



Post Office Box 9010 Addison, Texas 75001-9010
5300 Belt Line Road
(972) 450-7000 Fax: (972) 450-7043

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

AND / OR

WORK SESSION OF THE CITY COUNCIL

7:30 PM

MARCH 9, 2010

TOWN HALL

5300 BELT LINE ROAD, DALLAS, TX 75254

REGULAR MEETING

Pledge of Allegiance

Item #R1- Consideration of Old Business.

Introduction of Employees

Discussion of Upcoming Events

Item #R2- Consent Agenda.

#2a- Approval of Minutes for:

02/23/2010 Minutes for Regular City Council Meeting and
Work Session.

#2b- Approval of an annual renewable contract to TruGreen LandCare totaling \$109,201.78 for mowing services. The contract term may be extended for four additional twelve-month periods, under the same terms and conditions, provided the extensions are acceptable to the Town and the contractor. Twelve (12) bids were received, which are summarized on the attached bid tabulation.

Item #R3 - Appointment of a Member to the Planning and Zoning Commission.

Item #R4 - PUBLIC HEARING Case 1593-SUP/Cantina Laredo. Presentation, discussion and consideration of approval of an ordinance amending 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 4546 Belt Line Road, on application from Cantina Laredo, represented by Mr. Rocky Vanover.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on February 25, 2010, voted to recommend approval of the 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, subject to no conditions.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Wheeler
Voting Nay: None Absent: Wood One seat vacant

Attachment(s):

1. Docket map, staff report, and Commission findings

Recommendation:

Administration recommends approval.

Item #R5 - PUBLIC HEARING Case 1594-Z/Town of Addison.

Presentation, discussion and approval of an ordinance amending the Addison Code of Ordinances by amending Appendix A – Zoning, thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending various sections thereof to require a Special Use Permit for a portable school building; amending Article IV, R-1 Single Family Dwelling District Regulations of Appendix A - Zoning to provide that a portable school building is subject to the Special Use Permit provisions of Article XX of Appendix A – Zoning; amending Article XX, Special Uses, Section 1 to add portable school building as being subject to a Special Use Permit; amending Article XXX, Definitions, or Appendix A – Zoning by adding thereto a definition of portable school building and of school facility, on application from the Town of Addison, represented by Carmen Moran.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on February 25, 2010, voted to recommend approval of an ordinance amending Appendix A, the Addison Zoning Ordinance, Article VI, R-1 Single Family Dwelling District Regulations, Article XX, Special Uses, Section 1, Article XXX, Definitions, in order to require a Special Use Permit for a portable school building in an R-1, R-2, and R-3 zoning district.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Wheeler,
Voting Nay: None Absent: Wood, one seat vacant.

Attachment(s):

1. Docket map, staff report, and Commission findings

Recommendation:

Administration recommends approval.

Posted:

03/05/2010, 5:00PM Lea Dunn - City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

Council Agenda Item: #R 2a

AGENDA CAPTION:

Approval of Minutes for:

02/23/2010 Minutes for Regular City Council Meeting and Work Session.

FINANCIAL IMPACT:

N/A.

BACKGROUND:

None.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[Minutes for the 2/23/2010 Regular City Council Meeting and Work](#)

Type:

Cover Memo

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
WORK SESSION

February 23, 2010
6:00 PM - Town Hall
5300 Belt Line Road, Dallas, TX 75254
Upstairs Conference Room

Council Members Present:

Braun, Chow, Daseke, Lay, Mellow, Noble

Absent:

Clemens

Work Session

Item #WS1 - Discussion regarding Human Resources Advocate Volunteer Program.

There was no action taken.

Item #WS2 - Discussion regarding Branding for the Town of Addison.

There was no action taken.

Item #WS3 - Update and Discussion regarding Elevated Storage Tank Design at Surveyor Boulevard and Arapaho Road.

There was no action taken.

Mayor-Joe Chow

Attest:

City Secretary-Lea Dunn

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
REGULAR MEETING

February 23, 2010

6:00 PM - Town Hall

5300 Belt Line Road, Dallas, TX 75254

The Work Session started at 6:00PM. The Regular Meeting started at 7:30PM. 02/19/2010,
5:00PM Lea Dunn - City Secretary

Council Members Present:

Braun, Chow, Daseke, Lay, Mellow, Noble

Absent:

Clemens

REGULAR MEETING

Item #R1 - Consideration of Old Business

The following employees were introduced: Paul Jackson with the Parks and Recreation Department and Bruce Hopewell with the Development Services Department.

There was no action taken.

Item #R2 - Consent Agenda

#2a - Approval of Minutes for: 02/09/2010 Minutes for Regular City Council Meeting and Work Session

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Braun, Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Absent: Clemens

#2b - Approval of the purchase of 10 Lifefitness treadmills and a 19 piece Lifefitness weight circuit. These items will replace the existing 10 Lifefitness treadmills and 18 piece Cybex weight circuit as part of General Service's Capital Equipment Replacement Plan.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Braun, Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Absent: Clemens

#2c - Approval of a contract with TBG Partners totaling \$78,806.00 for landscape architecture design services relating to the recreation trail section proposed between the George H.W. Bush Elementary School site and Greenhill School. In addition, the scope of services includes the design of the school campus landscaping, playgrounds and learning garden contingent upon the approval of an interlocal agreement between the Town of Addison and the Dallas Independent School District.

