



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

JANUARY 11, 2011

TOWN HALL

ADDISON TOWN HALL, 5300 BELT LINE, DALLAS, TX 75254
STARTING TIME: REGULAR MEETING 7:30PM

REGULAR MEETING

Pledge of Allegiance

Item #R1- Consideration of Old Business

Introduction of Employees

Discussion of Events/Meetings

Item #R2- Consent Agenda.

#2a- Approval of the Minutes for the 12/14/2010 Regular Council

Meeting and Work Session.

#2b- Approval of a Resolution regarding H.B. 1937, adopted by the Texas Legislature in 2009 and relating to a voluntary assessment of property by a municipality to finance certain energy conservation improvements, and encouraging the 82nd Legislature to adopt legislation to amend H.B. 1937 in order to allow municipalities to implement its provisions.

#2c- Approval of a Supplemental Agreement to the Agreement for Professional Service with Halff Associates, Inc., for Addendum No. 2 in the amount not to exceed \$14,400.00, for additional professional services for Spring Valley Road.

Item #R3 Presentation, discussion and consideration of approval of a license agreement between the Town of Addison and UDR, Inc., to permit UDR to construct and place certain banners on street light poles located within the public rights-of-way, and a monument sign to be located on real property owned by the Town located at the southwest corner of Spring Valley Road and Vitruvian Way.

Attachment(s):

1. Proposed license agreement

Recommendation:

Staff recommends approval.

Item #R4 Presentation, discussion and consideration of approval of an ordinance amending Chapter 62, Signs, of the Code of Ordinances, by amending Section 62.289 - Special Districts, in order to add a new Section, Section G, containing Special District sign standards for Vitruvian

Park.

Attachment(s):

1. Proposed Ordinance w/Exhibits

Recommendation:

Staff recommends approval.

Item #R5 **PUBLIC HEARING** Case 1607-Z-1/MHSS Addison, LP.

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Presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance 009-004, Section 4. Development Standards and Conditions, Sub-section (a) Area Regulations., paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I., and provide for approval of development plans in an existing Planned Development district, (#009-004), located on approximately 6.9 acres at the northwest and southwest corners of Sojourn Drive and Dallas Parkway, on application from MHSS Addison, LP, represented by Mr. Marc Goldman.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of an ordinance amending Planned Development Ordinance 009-004, Section 4 Development Standards and Conditions, Sub-section (a) Area Regulations, paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I, and provide for approval of a development plan for a medical

office building in an existing Planned Development district (#009-004), subject to the following conditions:

-Ordinance 009-004, Section 4. Development Standards and Conditions, Sub-section (a) Area Regulations., paragraph (iii), shall be revised to read as follows:

(iii) All parking structures shall be set back from all property lines which are interior to Tract I a minimum of zero (0) feet.

-the site plan shall be revised to either remove the garage entrance at the southern driveway on Addison Road, or limit the driveway to right-in/right-out traffic movements only.

-prior to the issuance of a building permit, the applicant shall submit a checklist to the Building Inspection Department that lists the sustainable or “green” elements to be included in the building design and operation.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: None Absent: None

Attachment(s):

1. Docket map, staff report, commission findings

Recommendation:

Staff recommends approval.

Item #R6 **PUBLIC HEARING** Case 1613-SUP/Tom Thumb.

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Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as

14280 Marsh Lane, on application from Tom Thumb, represented by Mr. Gerald Franklin of the Gerald Franklin Agency.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Attachment(s):

1. Docket map, staff report, commission findings

Recommendation:

Staff recommends approval.

Item #R7 **PUBLIC HEARING** Case 1614-SUP/Pennysavers

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Foodstore. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 14330 Marsh Lane, on application from Mr. Abdul Hadwani of Altaf Foodstore, Inc.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Attachment(s):

1. Docket map, staff report, commission findings

Recommendation:

Staff recommends approval.

Item #R8 **PUBLIC HEARING** Case 1615-SUP/TETCO. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 5012 Belt Line Road, on application from TETCO Stores, LP, represented by Ms. Arlene Whitaker.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Attachment(s):

1. Docket map, staff report, commission findings

Recommendation:

Staff recommends approval.

Item #R9 **PUBLIC HEARING** Case 1616-SUP/La Zaranda Restaurant. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 850, on application

from Mesea Enterprises, LLC, represented by Mr. Mario Letayf.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Attachment(s):

1. Docket map, staff report, commission findings

Recommendation:

Staff recommends approval.

Item
#R10 -

PUBLIC HEARING Case 1617-Z/Town of Addison.

Presentation, discussion and consideration of approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A. (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same, on application from the Town of Addison, represented by Carmen Moran.

COMMISSION FINDINGS: The Addison Planning and

Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A, (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Attachment(s):

1. Notice, staff report, commission findings

Recommendation:

Staff recommends approval.

Item
#R11 -

Presentation, discussion and consideration of approval of an Ordinance amending Chapter 82 (Utilities) of the Code of Ordinances by amending the sewer and water minimum bills for the multi-family residential customer classification, including a multi-family large user and a multi-family small user classification, and amending the volume included in the monthly minimum bill for those user classifications.

Attachment(s):

1. Attachment A
2. Ordinance

Recommendation:

Staff recommends approval.

Item #R12 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc., for an amount not to exceed \$54,800.00 for assistance with the implementation of the Storm Water Management Program for the Town of Addison.

Recommendation:

Staff recommends approval.

Item #R13 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a construction contract with C. Green Scaping, L.P., in the amount of \$31,964.00 for the construction of certain public infrastructure (including sidewalk improvements) within that area of the Town generally known as Addison Circle (Spectrum Drive North/South Extension).

Attachment(s):

1. Tabulation of Quotes

Recommendation:

Staff recommends approval.

Item #ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City

Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

Item
#R14 -

Presentation, discussion and consideration of approval of any action regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

Item
#R15 -

Presentation, discussion and consideration of approval of an Economic Development Program Grant Agreement regarding provision of an economic development incentive grant.

Recommendation:

Staff recommends approval.

Adjourn Meeting

Posted:

1/7/2011, 5PM, Lea Dunn

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 the Minutes for the 12/14/2010 Regular Council Meeting and Work Session.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[Minutes for 12/14/2010](#)

Type:

Backup Material

**OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
WORK SESSION**

December 14, 2010

6:00 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254 Starting Times: Work Session

6:00PM, Regular Meeting 7:30PM

Upstairs Conference Room

Council Members Present:

Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik

Absent:

None

Work Session

Item #WS1 - Presentation and discussion regarding crime reporting.

This Item will be brought back to the January 11, 2011 Regular Council Meeting with a recommendation.

There was no action taken.

Attest:

Mayor-Joe Chow

City Secretary-Lea Dunn

**OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
REGULAR MEETING**

December 14, 2010

6:00 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254 Starting Times: Work Session

6:00PM, Regular Meeting 7:30PM

12/10/2010, 5PM, Lea Dunn

Council Members Present:

Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik

Absent:

None

REGULAR MEETING

Item #R1 - Consideration of Old Business

Item #R2 - Consent Agenda

#2a - Approval of Minutes for: 11/23/2010 Regular Meeting and Work Session
12/6/2010 Special Meeting and Work Session

A motion to was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

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

Voting Nay: None

#2b - Approval of a Contract for Services with Shakespeare Dallas for the Town's sponsorship of "Shakespeare in the Park" in Addison Circle Park annually in October 2011 and October 2012.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

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

Voting Nay: None

#2c - Approval of the publication of the Town's check register online.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik
Voting Nay: None

#2d - Approval of the purchase of (1) 2011 Crane Truck under the Town's Inter-local Agreement with the Texas Local Government Purchasing Cooperative - known as BuyBoard in the amount of \$96,484.00.

A motion to Approve was made by Councilmember Blake Clemens.
The motion was seconded by Councilmember Don Daseke.
The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik
Voting Nay: None

#2e - Approval of the purchase of (1) 2011 Ambulance, (1) 3/4 Ton Fleet Service Truck, (1) 3/4 Ton Truck and (6) equipment attachments for the airport tractors under the Town's Interlocal Agreement with the Houston-Galveston Area Council (HGAC) in the amount of \$236,550.01.

A motion to Approve was made by Councilmember Blake Clemens.
The motion was seconded by Councilmember Don Daseke.
The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik
Voting Nay: None

#2f - Approval of a contract with Elite Landscaping totaling \$828,871.00 for construction of the Redding Trail Extension and George H.W. Bush Elementary landscaping and playground improvements.

Item #2f was pulled for clarification and was approved.
A motion to Approve was made by Councilmember Roger Mellow.
The motion was seconded by Councilmember Don Daseke.
The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik
Voting Nay: None

#2g - Approval of a Trail and Lighting Easement Agreement between the Town of Addison and Greenhill School for the construction of the Redding Trail Extension.

A motion to Approve was made by Councilmember Blake Clemens.
The motion was seconded by Councilmember Don Daseke.
The motion result was: Passed
Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik
Voting Nay: None

Item #R3 - Presentation of the Certificate of Achievement for Excellence in Financial

Reporting for the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2009.

There was no action taken.

Item #R4 - PUBLIC HEARING Case 1612-SUP/The Social House. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located in the Village on the Parkway shopping center at 5100 Belt Line Road, Suite 410, on application from SH=Addison, LLC., represented by Mr. Stephen B. Lindsey.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on November 18, 2010, voted to recommend approval of a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only,

subject to the following conditions:

-There shall be no live music allowed on the patios.

-The applicant shall not use any terms, including the term "club," or graphic depictions that denote alcoholic beverages in exterior signs.

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

Nay: none Absent: Arfsten

Ordinance 010-048 was approved.

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

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Passed

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

Voting Nay: None

Item #R5 - PUBLIC HEARING Case 1611-SUP/Red Koolman's Beer and Wine. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of alcoholic beverages for off-premises consumption only, located in a Local Retail (LR) zoning district at 14647 Inwood Road, on application from Tsega Berhe.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on November 18, 2010, voted to recommend approval of a Special

Use Permit for the sale of alcoholic beverages for off-premises consumption only, subject to the following conditions.

-Prior to the issuance of the staff's release of the Special Use Permit, a landscape plan showing the renovation of the street landscape buffer to include new shrubbery and ornamental trees.

-A new "smart" controller shall be installed on the existing irrigation system.

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

Voting Nay: none Absent: Arfsten

Ordinance 010-049 was approved.

A motion to Approve w/ Conditions was made by Councilmember Blake Clemens. The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

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

Voting Nay: None

Item #R6 - Presentation, discussion and consideration of approval of the City Manager's recommended incentive compensation to Washington Staubach Addison Airport Venture for 2010 in the amount of \$162,042.00.

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: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik

Voting Nay: None

Item #R7 - Presentation, discussion and consideration of approval of an ordinance amending Chapter 14 (Aviation), Article III (Municipal Airport), Division 1 (Generally) of the Code of Ordinances adopting and amending rules and regulations relating to the use and operation of Addison Airport, including the use and operation of aircraft and vehicles, and hangars owned and/or operated by the Town.

Ordinance 010-050 was approved.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Passed

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

Voting Nay: None

Item #R8 - Presentation, discussion and consideration of approval authorizing the City Manager to renew the Town's health insurance contract with Blue Cross/Blue Shield of Texas (BCBSTX).

A motion to Approve was made by Councilmember Don Daseke.

The motion was seconded by Councilmember Roger Mellow.

The motion result was: Passed

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

Voting Nay: None

Item #R9 - Presentation, discussion and consideration of approval to authorize the City Manager to execute Change Order No. 2 with Austin Bridge & Road, L.P., in an amount not to exceed \$110,000.00 and an extension of twenty-three (23) calendar days for the construction of certain public infrastructure (including two vehicular bridges, a pedestrian bridge and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1D).

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

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

Voting Nay: None

Item #R10 - Presentation, discussion and consideration of approval of a Funding Agreement between the Town, the North Central Texas Council of Governments (NCTCOG), and the State of Texas to be applied to Sustainable Development projects.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Bianca Noble.

The motion result was: Passed

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

Voting Nay: None

Item #R11 - Presentation, discussion and consideration of approval of the Town's consent to assignment of an option contract from Twin City Hotels, LLC to Praveen Katapally and/or assigns regarding an option to lease the property located at 4460 Belt Line Road (Clay Pit Restaurant).

This Item is approved subject to City Manager and City Attorney approval.

A motion to Approve was made by Councilmember Kimberly Lay.
The motion was seconded by Councilmember Don Daseke.
The motion result was:
Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik
Voting Nay: None

Item #R12 - Presentation, discussion and consideration of approval of any action regarding the Property Assessed Clean Energy (PACE) program, including the adoption of House Bill 1937 (2009) that added Chapter 376 to the Texas Local Government Code.

This Item was approved subject to the drafting of a resolution encouraging the 82nd Legislature to move forward in supporting the PACE Program. The resolution will be brought forward at the January 11, 2011 Council Meeting.

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: Chow, Clemens, Daseke, Lay, Mellow, Noble, Resnik
Voting Nay: None

Attest:

Mayor-Joe Chow

City Secretary-Lea Dunn

Council Agenda Item: #R 2b

AGENDA CAPTION:

Approval of a Resolution regarding H.B. 1937, adopted by the Texas Legislature in 2009 and relating to a voluntary assessment of property by a municipality to finance certain energy conservation improvements, and encouraging the 82nd Legislature to adopt legislation to amend H.B. 1937 in order to allow municipalities to implement its provisions.

FINANCIAL IMPACT:

N/A

BACKGROUND:

In 2009 the Texas Legislature adopted H.B. 1937 that authorized a municipality to facilitate the financing of the installation of renewable energy resources or energy-efficient improvements on private property, with payment for the financing being made from assessments levied against the property. Following its adoption, it was determined that there were a number of concerns with the legislation, and consequently no municipality has implemented its provisions.

This matter was discussed at the Council meeting held on December 14, at which time the Council directed the preparation of a resolution encouraging the Legislature to adopt, during its 2011 regular session, a bill that would resolve those issues. A draft of a proposed resolution is attached.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[PACE Resolution](#)

Type:

Backup Material

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS REGARDING H.B. 1937, ADOPTED BY THE TEXAS LEGISLATURE IN 2009 AND RELATING TO A VOLUNTARY ASSESSMENT OF PROPERTY BY A MUNICIPALITY TO FINANCE CERTAIN ENERGY CONSERVATION IMPROVEMENTS, AND ENCOURAGING THE 82ND TEXAS LEGISLATURE TO ADOPT LEGISLATION TO AMEND H.B. 1937 IN ORDER TO ALLOW MUNICIPALITIES TO IMPLEMENT ITS PROVISIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2009 the Texas Legislature adopted H.B. 1937 regarding energy efficiency that sought to authorize a municipality to designate an area in which municipal officials and property owners could enter into contracts to assess properties for energy-efficient public improvements and to finance the installation of distributed generation renewable energy resources or energy-efficient improvements that would be permanently affixed to real property; and

WHEREAS, following its adoption, a number of concerns, including legal concerns, were raised about H.B. 1937, and consequently no Texas municipality has implemented its provisions; and

WHEREAS, the objective of H.B. 1937, namely to increase energy efficiency by allowing a property owner to finance at a lower cost a reduced or clean energy capital expenditure, would among other things result in the property in which energy efficiency is achieved to be operated at a reduced cost, thereby enhancing its value and, as to a commercial property, allowing the property owner to achieve a more competitive position in the market; and

WHEREAS, that objective and the anticipated results therefrom should be encouraged and legislation introduced during the regular session of the 82nd Texas Legislature to amend H.B. 1937 that would remedy and remove the concerns that have inhibited its implementation.

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

Section 1. The 82nd Texas Legislature is encouraged during its regular session to adopt legislation that would amend H.B. 1937 to address all concerns, legal and otherwise, that have hindered Texas municipalities from implementing its provisions.

Section 2. This Resolution shall take effect from and after its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 11th day of January, 2011.

Joe Chow, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R 2c

AGENDA CAPTION:

Approval of a Supplemental Agreement to the Agreement for Professional Service with Halff Associates, Inc., for Addendum No. 2 in the amount not to exceed \$14,400.00, for additional professional services for Spring Valley Road.

FINANCIAL IMPACT:

Current Design Contract Amount: \$159,780.00

Contract Addendum No. 1 for water line, duct bank and survey work \$28,900.00

Proposed Addendum No. 2: \$14,400.00

Source of Funds: Capital Improvements Fund
2008 Certificates of Obligation

Project Manager: Nancy S. Cline, P.E.

BACKGROUND:

The Agreement for Professional Services for the Spring Valley Road was authorized by the City Council on May 25, 2010 and included design services for the widening of the road, storm drainage facilities, traffic signal construction at the intersection, traffic control, landscape design and construction phase services. On August 24, 2010, City Council approved Addendum No. 1 for \$28,900 for additional professional services that included design of a new 12 inch water line, electric duct bank, and metes and bounds surveys for two ROW parcels. This proposed Addendum No. 2 provides for additional work identified in the construction phase and attending the weekly construction meetings to address requests for information.

The previous not to exceed amount for the professional services for Spring Valley Road is \$188,680 and with the proposed addendum of \$14,400 will total \$203,080. The project was awarded for construction to North Texas Contracting, Inc. for \$3,478,396.90 on October 26, 2010, began on schedule on November 17, 2010 and is scheduled to be completed in time for

the opening of the new G.H.W. Bush DISD elementary school.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

Promote Quality Transportation Services

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R3

AGENDA CAPTION:

Presentation, discussion and consideration of approval of a license agreement between the Town of Addison and UDR, Inc., to permit UDR to construct and place certain banners on street light poles located within the public rights-of-way, and a monument sign to be located on real property owned by the Town located at the southwest corner of Spring Valley Road and Vitruvian Way.

FINANCIAL IMPACT:

No financial impact.

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[Proposed license agreement](#)

Type:

Backup Material

Vitruvian Park Banners means banners promoting or otherwise providing notice of seasonal events, special events, and other signage intended for residences of Vitruvian Park.

Vitruvian Park Monument Sign shall have the meaning stated in the recitals above.

3. Grant of license. The City does hereby grant to UDR a revocable license to install, maintain and repair (at UDR's sole cost and expense) (i) Vitruvian Park Banners on street light poles located within the public right-of-way adjacent to or otherwise located next to or in any portion of Vitruvian Park, including the public parking lot adjacent to and west of Savoye Drive; (ii) the Vitruvian Park Monument Sign. The license hereby granted is subject to and shall be used by UDR in accordance with the terms and conditions of this License Agreement, including the following:

(a) Vitruvian Park Banners mounted on street lights located within the rights-of-way of Vitruvian Way, Ponte Avenue, and Bella Lane shall, except as otherwise permitted by the City, have a minimum mounting height from the bottom of the banner of nine (9) feet.

(b) Vitruvian Park Monument Sign, the design of the monument sign to be installed on real property owned by the City located at the southwest corner of Spring Valley Road and Vitruvian Way in Addison shall be in accordance with the Town's Sign Ordinance requirements for Vitruvian Park as contained in Chapter 62, Signs, of the Code of Ordinances of the Town, Section 62-289, Item G. (Vitruvian Park).

(c) Vitruvian Park Signs shall not interfere with any regulatory or advisory sign of the City or any other governmental entity.

4. Term. This License shall continue in force for a period of twenty (20) years from the date of execution of this Agreement, with automatic five-year renewal terms thereafter unless otherwise terminated in accordance with the terms of paragraph 9 hereof.

5. Non-exclusive license. This license is not exclusive, and is subject and subordinate to: (a) any existing street utility, drainage or communication facility located in, on, under or upon Vitruvian Park; (b) all vested rights presently owned by any utility or communication company; (c) any existing license, lease, easement, or other interest heretofore granted by the City; and (d) the terms and conditions of this License Agreement.

6. Design, construction, maintenance, replacement, and relocation.

(a) All design, construction, installation, replacement, removal, operation and maintenance by UDR of any Vitruvian Park Sign shall be done in such a manner so as not to interfere with or create a hazard to the operation, maintenance, and use of a public right-of-way. All Vitruvian Park Signs shall be approved by the City's Director of Development Services or her designee prior to their construction or placement, which approval will not be unreasonably withheld or delayed.

(b) All Vitruvian Park Signs shall be maintained by UDR at all times in a safe, neat and good physical condition. Prior to instituting any such maintenance, UDR shall secure from the City

any necessary permits, including building and right-of-way permits. The City shall be the sole judge of the quality of the maintenance, and upon written notice from the City, by and through the City's Director of Development Services or her designee, stating in general terms how and in what manner the maintenance is required, UDR shall perform such required maintenance. If UDR fails to do so, the City shall have the right (in addition to any other rights of the City provided for herein) to perform such maintenance, the cost of which shall be borne by UDR.

(c) The City shall have the right to require UDR to adapt or conform any Vitruvian Park Sign, or to alter, relocate or change any Vitruvian Park Sign, to enable the City to use, or to use with greater convenience, any public street, alley or right-of-way. In the event UDR has not relocated any such Vitruvian Park Sign as directed by the City's Director of Development Services within thirty (30) days from date of receipt of written notice from the City's Director of Development, the City shall have the right, without liability to UDR, to relocate, cause to be relocated, or remove such Vitruvian Park Sign, and UDR shall reimburse the City for all costs of relocation or removal.

7. Insurance. UDR shall purchase and maintain during the term of this License Agreement commercial general liability insurance including personal injury liability, premises operations liability, and contractual liability, covering, but not limited to, the liability assumed under the indemnification provisions of this Agreement, with limits of liability for bodily injury, death and property damage of not less than \$1,000,000. Coverage must be on an "occurrence" basis. UDR shall deliver to the City certificates of insurance together with the declaration page of such policies, along with the endorsement naming the City as an additional insured or such other reasonable evidence confirming the existence of such insurance coverage.

