

OFFICIAL ACTIONS OF THE ADDISON PLANNING AND ZONING COMMISSION

November 16, 2021

6:00 P.M. - Addison TreeHouse

14681 Midway Road, Suite 200, Addison, Texas 75001

Present: Chair Eileen Resnik; Vice Chair Tom Souers; Commissioner Robert Catalani;
Commissioner Nancy Craig; Commissioner Chris DeFrancisco; Commissioner Denise
Fansler; Commissioner John Meleky

Call Meeting to Order

Chair Resnik called the meeting to order.

Pledge of Allegiance

Chair Resnik led the Pledge of Allegiance.

Consent Agenda: All items listed under the Consent Agenda are considered routine by the Planning and Zoning Commission 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 October 19, 2021 Planning and Zoning Commission Meeting.**
2. Consider Action on a **Replat of the Vitruvian Park Addition, Lots 1R and 2, Block E, comprising 11.26 Acres located on the East Side of Marsh Lane and 150 Feet South of Spring Valley Road and being a Replat of Lot 1, Block E, Brookhaven Shopping Center Phase 2 and Lot 1, Block 1, Greenhaven Village No. 2** Case R2021-01/Vitruvian Park Addition.

Chair Resnik asked if there were any requests to remove an item from the Consent Agenda for separate discussion.

Motion: Recommend approval of the Consent Agenda.

Moved by Commissioner Nancy Craig, Seconded by Commissioner John Meleky

AYE: Chair Eileen Resnik, Vice Chair Tom Souers, Commissioner Robert Catalani, Commissioner Nancy Craig, Commissioner Chris DeFrancisco, Commissioner Denise Fansler, Commissioner John Meleky

Passed

Regular Agenda:

1. Hold a Public Hearing, Present, Discuss, and Consider Action on a **Recommendation regarding an Ordinance for Property Located at 14854 Montfort Drive, currently zoned Planned Development (PD) through Ordinance No. 084-076, for a Special Use Permit (SUP) to allow a Restaurant with the Sale of Alcoholic Beverage for On-Premises Consumption.** Case 1841-SUP/14854 Montfort Drive (TK's Place).

Discussion:

Jenifer Tedrick, Planning and Development Manager presented the Staff Report.

Vice Chair Souers inquired about how staff arrived at the condition to restrict comedy events to a specific number of days and asked how this condition compared to the other comedy club in Addison.

Ms. Tedrick responded that the applicant indicated their intention was to limit comedy events to the weekend and the purpose of the SUP was specifically for a restaurant. Ms. Tedrick also confirmed that this business would operate as a restaurant, while the existing comedy venue in Town operates primarily as club, not a restaurant.

Vice Chair Souers expressed concern with limiting events to three days per week.

Commissioner Fansler asked if the applicant would have to go back to the Commission for approval if they wished to exceed the recommended number of comedy events per week.

Ken Schmidt, Director of Development Services, added that the recommendation was an effort to minimize potential impacts to the

adjacent neighborhood. He confirmed that they would need to seek approval from the commission if they wished to exceed any restrictions on the frequency of comedy events.

Vice Chair Souers shared that he was more concerned about sound generated from activities on the patio and was less concerned about the impact about comedy events occurring inside.

Commissioner Catalani and DeFrancisco also expressed concern about restricting comedy events.

Vice Chair Souers inquired about the building occupancy and parking provided for the site.

Ms. Tedrick stated that it was likely that the permitted occupancy exceeded the amount of seating provided.

TK Matteson and Kara Matteson, applicants, addressed the Commission giving an overview of their restaurant concept and noted that all events would be indoors within the designated dining room area.

Commissioner DeFrancisco asked if the applicant had a desire to extend comedy events to additional days per week beyond the proposed three day restriction.

The applicants expressed that they do not intend to have comedy events daily but would prefer not to be limited to three days per week.

There was discussion amongst the Commission on the need to have a condition that limits comedy events. Vice Chair Souers reiterated his concern about this practice and stated that noise concerns would be best addressed by the Town's noise ordinance.

Commissioner Catalani inquired about the applicant's restaurant experience.

The applicants spoke to their passion for food and confirmed that they will have an experienced kitchen staff supporting the restaurant.

Motion: Recommend approval of the SUP with the following conditions, and excluding the staff recommendation to limit comedy events to three days per week:

- The applicant shall not use any terms or graphics depictions that relate to alcoholic beverages in any exterior signage.

- Existing SUP Ordinance No. O15-014 is repealed upon issuance of a Certificate of Occupancy for the proposed use.

Moved by Vice Chair Tom Souers, Seconded by Commissioner John Meleky

AYE: Chair Eileen Resnik, Vice Chair Tom Souers, Commissioner Robert Catalani, Commissioner Nancy Craig, Commissioner Chris DeFrancisco, Commissioner Denise Fansler, Commissioner John Meleky

Passed

2. Hold a Public Hearing, Present, Discuss, and Consider Action on a **Recommendation regarding an Ordinance for Property Located at 14450 Marsh Lane, currently Zoned Local Retail (LR), for a Special Use Permit (SUP) to allow a Day Nursery.** Case 1842-SUP/14450 Marsh Lane (Tierra Encantada).

Discussion:

Jenifer Tedrick, Planning & Development Manager, presented the Staff Report.

Commissioner Catalani requested clarification on lighting replacement on the building and noted the need to have new lighting for the parking lot.

Ms. Tedrick noted that the lighting would be removed on the building. Mr. Schmidt added that this request is focused on land use and there will be a building permit review where lighting is anticipated to be addressed.

Amanda Bocchinfuso, consultant for the applicant, confirmed that there is existing sight lighting throughout the parking lot and that they intend to replace the existing building lighting that is to be removed.

Commissioner DeFrancisco requested additional information from the applicant on the dismissal plan for the school.

Ms. Bocchinfuso indicated that parents will park to drop off students. Timing of drop off and pickup are anticipated to be before and after peak travel hours as the facility is a full day daycare service. Queuing is not anticipated given the number of available parking spaces on-site.

There was discussion amongst the Commission regarding queuing and drop off for the facility. Ms. Tedrick added that due to the nature of the facility and for security purposes, parents would be parking their vehicles to walk children into the facility, eliminating potential queuing into the public street.

Vice Chair Souers expressed concerns on the security of the proposed height of the fence.

Ms. Bocchinfuso noted that this fence height is used in their other facilities. Mr. Schmidt added that the Town does not require a fence height for this type of use and asked if there was a specific height that would be more appropriate.

Commissioner Catalani expressed the same concerns on the height of the fence not being adequate. Vice Chair Souers indicated that a six foot fence would be reasonable.

Ms. Bocchinfuso confirmed the access control plan and other protective measures planned for the facility.

Chair Resnik opened the meeting as a public hearing.

Public Hearing: There were no speakers on this item.

Chair Resnik closed the public hearing.

Motion: Recommend approval of the SUP with the following conditions:

- Fencing surrounding the outdoor playground is a minimum of six feet in height.
- Existing SUP Ordinance No. O95-043 and amending SUP Ordinance No. O99-022 are repealed upon issuance of a Certificate of Occupancy for the proposed use.
- The applicant shall provide staff with proof of state childcare license prior to issuance of a Certificate of Occupancy.

Moved by Commissioner Chris DeFrancisco, Seconded by Commissioner Robert Catalani

AYE: Chair Eileen Resnik, Vice Chair Tom Souers, Commissioner Robert Catalani, Commissioner Nancy Craig, Commissioner Chris DeFrancisco, Commissioner Denise Fansler, Commissioner John Meleky

Passed

3. Hold a Public Hearing, Present, Discuss, and Consider Action on a **Recommendation regarding an Ordinance for a 5.11-acre Property Located at the Southeast Corner of Spring Valley Road and Vitruvian Way, currently zoned Planned Development (PD) through Ordinance No. 007-034 as amended by Ordinance No. 016-017, to Amend the Concept Plan and Approving a Development Plan with Waivers to the Development Standards, including but not limited to, Street Build-To Line, Exterior Building Material, and Building Color Standards for a Multi-Family Development Comprised of 85 Dwelling Units and Associated Amenity Space.** Case 1839-Z/Vitruvian Townhomes.

Discussion:

Commissioner Fansler recused herself from participating in this item due to there being a conflict of interest in accordance with Chapter 171 of the Texas Local of Government Code.

Ken Schmidt, Director of Development Services, presented the Staff Report.

Commissioner Catalani inquired on the anticipated construction timeline and impacts of supply chain issues.

Rob St. John, applicant, provided information on the construction timeline with an expected commencement date of March 2022 and an anticipated project duration of 16 months. He elaborated on the nature of the project and how they intend to address potential material and labor shortages.

Chair Resnik noted that the proposed development is a much different product than what has previously been constructed in Vitruvian and expressed interest in the anticipated demand and price point of the units.

Mr. St. John confirmed that there will be higher price points due to the size of the units with one bedroom units leasing at \$2,200 per month, and two and three bedroom units leasing for over \$3,000 per month. He confirmed that the uniqueness of this community is likely to result in high demand.

Chair Resnik opened the meeting as a public hearing.

Public Hearing: There were no speakers on this item.

Chair Resnik closed the public hearing.

Motion: Recommend approval of an amended concept plan for Vitruvian Park and a development plan and waivers to the development standards, including but not limited to, Street Build-To Line, Exterior Building Material, and Building Color Standards, for the subject property.

Moved by Commissioner Nancy Craig, Seconded by Commissioner Robert Catalani

AYE: Chair Eileen Resnik, Vice Chair Tom Souers, Commissioner Robert Catalani, Commissioner Nancy Craig, Commissioner Chris DeFrancisco, Commissioner John Meleky

Other: Commissioner Denise Fansler (RECUSE)

Passed

Adjourn Meeting

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