This item was pulled for clarification. It was approved after clarification.

A motion to Approve was made by Councilmember Bianca Noble.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Braun, Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Absent: Clemens

#2d - Approval of award of a bid to Flagship Facility Services, Inc., for custodial services at the Service Center, Police and Police sub-station, Central Fire, Finance and Athletic Club facilities.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Braun, Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Absent: Clemens

Item #R3 - Presentation by Ralph Doherty, Planning and Zoning Commission Chairman, of the Planning and Zoning Commission Annual Report for 2009.

Ralph Doherty presented the Planning and Zoning Commission Annual Report.

There was no action taken.

Item #R4 - Presentation, discussion and consideration of approval to authorize the City Manager to release the 2009 Comprehensive Annual Financial Report.

Randy Moravec made the presentation of the 2009 Comprehensive Annual Financial Report.

A motion to Approve was made by Councilmember Don Daseke.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Braun, Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Absent: Clemens

Item #R5 - Presentation of 2009 Racial Profiling Report.

Ron Davis made the presentation of the 2009 Racial Profiling Report.

There was no action taken.

Item #R6 - Presentation, discussion and consideration of approval of the Dallas County Capital Improvement Program Project Supplemental Agreement to the Master Agreement governing major capital transportation improvement projects for the Addison Trail Phase 3 and 4 (Vitruvian Park).

A motion to Approve was made by Councilmember Bianca Noble.

The motion was seconded by Councilmember Tom Braun.

The motion result was: Passed

Voting Aye: Braun, Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Absent: Clemens

Item #R7 - Presentation, discussion and consideration of approval of an Assignment and Construction Services Agreement between the Town of Addison and UDR, Inc., in the amount of \$548,890.52 for and regarding the management of the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C).

Councilmember Braun recused himself for this Items #R7 and #R8 and left Chambers. He did not participate in the discussion or vote.

This Item was approved subject to final review by the City Attorney.

A motion to Approve w/ Conditions was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Abstain: Braun

Absent: Clemens

Item #R8 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a Professional Services Agreement with Halff Associates, Inc., for an amount not to exceed \$370,000.00 for the design of certain public infrastructure (including two (2) vehicular bridges, one (1) pedestrian bridge and other public infrastructure improvements) within that area

of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1D).

This Item was approved subject to final review by the City Attorney.

A motion to Approve w/ Conditions was made by Councilmember Roger Mellow.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Chow, Daseke, Lay, Mellow, Noble

Voting Nay: None

Abstain: Braun

Absent: Clemens

Item #R9 - Presentation and Discussion of 1st Quarter Financial Review.

Councilmember Braun returned to Chambers for Item #R9.

Jason Cooley gave the presentation for the 1st Quarter Financial Review.

There was no action taken.

Mayor-Joe Chow

Attest:

City Secretary-Lea Dunn

Council Agenda Item: #R 2b

AGENDA CAPTION:

Approval of an annual renewable contract to TruGreen LandCare totaling \$109,201.78 for mowing services. The contract term may be extended for four additional twelve-month periods, under the same terms and conditions, provided the extensions are acceptable to the Town and the contractor. Twelve (12) bids were received, which are summarized on the attached bid tabulation.

FINANCIAL IMPACT:

Budgeted Amount:	\$183,304.00
Prior Contract Amount:	\$183,304.00
New Contract Amount:	\$109,201.78
Savings to Town 2010 Parks Operations Budget:	\$74,102.22 - 40%

BACKGROUND:

This contract involves turf mowing at the Town's parks, residential areas, municipal buildings and street medians. The existing contract with Blade Turners Maintenance expired on February 1, 2010; however, the contractor was not interested in renewing the contract.

The scope of work includes 33 weekly mowings for irrigated turf, 17 bi-weekly mowings for non-irrigated turf and 52 mowings for the fescue lawns at Town Hall and the Finance building. The Parks Department held a pre-bid meeting and provided a bus tour for 17 contractors to make sure they had a clear understanding of the scope of work.

RECOMMENDATION:

While staff is pleased with the savings this contract offers, we were concerned that TruGreen had underestimated the work. TruGreen's response to our concern was, "TruGreen is a reputable and well established organization that provides landscape services not only in the DFW area but throughout the entire nation. Our focus has and will continue to be business to business services and our pricing will reflect the situation of the current economic status. We are confident in our proposal to the City of Addison and stress that quality will never fall short of City expectations. We encourage you to utilize the

provided references for added peace of mind and to get a better idea of our quality of work. We utilize our efficiencies to achieve a competitive edge in both pricing and service delivery. This allows TruGreen to pass on that savings to its customers." TruGreen LandCare currently performs maintenance for the cities of Southlake, Hurst and Arlington. Staff completed reference checks with these cities to verify that their work was of similar scope and quality. All three responded very favorably, and further stated that they would continue their service based on current and past performance. Staff recommends approval.

