

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL EXECUTIVE, WORK AND REGULAR SESSION

October 11, 2022

Addison Treehouse
14681 Midway Rd., Ste 200, Addison, TX 75001
5:30 PM Executive Session & Work Session
7:30 PM Regular Meeting

A Regular Meeting was held by the City Council of the Town of Addison, Texas on October 11, 2022, with an Executive Session and Work Session beginning at 5:30 PM followed by the Regular Session at 7:30 PM in the Addison Treehouse, 14681 Midway Road, Suite 200, Addison, Texas 75001. The following members were present to-wit:

Present: Mayor Joe Chow; Mayor Pro-Tempore Kathryn Wheeler; Deputy Mayor Pro-Tempore Lori Ward; Council Member Tom Braun; Council Member Darren Gardner; Council Member Guillermo Quintanilla; Council Member Eileen Resnik

Call Meeting to Order: Mayor Chow called the meeting to order at 5:31 PM.

Pledge of Allegiance: Mayor Chow led the Pledge of Allegiance.

EXECUTIVE SESSION

Closed (Executive) Session of the Addison City Council pursuant to:

- Section 551.074, Tex. Gov. Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, pertaining to:
 - City Manager Selection Process Update

Mayor Chow closed the open meeting to convene the City Council into Closed Executive Session at 5:32 PM.

Reconvene into Regular Session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

Mayor Chow reconvened the City Council into Regular Session at 7:55 PM.

REGULAR MEETING – 7:55 PM

Announcements and Acknowledgments Regarding Town and Council Events and Activities

Discussion of Meetings / Events

Public Comment: *The City Council invites citizens to address the City Council on any matter, including items on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing starts. Citizen comments are limited to three (3) minutes, unless otherwise required by law. To address the Council, please fill out a City Council Appearance Card and submit it to a staff member prior to the Public Comment item on the agenda. The Council is not permitted to take any action or discuss any item not listed on the agenda. The Council may choose to place the item on a future agenda.*

Destiny Curlee, 3990 Viturvian Way, addressed the City Council regarding his concerns on the parking ordinance.

Consent Agenda: *All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.*

1. **Consider Action on the Minutes from the September 27, 2022 City Council Meeting.**
2. **Consider Action on a Resolution Approving a Professional Services Agreement Between the Town of Addison and Dunaway Associates, LLC. for Contract GIS Staffing and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$110,500.**
3. **Consider Action on a Resolution Approving an Agreement Between the Town of Addison and Fuquay Inc. for Fiscal Year 2022-2023 Manhole Rehabilitation Services and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$60,000.**
4. **Consider Action on the Purchase of Traffic Signal Controllers, Traffic Signal Smart Monitoring Devices, Vehicle Detection Upgrades, Associated Components, and the Renewal of Traffic Signal Software Maintenance from Paradigm Traffic Systems, Inc., and Authorize the City Manager to Execute the Purchase Order in an Amount Not to Exceed \$131,000.**

5. **Consider Action on the Purchase of Water Meters from Thirkettle Corporation DBA as Aqua-Metric Sales Company, Inc Through HGACBuy and Authorize the City Manager to Execute the Purchase Order in an Amount Not to Exceed \$150,000.**
6. **Consider Action on an Ordinance Providing for Increased Prior and Current Service Annuities Under the Act Governing the Texas Municipal Retirement System for Retirees and Beneficiaries of Deceased Retirees of the Town of Addison and Establishing an Effective Date.**
7. **Consider Action on a Resolution Finding that Oncor Electric Delivery Company LLC's Application to Change Rates Within the Town Should be Denied and Finding that the Town's Reasonable Rate Case Expenses Shall be Reimbursed by Oncor.**
8. **Consider Action on a Resolution Authorizing a Thirteen-Year Conventional Hangar Lease for Commercial Aeronautical Use with StoneDome Real Estate, LLC for 4581 Claire Chennault Drive at Addison Airport and Authorizing the City Manager to Execute the Agreement.**
9. **Consider Action on the Rejection of Bids Received in Response to Bid #22-164 for Airport Perimeter Road Repairs**
10. **Consider Action on a Resolution Approving an Agreement for Professional Services with Garver, LLC for On-Call Professional Consulting Services for Airport Capital Projects and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$150,000.**

Resolution No. R22-061: Dunaway Associates, LLC Agreement for Contract GIS Staffing.

Resolution No. R22-062: Fuquay, Inc. Agreement for Manhole Rehabilitation Services FY 2022-2023.

Ordinance No. O22-35: Texas Municipal Retirement System Increase of Annuities for Retirees & Beneficiaries of Deceased Retirees.

Resolution No. R22-063: Denial of Oncor Electric Delivery Company's LLC Application for Change of Rates.

Resolution No. R22-064: StoneDome Real Estate, LLC, 13-yr Hanger Lease, 4581 Claire Chennault Drive.

