



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

5:30 PM

JULY 9, 2013

TOWN HALL

ADDISON TOWN HALL, 5300 BELT LINE RD., DALLAS, TX
75254 | 5:30PM WORK SESSION | 7:30PM REGULAR
AGENDA

WORK SESSION

Item Discussion of the Town Budget and Strategic Plan,
#WS1 - including Council goals, objectives and visioning.

REGULAR MEETING

Pledge of Allegiance

Item #R1- Announcements and Acknowledgements regarding Town
and Council Events and Activities

Introduction of Employees

Discussion of Events/Meetings

Item #R2- Consent Agenda.

#2a- Approval of the Minutes for the June 25, 2013 Work Session and Regular Council Meeting.

#2b- Approval authorizing HVJ associates to perform preliminary geotechnical investigation for the Belt Line Rd Electrical Undergrounding project in an amount not to exceed \$50,000.

Item #R3 Presentation of a proclamation honoring Polka Dot Bakery.

-

Item #R4 Presentation, discussion and consideration of action regarding a proposal from the Addison Arbor Foundation for acquisition and placement of sculptures within the Town.

Item #R5 **PUBLIC HEARING**, Case 1671-SUP/Chuy's Mexican Food. Public hearing, discussion and consideration of approval of an ordinance changing the zoning on property located at 4440 Belt Line Road, which property is currently zoned LR – Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from Chuy's Mexican Food, represented by Mr. Bill Pounds of Parkway Construction and Associates.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on June 27, 2013, voted to recommend approval of the request for approval of an ordinance changing the zoning on property located at 4440 Belt Line Road, which property is currently zoned LR-Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, on application from Chuy's Mexican Food, subject to the following conditions.

The site plan shall be revised to provide the required parking of one space per 70 square feet, with a total of 165 parking spaces.

-The applicant shall submit a revised landscaping plan which addresses the following items:

- The design team shall develop a landscape plan for the perimeter of the building. The landscape plan shows the existing foundation plantings to remain but these plantings will probably be destroyed through the demolition and construction process.

- The irrigation system will need to be modified to a drip irrigation system in all bed areas.

- There are existing trees on the site which are in poor condition and will need to be removed and replaced.

- All shrubs shall be 5 gallon size.

- All ornamental grasses may be 3 gallon.

- Trees shall be staked below grade.
- The Town recommends the use of native plant material where possible.
- Shrubs and plant material may be grouped to create areas of interest and increase visibility to the building in lieu of hedgerows.
- The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signs.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: none

Attachment(s):

1. docket map, staff report, and commission findings

Recommendation:

Administration recommends approval.

Item #R6 **PUBLIC HEARING**, Case 1672-Z/UDR. Public hearing, discussion and consideration of approval of an ordinance amending Ordinance No. 007-034, that zones as PD Planned Development District #007-034 that area of the Town known as Vitruvian Park and containing approximately 99.176 acres of land (generally located south of Spring Valley Road, west of the City of Farmers Branch, north of Brookhaven Community College and the

City of Farmers Branch, and east of Marsh Lane) for certain residential, retail, office, home office, civic, and mixed use uses, and special and accessory uses, by (I) amending the Property Description of Ordinance No. 007-034 to add four tracts of land into Planned Development District 007-034 (which tracts are generally located at (A) 14248 Marsh Lane (approximately .14 mile south of the intersection of Marsh Lane and Spring Valley Road and containing approximately 0.5 acres), (B) 3710 Spring Valley Road (approximately .06 mile east of the intersection of Spring Valley Road and Marsh Lane and containing approximately 0.7 acres), (C) 14280 Marsh Lane (generally at or about the southeast corner of the intersection of Spring Valley Road and Marsh Lane and containing approximately 17.9 acres), and (D) 4000 Spring Valley Road (generally at or about the southeast intersection of Spring Valley Road and Vitruvian Way and containing approximately 2.7 acres)), (II) amending the Planned Development Conditions and Standards of Ordinance No. 007-034 by adding “pet grooming and pet boarding, including overnight pet boarding” to the list of allowed retail uses, by adding the sale of beer and wine for off-premises consumption to the list of special uses allowed with the issuance of a special use permit, providing that retail is an allowed use in the tracts described in (I)(A), (B), and (C) above, and providing for the application or non-application of other conditions or standards to those tracts, (III) changing the zoning on the above described four tracts of land from LR-Local Retail to PD Planned Development #007-034 in accordance with the terms, conditions and provisions included therein, and (IV) amending the Concept Plan adopted by Ordinance No. 007-034 by approving a revised Concept Plan for approximately 121 acres of property (being all of the land included in Ordinance No. 007-034, as amended, including the four tracts described

above), on application by UDR, represented by Mr. Tom Lamberth.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on June 27, 2013, voted to recommend approval of the Ordinance presented to the Commission, as written, amending Ordinance No. 007-034, that zones as PD Planned Development District #007-034 that area of the Town known as Vitruvian Park and containing approximately 99.176 acres of land (generally located south of Spring Valley Road, southeast and northwest of Vitruvian Way, west and north of the City of Farmers Branch, and east of Marsh Lane) for certain residential, retail, office, home office, civic, and mixed use uses, and special and accessory uses, as described and according to the standards set forth therein, by (I) amending Exhibit A ("Property Description") of Ordinance No. 007-034 in order to add four additional tracts of land into the Planned Development District 007-034 (which tracts of land are generally located (i) at 14248 Marsh Lane (being approximately .14 mile south of the intersection of Marsh Lane and Spring Valley Road and containing approximately .485 acres of land), (ii) 3710 Spring Valley Road (being approximately .06 mile east of the intersection of Spring Valley Road and Marsh Lane and containing approximately .672 acres of land) (iii) 14280 Marsh Lane (being generally at or about the southeast corner of the intersection of Spring Valley Road and Marsh Lane and containing approximately 17.893 acres of land), and (iv) 4000 Spring Valley Road (being generally at or about the southeast intersection of Spring Valley Road and Vitruvian Way and containing approximately 2.684 acres of land), (II) amending Exhibit B ("Planned Development Conditions

and Standards”) of Ordinance No. 007-034, by amending Section 5 (“Uses”), Subsection 2 (“Retail”) thereof, in order to add “pet grooming and overnight boarding” to the list of allowed retail uses, (III) changing the zoning on the above described four tracts of land from LR-Local Retail to PD Planned Development #007-034 in accordance with the terms, conditions and provisions included therein, and (IV) amending Exhibit C (“Concept Plan”) of Ordinance No. 007-034 by approving a revised Concept Plan for 120.91 acres of property bounded on the north by Spring Valley Road, on the east by the City of Farmers Branch, on the south by Brookhaven Community College and the City of Farmers Branch, and on the west by Marsh Lane (and being all of the land included in Ordinance No. 007-034, as amended), on application by UDR, represented by Mr. Tom Lamberth, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: none

Attachment(s):

1. docket map, staff report, and proposed ordinance

Recommendation:

Administration recommends approval.

Item #R7 Presentation, discussion and consideration of approval of a final payment to UDR, Inc in the amount of \$1,100,226 for the construction of certain public infrastructure (including streetscape, screening walls, public restrooms and

improvements to Farmers Branch Creek) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 3).

Recommendation:

Administration recommends approval.

Item #R8 Presentation and discussion regarding Celestial Pump Station and Surveyor Pump Station.
-

Item #R9 Discussion and consideration of adoption of a resolution supporting the creation and implementation of a Consolidated Emergency Dispatch Center serving the Metrocrest cities and authorizing the City Manager's office to enter into an interlocal agreement with the cities of Farmers Branch, Carrollton and Coppell with respect to the construction, operation and management of a Consolidated Emergency Dispatch Center.
-

Attachment(s):

1. Resolution for Consolidated Dispatch

Recommendation:

Staff recommends approval

Item #R10 - Presentation regarding Sanitary Sewer and Storm Sewer repairs at Village on the Parkway.

Item #R11 - Discussion and consideration of approval of an Ordinance amending the Code of Ordinances, Chapter 2 (Administration), Article IV (Finance), Division 3 (Investment Policy), Section 2-204(b) (Delegation of authority) by removing the requirement that a fidelity bond for the Chief Financial Officer and designees be at least

five (5%) percent of the investment portfolio and by adding the requirement that a fidelity bond be in at least the amount of \$250,000.

Attachment(s):

1. Proposed Ordinance (Draft)

Item #ES1 - Closed (executive) session of the Addison City Council, pursuant to Section 551.072, Texas Government Code, to deliberate the purchase or value of certain real property located generally at 4308-4310 Wiley Post within the Town and concerning Addison Airport.

Item #ES2 - Closed (executive) session of the City Council pursuant to Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney to seek the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, regarding certain real property located within Addison Airport, and pursuant to Section 551.072, Tex. Gov. Code, to deliberate the purchase, lease, or value of real property located within Addison Airport.

Item #R12 - Discussion and consideration of approval of any action regarding the purchase or value of certain real property located generally at 4308-4310 Wiley Post within the Town and concerning Addison Airport.

Item #R13 - Discussion and consideration of any action regarding the purchase, lease, or value of certain real property located within Addison Airport.

Adjourn Meeting

Posted:

Chris Terry, 07/05/13, 5:00pm

**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: #WS1

AGENDA CAPTION:

Discussion of the Town Budget and Strategic Plan, including Council goals, objectives and visioning.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

N/A

COUNCIL GOALS:

Mindful Stewardship of Town Resources, Maintain and enhance our unique culture of creativity and innovation, Identify opportunities for improved governance

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: # R 2a

AGENDA CAPTION:

Approval of the Minutes for the June 25, 2013 Work Session and Regular Council Meeting.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

N/A

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

 [June 25th Minutes](#)

Type:

Backup Material

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

June 25, 2013

6:00 PM - Town Hall

Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254 | 6:00pm

Work Session | 7:30pm Regular Agenda

Upstairs Conference Room

Council Members Present:

Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Absent:

None

Work Session

Item #WS1 - Presentation and discussion regarding an Amended and Restated Master Facilities Agreement for the area of Town generally known as Vitruvian Park.

Item #WS2 - Discussion of the Town Budget and Strategic Plan, including Council goals, objectives and visioning.

Mayor-Todd Meier

Attest:

City Secretary-Chris Terry

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL REGULAR MEETING

June 25, 2013

6:00 PM - Town Hall

Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254 | 6:00pm

Work Session | 7:30pm Regular Agenda

Chris Terry, 06/21/13, 5:00pm

Council Members Present:

Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Absent:

None

REGULAR MEETING

Item #R1 - Announcements and Acknowledgements regarding Town and Council Events and Activities

Item #R2 - Consent Agenda

#2a - Approval of the Minutes for the June 11, 2013 Work Session and Regular Council Meeting.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

#2b - Consideration of approval of award of bid to EAS Contracting Co., for Airport Taxiway Improvements at Addison Airport in the amount of \$178,594.68.

A motion to Approve was made by Council Member Blake Clemens. The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R3 - Presentation of a proclamation honoring Polka Dot Bakery.

This item was pulled from the Agenda.

There was no action taken.

Item #R4 - Discussion and consideration of approval of a Consultant Services Agreement with RCC Consultants Inc. for Phase III of the Public Safety radio replacement project in an amount not to exceed \$254,859.36.

Ron Davis, Chief of Police, presented this item.

A motion to Approve was made by Council Member Neil Resnik.

The motion was seconded by Council Member Margie Gunther.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R5 - Discussion and consideration of approval of an Interlocal Agreement between Addison, Carrollton, Farmers Branch and Coppell to equally share the costs of a Consultant Services Agreement with RCC Consultants Inc., not to exceed \$63,714.35 for each city, to

perform Phase III of the Public Safety Radio replacement project.

Ron Davis, Chief of Police, presented this item.

A motion to Approve was made by Council Member Bruce Arfsten.

The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R6 - Discussion and consideration of approval of an Interlocal Agreement between the Town of Addison and Farmers Branch for the purchase of a Public Safety Radio System.

Paul Spencer, Captain of the Police Department, presented this item.

A motion to Approve was made by Council Member Chris DeFrancisco.

The motion was seconded by Council Member Janelle Moore.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R7 - Presentation, discussion and consideration of approval of a resolution approving and authorizing the City Manager to execute an Amended and Restated Master Facilities Agreement between the Town of Addison, UDR, Inc, and owners of real property in the Vitruvian Park area controlled by UDR, Inc, regarding the development of Vitruvian Park and the Town's participation in, including payment for, the design and construction of public infrastructure improvements within and adjacent to the Vitruvian Park property, which property comprises approximately 121 acres of land and which is generally bound on the north by Spring Valley Road, on

the east by the City of Farmers Branch, on the south by Brookhaven Community College and the City of Farmers Branch, and on the west by Marsh Lane.

John Hill, City Attorney, presented this item. Tom Lamberth, Vice President of Development at UDR, also spoke on this item.

A motion to Approve was made by Council Member Neil Resnik.

The motion was seconded by Council Member Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R8 - Presentation, discussion, and consideration of any action regarding possible pedestrian crossing Improvements at Beltway and Les Lacs.

Lisa Pyles, Director of Infrastructure Operations and Services, presented this item. Mayor Todd Meier made a motion to continue to study the safety for pedestrian options at all intersections, and trail intersections along Belt Line Road, and incorporate this intersection and Option 4, in future connectivity plans and enhancements, and staff will come back to Council within 90 days, by October 1st, and present their findings.