COUNCIL GOALS:

Conduct the Business of the Town in a Fiscally Responsible Manner, Take actions to make Addison a leader in sustainable development and operations that protect and enhance the Town's quality of life

ATTACHMENTS:

Description:

[Annual Mowing Contract Bid Tabulation](#)

Type:

Backup Material

Parks Turf Mowing
BID NO 10-13
DUE: February 22, 2010
10:00 AM

BIDDER	Signed	Bid Bond	Bid Total
Forest Hills	Y	Y	\$ 194,965.00
Good Earth Corp.	Y	Y	\$ 179,150.00
Lawns of Dallas	Y	Y	\$ 206,718.07
Hoover	Y	Y	\$ 182,364.00
Carruthers Landscape Mgmt.	Y	Y	\$ 174,549.00
I&E Services	Y	Y	\$ 210,589.00
Greener Pastures	Y	Y	\$ 154,637.36
American Landscape Systems	Y	Y	\$ 174,405.00
Tru Green	Y	Y	\$ 109,201.78
LMI Landscapes	Y	Y	\$ 141,459.82
SLM Landscape	Y	Y	\$ 171,507.80
Landworks	Y	N	\$ 206,290.00

Matthew E. McCombs

Purchasing Agent

Slade Strickland

Witness

Council Agenda Item: #R3

AGENDA CAPTION:

Appointment of a Member to the Planning and Zoning Commission.

FINANCIAL IMPACT:

No financial impact.

BACKGROUND:

Commissioner Neil Resnick resigned from the Commission to run for the City Council. Commissioner Resnick was appointed by Councilmember Lay.

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R4

AGENDA CAPTION:

PUBLIC HEARING Case 1593-SUP/Cantina Laredo. Presentation, discussion and consideration of approval of an ordinance amending 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 4546 Belt Line Road, on application from Cantina Laredo, represented by Mr. Rocky Vanover.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on February 25, 2010, voted to recommend approval of the 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, subject to no conditions.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Wheeler Voting Nay: None Absent: Wood One seat vacant

FINANCIAL IMPACT:

No Financial impact.

BACKGROUND:

None.

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

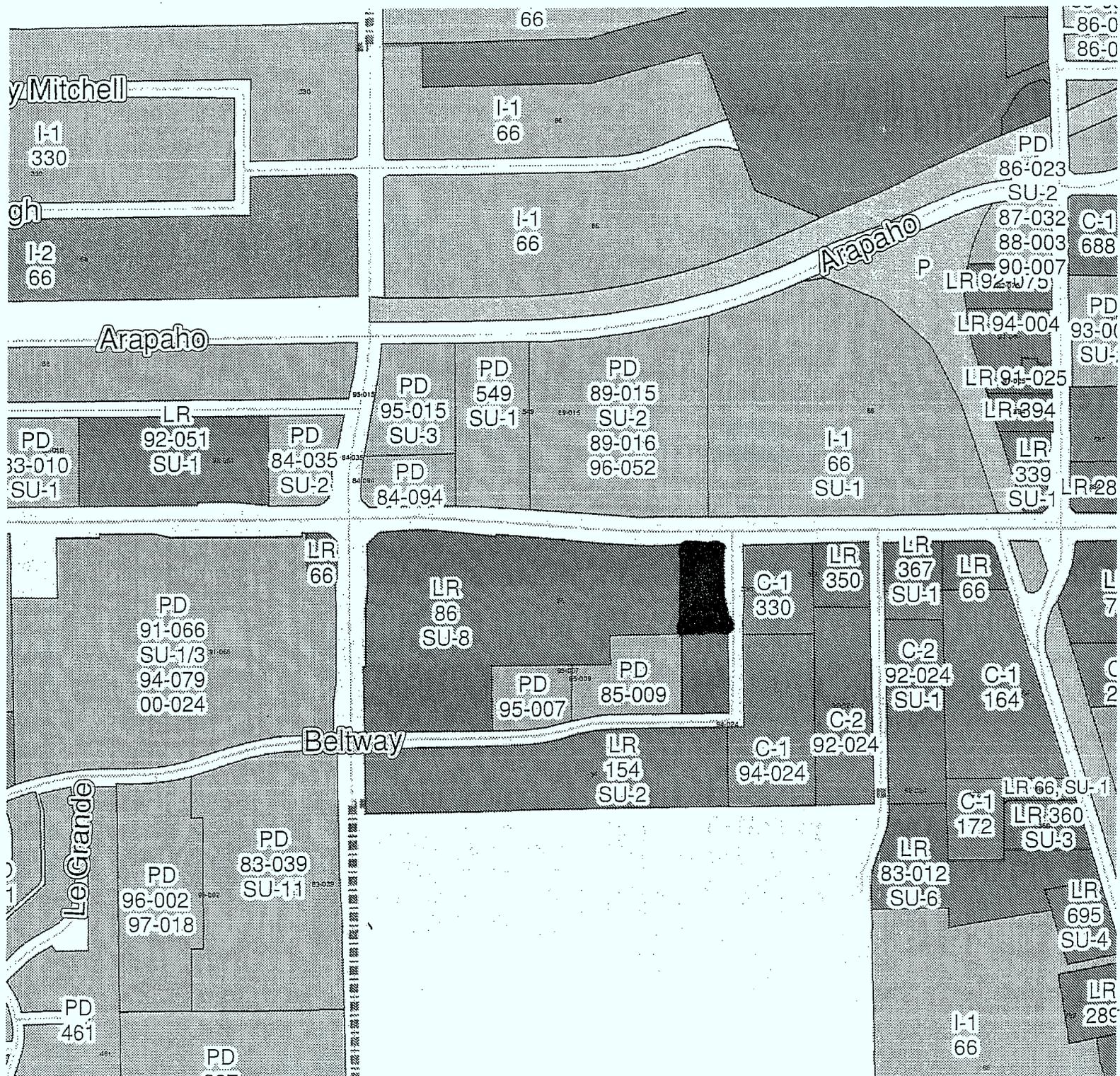
[Docket map, staff report, and Commission findings](#)

