

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
February 27, 2012
City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, February 27, 2012 with a quorum of said Council present, to-wit:

Bob Townsend	Mayor
Laura Maczka	Mayor Pro Tem
Mark Solomon	Council member
Scott Dunn	Council member
Kendal Hartley	Council member
Steve Mitchell	Council member
Amir Omar	Council member

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Pamela Schmidt	City Secretary
Michael Spicer	Director of Development Services

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1. **INVOCATION – STEVE MITCHELL**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – STEVE MITCHELL**
 3. **MINUTES OF THE FEBRUARY 13, 2012 MEETING**

ACTION TAKEN: Mr. Omar moved approval of the minutes as submitted; second by Mr. Hartley and the motion was approved with a unanimous vote.

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4. **VISITORS.** (The City Council invites citizens to address the Council on any topic not already scheduled for public hearing. Prior to the meeting, please complete a "City Council Appearance Card" and present it to the City Secretary. The time limit is five minutes per speaker.)

None

PUBLIC HEARING ITEMS:

5. **PUBLIC HEARING, ZONING FILE 11-28: A REQUEST BY GENE MILLAR, REPRESENTING TEAM GROUP, LTD., TO REZONE A 12.4-ACRE LOT FROM I-M(1) INDUSTRIAL AND I-FP(2) INDUSTRIAL TO PD PLANNED DEVELOPMENT FOR THE I-M(1) INDUSTRIAL AND I-FP(2) INDUSTRIAL DISTRICTS WITH MODIFIED DEVELOPMENT STANDARDS FOR THE EXPANSION OF AN EXISTING COLD STORAGE FACILITY AT 401**

N. GROVE ROAD (NORTHWEST CORNER OF GROVE ROAD AND APOLLO ROAD). THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL AND I-FP(2) INDUSTRIAL.

Mr. Keffler advised that the Plan Commission recommend unanimous approval of the request during its February 7, 2012 meeting. He explained that the Commission added a stipulation for enhanced landscaping along Apollo Road and he referred to the letter from the applicant dated February 23rd about other items of mitigation. He asked Michael Spicer, Director of Development Services, to brief the Council.

Mr. Spicer stated the subject property is a 12.4 acre lot which includes two different industrial zoning districts. He described the existing site and specifically noted the railroad easement along the north end of the property. The site is occupied by an existing cold storage warehouse consisting of about 145,600 sq ft. The loading dock area is screened from the residential neighborhood by an 8 ft masonry wall. The applicant intends to expand the current facility by nearly 82,000 sq. ft to the north and includes additional office space and cold storage. The expansion includes 13 loading docks facing Grove Road, nine additional parking spaces out front, a driveway off of Grove Road at the northeast corner of the property, and a landscape buffer mitigating the view of the loading dock area along Grove Road. He noted that the existing driveway along Apollo would be closed and the Apollo Road area will be landscaped with ornamental trees, shrubs and ground cover. He reviewed the modified standards exclusively for the expansion of the building and listed the items agreed to by the owner as stated below.

- Re-positioning of parked trailers with refrigeration units at the loading dock doors to minimize excess sound, and restricting parking of trucks and trailers next to the 8' concrete wall, parallel with Apollo Road;
- Transportation managers of the companies accessing the site have been requested to minimize maneuvering of vehicles, use of horns, and elimination of any unnecessary noise, during the late evening or early morning hours;
- Signs have been installed at the truck drive entrance off North Grove to notify drivers to turn off their engines when parked;
- Adjust the angle of the lights over the truck dock doors, to minimize the light into the neighborhood; and
- Add a light "shield" on the south side light fixture to redirect the light back toward the facility and away from Apollo Road.

Mr. Spicer specifically pointed out the additional landscaping required by the City Plan Commission that resulted in an approximate 60% increase above that proposed by the applicant. He explained that only turf exists currently in the area between the wall and the curb. He provided the elevations and described the exterior material. He concluded the presentation with photos of the facility and noted that the Plan Commission unanimously recommended approval of the request.

Mr. Solomon asked about the abandonment of the railroad easement and Mr. Spicer replied that the plan anticipates either concept. If the abandonment occurs, the applicant would be able to build to the maximum of over 80,000 sq ft of additional space. He stated the reason for the abandonment is for the fire lane.

Mr. Mitchell asked about truck traffic and Mr. Spicer stated the entry would be from N. Grove Road and he noted that the driveway gate at Apollo is currently closed.