Such insurance shall: (i) be issued by a carrier which is rated "A-1" or better by A.M. Best's Key Rating Guide and licensed to do business in the State of Texas, and (ii) name the City as an additional insured and contain a waiver of subrogation endorsement in favor of the City. Each such policy shall provide that, at least 30 days prior to the cancellation, non-renewal or modification of the same, the Owner shall receive written notice of such cancellation, non-renewal or modification.

8. Indemnity. UDR shall indemnify the City, its officials, officers, employees and agents against, and hold the City, its officials, officers, employees and agents harmless from, any and all liability, actions, causes of action, lawsuits, judgments, claims, damages, costs or fees, including reasonable attorney's fees and costs of defence, for any injury to or the death of any person or damage to or destruction of any property resulting from or based upon, in whole or in part, any act or omission of UDR, its officers, employees and agents under this Agreement. The provisions of this paragraph shall survive the termination of this Agreement.

9. Termination. This License may be terminated:

(a) By the City:

(i) in the event UDR fails to comply with any of the terms of this License Agreement within thirty (30) days after receipt of written notice by UDR from the City of such failure to comply; or

(ii) UDR discontinues or abandons the use of the public rights-of-way for the purposes set forth herein for a continuous period exceeding more than 24 continuous months; or

(b) By UDR upon thirty (30) days' written notice by UDR to the City.

10. Miscellaneous.

(a) Assignment. The rights, duties and responsibilities hereunder shall not be assigned, conveyed or otherwise transferred by UDR without the prior written consent of the City, which written consent shall not be unreasonably denied or delayed.

(b) Force Majeure. In the event either the City or UDR shall be delayed or hindered in or prevented from the performance of any act required hereunder by reason of fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, riots, insurrections, war or other reason of like nature, where such delay, hindrance or prevention of performance shall not be within the reasonable control of the party obligated to perform and not be avoidable by diligence, the party so delayed shall promptly give notice to the other party, and thereupon performance of such act shall be excused for such period of delay.

(c) Notices. Any notice provided for herein shall be given by written instrument, personally delivered or sent by certified mail, return receipt requested, and addressed to:

To the City:

Town of Addison, Texas
P.O. Box 144
Addison, Texas 75001
Attn: City Manager

With a copy to:

John Hill
Cowles & Thompson
901 Main Street, Suite 3900
Dallas, Texas 75202

To UDR:

UDR, Inc
5430 LBJ Freeway, Suite 1250
Dallas, Texas 75240
Attn: Tom Lamberth

With a copy to:

Leonard Hoffman
Jackson Walker LLP
901 Main Street, Suite 6000
Dallas, Texas 75202

(d) Governing Law; Venue. This agreement shall be construed under, and in accordance with, the laws of the State of Texas, and all obligations of the parties created by this agreement are performable in Dallas County, Texas. Venue for any action under this Agreement shall be in Dallas County, Texas.

(e) Legal Construction. In case any one or more of the provisions contained in this Street License Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the

Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been included in this Agreement.

(f) Entire Agreement. This License Agreement represents the entire and integrated agreement between the City and UDR relative to Vitruvian Park Signs as described herein and supersedes all prior negotiations, representations and/or agreements, either written or oral.

(g) Amendment. This License may not be altered, waived, amended or extended except by an instrument in writing signed by the City and UDR.

(h) Authority to execute. The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this License Agreement on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions or other act extending such authority have been duly passed and are now in full force and effect.

SIGNED effective the day and year first written above.

TOWN OF ADDISON, TEXAS

UDR, INC.

By: _____
Ron Whitehead, City Manager

By: _____
Mark M. Culwell, authorized agent

ATTEST:

By: _____
Lea Dunn, City Secretary

5874685v.4

Council Agenda Item: #R4

AGENDA CAPTION:

Presentation, discussion and consideration of approval of an ordinance amending Chapter 62, Signs, of the Code of Ordinances, by amending Section 62.289 - Special Districts, in order to add a new Section, Section G, containing Special District sign standards for Vitruvian Park.

FINANCIAL IMPACT:

No budget impact

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[Proposed Ordinance w/Exhibits](#)

Type:

Ordinance

TOWN OF ADDISON, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 62, SIGNS, OF THE CODE OF ORDINANCES OF THE TOWN BY ADDING AN ITEM G. (VITRUVIAN PARK) TO SECTION 62-289 (GENERALLY) OF ARTICLE VI. (SPECIAL DISTRICTS); PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS FOR ANY OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") desires to amend certain provisions of Chapter 62 of the City's Code of Ordinances relating to and regarding signs within the City; and

WHEREAS, the amendments set forth in this Ordinance to Chapter 62 are pursuant to investigation and analysis by the City, and are with a view of and to further the purposes and objectives set forth in Section 62-2 of the Code, including to promote the health, safety, welfare, convenience and enjoyment of the public, including among other things to promote the efficient transfer of information in sign messages and to protect the public welfare and to enhance the appearance and economic value of the landscape, and such amendments are to facilitate the avoidance of visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance, and are to comply with applicable State law; and

WHEREAS, the City is authorized to provide for regulation of signs pursuant to State law, including, among others, Section 51.001, Tex. Loc. Gov. Code (authorizing a municipality to adopt an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality) and Section 216.901 Tex. Loc. Gov. Code (authorizing a home rule municipality to license, regulate, control or prohibit the erection of signs or billboards), and pursuant to its authority as a home rule city under Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the adoption of this Ordinance and the amendments set forth herein are for and in the best interests of the health, safety and welfare of the City and its citizens.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended by amending certain sections and provisions of Chapter 62, Signs, thereof as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby.

Section 3. Savings; Repealer. 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. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Five Hundred and No/100 Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law (including, without limitation, the City Charter and the ordinances of the City).

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this day of 2011.

Joe Chow, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

EXHIBIT A
TO ORDINANCE NO. _____

Chapter 62, Signs, of the Code of Ordinances (the "Code") of the Town of Addison, Texas is hereby amended by amending various sections of the said Code as set forth below and as follows (additions are underlined; deletions are):

- A. Section 62-289 of the Code is amended by adding item G. to read as follows:

ARTICLE VI. SPECIAL DISTRICTS

Section 62-289 Generally

G. Vitruvian Park (being that area shown in Fig. 62-289.6)

STANDARDS FOR SIGNS

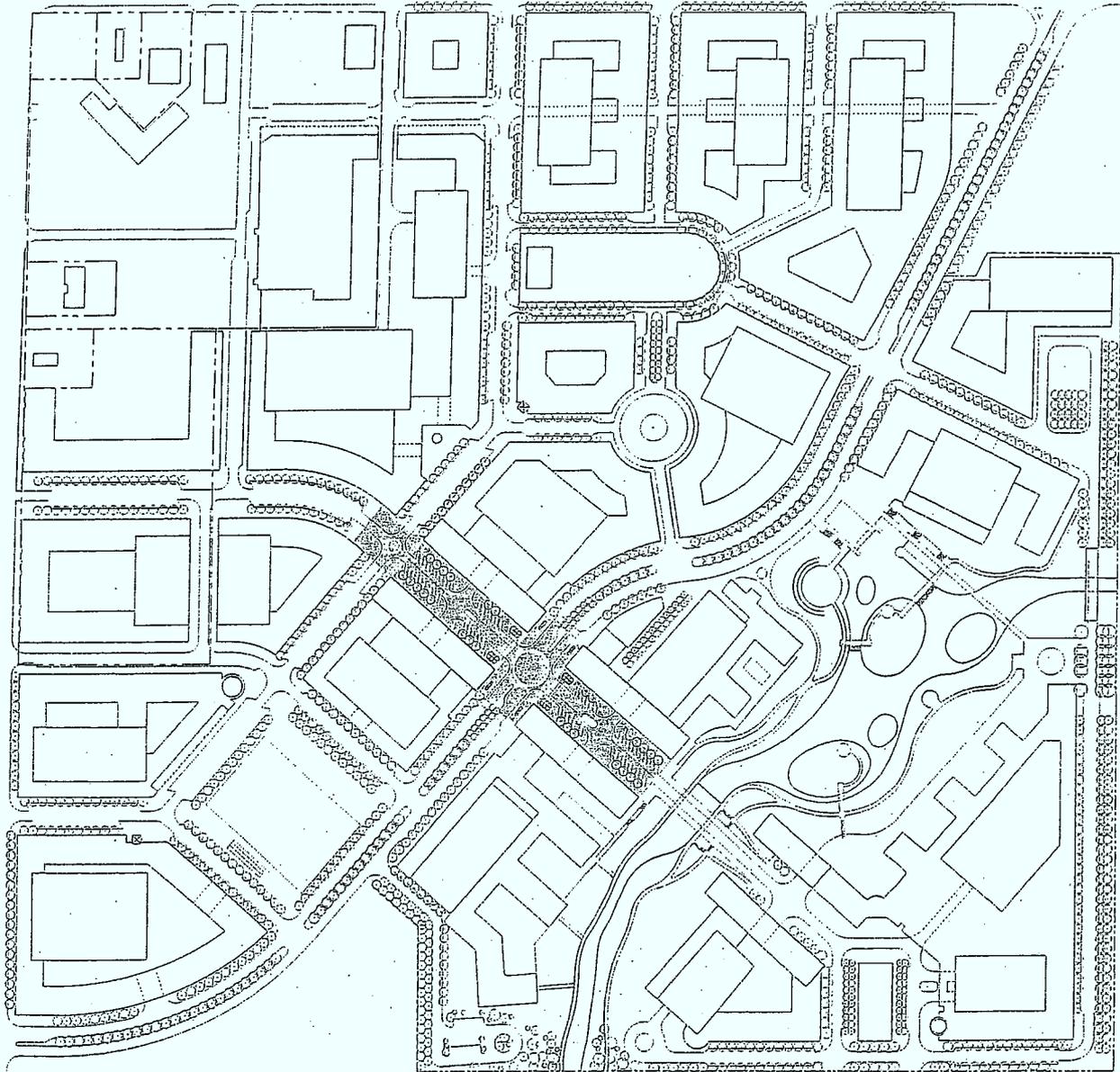
1. Attached Commercial Tenant identification Sign:
 - (a) Each commercial tenant may have one sign per 50 lineal feet of building frontage, with a maximum of two signs spaced a minimum of 25' apart.
 - (b) The sign area is limited to one square foot of sign per lineal foot of building frontage up to a maximum of 200 square feet of total sign area with no individual sign exceeding 100 square feet in area.
 - (c) The sign may project more than 18" from the building façade.
 - (d) Signs projecting more than 18" from the building façade shall be located a minimum of 8' above grade.
 - (e) Signs shall be placed on exterior facades common with the tenant space.

2. Attached Commercial Blade Signs:
 - (a) Each commercial tenant may have a blade sign in addition to a tenant identification sign.
 - (b) Each commercial tenant may have one sign per 50 lineal feet of building frontage, with a maximum of two signs spaced a minimum of 25' apart.
 - (c) The maximum projection from the building façade shall not exceed 4'.
 - (d) The minimum height above the sidewalk shall not be less than 8'.
 - (e) The maximum height above the sidewalk shall not exceed 10'.
 - (f) The sign shall not exceed 6 square feet in area.
 - (g) The signs shall be placed on exterior facades common with the tenant space.

3. Portable signs do not need a permit but shall comply with the following:
 - (a) Each commercial tenant shall be allowed not more than one portable sign, which shall be located within the public sidewalk adjacent to the occupancy.
 - (b) A minimum of four feet of clear sidewalk shall be maintained at all times.

- (c) Signs shall be constructed as shown in Figure 62-289.3B.
- 4. The monument sign shall comply with the following:
 - (a) Shall be constructed as shown in Figure 62-289.7.
 - (b) Shall be placed as shown in Figure 62-289.8.
- 5. Pole signs shall comply with the following:
 - (a) Shall be constructed as shown in Figure 62-289.9.
 - (b) Shall only be of a seasonal or decorative type.
 - (c) Shall not contain any advertising or promotional messages related to Vitruvian Park.

FIGURE 62-289.6



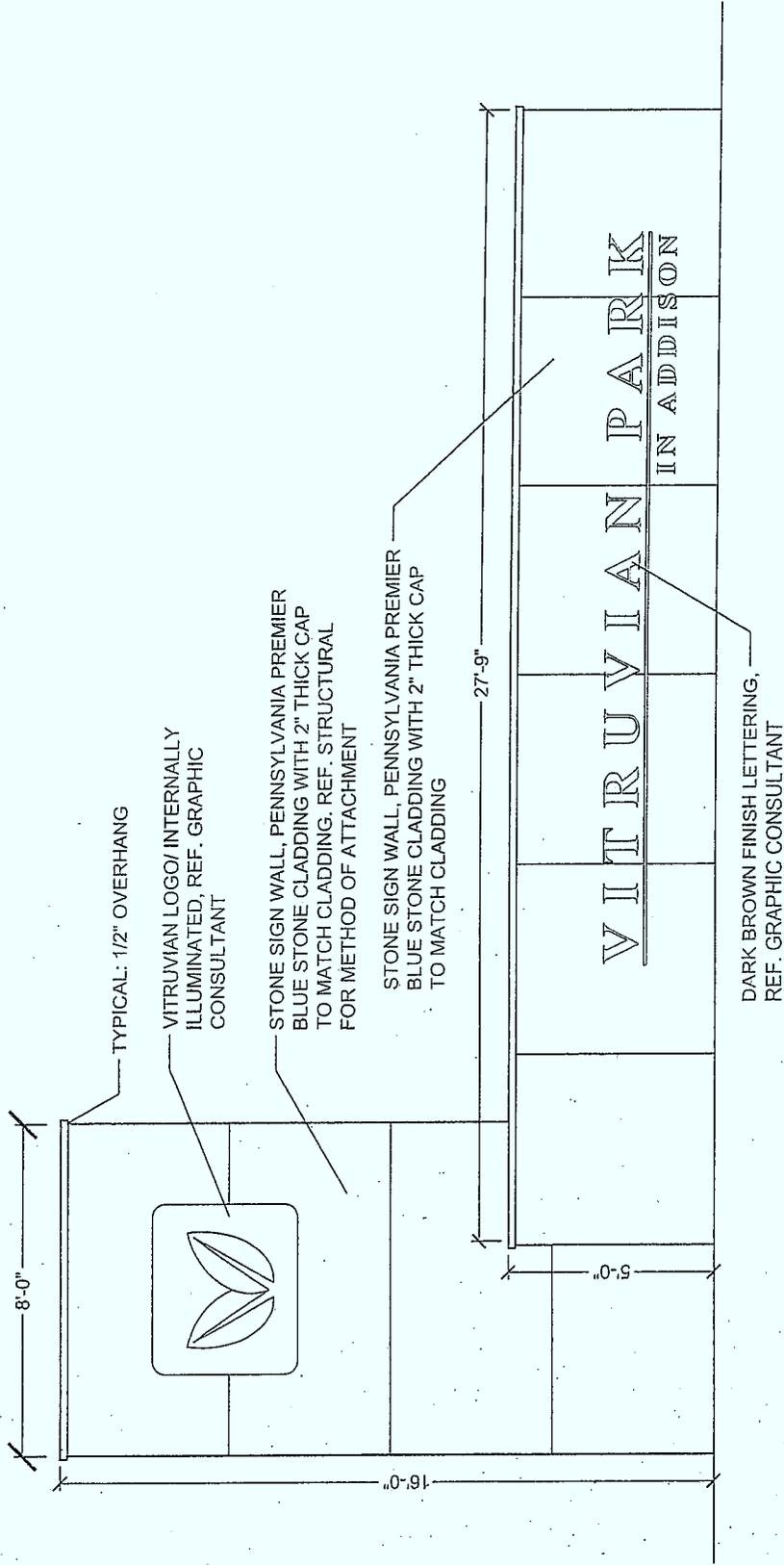
VITRUVIAN PARK

MASTER PLAN

KEVIN
SLOAN
STUDIO



FIGURE 62-289.7



VITRUVIAN PARK
SPRING VALLEY SIGNAGE

ADDISON, TEXAS
SCALE: 3/4"=1'-0"

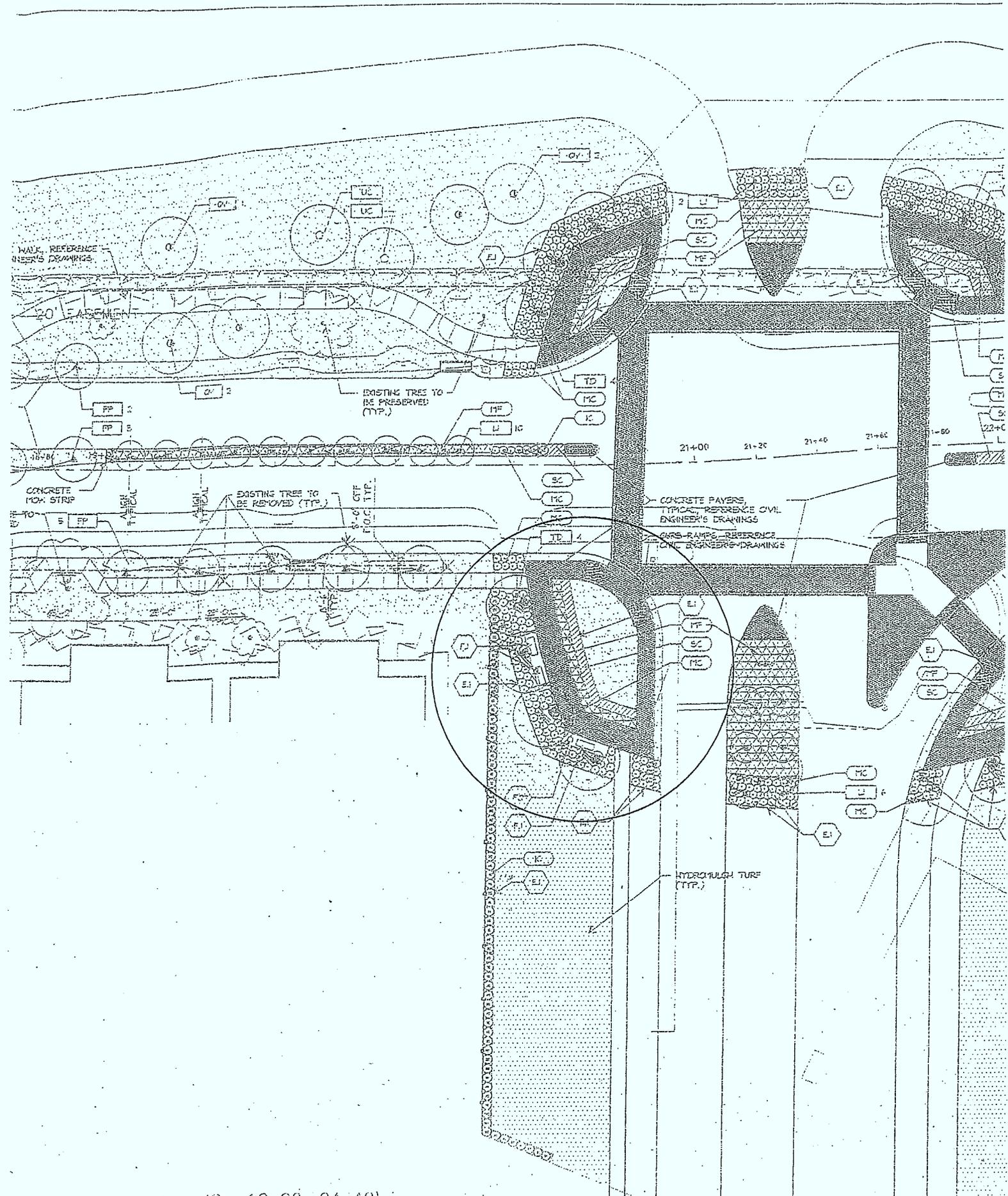


UDR

5430 LBJ FREEWAY, SUITE 1250
DALLAS, TX 75240
972.763.3510 PH/ 972.866.0163 F

LINDA TYCHER & ASSOCIATES, INC.
1111 N. CENTRAL EXPRESSWAY, SUITE 9
DALLAS, TEXAS 75242
11-11700-11710

LINDA TYCHER & ASSOCIATES



Alley Rd Planting Plan (Sta 18+20-24+40)

FIGURE 62-289.8

VITRUVIAN PARK
Addison, TX

Ballast chamber: heavy wall cast aluminum

Decorative skirt: spun aluminum, permanently attached to the domed ballast chamber.

Diffuser: hinged, clear tempered flat glass

Optics: segmented horizontal bright anodized reflector IES type III with full cutoff

Ballast: pulse start 400W MH, ANSI M155, multi (quad) tap, wired for ____V, with tool-less access and quick disconnects, mounted on a removable plate within the luminaire.

Socket size: mogul, porcelain, 4KV pulse rated

Lamp: ED28 (by others)

Arm: aluminum 2" x 3" rectangular extrusion welded to an aluminum column, with aluminum support beams.

Configuration: twin

Shaft: round tapered steel, welded in and over a steel base plate.

Base cover: two-piece cast aluminum, attached to pole with tamper resistant s/s hardware.

Anchor bolts: four 3/8" x 1"OD galvanized steel 55ksi min. yield bolts with 4" hook and 4" projection, with two nuts and two washers each and a steel template to install bolts on 11-1/2" bolt circle.

Banner arms: 1"OD x 18"L aluminum tubing threaded into steel hubs, which are welded onto the pole shaft. Comes with 2" cast aluminum removable half balls. Banners by others.