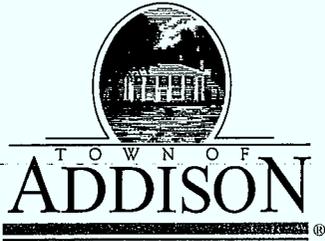
Type:

Backup Material

1593-SUP

PUBLIC HEARING Case 1593-SUP/Cantina Laredo. Requesting approval of an ordinance amending 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 4546 Belt Line Road, on application from Cantina Laredo, represented by Mr. Rocky Vanover.





DEVELOPMENT SERVICES

(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

February 19, 2010

STAFF REPORT

RE: Case 1593-SUP/Cantina Laredo

LOCATION: 4546 Belt Line Road

REQUEST: Approval of 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

APPLICANT: Cantina Laredo, represented by Mr. Rocky Vanover

DISCUSSION:

Background. This restaurant is part of a shopping center that is zoned Local Retail and was developed in 1983. The Cantina Laredo was approved through a Special Use Permit on April 10, 1984 through Ordinance 084-020. Cantina Laredo has operated continuously on in this space since 1984.

Proposed Plan. At this time, the Cantina Laredo would like to add a patio. The patio will be added to the front of the building and will contain 1,056 square feet. The patio configuration is different than most restaurant patios in that it is completely separated from the building by a fenced enclosure. The restaurant would still maintain the 10-foot-wide sidewalk in front of the building for ingress and egress into the restaurant. However, it would remove the current sidewalk that connects into the street sidewalk on Beltway Drive.

Landscaping. The Parks Director notes that the requirement for landscaping in a Local Retail district is 20% for the entire site. The applicant has furnished calculations for the amount of landscaping for the entire site. The site currently has 21.03% total landscaping. Once the patio is added, that will be reduced to 19.73%. The numbers account for the fact that is it not all landscaped area that is being taken for the patio. Some of the new patio area will be made up from the sidewalk which is being removed.

Parking. The staff has visited with the applicant about the parking regulations that govern this site. The zoning ordinance states in Article IX, Local Retail, Section 5. Parking regulations. Paragraph G, subsection 2. *Parking regulations/restaurants in mixed use developments*, subparagraph a:

If all buildings which are part of the development total less than 30,000 square feet in area, and the development has more than 40 percent of its floor area devoted to restaurant uses, the parking for the restaurant uses shall be provided at the ratio of one space for every 70 square feet of gross restaurant floor area.

This restaurant is located in a center that is less than 30,000 square feet in area, and the addition of the patio will cause it to have more than 40 percent of its floor area devoted to restaurant uses. The numbers are as follows:

Existing Center	13,300	Center with patio	14,387
Existing Cantina Laredo	5,200	Cantina Laredo with patio	6,287
Existing Percent in restaurant use	0.391	With Patio percent in restaurant use	.43

Cantina Laredo required parking with patio, at 1/70 ratio	89 spaces
Remaining shopping center at 1/200	41 spaces
Total required for shopping center with patio	130 spaces
Parking currently provided on site	89 spaces
Parking deficit after patio is added	41 spaces

During the discussion on the Crowne Plaza Hotel expansion, the staff discussed the difference between a "paper" problem and a "field" problem. The staff once again finds itself in the position of pointing out a paper problem that is not in fact a field problem. The regulation cited above was added to the zoning ordinance in 1985, which was the heyday of restaurant development in Addison. At that time, several factors allowed Addison restaurants to do extremely well, and consequently have parking problems. There weren't many restaurants in Addison or in the surrounding area. The ability to serve alcohol was unique to Addison, and the economy was booming.

Staff does not believe that the addition of this patio will drive a demand for 41 additional parking spaces. While some increase in demand might be expected, there are sufficient spaces in the center, due to the daytime demand of the retail and the nighttime demand of the restaurant, that would allow the parking in the center to work. In addition, there are additional spaces to the south of the center that the applicant has the right to use.

RECOMMENDATION:

In some instances, it does not make sense to continue to regulate parking like it is still 1985, particularly when there is not a field problem with parking. The staff could

recommend that the applicant wait until the parking regulation is changed, but the staff is not sure when that will be done, and the applicant has stressed an immediate need for this patio in order to keep the store operating.