Mr. Omar asked about the wall and landscaping along Apollo and Mr. Spicer responded that current drive will be landscaped to prevent entry at the site but the wall will not be extended. The sidewalk currently runs adjacent to the wall and between the six drainage inlets. With the improvements, the sidewalk abutting the base of the wall will be removed and installed back of curb and landscaping installed adjacent to the wall making the sidewalk meander. He stated the development plan would include at least 27 ornamental trees subject to review by the Plan Commission. Mr. Omar voiced concern about the current condition of the wall and asked if any adverse impact would occur with removal of the sidewalk and asked if there was a mechanism to require the wall to be painted. Mr. Spicer advised that the Council could require the wall to be repainted. Mr. Keffler stated there is no provision to require properties to repaint the walls unless there is a graffiti problem, but staff will work with the owners to get voluntary improvements.

Mayor Townsend opened the public hearing and invited the applicant to present the request.

Gene Miller, DeSoto, Texas, applicant, stated the main reason for making application was to have the additional height. He noted the improvements made in 2005, additional accounts, good employees; now the facility is full and expansion is needed. He advised that there is a tremendous amount of fixed costs and it makes good economical sense to expand at this site.

Mr. Omar asked the applicant's viewpoint and willingness to address the aesthetic of the wall with cleaning and repainting and Mr. Miller stated he would talk to the owner. With regard to landscaping, he stated they would be installing live oaks, red tip photinia and some type of ground cover. He felt the wall appearance would change because of the additional landscaping. He also noted that the landscaped area would be irrigated. With regard to the thermo-king trucks, Mr. Miller stated they are working to reposition trucks and are asking the drivers to park as requested to address the sound. He stated there may be times when it is unavoidable. Mr. Mitchell stated that the proximity of the site to a residential area causes the need for more sensitivity regarding impacts to the neighborhood. Mr. Miller stated they have made a commitment to make improvements and acknowledged that it would take some time to completely comply. He also stated they would be encouraging use of the newer east side docks.

Manuela & Mary Garcia, 522 Apollo Road, addressed the noise from the idling of the vehicles, as well as noise with use of radios and horns as well as the workers. She also expressed concern with regard to the fumes from the trucks and felt the wall should be higher.

Shirley Parker, 518 Apollo Road, stated she has lived at the address for 46 years and talked about the noises caused by the refrigeration trucks as well as unloading occurring in the very early morning hours. She noted the diesel fumes, particularly in the summer time. She felt the problem with the noise and fumes is due to the wall being too short. She also asked about if there is a restriction on loading hours and Mr. Keffler replied that he was unaware of a restriction.

Jeffrey Roddy, 525 Royal Crest, commented that the idling occurs all of the time and also voiced concern about the fumes, but is not concerned about the aesthetics of the wall. He suggested construction of a baffle along the top of the fence to address the fumes and asked about enforcement.

Mr. Omar moved to close the public hearing; second by Ms. Maczka and the motion was approved with a unanimous vote.

Mr. Mitchell referred to the testimony of the residents and asked Mr. Miller if it were possible to move the existing docks to the north side and Mr. Miller stated it would not be viable at this time because of the dock area. With regard to the height of the wall, Mr. Miller stated the wall was engineered for eight foot and he does not know that it would be able to sustain additional height. He noted again the plan to add live oak trees and photinia to address the noise. He noted that newer vehicles are more efficient but he was not sure he could do anything further to impact the fumes. He stated they have also been checking the site and have not noticed trucks idling. He stated the refrigeration units are more efficient and burns cleaner although they may not ever be rid of the diesel smell.

Mr. Omar suggested planting the photinia or something like photinia plants on the inside of the wall would absorb some of the sound and smell and Mr. Miller stated there is a sanitary sewer line easement in the area. Mr. Spicer stated the primary concern is access to the sewer line. Mr. Omar also suggested landscaping along the west side of the property.

Mr. Hartley asked about the use of the docks on the south side and Mr. Miller stated the plan is to lessen the activity along the south side. He stated that most of the trucks arrive by appointment and when the trucks are backed to a door, the truck is as far away from the south wall as it can be. The plan for the east side dock is to be by appointment only and currently the earliest appointment is 7:00 a.m. He stated that some trucks will arrive early but they are unaware of any loading and unloading activity in the last few months. Loading times are generally 7:00 a.m. to 6:00 p.m. and Mr. Miller noted that there are some outside of those hours. The plan for the future is to be more systematic about loading and unloading. Normal business hours are roughly 7:00 a.m. to 7:00 p.m. He noted that there is a client whose safety practice is to sound the horn to insure there is no one behind the truck and they have met with the account representative to address the concerns.