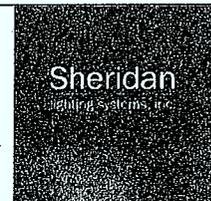
All exposed hardware: stainless steel

Finish: TGIC polyester powder coat

Color: silver

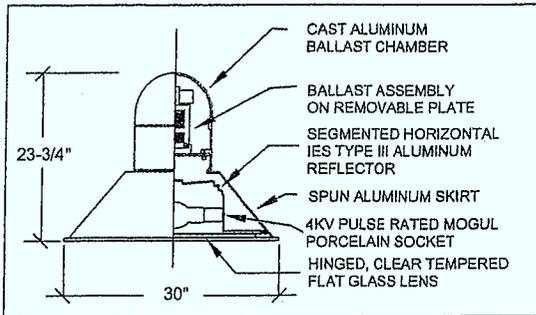
Date: Oct. 29, 2008

Model: (2) CSH3024-40M-VOLT-H3-CSA-B-SP25-MOD15-RTC-30-BAB-22-SLR



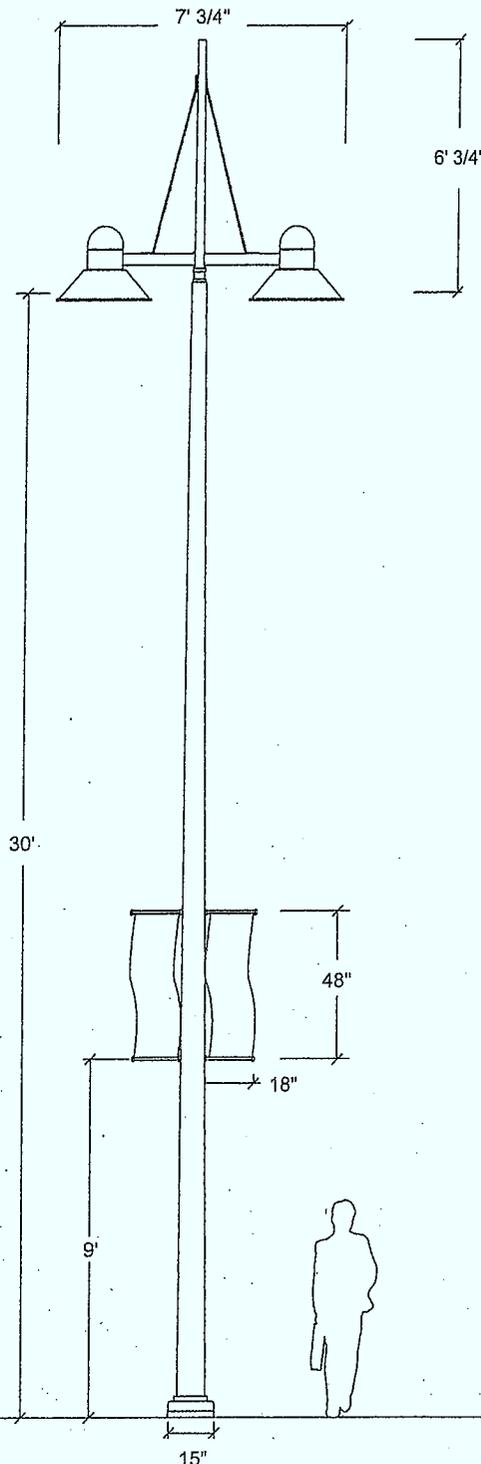
Sheridan Lighting Systems, Inc.
4-2525 Dunwin Dr
Mississauga, ON L5L 1R9

T 905-369-0101 F 905-369-0102
sales@sheridansys.com www.sheridansys.com

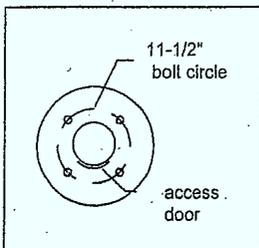


LUMINAIRE DETAILS

PD810292



BOTTOM VIEW



(C) 2008 Sheridan Lighting Systems, Inc. All rights reserved. Specifications subject to change without notice.

FIGURE 62-289.9

Council Agenda Item: #R5

AGENDA CAPTION:

PUBLIC HEARING Case 1607-Z-1/MHSS Addison, LP.

Presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance 009-004, Section 4. Development Standards and Conditions, Sub-section (a) Area Regulations., paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I., and provide for approval of development plans in an existing Planned Development district, (#009-004), located on approximately 6.9 acres at the northwest and southwest corners of Sojourn Drive and Dallas Parkway, on application from MHSS Addison, LP, represented by Mr. Marc Goldman.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of an ordinance amending Planned Development Ordinance 009-004, Section 4 Development Standards and Conditions, Sub-section (a) Area Regulations, paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I, and provide for approval of a development plan for a medical office building in an existing Planned Development district (#009-004), subject to the following conditions:

-Ordinance 009-004, Section 4. Development Standards and Conditions, Sub-section (a) Area Regulations., paragraph (iii), shall be revised to read as follows:

(iii) All parking structures shall be set back from all property lines which are interior to Tract I a minimum of zero (0) feet.

-the site plan shall be revised to either remove the garage entrance at the southern driveway on Addison Road, or limit the driveway to right-in/right-out traffic movements only.

-prior to the issuance of a building permit, the applicant shall submit a checklist to the Building Inspection Department that lists the sustainable or “green” elements to be included in the building design and operation.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: None Absent: None

FINANCIAL IMPACT:

No financial impact.

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

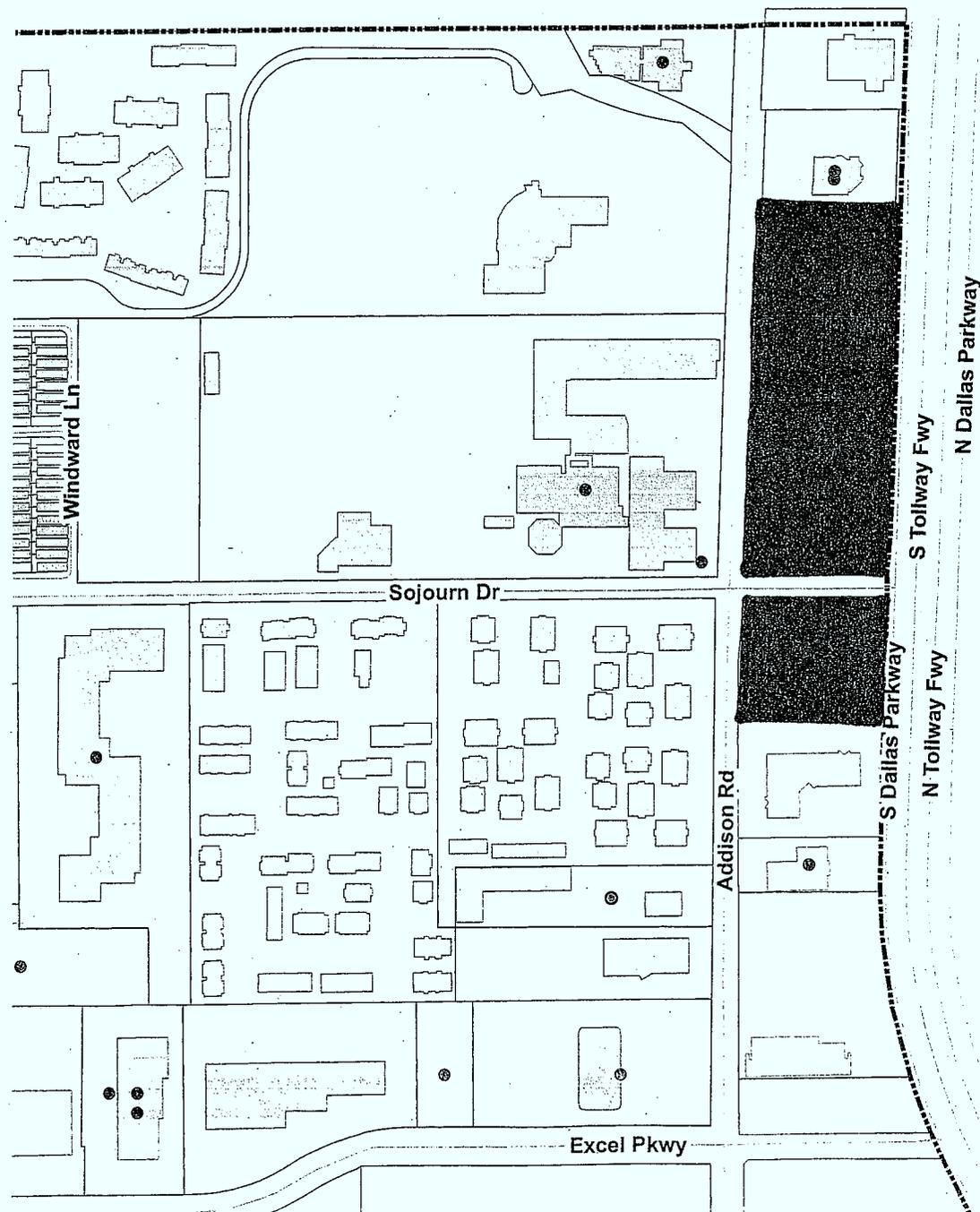
[Docket map, staff report, commission findings](#)

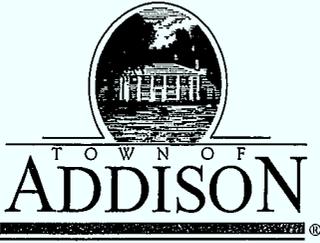
Type:

Backup Material

1607-Z-1

PUBLIC HEARING Case 1607-Z-1/MHSS Addison, LP. Requesting approval of an ordinance amending Planned Development Ordinance 009-004, Section 4. *Development Standards and Conditions*, Sub-section (a) Area Regulations., paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I., and provide for approval of development plans in an existing Planned Development district, (#009-004), located on approximately 6.9 acres at the northwest and southwest corners of Sojourn Drive and Dallas Parkway, on application from MHSS Addison, LP, represented by Mr. Marc Goldman.





DEVELOPMENT SERVICES

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

December 7, 2010

STAFF REPORT

RE: Case 1607-Z-1/Methodist Hospital
For Surgery

LOCATION: Approximately 6.9 acres at the
Northwest and southwest corners
of Sojourn Drive and Dallas Parkway

REQUEST: Approval of an ordinance amending
Planned Development Ordinance
009-004, Section 4 *Development
Standards and Conditions*, Sub-
section (a) Area Regulations.,
paragraph (iii), in order to revise
requirements for a parking structure on
an interior lot line on Tract I, and
approval of a development plan

APPLICANT: MHSS Addison, LP, represented by
Mr. Marc Goldman

DISCUSSION:

Background. In November of this year, the Planning and Zoning Commission approved a development plan for a medical office building to be attached to the existing 32-bed Methodist Hospital for Surgery (Case 1607-Z). There were a host of issues involved in that request which were worked out by the staff and the applicant.

There were only three conditions for approval that were recommended forward by the staff:

-the site plan shall be revised to either remove the garage entrance at the southern driveway on Addison Road, or limit the driveway to right-in/right-out traffic movements only.

-prior to the issuance of a building permit, the applicant shall replat the property to remove the interior property line.

-prior to the issuance of a building permit, the applicant shall submit a checklist to the Building Inspection Department that lists the sustainable or "green" elements to be included in the building design and operation.

The second condition (bolded above) has turned out to be problematic for the developer. Replatting the property would hinder his financing agreement. From the staff's perspective, the interior property lines have never been an issue. The staff was fine with the plan the way it was submitted. However, the requirement was in the ordinance and could not be ignored.

The staff and applicant agreed that the best course would be to eliminate the requirement of a landscape buffer on an interior lot line, and reduce the required setback to zero. This could have been done during the first approval process, but it was not requested by the applicant and the case was not advertised as an amendment to any of the requirements, but a simple development plan approval. In order to change the requirement, the case had to be resubmitted. The applicant and staff agreed to resubmit the case prior to it going to the Council for a final approval, so this case now has a two-part request:

1. Remove the requirement for a setback and landscape buffer against an interior lot line
2. Approve the development plan.

The staff has reprinted the original staff report for this case, with a modification to the setback section.

Review of Proposed Plan. The developers have decided to change the location of the parking garage and medical office buildings. The original plan called for both medical office buildings to be located north of Sojourn Drive, with all parking located in a multi-story garage on the south side of Sojourn. At this point, the developers would like to put one 110,000 square foot building, with attached garage, on the north side of Sojourn, and develop the second building, with another attached garage, on the south side of Sojourn.

The plans show a medical office building of 110,000 square feet, and a two-level, 31,200 square foot expansion of the hospital. There were no elevations or floor plans submitted for the two-level expansion, therefore, it cannot be approved at this time. The applicant indicated that the two-level expansion will be used for additional imaging equipment for the hospital and will not add office square footage or beds to the facility. It is probably the next logical expansion of the facility; however, the applicant is not asking for approval of the two-level expansion at this time and will have to go back through the process before starting construction on it.

Planned Development Ordinance 009-004 had very specific development standards. The staff has listed those standards below, and has noted in **bold** how this project met, or failed to meet the standard.

(b) Except for the development of Tract I in accordance with the Phase I Development Plan and as described in Section 2.A.2.(a), above, no additional or further use or development of Tract I is or shall be permitted unless and until a development plan in accordance with the ordinances, rules, codes, standards, and regulations of the City (including, without limitation, Article XV of the Zoning Ordinance) for such further use or development has been submitted to the City and has been approved by the City in accordance with the process and procedures for a change in zoning (accordingly, public notice and a public hearing before each of the City's Planning and Zoning Commission and the City Council shall be required).

In connection with any such future or further development and phases of Tract I and without limiting any provision of this Ordinance, a traffic study and analysis shall be submitted by the owner with each proposed development plan, which traffic study and analysis shall be prepared by a qualified engineer retained by the owner of Tract I. The traffic study and analysis shall include, among other things, a study of:

- (i) the peak volume traffic flow into Tract I from each perimeter road;
- (ii) the location of driveways to Tract I along Addison Road and a recommendation, if any, regarding the modification or removal of such driveways; **(driveway locations were set during the approval for the Phase I hospital. This plan does not change any driveways)**
- (iii) the placement of medians along Addison Road adjacent to Tract I; and **(median locations were set during the approval for the Phase I hospital. This additional building will not cause the medians to be added at this time)**
- (iv) whether, in lieu of separate deceleration lanes for entrances to and exits from Tract I along the service road (Dallas Parkway) abutting the east side of Tract I, adding an additional lane to the service road (Dallas Parkway) extending continuously along Tract I to its intersection with Sojourn Drive will facilitate traffic turning westbound onto Sojourn Drive from the service road. **(this item was considered when the hospital was constructed. The deceleration lanes were set and installed with the hospital construction).**

Notwithstanding the traffic study and analysis, the approval of all driveways, medians, curb cuts, deceleration lanes, and all other matters related to the public streets and rights-of-way are subject to and must be approved by the City (and including the City's Department of Public Works).

The applicant has submitted a traffic study (enclosed) which meets the requirements listed above. The traffic study concludes:

Based on the analysis presented in this report, the proposed medical office building can be successfully incorporated into the MHS site and the surrounding roadway network. The new traffic added by the MOB site does not have a significant impact on driveway or nearby intersection operations. As described in the MHS TIA of March 2009, hospital operations will not be significantly impeded by the intermittent extension of TCA queues onto Addison Road.

The site driveway locations described in the MHS TIA and now being constructed are entirely appropriate to serve the hospital and MOB uses. Once Addison Road is widened to a four-lane divided section, the site driveways on Addison Road will be converted to right-in/right-out operation, except for Drive 7 which is aligned with the anticipated median opening. The hospital-related left-turning traffic to and from Addison Road can easily be accommodated by Drive 7 in that future condition.

The staff would agree, for the most part, that this building and parking garage can be added to this site without requiring the widening of Addison Road. However, the staff had concerns about the addition of the garage entrance onto Addison Road, which was a change from the originally-approved concept plan. The applicant explained that the Addison Road garage entrance would be a gated and secured entrance for doctors and senior staff members only, and that the Addison Road garage entrance would serve only 150 parking spaces, not the entire 548 spaces in the garage. The applicant and the staff reviewed the grade separation in the garage that would prohibit the garage from being rezoned or re-stripped in the future to allow all parking spaces to be accessed off of Addison Road.

The staff had an initial concern that a first time visitor to the site would get in the lane to access the garage, and then not be able to turn around and get out without backing up cars behind him. However, the applicant re-designed the entrance to the garage to provide an escape route for cars that cannot get in.

However, the staff still has a concern about this additional traffic onto Addison Road, and recommends that the site plan be approved subject to the condition that the garage entrance at the southern driveway on Addison Road either be removed, or limited to right-in/right-out traffic movements only.

Trinity Christian Academy asked a consultant to review the traffic analysis prepared by Kimley-Horn. Elizabeth Crowe of Dunaway Associates, L.P. had several comments and questions about the study. Those are attached to the traffic study. Kimley-Horn responded to the comments and questions in a letter dated October 20, 2010, which is also attached to the traffic study.

3. *Permitted Uses.* Tract I may be used and occupied only for the following uses:

Hospital, with and including an emergency room (but not a trauma unit)
Medical and other offices
Parking (including, without limitation, surface parking and a below grade parking structure)

Applicant is requesting approval for a medical office building with associated parking. The proposed plan meets the standard for permitted uses.

4. *Development Standards and Conditions.* Use and development of Tract I shall comply with and be subject to the following standards, regulations and conditions:

(a) Area Regulations.

(i) All buildings and structures shall be set back from any public right-of-way a minimum of twenty-five (25) feet. One foot of additional setback is required for each two feet of additional height beyond sixty-nine (69) feet.

**Building setback (Medical Office Building) against Dallas Parkway is 60 feet
Building setback (Parking Garage) against Sojourn Drive is 25 feet
Building setback (Parking Garage) against Addison Road is 25 feet
The proposed plan meets the standard for setbacks.**

(ii) All buildings (save and except parking structures) shall be set back from all property lines which are interior to Tract I a minimum of twenty-five (25) feet.

The applicant recently replatted the property to put an interior property line against the south side of the hospital. The goal of the replatting was to put the hospital on a separate tract so that it could be refinanced. The proposed medical office building is set back 65 feet from the new interior property line. The proposed plan meets the standard for building setback from an interior property line.

(iii) All parking structures shall be set back from all property lines which are interior to Tract I a minimum of ~~ten (10)~~ zero (0) feet; and ~~a ten (10) foot~~ landscape buffer shall be required at all property lines which are interior to Tract I.

The proposed parking garage is not set back a minimum of 10 feet from the recently platted interior property line. In addition, the applicant is not proposing to put a landscaping buffer between the parking garage and the hospital. Therefore, the plan does not meet the standard for setback of a parking garage from an interior property line, and the applicant is requesting that Section 4, Sub-section (a), Paragraph (iii) be amended as shown above

(b) Height Regulations. Maximum height for all buildings, structures, or other improvements on or within Tract I shall not exceed eighty (80) feet (exclusive of parapet walls, penthouse structures, and similar structures).

Building height: 78 feet from grade level to roof. There are some parapet walls, penthouse structures, and screen walls that measure 92'6", but those elements are excluded from the height measurement.

Parking Garage height: 51 feet from grade level to top level or parking garage. There are some parapet walls and an elevator penthouse that measure 67'6", but those elements are excluded from the height measurement. The proposed plan meets the standard for height.

(c) Sustainable Elements. In connection with an application for a building permit for Tract I, the applicant shall submit a checklist for City consideration and approval which shows the sustainable or "green" elements to be included in the building design and operation that will reduce energy consumption.

The applicant will submit a checklist to the Building Inspection Department with the application for building permit that lists the sustainable or "green" elements to be included in the building design and operation. The proposed plan will meet the standard for sustainable elements.

(d) Building Facades. The following façade materials shall be allowed for all buildings and parking structures: brick, stone, concrete panels and glass.

The applicant is proposing the following façade materials: white architectural precast panels, spandrel glass, vision glass, painted open cell concrete masonry units (on the parking garage) burnished concrete block (for screening walls). In addition, there are some metal column covers and metal canopies proposed for the office building.

The applicant is proposing to use an open concrete masonry units as a treatment for the facades of the parking garage. In between the masonry units, the applicant will run steel cables. The staff had some concern about the appearance of the steel cables. However, the staff has looked at other parking garages in the area that use the open cell concrete masonry units and cable combination. On this proposed garage, the gaps where the cable will be visible are typically three feet wide. The staff feels that the cables will barely be visible and will disappear between the concrete panels. The staff feels that the architectural interest provided by the open celled concrete masonry units is more desirable than a plain precast panel garage. In addition, the landscaping plan calls for a solid row of trees at the base of the garage, which will screen the appearance of the solid concrete panel walls at the first level. The staff feels that the plan meets the standard for building façades.

(e) Replatting. Tract I shall be replatted in accordance with the ordinances, rules, and regulations of the City. Such replat shall show and include, among other things, the dedication to the City of (i) eleven (11) feet of right-of-way along Addison Road, (ii) four (4) feet of right-of-way along the north side of Sojourn Drive, (iii) right turn lanes at (A) southbound Dallas Parkway at westbound Sojourn Drive, and (B) westbound Sojourn Drive at northbound Addison Road, and (iv) a fifteen (15) foot utility easement along the north common property line with the tract addressed as 17225 Dallas Parkway.

This replatting has been done.

(f) Electric utilities. Overhead power lines along Addison Road shall be buried so as not to conflict with landscaping and screening wall to be provided along Addison Road.

The overhead power lines along Addison Road have been buried.

(g) Driveways. All driveway locations must be justified by a traffic impact analysis prepared by a qualified engineer retained by the owner of Tract I, and all driveways and deceleration lanes must be approved by the City's Department of Public Works. No more than three (3) driveways will be permitted from Tract I onto Addison Road.

The driveway locations have been justified and installed. This plan does not propose any changes to the approved driveway locations.