The Commission and Council have the ability, through the Special Use Permit, to approve the site plan and development plans even though they do not meet the paper parking requirement, and thus allow Cantina Laredo to have its patio ready for the spring and summer patio season.

Staff recommends approval of an ordinance amending 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, subject to no conditions.

Respectfully submitted,

A handwritten signature in black ink that reads "CMORAN". The letters are stylized and connected, with a large "C" and "M" at the beginning.

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on February 25, 2010, voted to recommend approval of the 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, subject to no conditions.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Wheeler
Voting Nay: none
Absent: Wood, one seat vacant

Memorandum

Date: February 16, 2010
To: Carmen Moran, Director of Development Services
From: Slade Strickland, Director of Parks and Recreation
Subject: **Case 1593-SUP/Cantina Laredo**

A 20 foot wide landscape buffer is required along Beltway Drive, so the addition of the 16' wide patio will reduce the street frontage landscape buffer below 20 feet. The new landscape buffer width will vary along the proposed edge of the patio from approximately 16 feet wide down to 8 feet wide.

The overall site landscaping will be reduced by approximately 1.3% according to the following calculations provided by the applicant. 20 percent landscaping is required.

- **Current landscape total area is 12,003 SF
12,113 / 57,591 (gross site area) = 21.03%**
- **New landscape area is 11,257 SF
11,367 / 57,591 = 19.73%**

New Patio Area Breakdown:

- **New Patio Area is 1,056 SF gross**
- **Area of existing sidewalk at entry that is now part of patio is 160 SF.
So 1,056 – 160 = 896 SF net patio addition from existing condition**
- **Area of existing sidewalk at entry that is now part of the landscape is 149 SF. So 896 – 149 = 747 SF total net patio addition from existing condition. This is how much is actually being added to what's already there right now.**

Council Agenda Item: #R5

AGENDA CAPTION:

PUBLIC HEARING Case 1594-Z/Town of Addison. Presentation, discussion and approval of an ordinance amending the Addison Code of Ordinances by amending Appendix A – Zoning, thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending various sections thereof to require a Special Use Permit for a portable school building; amending Article IV, R-1 Single Family Dwelling District Regulations of Appendix A - Zoning to provide that a portable school building is subject to the Special Use Permit provisions of Article XX of Appendix A – Zoning; amending Article XX, Special Uses, Section 1 to add portable school building as being subject to a Special Use Permit; amending Article XXX, Definitions, or Appendix A – Zoning by adding thereto a definition of portable school building and of school facility, on application from the Town of Addison, represented by Carmen Moran.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on February 25, 2010, voted to recommend approval of an ordinance amending Appendix A, the Addison Zoning Ordinance, Article VI, R-1 Single Family Dwelling District Regulations, Article XX, Special Uses, Section 1, Article XXX, Definitions, in order to require a Special Use Permit for a portable school building in an R-1, R-2, and R-3 zoning district.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Voting Nay: None Absent: Wood, one seat vacant.

FINANCIAL IMPACT:

No budget impact.

BACKGROUND:

None.

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

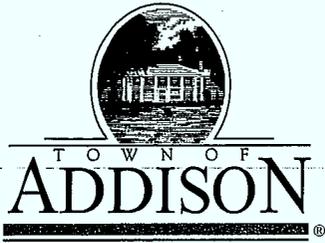
ATTACHMENTS:

Description:

[Docket map, staff report, and Commission findings](#)

Type:

Backup Material



DEVELOPMENT SERVICES

(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

**A PUBLIC HEARING BEFORE THE ADDISON
PLANNING AND ZONING COMMISSION**

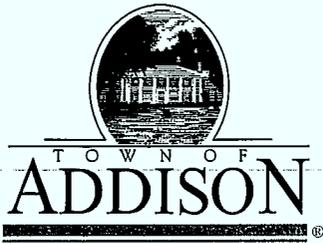
FEBRUARY 25, 2010

6:00 P.M.

**ADDISON TOWN HALL
5300 BELT LINE ROAD
COUNCIL CHAMBERS**

1. **PUBLIC HEARING** Case 1594-Z/Town of Addison Requesting approval of an ordinance amending the Addison Code of Ordinances by amending Appendix A – Zoning, thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending various sections thereof to require a Special Use Permit for a portable school building; amending Article IV, R-1 Single Family Dwelling District Regulations of Appendix A - Zoning to provide that a portable school building is subject to the Special Use Permit provisions of Article XX of Appendix A – Zoning; amending Article XX, Special Uses, Section 1 to add portable school building as being subject to a Special Use Permit; amending Article XXX, Definitions, or Appendix A – Zoning by adding thereto a definition of portable school building and of school facility, on application from the Town of Addison, represented by Carmen Moran.