A motion to Continue was made by Mayor Todd Meier.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R9 - Consideration of approval of a resolution authorizing an amendment to the Purchasing Manual to alter the amount of a

purchase that requires Council approval.

Eric Cannon, Chief Financial Officer, and Chelsea Gonzales, Management Analyst, presented this item.

A motion to Approve was made by Council Member Bruce Arfsten.

The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R10 - Presentation, discussion and consideration of approval of an ordinance amending the Code of Ordinances by amending Section 2-303 (method of sale of surplus property) thereof by removing the provision that surplus property have a replacement value of less than \$100 and Section 2-304 (time,place, notice of sale of surplus property) thereof by removing the requirement to advertise before public auction, acceptance of bid, or sale of surplus property.

Eric Cannon presented this item.

A motion to Approve was made by Council Member Margie Gunther.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Mayor-Todd Meier

Attest:

City Secretary-Chris Terry

Council Agenda Item: # R 2b

AGENDA CAPTION:

Approval authorizing HVJ associates to perform preliminary geotechnical investigation for the Belt Line Rd Electrical Undergrounding project in an amount not to exceed \$50,000.

FINANCIAL IMPACT:

This item is funded from the 2000 General Obligation Bond Authorization.

BACKGROUND:

In May 2012 voters authorized \$10 million in General Obligation Bonds to fund the relocation of the overhead utilities and roadway, pedestrian and streetscape improvements on Belt Line Road. A total of \$20,830,000 is available for this multi-phase project.

As part of the implementation of the Bond program, the Town issued an RFQ (Request for Qualifications) for engineering, design, landscape architecture, survey, and geotechnical services. HVJ is one of the three geotechnical firms to provide services for these projects.

The scope of this item includes preliminary geotechnical investigation to determine the depth of the rock layer in the area and is not anticipated to exceed \$50,000. To date, the Town has obligated a total of \$2,402,232.42 for design and project management services for this project.

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

Infrastructure improvement and maintenance, Implement bond propositions

ATTACHMENTS:

Description:

- 📄 [Scope](#)
- 📄 [Cost Estimate](#)

Type:

- Backup Material
- Backup Material



Houston	8701 John Carpenter Freeway, Suite 250
Austin	Dallas, Texas 75247-4640
Dallas	214.678.0227 Ph
San Antonio	214.678.0228 Fax
	www.hvj.com

July 2, 2013

Ms. Alison Ream
Town of Addison
16801 Westgrove Drive
Addison, TX

Re: Geotechnical Investigation
Belt Line Rd Electrical Undergrounding
Owner: Town of Addison
HVJ Project No. DG12-15641

Dear Ms. Ream:

HVJ Associates, Inc. (HVJ) is pleased to submit this letter for providing a geotechnical investigation for the above-mentioned project. It outlines our understanding of the scope of the project and presents our approach and our fees for providing the study.

We understand that the project involves electrical undergrounding along Belt Line Road over an alignment of approximately 11,400 feet. The purpose of this study is to perform a geotechnical investigation to establish the top of rock profile for the proposed duct banks especially in areas that will be installed using trenchless techniques.

Scope of Work - Geotechnical Investigation

As per your request, we propose to perform borings at up to 53 locations. The borings will be augered to the top of unweathered limestone, with an anticipated depth between 5 to 15 feet per boring. No sampling will be collected and no further laboratory testing will be needed.

A field description of encountered material while augering will be provided, and the depth of unweathered limestone will be noted. Also groundwater depth will be noted if groundwater is encountered during the drilling operations.

Reporting

A report of our study will be prepared by an engineer specializing in soil mechanics and foundation engineering after reviewing geological data and boring logs. In general, the following items will be included in our report:

- Plan of borings,
- Boring logs showing unweathered limestone depth (no soil classification will be included on the boring logs),
- Generalized subsurface conditions, and
- Groundwater level observations during drilling.

Ms. Alison Ream
DG1215641
July 2, 2013

Schedule

We expect to complete this assignment in approximately six to eight weeks, following our receipt of your written notice to proceed and all the right of entries and permits required to complete the field work.

Fee

Based on the scope of work outlined, the estimated fee for our services will be \$1,725 for mobilization/demobilization and project management, and additional cost of \$903 per boring. **For the estimated 53 boring locations, our total estimated cost is \$49,584.** This estimate is made with the assumption that the site is accessible to truck-mounted drilling equipment and all access and permit issues for private properties (if any) will be addressed by the Town of Addison.

Insurance

Insurance certificates verifying HVJ's general liability, automobile, worker's compensation, and errors and omissions insurance coverage, listing the Town of Addison as a certificate holder, will be provided upon request.

Invoice

Our accounting procedures call for the submittal of invoices on a month-end basis or at the conclusion of project should its duration last less than a month. Our credit terms are net 30 days.

Conditions

The scope of work described is appropriate for the project configuration presented to us. If anomalous soil conditions are encountered, or if the project configuration changes significantly, a change in work scope may be required. HVJ will recommend such changes when and if it is deemed necessary.

The Town of Addison will be responsible for providing a site plan suitable for use as a base map for our plan of borings. In addition, the Town of Addison will be responsible for surveying the horizontal and vertical boring locations upon completion of drilling, if this information is needed.

HVJ will use the Texas One Call System to locate buried utilities. We will coordinate the boring locations with the Town of Addison to eliminate conflicts with identified utilities.

If this proposal meets with your approval, please sign and complete the indicated spaces below and forward a copy of the proposal to us.

Ms. Alison Ream
DG1215641
July 2, 2013

HVJ is pleased to be of service on this project. Please contact us if you have any questions or require additional information.

Sincerely,

HVJ ASSOCIATES, INC.



Fadi N. Faraj, PE
Branch Manager

Agreed to this _____ day of _____, 20_____

By: _____

Title: _____

Firm: _____

Phone No.: _____

Date to Start Work: _____

HVJ Associates, Inc.
Belt Line Rd Electrical Undergrounding
Fee Estimate Breakdown

Mobilization/Demobilization and Project Management:

Mob/Demob	1	@	\$500.00 LS	\$500.00
Project Manager, P.E.	4	hr @	\$125.00 per hour	\$500.00
Staff Engineer	8	hr @	\$85.00 per hour	\$680.00
Clerk/Typist	1	hr @	\$45.00 per hour	\$45.00
Subtotal Mob/Demob and Project Management				\$1,725.00

Additional Cost Per Boring Location

Drilling Soil (No Sampling)	10	ft @	\$15.00 per ft	\$150.00
Rock Coring	0	ft @	\$22.00 per ft	\$0.00
TxDOT Cone (in Rock)	0	@	\$20.00 each	\$0.00
Pavement Coring & Patching	1	@	\$125.00 each	\$125.00
Backfilling with Bentonite Chips	9	ft @	\$7.00 per ft	\$63.00
Field Technician (Stake, Clear Utilities, Coord., Log)	2.5	hr @	\$45.00 per hour	\$112.50
Traffic Control	0.25	day @	\$1,500.00 per day	\$375.00
Staff Engineer	0.5	hr @	\$85.00 per hour	\$42.50
Clerk/Typist	0.5	hr @	\$45.00 per hour	\$22.50
Vehicle Trips	0.25	trip @	\$50.00 per trip	\$12.50
Subtotal Per Boring				\$903.00

TOTAL COST FOR 53 BORINGS **\$49,584.00**

Council Agenda Item: #R3

AGENDA CAPTION:

Presentation of a proclamation honoring Polka Dot Bakery.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R4

AGENDA CAPTION:

Presentation, discussion and consideration of action regarding a proposal from the Addison Arbor Foundation for acquisition and placement of sculptures within the Town.

FINANCIAL IMPACT:

Funds are available in the Town of Addison General Fund.

BACKGROUND:

Item to be discussed at the council meeting.

RECOMMENDATION:

COUNCIL GOALS:

Fully integrate the Arts as part of our brand

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R5

AGENDA CAPTION:

PUBLIC HEARING, Case 1671-SUP/Chuy's Mexican Food. Public hearing, discussion and consideration of approval of an ordinance changing the zoning on property located at 4440 Belt Line Road, which property is currently zoned LR – Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from Chuy's Mexican Food, represented by Mr. Bill Pounds of Parkway Construction and Associates.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on June 27, 2013, voted to recommend approval of the request for approval of an ordinance changing the zoning on property located at 4440 Belt Line Road, which property is currently zoned LR-Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, on application from Chuy's Mexican Food, subject to the following conditions.

The site plan shall be revised to provide the required parking of one space per 70 square feet, with a total of 165 parking spaces.

-The applicant shall submit a revised landscaping plan which addresses the following items:

- The design team shall develop a landscape plan for the perimeter of the building. The landscape plan shows the existing foundation plantings to remain but these plantings will probably be destroyed through the demolition and construction process.

- The irrigation system will need to be modified to a drip irrigation system in all bed areas.

- There are existing trees on the site which are in poor condition

and will need to be removed and replaced.

- All shrubs shall be 5 gallon size.
- All ornamental grasses may be 3 gallon.
- Trees shall be staked below grade.
- The Town recommends the use of native plant material where possible.
- Shrubs and plant material may be grouped to create areas of interest and increase visibility to the building in lieu of hedgerows.
- The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signs.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: none

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[docket map, staff report, and commission findings](#)

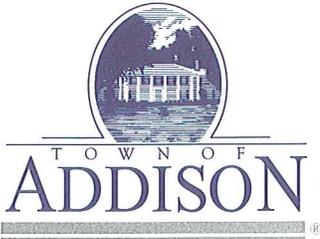
Type:

Cover Memo

1671-SUP

PUBLIC HEARING, Case 1671-SUP/Chuy's Mexican Food. Public hearing, discussion and consideration of approval of an ordinance changing the zoning on property located at 4440 Belt Line Road, which property is currently zoned LR – Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from Chuy's Mexican Food, represented by Mr. Bill Pounds of Parkway Construction and Associates.





June 27, 2013

REVISED STAFF REPORT

RE: Case 1671-SUP/Chuy's Mexican Food

LOCATION: 4440 Belt Line Road

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 only

APPLICANT: Chuy's Mexican Food, represented by Mr. Bill Pounds of Parkway Construction and Associates

DISCUSSION:

After the packets were sent out to the P&Z, Chuy's determined that it was going to be more expensive to try and renovate the existing Black Finn building than it would be to tear the building down and build a new building. Therefore, the Chuy's operators opted to submit plans for a completely new building as opposed to the plans the staff had reviewed. The staff took the new plans through a review, and this report reflects comments on the new plan.

Background. This restaurant was originally the Hush Puppies Restaurant, which was granted a Special Use Permit through Ordinance 321 on April 19, 1977. The restaurant was subsequently changed to Joe T. Garcia's, and operated on the site until 1986. At that time, the existing Joe T. Garcia's was demolished and the site was redeveloped with the Atchafalaya River Café, which was approved through Ordinance 086-101, passed by the City Council on November 25, 1986. The Special Use Permit was amended on May 12, 1987 through Ordinance 087-023 to add a patio to the restaurant. The Atchafalaya River Café chain sold to Landry's Seafood Restaurants, and this restaurant was converted to a Landry's in 2002. Landry's closed the restaurant in 2003, and it was eventually reopened as a Sam's Boat Restaurant, which was approved through Ordinance 004-014, passed by the City Council on March 9, 2004. The Sam's Boat restaurant was in business approximately two years. The restaurant closed again

and was taken over by Black Finn through an administrative approval in October of 2006. Black Finn operated in the building until it closed on May 30, 2013.

At this point, Chuy's Mexican Food would like to demolish the existing Black Finn building, which was built in 1986, and build a completely new building on the site. Chuy's is a Tex-Mex concept that began in Austin, Texas in 1982. There are now locations in several states, with several in the Dallas-Fort Worth area.

Proposed Plan. Chuy's is planning to construct a new 11,556 square-foot building; however, it will leave the existing patio and raised decks on the front of the existing building in place. The plan for the new building proposes beginning the new patio at the existing front building line. The plan will move the entrance to the building to the west side. This will allow Chuy's to orient its new patio toward Belt Line Road and connect it to the existing patio. It also allows Chuy's to place its entrance where it is more accessible to the bulk of its parking lot to the south of the building. Chuy's can also locate the handicapped-accessible parking spaces closer to the front door, and the new entrance does not require guests to go through the patio to access the restaurant. Addison does not prohibit smoking in restaurants, but many restaurants only allow smoking on the patios. This plan allows guests to enter the restaurant without having to walk through the patio, which is typically the smoking area.

The plan shows a bar area with eight stools and table seating for 36 customers. In addition, there are three inside dining rooms with seating for 134 customers, and patio dining with seats for 80 customers. There are not tables shown for the existing bar and raised deck.

Exterior Facades. Chuy's will finish the building in stucco with pink with touches of yellow. The awnings and portions of the roof are standing-seam galvanized metal. The entrance will feature a raised vestibule clad in Spanish tile

Parking. The new plans indicate the restaurant, with the existing patio and the new deck, will be 11,556 square feet. At a ratio of 1 space per 70 square feet, it requires 165 spaces. At present the restaurant shows 156 spaces, which is not sufficient for this restaurant. However, in conversations with the architect, the staff believes there are some places where the site can gain parking spaces. For example, the plans currently show a 9-foot-wide parking space. The Town allows an 8 ½-foot-wide parking space, so some spaces could be gained by re-striping. In addition, Chuy's can reduce the size of the existing patio and therefore reduce demand for parking. The staff believes nine spaces can be found on the site that would allow the applicant to meet both the parking requirement and the landscaping requirement.

