

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

August 9, 2005
6:00 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Mallory, Mellow,
Niemann
Absent: None

Item #WS1 – Presentation of Non-Profit Funding Requests.

No action was taken.

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Rodrigo Valles (Conference & Theatre Centre), Scott Cooney (Parks), and Joshua Bethel (Fire).

Item #R2 - Consent Agenda.

Items #2c and #2d were considered separately.

#2a – Approval of the Minutes for the July 12, 2005 Council Meeting.
(Approved as written.)

#2b – Consideration and approval of a Resolution authorizing the City Manager to enter into a contract with The Shakespeare Festival of Dallas in the amount of \$31,000 for marketing, support services and products.
(Approved Resolution No. R05-064).

#2e – Consideration and approval of a Resolution to award bid to Stripe-A-Zone, Inc. in the amount of \$37,968.15 for the installation of pavement markings at various locations. (Approved Resolution No. R05-066).

#2f – Consideration and approval of an Ordinance amending the Town of Addison's Code of Ordinances, Section 78-167, prohibiting overnight parking at three public parking lots located at the Addison Conference and Theatre Centre, the Addison Conference and Theatre Centre overflow parking lot on Morris Avenue, and the Stone Cottage parking lot. (Approved Ordinance No. 005-030).

#2g – Consideration and approval of a Resolution to award bid to Sweeping Services of Texas – Operating, L.P., in the amount of \$43,989.95 for citywide street sweeping. (Approved Resolution No. R05-067).

#2h – Consideration and approval of a Resolution to award bid to Durable Specialties, Inc., in the amount \$40,000 for the purchase and installation of a traffic signal pole on Midway Road at Belt Line Road.
(Approved Resolution No. R05-068.)

#2i – Approval of final payment to Insituform Technologies, Inc., for the rehabilitation of the 10-inch sanitary sewer line along Dallas Parkway, from Westgrove Drive to Keller Springs Drive in the amount of \$84,954.00.

Councilmember Niemann moved to duly approve the above listed items.
Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

#2c – Consideration and approval of a Resolution authorizing the City Manager to enter into a contract with Hotel Inter-Continental for the meeting space and sleeping room guarantee for the 2006 North Texas Jazz Festival.

Councilmember Braun moved to duly pass Resolution No. R05-065 authorizing the City Manager to enter into a contract with Hotel Inter-Continental for the meeting space and sleeping room guarantee for the 2006 North Texas Jazz Festival. Councilmember Niemann seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

#2d – Consideration and approval of an Ordinance approving an amendment to Chapter 78-204 of the Town of Addison Code of Ordinances prohibiting skateboarding within 200 feet of, in, or around a public fountain, pavilion, municipal building, or other city-owned structure.

Councilmember Niemann moved to duly pass Ordinance No. 005-029 approving an amendment to Chapter 78-204 of the Town of Addison Code of Ordinances prohibiting skateboarding within 200 feet of, in, or around a public fountain, pavilion, municipal building, or other city-owned structure. Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #R3 – Appointment of one member to the Planning and Zoning Commission (Braun).

This item was tabled.

Item #R4 – Appointment of an Addison resident for participation in the Leadership Metrocrest program.

This item was tabled.

Item #R5 – **PUBLIC HEARING** Consideration and approval of an Ordinance approving an amendment to Ordinance No. 097-029 of the Town of Addison, relating to the zoning of that area of the Town commonly referred to as Addison Circle, currently zoned UC Urban Center District, by amending the Concept Plan, adopted by Ordinance 097-029, by deleting or otherwise amending the floor-to-area provision (maximum floor areas) for the Commercial sub-district.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Niemann moved to duly pass Ordinance No. 005-031 approving an amendment to Ordinance No. 097-029 of the Town of Addison, relating to the zoning of that area of the Town commonly referred to as Addison Circle, currently zoned UC Urban Center District, by amending the Concept Plan, adopted by Ordinance 097-029, by indicating the maximum floor area amount for each tract in the Commercial subdistrict as “Total Floor Area – No Maximum” in each applicable space.

Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #R6 – Approval of a final plat for 14 lots in a Commercial-1 district, located on 1.857 acres at 16420 Addison Road, on application from Mr. James Feagin, represented by Mr. Bryan P. Powell of Carter & Burgess, Inc.

Councilmember Mallory moved to duly approve a final plat for 14 lots in a Commercial-1 district, located on 1.857 acres at 16420 Addison Road (Addison Office Condos), on application from Mr. James Feagin, subject to the following conditions:

-Proposed access & utility easement should be extended across the front and adjacent to Lot 11.

-The 5 ft. drainage, located along the north line of the property should be widened to 10 ft. in order to accommodate drainage facilities that drain to the east.