(h) Parking. Required parking includes (i) one space per 200 square feet of medical office use, plus (ii) one parking space for each day shift hospital employee plus one space for each hospital patient bed. For purposes hereof, unless otherwise determined by the City, the number of day shift employees shall be determined by multiplying the number of hospital patient beds by 3 (e.g., for 100 hospital patient beds, the number of day shift employees would be determined by multiplying 100 times 3, or 300 day shift employees). For Phase I (as shown on the attached Exhibit D), the minimum number of parking spaces is 128 (32 parking spaces (one parking space for each of the 32 patient beds) plus 96 parking spaces (one parking space for each day shift employee (the number of day shift employees being determined by multiplying 32 hospital patient beds times 3, or 96)).

The applicant is proposing to add a 110,000 square foot medical office building, which would require 550 parking spaces. The applicant shows 32 parking spaces for the two-level expansion of the hospital, but those spaces don't seem to be included in the tally for parking. Without floor plans, the staff cannot determine the parking requirement for that area. If it is just imaging equipment to support the hospital and does not contain additional beds, then the parking requirement is zero. If it contains medical office space, the parking requirement is 156. As the staff noted earlier, it is not recommending approval of the two-level expansion at this time. Therefore, the parking requirement for this medical office building is 550 spaces. The plans indicate 548 spaces will be provided in the garage and 20

spaces will be provided on the surface. The site provides 568 spaces, which meets the standard.

(i) Storm water. Development, construction and use of Tract I shall adequately control storm water (drainage) so that there is no additional or further off-site drainage from Tract I than that which exists prior to any development or construction thereon and which is satisfactory to the City. Accordingly, on-site detention of storm water by the owner of Tract I will be required for Tract I.

This item was addressed during the construction of the hospital. The plan meets the standard for storm water.

(j) Landscaping. Landscaping on Tract I shall be in accordance with all ordinances, rules, codes, standards and regulations of the City (and including any amendments or modifications thereto). For each phase of development of Tract I and prior to construction of any improvements as set forth in the Phase I Development Plan, the Tract I owner shall submit to the City for its consideration of approval a revised landscaping plan that shows the total percentage of landscaping for each such phase and the total percentage of landscaping for the development of all phases of Tract I and Tract II (which landscaping plan shall show and confirm that Tract I and Tract II shall have twenty percent (20%) landscaping when partially and fully developed). Required landscaping shall include, among other things, a row of evergreen trees (minimum of six-caliper inch each) and drought tolerant shrubs along the sidewalk adjacent to the Addison Road screening wall.

The Parks Director has noted that the plan submitted by the applicant meets the standard for landscaping.

(k) Screening Wall. In connection and simultaneously with the initial development and construction of Tract I, the owner of Tract I shall construct a screening wall at least eight (8) feet in height. Such screening wall shall be brick, stone, concrete panel, or split-faced concrete masonry units. The screening wall shall be of a sufficient length to screen all loading and storage areas, including loading of emergency vehicles. The screening wall shall be provided in addition to the row of trees as described in subsection (j) of this Section 2.A.4., above.

The screening wall was installed with the construction of the hospital. The plans meet the standard for screening walls.

(l) Additional Screening. All mechanical equipment, including oxygen tanks, located on or within Tract I (whether in the rear of any building or structure, on top of any building or structure, or otherwise) shall be screened from public right-of-way and all adjacent properties. All loading and unloading areas and loading docks shall be screened from public right-of-way and all adjacent properties.

The plans indicate all mechanical equipment, including oxygen tanks, will be screened. The plans meet the standard for additional screening.

(m) Fire Hydrants. All fire hydrants shall be installed by the owner of Tract I at 300-foot intervals along fire lanes in locations approved by the City.

Fire Hydrants were installed when the hospital was constructed. The plans meet the standard for fire hydrants.

Additional Concerns. The staff and applicant met with the Board of the Trinity Christian Academy. The Board expressed some concerns in a letter to the applicant. Some of those concerns are between the applicant and TCA. However, others can be addressed by the staff. The seven concerns raised by TCA are listed below, with a staff response to each issue in **bold** print.

1. In light of the 3-story height of the existing Phase 1 hospital building, and the 3 story deed restriction on the remaining proposed hospital building land, we ask that the Zoning for the Hospital portion of the site be reduced to 3 stories.

The Town is not interested in changing the previously-approved heights for buildings on the site.

2. Our preference is that no MOB parking garage access be granted on Addison Road. However, at a minimum, we ask that the MOB garage access on Addison Road be limited to MOB Doctors and staff only (no public access) as represented by you in the meeting. We also request that any MOB garage access be limited to right in, right out only on Addison Road.

The MOB parking garage access is limited to MOB doctors and staff only, and the staff is recommending that the access to the garage driveway be limited to right-in-right-out only.

3. Document arrangement for TCA use of Methodist garage and surface parking for TCA events that has been offered by Methodist.

Parking arrangements for TCA use of the Methodist property for parking would be a civil agreement between TCA and Methodist, and would not involve the Town.

4. Provide an attractive façade on the parking structure facing Addison Road as represented in the meeting.

The staff feels that the façade shown on the plans will be attractive. Photos of garages using the same open cell concrete masonry units have been provided by the applicant and are attached.

5. Clarify Parking Ratios of Hospital addition.

As the staff noted, there was not enough information provided on the hospital addition to approve it through this process. The hospital addition will have to be submitted for approval at a later date.

6. Address TCA's traffic engineer's comments to the Methodist traffic study.

Kimley-Horn prepared a response to TCA's traffic engineer's comments. The comments and responses are attached to the traffic study.

7. Evaluate the width of Sojourn Road from DNT to Addison Road and confirm that as part of the development of the first MOB that a right, center and left turn movement on the west bound Sojourn signal shall be constructed.

The applicant is proposing to construct a free right turn from westbound Sojourn Lane to northbound Addison Road. In addition, the applicant will construct a free right turn lane from northbound Addison Road to eastbound Sojourn Drive. Once these lanes are constructed, there will be sufficient space in Sojourn Drive to provide for a left turn lane, a center lane, and a right turn lane on westbound Sojourn. The traffic signal at westbound Sojourn already provides for a left-turn arrow.

RECOMMENDATION:

The staff recommends approval of the development plans for the medical office building and parking garage subject to the following conditions:

-Ordinance 009-004, Section 4. *Development Standards and Conditions*, Sub-section (a) Area Regulations., paragraph (iii), shall be revised to read as follows:

(iii) All parking structures shall be set back from all property lines which are interior to Tract I a minimum of zero (0) feet.

-the site plan shall be revised to either remove the garage entrance at the southern driveway on Addison Road, or limit the driveway to right-in/right-out traffic movements only.

-prior to the issuance of a building permit, the applicant shall submit a checklist to the Building Inspection Department that lists the sustainable or "green" elements to be included in the building design and operation.

Respectfully submitted,

A handwritten signature in black ink that reads "C Moran". The "C" is large and loops around the "M", and "Moran" is written in a cursive style.

Carmen Moran
Director of Development Services

Case 1607-Z-1/MHSS Addison
December 17, 2010

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of an ordinance amending Planned Development Ordinance 009-004, Section 4 *Development Standards and Conditions*, Sub-section (a) Area Regulations, paragraph (iii), in order to revise a requirement for a parking structure on an interior lot line on Tract I from ten (10) feet to zero (0) feet, and eliminate a requirement for a ten (10) foot landscape buffer on an interior lot line on Tract I, and provide for approval of a development plan for a medical office building in an existing Planned Development district (#009-004), subject to the following conditions:

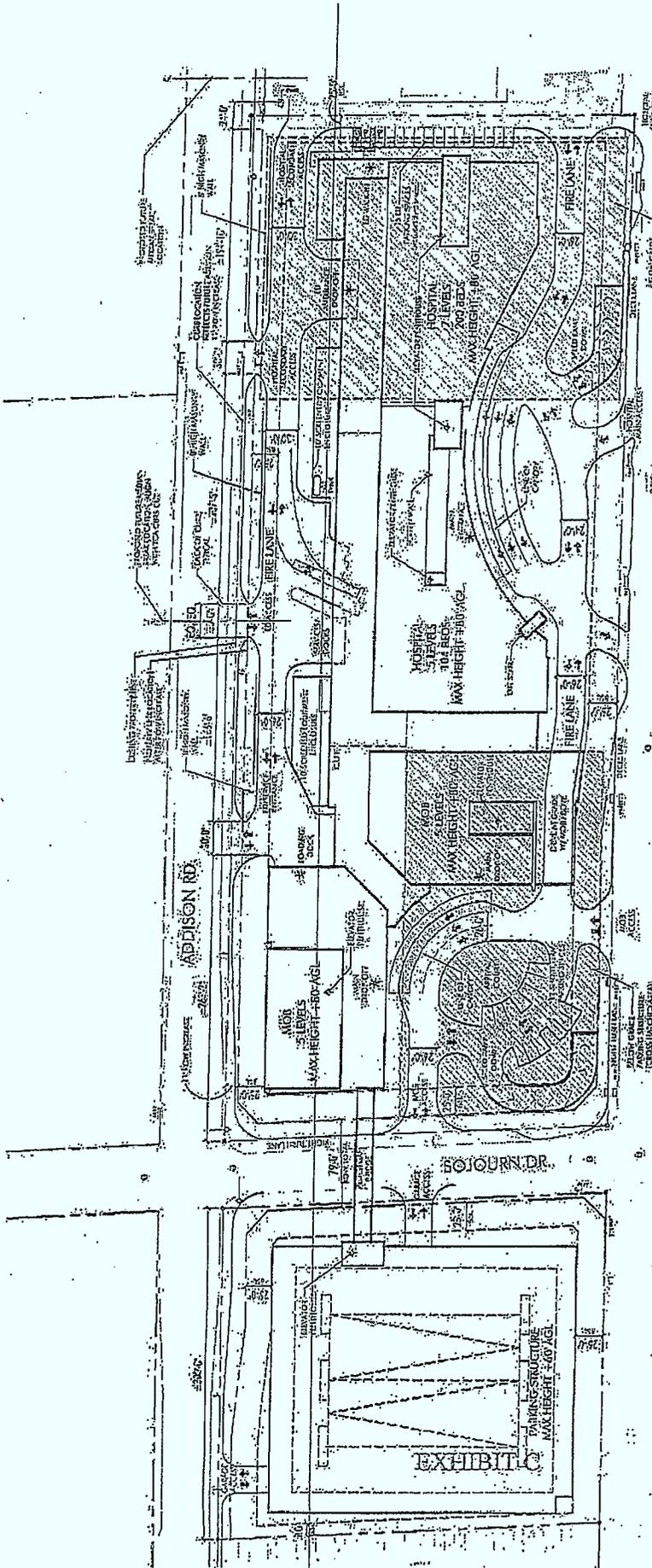
-Ordinance 009-004, Section 4. *Development Standards and Conditions*, Sub-section (a) Area Regulations., paragraph (iii), shall be revised to read as follows:

(iii) All parking structures shall be set back from all property lines which are interior to Tract I a minimum of zero (0) feet.

-the site plan shall be revised to either remove the garage entrance at the southern driveway on Addison Road, or limit the driveway to right-in/right-out traffic movements only.

-prior to the issuance of a building permit, the applicant shall submit a checklist to the Building Inspection Department that lists the sustainable or "green" elements to be included in the building design and operation.

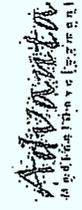
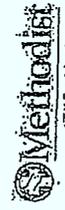
Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood
Voting Nay: None
Absent: None



DALLAS NORTH TOLLWAY

Construction is exclusive of parapet walls, penthouse structures, and similar structures.

METHODIST HOSPITAL FOR SPECIAL SURGERY



Carmen Moran

From: Clay Barnett
Sent: Thursday, November 04, 2010 3:21 PM
To: Carmen Moran
Cc: Nancy Cline
Subject: Case 1607-Z/MHSS Addison, LP

Carmen,

Public Works has reviewed the revised Traffic Impact Analysis for the proposed Medical Office Building on The Methodist Hospital site. We recommend approval of the site plan contingent upon either removal of the garage entrance at the southern driveway on Addison Road, removal of that driveway or limiting the driveway to right-in/right-out traffic movements only.

If you have any questions, please let me know.

Thanks,
Clay Barnett, P.E.
Town Engineer
Town of Addison
16801 Westgrove Drive
Addison, TX 75001-2818
Office: (972) 450-2857

 Please consider the environment before printing this e-mail.

[Learn more at AddisonGreen.info](http://www.addisongreen.info)

Memorandum

Date: October 19, 2010
To: Carmen Moran, Director of Development Services
From: Slade Strickland, Director of Parks and Recreation
Subject: **Case 1607-Z Methodist Hospital – Phase II Medical Office Building**

The schematic landscape plan meets the requirements of the Landscape Regulations.

Carmen Moran

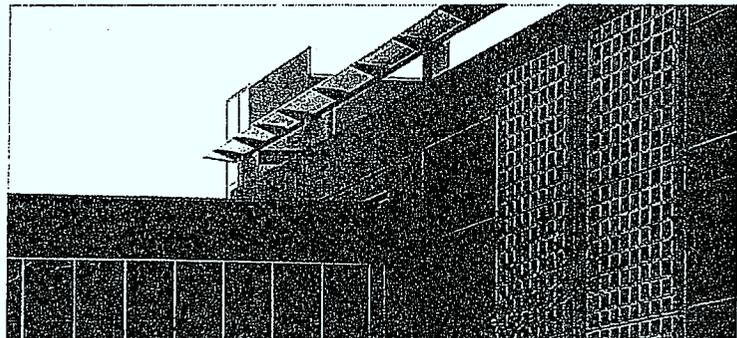
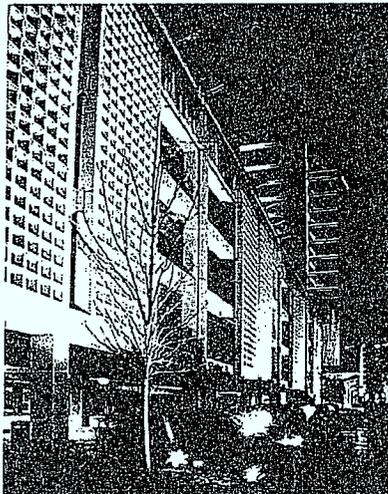
From: Gordon Robbins
Sent: Wednesday, October 06, 2010 11:32 AM
To: Carmen Moran
Subject: Casem 1607-Z/MHSS Addison

Emergency access appears to be sufficient.
The Fire Dept has no further comment on this submittal.

Thank you.

Gordon C. Robbins | Deputy Fire Chief
Addison Fire Department | 4798 Airport Parkway | Addison TX 75001
ofc: 972-450-7220 | fax: 972-450-7208 | grobbins@addisontx.gov

Granite Park Three
Plano, Texas



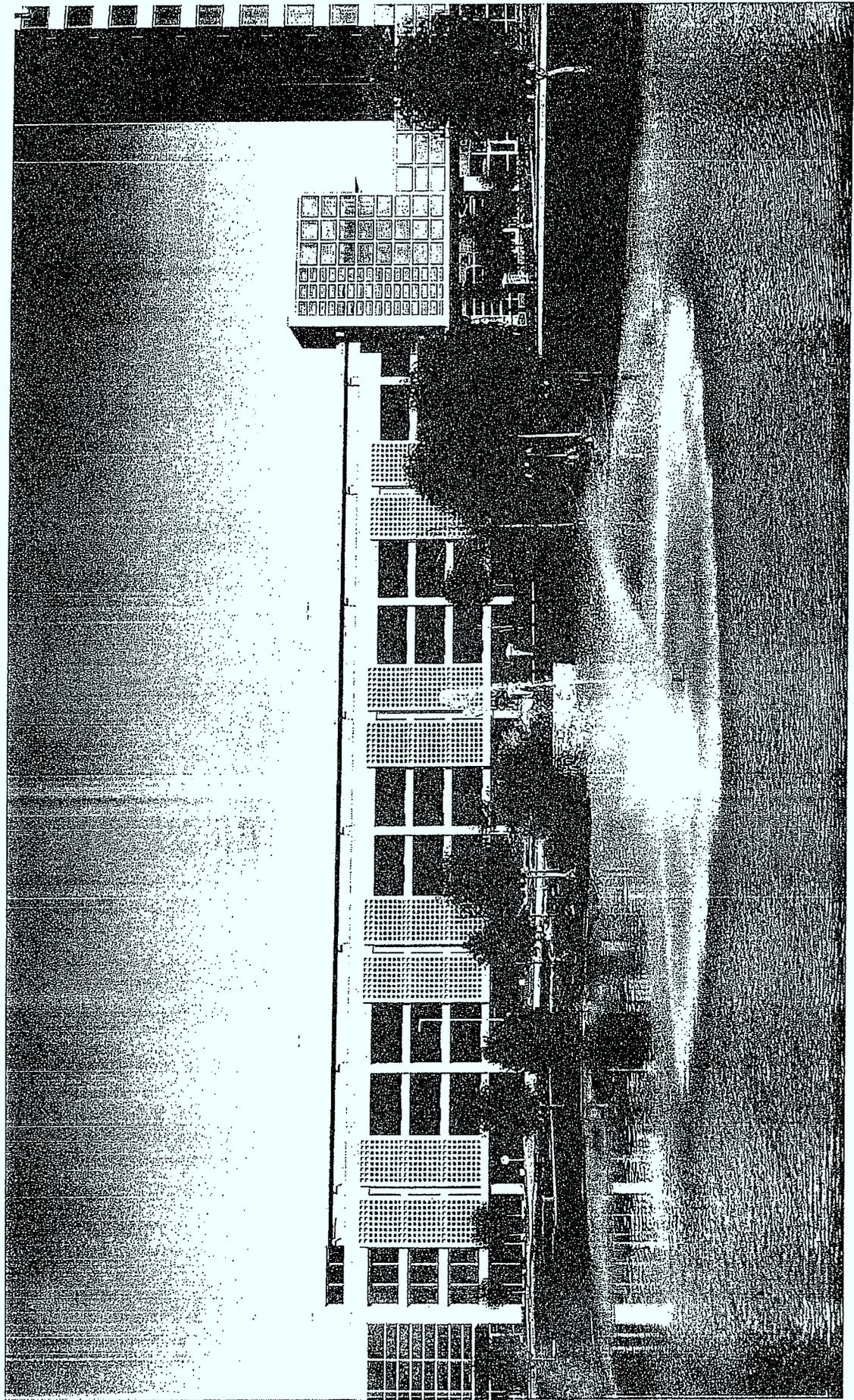
CLIENT
Granite Properties

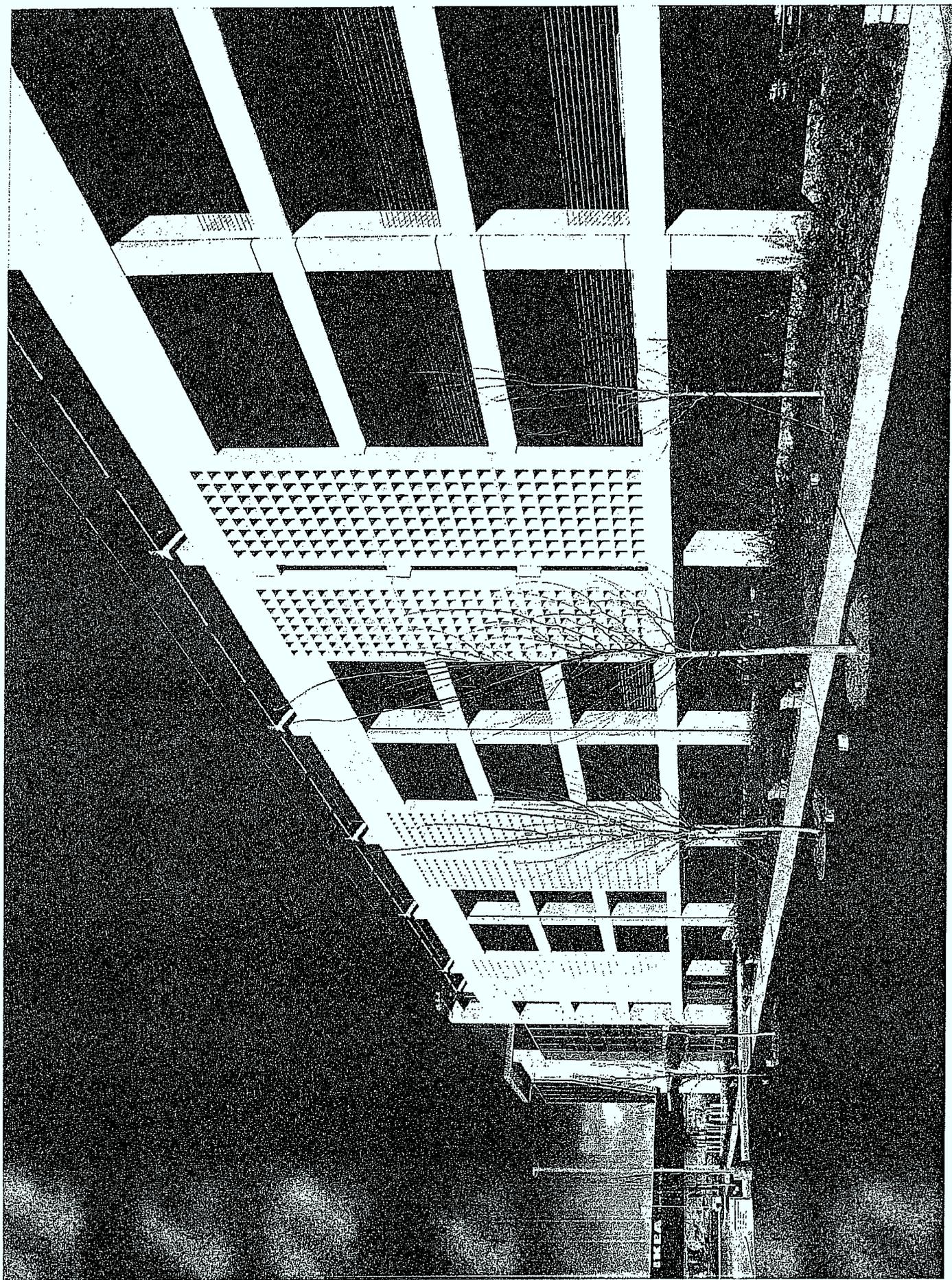
SERVICES PROVIDED
Masterplanning
Architectural Design
Architect of Record