Food Service Code. The Environmental Services Official is thrilled that Chuy's is building a new building and a completely new kitchen. The other kitchen needed a significant amount of remodeling work to bring it up to code. The staff expects the new kitchen to meet all requirements of the Food Service Code.

Building Code. The applicant should also be aware that the Building Official will require an exiting plan that provides efficient egress from both patios. This comment is advisory to the applicant. Exiting that meets the International Building Code standards is required, and it is not within the Commission's power to alter; therefore, it does not need to be a condition for approval.

Landscaping. The Parks Department has reviewed the proposed landscaping plan and finds that there are notes the following items:

- The landscape plan appears to meet all the requirements set forth in the Town's Landscaping Regulations.
- The design team shall develop a landscape plan for the perimeter of the building. The landscape plan shows the existing foundation plantings to remain but these plantings will probably be destroyed through the demolition and construction process.
- The irrigation system will need to be modified to a drip irrigation system in all bed areas.
- There are existing trees on the site which are in poor condition and will need to be removed and replaced.
- All shrubs shall be 5 gallon size.
- All ornamental grasses may be 3 gallon.
- Trees shall be staked below grade.
- The Town recommends the use of native plant material where possible.
- Shrubs and plant material may be grouped to create areas of interest and increase visibility to the building in lieu of hedgerows.

In addition, the staff would like to talk to the property owner and Chuy's about a pedestrian easement along the east property line that would connect Belt Line Road with the Hampton Inn and Beltway Drive to the south. The Town is trying to increase walkability and pedestrian connections throughout the Town, and a direct pedestrian connection between Belt Line and Beltway would allow hotel customers on Beltway to have direct access to this restaurant and others in the area. It would also make it easier for hotel guests on Midway to access this and other restaurants. The Parks staff has identified an opportunity for a 'Pedestrian Connection' along the east side of this property, which would require an easement or shared use agreement. The Town proposes that the easement could be shared by this property and the adjacent Barwachi Restaurant property, which the Town owns. If the property owner would partner with the Town, the landscape requirements for the eastern edge of the property could be reduced or eliminated

Mechanical Equipment. The applicant should be aware that any new mechanical equipment must be screened from all adjacent properties. The screening mechanism shall be architecturally compatible, and the Building Official shall make the determination of "architecturally compatible".

Signs. The applicant shows some signs on the north facade. 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, such as “bar” or “tavern”, or any graphic depictions that denote alcoholic beverages, in exterior signs.

RECOMMENDATION:

The Town is pleased to have a Chuy’s Mexican Food restaurant come to Addison. Staff recommends approval subject to the following conditions:

The site plan shall be revised to provide the required parking of one space per 70 square feet, with a total of 165 parking spaces.

-The applicant shall submit a revised landscaping plan which addresses the following items:

- The design team shall develop a landscape plan for the perimeter of the building. The landscape plan shows the existing foundation plantings to remain but these plantings will probably be destroyed through the demolition and construction process.
- The irrigation system will need to be modified to a drip irrigation system in all bed areas.
- There are existing trees on the site which are in poor condition and will need to be removed and replaced.
- All shrubs shall be 5 gallon size.
- All ornamental grasses may be 3 gallon.
- Trees shall be staked below grade.
- The Town recommends the use of native plant material where possible.
- Shrubs and plant material may be grouped to create areas of interest and increase visibility to the building in lieu of hedgerows.

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

Respectfully submitted,



Carmen Moran
Director of Development Services

Case 1671-SUP/Lawry's The Prime Rib
July 1, 2013

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on June 27, 2013, voted to recommend approval of the request for approval of an ordinance changing the zoning on property located at 4440 Belt Line Road, which property is currently zoned LR-Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, on application from Chuy's Mexican Food, subject to the following conditions.

The site plan shall be revised to provide the required parking of one space per 70 square feet, with a total of 165 parking spaces.

-The applicant shall submit a revised landscaping plan which addresses the following items:

- The design team shall develop a landscape plan for the perimeter of the building. The landscape plan shows the existing foundation plantings to remain but these plantings will probably be destroyed through the demolition and construction process.
- The irrigation system will need to be modified to a drip irrigation system in all bed areas.
- There are existing trees on the site which are in poor condition and will need to be removed and replaced.
- All shrubs shall be 5 gallon size.
- All ornamental grasses may be 3 gallon.
- Trees shall be staked below grade.
- The Town recommends the use of native plant material where possible.
- Shrubs and plant material may be grouped to create areas of interest and increase visibility to the building in lieu of hedgerows.

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

Voting Aye: Doherty, Groce, Hewitt, Hughes, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: none



WE'RE GLAD YOU'RE HERE

Landscape Site Plan Review

June 27th, 2013

Landscape Site Plan Review for 4440 Belt Line Road, Addison, Texas (Chuy's)

General Comments

- The landscape plan appears to meet all the requirements set forth in the Town's Landscaping Regulations.
- The design team shall develop a landscape plan for the perimeter of the building. The landscape plan shows the existing foundation plantings to remain but these plantings will probably be destroyed through the demolition and construction process.
- The irrigation system will need to be modified to a drip irrigation system in all bed areas.
- There are existing trees on the site which are in poor condition and will need to be removed and replaced.
- All shrubs shall be 5 gallon.
- All ornamental grasses may be 3 gallon.
- Trees shall be staked below grade.
- The Town recommends the use of native plant material where possible.
- Shrubs and plant material may be grouped to create areas of interest and increase visibility to the building in lieu of hedgerows.

Additional Comments

- The Town has an opportunity for a 'Pedestrian Connection' along the east side of the property which would require an easement or shared use agreement. This north/south connection would link the hotels on Beltway Drive to Belt Line Road.
- If the property owner would partner with the Town, the landscape requirements for that edge of the property could be reduced or eliminated.

Council Agenda Item: #R6

AGENDA CAPTION:

PUBLIC HEARING, Case 1672-Z/UDR. Public hearing, discussion and consideration of approval of an ordinance amending Ordinance No. 007-034, that zones as PD Planned Development District #007-034 that area of the Town known as Vitruvian Park and containing approximately 99.176 acres of land (generally located south of Spring Valley Road, west of the City of Farmers Branch, north of Brookhaven Community College and the City of Farmers Branch, and east of Marsh Lane) for certain residential, retail, office, home office, civic, and mixed use uses, and special and accessory uses, by (I) amending the Property Description of Ordinance No. 007-034 to add four tracts of land into Planned Development District 007-034 (which tracts are generally located at (A) 14248 Marsh Lane (approximately .14 mile south of the intersection of Marsh Lane and Spring Valley Road and containing approximately 0.5 acres), (B) 3710 Spring Valley Road (approximately .06 mile east of the intersection of Spring Valley Road and Marsh Lane and containing approximately 0.7 acres), (C) 14280 Marsh Lane (generally at or about the southeast corner of the intersection of Spring Valley Road and Marsh Lane and containing approximately 17.9 acres), and (D) 4000 Spring Valley Road (generally at or about the southeast intersection of Spring Valley Road and Vitruvian Way and containing approximately 2.7 acres)), (II) amending the Planned Development Conditions and Standards of Ordinance No. 007-034 by adding “pet grooming and pet boarding, including overnight pet boarding” to the list of allowed retail uses, by adding the sale of beer and wine for off-premises consumption to the list of special uses allowed with the issuance of a special use permit, providing that retail is an allowed use in the tracts described in (I)(A), (B), and (C) above, and providing for the application or non-application of other conditions or standards to those tracts, (III) changing the zoning on the above described four tracts of land from LR-Local Retail to PD Planned Development #007-034 in accordance with the terms, conditions and provisions included therein, and (IV) amending the Concept Plan adopted by Ordinance No. 007-034 by approving a revised Concept Plan for approximately 121 acres of property (being all of the land included in Ordinance No. 007-034, as amended,

including the four tracts described above), on application by UDR, represented by Mr. Tom Lamberth.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on June 27, 2013, voted to recommend approval of the Ordinance presented to the Commission, as written, amending Ordinance No. 007-034, that zones as PD Planned Development District #007-034 that area of the Town known as Vitruvian Park and containing approximately 99.176 acres of land (generally located south of Spring Valley Road, southeast and northwest of Vitruvian Way, west and north of the City of Farmers Branch, and east of Marsh Lane) for certain residential, retail, office, home office, civic, and mixed use uses, and special and accessory uses, as described and according to the standards set forth therein, by (I) amending Exhibit A (“Property Description”) of Ordinance No. 007-034 in order to add four additional tracts of land into the Planned Development District 007-034 (which tracts of land are generally located (i) at 14248 Marsh Lane (being approximately .14 mile south of the intersection of Marsh Lane and Spring Valley Road and containing approximately .485 acres of land), (ii) 3710 Spring Valley Road (being approximately .06 mile east of the intersection of Spring Valley Road and Marsh Lane and containing approximately .672 acres of land) (iii) 14280 Marsh Lane (being generally at or about the southeast corner of the intersection of Spring Valley Road and Marsh Lane and containing approximately 17.893 acres of land), and (iv) 4000 Spring Valley Road (being generally at or about the southeast intersection of Spring Valley Road and Vitruvian Way and containing approximately 2.684 acres of land), (II) amending Exhibit B (“Planned Development Conditions and Standards”) of Ordinance No. 007-034, by amending Section 5 (“Uses”), Subsection 2 (“Retail”) thereof, in order to add “pet grooming and overnight boarding” to the list of allowed retail uses, (III) changing the zoning on the above described four tracts of land from LR-Local Retail to PD Planned Development #007-034 in accordance with the terms, conditions and provisions included therein, and (IV) amending Exhibit C (“Concept Plan”) of Ordinance No. 007-034 by approving a revised Concept Plan for 120.91 acres of property bounded on the north by Spring Valley Road, on the east by the City of Farmers Branch, on the south by Brookhaven Community College

and the City of Farmers Branch, and on the west by Marsh Lane (and being all of the land included in Ordinance No. 007-034, as amended), on application by UDR, represented by Mr. Tom Lamberth, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: none

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

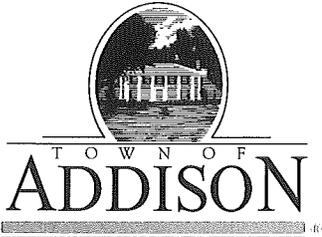
ATTACHMENTS:

Description:

 [docket map, staff report, and proposed ordinance](#)

Type:

Backup Material



June 20, 2013

STAFF REPORT

RE:

Case 1672-Z/UDR

LOCATION:

120.91 acres bounded on the north by Spring Valley Road, on the east by the City of Farmers Branch, on the south by Brookhaven College and the City of Farmers Branch, and on the west by Marsh Lane

REQUEST:

Approval of an ordinance amending Ordinance 007-034, in order to add four additional tracts of land into the Planned Development District 007-034, and in order to add "pet Grooming" and overnight Boarding" to the list of allowed Uses, and amending Exhibit C to Provide for a revised concept plan

APPLICANT:

UDR, Inc., represented by Mr. Tom Lamberth of UDR

DISCUSSION:

Background. On October 9, 2007, UDR obtained approval of a PD ordinance, #007-034, that rezoned a 99-acre neighborhood, which is bordered by Spring Valley Road on the north, The City of Farmers Branch on the east, Farmers Branch and Brookhaven College on the south, and Marsh Lane on the west, from the A (Apartment) and PD-CC (Planned Development – Condominium Conversion) zoning district to a Planned Development District. The Planned Development district zoning approved development standards and a concept plan, and provided that prior to the issuance of a building permit for any project within the PD district, a development plan for the project must be approved by the Planning and Zoning and the City Council.

The first development plan for Phase 1-A (Savoye) was approved by the City Council on June 10, 2008 through Ordinance 008-022. The second building (Savoye 2) was approved by the City Council on October 13, 2009 through Ordinance 009-036.

The PD was then amended to provide for some revised street sections through Ordinance 009-002, approved on February 10, 2009. The third building, the Fiori, was approved through Ordinance 011-032 on April 12, 2011.

Since the approval of the initial Planned Development District, UDR has purchased the following additional tracts:

- 17.893 acre Brookhaven Village Shopping Center at 14820 Marsh Lane,
- .485-acre Burger House site, located at 14248 Marsh Lane,
- .672 Kindercare site, located at 3710 Spring Valley Road,
- 2.684-acre site Lemmons Building site, located at 4000 Spring Valley Road.

At this point, UDR would like to add those additional tracts into the Planned Development district and gain approval of a revised concept plan that includes those tracts and maps out a future development for the entire 120.91 acres of property. An exhibit showing the parcels to be added and the revised concept plan are attached.

The revised concept plan lays out in greater detail the number of residential units, office square footage, and retail square footage that could be developed on the property. The allowed density for uses is as follows:

Total Residential:	7,362 units
Total Office square footage	93,000 gross square feet
Total Retail square footage	336,000 gross square feet

This is a long-range plan that anticipates absolute maximum densities. The staff has found, in other mixed-use developments both in Addison and in other cities that the development typically does not “max out” to the allowed densities.

The revised concept plan envisions leaving the existing Tom Thumb grocery store in its existing location, but providing street retail along the north end of Ponte Avenue to connect the neighborhood on the south side of Vitruvian Way to the neighborhood on the north side of Vitruvian Way.