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
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48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**



DEVELOPMENT SERVICES

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16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

February 15, 2010

STAFF REPORT

RE: Case 1594-Z/Town of Addison

LOCATION: Amendment to Appendix A, the Addison Zoning Ordinance, Article IV, R-1 Single Family Dwelling District Regulations, Article XX, Special Uses, Section 1, Article XXX, Definitions

REQUEST: An amendment to require a Special Use Permit for a portable School building in an R-1, R-2, R-3 zoning district.

APPLICANT: Town of Addison, represented by Carmen Moran

DISCUSSION:

Background. The Town is currently working with the Dallas Independent School District on the construction of the George H.W. Bush Elementary School. The school will be located on the Loos Field site at 3815 Spring Valley Road.

During community meetings regarding the school, the public has expressed a concern that the school building will be supplemented by portable classrooms. Schools often use portable classrooms because a school cannot control how many students will show up for the first day of school. Due to Texas Education Agency limits on how many students can be in a classroom, the school is sometimes required to add classrooms very quickly, and portable buildings allow the school to add classrooms without having to wait through the normal construction process.

However, in some instances, portable classrooms, which are meant to fill a temporary need, become permanent. The citizens in the Community meetings expressed a concern that Addison's school would be surrounded by a sea of portable buildings, and that those would remain on the site indefinitely. The

quality and construction of portable buildings is not consistent with the quality and construction of permanent buildings. Temporary portable buildings would not be allowed for other developments in the community, and the citizens would like to see that a school is held to the same construction and durability standard as other buildings in the community.

The staff believes that requiring a portable school building will allow the Town to work with the school district to provide quality classrooms for its students, but still allow the Town to limit the quality and construction of the portable, see that there is sufficient parking to serve them, and regulate how long the portable buildings can be on the site.

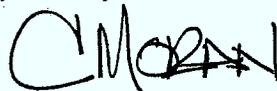
The staff believes that requiring a Special Use Permit in the districts where a public school is allowed (R-1, R-2, and R-3) is sufficient. Private schools, such as Greenhill and Trinity Christian Academy, are already under a Special Use Permit, so any additions of portable school buildings to their campuses would be handled under the SUP that already exists on the schools.

RECOMMENDATION:

Staff recommends approval of an ordinance amending the Addison Code of Ordinances by amending Appendix A – Zoning, thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending various sections thereof to require a Special Use Permit for a portable school building; amending Article IV, R-1 Single Family Dwelling District Regulations of Appendix A - Zoning to provide that a portable school building is subject to the Special Use Permit provisions of Article XX of Appendix A – Zoning; amending Article XX, Special Uses, Section 1 to add portable school building as being subject to a Special Use Permit; amending Article XXX, Definitions, or Appendix A – Zoning by adding thereto a definition of portable school building and of school facility.

The proposed ordinance is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. MORAN". The signature is written in a cursive, somewhat stylized font.

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on February 25, 2010, voted to recommend approval of an ordinance amending Appendix A, the Addison Zoning Ordinance, Article VI, R-1 Single Family Dwelling District Regulations, Article XX, Special Uses, Section 1, Article XXX, Definitions, in order to require a Special Use Permit for a portable school building in an R-1, R-2, and R-3 zoning district.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Wheeler,

Voting Nay: None

Absent: Wood, one seat vacant.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX A – ZONING THEREOF, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, BY AMENDING VARIOUS SECTIONS THEREOF TO REQUIRE A SPECIAL USE PERMIT FOR A PORTABLE SCHOOL BUILDING; AMENDING ARTICLE IV, R-1 SINGLE FAMILY DWELLING DISTRICT REGULATIONS OF APPENDIX A - ZONING TO PROVIDE THAT A SCHOOL PORTABLE BUILDING IS SUBJECT TO THE SPECIAL USE PERMIT PROVISIONS OF ARTICLE XX OF APPENDIX A – ZONING; AMENDING ARTICLE XX, SPECIAL USES, SECTION 1 TO ADD PORTABLE SCHOOL BUILDING AS BEING SUBJECT TO A SPECIAL USE PERMIT; AMENDING ARTICLE XXX, DEFINITIONS, OF APPENDIX A – ZONING BY ADDING THERETO A DEFINITION OF PORTABLE SCHOOL BUILDING AND OF SCHOOL FACILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, school districts across the State of Texas, including in and around Dallas County and the Town of Addison, Texas (the “City”), from time to time use portable school buildings adjacent to a permanent school building for education and education-related purposes; and

WHEREAS, a number of environmental related concerns have historically been associated with the use of portable school buildings, including the following as stated by the U.S. Environmental Protection Agency (“EPA”) (at <http://www.epa.gov/iaq/schooldesign/portables.html>): poorly functioning HVAC systems that provide minimal ventilation with outside air; poor acoustics from loud ventilation systems, chemical off-gassing from pressed wood and other high-emission materials; water entry and mold growth; and site pollution from nearby parking lots or loading areas; and

WHEREAS, the EPA has further found that pressed-wood products, which may contain higher concentrations of formaldehyde, are used more in factory-built portable classroom units than in buildings constructed on-site, which may result in higher levels of airborne chemicals in new portable classrooms, particularly where ventilation is reduced; and