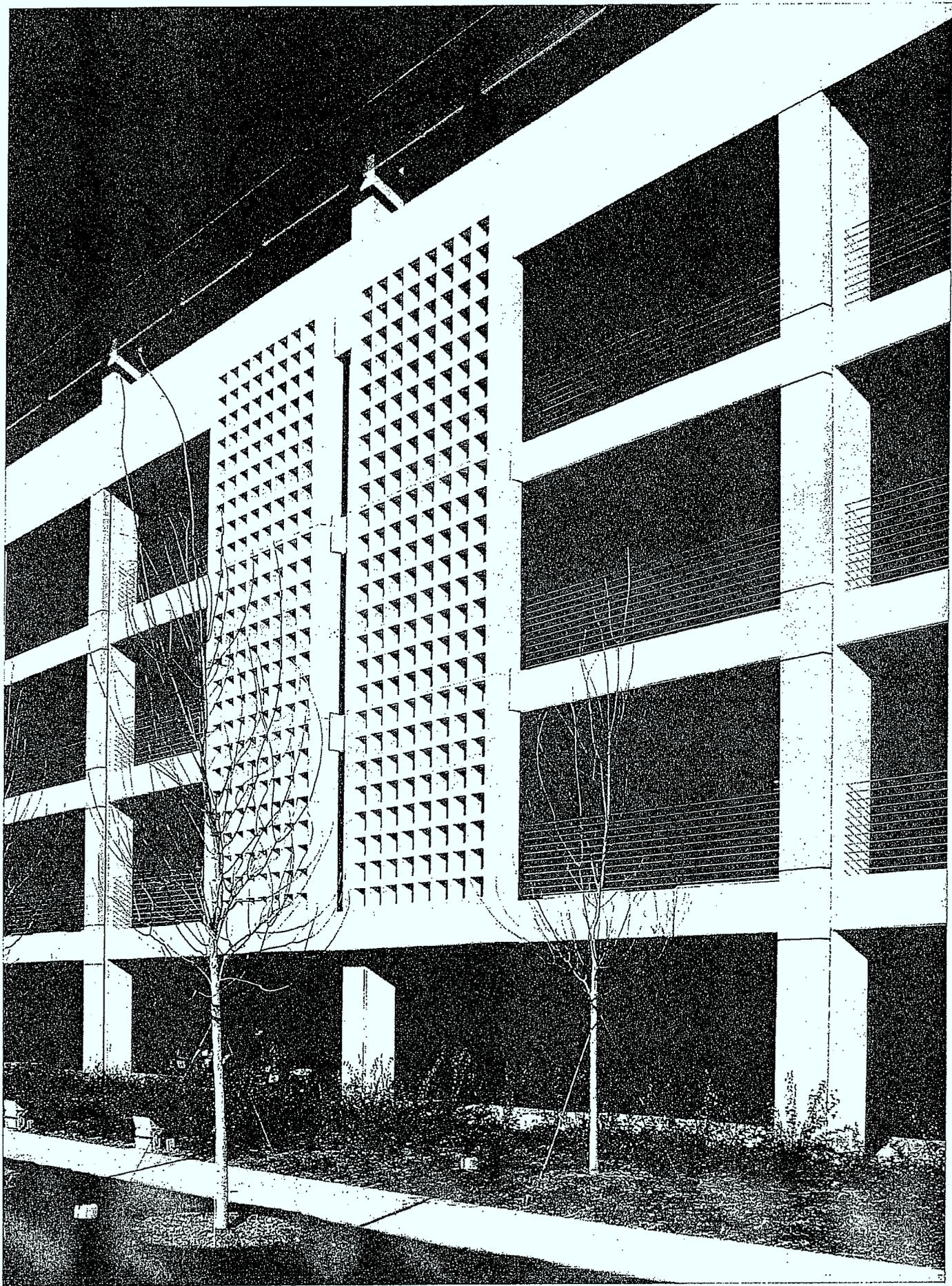
PROJECT SIZE
5 Stories/418,000 SF
1,342 Parking Spaces
50,000 SF Office/Retail

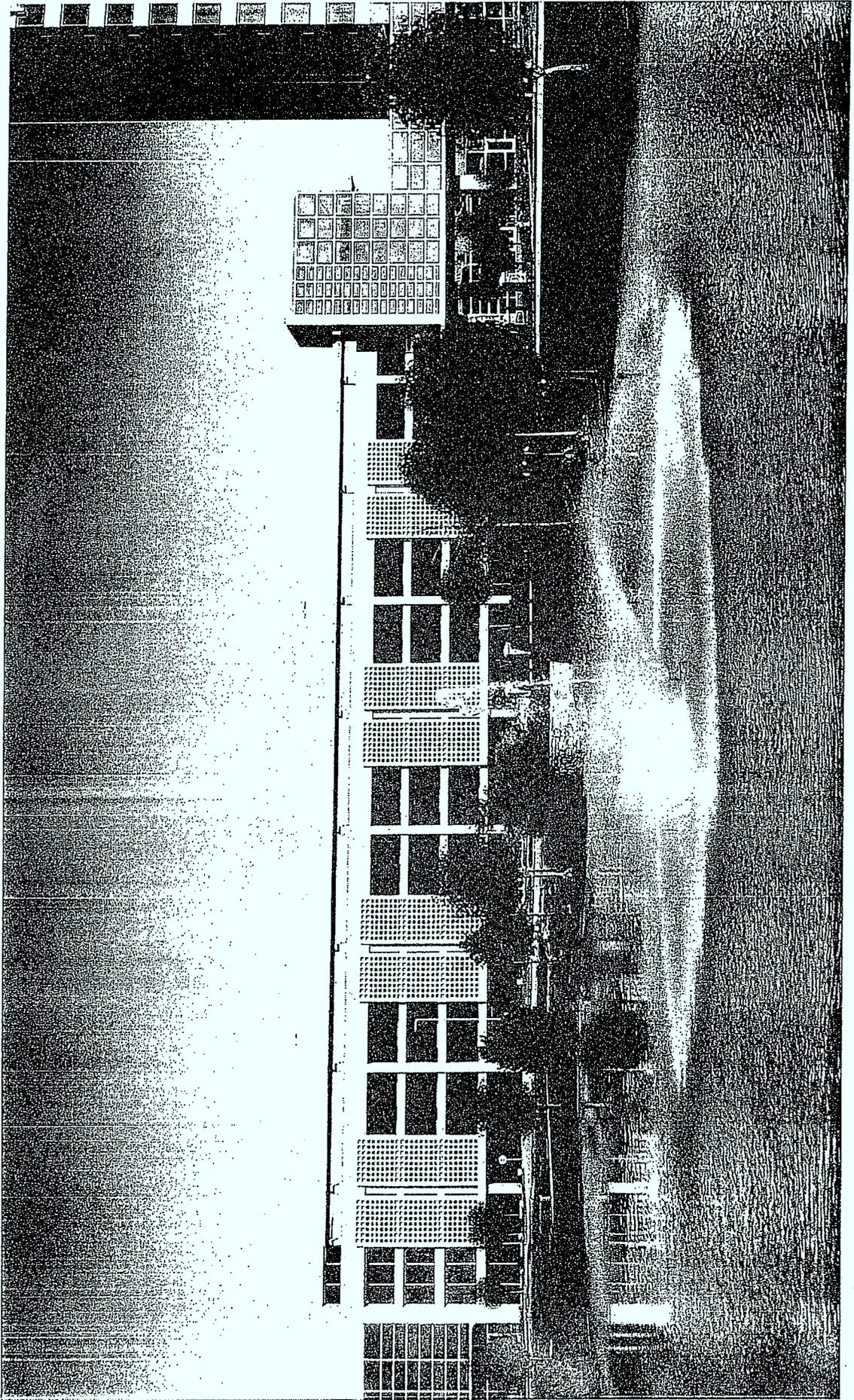
AWARDS
2007 Topping Out Award

BOKA Powell provided masterplanning, shell building design, public spaces interior design and parking garage design services for the 68-acre Granite Park mixed-use development, which includes this five-level parking garage, linked to Granite Park Three. The major obstacle in designing the parking garage was to utilize existing, unlevel grades. BOKA Powell's design sloped the first level to match the grades and designed an open entrance on the below-grade level.











Trinity
Christian
Academy

17001 Addison Road
Addison, TX 75001
972.931.8325
www.trinitychristian.org

Educating and Developing the Whole Person for the Glory of God

October 11, 2010

Mr. Scott Wilson
Staubach Realty Partners
8343 Douglas Avenue, Suite 350
Dallas, Texas 75225

Re: Methodist Hospital Zoning

Dear Scott,

Thank you for taking the time to meet with us on Wednesday to answer our questions regarding the proposed revisions to the zoning on the Methodist property adjacent to TCA. We hope and believe that TCA and Methodist can have a long, mutually beneficial relationship as neighbors. We want to compliment you on the quality of the first phase of the hospital. It certainly is an attractive building to have adjacent to our property.

As we have stated many times in the past, our concerns regarding the hospital center on our obligation to look out for the safety and welfare of our children. Thank you for listening to our concerns. Below is a summary of the requests and clarifications regarding your zoning application that we discussed Wednesday. TCA would like to see these items addressed prior to, or as part of the revised zoning ordinance, as appropriate:

1. In light of the 3 story height of the existing Phase 1 hospital building, and the 3 story deed restriction on the remaining proposed hospital building land, we ask that the Zoning for the Hospital portion of the site be reduced to 3 Stories.
2. Our preference is that no MOB parking garage access be granted on Addison Road. However, at a minimum, we ask that the MOB garage access on Addison Road be limited to MOB Doctors and staff only (no public access) as represented by you in the meeting. We also request that any MOB garage access be limited to right in, right out only on Addison Road.
3. Document arrangement for TCA use of Methodist garage & surface parking for TCA events that has been offered by Methodist.
4. Provide an attractive façade on the parking structure facing Addison Road as represented in the meeting.
5. Clarify Parking Ratios of Hospital addition.
6. Address TCA's traffic engineer's comments to the Methodist traffic study.
7. Evaluate the width of Sojourn Road from DNT to Addison Road and confirm that as part of the development of the first MOB that a right, center and left turn movement on the west bound Sojourn signal shall be constructed.

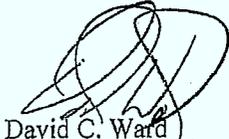
I believe that the above summarizes the major points that we discussed in our meeting. We would appreciate your written response to our requests prior to October 20th so that we can consider the zoning request at our October 21 Board of Trustee meeting.

Mr. Scott Wilson
Staubach Realty Partners

Page 2

Thank you again for your time and consideration. Should you have any questions or desire to discuss any of the aforementioned items further, please do not hesitate to contact myself or Dave Delph.

Regards,



David C. Ward
Chairman of the Board of Trustees

C: Dave Delph
TCA Board of Trustees
Mr. Ron Whitehead, Town of Addison
Ms. Carmen Moran, Town of Addison
Mr. Marc Goldman, Staubach Realty Partners



November 15, 2010

Mr. David Ward
Chairman of the Board of Trustees
Trinity Christian Academy
17001 Addison Road
Addison, TX 75001-5096

RE: Methodist Hospital MOB Zoning

Dear David:

Thanks to you, the other TCA Trustees and David Delph for the opportunity to get together last month. Like you, we also believe that TCA and the Methodist Hospital for Surgery can have a long, mutually beneficial relationship as great neighbors. We have been working with the project architects and engineers, as well as, the Town of Addison staff to address questions and comments regarding the proposed medical office building development. Following please find specific responses to your comments in your letter dated October 11, 2010:

1. While it is highly unlikely that the hospital will expand vertically in the future, the Board of the hospital felt it was not appropriate to change the hospital portion of the master plan for this submittal. This submittal is only intended to change the plans for the medical office building. Based on discussions with the Town staff, they concurred with this direction.
2. Regarding the garage access on Addison Road, we have worked with the Town traffic and parking experts to re-design the entrance to the garage to insure no traffic stacks on Addison Road. We can confirm that this entrance, if constructed, will be limited to physicians and staff. The public entrances will be from the Tollway service road and Sojourn. We have also changed the entrance to be right-in, right-out only as requested.
3. Regarding TCA use of the parking garage, we are happy to provide off-hours access to TCA for special events as mentioned. Based on discussions with the hospital board, the Town of Addison and attorneys specializing in these issues, all parties agreed that there are too many unknown variables related to the ultimate ownership, management and operating arrangements of the garage to complete a comprehensive parking agreement at this time. The primary issues relate to insurance, waivers and indemnities, security and traffic control. We would like to re-confirm our commitment to TCA regarding use of the garage and commit to working in best efforts to finalize a parking agreement once we are closer to completion. In the meantime, if use of the gravel lot south of Sojourn would be helpful, please let us know and we can work that out right away.



4. Regarding the parking ratios for the hospital addition, we are removing the hospital addition from the current application. There are no specific plans to expand the hospital in the near term.
5. Please see attached the comments to your questions regarding the traffic study from our traffic engineer.
6. We can confirm that as a part of the medical office building development, Sojourn will be improved with a dedicated right, center and left turn lanes.

We hope that these responses meet with your approval, and we are available to discuss these and any other aspects of the project at any time. We look forward to working with you and the TCA Board now and in the future.

Many thanks and best regards,



Scott H. Wilson
SRP Medical
214.635.4750 – Main
214.635.4766 – Fax

Cc: Mr. Dave Delph, Trinity Christian Academy
Mr. Ron Whitehead, Town of Addison
Ms. Carmen Moran, Town of Addison
Mr. Marc Goldman



Kimley-Horn
and Associates, Inc.

October 20, 2010

Mr. Marc Goldman
SRP
8343 Douglas Avenue, Suite 350
Dallas, TX 75225

■
12700 Park Central
Suite 1800
Dallas, Texas
75251

Subject: Methodist Hospital for Surgery (MHS), Medical Office Building (MOB) Phase 1
Response to TCA Comments

Dear Mr. Goldman:

KHA has received comments regarding the MHS MOB Phase 1 traffic impact analysis from Dunaway Associates, LP on behalf of Trinity Christian Academy (TCA). The following text contains a copy of the Dunaway comments in italics and the KHA response following each group.

Comment:

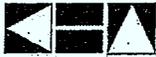
- *Why weren't new traffic counts performed?*
 - *The study utilizes data from March 2009 which was collected during DISD Spring Break. Volumes on Addison Road and Sojourn Drive indicate substantially lower volumes than 2004 NCTCOG provided counts.*

KHA Response:

Since the new hospital use approved earlier was under construction at the time of the MOB Phase 1 TIA and was not occupied, there was little use in recounting since the hospital traffic would not be included and there had been no material change in the vicinity. Public school traffic volume is judged to be minimal, since the area is at the junction of three school districts (DISD, Plano ISD, C-FB ISD), leading school traffic away from rather than through the area, and there are no major public schools in the vicinity or along Addison Road. Reductions in 2008-2010 background traffic compared to 2004 counts have been well documented in suburban locations that are substantially built out, which is generally attributed to economic factors and changes in fuel prices.

Comment:

- *Page 13 in the report sites observations of traffic operations at the TCA driveway. Why weren't actual traffic counts provided at this driveway rather than projected data?*
 - *Existing turning movement traffic volumes on Exhibit 4 at TCA Entry (Drive 7) are noted as "TCA Entry traffic projected". Report*



states that they are based on 1/3 of inbound trip generation with assignment of 60% from the north and 40% from the south.

- *Observations and counts performed by Dunaway Associates during the AM peak hour on September 17, 2010 indicate higher than projected turning movements at the TCA driveway. Observation of overall entry to school site was greater than trip generation predictions.*

KHA Response:

The page 13 reference to observations was for field observations and photography of intersection activity, not for traffic counts. The TCA Entry/Drive 7 intersection is the only location with both hospital and TCA turning movements. As an entry-only driveway to TCA, the technical intersection performance is not very sensitive to the turning movement volume, as the southbound right turns do not yield at all, and the northbound left turns yield only to the limited amount of southbound traffic. Actual intersection operation depends instead on the ability of the TCA site to receive inbound vehicles. The excellent LOS and excess capacity of the technical analysis shows that additional traffic (and peak hour factor influence as discussed later) can easily be accommodated, assuming that the TCA traffic management plan can keep up.

Comment:

- *Why isn't the TCA Upper School driveway on Addison Road included in the traffic study?*

KHA Response:

As with the lower school exit driveway, the Upper School Driveway doesn't line up with any hospital driveway, so analysis of these off-site driveways was not included in order to have a reasonable scope for the modest new trip generation on the MHS site. Impact on the Upper School Driveway from the hospital/MOB site is limited to additional through traffic on Addison Road, which largely occurs during the PM peak hour since most AM peak entering traffic is on SB Dallas Parkway. The Upper School Driveway is restricted to right turns outbound during the school peak hours, which means the incremental delay from any additional southbound vehicles is limited.

As seen at the TCA Entry/Drive 7 analysis, the northbound left-turning vehicles have no difficulty turning across the southbound through traffic, so conditions at the Upper School Driveway will be similar. Multiple school peak hour observations indicate that the daily congestion at this location is usually the result of queue spillback from within the school site, not from difficulty of actually making a turning maneuver.



Comment:

- *While background traffic on Addison Road may not be at peak conditions, why wasn't the PM peak hour of the TCA school analyzed?*

KHA Response:

School traffic during the AM peak hour is generally higher than the PM school exit per hour (projected 1,224 AM trips versus 876 PM school trips), so the AM analysis was judged to be the worst case and additional analysis was not warranted. In addition, operational results at driveways during the PM peak of school traffic are nearly all dependent on the school's traffic management plan and its ability to process and store incoming vehicles within the site.

Comment:

- *The June 2010 traffic report utilizes the default peak hour factor (PHF) of 0.92 for all analyses in Synchro. At locations where the number of peak trips occurs in a condensed time frame, (such as at schools with specific beginning and ending times), the PHF utilized in analysis may greatly affect the outcome of Level of Service (LOS) results. A lower PHF indicates that the peaking characteristics of the traffic movement are concentrated in a smaller window of time than an hour. Analysis of traffic movements with a lower PHF may degrade the LOS to less favorable conditions.*
 - *March 2009 24-hour traffic count data in traffic study appendix reveals AM and PM peak hour factors of 63.58% (0.64) and 87.14% (0.87), respectively on Addison Road and 59.52% (0.60) and 86.33 (0.86) on Sojourn Drive.*
 - *Existing turning movement count data at the Addison and Sojourn intersection (provided in the traffic study appendix) shows PM PHF ranging from 0.58 – 0.82 for individual movements.*
 - *Observed on the morning of September 17, 2010: The PHF of traffic arriving into TCA lower school driveway was 0.54 versus assumed default of 0.92 in previous analysis.*

KHA Response:

Agreed, specific peak hour factors would be a useful additional detail that should be added to future TIAs. Luckily, reviewing the current MOB TIA results with updated peak hour factors shows that they make no significant difference to the present analysis.



Comment:

As remarked on page 6 of the March 31, 2009 Traffic Study, future phases of the MHSS development will be required to have separate traffic impact analyses. The following elements are recommended to include in traffic studies performed after the opening of Phase 1:

- *Additional intersection to be analyzed: TCA Upper School driveway at Addison Road.*
- *Timing of study should reflect conditions when a significant portion (minimum 65%) of the medical site is in operation. Analysis to include build-out of Phase 1 and additional phase(s).*
- *Current traffic counts to be collected when TCA, DISD and surrounding area schools are in operation.*
- *Peak hour factors of new traffic data should be incorporated into the analyses.*
- *PM peak hour of TCA driveway analyses should potentially be included.*
- *If applicable, any projected increase in TCA enrollment should be taken into consideration when updating the TIA.*

KHA Response:

Future phases of hospital or MOB development will indeed have updated TIAs. Responses to each proposed element:

- We do not believe the TCA Upper School Driveway should be included in future TIAs, since MHS site traffic has little direct impact on the intersection, and the intersection operations are so dependent on the TCA traffic management plan. The same applies to an analysis of the school's afternoon peak hour, which will not add significant insight to the hospital's TIA.
- As with the MOB Phase 1 TIA which included full occupancy of the previously approved portion of the site, future TIAs can be expected to fully account for all site traffic, either by traffic counts if actually occupied or by projections for uses approved but not yet occupied.
- Agreed, new counts would be needed for existing traffic analyses after 2010, and they will be arranged to avoid school holidays.
- Agreed, peak hour factors will be added to future TIAs.
- Future TIAs will use the most recent TCA enrollment or projections for the study years. At that future time we would also request details of TCA traffic management plan updates and any school traffic counts which have been done.



Comment:

Evaluate the width of Sojourn Road from DNT to Addison Road and confirm that as part of the development of the first MOB that a right, center and left turn movement on the west bound Sojourn signal shall be constructed.