The revised concept plan also provides for a re-oriented and expanded Community Park on the north side of Vitruvian Way. The new location of the park provides a more direct connection between the new park and the existing Creek Park on the south side of Vitruvian Way. However, the new location places units on the western edge of the property a long way from a park amenity. There is one “pocket park” at the northwest corner of Vitruvian Way and Ponte Avenue, and it is anticipated that as the developments continue on the western side of the project, additional pocket parks can be added to the west side of the project to provide open space for residents.

Ordinance Amendments. UDR is also requesting that an additional use: pet grooming and overnight boarding, be added to the allowed list of retail uses in the district. This additional use would allow UDR to have a pet-sitting business in the district that could keep residents' pets when they are away.

The original PD ordinance was written to accommodate retail uses within a mixed use setting, and did not contemplate a free-standing retail center within the property. As UDR brings the existing retail center into the PD, there are other standards throughout the ordinance that will have to be adjusted so as not to make features, such as facades and currently allowed uses in the existing shopping center, nonconforming. The staff has gone through the ordinance and adjusted all sections that might have an impact on the existing shopping center. However, the ordinance may still be further adjusted by the Town's attorney.

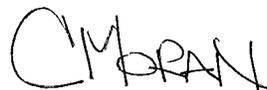
A copy of the original ordinance and a red-lined version of the ordinance, including revised attachments, are attached for the Commission's review.

RECOMMENDATION:

Staff is thrilled to have the shopping center and additional tracts added into the Vitruvian Park development. The addition of the shopping center allows UDR and the Town to accomplish its shared vision of truly integrating the shopping center and the residential neighborhood into one pedestrian-scaled, walkable, exciting mixed use development.

Staff recommends approval of the revised concept plan and the amendments to Planned Development Ordinance 007-034, subject to no conditions.

Respectfully submitted,

A handwritten signature in black ink that reads "CARMORAN". The letters are stylized and somewhat cursive.

Carmen Moran
Director of Development Services

Case 1672-SUP/UDR
July 1, 2013

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on June 27, 2013, voted to recommend approval of the Ordinance presented to the Commission, as written, amending Ordinance No. 007-034, that zones as PD Planned Development District #007-034 that area of the Town known as Vitruvian Park and containing approximately 99.176 acres of land (generally located south of Spring Valley Road, southeast and northwest of Vitruvian Way, west and north of the City of Farmers Branch, and east of Marsh Lane) for certain residential, retail, office, home office, civic, and mixed use uses, and special and accessory uses, as described and according to the standards set forth therein, by (I) amending Exhibit A ("Property Description") of Ordinance No. 007-034 in order to add four additional tracts of land into the Planned Development District 007-034 (which tracts of land are generally located (i) at 14248 Marsh Lane (being approximately .14 mile south of the intersection of Marsh Lane and Spring Valley Road and containing approximately .485 acres of land), (ii) 3710 Spring Valley Road (being approximately .06 mile east of the intersection of Spring Valley Road and Marsh Lane and containing approximately .672 acres of land) (iii) 14280 Marsh Lane (being generally at or about the southeast corner of the intersection of Spring Valley Road and Marsh Lane and containing approximately 17.893 acres of land), and (iv) 4000 Spring Valley Road (being generally at or about the southeast intersection of Spring Valley Road and Vitruvian Way and containing approximately 2.684 acres of land), (II) amending Exhibit B ("Planned Development Conditions and Standards") of Ordinance No. 007-034, by amending Section 5 ("Uses"), Subsection 2 ("Retail") thereof, in order to add "pet grooming and overnight boarding" to the list of allowed retail uses, (III) changing the zoning on the above described four tracts of land from LR-Local Retail to PD Planned Development #007-034 in accordance with the terms, conditions and provisions included therein, and (IV) amending Exhibit C ("Concept Plan") of Ordinance No. 007-034 by approving a revised Concept Plan for 120.91 acres of property bounded on the north by Spring Valley Road, on the east by the City of Farmers Branch, on the south by Brookhaven Community College and the City of Farmers Branch, and on the west by Marsh Lane (and being all of the land included in Ordinance No. 007-034, as amended), on application by UDR, represented by Mr. Tom Lamberth, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Oliver, Stockard, Wheeler
Voting Nay: none
Absent: none

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, THE SAME BEING APPENDIX-A ZONING OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ORDINANCE NO. 007-034 (AS AMENDED) THAT ZONES AS PD PLANNED DEVELOPMENT DISTRICT #007-034 THAT AREA OF THE TOWN KNOWN AS VITRUVIAN PARK AND CONTAINING APPROXIMATELY 99.176 ACRES OF LAND (GENERALLY LOCATED SOUTH OF SPRING VALLEY ROAD, WEST OF THE CITY OF FARMERS BRANCH, NORTH OF BROOKHAVEN COMMUNITY COLLEGE AND THE CITY OF FARMERS BRANCH, AND EAST OF MARSH LANE (AND AS MORE PARTICULARLY DESCRIBED IN ORDINANCE NO. 007-034) FOR CERTAIN RESIDENTIAL, RETAIL, OFFICE, HOME OFFICE, CIVIC AND MIXED USES, AND SPECIAL AND ACCESSORY USES, ACCORDING TO THE STANDARDS SET FORTH THEREIN, BY: (I) AMENDING EXHIBIT A ("PROPERTY DESCRIPTION") OF ORDINANCE NO. 007-034 TO ADD FOUR TRACTS OF LAND INTO PLANNED DEVELOPMENT DISTRICT #007-034, WHICH TRACTS ARE GENERALLY LOCATED (A) AT 14248 MARSH LANE (BEING APPROXIMATELY .14 MILE SOUTH OF THE INTERSECTION OF MARSH LANE AND SPRING VALLEY ROAD AND CONTAINING APPROXIMATELY 0.5 ACRES OF LAND), (B) 3710 SPRING VALLEY ROAD (BEING APPROXIMATELY .06 MILE EAST OF THE INTERSECTION OF SPRING VALLEY ROAD AND MARSH LANE AND CONTAINING APPROXIMATELY 0.7 ACRES OF LAND), (C) 14280 MARSH LANE (BEING GENERALY AT OR ABOUT THE SOUTHEAST CORNER OF THE INTERSECTION OF SPRING VALLEY ROAD AND MARSH LANE AND CONTAINING APPROXIMATELY 17.9 ACRES OF LAND), AND (D) 4000 SPRING VALLEY ROAD (BEING GENERALY AT OR ABOUT THE SOUTHEAST INTERSECTION OF SPRING VALLEY ROAD AND VITRUVIAN WAY AND CONTAINING APPROXIMATELY 2.7 ACRES OF LAND), (II) AMENDING EXHIBIT B ("PLANNED DEVELOPMENT CONDITIONS AND STANDARDS") OF ORDINANCE NO. 007-034 BY ADDING "PET GROOMING AND PET BOARDING, INCLUDING OVERNIGHT PET BOARDING" TO THE LIST OF ALLOWED RETAIL USES, BY ADDING THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION TO THE LIST OF SPECIAL USES ALLOWED WITH THE ISSUANCE OFA SPECIAL USE PERMIT, PROVIDING THAT RETAIL IS AN ALLOWED USE IN THE TRACTS DESCRIBED IN (A), (B), AND (C) ABOVE AND PROVIDING FOR THE APPLICATION OR NON-APPLICATION OF OTHER CONDITIONS OR STANDARDS TO THOSE TRACTS, (III) CHANGING THE ZONING CLASSIFICATION ON THE TRACTS DESCRIBED IN

(I)(A), (B), (C) AND (D) FROM LR LOCAL RETAIL TO PD PLANNED DEVELOPMENT #007-034 IN ACCORDANCE WITH THE TERMS AND PROVISIONS APPLICABLE THERETO, AND (IV) AMENDING EXHIBIT C (“CONCEPT PLAN”) OF ORDINANCE NO. 007-034 BY APPROVING A REVISED CONCEPT PLAN FOR APPROXIMATELY 120.91 ACRES OF PROPERTY BOUNDED ON THE NORTH BY SPRING VALLEY ROAD, ON THE EAST BY THE CITY OF FARMERS BRANCH, ON THE SOUTH BY BROOKHAVEN COMMUNITY COLLEGE AND THE CITY OF FARMERS BRANCH, AND ON THE WEST BY MARSH LANE AND INCLUDING ALL OF THE LAND INCLUDED IN ORDINANCE NO. 007-034 AS AMENDED; PROVIDING THAT THE OFFICIAL ZONING MAP SHALL BE AMENDED TO REFLECT THE CHANGES HEREIN MADE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, various tracts of land containing approximately 99.175 acres are zoned PD Planned Development District by Ordinance No. 007-034 (as amended) for various uses including residential, retail, office, home office, civic and mixed uses, and special and accessory uses, according to the terms and provisions included therein, which tracts of land are in that area of the Town of Addison, Texas (“City”) generally known as Vitruvian Park which is generally located south of Spring Valley Road, west of the City of Farmers Branch, north of Brookhaven Community College and the City of Farmers Branch, and east of Marsh Lane; and

WHEREAS, the owners of four additional tracts of land adjacent to the said 99.175 acres (which tracts comprise approximately 21.8 acres and are described in Exhibit A attached to this Ordinance and incorporated herein) have filed an application with the City requesting that the tracts be rezoned from their current zoning of LR Local Retail District to PD Planned Development District and included within the Planned Development District established by Ordinance No. 007-034; and

WHEREAS, pursuant to the request, 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 the changes to zoning, including changes to Ordinance No. 007-034 (as amended), set forth herein and made hereby; 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 and submitted a final report to the City Council regarding all of the changes to zoning described herein; and

WHEREAS, after due deliberations and consideration of the recommendation and final report of the Planning and Zoning Commission and the information and other materials received at the public hearing conducted 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. Amendments. The Comprehensive Zoning Ordinance of the Town of Addison, Texas, the same being Appendix A – Zoning of the Code of Ordinances of the City (the "Zoning Ordinance"), is hereby amended as follows:

A. *Change in Zoning; Development, Occupancy, and Use.*

1. The zoning on each of the four (4) tracts of land described in Exhibit A attached hereto and incorporated herein for all purposes shall be and is hereby changed:

from LR Local Retail District to PD Planned Development District, with such Planned Development District being that adopted by Ordinance No. 007-034, as amended (“PD #007-034”) and the said four (4) tracts of land are hereby added to and made a part of PD #007-034,

all in accordance with and subject to the requirements of this Ordinance (including all exhibits referenced herein, each of which is incorporated herein for all purposes), Ordinance No. 007-034, as amended, all applicable parts of the City’s Zoning Ordinance, and all other applicable laws, ordinances, rules, regulations, codes and standards of the City and any other applicable governmental entity, agency, or authority.

Where and whenever the term “Property” is used in Ordinance No. 007-034, as amended, the term shall include and be applicable to the land described in Ordinance No. 007-034 together with the four (4) tracts of land described in Exhibit A attached to this Ordinance.

2. The said four (4) tracts of land are subject to the terms, conditions, and provisions of this Ordinance and of Ordinance No. 007-034, as amended, and may be developed, occupied, and used only in accordance with the terms and conditions of this Ordinance and all applicable exhibits attached hereto, Ordinance No. 007-034, as amended, all applicable parts of the City’s Zoning Ordinance (and as the same may be hereafter amended or superseded), and all other applicable laws, ordinances, rules, regulations, codes and standards of the City (and as the same may be hereafter amended or superseded) and any other applicable governmental entity, agency, or authority.

B. *Modification of Planned Development Conditions and Standards (Exhibit B to Ordinance No. 007-034, as amended)*. Exhibit B to Ordinance No. 007-034 is amended as set

forth in Exhibit B attached to this Ordinance and incorporated herein. Additions to Exhibit B to Ordinance No. 007-034 are shown in the attached Exhibit B by text that is *italicized*, underlined, and in **bold** font; deletions to Exhibit B to Ordinance No. 007-034 are shown by text that is *italicized*, ~~struck through~~, and in **bold** font. Exhibit B to Ordinance No. 007-034, as amended by this Ordinance, shall serve as Exhibit B (Planned Development Conditions) for PD #007-034.

C. Modification of Concept Plan. Exhibit C (Concept Plan) to Ordinance No. 007-034 is amended in its entirety as set forth in Exhibit C attached to this Ordinance and incorporated herein. Exhibit C (Concept Plan) attached to this Ordinance shall serve as the Concept Plan for PD #007-034.

Section 3. Building Permits, Certificates of Occupancy. No building permit or certificate of occupancy for any use on or in the Property shall be issued until there has been full compliance with this Ordinance and all other ordinances, rules, and regulations of the City.

Section 4. Zoning map. The official Zoning Map of the City shall be modified to reflect the zoning change herein made, as appropriate.

Section 5. 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 6. No Other Amendment; Savings. Except for the amendments and changes made herein, Ordinance No. 007-034, as amended, is not otherwise amended hereby, and remains and 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 7. 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 8. 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 9. 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 _____, 2013.