WHEREAS, in November 2004 the California Environmental Protection Agency submitted a report to the California Legislature entitled “Environmental Health Conditions in California’s Portable Classrooms,” which found, among other things, that: excessive noise

results in ventilation systems being turned off in portable classrooms by a significantly greater percentage than in traditional classrooms; portable classrooms had more HVAC problems than traditional classrooms; a higher percentage of portable classrooms experienced temperatures below the American Society of Heating, Refrigerating, and Air-conditioning Engineers thermal comfort standards for the heating season to a greater extent than in traditional classrooms; and portable classrooms generally had higher formaldehyde levels than traditional classrooms; and

WHEREAS, in 2007 the Texas Legislature adopted Section 46.008(b) of the Texas Education Code, requiring that any portable, modular building capable of being relocated after September 1, 2007 for use as a school facility must be inspected as provided by Chapter 1202 of the Texas Occupations Code to ensure compliance with the mandatory building codes or approved designs, plans and specifications; and

WHEREAS, in 2009 the 81st Texas Legislature adopted H.B. 2763 as a cleanup bill of the provisions relating to compliance with all mandatory building codes for relocatable educational facilities (portable classrooms) when they are moved from one location to another, transferring the provisions from the Education Code to the Occupations Code, thereby repealing the provisions of Section 46.008(b) of the Education Code; and

WHEREAS, pursuant to the adoption of Section 46.008(b), the Texas Education Agency amended its rule regarding school facilities standards by, among other things, establishing special provisions for portable, modular buildings that are used as a school facility, including a requirement that such buildings be inspected by the local building authority for compliance with mandatory building codes or approved designs, plans, and specifications where a school district is located in an area that has adopted local construction codes, and pursuant to the adoption of H.B. 2763, the Texas Department of Licensing and Regulation adopted rules relating to relocatable educational facilities to, among other things, regulate site built relocatable educational facilities; and

WHEREAS, in light of the health and safety concerns regarding portable school classrooms, the City has concerns for the health and welfare of children attending school in a portable classroom, and desires to establish a process by which the installation and use of portable classrooms would be reviewed; and

WHEREAS, the City has further concerns regarding the impact of portable classrooms on traffic and the surrounding neighborhood; and

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with State law and the ordinances of the City, have given the required notices and have held the required public hearings regarding amending Appendix A – Zoning, the same being the comprehensive Zoning Ordinance of the City, to amend the same and to address the matters set forth herein and as hereinafter described; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at the said public hearings and all other relevant information and materials, the Planning and Zoning Commission

of the City recommended to the City Council the amendment to the said Appendix A – Zoning as set forth in this Ordinance; and

~~WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing conducted by the City Council, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety and welfare.~~

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The above and foregoing premises and recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The Code of Ordinances of the Town of Addison, Texas is hereby amended by amending Appendix A – Zoning, the same being the City’s comprehensive Zoning Ordinance, in part as follows (additions are underlined; deletions are ~~struck through~~; where asterisks (*****) are used, the same represents text that is not included herein and is not amended or modified by this Ordinance):

A. Article IV, R-1 Single-Family Dwelling District Regulations, of the said Appendix A – Zoning is amended by amending Section 1 thereof to read as follows:

Section 1. Use regulations.

In an R-1 single-family dwelling district, no land shall be used and building shall be erected for or converted to any use other than:

1. A single-family dwelling.
2. A church or school, public or denominational, having a curriculum equivalent to a public elementary, middle school, junior high, or high school, but not including a school portable building (which is subject to Article XX of this appendix).
3. Public park, playgrounds or neighborhood recreation centers owned and operated by the Town of Addison, all others by special permit only.
4. Telephone exchange, provided no public business and no repair or storage facilities are maintained, fire stations, public museums, public libraries, water supply reservoir, water pumping plant, tower or artesian well.
5. Railway right-of-way and tracks, passenger station but not including railroad yards, team tracks or storage yards.
6. Golf course, but not including miniature golf course, driving range or any forms of commercial amusement.

7. Farm, truck, garden, orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail, or wholesale business is maintained on the premises.

8. Accessory buildings, including a private garage, bona fide servants quarters, not for rent but for the use of servants employed on the premises, when located not less than 60 feet from the front lot line, nor less than five feet from either side line, provided said accessory building shall not occupy more than 50 percent of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building. Temporary metal buildings of less than 600 square feet which are used for tool and supply storage shall be allowed.

9. Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work. Field offices for the sale of real estate which shall be removed upon request of the building inspector.

10. The uses customarily incidental to any of the above uses when situated in the same dwelling and not involving the conduct of a business, including home occupations engaged in by occupants of the dwelling, but said incidental use shall never be permitted as a principal use, rather only as a secondary use engaged in by persons of the immediate family.

11. Day nursery where not more than four children, not related by blood, are kept at one time.

B. Article XX, Special Uses, of the said Appendix A – Zoning is amended by amending Section 1 (Special uses in specified districts) thereof adding a new subsection (4) thereto to read as follows:

Section 1. Special uses in specified districts.

A. The city council may, after public hearing and proper notice to all parties affected, and, after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following in the following specified districts:

(1) Any public building to be erected or used by the town, county, state or federal government in any district.