KHA Response:

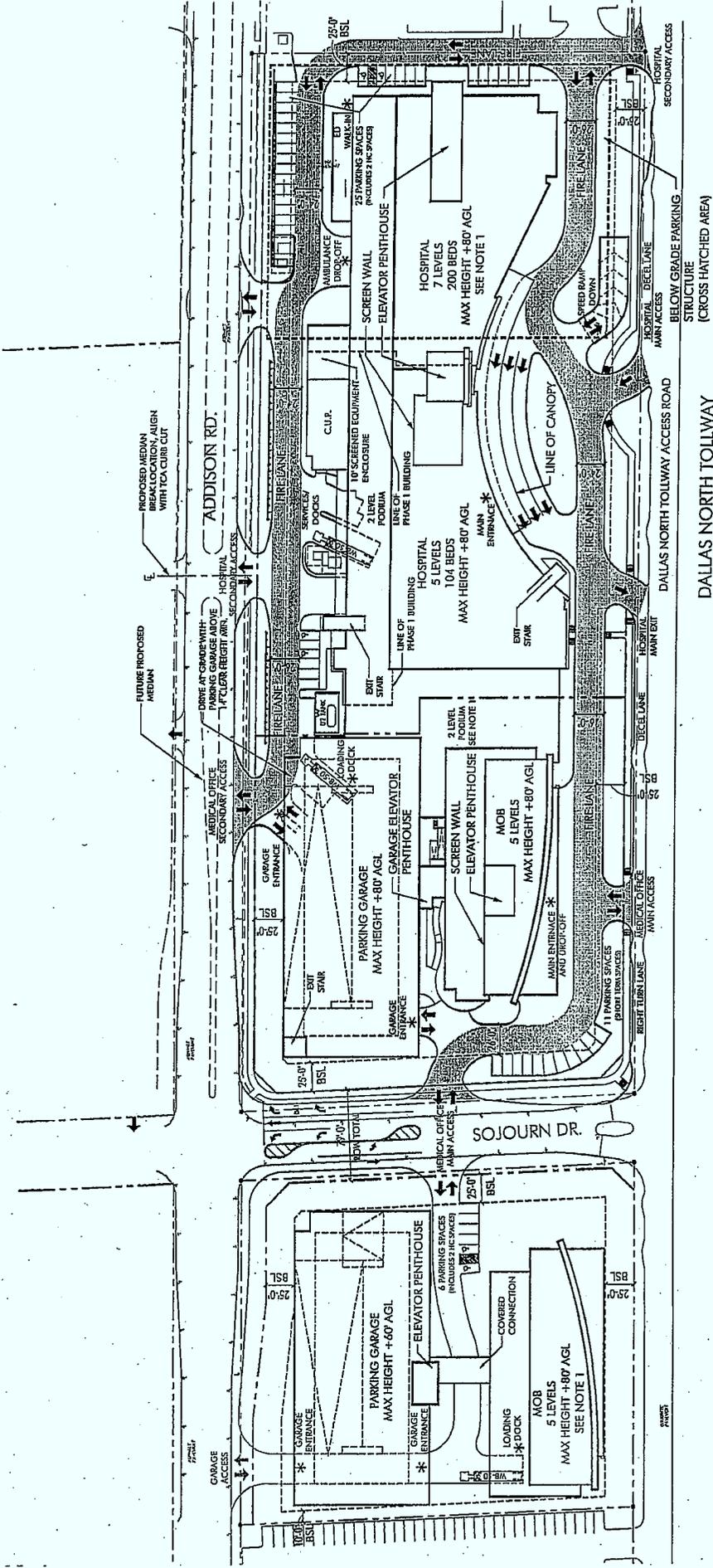
The MOB Phase 1 TIA included a Sojourn Road westbound right-turn lane on new pavement. The existing pavement is approximately 36' wide so a three lane section is possible, plus the new right-turn lane. The existing westbound approach sometimes operates as two approach lanes when drivers squeeze together within the existing half of the pavement. A striping change would make this maneuver more consistent and safe. No modifications should be necessary for the westbound signal if the split phase operation is continued. While this three-lane westbound configuration was not analyzed in the TIA since the intersection operations were satisfactory with two westbound lanes, the additional lane does result in noticeably improved intersections operations. Since the modification would probably require only modest striping and signage changes, it is recommended to be done when the westbound right-turn lane is constructed. The recommendation has been added to the TIA conclusions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in cursive script, appearing to read "Scot A. Johnson, P.E.".

Scot A. Johnson, P.E., PTOE
Associate



NOTE 1: EXPANSION SHOWN FOR INFORMATION ONLY

01 EXHIBIT C - MASTER PLAN

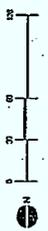
SCALE: 1" = 60'-0"

- LEGEND:**
- SF = Square Foot
 - AGL = Above Grade Level
 - ED = Emergency Department
 - MOB = Medical Office Building
 - CUP = Central Utility Plant
 - HC = Hand-cap

(Max height is exclusive of parapet walls, penthouse structures, and similar structures)

METHODIST HOSPITAL FOR SURGERY - PHASE II MEDICAL OFFICE BUILDING

Exhibit C - Master Plan
 11.10.2016
 09531.02

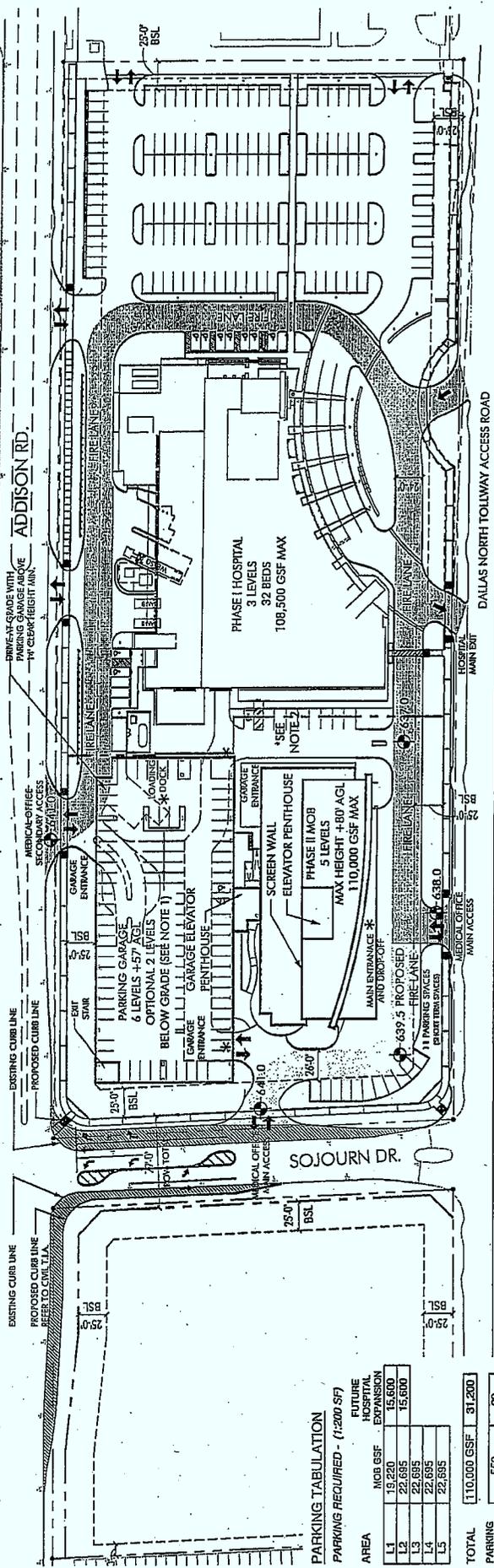


09531.02

TRUMAN REAL PROPERTIES, INC.
1517 A 2007046380
BYPASS

TRUMAN REAL PROPERTIES, INC.
1517 A 2007046380
BYPASS

ANDERSON REALTY, INC.
1517 A 2007046380
BYPASS



DALLAS NORTH TOLLWAY

01 EXHIBIT D - PHASE II SITE PLAN

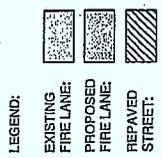
SCALE: 1" = 60'-0"

- LEGEND:**
- SF = Square Foot
 - AGL = Above Grade Level
 - ED = Emergency Department
 - MOB = Medical Office Building
 - CUP = Central Utility Plant
 - HC = Handi-cap

(Max height is exclusive of parapet walls, penthouse structures, and similar structures)

METHODIST HOSPITAL FOR SURGERY - PHASE II MEDICAL OFFICE BUILDING

Exhibit D - Phase II Site Plan
Schema A
11.16.2016
11.16.2016
11.16.2016
11.16.2016



PARKING TABULATION

PARKING REQUIRED - (1200 SF)

AREA	MOB GSF	HOSPITAL EXISTING
L1	19,200	15,600
L2	22,650	15,600
L3	22,650	15,600
L4	22,650	15,600
L5	22,650	15,600

TOTAL	110,000 GSF	81,200
PARKING REQUIRED	550	32

PARKING PROVIDED

SURFACE	PARKING SPACES	HC
PERMANENT	11	8
INTERIM	8	1

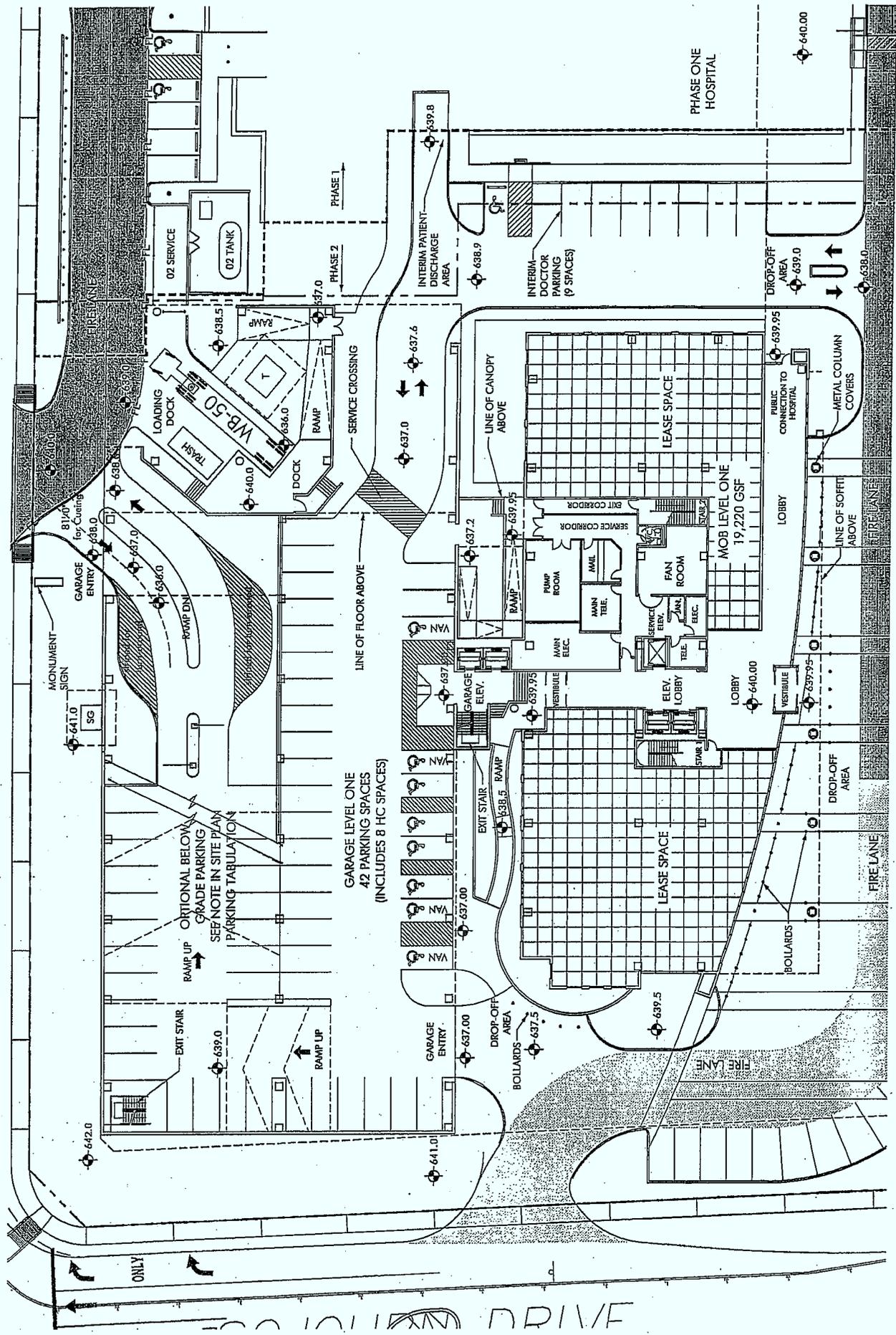
STRUCTURED	GSF
G1 (max 200' max height)	34
G2 (max 200' max height)	24,750
G3 (max 200' max height)	74
G4 (max 200' max height)	26,225
G5 (max 200' max height)	105
G6 (max 200' max height)	34,640
G7 (max 200' max height)	107
G8 (max 200' max height)	34,640
G9 (max 200' max height)	107
G10 (max 200' max height)	34,640

TOTAL	533	15
TOTAL STRUCTURED	548	185,582 GSF
TOTAL PARKING	588	

NOTE 1: OPTIONAL BELOW GRADE PARKING FOR UP TO 150 P.S. BE THE TOTAL 588 P.S. SHOWN ON THE TABULATION WILL BE THE MAXIMUM NUMBER OF SPACES PROVIDED. (LEVELS G5 AND G6 WILL BE LESSENER BY THE BELOW GRADE PARKING PROVIDED).

NOTE 2: 6 PARKING SPACES REQUIRED FOR PHASE I HOSPITAL RELOCATED TO PHASE II (PARKING INCLUDED IN 588 TOTAL)





METHODIST HOSPITAL FOR SURGERY - PHASE II MEDICAL OFFICE BUILDING

Exhibit D - Ground Floor Plan
 Scheme A
 11/15/2018
 11/15/2018
 07/25/2018





17001 Addison Road
Addison, TX 75001
972.931.8325
www.trinitychristian.org

Educating and Developing the Whole Person for the Glory of God

November 18, 2010

Mr. Scott Wilson
Staubach Realty Partners
8343 Douglas Avenue, Suite 350
Dallas, TX 75225

Re: Methodist Hospital Zoning Revisions

Dear Scott,

Thank you for your receptiveness to our requests on your zoning revisions for Methodist Hospital as conveyed in your letter of November 13. We appreciate Methodist's willingness to work with Trinity on many of our key areas of concern with the zoning application. Trinity is supportive of Methodist's zoning revision with the conditions outlined in your letter, as well as the Town of Addison's staff recommendations. However, should any of the conditions outlined in the letter be changed at the zoning hearing, we would withdraw our support of the application. We also appreciate the continued offer to allow TCA to use the Methodist facility for special event parking. We look forward to working out a more definitive arrangement with you to accommodate this use.

Thank you again for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Ward", is written over a circular stamp or seal.

David C. Ward

On Behalf of Trinity Christian Academy

c; Dave Delph, TCA
Carmen Moran, Town of Addison

Council Agenda Item: #R6

AGENDA CAPTION:

PUBLIC HEARING Case 1613-SUP/Tom Thumb. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 14280 Marsh Lane, on application from Tom Thumb, represented by Mr. Gerald Franklin of the Gerald Franklin Agency.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

FINANCIAL IMPACT:

No financial impact.

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

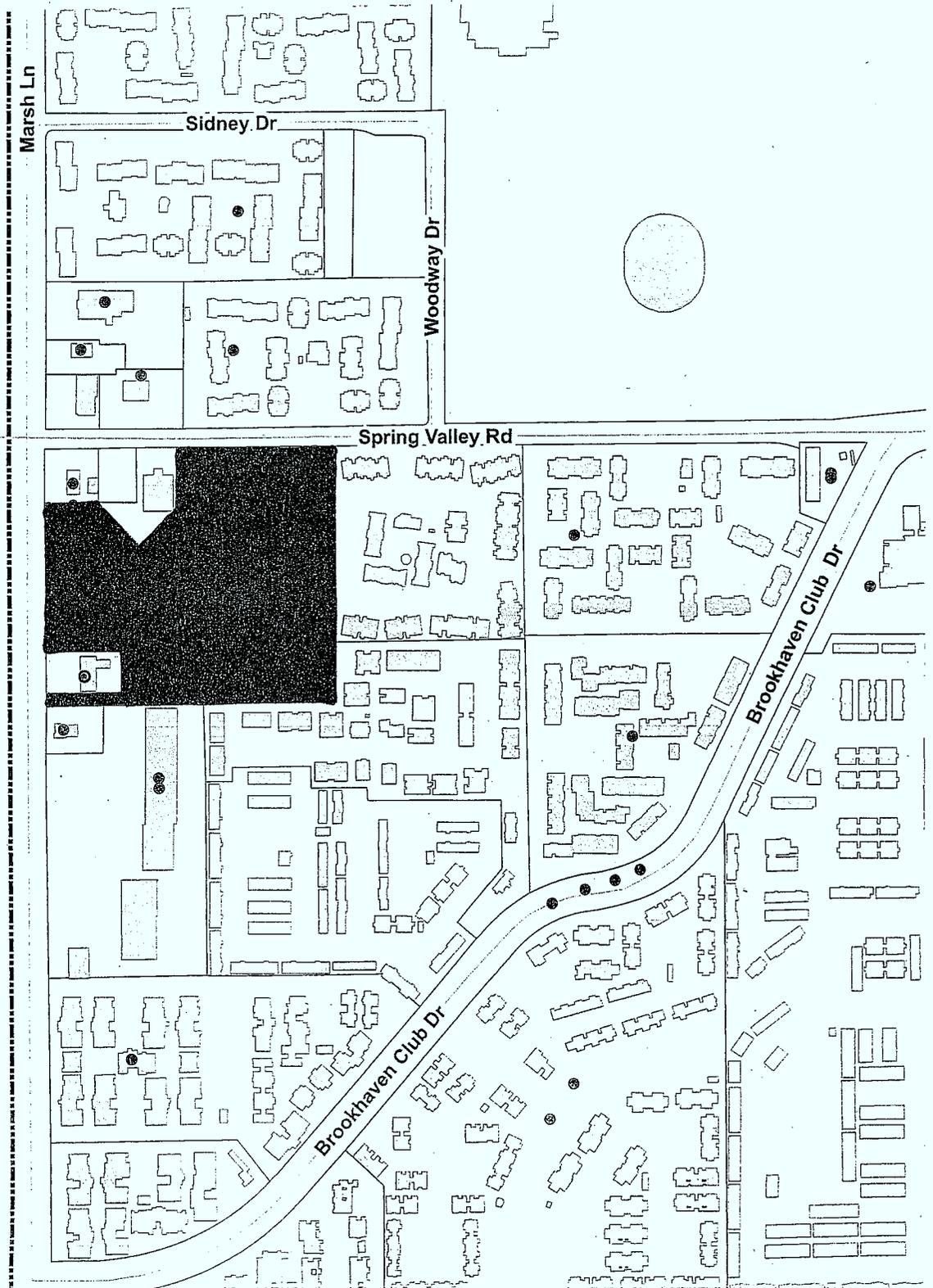
[Docket map, staff report, commission findings](#)

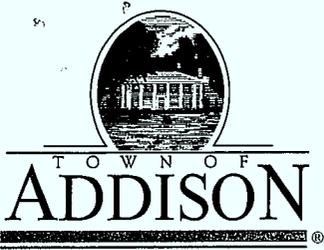
Type:

Backup Material

1613-SUP

PUBLIC HEARING Case 1613-SUP/Tom Thumb. Requesting approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 14280 Marsh Lane, on application from Tom Thumb, represented by Mr. Gerald Franklin of the Gerald Franklin Agency.





December 8, 2010

STAFF REPORT

RE: Case 1613-SUP/Tom Thumb Grocery Store

LOCATION: A LR (Local Retail) zoning district located at 14280 Marsh Lane

REQUEST: Approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only

APPLICANT: Mr. Gerald Franklin of the Gerald Franklin Agency

DISCUSSION:

Background. Tom Thumb has been operating a grocery store at this location since the early 1980s. The store has never sold beer and wine for off-premises consumption due to the location restriction in the Town's charter, which required that all sales of beer and wine be located on Inwood Road, south of Belt Line Road. On November 2, 2010, a Charter amendment election was held and the location restriction for beer and wine sales was eliminated. Therefore, beer and wine can currently be sold for off-premises consumption in any LR (Local Retail) district, subject to the approval of a Special Use Permit. Tom Thumb is within a Local Retail zoning district, and would like to add beer and wine sales to its grocery store.

Proposed Plan. Tom Thumb occupies a 62,639 square foot space in the Brookhaven Village Shopping Center. The beer and wine sales will be added to existing coolers against the north wall of the store. There will not be any other changes to the floor plan.

Facades. Tom Thumb is not proposing any changes to the existing facades of the grocery store.

Landscaping. The site has existing landscaping. The staff has reviewed the site and finds that the landscaping is in good condition and is being maintained.

Parking. A grocery store parks at a 1/200 standard retail parking ratio. Beer and wine sales are a standard retail use and currently park at 1/200. The addition of beer and wine sales to this existing store does not change the required parking.

RECOMMENDATION:

Staff recommends approval of the Special Use Permit for the sale of beer and wine for off-premises consumption, subject to no conditions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C Moran', written in a cursive style.