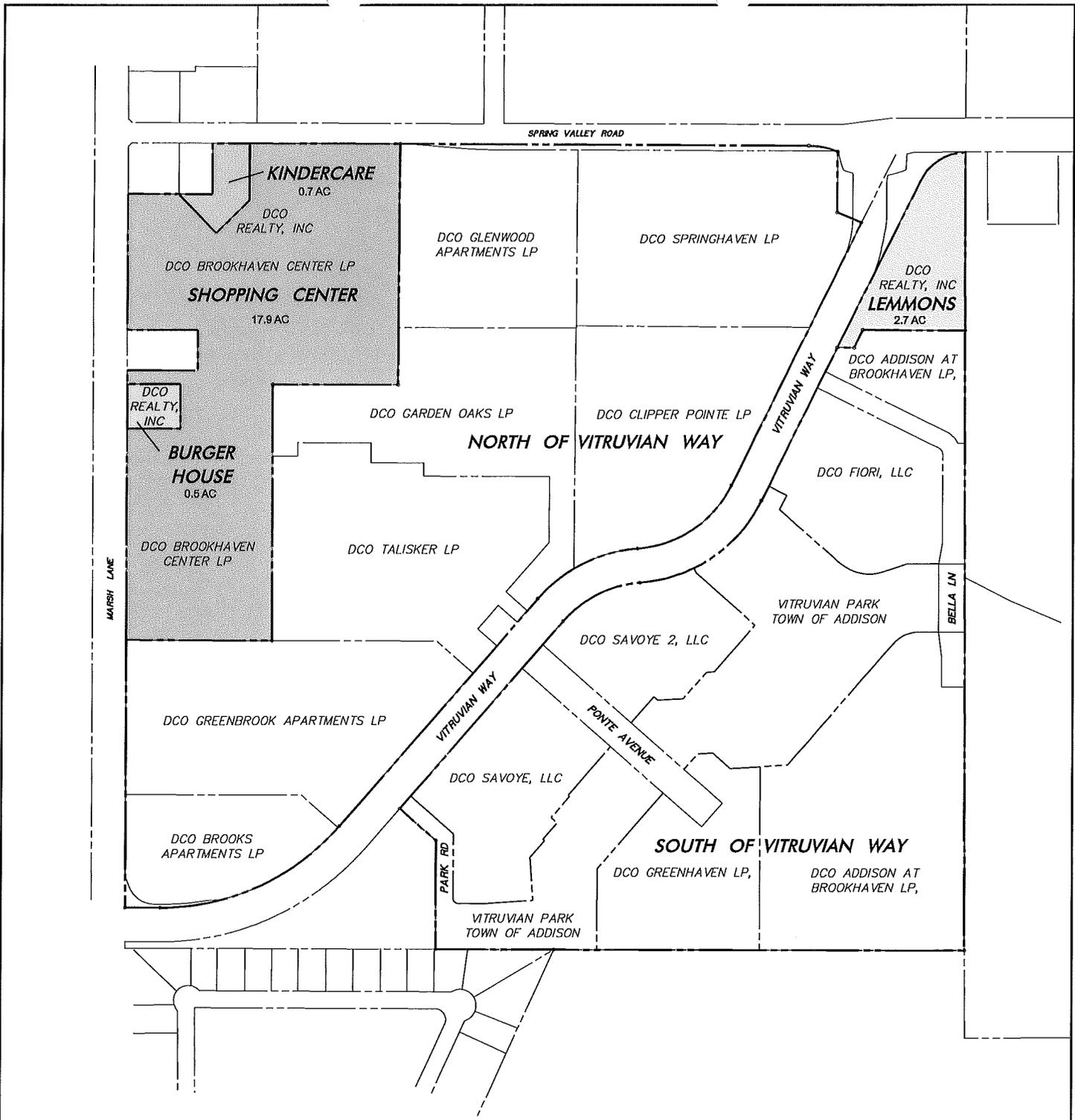
Todd Meier, Mayor

ATTEST:

By: _____
Chris Terry, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney



0 200 400
 GRAPHIC SCALE IN FEET
 SCALE: 1"=400'

VITRUVIAN PARK OUT PARCEL EXHIBIT

icon Consulting Engineers, Inc.
 Civil Engineers - Designers - Planners

BiCentennial Financial Center
 250 W. Southlake Blvd., Suite 117
 Southlake, Tx 76092
 Phone: (817) 652-6210
 Fax: (817) 778-4845

EXHIBIT A

06/07/13

LEGAL DESCRIPTION
SHOPPING CENTER TRACT

Being a tract of land in the Noah Good Survey, Abstract No. 520, Addison, Dallas County, Texas, said being all of Brookhaven Village Shopping Center, an addition to the City of Addison, Texas according to the map thereof recorded in Volume 86225, Page 4769, Deed Records of Dallas County, Texas, and all of Brookhaven Village Shopping Center, Phase 2, an addition to the City of Addison, Texas according to the map thereof recorded in Volume 98221, Page 20, Deed Records of Dallas County, Texas, both being conveyed to Mustang Brookhaven S/C, Ltd. by deed recorded in Volume 94129, Page 111, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for a corner in the east line of Marsh Lane (a 100 foot right of way), said point being the southwest corner of a tract of land conveyed to A&A Investments Partnership by deed recorded in Volume 95245, Page 1056, Deed Records of Dallas County, Texas;

THENCE, S 89°46'10" E, a distance of 150.00 feet along the south line of the said A&A tract to a 1/2 inch iron rod for a corner;

THENCE, S 44°24'27" E, a distance of 160.00 feet along the southwest line of a tract of land conveyed to National Child Care Centers, Inc. as recorded in Volume 77153, Page 1916, Deed Records of Dallas County, Texas to an "x" found in concrete, said point being the most southerly corner of said National Child Care tract;

THENCE, N 45°20'40" E, a distance of 137.82 feet along the southeast line of said National Child Care tract to an "x" found for a corner, said point being the southeast corner of said National Child Care tract;

THENCE, N 00°00'00" E, a distance of 166.59 feet along the east line of said National Child Care tract to an "x" found for a corner in the south line of Spring Valley Road (a 60 foot right of way);

THENCE, S 89°46'10" E, a distance of 443.77 feet along the south line of said Spring Valley Road to a 1/2 inch iron rod found for a corner; said point being the northwest corner of a tract of land conveyed to DCO Glenwood Apartments, LP by deed recorded in Instrument No. 20070159781, Official Public Records of Dallas County, Texas;

THENCE, S 00°16'34" W, a distance of 708.99 feet along the west line of said DCO Glenwood tract passing the southwest corner and continuing along a west line of a tract of land conveyed to DCO Garden Oaks, LP as recorded in Instrument No. 20070096223, Official Public Records of Dallas County, Texas to a 1/2 inch iron rod with red F-D cap set for a corner;

THENCE, N 89°48'09" W, a distance of 369.35 feet along a north line of said DCO Garden Oaks tract to a 1/2 inch iron rod with red F-D cap set for a corner;

THENCE, S 00°00'00" W, a distance of 750.01 feet along a west line of said DCO Garden Oaks tract and continuing along the west line of a tract of land conveyed to DCO Talisker, LP as recorded in Instrument No. 2007159777, Official Public Records of Dallas County, Texas to a 1/2 inch iron rod found for a corner, said point being the southwest corner of said DCO Talisker tract and in the north line of a tract conveyed to DCO Greenbrook Apartments, LP by deed recorded in Instrument No. 20070159785, Official Public Records of Dallas County, Texas;

THENCE, N 90°00'00" W, a distance of 431.00 feet along the north line of said DCO Greenbrook tract to a "x" set for a corner in the east line of said Marsh Lane;

THENCE, N 00°00'00" E, a distance of 619.50 feet along the east line of said Marsh Lane to a 1/2 inch iron rod found for a corner, said point being the southwest corner of the W. G. Investments Addition, an addition to the City of Addison, as recorded in Volume 78186, Page 2208, Plat Records of Dallas County, Texas;

THENCE, S 89°48'09" E, a distance of 160.00 feet along the south line of said W.G. Investments Addition to a 1/2 inch iron rod found for a corner, said point being the southeast corner of said W.G. Investments Addition;

THENCE, N 00°00'00" E, a distance of 132.00 feet along the east line of said W.G. Investments Addition to an "x" found for a corner, said point being the northeast corner of said W. G. Investemts Addition;

THENCE, N 89°48'09" W, a distance of 160.00 feet along the north line of said W.G. Investments Addition to a 1/2 inch iron rod found for a corner in the east line of said Marsh Lance and being the northwest corner of said W.G. Investments Addition;

THENCE, N 00°00'00" E, a distance of 30.00 feet along the east line of said Marsh Lane to an "x" found for a corner, said point being the southwest corner of a tract conveyed to JSL Investments Texas, LLC by deed recorded in Volume 2004054, Page 3836, Deed Records of Dallas County, Texas;

THENCE, S 89°48'09" E, A distance of 209.00 feet along the south line of said JSL tract to an "x" found for a corner, said point being the southeast corner of said JSL tract;

THENCE, N 00°00'00" E, a distance of 120.00 feet along the east line of said JSL tract to a 1/2 inch iron rod found for a corner, said point being the northeast corner of said JSL tract;

THENCE, N 89° 48'09" W, a distance of 209.00 feet to a 1/2 inch ifor rod found for a corner in the east line of said Marsh Lane and being the northwest corner of said JSL tract,

THENCE, N 00°00'00" E, a distance of 409.45 feet along the east line of said Marsh Lane to the Point of Beginning and Containing 779,447 square feet or 17.89363 acres of land.

EXHIBIT A

LEGAL DESCRIPTION
BURGER HOUSE

Being a 21,120 square feet or 0.485 acre tract of land in the Noah Good Survey, Abstract No. 520, Addison, Dallas County, Texas, said being all of W. G. Investments Addition, an addition to the Town of Addison, Dallas County, Texas according to the map thereof recorded in Volume 78186, Page 2208, Deed Records of Dallas County, Texas, said tract conveyed to Milton L. Wagner and Gay Geiler Golman by deed recorded in Volume 78139, Page 767, Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at a set "x" cut on concrete pavement for a corner in the east line of Marsh Lane (a variable width right of way), said point being the northwest corner of said W. G. Investments Addition, said point being the most southerly southwest corner of Brookhaven Village Shopping Center, Phase 2 as recorded in Volume 98221, Page 20, Deed Records of Dallas County, Texas, and said point being S00°01'21" W, a distance of 709.46 feet from the intersection of the east line of Marsh Lane with the south line of Spring Valley Road (a variable width right of way);

THENCE, S 89°46'48" E, departing the east line of Marsh Lane and with the north line of the said W. G. Investments Addition and the south line of the said Brookhaven Village Shopping Center, Phase 2, a distance of 160.00 feet to a set "x" cut on concrete pavement for a corner at the northeast corner of the said W. G. Investments Addition, and said point being the most northerly northwest corner of Brookhaven Village Shopping Center as recorded in Volume 86225, Page 4769, Deed Records of Dallas County, Texas;

THENCE, S 00°01'21" W, with the east line of the said W. G. Investments Addition and the west line of the said Brookhaven Shopping Village Center addition, a distance of 132.00 feet to a found "x" cut on a concrete curb for a corner, said point being the southeast corner of the said W. G. Investments Addition;

THENCE, N 89°46'48" W, with the south line of the said W. G. Investments Addition and the north line of the said Brookhaven Shopping Village Center addition, a distance of 160.00 feet to a set 5/8 inch iron rod for a corner in the east line of Marsh Lane, said point being the southwest corner of the said W. G. Investments Addition;

THENCE, N 00°01'21" E, with the east line of Marsh Lane, a distance of 132.00 feet to the Point of Beginning.

LEGAL DESCRIPTION
DAY CARE

Being a 29,268 square feet or 0.672 acre tract of land in the Noah Good Survey, Abstract No. 520, Addison, Dallas County, Texas, said being Lot 1, Block 1 of Greenhaven Village No. 2, an addition to the Town of Addison, Dallas County, Texas according to the map thereof recorded in Volume 77153, Page 1553, Deed Records of Dallas County, Texas, said tract conveyed to Ka Pri Associates by deed recorded in Volume 78105, Page 3466, Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at a set "x" cut on concrete pavement for a corner in the south line of Spring Valley road (a 60 foot right of way), said point being the northwest corner of said Lot 1 and the northeast corner of a tract of land conveyed to Jeff Staffin, Inc. by deed recorded in Volume 99111, Page 3996, Deed Records of Dallas County, Texas and said point being S 89°45'14" E, a distance of 250.0 feet from a found ½ inch iron rod at the east corner of a right of way corner clip at the intersection of the south line of Spring Valley Road with the east line of Marsh Lane (a 100 foot right of way);

THENCE, S 89°45'14" E, with the south corner of Spring Valley Road, a distance of 110.00 feet to a set 5/8 inch iron rod for a corner, said point being the northeast corner of said Lot 1 and the most northerly northwest corner of Brookhaven Village Shopping Center Phase 2 as recorded in Volume 98221, Page 20, Deed Records of Dallas County, Texas;

THENCE, the following courses and distances with the common line of said Lot 1 and the said Greenhaven Village Shopping Center Phase 2:

- S 00°01'48" E, departing the south line of Spring Valley Road, a distance of 166.59 feet to a found "x" cut on concrete pavement for a corner;
- S 45°21'46" W, a distance of 137.83 feet to a found "x" cut on concrete pavement for a corner;
- N 44°23'31" W, a distance of 160.00 feet to a found ½ inch iron rod for a corner, said point being the most westerly corner of said Lot 1, the southwest corner of the said Jeff Staffin, Inc. tract and the southeast corner of a tract of land conveyed to A&A Investments Partnership by deed recorded in Volume 95245, Page 1056, Deed Records of Dallas County, Texas;

THENCE, S 89°45'14" E, a distance of 100.00 feet to a set "x" cut on concrete pavement for a corner, said point being the southeast corner of the said Jeff Staffin, Inc. tract;

THENCE, N 00°01'48" W, a distance of 150.00 feet to the Point of Beginning.