-Proposed drainage easement for stormdrain outfall system will be located at the northeast corner of the property, and must be acquired by separate instrument.

-Proposed access & utility easement must be extended across and adjacent to Lot 5 and terminate along the north line of the property.

-5 ft. of access easement shall be dedicated along the east side of Addison Road for future widening of the street.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R7 – PUBLIC HEARING Consideration and approval of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant, an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, and an amendment to an existing Special Use Permit for a brewpub, located at 3820 Belt Line Road, on application from Humperdink's, represented by Ms. Von Scamardo.

Mayor Chow opened the meeting as a public hearing. This item was tabled. The public hearing will be continued to the August 23, 2005 Council meeting.

Item #R8 – PUBLIC HEARING Consideration and approval of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4080 Belt Line Road, on application from Ker's Winghouse Bar and Grill, represented by Ms. Candy Arnold of the Addison Law Firm.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Niemann moved to duly pass Ordinance No. 005-032 approving an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4080 Belt Line Road, on

application from Ker's Winghouse Bar and Grill, subject to the following conditions:

-The applicant shall replace all dead and/or missing plant material shown on the approved landscape plan filed for Fresh Choice.

-The applicant shall install a rain and freeze sensor to the irrigation controller if they do not already exist.

-The applicant shall not use any terms or graphic depictions that denote alcoholic beverages in exterior signs.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R9 – **PUBLIC HEARING** Consideration and approval of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5330 Belt Line Road, on application from Chamberlain's Steak and Chop House, represented by Mr. Richard Chamberlain.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Mallory moved to duly pass Ordinance No. 005-033 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5330 Belt Line Road, on application from Chamberlain's Steak and Chop House, subject to the following conditions:

-There are two large pecan trees located on the northwest corner of Chamberlain's and the southeast corner of the proposed Chamberlain's expansion that should be removed and replaced with 4" caliper (diameter) Shumard Red Oaks to match the existing red oaks within the retail center parking lot islands. These trees are in a severe state of decline and present a potential hazard from fallen dead limbs. The remaining pecans along Belt Line Road appear to be in good condition, but staff recommends removal of the dead limbs in these trees to eliminate the hazard.

-The applicant did not include landscape plans for the areas adjacent to the new building expansion and parking lot. A plan will need to be submitted for review and approval showing the amount of landscape area to be added or removed, including a detailed planting and irrigation plan.

-All dead or missing plant material will need to be replaced within all of the retail center landscaped areas.

-A freeze and rain sensor will need to be wired to the irrigation controller if they do not already exist.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R10 – PUBLIC HEARING Consideration and approval of an Ordinance approving a final development plan, with waivers to design standards, for a townhouse/condominium project in the UC District – Residential subdistrict, in the area known as Addison Circle, located on one tract of 1.83 acres at the northwest corner of Quorum Drive and Goodman Avenue, on application from Fairfield Residential, LLC, represented by Ms. Claire Janak.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Niemann moved to duly pass Ordinance No. 005-034 approving a final development plan, with waivers to design standards, for a townhouse/condominium project in the UC District – Residential subdistrict, in the area known as Addison Circle, located on one tract of 1.83 acres at the northwest corner of Quorum Drive and Goodman Avenue, on application from Fairfield Residential, LLC, subject to the following conditions:

Approval of the proposed final development plan with the following waivers to design standards, as requested by the applicant:

Waiver 1 – Maximum Lot Coverage 85% for Multifamily Use and Maximum Lot Coverage 65A% for Townhouse/Condominium

Waiver 2 – Patios may not be constructed within the required setback zones. This limitation, however, does not apply to sidewalk cafes.

Council recommends approval for this waiver. However, no wood fences shall be allowed around any patio or garden areas. Any fences installed around patio or garden areas must be wrought-iron, with pickets that shall not be closer than 4 inches together, and shall not exceed 48-inches in height.

Waiver 5 (a) – At least 90 percent of the exterior cladding of all exterior walls fronting or visible from public streets (including above grade parking structures) shall be brick construction. . .

Plan is approved subject to the following conditions:

-The applicant will be required to follow the UC district standards for landscaping, with the exception of the tree fencing shown on the tree pit plans.

-A fire hydrant shall be installed on the northeast corner of the intersection of Goodman Avenue and the proposed news street.

-Information on the submittal seems to indicate this building will meet the criteria of a high-rise building. As such, it will be subject to the provisions of Section 403 of the Building Code.

-Engineering plans and specifications for construction of on-site and off-site improvements, including water, sanitary sewer, drainage, paving and landscaping must be approved by the Town prior to initiation of construction.

-Proposed water main must be looped around residential street to connect with system in Artist Way as second phase of development occurs.