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

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

Voting Nay: none

Absent: none

Council Agenda Item: #R7

AGENDA CAPTION:

PUBLIC HEARING Case 1614-SUP/Pennysavers Foodstore.
Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 14330 Marsh Lane, on application from Mr. Abdul Hadwani of Altaf Foodstore, Inc.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

FINANCIAL IMPACT:

No financial impact

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

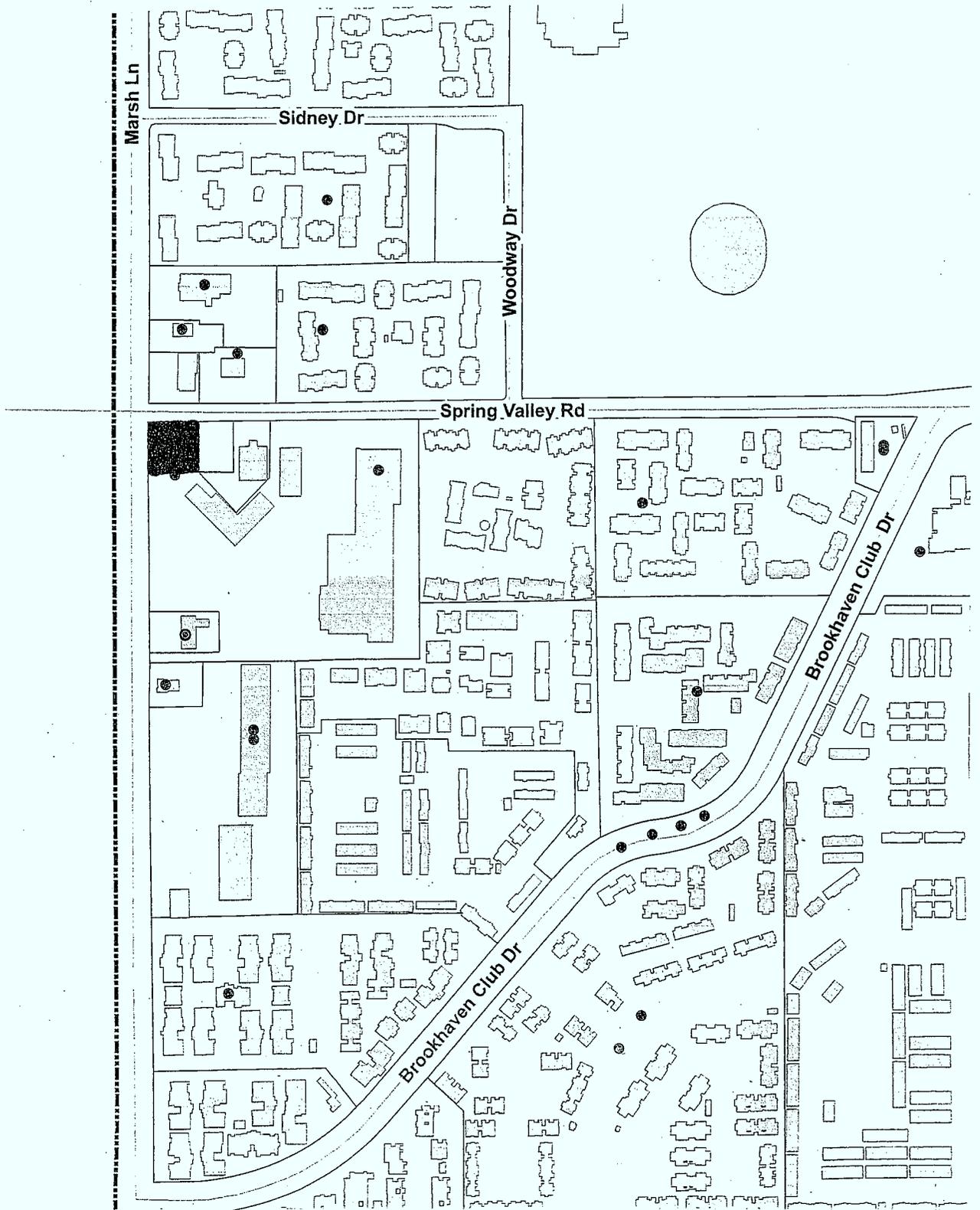
[Docket map, staff report, commission findings](#)

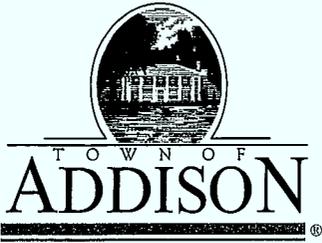
Type:

Backup Material

1614-SUP

PUBLIC HEARING Case 1614-SUP/Pennysavers Foodstore. Requesting approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 14330 Marsh Lane, on application from Mr. Abdul Hadwani of Altaf Foodstore, Inc.





December 9, 2010

STAFF REPORT

RE: Case 1614-SUP/Pennysavers Foodstore

LOCATION: A LR (Local Retail) zoning district located at 14330 Marsh Lane

REQUEST: Approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only

APPLICANT: Mr. Abdul Hadwani of Altaf Foodstore, Inc.

DISCUSSION:

Background. Pennysavers has operated a gas station, convenience store and car wash at this location since 1995. The sale of gasoline and a convenience store both require a Special Use Permit, and the SUP for Pennysavers was approved on November 14, 1995 through Special Use Permit Ordinance 095-005. The store has never sold beer and wine for off-premises consumption due to the location restriction in the Town's charter, which required that all sales of beer and wine be located on Inwood Road, south of Belt Line Road. On November 2, 2010, a Charter amendment election was held and the location restriction for beer and wine sales was eliminated. Therefore, beer and wine can currently be sold for off-premises consumption in any LR (Local Retail) district, subject to the approval of a Special Use Permit. Pennysavers is within a Local Retail zoning district, and would like to add beer and wine sales to its convenience store operation.

Proposed Plan. The Pennysavers convenience store occupies a 1,700 square foot building on the gas station site. The beer and wine sales will be added to existing coolers located in the store. There will not be any other changes to the floor plan.

Facades. Pennysavers is not proposing any changes to the existing facades of the convenience store.

Landscaping. The site has existing landscaping. The staff has reviewed the site and finds that the landscaping is in good condition and is being maintained.

Parking. A convenience store, when combined with a gas station, does not have a standard parking ratio, but parking is approved on a case-by-case basis as a part of the Special Use Permit required for the convenience store. Beer and wine sales are a standard retail use and currently park at 1/200. The addition of beer and wine sales to this existing store does not change the required parking.

RECOMMENDATION:

Staff recommends approval of the Special Use Permit for the sale of beer and wine for off-premises consumption, 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 December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

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

Voting Nay: none

Absent: none

Council Agenda Item: #R8

AGENDA CAPTION:

PUBLIC HEARING Case 1615-SUP/TETCO. Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 5012 Belt Line Road, on application from TETCO Stores, LP, represented by Ms. Arlene Whitaker.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

FINANCIAL IMPACT:

No budget impact.

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

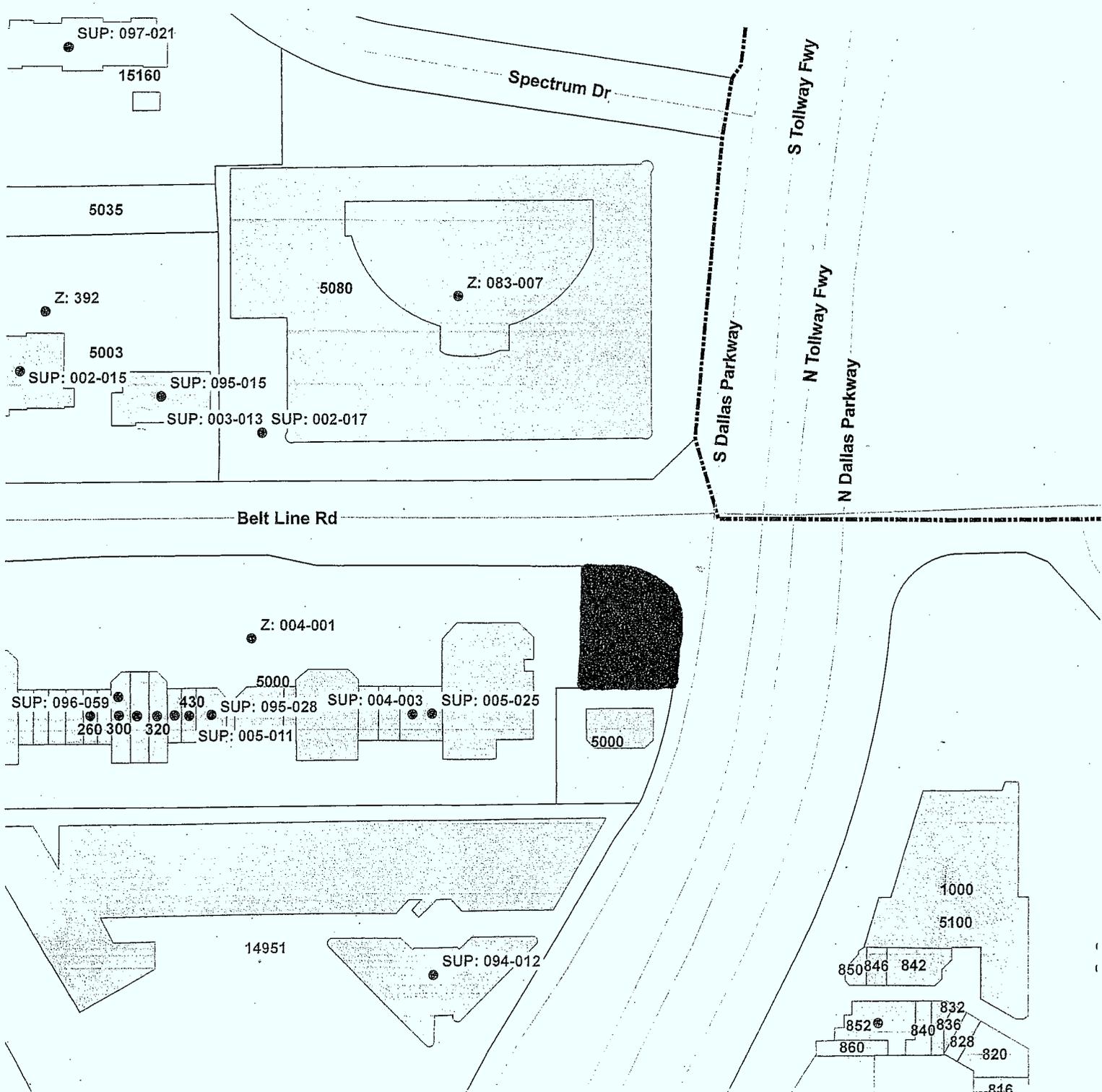
[Docket map, staff report, commission findings](#)

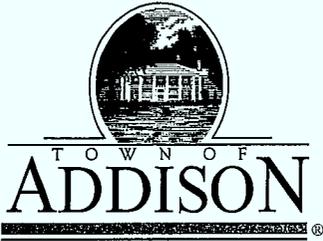
Type:

Backup Material

1615-SUP

PUBLIC HEARING Case 1615-SUP/TETCO. Requesting approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, located in a Local Retail zoning district and addressed as 5012 Belt Line Road, on application from TETCT Stores, LP, represented by Ms. Arlene Whitaker.





December 9, 2010

STAFF REPORT

RE: Case 1615-SUP/TETCO

LOCATION: A LR (Local Retail) zoning district located at 5012 Belt Line Road

REQUEST: Approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only

APPLICANT: Ms. Arlene Whitaker

DISCUSSION:

Background. There has been a gas station and convenience store located on the corner involved in this request (southwest corner of Belt Line and the Tollway) since the early 1980s. The gas station and store were in operation before the zoning ordinance was amended to require a Special Use Permit for the sale of gasoline and a convenience store; therefore, the store does not have a Special Use Permit. TETCO is the current operator of the station and store.

The store has never sold beer and wine for off-premises consumption due to the location restriction in the Town's charter, which required that all sales of beer and wine be located on Inwood Road, south of Belt Line Road. On November 2, 2010, a Charter amendment election was held and the location restriction for beer and wine sales was eliminated. Therefore, beer and wine can currently be sold for off-premises consumption in any LR (Local Retail) district, subject to the approval of a Special Use Permit. TETCO is within a Local Retail zoning district, and would like to add beer and wine sales to its convenience store operation.

Proposed Plan. The TETCO convenience store occupies a 912 square foot building on the gas station site. The beer and wine sales will be added to existing coolers located in the store. There will not be any other changes to the floor plan.

Facades. TETCO is not proposing any changes to the existing facades of the convenience store.

Landscaping. The site has existing landscaping. The staff has reviewed the site and finds that the landscaping is in good condition and is being maintained.

Parking. A convenience store, when combined with a gas station, does not have a standard parking ratio, but parking is approved on a case-by-case basis as a part of the Special Use Permit required for the convenience store. Beer and wine sales are a standard retail use and currently park at 1/200. The addition of beer and wine sales to this existing store does not change the required parking.

RECOMMENDATION:

Staff recommends approval of the Special Use Permit for the sale of beer and wine for off-premises consumption, subject to no conditions.

Respectfully submitted,

A handwritten signature in black ink that reads "C Moran". The "C" is large and loops around the "M". The "RAN" is written in a more compact, blocky style.

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

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

Voting Nay: none

Absent: none

Council Agenda Item: #R9

AGENDA CAPTION:

PUBLIC HEARING Case 1616-SUP/La Zaranda Restaurant.
Presentation, discussion and consideration of approval of an ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 850, on application from Mesea Enterprises, LLC, represented by Mr. Mario Letayf.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, subject to no conditions.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

FINANCIAL IMPACT:

No financial impact.

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

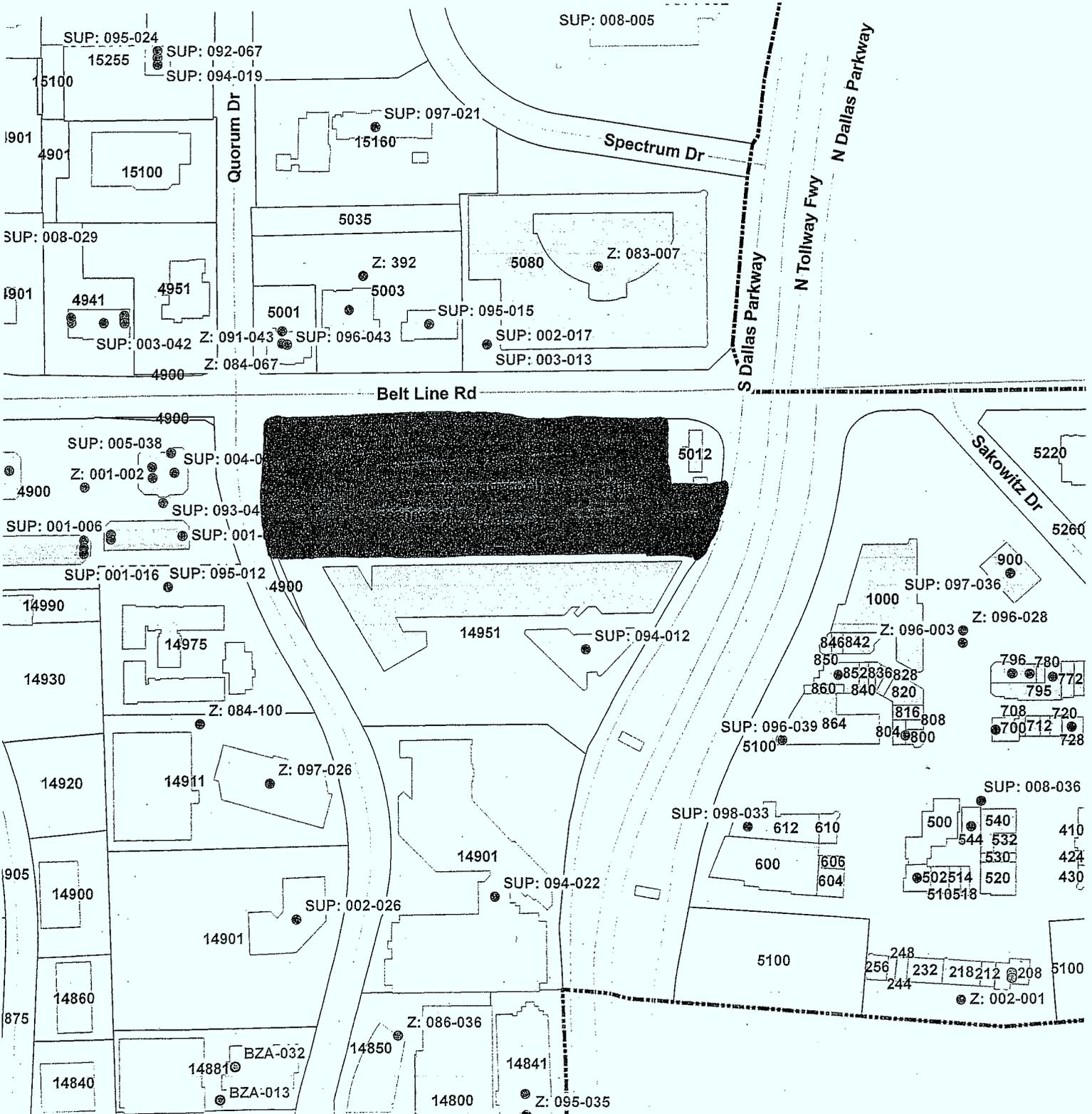
[Docket map, staff report, commission findings](#)

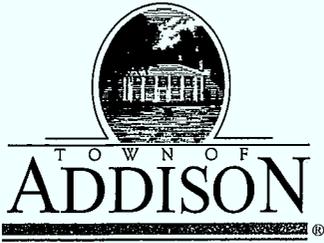
Type:

Backup Material

1616-SUP

PUBLIC HEARING Case 1616-SUP/La Zaranda Restaurant. Requesting approval of an ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 850, on application from Mesea Enterprises, LLC, represented by Mr. Mario Letayf.





December 8, 2010

STAFF REPORT

RE: Case 1616-SUP/La Zaranda

LOCATION: 5000 Belt Line Road, Suite 850

REQUEST: Approval of a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption

APPLICANT: Mesea Enterprises, LLC, represented By Mr. Mario Letayf

DISCUSSION:

Background. The owners of the Addison Walk shopping center at 5000 Belt Line Road are in the process of making revisions to the center. They are going to chop off a portion of the center to reduce the square footage and increase the parking. They are planning to demolish a portion of the lease space that was occupied by Baker Bros. Furniture. They will take the front of the building back to the same line as the existing façade occupied by Kenny's Wood-Fired Grill. The owners will gain 40 additional parking spaces by chopping off the front of the furniture store and replacing that area with parking spaces. They will then subdivide the furniture store lease space into two new lease spaces, and they plan to get restaurants in both of those lease spaces. La Zaranda is the first restaurant they are developing, and it will go in the easternmost "end-cap" space.

Proposed Plan. LaZaranda will feature Mexican coastal seafood. The owner currently operates restaurants in Mexico, and this will be his first restaurant in the US. The restaurant will contain 5,909 square feet. The restaurant will be a full-service restaurant with waiters. The restaurant contains a bar area with seating and two separate dining areas.

Façade. The new facades will match the existing facades with dark brick, stone accents, and glass store-front. The applicant is not planning to make any changes to the facades that will be installed by the shopping center owners.

Landscaping. The landscaping in the center was recently renovated and is generally well maintained.

Parking. This center is in a Planned Development district which provides parking for restaurants at one space per 160 square feet. This restaurant contains 5,909 square feet and will require 37 parking spaces. The property owner has submitted a parking analysis (attached) for the center to "prove up" the parking for this restaurant and the other restaurant the owner hopes to add.

Signs. The applicant did not show any signs on the façade. The applicant should be aware that all signs must be permitted under the requirements of the Addison Sign ordinance, and cannot be approved through this process. The applicant should also be aware that the Town has a policy against the use of any terms, or graphic depictions that denote alcoholic beverages in exterior signs.

RECOMMENDATION:

Staff recommends approval of the request for Special Use Permit for a restaurant, and a 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 December 16, 2010, voted to recommend approval of a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, subject to no conditions.

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

Voting Nay: none

Absent: none

Addison Walk Plaza

Parking Requirements Post Construction

Selzer Associates

Addison, Texas

Revised: 2010-11-22

Printed: 2010-11-22

Space #	Tenant Name	Sq. Ft.	Tenant Type	Parking Req'd.	Extended Footage	Extended Parking	Retail*	Office*	Medical*	Restaurant/Bar	Furniture*	
First Floor												
100	Buffalo Wild Wings	6,094	Restaurant	38			200	300	200	160	1000	
150	Mattress Firm	6,127	Retail	31			30	20	30	38	6,094	
200	Mane Event	1,440	Retail	7			31	20	31	38	6,127	
210	T-Mobile	1,440	Retail	7			7	5	7	9	1,44	
230	Quiznos	1,440	Restaurant	7			7	5	7	9	1,44	
250	Diamond Wholesale	1,440	Retail	7			7	5	7	9	1,44	
260	Yogurt Story	1,440	Restaurant	7			7	5	7	9	1,44	
280	Legend Nails	1,440	Retail	7			7	5	7	9	1,44	
300	Ziziki's	2,938	Restaurant	18			15	10	15	18	2,938	
310	Texasdephia	2,612	Restaurant	16			13	9	13	16	2,612	
320	Freebirds	3,226	Restaurant	20			16	11	16	20	3,226	
420	Vacant	1,606	Retail	8			8	5	8	10	1,606	
430	Pizza by Marco	1,600	Restaurant	10			8	5	8	10	1,6	
450	Starbucks Coffee	2,600	Restaurant	16			13	8	13	16	2,5	
500	Memphis/ Shuck & Jive	4,207	Restaurant	26			21	14	21	26	4,207	
590	Vacant	1,480	Retail	7			7	5	7	9	1,48	
600	Kobe Steaks	9,927	Restaurant	62			50	33	50	62	9,927	
766	Alphagraphics	2,280	Retail	11			11	8	11	14	2,28	
770	Vacant	1,346	Retail	7			7	4	7	8	1,346	
775	Kenny's Wood Fired Grill	4,007	Restaurant	25			20	13	20	25	4,007	
800	Vacant	4,717	Restaurant	29			24	16	24	29	4,717	
850	Vacant	5,909	Restaurant	37			30	20	30	37	5,909	
900	Vacant	900	Retail	5			5	3	5	6	0,9	
920	Hair Color for the World	705	Retail	4			4	2	4	4	0,705	
950	Brantley Cleaners	2,759	Retail	14			14	9	14	17	2,759	
Total First Floor		73,580		431	73,580	431						

Grand Total

Existing Parking (Total)	73,580	431
Excess/(Deficit) Parking	604	73
Existing Accessible Parking (Including van accessible)		
Required Accessible Parking (Including van accessible)		
Existing Van Accessible Parking	10	9 OK.
Minimum Accessible Spaces Required to be Van Parking	3	2 OK

Council Agenda Item: #R10

AGENDA CAPTION:

PUBLIC HEARING Case 1617-Z/Town of Addison. Presentation, discussion and consideration of approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A. (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same, on application from the Town of Addison, represented by Carmen Moran.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A, (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same.

Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

FINANCIAL IMPACT:

No financial impact.

BACKGROUND:

N/A

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

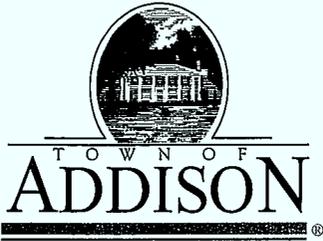
ATTACHMENTS:

Description:

[Notice, staff report, 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**

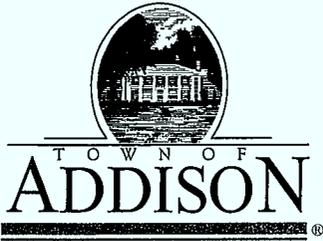
DECEMBER 16, 2010

6:00 P.M.

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

1. **PUBLIC HEARING** Case 1617-Z/Town of Addison. Requesting approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A. (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same, on application from the Town of Addison, represented by Carmen Moran.

**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.**



December 7, 2010

STAFF REPORT

RE: Case 1617-Z/Town of Addison

REQUEST: Amendment to Appendix A, the Addison Zoning Ordinance, Article XX (Special Uses), Section 1, Subsection A. (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same

APPLICANT: Town of Addison, represented by Carmen Moran

DISCUSSION:

Background. On November 2, 2010, the Town held a Charter Amendment Election, and as a result of that election, the restriction allowing sale of beer and wine for off-premises consumption only on Inwood Road, south of Belt Line Road, was eliminated. The Addison Zoning Ordinance has always allowed beer and wine to be sold in any Local Retail district (with a Special Use Permit), but that requirement was always “trumped” by the provision in the Charter.

The Zoning Ordinance has two separate land uses that involve the sale of alcoholic beverages. Both are Special Uses, and are contained in **Article XX. Special Uses**. They are:

- (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.

Uses (26) and (27) were always "trumped" by Section 11.04 of the Addison City Charter which limited the sale of all alcoholic beverages to a geographic area that was on Inwood Road, south of Belt Line Road. However, that restriction, while still in place for "distilled spirits" (26) no longer exists for the sale of beer and wine (27).

At present, only those businesses located within a Local Retail zoning district are eligible to apply for a Special Use Permit to sell beer and wine for off-premises consumption. Anyone wishing to sell beer and wine for off-premises consumption in any other area of the city would first have to rezone to Local Retail, and then obtain a Special Use Permit. The exception is that Article XIX.A. of the Zoning Ordinance, the Belt Line District Regulations, provide for "beer and wine, off-premises consumption" in the Epicurean District with a special use permit.

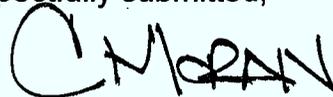
Many of the areas that have been cited as desirable sites for the sale of beer and wine are not currently zoned Local Retail, such as Village on the Parkway and Addison Circle. The only major shopping center that is currently zoned Local Retail is the Brookhaven Village Center (Tom Thumb center) at the southwest corner of Marsh Lane and Spring Valley Road.

Therefore, paragraph (27) needs to be amended. Our City Attorney has prepared an ordinance (attached) amending paragraph (27) to read as follows:

(27) Sale of beer and wine for off-premises consumption only in any local retail district, in any urban center district, or in any planned development district wherein the sale of beer and wine for off-premises consumption is specifically allowed in the ordinance (as originally adopted or as amended) establishing such planned development.

Staff recommends that Article XX (Special Uses), Section 1, Subsection A (27) thereof, be amended as shown above.

Respectfully submitted,



Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 16, 2010, voted to recommend approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), Section 1, Subsection A, (27) thereof, by adding to such subsection additional zoning districts (being the Urban Center District, and any Planned Development District where the sale of beer and wine for off-premises consumption is allowed) in which the sale of beer and wine for off-premises consumption may be allowed upon the adoption of an ordinance authorizing the same.

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

Voting Nay: none

Absent: none

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING APPENDIX A – ZONING THEREOF, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE XX (SPECIAL USES), SECTION 1, SUBSECTION A.(27) THEREOF, BY ADDING TO SUCH SUBSECTION ADDITIONAL ZONING DISTRICTS (BEING THE URBAN CENTER DISTRICT, AND ANY PLANNED DEVELOPMENT DISTRICT WHERE THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION IS ALLOWED) IN WHICH THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION MAY BE ALLOWED UPON THE ADOPTION OF AN ORDINANCE AUTHORIZING THE SAME; PROVIDING A SAVINGS 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 A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the comprehensive Zoning Ordinance (the “Zoning Ordinance”) of the Town of Addison, Texas (the “City”), was adopted and made effective on October 13, 1964 pursuant to Ordinance No. 66 of the City, and with the subsequent codification of the ordinances of the City was thereafter included as (and is currently found in) Appendix A – Zoning to the City’s Code of Ordinances (the “Code”); and

WHEREAS, the Zoning Ordinance, as adopted by the said Ordinance No. 66, included a provision allowing certain uses, if at all, in certain zoning districts and only by the adoption of an ordinance authorizing such uses, such uses being referred to as “special uses”; and

WHEREAS, the provision in the Zoning Ordinance regarding special uses was continued as a part of the codification of the ordinances of the City with the inclusion of the Zoning Ordinance as Appendix A – Zoning to the Code; and

WHEREAS, by Ordinance No. 253 of the City, passed by the City Council on March 23, 1976, the Zoning Ordinance was amended to add certain special uses allowed, if at all, in certain zoning districts and only by the adoption of an ordinance, with one of such additional special uses being the “Sale of beer and wine for off-premises consumption only in any ‘LR’ Local Retail District” (the “Beer and Wine Special Use Provision”); and

WHEREAS, the Beer and Wine Special Use Provision has been continued in effect without amendment since the adoption of the said Ordinance No. 253 and remains a part of the Zoning Ordinance; and

WHEREAS, in 1987 the Texas Legislature added Section 109.57 to the Texas Alcoholic Beverage Code, which Section, as amended, provides in part that (i) an ordinance promulgated

by a governmental entity of the state may not impose stricter standards on premises or businesses required to have a license or permit under the Alcoholic Beverage Code than are imposed on similar premises or businesses that are not required to have such a license or permit, (ii) the Alcoholic Beverage Code exclusively governs the regulation of alcoholic beverages in the state and, except as permitted by the Alcoholic Beverage Code, a governmental entity of this state may not discriminate against a business holding a license or permit under the Alcoholic Beverage Code, and (iii) neither the Section nor Section 1.06 of the Alcoholic Beverage Code affects the validity or invalidity of a zoning regulation that was formally enacted before June 11, 1987, and that is otherwise valid, or any amendment to such a regulation enacted after June 11, 1987, if the amendment lessens the restrictions on the licensee or permittee or does not impose additional restrictions on the licensee or permittee; and

WHEREAS, the City Council desires by the adoption of this Ordinance to amend the Beer and Wine Special Use Provision, a zoning regulation formally enacted by the City prior to the adoption of Section 109.57 of the Alcoholic Beverage Code, by the addition of certain zoning districts in which the sale of beer and wine for off-premises consumption may be authorized upon the adoption of an ordinance, and such amendment lessens the restriction on the licensee or permittee or does not impose additional restrictions on the licensee or permittee as set forth in Section 109.57(c) of the Alcoholic Beverage Code; 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 the Zoning Ordinance as 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 Zoning Ordinance 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 and all other relevant information and materials received 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. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. 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, by amending Section 1., subsection A., paragraph (27) of Article XX, Special Uses, thereof to read as follows:

ARTICLE XX. SPECIAL USES

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 the R-1, R-2 and R-3 districts.*
- (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, in any urban center district, or in any planned development district wherein the sale of beer and wine for off-premises consumption is specifically allowed in the ordinance (as originally adopted or as amended) establishing such planned development.

(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.

*If authorized, a special use permit for a portable school building and any ordinance authorizing the same shall be subject to review and re-consideration at least every 18 months following the date of such authorization.

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 _____, 201__.

Joe Chow, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R11

AGENDA CAPTION:

Presentation, discussion and consideration of approval of an Ordinance amending Chapter 82 (Utilities) of the Code of Ordinances by amending the sewer and water minimum bills for the multi-family residential customer classification, including a multi-family large user and a multi-family small user classification, and amending the volume included in the monthly minimum bill for those user classifications.

FINANCIAL IMPACT:

Creating a distinction between multifamily large and multifamily small users and adjusting minimum volumes is expected to decrease operating revenues in the Utility fund by approximately \$120,000, or 1.2 percent in FY 2011.

BACKGROUND:

The Town's water and sewer rates were increased this fiscal year effective October 1, 2010. The rates were increased to fund retirement of the debt service associated with the planned \$5 million overhead water storage facility and the \$1.3 million for Vitruvian Park water and sewer lines, as well as higher costs charged by the City of Dallas for water purchases and treatment of wastewater. New rates were approved in addition to modifying the volume included in the minimum bill for several user types, including multifamily residential.

Volume minimums were modified for some user types in an effort to ensure more uniformity in the minimum bill structure and an attempt to have each user type contribute a similar portion in revenue from minimum bills. Before the change the multifamily user type had the greatest disparity among all user types, generating nine percent of revenue from minimum bills or fixed charges and 91 percent from volume charges compared to the single family user type which generates 36 percent of revenue from minimum bills and 64 percent from volume charges. The volume included in the minimum bill for multifamily users was increased from 15,000 gallons to 70,000 gallons, which created a percentage of revenue from minimum bills more consistent with

other user types.

While the intent of increasing the volume for multifamily users was to shift more revenue to minimum bills to cover the Town's own fixed costs, it has come to staff's attention that the large increase in the volume allowed is affecting some multifamily properties disproportionately. A handful of lower-density properties, including townhomes and condominiums, are utilizing several smaller size meters with consumption patterns typical of single family residences and well below the new 70,000 gallon minimum.

Staff recognizes now that analysis during the rate making process did not fully reveal that so many low usage meters in the multifamily category were concentrated among so few properties. To rectify the issue and address the diversity in multifamily property types going forward, staff is recommending an amendment to the rate structure creating a multifamily small user type for meters less than two inches in size. This is similar to the current commercial structure which includes commercial small and commercial large user types. The multifamily small user type will utilize the previous volume minimum of 15,000 gallons while the multifamily large user type for meters two inches in size or greater will have a 37,000 gallon minimum similar to commercial large meters. This new structure will be effective immediately and implemented on the January billing cycle. Attached is a sample of bills for various properties at the previous rate, the rate adopted October 1, 2010, and under this proposed amendment.

The Town will retire a significant amount of long-term debt in the Utility fund in FY 2013 allowing for water and sewer rates to be reduced. In anticipation of this occurrence staff recommends a comprehensive review of the Town's rate structure be performed by a consultant at that time. During the review of this billing issue, it also became apparent that some commercial and residential properties were constructed with meter configurations that may have exceeded the utility needs of the properties. The Town's building inspection and utility departments will work with developers to properly configure their water meters to ensure that peak demand is satisfied at the lowest cost to future tenants.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community, Conduct the Business of the Town in a Fiscally Responsible Manner

ATTACHMENTS:

Description:

[Attachment A](#)

[Ordinance](#)

Type:

Backup Material

Ordinance

Attachment A

Sample Property Meter Configuration	Previous Rates	Current Rates	Under Proposed Amendment	Meter Profile
Small Townhome Community	\$939	\$2,878	\$999	Six 1-1/2"
Large Townhome Community	\$2,692	\$9,592	\$5,197	Twenty 2"
Mid-Size Apartment Complex	\$4,499	\$4,788	\$4,715	Four 2"; Two 4"
Mid-Size Apartment Complex	\$8,126	\$8,597	\$8,497	Five 2"
Large Apartment Complex	\$14,451	\$16,057	\$15,442	Thirteen 2"; Eight 4"

*Only includes multifamily domestic meters, no irrigation or fire. Using October 2010 consumption.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 82 (UTILITIES) OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING THE SEWER AND WATER MINIMUM BILLS FOR THE MULTI-FAMILY RESIDENTIAL CUSTOMER CLASSIFICATION AND INCLUDING A MULTI-FAMILY LARGE USER AND A MULTI-FAMILY SMALL USER; AMENDING THE VOLUME INCLUDED IN THE MONTHLY MINIMUM BILL FOR MULTI-FAMILY LARGE USER AND MULTI-FAMILY SMALL USER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") is a home rule municipality having full power of local self government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City Council is authorized by Section 2.08.p. of the City Charter to provide for a sanitary sewer and water system, and the City is authorized by law (including, without limitation, Sections 552.001 and 552.017, Tex. Loc. Gov. Code) to own, construct and operate a water and sewer system and to prescribe rates therefor, and the City has determined that the rates need to be adjusted as set forth herein.

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

Section 1. The Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended as follows (additions are underlined, deletions are ~~struck through~~):

A. Chapter 82 (Utilities), Article I (In General), Division 5 (Rates and Charges) of the Code is hereby amended in part as follows:

1. Section 82-76 (Sewage rates) of the Code is amended by amending subsection (1) (Sewer minimum bills) thereof to hereafter read as follows:

(1) *Sewer minimum bills*. Minimum monthly bill shall be applied to all customers based upon customer classification and shall include an allowance for volume based upon water consumed as follows:

Customer Classification:	Minimum Monthly Bill	Volume Included (Gallons)
Single-Family Residential	\$15.02	2,000
<u>Multifamily Residential Large (meter size greater than or equal to two inches)</u>	<u>172.87</u> 321.70	<u>37,000</u> 70,000
<u>Multifamily Residential Small (meter size less than two inches)</u>	<u>73.65</u>	<u>15,000</u>

Schools	96.20	20,000
Municipal	51.10	10,000
Commercial Large (meter size greater than or equal to two inches)	172.87	37,000
Commercial Small (meter size less than two inches)	28.55	5,000
Industrial Large (meter size greater than or equal to two inches)	172.87	37,000
Industrial Small (meter size less than two inches)	19.53	3,000
Hotel/Motel	457.00	100,000

2. Section 82-77 (Water rates) of the Code is amended by amending subsection (1) (Water minimum bills) thereof to hereafter read as follows:

(1) *Water minimum bills.* Minimum monthly bill shall be applied to all customers based upon customer classification and shall include an allowance for volume based upon water consumed as follows:

Customer Classification:	Minimum Monthly Bill	Volume Included (Gallons)
Single-Family Residential	\$10.84	2,000
Multifamily Residential <u>Large (meter size greater than or equal to two inches)</u>	86.29 157.90	37,000 70,000
<u>Multifamily Residential Small (meter size less than two inches)</u>	<u>38.55</u>	<u>15,000</u>
Schools	49.40	20,000
Municipal	27.70	10,000
Commercial Large (meter size greater than or equal to two inches)	86.29	37,000
Commercial Small (meter size less than two inches)	16.85	5,000
Industrial Large (meter size greater than or equal to two inches)	86.29	37,000
Industrial Small (meter size less than two inches)	12.51	3,000
Hotel/Motel	223.00	100,000
Sprinkler Large (meter size greater than or equal to two inches)	180.00	40,000
Sprinkler Small (meter size less than two inches)	71.25	15,000
Fire Meters	23.36	8,000

Section 2. Savings; Repealer. 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. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 3. 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 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, which remaining portions shall remain in full force and effect.

Section 4. Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective January 11, 2010 and be applied to monthly customer bills beginning with the January 2011 billing cycle.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS on this the 11th day of January 2011.

Mayor Joe Chow

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R12

AGENDA CAPTION:

Presentation, discussion and consideration of approval to authorize the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc., for an amount not to exceed \$54,800.00 for assistance with the implementation of the Storm Water Management Program for the Town of Addison.

FINANCIAL IMPACT:

Contract Amount: \$54,800.00

Source of Funds: Streets Engineering Budget

Project Manger: Clay Barnett, P.E.

BACKGROUND:

On March 23, 2010, Town of Addison staff, in conjunction with Half Associates and Teague Nall and Perkins, presented a work session item to Council on the details of upcoming requirements for the Storm Water Management Phase II compliance. In August Town Staff submitted the Year 3 report. In order to meet the Year 4 commitments, staff has identified three items for which assistance is needed in order to complete the Storm Water Management Program for Year 4. These items include:

1. Development of an updated drainage criteria manual and identifying other applicable items currently in other Town of Addison Ordinances in order to meet the requirements for a Post Construction Ordinance as required by the permit.
2. Sending a Notice of Change to the TCEQ notifying them that the Town is planning to revise current ordinances order to meet the requirements contained in a Post Construction Ordinance in lieu of creating a new ordinance as is currently specified in the Storm Water Management Program.
3. Provide dry weather screening training to town staff.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

Take actions to make Addison a leader in sustainable development and operations that protect and enhance the Town's quality of life

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R13

AGENDA CAPTION:

Presentation, discussion and consideration of approval to authorize the City Manager to execute a construction contract with C. Green Scaping, L.P., in the amount of \$31,964.00 for the construction of certain public infrastructure (including sidewalk improvements) within that area of the Town generally known as Addison Circle (Spectrum Drive North/South Extension).

FINANCIAL IMPACT:

Construction Contract Amount: \$31,964.00

Project Manager: Clay Barnett, P.E.

BACKGROUND:

The Spectrum Drive North/South Extension was completed in 2004. However, due to staff turnover, a final inspection to insure that the project was constructed in accordance with the Texas Architectural Barriers Act, Texas Government Code, Chapter 469, and Administrative Rule 68.52 was not completed. In January 2010, Staff received a notice from the Texas Department of Licensing and Regulation (TDLR) Compliance Division – Architectural Barriers stating that a final inspection had not been conducted. The postcard stipulated that the Town had to conduct a final inspection. Fred Cawyer with ARS, PLLC was selected to complete the final inspection.

Upon receiving the file from TDLR, ARS and staff conducted a field inspection on April 1, 2010. A report generated by the field inspection outlined several deficiencies that needed to be corrected. The Town contracted with Grantham & Associates to prepare drawings to address the comments. Upon completion of the plans, quotes were solicited via Bidsinc and correspondence with contractors that have worked with the Town in the past. The town received quotes from three qualified bidders. A tabulation of the quotes is attached to this item.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[Tabulation of Quotes](#)

Type:

Exhibit

Item No	Description
1	Mobilization (maximum 8% of contract)
2	Barricade, signage & traffic control
3	Paint 8" stripe on existing curb ramps
4	Relocate existing street light
5	Revoove pavers, grind conc. Base or add sand/cement bedding & reinstall pavers
6	Adjust existing storm sewer manhole lid
7	sawcut, remove & replace brick sidewalk and conc. Base
8	Remove & replace stone facing
9	Sawcut, remove & replace brick sidewalk ramp and conc. Base
10	Relocate existing street light push button
11	Adjust existing traffic signal box
PROJECT TOTAL	

Unit	Estimated Quantity	GreenScaping Unit Price	Green Scaping Extended Amount	NorthStar Unit Price
LS	1	\$ 2,000.00	\$ 2,000.00	\$ 4,000.00
LS	1	\$ 1,800.00	\$ 1,800.00	\$ 7,000.00
EA	31	\$ 140.00	\$ 4,340.00	\$ 50.00
EA	2	\$ 4,680.00	\$ 9,360.00	\$ 10,000.00
SY	116	\$ 89.00	\$ 10,324.00	\$ 140.00
EA	1	\$ 880.00	\$ 880.00	\$ 400.00
SY	2	\$ 390.00	\$ 780.00	\$ 160.00
LF	10	\$ 68.00	\$ 680.00	\$ 130.00
SY	3	\$ 180.00	\$ 540.00	\$ 160.00
EA	1	\$ 820.00	\$ 820.00	\$ 900.00
EA	1	\$ 440.00	\$ 440.00	\$ 600.00
			\$ 31,964.00	

NorthStar Extended Amount	Zeigler Unit Price	Zeigler Extended Amount
\$ 4,000.00	\$ 1,500.00	\$ 1,500.00
\$ 7,000.00	\$ 1,500.00	\$ 1,500.00
\$ 1,550.00	\$ 75.00	\$ 2,325.00
\$ 20,000.00	\$ 4,750.00	\$ 9,500.00
\$ 16,240.00	\$ 90.00	\$ 10,440.00
\$ 400.00	\$ 775.00	\$ 775.00
\$ 320.00	\$ 800.00	\$ 1,600.00
\$ 1,300.00	\$ 75.00	\$ 750.00
\$ 480.00	\$ 925.00	\$ 2,775.00
\$ 900.00	\$ 1,690.00	\$ 1,690.00
\$ 600.00	\$ 75.00	\$ 75.00
\$ 52,790.00		\$ 32,930.00

Council Agenda Item: #ES1

AGENDA CAPTION:

Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R14

AGENDA CAPTION:

Presentation, discussion and consideration of approval of any action regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R15

AGENDA CAPTION:

Presentation, discussion and consideration of approval of an Economic Development Program Grant Agreement regarding provision of an economic development incentive grant.

FINANCIAL IMPACT:

Included in the Economic Development budget.

BACKGROUND:

This item is for the City Council to consider entering into an Economic Development Program Grant Agreement regarding the Town's provision of an economic development incentive grant.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available