Mr. Mitchell suggested the option of removing some of the parking lot to allow for planting inside the wall to address the fumes. Mr. Miller stated he could not respond definitively without discussing it with the owner and stated he did not know if it would solve the concerns. He stated the intent by the owner is solid; the owner is a good neighbor and intends to move forward.

Ms. Maczka stated that she did not want to lose sight of the fact that the applicant has already been very responsive to the concerns voiced by the Plan Commission. She voiced concern about the aesthetic of the wall and also about the fumes. She stated she liked the idea of the photinias on the inside of the wall. Mayor Townsend felt the applicant has demonstrated his willingness to work with the City and the neighbors and did not feel that stipulations were necessary. Discussion was held regarding the placement of the trees and photinias and the impact on the sewer line and wall. Mr. Omar reiterated his suggestion to plant photinias along the west side of the property to the back of the building.

ACTION TAKEN: Mr. Dunn moved approval as requested with an additional requirement for photinias on the west side of the property subject to staff review; second by Mr. Hartley. Discussion. Mr. Omar stated he would like to ask staff to find a solution that would best create sound and smell absorption. Mr. Keffler reminded Council that the Plan Commission is responsible for approval of a landscape plan and formal site plans at a later stage. Mr. Solomon clarified that the Council was asking for this

opportunity to be maximized to improve the aesthetics along Apollo and the aesthetics to be the maximum for sound absorption, smell absorption, site lines improved upon, re-looking at the landscaping alignment to be inside for some if necessary and including painting the all. Mr. Keffler stated it would be best for Council to state where to place the plant material. Mr. Mitchell asked Mr. Dunn if he were willing to include power washing and Mr. Dunn responded affirmatively but was not willing to amend the motion to require the photinias within the wall. Mr. Omar stated he would vote in opposition based on the placement of the photinias on the outside of the wall. Mayor Townsend restated the motion as follows: to approve the request with the added stipulations that the wall be power washed and require the planting of photinias on the west property line. The vote on the motion was 4-3, Mr. Solomon, Ms. Maczka and Mr. Omar in opposition. Motion approved.

ALL ITEMS LISTED UNDER ITEM 6 OF THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSIONS OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY:

6. CONSENT AGENDA:

Mr. Dunn asked about Ordinance 3855 and Mr. Keffler replied that it is a procedural item codifying ordinance approved during the previous year.

ACTION TAKEN: Mr. Solomon moved to approve the Consent Agenda as presented; second by Mr. Hartley and the motion was approved with a unanimous vote.

A. Approve the following Ordinances:

1. Ordinance No. 3853, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning to grant a Special Permit for an Indoor Soccer Facility with Special Conditions and by repealing the Special Permit for an Inline Hockey Arena on a 1.23-acre tract of land zoned C-M Commercial located at 1000 Hampshire Lane.
2. Ordinance No. 3854, amending the Comprehensive Zoning Ordinance and zoning map by amending and restating Ordinance No. 3849 by amending the Special Conditions and concept plan for a patio home development.
3. Ordinance No. 3855, adopting Supplement No. 20 to the Code of Ordinances, adopted October 16, 1992.

- B. Approve Resolution No. 12-02, suspending the March 6, 2012, effective date of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex") requested rate change to permit the City time to study the request and to establish reasonable rates, approving cooperation with Atmos cities steering committee ("ACSC") and other cities in the Atmos Mid-Tex Service area to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; requiring reimbursement of Cities' rate case expenses, finding that the meeting at which this**

Resolution is passed is open to the public as required by law; and requiring Notice of this Resolution to the Company and ACSC's legal counsel.

- C. Approve advertisement of Bid #33-12 – 2010 alley rehabilitation project Phase III (400 Block of Malden & 1400 Block of Lorrie). Bids to be received by Thursday, March 22, 2012 at 2:00 P.M.

7. **RECEIVE THE SIGN CONTROL BOARD MINUTES OF THE FEBRUARY 8, 2012, MEETING.**

ACTION TAKEN: Mr. Solomon moved approval of the minutes as presented; second by Mr. Mitchell and the motion was approved with a unanimous vote.

Mayor Townsend adjourned the meeting at 9:18 p.m. and announced that the Council would reconvene the Work Session in the Richardson.


MAYOR

ATTEST:


CITY SECRETARY