Resolution No. R22-065: Garver, LLC On-Call Agreement for Airport Capital Projects.

MOTION: Council Member Braun moved to approve Consent Agenda Items 1-10 as presented. Deputy Mayor Pro-Tem Ward seconded the motion. Motion passed unanimously.

Regular Items

11. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance**

Approving a Special Use Permit (SUP) for Property Located at 15375 Addison Road, that is Currently Zoned Local Retail (LR), to Allow a Restaurant. Case 1849-SUP/15375 Addison Road (Ambrosia Café). *[Ken Schmidt, Director of Development Services]*

The Addison Planning and Zoning Commission, meeting in regular session on September 20, 2022, voted to recommend denial of an ordinance changing the zoning on property located at 15375 Addison Road, which property is currently zoned Local Retail (LR) with Special Use Permits (SUP), Ordinance Nos. 083-025, 091-036, and 091-062. The request included an SUP to allow the building to be used as a restaurant.

In accordance with Section 14 (Denial; request for public hearing), Article XXIX (Changes and Amendments), Appendix A (Zoning) of the Addison Code of Ordinances, the applicant has submitted a written request for public hearing for City Council consideration of their appeal of the Planning & Zoning Commission's denial of the application.

Following the Planning and Zoning Commission meeting, the applicant submitted revised application materials and staff has prepared updated analysis for consideration of this item. All updated plans and analysis are included with this agenda item.

Administration recommends approval with the following conditions:

1. Upon issuance of a CO for this restaurant, SUP Ordinance Nos. 083-025, 091-036, and 091-062 permitting a restaurant with the sale of alcohol for on-premises consumption shall be repealed.
2. Operating hours that result in venue closure no later than 12:00 am and venue opening no earlier than 6 am.
3. Prohibition on the use of BYOB services.

In accordance with Section 4 (Written Protest), Article XXIX (Changes and Amendments), Appendix A (Zoning) of the Addison Code of Ordinances, a favorable vote of three-fourths of the City Council is required to approve this request due to the action by the Planning and Zoning Commission to recommend denial of the application.

Public Hearing: Lina Ismail, Restaurant Owner/Operator, addressed the City Council and answered questions presented by the City Council. No other citizens addressed the City Council.

MOTION: Council Member Braun moved to approve with the conditions as proposed by Staff. Mayor Pro-Tem Wheeler seconded the motion. Motion carried 6-1 with Deputy Mayor Pro-Tem Ward casting the dissenting vote.

Ordinance O22-36: Case 1849-SUP/15375 Addison Road (Ambrosia Café).

12. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Approving a Special Use Permit (SUP) for Property Located at 14380 Marsh Lane, Suite 100 that is Currently Zoned Planned Development (PD), Ordinance No. 007-034, to Allow a Restaurant with a Drive-Thru. Case 1855-SUP/14380 Marsh Lane, Suite 100 (Jeremiah's Italian Ice).** *[Lesley Nyp, Planning & Development Manager]*

The Addison Planning and Zoning Commission, meeting in regular session on September 20, 2022, voted to recommend approval of an ordinance changing the zoning on property located at 14380 Marsh Lane, Suite 100, which property is currently zoned Planned Development (PD), Ordinance No. 007-034, as amended by Ordinance Nos. 013-026, O16-017, O16-018, and O19-06, by approving a Special Use Permit (SUP) to allow the building to be used as a restaurant with a drive-thru.

MOTION: Council Member Gardner moved to approve as presented. Council Member Braun seconded the motion. Motion carried unanimously.

Ordinance No. O22-37: Case 1855-SUP/14380 Marsh Lane, Suite 100 (Jeremiah's Italian Ice).

13. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Approving a Special Use Permit (SUP) for Property Located at 14380 Marsh Lane, Suite 160 that is Currently Zoned Planned Development (PD), Ordinance No. 007-034, to Allow a Restaurant with the Sale of Alcoholic Beverages for On-Premises Consumption. Case 1858-SUP/14380 Marsh Lane, Suite 160 (Buttermilk Biscuits Brunch House).** *[Lesley Nyp, Planning & Development Manager]*

The Addison Planning and Zoning Commission, meeting in regular session on September 20, 2022, voted to recommend approval of an ordinance changing the zoning on property located at 14380 Marsh Lane, Suite 160, which property is currently zoned Planned Development (PD), Ordinance No. 007-034, as amended by Ordinance Nos. 013-026, O16-017, O16-018, and O19-06, by approving a Special Use Permit (SUP) to allow the building to be used as a restaurant with the sale of alcoholic beverages for on-premises consumption, subject to the following condition: (1) The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage.

Public Hearing: Jay Woo, Architect representing the property owner, was present to answer any questions. No other citizens addressed the City Council.