LEGAL DESCRIPTION
LEMMONS TRACT

Being a 116,920 square feet or 2.684 acre tract of land in the Noah Good Survey, Abstract No. 520, Dallas County, Texas, and being located in the Town of Addison, Texas, said tract being all of a tract of land conveyed to The Lemmons Co. (now Synergy Enterprises, Inc.) by deed recorded in Volume 2002212, Page 5261, Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at a found ½ inch iron rod at the intersection of the south line of Spring Valley Road (a variable width right of way) with the southeast line of Vitruvian Way (a variable width right of way), said point being the northeast corner of the said Lemmons Co. tract and the northwest corner of Lot 1, Block A of The Villas At Parkside, Phase I as recorded in Volume 95174, Page 4325, Deed Records of Dallas County, Texas;

THENCE, S 00°07'24" E, with the common line of the said The Lemmons Co. tract and the said Lot 1, a distance of 525.02 feet to a found 5/8 inch iron rod for a corner, said point being the southeast corner of the said The Lemmons Co. tract and the northeast corner of a called 23.705 acre tract of land conveyed to DCO Addison At Brookhaven, LP by deed recorded in County Clerk Instrument No. 200600407616, Official Property Records of Dallas County, Texas;

THENCE, the following courses and distances with the common line of the said The Lemmons Co. tract and the said DCO Addison At Brookhaven, LP tract:

- N 89°39'29" W, a distance of 301.37 feet to a found 5/8 inch iron rod for a corner;
- S 26°24'46" W, a distance of 58.00 feet to a set 5/8 inch iron rod for a corner;
- N 89°39'29" W, a distance of 49.53 feet to a set 5/8 inch iron rod for a corner in the southeast line of Vitruvian Way, said point being the common west corner of the said The Lemmons Co. tract and the said DCO Addison At Brookhaven, LP tract;

THENCE, the following courses and distances with the southeast line of Vitruvian Way:

- N 26°22'15" E, a distance of 548.61 feet to a set 5/8 inch iron rod at the beginning of a non-tangent curve to the right with a central angle of 62°40'12", a radius of 150.00 feet, a chord bearing of N 57°42'21" E and a chord distance of 156.01 feet;
- Northeasterly, along said curve, an arc distance of 164.07 feet to the Point of Beginning.

EXHIBIT B
PLANNED DEVELOPMENT CONDITIONS AND STANDARDS

1. **Purpose.** The purpose of this Planned Development District No. 007-034 (the “PD District,” “planned development district,” or “district”) is to create a mixed use environment under a unified plan consisting of retail, restaurant, residential and office uses within a pedestrian-oriented village setting, to be developed in accordance with all of the standards, terms and conditions of this Ordinance No. 007-034 (the “Ordinance”). These Planned Development Conditions, Brookhaven Village are incorporated into and made a part of the Ordinance for all purposes. Development, occupancy, and use of the Property and any portion thereof shall comply with development conditions set forth herein, with the Ordinance, with all applicable provisions of the Zoning Ordinance of the Town of Addison, Texas (the “City”) (the same being Appendix A – Zoning of the Code of Ordinances of the City, and as it may be amended or superseded (the “Zoning Ordinance”), and with all other applicable ordinances, laws, rules, regulations, standards, and codes of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof.
2. **Definitions, Interpretations.** Unless otherwise stated, the definitions and interpretations in the Zoning Ordinance apply to this Ordinance and the development conditions set forth herein.
3. **Concept Plan.** Development and use of the Property which is the subject of this Ordinance (which Property is described by metes and bounds and a survey of which is attached to this Ordinance as Exhibit “A”) (the “Property”) must substantially comply with the concept plan attached to the Ordinance as Exhibit “C” and incorporated into and made a part of this Ordinance for all purposes (the “Concept Plan”).
4. **Development Plan.**
 - a. **Plan Required.** Prior to and as a condition of the issuance of a building or any other permit for (i) any development, or (ii) the construction, erection, alteration, extension, placement or locating of any building, structure, or improvement whatsoever, within the Property or any portion thereof, a development plan for the same must be approved by the Planning and Zoning Commission and by the City Council in accordance with Article XV, Section 5 of the Zoning Ordinance. A development plan (whether submitted for the entire Property or for a portion thereof) must comply with the Conceptual Plan, the standards, terms and conditions of this Ordinance, the Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, codes and standards of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof. Development, occupancy, and use of the Property or portion thereof which is covered by or the subject of a development plan must comply in all respects with the development plan. Upon approval of a development plan by the City Council, the same shall be incorporated into and made a part of this Ordinance for all purposes.

Office of the City Secretary

Ordinance 007-034

EXHIBIT B

5. Uses.

- a. Authorized Uses; Prohibited Uses. Only those uses identified herein as permitted uses, special uses, or accessory uses are authorized uses (subject to the terms, conditions and provisions of this Ordinance) within the Property. All other uses are expressly prohibited.

- b. Permitted Uses. The following uses of land are authorized as permitted uses within the Property. Uses are further classified according to general categories of land uses. To the extent expressly authorized by these PD District regulations, a general use category (e.g., “retail”) may be identified on the Concept Plan or, except for residential uses, on a development plan. Upon approval of the Concept Plan or a development plan which includes a general use category, any use appearing or classified under such general use category in the use list set forth below, is authorized in accordance with the Concept Plan or development plan, as the case may be, any conditions attached thereto, and all other provisions of this Ordinance, the Zoning Ordinance, and any other ordinance, law, rule, regulation, code, and standard applicable thereto:

- 1. *Residential.* Residential uses within the Property are limited to the following:

- Townhouse
- Condominium
- Multifamily

- 2. *Retail.* Retail uses within the Property are limited to the following (all uses listed below are for retail use only (whether or not so specified), and are subject to the General Conditions set forth in subsection e. of this Section 5):

- Antique shop
- Aquarium
- Art gallery
- ATM facilities
- Bakery, retail sales only
- Bank
- Barber and beauty shop
- Bicycle sales and service
- Book or stationery store
- Business support services
- Camera shop
- Candy, cigars and tobaccos, retail sales only

Caterer and wedding service (office only)
 Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual cleaning, dying, or laundering work is to be done on the premises
 Coffee shop (no seating on premises)
 Convenience store
 Cosmetic and beauty supplies
 Dance studios
 Department store
 Donut and pastry shop, no seating on premises
 Drug store, retail sales only
 Electrical goods and fixtures for consumer use
 Electronics store
 Film developing and printing
 Financial services
 Fix-it shops, bicycle repair, saw filing and lawn mower sharpening, retail sales only
 Florist, retail sales only
 Furniture sales, repairs and upholstery
 Gallery, for the display and sale of artworks
 Grocery store, retail sales only
 Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only
 Health club, private and public
 Household and office furniture, furnishings and appliances, retail sales or rental only
 Jewelry, optical goods, photographic supplies, retail sales only
 Laundromat, equipped with automatic washing machines of the type customarily found in a home and where the customers may personally supervise the washing and handling of their laundry
 Magazine store
 Meat market, retail sales only
 Medical and dental clinics
 Movie DVD and VHS rental and sales
 Optician and optical store
 Pet and pet supplies
Pet grooming and pet boarding, including overnight pet boarding
 Photographer or artist studio
 Pizza delivery shop, no seating on premises
 Piano and musical instruments
 Plumbing shop, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for

Formatted: Font: Bold, Italic
Formatted: Font: Italic
Formatted: Font: Bold, Italic
Formatted: Font: Italic
Formatted: Font: Bold, Italic
Formatted: Font: Italic
Formatted: Font: Bold, Italic

contracting work)
 Printing and copy shop, retail sales only
 Professional offices for architect, attorney, engineer and real estate
 Public garage, parking, no repairs
 Retail Store
 Seamstress, dressmaker, or tailor
 Shoe repair shop, retail sales only
 Sporting goods, toy & hobby store
 Studio for the display and sale of glass, china, art objects, cloth and draperies
 Studios, dance, music, drama, martial arts
 Tailors
 Telephone stores
 Title companies
 Travel services
 Wearing apparel, including clothing, shoes, hats, millinery and accessories

3. *Office.* (Defined under article XXX of the Zoning Ordinance)
4. *Home office.* For the purposes of this PD District, “home office” means and includes office uses that are performed in a residential dwelling unit or in an office attached to a residential dwelling unit, that do not involve any structural change to the building or premises in which the use is conducted. A home office use, which is located on the ground floor of a building may include the employment of not more than three employees, including the person who is the primary resident of the residential dwelling unit where the home office use is conducted . A home office use which is located on any floor of a building other than the ground floor may not include the employment of any employee other than a person who is a primary resident of the residential dwelling unit where the home office use is conducted.
5. *Civic.* (Defined under article XXX of the Zoning Ordinance)
6. *Mixed use (with residential).* (Defined under article XXX of the Zoning Ordinance)
7. *Mixed use (with nonresidential).* (Defined under article XXX of the Zoning Ordinance)

c. Special Uses. A use listed below in this subsection may be permitted within the Property (or portion thereof, as designated) provided the same is first authorized by the approval of a special use permit in accordance with and subject to Article

Formatted: Font: Bold, Italic

XX, Special Uses, of the City's Zoning Ordinance (and as the same may be modified or superseded):

1. Hotel.
2. Cleaning, dyeing and laundry pick-up station, with cleaning, dyeing and/or laundry work done on the premises.
3. Library, for loan of books and other materials typically performed by a public library.
4. Public safety facilities.
5. Restaurant.
6. Retirement home.
7. Sale of alcohol for on-premises consumption,
- ~~8. ***Sale of beer and wine for off-premises consumption.***~~
- ~~9. Transit facilities.~~

- Formatted: Font: Bold, Italic
- Formatted: Font: Bold, Italic, Underline
- Formatted: Font: Italic, Underline
- Formatted: Font: Bold, Italic, Underline
- Formatted: Font: Bold, Italic, Strikethrough

d. Accessory Uses. The following are permitted as accessory uses within the Property:

1. Community, social, hobby, or laundry facilities, for use by occupants of a residential development within the Property which are customary to residential developments.
2. Recreation space and facilities.
3. Parking and parking structures.
4. Other uses customarily incidental and subordinate to permitted uses and any special uses.

e. General Conditions. Development, occupancy, and use of the Property shall comply with the following conditions, as applicable:

1. *Retail use*. A retail use may be operated or conducted only in accordance with the following:

- (a) ***Retail is an allowed use in Blocks 209, 210, and 211 (as shown on the Concept Plan.*** Except as provided in subsection (b) below (regarding kiosks), a retail use *within all other blocks (that is, all other portions of the Property)* is permitted only in connection with and as a part of a "mixed use (with residential)," as the same is defined in Article XXX of the Zoning Ordinance.
- (b) Notwithstanding subsection (a) above (regarding a mixed use (with residential)), a retail use may be provided or conducted from and within a portable kiosk *within all blocks shown on the Concept Plan with the exception of Blocks 209, 210, and 211.* For purposes hereof, "kiosk" means a small, free-standing one-story building or structure having a maximum floor area of 500

- Formatted: Font: Bold, Italic
- Formatted: Font: Bold
- Formatted: No underline
- Formatted: Font: Bold, Italic
- Formatted: Font: Bold, Italic, Underline
- Formatted: Font: Bold, Italic
- Formatted: Font: Bold, Italic, Underline
- Formatted: Font: Bold, Italic
- Formatted: Font: Bold
- Formatted: Not Strikethrough
- Formatted: Font: Bold, Italic

square feet which is portable in nature, is not permanent, and can be easily and readily moved from location to location. If a portable kiosk is to be occupied, it shall have a minimum floor area of 25 square feet. A portable kiosk for the purpose of providing or conducting a retail use is permitted anywhere within the Property.

- (c) Except as the same may be provided or conducted from a portable kiosk, free-standing retail is prohibited. For purposes hereof, "free-standing retail" means the use or occupancy of a free-standing building for a retail use.

