weisgerber stated the water flowed from the northeast to the southwest in its current state. The slope was approximately 3% to 5%.

Mr. Caldwell came forward in response to public comment. He stated he had met with Ms. Pavlic on multiple occasions to solicit her feedback and listen to her concerns. He stated he had communicated to Ms. Pavlic that thousands of dollars had been invested on hydrology models to better understand exactly what was taking place regarding the floodplain. He commented the City would not consider a project that would raise water surface elevations and flood adjacent properties. He stated he has confidence in his engineering team and the City engineering team regarding the details of the flood study. He addressed the concern with individuals turning left from the development onto Arapaho Road stating that providing the median break along with the two (2) left turn lanes was a significant improvement to existing conditions regarding safety. He further stated any type of development on the subject property would be challenged with the exact constraints that existed as it related to the exiting roadway and how it curved. He felt it would be more dangerous if the median opening was not provided.

Chairman Marsh asked staff if they had any comments concerning the ‘S’ curve and the line of the sight heading west.

Mr. Shacklett responded the City’s Transportation and Mobility Department had been involved in the review of this request during the previous project and during the current project. Their foremost concern was an increase in individuals traveling to West Shore Drive and U-turning in the middle of that intersection.

Commissioner Roberts asked staff what their involvement had been with the applicant’s civil engineer as it related to flood control.

Mr. Shacklett responded the applicant’s civil engineer had been working with the City’s Development Engineer and the Assistant Director of Development Services over Development & Engineering prior to the submittal of the previous zoning case from a preliminary standpoint.

The City engineers are aware of what the modeling demonstrates, but nothing has been formally approved. Should the zoning be approved, the applicant would formally submit their plans for a review which would either be approved or denied. Should the project get to this point, and the applicant submits a model illustrating a rise in the water surface elevation, it would not move forward. The City's engineers would become more heavily involved once zoning was approved.

Mr. Caldwell also commented they had invested significant funds related to topography and modeling and had extensive meetings with the City engineers because it was imperative to understand what could be done on the property. Detailed models and conversations with City staff to check all assumptions to ensure accuracy have occurred. A formal submittal will be made to the FEMA, but the applicant first needs approval of the zoning case.

With no further questions of the applicant, Chairman Marsh made a motion to close the public hearing, seconded by Commissioner Beach. Motion passed 6-0.

Chairman Marsh asked for further deliberation or a recommendation from the Commission.

Commissioner Roberts commented that there had been many positive changes to the development to include much consideration and feedback from residents. The parking issue had been addressed which was a past concern. Other concerns were looked at and addressed which was positive.

Commissioner Costantino concurred with Commissioner Roberts adding he felt the applicant was thoughtful with consideration to neighbors' concerns. He felt it was also cleaner along the eastern border.

Commissioner Beach encouraged the applicant to look at precluding short-term rentals in the CC&Rs. This could mitigate having to secure legal counsel in the future.

Chairman Marsh echoed the sentiments of the Commissioners thanking the applicant for being mindful of concerns and taking the time to address those. He felt it was a better plan. He supported the request when it was before the Commission previously and would support the request this evening as it was better. He encouraged the City to continue to take a closer look at the drainage with the amount of paving and roofing that could contribute to potentially more water draining off the site. With the box culvert already undersized, he could envision how it could potentially have negative consequences.

Motion: Chairman Marsh made a motion to recommend approval of Zoning File 22-18 – Planned Development – Greenwood Square with a modified condition allowing the extension of the fence along the east property line to the south. Seconded by Commissioner LaCour. Motion Passed 6-0.

ADJOURN

With no further business before the Commission, Chairman Marsh adjourned the regular business meeting at 8:11 p.m.

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Bryan Marsh, Chairman