MOTION: Council Member Resnik moved to approve as presented. Mayor Pro-Tem Wheeler seconded the motion. Motion carried unanimously.

Ordinance No. O22-38: Case 1858-SUP/14380 Marsh Lane, Suite 160 (Buttermilk Biscuits Brunch House).

14. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Adopting a Development Plan for the Addison Reserve Townhomes, including a Site Plan, Landscape Plan, Lighting Plan, Facade Plans and Floor Plans for 31 Townhomes and Associated Public Open Space and Common Area Lots in an Existing Planned Development District (PD), Through Ordinance 022-08, Situated on Approximately 1.804 Acres located at 4150 Beltway Drive. Case 1856-Z/4150 Beltway Drive (Addison Reserve Townhomes).** *[Ken Schmidt, Director of Development Services]*

The Addison Planning and Zoning Commission, meeting in regular session on September 20, 2022, voted to recommend approval of an Ordinance Adopting a Development Plan for Addison Reserve Townhomes, including a Site Plan, Landscape Plan, Lighting Plan, Façade, and Floor Plans for 31 townhomes, and associated public open space and common area lots in an existing Planned Development District (PD), through Ordinance O22-08, situated on approximately 1.804 acres, located at 4150 Beltway Drive.

Public Hearing: Developer Josh Nichols was available to address the City Council and answer questions. No other citizens addressed the City Council.

MOTION: Deputy Mayor Pro-Tem Ward moved to approve as presented. Council Member Gardner seconded the motion. Motion carried unanimously.

Ordinance No. O22-39: Case 1856-Z/4150 Beltway Drive (Addison Reserve Townhomes).

15. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Cy-Fair Animal Hospital, a Veterinary Clinic Located at 15003 Inwood Road, Suite D, to Exceed the Maximum Permitted Letter Height and Effective Area for an Attached Sign. Case MR2022-08/Cy-Fair Animal Hospital.** *[Lesley Nyp, Planning & Development Manager]*

Cy-Fair Animal Hospital is a new veterinary clinic located within a multi-tenant building at 15003 Inwood Road. The tenant completed an interior remodel of the suite and has been issued a Temporary Certificate of Occupancy. During the sign permit review process, staff determined that the proposed attached sign did not comply with the Town's sign code.

The subject property has four suites within the existing structure, and this clinic is located within Suite D. Due to the placement of the structure and the orientation of the tenant spaces, Suite D does not have any direct frontage along Inwood Road. The primary customer entrance is oriented south towards the adjacent property, limiting visibility from the roadway. To allow for an attached sign to be visible from the roadway, a projecting wall was constructed adjacent to Suite D. The face of this wall is 227 feet from the property line, and it projects 20 feet from the south building facade.

The proposed attached sign is 63 inches tall and 158.5 inches long, with an effective sign area of approximately 69 square feet. The top of the sign will be situated approximately 25 feet above grade. The sign letters are 30.5 and 11.1 inches tall, and the sign logo is 63 inches tall. The sign includes the business name and logo and will be internally illuminated with white LED lights. The applicant is seeking a meritorious exception to allow the proposed attached sign to exceed the maximum permitted letter/logo height and effective area. Per the Sign Code, the maximum permitted letter/logo height is 30 inches, with up to 50 percent of the sign letters permitted to be up to 25 percent taller, achieving a maximum height of 37.5 inches. The proposed 63-inch logo exceeds the maximum height requirement by 25.5 inches. Per the Sign Code, this tenant space is allocated one square foot of effective sign area for each linear foot of tenant space frontage. Suite D is 45 feet wide, which would allow for up to 45 square feet in effective sign area. The proposed

attached sign has an effective sign area of 69.3 feet, exceeding the maximum effective sign area by 24.3 feet.

The applicant is pursuing a Meritorious Exception to the sign code in accordance with the code provisions stated below:

Town of Addison Code of Ordinances, Chapter 62 (Signs)

Section 62-33. – Meritorious exceptions.

(d)(3) The council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship or on the basis that the proposed improvement although falling under the definition of a "sign," constitutes art that makes a positive contribution to the visual environment.

Staff believes that the criteria is met for a meritorious exception for this proposed attached sign. The term "Animal Hospital" is an essential component of the sign that significantly impacts the size and scale of the sign logo and lettering. Achieving full sign code compliance while maintaining the same wording for the sign would result in a poorly scaled sign that would be difficult for Inwood Road commuters to decipher. The sign is appropriately scaled for the building and is compatible with other signs in the Inwood corridor.

MOTION: Council Member Braun moved to approve as presented. Council Member Resnik seconded the motion. Motion carried unanimously.

Ordinance No. O22-40: Case MR2022-08/Cy-Fair Animal Hospital.

Adjourn Meeting

There being no further business coming before the City Council the meeting was adjourned at 9:31 PM.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

Irma G. Parker, City Secretary