6. **Development Standards.**

- a. For purposes of determining parking and open space compliance, the entire Property shall be considered as one lot. For example, retail parking in one phase of development, such as parking in a parking structure, may be applied to the required parking in another phase of retail development. Notwithstanding the consideration of the entire Property as one lot for parking and open space compliance purposes, parking for each development or phase of a development within the Property must be sufficient (and satisfy all of the standards set forth herein) for the development or phase thereof.
- b. Development, occupancy, and use of the Property shall comply with the development standards set forth in the following Table A:

TABLE A: DEVELOPMENT STANDARDS	
<p><u>Street Build-to Line</u></p> <p><i><u>Within all blocks shown on the Concept Plan, except Blocks 209, 210, and 211, All</u></i> primary buildings, structures, walls, fences, and other improvements shall be constructed, located, placed, and erected along and contiguous to the applicable build-to line; provided, however, that not more than 30 percent of any street frontage may vary from the build-to line, except in that portion of the Property identified on the Concept Plan as "Subarea 1" <i>Not</i> more than 50 percent of any street frontage may vary from the build-to line. The build-to line shall be measured from the closest right-of-way line of the adjacent street.</p>	<p><i>Street build-to lines within the Property are as follows (streets are as shown or identified on the Concept Plan):</i></p> <ul style="list-style-type: none"> • 9 feet along A streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034) • No less than 6 feet, no more than 9 feet along B streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034) • No less than 6 feet, no more than 9 feet along all C streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034) • 4 feet along all D streets (as shown

Formatted: Font: Bold, Italic

Formatted: Font: Bold, Italic

	<p>on the attached Exhibit "C" to this Ordinance No. 007-034)</p> <ul style="list-style-type: none"> No less than 6 feet, no more than 9 feet along all E streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034) 	
<u>Side Yard Setback</u>	None, except as required by the City's Fire Code (and as the same may be amended or superseded from time to time)	
<u>Rear Yard Setback</u>	None, except as required by the City's Fire Code (and as the same may be amended or superseded from time to time)	
<u>Maximum height of building</u>	No maximum height; except the portion of any building or other structure which is located within 100 feet of the property line of a lot or other parcel of land which is zoned for single family or apartment use or which is otherwise used or occupied for a residential use shall not exceed 60 feet in height. All heights are subject to FAA approval.	
<u>Minimum lot area</u>	No minimum lot area	
<u>Minimum lot width</u>	No minimum lot width	
<u>Minimum lot depth</u>	No minimum lot depth	
<u>Minimum area per Residential dwelling unit</u>	Efficiency	450 sq. ft.
	One- Bedroom	600 sq. ft.
	Two-Bedroom	850 sq. ft.
	Three-Bedroom	1,000 sq. ft.
	Townhouse	1,600 sq. ft.
	Office uses	500,000 sq. ft.
<u>Maximum nonresidential square footage</u>	Retail, restaurant and personal service uses	500,000 sq. ft.
<u>Maximum lot coverage</u>	95%	

c. Miscellaneous development standards:

1. Lot coverage:

- (a) The area of a porch or arcade fronting a public street is not included in the calculation of lot coverage.
 - (b) The area of an above-grade parking structure is included in the calculations of lot coverage.
2. Height: Architectural features including, but not limited to, turrets, spires and towers may exceed maximum height of building provided that any such structure is no more than 15 feet higher than the maximum permitted height and has a floorplate which is ten percent, or less, of the ground floor area of the building of which it is a part.
3. Setbacks:
- (a) *Overhangs and fireplaces.* The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fireproof stairways may extend up to a maximum of five feet into the required setbacks.
 - (b) *Patios.* Patios may be constructed within the required setback zones.

7. **Open Space.**

- a. Two acres for every 1,000 residents shall be dedicated for public open space use by the project applicant up to the point that dedication has been provided for 2,250 residents. After sufficient open space has been dedicated to meet the requirement for 2,250 residents, 1 1/2 acres of open space for each 1,000 residents shall be dedicated for public use by the project applicant. For purposes of this section, the number of residents expected to reside in the Property (or applicable portion thereof) shall be determined by estimating the number of dwelling units authorized for a proposed project, multiplied by a factor of 1.5 persons per dwelling unit.
- b. Land proposed to be dedicated as public open space shall be clearly shown on the Concept Plan and final development plan submittals.
- c. Land to be dedicated for public open space shall be approved initially by the planning and zoning commission and thereafter shall be submitted to the city council for consideration of acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the city council in the form of a written "acceptance of dedication." Failure of the city council to execute an acceptance of dedication shall be deemed to be a refusal of the proposed dedication.

- d. In its approval of any development plan, the Town may impose such conditions as deemed necessary to assure that the intent and purpose of this section is satisfied.

8. **Parking.**

- a. *Generally.* Off-street parking must be provided for the appropriate building use classification according to the following ratios:
 - 1. *General retail.* (1/250 s.f.) One space per each 250 square feet of gross floor area.
 - 2. *Furniture store.* (1/1,000 s.f.) One space per each 1,000 square feet of gross floor area.
 - 3. *Medical or dental clinics.* (1/200 s.f.) One space per each 200 square feet of gross floor area.
 - 4. *Bank or savings and loans.* (1/300 s.f.) One space per each 300 square feet of gross floor area.
 - 5. *Office.* (1/300 s.f.) One space per each 300 square feet of gross floor area.
An office building or group of buildings, which shall total 50,000 square feet or more: (1/300 s.f.). One space per 300 square feet of gross leaseable area.
 - 6. *Health club or studio for dance, music, drama, health and reducing.* (1/100 s.f.) One space per each 100 square feet of gross floor area.
 - 7. *Residential.* One space/bedroom to a maximum of two spaces/unit.
 - 8. *Hotel.* One space/hotel room plus one parking space per every 300 square feet of gross floor area of conference/banquet facilities.
 - 9. *Civic.* To be determined by parking demand analysis study for proposed use and approved by the town's director of development services.
 - 10. *Mixed use.* Number of spaces resulting from application of ratios provided above for respective uses in the development.
- b. *Shared parking.* Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period as determined by a parking analysis study approved by the town's director of development services.
- c. *Below-grade parking.* Off-street below-grade parking is permitted to the lot lines, but must be designed to allow planting of landscape.
- d. *Parking garages.* Parking garage ramps shall not be expressed on the facades of parking structures fronting, or visible from public streets. Steel parking garages and steel guard cables on the garage facades are prohibited. The maximum length of an exposed parking structure along a street is 200 feet.

- e. *Bicycle parking.* Bicycle parking shall be provided for all multi-family and commercial uses.

9. **Streets.** All streets and blocks in the Property shall conform to the provisions of this section.

- a. *Street standards.* Standards for streets within the Property shall be as set forth in Exhibit "D," which is attached to ~~this Ordinance,~~ No. 007-034 and made a part hereof by reference. The Town's Master Thoroughfare Plan is amended to conform to Exhibit "D" for streets within this planned development district.

Formatted: Strikethrough

- b. *Street type and pattern.* The location of streets on the master thoroughfare plan is approximate. Precise location of streets shall be determined in conjunction with the approved Concept Plan and the approval of development plans.

- c. *Block length.* **Except in Blocks 209, 210, and 211 as shown on the Concept Plan,** ~~the~~ length of a block shall not be less than 200 feet, nor more than 750 feet.

Formatted: Font: Bold, Italic

Formatted: Font: Bold, Italic, Underline

Formatted: Font: Bold, Italic

10. **Exterior Appearance.**

- a. *Materials:*

- 1. **Except in Blocks 209, 210, and 211 as shown on the Concept Plan,** ~~At~~ least 80 percent of the exterior cladding of all exterior walls fronting or visible from public streets (including above grade parking structures) shall be masonry construction. For purposes of this planned development district, "masonry construction" includes, but is not limited to brick, stone, cultured stone, glazing and plate glass, and split face concrete masonry units. An applicant, however may submit a design for construction of parking structures that employs alternative construction materials for exterior cladding with an application for a development plan. The alternative may be approved by the city upon determination that such construction will result in an appearance that is compatible with surrounding buildings and the overall character of the district.
- 2. At least 60 percent of exterior cladding of all walls not fronting on, or not visible from, public ways (including above grade parking structures) may be constructed of noncombustible materials including exterior stucco and fibrous cementitious material (e.g. hardi-material) construction.
- 3. The exterior cladding (excluding glass) of all buildings, (including above grade parking structures) shall be composed of not more than three materials (excluding roofs).

Formatted: Font: Bold, Italic

4. The following materials are prohibited as primary cladding materials:
 - Aluminum siding or cladding
 - Wood roof shingles
 - Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material).
5. The following materials are prohibited as primary roofing materials:
 - Wood roof shingle
 - Composite shingles with less than a 50-year life
6. Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited.

b. *Windows:*

1. Where a retail use occupies the first floor, at least 70 percent of the first floor exterior wall facing a thoroughfare, street, boulevard or parking plaza shall be transparent glazing.
2. The exterior wall surface of all buildings above the first floor shall not be more than 50 percent glass.
3. Glass is to be clear or tinted, not reflective.

c. *Walls.* Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

d. *Color.* The dominant color of all buildings (including above-grade parking structures) shall be muted shades of color. Black and stark white shall not be used except as accent color. There are no restrictions on accent colors which comprise less than 1.0% of the building face, except that fluorescent colors are prohibited.

11. **Landscape.** Landscaping within the Property shall comply with the provisions in this section and with the standards contained in Article XXI, landscaping regulations of the Zoning Ordinance. Where conflicts exist between this section and the landscaping regulations, requirements in this section shall control. ***These landscaping regulations do not apply to Blocks 209, 210, and 211 as shown on the Concept Plan.***

Formatted: Font: Bold, Italic

a. **Streetscape Zone.** In the district, all streetscape elements, including street trees, lighting and other furnishings must be provided in the right-of-way, exclusive of

driveways and access ways at points of ingress and egress to and from each lot.

1. Street Trees – Street trees shall be provided in accordance with the following:
 - (a) Each street (except treeless mews streets) shall have street trees planted at uniform spacing, commencing no closer than 40 feet from the face of curb of intersecting streets.
 - (b) Typically, street trees shall be planted as shown on Exhibit “D”.
 - (c) Street trees shall be large shade species having a minimum of four (4) caliper inches, selected in accordance with the Town’s landscape regulations.
2. Street Lighting – Street lighting shall be provided in accordance with the following :
 - (a) Each street shall have street lamps uniformly spaced between trees as shown on Exhibit “D(b)On A and B streets (as shown on the attached Exhibit “D”), locate street lamps at intervals no greater than 200 feet.
 - (c) Street lamps shall be selected in accordance with Exhibit “E”, attached to this Ordinance No. 007-034 showing acceptable selections.
3. Street Furnishings – Street furnishings shall be provided in accordance with the following:
 - (a) Street furnishings shall include, but not be limited to, benches, trash receptacles, and bicycle racks.
 - (b) Street furnishings shall be located at the discretion of the developer, subject to the approval of the town’s Director of Parks and Recreation.
 - (c) Street furnishings shall be selected in accordance with Exhibit “E”, attached to this Ordinance No. 007-034, showing acceptable selections.
4. Landscaping for Non-residential ground floor frontages. Non-Residential ground floor frontages may pave the area between the building face and sidewalk.

5. Landscaping for Residential ground floor frontages. Residential ground floor frontages shall be required to landscape the entire area between the edge of sidewalk and the primary building façade, excluding access to sidewalks, stairs, stoops, porches and patios. This area must be irrigated, and may be landscaped with ground cover, low shrubs, and ornamental trees.

b. Private Open Space. Private open space, which is owned and maintained by the developer, shall be landscaped and irrigated. The landscaping plan for the private open space shall be approved by the Town as a part of the development plan approval for each development.

c. Parking Lot Screening. Screening must be provided for all surface parking lots within the Property from all adjacent streets. The screening must extend along the entire street frontage of each surface parking lot, exclusive of (i) driveways and access ways at points of ingress and egress to and from the site, and (ii) visibility triangles. Screening shall be provided in accordance with the standards contained in Article XXI, Landscaping Regulations.

12. **Sustainability.**

Except for Blocks 209, 210, and 211 as shown on the Concept Plan, All land contained within this Planned Development District shall be developed, and all buildings within this Planned Development District shall be constructed with the goal of providing a sustainable neighborhood. All developments shall conform to the requirements of the Brookhaven Neighborhood Sustainability Program, which is attached as Exhibit "F", attached to this Ordinance No. 007-034, and incorporated herein for all purposes.

Formatted: Font: Bold, Italic

13. **Screening:**

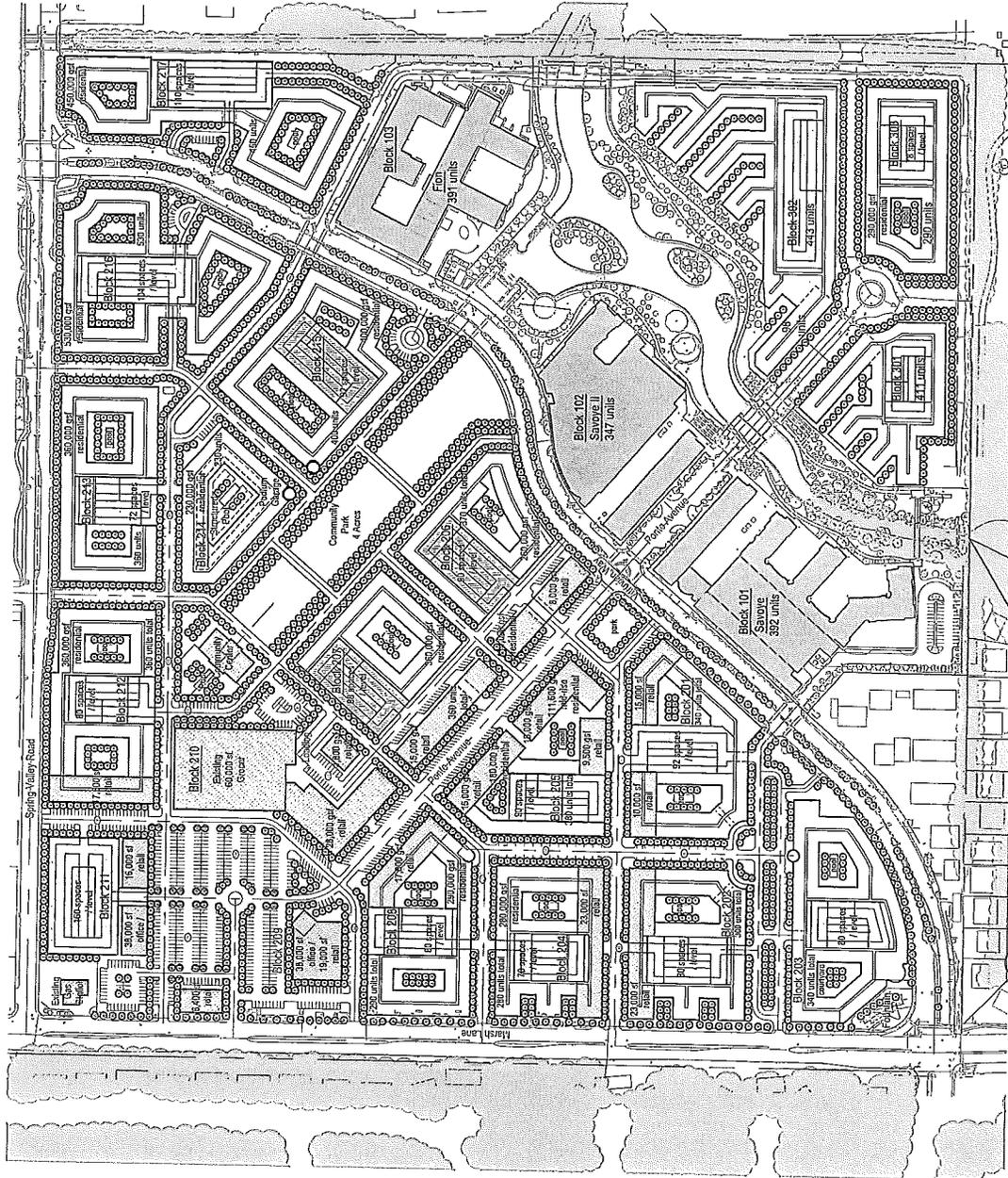
a. Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion off each lot. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.

b. Loading, service, and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.

c. All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be

architecturally compatible with the building design.