(2) Private schools, kindergartens and nurseries teaching the same subjects as public elementary and high schools in any district, provided the building or buildings are set back from all required yard lines in the district in which they are to be located two feet for each foot of building height and provided off-street parking facilities are provided.

For schools and kindergartens, a minimum building area of 30 square feet per pupil and minimum site area of 200 square feet per pupil shall be provided, in any district.

- ~~(3) Institutions of a religious, educational or philanthropic nature in any district.~~
- (4) Portable school building in R-1, R-2, and R-3 districts.~~Reserved.~~
- (5) Airport or landing field or airport facilities in any district.
- (6) Day nurseries keeping more than four children in any district.
- (7) Dog kennels and veterinarian hospitals in the commercial district or on sites of five acres or more, in any district.
- (8) Reserved.
- (9) Riding academy or public stable on sites of five acres or more in any district.
- (10) Hotel and motel.
- (11) Any installation of public utility, either privately or publicly owned, fire stations, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artisan wells, or sewage lift stations in any district.
- (12) Gas and electrical public utility regulating stations in any district.
- (13) Hospitals, children's homes, convalescent homes, old people's homes, maternity homes, in any district.
- (14) Homes for the insane, alcoholics, feeble-minded, and narcotics in the commercial-1 and commercial-2 district or in any district where a site of 20 acres or more is provided.
- (15) Lodges, fraternity and sorority houses, boardinghouses, roominghouses in the "A" district.
- (16) Private clubs and community buildings in an apartment district or on a site of three acres or more in any district.
- (17) Drive-in theaters in the local retail district or on sites of ten acres or more in any district.
- (18) Greenhouses and nurseries in any district.
- (18a) Lots and/or business operating the sale of Christmas trees between the dates of November 15 and December 26 in any district.

- (19) Dance halls, when located in the commercial-1 and commercial-2 district or on sites of ten acres or more in any district.
- (20) Trailer parks in the commercial-1 and commercial-2 district or on sites of 20 acres or more in any district.
- (21) Rock quarries, sand, gravel, and earth excavations in any district.
- (22) Dental and medical offices and clinics in the apartment district.
- (23) Railway right-of-way and tracks, railway passenger station but not including railroad yards, team tracks or storage yards in any district.
- (24) Golf course, but not including miniature golf course, driving range or any forms of commercial amusement in any district.
- (25) Farm, truck garden, orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail or wholesale business is maintained on the premises and provided further that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any property line in any district.
- (26) Sale of alcoholic beverages for off-premises consumption only in any local retail district.
- (27) Sale of beer and wine for off-premises consumption only in any local retail district.
- (28) Sale of alcoholic beverages for on-premises consumption only in any local retail district or in any planned development district wherein the sale of alcoholic beverages for on-premises consumption is specifically allowed in the ordinance establishing such planned development.
- (29) Private clubs where alcoholic beverages may be served in any local retail district.
- (30) Restaurants without drive-in service (service to be entirely within the building); and restaurants with drive-in facilities, provided that no food or drink may be served to vehicles parked on the public street in any district.
- (31) Arcade, billiard parlor, or bowling alley, which shall be permitted only in a local retail district or in a planned development district where such use is specifically allowed in the article establishing the planned development.
- (32) Self-service storage facilities, only in commercial-1, commercial-2, industrial-1, industrial-2 and industrial-3 districts.
- (33) Gasoline service stations and/or convenience stores in any district.

(34) Movie picture theater in any district.

(35) Reserved.

(36) Brewpub, to be permitted only in local retail districts and in any planned development district wherein the use is specifically allowed in the article establishing such planned development.

(37) Retail, wholesale, or retail and wholesale businesses in excess of 50,000 square feet in floor area.

(38) Wind energy systems in any district.

C. Article XXX, Definitions, of the said Appendix A – Zoning is amended by amending Section 1 (Terms defined) thereof by adding a new subsection 90.1 and a new subsection 100.1 to read as follows:

Article XXX. Definitions

Section 1. Terms defined.

Certain words in this appendix are defined for the purpose hereof as follows:

* * * * *

90.1 *Portable school building* means an industrialized building as defined by the Texas Occupations Code, Section 1202.003, or any other manufactured or site-built building that is capable of being relocated and is used as a school facility, and including a relocatable educational facility as defined by section 1202.004, Texas Occupations Code.

* * * * *

100.1 *School facility* means buildings and structures operated or used by a school, including in which students receive instruction or participate in school sponsored extracurricular activities, maintenance facilities, administrative facilities, and similar facilities not regularly utilized by students.

* * * * *

Section 3. Purpose. The amendment to zoning herein made has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

Section 4. No Other Amendment; Savings. Except for the amendment and change made herein, Appendix A - Zoning of the City's Code of Ordinances is not otherwise amended hereby, and all other provisions thereof shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 5. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 6. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid, void, unlawful or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, voidness, unlawfulness or unconstitutionality, which remaining portions shall remain in full force and effect.

Section 7. Effective date. This Ordinance shall become effective from and after its passage and approval and after publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this ___ day of _____, 2010.

Joe Chow, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney