

OFFICIAL ACTIONS OF THE ADDISON PLANNING AND ZONING COMMISSION

December 21, 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.

REGULAR MEETING

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 November 16, 2021 Planning and Zoning Commission Meeting.**
2. Consider Action on the **Minutes from the December 7, 2021 Planning and Zoning Commission Special Meeting.**

Commissioner DeFrancisco raised a question regarding the motions for the SUP for TK's Place. He noted that the November 16, 2021 meeting minutes did not include a statement in the motion regarding the Commission's desire to not limit the number of comedy events that could be held each week, while the motion documented in the December 7, 2021 special meeting minutes did include a statement addressing that issue.

Ken Schmidt, Director of Development Services, confirmed that the Commission's position on the limitation of comedy events was not included in the motion for the November 16, 2021 meeting minutes, but it was communicated in the portion of the minutes that documented the Commission's deliberations on that item. He noted that the November 16, 2021 meeting minutes could be updated to reflect this, if desired by the Commission.

Motion: Recommend approval of the Consent Agenda as presented, with a modification to the November 16, 2021 meeting minutes to include a statement in the motion for the SUP for TK's Place (Regular Agenda Item #1), confirming the Commission's desire to not limit the number of comedy events that could be held each week.

Moved by Commissioner John Meleky, 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

Regular Agenda:

1. Hold a Public Hearing, Present, Discuss, and Consider Action on a **Recommendation regarding an Ordinance for Property Located at 5294 Belt Line Road, Suite 110, currently Zoned Planned Development (PD) through Ordinance O19-022, for a Special Use Permit (SUP) to allow a Restaurant.** Case 1845-SUP/5294 Belt Line Road Suite, 110 (La La Land Kind Café).

Discussion:

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

Commissioner Robert Catalani commended the applicant on the appearance of the business sign. He then inquired about the hours of operation and typical demographics of La La Land Kind Café customers.

Francois Reihani, Founder and CEO of La La Kind Café, stated that the operating hours are 6:30 AM to 7 PM, Monday through Sunday. He noted

that customer demographics at the Addison location ranges widely, but the majority of visits have come from families.

Commissioner Catalani also asked if the business has performed to anticipated expectations for this location.

Mr. Reihani responded that there had been demand for a location in Addison for some time, which is what prompted his search for this location. Mr. Reihani confirmed that there was a great response to the grand opening announcement, with over 200 people in line for the grand opening event, which occurred several weekends prior to this meeting.

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.

Moved by Commissioner John Meleky, 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

2. Hold a Public Hearing, Present, Discuss, and Consider Action on a **Recommendation regarding an Ordinance Amending Planned Development (PD) District Ordinance O19-22 for a 10.88-Acre property Located at the southeast corner of Belt Line Road and Montfort Drive in order to Modify Use Regulations by allowing Medical Office as a Permitted Use.** Case 1844-Z/Prestonwood Place.

Discussion:

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

Commissioner Denise Fansler inquired about the Town's parking requirements for a medical clinic use and what is the tradeoff given the parking requirements for this Planned Development (PD) District.

Ms. Tedrick responded that a medical clinic use is required to maintain a minimum parking ratio of 1 space per 200 square feet of floor area, which is equivalent to the parking requirements for the Prestonwood Place PD zoning district.

Ken Schmidt, Director of Development Services, confirmed the accuracy of Ms. Tedrick's response and added that staff would not recommend a more stringent parking requirement for this use.

Vice Chair Tom Souers requested clarification on the definition of medical clinic and medical office as this request is for medical office, but medical clinic is referenced in the draft Unified Development Code (UDC).

Ms. Tedrick pointed out that it is common for these terms to be used interchangeably and the Town's current Zoning Ordinance defines both uses similarly.

Vice Chair Souers further inquired if the adoption of the UDC, which uses the term medical clinic, would override medical office as this is the use that is being requested with this proposed amendment. He noted that he had concerns with medical office being referred to as a medical clinic, given the term clinic addresses more comprehensive medical care that could include emergency services.

Mr. Schmidt noted that adjustments can be made to the draft UDC related to how medical uses are defined and how we regulate the full range of medical uses, as more intensive uses such as an emergency clinic or laboratory may be most appropriately accommodated in a more commercial setting.

Vice Chair Souers noted that there is an existing medical service use in the shopping center, Planned Parenthood, and inquired about how it is classified and whether One Medical would be similarly classified.

Mr. Schmidt mentioned that medical uses should be viewed based on the types of services offered and hours of operation for the business. He shared that language drafted specifically for One Medical would likely be compatible with Planned Parenthood's operations, given the similar scale of services provided and hours of operations.

Commissioner Catalani asked if the use could be limited based on hours.

Mr. Schmidt confirmed that it is possible to limit hours of operation of the use and shared an example of language in a PD ordinance adopted in

2020 that modified the Local Retail (LR) District standards by allowing medical office uses and limiting those uses to non-surgical medical uses with operating hours accommodating no more than 18 hour on any given day. Mr. Schmidt suggested that a similar approach could be taken in this case, which would be applicable to and compatible with both One Medical and Planned Parenthood.

Commissioner Catalani asked for the City Attorney's point of view and if she agreed with the staff recommendation to limit the use based on hours of operation and non-surgical medical uses.

Assistant City Attorney, Dana Huffman, noted that limiting hours of operation may not address other concerns that are related to emergency medical services, such as sirens. She further added that limiting medical use based on non-surgical services would require more context to convey the desired intent.

Mr. Schmidt suggested that these concerns could be address by using the term non-emergency medical services. Ms. Huffman agreed with that approach.

Vice Chair Souers asked for the applicant's input on the Commission's discussion.

Kevin Burke, CallisonRTKL, stated that he did not disagree with anything that was being discussed.

Chair Resnik asked about the hours of operation.

Donald Graham, representing One Medical, stated that the hours of operation are 9 AM to 6 PM.

Vice Chair Souers asked if One Medical's business model would be considered non-emergency.

Mr. Graham confirmed and clarified that One Medical is a medical office type use that does not perform out-patient surgeries. Their primary function is as a primary care doctor. He added that their services are limited to members and that it is not a concierge medical service.

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 request to amend PD District Ordinance O19-22 to modify use regulations by allowing medical office as a permitted use with the following conditions:

- The property may be used for medical office uses providing non-emergency services; and
- Medical office uses may be open and operational no longer than 18 hours on any given day.

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

3. Consider Action on a **Final Plat and Replat of the Vitruvian Park Addition, Block D, Lots 1R, 2R, 3R, 4R and 5, comprising 13.062 Acres located on the Northeast Corner of Marsh Lane and Vitruvian Way, being a Replat of Block D, Lot 1, Vitruvian Park Addition and Final Plat of a 0.3265-Acre Tract situated in the Noah Good Survey** Case R2021-02/Vitruvian Park Addition, Block D.

Discussion:

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

Mr. Schmidt presented an overview of the proposed plat and its purpose. Mr. Schmidt explained that the Town is required by State law to approve or deny a plat within 30-days of application submittal. During the construction of the Vitruvian West development, an Oncor electric easement was dedicated within the area that is proposed by this plat to be dedicated as right-of-way for Westgate Lane. In order to work with Town staff and Oncor to address the future abandonment of that electric easement, the applicant is requesting a one-time 30-day extension to consideration of this plat, as permitted by Chapter 212 of the Texas Local Government Code. This extension would give the applicant additional time to work with Town staff to resolve treatment of the electric easement and if approved, consideration of this plat would be placed on the Commission's

January agenda.

Chair Resnik noted that Commissioner Fansler has recused herself from participation in this item due to a conflict of interest resulting from her past employment.

Motion: Approval of the 30-day extension request.

Moved by Commissioner Chris DeFrancisco, Seconded by Commissioner Nancy Craig

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

Chair Resnik thanked the Commission members for allowing her to serve as the Chair.

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