14. **Flexible Standards.** It is intended that all of the standards set forth in Sections 5-13 herein shall be flexible in order to encourage development within the Property. The planning and zoning commission and the city council may approve waivers to any standards set forth herein as part of the development plan provided any such waiver does not authorize a use not authorized in this planned development district, and does increase the allowable intensity or density of any land use.



Master Plan - Summary

Block 101	Residential	392 units
Block 102	Retail	13,000 gsf
Block 103	Residential	347 units
Block 104	Office	17,000 gsf
Block 105	Retail	17,000 gsf
Block 106	Residential	391 units
Block 201	Residential	340 units
Block 202	Retail	25,000 gsf
Block 203	Residential	300 units
Block 204	Retail	23,000 gsf
Block 205	Residential	340 units
Block 206	Retail	280 units
Block 207	Residential	23,000 gsf
Block 208	Retail	380 units
Block 209	Residential	42,500 gsf
Block 210	Retail	370 units
Block 211	Residential	8,000 gsf
Block 212	Retail	360 units
Block 213	Residential	15,000 gsf
Block 214	Retail	290 units
Block 215	Residential	17,800 gsf
Block 216	Retail	38,000 gsf
Block 217	Office	19,000 gsf
Block 218	Grocer	80,000 gsf
Block 219	Retail	32,800 gsf
Block 220	Office	38,000 gsf
Block 221	Retail	22,400 gsf
Block 222	Residential	360 units
Block 223	Retail	17,500 gsf
Block 224	Residential	360 units
Block 225	Residential	230 units
Block 226	Residential	400 units
Block 227	Residential	530 units
Block 228	Residential	450 units
Block 301	Residential	411 units
Block 302	Residential	541 units
Block 303	Residential	290 units
Total Residential		7,382 units
Total Office		98,000 gsf
Total Retail		336,000 gsf

EXHIBIT C

SCALE = 1:300



Council Agenda Item: #R7

AGENDA CAPTION:

Presentation, discussion and consideration of approval of a final payment to UDR, Inc in the amount of \$1,100,226 for the construction of certain public infrastructure (including streetscape, screening walls, public restrooms and improvements to Farmers Branch Creek) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 3).

FINANCIAL IMPACT:

This item is funded from 2012 Certificates of Obligation.

BACKGROUND:

In June 2013, Council authorized the City Manager to enter into an Amended and Restated Master Facilities Agreement with UDR, Inc, providing funding for several phases of certain public infrastructure. Funding allocated for Phase 3 provides \$1,100,226 for the reimbursement to UDR for the construction of streetscape on Vitruvian Way, a screening wall, public restrooms in Vitruvian Park, and improvements to Farmers Branch Creek. All improvements referenced in Phase 3 have been completed and accepted by the Town.

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

Infrastructure improvement and maintenance

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R8

AGENDA CAPTION:

Presentation and discussion regarding Celestial Pump Station and Surveyor Pump Station.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R9

AGENDA CAPTION:

Discussion and consideration of adoption of a resolution supporting the creation and implementation of a Consolidated Emergency Dispatch Center serving the Metrocrest cities and authorizing the City Manager's office to enter into an interlocal agreement with the cities of Farmers Branch, Carrollton and Coppell with respect to the construction, operation and management of a Consolidated Emergency Dispatch Center.

FINANCIAL IMPACT:

Funds available in the 2011 Bond Program. However, administration is not seeking authorization to spend funds at this time.

BACKGROUND:

For two years, Town staff has worked diligently with the other three Metrocrest cities of Farmers Branch, Carrollton and Coppell to determine the feasibility of a consolidated dispatch center. Congruent with the consolidated dispatch project, the four cities are moving forward with the new P25 digital public safety radio system provided by Harris Corporation. This affords the Metrocrest the opportunity to enhance public safety and efficiency even further by completing both projects within the same relative time frame. The Consolidated Dispatch and P25 radio system will compliment each other greatly, add efficiencies and reduce expenditures more than if we remained separate dispatch centers.

RECOMMENDATION:

Staff recommends approval

COUNCIL GOALS:

Mindful Stewardship of Town Resources, Look for Operational Efficiencies without cutting services, Enhance Public Safety

ATTACHMENTS:

Description:

 [Resolution for Consolidated Dispatch](#)

Type:

Cover Memo

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF ADDISON, TEXAS SUPPORTING A CONSOLIDATED EMERGENCY DISPATCH SYSTEM TO BE USED BY THE TOWN AND BY THE CITIES OF CARROLLTON, FARMERS BRANCH, AND COPPELL, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN INTERLOCAL AGREEMENT FOR THE SYSTEM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas ("Addison") and the Cities of Carrollton, Farmers Branch, and Coppel are neighboring home rule municipalities (Addison and Carrollton, Famers Branch and Coppel being collectively the "Cities") that each provide public health and safety services to their respective citizens and inhabitants, including police protection, fire protection, and emergency medical services; and

WHEREAS, an emergency services dispatch system (the "System") is integral to and a necessary part of providing those public health and safety services, and without such a System the public health and welfare could not be adequately provided for and protected; and

WHEREAS, pursuant to an interlocal agreement the Cities have been in the process of reviewing, evaluating and considering the possible integration of their respective Systems into a unified or consolidated System, including a consolidated public safety dispatch center, to be used cooperatively by the Cities ("Consolidated Emergency Dispatch System"), and in connection therewith the Cities jointly commission iXP Corporation to prepare a study regarding a Consolidated Dispatch System (the "System Study"); and

WHEREAS, the System Study, now completed, indicates that the operation of a Consolidated Emergency Dispatch System by the Cities will result in significant efficiencies and savings in both human and financial resources and allow for a higher level of coordination of public safety services within the Cities that will enhance public safety; and

WHEREAS, based on its review and evaluation and the recommendation of the City Staff, the Addison City Council finds that the creation and implementation of a Consolidated Emergency Dispatch System to serve the Cities would be in the best interest of the public health and safety of the City's residents, business, and other inhabitants.

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

Section 1. The City Manager of the Town of Addison, Texas is authorized to negotiate an interlocal agreement with the City of Carrollton, the City of Farmers, Branch, and the City of Coppel with respect to the design, construction, operation, and management of a Consolidated Emergency Dispatch System to serve Addison and the Cities of Carrollton, Farmers Branch, and Coppel.

Section 2. The above and foregoing recitals are true and correct and are made a part hereof.

Section 3. This Resolution shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the ____ day of _____, 2013.

Todd Meier, Mayor

ATTEST:

By: _____
Chris Terry, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R10

AGENDA CAPTION:

Presentation regarding Sanitary Sewer and Storm Sewer repairs at Village on the Parkway.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R11

AGENDA CAPTION:

Discussion and consideration of approval of an Ordinance amending the Code of Ordinances, Chapter 2 (Administration), Article IV (Finance), Division 3 (Investment Policy), Section 2-204 (b) (Delegation of authority) by removing the requirement that a fidelity bond for the Chief Financial Officer and designees be at least five (5%) percent of the investment portfolio and by adding the requirement that a fidelity bond be in at least the amount of \$250,000.

FINANCIAL IMPACT:

The financial impact will provide a cost savings.

BACKGROUND:

The investment policy states, "The CFO shall obtain and maintain, at the Town's expense, fidelity bonds for the CFO and each of the CFO's designees in the amounts determined adequate by the CFO (which shall not be less than five percent of the amounts subject to this policy) for each fiscal year as shown by the approved budget." Administration seeks to remove "which shall not be less than five percent of the amounts subject to this policy."

The "amount subject to this policy" is a varying amount that makes complying with this policy difficult. By removing this line, administration hopes to provide a set amount that will provide adequate coverage for "investment officers".

Further, comparing Addison's policy to nearby cities of Coppel, Farmers Branch, Plano, and Richardson (whose bonds range from \$7,500 to \$250,000), administration has concurred that the Town's fidelity bonds of \$3.5 million are too high.

RECOMMENDATION:

Administration recommends approval of the amendment.

COUNCIL GOALS:

Mindful Stewardship of Town Resources, Identify opportunities for improved governance

ATTACHMENTS:

Description:

 [Proposed Ordinance \(Draft\)](#)

Type:

Backup Material

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE IV (FINANCE), DIVISION 3 (INVESTMENT POLICY) THEREOF BY AMENDING SUBSECTION (B) OF SECTION 2-204 (DELEGATION OF AUTHORITY) TO PROVIDE THAT THE CHIEF FINANCIAL OFFICER AND DESIGNEES OBTAIN AND MAINTAIN FIDELITY BONDS IN THE AMOUNT OF \$250,000.00; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with State law the City Council of the Town of Addison, Texas (the "City") has heretofore adopted an investment policy regarding the investment of its funds and funds under its control; and

WHEREAS, the said investment policy is set forth in the Code of Ordinances, Chapter 2, Article IV, Division 3; and

WHEREAS, the City Council desires to modify the provision included in the investment policy regarding a fidelity bond to be obtained by the City's Chief Financial Officer and the Officer's designees to specify that a bond be in the amount of \$250,000.00 as set forth herein.

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. Subsection (b) of Section 2-204 (Delegation of authority) of Division 3 (Investment Policy) of Article IV (Finance) of Chapter 2 (Administration) of the Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended to read as follows in the following particulars, and all other chapters, articles, sections, subsections, paragraphs, phrases, and words are not amended but are ratified and confirmed (additions are hereby shown as underlined; deletions are hereby shown as ~~struck through~~):

“(b) With written approval from the city manager, the CFO may delegate any phase of the investment management program to any of the investment officers. Such approval shall state specifically the functions such person is authorized to perform or that the person is authorized to perform all activities of the CFO under this division. The CFO shall obtain and maintain, at the town's expense, fidelity bonds for the CFO and each of the CFO's designees in amounts determined adequate by the CFO (which shall not be less than ~~five percent of the amounts subject to this policy~~ \$250,000) for each fiscal year as shown by the approved budget. No person may engage in an investment transaction except as provided under the terms of this division and the internal procedures established by the

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. _____

CFO. A current list of persons authorized to transact investment business and wire funds on behalf of the town shall be maintained by the CFO.”

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the City’s investment policy 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 4. 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 5. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this _____ day of _____, 2013.

Todd Meier, Mayor

ATTEST:

By: _____
Chris Terry, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #ES1

AGENDA CAPTION:

Closed (executive) session of the Addison City Council, pursuant to Section 551.072, Texas Government Code, to deliberate the purchase or value of certain real property located generally at 4308-4310 Wiley Post within the Town and concerning Addison Airport.

FINANCIAL IMPACT:

Item will be discussed in executive session.

BACKGROUND:

Item will be discussed in executive session.

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #ES2

AGENDA CAPTION:

Closed (executive) session of the City Council pursuant to Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney to seek the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, regarding certain real property located within Addison Airport, and pursuant to Section 551.072, Tex. Gov. Code, to deliberate the purchase, lease, or value of real property located within Addison Airport.

FINANCIAL IMPACT:

Item will be discussed in executive session.

BACKGROUND:

Item will be discussed in executive session.

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R1

AGENDA CAPTION:

Discussion and consideration of approval of any action regarding the purchase or value of certain real property located generally at 4308-4310 Wiley Post within the Town and concerning Addison Airport.

FINANCIAL IMPACT:

n/a

BACKGROUND:

n/a

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R2

AGENDA CAPTION:

Discussion and consideration of any action regarding the purchase, lease, or value of certain real property located within Addison Airport.

FINANCIAL IMPACT:

n/a

BACKGROUND:

n/a

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available