-The façade for the west side shall be revised to eliminate the five large openings into the garage on the north and south sides of the stairs.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R11 – Approval of a preliminary plat for four lots on 8.919 acres in the UC District – Residential subdistrict, located at the northwest corner of Quorum Drive and Goodman Avenue, on application from Huitt-Zollars, Inc., represented by Mr. David Meyers.

Councilmember Mallory moved to duly approve a preliminary plat for four lots on 8.919 acres in the UC District – Residential subdistrict, located at the northwest corner of Quorum Drive and Goodman Avenue, on application from Huitt-Zollars, Inc., subject to the following conditions:

- Designate Lot 1 as Lot 1, Block 1.
- Designate Lots 2 & 3, respectively, as Lots 1 & 2, Block 2.
- Designate proposed park site as Lot 1, Block 3.
- Dedicate 13 ft. right-of-way across entire frontage of property and adjacent to Quorum Drive, in lieu of proposed 13 ft. landscape, drainage and utility easement.
- Show width of right-of-way of Quorum Drive on plat.
- Correct typo in first paragraph of dedication language that refers to this plat as Addison Circle, Phase IV addition.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R12 – Approval of a final plat for one lot of 2.677 acres in the UC District – Residential subdistrict, located at the northwest corner of Quorum Drive and Goodman Avenue, on application from Huitt-Zollars, Inc., represented by Mr. David Meyers.

Councilmember Niemann moved to duly approve a final plat for one lot of 2.677 acres in the UC District – Residential subdistrict, located at the northwest corner of Quorum Drive and Goodman Avenue, on application from Huitt-Zollars, Inc., subject to the following conditions:

- Designate Lot 1 as Lot 1, Block 1.
- Designate Lots 2 & 3, respectively, as Lots 1 & 2, Block 2.

-Designate proposed park site as Lot 1, Block 3.

-Show dedication of park site on plat by indicating bearing and distance around the lot and include designation in the title block.

-Dedicate 13 ft. right-of-way across entire frontage of property and adjacent to Quorum Drive, in lieu of proposed 13 ft. landscape, drainage and utility easement.

-Show width of right-of-way of Quorum Drive on plat.

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R13 – Presentation of and consideration of approval of a Resolution approving a schematic design concept of the Fairfield Park by Talley Associates Landscape Architects.

Councilmember Mallory moved to duly pass Resolution No. R05-069 approving a schematic design concept of the Fairfield Park by Talley Associates Landscape Architects. Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R14 – Consideration and approval of a Resolution approving a design proposal from Talley Associates Landscape Architects totaling \$52,525 for landscape architecture design services related to the 1.57 acre Fairfield Park.

Councilmember Braun moved to duly pass Resolution No. R05-070 approving a design proposal from Talley Associates Landscape Architects totaling \$52,525 for landscape architecture design services related to the 1.57 acre Fairfield Park. Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R15 – Consideration and approval of an Ordinance granting meritorious exceptions to Sec. 62-162, Premises signs, Sec. 62-163, Area, and Sec. 62-285,

Luminescent gaseous tubing of the sign ordinance, for On the Border located at 4855 Belt Line Road.

Councilmember Niemann moved to duly pass Ordinance No. 005-035 granting meritorious exceptions to Sec. 62-162, Premises signs, Sec. 62-163, Area, and Sec. 62-285, Luminescent gaseous tubing of the sign ordinance, for On the Border located at 4855 Belt Line Road subject to the following conditions and final approval of the Building Official:

- Sign A: approved with a maximum logo height of 31”
- Sign B: meets ordinance requirements, no exception needed
- Sign C: approved as requested by applicant
- Sign D: approved with a maximum logo height of 35.5 “
- Sign E: approved as requested by applicant
- Sign F: exempt, no exception needed
- Sign G: maximum element height of 34.5”, perpendicular to building as requested by applicant
- Sign H: accent lighting (neon or LED), at roof line approved subject to lights being installed in a manner that does not allow lighting element to be seen.
- Sign I: not visible from public right of way, no exception needed

Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #R16 – Discuss the City Manager’s General Fund and Hotel Fund recommendations.

No action taken.

Item #R17 – Consider a vote of record to place on the September 27, 2005 council agenda a proposal to adopt a tax rate of \$.4760 per \$100 assessed valuation for the 2005-06 Town of Addison Annual Budget.

Councilmember Niemann moved to duly approve a vote of record to place on the September 27, 2005 council agenda a proposal to adopt a tax rate of \$.4760 per \$100 assessed valuation for the 2005-06 Town of Addison Annual Budget.
Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

There being no further business before the Council, the meeting was adjourned.

Mayor

Attest:

City Secretary